

CITY OF TORONTO

BY-LAW No. 752-2006(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, and By-law No. 1995-0466, with respect to the lands municipally known as 450 and 470 Lake Shore Boulevard West and certain adjacent lands.

WHEREAS this by-law is passed in implementation of the City of Toronto Fort York Neighbourhood Part II Plan, as amended, for the lands outlined by heavy lines on Plan 1 attached hereto and comprising *Block 9/10* as well as certain adjacent lands; and

WHEREAS the *owner* of *Block 9/10* applied for a zoning by-law amendment for the development of the subject lands and appealed that application to the Ontario Municipal Board; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality, and the Ontario Municipal Board on appeal, may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that where an *owner* of lands elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with such facilities, services and matters; and

WHEREAS the *owner* of *Block 9/10* has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by former City of Toronto 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 to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of *Block 9/10* and the City of Toronto (hereinafter referred to as the “City”); and

WHEREAS the Council of the *City* has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted;

THEREFORE pursuant to Order No. 2273 of the Ontario Municipal Board issued on August 11, 2006 in Board File No. PL041192, By-law No. 438-86, as amended, of the former City of Toronto is amended as follows:

1. Upon execution and registration of the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*, in accordance with the provisions of Section 6 herein, By-law No. 1995-0466 being a By-law to amend the General Zoning By-law No. 438-86, as amended, with respect to the lands generally bounded by

Strachan Avenue, Lake Shore Boulevard West, the Frederick G. Gardiner Expressway and Canadian National Railways, also known as the “*Fort York Neighbourhood*”, is amended by deleting the Fort York Neighbourhood Map, Map 2 and Map 3 and replacing them with the Fort York Neighbourhood Map, Map 2 and Map 3 in Appendix A attached hereto.

2. Upon execution and registration of the agreement(s) to be entered into with the City pursuant to Section 37 of the *Planning Act*, in accordance with the provisions of Section 6 herein, District Map 50G-311 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 2 attached hereto to “CR”, as shown on such Plan 2.
3. Upon execution and registration of the agreement(s) to be entered into with the City pursuant to Section 37 of the *Planning Act*, in accordance with the provisions of Section 6 herein, Height and Minimum Lot Frontage Map 50G-311 contained in Appendix “B” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 3 attached hereto, to “H 0.0”, “H 21.0”, and “H 74.0” as shown on such Plan 3.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the lands shown on Plan 1 attached hereto and comprising *Block 9/10* as well as certain adjacent lands.
5. None of the provisions of Section 2(1), with respect to the definition of “*grade*” and “*height*”, Sections 4(2)(a)(i) and 4(2)(a)(ii)(B), 4(12), 4(16) and 8(3) Part I of By-law No. 438-86, as amended, and none of the provisions of Sections 2, 3 and 4 of the aforementioned By-law No. 1995-0466, as amended, shall apply to *Block 9/10*, provided the provisions of Section 6 herein, and the following requirements are complied with:

MAXIMUM FLOOR AREA

- (1) No person shall within *Block 9/10* erect or use a building or structure, or portion thereof, where one or both of the following would occur:
 - (i) the total *non-residential gross floor area* exceeds 1,000 square metres; or
 - (ii) the total *residential gross floor area* or the combined *non-residential gross floor area* and *residential gross floor area* exceeds 30,886 square metres.

PARKING & LOADING

(2)

- (i) The parking requirements set out in Section 4(5) of By-law No. 438-86, as amended, shall apply to *Block 9/10*, except in the case of the uses listed in Column A below, where the minimum required number of *parking spaces* shall be as set out in the corresponding row in Column B.

Column A Type Of Use	Column B Minimum Required Number Of Parking Spaces
<i>Dwelling unit (other than alternative housing or social housing) in a building containing more than 6 dwelling units</i>	<p><i>Residents' Parking</i></p> <p>0.3 <i>parking space</i> for each <i>bachelor dwelling unit</i>;</p> <p>0.7 <i>parking space</i> for each one <i>bedroom dwelling unit</i>;</p> <p>1.0 <i>parking space</i> for each two <i>bedroom dwelling unit</i>; and</p> <p>1.2 <i>parking space</i> for each three or more <i>bedroom dwelling unit</i> contained therein</p> <p><i>Visitors' Parking</i></p> <p>0.12 <i>parking space</i> for every <i>dwelling unit</i> contained therein</p>

- (ii) Notwithstanding Sections 8(1)(f)(a)(iii) and 8(1)(f)(b)(vii) of By-law No. 438-86, as amended, no person shall provide any vehicular parking on *Block 9/10* except in a *parking space* and:
- (A) no parking shall be located in an uncovered surface parking facility except for temporary surface visitor parking for the purpose of visiting a temporary sales showroom permitted by this By-law and up to 3 short term convenience *parking spaces accessory* to the building; and
- (B) no above *grade* parking structure, or any part thereof, shall be located so as to be abutting a *street* or outdoor *residential amenity space*.

HEIGHT

- (3)
- (i) no portion of any building or structure on *Block 9/10*, shall have a *height* above *grade* exceeding the *heights* shown on Plan 3 attached hereto, but this paragraph does not prevent:
 - (A) the erection or use of roof top facilities and structures including, but not limited to, outside or open air recreation purposes, a chimney stack, stair tower or other heating, cooling or ventilating equipment or window washing equipment, provided that the maximum *height* of the top of such elements is no higher than the sum of 7 metres and the applicable *height* limit shown on Plan 3 attached hereto, and such elements occupy no more than 75% of the roof;
 - (B) within the 0 metre *height* district located within 5 metres from the Frederick G. Gardiner Expressway as shown in hatching and identified as “Gardiner Easement Area” on Plan 3 attached hereto, the erection or use of driveways, curbs or ramps as well as the erection of landscaping elements and retaining walls that are shown on site plan drawings approved pursuant to Section 41 of the *Planning Act* for development of *Block 9/10*;
 - (C) within the 0 metre height district shown on Plan 3 attached hereto that is not the Gardiner Easement Area, the erection or use of built elements related to landscaping, pedestrian safety or the provision of a pedestrian walkway; and
 - (D) parapets which are no higher than the sum of 1.5 metres and the applicable *height* limit shown on Plan 3 attached hereto.
 - (ii) No building on *Block 9/10* shall contain more than:
 - (A) 6 *stories* above *grade* within a 21 metre *height* district; and
 - (B) 24 *stories* above *grade* within a 74 metre *height* district.

RESIDENTIAL AMENITY SPACE

- (4) The *residential amenity space* requirement in Section 4(12) of By-law No. 438-86, as amended, shall apply to a building on *Block 9/10*, except that:
- (i) indoor *residential amenity space* may be provided in non-contiguous multi-purpose rooms if located on the ground floor; and

- (ii) a minimum of 90 square metres of the indoor *residential amenity space* containing a kitchen and washroom shall be provided adjoining and directly accessible to the required outdoor *residential amenity space*.

FLOOR AREA LIMITATIONS

- (5) In no case shall a building or structure exceeding 21 metres in *height* on *Block 9/10* contain a floor above the sixth floor that exceeds one or both of the following:
- (i) 887 square metres of *residential gross floor area*; or
- (ii) a width of 35 metres between the main external walls, measured perpendicular to the westerly boundary of *Block 9/10*.

SETBACKS

- (6) No person shall erect or use a building or structure on *Block 9/10* closer to a *lot* boundary than indicated by the setback line designated by the letter C as shown on Plan 4 attached hereto;
- (7) No person shall erect or use a building or structure on *Block 9/10* closer to a *lot* boundary than indicated by the setback line designated by the letter B as shown on Plan 4 attached hereto;
- (8) No person shall erect or use a building or structure on *Block 9/10* closer to the vertical projection of the existing southerly limit of the Frederick G. Gardiner Expressway than indicated by the setback line designated by the letter E shown on Plan 4 attached hereto; and
- (9) Section 5(6) herein shall only apply to those portions of a building or structure above the natural or finished surface of the ground, whichever is the lower, at all points adjacent to the exterior walls of the building or structure.

PERMITTED PROJECTIONS

- (10) Section 5(6) herein does not apply to the type of structure listed in the column entitled "STRUCTURE" in the following Chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with.

CHART

	STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A.	eaves, cornices, balustrades, mullions and parapets	1.5 metres	None

STRUCTURE		MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
B.	fences, privacy screens, pillars and safety railings	no restriction	height of fence, privacy screen, pillar or safety railing not to exceed 2.0 metres from finished ground level
C.	chimney breast	not more than 0.3 metres from the wall where it is attached	length not to exceed 2 metres
D.	uncovered platform attached to the building	not more than 1.5 metres from the wall where it is attached	None
E.	a balcony attached to the building	not more than 1.8 metres from the wall where it is attached	None
F.	a roof over a first floor platform or terrace, attached to the building	not more than 2.5 metres from the wall where it is attached	(I) the roof, if not solely supported by the building, may only be additionally supported by columns or posts; (II) the roof does not form part of the main building roof; (III) the roof does not extend beyond the side walls of the building as projected; (IV) the top of the roof is not used or designated to be used as a deck or terrace.
G.	canopy for a building	not more than 3.5 metres from where it is attached to the building	(I) the building has no more than three canopies supported only from a wall; (II) the aggregate area of the canopies not to exceed 0.4 square metres for each 100 square metres of <i>residential gross floor area</i> .
H.	erection of a bay window	0.75 metres from the wall where it is attached	(I) width not to exceed three metres measured where the window joins the wall; (II) regulations respecting minimum distances between buildings, such distances to be measured from the external face of the window or windows.

	STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
I.	vertically-oriented wind screen	not more than 2.0 metres from the wall where it is attached	None
J.	public art features	no restriction	None
K.	underground garage ramps and associated ramp structures, wheelchair ramps, stairs and stair enclosures, vents, retaining walls.	1.0 metres	maximum vertical projection does not exceed 3.5 metres above finished ground level.
L.	concrete planter walls, or cement walls and features, arbours, trellises and other landscape features.	2.0 metres	maximum vertical projection does not exceed 3.5 metres above finished ground level.

VEHICULAR ACCESS

(11) None of the provisions of Section 9(1) of By-law No. 438-86, as amended, shall apply to prevent vehicular access to *Block 9/10* being provided over abutting lands that are located within an IC or T District.

6. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted on *Block 9/10* by this By-law are permitted in return for the provision by the *owner* of *Block 9/10* of the following facilities, services and matters to the City at the *owner's* sole expense, in accordance with and subject to compliance with the provisions of the agreement(s) to be executed and registered on title to the lands as referred to in Section 6(1) herein:

Agreement

- (1) the *owner* agrees to enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by Section 6 of this By-law and consents to the registration of such agreement against title to *Block 9/10*, the said agreement to include provisions relating to indemnity, insurance, GST, termination, unwinding, registration and priority of agreement, and the indexing of financial contributions;
- (2) the *owner* shall provide to the City, immediately upon this By-law coming into full force and effect, a contribution in the amount of \$75,000.00, towards a Harbourfront Community Centre Mural Program for projects to beautify lands underneath the Frederick G. Gardiner Expressway between Dan Leckie Way and Bathurst Street; and

- (3) the *owner* shall provide to the City, prior to the issuance of an above-grade *building permit* for any building or structure on *Block 9/10*, a contribution in the amount of \$58,000.00 towards Community Services and Facilities in the Fort York Neighbourhood, including the Harbourfront Community Centre.

Levies

- (4) the *owner* shall provide to the City, prior to the issuance of a *building permit* for any building or structure on *Block 9/10* for such portion of the *residential gross floor area* and *non-residential gross floor area* permitted herein and to be permitted by such building permit:
- (i) City Development Levies in the amount of \$3,838.38 per residential *dwelling unit*, and \$1.96 per square metre of *non-residential gross floor area* of which \$209.00 per residential *dwelling unit* is to be directed toward Fort York improvements; and
- (ii) School Levies in the amount of \$1,481.62 per residential *dwelling unit*;

which levies shall be indexed from December 2004 and payment secured by agreement(s) between the *owner*, the City and/or the school boards as payment in lieu of development charges and education development charges;

Public Art Contribution

- (5) the *owner* shall provide and maintain works of public art within *Block 9/10* or cash in lieu thereof, of a value of not less than one percent of the cost of construction of development proposals thereon exceeding 20,000 square metres of *residential gross floor area*, *non-residential gross floor area*, or a combination of both, as set out in the agreement to be entered with the City pursuant to Section 37 of the *Planning Act*;

District Heating and Cooling Facilities

- (6) the *owner* shall ensure that the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting a process for the consideration by the *owner* of a proposal by Enwave District Energy Limited to service the development with a *district heating and cooling facility*;

Unit Size

- (7) the *owner* shall provide not less than 30 percent of the *dwelling units* within *Block 9/10* with the following size restrictions:
- (i) *bachelor dwelling units* or *one-bedroom dwelling units* shall not be greater than 62 square metres of *residential gross floor area*;

- (ii) *two-bedroom dwelling units* shall not be greater than 82 square metres of *residential gross floor area*; and
- (iii) *three-bedroom dwelling units* shall not be greater than 98 square metres of *residential gross floor area*.

Public Pedestrian Walkway

- (8) the *owner* shall provide and maintain a *public pedestrian walkway* over *Block 9/10* as shown on Plan 1 attached hereto, as well as adjacent lands extending between Lake Shore Boulevard West and Housey Street, that has minimum width of 2.5 metres and that is generally aligned with the westerly limit of *Block 9/10*. The specific location, configuration and design is to be determined in the context of a site plan approval for *Block 9/10* pursuant to Section 41 of the *Planning Act*;

Public Realm Master Plan

- (9) the *owner* shall implement at its own expense and in consultation with staff of City Planning, as necessary, the *Fort York Neighbourhood Public Realm Plan* and shall incorporate the same into plans and drawings submitted for approval pursuant to Section 41 of the *Planning Act* for development of *Block 9/10*;

Street Tree Irrigation

- (10) The *owner* shall, at its own expense, install and maintain in good working order and operation, an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventor to the satisfaction of the City, or some other system that is consistent with City policies;

Reports and Studies

- (11) the *owner* shall prepare and submit for the approval of the City for development on *Block 9/10* or any portion thereof:
 - (i) a *Development Context Plan*;
 - (ii) a *Phasing of Road Infrastructure Plan*; and
 - (iii) a *Municipal Servicing Plan*.
- (12) the *owner* shall submit for the approval of the City, reports related to soil and groundwater management, noise and vibration impact, air quality, stormwater management and construction management related to the development of *Block 9/10* and shall implement the recommendations described in such reports;

- (13) the *owner* shall submit for approval by the City prior to issuance of a *building permit* for any building or structure to be constructed on *Block 9/10* a construction management report outlining the technical details of such proposed development and required services relative to the Frederick G. Gardiner Expressway as shown on Plan 1 attached hereto;
- (14) the *owner* shall submit prior to the first application for approval pursuant to Section 41 of the *Planning Act*, for *Block 9/10*, or prior to release for construction of Dan Leckie Way South, an archaeological assessment and mitigation plan satisfactory to the City, and shall implement the recommendations described in such plan prior to issuance of any building permit for development on that portion of *Block 9/10* and prior to any excavation, demolition, grading or other activities that would cause soil disturbances on *Block 9/10*;

Conveyances and Streets

- (15) the *owner* shall convey to the City, prior to issuance of a final *building permit* for the first building on Block 9/10, for nominal consideration and at no cost to the City, Parts 22 and 23 on Plan 66R-22509, for public highway purposes, which conveyances shall be free and clear of encumbrances to the satisfaction of the City Solicitor;
- (16) the *owner* shall, on terms set out in an agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*, authorize access to and shall convey the lands as required in Section 6 (15) above prior to development on *Block 9/10*, if necessary, in connection with improvements to Dan Leckie Way or Lake Shore Boulevard West associated with the development of other lands within the Fort York Neighbourhood or Railway Lands West;
- (17) the *owner* shall convey, prior to issuance of a *building permit* for any building or structure to be constructed on *Block 9/10*, for nominal consideration and at no cost to the City, an easement in favour of the City over those portions of Block 9/10 identified as the “Gardiner Easement Area” on Plan 3 attached hereto and designated as Parts 28 and 29, Plan 66R-22509 for the purpose of maintenance, repair, reconstruction as well as the possible future dismantling of the Frederick G. Gardiner Expressway, which conveyances shall be free and clear of encumbrances and to the satisfaction of the City Solicitor;
- (18) the *owner* shall, at its own expense:
- (i) provide the City with funds secured by a letter of credit in an amount and a form satisfactory to the City for construction of *Dan Leckie Way South* according to the *Road Phasing Infrastructure Plan* and the *Lake Shore Boulevard Intersection Improvements* required for development of *Block 9/10*, prior to release for construction of either *Dan Leckie Way South* or the *Lake Shore Boulevard Intersection Improvements* and, in any event, prior to issuance of the first above-grade *building permit* for any building or structure on *Block 9/10*;

- (ii) environmentally remediate those parts of *Dan Leckie Way South* referred to in (i) above to the satisfaction of the City prior to issuance of above-grade *building permits* for any building or structure on *Block 9/10*; and
- (iii) construct or pay for those parts of *Dan Leckie Way South* and the *Lake Shore Boulevard Intersection Improvements* referred to in (i) above as required and to the satisfaction of the City, prior to issuance of a final *building permit* for any building or structure on *Block 9/10* subject to a 50% cost sharing arrangement with the City respecting the *Lake Shore Boulevard Intersection Improvements* only,

in accordance with the *Phasing of Road Infrastructure Plan* and the terms set out in the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*.

Cash Contributions

- (19) the *owner* shall, prior to issuance of the first above-grade *building permit* for any building or structure on *Block 9/10*, provide a cash contribution towards the construction costs of the improvements to the intersection of Bremner Boulevard, Bathurst Street and Fort York Boulevard in the amount of 2.45% of up to \$9,000,000.00 indexed from January 2005 on terms set out in the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*;

Servicing Requirements

- (20) the *owner* shall provide, to the satisfaction of the City, all matters required to service *Block 9/10*, including, but not limited to phasing of infrastructure, the retention of a satisfactory consulting engineer, site grading, the construction of services including water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems, road intersections, traffic signals and utilities (including cost sharing arrangements) and the provision of all associated letters of credit, detailed design drawings, inspection fees on terms set out in the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*.

Environmental Requirements

- (21) the *owner* shall satisfy all environmental requirements of the City such as: the environmental restoration or remediation of *Block 9/10* as well as lands to be conveyed to the City for roads and services, the retention of an environmental consultant and peer review, soil and groundwater management, certification and provision of a Record of Site Condition, the monitoring of dewatering and a commitment to mitigate as and where required by the City, noise and vibration, air quality, waste management, demolition and dust control on terms set out in the agreement to be entered into with the City pursuant to Section 37 of the *Planning Act*.

7. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 6 herein, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
8. Despite the foregoing, where the said agreement requires the provision of a facilities, services or matters prior to the issuance of a *building permit* for the proposed development of *Block 9/10*, including provision of financial securities, payment of levies or contributions, environmental requirements, construction of services and land conveyances, the *owner* may not erect or use any building or structure on *Block 9/10* until the *owner* has satisfied the said requirements and *building permit* issuance shall be dependent on the same.
9. Despite any of the foregoing provisions, the *owner* and the *City* may modify or amend the said Section 37 agreement(s) from time to time and, upon the consent of the *City* and the *owner*, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.
10. For the purposes of this By-law:
 - (1) “*art*” includes works of plastic art, works of graphic art, sculptured landscaping, fountains, and artistic treatment of fencing, walls or other building elements clearly visible at all times from public areas, including flooring, structure, lighting and furnishings, provided such elements or works have been designed by or in collaboration with artists;
 - (2) “*Block 9/10*” means the lands shown as “Block 9/10” on Plan 2 attached hereto;
 - (3) “*building permit*” means a permit to demolish a building or to construct a building, or any part thereof, pursuant to Section 8 of the *Building Code Act, 1992*, as amended, including but not limited to demolition, excavation, shoring, building or any other permit, provided that this definition does not preclude the Section 37 agreement referred to in Section 6 herein from requiring certain matters to be provided after a permit for excavations, shoring or demolition has been issued;
 - (4) “*Dan Leckie Way South*” means that part of the proposed street known as Dan Leckie Way required to be constructed by the *owner* for the development of *Block 9/10* pursuant to the *Phasing of Road Infrastructure Plan*;

- (5) “*Development Context Plan*” means a plan submitted by the *owner* satisfactory to the City for the block on which the development is located and the adjacent development blocks, the purpose of which shall be:
- (i) to provide a context for coordinated incremental development by showing the proposed development in relation to relevant adjacent conditions in the area surrounding the site;
 - (ii) to assist the City in evaluating the conformity of the proposed development with the relevant provisions of the Official Plan and the *Public Realm Plan* related thereto; and
 - (iii) to assist the City in evaluating applications for review under Section 41 of the *Planning Act*,
- and which plan shall contain the following:
- (iv) the proposed massing of buildings on the block, including *heights*, setbacks above the street wall or podium level, and distribution of density on the block, illustrating how the proposed development addresses the goals and framework set out in the Official Plan;
 - (v) the location, dimensions and character of interior and exterior publicly accessible private open spaces showing their continuity and complementary relationship to adjacent public spaces and *streets* and their pedestrian amenity including weather protection;
 - (vi) the location and dimensions of any arcades, canopies and other weather-protected routes and their relationship to the public pedestrian system;
 - (vii) the general location of parking facilities and vehicular access points which are of sufficient detail to assess the effect of these facilities on the public sidewalks and on adjacent signalized intersections;
 - (viii) the general locations of principal pedestrian entrances and their relationship to *street frontages* to ensure that such entrances reinforce the role of the *street*;
 - (ix) the general location of the public pedestrian routes including the primary system of public streets and alternative secondary routes and their relationship; and
 - (x) the location of public *street*-related uses.
- (6) “*district heating and cooling facility*” means a facility operated by Enwave District Energy Limited or an alternative facility operated by another

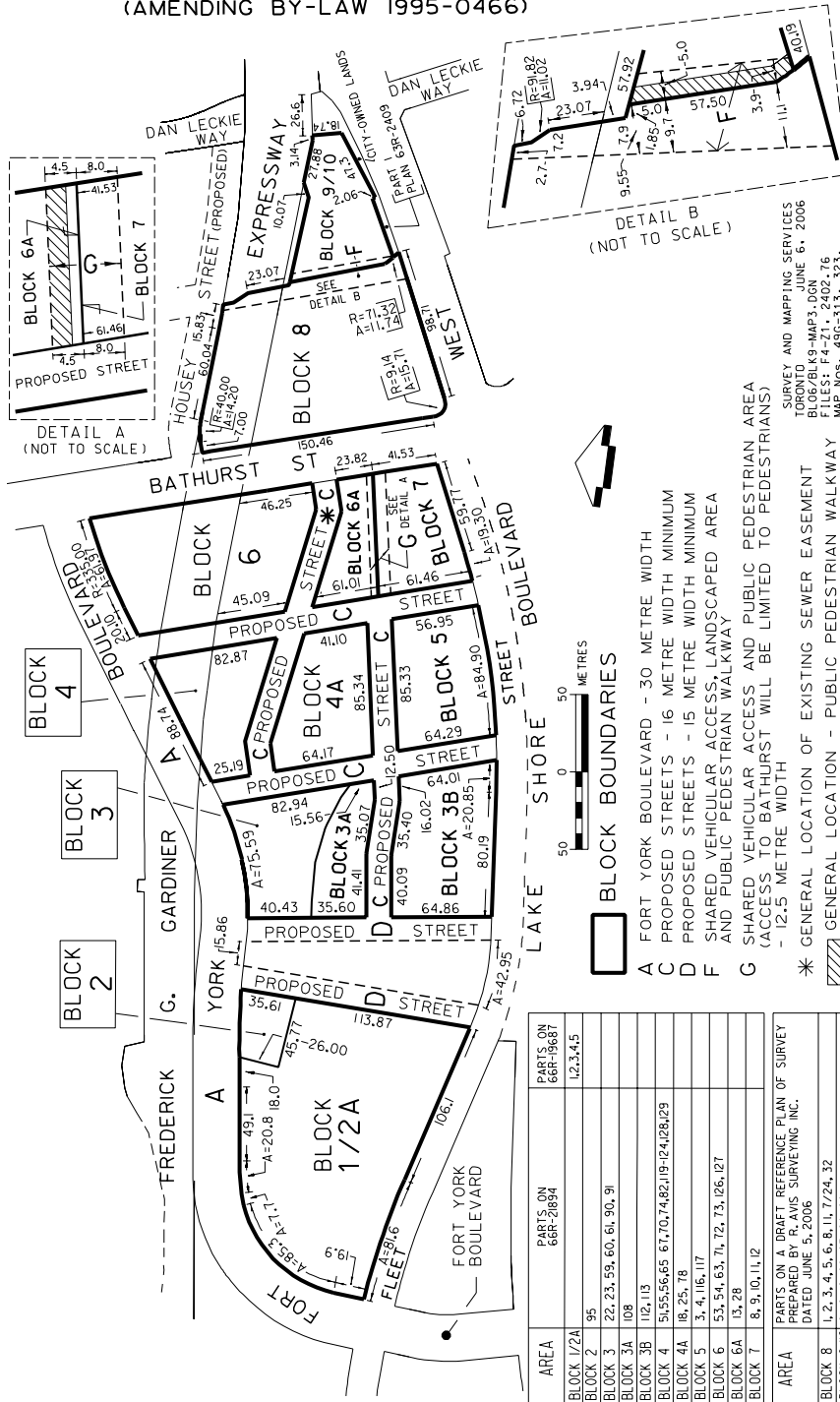
- provider for the purposes of providing heating and cooling of buildings and structures located within *Block 9/10*;
- (7) “*Fort York Neighbourhood Public Realm Plan*” means the report entitled Fort York Neighbourhood Public Realm Plan, prepared by du Toit Allsop Hillier, dated February 2004, and approved by Council of the Corporation of the City of Toronto at its meeting of May 18, 19 and 20, 2004, as may be amended from time-to-time;
- (8) “*grade*” means the average elevation of the sidewalk adjacent to Lake Shore Boulevard West;
- (9) “*height*” means the vertical distance between *grade* and the highest point of the roof or structure, exclusive of permitted projections set out in Section 5(3) herein;
- (10) “*Lake Shore Boulevard Intersection Improvements*” means the intersection and traffic signalization improvements required by the City in connection with development of *Block 9/10* within and around the intersection of Dan Leckie Way and Lake Shore Boulevard West shown on the *Phasing of Road Infrastructure Plan*;
- (11) “*Municipal Servicing Plan*” means a plan submitted by the *owner* satisfactory to the City addressing the adequacy of existing and proposed municipal services required to develop *Block 9/10*;
- (12) “*Phasing of Road Infrastructure Plan*” means a plan submitted by the *owner* of *Block 9/10* satisfactory to the City which indicates the required construction of roads and pedestrian connections for development of *Block 9/10*;
- (13) “*public pedestrian walkway*” means an interior or exterior pedestrian walkway that:
- (i) is a *publicly accessible open space*;
 - (ii) is designed and intended for and is used by the public;
 - (iii) provides direct access between *streets*, parks, public buildings and/or other public spaces, and/or *common outdoor spaces*; and
 - (iv) is not used for commercial purposes, including retail areas, commercial display areas or other rentable space within the walkway, but which may be adjacent to it.
- (14) “*publicly accessible open space*” means an open space which is:
- (i) open and accessible to the public at all times and such access may be refused, or a person required to leave the open space, in the case of any person who:

- (A) unreasonably interferes with the ability of other members of the public or lawful occupants to use the open space;
 - (B) carries on an unlawful activity;
 - (C) acts in a manner unreasonably inconsistent with the intended use of the open space;
 - (D) injures or attempts to injure any person, property or property rights;
 - (E) obstructs or injures any lawful business or occupation carried on by the building *owner* or person in lawful possession of the open space; and
 - (F) commits any criminal or quasi-criminal offence.
- (ii) illuminated to a minimum average intensity of 10 lux on the walkway surface; and
 - (iii) maintained clear of snow and ice and obstructions at all times.
- (15) with the exception of the words or expressions referred to in subparagraphs (1) to (14), each word or expression which is italicized shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 438-86, as amended.
- 11.** None of the provisions of this By-law or any restrictive By-law shall apply to prevent the use of the lands shown on Plan 1 of the By-law for temporary sales showroom for the purpose of selling the residential dwellings on *Block 9/10* set out in this By-law.
- 12.** Amend Section 12(1) of By-law No. 438-86, as amended, by deleting paragraph 210 upon this By-law coming into force.

PURSUANT TO ORDER/DECISION NO. 2273 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON AUGUST 11, 2006 IN BOARD CASE NO. PL041192.

APPENDIX A
 (AMENDING BY-LAW 1995-0466)

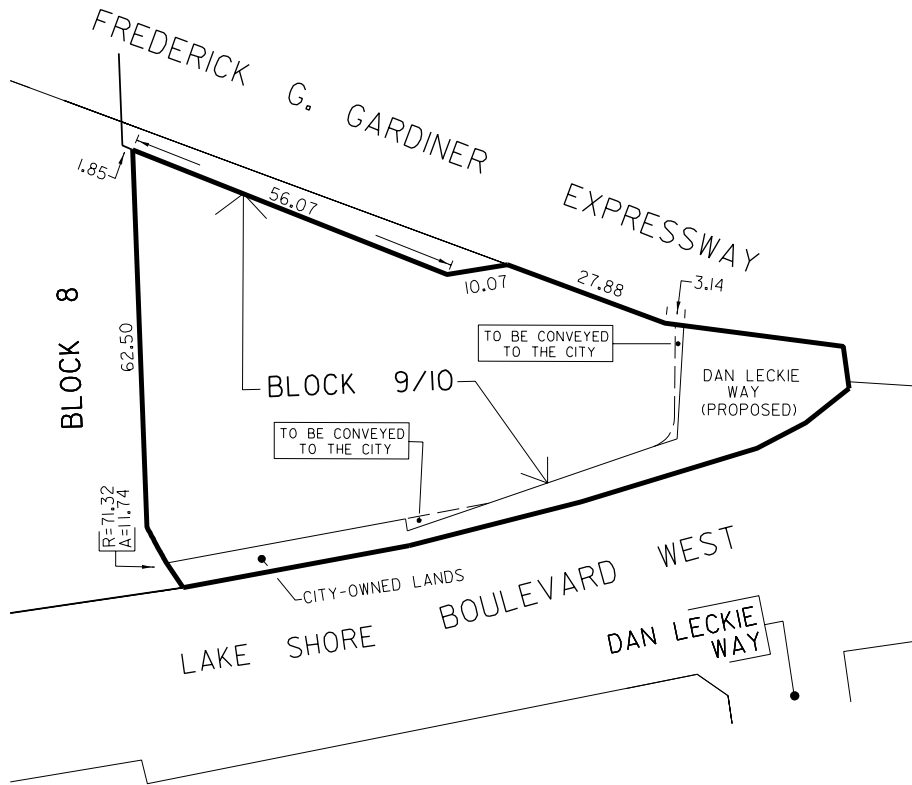
MAP 3



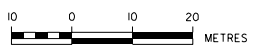
AREA	PARTS ON 66R-21894	PARTS ON 66R-19687
BLOCK 1/2A		1,2,3,4,5
BLOCK 2	95	
BLOCK 3	22, 23, 59, 60, 61, 90, 91	
BLOCK 3A	108	
BLOCK 3B	112, 113	
BLOCK 4	51, 55, 56, 65, 67, 70, 74, 82, 119, 124, 128, 129	
BLOCK 4A	18, 25, 78	
BLOCK 5	3, 4, 116, 117	
BLOCK 6	53, 54, 63, 71, 72, 73, 126, 127	
BLOCK 6A	13, 28	
BLOCK 7	8, 9, 10, 11, 12	
AREA	PARTS ON A DRAFT REFERENCE PLAN OF SURVEY PREPARED BY R. AVIS SURVEYING INC. DATED JUNE 5, 2006	
BLOCK 8	1, 2, 3, 4, 5, 6, 8, 11, 7, 24, 32	
BLOCK 9/10	9, 10, 12, 22, 23, 28, 29	

SURVEY AND MAPPING SERVICES
 TLO/BLK9-MAP3.DWG
 JUNE 6, 2006
 FILES: F4-71, 2402.76
 MAP Nos. 496-313, 323,
 50C-311 & 321
 DRAWN: VG

PLAN 2

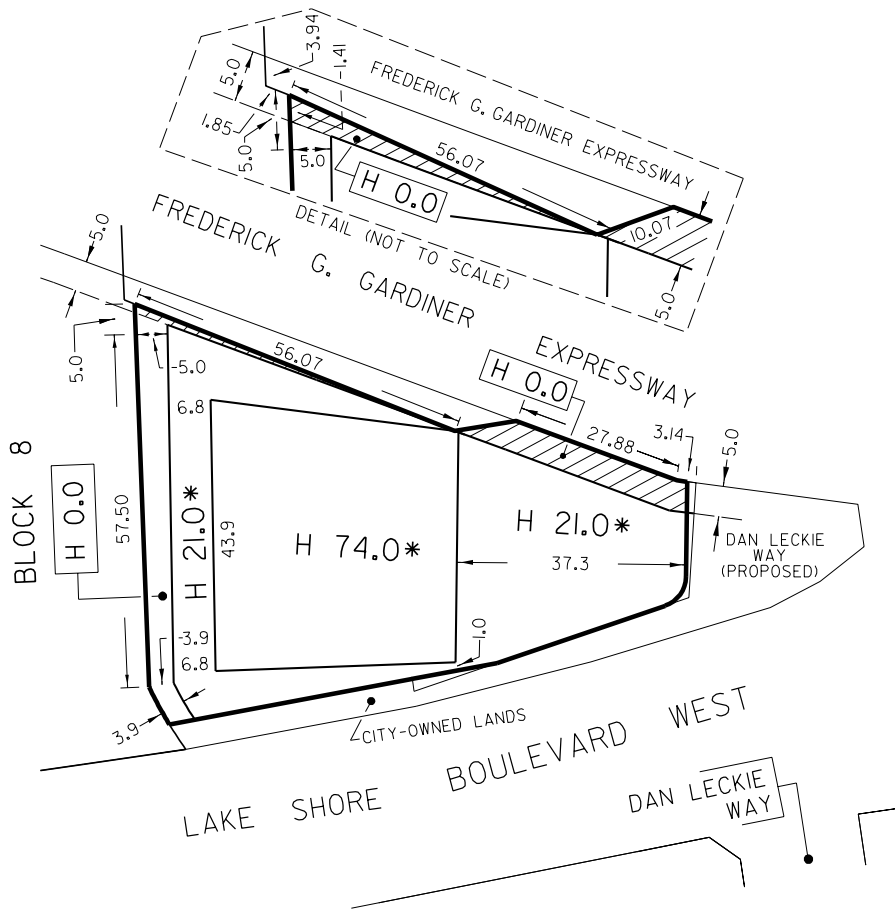


█ REDESIGNATED TO CR



SURVEY AND MAPPING SERVICES
TORONTO MAY 19, 2006
BL06/BLK9-PLAN2.DGN
FILES: 2402.76, F4-Z1, 2402.53-3
MAP No. 506-311 DRAWN: VG

PLAN 3



 GARDINER EASEMENT AREA

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

* MAXIMUM OF 6 STOREYS IN THE H21.0 ZONE AND
 MAXIMUM OF 24 STOREYS IN THE H74.0 ZONE



SURVEY AND MAPPING SERVICES
 TORONTO JUNE 2006
 BLO6/BLK9-PLAN3.DGN
 FILES: 2402.76, F4-Z1, 2402.53-3
 MAP No. 506-311 DRAWN: VG

PLAN 4

