

Attachment 1 – Confidential Information

158, 164, 181 and 200 Sterling Road – Official Plan Amendment and Zoning By-law Amendment – Result of OMB Mediation

Date:	April 28, 2014
To:	City Council
From:	City Solicitor

CONFIDENTIAL RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council permit the conversion of a portion of the lands known as 158, 164, 181 and 200 Sterling Road from *Employment Areas* to *Mixed Use Area* and *Neighbourhood Area*.
2. City Council instruct the City Solicitor to
 - a. Request that the Minister of Municipal Affairs and Housing modify OPA 231 to permit the conversion of a portion of the lands known as 158, 164, 181 and 200 Sterling Road from *Employment Areas* to *Mixed Use Area* and *Neighbourhood Area* and for the remaining portions to be designated *General Employment Area*; and/or
 - b. Request that the Ontario Municipal Board amend OPA 231 to permit the conversion of a portion of the lands known as 158, 164, 181 and 200 Sterling Road from *Employment Areas* to *Mixed Use Area* and *Neighbourhood Area* and for the remaining portions to be designated *General Employment Area*.

CONFIDENTIAL INFORMATION

At its meeting of December 16, 2013, City Council took two steps regarding the subject lands. Firstly, Council provided confidential instructions to the City Solicitor regarding the outstanding appeals before the OMB.

Secondly, City Council delayed a decision on the conversion request for the subject lands and the recommendations of the Chief Planner pursuant to the Municipal Comprehensive Review in this regard. This effectively removed the subject lands from the mapping and employment land designations in OPA 231 which is now before the Minister of

Municipal Affairs and Housing for approval. It is important that, if OPA 231 is approved by the Minister and/or ultimately the Ontario Municipal Board, a portion of the lands at 158, 164, 181 and 200 Sterling Road are included in the amendment and designated *General Employment Area*.

It is also vital that City Council endorse the proposed conversion of a portion of these lands to non-employment uses. Doing so is necessary not only in order to allow the settlement reached through mediation, but also because it will meet the requirements of the Growth Plan for the purpose of permitting the conversion.

Results of OMB Mediation

Over the course of approximately six months, the City, the owner of the lands, residents of the area and representatives from Nestle Canada Inc., which operates the largest existing employment use in the area, have engaged in intensive mediation at the OMB.

The mediation has resulted in a draft official plan amendment and draft zoning by-law agreed upon by all parties to the OMB appeal. A copy of each draft document is attached as Schedules 2 and 3.

The draft official plan amendment would allow for a portion of the lands at the north end of the subject site to be redesignated from *Employment Areas* to both *Neighbourhoods* and *Mixed Use Areas*. However, a large portion of land that is directly adjacent to existing industrial users would remain designated exclusively for employment and open space uses. This will help mitigate any potential land use conflicts and ensure that existing employment uses will not be negatively impacted by the proposed redevelopment.

A phasing plan has been established to ensure an appropriate amount of employment uses are built prior to, and concurrent with, residential uses. As well, the phasing requires conveyance of public open space, new public roads and section 37 benefits early in the construction process. Restoration of the heritage designated Northern Aluminum Company Building at 158 Sterling Road for employment uses is also required as part of Phase 1 of the development.

The draft zoning by-law contains both maximum residential densities and minimum non-residential densities to ensure an appropriate balance of uses and the provision of a long-term permanent area of employment to act as a transition/buffer area between the proposed mixed-use area at the north end of the site and the existing employment area south of the site. Minimum and maximum heights are also established to assist in this regard.

In addition, the draft zoning by-law contains the use of a holding symbol on certain development blocks that can only be lifted upon the satisfactory submission of additional technical studies and once site plan control has been granted for each applicable phase of development.

Conversion of the Subject Lands

Under the Growth Plan, municipalities may only permit the conversion of lands within employment areas to non-employment uses through a Municipal Comprehensive Review where it has been demonstrated that certain criteria have been met. Based on the criteria in the Growth Plan, the Provincial Policy Statement, the City's Official Plan policies, and the revised development proposal for the site, it is recommended that a portion of the lands at 158, 164, 181 and 200 Sterling Road be converted in accordance with the attached draft official plan and zoning by-law amendments. The remainder of the subject lands should be retained as employment lands and OPA 231 needs to be modified or amended to designate them as *General Employment Area*.

Permitting the conversion of a portion of the subject site from employment lands to mixed use will not in and of itself negatively affect the City's ability to meet the forecasts set out in the Growth Plan. A substantial portion of the property, including a restored heritage building, will be retained and developed for employment uses. In fact, through the use of a phasing plan, minimum required non-residential densities and other restrictions, the proposed settlement provides a greater likelihood that new employment uses will actually be constructed on the site.

Given the creation of a substantial area to be conveyed to the City for park and/or public open space, and the required construction of non-residential buildings that will serve as a buffer between the proposed mixed use buildings and the area of employment, any potential land use conflicts have been mitigated to ensure that existing employment uses will not be negatively impacted by the proposed redevelopment.

City Planning staff have been consulted and involved in both the OMB mediation and the analysis provided in this report. In addition, the other parties to the hearing, including Nestle Canada Inc., have been part of the OMB mediation, and are supportive of this settlement.

Schedule 1

DRAFT OFFICIAL PLAN AMENDMENT

Authority: Ontario Municipal Board Order issued _____ in Board File No. PL130380

CITY OF TORONTO
BY-LAW No. ~2014 (OMB)

To adopt Amendment No. ~ of the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2013 as 158, 164, 181, and 200 Sterling Road.

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c.P 13, as amended, upon hearing the appeal of the owner of the lands, to approve this By-law;

Therefore the Official Plan of the City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. The attached Amendment No. ~ to the Official Plan of the City of Toronto is hereby adopted pursuant to the *Planning Act*, as amended.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON***** 2014 UNDER BOARD FILE NO. PL130380.

**DRAFT AMENDMENT NO. ~ TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN 2013 AS 158, 181, 200 Sterling Road**

1. Land Use Map 18 is amended as follows:
 - a. Redesignating the lands as shown on Map 2.
2. Chapter 7, Map 29, Site and Area Specific Policies is revised to add the lands known municipally in 2013 as 158, 164, 181 and 200 Sterling Road shown as Site and Area Specific Policy No. ____.
3. Chapter 7 Site and Area Specific Policies is amended by adding Site and Area Specific Policy No. ____ for the lands known municipally in 2013 as 158, 164, 181 and 200 Sterling Road as follows:

No. ~ 158, 164, 181, and 200 Sterling Road Regeneration Project

Context:

The property is located in one of Toronto's older neighbourhoods and has historically housed a mix of employment and residential uses. New development should contain a mix of employment and residential opportunities and provide an appropriate contextual relationship with the surrounding area, and should not negatively impact existing employment uses in the area.

a) New development of the site, shown on Map 1, will be planned comprehensively and will:

- i. provide a variety of uses, including a significant amount of employment uses, low-rise residential units and taller mixed-use buildings containing commercial and residential opportunities provided that:
 - a. the maximum residential GFA on the site does not exceed 50,180 square metres;
 - b. a minimum non-residential GFA to be constructed on the site shall be prescribed in the zoning by-law;
 - c. if the property is designated *Mixed Use Areas* on Map 2, the building will provide for a satisfactory living environment compatible with the employment uses in the adjacent area, or

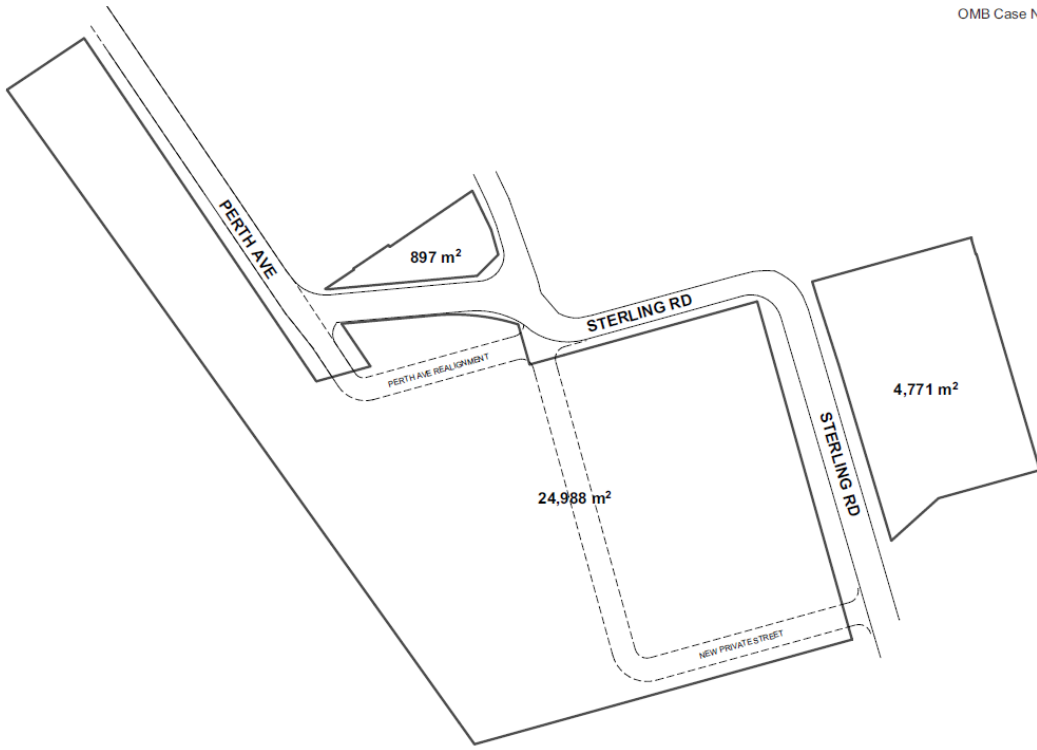
- d. if the property is designated *Employment Area* on Map 2, the employment uses are restricted to those compatible with residential in terms of emissions, odour, noise and generation of traffic.
- ii. Include new public parkland on either Block 5C or Block 2, to be determined at the City's sole discretion;
- iii. Provision of appropriate access to the West Toronto Rail Path through the site;
- iv. Include a new publicly accessible open space on Block 3D with a minimum size of 1,000 square metres;
- v. Include new publicly accessible open space on Block 4C, with a minimum size of 300 square metres; and
- vi. Include the realignment of Perth Avenue.

It is intended that the *Employment Areas* designation as shown on OPA Map 2 and including Blocks 3A, 4A, 5A and Block 3C as shown on OPA Map 3 shall provide for a long-term permanent employment area to act as a transition/buffer area between the new *Mixed Use Areas* designation to the north and existing employment uses within the *Employment Areas* designation to the south. No residential uses, live-work uses, or other similar character sensitive uses shall be permitted within this designation and such uses shall further be restricted in the implementing zoning by-law;

- b) **To ensure the orderly development of the Site, development will be subject to the following controls to be detailed in the implementing zoning by-law:**
 - i. a minimum height of 12 metres for Blocks 3A, 4A and 5A shown on Map 3;
 - ii. minimum densities for Blocks 3A, 4A and 5A shown on Map 3;
 - iii. use provisions to exclude certain sensitive, or contextually inappropriate uses from the site;
 - iv. phasing of development on the site as follows, based on the Blocks shown on Map 3 and the requirements of the implementing zoning by-law:

- a. Phase 1 shall include Block 1 and the restoration and adaptive re-use of the heritage structure on Block 3C,
 - b. Phase 2 shall include Blocks 3A, 3B and 4B, the preparation to base park standards and conveyance to the City of the required public parkland or other arrangements regarding the required public parkland conveyance to the satisfaction of the City Solicitor, the required publicly accessible open spaces, the realignment of Perth Avenue; and the creation of the private internal street, as shown on Map 3,
 - c. Phase 3 shall include Block 5A,
 - d. Phase 4 shall include Block 5B,
 - e. Blocks 2 and 4A may be developed at any time;
- v. use of a holding symbol “(h)” on certain blocks to ensure the development proceeds in an orderly fashion. Such holding symbol may be removed once the following have been secured to the satisfaction of the City of Toronto:
- a. Updated traffic impact and parking supply studies for the subject Phase;
 - b. Confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation issues have been appropriately addressed in the site plan control application for the applicable Phase;
 - c. Submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable Phase;
 - d. Submission of a Heritage Impact Statement to the satisfaction of Chief Planner regarding the adaptive re-use of the heritage building on Block 3C, for its respective Phase; and
 - e. The conveyance of public parkland as required by the City.
- vi. the applicant entering into an agreement pursuant to S37 of the Planning Act.

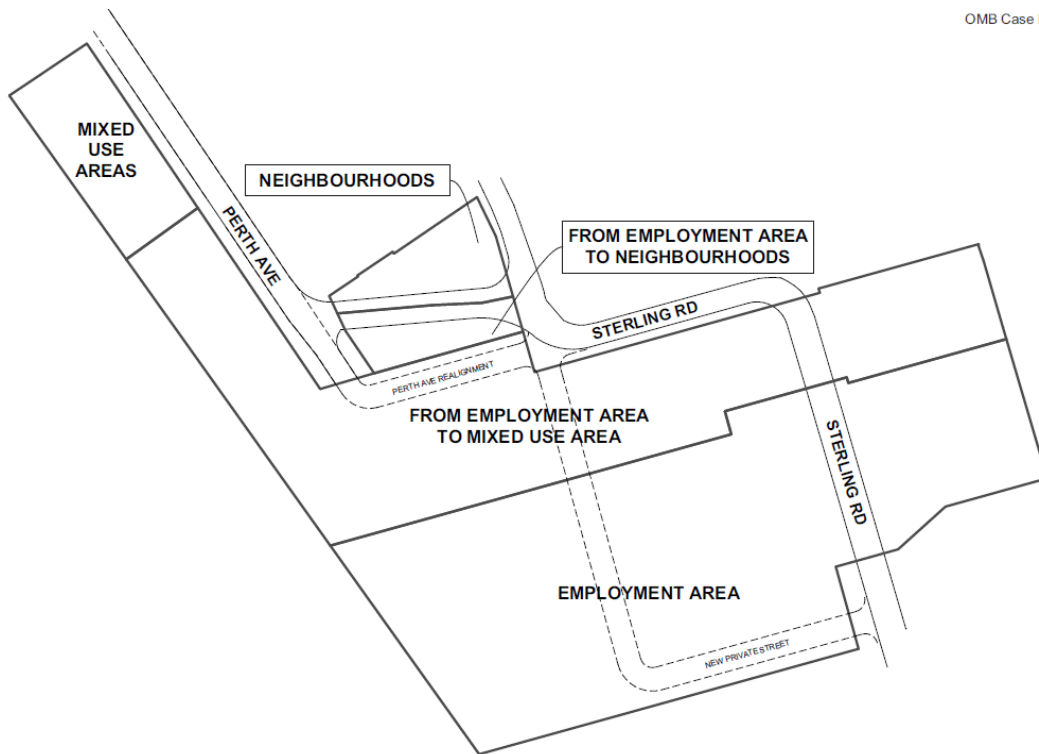
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158 STERLING ROAD
OPA MAP 1: Site

Prepared & Printed: 4/4/2014

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158 STERLING ROAD
OPA MAP 2

Prepared & Printed: 4/4/2014

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158 STERLING ROAD
OPA MAP 3: Blocks

Prepared & Printed: 4/4/2014

Schedule 2

Draft Zoning By-law Amendment

Authority: Ontario Municipal Board Order issued January 15, 2014 in Board File No. PL130380

CITY OF TORONTO
BY-LAW No. ____ 2014 (OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting the lands identified on Map 1 including 158, 164, 181, and 200 Sterling Road.

Whereas the owner of the lands known municipally in the year 2014 as 158, 164, 181, and 200 Sterling Road appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas authority is given to the Ontario Municipal Board under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the Owners of the lands, to pass this By-law;

Therefore By-law No. 438-86, as amended, of the former City of Toronto, is further amended by the Ontario Municipal Board as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision 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.
3. 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*, 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.

4. District Map No. 48H-322 contained in Appendix “A” of By-Law 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of land other matters relating to buildings and structure 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 rezoning the lands as shown on Map 2.
5. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the *site*.

PERMISSIVE EXCEPTION

6. Section 12(1) of By-law No. 438-86 is amended by adding the following exception:

No. X. to prevent the erection of buildings or structures or the use of lands at 158, 164, 181, and 200 Sterling Road, collectively referred to as “the *Site*” delineated by heavy lines on Map 1, in accordance with the following provisions:

(1) DENSITY

(a) the total combined *non-residential gross floor area* shall not exceed 52,420 square metres and the total combined *residential gross floor area* on the *site* shall not exceed 50,180 square metres, of which the permitted *gross floor area* for each *Block*, as illustrated on Map 3, is as follows:

Development Block	Maximum residential gross floor area (square metres)	Maximum non-residential gross floor area (square metres)	Maximum Total gross floor area
1	5,230	0	5,230
2	5,750	1,250	5,750
3A	0	7,940	7,940
3B	10,865	1,240	12,105
3C (heritage building)	0	10,195	10,195
3D (open space)	0	0	0
4A	0	11,020	11,020
4B	14,085	910	14,995
4C (open space)	0	0	0
5A	0	18,315	18,315
5B	14,250	1,550	15,800
5C (park dedication)	0	0	0
5D (open space)	0	0	0

(b) the minimum *non-residential gross floor area* on *Blocks 3A, 4A and 5A* shall be 2.0 times the area of each *Block*. For the purposes of calculating the minimum *non-residential gross floor area*, above grade *parking spaces* shall not be included within the calculation of *non-residential gross floor area*.

(c) the minimum *non-residential gross floor area* on *Blocks 3B, 4B and 5B* shall be 90 percent of the maximum *non-residential gross floor area* for each *Block*.

(2) BUILDING ENVELOPES

(a) No part of any building or structure erected or used above finished ground level shall be located outside the heavy *building envelope* lines shown on Map 4;

(b) Except where a heavy line shown on Map 4 is contiguous with the boundary of an adjacent public right of way, the following elements may project beyond the heavy *building envelope* line shown on Map 4, up to the boundary of the public right of way:

- i. eaves, awnings and building cornices;
- ii. canopies to a maximum projection of 2.5 metres beyond the heavy lines on Map 4; and,
- iii. light fixtures, ornamental and architectural elements, parapets, railing and fences, chimney breasts, vents, wheelchair ramps, retaining walls, planters, trellises, window sills, stairs, stair landings, covered stairs, solar panels, underground parking garage ramps, landscape and public art features, and elements of an outdoor amenity space and green roof.

(3) BUILD-TO LINES

(a) no building may be erected or used on *Blocks 3A, 4A or 5A* unless:

- i. an exterior face of the building is located no more than 3.0 metres inset from the *build-to line* shown on Map 5 for a minimum *height* of 12.0 metres.

(4) HEIGHT and SETBACKS

(a) the *height* of each portion of a building or structure erected above *grade* within the *site*, in respect of each *building envelope* area, has a maximum *height* in metres as shown following the symbol "H", and a maximum number of storeys as shown following the symbol "ST" on Map 4 for the corresponding *building envelope* area, except for:

- i. the structural projections permitted in Section 2(b) of this exception;
- ii. parapets are permitted with a maximum height of 1.1 metres above the *height* limits shown on Map 4;

- iii. guard rails, screens, balustrades, terrace and balcony railing and dividers are permitted with a maximum height of 1.5 metres above the *height* limits shown on Map 4;
- iv. structures on the roof of a building, used for outside or open air recreation, safety or wind protection purposes are permitted with a maximum *height* of 2.0 metres above the *height* limits shown on Map 4 provided such structure does not enclose space so as to constitute a form of penthouse or other room or rooms, and is located 5.0 metres from the building face; and
- v. the building elements and structures identified in Section 4(2)(a)(i) of By-law No. 438-86, as amended, shall be permitted on to a *height* of 6.0 metres plus the *height* limit applicable to the *Block* provided that:
 - 1. 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, does not exceed 30 percent of the area of the roof of the building; and
 - 2. no part of the structure or the enclosure is located closer than 3.0 metres from an adjacent outdoor wall, or a vertical projection of the wall.

(5) PERMITTED USE

(a) the following uses shall be permitted within a CR district on *Block 1* as shown on Map 2:

- i. *row houses*.

(b) the following uses shall be permitted within an R4A district on *Block 2* as shown on Map 2:

- i. those uses permitted within an R4A district in section 6(1)(f), with the exception of:
 - 1. *keeping of roomers or boarders; converted dwelling and rooming houses; rooming houses;*
- ii. those uses permitted within a CR district in section 8(1)(f)(b)(iv) provided they are limited to the ground floor with entrances permitted only from the south side of the *Block*; with the exception of:
 - 1. *automotive service and repair shop; brew-on-premises establishment; commercial bath; concert hall; courier services; dry-cleaner's distributing station; dry-cleaning*

shop; laundry shop; pawnbroker's shop; newspaper plant; undertaker's establishment;

(c) the following uses shall be permitted within a CR district on *Blocks 3B, 4B and 5B* as shown on Map 2:

i. those uses permitted within a CR district in section 8(1)(f)(a) and (b), except for an *automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop Class A, or commercial parking lot.*

(d) the following uses shall be permitted within an IC district on *Blocks 3A, 3C, 4A and 5A* as shown on Map 2:

i. those uses permitted within an IC district in section 9(1)(f)(b), except for:

1. commercial and municipal baths; *place of assembly; place of amusement; arena, stadium, race track;*
2. *community centre; place of worship;*
3. a *retail store*, unless it is ancillary to another permitted use or uses and does not exceed 10% of the *gross floor area* of the *Block*.
4. *artist live/work studio;*
5. *automobile service and repair shop, automobile service station, car washing establishment, motor vehicle repair shop Class A, or commercial parking lot;*
6. *Storage Warehouse Class A*
7. *drive-through facility.*

ii. Arts related exhibition spaces and galleries.

iii. those manufacturing and related uses permitted within an I2 district in section 9(1)(f)(b)(xiii) of former City of Toronto By-law No. 438-86.

(e) any instance of a *restaurant* that may be permitted in (5)(a), (b), (c) or (d), above, must not exceed 200 square metres.

(f) where zoning for a *Block* is followed by an “(h)” holding symbol the following uses will be permitted prior to the removal of the “(h)” and shall not be subject to the requirements of the “(h)”:

1. *commercial parking lot*, provided that such a lot is a temporary use not extending more than 5 years from the date of site plan approval for such use;
2. *open air market*;
3. *market gardening*; and
4. publicly accessible open space.

(6) VEHICULAR PARKING

(a) parking spaces shall be provided in accordance with Special Policy Area 3:

(i) at a minimum rate of:

- (a) 0.6 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres;
- (b) 0.7 for each one bedroom dwelling unit;
- (c) 0.9 for each two bedroom dwelling unit; and
- (d) 1.0 for each three or more bedroom dwelling unit; and

(ii) at a maximum rate of:

- (a) 0.9 for each bachelor dwelling unit up to 45 square metres and 1.3 for each bachelor dwelling unit greater than 45 square metres;
- (c) 1.0 for each one bedroom dwelling unit;
- (d) 1.3 for each two bedroom dwelling unit; and
- (e) 1.5 for each three or more bedroom dwelling unit.

(iii) parking space for visitors must be provided at a minimum rate of 0.1 for each dwelling unit

(iv) parking spaces for mixed use buildings are to be provided at the same rate as a dwelling unit in an apartment building (tenant requirement).

(v) parking spaces must be provided at a minimum rate of 1.0 for each Townhouse unit.

(vi) parking spaces for Office (excluding Medical office) a minimum rate of 1.0 for each 100 square metres of gross floor area; and a maximum rate of 2.0 for each 100 square metres of gross floor area.

(b) notwithstanding the number of parking spaces required by (6)(a) above, the minimum requirement for office uses shall be 1.5 spaces per 100 square metres of office space.

(c) notwithstanding the number of parking spaces required by (6)(a) above, the minimum resident parking requirement may be reduced by 4.0 parking spaces for each car share parking space provided on the lot to a maximum determined

by the following formula: $4 \times (\text{Total number of units} / 60)$, rounded down to the nearest whole number.

- (d) parking for *Blocks 4A, 3C, 3A and 5A*, may be provided on *Blocks 4A, 4C, 3D, 3C, 3A and 5A*, provided that any parking on *Block 4C and 3B* is solely located below grade.
- (e) the required residential visitor parking spaces for any *Block* in the CR zone will be dedicated for use by visitors, and will be provided at no cost to the visitor.
- (f) A minimum of 2.0 parking spaces shall be provided in *Block 3B* for the exclusive use of the *day nursery*.

(7) LOADING

Will be provided as per former City of Toronto By-law 438-86.

(8) AMENITY SPACE

Will be provided as per former City of Toronto By-law 438-86 and may not be located below *grade*.

(9) BIKE PARKING

Will be provided as per former City of Toronto By-law 438-86, except that:

- (a) Required bicycle parking may be located on an adjacent *Block* within the same zone,
- (b) Required bicycle parking may be located on either of the adjacent publicly accessible open space *Blocks 3D and 4C*, provided that such spaces do not exceed 10% of area of such *Blocks*;
- (c) Required bicycle parking may be located either on P1 or Ground levels or at grade;

(10) UNIT BREAKDOWN

- (a) 30% of all residential dwelling units across the *Site* will contain at least 2 or more bedrooms; and
- (b) A minimum of 10% of all residential units across the *Site* will contain at least 3 or more bedrooms.

(11) PHASING

- (a) the lands shall be developed in accordance with the following phasing plan:
 - i. *Phase 1* shall include *Block 1* and the restoration and adaptive re-use of the heritage structure on *Block 3C*.
 - ii. *Phase 2* shall include *Blocks 3A, 3B and 4B*, the preparation to base park standards and conveyance to the City of the required public

parkland or other arrangements regarding the required parkland conveyance to the satisfaction of the City Solicitor, the required publicly accessible open spaces, the realignment of Perth Avenue and the creation of the private internal street, as shown on Map 3.

- iii. *Phase 3* shall include *Block 5A*.
- iv. *Phase 4* shall include *Block 5B*.
- v. *Blocks 2* and *4A* may be developed at any time subject to the removal of the (h).

(12) HOLDING SYMBOL “(h)”

(a) lands identified as *Blocks 1, 2, 3A, 3B, 3C, 3D, 4B, 4C, 5C* and zoned with the "(h)" symbol shall not be used for any purpose other than as provided for in section (5) above until the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol in whole or in part shall be enacted when the implementation of the following conditions have been secured:

- i. confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation and mitigation issues have been appropriately addressed in the site plan control application for the applicable *Phase* to the satisfaction of the Chief Planner; *and*
- ii. submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable *Phase*.
- iii. submission of a Heritage Impact Statement to the satisfaction of Chief Planner regarding the adaptive re-use of the heritage building on *Block 3C*.
- iv. conveyance of the public park to the satisfaction of the City Solicitor.

(b) lands identified as *Blocks 4A, 5A, 5B* and zoned with the "(h)" symbol shall not be used for any purpose other than as provided for in section (5) above until the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol in whole or in part shall be enacted when the implementation of the following conditions have been secured:

- i. the submission of a Traffic Impact and Parking Supply Study satisfactory to the Executive Director of Engineering and Construction Services, , for the applicable *Phase*;
- ii. confirmation from Metrolinx and/or other applicable operators of the adjacent rail corridors that separation and mitigation issues have been

appropriately addressed in the site plan control application for the applicable *Phase* to the satisfaction of the Chief Planner; *and*

- iii. submission of an application for site plan control with building designs satisfactory to the Chief Planner for the applicable *Phase*.

(c) In addition to the foregoing, lands identified as *Block 2* on Map 3 shall not be used for any purpose other than open space until the City has accepted the conveyance of *Block 5C* as public parkland.

(13) DEFINITIONS

(a) For the purposes of this exception, the following expressions shall have the following meaning:

- i. “Block” means any one of the *Blocks* as defined;
- ii. “Blocks” means any or all of the *Blocks* defined in Section 13(a)(iii) below, as the case may be;
- iii. “Block 1”, “Block 2”, “Block 3A”, “Block 3B”, “Block 3C”, “Block 3D”, “Block 4A”, “Block 4B”, “Block 4C”, “Block 5A”, “Block 5B”, “Block 5C” and “Block 5D” means those lands respectively delineated and identified as *Block 1*, *Block 2*, *Block 3A*, *Block 3B*, *Block 3C*, *Block 3D*, *Block 4A*, *Block 4B*, *Block 4C*, *Block 5A*, *Block 5B*, *Block 5C* and *Block 5D* on Map 3 attached to and forming part of this by-law;
- iv. "building envelope" means a building envelope for each *height* area within the *site* as shown by an "H", and as delineated by the lines on Map 4 attached hereto;
- v. "By-law No. 438-86" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
- vi. “grade” shall mean 111.9 m above sea level;
- vii. "height" means the vertical distance between *grade* and;
 - a. in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof; and
 - b. in the case of another kind of roof, the highest point of the roof;
- viii. “phase” means one or more of the *Blocks* or other elements of the *site*

to be developed in an order as set out in section (8) of this by-law.

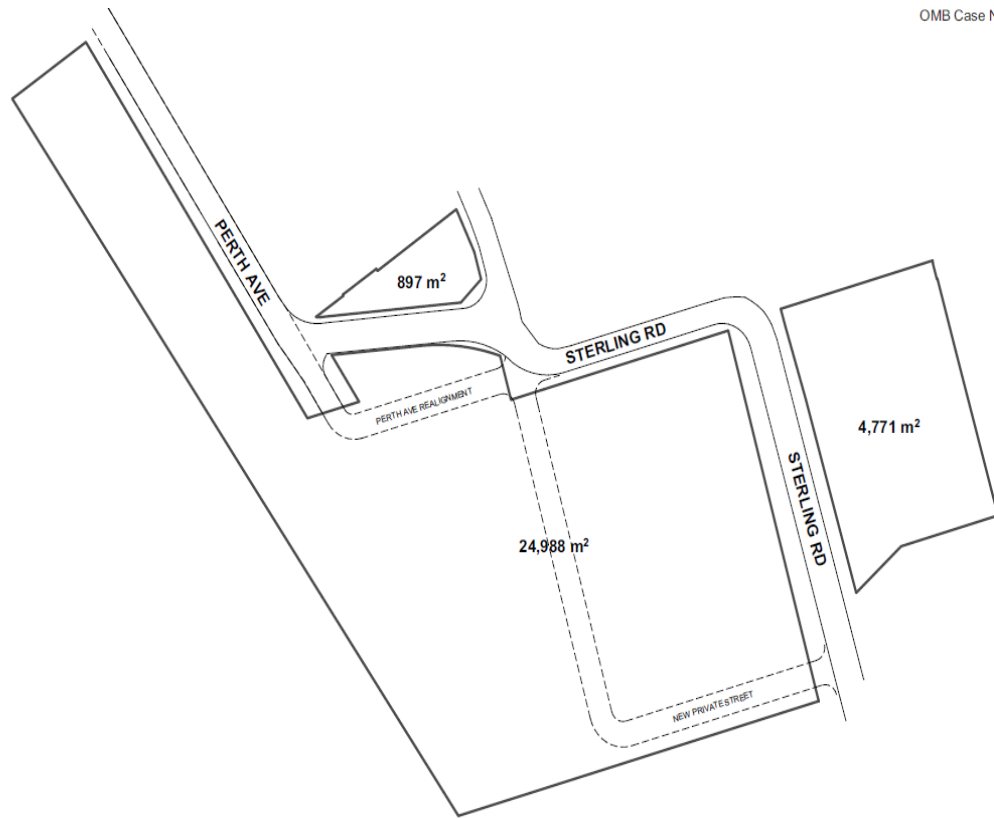
- ix. "Site" means those lands outlined by heavy lines on Map 1 attached hereto; and
- x. each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

APPENDIX 1 SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

1. A 36-space *day nursery* to be built as part of *Block 3B* or a \$1.2 cash contribution towards the provision of a *day nursery* on the site or in the vicinity of the site, which is to be determined at the discretion of the Chief Planner in consultation with the ward councilor; and
2. Prior to the issuance of any above grade building permit for Phase 2:
 - a. \$1.7 million in land and or cash or a combination thereof for the provision of affordable housing on-site or in the immediate vicinity of the site, which is to be determined at the discretion of the Chief Planner in consultation with the ward councillor in accordance with the terms of the Section 37 agreement; and
 - b. \$800,000 for park improvements, on-site affordable housing, and/or a *day nursery*.
3. All of the above amounts shall be indexed upwardly annually in accordance with the Construction Price Statistics, calculated from the date of the Section 37 Agreement until the date of the delivery of the payment.

DRAFT



158 STERLING ROAD
ZBL MAP 1: Site

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