

Authority: Toronto and East York Community Council Item 25.10,  
as adopted by City of Toronto Council on April 29 and 30, 2009  
Enacted by Council: April 30, 2009

## CITY OF TORONTO

### BY-LAW No. 494-2009

**To amend By-law No. 168-93 of the former City of Toronto, being the Railway Lands East Area A Zoning By-law, as amended, with respect to the lands bounded by York Street, Bremner Boulevard, Grand Trunk Crescent and Lake Shore Boulevard West (16 York Street, Block 9 Railway Lands East).**

WHEREAS authority is given to Council by Section 16 of the *City of Toronto Act, 1971*, as amended, to pass this By-law; and

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

WHEREAS the Toronto and East York Community Council conducted a public meeting on April 21, 2009 under Section 34 of the *Planning Act* regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on April 29 and 30, 2009, determined to amend Zoning By-law No. 168-93, as amended, of the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 16 of the *City of Toronto Act, 1971*, as amended, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City as the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 17 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 16 of the *City of Toronto Act, 1971*, as amended, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* 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 requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 168-93, as amended, 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 the Railway Lands East Area A," shall continue to apply to the lands comprising *block 9*.

4. The Maps appended to By-law No. 168-93 of the former City of Toronto, as amended, are further amended as follows:
- a. Alternate Map 3, as amended, is further amended, as it applies to *block 9* in accordance with Map 1 attached hereto and forming part of this by-law;
  - b. Alternate Map 4, as amended, is further amended, as it applies to *block 9* in accordance with Map 2 attached hereto and forming part of this by-law;
  - c. Alternate Map 5, as amended, is further amended, as it applies to *block 9* in accordance with Map 3 attached hereto and forming part of this by-law;
  - d. Alternate Map 6, as amended, is further amended, as it applies to *block 9* in accordance with Map 4 attached hereto and forming part of this by-law;
  - e. Alternate Map 10, as amended, is further amended, as it applies to *block 9* in accordance with Map 5 attached hereto and forming part of this by-law;
  - f. Alternate Map 11, as amended, is further amended, as it applies to *block 9* in accordance with Map 6 attached hereto and forming part of this by-law;
  - g. Alternate Height Map 50G-323, as amended, is further amended, as it applies to *block 9* in accordance with Map 7 attached hereto and forming part of this by-law; and
  - h. Alternate Map 20 and Alternate Map 21 are added.
5. Section 2(1) – DEFINITIONS, of the said By-law No. 168-93, as amended, is further amended by adding the following definitions:
- “parcel one”, “parcel two” and “parcel three” shall mean those lands on block 9 respectively designated and shown as PARCEL ONE, PARCEL TWO and PARCEL THREE on Alternate Map 21 and “parcel” shall mean any one of parcel one, parcel two or parcel three;”*
6. Section 6(4) – EXCEPTIONS TO PERMITTED USES AND RESTRICTIONS ON USE, of the said By-law No. 168-93, as amended, is further amended by replacing the word “and” between the numbers “17” and “18” in Section 6(4)8.(1)(a) with a comma, and adding a comma and the words “20 and 21” after the number “18” in said Section.

7. Section 6(4)8.(2) PART I – DENSITY 1. MAXIMUM FLOOR AREA: MIXED USE, NON-RESIDENTIAL AND RESIDENTIAL BUILDINGS, of the said By-law No. 168-93, as amended, is further amended with respect to *block 9* as follows:

COLUMN A BLOCK	COLUMN B MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN C MAXIMUM RESIDENTIAL GROSS FLOOR AREA (square metres)	COLUMN D MAXIMUM COMBINED FLOOR AREA (square metres)
<i>block 9, parcel one</i>	275	38,957	39,232
<i>block 9, parcel two</i>	755	47,144	47,899
<i>block 9, parcel three</i>	74,513	0	74,513

8. Regulation (b) of Section 6(4)8.(2) PART I DENSITY 3. EXCEPTION: BLOCKS 2A, 4, 5, 7A AND 9 – STREET RELATED RETAIL AND SERVICE USES of the said By-law No. 168-93, as amended, is further amended by replacing the period at the end of paragraph (b) with a semicolon and adding the following after the semicolon:

“and except on *block 9*, in which case, paragraph (a) shall not apply provided *street-related retail and service uses* occupy at least 40 per cent of the length of the building face as shown by the heavy line marked on Alternate Map 10.”

9. Section 6(4)8.(3) PART II HEIGHT LIMITS – BUILDINGS AND STRUCTURES – EXCEPTION, of the said By-law No. 168-93, as amended, is further amended by adding a new section as follows:

“6. None of the provisions of Section 4(3)(a) shall apply to prevent within *block 9* the erection or use of:

- (i) any stair tower, elevator shaft, dynamic damper, chimney stack or other heating, cooling or ventilating equipment or window washing equipment located on the roof of a building or any fence wall or structure enclosing such elements provided that the maximum *height* of the top of such elements or enclosure is no higher than the sum of 5 metres plus the *height* limit otherwise applicable;
- (ii) any structure, located on the roof of such building, used for outside or open air recreation, safety or wind protection purposes, provided that:
  - A. the maximum *height* of the top of such structure is no higher than the sum of 5 metres plus the *height* limit otherwise applicable;
  - B. such structure may be located adjacent to an outside wall or any vertical projection of such wall; and

- C. such structure does not enclose space so as to constitute any form of penthouse or other rooms or rooms; and
- (iii) any architectural design element located on the roof of such building provided that:
  - A. the maximum *height* of the top of such structure is no higher than the sum of 10 metres plus the *height* limit otherwise applicable; and
  - B. such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.”

**10.** Section 6(4)8.(4) PART III – SETBACKS, 2. REQUIRED SETBACKS, of the said By-law No. 168-93, as amended, is deleted and replaced with the following:

“2. REQUIRED SETBACKS

No person shall erect or use a building or structure or a part thereof, except within a building envelope line defined by the distances:

- (a) shown on Alternate Map 3 for the portion of the building or structure between *grade* and *elevation* 96 metres with the exception of:
  - (i) *block 3*, the required setback for which shall only apply at *grade*;
  - (ii) *block 5*, the required setback for which shall apply between *grade* and *elevation* 113.5 metres; and
  - (iii) *block 9*, the required setback for which shall apply between *grade* and *elevation* 93.5 metres, except that between *elevation* 84 metres and *elevation* 93.5 metres no setbacks shall be required.
- (b) shown on Alternate Map 4, Alternate Map 18 and Alternate Map 20 for the portion of the building or structure between *elevation* 96 metres and the *height* limit specified on Alternate Height Map 50G-323, or on Alternate Map 12 with the exception of:
  - (i) *block 5*, the required setbacks for which shall apply between *elevation* 113.5 metres and the *height* limits specified on Alternate Map 18; and
  - (ii) *block 9*, the required setbacks for which shall apply between *elevation* 93.5 metres and the *height* limits specified on Alternate Map 20.”

11. Regulation (i) of Section 6(4)8.(4) PART III – SETBACKS 3. EXCEPTIONS: BUILD TO LINES, BLOCKS 2A, 2B, 3, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended to delete the reference to *block 9*.
12. Section 6(4)8.(4) PART III – SETBACKS 3. EXCEPTIONS: BUILD TO LINES, BLOCKS 2A, 2B, 3, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended by replacing regulation (iii) with the following regulations (iii) and (iv):
- “(iii) notwithstanding regulation (ii), in the case of *block 9*, there is an area of the exterior face of such building or structure from *grade* to *elevation* 86.5 metres built within 1.2 metres of either side of the line identified as the Build To Line on Alternate Map 6 which area is equal to at least 60 percent of the area determined by the length of such Build To Line and the vertical distance between *grade* and *elevation* 86.5 metres, provided that:
- A. in the case of *block 9*, the Build To Lines shown on Alternate Map 6 shall not apply to that portion of a building on *block 9* subject to a Build To Zone as identified by the hatched area on Alternate Map 5;
- (iv) in the case of *block 5* and *block 9*, there is an area of the exterior face of the main floor of such building or structure built within the Build To Zone as identified by the hatched area on Alternate Map 5, which area is equal to at least 90 percent of the area determined by the length of such Build To Zone and the vertical distance between *grade* and the height of the main floor of the building within the Build To Zone.”
13. Section 6(4)8.(4) PART III – SETBACKS, 4. EXCEPTIONS: SETBACK LINES, BLOCKS 2A, 2B, 4, 5, 7A AND 9, of the said By-law No. 168-93, is amended by deleting the period and adding a semicolon at the end of regulation (b)(ii) and adding a new Regulation (c) as follows:
- “(c) notwithstanding regulations (a) and (b), in the case of *block 9* no setback shall be required between *elevation* 86.5 metres and *elevation* 93.5 metres and a decorative architectural design element located on the roof of a building may project up to 6.0 metres beyond the minimum building setback line identified on Alternate Map 4 provided that such structure does not enclose space so as to constitute any form of penthouse or other room or rooms.”
14. Regulation (c) of Section 6(4)8.(4) PART III – SETBACKS, 8. EXCEPTION: PERMITTED PROJECTIONS INTO REQUIRED SETBACK AREA is deleted and replaced with the following:
- “(c) in addition to the exceptions permitted in regulation (b) above, in the case of *block 5* and *block 9*, vents, street furniture, *bicycle parking spaces*, structures for weather protection and landscape elements, including trellises and planters, are also permitted within a required Setback Area from *grade* to a *height* of 4.0 metres.”

15. Section 6(4)8.(4) PART III – SETBACKS 9. COLONNADE AND CANOPY REQUIREMENTS of the said By-law No. 168-93 is amended by replacing the period at the end of regulation D. with “; and”, and adding the following:

“E. and notwithstanding the foregoing, in the case of *block 9* the following standards shall apply:

- (i) a canopy or colonnade shall have a minimum vertical clearance of 3.0 metres and a maximum vertical clearance of 17.5 metres to the underside of the canopy or colonnade;
- (ii) a canopy or colonnade shall cover an area with a minimum horizontal clear depth of 3.0 metres;
- (iii) up to a maximum of 15 percent of the length of a canopy or colonnade on any one building or structure may exceed the maximum vertical clearance required by regulation E.(i) above; and
- (iv) the provisions of Section 6(3) PART II 8.(a)(iv) shall not apply to *block 9.*”

16. Section 6(4)8.(5) PART IV – EXCEPTIONS of the said By-law No. 168-93, is amended to add the following sections:

“8. BLOCK 9

- (a) A minimum of 10% of the *dwelling units* on *block 9* shall contain at least three bedrooms.
- (b) In the case of *block 9*:
  - (i) the provisions of Section 6(3) PART III(2) shall not apply;
  - (ii) no person shall erect a *residential building* or a *mixed-use building* on *block 9* unless *residential amenity space* is provided in accordance with the following table. For the purpose of this regulation, *residential amenity space* shall mean a common area or areas on *block 9* which are provided for the exclusive use of residents for recreational or social purposes.

Type of <i>Residential Amenity Space Required</i>	Minimum Amount of <i>Residential Amenity Space Required</i>
indoor <i>residential amenity space</i> in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;	not less than 2.5 square metres of <i>residential amenity space</i> for each dwelling unit

Type of <i>Residential Amenity Space Required</i>	Minimum Amount of <i>Residential Amenity Space Required</i>
<i>residential amenity space</i> located outdoors	not less than 0.32 square metres of <i>residential amenity space</i> for each <i>dwelling unit</i> , of which at least 40 square metres is to be provided in a location adjoining or directly accessible from indoor <i>residential amenity space</i>

- (c) Notwithstanding Section 6(4)7(2), any commercial space located on the main floor of a building on *parcel three* shall have a combined width of not less than 40% of the building frontage on Bremner Boulevard and any commercial space located on the main floor of a building on *parcel two* shall have a combined width of not less than 60% of the building frontage on York Street.
- (d) Notwithstanding Section 2(1) “*non-residential gross floor area*” in the case of *block 9*, no portion of any building or structure erected and used on *block 9* for pedestrian access between *streets*, parks, public spaces, *common outdoor space* or TTC facilities, or between any such spaces and a similar walkway in another building or structure shall be deemed to include any *non-residential gross floor area*, provided such areas are no narrower than 4.5 metres inclusive of columns.
- (e) Notwithstanding Section 4(5)(b), (f) and (h), in the case of *block 9*, *parking spaces* shall be provided in accordance with the following minimum standards:
- (i) a minimum of 411 *parking spaces*, including 5 *autosshare parking spaces*, shall be provided on *parcel one* for the exclusive use of residents of the *dwelling units* on *parcel one* and *parcel two*;
  - (ii) a minimum of 127 *parking spaces* shall be provided on *parcel two* for the exclusive use of residents of the *dwelling units* on *parcel one* and *parcel two*;
  - (iii) upon occupancy of a *mixed use building* on *parcel one*, and prior to the issuance of a building permit for a *mixed-use building* on *parcel two* or a *non-residential building*, other than a *sales presentation centre*, on *parcel three*, a minimum of 100 *parking spaces* shall be provided in a surface parking lot on *block 9* for the exclusive use of visitors to the *dwelling units* in *parcel one*;
  - (iv) following occupancy of a *mixed-use building* on *parcel one*, and following the issuance of a building permit for a *mixed-use building* on *parcel two*, but prior to occupancy of a *mixed-use building* on *parcel two* or the issuance of a building permit for a

*non-residential building*, other than a *sales presentation centre*, on *parcel three*, a minimum of 70 *parking spaces* shall be provided in a surface parking lot on *parcel three* for the exclusive use of the *sales presentation centre* and visitors to the *dwelling units* in *parcel one*;

- (v) upon occupancy of the *mixed-use buildings* on *parcel one* and *parcel two*, a minimum of 100 *parking spaces* shall be provided in a surface parking lot on *parcel three* for the exclusive use of visitors to the *dwelling units* on *parcel one* and *parcel two*;
  - (vi) during construction of a *non-residential building* on *parcel three*, no visitor parking shall be required for the *dwelling units* on *parcel one* and *parcel two*, except that upon occupancy of a *mixed-use building* on *parcel one*, a minimum of 60 *parking spaces*, in addition to the *parking spaces* required by sub-paragraph (i) above, shall be provided below *grade* on *parcel one* for the exclusive use of visitors to the *mixed use buildings* on *parcel one* and *parcel two*, and upon the provision of the 332 *parking spaces* on *parcel three* referred to in sub-paragraph (vii) below, the 60 *parking spaces* required by this sub-paragraph may be provided for the use of residents of or visitors to the *mixed use buildings* on *parcel one* or *parcel two* or the *non-residential building* on *parcel three*; and
  - (vii) a minimum of 332 *parking spaces* shall be provided in a *non-residential building*, excluding a *sales presentation centre*, constructed on *parcel three* for the use of the *non-residential building* and visitors to the *dwelling units* in the buildings on *parcel one* and *parcel two*.
- (f) Notwithstanding Section 4(6)(b), in the case of *block 9* one *loading space – type G* shall be provided on *parcel one* to serve the *mixed-use buildings* on *parcel one* and *parcel two* and three *loading spaces – type B* and three *loading spaces – type C* shall be provided on *parcel three* to serve a *non-residential building* other than a *sales presentation centre* on *parcel three*;
  - (g) In addition to the permitted uses identified in Section 6(1), a *sales presentation centre* shall be permitted on *block 9*, and none of the other provisions of this By-law save and except as to parking shall apply to such use;
  - (h) Notwithstanding Section 2(1) “*grade*”, “*lot*”, “*parking space*” and “*street-related retail and service uses*”, for the purposes of *block 9*:
    - (i) “*auto-share*” shall mean the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit auto-sharing organization and where such



organization may require that use of automobiles to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the auto-sharing organization, including the payment of a membership fee that may or may not be refundable;

- (ii) “*auto-share parking space*” shall mean a *parking space* that is reserved and actively used for *auto-share* purposes;
  - (iii) “*grade*” shall mean 77.75 metres Canadian Geodetic Datum;
  - (iv) “*lot*” shall mean the lands comprised of *parcel one*, *parcel two* and *parcel three*;
  - (v) “*parking space*” shall mean an unobstructed area at least 5.6 metres in length and at least 2.6 metres in width and that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle and which is entered by means of a driveway or passageway having a minimum unobstructed width of 6.0 metres;
  - (vi) “*sales presentation centre*” shall mean an office provided for the marketing, leasing or selling of *dwelling units* or non-residential floor space located or to be located on the *lot*; and
  - (vii) “*street-related retail and service uses*” shall be as defined in Section 2(1) except that in subsection 2(1)(a) the maximum distance referred to shall be increased from 5 metres to 8 metres.
- (i) None of the provisions of this by-law, including Section 6(4)8.(6) PART V – PHASING – BUILD TO ZONES 1.(b), shall apply to prevent development on *block 9* proceeding in separate phases on *parcel one*, *parcel two* and *parcel three* respectively. The build to line, build to zone, colonnade and canopy and *street-related retail and service use* requirements of this By-law shall not be applied to a building on a *parcel* for which an above-grade building permit has not been issued.

17. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 16 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

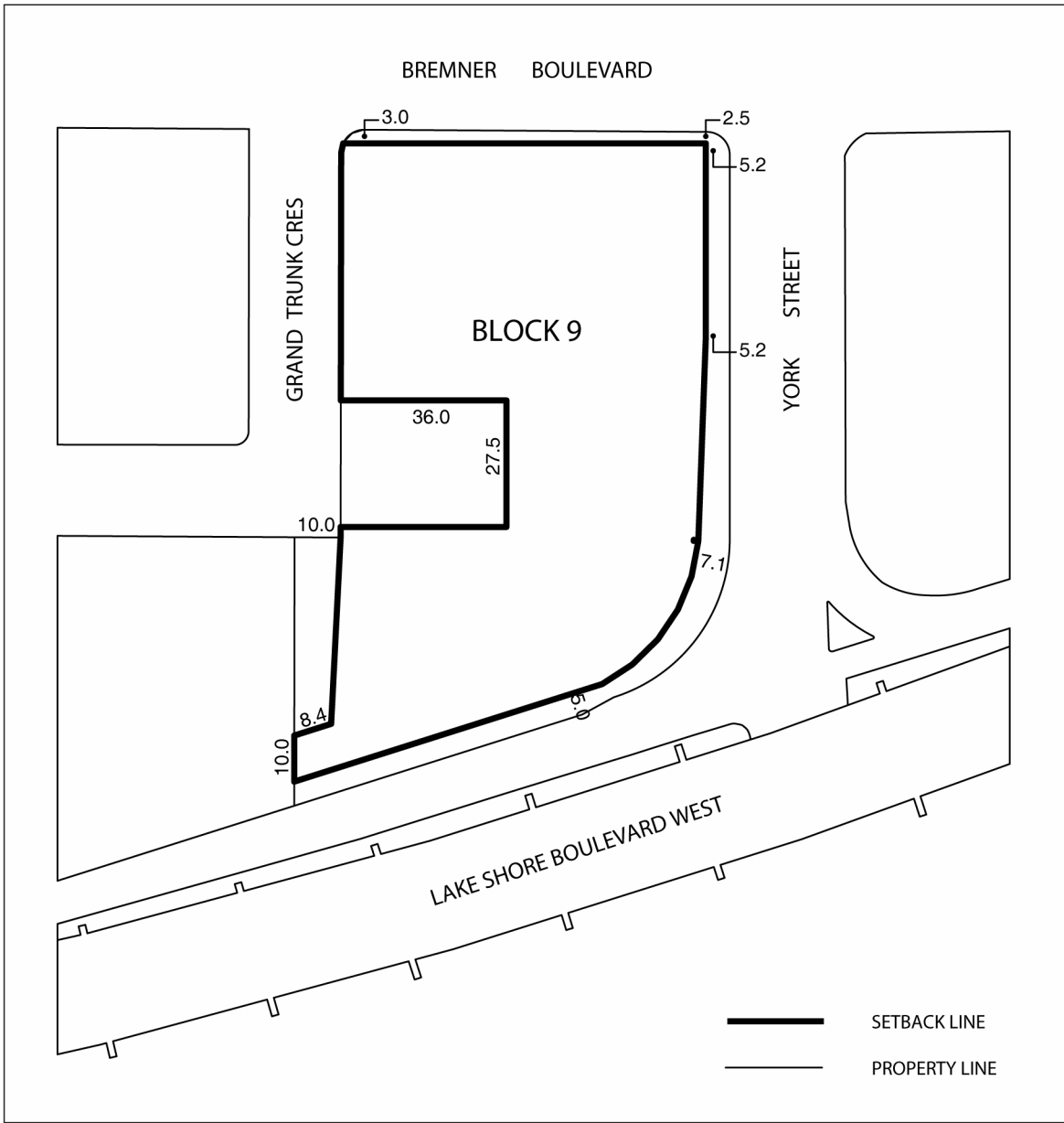
- 18.** Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

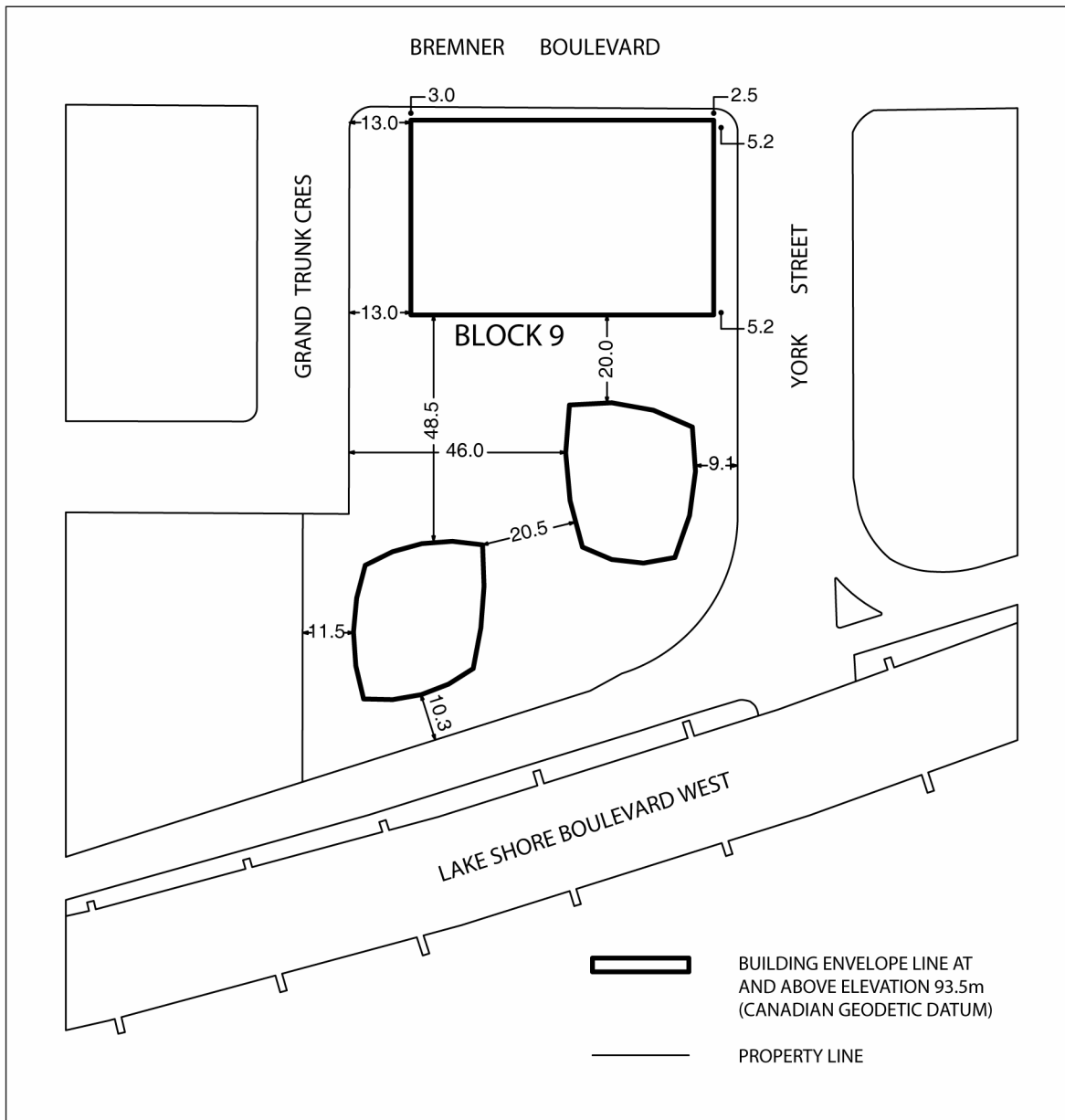
ENACTED AND PASSED this 30th day of April, A.D. 2009.

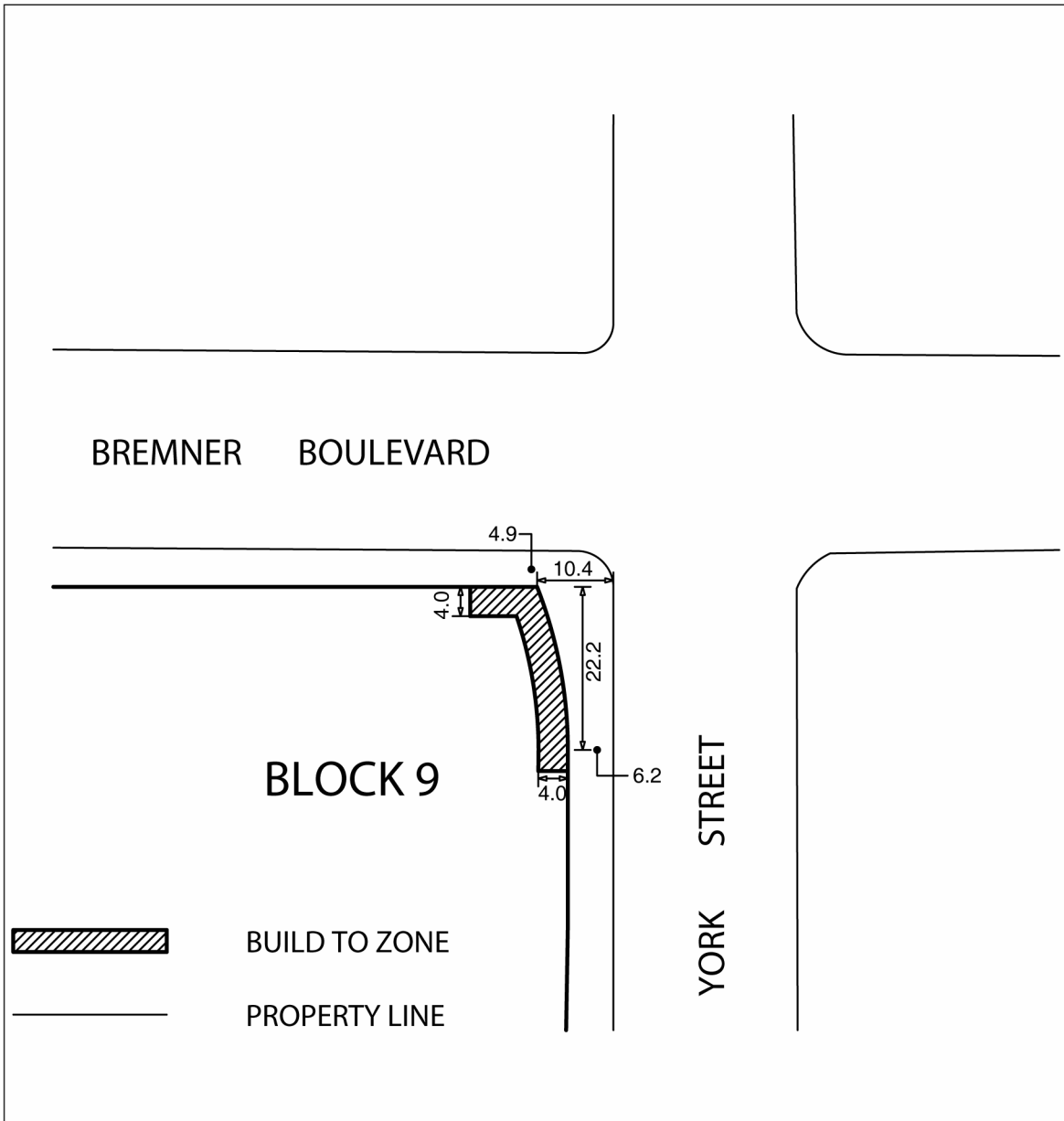
SANDRA BUSSIN,  
Speaker

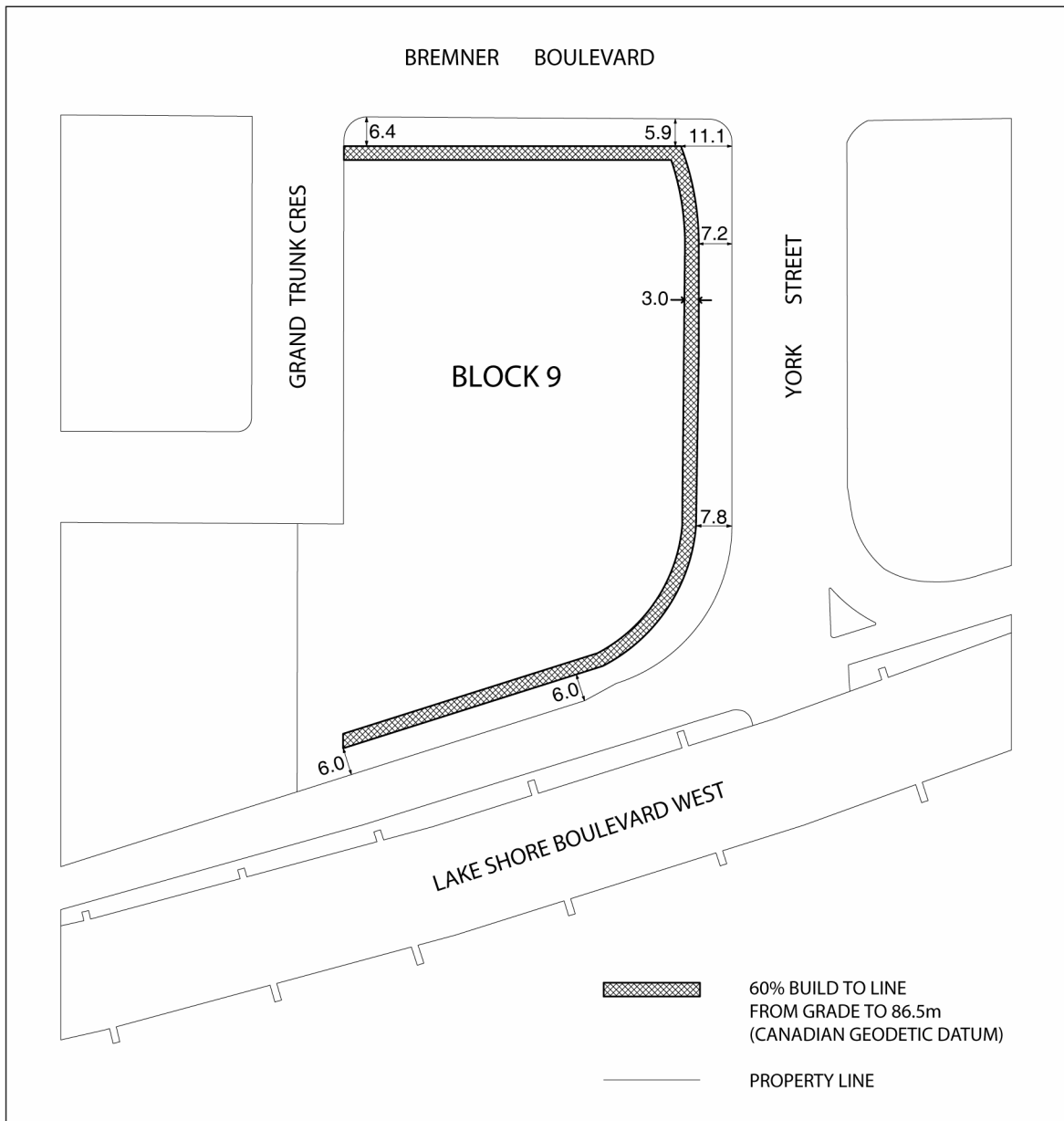
ULLI S. WATKISS  
City Clerk

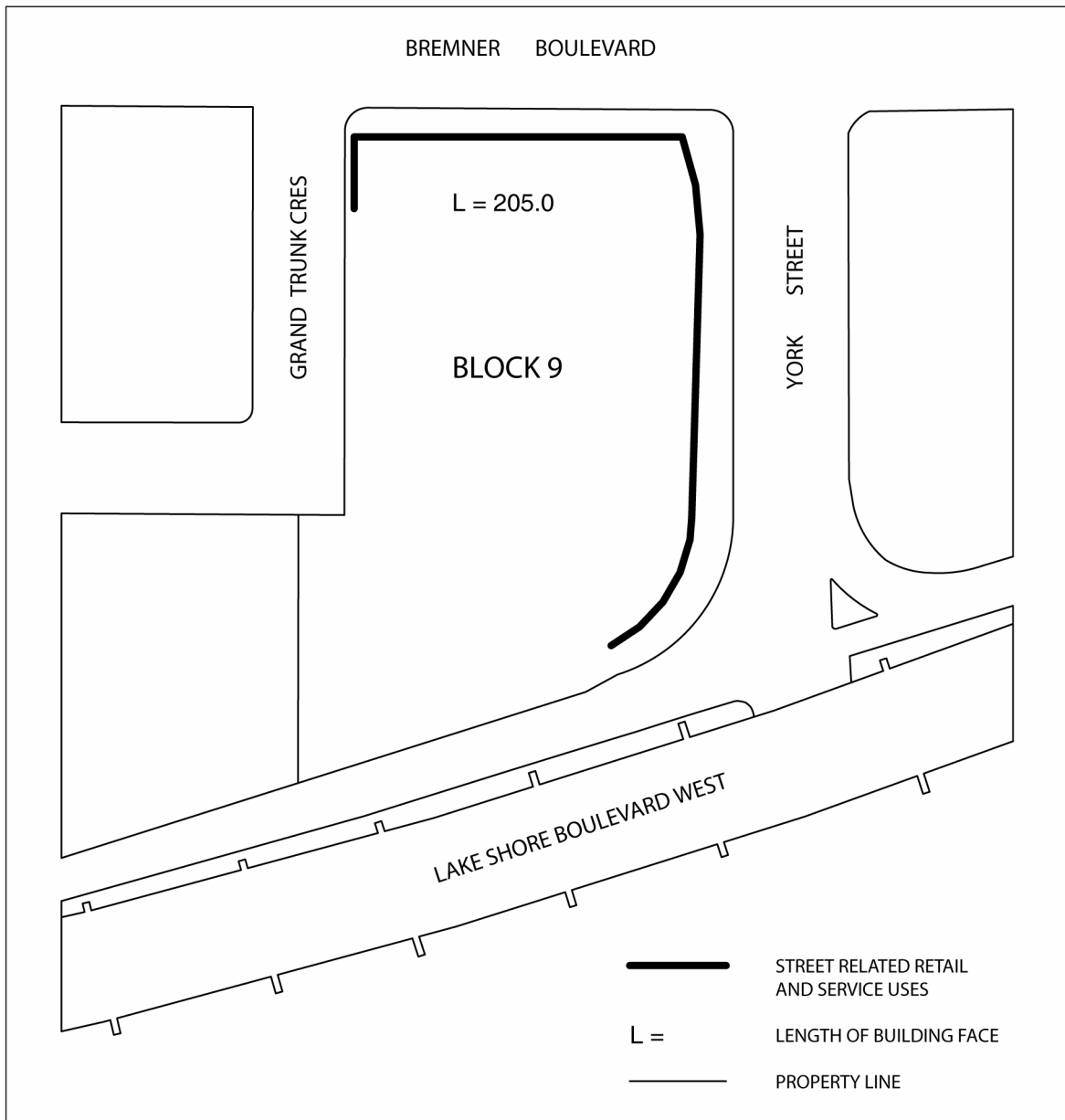
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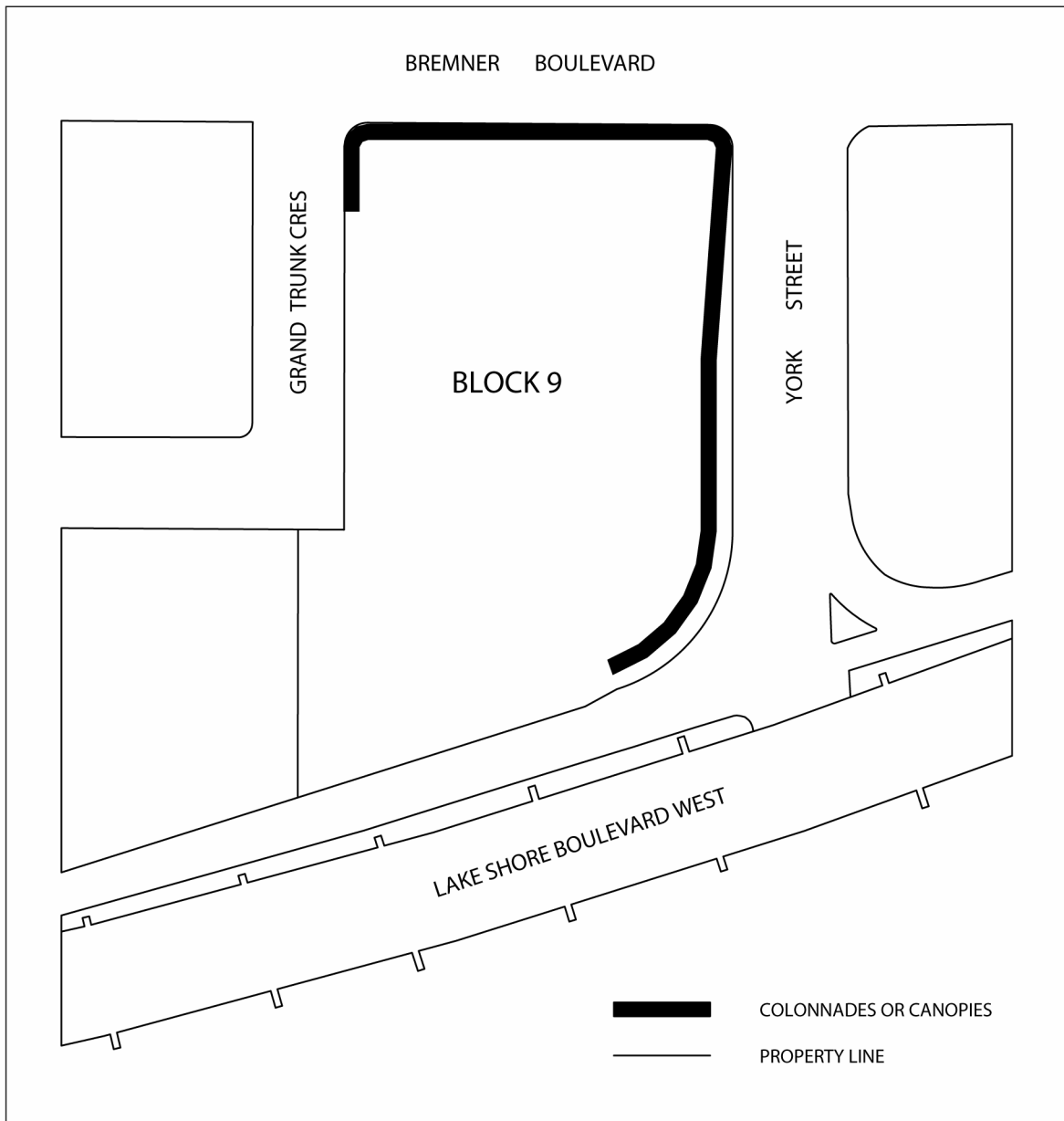




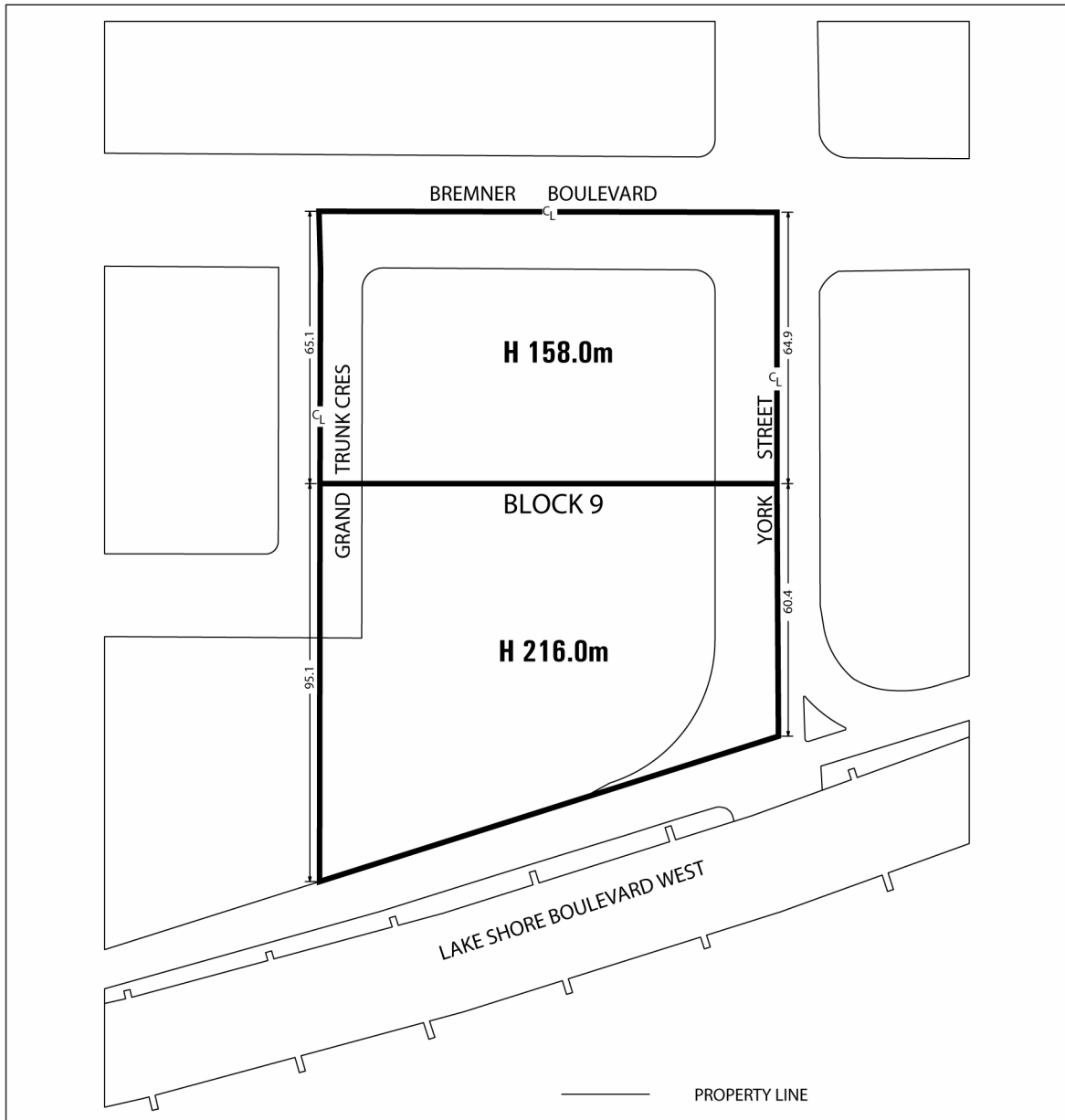


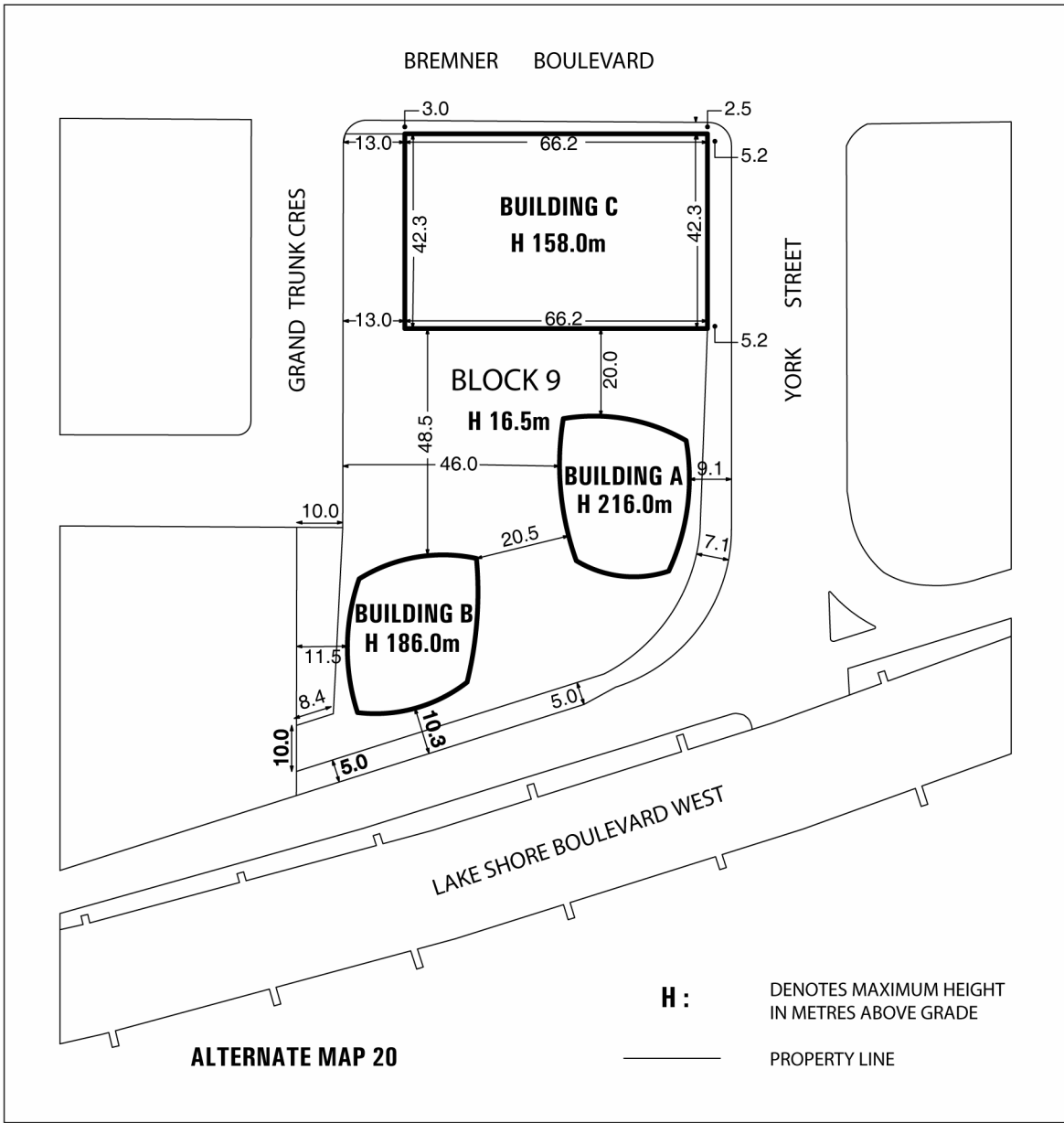






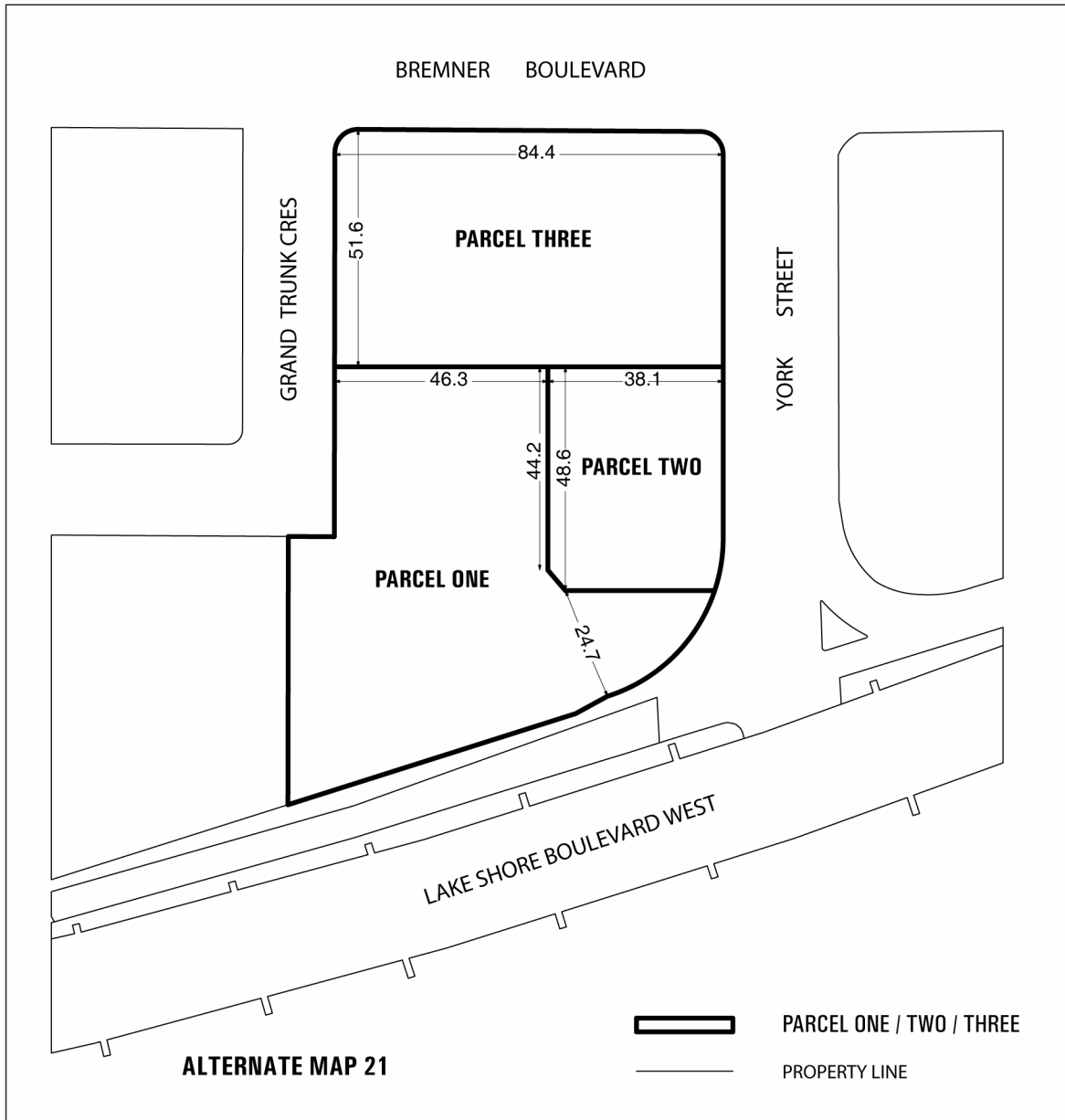






ALTERNATE MAP 20

H : DENOTES MAXIMUM HEIGHT  
IN METRES ABOVE GRADE  
——— PROPERTY LINE



**APPENDIX 1**  
Section 16 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 16 of the *City of Toronto Act, 1971*, as amended, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges or levies, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

The community benefits recommended to be secured in the Section 16 agreement are as follows:

- (a) provide prior to the issuance of the first above grade building permit, a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, of all buildings and structures on the lands to be paid at time of first above grade building permit;
- (b) provide and maintain prior to the condominium registration for Phase 2 (being *parcel two* as shown on Alternate Map 21), between 15 York Street and the site a publicly accessible PATH walkway under York Street, which shall:
  - (i) be fully enclosed and weather protected;
  - (ii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
  - (iii) be satisfactorily illuminated;
- (c) provide and maintain prior to the condominium registration for Phase 1 (being *parcel one* as shown on Alternate Map 21) within the site a publicly accessible PATH walkway (Galleria) or temporary PATH walkway to the satisfaction of the Chief Planner and Executive Director, connecting the property at 25 Lower Simcoe Street to York Street, which shall:
  - (i) be fully enclosed and weather protected;
  - (ii) remain open and accessible to the public between the hours of 6:00 a.m. to 2:00 a.m., 365 days a year; and
  - (iii) be satisfactorily illuminated;
- (d) provide knock-out panels on the southeast wall abutting Lake Shore Boulevard West at York Street to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the General Manager of Economic Development, Culture and Tourism; and enter into the Wayfinding Agreement, and to be detailed in an easement agreement;

- (e) provide continuous weather protection with a minimum depth of three metres and a minimum height of five metres along York Street, Bremner Boulevard and Lake Shore Boulevard West;
- (f) provide the incorporation, in the construction of the building including continuous pedestrian weather protection, of exterior materials to be shown for the podium along York Street, Bremner Boulevard, Lake Shore Boulevard West, and Grand Trunk Crescent satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (g) provide the incorporation in the construction of the site, landscaping and paving materials satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (h) provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation;
- (i) provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular, large growing shade trees to the satisfaction of the Director of Urban Forestry:
  - (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with pH of 7.5 or less) to a sufficient depth of not less than one metre;
  - (ii) an engineered draining system which prevents soil saturation; and
  - (iii) a continuous tree trench, in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual;
- (j) provide space within the development site for the construction of any transformer vaults, hydro vaults, Bell maintenance structures, sewer maintenance holes, exhaust and intake vents and stairwells and associated enclosure satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (k) agree that no vehicular lay-by drop-off / pick-up facility will be provided along the Bremner Boulevard and York Street frontages for the development project;
- (l) provide a green roof satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (m) provide a connection to District Heating and Cooling or as otherwise required to the satisfaction of the Chief Planner and Executive Director, City Planning;

- (n) provide prior to the Bills being introduced at City Council, \$500,000 for the reconstruction of Bremner Boulevard to Union Plaza design detail (York Street to Lake Shore Boulevard West);
- (o) provide the sum of \$2,800,000 to the City to be allocated as follows:
  - (1) \$1,500,000 for Railway Lands Community Centre/Library/Park;
  - (2) \$500,000 for Railway Lands public realm improvements elevated or at grade including approaches to the Railway Lands pedestrian bridge over the railway corridor;
  - (3) \$500,000 for Railway Lands streetscaping including the Simcoe Street Pedestrian Promenade Plan;
  - (4) \$300,000 for capital improvements to Affordable Housing in Ward 20 and/or to construction of Affordable Housing in Railway Lands;
  - (5) require that the cash amounts identified in (1) to (4) be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, 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;

which contributions will be payable as follows:

- (1) \$1,400,000 prior to the issuance of the first above-grade building permit for Phase 1 (being *parcel one* as shown on Alternate Map 21), and
  - (2) \$1,400,000 prior to the issuance of the first above-grade building permit for Phase 2 (being *parcel two* as shown on Alternate Map 21).
- (p) provide and maintain prior to the condominium registration for Phase 1 (being *parcel one* as shown on Alternate Map 21), a publicly accessible outside linear walkway between the south wall and Lake Shore Boulevard West for the full length of the property, which shall:
    - (i) remain open and accessible to the public 24 hours day, 365 days a year; and
    - (ii) be satisfactorily illuminated.
  - (q) provide and maintain prior to the condominium registration for Phase 1 (being *parcel one* as shown on Alternate Map 21), a publicly accessible outside courtyard abutting Grand Trunk Crescent, which shall:
    - (i) remain open and accessible to the public 24 hours day, 365 days a year; and
    - (ii) be satisfactorily illuminated.

- (f) provide and maintain prior to the condominium registration for Phase 1 (being *parcel one* as shown on Alternate Map 21), a driveway and easement in favour of the owner of 25 Lower Simcoe Street to provide access to the loading area for the development;
- (s) build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on March 31, 2009, to the satisfaction of the Chief Planner and Executive Director;
- (t) comply with any other condition to ensure the orderly development and phasing of the lands as required by the Chief Planner and Executive Director, City Planning, acting reasonably;
- (u) make all necessary improvements to the PATH system as required in the Wayfinding Agreement, Site Plan Agreement to the satisfaction of the City Solicitor, Transportation Services, City Planning and Economic Development and Culture;
- (v) pay, prior to Site Plan Approval, for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director, Technical Services;
- (w) a minimum of 360 *bicycle parking space - occupant* shall be provided and maintained on the *lot*;
- (x) a minimum of 80 *bicycle parking space - visitor* shall be provided and maintained on the *lot*;
- (y) *bicycle parking spaces - occupant* are provided and maintained on the ground floor, mezzanine floor, level P1, level P2 and the second floor;
- (z) all *bicycle parking spaces - visitor* are provided and maintained on the ground level;
- (aa) *bicycle parking spaces - occupant* shall be common element and shall not be combined with storage lockers for residential units;
- (bb) a minimum of 10% of the *dwelling units* erected and used on the *lot* shall be 3-bedroom or larger *dwelling units*;
- (cc) an environmental easement in favour of CN and GO Transit is to be registered on title to all of the lands within 300 metres; and
- (dd) require the applicant to enter into a Site Plan Agreement under Section 114 of the *City of Toronto Act, 2006*.