



## STAFF REPORT ACTION REQUESTED

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

<b>Date:</b>	December 8, 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\CC15153 (13-204585 STE 20 OZ)

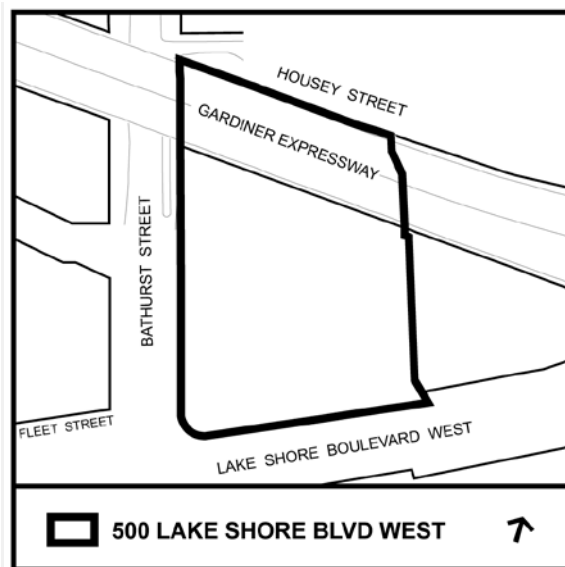
#### SUMMARY

On February 18, 2015, Toronto and East York Community approved the Final Report, prepared by the Director, Community Planning Division, dated January 30, 2015 which recommended approval of the proposal for 500 Lake Shore Boulevard West.

A Supplementary Report dated May 4, 2015, from the Chief Planner and Executive Director, City Planning Division, was before City Council on May 5-6, 2015. That Supplementary Report dealt with parking and Section 37 matters, and included a revised draft Zoning By-law.

A Supplementary Report dated September 28, 2015 was before Toronto and East York Community Council at its meeting of October 6, 2015. That report provided information on applicable municipal and education development charges and recommended modifications to the allocation of Section 37 benefits previously considered by Council, as well as minor technical changes to Schedule "A" (Section 37 Provisions) of the draft Zoning By-law.

This Supplementary Report outlines further modifications made to the Official Plan Amendment and Zoning By-law Amendment which was approved by Toronto and East York Community Council.



## **RECOMMENDATIONS**

### **The City Planning Division recommends that:**

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. 1 to this report (December 8, 2015) from the Chief Planner and Executive Director, City Planning Division.
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 2, attached to this report (December 8, 2015) from the Chief Planner and Executive Director, City Planning Division.
3. City Council authorize the appropriate City officials to take such action as may be necessary to implement the foregoing, including execution of the Section 37 Agreement.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Zoning By-law Amendment as may be required.
5. 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 draft Official Plan and Zoning by-law.

### **Financial Impact**

There are no financial implications.

## **COMMENTS**

### **Modifications to Official Plan Amendment**

The Official Plan Amendment contained in Attachment 1 to this report, contains one minor modification to the Draft Official Plan Amendment which was before Community Council and City Council. The maximum permitted gross floor area has been reduced from 76,700 square metres to 76,500 square meters. This minor change ensures that the maximum permitted gross floor area contained in the Draft Zoning By-law and the Draft Official Plan Amendment are consistent.

### **Modifications to Zoning By-law Text**

The Zoning By-law Amendment, contained as Attachment 2 to this report, contains further modifications to the Draft Zoning By-law Amendment which was before Community Council and City Council. This section of the report provides additional information and clarification regarding the modifications made. The changes outlined below are acceptable to City staff and have been made at the applicant's request and arose from further refinement of their plans and drawings.

- a. The total combined residential and non-residential gross floor area in Section 1(b) has been decreased from 76,700 square metres to 76,500 square metres;
- b. The total residential gross floor area in Section 1(b)(i) has been decreased from 54,460 square metres to 53,500 square metres;
- c. The number of dwelling units in Section 1(c) has been increased from 851 units to 886 dwelling units. The applicant has indicated that the unit count has increased as a result of increasing the number of units on several typical floors in both residential towers, within the a slightly reduced residential gross floor area, and modifying the top of the west tower, in which the applicant has deleted 3 penthouse units and replaced them with a typical floor comprised of 13 units;
- d. Additional language has been added to Section 1(h) to clarify that Map 2 attached to the Zoning By-law regulates building height as well as building envelope;
- e. Section 1(h)(i) has added underground garage ramps and architectural sunscreens as permitted vertical projections;
- f. Section 1(h)(iv) has been modified to include railings or screens, elements used for green roof technology, lighting fixtures, ornamental elements, satellite dishes, and roof top structures to a maximum height of 4.0 metres, whereas 2.0 metres was previously permitted;
- g. Section 1(i) has been modified to recognize that phasing is proposed to occur as part of this development proposal;
- h. Additional wording has been added to Section 1(i)(i) which allows for a maximum of 316 parking spaces to be provided in the permitted commercial parking garage, which includes 7 car-share parking spaces, and 2 taxi spaces;
- i. The wording in Section 1(i)(ii) regarding parking has been clarified;
- j. The wording in Sections 1(i)(iii) and (iv) regarding parking have been clarified;
- k. The number and type of small car parking spaces in Section 1(j)(i) through (iii) have been revised. The applicant has indicated that the revision is necessary as the number, type and location of the small car parking spaces have now been confirmed by the applicants architect's;
- l. The number and type of loading spaces required by Section 1(k) has been revised. The overall total number of loading spaces has not changed, but the mix has;
- m. Additional wording has been added to Section 1(l) to allow for the provision of loading on a phased basis;

- n. The bicycle parking requirements contained in Section 1(p) have been revised to be consistent with the Toronto Green Standards;
- o. Additional provisions have been added to Section 1(p) to secure the location of the bicycle parking spaces;
- p. The definition of stacked bicycle parking has been modified in Section 1(7) as the dimensions contained within By-law 438-86 differ from the hydraulic bicycle stacker specifications proposed for this development; and
- q. Typographical errors have been corrected.

**Modifications to Schedule "A" of the Draft Zoning By-law**

Schedule "A" attached to the draft Zoning By-law, which contains the Section 37 provisions, has been modified since the draft Schedule "A" was before Toronto and East York Community Council in October 2015. The modifications are as follows:

- a. The sentence "Prior to the issuance of the first building permit" has been deleted from Section 1. This sentence has been deleted as Sections 2 and 3 outline the timing of Section 37 payments, and thus the sentence is redundant;
- b. The word "Phase 1" in Section 2 has been replaced with "for the non-residential component of the development". The change has been made to prevent confusion. The timing of payments remains unchanged and will not be affected by this modification;
- c. The word "Phase 2" in Section 3 has been replaced with "for the residential component of the development". The change has been made to prevent confusion. The timing of the Section 37 payments remains unchanged and will not be affected by this modification;
- d. The public art contribution in Section 6 has been capped at \$600,000. This cap was negotiated as part of the Section 37 process;
- e. Section 21 has been deleted as Council's direction was to provide a portion of the Section 37 funds towards improvements to the school boards playground and outdoor facilities located at Block 31 of the Railway Lands West;
- f. A new Section 10(e) has been added to incorporate the requirement to convey in fee simple any remnant portions of the Gardiner Expressway elevated over the subject site that may not have previously captured in historic conveyances;
- g. Section 12 (d) and (e) are amended to delete the words "including a demolition permit" to reflect that a demolition permit has now been issued for the deconstruction of the heritage building in accordance with requirements of Heritage

Preservation Services. The conveyances contemplated in these sections will occur prior to issuance of the next permit to be issued; and

- h. Renumbering and typographical errors have been corrected.

### **Modifications to Map 2**

Map 2 attached to the draft Zoning By-law has been modified from the Draft Zoning By-law Amendment which was before Community Council and City Council. The modifications are as follows:

- a. Maximum height permissions of 0.0 metres have been added to the courtyard, and the laneway to provide for additional clarification;
- b. The labels "Heritage Building Roof", "Commercial Building Mech Roof", "Parking Under Gardiner", "Retail Roof", "Outline of Tower Below", and "Stair Connection Between Housey and Courtyard" have been removed as the labels were unnecessary and confusing;
- c. Minimum dimensions have been added to Map 2 to provide further clarity;
- d. The elevator overrun on the commercial building has been expanded;
- e. The podium height of the western-most residential building, abutting Bathurst Street has been decreased from 22.0 metres to 17.0 metres; and
- f. The height of the eastern residential tower, located adjacent to the laneway has been modified as follows:
  - i. The eastern portion of the building height has been reduced from 120.8 metres to 119.5 metres; and
  - ii. The northern portion of the building height has been increased from 120.8 metres to 123.5 metres to allow additional residential units.

### **CONTACT**

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### **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Draft Official Plan Amendment

Attachment 2: Draft Zoning By-law

**Attachment 1: Draft Official Plan Amendment**

**Bill No.**

**BY-LAW No. -2015**

**To adopt Amendment No 302 to the Official Plan of the City of Toronto respecting the lands known municipally in the year 2014 as 500 Lake Shore Boulevard West.**

Whereas authority is given to Council under 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 enacts:

1. The attached Amendment No. 302 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on (            ), 2015.

Frances Nunziata,  
S. Watkiss,  
Speaker

Ulli

City Clerk

(Seal of the City)

**AMENDMENT NO. 302 TO THE OFFICIAL PLAN  
LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS  
500 LAKE SHORE BOULEVARD WEST**

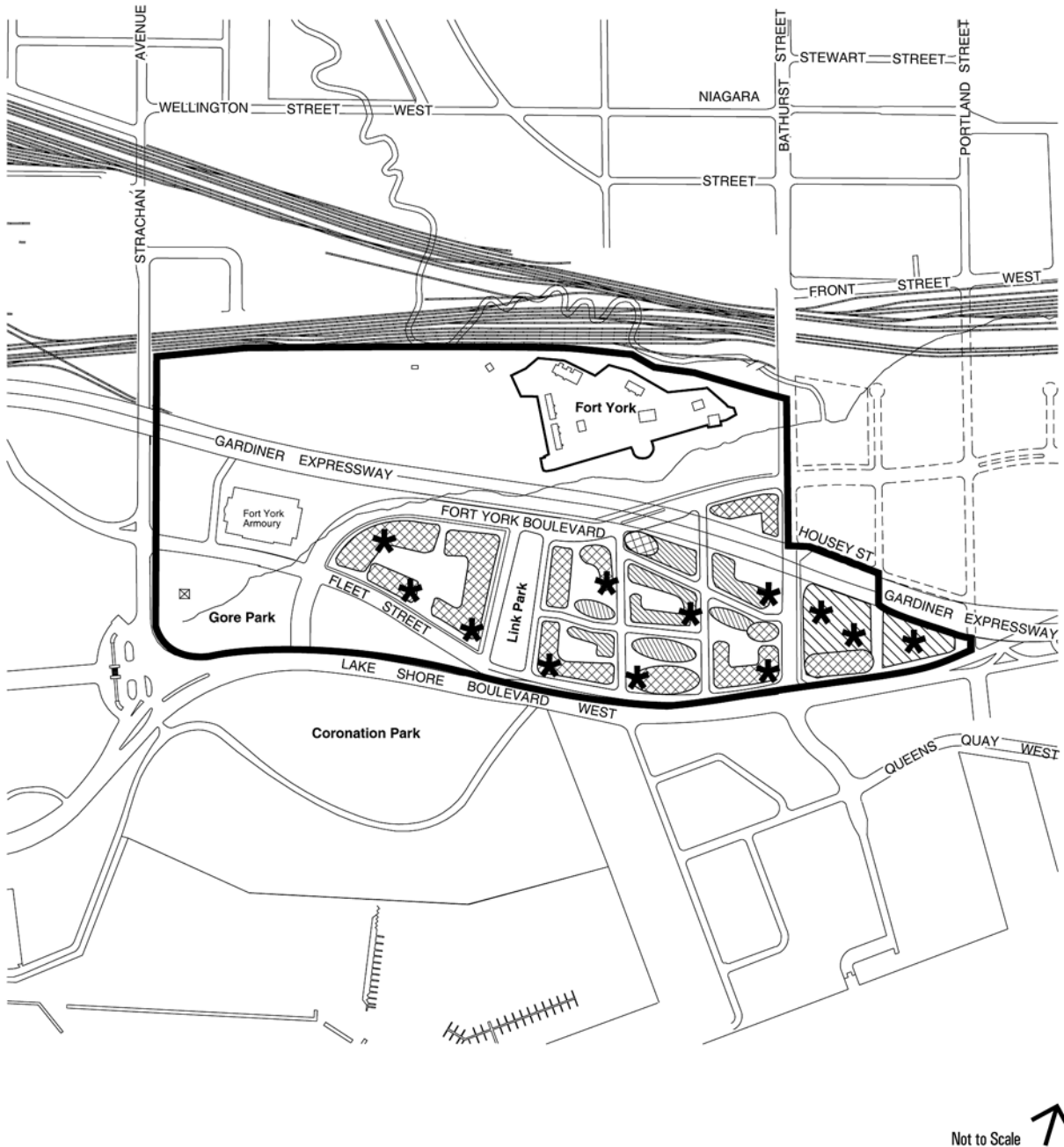
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 13, Fort York Neighbourhood Secondary Plan, is amended as follows:
  - i. Section 4, "Built Form, Land Use and Density", Subsection 4.3, "Mixed Use Areas and Densities", Policy 4.3.2 (c) is replaced with the following:
    - (c) Block 8- maximum gross floor area of 76,500 square metres
  - ii. Section 8, "Heritage and Culture", Policy 8.9 is replaced with the following:

"Any new development of 500 Lake Shore Boulevard West shall conserve the Lake Shore Boulevard West and Bathurst street facades of the former Loblaw warehouse building. The height and built form objectives set out in Section 4 of this Secondary Plan in retaining historic facades will not be compromised, notwithstanding the heritage conservation policies of the Official Plan."
  - iii. Map 13 – 4, Height Zones is amended as shown on the attached Schedule "1".



Schedule "1"



Fort York Neighbourhood Secondary Plan

MAP 13-4 Height Zones

- Secondary Plan Boundary
- Mid-Rise (7-15 storeys)
- Low-Rise (4-6 storey)
- Potential Tower Location

January 2015

## **Attachment 2: 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 HEREBY 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 76,500 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 53,500 square metres.
    - (ii) The total *non-residential gross floor area* shall not exceed 23,000 square metres.
  - (c) A maximum of 886 *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 portion of a building or structure erected on the *lot* shall exceed the *height* in metres specified by the number following the symbol "H" and 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, underground garage ramps, landscape and public art features, signs, and architectural sunscreens which may extend beyond the heavy lines shown on 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 railings or screens used for wind protection purposes, elements on the roof of the building or structure used for green roof technology or alternative roofing system, lighting fixtures, ornamental elements, satellite dishes, roof tops structures, may extend above the *heights* shown on Map "2" to a maximum of 4.0 metres; and
  - (v) None of the building elements listed in 1 (h)(i)-(iv) 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 for all uses permitted on the *lot* at the time of full build-out. Phased development, which is less than the maximum density permitted shall comply with the minimum number of parking spaces required below in 1(i)(i)-(iv) and (j).

- (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, except as set out below:

Type of Use	Minimum Requirement	Maximum Requirement
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

a maximum of 316 *parking spaces* shall be provided in the permitted in the *commercial parking garage*, including 7 *car-share parking spaces* and 2 taxi *parking spaces*.

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

Unit Size	Minimum Parking Ratio
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 visitor	0.03 space per unit

- (iii) Notwithstanding the requirements of 1(i) and 1(i)(ii) above, a reduction in the minimum number of total *parking spaces* and 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 provided in the building 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 the requirements of 1(i)(i), 1(i)(ii) and 1(i) (iii) above, a further reduction of up to 100 *parking spaces* shall be permitted in the event that at least an equivalent number 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 located in a potential future parking garage on the Block 37 lands (56-66, 70, 80, and 90 Queens Wharf Road, 139 to 161 Fort York Boulevard, 21A – 21C Bathurst Street and 100 to 106 Housey Street, all formerly part of 2 Housey Street), to the north of the site, are available for monthly lease or monthly permit, to be allocated on a first come, first serve, non-exclusive basis, 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 18 *parking spaces* which are used for residential purposes and up to 15 *parking spaces* which are used for non-residential purposes which are obstructed by walls or columns situated within 0.3 metres on one side or on two sides, which extend more than 1 metre beyond the front or the back of the parking spaces, may have a reduced width of 2.6 metres; and
  - (ii) 1 *parking space* which is used for non-residential purposes may have a reduced width of 2.5 metres; and
  - (iii) Up to 9 *small car parking spaces* which are used for residential purposes and up to 2 *small car parking spaces* which are used for non-residential purposes shall be permitted with reduced lengths of no less than 5.0 metres.
- (k) A minimum of 9 loading spaces shall be provided and maintained for all uses permitted on the *lot* at the time of full build-out as follows:
  - (i) 2 *loading spaces - type A*;
  - (ii) 3 *loading spaces - type B*;
  - (iii) 3 *loading spaces - type C*; and
  - (iv) 1 *loading space - type G*

- (l) Notwithstanding 1(k) above, the loading spaces may be shared by all buildings located on the *lot*, and in the event of a phased development which includes *residential gross floor area*, a minimum of 1 *loading space-type G*, and 1 *loading space-type B* shall be provided, and in the event of a phased development which includes no *residential gross floor area*, a minimum of 2 *loading spaces-type A*, 2 *loading spaces-type B*, and 3 *loading spaces-type C* shall be provided.
- (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 Lake Shore 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 *bicycle space-occupant* a minimum of 0.9 per *dwelling unit*
  - (ii) residential *bicycle space-visitor* a minimum of 0.1 per *dwelling unit*
  - (iii) office *bicycle space-occupant* a minimum of 0.2 per 100m<sup>2</sup> of *gross floor area*;
  - (iv) office *bicycle parking space- visitor* a minimum of 0.2 per 100m<sup>2</sup> of *gross floor area*;
  - (v) retail *bicycle parking space-visitor* a minimum of 0.3 per 100m<sup>2</sup> of *gross floor area*;
  - (vi) retail *bicycle parking space-occupant* a minimum of 0.2 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*; and
- (r) Bicycle parking spaces-occupant shall be provided in a secured controlled access bicycle parking facility or purpose built bicycle parking locker in the following locations:
  - (i) on the first *storey* of the building;

- (ii) on the second *storey* of the building accessed from Housey Street through the *parking garage area* of the building; or
- (iii) on any level of the building below *grade*.

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* or as provided in Section 7 hereof.
- 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) “*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*.
  - (e) "*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* and the provisions of Section 2(1) "bicycle parking space- occupant" (i) and (ii) and the provisions of Section 2(1) "bicycle parking space-visitor" (i) and (ii) of By-law 438-86 shall not apply.
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

(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

## 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. 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. \$1,000,000 to be used towards improvements to the school board playground and outdoor facilities located on Block 31 of the Railway Lands West neighbourhood. Any funds directed to school board facilities will be subject to community use agreements with the City to secure access to those facilities;
  - b. \$500,000 to be used towards for capital improvements to affordable housing in Ward 20 – Trinity Spadina;
  - c. \$1,250,000 towards the Fort York Heritage Conservation District; and
  - d. \$750,000 towards the daycare facility on Block 31 of the Railway Lands West Neighbourhood.
2. Of the \$3,500,000 cash contribution referenced in 1 above, \$1,000,000 shall be payable prior to the issuance of the first building permit for the non-residential component of the development.
3. Of the \$3,500,000 cash contribution referenced in 1 above, \$2,500,000 shall be payable prior to the issuance of the first building permit for the residential component of the development.
4. In the event the cash contributions referred to in Section 1 (a) through (d) 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 2, and Section 3 above shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto,

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" rooftop lighting Public Art Program that has been installed throughout the Railway Lands West on the *lot* to a value of \$600,000.00, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
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 for the non-residential component of the development, 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 referenced in 7a and 7b above, 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 secured by 7d above, 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.
  - e. convey, as may be required and to the satisfaction of the Executive Director, Engineering and Construction Services and the City Solicitor, remnant parcels of the elevated Frederick G. Gardiner Expressway over the site that were not captured in historic conveyances to the City, for nominal consideration, at no cost to the City and free and clear of encumbrances.

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 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 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. 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*.
22. 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.

23. The owner shall design and construct the vehicular access driveway on Lake Shore Boulevard West in accordance with an approved Functional Plan, as more particularly described in Condition No. (25) below.
24. The owner shall submit a fully-dimensioned Functional Road Plan, in metric scale, which illustrates the following, for review and acceptance by the General Manager of Transportation Services:
  - (i) The tapered deceleration lane to the access driveway off Lake Shore Boulevard, generally as shown on Figure 1, "Lakeshore Access Proposed Design" prepared by LEA Consulting under date of July 20, 2005, as amended by the "Option A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the owner;
  - (ii) The proposed curb bump-out on the west side of the access driveway off Lake Shore Boulevard generally as illustrated on the "Option A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the Owner;
  - (iii) The proposed new centre median opposite the access driveway of Lake Shore Boulevard generally as illustrated on the "Option A" Sketch appended to a letter dated March 29, 2007 to John Kelly, Transportation Services from Mario Fatica, on behalf of the owner;
  - (iv) All revisions to the existing curb line on Lake Shore Boulevard West proposed in conjunction with the above noted tapered deceleration lane, curb bump out and new centre median;
  - (v) Proposed revisions to existing lane widths and pavement markings on Lake Shore Boulevard;
  - (vi) The proposed colonnade at the southeast corner of the building to be secured as a pedestrian easement to augment the sidewalk width (note: the dimensions of this area must be clearly indicated on the plan, including vertical clearance and minimum widths between building columns);
  - (vii) The proposed alignment of the public sidewalk on both sides of this access driveway;
  - (viii) Minimum dimensions between the proposed colonnade at the southeast corner of the building and the curbing for Lake Shore Boulevard West and the driveway; and
  - (ix) Driveway dimensions for the new access.

