

Attachment 7: Draft Zoning By-law Amendment

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Recovery Act, S.O. 2020 c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the bylaw is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed,; and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 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 deleted and the numbering of sections thereafter updated.
- (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

- (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	15,000
B	11,700	

- (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</i> (metres)
1	150
2	174
3	126
4	98
5	148

(h) Two new sub-sections 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 deleted and the numbering of sections thereafter updated.

(j) Sub-section 12(1)(487)(i) is deleted and the numbering of sections thereafter updated.

(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-section is added after 12(1)(487)(o) and the numbering of sub-sections thereafter is updated, as follows:

“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 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) Under the section titled ‘Build-to Lines’, a new sub-section will be added after sub-section 12(1)(487)(v) and the numbering of sections thereafter updated, the new section reads as follows:

“Notwithstanding Section 12(1)(487)(v), 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.

- (x) 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) Sub-section 12(1)487(x) will be updated by adding a reference to sub-section 12(1)(487)(f) to the list of sections referenced.

- (s) 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) Parking spaces must be provided collectively for each use on a lot in an amount that complies with the regulations in Chapter 200.

(vii) 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.
- (viii) 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.
- (ix) 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)(ix)(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.
- (x) Notwithstanding section 4(17) and 12(1)(487)(z)(ix), 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)(x)(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.

(xi) 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)(xi)(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; and

(xii) 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*.

(xiii) 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.

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

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

(xv) Despite 12(1)(487)(z)(ix):

- 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)(ix)(D), despite that such *parking spaces* are obstructed in accordance with regulation 12(1)(487)(z)(xii); and
- B. provided, the total number of parking spaces obstructed on two sides in accordance with 12(1)(487)(z)(xii) does not exceed 5 percent of the total number of provided *parking spaces*.

(xvi) 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;

(xvii) Despite 12(1)(487)(z)(ix), accessible parking spaces must 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.

(t) 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 3(z)ii, 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 3(z)ii 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 3(z)ii, 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.
- (u) 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)(iv), 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.

(v) Sub-section 12(1)(487)(ii) 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.

(w) Sub-paragraph 12(1)(487)(ii)(iii) is replaced to a new subsection following sub-sub-section (ii) and the numbering thereafter updated.

(x) Sub-section 12(1)(487)(kk)(i) is deleted and replaced as follows:

- (ll) 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.
- (y) Two new sub-sections are added after subsection (ll), and the numbering thereafter updated, as follows:
 - (mm) 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.
 - (nn) 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.
- (z) Sub-section 12(1)(487)(oo)(A) is modified by changing the minimum area of the plaza to 1,200 square metres.
- (aa) Sub-section 12(1)(487)(qq) is deleted in its entirety and replaced with the following new subsections, with the numbering thereafter updated:
 - (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.

- (rr) 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.
- (ss) 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 (ss);
 - 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.

(tt) 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 (ss)(ix) and (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.

(uu) 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 statin, 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. *Software Development and Processing;*
- xl. *Sports Place of Assembly;*
- xl. *Take-out Eating Establishment;*
- xl. *Transportation Use;*
- xlvi. *Warehouse; and*
- xl. *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.

(bb) 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 By-law No. 438-86. 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) “*car-share parking*” means a parking space that is reserved and actively used for car-sharing.
- (xvii) “*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.
- (xviii) “*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.
- (xix) “*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*.
- (xx) “*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.
- (xxi) “*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.

- (xxii) “*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.
- (xxiii) “*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*.
- (xxiv) “*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.
- (xxv) “*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;
- (xxvi) “*ground floor*” means the *first floor* of a building or structure above *grade*;
- (xxvii) “*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;
- (xxviii) “*height*” means the vertical distance between *grade* and the highest point of the roof, building, structure or element.
- (xxix) “*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.
- (xxx) “*lot*” means the area identified in heavy lines on Map 1.

- (xxxix) “*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*.
- (xxxixii) “*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) of this Exception.
- (xxxixiii) “*museum*” means premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.
- (xxxixiv) “*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.
- (xxxixv) “*outdoor patio*” means an outdoor patron area that is ancillary to a non-residential use.
- (xxxixvi) “*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*.
- (xxxixvii) “*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*.
- (xxxixviii) “*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.
- (xxxixix) “*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*.
- (xlili) *“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.*
- (cc) Sub-section 12(1)(487)(uu) is modified by deleting sub-clause “(f)” referencing Map 6.
- (dd) Appendix 1 to sub-section 12(1)(487) is amended as follows:

- i. Notwithstanding Section 1 of Appendix 1, the following shall apply:

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. Notwithstanding Section 12(A) of Appendix 1, the following shall apply:

- 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. A new section is added following new Section 14 – Child Care Facility of Appendix 1, as follows:

Local Infrastructure Improvements

- A. 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.

- B. Notwithstanding Section 14(A), 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.

- (ee) 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 (i) the number 70,145 is replaced with 71,700.
- iv. In Section (j)(iv) the text “60%” is replaced with “31%”.













