

Authority: Toronto and East York Community Council Item TE20.7, adopted as amended, by City of Toronto Council on January 31, 2017

CITY OF TORONTO

BY-LAW 124-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 410, 440, 444, 450 and 462 Front Street West, 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue and 19 Draper Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this 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 the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.

3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
4. District Map 50G-321 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spaces 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 redesignating from "R3" to G the lands identified as G on Map 1 attached to and forming part of this By-law.
5. None of the provisions of Sections 2(1) with respect to the definition of *bicycle parking space-occupant*, *bicycle parking space-visitor*, *grade*, *height*, *lot*, *residential amenity space*, *restaurant*, *storey*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17), 7(1), 7(3)PART II, 8(1), 9(1), 12(2)132, 12(2)204, 12(2)246, 12(2)260, 12(2)270 and 12(2)380 of By-law 438-86, of the former City of Toronto, as amended being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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, shall apply to prevent the erection or use of buildings containing residential, commercial and office uses, a *commercial parking garage* and uses *accessory* to the foregoing uses on the *lot* provided that:
 - a. The *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law, excluding those lands labelled G;
 - b. The following uses are permitted on the *lot*:
 - i. residential and non-residential uses permitted by Section 7(1)(f) of By-law 438-86, as amended, which uses shall not be subject to the qualifications where indicated;
 - ii. *outdoor open air market*, *retail warehouse*, outdoor recreation uses, a *commercial parking garage*; and
 - iii. an outdoor patio where meals or refreshments or both may be served to patrons;
 - c. The combined total *gross floor area* of all buildings erected or used on the *lot* for residential and non-residential uses shall not exceed 289,000 square metres, provided:
 - i. the area of buildings occupied by residential uses does not exceed a gross floor area of 175,000 square metres; and
 - ii. the area of any uses operated in connection with an outdoor open air *market* are not included in the calculation of *gross floor area*;
 - d. The combined *gross floor area* of all *ground floor levels* contained in buildings on the *lot* shall not exceed a maximum of 17,350 square metres;

- e. No portion of any building erected above finished ground level on the *lot* is located other than wholly within the *building envelope* areas delineated on Maps 2, 3, 4, 5 and 6 attached to this By-law, with the exception of the following projections:
- i. lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, railings, privacy screens, planters, balustrades, bollards, stairs, escalators and associated enclosures, balconies, awnings, fences, underground garage ramps including associated enclosures and structures, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public art, bike share facilities, and outdoor recreation uses, band shells, ornamental or architectural features, landscape features, day nursery facilities and art installations;
 - ii. pedestrian bridges limited to a maximum height of 24.0 metres, measured between *grade* and the highest point of the bridge;
 - iii. covered walkways, architectural and ornamental canopies and similar structures, including related support structures; and
 - iv. the erection or use of the structures, elements and enclosures permitted by subsection 5 f. of this By-law;
- f. The *height* of each portion of a building or structure erected above *grade* on the *lot*, in respect of each *building envelope* area, shall have a maximum *height* in metres as shown following the symbol H on Maps 3, 4, 5 and 6 for the corresponding *building envelope* area, including roof top mechanical penthouses, except for the following projections:
- i. the erection or use of the structures, elements and enclosures permitted by subsection 5 e. of this By-law;
 - ii. elevators and related structures provided that:
 - A. Such projections are located on those portions of a building permitted above a height of 81 metres as shown on as shown on Maps 3, 4, 5 and 6;
 - B. Such projections are limited to a maximum vertical projection of 13.0 metres above the height limits specified by the numbers following the symbol H as shown on Maps 3, 4, 5 and 6; and
 - C. The horizontal area of each projection is not greater than 150 square metres;
 - iii. portions of a building used for indoor residential amenity space and/or a *club* operated as a gym, fitness centre or health club provided that:
 - A. Such projections are located on any portion of a building subject to a height limit of 26.3 metres and/or on any portion of a building

subject to a height limit of 36.3 metres, with such height limits as shown on Maps 3, 4 and 5; and

- B. Such projections are limited to a maximum vertical projection of 5.0 metres above the height limits shown on Maps 3, 4 and 5; and
- iv. the erection or use of structures on any roof used for outdoor *residential amenity space* or open air recreation, maintenance, safety, wind or green roof purposes, vestibules providing access to outdoor *residential amenity space*, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, structures and elements associated with green energy and renewable energy facilities, with all such projections limited to a maximum vertical projection of 6.0 metres above the height limit shown on maps 3, 4, 5 and 6;
- g. Notwithstanding any other provisions of this By-law, above a height of 36.3 metres, a minimum separation distance of 25 metres shall be provided between the main exterior walls of buildings located within Tower Zone 01 and Tower Zone 02 as shown on Maps 2, 4 and 5, and between any other portion of a building on the lot, excluding the projections permitted by subsection e. and f. (iii) above;
- h. Within the areas shown as Tower Zone 01 and Tower Zone 02 on Maps 2, 4 and 5, the following applies:
 - i. within Tower Zone 01, the maximum *gross floor area* of any *storey*, the floor level of which is more than 61.0 metres above *grade*, is 985.0 square metres; and
 - ii. within Tower Zone 02, the maximum *gross floor area* of any *storey*, the floor level of which is more than 67.0 metres above *grade*, is 985.0 square metres;

Residential Amenity Space

- i. *Residential amenity space* shall be provided and maintained as follows:
 - i. a minimum of 3.0 square metres of *residential amenity space* per *dwelling unit*, of which not less than 1.2 square metres per *dwelling unit* shall be provided as indoor *residential amenity space*;
 - ii. a minimum of 40 square metres of outdoor *residential amenity space* provided in a location accessible from indoor *residential amenity space*; and
 - iii. indoor residential amenity space may also include guest suites, where such suites may contain either a kitchen or a bathroom;

Parking

- j. A minimum of 0.4 *parking spaces* per *dwelling unit* shall be provided for residents;
- k. *Parking spaces* for all other uses within a building or structure shall be provided in accordance with the following table:

Parking Space Rates and Parking Space Occupancy Table

| Land Use | Minimum Parking Rate | Parking Occupancy Rate | | |
|--------------------------------|--|------------------------|-------------|-------------|
| | | AM | PM | Eve |
| Hotel | 0.2 <i>parking spaces</i> for each 100 square metres of <i>gross floor area</i> | 80 percent | 75 percent | 100 percent |
| Office | 0.35 <i>parking spaces</i> for each 100 square metres of <i>gross floor area</i> | 100 percent | 60 percent | 0 percent |
| All other non-residential uses | 1.00 <i>parking space</i> for each 100 square metres of <i>gross floor area</i> | 20 percent | 100 percent | 100 percent |
| Residential visitors | 0.1 <i>parking spaces</i> per <i>dwelling unit</i> | 10 percent | 35 percent | 100 percent |

- i. for the purpose of the table above, the *interior floor area* of that portion of a building used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas and storage areas below *grade*, *parking space*, loading space, or drive aisle used to access a *parking space* or loading space is not included in the *gross floor area* for the purpose of calculating *parking space* requirements.
- ii. notwithstanding the table above, no parking spaces are required for *day nursery* uses, *restaurants* and *take-out restaurants*, *outdoor open air market*, *data processing establishment*, *community centre* and *club* operated as a gym, fitness centre or health club; and
- iii. the minimum number of *parking spaces* as required in the table above is determined as follows:
 - A. For each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use, is calculated using the respective *parking space* rate and occupancy rate;
 - B. The minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period; and

- C. The minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period;
- l. For each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required for residents pursuant to subsection j. above may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of } \textit{dwelling units} \text{ on the } \textit{lot} \text{ divided by } 60)$, rounded down to the nearest whole number;
- m. For each 5 *bicycle parking spaces* provided in excess of the minimum number of *bicycle parking spaces* required by this By-law, the minimum number of resident *parking spaces* required pursuant to subsection j. above may be reduced by 1 *parking space*, up to a maximum reduction of 20 percent of the minimum that would otherwise be required pursuant to subsection j. above;
- n. The *parking spaces* required pursuant to subsection k. above may be provided on a non-exclusive basis and may be provided in a *commercial parking garage* on the *lot*;
- o. Parking spaces required by this By-law are to be provided in accordance with the requirements of subsections (i) and (k) of Section 4(5) of By-law 438-86, as amended;
- p. All *parking spaces* shall be located below *grade*;
- q. If the calculation of the required number of parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
- r. A room or enclosed area, including its enclosing walls within the building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas below grade, *parking space* or loading space, or a drive aisle used to access a *parking space* or a loading space, is not included in the *gross floor area* for the purpose of calculating *parking space* requirements;
- s. The requirements of Section 4(17) of By-law 438-86, as amended, shall apply with the exception that:
- i. up to a maximum of 15 percent of the total number of *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides in accordance with Section 4(17)(e) of By-law 438-86, as amended:
- A. Length – 5.6 metres;
- B. Width – 2.6 metres;
- C. Height – 2.0 metres; and

- ii. provided that the total number of parking spaces which are obstructed on two sides and provided with minimum dimensions in accordance with (i) above, is no more than 5 percent of the total number of provided parking spaces;

Loading

- t. Loading spaces shall be provided on the *lot* in accordance with the following:
- i. one *loading space – type G* shall be provided on the *lot*;
- ii. access to loading spaces may be provided by driveways and passageways having a maximum slope of up to 15 percent, provided the maximum permitted slope of a ramp or driveway within 6.0 metres of the limit of a *street* is 5 percent; and
- iii. loading for a *retail store, retail warehouse, restaurant, personal grooming establishment*, or establishment for the cleaning or care of apparel shall be provided as follows:

| Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such uses | Minimum Number of Loading Spaces Required |
|--|--|
| 0 to 499 square metres | None required |
| 500 to 1,999 square metres | 1 <i>loading space - type B</i> |
| 2,000 to 4,999 square metres | 2 <i>loading spaces - Type B</i> |
| 5,000 to 9,999 square metres | 3 <i>loading spaces - type B</i> |
| 10,000 to 19,999 square metres | 1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i> |
| 20,000 to 29,999 square metres | 1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i> and 1 <i>loading space - type C</i> |
| 30,000 square metres or greater | 1 <i>loading space - type A</i> and 3 <i>loading spaces - type B</i> and 1 <i>loading space - type C</i> |

- iv. loading for a grocery store or supermarket shall be provided as follows:

| Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such uses | Minimum Number of Loading Spaces Required |
|--|---|
| 0 to 499 square metres | None required |
| 500 to 999 square metres | 1 <i>loading space - type B</i> |
| 1,000 to 1,999 square metres | 1 <i>loading space - type A</i> |
| 2,000 to 4,999 square metres | 1 <i>loading space - type A</i> and 1 <i>loading space - type B</i> |
| 5,000 to 9,999 square metres | 1 <i>loading space - type A</i> and 2 <i>loading space - type B</i> |
| 10,000 to 19,999 square metres | 2 <i>loading space - type A</i> and 2 <i>loading space - type B</i> |

- v. loading for office uses shall be provided as follows:

| Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such use | Minimum Number of Loading Spaces Required |
|---|--|
| 0 to 499 square metres | None required |
| 500 to 999 square metres | 1 <i>loading space – type B</i> |
| 1,000 to 1,999 square metres | 1 <i>loading space – type B</i> and 1 <i>loading space – type C</i> |
| 2,000 to 3,999 square metres | 1 <i>loading space – type B</i> and 2 <i>loading spaces – type C</i> |
| 4,000 to 27,999 square metres | 2 <i>loading spaces – type B</i> and 2 <i>loading spaces – type C</i> |
| 28,000 to 51,999 square metres | 2 <i>loading spaces – type B</i> and 3 <i>loading spaces – type C</i> |
| 52,000 square metres or greater | A minimum of 2 <i>loading spaces – type B</i> and 3 <i>loading spaces – type C</i> |

- vi. loading for a *hotel* shall be provided as follows:

| Total <i>Gross Floor Area</i> on the <i>lot</i> devoted to such use | Minimum Number of Loading Spaces Required |
|---|---|
| 0 to 4,999 square metres | 1 <i>loading space – type B</i> |
| 5,000 to 9,999 square metres | 1 <i>loading space – type B</i> and 1 <i>loading space – type C</i> |
| 10,000 to 19,999 square metres | 2 <i>loading spaces – type B</i> and 1 <i>loading space – type C</i> |
| 20,000 to 49,999 square metres | 2 <i>loading spaces – type B</i> and 2 <i>loading spaces – type C</i> |
| 50,000 square metres or greater | A minimum of 1 <i>loading space – type A</i> , 1 <i>loading space – type B</i> and 2 <i>loading spaces – type C</i> |

- u. Notwithstanding the requirements of t. above:
- i. the loading space requirement for two or more of the following uses on the *lot*: office, *retail store*, *restaurant*, *take-out restaurant*, personal service shop or *hotel*, is the total of (A) and (B) below:
- A. The minimum number of required *loading spaces – type B* is the largest number of *loading spaces – type B* required for any one of the uses above, plus the *loading spaces – type B* required for all other non-residential uses on the *lot* not listed above; plus
- B. The minimum number of required *loading spaces – type C* is the largest number of *loading spaces – type C* required for any one of the uses listed above plus the *loading spaces – type C* required for all other non-residential uses on the *lot* that are not listed above; and
- ii. the requirement for a *loading space – type A* or a *loading space – type B* for non-residential uses on the *lot* is satisfied by the provision of a *loading space – type G*;

Bicycle Parking

- v. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- i. long term bicycle parking spaces are for use by the occupants or tenants of a building;
- ii. short term bicycle parking spaces are for use by visitors to a building;

- iii. for *dwelling units*: 0.9 bicycle parking spaces for each *dwelling unit*, allocated as long term bicycle parking spaces and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*;
- iv. for office uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for office uses allocated as long term *bicycle parking spaces* and 3 plus 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for office uses allocated as short term *bicycle parking spaces*; and
- v. for all other non-residential uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as *long term bicycle parking spaces* and 3 plus 0.3 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as *short term bicycle parking spaces*;

Definitions

- w. For the purpose of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended except that the following definitions shall apply:
 - i. "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
 - A. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - B. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - C. Notwithstanding A and B above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.45 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
 - ii. "*building envelope*" means a building envelope for each height area as shown by an H, and as delineated on Maps 2, 3, 4, 5 and 6 attached hereto;
 - iii. "*City*" means the City of Toronto;

- iv. "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;
- v. "*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
- vi. "*gas bar*" means a building or place where only automotive fuels are available which may include an electric vehicle charging station;
- vii. "*grade*" means the Canadian Geodetic Datum elevation of 85.0 metres;
- viii. "*gross floor area*" means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - A. *Parking spaces* and *loading spaces* below *grade*;
 - B. Required *loading spaces* at the ground level;
 - C. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - D. Facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces* and required shower and change facilities;
 - E. *Residential amenity space* up to a maximum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit* on the *lot*;
 - F. Elevator shafts, garbage shafts;
 - G. Mechanical penthouses;
 - H. Exit stairwells in the building or structure; and
 - I. *Interior floor area* occupied by a *day nursery* and uses *accessory* thereto;
- ix. "*ground floor level*" is the floor level of a building that is closest to *grade*;
- x. "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
- xi. "*interior floor area*" means the floor area of any part of a building measured to the interior side of a main wall, the centreline of an interior wall, or as measured to a line delineating the part being measured;

- xii. "*lot*" means at least the lands delineated by heavy lines shown on Map 1, excluding those lands labelled G;
 - xiii. "*outdoor open air market*" means portion of a *lot* where, goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include food sales, retail sales and other uses from containers, kiosks, tents, vehicles, tables or similar facilities, and such facilities are not buildings or structures;
 - xiv. "*residential amenity space*" means a common area or areas within a *lot* which are provided for the use of residents, visitors and guests of a building for recreational or social purposes and such areas may include guest suites; and
 - xv. "*restaurant*" shall have the same meaning provided in Section 2 of By-law 438-86, as amended, with the exception that the subsection (iv) shall be amended to permit a maximum of 12 percent of the *gross floor area* or 100 square metres, whichever is less to be used for one or more of the uses noted in subsection (iv) and subsection (v) does not apply.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
7. None of the provisions of Section 5(1) and 5(3)Part II of By-law 438-86, of the former City of Toronto, as amended being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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, shall apply to prevent the erection or use of a building, structures or trailers used for the purpose of a construction management office on the lands municipally known as 19 Draper Street in the year 2015 and identified as G on Map 1 to this By-law subject to the following:
- i. other than for trailers, no vehicle parking or vehicle access is permitted in connection with a construction management office.
8. Section 37 Provisions:
- a. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1, excluding the lands labelled G, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;

- b. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- c. The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on February 16, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- 1(a) The owner shall provide to the City:
- i. The construction, finishing, furnishing and equipping of a non-profit licensed child care facility within Building 4 (which may be relocated within the lands or lot for the remainder of the lease, subject to the approval of the Chief Planner and Executive Director, City Planning Division and the General Manager of Children's Services) to accommodate 57 children, including infants, toddlers and preschoolers, comprising of 613 square metres of interior space and a minimum of 192 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area with safe access to and from the underground garage;
 - ii. The entering into a lease agreement with the City for 99 years; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), property damage and local improvement charges;
 - iii. A letter of credit in the amount of \$4,000,000.00 will be provided to the City prior to the issuance of the first above grade building permit for non-residential uses in Building 4 to secure the child care facility pursuant to i. above, with such child care facility to be made available to the City within 12 months of residential occupancy of Building 4;
 - iv. A one-time cash contribution in the amount of \$150,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;
 - v. A one-time cash contribution in the amount of \$150,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation, to be paid prior to the child care facility being made available to the City;
 - vi. One parking space will be provided free-of-charge for the use of the supervisor of the child care facility. A parking pass will be provided for officials conducting inspections of the child care facility. An appropriate pick-up/drop-off facility will be identified through site plan approval;

- vii. Streetscape improvements on Wellington Street West, up to a maximum cost of \$4,500,000.00 substantially in accordance with the concept drawings prepared by Claude Cormier + Associates Inc., dated November 23, 2016, with the details to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor in connection with the master site plan in accordance with the following:
 - a. A letter of credit in the amount of \$2,800,000.00 shall be provided to the City prior to the first above-grade building permit for non-residential uses in the last of buildings 1, 2 or 3 to secure above base streetscape improvements on Wellington Street West adjacent the site with such improvements to be completed within 12 months of residential occupancy of the last of Buildings 1, 2 and 3;
 - b. A letter of credit in the amount of \$1,700,000.00 shall be provided to the City prior to the first above-grade building permit for non-residential uses in the last of buildings 1, 2 or 3 to secure streetscape improvements on Wellington Street West east of the subject site to Spadina Avenue (the "East Improvements") and west of the subject site to Draper Street (the "West Improvements") collectively the "Improvements" subject to the following:
 - i. The owner shall construct the Improvements as follows:
 - a. The West Improvements shall be completed within one year of the last residential occupancy of Buildings 1, 2 and 3; and
 - b. The East Improvements shall be completed the later of one year from June 30, 2023 and within one year of the last residential occupancy of Buildings 1, 2 and 3;
 - ii. Notwithstanding (i) above, if the City has not provided the lands required to allow the construction of the East Improvements free and clear of encumbrances, existing uses and structures prior to the later of June 30, 2023 and the last residential occupancy of buildings 1, 2 or 3, the owner at its sole discretion may elect to make a cash payment to the City in the amount of \$1,100,000.00 to be used for streetscape improvements in proximity to the site; and
 - iii. Notwithstanding (i) above, if the City has not provided the lands required the lands required to allow for the construction of the West Improvements free and clear of encumbrances, existing uses and structures prior to the later of June 30, 2023 and the last residential occupancy of Buildings 1, 2 or 3, the owner at its sole discretion may elect to make a cash payment to the City in the amount of \$600,000.00 to be used for streetscape improvements on in proximity to the site;

- viii. A cash contribution of \$1,000,000.00 toward construction of the YMCA facility to be constructed at 505 Richmond Street West;
- ix. The owner shall provide a contribution of \$900,000.00 to commission public art in a process in accordance with the City Planning's Public Art Program. A letter of credit in the amount of \$900,000.00 will be provided prior to the first above-grade building permit. Public art provided through this process will be provided on site within 12 months of the last residential occupancy;
- x. A letter of credit in the amount of \$220,000.00 shall be provided to the City prior to the above-grade building permit for the last of Buildings 1, 2 and 3 to secure street lighting associated with the streetscape improvements on Wellington Street West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Ward Councillor, with such street lighting to be completed in accordance with the streetscape improvements and timing set out in vii above, subject to obtaining Toronto Hydro approval;
- xi. A cash contribution of \$1,130,000.00 for streetscape improvements on Draper Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
- xii. A cash contribution of \$75,000.00 for a new crosswalk on Wellington Street West, to the satisfaction of the General Manager, Transportation Services Division;
- xiii. A cash contribution of \$500,000.00 for the provision of new affordable rental housing in Ward 20, to be directed to the Capital Revolving Fund for Affordable Housing;
- xiv. A cash contribution of \$500,000.00 toward the Toronto Community Housing (TCHC) revolving capital fund for repairs to TCHC housing in Ward 20;
- xv. The owner shall convey to the City two public pedestrian easements securing access to two publicly accessible private open spaces (POPS) having a total minimum area of 600 square metres, with each having a minimum area of 200 square metres, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, generally as shown on Map 2 of this By-law. The exact location and design and timing of delivery of the POPS to be determined in the context of the master site plan approval. The easement will acknowledge the use of the space as part of a large pedestrian area which will be animated with a variety of activities throughout the year, but which will remain open and accessible to the public and temporary commercial activities, buildings and structures shall be permitted;
- xvi. In the event the cash contributions referred to in 1 (viii), (xi) and (xii) above has not been used for the intended purpose within seven (7) years of this by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of

City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;

- xvii. The \$3,505,000.00 cash contribution referred to in 1(a), (iv), (v), (viii), (xi), (xii), (xiii) and (xiv) above are to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the introduction of Bills to the date of payment. All cash contributions, except for those noted above in 1(iv) and (v) will be payable prior to the first above grade building permit; and
 - xviii. The \$9,620,000 provided in letters of credit referred to in 1(a) (iii), (vii. a), (vii. b), (ix) and (x) are to be reviewed every three years and the owner will provide supplementary letters of credit to the City for any difference between the face value of the letter of credit and the current value as determined by the Statistics Canada Non-Residential Construction Price Index for Toronto.
- 1(b) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. Prior to the issuance of master Site Plan Approval, the owner shall have addressed the requirements for the removal of private trees on the site and adjacent the property as required by the City of Toronto Private Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated April 1, 2015;
 - ii. Detailed landscape and lighting plans will be submitted and approved through the master Site Plan approval process to realize the objective of creating a 'green link' on Wellington Street West to connect Clarence Square with Victoria Memorial Square. These plans will be subject to the approval of the Chief Planner and Executive Director, City Planning Division and the General Manger, Transportation Services;
 - iii. Obligations related to the maintenance of the streetscape improvements will be to the satisfaction of the Manager of Right-of Way Management, Transportation Services;
 - iv. Implementation of the recommendations in the noise and vibration study and certification by the owner's noise and vibration consultant confirming that the subject proposed building as shown on the final site plan drawings for each of the proposed buildings are designed and built in accordance with the recommendations of the study;
 - v. Wind tunnel testing as recommended in the Pedestrian Level Wind Conditions – Letter of Opinion prepared by RWDI will be completed and recommended mitigation measures be secured as a condition of final site plan approval;

- vi. A construction management plan will to be submitted prior to master site plan approval to the satisfaction of the Local Councillor, in consultation with the local community;
- vii. Prior to the issuance of the first above-grade building permit the owner shall enter into and register a 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge the lands municipally known as 19 Draper Street until such lands are conveyed to the City to the satisfaction of the General Manager of Parks, Forestry and Recreation which conveyance represent a portion of the owner's Section 42 on-site and off-site parkland dedication requirement respectively, with the remainder being provided in the form of the payment as referenced in 1(b) x below;
- viii. The lands municipally known as 19 Draper Street are to be conveyed as an on-site parkland dedication within 30 months of the issuance of the first non-residential above-grade permit for the later of Building 3 or 4;
- ix. The lands municipally known as 456 Wellington Street West are to be secured through an Escrow Agreement prior to the execution of the Section 37 Agreement and released to the City as an off-site parkland dedication no later than September 1, 2022, or to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- x. Any remaining parkland dedication requirement not fulfilled through the required on-site and off-site land conveyances as set out under 1(b) viii and ix above shall be satisfied through a cash-in-lieu of parkland payment, of two million dollars (\$2,000,000.00) where the owner shall provide a letter of credit to secure such payment prior to the first above-grade building permit for the later of Building 3 or 4 and the parties acknowledge that these funds will be directed towards the Above Base Park Improvements of the park at 456 Wellington Street West to the satisfaction of the General Manager of Parks, Forestry and Recreation. with the remainder of any required funding for the Above Base Park Improvements to the Draper Park if the development charge credits available are insufficient for such improvements or if such remaining funds are not required to complete such above Base Improvements to Draper Park such funds may be allocated to other parks in the vicinity as otherwise determined by the General Manager of Parks, Forestry and Recreation. This satisfies the parkland dedication for the development before Council;
- xi. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements for the Draper Park that are not part of the contributions and credits identified in 1(b) x above, to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the eligible component of the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and set out in a further agreement with the City including financial

securities, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time;

- xii. The owner shall provide dwelling units having at least three bedrooms distributed throughout the site as follows:
 - a. a minimum ten percent (10 percent) of the total number of dwelling units within Buildings 1, 2 and 6 shall have at least three bedrooms; and
 - b. a minimum ten percent (10 percent) of the total number of dwelling units within buildings 3, 4 and 5 shall have at least three bedrooms;
- xiii. The owner shall obtain above-grade building permit(s) for at least 65,000 square metres of non-residential gross floor area for office and ancillary non-residential purposes and have commenced construction, prior to the issuance of an Above-Grade Building Permit for the residential portion of Building 6;
- xiv. Up to three below-grade knock-out panels shall be provided within the development adjacent to Front Street West and/or Spadina Avenue, to facilitate connections to a potential transit station, in a location to be determined in the context of site plan approval to the satisfaction of the Chief Planner;
- xv. The owner shall construct the following watermain upgrades to service the development prior to the issuance of the first above-grade building permit for any building fronting Wellington Street West (Buildings 1, 2 and 3):
 - a. a new 300 millimetre watermain within the Wellington Street West right-of-way, between Spadina Avenue and Draper Street;

In the event the following watermain upgrades are not completed by the City in a timeframe which allows the owners to obtain building permits for Buildings 1, 2 and 3, the owner may complete this work on behalf of the City to the satisfaction of the Executive Director, Engineering & Construction Services and in compliance with the City's standards for watermain design and construction;

- b. a new 300 millimetre watermain on the west side of Spadina Avenue, between Wellington Street West and Clarence Square; and
- c. a new 300 millimetre watermain crossing Spadina Avenue to connect to the 300 millimetre watermain on the east side of Spadina Avenue at Clarence Square;

If the owner enters into a further agreement to construct the watermain upgrades noted in 1(b) xvi b and 1 (b) xvi c above to the satisfaction of the Executive Director, Engineering & Construction Services, Council authorizes the granting of a development charges credit to the owner, which shall be in an amount that is the lesser of:

- i. Eighty four (84 percent) of the cost to the owner of constructing the watermain as approved by the Executive Director, Engineering and Construction Services;
- ii. Eighty four (84 percent) of the cost of construction of the watermain based on the City's sewer and watermain design criteria and unit costs at the time of construction;
- iii. The water component of the development charges payable for the project;

Council authorizes Toronto Water to pay for the remaining 16 percent of the cost to the owner from the approved 2017 Capital Budget and 2018-2026 Capital Plan, which shall be in an amount that is the lesser of:

- iv. the cost to the owner of constructing the watermain, as approved by the Executive Director, Engineering and Construction; and
- v. the cost of construction of the watermain based on the City's sewer and watermain design criteria and unit costs at the time of construction;
- xvi. The owner shall complete the following works as identified in the Transportation Considerations Report and Supplementary Study updated (June 25, 2015) prepared by BA Group, subject to the approval of the General Manager, Transportation Services. The details and timing of the following works will be secured as part of master site plan approval:
 - a. Changes to the lane configuration at the Spadina Avenue and Front Street West intersection;
 - b. A new traffic control signal at the main site access driveway on Front Street West;
 - c. A new pedestrian mid-block traffic control signal on Wellington Street West (if warranted) as outlined in 1(a) xii above;
 - d. A series of parking lay-by areas on Wellington Street and Front Street West which are intended for use as parking and pick-up and drop-off purposes, subject to Site Plan approval; and
 - e. Shared vehicular/bike lanes along Wellington Street, between Portland Street and Spadina Avenue;

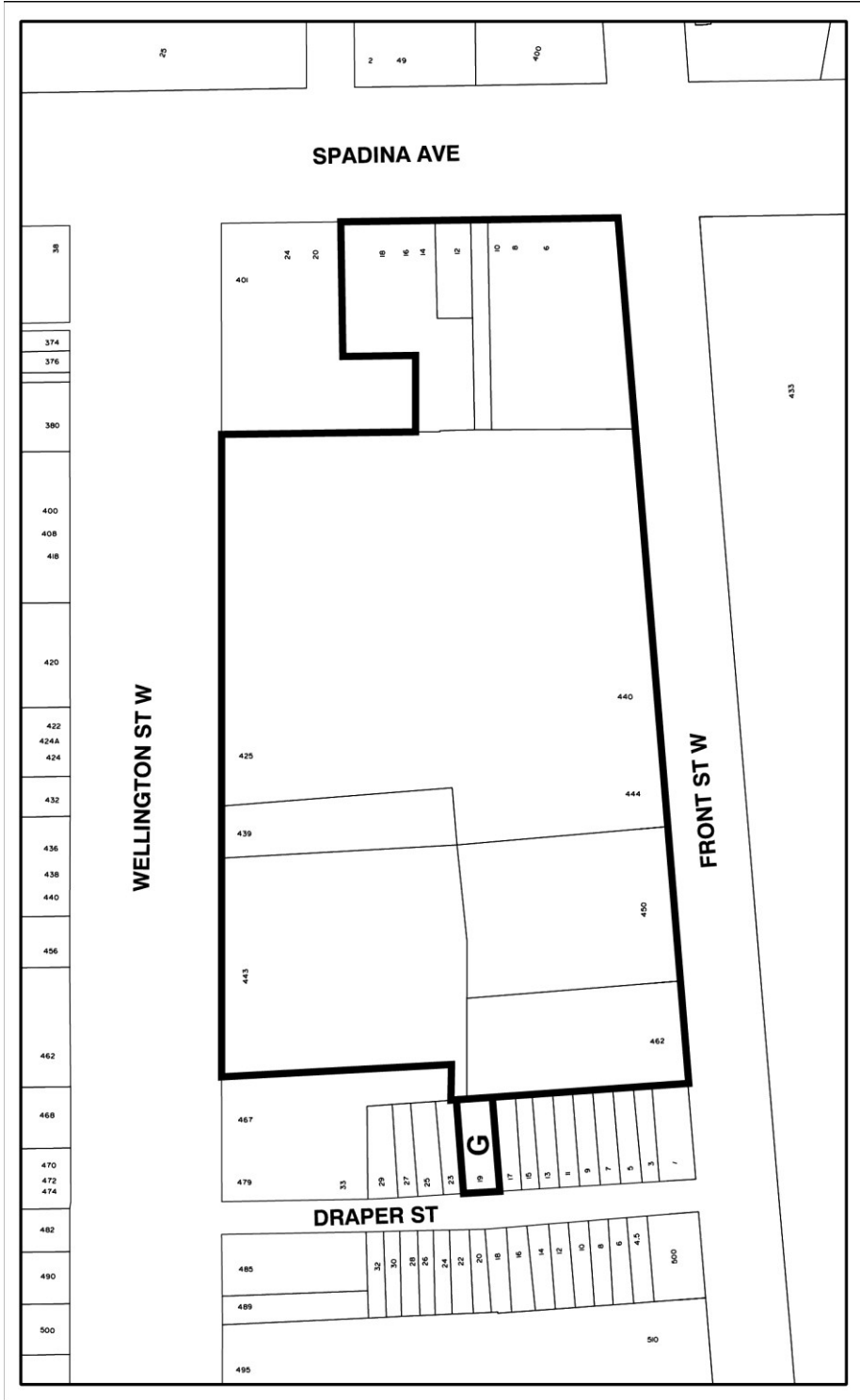
Prior to site plan approval, the owner shall post such financial security as may be required by the General Manager, Transportation Services, for the above noted works.

Prior to site plan approval, the owner shall be responsible for making a one-time payment to the City for the future maintenance costs of the traffic control signals.

- xvii. The owner agrees that the following Union Station Rail Corridor specific warning clause will be included in offers to purchases and agreements of purchase and sale or lease for all residential units within 300 metres of the rail corridor:

Warning: Metrolinx owns and, through Metrolinx's GO Transit Division, operates the Union Station Railway Corridor ("USRC"), the busiest rail corridor in Canada, adjacent to or within close proximity to the subject lands. The USRC is operated on a continuous basis, 24 hours a day every day of the year. Said operations include: the operation and idling of diesel locomotives that generate diesel fumes and odours; artificial lighting of the USRC which may illuminate the sky; the loading, unloading and switching of passenger rail cars; and the operation of various processes for the maintenance of rail equipment. Noise and vibration originating from a number of different sources, including normal train movements (including bells and whistles), train idling, rail corridor construction, and snow removal (including switch blowers) activities will emanate from the USRC. This warning may be relied upon by Metrolinx and its successors and assigns and any specific successors or assigns of Metrolinx's interests referred to in this warning clause; and

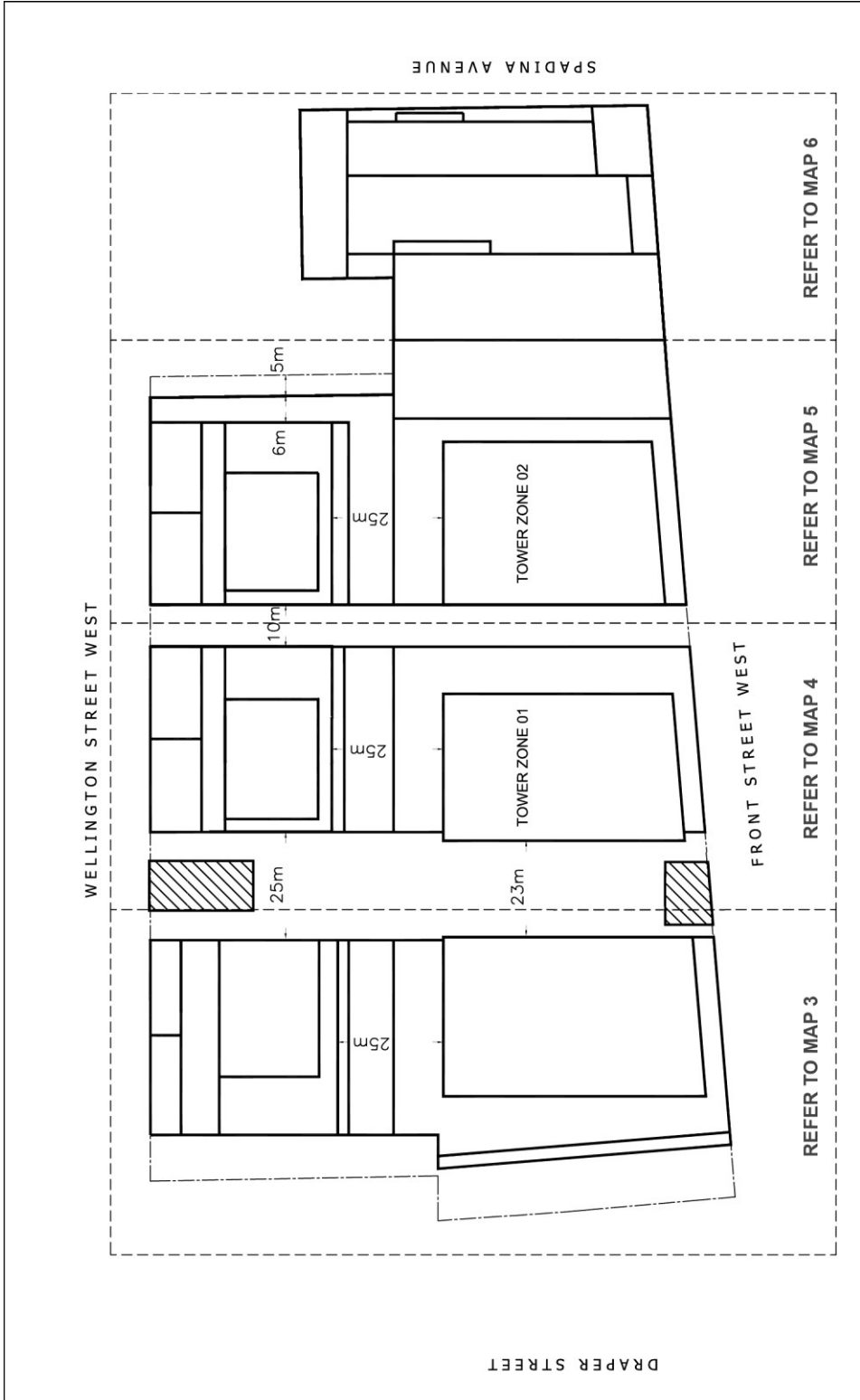
- xviii. At the time of the submission of the first phase of site plan approval, submit updated Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Design Guidelines will be brought forward for the approval of Council subsequent to the approval of the zoning by-law for the site.



Toronto
Map 1

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

City of Toronto By-Law 438-86
Not to Scale
12/22/2016

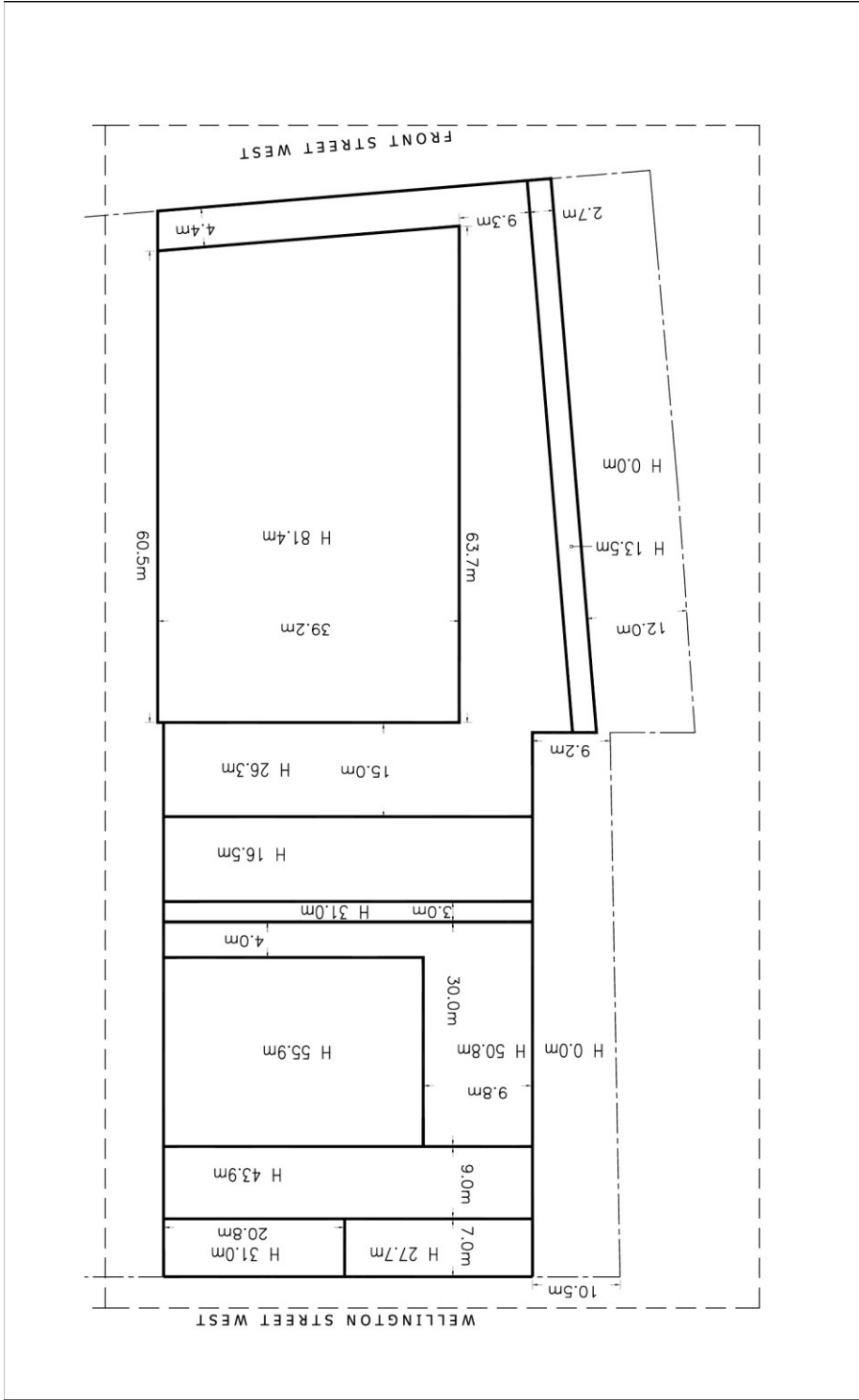


440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

 General location of lands
subject to POPS easements

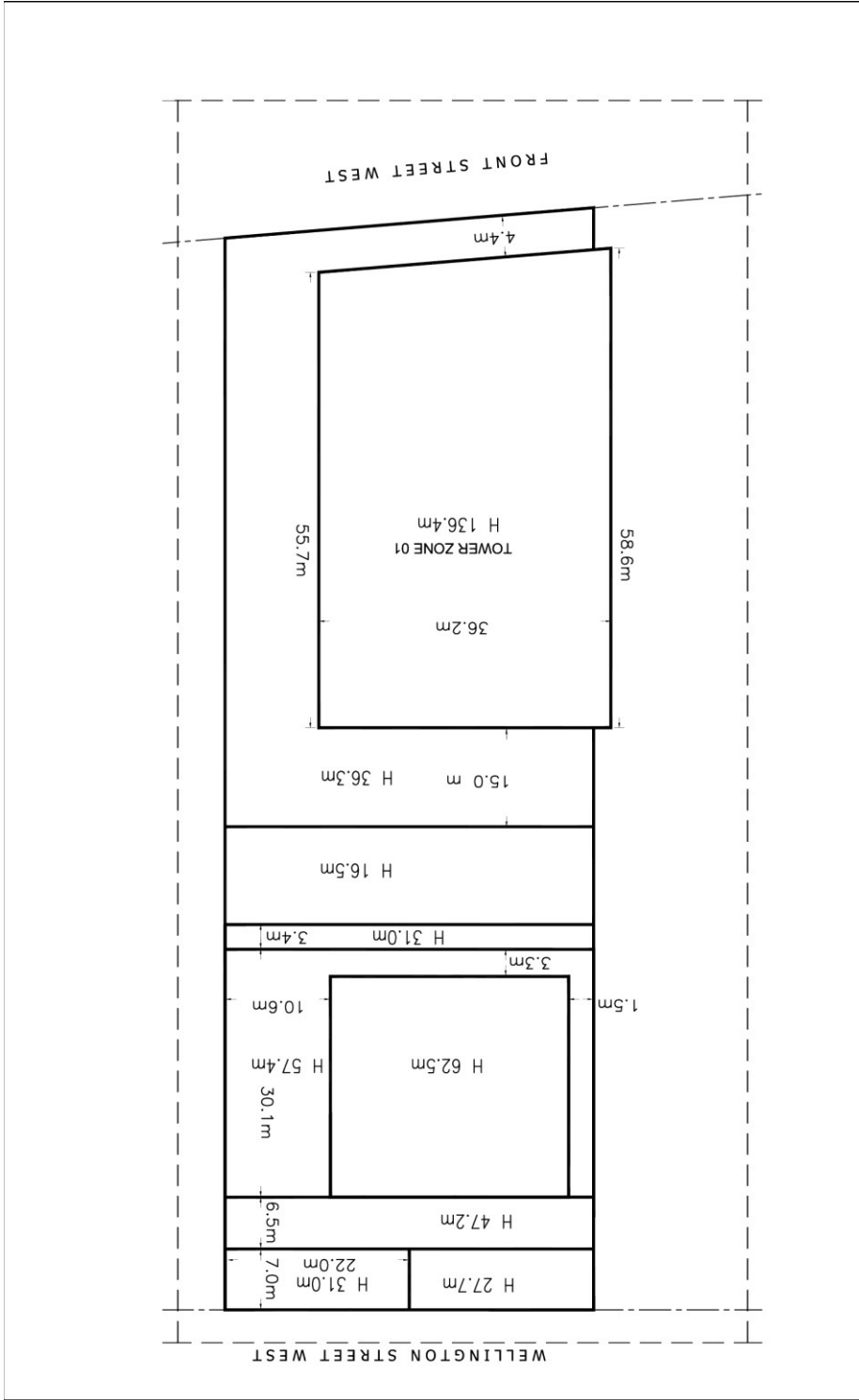
City of Toronto By-law 438-86
Not to Scale
01/27/2017





440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

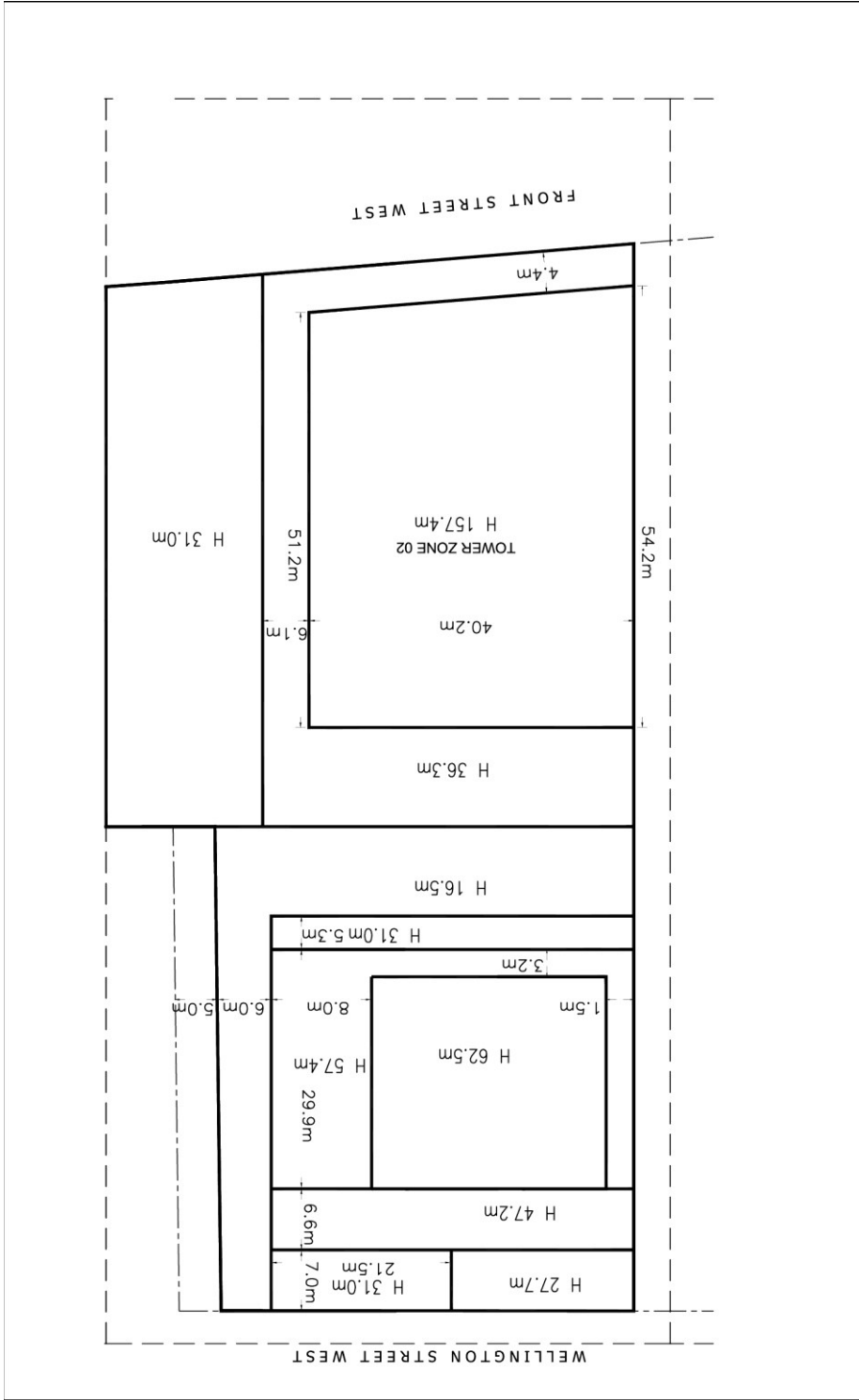
City of Toronto By-Law 438-86
Not to Scale
01/27/2017



 **Toronto**
Map 4

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

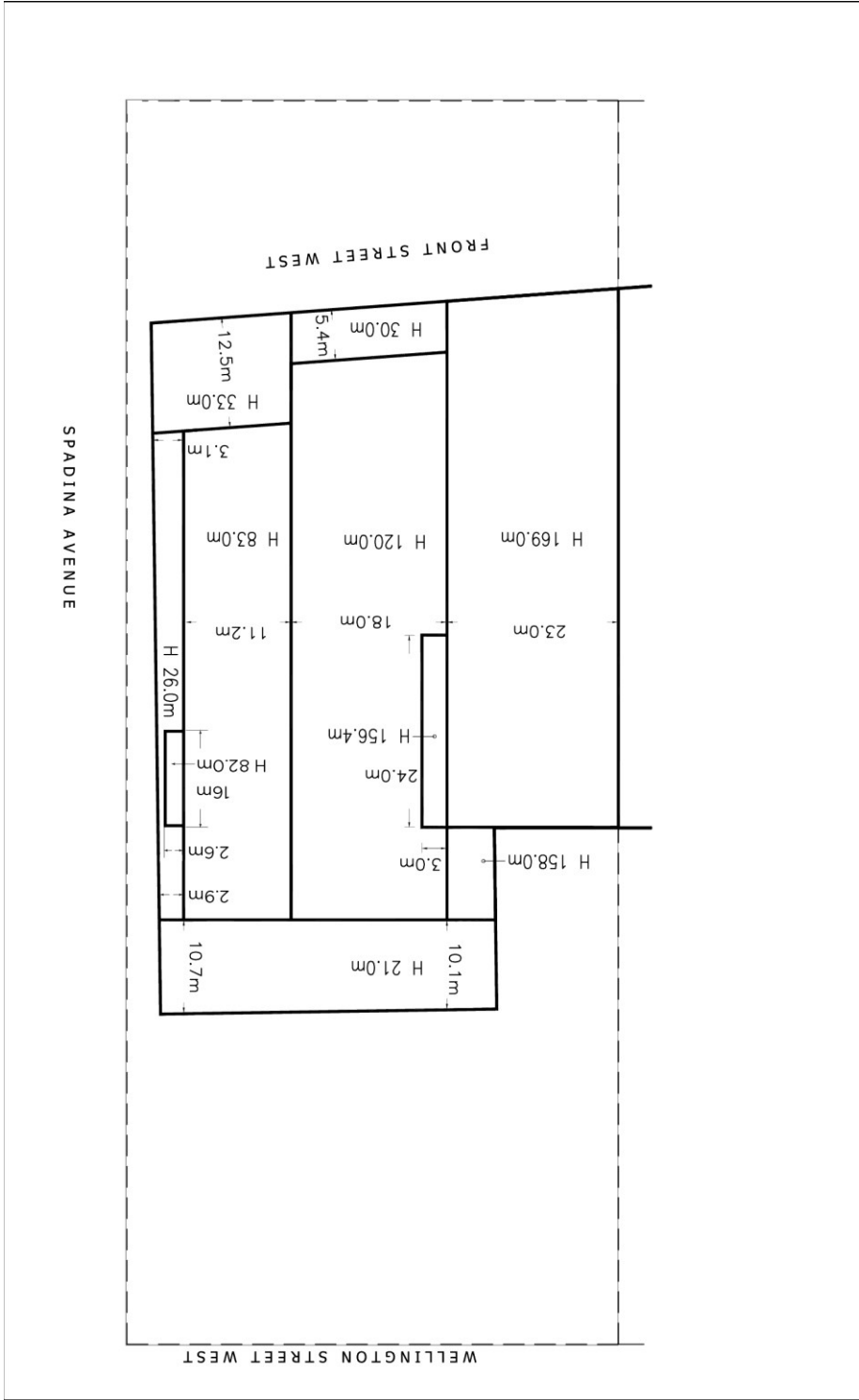
 City of Toronto By-Law 438-86
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12/22/2016



Toronto
Map 5

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

City of Toronto By-Law 438-86
Not to Scale
12/22/2016



Toronto
Map 6

440, 444, 450 & 462 Front Street West, 425, 439, 441 & 443 Wellington Street,
6-18 Spadina Avenue and 19 Draper Street
File # 14 116571 STE 20 0Z

City of Toronto By-Law 438-86
Not to Scale
12/22/2016