

Authority: Planning and Growth Management Committee Item PG30.5, as adopted by City of Toronto Council on June 26, 27, 28 and 29, 2018 and Item MM44.121, by Councillor Paula Fletcher, seconded by Councillor Joe Mihevc, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1280-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue.

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 authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning By-law; and

Whereas the Official Plan for the City of Toronto contains 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 matters 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, the 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, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is 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. Except as otherwise provided herein, the provisions of By-law 438-86 of the former City of Toronto, as amended, shall continue to apply to the *East Harbour Lands*.

2. District Maps 52G-321 and 52G-322 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, are further amended by rezoning from "I3 D5" and "I2 D5" to "IC(H)", and "G(H)" the lands identified as "IC(H)" and "G(H)" as outlined on Map 2 attached to and forming part of this By-law.
3. None of the provisions of Section 2(1) of By-law 438-86 with respect to the definition of *bicycle parking space – visitor*, *bicycle parking space – occupant*, *grade*, *height*, *loading space – type A, B, C and G*, *non-residential gross floor area*, and Sections 4(2)(a), 4(4)(b), 4(4)(l), 4(6), 4(7), 4(10)(d), 4(13), 4(14), 9(3)PARTS I, II XI(1), and XI(2) and 12(2)270(a) of By-law 438-86 of the former City of Toronto, as amended, shall apply to prevent the erection or use of buildings containing non-residential uses, and uses accessory to the foregoing uses, on the *East Harbour Lands*, provided the following requirements are met:

Permitted Uses

- (a) The following uses shall be permitted in an IC District on the *East Harbour Lands*:
- (i) those non-residential uses permitted in the IC District by Section 9(1)(f)(b) of By-law 438-86, as amended, which are not expressly prohibited by subparagraph (b) below;
 - (ii) *automobile service and repair shop*, provided such uses are wholly below ground, or, in the case of an above-ground *automobile service and repair shop*, not located within 5 metres of an exterior building wall, exclusive of accesses;
 - (iii) below ground facilities for storm water retention;
 - (iv) brewery, winery, and/or distillery, provided that no individual brewery, winery and/or distillery may exceed 2,500 square metres of *gross floor area*;
 - (v) college or university, Royal Conservatory of Music, and any use that is naturally and normally incidental or subordinate and devoted to the principal use of the institution;
 - (vi) *parking garage* or *commercial parking garage*, provided such is wholly below ground, or, in the case of an above-ground *commercial parking garage*, not located within 10 metres of an exterior building wall, and that the portion of the building between the exterior wall and the parking use is solely occupied by other uses permitted by this by-law, exclusive of accesses;
 - (vii) convention centre;

- (viii) *courier service*;
- (ix) *district energy facility*;
- (x) *entertainment facility*;
- (xi) film studio and other film-related uses;
- (xii) heating and cooling plant;
- (xiii) *hotel*;
- (xiv) *medical/dental office*;
- (xv) *municipal community centre*;
- (xvi) outdoor art structure;
- (xvii) *outdoor open air market*;
- (xviii) *outdoor patio*;
- (xix) park;
- (xx) *parking stacker*;
- (xxi) *performing arts studio*;
- (xxii) *pinball or electronic game machine establishment*;
- (xxiii) premises of a *charitable institution, non-profit institution* or other community or social agency;
- (xxiv) *public art gallery*;
- (xxv) *public library*;
- (xxvi) *public museum*;
- (xxvii) *public playground*;
- (xxviii) *railway station*;
- (xxix) research and development institute;
- (xxx) *restaurant*;
- (xxxi) *retail-warehouse*;
- (xxxii) *showroom*;
- (xxxiii) theatre; and
- (xxxiv) Y.M.C.A, Y.W.C.A., Y.M.H.A, Y.W.H.A.

(b) Notwithstanding subparagraph (a) above, the following uses shall be prohibited in an IC District on the *East Harbour Lands*:

- (i) arena, stadium, race track;
- (ii) *artist live/work studio*;
- (iii) *ceramics factory*;
- (iv) cold storage plant;

- (v) *cold storage locker plant;*
 - (vi) *commercial parking lot;*
 - (vii) *drive-through facility;*
 - (viii) *fur goods factory;*
 - (ix) *garment factory;*
 - (x) *metal wares factory;*
 - (xi) *newspaper plant;*
 - (xii) *packaging plant;*
 - (xiii) *parking area;*
 - (xiv) *parking station;*
 - (xv) *pharmaceutical factory – secondary;*
 - (xvi) *place of worship;*
 - (xvii) *plastic products factory – secondary;*
 - (xviii) *printing plant; and*
 - (xix) *private academic, philanthropic or religious school.*
- (c) Subject to subparagraph (d) below, the following uses are permitted in an IC(H) District on the *East Harbour Lands*:
- (i) those uses permitted in an I3 District by Section 9(1)(f)(b) of By-law 438-86, subject to Section 12(2)270;
 - (ii) *outdoor open air market, and*
 - (iii) *temporary sale/rental centre.*
- (d) Following the removal of any holding (H) symbol from any portion of the IC(H) zoned lands on the *East Harbour Lands*, the following uses are prohibited in any remaining IC(H) District or G(H) District on the *East Harbour Lands*:
- (i) the uses noted in subparagraph (b) above;
 - (ii) *bread distributing depot;*
 - (iii) *builder's supply yard;*
 - (iv) cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations;
 - (v) *city yard, class A;*
 - (vi) *cleaning plant;*
 - (vii) commercial stable;
 - (viii) *contractor's shop, class B;*
 - (ix) *contractor's yard;*

- (x) *recycling shop*;
 - (xi) retail coal, coke and wood yard;
 - (xii) *sheet metal shop*;
 - (xiii) waterworks;
 - (xiv) *welder's shop*; and
 - (xv) uses permitted in an I3 District at Section 9(1)(f)(b)(xiii) of By-law 438-86.
- (e) Notwithstanding subparagraph (d) above, the following uses are permitted on any remaining IC(H) District following the removal of any holding (H) symbol from any other portion of the IC(H) zoned lands on the *East Harbour Lands*:
- (i) brewery, winery, and/or distillery, provided that no individual brewery, winery and/or distillery may exceed 2,500 square metres of *gross floor area*;
 - (ii) *commercial parking lot*;
 - (iii) *parking area*; and
 - (iv) *parking station*.
- (f) The following uses shall be permitted in a G District on the *East Harbour Lands*:
- (i) community related uses;
 - (ii) *community centre*;
 - (iii) *day nursery*;
 - (iv) *entertainment facility*;
 - (v) flood protection structures and facilities;
 - (vi) *municipal community centre*;
 - (vii) playing field;
 - (viii) *public library*;
 - (ix) *public museum*;
 - (x) *Restaurant* and/or *Take-out Restaurant* of not more than 500 square metres, and associated *Outdoor Patio*; and
 - (xi) uses permitted within a G District by Section 5(1)(f)(b) of By-law 438-86.
- (g) The following uses shall be permitted in a G(H) District on the *East Harbour Lands*, subject to subparagraph (d) above:
- (i) community related uses;
 - (ii) flood protection structures and facilities;
 - (iii) playing field;
 - (iv) uses permitted in a G District by Section 5(1)(f)(b) of By-law 438-86; and

- (v) uses permitted in an I3 District by Section 9(1)(f)(b) of By-law 438-86, subject to Section 12(2)270.
- (h) Notwithstanding any other provision of this By-law, the uses permitted by subparagraph (a) above shall be permitted, and the uses prohibited by subparagraph (b) above shall be prohibited, in the building or structure generally illustrated by the outline on Map 2 labeled as Former Building 36, as well as any additions and expansions thereto, both prior to and following the removal of the (H) holding symbol from the IC(H) zone (as though there was no (H) holding symbol on Former Building 36).
- (i) The qualifications in Section 9(2)1, 9(2)2 and 9(2)29 of By-law 438-86 shall not apply to the uses on the *East Harbour Lands*.

Density

- (j) The maximum *gross floor area* for each quadrant identified on Map 3, attached to this By-law is as follows:

Quadrant as shown on Map 3	Maximum <i>Gross Floor Area</i>
Quadrant 1	314,400 square metres
Quadrant 2	342,600 square metres
Quadrant 3	92,600 square metres
Quadrant 4	176,400 square metres

- (k) The maximum *gross floor area* for each quadrant identified on Map 3 which may be occupied by those uses permitted at 9(1)(f)(b)(iv) of By-law 438-86 or by a convention centre, *commercial school, club, entertainment facility, place of amusement, place of assembly, and retail-warehouse*, is as follows:

Quadrant as shown on Map 3	Maximum <i>Gross Floor Area</i> (square metres)
Quadrant 1	40,700 square metres
Quadrant 2	72,500 square metres
Quadrant 3	22,400 square metres
Quadrant 4	49,600 square metres

- (l) No building or structure subject to an Animation Zone frontage(s) as shown on Map 4 may be erected or used on the *East Harbour Lands* unless a minimum of 80 percent of the cumulative length of all of the exterior walls of the building or structure at the first *storey* above ground along the "Animation Zone" frontage(s) is occupied by one or more of the following uses: *community centre; day nursery; municipal community centre; performing arts studio; public art gallery; public library; public museum; publicly accessible and programmable office and other lobbies, publicly accessible college or university space, and street-related retail and service uses; and*

- (i) for each building or structure, a minimum of 10 percent of each 80 percent

provided in accordance with subparagraph (l) above shall comprise *street-related retail and service uses* units that are subject to the following requirements:

1. each *street-related retail and service uses* unit shall be limited to a maximum of 250 square metres of *interior floor area*; and
 2. the exterior frontage of each *street-related retail and service uses* unit shall be limited to a maximum of 7 metres;
- (ii) the principal public entrance to each shop or use is located in the exterior wall of the building which is directly accessible by pedestrians along a route not more than 5 metres from:
1. the *frontage* of the *lot* on which the shop or use is located; or
 2. a building setback line from a *street* adjacent to the shop or use, provided the line is established by this By-law as amended; and
- (iii) the level of the floor of the principal public entrance is within 0.2 metres of the level of the public sidewalk opposite such entrance.

Height

- (m) Notwithstanding Maps 52G-321 and 52G-322, the maximum permitted *height* above *grade* for buildings or structures in the areas shown on Map 6 attached to this By-law is as follows:

Area Identified on Map 6	Maximum Permitted Height (m) above grade
Area A1	75 metres
Area B2	200 metres
Area B3	200 metres
Area B4	170 metres
Area B5	170 metres
Area B6	140 metres
Area C1	250 metres
Area C2	250 metres
Area C3	25 metres
Area D2	190 metres
Area D3	75 metres
Area E1	150 metres
Area E2	130 metres
Area E5	50 metres
Area E6	110 metres

- (i) The maximum permitted *height* above *grade* for buildings or structures in a G District is 15 metres.

- (n) The required minimum height of the first *storey* above ground in any principal building is 5.0 metres, measured between the top of the floor of the first *storey* and the underside of the ceiling of the first *storey*.
- (o) Notwithstanding subparagraph (m) above, the following structures/items may exceed the height limits as described:
 - (i) structures on any roof used for outdoor amenity space or open air recreation, maintenance, safety, wind or green roof purposes to a maximum projection of 2.0 metres above the *height* limits;
 - (ii) elevator overruns and related enclosures, including stair towers, to a maximum of 5.0 metres above *height* limits;
 - (iii) parapets up to 2.0 metres above *height* limits;
 - (iv) terraces and patios, including associated railings, and architectural and landscape features up to 2.0 metres above *height* limits; and
 - (v) chimneys, vents, stacks, or other heating, cooling, or ventilation equipment or window-washing equipment on the roof of the building, or a fence, wall, or structure enclosing such elements, up to 5.0 metres above *height* limits, provided such are setback a minimum of 10 metres from the *lot* line.

Setbacks and Separation

- (p) Buildings or structures above ground shall be set back a minimum of 20.0 metres from the T zone in Map 52G(321) of By-law 438-86 overlaying the Metrolinx rail corridor, except for:
 - (i) buildings or structures used for transportation uses, which may include those uses permitted by Section 9(1)(f)(b)(iv) of By-law 438-86, including *accessory* uses, in an IC, IC(H), G and/or G(H) District;
 - (ii) a *district energy* facility; and
 - (iii) a heating and cooling plant.
- (q) Buildings or structures in an IC zone must be set back above ground a minimum of 5.0 metres from any G and/or G(H) zone.
- (r) Notwithstanding subparagraph (q) above, the building/structure generally illustrated by the outline on Map 2, labeled as Former Building 36, as well as any additions and expansions thereto, may have a 2 metre setback from the G or G(H) zone provided that either the (H) has been lifted from the relevant IC lands or the Toronto and Region Conservation Authority has issued a permit under Ontario Regulation 166/06 or its successor respecting said building/structure, and any additions and expansions thereto.
- (s) Buildings or structures must be setback above ground from the *lot* lines abutting the *streets* identified on Map 5, as follows:

Minimum Setbacks from <i>lot line</i>				
	Ground to 18 metres above <i>grade</i>	Between 18 metres and 24 metres above <i>grade</i>	Between 24 metres and 36 metres above <i>grade</i>	Greater than 36 metres above <i>grade</i>
Broadview Avenue	3.5m	3.5m	6.5m	8.5m
New Street E	4.5m	4.5m	9.5m	9.5m
New Street A	2.0m	2.0m	7.0m	7.0m
New Street B	2.0m	7.0m	7.0m	7.0m
New Street C	2.0m	7.0m	7.0m	7.0m
New Street D, south of New Street E	2.0m	2.0m	2.0m	2.0m
Booth Avenue	2.0m	2.0m	7.0m	7.0m

- (t) Above a *height* of 36 metres, a minimum separation distance of 25 metres shall be provided between the main walls of any *tower* and another *tower* on the *East Harbour Lands*, as measured from exterior facing walls.
- (u) The maximum number of *towers* permitted within each quadrant shall be as follows:

Quadrant as Shown On Map	Maximum number of <i>Towers</i>
3	
Quadrant 1	3
Quadrant 2	5
Quadrant 3	2
Quadrant 4	3

- (v) No minimum setback requirement shall apply to any portions of a building or structure below ground.
- (w) Notwithstanding subparagraphs (s), (t), and (u) above, no portion of any building erected or used above finished ground level shall be located within any required setback, with the exception of the following:
- (i) structural elements related to the Broadview Avenue underpass beneath the railway station;
 - (ii) cornices, sills, eaves, window washing equipment, railings, balustrades, awnings, piers and sun-shades, to a maximum horizontal projection of 0.5 metres into any required setback;
 - (iii) chimneys, vents and stacks, provided such are set back a minimum of 10 metres from the *lot line*;
 - (iv) terraces, patios, and *outdoor patios*, including associated railings, and architectural and landscape features;

- (v) balconies to a maximum horizontal projection of 2.0 metres; and
- (vi) canopies including supporting structures, covered walkways, privacy screens, planters, awnings, fences, lighting, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, bicycle parking facilities, ornamental or architectural features, landscape features, doors and door swings, facilities accessory to a day nursery, and art installations.

Parking, Bicycle Parking and Loading

- (x) Required *parking spaces* and *loading spaces* may be located anywhere on the *East Harbour Lands* that is not zoned G or G(H);
- (y) No *parking spaces* or *loading spaces* are required for permitted uses located within G and G(H) zoned lands;
- (z) Required motor vehicle *parking spaces* for lands within an IC District on the *East Harbour Lands* shall be provided according to the following parking standards:

(i) *Parking spaces* shall be provided as follows:

- 1. the minimum number of required parking spaces: 0.3 spaces per 100 square metres of *gross floor area*; and
- 2. the maximum number of *parking spaces* permitted to be located in each quadrant shall be as follows:

Quadrant as shown on Map 3	Maximum number of parking spaces permitted to be located in the identified quadrant
Quadrant 1	1570
Quadrant 2	1885
Quadrant 3	370
Quadrant 4	535

- (ii) *Parking spaces* for an IC District must be located in a *parking garage* or *commercial parking garage*.
- (iii) A *parking garage* or *commercial parking garage* is permitted only below-ground, exclusive of accesses.
- (iv) Notwithstanding (ii) and (iii) above, a *parking garage* or *commercial parking garage* use may be located in an above-ground building or portion thereof provided that:
 - 1. the use, exclusive of accesses, is not located within 10 metres of an exterior wall facing a street; and
 - 2. the portion of the building between the exterior wall facing the street and the parking use is solely occupied by other uses permitted by this by-law.

- (v) The maximum permitted width is 7.5 metres for any portion of a driveway that is located within 3.0 metres of any *street line*.
- (vi) Notwithstanding subparagraph (z)(v) above, a maximum of two driveways on the *East Harbour Lands* may have a maximum permitted width of 11.0 metres for any portion of a driveway located within 3.0 metres of any *street line*.

- (aa) Required *bicycle parking spaces* for lands within an IC District on the *East Harbour Lands* shall be provided according to the following standards:
 - (i) The minimum required number of short-term *bicycle parking spaces*, for use by visitors to a building, is 3 plus 0.2 bicycle parking spaces for each 100 square metres of *interior floor area*.
 - 1. The short-term *bicycle parking spaces* required in subparagraph (aa)(i) shall be provided within 30 metres of a pedestrian entrance.
 - (ii) The minimum required number of long-term *bicycle parking spaces*, for use by tenants of a building, is 0.2 for each 100 square metres of *interior floor area*.
 - 1. The long-term *bicycle parking spaces* required in subparagraph (aa)(ii) above shall be provided in a building on the first *storey* above ground, second *storey* above ground, a mezzanine level described in the definition of "*storey*" of this By-law, and/or on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments provided that at least 50 percent of the area of that level is occupied by *bicycle parking spaces*, until all required *bicycle parking spaces* have been provided.
 - 2. Access to second *storey* above ground and/or to below-ground long-term *bicycle parking spaces* shall be provided through a dedicated ramp and/or a dedicated elevator.
 - 3. Required long-term *bicycle parking spaces* may be provided in a *bicycle stacker*, provided they comply with all other relevant provisions of this By-law.
 - 4. *Shower - change facilities* must be provided for each gender at the following rate:
 - a. none if less than 5 required long-term *bicycle parking spaces*;
 - b. 1 for 5 to 60 required long-term *bicycle parking spaces*;
 - c. 2 for 61 to 120 required long-term *bicycle parking spaces*;
 - d. 3 for 121 to 180 required long-term *bicycle parking spaces*; and
 - e. 4 for more than 180 required long-term *bicycle parking spaces*.

- (bb) Required loading spaces for lands within an IC District on the *East Harbour Lands* shall be provided according to the following standards:
- (i) A loading space is subject to the following standards:
1. a Type "A" loading space must have a:
 - a. minimum length of 17.0 metres;
 - b. minimum width of 3.5 metres; and
 - c. minimum vertical clearance of 4.4 metres; and
 2. a Type "B" loading space must have a:
 - a. minimum length of 11.0 metres;
 - b. minimum width of 3.5 metres; and
 - c. minimum vertical clearance of 4.0 metres; and
 3. a Type "C" loading space must have a:
 - a. minimum length of 6.0 metres;
 - b. minimum width of 3.5 metres; and
 - c. minimum vertical clearance of 3.0 metres; and
 4. a Type "G" loading space must have a:
 - a. minimum length of 13.0 metres;
 - b. minimum width of 4.0 metres; and
 - c. minimum vertical clearance of 6.1 metres.
- (ii) Calculation of required loading spaces will be undertaken separately for each quadrant of the *East Harbour lands* shown on Map 3.
- (iii) Areas for required loading spaces may be connected below-ground through the *East Harbour Lands*.
- (iv) Loading spaces for each quadrant as shown on Map 3 shall be provided at the following rate:

Gross Floor Area	Minimum number of Loading Spaces required
0 to 499 square metres	None required
500 to 999 square metres	1 Type "B"
1,000 to 1,999 square metres	1 Type "B" and 1 Type "C"
2,000 to 3,999 square metres	1 Type "B" and 2 Type "C"
4,000 to 27,999 square metres	2 Type "B" and 2 Type "C"
28,000 or greater	A minimum of 2 Type "B" and 3 Type "C"

Definitions

4. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, except for the following:
- (a) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:
 - (i) where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a minimum length or vertical clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 metres;
 - (iii) where the bicycles are to be parked in bicycle stacker, has a minimum vertical clearance of 1.2 metres for each bicycle parking space; and
 - (iv) where bicycles are to be parked in an automated bike parking facility, no minimum dimensions are required;
 - (b) "*bicycle stacker*" means a device which provides *bicycle parking spaces* in a horizontal position above or below another *bicycle parking space* and equipped with a mechanism providing floor level access to both *bicycle parking spaces*;
 - (c) "*custom workshop*" means a premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production;
 - (d) "*district energy*" means a building or structure that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users;
 - (e) "*East Harbour Lands*" means the lands outlined by heavy lines on Map 1 of this By-law;
 - (f) "*grade*" means 78.6 metres Canadian Geodetic Datum;
 - (g) "*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:
 - (i) parking, loading and bicycle parking below-ground;
 - (ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- (iv) voids at the level of each floor with a manufacturing use;
 - (v) *shower - change facilities* required by this By-law for required *bicycle parking spaces*;
 - (vi) elevator shafts, ventilation duct, utility shafts;
 - (vii) utility areas, catwalks, service platforms and a mechanical penthouse; and
 - (viii) exit stairwells and escalators in the building.
- (h) "*height*" means the vertical distance between *grade* and the highest point of a building or structure, except for those elements prescribed by this By-law;
- (i) "*interior floor area*" means the floor area of any part of a building measured to the interior side of an exterior main wall, the centerline of an interior wall, or a line delineating the part being measured;
- (j) "*outdoor open air market*" means a place where goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include the preparation and sale of food, beverages or a combination of both, and may be operated from kiosks, tents, vehicles, tables or similar facilities, but is not located within a building, and includes any outdoor marketplace, bazaar or cultural entertainment use such as a cinema, theatre, opera, ballet or area for music performance;
- (k) "*outdoor patio*" means an outdoor area where meals or refreshments or both may be served to patrons for consumption while seated;
- (l) "*storey*" means the portion of a building that is between the top of a floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it. For the purpose of this by-law, the following will not be considered a *storey*: a mezzanine floor level which is located above the first floor level above-ground, not exceeding 30 percent of the *interior floor area* of the first floor level above-ground, and limited in use to *accessory* uses such as storage, mechanical, electrical, and other areas dedicated to the functional operation of the building;
- (m) "*street*" means an existing or future street identified on Map 5 of this by-law;
- (n) "*street line*" means the line that divides a parcel of land from an existing or future street on Map 5 of this by-law;
- (o) "*street-related retail and service uses*" means one or more of: *artist's or photographer's studio; bake shop; branch of a bank or financial institution; personal grooming establishment; pet shop; private art gallery; private gallery; restaurant; retail store; showroom; service, rental or repair shop; tailoring shop, and take-out restaurant*;

- (p) "*temporary sale/rental centre*" means a temporary building, structure, facility or trailer on the *lot* used exclusively for the purpose of the initial sale, rental or leasing of non-residential units and/or buildings to be constructed on the *East Harbour Lands*; and
- (q) "*tower*" means the portions of a building which collectively enclose the entirety of a *storey* higher than 36.0 metres above *grade*.
5. Despite any existing or future severance, partition, or division of the *East Harbour Lands*, the provisions of this By-law and By-law 438-86, as amended, shall apply to the whole of the lands as if no severance, partition or division had occurred.
6. With the exception of subparagraphs 3(c), and 3(g), Section 12(2)(270) does not apply to the *East Harbour Lands*.
7. Nothing in this By-law or By-law 438-86 shall apply to prevent the use of land, or the erection or use of a building, structure, or portion thereof on the lands subject to this By-law for any of the following:
- (a) public transit or railway station use, including buildings or structures the sole purpose of which is providing access to a public transit or railway station use;
 - (b) structures associated with G or G(H) zoned lands operated by or on behalf of the City and/or the Toronto and Region Conservation Authority; or,
 - (c) flood protection structures and facilities.

The floor area of any building or structure devoted exclusively to any of the purposes described above shall be excluded from any calculations of *gross floor area* and required *parking spaces* for the lands required elsewhere by this By-law or By-law 438-86.

8. Availability of Services

No land may be used and no building or structure may be erected or used on the land unless:

- (a) the land abuts an existing public *street*, or is connected to an existing public *street* by one or more public rights of way for general traffic circulation, constructed to a minimum base curb and base asphalt or concrete; and
- (b) all Municipal water mains and Municipal sewers, and their appurtenances, are installed to a *lot* line of the property and are operational.

9. Holding Provisions

All lands that are delineated by heavy lines and zoned with the (H) symbol on Map 2, attached to and forming part of this By-law, shall comply with the provisions at subparagraphs 3 (c), (d), (e) and (g) of this By-law.

A by-law to remove the (H) symbol, from all or part of the *East Harbour Lands*, shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council and the identified authority in the subject (H) condition:

- (a) all flood remedial works are complete and deemed functional to the satisfaction of the City, the Toronto and Region Conservation Authority, the Province and any other applicable regulatory body or:
 - (i) occupancy of new buildings can be legally controlled to the satisfaction of the City, the Toronto and Region Conservation Authority (TRCA), the Province and any other applicable regulatory body until the required flood remedial works are complete and functional from a floodplain management perspective;
 - (ii) Building Code requirements can be met to the satisfaction of the Chief Building Official; and
 - (iii) risks to life and property are adequately addressed to the satisfaction of the City and the TRCA and any other applicable regulatory body;
- (b) higher-order transit and any required interim bussing to service the proposed development is operable and/or its provision is secured, through transit options such as the expanded GO service, SmartTrack service, Relief Line service and/or extended Broadview Streetcar service, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Toronto Transit Commission;
- (c) all additional right-of-way requirements for the Don Roadway have been secured to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, including identification of land conveyance(s) and/or construction easements over lands required for temporary construction purposes all to be provided to the City at nominal cost;
- (d) the location, design and provision of existing and planned transportation networks, both on and off-site, to support re-development have been secured to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, including any additional required easements, setbacks or roadway conveyances;
- (e) a Transportation Impact Study, including reporting on ongoing monitoring of transportation demand management measures, will be provided to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning;
- (f) satisfactory arrangements are in place to secure the provision of municipal infrastructure, including sewer, water and stormwater networks to service the proposed development to the satisfaction of the General Manager, Toronto Water, and the Chief Engineer and Executive Director, Engineering & Construction Services;
- (g) registration of a plan of subdivision and/or entering into a subdivision agreement and/or other implementing agreements, as required, at the owner's expense, to the

satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

- (h) construction of, or the securing through an agreement the construction of, railway corridor risk mitigation measures, in accordance with a derailment safety assessment prepared by a qualified consultant all to the satisfaction of the Chief Planner and Executive Director, City Planning, and Metrolinx;
- (i) acceptable streetscape plans have been secured for all streets surrounding the development site to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning;
- (j) approval of a compatibility study or studies to the satisfaction of the City in consultation with the Ministry of the Environment and Climate Change, evaluating how potentially sensitive uses within the given phase and within 1,000 metres of existing major facilities such as the Enbridge facility located at 405 Eastern Avenue and the City works yard located at 433 Eastern Avenue and 50 Booth Avenue, would affect the ability of those facilities to carry out normal business activities. The compatibility study or studies shall also evaluate potential adverse effects from odour, noise and/or other contaminants on anticipated users of the proposed sensitive uses, and recommend how potential adverse effects will be mitigated to minimize risk to public health and safety and to ensure the long term viability of major facilities. Mitigation measures shall be implemented by the proponent of development and secured before the H is lifted, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (k) approval of emergency servicing, including fire service capacity for the given phase and/or development, to the satisfaction of Chief Engineer & Executive Director, Engineering & Construction Services.

Notwithstanding subparagraphs 3(c), 3(z)ii, Map 2 and the above holding (H) provisions, redevelopment of the building generally illustrated by the outline on Map 2, labelled as Former Building 36, and any additions and expansions to thereto, are permitted prior to the removal of the (H) holding symbol, provided that all other sections of this By-law are complied with, as they apply to lands zoned IC (as though there is no (H) holding symbol on Former Building 36 and any additions or expansions thereto).

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 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 Schedules A, B and C 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 Schedules A, B and C of this By-law require 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.
- (c) 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 applicable provisions of Schedules A, B and C are satisfied.
- (d) Upon execution and registration of one or more agreements between the City and the owner of the lot on title to the lot pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Schedules A, B and C, the lands identified on Map 1 are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the owner of the lands identified on Map 1 has satisfied the said requirement or precondition.
- (e) Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy 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 by the owner at their expense to the City in accordance with one or more agreements pursuant to section 37 of the Planning Act, in a form satisfactory to the City, with conditions providing for indexing and/or escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement, and all as secured in an agreement or agreements under Section 37 of the Planning Act:

1. The owner shall provide the community benefits set out in Table 1 below, all to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to clause (2) below, at the owner's sole expense and to be secured in a Master Agreement(s) pursuant to Section 37 of the Planning Act:
 - (a) The provision by the owner of public art of a value of at least \$10,500,000 on the *lot*;
 - (b) The provision by the owner of public realm improvements of a value of at least \$1,000,000 on top of a flood protection landform on lands zoned G and subject to this By-law, to the satisfaction of the Toronto and Region Conservation Authority and the City Planner and Executive Director, City Planning Division;
 - (c) The provision, including the design and construction, by the owner of a minimum of 1,400 square metres of gross floor area to be to be used as affordable incubator employment space, and a cash contribution of \$613,291 towards the fit-out of the space, all subject to the terms set out in Schedule B;
 - (d) The provision, including the design and construction, by the owner of a minimum of 2,800 square metres of gross floor area to be to be used as community and/or cultural space, and a cash contribution of \$1,226,581 towards the fit-out of the space, all subject to the terms set out in Schedule B;
 - (e) A cash contribution by the owner to the City of \$5,000,000 to be allocated to support the construction of off-site affordable rental housing in the immediate area of the *lot*; and
 - (f) A cash contribution by the owner to the City of \$3,500,000 to be allocated to community services and facilities priorities to serve the area worker population as well as the adjacent neighbourhood, including:
 - i. non-profit licensed workplace ancillary daycare facilities to serve the worker population;
 - ii. multi-purpose community space to be located in an accessible and highly visible location for non-profit community organizations to deliver human services and/or arts and cultural programs;
 - iii. improvements to library and recreation facilities that serve the area; and/or

- iv. the refurbishment and adaptive reuse of the listed buildings at 433 and 447 Eastern Avenue buildings, in the event that these buildings are no longer required for municipal works yard purposes and surplus, with such contribution to be specifically targeted towards the adaptive reuse of these buildings for arts and cultural uses.
2. The *lot* shall be developed in phases, and the owner shall provide the community benefits set out in Section (1) in accordance with the phases set out below in Table 1, with the phases as generally illustrated on Map 7. The community benefits for each phase, including the timing and location thereof, shall be secured in phase-specific Section 37 Agreement(s), to be executed prior to the issuance of the first above-grade building permit for each phase, as applicable. Each phase-specific section 37 agreement(s) shall address the appropriate timing of the contributions in relation to the *gross floor area* under development.

Table 1

Phase	Section 37 Obligation
A	<ol style="list-style-type: none"> 1. Design and construction of incubator space in the amount of 1,400 square metres, in accordance with Schedule B to this By-law. 2. Financial contribution towards fit-out costs to a minimum value of \$613,291.
B	<ol style="list-style-type: none"> 1. Delivery of public art to a minimum value of \$3,570,000. 2. Design and construction of public realm improvements on top of a flood protection landform, at a minimum value of \$1,000,000, to the satisfaction of the Toronto and Region Conservation Authority and the Chief Planner and Executive Director, City Planning. 3. Financial contribution of \$3,500,000 to the City, to be allocated to off-site affordable rental housing.
C	<ol style="list-style-type: none"> 1. Delivery of public art to a minimum value of \$3,735,000. 2. Design and construction of non-profit community/cultural space in the amount of 2,800 square metres, in accordance with Schedule B to this By-law. 3. Financial contribution towards fit-out costs to a minimum value of \$1,226,581. 4. A financial contribution of \$1,000,000 to the City, to be allocated to community services and facilities priorities to serve the neighbourhood, as identified in Section 1(f) of Schedule A to this By-law.
D	<ol style="list-style-type: none"> 1. Delivery of public art to a minimum value of \$1,100,000. 2. A financial contribution of \$1,500,000 to the City, to be allocated to off-site affordable rental housing. 3. A financial contribution of \$1,000,000 to the City, to be allocated to community services and facilities priorities to serve the neighbourhood, as identified in Section 1(f) of Schedule A to this By-law.
E	<ol style="list-style-type: none"> 1. Delivery of public art to a minimum value of \$2,095,000. 2. A financial contribution of \$1,500,000 to the City, to be allocated to community services and facilities priorities to serve the neighbourhood, as identified in Section 1(f) of Schedule A to this By-law.

3. The community benefits in Table 1 may be moved between phases without requiring an amendment to this by-law or to this Schedule A, as long as any such changes are secured in a phase-specific agreement(s) pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.
4. The financial amounts in Sections (1) and (2) shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific By-laws for the project are appealed to the Local Planning Appeal Tribunal, from the date of the Tribunal order approving the By-laws, to the date of payment to the City.
5. In the event the cash contributions required by subsections 1(a), 1(b), 1(e), 1(f) and Section 2 have not been used for the intended purpose within ten (10) years of payment to the City, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
6. The following matters are also to be secured in the Section 37 Agreement(s) as a legal convenience to support development:
 - (a) Transportation, streetscape, intersection and public realm improvements linked to the development proposal, including letters of credit to secure works.
 - (b) Construction of a Flood Protection Landform, in accordance with the final detailed design of the Port Lands Flood Protection project, and conveyance of the constructed landform in its entirety to the Toronto and Region Conservation Authority.
 - (c) Submission of a Construction Management Plan and Traffic Mitigation Plan for each phase of development, to the satisfaction of the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
 - (d) Creation of area-specific design guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning, to govern design excellence and high quality materials for the future buildings within the Precinct. The guidelines may include:
 - (i) Public realm considerations, including streetscape, animation zone, landscape and pedestrian and cyclist amenities;
 - (ii) Built form considerations, including respecting the base building, tower and tower top components, and building orientation and alignment;
 - (iii) A proposal's contribution to the City's skyline, architectural expression, and materiality; and

- (iv) Other considerations including parking, loading and servicing, public art, accessibility, lighting, signage and wayfinding.
- (e) Construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.
- (f) Provision and implementation of landscape phasing plans to reflect interim conditions for each development phase during its construction period.
- (g) Privately Owned, Publicly-Accessible Space (POPS), easements over the POPS, and other public access easements as necessary over privately-owned open spaces, all to provide public access for use by the general public, which easements shall include provisions for rights of support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor, and in keeping with Schedule C to this By-law. The public access easements are to be conveyed to the City free and clear of all physical and title encumbrances unless otherwise agreed to by City Planning and the City Solicitor. The owner shall own, operate, maintain and repair the POPS and other publicly accessible spaces. The owner shall install and maintain signage within the POPS, in accordance with the City's Urban Design Guidelines for POPS.
- (h) Prior to issuance of the first above grade building permit for any phase or substantial building of at least 20 metres or 6 storeys, the owner shall, at the request of the Chief Planner and Executive Director, City Planning, submit an updated, detailed Wind Study including wind tunnel analysis, satisfactory to the Chief Planner and Executive Director, City Planning, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (i) Prior to issuance of the first above grade building permit for any phase or building, the owner shall submit, or provide updated submissions of, a compatibility study or studies, which shall be prepared to the satisfaction of the City of Toronto in consultation with the Ministry of the Environment and Climate Change, evaluating how potentially sensitive uses in the given phase or building within 1,000 metres of existing major facilities such as the Enbridge facility located at 405 Eastern Avenue and the City works yard located at 433 Eastern Avenue and 50 Booth Avenue, would affect the ability of those facilities to carry out normal business activities. The compatibility study or studies shall also evaluate potential adverse effects from odour, noise and/or other contaminants on anticipated users of the proposed sensitive uses, and recommend how potential adverse effects may be mitigated to minimize risk to public health and safety and to ensure the long term viability of major facilities. Mitigation measures shall be

implemented by the proponent of development and secured through planning instruments.

- (j) At the time of registration of the draft plan of subdivision, in accordance with Section 42 of the Planning Act, the owner shall convey to the City an on-site parkland dedication with direct frontage on New Street E, south of New Street E and east of the Don Roadway, as shown generally on the Master Plan Update dated May 2018, page 13, prepared by Urban Strategies Inc., with satisfactory arrangements in the Section 37 Agreement(s) to secure the conveyance (which may include the provision of letters of credit or other securities) for lands to be developed in advance of the registration of the draft plan of subdivision, all to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR), and the City Solicitor.
- (k) The owner shall at its expense provide knock-out panels along the north walls of any future concourse level of the buildings immediately adjacent to the Transit Hub, for potential future underground pedestrian network connections, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (l) The owner shall, at the request of the Toronto Transit Commission (TTC), agree to complete a TTC technical review(s) respecting the development and a potential future Relief Line TTC second exit/entrance facility, and shall address all concerns arising from the technical review(s) to the satisfaction of the TTC in consultation with the Chief Planner and Executive Director, City Planning Division, and Metrolinx.
- (m) The owner shall convey an easement or fee simple conveyance to the City and Toronto Transit Commission (TTC), at its election, for access and other rights as may be required for the TTC second exit/entrance facility over and through the portion of development lands owned by the Owner, should such be requested to connect to the Relief Line in future.
- (n) The owner shall enter into agreement(s) with the Toronto Transit Commission that will set out the Owner's obligations to construct and maintain a new exit/entrance within the development and the necessary easements in place for public egress and ingress. The terms of the agreement shall be negotiated with the Owner, in consultation with the Chief Planner and Executive Director, City Planning Division and the agreement shall be to the satisfaction of TTC in consultation with the Chief Planner and Executive Director, City Planning Division.

SCHEDULE B**Section 37 Details: Term Sheet, Services and Facilities**

This schedule is to guide the securing of Incubator and community cultural services and facilities space under the City's Community Space Tenancies (CST) Policy.

The term "Incubator" should be read throughout the document to include incubators, accelerators, co-location facilities, or other types of collaborative spaces.

On-site incubator workspace and community cultural space for a minimum of 4,200 square metres will be provided to the City, and will meet the criteria noted below.

1. Incubator Space – Phase A

- (a) The owner will provide a minimum of 1,400 square metres of non-residential gross floor area within Phase A of the development (priority location being adaptive reuse of the existing 21 Don Valley Parkway building which was the Unilever Soap Factory, with any alternate location to be to the satisfaction of City Planning and Economic Development and Culture) to be used as Incubator workspace.
- (b) The owner will enter into a 25-year lease with the City for the space noted in 1(a) above to be used by the City to establish a business incubation centre.
- (c) The owner consents to the City subleasing the Incubator workspace to qualified not-for-profit partners or a post-secondary institution that will operate the space and deliver business incubation programming. The City will consult with the owner while identifying potential sub-lessees and selecting not-for-profit partners and/or a post-secondary institution that will operate the business incubation centre space as a sub-lessee.
- (d) For the term of the 25-year lease the City shall pay rent at a rate of \$1 per year, plus T.M.I. (taxes, maintenance and insurance). No ongoing operating subsidy is required to be provided by the owner.
- (e) The City shall have the opportunity to renew the lease at the end of the 25-year lease at market rental rates.
- (f) The owner shall finish the leased Incubator workspace to base condition which shall include concrete floors, electrical, HVAC, plumbing and fire services entering the space, a finished washroom but otherwise no partitioning or drywall.
- (g) Tenants of the space shall have access to staff/visitors parking, drop off and pick up, and service access and garbage pick-up area that is provided for the building as a whole in accordance with applicable zoning By-law requirements and any Transportation Demand Management plans. Dedicated facilities are not required.
- (h) The Owner shall provide a cash payment to the City in the amount of \$613,291 to be used by the City toward finishing said space or otherwise enabling the City to secure quality tenants.

- (i) The lease shall contain a termination clause, which would grant the City an option to terminate the lease at the end of the tenth year of the lease, or at the end of the fifteenth year of the lease, or at the end of the twentieth year of the lease, in all cases subject to 12 months' prior written notice to the Owner. If the City elects to terminate the lease through such option, the City shall receive a credit from the Owner in an amount to be set out in the Section 37 Agreement equal to the pro-rata share of the cost of the Incubator Space to be calculated based on the unused portion of the lease.

2. Cultural Community Space – Phase B or C

- (a) The owner will provide a minimum of 2,800 square metres of non-residential gross floor area in Phase B or C of the development to be used as non-profit community and/or cultural space.
- (b) The Owner shall provide a minimum of 500 square metres of the space identified in 2(a) above on the ground floor, which will include an accessible and highly visible ground floor presence, signage and display, lobby space, and access to an elevator. Other key ground floor programmatic elements as may be identified by City Planning and Economic Development and Culture, and which can be reasonably integrated into the ground-floor building design, can include but are not limited to: an ancillary café/bar, security, washrooms, patron services, promotion, amenity outdoor patio/terrace space, and pop-up programming. Beyond the required minimum area on the ground floor, the space noted in 2(a) above may be located on the second floor.
- (c) The owner will enter into a 25-year lease with the City for the space noted in 2(a) and 2(b) above, to be used for community and/or cultural space.
- (d) The owner consents to the City subleasing the cultural and/or community space to qualified not-for-profit partners or a post-secondary institution that will operate the space and deliver cultural and/or community programming. The City will consult with the owner while identifying potential sub-lessees and selecting not-for-profit partners and/or a post-secondary institution that will operate the business incubation centre space as a sub-lessee.
- (e) For the term of the 25-year lease the City shall pay rent at a rate of \$1 per year, plus T.M.I. (taxes, maintenance and insurance). No ongoing operating subsidy is required to be provided by the owner.
- (f) The City shall have the opportunity to renew the lease at the end of the 25-year lease at market rental rates.
- (g) The owner shall finish the leased cultural and/or community space to base condition which shall include concrete floors, electrical, HVAC, plumbing and fire services entering the space, a finished washroom but otherwise no partitioning or drywall.
- (h) Tenants of the space shall have access to staff/visitors parking, drop off and pick up, service access and garbage pick-up area(s), and any amenity outdoor

patio/terrace space(s) that are provided for the building as a whole, in accordance with applicable zoning By-law requirements and any Transportation Demand Management plans. Dedicated facilities are not required.

- (i) The Owner shall provide a cash payment to the City in the amount of \$1,226,581 to be used by the City toward finishing said space or otherwise enabling the City to secure quality tenants.
 - (j) The lease shall contain a termination clause, which would grant the City an option to terminate the lease at the end of the tenth year of the lease, or at the end of the fifteenth year of the lease, or at the end of the twentieth year of the lease, in all cases subject to 12 months' prior written notice to the Owner. If the City elects to terminate the lease through such option, the City shall receive a credit from the Owner in an amount to be set out in the Section 37 Agreement equal to the pro-rata share of the cost of the cultural and/or community space to be calculated based on the unused portion of the lease.
3. Minor adjustments to Schedule B may be made without requiring an amendment to this By-law or this Schedule B, provided such changes are secured in the phase-specific agreement(s) pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.

SCHEDULE C**Section 37 Details: Privately Owned, Publicly-Accessible Open Spaces ("POPS"), Other Open Spaces, and Publicly Accessible Walkways****1. Transit POPS**

- (a) Prior to the issuance of site plan notice of approval conditions ("NOAC") for the first building on the lands referred to as Phase B on Map 7, the Owner shall provide a plan for the provision of a POPS acceptable to the Chief Planner, that provides for a minimum of 800 square metres of contiguous open space located generally within the hatched area of Phase B east of Broadview Avenue on Map 8 (the "*Eastern POPS Plaza*"), in accordance with the following requirements:
- i. Direct access to and from an entrance to the planned East Harbour SmartTrack/Metrolinx GO Transit Station to the north;
 - ii. General consistency with the City of Toronto's guidelines for POPS as set out in the Unilever Secondary Plan;
 - iii. A minimum of 20 metres of frontage along each of the extension of Broadview Avenue and New Street A;
 - iv. A minimum facing distance of 18 metres between the planned East Harbour SmartTrack/Metrolinx GO Transit Station to the north and the northern edge of the adjacent New Street A sidewalk; and
 - v. Satisfactory provision of access requirements related to Metrolinx and TTC standards, which may include but not be limited to barrier free/WheelTrans considerations, pavement standards, bicycle parking, and provision of signage and shelters.
- (b) Prior to the issuance of NOAC for the first building on lands referred to as Phase C on Map 7, the Owner shall provide a plan for the provision of a POPS acceptable to the Chief Planner, that provides for a minimum of 1,000 square metres of contiguous open space located generally within the hatched area of Phase C west of Broadview Avenue on Map 8 (the "*Western POPS Plaza*"), in accordance with the following requirements:
- (i) Connectivity between the extension of Broadview Avenue to the east, and the planned flood protection landform adjacent to the Don Roadway to the west;
 - (ii) Direct access to and from entrances to the planned East Harbour SmartTrack/Metrolinx GO Transit Station to the north;
 - (iii) General consistency with the City of Toronto's guidelines for POPS as set out in the Unilever Secondary Plan;
 - (iv) Approval of the said POPS design, to the satisfaction of the Chief Planner, Metrolinx and the TTC, to support the western Transit Plaza's function as both a premiere public space and also as a major transit gateway. The design will include:

- A. Detailed pedestrian and cyclist route and capacity modeling, including assessments of required pedestrian clearways and queuing areas required to accommodate signalized pedestrian and cyclist crossing operations.
 - B. Public realm considerations, including materials, landscaping, furnishing, public art, and pedestrian and cyclist amenities.
 - C. Detailed ground-level pedestrian view modeling looking west from the Broadview exit of the Transit Hub and east from the Don exit of the Transit Hub, including detailed modeling of any adjacent built form elements.
 - D. Other considerations including servicing, accessibility, lighting, signage and wayfinding.
- (v) A minimum of 20 metres of frontage along the extension of Broadview Avenue;
 - (vi) An acceptable facing relationship between the Eastern and Western POPS Plazas, intended to facilitate an appropriate, complementary facing relationship; and
 - (vii) A minimum facing distance of 18 metres between the planned East Harbour SmartTrack/Metrolinx GO Transit Station to the north and the northerly office building within Phase C base building streetwall edge to the south, or such alternate dimension as is designed to the satisfaction of the City.
- (c) Notwithstanding 1(a) and 1(b) above, the minimum sum total area for the *Western* and *Eastern POPS Plazas* shall be a minimum of 2,000 square metres.

POPS Easements

- (d) Prior to the issuance of Final Site Plan Approval for any individual building in Phase B or C as shown on Map 7, the owner will convey to the City for nominal consideration easements over the *Eastern* (for Phase B) and *Western* (for Phase C) *POPS Plazas* within that phase, to provide access for use by the general public.

Other Open Spaces and Publicly Accessible Walkways

2. Phase B: Publicly Accessible Walkways

- (a) Prior to issuance of NOAC for the first building of Phase B on Map 7, the owner shall provide a plan for the provision of publicly accessible walkways acceptable to the Chief Planner in accordance with the following requirements:

- i. north-south and east-west pedestrian connectivity through the lands identified as Phase B on Map 7, with the east-west connection to provide a contiguous connection from the street identified as Broadview Avenue to the street identified as New Street B, between the streets identified as New Street A and New Street E, and with the north-south connection to provide a contiguous connection from the street identified as New Street A to the street identified as New Street E, between the streets identified as Broadview Avenue and New Street B;
 - ii. pedestrian connectivity from Eastern Avenue to the Eastern POPS Plaza and/or New Street A; and
 - iii. all to provide access for use by the general public.
- (b) Prior to the issuance of Final Site Plan Approval for the first building of Phase B, on Map 7, the Owner will make arrangements satisfactory to Chief Planner for the timing of conveyance to the City for nominal consideration easements for the publicly accessible walkways described in 2(a) above.

Phase B: Details on Location and Timing

- (c) Details regarding the location and timing of the easements identified in 2(a) and 2(b) above will be set out in the Phase-Specific Section 37 Agreement for Phase B.

3. Phase C

Phase C: Open Space

- (a) Prior to the issuance of NOAC for any individual building for Phase C on Map 7, the owner shall provide a plan for outdoor open space acceptable to the Chief Planner and Executive Director, City Planning, that provides for a minimum of 2,000 square metres of contiguous outdoor open space located generally within the cross hatched area of Phase C on Map 8.

Phase C: Publicly Accessible Walkway

- (b) Prior to the issuance of NOAC for the first building within Phase C on Map 7, the owner shall provide a plan for publicly accessible walkway easements for pedestrian connectivity through the outdoor open space and make satisfactory arrangements with the Chief Planner and Executive Director, City Planning, for the conveyance of the publicly accessible walkway easements.
- (c) Prior to the issuance of Final Site Plan Approval for any individual building in Phase C on Map 7, the owner shall convey to the City for nominal consideration easements for pedestrian connectivity through the block between New Street E and the planned East Harbour SmartTrack/Metrolinx GO Transit Station to the north, to provide access for use by the general public.

Phase C: Details on Location and Timing

- (d) Details regarding the timing of the provision of the outdoor open space identified in (a) above and the location and timing of the easements identified in 3(b) and 3(c) above will be set out in the Phase-Specific Section 37 Agreement for Phase C.

4. Phase D

Phase D: Open Space

- (a) Prior to the issuance of NOAC for any individual building in Phase D on Map 7, the owner shall provide a plan for outdoor space acceptable to the Chief Planner and Executive Director, City Planning, that provides for a minimum of 2,500 square metres of contiguous open space located generally within the cross hatched area of Phase D on Map 8, with generous frontage along New Street E and New Street D.

Phase D: Publicly Accessible Walkway

- (b) Prior to the issuance of NOAC for the first building within Phase D on Map 7, if required by the City, the owner shall provide a plan for a publicly accessible walkway that provides north-south pedestrian connectivity, which may be located on a portion of the outdoor open space identified in 4(a) above.
- (c) Prior to the issuance of Final Site Plan Approval for any individual building in Phase D on Map 7, if required by the City, the owner shall convey to the City for nominal consideration an easement for pedestrian connectivity, to provide access for use by the general public in accordance with the plan identified in 4(b) above.

Phase D: Details on Location and Timing

- (d) Details regarding the timing of the provision of the outdoor open space identified in 4(a) above and the location and timing of the easements identified in 4(b) and 4(c) above will be set out in the Phase-Specific Section 37 Agreement for Phase D.

5. Phase E

Phase E: Open Space

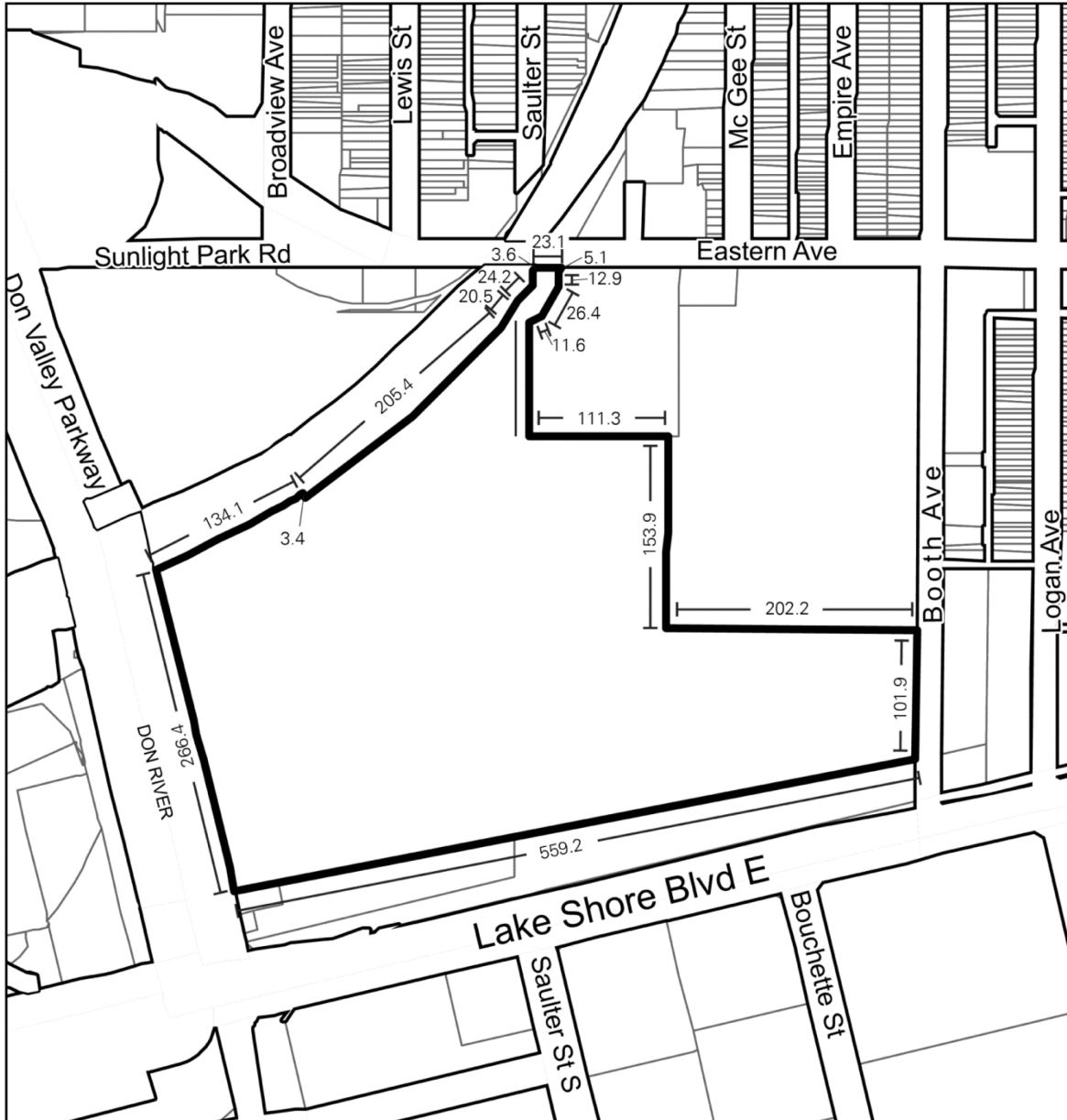
- (a) Prior to the issuance of NOAC for any individual building in Phase E on Map 7, the owner shall provide a plan for outdoor open space acceptable to the Chief Planner and Executive Director, City Planning, that provides for a minimum of 1,500 square metres of contiguous open space located generally within the cross hatched area of Phase E on Map 8, with generous frontage along New Street E.

Phase E: Publicly Accessible Walkway

- (b) Prior to the issuance of NOAC for the first building within Phase E on Map 7, if required by the City, the owner shall provide a plan for a publicly accessible walkway that provides north-south pedestrian connectivity, which may be located on a portion of the outdoor open space identified in 5(a) above.
- (c) Prior to the issuance of Final Site Plan Approval for any individual building in Phase E on Map 7, if required by the City, the owner shall convey to the City for nominal consideration an easement for pedestrian connectivity, to provide access for use by the general public in accordance with the plan identified in 5(b) above.


Phase E: Details on Location and Timing


- (d) Details regarding the timing of the provision of the outdoor open space identified in 5(a) above and the location and timing of the easements identified in 5(b) and 5(c) above will be set out in the Phase-Specific Section 37 Agreement for Phase E.
6. Minor adjustments to Schedule C may be made without requiring an amendment to this By-law or Schedule C, provided that such changes are secured in the Phase-Specific Agreement(s) pursuant to Section 37(3) of the Planning Act, or amendments thereto, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor.

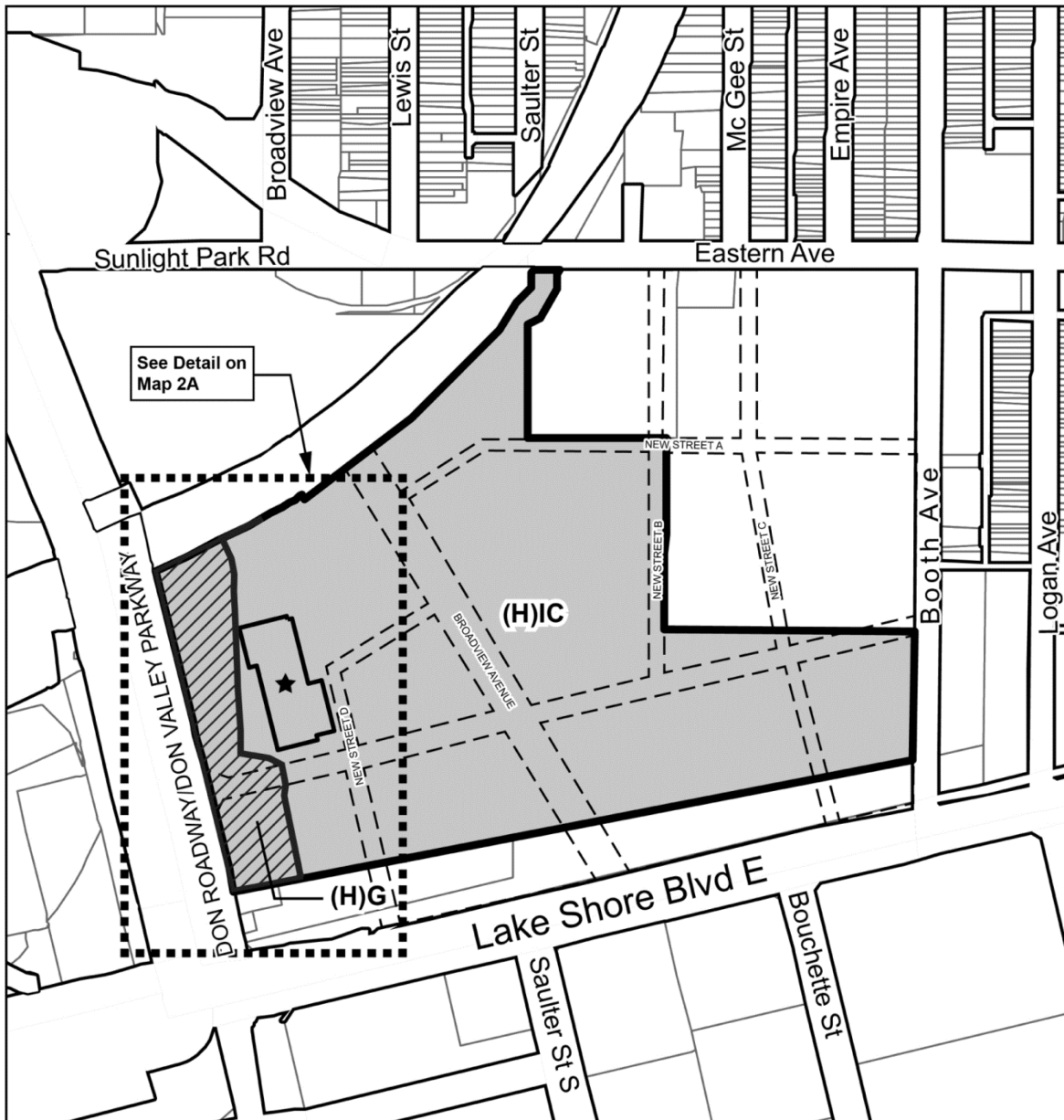


 **TORONTO**
Map 1

**21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue**






 East Harbour Lands



City of Toronto By-Law 438-86
Not to Scale
07/20/2018

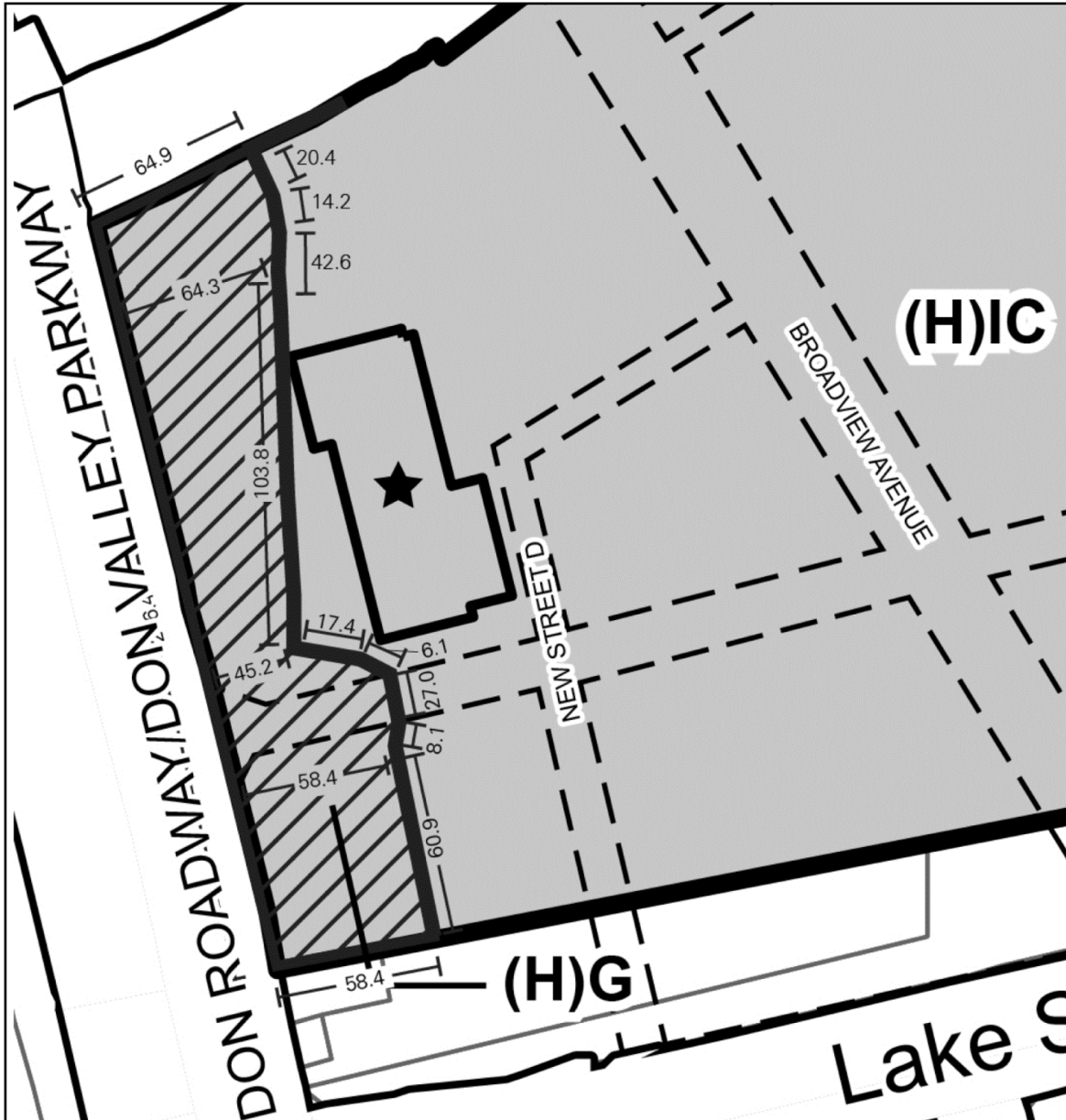


TORONTO
Map 2

**21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue**






-  East Harbour Lands
-  Future Streets
-  IC Zone
-  Former Building 36
-  G Zone



 City of Toronto By-Law 438-86
 Not to Scale
 07/20/2018

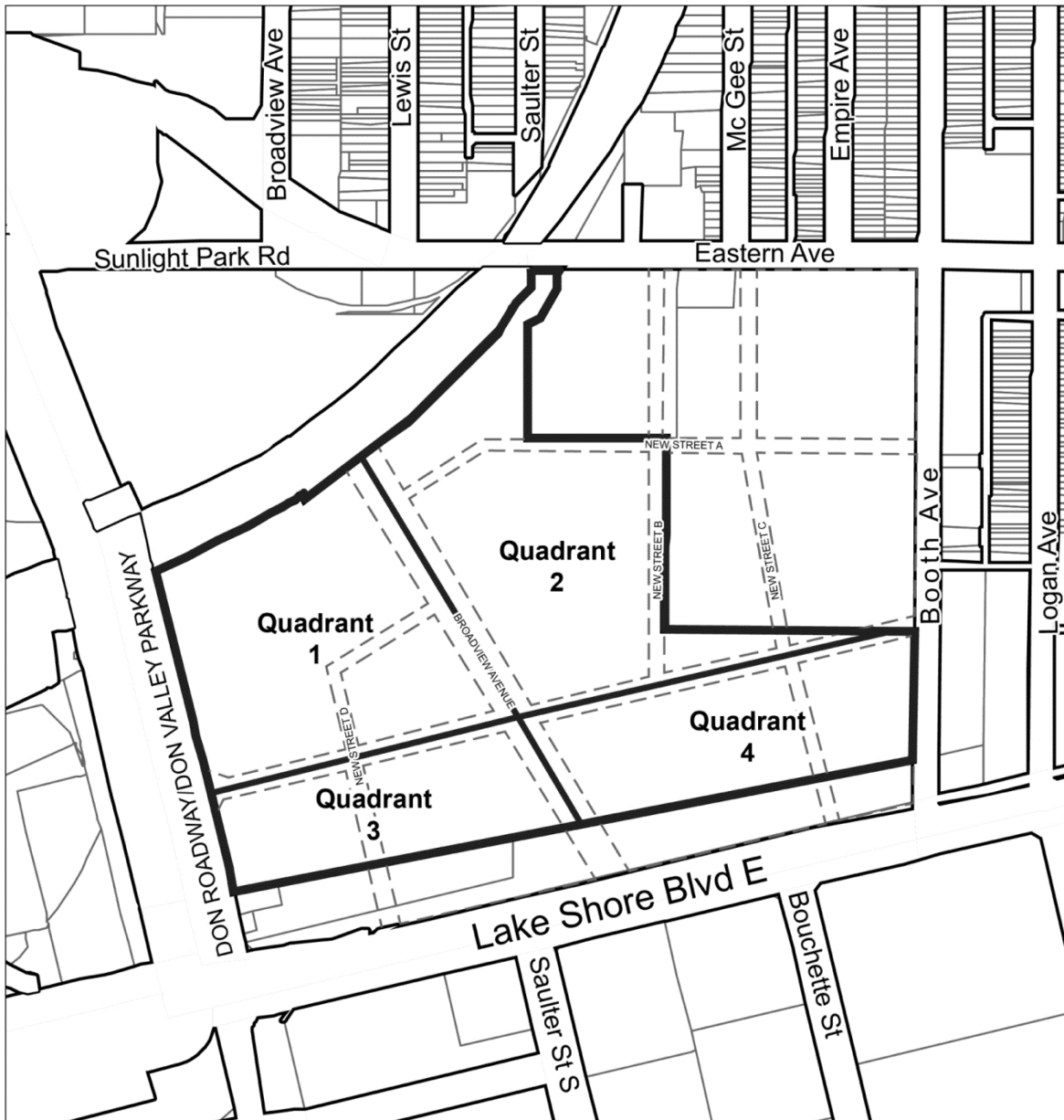


 **TORONTO**
Map 2A

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

-  East Harbour Lands
-  Future Streets
-  IC Zone
-  Former Building 36
-  G Zone



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07/20/2018

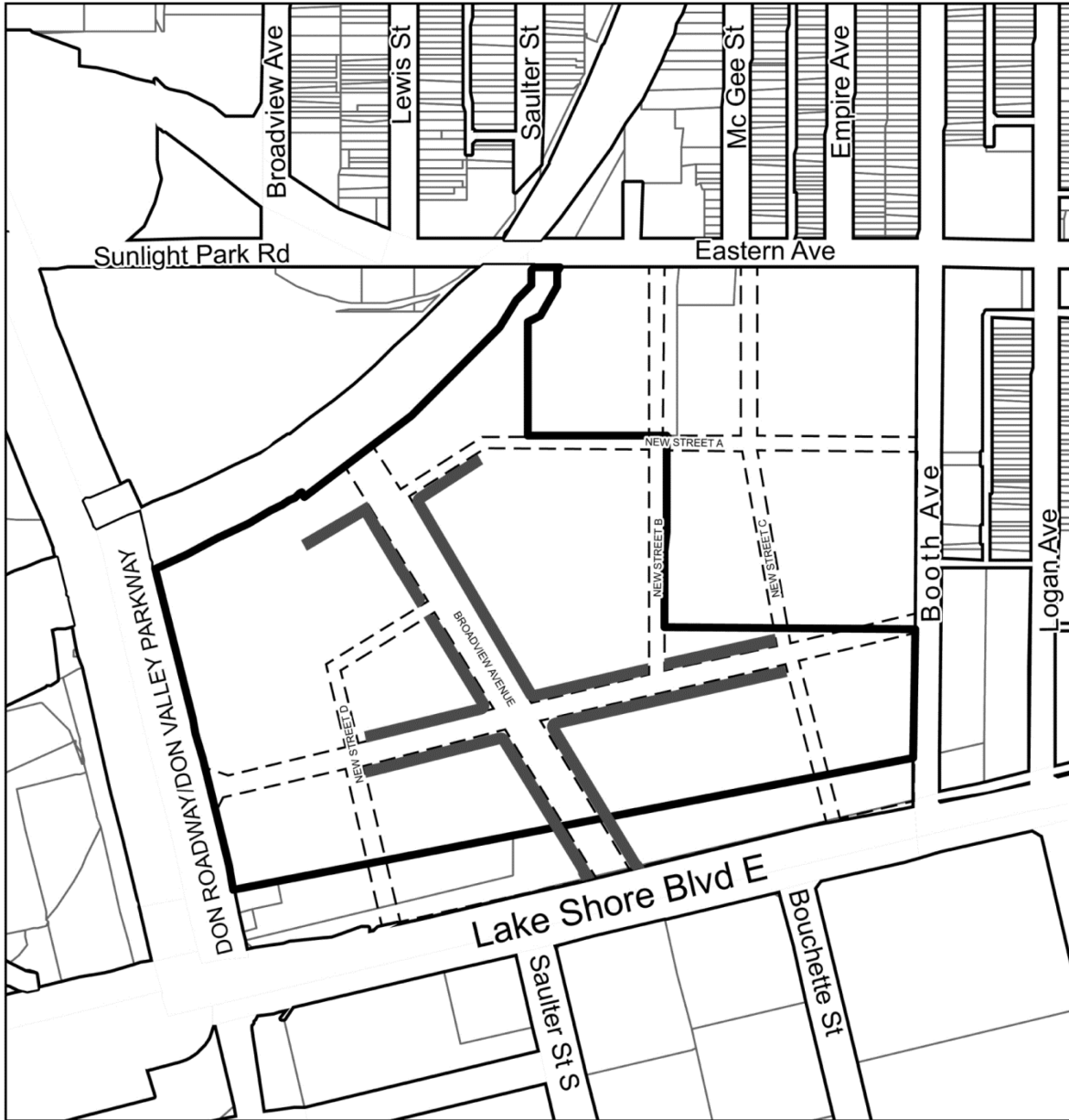


 **TORONTO**
Map 3

**21 Don Valley Parkway, 30 Booth Avenue
 & 375, 385 Eastern Avenue**

 East Harbour Lands
 Future Streets



 City of Toronto By-Law 438-86
 Not to Scale
 07/20/2018

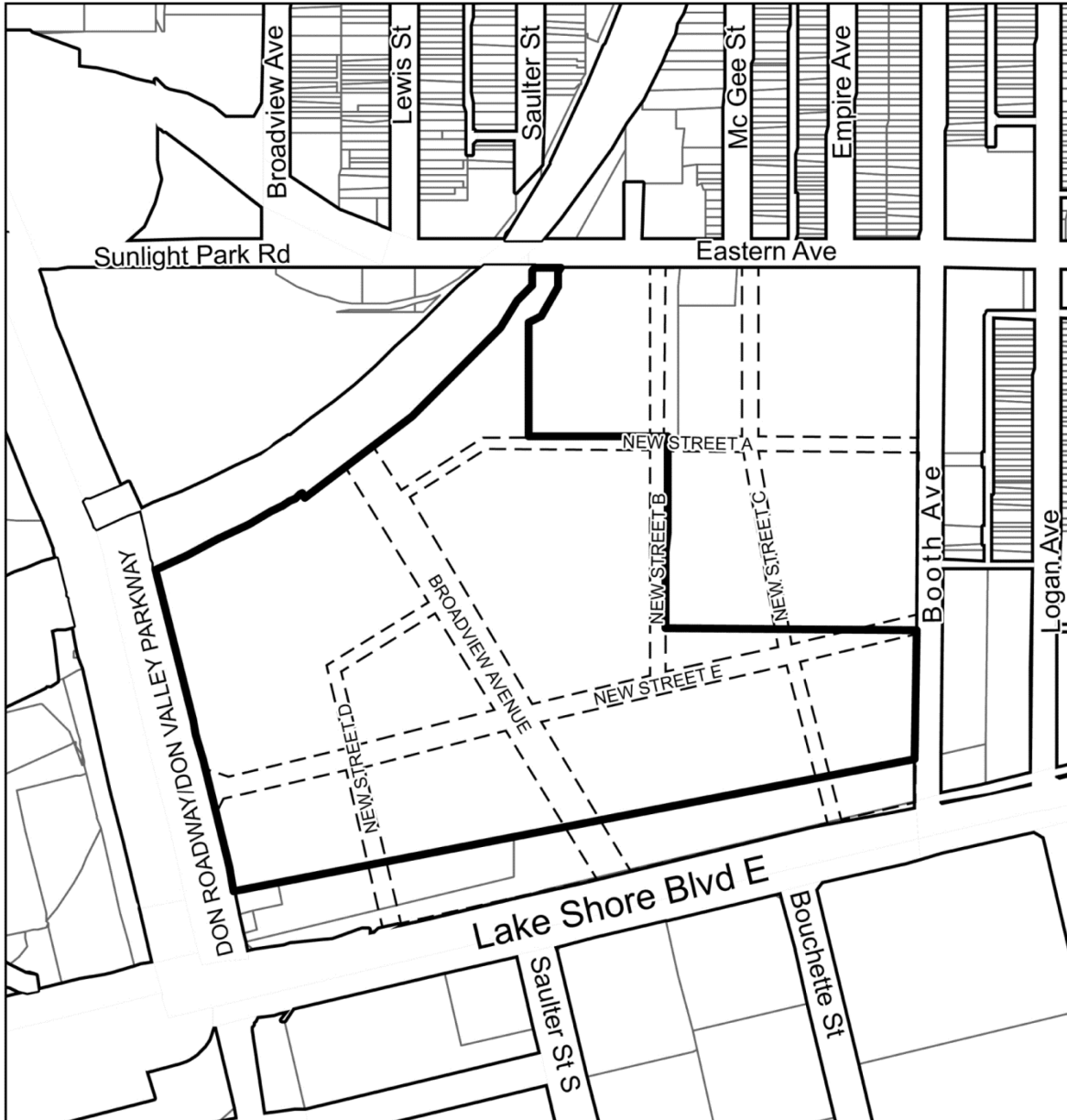


 **TORONTO**
Map 4

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

-  East Harbour Lands
-  Animation Zone
-  Future Streets



City of Toronto By-Law 438-86
Not to Scale
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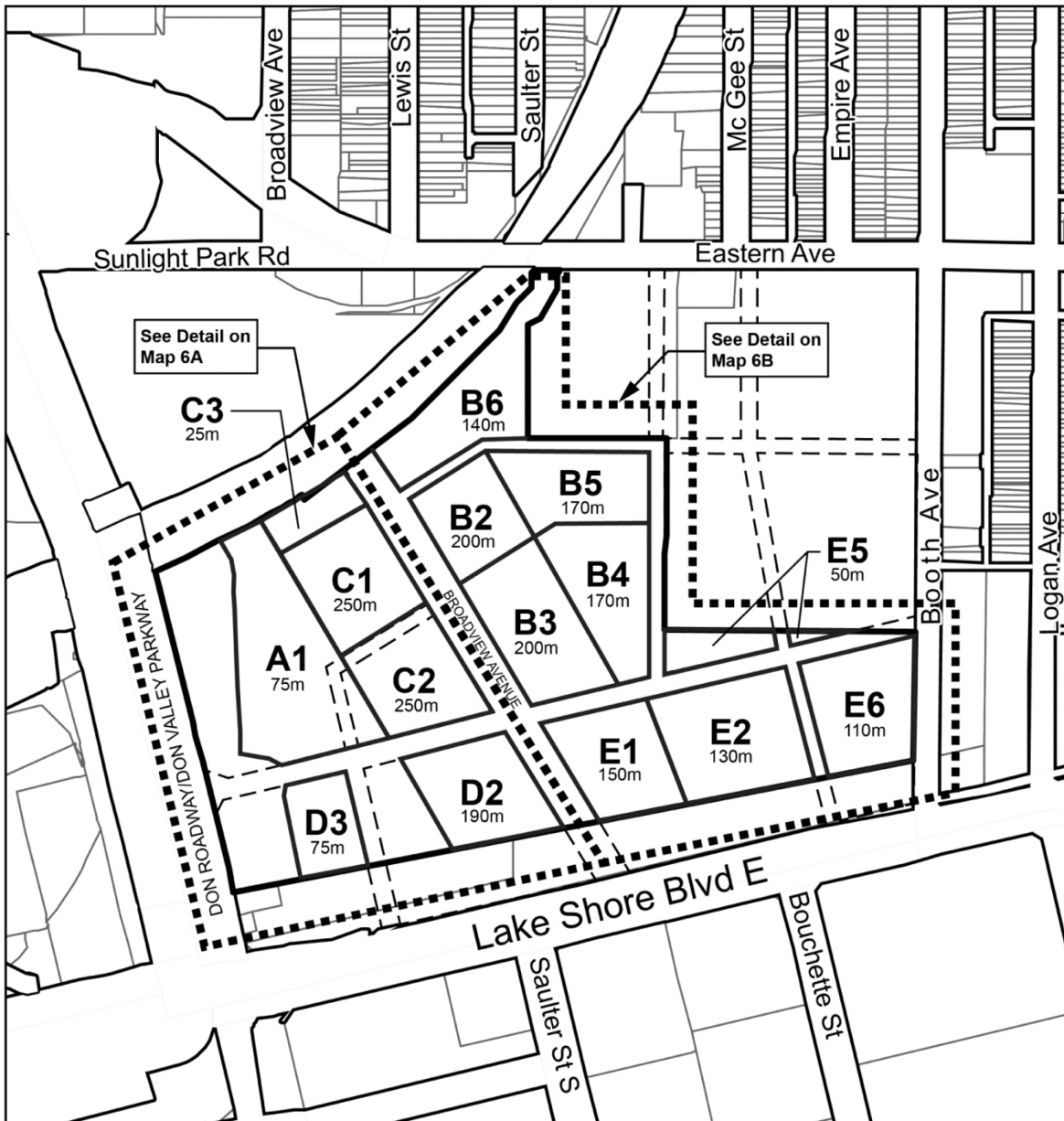


 **TORONTO**
Map 5

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

 East Harbour Lands
 Future Streets



City of Toronto By-Law 438-86
Not to Scale
07/20/2018

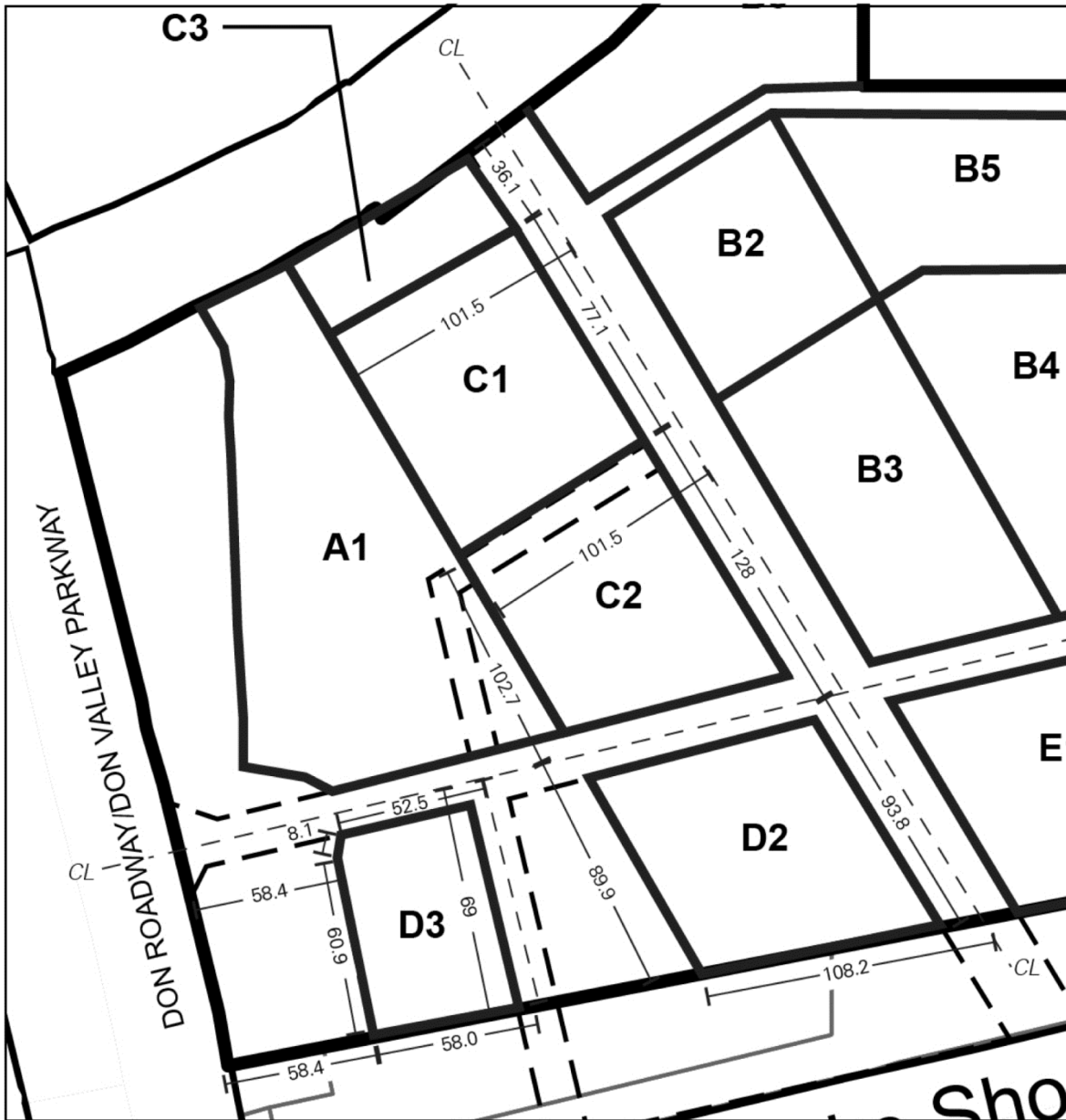


TORONTO
 Map 6

21 Don Valley Parkway, 30 Booth Avenue
 & 375, 385 Eastern Avenue

-  East Harbour Lands
-  Future Streets
-  Height Limit Area



 City of Toronto By-Law 438-86
 Not to Scale
 07/24/2018

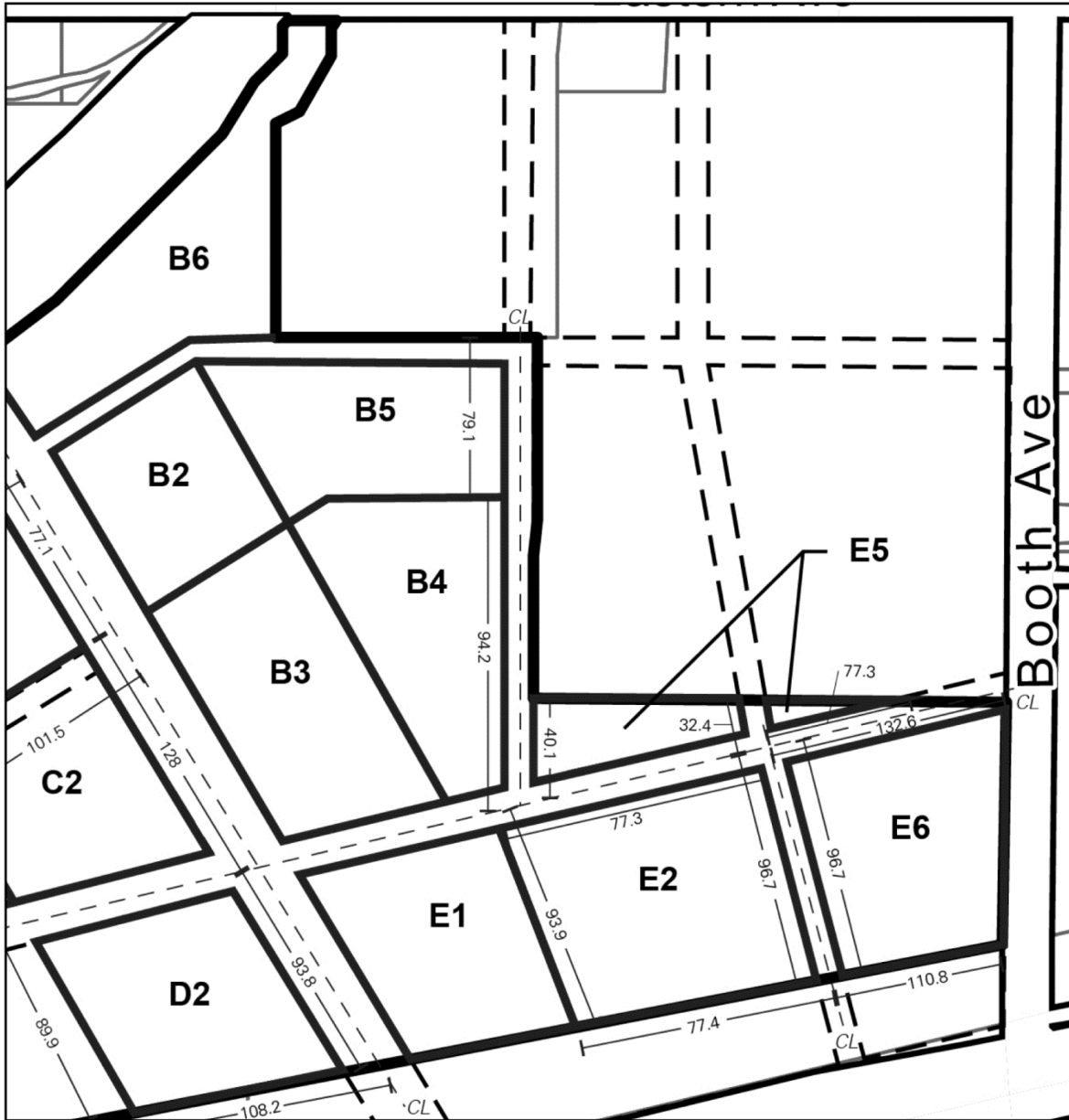


 **TORONTO**
Map 6A

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

-  East Harbour Lands
-  Future Streets
-  Height Limit Area



City of Toronto By-Law 438-86
Not to Scale
07/20/2018

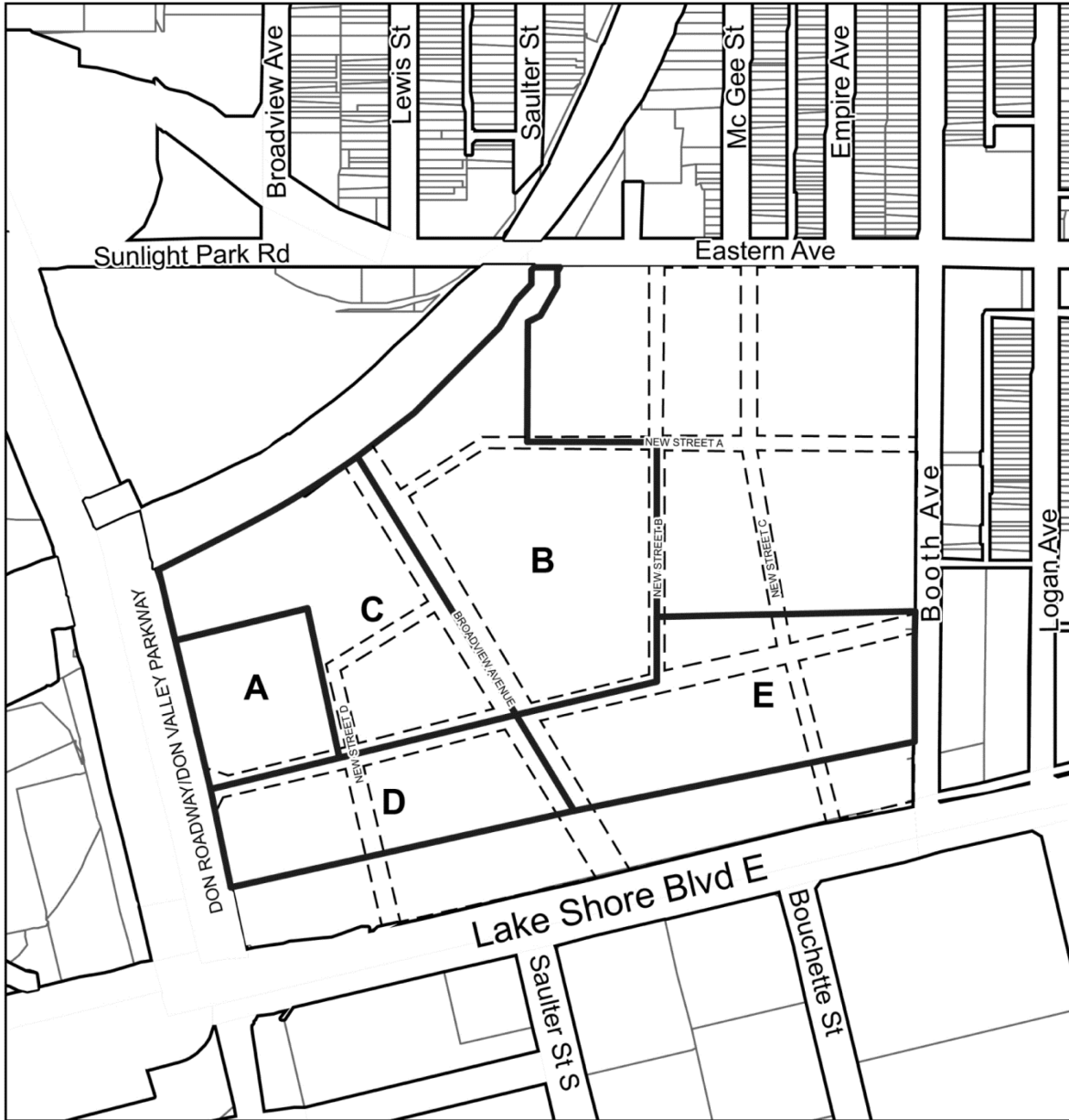


 **TORONTO**
Map 6B

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

-  East Harbour Lands
-  Future Streets
-  Height Limit Area



City of Toronto By-Law 438-86
Not to Scale
07/24/2018

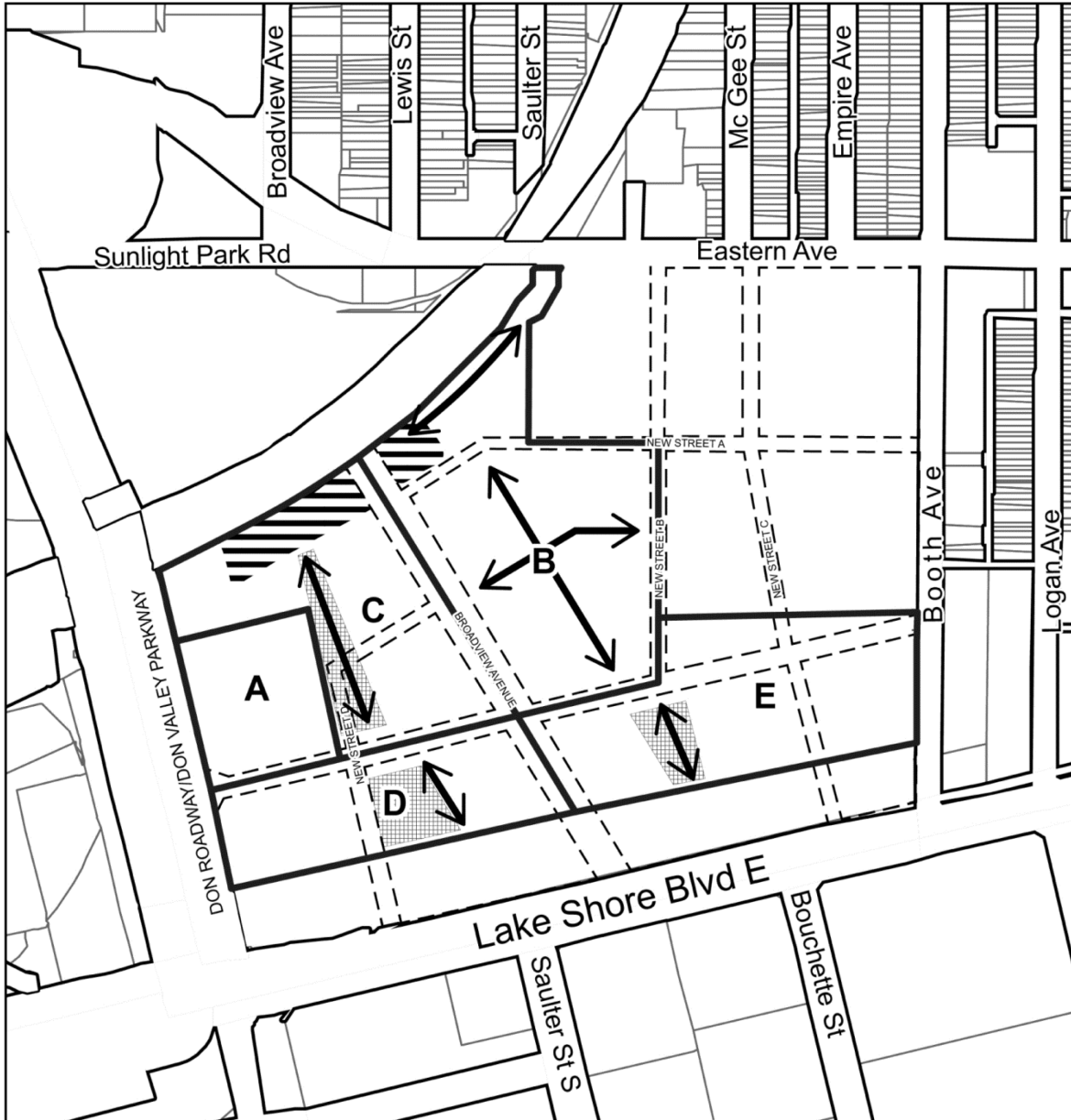


 **TORONTO**
Map 7

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue






 Phasing Blocks
 Future Streets



City of Toronto By-Law 438-86
Not to Scale
07/20/2018



TORONTO
Map 8

21 Don Valley Parkway, 30 Booth Avenue
& 375, 385 Eastern Avenue

-  Phasing Blocks
-  Future Streets
-  General Location of Open Spaces
-  General Location of Publicly Accessible Walkways
-  Transit Privately-Owned, Publicly-accessible Open Spaces (POPS)


 City of Toronto By-Law 438-86
 Not to Scale
 07/24/2018