

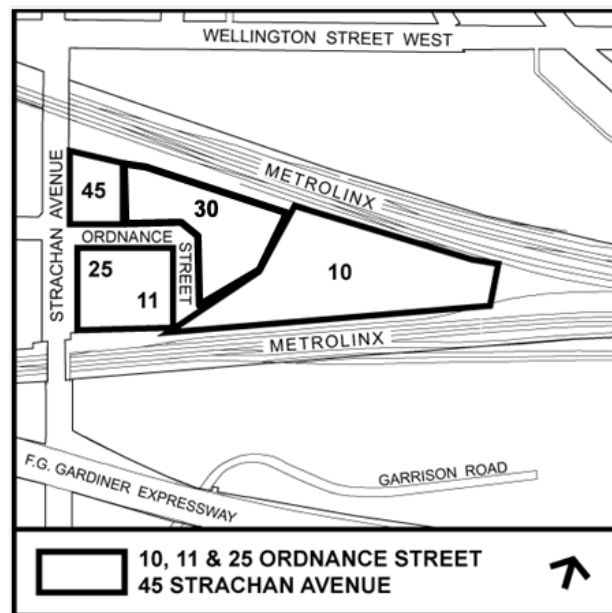
10, 11, 25, and 30 Ordnance Street and 45 Strachan Avenue - Zoning By-law Amendment Application Supplementary Report

Date:	August 15, 2014
To:	City Council
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:\2014\Cluster B\PLN\City Council\CC14138 (12 223589 STE 19 OZ - Official Plan Amendment Application 12 230482 STE 19 OZ - Zoning By-law Amendment Application)

SUMMARY

At its meeting on June 19, 2014, Planning and Growth Management Committee considered a Final Report dated May 28, 2014, and Supplementary Report dated June 16, 2014 from the Director of Planning, Toronto and East York District, recommending approval of the Zoning By-law Amendment application to construct two mixed-use buildings with towers at heights of 39, 34, and 24 storeys, at 11 and 25 Ordnance Street and 45 Strachan Avenue. The reports also recommended 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”.

Planning and Growth Management Committee recommended that the Chief Planner and Executive Director, City Planning be directed to report further and directly to Council on matters related to road improvements, park grading and retaining wall design and construction, a reduction in residents parking spaces and residential visitors parking spaces.



This matter was deferred by City Council at its Meeting on July 7-11, 2014 to its meeting on August 25-27, 2014. This report recommends further revisions to the Draft Zoning By-law amendments with no further notice being required.

RECOMMENDATIONS

The City Planning Division recommends that:

1. The recommendations 3 and 4 from the Supplementary Report (Item PG34.3a) dated June 16, 2014, from the Chief Planner and Executive Director, City Planning, be deleted and replaced with the following:
 - “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 Ordinance Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to the supplementary report (August 6, 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, Ordinance Street and 45 Strachan Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the supplementary report (August, 6, 2014), from the Chief Planner and Executive Director, City Planning;”
2. Recommendations 8. ii) contained in Final Report (Item PG Item 34.3a), dated June 16, 2014 from the Chief Planner and Executive Director, City Planning Division, be deleted and replaced with the following:
 - “ii) Prior to the issuance of an above-grade building permit for the first building within either of Blocks 1 or 3, the owner shall:
 - a. design and construct, at no cost to the City, grading works and retaining walls necessary to raise the elevation of the future park to provide for the Fort York Pedestrian and Cycle Bridge landing / transition at 10 Ordinance Street and thereby increase the usable park area, generally in accordance with concept plan entitled Garrison Point Base Park, Drawing L101, prepared by Claude Cormier and Associates, dated August 11, 2014 (Attachment 3), to the satisfaction of the General Manager, Parks, Forestry and Recreation, Division and the Chief Planner and Executive Director, City Planning, in consultation with the Manager, Fort York National Historic Site, and the Ward Councillor, and in the event that the foregoing cannot be completed at such time as the owner has obtained all necessary approvals to otherwise allow the issuance of an above-grade building permit for the first building on either of Blocks 1 or

3, the General Manager, Parks and the Chief Planner may in their sole discretion, agree to alternative timing on such terms and conditions as may be required and provided that prior to issuance of the first above-grade permit the owner shall provide financial securities for the estimated cost of the required park construction 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 Ward Councillor and provided that construction is completed prior to registration of the first plan of condominium on either of Blocks 1 or 3;

- b. demonstrate that the base park work as detailed in the Parks Reconveyance Agreement dated April 16, 2012, between the City of Toronto and Toronto Build Inc. has been completed to the satisfaction of the General Manager of Parks Forestry and Recreation;
- c. design and construct, at no cost to the City, additional base park improvements, which shall include stormwater management, electrical, storm, sanitary, and water connections to the street line, and provision for park signage, to the satisfaction of the General Manager of Parks Forestry and Recreation; and
- d. provide a cost estimate for the works detailed in 8, ii), a, b, and c, above, and provide financial security in the amount of 20% of the estimated cost of these works, to be held for a 2-year warranty period from the time of acceptance of the works, to the satisfaction of the General Manager of Parks, Forestry and Recreation.”

2. Recommendations 8. xv) contained in Final Report (Item PG34.3a), dated June 16, 2014 from the Chief Planner and Executive Director, City Planning, (referred to as 8.xi) PG Item 34.3a in error) be deleted and replaced with the following:

“xv) In support of the development the owner of Blocks 1 and 3 shall:

- a. prior to issuance of an above-grade building permit for the first building within either of Blocks 1 or 3, 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;
- b. design and construct, at no cost to the City, improvements to Ordnance Street substantially in accordance with the Phasing Drawings, prepared by BA Group and Odan/Detech Group, and dated April 22, 2014; with

detailed engineering to be submitted in the context of site plan approval for each phase of the development; the cost of such works to be secured prior to the issuance of the first building permit for each phase; with all works will be completed prior to the registration of the first plan of condominium on each of Blocks 1 and 3, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services; and,

- c. prior to the issuance of an above-grade building permit for the first building within either of Blocks 1 and 3, make a cash contribution to the City in the amount of \$260,000.00 for construction of the northbound right turn lane on Strachan Avenue, substantially in accordance with the Phasing Drawings, prepared by Odan/Detech Group, dated April 22, 2014, 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.”

- 3. Final Report (Item PG 34.3a), dated June 16, 2014 from the Chief Planner and Executive Director, City Planning, is amended by adding the following to Recommendation 8:

“xviii) Prior to the registration of the first plan of condominium on Block 2, the owner shall provide at no cost to the City, a Bike Share Station comprised of a minimum of ten (10) Bike Share Spaces to be located in the vicinity of 30 Ordinance Street, and prior to the issuance an above-grade building permit for the first building within either of Block 1 or 3, the owner shall provide, at no cost to the City, two (2) Bike Share Stations, each comprising a minimum of 10 Bike Share Spaces, as well as one (1) public bicycle repair station, to be located in Ward 19 in the vicinity of the Ordinance Triangle, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

xix) the owners of each of Blocks 1, 2 and 3 shall in support of the development, collectively provide and maintain, at no cost to the City , a total of 410 bicycle parking spaces in addition to the minimum number of bicycle spaces pursuant to respective zoning requirements on Blocks 1, 2 and 3, where these spaces will be located in accordance with the Toronto Green Standards, with the distribution, type, and location of these 410 additional bicycle parking spaces will be determined through review of the Site Plan Control applications for each phase of development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

xx) the owner shall provide and maintain a minimum of 75 vehicle parking spaces within the commercial garage located within Block 3 for the exclusive use of visitors to the residential units within Blocks 1, 2 and 3, 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 a minimum of 25 additional vehicle parking spaces within the commercial garage located within Block 3 for the exclusive use of visitors to the residential units within Blocks 1, 2 and 3, 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 in perpetuity, to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The provision of these 100 parking spaces for the exclusive use of visitors to the residential units, shall be noted on signage contained within the underground garage that indicates that the spaces are for the exclusive use of visitors to the residential units within Blocks 1, 2 and 3, between the hours noted above; and,

- xxi) prior to application for and the issuance of any building permit for the first building or structure on Block 2, the owner shall have acquired all of the land comprising the Block 2, confirmed by written notice to the City Solicitor and the agreements securing the provision of the facilities, services and matters set out in the amending By-law relating to the increase in height and density shall have been registered on title to all of Block 2 to the satisfaction of the City Solicitor.”
- 4. That City Council determine that pursuant to Section 34(17) of the Planning Act, no further notice is required in respect of the proposed Zoning By-law Amendments.
- 5. That City Council approve the installation of traffic control signals at the intersection of Strachan Avenue and Wellington Street West/Douro Street.

Background

At its July 7-11 2014 meeting, City Council directed that:

- 1. 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 Division, 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.

This report responds to direction from City Council.

Ordnance Park Matters

The lands at 10 Ordnance Street will be the site of a future 1.5 hectare (3.8 Acre) public park. The future design and construction for build out of this park space will be coordinated by Parks, Forestry and Recreation staff, in cooperation with other City Divisions, the Ward Councillor, the applicant, members of the public and other stakeholders.

In accordance with the Parkland Reconveyance Agreement, these lands are to be reconveyed to the City prior to December 31, 2030 and no earlier than April 16, 2017 subject to written notice from the City as described in the Agreement. At such time as the park is reconveyed the final grading, servicing, sodding, retaining wall installation, and other base park works will have been completed. The park design and construction will follow thereafter and be coordinated by Parks, Forestry and Recreation in coordination with construction of the Fort York Pedestrian and Cycle Bridge and other area construction undertakings.

As part of the Section 37 obligations the owner has agreed to certain additional base park works which include servicing the site and also to provide additional fill material to the park lands to provide for the landings for the Fort York Pedestrian and Cycle Bridge and to raise the overall elevation of the park lands creating a more usable space for neighbourhood park development. The above-base grading improvements are to be substantially in accordance with the concept plan entitled Garrison Point Base Park Drawing L101 prepared by Claude Cormier and Associates dated August 11, 2014 (Attachment 3). Any new fill material will be required to be certified as suitable for use as public parkland both environmentally and geotechnically. The grading and any necessary retaining walls shall be installed 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. This work is estimated at approximately \$1.6 Million. All works constructed by the owner will be required to be warrantied with financial securities

provided for a 2-year period. The recommendations have been modified to reflect these obligations.

The parkland is to conveyed be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements such as retaining walls, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

Reconstruction of Strachan Avenue / New Wellington Traffic Signal

Following the construction of the grade separation at Strachan Avenue and the Metrolinx rail corridor, Strachan Avenue will be reconstructed. Several meetings took place within June and July 2014 to clarify the responsibilities of the City, the developer, and Metrolinx with regard to this reconstruction, including widening, pavement marking modifications, installation of permanent traffic signals, and the construction of turning lanes, which are required to service the proposed development of Blocks 1 and 3.

Through the review of the traffic impacts of this project, it was determined that under existing conditions, the intersection of Strachan Avenue and Wellington Street West/Douro Street requires the installation of traffic control signals. The Section 37 Agreement requires the owner of Blocks 1 and 3 to fund a portion of the traffic control signal in the amount of \$80,000.00 with the remainder of the funds available in the Transportation Services Division's Capital Works Budget under Project No. CTP714-01. At the meeting it was agreed that the City would undertake the necessary works of the installation of turning lanes and signals at the intersection of Wellington Street West and Strachan Avenue to which the developer would contribute \$80,000.00. The developer is also responsible for any improvements along Ordnance Street, and the construction of a northbound right turn land on Strachan Avenue to access Ordnance Street, estimated to cost \$260,000. The remaining improvements to Strachan Avenue are expected to be completed by the City and Metrolinx.

These obligations are required in support of the development and will be secured in the Section 37 Agreement.

Commercial Parking Garage / Visitors Parking Spaces

The applicant has submitted a letter by BA Group, dated July 4, 2014, which provides a rationale for the following reduction to the minimum resident parking space requirements in the Zoning By-law:

Unit Type	Minimum # of Parking spaces required per unit	Minimum # of Parking spaces proposed per unit
Bachelor	0.30 spaces	0.24 spaces
1 Bedroom	0.70 spaces	0.56 spaces
2 Bedroom	1.00 spaces	0.80 spaces
3+ Bedroom	1.20 spaces	0.96 spaces

The proposal constitutes a reduction of 15% of the required resident parking.

The proposed Zoning By-law amendments for the redevelopment of the Ordnance Triangle, attached to the Supplementary Report (June 16, 2014) from the Chief Planner and Executive Director, City Planning, include a provision which allows for a reduction in minimum required residential parking spaces in exchange for the provision of additional bicycle parking spaces above the minimum requirement, to a maximum reduction of 12% of the minimum required vehicle parking spaces. For every one (1) required vehicle space removed, five (5) bicycle spaces above the minimum requirement are required to be provided. These bicycle spaces must be provided on the P1 level of the parking garage or at the ground floor level.

City staff have reviewed the rationale by BA Group and are satisfied that the proposed parking reduction is acceptable, on the condition that the developer provides additional bicycle parking in accordance with the above-noted provision. City staff note that the applicant does not wish to utilize the entire 12% reduction at this time; however in consideration of the proposed reduction in parking spaces, the provision to allow for a reduction in parking in exchange for the provision of bicycle parking at a rate of 5:1 has been amended to allow for a maximum reduction of 5% the total required amount of residential parking spaces.

In support of the development, the owners of Blocks 1, 2 and 3 will be required to collectively provide 410 additional bicycle spaces over the three phases of the redevelopment, in a number of formats, and in locations to be further determined through review of the site plan application. The additional spaces will be required to be located on site in accordance with the Toronto Green Standard.

During Phase 1 of the redevelopment, prior to the registration of a Draft Plan of Condominium for Block 2, the applicant will provide, at no cost to the City, a Bike Share station, comprising a minimum of ten Bike Share spaces, to be located within Ward 19, in proximity to the Ordnance Triangle. In Phase 2 of the redevelopment, prior to the first above grade permit on Blocks 1 or 3, whichever occurs first, the developer will provide, at no cost to the City, two Bike Share stations, comprising a minimum of ten Bike Share spaces in each Station, and a public bike repair station, all to be located within Ward 19, and in proximity to the Ordnance Triangle. The Bike Share stations and the repair station will be secured in the Section 37 Agreement(s).

The Draft By-laws attached to this report allows for the proposed reduction in parking, specifies the additional Section 37 contributions, and includes the requirement for additional bicycle parking spaces.

Commercial Parking Garage / Visitors Parking Spaces

The first phase of the Ordnance Triangle redevelopment, 30 Ordnance Street, will contain dedicated residential visitor parking spaces within the underground parking garage as required by the draft Zoning By-law amendment appended to this report (Attachment 1). The second phase of redevelopment of the Ordnance Triangle, likely 11 and 25 Ordnance Street (Block 3), will contain a commercial parking garage consisting of approximately 200 parking spaces. This commercial garage is proposed to provide commercial and residential visitors parking for the entire Ordnance Triangle development. At such time as 11 and 25 Ordnance Street are completed, the dedicated residential visitors parking spaces at 30 Ordnance Street would be permitted to be relocated to the larger commercial parking garage at 11 and 25 Ordnance Street.

There will be limited opportunity for vehicle parking on Ordnance Street for visitors to the commercial and residential portions of the proposed development, and visitors to the new park space at 10 Ordnance Street. Events held at Exhibition Place, Fort York National Historic Site, BMO Field, and the Waterfront, may also place additional strain on the limited area parking opportunities. The proposed commercial garage at 11 and 25 Ordnance Street is intended to provide parking for visitors to the commercial and residential portion of the building, as well as area events, so flexibility in the use of these spaces is beneficial to the operation of the garage in serving these purposes.

City Planning staff acknowledge that the flexible use of these parking spaces is desirable, as limited street parking opportunities will exist in the Ordnance Triangle and the commercial parking lot will be utilized by a number of users for varying durations. Planning staff are of the opinion that dedicated parking for visitors to the residential condominiums being constructed within the Ordnance Triangle is an essential element of the operations of any residential condominium.

In order to provide for dedicated residential visitors parking within the commercial garage, a minimum of 75 vehicle parking spaces will be provided for the exclusive use of visitors to the residential condominiums on evenings, starting at 6:00PM, overnight, until 6:00AM, and on weekends. As commercial uses at the Ordnance Triangle and most area events will be closed or finished around 10:00PM, a minimum of 25 additional vehicle parking spaces will be provided for the exclusive use of visitors to the residential condominiums, starting at 10:00PM until 6:00AM on weekdays and from 10:00PM on Fridays until 6:00 AM on Mondays.

These matters are being required in support of the development and will be secured in the Section 37 Agreement. The recommendations have been amended accordingly.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment – 30 Ordinance Street
Attachment 2: Draft Zoning By-law Amendment – 10, 11, 25 Ordinance Street and 45 Strachan
Attachment 3: Garrison Point Base Park, Drawing L101, prepared by Claude Cormier and Associates, dated August 11, 2014

Attachment 1:
Draft Zoning By-law Amendment – 30 Ordinance Street

CITY OF TORONTO
BY-LAW No. ____ - 2014

To amend Zoning By-law No. 159-2012 of the City of Toronto which amended By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 30 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;

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*;

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

1. By-law No. 159-2012 is amended as follows:

- (a) Section 3. is amended by replacing the reference to “4(4)(b)” with “4(4)”;
- (b) Section 3(2) is amended by deleting “51,130 square metres” and replacing it with “55,655 square metres”;
- (c) Section 3.(2)(ii) is amended by deleting “48,900 square metres” and replacing it with “53,425 square metres, with an additional 1,600 square metres of *residential gross floor area* being permitted only for the use of indoor *residential amenity space* above the minimum amount required by this By-law”;
- (d) Section 3(2)(iii) is amended by deleting “2,230 square metres” and replacing it with “90 square metres”;
- (e) Section 3(3) is amended by deleting "higher than 15 metres" and replacing it with " higher than 18.5 metres";
- (f) Section 3(4) is amended by deleting “higher than 15 metres" and replacing it with "higher than 17.5 metres" and by deleting, “shall not exceed 750 square metres”, and replacing it with, “shall not exceed 755 square metres”;
- (g) Section 3(7)(i) is amended by inserting “patios and terraces” after "porches,";

- (h) Section 3(7) is amended by adding the following subsections (v), (vi), and (vii) after subsection (iv):
- "(v) 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 the property municipally known in the year 2013 as 45 Strachan Avenue;"
 - "(vi) notwithstanding subsections (i) and (ii) above, up to a height of 18.5 metres on Building A and 17.5 metres on Building B, any porches, patios, terraces and balconies located on the south side of Building A and the north side of Building B abutting the area of the lot subject to a 15.0 metres building separation distance as shown on Map 2, may extend a maximum of 1.0 metre beyond the heavy lines on Map 2, and above a height of 18.5 metres on the north side of Building B, balconies, patios and terraces may not extend beyond the heavy lines shown on Map 2";
 - "(vii) notwithstanding subsections (i) and (ii) above, porches, patios, terraces and balconies shall not be permitted within the 1.5 metre easterly and southerly building setbacks applicable to Building B as shown on Map 2, with the exception that balconies above a height of 8.3 metres may project into this setback area;"
- (i) Section 3.(8) is deleted in its entirety and replaced with the following:
- "3.(8) *parking spaces(s)* are to be provided and maintained on the *lot* and or within permitted parking facilities on the properties municipally known in the year 2013 as 11 and 25 Ordnance Street and 45 Strachan Avenue in accordance with the following requirements;
- (i) a minimum of 0.24 *parking space(s)* for each bachelor *dwelling unit*;
 - (ii) a minimum of 0.56 *parking spaces(s)* for each one *bedroom dwelling unit*;
 - (iii) a minimum of 0.80 *parking space(s)* for each two *bedroom dwelling unit*;
 - (iv) a minimum of 0.96 *parking space(s)* for each dwelling unit containing *three or more bedrooms*;
 - (v) a minimum of 0.12 *parking spaces* per unit will be provided for visitors to the residential units, and each of these spaces provided

on the *lot*, will be for the exclusive use of visitors to the residential units;

- (vi) 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*;
- (vii) notwithstanding subsections (i) through (iv) above, a reduction of four resident *parking spaces* shall be permitted for each *car-share parking space* provided and maintained on the lot, up to a maximum of 10 *car-share parking spaces*;
- (viii) the total minimum number of required vehicle *parking spaces*, other than those spaces used for visitors to the residential condominium(s), may be reduced at a rate of 1 vehicle *parking space* for each 5 bicycle parking spaces in excess of the minimum number of bicycle parking spaces, provided these excess bicycle spaces are located indoors and not below P1 level, required by this By-law provided the reduction of vehicle *parking spaces* is not greater than 5% of the total minimum vehicle *parking spaces* required;

(j) Section 3.(9) is deleted in its entirety and replaced with the following:

"(9) bicycle parking spaces are to be provided and maintained on the lot 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* for non-residential uses per 100 square metres of non-residential gross floor area; and,
- (iv) a minimum of 0.25 *bicycle parking spaces* for visitors of non-residential uses per 100 square metres of non-residential gross floor area or 6 bicycle parking spaces, whichever is greater;

(k) Section 3.(12) is deleted in its entirety and replaced with the following:

"(12) a minimum of one *loading space-type "G"* shall be provided and maintained on the *lot*, which may also be shared with and used to

satisfy the loading requirements of a building on the property municipally known in 2013 as 45 Strachan Avenue;"

- (l) The following new Section 3.(14) shall be inserted following Section 3.(13) as follows:

"(14) notwithstanding any provisions of this By-law or By-law 438-86, as amended, the uses and facilities permitted on the property known in the year 2013 as 45 Strachan Avenue shall also be permitted on the lot."

- (m) The following new Section 3.(15) shall be inserted following Section 3.(14) as follows:

"(15) notwithstanding any provisions of this By-law or By-law 438-86, above a height of 18.5 metres on Building A and 17.5 metres on Building B, a minimum setback of 1.5 metres will be required for any portion of a building abutting a street."

- (n) Section 6. is amended to insert the following subsections (g) - (n) immediately following subsection (f):

"(g) *"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; and
- (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.

(h) *"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;
- (i) “*bicycle stacker*” means a device where a bicycle parking space is positioned above or below another parking space and is accessed by means of an elevating device;
 - (j) “*bike share station*” means a bicycle sharing facility where a minimum of ten (10) bicycles are capable of being stored and from which the general public may rent and return bicycles for, or appurtenant to, the operation of a public bicycle share service, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (k) “*bike share space*” means a space within a *Bike Share Station* which is capable of securely parking one (1) bike share bicycle.
 - (l) “*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;
 - (m) “*car-share parking space*” shall mean a *parking space* exclusively reserved and signed for a car used only for car-share purposes;
 - (n) “*residential amenity space*” shall mean a common area or areas within the *lot* which are provided for recreational or social purposes for use by residents of the *lot* and or residents of a building located on the property municipally known in the year 2013 as 45 Strachan Avenue;

Section 37 Matters. Services and Facilities

- (o) Section 1. is amended by deleting "in Appendix 1 hereof" and replacing it with "in Section 4 of this By-law";
- (p) Section 4. (1) is amended by inserting "This amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of

the Section 37 Agreement to the date of submission of the funds by the owner to the City" after the words "the Site".

- (q) Section 4.(3) is deleted in its entirety and the following Sections 4.(3) (4) (5) and (6) inserted therefore:
- (3) prior to issuance of an above grade building permit for the first building within the *lot*, 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 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;
 - (4) prior to issuance of an above grade building permit for the first building within the *lot*, the owner shall 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 with details to be included in the Section 37 Agreement;
 - (5) prior to application for and issuance of any building permit for a the first building or structure on the *lot*, the owner shall have acquired all of the land comprising the *lot* confirmed by written notice to the City Solicitor and the agreements securing the provision of the facilities, services and matters set out in this By-law relating to the increase in height and density shall have been registered on title to all of the *lot* to the satisfaction of the City Solicitor;
 - (6) prior to the issuance of any building permit for the first building on the *lot*, arrangements shall be in place to provide for the temporary relocation of existing access routes and access easements in favour of Metrolinx within the easterly limit of the *lot* (formerly part of 10 Ordnance Street) to an alternative location through 10 Ordnance Street providing access to Metrolinx infrastructure at the 'tip lands', to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks Forestry and Recreation. The timing of this requirement 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;

- (7) the owners of each of Blocks 1, 2 and 3 shall, in support of the development, collectively provide and maintain, at no cost to the City , a total of 410 *bicycle parking spaces* in addition to the minimum number of bicycle spaces pursuant to respective zoning requirements on Blocks 1, 2 and 3, where these spaces will be located in accordance with the Toronto Green Standards, with the distribution, type, and location of these 410 additional *bicycle parking spaces* will be determined through review of the Site Plan Control applications for each phase of development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

(r) Section 4. (4) is renumbered as 4.(7) and amended as follows:

- i. insert the words "provide and shall" after the words "the owner shall" in the first line;
- ii. paragraph (i) is amended by deleting "in (1), (2) and (3) above" and replacing it with "in clauses (1) to (6) above"; and
- iii. new paragraphs (iv), (v) and (vi) are added as follows:
 - "(iv) the owner shall implement the accepted Construction Management Plan referred to in Section 4.(4) above during the course of construction on the *lot* until completion to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (v) prior to the registration of the first plan of condominium on the *lot*, the owner shall provide at no cost to the City, a *bike share station* comprised of a minimum of ten (10) *bike share spaces* to be located on or in the vicinity of the *lot* ;

(s) A new Section 4.(7) is inserted as follows:

- "(7) The owner shall not use, or permit the use of, a building or structure erected with an increase in density permitted pursuant to this By-law unless all matters, services and facilities referred to in Section 4 hereof are provided in accordance with the Section 37 Agreement."

2. Except as otherwise provided herein, the provisions of By-law No. 159-2012 shall continue to apply to the *lot* as well as the buildings and structures on the *lot*.

3. Map 1 of By-law No. 159-2012 is deleted and replaced with Map 1 attached hereto and forming part of this By-law.
4. Map 2 of By-law No. 159-2012 is deleted and replaced with Map 2 attached hereto and forming part of this By-law.

ENACTED AND PASSED this ~ day of ~, A.D. 2014.

FRANCES NUNZIATA,

Speaker
(Corporate Seal)

ULLI S. WATKISS,

City Clerk

Attachment 2:
Draft Zoning By-law Amendment – 10, 11, 25 Ordance Street and 45 Strachan

CITY OF TORONTO
BY-LAW No. ____ - 2014

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

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*;

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

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;

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;

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

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 HEREBY ENACTS as follows:

1. District Map No. 49G contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by rezoning the lands noted as No.10 on Map 1 attached to and forming part of this By-law from ‘I3-D3’ Employment to “G” – Parks subject to the following:

- (a) in addition to the uses permitted in a “G” zone under Section 5(1)(f) of By-law 438-86, as amended, a driveway accessory to a *mixed use building* and or an *apartment building* located on the lands municipally known as 30 Ordinance in the year 2013 is permitted.
2. 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, 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 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) *restaurant and take-out restaurant;*
- (xxix) *retail store;*
- (xxx) *service, rental or repair shop;*
- (xxxi) *software design and development establishment;*
- (xxxii) *tailoring shop; and*
- (xxxiii) *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 2.(e) 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:
 - (i) mechanical penthouses having a maximum height of 6.0 metres above the applicable *height* limit shall be permitted;
 - (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 (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 minimum *floorplate* size of 798.0 square metres and a maximum 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 inclusive of, the 5th *storey*, of *Building B1*, which has a maximum height of 34 *storeys* above *grade*, as shown on Map 2, shall have a maximum *floorplate* of 786 square metres, excepting the 34th *storey*, which shall have a maximum *floorplate* of 716 square metres; and
- (i) all *storeys* above, and inclusive of, the 5th *storey*, of *Building B2*, which has a maximum height of 24 *storeys* above *grade*, as shown on Map 2, shall have a maximum *floorplate* of 750 square metres, excepting the 24th *storey*, which 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 is located other than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following applicable to other than a *lot* line:
 - (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 the property municipally known in the year 2014 as 30 Ordnance Street; and
 - (iv) the elements and structures permitted by subsection (f) above;

- (k) notwithstanding subsection 2.(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 2.(j), shall maintain a minimum separation distance of 25.0 metres from the main wall of any building constructed on the lands known as 30 Ordnance Street in the year 2013, with the exception of permitted projections noted in Section 3.(7) of By-law 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* must 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;
 - (iii) a minimum of 449 square metres of *outdoor residential amenity space* shall be provided on *Block 1*; and
- (m) Notwithstanding Section 2(l), provided a minimum of 64.0 square meters of indoor *residential amenity space* is provided on *Block A*, the remaining indoor *residential amenity space* necessary to provide the indoor *residential amenity space* required by Section 2(l) above may be located on the lands municipally known in the year 2013 as 30 Ordnance Street, provided such space is in addition to any indoor-*residential amenity space* required for the development of 30 Ordnance Street.

Parking

- (n) *parking spaces* are to be provided and may be maintained on any of the *Blocks* and/or within permitted parking facilities located on the property municipally known in the year 2013 as 30 Ordnance Street 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.
- (o) 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%
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%

- (p) 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.

- (q) 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*;
- (r) *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*;
- (s) notwithstanding paragraph (n) of this By-law, 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*;
- (t) the total minimum number of required vehicle *parking spaces*, other than those spaces used for visitors to the residential units, may be reduced at a rate of 1 vehicle *parking space* for each 5 *bicycle parking spaces* in excess of the minimum number of *bicycle parking spaces*, provided these excess bicycle spaces are located indoors and not below P1 level, required by this By-law provided the reduction of vehicle *parking spaces* is not greater than 5% of the total minimum vehicle *parking spaces* required;
- (u) *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* per *dwelling unit* for residents;
 - (ii) a minimum of 0.15 *bicycle parking spaces* per *dwelling unit* for residential visitors; and
 - (iii) a minimum of 0.13 *bicycle parking spaces* for non-residential uses per 100 square metres of *non-residential gross floor area*;
 - (iv) a minimum of 0.25 *bicycle parking spaces* for visitors of non-residential uses per 100 square metres of *non-residential gross floor area* or 6 *bicycle parking spaces*, whichever is greater;
- (v) 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 on the property municipally known in the year 2013 as 30 Ordnance Street may be used to satisfy the loading

requirements of a building on *Block A*, and for clarity, the same loading spaces may also be used to satisfy the loading requirements for buildings located at 30 Ordnance Street; 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 of the property known in the year 2013 as 30 Ordnance Street shall be a permitted use on the *Blocks*.
- 3. 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 1A and Map 2A provided that:
 - (a) notwithstanding any provisions of Section 2.(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 10,810.0 square metres shall be provided as *non-residential gross floor area*.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. 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 B1*” and “*Building B2*” on Map 2 attached hereto;
- (c) “*bicycle parking space*” 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;
- (c) “*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;
- (d) “*bike share station*” means a bicycle sharing facility where a minimum of ten (10) bicycles are capable of being stored and from which the general public may rent and return bicycles for, or appurtenant to, the operation of a public bicycle share service, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (e) “*bike share space*” means a space within a *Bike Share Station* which is capable of securely parking one (1) bike share bicycle.
- (f) “*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;

- (g) “*car-share parking space*” shall mean a parking space exclusively reserved and signed for a car used only for *car-share* purposes;
 - (h) “*eastern lands*” means the land identified on Map 1A as the “eastern lands”
 - (i) “*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;
 - (j) “*grade*” means 84.5 metres Canadian Geodetic Datum;
 - (k) “*height*” means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;
 - (l) “*Ordnance Triangle*” means those lands comprised of Block A, Block B, and lands municipally known in the year 2013 as 10 and 30 Ordnance Street;
 - (m) “*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 the property municipally known in the year 2013 as 30 Ordnance Street;
 - (n) “*sales presentation centre*” shall mean temporary offices provided for the marketing or selling of *dwelling units* located or to be located on the *Blocks*.
 - (o) “*storey*” shall mean a level of a building, located between any floor and the floor, ceiling or roof immediately above it, provided the floor of such level is located above finished ground level;
9. 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.
 10. 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*.
 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 this ~ day of ~, A.D. 2014.

FRANCES NUNZIATA,
Speaker
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

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 *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) prior to issuance of the first below-grade permit for a building within either of Blocks A or 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;
- (2) prior to issuance of a below-grade building permit for the first building within either of Blocks A or B, 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;
- (3) prior to issuance of an above grade building permit for the first building within either of Blocks A or B, the owner shall:
 - i. 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 bridge-related work to accommodate the bridge landings within South Stanley Park extension, the future park space at 10 Ordnance 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 Ward Councillor; and
 - ii. 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; and

- iii. Prior to issuance of an above-grade building permit for the first building within either of Blocks A or B, the owner shall:
 - a. design and construct, at no cost to the City, grading works and retaining walls necessary to raise the elevation of the future park to provide for the Fort York Pedestrian and Cycle Bridge landing / transition at 10 Ordnance Street and thereby increase the usable park area, generally in accordance with concept plan entitled Garrison Point Base Park, Drawing L101, prepared by Claude Cormier and Associates, dated August 11, 2014 (Attachment 3), to the satisfaction of the General Manager, Parks, Forestry and Recreation, Division and the Chief Planner and Executive Director, City Planning, in consultation with the Manager, Fort York National Historic Site, and the Ward Councillor, and in the event that the foregoing cannot be completed at such time as the owner has obtained all necessary approvals to otherwise allow the issuance of an above-grade building permit for the first building on either of Blocks A or B, the General Manager, Parks and the Chief Planner may in their sole discretion, agree to alternative timing on such terms and conditions as may be required and provided that prior to issuance of the first above-grade permit the owner shall provide financial securities for the estimated cost of the required park construction 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 Ward Councillor and provided that construction is completed prior to registration of the first plan of condominium on either of Blocks A or B;
 - b. demonstrate that the base park work as detailed in the Parks Reconveyance Agreement dated April 16, 2012, have been completed to the satisfaction of the General Manager of Parks Forestry and Recreation;
 - c. design and construct additional base park improvements, which shall include stormwater management, electrical, storm, sanitary and water connections to the street line, and provision for park signage, to the satisfaction of the General Manager of Parks Forestry and Recreation; and
 - d. provide a cost estimate for the works detailed in 3, iii), a, b, and c, above, and provide financial security in the amount of 20% of the cost of these works, to be held for a 2-year warranty period from the time of acceptance of the works, to the satisfaction of the General Manager of Parks Forestry and Recreation.

- iv. the amounts referred to in clause 3 i) and ii) 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;
- (4) prior to issuance of an above grade building permit for the first building within each of Blocks A and B, the owner shall:
- i. 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;
 - ii. 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 with details to be included in the Section 37 Agreement; and
 - iii. provide, to the satisfaction of the Chief Planner and Executive Director, City Planning, 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 Ordinance 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;
- (5) In support of the development the owner of Blocks A and B shall:
- i. prior to issuance of an above-grade building permit for the first building within either of Blocks A or B, 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;
 - ii. design and construct, at no cost to the City, improvements to Ordinance Street substantially in accordance with the Phasing Drawings, prepared by BA Group and Odan/Detech Group, and dated April 22, 2014; with detailed engineering to be submitted in the context of site plan approval for each phase of the development; the cost of such works to be secured prior to the issuance of the first building permit for each phase; with all works will be completed prior to the registration of the first plan of condominium on each

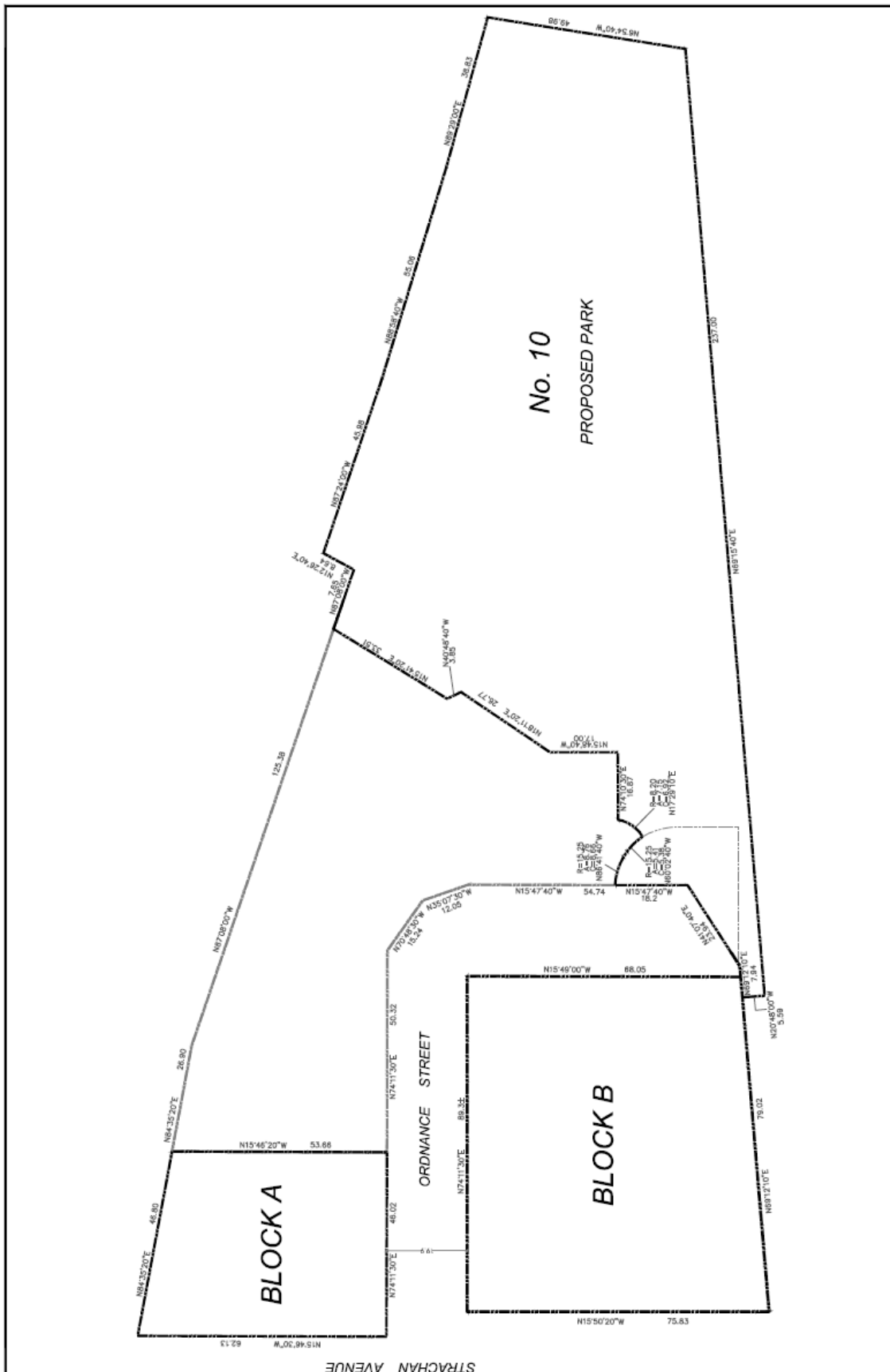
of Blocks 1 and 3, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services; and,

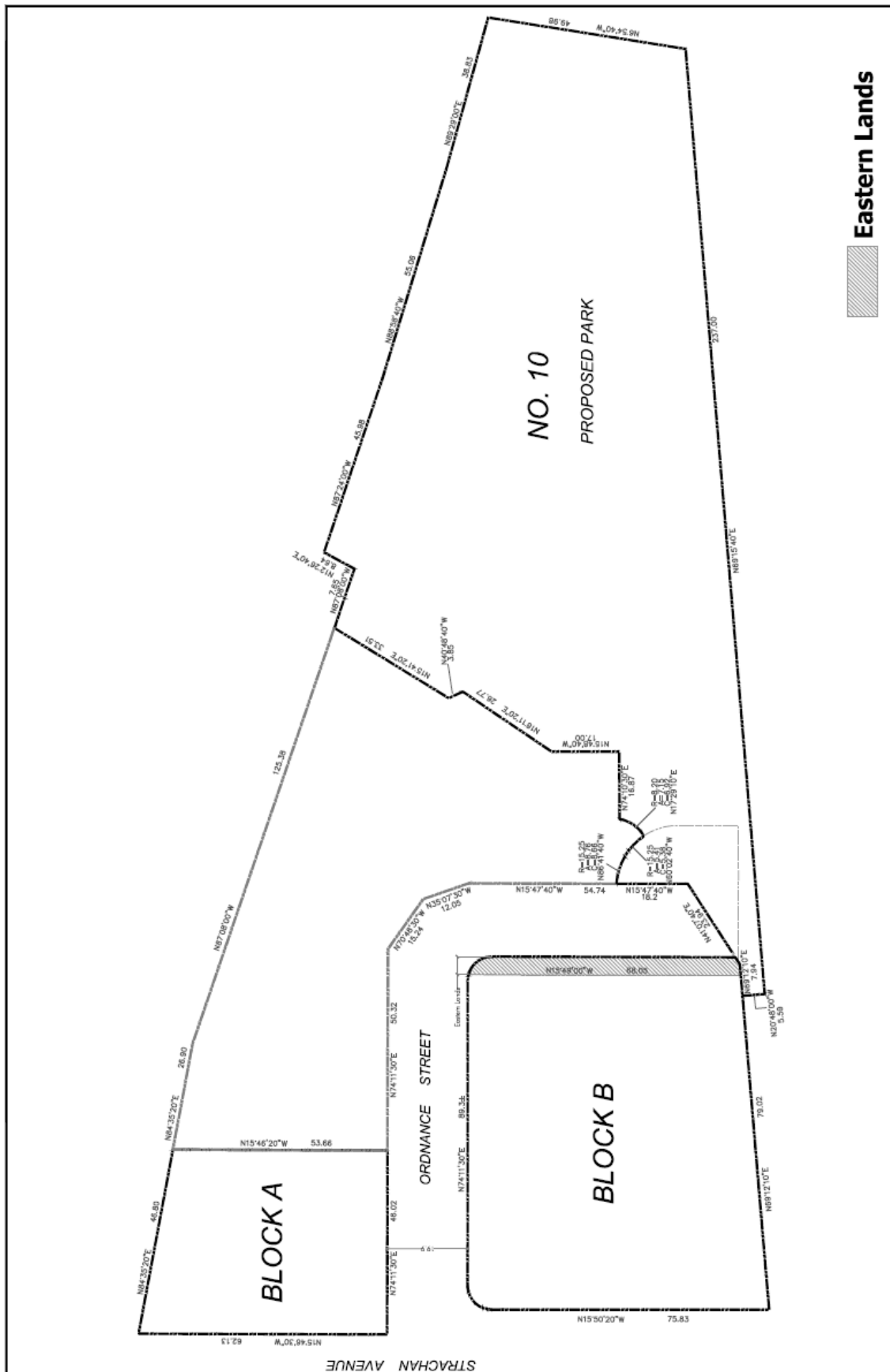
- iii. prior to the issuance of an above-grade building permit for the first building within either of Blocks A and B, make a cash contribution to the City in the amount of \$260,000.00 for construction of the northbound right turn lane on Strachan Avenue, substantially in accordance with the Phasing Drawings, prepared by Odan/Detech Group, dated April 22, 2014, 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.
- (6) Prior to the earlier of issuance of an above grade building permit for the first building within either of Blocks A or B, 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 Ordinance Street to a service road north of the Ordinance Triangle. The subject owner's responsibilities for providing any required interim access shall include the following:
- i. design and construction of alternative vehicular access for Metrolinx from Ordinance Street over other lands within the Ordinance Triangle, with the design and any details related to this access;
 - ii. obtaining all necessary approvals and registering temporary easements as may be required to allow the contemplated alternative interim access by Metrolinx to the north service road from Ordinance Street; and
 - iii. removal of access and release of any existing access easements in favour of Metrolinx over 10 Ordinance Street;
- (7) Prior to registration of a plan of condominium on Block A 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:
- i. design and construction of alternative vehicular access from Strachan Avenue to be shared by Blocks A and B and provide Metrolinx with shared access to its north service road, located north of lands known in the year 2013 as 30 Ordinance Street, or an alternative arrangement. The design and any details related to this access, including but not limited to parking restrictions, will be to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

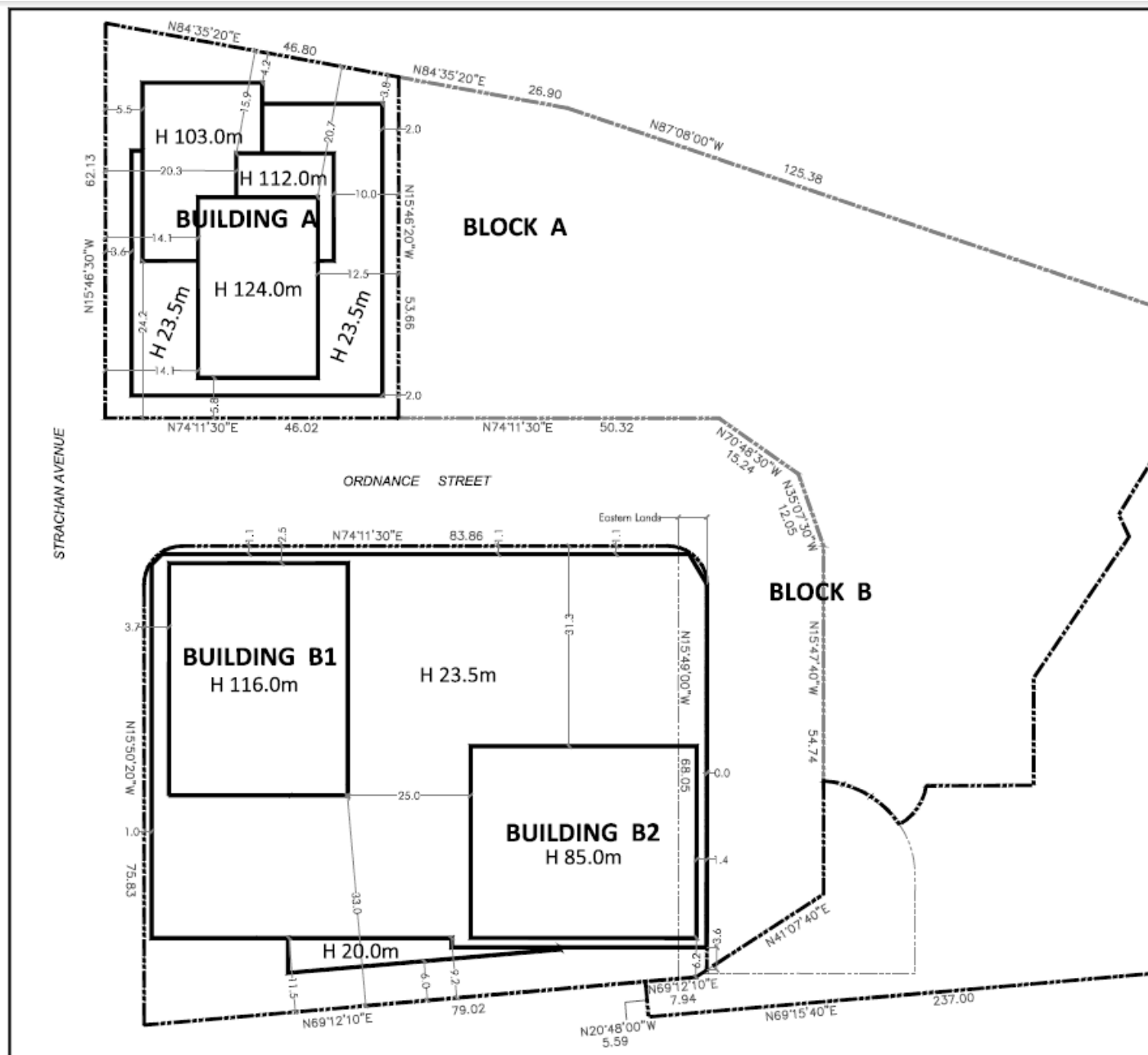
- ii.. obtain all necessary approvals to facilitate the appropriate land ownership or easement arrangements for the Strachan Avenue shared access.
- (8) the timing of Schedule A, Clauses (6) and (7) hereof may be amended only with the written consent of the Chief Planner and Executive Director, City Planning, the General Manager, Parks, Forestry and Recreation and the General Manager Transportation Services;
- (9) the owner shall incorporate all recommended crash mitigation measures referred to in Schedule A Clause (1) hereof, 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;
- (10) the owner shall incorporate all recommended mitigation measures included in the accepted Wind Study referred to in Schedule A, Clause (5) i. hereof, 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;
- (11) the owner shall implement the accepted Construction Management Plan referred to in Schedule A, Clause (5) iii. hereof, during the course of construction on Blocks A and B until completion to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (12) the owner shall incorporate the public realm improvements proposed in the accepted public realm phasing plans referred to in Schedule A, Clause (5) ii. hereof 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;
- (13) 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;
- (14) the owners of each of Blocks 1, 2 and 3 shall in support of the development, collectively provide and maintain, at no cost to the City , a total of 410 bicycle parking spaces in addition to the minimum number of bicycle spaces pursuant to respective zoning requirements on Blocks 1, 2 and 3, where these spaces will be located in accordance with the Toronto Green Standards, with the distribution, type,

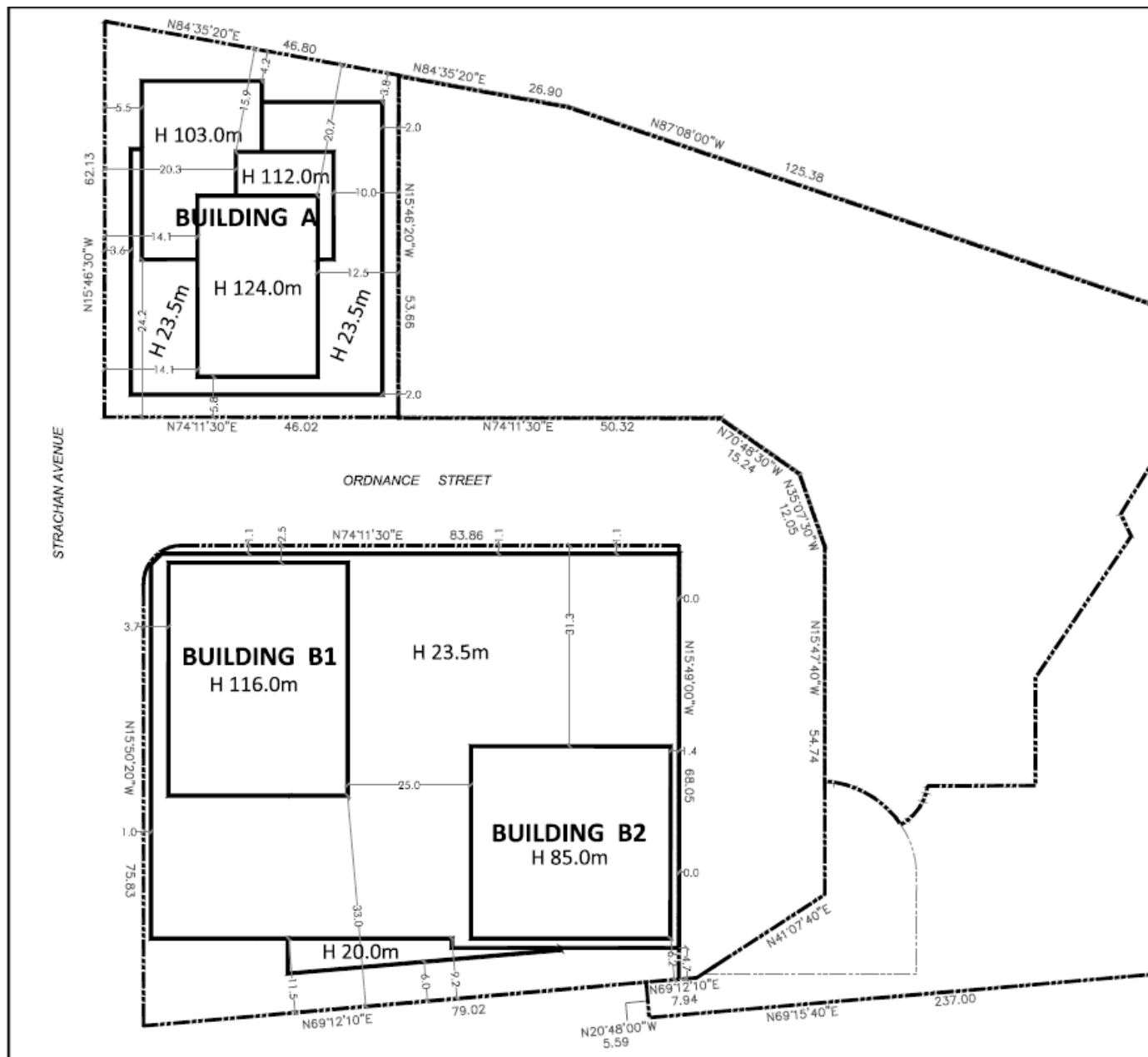
and location of these 410 additional bicycle parking spaces will be determined through review of the Site Plan Control applications for each phase of development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division

- (15) Prior to the issuance an above-grade building permit for the first building within either of Block 1 or 3, 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 in Ward 19, in the vicinity of the Ordnance Triangle, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and,
- (16) The owner agrees to provide and maintain a minimum of 75 vehicle parking spaces within the commercial garage located within the Ordnance Triangle for the exclusive use of visitors to the residential units, 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 a minimum of 25 additional vehicle parking spaces within the commercial garage located within the Ordnance Triangle for the exclusive use of visitors to the residential units, 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 in perpetuity, to the satisfaction of the Chief Planner and Executive Director, City Planning. The provision of these 100 parking spaces for the exclusive use of visitors to the residential units, shall be noted on signage contained within the underground garage that indicates that the spaces are for the exclusive use of visitors to the residential units, between the hours noted above.









Map 2

File #12_____

**Attachment 3:
Garrison Point Base Park Concept, Drawing L101,
prepared by Claude Cormier and Associates, dated August 11, 2014**

