

Authority: Toronto and East York Community Council Item _____, adopted as amended, by City of Toronto Council on _____ 2022

CITY OF TORONTO

BY LAW _____ - 2022

To amend Harbourfront Zoning By-law 289-93, as amended, with respect to lands municipally known in 2021 as 545 Lake Shore Boulevard 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, 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 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, 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 that 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 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 No. 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 and erection and use of certain buildings and structures in the Harbourfront Area is amended by:
 - (1) The addition of Map 1A (Block A and Block B Boundaries) attached to this By-law for Parcel BQ7 to APPENDIX "C" of By-law 289-93, as amended.
 - (2) Amending Height Map 50G-311 contained in APPENDIX "B" of By-law 289-93, as amended, for Parcel BQ7 to those heights shown on Map 3 attached to this By-law.
 - (3) The addition of Map 4 (Ground Floor Setbacks) attached to this By-law for Parcel BQ7 to APPENDIX "C" of By-law 289-93, as amended.
 - (4) As set out in SECTION 3 - EXEMPTIONS FROM BY-LAW 438-86, of By-law 289-93 as amended, none of the provisions, including Section 12(2) 380, of By-law 438-86, as amended, shall apply to Parcel BQ7.
 - (5) None of the provisions of SECTION 4(1) - DEFINITIONS AND INTERPRETATION, of By-law 289-93, as amended, with respect to the definitions of *grade*, *height*, *parking space*, *non-residential gross floor area* and *residential gross floor area*, of By-law 289-93, as amended, shall apply to prevent the erection and use of a *mixed-use building*, a *non-residential building*, a *temporary sales office* and uses *accessory* thereto on the *lot*, provided that:
 - (a) the *lot* comprises at least the lands delineated by heavy lines as shown on Map 1 attached to this By-law;
 - (b) in addition to the uses permitted by Section 13(1) and 13(2) of By-law 289-93, as amended, the following uses are added to "APPENDIX "D" of By-law 289-93, as amended, opposite the parcel designation of BQ-7 in the column headed "Permitted Uses":
 - (i) art studio, education use, laboratory class A, life sciences laboratory, personal service shop, research and

development institute, software design development establishment, data processing centre, outdoor patio, production studio, performing arts studio, parking garage, public parking, temporary sales office, and wellness centre; and

- (ii) notwithstanding (b) (i) above, a *parking garage, public parking* and Residential uses in SECTION 13 (1) - CR DISTRICTS, of By-law 289-93, as amended, shall not be permitted on the portion of the *lot* identified as Block A on Map 1A, attached to this By-law;
- (c) the "Maximum *Residential Gross Floor Area*" requirement of "20,500 square metres", the "Maximum *Non-Residential Gross Floor Area*" requirement of "8,500 square metres" and the "Maximum Combined *Residential Gross Floor Area* and *Non-Residential Gross Floor Area*" requirement of "21,000 square metres" for Parcel BQ-7 as set out in "APPENDIX E" of By-law 289-93, as amended, are deleted and replaced with "29,000 square metres", "10,000 square metres", and "39,000" square metres respectively of which:
 - (i) the maximum permitted *non-residential gross floor area* shall be 9,100 square metres, on Block A shown on Map 1A attached to this By-law; and
 - (ii) the maximum permitted *residential gross floor area* shall be 29,000 square metres and the maximum permitted *non-residential gross floor area* shall be 900 square metres on Block B shown on Map 1A attached to this By-law;
- (d) the "Maximum *Residential Gross Floor Area*" requirement of "38,000 square metres", the "Maximum *Non-Residential Gross Floor Area*" requirement of "10,500 square metres" and the "Maximum Combined *Residential Gross Floor Area* and *Non-Residential Gross Floor Area*" requirement of "39,000 square metres" for Parcels BQ-7 and BQ8 (combined) as set out in "APPENDIX E" of By-law 289-93, as amended, are deleted and replaced with:
 - (i) a maximum permitted *residential gross floor area* of 46,500 square metres of which a maximum of 29,000 square metres shall be permitted on Parcel BQ7;
 - (ii) a maximum permitted *non-residential gross floor area* of 12,000 square metres of which a maximum of 10,000 square metres shall be permitted on Parcel BQ7; and

- (iii) a maximum combined *residential gross floor area* and *non-residential gross floor area* of 57,000 square metres of which a maximum of 39,000 square metres shall be permitted on Parcel BQ7;
- (e) *dwelling units* shall include:
 - (i) a minimum of 15 percent of the total number of *dwelling units* shall have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of *dwelling units* shall have three or more bedrooms; and
 - (iii) any *dwelling units* with three or more bedrooms provided to satisfy (e)(ii) above are not included in the provision required by (e) (i) above;
- (f) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit*;
 - (ii) a minimum of 2 square metres of outdoor *residential amenity space* per *dwelling unit* of which at least 40.0 square metres is to be provided in a location adjoining or directly accessible to the indoor *residential amenity space*;
 - (iii) no more than 25% of the outdoor *residential amenity space* may be a *green roof*; and
 - (iv) no amenity space is required for *non-residential gross floor area* in Block A as identified on Map 1A attached to this By-law;
- (g) a *privately-owned publicly accessible open space* with a minimum area of 70 square metres shall be provided on the ground level generally as shown within the area with diagonal lines on Map 4 attached to this By-law;
- (h) notwithstanding SECTION 20 (1) - HEIGHT PROVISIONS FOR ALL DISTRICTS, of By-law 289-93, as amended, no portion of any building or structure on the *lot* shall have a greater *height* in metres than the *height* limits specified by the number following the 'H' symbol as shown on Map 3 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) guard rails, railings, balustrades, and ornamental or architectural features, may project about the *height* limits to a maximum of 2 metres;
 - (iii) elements on the roof of a building or structure such as, green roof technology and related roofing material, air intakes, vents and ventilating equipment and garbage chutes, may project above the *height* limits to a maximum of 1.5 metres;
 - (iv) equipment used for the functional operation of a building such as elevator overruns, stairs, and stair enclosures, elements associated with green energy and renewable energy facilities, and structures or elements on rooftop amenity terraces such as; partitions dividing outdoor amenity or recreation spaces, mechanical equipment associated with pools, pool access stairs, parapets, cabanas, fences, pergolas, trellises and other structures providing safety or wind protection may project above the *height* limits to a maximum of 3.5 metres; and
 - (v) equipment used for the functional operation of the *heritage building* on Block A, identified on Map 1A attached to this By-law, such as elevator overruns, stairs, structures or parts of the building such as enclosed stairwells, cooling towers, generators, telecommunication infrastructure, and chimney stacks, may project above the *height* limits to a maximum of 6.0 metres provided the equipment is enclosed by an architectural screen;
- (i) notwithstanding SECTION 21 (1) (i) and (iv) - SETBACK AREAS of By-law 289-93, as amended, no portion of any building or structure above finished ground level on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 3 attached to this By-law, with the exception of the following:
- (i) balconies, and terraces, and balustrades to a maximum projection of 3 metres;
 - (ii) light fixtures, eaves, canopies, ornamental elements, planters, cornices, parapet, architectural features, roof drainage to a maximum projection of 1.5 metres; and
 - (iii) landscape features, stairs, wheelchair ramps, ventilation shafts, to a maximum projection of 2 metres;
- (j) notwithstanding subsection (i) above, for the *heritage building* on Block A as identified on Map 1A attached to this By-law, only the

following features may project beyond the heavy lines on Map 3 attached to this By-law:

- (i) architectural features, light fixtures, eaves, parapets, roof and wall vents, guardrails, stairs and landings, planters, landscape elements, or such elements provided as part of an approved conservation plan for the *heritage building*;
- (k) notwithstanding subsections (h), (i) and (j) above, no portion of a building or structure above finished ground level on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 4 attached to this By-law from finished ground level to a minimum of 4.5 metres above finished ground level, other than signage, lighting, columns, canopies, structural supports, private or public art, design features, or such elements provided as part of an approved conservation plan for the *heritage building*, and equipment necessary for the functional operation of the building;
- (l) notwithstanding SECTIONS 24(1), 25, 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 *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 (ii) below;
 - (ii) 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 15% of the required *parking spaces* may be obstructed on one or two sides without the requirement to increase the minimum width by 0.3 metres;
 - (iii) a minimum of 0.22 *parking spaces* per *dwelling unit* shall be provided for residents of the *dwelling units*;

- (iv) a minimum of 40 *parking spaces* shall be provided for the shared use of visitors to the *dwelling units* and non-residential uses;
 - (v) a minimum of 3 *car-share parking spaces* shall be provided;
 - (vi) *parking spaces* for visitors and non-residential uses may be provided as *public parking*; and
 - (vii) if the calculation of the number of required *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*;
- (m) accessible *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (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. vertical clearance 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 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 parts thereof in excess of 100 *parking spaces*, shall be provided as an accessible *parking space*;
- (n) the development may be phased, with development located on Block A and Block B, as identified on Map 1A attached to this By-law, as separate phases;
- (o) notwithstanding subsections (l) (iv) and (m) above, in the event of a phased development, no *parking spaces* will be required for the non-residential uses within the *heritage building* on Block A, during

the construction of the *mixed-use building* on Block B, identified on Map 1A attached to this By-law;

- (p) 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 *Type "B" loading space* shall be provided on Block A as identified on Map 1A attached to this By-law, provided that, for the purpose of this provision a *loading space - Type B* shall have the following minimum dimensions:
 - A. length of 11.0 metres;
 - B. width of 3.5 metres; and
 - C. vertical clearance of 4.0 metres;
 - (ii) a minimum of two *Type "C" loading spaces* and one type "*G*" *loading space* shall be provided on Block B as identified on Map 1A attached to this By-law, provided that, for the purpose of this provision a *loading space - Type C* shall have the following minimum dimensions:
 - A. length of 6.0 metres;
 - B. width of 3.5 metres; and
 - C. vertical clearance of 3.0 metres;

and a *loading space - Type G* shall mean a loading space that has the following minimum dimensions:

 - A. length of 13.0 metres;
 - B. width of 4.0 metres; and
 - C. vertical clearance of 6.1 metres; and
 - (iii) Loading spaces may be shared by all buildings on the *lot*;
- (q) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
- (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* if 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 0.6 metres; and
 - C. horizontal clearance from a wall of 1.2 metres;
- (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 to provide bicycle parking must have a minimum 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) a minimum of 0.2 *long-term bicycle parking spaces* per 100 square metres of *non-residential gross floor area*, to be used by occupants of the non-residential uses on the *lot*;
- (viii) a minimum of 3 *short-term bicycle parking spaces* plus 0.2 *short-term bicycle parking spaces* for every 100 square metres of *non-residential gross floor area* for visitors or patrons of non-residential uses on the *lot*;
- (ix) notwithstanding (q) (vii) and (viii) above, no *bicycle parking spaces* are required to be provided for the non-residential uses on Block B shown on Map 1A attached to this By-law;
- (x) *bicycle parking spaces* required by this By-law may be provided as *stacked bicycle parking spaces*; and
- (xi) for uses other than *dwelling units* for which a *long-term bicycle parking space* is required, shower and change facilities shall be provided for each gender at the following rates:
 - A. none if less than 5 required *long-term bicycle parking spaces*;
 - B. 1 for 6 to 60 required *long-term bicycle parking spaces*;

- C. 2 for 61 to 120 required *long-term bicycle parking spaces*;
 - D. 3 for 121 to 180 required *long-term bicycle parking spaces*; and
 - E. 4 for more than 180 required *long-term bicycle parking spaces*;
- (6) SECTION 14(6) - SPECIFIC USE AND DENSITY PROVISIONS FOR CR DISTRICTS of By-law 289-93, as amended, shall not apply to Parcel BQ-7.
 - (7) SECTION 17(i) - RESTRICTION TO CR DISTRICTS, RESIDENTIAL of By-law 289-93, as amended, shall not apply to Parcel BQ-7.
 - (8) SECTION 19- RECREATION SPACE AND COMMON OUTDOOR SPACE of By-law 289-93, as amended, shall not apply to Parcel BQ-7.
 - (9) SECTION 30 - DRIVEWAYS, of By-law 289-93, as amended, shall not apply to Parcel BQ-7.
 - (10) SECTION 37 (2) GENERAL PROVISIONS, of By-law 289-93, as amended, shall not apply to Parcel BQ-7.
 - (11) None of the provisions of By-law 289-93, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot*.
 - (12) 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:

“artist studio” means premises used for creating art or craft;

“bicycle parking space” means an area used for parking or storing a bicycle;

“car-share” means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven and set membership requirements of the car-sharing organization, including the payment of membership fee that may or may not be refundable;

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

“education use” means the use of premises for education or training, including:

- (a) a post-secondary school;
- (b) a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended; or
- (c) a religious education use;

"*grade*" means 77.3 metres 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 building or structure on the *lot* except for those elements prescribed by this By-law;

"*heritage building*" means a building or structure or part thereof, included in the City of Toronto Inventory of Heritage Properties, listed as being of historical, architectural, archaeological or cultural heritage value or interest, or designated as such pursuant to the *Ontario Heritage Act* R.S.O. 1990, c.O.18 as amended;

"*laboratory*" means premises used for scientific or technical research, analysis, experimentation or development;

"*laboratory, class A*" means a laboratory, the operation or conduct of which is not *offensive*;

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

"*lot*" means the parcel of land outlined by heavy lines on Map '1' attached to this By-law;

"*mechanical floor area*" means a room or enclosed area, including its enclosing walls, within a building or structure above or below *grade* that is used exclusively for accommodation of heating, cooling, ventilation, electrical, mechanical (other than escalators), mechanical penthouse, elevator shafts or telecommunications equipment that serves only such building;

"*non-residential gross floor area*" means the aggregate of the areas of each floor above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, for a *non-residential building*, or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the

building or structure at the level of each floor, exclusive of the following areas:

- (a) parking, loading and bicycle parking below *grade*;
- (b) required loading spaces at the ground level and required *bicycle parking spaces* or *stacked bicycle parking spaces* above or below *grade*;
- (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (d) shower and change facilities required by this By-law for required *bicycle parking spaces*;
- (e) *residential amenity space* required by this By-law;
- (f) elevator shafts;
- (g) garbage shafts;
- (f) mechanical penthouse; and
- (g) exit stairwells in the building;

"offensive" where used in reference to the use of any land, building or structure, means a use that from its nature or from the manner of carrying on the use, may create by reason of fumes, bright lights, dust objectionable odour, noise, vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition that may prejudice the character of the neighbourhood or may interfere with the normal enjoyment of land, building or structure;

"outdoor patio" means an outdoor patron area that is ancillary to a non-residential use;

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

"performing arts studio" means premises used for the rehearsal of performing arts, such as music, dance or theatre;

"privately-owned publicly accessible open space" means a space on the *lot* situated at ground level within the shaded area shown on Map 4 attached to this By-law, that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, and ornamental structures and is used principally for the purpose of sitting, standing and other recreational uses;

"public parking" means premises having an area for the parking of one or more vehicles as a principal use and the parking of a vehicle is available for public use with or without a fee;

"residential amenity space" means a common area or areas within a *lot* which are provided for the exclusive use of residents of a building for recreational or social purposes;

"residential gross floor area" means the aggregate of the areas of each floor above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, for a *residential building*, or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of the following areas:

- (a) parking, loading and bicycle parking below *grade*;
- (b) required loading spaces at the ground level and required *bicycle parking spaces* or *stacked bicycle parking spaces* above or below *grade*;
- (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (d) shower and change facilities required by this By-law for required *bicycle parking spaces*;
- (e) *residential amenity space* required by this By-law;
- (f) elevator shafts;
- (g) garbage shafts;
- (h) mechanical penthouse; and
- (i) exit 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 space* for use by visitors to a building;

"stacked bicycle parking space" 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*; and

“*wellness centre*” means premises providing services for therapeutic and wellness purposes.

- (13) Within the lands 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.
- (14) Notwithstanding any existing or future severance, 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.

Enacted and passed on

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 on the *lot*, and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, whereby the owner agrees as follows:

Financial Contribution

1. The owner shall make a financial contribution in the amount of three million five hundred thousand dollars (\$3,500,000.00 CAN) to be provided to the City for the following capital improvements payable by certified cheque to the Treasurer, City of Toronto, as 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) at such time as the By-law comes into full force and effect, the owner shall make a cash contribution of five hundred thousand dollars (\$500,000.00) to be allocated towards the provision of affordable housing in the Housing Now development at 150 Queens Wharf Road;
 - (b) prior to the issuance of the first above-grade building permit for development on Block A shown on Map 1A attached to this By-law, the owner shall make a cash contribution of six hundred and ninety thousand dollars (\$690,000.00) to be allocated towards the provision of affordable housing in the Housing Now development at 150 Queens Wharf Road; and
 - (c) prior to the issuance of the first above-grade building permit for development on Block B shown on Map 1A attached to this By-law, the owner shall make a cash contribution of two million three hundred and ten thousand dollars (\$2,310,000.00) to be allocated towards the provision of affordable housing in the Housing Now development at 150 Queens Wharf Road;

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 execution of the Section 37 Agreement to the day the payment is made.
2. In the event the cash contributions referred to in Clause 1 (a) to (c) 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.

Privately-Owned Publicly Accessible Open Space

3. Prior to the earlier of one (1) year from any non-residential or residential use or occupancy, including interim occupancy pursuant to the *Condominium Act*, 1998 and registration of the first condominium for the portion of the site identified as Block B on Map 1A attached to this By-law, except as otherwise agreed by the Chief Planner and Executive Director, City Planning, due to unforeseen delays (eg. weather), the owner shall:
 - (a) construct, provide and maintain a *privately-owned publicly accessible open space* ("POPS") having a minimum area of 70 square metres in the location generally identified on Map 4 attached to this By-law, with the specific configuration and design of the POPS to be determined and secured in the context of site plan approval for the development to the satisfaction of the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor;
 - (b) prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, free and clear of encumbrances, for nominal consideration and at no cost to the City, a public access easement in perpetuity in favour of the City over the *privately-owned publicly accessible open space* on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division; and
 - (c) the owner shall be responsible, at its own expense, to prepare, submit to the City for approval and deposit all required reference plans to describe the easement(s) being conveyed in Clause 3 (b) above.
4. The following matters(s) are also recommended to be secured in the Section 37 Agreement in support of the development:

Public Pedestrian Easements

- (a) The owner shall prepare all documents and convey a 2.1 metre wide public pedestrian access easement to the City, in a location generally described as a north/south access over the eastern portion of the site between Queens Quay West and Lake Shore Boulevard West, on terms to be set out in the Section 37 Agreement and with details of the location and final design to be determined and secured in the context of site plan approval for the development and that such easement lands be maintained by the owner at its sole cost. The conveyance of the easement shall be free and clear of encumbrances, for nominal consideration and at no cost to the City all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. The owner shall be responsible for, at its own expense, to prepare, submit to the City for approval and deposit all required references plans to describe the easement;

- (b) The owner shall prepare all documents and convey a public pedestrian access easement to the City, in a location generally described as an east/west connection from Bathurst Street to the central open space courtyard and to the north/south access over the eastern portion of the site referred to in Clause 4 (a) above, on terms set out in the Section 37 Agreement and with details of the location and final design to be determined and secured in the context of site plan approval for the development and that such easement lands be maintained by the owner at its sole cost. The conveyance of the easement shall be free and clear of encumbrances, for nominal consideration and at no cost to the City all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor. The owner shall be responsible for, at its own expense, to prepare, submit to the City for approval and deposit all required reference plans to describe the easement;

Limiting Distance Agreement

- (c) Provisions to require that, in the event of a future severance of the property, the property owners shall enter into an agreement with the City which may take the form of a Limiting Distance Agreement and will be on terms satisfactory to the City Solicitor, which will have the effect of precluding the construction or extension of any building above the *heritage building*, on the property identified as Block A on Map 1A attached to this By-law,

Construction Management Plan

- (d) Prior to the commencement of any excavation or shoring work, the owner shall submit a Construction Management Plan to the satisfaction of 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 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 General Manager, Transportation Services, in consultation with the Ward Councillor;

Garrison Creek Culvert

- (e) Prior to the issuance of any building permit including but not limited to demolition, shoring and excavation, regardless of the sequence of construction for any building on the development site, but excluding permits for repairs or maintenance and usual and minor works for the existing *heritage building*, the owner shall prepare all documents and

convey, for nominal consideration and at no cost to the City, an easement 7.82 metres in width centred on the existing Garrison Creek storm trunk, for the purpose of reconstruction, maintenance and repairs of the existing Garrison Creek Culvert that currently traverses the northeast corner of the site, such lands to be free and clear of all physical and title encumbrances, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;

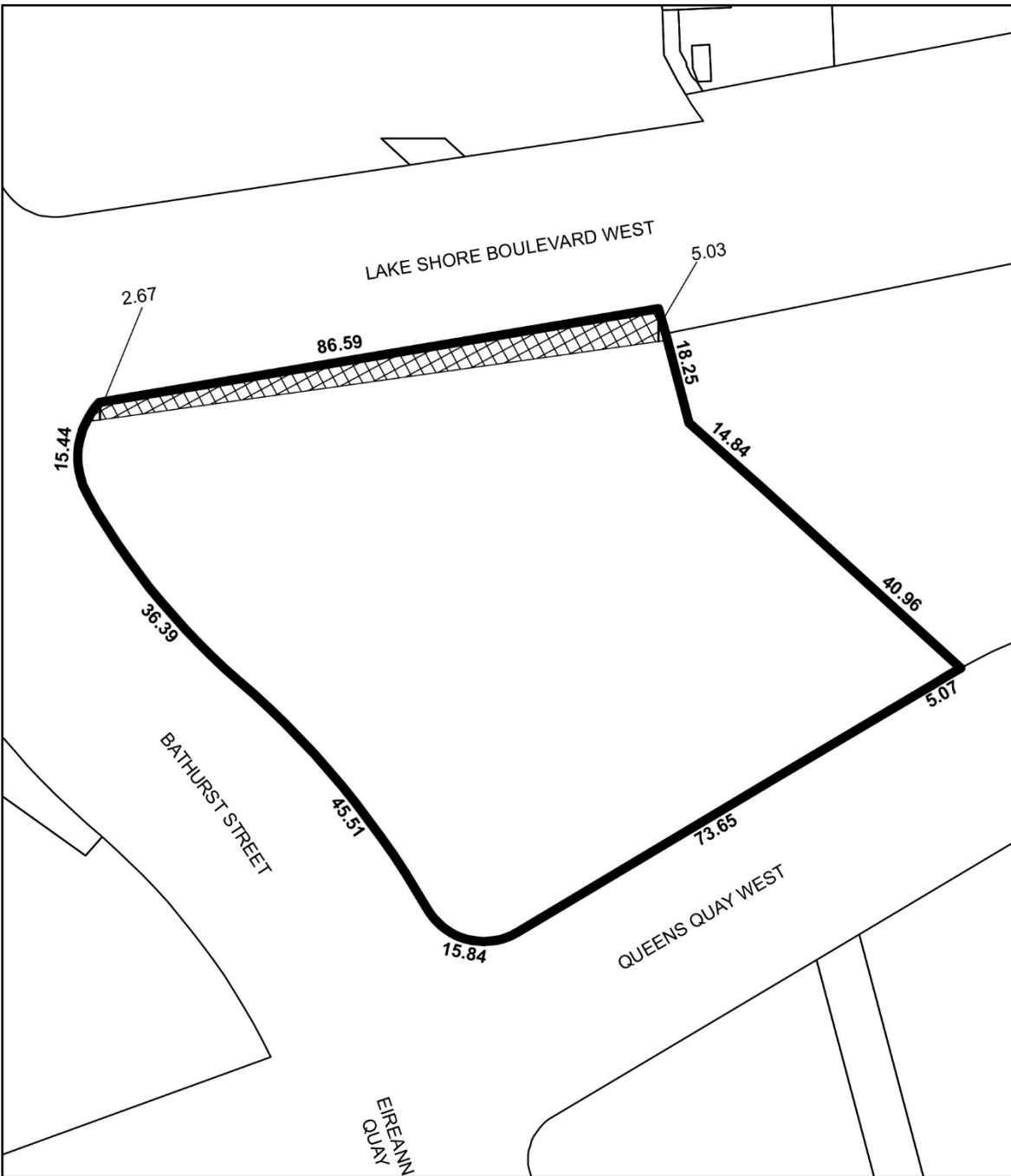
- (f) the owner shall be responsible, at its expense, to prepare, submit to the City for approval and deposit all required reference plans to describe the easement being conveyed in Clause 4 (e) above at no cost to the City to the satisfaction of the City Solicitor;
- (g) Prior to the issuance of the any building permit, including but not limited to demolition, shoring and excavation, regardless of the sequence of construction for any building on the development site, but excluding permits for repairs or maintenance and usual and minor works for the existing *heritage building*, the owner shall prepare and submit an independent report prepared by a professional engineer addressing all the items for the protection and monitoring of the Garrison Creek Culvert located within the lands related to the construction to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (h) Prior to the issuance of any building permit including but not limited to the demolition, shoring and excavation, regardless of the sequence of construction for any building on the development site, but excluding permits for repairs or maintenance and usual and minor works for the existing *heritage building*, the owner shall at its sole cost and expense, submit to the Chief Engineer and Executive Director, Engineering and Construction Services, for review and acceptance, a construction management report that includes but is not limited to the following:
 - (i) all the items and requirements as per the report referred in the section 4.vii. hereof for the protection and monitoring of the Garrison Creek Culvert located within the lands during construction;
 - (ii) details of the impact of the proposed design of the building structure on the existing Garrison Creek Culvert;
 - (iii) the proposed horizontal and vertical clearances between any part of the building and the Garrison Creek Culvert;
 - (iv) the structural loading applied on or near the storm culvert as well as the impacts of such loading; and
 - (v) the construction procedures as they relate to any excavation, dewatering of the site, necessary monitoring plans (including pre-construction and post construction videos of the Garrison Creek

Culvert), backfill material to be used, recommendations to avoid any impacts on the Garrison Creek Culvert, and any other information necessary in order to demonstrate that the integrity of the Garrison Creek Culvert will not be adversely impacted as a result of the proposed development or the construction of the services required for the lands;

- (i) Prior to the issuance of below-grade building permits for each of the commercial and residential components of the development, the owner shall prepare and submit updates/addendums to the reports or new reports as identified in Clauses 4 (g) and (h) above as may be required by the Chief Engineer and Executive Director, Engineering and Construction Services in the context of applications for site plan approval having regard to the nature and location of the proposed construction;
- (j) Implement all recommendations and requirements of the reports referred in Clauses 4 (g) and (h) above to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services until the completion of the construction of the development;
- (k) Provide certification from the professional engineer that the installation of the protective barriers around the existing Garrison Creek Storm Sewer has been completed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (l) Prior to the issuance of any building permit including but not limited to the demolition, shoring and excavation, regardless of the sequence of construction for any building on the development site, but excluding permits for repairs or maintenance and usual and minor works for the existing *heritage building*, the owner shall provide the City with financial security by way of an irrevocable letter of credit in an amount of \$5 million dollars for the protection of the Garrison Creek Culvert. The letter of credit shall be in effect for the duration of the construction of the site;
- (m) The owner shall provide Insurance in connection with its obligations for the protection of the Garrison Creek Culvert on terms to be set out in the Section 37 Agreement;
- (n) The owner shall indemnify the City against all claims for loss or damage which may occur to the proposed work as result of a leak or break in the City infrastructure; and the Owner shall also indemnify the City against all claims for loss or damage which may occur to the proposed work for any future construction activity upon, or within the City easement, to repair, install, modify or replace the existing City infrastructure by City forces or by contractors hired by the City to carry out this work;
- (o) Prior to the issuance of any building permit including but not limited to the demolition, shoring and excavation, regardless of the sequence of construction for any building on the development site, but excluding

permits for repairs or maintenance and usual and minor works for the existing *heritage building*, the owner shall submit a Construction Management Plan with all the requirements of the reports referred to in Clauses 4 (g) and (h) above and necessary construction details to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, General Manager, Transportation and the Chief Building Official;


- (p) The owner shall prepare and submit updates/addendums to the accepted Construction Management Plan identified in Clause 4 (h) above or, if required, more specific Construction Practices and Procedures Plans in the context of site plan approval for the development as may be required by the Chief Engineer and Executive Director, Engineering and Construction Services having regard to the nature and location of the proposed construction;
- (q) The owner agrees to obtain all necessary approval and permits as may be required and agrees to implement the provisions of the accepted Construction Management Plan, and any other related measures as required by the Chief Engineer and Executive Director, Engineering and Construction Services in the construction of services, buildings and structures on the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and the Chief Building Official; and
- (r) The owner and the engineering consultant will advise Toronto Water and Engineering and Construction Services immediately of any damage to the Garrison Creek Storm Sewer witnessed on-site or through data recorded by the monitoring program.




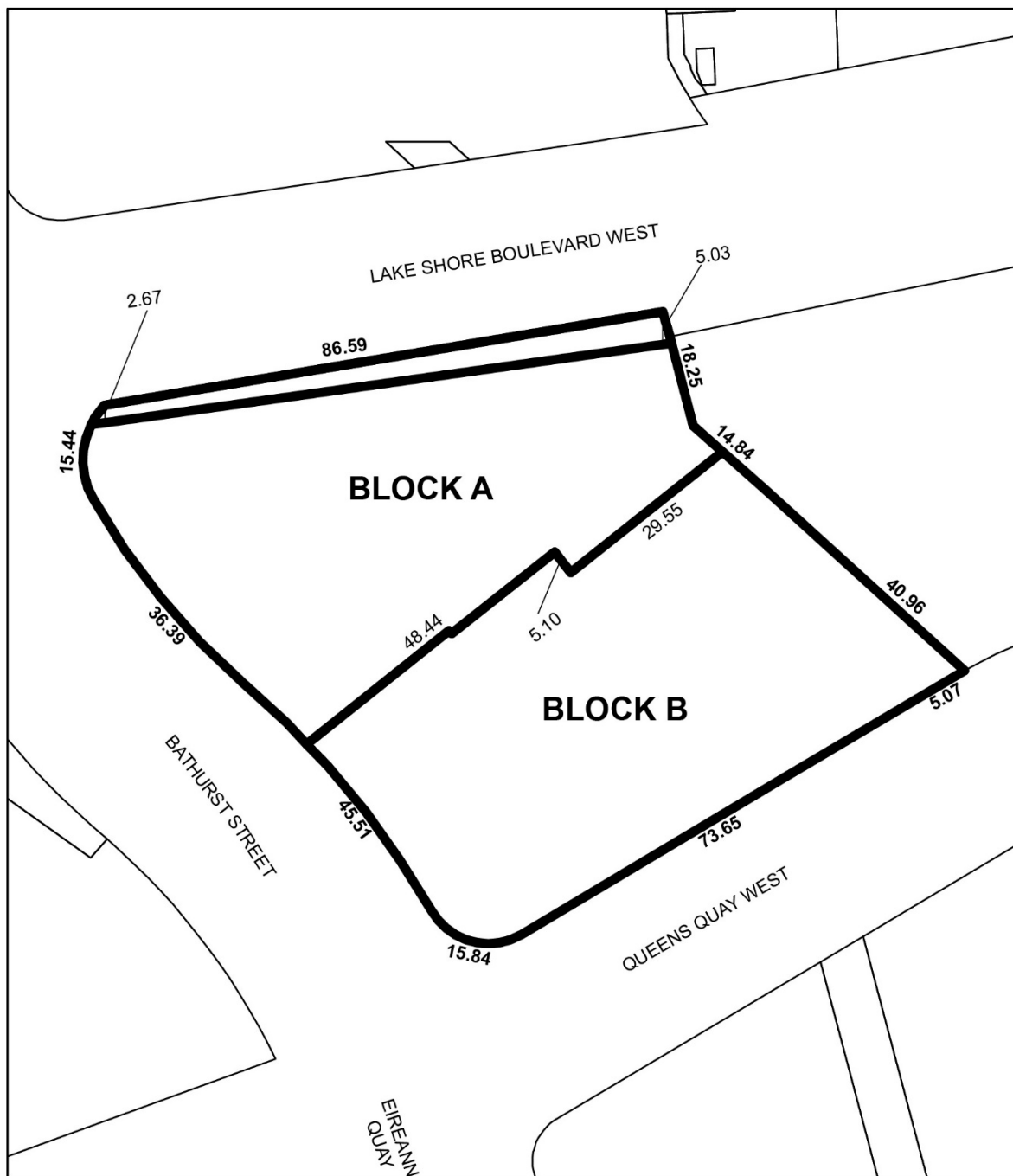
Toronto
Map 1

545 Lake Shore Blvd. W

File #: 18 241642 STE 20 02

 Road Widening



Harbourfront Zoning By-law 289-93
Not to Scale
04/14/2022

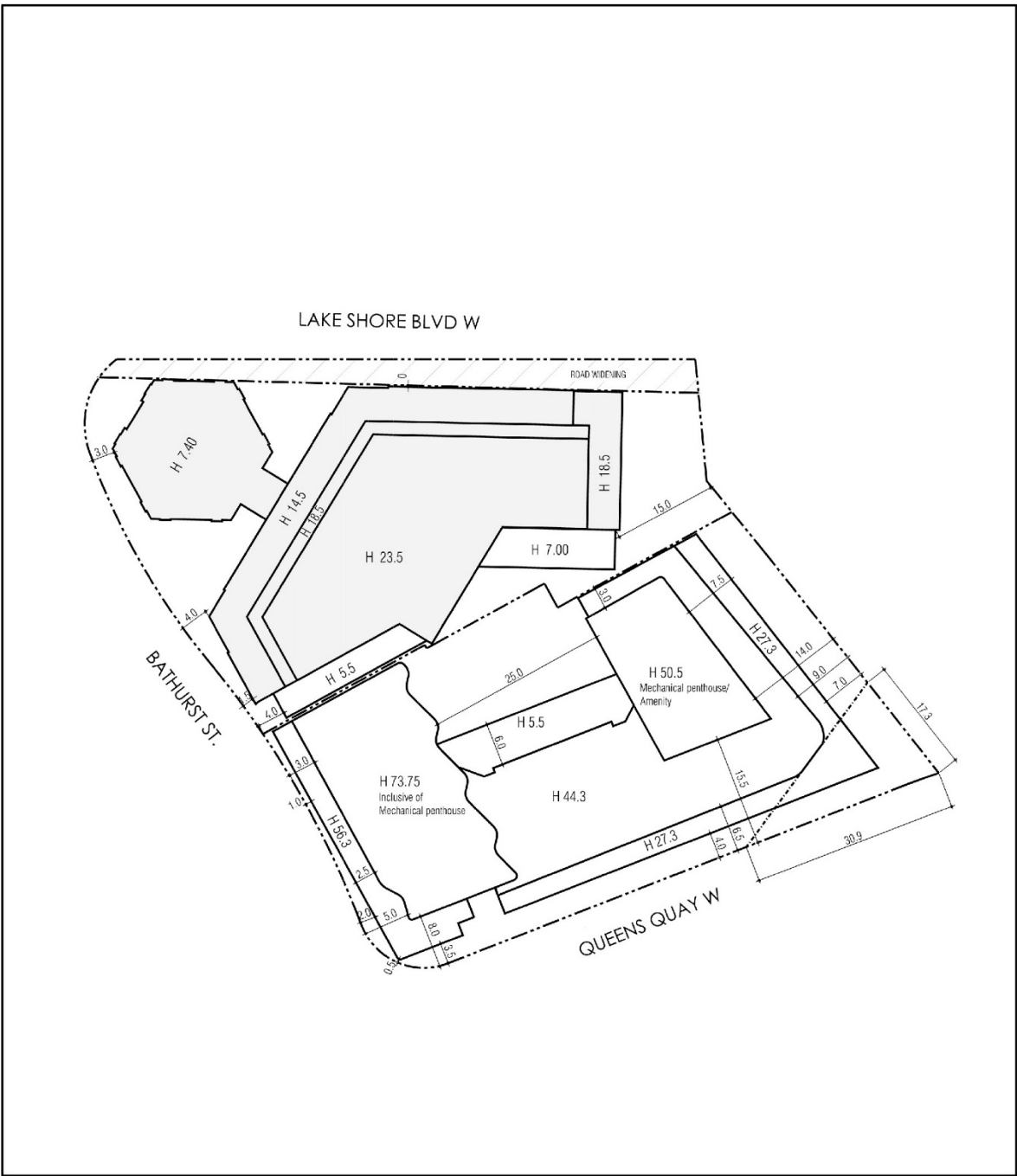


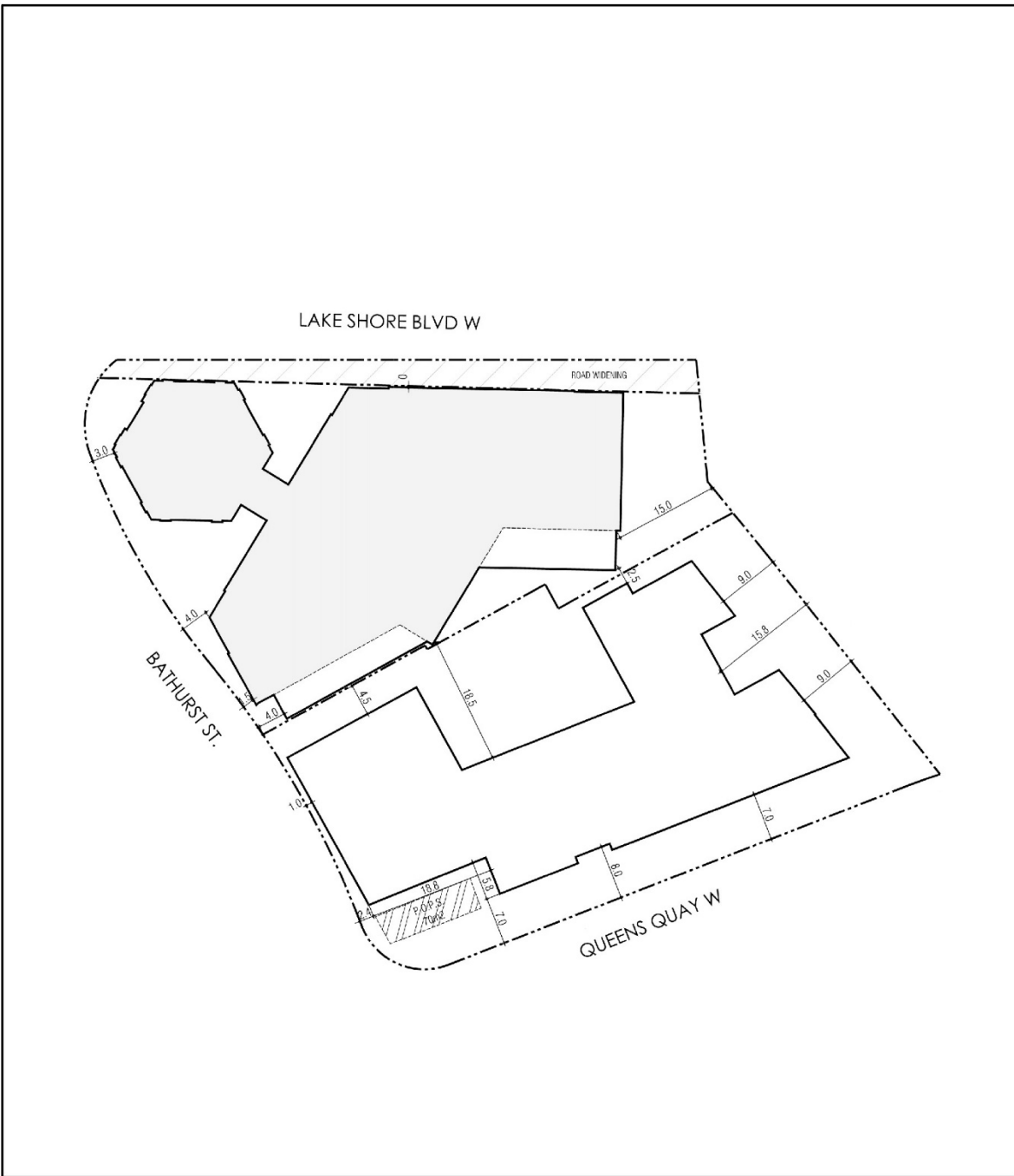
Map 1A - Block A and Block B Boundaries

545 Lake Shore Blvd. W

File #: 18 241642 STE 20 02


 Harbourfront Zoning By-law 289-93
 Not to Scale
 04/14/2022





Map 4 - Ground Floor Setbacks

545 Lake Shore Blvd. W

File #: 18 241642 STE 20 02



Location of existing heritage building



Privately-owned publicly accessible open space (POPS)



Harbourfront Zoning By-law 289-93
Not to Scale
04/19/2022