

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 22, 2017

CASE NO(S): PL030514
PL030412
PL060106
PL101091

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule "1"
Subject: New Official Plan for the City of Toronto, as adopted by By-law No. 1082-2002
Municipality: City of Toronto
OMB Case No.: PL030412
OMB File No.: PL030412 (various files see Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule "2"
Subject: Proposed Official Plan Amendment No. 257
Municipality: City of Toronto
OMB Case No.: PL030514
OMB File No.: O030096

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: See Schedule "3"
Subject: By-law No. 1049-2006
Municipality: City of Toronto
OMB Case No.: PL030514
OMB File No.: R060297

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	3C Lakeshore Inc. (formerly Home Depot)
Subject:	Request to amend the Official Plan - Failure of City of Toronto to adopt the requested amendment
Existing Designation:	Central and East Bayfront
Proposed Designation:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	429 Lakeshore Boulevard and 324 Cherry Street
Municipality:	City of Toronto
Approval Authority File No.:	05 171818 STE 28 OZ
OMB Case No.:	PL060106
OMB File No.:	0060034

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	3C Lakeshore Inc. (formerly Home Depot)
Subject:	Application to amend Zoning By-law No. 438-86 – Neglect of application by City of Toronto
Existing Zoning:	Mixed Industrial-commercial category
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	429 Lakeshore Boulevard and 324 Cherry Street
Municipality:	City of Toronto
Municipal File No.:	05 171818 STE 28 OZ
OMB Case No.:	PL060106
OMB File No.:	Z060015

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant:	See Schedule “4”
Subject:	Proposed Official Plan Amendment No. 388
Municipality:	City of Toronto
Municipal File No.	10 117319 SPS 00 OZ
OMB Case No.:	PL101091
OMB File No.:	PL101091

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant:	See Schedule "5"
Subject:	Proposed Official Plan Amendment No. 389
Municipality:	City of Toronto
Municipal File No.:	10 117319 SPS 00 OZ
OMB Case No.:	PL101091
OMB File No.:	PL101092

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	See Schedule "6"
Subject:	By-law No. 1174-2010
Municipality:	City of Toronto
OMB Case No.:	PL101091
OMB File No.:	PL101093

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	CASTAN Waterfront Development Inc., 1147390 Ontario Limited, 161774 Ontario Limited, 2017919 Ontario Limited and Marland III Corporation ("Castan")
Subject:	Application to amend Zoning By-law No. 438-86 – Neglect of application by City of Toronto
Existing Zoning:	Industrial IC
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit Commercial and Residential uses
Property Address/Description:	351 & 369 Lake Shore Boulevard East (Victory Soya Silo Site)
Municipality:	City of Toronto
Municipal File No.:	07 143093 STE 28 OZ
OMB Case No.:	PL101091
OMB File No.:	PL101094

Schedule “1”***Appellants to the City of Toronto New Official Plan (PL030412):***

O.M.B. FILE No.	APPELLANT NAME	Appeal No.	Schedule
O030146	Pier 27 Toronto Inc. (formerly Avro Quay Limited)	27	B
O030219	Castan Waterfront Development Inc.	42	B
O030138	Harbour Remediation and Transfer Inc.	66	E
O030275	3C Lakeshore Inc. (formerly Home Depot)	68	B
O030167	Lafarge Canada Inc.	77	E
O030121	Ontario Power Generation	99	D

Schedule “2”***Appellants to the Official Plan Amendment No. 257 of the City of Toronto (PL030514 – O030096):***

File No.	APPELLANT NAME	Site
O030219	1147390 Ontario Limited and Queen’s Quay Avante Limited	215 Lake Shore Blvd. E. and 178 & 180 Queens Quay East (“FedEx Site”)
	2017919 Ontario Limited and Marland III Corporation	351 & 369 Lake Shore Blvd. E. (“Victory Soya Silo Site”)
	Marland I Corporation and Marland II Corporation	20 Polson St. and 176 Cherry St. (“Polson Quay”)
O030275	3C Lakeshore Inc. (formerly Home Depot)	429 Lake Shore Blvd. and 324 Cherry St.
O030146	Pier 27 Toronto Inc. (formerly Avro Quay Limited)	25 Queens Quay East
	Canadian Pacific Express & Transport Ltd.	150 Commissioners St. & 155 Villers St.
	Concord Adex Development Corp	Railway Land Central & West
	Korex Don Valley ULC	21 Don Valley Parkway
O030167	Lafarge Canada Inc.	54 Polson St and 535 Commissioners St
	Ontario Film and Television Studio Owners Association	Central Waterfront Secondary plan area
O030121	Ontario Power Generation	440 Unwin Avenue
	Michael Shapcott (Toronto Disaster Relief Committee)	General appeal – Housing Policy

Schedule “3”***Appellants to the Zoning By-law 1049-2006 of the City of Toronto (PL030514 – R060297):***

<i>APPELLANT NAME</i>	<i>Site</i>
Redpath Sugar Ltd. (formerly Tate & Lyle)	95 Queens Quay East
QQE 162 Inc. (formerly Gemess Investments Ltd.)	162 Queens Quay East
Kintork (Ontario) Limited and Nuko Investments Limited	143-177 Lake Shore Blvd E & 130 Queens Quay E.
1147390 Ontario Limited Queen’s Quay Avante Limited	215 Lake Shore Blvd. E. and 178 & 180 Queens Quay East (“FedEx Site”)

Schedule “4”***Appellants to the Official Plan Amendment No. 388 of the City of Toronto (PL101091):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. & 324 Cherry St.
1307547 Ontario Limited, 1341665 Ontario Limited, & 1536165 Ontario Limited	15-55 Polson St. & 222-238 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.
Lafarge Canada Inc.	54 Polson St.
Toronto Waterfront Studios Inc.	225 Commissioners St.
2017919 Ontario Limited and Marland III Corporation	351 & 369 Lake Shore Blvd. E. (“Victory Soya Silo Site”)
Marland I Corporation and Marland II Corporation	20 Polson St. and 176 Cherry St. (“Polson Quay”)
1337194 Ontario Inc. & 2034055 Ontario Limited	309 Cherry St.

Schedule “5”***Appellants to the Official Plan Amendment No. 389 of the City of Toronto (PL101092):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. & 324 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.
Toronto Port Authority	30 Bay St. & 60 Harbour St.

Schedule "6"***Appellants to the Zoning By-law 1174-2010 of the City of Toronto (PL101093):***

<i>APPELLANT NAME</i>	<i>Site</i>
3C Lakeshore Inc. (formerly Home Depot)	429 Lakeshore Blvd. & 324 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 & 150 Cherry St.
Lafarge Canada Inc.	54 Polson St.
Joseph Hauptert	307 Lakeshore Blvd. E.
2017919 Ontario Limited and Marland III Corporation	351 & 369 Lake Shore Blvd. E. ("Victory Soya Silo Site")
Marland I Corporation and Marland II Corporation	20 Polson St. and 176 Cherry St. ("Polson Quay")
1337194 Ontario Inc. & 2034055 Ontario Limited	309 Cherry St.

Heard:

June 22, 2016 in Toronto, Ontario

APPEARANCES:**Parties****Counsel**

City of Toronto

R. Robinson

Redpath Sugar Ltd.

J. Cheng

Toronto Waterfront Revitalization Corp.

A. Leibel
M. Stewart

Lafarge Canada Inc.

M. Bull
P. Gross

Royal Canadian Yacht Club

N. Smiley
C. Tanzola

3C Lakeshore Inc.

N.J. Pepino
S. Loiacono

Daniels QQ Corp.

K. Fairbrother

Queen's Quay Avante Limited
Castan Waterfront Development Inc.
1147390 Ontario Limited
Castle Frank Greybrook Inc.

C. MacDougall

Menkes 55 Lakeshore Inc.(Menkes)

A. Heisey
A. Brown

MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY ON JUNE 23, 2016 AND ORDER OF THE BOARD

[1] This prehearing event was scheduled for three days for the following purposes:

- i. To receive an update on the status of the Central Waterfront appeals, to identify the existing (remaining) Parties/Participants, and to receive further requests for Party/Participant Status.
- ii. To hear evidence on (a) the settlements achieved between Keating Channel West Precinct Landowners, the City of Toronto (“City”) and Toronto Waterfront Revitalization Corp. (Waterfront Toronto) and (b) between the City and 1147390 Ontario Limited and Queen’s Quay Avante Limited, with respects to aspects of the proposed development on the lands municipally known as 215 Lake Shore Boulevard East, 178 and 180 Queens Quay East (“FedEx Site”). These settlements were endorsed by City Council at its meeting on February 3, 4 and 5, 2016.

REQUESTS FOR PARTY STATUS

[2] At the start of these proceedings Menkes and Castle Frank Greybrook Inc., requested and, on consent, were granted party status. Menkes sought to stand in the place of Ontario Reality Corporation (also known as Ontario Lands Corporation), which from the inception of these proceedings had been an active party; Castle Frank Greybrook Inc. acquired a portion of the FedEx Site.

THE SETTLEMENTS

[3] The City, Waterfront Toronto, Joseph Hauptert, and 3C Lakeshore Inc. (formerly Home Depot), participated in a mediation process that resulted in the parties executing Minutes of Settlement, filed at this hearing as Exhibits 10 and 11.

[4] Although in principle there was no opposition to the settlements, certain parties wanted assurance that their rights would be preserved under the settlements. Royal Canadian Yacht Club registered its concern that the settlements should not prejudice its existing appeals; Lafarge Canada Inc. wanted no additional burden on its current and future operation from any incompatible land uses resulting from the settlements; Redpath Sugar Ltd. also expressed concern that the settlements not prejudice its outstanding appeals.

[5] The Board stood down on June 22, 2016 to allow the concerned parties to satisfy themselves that the documents presented for approval would not be detrimental to their interests. On June 23, 2016, the Board was advised that the parties had reached consensus on the documents to be presented, and the Board proceeded with the settlement hearing.

[6] The Board received submissions from Counsel for Toronto Waterfront Revitalization Corp., Allan Leibel. Mr. Leibel described the details of the many accomplishments so far in the Waterfront renewal project, and the ongoing efforts towards realizing that vision. He reminded the Board that this work has stretched over decades. Mr. Leibel recapped the events leading up to this point, starting with the funding commitment of \$1.5 Billion in 2001 by the three levels of Government, the Making Waves Central Waterfront Secondary Plan which was adopted in 2002, and Council's adoption in 2003 of Official Plan Amendment No. 257 ("OPA 257") to the former City of Toronto Official Plan (the "Central Waterfront Secondary Plan"), which was acknowledged as a high level document, recognizing that there would be further precinct planning processes to lay out details of the infrastructure and built form for

each precinct, as well as environmental considerations and how Affordable Rental Housing would be achieved.

[7] There were many appeals to OPA 257 and to various precinct plans, and what followed was a concerted effort by the parties and the City to achieve resolution on a site by site, and area by area basis. The result of that effort is the new development at various locations on the Waterfront, including the West Don lands, sites within the Fort York neighborhood, and all the publicly owned portions of the East Bayfront West precinct, which now has only one outstanding appeal.

[8] Mr. Leibel kindly acknowledged the Board's role in working with the parties to disentangle this complex process, by strategic case management and assistance in mediation that culminated in the resolution of several appeals, including the settlements before the Board in this proceeding.

THE EVIDENCE

[9] In support of the settlement reached between the City, Waterfront Toronto and Mr. Haupert, and with the City and 3C Lakeshore Inc. (formerly Home Depot), Land Use Planner, Angus Cranston, provided opinion evidence on the planning merits of the proposals. Mr. Cranston is a Consultant Project Manager for the City and the former East York District, and the principal planner on development matters in the Waterfront Area since 1998. Mr. Cranston worked on the resolution of Central Waterfront Plan, Secondary Plan and Zoning By-law appeals within the East Bayfront and Keating Channel West Precincts.

[10] Mr. Cranston provided a chronology of events which resulted in the settlement and the resolution of those matters which were especially important to the City, such as:

- design parameters for built form, including height and density;
- land exchanges and the provision of new roads;

- matters related to the provision of Open Space on both public and private lands;
- provision of Affordable Rental Housing and in some instances details relating to the provision of cash-in-lieu versus the provision of land or built affordable rental housing units;
- modifications to the requirements for the provision of public part;
- matters related to the provision of water's edge road adjacent to the Waterfront Public Promenade.

[11] Mr. Cranston provided detailed evidence on the key principles for affordable housing in the Waterfront area and its goal to provide healthy, diverse communities by a mix of housing tenure, unit types, households and affordability throughout all of the new neighborhoods. The responsibility for the provision of affordable rental housing is shared between private and public land owners, and the three levels of government.

[12] It was his opinion that Affordable Rental obligations of private land owners in the Waterfront area are reasonable as contributions under s. 37 of the *Planning Act*, when viewed in the context of the substantial public investment in planning and infrastructure, the provincial and official plan policies and the zoning changes to provide new permissions for residential use in the area.

1. KEATING CHANNEL PRECINCT WEST

[13] The proposed Official Plan and Zoning By-law Amendments would affect those portions of the precinct known municipally as 307 Lake Shore Boulevard East, 11 Small Street and 3-7 Parliament Street, 333 Lake Shore Boulevard East, and 324 Cherry Street and 429 Lake Shore Boulevard East (the "subject lands").

[14] The subject lands are designated as part of the Waterfront in the Official Plan for the (former) City of Toronto. It is proposed that these lands be designated Regeneration Areas and Parks and Open Space Areas in the Secondary Plan, with the easterly boundary of the designations clarified to reflect the proposed realignment of Cherry Street and the eastern boundary of the precinct. The Regeneration Areas designation permits a range of residential, commercial, institutional and industrial uses.

[15] The proposal incorporates a site specific policy for the lands as part of the Central Waterfront Secondary Plan to permit an appropriate mix of commercial and residential uses within the precinct, including policies related to the provision of affordable housing, building massing, tower orientation, the public realm and a new network of local streets and right-of-way for vehicles, pedestrians and cyclists.

[16] The lands are currently split-zoned. The lands to the west of the existing Cherry Street alignment are zoned IC (industrial commercial), and the lands to the east of Cherry Street are zoned I 3 (Industrial). The precinct is not subject to the Citywide Zoning By-law No. 569-2013.

[17] Pursuant to Keating Channel Zoning By-law No. 1174-2010, as adopted by Council (and under appeal), the subject lands are to be zoned CR (h), which permits a mix of commercial and residential uses, and G (h), which permits parks and a mix of community related uses. The By-law would be amended to adjust the boundaries of the zones and the boundaries of the precinct. The By-law would be further amended to provide base building heights ranging from 12 metres ("m") to 38 m within those portions of the precinct, with tower locations rising above to a certain height and in specified locations. Separating distances between tower locations would be imposed to allow sunlight penetration into the public realm and to preserve views and sky views. The By-law would include requirements for the provision of affordable rental housing.

[18] Zoning By-law No. 1174-2010 would be further amended to provide site specific exemptions as follows:

- On the lands mainly known municipally as 307 Lake Shore Boulevard East, 11 Small Street and 3-7 Parliament Street, a combined residential and non-residential gross floor area of 53,350 square metres (“m²”), as well as one permitted tower with a maximum height of 125 m, would be permitted.
- On the lands mainly known municipally as 333 Lake Shore Boulevard East, a combined residential and non-residential gross floor area of 97,500 m², as well as one permitted tower with a maximum height of 150 m would be permitted.
- On the lands mainly known as 324 Cherry Street and 429 Lake Shore Boulevard East, a combined residential and nonresidential gross floor area of 233,840 m², as well as a maximum of three permitted towers with maximum heights ranging between 137 m and 150 m, would be permitted.

[19] The Central Waterfront Secondary Plan and Zoning By-law No. 1174-2010, as originally adopted by Council, would remain under appeal for the portions of the precinct known municipally as 351 and 369 Lake Shore Boulevard East and 11 Parliament Street.

2. 1147390 ONTARIO LIMITED AND QUEEN’S QUAY AVANTE LIMITED

[20] The City, 1147390 Ontario Limited and Queen’s Quay Avante Limited reached a settlement on aspects of the proposed development for the lands municipally known as 215 Lake Shore Boulevard East and 178 and 180 Queens Quay East (the “subject property”), primarily with respect to affordable rental housing and built form.

[21] The subject property is comprised of two parcels of land. The northern parcel, municipally known as 215 Lake Shore Boulevard East, is located on the south side of Lake Shore Boulevard East bounded by Lower Sherbourne Street to the east and Richardson Street to the west. The southern parcel, municipally known as 178 Queens Quay East, is located on the north side of Queens Quay East bounded by Lower

Sherbourne Street to the east and Richardson Street to the west. It is currently occupied by three commercial and industrial buildings and surface parking areas.

[22] The proposal is to develop the subject property with a mixed-use development containing a range of dwelling unit sizes and building heights. The proposal includes the provision of a publicly accessible walkway to extend between Lake Shore Boulevard East and Queens Quay East. Parking will be provided below ground. The proposal has been designed to accommodate portions of a new east west public road connecting Lower Sherbourne Street to Richardson Street.

[23] The subject property is designated Regeneration Areas. It is located within the Downtown and Central Waterfront planning area. It is proposed to be included in the Central Waterfront Secondary Plan, approved by Council (and under appeal). The Regeneration Areas designation permits a range of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses.

[24] The proposal is to maintain the Regeneration Areas designation as well as to incorporate an Area Specific Policy as part of the Central Waterfront Secondary Plan. The Area Specific Policy would permit a mix of commercial and residential uses including policies related to the provision of affordable rental housing, building massing, tower placement, the public realm and a new east west local street.

[25] The subject property is zoned IC by the former City of Toronto Zoning By-law No. 438-86, as amended, which permits a range of light industrial, retail and service commercial, office commercial and institutional uses. The subject property is also subject to By-law No. 1049-2006 applicable to the East Bayfront-West Precinct, adopted by Council (and under appeal). By-law No. 1049-2006 would rezone the subject property to CR (h). Once the holding symbol is removed, the zoning would permit a mix of commercial and residential uses. The subject property is not subject to the City-wide By-law No. 569-2013.

[26] A site specific exception to Zoning By-law No. 1049-2006 is proposed, to permit the development of a combined residential and non-residential gross floor area of 134,750 m² on the north parcel, and 41,850 m² on the south parcel. Building heights would generally range between 24 m and 66 m. The site specific exception would permit the development of two towers on the north parcel having heights up to 120 m and 150 m respectively. There would be additional site specific standards including but not limited to standards with respect to tower separation distance, parking and loading, residential amenity space, build to lines and ground floor animation areas.

[27] In return for the height and density of the proposed development, the site specific exception also includes provisions pursuant to s. 37 of the *Planning Act* to secure the provision of certain facilities, services and matters including, but not limited to the provision of affordable rental housing, public art and an area of publicly accessible open space. The site specific exception also sets out the conditions to be met prior to the removal of the holding (h) symbol from the subject property, which includes conditions related to the provision of affordable rental housing.

[28] Mr. Cranston concluded that the proposed amendments to the Official Plan and Zoning By-law accord with all relevant provincial planning documents including the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement, the *Aggregates Act*, and Environmental Noise Guidelines - NPC 300 requirements; and the proposed amendments to the Central Waterfront Secondary Plan are consistent with the intent of the Official Plan for the (former) City of Toronto and the overall policies of the Central Waterfront Secondary Plan.

[29] The Board relied upon the uncontroverted opinion of Mr. Cranston and by an oral decision approved the amendments to OPA 257 and amendments to the Keating Zoning By-law to implement the settlements. The Board's Order was withheld pending confirmation that a Master Section 37 Agreement was executed by 3C and the City, and registered on title.

[30] The Board, having received this confirmation, hereby releases its Order which is attached hereto.

“K.J. Hussey”

K.J. HUSSEY
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ONTARIO MUNICIPAL BOARD

Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Appellant	(See attached Appellant Index in Schedule "A")
Subject	Official Plan Amendment No. 257 of the City of Toronto
OMB Case No.	PL030514
OMB File Nos.	O030121, O030146, O030167, O030219, O030275

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Appellant	(See attached Appellant Index in Schedule "B")
Subject	Zoning By-law 1174-2010 of the City of Toronto
OMB Case No.	PL101093

THIS MATTER having come before the Board for a hearing on June 23, 2016, and having heard the submissions of the Parties,

AND WHEREAS the City of Toronto, the Toronto Waterfront Revitalization Corporation (Waterfront Toronto), Joseph Hauptert, and 3C Lakeshore Inc. (formerly Home Depot) have participated in a process of mediation with the assistance of the Board over an extended period of time and have executed Minutes of Settlement in respect of the lands shown on Attachment "1", excluding those lands delineated by dashed lines known municipally as 351-369 Lake Shore Boulevard East and 11 Parliament Street, with such Minutes of Settlement having been filed with the Board;

AND WHEREAS the Board notes and accepts the position of the Parties that the settlements and the requests for partial approval related to the lands shown on Attachment "1" remain without prejudice to the Board's consideration of the remaining issues and appeals related to 351-369 Lake Shore Boulevard East and 11 Parliament Street;

AND WHEREAS the Board notes and confirms that the alignment and rights-of-way of streets are to be addressed in conjunction with the land use approval process, which may include the subdivision planning and/or the EA approval processes;

THE BOARD ORDERS that, on consent of the Parties, the appeals with respect to the lands shown on Attachment "1", excluding those lands delineated by dashed lines known municipally as 351-369 Lake Shore Boulevard East and 11 Parliament Street, against Official Plan Amendment No. 257 are allowed in part, and that Official Plan Amendment No. 257 is approved in the form set out in Attachment "2" for those lands;

AND THE BOARD ORDERS that, on consent of the Parties, the appeals with respect to the lands shown on Attachment "1", excluding those lands delineated by dashed lines known municipally as 351-369 Lake Shore Boulevard East and 11 Parliament Street, against Zoning By-law 1174-2010 are allowed in part, and that Zoning By-law 1174-2010, excluding Schedules

“C” and “D” for which approval is deferred, is approved in the form set out in Attachment “3” for those lands;

AND THE BOARD ORDERS that the coming into effect of the above-noted instruments shall be strictly without prejudice to, and shall not have the effect of limiting the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved sections, tables, definitions, maps, schedules and associated text of Official Plan Amendment No. 257 or Zoning By-law 1174-2010, on a general or site-specific basis as the case may be, for 351-369 Lake Shore Boulevard East and 11 Parliament Street or for any lands other than those shown on Attachment “1”;

AND THE BOARD ORDERS that notwithstanding anything ordered above, the Board hereby retains jurisdiction to consider and approve modifications to regulations, schedules and associated text approved herein as may be appropriate to dispose of any of the outstanding appeals before the Board.

Schedule "A"

**Appellants to the Official Plan Amendment No. 257 of the City of Toronto
(PL030514 – O003396):**

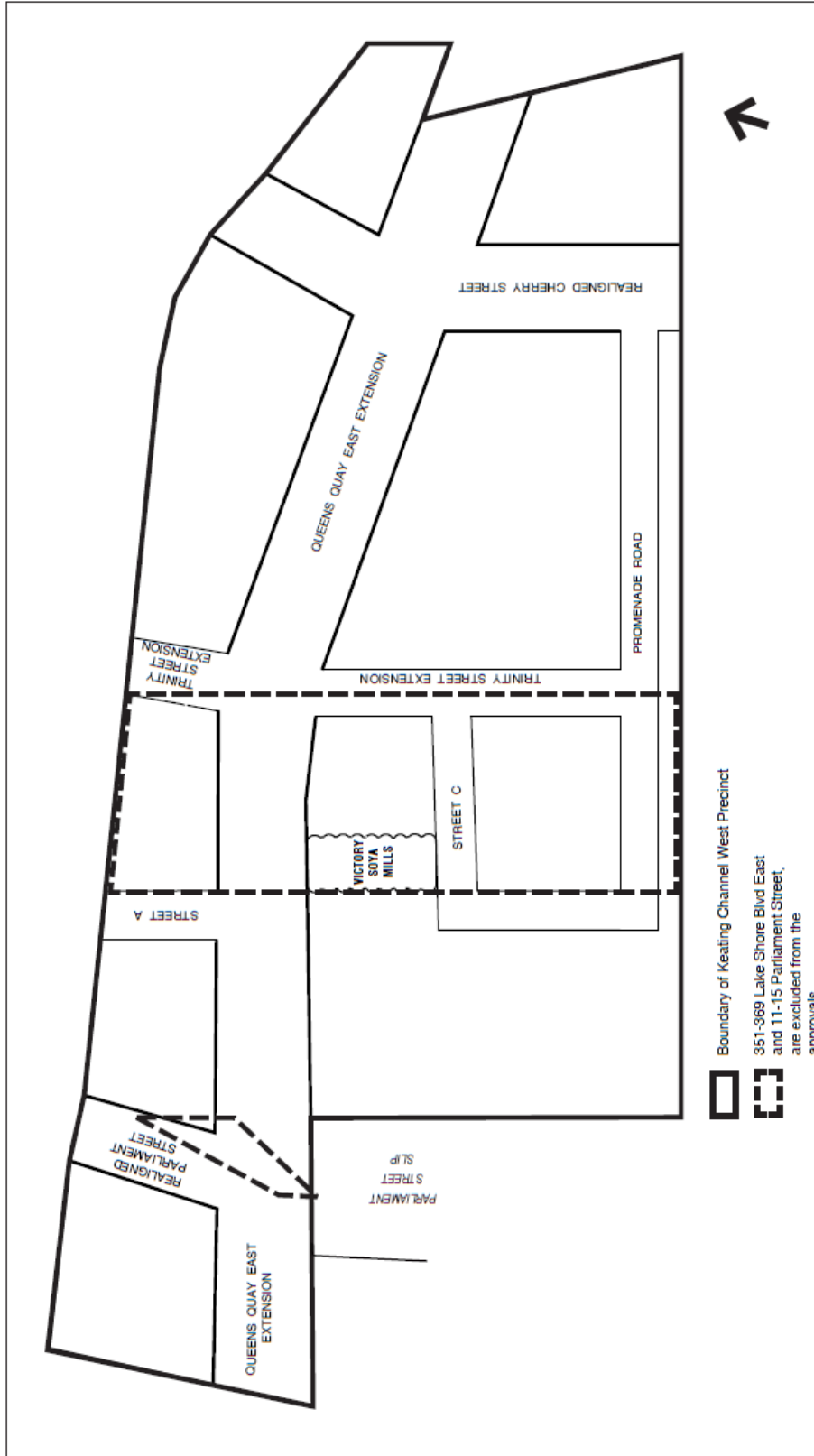
File No.	PARTIES	SITE
O030219	2017919 Ontario Limited (formerly Castan Waterfront Development)	20 Polson St. 176 Cherry St., 351 & 369 Lake Shore Blvd. E.
O030219	1147390 Ontario Limited and Queen's Quay Avante Limited (formerly 1617774 Ontario Limited)	215 Lake Shore Blvd. E.&178 Queens Quay E. (FedEx)
O030275	3C Lakeshore Inc. (formerly Home Depot)	429 Lake Shore Blvd. and 324 Cherry St.
O030146	Pier 27 Toronto Inc. (formerly Avro Quay Limited)	25 Queens Quay East
	Canadian Pacific Express & Transport Ltd.	150 Commissioners St. & 155 Villers St.
	Concord Adex Development Corp	Railway Land Central & West
	Korex Don Valley ULC	21 Don Valley Parkway
O030167	Lafarge Canada Inc.	54 Polson St and 535 Commissioners St
	Ontario Film and Television Studio Owners Association	Central Waterfront Secondary plan area
O030121	Ontario Power Generation	440 Unwin Avenue
	Michael Shapcott (Toronto Disaster Relief Committee)	General appeal – Housing Policy

Schedule "B"

**Appellants to Zoning By-law 1174-2010 of the City of Toronto
(PL101093):**

PARTIES	SITE
3C Lakeshore Inc. (formerly Home Depot)	429 Lake Shore Blvd. and 324 Cherry St.
Royal Canadian Yacht Club	11 Parliament St.; 130 and 150 Cherry St.
Lafarge Canada Inc.	54 Polson St.
Joseph Haupt	307 Lake Shore Blvd. E.
2017919 Ontario Limited (formerly Marland III Corporation)	351 and 369 Lake Shore Blvd. E.
2017919 Ontario Limited (formerly Marland 1 and Marland II Corporation)	20 Polson St. and 176 Cherry St.
2034055 Ontario Limited	309 Cherry St.

Attachment 1



Keating Channel West Precinct

Key Map

File # 10_117319



Not to Scale
05/09/2016

Attachment 2

Central Waterfront Secondary Plan

Central Waterfront Secondary Plan

“OPA 257 Adopted by Toronto City Council on April 16, 2003; further approved in part as modified for the West Don Lands in 2005 by OMB Decision/Order No. 3227; further approved in part as modified for the First Waterfront Place lands in 2007 by OMB Decision/Order No.1905, further approved in part as modified for the lands south of Queens Quay by the OMB Decision/Order delivered on November 16, 2007, issued on November 27, 2007, further approved in part as modified for the Parkside, Quayside and Sherbourne Common North lands by OMB Decision/Order delivered on December 6, 2011, issued on January 16, 2012, further approved in part as modified for the lands north of Queens Quay East in East Bayfront (West) known municipally on April 4, 2014 as 130-132 Queens Quay East, 143-177 Lakeshore Boulevard East, 26 Richardson Street, and 162 Queens Quay East by OMB Decision/Order delivered on June 2, 2014, issued on April 6, 2016, and further approved in part as modified for the lands known municipally in the year of 2016 as 307 Lake Shore Boulevard East, 11 and 11R Small Street and 3-7 Parliament, 333 Lake Shore Boulevard East and 324 Cherry Street and 429 Lake Shore Boulevard East by OMB Decision/Order issued on ●, 2016.

SECTION ONE: CORE PRINCIPLES

Waterfront renewal will not be treated as a specific project with a defined finishing point. Rather, it will be managed as an ongoing, phased effort, part of the much larger city-wide context that will carry on over decades. The principles of this Plan will act as a framework for the renewal activities and will be as valid 30 years from now as they are today.

The Central Waterfront Plan is built on four core principles. These are:

- A. Removing Barriers/Making Connections
- B. Building a Network of Spectacular Waterfront Parks and Public Spaces
- C. Promoting a Clean and Green Environment
- D. Creating Dynamic and Diverse New Communities

The Plan expands on these core principles. Each principle is divided into two parts: the “Big Moves” that will define the new Central Waterfront and the “Policies” that will bring the vision to life.

In describing the planning framework for the Central Waterfront, words such as “will” and “must” are used in the Plan. It is recognized that the implementation of this Plan will take place over time and the use of these words should not be construed as Council’s commitment to proceed with all of these undertakings immediately. This will be done in a phased manner, subject to budgeting and program availability and the active participation of other stakeholders and all levels of government.

A) REMOVING BARRIERS/MAKING CONNECTIONS

If waterfront renewal is to be truly successful, the waterfront will have to feel like and function as part of the city fabric. The first principle of the Plan is to remove barriers and reconnect the city with Lake Ontario and the lake with the city. This is the key to unlocking the unrealized potential of Toronto's waterfront. The new connections will be north/south and east/west. They are functional, thematic and symbolic in nature. The following "Big Moves" will support the removal of barriers and the creation of new connections across the Central Waterfront:

A1_REDESIGNING THE GARDINER CORRIDOR

The elevated Gardiner Expressway is a major physical barrier that cuts off the city from the waterfront. To ensure the success of a redesigned Gardiner Corridor, funding for major improvements to the road system and GO Transit/TTC services including Union Station must be in place. The final configuration of the Gardiner/Lake Shore Corridor will depend on the outcome of detailed study.

A2_A NEW WATERFRONT TRANSIT NETWORK

Public transit will be a top priority for connecting people and places to and within the renewed waterfront. An extended Waterfront Light Rapid Transit line will stretch across the Central Waterfront from Exhibition Place to the Port Lands with excellent connections into the city as generally illustrated on Map B. Expanding GO Transit rail services and upgrading Union Station will be critical elements of the new waterfront transit plan.

A3_LAKE SHORE BOULEVARD, AN URBAN WATERFRONT AVENUE

Lake Shore Boulevard will be transformed into an urban avenue through the Central Waterfront to accommodate its function as an arterial road. The new boulevard will be generously landscaped; will maximize the opportunities for pedestrian crossings through frequent intersections with streets connecting into the downtown core; and will provide ample room for commuter cycling and pedestrians.

A4_QUEENS QUAY, TORONTO'S WATER VIEW DRIVE

Queens Quay will become a scenic water view drive and an important component of the Toronto street network from Bathurst Street to Cherry Street providing ready access to the public activities on the waterfront and pedestrian connections to the water's edge. It will be designed to meet the diverse needs of motorists, transit users, cyclists and pedestrians as well as providing opportunities for vistas to the harbour and lake.

A5_COMPLETING THE WATERFRONT TRAIL

The Martin Goodman/Waterfront Trail will be completed through the Central Waterfront and connected to the city-wide trail or pathway system, including the Garrison Creek,

Humber Valley and Don Valley trails as generally illustrated on Map C. Upgrades to various parts of the trails or pathways will ensure a high standard throughout. Floating boardwalks may provide public access along the head of slips and water's edge in areas where access cannot be achieved in other ways.

A6_WATERFRONT CULTURAL AND HERITAGE CORRIDORS

Key cultural and heritage corridors will link the assets of the city with the water's edge. Central Waterfront corridors extend north/south and east/west to form a waterfront cultural grid. Each of these corridors has a unique identity that will be promoted and reinforced.

POLICIES

(P1) The redesign of the Gardiner Expressway Corridor with a modified road network is one of the most important ingredients in revitalizing the Central Waterfront. Modifications to the road and transit infrastructure outside this corridor will be required to ensure the success of any expressway redesign. These modifications will have to be identified and substantially in place prior to reconfiguring the corridor.

(P2) Required rights-of-way to accommodate the proposed waterfront road and transit network over time appear on Schedule A of this Plan. The rights-of-way will be sufficient to accommodate travel lanes, transit, pedestrian and cycling requirements as well as landscaping and other urban design elements. The exact location of road alignments will be refined through further detailed study.

(P3) Union Station will be redeveloped to maximize its capacity as a transportation centre and restore its historic grandeur. The rail corridors will be upgraded to provide more GO Transit rail service and a possible rail link to Pearson Airport. As a separate, but related project, Union Subway Station will be enlarged by adding a new platform.

(P4) New streetcar and some bus routes will operate in exclusive rights-of-way on existing and proposed streets to ensure efficient transit movement.

(P5) Waterfront streets will be remade as "places" with distinct identities. Streets will act as lively urban connections as well as traffic arteries. The needs of motorists will be balanced with efficient transit service and high-quality amenities for pedestrians and cyclists.

(P6) A water-based transportation system utilizing water taxis and ferries will become another way of moving people from one end of the waterfront to the other. The Ferry Docks will be revitalized as the hub of water-based transportation activities.

(P7) Physical connections between the Central Waterfront, the downtown core and adjacent neighbourhoods will be enhanced through high-quality urban design and landscaping on the north/south connector streets.

(P8) Railway underpasses will be transformed into more pedestrian-friendly corridors.

(P9) Streets that extend to the water's edge will create opportunities to see the lake from the city and the city from the lake. The design of buildings and public and private spaces that frame these streets will be of high architectural quality and take advantage of these views. New streets will be laid out to reinforce visual connections between the city and the water. Among these, Basin Street would be extended with minor modification to its current alignment, as the main street of the new Port Lands community from the eastern side of the inner harbour to the turning basin.

B) BUILDING A NETWORK OF SPECTACULAR WATERFRONT PARKS AND PUBLIC SPACES

The second principle of the Plan recognizes the significance of the public realm in transforming the Central Waterfront into a destination for international tourism, national celebration and local enjoyment. The Plan promotes the remaking of the Central Waterfront as a special place imbued with spectacular waterfront parks and plazas and inviting natural settings that pleases the eye and captures the spirit. The following "Big Moves" will help transform the Central Waterfront into an area renowned for its outstanding waterfront parks and public spaces (see Map C):

B7_ RESERVING THE WATER'S EDGE FOR PUBLIC USE

As renewal takes place, a continuous and highly accessible public water's edge promenade will connect a series of parks, open spaces, squares and plazas, at times intimate and at times generous, which are linked back to the city along existing and extended street corridors. The public promenade will be of varying width and design such that a variety of primarily pedestrian activities can be accommodated and be integrated with a range of parks and public spaces which would allow for outdoor cafes, areas of respite, play areas, public art, gatherings and celebrations. Key objectives in designing the public water's edge promenade will include: the creation of a diversity of spaces in scale, form and character, that respond to their distinct context; the creation of accessible and marvelous places designed to encourage year round use and the creation of a remarkable public realm. This band of public space will be reserved as an amenity and legacy for future generations. To this end, the Plan designates a series of Inner Harbour Special Places.

B8_ FOOT OF YONGE - SPECIAL STUDY AREA

The foot of Yonge Street should be treated as a special place on the waterfront, as the place where Yonge Street meets the lake, and be designed to include major public amenities of high quality containing distinctive cultural buildings, appropriate tourist facilities and a range of public uses and other development that will contribute to the special nature of this area. A dramatic new pier should be built at the foot of Toronto's historic main street, recognizing and celebrating this area as the centre of Toronto's waterfront. The Yonge Street Slip, a new public plaza and the pier will draw residents, tourists, boaters and cruise ships to the Central Waterfront and become a waterfront icon, visible from both land and water. This distinctive gateway to the city will accommodate a major cultural, entertainment and tourist destination, possibly including ancillary hotel uses. Further

detailed study will be required as a special study at the precinct implementation stage to review the lands available and the relationship between the proposed uses.

B9_HARBOURFRONT CENTRE, AN EVEN STRONGER DRAW

Harbourfront Centre will continue to be recognized as an area for the arts, education, recreation and entertainment in a magnificent waterfront setting. New public squares will be created between Queens Quay Terminal and York Quay Centre removing surface parking lots and replacing them with underground parking. The public water's edge will be improved and expanded. New year-round pavilion structures will be introduced in a number of locations expanding the range of cultural and commercial uses. An integrated nautical centre for marine activities may be established.

B10_CREATING NEW EAST BAYFRONT PARKS AND PUBLIC SPACES

A bold new system of connected waterfront parks and public spaces will be developed, reflecting the industrial heritage and dockwall legacy of the area and anticipating its extraordinary future. Public spaces at the foot of Jarvis, Sherbourne and Parliament Streets will include both intimate and active public plazas, designed to preserve views towards the lake. The reuse of the existing Marine Terminal buildings should be investigated as a link to the industrial heritage of the area.

B11_THE DON GREENWAY, A NATURAL HERITAGE CORRIDOR

A new green, Natural Heritage corridor will be created in the centre of the Port Lands, functioning as an important open space connection linking the Don Valley, Tommy Thompson Park and Lake Ontario. The corridor will be a key component of the Centre for Creativity and Innovation offering a unique amenity attractive to knowledge-based industries of all types. In addition to providing local open space and subject to its Natural Heritage designation in the Official Plan, the corridor will be able to fulfill a variety of functions, including neighbourhood recreation, compatible community uses, multi-use pathways, a wildlife corridor and habitat, and a receptor for stormwater from adjacent communities.

B12_A NEW LAKE ONTARIO PARK

A new Lake Ontario Park will give Toronto a much enhanced continuous urban park system in the tradition of the city's great parks like High Park and Edwards Gardens. Extending from Clarke (Cherry) Beach to Balmy Beach, the new park will encompass a considerably improved North Shore Park, Tommy Thompson Park and the Base Lands, and will incorporate upgrades to the Martin Goodman/Waterfront Trail system in this area. Through judicious lakefilling, new parkland may be created south of the Ashbridges Bay Treatment Plant and on the shores of the Outer Harbour, subject to an environmental assessment and taking into consideration comments from interested parties, including the recreational boating community. The parks will be designed to serve the diverse recreational needs of the emerging waterfront communities. The lakefilling will help stabilize the Lake Ontario shoreline, reduce siltation and establish new aquatic and

terrestrial habitats. The requirements of recreational boating will continue to be met within the new park system.

B13_ THE SHIP CHANNEL, A UNIQUE URBAN WATERFRONT AMENITY

The Ship Channel, which extends from the Inner Harbour to the east end of the Port Lands, will become a powerful focal point around which new mixed-use communities will be built. The needs of existing industries for dockwall space and use of the channel will be balanced with the opportunity to capitalize on the channel as a unique amenity. New north/south canals could expand the use of the channel for activities such as boating or skating.

B14_ A NEW FORT YORK PARK

A new park of national prominence (Fort York Park) will be created with a larger and more visible public space, thereby regaining the Fort's status as Toronto's most significant heritage resource. The new Fort York Park will be a national, regional and local draw for public events and for the celebration of its military history central to the story of Toronto.

B15_ AN EXPANDED MARILYN BELL PARK

Almost three hectares will be added to Marilyn Bell Park by carefully consolidating the road network at the west end of Exhibition Place. This will allow the park to be redesigned and improved as a gateway to the waterfront. The expanded park will be much more accessible to South Parkdale residents as well as to visitors, workers and new residents at Exhibition Place.

B16_ ONTARIO PLACE, A WATERFRONT DESTINATION

Ontario Place will be woven into the waterfront park system with better access for the public to enjoy its facilities and paid attractions. A new trail system, with connections to the north, east and west, will bring pedestrians and cyclists to Ontario Place. With improved public access, Ontario Place will be reaffirmed as an important waterfront destination for major festivals and tourism events and for the celebration of innovative architecture and landscape design.

B17_ CANADA MALTING, A LANDMARK SITE AND SPECIAL PLACE

The Canada Malting Silos, a landmark and important heritage feature on the Central Waterfront, will be retained and improved. The City will pursue innovative proposals for a mix of public and private activities and uses that can successfully transform the silos building into a unique special place on the Toronto waterfront.

B18 _ COMMISSIONERS PARK, A MAJOR NEW OPEN SPACE

A major new park will be located between Cherry Street and the Don Roadway to the north of Commissioners Street to showcase urban park design and serve the needs of the new and existing neighbourhoods in the area. This park will stretch to the newly naturalized Mouth

of the Don while providing both outdoor and indoor active recreation uses and complementing the newly created passive use and natural areas along the river. Smaller local parks will also be provided throughout the Port Lands. The precise configuration and function of the various parks will be determined after study of local and regional recreational needs and the preparation of a comprehensive open space framework for the Port Lands in the context of the larger Toronto Waterfront open space network.

POLICIES

DEFINING THE PUBLIC REALM

(P10) The design of the public realm will be of a standard of excellence characteristic of the great city waterfronts of the world.

(P11) The public realm will be defined by a coherent framework of streets, parks, plazas, buildings, viewing areas, walkways, boardwalks, promenades, piers, bridges and other public infrastructure and open space elements. Its design will reflect its exceptional waterfront setting and integrate and interpret the rich natural and cultural heritage of Toronto's waterfront, its industrial dockwall legacy, as well as including the historic Lake Ontario Shoreline, Taddle Creek and Garrison Creek alignments.

(P12) Parks and plazas strategically located along the water's edge will become centres of public activity - in effect, windows on the lake. The termination of each of the north-south streets within East Bayfront and other streets within the Port Lands, or on the Quays, adjacent to the early 20th Century dockwall, will be celebrated by the creation of a series of unique public places (Inner Harbour Special Places) to reflect their history and the character of the surrounding community. They will provide a focal point for their neighbourhood.

(P13) A unifying approach to landscaping and wayfinding (e.g., signs, kiosks) that is evocative of the Central Waterfront will tie together its various components.

(P14) There will be a coordinated Central Waterfront public art program for both public and private developments.

PARK DESIGN

(P15) Parks in the Central Waterfront will be diverse, well maintained, animated and safe, accommodating a full range of recreational experiences from areas for active play, enjoyment of sports and entertainment to areas for quiet solitude and relaxation. These experiences will be provided in a comfortable setting during all seasons of the year.

(P16) Public community, cultural and entertainment facilities will form part of the fabric of the waterfront park system. A limited number of private cultural, restaurant and entertainment facilities may also be located in the park system provided their associated open spaces remain publicly accessible.

(P17) Sustainable management practices and design and construction techniques that have minimal environmental impacts and return the greatest ecological rewards will be utilized in waterfront parks.

C) PROMOTING A CLEAN AND GREEN ENVIRONMENT

The third principle of the Plan is aimed at achieving a high level of environmental health in the Central Waterfront. A wide variety of environmental strategies will be employed to create sustainable waterfront communities. The following “Big Moves” will showcase the City’s commitment to a clean and green waterfront that is safe and healthy and contributes to a better environment for the city as a whole:

C19_PRIORITY FOR SUSTAINABLE MODES OF TRANSPORTATION

A sustainable transportation system that gives priority to transit, cycling, walking and water transport and reduces the need for car use will form the basis for transportation planning in the Central Waterfront. Future travel demand will be mainly met by non-auto means. Road capacity will be added only to meet local traffic needs.

C20_PROTECTING THE WEST DON LANDS FROM FLOODING

A flood protection berm will be built along the Don River to assist in eliminating flooding problems in the West Don Lands and surrounding neighbourhoods to the west. It will also provide naturalized open space and active parkland along its edge for use by the emerging West Don Lands communities and fulfill a crucial stormwater management function. The adjacent King-Parliament and St. Lawrence neighbourhoods will benefit from this increase in active parkland.

C21_RENATURALIZING THE MOUTH OF THE DON RIVER

The mouth of the Don River will be rerouted through lands south of the rail corridor. This will improve the ecological function of the river, provide flood protection for the Port Lands and East Bayfront and attract new wildlife to the area. The renaturalized mouth of the river will also become a key open space and recreational link to the Don Valley, West Don Lands, Port Lands and waterfront park system. This enhanced river setting will provide a gateway to the new urban communities in the Port Lands. Pedestrian and cyclist’s bridges over the river mouth will be designed as signature entrances of beauty and inspiration.

POLICIES

(P18) As part of the strategy to reduce car dependence and shape people’s travel patterns early, a comprehensive range of efficient and competitive transportation alternatives will be provided in tandem with the development of new waterfront communities. These include a new transit system as generally illustrated on Map B, as well as pedestrian, cycling and water transportation opportunities as generally illustrated on Map D.

(P19) New waterfront communities will offer opportunities to live and work close together, leading to fewer and shorter commuter trips.

(P20) New traffic management approaches will be pursued to accommodate non-auto modes of transportation, make more efficient use of existing roads (i.e., “smart” technology) and discourage the use of single-occupant vehicles.

(P21) Pedestrian and cycling routes will be safe, attractive, comfortable and generously landscaped.

(P22) The health and biodiversity of the Central Waterfront will be enhanced and restored by protecting and regenerating wetlands, fish and wildlife habitats, rare plant and animal species, shorelines, beach areas, woodlots and lands designated “Natural Heritage Areas” (in the Official Plan) and “Natural Areas” (see Map C).

(P23) Development will contribute to the improvement of water quality in Toronto’s rivers and streams, as well as in Toronto Bay, the Outer Harbour and Lake Ontario.

(P24) Stormwater will be managed as close to its source as possible.

(P25) Combined sewer outfalls that discharge into Lake Ontario, Toronto Harbour and the Don River will be progressively reduced consistent with the City’s environmental policies.

(P26) The Central Waterfront will be a model of leading-edge environmental technologies. Alternative sources of generating electricity, including co-generation, anaerobic digestion, wind turbines and solar power, will be pursued as well as district heating and cooling.

(P27)* The Central Waterfront will showcase successful redevelopment of brownfield sites into sustainable residential and employment areas. Where applicable, remediation requirements will be balanced by the need to protect environmentally sensitive areas. Development in Regeneration Areas will have regard to current Provincial guidelines and legislation with lands being appropriately buffered and mitigated to prevent adverse effects from odour, noise and other contaminants.

***APPROVAL OF PARAGRAPH (P27) DEFERRED FOR ALL LANDS SOUTH OF QUEENS QUAY EAST EXCEPT FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

(P28) Lakefilling will be considered only for stabilizing shorelines, improving open spaces, creating trail connections, preventing siltation and improving natural habitats and is subject to Provincial and Federal Environmental Assessment processes. Consideration will be given to the impact of such lakefilling on recreational uses.

(P29) The creation of parkland south of the Ashbridges Bay Treatment Plant will be compatible with, and closely co-ordinated with, any future plans to expand the facility.

D) CREATING DYNAMIC AND DIVERSE NEW COMMUNITIES

The fourth and final principle of the Plan is focused on the creation of dynamic and diverse waterfront communities – unique places of beauty, quality and opportunity for all citizens. New water's edge communities will accommodate a range of development forms and be of sufficient scale to establish a "critical mass" of people both living and working in a neighbourhood setting. These new waterfront neighbourhoods will be acclaimed for their high degree of social, economic, natural and environmental health and cultural vibrancy, which collectively will contribute to the long-term sustainability of the area and the entire city. The following "Big Moves" implement this principle:

D22_OPENING UP THE PORT LANDS TO URBAN DEVELOPMENT

The vast Port Lands, an area more than 14 times the size of London's Canary Wharf, will be cleaned up and opened to a range of urban development opportunities. The Port Lands will become Toronto's springboard to the future, a place for wealth creation, originality and creativity in all aspects of living, working and having fun. The Port Lands will be transformed into a number of new urban districts set amid the hustle and bustle of Toronto's port activities. An enticing environment conducive to the creation of an international Centre for Creativity and Innovation for knowledge-based industries, film and new media activities will be nurtured. It will be a part of the city where "green" industries can be incubated and thrive. The new Port districts will be supported by a rich infrastructure of recreational, cultural and tourist amenities.

Entrepreneurs and creative people in knowledge-based industries will find a variety of choices for both living and working – innovative housing including live/work, lofts, and workplaces that appeal to a range of needs. Businesses will be presented with building and location choices that satisfy all sizes and types of businesses from start-ups to mature international operations. The Hearn Plant will be an asset to this area with many potential reuse options.

The Port Lands will be developed to become several major new neighbourhoods containing many of the elements characteristic of the best existing Toronto neighbourhoods. They should generally be developed at medium scale, with some lower elements and higher buildings at appropriate locations. Retail and community activities should be concentrated at accessible locations to form a focus for the area. Cherry Street and the new extension of Basin Street connecting Polson slip and the Turning Basin will be important components of this new centre. The alignment of Unwin Avenue from Hearn to Leslie will require further detailed study including assessment of environmental conditions and urban development requirements.

D23_A NEW BEGINNING FOR THE WEST DON LANDS

With the construction of the flood protection berm and the naturalization of the mouth of the Don River, the West Don Lands will be redeveloped into diverse mixed-use communities. These communities will capitalize on their strategic downtown location, the

synergy created by the simultaneous development of the Port Lands and their historic roots as part of the original town of York, as well as the Don River's new environmental health.

D24_ THE EAST BAYFRONT, A PROMINENT NEW NEIGHBOURHOOD*

The East Bayfront will become a prominent waterfront address for working and living amid the energy and abundance of waterfront activities, including a new water's edge promenade and other public activities in the series of new East Bayfront public spaces. Development adjacent to the water's edge promenade shall consist of low and medium scale buildings that will reinforce the safety and usability of the public spaces.

***APPROVAL OF PARAGRAPH (D24) DEFERRED FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

***APPROVAL OF PARAGRAPH (D24) DEFERRED FOR BLOCKS 1 AND 2 SOUTH OF QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

D25_ EXHIBITION PLACE, A PLACE FOR WORK, CELEBRATION AND LIVING

Exhibition Place, historically a place for celebration and exhibition, will expand into a dynamic area where people work, visit and live. Housing at select peripheral locations will not detract from Exhibition Place's primary role. The proposed realignment of Lake Shore Boulevard will add to the land available for development and make it easier to integrate Exhibition Place with Ontario Place.

The National Trade Centre will continue to function as a magnet to attract new businesses and support facilities. Synergies may also be created by the presence of the new media businesses of Liberty Village.

The remade Exhibition Place will feature a significant open plaza capable of hosting large gatherings and festivals.

New development will respect and celebrate Exhibition Place's existing heritage architecture and views of heritage buildings from the water. Opportunities for adaptive reuse of heritage buildings will be explored.

POLICIES

DESIGNING THE BUILT ENVIRONMENT

(P30) Development of the Central Waterfront will maintain Toronto's successful tradition of city building at a compact scale combining the best of urban living, amenities and built form. The treatment of the development sites abutting the water's edge, public promenade along the traditional urban dockwall will require particular sensitivity to create a front of publicly accessible and marvelous buildings of appropriate low to moderate scale to complement the character of the neighbourhoods and in keeping with good planning

principles. The precinct implementation strategies will specifically address these design issues while defining their scale, range of uses and ensuring that the individual building design meets high standards of excellence through peer review, or a Design Review Board.

(P31) Excellence in the design of public and private buildings, infrastructure (streets, bridges, promenades, etc.), parks and public spaces will be promoted to achieve quality, beauty and worldwide recognition.

(P32) New development will be located, organized and massed to protect view corridors, frame and support the adjacent public realm and discourage privatization of public spaces. Built form will result in comfortable micro-climates on streets, plazas and other parts of the public realm.

NURTURING A HIGH STANDARD OF COMMUNITY LIVING

(P33) A balance of places to live and work will contribute to the morning-to-evening vitality of new waterfront communities.

(P34) Schools and other community services and facilities (including places of worship) will be integral components of new waterfront communities and will be provided in conjunction with new development (Appendix I).

(P35) Local parks will enrich new waterfront communities. Parks planning will take into account such factors as park size, land availability, neighbourhood accessibility, safety and quality of experience in park spaces (Appendix I).

(P36) Innovative approaches for providing the necessary community infrastructure will be explored, including shared use of schools, community services and facilities and local parks as well as integrating community facilities into private developments.

(P37) Public spaces, parks, transportation facilities and other public and private buildings in the Central Waterfront will be designed to ensure accessibility to persons with disabilities.

HOUSING OPTIONS*

(P38) A mix of housing types, densities and tenures will accommodate a broad range of household sizes, composition, ages and incomes contributing to the vitality of the Central Waterfront as well as the opportunity for residents to remain in their communities throughout their lives.

(P39) The overall goal for the Central Waterfront is that *affordable rental housing* and *low-end-of-market housing* comprise 25 per cent of all housing units (see Definitions in Schedule B). To the extent possible, and subject to the availability of funding programs and development cross-subsidization, the greatest proportion of this housing will be affordable rental with at least one-quarter in the form of two-bedroom units or larger. Senior government funding programs to assist in the delivery of *affordable rental housing* will be aggressively pursued, and appropriate opportunities identified to take advantage of such programs.

***APPROVAL OF PARAGRAPHS (P38) AND (P39) DEFERRED FOR WEST DON LANDS BY OMB PURSUANT TO DECISION/ORDER 3227.**

CREATING SPECIAL PLACES TO WORK

(P40) The Central Waterfront will accommodate a variety of maritime activities, including cargo shipping, cross-lake ferry service, local ferry and water taxi terminals, excursion boats, cruise ships, berthing areas and marinas, maritime support services and the Port of Toronto.

(P41)* Land, dockwall and rail service will be sufficient to meet the needs of industry, cargo shipping, passenger cruise ships, ferries, excursion boats, recreational boating and other water-dependent activities.

***APPROVAL OF PARAGRAPH (P41) DEFERRED FOR LANDS SOUTH OF QUEENS QUAY EAST EXCEPT FOR FWP LANDS BY OMB PURSUANT TO DECISION/ ORDER ISSUED ON NOVEMBER 27, 2007.**

***APPROVAL OF PARAGRAPH (P41) DEFERRED FOR LANDS IN EAST BAYFRONT (WEST) LOCATED NORTH OF QUEENS QUAY EAST AND EAST OF SHERBOURNE STREET BY OMB PURSUANT TO DECISION/ORDER ISSUED ON JANUARY 16, 2012.**

(P42) The Port Lands will be developed with new media and knowledge-based businesses and “green” industries in addition to maintaining their important role in the city’s economy as a location for downtown-serving and marine-related industries and the Port of Toronto. Large tracts of vacant land, the proximity to downtown, the existing base of film and new media activities, and strategic marketing and planning to attract these businesses will support the emergence of a convergence district in the Port Lands. Entertainment industries such as music, film and television production will operate alongside the communications, software development, biotechnology and publishing sectors.

In the interim, until redevelopment proceeds, existing business operations will continue in the Port Lands. As redevelopment proceeds, Performance Standards may be established to ensure new and existing uses (which do not need to be relocated) can comfortably co-exist, without negatively impacting their operation. A relocation strategy will be developed to accommodate appropriate city-serving businesses that need to be close to the downtown as well as other businesses that dependent on water/rail access.

(P43) Large scale, stand-alone retail stores and/or “power centres” are not part of the vision for the Central Waterfront. New retail development will only be considered within the context of the City’s urban planning principles and must be supportive of the other core principles and policies of this Plan. Retail and other uses which require large areas of unscreened surface parking will not be permitted. In regards to the lands within the West Don Lands, this policy does not supersede S. 10.2 and S. 5.3 of the King Parliament Secondary Plan.

(P44) Companies that rely on lake access for their operations will remain important maritime industries on the waterfront to the extent that they can be accommodated within emerging communities.

CREATING SPECIAL PLACES TO VISIT, RELAX, PLAY AND LEARN

(P45) The Central Waterfront will become the face of Toronto to the world, with a quality of experience and environment comparable to that of other international cities, a place to express the future of the city with confidence and imagination.

(P46) Strategies to attract high-value tourism to the Central Waterfront will receive top priority in order to strengthen Toronto's role as the cultural capital of the nation. The Central Waterfront will be the future location of major international-caliber cultural, entertainment and other tourist attractions.

(P47) A wide variety of year-round experiences for visitors will be offered. Emphasis will be placed on developing new facilities that are enduring, creative and unique to Toronto and its waterfront. Winter conditions will be an important consideration in developing the Central Waterfront's tourism infrastructure.

(P48) Boating opportunities will be expanded to draw city residents, workers and tourists to the waterfront. The Central Waterfront offers an opportunity to provide internationally acclaimed boating facilities, particularly in the Outer Harbour. The design, location and viability of such facilities will be developed further in the Precinct Implementation Strategies, in consultation with the appropriate stakeholders.

(P49) Toronto's story will be told by preserving the waterfront's cultural and natural heritage in the development of new private and public spaces, some of which are designated as the Inner Harbour Special Places.

(P50) Heritage properties listed on the City's Inventory of Heritage Property will be protected and improved where feasible. Designated heritage buildings will be conserved for creative reuse in their original locations.

(P51) The Redpath facility is an important feature of the Toronto Waterfront that should be maintained. It is a symbol of the Waterfront's industrial heritage and an important employment generator relying on lake access and the dockwall for its operations. This Plan recognizes that the Redpath facility refines a significant amount of raw sugar for Canadian distribution and encourages its retention. Future developments should ensure that there are no undue negative impacts on Redpath's activities.

As a result of consultations with Redpath and the Ministry of the Environment concerning land-use compatibility issues between the Redpath facility and future land uses in the vicinity of the plant, the following additional policies will apply to: (i) the lands south of Queens Quay East in East Bayfront (West); (ii) the lands north of Queens Quay East and east of Sherbourne Street in East Bayfront (West); and (iii) the lands north of Queens Quay East in East Bayfront (West) known municipally in the year 2014 as 143-177 Lake Shore

Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East, notwithstanding any conflicts with other policies of this Plan.

When considering development approval applications and public realm initiatives, regard shall be had to all applicable provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, dust, odour, and air quality so as to achieve the goals of:

- (i) preventing undue adverse impacts from the proposed land use on the Redpath lands designated as an Existing Use Area; and
- (ii) preventing undue adverse impacts on the new land use from the Redpath lands designated as an Existing Use Area.

Sensitive land uses may be prohibited in the implementing zoning, limited and/or protected, through phasing, massing and siting, buffering and design mitigation measures in proximity to Redpath to ensure compatibility. In addition, noise and air emissions reports shall be required in support of development approval requests. Such environmental reports are to specify how compatibility will be achieved and maintained between Redpath and the proposed development and may include measures aimed at minimizing impacts.

Council acknowledges the important role of the Ministry of the Environment in reviewing and providing comments and recommendations on such reports. The City shall consult with both the Ministry of the Environment and Redpath during the development approval process and during the design process for public spaces in the vicinity of the Redpath property to ensure compatibility.

(P52) Relating to lands known municipally in the year 2014 as 143-177 Lake Shore Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East:

- (i) Site specific built form permissions, including height, density and massing, are to be approved in accordance with a comprehensive approach based on the principles and intent of the Precinct Implementation Strategies.
- (ii) New development in the East Bayfront will be mid-rise, punctuated by taller buildings where Lake Shore Boulevard East intersects with major north/south streets. Tall building locations, heights, floorplate size and separation distances are defined in the attached site specific maps.
- (iii) Specific locations of taller and base buildings shall be carefully designed and organized to ensure that they do not overwhelm or undermine the quality of the adjacent public street, and public and private open spaces. The street wall shall include breaks in the massing to allow sunlight to penetrate onto Lake Shore Boulevard East, as well as public or private open space. Upper level step-backs shall be utilized to reduce building scale adjacent to the public sidewalk.

- (iv) Queens Quay will be the East Bayfront's primary street and the central spine of the Precinct's public realm. Buildings fronting Queens Quay will reinforce this role and the street's importance with a consistent street wall of buildings at a robust mid-rise scale, and provide active animation uses with doors and windows at grade along the street.
 - (v) Individual building heights adjacent to Queens Quay will reference common datum lines, one at 38 metres emphasizing the predominant height of the street, and a lower datum line at the more intimate scale of approximately 25 metres, where appropriate. This will give Queens Quay a unified and coordinated appearance at a scale that will not overwhelm the adjacent streets. The intermittent 25 metre lower building height will soften the visual impact of the 38m high buildings, and permit sunlight to penetrate into the blocks to the north. Where building heights are in excess of 38m along the Queens Quay frontage, any increases to the height and numbers of buildings have been carefully considered based on site specific review.
- (P53) **[P53 DEFERRED]**
- (P54) This area-specific policy applies to the lands shown on Maps H1 and H2, generally described in this section as the Keating Channel West precinct
- a) The Keating Channel West precinct will be a vibrant, mixed-use waterfront community that builds on the legacy and amenity of the historic Keating Channel. The precinct will provide transitions and connections between and be compatible with the adjacent West Don Lands, East Bayfront, and Villiers Island precincts.
 - b) Public streets, public parks (including the water's edge promenade), and a range of well-distributed publicly accessible open space will comprise a comprehensive and coherent public realm. The public realm will define individual development sites, provide public amenity, and be sufficient to support the level of development anticipated in the Keating Channel West precinct. Development will complement the character and quality of the adjacent public realm and reinforce its public nature. The planned public realm network is generally shown on Map H1; key elements of the public realm will include the following:
 - 1. Queens Quay will extend from the Parliament Street slip to Cherry Street and will be the Keating Channel West precinct's primary street and its central spine;
 - 2. a water's edge street and promenade will provide public access, amenity, and an animated public space immediately adjacent to the waterfront;
 - 3. a realigned Cherry Street will provide an important north-south connection through the precinct to the West Don Lands and to the Port Lands;
 - 4. new public local streets will provide access to development blocks for vehicles, pedestrians, and cyclists and contribute to a fine-grained, well-connected public realm; and

5. privately-owned, publicly accessible open spaces, walkways, and streets will create intimate public spaces and permeability through development blocks and complement other key elements of the public realm.
- c) Development with frontage on Queens Quay and development facing the water's edge will complement the character and quality of the adjacent public realm by providing a fine-grain and high-quality mix of ground-floor animation uses, with doors and windows at grade level, which promote pedestrian activity and facilitate a spectacular and highly accessible public realm, and support the objectives set out in Sections A4 and B7, and Policies P30, P31, and P32 of this Plan.
 - d) New development in the Keating Channel West precinct will be mid-rise, punctuated by tall buildings in locations determined within the context of this Secondary Plan and shown on Map H2. Development will:
 1. locate and mass new buildings to frame the public realm with good proportion to adjacent public spaces and to provide pedestrian comfort and safety within adjacent streets, parks, and publicly accessible open spaces;
 2. provide sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces;
 3. utilize upper-level step-backs to reduce building scale adjacent to the public sidewalks along the north side of Queens Quay; south side of Queens Quay east of the new Trinity Street; the new Cherry Street; and the water's edge street;
 4. exemplify excellence in design and materials; and
 5. provide consistently massed mid-rise buildings and base buildings.
 - e) Development adjacent to the water's edge street and facing 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 a height of approximately 11 metres adjacent to the water's edge street.
 - f) Development fronting onto Queens Quay will reinforce its role as the Keating Channel Precinct's primary street by providing a consistent street wall of buildings at a robust mid-rise scale. Further to this purpose:
 1. Building height limits for mid-rise buildings and base buildings adjacent to Queens Quay will reference two common datum lines, one at a maximum height of 23 metres and one at a maximum height of 38 metres. Building heights of 23 metres will frame the public street as a comfortable pedestrian space. Building heights of 38 metres will generally express the principle of a 1:1 ratio of building height to right-of-way width and will be stepped back above a height of 23 metres. The zoning by-law will limit those areas subject to the 38 metre height limit, in order to ensure that the 23 metre datum line is predominant.

2. Notwithstanding the policy objective expressed in paragraph f) and otherwise in h) above, to achieve a consistent street wall of new buildings along Queens Quay, breaks in the streetwall may be made to accommodate high-quality parks and publicly accessible open spaces that give prominence to the heritage Victory Soya Mills silos, that provide publicly accessible open space in association with significant cultural or institutional uses, support ground-related uses, or in connection with the water's edge.
- g) Tall buildings will be limited in number and located in accordance with this plan. The general locations and maximum permitted heights of tall buildings are shown on Map H2.
1. Tall buildings will be located to be broadly separated and associated with major intersections, particularly intersections with Lake Shore Boulevard East.
- h) Development in the specific areas shown on Map 1 will be limited as follows:
1. To a maximum of 53,350 square metres of gross floor area in Area A1 (307 Lake Shore Blvd. E., 7 and 11 Parliament Street)
 2. To a maximum of 89,000 square metres of gross floor area in Area A (333 Lake Shore Blvd. E.)
 3. To a maximum of 234,500 square metres of gross floor area in Area C (429 Lake Shore Blvd. E. and 324 Cherry St.)
- i) In addition to the general location and maximum permitted heights of tall buildings shown on Map H2, and the prescription of building heights in paragraphs h and i, the City will adopt implementing zoning by-laws and utilize Site Plan Control to ensure appropriate implementation of this plan's built form policies.
- j) Development of these lands will contribute to the implementation of Policy 39 of this plan, with the objective that 20% of all housing units, measured by a percentage of residential gross floor area rather than a percentage of units, be *affordable rental housing*. Affordable housing will be secured through implementing zoning by-laws with provisions that are consistent with the following:
1. *Affordable rental housing* may be delivered through one or a combination of: delivery of *affordable rental housing units*, dedication of land to the City or cash-in-lieu of land for *affordable rental housing*.
 2. The amount of the requirement for each of the three delivery methods for *affordable rental housing* may be varied in the zoning by-laws to recognize the different costs and characteristics of each, and may result in the total achievement of *affordable rental housing* below 20% of all housing.
 3. Implementing zoning by-laws will require one or more agreements pursuant to Section 37 of the Planning to secure and implement the provision of *affordable*

rental housing in compliance with this Plan. A Master Section 37 agreement will set out the parameters of a phased *affordable rental housing* strategy consistent with the requirements of the implementing zoning by-law. In conjunction with this area-specific policy (P54) and any implementing zoning by-law, the Master Section 37 agreement may be relied upon to understand the intent of requirements and landowner obligations related to *affordable rental housing*. With respect to affordable rental housing, a phase-specific Section 37 agreement will be used to implement and elaborate on the affordable rental housing provisions in the implementing zoning bylaw and the Master Section 37 agreement.

- k) Dedication of land for public streets, parks, and open spaces will be secured through development approval, except in specific instances where the City in its sole discretion determines other tools to be more appropriate, efficient, and/or expeditious. As such, tools to secure such matters may include, but not be limited to, agreements pursuant to Sections 37, 41, 51, and 53 of the Planning Act.
- l) Landowners within the alignment of the extension of Queens Quay East from the Parliament Street slip to its intersection with the existing Cherry Street will be requested to convey to the City, for less than fair market value, lands for the laying out of the Queens Quay East right-of-way in this location in accordance with the Municipal Class Environmental Assessment approved for this alignment. In addition, landowners will be requested to convey lands to support the new Cherry Street realignment from Lake Shore Boulevard East to the Keating Channel in accordance with the Municipal Class Environmental Assessment approved for this alignment. As an alternative to agreements pursuant to the Planning Act, the City and the owner(s) may enter into Agreements pursuant to Section 30 of the *Expropriations Act* to facilitate the comprehensive acquisition of the Queens Quay East extension and the future alignment of Cherry Street.
- m) The City will consider the use of appropriate cost-sharing agreements on an equitable basis among benefiting Owners related to the provision of timely delivery of transportation and servicing infrastructure. The creation and dedication of roads shall normally be created through a Plan of Subdivision for future development blocks unless it can be demonstrated to the satisfaction of the City that a Plan of Subdivision is not required. Agreements among benefitting Owners may include cost sharing arrangements among the Owners with the City for the laying out and construction of any shared public rights-of-way and servicing, which are required to serve new development on a lot.
- n) Where development incorporates privately owned, publicly-accessible open space as part of the public realm, public access to such spaces will be secured through Plan of Subdivision and/or Site Plan Approval by way of easement and development approval will secure on-going maintenance.

- o) Site-specific built form permissions are to be implemented in accordance with the principles and intent of this Secondary Plan, with consideration for appropriate distribution of density and for comprehensive planning of the Keating West precinct.
- p) Where the implementing zoning by-law does not limit development density of an individual parcel or building, and where multiple parcels or buildings are subject to a single density limit, development proposals will nonetheless distribute the permitted density to ensure that later development phases will be left with appropriate density permission to express the zoning by-law's building envelopes. Phasing plans submitted in support of the removal of the holding symbol may be used to ensure appropriate distribution of density.
- q) The Keating Channel West precinct is located to the northwest of the Port Lands. Notwithstanding the Keating Channel West precinct Regeneration Area designation, uses within the Port Lands currently include existing industrial facilities and operations which may have emissions such as noise and vibration. When considering development applications and public realm initiatives within the Keating Channel West precinct, applicable provincial and municipal policies, regulations and guidelines will be appropriately applied to ensure that land use compatibility will be achieved.
- r) Appropriate environmental reports, such as noise and vibration reports, shall be required in support of applications to remove holding provisions. Such environmental reports are to specify how compatibility will be achieved and maintained between the relevant industrial operation(s) and the proposed development, including any proposed noise mitigation in order to comply with MOECC NPC 300, as may be amended from time to time, or any alternative method of noise assessment and/or noise mitigation proposed by the noise study. The noise study shall be to the satisfaction of the City.
- s) Any alternative method of noise assessment and/or noise mitigation proposed by the noise study filed in support of applications for the removal of holding provisions will require MOECC approval prior to the removal of the holding provision. 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.
- t) This Official Plan policy and the implementing zoning by-laws are generally intended to reflect the development standards and planning criteria for lands within the Keating Channel West precinct so that the neighbourhood is developed in a comprehensively planned manner.

SECTION FIVE:

MAKING IT HAPPEN

1) A SIMPLIFIED APPROACH TO LAND USE REGULATION

The Central Waterfront will have four types of land use designations (Map E):

- Parks and Open Space Areas are areas for use as parks, open spaces, natural areas and plazas, and can include compatible community, recreation, cultural, restaurant and entertainment facilities. Lands designated Parks and Open Space Areas in the vicinity of Regeneration Areas may be subject to Precinct Implementation Strategies.

- *Regeneration Areas are blocks of land that may be subdivided into smaller areas for a wide variety of mixed-use development ranging from industries to housing to community services and parks; from offices to stores to hotels and restaurants. Regeneration Areas will generally be subject to Precinct Implementation Strategies. The water's edge development sites located adjacent to the water's edge promenade and along the urban dockwall will be subject to the highest quality of design excellence. Development within water's edge sites should be designed to create a wonderful juncture of the city and the Inner Harbour or Ship Channel. Development along the Public Promenade (Dockwall/Water's edge) should be generally of low to moderate scale and views of the lake from the city protected in accordance with good planning principles. This new development can incorporate a wide mix of uses both public and private, including residential, and should be designed at ground floor level to complement the activities anticipated in adjacent public spaces. These sites will be subject to particular attention in the precinct implementation strategies to ensure that they achieve the highest quality of built form and design expected. The precinct implementation strategies will specifically address these design issues while defining their scale, range of uses and ensuring that the individual building design meets high standards of excellence through peer review.

***APPROVAL OF REGENERATION AREAS POLICY DEFERRED FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

***APPROVAL OF REGENERATION AREAS POLICY DEFERRED FOR BLOCKS 1 AND 2 SOUTH OF QUEENS QUAY EAST BY OMB PURSUANT TO DECISION/ ORDER ISSUED ON NOVEMBER 27, 2007.**

- Regeneration Areas (Qualified) are lands in proximity to Existing Use Areas. Regeneration Areas (Qualified) are subject to the policies applicable to Regeneration Areas with the exception that neither residential land uses nor any commercial, institutional or community service uses that may be analogous to residential in that they involve overnight accommodation or sleeping facilities of any kind, are permitted.

- Existing Use Areas are areas currently covered by planning controls that are consistent with the direction put forward in this Plan. These lands will continue to be governed by existing

Official Plan and zoning controls and related Planning Act processes and will not be subject to Precinct Implementation Strategies.

2) IMPLEMENTATION

The implementation of the principles and policies contained in this Plan will rely on a wide array of planning and financing tools. Planning tools may include the adoption of zoning by-laws, use of holding provisions, temporary use by-laws, agreements under Section 37 of the Planning Act, site plan control and various means of subdividing land. In addition, the City of Toronto has been granted the opportunity to apply a Development Permit System in the Central Waterfront area as an alternative zoning and development control process.

2.1 Planning at a Precinct Level

The precinct implementation strategies are intended to provide for comprehensive and orderly development and to implement the policies of this Plan. This review process will also deal with issues of soil cleanup, flood control and servicing, urban design, community improvement, heritage and environmental performance standards. Approval of new zoning for lands within the Regeneration Areas will generally take place at a precinct level. Prior to the preparation of zoning by-laws or development permit by-laws of lands not designated Existing Use Areas, Precinct Implementation Strategies will be prepared in accordance with the policies contained in Section 2.2 below. The boundaries of each precinct will be determined as part of the preparation of the Precinct Implementation Strategies and the related zoning by-laws(s) or development permit by-law(s). Elements of the precinct implementation strategies may be incorporated into the Secondary Plan for the Central Waterfront by way of Official Plan Amendment.

Rezoning of individual sites within Regeneration Areas will generally only be entertained once a context has been established for the evaluation of specific rezoning applications, through the Precinct Implementation Strategies. In addition, area-wide infrastructure requirements will have to have been determined, including a fair and equitable means for ensuring appropriate financial contributions for their provision, prior to the approval of rezoning applications.

Because of the area-wide, integrated, nature of developing an effective transit network, transit implementation must be managed on a broader area-planning basis. It cannot be managed effectively through precinct planning, or a sub-area planning process. To achieve the objectives of the Central Waterfront Plan, a high level of transit use is required in each of the four development areas, and it is essential that transit-oriented travel patterns be established from the outset. For this reason, the implementation of transit improvements will require a separate financial planning and approval process.

For each of the four development areas, a staged implementation schedule and accompanying financial plan for the construction and operation of transit facilities, will be required before development can proceed in that development area. This will ensure that

high-order transit services are constructed at an early stage in the development process and that the transit-oriented objectives of the plan are achieved from the outset.

2.2 Precinct Implementation Strategies**

Precinct Implementation Strategies will include, but not be limited to, the following elements

- (i) a streets and blocks structure that supports a broad range of development and provides appropriate connections to adjacent communities;
- (ii) minimum and/or maximum standards regarding the height and massing of buildings and the provision of parking;
- (iii) strategies to ensure a balance between residential and employment-based development;
- (iv) strategies by which affordable housing targets can be achieved;*

***APPROVAL OF THIS POLICY DEFERRED FOR WEST DON LANDS BY OMB DECISION/ORDER NO. 3227.**

- (v) the location and phasing of local and regional parks, open spaces, public use areas, trails and access linkages;
- (vi) the location and phasing of elementary schools and high schools, libraries, community and recreation centres, day care centres, emergency services, places of worship and other community facilities and services;
- (vii) a comprehensive set of environmental performance standards for public and private infrastructure, buildings, and activities including, but not limited to, energy efficiency, reduction of CO₂ emissions, water conservation, clean air and waste (reduction, reuse and recycling);
- (viii) provisions for securing the retention of heritage buildings within new developments and an archaeological resource assessment, as identified in the Archaeological Master Plan for the Central Waterfront, of high-potential sites prior to development;
- (ix) urban design provisions dealing with the unique microclimatic conditions of the waterfront, quality of waterfront streets, the public realm, urban plazas, parks, schools, other community services and facilities, and signage;
- (x) public art and urban design standards and guidelines;
- (xi) provisions for protecting and securing necessary road, transit, trails and bicycle route alignments; and
- (xii) mechanisms, financial and otherwise, to ensure the above matters are implemented.

****APPROVAL OF SUBSECTION 2.2 DEFERRED IN ITS ENTIRETY FOR FWP LANDS BY OMB PURSUANT TO DECISION/ORDER NO. 1905.**

****APPROVAL OF SUBSECTION 2.2 DEFERRED IN ITS ENTIRETY FOR LANDS SOUTH OF QUEENS QUAY EAST PURSUANT TO OMB DECISION/ORDER ISSUED ON NOVEMBER 27, 2007.**

2.3 The Central Waterfront as a Development Permit Area

The City of Toronto has been granted the authority to implement a Development Permit System in the Central Waterfront. This system allows a streamlined municipal approval process by consolidating the zoning by-law, minor variance and site plan approval processes into one through the enactment of development permit by-laws.

2.3.1 The Central Waterfront Secondary Plan area, as delineated on Map E, is designated a Development Permit Area. Within this area, City Council may enact development permit by-laws based on the following objectives:

- to enable the revitalization of the Central Waterfront to move forward in a timely and strategic fashion;
- to provide certainty for matters of public concern and the achievement of city building objectives, while providing flexibility in the means to achieve these objectives; and
- to streamline the approval process while providing the opportunity for public input into development.

2.3.2 When determining whether any class, or classes of development, or use of land may be permitted, several types of criteria may be used in the development permit by-law in order to ensure high quality urban development. These criteria relate to built-form, use, intensity of use, compatibility with adjacent uses and other uses within the precinct, parking requirements, relationship to parks, open spaces and the water's edge, proximity and availability of supporting hard and soft services, location relative to public transit and consistency with the policies of the Secondary Plan.

In addition, the by-law may permit the continued use, enlargement or extension of a legal non-conforming use or a change in use of a legal non-conforming use, provided that the proposal is desirable, avoids hardship, will have no unacceptable impacts on adjoining properties, and is consistent with the policies of this Plan.

2.3.3 The following types of conditions may be included in a development permit by-law and may be imposed prior to the issuance of a development permit.

- requirements for the provision of bicycle trails, walkways, protecting and securing necessary road widenings and transit rights-of-way, parking, parkland, land grading or

filling, storm water management and/or any other types of conditions permitted under s.40, 41, or 42 of the Planning Act;

- environmental conditions related to air quality, water and sewers, flood protection, soil cleanup, groundwater protection, storm water management, natural heritage features and functions, and construction-phase environmental impacts, for defined uses or classes of development in areas including hazard lands, contaminated lands, significant natural feature areas and/or any other types of environmentally sensitive areas listed in s.34(3)(3.1) and (3.2) of the Planning Act; and

- the execution of agreements respecting site alteration, grading, filling and/or the removal of vegetation.

2.3.4 As with Site Plan Approval, when enacting a development permit by-law Council may delegate its authority to an employee of the municipality, to:

- (a) approve or refuse an application for a development permit;
- (b) issue a development permit;
- (c) attach conditions to the approval of a development permit; and/or
- (d) enter into agreements with respect to a development permit.

2.4 Contributions to Infrastructure and Community Facilities

The creation of new communities will necessitate major investment in roads, transit, servicing, flood proofing measures, soil remediation, parks and public spaces, and community facilities and services.

Prior to enacting a zoning by-law or development permit by-law on lands designated as Regeneration Areas, arrangements will be made whereby benefiting landowners will be required to pay a fair and equitable share of the costs of any new infrastructure and community facilities required for such development, through one or more of the following means:

- (i) the payment of an area-specific development charge pursuant to the Development Charges Act;
- (ii) a contribution made pursuant to an agreement under Section 37 of the Planning Act;
- (iii) a cost sharing agreement involving landowners; and/or
- (iv) such other arrangements as may be appropriate.

2.5 Increases in Height and/or Density

In order to assist in the achievement of the full implementation of the policies of this Plan, contributions to one or more community benefits, facilities, or services may be requested in exchange for a height and/or density increase above the existing height and/or density limits, pursuant to Section 37 of the Planning Act, provided that the increase in height and/or density is appropriate, and enhances the Central Waterfront. The benefit will be secured through an appropriate legal agreement that will be registered on title to the lands. Increases are to be measured from the height and/or density for the use permitted in the zoning by-law.

2.6 Holding By-laws

In order to provide for the orderly development of lands in the Central Waterfront, to secure professional or technical studies to assess potential development impacts, to address issues of environmental sustainability, design excellence, soil remediation, flood control, infrastructure requirements and servicing and to ensure an equitable sharing of associated costs, Council may enact zoning by-laws pursuant to Sections 34 and 36 of the Planning Act with an “h” holding symbol. After the necessary studies, plans and other matters specified in the zoning bylaw have been provided and/or secured through an agreement or agreements entered into pursuant to the Planning Act and the City of Toronto Act, 2006, as amended or replaced from time to time, as appropriate, the holding symbol may be removed.

2.6.1 Holding Provisions Related to East Bayfront (West)

In addition to the matters specified in Section 2.6, where sensitive land uses such as residential, child care centres, primary and secondary schools, community/recreational centres, nursing homes, hotels, private and commercial schools, or other quasi-residential and/or institutional uses, are proposed on: (i) lands south of Queens Quay East in East Bayfront (West); (ii) lands north of Queens Quay East and east of Sherbourne Street in East Bayfront (West); and (iii) lands north of Queens Quay East in East Bayfront (West) known municipally in the year 2014 as 143-177 Lake Shore Boulevard East, 130-132 Queens Quay East and 26 Richardson Street, and 162 Queens Quay East, the holding symbol may be removed after Council is satisfied, having had regard for applicable environmental regulations and guidelines and receiving or securing necessary technical studies, that compatibility will be achieved and maintained between any proposed land use and lands designated as Existing Use Area (even if external to East Bayfront) with regard to noise, dust, odour, and air quality so as to achieve the goals of:

- (i) preventing undue adverse impacts from the proposed land use on the Redpath lands designated as an Existing Use Area; and
- (ii) preventing the potential for undue adverse impacts on the new land use from the Redpath lands designated as an Existing Use Area.

3) SUBDIVISION OF LANDS

The subdivision of lands within precincts may occur through a simplified Plan of Subdivision and the lifting of Part Lot Control, or the taking of public streets directly and lifting Part Lot Control where an underlying Plan of Subdivision already exists. Severance of lots in Regeneration Areas by application to the Committee of Adjustment generally will only be considered upon completion of the Precinct Implementation Strategies.

4) ENCOURAGING EXCELLENCE IN DESIGN

Excellence in design will be promoted through design competitions and design review panels. These processes will encourage the participation of both the local and international design community.

A Design Review Board will be established to review and advise the City on all design aspects of all development applications on lands adjacent to the Public Promenade (Dockwall/ Water's Edge). The objective of this process will be to ensure the excellence in design of new public and private buildings, infrastructure, parks and public spaces adjacent to Toronto's waterfront.

5) DESIGNATING THE CENTRAL WATERFRONT AS A COMMUNITY IMPROVEMENT PROJECT AREA

The Central Waterfront is proposed to be designated a Community Improvement Project Area under Section 28 of the Planning Act. In order to expedite revitalization efforts, Community Improvement Plans will be developed to identify specific revitalization projects.

The Community Improvement Project Area designation allows the City to provide grants or loans for rehabilitating land or buildings. Under the Municipal Act, the City may include tax incentives to encourage development in a Community Improvement Project Area. It also helps focus government funding and investment on well-defined, pre-approved community improvement projects and initiatives such as brownfield redevelopment, heritage restoration, affordable housing,* soil and groundwater remediation, infrastructure, parkland acquisition, façade improvements and/or general community beautification projects.

***APPROVAL OF THE WORDS "AFFORDABLE HOUSING" IN THIS POLICY DEFERRED FOR WEST DON LANDS BY OMB DECISION NO. 3227.**

6) TIMELY IMPLEMENTATION AND ENVIRONMENTAL ASSESSMENT

6.1 Environmental remediation, flood protection measures, early construction of transit infrastructure, and the timely provision of community services and facilities will be essential to achieving the revitalization of the Central Waterfront.

6.2_Where applicable under provincial or federal legislation, environmental assessments of Central Waterfront projects will be undertaken. The Environment Assessment process will be an opportunity to integrate Toronto's environmental and sustainability goals into project design and implementation.

7) INTERPRETATION OF THE PLAN

7.1_The Central Waterfront Secondary Plan consists of Sections Four and Five, Maps A to E and Schedules A and B.

7.2_Maps A, B and D cover an area beyond the boundary of the Central Waterfront and will prevail over the Official Plan and any Secondary Plans for the matters covered in these maps.

7.3_Appendix I is part of the Plan for the purpose of illustration only and is not to be interpreted as prescriptive.

7.4_The Toronto City Centre Airport and Toronto Islands are not part of the Plan.

7.5_The transportation alignments, Parks and Open Space Areas and Regeneration Areas shown in this Plan are intended to provide a basic framework for the Central Waterfront. Minor adjustments and additions to any of these elements may be made without amendment, including the detailed configuration of Commissioners Park, the Queens Quay East alignment at its current intersection with Cherry Street and Lake Shore Boulevard East, as well as the location of the associated bridge(s) over the new Mouth of the Don River.

7.6_The text and maps of the Official Plan of the former City of Toronto continue to apply except in cases where the text and maps are in conflict with this Secondary Plan, in which case the text and maps of this Secondary Plan shall prevail.

7.7 _For further clarification, the land use designation of "Regeneration Area" in the area to the south of Mill Street as set out in the Central Waterfront Secondary Plan shall prevail over the King Parliament Plan.

7.8 _ Notwithstanding Section 7.6, in cases where the text and maps of the Fort York Neighbourhood Part II Plan are in conflict with this Secondary Plan, or where this Secondary Plan would impose additional financial obligations or Section 37 contributions on the blocks identified on Map B to the Fort York Neighbourhood Part II Plan beyond those obligations or contributions imposed by the Fort York Neighbourhood Part II Plan, the text and maps of the Fort York Neighbourhood Part II Plan shall prevail.

7.9 _ Section 2.6 of this Secondary Plan does not apply to the lands in the Fort York Neighbourhood.

7.10 _ This Secondary Plan, and in particular P54, will prevail over the policies set out in Chapter 7, Site and Area Specific Policy 517, of the Official Plan of the City of Toronto.

SCHEDULE A

PROPOSED RIGHTS-OF-WAY (ROW) FOR MAJOR ROADS

Roadway ⁽¹⁾	From	To	ROW	Streetcar in own ROW
Bayview Av	Mill St	Queen St E	30 m	No
Basin St (new)	Cherry St	Carlaw Av (new)	26 m	No
Broadview Av (new)	Commissioners St	Eastern Av	32 m	Yes
Carlaw Av (new)	Unwin Av	Commissioners St	26 m	No
Cherry St	Eastern Av	Front St E	36 m	Yes
Cherry St	Front St E	Mill Street	35 m	Yes
Cherry St	Mill St	CN Railway Corridor	varies	Yes
Cherry St	CN Railway Corridor	Unwin Av	40 m	Yes
Commissioners St	Cherry St	Leslie St	40 m	Yes
Don Roadway	Lake Shore Blvd E	Commissioners St	30 m	No
Don Roadway (new)	Commissioners St	Unwin Av	40 m	Yes
Dufferin St (new)	Front St W (new)	Lake Shore Blvd W	30 m	Yes
Front St E	Trinity St	Cherry St	30 m	Yes
Front St E	Cherry St	a point 70 m east of Cherry St	20 m	No
Front St E	a point 70 m east of Cherry St	Bayview Av (new)	42 m	No
Front St W (new)	Bathurst St	a point 170 m east of Strachan Av	33 m	No
Front St W (new)	a point 170 m east of Strachan Av	Dufferin St	27 m	No
Leslie St	Commissioners St	Lake Shore Blvd E	40 m	Yes
Manitoba Dr (new)	Strachan Av	Fraser Av (new)	Varies	Yes
Mill St	Cherry St	Bayview Av (new)	25 m	No
Parliament St	King St E	Front St E	Varies	Yes
Parliament St (new)	Lake Shore Blvd E	Queens Quay E	24 m	No
Princes' Blvd (new)	Saskatchewan Rd	Manitoba Dr	45+ m	No
Queens Quay E	Yonge St	Cherry St	40 m	Yes
Strachan Av	Lake Shore Blvd W	Front St W (new)	30 m	No
Unwin Av (new)	Cherry St	Leslie St	40 m	Yes
Yonge St	Queens Quay	Lake Shore Blvd	30 m	No

(1) Existing or currently planned roads (e.g. Bremner Boulevard) that are not listed in this schedule will maintain current right-of-way designation.

Notes:

(a) Rights-of-way will be protected to accommodate road, transit, pedestrian and cycling requirements, as well as landscaping and other urban design elements.

- (b) The rights-of-way of local streets not listed above are to be addressed in conjunction with the subdivision planning process.
- (c) Council may require additional right-of-way widenings (e.g. at intersection locations) in order to accommodate appropriate design geometry.
- (d) Rights-of-way requirements may be amended in the future to take into account environmental assessments, detailed design work, plans of subdivision, as well as traffic and development needs.

Schedule B**
Housing Definitions*

- ***Affordable Housing: Rental and Ownership***

Affordable rental housing means housing where the total monthly shelter cost (gross monthly rent including utilities – heat, hydro and hot water – but excluding parking and cable television charges) is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation.

Affordable ownership housing is housing which is priced at or below an amount where the total monthly shelter cost (mortgage principle and interest – based on a 25-year amortization, 10% down payment and the chartered bank administered mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada at the time of application – plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as reported annually by the Canada Mortgage and Housing Corporation. Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit.

- ***Rental Housing***

The term *rental housing* means a building or related group of buildings containing one or more rented residential units, but does not include a condominium, registered life lease, or other ownership forms.

Low-End-Of-Market Housing

The term *low-end-of-market housing* means small private ownership housing units suitable for households of various sizes and composition, the price of which would not be monitored or controlled, but which, by virtue of their modest size relative to other market housing units, would be priced for households up to the 60th percentile of the income distribution for all households in the Toronto CMA, where *total annual housing costs* do not exceed 30 per cent of gross annual household income.

*To be read in conjunction with Policy (P39).

****APPROVAL OF SCHEDULE B WITHHELD BY ONTARIO MUNICIPAL BOARD
PURSUANT TO DECISION ON WEST DON LANDS**

Appendix 1

Community Services, Facilities and Local Parks

Based on full build-out of approximately 40,000 new residential units and 900,000 sq. m. of non-residential development

GENERAL CRITERIA

Facility/site requirements

- shared use and/or multi-purpose facilities
- capacity to adapt to changing needs of the community over time
- all of the community facilities could be integrated as part of a mixed-use development site

Location criteria

- accessible by public transit
- barrier-free
- grade-related
- good visibility from the street

Guidelines

- *timely provision of social infrastructure facilities as development proceeds within each community precinct*
- *monitoring and review of adequacy of the community facilities shall occur once one-third of the potential development is achieved in each community*

ELEMENTARY SCHOOLS

(6 to 10 at full build-out)

Facility/site requirements

- *1.2 hectares if a single elementary school is located next to a public park*
- *1.82 hectares if a joint TDSB/TCDSB elementary school is located next to a public park*

Location criteria

- *pupils should travel no more than 1.6 km to school*
- *minimize children crossing arterial roads*

Guidelines

- *optimal facility must be sufficient to accommodate between 400 and 500 students*
- *pupil generation rates should be monitored in coordination with both the TDSB and TCDSB*

SECONDARY SCHOOLS

(one at full build-out)

Facility/site requirements

- *stand alone requires four hectares, or two hectares if located next to a public park with adult-sized ball field and soccer pitch*

Location criteria

- *locations on arterial roads with direct transit access are preferable*

Guidelines

- *facility size will be determined by pupil generation rates within the Waterfront*
- *pupil generation rates should be monitored in coordination with both the TDSB and TCDSB*

LOCAL PARKLAND

Facility/site requirements

- *neighbourhood oriented passive and active recreational opportunities*

- *size and shape will vary depending on community size and facility requirements*
- *each residential community shall contain at least one local park a minimum two hectares in size*

Location criteria

- *intended to serve communities within a reasonable walking distance*
- *where appropriate, regional parkland can also meet local parkland needs*
- *barrier free, grade-related and good visibility from streets*

Guidelines

- *distribution, size and facility mix should be relative to population distribution and demographics*
- *capacity to adapt to changing needs of the community over time*

DAYCARE CENTRES

(10 to 12 at full build-out)

Facility/site requirements

- *licensed capacities of 72 children each, with 735 m² of interior space and 401 m² of contiguous outdoor space*

Location criteria

- *grade location is preferable*
- *compliance with appropriate provincial regulation and city policies*
- *sun, air and noise studies must be completed prior to final selection of sites*

Guidelines

- *Daycare demand will be assessed as follows:
number of children up to 4 years of age, multiplied by the labour participation rate for women aged 20 to 45 years, reduced to 50-70% to reflect patterns of parental choice with respect to licensed care*

LIBRARIES

(one to three at full build-out)

Facility/site requirements

- *650 m² to 1,115 m² preferably located at grade*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*

Guidelines

- *one library for every community with a population of at least 25,000 residents or a comparable combined residential and office worker population*
- *residents should have access to a library within 1.6 km*

RECREATION CENTRES

(four to six at full build-out)

Facility/site requirements

- *size is dependent demand*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*
- *ready access to outdoor playing fields and playgrounds (preferably a public park)*

Guidelines

- *one recreation centre for every 21,000 residents or a comparable combined residential and office worker population*

COMMUNITY SERVICE/HUMAN SERVICE SPACE

Facility/site requirements

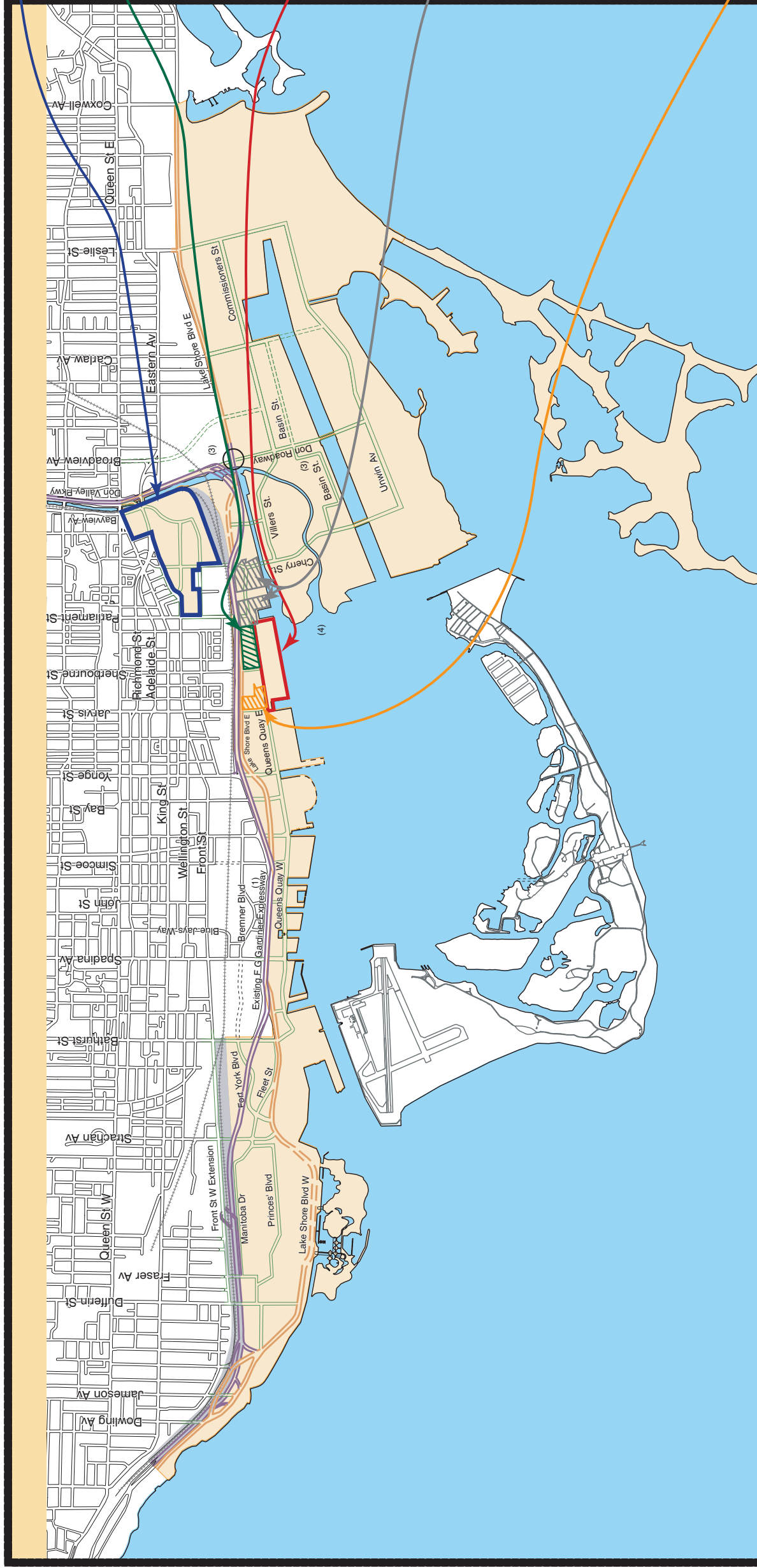
- *929 m² to 1,858 m² of space*

Location criteria

- *good pedestrian and public transit access*
- *highly visible from the street*

Guidelines

- *one facility for each community*








MAP A

**CENTRAL WATERFRONT SECONDARY PLAN
ROADS PLAN**

NOTE: (1) GARDINER / LAKE SHORE CORRIDOR AND FRONT STREET EXTENSION SUBJECT TO FURTHER STUDY
 (2) SEE SCHEDULE A FOR THE PROPOSED RIGHT-OF-WAY WIDTHS OF MAJOR ROADS
 (3) INTERSECTION AND / OR ALIGNMENT CONFIGURATION SUBJECT TO FURTHER STUDY
 (4) NEW MOUTH OF DON RIVER SHOWN CONCEPTUALLY
 (5) ADDITIONAL BRIDGE NEEDED

MAP INDEX

-  EXISTING FREDERICK G. GARDINER EXPRESSWAY
-  EXISTING LAKE SHORE BOULEVARD
-  REDESIGNED LAKE SHORE BOULEVARD
-  MAJOR ROADS (2)
-  MAJOR ROADS (LONG TERM) (2)

APPROVED BY ONTARIO MUNICIPAL BOARD FOR WEST DON LANDS

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS ON THE NORTH SIDE OF QUEENS QUAY EAST, EAST OF SHERBOURNE ST.

APPROVED BY ONTARIO MUNICIPAL BOARD FOR FWP LANDS AND LANDS ON SOUTH SIDE OF QUEENS QUAY EAST

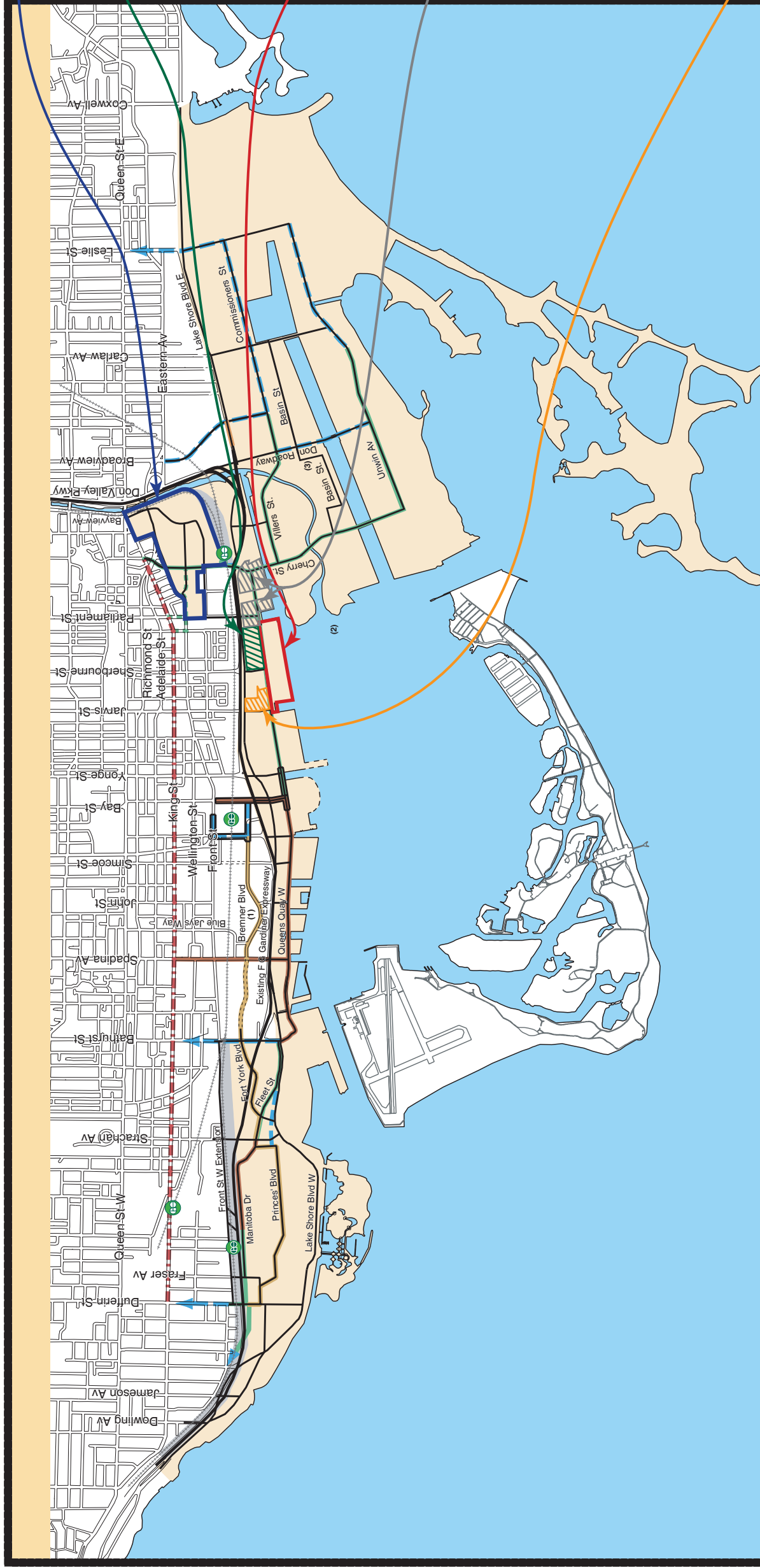
APPROVED BY ONTARIO MUNICIPAL BOARD FOR KEATING CHANNEL WEST PRECINCT (APPROVAL DEFERRED FOR 351-369 LAKE SHORE BLVD. E., AND 11 PARLIAMENT ST.) * SEE MAPS H1 AND H2

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS EAST OF LOWER JARVIS STREET AT 143-177 LAKE SHORE BLVD. E., 26 RICHARDSON ST., 130-132 QUEENS QUAY E., AND 162 QUEENS QUAY E.

January 29, 2008

Revised July 2010, Revised Nov. 2011, Revised Sept. 2012, Revised June 2014, Revised Feb. 2016





APPROVED BY ONTARIO MUNICIPAL BOARD FOR WEST DON LANDS

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS ON THE NORTH SIDE OF QUEENS QUAY EAST, EAST OF SHERBOURNE ST.

APPROVED BY ONTARIO MUNICIPAL BOARD FOR FWP LANDS AND LANDS ON SOUTH SIDE OF QUEENS QUAY EAST

APPROVED BY ONTARIO MUNICIPAL BOARD FOR KEATING CHANNEL WEST PRECINCT (APPROVAL DEFERRED FOR 351-369 LAKE SHORE BLVD. E., AND 11 PARLIAMENT ST.) * SEE MAPS H1 AND H2

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS EAST OF LOWER JARVIS STREET AT 143-177 LAKE SHORE BLVD. E., 26 RICHARDSON ST., 130-132 QUEENS QUAY E., AND 162 QUEENS QUAY E.

MAP B

**CENTRAL WATERFRONT SECONDARY PLAN
TRANSIT PLAN**

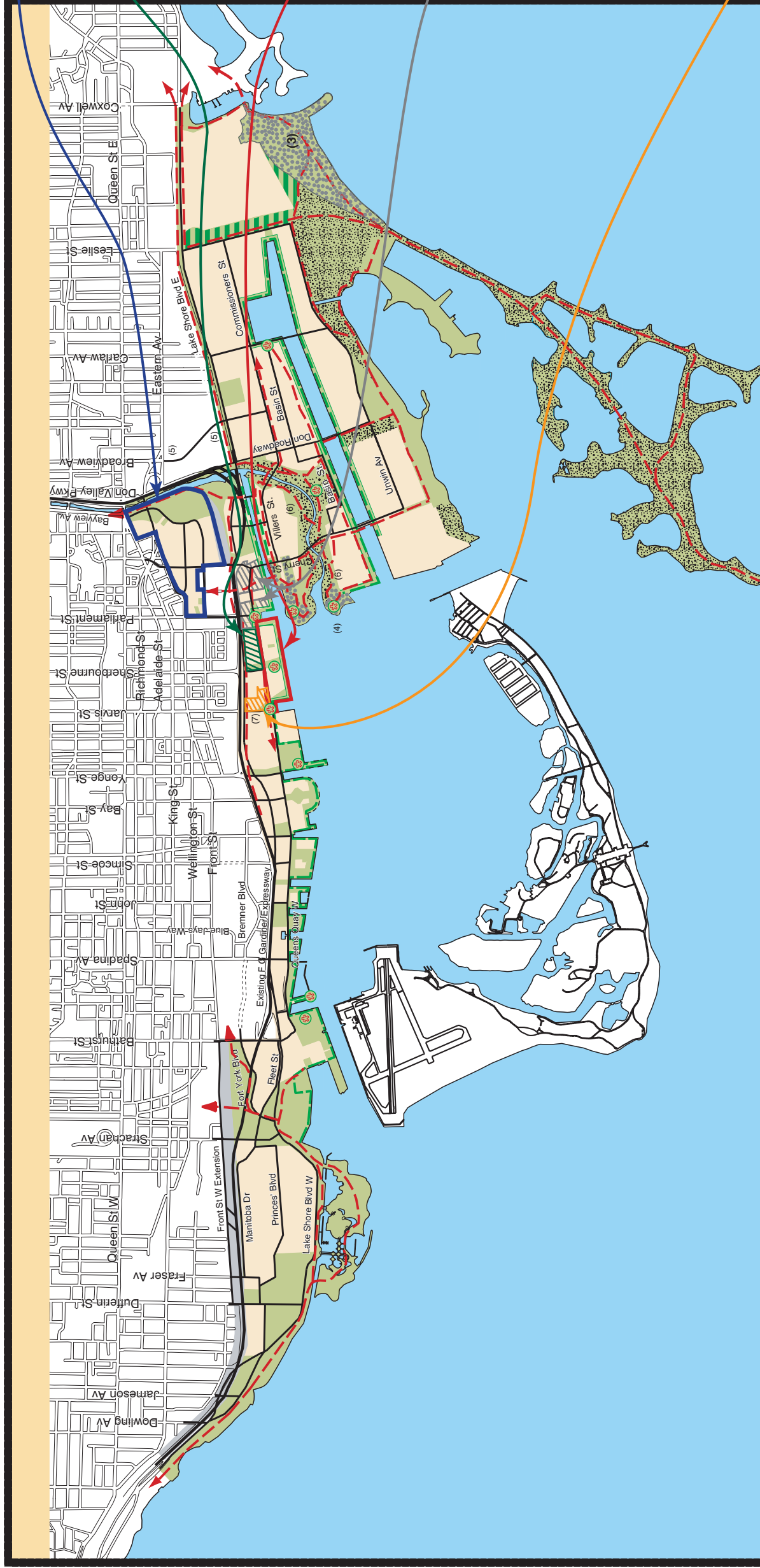
NOTE: (1) COULD EVOLVE TO STREETCAR SERVICE, DEPENDING ON DEMAND / FEASIBILITY
(2) NEW MOUTH OF DON RIVER SHOWN CONCEPTUALLY
(3) INTERSECTION AND / OR ALIGNMENT CONFIGURATION SUBJECT TO FURTHER STUDY

MAP INDEX	PLANNED NEW TRANSIT SERVICES	POTENTIAL TRANSIT SERVICES (LONG TERM)

January 29, 2008

Revised July 2010, Revised Nov. 2011, Revised Sept. 2012, Revised June 2014, Revised Feb. 2016





APPROVED BY
ONTARIO MUNICIPAL
BOARD FOR
WEST DON LANDS

APPROVED BY
ONTARIO MUNICIPAL
BOARD FOR
EAST BAYFRONT WEST,
LANDS ON THE
NORTH SIDE OF
QUEENS QUAY EAST,
EAST OF SHERBOURNE ST.

APPROVED BY
ONTARIO MUNICIPAL
BOARD FOR FWP LANDS
AND LANDS ON
SOUTH SIDE OF
QUEENS QUAY EAST

APPROVED BY
ONTARIO MUNICIPAL BOARD
FOR KEATING CHANNEL
WEST PRECINCT
(APPROVAL DEFERRED FOR
351-369 LAKE SHORE BLVD. E.,
AND 11 PARLIAMENT ST.)
* SEE MAPS H1 AND H2

APPROVED BY
ONTARIO MUNICIPAL
BOARD FOR
EAST BAYFRONT WEST,
LANDS EAST OF LOWER
JARVIS STREET AT
143-177 LAKE SHORE BLVD. E.,
26 RICHARDSON ST.,
130-132 QUEENS QUAY E.,
AND 162 QUEENS QUAY E.
* SEE MAP F1

MAP INDEX

- PUBLIC PROMENADE (DOCKWALL / WATER'S EDGE)
- MULTI-USE PATHWAYS (1)
- PARKS (2)
- INNER HARBOUR SPECIAL PLACES

- POTENTIAL LAKEFILL AREAS
- NATURAL AREAS
- OTHER OPEN SPACE AREAS (Including Golf Courses, Cemeteries, Public Utilities)

MAP C

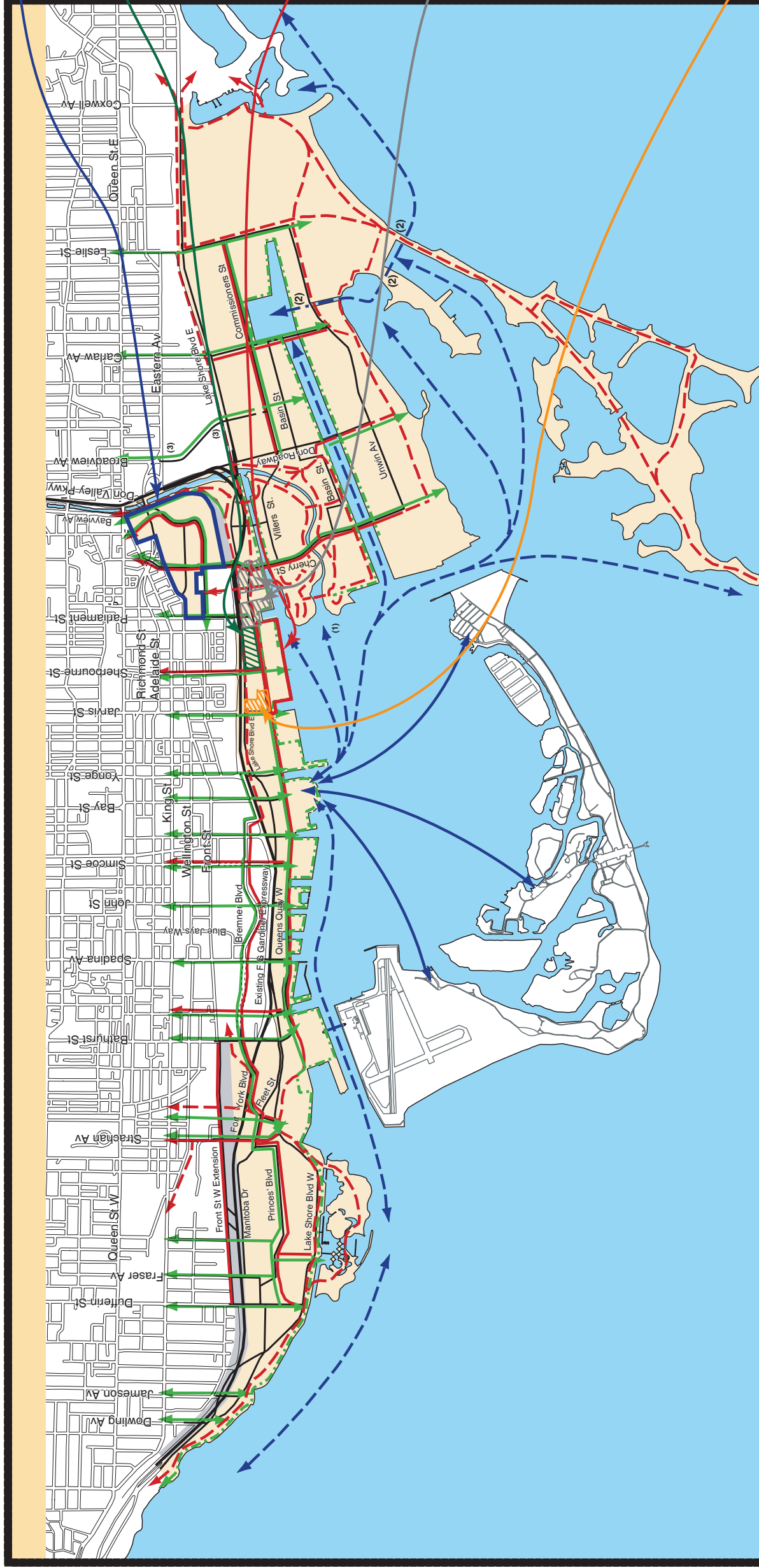
**CENTRAL WATERFRONT SECONDARY PLAN
PARKS AND OPEN SPACE AREAS PLAN**

NOTE: (1) SEE MAP D FOR COMPLETE BICYCLE NETWORK
(2) LOCAL PARKS ARE INDICATED BY THE PLAN, THIS WILL BE DONE AT THE DEVELOPMENT PERMIT OR BY-LAW STAGE
(3) AREA SOUTH OF ASHRIDGE BAY TREATMENT PLANT SUBJECT TO POLICY P28
(4) NEW SOUTH OF DON RIVER SHOWN CONCEPTUALLY
(5) INTERSECTION AND / OR ALIGNMENT CONFIGURATION SUBJECT TO FURTHER STUDY
(6) PARKS AND NATURAL SPACE AREAS SUBJECT TO DETAILED DESIGN
(7) SEE MAP F1

January 29, 2008

Revised July 2010, Revised Nov. 2011, Revised Sept. 2012, Revised June 2014, Revised Feb. 2016





MAP D

**CENTRAL WATERFRONT SECONDARY PLAN
PEDESTRIAN, CYCLING AND
WATER ROUTES PLAN**

NOTE: (1) NEW MOUTH OF DON RIVER SHOWN CONCEPTUALLY
(2) POTENTIAL LAND BASED (PORTAGE) CONNECTION
(3) INTERSECTION AND / OR ALIGNMENT CONFIGURATION SUBJECT TO FURTHER STUDY

MAP INDEX

	PUBLIC PROMENADE (DOCKWALL / WATER'S EDGE)
	KEY PEDESTRIAN LINKS
	MULTI-USE PATHWAYS
	BICYCLE LANES (ON-STREET)
	EXISTING WATER ROUTES
	POTENTIAL WATER ROUTES

APPROVED BY ONTARIO MUNICIPAL BOARD FOR WEST DON LANDS

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS ON THE NORTH SIDE OF QUEENS QUAY EAST, EAST OF SHERBOURNE ST.

APPROVED BY ONTARIO MUNICIPAL BOARD FOR FWP LANDS AND LANDS ON SOUTH SIDE OF QUEENS QUAY EAST

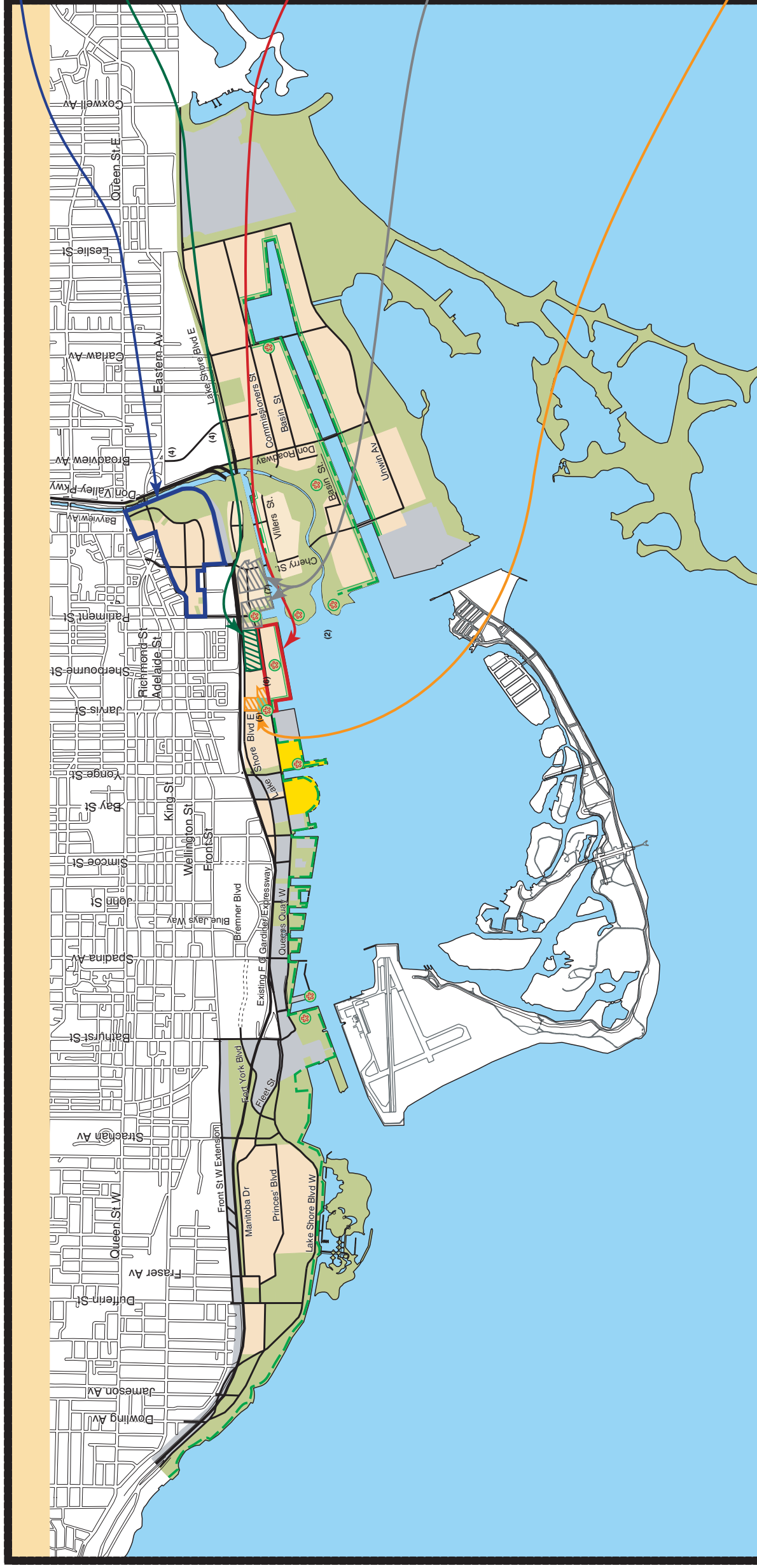
APPROVED BY ONTARIO MUNICIPAL BOARD FOR KEATING CHANNEL WEST PRECINCT (APPROVAL DEFERRED FOR 351-369 LAKE SHORE BLVD. E., AND 11 PARLIAMENT ST.) * SEE MAPS H1 AND H2

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS EAST OF LOWER JARVIS STREET AT 143-177 LAKE SHORE BLVD. E., 26 RICHARDSON ST., 130-132 QUEENS QUAY E., AND 162 QUEENS QUAY E.

January 29, 2008

Revised July 2010, Revised Nov. 2011, Revised Sept. 2012, Revised June 2014, Revised Feb. 2016





APPROVED BY ONTARIO MUNICIPAL BOARD FOR WEST DON LANDS

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS ON THE NORTH SIDE OF QUEENS QUAY EAST, EAST OF SHERBOURNE ST.

APPROVED BY ONTARIO MUNICIPAL BOARD FOR FWP LANDS AND LANDS ON SOUTH SIDE OF QUEENS QUAY EAST

APPROVED BY ONTARIO MUNICIPAL BOARD FOR KEATING CHANNEL WEST PRECINCT (APPROVAL DEFERRED FOR 351-369 LAKE SHORE BLVD. E., AND 11 PARLIAMENT ST.) * SEE MAPS H1 AND H2

APPROVED BY ONTARIO MUNICIPAL BOARD FOR EAST BAYFRONT WEST, LANDS EAST OF LOWER JARVIS STREET AT 143-177 LAKE SHORE BLVD. E., 26 RICHARDSON ST., 130-132 QUEENS QUAY E., AND 162 QUEENS QUAY E. * SEE MAPS F1 AND F2

MAP INDEX

	PARKS AND OPEN SPACE AREAS (1) (3)		FOOT OF YONGE SPECIAL STUDY AREA
	REGENERATION AREAS (3) (5)		PUBLIC PROMENADE (DOCKWALL / WATER'S EDGE)
	REGENERATION AREAS (QUALIFIED) (3) (5)		INNER HARBOUR SPECIAL PLACES
	EXISTING USE AREAS (3)		

MAP E

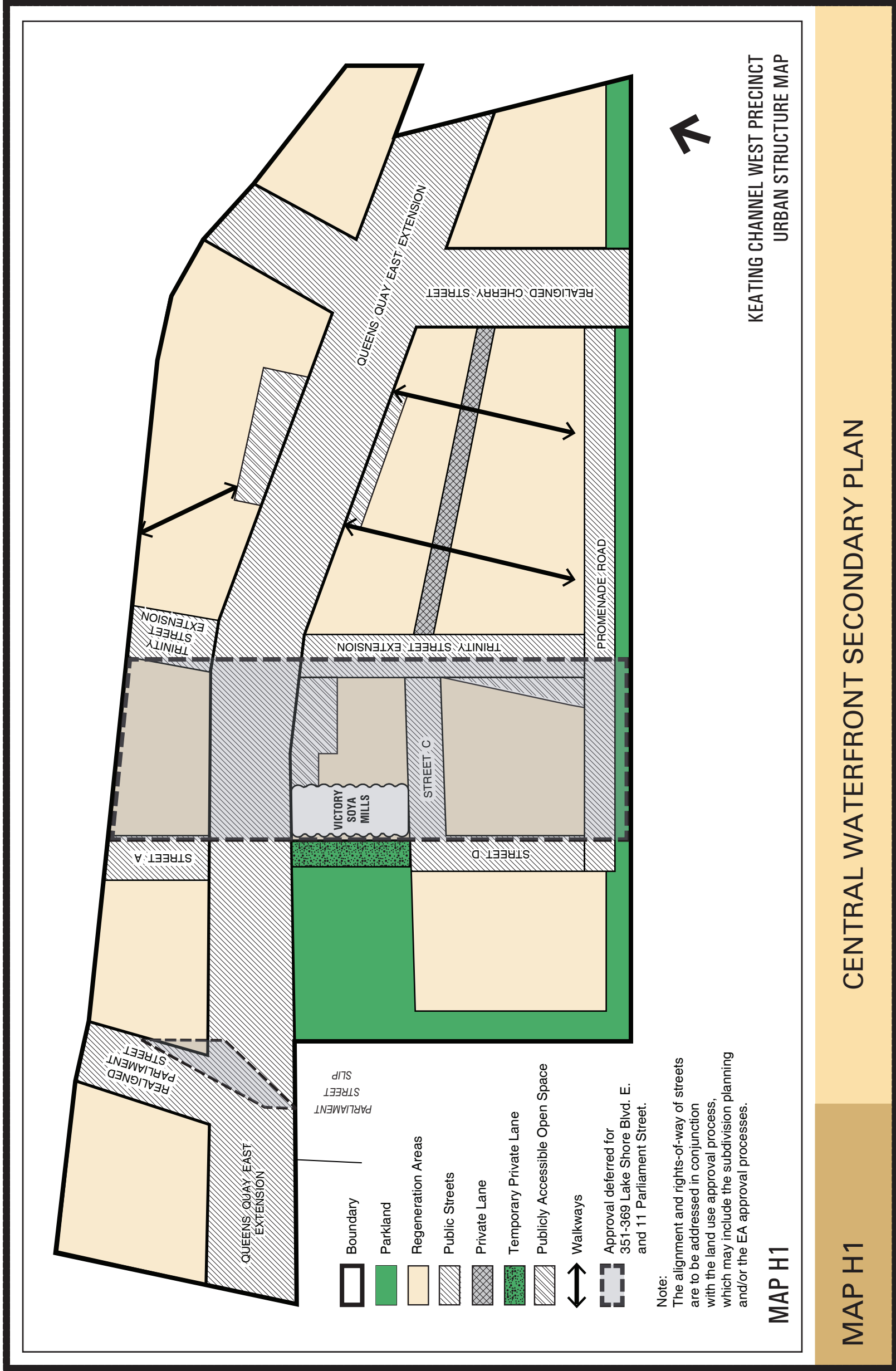
CENTRAL WATERFRONT SECONDARY PLAN LAND USE PLAN

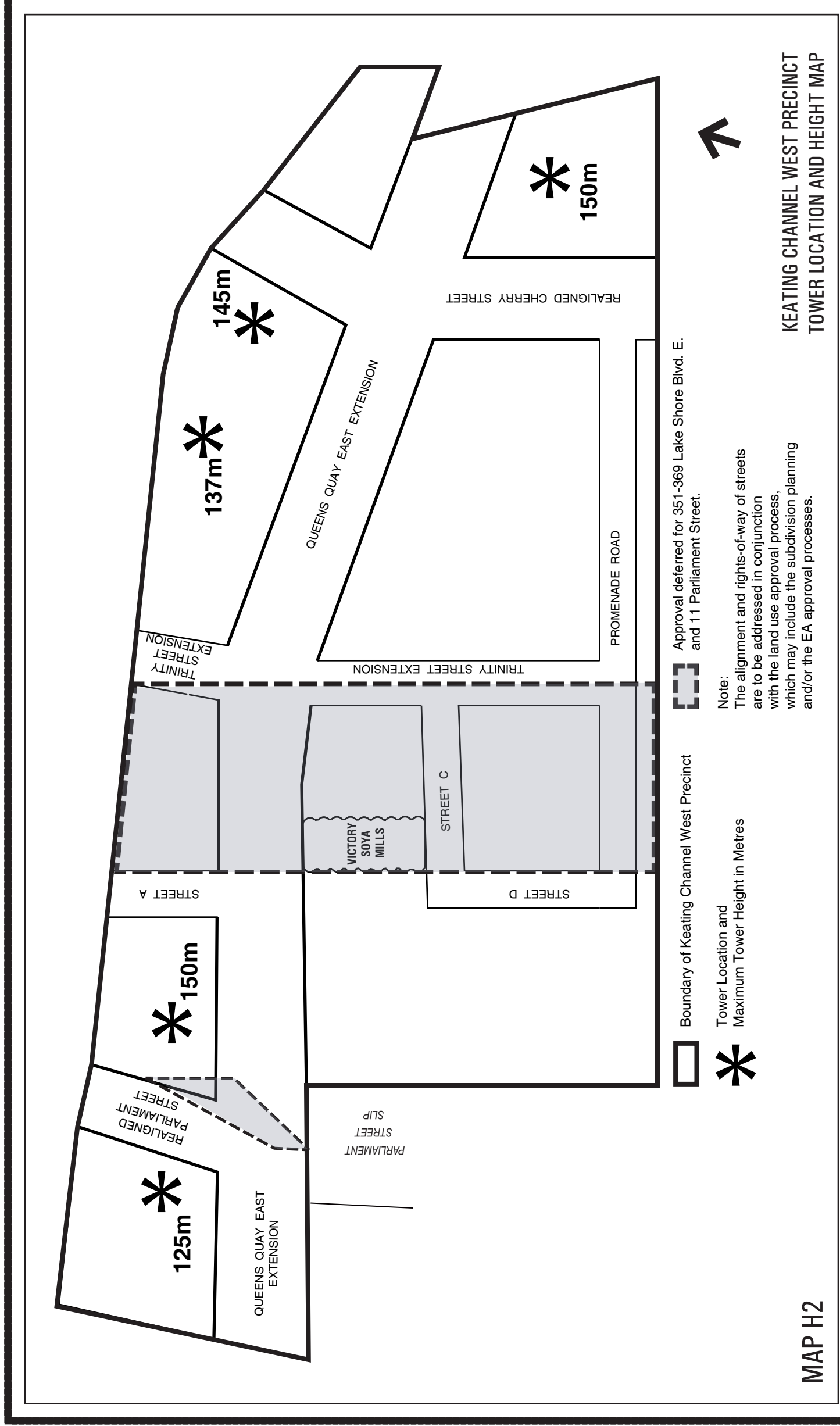
NOTE: (1) SEE MAP C FOR FURTHER DETAIL
 (2) NEW MOUTH OF DON RIVER SHOWN CONCEPTUALLY
 (3) SEE DEFINITIONS SECTION FIVE: MAKING IT HAPPEN, 1) A SIMPLIFIED APPROACH TO LAND USE REGULATION
 (4) INTERSECTION AND / OR ALIGNMENT CONFIGURATION SUBJECT TO FURTHER STUDY
 (5) SEE MAPS F1 AND F2 FOR FURTHER DETAILS
 (6) SEE MAPS G1 AND G2 FOR FURTHER DETAILS
 (7) SEE MAPS H1 AND H2 FOR FURTHER DETAILS

January 29, 2008

Revised July 2010, Revised Nov. 2011, Revised Sept. 2012, Revised June 2014, Revised Jan. 2016, Revised Feb. 2016







MAP H2

CENTRAL WATERFRONT SECONDARY PLAN



Attachment 3

Zoning By-law 1174-2010

CITY OF TORONTO

BY-LAW No. 1174-2010 (OMB)

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto
with respect to the Keating Channel Precinct West.**

WHEREAS after hearing the appeal under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and pursuant to its Decisions in respect of Board File PL030412, PL030514, PL060106 AND PL10109 issued on December [REDACTED]-2017, the Ontario Municipal Board deems it advisable to amend former City of Toronto By-law No. 438-86, as amended;

WHEREAS this By-law was passed in implementation of the City of Toronto Secondary Plan for the Central Waterfront; and

WHEREAS pursuant to Section 37 of the *Planning Act*, Council may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services and matters as set out in the by-law; and

THEREFORE the appeals are allowed in part and By-law 438-86 of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. Section 2(1) of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended by inserting after the definition of "Junction Triangle", the following:

"Keating Channel Precinct West" means that part of the City of Toronto delineated by heavy lines and shown on the following map.

2. District Maps 51G-312, 51G-313 and 51G-323 contained in Appendix "A" of By-law No. 438-86, as amended, are hereby further amended in the manner described in Section 1 in each of Schedules "A" to "E" to this By-law. **** APPROVAL OF SCHEDULES "C" AND "D" DEFERRED AS SET OUT BELOW ****
3. Height and Minimum Lot Frontage Maps 51G-312, 51G-313 and 51G-323 contained in Appendix "B" of By-law No. 438-86, as amended, are hereby further amended in the manner described in Section 2 in each of Schedules "A" to "E" to this By-law. **** APPROVAL OF SCHEDULES "C" AND "D" DEFERRED AS SET OUT BELOW ****
4. Section 12(1) of By-law No. 438-86, as amended, is further amended in the manner described in Section 3 in each of Schedules "A" to "E" to this By-law by adding the following Exceptions:

(483) 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 307

Lake Shore Boulevard East , 11 and 11R Small Street and 3-7 Parliament in the year 2015 in accordance with the provisions set in Schedule “A” to this By-law;

(484) 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 333 Lake Shore Boulevard East in the year 2015 in accordance with the provisions set in Schedule “B” to this By-law; and

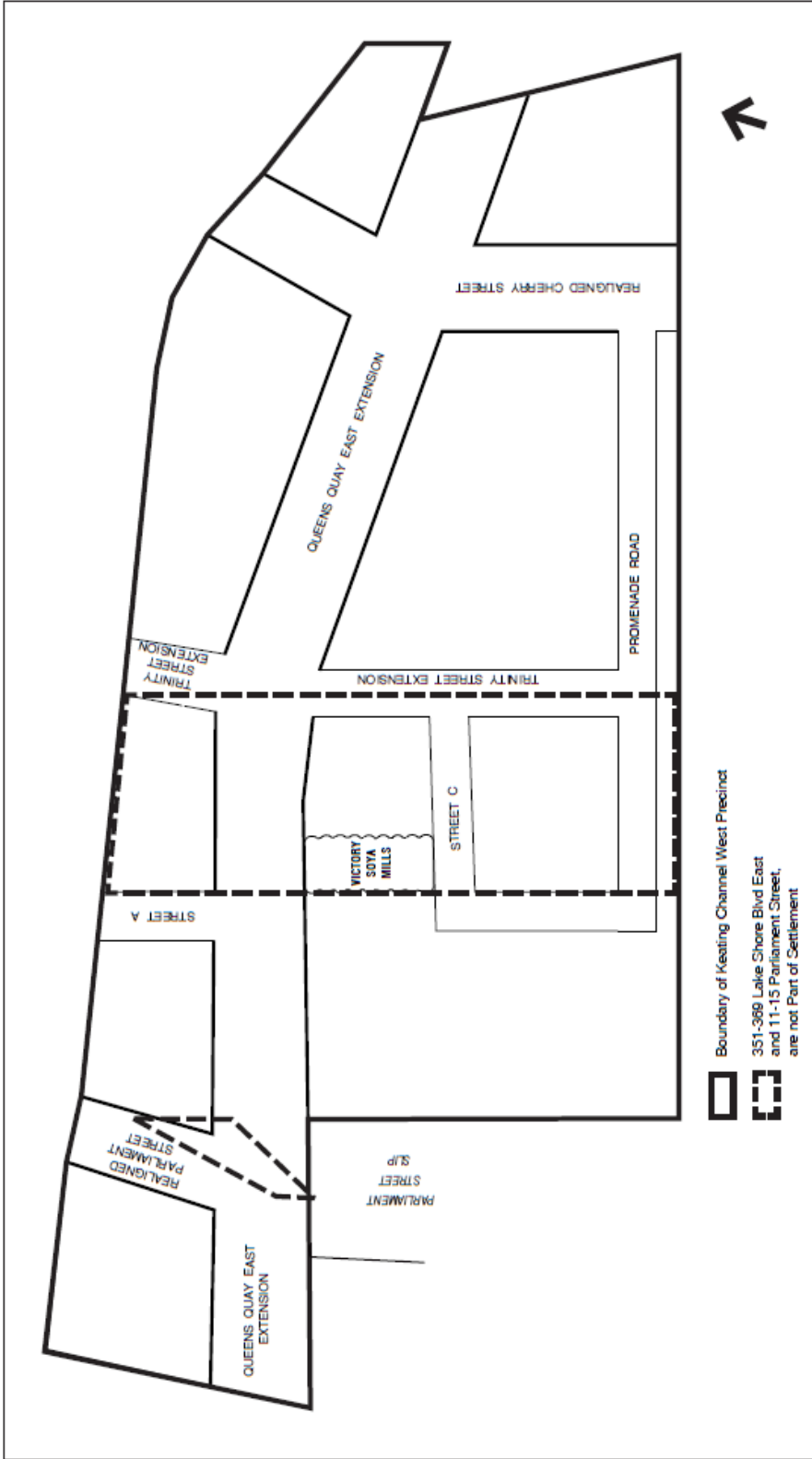
(485) to prevent the erection of buildings or structures or the use of the portion of the lands within the Keating Channel Precinct Plan West known municipally as 351 and 369 Lake Shore Boulevard East in the year 2015 in accordance with the provisions set in Schedule “C” to this By-law; and **** APPROVAL OF SCHEDULE “C” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER [REDACTED]-2017 UNDER BOARD FILE NO. PL101093, WITH SCHEDULE “C” CONSISTING OF BY-LAW 1174-2010 AS IT EXISTED WHEN ADOPTED BY COUNCIL ON AUGUST 27, 2010 INsofar AS THAT BY-LAW APPLIES TO 351 AND 369 LAKE SHORE BLVD E. PRIOR TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER [REDACTED]-2017 .****

(486) to prevent the erection of buildings or structures or the use of the portion of the lands within the Keating Channel Precinct Plan West known municipally as 11 Parliament Street in the year 2015 in accordance with the provisions set in Schedule “D” to this By-law; and **** APPROVAL OF SCHEDULE “D” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER [REDACTED]-2017, UNDER BOARD FILE NO. PL101093, WITH SCHEDULE “C” CONSISTING OF BY-LAW 1174-2010 AS IT EXISTED WHEN ADOPTED BY COUNCIL ON AUGUST 27, 2010 INsofar AS THAT BY-LAW APPLIES TO 11 PARLIAMENT ST PRIOR TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER [REDACTED]-2017 .****

(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 Lake Shore Boulevard East in the year 2015 in accordance with the provisions set in Schedule “E” to this By-law;

5. Schedules “A” to “E” form part of this By-law for all purposes. **** APPROVAL OF SCHEDULES “C” AND “D” DEFERRED AS SET OUT ABOVE ****

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER [REDACTED]-2017 , UNDER BOARD FILE NO. PL030412, PL030514, PL060106 AND PL101091.



Keating Channel Precinct West

Area referred to as "Keating Channel Precinct West"

File # 10_117319

↑
Not to Scale
05/09/2016

SCHEDULE "A"

307 Lake Shore Boulevard East , 11 and 11R Small Street and 3 -7 Parliament Street

1. District Maps 51G-312, 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)" as shown on Map A attached to this Schedule.
2. Height and Minimum Lot Frontage Maps 51G-312, 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 adding the following Exception:

“(483) 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 307 Lake Shore Boulevard East, 11 and 11R Small Street and 3-7 Parliament Street in the year 2016 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:
 1. only the qualifications in Section 8(2)1 and 8(2)3 shall apply;
 2. the *owner* of the *lot* elects to provide the facilities, services or matters referred to in Section (12)(1)(483)(aa) for which Council will require that the *owner* enter into one or more agreement(s) as referred to in subparagraph (aa)(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
 1. Qualification 8(2)(11)(iii) does not apply, and a *parking station* is permitted subject to the qualifications in 8(2)(11)(i)(ii) and (iv), and provided that a 3 metre wide landscaped barrier be provided or

a building containing other permitted uses is erected along the portions of the lot boundary abutting a street, excluding the portions used for access; and

2. *An automobile service and repair shop , cold storage locker plant, commercial parking lot, car washing establishment or motor vehicle repair shop, class A* are not 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) *a district energy, heating and cooling plant* located below finished *ground floor* level on the *lot* or wholly contained within a building in which other uses are the primary use, and a vacuum waste collection facility;
 - (v) *a sales office*;
- (c) where the zoning for a CR district is followed by an “h” holding symbol, permitted uses prior to the removal of the “h” shall be limited to the following:
- (i) those buildings and structures existing on the lands shown on Map 1 on the date of the passing of the by-law or an addition thereto or new construction on the lands shown on Map 1 not exceeding 100 square metres of *non-residential gross floor area* and those uses that are permitted and existing on the lands shown on Map 1 on June 22, 2016 which may include, but not be limited to the open storage of vehicles, boats and industrial equipment;
 - (ii) *a sales office*;
 - (iii) *temporary open air market*;
 - (iv) notwithstanding Section 8(2)(11), *commercial parking lot*, provided that:
 1. any lights used for illumination are so arranged as to divert the light away from adjacent premises; and
 2. a 3-metre landscape strip is provided around the perimeter of the *commercial parking lot*, excluding any entrances and exits; and
 - (v) *a parking station* provided that:
 1. such use is subject to qualifications in 8(2)(11)(i)(ii) and (iv), and provided that a 3 metre wide landscaped buffer or a building containing other permitted uses is erected along the portions of the boundary abutting a street, excluding the portions used for access;

Permitted Gross Floor Area

- (d) the *non-residential gross floor area* and *residential gross floor area*, or any combination thereof to be erected or used within a CR district zone on *lot(s)* on the lands as identified in heavy lines on Map 1, and as further identified on the table below, shall not exceed in total the amounts shown on the following table:

	Site Location	Maximum Combined <i>Non-Residential Gross Floor Area</i> and <i>Residential Gross Floor Area</i> (square metres)	Maximum <i>Residential Gross Floor Area</i> (square metres)
1	Block A alone (PIN 21384-0087 (LT) and known municipally as 307 Lake Shore Blvd. E. on June 22, 2016	7,700	7,200
2	Block B alone	39,500	35,500
3	Blocks A and B if developed together	53,350	48,015

The *non-residential gross floor area* and *residential gross floor area* provided for in rows 1 and 2 on the table above cannot be combined with the *non-residential gross floor area* and *residential gross floor area* provided for in row 3.

Notwithstanding the table 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.

Height

- (e) Maximum *height* shall be in accordance with Section 4(2) except that:
- (i) One tower with a maximum height of 125 metres may be located within the Permitted Tower Area, as shown on Map 2 of this Exception, 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;

- (f) notwithstanding Section 4(2)(a)(i) and (ii), no person shall erect or use a building or structure or portion thereof on the *lot* having a greater *height*, in metres than the *height* in metres permitted by Section 4(2) and by Section 12(1)(483)(e) of this Exception, provided this does not prevent the erection or use of:
- (i) stair towers, elevator shafts, *public art*, noise, odour and wind mitigation features, elements related to the generation of solar power 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, provided:
 - (A) the maximum *height* of the top of such elements shall be no higher than the sum of 6.0 metres and the *height* limit applicable to the *lot*, with the exception that such elements located on the roof of a *tower* within the Permitted Tower Area as shown on Map 2 shall be no higher than 10.0 metres; and
 - (B) where such elements are not located on the roof of a *tower* within the Permitted 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;
 - (ii) elements of a green roof, provided the maximum *height* of such elements shall be 1.0 metres above the roof;
 - (iii) structures and landscape features on the roof of building used for outside or open recreation, or safety purposes, provided the maximum *height* 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; and
 - (iv) chimney stacks for a *district energy, heating and cooling plant*, where permitted in accordance with Section (12)(1)(483)(b)(iv) and which have been approved by the Ministry of the Environment and Climate Change;

Setbacks

- (g) All buildings along Lake Shore Boulevard East shall be set back a minimum of 7 metres from the *lot* line adjacent to Lake Shore Boulevard East.

Upper Level Stepbacks

- (h) Notwithstanding Section 4(2), no building or structure in a 38-metre *height* district may exceed a *height* of 20 metres unless the portion of the building above such 20-metre *height* is stepped back a minimum of 5 metres from the main building wall immediately below a *height* of 20 metres that faces Lake Shore Boulevard East, is stepped back a minimum of 3 metres from the main building wall immediately below a height of 20 metres that faces Parliament Street or Small Street, and is stepped back a minimum of 40 metres from Queens Quay East;
- (i) No building or structure in the Permitted Tower Area on Map 2 may exceed a *height* of 20 metres unless the portion of the building above such 20-metre *height* is stepped back a minimum of 5 metres from the main wall immediately below a *height* of 20 metres that faces Lake Shore Boulevard East, a minimum of 3 metres from the main wall immediately below a height of 20 metres that faces Parliament Street, 20 metres from the main wall immediately below a height of 20 metres from Queens Quay East, and is also stepped back a maximum of 40 metres from the main wall below a height of 20 metres that faces Parliament Street;

Separation of Buildings and Structures

- (j) Window separation requirements in Section 8(3) Part II 1(a) shall apply except that the minimum distance referred to in subparagraph 1 (a)(i) shall be 15 metres and the minimum distance referred to in subparagraph 1(a)(ii) shall be 7.5 metres.
- (k) 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 metres to another *non-residential building* or the non-residential portion of a *mixed use building*;
- (l) No *residential building* or the 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 15 metres to another *non-residential building* or the non-residential portion of a *mixed use building*;
- (m) The requirements of Section 8(3) Part II 1(a) and Sections 12(1)(483)(j), (k) and (l) 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*.

Build to Lines

- (n) no building may be erected or used on the *lot* subject to a Build-to Line, as shown as heavy lines on Map 4, unless:
 - (i) an exterior face of the building is located no more than 0.5 metres back from the Build-to Line between *grade* and a *height* of 12 metres, for a

minimum of 50% of the length of the *frontage* of the *lot* identified as a Build-to Line;

Permitted Projections

- (o) notwithstanding Section 4(2)(a)(i) and (ii) and Sections (12)(1)(483)(e), (g), (h) and (i), the types of structures listed in the column entitled “STRUCTURE” in the following chart are permitted to project beyond the heavy lines, provided they comply with the restrictions set out opposite the Structure in the column entitled “MAXIMUM PERMITTED PROJECTIONS” and “OTHER APPLICABLE QUALIFICATIONS” and provide 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 metres from the wall to which it is attached	
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 restrictions	<i>Height</i> shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof
5	Guardrails, bollards, railings, fences, stairs, stair enclosures, trellises, wheel chair ramps and underground ramps and associated structures, <i>public art</i> , noise, odour and wind mitigation features, elements related to the generation of solar power	No restrictions	

	STRUCTURE	MAXIMUM PERMITTED HORIZONTAL PROJECTIONS	OTHER APPLICABLE QUALIFICATIONS
6	Landscape Features/Structures		<i>Height</i> shall be limited to 3.0 metres above finished ground level
7	Window washing equipment on the roof of a building		
8	Awnings, canopies	Permitted to a maximum projection of 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	Pilaster, decorative column, sill, belt course or other similar architectural feature on a building	A maximum of 0.6 metres, provided the structure is no closer to a <i>lot</i> line than 0.3 metres	

- (p) notwithstanding Section 4(2)(a)(i) and (ii), and Sections 12(1)(483)(e), (g), (h) and (i), bay windows are permitted to project to within 1 metre from the wall to which they are attached.

Parking and Loading

- (q) parking facilities shall be provided in accordance with Section 4(5) except that:
- (i) the total number of *parking spaces* required to meet the requirements for residential use (excluding visitors) may be reduced by 4 *parking spaces* for each *car share parking space* provided and maintained on the *lot*. The limit on this reduction of *parking spaces* is calculated as the greater of: 4 x (total number of units/60), rounded down to the nearest whole number, or 1 *parking space*;
 - (ii) For each 5 *bicycle parking spaces- occupant* provided in excess of the minimum number of *bicycle parking spaces – occupant* required by Section 4(13), the minimum required residential automobile *parking spaces* pursuant to Section (12)(1)(483)(q) may be reduced by 1 *parking*

space, up to a maximum reduction of 20% of the total minimum *parking spaces* required;

- (iii) *parking spaces* may be provided and maintained on the *lot* in an *automated parking system*;
- (r) Loading facilities shall be provided in accordance with Section 4(8);
- (s) Bicycle parking shall be provided in accordance with Section 4(13), subject to the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in subparagraph (gg) of this exception;
- (t) Loading facilities shall be provided in accordance with Section 4(8);
- (u) [intentionally deleted]
- (v) The portion of a building used for 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

- (w) *residential amenity space* shall be provided in accordance with Section 4(12), except that:
 - (i) indoor *residential amenity space* for a building on a *lot* shall be provide 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* 1
 - (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 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;
 - (v) *residential amenity space* shall be required only 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 a common internal corridor; and
 - (vi) In addition to the required *residential amenity space* noted above a minimum additional space amounting to 10% of the outdoor *residential*

amenity space shall be provided as additional publicly accessible open space at grade.

Ground Floor Animation Areas

- (x) no building or structure on a *lot* subject to a Ground Floor Animation Area requirement, as shown on in dashed lines along the Queens Quay frontage on Map 3, may be erected or used unless:
 - (i) at least 70 percent of the length of the main exterior building wall of each portion of a building identified as a Ground Floor Animation Area on Map 3 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 between any part of the building containing a dwelling unit and the portion of frontage as a Ground Floor Animation Area.

Sales Office

- (y) Where a building or structure is erected and is used only for the purposes of a *sales office*, then the provisions of subparagraph (n), as it pertains to the required Build-to Line, and subparagraph (x), as it pertains to Ground Floor Animation, shall not apply to that building or structure.

Unit Breakdown

- (z) Not less than ten percent (10%) of all *dwelling units* in a phase, not including *affordable rental housing* that constitutes *dwelling units*, will be three bedroom *dwelling units*, to be comprised as follows:
 - (i) a minimum of five percent (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 five percent (5%) of the total number of *dwelling units* within a phase shall be designed and constructed as three bedroom *dwelling units* as follows:
 1. a maximum of 40% of such three bedroom *dwelling units* (or 2% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed 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; and
2. a minimum of 60% of such three bedroom *dwelling units* (or 3% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed to a minimum unit size of 88 square metres, and shall not contain an interior bedroom with no window on an exterior wall, such that all 3 bedrooms shall have windows on an exterior wall; and
- (iii) Notwithstanding subparagraphs (i) and (ii) above, if a higher percentage of three bedroom *dwelling units* is provided in a phase than is required by subparagraphs (i) or (ii)(1) above, any surplus of three bedroom *dwelling units* can be applied to satisfy this requirement in future phases of the development within the *lot*.

Section 37 of the *Planning Act*

- (aa) 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 (aa) and paragraphs (bb), (cc) and (dd) of this Exception and the Appendices hereof which Appendices form part of this Exception 12(1)(483), 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 *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 paragraphs (bb) and (cc) and (dd), and Appendix 1 of this Exception, and provides for the securing of subparagraphs (ee)(viii) to (ee)(ix) 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 Exception, 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.

- (bb) 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*, or on other lands identified by the heavy lines on Map 1, of not less than 10% of the total amount of *residential gross floor area* as *affordable rental housing* as follows:
 - (1) such *dwelling units*, which are provided as *affordable rental housing*, shall be maintained as rental housing for a term of not less than 25 years; and
 - (2) such *dwelling units* shall be maintained with *affordable rents* for not less than 15 years; and
 - (3) 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;

 - (ii) a dedication to the City of land for the purpose of constructing *affordable rental housing* on the *lot*, as follows:
 - (1) the land shall be sufficient to provide not less than 18% of the total *residential gross floor area* attributable to the lands at 307 Lakeshore Boulevard East (alone) as *affordable rental housing*; and for the remaining lands, or for the combined lands less the *residential gross floor area* attributable to the lands at 307 Lakeshore Boulevard East (alone), the calculation shall be not less than 20% of the total *residential gross floor area*; and
 - (2) the land shall be ready and available for development, including any needed remediation; and
 - (3) 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 1 of this Exception; or

- (iii) a cash-in-lieu contribution to the City in the amount of the value 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:
 - (1) the maximum amount of cash-in-lieu that may be provided by the owner of the portion of the lands at 307 Lakeshore Boulevard East shall not exceed the value of the land required to meet the affordable rental housing requirements of that *lot* alone, calculated at 20% of the *residential gross floor area*; and
 - (2) 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 1 of this Exception; and
 - (3) no cash-in-lieu may be provided to meet the affordable rental housing requirements for the other portions of the lands, alone or in combination with 307 Lakeshore Boulevard East

provided that for the purpose of calculating the *affordable rental housing* requirements of Sections 3(bb)(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*.

- (cc) 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;

- (dd) 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*.

Holding Symbol

- (ee) The “(h)” holding symbol may be removed from any portion of the area of lands covered by this exception in accordance with this paragraph and such portion will be considered a phase of development.

Lands zoned with the “(h)” symbol shall not be used for any purpose other than as provided in paragraph (c) above until the “(h)” symbol has been removed. An amending by-law to remove the “(h)” symbol in whole or in part, and in respect of specific uses, shall be enacted by City Council when the implementation of the following conditions at the owner's sole expense have been secured to the satisfaction of Council 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 Council that all infrastructure and servicing requirements necessary to accommodate development of the *lot* and that all necessary transportation, servicing and infrastructure improvements necessary to serve development of the *lot* for any phase have been secured and/or shall be provided;
- (ii) Written confirmation from the Toronto and Region Conservation Authority that the flood protection landform in West Don Lands is complete and functional and the Special Policy Area designation is removed;
- (iii) The owner has provided a phasing plan which addresses:
 - (1) the sequencing of development phases, and
 - (2) the timing of, the provision of and the allocation of infrastructure and services required to develop the *lot* which may include various agreement(s) pursuant to the *Development Charges Act*.
- (iv) The Owner has submitted a complete *site plan application* in accordance with the requirements of Appendix 1, Section 6, including, *inter alia*:
 - (1) the requirements listed in Section 4 of Appendix 1 hereto; and

- (2) plans showing shared access from Small Street to parking and loading for all businesses and uses on the lands shown on Map 1, without any additional driveway or ramp access to or from Small Street or any other street, or other access arrangements satisfactory to the City;
 - (v) The *site plan application* is reviewed and commented upon by the Waterfront Toronto Revitalization Corporation Design Review Panel or successor design review panel;
 - (vi) The execution by the owner of a *Section 37 Agreement*, or a *Phase Specific Section 37 Agreement* if the development is proceeding in phases, if required to secure any of the above subparagraphs;
 - (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 *Section 37 Agreement*, or a *Phase Specific Section 37 Agreement* if the development is proceeding in phases, including the phase specific timely delivery requirements for the purpose of securing the *affordable rental housing* requirements of this Exception; and
- (1) The owner has submitted supporting materials describing how *dwelling units* for *affordable rental housing*, or land or cash-in-lieu will be provided, and which demonstrates how the *affordable rental housing* requirements of this Exception including the Appendices 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 *Section 37 Agreement*, or a *Phase Specific Section 37 Agreement* if the development is proceeding in phases, constituted as follows:
 - (2) 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 (ee);
 - (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*; 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.

- (3) Where *affordable rental housing* is 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.
 - (4) Where land able to accommodate *affordable rental housing* is 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.
- (viii) Where *affordable rental housing* is to be provided in the form of *dwelling units*, the provision of drawings and/or plans for such *dwelling units* illustrating the following characteristics:
- (1) A unit mix, by number of bedrooms, similar to the unit mix of the proposed market housing on the *owner's* lands, or slightly different proportion of units with a higher number of bedrooms, a reasonable range of sizes, location and functional layout of each of the unit types;
 - (2) Related facilities including storage lockers, car parking, bicycle parking, laundry facilities, indoor and outdoor amenity space and such other facilities as are typically secured by the City for private market rental units; and
 - (3) The provision of an appropriate recreational and residential 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.
- (ix) Where land for *affordable rental housing* is to be provided, the provision of drawings and/or plans and/or surveys illustrating the following characteristics:
- (1) 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 *dwelling units* to be provided ,which built form, including the size of the building, would be appropriate for the

types of housing and tenant population proposed, and in relation to the surrounding development, and the building and the land could accommodate the appropriate related facilities to support the rental housing *dwelling units*;

- (2) The land can accommodate sufficient outdoor *residential 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 *residential amenity space* to support high density accommodation for families; and
 - (3) The land has reasonable accessibility to the public realm including vehicular, bicycle and pedestrian access.
- (ff) In the event of an appeal to the Ontario Municipal Board 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 Board 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 (ee)(viii) and (ix) above 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

- (gg) For the purposes of this exception, each word or expression that is italicized in this exception shall have the meaning as each such word or expression as defined in said By-law 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 including utilities - heat, hydro and water- but excluding parking and cable television charges) is initially at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation, and subject only to annual increases which do not exceed any guideline therefore published by the Province of Ontario and, if applicable, permitted above-guideline increases;

- (iii) “*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 parked 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.
- (iv) “*bicycle parking space occupant*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of parking and securing bicycles, and:
- (1) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (2) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres; and,
 - (3) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking space of at 1.2 metres.
- (v) “*bicycle parking space visitor*” means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purpose of parking and securing bicycles
- (1) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (2) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (3) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking spaces of at 1.2 metres; and,
 - (4) May be located outdoors or indoors.

- (vi) “*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.
- (vii) “*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*.
- (viii) “*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*.
- (ix) “*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*.
- (x) “*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.
- (xi) “*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;
- (xii) “*first floor*” means the floor of the building, other than an area used for parking, that is closest in elevation of the adjacent finished ground level;
- (xiii) “*grade*” means the average elevation of the finished ground level measured along the portion of the *front lot line* that is opposite a main wall of a building, or subject portion thereof, which contains a main entrance.
- (xiv) “*ground floor*” means the *first floor* of a building or structure above *grade*;
- (xv) “*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*, or a *custom workshop* and an entrance to a residential building shall also be permitted;

- (xvi) “*height*” means the vertical distance between the *grade* and the highest point of the roof, building, structure or element;
 - (xvii) “*lot*” is as defined in Section (2) insofar as pertains to parcels of land existing or created within the lands identified by heavy lines on Map 1 net of any *street*;
 - (xviii) “*owner*” means where used in reference to the 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, and includes a person the owner authorizes in writing to act on his or her behalf;
 - (xix) “*Phase Specific Section 37 Agreement*” means *Section 37 Agreement* entered into for the purposes of (ee)(vi) and (vii) of this Exception;
 - (xx) “*public art*” is a public art contribution provided in accordance with the requirements of Appendix “1” Section 7 hereto;
 - (xxi) “*sales office*” means a building, structure, facility or trailer, or part thereof, that is used as sales pavilion or construction office for the purposes of marketing, sales, rental or leasing, and other functions related to a building or buildings that will be constructed on the lands identified by heavy lines on Map 1 subject to this exception;
 - (xxii) “*Section 37 Agreement*” means an agreement entered into under Section 37 of the Planning Act;
 - (xxiii) “*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 Section 114 the *City of Toronto Act*, 2006, as is applicable; and
 - (xxiv) “*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.
- (hh) Despite any existing or future severance, partition, or division of the lands identified by heavy lines on Map 1, the provisions of this Exception shall apply to the whole of the lands shown on Map 1 as if no severance, partition or division occurred.
- (ii) Exception 12(1) (483) of By-law No.438-86 is hereby further amended by the addition of:
- (a) Map 1 – Site,
 - (b) Map 2 – Permitted Tower Area,
 - (c) Map 3 – Ground Floor Animation Areas,

(d) Map 4 – Build-to Lines,

(e) Appendix 1 – Section 37 Provisions,

all of which pertain to and form part of Exception 12(1)(483).”

- (jj) 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.
- (kk) 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)(483)

SECTION 37 PROVISIONS - TO EXCEPTION 12(1)(483)

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 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 a *dwelling unit* in the *affordable rental housing* during the first 15 years of its occupancy, subject to subparagraphs 1(c) and (d) of this Appendix such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the initial rent, increased annually by the provincial rent guideline and any above-guideline increase, if applicable, and over the course of the 15 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (c) Rents charged to tenants who first occupied a *dwelling unit* in the *affordable rental housing* during the first 10 years of the building’s occupancy, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in subparagraph (b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 10 full years of occupancy. Subsequently, such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period set out in subparagraph 1(b) of this Appendix;

- (d) Rents charged to tenants who first occupied a *dwelling unit* in the *affordable rental housing* during the 11th to 15th year after the initial occupancy of such *dwelling unit*, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in subparagraph 1(b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 7 full years of occupancy. Subsequently such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period as set out in subparagraph 1(b) of this Appendix; and
- (e) Rents charged to tenants newly occupying a *dwelling unit* which is no longer part of the *affordable rental housing* after the completion of the 15 year period set out in subparagraph 1(b) of this Appendix will not be subject to restrictions by the City under the terms of the Section 37 agreement entered into under this Exception.

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 amongst other matters include the following:
 - (i) The extent to which the land has the characteristics described in subparagraph (ee)(ix) of this Exception; or
 - (ii) 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 (bb)(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;

Timely Delivery

- 4. *Affordable rental housing* on a lot 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 paragraph (bb) of this Exception:
 - (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 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 *dwelling 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. The Section 37 Agreement may provide for alternative specific timely delivery requirements where the *affordable rental housing* is being provided in the form of land or *dwelling units* on the lands. Such provisions may include deferrals of all or a portion of the delivery of the *affordable rental housing* such that their delivery is not fully commensurate with the rate of market residential construction.

6. Site Plan

As a matter of convenience, the owner shall agree that the provision of a complete application for Site Plan Approval prior to the removal of a holding zone 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") 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, and such study shall be submitted to the City prior to the submission by the City of *site plan application(s)* to the Waterfront Design Review Panel or any successor design review panel;

- (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;
- (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;

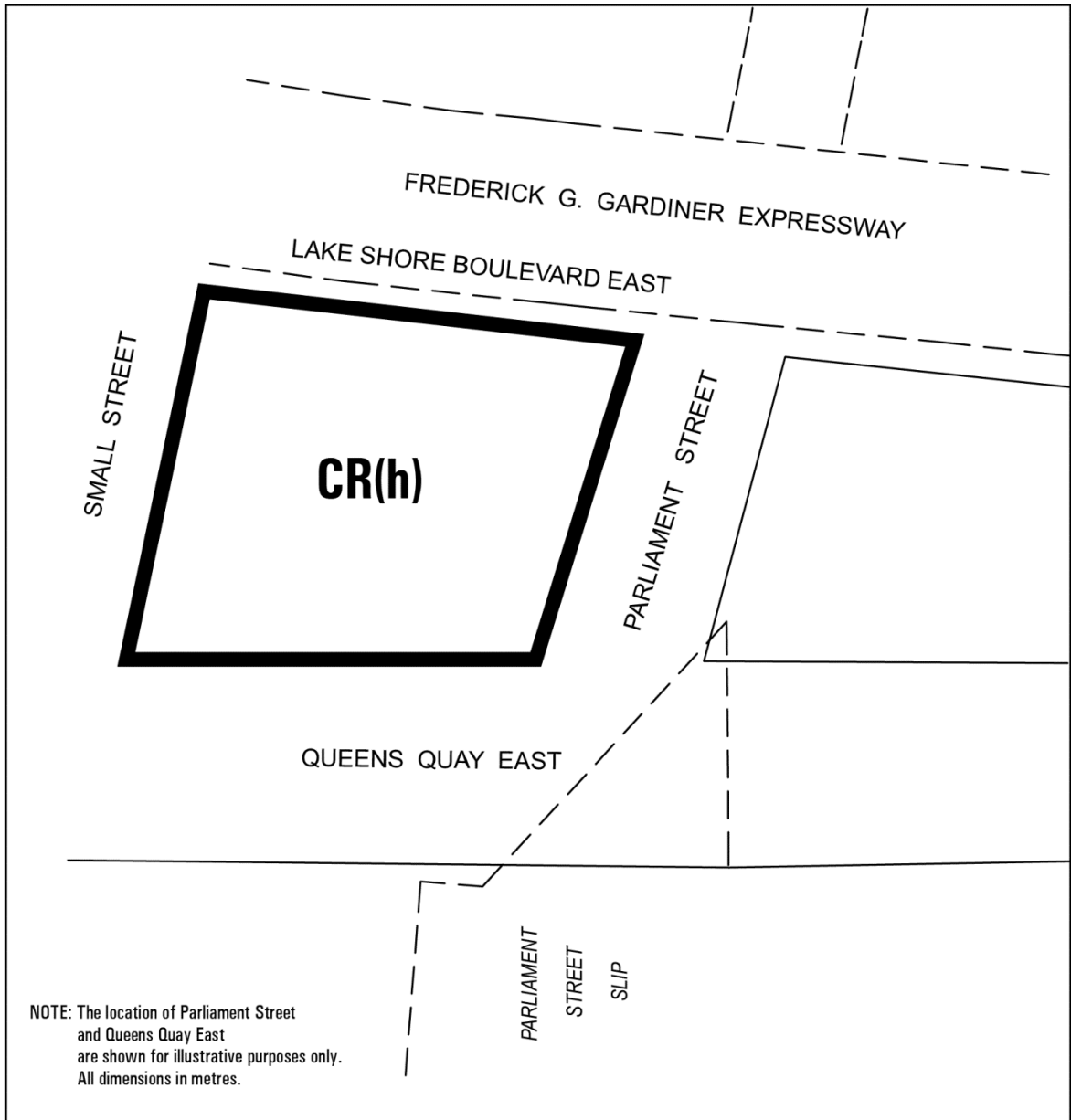
7. **Public Art**

- a) 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*.
- b) 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:
 - (i) The process by which *public art* or *community arts initiative(s)* are to be determined;
 - (ii) The allocation of the 1% Contribution between *public art* or *community arts initiative(s)*;
 - (iii) Provisions for the on-going maintenance of the *public art* or *community arts initiative(s)*;
 - (iv) Ownership of the *public art* or *community arts initiative(s)*; and
 - (v) 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*.

Notwithstanding paragraphs a) and b) above, 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.

- c) Notwithstanding paragraphs a) and b), 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 7, it retains the right in its discretion and at any time, to satisfy the 1% Contribution by payment of funds to the City.



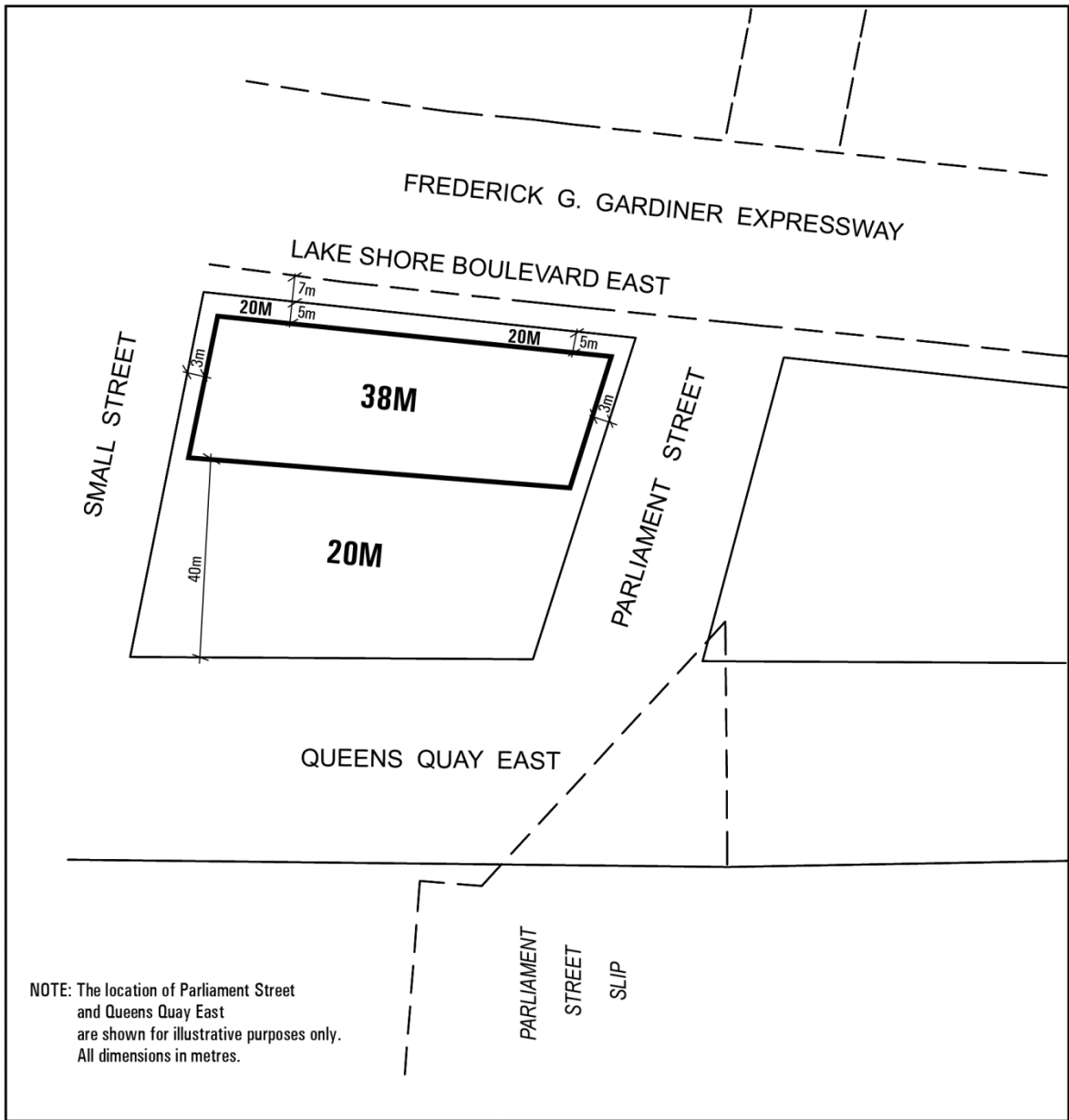
307 Lake Shore Boulevard East
11 & 11R Small Street, 3 & 7 Parliament Street

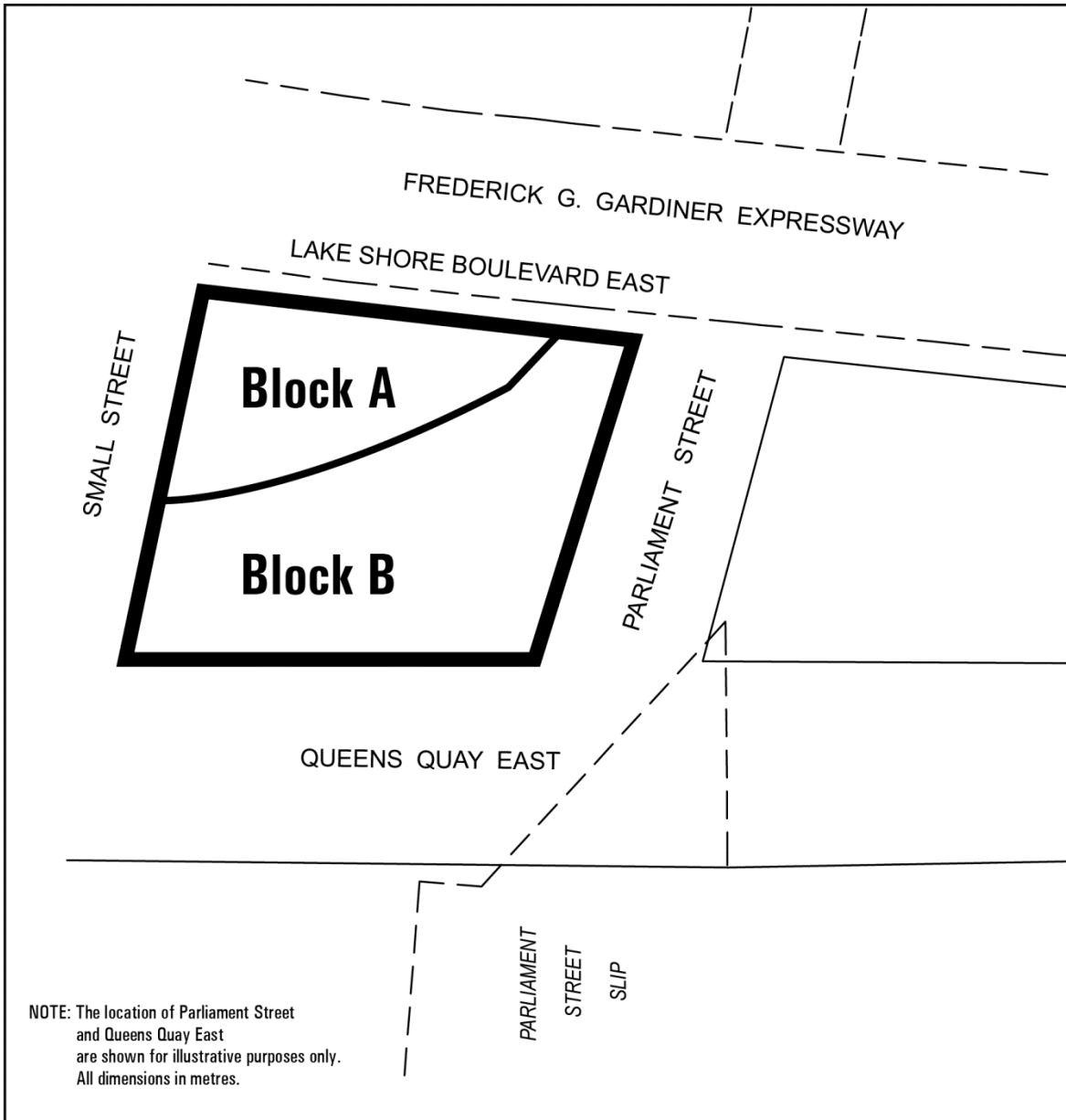
Map A - Lands Subject to Exception

File # 10 117319



Not to Scale
 06/21/2016





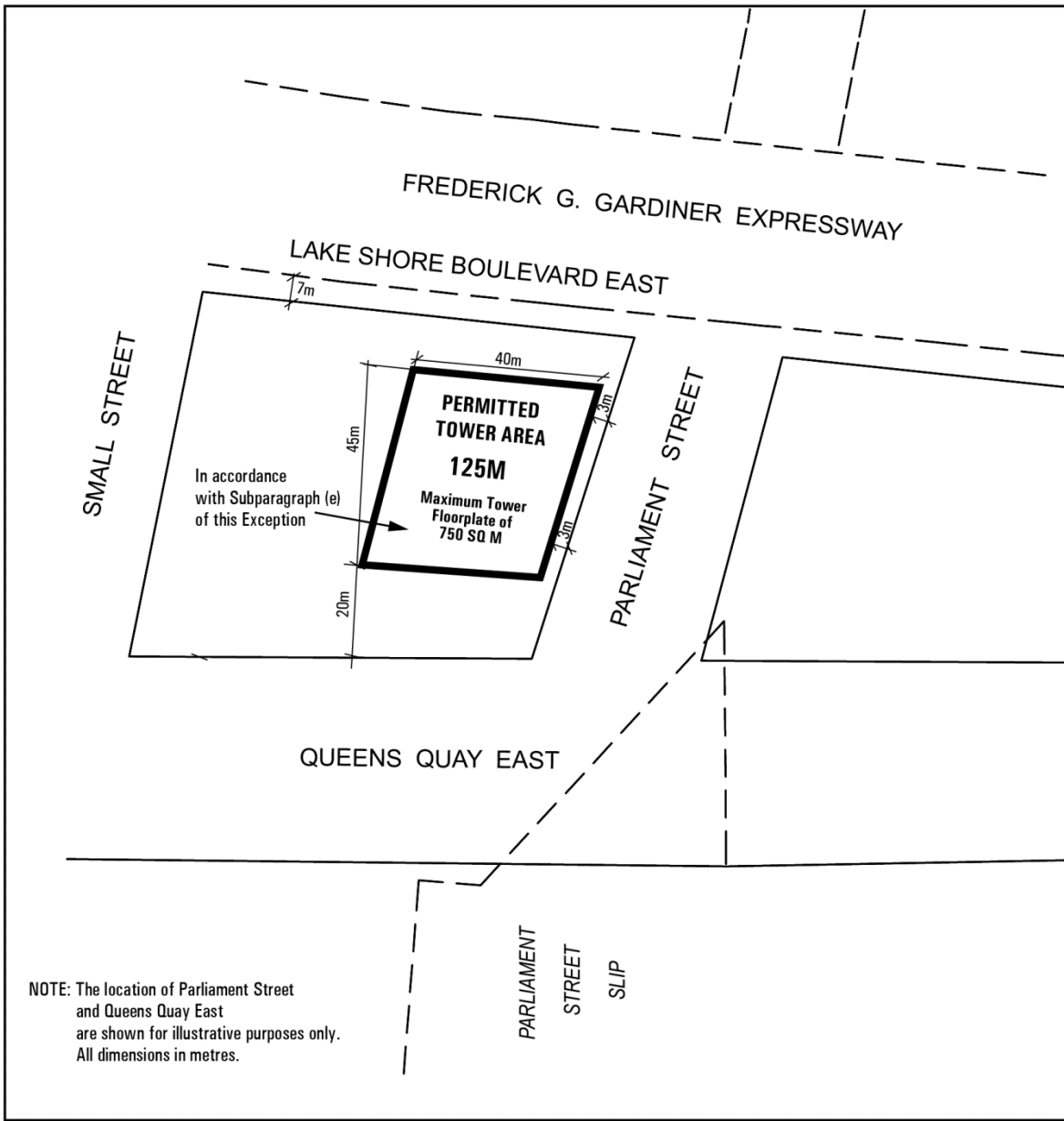
307 Lake Shore Boulevard East
 11 & 11R Small Street, 3 & 7 Parliament Street

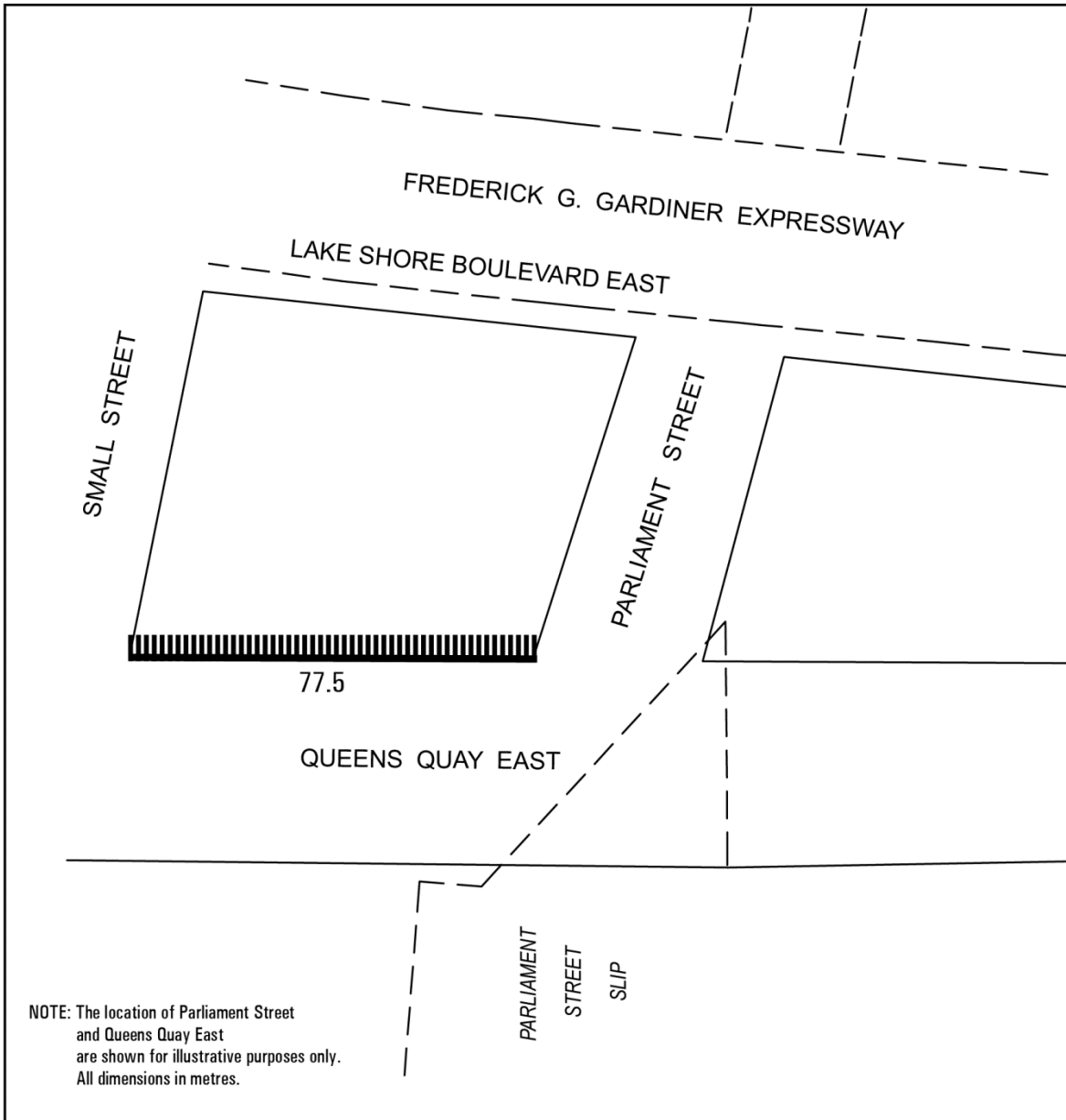
Map 1 - Site

File # 10 117319



Not to Scale
 06/21/2016



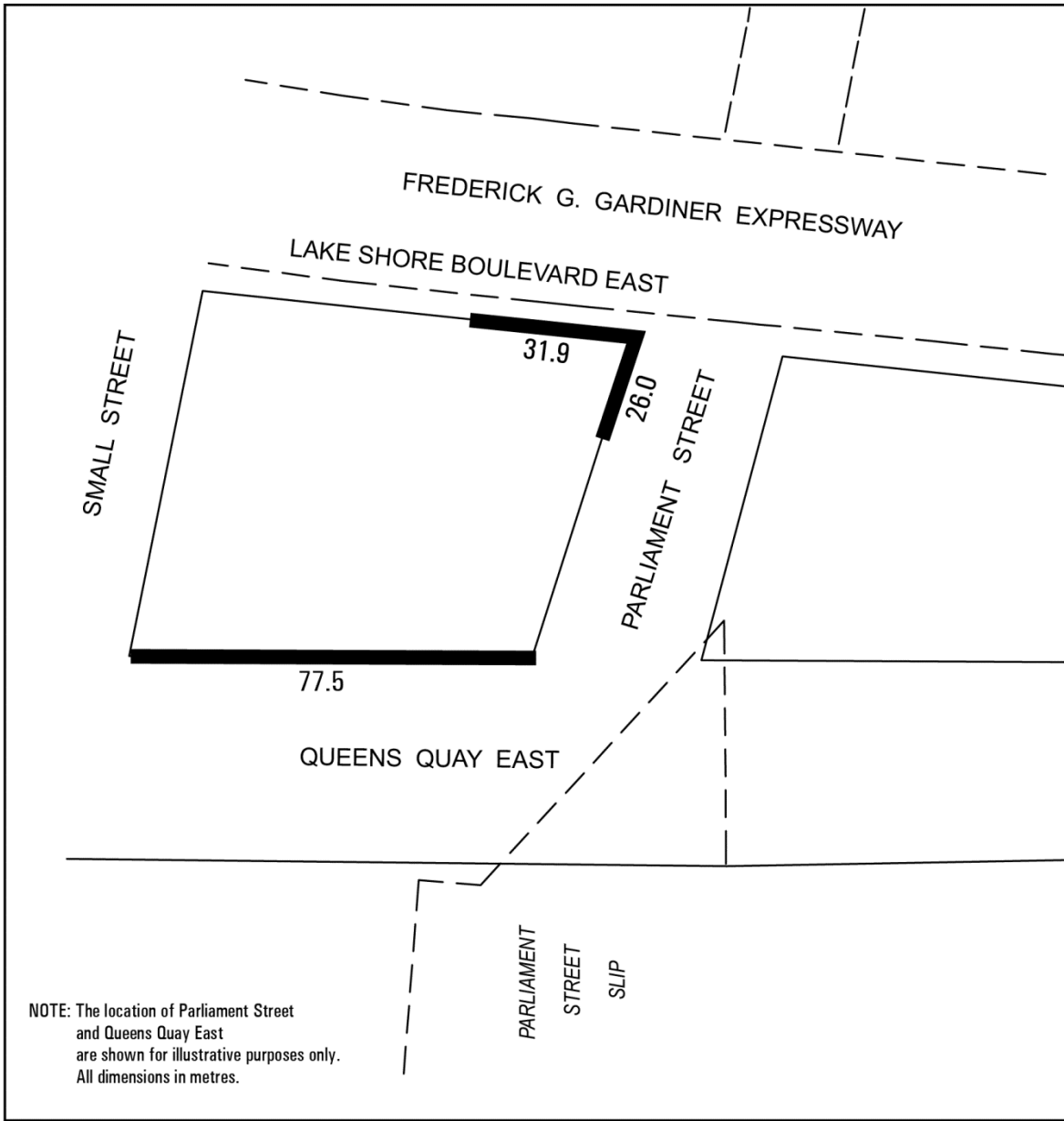


307 Lake Shore Boulevard East
 11 & 11R Small Street, 3 & 7 Parliament Street

Map 3 - Ground Floor Animation Areas

File # 10 117319

↑
 Not to Scale
 06/21/2016



307 Lake Shore Boulevard East
 11 & 11R Small Street, 3 & 7 Parliament Street

Map 4 - Build-to Lines

File # 10 117319

↑
 Not to Scale
 06/21/2016

SCHEDULE "B"

333 Lake Shore Boulevard East

1. District Maps 51G-312, 1G-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-312, 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:

“(484) 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 333 Lake Shore Boulevard East in the year 2016 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 Section (12)(1)(484)(dd) for which Council may require that the *owner* enter into one or more agreement(s) as referred to in Section (484)(dd)(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:
 - (A) 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;

- b. a 3-metre landscaped buffer, or a building containing other permitted uses, is erected along the portions of the lot abutting a street, excluding the portions used for access;
 - and
 - (B) an *automobile service and repair shop, cold storage locker plant, commercial parking lot, car washing establishment or motor vehicle repair shop, class A* are not 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 *non-residential gross floor area of the commercial parking garage* above finished ground level shall be less than the *total floor area* above finished ground level grade of the other permitted uses established on the lot;
 - (v) *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
 - (vi) *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) where the zoning for a G district or a CR district is followed by an “h” holding symbol, permitted uses prior to the removal of the “h” shall be limited to the following:
- (i) 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; and
 - (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 landscaped buffer, or a building containing other permitted uses, is erected along the portions of the lot abutting a street, excluding the portions used for access;
- (iii) *sales office*;
- (iv) *temporary open air market*;
- (v) in a G(h) district, those uses permitted within a Gh district in Section 5(1)(f); and
- (vi) 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.

Permitted Gross Floor Area

- e) (i) the total *non-residential gross floor area, residential gross floor area*, or any combination thereof to be erected and used within each of the lands north and south of Queens Quay, independently, as shown on Map 1, shall not exceed the amounts shown on the following table:

Area	Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square metres)
Block A	65,000
Block B	32,500

- (ii) notwithstanding Section 12(1)(484)(e)(i), the total *non-residential gross floor area, residential gross floor area*, or any combination thereof, to be erected and used within Blocks A and B, as illustrated on Map 1, shall not exceed in total the amounts shown on the following table:

Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square meters)	Maximum Residential Gross Floor Area (square metres)
88,870	86,500

- f) Notwithstanding Section 12(1) (484)(e) above, the calculation of *residential gross floor area* and of *non-residential gross floor area* shall exclude any portion of a *commercial parking garage* located wholly below finished ground level.

Height

- g) maximum *height* shall be in accordance with Section 4(2) except that:
- (i) One *tower* with a maximum height of 150 metres may be located within the Permitted Tower Area, as shown on Map 2 of this Exception, 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;
- h) notwithstanding Section 4(2)(a)(i) and (ii), no person shall erect or use a building or structure or portion thereof on the *lot* having a greater *height*, in metres than the *height* in metres permitted by Section 4(2) and by Section 12(1)(484)(g) of this Exception, provided this does not prevent the erection or use of:
- (i) stair towers, elevator shafts, *public art*, noise, odour and wind mitigation features, elements related to the generation of solar power 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, provided:
 - (A) the maximum *height* of the top of such elements shall be no higher than the sum of 6.0 metres and the *height* limit applicable to the *lot*, with the exception that such elements located on the roof of a *tower* within the Permitted Tower Area as shown on Map 2 shall be no higher than 10.0 metres; and
 - (B) where such elements are not located on the roof of a *tower* within the Permitted 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;
 - (ii) elements of a green roof, provided the maximum *height* of such elements shall be 1.0 metres above the roof;
 - (iii) structures landscape features on the roof of building used for outside or open recreation, or safety purposes, provided the maximum *height* 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; and

- (iv) chimney stacks for a *district energy, heating and cooling plant*, where permitted in accordance with Section (12)(1)(484)(b)(v) and which have been approved by the Ministry of the Environment and Climate Change;

Setbacks

- i) all buildings shall be set back a minimum of 7 metres from the *lot* line adjacent to Lake Shore Boulevard East;
- j) any portion of a building facing a G zone shall be set back a minimum of 5 metres above finished ground level from the lot line adjacent to the G zone;

Upper-level Stepbacks

- k) no building or structure in a 38-metre *height* district may exceed a *height* of 23 metres unless the portion of the building above such 23 metre *height* is set back a minimum of 3 metres from the main building wall that is immediately below a *height* of 23 metres, for walls facing Queens Quay East, Parliament Street, the area identified as Street A on Map 2, or the area identified as Street D on Map 2;
- l) no portion of a building or structure that faces lands zoned G 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 that faces 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 that faces lands zoned G;

Upper-level Stepbacks: Permitted Tower Areas

- m) for the lands north of Queens Quay, any portion of a building above the maximum height permitted by Section 4(2) that faces the street referred to in Column A shall be stepped back from the main wall immediately below, in accordance with Column B, as set out in the following table:

Column A: Street along which tower stepback applies	Column B: Minimum tower stepback from main wall that is immediately below maximum permitted <i>height</i>
Parliament Street	7.5m
Queens Quay East	7.5m
Lake Shore Boulevard East	3m

Separation of buildings and structures

- n) 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.
- o) 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 metres to another *non-residential building* or to the non-residential portion of a *mixed-use building*.
- p) No *residential building* or the 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 15 metres to another *non-residential building* or the non-residential portion of a *mixed-use building*;
- q) For the lands south of Queens Quay East as identified on Map 2, a minimum separation distance of 12 metres, measured from the exterior facing walls, is required between the main walls of any building(s) on the same lot for a maximum width of 40% of the facing distance. For the remaining 60% width of the facing distance of the same building(s) on the same lot, a minimum building(s) separation distance of 15 metres is required, measured from the exterior facing walls.
- r) The requirements of Sections 8(3) Part II 1(a) and 12(1)(484)(n), (o), (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*.

Build-to Lines

- s) The exterior face of any building wall that faces a Build-to Line identified on Map 3 following this exception may not be located more than 0.5 metres back from the Build-to Line identified on Map 3, between *grade* and a *height* of 11 metres, for a minimum of:
 - (a) 70% of the length of the main building wall that faces a Build-to Line along Queens Quay East or a Build-to Line along an area zoned G or G(h); and
 - (b) 60% of the length of the main building wall that faces Parliament Street

Permitted Projections

- t) notwithstanding Section 4(2)(a)(i) and (ii) and Section 12(1)(484)(g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q), 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	
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 restrictions	<i>Height</i> shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof
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 restrictions	
6	Landscape features		<i>Height</i> shall be limited to 3.0 metres above finished ground level.
7	Window washing equipment on the 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	Chimney stack for a <i>district energy, heating and cooling plant</i> , where permitted in accordance with Section (12)(1)(●)(b)(v) and which has been approved by the Ministry of the Environment and Climate Change.	No restriction.	
10	Pilaster, decorative columns, belt course or similar architectural features on a building	0.6 metres provided the structure is no closer to the lot line than 0.3 metres	

- u) notwithstanding Section 4(2)(a)(i) and (ii), and Sections 12(1)(484)(g), (h), (i), (j), (k), (l) and (m), bay windows are permitted to project to within 1 metre from the wall to which they are attached.

Parking and Loading

- v) parking facilities shall be provided in accordance with Section 4(5) except that:
- (i) the total number of *parking spaces* required to meet the requirements for residential use (excluding visitors) may be reduced by 4 *parking spaces* for each *car-share parking space* provided and maintained on the *lot*. The limit on this reduction of *parking spaces* is calculated as the greater of: 4 x (total number of units/60), rounded down to the nearest whole number, or one *parking space*;
 - (ii) For each 5 *bicycle parking spaces – occupant* provided in excess of the minimum number of *bicycle parking spaces – occupant* required by Section 4(13), the minimum required residential automobile *parking spaces* subject to any reduction pursuant to Section (12)(1)(484)(v)(i) shall be reduced by 1 *parking space*, up to a maximum reduction of 20% of the total minimum *parking spaces* required;

- (iii) *parking spaces* may be provided and maintained on the lot in an *automated parking system*;
- w) Loading facilities shall be provided in accordance with Section 4(8);
- x) Bicycle parking shall be provided in accordance with Section 4(13), subject to the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in subparagraph (jj) of this Exception;
- y) 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.

Sales Office

- z) Where a building or structure is erected and is used only for the purposes of a *sales office*, then the provisions of Section (12)(1)(484)(s), as they pertain to required Build-to Lines, and Section (12)(1)(484)(bb), as they pertain to Ground Floor Animation, shall not apply to that building or structure.

Residential Amenity Space

- aa) *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 be required only 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

- bb) no building or structure on a lot subject to a Ground Floor Animation Area requirement as shown on Map 3 may be erected or used unless:
 - (i) at least 70 percent of the length of the main exterior building wall of each portion of a building that faces the area identified as Ground Floor Animation Area A, as indicated on Map 3, is used for no purpose other than *ground floor animation uses*;
 - (ii) at least 60 percent of the length of the main exterior building wall of each portion of a building that faces the area identified as Ground Floor Animation Area B, as indicated on Map 3, is used for no purpose other than *ground floor animation uses*; and
 - (iii) no *dwelling unit* is located on the *ground floor* unless one or more other permitted uses are provided, in an enclosed structure, between any part of the building containing a *dwelling unit* and a *frontage* that faces an area identified as Ground Floor Animation Area A or as Ground Floor Animation Area B on Map 3;

Unit Breakdown

- cc) Not less than ten percent (10%) of all *dwelling units* in a phase, not including *affordable rental housing* that constitutes *dwelling units*, will be three bedroom *dwelling units*, to be comprised as follows:
 - (i) a minimum of five percent (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 five percent (5%) of the total number of *dwelling units* within a phase shall be designed and constructed as three bedroom *dwelling units* as follows:
 - 1. a maximum of 40% of such three bedroom *dwelling units* (or 2% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed 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;
and

2. a minimum of 60% of such three bedroom *dwelling units* (or 3% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed to a minimum unit size of 88 square metres, and shall not contain an interior bedroom with no window on an exterior wall, such that all 3 bedrooms shall have windows on an exterior wall; and
- (iii) notwithstanding subparagraphs (i) and (ii) above, if a higher percentage of three bedroom *dwelling units* is provided in a phase than is required by subparagraphs (i) or (ii)(1) above, any surplus of three bedroom *dwelling units* can be applied to satisfy this requirement in future phases of the development within the *lot*.

Section 37 of the *Planning Act*

- dd) 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 (dd) and paragraphs (ee), (ff) and (gg) of this Exception and the Appendices hereof which Appendices form part of this Exception 12(1)(484), 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 *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 paragraphs (ee), (ff) and (gg), and the Appendices, and provides for the securing of subparagraphs (hh)(x) and (xi) 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 Exception, 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.

- ee) 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 the following, as elected by the *owner*, delivered in accordance with Appendix 1:
- (i) the erection and maintenance on the *lot*, or on other lands identified by heavy lines on Map 1, of not less than 10% of the total amount of *residential gross floor area* as *affordable rental housing* as follows:
 - 1. such *dwelling units*, which are provided as *affordable rental housing*, shall be maintained as rental housing for a term of not less than 25 years; and
 - 2. such *dwelling units* shall be maintained with *affordable rents* for not less than 15 years; and
 - 3. 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 Appendix 1 of this Exception;
 - (ii) a dedication to the City of land for the purpose of constructing *affordable rental housing* on the *lot*, as follows:
 - 1. the land shall be sufficient to provide not less than 20% of the total *residential gross floor area* as *affordable rental housing*; and
 - 2. the land shall be ready and available for development, including any needed remediation; and
 - 3. 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*;

provided that for the purpose of calculating the *affordable rental housing* requirements of Sections 3(ee)(i) and (ii), 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*.

- ff) The *owner* shall provide for 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;
- gg) 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*.

Holding Symbol

- hh) The “(h)” symbol may be removed from any portion of the area of lands covered by this Exception in accordance with this paragraph and such portion will be considered a phase of development.

Lands zoned with the “(h)” symbol shall not be used for any purpose other than as provided in paragraph (d) above until the “(h)” symbol has been 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 when the implementation of the following conditions at the *owner's* sole expense have been secured to the satisfaction of Council 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 Council that all infrastructure and servicing requirements necessary to accommodate development of the lot and that all necessary transportation, servicing and

infrastructure improvements necessary to serve development of the lot for any phase have been secured and/or shall be provided;

- (ii) The *owner* has provided written confirmation from the Toronto and Region Conservation Authority that the flood protection landform in West Don Lands is complete and functional and the Special Policy Area designation is removed;
- (iii) The *owner* has provided a phasing plan which addresses:
 - 1. the sequencing of development phases, if any, and
 - 2. the timing of, the provision of and the allocation of infrastructure and services required to develop the lot which may include various agreement(s) pursuant to the *Development Charges Act*.
- (iv) 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 which among other matters will include an implementation scheme which addresses:
 - 1. the manner in which the *owner* will secure land for conveyance to the City for the extension of Queens Quay East which may include further agreement(s) pursuant to the *Expropriations Act*;
 - 2. the manner in which a plan of subdivision, or such other arrangements satisfactory to Council, will provide for the dedication of land sufficient for the *owner's* share for the laying out of new streets, other than the extension of Queens Quay East and the new Cherry Street, as are required to serve development on the lot which may include cost sharing arrangements among the *owners* and the City for the construction of such streets;
 - 3. the manner in which the *owner* will provide any requested or required widening of Lake Shore Boulevard East.
- (v) The *owner* has submitted a complete *site plan application* in accordance with the requirements of Appendix 1, Section 9;
- (vi) The *site plan application* is reviewed and commented upon by the Waterfront Design Review Panel or successor design review panel;

- (vii) The execution by the *owner* of a *Section 37 Agreement*, or a *Phase-Specific Section 37 Agreement* if the development is proceeding in phases, if required to secure any of the above subparagraphs;
- (viii) 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 *Section 37 Agreement*, or a *Phase-Specific Section 37 Agreement* if the development is proceeding in phases, including the phase specific timely delivery requirements for the purpose of securing the *affordable rental housing* requirements of this Exception; and
- (ix) The *owner* has submitted supporting materials describing how *dwelling units* for *affordable rental housing* or land will be provided, and which demonstrates how the *affordable rental housing* requirements of this Exception including the Appendices 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 *Section 37 Agreement*, or a *Phase-Specific Section 37 Agreement* if the development is proceeding in phases, constituted as follows:
 - 1. A Housing Issues Report with information that:
 - a) 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 and otherwise addresses the housing requirements of this paragraph (hh);
 - b) 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*; and
 - c) 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.
 - 2. Where *affordable rental housing* is 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.

3. Where land able to accommodate *affordable rental housing* is 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.
- (x) Where *affordable rental housing* is to be provided in the form of *dwelling units*, the provision of drawings and/or plans for such *dwelling units* illustrating the following characteristics:
1. A unit mix, by number of bedrooms, similar to the unit mix of the proposed market housing on the *owner's* lands, or slightly different proportion of units with a higher number of bedrooms, a reasonable range of sizes, location and functional layout of each of the unit types;
 2. Related facilities including storage lockers, car parking, bicycle parking, laundry facilities, indoor and outdoor amenity space and such other facilities as are typically secured by the City for private market rental units; and
 3. The provision of an appropriate recreational and residential 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.
- (xi) Where land for *affordable rental housing* is to be provided, the provision of drawings and/or plans and/or surveys illustrating the following characteristics:
1. 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 *dwelling units* to be provided ,which built form, including the size of the building, would be appropriate for the types of housing and tenant population proposed, and in relation to the surrounding development, and the building and the land could accommodate the appropriate related facilities to support the rental housing *dwelling units*;
 2. The land can accommodate sufficient outdoor residential 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 residential amenity space to support high density accommodation for families; and

3. The land has reasonable accessibility to the public realm including vehicular, bicycle and pedestrian access.
- (xii) The *owner* has provided a conceptual design for a school, to the satisfaction of the City.
- ii) In the event of an appeal to the Ontario Municipal Board to remove a “(h)” 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 Board from settling the terms of the Section 37 Agreement required for the removal of the “(h)” symbol, and/or to amending the by-law to remove the “(h)” symbol without the execution of a settled Section 37 Agreement and to settle the plans called for under subparagraphs (hh)(x) and (xi) 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

- jj) For the purposes of 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 including utilities – heat, hydro and water – but excluding parking and cable television charges) is initially at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation, and subject only to annual increases which do not exceed any guideline therefor published by the Province of Ontario and, if applicable, permitted above-guideline increases;
 - (iii) “*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 parked 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.

- (iv) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of parking and securing bicycles, and:
 - (A) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (B) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres; and,
 - (C) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking spaces of at 1.2 metres.
- (v) “*bicycle parking space – visitor*” means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purpose of parking and securing bicycles, and:
 - (A) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (B) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (C) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking spaces of at 1.2 metres; and,
 - (D) May be located outdoors or indoors.
- (vi) “*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.
- (vii) “*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*.
- (viii) “*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*.

- (ix) “*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.
- (x) “*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;
- (xi) “*first floor*” means the floor of the building, other than an area used for parking, that is closest in elevation of the adjacent finished ground level;
- (xii) “*grade*” means the average elevation of the finished ground level measured along the portion of the front lot line that is opposite a main wall of a building, or subject portion thereof, which contains a main entrance;.
- (xiii) “*ground floor*” means the *first floor* of a building or structure above *grade*;
- (xiv) “*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*, or a custom workshop and an entrance to a residential building shall also be permitted;
- (xv) “*height*” means the vertical distance between grade and the highest point of the roof, building, structure or element.
- (xvi) “*lot*” means the area identified in heavy lines on Map 1;
- (xvii) “*owner*” means, where used in reference to a *lot*, 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;
- (xviii) “*Phase-Specific Section 37 Agreement*” means a *Section 37 Agreement* entered into for the purposes of subparagraphs (hh) (vii), (viii), and (ix) of this Exception;
- (xix) “*plaza*” means an open space located at grade, which is publicly accessible and is not used for at-grade automobile parking, loading, or vehicular access;

- (xx) “*public art*” means a public art contribution provided in accordance with the requirements of Appendix “1” Sections 5 – 8 hereto.
 - (xxi) “*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;
 - (xxii) “*sales office*” means a building, structure, facility or trailer, or part thereof, limited to a maximum *non-residential gross floor* area of 1,000 square metres, that is used for the purposes of marketing, sales, rental or leasing, and other functions related to a building or buildings that will be constructed on the *lot*;
 - (xxiii) “*Section 37 Agreement*” means an agreement entered into under Section 37 of the Planning Act;
 - (xxiv) “*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;
 - (xxv) “*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.
 - (xxvi) “*tower*” means any portion of a building with a height greater than the height established by Section 4(2).
- kk) 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.
- ll) Exception 12(1)(484) of By-law No.438-86 is hereby further amended by the addition of:
- (f) Map 1 – Site,
 - (g) Map 2 – Permitted Tower Area,
 - (h) Map 3 – Built-to Lines and Ground Floor Animation Areas,
 - (i) Appendix 1 – Section 37 Provisions,
- all of which pertain to and form part of Exception 12(1)(484)(a).”
- (mm) 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.

- (nn) 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)(484)

SECTION 37 PROVISIONS - TO EXCEPTION 12(1)(484)

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 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 a *dwelling unit* in the *affordable rental housing* during the first 15 years of its occupancy, subject to sub-paragraphs 1(c) and (d) of this Appendix such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the initial rent, increased annually by the provincial rent guideline and any above-guideline increase, if applicable, and over the course of the 15 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (c) Rents charged to tenants who first occupied a *dwelling unit* in the *affordable rental housing* during the first 10 years of the building's occupancy, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in subparagraph (b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 10 full years of occupancy. Subsequently, such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period set out in subparagraph 1(b) of this Appendix;

- (d) Rents charged to tenants who first occupied *affordable rental housing* during the 11th to 15th year after the initial occupancy of such *dwelling unit*, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in subparagraph 1(b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 7 full years of occupancy. Subsequently, such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period as set out in subparagraph 1(b) of this Appendix; and
- (e) Rents charged to tenants newly occupying a *dwelling unit* which is no longer *affordable rental housing* after the completion of the 15 year period set out in subparagraph 1(b) 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 the following:
 - (i) the extent to which the land has the characteristics described in subparagraph (hh) (xi) 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.

Timely Delivery

- 3. *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 (ee) of this Exception, or as may be provided for in subparagraph (d) of this paragraph 3:
 - (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.
- (d) The Section 37 Agreement may provide for alternative specific timely delivery requirements. Such provisions may include deferrals of all or a portion of the delivery of the *affordable rental housing* such that its delivery is not fully commensurate with the rate of market residential construction.

Public Art

- 4. 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*.
- 5. 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.

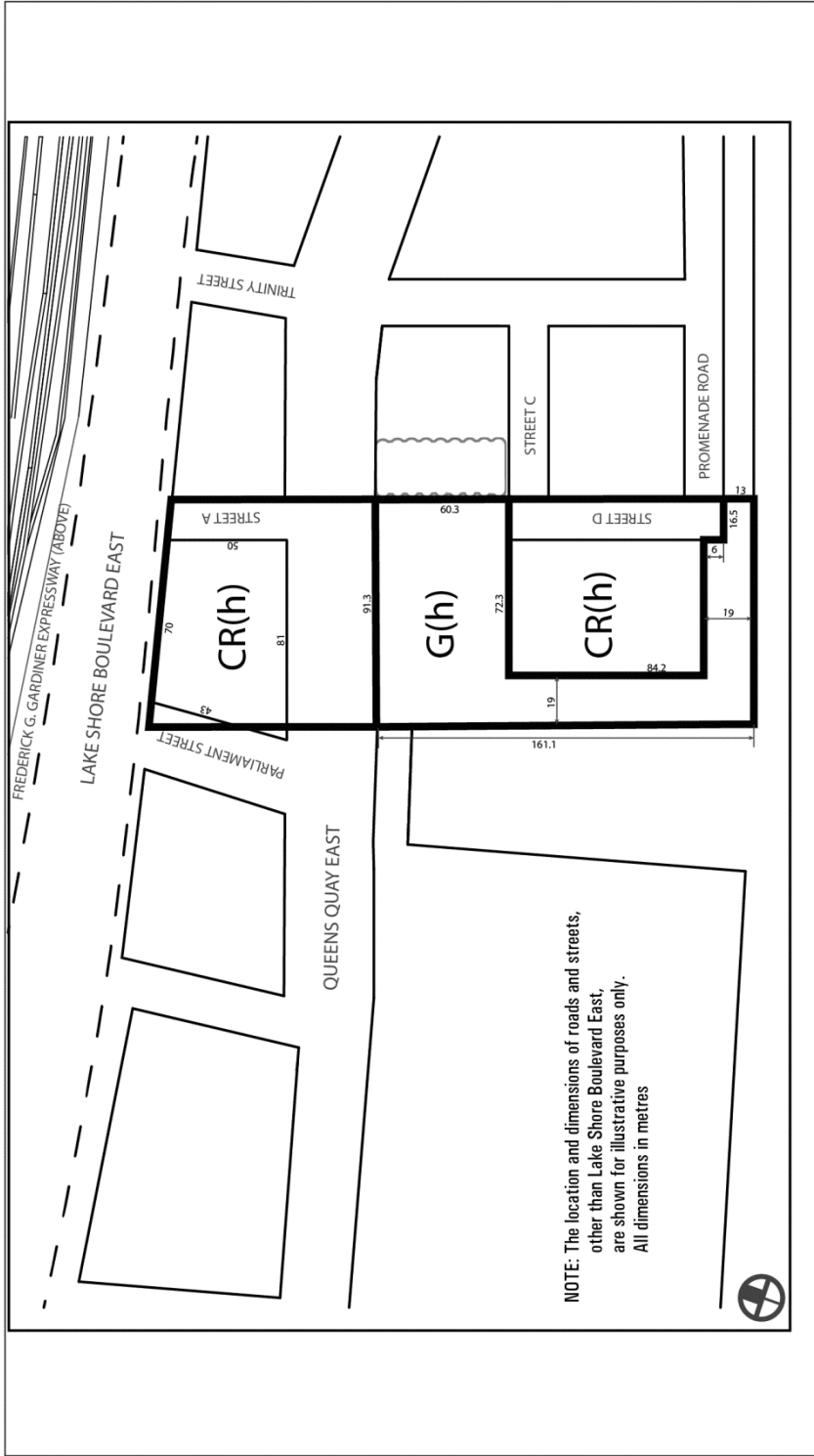
6. Notwithstanding paragraphs 4 and 5 above, the parties hereby acknowledge and agree that the Chief Planner in his or her discretion may refuse any Community Arts Initiative and such refusal is not subject to appeal at the Ontario Municipal Board. In this case the *owner* is required to provide the 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.
7. Notwithstanding paragraphs 5 and 6, 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 7, 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

8. As a matter of convenience, the *owner* shall agree that the provision of a complete application for Site Plan Approval prior to the removal of a holding zone 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”) 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;

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.



NOTE: The location and dimensions of roads and streets, other than Lake Shore Boulevard East, are shown for illustrative purposes only. All dimensions in metres

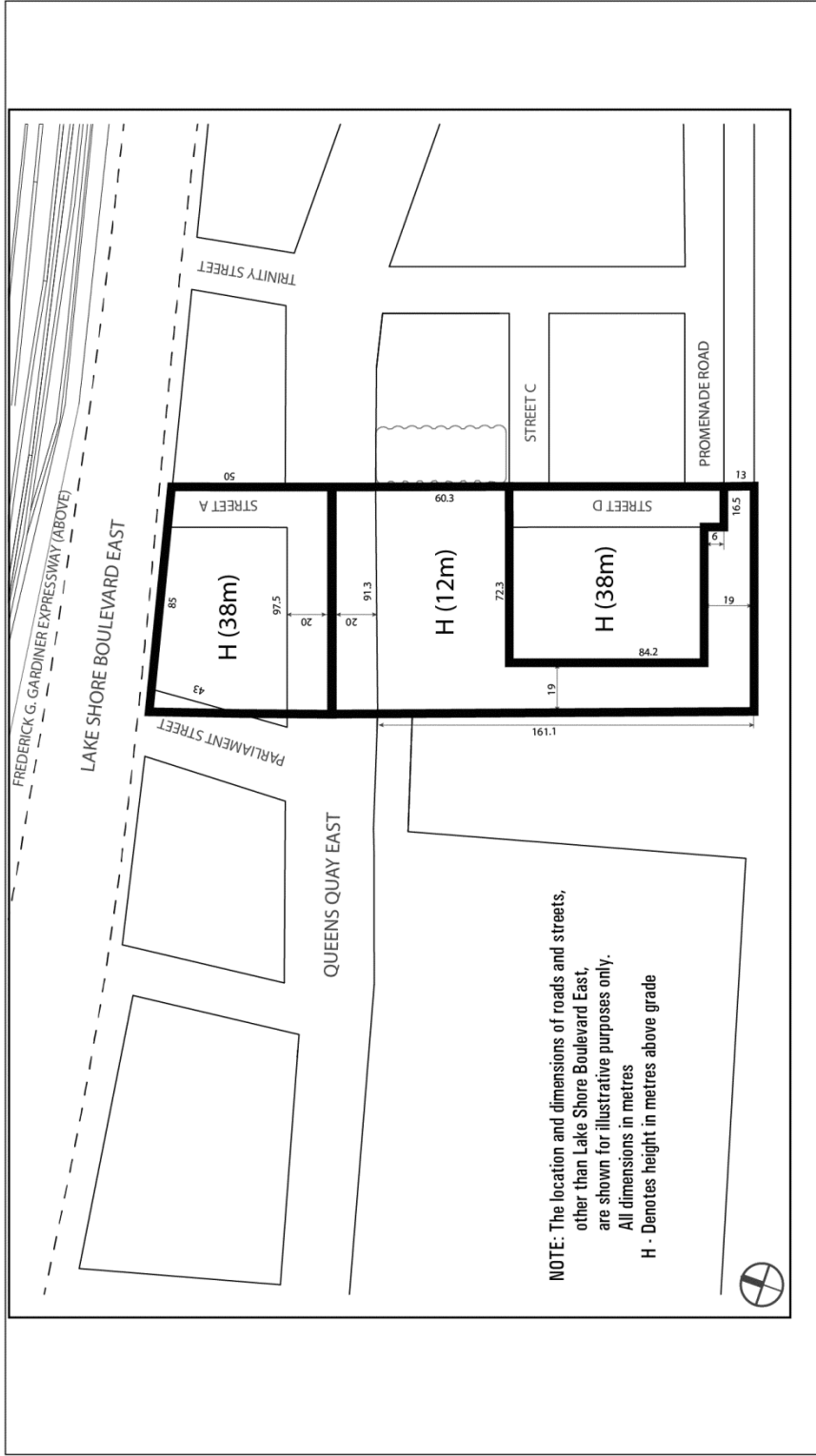


333 Lake Shore Boulevard East

Map A - Lands Subject to Exception

File # 10 117319

↖
Not to Scale
06/21/2016

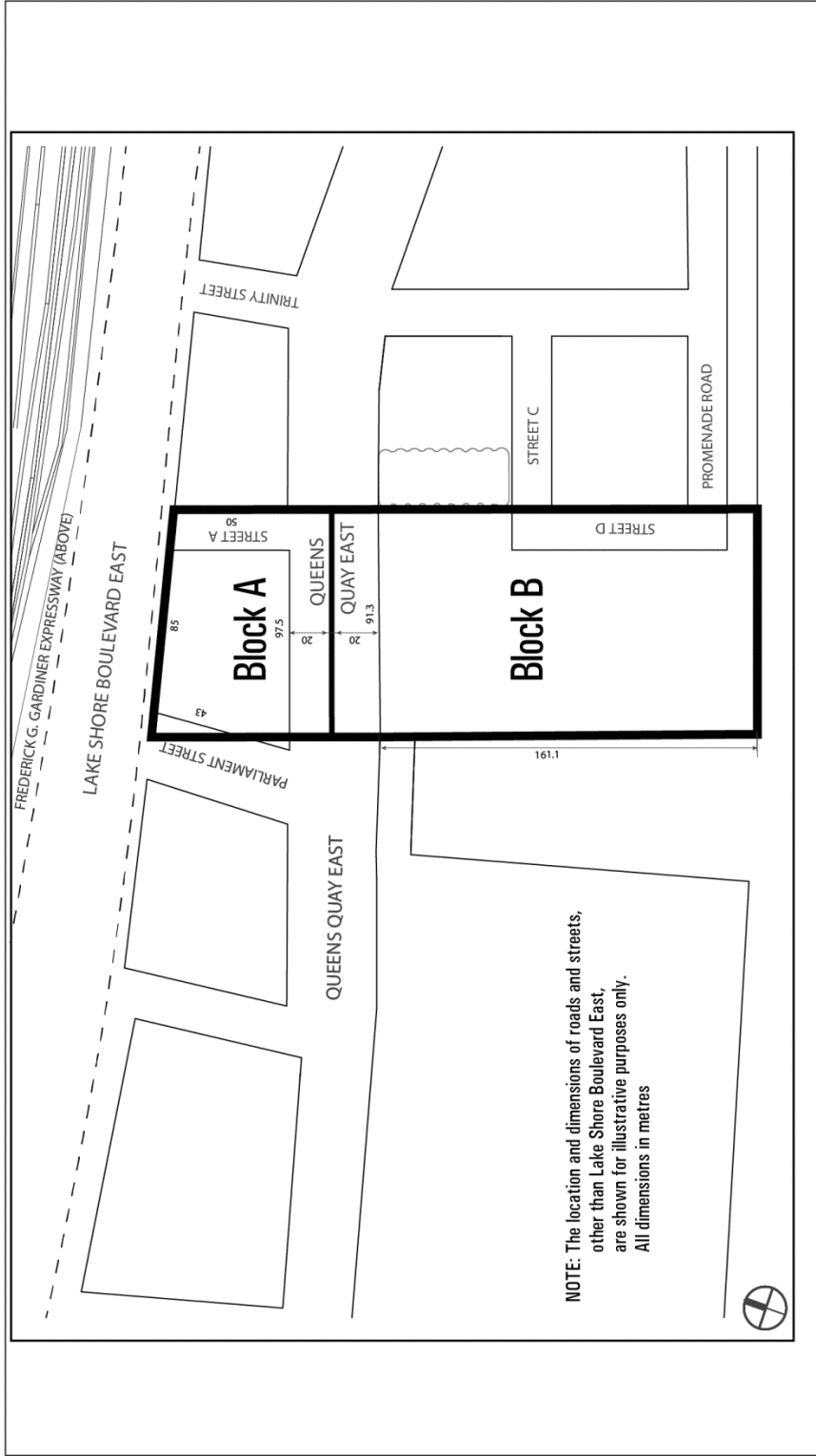


333 Lake Shore Boulevard East

Map B - Maximum Base Building Heights

File # 10 117319

↑
 Not to Scale
 06/21/2016



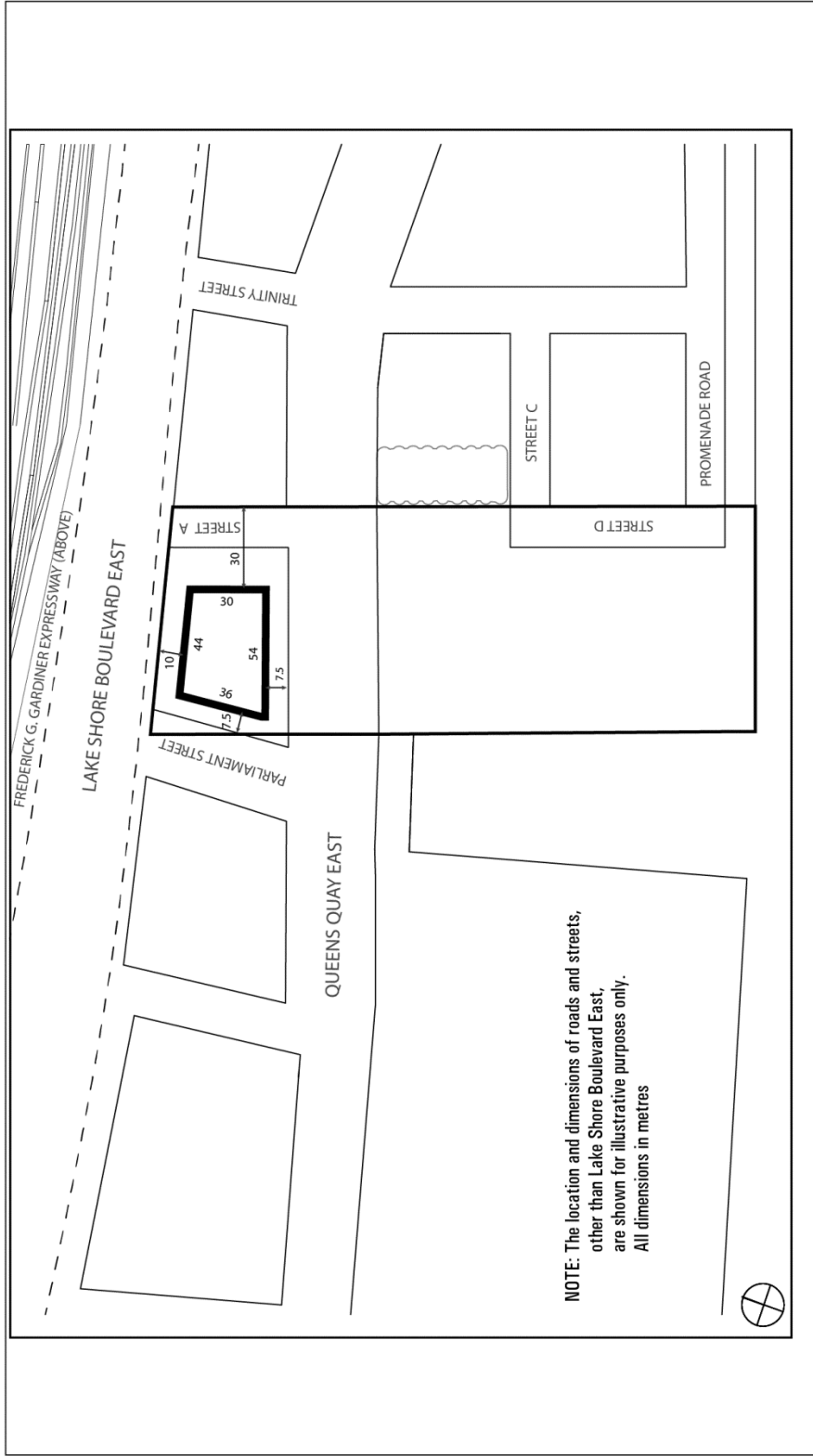
333 Lake Shore Boulevard East

Map 1 - Site

File # 10 117319



Not to Scale
06/21/2016



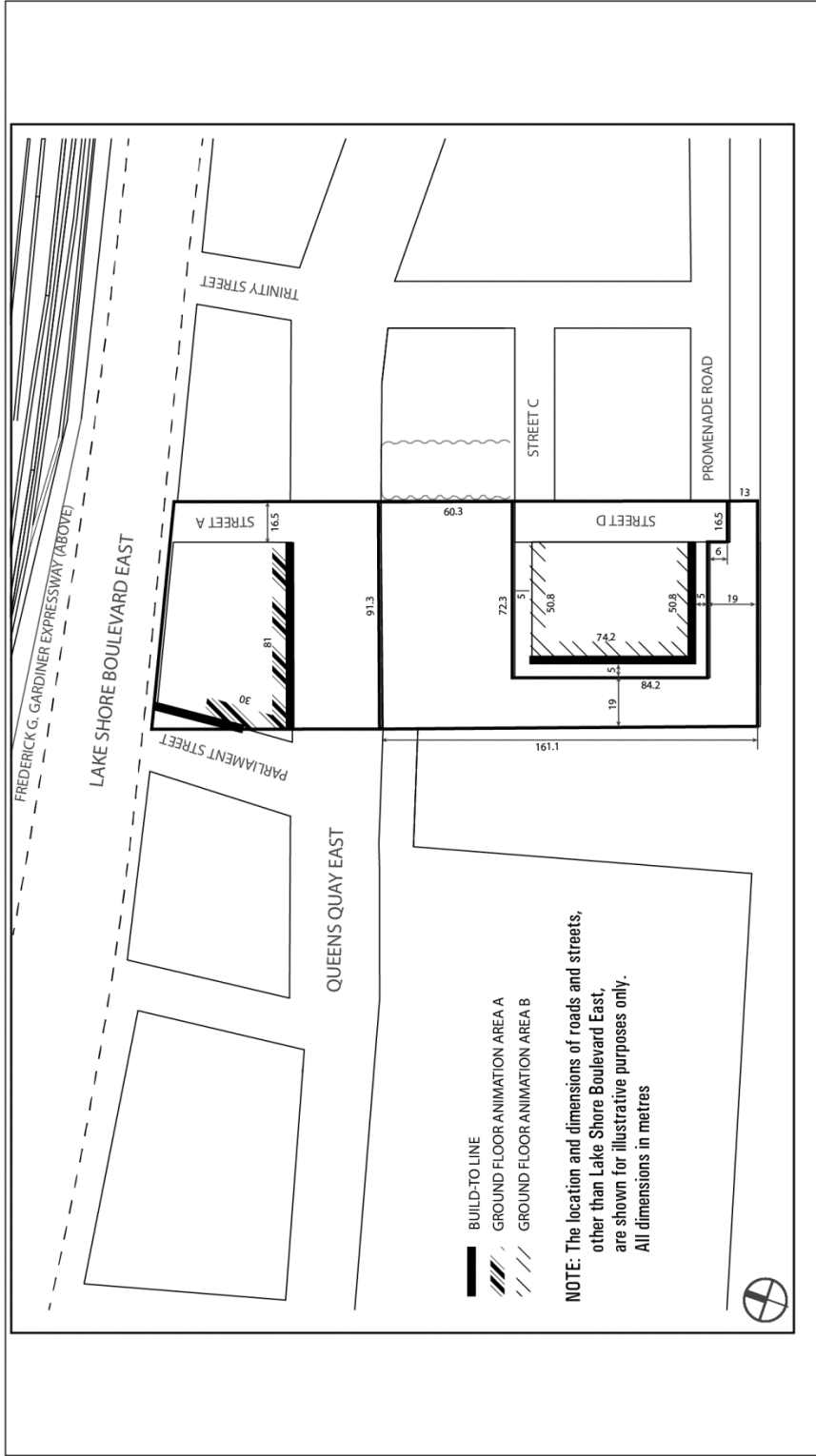
333 Lake Shore Boulevard East

Map 2 - Permitted Tower Area

File # 10 117319



Not to Scale
06/21/2016



333 Lake Shore Boulevard East

Map 3 - Build-to Lines and Ground Floor Animation Areas

File # 10 117319



Not to Scale
06/21/2016

SCHEDULE “C”

351 and 369 Lake Shore Boulevard East

**** APPROVAL OF SCHEDULE “C” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER __, 2017 UNDER BOARD FILE NO. PL101093, WITH SCHEDULE “C” CONSISTING OF BY-LAW 1174-2010 AS IT EXISTED WHEN ADOPTED BY COUNCIL ON AUGUST 27, 2010 INsofar AS THAT BY-LAW APPLIES TO 351 AND 369 LAKE SHORE BLVD E. PRIOR TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER __, 2017.****

SCHEDULE “D”

11 Parliament Street

**** APPROVAL OF SCHEDULE “D” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER __, 2017 UNDER BOARD FILE NO. PL101093, WITH SCHEDULE “C” CONSISTING OF BY-LAW 1174-2010 AS IT EXISTED WHEN ADOPTED BY COUNCIL ON AUGUST 27, 2010 INsofar AS THAT BY-LAW APPLIES TO 11 PARLIAMENT ST PRIOR TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER __, 2017.****

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 Lake Shore Boulevard East in the year 2016 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) where the zoning for a CR district is followed by an “h” holding symbol, 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;

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.

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	100,000
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)	Maximum <i>Residential Gross Floor Area</i> (square metres)
A	222,140	166,600
B	11,700	10,450

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;

Permitted Tower Areas	
Permitted Tower Area (Tower Zone) Identified in Map 2	Maximum Permitted Height
1	150m
2	145m
3	137m

Building Setbacks

- (h) all buildings located west of the new Cherry Street along Lake Shore Boulevard East shall be set back a minimum of 7 metres from the *lot* line adjacent to Lake Shore Boulevard East;
- (i) For buildings abutting *publicly accessible open space* located on the north side of Queens Quay East, as identified on Map 4:
 - A. the exterior face of the building wall is located no more than 0.5 metres back from the *plaza* between at finished ground level 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 Permitted Plaza Area 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.

- (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) above, along Lake Shore Boulevard East, for the area shown on Map 6 a maximum of 65% of the length of the Lake Shore Boulevard East *frontage* can exceed a maximum *height* of 23 metres;
- (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 below.

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 a *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 Sections 12(1)(487) (p) and (q), for the lands north of Queens Quay East, no *tower* erected in accordance with Section 12(1)(487)(g) may be located closer than 25 metres to any other *tower* located within a Permitted Tower Area as shown on Map 2, as measured from the exterior main building wall, above the *height* permitted by Section 4(2).

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.
- (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.

Pedestrian Walkway

- (w) One pedestrian walkway with a minimum width of 10 metres, connecting Lake Shore Boulevard East and the Permitted Plaza Area on the north side of Queens Quay, as shown on Map 4, shall be provided.

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	
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.		<p>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;</p> <p>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.</p>

	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)(●)(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) parking facilities shall be provided in accordance with Section 4(5) except that:
 - (i) the total number of *parking spaces* required to meet the requirements for residential use (excluding visitors) may be reduced by 4 *parking spaces* for each *car-share parking space* provided and maintained on the *lot*. The limit on this parking reduction is calculated as the greater of: 4 x (total number of units/60), rounded down to the nearest whole number or 1 *parking space*;
 - (ii) For each 5 *bicycle parking spaces- occupant* provided in excess of the minimum number of *bicycle parking spaces - occupant* required by Section 4(13), the minimum required residential automobile *parking spaces* subject to any reduction pursuant to Section (12)(1)(487)(z)(i) shall be reduced by 1 *parking space*, up to a maximum reduction of 20% of the total minimum *parking spaces* required;
 - (iii) *parking spaces* may be provided and maintained on the lot in an *automated parking system*;
- (aa) Loading facilities shall be provided in accordance with Section 4(8);
- (bb) Bicycle parking shall be provided in accordance with Section 4(13), subject to the definitions of *bicycle parking space – occupant*, and *bicycle parking space – visitor* in subparagraph (ss) of this Exception;
- (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* as follows:
 - (a) a maximum of 40% of such three bedroom *dwelling units* (or 2% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed 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; and
 - (b) a minimum of 60% of such three bedroom *dwelling units* (or 3% of the total number of *dwelling units*, not including *affordable rental housing dwelling units*) shall be constructed to a minimum unit size of 88 square metres, and shall not contain an interior bedroom with no window on an exterior wall, such that all 3 bedrooms shall have windows on an exterior wall; and
 - (iii) notwithstanding Sections (12)(1)(487)(ii)(i)(a) and (b) above, if a higher percentage of three bedroom *dwelling units* is provided in a phase than is required by subparagraphs (i) or (ii)(a) above, any surplus of three bedroom *dwelling units* can be applied to satisfy this 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) and (pp) 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) and (pp) 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, or on other lands shown on Map 1, of not less than 10% of the total amount of residential gross floor area as *affordable rental housing* as follows:
 - A. *dwelling units*, which are provided as *affordable rental housing*, shall be maintained as rental housing for a term of not less than 25 years; and
 - B. such *dwelling units* shall be maintained with *affordable rents* for not less than 15 years; and
 - C. 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;
 - (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 1065 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.

Holding Symbol

- (qq) The “h” symbol may be removed from any portion of the area covered by this Exception in accordance with this paragraph 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 as provided in Section (12)(1)(487)(d) above until the “(h)” symbol has been 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 when the following conditions have been addressed by the *owner* at the *owner’s* sole expense to the satisfaction of Council:

- (i) The *owner* has demonstrated to the satisfaction of Council that all infrastructure and servicing requirements necessary to accommodate development of the *lot* and that all necessary transportation, servicing and infrastructure improvements necessary to serve development of the *lot* 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 which among other matters will include an implementation scheme which addresses:

- A. the manner in which the *owner* will secure land for conveyance to the City for the extension of Queens Quay East and new Cherry Street which may include further agreement(s) pursuant to the *Expropriations Act*;
 - B. the manner in which a plan of subdivision, or such other arrangements satisfactory to Council, will provide for the dedication of land sufficient for the *owner's* share for the laying out of new streets, other than the extension of Queens Quay East and new Cherry Street, as are required to serve development on the *lot* which may include cost sharing arrangements among the *owners* and the City for the construction of such streets;
 - C. the manner in which the *owner* will provide any requested or required widening of Lake Shore Boulevard East.
- (iii) The *owner* has provided a phasing plan which addresses:
 - A. the sequencing of development phases, and
 - B. the timing of, the provision of and the allocation of infrastructure and services required to develop the *lot* which may include various agreement(s) pursuant to the *Development Charges Act*,
 - (iv) The *owner* has submitted a complete *site plan application(s)* to the City in accordance with the requirements of Appendix 1, Section 10;
 - (v) 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;
 - (vi) The *owner* has provided written confirmation from the Toronto and Region Conservation Authority that the flood protection landform in West Don Lands is complete and functional and the Special Policy Area designation is removed;
 - (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:
 - (1) 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);
 - (2) 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
 - (3) 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, similar to the unit mix of the proposed market housing units on the *owner’s* lands, or slightly different proportion of units with a higher number of bedrooms, a reasonable range of sizes, location and functional layout of each of the unit types;
 - 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.

- (rr) In the event of an appeal to the Ontario Municipal Board 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 Board 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 (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 including utilities - heat, hydro and water- but excluding parking and cable television charges) is initially at or below one times the average City of

Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation, and subject only to annual increases which do not exceed any guideline therefor published by the Province of Ontario and, if applicable, permitted above-guideline increases.

- (iii) “*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.
- (iv) “*bicycle parking space occupant*” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purpose of parking and securing bicycles, and:
 - (A) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (B) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres; and,
 - (C) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking spaces of at 1.2 metres.
- (v) “*bicycle parking space visitor*” means an area that is equipped with a bicycle rack, locker or *bicycle stacker* for the purpose of parking and securing bicycles
 - (A) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (B) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres, by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (C) where the bicycles are to be parked in bicycle stacker, has a horizontal dimension of at least 0.6 metres, by 1.8 metres and has a vertical dimension for each bicycle parking spaces of at 1.2 metres; and,
 - (D) May be located outdoors or indoors.

- (vi) “*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.
- (vii) “*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*.
- (viii) “*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*.
- (ix) “*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*.
- (x) “*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.
- (xi) “*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;
- (xii) “*first floor*” means the floor of the building, other than an area used for parking, that is closest in elevation to the elevation of the adjacent finished ground level;
- (xiii) “*grade*” means 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;
- (xiv) “*ground floor*” means the *first floor* of a building or structure above *grade*;
- (xv) “*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;

- (xvi) “*height*” means the vertical distance between *grade* and the highest point of the roof, building, structure or element.
- (xvii) “*lot*” means the area identified in heavy lines on Map 1;
- (xviii) “*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) of this Exception;
- (xix) “*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 ;
- (xx) “*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)(qq) of this Exception and shall be limited to the implementation and elaboration of this Exception as set out in the *Master Section 37 Agreement*.
- (xxi) “*plaza*” means an *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;
- (xxii) “*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.
- (xxiii) “*Publicly Accessible Open Space*” shall mean a *plaza*, as defined herein, , subject to the permitted projections in Section 12(1)(487)(w) of this Exception, and in private ownership to which the public shall have access;
- (xxiv) “*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.
- (xxv) “*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*;
- (xxvi) “*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;

- (xxvii) “*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; and
- (xxviii) “*tower*” means the portion of a building located above a *height* of 38.0 metres within “Tower Zone 1”, located above a height of 38.0 metres within “Tower Zone 2”, and located above a height of 38.0 metres within “Tower Zone 3”, as shown on Map 2.
- (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) Map 6 - Tower Zones 2 and 3 Base Height Along Lake Shore Boulevard East,
 - (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 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 a *dwelling unit* in the *affordable rental housing* during the first 15 years of its occupancy, subject to subparagraphs 1(c) and (d) of this Appendix such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the initial rent, increased annually by the provincial rent guideline and any above-guideline increase, if applicable, and over the course of the 15 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (c) Rents charged to tenants who first occupied a *dwelling unit* in the *affordable rental housing* during the first 10 years of the building’s occupancy, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in subparagraph (b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 10 full years of occupancy. Subsequently, such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period set out in subparagraph 1(b) of this Appendix;
 - (d) Rents charged to tenants who first occupied *affordable rental housing* during the 11th to 15th year after the initial occupancy of such *dwelling unit*, and who continue to occupy such *dwelling unit* after the expiry of the 15 year period as set out in

subparagraph 1(b) of this Appendix shall continue to be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, until the tenant has completed 7 full years of occupancy. Subsequently, such rents may rise to full market rates over 3 years with annual raises which are approximately equal, provided that no such phase-in to unrestricted market rents can commence before the expiry of the 15 year period as set out in subparagraph 1(b) of this Appendix; and

- (e) Rents charged to tenants newly occupying a *dwelling unit* which is no longer *affordable rental housing* after the completion of the 15 year period set out in subparagraph 1(b) 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 1065 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.

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:

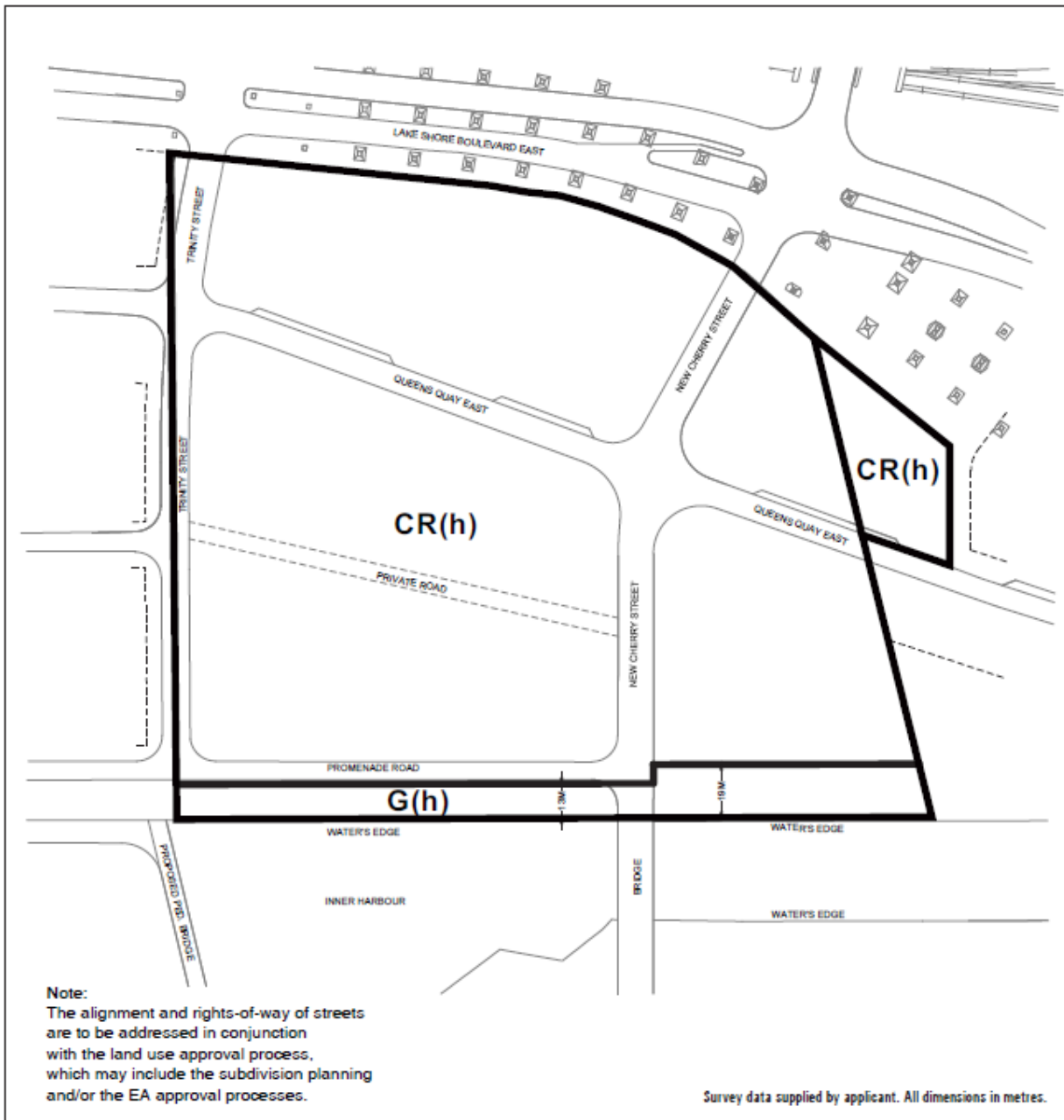
- (a) The development of *residential gross floor area* as permitted by this Exception for the lands shown on Map 1
- (b) For purposes of this Appendix and the establishment of the delivery milestones, lands shown on Map 1, and their maximum *residential gross floor area* as permitted by this Exception, 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.

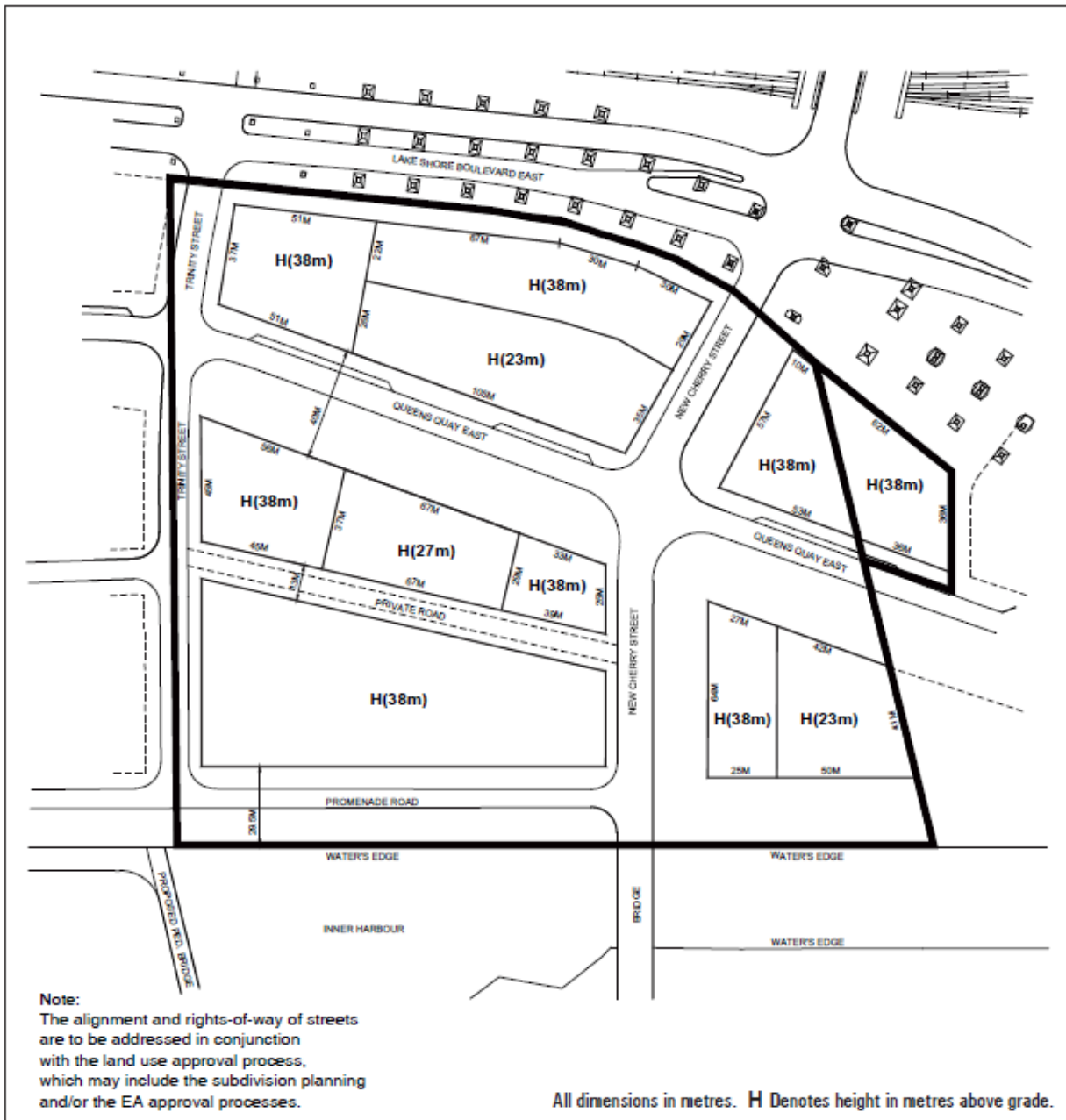
2. The specific delivery milestones and obligations are as described below:

- (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 40,900 square metres.
- (e) The second delivery milestone is equal to a total *residential gross floor area* of 40,900 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 70,145 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 60% 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.





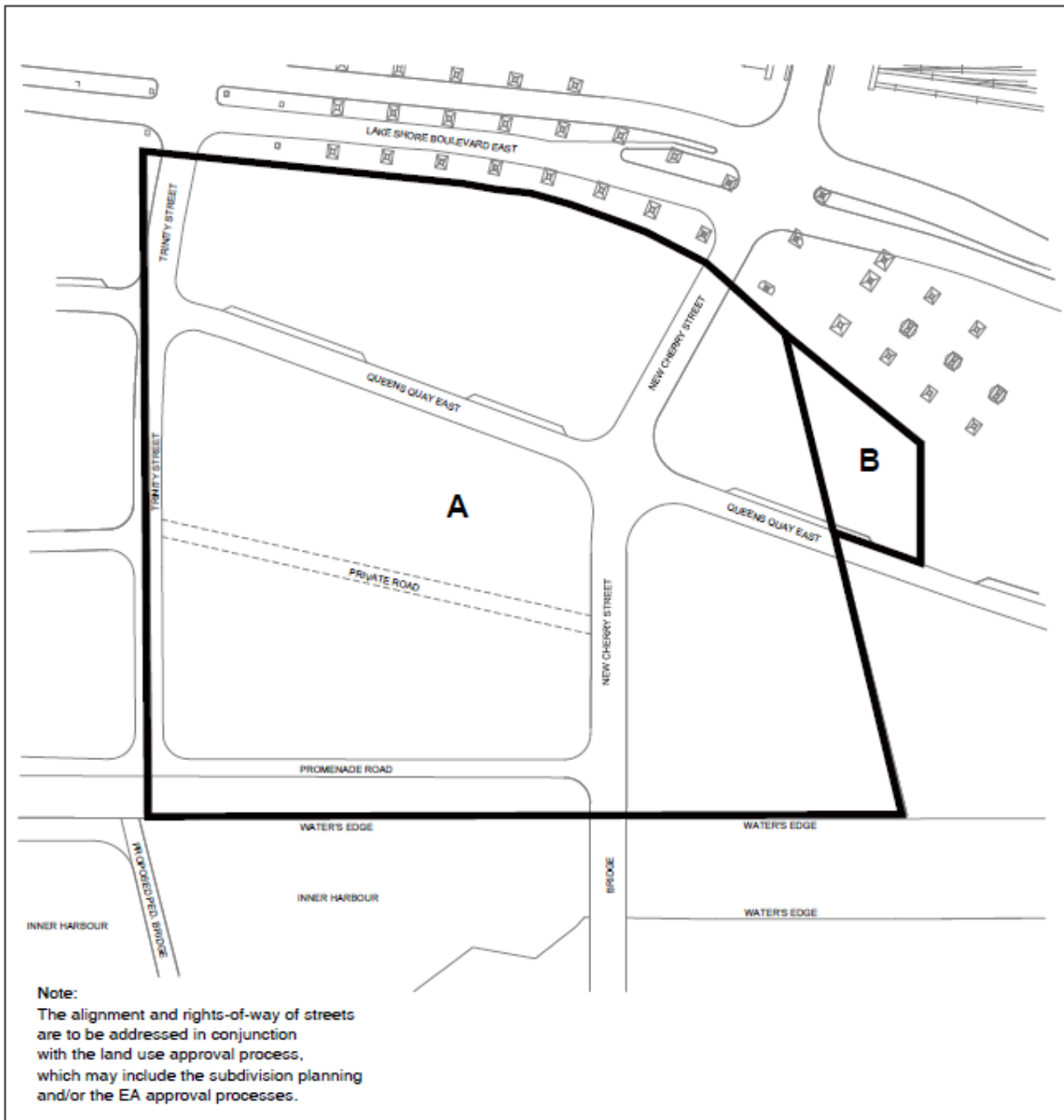
429 Lake Shore Boulevard East and 324 Cherry Street

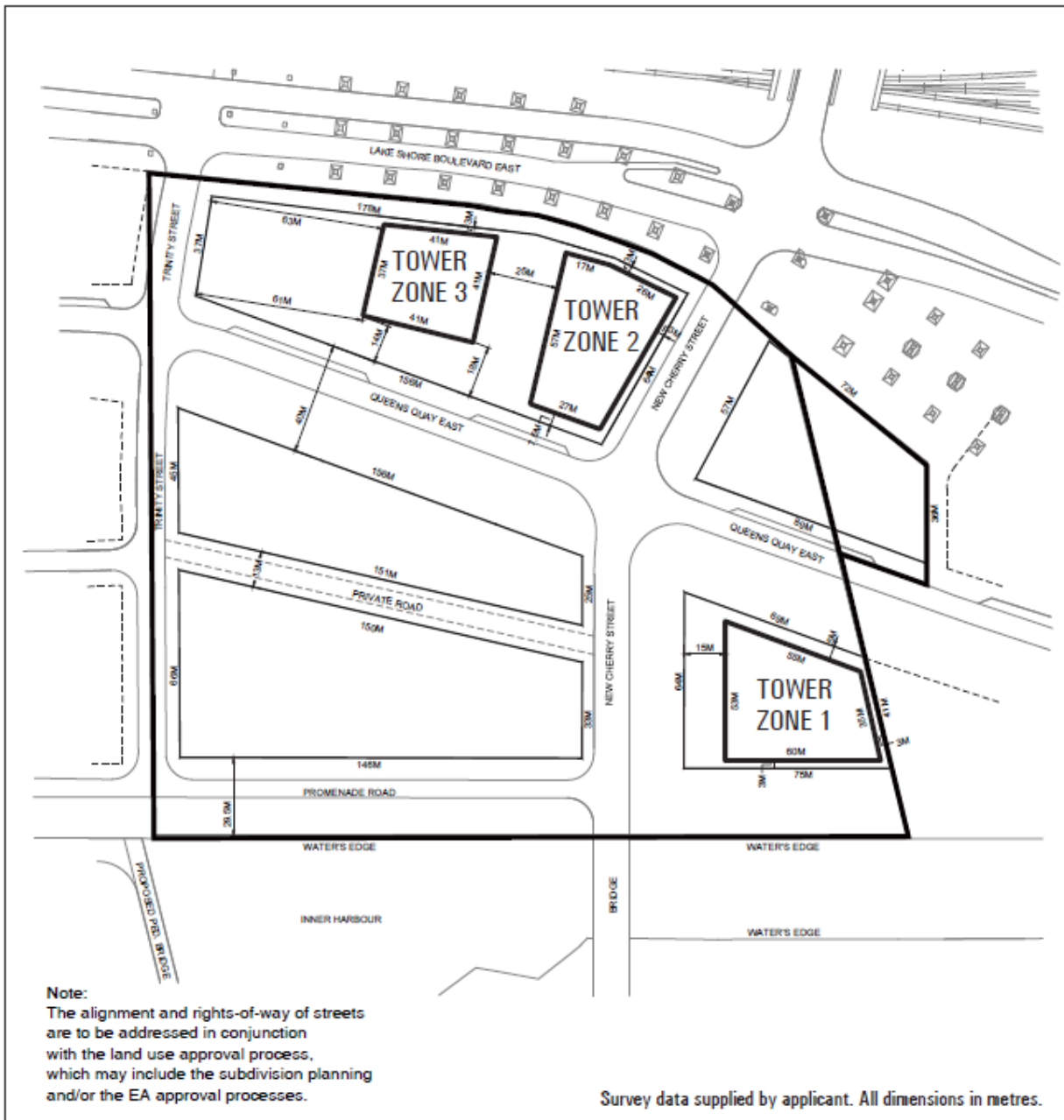
Map B - Maximum Base Building Heights

File # 10 117319



Not to Scale
06/14/2016



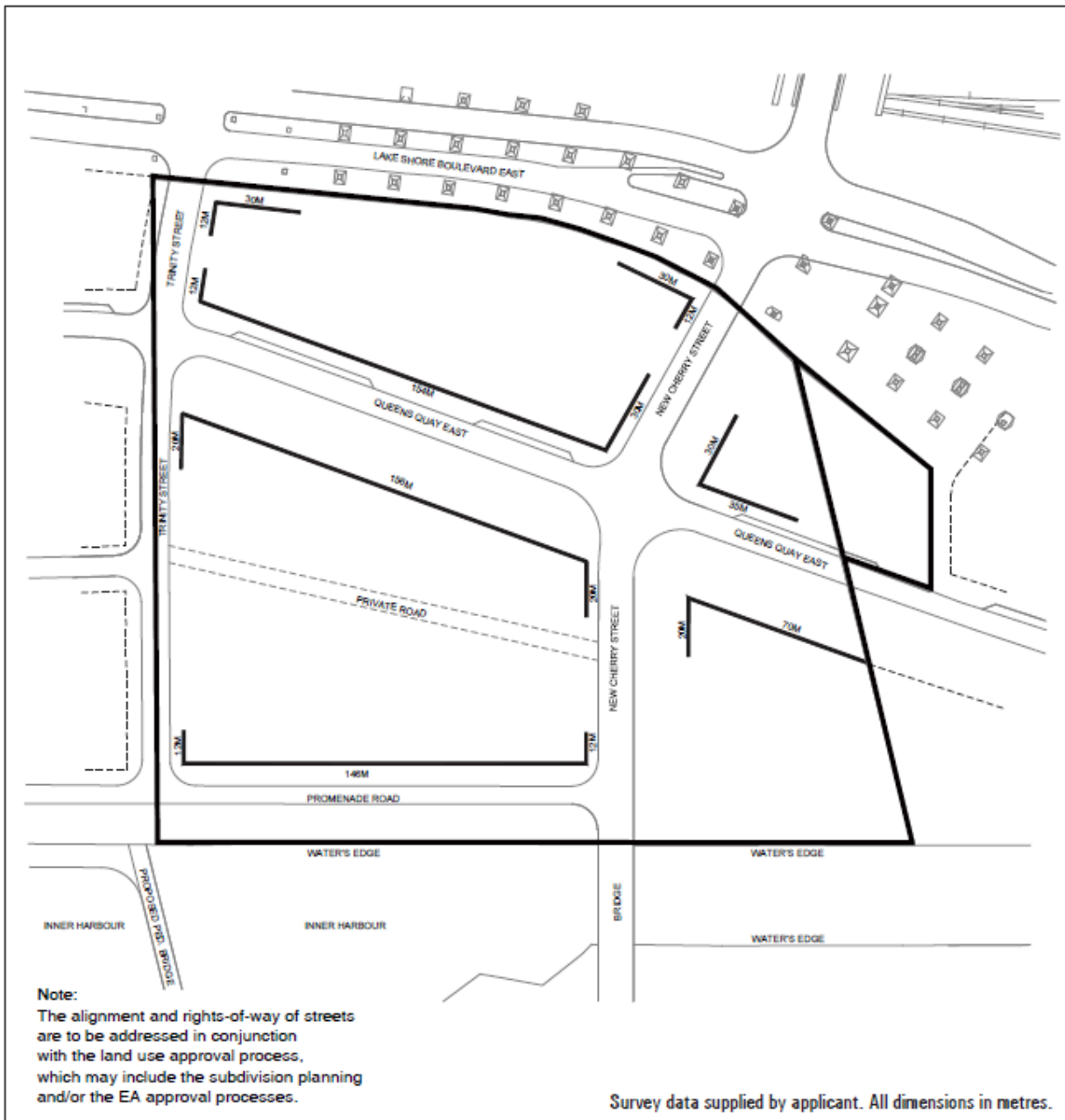


Map 2 - Permitted Tower Areas

File # 10 117319



Not to Scale
 06/14/2016



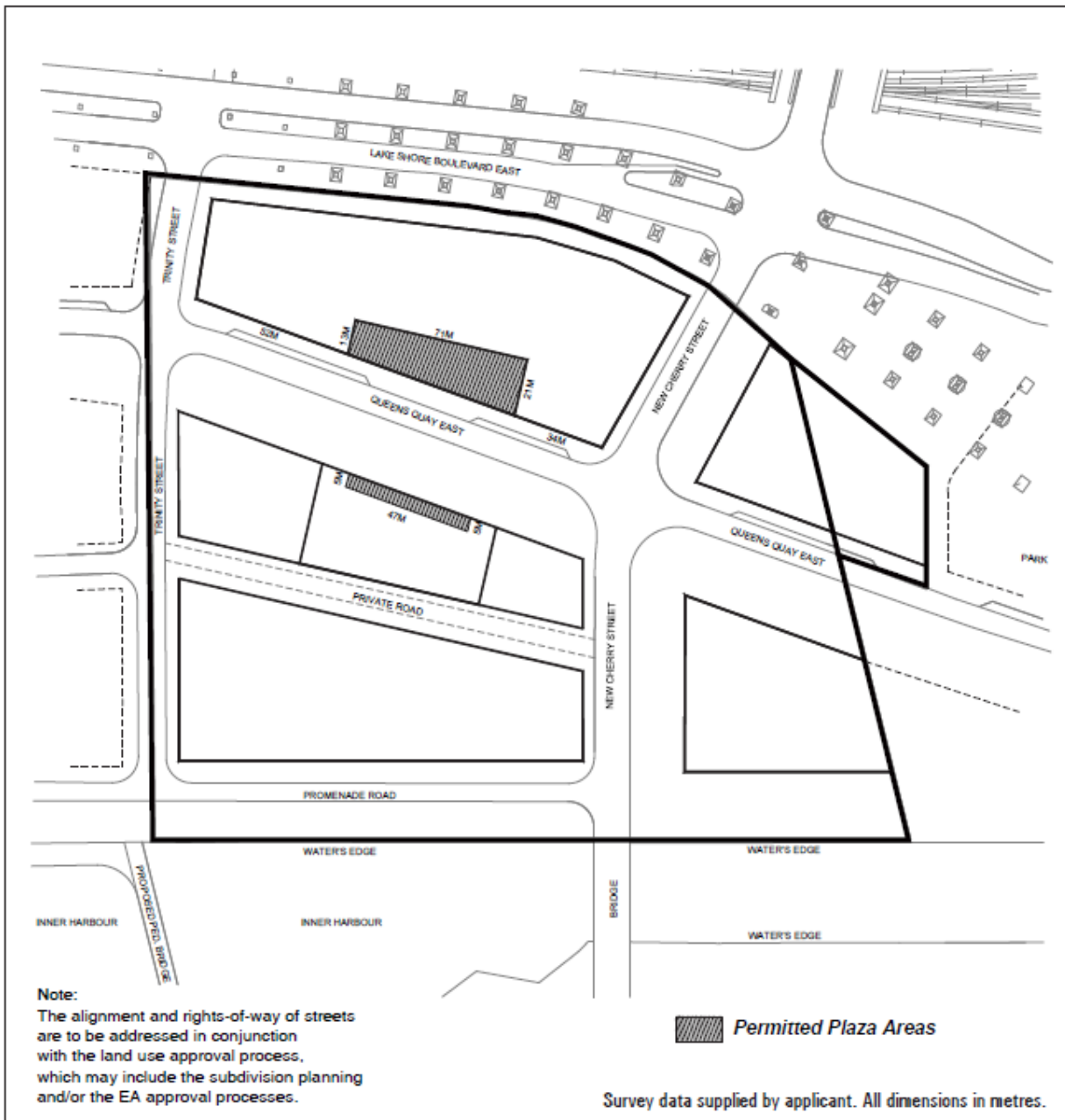
429 Lake Shore Boulevard East and 324 Cherry Street

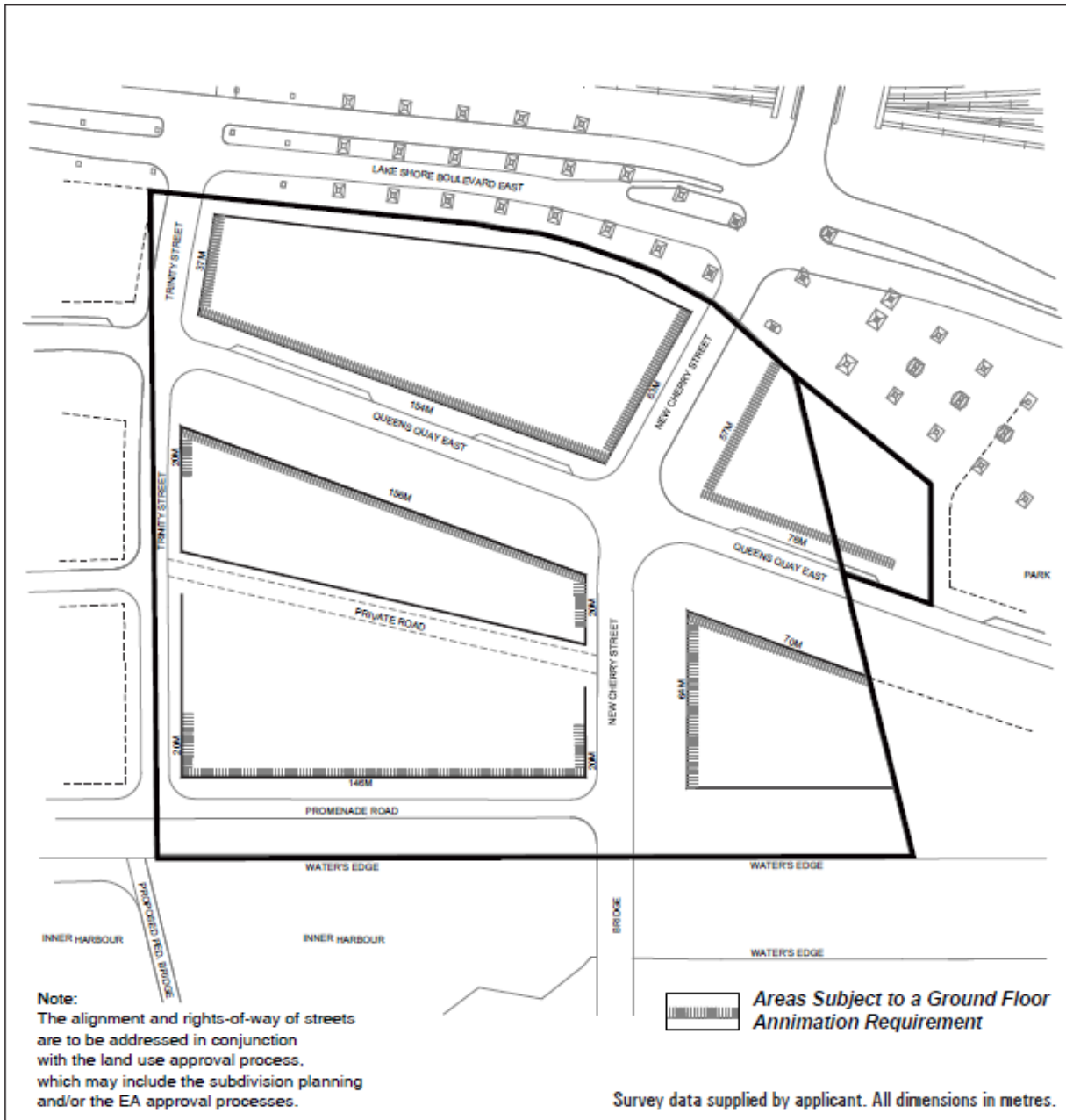
Map 3 - Build-to Lines

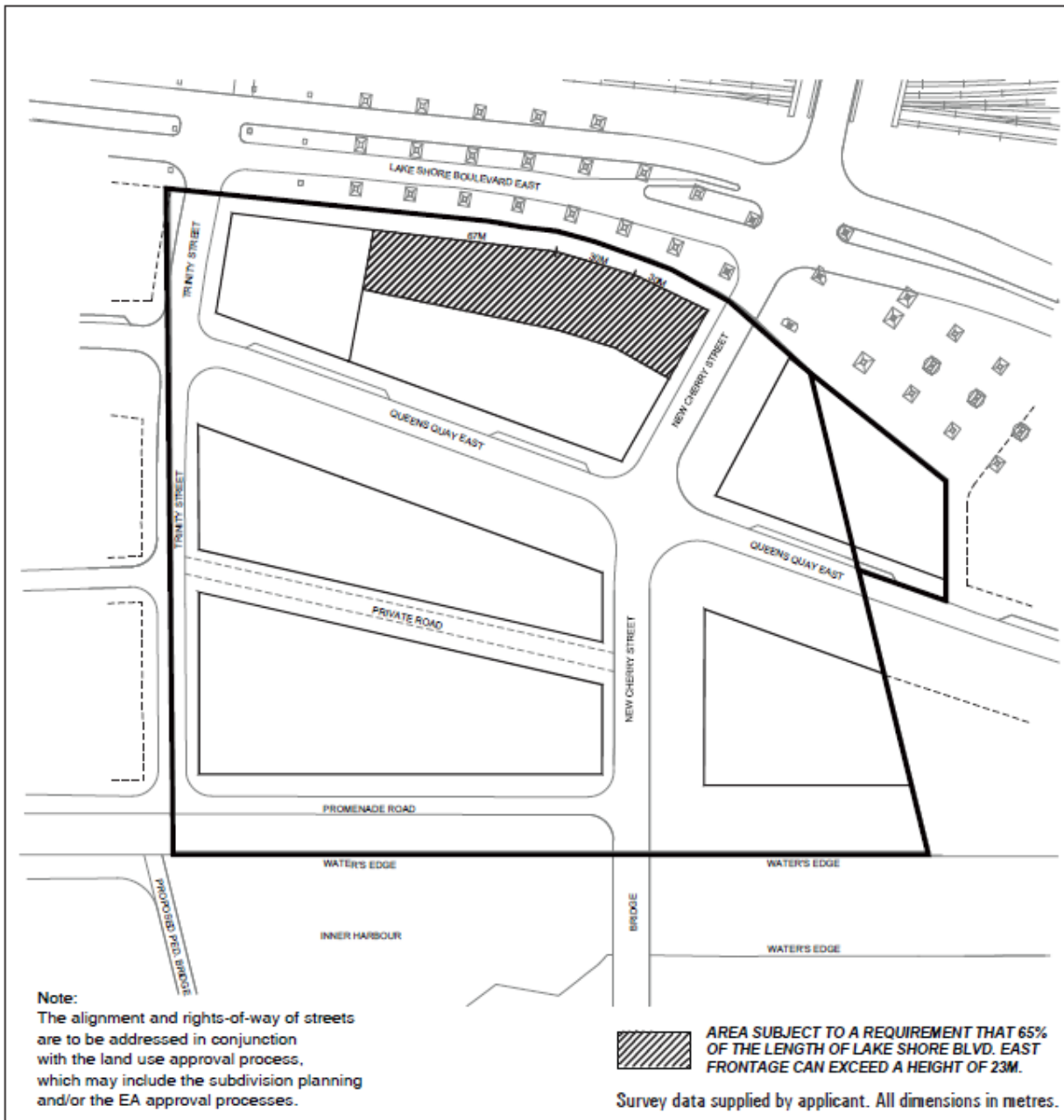
File # 10 117319



Not to Scale
06/14/2016







**Map 6 - Tower Zones 2 & 3 - Base Height Area
Along Lake Shore Boulevard East**

**429 Lake Shore Boulevard East
and 324 Cherry Street**

File # 10 117319



Not to Scale
06/14/2016