

Authority: Ontario Municipal Board Decision issued on March 4, 2016 and its Order issued on June 28, 2018 in Board Case PL140323

## CITY OF TORONTO

### BY-LAW 1327-2018(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally in 2016 as 177-197 Front Street East, 15-21 Lower Sherbourne Street and 200 The Esplanade.**

Whereas the *owner* of the lands known municipally in the year 2016 as 177-197 Front Street East, 15-21 Lower Sherbourne Street and 200 The Esplanade appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision issued on March 4, 2016 and its Order issued on June 28, 2018, in Board Case PL140323 approved amendments to former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands;

Pursuant to the Order of the Ontario Municipal Board, By-law 438-86 of the former City of Toronto, as amended, is further amended 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 including the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 to the City at the *owner's* expense and in accordance with and subject to the agreement referenced in Section 2 of this By-law.
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, 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. Except as otherwise provided herein, the provisions of *By-law 438-86* shall continue to apply to the *site*.
5. None of the provisions of Sections 2(1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *parking space* and *residential amenity space*, and none of the provisions of Sections 4(2)a, 4(5)b, 4(8), 4(10), 4(12), 4(13), 4(16), 4(17), 7(3) PART II, and 12(2)132, 12(2)246, 12(2)260 and 12(2)270 of *By-law 438-86*, shall apply to prevent the erection and use of a *mixed-use building* and uses *accessory* thereto, including an underground and above ground *parking garage*, on the *site* provided that all of the provisions of this By-law are complied with.

6. The *lot* on which the *mixed-use building* and uses *accessory* thereto is located comprises at least the *site*.
7. The total combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures located within the *site* shall not exceed 109,500 square metres.
8. The total combined *residential gross floor area* of all buildings and structures located within the *site* shall not exceed 107,500 square metres and the total combined *non-residential gross floor area* of all buildings and structures located within the *site* shall not exceed 2,000 square metres.
9. In addition to the *residential gross floor area* and/or *non-residential gross floor area* permitted in Paragraphs 7 and 8 above, above-grade parking may be provided within *Parcel A* provided the total additional *residential gross floor area* and/or *non-residential gross floor area* does not exceed 16,500 square metres.
10. At least ten (10) percent of all *dwelling units* erected or used on the *site* shall have three or more bedrooms.
11. No part of any building or structure erected within the *site* shall be located above *grade* otherwise than wholly within the *building envelopes* as shown on Map 3, except for the type of structures listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. eaves, cornices, columns, landscape and public art features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, patios, retaining walls, fences, screens, wind mitigation screens and features, underground garage ramp	no limitations, but shall not project beyond the <i>lot</i> line	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
B. awnings, canopies, arcades	a maximum of 3.0 metres beyond the exterior of the wall to which such awnings and canopies are attached	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
C. structures used for outside or open air recreation, safety or wind protection	a maximum of 1.6 metres	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
D. balconies, window sills, bay windows,	a maximum of 1.6 metres	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
E. ornamental, decorative or architectural elements	a maximum of 3.1 metres	Provided the height of the "STRUCTURE" is no higher than that portion of the building to which it is attached
F. structures listed in Sections 13 of this By-law	No restriction	Subject to requirements of Sections 13 of this By-law

12. The *height* of each portion of a building or structure erected above *grade* within the *site* shall, in respect of each *building envelope* area, have a maximum *height* in metres and in *storeys* as shown following the symbol H on the attached Map 3 for the corresponding *building envelope* area.
13. The preceding section of this By-law does not apply to prevent the erection or use of the following structures above the said *height* limits of:
- (a) a railing or railings located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.1 metres;
  - (b) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres, and having a maximum combined vertical dimension with (a) above of 2.0 metres above the *height* of each of the roof levels of the building;
  - (c) fences, partitions, cabanas, trellises or privacy screens provided the maximum vertical projection does not exceed 3.0 metres;
  - (d) elements associated with a green roof provided the maximum vertical projection does not exceed 0.5 metres;
  - (e) structures used for outside or open air recreation, safety or wind protection purposes provided the maximum vertical projection does not exceed 3.0 metres, and that the structures shall not enclose space so as to constitute a form of penthouse or other room or rooms;

- (f) spires, ornamental, decorative or architectural elements, stair towers, access corridors to stairs, elevator machine rooms, chimney stack or other heating, cooling or ventilating equipment, and mechanical penthouse located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 7.0 metres; and
  - (g) window washing equipment, lightning rods and exhaust flues located above the mechanical penthouse roof level provided the maximum vertical dimension of any such element does not exceed 1.2 metres.
14. *Parking spaces* shall be provided and maintained within the *site* in accordance with the following minimum requirements (fractions to be rounded down to the closest whole number), and shall be located in the underground *parking garage*, provided that some of the *parking spaces* may be located in an above ground *parking garage* containing a maximum *non-residential gross floor area* of 16,500 square metres:
- (a) a minimum of 0.467 *parking spaces* for each *dwelling unit* shall be provided and maintained within *site* solely for such *dwelling units* and designated as such by one or more clearly visible signs;
  - (b) a minimum of 0.06 *parking spaces* for visitors for each *dwelling unit* shall be provided and maintained within *site* solely for visitors to such *dwelling units* and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the residential building;
  - (c) notwithstanding the preceding subsection (a), the total number of *parking spaces* required to satisfy parking requirements for *dwelling units* may be reduced:
    - i. by 4 *parking spaces* for each *car-share parking space*, provided the maximum permitted reduction is calculated by using the following formula:  $4 \times (\text{the total number of } \textit{dwelling units} \div 60)$ , rounded down to the nearest whole number; and
    - ii. at a rate of 1 *parking space* for each 5 *bicycle parking spaces* provided on the *site* in excess of the minimum number of required *bicycle parking spaces* for the *site* based on the standards contained in By-law 569-2013, as amended, provided the reduction is not greater than 20 percent of the total minimum *parking spaces* required the preceding subsection (i); and
  - (d) no *parking spaces* are required for non-residential uses.
15. A minimum of 2.0 square metres of indoor *residential amenity space* shall be provided on the *site* for each *dwelling unit* in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom.
16. A minimum of 2.0 square metres of outdoor *residential amenity space* shall be provided on the *site* for each *dwelling unit*.

17. The *common outdoor space* shall be provided and maintained on the *site* to provide amenities for the benefit and enjoyment of pedestrians and which:
- (a) shall adjoin and be directly accessible from a *street*, other than a lane;
  - (b) shall not be used for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage, motor vehicle parking (except for vehicular access across the "Pedestrian Sidewalk Easement for Public Access at Ground Level" on Princess Street) or *residential amenity space*;
  - (c) shall not be used for the purposes of a *patio* except for the areas identified as "Private Patio Fenced Area" on Map 2; and
  - (d) may not be enclosed with fencing or landscaping, except for those areas identified as "Private Patio Fenced Area" on Map 2.
18. A minimum of five *loading space-type G* spaces shall be provided and maintained on the *site*, provide that only three of the required five *loading space-type G* spaces shall be required to be provided until such time as the total *residential gross floor area* and/or *non-residential gross floor area* exceeds 72,000 square metres (excluding the above-grade parking that may be provided on *Parcel A* at a maximum *non-residential gross floor area* of 16,500 square metres).
19. *Bicycle parking spaces* shall be provided and maintained on the *site* at the following minimum standards:
- (a) 0.8 *bicycle parking spaces - occupant* for each *dwelling unit*; and
  - (b) 0.2 *bicycle parking spaces - visitor* for each *dwelling unit*.
20. Notwithstanding the definitions of *bicycle parking space - occupant* and *bicycle parking space - visitor* in section 2(1) of *By-law 438-86*, a *stacked bicycle parking space* is permitted within the *site*.
21. Notwithstanding the provisions in Section 4(5)(i) of *By-law 438-86*, which require ingress and egress to and from parking facilities to be by way of unobstructed driveways or passageways, card reading devices and their associated poles shall not constitute obstructions.
22. None of the provisions of this By-law shall apply to prevent a maximum of two *temporary sales offices* and *temporary construction offices* on the *site*, provided that any such structure is limited to one-storey or is located in an existing building on the *site*
23. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of this By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.

24. Within the *site*, 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.
25. None of the provisions of By-law 1106-2016, being a By-law to amend *By-law 438-86* with respect to tall buildings setbacks in the downtown area of the City, shall apply to prevent the *mixed-use building* and uses *accessory* thereto on the *site* provided that all of the associated provisions of this By-law are complied with.
26. For clarity, the *mixed-use building* and uses *accessory* thereto may be constructed on a phased basis provided that all of the associated provisions of this By-law are complied with.
27. By-law 410-1993 of the former City of Toronto, being a by-law to amend *By-law 438-86* with respect to the *site*, is repealed.
28. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*building envelope*" means a building envelope for each height area as shown by an "H", and as delineated by the heavy lines on Map 3 attached;
  - (b) "*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, located on the ground level or below grade or above grade:
    - i. where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.45 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 0.45 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 0.45 metres, by 1.8 metres and has a combined vertical dimension for two *stacked bicycle parking spaces* of at least 2.4 metres; and
    - iv. where no greater than 40 percent of the total required amount of *bicycle parking spaces-occupant* are located below grade;

- (c) "*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, located on the ground level or below grade or above grade:
- i. where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.45 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 0.45 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 0.45 metres, by 1.8 metres and has a combined vertical dimension for two *stacked bicycle parking spaces* of at least 2.4 metres; and
  - iv. where no greater than 20 percent of the total required amount of *bicycle parking spaces-visitor* are located below grade;
- (d) "*By-law 486-86*" means By-law 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";
- (e) "*car-share parking space*" means a parking space used exclusively for the parking of a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected within the *site*;
- (f) "*common outdoor space*" means an above-grade, unenclosed, paved and/or landscaped exterior area or areas on a *site* identified on Map 2 as "Pedestrian Sidewalk Easement for Public Access at Ground Level" and/or "Privately-Owned Publicly Accessible Open Space at Ground Level";
- (g) "*City*" means the City of Toronto;
- (h) "*grade*" means the Canadian Geodetic elevation of 78.175 metres;
- (i) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
- (j) "*owner*" means the fee simple owner(s) of the *site*;
- (k) "*Parcel A*" and "*Parcel B*" each mean the areas at or above *grade* identified as *Parcel A* and *Parcel B* respectively on Map 1 attached;
- (l) "*site*" means those lands outlined by dashed lines on Map 1 attached;

- (m) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;
- (n) "*temporary sales office or temporary construction office*" means a temporary building, structure, facility or trailer on the *site* used for the purpose of the sale of *dwelling units* to be erected on the *site* and/or the administration and management of construction activity related to construction on the *site*; and
- (o) 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 438-86*.

Pursuant to Decision/Orders issued on March 4, 2016 and June 28, 2018 of the Ontario Municipal Board in Board Case PL140323.



**APPENDIX 1****SECTION 37 PROVISIONS**

The facilities, services and matters set out herein are required to be provided to the *City* by the *owner* of the *site* at the *owner's* expense in return for the increase in height and density of the proposed development on the *site* and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the *City* whereby the *owner* agrees as follows:

1. The provision of a financial contribution to the *City* in the amount of \$2,500,000.00 prior to the issuance of the first above-grade building permit, for the subject *site*, indexed upwardly from the date of the Section 37 Agreement to the date of each such payment, with the contribution to be used by the *City* towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:
  - (a) A cash payment of \$50,000.00 towards the North St. Lawrence Market redevelopment;
  - (b) A cash payment of \$450,000.00 towards the implementation of Heritage Lighting and/or Interpretation Master Plan for Old Town Toronto;
  - (c) A cash payment of \$1,500,000.00 towards local streetscape and/or park improvements in Ward 28; and
  - (d) A cash payment of \$500,000 towards the First Parliament Building site;

with provision that in the event any of the above required Section 37 cash contributions have not been used for the intended purpose within three years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject site, being within the local Ward of the subject site.

2. The *owner* shall provide and maintain the following to the satisfaction of the Chief Planner and Executive Director, City Planning Division with the specific location, configuration and design to be determined and secured in the context of site plan approval for the *site* pursuant to section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, section 41 of the *Planning Act*, as amended:
  - (a) an east-west publicly accessible pedestrian walkway through the *site* which shall have a minimum width of 10 metres and a minimum height of 5.0 metres and shall provide a direct at-grade connection between Lower Sherbourne Avenue and Princess Street generally in the area identified as "Privately Owned Publicly Accessible Walkway at Ground Level (Mid-Block Connection)" on Map 2 of this By-law, which may also include loading and servicing access for *Parcel B* of the *site*;

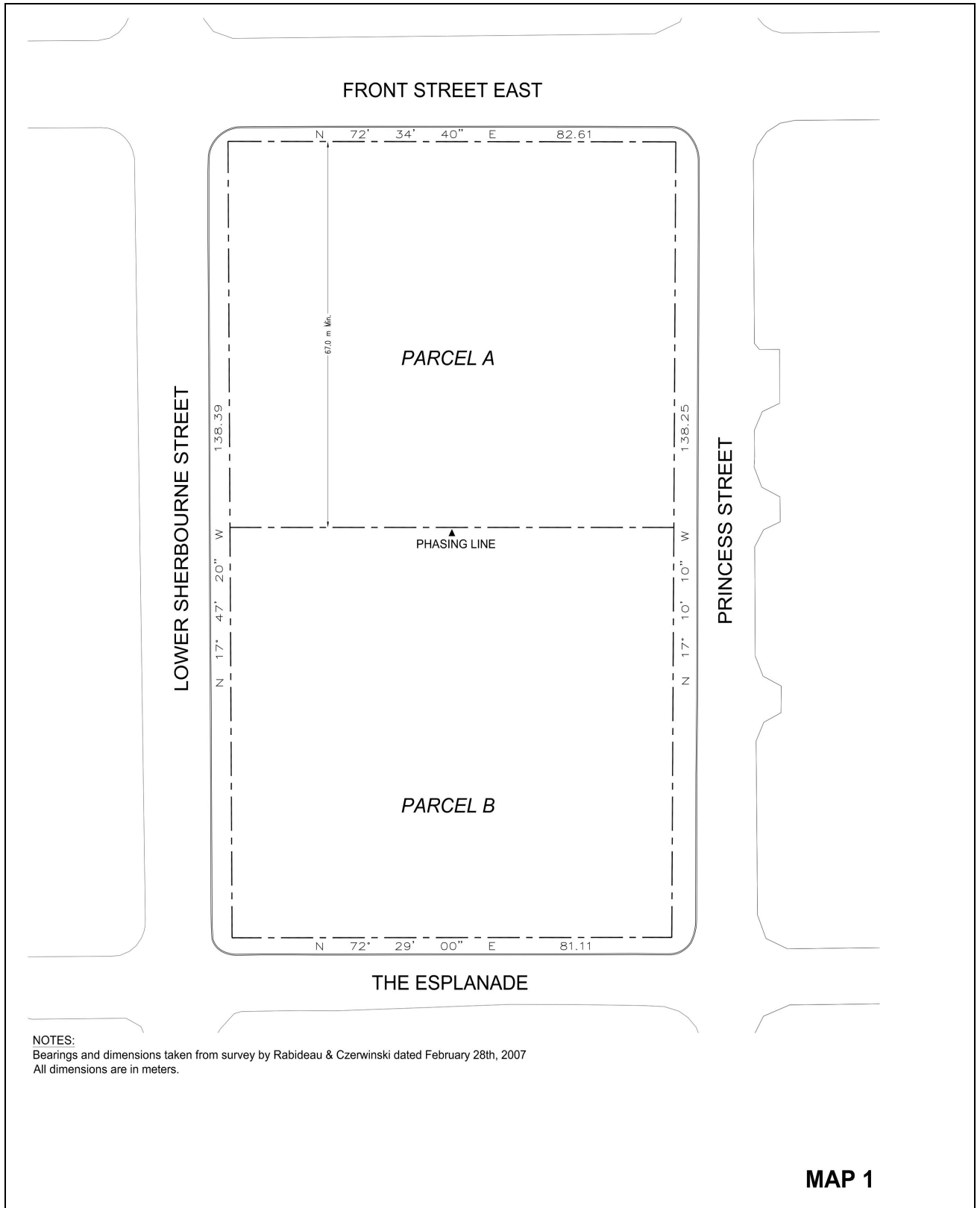
- (b) a north-south publicly accessible open space (POPS) pedestrian sidewalk / clearway across private property on those portions of Lower Sherbourne abutting the *site* to accommodate Lower Sherbourne Promenade pedestrian activity and/or street trees, generally in the area identified as "Pedestrian Sidewalk Easement for Public Access at Ground Level (Lower Sherbourne Promenade)" on Map 2 of this By-law;
  - (c) an east-west publicly accessible open space (POPS) pedestrian sidewalk / clearway across private property on those portions of Front Street abutting the *site* to accommodate pedestrian activity and/or street trees, generally in the area identified as "Pedestrian Sidewalk Easement for Public Access at Ground Level (Front Street East, Princess Street and The Esplanade)" on Map 2 of this By-law;
  - (d) a north-south publicly accessible open space (POPS) pedestrian sidewalk / clearway across private property on those portions of Princess Street abutting the *site* to accommodate pedestrian activity and/or street trees, generally in the area identified as "Pedestrian Sidewalk Easement for Public Access at Ground Level (Front Street East, Princess Street and The Esplanade)" on Map 2 of this By-law;
  - (e) an east-west publicly accessible open space (POPS) pedestrian sidewalk / clearway across private property on those portions of The Esplanade abutting the *site* to accommodate pedestrian activity and/or street trees, generally in the area identified as "Pedestrian Sidewalk Easement for Public Access at Ground Level (Front Street East, Princess Street and The Esplanade)" on Map 2 of this By-law;
  - (f) a privately owned publicly accessible open space (POPS) courtyard area as generally in the area identified as "Privately Owned Publicly Accessible Open Space at Ground Level (Courtyard)" on Map 2 of this By-law;
  - (g) clear and visible permanent signage, demarcating that the POPS areas are publicly-accessible, in the form of a plaque, as per the POPS Urban Design Guidelines 2014, at The Esplanade entrance for the a privately owned publicly accessible open space (POPS) courtyard area as generally in the area identified as "Privately Owned Publicly Accessible Open Space at Ground Level (Courtyard)" on Map 2 of this By-law; and
  - (h) clear and visible permanent signage at the entrances on Princess Street and Lower Sherbourne Avenue for the east-west publicly accessible pedestrian walkway through the *site* which shall provide a direct at-grade connection between Lower Sherbourne Avenue and Princess Street generally in the area identified as "Privately Owned Publicly Accessible Walkway at Ground Level (Mid-Block Connection)" on Map 2 of this By-law, indicated permitted public access of this walkway.
3. Prior to the earlier of any residential use and registration of the first condominium on *Parcel A* of the *site*, the *owner* shall have completed construction of the publicly accessible walkway/clearway referred to in Clauses 2 (c) and for that portion of *Parcel A* referred to in Clauses 2 (b) and (d), and shall convey public access easements to the *City*

for nominal consideration, at no cost to the *City* and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as are set out in the Section 37 Agreement, including provision for deposit of reference plans, insurance and indemnification associated with the public access easements, where "Pedestrian Sidewalk Easement for Public Access at Ground Level" shall include and recognize sidewalks, pedestrian ways, benches, public patios, public patio seating, trees, bicycle parking, landscape features and street furniture, among other features, and shall include areas identified for private patios, seating and fencing demarcated as "Private Patio Fenced Area" on Map 2.

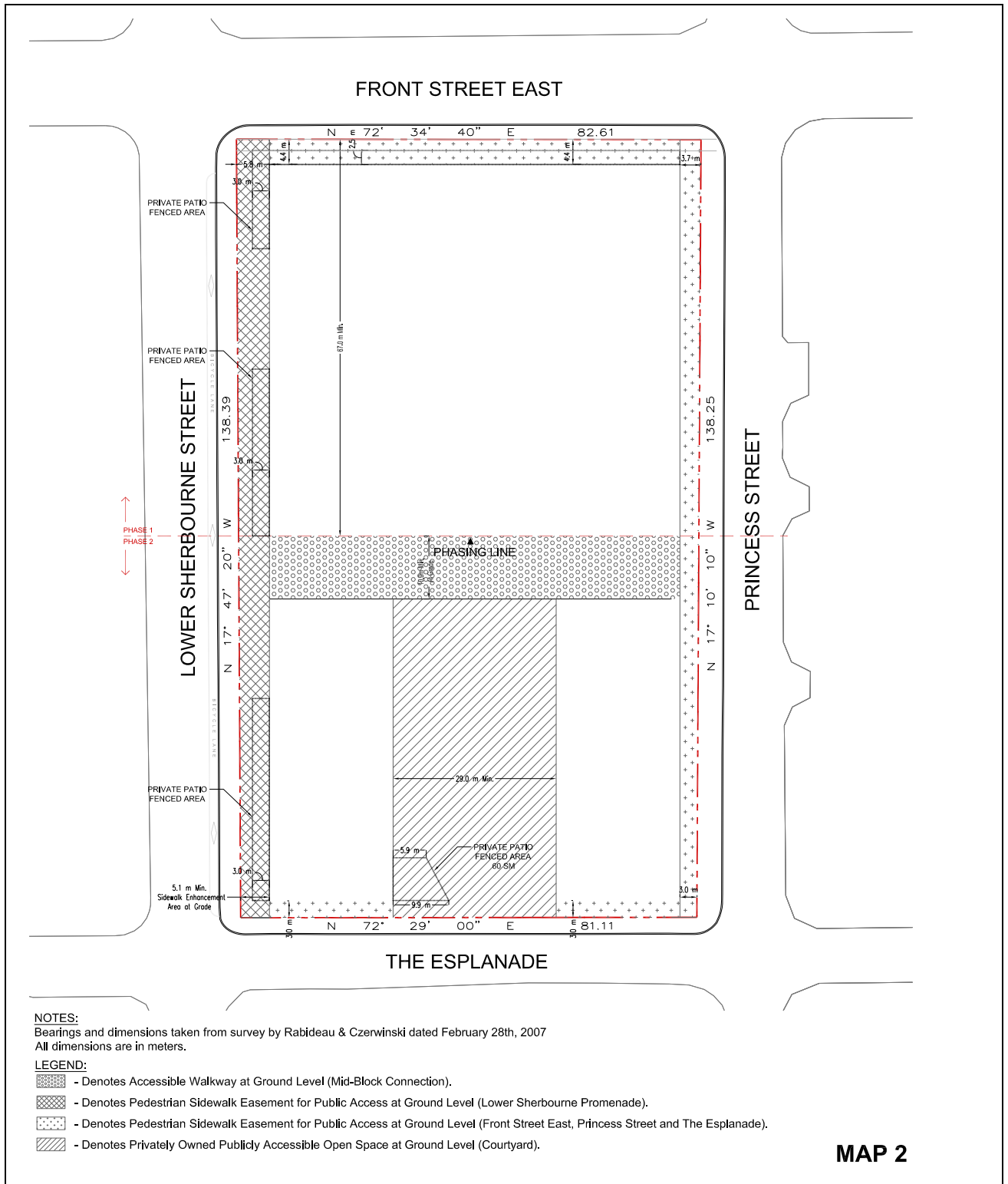
4. Prior to the earlier of any residential use and registration of the first condominium on *Parcel B* of the *site*, the *owner* shall have completed construction of the publicly accessible walkway, clearway and courtyard referred to in Clauses 2 (a) and (f) of this Appendix 1 and for the portions of *Parcel B* referred to in Clauses 2 (b), (d) and (e), and shall convey public access easements to the *City* for nominal consideration, at no cost to the *City* and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as are set out in the Section 37 Agreement, including provision for deposit of reference plans, insurance and indemnification associated with the public access easements, where "Pedestrian Sidewalk Easement for Public Access at Ground Level" shall include and recognize sidewalks, pedestrian ways, benches, public patios, public patio seating, trees, bicycle parking, landscape features and street furniture, among other features, and shall include areas identified for private patios, seating and fencing demarcated as "Private Patio Fenced Area" on Map 2.
5. In support of the development, the *owner* shall pay for, design and construct any improvements to the privately owned publicly accessible open space (POPS) areas identified in Clause 2 as are to be determined at the time of site plan approval for the relevant portion or phase of the *site* pursuant to Section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, Section 41 of the *Planning Act*, as amended.
6. In support of the development, the *owner* shall pay for, design and construct any improvements to the existing municipal infrastructure determined to be necessary as set out in a Functional Servicing Report accepted by the Executive Director Engineering and Construction Services with all works to be completed to the satisfaction of the Executive Director, Engineering and Construction Services prior to the earlier of any residential use and registration of the first condominium on the *site*.
7. Prior to issuance of the first building permit for a building on the *site*, the *owner* shall provide security for the cost of all works contemplated in Clause (6) of this Appendix 1 to the satisfaction of the Executive Director, Engineering and Construction Services.
8. The *owner* shall provide on *Parcel A* and on *Parcel B* that a minimum of 10 percent of the total *dwelling units* must be 3 bedrooms or larger, in compliance with the *Ontario Building Code*. *Parcel B* may provide less than the 10 percent measure, provided that the final aggregate measure on both *Parcel A* and *Parcel B* is a minimum of 10 percent.

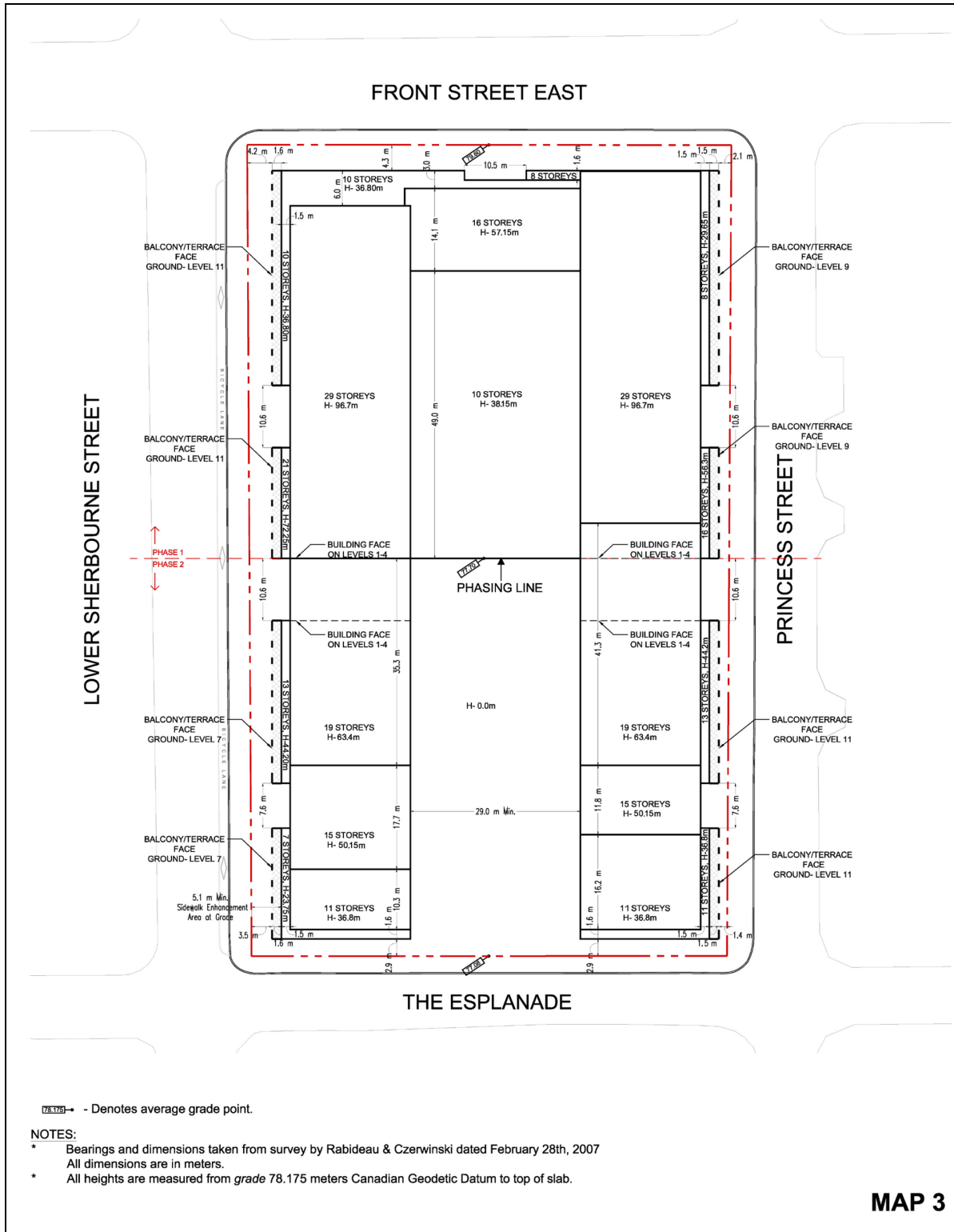
9. The *owner* shall provide on *Parcel A*, as part of the indoor *residential amenity space*, a minimum 30 square metre, dedicated, on-site "pet friendly" exercise and relief area located on the ground floor with access to the east-west walkway, and accessible to all future residents of the development project.
10. The *owner* shall provide on *Parcel A*, as part of the indoor *residential amenity space*, a minimum 230 square metres, dedicated, on-site "child friendly area" located on the ground floor with access to the east-west walkway, and accessible to all future residents of the development project.
11. Prior to Site Plan approval pursuant to Section 114 of the *City of Toronto Act*, the *owner* shall provide 1:50 scale architectural elevation drawings for representative portions of the buildings with building materials, colours and finishes illustrated and labelled to the satisfaction of the Chief Planner and Executive Director to secure the details, design and materials of the development, generally as proposed by plans submitted by Sentinel (Sherbourne) Land Corporation dated December 22, 2015.
12. The *owner* shall enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under section 114 of the *City of Toronto Act, 2006*, as amended and, as applicable, section 41 of the *Planning Act*, as amended.
13. The *owner* is required to enter into an agreement with the *City* pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the *City* with conditions providing for indexed escalation of financial contributions, no credit for development charges unless otherwise specified, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.



 LANDS REFERRED TO AS THE SITE





78.175 - Denotes average grade point.

**NOTES:**

- \* Bearings and dimensions taken from survey by Rabideau & Czerwinski dated February 28th, 2007
- \* All dimensions are in meters.
- \* All heights are measured from *grade 78.175 meters Canadian Geodetic Datum* to top of slab.

**MAP 3**

**H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE**