

Authority: CC2.6, as adopted by City of Toronto Council on December 11, 2014

CITY OF TORONTO

BY-LAW No. 103-2015

To amend By-law No. 159-2012 which amended By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 30 Ordinance Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. By-law No. 159-2012 is amended as follows:

- (a) Section 3 is amended by replacing the reference to "4(4)(b)" with "4(4)";
- (b) Section 3(2) is amended by deleting "51,130 square metres" and replacing it with "55,655 square metres";
- (c) Section 3(2)(ii) is amended by deleting "48,900 square metres" and replacing it with "53,425 square metres, with an additional 1,600 square metres of *residential gross floor area* being permitted only for the use of indoor *residential amenity space* above the minimum amount required by this By-law";
- (d) Section 3(2)(iii) is amended by deleting "2,230 square metres" and replacing it with "90 square metres";
- (e) Section 3(3) is amended by deleting "higher than 15.0 metres" and replacing it with "higher than 18.5 metres";
- (f) Section 3(4) is amended by deleting "higher than 15.0 metres" and replacing it with "higher than 17.5 metres" and by deleting, "shall not exceed 750 square metres", and replacing it with, "shall not exceed 755 square metres";
- (g) Section 3(7)(i) is amended by inserting "*bike share station, bicycle parking spaces-visitor, patios and terraces*" after "porches,";
- (h) Section 3(7) is amended by adding the following subsections (v), (vi), (vii) and (viii) after subsection (iv):
 - "(v) a pedestrian bridge with a minimum vertical clearance of 5.0 metres above finished ground level may extend beyond the heavy lines shown on Map 2 to connect *Building A* shown on Map 2 with a building located on the property municipally known in the year 2013 as 45 Strachan Avenue;

- (vi) notwithstanding subsections (i) and (ii) above, permitted projections beyond the heavy lines shown on Map 2, within the area of the *lot* subject to Proposed *Public Pedestrian Easement* shown on Map 2, are limited to the following:
 - (a) lighting fixtures, trellises, planters, balustrades, parapets, wheelchair ramps, vents flush with finished grade, bicycle racks, planters, landscape and public art features; and
 - (b) structures and elements associated with *Building A* that are limited to porches, patios, architectural elements, balconies, railings, awnings, guard rails and stairs to a maximum horizontal projection of 1.0 metres for all such structures and elements;
- (vii) notwithstanding subsections (i) and (ii) above, porches, patios, terraces and balconies shall not be permitted within the 1.5 metre easterly and southerly building setbacks applicable to Building B as shown on Map 2, with the exception that balconies above a height of 8.3 metres may project into this setback area."
- (i) Section 3(8) is deleted in its entirety and replaced with the following:

"(8) *parking spaces(s)* are to be provided and maintained on the *lot* and or within permitted parking facilities on the properties municipally known in the year 2013 as 11 and 25 Ordnance Street and 45 Strachan Avenue in accordance with the following requirements;

 - (i) a minimum of 0.24 *parking space(s)* for each bachelor *dwelling unit*;
 - (ii) a minimum of 0.56 *parking spaces(s)* for each one *bedroom dwelling unit*;
 - (iii) a minimum of 0.80 *parking space(s)* for each two *bedroom dwelling unit*;
 - (iv) a minimum of 0.96 *parking space(s)* for each dwelling unit containing *three or more bedrooms*;
 - (v) a minimum of 0.12 *parking spaces* per unit will provided for the exclusive use of visitor s to the residential units and such spaces may be provided on a non-exclusive basis if you provided within a *commercial parking garage* that has been permitted on the properties municipally known in the year 2013 as 11 and 25 Ordnance Street, provided a percentage of the relocated visitors to the residential units during certain hours;

- (vi) if the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
 - (vii) notwithstanding subsections (i) through (iv) above, a reduction of four resident *parking spaces* shall be permitted for each *car-share parking space* provided and maintained on the lot, up to a maximum of 10 *car-share parking spaces*; and
 - (viii) the total minimum number of required vehicle *parking spaces*, other than those spaces used for visitors to the residential condominium(s), may be reduced at a rate of 1 vehicle *parking space* for each 5 *bicycle parking spaces* in excess of the minimum number of *bicycle parking spaces* required by this By-law provided these excess *bicycle parking spaces* are located indoors and not below P1 level and, further, provided that the reduction of vehicle *parking spaces* is not greater than 5% of the total minimum vehicle *parking spaces* required."
- (j) Section 3(9) is deleted in its entirety and replaced with the following:
- "(9) *bicycle parking spaces* are to be provided and maintained on the *lot* in accordance with the following minimum standards:
- (i) a minimum of 0.6 *bicycle parking spaces-occupant* per *dwelling unit* for residents;
 - (ii) a minimum of 0.15 *bicycle parking spaces-visitor* per *dwelling unit* for residential visitors;
 - (iii) a minimum of 0.13 *bicycle parking spaces-occupant* for non-residential uses per 100 square metres of *non-residential gross floor area*; and
 - (iv) a minimum of 0.25 *bicycle parking spaces-visitor* for non-residential uses per 100 square metres of *non-residential gross floor area* or 6 *bicycle parking spaces-visitor*, whichever is greater;"
- (k) Section 3(12) is deleted in its entirety and replaced with the following:
- "(12) a minimum of one *loading space-type "G"* shall be provided and maintained on the *lot*, which may also be shared with and used to satisfy the loading requirements of a building on the property municipally known in 2013 as 45 Strachan Avenue;"

- (l) The following new Section 3(14) shall be inserted following Section 3(13) as follows:
- "(14) notwithstanding any provisions of this By-law or By-law No. 438-86, as amended, the uses and facilities permitted on the property known in the year 2013 as 45 Strachan Avenue shall also be permitted on the *lot*."
- (m) The following new Section 3(15) shall be inserted following Section 3(14) as follows:
- "(15) notwithstanding any provisions of this By-law or By-law No. 438-86, above a height of 18.5 metres on *Building A* and 17.5 metres on *Building B*, a minimum setback of 1.5 metres will be required for any portion of a building abutting a street."
- (n) The following new Section 3(16) shall be inserted following Section 3(15) as follows:
- "(16) above a *height* of 18.5 metres, a minimum building separation distance of 25.0 metres shall be maintained between *Building A* and *Building B*, subject to the permitted encroachments set out in Sections 3(6) and 3(7) of this By-law."
- (o) Section 6 is amended to insert the following subsections (g) - (o) immediately following subsection (f):
- "(g) *"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:
- (i) 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;
 - (ii) 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
 - (iii) where the bicycles are to be parked in a *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 least 1.2 metres;
- (h) *"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

- (i) 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;
 - (ii) 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;
 - (iii) 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 least 1.2 metres; and
 - (iv) may be located outdoors or indoors;
- (i) "*bicycle stacker*" means a device where a bicycle parking space is positioned above or below another parking space and is accessed by means of an elevating device;
 - (j) "*bike share station*" means a bicycle sharing facility overseen by the Toronto Parking Authority, or its successor from time to time, where a minimum of ten (10) bicycles are capable of being securely stored and from which the general public may rent and return bicycles which are owned by a profit or non-profit bike-sharing organization;
 - (k) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building for the short term rental, including hourly rental;
 - (l) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for car-share purposes;
 - (m) "*residential amenity space*" shall mean a common area or areas within the *lot* which are provided for recreational or social purposes for use by residents of the *lot* and or residents of a building located on the property municipally known in the year 2013 as 45 Strachan Avenue;
 - (n) "*original lot*" means that portion of the *lot* identified on Map 1 forming part of By-law No. 159-2012 as originally passed by City Council on February 6 and 7, 2012;
 - (o) "*Public Pedestrian Easement*" shall mean an east-west publicly accessible pedestrian and cyclist space, as shown on Map 2 and as referenced in Section 4(9)(ii), having a minimum width of 15 metres, with the exception of projections permitted in accordance with this By-law, and connecting Ordnance Street to the future park at the lands known municipally in the

year 2013 as 10 Ordnance Street and the future Fort York Pedestrian and Cycle Bridge, the landscaping of which will be secured through the site plan approval process pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, Section 41 of the *Planning Act*, as amended."

Section 37 Matters. Services and Facilities

- (p) Section 1 is amended by deleting "in Appendix 1 hereof" and replacing it with "in Section 4 of this By-law".
- (q) Section 4(1) is amended by inserting "This amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City" after the words "the Site".
- (r) Section 4(3) is deleted in its entirety and the following Sections 4(3), (4), (5), (6), (7) and (8) inserted therefore:
 - "(3) prior to issuance of an above grade building permit for the first building within the *lot*, the owner shall make a cash contribution to the City in the amount of \$100,000.00 to be allocated toward the costs associated with the Fort York Pedestrian and Cycle Bridge and/or improvements to the area park space at the discretion of the Ward Councillor as required pursuant to the decision of the Ontario Municipal Board issued September 9, 2013 (OMB File PL130565) in connection with minor variance application A0915/12TEY. Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the Ontario Municipal Board Decision to the date of submission of the funds by the owner to the City;
 - (4) prior to issuance of an above grade building permit for the first building of structure within the *lot*, the owner shall submit a Construction Management Plan for each phase to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Building Official, in consultation with the Ward Councillor with details to be included in the Section 37 Agreement;
 - (5) prior to issuance of any building permit for a the first building or structure on the *lot*, excluding applications for and issuance of permits for shoring and excavation on the *original lot*, the owner shall have acquired all of the additional land comprising the *lot* confirmed by written notice to the City Solicitor and the agreements securing the provision of the facilities, services and matters set out in this By-law relating to the increase in height and density shall have been registered on title to all of the *lot* to the satisfaction of the City Solicitor;

- (6) prior to the issuance of any building permit for the first building or structure on the *lot*, excluding permits for shoring and excavation on the *original lot*, approvals and arrangements shall be in place to provide for the temporary relocation of existing access routes and access easements in favour of Metrolinx within the easterly limit of the *lot* (formerly part of 10 Ordnance Street) to an alternative location through 10 Ordnance Street providing access to Metrolinx infrastructure at the 'tip lands', to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks Forestry and Recreation and the Chief Corporate Officer. The timing of this requirement may be amended only with the written consent of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation, the Chief Corporate Officer and the General Manager Transportation Services;
- (7) prior to the registration of the first plan of condominium for a building on the *lot* and in support of the development, the Owner shall provide and shall thereafter maintain, at no cost to the City, a minimum of 70 additional *bicycle parking spaces* on the *lot* in excess of the minimum zoning requirements applicable to the *lot*, where with the type and location of the additional *bicycle parking spaces* is determined in the context of site plan approval for the *lot* pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, Section 41 of the *Planning Act*, as amended, and the additional spaces shall be provided in accordance with the dimensional requirements of a *bicycle parking space-occupant* or *bicycle parking space-visitor*, as the case may be, unless varied in the context of site plan approval for the *lot*; and
- (8) prior to issuance of an above grade building permit for the first building or structure on the *lot*, the owner shall, to the satisfaction of the Chief Planner and Executive Director, City Planning, provide at no cost to the City, a *bike share station* to be located on or in the vicinity of the *lot* or, at the option of the owner, submit payment for the cost of the same in lieu thereof.
- (s) Section 4(4) is renumbered as 4(9) and amended as follows:
- (i) insert the words "provide and shall" after the words "the owner shall" in the first line;
- (ii) paragraph (i) is amended by deleting "in (1), (2) and (3) above" and replacing it with "in clauses (1) to (8) above"; and
- (iii) paragraph (ii) is deleted in its entirety and replaced with the following:
- "(ii) prior to registration of a condominium for Building B, being the second tower proposed to be built on the *lot*, the owner shall

convey the *Public Pedestrian Easement* to the City for nominal consideration to the satisfaction of the Chief Planner.

(iv) a new paragraph (iv) is added after paragraph (iii) as follows:

"(iv) the owner shall implement the accepted Construction Management Plan referred to in Section 4(4) above during the course of construction on the *lot* until completion to the satisfaction of the Chief Planner and Executive Director, City Planning;"

(t) A new Section 4(10) is inserted as follows:

"(10) the owner shall not use, or permit the use of, a building or structure erected with an increase in density permitted pursuant to this By-law unless all matters, services and facilities referred to in Section 4 hereof are provided in accordance with the Section 37 Agreement;"

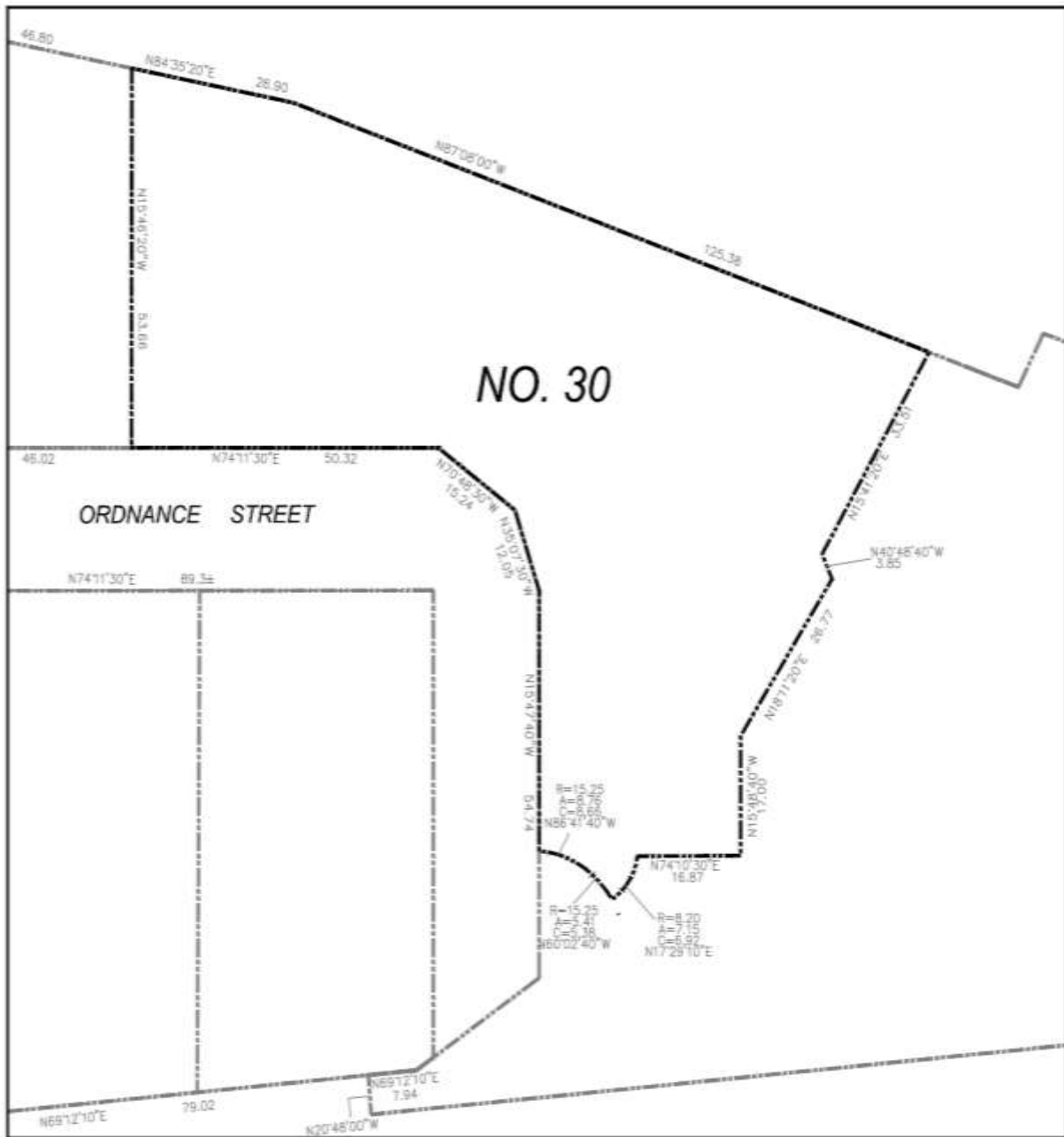
2. Except as otherwise provided herein, the provisions of By-law No. 159-2012 shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.
3. Map 1 of By-law No. 159-2012 is deleted and replaced with Map 1 attached hereto and forming part of this By-law.
4. Map 2 of By-law No. 159-2012 is deleted and replaced with Map 2 attached hereto and forming part of this By-law.

Enacted and passed on December 11, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



30 Ordinance Street, Toronto

Map 1

File #13 _____

