

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 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 1281-2018**

**To amend Zoning By-law 569-2013, 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 569-2013 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. 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 outlined by heavy black lines as shown on Diagram 2 attached to this By-law to (H)EO (x8), and (H)OR (x17).
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2018 as 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue, 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.
4. For the purposes of this amendment, the lands referred to on Diagram 7 as Broadview Avenue and New Street E are considered to be major **streets**, as shown on Diagram 4 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.42.10 Exception Number 17 so that it reads:

Exception OR 17

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 identified as (H)OR as shown on Diagram 2 attached to By-law 1281-2018, if the requirements of Section 11 and Schedules A, B and C, as applicable, of By-law 1281-2018 are complied with, none of the requirements of 90.30.40.70, 90.30.20.100(3) shall apply to prevent the construction and use of non-residential uses, **buildings** and **structures**, including uses, **buildings** or **structures ancillary** to the foregoing, provided the requirements of (B) to (I) below are met;
- (B) The following uses are permitted on the lands identified as (H)OR as shown on Diagram 2 attached to By-law 1281-2018, prior to the removal of the (H) holding symbol:
  - (i) **Artist Studio**
  - (ii) Beverage **Manufacturing use**
  - (iii) Bus station
  - (iv) Cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations
  - (v) Club
  - (vi) Community health centre
  - (vii) **Contractor's Establishment**
  - (viii) **Custom Workshop**

- (ix) **Day Nursery**
- (x) **Eating Establishment**
- (xi) Flood protection structures and facilities
- (xii) **Financial Institution**
- (xiii) **Industrial Sales and Service Use**
- (xiv) Industrial catering service
- (xv) **Laboratory**
- (xvi) **Manufacturing Use**
- (xvii) **Market Garden**
- (xviii) Medical Office
- (xix) **Open Storage**
- (xx) Ornamental structure
- (xxi) **Park**
- (xxii) **Parking Garage**
- (xxiii) **Performing Arts Studio**
- (xxiv) **Personal Service Shop**
- (xxv) Post office
- (xxvi) **Public Parking**
- (xxvii) Public transit
- (xxviii) **Public Works Yard**
- (xxix) Pumping station
- (xxx) **Printing Establishment**
- (xxxi) **Production Studio**
- (xxxii) Railway, including service and repair yards
- (xxxiii) Railway station
- (xxxiv) Railway tracks
- (xxxv) **Retail Service**
- (xxxvi) **Retail Store**
- (xxxvii) **Shipping Terminal**
- (xxxviii) **Software Development and Processing**
- (xxxix) **Stable**
- (xl) **Take-out Eating Establishment**
- (xli) **Temporary sale/rental centre**
- (xlii) **Trade school**
- (xliii) **Vehicle Repair Shop**
- (xliv) **Vehicle Service Shop**
- (xlv) **Vehicle Washing Establishment**
- (xlvi) **Veterinary Hospital**
- (xlvii) **Warehouse**
- (xlviii) **Wholesaling Use;**

(C) Following the removal of any holding (H) symbol from any portion of the (H)OR zoned lands, the following uses are prohibited in any remaining (H)OR zoned lands:

- (i) Apparel and Textile **Manufacturing Use**
- (ii) Beverage **Manufacturing Use**
- (iii) Cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations
- (iv) Clay Product **Manufacturing Use**

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- (v) Cold Storage
  - (vi) Computer, Communications, Electronics, or Optical Media  
**Manufacturing Use**
  - (vii) **Contractor's Establishment**
  - (viii) Food **Manufacturing Use**
  - (ix) Furniture **Manufacturing Use**
  - (x) Medical Equipment and Supplies **Manufacturing Use**
  - (xi) Metal Products **Manufacturing Use**
  - (xii) **Open Storage**
  - (xiii) Pharmaceutical and Medicine **Manufacturing Use**
  - (xiv) Plastic Product **Manufacturing Use**
  - (xv) **Public Works Yard**
  - (xvi) Pumping station
  - (xvii) **Shipping Terminal**
  - (xviii) **Stable**
  - (xix) Transportation Product and Vehicle **Manufacturing Use**;
- (D) The following uses are permitted on the lands identified as OR as shown on Diagram 2 attached to By-law 1281-2018:
- (i) **Community Centre**
  - (ii) **Day Nursery**
  - (iii) **Eating Establishment** of not more than 500 square metres, and associated **Outdoor Patio**
  - (iv) **Entertainment Place of Assembly**
  - (v) Library
  - (vi) **Museum**
  - (vii) **Outdoor patio**
  - (viii) **Park**
  - (ix) **Public Utility**
  - (x) **Recreation Use**
  - (xi) **Transportation Use**
  - (xii) Flood protection structures and facilities;
- (E) The following uses are permitted on the lands identified as OR as shown on Diagram 2 attached to By-law 1281-2018, subject to the conditions set out in 90.30.20.100, as applicable:
- (i) **Cogeneration Energy**
  - (ii) **Renewable Energy**
  - (iii) **Take-out Eating Establishment**;
- (F) **Buildings** or **structures** above ground are to be set back a minimum of 20.0 metres from the UT zone overlaying the Metrolinx rail corridor immediately north of the lands subject to this exception, except for:
- (i) **buildings** or **structures** used for transportation uses, which may include **Personal Service Shops, Service Retail, Retail Stores, Take-out Eating Establishments**, and accessory uses;
  - (ii) district energy uses; and



- (iii) **district heating and cooling plant;**
- (G) Despite Chapters 200 and 220, no **parking spaces** or **loading spaces** are required for permitted uses on the H(OR) or OR zoned lands located within those lands;
- (H) Nothing in this exception or By-law 569-2013 applies to prevent the use of the lands, or the erection or use of a **building, structure**, or portion thereof on the lands subject to this exception for any of the following:
  - (i) **transportation uses;**
  - (ii) **structures** used in connection with any of the uses listed under 90.30.20.10 or 90.30.20.20 constructed or operated by, or on behalf of the City of Toronto; and
  - (iii) flood protection structures and facilities;
- (I) The floor area of any **building** or **structure** devoted exclusively to any of the purposes in (H) above are excluded from any calculations of **gross floor area** and required **parking spaces** for the lands required elsewhere by this exception or By-law 569-2013.

Prevailing By-laws and Prevailing Sections:

- (A) City of Toronto By-law 438-86 Section 12(2)270, only as applicable to (B) and (C) above.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.24.10 Exception Number 8 so that it reads:

Exception EO 8:

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 shown as (H)EO on Diagram 2 to By-law 1281-2018, if the applicable requirements in Section 9 and Schedules A, B and C of By-law 1281-2018 are complied with, none of the provisions of 5.10.40.70(1) through (4), 60.5.40.10, 60.5.40.60(1), 60.5.40.70, or 60.40.1.10 apply to prevent the erection or use of land, buildings or structures on the lands if in compliance with Regulations (B) to (TT) below;
- (B) Despite Regulation 800.50.825, **street** means an existing or future street identified on Diagram 7 of By-law 1281-2018;
- (C) In addition to uses permitted in Regulation 60.40.20.10(1)(A) and 60.40.20.10(1)(B), the following additional uses are permitted in an EO District on the lands:
  - (i) **Amusement Arcade**

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- (ii) **An Eating Establishment, Retail Store or Take-out Eating Establishment** all of which may include food or beverage **manufacturing**
  - (iii) **Cabaret**
  - (iv) **District Heating and Cooling Plant**
  - (v) **Entertainment Place of Assembly**
  - (vi) **Nightclub**
  - (vii) Ornamental Structure
  - (viii) **Pet Services**
  - (ix) **Post-Secondary School;**
- (D) Regulation 60.40.20.100(5) does not apply;
  - (E) Regulation 60.40.20.100(6) does not apply;
  - (F) Regulation 60.40.20.100(7) does not apply;
  - (G) Chapters 60.40.20.100(14)(B), 60.40.20.100(14)(C), and 60.40.20.100(F) do not apply;
  - (H) Despite Regulations 60.40.20.20(1)(A) and (B), a **district heating and cooling plant** is permitted if it is in combination with another permitted use on the lands and complies with all Municipal, Provincial and Federal by-laws, statutes and Regulations;
  - (I) Other uses combined with **eating establishments** are not subject to the interior floor area restrictions set out in Regulation 150.100.20.1;
  - (J) **Vehicle service shops** are not subject to the conditions set out in Regulation 150.94;
  - (K) In addition to uses permitted in Regulation 60.40.20.20(1)(B), the following additional uses are permitted if they comply with the specific conditions associated with the reference number(s) for each use in Regulation 60.40.20.100 and the Conditions identified at (M) below:
    - (i) **Day Nursery**
    - (ii) Outdoor Sales or Display
    - (iii) **Vehicle Service Shop**
    - (iv) **Vehicle Washing Establishment;**
  - (L) In addition to the Conditions at Regulation 60.40.20.100, the following additional conditions apply:
    - (i) Day Nursery

A **day nursery** in the EO and (H)EO zone is permitted provided it is located on the first **storey** of a building;

(ii) Outdoor Sales or Display

Outdoor sale or display of goods or commodities in the EO and (H)EO zone:

- a. may not be located in areas required by this By-law for parking, loading, **driveways** or **landscaping**; and
- b. there may be no storage or warehousing of goods in a **vehicle**;

(iii) Vehicle Service Shop

A **Vehicle Service Shop** in the EO and (H)EO zone must:

- a. be wholly below **grade**; or
- b. not located within 5 metres of an exterior **building** wall, exclusive of accesses;

(iv) Vehicle Washing Establishment

A **Vehicle Washing Establishment** in the EO and (H)EO zone must:

- a. be below ground in a **parking garage**; and
- b. comply with the specific use Regulations in Section 150.96;

(M) In the EO and (H)EO zone, if a **vehicle washing establishment** is located inside a **building** and below ground, the provisions of Regulations 150.96.20.1(2) and (3) do not apply;

(N) Despite Regulation 60.40.20.10(1)(A), the following uses are not permitted in an EO zone on the lands:

- (i) Cold Storage
- (ii) Dry Cleaning or Laundry Plant;

(O) Despite Regulation 60.40.20.20, the following uses are not permitted in an EO zone on the lands:

- (i) **Drive Through Facility**
- (ii) Food **Manufacturing Use**
- (iii) Furniture **Manufacturing Use**
- (iv) Medical Equipment and Supplies **Manufacturing Use**
- (v) Metal Products **Manufacturing Use**
- (vi) **Open Storage**
- (vii) Pharmaceutical and Medicine **Manufacturing Use**
- (viii) **Place of Worship**
- (vix) Plastic Product **Manufacturing Use**
- (x) Transportation Product and Vehicle **Manufacturing Use**;

- (P) Uses listed in Regulation 60.40.20.10(1) and 60.40.20.20(1) that are not listed in (N) and (O) above are permitted in an EO zone on the lands, if they comply with the specific conditions associated with the reference number(s) for each use in Regulation 60.40.20.100 and the relevant specific use requirements of Section 150;
- (Q) The following uses are permitted in an (H)EO zone, until such time as an (H) holding symbol is lifted from any of the (H)EO zoned lands:
- (i) **Artist Studio**
  - (ii) Beverage **Manufacturing use**, provided that no individual beverage **manufacturing use** may exceed 2,500 square metres of **gross floor area**
  - (iii) Bus station
  - (iv) Cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations
  - (v) Club
  - (vi) Community health centre
  - (vii) **Contractor's Establishment**
  - (viii) **Custom Workshop**
  - (ix) **Day Nursery**
  - (x) **Eating Establishment**
  - (xi) Flood protection structures and facilities
  - (xii) **Financial Institution**
  - (xiii) **Industrial Sales and Service Use**
  - (xiv) Industrial catering service
  - (xv) **Laboratory**
  - (xvi) **Manufacturing Use**
  - (xvii) **Market Garden**
  - (xviii) Medical Office
  - (xix) **Open Storage**
  - (xx) Ornamental structure
  - (xxi) **Park**
  - (xxii) **Parking Garage**
  - (xxiii) **Performing Arts Studio**
  - (xxiv) **Personal Service Shop**
  - (xxv) Post office
  - (xxvi) **Public Parking**
  - (xxvii) Public transit
  - (xxviii) **Public Works Yard**
  - (xxix) Pumping station
  - (xxx) **Printing Establishment**
  - (xxxi) **Production Studio**
  - (xxxii) Railway, including service and repair yards
  - (xxxiii) Railway station
  - (xxxiv) Railway tracks
  - (xxxv) **Retail Service**
  - (xxxvi) **Retail Store**
  - (xxxvii) **Shipping Terminal**
  - (xxxviii) **Software Development and Processing**
  - (xxxix) **Stable**

- (xl) **Take-out Eating Establishment**
  - (xli) **Temporary sale/rental centre**
  - (xlii) Trade school
  - (xliii) **Vehicle Repair Shop**
  - (xliv) **Vehicle Service Shop**
  - (xlv) **Vehicle Washing Establishment**
  - (xlvi) **Veterinary Hospital**
  - (xlvii) **Warehouse**
  - (xlviii) **Wholesaling Use;**
- (R) Following the removal of any (H) holding symbol from any portion of the (H)EO zoned lands, the following uses are prohibited in an (H)EO zoned lands:
- (i) The uses listed in (N) and (O) above
  - (ii) Apparel and Textile **Manufacturing Use**
  - (iii) Cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations
  - (iv) Clay Product **Manufacturing Use**
  - (v) Computer, Communications, Electronics, or Optical Media **Manufacturing Use**
  - (vi) **Contractor's Establishment**
  - (vii) **Public Works Yard**
  - (viii) Pumping station
  - (ix) **Shipping Terminal**
  - (x) **Stable;**
- (S) Despite any other provision of this Exception, the uses permitted in (C)-(L) above are permitted, and the uses prohibited in (N), (O) and (R) above are not permitted, in the **building** or **structure** generally illustrated by the outline on Diagram 2 attached to By-law 1281-2018, labeled as Former Building 36, as well as any additions and expansions to thereto, both prior to and following the removal of the (H) holding symbol from the EO(H) zone (as though there was no (H) holding symbol on Former Building 36);
- (T) The maximum non-residential **gross floor area** permitted in each quadrant identified on Diagram 5 attached to By-law 1281-2018 is as follows:
- (i) Quadrant 1: 314,400 square metres
  - (ii) Quadrant 2: 342,600 square metres
  - (iii) Quadrant 3: 92,600 square metres
  - (iv) Quadrant 4: 176,400 square metres;

- (U) Subject to (T) above, the maximum non-residential **gross floor area** for each quadrant identified on Diagram 5 attached to By-law 1281-2018 that may be occupied by the following: **Cabarets, Clubs, Eating Establishments, Entertainment Places of Assembly, Financial Institutions, Industrial Sales and Service Uses, Medical Office, Massage Therapy, Nightclubs, Outdoor Sales or Display, Personal Service Shops, Pet Services, Places of Assembly, Recreation Uses, Retail Services, Retail Stores, Self-storage Warehouse, Service Shops, Take-out Eating Establishments and Wellness Centres**, is as follows:
- (i) Quadrant 1: 40,700 square metres
  - (ii) Quadrant 2: 72,500 square metres
  - (iii) Quadrant 3: 22,400 square metres
  - (iv) Quadrant 4: 49,600 square metres;
- (V) For the purposes of this exception, **Street-related retail and service uses** means one or more of: **art gallery, artist studio, eating establishments, financial institutions, personal service shops, pet services, retail stores, and take-out eating establishments**;
- (W) No **building** or **structure** subject to an Animation Zone frontage(s) as shown on Diagram 8 may be erected or used on a **lot** unless a minimum of 80 percent of the cumulative length of the exterior **main 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: **art galleries, artist studios, community centres, day nurseries**, libraries, markets, **museums, performing arts studios**, publicly accessible and programmable office and other lobbies, publicly accessible **post-secondary schools, recreation uses**, and **street-related retail and service uses**:
- (i) For each **building** or **structure**, a minimum of 10 percent of each 80 percent provided in accordance with (W) above will comprise **street-related retail and service uses** units that are subject to the following requirements:
    - (a) each **street-related retail and service uses** unit will be limited to a maximum of 250 square metres of **interior gross floor area**, and
    - (b) the length of each **street-related retail and service uses** unit will 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:
    - (a) the **frontage** of the lot on which the shop or use is located; or
    - (b) a **building** setback line from a **street** on which the shop or use has frontage, provided the line is established by this Exception; 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;
- (X) Despite Regulation 60.40.40.10:
- (i) For the purposes of this exception, **grade** means the Canadian Geodetic Datum elevation of 78.6 metres;
  - (ii) The maximum **building height** above **grade** for the areas shown on Diagrams 6, 6A and 6B collectively attached to By-law 1281-2018, is as indicated on Table 1 of By-law 1281-2018;
  - (iii) For the purposes of this exception, **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. 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**;
  - (iv) 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**;
  - (v) Despite (X)(ii) above, the following **structures**/items may exceed the height limits as described:
    - (a) structures on any roof used for outdoor amenity space or open air recreation, maintenance, safety, wind or green roof purposes to a maximum vertical projection of 2.0 metres above the height **limits**;
    - (b) elevator overruns and related enclosures, including stair towers, to a maximum of 5.0 metres above height **limits**;
    - (c) parapets up to 2.0 metres above **height** limits;
    - (d) terraces and patios, including associated railings, and architectural and landscape features up to 2.0 metres above **height** limits;
    - (e) 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 set back a minimum of 10 metres from the **lot line**;
- (Y) **Buildings** or **structures** above ground are to be set back a minimum of 20.0 metres from the UT zone overlaying the Metrolinx rail corridor immediately north of the lands subject to this exception, except for:
- (i) **buildings** or **structures** used for transportation uses, which may include **Personal Service Shops, Service Retail, Retail Stores, Take-out Eating Establishments**, and accessory uses;

- (ii) district energy uses; and
  - (iii) **district heating and cooling plant;**
- (Z) All **buildings** or **structures** above ground must be set back a minimum of 5.0 metres from any OR and/or (H) OR zone;
- (AA) Notwithstanding (Z) above, the **building/structure** generally illustrated by the outline on Diagram 2, labeled as Building 36, as well as any additions and expansions thereto, may have a 2 metre setback from the OR or (H)OR zone provided that either the (H) has been lifted from the relevant EO lands or the Toronto and Region Conservation has issued a permit under Ontario Regulation 166/06 or its successor respecting said **building/structure**, and any additions and expansions thereto;
- (BB) **Buildings** or **structures** in an EO zone must be set back above ground from the **street lines** for those streets identified on Diagram 7 By-law 1281-2018 as indicated on Table 2 of By-law 1281-2018;
- (CC) For the purposes of this exception, 'tower' means the portions of a building which collectively enclose the entirety of a **storey** higher than 36.0 metres above **grade**;
- (DD) Above a height of 36 metres, a minimum separation distance of 25 metres must be provided between the **main walls** of any tower and another tower on the lands, as measured from exterior **main walls**;
- (EE) The maximum number of towers in each Quadrant as identified on Diagram 5 is:
- (i) Quadrant 1: 3
  - (ii) Quadrant 2: 5
  - (iii) Quadrant 3: 2
  - (iv) Quadrant 4: 3;
- (FF) No minimum setback requirements apply to the portions of **buildings** or **structures** below ground;
- (GG) Notwithstanding (BB) and (DD) above, elements of a **building** may encroach into a required **building setback** as follows:
- (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, and 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;
- (HH) **Parking spaces** for uses on lands zoned (H)EO will be provided in accordance with Chapter 200;
- (II) Despite Regulation 60.5.80.10, required **parking spaces** and **loading spaces** for uses on lands zoned by this exception may be provided anywhere on the lands subject to this exception;
- (JJ) Despite Chapter 200.5.10.1 and Chapter 200.10.1, off-street motor vehicle **parking spaces** must be provided for every **building** or **structure** erected or enlarged on the lands subject to this exception, in accordance with the following:
- (i) **Parking spaces** must be provided as follows:
    - (a) the minimum number of required **parking spaces** is 0.3 spaces per 100 square metres of **gross floor area**; and
    - (b) the maximum number of **parking spaces** permitted to be located in each quadrant of the lands as illustrated on Diagram 5 is as follows:
      - 1. Quadrant 1: 1570
      - 2. Quadrant 2: 1885
      - 3. Quadrant 3: 370
      - 4. Quadrant 4: 535;
  - (ii) Despite Regulation 60.5.80.10, required **parking spaces** to support development must be located in a **parking garage**;
  - (iii) A **parking garage** is permitted only below-ground, exclusive of accesses;
  - (iv) Despite (JJ)(ii) above, a **parking garage** may be located in an above-ground **building** or portion thereof provided that:
    - (a) the use, exclusive of accesses, is not located within 10 metres of an exterior wall facing a **street**; and
    - (b) the portion of the building between the exterior wall facing the **street** and the area used for parking is solely occupied by other uses permitted by this Exception, exclusive of accesses;

- (KK) Despite Regulation 60.5.100.1(1), any **driveway** is restricted to a maximum width of 7.5 metres for a minimum depth of 3.0 metres measured from the **street line**;
- (LL) Despite (KK) above, a maximum of two **driveways** on the lands subject to this exception may have a maximum width of 11 metres for a minimum depth of 3.0 metres measured from a **lot line** abutting a **street**;
- (MM) Despite Chapter 200.15, the following requirements apply to accessible **parking spaces**:
- (i) For the purposes of this clause, "accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11;
  - (ii) an accessible **parking space** must have the following minimum dimensions:
    - (a) length of 5.6 metres;
    - (b) width of 3.4 metres; and
    - (c) vertical clearance of 2.1 metres;
  - (iii) The minimum dimensions of an accessible **parking space** that is adjacent and parallel to a drive aisle from which vehicle access is provided is:
    - (a) length of 7.1 metres
    - (b) width of 2.6 metres; and
    - (c) vertical clearance of 2.1 metres;
  - (iv) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
  - (v) Accessible **parking spaces** must be the parking spaces closest to a barrier free:
    - (a) entrance to a building;
    - (b) passenger elevator that provides access to the first storey of the building; and
    - (c) shortest route from the required entrances in (a) and (b);
  - (vi) Clearly identified off street accessible **parking spaces** must be provided on the same lot as every building or structure erected or enlarged, if the total **parking space** requirement is 5 or more, in compliance with the following:
    - (a) if the number of required parking spaces is 5 to 24, a minimum of 1 **parking space** must comply with the minimum dimensions for an accessible **parking space**;

- (b) if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for every 25 **parking spaces** or part thereof must comply with the minimum dimensions for an accessible parking space; and
  - (c) if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must comply with the minimum dimensions for an accessible **parking space**;
  
- (NN) Despite Chapter 230.5.10, **bicycle parking spaces** must be provided for all uses on the lands at the Office Bicycle Parking Space Rates, as in Table 230.5.10.1(1);
  
- (OO) Access to long-term **bicycle parking spaces** located anywhere but on the first storey must be provided through a dedicated ramp and/or a dedicated elevator;
  
- (PP) Despite Regulation 220.5.1.10(1), calculation of required **loading spaces** will be undertaken separately for each quadrant of the lands shown on Diagram 5 of By-law 1281-2018;
  
- (QQ) Areas for required **loading spaces** may be connected below-ground through the lands subject to this exception;
  
- (RR) Despite Chapter 220.5.10, **loading spaces** on the lands will be provided at the office **loading space** requirements rates;
  
- (SS) Nothing in this exception or By-law 569-2013 applies to prevent the use of the lands, or the erection or use of a **building, structure**, or portion thereof on the lands subject to this exception for any of the following:
  - (i) **transportation uses**;
  - (ii) **structures** used in connection with any of the uses listed under 90.30.20.10 or 90.30.20.20 constructed or operated by, or on behalf of the City of Toronto; and
  - (iii) flood protection structures and facilities;
  
- (TT) The floor area of any **building** or **structure** devoted exclusively to any of the purposes in (SS) above are excluded from any calculations of **gross floor area** and required **parking spaces** for the lands required elsewhere by this exception or By-law 569-2013;

Prevailing By-laws and Prevailing Sections:

- (A) City of Toronto By-law 438-86 Section 12(2)270, only as applicable to (Q) and (R) above.

7. Nothing in this By-law or By-law 569-2013 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 OR 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.

Furthermore, the floor area of any **building** or **structure** devoted exclusively to any of the purposes above shall be excluded from any calculations of **gross floor area** and required **parking spaces** for the lands required elsewhere by this exception, or Zoning By-law 569-2013.

8. Holding Provisions:

All lands that are delineated by heavy lines and zoned with the (H) symbol on Diagram 2 attached to and forming part of this By-law shall comply with the provisions at subparagraphs 5(B) and (C), and 6(Q) and (R) to this By-law.

A By-law to remove the (H) symbol from all or part of the lands subject to this by-law 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, and Council:

- (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 & Executive Director, Engineering and 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 and 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 subparagraph 6(R), 6(JJ)(ii), and Diagram 2 of By-law 1281-2018 and the above holding (H) provisions, redevelopment of the building or structure generally illustrated by the outline on Diagram 2, labeled as 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 EO, as though there is no (H) holding symbol on Building 36 and any additions and expansions thereto.

**9. 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 Diagram 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 Diagram 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 Diagram 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 agreements(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

(Seal of the City)

Ulli S. Watkiss,  
City Clerk

**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 Section (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 lands; 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 surplussed, with such contribution to be specifically targeted towards the adaptive reuse of these buildings for arts and cultural uses.

2. The lands 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 Diagram 9. 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"> <li>1. Design and construction of incubator space in the amount of 1,400 square metres, in accordance with Schedule B to this By-law.</li> <li>2. Financial contribution towards fit-out costs to a minimum value of \$613,291.</li> </ol>
B	<ol style="list-style-type: none"> <li>1. Delivery of public art to a minimum value of \$3,570,000.</li> <li>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.</li> <li>3. Financial contribution of \$3,500,000 to the City, to be allocated to off-site affordable rental housing.</li> </ol>
C	<ol style="list-style-type: none"> <li>1. Delivery of public art to a minimum value of \$3,735,000.</li> <li>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.</li> <li>3. Financial contribution towards fit-out costs to a minimum value of \$1,226,581.</li> <li>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.</li> </ol>
D	<ol style="list-style-type: none"> <li>1. Delivery of public art to a minimum value of \$1,100,000.</li> <li>2. A financial contribution of \$1,500,000 to the City, to be allocated to off-site affordable rental housing.</li> <li>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.</li> </ol>
E	<ol style="list-style-type: none"> <li>1. Delivery of public art to a minimum value of \$2,095,000.</li> <li>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.</li> </ol>

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) 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 & 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 2.1 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 Diagram 9, 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 Diagram 10 (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 Diagram 9, 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 Diagram 10 (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 Diagram 9, 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 Diagram 9, 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 Diagram 9, 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 Diagram 9, 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 Diagram 9, 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 Diagram 10.

#### **Phase C: Publicly Accessible Walkway**

- (b) Prior to the issuance of NOAC for the first building within Phase C on Diagram 9, 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 Diagram 9, 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 3(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 Diagram 9, 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 Diagram 10, 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 Diagram 9, 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 Diagram 9, 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 Diagram 9, 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 Diagram 10, 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 Diagram 9, 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 Diagram 9, 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.

Table 1

Area Identified on Diagram 6	Maximum Building Height (m)
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

Table 2

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

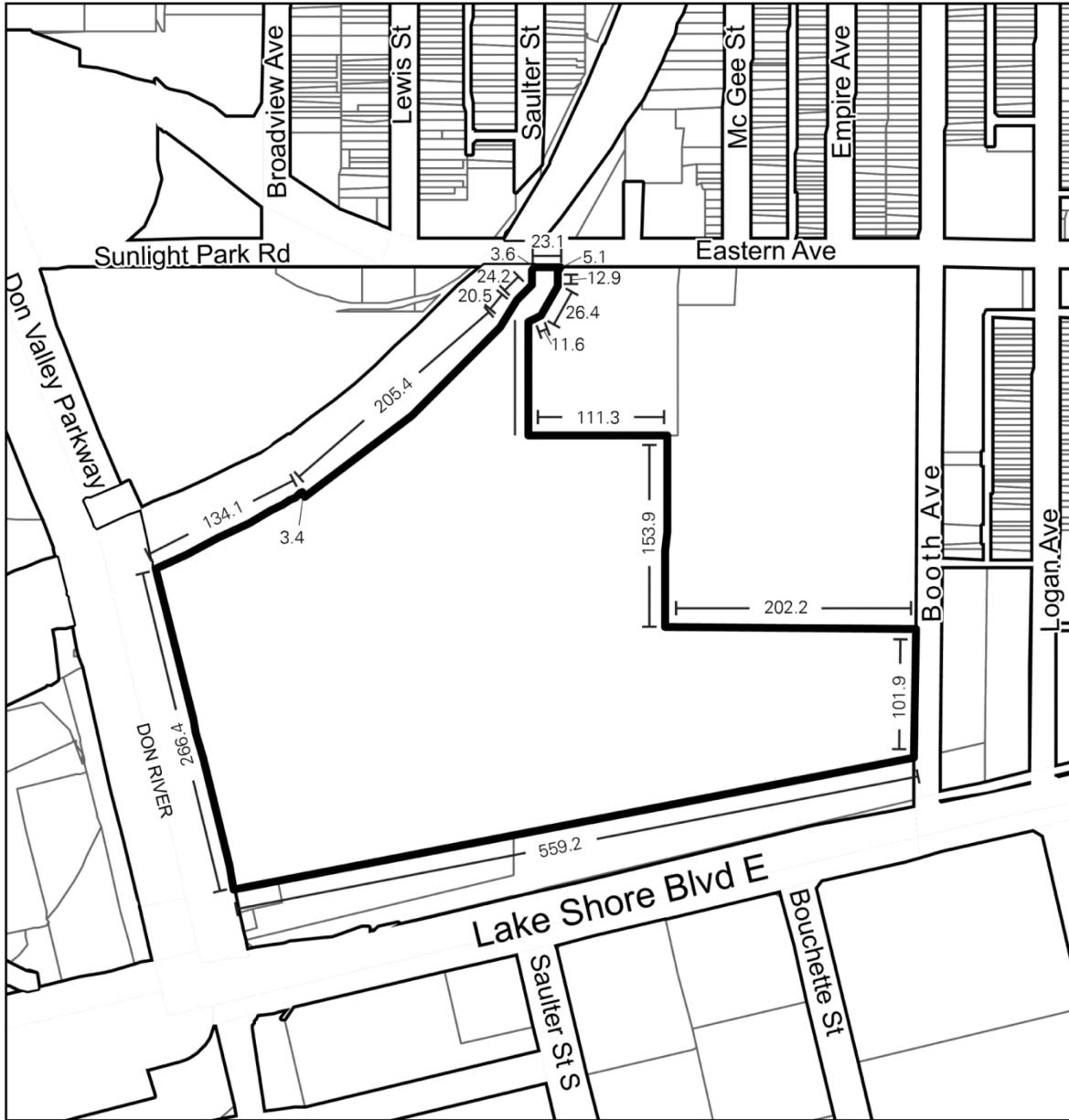


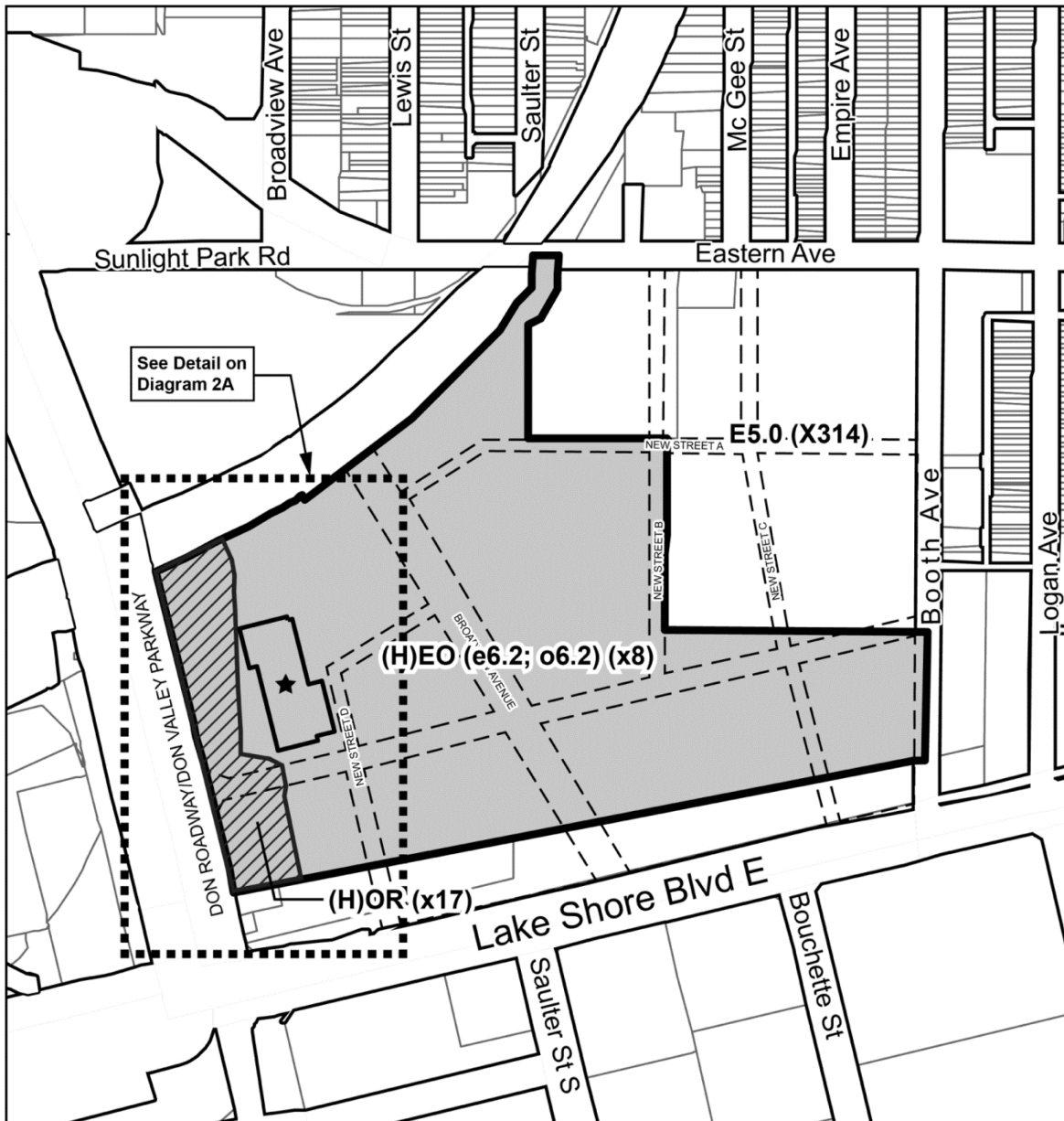


  
Diagram 1

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






 East Harbour Lands


  
City of Toronto By-Law 569-2013  
Not to Scale  
07/20/2018

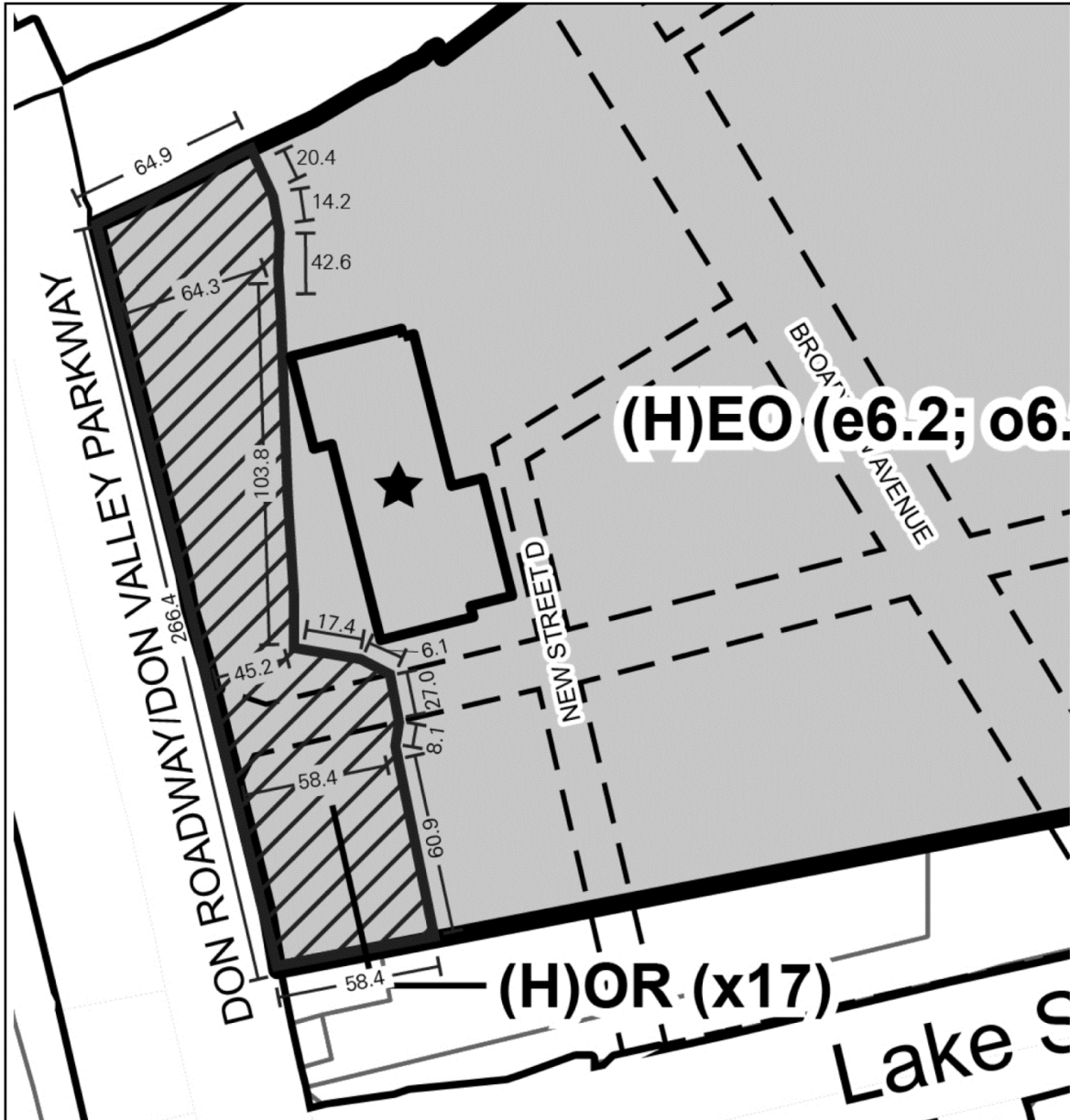


**TORONTO**  
 Diagram 2

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



-  East Harbour Lands
-  Future Streets
-  EO Zone
-  Former Building 36
-  OR Zone


  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 07/24/2018



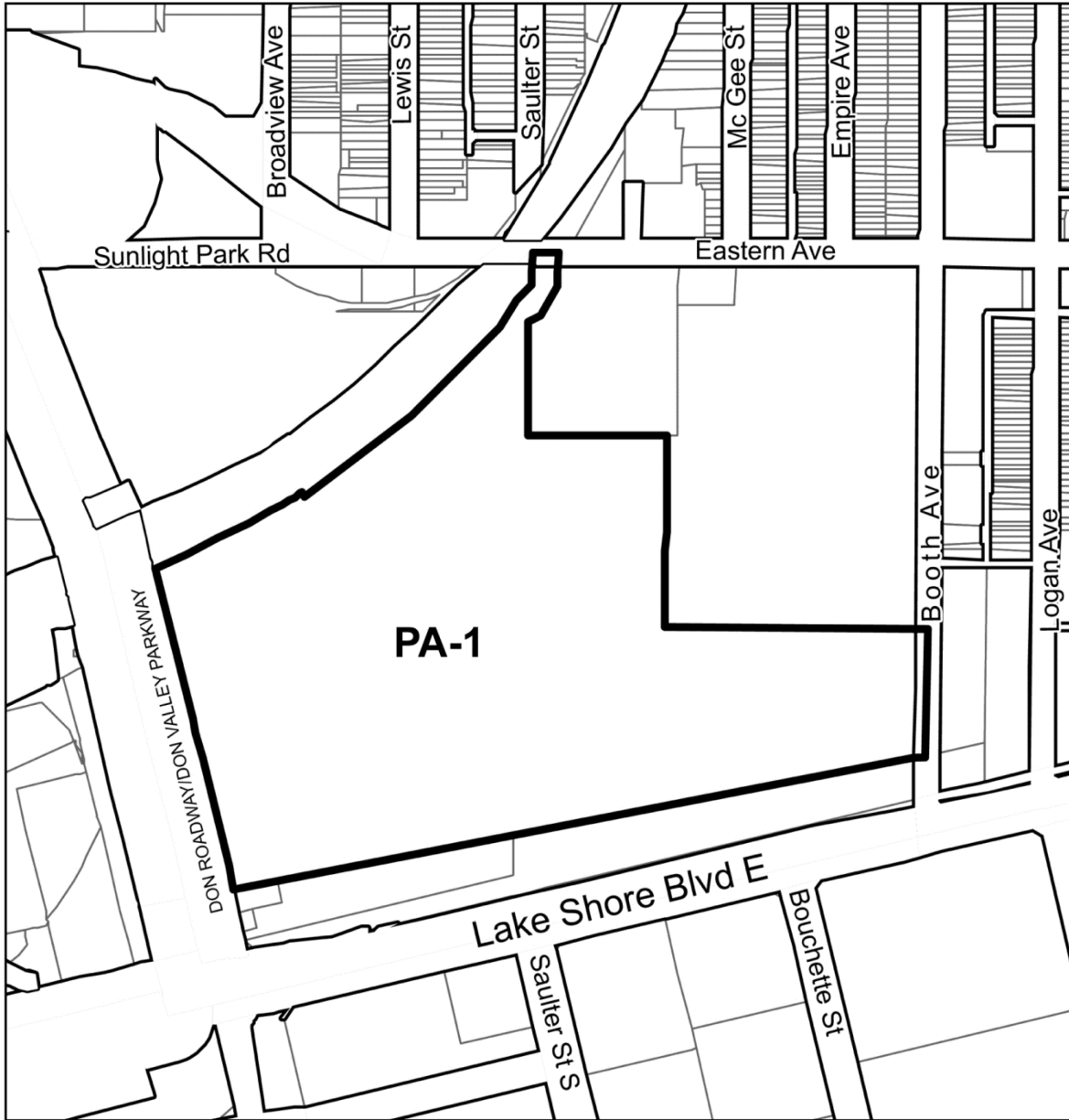
**TORONTO**  
 Diagram 2A

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

-  East Harbour Lands
-  Future Streets
-  EO Zone
-  Former Building 36
-  OR Zone

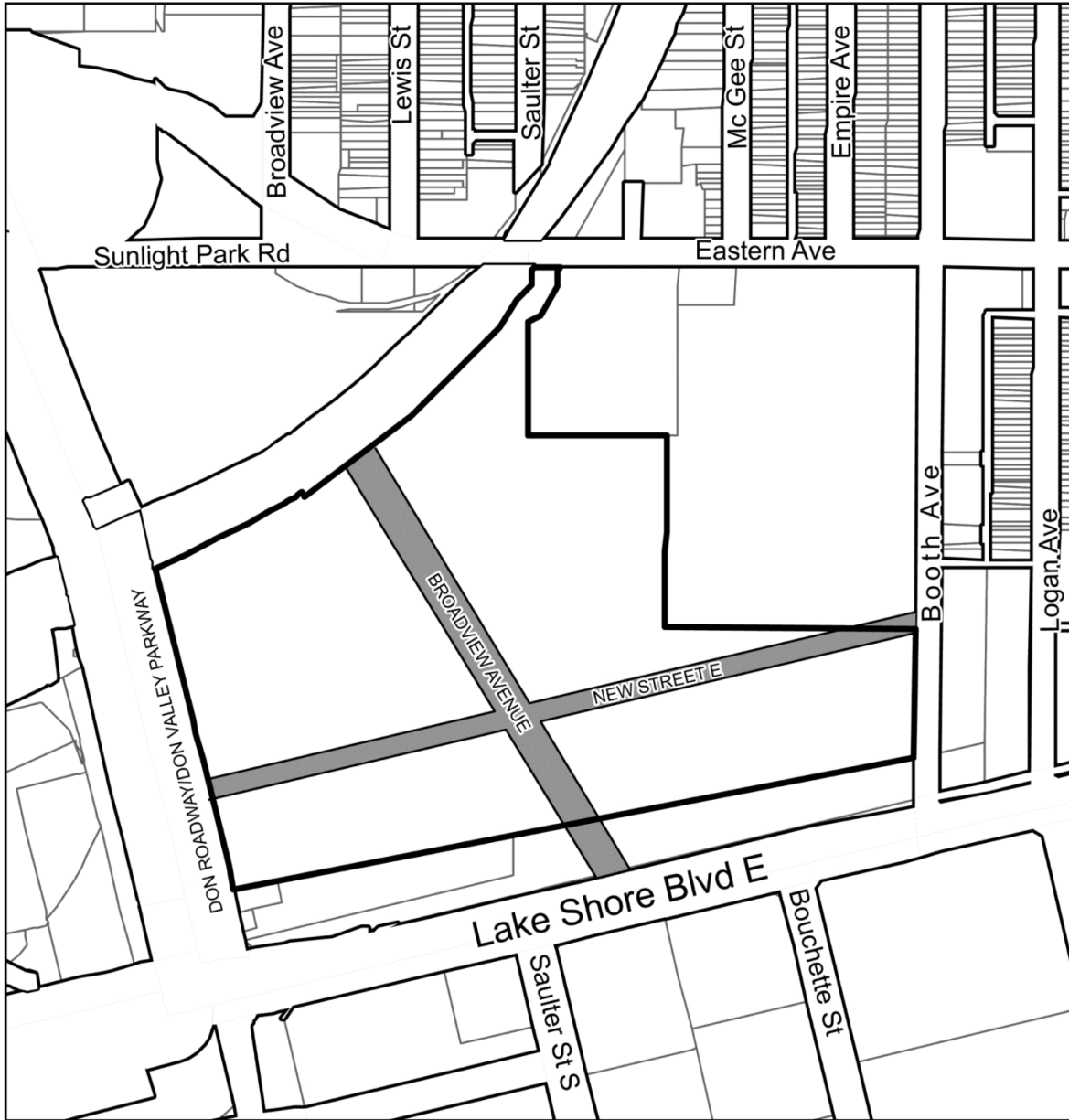
  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 07/24/2018





 **TORONTO**  
Diagram 3

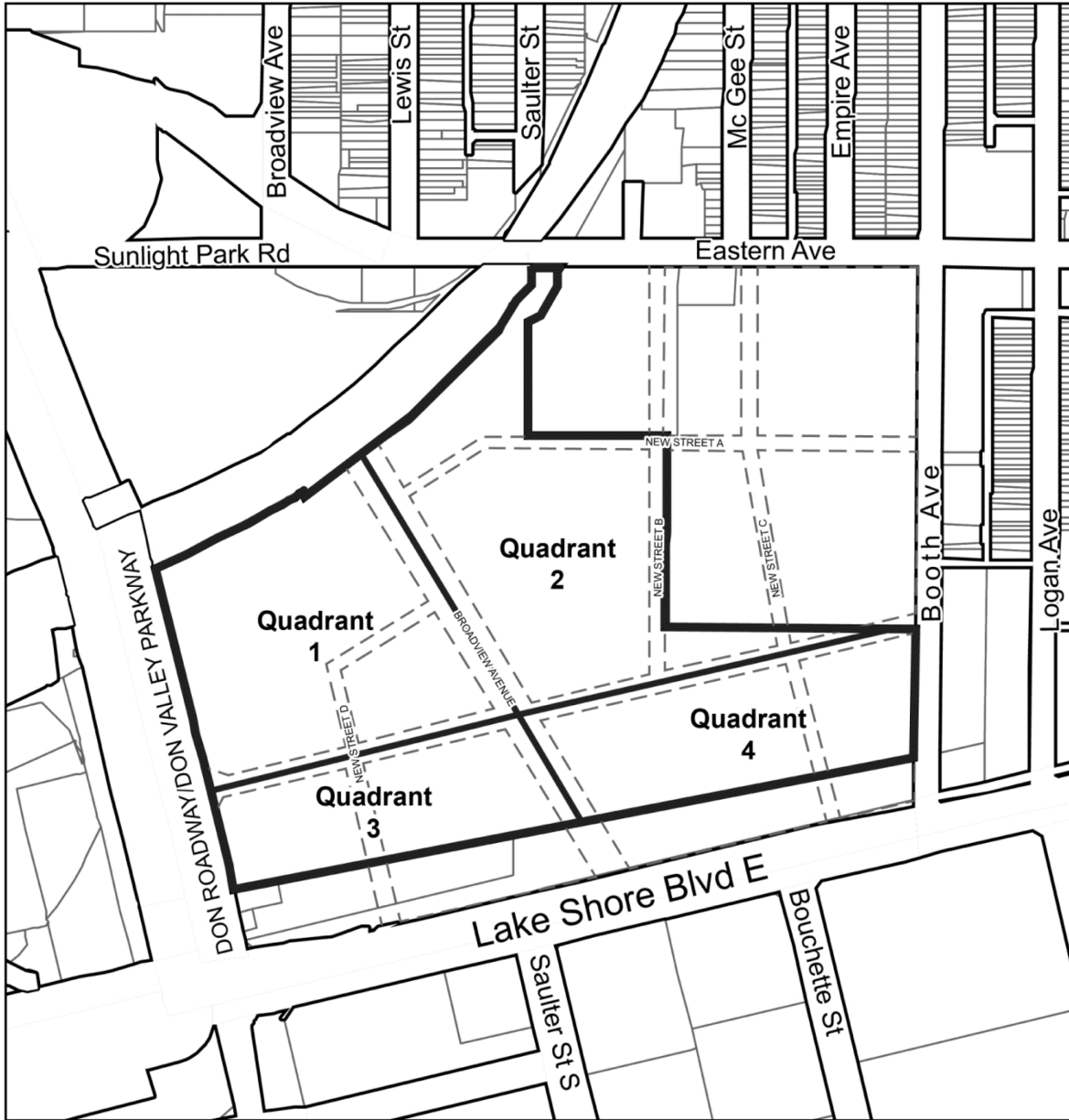
**21 Don Valley Parkway, 30 Booth Avenue  
& 375, 385 Eastern Avenue**



**TORONTO**  
**Diagram 4**

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


-  East Harbour Lands
-  Major Streets

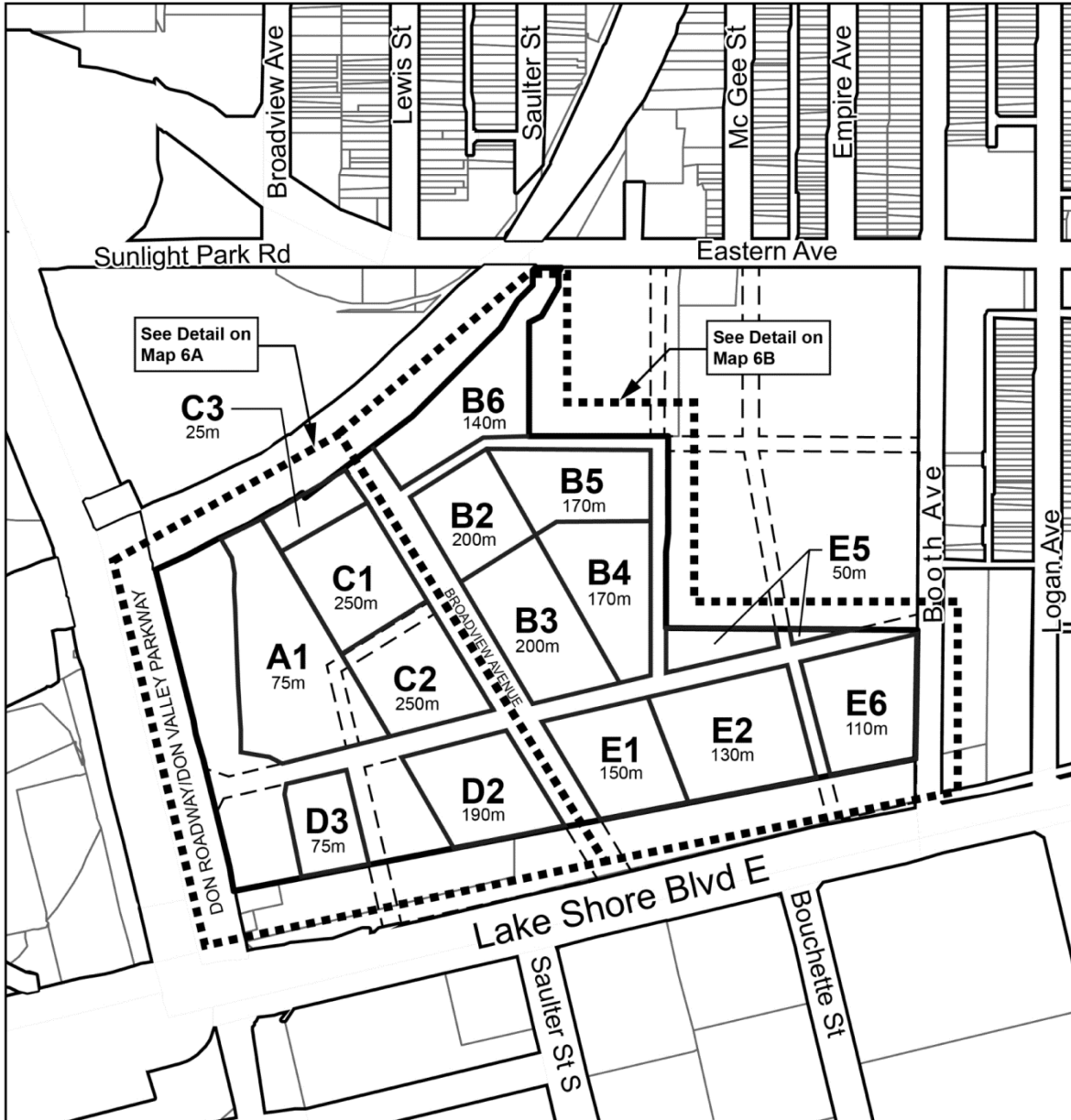


  
**Diagram 5**

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

 East Harbour Lands  
 Future Streets


  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 07/20/2018

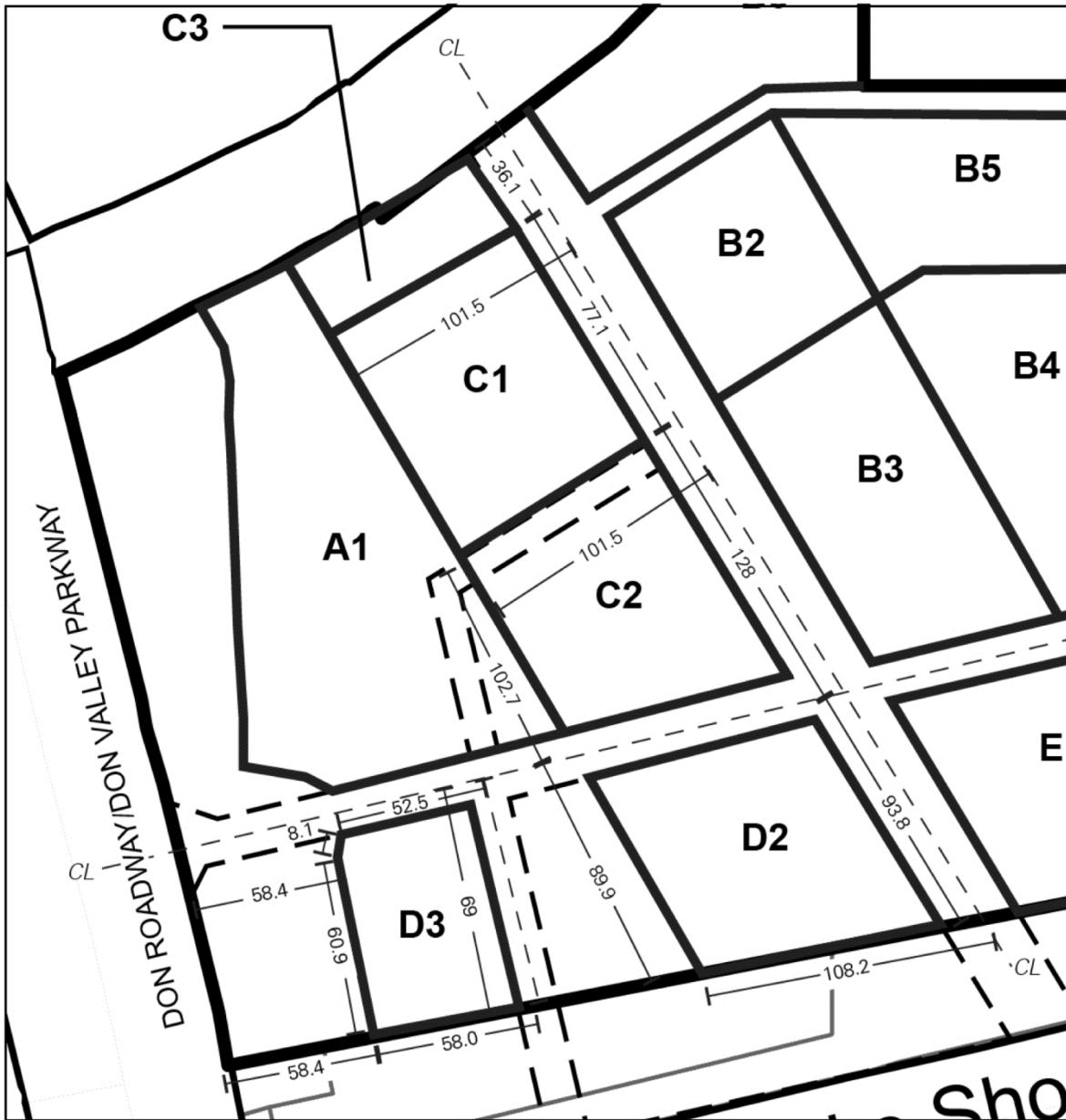


  
Map 6

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

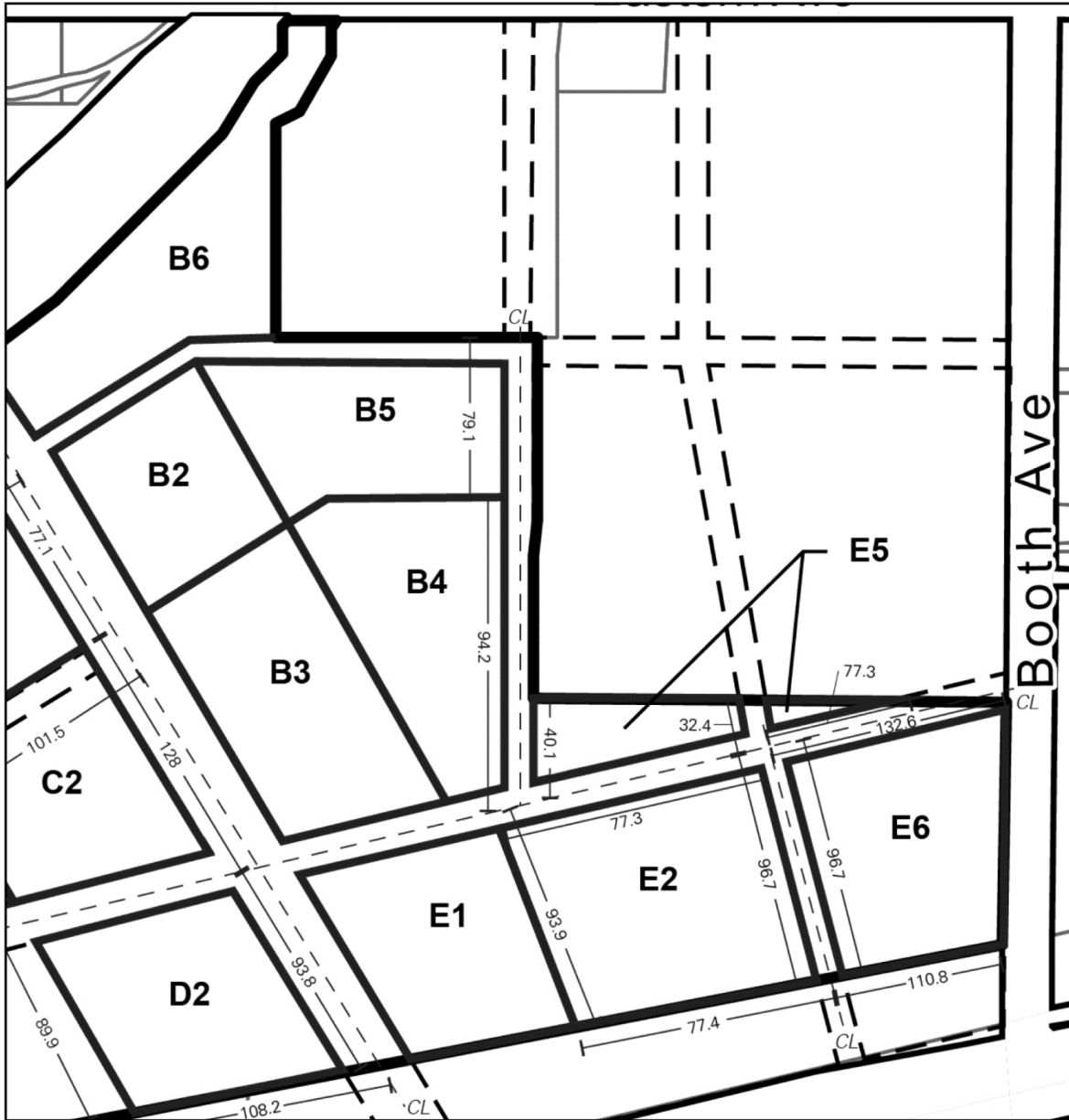


 **TORONTO**  
Diagram 6A

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

-  East Harbour Lands
-  Future Streets
-  Height Limit Area


  
City of Toronto By-Law 569-2013  
Not to Scale  
07/20/2018

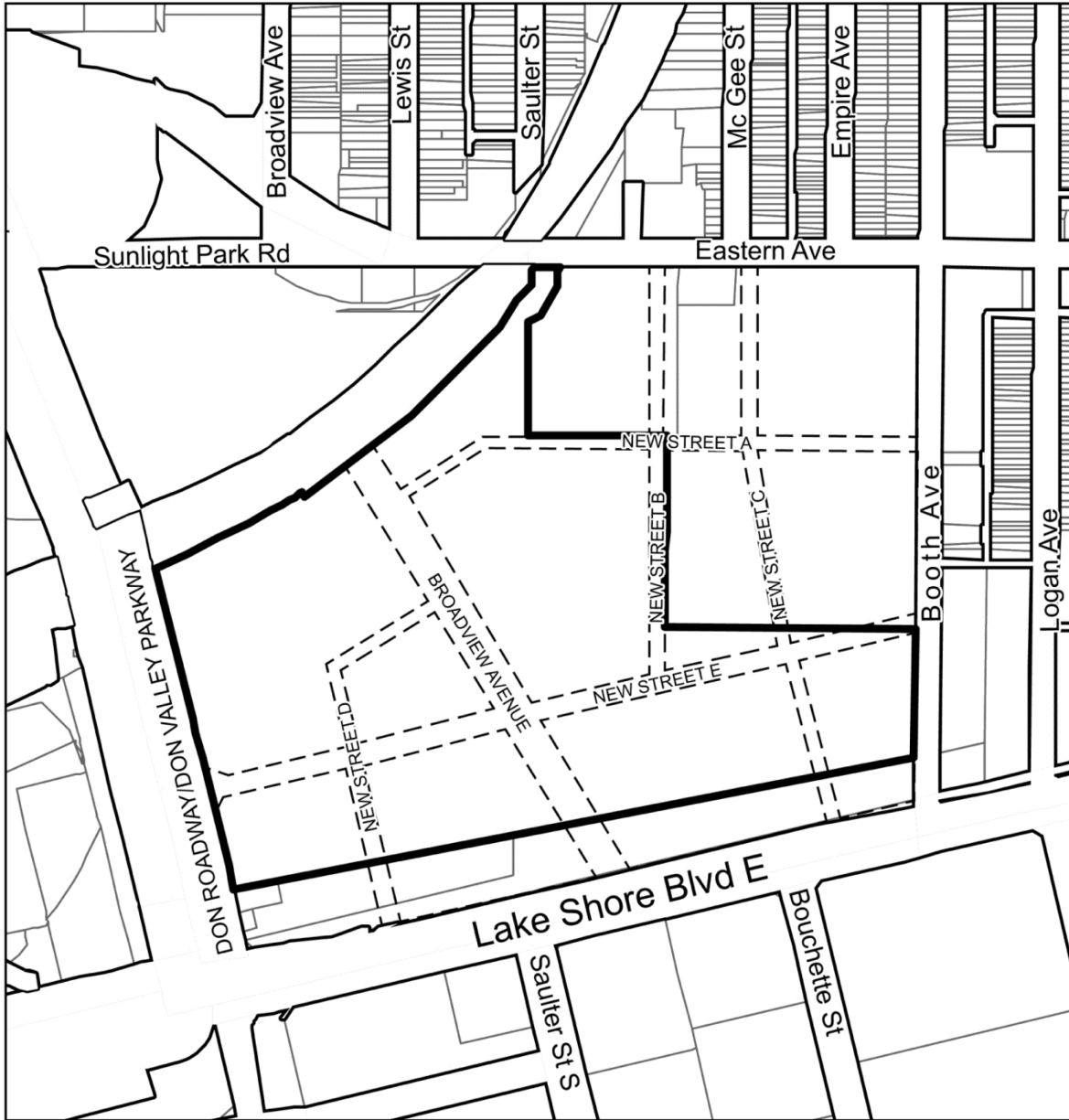


 **TORONTO**  
Map 6B

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

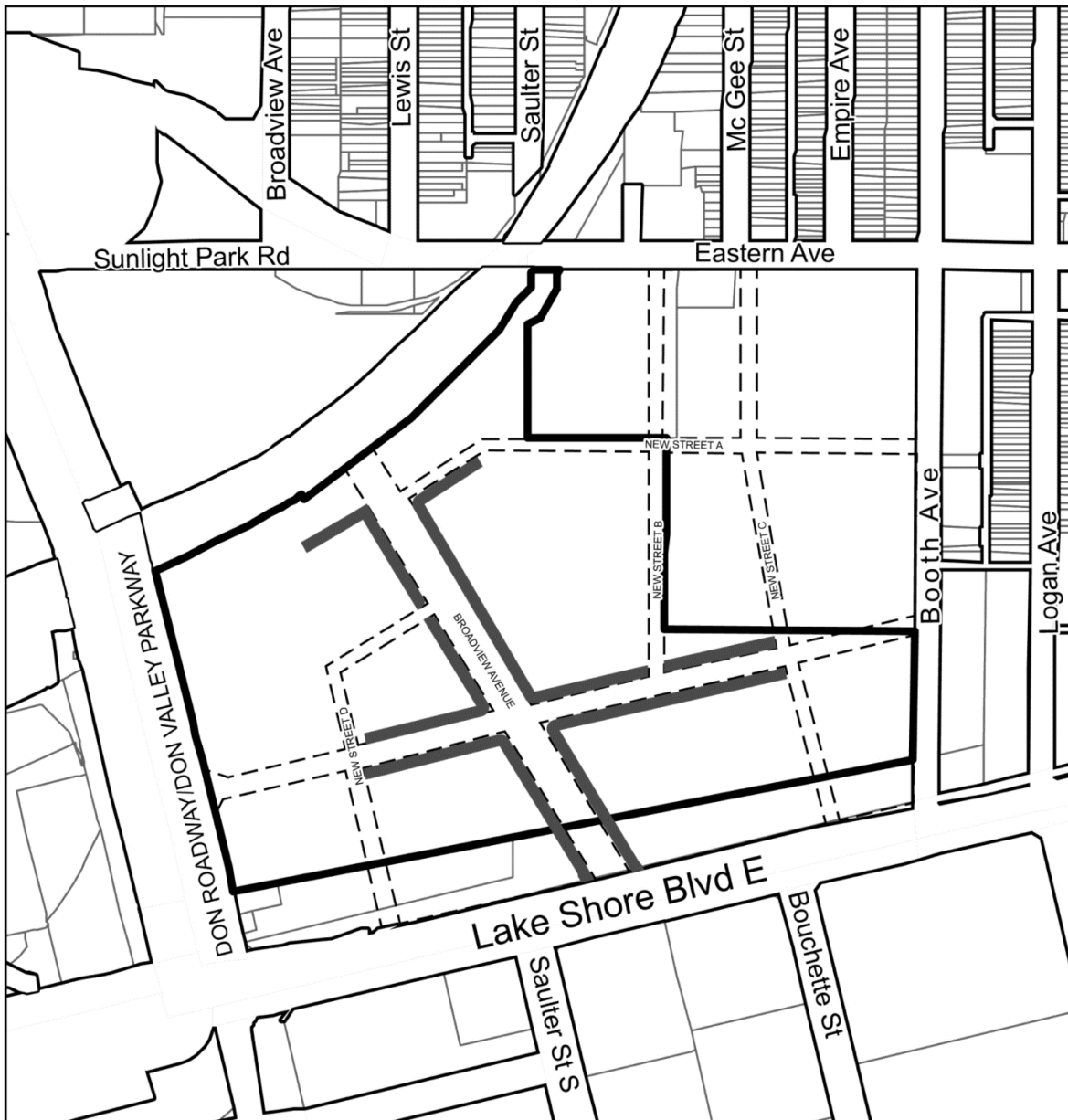


 **TORONTO**  
Diagram 7

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

 East Harbour Lands  
 Future Streets

  
City of Toronto By-Law 569-2013  
Not to Scale  
07/20/2018

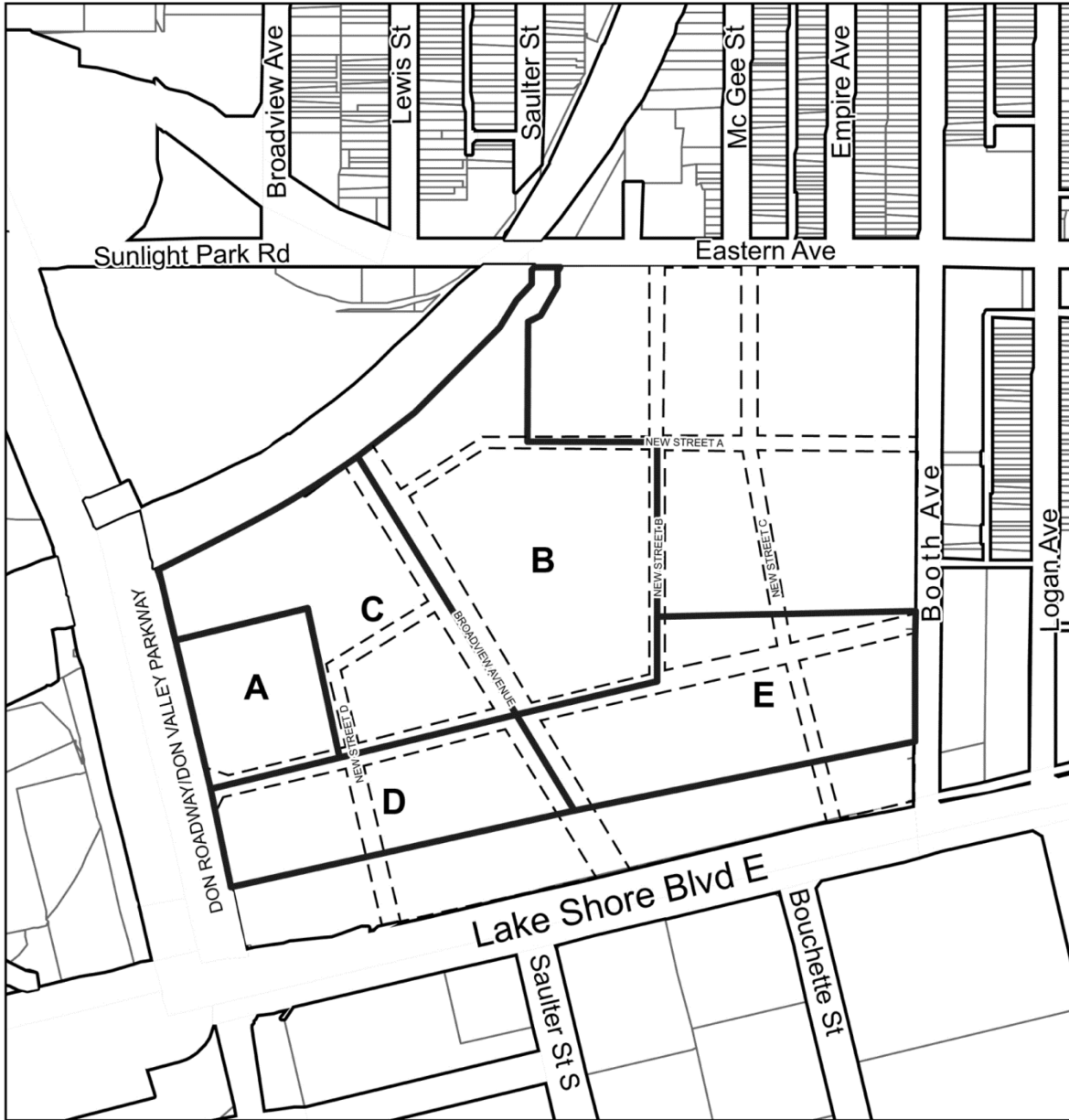


**TORONTO**  
 Diagram 8

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

-  East Harbour Lands
-  Animation Zone




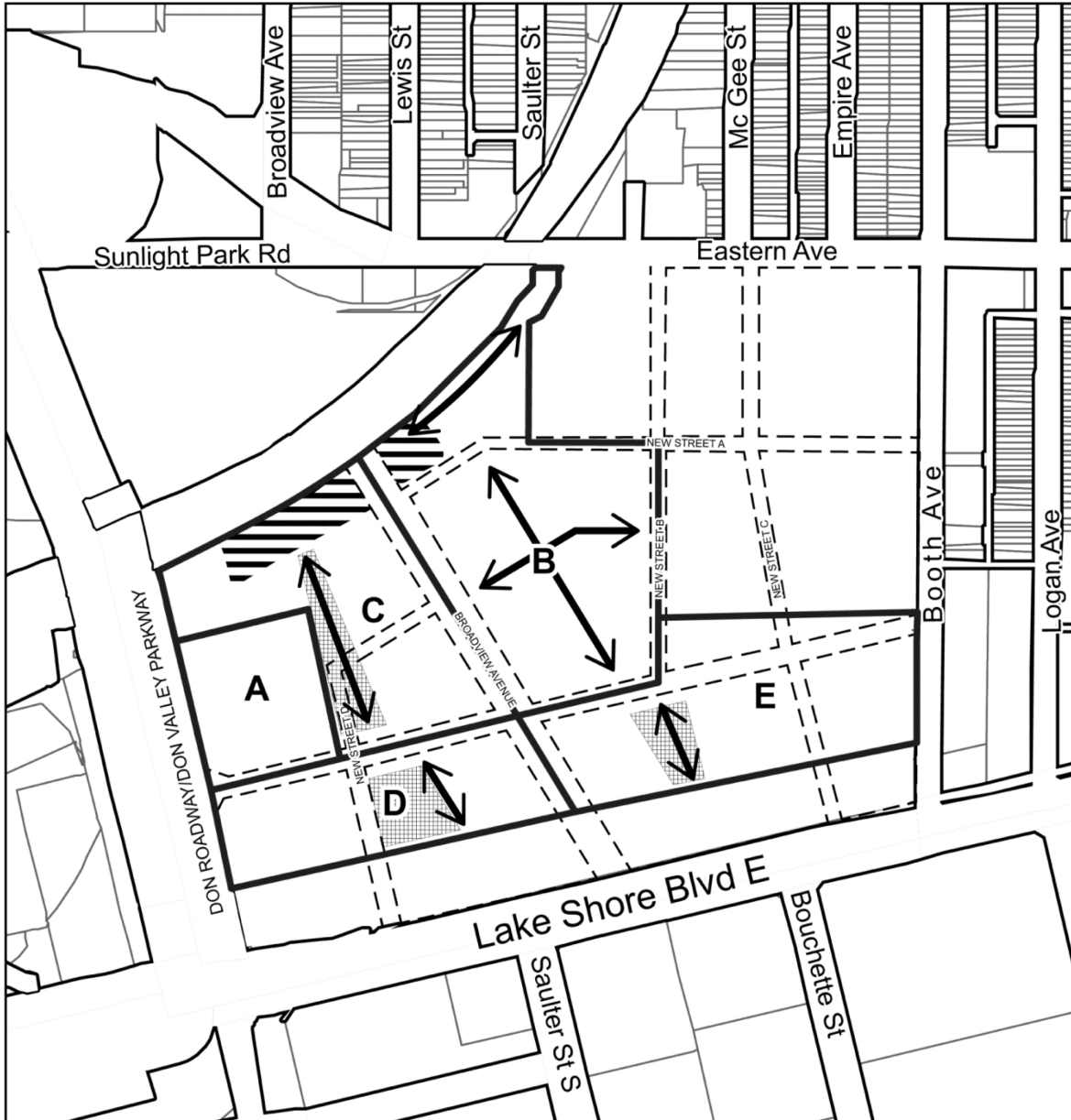


**TORONTO**  
**Diagram 9**

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






-  Phasing Blocks
-  Future Streets

  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 07/20/2018



**TORONTO**  
 Diagram 10

**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 569-2013  
 Not to Scale  
 07/24/2018