

Authority: Local Planning Appeal Tribunal Order issued
September 26, 2019 in Tribunal File PL170408

CITY OF TORONTO

BY-LAW 674-2020(LPAT)

To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2018 as 55-95 Lake Shore Boulevard East, 15 Freeland Street and 2 and 15 Cooper Street.

Whereas the Local Planning Appeal Tribunal, by way of Order/Decision issued on September 26, 2019, in Tribunal File PL170408, following an appeal pursuant to Section 34(19) of the Planning Act, R.S.O. 1990, c.P.13, as amended, determined to amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2018 as 55-95 Lake Shore Boulevard East, 15 Freeland Street and 2 and 15 Cooper Street; 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 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 of the City of Toronto contains such provisions relating to the authorization of increases in *height* and density of development; and

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

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in *height* or density of development, the municipality, and Local Planning Appeal Tribunal on appeal, the owner may be required to enter into one or more agreements with the municipality dealing in respect of facilities, services and matters; 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 is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, By-law 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

1. Pursuant to Section 37 of the Planning Act, the *height* and density of development permitted in this by-law on the *lot* are permitted subject to compliance with all of the conditions set out in this by-law, including the provision by the owner of the *lot* to the City of the facilities, services and matters set out in Schedule A to this by-law, at the *owner's* sole expense and in accordance with, and subject to, the agreement(s) referred to in Section 2.
2. Upon the execution and registration of:
 - a. an agreement or agreements between the City and the *owner* of the *lot* (the *owner*);
 - b. a three party agreement between the City, the *owner* and the owner of the adjoining property known municipally as 1 and 7 Yonge Street; and
 - c. a three party agreement between the City, the *owner* and *Redpath* ("*Redpath Three Party Agreement*");

all pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Schedule A hereof, the *lot* is subject to the provisions of this by-law, provided that in the event the said agreements(s) requires the provision of a facility, services or matter as precondition to the issuance of a *building permit*, the *owner* may not erect or use such building until the *owner* has satisfied such requirements.

3. District Map No. 51G-311 contained in Appendix "A" of By-law 438-86, being "A Bylaw to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" as amended, is further amended by re-designating the *lot* from "IC D3 N1.5" to "G", "CR" and "CR(H)" as shown on Map 2 attached to and forming part of this By-law.
4. None of the provisions of Section 2 (1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height* and *lot* and Section 4(2)(a); 4(5); 4(6); 4(8); 4(10); 4(12); 4(13); 4(16); 8(3) Part I; 8(3) Part II; 8(3) Part III; 8(3) Part IV (1); 8(3) Part VII; 8(3) Part VIII; 8(3) Part XI (2); 12(2) 132; 12 (2) 312 and 12(2) 380; and District Map 51G-311 contained in Appendix "A" and Height and Minimum Frontage Map 51G-311 contained in Appendix "B" of Zoning By-law 438-86, as amended, titled "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection or the use of *residential buildings*, *non-residential buildings*, and/or *mixed use building(s)* and *accessory* uses thereto on the *lot*, provided:

- a. the *lot* comprises the lands delineated on Map 1, attached to and forming part of this By-law;
- b. except as provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot* as a whole, despite any existing or future consent, severance, partition or division of the *lot*;

Permitted Uses

- c. despite Section 5(1) and Section 8(1) of Zoning By-law 438-86, as amended, the following uses are permitted on the *lot*:
 - i. On the portion of the *lot* shown as Block 3 on Map 4, the following uses are permitted:
 - A. those uses permitted within a G District in Section 5(1) of Zoning By-law 438-86, as amended, subject to the qualifications in Section 5(2) of Zoning By-law 438-86 where applicable, and except for *day nurseries*, and the following additional use qualifications and uses:
 - 1. A *public park*, except that the use may not include therein a field house or a *community centre*; and
 - 2. A *public park* and/or *public playground* used by a *public school*, if such school is established on the *lot* and the use of the *public park* and/or *public playground* is subject to a shared use arrangement with the City;
 - B. pedestrian bridges and associated structures;
 - C. a *district energy, heating and cooling plant* and a vacuum waste collection facility; and
 - D. a temporary sales office and commercial parking;
 - ii. On the portion of the *lot* shown as Blocks 1, 2 and 4 on Map 4, those uses permitted within a CR District in Section 8(1) of Zoning By-law 438-86, as amended, subject to the qualifications in Section 8(2) of Zoning By-law 438-86 where applicable, and this by-law, save and except that for Block 1 the following uses shall be prohibited:
 - A. *residential uses*;
 - B. commercial baths;
 - C. *concert hall*;

- D. *place of amusement;*
- E. *clinic;*
- F. *community centre;*
- G. *community health care;*
- H. *day nursery;*
- I. high school or secondary school;
- J. *municipal community centre;*
- K. *performing arts studio;*
- L. *place of worship;*
- M. *place of assembly;*
- N. *public art gallery;*
- O. *public library;*
- P. *public museum;*
- Q. public or separate elementary school;
- R. Y.M.C.A., Y.W.C.A., Y.M.H.A., Y.M.H.A. (including residences);
- S. 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;
- T. *clinic*, for treatment or research centre or hospital for the observation and treatment of and for consultation with alcoholics and addicts;
- U. premises of a *charitable institution* or *non-profit institution*;
- V. *private academic, philanthropic* or religious school;
- W. private hospital;
- X. *psychiatric hospital*;
- Y. *public hospital*;

- Z. seminary or religious mission;
 - AA. *union hall*;
 - BB. *vocational school*;
 - CC. *private art gallery*;
 - DD. research and development institute;
 - EE. *commercial school*;
 - FF. *hotel*; and
 - GG. *trade school*;
- iii. The following additional uses are permitted on Block 1, provided that such use is ancillary or naturally and normally incidental to a principal permitted *non-residential* use or is a component of a permitted *non-residential* use in the CR District on the *lot*:
- A. *private fitness club*;
 - B. *artist or photographer's studio*; and
 - C. *communications and broadcasting establishment*;
- iv. The following additional uses are permitted on Blocks 1, 2 and 4 within a CR District:
- A. *a district energy, heating and cooling plant*, and vacuum waste collection facility;
 - B. *a temporary sales office*;
 - C. *car-share*;
 - D. *public school*, except on Block1; and
 - E. *Industry Association*;
- d. until such time as a by-law has been passed to remove the (H) Holding Symbol from any part of Block 4 identified as being subject to the (H) Holding Symbol on Map 2, the only uses permitted on such lands are:
- i. those uses and buildings existing on the *lot* as of the date of passing of this by-law and an addition thereto not exceeding 1000 square metres of *non-residential gross floor area*;

- ii. a *temporary sales office*; and
- iii. *commercial parking lot*;

Setbacks and Heights

- e. no portion of any building or structure erected or used above finished ground level on the *lot* shall be erected other than wholly within the areas delineated by heavy lines on the attached Maps 3a and 3b, attached to and forming part of this by-law, except for the following:
 - i. Cornices, lighting fixtures, awnings, canopies, balcony railings, screens, parapets, trellises, eaves, window sills, vents, safety railings, guardrails, balustrades, landscape and public art features;
 - ii. Balconies, balcony roof, and privacy screens may extend to a maximum horizontal projection from an exterior building wall beyond the heavy lines shown on Maps 3a and 3b provided that the maximum projection does not exceed:
 - A. on Tower D, balconies may project a maximum of 3.5 metres;
 - B. on Towers B and C, balconies may project to a maximum of 2.1 metres;
 - C. on Towers F and G, balconies may project to a maximum of 1.9 metres;
 - D. on Building H, balconies may project to a maximum of 1.5 metres on the south elevation; and
 - E. no balcony may extend above a *street*; and
 - iii. None of the provisions of this by-law shall apply to prevent the horizontal projection of canopies or weather protection coverings and pedestrian bridges and PATH bridges beyond the building envelopes on Map 3a;
- f. no part of any building or structure erected or used on the *lot* shall exceed the *height* in metres specified by the numbers following the symbol H on Maps 3a and 3b, except for the following structures and elements and subject to the restrictions set out herein:
 - i. A structure on the roof of any building used for outside or open air recreation, maintenance, roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, air shafts, elevator lobby and vestibule, elevator overrun, antennae, staircases or enclosures, window washing equipment, trellis and shade structures, may project above the height limits by a maximum of 7 metres;

- ii. A structure on the roof of any building for safety or wind protection purposes, noise and visual screens, privacy screens, wind screens, mechanical and architectural screens, balcony terrace and terrace guards and dividers, access hatches, skylights, planters and other landscaping structures, and vestibules, may project above the height limits by a maximum of 3 metres;
- iii. Elements of a green roof, railings, and parapets may project above the height limits by a maximum of 1.2 metres; and
- iv. None of the provisions of this by-law or By-law 438-86, as amended, shall prevent the construction or use of pedestrian bridges provided such pedestrian bridge is restricted to providing access between:
 - A. a building on Block 4 and any building situated immediately west of Freeland Street; and
 - B. buildings on Blocks 3 and 4 if associated with a *public school*;
 and provided that such pedestrian bridge does not exceed a height of 17 metres measured from grade to the highest point of the bridge;

Tower Separation

- g. every *tower* shall have a minimum separation distance between each tower as shown on Map 3b;

Gross Floor Area

- h. the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on Blocks 1, 2 and 4 shall not exceed 424,705 square metres, of which:
 - i. Block 1: The maximum *non-residential gross floor area* shall not exceed 60,975 square metres, and no *residential gross floor area* is permitted;
 - ii. Block 2: The maximum combined *residential and non-residential gross floor area* shall not exceed 131,000 square metres, of which a minimum of 7,000 square metres shall be *non-residential gross floor area* and a minimum of 10 percent of the *residential gross floor area* shall be comprised of *affordable rental housing units*; and
 - iii. Block 4: The maximum combined *residential and non-residential gross floor area* shall not exceed 233,090 square metres, of which a minimum of 14,960 square metres shall be *non-residential gross floor area* and a minimum of 10 percent of the *residential gross floor area* shall be comprised of *affordable rental housing units*;

- i. the maximum *non-residential gross floor area* erected or used on Block 3 shall not exceed 1 times the area of the block;

Dwelling Units

- j. in addition to the requirements set out in 4.h ii. and iii. above, a minimum of 10 percent of the total *dwelling units* erected or used on each Block, inclusive of the *affordable rental housing units*, shall be provided as three-bedroom units or larger units, each such unit with a minimum gross floor area of 75 square metres, and at least 5 percent (50 percent of the total number of three-bedroom or larger units) shall have all bedrooms on an exterior wall with glazing to each bedroom;

Residential Amenity Space

- k. *Residential Amenity Space* shall be provided and maintained on each of Block 2 and Block 4 for the use of all residents, as follows:
- i. A minimum of 2.0 square metres of indoor *residential amenity space* for each *dwelling unit*;
 - ii. A minimum of 2.0 square metres of indoor *residential amenity space* for each *affordable rental housing units*; and
 - iii. A minimum of 1.3 square metres of outdoor *residential amenity space* for each *dwelling unit* and *affordable rental housing unit* provided;
- l. notwithstanding Section 4.k. above, if a *commercial fitness club* is provided and maintained on the *lot*, the minimum indoor *residential amenity space* requirement may be reduced to 1.25 square metres for each *dwelling unit* on each of Block 2 and Block 4, with the exclusion of the *affordable rental housing units*;
- m. notwithstanding Section 4.k. above, indoor *residential amenity space* may be provided in multipurpose rooms which are not contiguous and a washroom will be provided where indoor *residential amenity space* does not adjoin or is not directly accessible from an outdoor *residential amenity space*;

Parking

- n. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum and maximum requirements:
- i. Resident Parking:
 - A. a minimum of 0.2 *parking spaces* per *dwelling unit*;
 - ii. *Car-Share*:

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- A. the total number of required *parking spaces* for residents as set out in Section 4.n.i. above, may be reduced by 4 *parking spaces* for each *car-share parking space* provided on Blocks 2 and 4;
 - B. the maximum number of *car share parking spaces* provided on Blocks 2 and 4 shall be 26;
 - C. a minimum of 25 percent of the *car-share spaces* provided shall be located on each of Blocks 2 and 4; and
 - D. *car-share* spaces may be located in a *Commercial Parking Garage* provided that the *car-share* spaces will be included as part of the required residential *parking spaces* and not the visitor or non-residential *parking spaces*;
- iii. Non-Residential Parking:
- A. Block 1: a minimum of 0.78 *parking spaces* for every 100 square metres of above *grade non-residential gross floor area* of office, and grocery and retail uses on Block 1 as shown on Map 4, except that:
 - 1. The total number of required *parking spaces* for office and retail uses set out in Section 4.n.iii.A. may be reduced by 4 *parking spaces* for each *car-share parking space* provided on Block 1, provided that the maximum number of *car share parking spaces* so provided shall be 4;
 - B. Blocks 2 and 4: a minimum of 0.5 *parking spaces* shall be provided for every 100 square metres of *non-residential gross floor area* of office and retail uses; and
 - C. non-resident *parking spaces* required in 4.n.iii above shall be provided on a shared use basis for the use of residential visitors and non-residential use visitors to the *lot* and located in a *commercial parking garage*;
- o. *accessible parking spaces* will be provided on the *lot* in accordance with the following requirements:
- i. Block 1: a minimum of 8 spaces;
 - ii. Block 2: a minimum of 7 spaces; and
 - iii. Block 4: a minimum of 7 spaces;
- p. notwithstanding Section 4(17) (d) and (e) of By-law 438-86, as amended, a maximum of 25 percent of the total *parking spaces* located in the underground

parking garage and *commercial parking garage* for each of Blocks 1, 2 and 4 may be obstructed on one side and have a minimum width of 2.6 metres and a minimum length of 5.6 metres;

- q. the provisions of this by-law shall not apply to prevent the erection and use of a two-way below-grade vehicle drive aisle under Harbour Street and Cooper Street on a portion of the *lot* to be conveyed to the City by the *owner* at nominal cost for municipal road purposes within the hatched area shown on Map 3, for the exclusive purposes of connecting *below-grade* parking and loading structures on the *lot* and allowing the PATH connections required by Schedule A of this by-law subject to:
 - i. Such lands being conveyed to the City to the satisfaction of the City Solicitor and the General Manager, Transportation Services; and
 - ii. The location of such facilities within the lands to be conveyed to the City, to be to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- r. loading spaces shall be provided and maintained on the *lot* for both residential and non-residential uses as follows:
 - i. Located on Block 1:
 - A. a minimum of three (3) *Loading spaces – Type A*;
 - B. a minimum of five (5) *Loading spaces – Type B*; and
 - C. a minimum of five (5) *Loading spaces – Type C*;
 - ii. Located on Block 2:
 - A. a minimum of one (1) *Loading Spaces – Type A*;
 - B. a minimum of four (4) *Loading Spaces – Type B*; and
 - C. a minimum of one (1) *Loading Spaces – Type G*;
 - iii. Located on Block 4:
 - A. a minimum of one (1) *Loading Spaces – Type A*;
 - B. a minimum of four (4) *Loading Spaces – Type B*; and
 - C. a minimum of one (1) *Loading Spaces – Type G*;
- s. notwithstanding the definition of *Loading Spaces – Type A*, *Loading Spaces – Type B*, *Loading Spaces – Type C* and *Loading Spaces – Type G*, each of these

types of *loading spaces* can be provided at grade or at the first two parking levels below *grade*. Any such spaces may be accessed via ramp to a below-*grade* parking garage;

- t. the minimum number of *bicycle parking spaces* to be provided and maintained on the *lot* shall be as follows:
 - i. Block 1:
 - A. Retail and Office:
 - 1. 0.2 *bicycle parking space-occupant* for each 100 square metres of above *grade non-residential gross floor area*; and
 - 2. 3.0 *bicycle parking space-visitor* plus 0.2 *bicycle parking spaces* visitor per 100 square metres of above *grade non-residential gross floor area*;
 - ii. Block 2:
 - A. Residential:
 - 1. 0.9 *bicycle parking space-occupant* per *dwelling unit*; and
 - 2. 0.1 *bicycle parking space-visitor* per *dwelling unit*;
 - B. Retail:
 - 1. 0.2 *bicycle parking space – occupant* for each 100 square metres of *non-residential gross floor area*; and
 - 2. 3.0 *bicycle parking space - visitor* plus 0.2 *bicycle parking spaces - visitor* per 100 square metres of *non-residential gross floor area*;
 - iii. Block 4:
 - A. Residential:
 - 1. 0.9 *bicycle parking space – occupant* per *dwelling unit*; and
 - 2. 0.1 *bicycle parking space – visitor* per *dwelling unit*;
 - B. Retail:
 - 1. 0.2 *bicycle parking space – occupant* for each 100 square metres of *non-residential gross floor area*; and

2. *3.0 bicycle parking space – visitor plus 0.2 bicycle parking spaces – visitor per 100 square metres of non-residential gross floor area;*
- u. notwithstanding Section 4.t. above:
- i. *Bicycle parking space – occupant*, may be provided within a secured underground parking garage or in a secured room within an underground parking garage, notwithstanding the definition of *bicycle parking space – occupant* in Section 6.d. of this by-law; and
- ii. Notwithstanding the provisions in Section 4 (17) of By-law 438-86, which specify the minimum height and length of a *parking space*, a *bicycle parking space* may protrude into a *parking space* provided it protrudes no more than 1.0 metres so as to reduce the length of the *parking space* at a height of a minimum of 1.5 metres above the finished surface.

5. **Holding Symbol**

A by-law may be passed by City Council to remove the (H) Holding symbol from the lands shown on Map 2, in whole or in part and in respect of specific uses, when the following matters have been provided or their implementation has been secured by an agreement or agreements pursuant to Section 37, 51 or 53 of the Planning Act, and Section 114 of the City of Toronto Act, 2006, as appropriate, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:

- a. the location, design, provision and securing on existing and planned on-site transportation networks to support re-development, in accordance with the Lower Yonge Precinct Transportation Master Plan and Lower Yonge Precinct Municipal Class Environmental Assessment;
- b. a financial contribution to the planned off-site transportation networks to support re-development, in accordance with the Lower Yonge Precinct Transportation Master Plan and Lower Yonge Precinct Municipal Class Environmental Assessment;
- c. the sufficiency of municipal infrastructure, including sewer, water, and stormwater;
- d. the submission, and securing of, acceptable streetscape plans for all streets surrounding the development site;
- e. the confirmation of the implementation mechanisms by which the adjacent central park will be secured and conveyance, or satisfactory securing of the conveyance of the required section 42 of the Planning Act parkland dedication;
- f. the provision, timing, and appropriateness of affordable rental housing;

- g. the registration of a plan of subdivision and implementing agreements, as required, at the owner's expense and including provision for required conveyances and securities;
- h. submission of a Master Functional Servicing Plan for the Lower Yonge Precinct including securing the implementation of such plan;
- i. the securing of the implementation of the matters listed above through the execution and registration on title of any agreements pursuant to Section 37, 51 and/or 53 of the Planning Act, and pursuant to Section 114 of the City of Toronto Act, 2006, as appropriate, including any necessary financial securities; and
- j. with respect to Tower D as shown on Map 3b, the by-law to remove the (H) Holding Symbol may be passed when:
 - i. the design of Tower D is known at a Site Plan Application level of detail;
 - ii. the building envelope for such building is/are defined as a schedule to the Zoning By-law Amendment; and
 - iii. an Air Study has been completed for such building and delivered to *Redpath* and the City that demonstrates that the facility on the *Redpath Lands* is compliant with the Air Quality Standards with regard to emissions of nitrogen oxide in relation to proposed receptors, including without limitation, air intakes, vents, operable windows, doors, outdoor amenity space, balconies, terraces, or similar potential receptors on the building(s) or the portions thereof that is/are under consideration for Zoning By-law Amendment enactment, and that such proposed building will not cause the facility on the *Redpath Lands* to be non-compliant in relation to any proposed receptors.

6. **Definitions:**

Each word or expression which 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 that for the purposes of this by-law, the following expressions shall have the following meaning:

- a. "*accessible parking space*" means a *parking space* for the use of a vehicle displaying an accessible parking permit in accordance with the requirements of the *Highway Traffic Act* and will a minimum length of 5.6 metres, a minimum width of 3.9 metres, and a minimum vertical height of 2.1 metres;
- b. "*affordable rent*" means gross monthly rent (inclusive of utilities, heat, hot water, water, gas, and electricity, but excluding vehicle parking, storage lockers, internet and cable television charges) no greater than 1 times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada

Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto by unit type;

- c. "*affordable rental housing unit*" means *rental dwelling unit* constructed on the *lot* and provided and maintained at *affordable rent*;
- d. "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - ii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - iii. Where the bicycles are to be parked in a *bicycle stacker*, has horizontal dimensions of at least 0.4 metres by 1.8 metres and has a vertical dimension for each *bicycle parking space* of at least 1.2 metres; and
 - iv. Notwithstanding Section 4 (17) of By-law 438-86 which specifies the minimum height and length of a *parking space*, where bicycle spaces are to be located in the underground parking garage in association with a *parking space*, a *bicycle parking space* may protrude into a *parking space* provided it protrudes no more than 1.0 metres so as to reduce the length of the *parking space* at a height of a minimum of 1.5 metres above the finished surface;
- e. "*bicycle parking space- visitor*" means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
 - i. Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - ii. Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - iii. Where the bicycles are to be parked in a *bicycle stacker*, has horizontal dimensions of at least 0.4 metres, by 1.8 metres and has a vertical dimension for each *bicycle parking space* of at least 1.2 metres; and
 - iv. May be located outdoors or indoors and may be located in a secured room;

- f. "*bicycle stacker*" means a device where by a bicycle parking space is positioned above or below another bicycle parking space and is accessed by means of an elevating device;
- g. "*Block 1, Block 2, Block 3 or Block 4*" means those lands as so identified on Map 4 to this by-law;
- h. "*building permit*" means a permit to construct a building or structure, or any part thereof, pursuant to Section 8 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, superseded or replaced from time to time, and, for clarity, does not include the portion of any permits for, demolition, site servicing, excavation and/or shoring permits;
- i. "*car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require the use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of membership fees that may or may not be refundable;
- j. "*car share parking space*" shall mean a *parking space* that is reserved and actively used for carsharing;
- k. "*commercial fitness club*" means a commercial club containing exercise facilities for its members;
- l. "*District Heating and Cooling Plant*" means premises used to generate, for mass distribution, thermal energy to heat or cool;
- m. "*grade*" means the Canadian Geodetic Datum elevation of 77.0 metres for Blocks 3 and 4, and 77.5 metres for Blocks 1 and 2;
- n. "*height*" means the vertical distance from *grade* and to the highest point of any building or structure;
- o. "*Highway Traffic Act*" means the *Highway Traffic Act*, R.S.O 1990, c.H.8, as amended, and the regulations thereunder;
- p. "*lot*" means the lands outlined on Map 1, attached to and forming part of this By-law;
- q. "*Industry Association*" means a building or a portion of a building used for the purposes of fostering trade and industry, which may include but is not limited to business and administrative offices, accessory kitchen space, boardrooms, reception spaces and conference spaces;
- r. "*non-residential gross floor area*" shall have the same meaning as in By-law 438-86 exclusive of the following floor area:

- i. A part of the building or structure at or above grade that is used for the required parking or storage of bicycles; and
- ii. *commercial parking garage*;
- s. "*Parkland Three Party Agreement*" means an agreement between the owner, the owner of the property known municipally as 1 and 7 Yonge Street and the City and registered against the *lot* and the lands municipally known in 2018 as 55-95 Lake Shore Boulevard East, 33-53 Freeland Street and 2 and 15 Cooper Street, in a form and with content satisfactory to the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation, and registered to the satisfaction of the City Solicitor, pursuant to Section 37 of the Planning Act in accordance with and as required by Schedule A of this by-law;
- t. "*private fitness club*" means a facility with exercise equipment and exercise classes, exclusively for tenants of the office building located on Block 1;
- u. "*Redpath*" means the owner of the fee simple of the *Redpath Lands*;
- v. "*Redpath Lands*" means the lands and premises known municipally as 95 Queens Quay Boulevard East, in the City of Toronto, owned and operated by Redpath Sugar Ltd., its successors and assigns;
- w. "*Redpath Three Party Agreement*" means an agreement pursuant to Section 37 of the Planning Act entered into by the *owner* of the *lot*, *Redpath* and the *City* in a form and with content satisfactory to the City Solicitor, in consultation with the Chief Planner, and Executive Director, City Planning, and in accordance with Schedule A of this by-law;
- x. "*rent*" means "*rent*" as defined in the *Residential Tenancies Act* and shall include charges for heat, hot water, water, gas and electricity charges, but not vehicle parking, storage lockers, internet, telephone and cable television or other optional services. If heat and/or water and/or electricity and/or gas are not included in the *rent*, and are therefore to be paid by the tenant, then the *rent* will be adjusted downward using objective cost data, to the satisfaction of the Chief Planner and Executive Director, City Planning in writing;
- y. "*rental dwelling unit*" means a Dwelling Unit which is rented or available for rent pursuant to the *Residential Tenancies Act* but does not include a condominium-registered unit or a life-lease or co-ownership unit as defined in City of Toronto Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control;
- z. "*Residential Tenancies Act*" means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended or any successor legislation;

- aa. "*temporary sales office*" means an office used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential uses to be erected on the *lot*; and
- bb. "*tower*" means that portion of a building which collectively encloses the entirety of a storey higher than 38 metres above grade on Block 2 and higher than 27 metres above grade on Block 4.

Local Planning Appeal Tribunal Order/Decision issued on September 26, 2019 in File PL170408.

SCHEDULE A

SECTION 37 PROVISIONS

1. The facilities, services and matters set out below are required to be provided to the City by the *owner* of the *lot* at its expense and secured by the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing 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:
 - a. the *owner* will contribute the following sums (the "**Cash Contributions**"), which shall be allocated as set out below:
 - i. Prior to the issuance of the first above-grade *building permit* for Block 4, a contribution in the amount of One Million Dollars (\$1,000,000.00) for the Jack Layton Ferry Terminal redevelopment, provided that if such cash contribution has not been used for its intended purpose(s) within (3) years of this by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning and in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
 - ii. A cash contribution in the estimated amount of Five Million Two Hundred Thousand Dollars (\$5,200,000.00) towards: the two-way conversion of Harbour Street between Yonge and York Streets; removal of the Bay Street on-ramp to the eastbound Gardiner Expressway; shortening of the Lower Jarvis off-ramp from the eastbound Gardiner Expressway; and/or the re-construction of Lake Shore Boulevard East from Yonge Street to Lower Jarvis Street, all in accordance with the recommendations of the Lower Yonge Precinct Municipal Class Environmental Assessment (MCEA), and to be paid as follows:
 - A. the final amount of the cash contribution shall be determined by an updated cost estimate to the satisfaction of the General Manager, Transportation Services which amount will not exceed \$5,200,000.00;
 - B. prior to the issuance of the first above-grade *building permit* for Block 2, an initial instalment of the cash contribution to be paid to the City in the amount of \$2,600,000.00; and
 - C. prior to the earlier of the issuance of the first above-grade *building permit* for Block 4 or the finalization of the updated cost estimate, the remaining balance of the cash contribution shall be paid to the City;

- iii. Prior to the issuance of the first above-grade *building permit* for Block 4, a one-time contribution in the amount of \$250,000 shall be paid to the City, to be held by the City and used firstly for the upgrading of the Child Care Facility at the end of the first 25 year period of the Term, or alternatively in the event that the premises are no longer used for a licensed child care facility, towards ongoing operating costs of the premises in accordance with the section 37 Agreement; and
 - iv. The amount of each payment required pursuant to Section 1(a)(i), (ii) and (iii) above to be indexed upwardly in accordance with the Construction Price Index, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds to the City for each payment in Section 1(a)(i), (ii) and (iii) above;
- b. the *owner* to provide for the construction, finishing and equipping of a non-profit licensed child care facility to accommodate at least 62 children, including infants, toddlers and preschoolers, comprising approximately 929 square metres (10,000 square feet) in accordance with the City's standard requirements relating to interior and outdoor spaces, outdoor storage, and the provision of related parking, the payment of contributions in the total amount of \$580,000 towards the operation of the facility, and the entering into a lease for such premises for at term of 99 years on terms and conditions satisfactory to the City;
- c. the *owner* to provide and maintain on the *lot affordable rental housing units*, comprising at least 10 percent of the *residential gross floor area* provided on the *lot* and subject to the following:
- i. The *affordable rental housing units* shall be maintained as *rental dwelling units* for at least 25 years, beginning with the date each such unit is first occupied;
 - ii. The *affordable rental housing units* shall be provided on Block 2 and Block 4 with approximately 50 percent of the required *affordable rental housing units* to be provided on Block 2;
 - iii. 60 percent of the *affordable rental housing units* shall be ready and available for occupancy prior to the date that 60 percent of the remaining residential units in the same phase are ready and available for occupancy;
 - iv. The unit mix for the *affordable rental housing units* shall in no event comprise less than:
 - A. 10 percent of the units as three-bedroom units or larger, and each such unit shall have a minimum floor area of at least 90 square metres (in accordance with Tarion Bulletin 22); and
 - B. 29 percent of the units, inclusive of the 10 percent three-bedroom units in iv.A. above, as two-bedroom units or larger, and such two-

bedroom units shall have a minimum floor area of at least 64 square metres (in accordance with Tarion Bulletin 22);

- v. The minimum unit sizes described in 1.c.iv. above may vary by a maximum of 3 percent but only as a result of reasonable adjustments as required for the purposes of accommodating required final structural or mechanical design, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - vi. no portion of the *affordable rental housing units* shall be registered as condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a unit, and no application for conversion for non-rental housing purposes, or application to demolish any portion of the *affordable rental housing units* can be made for at least 25 years from the date of the first occupancy of each *affordable rental housing unit* on the *lot*;
 - vii. when the 25 years period set out in 1.c.i. above has expired, the *owner* shall continue to provide and maintain the *affordable rental housing units* as *rental dwelling units*, unless and until such time as the *owner* has applied for and obtained all approvals necessary to do otherwise;
 - viii. the owner of the lot shall provide and maintain *affordable rents* charged to the tenants who rent the *affordable rental housing units* during the first 15 years of occupancy of each such unit, such that the initial rent for any tenant shall not exceed *affordable rent*;
 - ix. during the first 15 years of occupancy, increases to the initial rents charged to tenants occupying any of the *affordable rental housing units* shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline and, if applicable, permitted guideline increases outlined in the Section 37 agreement until the tenancy ends; and
 - x. after the first 15 years of occupancy, any unit rented to a new tenant shall be rented in accordance with applicable Provincial law;
- d. the conveyance and satisfactory securing of the conveyance of the required on-site parkland dedication pursuant to Section 42 of the Planning Act, in accordance with the Parks and Open Space policies in the Lower Yonge Precinct Official Plan Amendment, to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the General Manager, Parks, Forestry and Recreation. Such conveyance may include requirements for an escrow conveyance and provisions to ensure the City obtains all of the anticipated Section 42 parkland dedication at the first and earliest possible opportunity, and may include a requirement for a *Parkland Three Party Agreement* between the City, the *owner* of the *lot* and the *owner* of the 1-7 Yonge Street property as part of the Section 37 requirements, to be registered on title to the *lot*;

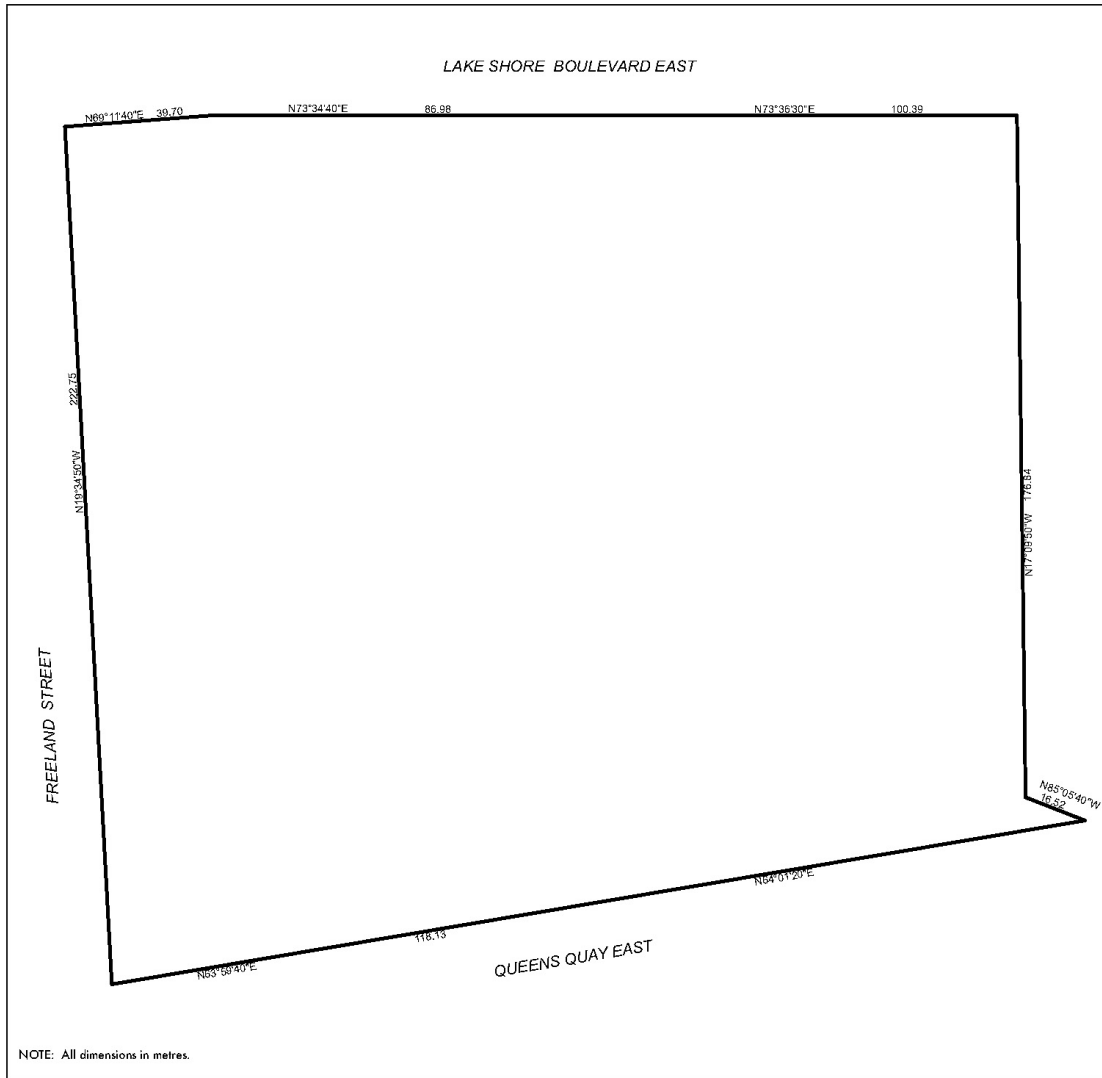
- e. the conveyance of approximately 1,591 square metres of land for parks purposes, at no cost to the City, being the notional remainder of Block 3 that is not subject to the *Parkland Three Party Agreement* noted in 1.d. above;
 - f. a contribution in the amount of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) for public art, with the Public Art Plan to be implemented in accordance with the method and approach outlined in the Lower Yonge Precinct Plan, dated April 2016, and the timing of the contribution shall be as outlined in the Section 37 agreement, provided that should the *owner* elect to make a cash contribution in respect of public art, that such payment shall be made to the City prior to the issuance of the first above-grade *building permit* on the *lot*; and
 - g. art to be provided and maintained on construction hoarding, in accordance with the City's START (Street Art Toronto) program.
2. The following matters are also required to be secured in a Section 37 Agreement, as a matter of legal convenience to support the development at the *owner's* expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, and will include, amongst other matters, the timing for the provision of such improvements, facilities and matters, the provision of letters of credit to secure such matters, where appropriate, insurance and indemnification:
- a. the design, provision and maintenance of public realm enhancements on all streets surrounding the two development blocks on the subject property, with the design in accordance with the public realm concept component of the Lower Yonge Precinct MCEA, to be implemented through the site plan approval process (with the exception of Block 3, which costs will be shared by the parties subject to the *Parkland Three Party Agreement* for securing the required parkland);
 - b. the design and construction of the extension of Harbour Street through the subject property, including the proposed bi-directional, cycling facility along the south side of Harbour Street, with the design of both conforming to the recommendations from the Lower Yonge Precinct MCEA to the satisfaction of the General Manager, Transportation Services;
 - c. the design, construction, provision and maintenance of above and below-grade PATH connections through the proposed development, including the conveyance at nominal cost to the City of easement(s) for use by the general public, and the commitment of the landowner to facilitate the design, construction, provision and maintenance of a PATH connection from the 1-7 Yonge Street property, to the subject property and through the subject property, with connections to all blocks within the development (with the exception of Block 3 which will contain a park) and to include a knock-out panel for a future connection to the property known municipally as 10 Lower Jarvis Street (Loblaws);
 - d. the *owner* shall enter into the *Redpath Three Party Agreement* pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive

Director, City Planning and the City Solicitor, in order to further secure the matters, set out below, and register such agreement on title to the *lot*:

- i. At the time of applications for development approval(s) and site plan application approval(s) for the *lot*, and prior to the *owner* obtaining any such approvals, the *owner* shall at its expense submit to the City for approval of the Chief Planner and Executive Director, City Planning, detailed noise studies and emissions studies, respecting the possible effects of the facility located on the *Redpath Lands* on the proposed development on the *lot* and the possible effects of the proposed development on the *lot* on the facility located on the *Redpath Lands*, and including provision for third party peer review, together with the opportunity for *Redpath* to comment to the *owner* and to the Chief Planner and Executive Director, City Planning, on such noise studies and emissions studies;
- ii. The *owner* at its expense shall implement, operate and maintain, any receptor-based mitigation features shown on or required to be shown on the approved site plan drawings and/or *building permit* plans (the "receptor-based mitigation features") respecting uses on the *lot*;
- iii. The *owner* shall at its expense provide confirmation in writing to the Chief Building Official and Executive Director, Toronto Building that *building permit* plans have incorporated any such receptor-based mitigation features;
- iv. On completion of each building or portion thereof, and prior to any use of any such building or any portion thereof, the *owner* shall at its expense provide confirmation in writing to the Chief Planner and Executive Director, City Planning, that the design and construction of such building incorporates all receptor-based mitigation features and that all such mitigation is operating as intended in accordance with specifications;
- v. The *owner* shall provide to *Redpath* a copy of all issued Notice of Approval Conditions for any site plan application(s) for the *lot*, together with all associated drawings and approved site plan drawings;
- vi. The *owner* shall provide to *Redpath* every noise study and every emissions study for the *lot* in connection with any development approval;
- vii. The *owner* shall provide to *Redpath* a copy of every written opinion to the Chief Building Official and Executive Director, Toronto Building regarding *building permit* plans specified in c and d above, and provide to *Redpath* all approved *building permit* plans; and
- viii. On completion of each building or portion of any building and prior to any use of any portion of any building on the *lot*, the *owner* shall provide to *Redpath* every written opinion to the Chief Planner and Executive Director, City Planning, confirming that the design and construction

incorporate all of the receptor-based mitigation features and that all such mitigation is operating as intended in accordance with specifications; and All as more particularly provided in the *Redpath Three Party Agreement*.

- e. the *owner* to construct and maintain the development in accordance with Tier 1 performance measures of the Toronto 'Green Standard (save and except for the Bird Friendly Guidelines, for which the *owner* will adhere to the Tier 2 performance measure);
- f. prior to the issuance of any above-grade *building permit* for Block 4, the *owner* to convey in perpetuity and at no cost to the City, one or more easements, including right of support, in favour of the City for use by the City and the general public as privately owned, publicly accessible space ("POPS Easements"), to the satisfaction of the City Solicitor and in accordance with the following:
 - i. A privately owned, publicly accessible space in the form of an east-west mid-block pedestrian connection between the heritage buildings on Block 4, as identified on map K4 in the Lower Yonge Official Plan Amendment, with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner as part of any site plan approval;
- g. the *owner* to provide or each phase of the development:
 - i. In conjunction with each site plan application, the *owner* shall submit 1:50 scale architectural elevation drawings with building materials, colours, and finishes illustrated and labeled to the satisfaction of the Chief Planner and Executive Director, City Planning. Upon approval of the aforesaid drawings, such drawings shall be deemed the "Approved Exterior Development Details";
 - ii. To construct and maintain each tower in the development in accordance with the approved Exterior Development Details or such alternate architectural detail and exterior buildings materials as the *owner* may request and as are satisfactory to the Chief Planner and Executive Director, City Planning; and
 - iii. As part of the application for the first above-grade *building permit* for each tower in the development, the *owner* to submit building plans demonstrating how the requirements of this section will be satisfied.

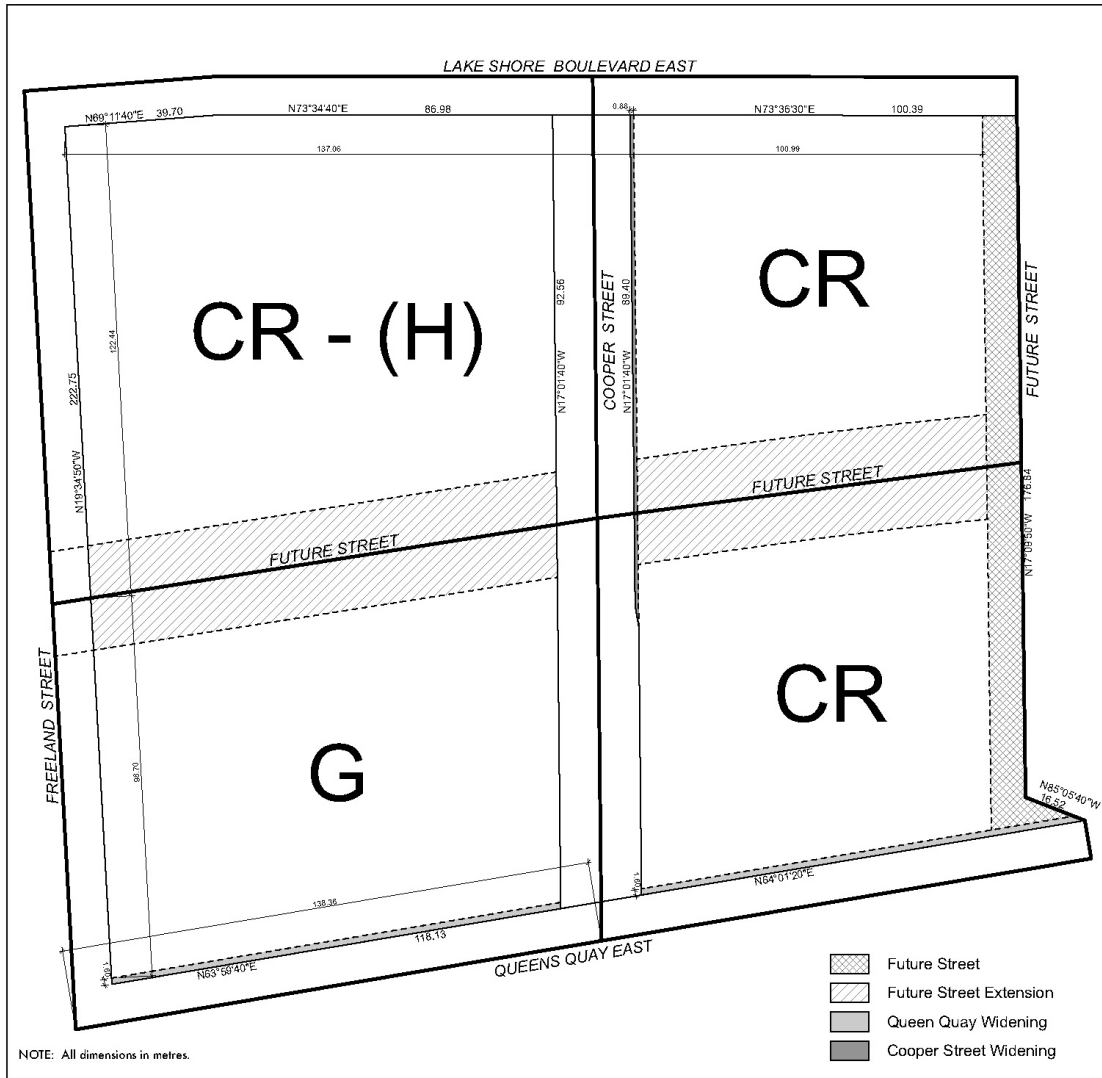


Boundary information taken from Draft Plan of Subdivision prepared by R. Avis Surveying Inc.
3° MTM Zone 10 coordinates used.



Map 1 - Boundary

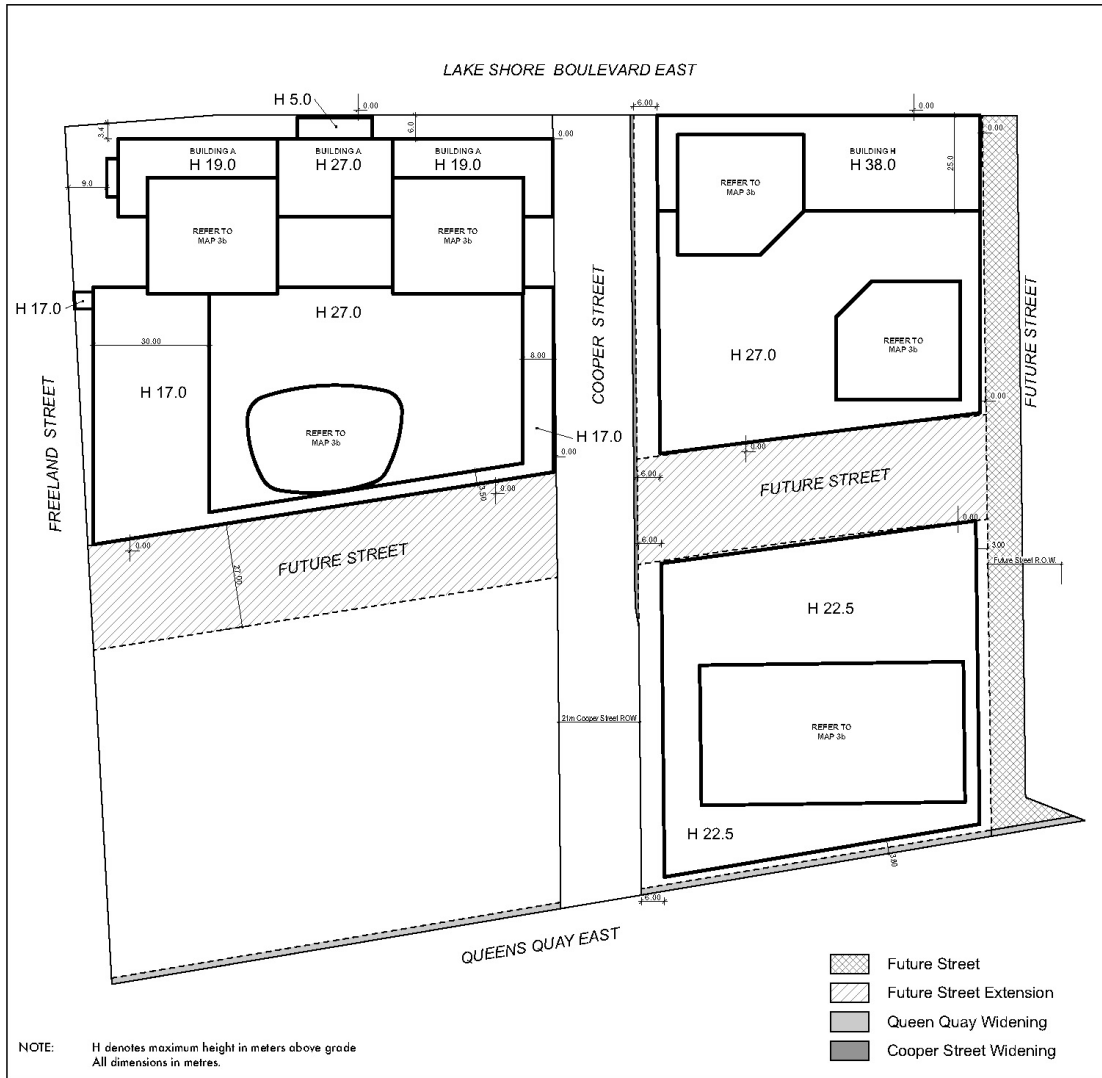
55-95 Lake Shore Boulevard East,
15 Freeland Street & 2 and 15 Cooper Street



Boundary information taken from Draft Plan of Subdivision prepared by R. Avis Surveying Inc.
 3° MTM Zone 10 coordinates used.

Map 2 - Zoning

55-95 Lake Shore Boulevard East,
 15 Freeland Street & 2 and 15 Cooper Street

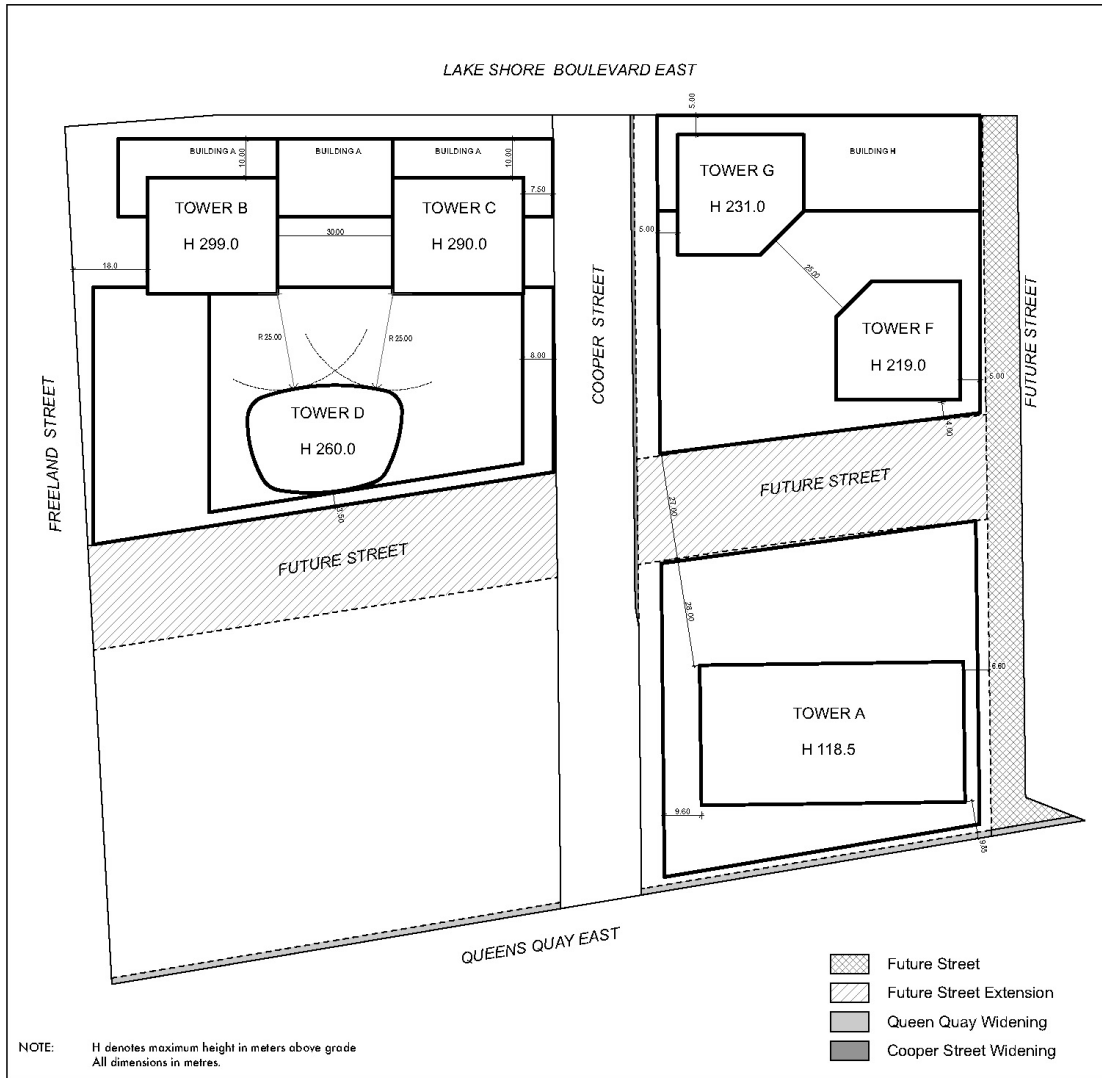


Boundary information taken from Draft Plan of Subdivision prepared by R. Avis Surveying Inc.



Map 3a - Height (Base)

55-95 Lake Shore Boulevard East,
 15 Freeland Street & 2 and 15 Cooper Street

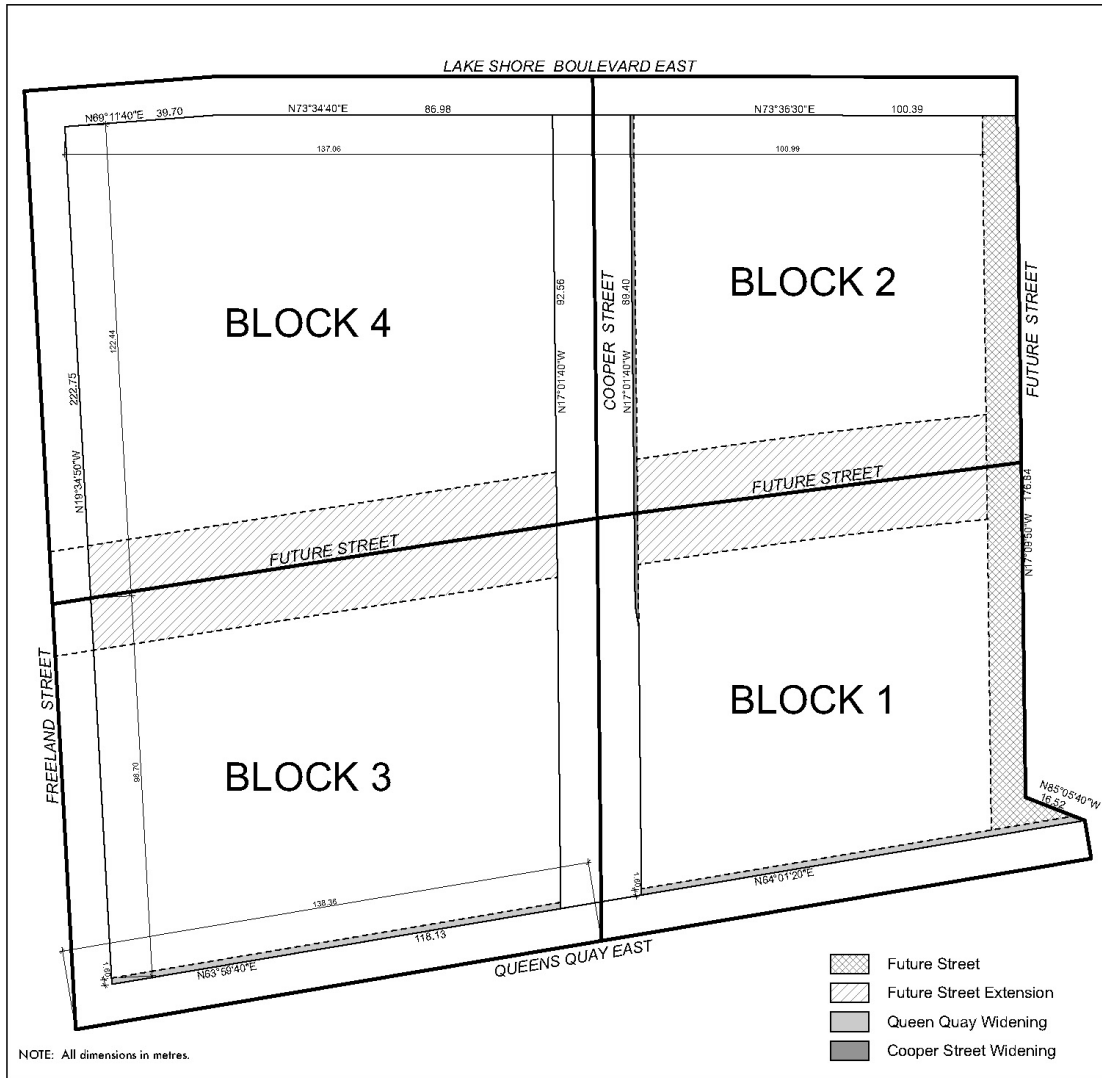


Boundary information taken from Draft Plan of Subdivision prepared by R. Avis Surveying Inc.



Map 3b - Height (Tower)

55-95 Lake Shore Boulevard East,
15 Freeland Street & 2 and 15 Cooper Street



Boundary information taken from Draft Plan of Subdivision prepared by R. Avis Surveying Inc.
3° MTM Zone 10 coordinates used.



Map 4 - Block

55-95 Lake Shore Boulevard East,
15 Freeland Street & 2 and 15 Cooper Street