

**NOTE: LANDS SOUTH OF QUEENS QUAY EAST APPROVED PURSUANT TO OMB DECISION/ORDER NO.----, WITH EXCEPTION OF HIGHLIGHTED TEXT BELOW WHICH IS DEFERRED**

Authority: Toronto and East York Community Council Report 7, Clause 17, adopted as amended, by City of Toronto Council on September 25, 26 and 27, 2006 AND AS AMENDED ON May 23,24 and 25 2007 and as authorized for amendment by City Council on September 26 and 27, 2007.

Enacted by Council: September 27, 2006

**CITY OF TORONTO**

**BY-LAW No. 1049-2006**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the East Bayfront – West Precinct.**

WHEREAS Council at its meeting held on September 25, 26 and 27, 2006, adopted as amended, Clause 17 of Toronto and East York Community Council Report 7; and

WHEREAS this By-law is passed in implementation of the City of Toronto Secondary Plan for the Central Waterfront; and

WHEREAS authority is given to Council by Section 34 and 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, Council may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law, in return for the provision of such facilities, services and matters as set out in the by-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Council of the City may in a by-law passed under Section 34 of the *Planning Act* authorize increases in height and density not otherwise permitted in the By-law in return for the provision of facilities, services or matters as are set out in the By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 2(1) of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended by inserting after the definition of "*East Bayfront*", the following:

"*East Bayfront – West Precinct*" means that part of the City of Toronto delineated by heavy lines and shown on the following map;

2. District Map 51G-312 contained in Appendix "A" of the aforesaid By-law No. 438-86, is hereby further amended by redesignating the lands delineated by heavy lines to "CR (h)" and "G" as shown on Map A attached hereto.
3. Height and Minimum Lot Frontage Map 51G-312 contained in Appendix "B" of the aforesaid By-law No. 438-86, is hereby further amended by designating the lands delineated by heavy lines as shown on Map B attached hereto.
4. Section 12(1)334 of the aforesaid By-law No. 438-86 is amended by adding the following:

"130 Queens Quay East

143 Lake Shore Boulevard East"

5. Section 12(1) 426 of the aforesaid By-law No. 438-86 is amended by adding, following the phrase "*East Bayfront*", the words:

"other than in the *East Bayfront – West Precinct*".

6. Section 12(1) of the aforesaid By-law No. 438-86 is amended by adding the following exception:

470. to prevent the erection or use of buildings or structures or the use of land in the *East Bayfront – West Precinct* in accordance with the following provisions:

Permitted Uses:

- (a) the following uses shall be permitted within a CR district:

- (i) those non-residential uses permitted within a CR district in section 8(1)(f)(b), and subject to the qualifications in section 8(2) where applicable, except for an *automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop, class A, or commercial parking lot*;
- (ii) a *district energy, heating and cooling plant*, a vacuum waste collection facility;
- (iii) those residential uses permitted within a CR district in section 8(1)(f)(a), and subject to the qualifications in section 8(2) where applicable, provided that the owner of the *lot* elects to provide the facilities, services or matters referred to in paragraph (cc) below and enters into the agreement(s) referred to in subparagraph (cc)(v); and
- (iv) notwithstanding subparagraphs (a)(i), (ii), (iii) and (b)(iv), for the

lands defined as Jarvis Slip Special Use Site on Map 5:

- A. all uses permitted within a CR district in sections 8(1)(f)(b)(i), 8(1)(f)(b)(iv), 8(1)(f)(b)(v), 8(1)(f)(b)(vi), 8(1)(f)(b)(vii), 8(1)(f)(b)(viii), and 8(1)(f)(b)(ix), and a *post office*, fire hall and police station, and subject to the qualifications in section 8(2) where applicable, except for a *private art gallery, commercial school, hotel, trade school, an automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop, class A, or commercial parking lot*;
  - B. all uses permitted within a CR district in sections 8(1)(f)(b)(ii), 8(1)(f)(b)(iii), and a private art gallery except for *sensitive land uses*, subject to the qualifications in section 8(2) where applicable;
  - C. those uses permitted within a G district and a Gm district in section 5(1)(f);
  - D. a *district energy, heating and cooling plant*, and a vacuum waste collection facility; and
  - E. ~~a day nursery, performing arts studio, public art gallery, public museum, commercial school or trade school.~~
- (v) notwithstanding subparagraphs (a) (i), (ii), (iii) and (b) (iv), for the lands defined as *Area "A"* on Map 6 only the following uses shall be permitted:
- A. those uses permitted within a CR district in section 8(1)(f)(b), except for *sensitive land uses, automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop, class A, and commercial parking lot*, subject to the qualifications in section 8(2) where applicable;
  - B. a commercial school, trade school, college, university, post secondary institution and any use that is naturally and normally incidental or subordinate and devoted to the principal use of a college or university or a post secondary institution, with the exception of dormitories, residences and fraternal organizations, subject to the qualifications in section 8(2) where applicable;

C. ~~a performing arts studio, day nursery, public art gallery or public museum;~~

D. a *district energy heating and cooling plant*, a vacuum waste collection facility; and

E. those uses permitted within a G district and a Gm district in section 5(1)(f).

(b) the following uses shall be permitted within a G district:

(i) those uses permitted within a G district in section 5(1)(f);

(ii) within the areas shown as Area A and Area F on Map 3 those uses permitted within a G district and a Gm district in section 5(1)(f);

(iii) within the area shown as Area B on Map 3:

(A) those uses permitted within a G district and a Gm district in section 5(1)(f);

(B) patios and open air markets provided they are associated with the ground floor uses in abutting buildings;

(C) the structures listed in the column entitled "STRUCTURE" in the following Chart provided that they are associated with a building on a *lot* abutting Area A as shown on Map 3 and provided they comply with the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS".

	STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves or cornices	1.0 m into Area B	
B.	Canopy	Not more than 2.0 m into Area B	Not above the second storey.

(iv) within the area shown as Area C – Jarvis Slip Open Space on Map 3:

(A) those uses permitted within a G district and a Gm district in section 5(1)(f); and

- (B) those uses permitted within a CR district by subparagraph (a) herein, except *sensitive land uses*, provided that:
  - 1. a minimum of 3000 square metres of *publicly accessible open space* is provided within the combined Areas C and D shown on Map 3; and
  - 2. ground floor uses in any building are restricted to *ground floor animation uses*.
- (v) those uses permitted by subparagraphs (c)(i) and (c)(ii) herein.
- (c) where the zoning for a CR district is followed by an "h" holding symbol, permitted uses prior to the removal of the "h" shall be limited to the following:
  - (i) those uses and buildings existing on September 27, 2006, or an addition thereto not exceeding 100 square metres in *non-residential gross floor area* or 10% of the *non-residential gross floor area* existing on September 27, 2006, whichever is the greater;
  - (ii) any use permitted within a CR district by subparagraph (a) herein, with the exception of *sensitive land uses*, within a building existing on September 27, 2006, or an addition thereto not exceeding 100 square metres in *non-residential gross floor area* or 10% of the *non-residential gross floor area* existing on September 27, 2006, whichever is the greater, and
  - (iii) a *commercial parking lot*.

Maximum Height and Building Envelope:

- (d) maximum *height* shall be in accordance with section 4(2) except that buildings located within Area A, Area B and Area C as shown on Map 1 may contain building components which exceed the permitted *heights* provided such building components:
  - (i) do not exceed a *height* of:
    - (A) the sum of 12 metres and the applicable *height* limit within Area A and B; and
    - (B) the sum of 74 metres and the applicable *height* limit within Area C; exclusive of those rooftop structures and equipment as permitted by section 4(2)(a)(i) and (ii).
  - (ii) contain no floor having a dimension, measured between the exterior faces of exterior walls at the level of each floor, and

including any balconies and other projections, which exceeds 40 metres in Area C;

- (iii) in Area A are located a minimum of 15 metres from any *side lot line* and a minimum of 30 metres from any other such building component located on the same *lot*;
- (iv) in Area B are located a minimum of 5 metres from any *side lot line* and a minimum of 10 metres from any other such building component located on the same *lot*;
- (v) in Area A, Area B and Area C are set back a minimum distance from the exterior wall of the storey immediately below of:
  - A. 5 metres where such wall faces a *public park*, or Queens Quay East, or
  - B. 3 metres where such wall faces a *street* other than Queens Quay East.
- (vi) in Area A do not exceed a width of 20 metres, measured between the exterior faces of exterior walls at the level of each floor, along a line parallel to Queens Quay East, and a maximum depth of 40 metres;
- (vii) in Area B do not exceed a width of 20 metres, measured between the exterior faces of exterior walls at the level of each floor, along a line parallel to Lake Shore Boulevard East, and a maximum depth of 40 metres;
- (e) Nothing in subparagraphs d(ii) and d(iii) shall apply to prevent components of a building located within Area B and Area C with *heights* as permitted by subparagraph d(i), provided:
  - (i) any components located within Area C above a *height* of 58 metres comply with subparagraph d(ii); and
  - (ii) the combined width of such components within one building above a height of 46 metres does not exceed 60 metres, measured between the exterior faces of exterior walls at the level of each floor along a line parallel to any *lot line* adjacent to a *street*.

Parking and Loading:

- (f) parking facilities shall be provided in accordance with section 4(5);
- (g) loading facilities shall be provided in accordance with section 4(8);
- (h) bicycle parking shall be provided in accordance with section 4(13);

Residential Amenity Space:

- (i) *residential amenity space* shall be provided in accordance with section 4(12) except that:
  - (i) the maximum amount of indoor *residential amenity space* which shall be required for any building is 300 square metres; and
  - (ii) the maximum amount of outdoor *residential amenity space* which shall be required for any building is 300 square metres.

Build-To Lines

- (j) no building may be erected or used on a *lot* subject to *Build-to Line A* as shown on Map 4 unless:
  - (i) an exterior face of the building is located no more than 0.15 metres back from *Build-to Line A* between *grade* and a *height* of 12 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line A*; and
  - (ii) an exterior face of the building is located no more than 5 metres back from *Build-to Line A* between a *height* of 12 metres and a *height* of 36 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line A*.
- (k) no building may be erected or used on a *lot* subject to *Build-to Line B* as shown on Map 4, unless an exterior face of the building is located not less than 2 metres, and not more than 2.5 metres from *Build-to Line B*, between *grade* and a *height* of 18 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line B*;
- (l) no building may be erected or used on a *lot* subject to *Build-to Line C* as shown on Map 4 unless an exterior face of the building is located no more than 0.1 metres back from *Build-to Line C* between *grade* and a *height* of 18 metres, for a minimum of 85% of the length of the *frontage* of the *lot* identified as *Build-to Line C*;
- (m) no building may be erected or used on a *lot* abutting Lake Shore Boulevard East unless the exterior face of the building facing Lake Shore Boulevard East has a minimum *height* of 24 metres for a minimum of 85% of the length of the Lake Shore Boulevard East *frontage* of the *lot*;
- (n) notwithstanding paragraphs (k) and (l) above, belt courses, cornices, eaves, pilasters, sills may project into the area between an exterior face of a building and a build-to line;

- (o) for the purposes of paragraphs (j), (k) and (l) above, where the exterior building face includes a colonnade or an unenclosed balcony, such exterior face shall be deemed to include:
- (i) the open area between any columns; and
  - (ii) openings for any unenclosed balcony no greater than 5.0 metres in depth.

Setbacks:

- (p) no building or structure within a 40 metre *height* district may exceed 20 metres in *height* unless the portion of the building above such *height* is set back a minimum distance of 3 metres from the exterior face of such building which faces a G district or a *street*;
- (q) no part of any building or structure above *grade* may be located closer than 5 metres to *Setback Line A* as shown on Map 4;
- (r) no building or structure may be located within Setback Area B as shown on Map 4;
- (s) window separation requirements in section 8(3) PART II 1(a) and (c) shall apply;

Exception – Height, Building Envelope and Setbacks:

- (t) notwithstanding subparagraphs d(iv), (p) and (q) above, the types of structures listed in the column entitled “STRUCTURE” in the following chart are permitted in the setback area listed in the column entitled “LOCATION” provided they comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS”:

	STRUCTURE	LOCATION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A	eaves or cornices	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 1 m into the required setback area	
B	uncovered platform	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	No more than 0.2 m above grade
C	roof over a terrace	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	



	STRUCTURE	LOCATION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
D	canopy	- Setback Line A as identified in paragraph (q)	Not more than 1.5 m into the required setback area	Not above the second storey
E.	bay window	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 0.75 m into the required setback area.	Width not to exceed 3.0 m where the window meets the wall
F.	stairs	- Setback Line A as identified in paragraph (q)	Not more than 1.0 m into the required setback area.	
G.	balconies	- Setback Line A as identified in paragraph (q) - Areas identified in paragraph (p) - Areas identified in paragraph (d)(iv)	Not more than 2.0 m into the required setback area.	

Ground Floor Animation Areas:

- (u) no building or structure on a *lot* subject to a Ground Floor Animation Area requirement as shown on Map 2 may be erected or used unless:
  - (i) least 70% of the length of the *frontages* identified as Animation Frontage and Animation Frontage – Colonnade Zone on Map 2 are used for no purposes other than *ground floor animation uses*;
  - (i) no *dwelling units* are located on the ground floor of buildings or structures facing an Animation Frontage and Animation Frontage – Colonnade Zone as shown on Map 2; and
  - (iii) along those *frontages* shown as Animation Frontage – Colonnade Zone on Map 2, a continuous colonnade is provided having a minimum width of 3.5 metres and a minimum vertical clearance of 5 metres.

Jarvis Slip Special Use Site

- (v) notwithstanding subparagraph (u)(i), at least 70% of the length of the southerly and westerly *frontages* of any building or structure within the Jarvis Slip Special Use Site on Map 5 shall not be used for any other purpose than ground floor animation uses;

- (w) notwithstanding subparagraph (d) herein, the *height* of any building(s) and structure(s) within the area defined as Jarvis Slip Special Use Site on Map 5 shall be in accordance with the maximum height limits set out on Map 5;
- (x) notwithstanding subparagraph (l) herein, the requirements of Build-to Line 'C' shall not apply to the Jarvis Slip Special Use Site on Map 5;
- (y) notwithstanding subparagraph (f) herein, the required parking spaces for *communications and broadcasting establishment* uses on a lot within the Jarvis Slip Special Use Site on Map 5 shall be calculated at a rate of 1 space per 200 square metres of *total floor area*; and
- (z) notwithstanding subparagraph (t) herein, no part of any building or structure above *grade* may be located closer than 5 metres to a lot line fronting onto a public open space located within the area defined as Jarvis Slip Special Use Site on Map 5, except that the types of structures listed in the column entitled "STRUCTURE" in the following chart are permitted in the setback area provided they comply with the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS":

	STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves or cornices	Not more than 1 m into the required setback area	
B.	uncovered platform	Not more than 1.5 m into the required setback area	Not more than 0.2 m above grade
C.	roof over terrace	Not more than 1.5 m into the required setback area	
D.	canopy	Not more than 1.5 m into the required setback area and not above the second storey	Not above the second storey
E.	bay window	Not more than 0.75m into the required setback area	Width not to exceed 3.0 m where the window meets the wall
F.	stairs	Not more than 1.0 m into the required setback area.	
G.	balconies	Not more than 2.0m into the required setback area.	

- (aa) Notwithstanding paragraph (dd) herein, prior to the lifting of the "(h)" symbol, uses in a building or structure described under subparagraph (a)(iv)A and (a)(iv)C may be permitted on the Jarvis Slip Special Use Site provided that the matters set out below are secured to the satisfaction of the City through the execution and registration on title of any agreement or agreements pursuant to the *City of Toronto Act* or the *Planning Act* as appropriate:

- (i) a public art contribution in accordance with the City's Public Art Program;
  - (ii) sustainable development measures, that in the opinion of the City, would be sufficient to achieve a minimum of Leadership in Energy and Environmental Design (LEED) Gold Certification for all buildings and structures to be constructed on the lot. Although obtaining a minimum of official LEED Gold Certification is not required, the owner shall:
    - 1. prepare plans and reports to the satisfaction of the City, certified by qualified consultants and subject to peer review at the sole cost of the owner, that outline the manner in which the sustainable development measures are to be implemented, and the Owner shall develop the lot in accordance with such plans;
    - 2. make a LEED application and provide to the City a copy of the LEED application together with written confirmation that it has been submitted.
  - (iii) the connection to a district energy system or on-site renewable energy source if available at costs comparable to other energy sources;
  - (iv) the submission of the *Site Plan Application* to the Toronto Waterfront Revitalization Corporation Design Review Panel for review and comment;
  - (v) the provision of appropriate noise, vibration and emission studies together with detailed design plans to the City;
  - (vi) mitigation measures in the building arising out of the required environmental studies including professional certification; and
  - (vii) the provision of a copy of the agreement required to be entered into to secure the above to *Redpath* upon execution.
- (bb) For the purposes of subparagraphs (w) and (z) herein, "grade" shall mean 77.1 metres Canadian Geodetic Datum.

Section 37 Agreement:

- (cc) pursuant to Section 37 of the *Planning Act*, the heights and density of residential development contemplated herein are permitted subject to compliance with all of the conditions set out above and in return for the provision by the owner of the *lot* of the following facilities, services and matters to the City at the owner's sole expense and in accordance with and

subject to the agreement(s) referred to in subparagraph (v) below:

- (i) to secure the provision of local infrastructure improvements through one or a combination of the following:
  - A. to provide a contribution of \$69.86 per square metre of *residential gross floor area* towards local infrastructure improvements, to be paid prior to the issuance of the first above-grade building permit for the *lot* or for the portion of the *lot* being developed;
  - B. to undertake local infrastructure improvements in lieu of part or all of the contribution set out in subclause (i)(A), the value of which is to be determined by the City.
- (ii) to secure the provision of not less than 20% of the total number of *dwelling units* as new *affordable rental housing* through one or a combination of the following:
  - A. the provision and maintenance of new *affordable rental housing* on the *lot* for a term of not less than 25 years;
  - B. a dedication to the City of sufficient land for the purpose of constructing the new *affordable rental housing* on the *lot*; or
  - C. a cash-in-lieu contribution to the City in the amount of the value otherwise required by subclause B above, to be paid prior to the issuance of the first above-grade building permit for the *lot* or for the portion of the *lot* being developed.
- (iii) any development containing ownership *dwelling units* shall provide not less than 5% of all ownership *dwelling units* with the following size restrictions:
  - A. A maximum *residential gross floor area* of 46.5 square metres for *bachelor dwelling units*;
  - B. A maximum *residential gross floor area* of 60.4 square metres for a *one-bedroom dwelling unit*;
  - C. A maximum *residential gross floor area* of 79 square metres for *two bedroom dwelling units*;
  - D. A maximum *residential gross floor area* of 93 square metres for *three bedroom dwelling units*;

- E. A maximum *residential gross floor area* of 120 square metres for a two bedroom townhouse/stacked townhouse unit; and
  - F. A maximum *residential gross floor area* of 135 square metres for a three bedroom townhouse/stacked townhouse unit.
- (iv) in addition to the requirements of subparagraphs (i), (ii) and (iii), the owners of those areas shown as Area C on Map 1 convey land to the City for use as a public street, parkland or for other public open space purposes; and
  - (v) the owner of lands within the *East Bayfront – West Precinct* proposed for residential uses shall enter into one or more agreements with the City pursuant to section 37 of the *Planning Act* to secure the facilities, services and matters required by this paragraph and such agreements are to be registered on title, to the satisfaction of the City.
- (dd) lands zoned with the “(h)” symbol shall not be used for any purpose other than as provided for in paragraph (c) above until the “(h)” symbol has been removed. An amending by-law to remove the “(h)” symbol in whole or in part shall be enacted by City Council when the implementation of the following conditions have been secured to the satisfaction of Council through the execution and registration on title of an agreement or agreements pursuant to Section 37, 41, 51 and/or 53 of the *Planning Act*, as appropriate:
- (i) A public art contribution in accordance with the City’s public art program of a value not less than 1% of the gross construction costs of all buildings and structures to be erected on the lot;
  - (ii) The provision of sustainable development measures that, in the opinion of the City, would be sufficient to achieve a minimum of Leadership in Energy and Environmental Design (LEED) Silver Certification for all buildings and structures to be constructed on the lot. Although obtaining a minimum of official LEED Silver Certification is not required, the owner shall:
    - A. prepare plans and reports to the satisfaction of the City, certified by qualified consultants and subject to peer review at the sole cost of the owner, that outline the manner in which the sustainable development measures are to be implemented, and the Owner shall develop the lot in accordance with such plans;

- B. make a LEED application and provide to the City a copy of the LEED application together with written confirmation that it has been submitted.
- (iii) The connection of all buildings to a district energy system and/or on-site renewable energy sources, if available at costs comparable to other energy sources;
- (iv) The submission of *Site Plan Application(s)* for review and comment by the Toronto Waterfront Revitalization Corporation Design Review Panel;
- (v) The provision of a *noise study* and detailed design plans in support of *Site Plan Applications* for any *sensitive land use* proposed in East Bayfront - West Precinct, and for any use of *Areas "A" and "B"* as defined on Map 6, except for park and outdoor promenade uses. The *noise study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *noise study* shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments *received* from *Redpath* shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments.

In addition, the City shall provide any *noise study* that pertains to *Areas "A" and "B"* as defined on Map 6 to the Ministry of the Environment. Comments received from the Ministry of the Environment shall be presented to the City in a process that permits a reasonable opportunity for the Ministry of the Environment to give reasons for such comments, should they so choose;

- (vi) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the *noise study*, to the satisfaction of the City;
- (vii) The provision of a *vibration study* and detailed design plans in support of *Site Plan Applications* for any use of *Area "A"* as defined on Map 6 and any *sensitive land use* proposed within 75 metres of Queens Quay East, or within 75 metres of the rail spur or future transit line accommodating rail service to *Redpath*. The *vibration study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *vibration study* shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments *received* from *Redpath*, shall be presented to City Council in a process that

permits a reasonable opportunity for *Redpath* to give reasons for such comments.

In addition, the City shall provide any *vibration study* that pertains to Area "A" as defined on Map 6 to the Ministry of the Environment. Comments received from the Ministry of the Environment shall be presented to City in a process that permits a reasonable opportunity for the Ministry of the Environment to give reasons for such comments, should they so choose;

- (viii) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the *vibration study*, to the satisfaction of the City;
- (ix) The provision of an *emissions study* and detailed design plans in support of *Site Plan Applications* for any *sensitive land use* proposed within East Bayfront – West Precinct and for any use of *Areas "A" and "B"* as defined on Map 6. The *emissions study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *emissions study* shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments received from *Redpath*, shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments.

In addition, the City shall provide any *emissions study* that pertains to *Areas "A" and "B"* as defined on Map 6 to the Ministry of the Environment. Comments received from the Ministry of the Environment shall be presented to the City in a process that permits a reasonable opportunity for the Ministry of the Environment to give reasons for such comments, should they so choose;

- (x) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the *emissions study*, to the satisfaction of the City;
- (xi) Inclusion of a provision in the agreement that the owner shall not request City Council to approve or grant any *Site Plan Application* for any development that will accommodate a land use for which a *noise study*, *vibration study* or *emissions study* was undertaken, until *Redpath*, and where applicable the Ministry of the Environment, have been given at least 30 days to review the *noise study*, *vibration study* and *emissions study*, in order to provide a response to the City;

- (xii) Inclusion of a provision in the agreement that prior to the issuance of a Building Permit in respect of any building(s) that will accommodate a land use for which a *noise study*, *vibration study* or *emissions study* was undertaken, written confirmation(s) by appropriate qualified consultants will be submitted to the City that the *Building Permit* plans for such building(s) incorporate the mitigation and architectural control measures required by such *noise study*, *vibration study* and/or *emissions study*, and that the City shall provide such confirmation(s) to *Redpath*. Where the *Building Permit* pertains to development in *Areas "A" and "B"* as defined on Map 6, the City shall also provide such confirmation(s) to the Ministry of the Environment.

- (xiii) Inclusion of the following specific warning clause (the "Warning Clause") in all agreements of purchase and sale and lease, excluding agreements pertaining to the resale or lease of individual residential condominium units:

"Warning: This site is in proximity to the heavy industrial Redpath Sugar refinery located at 95 Queens Quay Boulevard East (the "Redpath Facility") which operates 24 hours a day, 7 days a week. Various processes, shipping and receiving, and rail operations may either operate continuously or at any time of day or night. Activities may include: loading, unloading and repair of large tractor trailers or bulk bin trucks; loading, unloading and movements of railway cars along Queens Quay Boulevard; docking and unloading of ocean and lake going ships; venting of steam; construction and repair; and operation of various sugar refining processes. In addition, there may be industrial odours and light emanating from the refinery from time to time. Redpath may apply to alter or expand the Redpath Facility in the future. Notwithstanding the inclusion of certain mitigation features within this development to lessen potential noise, air emissions, dust, odour, vibration, and visual impact from the Redpath Facility, from time to time noise from the Redpath Facility is likely to be audible, odours may be unpleasant, and dust and light emissions may be bothersome and such potential noise, air emissions, dust, odour, vibration, and visual impact may impact the enjoyment of indoor and outdoor areas of this development. Redpath Sugar advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the Redpath Facility, property or operations thereon."

- (xiv) The inclusion of the Warning Clause in any condominium disclosure statement and declaration applicable to all lands, or portions thereof, and the condominium purchasers and their successors and assigns shall be advised of the Warning Clause in the Status Certificate (both for original and subsequent



purchasers). Equivalent provisions are to be contained in any subdivision agreement pursuant to the *Planning Act*;

- (xiv.a) The inclusion of a provision in all condominium disclosure statements and declarations applicable to all lands, or portions thereof, prohibiting any owner, tenant or condominium board to make any changes to units and common elements that would contravene the mitigation and architectural control measures required by the *noise study*, *vibration study*, *emissions study*, and/or *Building Permit* plans for such building(s), as is applicable. The owner shall certify to the City that the aforementioned requirements have been complied with prior to clearance of the condominium for registration;
- (xv) A large area plan shall be displayed in the sales pavilion(s)/office(s) for any residential development, prominently identifying the *Redpath* facility;
- (xvi) In the case of the lands shown as Area E on Map 3, in addition to those matters set out in subparagraphs (dd)(i) to (xvi) above, the owner shall prepare a conceptual design for a school, a community centre, associated open spaces and other potential uses to the satisfaction of the City and the relevant school board(s);
- (xvii) In the case of the lands known municipally in 2005 as 215 Lake Shore Boulevard East, in addition to those matters set out above, the owner shall submit and implement a management plan for conducting a Part 2 Archaeological Assessment satisfactory to the City;
- (xviii) In the case of lands within the *East Bayfront – West Precinct* proposed for residential uses, in addition to those matters set out above, the owner has elected to provide the facilities, services or matters referred to in paragraph (cc) above and entered into the agreement(s) referred to in subparagraph (cc)(v);
- (xix) The City shall provide *Redpath* with a copy of the final Agreement within 10 days of it being executed; and
- (xx) For the specific *sensitive land uses* permitted by paragraph (a)(v)(B), the owner shall agree to comply with the applicable requirements of the Minutes of Settlement dated November 15, 2007 and registered on title.

Definitions:

For the purposes of this exception:

“*affordable rental housing*” means rental housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation;

“*Building Permit*” means a permit to construct a building or structure, or any part thereof, pursuant to Section 8 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, superseded or replaced from time to time, including, but not limited to, excavation, shoring, and building permits;

“*Build-to Line A*”, “*Build-to Line B*” and “*Build-to Line C*” means those *frontages* and setback lines respectively identified as Build-to Line A, Build-to Line B, and Build-to Line C on Map 4;

“*district energy, heating and cooling plant*” means a building or structure that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users;

“*emissions study*” means a study which includes:

- i) a determination of the predictable worst case operating scenario of all relevant emissions, including dust, odour and air quality;
- ii) the identification of all receptor locations in the proposed development with the potential to experience (adverse) impacts;
- iii) ascertaining the numerical excess and nuisance potential at such receptors, if any;
- iv) preparation of specific recommendations for mitigation at receptor and/or at source to create an appropriate air quality environment for future occupants/users of the proposed development; and
- v) assuming the industries that are the relevant emissions sources are in compliance with the instruments listed below, an assessment of applicable Ministry of the Environment regulations and guidelines, having the force of law; all relevant sections of the *Environmental Protection Act*, including sections 9 and 14; and existing Certificates of Approval, if publicly available, relative to the proposed development and the industries that are the source of the relevant emissions and where there are objective standards in the above-listed instruments, an assessment of the expected compliance with said instruments.

Such emissions study shall be prepared by a qualified air quality consultant and shall be consistent with professional standards and good practice for such studies, taking into account expansion or alteration plans identified by the source(s) that can reasonably be expected to be implemented in the future.

“*ground floor animation uses*” shall have the same meaning as the expression street-related retail and services uses, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), an artist’s or photographer’s studio, a custom workshop, and a communications and broadcast establishment shall also be permitted with the exception of any accessory or back-of-house uses for a communications and broadcast establishment;

“*noise study*” means a study which includes:

- i) a determination of the planned and predictable worst case impact from all relevant noise sources;
- ii) the identification of all receptor locations in the proposed development with the potential to experience (adverse) noise impact, ascertaining the noise excess at such receptors, if any;
- iii) ascertaining the numerical excess and nuisance potential at such receptors, if any;
- iv) preparation of specific recommendations for mitigation at receptor and/or at source to create an appropriate sound environment for future occupants/users of the proposed development; and
- v) assuming the industries that are the relevant noise sources are in compliance with the instruments listed below, an assessment of applicable Ministry of the Environment regulations and guidelines, having the force of law; all relevant sections of the *Environmental Protection Act*, including sections 9 and 14; existing Certificates of Approval, if publicly available; and all relevant sections of the *Toronto Municipal Code*, including Chapter 591 or their successors, relative to the proposed development and the industries that are the source of the relevant emissions.

Such noise study shall be prepared by a qualified acoustical engineer and shall be consistent with professional standards and good practice for such studies, taking into account expansion or alteration plans identified by the stationary source(s) that can reasonably be expected to be implemented in the future.

“*publicly accessible open space*” shall have the same meaning as the term common outdoor space, except that such areas may be accessible from a street, or from the Waterfront Promenade shown as Area A on Map 3;

“*Redpath*” means the lands and premises known municipally as 95 Queens Quay Boulevard East, in the City of Toronto, owned and operated by Redpath Sugar Ltd., its successors or assigns;

“*sensitive land use*” means a *hotel, commercial school, trade school, college, university, post secondary institution and related uses*, and all those uses permitted within a CR district in sections 8(1)(f)(a)(i) and (ii), and 8(1)(f)(b)(ii) and (iii), but does not include a fire hall, police station or *post office*.

“*Setback Line A*” means those *frontages* identified as Setback Line A on Map 4;

“*Site Plan Application*” means an application for the approval of plans and drawings pursuant to Section 41(4) of the *Planning Act*, as amended or the *City of Toronto Act, 2006*, as is applicable; and

“*vibration study*” means a study of vibration from transportation sources; and stationary source(s), prepared by a qualified noise and vibration consultant, that makes specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing vibration in building(s). Such vibration study shall be consistent with professional standards and good practice.

7. Section 12(2) 270 is amended by adding the map attached hereto as Map C.
8. Section 12(2) 311 is amended by adding, following the phrase “*East Bayfront*”, the words:

“other than in the *East Bayfront – West Precinct*”

9. Section 12(2) 312 is amended by adding, following the phrase “*East Bayfront*”, the words:

“other than in the *East Bayfront – West Precinct*”

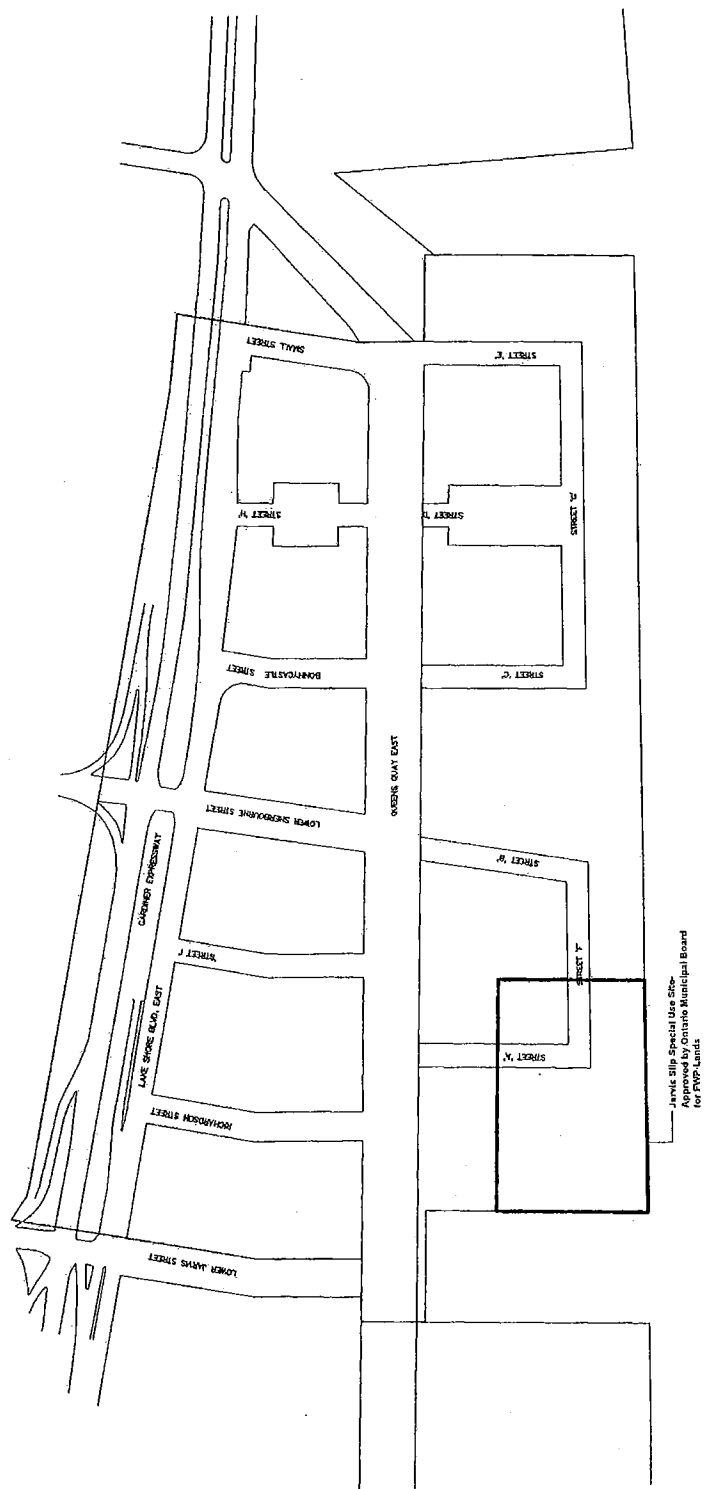
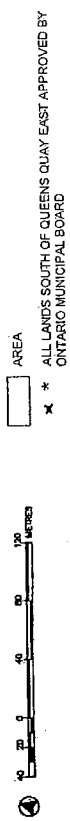
ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

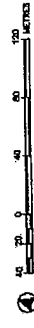
(Corporate Seal)

AREA REFERRED TO AS "EAST BAYFRONT-WEST PRECINCT" \*

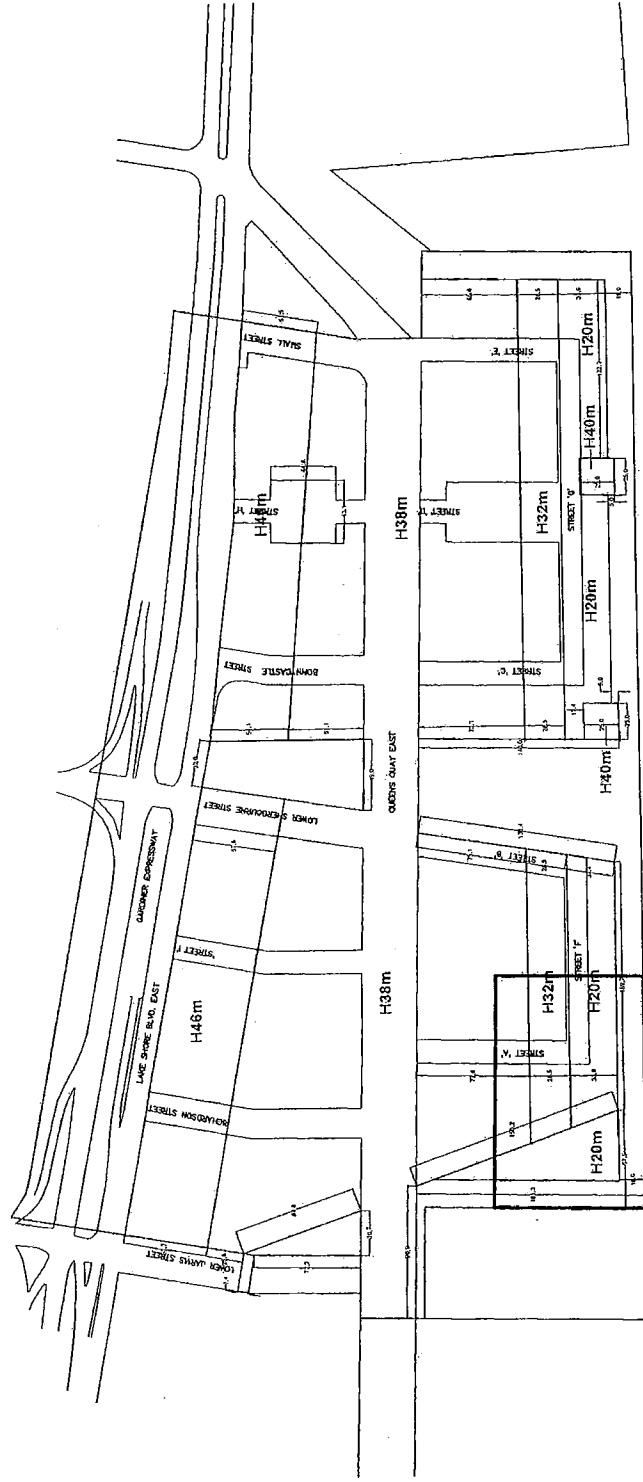




MAP B  
MAXIMUM HEIGHTS PLAN \* \*



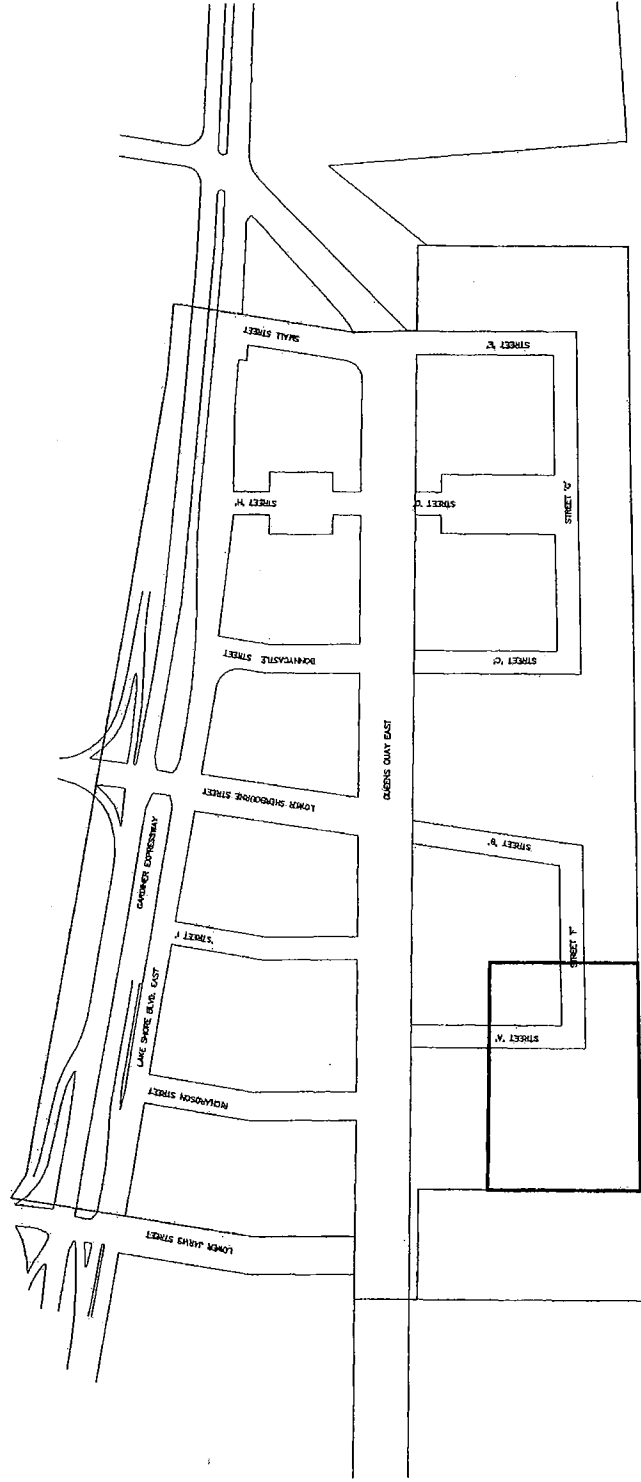
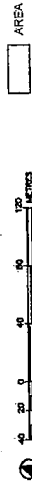
\* \* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD



Joint Site Special Use Site  
Approved by Ontario Municipal Board  
for PWR Sites

MAP C  
 LANDS EXEMPT FROM SECTION 12(2) 270\*

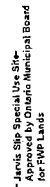
\* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
 ONTARIO MUNICIPAL BOARD



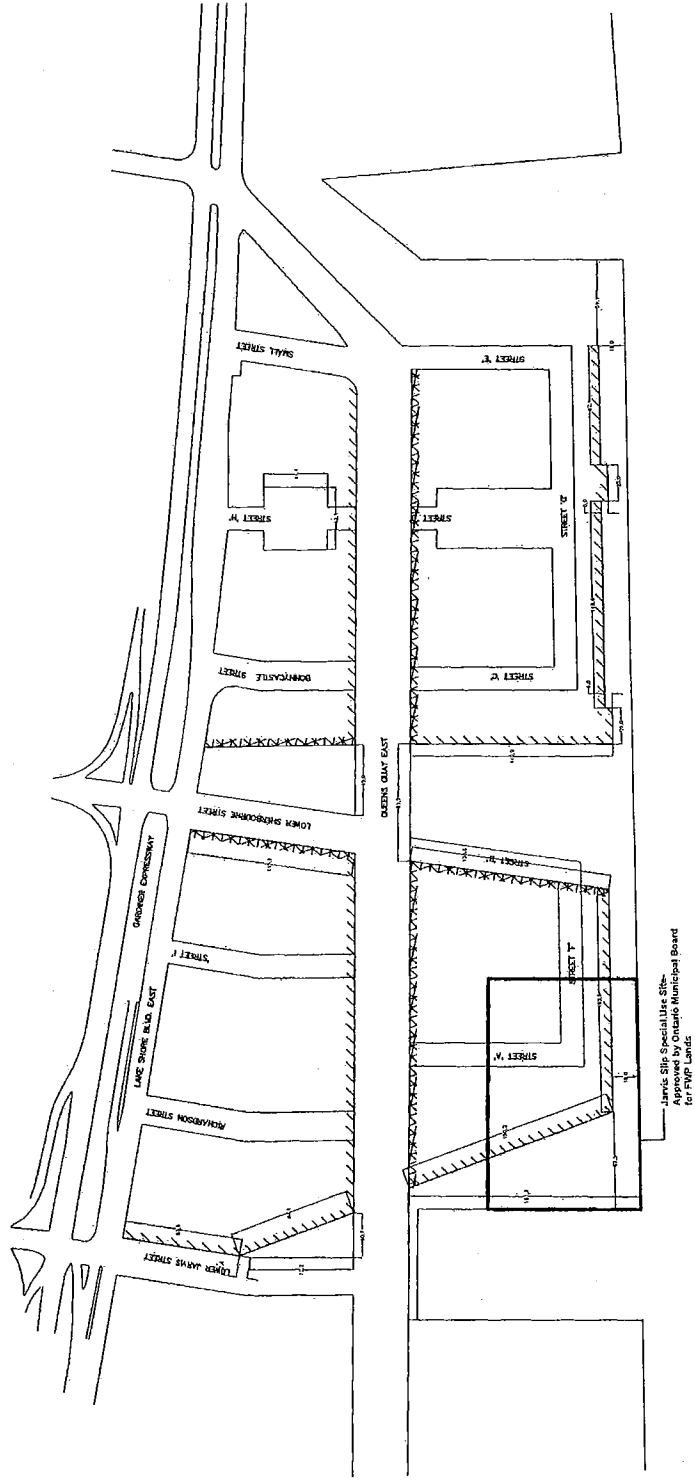
Lands all Special Use Sites  
 Approved by Ontario Municipal Board  
 for PWP Lands



ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD



MAP 2  
GROUND FLOOR ANIMATION AREA \* \* \* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD

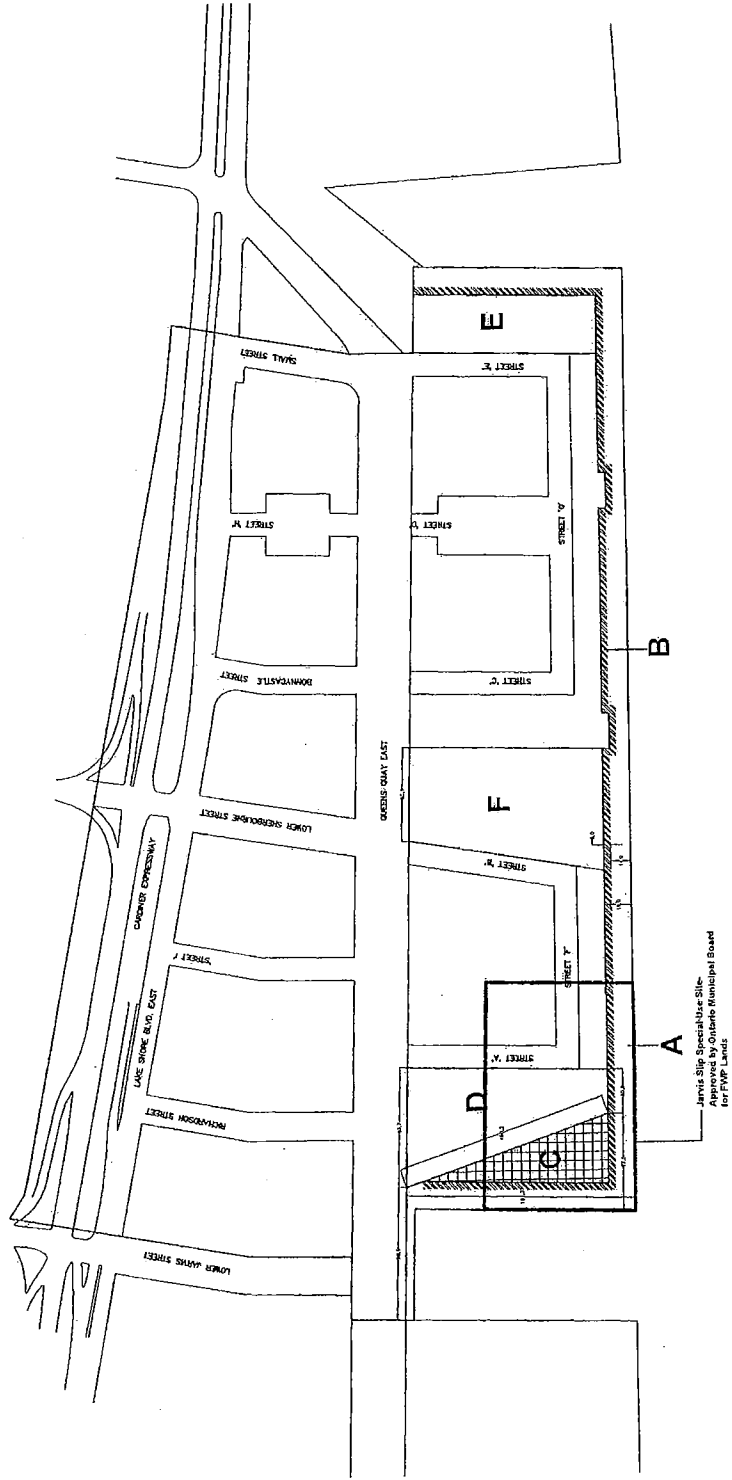


# MAP 3 WATER'S EDGE PROMENADE\*\*

\*\* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD



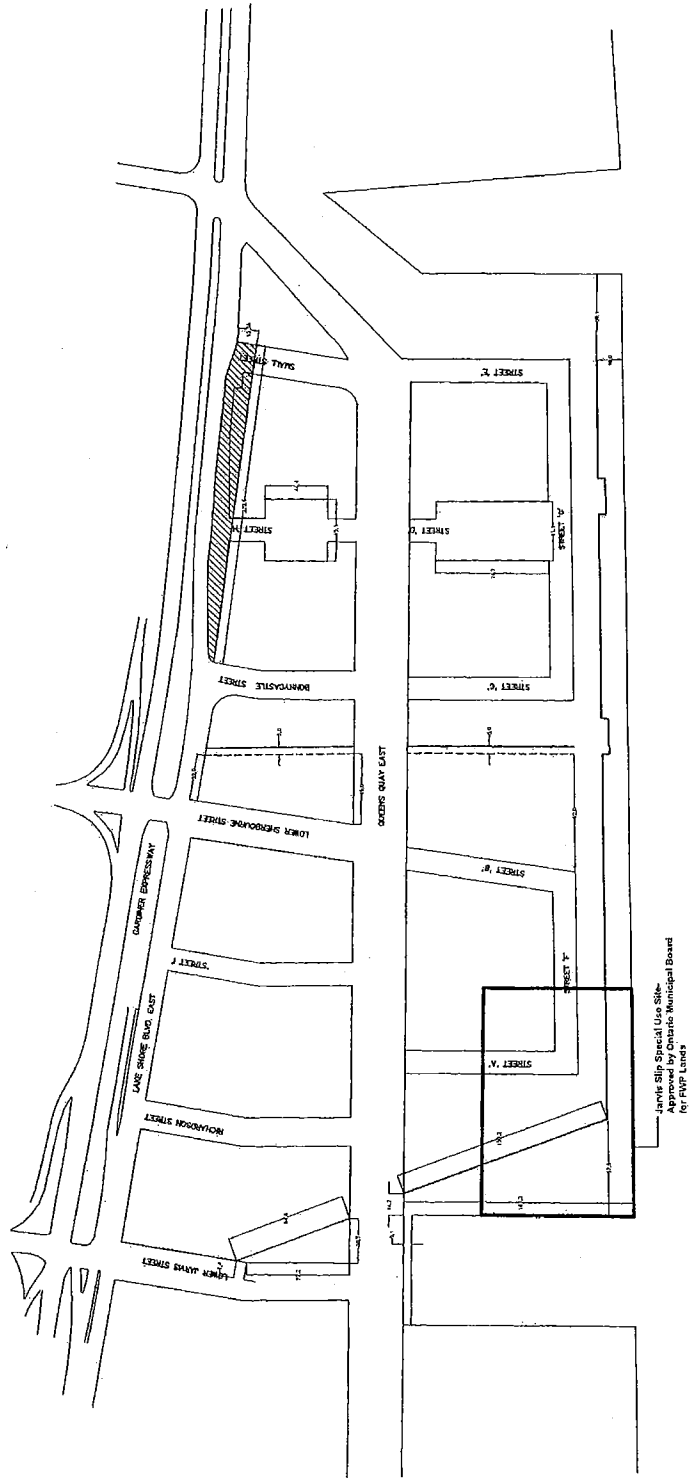
- A** WATERFRONT PROMENADE
- B** 5M SPILL-OVER/ANIMATION ZONE WITHIN WATERFRONT PROMENADE
- C** JARVIS SLIP OPEN SPACE
- D** JARVIS SLIP BUILDING SITE
- E** SCHOOL AND COMMUNITY CENTRE SITE
- F** SHERBOURNE PARK SOUTH SIDE



Jarvis Slip Special-Use Site  
Approved by Ontario Municipal Board  
for FWP Lands

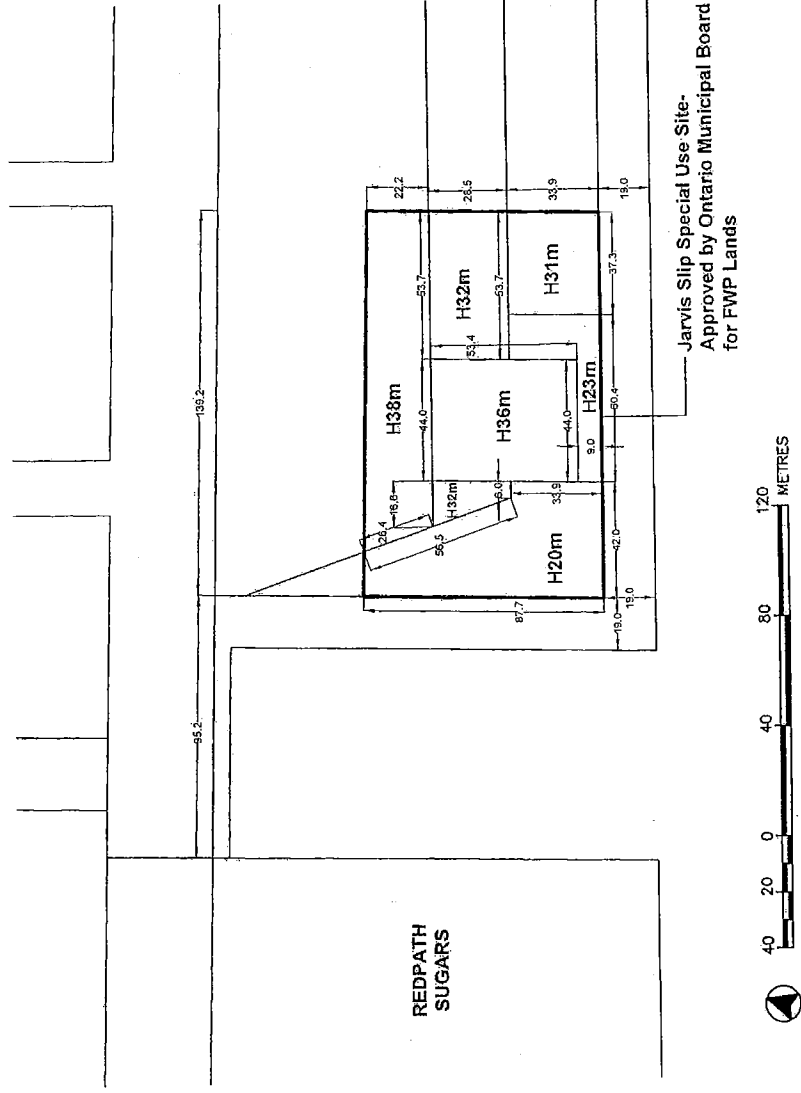
**\* \* ALL LANDS SOUTH OF QUEEN'S QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD**

——	BUILD-TO LINE 'A'
- - -	BUILD-TO LINE 'B'
——	BUILD-TO LINE 'C'
- - -	SETBACK LINE 'A'
	SETBACK AREA 'B'



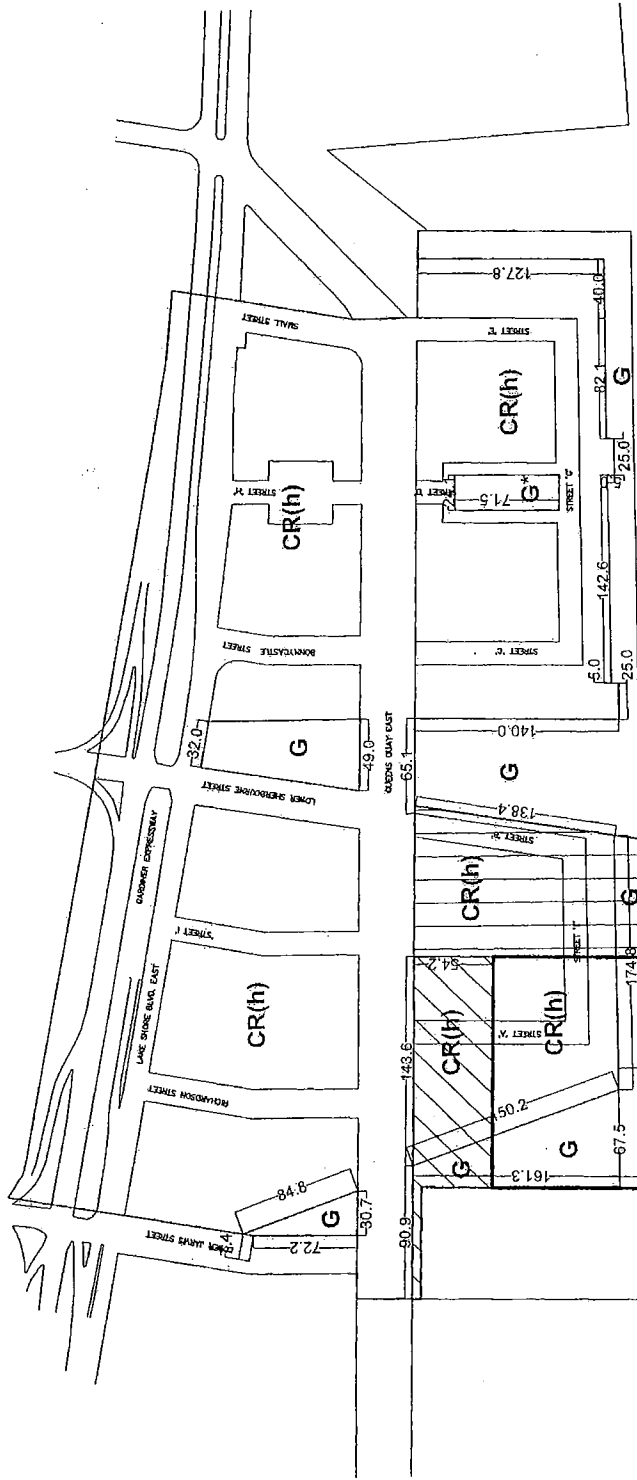
# MAP 5 MAXIMUM HEIGHTS PLAN - JARVIS SLIP SPECIAL USE SITE\*\*

JARVIS SLIP SPECIAL USE SITE      \*\* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
 ONTARIO MUNICIPAL BOARD



# MAP 6 DISTRICT USE MAP\*\*

\*\* ALL LANDS SOUTH OF QUEENS QUAY EAST APPROVED BY  
ONTARIO MUNICIPAL BOARD



Jarvis Slip Special Use Site  
Approved by Ontario Municipal Board  
for FWP Lands