

Authority: Toronto and East York Community Council Item 2024 TE15.5, as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2023 as 257-259 and 291 Lake Shore Boulevard East, 2 Small Street and 200 Queens Quay E, also known as Quayside Blocks 1 and 2.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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 the City of Toronto pursuant to Section 36 of the *Planning Act* to include holding zone “h” symbols within a Zoning By-law passed under Section 34 of the *Planning Act*; and

Whereas the Official Plan for the City of Toronto and the Central Waterfront Secondary Plan contain provisions relating to the use of holding zone “h” symbols 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 subsection 37.1(3) and subsections 37(1) to (4) of the *Planning Act*, as they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, S.O. 2020 c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City’s Community Benefits Charge By-law pursuant to Subsection 37(2) of the *Planning Act*; and

Whereas Council at its meeting of September 26, 2006 enacted By-law No. 1049-2006 being a by-law described in the repealed subsection 37(1) of the *Planning Act* and By-law 1049-2006 was appealed and approved as amended by the Ontario Municipal Board on November 19, 2012 and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the *Planning Act*, as

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they read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the *Planning Act*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act*, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height 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 has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended by By-law No. 1049-2006, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the owner and the City of Toronto.

The Council of the City of Toronto enacts:

1. Section 12(1) of the aforesaid By-law 438-86 is amended by adding the following Exception:

508. To prevent the erection or use of buildings or structures or the use of land within the area delineated by heavy lines on Map 1 attached to and forming part of this Exception in accordance with the following provisions:

- (a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this Exception;

Permitted Uses:

- (b) the following uses shall be permitted within a CR district:
 - (i) Those non-residential uses permitted within a CR district in section 8(1)(f)(b), and subject to the qualifications in section 8(2) where applicable; except for an *automobile service and repair shop, automobile service station, car washing establishment, cold storage locker plant, motor vehicle repair shop, class A, or commercial parking lot*;
 - (ii) A *district energy, heating and cooling plant*, a vacuum waste collection facility;

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- (iii) Those residential uses permitted within a CR district in section 8(1)(f)(a), and subject to the qualifications in section 8(2) where applicable, provided that the *owner* of the *lot* elects to provide the facilities, services or matters referred to in paragraph (ee) below and enters into the agreement(s) referred to in paragraph (hh);
 - (iv) A *commercial parking garage*, the floor of which, excluding any access ramp and or pedestrian entrance, is situated wholly below finished ground level;
 - (v) a *sales office*; a *market garden*; a *outdoor open air market*, outdoor recreation uses, a public market, a *custom work shop*, a *transportation use*, and a brewery operated in conjunction with a *restaurant* or a *retail store*;
 - (vi) a brewery permitted under (v) above, may occupy more than 50 percent of the total *interior floor area* of the *restaurant* or *retail store* provided the total *interior floor area* of the *restaurant* or *retail store* does not exceed a maximum of 1,000 square metres;
 - (vii) an *outdoor patio* is permitted in combination with a permitted *ground floor animation use*, provided that no portion of the *outdoor patio* is located above the first storey of the building;
 - (viii) an *outdoor patio* may be used to provide entertainment such as performances, music, and dancing, provided the outdoor patio is not located above the first storey of the building and the entertainment area does not exceed the greater of 10 percent of the outdoor patio area or 5.0 square metres.
- (c) notwithstanding subsection (b)(i) to (vi) above, only non-residential uses and residential amenity areas, and the exemptions in subsections (n) and (o) are permitted above a height of 44.5 m for any building wholly within Block 1C as shown on Map 2 attached to and forming part of this Exception, provided the aggregate area of the non-residential uses and indoor residential amenity areas, measured above a height limit of 44.5 metres, does not exceed 40 per cent of the area of the roof of the building and is set back a minimum of 3.0 metres from the outermost building edge except where the building fronts onto Small Street, where it may be set back 0 metres;

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- (d) where the zoning for a CR district is followed by an (h) holding symbol, permitted uses prior to the removal of the (h) shall be limited to the following:
- (i) Those uses and buildings existing on the *lot* on the date of the passing of the by-law adopting this Exception, or an addition thereto, not exceeding 100 square metres in *non-residential gross floor area* or 10 percent of the non-residential gross floor area existing on September 27, 2006, whichever is the greater;
 - (ii) Any use permitted within a CR district by paragraph (b) herein, with the exception of *sensitive land uses*, within a building existing on the *lot* on the date of the by-law adopting this Exception, or an addition thereto not exceeding 100 square metres in *non-residential gross floor area* or 10 percent of the non-residential gross floor area existing on September 27, 2006; whichever is the greater;
 - (iii) Notwithstanding Section 8(2)(11), a *commercial parking lot* provided that:
 - (A) any lights used for illumination are so arranged as to divert the light away from adjacent premises;
 - (iv) Notwithstanding Section 8(2)(11), a *parking station* provided that:
 - (A) any lights used for illumination are so arranged as to divert the light away from adjacent premises;
 - (v) outdoor sales and displays, outdoor recreation uses, and *outdoor open air markets*;
 - (vi) an *outdoor patio* is permitted in combination with any use permitted under (d)(ii) above, provided that no portion of the *outdoor patio* is located above the first storey of the building;
 - (vii) an *outdoor patio* may be used to provide entertainment such as performances, music, and dancing, provided the outdoor patio is not located above the first storey of the building and the entertainment area does not exceed the greater of 10 percent of the outdoor patio area or 5.0 square metres.
 - (viii) A *sales office*;

Density:

- (e) the combined total of *non-residential gross floor area* and *residential gross floor area* on the *lot* shall not exceed a maximum of 194,050 square metres of which;
 - (i) The total *residential gross floor area* shall not exceed 180,000 square metres; and
 - (ii) The minimum *non-residential gross floor area* is 4,600 square metres of which;
 - (A) A minimum of 3000 square metres located on Block 1B as shown on Map 2 attached to and forming part of this Exception is used for no purpose other than those set out under Section 8(1)(f)(b)(ii) and (iii), including a minimum of 560 square metres of interior *non-residential gross floor area* used for a *day nursery* with an associated outdoor play area;

Maximum Height and Building Envelope:

- (f) no portion of a building above *grade* may be located otherwise than wholly within the heavy lines on Map 3 attached to of and forming part of this Exception;
- (g) notwithstanding subsection (f) above, no portion of a building above or below *grade* may be located within 5 metres of the outermost edge of the Gardiner Expressway structure;
- (h) no portion of a building shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 3 attached to and forming part of this Exception;
- (i) notwithstanding subsections (f) and (h) above, one *tower*, may be located within each Tower Transition Zone shown on Map 4 attached to and forming part of this Exception, in accordance with the following Permitted Tower Transition Zone Table;

Permitted Tower Transition Zones Table	
Tower Transition Zone Identified on Map 4	Maximum Permitted Transition Zone <i>height</i>
Tower Transition Zone 1	85 metres
Tower Transition Zone 2	85 metres
Tower Transition Zone 3	85 metres

- (j) the *tower* within each Tower Transition Zone shown on Map 4 attached to and forming part of this Exception shall comply with the following requirements:
- (i) for Tower Transition Zone 1:
 - (A) at and above a *height* of 50 metres and below a *height* 67.5 metres, the average *tower floorplate* of each storey shall not exceed 1,300 square metres, and the maximum *tower floorplate* shall not exceed 1,450 square metres;
 - (B) at and above the *height* of 67.5 metres and below a *height* 85 metres, the average *tower floorplate* of each storey shall not exceed 1,000 square metres, and the maximum *tower floorplate* shall not exceed 1,100 square metres;
 - (ii) for Tower Transition Zone 2:
 - (A) the average *tower floorplate* of each storey shall not exceed 1,050 square metres, and the maximum *tower floorplate* shall not exceed 1,100 square metres;
 - (iii) for Tower Transition Zone 3:
 - (A) the average *tower floorplate* of each storey shall not exceed 950 square metres, and the maximum *tower floorplate* shall not exceed 1,100 square metres;
- (k) notwithstanding subsections (f) and (h) above, one *tower* may be located within each Tower Zone shown on Map 5 attached to and forming part of this Exception, in accordance with the following Permitted Tower Zones Table:

Permitted Tower Zones Table	
Permitted Tower Zone Identified on Map 4	Maximum permitted <i>height</i>
Tower Zone 1	234 metres
Tower Zone 2	218 metres
Tower Zone 3	179 metres

- (l) the *tower* within each Tower Zone shown on Map 5 attached to and forming part of this Exception shall comply with the following requirements:
- (i) for Tower Zone 1:
 - (A) the average *tower floorplate* of each storey shall not exceed 800 square metres, and the maximum *tower floorplate* shall not exceed 850 square metres;
 - (ii) for Tower Zone 2:
 - (A) the average *tower floorplate* of each storey shall not exceed 850 square metres, and the maximum *tower floorplate* shall not exceed 890 square metres;
 - (iii) for Tower Zone 3:
 - (A) the average *tower floorplate* of each storey shall not exceed 850 square metres, and the maximum *tower floorplate* shall not exceed 850 square metres;
- (m) despite subsections (f) and (h) above, no part of a building except for any structural elements, trusses, and associated cladding may be located between *grade* and the minimum *height* and width set out below within each of the shaded areas labelled Minimum Vertical Clearance Areas shown on Map 6 attached to and forming part of this Exception subject to the following requirements:
- (i) For Minimum Vertical Clearance Area 1:
 - (A) located between *grade* and a minimum *height* of 10 metres;
 - (B) having a minimum width of 18.0 metres;

- (ii) For Minimum Vertical Clearance Area 2:
 - (A) located between *grade* and a minimum *height* of 17 metres;
 - (B) having a minimum width of 17.4 metres;

Exception – Height, Building Envelope:

- (n) notwithstanding sections (f), (h), (i), (j), (k) and (l) above, the types of structures listed in the column entitled “STRUCTURE” in the following chart are permitted to:
 - (i) Project beyond the heavy lines and above the *heights* shown on Map 3, attached to and forming part of this Exception, provided the projections comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED HORIZONTAL PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” and provided the projections are within the *lot*;
 - (ii) Project beyond the Tower Transition Zone areas shown on Maps 4, attached to and forming part of this Exception, and above the *heights* set out in section (i) above, provided the projections comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED HORIZONTAL PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS”, and provided the projections are within the *lot*; and
 - (iii) Project beyond the Tower Zone areas shown on Map 5 attached to and forming part of this Exception, and above the maximum permitted *heights* set out in section (k) above, provided the projections comply with the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED HORIZONTAL PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS”, and provided the projections are within the *lot*;

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
1.	Eaves, cornices, parapets	1.5 metres	2 metres above the <i>heights</i> shown on

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
			Map 3, Map 4, and Map 5
2.	A bay window or bow window	The projection cannot exceed 1.5 metres from the wall to which it is attached, at a height above 5m	Width not to exceed 3.0m where the window meets the wall.
3.	Balconies	Not more than 4 metres beyond the wall to which the balcony is attached	
4.	Patios, uncovered platform	Not more than 5 metres beyond the heavy lines shown on Map 3	No more than 1 metre above finished ground level
5.	Privacy screens, fences and privacy walls	No restriction	The height of such structures shall be limited to 2.1 metres above finished ground level with the exception that such structures located between a building and the privately owned publicly accessible open space shown on Map 7 shall be limited to 1.0 metre above finished ground level and privacy screens on buildings shall be limited to 3 metres above the <i>heights</i>

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
			shown on Map 3, Map 4 and Map 5
6.	Guardrails, bollards, railings, stairs, stair enclosures, trellises, wheel chair ramps and underground garage ramps and associated structures; <i>public art</i> , noise, odour and wind mitigation features, lightning rods, elements related to generation of solar power, flues, vents, window washing equipment	No restriction	No restriction
7.	Landscape features and transparent structures, such as greenhouses, that permit the growing of horticultural crops.	No restriction	No more than 3.0 metres above the <i>height</i> limit shown on Map 3
8.	Mechanical equipment and enclosures, elevator shaft, heating, cooling or ventilating equipment, including vents		Where such elements are not located on a <i>tower</i> , the maximum <i>height</i> of the top of such elements shall be no higher than the sum of:

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
	and stacks, tuned mass damper on the roof of the building or a fence, wall, screen or structure enclosing such elements.		<ul style="list-style-type: none"> • 3.0 metres and the <i>height</i> limit of Block 1C shown on Map 3 • 6.5 metres and the <i>height</i> limits of Blocks 1A, 1B, and 2 shown on Map 3, Map 4, and Map 5 <p>Where such elements are not located on a <i>tower</i>, the aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the <i>height</i> limit, does not exceed 50 percent of the area of the roof of the building</p> <p>Where such elements are located on a <i>tower</i>, the maximum height of the top of such elements shall be no higher than the sum of:</p> <ul style="list-style-type: none"> • 12 metres and the <i>height</i> limit of

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
			<p>Tower Zone 1 shown on Map 5</p> <ul style="list-style-type: none"> • 14 metres and the <i>height</i> limit of Tower Zone 2 shown on Map 5 • 12 metres and the <i>height</i> limit of Tower Zone 3 shown on Map 5
9.	Awnings, canopies.	4 metres beyond the heavy lines shown on Map 3	Must be located below the level of the third <i>storey</i>
10.	Elements of a green roof.		The maximum <i>height</i> of such elements shall be 2 metres above the <i>height</i> limits shown on Map 3, Map 4, and Map 5
11.	A structure on the roof of a building, used for outside or open air recreation, or safety purposes.		The maximum <i>height</i> of the top of such structures is no higher than the sum of 4 metres and the <i>height</i> limits shown on Map 3, Map 4, and Map 5 and the structures shall not enclose space so as to constitute a form of penthouse or other room or rooms
12.	Chimney stack for a <i>district energy, heating and</i>	No restriction	No restriction

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTION	OTHER APPLICABLE QUALIFICATIONS
	<i>cooling plant</i> , which has been approved by the Ministry of the Environment and Climate Change		
13.	Pilaster, roof assemblies, decorative column, sill, belt course or other architectural feature on a building	2 metres	No restriction
14.	Screens, fences, and structures for wind mitigation and safety purposes	No restriction	No restriction

- (o) notwithstanding section (f) above, a pedestrian and/or utility bridge structure associated with a rooftop urban farm and related uses is permitted to occupy the space between any building located within Block 1C and Small Street as shown on Map 2 attached to and forming part of this Exception provided that is:
- (i) located at the same elevation as the rooftop of the building to which it is attached;
 - (ii) located no less than 26 metres above the elevation of the ground directly below it;

Vehicle Access

- (p) vehicle access is not permitted to be taken from Queens Quay Boulevard East or Bonnycastle Street;

Parking and Loading:

- (q) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0 *parking spaces* for residents of the *dwelling units*;
 - (ii) a maximum number of *parking spaces* for residents of the *dwelling units* as follows:
 - (A) 0.3 *parking spaces* for each bachelor *dwelling unit* with a *residential gross floor area* of up to 45 square metres and 1.0 for each bachelor *dwelling unit* with a *residential gross floor area* of greater than 45 square metres;
 - (B) 0.5 *parking spaces* for each one bedroom *dwelling unit*;
 - (C) 0.8 *parking spaces* for each two bedroom *dwelling unit*; and
 - (D) 1.0 *parking spaces* for each three or more bedroom *dwelling unit*;
 - (iii) a minimum 2.0 *parking spaces* plus 0.01 *parking spaces* per *dwelling unit* for residential visitors;
 - (iv) a minimum of 0 *parking spaces* for non-residential uses;
 - (v) a total of 25% of *parking spaces* provided for visitor and non-residential uses shall be equipped with electric vehicle supply equipment (EVSE) capable of supplying Level 2 charging capability or a higher level of charging; and
 - (vi) a minimum of 46 *parking spaces* or 16 percent of the total number of *parking spaces*, whichever is fewer, must be provided as *accessible parking spaces*;
- (r) Residential visitor *parking spaces* may be shared on a non-exclusive basis with all other *non-residential uses* and may be provided as public parking located within a *parking garage*;
- (s) the requirements of Section 4(17), shall apply with the exception that:

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- (i) a maximum of 10 percent of the required *parking spaces* may be obstructed without being required to provide additional width for the obstructed sides of the parking space; and
 - (ii) electric vehicle infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a parking space;
 - (iii) *car-share parking spaces* may replace parking spaces otherwise required for visitors;
 - (iv) *parking spaces* required by (q)(iii) and (q)(iv) above may be provided on a non-exclusive basis in a commercial parking garage;
- (t) *loading spaces* shall be provided on the *lot* in accordance with the following:
- (i) a minimum of 1 Type “B” loading space, 1 Type “G” loading space and 1 Type “C” loading spaces shall be provided in a building wholly within Block 1A as shown on Map 2 attached to and forming part of this Exception;
 - (ii) a minimum of 1 Type “B” loading space, 1 Type “G” loading space and 1 Type “C” loading spaces shall be provided in a building wholly within Block 1B as shown on Map 2 attached to and forming part of this Exception, except that if the required loading spaces for Building 2 are provided, only 1 Type “C” loading space is required for Building 1B;
 - (iii) a minimum of 1 Type “G” loading space and 1 Type “C” loading spaces shall be provided in a building wholly within Block 1C as shown on Map 2 attached to and forming part of this Exception, except that if the required loading spaces for either of Building 1A or Building 1B are provided, there are no required loading spaces for Building 1C;
 - (iv) a minimum of 1 Type “B”, 1 Type “G” loading space and 2 Type “C” loading spaces shall be provided in a building wholly within Block 2 as shown on Map 2 attached to and forming part of this Exception, except that if the required loading spaces for Building 1B are provided, only 2 Type “C” loading spaces are required for Building 2; and
 - (v) the required *loading spaces* may be shared between Block 1A, 1B, 1C and 2 as shown on Map 2 attached to and forming part of this Exception;

- (u) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) long term *bicycle parking spaces* are for use by the occupants or tenants of a building;
 - (ii) short term *bicycle parking spaces* are for use by visitors to a building;
 - (iii) for dwelling units: 0.9 *bicycle parking spaces* for each dwelling unit, allocated as long term *bicycle parking spaces* and 0.2 *bicycle parking spaces* for each dwelling unit allocated as short term *bicycle parking spaces*;
 - (iv) for all non-residential uses: 0.2 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for all other non-residential uses allocated as long term *bicycle parking spaces* and 3 plus 0.3 *bicycle parking spaces* for each 100 square metres of *interior floor area* used for non-residential uses allocated as short term *bicycle parking spaces* provided that if a use on a lot is 2,000 square meters or less, then no *bicycle parking space* is required;
 - (v) short-term *bicycle parking spaces* may also be located in a stacked *bicycle parking space*;
 - (vi) short-term *bicycle parking spaces* may be located below ground, and at and above established *grade*; and
 - (vii) if a building has uses, other than *dwelling units*, for which a "long-term" *bicycle parking space* is required, shower and change facilities must be provided for each gender at the following rate:
 - (A) none if less than 5 required "long-term" *bicycle parking spaces*;
 - (B) 1 for 5 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*;

Sales Office:

- (v) where a building or structure is erected and used for the purposes of a *sales office*, then the provisions of subparagraphs (y) to (cc) of this Exception, as pertains to Ground Floor Animation Areas, shall not apply to the building or structure;

Residential Amenity Space:

- (w) *residential amenity space* shall be provided in accordance with Section 4(12), except that:
- (i) Indoor *residential amenity space* shall be provided at a minimum rate of 2 square metres per *dwelling unit* for the first 100 *dwelling units* in a building and at a rate of 1.0 square metre thereafter;
 - (ii) Outdoor *residential amenity space* shall be provided at the following minimum rates:
 - (A) 0.48 square metres per *dwelling unit* on Block 1A shown on Map 2;
 - (B) 0.34 square metres per *dwelling unit* on Block 1B shown on Map 2;
 - (C) 1.10 square metres per *dwelling unit* on Block 1C shown on Map 2;
 - (D) 0.50 square metres per *dwelling unit* on Block 2 shown on Map 2;
 - (iii) Required indoor *residential amenity space* may be provided in a room or rooms which are not contiguous;
 - (iv) a maximum of 0.1 square metres per *dwelling unit* in a building of *indoor amenity space* may be located below-ground;
 - (v) Indoor *residential amenity space* required for a building on the *lot* may be provided within another building on the *lot* or on an abutting parcel of land provided that there is an interior connection between such buildings;

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- (vi) Outdoor *residential amenity space* required for a building on the *lot* may be provided within another building on the *lot* or on an abutting parcel of land provided that there is an interior connection between such buildings;
- (vii) *residential amenity space* shall only be required for buildings containing 20 or more *dwelling units* which are not *grade-related* and where access to all such *dwelling units* is by means of common internal corridors; and
- (viii) for the purposes of this Exception, all buildings on Block 1C as shown on Map 2 attached to and forming part of this Exception are considered one building;

Dwelling Units:

- (x) The provision of dwelling units is subject to the following:
 - (i) a minimum of 25 percent of the total number of *dwelling units* on the *lot* shall contain two bedrooms;
 - (ii) a minimum of 10 percent of the dwelling units on the *lot* shall contain three or more bedrooms;
 - (iii) any dwelling units with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;

Ground Floor Animation Areas:

- (y) no building or structure on the *lot* subject to a Ground Floor Animation Area requirement as shown on Map 8 attached to and forming part of this Exception, may be erected or used unless:
 - (i) At least 70 percent of the length of the exterior building wall of the *first floor* level of the building that is subject to an Animation Frontage as shown on Map 8 attached at the end of and forming part of this Exception is used for no purpose other than *ground floor animation uses*;
 - (ii) no *dwelling units* shall be located within the *first floor* of a building subject to a Ground Floor Animation Area unless other permitted uses are provided, in an enclosed structure, between the dwelling units and a frontage identified as being subject to a Ground Floor Animation Area;

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- (z) the *non-residential gross floor area* provided on the ground level of Block 1C shown on Map 2 attached to and forming part of this Exception must be divided into a minimum of three non-residential units;
- (aa) the maximum *non-residential gross floor area* of a non-residential unit located on the ground level of any building on Block 1C as shown on Map 2 attached to and forming part of this Exception is 450 square metres;
- (bb) notwithstanding subsection (aa) above, one non-residential unit located on the ground level of Block 1C as shown on Map 2 attached to and forming part of this Exception may have a maximum *non-residential gross floor area* of 1,000 square metres;
- (cc) for the purposes of subsections (y) to (bb) above, all buildings on Block 1C shown on Map 2 attached to and forming part of this Exception are considered one building;

Availability of Services

- (dd) No land may be used and no building or structure may be erected or used on the land unless:
 - (i) The land abuts an existing street, or is connected to an existing street by a street or streets, constructed to a minimum base curb and base asphalt or concrete; and
 - (ii) all Municipal water mains and Municipal sewers, and their appurtenances, are installed to a lot line of the property and are operational.

Section 37 Agreement

- (ee) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development on the lot contemplated herein beyond that otherwise permitted in By-law 438-86, as amended, is permitted in return for the provision by the *owner*, at the *owner's* expense certain facilities, services and matters set out in Appendix "1" 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;
- (ff) Where Appendix "1" of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a

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building permit, the issuance of such permit shall be dependent on satisfaction of the same;

- (gg) The *owner* shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Appendix “1” are satisfied; and
- (hh) The *owner* shall enter into an agreement(s) to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above;

Holding Symbol

- (ii) lands zoned with the “(h)” symbol shall not be used for any purpose other than as provided for in paragraph (c) above until the “(h)” symbol has been removed. An amending by-law to remove the “(h)” symbol in whole or in part shall be enacted by City Council or its delegate when the implementation of the following conditions have been secured to the satisfaction of Council or its delegate through the execution and registration on title of an agreement or agreements pursuant to Section 37, 41, 51 and/or 53 of the *Planning Act*, as appropriate:
 - (i) A Functional Servicing and Stormwater Management Report has been submitted to the City satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) The condition above includes securing any required upgrades and/or construction to any municipal infrastructure to support the development;
 - (iii) Architectural plans demonstrating the provision of waste storage rooms have been submitted to the City satisfactory to the General Manager, Solid Waste Management Services.
 - (iv) A public art contribution in accordance with the City’s public art program of a value not less than 1% of the gross construction costs of all buildings and structures to be erected on the *lot*;
 - (v) The connection of all buildings to a district energy system and/or on-site renewable energy sources, if available at costs comparable to other energy sources;

- (vi) The submission of *Site Plan Application(s)* for review and comment by the Toronto Waterfront Revitalization Corporation Design Review Panel;
- (vii) The provision of a *noise study* and detailed design plans in support of *Site Plan Applications* for any *sensitive land use* proposed on the *lot*, except for park and outdoor promenade uses. The *noise study* shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *noise study* shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments received from *Redpath* shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments.
- (viii) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the *noise study*, to the satisfaction of the City;
- (ix) The provision of a *vibration study* and detailed design plans in support of *Site Plan Applications* for any use any *sensitive land use* proposed within 75 metres of Queens Quay East, or within 75 metres of the future transit line. The vibration study shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The *vibration study* shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments *received* from *Redpath*, shall be presented to City Council in a process that permits a reasonable opportunity for *Redpath* to give reasons for such comments.
- (x) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the vibration study, to the satisfaction of the City;
- (xi) The provision of an emissions study and detailed design plans in support of *Site Plan Applications* for any sensitive land use proposed on the *lot*. The emissions study shall be submitted by the owner to the City of Toronto and the City shall provide a copy to *Redpath*. The emissions study shall be peer reviewed by the City and, should it so choose, *Redpath*. Upon request by *Redpath*, comments received from *Redpath*, shall be presented to City Council in a process that permits a

reasonable opportunity for Redpath to give reasons for such comments.

- (xii) Inclusion of a provision in the agreement that the owner will provide and maintain any required mitigation, attenuation or equivalent measures identified in the emissions study, to the satisfaction of the City;
- (xiii) Inclusion of a provision in the agreement that the owner shall not request City Council to approve or grant any Site Plan Application for any development that will accommodate a land use for which a noise study, vibration study or emissions study was undertaken, until *Redpath*, has been given at least 30 days to review the noise study, vibration study and emissions study, in order to provide a response to the City;
- (xiv) Inclusion of a provision in the agreement that prior to the issuance of a Building Permit in respect of any building(s) that will accommodate a land use for which a noise study, vibration study or emissions study was undertaken, written confirmation(s) by appropriate qualified consultants will be submitted to the City that the Building Permit plans for such building(s) incorporate the mitigation and architectural control measures required by such noise study, vibration study and/or emissions study, and that the City shall provide such confirmation(s) to *Redpath*.
- (xv) Inclusion of the following specific warning clause (the "Warning Clause") in all agreements of purchase and sale and lease, excluding agreements pertaining to the resale or lease of individual residential condominium units:
- (xvi) "Warning: This site is in proximity to the heavy industrial Redpath Sugar Refinery located at 95 Queens Quay Boulevard East (the "Redpath Facility") which operates 24 hours a day, 7 days a week. Various processes, shipping and receiving, either operate continuously or at any time of day or night, Activities may include: loading, unloading and repair of large tractor trailers or bulk bin trucks; docking and unloading of ocean and lake going ships; venting of steam; construction and repair; and operation of various sugar refining processes. In addition, there may be industrial odours and light emanating from the refinery from time to time. Redpath may apply to alter or expand the Redpath Facility in the future. Notwithstanding the inclusion of certain mitigation features within this development to lessen potential noise, air

emissions, dust, odour, vibration, and visual impact from the Redpath Facility, from time to time noise from the Redpath Facility is likely to be audible, odours may be unpleasant, and dust and light emissions may be bothersome and such potential noise, air emissions, dust, odour, vibration, and visual impact may impact the enjoyment of indoor and outdoor areas of this development. Redpath Sugar advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the Redpath Facility, property or operations thereon.”

- (xvii) The inclusion of the Warning Clause in any condominium disclosure statement and declaration applicable to all lands, or portions thereof, and the condominium purchasers and their successors and assigns shall be advised of the Warning Clause in the Status Certificate (both for original and subsequent purchasers). Equivalent provisions are to be contained in any subdivision agreement pursuant to the *Planning Act*;
- (xviii) The inclusion of a provision in all condominium disclosure statements and declarations applicable to all lands, or portions thereof, prohibiting any owner, tenant or condominium board to make any changes to units and common elements that would contravene the mitigation and architectural control measures required by the noise study, vibration study, emissions study, and/or Building Permit plans for such building(s), as is applicable. The owner shall certify to the City that the aforementioned requirements have been complied with prior to clearance of the condominium for registration;
- (xix) A large area plan shall be displayed in the sales pavilion(s)/office(s) for any residential development, prominently identifying the *Redpath* facility;
- (xx) In the case of lands proposed for residential uses, in addition to those matters set out above, the owner has elected to provide the facilities, services or matters referred to in paragraph (ee) above and entered into the agreement(s) referred to in paragraph (hh);
- (xxi) The City shall provide *Redpath* with a copy of the final Agreement within 10 days of it being executed;

Definitions:

- (jj) for the purposes of this Exception, each word or expression that is italicized in this exception shall have the same meaning as each such word or expression as defined in the said By-law 438-86, as amended, except for the following or where otherwise defined in this Exception:
 - (i) “*accessible parking space*” mean a parking space free of physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005 with the following minimum dimensions:
 - (A) length of 5.6 metres;
 - (B) width of 3.4 metres; and
 - (C) vertical clearance of 2.1 metre;and with the following minimum dimensions when adjacent and parallel to a drive aisle from which vehicle access is provided:
 - (A) length of 7.1 metres;
 - (B) width of 2.6 metres; and
 - (C) vertical clearance of 2.1 metres;and the length of an *accessible parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
 - (ii) “*affordable rent*” means gross monthly Rent that is at or below the lesser of one (1) times the CMHC Average Market Rent or thirty per cent (30%) of the before-tax monthly income of renter households in the City of Toronto as follows:
 - (A) Studio units: one-person households at or below the 50th percentile income;
 - (B) One-bedroom units: one-person households at or below the 60th percentile income;

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- (C) Two-bedroom units: two-person households at or below the 60th percentile income;
- (D) Three-bedroom units: three-person households at or below the 60th percentile income;
- (E) Four-bedroom units: average market rent for four-bedroom apartment units as reported by the Canada Mortgage and Housing Corporation (CMHC) in its annual Rental Market Report;
- (iii) “*affordable rental unit*” means a new designated Rental Dwelling Unit provided and maintained on the Lands after the date of the applicable agreement at Affordable Rent
- (iv) “*bicycle parking space*” means an area that is equipped with a bicycle rack, bicycle ring, *bicycle stacker* or bicycle locker for the purpose of parking and securing bicycles, and:
 - (A) Where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (B) Where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (v) Notwithstanding A and B above, where the bicycles are to be in a *bicycle stacker*, being a device that allows spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.45 metres and the *bicycle stacker* shall be located in an area with a vertical dimension of at least 2.4 metres;
- (vi) “*Building Permit*” means a permit to construct a building or structure, or any part thereof, pursuant to Section 8 of the Building Code Act, 1992, S.O. 1992, c.23, as amended, superseded or replaced from time to time, including, but not limited to, excavation, shoring, and building permits but shall not include any such permit issued in respect of a *sales office*;
- (vii) “*bicycle stacker*” means a device whereby a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;

- (viii) “*car-share*” and “*car-sharing*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;
- (ix) “*car-share parking space*” means a parking space that is reserved and actively used for car-sharing
- (x) “*district energy, heating and cooling plant*” means a building or structure that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users;
- (xi) “*emissions study*” means a study which includes:
 - (A) a determination of the predictable worst case operating scenario of all relevant emissions, including dust, odour and air quality;
 - (B) the identification of all receptor locations in the proposed development with the potential to experience (adverse) impacts;
 - (C) ascertaining the numerical excess and nuisance potential at such receptors, if any;
 - (D) preparation of specific recommendations for mitigation at receptor and/or at source to create an appropriate air quality environment for future occupants/users of the proposed development; and
 - (E) assuming the industries that are the relevant emissions sources are in compliance with the instruments listed below, an assessment of applicable Ministry of the Environment regulations and guidelines, having the force of law; all relevant sections of the *Environmental Protection Act*, including Sections 9 and 14; and existing Certificates of Approval, if publicly available, relative to the proposed development and the industries that are the source of the relevant emissions and where there are objective standards in the above-

listed instruments, an assessment of the expected compliance with said instruments.

Such emissions study shall be prepared by a qualified air quality consultant and shall be consistent with professional standards and good practice for such studies, taking into account expansion or alteration plans identified by the source(s) that can reasonably be expected to be implemented in the future.

- (xii) “*first floor*” means the floor of the building, other than an area used for parking, that is closest in elevation to the elevation of the adjacent finished ground level;
- (xiii) “*grade*” means 77.5 metres Canadian Geodetic Datum;
- (xiv) “*ground floor animation uses*” means those uses listed in Sections 8(1)(f)(b)(i), (ii) and (iv), an *artist's or photographers studio, and a custom workshop*
- (xv) “*height*” means the vertical distance between *grade* and the highest point of the roof, building, structure or element;
- (xvi) “*interior floor area*” means the floor area of any part of a building measured to the interior side of a main wall, the centre line of an interior wall, or as measured to a line delineating the part being measured;
- (xvii) “*lot*” means the lands delineated by heavy lines on Map 1;
- (xviii) “*market garden*” means premises used for growing and harvesting vegetables, fruits, flowers, shrubs, trees or other horticultural products for the purpose of sale.
- (xix) “*noise study*” means a study which includes:
 - (A) a determination of the planned and predictable worst case impact from all relevant noise sources;
 - (B) the identification of all receptor locations in the proposed development with the potential to experience (adverse) noise impact, ascertaining the noise excess at such receptors, if any;
 - (C) ascertaining the numerical excess and nuisance potential at such receptors, if any;

- (D) preparation of specific recommendations for mitigation at receptor and/or at source to create an appropriate sound environment for future occupants/users of the proposed development; and
- (E) assuming the industries that are the relevant noise sources are in compliance with the instruments listed below, an assessment of applicable Ministry of the Environment regulations and guidelines, having the force of law; all relevant sections of the Environmental Protection Act, including sections 9 and 14; existing Certificates of Approval, if publicly available; and all relevant sections of the Toronto Municipal Code, including Chapter 591 or their successors, relative to the proposed development and the industries that are the source of the relevant emissions.

Such noise study shall be prepared by a qualified acoustical engineer and shall be consistent with professional standards and good practice for such studies, taking into account expansion or alteration plans identified by the stationary source(s) that can reasonably be expected to be implemented in the future.

- (xx) “*outdoor open air market*” means portion of a *lot* where, goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include food sales, retail sales and other uses from containers kiosks, tents vehicles, tables or similar facilities and such facilities are not buildings or structures;
- (xxi) “*outdoor patio*” means an outdoor patron area that is ancillary to a non-residential use;
- (xxii) “*owner*” means a person who owns the fee simple or the equity of redemption in the *lot*, or any part thereof;
- (xxiii) “*Public Art*” means works of sculptured art, works of visual and graphic art, sculptured landscaping, fountains, and artistic treatment of publicly accessible areas including, without limitation, exterior publicly accessible areas (public sidewalks, exterior walls or other building elements), clearly visible at all times from publicly accessible areas, including but not limited to flooring, structure, lighting and street furnishings, provided such elements of work have been designed by or in

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collaboration with artists and selected by a process and are in accordance with a program recommended by the Toronto *Public Art* Commission (the “Commission”) through the Chief Planner and approved by City Council;

- (xxiv) “*Redpath*” means the lands and premises known municipally as 95 Queens Quay Boulevard East, in the City of Toronto, owned and operated by Redpath Sugar Ltd., its successors or assigns;
- (xxv) “*restaurant*” shall have the same meaning provided in Section 2 of By-law 438-86, as amended, with the exception that the subsection (iv) shall be amended to permit a maximum of 20 percent of the gross floor area or 200 square metres, whichever is less to be used for one or more of the uses noted in subsection (iv) and subsection (v) does not apply;
- (xxvi) “*residential amenity space*” means a common area or areas within the *lot* which are provided for the exclusive use of residents of the *lot* for recreational or social purposes;
- (xxvii) “*sensitive land use*” means a *hotel, commercial school, trade school, college, university, post secondary institution, and related uses, and all those uses permitted within a CR district in sections 8(1)(f)(a)(i) and (ii), and 8(1)(f)(b)(ii) and (iii), but does not include a fire hall, police station or post office.*
- (xxviii) “*sales office*” means a building, structure, facility or trailer, or part thereof, used for the purposes of marketing, sales, rental or leasing and other functions related to a building or buildings that will be constructed on the *lot* and or on the lands municipally known as 259 Lake Shore Boulevard East in the year 2023;
- (xxix) “*Site Plan Application*” means an application for the approval of plans and drawings pursuant to Section 41(4) of the Planning Act, as amended or the City of Toronto Act, 2006, as is applicable;
- (xxx) “*storey*” means the portion of a building that is between the top of a floor and the top of the floor next above it, if there is no floor above it, the portion between the top of the floor and the ceiling above it and for the purpose of this By-law shall exclude a mezzanine;

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- (xxxi) “*temporary open air markets*” means an area where good, wares, merchandise, substances articles or things are offered for retail sale on a temporary basis, outside of any permanent buildings or structures;
 - (xxxii) “*transportation use*” means the use of premises or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated and Federally regulated; and
 - (xxxiii) “*tower*” means the portion of a building located above the *heights* shown in metres on Map 3 attached to and forming part of this Exception;
 - (xxxiv) “*tower floorplate*” means the total built area within a “*tower*”, measured from the exterior of the main wall on each storey, but excluding balconies;
 - (xxxv) “*vibration study*” means a study of vibration from transportation sources, and stationary source(s), prepared by a qualified noise and vibration consultant, that makes specific recommendations for mitigation features to be incorporated into the design of the development taking into account commonly used criteria in Ontario for assessing vibration in building(s). Such vibration study shall be consistent with professional standards and good practice.
- (kk) For the purpose of the definitions of *non-residential gross floor area* and *residential gross floor area* an exterior wall shall be measured to a maximum of 0.15 metres from the interior face of the exterior wall;
 - (ll) In addition to the permitted exclusions set out in the definitions of *non-residential gross floor area* and *residential gross floor area*, portions of a building associated with a Toronto Transit Commission Substation facility, at, below, and above grade, including electrical, mechanical and utility rooms, shafts and connections, access corridors, service corridors, vestibules, associated exit stairwells, and any portion of a *commercial parking garage* are not included in the calculation of *non-residential gross floor area* or *residential gross floor area*;
 - (mm) In addition to the permitted exclusions set out in the definition of *residential gross floor area* and *non-residential gross floor area* and items (jj), (kk) and (ll), the following are not included in the calculation of *residential gross floor area* or *non-residential gross floor area*:

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- (i) *parking spaces*, loading spaces, and *bicycle parking spaces*;
 - (ii) indoor *residential amenity areas*;
 - (iii) storage rooms, electrical, utility, mechanical and ventilation rooms;
 - (iv) rooms for the collection, compaction, storage and removal of refuse;
 - (v) portions of a building located on Block 1C show on Map 2 attached to and forming part of this Exception obstructed by a diagonal mass timber truss as measured between a finished floor and a height of 2.2 metres measured from finished floor;
 - (vi) *accessory* greenhouse and storage areas associated with a rooftop urban farm located on any building located on Block 1C shown on Map 2 attached to and forming part of this Exception; and
 - (vii) Open to below areas;
 - (nn) None of the provisions of Section 12(2)380 of By-law 438-86 apply to prevent the erection or use of a building or structure on the *lot*.
2. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this Exception shall apply to the whole of the *lot* as if no severance, partition or division occurred.
3. By-law No. 438-86, as amended, is hereby amended by the addition of:
- (a) Map 1 – Lands Subject to Exception (Exception 508)
 - (b) Map 2 – Site (Exception 508)
 - (c) Map 3 – Base Building Areas and Heights (Exception 508)
 - (d) Map 4 – Tower Transition Zone Areas and Heights (Exception 508)
 - (e) Map 5 – Tower Zone Areas and Heights (Exception 508)
 - (f) Map 6 - Vertical Clearance Areas (Exception 508)
 - (g) Map 7 – Public Realm (Exception 508)
 - (h) Map 8 - Ground Floor Animation Areas (Exception 508)
- all of which pertain to and form part of Exception 12(1)(508).

City of Toronto By-law [Clerks to insert By-law number]

Enacted and passed on [Clerks to insert date].

APPENDIX “1”**SECTION 37 PROVISIONS – TO EXCEPTION 12(1)(508)**

Pursuant to Section 37 of the *Planning Act*, the heights and density of residential development contemplated herein are permitted subject to compliance with all of the provisions of Exception 508 and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters to the City at the *owner's* sole expense and in accordance with and subject to the agreement(s) referred to in paragraph (ee) above:

Affordable Housing

- (i) The provision of a minimum of 20% of all residential gross floor area of the proposed development for affordable rental units through a dedication to the City of sufficient land, which for clarity may be stratified for the purpose of constructing the new affordable rental units on the lot to be owned by the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.
- (ii) The provision of not less than 996 square metres of new affordable rental units in addition to the requirement in item (ii) above through a dedication to the City of sufficient land which may be stratified for the purpose of constructing the new affordable rental units on the lot.
- (iii) Prior to the earlier of issuance of Notice of Approval Conditions for the Site Plan Application or first building permit for each building on the site, the *owner* shall provide an affordable housing report identifying the provision of land within the subject building, subject to the confirmation of funding for the construction of units within the subject building, or in the absence of confirmation of funding, the provision of land within the site to satisfy the affordable housing obligations, all to be accepted by and to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat. For clarity, such report may apply to one or more buildings within the site.
- (iv) The provision of land to fulfill the affordable housing obligations shall be provided on a timely basis to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat, in accordance with the following principles:

- (A) Where land is provided as a stratified parcel within a market residential building as reflected in the accepted affordable housing report, and funding has been committed to construct affordable housing units within that building, the affordable housing units will be delivered commensurate with the market units within the building.
- (B) Where land is not being provided within a market building, the *owner* shall identify the provision of land elsewhere on the site to satisfy the affordable housing obligations for that market building.
- (C) Where the accepted affordable housing report for a market residential building identifies that land will be provided elsewhere on the site, a Section 118 Restriction under the Land Titles Act, agreeing not to transfer or charge any part of the lands without prior written consent of the Chief Planner and Executive Director, City Planning, or their designate, may be required to be registered on the lands identified to be conveyed to the City, to the satisfaction of the City Solicitor.
- (D) Depending on the timing of funding being secured, delivery of land for affordable housing may not be fully commensurate with the rate of market residential construction, provided that the ultimate delivery of the land is satisfactorily secured to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.
- (E) The Section 37 agreement may include provisions regarding the order of development of residential buildings within the site.
- (v) The provision of a minimum 5% of residential gross floor area of the proposed development for low-end-of-market housing, subject to the availability of funding and to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.
- (vi) Any development containing ownership *dwelling units* shall provide not less than 5% of all ownership *dwelling units* with the following size restrictions:

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- (A) A maximum residential gross floor area of 46.5 square metres for bachelor dwelling units;
- (B) A maximum residential gross floor area of 60.4 square metres for a one-bedroom dwelling unit;
- (C) A maximum residential gross floor area of 79 square metres for two bedroom dwelling units;
- (D) A maximum residential gross floor area of 93 square metres for three bedroom dwelling units;

Local Infrastructure Improvements

- (vii) to secure the provision of local infrastructure improvements through one or a combination of the following:
 - (A) to provide a contribution of \$69.86 per square metre of *residential gross floor area* towards local infrastructure improvements, to be paid prior to the issuance of the first *above-grade* building permit for the *lot* or for the portion of the *lot* being developed;
 - (B) to undertake local infrastructure improvements in lieu of part or all of the contribution set out in subclause A), the value of which is to be determined by the City.

Community Benefits

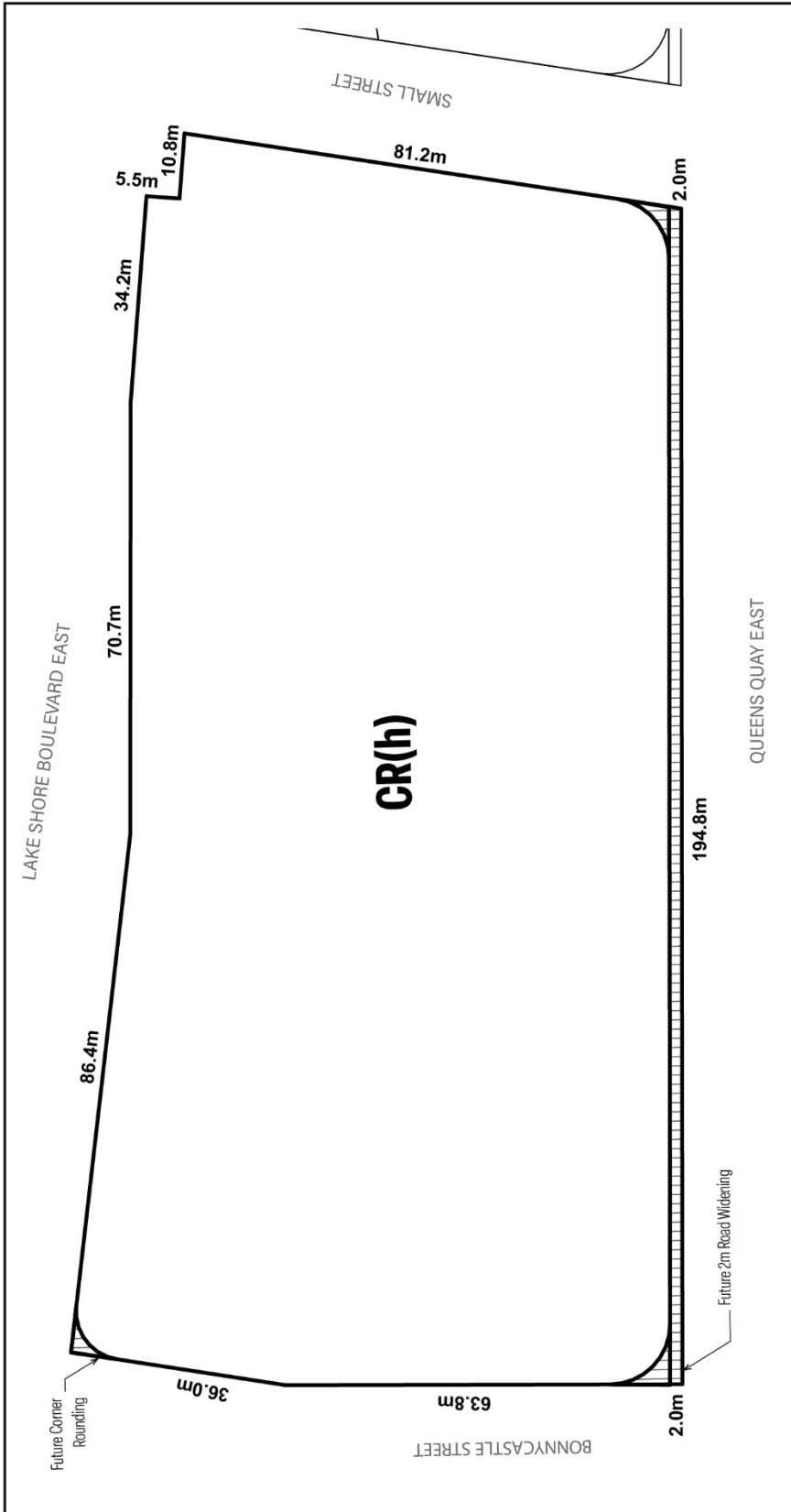
- (viii) The *owner* shall provide an indexed cash contribution to the City in the amount of \$5,000,000, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment(s), to be allocated toward the capital costs of off-site non-profit childcare facilities in Quayside Blocks 3-5 or another appropriate location in the Keating Channel West Precinct to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (A) The details including timing triggers for the payment(s) are to be detailed and secured in the Section 37 Agreement; and
 - (B) In the event that the cash contribution referred to in Section (viii) above has not been used for the intended purpose within 5 years of this By-law coming into 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 local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Other Matters

- (ix) As a matter of legal convenience, the *owner* agrees to the following to support the development:
 - (A) The *owner* shall, at its own expense, design, construct, provide easements for public use of and thereafter maintain on terms set out in the Section 37 Agreement the Privately-Owned Publicly-Accessible Spaces (“POPS”) as generally illustrated on Map 7 having a minimum area of 4100 square metres, with the location, configuration and design to be determined and secured in the context of site plan approval all to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (B) The *owner* will agree at the time of Site Plan Approval to grant to the City a 3 metre pedestrian easement for each pedestrian connection as generally shown on Map 7.
 - (C) Prior to the issuance of Notice of Approval Conditions for the first development on the *lot*, City Council shall endorse Urban Design Guidelines for all of the lands within the Quayside development.
 - (D) Prior to the issuance of any Building Permit in Development Blocks 1C and Development Block 2, including a permit for excavation and shoring, the *owner* shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism, under the provisions of the Ontario Heritage Act, to carry out a program of archaeological monitoring for any subgrade disturbance, in accordance with the Archaeological memorandum prepared by ASI, dated June 9, 2023, and the Archaeological Monitoring and Mitigation Strategy prepared by ASI, dated January 18, 2024.

- (E) The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Planning Unit as an Acrobat PDF file.
- (F) Significant archaeological resources and findings will be incorporated into the proposed development through either in situ preservation and interpretation where feasible or will be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.
- (G) The *owner* shall, at the time of Site Plan Approval for each phase of development on the lot, complete wind tunnel testing and implementation of any identified mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (H) In addition to the requirements of the Toronto Green Standard (TGS) version applicable at the time of the complete site plan application for each building on the lot, the *owner* shall provide sustainable development measures that, in the opinion of the City, would achieve the Canada Green Building Council (CaGBC) Zero Carbon Building Standard (Design) Version 3 or later, as an alternative compliance pathway to TGS Tier 2 energy and emissions performance as outlined in the City of Toronto Energy Modelling Guidelines, or an acceptable provision of alternative sustainable development measures as may be approved by the Chief Planner and Executive Director, City Planning.
- (I) If requested at the time of site plan approval, the *owner* shall provide a 5.0 metre wide easement from the outermost edge of the F.G. Gardiner Expressway consistent with the City of Toronto Municipal Consent requirements – Appendix S – Third Party Work in the Vicinity of City Bridge Structures, to the satisfaction of Transportation Services and Engineering and Construction Services.
- (x) The *owner* of lands proposed for residential uses shall enter into one or more agreements with the City pursuant to section 37 of the Planning Act to secure the facilities, services and matters required by this paragraph and such agreements are to be registered on title, to the satisfaction of the City.



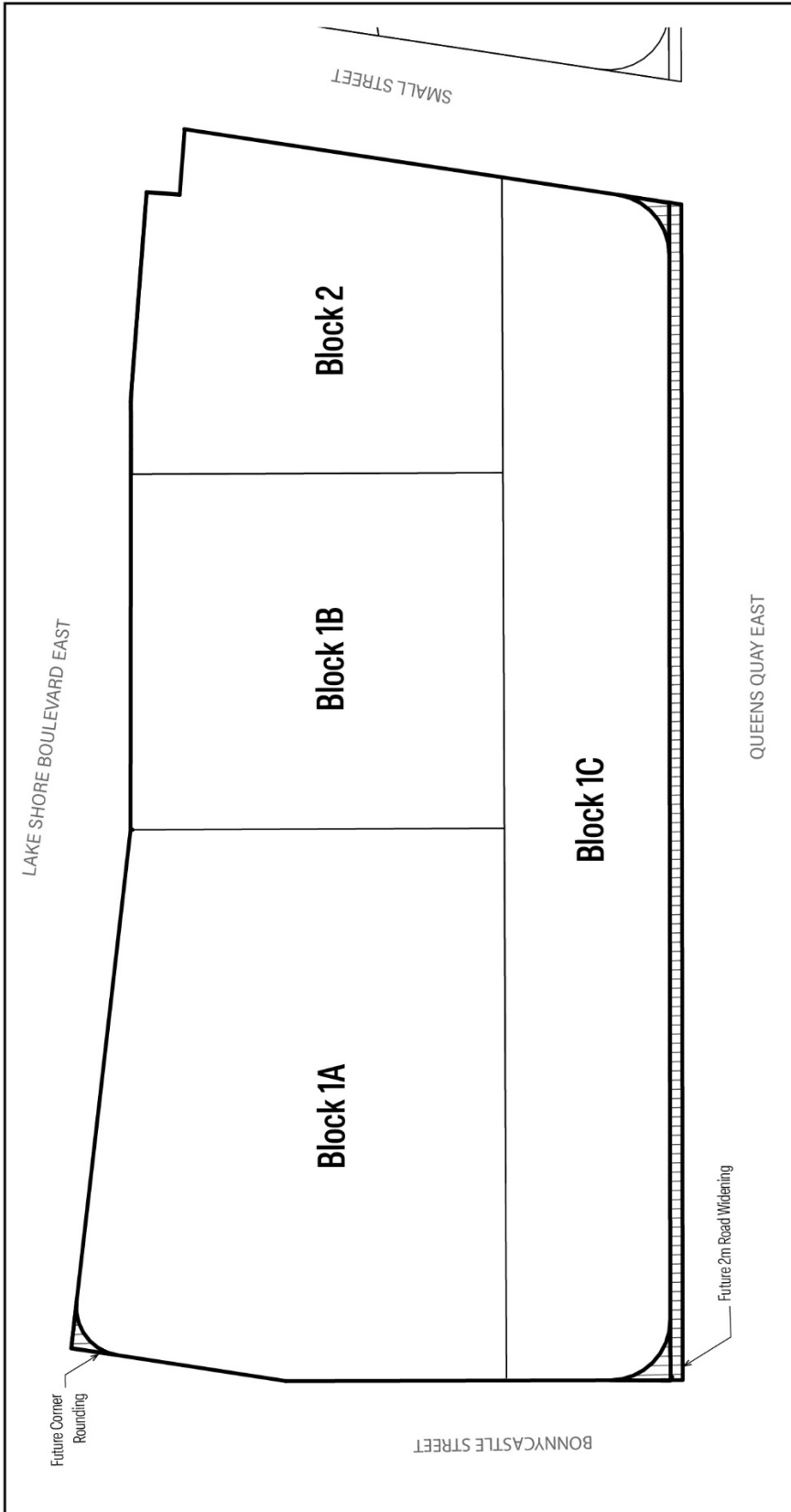
MAP 1-Lands Subject to Exception

**257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E**

File # 23 167778 STE 10 0Z



Former City of Toronto By-law 438-86
Not to Scale
06/14/2024



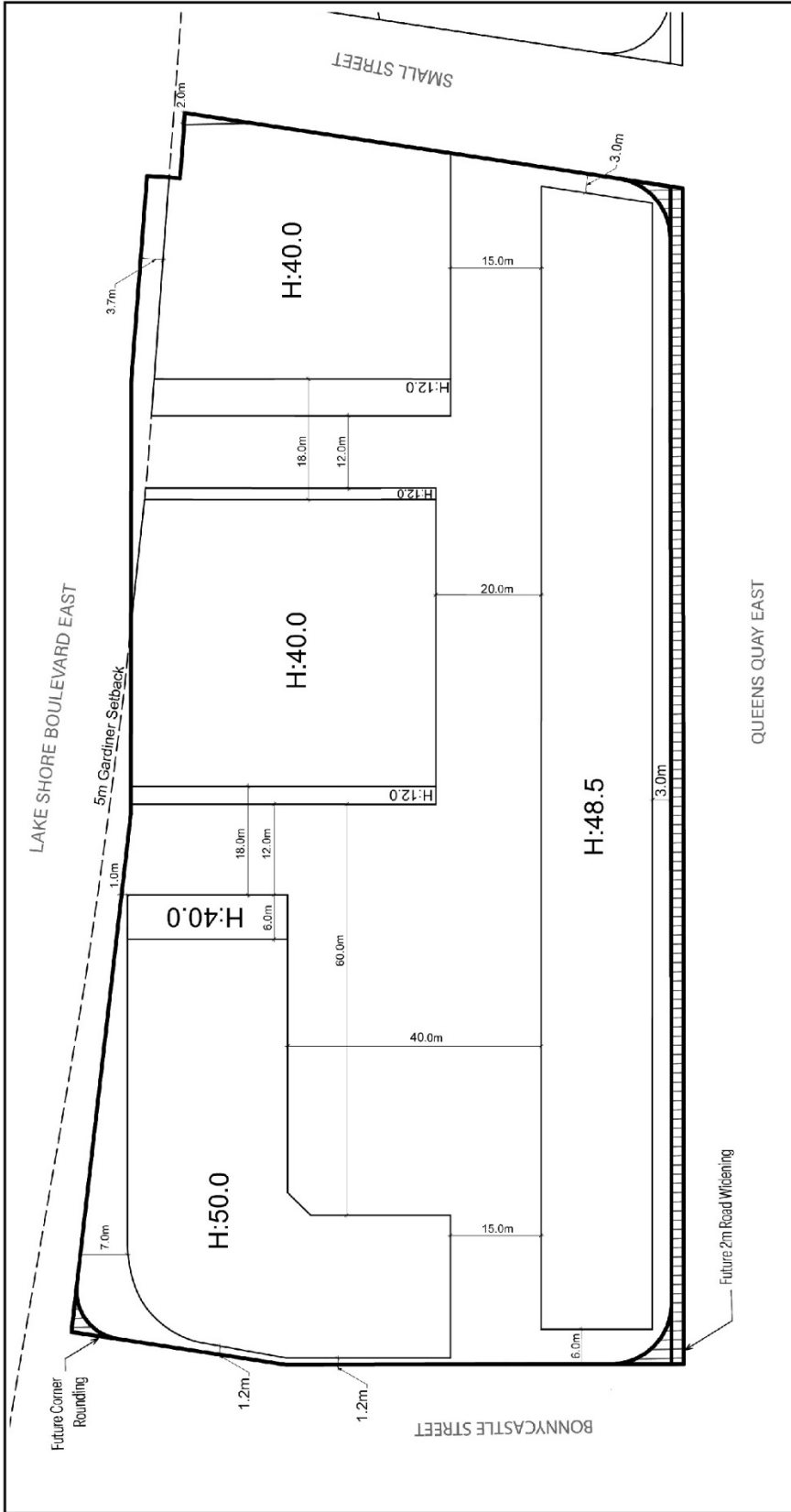
Map 2- Site

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

File # 23 167778 STE 10 0Z



Former City of Toronto By-law 438-86
Not to Scale
06/14/2024



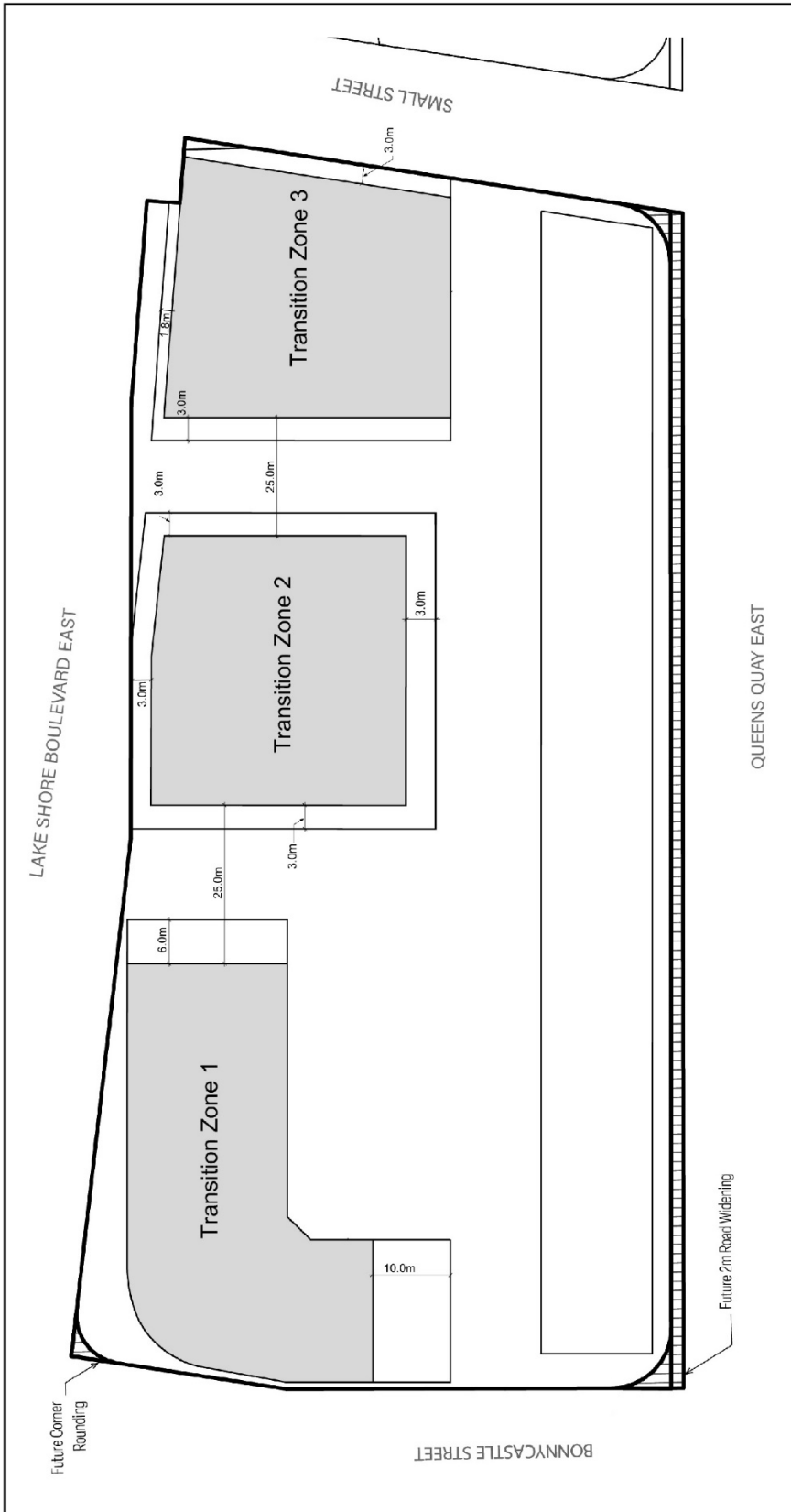
Map 3-Base Building Areas and Heights

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

File # 23 167778 STE 10 0Z



Former City of Toronto By-law 438-86
Not to Scale
06/14/2024



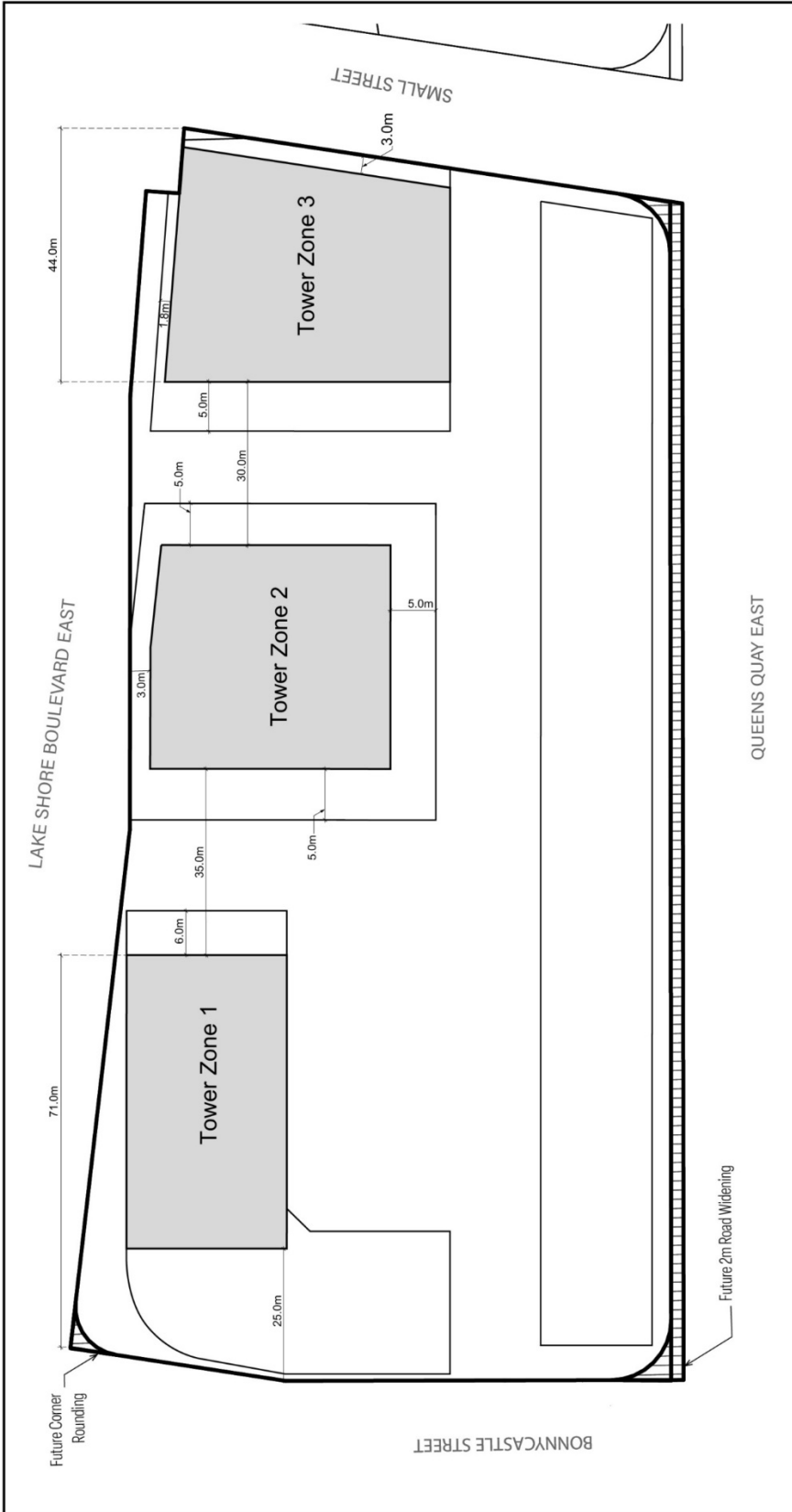
257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

Map 4-Tower Transition Zone Areas and Heights

File # 23 167778 STE 10 0Z



Former City of Toronto By-law 438-86
Not to Scale
06/14/2024



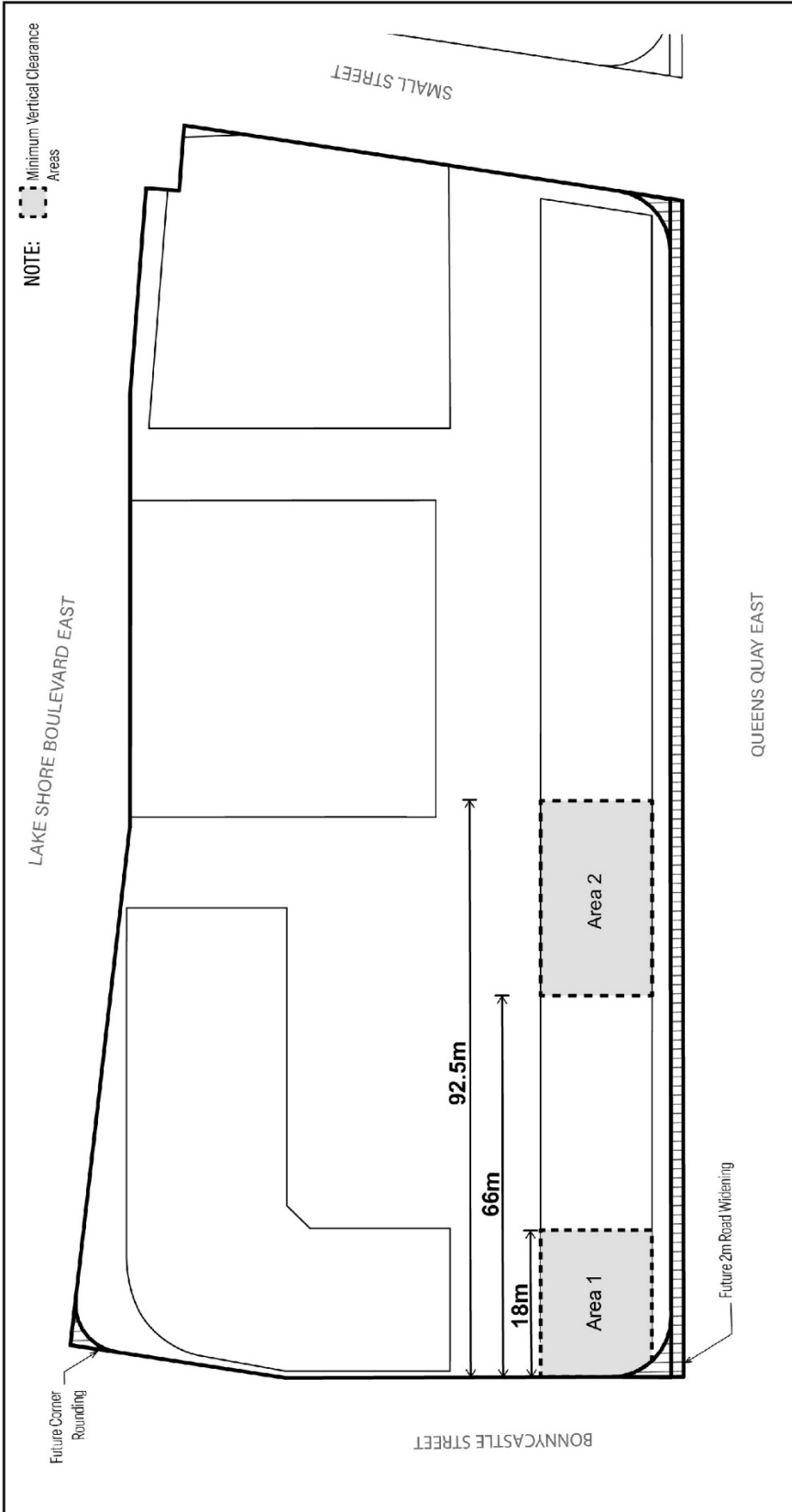
Map 5-Tower Zone Areas and Heights

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

File # 23 167778 STE 10 0Z



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06/14/2024



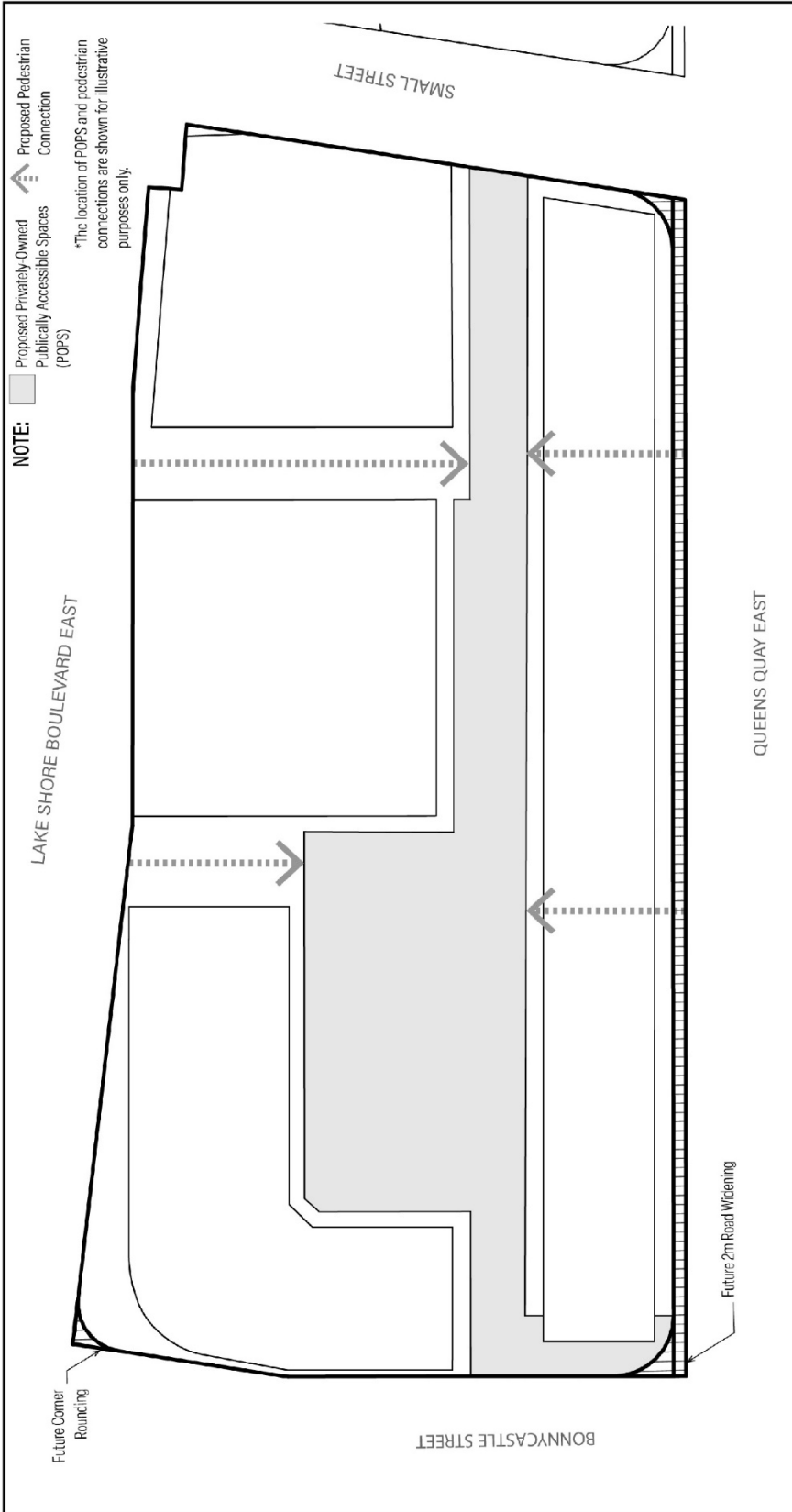
Map 6-Vertical Clearance Areas

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

File # 23 167778 STE 10 0Z



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Not to Scale
06/14/2024



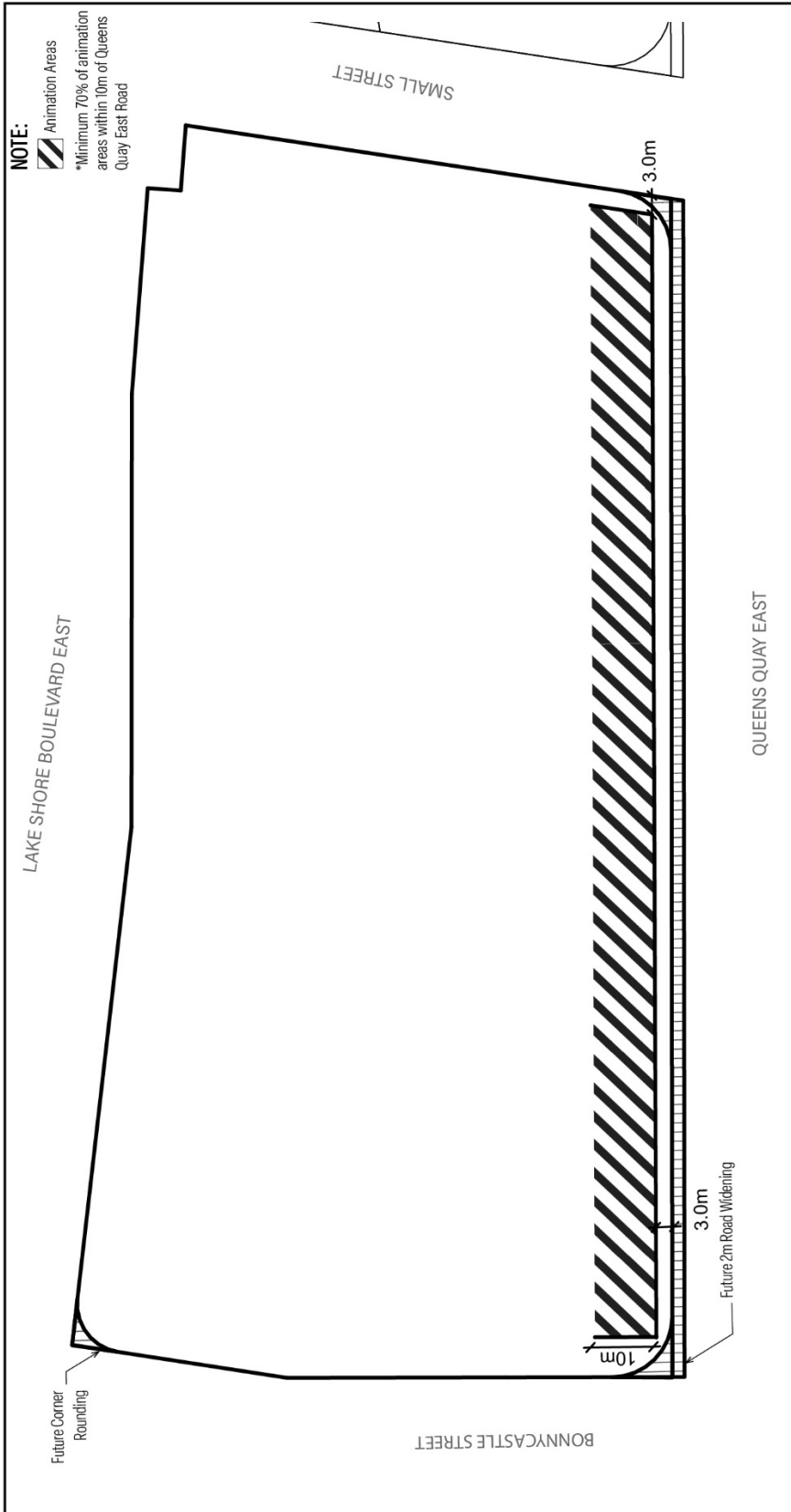
Map 7-Public Realm

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

File # 23 167778 STE 10 0Z



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MAP 8-Ground Floor Animation Areas

257-259 and 291 Lake Shore Blvd E
2 Small Street and 200 Queens Quay E

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