

## Planning and Growth Management Committee

(Deferred by City Council from July 8, 9, 10 and 11, 2014 - 2014.PG34.3)

PG34.3	Action			Ward:19
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### 10, 11, 25, and 30 Ordnance Street and 45 Strachan Avenue - Zoning By-law Amendment Application - Final Report

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

#### Committee Recommendations

The City Planning Division recommends that:

1. City Council amend the City of Toronto Official Plan substantially in accordance with the draft Official Plan Amendment for the lands at 30 Ordnance Street attached as Attachment 3 to the report (May 28, 2014) from the Chief Planner and Executive Director, City Planning;
2. City Council authorize the City Solicitor to request the Minister of Municipal Affairs and Housing to modify OPA 231, Section 17 with respect to Chapter 6, Section 14, Garrison Common North Secondary Plan, Site and Area Specific Policy No. 8 for 10, 11 and 25 Ordnance and 45 Strachan Avenue to increase the minimum employment space to include an additional 2,140 square metres and easterly boundary adjustment or, in the alternative, if OPA 231 is appealed, request the Ontario Municipal Board to amend OPA 231 in a similar manner;
3. City Council amend former City of Toronto Zoning By-law 159-2012, being a By-law to amend Zoning By-law 438-86, as amended, for the lands at 30 Ordnance Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (June 16, 2014), from the Chief Planner and Executive Director, City Planning;
4. City Council amend former City of Toronto Zoning By-law 438-86, as amended, for the lands at 10, 11, 25, Ordnance Street and 45 Strachan Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the supplementary report (June 16, 2014), from the Chief Planner and Executive Director, City Planning;
5. Before introducing the bills contemplated in Recommendations 1, 3 and 4 above to Council for enactment, City Council require the adjustment of the proposed boundary

between 30 Ordinance Street and the future park has been accepted in accordance with the Park Reconveyance Agreement dated April 16, 2012 between the City of Toronto and Build Toronto Inc to the satisfaction of the General Manager, Parks, Forestry and Recreation and the General Manager, Real-Estate Services;

6. Before introducing the bills contemplated in Recommendation 4 above to Council for enactment, the City shall have received the Minister of Municipal Affairs and Housing's Decision on Official Plan Amendment 231 approving the conversion of 10, 11, 25, Ordinance Street and 45 Strachan Avenue from Employment to Mixed Use designation or, should OPA 231 be appealed, the Ontario Municipal Board decision regarding any appeals subject to 10, 11, 25, Ordinance Street and 45 Strachan Avenue in respect of Official Plan Amendment 231 and any necessary amendment to OPA 231 to increase the minimum non-residential gross floor area as contemplated in Recommendation 2 above, will have been approved;
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Zoning By-law Amendments as may be required, including, as necessary, minor adjustments to the boundary between 30 Ordinance Street and the future park at 10 Ordinance Street which maintain the intent outlined in the report dated May 28, 2014, from the Chief Planner and Executive Director, City Planning;
8. Before introducing the necessary Bills contemplated in recommendations 1, 3 and 4 to City Council for enactment, City Council require the owner(s) to enter into appropriate Agreement(s) pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor to secure the following, at the owner's expense, in connection with 45 Strachan Avenue, 30 Ordinance Street, and 11 and 25 Ordinance Street, referred to as Blocks 1, 2, and 3 respectively:
  - i. Prior to issuance of an above grade building permit for the first building within either of Blocks 1 or 3, the owner shall make a cash contribution to the City in the amount of \$3,000,000.00 toward the cost of the Fort York Pedestrian and Cycling Bridge, including work to accommodate the bridge landings within the South Stanley Park extension, the future park space at 10 Ordinance Street, and/or Fort York National Historic Site, to the satisfaction 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;
  - ii. Prior to issuance of an above-grade building permit for the first building within either of Blocks 1 or 3, the owner shall construct, or cause to be constructed, any grading works and retaining walls necessary to implement the above-base grading at 10 Ordinance Street and having a minimum value of \$1,500,000.00, to the satisfaction 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;
  - iii. Prior to issuance of a below-grade building permit for the first building within either of Blocks 1 or 3, the owner shall have entered into an agreement to secure the relocation of Eva's Phoenix, to the satisfaction of the Chief Planner and

Executive Director, City Planning in consultation with applicable civic officials;

- iv. Prior to issuance of the first above-grade building permit for the first building within either of Blocks 1 or 3, the owner shall make a cash contribution to the City in the amount of \$750,000.00 toward the acquisition and/or construction of community services and/or facilities within the development at the Ordnance Triangle as may be agreed to between the parties, or within the vicinity of the development and in Ward 19, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
- v. The cash contributions identified in recommendation 8. i, ii, and, iv. above 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 in the case of recommendation 8. ii, to the date of construction;
- vi. Prior to issuance of an above-grade building permit for the first building in each of Blocks 1 and 3, the owner shall submit a Pedestrian Level 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. The owner shall incorporate and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- vii. Prior to the issuance of any building permit for the first building in each of Blocks 1, 2 and 3, the owner will submit a Construction Management Plan, for each phase, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter, shall implement the plan during the course of construction, with details to be included in the Section 37 Agreement;
- viii. Prior to issuance of a below-grade building permit for a building on each of Blocks 1 and 3, the owner will 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 and shall incorporate all measures into the plans and drawings submitted in the context of site plan approval pursuant to s114 of the City of Toronto Act, 2006, as amended, and s41 of the Planning Act, as amended and as applicable;
- ix. Prior to the issuance of any building permit for the first building on Block 2, the owner shall ensure that arrangements are in place to provide for the temporary relocation of existing access routes and access easements in favour of Metrolinx within the easterly limit of Block 2 (formerly part of 10 Ordnance Street) to an alternative location through 10 Ordnance Street providing access to the Metrolinx infrastructure at the 'tip lands', to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the General Manager, Parks Forestry and Recreation;
- x. Prior to the issuance of an above grade building permit for the first building within either of Blocks 1 or 3, the owner shall, to the satisfaction of Chief Planner and Executive Director, City Planning Division, in consultation with the

General Manager, Parks Forestry and Recreation and Metrolinx, be responsible to provide for interim relocation of any Metrolinx access to its infrastructure at the "tip lands" over 10 Ordnance Street to a service road north of the Ordnance Triangle. The subject owner's responsibilities for providing any required interim access shall include the following:

- a. design and construction of alternative vehicular access for Metrolinx 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 over the Ordnance Triangle Lands as may be required to allow the contemplated alternative interim access by Metrolinx to the north service road from Ordnance Street;
  - c. removal of access and release of any existing access easements in favour of Metrolinx over 10 Ordnance Street;
- xi. Prior to registration of a plan of condominium on Block 1 the owner shall be responsible for the following, to the satisfaction of Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation Services:
- a. design and construction of vehicular access from Strachan Avenue to be shared by Blocks 1 and 2 and provide Metrolinx with shared access to its north service road, located north of Block 2, or an alternative arrangement. The design and any details related to this access, including but not limited to parking restrictions.
  - b. obtain all necessary approvals to facilitate the appropriate land ownership or easement arrangements for the Strachan Avenue shared access.
- xii. The timing of items x and xi, above may be amended only with the written consent of the Chief Planner and Executive Director, City Planning Division; the General Manager, Parks Forestry and Recreation, and the General Manager, Transportation Services;
- xiii. Prior to the issuance of an above-grade permit for the first building in each of Blocks 1 and 3, the owner will 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, all of which shall be implemented in the context of the site plan approval for the Block to the satisfaction of the Chief Planner and Executive Director, City Planning;
- xiv. Prior to the issuance of an above-grade building permit for the first building

- within each of Blocks 1 and 3, and in support of the development the owner shall provide, at no cost to the City, any improvements to municipal infrastructure as required throughout each phase of development, as identified in the Phasing Drawings, prepared by Odan/Dectech Group, and dated May 21, 2014 to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services;
- xv. Prior to the issuance of an above-grade building permit for the first building within either Block 1 or 3, and in support of the development, the owner shall make a cash payment in an amount to be determined by Executive Director of Engineering and Construction Services and the General Manager of Transportation Services, as a cost sharing contribution to Strachan Avenue improvements to be undertaken by the City, which includes but may not be limited to, introduction of northbound and southbound left turn lanes, northbound right turn lane, introduction of a traffic signal control at Strachan Avenue / Wellington Street, and a southbound realignment of East Liberty Street west of Strachan Avenue;
  - xvi. The owner shall acknowledge and agree to warning clauses with respect to each of Blocks 1 and 3, which the owner shall include in initial offers of purchase and sale as well as 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;
  - xvii. Prior to issuance of an above grade building permit for the first building within Block 2, the owner shall make a cash contribution to the City in the amount of \$100,000.00 to be allocated toward the costs associated with the Fort York Pedestrian and Cycle Bridge and/or improvements to the area park space at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, as required pursuant to the decision of the Ontario Municipal Board issued September 9, 2013 (OMB File PL130565) in connection with minor variance application A0915/12TEY. Such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the Ontario Municipal Board Decision to the date of submission of the funds by the owner to the City; and
  - xviii. The owner shall provide and maintain public pedestrian walkways and shall convey public access easements to the City, on terms and conditions satisfactory to the City Solicitor, as generally illustrated on Figure 4 of the Urban Transportation Considerations Report, prepared by BA Group dated November 2013, with details, including timing for delivery of the easements, to be determined in the context of site plan approval for the subject Block and such easement lands to be maintained by the owner of the subject Block.
9. City Council request the Director of Affordable Housing Office in consultation with the Chief Planner and Executive Director, City Planning, to report to the August 12, 2014, Toronto and East York Community Council with the details regarding the provision of affordable ownership units by Build Toronto Inc. within the Ordnance Triangle, and the mechanism through which the provision of these units will be secured;

10. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 Agreements; and
11. City Council authorize cash-in-lieu funds generated through the Alternative Rate Parkland Dedication By-law in connection with 30 Ordnance Street as well as 10, 11 and 25 Ordnance Street and 45 Strachan Avenue that are above the first 5 percent to be directed for use to construct the Above Base Park Improvements to the future park within 10 Ordnance Street, the South Stanley Park extension, and/or Fort York National Historic Site, to the satisfaction of the General Manager, Parks Forestry and Recreation, Division, in consultation with the Manager, Fort York National Historic Site, and the local Councillor.

### **Committee Decision Advice and Other Information**

The Planning and Growth Management Committee:

1. Requested the Chief Planner and Executive Director, City Planning, in consultation with the appropriate city officials and the Ward Councillor, to report directly to City Council, on the following matters:
  - a. Amending Recommendation 8.ii. from the recommendations Section of the Supplementary Report (June 16, 2014) from the Chief Planner and Executive Director, City Planning, to specify the contribution of the applicant towards the above-base grading and retaining wall construction related to the future park space at 10 Ordnance Street;
  - b. Amending Recommendation 8.xi from the recommendations Section of the Supplementary Report (June 16, 2014) from the Chief Planner and Executive Director, City Planning, to specify the details of the applicant's cost-sharing contribution to the Strachan Works, including the introduction of northbound and southbound left turn lanes, a northbound right turn lane, introduction of a traffic signal control at East Liberty Street/Strachan Avenue and Strachan Avenue/ Wellington Street, and a southwards realignment of East Liberty Street west of Strachan Avenue; and
  - c. Amending the Draft Zoning By-laws for 30 Ordnance Street (Attachment 1) and 10, 11 and 25 Ordnance Street and 45 Strachan Avenue (Attachment 2) of the Supplementary Report (June 16, 2014) from the Chief Planner and Executive Director, City Planning, to provide for an alternate arrangement for the provision of residential visitors parking spaces, with these residential visitors spaces potentially being located, in whole or part, within the commercial garage, and to reduce the rate of required residents parking spaces.

### **Origin**

(May 28, 2014) Report from the Chief Planner and Executive Director, City Planning

### **Summary**

The Zoning By-law Amendment application proposes the construction of two mixed-use base buildings with three residential towers at heights of 39, 33, and 24 storeys, comprising 1012

residential units and 10,810 square metres of non-residential floor space at 11 and 25 Ordnance Street and 45 Strachan Avenue. A new public park is proposed on the lands at 10 Ordnance Street. This application also proposes amendments to Official Plan Amendment 125 and to Zoning By-law 159-2012 to modify existing permissions for two residential buildings at 30 Ordnance Street (10 115786 STE 19 OZ). All lands subject to this application are collectively referred to as the “Ordnance Triangle”.

The Ordnance Triangle lands have been approached as a comprehensively planned development. City staff, in collaboration with Build Toronto and the applicant, have considered, among many matters, the relationship to nearby open spaces, Liberty Village, and Fort York National Historic Site, opportunities to improve pedestrian and vehicle connections, the proximity to the adjacent railway lines, the relationship to the proposed future park space, and connections to existing and proposed cycling infrastructure, including the new Fort York pedestrian and Cycling Bridge.

This report reviews and recommends approval of the Official Plan and Zoning By-law Amendments subject to the provisions contained in this report. The recommendations contained within this report conform to the policies of the City's Official Plan, and City Council approved OPA 231. As the Minister of the Municipal Affairs and Housing has yet to approve OPA 231, any bills related to 10, 11 and 25 Ordnance Street and 45 Strachan Avenue will be held until such time as the Minister issues a decision on OPA 231. Bills related to 30 Ordnance Street may be allowed to proceed in advance of the Minister's decision, as these lands have existing residential use permissions, but will be held until such time as a boundary adjustment of the 30 Ordnance Street property is completed.

### **Background Information (Committee)**

(May 28, 2014) Report and Attachments 1-8 from the Chief Planner and Executive Director, City Planning on 10, 11, 25, and 30 Ordnance Street and 45 Strachan Avenue - Zoning By-law Amendment Application Final Report

<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-70291.pdf>

(May 28, 2014) Notice of Public Meeting to be Held by the Planning and Growth Management Committee (Under the Planning Act)

<http://www.toronto.ca/legdocs/mmis/2014/pa/bard/backgroundfile-70298.pdf>

### **Speakers**

Cynthia MacDougall, Partner, McCarthy Tetrault  
 Jeanhy Shim, Principle, Housing Lab Toronto  
 Councillor Mike Layton

## **3a 10, 11, 25, and 30 Ordnance Street and 45 Strachan Avenue - Zoning By-law Amendment Application - Supplementary Report**

### **Origin**

(June 16, 2014) Report from the Chief Planner and Executive Director, City Planning

### **Summary**

A report dated May 28, 2014, from the Chief Planner and Executive Director, City Planning Division, recommends approval of the Zoning By-law Amendment application to construct two mixed-use buildings with towers at heights of 39, 34, and 24 storeys, comprising 1012

residential units and 10,810 square metres of non-residential floor space at 11 and 25 Ordnance Street and 45 Strachan Avenue. The report also recommends approval of amendments to Official Plan Amendment 125 and to Zoning By-law 159-2012 to modify existing permissions for two residential buildings at 30 Ordnance Street (10 115786 STE 19 OZ). All lands subject to this application are collectively referred to as the “Ordnance Triangle”. Two By-law amendments reflecting these developments were to be attached to that report.

The purpose of this report is to provide supplemental information to the May 28, 2014 report regarding Section 37 conditions with regard to road improvements and other matters. This report also attaches the draft by-law amendments both with respect to 30 Ordnance Street as well as 10, 11, 25 Ordnance Street / 45 Strachan Avenue.

### **Background Information (Committee)**

(June 16, 2014) Report and Attachments 1 and 2 from the Chief Planner and Executive Director, City Planning on 10, 11, 25, and 30 Ordnance Street and 45 Strachan Avenue - Zoning By-law Amendment Application Supplementary Report  
(<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-70851.pdf>)