

**500 Lake Shore Blvd W – Official Plan Amendment and Zoning Amendment Applications – Supplementary Report**

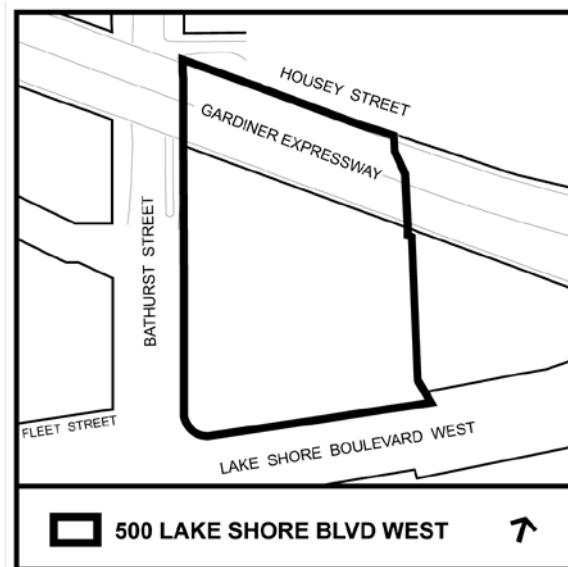
<b>Date:</b>	May 4, 2015
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\City Council\CC15073

**SUMMARY**

At its meeting of February 18, 2015, Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District to report directly to City Council on:

- a. The possibility of redistributing parking between the residential and commercial components of the project at 500 Lake Shore Boulevard West; and
- b. Including in the Section 37 Agreement a requirement to provide a minimum of 15 percent of 1-bedroom units that are either convertible to 2-bedroom units or can be combined through knockout panels between units, without any reduction in the number of 3-bedroom units.

This report responds to the request from Toronto and East York Community Council. The draft Zoning By-law contained in Attachment 1 to this report has been amended to address the matters listed above.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council delete the recommendations from Toronto and East York Community Council and adopt the following:
  1. City Council amend the Official Plan, for the lands at 500 Lake Shore Boulevard West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8 to the Final Report (TE 4.3), dated January 30, 2015 from the Director, Community Planning, Toronto and East York District.
  2. City Council amend former City of Toronto Zoning By-law 438-86, as amended, for the lands at 500 Lake Shore Boulevard West substantially in accordance with the draft Zoning By-law Amendment contained within Attachment 1, attached to the Supplementary Report dated May 4, 2015 from the Director, Community Planning, Toronto and East York District.
  3. Prior to introducing the necessary Bills to City Council for enactment, require the owner to enter into agreement(s) pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division to secure the facilities, services and matters as set out in Schedule A to Attachment 1, attached to the Supplementary Report dated May 4, 2015 from the Director, Community Planning, Toronto and East York District.
  4. Before introducing the necessary Bills to City Council for enactment, City Council:
    - a. require the owner to enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the designated heritage property at 500 Lake Shore Boulevard West, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
    - b. require the owner to provide a Dismantling, Storage and Reconstruction Plan for the Loblaws Groceteria Building, and provide a Letter of Credit to secure the work contained therein, all to satisfaction of the Chief Planner and Executive Director City Planning Division;
    - c. require the owner to provide to the satisfaction of the Executive Director, Engineering and Construction Services, and the City Solicitor, documentation demonstrating that there are existing rights of access in place benefitting the subject site to legal access over the portion of the proposed north-south private laneway which is located on the east side of the site;
    - d. require the owner to enter into the necessary agreements with the City, binding the owner and its successors on title, with the terms and conditions satisfactory to the Executive Director, Engineering and Construction Services, and the City Solicitor, to secure among other matters all the technical matters as set out in Attachment 11 to the Final

Report the Final Report (Item TE 4.3), dated January 30, 2015 from the Director, Community Planning, Toronto and East York District;

- e. require the owner to withdraw their active appeal associated with a previous development proposal (Official Plan and Zoning By-law Amendment Application File No. 04 200810 STE 20 OZ) that is currently before the Ontario Municipal Board and associated with the subject site; and
  - f. require the owner to remove all signage, including roof top signage, from the plans on file with the City Planning Division, and make separate Sign By-law applications as appropriate.
5. Before introducing the necessary Bills to City Council for enactment, City Council direct the Director, Community Planning, Toronto and East York District, to report to Toronto and East York Community Council regarding changes to Schedule "A" of Attachment 1 attached to the Supplementary Report dated May 4, 2015 from the Director, Community Planning, Toronto and East York District, particularly Sections 1 through 5, and Section 21 as may be required with respect to financial contributions.
  6. Before introducing the necessary Bills to City Council for enactment, City Council direct the Director, Community Planning, Toronto and East York District, report to Toronto and East York Community Council regarding financial impacts that may be related to Recommendation 5 above.
  7. City Council authorize the appropriate City officials to take such action as may be necessary to implement the foregoing.
  8. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
  9. City Council determine that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to the Zoning by-law.

## **FINANCIAL IMPACT**

The Secondary Plan for the Fort York Neighbourhood sets out a series of policies that refer to financial contributions towards community services and facilities, school facilities, the Fort York Heritage Conservation District and public art along with parks and road and servicing infrastructure. The Final Report dated January 30, 2015 from the Director, Community Planning, Toronto and East York District identified that Staff will report if necessary on any financial implications prior to introducing bills to Council. Staff continue to have discussions on this matter. As Bills are not scheduled to be introduced at the May 5-6, 2015 meeting of City Council, Staff will report back under separate cover regarding this matter prior to the introduction of the Bills at a later meeting.

## COMMENTS

### Section 37 Agreement

Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District to report on including in the Section 37 Agreement a requirement to provide a minimum of 15 percent of 1-bedroom units that are either convertible to 2-bedroom units or can be combined through knockout panels between units, without any reduction in the number of 3-bedroom units. The applicant is amenable to this modification. Staff have amended the draft Zoning By-law, and Schedule "A" attached to the draft Zoning By-law contained in Attachment 1 of this report to add this requirement.

### Parking

Toronto and East York Community Council requested the Director, Community Planning, Toronto and East York District to report on the possibility of redistributing parking between the residential and commercial components of the project at 500 Lake Shore Boulevard West.

The applicant's traffic consultant provided staff with a letter on April 24, 2015 which reviews the residential parking requirements for several development blocks within the Fort York Neighbourhood and the Railway Lands West respectively. The letter reviews the ability to reallocate unsold residential parking located at Block 33 and Block 37 of the Railway Lands West (511 Bremner Boulevard) for commercial purposes that would generally be available for area parking purposes. In the letter, the applicant's traffic consultant suggests that the unsold residential parking located at Block 33 and 37 of the Railway Lands West could also be relied upon to accommodate excess resident demand at 500 Lake Shore Boulevard West beyond the parking supply levels that can be accommodated within the proposed residential parking garage at 500 Lake Shore Boulevard West. Block 33, Block 37, and the subject site at 500 Lake Shore Boulevard West are located adjacent to one another, separated by Housey Street. The draft Zoning By-law, contained as Attachment 1 to the Supplementary Report from the Director, Community Planning Toronto and East York District dated February 17, 2015, that was before Toronto and East York Community Council on February 18, 2015, required that parking at 500 Lake Shore Boulevard West be provided in accordance with the following ratio:

<b>Unit size</b>	<b>Minimum Parking Ratio</b>
Bachelor	0.3 space/unit
1 Bedroom	0.5 space/unit
2 Bedroom	0.75 space/unit
3 or more Bedroom	1.2 spaces/unit
Residential visitors	0.03 space per unit

The applicant's traffic consultant's letter dated April 24, 2015 identifies that the parking ratio contained in the draft Zoning By-law attached to the Supplementary Report from the Director, Community Planning Toronto and East York District dated February 17, 2015, when applied to the applicants most recent revision, which has just been submitted and not yet been reviewed by the City, would result in a requirement of 510 residential parking spaces. The draft Zoning By-law attached to the Supplementary Report dated February 17, 2015 from the Director, Community Planning Toronto and East York District permits a reduction of 200 parking spaces in the event that at least 150 of the surplus non-residential parking spaces, which have been

provided in excess of the minimum parking requirement, are available for monthly lease or monthly permit, to be allocated on a first come, first serve basis, non-exclusive, and subject to particular terms. The applicant's consultant identifies that when the permitted reduction of 200 parking spaces is applied, this would then result in a minimum requirement of 310 residential parking spaces for the site at 500 Lake Shore Boulevard West when the parking ratio contained in the draft Zoning By-law attached to the February 17, 2015 Supplementary Report is applied.

The applicant's traffic consultant, in their letter dated April 24, 2015, identifies that they have reviewed the sales data for Block 33 and Block 37 of the Railway Lands West (511 Bremner Boulevard) and the estimated demand for these Blocks. Based on the review identified above, the applicant's traffic consultant suggests the following parking ratio be applied to the site at 500 Lake Shore Boulevard West:

<b>Unit size</b>	<b>Minimum Parking Ratio</b>
Bachelor	0.00 space/unit
1 Bedroom	0.33 space/unit
2 Bedroom	0.93 space/unit
3 or more Bedroom	1.07 spaces/unit

The applicant's traffic consultant is of the opinion that the proposed resident parking rates, identified in the table above, more accurately reflects both the current and future resident parking demands and should be adopted for this site. The consultant has applied the rate in the table above, to the applicant's most recent unit mix revision which has not yet been reviewed by City staff, resulting in a base parking requirement of approximately 364 resident parking spaces, rather than the 510 parking spaces that would be required per the parking ratios contained in the

draft Zoning By-law attached to the February 17, 2015 Supplementary Report. The current application at 500 Lake Shore Boulevard West (not yet reviewed by City Staff) is proposing a resident parking supply of 264 spaces, which is less than the proposed base requirement of 364 resident parking spaces.

The applicant's traffic consultant, in their letter dated April 24, 2015 recommends that the draft Zoning By-law for the lands at 500 Lake Shore Boulevard West be amended to:

- a. permit a 100 parking space reduction, instead of the 200 parking spaces as contained in the draft Zoning By-law attached to the February 17, 2015 Supplementary Report. The applicant's traffic consultant also recommends that 75 of the surplus non-residential spaces, as opposed to the 150 parking spaces as recommended in the draft Zoning By-law attached to the February 17, 2015 Supplementary Report be made available for monthly lease or monthly permit to residents.
- b. permit the spaces available for monthly lease or permit be provided off-site within the reallocated commercial parking supply available within Block 37 (511 Bremner Boulevard).

Transportation Services staff have reviewed the April 24, 2015 letter prepared by the applicant's traffic consultant and, in recognition of the unique site constraints, including maintenance

easements for Gardiner Expressway support columns and Garrison sewer crossing the site through the residential garage, are prepared in this instance to accept substantively reduced dedicated resident parking requirements. In this regard, adoption of the consultant's recommended ratios is accepted, subject to the following:

1. that the permitted reduction of 100 parking spaces is contingent on the availability of an equal number of monthly leases in commercial garages, on the site and/or Block 37 (not a reduced number of 75 parking spaces, as recommended by the applicant's traffic consultant);
2. that the by-law allows the monthly leased parking to be located on the site and/or Block 37, as the Block 37 spaces are contingent upon obtaining approval from the Committee of Adjustment for a variance; and
3. the flexibility to provide at least some leased parking in the commercial garage on the subject site recognizes the probability that some of the "surplus" leased parking spaces on the Block 37 site will actually be rented to residents of Block 37. This is contained in the draft Zoning By-law attached to this report as Attachment 1.

Furthermore, Transportation Services staff advise that although they could support, in principle, a future variance to allow for some of the unsold resident parking spaces on Block 37 to be converted to a commercial parking facility, the support would be conditional upon the owner entering into an agreement (such as a Section 45(9) agreement), which stipulates that the primary purpose of the commercial garage would be to lease parking to area residents on a monthly basis.

In order to minimize additional traffic related to the operation of a commercial garage, the owner may, as part of this application, also be required to submit a parking management strategy for City approval which clarifies that the parking garage will not operate as a high-turnover, commercial facility. The applicant concurs with the staff recommendations.

As a result of the above, the draft Zoning By-law contained in Attachment 1 to this report has been modified.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP RPP  
Chief Planner and Executive Director

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law

## **Attachment 1: Draft Zoning By-law**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO Bill No. ~ BY-LAW No. ~-2015**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, With respect to the lands municipally known as 500 Lake Shore Boulevard West**

**WHEREAS** the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2013 as 500 Lake Shore Boulevard West.

**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*, a by-law under Section 34 of the *Planning Act*, may 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; and

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

**WHEREAS** the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. None of the provisions of Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 4(17)(a)-(e),(f) (iii), 8(1) (f) (b) (vii), 8(3) Part I 1-3, 8(3) Part XI 2 and 12(2) 132 of former City of Toronto By-law No. 438-86, as amended, titled “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection or use of a *mixed-use building* on the *lot* which may contain *dwelling units*, non-residential uses and a *commercial parking garage*, including uses *accessory* thereto provided that:
  - (a) The lands subject to this By-law include at least those lands outlined by heavy lines shown on Map 1 attached hereto.
  - (b) The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 76,700 square metres exclusive of any area used above or below *grade* for parking or a *commercial parking garage* provided that:
    - (i) The total *residential gross floor area* shall not exceed 54,460 square metres.
    - (ii) The total *non-residential gross floor area* shall not exceed 23,000 square metres.
  - (c) A maximum of 851 *dwelling units* shall be permitted on the *lot*.
  - (d) At least ten percent (10%) of the total number of *dwelling units* constructed in the buildings on the *lot* shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code.
  - (e) In addition to, and independent of 1(d) above, at least fifteen percent (15%) of the total number of 1-bedroom *dwelling units* constructed in the buildings on the *lot* shall be capable of being designed to be convertible to 2-bedroom units or can be combined through knockout panels between units in compliance with the provisions of the Ontario Building Code.
  - (f) A minimum of 1.5 square metres per unit of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom shall be provided on the *lot*;
  - (g) A minimum of 1.0 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided on the *lot*;
  - (h) No above *grade* portion of a building or structure on the *lot* shall be located other than wholly within the areas delineated by heavy lines on



Map 2, attached to and forming part of this By-law, except for the following:

- (i) Canopies, awnings and building cornices, lighting fixtures, ornamental lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, landscape and public art features, and signage which may extend beyond the heavy lines shown on the attached Map 2 attached to and forming part of this By-law;
  - (ii) Balconies, provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map "2" attached to and forming part of this By-law;
  - (iii) Notwithstanding 1(h)(ii) above, balconies shall not be permitted within 5.0 metres of the F.G. Gardiner Expressway;
  - (iv) Safety railings, roof access hatches, vents, stacks, pipes, chimneys, parapets, privacy fences, privacy walls, telecommunications equipment and antennas, service towers, topping slabs, roof topping, rooftop perimeter parapets, maintenance access ladders and access ladder safety enclosures, building maintenance apparatus, mechanical exhaust and vent stacks, exterior mechanical ducting and utility distribution services, electrical emergency generator exhaust stacks, electrical grounding devices, and safety or wind protection purposes may extend above the *heights* shown on Map 2 to a maximum of 2.0 metres;
  - (v) Screening for mechanical and electrical equipment may extend above the *heights* shown on Map 2 to a maximum of 5.0 metres; and
  - (vi) None of the building elements listed in 1 (h)(i)-(v) above may extend beyond the *lot* lines as shown on Map 1, attached to and forming part of this By-law.
- (i) A minimum of 600 *parking spaces* shall be provided and maintained on the *lot*.
- (i) *parking spaces* for the non-residential uses shall be provided and maintained on the *lot* in accordance with the provisions of Section 4(5) of Zoning By-law No. 438-86, and as set out below:

<b>Type of Use</b>	<b>Minimum Requirement</b>	<b>Maximum Requirement</b>
Office	1 space/300 m <sup>2</sup> Net Floor Area	1 space/135 m <sup>2</sup> Net Floor Area
Retail	1 space/100 m <sup>2</sup> Net Floor Area	1 space/25 m <sup>2</sup> Net Floor Area
Grocery Store	1 space/100 m <sup>2</sup> Net Floor Area	1 space/20 m <sup>2</sup> Net Floor Area

- (ii) *parking spaces* for the residential uses shall be provided and maintained on the lot in accordance with the following:

<b>Unit size</b>	<b>Minimum Parking Ratio</b>
Bachelor	0.0 space/unit
1 Bedroom	0.33 space/unit
2 Bedroom	0.93 space/unit
3 or more Bedroom	1.07 spaces/unit
Residential visitors	0.03 space per unit

- (iii) Notwithstanding 1(i)(ii) above, a reduction in the number of residential *parking spaces* may be permitted as follows:

- (a) A reduction of 4 residential *parking spaces* shall be permitted for each *car-share parking space* that is proposed and that the maximum reduction permitted by this shall be capped by the application of the following formula:

$$4 \times (\text{Total No. of residential Units} \div 60),$$

rounded down to the nearest whole number.

- (iv) Notwithstanding 1(i) (i) and (ii) above, a further reduction of 100 *parking spaces* shall be permitted in the event that least a total of 100 of the surplus non-residential *parking spaces* at 500 Lake Shore Boulevard West, which have been provided in excess of the minimum parking requirement identified in 1(i)(i) above and/or parking spaces which are to be located in a potential future parking garage on the Block 37 lands (511 Bremner Boulevard), to the north of the site, are available for monthly lease or monthly permit, to be allocated on a first come, first serve basis, non-exclusive, and subject to the following terms:

- (a) That the rate for monthly residential *parking spaces* be provided on an unsubsidized basis, as compared to the residential *parking*

*spaces* within the parking garage, with the rates to be the greater of:

- i. The average monthly rates in commercial parking garages in the vicinity; or
  - ii. The cost of ownership of a residential *parking space* comprised of the prevailing rate for a 5 year fixed rate mortgage (25 year amortization) for the present value of a resident *parking space* plus the current monthly maintenance fee associated with residential *parking spaces* in the residential condominium in the building;
- (j) The minimum dimensional *parking space* and aisle width requirements shall comply with Section 4(17) of Zoning By-law No. 438-86, as amended, except that:
  - (i) Up to 22 *parking spaces* which are obstructed by walls or columns which extend more than 1 metre beyond the front of the back of the parking spaces, may have a reduced width of 2.6 metres; and
  - (ii) Up to 10 *small car parking spaces* shall be permitted with reduced lengths of no less than 5.42 metres.
- (k) A minimum of 9 loading spaces shall be provided and maintained on the *lot* as follows:
  - (i) 2 *loading spaces - type A*;
  - (ii) 2 *loading space - type B*;
  - (iii) 3 *loading spaces - type C*; and
  - (iv) 2 *loading spaces - type G*
- (l) Notwithstanding 1(k) above, the loading spaces may be shared by all buildings located on the *lot*.
- (m) The slope of the external private laneway extending between Lake Shore Boulevard West and Housey Street shall be constructed with a slope not exceeding 8.0 percent, provided that the slope within 6.0 metres of Lakeshore Boulevard West shall not exceed 5.0 percent.

- (n) The drive aisles which have direct access to a parking space shall not have a slope that exceeds 5.0 percent.
- (o) Provide the ramps leading to the residential and commercial parking garages with a maximum slope of 15.0 percent and transition areas at the top and bottom of these ramps with maximum slopes of 5.0 percent for a minimum distance of 6.0 metres;
- (p) *Bicycle parking spaces* shall be provided and maintained on the *lot*, in accordance with the following:
  - (i) residential occupant minimum of 0.8 per *bicycle parking spaces per dwelling unit*
  - (ii) residential visitor minimum of 0.2 per *bicycle parking spaces per dwelling unit*
  - (iii) office occupant a minimum of 0.2 per *bicycle parking spaces per 100m<sup>2</sup> of gross floor area*;
  - (iv) office visitor minimum of 0.2 per *bicycle parking spaces per 100m<sup>2</sup> of gross floor area*;
  - (v) retail visitor minimum of 0.3 per *bicycle parking spaces per 100m<sup>2</sup> of gross floor area*;
  - (vi) retail occupant a minimum of 0.2 per *bicycle parking spaces per 100m<sup>2</sup> of gross floor area*.
- (q) The *bicycle parking spaces* provided and maintained within the *lot* may be provided in *stacked bicycle parking spaces*;

## 2. SECTION 37 OF THE *PLANNING ACT*

- (a) 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 *lot* is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out 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 satisfactory to the City Solicitor and registered on title to the *lot*.
- (b) 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.
- (c) 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 Clause 1 of Schedule "A" are satisfied.

- 3. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *lot*.

4. Notwithstanding any existing or future severances, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division has occurred.
5. Except as otherwise provided, herein, the provisions of *By-law No. 438-86* shall continue to apply to the *lot*.
6. Each other word or expression which is italicized in this by law shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.
7. For the purpose of this By-law, the following expressions shall have the following meaning:
  - (a) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
  - (b) "*car share parking space*" means a *parking space* that is reserved and actively used for *car-sharing*.
  - (c) "*grade*" means the Canadian Geodetic elevation of 77.25.
  - (d) "*non-residential gross floor area*" has the same meaning as provided in By-law No. 438-86, as amended, with the exception that the floor area occupied by a *commercial parking garage* and uses *accessory* thereto shall be excluded from the calculation of *non-residential gross floor area*.
  - (e) "*sales office*" means an office or sales trailer used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential uses to be erected on the *lot*.
  - (f) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
8. 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. 2015.

JOHN TORY,  
Mayor - City Clerk  
(Corporate Seal)

ULLI S. WATKISS,

## SCHEDULE "A"

### Section 37 Provisions

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 the issuance of the first above grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, a cash contribution in the amount of \$3,500,000 which shall be allotted at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor as follows:
  - a. \$500,000 to be used towards for capital improvements to public and or affordable housing in Ward 20 – Trinity Spadina as directed by the Chief Planner and Executive Director, City Planning Division;
  - b. \$1,000,000 for affordable housing on Block 36 North within the Railway Lands West Secondary Plan area or elsewhere in Ward 20, in consultation with the Chief Planner and Executive Director, City Planning Division;
  - c. \$1,250,000 towards Mouth of the Creek Park; and
  - d. \$750,000 towards community facilities in Ward 20.
2. Of the \$3,500,000 cash contribution referenced in 1 above, \$1,000,000 shall be indexed and payable prior to the issuance of the first building permit for the non-residential component of the development (Phase 1).
3. Of the \$3,500,000 cash contribution referenced in 1 above, the remaining \$2,500,000 cash contribution shall be indexed and payable prior to the issuance of the first building permit for the residential component of the development (Phase 2).
4. In the event the cash contributions referred to in Section 1 (a) through (e) above have not been used for the intended purpose within 3 years of the Zoning By-law coming into full force and effect, the cash contribution may be redirected to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the City of Toronto Official Plan and will benefit the community in the vicinity of the lands.
5. The payments required in Section 1 (a) through (e), Section 2, and Section 3 above shall be indexed upwardly in accordance with the non-residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor,

calculated from the date of execution of the Section 37 Agreement to the date of payment.

6. The owner shall provide public art in accordance with the City's Public Art protocol and the provisions contained within the Fort York Neighbourhood Secondary Plan to achieve permanent public art under the Gardiner Expressway and continuation of the "Warm by Night" Public Art Program that has been installed throughout the Railway Lands West on the *lot*.
7.
  - a. Prior to the earlier of the issuance of the first building permit on the *lot*, including a demolition permit, and enactment of the By-law permitting increased height and density of development proposed on the *lot*, the owner shall:
    - i. provide a Dismantling, Storage and Reconstruction Plan to the satisfaction of the Manager, Heritage Preservation Services;
    - ii. enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property at 500 Lake Shore Boulevard West, to the satisfaction of the Manager, Heritage Preservation Services and the Chief Planner and Executive Director, City Planning Division which agreement shall be registered on the title to the *lot* to the satisfaction of the City Solicitor; and
    - iii. provide a Letter of Credit in an amount to the satisfaction of the Chief Planner and Executive Director, City Planning Division, to secure all work contained within the Dismantling, Storage and Reconstruction Plan referenced in 7 a.i. above.
  - b. Prior to final Site Plan Approval, the owner shall prepare and provide the following to the satisfaction of the Manager, Heritage Preservation Services and in accordance with the approved Heritage Impact Assessment prepared by ERA Architects Inc. dated February 5, 2015 and the approved Dismantling, Storage and Reconstruction Plan:
    - i. site plans and drawings;
    - ii. a detailed Landscape Plan that supports the architectural style of the heritage building including reference to materials and finishes;
    - iii. a Lighting Plan including building and site lighting;
    - iv. a Signage Plan for first party signage;



- v. an Interpretation Plan including interpretive elements regarding the property's heritage values, site history and archaeological resources as may be applicable, an implementation schedule and a budget;
  - vi. a letter of credit to secure the implementation of the approved Interpretation Plan; and
  - vii. a record of the as-found condition of the building including architectural drawings and photographs keyed to plans and elevations of all visible interiors and exteriors.
- c. Prior to the release of the Letters of Credit, the owner shall:
- i. implement the Dismantling, Storage and Reconstruction Plan, including the Interpretation Plan, Lighting Plan and Signage Plan, subject to the review and approval of the Manager of Heritage Preservation Services; and
  - ii. provide a Letter of Substantial Completion for the reconstruction of 500 Lake Shore Blvd. West, and for the implementation of the Interpretation Plan, signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
- d. Architectural plans, elevations and landscaping including 1:50 scale elevations, will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application, submit 1:50 scale drawings in conformity with this requirement for the first five storeys of the residential buildings, and for the entire 7-storey non-residential component of the proposal.
- e. The owner shall incorporate in the construction of the buildings and thereafter maintain exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- f. Prior to issuance of the first building permit on the lot, including a demolition permit, the owner shall provide an archaeological monitoring and mitigation strategy prepared by a licensed consultant archaeologist to ensure that any deeply buried archaeological features associated with the property are documented fully during the excavation process and
8. The owner shall provide and maintain a minimum of ten percent (10%) of the residential units in the residential building having at least three bedrooms, or be convertible to three or more bedrooms on the *lot*.

9. In addition to and independent of Section 8 above, the owner shall provide and maintain a minimum of 15 percent (15%) of 1-bedroom units that are either convertible to 2-bedroom units or can be combined through knockout panels between units.
  
10. In support of development, the owner shall:
  - a. pay for, and construct, any improvements to the municipal infrastructure in connection with any Functional Servicing Report as accepted by the Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support the development.
  
  - b. provide, maintain and operate transportation demand measures, facilities and strategies as stipulated in the applicant's Transportation Management Demand Report accepted by the General Manager, Transportation Services.
  
  - c. prior to the issuance of the first below-grade permit for development of the *lot*, submit a Construction Management Plan including but not limited to details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.
  
  - d. design, construct and convey the following roads and municipal services at no cost to the City and on terms set out in the agreement:
    - (i) Dan Leckie Way, between Housey Street and Lake Shore Boulevard West, including the intersections; and
  
    - (ii) Housey Street, between Bathurst Street and Dan Leckie Way, including the intersections.
  
11. Prior to the issuance of the first above grade building permit on the site, the owner shall make payment of a financial contribution towards the costs to undertake the modifications to the intersection of Bathurst Street and Fort York Boulevard, (the "Bathurst/Bremner Intersection Improvements" consistent with the cost-sharing provisions outlined in the July 18, 2003 report prepared by the Commissioner of Works and Emergency Services, and adopted by Council at its meeting of July 22, 23, and 24, 2003 (Clause 4, Toronto and East York Community Council Report No. 7) respecting landowners in the Fort York neighbourhood and Railway Lands West. The payment shall be made and secured on terms set out in the agreement and the

contribution will be based on 5.98 percent of the Construction Costs of the Bathurst Street Intersection Improvements. For the purpose of the calculation the Bathurst Construction Costs will be an amount not exceeding \$9,000,000 indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from January 2005 to the date of notice from the City to the owner that payment is required.

12. The owner shall convey, to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor, in consultation with the General Manager of Transportation Services, such easements and on such terms as more particularly described below and within the time specified:
  - a. prior to the issuance of the first above-grade building permit, the owner shall prepare documents and amend or consolidate the existing easements on the site or shall convey a new easement to the City, over the lands under the F.G. Gardiner Expressway, as required by and to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor, for the purpose of maintaining, repairing, modifying and reconstructing the Gardiner Expressway, including supporting columns, and for the purpose of the possible future dismantling of the Gardiner Expressway, together with necessary support rights and access which includes access to the proposed parking (including covered parking), below grade parking, courtyard and rooftop areas of buildings or structures located under the F. G. Gardiner Expressway. Such easement interest to include the ability to temporarily cordon off the parking and loading areas as necessary for the purpose of enjoyment of the easement rights provided;
  - b. prior to the issuance of the first above-grade building permit, the owner shall prepare documents and convey to the City an at grade 5.0 metre wide maintenance easement abutting the south face of the vertical extension of the F. G. Gardiner Expressway as required by and to the satisfaction of the Executive Director, Engineering and Construction Services and the City Solicitor for the purpose of maintaining, repairing, modifying and reconstructing the Gardiner Expressway, including supporting columns, and for the purpose of the possible future dismantling of the Gardiner Expressway, together with necessary support rights and access;
  - c. prior to the issuance of the first above-grade building permit the owner shall prepare documents and amend or consolidate the existing easements on the site or convey a new easement to the City, as may be required and to the satisfaction of the Executive Director of Engineering and Construction Services and the City Solicitor for the purpose of construction, operation, maintenance, repair, alteration and reconstruction of new storm sewer system intercepting the downspouts from the F. G. Gardiner Expressway, together with the necessary support rights and access;

- d. prior to the issuance of the first building permit, including a demolition permit, the owner shall prepare documents and amend or consolidate the existing easement on the site or convey a new easement, as required by and to the satisfaction of the Executive Director of Engineering and Construction Services in consultation with the General Manager of Toronto Water and the City Solicitor for the purpose of maintaining, repairing, modifying and reconstructing of the existing storm sewer and storm maintenance hole located at the northwest corner of the site. The easement shall extend 10 metres south (or other narrower width to the satisfaction of the Executive Director of Engineering and Construction Services) of the existing storm sewer and storm maintenance hole;
  - e. prior to the issuance of the first building permit, including a demolition permit, the owner shall prepare documents and amend or consolidate the existing City easement on the site or convey a new easement as may be required by and to the satisfaction of the Executive Director, Engineering and Construction Services in consultation with the General Manager of Toronto Water and to the satisfaction of the City Solicitor for the purpose of construction, operation, maintenance, repair, alteration and reconstruction of the Garrison Creek Culvert sewer system, together with the necessary access thereto and rights of support. The Garrison Creek Culvert easement shall be 20.0 metre wide or other narrower widths to the satisfaction of Executive Director of Engineering and Construction Services in consultation with the General Manager of Toronto Water;
  - f. the owner shall convey all easements contemplated in these conditions to the City at no cost, for nominal consideration and free and clear of encumbrances; and
  - g. the owner shall prepare and deposit at its own expense a form of reference plan satisfactory to the Executive Director Engineering and Construction Services describing the easements to be conveyed to the City as contemplated in these conditions.
13. Prior to the issuance of the first below grade building permit, the owner is required to make payment by certified cheque payable to the City of Toronto in the amount of \$2,500.00 for cost recovery of 100% of the cost of the installation of traffic control signals and related road modification(s) at the intersection of Lake Shore Boulevard West and Dan Leckie Way and which payment relates to the installation of a signal loop detector only.
14. The owner shall submit the following to the satisfaction of the Executive Director, Engineering and Construction Services, the City Solicitor, and the Chief Planner and Executive Director, City Planning Division as part of any application for Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*:

- (a) a plan showing the location of lands to be dedicated for roads purposes;
  - (b) a list of proposed improvements and/or financial contributions towards roads improvements; and
  - (c) a Construction Practices and Procedures Plan for the entire development site which includes appropriate monitoring programs.
15. Prior to the issuance of the first below grade building permit, including a demolition permit, the owner shall to the satisfaction of the Executive Director Engineering and Construction Services:
- (a) provide an independent report prepared by a professional engineer addressing all the items for the protection and monitoring of the Garrison Creek Culvert during construction;
  - (b) provide an independent report prepared by a professional engineer for the protection and monitoring of the existing storm sewer system that encroaches onto the northwest corner of the site during construction; and
  - (c) provide an independent report prepared by a professional engineer addressing all the items for the protection and monitoring of the F.G. Gardiner Expressway;
- and thereafter shall implement all recommendations and requirements of such reports as accepted by the Executive Director, Engineering and Construction Services until completion of construction.
16. The owner shall convey to the City, prior to Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act*, 2006, lands for the purpose of widening Lake Shore Boulevard West, having a width of approximately 9.4 metres, to the full extent of the site abutting Lake Shore Boulevard West, except in instances where the existing building face would encumber the required road widening conveyance, the road widening would be reduced to the area between the building face and the existing north limit of Lake Shore Boulevard West.

17. The owner shall ensure that the agreement(s) to be entered into with the City pursuant to Section 37 of the *Planning Act* contains provisions satisfactory to the City respecting a process for the consideration by the owner of a proposal by Enwave District Energy Limited to service the development with a district heating and cooling facility.
18. The owner shall prepare and submit for the approval of the City for development of the lot prior to Site Plan Control Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*:
  - i. a Development Context Plan;
  - ii. a Phasing of Road Infrastructure Plan; and
  - iii. a Municipal Servicing Plan.
19. The owner shall submit for the approval of the City as part of any Site Plan Control Application(s) under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, reports related to soil and groundwater management, stormwater management, pedestrian level sun, wind and shade impacts, noise and vibration impact, air quality and construction management related to the development of the lot, and shall implement the recommendations and remediation measures described in such reports.
20. The owner shall submit, as part of any Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, a phasing plan for the lot, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, which identifies:
  - (a) the coordination of development of community services, parks, pedestrian connections, and roads with each phase of development; and
  - (b) a schedule of when land transfers and improvements would take place.
21. Prior to the issuance of the first above-grade building permit, the owner shall have made arrangements for the provision of appropriate community services and facilities, serving the Fort York Neighbourhood, or have made the necessary financial contributions to secure such facilities, to the satisfaction to the Chief Planner and Executive Director, City Planning Division.
22. The owner shall implement, at its own expense, and in consultation with the City Planning Division, as necessary, the Fort York Neighbourhood Public Realm Plan and shall incorporate the same into plans and drawings submitted for approval pursuant to Site Plan Approval under Section 41 of the *Planning Act* or Section 114 of the *City of Toronto Act, 2006*, as applicable for development of the lot.

23. The Owner shall provide and maintain public pedestrian access through the site connecting public streets to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The details of the design shall be incorporated in plans and drawing in the context of Site Plan Approval, pursuant to Section 114 of the City of Toronto Act, 2006 and Section 41 of the Planning Act as applicable. Further, a public access easement in favour of the City shall be granted prior to registration of the first Plan of Condominium Plan in Phase 2 for the residential component of the project to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

