

324 Cherry Street and 429 and 455 Lake Shore Boulevard East – Official Plan and Zoning By-law Amendment – Supplementary Report

Date: July 27, 2026

To: City Council

From: Interim Executive Director, Development Review

Ward: 10 - Spadina-Fort York

Planning Application Number: 25 175195 STE 10 OZ

SUMMARY

This Supplementary Report makes minor modifications to the draft Official Plan and Zoning By-law Amendments attached to the report titled "324 Cherry Street and 429 and 455 Lake Shore Boulevard East – Official Plan and Zoning By-law Amendment – Decision Report – Approval" from the Director of Community Planning Toronto and East York District, submitted as item TE34.60 to the July 8 and 9, 2026, meeting of the Toronto and East York Community Council.

RECOMMENDATIONS

The Interim Executive Director, Development Review recommends that:

1. City Council amend Toronto and East York Community Council recommendation 1 by deleting the words "Attachment 6 to the report (June 19, 2026) from the Acting Director, Community Planning, Toronto and East York District" and replacing with the words "Attachment 1 to the Supplementary Report (July 24, 2026) from the Interim Executive Director, Development Review" so that recommendation 1 reads as follows:

City Council amend the Official Plan for the lands municipally known as 324 Cherry Street and 429 and 455 Lake Shore Boulevard East substantially in accordance with the draft Official Plan Amendment included as Attachment 6 to the Supplementary Report (July 24, 2026) from the Interim Executive Director, Development Review.

2. City Council amend Toronto and East York Community Council recommendation 2 by deleting the words "Attachment 7 to the report (June 19, 2026) from the Acting Director, Community Planning, Toronto and East York District" and replacing with the words "Attachment 2 to the Supplementary Report (July 24, 2026) from the Interim Executive Director, Development Review" so that recommendation 2 reads as follows:

City Council amend Zoning By-law 438-86, as amended by By-law 1174-2010 (OMB), for the lands municipally known as 324 Cherry Street and 429 and 455 Lake Shore Boulevard East substantially in accordance with the draft Zoning By-law Amendment included as Attachment 2 to the Supplementary Report (July 24, 2026) from the Interim Executive Director, Development Review.

3. City Council determine that these amendments are minor in nature and no further notice is required.

FINANCIAL IMPACT

There are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

COMMENTS

The changes proposed to the draft Official Plan Amendment (Attachment 1) are as follows:

- Simplifying amending instructions throughout for clarity and consistency and renumbering sections.
- Adding references to Central Waterfront Secondary Plan Map H1 in section 4 (now numbered as section 3 in the attached).
- Removing redundant policy (u)(vii) from the previously numbered section 5.

The changes proposed to the draft Zoning By-law Amendment (Attachment 2) are as follows:

- Addition of preamble language clarifying the application of s.37 terms.
- Changing the minimum quantity of non-residential GFA in the table under sub-section (2)(f) from 15,000 square metres to 16,250 square metres to align with the corresponding Official Plan Amendment.
- Removing redundant definitions.
- In section (2)(y) of the amendment, adding new paragraph (i)(C) to clarify implementation of affordable rental housing requirements.
- Updating the map titles in the schedules to include all impacted addresses
- Renumbering and organization throughout for clarity and consistency.

Attachment 3 is an informal consolidated “reading copy” of the zoning by-law amendment, consolidated with the parent by-law for reference purposes. The changes included herein are minor in nature and do not require further notice under section 34(17) of the Planning Act.

CONTACT

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SIGNATURE

Oren Tamir
Interim Executive Director
Development Review Division

ATTACHMENTS

Attachment 1: Draft Official Plan Amendment (Revised)
Attachment 2: Draft Zoning By-law Amendment (Revised)
Attachment 3: Consolidated By-law (Reading Copy)

Attachment 1: Draft Official Plan Amendment (Revised)

AMENDMENT NO. XXX TO THE CITY OF TORONTO OFFICIAL PLAN

RESPECTING THE CENTRAL WATERFRONT SECONDARY PLAN (OFFICIAL PLAN AMENDMENT 257) FOR LANDS KNOWN MUNICIPALLY IN THE YEAR 2025 AS 324 CHERRY STREET, and 429 and 455 LAKE SHORE BOULEVARD EAST, AND A PORTION OF THE FORMER CHERRY STREET RIGHT-OF-WAY

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 31, Central Waterfront Secondary Plan, Map H1 – Urban Structure Map, Keating Channel West Precinct, is amended as shown in the attached Appendix 1 by:
 1. Removing Promenade Road and expanding the parkland designation between Trinity Street and Cherry Street;
 2. Replacing the Publicly Accessible Open Spaces and Walkways as currently shown with new Publicly Accessible Open Spaces and Walkways; and
 3. Adding Area Labels “C1” (north-west block), “C2” (south-west block), and “C3” (north-east block and south-east block).
2. Chapter 6, Section 31, Central Waterfront Secondary Plan, Map H2 – Tower Location and Height Map, Keating Channel West Precinct, is amended as shown in the attached Appendix 2 by:
 1. Updating and adding Tower Locations and Heights for Area C1; and
 2. Adding new Tower Locations and Heights for Area C2.
3. Chapter 6, Section 31, Central Waterfront Secondary Plan, Area-Specific Policy (P54), policy (h)(4) is replaced as follows:

“4. To a maximum of 325,000 square metres of gross floor in Area C (429 and 455 Lake Shore Blvd. E and 324 Cherry Street), as follows:

 - a. a maximum of 111,000 square metres of gross floor in Area C1 as shown on Map H1;
 - b. a maximum of 100,000 square metres of gross floor in Area C2 as shown on Map H1;

- c. a maximum of 118,000 square metres of gross floor in Area C3 as shown on Map H1; and,
 - d. a minimum of 16,250 square metres of non-residential gross floor area for the entirety of Area C.”
- 4. Chapter 6, Section 31, Central Waterfront Secondary Plan, Area-Specific Policy (P54) is amended by adding the following new policy after the last policy (t):
 - “u) The following policies apply to the lands known municipally in 2025 as 324 Cherry Street and 429 and 455 Lake Shore Boulevard East and a portion of the former Cherry Street Right-of-Way:
 - i. Despite (P54) (b)(2), a water’s edge promenade will provide public access, amenity, and an animated public space immediately adjacent to the waterfront.
 - ii. Despite (P54) (b)(4), new public local streets, together with private mid-block connections and walkways, will provide access to development blocks for vehicles, pedestrians, and cyclists and contribute to a fine-grained, well-connected public realm;
 - iii. Despite (P54) (b)(5), the location of primary and potential secondary walkways and publicly accessible open spaces will be secured through future re-zoning applications and/or site plan control applications.
 - iv. Despite (P54) (e), development adjacent to the water’s edge promenade, and any development facing the Keating Channel, will consist of low- and medium-scaled built form that will reinforce the pedestrian comfort, safety and usability of adjacent public spaces. Development will generally transition upward from the water’s edge public promenade towards Queens Quay East.
 - v. Despite (P54) (f)(1), one base building, on each of the north and south sides of Queens Quay East, is permitted to have a height of up to 45 metres.
 - vi. Despite (P54) (f), development in Area C1 and C3 on Map H1 may reinforce Queens Quay East’s role as the Precinct’s primary street in alternative ways, which may be established through a Zoning By-law Amendment,

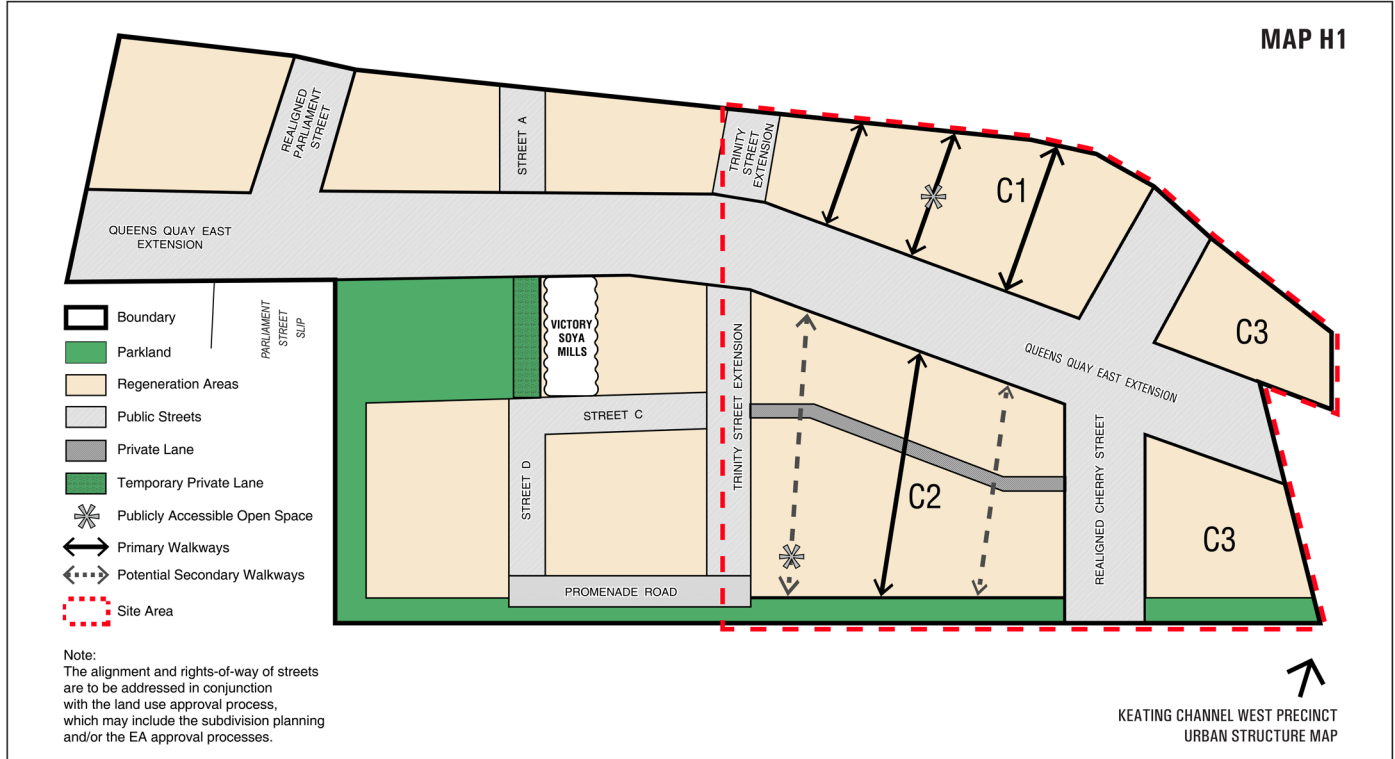
supported by a Planning Justification Report and Urban Design Guidelines demonstrating how development along Queens Quay reinforces its role as the Precinct's primary street.

- vii. Tall Buildings and Heights in Area C3 on Map H1 will respond to and support the design of the Gardiner Expressway and Lake Shore Boulevard East realignment and municipal infrastructure in Keating East and address directions emerging from precinct planning and/or block planning exercises for Keating Channel East Precinct. The built form for those lands will be finalized through a site-specific Zoning By-law Amendment and the Planning Justification Report will specifically demonstrate how this policy is being implemented. The potential extension and character of Queens Quay East, east of Cherry Street as a potential public-right-of-way will be subject to further study.

Appendix 1

CENTRAL WATERFRONT SECONDARY PLAN

MAP H1 - KEATING CHANNEL WEST PRECINCT

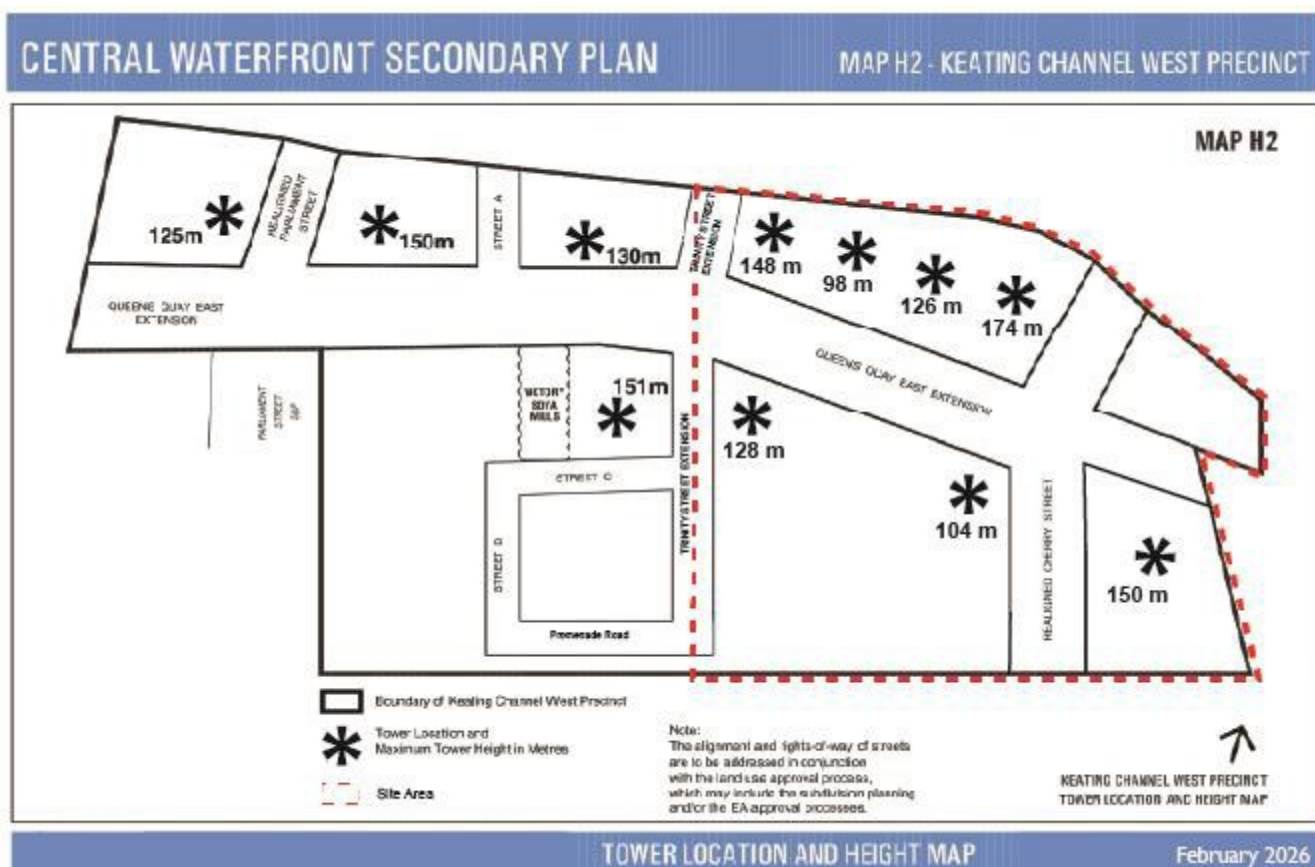


OLT No. PL030412 & PL030514

URBAN STRUCTURE MAP

JUNE 2026

Appendix 2



Attachment 2: Draft Zoning By-law Amendment (Revised)

Authority: Toronto and East York Community Council Item XX, as adopted by City of Toronto Council on ~, 20~

City of Toronto

By-law xxx-2026

To amend Zoning By-law 438-86 as amended by By-law 942-2021 and By-law 1131-2022 with respect to the lands known municipally in the year 2025 as 324 Cherry Street and 429 and 455 Lake Shore Boulevard East.

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; 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, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto and the Central Waterfront Secondary Plan contains provisions relating to the use of holding symbol "(H)"; 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 subsections 37.1(3) and (4) of the Planning Act, 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 bylaw 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 No. 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas the amended community benefits provided pursuant to the former subsections 37(1) to (4) of the Planning Act set out in this By-law are in relation to all of the lands identified in Map A of By-law No. 942-2021, as amended, and intended to satisfy the community benefit requirements pursuant to section 37 of the Planning Act for the lands with respect to development permitted in the Central Waterfront Secondary Plan, as

amended by [By-law # for OPA]; and

Whereas the Ontario Municipal Board, by way of Order/Decision issued on December 22, 2017 in File PL060106, following appeals pursuant to Sections 34(11) and 34(19) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, determined to amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2016 as 324 Cherry Street and 429 Lake Shore Boulevard East, as in By-law 1174-2010(OMB), being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services or matters and therefore 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, 2020 came into force continue to apply to this By-law; and Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 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. 1174-2010 (OMB), 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; and

Whereas on November 9 and 10, 2021, City Council passed By-law 942-2021 to make technical amendments to Zoning By-law 1174-2010;

Whereas on August 15, 2022, City Council passed By-law 1131-2022 to amend Zoning By-law 1174-2010(OMB) to remove the holding symbol (H) with respect to a portion of the lands known municipally in the year 2020 as 324 Cherry Street and 429 Lake Shore Boulevard East; and

Whereas as a result of the completion of Cherry Street in 2024, 429 Lake Shore Boulevard East was municipally renumbered as 429 and 455 Lake Shore Boulevard East;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined in heavy black lines on Map A attached to this By-law.
2. Section 12(1)(487) of By-law 438-86 is amended as follows:
 - (a) Map 6, forming part of the exception, is deleted.
 - (b) Maps A, B, 1, 2, 3, 4, and 5 forming part of the exception that applies to

the lands delineated by heavy lines in Map A attached to this By-law will be replaced by the Maps numbered the same and forming part of this amendment.

- (c) Sub-section 12(1)(487) is edited by adding the text “and 455” after “429” and before “Lake Shore Boulevard” and changing the year referenced therein to “2026” from “2016”.
- (d) Sub-section 12(1)(487)(d) is modified by deleting the text.
- (e) Sub-section 12(1)(487)(e) is modified by replacing the table there with the following table:

	Maximum Combined <i>Non-Residential Gross Floor Area</i> and <i>Residential Gross Floor Area</i> (square meters)
North of Queens Quay East, between Trinity Street and Cherry Street	111,000
South of Queens Quay East, between Trinity Street and Cherry Street	70,000
North of Queens Quay East, east of Cherry Street	35,000
South of Queen Quay East, east of Cherry Street	55,000

Table 1: Maximum Combined Gross Floor Areas by Block

- (f) Sub-section 12(1)(487)(f) is modified by replacing the table there with the following table:

Area	Maximum Combined <i>Non-Residential Gross Floor Area</i> and <i>Residential Gross Floor Area</i> (square meters)	Minimum <i>Non-Residential Gross Floor Area</i> (square metres)
A	222,140	16,250
B	11,700	

Table 2: Maximum Combined Gross Floor Areas by Area

- (g) Sub-section 12(1)(487)(g) is modified by replacing the table there with the following table:

Permitted Tower Areas	
Permitted Tower Area (Tower Zone) Identified in Map 2	Maximum Permitted <i>Height (metres)</i>
1	150
2	174
3	126
4	98
5	148

Table 3: Permitted Tower Area Heights

(h) Two new sub-paragraphs are added to 12(1)(487)(g) as follows:

“(ii) Notwithstanding section 12(1)(487)(g)(i), within Tower Zone 3 as identified on Map 2, a building may have a floorplate that is greater than 750 square meters, but not exceeding 860 square metres, above the height permitted by Section 4(2) and up to 45 metres.”

“(iii) Notwithstanding section 12(1)(487)(g)(ii), within Tower Zone 3 as identified on Map 2, a building may have a floorplate no greater than 750 square metres above a height of 45 metres.”

(i) Sub-section 12(1)(487)(h) is modified by deleting the text.

(j) Sub-section 12(1)(487)(i) is modified by deleting the text.

(k) Sub-section 12(1)(487)(l) is modified by deleting the text there and replacing it with the following:

“Notwithstanding Section (12)(1)(487)(k), for buildings north of Queens Quay East and west of Cherry Street:

- i. in Tower Zone 2, 3, 4, and 5, as indicated on Map 2, a building may exceed a *height* of 23 metres *frontage* if it is setback 0.5 metres from the main wall of the first *storey* of the building that fronts Queen Quay East.”

(l) Sub-section 12(1)(487)(o) is modified by adding the words “of the first *storey*” after the words “main wall” and before the word “below”.

(m) A new sub-paragraph is added to 12(1)(487)(o) as follows:

“(i) Notwithstanding Section 12(1)(487)(o) and 12(1)(487)(k), for the block north of Queens Quay East and west of Cherry Street, any portion of a building above the maximum *height* permitted by Section 4(2) will be setback

as per the Tower Zones indicated on Map 2.”

(n) Sub-section 12(1)(487)(q) is modified by changing the last four words from “a mixed-use building” to “another mixed-use building”.

(o) Sub-section 12(1)(487)(t) is deleted and replaced with the following:

“Notwithstanding Map 2, on the block north of Queens Quay East, and west of Cherry Street, no *tower* may be built closer than 25 metres to another *tower*.”

(p) A new sub-section is added following 12(1)(487)(u) as follows:

“u-1 Notwithstanding Section 12(1)(487)(u), for buildings north of Queens Quay East and west of Cherry Street:

- i. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building B and Building C as identified on Map 3 unless the exterior face of the building wall is located no more than 0.5 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
- ii. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building D as identified on Map 3 unless the exterior face of the building wall is located no more than 2.7 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
- iii. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building A as identified on Map 3 unless the exterior face of the building wall is located no more than 1.9 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.”

(q) The section title “Pedestrian Walkway” and sub-section Section 12(1)(487)(w) will be deleted in its entirety and replaced with the following:

“Publicly Accessible Open Spaces

(w) For the publicly accessible open space located on the north side of Queens Quay East, as identified on Map 4:

- (i) The *plaza* will be accessible from Queens Quay East with an

opening to the street that is accessible for pedestrians.

- (ii) For buildings abutting *publicly accessible open spaces* located on the north side of Queens Quay East, Buildings may have outdoor patios within the publicly accessible open spaces, or plazas, that are ancillary to non-residential uses within abutting buildings”

(r) Section 12(1)(487)(z) is deleted and replaced as follows:

“(z) Notwithstanding sections 4(5), *parking spaces* shall be provided in accordance with the following requirements:

- (i) A minimum of 0 *parking spaces* for residents of the *dwelling units*.
- (ii) A maximum 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* 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 of 2.0 *parking spaces* plus 0.01 per *dwelling unit* for residential visitors. The required minimum of *parking spaces* for residential visitors may be reduced by the amount of *parking spaces* provided for a *child care facility*, and/or a *parking space* for a residential visitors may be shared with a *child care facility*.
- (iv) A minimum of 0 *parking spaces* for non-residential uses.
- (v) A total of 100% of residential *parking spaces*, 25% of non-residential/visitor spaces, and 100% of accessible *parking spaces* will be equipped with an energized outlet capable of providing Level 2 charging or higher.
- (vi) Accessible parking spaces shall be provided in accordance with the following:

- A. For residential, if the number of parking spaces associated with dwelling units is 5 or more, clearly identified accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged for residential uses, and the number of accessible parking spaces provided for residential uses must not be less than the greater of either 2 percent of the number of dwelling units or 7 percent of the parking spaces provided to that use; and,
 - B. For non-residential, if the number of parking spaces associated with uses other than dwelling units is 1 or more, clearly identified accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged for residential uses, and the number of accessible parking spaces provided for non-residential uses must not be less than 1 plus 0.05 spaces per 100 square metres above 500 square metres.
 - C. If the calculation of the number of required accessible parking spaces results in a number with a fraction, the number is rounded up to the nearest whole number.
- (vii) Notwithstanding section 4(17), drive aisles to access *parking spaces* will have the following minimum dimensions:
- A. If the centreline of a *parking space* is at an interior angle of 70 to 90 degrees to the centreline of the drive aisle providing vehicle access, the minimum width for that one- or two-lane drive aisle is 6.0 metres;
 - B. If the centreline of a *parking space* is at an interior angle from 50 to less than 70 degrees to the centreline of the drive aisle providing vehicle access, the minimum width for that drive aisle is 5.5 metres for each aisle;
 - C. If the centreline of a *parking space* is at an interior angle of less than 50 degrees from the centreline of the drive aisle providing vehicle access, the minimum width for that drive aisle is 4.0 metres for each aisle.
- (viii) Notwithstanding section 4(17), *parking spaces* will 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 12(1)(487)(z)(viii)(B) must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to 12(1)(487)(z)(xii) below.
- (ix) Notwithstanding section 4(17) and 12(1)(487)(z)(viii), for a *parking space* accessed by a drive aisle with a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, the minimum dimensions of a *parking space* are:
- A. length - 5.6 metres;
 - B. width - 2.9 metres;
 - C. vertical clearance - 2.0 metres; and
 - D. the minimum width in 12(1)(487)(z)(ix)(B) must be increased by 0.3 metres if one or both sides of the *parking space* is obstructed according to 12(1)(487)(z)(xii) below.
- (x) The minimum dimensions of a *parking space* that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
- A. length - 6.7 metres;
 - B. width - 2.6 metres;
 - C. vertical clearance - 2.0 metres; and
 - D. the minimum width in 12(1)(487)(z)(x)(B) must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to 12(1)(487)(z)(xi) below.
- (xi) 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, and
 - B. more than 1.0 metre from the front or rear of the *parking space*.
- (xii) Equipment for the charging of one electric vehicle is permitted within a *parking space*, subject to the equipment being located in the same *parking space* as the vehicle to be charged and:
- A. being within 0.25 metres of two adjoining sides of the *parking space* which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles;

or

- B. being at least 5.35 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metres from the ground.

(xiii) Despite section 4(17), the maximum dimensions for a *parking space* are:

- A. length of 6.0 metres
- B. width of 3.2 metres

(xiv) Despite regulations 12(1)(487)(z)(viii), 12(1)(487)(z)(ix), and 12(1)(487)(z)(x):

- A. a maximum of 10 percent of the total number of *parking spaces* provided do not have to comply with regulation 12(1)(487)(z)(viii)(D), 12(1)(487)(z)(ix)(D), and 12(1)(487)(z)(x)(D) despite that such *parking spaces* are obstructed in accordance with regulation 12(1)(487)(z)(xi); and
- B. provided, the total number of parking spaces obstructed on two sides in accordance with 12(1)(487)(z)(xi) does not exceed 5 percent of the total number of provided *parking spaces*.

(xv) Despite 12(1)(487)(z)(ix), an accessible parking space must have the following minimum dimensions:

- A. length – 5.6 metres;
- B. width – 3.4 metres;
- C. vertical clearance – 2.1 metres;
- D. The entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path;

(xvi) Accessible parking spaces must be located within 60 metres of a barrier free:

- A. entrance to a building;
- B. passenger elevator that provides access to the first storey of the building; and
- C. shortest route from the required entrances in A and B.”

(s) Section 12(1)(487)(aa) is deleted and replaced as follows:

“(aa) Loading facilities shall be provided in accordance with the following requirements:

- (i) A minimum of two Type G Loading Spaces and four Type C loading spaces will be provided on the block north of Queens Quay East and west of Cherry Street.
- (ii) Despite the requirements of Subsection 12(1)(487)(aa)(i), any proposed phasing of the development will require the provision of one Type G loading space in the first phase of development and no other Type G loading space is required per Subsection 12(1)(487)(aa)(i) so long as when the final phase of the development proceeds, the overall requirements set out in that same subsection are fully satisfied.
- (iii) Despite the requirements of Subsection 12(1)(487)(aa)(i), any proposed phasing of the development will require the provision of one Type C loading space per building.
- (iv) Despite section 4(7), the minimum dimension of a Type G loading space is as follows:
 - A. minimum length of 13.0 metres;
 - B. minimum width of 4.0 metres; and
 - C. minimum vertical clearance of 6.1 metres.
- (v) Despite section 4(7), the minimum dimension of a Type C loading space is as follows:
 - A. minimum length of 6.0 metres;
 - B. minimum width of 3.5 metres; and
 - C. minimum vertical clearance of 3.0 metres.”

(t) Section 12(1)(487)(bb) is deleted and replaced as follows:

“(bb) Bicycle parking shall be provided 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 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. Notwithstanding 12(1)(487)(bb)(v), a minimum of 50 percent of the required "short-term" bicycle parking spaces, rounded up to the nearest whole number, must not be a stacked bicycle parking space that is positioned above another bicycle parking space or placed in a vertical position on a wall, structure, or mechanical device.
- vii. If a building has uses for which 8 or more "long-term" bicycle parking spaces are required, a minimum of 40 percent of the required "long-term" bicycle parking spaces, rounded up to the nearest whole number, must not be a stacked bicycle parking space that is positioned above another bicycle parking space or placed in a vertical position on a wall, structure, or mechanical device;
- viii. *Bicycle parking spaces* may be located below ground, and at and above established grade;
- ix. If a building has uses, other than *dwelling units*, for which a "long-term" *bicycle parking space* is required, universal shower and change facilities must be provided 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*;
 - E. 4 for more than 180 required "long-term" *bicycle parking spaces*;
- x. A minimum of 5 percent of the required "long-term" bicycle parking spaces must be oversized bicycle parking spaces and comply with

the following:

- A. if the calculation of the required number of oversized bicycle parking spaces for all uses results in a fraction of an oversized bicycle parking space being required, the number of required oversized bicycle parking spaces must be rounded down to the next whole number;
 - B. an oversized bicycle parking space must not be a stacked bicycle parking space; and
 - C. an oversized bicycle parking space must not be placed in a vertical position on a wall, structure or mechanical device.
- xi. The minimum dimensions of an oversized bicycle parking space is:
- A. minimum length of 2.4 metres;
 - B. minimum width of 1.0 metres; and
 - C. minimum vertical clearance from the ground of 1.9 metres.
- xii. Within areas used for bicycle parking, access to bicycle parking spaces must be provided via an unobstructed aisle that complies with the following, except when located inside an ancillary building containing a garden suite or laneway suite:
- A. 2.5 metres width if it is an oversized bicycle parking space; and
 - B. 1.8 metres width in all other cases.
- xiii. A bicycle parking space must comply with the following:
- A. The minimum dimension of a bicycle parking space is:
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.45 metres; and
 - iii. minimum vertical clearance from the ground of 1.9 metres.
 - B. The minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - i. minimum length or vertical clearance of 1.9 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum horizontal clearance from the wall of 1.2 metres.
 - C. If a stacked bicycle parking space is provided, the minimum vertical

clearance for each bicycle parking space is 1.2 metres.

- xiv. The number of bicycle parking spaces required by regulation 12(1)(487)(bb) may be reduced, subject to the following:
 - A. The number of "short-term" bicycle parking spaces reduced is not more than half the amount required by regulations 12(1)(487)(bb)(iii) or (iv), rounded down to the nearest whole number.
 - B. The number of "long-term" bicycle parking spaces reduced is not more than half the amount required by regulations 12(1)(487)(bb)(iii) or (iv), rounded down to the nearest whole number.
 - C. For each bicycle parking space required by regulation 12(1)(487)(bb) to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto.
 - D. The owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act."
- (u) Sub-paragraph 12(1)(487)(ii)(ii) is deleted and replaced with the following:

"(ii) A minimum of 5% of the total number of dwelling units within a phase shall be designed and constructed as three bedroom dwelling units to a minimum unit size of 80 square metres, with no more than 1 of the 3 bedrooms being an interior bedroom with no window on an exterior wall, provided such bedroom complies with the Ontario Building Code."
- (v) Sub-paragraph 12(1)(487)(ii)(iii) is deleted and replaced with the following:

"(iii) notwithstanding Section 12(1)(487)(ii) above, if a higher percentage of three bedroom *dwelling units* is provided in a phase than is required by subsection (ii) above, any surplus of three bedroom dwelling units can be applied to satisfy the requirement in future phases of the development within the *lot*."
- (w) Sub-section 12(1)(487)(jj) is updated by adding reference to sub-section 12(1)(487)(pp-1) to the list of sections referenced.
- (x) Sub-paragraph (12)(1)(487)(jj)(i) is updated by adding reference to sub-section 12(1)(487)(pp-1) to the list of sections referenced.
- (y) Sub-section 12(1)(487)(kk)(i) is deleted and replaced as follows:

"(i) the erection and maintenance on the lot of not less than 6.2% of the total amount of residential gross floor area as *affordable rental housing*, provided development charge exemptions for *affordable rental housing*

are applied, as follows:

- A. *dwelling units*, which are provided as *affordable rental housing*, shall be maintained with *affordable rents* for a term of not less than 25 years; and
- B. such *dwelling units* shall be provided on a timely basis commensurate with the rate of construction of the residential gross floor area that is not *affordable rental housing*, or as otherwise provided for in the Appendices of this Exception; and
- C. in the event that any development charges are imposed on the affordable rental housing units such that the cost of providing such units is increased, the amount of affordable rental housing will be reduced accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning.”

(z) Sub-paragraph 12(1)(487)(oo)(A) is modified by changing the minimum area of the plaza to 1,200 square metres.

(aa) A new sub-section (pp-1) is added following 12(1)(487)(pp) as follows:

“(pp-1) The owner shall design, construct, finish, equip and convey to the City, for nominal consideration and at no cost to the City, a non-profit licensed child care facility with 929 square metres of gross floor area of interior space and 280 square metres of dedicated and exclusive outdoor space. The Child Care Facility shall be designed, constructed and delivered in accordance with the Child Care and Early Years Act (CCEYA), 2014, the City of Toronto Child Care Design and Technical Guideline R1 2016, the Child Care Term Sheet, and all other applicable laws, guidelines and standards.

The strata conveyance of the Child Care Facility will be at no cost to the City, in fee simple, prior to condominium registration of the residential building north of Queens Quay East and abutting Cherry Street.”

(bb) Sub-section 12(1)(487)(qq) is deleted in its entirety and replaced as follows:

“(qq) The lands that are delineated with heavy lines and zoned CR with the "(H)" symbol pursuant to Section 36 of the Planning Act, and as shown on Map 1 attached to and forming part of this By-law shall comply with the provisions of Section 8 of this By-law. The "(H)" symbol may be removed from any portion of the area of lands covered by the exception in accordance with this regulation and any such portion will be considered a phase of development.

Lands zoned with the "(H)" symbol shall not be used for any purpose other than those provided in this regulation until the "(H)" symbol is removed.

An amending by-law to remove the “(H)” symbol in whole or in part, and in respect of specific uses, shall be enacted by City Council or through delegated authority when the implementation of the following conditions at the owners sole expense have been secured to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review, through the execution and registration on title of an agreement, or agreements pursuant to Section 37, 51, and/or 53 of the Planning Act or Section 114 of the City of Toronto Act, 2006, as appropriate:

- (i) The owner has demonstrated to the satisfaction of Director, Engineering Review, Development Review that all infrastructure and servicing requirements necessary to accommodate development of the lot or any portion thereof and that all necessary transportation, servicing and infrastructure improvements necessary to serve development of the lot or any portion thereof in accordance with an acceptable phasing plan for any phase have been secured and/or shall be provided;
- (ii) The owner has provided a streets and block plan satisfactory to the City demonstrating how the development proposed for any phase provides for new streets and blocks in relation to the existing and proposed system of streets.
- (iii) The owner has submitted a complete site plan application to the City in accordance with the requirements of Appendix 1, Section 10;
- (iv) The owner has submitted details respecting the proposal generally consistent with the site plan application for review and comment to the Waterfront Design Review Panel;
- (v) The owner has provided updated noise and air quality studies and detailed design plan in support of a Site Plan Control application for any sensitive land use which demonstrates that appropriate noise and air quality mitigation works will be implemented. The studies shall be submitted by the owner to the City of Toronto and the City of Toronto may undertake a peer review of such studies at the owner's expense.
- (vi) The owner has provided written confirmation that:
 - A. The Toronto and Region Conservation Authority has confirmed that any necessary flood protection infrastructure is complete and functional, and the Special Policy Area designation is removed; or
 - B. That the requirements of the public authorities referred to in the

Protocol Regarding the Lower Don Special Policy Area have been satisfied, which may include terms of indemnification and the development of an emergency management plan.

- (vii) In the case of lands proposed for residential uses, and where affordable rental housing delivery is required for that portion of the lands, the execution by the owner of a Phase-Specific Section 37 Agreement including the phase specific timely delivery requirements, and implementing as necessary the Master Section 37 Agreement for the purpose of securing the affordable rental housing requirements of this Exception; and
- (viii) The owner has submitted supporting materials describing how affordable rental housing dwelling units or lands or cash-in-lieu thereof will be provided, and which demonstrates how the affordable rental housing requirements of this Exception including the Appendices and the Master Section 37 Agreement are being met. Such materials will include all necessary information to permit the proposal to be reviewed by the City for this purpose, and when accepted, to be secured in a Phase-Specific Section 37 Agreement, constituted as follows:
 - A. A Housing Issues Report with information that:
 - i. identifies the details of how the affordable rental housing requirements will be provided, alone, or in combination, through provision of dwelling units, or by the conveyance of land or a contribution of cash-in-lieu and otherwise addresses the requirements of this Subparagraph (qq)(viii);
 - ii. identifies the order of development of all the land parcels subject to the by-law to remove the “(H)” symbol, in order to meet the requirements for timely provision of this Exception’s requirements for affordable rental housing as set out in this by-law; and
 - iii. describes the achievement of any previous affordable rental housing requirements for any of the lands in this Exception that were the subject of a previous by-law to remove the 'h' symbol, and a projection for how any affordable rental housing requirements remaining after the development of the lands subject to the current by-law to remove the “(H)” symbol will be met.
 - B. Where affordable rental housing units are being provided sufficient information provided pursuant to this Paragraph to illustrate and detail, the number, location, unit mix, sizes and layouts of the units, and all related facilities.

- C. Where land is able to accommodate affordable rental housing units being provided, sufficient information provided pursuant to this Paragraph to illustrate, the location of the land in the context of the surrounding development and access to the public realm, and which demonstrates a size such that a functional built form of a building for the amount of affordable rental housing and all related facilities can be accommodated on the parcel.

(ix) Where affordable rental housing is to be provided, the provision of drawings and/or plans for such dwelling units, illustrating the following characteristics:

- A. A unit mix, by number of bedrooms, the same as the unit mix of the proposed market housing units on the owner's lands, no less than the average unit size of the market units of the same unit type, no less than the minimum unit size of the market residential unit of the same unit type;
- B. Related facilities including storage lockers, car parking, bicycle parking, laundry facilities, indoor and outdoor residential amenity space and such other facilities as are typically secured by the City for private market rental units; and
- C. The provision of an appropriate residential and recreational amenity on site as are typically secured by the City for private market rental units, and reasonable accessibility to the public realm and related facilities and community amenities.

(x) Where land for affordable rental housing is to be provided, the provision of drawings and/or plans and/or surveys illustrating the following characteristics:

- A. The location is appropriate for the affordable rental housing, and the location, size and shape of the land can accommodate a functional built form and which is appropriate for the number and type of such units to be provided, which built form, including the size of the building, would be appropriate for the type of housing and tenant population proposed, and in relation to the surrounding development, and the building and land could accommodate the appropriate related facilities to support the affordable rental housing units;
- B. The land can accommodate sufficient outdoor amenity

space appropriate for the number and type of units to be provided, and the kind of housing and tenant population to be housed, as are typically secured by the City for such units, and acknowledging the need for good quality outdoor amenity to support high-density accommodation for families; and

C. The land has reasonable accessibility to the public realm including vehicular, bicycle and pedestrian access.”

(cc) A new sub-section (qq-1) is added after 12(1)(487)(qq) as follows:

“(qq-1) Permitted uses prior to the removal of the “(H)” holding symbol shall be limited to the following:

(i) notwithstanding Section 8(2)(11), *commercial parking lot*, provided that:

A. any lights used for illumination are so arranged as to divert the light away from adjacent premises;

B. a 3-metre landscape strip is provided around the perimeter of the *commercial parking lot*, excluding any entrances and exits;

(ii) notwithstanding Section 8(2)(11), *parking station*, provided that:

A. any lights used for illumination are so arranged as to divert the light away from adjacent premises; and

B. a 3-metre landscape strip is provided around the perimeter of the parking station, excluding any entrances and exits;

(iii) *sales office*;

(iv) *temporary open air markets*; and

(v) uses that are permitted and existing on the *lot* on June 22, 2016, which may include, but not be limited to, the open storage of vehicles, boats and industrial equipment.

(vi) The following interim uses will also be permitted provided that conditions (vii – xii) are satisfied:

i. *Agricultural Use*;

ii. *Ambulance Depot*;

- iii. *Amusement Arcade;*
- iv. *Animal Shelter;*
- v. *Art Gallery;*
- vi. *Artist Studio;*
- vii. *Automated Banking Machine;*
- viii. *Brewery operated in conjunction with a restaurant or retail use;*
- ix. *Cabaret; Club;*
- x. *Community Centre;*
- xi. *Crisis Care Centre;*
- xii. *Custom Workshop;*
- xiii. *Eating Establishment;*
- xiv. *Education Use;*
- xv. *Entertainment Place of Assembly;*
- xvi. *Financial Institution;*
- xvii. *Fire Hall;*
- xviii. *Laboratory;*
- xix. *Library;*
- xx. *Market Garden;*
- xxi. *Massage Therapy;*
- xxii. *Medical Office;*
- xxiii. *Municipal Shelter;*
- xxiv. *Museum;*
- xxv. *Nightclub;*
- xxvi. *Office;*
- xxvii. *Open Storage;*
- xxviii. *Outdoor Patio;*
- xxix. *Outdoor Sales or Display;*
- xxx. *Outdoor Open Air Market;*
- xxxi. *Park;*

- xxxii. *Passenger Terminal*;
- xxxiii. *Performing Arts Studio*;
- xxxiv. *Personal Service Shop*;
- xxxv. *Production Studio*;
- xxxvi. *Place of Assembly*;
- xxxvii. *Recreational Use*;
- xxxviii. *Retail Service*;
- xxxix. *Retail Store*;
- xl. *Service Shop*;
- xli. *Self-storage Facility*;
- xl.ii. *Software Development and Processing*;
- xl.iii. *Sports Place of Assembly*;
- xl.iv. *Take-out Eating Establishment*;
- xl.v. *Transportation Use*;
- xl.vi. *Warehouse*; and
- xl.vii. *a Wellness Centre*

- (vii) Prior to the erection of a building that exceeds 50 square metres of interior floor area, confirmation of water, wastewater and stormwater servicing capacity is required, to the satisfaction of the General Manager, Engineering and Construction Services;
- (viii) Prior to the removal of the “(H)” Symbol, a *community centre, entertainment place of assembly, recreation use, retail store, sports place of assembly or take-out eating establishment* may also have an outdoor patio.
- (ix) Prior to the removal of the “(H)” symbol, the permitted maximum area of an *outdoor patio* that is located above the first storey of a building is the greater of: 50 square meters; or, 50% of the interior floor area of the premises it is associated with.
- (x) Prior to the removal of the “(H)” symbol, and despite regulation 50.10.20.100(21)(C), an *outdoor patio* may be used to provide entertainment such as performances and music, with the following to occupy a maximum of 20% of the outdoor patio floor area: stage; and dancefloor.”

(dd) Sub-section 12(1)(487)(rr) is deleted in its entirety and replaced as follows:

“(rr) In the event of an appeal to the Ontario Land Tribunal to remove a “(H)” holding symbol, pursuant to section 36(3) of the Planning Act, R.S.O. 1990, c.P13, as amended, nothing in this Exception will prevent the Ontario Land Tribunal from settling the terms of the Section 37 Agreement required for the removal of the “(H)” holding symbol, and/or to amending the by-law to remove the “(H)” holding symbol without the execution of a settled Section 37 Agreement and to settle the plans called for under subparagraphs (qq)(ix) and (qq)(x) should the City neglect to or refuse to execute such Section 37 Agreement after being given a reasonable amount of time to do so.”

(ee) Sub-section 12(1)(487)(ss), Definitions, is deleted in its entirety and replaced with the following:

“(ss) 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 No. 438-86, as amended, except for the following or where otherwise defined in this Exception:

- (i) “*affordable rental housing*” means dwelling units with affordable rents, which are rented or available for rent pursuant to the Residential Tenancies Act, but does not include a condominium-registered unit or a life-lease or co-ownership as defined in c.667 of the Toronto Municipal Code.
- (ii) “*affordable rents*” means rents where the total monthly shelter cost (gross monthly rent, inclusive of utilities for heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by dwelling unit type, as reported annually by the Canada Mortgage and Housing Corporation or 30 percent of the before-tax monthly income of renter households in the City as 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;
 - 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.
- (iii) “*amusement arcade*” means premises for entertainment with *amusement devices*, such as arcade games. An *eating establishment*, an *entertainment place of assembly*, or *recreation use* is not an

amusement arcade.

(iv) “*amusement device*” means a machine or electronic device used for games of skill or chance other than:

A. Billiards;

B. bowling; and

C. any gaming or lottery device regulated under Province of Ontario legislation.

(v) “*art gallery*” means premises used for the exhibition, collection or preservation of works of art for public viewing.

(vi) “*automated parking system*” means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include, but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated maneuvering of other vehicles may be required in order for cars to be parking or to be retrieved. Parking pallets will not conform to the *parking space* dimensions set out in this By-law. For clarity, each parking pallet will be considered as a *parking space* for the purposes of determining compliance with Section 4(5) of By-law No. 438-86, as amended.

(vii) “*bicycle parking space occupant*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of long-term parking and securing of bicycles.

(viii) “*bicycle parking space visitor*” means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purpose of short-term parking and securing of bicycles.

(ix) “*bicycle stacker*” means a device whereby a bicycle parking space is positioned above or below another parking space and is accessed by means of an elevating device.

(x) “*building*” means a wholly or partially enclosed structure with a roof supported by walls, columns, piers or other structural systems.

(xi) “*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, c23, 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*.

- (xii) “*cabaret*” means premises used to provide entertainment such as a dinner theatre or comedy club, where patrons are seated at tables and where food or beverages may be offered for sale. An *adult entertainment use*, an *eating establishment*, a *nightclub*, or an *entertainment place of assembly* is not a *cabaret*.
- (xiii) “*car-share*” or “*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.
- (xiv) “*car-share motor vehicle*” means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *lot*.
- (xv) “*car-share parking space*” means a *parking space* that is provided exclusively for the use of vehicles that are used exclusively for the parking of a *car-share motor vehicle*.
- (xvi) “*child care facility*” has the meaning set out in subsection 12(1)(487)(mm) and means premises providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and is regulated as a home child care agency under the Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched.1.
- (xvii) “*club*” means *premises*:
- A. operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members; and
 - B. used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and
 - C. a *community centre* is not a club.
- (xviii) “*community centre*” means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A *club* is not a *community centre*.
- (xix) “*Community Arts Initiative*” means any capital facilities and/or cash contributions allocated toward the provision of capital facilities that will

support art and culture on Toronto's waterfront. It is intended that such facilities will support on-site display, performance and/or education in the arts and will be publicly accessible, subject to such reasonable restrictions as typically accompany the delivery of community services.

The main objective of the Community Arts

Initiative is to support arts and culture on Toronto's waterfront in the form of a capital facility and/or cash contribution to be allocated toward the provision of a capital facility to support this objective.

- (xx) "*district energy, heating and cooling plant*" means a building or structure that is used for the production of electrical power, heating and/or cooling which is generated/converted at one or more linked locations and then is distributed to the users.
- (xxi) "*eating establishment*" means *premises* where food or beverages are prepared and offered for sale to patrons for immediate consumption on the *premises* while they are seated, and which may include an incidental take-out service.
- (xxii) "*entertainment place of assembly*" means premises used to provide entertainment and performing arts, such as a theatre, cinema, opera, ballet, concert hall, or live music venue. Food or beverages may be offered for sale. An *adult entertainment use*, a *cabaret*, an *eating establishment*, a *place of assembly*, or a *nightclub* is not an *entertainment place of assembly*.
- (xxiii) "*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.
- (xxiv) "*grade*" means the average elevation of the finished ground level along the portion of the lot line which abuts a street that is opposite the main wall of a building, or subject portion thereof, which contains a main entrance;
- (xxv) "*ground floor*" means the *first floor* of a building or structure above *grade*;
- (xxvi) "*ground floor animation uses*" shall have the same meaning as the expression *street-related retail and service uses*, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii), and (iv), an *artist's or photographer's studio*, a *custom workshop*, a *communications and broadcast establishment* and an entrance to a residential building shall also be permitted;
- (xxvii) "*height*" means the vertical distance between *grade* and the highest point of the roof, building, structure or element.

- (xxviii) "*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.
- (xxix) "*lot*" means the area identified in heavy lines on Map 1.
- (xxx) "*massage therapy*" means *premises* providing *massage therapy* by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A *body rub service* or *wellness centre* is not a *massage therapy*.
- (xxxi) "*Master Section 37 Agreement*" means an agreement pursuant to Section 37 of the Planning Act entered into for the purposes of Section (12)(1)(487)(jj) to (pp-1) of this Exception.
- (xxxiii) "*museum*" means premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.
- (xxxiv) "*owner*" means where used in reference to a *lot*, means a person who owns the fee simple or the equity of redemption in the *lot* or any part thereof, or a person who owns a leasehold estate in the *lot* or any part thereof, for the unexpired term of which exceeds 45 years.
- (xxxv) "*outdoor patio*" means an outdoor patron area that is ancillary to a non-residential use.
- (xxxvi) "*Phase Specific Section 37 Agreement*" means an agreement pursuant to section 37 of the *Planning Act* entered into for the purposes of Section (12)(1)(487)(jj) to (pp) of this Exception and shall be limited to the implementation and elaboration of this Exception as set out in the *Master Section 37 Agreement*.
- (xxxvii) "*place of assembly*" means premises used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes. A *cabaret*, an *eating establishment*, an *entertainment place of assembly*, or a *nightclub* is not a *place of assembly*.
- (xxxviii) "*plaza*" means a *publicly accessible open space* located at finished ground level, which is publicly accessible and is not used for at-grade automobile parking, loading, or vehicular access.
- (xxxix) "*premises*" means the whole or part of lands, buildings or structures,

or any combination of these.

- (xl) “*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 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.
- (xli) “*Publicly Accessible Open Space*” shall mean a *plaza*, as defined herein, subject to the permitted projections in Section 12(1)(487)(x) of this Exception, and in private ownership to which the public shall have access.
- (xlii) “*recreation use*” means *premises* used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An *amusement arcade* and a *sports place of assembly* is not a *recreation use*.
- (xliii) “*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.
 - (xliv) “*retail store*” means premises in which goods or commodities are sold, rented or leased.
- (xlv) “*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 on the *lot*.
- (xlvi) “*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.
- (xlvii) “*sports place of assembly*” means *premises* used for spectator sporting events, such as a stadium or arena.
- (xlviii) “*structure*” means anything that is erected, built or constructed of one or more parts joined together.
- (xlix) “*take-out eating establishment*” means premises where food or beverages are prepared and offered for sale to patrons for consumption off the *premises*.
- (l) “*temporary open air market*” means an area where goods, wares, merchandise, substances, articles or things are offered for retail sale on a temporary basis outside of any permanent building or structure;

- (li) “*tower*” means the portion of a building located: above a height of 38.0 metres within “Tower Zone 1” as indicated on Map 2; located above a height of 38.0 metres within “Tower Zone 2”, “Tower Zone 4”, and “Tower Zone 5” as indicated on Map 2; and, above a height of 45 metres within “Tower Zone 3” as indicated on Map 2.
- (lii) “*wellness centre*” means *premises* providing services for therapeutic and wellness purposes. A *massage therapy*, medical office or *body rub service* is not a *wellness centre*.”

(ff) Sub-section 12(1)(487)(uu) is modified by deleting sub-clause “(f)” referencing Map 6.

(gg) Appendix 1 to sub-section 12(1)(487) is amended as follows:

- i. Section 1 of Appendix 1 is deleted and replaced as follows:

“Provision of Dwelling Units

- 1. Where delivery of *affordable rental housing* is being provided by the *owner*, then the *owner* shall provide and maintain the *affordable rental housing* in accordance with the following provisions:
 - A. The *dwelling units* provided as *affordable rental housing* shall remain as rental housing *with affordable rents* for a period of at least 25 years, with no application for demolition without replacement, or for condominium registration or any conversion to any non-rental housing purposes;
 - B. *Affordable rents* shall be charged to tenants who occupy an *affordable rental housing dwelling unit* during the first 25 years of its occupancy, such that the initial rent shall not exceed the *affordable rent* and over the course of the 25 year period annual increases shall not exceed the Provincial rent guideline; and
 - C. Rents charged to tenants newly occupying a *dwelling unit* which is no longer *affordable rental housing* after the completion of the 25 year period set out in subparagraph 1(a) of this Appendix will not be subject to restrictions by the City under the terms of the section 37 agreement entered into under this by-law.”

- ii. Section 12(A) of Appendix 1 is deleted and replaced as follows:

A. the area of the *plaza* is a minimum area of 1200 square metres;

- iii. A new section is added following Section 13 of Appendix 1, as follows:

“Child Care Facility

14. The owner shall design, construct, finish, equip and handover a fully operational Child Care Centre on the block bounded by Queens Quay East, Cherry Street, Trinity Street and Lake Shore Boulevard East, with 929 square metres of interior space and 280 square meters of exterior space, to the satisfaction of the General Manager, Children’s Services. The owner is required to provide details on the Child Care Centre generally in accordance with the Terms Sheet as part of the Site Plan Approval application along with all required studies and plans. The details of the Child Care Centre will be secured in a Phase-Specific Section 37 Agreement.”
- iv. Two new sections are added following new Section 14 – Child Care Facility of Appendix 1, as follows:

“Local Infrastructure Improvements

15. Local infrastructure improvements are to be secured through a contribution of \$69.86 per square metre of residential gross floor area as defined in By-law 438-86 to be used for the provision of local infrastructure improvements, not including buildings and structures or portions of buildings and structure used for the purposes of affordable rental housing, to be paid prior to the issuance of the first Above-Grade Building Permits for each building for the lot or for the portion of the lot being developed.
16. Notwithstanding Section 15, the Owner may satisfy the requirements of this Section in whole or in part by constructing and dedicating such local infrastructure improvements as City Council may approve to the City, in which case the obligation in Paragraph 4.I is decreased by the value of such improvements as determined by City Council.”

(hh) Appendix 2 to sub-section 12(1)(487) is amended as follows:

- i. In Section 2(d)(ii) the number 40,900 is replaced with 46,200.
- ii. In section 2(e) the number 40,900 is replaced with 46,200.
- iii. In Section 2(h)(ii) the number 70,145 is replaced with 71,700.
- iv. In Section 2(i)(iv) the text “60%” is replaced with “31%”.



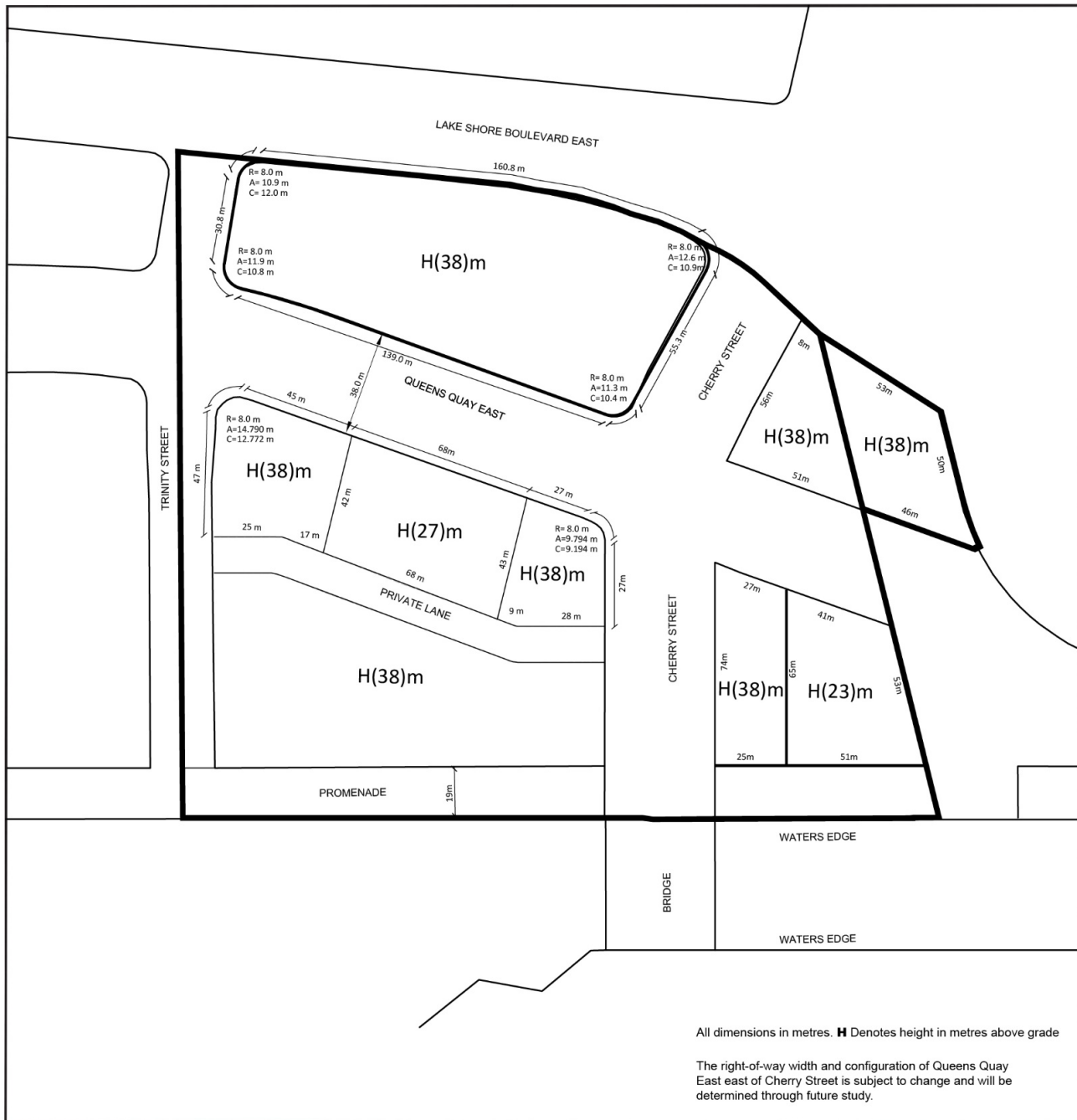
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

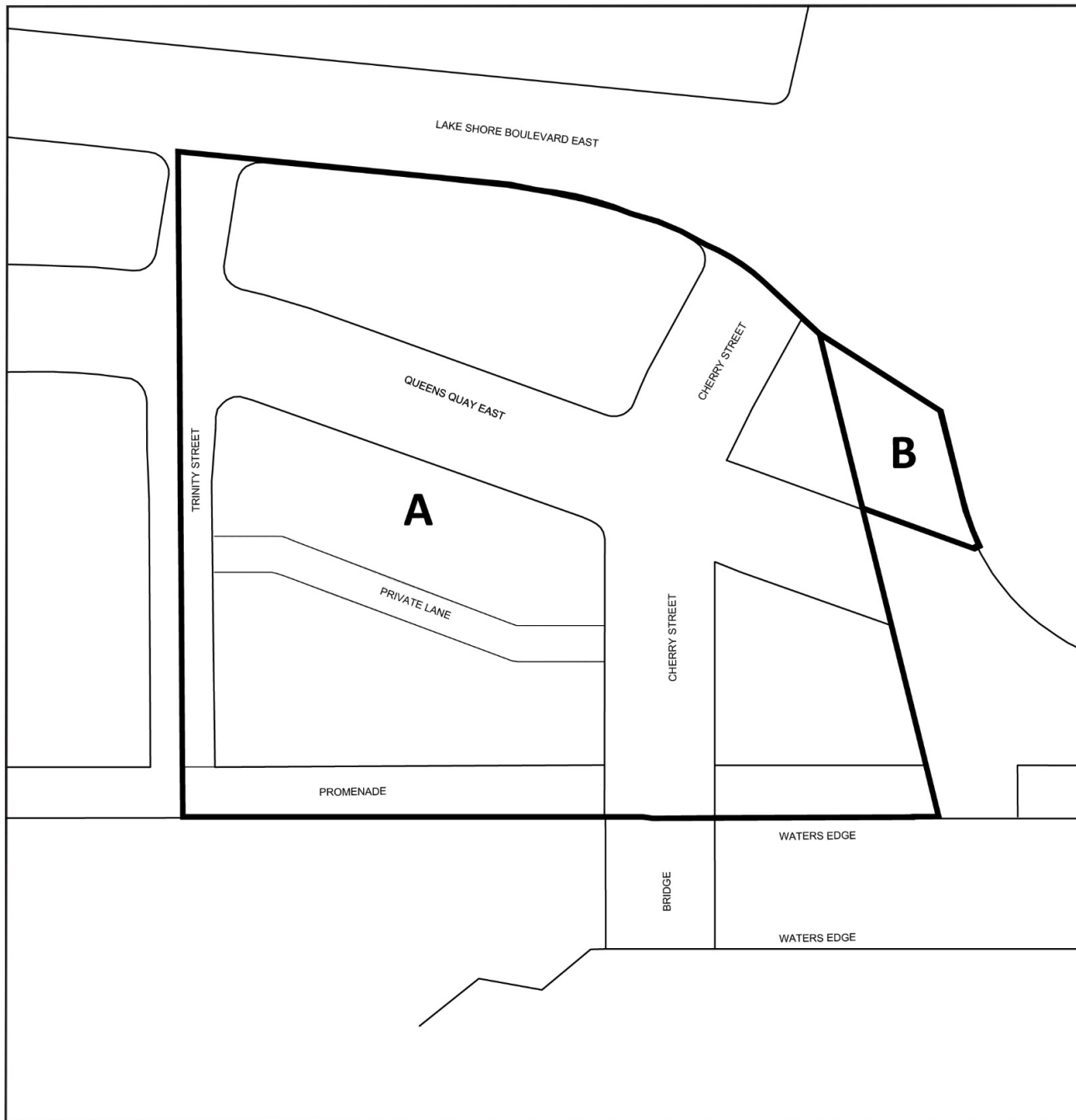
Map A- Lands Subject to Exception

File # 25 175195 STE 10 OZ.



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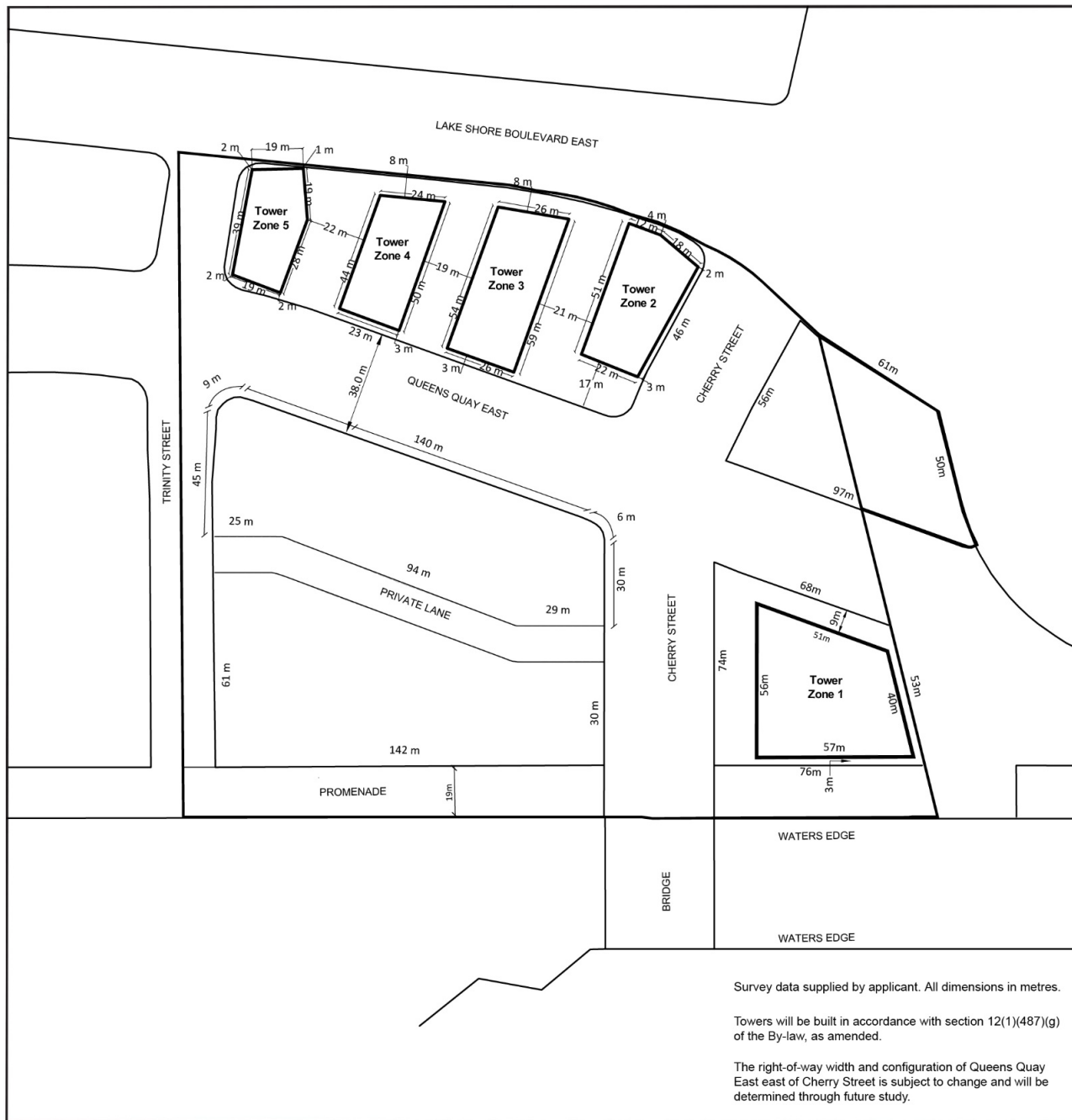
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map 1- Lot and Areas Subject to Maximum Density

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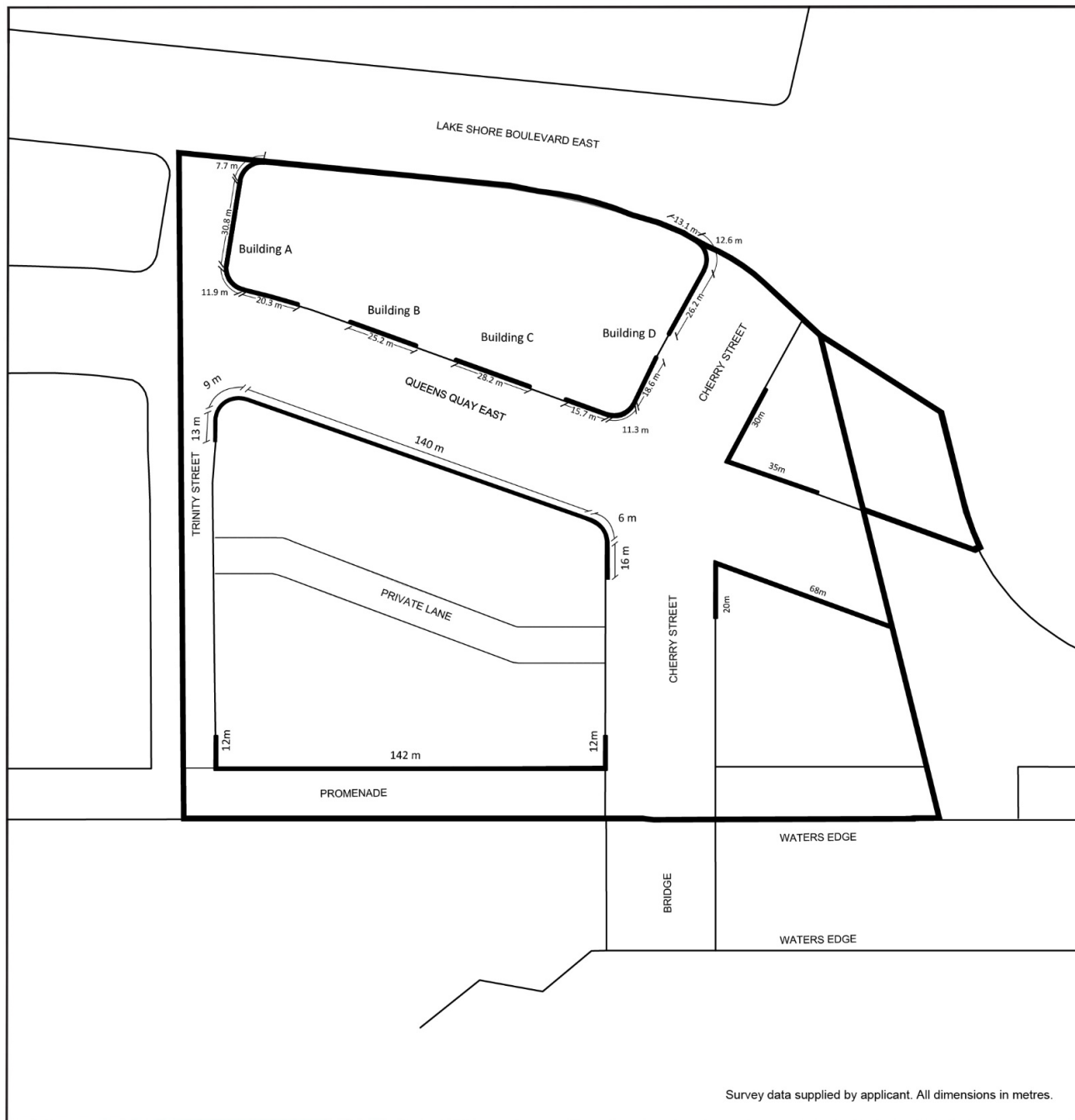
429 and 455 Lake Shore Boulevard East and 324 Cherry Street

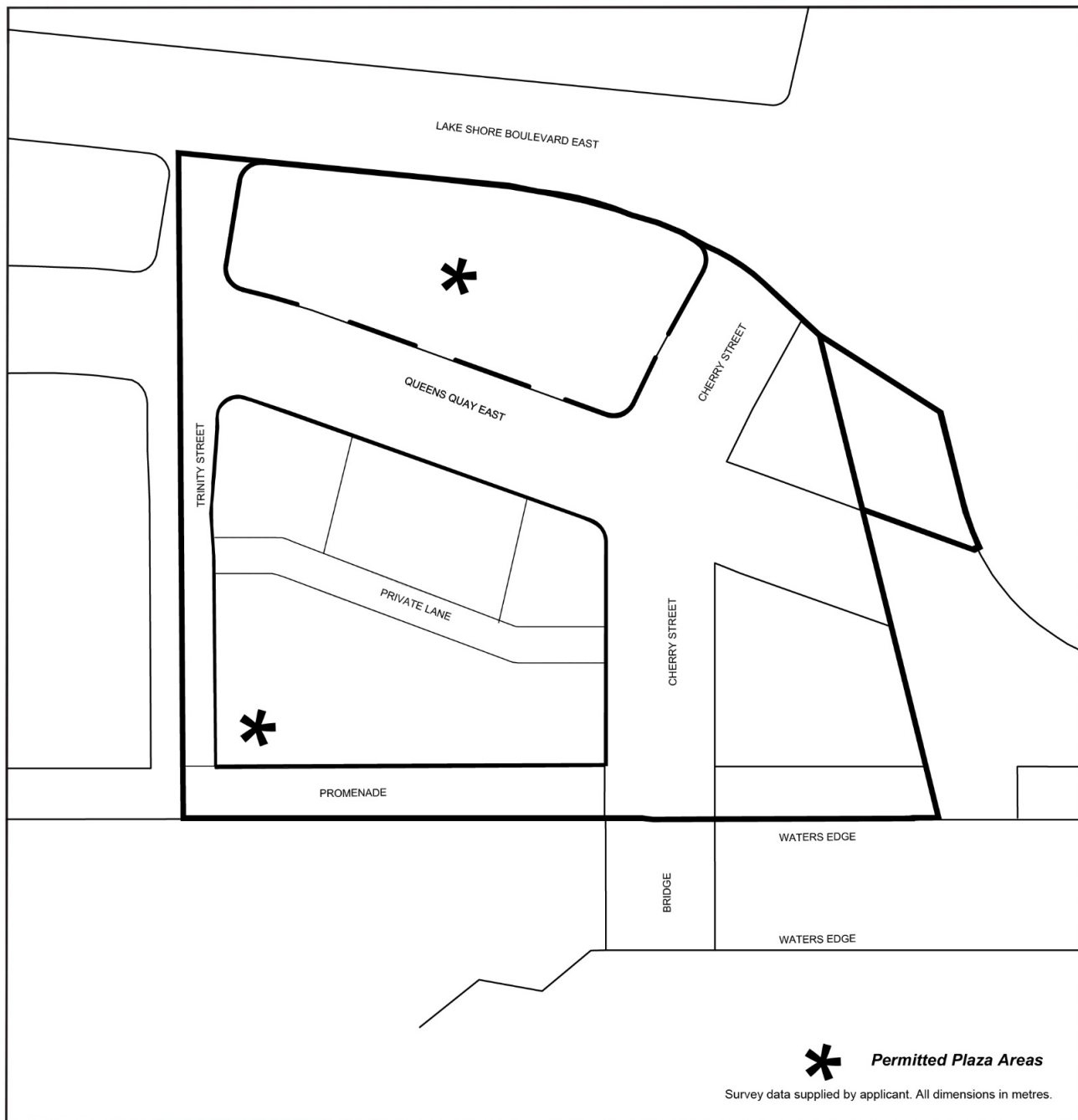
Map 2- Permitted Tower Areas

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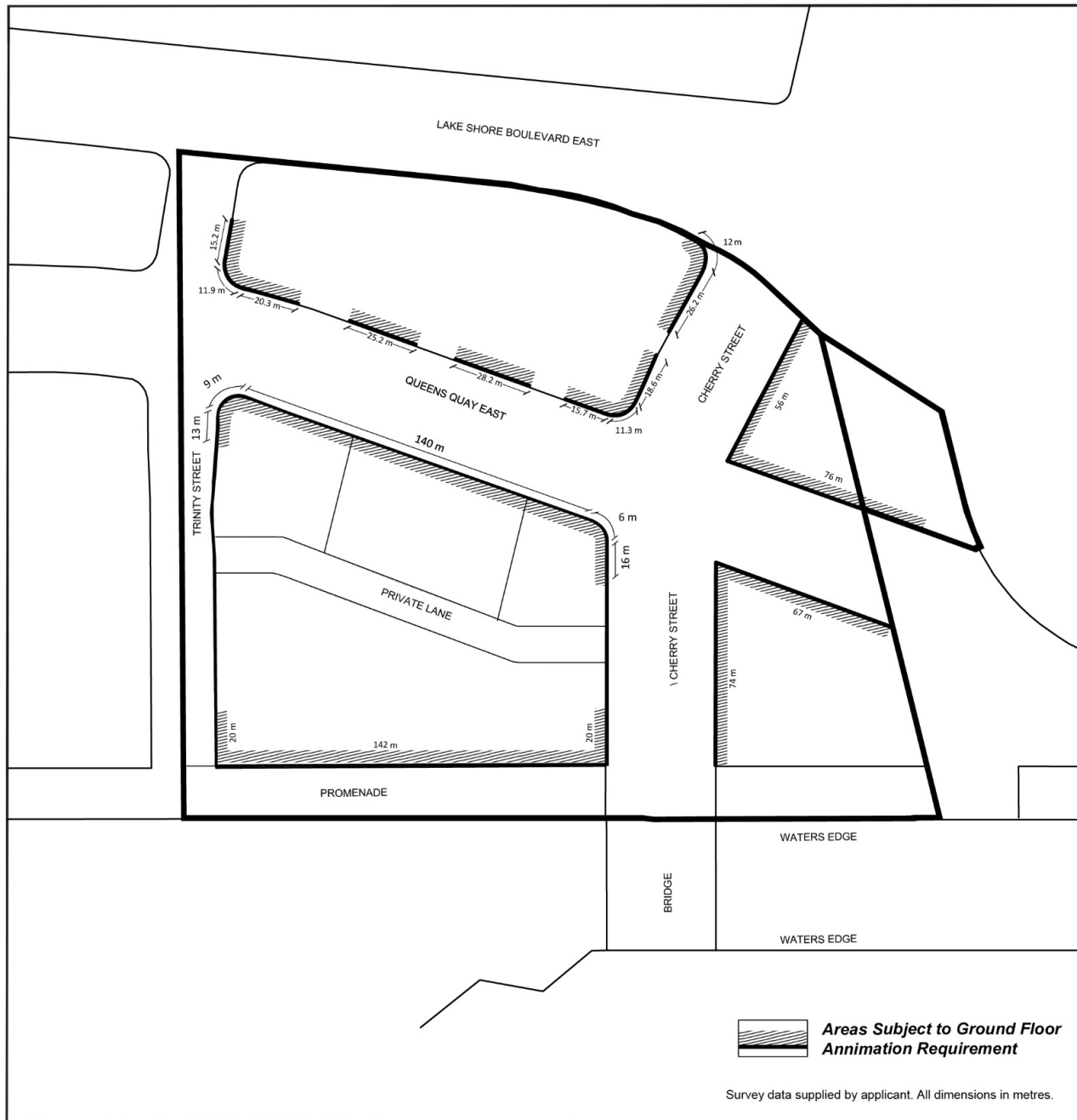
429 and 455 Lake Shore Boulevard East and 324 Cherry Street

Map 4- Permitted Plaza Areas

File # 25 175195 STE 10 0Z.



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06/18/2026



Attachment 3: Consolidated By-law (Reading Copy)

SCHEDULE “E”

324 Cherry Street and 429 Lake Shore Boulevard East

1. District Maps 51G-313 and 51G-323 contained in Appendix “A” of By-law No. 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines to "CR (h)" and "G" as shown on Map A attached to this Schedule.
2. Height and Minimum Lot Frontage Maps 51G-313 and 51G-323 contained in Appendix “B” of By-law No. 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines as shown on Map B attached to this Schedule.
3. Section 12(1) of By-law No.438-86, as amended, is hereby further amended by the addition of the following Exception:

“(487) to prevent the erection of buildings or structures or the use of the portion of the lands within the Keating Channel Precinct Plan West mainly known municipally as 324 Cherry Street and 429 and 455 Lake Shore Boulevard East in the year 2026 in accordance with the following provisions:

- (a) the lands subject to this Exception are comprised of the lands net of any streets or highways within the lands delineated by heavy lines on Map 1 at the end of and forming part of this Exception.

Permitted Uses

- (b) the following uses shall be permitted within a CR district:
 - (i) those residential uses permitted within a CR district in Section 8(1)(f)(a), and subject to the qualifications in Section 8(2), provided that:
 - A. only the qualifications in Section 8(2)1 and 8(2)3 shall apply; and
 - B. the *owner* of the *lot* elects to provide the facilities, services or matters referred to in paragraph (12)(1)(487)(jj) for which Council may require that the *owner* enter into one or more agreement(s) as referred to in subparagraph (jj)(i) to secure the implementation or satisfaction of such facilities, services or matters;
 - (ii) 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 that an *automobile service and repair shop, cold storage locker plant, commercial parking lot, car washing establishment or motor vehicle repair shop, class A* shall not be permitted.

- (iii) *commercial parking garage* of which the entire garage level, excluding any access ramp and/or pedestrian entrance, is situated wholly below finished ground level;
 - (iv) *commercial parking garage* that is located above finished ground level, provided that:
 - A. another permitted use or uses are established on the *lot*; and
 - B. the *total gross floor area* of the *commercial parking garage* above finished ground level shall be less than the *total floor area* above finished ground level of the other permitted uses established on the *lot*;
 - (v) 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;
 - B. a 3-metre landscape strip is provided around the perimeter of the *parking station*, excluding any entrances and exits;
 - (vi) *district energy, heating and cooling plant* located below finished ground level on the lot or wholly contained within a building in which other uses are the primary use, and a vacuum waste collection facility; and
 - (vii) *sales office*;
- (c) the following uses shall be permitted within a G district:
- (i) those uses permitted within a G and Gm district in Section 5(1)(f);
 - (ii) community related uses, playing fields; and
 - (iii) *temporary open air market*;
- (d) Deleted.

Density

- (e) The total *non-residential gross floor area*, *residential gross floor area*, or any combination thereof shall not exceed the following amounts:

	Maximum Combined <i>Non-Residential Gross Floor Area</i> and <i>Residential Gross Floor Area</i> (square meters)
North of Queens Quay, between Trinity and Cherry Streets	111,000
South of Queens Quay, between Trinity and Cherry Streets	70,000
North of Queens Quay, east of Cherry Street	35,000
South of Queens Quay, east of Cherry Street	55,000

- (f) the *non-residential gross floor area*, *residential gross floor area*, or any combination thereof to be erected and used within Area A and Area B, illustrated on Map 1, shall not exceed the amounts for each area shown on the following table:

Area	Maximum Combined <i>Non-Residential Gross Floor Area</i> and <i>Residential Gross Floor Area</i> (square meters)	Minimum <i>non-Residential Gross Floor Area</i> (square metres)
A	222,140	16,250
B	11,700	

Notwithstanding Section (12)(1)(487)(e) and (f) above, the calculation of *residential gross floor area* and *non-residential gross floor area* shall exclude any portion of a *commercial parking garage* located below finished ground level.

Maximum Height

- (g) maximum *height* shall be in accordance with Section 4(2) except that:
- (i) One *tower* may be located within each Tower Zone as shown on Map 2 following this exception in accordance with the following Permitted Tower Areas table, provided that the *residential gross floor area*, *non-residential gross floor area*, or any combination thereof, of any floor located above the maximum *height* permitted by Section 4(2) does not exceed 750 square metres;

- (ii) Notwithstanding section 12(1)(487)(g)(i), within Tower Zone 3 as identified on Map 2, a building may have a floorplate that is greater than 750 square metres, above the height permitted by Section 4(2) and up to 45 metres
- (iii) Notwithstanding section 12(1)(487)(g)(ii), within Tower Zone 3 as identified on Map 2, a building may have a floorplate no greater than 750 square metres above a height of 45 metres.

Permitted Tower Areas	
Permitted Tower Area (Tower Zone) Identified in Map 2	Maximum Permitted <i>Height (metres)</i>
1	150
2	174
3	126
4	98
5	148

Building Setbacks

- (h) Deleted.
- (i) Deleted.
- (j) For buildings abutting the *publicly accessible open space* located on the south side of Queens Quay East , as identified on Map 4:
 - A. the exterior face of the building wall is located no more than 0.50 metres back from the *plaza* between *grade* and a *height* of 11 metres, for a minimum of 70% of the length of any exterior wall that faces the *plaza*;
 - B. the provisions of Section 12(1)(487)(p), (q) and (r) are complied with for all portions of a building that face areas other than a *plaza*; and,
 - C. any building or structure abutting the *plaza* may not exceed a *height* of 23 metres unless the portion of the building above such *height* is set back a minimum of 3 metres from the main building wall below.

Upper-level Stepbacks

- (k) no building or structure in a 38-metre or 27-metre *height* district may exceed a *height* of 23 metres *frontage* unless the portion of the building above such *height* is set back a minimum of 3 metres from the main building wall below at a height of

- 23 metres that faces Queens Quay or new Cherry Street;
- (l) Notwithstanding Section 12(1)(487)(k), for buildings north of Queens Quay East and west of Cherry Street:
 - (i) In Tower Zone 2, 3, 4 and 5, as indicated on Map 2, a building may exceed a *height* of 23 metres *frontage* if it is setback 0.5 metres from the main wall of the first *storey* of the building that fronts Queens Quay East.
 - (m) no building or structure whose main building wall faces lands zoned ‘G’ as per Map A, west of the new Cherry Street, and is subject to the Build-To Lines as per Map 3, may exceed a *height* of 11 metres unless:
 - (i) the portion of the building above 11 metres is set back a minimum of 2 metres from the main building wall immediately below a *height* of 11 metres and facing the lands zoned ‘G’, and
 - (ii) the portion of the building above 23 metres is set back a minimum of 3 metres from the main building wall immediately below a *height* of 23 metres and facing the lands zoned ‘G’;
 - (n) notwithstanding Section (12)(1)(487)(m) above, a maximum of 30% of the main building wall located above a *height* of 11 metres and at, or below, a *height* of 23 metres above *grade*, may be permitted to project beyond the main building wall located at *grade*.

Upper-level Stepbacks: Permitted Tower Areas

- (o) Notwithstanding Section 12(1)(487)(g), any portion of a building above the maximum *height* permitted by Section 4(2) shall be setback a minimum of 3 metres from the main wall of the first storey below.
 - (i) Notwithstanding Section 12(1)(487)(o) and 12(1)(487)(k), for the block north of Queens Quay East and west of Cherry Street, any portion of a building above the maximum height permitted by Section 4(2) will be setback as per the Tower Zones indicated on Map 2.

Separation of Buildings and Structures

- (p) Window separation requirements in section 8(3) Part II 1(a) shall apply except that the minimum distance referred to in section 8(3) Part II 1(a)(i) shall be 15 metres and the minimum distance referred to in section 8(3) Part II 1(a) (ii) shall be 7.5 metres.
- (q) No *non-residential building* or the non-residential portion of a *mixed-use building* may be erected or used on the *lot* in which a window in the building is closer than 10.0 metres to another *non-residential building* or to the non-residential portion of another mixed-use building.

- (r) The requirements of Sections 8(3) Part II 1(a) and 12(1)(487)(p) and (q) shall not apply to windows on walls which form an angle of 90 degrees or greater to each other, on a horizontal plane, or to windows of the same *dwelling unit*.
- (s) Notwithstanding Sections 12(1)(487) (p) and (q), for any building located south of the area identified as Private Street on Map 2, west of the new Cherry Street, a minimum separation distance of 18 metres measured from the exterior main walls at or above 11 metres above *grade* is required between any building and a *mixed-use building* or *residential building*.
- (t) Notwithstanding Map 2, on the block north of Queens Quay East, and west of Cherry Street, no *tower* may be built closer than 25 metres to another *tower*.

Build-to Lines

- (u) no building may be erected or used on a *lot* subject to a Build-To Line as shown on Map 3 unless the exterior face of the building wall is located no more than 0.5 metres back from the Build-To Line between *grade* and a *height* of 11 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
- (u-1) Notwithstanding Section 12(1)(487)(u), for buildings north of Queens Quay East and west of Cherry Street:
 - i. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building B and Building C as identified on Map 3 unless the exterior face of the building wall is located no more than 0.5 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
 - ii. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building D as identified on Map 3 unless the exterior face of the building wall is located no more than 2.7 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
 - iii. No building may be erected or used on a *lot* adjacent to Build-To Lines for Building A as identified on Map 3 unless the exterior face of the building wall is located no more than 1.9 metres back from the Build-To Line between grade and a height of 8 metres, for a minimum of 70% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.
- (v) Notwithstanding Section 12(1)(487)(u) above, no building located south of the area identified as Private Street on Map 2, west of the new Cherry Street, may be erected or used on a *lot* subject to a Build-To Line as shown on Map 3 unless the exterior face of the building wall is located no more than 0.5 metres back from the Build-

To Line between *grade* and a *height* of 11 metres, for a minimum of 50% of the length of the main building wall on any building having *frontage* adjacent to a Build-To Line.

Publicly Accessible Open Spaces

- (w) For the publicly accessible open space located on the north side of Queens Quay East, as identified on Map 4:
- (i) The *Plaza* will be accessible from Queens Quay East with an opening to the street that is accessible for pedestrians
 - (ii) For buildings abutting *publicly accessible open spaces* located on the north side of Queens Quay East, Building may have outdoor patios within the publicly accessible open spaces, or plazas, that are ancillary to non-residential uses within abutting buildings.

Permitted Projections

- (x) Notwithstanding Section 4(2)(a)(i)(ii) and Sections 12(1)(487)(g), (h), (i), (j), (k) (l),(m), (n), (o), (p), (q) and (r), the types of structures listed in the column entitled “STRUCTURE” in the following chart are permitted to project beyond the heavy lines and above the heights required by Section 4(2), provided they comply with the restrictions set out opposite the Structure in the column entitled “MAXIMUM PERMITTED HORIZONTAL PROJECTIONS” and “OTHER APPLICABLE QUALIFICATIONS” and provided they do not project beyond the limits of the *lot*:

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTIONS	OTHER APPLICABLE QUALIFICATIONS
1	Eaves, cornices, and parapets	1.0 metre	1.2 metres above the permitted <i>height</i>
2	Balconies	2.0 metres from the main wall to which the balcony is attached	

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTIONS	OTHER APPLICABLE QUALIFICATIONS
3	Patios, uncovered platform	2.0 metres measured from the exterior main building wall	No more than 0.5 metres above finished ground level. Patios for non-residential purposes shall be located between a building and a public street or between a building and a publicly accessible open space
4	Privacy screens and privacy walls	No restriction	<i>Height</i> shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTIONS	OTHER APPLICABLE QUALIFICATIONS
5	Guardrails, bollards, railings, fences, stairs, stair enclosures, trellises, wheel chair ramps and underground ramps and associated structures; <i>public art</i> , noise and wind mitigation features, elements related to the generation of solar power	No restriction	
6	Landscape features		<i>Height</i> shall be limited to 3.0 metres above finished ground level.
7	Elevator shaft, heating, cooling or ventilating equipment, including vents and stacks or window washing equipment on the roof of the building or a fence, wall, screen or structure enclosing such elements.		The maximum <i>height</i> of the top of such elements shall be no higher than the sum of 6.0 metres and the <i>height</i> limit applicable to the <i>lot</i>, with the exception that such elements located on the roof of a <i>tower</i> within a Tower Area as shown on Map 2 shall be no higher than 10.0 metres; Where such elements are not located on the roof of a <i>tower</i> within a Tower Area as shown on Map 2, the aggregate horizontal area of such elements, including the area contained within an enclosure measured at a point above the level of the height limit applicable to the lot, does not exceed 40% of the area of roof of the building.

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTIONS	OTHER APPLICABLE QUALIFICATIONS
8	Awnings, canopies	3.0 metres beyond the exterior of the wall to which such awnings and canopies are attached.	Must be located below the level of the third storey.
9	Elements of a green roof		The maximum <i>height</i> of such elements shall be 1.0 metres above the height limits shown in Section 12(1)(487)(g) and Map 2
10	A structure on the roof of building used for outside or open recreation, or safety purposes		The maximum <i>height</i> of the top of such structures is no higher than the sum of 3.0 metres above the roof and the structure shall not enclose the space so as to constitute a form of penthouse or other room or rooms
11	Chimney stack for a <i>district energy, heating and cooling plant</i> which has been approved by the Ministry of the Environment and Climate Change.	No restriction.	
12	Pilaster, decorative columns, belt course or similar architectural features on a building	0.6 metres provided the structure is no closer to the <i>lot</i> line than 0.3 metres	

- (y) Notwithstanding Section 4(2)(a)(i) and (ii), and Sections 12(1)(487)(g), (h), (i), (j), (k) (l),(m), (n) and (o), bay windows are permitted to project to within 1.0 metre from the wall to which it is attached.

Parking and Loading

- (z) Notwithstanding sections 4(5), parking spaces shall be provided in accordance with the following requirements:
- (i) A minimum of 0 *parking spaces* for residents of the *dwelling units*.
 - (ii) A maximum 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* 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 of 2.0 *parking spaces* plus 0.01 per *dwelling unit* for residential visitors. The required minimum of *parking spaces* for residential visitors may be reduced by the amount of *parking spaces* provided for a *child care facility*, and/or a *parking space* for a residential visitors may be shared with a *child care facility*.
 - (iv) A minimum of 0 *parking spaces* for non-residential uses.
 - (v) A total of 100% of residential *parking spaces*, 25% of non-residential/visitor spaces, and 100% of accessible *parking spaces* will be equipped with an energized outlet capable of providing Level 2 charging or higher.
 - (vi) Accessible parking spaces shall be provided in accordance with the following:
 - A. For residential, if the number of parking spaces associated with dwelling units is 5 or more, clearly identified accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged for residential uses, and the number of accessible parking spaces provided for residential uses must not be less than the greater of either 2 percent of the number of dwelling units or 7 percent of the parking

spaces provided to that use; and,

- B. For non-residential, if the number of parking spaces associated with uses other than dwelling units is 1 or more, clearly identified accessible parking spaces must be provided on the same lot as every building or structure erected or enlarged for residential uses, and the number of accessible parking spaces provided for non-residential uses must not be less than 1 plus 0.05 spaces per 100 square metres above 500 square metres.
- C. If the calculation of the number of required accessible parking spaces results in a number with a fraction, the number is rounded up to the nearest whole number.

(vii) Notwithstanding section 4(17), drive aisles to access *parking spaces* will have the following minimum dimensions:

- A. If the centreline of a *parking space* is at an interior angle of 70 to 90 degrees to the centreline of the drive aisle providing vehicle access, the minimum width for that one- or two-lane drive aisle is 6.0 metres;
- B. If the centreline of a *parking space* is at an interior angle from 50 to less than 70 degrees to the centreline of the drive aisle providing vehicle access, the minimum width for that drive aisle is 5.5 metres for each aisle;
- C. If the centreline of a *parking space* is at an interior angle of less than 50 degrees from the centreline of the drive aisle providing vehicle access, the minimum width for that drive aisle is 4.0 metres for each aisle.

(viii) Notwithstanding section 4(17), *parking spaces* will 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 12(1)(487)(z)(viii)(B) must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to 12(1)(487)(z)(xii)

below.

- (ix) Notwithstanding section 4(17) and 12(1)(487)(z)(viii), for a *parking space* accessed by a drive aisle with a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, the minimum dimensions of a *parking space* are:
 - A. length - 5.6 metres;
 - B. width - 2.9 metres;
 - C. vertical clearance - 2.0 metres; and
 - D. the minimum width in 12(1)(487)(z)(ix)(B) must be increased by 0.3 metres if one or both sides of the *parking space* is obstructed according to 12(1)(487)(z)(xii) below.
- (x) The minimum dimensions of a *parking space* that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
 - A. length - 6.7 metres;
 - B. width - 2.6 metres;
 - C. vertical clearance - 2.0 metres; and
 - D. the minimum width in 12(1)(487)(z)(x)(B) must be increased by 0.3 metres for each side of the *parking space* that is obstructed according to 12(1)(487)(z)(xi) below; and
- (xi) 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, and
 - B. more than 1.0 metre from the front or rear of the *parking space*.
- (xii) Equipment for the charging of one electric vehicle is permitted within a *parking space*, subject to the equipment being located in the same *parking space* as the vehicle to be charged and:
 - A. being within 0.25 metres of two adjoining sides of the

parking space which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles; or

- B. being at least 5.35 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metres from the ground.
- (xiii) Despite section 4(17), the maximum dimensions for a *parking space* are:
- A. length of 6.0 metres
 - B. width of 3.2 metres
- (xiv) Despite regulations 12(1)(487)(z)(viii), 12(1)(487)(z)(ix), and 12(1)(487)(z)(x):
- A. a maximum of 10 percent of the total number of *parking spaces* provided do not have to comply with regulation 12(1)(487)(z)(viii)(D), 12(1)(487)(z)(ix)(D), and 12(1)(487)(z)(x)(D) despite that such *parking spaces* are obstructed in accordance with regulation 12(1)(487)(z)(xi); and
 - B. provided, the total number of parking spaces obstructed on two sides in accordance with 12(1)(487)(z)(xi) does not exceed 5 percent of the total number of provided *parking spaces*.
- (xv) Despite 12(1)(487)(z)(ix), an accessible parking space must have the following minimum dimensions:
- A. length – 5.6 metres;
 - B. width – 3.4 metres;
 - C. vertical clearance – 2.1 metres;
 - D. The entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path;
- (xvi) Accessible parking spaces must be located within 60 metres of a barrier free:
- A. entrance to a building;
 - B. passenger elevator that provides access to the first storey of the building; and
 - C. shortest route from the required entrances in A and B.

(aa) Loading facilities shall be provided in accordance with the following

requirements:

- (i) A minimum of two Type G Loading Spaces and four Type C loading spaces will be provided on the block north of Queens Quay East and west of Cherry Street.
- (ii) Despite the requirements of Subsection 12(1)(487)(aa)(i), any proposed phasing of the development will require the provision of one Type G loading space in the first phase of development and no other Type G loading space is required per Subsection 12(1)(487)(aa)(i) so long as when the final phase of the development proceeds, the overall requirements set out in that same subsection are fully satisfied.
- (iii) Despite the requirements of Subsection 12(1)(487)(aa)(i), any proposed phasing of the development will require the provision of one Type C loading space per building.
- (iv) Despite section 4(7), the minimum dimension of a Type G loading space is as follows:
 - A. minimum length of 13.0 metres;
 - B. minimum width of 4.0 metres; and
 - C. minimum vertical clearance of 6.1 metres.
- (v) Despite section 4(7), the minimum dimension of a Type C loading space is as follows:
 - A. minimum length of 6.0 metres;
 - B. minimum width of 3.5 metres; and
 - C. minimum vertical clearance of 3.0 metres.
- (bb) Bicycle parking shall be provided 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 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) Notwithstanding 12(1)(487)(bb)(v), a minimum of 50 percent of the required "short-term" bicycle parking spaces, rounded up to the nearest whole number, must not be a stacked bicycle parking space that is positioned above another bicycle parking space or placed in a vertical position on a wall, structure, or mechanical device.
- (vii) If a building has uses for which 8 or more "long-term" bicycle parking spaces are required, a minimum of 40 percent of the required "long-term" bicycle parking spaces, rounded up to the nearest whole number, must not be a stacked bicycle parking space that is positioned above another bicycle parking space or placed in a vertical position on a wall, structure, or mechanical device;
- (viii) *Bicycle parking spaces* may be located below ground, and at and above established grade;
- (ix) If a building has uses, other than *dwelling units*, for which a "long-term" *bicycle parking space* is required, universal shower and change facilities must be provided 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*;
 - E. 4 for more than 180 required "long-term" *bicycle parking spaces*;
- (x) A minimum of 5 percent of the required "long-term" bicycle parking spaces must be oversized bicycle parking spaces and

comply with the following:

- A. if the calculation of the required number of oversized bicycle parking spaces for all uses results in a fraction of an oversized bicycle parking space being required, the number of required oversized bicycle parking spaces must be rounded down to the next whole number;
- B. an oversized bicycle parking space must not be a stacked bicycle parking space; and
- C. an oversized bicycle parking space must not be placed in a vertical position on a wall, structure or mechanical device.

(xi) The minimum dimensions of an oversized bicycle parking space is:

- A. minimum length of 2.4 metres;
- B. minimum width of 1.0 metres; and
- C. minimum vertical clearance from the ground of 1.9 metres.

(xii) Within areas used for bicycle parking, access to bicycle parking spaces must be provided via an unobstructed aisle that complies with the following, except when located inside an ancillary building containing a garden suite or laneway suite:

- A. 2.5 metres width if it is an oversized bicycle parking space; and
- B. 1.8 metres width in all other cases.

(xiii) A bicycle parking space must comply with the following:

- A. The minimum dimension of a bicycle parking space is:
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.45 metres; and
 - iii. minimum vertical clearance from the ground of 1.9 metres.
- B. The minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - i. minimum length or vertical clearance of 1.9 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum horizontal clearance from the wall of 1.2 metres.

- C. If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.
- (xiv) The number of bicycle parking spaces required by regulation 12(1)(487)(bb) may be reduced, subject to the following:
- A. The number of "short-term" bicycle parking spaces reduced is not more than half the amount required by regulations 12(1)(487)(bb)(iii) or (iv), rounded down to the nearest whole number.
 - B. The number of "long-term" bicycle parking spaces reduced is not more than half the amount required by regulations 12(1)(487)(bb)(iii) or (iv), rounded down to the nearest whole number.
 - C. For each bicycle parking space required by regulation 12(1)(487)(bb) to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto.
 - D. The owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act.
- (cc) The portion of a building used for the parking of motor vehicles at or above finished ground level, excluding driveway entrances and exits, shall be recessed a minimum of 7.5 metres from the exterior walls of the building and the area within the 7.5 metres shall be occupied by another permitted use other than the parking of motor vehicles.

Residential Amenity Space

- (dd) *residential amenity space* shall be provided in accordance with Section 4(12), except that:
- (i) indoor *residential amenity space* shall be provided at a rate of 2 square metres per dwelling unit for the first 100 *dwelling units* and at a rate of 1 square metre per *dwelling unit* thereafter.
 - (ii) outdoor *residential amenity space* shall be provided at a rate of 1 square metre per *dwelling unit*.
 - (iii) *residential amenity space* provided indoors may be provided in rooms which are not contiguous,

- (iv) *indoor residential amenity space* required for a building on a *lot* may be provided within another building on the *lot* or within a building on an abutting parcel of land provided that such *residential amenity space* is accessible via an *at-grade* or *above-grade* interior connection between such buildings; and
- (v) *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 corridor.

Ground Floor Animation Areas

- (ee) no building or structure on a lot subject to a Ground Floor Animation Area requirement as shown on Map 5 may be erected or used unless:
 - (i) at least 70% of the length of the main exterior building wall of each portion of a building subject to an Ground Floor Animation Areas requirements on Map 5 is used for no purpose other than *ground floor animation uses*;
 - (ii) no *dwelling unit* is located on the *ground floor* unless one or more other permitted uses are provided, in an enclosed structure or building, between any part of the building containing a *dwelling unit* and a *frontage* identified as a Ground Floor Animation Area;
- (ff) Notwithstanding Section (12)(1)(487)(ee), one plaza may be located on north side of Queens Quay East in accordance with Section 12(1)(487)(i), provided that:
 - (i) at least 70% of the length of the main exterior building wall of each portion of a building that faces the plaza is used for no purpose other than ground floor animation uses;
 - (ii) no dwelling unit is located on the ground floor unless one or more other permitted uses are provided, in an enclosed structure or building, between any part of the building containing a dwelling unit and a frontage identified as a Ground Floor Animation Area;
- (gg) Notwithstanding Section (12)(1)(487)(ee), one plaza may be located on south side of Queens Quay East in accordance with Section 12(1)(487)(j), provided that:
 - (i) at least 70% of the length of the main exterior building wall of each portion of a building that faces the plaza is used for no purpose other than ground floor animation uses;
 - (ii) no dwelling unit is located on the ground floor unless one or more other permitted uses are provided, in an enclosed structure or building, between any part of the building containing a dwelling unit and a frontage identified as a Ground Floor Animation Area;

Sales Office

- (hh) Where a building or structure is erected and is used only for the purposes of a sales office, then the provisions of Sections (12)(1)(487)(u) and (v) pertaining to required Build-To Lines and Sections (12)(1)(487) (ee), (ff) and (gg) pertaining to Ground Floor Animation, shall not apply to that building or structure.

Unit Breakdown

- (ii) Not less than 10% of all *dwelling units* in a phase, not including *affordable rental housing dwelling units*, will be three bedroom *dwelling units*, to be comprised as follows:
 - (i) a minimum of 5% of the total number of *dwelling units* within a phase shall be designed as three bedroom *dwelling units* in compliance with the provisions of the Ontario Building Code. The *dwelling units* will be shown on all marketing plans as three bedroom *dwelling units* and will be marketed as potential three bedroom *dwelling units*. These *dwelling units* may be sold and/or constructed with fewer bedrooms provided that provision is made in the condominium documentation to permit the conversion of such *dwelling units* to three bedroom *dwelling units*; and
 - (ii) A minimum of 5% of the total number of dwelling units within a phase shall be designed and constructed as three bedroom dwelling units to a minimum unit size of 80 square metres, with no more than 1 of the 3 bedrooms being an interior bedroom with no window on an exterior wall, provided such bedroom complies with the Ontario Building Code.
 - (iii) notwithstanding Section 12(1)(487)(ii) above, if a higher percentage of three bedroom *dwelling units* is provided in a phase than is required by subsection (ii) above, any surplus of three bedroom dwelling units can be applied to satisfy the requirement in future phases of the development within the *lot*.

Section 37 of the Planning Act

- (jj) pursuant to section 37 of the *Planning Act*, the provision of *gross floor area* in a development is permitted to the limits set out in this Exception in return for the provision by the *owner* and at the *owner's* expense of the facilities, services and matters set out in this Paragraph (jj), Sections (12)(1)(487)(kk), (ll), (mm), (nn), (oo), (pp) and (pp-1) of this Exception and the Appendices hereof which Appendices form part of this Exception 12(1) (487), subject to and in accordance with the agreement(s) referred to in this paragraph constituted and/or governed as follows:
 - (i) prior to the issuance of the first *Building Permit* for any building on the lot, the *owner* shall have entered into the *Master Section 37 Agreement* with the City, and such agreement shall have been registered on title to the lot, which agreement has secured the section 37 contributions of Sections

(12)(1)(487)(kk), (ll), (mm), (nn), (oo), (pp) and (pp-1) and the Appendices and provides for the securing of Subparagraphs (qq)(ix) and (x) with conditions which may provide for indexing of the financial contributions procedures to implement delivery of *affordable rental housing* requirements, indemnity, insurance, GST, termination and unwinding and registration and priority of agreement;

- (ii) issuance of a building permit for any building or structure shall be dependent upon satisfaction of the provisions in this Exception and any applicable section 37 Agreement relating to building permit issuance, including the provision of any monetary payments and financial securities; and
 - (iii) upon execution and registration of an agreement or agreements with the *owner* pursuant to section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in this Exception and in the Appendices hereof, the site is subject to the provisions of this by-law, provided that in the event that the said agreement(s) requires the provisions of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
- (kk) The *owner* shall provide for the equivalent of 20% of all residential gross floor area as *affordable rental housing*, through the provision of one or a combination of two or more of the following, as elected by the *owner*, delivered in accordance with the Appendices:
- (i) the erection and maintenance on the lot of not less than 6.2% of the total amount of residential gross floor area as *affordable rental housing*, provided development charge exemptions for *affordable rental housing* are applied, as follows:
 - A. *Dwelling units*, which are provided as *affordable rental housing*, shall be maintained with *affordable rents* for a term of not less than 25 years; and
 - B. such *dwelling units* shall be provided on a timely basis commensurate with the rate of construction of the residential gross floor area that is not *affordable rental housing*, or as otherwise provided for in the Appendices of this exception; and
 - C. in the event that any development charges are imposed on the affordable rental housing units such that the cost of providing such units is increased, the amount of affordable rental housing will be reduced accordingly to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - (ii) a dedication to the City of land for the purpose of constructing *affordable rental housing* on the lot, as follows:
 - A. the land shall be sufficient to provide not less than 18% of the total

- residential gross floor area as *affordable rental housing*; and
 - B. the land shall be ready and available for development, including any needed remediation; and
 - C. the land shall be provided, or is ready and able to be conveyed, on a timely basis commensurate with the rate of construction of the residential gross floor area that is not *affordable rental housing*, or as otherwise provided for in Appendix 2 of this Exception; or
- (iii) a cash-in-lieu contribution to the City in the amount of the value of the land otherwise required by subparagraph (ii) above, provided that the calculated amount shall equal the value of land sufficient to provide 20% of the total *residential gross floor area*, and subject to the following:
- A. the maximum amount of cash-in-lieu that may be provided shall not exceed 25% of the total *affordable rental housing* requirements on the *lot*; and
 - B. the contribution shall 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, or as otherwise provided for in Appendix 2 of this Exception;

provided that, for the purpose of calculating the *affordable rental housing* requirements of Sections 3(kk)(i), (ii) and (iii), the *residential gross floor area* consists only of *residential gross floor area* attributable to the portion of a building that contains *dwelling units* and *accessory uses*, amenities and other areas related to the *dwelling units*, excluding *dwelling units* in a *university residence*.

- (ll) The erection and maintenance in building(s) within a phase of development of not less than 5% of all ownership *dwelling units* with the following size restrictions:
- (i) A maximum *residential gross floor area* of 46.5 square metres for a bachelor *dwelling unit*;
 - (ii) A maximum *residential gross floor area* of 60.4 square metres for a one-bedroom *dwelling unit*;
 - (iii) A maximum *residential gross floor area* of 79 square metres for a two bedroom *dwelling unit*;
 - (iv) A maximum *residential gross floor area* of 93 square metres for a three bedroom *dwelling unit*;
 - (v) A maximum *residential gross floor area* of 120 square metres for a two bedroom rowhouse/rowplex ; and
 - (vi) A maximum *residential gross floor area* of 135 square metres for a

three *bedroom rowhouse/rowplex*;

- (mm) The *owner* shall provide a contribution of 1% of gross construction costs of all buildings and structures, not including buildings and structures used for the purposes of *affordable rental housing*, towards a *combination* of *Public Art* and *Community Arts Initiatives* to the satisfaction of the Chief Planner in consultation with the Ward Councillor and Waterfront Toronto, provided that the *owner* may satisfy any or all of this obligation at any time by the payment of funds to the City for the City's capital budget for *Public Art*.
- (nn) The owner shall provide *publicly accessible open space* totaling a minimum area of 1300 square metres which may be provided on a phased basis and on such terms and conditions as set out in the Master Section 37 agreement.
- (oo) For the lands located on the north side of Queens Quay East the *publicly accessible open space* may comprise a *plaza* in accordance with the following:
 - A. the area of the *plaza* is a minimum area of 1,200 square metres; and,
 - B. the *plaza* is located within the Permitted Plaza Area identified on Map 4.
- (pp) For the lands located on the south side of Queens Quay East the *publicly accessible open space* may comprise a *plaza* in accordance with the following:
 - A. the area of the *plaza* is a minimum of 235 square metres; and,
 - B. the *plaza* is located within the Permitted Plaza Area identified on Map 4.
- (pp-1) The owner shall design, construct, finish, equip and convey to the City, for nominal consideration and at no cost to the City, a non-profit licensed child care facility with 929 square metres of gross floor area of interior space and 280 square metres of dedicated and exclusive outdoor space. The Child Care Facility shall be designed, constructed and delivered in accordance with the Child Care and Early Years Act (CCEYA), 2014, the City of Toronto Child Care Design and Technical Guideline R1 2016, the Child Care Term Sheet, and all other applicable laws, guidelines and standards.

The strata conveyance of the Child Care Facility will be at no cost to the City, in fee simple, prior to condominium registration of the residential building north of Queens Quay East and abutting Cherry Street.

Holding Symbol

- (qq) The lands that are delineated with heavy lines and zoned CR with the "H" symbol pursuant to Section 36 of the Planning Act, and as shown on Map 1 attached to and forming part of this By-law shall comply with the provisions of Section 8 of this By-law. The "H" symbol may be removed from any portion of the area of lands covered by the exception in accordance with this regulation and any such portion will be considered a phase of development.

Lands zoned with the "(H)" symbol shall not be used for any purpose other than those provided in this regulation until the "(H)" symbol is removed.

An amending by-law to remove the “(H)” symbol in whole or in part, and in respect of specific uses, shall be enacted by City Council or through delegated authority when the implementation of the following conditions at the owners sole expense have been secured to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review, through the execution and registration on title of an agreement, or agreements pursuant to Section 37, 51, and/or 53 of the Planning Act or Section 114 of the City of Toronto Act, 2006, as appropriate:

- (i) The owner has demonstrated to the satisfaction of Director, Engineering Review, Development Review that all infrastructure and servicing requirements necessary to accommodate development of the lot or any portion thereof and that all necessary transportation, servicing and infrastructure improvements necessary to serve development of the lot or any portion thereof in accordance with an acceptable phasing plan for any phase have been secured and/or shall be provided;
- (ii) The owner has provided a streets and block plan satisfactory to the City demonstrating how the development proposed for any phase provides for new streets and blocks in relation to the existing and proposed system of streets.
- (iii) The owner has submitted a complete site plan application to the City in accordance with the requirements of Appendix 1, Section 10;
- (iv) The owner has submitted details respecting the proposal generally consistent with the site plan application for review and comment to the Waterfront Design Review Panel;
- (v) The owner has provided updated noise and air quality studies and detailed design plan in support of a Site Plan Control application for any sensitive land use which demonstrates that appropriate noise and air quality mitigation works will be implemented. The studies shall be submitted by the owner to the City of Toronto and the City of Toronto may undertake a peer review of such studies at the owner's expense.
- (vi) The owner has provided written confirmation that:
 - A. The Toronto and Region Conservation Authority has confirmed that any necessary flood protection infrastructure is complete and functional, and the Special Policy Area designation is removed; or

- B. That the requirements of the public authorities referred to in the Protocol Regarding the Lower Don Special Policy Area have been satisfied, which may include terms of indemnification and the development of an emergency management plan.
- (vii) In the case of lands proposed for residential uses, and where affordable rental housing delivery is required for that portion of the lands, the execution by the owner of a Phase-Specific Section 37 Agreement including the phase specific timely delivery requirements, and implementing as necessary the Master Section 37 Agreement for the purpose of securing the affordable rental housing requirements of this Exception; and
- (viii) The owner has submitted supporting materials describing how affordable rental housing dwelling units or lands or cash-in-lieu thereof will be provided, and which demonstrates how the affordable rental housing requirements of this Exception including the Appendices and the Master Section 37 Agreement are being met. Such materials will include all necessary information to permit the proposal to be reviewed by the City for this purpose, and when accepted, to be secured in a Phase-Specific Section 37 Agreement, constituted as follows:

A. A Housing Issues Report with information that:

- i. identifies the details of how the affordable rental housing requirements will be provided, alone, or in combination, through provision of dwelling units, or by the conveyance of land or a contribution of cash-in-lieu and otherwise addresses the requirements of this Subparagraph (qq)(viii);
- ii. identifies the order of development of all the land parcels subject to the by-law to remove the “(H)” symbol, in order to meet the requirements for timely provision of this Exception’s requirements for affordable rental housing as set out in this by-law; and
- iii. describes the achievement of any previous affordable rental housing requirements for any of the lands in this Exception that were the subject of a previous by-law to remove the 'h' symbol, and a projection for how any affordable rental housing requirements remaining after the development of the lands subject to the current by-law to remove the “(H)” symbol will be met.

- B. Where affordable rental housing units are being provided sufficient information provided pursuant to this Paragraph to illustrate and detail, the number, location, unit mix, sizes and layouts of the units, and all related facilities.
 - C. Where land is able to accommodate affordable rental housing units being provided, sufficient information provided pursuant to this Paragraph to illustrate, the location of the land in the context of the surrounding development and access to the public realm, and which demonstrates a size such that a functional built form of a building for the amount of affordable rental housing and all related facilities can be accommodated on the parcel.
- (ix) Where affordable rental housing is to be provided, the provision of drawings and/or plans for such dwelling units, illustrating the following characteristics:
- A. A unit mix, by number of bedrooms, the same as the unit mix of the proposed market housing units on the owner's lands, no less than the average unit size of the market units of the same unit type, no less than the minimum unit size of the market residential unit of the same unit type;
 - B. Related facilities including storage lockers, car parking, bicycle parking, laundry facilities, indoor and outdoor residential amenity space and such other facilities as are typically secured by the City for private market rental units; and
 - C. The provision of an appropriate residential and recreational amenity on site as are typically secured by the City for private market rental units, and reasonable accessibility to the public realm and related facilities and community amenities.
- (x) Where land for affordable rental housing is to be provided, the provision of drawings and/or plans and/or surveys illustrating the following characteristics:
- A. The location is appropriate for the affordable rental housing, and the location, size and shape of the land can accommodate a functional built form and which is appropriate for the number and type of such units to be provided, which built form, including the size of the building, would be appropriate for the type of housing and tenant population proposed, and in relation to the surrounding development, and the building and land could

accommodate the appropriate related facilities to support the affordable rental housing units;

- B. The land can accommodate sufficient outdoor amenity space appropriate for the number and type of units to be provided, and the kind of housing and tenant population to be housed, as are typically secured by the City for such units, and acknowledging the need for good quality outdoor amenity to support high-density accommodation for families; and
- C. The land has reasonable accessibility to the public realm including vehicular, bicycle and pedestrian access

(qq-1) Permitted uses prior to the removal of the “(H)” holding symbol shall be limited to the following:

(i) notwithstanding Section 8(2)(11), *commercial parking lot*, provided that:

- A. any lights used for illumination are so arranged as to divert the light away from adjacent premises;
- B. a 3-metre landscape strip is provided around the perimeter of the commercial parking lot, excluding any entrances and exits;

(ii) notwithstanding Section 8(2)(11), *parking station*, provided that:

- A. any lights used for illumination are so arranged as to divert the light away from adjacent premises; and
- B. a 3-metre landscape strip is provided around the perimeter of the parking station, excluding any entrances and exits;

(iii) sales office;

(iv) temporary open air markets; and

(v) uses that are permitted and existing on the lot on June 22, 2016, which may include, but not be limited to, the open storage of vehicles, boats and industrial equipment.

(vi) The following interim uses will also be permitted provided that conditions (vii – xii) are satisfied:

xl. *Agricultural Use*;

xli. *Ambulance Depot*;

- xlii. *Amusement Arcade;*
- xliii. *Animal Shelter;*
- xliv. *Art Gallery;*
- xliv. *Artist Studio;*
- xlvi. *Automated Banking Machine;*
- xlvi. *Brewery operated in conjunction with a restaurant or retail use;*
- xlvi. *Cabaret; Club;*
- xlix. *Community Centre;*
 - i. *Crisis Care Centre;*
 - ii. *Custom Workshop;*
 - iii. *Eating Establishment;*
 - iii. *Education Use;*
 - iv. *Entertainment Place of Assembly;*
 - iv. *Financial Institution;*
 - vi. *Fire Hall;*
 - vi. *Laboratory;*
 - viii. *Library;*
 - ix. *Market Garden;*
 - ix. *Massage Therapy;*
 - xi. *Medical Office;*
 - xii. *Municipal Shelter;*
 - xiii. *Museum;*
 - xiv. *Nightclub;*
 - xv. *Office;*
 - xvi. *Open Storage;*
 - xvii. *Outdoor Patio;*
 - xviii. *Outdoor Sales or Display;*
 - xix. *Outdoor Open Air Market;*
 - xx. *Park;*

- lxxi. *Passenger Terminal;*
- lxxii. *Performing Arts Studio;*
- lxxiii. *Personal Service Shop;*
- lxxiv. *Production Studio;*
- lxxv. *Place of Assembly;*
- lxxvi. *Recreational Use;*
- lxxvii. *Retail Service;*
- lxxviii. *Retail Store;*
- xl. *Service Shop;*
- xli. *Self-storage Facility;*
- xlii. *Software Development and Processing;*
- xliii. *Sports Place of Assembly;*
- xliv. *Take-out Eating Establishment;*
- xlv. *Transportation Use;*
- xlvi. *Warehouse; and*
- xlvii. *a Wellness Centre*

- (vii) Prior to the erection of a building that exceeds 50 square metres of interior floor area, confirmation of water, wastewater and stormwater servicing capacity is required, to the satisfaction of the General Manager, Engineering and Construction Services;
- (viii) Prior to the removal of the “(“H”)” Symbol, a community centre, entertainment place of assembly, recreation use, retail store, sports place of assembly or take-out eating establishment may also have an outdoor patio.
- (ix) Prior to the removal of the “(“H”)” symbol, the permitted maximum area of an outdoor patio that is located above the first storey of a building is the greater of: 50 square meters; or, 50% of the interior floor area of the premises it is associated with.
- (x) Prior to the removal of the “(“H”)” symbol, and despite regulation 50.10.20.100(21)(C), an outdoor patio may be used to provide entertainment such as performances and music, with the following to occupy a maximum of 20% of the outdoor patio floor area: stage; and dancefloor.

pursuant to section 36(3) of the Planning Act, R.S.O. 1990, c.P13, as amended, nothing in this Exception will prevent the Ontario Land Tribunal from settling the terms of the Section 37 Agreement required for the removal of the “(H)” holding symbol, and/or to amending the by-law to remove the “(H)” holding symbol without the execution of a settled Section 37 Agreement and to settle the plans called for under subparagraphs (qq)(ix) and (qq)(x) should the City neglect to or refuse to execute such Section 37 Agreement after being given a reasonable amount of time to do so

Definitions

(ss) 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 No. 438-86, as amended, except for the following or where otherwise defined in this Exception:

(i) “*affordable rental housing*” means dwelling units with affordable rents, which are rented or available for rent pursuant to the Residential Tenancies Act, but does not include a condominium-registered unit or a life-lease or co-ownership as defined in c.667 of the Toronto Municipal Code.

(ii) “*affordable rents*” means rents where the total monthly shelter cost (gross monthly rent, inclusive of utilities for heat, hydro, hot water and water) is at or below the lesser of one times the average City of Toronto rent, by dwelling unit type, as reported annually by the Canada Mortgage and Housing Corporation or 30 percent of the before-tax monthly income of renter households in the City as 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;

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.

(iii) “*amusement arcade*” means premises for entertainment with *amusement devices*, such as arcade games. An *eating establishment*, an *entertainment place of assembly*, or *recreation use* is not an *amusement arcade*.

(iv) “*amusement device*” means a machine or electronic device used for games of skill or chance other than:

- A. Billiards;
 - B. bowling; and
 - C. any gaming or lottery device regulated under Province of Ontario legislation.
- (v) “*art gallery*” means premises used for the exhibition, collection or preservation of works of art for public viewing.
 - (vi) “*automated parking system*” means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include, but is not limited to, a vertical lift and the storage of cars on parking pallets. Automated maneuvering of other vehicles may be required in order for cars to be parking or to be retrieved. Parking pallets will not conform to the *parking space* dimensions set out in this By-law. For clarity, each parking pallet will be considered as a *parking space* for the purposes of determining compliance with Section 4(5) of By-law No. 438-86, as amended.
 - (vii) “*bicycle parking space occupant*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of long-term parking and securing of bicycles.
 - (viii) “*bicycle parking space visitor*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of short-term parking and securing of bicycles.
 - (ix) “*bicycle stacker*” means a device whereby a bicycle parking space is positioned above or below another parking space and is accessed by means of an elevating device.
 - (x) “*building*” means a wholly or partially enclosed structure with a roof supported by walls, columns, piers or other structural systems.
 - (xi) “*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, c23, 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*.
 - (xii) “*cabaret*” means premises used to provide entertainment such as a dinner theatre or comedy club, where patrons are seated at tables and where food or beverages may be offered for sale. An *adult entertainment use*, an *eating establishment*, a *nightclub*, or an

entertainment place of assembly is not a *cabaret*.

- (xiii) “*car-share*” or “*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.
- (xiv) “*car-share motor vehicle*” means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *lot*.
- (xv) “*car-share parking space*” means a *parking space* that is provided exclusively for the use of vehicles that are used exclusively for the parking of a *car-share motor vehicle*.
- (xvi) “*child care facility*” has the meaning set out in subsection 12(1)(487)(mm) and means premises providing temporary care or guidance for more than five children, for a continuous period not exceeding twenty-four hours and is regulated as a home child care agency under the Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched.1.
- (xvii) “*club*” means *premises*:
 - A. operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members; and
 - B. used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and
 - C. a *community centre* is not a club.
- (xviii) “*community centre*” means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A *club* is not a *community centre*.
- (xix) “*Community Arts Initiative*” means any capital facilities and/or cash contributions allocated toward the provision of capital facilities that will support art and culture on Toronto’s waterfront. It is intended that such facilities will support on-site display, performance and/or education in the arts and will be publicly accessible, subject to such reasonable restrictions as typically accompany the delivery of community services. The main objective of the Community Arts

Initiative is to support arts and culture on Toronto's waterfront in the form of a capital facility and/or cash contribution to be allocated toward the provision of a capital facility to support this objective.

- (xx) "*district energy, heating and cooling plant*" means a building or structure that is used for the production of electrical power, heating and/or cooling which is generated/converted at one or more linked locations and then is distributed to the users.
- (xxi) "*eating establishment*" means *premises* where food or beverages are prepared and offered for sale to patrons for immediate consumption on the *premises* while they are seated, and which may include an incidental take-out service.
- (xxii) "*entertainment place of assembly*" means premises used to provide entertainment and performing arts, such as a theatre, cinema, opera, ballet, concert hall, or live music venue. Food or beverages may be offered for sale. An *adult entertainment use*, a *cabaret*, an *eating establishment*, a *place of assembly*, or a *nightclub* is not an *entertainment place of assembly*.
- (xxiii) "*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.
- (xxiv) "*grade*" means the average elevation of the finished ground level along the portion of the lot line which abuts a street that is opposite the main wall of a building, or subject portion thereof, which contains a main entrance;
- (xxv) "*ground floor*" means the *first floor* of a building or structure above *grade*;
- (xxvi) "*ground floor animation uses*" shall have the same meaning as the expression *street-related retail and service uses*, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii), and (iv), an *artist's or photographer's studio*, a *custom workshop*, a *communications and broadcast establishment* and an entrance to a residential building shall also be permitted;
- (xxvii) "*height*" means the vertical distance between *grade* and the highest point of the roof, building, structure or element.
- (xxviii) "*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.

- (xxix) “*lot*” means the area identified in heavy lines on Map 1.
- (xxx) “massage therapy” means premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or wellness centre is not a massage therapy.
- (xxxi) “Master Section 37 Agreement” means an agreement pursuant to Section 37 of the Planning Act entered into for the purposes of Section (12)(1)(487)(jj) to (pp-1) of this Exception.
- (xxxii) “museum” means premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.
- (xxxiii) “owner” means where used in reference to a lot, means a person who owns the fee simple or the equity of redemption in the lot or any part thereof, or a person who owns a leasehold estate in the lot or any part thereof, for the unexpired term of which exceeds 45 years.
- (xxxiv) “outdoor patio” means an outdoor patron area that is ancillary to a non-residential use.
- (xxxv) “Phase Specific Section 37 Agreement” means an agreement pursuant to section 37 of the Planning Act entered into for the purposes of Section (12)(1)(487)(jj) to (pp) of this Exception and shall be limited to the implementation and elaboration of this Exception as set out in the Master Section 37 Agreement.
- (xxxvi) “place of assembly” means premises used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes. A cabaret, an eating establishment, an entertainment place of assembly, or a nightclub is not a place of assembly.
- (xxxvii) “plaza” means a publicly accessible open space located at finished ground level, which is publicly accessible and is not used for at-grade automobile parking, loading, or vehicular access.
- (xxxviii) “premises” means the whole or part of lands, buildings or structures, or any combination of these.
- (xl) “*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 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.

- (xli) “*Publicly Accessible Open Space*” shall mean a *plaza*, as defined herein, subject to the permitted projections in Section 12(1)(487)(x) of this Exception, and in private ownership to which the public shall have access.
- (xlii) “*recreation use*” means *premises* used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An *amusement arcade* and a *sports place of assembly* is not a *recreation use*.
- (xliii) “*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.
- (xliv) “*retail store*” means premises in which goods or commodities are sold, rented or leased.
- (xlv) “*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 on the *lot*.
- (xlvi) “*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.
- (xlvii) “*sports place of assembly*” means *premises* used for spectator sporting events, such as a stadium or arena.
- (xlviii) “*structure*” means anything that is erected, built or constructed of one or more parts joined together.
- (xlix) “*take-out eating establishment*” means premises where food or beverages are prepared and offered for sale to patrons for consumption off the *premises*.
- (l) “*temporary open air market*” means an area where goods, wares, merchandise, substances, articles or things are offered for retail sale on a temporary basis outside of any permanent building or structure;
- (li) “*tower*” means the portion of a building located: above a height of 38.0 metres within “Tower Zone 1” as indicated on Map 2; located above a height of 38.0 metres within “Tower Zone 2”, “Tower Zone 4”, and “Tower Zone 5” as indicated on Map 2; and, above a height of 45 metres within “Tower Zone 3” as indicated on Map 2.
- (lii) “*wellness centre*” means *premises* providing services for therapeutic and wellness purposes. A *massage therapy*, medical office or *body rub service*

is not a *wellness centre*.

- (tt) 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.
- (uu) Exception 12(1)(487) of By-law No.438-86 is hereby further amended by the addition of:
 - (a) Map 1 - Lot and Areas Subject to Maximum Density,
 - (b) Map 2 - Permitted Tower Areas,
 - (c) Map 3 - Build To Lines,
 - (d) Map 4 - Permitted Plaza Areas,
 - (e) Map 5 - Ground Floor Animation Areas,
 - (f) Deleted.
 - (g) Appendix 1 – Section 37 Provisions,
 - (h) Appendix 2 - Property Specific Timely Delivery, all of which pertain to and form part of Exception 12(1)(487).”
- (vv) None of the provisions of Section 12(2)380 of the former City of Toronto By-law No. 438-86, as amended shall apply to the lands delineated by heavy lines on Map 1 at the end of and forming part of this Exception.
- (ww) None of the provisions of Section 600.10 and Regulation 600.10.10 of City of Toronto By-law No. 569-2013, as amended shall apply to the lands delineated by heavy lines on Map 1 at the end of and forming part of this Exception.

APPENDIX “1” TO EXCEPTION 12(1)(487)

SECTION 37 PROVISIONS - TO EXCEPTION 12(1)(487)

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot*, at its expense, pursuant to Section 37 of the *Planning Act*, subject to and in accordance with agreement(s) pursuant to section 37 of the *Planning Act* which the City may require and which shall be provided in a form satisfactory to Council to secure the implementation or satisfaction of such facilities, services or matters:

Affordable Rental Housing

Provision of Dwelling Units

1. Where delivery of affordable rental housing is being provided by the owner, then the owner shall provide and maintain the affordable rental housing in accordance with the following provisions:
 - (a) The dwelling units provided as affordable rental housing shall remain as rental housing with affordable rents for a period of at least 25 years, with no application for demolition without replacement, or for condominium registration or any conversion to any non-rental housing purposes;
 - (b) Affordable rents shall be charged to tenants who occupy an affordable rental housing dwelling unit during the first 25 years of its occupancy, such that the initial rent shall not exceed the affordable rent and over the course of the 25 year period annual increases shall not exceed the Provincial rent guideline; and
 - (c) Rents charged to tenants newly occupying a dwelling unit which is no longer affordable rental housing after the completion of the 25 year period set out in subparagraph 1(a) of this Appendix will not be subject to restrictions by the City under the terms of the section 37 agreement entered into under this by-law.

Provision of Land

2. Where a land parcel for *affordable rental housing* is proposed to be conveyed to the City:
 - (a) City Council may, in its discretion refuse to accept a transfer of such land.
 - (b) City Council’s consideration in accepting or refusing such land will include, amongst other matters set out in the Master Section 37 Agreement, the following:
 - (i) the extent to which the land has the characteristics described in subparagraph (qq)(x) in this Exception; and
 - (ii) if the offer of land is of any lesser interest than fee simple;

- (c) Remediation of the soil of the parcel necessary to permit its use for residential purposes on a site specific risk-assessed basis in accordance with applicable Provincial regulation shall be secured by the delivery to the City of a letter of credit for the cost of such remediation or the *owner* may, in its sole-discretion, choose to remediate the soil to the same standard prior to delivery.

Provision of Cash-In-Lieu

3. Where cash-in-lieu of land is being provided to the City:

- (a) The calculation of the value of the land shall be determined based on a land appraisal subject to subparagraph 3(kk)(iii) of this Exception, and which assumes no additional obligation for *affordable rental housing* that would decrease the market value of the land;
- (b) The land appraisal process, the timing of cash-in-lieu payments and the establishment of the amount of such payments and indexing will be detailed in a Section 37 Agreement; and
- (c) If the City Council does not accept a conveyance of land for *affordable rental housing* which would otherwise be suitable for *affordable rental housing*, solely because it will not accept the City's potential financial liability for remediation costs that exceed the value of the letter of credit pursuant to subparagraph 2(c) of this Appendix, then, despite subparagraph 3(kk)(iii)(A) of this Exception, the provision of cash-in-lieu for *affordable rental housing* may exceed the 25% cap specified therein up to the value of the proposed conveyance.

Timely Delivery

4. *Affordable rental housing* shall be delivered on a timely basis in accordance with the following general provisions, and shall be commensurate with the rate of residential construction pursuant to subparagraph 3(kk) of this Exception, or at the option of an *owner*, at a rate as specifically provided for in Paragraph 5 of this Appendix:

- (a) Provisions for the timely delivery of *affordable rental housing* will be secured in one or more Section 37 Agreements, and will be secured in such an Agreement for any phase of development in which *affordable rental housing* requirements are being delivered;
- (b) The provisions may include the order of development of residential land parcels, and within each phase of development, and will include requirements that the *owner* not request the issuance of above-grade building permits for residential buildings that are not *affordable rental housing* buildings until delivery of the required *affordable rental housing*, pursuant to the timely delivery requirements secured in Section 37 Agreements; and
- (c) Where *affordable rental housing* is being provided by the *owner*, delivery is deemed to have commenced with the issuance of above-grade building permits for the units. There may also be provisions for the progress of construction of

the *affordable rental housing* and there will be requirements for timely completion of the *affordable rental housing* construction, both of which may be linked to the withholding of above-grade building permits for other residential buildings.

5. Alternative specific timely delivery requirements will apply as outlined in Appendix 2 at the option of an *owner*, provided that the eligibility requirements of Paragraph 5(c) of this Appendix are met, and both the general and specific provisions are secured in one or more Section 37 Agreements:
 - (a) These provisions include the option to defer specified portions of the delivery of the *affordable rental housing*, in return for delivering land or *affordable rental housing* units at specified milestones during the residential development of all the lands, and that may result in completing the delivery of the total *affordable rental housing* requirements prior to the completion of the total residential development;
 - (b) Once the specific deferral provisions have expired and the delivery of *affordable rental housing* has commenced, the rate of achievement of the *affordable rental housing* must not fall below the amount of affordable rental housing or land or cash in lieu thereof required pursuant to subparagraph 3(kk) of this Exception; and
 - (c) To be eligible for these alternative provisions, the *owner* must not be in default of *affordable rental housing* requirements from previous phases of development, and can demonstrate that the timely delivery requirements will be met in current and future phases.

Public Art

6. The *owner* shall provide a contribution of 1% of gross construction costs of all buildings and structures, not including buildings and structures used for the purposes of *affordable rental housing*, towards a *combination* of *Public Art* and *Community Arts Initiatives* to the satisfaction of the Chief Planner (the “1% Contribution”) in consultation with the Ward Councillor and Waterfront Toronto (but not any successor thereto), provided that the *owner* may satisfy any or all of this obligation at any time by the payment of funds to the City for the City’s capital budget for *Public Art*.
7. The *owner* shall deliver the 1% Contribution on a building by building basis, in accordance with the terms therefor as set out in a subsequent Section 37 Agreement to be entered into prior to the first above grade building permit for the building, including the following:
 - (a) The process by which *Public Art* or *Community Arts Initiative(s)* are to be determined;
 - (b) The allocation of the 1% Contribution between *Public Art* or *Community Arts Initiative(s)*;
 - (c) Provisions for the on-going maintenance of the *Public Art* or *Community Arts Initiative(s)*;

(d) Ownership of the *Public Art* or *Community Arts Initiative(s)*; and

(e) Whether or not the 1% Contribution will be combined with a 1% Contribution from another building or building(s), whether already approved or pending future approval, and any terms necessary to secure this outcome;

provided that the *owner* may in its sole discretion, satisfy the obligation for the 1% Contribution for any building or buildings through the payment of 1% of the gross construction costs of such building(s) to the City for the City's capital budget for *Public Art*.

8. Notwithstanding paragraph 3(11) of this Exception and paragraphs 6 and 7 of this Appendix, the parties hereby acknowledge and agree that the Chief Planner in his or her discretion may refuse any Community Arts Initiative and such refusal is not subject to appeal at the Ontario Municipal Board. In this case the *owner* is required to provide the 1% Contribution in the form of Public Art. The *owner* retains the right, in its discretion and at any time, to satisfy the 1% Contribution by payment of funds to the City.
9. Notwithstanding paragraphs 6 and 8 of this Appendix, where the Chief Planner refuses the *owner's* proposal respecting the 1% Contribution the *owner* may request that such proposal be remitted to Council in which case City staff shall forthwith remit the proposal to Council and Council shall consider the proposal and may make any decision that the Chief Planner could have made. The parties acknowledge and agree that notwithstanding that the *owner* invokes the provisions of this Paragraph 9, it retains the right in its discretion and at any time, to satisfy the 1% Contribution by payment of funds to the City.

Site Plan

10. As a matter of convenience, the *owner* shall agree that the provision of a complete *site plan application* prior to the removal of a "h" holding symbol, will among other matters address the following:
 - (a) The provision of a three dimensional computer model, prepared by a qualified consultant, which demonstrates to the satisfaction of the City that built form continuity has been addressed;
 - (b) The provision of a noise and vibration study, prepared by a qualified consultant which considers industrial uses in the area with the potential to impact the site and other noise sources in the vicinity of the site, and detailed design plans;
 - (c) The noise and vibration study and the detailed design plans shall be peer reviewed by the City at the owner's expense and shall demonstrate to the satisfaction of the City:
 - (i) that the proposal is expected to achieve the requirements of the applicable provincial noise guidelines and regulations, including MOECC NPC 300, as may be amended from time to time, or any alternative methodologies which may be approved by the MOECC;

- (ii) how land use compatibility is proposed to be achieved and maintained between lawfully existing industrial operations and the proposed development, including appropriate noise mitigation measures (source and/or receptor) and the method by which those mitigation measures will be secured;
- (iii) if on-building receptor based mitigation is found to be necessary, prior to the removal of the “h” holding symbol, the lands shall be classified as a Class 4 Area pursuant to MOECC NPC-300, as amended from time to time, and/or mitigation shall be employed in accordance with the alternative methodologies approved by the MOECC;
- (iv) in this section, MOECC approval means that the MOECC has advised in writing that the proposed alternative method of noise assessment and/or noise mitigation is acceptable and that industry can rely on same in determining its compliance with MOECC requirements applicable to the industry, notwithstanding that such alternative method of noise assessment and/or noise mitigation may not be in compliance with existing MOECC noise regulations and/or guidelines, such as NPC-300;
- (d) Concurrent with the provision of noise and vibration study and detailed design plans to the City, the owner shall provide same to the owner of the cement facility on Polson Street. The owner of the cement facility on Polson Street shall have a period of 45 days to review the study and submit comments in writing to the City. The City shall consider the comments received. In the event that the owner of the cement facility provides no written comments to the City in the specified time, it shall be deemed to agree with the analysis, contents and conclusions of the noise and vibration study;
- (e) The provision of a wind study, prepared by a qualified wind consultant, and detailed plans which demonstrate to the City that appropriate built form and other wind mitigation measures will be implemented;
- (f) The submission of a soil and groundwater management strategy prepared by a qualified consultant which demonstrates to the satisfaction of the City that contaminated soil and groundwater can be managed in a manner that is consistent with Provincial regulations;
- (g) The provision of plans and information demonstrating that the development to be erected on the *lot* or on a portion of the *lot* can be constructed and maintained in accordance with the Tier 1 performance measures of the Toronto Green Standard as adopted by Council as of the date of the execution of this agreement, and an agreement to do so;
- (h) The provision for connection of buildings to a district energy system and/or on-site renewable energy sources, if available at costs comparable to other energy sources;

Publicly Accessible Open Space

11. The owner shall provide *publicly accessible open space* totaling a minimum area of 1300 square metres, which may be provided on a phased basis and on such terms and conditions as set out in the Master Section 37 Agreement.
12. For the lands located on the north side of Queens Quay East the *publicly accessible open space* may comprise a *plaza* in accordance with the following:
 - A. the area of the *plaza* is a minimum area of 1200 square metres; and,
 - B. the *plaza* is located within the Permitted Plaza Area identified on Map 4.
13. For the lands located on the south side of Queens Quay East the *publicly accessible open space* may comprise a *plaza* in accordance with the following:
 - A. the area of the *plaza* is a minimum of 235 square metres; and,
 - B. the *plaza* is located within the Permitted Plaza Area identified on Map 4.

Child Care Facility

14. The owner shall design, construct, finish, equip and handover a fully operational Child Care Centre on the block bounded by Queens Quay East, Cherry Street, Trinity Street and Lake Shore Boulevard East, with 929 square metres of interior space and 280 square metres of exterior space, to the satisfaction of the General Manager, Children's Services. The owner is required to provide details on the Child Care Centre generally in accordance with the Terms Sheet as part of the Site Plan Approval application along with all required studies and plans. The details of the Child Care Centre will be secured in a Phase-Specific Section 37 Agreement.

Local Infrastructure Charge

15. Local infrastructure improvements are to be secured through a contribution of \$69.86 per square metre of residential gross floor area as defined in By-law 438-86 to be used for the provision of local infrastructure improvements, not including buildings and structures or portions of buildings and structure used for the purposes of affordable rental housing, to be paid prior to the issuance of the first Above-Grade Building Permits for each building for the lot or for the portion of the lot being developed.
16. Notwithstanding Section 15, the Owner may satisfy the requirements of this Section in whole or in part by constructing and dedicating such local infrastructure improvements as City Council may approve to the City, in which case the obligation in Paragraph 4.I is decreased by the value of such improvements as determined by City Council.

APPENDIX “2” TO EXCEPTION 12(1)(487)

Property Specific Timely Delivery

1. Timely Delivery of *Affordable Rental Housing*

The *owner* shall agree to delivery milestones for the delivery of *affordable rental housing* based on the following:

- (a) The development of *residential gross floor area* as permitted by this Exception for the lands shown on Map 1
 - (b) For purposes of this Appendix and the establishment of the delivery milestones, lands shown on Map 1, and their maximum *residential gross floor area* as permitted by this Exception, are included.
 - (c) Delivery milestones are reached when *above-grade building permits* are issued that exceed the amount of *residential gross floor area* specified below.
2. The specific delivery milestones and obligations are as described below:
 - (a) An initial deferral of *affordable rental housing* delivery is permitted until the first delivery milestone is reached equalling 30,200 square metres of *residential gross floor area*.
 - (b) *Affordable rental housing* must be secured in a *Phase-specific Section 37 Agreement* prior to the earlier of the removal of ‘h’ provisions or applying for any *above-grade Building Permit* that would provide for the development of more than 30,200 square metres of *residential gross floor area*.
 - (c) The *owner* must commence delivery of *affordable rental housing* commensurate with the rate of residential development prior to requesting issuance of any *above-grade Building Permit* that would permit any additional *residential gross floor area* other than for *affordable rental housing* beyond 30,200 square metres.
 - (d) If the *owner* is providing cash-in-lieu of *affordable rental housing*, it may be provided in the form of a letter of credit provided that:
 - (i) It is in the full amount of the maximum cash-in-lieu permitted in (kk)(iii); and
 - (ii) The *owner* agrees to make an election for *affordable rental housing* delivery in the form of *dwelling units* or land prior to removal of ‘h’ provisions that would provide for residential development beyond the second delivery milestone of 46,200 square metres.
 - (e) The second delivery milestone is equal to a total *residential gross floor area* of 46,200 square metres,

- (f) If land for *affordable rental housing* has been elected and a letter of credit for cash-in-lieu of *affordable rental housing*, was provided subject to 2(d) of this Appendix:
 - (i) The required amount of *affordable rental housing* to be secured at the second delivery milestone shall be commensurate with the rate of total residential development permitted when the third delivery milestone is reached, and calculated on the cumulative amounts of any previous delivery of *affordable rental housing* and the combined amount of *residential gross floor area* for *affordable rental housing* that would result from the land to be delivered and the cash - in - lieu of land delivery required to meet the delivery obligations; and
 - (ii) The cash-in-lieu required in (f)(i) herein shall be delivered at the second delivery milestone by cashing the letter of credit for cash-in-lieu of *affordable rental housing* to the required amount; and
 - (iii) The land must be secured in a *Phase-specific Section 37 Agreement* and delivered subject to (kk)(ii) of this Exception prior to the earlier of removal of 'h' provisions or applying for any above- grade building permit that would provide for residential development beyond the third delivery milestone.
- (g) If the delivery of *dwelling units* that are *affordable rental housing* has been elected at the second delivery milestone, these shall be secured in a *Phase-specific Section 37 Agreement* as follows:
 - (i) Prior to the removal of 'h' provisions that permit any *residential gross floor area* other than for *affordable rental housing* units beyond the amount of *residential gross floor area* specified for the applicable third delivery milestone in (h) herein; and
 - (ii) In the amount required to ensure the delivery of *affordable rental housing* commensurate with the rate of development of the total residential gross floor area permitted up to the third delivery milestone.
- (h) The third delivery milestone is reached with the issuance of above-grade *building permits* for the fourth residential building, other than buildings with *affordable rental housing*, or with the *residential gross floor area* milestone calculated as follows:
 - (i) At least two residential buildings are constructed north of Queens Quay,
 - (ii) If the first three residential buildings are north of Queens Quay,
total
residential gross floor area of 71,700 square metres,
 - (iii) If one of the three residential buildings is south of Queens Quay,
total
residential gross floor area of 65,970 square metres,

- (i) Delivery of dwelling units that are *affordable rental housing* in the amount required in (g)(ii) herein shall be as follows:
- (i) Delivery will commence prior to any approval to remove the ‘h’ provision that would permit any additional *residential gross floor area* other than for *affordable rental housing* beyond the third delivery milestone or for a fourth residential building other than for *affordable rental housing*; and
 - (ii) Delivery will commence prior to the issuance of any above-grade *building permit* for any building with *residential gross floor area* other than for *affordable rental housing* beyond the third delivery milestone or for a fourth residential building other than for *affordable rental housing*;
 - (iii) A component equivalent to two full residential above-grade floors of *affordable rental housing* (structure only) shall have been constructed prior to the issuance of any above-grade *building permit* for any building, or part thereof, with *residential gross floor area* beyond the third delivery milestone or for a fourth residential building other than for *affordable rental housing*; and
 - (iv) Notwithstanding (i)(i) and (i)(ii) herein, if the *affordable rental housing* is being provided in a building that also contains *dwelling units* that are not *affordable rental housing*, then removal of the ‘h’ provision or the issuance of an above-grade *building permit* for *residential gross floor area* beyond the third delivery milestone is permitted if the *residential gross floor area*, or part thereof, is intended to satisfy the cumulative *affordable rental housing* obligations then outstanding and on condition that the *affordable rental housing* to be provided comprises at least 31% of the total *residential gross floor area* associated with the building for which the removal of the ‘h’ provision or the above grade building permit is sought.
- (j) In addition to the amount of *affordable rental housing* delivery required in (f) and (g) herein, the amount of *affordable rental housing* delivery required to approve the removal of the ‘h’ provision and the issuance of above-grade building permits that permit *residential gross floor area* beyond the third milestone shall be commensurate with the rate of development of the combined *residential gross floor area* permitted by the development for which removal of the ‘h’ provision is sought and all previous approvals.



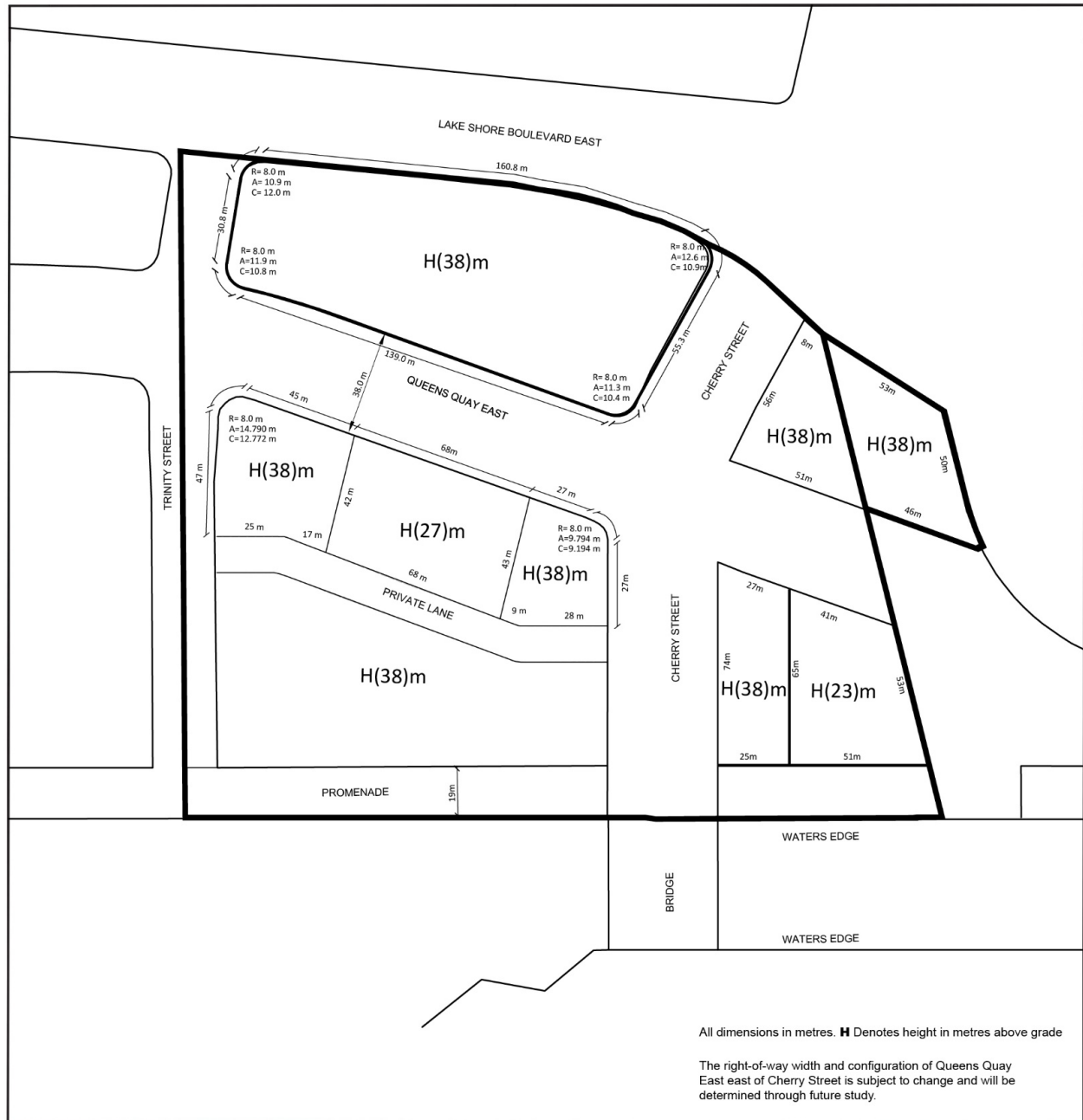
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map A- Lands Subject to Exception

File # 25 175195 STE 10 0Z.



Not to Scale
06/18/2026



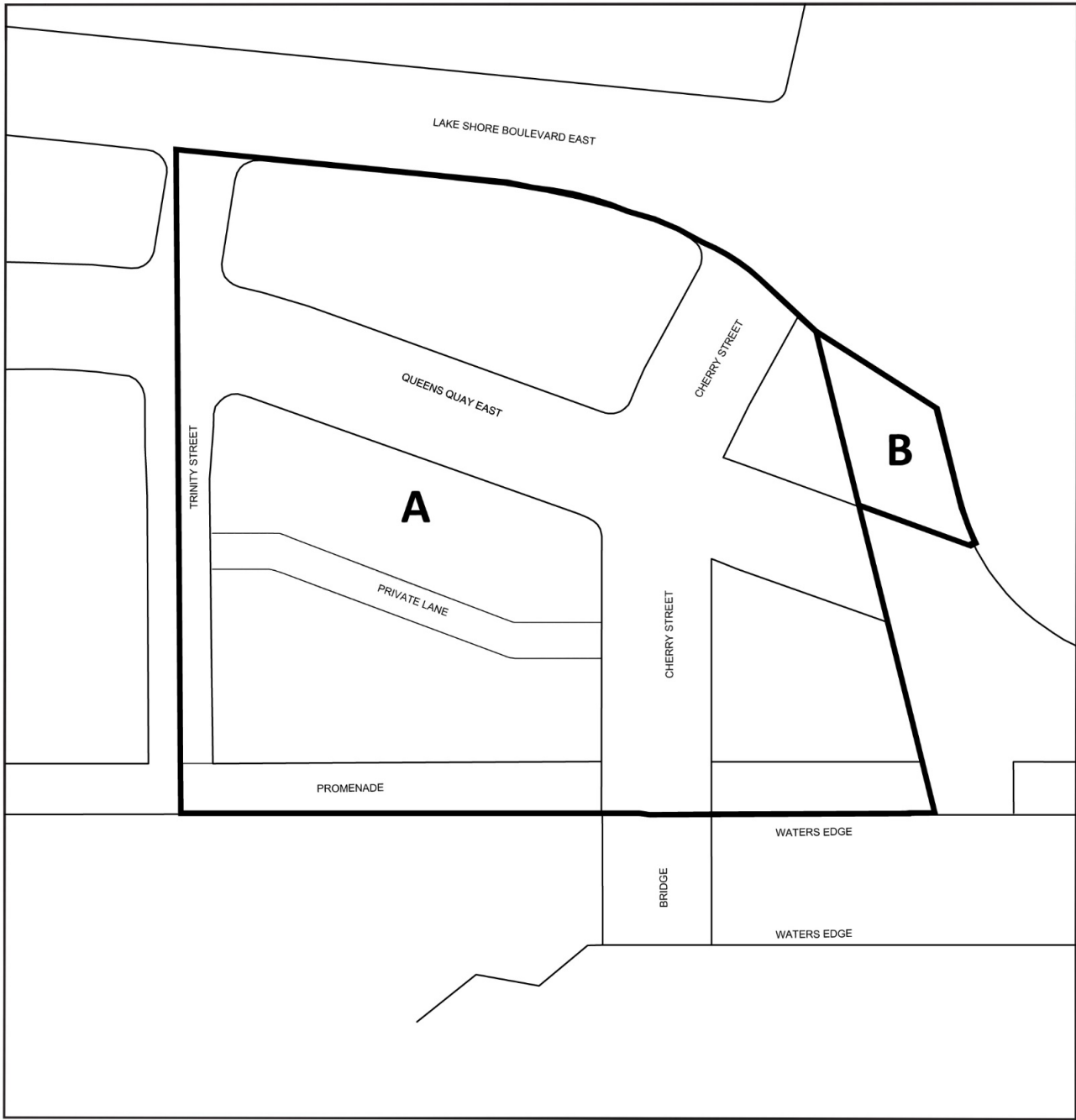
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Map B- Maximum Base Building Heights

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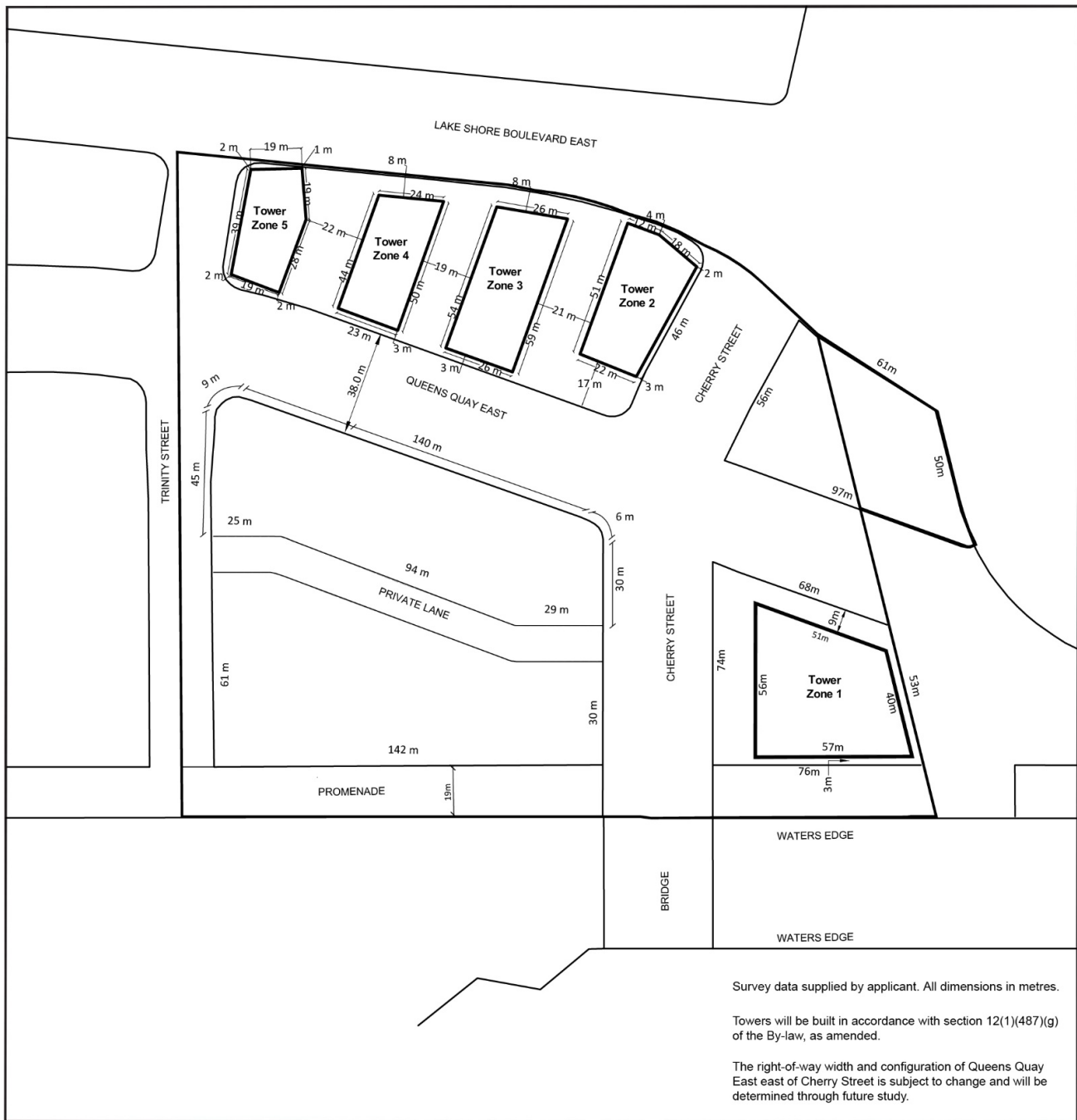
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map 1- Lot and Areas Subject to Maximum Density

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06/18/2026



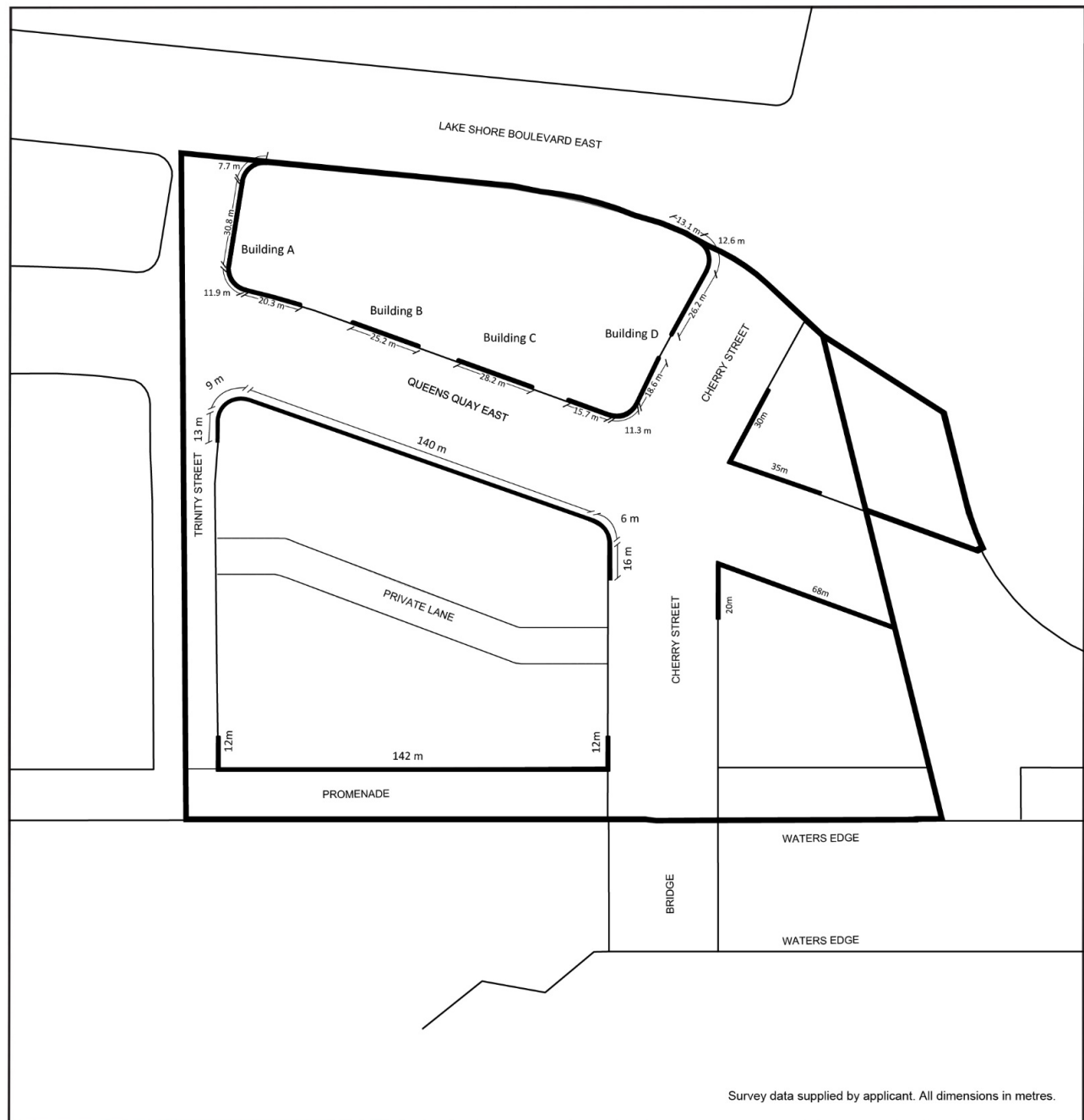
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map 2- Permitted Tower Areas

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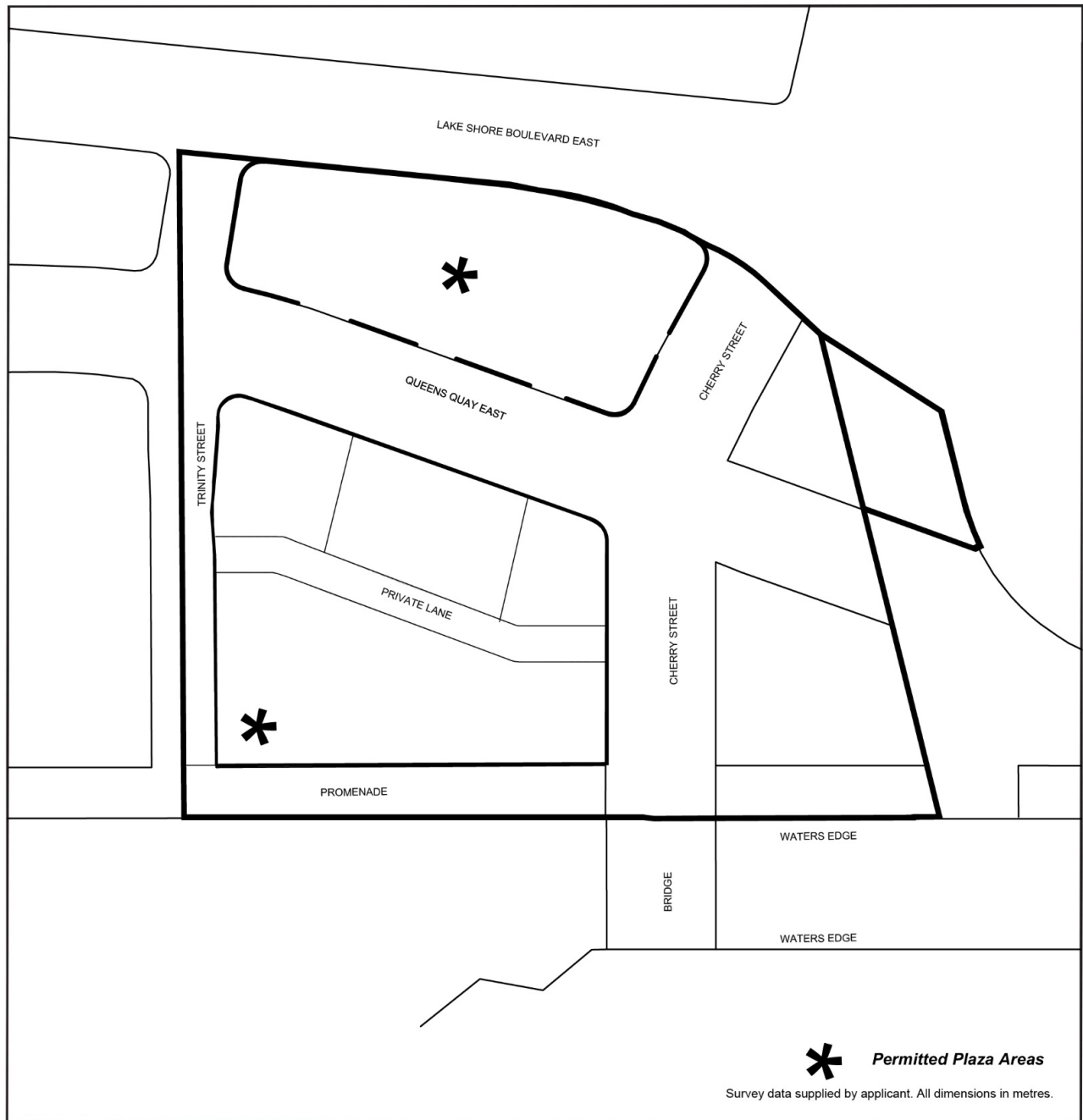
429 and 455 Lake Shore Boulevard East and 324 Cherry Street

Map 3- Build-to Lines

File # 25 175195 STE 10 OZ.



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06/18/2026



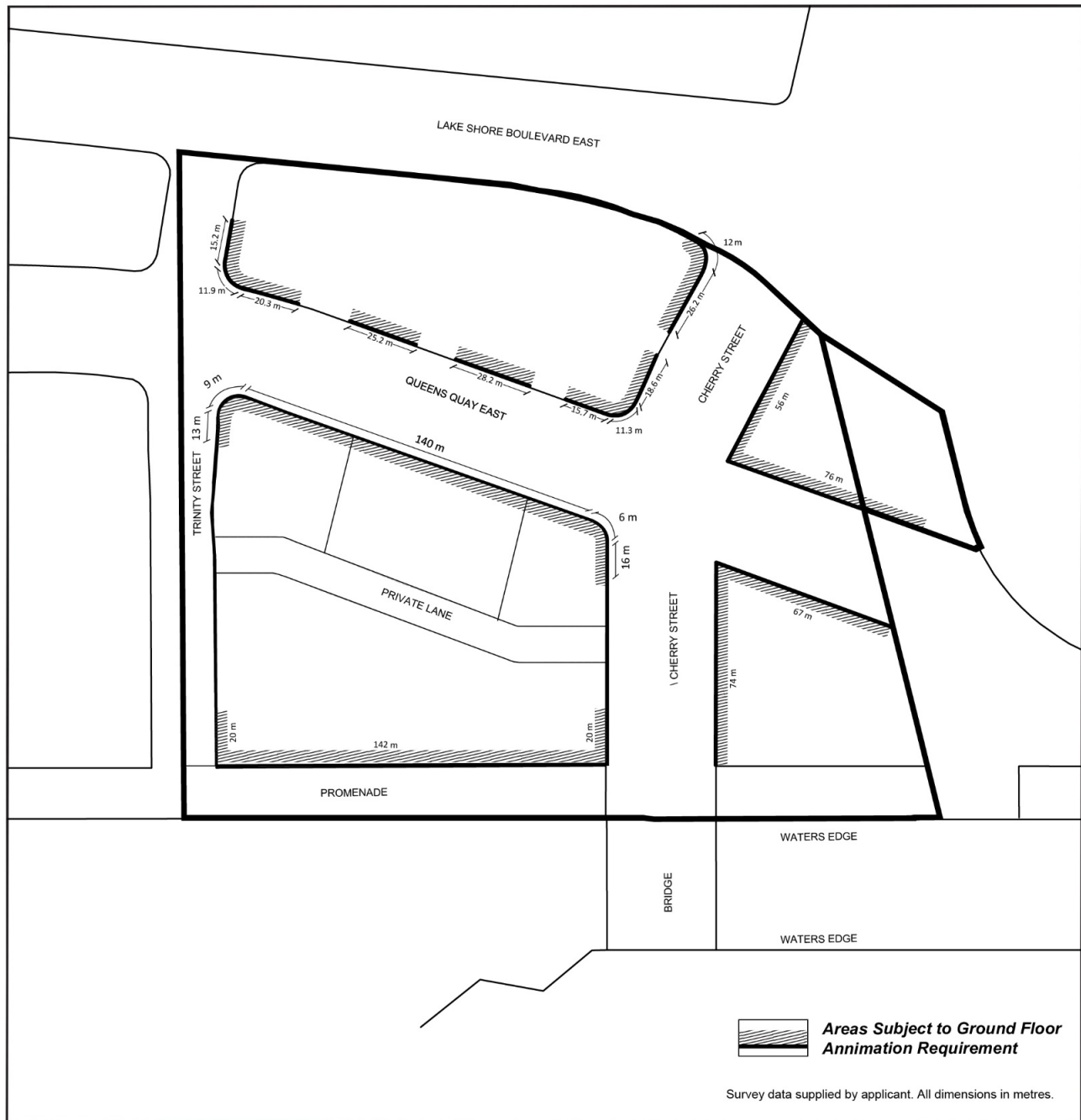
429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map 4- Permitted Plaza Areas

File # 25 175195 STE 10 OZ.



Not to Scale
06/18/2026



429 and 455 Lake Shore Boulevard
East and 324 Cherry Street

Map 5- Ground Floor Animation Areas

File # 25 175195 STE 10 OZ.



Not to Scale
06/18/2026