

Authority: Planning and Growth Management Committee Item ##, as adopted by City of Toronto Council on ~, 20~

## CITY OF TORONTO

Bill No. ~

### BY-LAW No. XXXX-2018

**To amend Zoning By-law No. 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 to 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 No. 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; and

Whereas pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a by-law passed under section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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 No. 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 EO(H1) 6.1 (e6.1; o6.1) (xXX), EO(H2) 6.1 (e6.1; o6.1) (xXX), EO(H3) 6.1 (e6.1; o6.1) and OR(H) (xXX).
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, Broadview Avenue, New Street E and Booth Avenue may be considered to be major **streets**, as shown on Diagram 4 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.42.10 Exception Number XX so that it reads:

**Exception OR XX**

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) In addition to uses permitted in regulation 90.20.20, the following additional uses are permitted:
  - (i) Flood protection structures and facilities

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

6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.24.10 Exception Number X so that it reads:

**Exception EO XX:**

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:

- (B) On 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue, shown as EO(H1, H2, H3) 6.1 (e6.1; 06.1) on Diagram 2 to By-law XXXX-2018, if the requirements in Section 9 and Schedule A of By-law XXX-2018 are complied with, none of the provisions of 5.10.40.70.(1) to (4), 60.5.40.60(1), 60.5.40.70, 60.40.1.10, 60.40.40.10(1) or 60.40.1.10(3) apply to prevent the erection or use of land, buildings or structures on the lands if in compliance with regulations (C) to (BB) below.
- (C) Despite regulations 60.5.40.10(1) and 60.5.40.10(2), the height of a **building or structure** is measured as the vertical distance between the geodetical elevation of 78.0 metres above sea level and the highest point of the **building or structure**.
- (D) Despite clause 60.5.80.10, **parking spaces** must be located in a below grade **parking garage**.
- (E) At-grade **parking spaces** may be provided on Quadrant 1, as shown on Diagram 5 attached to this By-law as a temporary use of land to enable construction, provided:
- (i) They do not exceed a total lot coverage of 40%; and
  - (ii) The spaces are provided for a period of no more than three (3) years from the day of lifting of the Holding provisions to enable development for the first Quadrant to be developed following Quadrant 1, being Quadrant 2, 3 and/or 4;
- (F) Despite regulation 60.5.100.1(1), a **driveway** may have a maximum width of 7.2 metres for a minimum depth of 3.0 metres measures from the **lot line** abutting the **street**.
- (G) Despite clause 60.40.20.10, the following uses are not permitted:
- (i) Dry Cleaning or Laundry Plant
- (H) Despite clause 60.40.20.20, the following uses are not permitted:
- (i) Apparel and Textile **Manufacturing Use**
  - (ii) Beverage **Manufacturing Use**
  - (iii) Clay Product **Manufacturing Use**
  - (iv) Computer, Communications, Electronics, or Optical Media **Manufacturing Use**
  - (v) Food **Manufacturing Use**
  - (vi) Furniture **Manufacturing Use**
  - (vii) Medical Equipment and Supplies **Manufacturing Use**
  - (viii) Metal Products **Manufacturing Use**
  - (ix) **Open Storage**
  - (x) Pharmaceutical and Medicine **Manufacturing Use**

- (xi) Plastic Product **Manufacturing Use**
  - (xii) Transportation Product and Vehicle **Manufacturing Use**
  - (xiii) **Drive Through Facility**
  - (xiv) **Place of Worship**
- (I) Uses listed in regulation 60.40.20.10(1) and 60.40.20.20(1) that are not listed in 7(G) and (H) above are permitted, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.40.20.100 and the relevant specific use requirements of Section 150.
- (J) In addition to uses permitted in regulations 60.40.20.10(1)(B), the following additional uses are permitted:
- (i) An **Eating Establishment, Retail Store or Take-out Eating Establishment** may include food or beverage **manufacturing**
  - (ii) **District Heating and Cooling Plant**
  - (iii) **Entertainment Place of Assembly**
  - (iv) **Green Roof**
  - (v) **Pet Services**
  - (vi) **Post-Secondary School**
  - (vii) **Stacked Bicycle Parking Space**
  - (viii) **Stacked Parking Space**
- (K) Regulation 60.40.20.100(6) with respect to the conditions for a **retail service, retail store, personal service shop, eating establishment, or take-out establishment**, does not apply.
- (L) Regulation 60.40.20.100(7) with respect to the conditions for a **recreation use**, does not apply.
- (M) Regulations 60.40.20.100(14)(B) and 60.40.20.100(14)(C) with respect to the conditions for an **outdoor patio**, do not apply.
- (N) Despite regulation 60.40.20.20(1)(A), a **District Heating and Cooling Plant** is permitted if it is in combination with another permitted use on the **lot** and complies with all Municipal, Provincial and Federal by-laws, statutes and regulations.
- (O) If an **eating establishment, retail store or take-out eating establishment** includes food or beverage **manufacturing**, more than 50 percent of the total **interior floor area** of the **eating establishment, retail store or take-out eating establishment** may be food or beverage **manufacturing** to a maximum of 5,000 square metres;
- (P) Other uses combined with **eating establishments** are not subject to the interior floor area restrictions set out in regulation 150.100.20.1.

- (Q) 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 Clause 60.40.20.100 and the Conditions identified at Clause 6(R) to Zoning By-law XXXX-2018:
- (i) **Cabaret**
  - (ii) **Day Nursery**
  - (iii) **Outdoor Sales or Display**
  - (iv) **Nightclub**
  - (v) **Vehicle Washing Establishment**
- (R) In addition to the Conditions at regulation 60.40.20.100, the following additional conditions apply:
- (i) Cabaret, Nightclub  
A **cabaret** and/or **nightclub** in the EO and EO(H) zone must be the only **cabaret** and/or **nightclub** in the **building**.
  - (ii) Day Nursery  
A **day nursery** in the EO and EO(H) zone must be only on the first **storey**.
  - (iii) Outdoor Sales or Display  
Outdoor sale or display of goods or commodities in the EO and EO(H) 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.
  - (iv) Vehicle Washing Establishment  
A **Vehicle Washing Establishment** in the EO and EO(H) zone must:
    - a. be below ground in a **parking garage**; and
    - b. comply with the specific use regulations in Section 150.96.
- (S) In the EO and EO(H) 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;
- (T) The permitted maximum total non-residential **gross floor area** for the lands is 926,000 square metres.
- (i) The maximum non-residential **gross floor area** for each quadrant identified on Diagram 6 attached to By-law XXXX-2018 is as follows:

Quadrant as Shown On Diagram 6	Maximum Non-Residential <i>Gross Floor Area</i> (square metres)
Quadrant 1	314,400 square metres
Quadrant 2	342,600 square metres
Quadrant 3	92,600 square metres
Quadrant 4	176,400 square metres

- (U) The total **interior floor area** of all **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** on the **lot** may not exceed 185,200 square metres in **gross floor area**.
- (V) No **building** may be erected or used on a **lot** subject to "Animation" as shown on Diagram 8 attached to this by-law unless a minimum of 80% of the length of the exterior **main wall** along the "Animation" frontage at the first **storey** above ground is occupied by: accessible and programmable office and other lobbies, **art galleries, artist studios, community centres, day nurseries, eating establishments, entertainment places of assembly, libraries, markets, museums, performing arts studios, personal service shops**, publicly accessible **post-secondary schools**, publicly accessible **recreation uses, retail stores, and take-out eating establishments**.
- (W) A minimum of 40 non-residential units must be provided subject to the following:
- (i) each non-residential unit must not exceed a maximum **interior floor area** of 50 square metres;
  - (ii) a minimum of 20 of the non-residential units are to be provided at the ground floor level; and
  - (iii) a minimum of 10 of the non-residential units are to be provided in Quadrant 1, and a minimum of 20 of the non-residential units are to be provided in Quadrant 2, as shown on Diagram 6 to By-law XXXX-2018.
- (X) The combined **gross floor area** of all ground floor levels contained in **buildings** or **structures** cannot exceed 75,000 square metres.
- (Y) Outdoor **amenity space**, must:
- (i) be an unenclosed exterior area which is paved, sodded or landscaped;
  - (ii) adjoin and be directly accessible from a **street**, other than a **lane**;
  - (iii) contain, but not limited to, at least two of the following elements: **landscaping** such as grass, shrubs, trees and flowers; refuse receptacles/recycling bins; and outdoor seating;
  - (iv) be located within 2 metres of **grade** and be accessible by a ramp not exceeding a gradient of 1 in 12, or by stairs and a ramp not exceeding a gradient of 1 in 12;
  - (v) not be narrower than 2.5 metres; and
  - (vi) not include a driveway, vehicular ramp, loading or servicing area, outdoor storage, motor vehicle parking, **outdoor patio**, vent or stairs.
- (Z) Outdoor **amenity space** as described in (X) must be provided for each quadrant as shown on Diagram 6 attached to By-law XXXX-2018 as follows:

Quadrant as Shown On Diagram 4	Minimum Open Space Provided
Quadrant 1	7,000 square metres
Quadrant 2	5,000 square metres
Quadrant 3	3,000 square metres
Quadrant 4	1,500 square metres

For the purpose of this exception, the **amenity space** may also be provided for public use.

(AA) Despite clause 60.40.40.10:

- (1) The maximum **building** height above grade for the areas shown on Diagram 6 attached to By-law XXXX-2018 is as follows:

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

- (2) The minimum height of the first **storey**, is measured between the floor of the first **storey** and the ceiling of the first **storey**, is be 5.0 metres.

(BB) Despite clause 60.40.40.70, setbacks should be measured from the final property lines, as expressed on the Draft Plan of Subdivision:

- (i) All **buildings** or **structures** above grade must be set back a minimum of 20.0 metres from the UT zone overlaying the Metrolinx rail corridor, except for **transportation uses** including a railway station, which may also include **Personal Service Shops, Service Retail, Retail Stores, Take-out Eating Establishments** and **District Heating and Cooling Plants**.
- (ii) All **buildings** or **structures** above grade must be set back a minimum of 5.0 metres from the OR zone.
- (iii) All **buildings** or **structures** must be setback above grade from the

curb edge of **streets** shown on Diagram 7 attached to By-law XXXX-2018 to achieve the following:

- (a) a minimum of 10.0 metres along Broadview Avenue
  - (b) a minimum of 11.0 metres along New Street E
  - (c) a minimum of 6.0 metres along Booth Avenue and New Streets A, B, C and D
- (iv) For **buildings** or **structures** with **lot lines** abutting Broadview Avenue, the **main wall** along Broadview Avenue must be set back a minimum of 3.0 metres above 24.0 metres above grade, and 5.0 metres for a height above 36.0 metres above grade. That portion of a **building** above 36.0 metres above grade shall be the tower portion;
- (v) For **buildings** or **structures** with **lot lines** abutting New Streets A and E, the **main wall** along New Street A and E must be set back a minimum of 5.0 metres above 24.0 metres above grade. That portion of a **building** above 36.0 metres above grade shall be the tower portion;
- (vi) For **buildings** or **structures** with **lot lines** abutting New Streets B, C and D, and Booth Avenue, the **main wall** along New Streets B, C and D and Booth Avenue must be set back a minimum of 5.0 metres above 18.0 metres above grade. That portion of a **building** above 36.0 metres above grade shall be the tower portion;
- (vii) For the tower portion of **buildings**, the minimum distance between the **main wall** of a **building** and the **main wall** of any other **building** must be a minimum of 25.0 metres measured from building face to building face;
- (viii) The maximum number of towers in each quadrant shall be as follows:

Quadrant as Shown On Diagram 4	Number of Towers
Quadrant 1	2
Quadrant 2	4
Quadrant 3	2
Quadrant 4	3

- (ix) no portion of any **building** erected or used above finished ground level may be located within any required setback, with the exception of the following:
- (a) structural elements related to the Broadview Avenue underpass beneath the railway station;
  - (b) cornices, sills, eaves, window washing equipment, railings,



- balustrades, awnings, piers and sun-shades, to a maximum horizontal encroachment of 0.5 metres into any required setback; and
- (c) 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, facilities accessory to a **day nursery** and art installations.
- (x) No part of a **building** or **structure** erected or used above finished ground level may exceed the height limits specified on Diagram 6 attached to By-law XXXX-2018 with the exception of:
- (a) the items listed in subsection (x) above;
- (b) **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 3.0 metres above the height limits;
- (c) elevator overruns and related enclosures to a maximum of 1.5 metres above height limits; and
- (d) parapets, chimneys, vents and stacks, provided such are set back a minimum of 10 metres from any **main wall**.

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

## 7. Holding Provisions:

(A) The lands that are both delineated by heavy lines and zoned with the "(H)" symbol on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of June 7, 2018 until the "(H)" symbol has been removed. An "(H)" symbol may be removed from a portion of the lands to which it applies, if all conditions have been fulfilled for a given phase of development. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the identified authority in the subject "(H)" condition, and Council:

(1) ON "(H1)".

- (a) Confirmation of any additional right-of-way requirements along the western property boundary for the Don Roadway, to be an outcome of Gardiner East Environmental Assessment detailed design, which may include identification of permanent land conveyance(s) and/or construction easements over lands required for temporary construction purposes with any required conveyance(s) and/or construction easements to be provided to the City at nominal cost.
- (b) Completion of the detailed design process for the Port Lands Flood

Protection Project with respect to the flood protection landform along the Western Property boundary, with the design to be to the satisfaction of the Toronto and Region Conservation Authority and Waterfront Toronto.

(2) EO "(H2)"

- (a) Satisfaction of the City, the Toronto and Region Conservation Authority (TRCA), and the Province that adequate flood remedial measures can be provided, and that development is compatible, and sensitively integrated with, the planned naturalization of the Don River; only be removed once the flood remedial works are complete and deemed functional by the City and the TRCA and any other applicable regulatory body, or as follows:
  - 1. Occupancy of new buildings can be legally controlled until the required flood remedial works are complete and functional from a floodplain management perspective;
  - 2. Building Code requirements can be met to the satisfaction of the Chief Building Official; and
  - 3. Risks to life and property are adequately addressed to the satisfaction of the City and the TRCA and any other applicable regulatory body.
- (b) Satisfaction of the sufficiency of higher-order transit to service the proposed development, through expanded GO service, SmartTrack service, Relief Line service and/or extended Broadview Streetcar service, and also including the design and sufficiency of any interim bussing arrangements.
- (c) Satisfactory resolution of the location, design and provision of existing and planned transportation networks, both on and off-site, to support re-development, in accordance with the Port Lands and South of Eastern Transportation and Servicing Master Plan Municipal Class Environmental Assessment and Official Plan Amendment No. 387, including any additional required easements, setbacks or roadway conveyances.
- (d) Satisfactory reporting on ongoing monitoring of transportation and traffic management measures' effectiveness prior to the release of any phase of development beyond the initial phase.
- (e) The sufficiency of municipal infrastructure, including sewer, water and stormwater provision networks.
- (f) Registration of a plan of subdivision and implementing agreements, as required, at the owner's expense and including provision for required conveyances and securities.
- (g) Construction of, or the securing through an agreement the construction of, railway corridor risk mitigation, in accordance with a derailment safety assessment prepared by a qualified consultant to be prepared to the satisfaction of the Chief Planner and Executive Director, City Planning, and Metrolinx.

- (h) The preparation of area-specific implementing design guidelines, including undertaking appropriate community consultation on guidelines in consultation with City Planning staff and the Area Councillor. Guidelines typically to include:
    - 1. Public realm considerations, including respecting the streetscape, animation zone, landscape and pedestrian and cyclist amenities;
    - 2. Built form considerations, including respecting the base building, tower and tower top components, and building orientation and alignment;
    - 3. Considerations respecting a proposal's contribution to the City's skyline, architectural expression, heritage considerations, and materiality; and
    - 4. Other considerations, which may include parking, loading and servicing, public art, accessibility, lighting, signage and wayfinding.
  - (i) The submission, and securing of, acceptable streetscape plans for all streets surrounding the development site.
  - (j) Conveyance of required parkland, or demonstration that parkland conveyance requirements have been previously met.
  - (k) Entering into appropriate agreement(s) to secure additional publicly-accessible spaces to support development.
  - (l) The submission to, and acceptance by, the City 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 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.
  - (m) Satisfactory completing the requirements and related approval processes for the City's Tree By-laws.
  - (n) A satisfactory review of emergency servicing, including fire service capacity for the given phase and/or development.
- (3) EO "(H3)"
- (a) Preparation of a design for the subject lands and building(s), including any necessary considerations related to rail safety and the City's Tree By-laws, to the satisfaction of the Chief Planner and

Executive Director, City Planning.

- (b) The provisions By-law 438-86, including Section 12(270) of By-law 438-86 continue to prevail until the provisions of By-law XXXX-2018 are brought into force.

(4) EO "(H4)"

- (a) The preparation of a POPS design, to the satisfaction of the Chief Planner and Executive Director, City Planning, Metrolinx and the Toronto Transit Commission, 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:
  - 1. Detailed pedestrian and cyclist route and capacity modeling, including assessments of required pedestrian clearway dimensions to accommodate surge volumes.
  - 2. Public realm considerations, including landscaping, furnishing, public art, and pedestrian and cyclist amenities.
  - 3. 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.
  - 4. Other considerations, which may include servicing, accessibility, lighting, signage and wayfinding.

**8. Section 37 Provisions**

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown 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 Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (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 provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided by the **owner** at their expense to the City in accordance with one or more agreements pursuant to section 37(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 in return for the increase in height of the proposed development on the lands as shown on Diagram 1 of this By-law and as secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the **owner** agrees as follows:

1. The **owner** of 21 Don Valley Parkway, 30 Booth Avenue, and 375 and 385 Eastern Avenue (the "East Harbour Lands") shall provide the community benefits set out in Table 1 below, all to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to clause (2) below, at the **owner's** sole expense, 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 \$11,000,000 on the **lot**;
  - (b) The provision by the **owner** of public realm improvements of a value of at least \$1,500,000 on top of a flood protection landform on lands zoned OR(H) and subject to Zoning By-law XXXX-2018, to the satisfaction of the Toronto and Region Conservation Authority and the City Planner and Executive Director, City Planning Division;
  - (c) The provision by the **owner** of above-base park improvements of a value of at least \$500,000 on lands zoned OR(H) and subject to Zoning By-law XXXX-2018, to the satisfaction of the General Manager, Parks Forestry and Recreation and the Chief Planner and Executive Director, City Planning;
  - (d) 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;
  - (e) 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;
  - (f) A cash contribution by the **owner** to the City of \$2,500,000 to be allocated to support the construction of off-site affordable rental housing in the immediate area of the **lot**;
  - (g) A cash contribution by the **owner** to the City of \$500,000 to be allocated to public realm enhancements within the Broadview Avenue Underpass, which may include lighting and public art (e.g. mural) installations; and
  - (h) A cash contribution by the **owner** to the City of \$4,000,000 to be allocated to community services and facilities priorities to serve the area worker population as well as the adjacent neighbourhood, including:
    - i. non-profit licensed workplace ancillary daycare facilities to serve the worker population;

- ii. multi-purpose community space to be located in an accessible and highly visible location for non-profit community organizations to deliver human services and/or arts and cultural programs;
  - iii. improvements to library and recreation facilities that serve the area; and/or
  - iv. the refurbishment and adaptive reuse of the listed buildings at 433 and 447 Eastern Avenue buildings, in the event that these buildings are no longer required for municipal works yard purposes and surplus, with such contribution to be specifically targeted towards the adaptive reuse of these buildings for arts and cultural uses.
2. The **lot** shall be developed in phases, and the **owner** shall provide the community benefits set out in Section (1) in accordance with the phases set out below in Table 1, with the phases as generally illustrated on Attachment 7 to the staff report of May 24, 2018. 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 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 By-law XXXX-2018.</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 \$4,070,000.</li> <li>2. Design and construction of public realm improvements on top of a flood protection landform, at a minimum value of \$1,500,000, to the satisfaction of the Toronto and Region Conservation Authority and the Chief Planner and Executive Director, City Planning.</li> <li>3. Design and construction of above-base park improvements at a minimum value of \$500,000, to the satisfaction of the General Manager, Parks, Forestry &amp; Recreation and the Chief Planner and Executive Director, City Planning.</li> <li>4. Financial contribution of \$500,000 to the City to support enhancements to the public realm within the Broadview Avenue Underpass.</li> <li>5. Financial contribution of \$1,000,000 to the City, to be allocated to community services and facilities priorities as set out in Section 1(h) of Schedule A to By-law XXXX-2018.</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 By-law XXXX-2018.</li> <li>3. Financial contribution towards fit-out costs to a minimum value of \$1,226,581.</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 \$1,500,000 to the City, to be allocated to community services and facilities priorities to serve the neighbourhood, as identified in Section 1(h) of Schedule A to By-law XXXX-2018.</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 \$1,000,000 to the City, to be allocated to off-site affordable rental housing.</li><li>3. 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(h) of Schedule A to By-law XXXX-2018.</li></ol>
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3. Council authorizes the moving of the community benefits in Table 1 between phases, without requiring an amendment to this Schedule A, as long as any 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.
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 No. 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 submission of the funds by the owner to the City.
5. In the event the cash contributions required by subsections 1(f), (g) and (h) 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.

- (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) Publicly-Accessible Privately Owned 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. 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 building, 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 within 1,000 metres of existing major facilities such as the Enbridge facility located at 405 Eastern Avenue and the City works yard located at 433 Eastern Avenue and 50 Booth Avenue, would affect the ability of those facilities to carry out normal business activities. The compatibility study or studies shall also evaluate potential adverse effects from odour, noise and/or other contaminants on anticipated users of the proposed sensitive uses, and recommend how potential adverse effects may be mitigated to minimize risk to public health and safety and to ensure the long term viability of major facilities. Mitigation measures shall be implemented by the proponent of development and secured through planning instruments;
- (j) At the time of registration of 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., 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; and
- (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**  
**Term Sheet, Services and Facilities**

The Term Sheet is to guide Section 37 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.

Section 37 secures provision of on-site business incubator workspace and community cultural space for a minimum of 4,200 m<sup>2</sup> space that meets the criteria noted below.

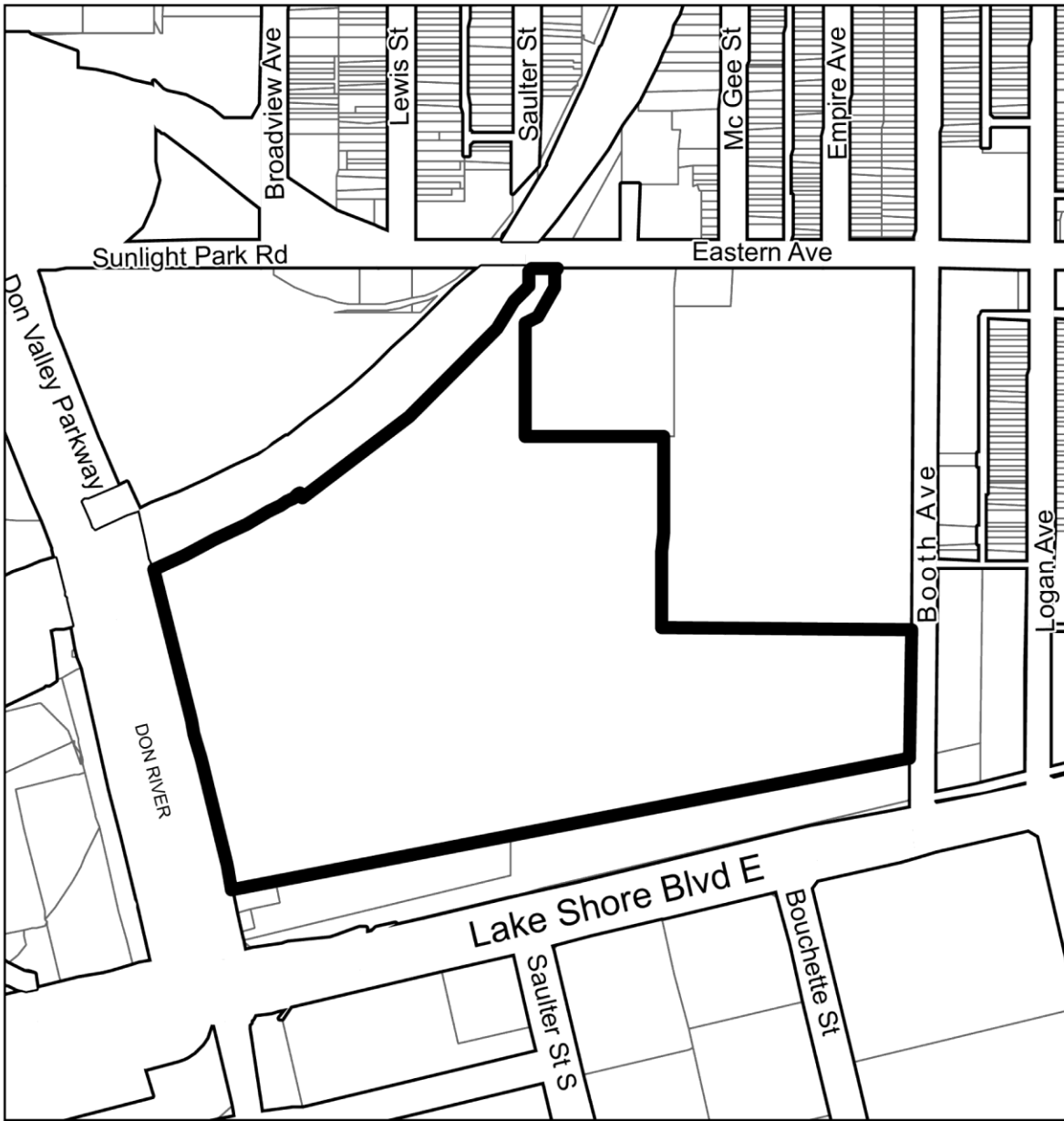
1. Incubator Space – Phase A

- 1.1. The owner will provide a minimum of 1,400 m<sup>2</sup> of non-residential gross floor area within the first phase of development (priority location being the Soap Factory building, with any alternate location to be to the satisfaction of City Planning and Economic Development and Culture) to be used as incubator workspace.
- 1.2. The owner will enter into a 25-year lease with the City for approximately 1,400 m<sup>2</sup> of identified incubator workspace, being leasable space within the first phase of development (priority location being the Soap Factory building, with any alternate location to be to the satisfaction of City Planning and Economic Development and Culture), to be used by the City to establish a business incubation centre.
- 1.3. 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 and selecting not-for-profit partners or a post-secondary institution that will operate the business incubation centre space.
- 1.4. 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.
- 1.5. The City shall have the opportunity to renew the lease at the end of the 25-year lease at market rental rates.
- 1.6. 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.
- 1.7. The owner shall install a servicing elevator that can be used by the incubator workspace for its operations.
- 1.8. Provision shall be made for staff/visitors parking, drop off and pick up, and service access and garbage pick-up area.
- 1.9. 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.
- 1.10. The lease will contain a termination clause, effective at the 10<sup>th</sup> year of the lease and every 5 years thereafter, to allow the City to elect to cease leasing the space and take any pro-rata remaining Section 37 funds (to be based upon 1.(d) indexed from the Section 37 Schedule A, less the \$613,291 payment referred to in 1.9 above and less all

discounted rents already accrued to the City). Those funds shall be used towards other local benefits at the discretion of the Chief Planner and Executive Director, City Planning in consultation the Ward Councillor and in consultation with Economic Development and Culture.

## 2. Cultural and/or Community Space – Phase C


- 2.1. The owner will provide a minimum of 2,800 m<sup>2</sup> of non-residential gross floor area in Phase C of the development to be used as non-profit community and/or cultural space.
- 2.2. The owner will enter into a 25-year lease with the City for approximately 2,800 m<sup>2</sup> of cultural and/or community space, being leasable space on the ground and second stories with a transparent, highly visible ground floor presence that includes accessible space for signage, display, meeting/waiting areas, a reception area, and other key ground floor programmed elements as may be identified by City Planning and Economic Development and Culture.
- 2.3. 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 programming. The City will consult with the owner while identifying and selecting not-for-profit partners that will operate the community and/or cultural space.
- 2.4. 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.
- 2.5. The City shall have the opportunity to renew the lease at the end of the 25-year lease at market rental rates.
- 2.6. 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.
- 2.7. Provision shall be made for staff/visitors parking, drop off and pick up, and service access and garbage pick-up area.
- 2.8. 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.
- 2.9. The lease will contain a termination clause, effective at the 10<sup>th</sup> year of the lease and every 5 years thereafter, to allow the City to elect to cease leasing the space and take any pro-rata remaining Section 37 funds (to be based upon 1.(e) indexed from the Section 37 Schedule A, less the \$1,226,581 payment referred to in 2.8 above and less all discounted rents already accrued to the City). Those funds shall be used towards other local benefits at the discretion of the Chief Planner and Executive Director, City Planning in consultation the Ward Councillor and in consultation with Economic Development and Culture.

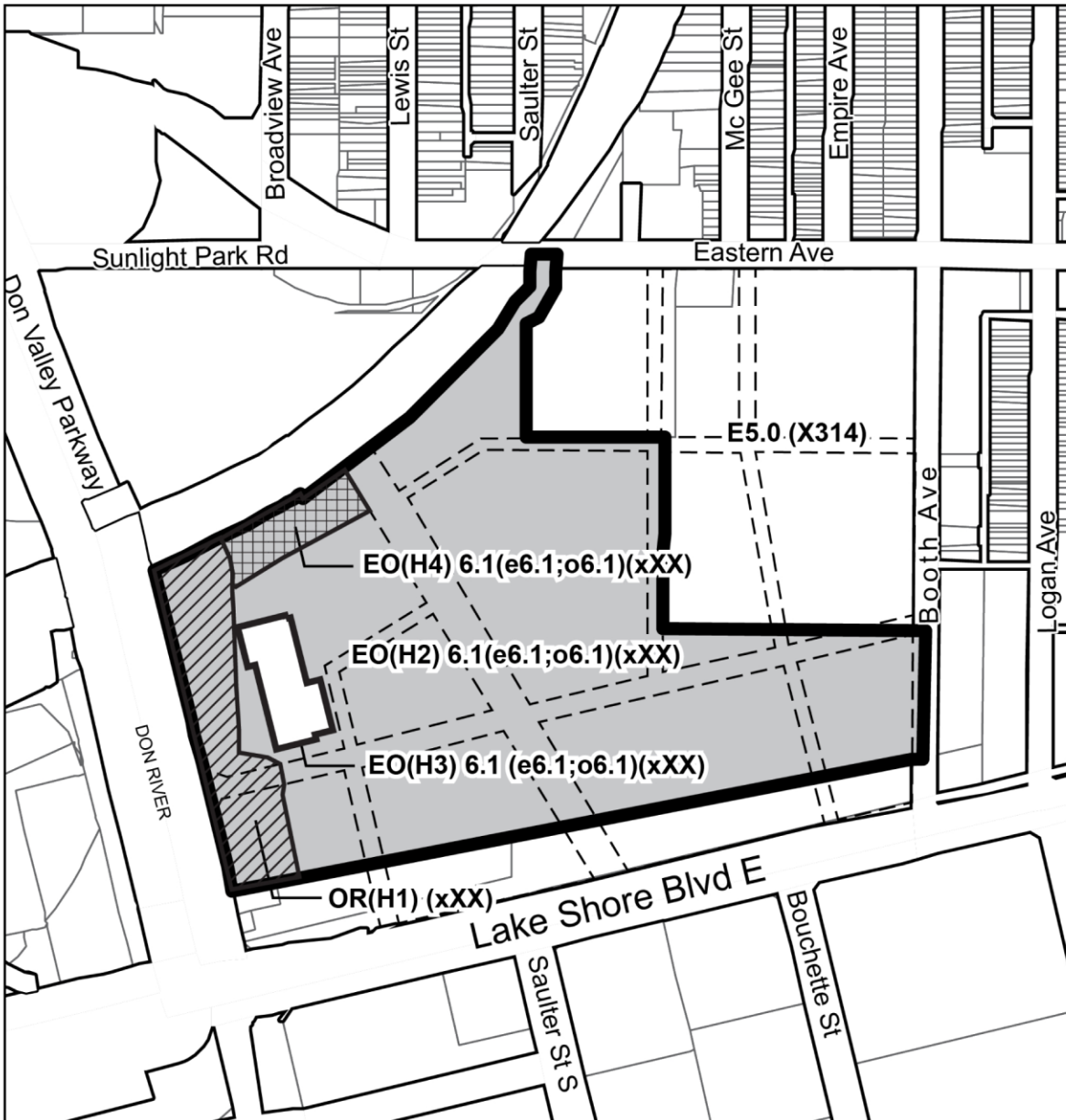


 **TORONTO**  
Diagram 1

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



 Site Area

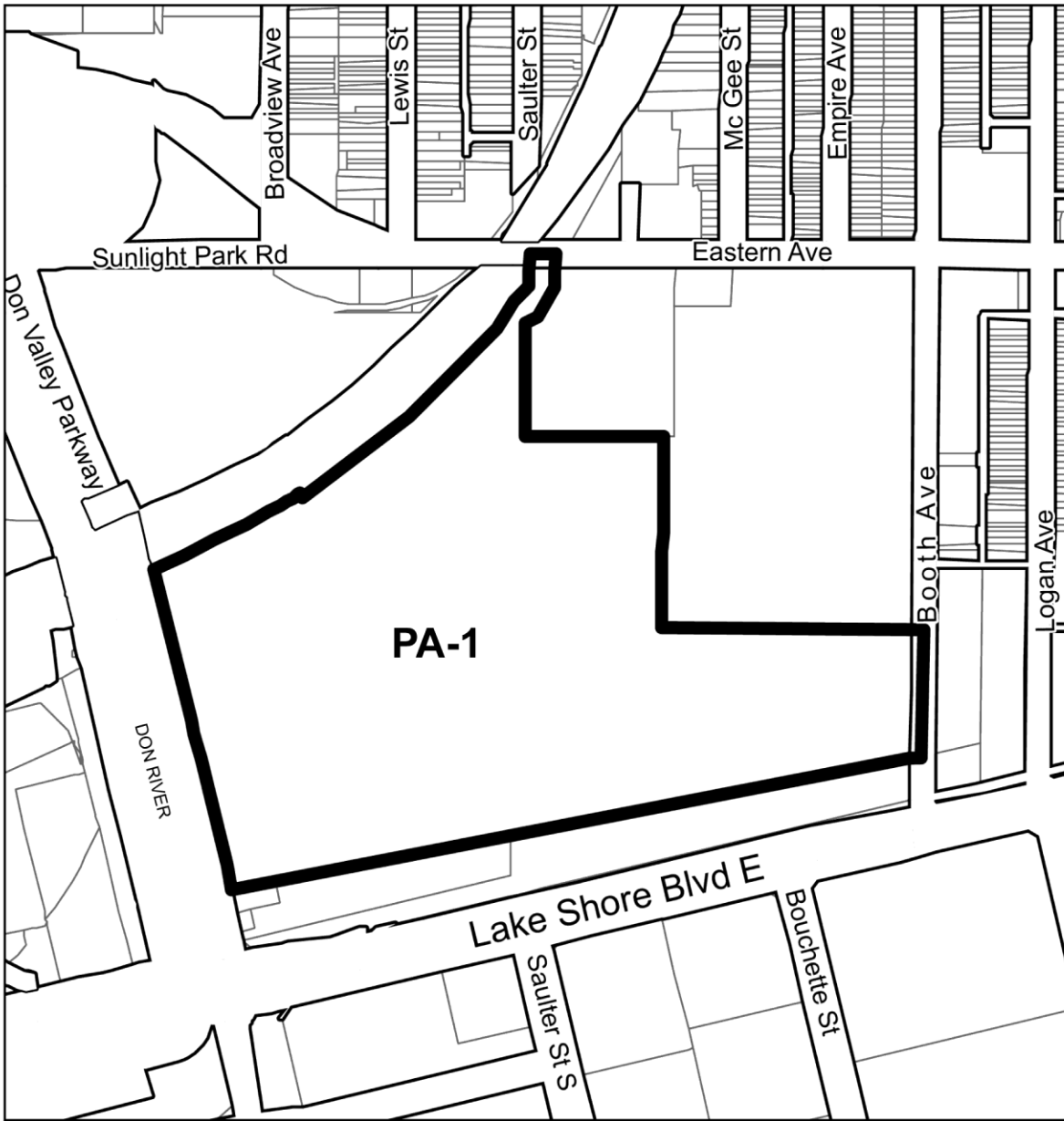
  
City of Toronto By-Law 569-2013  
Not to Scale  
05/31/2018



**TORONTO**  
 Diagram 2

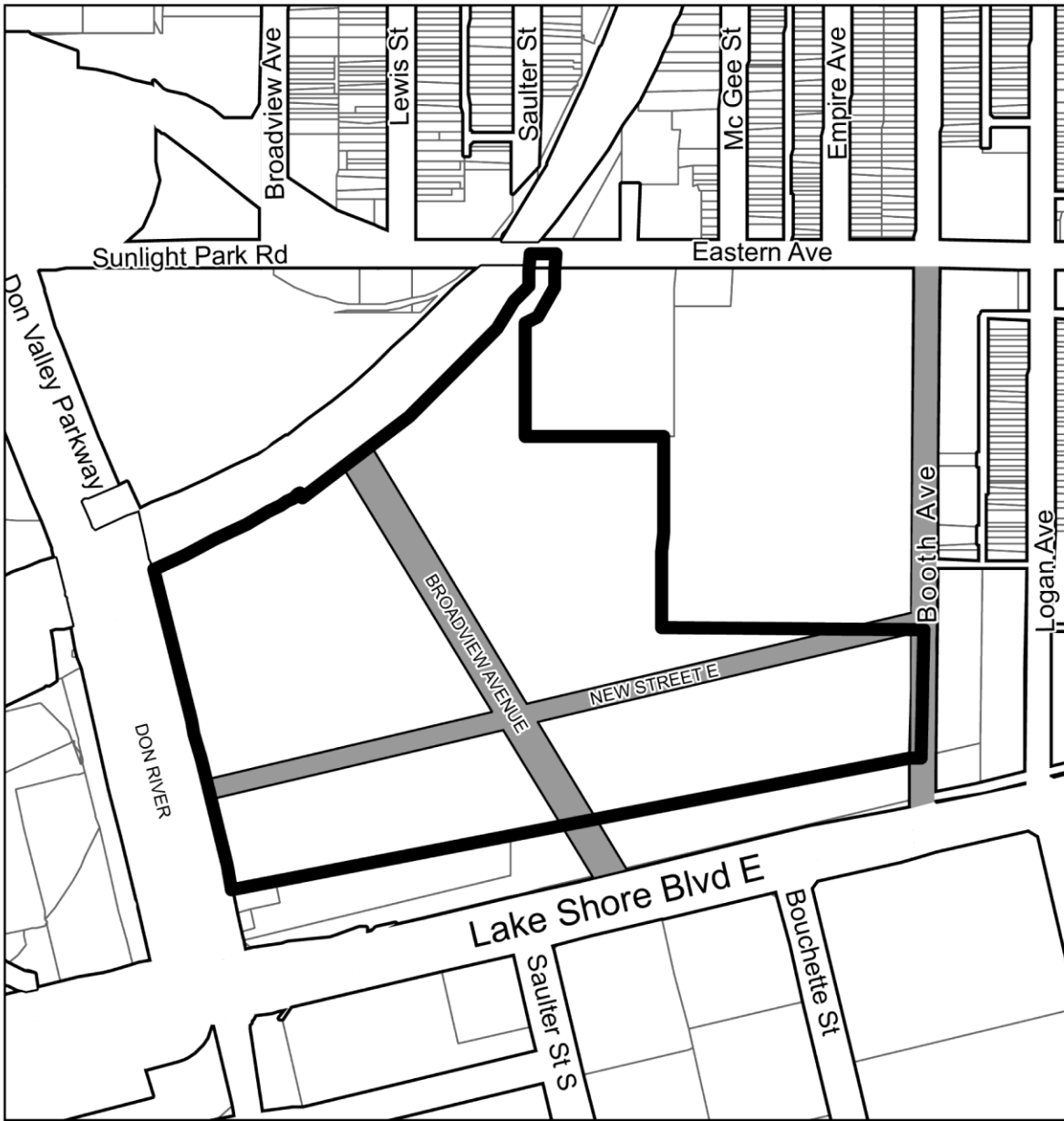
21 Don Valley Parkway, 30 Booth Avenue  
 & 375, 385 Eastern Avenue

-  First Gulf Lands
-  Additional H1 Zone Boundary
-  H2 Zone Boundary
-  Additional H4 Zone Boundary



 **TORONTO**  
Diagram 3

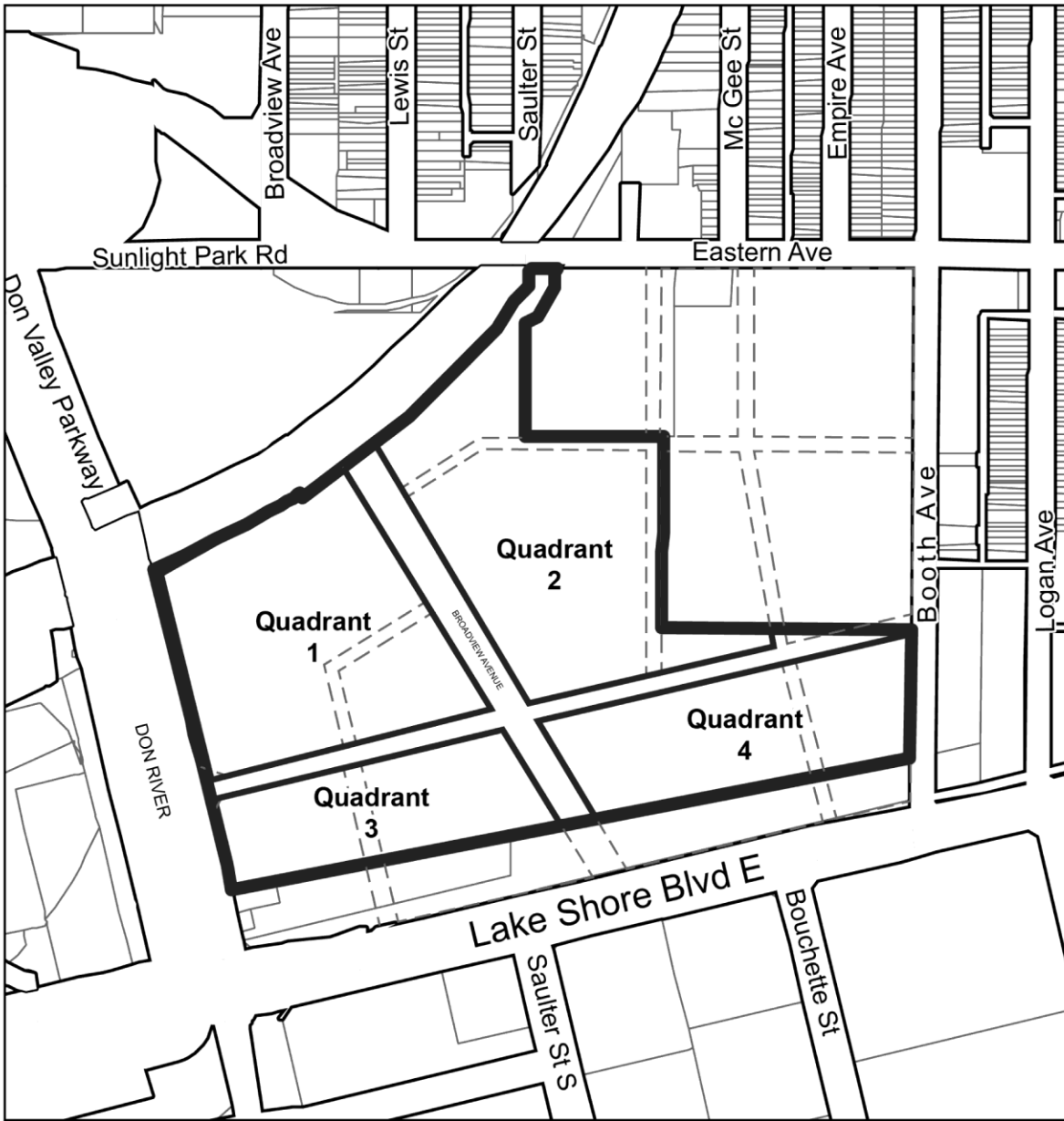
21 Don Valley Parkway, 30 Booth Avenue  
& 375, 385 Eastern Avenue



**TORONTO**  
Diagram 4

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

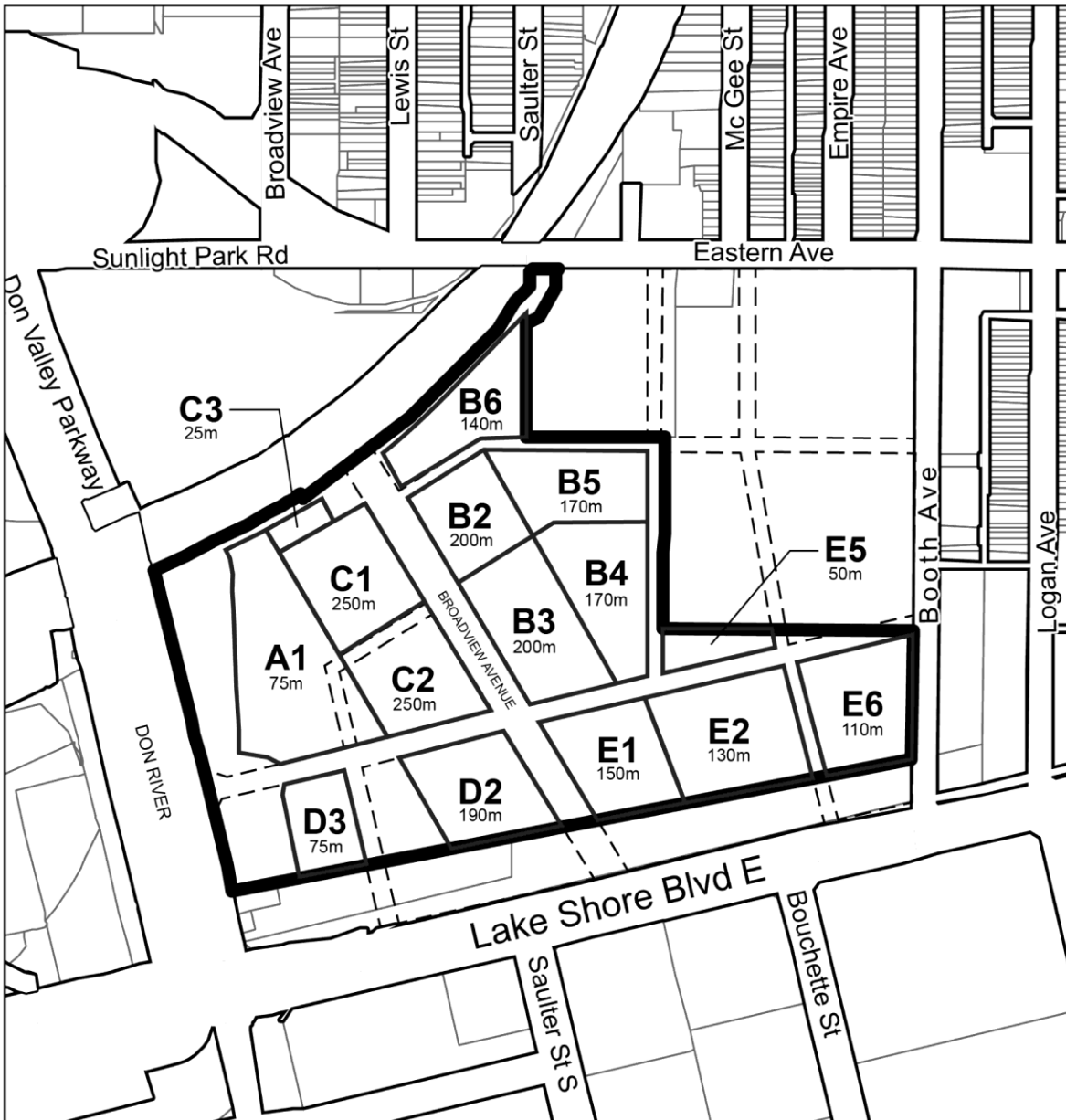
-  First Gulf Lands
-  Major Streets



 **TORONTO**  
Diagram 5

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




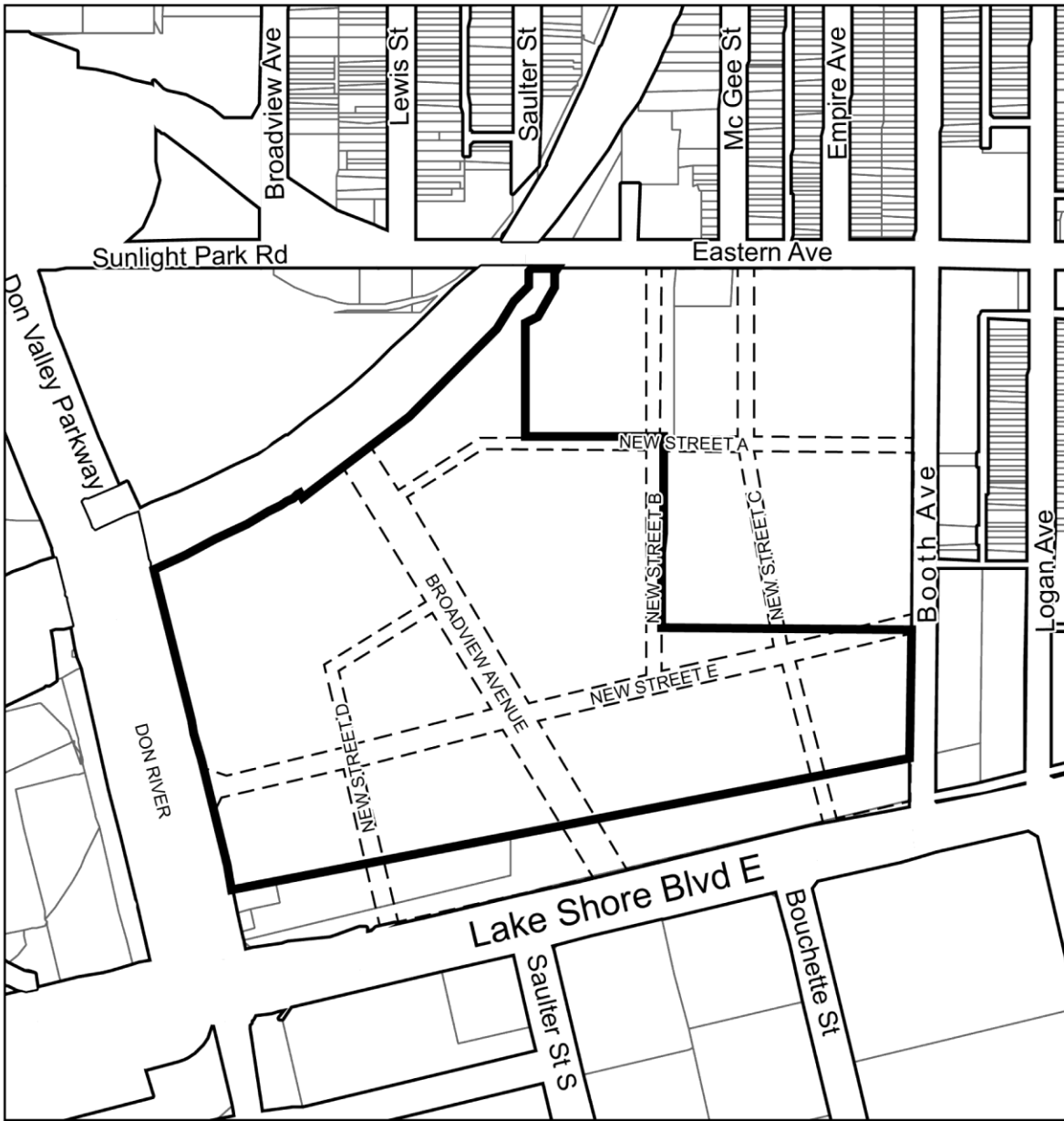


 **TORONTO**  
Diagram 6

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

-  First Gulf Lands
-  Proposed Public Roads
-  Development Area Boundary

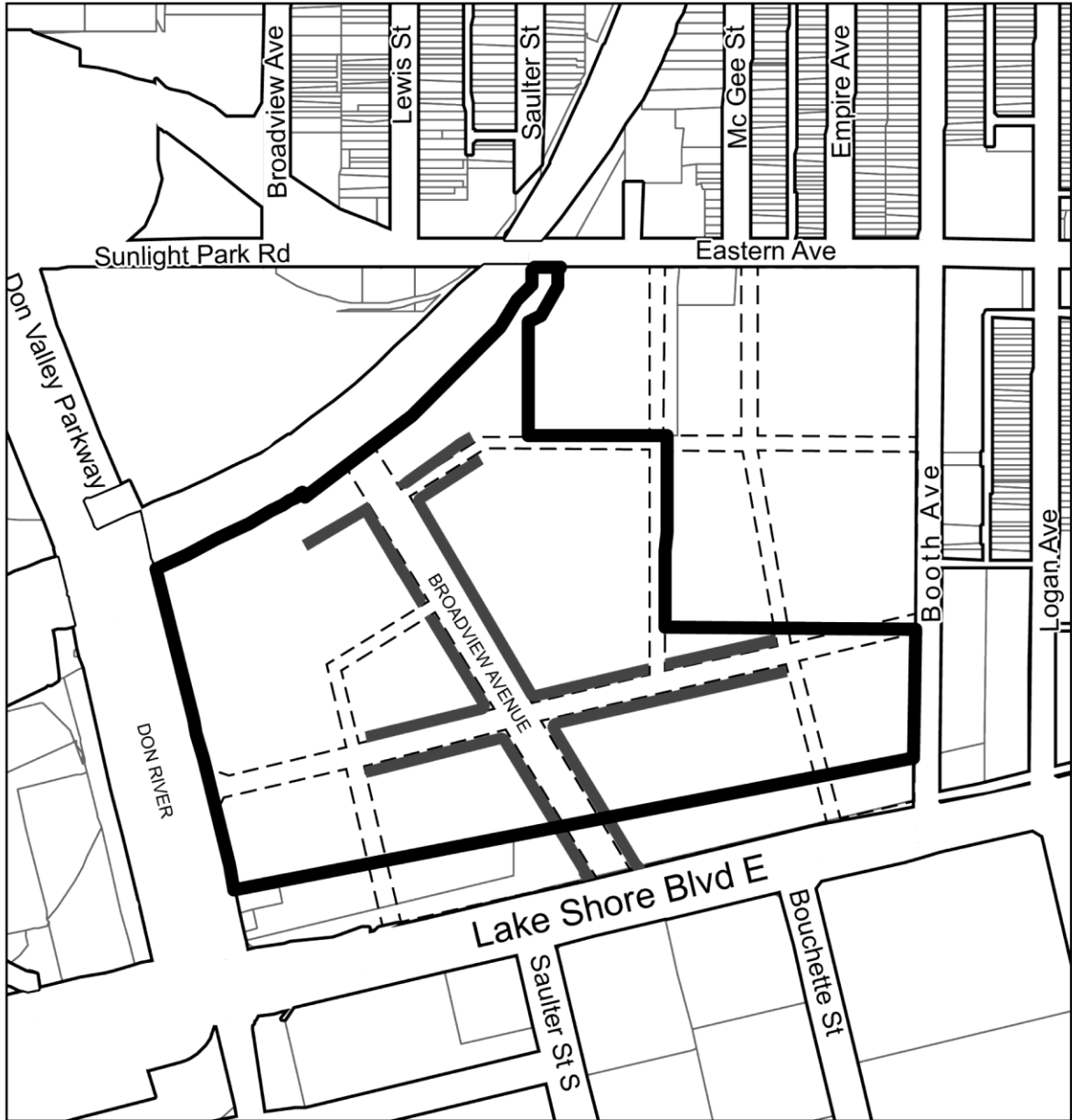
  
City of Toronto By-Law 569-2013  
Not to Scale  
05/31/2018



**TORONTO**  
**Diagram 7**

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

-  First Gulf Lands
-  Proposed Public Roads



 **TORONTO**  
Diagram 8

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

-  First Gulf Lands
-  Animation Zone