

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 125-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2015 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 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 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*, authorize increases in the height or 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 569-2013, 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; and

Whereas Council of the City of Toronto, at its meeting on January 31, 2017, determined to amend the Zoning By-law 569-2013 for the City of Toronto with respect to lands known municipally in the year 2015 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands municipally known in the

year 2015 as 19 Draper Street, 410, 440, 444, 450 and 462 Front Street West 425, 439, 441 and 443 Wellington Street West and 6 to 18 Spadina Avenue, as outlined in heavy black line to CRE(x10) and OR(x4), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West, to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Overlay label to these lands: PA1, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 23.0, HT 30.0, HT 39.0 and HT 61.0 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West, to the Lot Coverage Overlay Map in Section 995.10.1.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2015 as 6 to 18 Spadina Avenue, 410, 440 and 444 Front Street West and 425 Wellington Street West to the Rooming House Overlay Map in Section 995.40.1, and applying the label B3, as shown on Diagram 5 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception Number (10):

Exception CRE 10

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- A. On 410, 440, 444, 450 and 462 Front Street West; 425, 439, 441 and 443 Wellington Street West and 6-18 Spadina Avenue, shown as CRE (x10) on Diagram 2 to By-law 125-2017, none of the provisions of 5.10.40.70.(1) to (4), 50.5.40.60(1), 50.10.20.100(1), (5), (19), (26), (27), (28), (31)(A)(C)(D) and (39), 50.10.40.1, 50.10.40.30(1), 50.10.50.10, 50.10.80.10(1), 50.10.90.10(1), 50.10.90.40(3), 50.10.100.10(1)(B), 150.45, 150.48, 200.10.1(2), 200.15.1.5(1), 230.5.1.10(9) and 230.50.1.20 (1) and (2)(D) and Section 600.10 apply to prevent the erection or use of **buildings** or **structures** on the lands if in compliance with regulations (B) to (CC) below and Section 10 and Schedule A of By-law 125-2017;
- B. In addition to the uses permitted by Regulation 50.10.20.10(1), **public parking** and outdoor open air markets are permitted;

- C. Outdoor open air markets may provide retail sales, food sales and other uses from kiosks, tents, vehicles, tables and such facilities are not **buildings** or **structures**;
- D. Despite regulation 50.10.20.20(1) (A), the outdoor sale or display of goods or commodities is not subject to regulation 50.10.20.100(41) (C);
- E. For the purposes of this exception, a bicycle services and repair shop is not a vehicle repair shop;
- F. Despite regulation 50.10.20.100(23) a **vehicle fuel station** operated as an electric **vehicle** charging station is not subject to regulation 150.92;
- G. **Parking spaces** must be located below a Canadian Geodetic Datum elevation of 85.0 metres;
- H. An **outdoor patio** is not subject to regulation 50.10.20.100(21), provided it is set back a minimum of 15.0 metres from a **lot** in a Residential Zone category;
- I. Despite the definition of an **outdoor patio** pursuant to regulation 800.50(525), an **outdoor patio** may include an outdoor patron area that is a non-residential use or **ancillary** to a non-residential use;
- J. Despite regulation 50.10.20.100(22) provided no more than a maximum of 6 vehicles are displayed outside which may or may not be in connection with **vehicle dealerships**, only regulations 150.90.20.1 (1) and (2)(B) and (C)(i) and (ii) apply;
- K. Despite regulation 50.10.20.100(22), a vehicle dealership or portion thereof operated as a car share organization is not subject to regulation 150.90;
- L. Despite regulation 50.10.20.100(25), if a **vehicle washing establishment** is located with a portion of a **building** located below a Canadian Geodetic Datum elevation of 85.0 metres, the provisions of regulation 150.96 do not apply;
- M. Despite regulations 50.10.20.100(32) and 150.100.20.1(1)(A), a maximum of 12 percent of the total **interior floor area** of an **eating establishment**, to a maximum of 100 square metres is permitted to be used for the uses noted as 150.100.20.1 (1)(A) (i) to (vii) provided the primary use of the **premises** is maintained as an **eating establishment**;
- N. The total **gross floor area** of all **buildings** and **structures** must not exceed 289,000 square metres, of which:
 - i. **buildings** and **structures** or portions thereof, occupied by residential uses must not exceed a **gross floor area** of 175,000 square metres;
- O. The combined **gross floor area** of all ground floor levels contained in **buildings** on the lands subject to this Exception must not exceed a maximum of

17,350 square metres, where the ground floor level is the floor level of a **building** that is closest to the Canadian Geodetic Datum elevation of 85.0 metres;

- P. In addition to the provisions of regulation 50.5.40.40, the following areas of a **building** are also not included in the calculation of **gross floor area**:
- i. indoor **amenity space** up to a maximum of 2 square metres of indoor **amenity space per dwelling unit**;
 - ii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below the Canadian Geodetic Datum of 85.0 metres;
 - iii. the areas of any use operated in connection with an outdoor open air market; and
 - iv. interior floor area occupied by a day nursery and uses ancillary thereto;
- Q. Despite all of regulations 50.10.40.60, 50.10.40.70 and 50.10.40.80 no portion of any **building** or **structure** above-ground is located other than wholly within the areas delineated by heavy lines on Diagrams 6 to 10 of By-law 125-2017 with the exception of the following:
- i. lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, railings, privacy screens, planters, balustrades, bollards, stairs, escalators and related enclosures, balconies, awnings, fences, underground garage ramps and associated **structures**, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public art, bike share facilities, outdoor **recreation uses**, band shells, ornamental or architectural features, landscape features, **day nursery** facilities and art installations;
 - ii. pedestrian bridges subject to a maximum height of 24.0 metres, measured between the Canadian Geodetic Datum elevation of 85.0 metres and the highest point of the bridge;
 - iii. covered walkways, architectural and ornamental canopies and similar structures, including related support structures; and
 - iv. **structures**, elements and enclosures permitted by regulation (R) below;
- R. Despite all of regulations 50.5.40.10 and 50.10.40.10(1), the height of each portion of a building or structure, is measured as the vertical distance between Canadian Geodetic Datum elevation of 85.0 metres and the highest point of the building or structure, and must not exceed the height in metres as specified by the numbers following the symbol H as shown on Diagrams 7 to 10 to By-law 125-2017 except for the following projections:
- i. **structures**, elements and enclosures permitted by regulation (Q) above;

- 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 Diagrams 7, 8, 9 and 10 of By-law 125-2017;
 - 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 Diagrams 7, 8, 9 and 10 of By-law 125-2017; and
 - c. The horizontal area of each such projection is not greater than 150 square metres;
 - iii. portions of a **building** used for indoor **amenity space** and or a **recreation use** operated as a gym, fitness centre or health club provided that:
 - a. Such projections are located on those portions of a building subject to a height limit of 26.3 metres and/or 36.3 metres as shown on Diagrams 7, 8 and 9 of By-law 125-2017; and
 - b. Such projections are limited to a maximum vertical projection of 5.0 metres above the permitted **building** heights shown on Diagrams 7, 8 and 9 of By-law 125-2017 and the provisions of regulation (S) do not apply;
 - iv. the erection or use of **structures** on any roof used for outdoor **amenity space** or open air recreation, maintenance, safety, wind or green roof purposes, vestibules providing access to outdoor 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. Such projections are limited to a maximum vertical projection of 6.0 metres above the permitted **building** heights shown on Diagrams 7, 8, 9 and 10 of By-law 125-2017;
- S. Despite any other provision of this Exception, above a height of 36.3 metres as measured in accordance with regulation (R) above, a minimum separation distance of 25 metres must be provided between the **main walls** of buildings located within Tower Zone 01 and Tower Zone 02, as shown on Diagrams 8 and 9 and between any other **structure** on the lands, excluding the **structures** and elements permitted by subsection (Q) and (R) (iii) above;
- T. Within the areas shown as Tower Zone 01 and Tower Zone 02 on Diagrams 8 and 9, the follow 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 the Canadian Geodetic Datum elevation of 85.0 metres, 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 the Canadian Geodetic Datum elevation of 85.0 metres, is 985.0 square metres;
- U. Despite regulation 50.10.40.50, **amenity space** must be provided in accordance with the following:
- i. a minimum of 3.0 square metres of **amenity space** per **dwelling unit** must be provided, of which, not less than 1.2 square metres per **dwelling unit** must be provided as indoor **amenity space**;
 - ii. a minimum of 40 square metres of outdoor **amenity space** provided in a location directly accessible from an area containing indoor **amenity space**;
 - iii. indoor amenity space may include guest suites where such suites may contain either a kitchen or a bathroom; and
 - iv. **amenity space** must be available for use by the occupants of a **building** for recreational or social activities and may also be available for use by visitors and guests to a **building**;
- V. Despite regulations 200.5.10.1(1), (4) and (6), **parking spaces** must be provided in accordance with the following:
- i. a minimum of 0.4 **parking spaces** per **dwelling unit** must be provided for residents;
 - ii. **parking spaces** for all other uses within a **building** or **structure** must be provided in accordance with the following minimums, where parking period AM means 6 a.m. to noon, PM means noon to 6 p.m and Eve. means 6 p.m. to 6 a.m.
 - a. Hotel: 0.2 **parking spaces** for each 100 square metres of **gross floor area** in accordance with the following parking occupancy rates of AM:80 percent, PM:75 percent and EVE:100 percent;
 - b. Office 0.35 **parking spaces** for each 100 square metres of **gross floor area** in accordance with the following parking occupancy rates of AM:100 percent, PM:60 percent and EVE:0 percent;
 - c. All other non-residential uses: 1.0 **parking spaces** for each 100 square metres of **gross floor area** in accordance with the following parking occupancy rates of AM:20 percent, PM:100 percent and EVE:100 percent; and
 - d. Residential visitors: 0.1 parking spaces per dwelling unit in accordance with the following parking occupancy rates of AM:10 percent, PM:35 percent and EVE:100 percent;

- iii. for the purpose of (ii) above, **gross floor area** is to be calculated in accordance with regulation 200.5.1.10(11);
- iv. despite subsection (ii) above, no parking spaces are required for a **day nursery, eating establishment, take-out eating establishment**, uses within an outdoor open air market, **software development and processing facility, recreation use** operated as gym, fitness centre or health club and a **community centre**;
- v. the minimum number of **parking spaces** as required pursuant to (ii) above is determined as follows:
 - a. For each of the AM, PM and EVE parking periods identified, 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;
- W. For each car-share **parking space** provided, the minimum number of **parking spaces** for residents required pursuant to regulation (V) (i) above may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula: $4 \times (\text{the total number of dwelling units on the lands divided by } 60)$, rounded down to the nearest whole number;
- X. For the purpose of this Exception:
 - i. car-share means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
 - ii. a car-share **parking space** means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
- Y. Despite regulation 50.5.80.1, the **parking spaces** required by regulation (V)(ii) above may be provided on a non-exclusive basis and may be provided within a **public parking** use on the **lot**;
- Z. Despite regulation 200.5.1.10(2):
 - i. a maximum of 15 percent of the total number of **parking spaces** provided do not have to comply with regulation 200.5.1.10(2)(A)(iv), despite that

such **parking spaces** are obstructed in accordance with regulation 200.5.1.10(2)(D); and

- ii. provided, the total number of **parking spaces** obstructed on two sides in accordance with 200.5.1.10(2)(D) does not exceed 5 percent of the total number of provided **parking spaces**;
- AA. Despite regulation 220.5.20.1(2), the maximum permitted slope of a ramp or driveway leading to a loading space is 15 percent, except the maximum permitted slope of the portion of a ramp or driveway within 6 metres of the limit of a street is 5 percent;
- BB. Despite regulation 230.5.1.10(4)(A)(ii), if a **stacked bicycle parking space** is provided, the minimum width for each **bicycle parking space** is 0.45 metres; and
- CC. Despite any existing or future severance, partition or division of the lands shown as CRE (x10) on Diagram 2 of By-law 125-2017 the provisions of this Exception and By-law 569-2013, shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number (4):

Exception OR (4)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- A. On the lands known municipally as 19 Draper Street in the year 2015, identified as OR(x4) on Diagram 2 to By-law 125-2017, in addition to the uses permitted under regulation 90.30.20.10, and despite any regulations of By-law 569-2013, as amended, to the contrary, a construction management office is also a permitted use;
- B. Regulation 90.30.40.70 does not apply to a building, structure or trailer used for the purpose of a construction management office; and
- C. Other than a trailer, no vehicle parking or vehicular access is permitted in connection with a construction management office.

Prevailing By-laws and Prevailing Sections: (None Apply)

10. 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 as CRE (x10) on Diagram 2 of this By-law, 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 and density pursuant to Exception CRE 10 of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law 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 and density of the proposed development on the lands shown as CRE (x10) on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to 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 the 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 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 Diagram 6 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(a). (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(a) (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 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 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) xv b and 1(b) xv c above to the satisfaction of the Executive Director, Engineering & Construction Services, Council hereby 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.

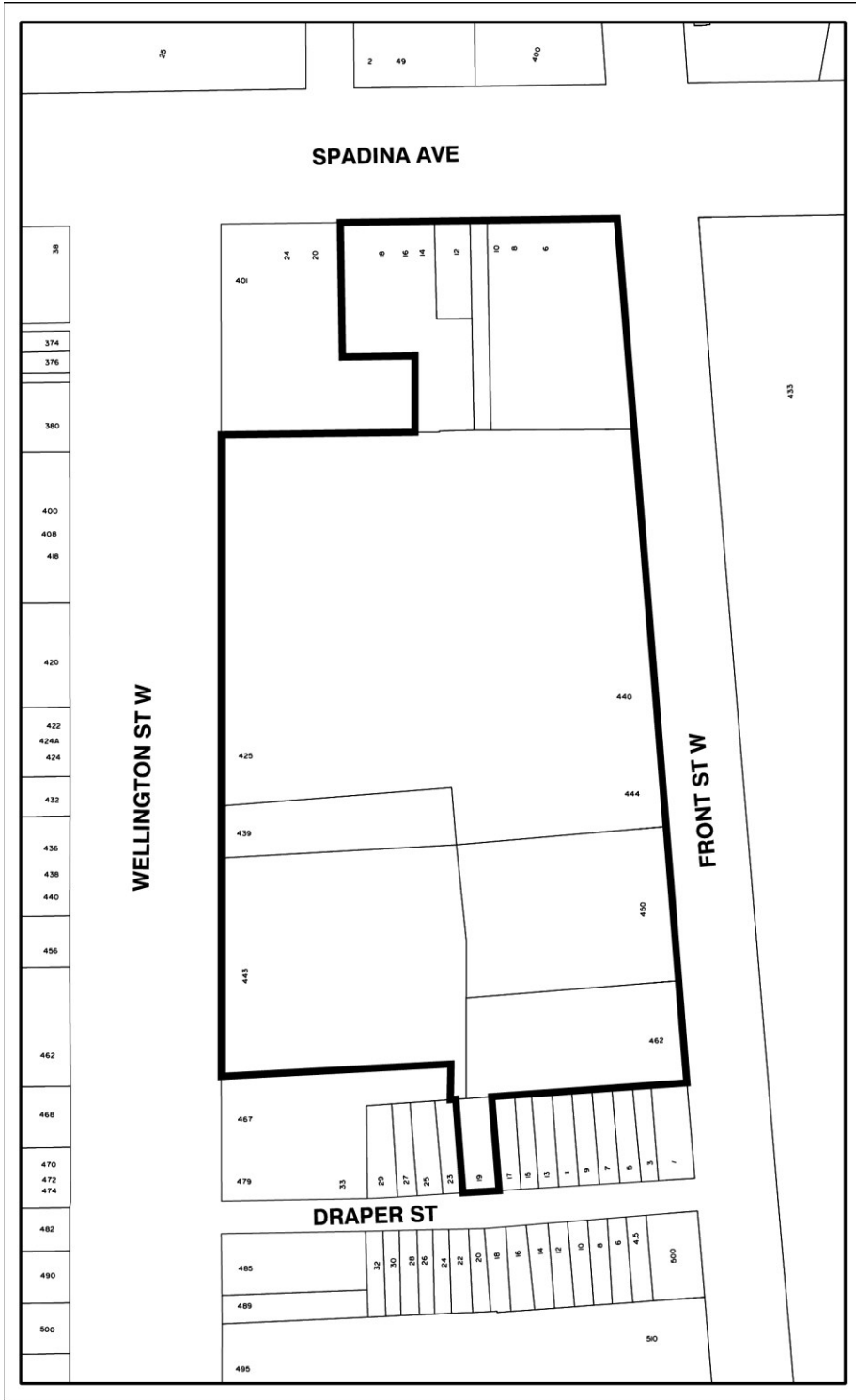
Prior to site plan approval, the owner shall post such financial security as may be required by the General Manager, Transportation Services, for the above noted works.

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.

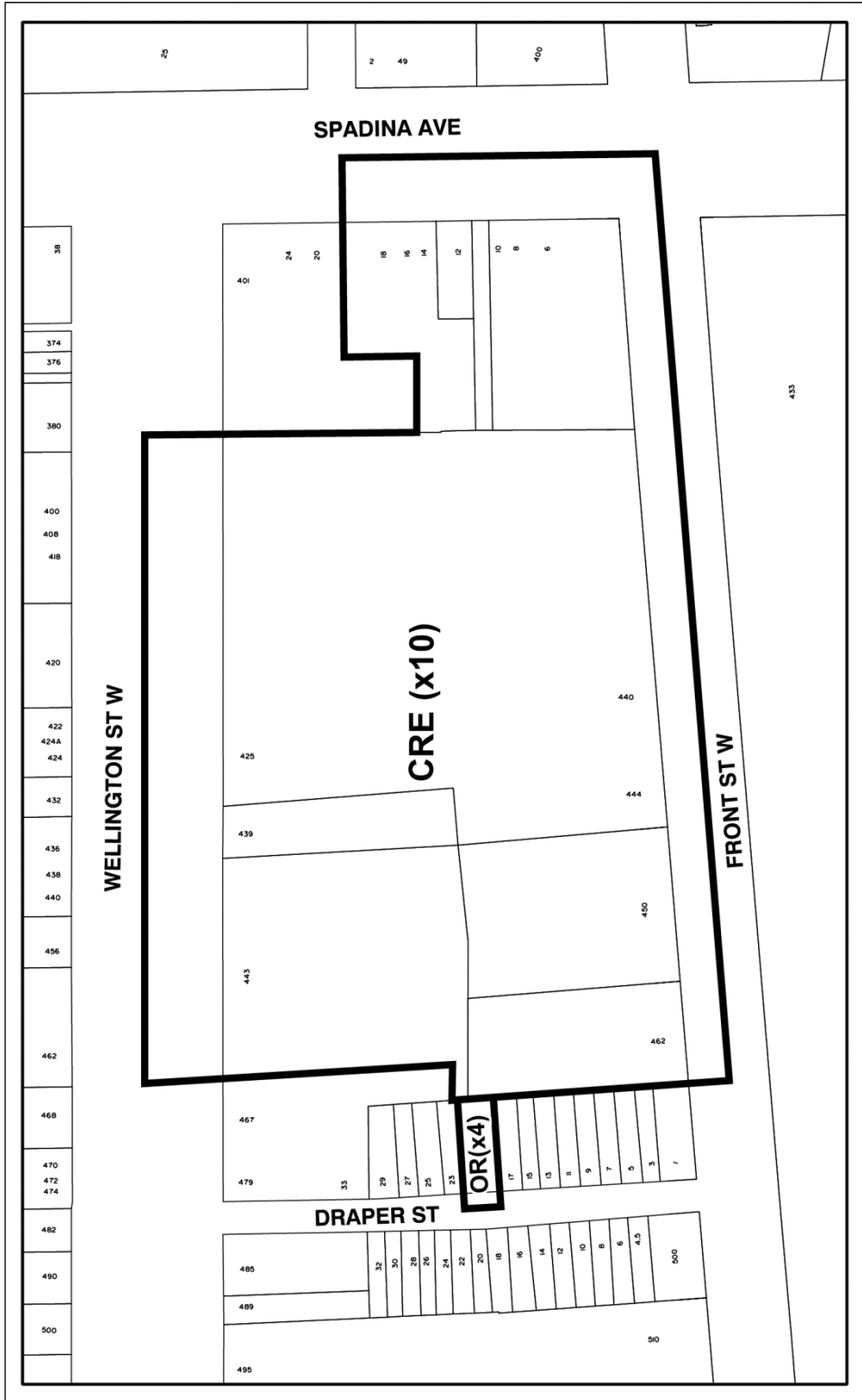
- xviii. At the time of the submission of the first phase of site plan approval, submit updated Urban Design Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The Design Guidelines will be brought forward for the approval of Council subsequent to the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



Toronto
Diagram 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

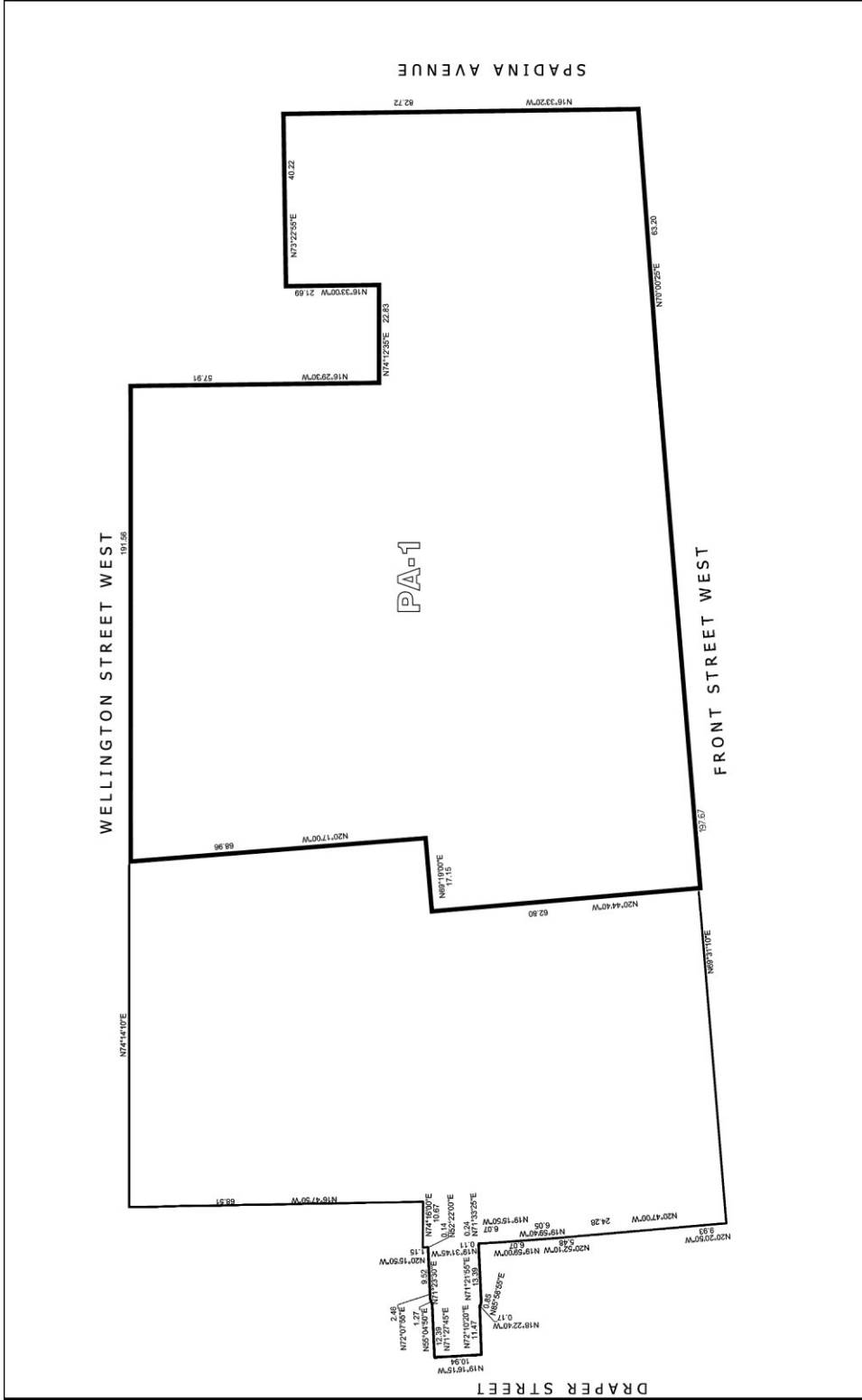
City of Toronto By-Law 589-2013
Not to Scale
12/22/2016



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

 **Toronto**
Diagram 2

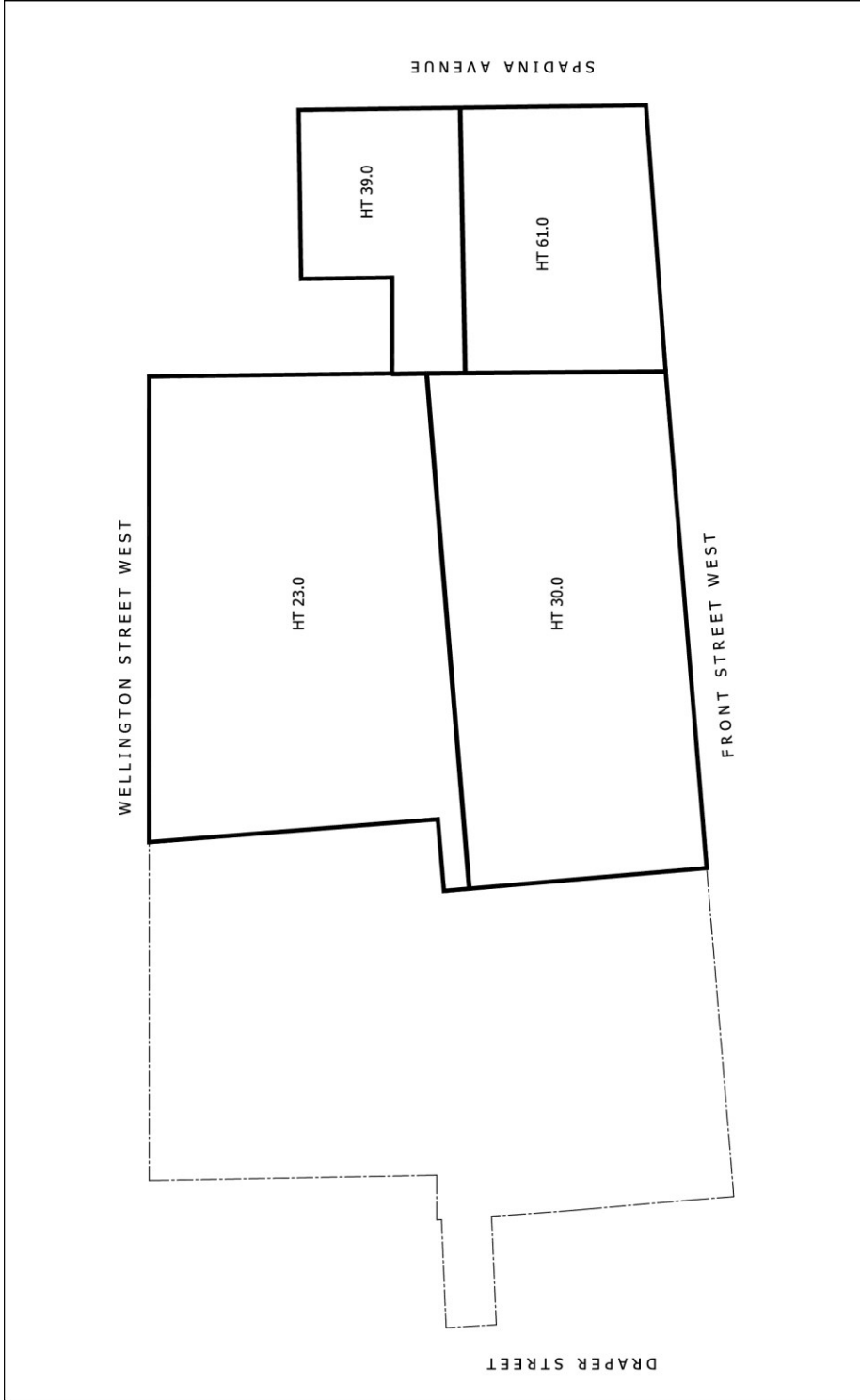
City of Toronto By-Law 5689-2013
Not to Scale
02/03/2017



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

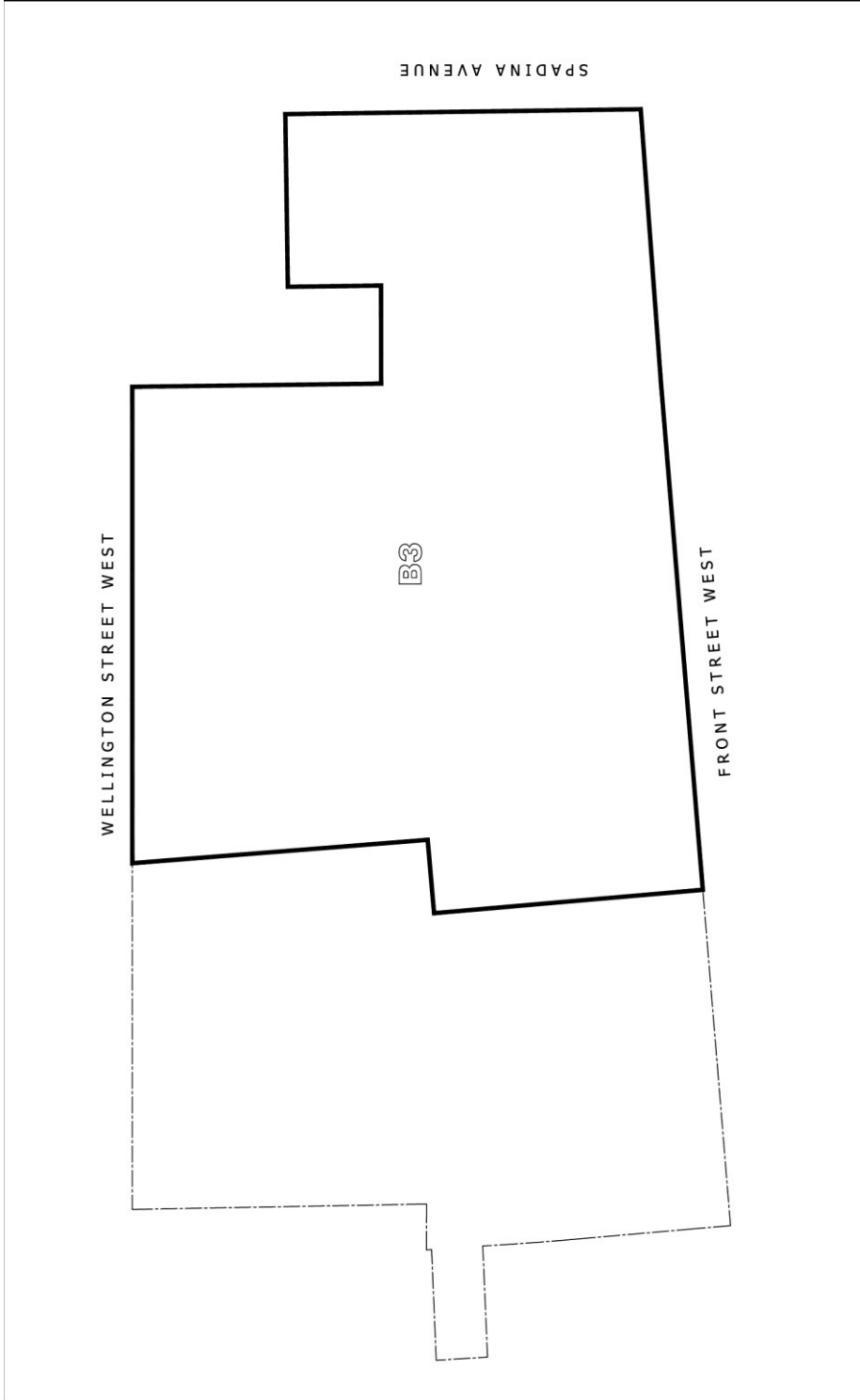
Toronto
 Diagram 3

City of Toronto By-Law 569-2013
 Not to Scale
 01/30/2017



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

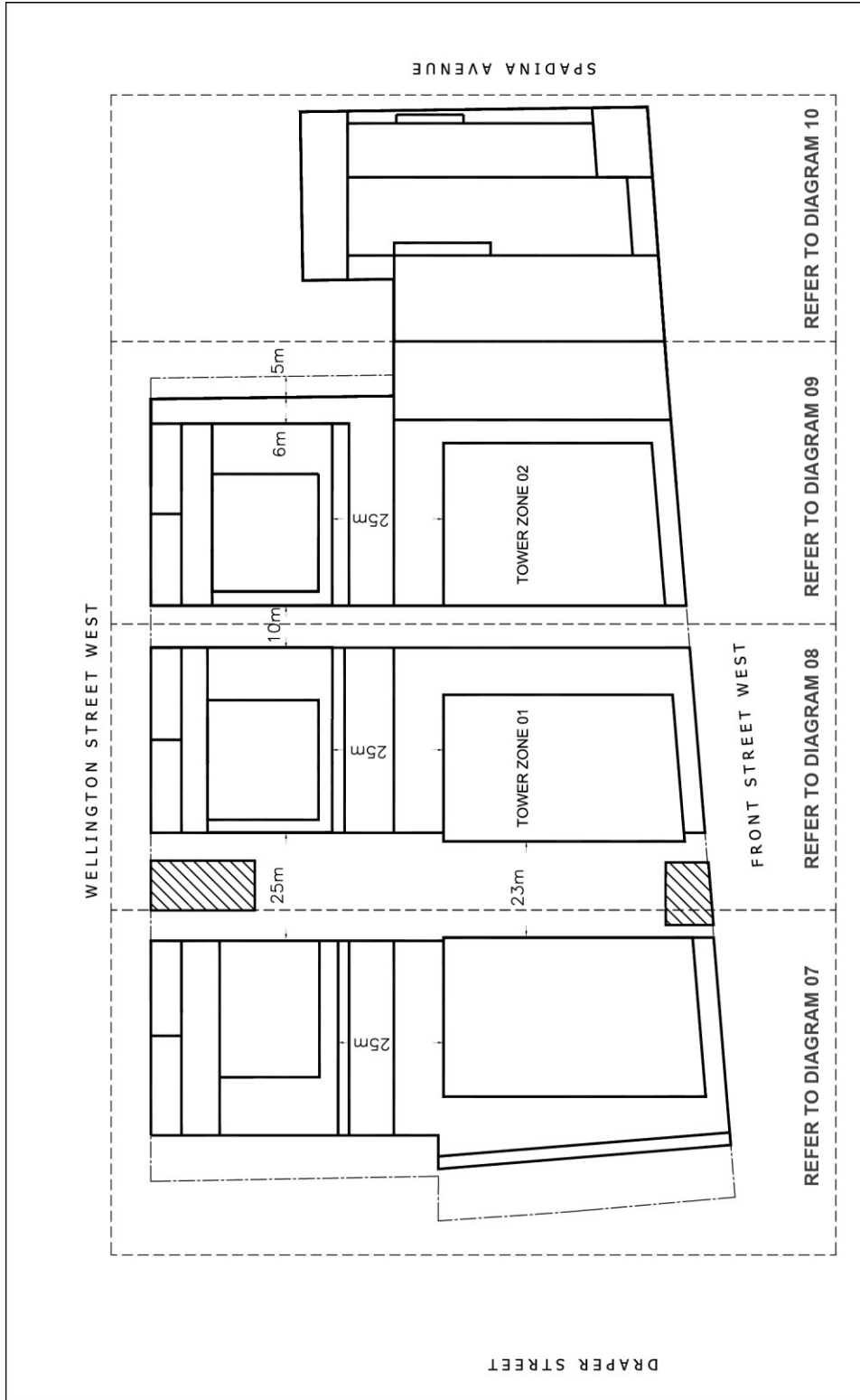
City of Toronto By-Law 569-2013
Not to Scale
12/22/2016



 **Toronto**
Diagram 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 589-2013
Not to Scale
12/22/2016

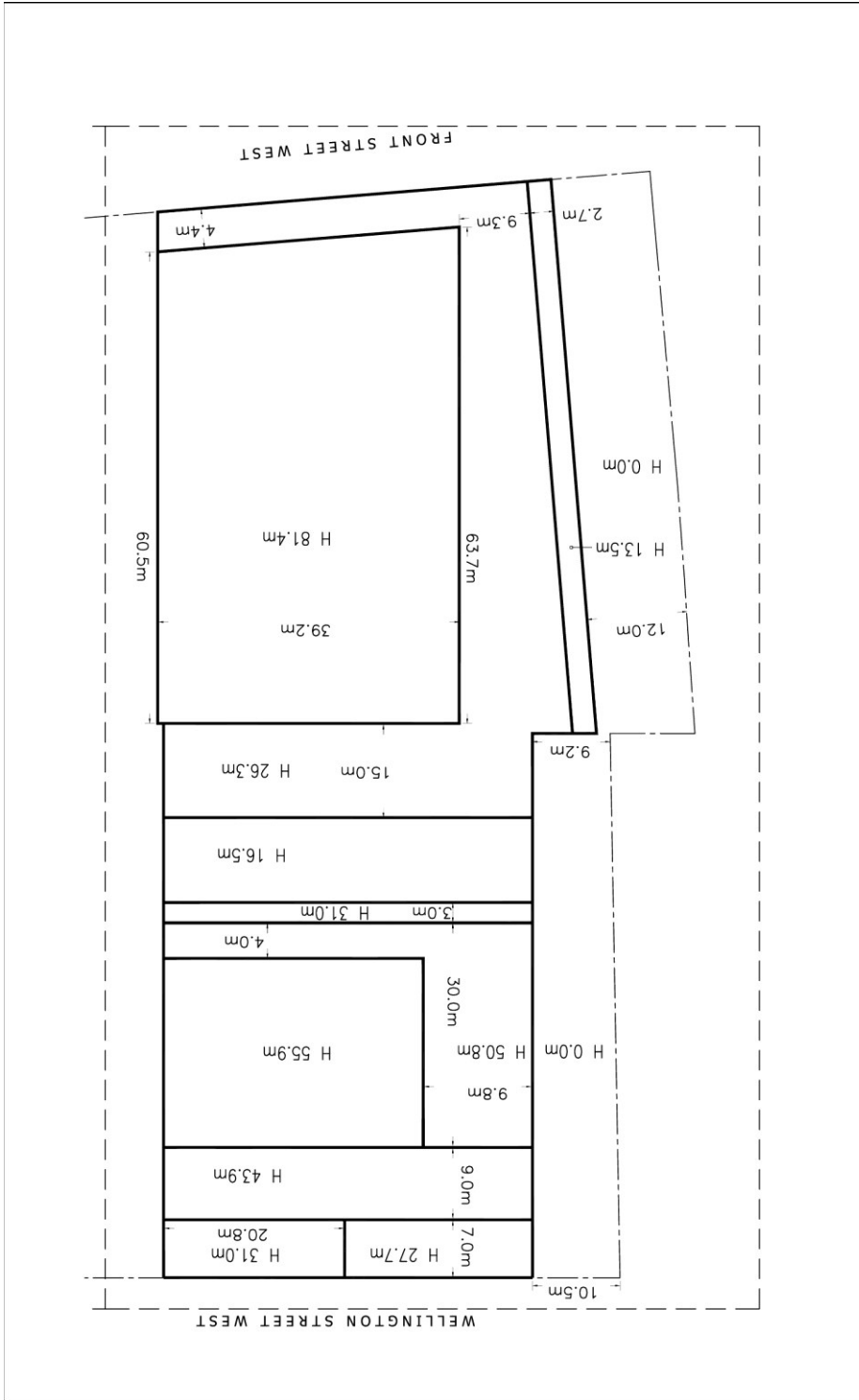


Toronto
 Diagram 6

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

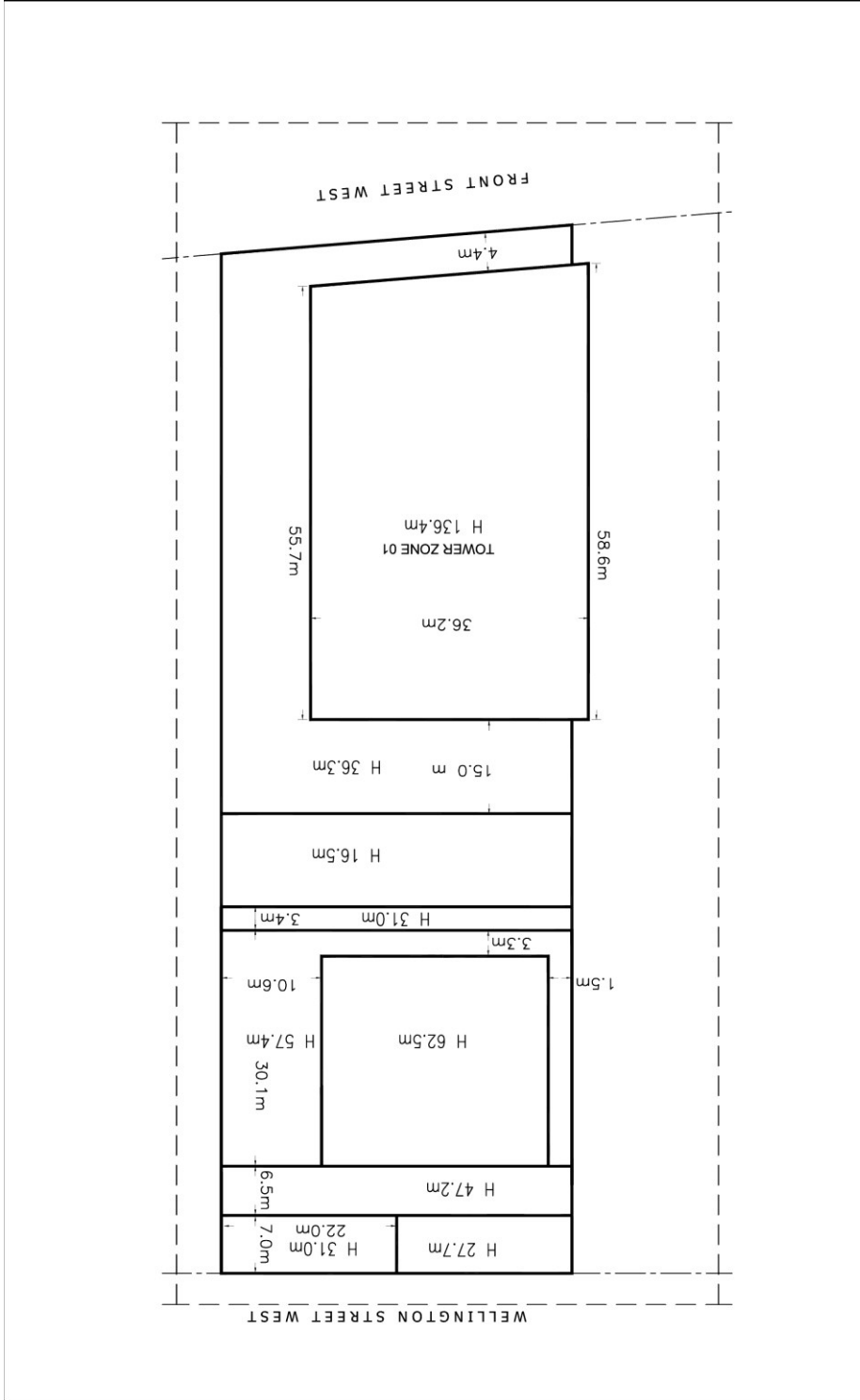
General location of lands
 subject to POPS easements

City of Toronto By-Law 569-2013
 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

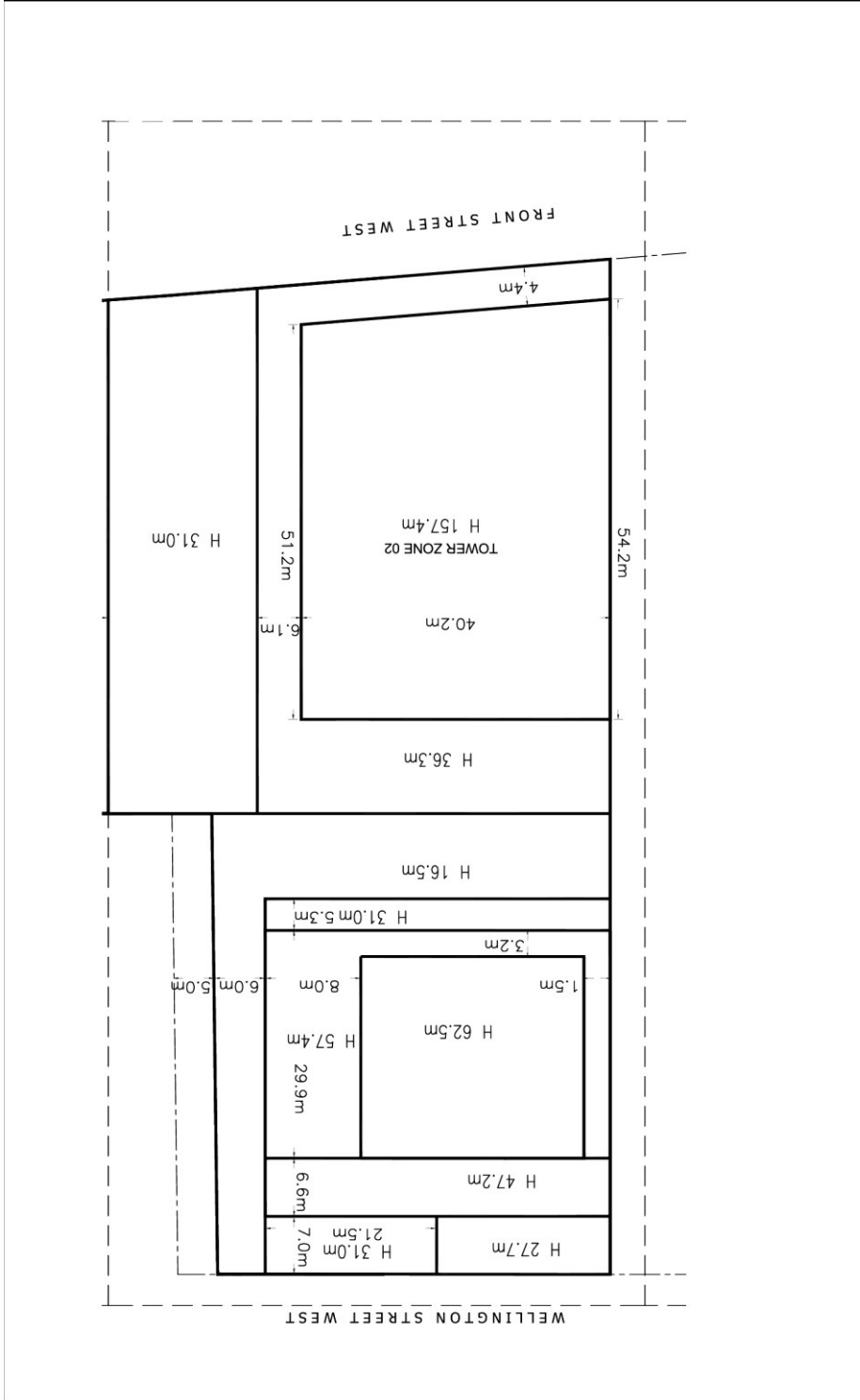
City of Toronto By-Law 589-2013
Not to Scale
01/27/2017



Toronto
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

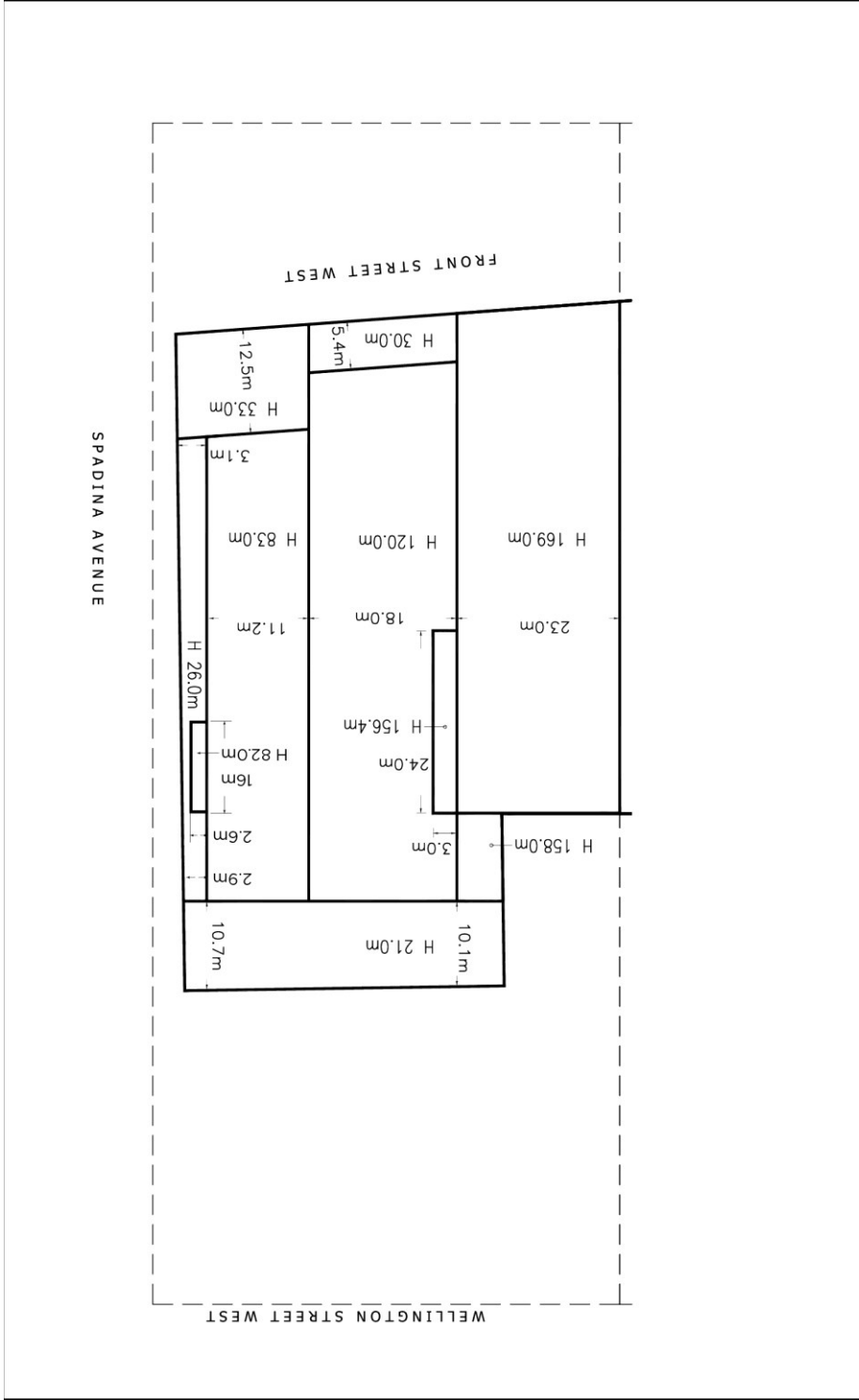
Diagram 8

City of Toronto By-Law 589-2013
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

City of Toronto By-Law 589-2013
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

City of Toronto By-Law 569-2013
Not to Scale
12/22/2016