

Authority: Toronto and East York Community Council,  
Item TE34.35, as adopted by City of Toronto Council on  
July 19, 20, 21 and 22, 2022

## **CITY OF TORONTO**

### **BY-LAW 1012-2022**

**To amend former City of Toronto Zoning By-law 289-93, as amended, with respect to the lands municipally known in the year 2021 as 200, 208 and 218 Queens Quay West, and 8 York Street and 228 and 230 Queens Quay West;**

**And to amend By-law 609-1998 with respect to the lands municipally known in the year 2021 as 200, 208 and 218 Queens Quay West and 8 York Street;**

**And to amend former City of Toronto By-law 93-81, as amended, with respect to the lands municipally known in the year 2021 as 207 and 211 Queen Quay West.**

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c.18 came into force, 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 matters as are set out in the by-law; and

Whereas Subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid Lands by By-law 289-93, 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. Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, and subject to compliance with this By-law, the increase in *height* and density of development is permitted beyond that otherwise permitted on the lands shown on Map 1 attached to this By-law, in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix 1 of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters and enter into and register an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in *height* or density pursuant to this By-law unless all provisions of Appendix 1 of this By-law are satisfied.
4. Except as otherwise provided herein, the provisions of By-law 289-93, as amended, shall continue to apply to the lands shown on Map 1 attached to this By-law.
5. By-law 289-93, as amended, being "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 the Harbourfront Area" is amended by:
  - (1) Amending Height Map 50G-313 contained in APPENDIX "B" of By-law 289-93, as amended, for the lands shown on Map 1 attached to this By-law to those *heights* shown on Map 2 attached to this By-law.
  - (2) None of the provisions of SECTION 4(1) - DEFINITIONS AND INTERPRETATION, of By-law 289-98, as amended, with respect to the definitions of *grade*, *height*, *lot*, *residential gross floor area*, *parking space*, *non-residential gross floor area*, or any provision of By-law 609-1998 shall apply to prevent the erection and use of a *mixed-use building*, a *temporary sales office*, a *commercial parking garage*, and uses *accessory* thereto on the *lot*, provided that:
    - (a) the *lot* comprises at least the land delineated by heavy lines as shown on Map 1 attached to this By-law;
    - (b) the residential uses permitted by Section 13(1) of By-law 289-93, as amended, shall be permitted on the *lot*;
    - (c) in addition to the non-residential uses permitted by Section 13 (2) and Appendix D of By-law 289-93, as amended, the following uses are also permitted on the *lot*:

- (i) a *commercial parking garage* provided the floor level of that part of a *commercial parking garage* which contains a *parking space* is located below *grade*; and
  - (ii) *car share*;
- (d) notwithstanding SECTION 14 (1) (5) and (11) - SPECIFIC USE AND DENSITY PROVISIONS FOR CR DISTRICTS and APPENDIX E of By-law 289-93, as amended, as such Sections apply to the *lot*, the maximum permitted combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures on the *lot* shall be 60,650 square metres of which:
- (i) the maximum permitted *residential gross floor area* shall be 60,250 square metres; and
  - (ii) the maximum permitted *non-residential gross floor area* shall be 400 square metres;
- (e) *dwelling units* on the *lot* shall include:
- (i) a minimum of 30 percent of the total number of *dwelling units* shall contain two or more bedrooms; and
  - (ii) a minimum of 10 percent of the total number of *dwelling units* shall contain three or more bedrooms;
- (f) notwithstanding SECTION 20 (1) - HEIGHT PROVISIONS FOR ALL DISTRICTS, of By-law 289-93 as amended, no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol "H" as shown on Map 2 attached to this By-law with the exception of the following:
- (i) lightning rods and window washing equipment may project above the *height* limits to a maximum of 5.0 metres;
  - (ii) elements on the roof of a building or structure such as, *green roof* technology and related materials, air intakes and garbage chutes, may project above the *height* limits to a maximum of 1.5 metres;
  - (iii) guard rails, railings, parapets and access hatches may project above the *height* limits to a maximum of 2 metres;
  - (iv) equipment used for the functional operation of a building such as elevator overruns, stairs and stair enclosures, ventilating equipment, vents, chimneys, stacks, mechanical and architectural screens, elements associated with green energy and renewable energy facilities, and structures or elements on rooftop terraces such as partitions or dividers, fences and other structures providing

- safety, noise or wind protection may project above the *height* limits to a maximum of 3.5 metres;
- (v) cabanas, pergolas and trellises may project above the *height* limits to a maximum of 4.0 metres; and
  - (vi) structures, elements and enclosures permitted by regulation (g) below;
- (g) notwithstanding SECTION 21 (5) (i) - SETBACK AREAS, of By-law 289-93, as amended, no portion of any building or structure erected above the finished ground surface on the *lot*, shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to this By-law, with the exception of the following:
- (i) railings, balustrades, awnings, canopies including supporting structures, terraces, privacy screens, planters, ramps to underground parking areas and associated enclosures, fencing, lighting, bollards, safety railings, trellises, outdoor furniture, guards, guardrails, retaining walls, access hatches, wheelchair ramps, bicycle parking facilities, drainage pipes, non-structural ornamental or architectural features which may include a roof structure over outdoor *residential amenity space*, landscape features, doors, art installations;
  - (ii) cornices, sills, eaves to a maximum of 0.5 metres;
  - (iii) balconies to a maximum of 1.8 metres; and
  - (iv) structures, elements and enclosures permitted by regulation (f) above;
- (h) notwithstanding subsections (f) and (g) above, no portion of a building or structure shall be located within delineated hatched areas illustrated on Map 2 attached to this By-law between the finished ground surface and a minimum of 5.0 metres and 6.0 metres, respectively, above the finished ground surface, as such dimensions are referred to in the legend on Map 2, other than signage, lighting, outdoor furniture, planters, columns or other structural supports, cladding, sills, vents, shafts, landscape features, canopies, wheel chair ramps, safety railings, bollards, art installations, and ornamental or architectural features, bicycle parking facilities;
- (i) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 1.3 square metres of outdoor *residential amenity space* per *dwelling unit*;

- (ii) a minimum of 1.2 of indoor *residential amenity space* per *dwelling unit*; and
  - (iii) no more than 25 percent of the outdoor residential amenity space may be a *green roof*;
- (j) notwithstanding SECTIONS 23, 24(1), 25, 26(a), 27(i), 28 and 29 - PARKING PROVISIONS FOR CR DISTRICTS, of By-law 289-93, as amended, *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (i) a minimum of 0.15 *parking spaces* per *dwelling unit* shall be provided for residents of the *dwelling units*;
  - (ii) a minimum of 0.06 *parking spaces* per *dwelling unit* shall be provided for residential visitors;
  - (iii) a minimum of 125 *parking spaces* shall be provided in a *commercial parking garage* and the 125 *parking spaces* are deemed to satisfy the requirement to provide the following *parking spaces*, which may be shared and provided on a non-exclusive basis:
    - A. 35 visitor *parking spaces*, as otherwise required by Section 25 of By-law 289-93, as amended, for *dwelling units* existing on Parcel JQ-3 identified therein as of the date of the passing of this By-law;
    - B. 71 visitor *parking spaces*, as otherwise required by Section 25 of By-law 289-93, as amended, for *dwelling units* existing on Parcel YQ-4 identified therein, excluding the *lot*, as of the date of the passing of this By-law;
    - C. 3 *parking spaces*, as otherwise required by Section 25 of By-law 289-93, as amended, for a day care on Parcel YQ-4 identified therein, excluding the *lot*; and
    - D. 115 *parking spaces* as otherwise required by Section 3 of By-law 93 81, as amended, for the lands municipally known in the year 2021 as 207 and 211 Queens Quay West;
  - (iv) despite any provision of this By-law or By-law 289-93, as amended, to the contrary, *parking spaces* required by (j)(iii) above are not required during the construction of a new *mixed-use* building on the *lot*;
  - (v) a minimum of 5 *car-share parking spaces* shall be provided;

- (vi) where the calculation of the required number of *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (vii) the *parking spaces* required for residential visitors may be provided on a non-exclusive basis and may be provided in a *commercial parking garage*;
- (viii) notwithstanding (j)(i) above, no *parking spaces* for residents are required for *dwelling units* which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act to be provided as affordable rental housing, in accordance with Appendix 1 of this By-law;
- (ix) a *parking space* shall have the following minimum dimensions:
  - A. length of 5.6 metres;
  - B. width of 2.6 metres;
  - C. vertical clearance of 2.0 metres; and
  - D. the minimum width in B. above shall be increased by 0.3 metres for each side of the *parking space* that is obstructed according to (j)(x) below;
- (x) the side of a *parking space* is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
  - A. within 0.3 metres of the side of the *parking space*, measured at right angles;
  - B. more than 1.0 metre from the front or rear of the *parking space*; and
  - C. a maximum of 10 percent percent of the required *parking spaces* may be obstructed on one or two sides without the requirements to increase the minimum width by 0.3 metres;
- (k) accessible *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) an accessible *parking space* shall have the following minimum dimensions:
    - A. length of 5.6 metres;
    - B. width of 3.4 metres; and

- C. height of 2.1 metres;
- (ii) the entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (iii) accessible *parking spaces* shall be provided on the *lot* as follows:
  - A. if the number of required *parking spaces* is 100 or fewer, a minimum of 1 *parking space* for every 25 *parking spaces* or part thereof shall be provided as an accessible *parking space*; and
  - B. if the number of required *parking spaces* is more than 100, a minimum of 5 *parking spaces* plus 1 *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces*, must be provided as accessible *parking spaces*;
- (l) notwithstanding SECTIONS 31 to 36 - LOADING REQUIREMENTS of By-law 289-93, as amended, loading spaces shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) a minimum of one *loading space*– *type B*; and
  - (ii) a minimum of one *loading space* – *type G*;
- (m) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) a *bicycle parking space* shall have the following minimum dimensions:
    - A. length of 1.8 metres;
    - B. width of 0.6 metres; and
    - C. vertical clearance from the ground of 1.9 metres;
  - (ii) a *bicycle parking space* placed in a vertical position on a wall, structure or mechanical device shall have the following minimum dimensions:
    - A. length or vertical clearance of 1.9 metres;
    - B. width of 0.45 metres; and
    - C. horizontal clearance from a wall of 1.2 metres;

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- (iii) if a *stacked bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres and the minimum width is 0.45 metres;
  - (iv) an area used for providing bicycle parking must have a minimal vertical clearance of:
    - A. 2.4 metres if it is a *stacked bicycle parking space*; and
    - B. 1.9 metres in all other cases;
  - (v) a minimum of 0.9 long-term *bicycle parking spaces* per *dwelling unit*;
  - (vi) a minimum of 0.1 short-term *bicycle parking spaces* per *dwelling unit*;
  - (vii) if the calculation of the minimum *bicycle parking spaces* results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* shall be rounded up to the next whole number;
  - (viii) no *bicycle parking spaces* are required for non-residential uses; and
  - (ix) *bicycle parking spaces* required by this By-law may be provided as *stacked bicycle parking spaces*.
- (3) SECTION 4(2) - INTERPRETATION of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
  - (4) SECTION 5 - PARCELS of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
  - (5) SECTION 15 (4) - SPECIFIC BUILT FORM PROVISIONS FOR CR DISTRICTS of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
  - (6) SECTION 18 - RESTRICTIONS TO CR DISTRICTS, NON-RESIDENTIAL of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
  - (7) SECTION 19 - RECREATION SPACE AND COMMON OUTDOOR SPACE of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
  - (8) SECTION 22 (iii) - ANGULAR PLANE SETBACK of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.



- (9) SECTION 38 – PERMISSIVE EXCEPTIONS of By-law 289-93, as amended, shall not apply to the lands delineated by heavy lines on Map 1 attached to this By-law.
- (10) None of the provisions of this By-law or By-law 289-93, as amended, shall apply to prevent a *temporary sales office* on the *lot*.
- (11) For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 289-93, as amended, except for the following which shall have the meaning stated herein:

"*bicycle parking space*" means an area used for storing a bicycle;

"*car-share*" means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization;

"*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

"*commercial parking garage*" means a building or a portion of a building used for the temporary parking of motor vehicles as a principal use on the *lot*;

"*grade*" means 77.0 metres above Canadian Geodetic Datum;

"*green roof*" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code, as amended;

"*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;

"*long-term bicycle parking spaces*" means a bicycle parking space for use by occupants or tenants of a building;

"*lot*" means the lands delineated by a heavy black lines on Map 1 attached to this By-law;

"*non-residential gross floor area*" means the aggregate of the areas of each floor used for a non-residential purpose above and below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, or measured between such walls and the centre line of any interior wall or projection thereof which separates a residential use from a non-residential use, exclusive of the following areas:

- (a) parking areas, including *parking spaces* below *grade*;

- (b) loading areas, including loading spaces, *bicycle parking spaces* or *stacked bicycle parking spaces* above or below *grade*;
- (c) washrooms, electrical, utility, mechanical and ventilation, and telecom rooms;
- (d) storage rooms and locker rooms below *grade*;
- (e) elevator shafts;
- (f) garbage shafts;
- (g) mechanical penthouse;
- (h) below ground, the area of interior and exterior building walls; and
- (i) stairwells in the building;

"*parking space*" means an area used for the parking or storing of a vehicle;

"*residential amenity space*" means a common area or areas within the *lot* which are provided for the exclusive use of residents and visitors for recreational or social purposes, which may also include guest suites and co-working areas;

"*residential gross floor area*" means the aggregate of the areas of each floor used for residential purposes above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, or measured between such walls and the centre line of any interior wall or projection thereof which separates a residential use from a non-residential use, exclusive of the following areas:

- (a) parking areas, including *parking spaces* below *grade*;
- (b) loading areas, including loading spaces, *bicycle parking spaces* or *stacked bicycle parking spaces* above or below *grade*;
- (c) washrooms, electrical, utility, mechanical and ventilation and telecom rooms;
- (d) storage rooms and locker rooms below *grade*;
- (e) *residential amenity space* up to a maximum of 2.0 square metres per *dwelling unit*;
- (f) elevator shafts;
- (g) garbage shafts;
- (h) mechanical penthouse;
- (i) below ground, the area of interior and exterior building walls; and

- (j) stairwells in the building;

"*temporary sales office*" means a building or structure, used exclusively for the sale and/or leasing of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*;

"*short-term bicycle parking space*" means a bicycle parking spaces for use by visitors to the building; and

"*stacked bicycle parking spaces*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;

- (12) Within the land shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers , and appropriate appurtenances, have been installed and are operational.
- (13) Notwithstanding any existing or future severances, partition or division of the *lot* the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

**6.** Section 26 of By-law 289-93, as amended, is further amended as follows:

- (1) Subsection (a) is amended by deleting the requirement to provide and maintain 150 *recreational parking spaces* for Parcel YQ-4 identified therein and by deleting the requirement to provide and maintain 100 *recreational parking spaces* for Parcel YQ-8 identified therein; and
- (2) Subsection (b) is amended by deleting the words "or the parking garage existing on June 1, 1991 on Parcel YQ4 identified therein".

**7.** Nothing in By-law 609-1998 shall apply to Parcel YQ-4 identified in By-law 289-93, as amended, with respect to the lands shown on Map 1 attached to this By-law.

**8.** Notwithstanding Section 2 of By-law 609-1998:

- (a) Section 2(9) shall not apply to the remaining portion of Parcel YQ-4 identified in By-law 289-93, as amended, that does not include the lands shown on Map 1 attached to this By-law.

**9.** By-law 93-81, as amended, is further amended as follows:

- (a) Section 3(a) is amended by replacing the number "320" with the number "187";

(b) Section 3 is amended by adding the following new subsection (c):

the 115 parking spaces which are not required for the exclusive use of residents in accordance with (a) above, may be provided in a *parking facility* within 300 metres of the lands and may be shared and provided on a non-exclusive basis; and

(c) Section 5(2) is amended by adding the following new subsection (c):

(c) Notwithstanding (b) above, a "*parking space*" if provided on the lands identified on Map 1 of By-law 1012-2022 means a *parking space* with minimum dimensions as set out in such By-law;

Enacted and passed on July 22, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**APPENDIX 1**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development of the land shown on Map 1 attached to this By-law and in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Section 17 to the COVID-19 Economic Recovery Act, 2020, S.O. c.18 came into force, 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.

Prior to the issuance of any building permit, the owner shall enter into and register an agreement to the satisfaction of the City Solicitor pursuant to the Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits and matters required to support the development, as follows:

**Community Benefits**

Financial Contribution:

1. The owner shall make a financial contribution in the amount of two hundred and fifty thousand dollars (\$250,000.00) (CAN) to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto when specified and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor as follows:
  - (a) prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution of one hundred and sixty thousand dollars (\$160,000.00) toward parkland improvements for parks in the vicinity of the *lot*; and
  - (b) at such time as the By-law comes into full force and effect, the owner shall make a cash contribution of ninety thousand dollars (\$90,000.00) toward the Bentway Waterfront Reconnect project for improvements under the Gardiner Expressway at Lower Simcoe Street;

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of passing of this By-law to the date the payment is made.

2. In the event the cash contributions referred to in Clause 1 (a) and (b) above have not been used for the intended purpose within three (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, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.

## Affordable Housing:

3. The owner shall design, construct, finish, maintain and provide at least 76 affordable rental housing dwelling units on the lands at 200 Queens Quay West (the "Affordable Housing Units") comprised of at least ten percent (10 percent) of the total residential Gross Floor Area of the new mixed use building, all to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director, Housing Secretariat, in accordance with the following terms:
  - (a) at least forty percent (40 percent) of the Affordable Housing Units shall be a two-bedroom or a three-bedroom rental *dwelling unit*, where at least ten percent (10 percent) of the Affordable Housing Units shall be a three-bedroom rental *dwelling unit*;
  - (b) the minimum unit sizes shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Housing Secretariat and shall reflect, and in no event be less than the minimum and average sizes of the market units in the new 59-storey mixed use building;
  - (c) one-bedroom Affordable Housing Units shall have an average unit size of at least 50 square metres, two-bedroom Affordable Housing Units shall have an average unit size of at least 64.5 square metres, and three-bedroom Affordable Housing Units shall have an average unit size of at least 83.5 square metres;
  - (d) the location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
  - (e) the owner shall provide and maintain the Affordable Housing Units as secured rental *dwelling units* for a minimum period of 40 years beginning from the date that each such unit is first occupied (the "Affordability Period"), or as otherwise provided in the Contribution Agreement. During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium unit or any other form of ownership housing that provides a right to exclusive possession of a *dwelling unit*, including life lease or co-ownership, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the units as rental *dwelling units*, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;
  - (f) the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed one hundred percent 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

- (g) if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent of the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (h) after the first year of occupancy of any Affordable Housing Units, and for the duration of the Affordability Period, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- (i) notwithstanding the annual rent increases permitted in (h) above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit during the Affordability Period shall not be increased to an amount that exceeds one hundred percent 100 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (j) the City's Centralized Affordable Housing Access System will be used to advertise and select tenants, provided it is in place, unless otherwise agreed to by the Executive Director, Housing Secretariat. In addition at least six months in advance of any new Affordable Housing Units being made available for rent, the owner shall develop and implement an Access Plan, which will outline how units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;
- (k) the new Affordable Housing Units shall be made ready and available for occupancy no later than the date by which seventy percent (70 percent) of the new *dwelling units* in the 59-storey mixed use building are available and ready for occupancy, or to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
- (l) the owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge and on the same terms and conditions as any other resident of the mixed use building, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- (m) the owner shall provide all tenants of the Affordable Housing Units with ensuite laundry facilities no extra charge;
- (n) the owner shall provide all tenants of the Affordable Housing Units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, subject to a maximum charge to the satisfaction of the Chief

Planner and Executive Director, City Planning and in accordance with the Zoning By-law; and

- (o) prior to the issuance of the first building permit for a residential use on any part of the site, including permits for excavation and shoring, and excluding permits for demolition, the owner shall enter into a municipal housing facility agreement with the City ("Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s).

### **Matters required in support of the Development**

#### **Parkland:**

- 4. No later than thirty (30) months after the issuance of the first above-grade building permit for all or any portion of the development, the owner shall:
  - (a) convey to the City, an on-site parkland dedication as contemplated by Section 42 of the Planning Act, having a minimum size of 488 square metres in the location generally illustrated on Map 2 to attached to this By-law to the satisfaction of General Manager, Parks, Forestry and Recreation, and on terms set out in the Section 37 Agreement, including provision that, the conveyance shall fully satisfy the owner's existing and future obligations with respect to all parkland conveyance and cash in lieu requirements for the approved development pursuant to this By-law based on City Council's waiver of parkland dedication requirements for the Affordable Housing Units; and
  - (b) complete the conveyance of the parkland free and clear, above and below *grade*, of all easements, encumbrances, and encroachments, in an acceptable environmental condition to the satisfaction of the General Manager Parks Forestry and Recreation on terms set out in the Section 37 Agreement, including provision for encumbrances of de-stressed tiebacks, where such encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor and is subject to compensation payable to the City at the time of conveyance, in an amount determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.
- 5. Prior to the issuance of the permit that triggers the Development Charges payment, the owner shall submit cost estimates together with plans/drawings and shall post financial security to secure parkland improvements in the amount of one hundred and twenty percent (120 percent) of the value of each of the base park improvements and the above-base park improvements (where the owner elects to undertake the above-base park improvements) to the satisfaction of General Manager, Parks, Forestry and Recreation and on terms set out in the Section 37 Agreement. The financial security shall be held for the installation and warranty of the parkland improvements. No credit shall be given



towards the Parks and Recreation component of the Development Charges for costs associated with the base park improvements.

6. The construction of the base park improvements and, where the owner elects to undertake the above-base park improvements, the above-base park improvements shall be completed prior to one (1) year after the conveyance of the parkland, to the satisfaction of the General Manager, Parks, Forestry and Recreation, or such later date in the sole discretion of and on terms satisfactory to the General Manager, Parks, Forestry and Recreation as set out in the Section 37 Agreement.

Construction Management:

7. Prior to the earlier of the commencement of any excavation or shoring work, and issuance of the first building permit, for all or any portion of the development, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the Plan during the course of construction (the "Construction Management Plan"). The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director City Planning and General Manager, Transportation Services, in consultation with the Ward Councillor.

Engineering:

8. Prior to site plan approval, the owner shall make satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services to secure, pay for and construct improvements to the sanitary infrastructure in connection with the Functional Servicing and Stormwater Management Report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades and/or improvements are required to such infrastructure to support the development.

Off-site Parking Obligations:

9. The owner shall provide a minimum of 125 non-exclusive *parking spaces* within the parking garage for the development to address off-site parking obligations for properties municipally known in the year 2021 as 208 and 218 Queens Quay West and 8 York Street, 207 and 211 Queens Quay West and 250, 260, and 270 Queens Quay West, on terms set out in the Section 37 Agreement and to be secured in the context of site plan approval to the satisfaction of the Director Community Planning, Toronto and East York District.

Toronto Green Standard:

10. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of the Toronto Green Standards, applicable at the time of site plan application for each building on the site.

Map 1



