CITY OF TORONTO

BY-LAW No. 1174-2010

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 authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, and Council of the City of Toronto passed this by-law on August 27, 2010 after providing adequate information to the public and holding at least one public meeting in accordance with the Planning Act; and

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

WHEREAS this By-law was appealed to the Ontario Municipal Board pursuant to Section 34 (19) of the Planning Act R.S.O. 1990, c.P.13; 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-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-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) [NTD: Clerk to confirm Exception number] 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 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) [NTD: Clerk to confirm Exception number] 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 333 Lake Shore Boulevard East in the year 2015 in accordance with the provisions set in Schedule “B” to this By-law; and

(485) [NTD: Clerk to confirm Exception number] 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 ●, 2016 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 ●, 2016.**

(486) [NTD: Clerk to confirm Exception number] 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 ●, 2016 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 ●, 2016.**

(487) [NTD: Clerk to confirm Exception number] 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 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 **
ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON XX, 2016, UNDER BOARD FILE NO. PL030514 AND PL101093
SCHEDULE “A”

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

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)" 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 adding the following Exception:

“(●) 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 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)(●)(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 [“insert date of the approval of the by-law”] 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) a commercial parking lot subject to the requirements of Section 8(2)(11); 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 shall not exceed in total the amounts shown on the following table:
<table>
<thead>
<tr>
<th>Site Location</th>
<th>Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square metres)</th>
<th>Maximum Residential Gross Floor Area (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block A alone (PIN 21384-0087 (LT) and known municipally as 307 Lake Shore Blvd. E. on ** [Insert date of OMB approval])</td>
<td>7,700</td>
<td>7,200</td>
</tr>
<tr>
<td>Block B alone</td>
<td>39,500</td>
<td>35,500</td>
</tr>
<tr>
<td>Blocks A and B if developed together</td>
<td>53,350</td>
<td>48,015</td>
</tr>
</tbody>
</table>

Notwithstanding the 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)(b)(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)(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) 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 meters from the main building wall immediately below a height of 20 metres that faces Parliament Street and Small Street, and is stepped back a minimum of 40 metres from Queens Quay East, as identified in heavy lines on Map 2;

(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)(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 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)(j)(e) and (g), 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*:
<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</th>
<th>OTHER APPLICABLE QUALIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Eaves, cornices, and parapets,</td>
<td>1.0 metre</td>
<td>1.2 metres above the permitted height</td>
</tr>
<tr>
<td>2 Balconies</td>
<td>2 metres from the wall to which it is attached</td>
<td></td>
</tr>
<tr>
<td>3 Patios, uncovered platform</td>
<td>2.0 metres measured from the exterior main building wall</td>
<td>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</td>
</tr>
<tr>
<td>4 Privacy screens and privacy walls</td>
<td>No restrictions</td>
<td><em>Height</em> shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof</td>
</tr>
<tr>
<td>5 Guardrails, bollards, railings, fences, stairs, stair enclosures, trellises, wheel chair ramps and underground ramps and associated structures, <em>public art</em>, noise, odour and wind mitigation features, elements related to the generation of solar power</td>
<td>No restrictions</td>
<td></td>
</tr>
<tr>
<td>6 Landscape Features/Structures</td>
<td></td>
<td><em>Height</em> shall be limited to 3.0 metres above finished ground level</td>
</tr>
<tr>
<td>7 Window washing equipment on the roof of a building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Awnings, canopies</td>
<td>Permitted to a maximum projection of 3.0 metres beyond</td>
<td>Must be located below the level of the third storey.</td>
</tr>
<tr>
<td>STRUCTURE</td>
<td>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</td>
<td>OTHER APPLICABLE QUALIFICATIONS</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td></td>
<td>the exterior of the wall to which such awnings and canopies are attached.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Chimney stack for a <em>district heating, energy and cooling plant</em>, where permitted in accordance with paragraph (b)(v) which has been approved by the Ministry of the Environment and Climate Change</td>
<td>No restrictions</td>
</tr>
<tr>
<td>10</td>
<td>Pilaster, decorative column, sill, belt course or other similar architectural feature on a building</td>
<td>A maximum of 0.6 metres, provided the structure is no closer to a <em>lot line</em> than 0.3 metres</td>
</tr>
</tbody>
</table>

(p) notwithstanding Section 4(2)(a)(i) and (ii), and Sections 12(1)(g), (h), (i), (j), (k), and (l), 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 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)(t) may be reduced by 1 parking space.
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);

(t) Loading facilities shall be provided in accordance with Section 4(8);

(u) Bicycle parking shall be provided in accordance with Section 4(13);

(v) The portion of a building used for parking of motor vehicles at or above finished ground floor 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 sq. m. per dwelling unit 1

(iii) residential amenity space provided indoors may be provided in rooms which are not contiguous;

(iv) 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 there is 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 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 subject to 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 street 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, 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

3. notwithstanding (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) 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) and (cc) of this Exception and the Appendices hereof which Appendices form part of this Exception 12(1)(●), 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 above, 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.

(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;
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**

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 (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 including, inter alia:

   (1) the requirements listed in Paragraph 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 Phase Specific Section 37 Agreement 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 Phase Specific Section 37 Agreement, 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 Phase-Specific Section 37 Agreement, 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 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 Holding symbol, and/or to amending the by-law to remove the holding symbol without the execution of a settled Section 37 Agreement and to settle the plans called for under subparagraphs (dd)(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 life 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. For clarity, parking pallets will be considered as a parking space for the purposes of determining compliance with Section 4(5) of By-law 438-86, as amended notwithstanding that individual parking pallets will not conform to the parking space dimensions set out in By-law 438-86.

(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.
“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.

“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.

“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.

"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.

“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;

“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 floor level;

“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.

“ground floor” means the first floor of a building or structure above grade;

“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;

“height” means the vertical distance between the grade and the highest point of the roof, building, structure or element;
“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;

“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;

“Phase Specific Section 37 Agreement” means an agreement pursuant to Section 37 of the Planning Act entered into for the purposes of (bb) of the Section 37 Agreement.

“public art” is a public art contribution provided in accordance with the requirements of Appendix “1” Section 7 hereto

“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 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;

“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;

“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.

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.

Exception 12(1)(●) 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)(\textbullet).”
APPENDIX “1” TO EXCEPTION 12(1)(●)

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

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 subparagraphs1(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* until 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 noise consultant, and detailed design plans, all to be peer reviewed by the City at the
owner’s expense, which demonstrates to the satisfaction of the City that appropriate noise mitigation measures will be implemented;

(c) 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;

(d) 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;

(e) 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;

(f) 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.
NOTE: The location of Parliament Street and Queens Quay East are shown for illustrative purposes only. Survey information supplied by applicant. All dimensions in metres.
NOTE: The location of Parliament Street and Queens Quay East are shown for illustrative purposes only. All dimensions in metres.
NOTE: The location of Parliament Street and Queens Quay East are shown for illustrative purposes only. Survey information supplied by applicant. All dimensions in metres.

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

Map 2 - Permitted Tower Area

File # 10 117319

Not to Scale
05/09/2016
NOTE: The location of Parliament Street and Queens Quay East are shown for illustrative purposes only. All dimensions in metres.
SCHEDULE “B”

333 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:

“(●) 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 333 Lake Shore Boulevard East in the year 2016 in accordance with the following provisions:

b) 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

c) 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)(●)(cc) for which Council may require that the owner enter into one or more agreement(s) as referred to in Section (●)(cc)(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 floor 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

d) 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

e) 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) commercial parking lot, subject to the requirements of Section 8(2)(11)(i), (ii) and (iv), and provided that 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;

(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 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; and

(v) uses that are permitted and existing on the lot on ● <Date of OMB Approval> which may include, but not be limited to, the open storage of vehicles, boats and industrial equipment.

**Permitted Gross Floor Area**

f) (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:

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block A</td>
<td>65,000</td>
</tr>
<tr>
<td>Block B</td>
<td>32,500</td>
</tr>
</tbody>
</table>

(ii) notwithstanding Section 12(1)(●)(f)(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:

<table>
<thead>
<tr>
<th>Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square meters)</th>
<th>Maximum Residential Gross Floor Area (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>88,870</td>
<td>86,500</td>
</tr>
</tbody>
</table>

g) Notwithstanding Section 12(1)(●)(f) 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.
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;

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)(h) 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)(c)(v) and which have been approved by the Ministry of the Environment and Climate Change;
Setbacks

j) 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;

k) 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

l) 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;

m) 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

(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;

Upper-level Stepbacks: Permitted Tower Areas

n) 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 stepback from the main wall immediately below, in accordance with Column B, as set out in the following table:

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

Separation of buildings and structures

o) 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.

p) 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.

q) 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.

r) 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.

s) The requirements of Sections 8(3) Part II 1(a) and 12(1)(o), (p), (q) and (r) 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**

t) 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**

u) notwithstanding Section 4(2)(a)(i) and (ii) and Section 12(1)(o)(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:
<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</th>
<th>OTHER APPLICABLE QUALIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Eaves, cornices, and parapets</td>
<td>1.0 metre</td>
<td>1.2 metres above the permitted height</td>
</tr>
<tr>
<td>2 Balconies</td>
<td>2.0 metres from the main wall to which the balcony is attached</td>
<td></td>
</tr>
<tr>
<td>3 Patios, uncovered platform</td>
<td>2.0 metres measured from the exterior main building wall</td>
<td>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</td>
</tr>
<tr>
<td>4 Privacy screens and privacy walls</td>
<td>No restrictions</td>
<td>Height shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof</td>
</tr>
<tr>
<td>5 Guardrails, bollards, railings, fences, stairs, stair enclosures, trellises, wheel chair ramps and underground ramps and associated structures; public art, noise and wind mitigation features, elements related to the generation of solar power</td>
<td>No restrictions</td>
<td></td>
</tr>
<tr>
<td>6 Landscape features</td>
<td></td>
<td>Height shall be limited to 3.0 metres above finished ground level.</td>
</tr>
<tr>
<td>7 Window washing equipment on the roof of the building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Awnings, canopies</td>
<td>3.0 metres beyond the exterior of the wall to which such awnings and</td>
<td>Must be located below the level of the third storey.</td>
</tr>
<tr>
<td>STRUCTURE</td>
<td>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</td>
<td>OTHER APPLICABLE QUALIFICATIONS</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>Chimney stack for a <em>district energy, heating and cooling plant</em>, where permitted in accordance with Section (12)(1)(b)(v) and which has been approved by the Ministry of the Environment and Climate Change.</td>
<td>No restriction.</td>
</tr>
<tr>
<td>10</td>
<td>Pilaster, decorative columns, belt course or similar architectural features on a building</td>
<td>0.6 metres provided the structure is no closer to the lot line than 0.3 metres</td>
</tr>
</tbody>
</table>

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

**Parking and Loading**

w) 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)(b)(w)(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*;

x) Loading facilities shall be provided in accordance with Section 4(8);
y) 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 (kk) of this Exception;

z) 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**

aa) 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)(t), as they pertain to required Build-to Lines, and Section (12)(1)(cc), as they pertain to Ground Floor Animation, shall not apply to that building or structure.

**Residential Amenity Space**

bb) 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 there is 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**

cc) 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

dd) 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.

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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) 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**

ee) 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 (ee) and paragraphs (ff), (gg), and (hh) of this Exception and the Appendices hereof which Appendices form part of this Exception and the Appendices hereof, 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 (ff), (gg), and (hh), and the Appendices, and provides for the securing of subparagraphs (ii)(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.

ff) 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;

(iii) 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;

hh) 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**

ii) 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 (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) 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, 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;

(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 Phase-Specific Section 37 Agreement 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 Phase-Specific Section 37 Agreement, 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 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 Phase-Specific Section 37 Agreement, constituted as follows:
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 requirements of this subparagraph (ii);

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.

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.

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.

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.

(xii) 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.

jj) 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 (ii)(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.
kk) 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. For clarity, parking pallets will be considered as a parking space for the purposes of determining compliance with Section 4(5) of By-law 438-86, as amended notwithstanding that individual parking pallets will not conform to the parking space dimensions set out in By-law 438-86.

(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) “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;

(xii) “ground floor” means the first floor of a building or structure above grade;

(xiii) “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;

(xiv) “height” means the vertical distance between grade and the highest point of the roof, building, structure or element.

(xv) “lot” means the area identified in heavy lines on Map 1;

(xvi) “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;

(xvii) “Phase-Specific Section 37 Agreement” means an agreement pursuant to Section 37 of the Planning Act entered into for the purposes of subparagraph (ii) of this Exception;

(xviii) “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;

(xix) “public art” means a public art contribution provided in accordance with the requirements of Appendix “1” Sections 5 – 8 hereto.

(xx) “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;

(xxi) “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, and other functions related to a building or buildings that will be constructed on the lands shown on Map 1;

(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 the City of Toronto Act, 2006, as is applicable;
(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.

(xxv) “tower” means any portion of a building with a height greater than the height established by Section 4(2).

II) Despite any existing or future severance, partition, or division of the lands identified by heavy lines 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.

mm) Exception 12(1)(●) 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)(●).”
APPENDIX “1” TO EXCEPTION 12(1)(●)

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

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

2. 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 2(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 sub-paragraph (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 2(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 2(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 sub-paragraph 2(b) of this Appendix; and

(e) Rents charged to tenants newly occupying a dwelling unit which is no longer affordable rental housing until after the completion of the 15 year period in subparagraph 2(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

3. 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 (ii) (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

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 (ff) of this Exception, or as may be provided for in subparagraph (d) of this paragraph 4:

(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 in an Area.

(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

5. 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.

6. 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.

7. Notwithstanding paragraphs 5 and 6 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.

8. Notwithstanding paragraphs 6 and 7, 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 8, 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

9. 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 noise consultant, and detailed design plans, which demonstrates to the satisfaction of the City that appropriate noise mitigation measures will be implemented;

(c) 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;

(d) 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;

(e) 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. H denotes height in metres above grade.
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.
** APPROVAL OF SCHEDULE “C” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON ●, 2016 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 INSO FAR 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 ●, 2016.**
SCHEDULE “D”

11 Parliament Street

** APPROVAL OF SCHEDULE “D” DEFERRED PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON ●, 2016 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 ●, 2016.**
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:

“(.Mockito) 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 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)( Mockito)(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 floor 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” 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 station, excluding any entrances and exits;

(iii) *sales office*;

(iv) *temporary open air markets*; and

(v) uses that are permitted and existing on the *lot* on *<**> [Insert date of OMB approval]* 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:

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Combined Non-Residential Gross Floor Area and Residential Gross Floor Area (square meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Queens Quay, between Trinity and Cherry Streets</td>
<td>100,000</td>
</tr>
<tr>
<td>South of Queens Quay, between Trinity and Cherry Streets</td>
<td>70,000</td>
</tr>
<tr>
<td>North of Queens Quay, east of Cherry Street</td>
<td>55,000</td>
</tr>
<tr>
<td>South of Queens Quay, east of Cherry Street</td>
<td>35,000</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Combined Non-Residential Gross Floor Area and Residential Gross</th>
<th>Maximum Residential Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Floor Area (square meters) (square metres)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>222,140</td>
<td>166,600</td>
</tr>
<tr>
<td>B</td>
<td>11,700</td>
<td>10,450</td>
</tr>
</tbody>
</table>

Notwithstanding Section (12)(1)(e) 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.

**Maximum Height**

(g) maximum height shall be in accordance with Section 4(2) except that:

(i) One tower may be located within each Permitted Tower Area 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;

<table>
<thead>
<tr>
<th>Permitted Tower Areas</th>
<th>Maximmum Permitted Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identified in Map 2</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>150m</td>
</tr>
<tr>
<td>2</td>
<td>145m</td>
</tr>
<tr>
<td>3</td>
<td>137m</td>
</tr>
</tbody>
</table>

**Building Setbacks**

(h) all buildings located west of Cherry Street along the lot line adjacent to Lake Shore Boulevard East shall be set back a minimum of 7 metres from the Lake Shore Boulevard East road allowance;

(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 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; and, 

B. the provisions of Section 12(1)(q) 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; and,

B. the provisions of Section 12(1)(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)(q) 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

(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;
Upper-level Stepbacks: Permitted Tower Areas

(n) notwithstanding Section 12(1)(g), any portion of a building above the maximum height permitted by Section 4(2) shall be set back 3 metres from the main wall below, unless otherwise shown on Map 2.

Separation of Buildings and Structures

(o) 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.

(p) 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.

(q) The requirements of Sections 8(3) Part II 1(a) and 12(1)(g)(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.

(r) Notwithstanding Sections 12(1)(g)(p) and (q), for any building located south of the area identified as Private Street on Map 2, 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.

(s) Notwithstanding Sections 12(1)(g)(p) and (q), for the lands north of Queens Quay East, no tower erected in accordance with Section 12(1)(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

(t) no building may be erected or used on a lot subject to a Build-To Line as shown on Map 3 unless the exterior face of the building wall is located no more than 0.5 metres back from the Build-To Line between grade and a height of 11 metres, for a minimum of 70% of the length of the main building wall on any building having frontage adjacent to a Build-To Line.

(u) Notwithstanding Section 12(1)(g)(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
(v) 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

(w) Notwithstanding Section 4(2)(a)(i)(ii) and Sections 12(1)(b)(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:

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</th>
<th>OTHER APPLICABLE QUALIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Eaves, cornices, and parapets</td>
<td>1.0 metre</td>
<td>1.2 metres above the permitted height</td>
</tr>
<tr>
<td>2 Balconies</td>
<td>2.0 metres from the main wall to which the balcony is attached</td>
<td></td>
</tr>
<tr>
<td>3 Patios, uncovered platform</td>
<td>2.0 metres measured from the exterior main building wall</td>
<td>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.</td>
</tr>
<tr>
<td>4 Privacy screens and privacy walls</td>
<td>No restriction</td>
<td>Height shall be limited to 3.0 metres above the finished ground level and/or 3.0 metres above the roof</td>
</tr>
<tr>
<td>5 Guardrails, bollards, railings, fences, stairs, stair enclosures, trellises, wheel chair ramps and</td>
<td>No restriction</td>
<td></td>
</tr>
<tr>
<td>STRUCTURE</td>
<td>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</td>
<td>OTHER APPLICABLE QUALIFICATIONS</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>underground ramps and associated structures; public art, noise and wind mitigation features, elements related to the generation of solar power</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Landscape features</td>
<td>Height shall be limited to 3.0 metres above finished ground level.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>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 a Tower Area as shown on Map 2 shall be no higher than 10.0 metres; Where such elements are not located on the roof of a tower 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.</td>
<td></td>
</tr>
<tr>
<td>8 Awnings, canopies</td>
<td>3.0 metres beyond the exterior of the wall to which such awnings and canopies are attached.</td>
<td>Must be located below the level of the third storey.</td>
</tr>
<tr>
<td>STRUCTURE</td>
<td>MAXIMUM PERMITTED HORIZONTAL PROJECTIONS</td>
<td>OTHER APPLICABLE QUALIFICATIONS</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9  Elements of a green roof</td>
<td></td>
<td>The maximum <em>height</em> of such elements shall be 1.0 metres above the height limits shown in Section 12(1)(g) and Map.</td>
</tr>
<tr>
<td>10 A structure on the roof of building used for outside or open recreation, or safety purposes</td>
<td></td>
<td>The maximum <em>height</em> 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</td>
</tr>
<tr>
<td>11 Chimney stack for a <em>district energy, heating and cooling plant</em>, where permitted in accordance with paragraph (12)(a)(vi) and which has been approved by the Ministry of the Environment and Climate Change.</td>
<td>No restriction.</td>
<td>No restriction.</td>
</tr>
<tr>
<td>12 Pilaster, decorative columns, belt course or similar architectural features on a building</td>
<td>0.6 metres provided the structure is no closer to the <em>lot</em> line than 0.3 metres</td>
<td></td>
</tr>
</tbody>
</table>

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

**Parking and Loading**

(y) parking facilities shall be provided in accordance with Section 4(5) except that:
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;

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)(z)(i) shall be reduced by 1 parking space, up to a maximum reduction of 20% of the total minimum parking spaces required;

Parking spaces may be provided and maintained on the lot in an automated parking system;

Loading facilities shall be provided in accordance with Section 4(8);

Bicycle parking shall be provided in accordance with Section 4(13);

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

Residential amenity space shall be provided in accordance with Section 4(12), except that:

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.

Outdoor residential amenity space shall be provided at a rate of 1 square metre per dwelling unit.

Residential amenity space provided indoors may be provided in rooms which are not contiguous,

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 there is an at-grade or above-grade interior connection between such buildings at or above finished ground level; and

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**

(dd) 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 a 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;

(ee) Notwithstanding Section (12)(1)(ee), one **plaza** may be located on north side of Queens Quay East in accordance with Section 12(1)(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;

(ff) Notwithstanding Section (12)(1)(ee), one **plaza** may be located on south side of Queens Quay East in accordance with Section 12(1)(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**

(gg) 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)(u) and (v) pertaining to required Build-To Lines and Sections (12)(1)(ee), (ff) and (gg) pertaining to Ground Floor Animation, shall not apply to that building or structure.

**Unit Breakdown**

(hh) 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)(●)(ii)(a) and (b) above, if a higher percentage of three bedroom dwelling units is provided in a phase than is required by subparagraphs (a) or (b)(i) 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

(ii) 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)(●)(kk), (ll), (mm), (nn), (oo) and (pp) of this Exception and the Appendices hereof which Appendices form part of this Exception 12(1) (●), 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)(●)(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.

(jj) 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.
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 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 above, 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.

(kk) 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;

(ll) 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.
The owner shall provide publicly accessible open space totaling a minimum area of 1300 metres which may be provided on a phased basis and on such terms and conditions as set out in the Master Section 37 agreement.

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.

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 area of 235 square metres; and,

B. the plaza is located within the Permitted Plaza Area identified on Map 4.

**Holding Symbol**

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 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 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 site plan application(s) to the City;

(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.

(qq) In the event of an appeal to the Ontario Municipal Board to remove a 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 Holding symbol, and/or to amending the by-law to remove the holding symbol without the execution of a settled Section 37 Agreement and to settle the plans called for under subparagraphs (rr)(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

(rr) 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 life 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. For clarity, parking pallets 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 notwithstanding that individual parking pallets will not conform to the parking space dimensions set out in 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) “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;

(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, a custom workshop, a communications and broadcast establishment 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) “Master Section 37 Agreement” means an agreement pursuant to Section 37 of the Planning Act entered into for the purposes of subparagraph (kk) of this Exception;

(xviii) “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;
“Phase Specific Section 37 Agreement” means an agreement pursuant to section 37 of the Planning Act entered into for the purposes of subparagraph (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.

“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;

“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.

“Publicly Accessible Open Space” shall mean a plaza, as defined herein, subject to the permitted projections in Section 12(1)(x) of this Exception, and in private ownership to which the public shall have access;

“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.

“sales office” means a building, structure, facility or trailer, or part thereof, used for the purposes of marketing, sales, and other functions related to a building or buildings that will be constructed on the lands shown on Map 1;

“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;

“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;

“tower” means any building with a height greater than the height established by Map 2 and,

Despite any existing or future severance, partition, or division of the lands shown 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.

Exception 12(1)(●) of By-law No.438-86 is hereby further amended by the addition of:
(j) Map 1 - Lot and Areas Subject to Maximum Density,
(k) Map 2 - Permitted Tower Areas,
(l) Map 3 - Build To Lines,
(m) Map 4 - Permitted Plaza Areas,
(n) Map 5 - Ground Floor Animation Areas,
(o) Map 6 - Tower Zones 2 and 3 Base Height Along Lake Shore Boulevard East,
(p) Appendix 1 – Section 37 Provisions,
(q) Appendix 2 - Property Specific Timely Delivery,

all of which pertain to and form part of Exception 12(1)(●).”
APPENDIX “1” TO EXCEPTION 12(1)(●)

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

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 until after the completion of the 15 year period in 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 (rr)(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 (ll)(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 (ll)(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 (ll) 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 in an Area.

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 Paragraph (ll); 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.

2. The owner shall deliver the 1% Contribution on a building by building basis, in accordance with the terms thereof 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.

3. Notwithstanding paragraphs 6 and 7 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.

4. Notwithstanding paragraphs 6 and 8, 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**

5. 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 noise consultant, and detailed design plans, which demonstrates to the satisfaction of the City that appropriate noise mitigation measures will be implemented;

   (c) 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;

   (d) 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;

   (e) 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;

   (f) 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**

6. The owner shall provide publicly accessible open space totaling a minimum area of 1300 metres, which may be provided on a phased basis and on such terms and conditions as set out in the Master Section 37 Agreement.

7. 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.
8. 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)(●)

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 (ll)(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 (II)(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.
NOTE: Survey data supplied by applicant. All dimensions in metres.
Promenade Road and Private Road are for illustrative purposes only.

3C LAKESHORE INC.
429 Lake Shore Boulevard East and 324 Cherry Street

Map A - Lands Subject to Exception

File # 10 117319

Not to Scale
05/08/2016
NOTE: All dimensions in metres. H Denotes height in metres above grade. Promenade Road and Private Road are for illustrative purposes only.
NOTE: Promenade Road and Private Road are for illustrative purposes only

3C LAKESHORE INC.
429 Lake Shore Boulevard East
and 324 Cherry Street

Map 1- Lot and Areas Subject to Maximum Density

File # 10 117319

Not to Scale
05/09/2016
NOTE: Survey data supplied by applicant. All dimensions in metres.
Promenade Road and Private Road are for illustrative purposes only.
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Promenade Road and Private Road are for illustrative purposes only.

3C LAKESHORE INC.
429 Lake Shore Boulevard East
and 324 Cherry Street
File # 10 117319

Map 3 - Build-to Lines

Not to Scale
05/08/2016
NOTE: Survey data supplied by applicant. All dimensions in metres. Promenade Road and Private Road are for illustrative purposes only.

Map 4 - Permitted Plaza Areas

3C LAKESHORE INC.
429 Lake Shore Boulevard East
and 324 Cherry Street

File # 10 117319

Not to Scale
05/08/2016
NOTE: Survey data supplied by applicant. All dimensions in metres.
Promenade Road and Private Road are for illustrative purposes only.

Areas Subject to a Ground Floor Animation Requirement

3C LAKESHORE INC.
429 Lake Shore Boulevard East
and 324 Cherry Street

Map 5 - Ground Floor Animation Areas

File # 10 117319
NOTE: Survey data supplied by applicant. All dimensions in metres. Promenade Road and Private Road are for illustrative purposes only.

AREA SUBJECT TO A REQUIREMENT THAT 65% OF THE LENGTH OF LAKE SHORE BLVD. EAST FRONTAGE CAN EXCEED A HEIGHT OF 23M.

3C LAKESHORE INC.
429 Lake Shore Boulevard East
and 324 Cherry Street
File # 10 117319

Not to Scale
05/09/2016