

Authority: Planning and Growth Management Committee Item PG3.1, adopted as amended, by City of Toronto Council on May 5, 6 and 7, 2015

## CITY OF TORONTO

### BY-LAW No. 818-2015

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 45 Strachan Avenue and 10, 11 and 25 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*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a by-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to "*bicycle parking space-occupant*", "*bicycle parking space-visitor*", "*grade*", "*height*", "*residential amenity space*" and Sections 4(2)(a), 4(4), 4(6), 4(7), 4(12), 4(13), 4(16) 5(1), 9(1)(a) and (f) and 9(3) Part I 2 and 3 of Zoning By-law No. 438-86, of the former City of Toronto, as amended shall apply to prevent the erection or use of *apartment buildings* or *mixed use buildings*, and uses *accessory* thereto, including a *commercial parking garage* and *parking garage* on the *Blocks* shown on Map 1 attached hereto, and zoned 'I3 D3', provided that:
  - (a) the lands subject to this By-law include at least those lands identified as *Block A*, *Block B* and "No. 10 Proposed Park" on Map 1 attached to and forming part of this By-law;

## Gross Floor Area

- (b) the combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures on the *Blocks* shall not exceed 85,250 square metres, of which, a minimum of 10,810 square metres shall be provided as *non-residential gross floor area* on the *Blocks*;
- (c) notwithstanding the provisions of this By-law and By-law No. 438-86, as amended, the floor area of any *commercial parking garage* shall be excluded from the calculation of *non-residential gross floor area*;

## Non-residential Uses

- (d) the following non-residential uses are permitted on the *Blocks*:
  - (i) adult education school;
  - (ii) artist's or photographer's studio;
  - (iii) *bake-shop*;
  - (iv) *branch of a bank or financial institution*;
  - (v) *caterer's shop*;
  - (vi) *clinic*;
  - (vii) *commercial school*;
  - (viii) *communications and broadcasting establishment*;
  - (ix) community centre;
  - (x) community or social agency;
  - (xi) *courier service*;
  - (xii) *custom workshop*;
  - (xiii) *data processing establishment*;
  - (xiv) *designer's studio*;
  - (xv) *dry-cleaning shop* and *dry-cleaning distribution station*;
  - (xvi) *duplicating shop*;
  - (xvii) *medical/dental office*;
  - (xviii) newsstand;
  - (xix) office;
  - (xx) *performing arts studio*;
  - (xxi) *personal grooming establishment*;
  - (xxii) premises of a *charitable institution or non-profit institution*;
  - (xxiii) *private academic, philanthropic or religious school*;
  - (xxiv) *private art gallery*;
  - (xxv) *public art gallery*;
  - (xxvi) *public school*;
  - (xxvii) *publisher*;
  - (xxviii) *recreation use*;
  - (xxix) *restaurant and take-out restaurant*;
  - (xxx) *retail store*;
  - (xxxi) *service, rental or repair shop*;
  - (xxxii) *software design and development establishment*;
  - (xxxiii) *tailoring shop*; and

(xxxiv) *trade school*;

#### Height

- (e) the maximum permitted number of storeys shall be as follows:
  - (i) *Building A: 39 storeys*;
  - (ii) *Building B1: 34 storeys*; and
  - (iii) *Building B2: 24 storeys*;
- (f) no portion of any building or structure erected or used on the *Blocks* above finished ground level shall exceed the number of *storeys* noted in subsection 1.(e) above and the height limits shown in metres and specified by the numbers following the letter "H" in the areas delineated on Map 2 attached to and forming part of this By-law, with the exception of the following which shall be permitted:
  - (i) mechanical penthouses having a maximum height of 6.0 metres above the applicable *height* limit;
  - (ii) parapets, terrace guards and dividers, planters, railings, decorative screens, architectural features, vents, stacks, stairs, stair enclosures, elevator shafts, elevator shaft enclosures, underground garage ramps and associated structures, elements or structures on the roof of the building used for outside or open air recreation, green roof and safety or wind protection purposes, as well as window washing equipment provided that the maximum height of the top of any such equipment does not exceed a maximum of 3.0 metres above the applicable *height* limit shown on Map 2; and
  - (iii) the structures and elements in subsection 1.(j) below;
- (g) above a *height* of 23.5 metres, *Building A* shall not exceed an average *floorplate* size of 798.0 square metres, with the exception that 3 *storeys* having a maximum *floorplate* size of 926.0 square metres shall be permitted and such *storeys* shall not be included in the calculation of the average *floorplate* size for the building;
- (h) all *storeys* above and including the 5th *storey* of *Building B1*, as shown on Map 2, shall have a maximum *floorplate* of 786 square metres, excepting the 34th *storey* or the highest *storey* constructed shall have a maximum *floorplate* of 716 square metres; and
- (i) all *storeys* above and including the 5th *storey* of *Building B2*, as shown on Map 2, shall have a maximum *floorplate* of 750 square metres, excepting the 24th *storey* or the highest *storey* constructed shall have a maximum *floorplate* of 625 square metres;

### Setbacks

- (j) no portion of any building or structure erected or used on the *Blocks* above finished ground level shall be located other than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following, located wholly within a *lot* lines:
  - (i) cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, landscape and public art features, and railings may extend beyond the heavy lines shown on Map 2;
  - (ii) balconies and canopies may extend up to 1.8 metres beyond the heavy lines shown on Map 2;
  - (iii) 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 *30 Ordnance Street*; and
  - (iv) the elements and structures permitted by subsection 1.(f) above;
- (k) in addition to the provisions of subsection 1.(j) above, the main wall of *Building A* constructed above a *height* of 23.5 metres, with the exception of permitted projections noted in subsection 1.(j), shall maintain a minimum separation distance of 25.0 metres from the main wall of any building constructed on *30 Ordnance Street*, with the exception of permitted projections noted in Section 3.(7) of By-law No. 159-2012, as may be amended and varied;

### Residential Amenity Space

- (l) a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* and a minimum of 1.5 square metres of outdoor *residential amenity space per dwelling unit* shall be provided on the *Blocks* subject to the following:
  - (i) at least 40 square metres of outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible from indoor *residential amenity space* containing both a kitchen and a washroom;
  - (ii) the indoor *residential amenity space* may be contained in rooms which are not contiguous; and
  - (iii) a minimum of 449 square metres of *outdoor residential amenity space* shall be provided on *Block A*;
- (m) Notwithstanding Section 1.(l) above, provided a minimum of 64.0 square metres of indoor *residential amenity space* is provided on *Block A*, the remaining indoor

*residential amenity space* necessary to provide the indoor *residential amenity space* for *Block A* required by Section 1.(l) above for use by *Block A* residents, may be located on *30 Ordinance Street*, provided such space is in addition to any indoor *residential amenity space* required for the development of *30 Ordinance Street*;

- (n) Notwithstanding subsection 1.(l) above, outdoor *residential amenity space* required for *Block A* by subsection 1.(l) above for use by *Block A* residents, may be located on *30 Ordinance Street*, provided such space is in addition to any outdoor *residential amenity space* required for the development of *30 Ordinance Street*;

#### Parking

- (o) *parking spaces* required by this By-law may be maintained on any of the *Blocks* and/or within permitted parking facilities located on *30 Ordinance Street*;
- (p) *parking spaces* for residential uses are to be provided and maintained in accordance with the following minimum standards:
- (i) 0.24 *parking spaces* for each *bachelor dwelling unit*;
  - (ii) 0.56 *parking spaces* for each *one bedroom dwelling unit*;
  - (iii) 0.80 *parking spaces* for each *two bedroom dwelling unit*;
  - (iv) 0.96 *parking spaces* for each *three bedroom dwelling unit*; and
  - (v) 0.12 *parking spaces* per unit will be provided for the use of visitors to the residential units;
- (q) Parking spaces for non-residential uses shall be provided in accordance with the following table:

*Parking Space Rates and Parking Space Occupancy Table*

Land Use	Minimum Parking Rate	Parking Occupancy Rate		
		AM	PM	Eve
adult education school	1.5 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	100%	100%	25%
<i>private academic, philanthropic or religious school, public school</i>	1.5 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	100%	100%	20%
<i>branch of a bank or financial institution</i>	2.0 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	20%	100%	50%
<i>clinic, medical/dental office</i>	1.5 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	100%	100%	50%

AM = 6 a.m. to Noon.  
PM = Noon to 6 p.m.  
Eve = 6 p.m. to 6 a.m.

office	1.0 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	100%	60%	0%
for all other uses listed in Section 1.(b) of this by-law	1.0 <i>parking spaces</i> for each 100 square metres of <i>non-residential gross floor area</i>	20%	100%	100%

- (r) the required minimum number of *parking spaces* as required in the table above is determined as follows:
- (i) for each of the morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use, is calculated using the respective *parking space* rate and occupancy rate;
  - (ii) the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period; and
  - (iii) the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period;
- (s) 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*;
- (t) *parking spaces* required for visitors to the residential and non-residential uses may be provided on a non-exclusive basis and may be located within a *commercial parking garage*;
- (u) notwithstanding subsection 1.(p) above, a reduction of four resident *parking spaces* shall be permitted for each *car-share-parking-space* provided and maintained on the *Blocks* up to a maximum of 10 *car share parking spaces*;
- (v) the total minimum number of required vehicle *parking spaces*, other than those spaces required for visitors to the residential units, may be reduced at a rate of 1 vehicle *parking space* for each 5 *bicycle parking spaces - occupant* and/or *bicycle parking spaces - visitor*, in excess of the minimum number of *bicycle parking spaces - occupant* and/or *bicycle parking spaces - visitor* required by this By-law, provided that all excess *bicycle parking spaces - occupant* are located indoors and not below P1 level, and provided that the reduction of vehicle *parking spaces* is not greater than 10 percent of the total minimum vehicle *parking spaces* required;
- (w) *bicycle parking spaces* are to be provided and maintained on the *Blocks* 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;
- (x) loading spaces required for buildings on the *Blocks* shall be provided in accordance with the following:
- (i) a minimum of one *loading space - type B* and one *loading space - type G* shall be provided for a building or portion of a building provided on *Block A*;
  - (ii) loading spaces provided at *30 Ordinance Street* may be used to jointly satisfy the loading requirements of a building on *Block A*; and
  - (iii) a minimum of two *loading space – type B* and one *loading space – type G* shall be provided on *Block B*; and
  - (iv) notwithstanding any provisions of this By-law or By-law 438-86, as amended, the construction and use of parking facilities for use in connection with the development at *30 Ordinance Street* shall be a permitted use on the *Blocks*.
2. In the event additional lands are acquired and the area of *Block B* is expanded to include the *eastern lands*, all references in this By-law to Map 1 and Map 2 shall be read as being a reference to Map 3 and Map 4 provided that:
- (a) notwithstanding any provisions of subsection 1.(b) of this By-law, the combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures on the *Blocks* shall not exceed 87,500 square metres, of which not less than 10,810 square metres shall be provided as *non-residential gross floor area*.
3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *Blocks* contemplated herein is permitted in return for the provision by the owner, at the *owner's* expense, of the facilities, services and matters set out below in Schedule "A" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the *Blocks* to the satisfaction of the City Solicitor.
4. Where Schedule "A" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

5. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.
6. A temporary *sales presentation centre* shall be permitted on the *Blocks*, and none of the other provisions of this By-law shall apply to such use.
7. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
  - (a) "*Block A*" and "*Block B*" means those lands respectively delineated and identified as Block A and Block B on Map 1 attached hereto, collectively referred to as the "*Blocks*";
  - (b) "*Building A*", "*Building B1*" and "*Building B2*" means those portions of the buildings labeled "*Building A*", "*Building B*" and "*Building B2*" on Map 2 attached hereto;
  - (c) "*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;
    - (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; and
    - (iv) shall be located in a secure location;
  - (d) "*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;
- (e) "*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;
- (f) "*bicycle stacker*" means a device where by a bicycle parking space is positioned above or below another bicycle parking space and is accessed by means of an elevating device;
- (g) "*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 short term rental, including hourly rental;
- (h) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
- (i) "*eastern lands*" means the land identified on Map 3 as the "Eastern Lands";
- (j) "*floorplate*" means the total area of a floor of a building measured from the exterior of the main wall of the floor level, including voids at the level of the floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct or utility shaft;
- (k) "*grade*" means 84.5 metres Canadian Geodetic Datum;
- (l) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly permitted in this By-law;
- (m) "*Ordnance Triangle*" means those lands comprised of *Block A*, *Block B*, and *10 Ordnance Street* and *30 Ordnance Street*;
- (n) "*recreation use*" means premises used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An amusement arcade and a sports place of assembly is not a recreation use;
- (o) "*residential amenity space*" shall mean a common area or areas within the *Blocks* which are provided for recreational or social purposes for use by residents of the *Blocks* and or residents of a building located on *30 Ordnance Street*;

- (p) "*sales presentation centre*" shall mean temporary offices provided for the marketing or selling of *dwelling units* located or to be located on the *Blocks*;
  - (q) "*storey*" shall mean a level of a building, located between any floor and the floor, ceiling or roof immediately above it, with the first storey being that storey with a floor closest in elevation to the elevation of the adjacent finished ground level;
  - (r) "*10 Ordnance Street*" shall mean the lands known municipally in the year 2014 as 10 Ordnance Street, subject to boundary adjustments from time to time;
  - (s) "*30 Ordnance Street*" shall mean the lands known municipally in the year 2014 as 30 Ordnance Street, subject to boundary adjustments from time to time.
8. Despite any existing or future severance, partition, or division of the *Blocks*, the provisions of this By-law shall apply to the whole of the *Blocks* as provided for herein, as if no severance, partition or division occurred.
9. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *Blocks* as well as the buildings and structures on the *Blocks*.
10. Notwithstanding any provisions of By-law No. 438-86, as amended, on the lands identified on Map 1 as "NO. 10 PROPOSED PARK", a driveway *accessory* to a *mixed-use building* and or an *apartment building* located at *30 Ordnance Street* is a permitted use.
11. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July 9, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## SCHEDULE A

### Section 37 Provisions

(10, 11 and 25 Ordnance Street and 45 Strachan Avenue)

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the *Blocks* and, subject to and in accordance with the terms and conditions therein, secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

#### *Crash Mitigation - Metrolinx*

- (1) prior to issuance of a below-grade permit for the first building within each of *Block A* and *B*, the owner shall provide written confirmation to the satisfaction of the Chief Planner and Executive Director, City Planning Division that all proposed crash mitigation measures are acceptable to Metrolinx;

#### *Eva's Phoenix Relocation*

- (2) prior to issuance of a below-grade building permit for the first building within the *Blocks*, the owner shall have entered into an agreement to secure for the relocation of Eva's Phoenix, to the satisfaction of the Chief Planner and Executive Director City Planning Division in consultation with appropriate civic officials;

#### *Cash Contributions*

- (3) prior to issuance of an above-grade building permit for the first building within the *Blocks*, the owner shall:
  - (a) make a cash contribution to the City, to the satisfaction of Chief Planner and Executive Director, City Planning Division, in the amount of \$3,000,000.00 to be applied toward the cost of the Fort York Pedestrian and Cycling Bridge, including any bridge-related work within South Stanley Park extension, the future park space at *10 Ordnance Street*, and/or Fort York National Historic Site, at the discretion of the General Manager, Parks Forestry and Recreation Division and the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Fort York National Historic Site, and the local Councillor; and
  - (b) make a cash contribution to the City, to the satisfaction of Chief Planner and Executive Director, City Planning Division, in the amount of \$750,000.00 to be applied toward the acquisition and/or construction of community services and/or facilities within the development at the Ordnance Triangle, or within the vicinity of the development and in Ward 19, at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the local Councillor; and

- (c) the amounts referred to in clause (3)(a) and (b). shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and

*Additional Base Park Improvements - 10 Ordinance Street*

- (4) prior to issuance of an above-grade building permit for the first building within the *Blocks*, the owner shall:
  - (a) design and construct, at no cost to the City and to the satisfaction of the General Manager, Parks Forestry and Recreation additional base park improvements which shall include, grading works and retaining walls, which may be necessary to raise the elevation of the future park lands at *10 Ordinance Street* to provide for the Fort York Pedestrian and Cycling Bridge land/transition and create more useable space for neighbourhood park development, substantially in accordance with the concept plan entitled Garrison Point Base Park, Drawing L101, prepared by Claude Cormier and Associates, dated August 11, 2014, on terms set out in the Section 37 Agreement;
  - (b) design and construct, at no cost to the City, further additional base park improvements at *10 Ordinance Street*, which shall include sanitary, water and electrical connections to the street line, stormwater management/drainage and provision for park signage, all to the satisfaction of the General Manager, Parks Forestry and Recreation;
  - (c) at a time no later than the submission of a formal site plan application for the first building or structure on the *Blocks*, submit a Parkland Improvements Plan (PIP) to the City for review and approval, which will include details with respect to park improvements set out in paragraphs (a) and (b) above, as well as details of the base park work contemplated in the Parks Reconveyance Agreement, dated April 16, 2012, between the City of Toronto and Build Toronto Inc., as may be amended from time to time, but excepting any interim grading and drainage or other works that may be required to advance commencement of construction of the Fort York Pedestrian and Cycling Bridge or final design of the future park and which works are as approved in accordance with the Park Reconveyance Agreement to permit such works to proceed;
  - (d) prior to the issuance of an above-grade permit for the first building or structure on the *Blocks*, have received confirmation that the PIP has been approved by the General Manager, Parks, Forestry and Recreation Division or City Council subject to the terms of a review process set out in the Section 37 Agreement;
  - (e) complete all works contemplated in the approved PIP, prior to the earlier of 3 months from the formal acceptance by the City of the completed Fort York Pedestrian and Cycling Bridge, as more particularly described in the Section 37 Agreement, and any residential occupancy of a building on the *Blocks* or the registration of the first condominium on the *Blocks*, including any interim

occupancy associated with such condominium, subject to seasonal adjustments and extensions acceptable to the General Manager Parks, Forestry and Recreation, with all work to be to the satisfaction of the General Manager, Parks, Forestry and Recreation, in consultation with the Chief Planner and Executive Director, City Planning Division, the Manager of the Fort York National Historic Site and the local Councillor; and

- (f) acknowledge and agree that extensions to the timing set out in paragraphs (d) and (e) above, and timing for review of the PIP contemplated in the Section 37 Agreement, may be granted at the sole discretion of the General Manager, Parks, Forestry and Recreation, in consultation with the Chief Planner and Executive Director, City Planning Division, and the local Councillor.

#### *Wind Study and Public Realm Phasing Plan*

- (5) prior to issuance of an above-grade building permit for the first building or structure within each of *Blocks A and B*, and in the context of site plan approval pursuant to section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, section 41 of the *Planning Act*, as amended, the owner shall:
  - (a) submit a Wind Study, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
  - (b) provide, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Transportation Services, a public realm phasing plan detailing the phased improvements to the public realm including, but not limited to, paving and curbing details, sidewalk treatments, cycling infrastructure, pedestrian and cycling connections to the future park space at *10 Ordnance Street*, and other matters which may be considered by City Staff through the review of these public realm phasing plans to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

#### *Construction Management Plan*

- (6) prior to issuance of a below-grade building permit for each building or structure within each of *Blocks A and B*, and in the context of site plan approval pursuant to section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, section 41 of the *Planning Act*, as amended, the owner shall submit a Construction Management Plan, for each phase or development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Chief Building Official, in consultation with the local Councillor with details to be included in the Section 37 Agreement;

#### *Municipal Infrastructure Improvements*

- (7) in support of the development the owner shall:

- (a) prior to issuance of an above-grade building permit for the first building or structure within the *Blocks*, make a cash contribution to the City in the amount of \$80,000.00 toward the cost of improvements to the intersection at Wellington Street West, Douro Street, and Strachan Avenue, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment, to the satisfaction of the General Manager, Transportation Services;
- (b) design and construct throughout each phase of development, at no cost to the City and to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager, Transportation Services:
  - (i) improvements to Ordnance Street substantially in accordance with the Phasing Drawings, prepared by Odan/Detech Group, and dated May 21, 2014, or such revised drawings as may be satisfactory to the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and
  - (ii) improvements to municipal infrastructure in accordance with the Functional Servicing Report prepared by Odan/Detech Group, dated May 21, 2014, as accepted by the Executive Director, ECS subject to revisions to reflect as constructed grades on Strachan Avenue at Ordnance Street, or such revised report as may be accepted by the Executive Director, Engineering and Construction Services;

with detailed engineering drawings to be submitted in the context of site plan approval for each phase of the development and with all works to be completed prior to any residential occupancy or registration of a condominium, including interim occupancy associated with such condominium, for the first building on each of *Blocks A and B*, as applicable;

- (c) prior to any residential occupancy or registration of a plan of condominium for the first building on the *Blocks*, including interim occupancy associated with such condominium, design and construct, at no cost to the City and to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager, Transportation Services, the northbound right turn lane on Strachan Avenue, substantially in accordance with the Phasing Drawings, prepared by Odan/Detech Group, and dated May 21, 2014, or such revised drawings as may be satisfactory to the Executive Director of Engineering and Construction Services and the General Manager, Transportation Services, or, at the option of the owner, make a cash contribution to the City, for the same, in the amount of \$260,000.00, with the cash contribution 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 execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the General Manager, Transportation Services; and

- (d) prior to issuance of any building permit, excluding excavation and shoring permits, for the first building or structure in each of *Blocks A and B*, as applicable, the owner shall provide security to guarantee the cost of associated works contemplated in Clauses (7)(b)(i) and (ii) of this Schedule "A" together with Clause (7)(c) where the owner has not elected to make a cash payment for the work contemplated in that Clause, all being to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation;

#### *Metrolinx Access*

- (8) prior to issuance of an above-grade building permit for the first building or structure within the *Blocks*, the owner shall, at no cost to the City and to the satisfaction of Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks Forestry and Recreation, Metrolinx and The Toronto Terminals Railway Company Limited (TTR), be responsible to provide for interim relocation of any Metrolinx and TTR access to their infrastructure on lands to the east of *10 Ordnance Street*, over *10 Ordnance Street* and to a service road north of the Ordnance Triangle. The responsibilities for providing interim access shall include the following:
- (a) design and construction of alternative vehicular access from Ordnance Street over other lands within the Ordnance Triangle, with the design and any details related to this access;
  - (b) obtaining all necessary approvals and registering temporary easements as may be required to allow the contemplated alternative interim access by Metrolinx and TTR to the north service road from Ordnance Street; and
  - (c) causing removal of access and the release and abandonment of any existing access easements in favour of Metrolinx or TTR over *10 Ordnance Street*;
- (9) prior to any residential occupancy or registration of the first condominium within *Block A*, including interim occupancy of such condominium, the owner shall be responsible for the following, to the satisfaction of Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Transportation Services:
- (a) the design and construction of alternative vehicular access from Strachan Avenue to be shared by *Block A* and *30 Ordnance Street* and including shared access for Metrolinx (which may include TTR) to the north service road, located north of lands known in the year 2014 as *30 Ordnance Street*, or an alternative arrangement; the design and any details related to this access, including but not limited to parking restrictions, to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
  - (b) obtaining all necessary approvals to facilitate the appropriate land ownership or easement arrangements for the Strachan Avenue shared access;

- (10) the timing provided for in Clauses (8) and (9) of this Schedule "A" may be amended only with the written consent of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks, Forestry and Recreation and the General Manager, Transportation Services;

*Implementation of Studies and other Submissions*

- (11) the owner shall incorporate all recommended crash mitigation measures referred to in Clause (1) of this Schedule "A", into plans and drawings submitted in the context of site plan approval for *Blocks A and B* 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 shall construct and maintain the same as part of the development to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (12) the owner shall incorporate all recommended mitigation measures included in the accepted Wind Study referred to in Clause (5)(a) of this Schedule "A", into plans and drawings submitted in the context of site plan approval for *Blocks A and B* 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 shall construct and maintain the same as part of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (13) the owner shall incorporate the public realm improvements proposed in the accepted public realm phasing plans referred to in Clause (5) (b) of this Schedule "A" into approved plans and drawings in the context of site plan approval for *Blocks A and B* pursuant to section 114, of the *City of Toronto Act, 2006*, as amended and, as applicable, section 41 of the *Planning Act*, as amended, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- (14) the owner shall implement the accepted Construction Management Plan referred to in Clause (6) of this Schedule "A", during the course of construction on *Blocks A and B* until completion to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

*Warning Clauses- Noise and Vibration*

- (15) the owner agrees to and provide warning clauses with respect to each of *Blocks A and B* in initial offers of purchase and sale and appropriate condominium documents, addressing the potential noise and vibration from the adjacent railways and from programs / events at the Fort York National Historic Site to the satisfaction of the Chief Planner and Executive Director City Planning Division;

*Additional Bicycle Parking*

- (16) the owner shall, in support of the development, provide and maintain, at no cost to the City, a total of 340 bicycle parking spaces in addition to the minimum number of bicycle parking spaces pursuant to respective zoning requirements on *Blocks A and B*, where these spaces will, at a minimum, be provided in accordance with the Toronto Green



Standards, with the type and location of these 340 additional bicycle parking spaces being determined in the context of site plan approval for *Blocks A and B* pursuant to section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, section 41 of the *Planning Act*, as amended, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

*Bike Share Stations and Bike Repair Station*

- (17) prior to the issuance an above-grade building permit for the first building within the *Blocks*, the owner shall provide, at no cost to the City, two (2) *Bike Share Stations*, each comprising of a minimum of 10 *Bike Share Spaces*, as well as one (1) public bicycle repair station, each to be located on the *Blocks*, or within Ward 19 in the vicinity of the Ordnance Triangle, or, at the option of the owner, submit payment for the cost of provision of the same in lieu thereof, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the local Councillor;

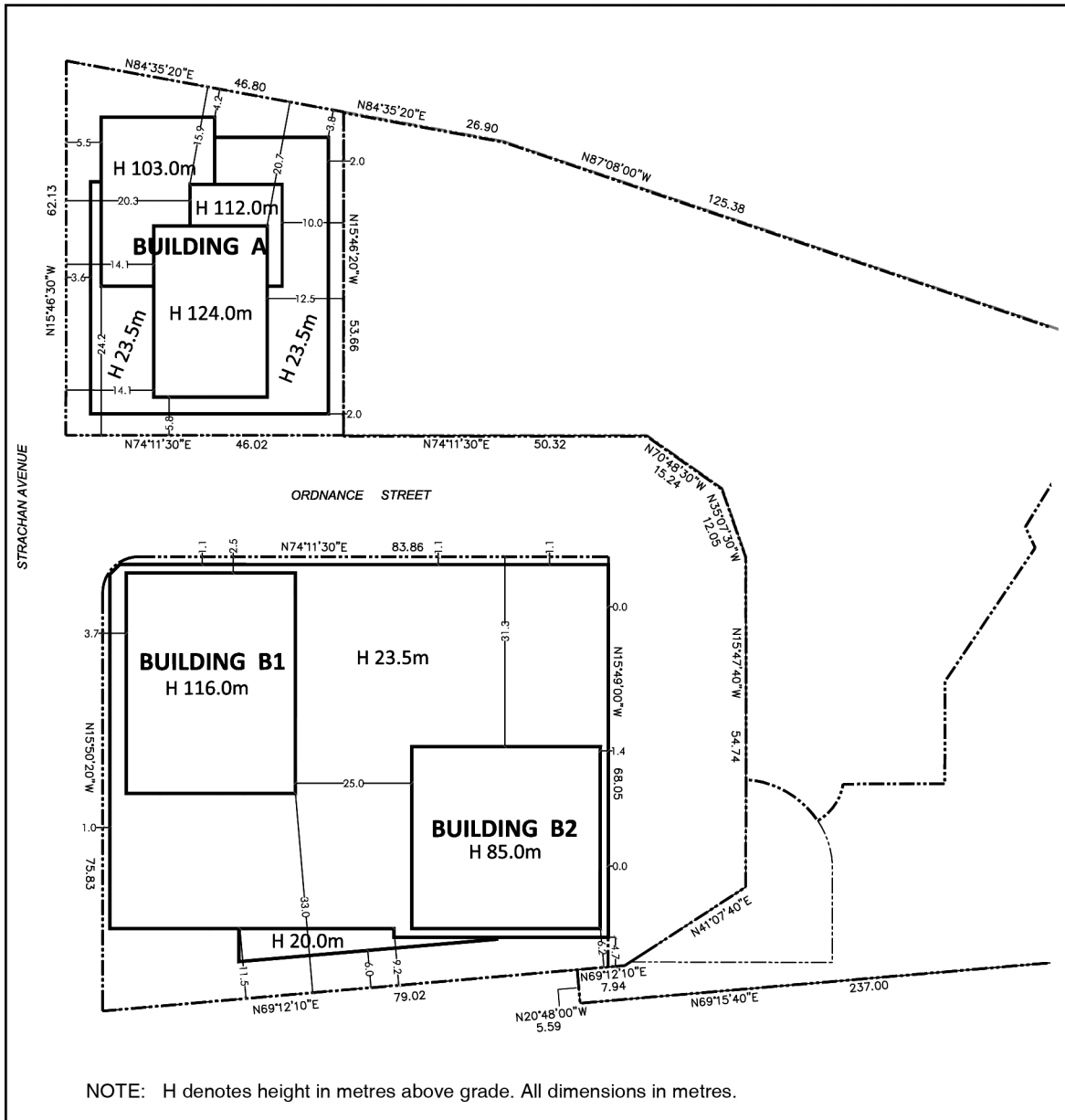
*Visitor Parking - Residential*

- (18) provide and maintain, in perpetuity, to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
- (a) a minimum of 75 vehicle *parking spaces* within the *commercial garage* located within the *Blocks*, for the exclusive use of visitors to the residential units within the *Blocks*, and visitors to the residential units within the two residential buildings at *30 Ordnance Street*, between the hours of 6:00PM and 6:00AM on Mondays through Thursdays and from 6:00PM on Fridays until 6:00 AM on Mondays; and
  - (b) and a minimum of 25 additional vehicle *parking spaces* within the *commercial garage* located within the *Blocks* for the exclusive use of visitors to the residential units within the *Blocks* and visitors to the residential units within the two residential buildings at *30 Ordnance Street*, between the hours of 10:00PM and 6:00AM on Mondays through Thursdays and from 10:00PM on Fridays until 6:00 AM on Mondays;
- (19) provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning Division, signage relating to the 100 below grade vehicle *parking spaces* referred to in Clause (18) in this Schedule "A", which indicates that the spaces are for the exclusive use of visitors to the residential units within the *Blocks*, and *30 Ordnance Street*, between the hours specified; and

*Dwelling Units*

- (20) provide a minimum of 30 percent of the total number of residential units collectively within the *Blocks*, as two and/or three-bedroom units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.





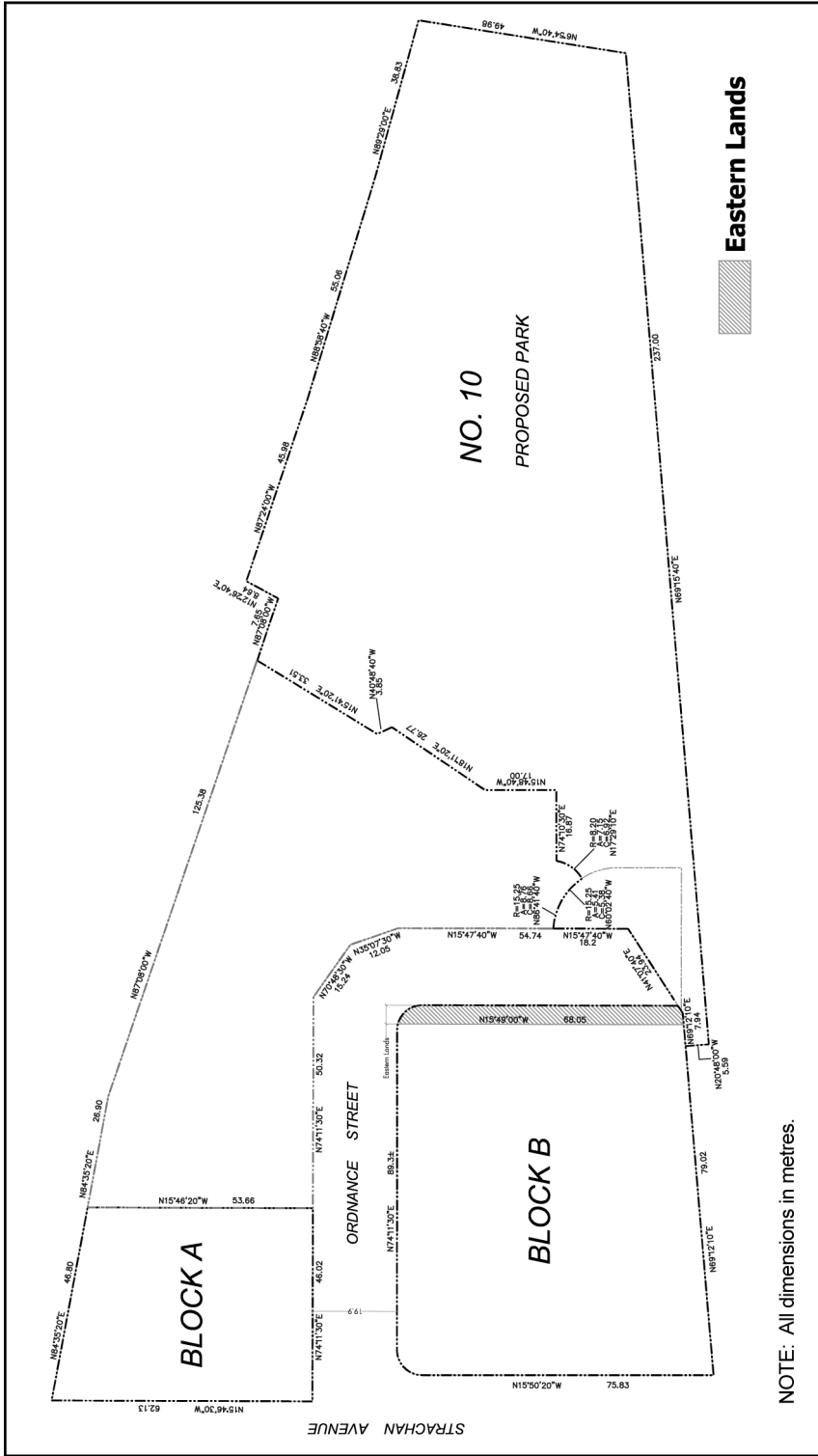
## 45 Strachan Avenue and 10,11 & 25 Ordnance Street

Map 2

File # 12 230482 0Z



Not to Scale  
07/14/2015



**45 Strachan Avenue and 10, 11 & 25 Ordinance Street**

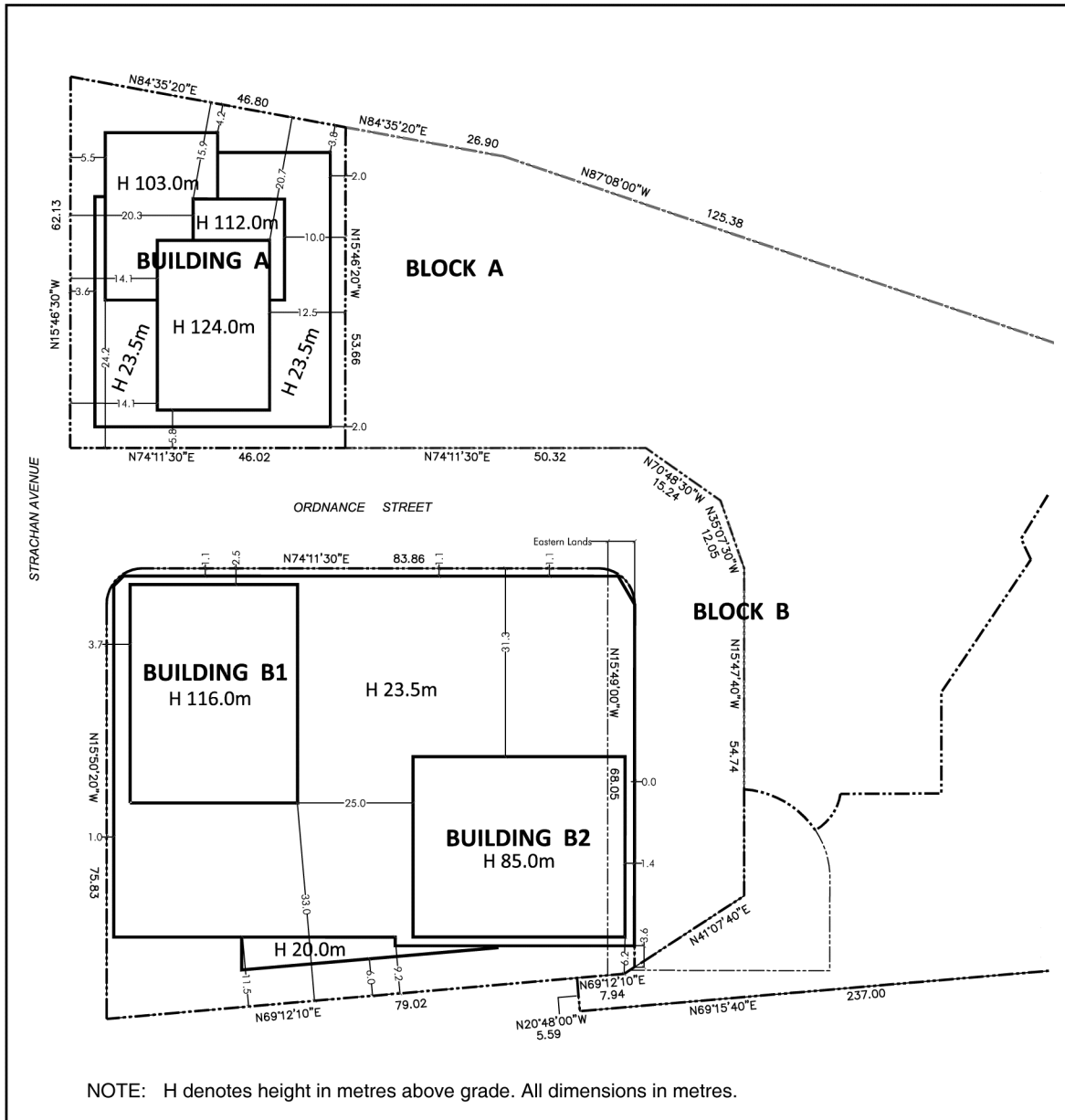


File # 12 230482 0Z

Map 3



Not to Scale  
 07/02/2015



45 Strachan Avenue and 10,11 & 25 Ordnance Street

Map 4

File # 12 230482 02



Not to Scale  
 07/02/2015