

Authority: Toronto and East York Community Council Item 36.19,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1174-2010

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

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

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

The Council of the City of Toronto 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 "Junction Triangle", the following:

"*Keating Channel Precinct West*" means that part of the City of Toronto delineated by heavy lines and shown on the following map.

2. District Maps 51G-313, 51G-323, 52G-311, and 52G-321 contained in Appendix "A" of By-law No. 438-86, as amended, are 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 Maps 51G-313, 51G-323, 52G-311, and 52G-321 contained in Appendix 'B' of By-law No. 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines as shown on Map B attached hereto.
4. Section 12(1) of By-law No. 438-86, as amended, is hereby further amended by adding the following exception:

"(482) to prevent the erection of buildings or structures or the use of land in the *Keating Channel Precinct West* in accordance with the following provisions:

Permitted Uses

- (a) the following uses shall be permitted within a CR district:
- (i) those residential uses permitted within a CR district in section 8(1)(f)(a), and subject to the qualifications in section 8(2), provided that:
 - (A) only the qualifications in Section 8(2)1 and 8(2)3 shall apply;
 - (B) the owner of the *lot* elects to provide the facilities, services or matters referred to in paragraph (12)(1)(482)p and enters into the agreement(s) referred to in paragraph (12)(1)(482)(p)(iv).
 - (ii) 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, cold storage locker plant, commercial parking lot, car washing establishment or motor vehicle repair shop, class A*.
 - (iii) a *district energy, heating and cooling plant* located below finished ground level on the lot or wholly contained within a building in which other uses are the primary use, and a vacuum waste collection facility.
- (b) the following uses shall be permitted within a G district:
- (i) those uses permitted within a G and Gm district in section 5(1)(f);
 - (ii) community related uses, playing fields; and
 - (iii) patios and open air markets within those areas identified on Map 3 provided they are located within 5 metres of the property line and are accessory to the ground floor uses of abutting buildings.
- (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 those uses and buildings existing on August 27, 2010, 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 August 27, 2010, whichever is the greater.

Density

- (d) (i) *the non-residential gross floor area, residential gross floor area, or any combination thereof to be erected and used within Area A1, Area A2, Area B, and Area C, illustrated on Map 1 shall not*

exceed the amounts for each Area shown on the following table:

| Area | Maximum Non-Residential Floor Area and Residential Gross Floor Area (square metres) | Combined Gross Floor Area (square metres) | Maximum Residential Gross Floor Area (square metres) |
|------|---|---|--|
| A1 | 25,280 | | 18,890 |
| A2 | 88,870 | | 66,650 |
| B | 82,940 | | 62,210 |
| C | 222,140 | | 166,600 |

- (ii) in the case of *Area A1*, the *lot* shall consist of at least the lands identified as *Area A1* on Map 1, otherwise density shall be limited to those buildings existing on August 27, 2010, 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 August 27, 2010, whichever is the greater.
- (iii) Any amount of floor area existing on August 27, 2010 and located within the structure known as the "Victory Soya Silo" located on the site known municipally in 2010 as 351 Lake Shore Boulevard East shall not be counted towards the maximum non-residential gross floor area or residential gross floor area as set out in subparagraph (i);

Height

- (e) maximum *height* shall be in accordance with section 4(2) except that:
 - (i) one tower may be located within each permitted tower area as shown on Map 2 up to a maximum height of 125 metres, provided the *residential gross floor area*, *non-residential floor area*, or any combination thereof, of any floor located above the maximum *heights* shown on Map B does not exceed 750 square metres.
 - (ii) notwithstanding paragraph (12)(1)(482)(e)(i), buildings containing exclusively *non-residential gross floor area* will be permitted within each permitted tower area located north of Queens Quay East as shown on Map 2 up to a maximum height of 62 metres, provided the non-residential floor area of any floor located above the maximum *heights* shown on Map B does not exceed 1600 square metres.
- (f) Paragraph (12)(1)(482)(e) does not prevent the erection or use of the following for buildings located within each permitted tower area as shown on Map 2:
 - (i) A stair tower, elevator shaft, or other heating, cooling or

ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:

- (A) the maximum vertical extent of such elements or enclosure above the permitted height is no greater than 6 metres;
 - (B) the aggregate horizontal area of such elements, including the area contained within an enclosure, does not exceed 40% of the area of the roof of the building; and
 - (C) the width of any such elements, including the width of an enclosure, located within six metres of a *lot line* that is a street line, does not exceed 30% of the width of the main wall of the building facing the *lot line* provided the width is to be measured parallel to the *lot line* boundary;
- (ii) structures identified in Section 4(2)(a)(ii), subject to the limitations contained therein;
 - (iii) parapets to a maximum vertical projection of 1.0 metre; and
 - (iv) a chimney stack for a *district energy, heating and cooling plant*, where permitted in accordance with paragraph (12)(1)(482)(a)(iii) and which has been approved by the Ministry of Environment.

Angular Planes

- (g) no person shall, on a *lot* abutting the shaded area on Map 3 attached, erect or use a building or structure other than a tower as permitted in paragraph (12)(1)(482)(e)(i) and (f) (ii) that:
 - (i) exceeds the *height* at the line as set out in Column A below; and
 - (ii) penetrates the corresponding angular plane indicated in Angle column below, measured horizontally over the *lot* at the *height* determined in subparagraph (i) as shown in the diagram following the Chart;

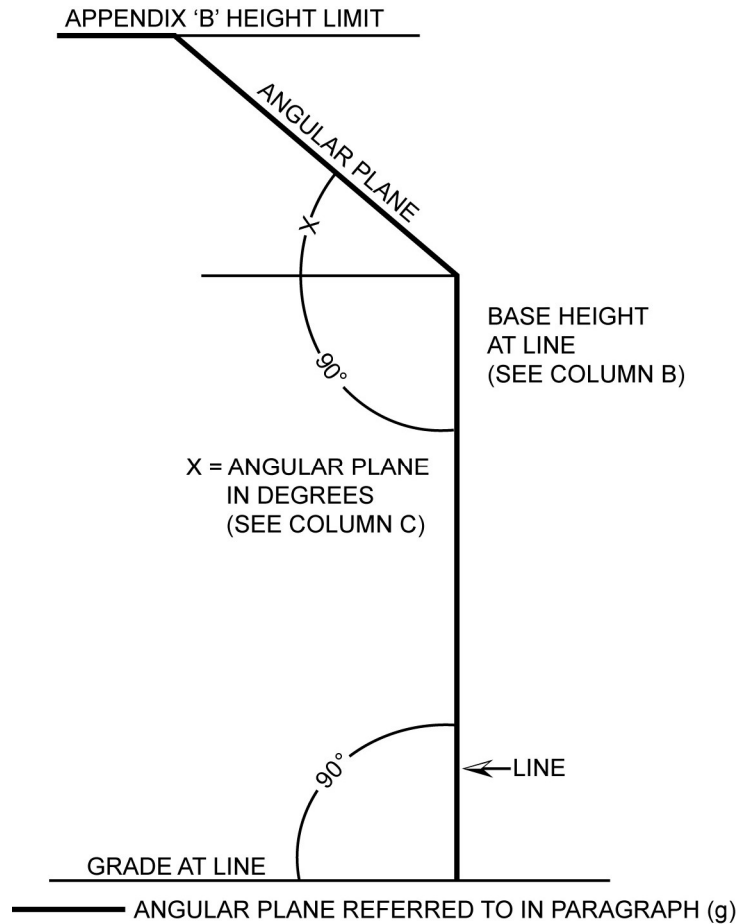
COLUMN A

ANGLE

BASE HEIGHT AT LINE (degrees)
AND POINT AT WHICH
ANGULAR PLANE IS
MEASURED (in metres)

12

55



Parking and Loading

- (h) parking facilities shall be provided in accordance with section 4(5) except that:
- (i) the total number of *parking spaces* required to meet the requirements for residential use (excluding visitors) may be reduced by 4 *parking spaces* for each *car share parking space* provided and maintained on the *lot*. The limit on this parking reduction is calculated as the greater of: 4 x (total number of units/60), rounded down to the nearest whole number; or 1 space;
- (i) loading facilities shall be provided in accordance with section 4(8) except that:
- (i) for a block of land surrounded by public streets on all sides that includes more than one building, not more than one *loading space – Type G* shall be required to service all buildings on that block of land and other loading facilities for that block shall be provided in accordance with section 4(8).

Residential Amenity Space

- (j) *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;
 - (ii) the maximum amount of outdoor *residential amenity space* which shall be required for any building is 300 square metres;
 - (iii) *residential amenity space* provided indoors may be provided in rooms which are not contiguous; and
 - (iv) *residential amenity space* shall only be required for buildings containing 20 or more *dwelling units* which are not grade related and where access to all such *dwelling units* is by means of a common internal corridor.

Stepbacks

- (k) no building or structure within a permitted tower area as shown on Map 2 may exceed 38 metres in height unless the portion of the building above such height is setback from the exterior wall of the storey immediately below;
 - A. 5 metres adjacent to Queens Quay East;
 - B. 3 metres where such wall faces a street other than Queens Quay East
- (l) all buildings located west of Cherry Street along the *lot* line adjacent to Lake Shore Boulevard East shall be set back a minimum of 7 metres from the Lake Shore Boulevard East road allowance;
- (m) window separation requirements in section 8(3) Part II 1(a) and (c) shall apply except that the minimum distance referred to in section 1(a)(i) shall be 15 metres and the minimum distance referred to in section 1(a) (ii) shall be 7.5 metres.

Ground Floor Animation Areas

- (n) no building or structure on a *lot* subject to a Ground Floor Animation Area requirement as shown on Map 4 may be erected or used unless:
 - (i) at least 60 percent of the ground floor of the building facades identified as Ground Floor Animation Areas on Map 4 are used for no purposes other than *ground floor animation uses*;

- (ii) no *dwelling units* are located on the ground floor unless other permitted uses are provided, in an enclosed structure, between any part of the building containing *dwelling units* and a frontage identified as a Ground Floor Animation Area;

Build to Lines

- (o) no building may be erected or used on a *lot* subject to a Build to Line as shown on Map 5 unless:
 - (i) an exterior face of the building is located no more than 0.15 metres back from the Build to Line between *grade* and a *height* of 12 metres, for a minimum of 60% of the length of the *frontage* of the *lot* identified as the Build to Line; and

Section 37 Agreements

- (p) 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 requirements set out in section 12(1)(482) and in return for the provision by the owner of the *lot* of the following facilities, services and/or matters on terms satisfactory to the City at the owner's sole expense and in accordance with and subject to the agreement(s) referred to in subparagraph (iv) below:
 - (i) on the lands in A2 on Map 1 to secure new *affordable rental housing*, which shall comprise either:
 - (A) the provision and maintenance on the *lot*, or on other lands in the same Area as shown on Map 1, of not less than 20% of the total number of *dwelling units* as new *affordable rental housing*, as defined by the City of Toronto Official Plan for a term of not less than 25 years; or
 - (B) the provision of sufficient land in the *Keating Channel Precinct West* or in combination on the lands municipally known in 2010 as 480 and 480A Lake Shore Boulevard East to construct *dwelling units* equal in number to 20% of the total *dwelling units* on the *lot*;
 - (ii) on the lands in each of Area A1, Area B and Area C shown on Map 1 to secure new affordable rental housing which shall comprise either:
 - (A) the provision and maintenance on the *lot*, or on other lands in the same Area as shown on Map 1, of not less than 20% of the total number of *dwelling units* as new *affordable rental housing*, as defined by the City of Toronto Official Plan for a term of not less than 25 years; or

- (B) one of the following to be determined at the sole discretion of the City:
 - 1. a dedication to the City of sufficient land to construct 20 % of the total number of dwelling units on the *lot*; or
 - 2. a cash-in-lieu contribution to the City in the amount of the value of the dedication referred to in 1, to be paid prior to the issuance of the first above-grade building permit for the *lot*.

- (iii) any development containing ownership *dwelling units* shall provide not less than 5% of all ownership *dwelling units* on the *lot* with the following size restrictions:
 - (A) A maximum *residential gross floor area* of 46.5 square metres for a bachelor *dwelling unit*;
 - (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 a two bedroom *dwelling unit*;
 - (D) A maximum *residential gross floor area* of 93 square metres for a three bedroom *dwelling unit*;
 - (E) A maximum *residential gross floor area* of 120 square metres for a two bedroom *rowhouse/rowplex*; and
 - (F) A maximum *residential gross floor area* of 135 square metres for a three bedroom *rowhouse/rowplex*;

- (iv) the owner of lands within the Keating Channel Precinct West 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, with conditions providing for indexing of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of the agreement, and such agreements are to be registered on title, to the satisfaction of the City.

Holding Symbol

- (q) 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, and in respect of specific uses, shall be enacted by Council when the implementation of the following conditions at the owner's sole expense has been secured to the satisfaction of Council through the execution and registration on title of an agreement or agreements pursuant to Section 37, 51 and/or 53 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, as appropriate:
- (i) the provision of an infrastructure and storm water management plan dealing with, among other matters, the provision of roads, sewers and water services, public parks and community services and facilities;
 - (ii) Council is satisfied as to the availability of all infrastructure and servicing requirements necessary to accommodate development on the *lot*, and all necessary transportation, servicing and other infrastructure improvements have been secured at the Owner's expense to the satisfaction of the City of Toronto;
 - (iii) the provision of a satisfactory streets and blocks plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing and proposed system of streets;
 - (iv) where applicable, inclusion of a provision in the agreement that the Owner will convey land to the City, for nominal consideration, for the extension of Queens Quay East, the realignment of Cherry Street and Parliament Street, any widening of Lake Shore Blvd. East, the Promenade along the north side of the Keating Channel, and other roads necessary to serve the development of the *lot*;
 - (v) the provision of a phasing plan dealing with the sequencing of development and the timing of the provision of the infrastructure and services addressed in subparagraphs (12)(1)(482)(q)(i) to (iv);
 - (vi) a public art contribution at the owner's expense 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*;
 - (vii) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard as adopted by Toronto City Council;

- (viii) provision of a higher level of sustainable performance measures is encouraged. To this end the owner shall be encouraged to undertake the following:
 - A. provide post construction Energy Modelling Reports and As Built Drawings to the Chief Planner and Executive Director, City Planning, from a qualified Professional Engineer or Architect involved in the design and construction, confirming that the new building(s) has been constructed and incorporates Tier 2 TGS performance measures satisfactory to the Chief Planner; and
 - B. achieve LEED Canada-NC for New Construction & Major Renovations Version 2.0 Gold.
- (ix) 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;
- (x) the provision of a three dimensional computer model, prepared by a qualified consultant, which demonstrates to the satisfaction of the City that built form continuity has been addressed;
- (xi) the submission of Site Plan Application(s) for review and comment by the Waterfront Design Review Panel;
- (xii) the provision of a noise and vibration study, prepared by a qualified noise consultant, and detailed design plans, all to be peer reviewed by the City at the owner's expense, which demonstrate to the satisfaction of the City that appropriate noise mitigation measures will be implemented;
- (xiii) the provision of a wind study, prepared by a qualified wind consultant, and detailed design plans, which demonstrate to the satisfaction of the City that appropriate built form and other wind mitigation measures will be implemented, with such study to be submitted to the City prior to the submission of Site Plan Application(s) to the Waterfront Design Review Panel;
- (xiv) the submission of a soil and groundwater management strategy prepared by a qualified consultant which demonstrates to the satisfaction of the City that contaminated soil and groundwater can be managed in a manner that is consistent with Provincial regulations;

- (xv) written confirmation from the Toronto and Region Conservation Authority that the flood protection landform in West Don Lands is complete and functional and the Special Policy Area designation is removed;
- (xvi) in the case of lands within the *Keating Channel Precinct West* 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 (12)(1)(482) (p) above and entered into the agreement(s) referred to in subparagraph (12)(1)(482)(p)(iv);
- (xvii) in the case of lands containing the structure known as the "Victory Soya Silo" and known municipally in 2010 as 351 Lake Shore Blvd. East, in addition to the matters set out in subparagraph (12)(1)(482)(q) above, the owner shall agree to submit a Heritage Impact Statement satisfactory to the Chief Planner to include amongst other matters retention of the Silos and reuse opportunities;
- (xviii) in the case of the lands within *Area A2* as illustrated on Map 1, in addition to the matters set out in subparagraph (12)(1)(482)(q) 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).
- (xix) In the case of lands in each of Areas A1, A2, B or C within the *Keating Channel Precinct West* proposed for residential uses, in addition to those matters set out above,
 - A. the owner has provided an affordable housing strategy which establishes targets for meeting the affordable housing requirements in the Area to the satisfaction of the Chief Planner by:
 - 1. unit type, ensuring that they are generally in the same proportion and mix by bedroom type as the residential units that are not affordable housing units;
 - 2. development parcel, identifying the order of development to ensure that the requirements are achieved prior to or at the same rate as development of the residential units that are not affordable housing units;

3. identifying proposals to meet the requirements through the conveyance of land or, for lands other than Area A2, the provision of cash-in-lieu; and
4. by including a report on the affordable housing achievements to date in the Area for the second and subsequent *lots* in each Area applying for the removal of the "h" symbol where it is to be removed in phases within the same Area

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 the average Toronto rent by unit type (number of bedrooms) as reported annually by the Canada Mortgage and Housing Corporation;

"*car share motor vehicle*" means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *lot*.

"*car share parking space*" means a *parking space* that is provided exclusively for the use of vehicles that are used exclusively for the parking of a *car share motor vehicle*.

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

"*ground floor*" means the first floor of a building or structure above *grade*;

"*ground floor animation uses*" shall have the same meaning as the expression *street-related retail and service 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*, or a *custom workshop* and an entrance to a residential building shall also be permitted;

All other italicized terms shall have the same meaning as in By-law No. 438-86.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Proposed Maps

Area Referred to as: "Keating Channel Precinct West"

Map A: District Use Map

Map B: Maximum Heights

Map 1: Density

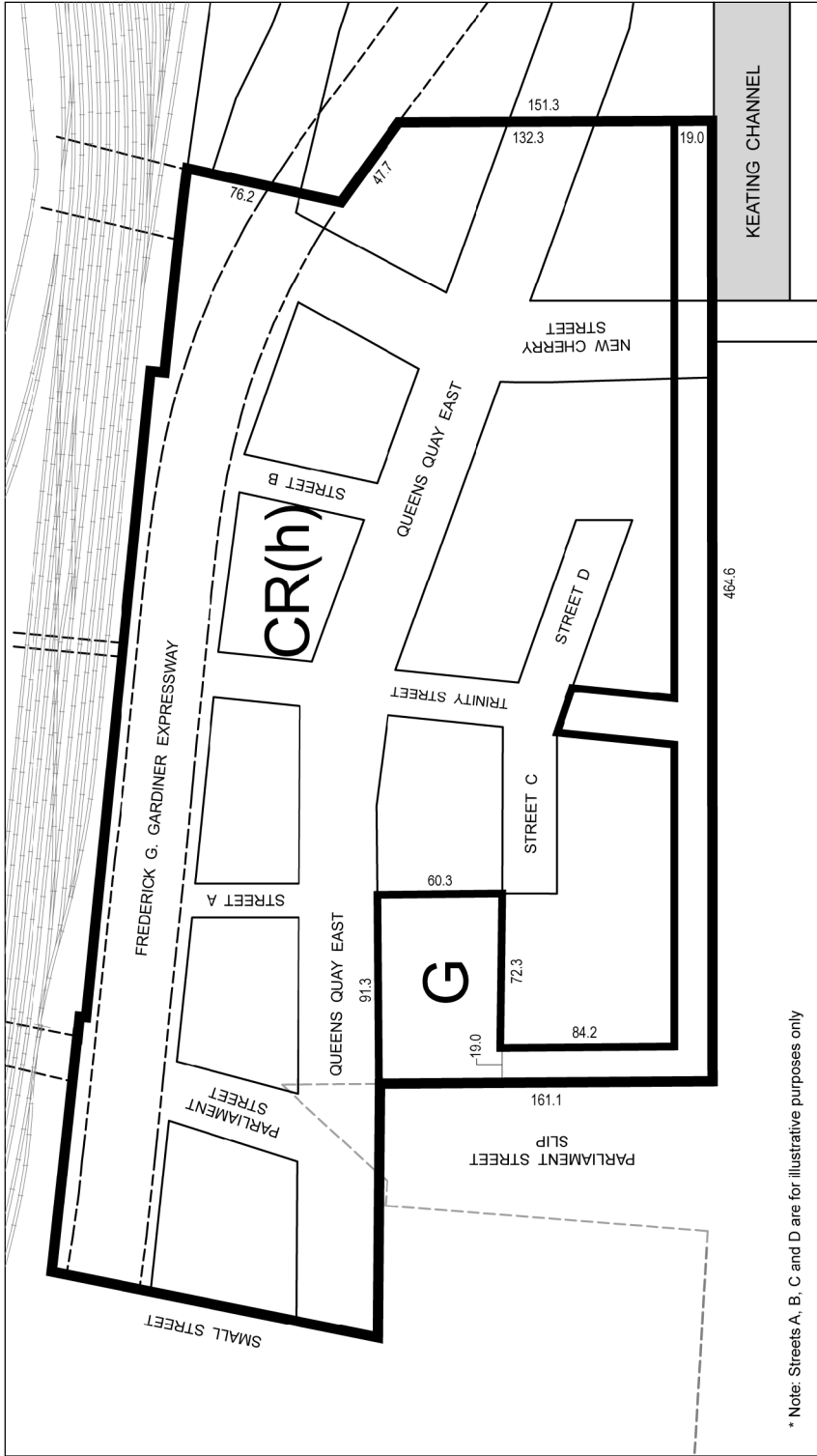
Map 2: Permitted Tower Areas

Map 3: Angular Plane

Map 4: Ground Floor Animation Areas

Map 5: Build To Lines

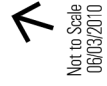
Map A (District Use Map)



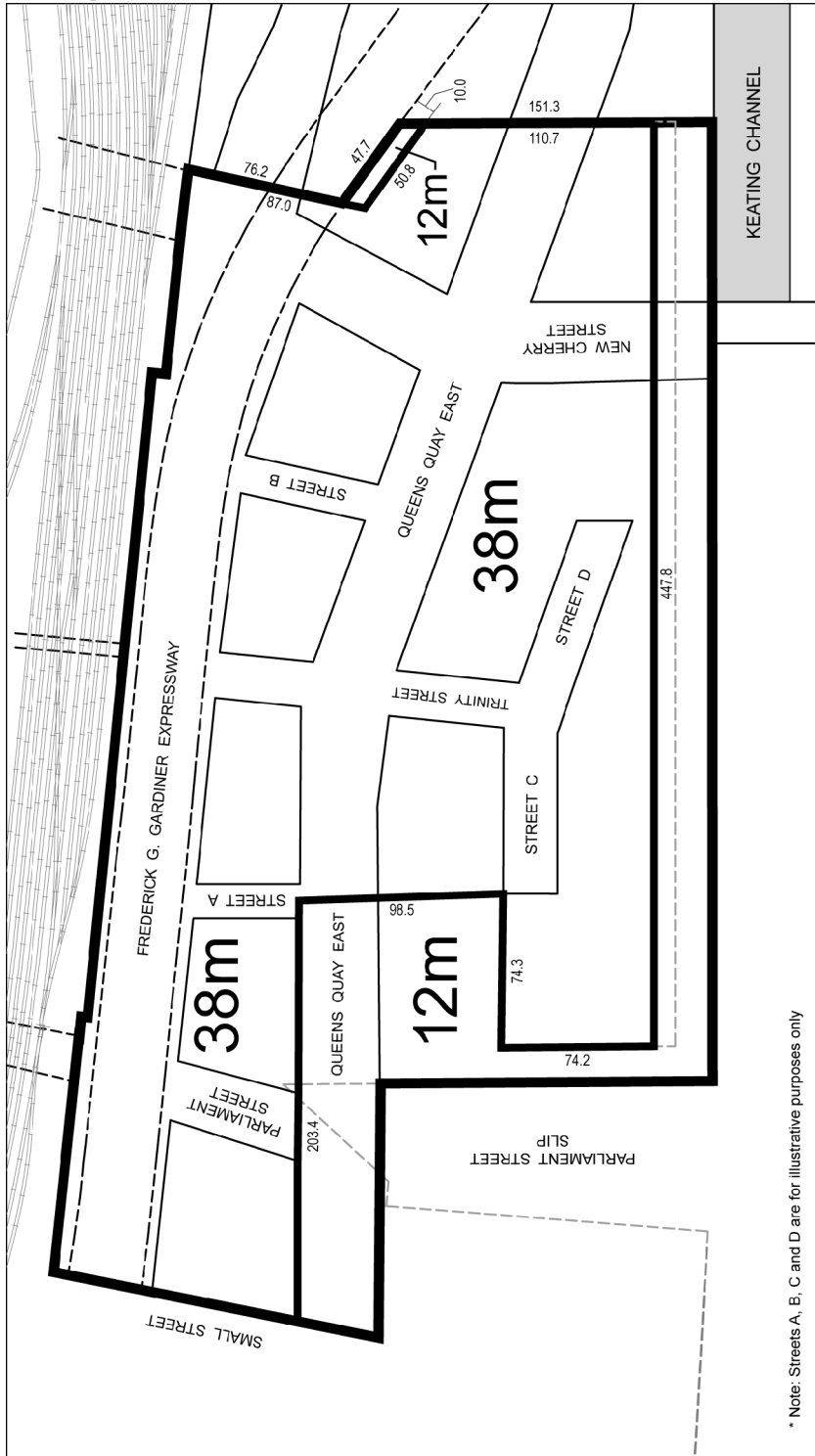
* Note: Streets A, B, C and D are for illustrative purposes only

Toronto City Planning
Keating Channel Precinct West
Map A District Use Map

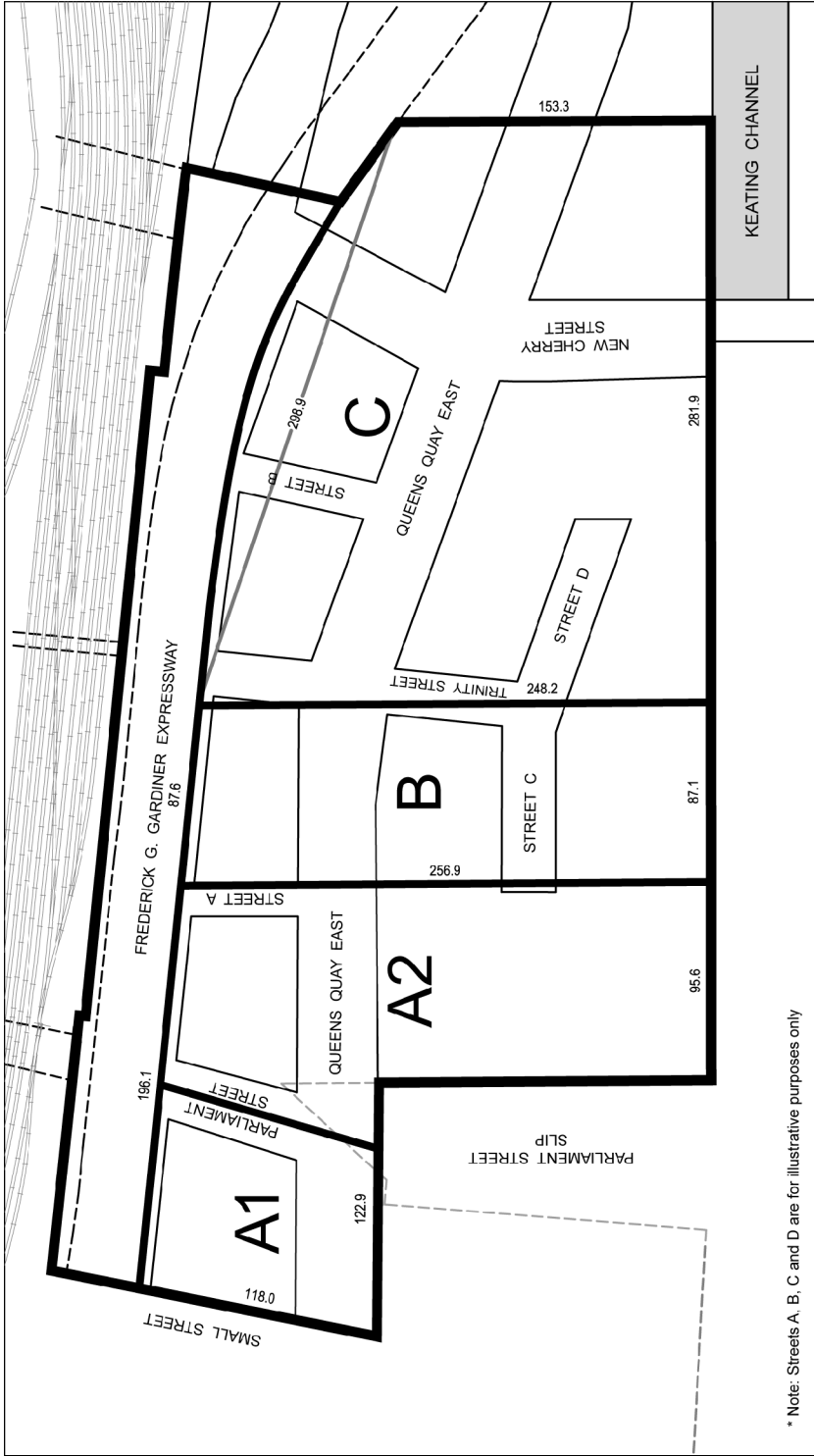
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Map B (Maximum Heights)



Map 1 (Density)



Keating Channel Precinct West

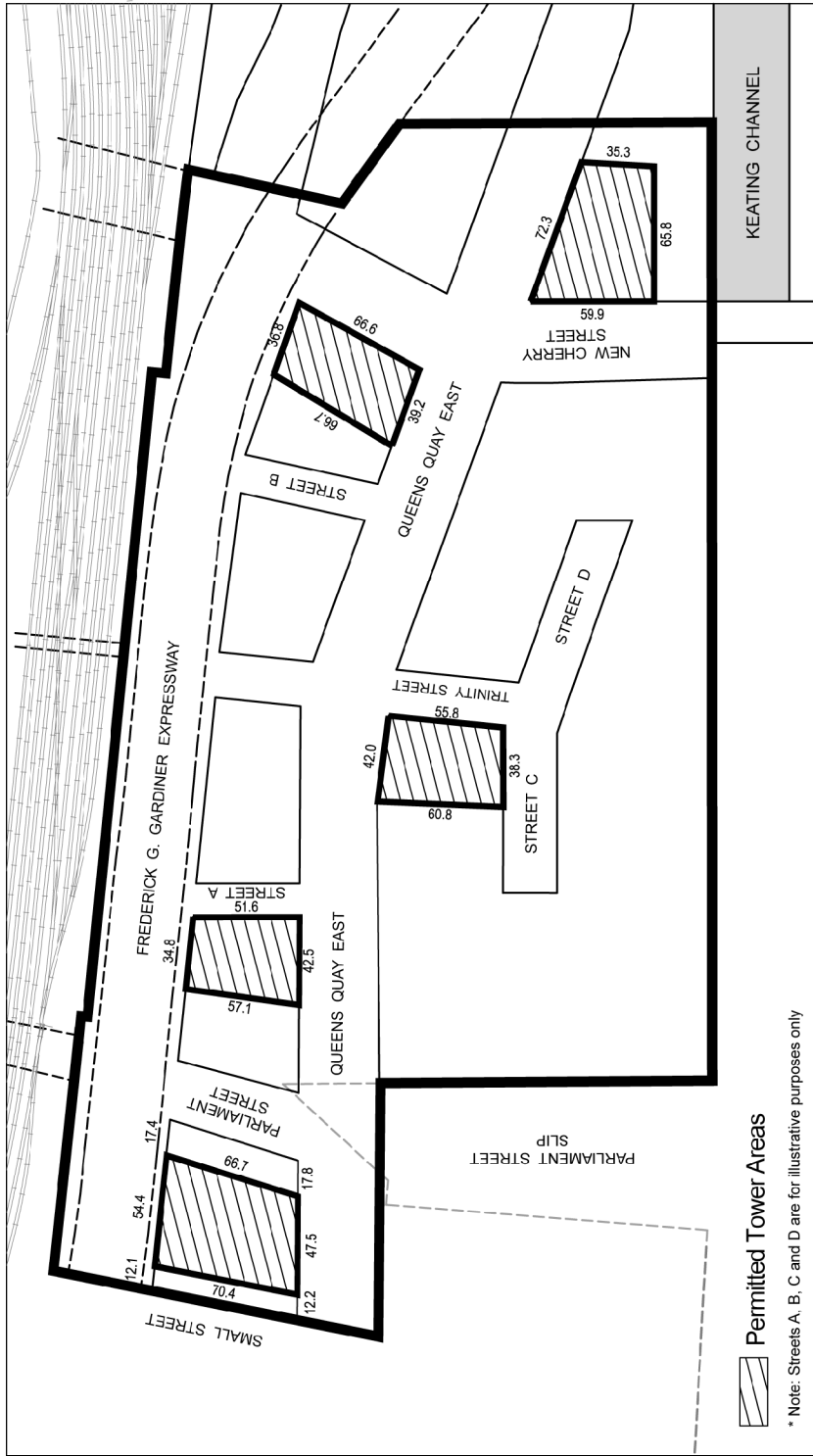
Map 1 Density: Parcels Referred to in Section 12(1)482(d)

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Not to Scale
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Map 2 (Permitted Tower Areas)



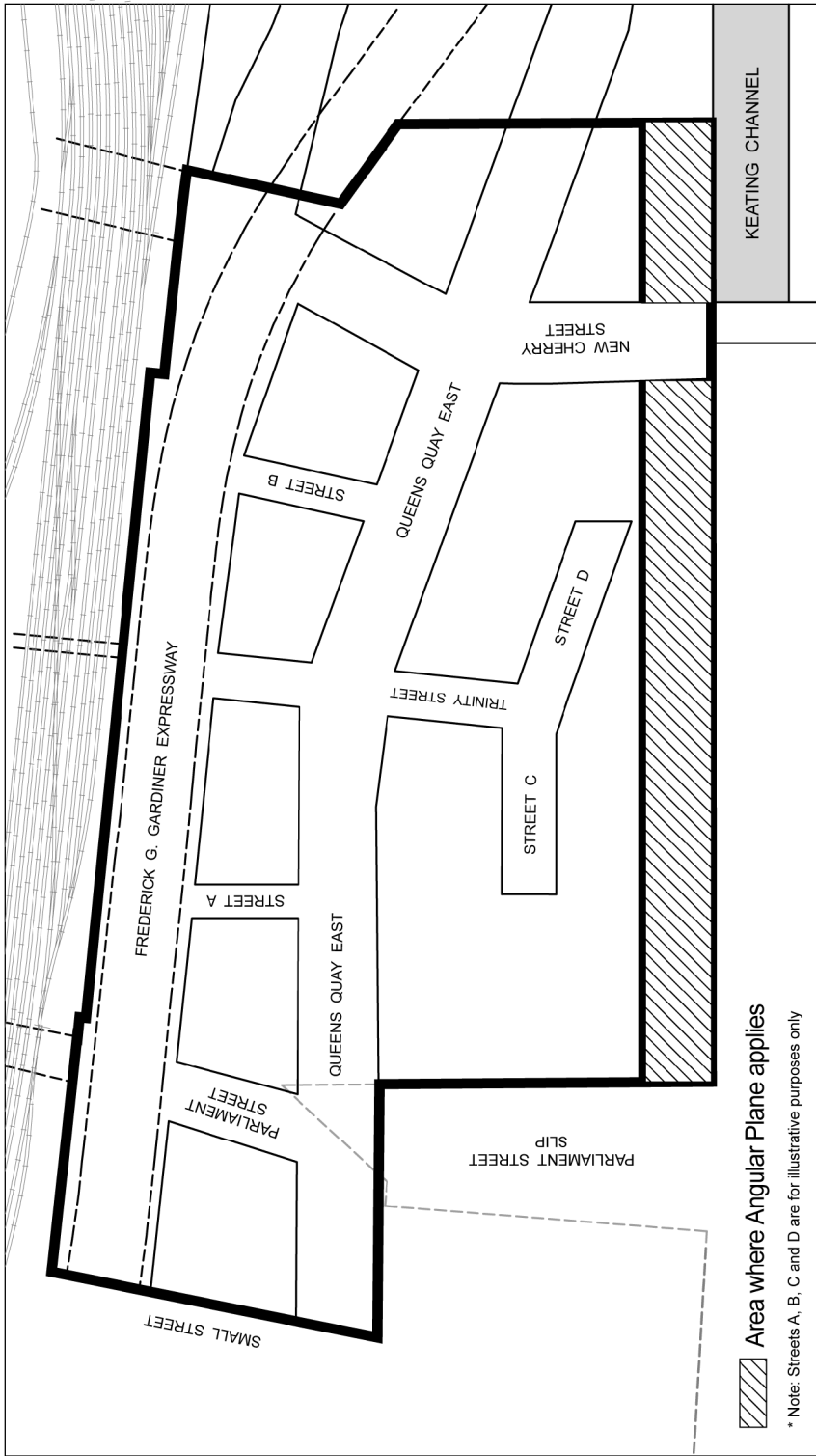
Keating Channel Precinct West

TORONTO City Planning
Map 2 Permitted Tower Areas

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Map 3 (Angular Plane)



Keating Channel Precinct West

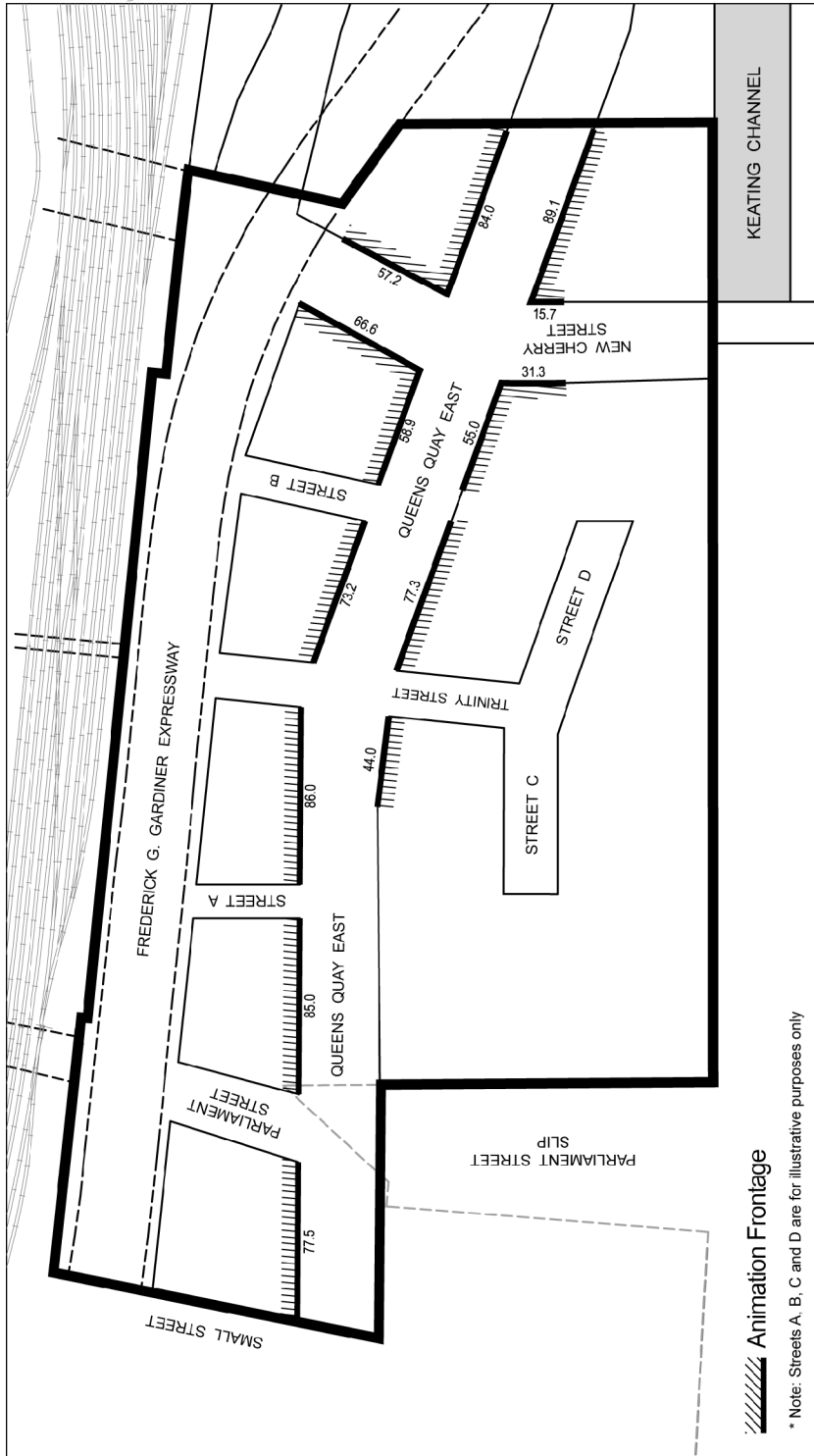
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Toronto City Planning
Map 3 Angular Plane



Not to Scale
06/03/2010

Map 4 (Ground Floor Animation Areas)



TORONTO City Planning
Map 4 Ground Floor Animation Areas

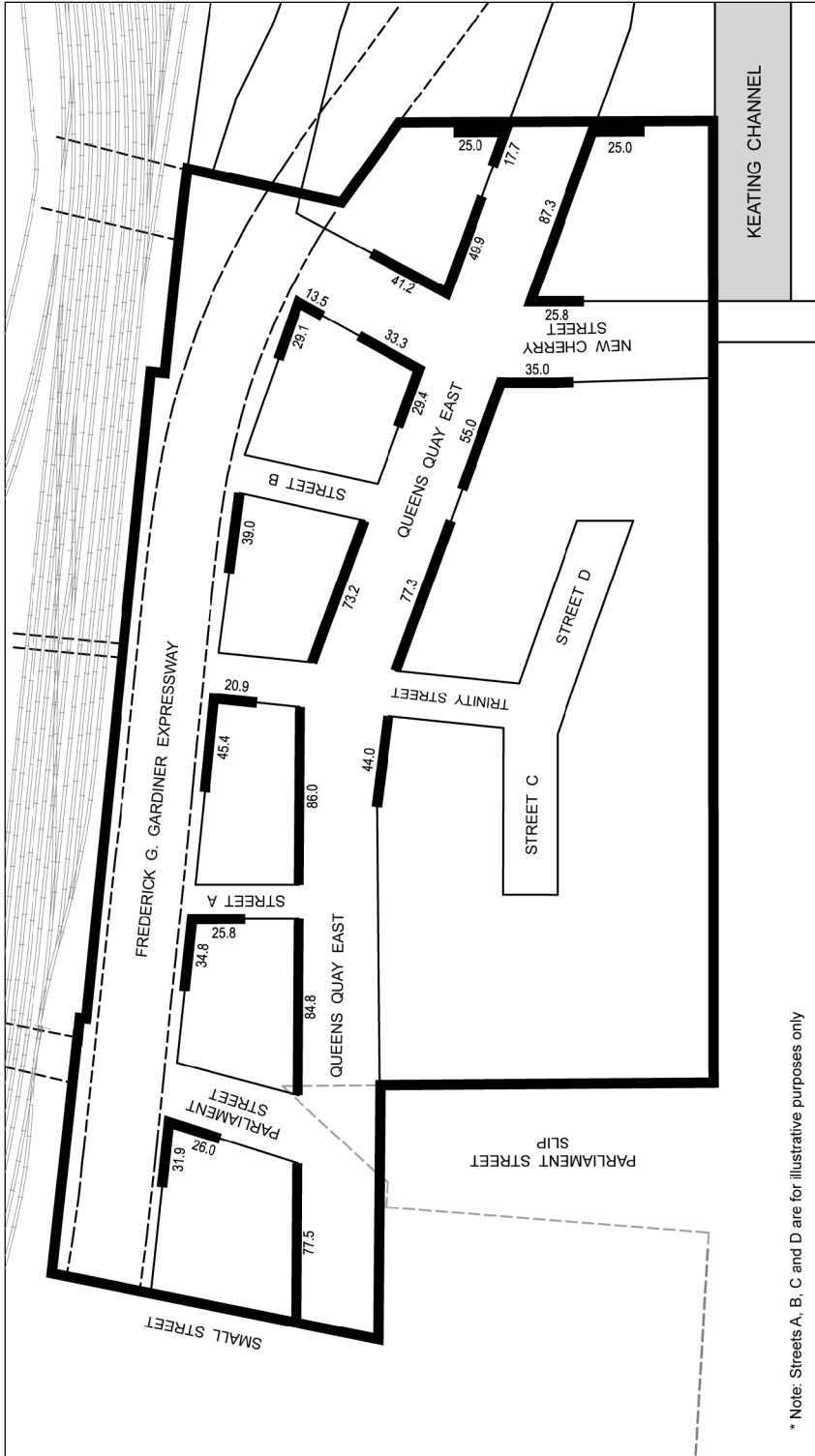
Keating Channel Precinct West

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Map 5 (Build to Lines)



Toronto City Planning
Map 5 Build To Lines

Keating Channel Precinct West

File # 10_117319

