

Authority: Toronto and East York Community Council
Item TE16.5, adopted as amended by City of Toronto
Council on July 28 and 29, 2020

CITY OF TORONTO

Bill 799

BY-LAW -2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1555 & 1575 Queen Street East.

Whereas authority is given to Council of the City of Toronto under Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

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; and

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

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 and 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 matters as are set out in the by-law; and

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 density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

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 569-2013 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy lines to CR 2.0 (c0.5; r2.0) SS2 (270) and CR 2.0 (c0.5; r2.0) SS2 (271) as

shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 270 so that it reads:

Exception CR (270)

The lands, or a portion thereof as noted below, as generally identified as Area A as shown on Diagram 2 attached to this By-law, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands at 1555 and 1575 Queen Street East subject to this By-law, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (R) below;
- (B) The **lot** comprises the lands generally identified as Area A delineated by heavy lines on Diagram 2 attached to By-law [Clerks to insert number];
- (C) Despite Regulations 40.10.20.100(1), (5), (7), (17), and (21):
 - (i) the maximum **interior floor area** for an **eating establishment** or **take-out eating establishment** is 600 square metres;
 - (ii) the maximum **interior floor area** for a **financial institution**, **medical office**, **personal service shop**, **pet service**, **recreation use**, **retail service**, or **retail store** is 800 square metres;
 - (iii) the maximum **interior floor area** for a **retail store** with a beverage **manufacturing use** for beer, cider, or wine is 600 square metres;
 - (iv) the maximum **interior floor area** for an **outdoor patio** ancillary to an eating establishment is 100 square metres; and
 - (v) **Public parking** is permitted at-or above ground within a **building**.
- (D) a minimum of 30 percent of the total number of **dwelling units** must contain two bedrooms;
- (E) a minimum of 9 percent of the total number of **dwelling units** must contain three bedrooms;
- (F) Despite Regulation 40.5.1.10(3) and Clause 40.10.40.40, the **gross floor area** of all uses on the **lot** may not exceed 48,500 square metres, of which a maximum 46,750 square metres may be used for residential uses and 1,750 square metres may be used for non-residential uses;

- (G) Despite Regulation 40.5.40.40(3), the **gross floor area** of the **mixed use building** may also be reduced by the area in the **building** used for **amenity space** and mechanical rooms and parking at-or above-ground;
- (H) Despite Regulation 40.5.40.40(4) the floor space index for a **mixed use building** is the result of the **gross floor area** minus the areas listed in regulation 40.5.40.40(3) and subsection (G) above divided by the area of the **lot**;
- (I) Despite regulations 40.5.40.10(1) and 40.5.40.10(2) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 78.15 metres and the elevation of the highest point of the **building** or **structure**;
- (J) Despite Clause 40.5.40.10 and Regulation 40.10.40.10(2), the permitted maximum height of the **building** or **structure**, is the height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law - 2020 [**Clerks to provide number**];
- (K) Despite Regulation 40.10.40.1(1) **dwelling units** may be located in the first **storey** of the **building** along the west **side lot line**;
- (L) Despite Regulations 5.10.40.70(1), (2), 40.10.40.70(2), 40.10.40.70(4) and 40.10.40.80(2), the minimum required **building setbacks** and minimum above ground separation distances are shown on Diagram 3 of By-law -2020 [**Clerks to provide number**];
- (M) Despite clause 40.10.40.60 and (L) above, the following may encroach into the required minimum **building setbacks** as follows:
- (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, ornamental elements, vents, retaining walls, landscape elements and features, privacy screens, frames, insulation, window sills, bollards, decks, planters, thermal and moisture protection, hose bibs, mechanical grilles, window washing equipment, pool, decking, public art features, and architectural features, railings, and screens by not more than 2.0 metres;
 - (ii) weather protection canopies by not more than 2.0 metres within the first storey;
 - (iii) garage ramps, walkways, stairs, stair landings, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, mechanical areaways, wheelchair ramps by not more than 3.5 metres;
 - (iv) balconies on the 6th to the 14th **storeys** within the portion of the **building** that has a **building setback** of 8.3-8.8 metres from the

west **side lot line**, provided:

- a. they encroach by no more than 1.7 metres; and
 - b. that the total length of all balconies for this portion of the **building**, does not exceed 42 percent of the total length of all **main walls** facing the west **side lot line** for this portion of the **building**;
- (v) balconies on the 16th to 17th **storeys** within the portion of the **building** that has a **building setback** of 10.0-10.3 metres from the west **side lot line** provided:
- a. they encroach by no more than 1.7 metres; and
 - b. that the total length of all balconies for this portion of the **building**, does not exceed 15 percent of the total length of all **main walls** facing the west **side lot line** for this portion of the **building**;
- (vi) balconies for all other parts of the **building** excluding those storeys of the west facing portion of the building with a **building setback** from the west **side lot line** not identified in M (iv) and (v) above, by not more than 2.5 metres; and
- (vii) portions of an underground parking garage and associated **structures** situated below finished ground level by no more than 4.0 metres within the west **side yard setback**;
- (N) Despite (J) above and in addition to Clauses 40.5.40.10, 40.10.40.10, and 40.10.40.60 the following may project above the permitted maximum height as shown on Diagram 3 attached to By-law -2020 [**Clerks to provide number**] as follows:
- (i) parapets, railings, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and **building** envelope membranes, decking, pavers, bollards, built-in planter boxes by not more than 1.50 metres;
 - (ii) heating, ventilation, and air conditioning condensing units, **green roof** and associated elements, including parapets and sloped toppings, by not more than 2.0 metres;
 - (iii) divider screens, visual screens, sound and wind barriers, acoustical screens, and privacy screens by not more than 2.0 metres;
 - (iv) play structures and equipment, pergolas and trellises within areas labeled as outdoor **amenity space** on Diagram 3, provided:

- a. they do not project by more than 3.0 metres; and
 - b. they do not project into a 45 degree **angular plane** measured from a height of 14 metres parallel to the **front lot line** abutting Queen Street East;
- (v) the items permitted in Clause 40.5.40.10 (4) (5) are only permitted within the areas identified as Mechanical Area and the items in Clause 40.5.40.10 (6) are permitted up to a maximum height of 3.0 metres within the areas identified as Mechanical Area as identified on Diagram 3 of By-law -2020 [clerks to insert #];
- (vi) despite Clause 40.5.40.10 (5) and N(v) above, the total area of all equipment, structures, or parts of a building permitted by Clause 40.5.40.10 (4) and (5) may cover no more than 30 percent of the sum of roof areas identified as Mechanical Area on Diagram 3; and
- (vii) portions of an underground parking garage and associated **structures** situated below finished ground level provided no portion of such structures is more than 2.0 metres above Canadian Geodetic Datum elevation of 78.15 metres;
- (O) Despite Regulation 40.10.50.10(2), the installation of a fence will not be required along the portion of the **lot line** abutting a **lot** in the Residential or Residential Apartment Zone category;
- (P) Despite Regulations 200.5.10.1(1), (2), (5), (7), (9), (10) and Table 200.5.10.1, **parking spaces** must be provided as follows:
- (i) a minimum of 0.41 **parking spaces** per **dwelling unit** for residents of the **dwelling units**;
 - (ii) a minimum of 0.06 **parking spaces** per **dwelling unit** for non-residential uses and visitors;
 - (iii) a minimum of 5 car-share **parking spaces**;
 - (iv) the minimum required **parking spaces** for residents can be reduced by up to 4 **parking spaces** for each dedicated car-share **parking space**, up to a maximum capped by the application of this formula $4 \times (\text{Total No. of Units} \div 60)$, rounded down to the nearest whole number of the total car-share parking spaces provided on the lot;
- (Q) Despite Regulations 200.5.1(2) and 200.10.1(1) and (2), the **parking spaces** required for visitor and non-residential uses may be provided within a **public parking** facility on the lands and may be shared on a non-exclusive basis.

- (R) Despite Regulations 230.5.1.10(4), and 230.5.1.10(5):
- (i) a **bicycle parking space** parked horizontally may have a minimum width of 0.45 metres;
 - (ii) **bicycle parking space** placed in a vertical position may have a minimum width of 0.45 metres; and
 - (iii) the minimum **bicycle parking space** dimensions of a **stacked bicycle parking space** may have a minimum length of 1.9 metres, a minimum width of 0.375 metres, and a minimum vertical clearance of 1.375 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 271:

Exception CR (271)

The lands, or a portion thereof as noted below, as generally identified as Area B as shown on Diagram 2 attached to this By-law, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the lands at 1555 and 1575 Queen Street East subject to this By-law, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (P) below;
- (B) The **lot** comprises the lands generally identified as Area B delineated by heavy lines on Diagram 2 attached to By-law [**Clerks to insert number**];
- (C) A minimum of 25 percent of the total number dwelling units must contain two bedrooms;
- (D) A minimum of 30 percent of the total number of dwelling units must contain three bedrooms;
- (E) Despite Regulations 40.5.1.10(3) and 40.10.40.40, the **gross floor area** of the **building** may not exceed 11,600 square metres for residential uses, of which a maximum of 400 square metres may be used for non-residential uses;
- (F) Despite Regulation 40.5.40.40(5), the **gross floor area** of an **apartment building** may also be reduced by the area in the **building** used for **amenity space**, mechanical rooms, garbage rooms and parking at-or above-ground;
- (G) Despite Regulation 40.5.40.40(6) the floor space index for an **apartment**

building is the result of the **gross floor area** minus the areas listed in regulation 40.5.40.40(5) and subsection (F) above divided by the area of the **lot**.

- (H) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 78.15 metres and the elevation of the highest point of the **building** or **structure**;
- (I) Despite Clause 40.5.40.10 and Regulation 40.10.40.10(2), the permitted maximum height of the **building** or **structure**, is the height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law -2020 [Clerks to provide number];
- (J) Despite Regulations 5.10.40.70(1), (2), and 40.10.40.70(2) the minimum required **building setbacks** are as shown on Diagram 3 of By-law -2020 [Clerks to provide number];
- (K) Despite clause 40.10.40.60 and (J) above, the following may encroach into the required minimum **building setbacks** as follows:
 - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, ornamental elements, vents, retaining walls, landscape elements and features, privacy screens, frames, insulation, window sills, bollards, decks, planters, thermal and moisture protection, hose bibs, heating, ventilation, and air conditioning condensing units, mechanical grilles, window washing equipment, pool, decking, public art features, and architectural features, railings, and screens by not more than 2.0 metres;
 - (ii) weather protection canopies by not more than 2.0 metres within the first storey;
 - (iii) garage ramps, walkways, stairs, stair landings, covered stairs and or stair enclosures associated with an entrance or exit from a parking garage, mechanical areaways, wheelchair ramps by not more than 3.5 metres;
 - (iv) balconies by not more than 2.5 metres; and
 - (v) play structures and equipment used for outdoor amenity space.
- (L) Despite (I) above and in addition to Clause 40.5.40.10, the following may project above the permitted maximum height as shown on Diagram 3 attached to By-law -2020 [Clerks to provide number] as follows:
 - (i) parapets, railings, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and **building**

- envelope membranes, decking, pavers, playground mounds and surfacing, bollards, built-in planter boxes by not more than 1.50 metres;
- (ii) heating, ventilation, and air conditioning condensing units, **green roof** and associated elements, including parapets and sloped toppings, by not more than 2.0 metres;
 - (iii) divider screens, visual screens, sound and wind barriers, fences, acoustical screens, and privacy screens by not more than 2.0 metres;
 - (iv) pergolas and trellises within the areas labeled as outdoor **amenity space** on Diagram 3, by not more than 3.0 metres;
 - (v) play structures and equipment within the amenity space at grade, by not more than 3 metres;
 - (vi) the items permitted in Clause 40.5.40.10 (4) and (5), telecommunication equipment and assemblies and associated shrouding are only permitted within the area identified as Mechanical Area as shown on Diagram 3 of By-law -2020 [**clerks to insert #**]; and
 - (vii) despite Clause 40.5.40.10 (5) and L(vi) above, the total area of all equipment, structures, or parts of a building permitted by Clause 40.5.40.10 (4) (5) (6) and (7) may cover no more than 50 percent of the area of the roof.
- (M) Despite Regulation 40.10.40.50(1)(A) and (B), **amenity space** must be provided at a minimum rate of:
- (i) 2.5 square metres per **dwelling unit** of outdoor **amenity space**; and
 - (ii) 2.0 square metres per **dwelling unit** of indoor **amenity space**.
- (N) Despite Regulations 200.5.10.1(1), (2), (5), (7), (9), (10) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 28 **parking spaces** for residents and 8 **parking spaces for** visitors and for non-residential uses of the **apartment building**.
- (O) Despite Regulations 230.5.10.1(1),(2), and(5), **bicycle parking spaces** must be provided as follows:
- (i) a minimum of 150 **bicycle parking spaces – long term**;
 - (ii) a minimum of 20 **bicycle parking spaces – short term**, which may be located outdoors in the form of a bicycle rack **parking space**; and

- (iii) no **bicycle parking spaces** are required for the non-residential uses.
- (P) Despite Regulations 230.5.1.10(4), and 230.5.1.10(5):
- (i) a **bicycle parking space** parked horizontally may have a minimum width of 0.45 metres;
 - (ii) **bicycle parking space** placed in a vertical position may have a minimum width of 0.45 metres; and
 - (iii) the minimum **bicycle parking space** dimensions of a **stacked bicycle parking space** may have a minimum length of 1.9 metres, a minimum width of 0.375 metres, and a minimum vertical clearance of 1.375

Prevailing By-laws and Prevailing Sections: None Apply

- 6. Despite any severance, partition or division of the **lot** as shown on Diagram 1, the provisions of this By-law [Clerks to supply by-law #] shall continue to apply to the whole of the **lot** as if no severance, partition or division had occurred.
- 7. Car-share means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot.
- 8. Car-share **parking space** means a **parking space** used exclusively for the parking of a car-share motor vehicle.
- 9. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the **lot** as shown on Diagram 1 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.
 - (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.

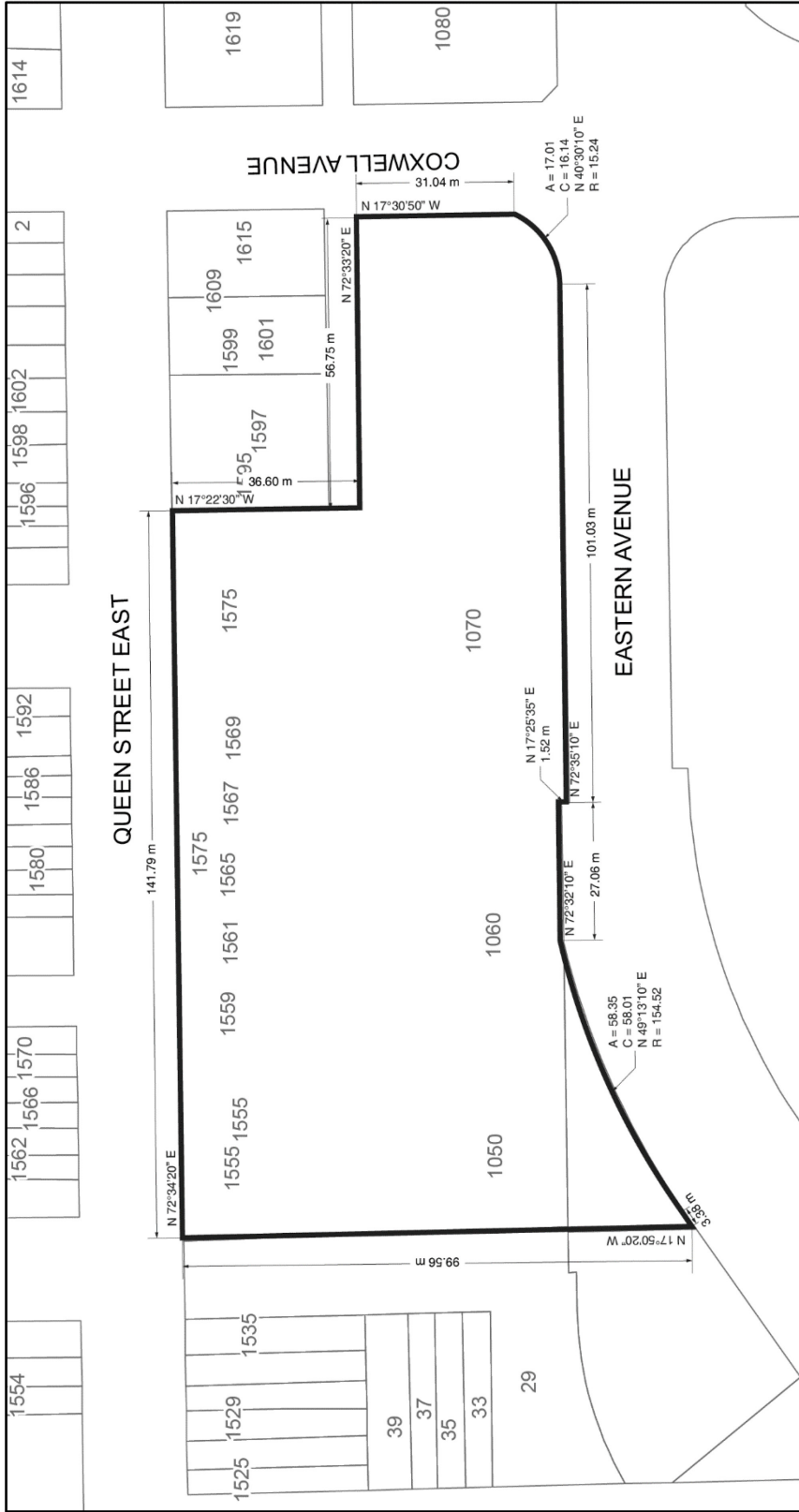
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on October , 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

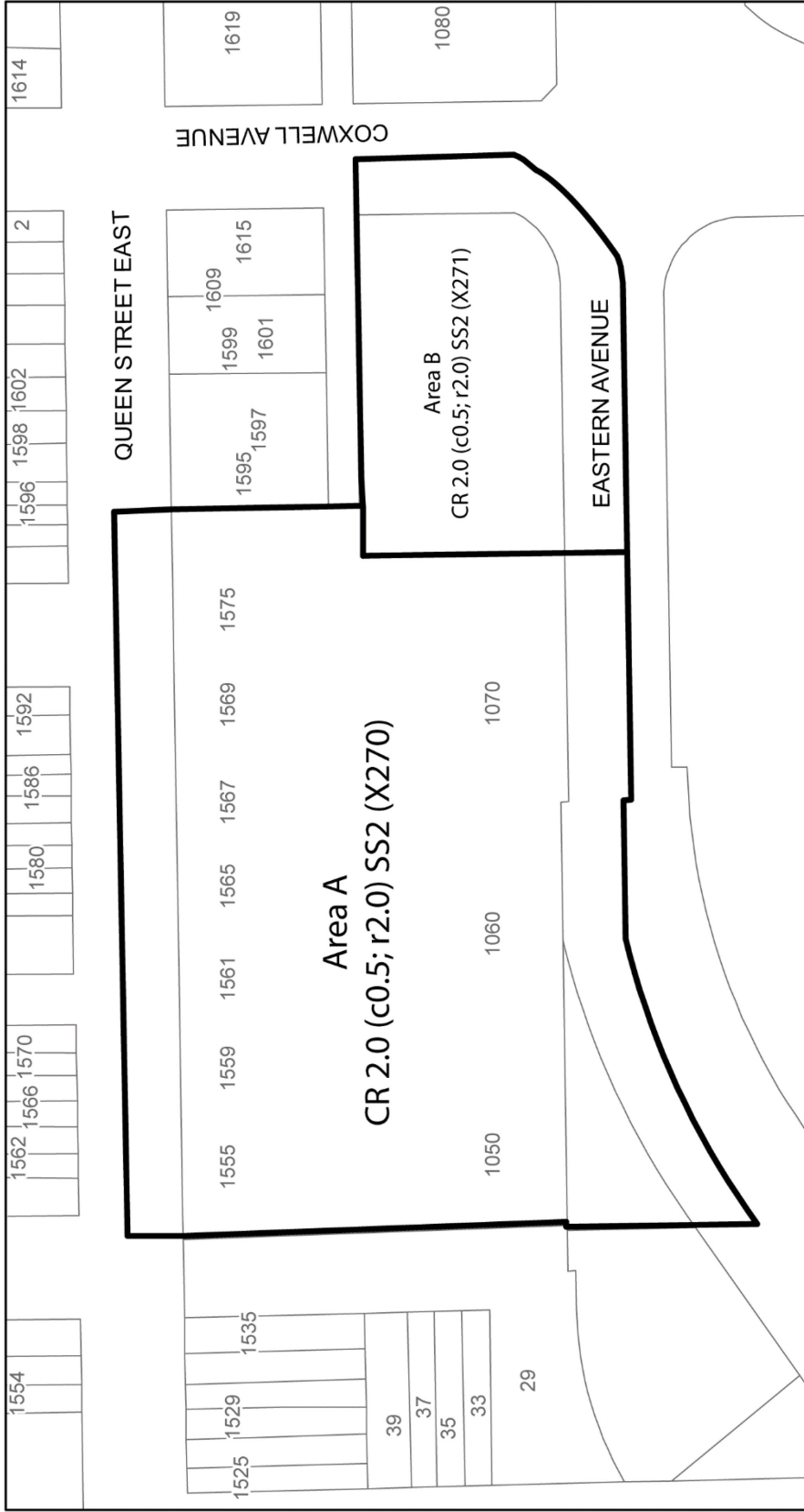


1555-1575 Queen Street East

File # 19 25597 STE 14 0Z



City of Toronto By-law 569-2013
 Not to Scale
 06/26/2020



1555-1575 Queen Street East

File # 19 25597 STE 14 0Z



City of Toronto By-law 569-2013
Not to Scale
09/22/2020

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** as shown in Diagram 1 in this By-law 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 design and construct fifty (50) affordable rental housing units comprising approximately 2,826 square metres of residential **gross floor area** in the **building** on the lands identified as Area A in Diagram 2 of this By-law, in accordance with the following and the terms set out in the Section 37 Agreement:
 - a. The fifty (50) affordable dwelling units shall be provided and maintained as thirty-nine (39) one-bedroom units, five (5) two-bedroom units and six (6) three plus-bedroom;
 - b. The general configuration and layout of the fifty (50) affordable rental **dwelling units** shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - c. The owner shall provide and maintain the fifty (50) affordable rental **dwelling units** as rental **dwelling units** for a minimum of forty (40) years, beginning with the date each such unit is first occupied. No affordable rental **dwelling unit** shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental **dwelling unit** shall be made for at least forty (40) years from the date of first occupancy. Upon the expiration of the forty (40) year period, the owner shall continue to provide and maintain the affordable rental dwelling units as rental **dwelling units**, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
 - d. The owner shall provide and maintain the fifty (50) affordable rental **dwelling units** at affordable rents in accordance with the terms and conditions set out in the Section 37 Agreement.
2. The owner shall, at its sole cost and expense, design and construct sixty-seven (67) residential **dwelling units** in accordance with the following and the terms set out in the Section 37 Agreement:
 - a. Thirty-two (32) of the sixty-seven (67) residential **dwelling units** shall be located on the lands identified as Area A in Diagram 2 of this By-law. Of these thirty-two (32) rental dwelling units, six (6) shall be comprised of four (4) one-bedroom units and two (2) three-bedrooms units to be located in the in the 17-storey market condominium building. Twenty-six (26) shall be comprised of sixteen (16) one-bedroom units, three (3) two-bedroom units, six (6) three-bedroom units and one

- (1) four-bedroom unit to be located in the new 16-storey market rental building.
 - b. Thirty-five (35) of the sixty-seven (67) residential dwelling units shall be located on the lands identified as Area B in Diagram 2 of this By-law and shall be managed as affordable rental **dwelling units** for a minimum period of ninety-nine (99) years all to be owned and operated by the Toronto Community Housing Corporation, or a non-profit housing provider selected by the City, in accordance with the terms and conditions set out in the Section 37 Agreement.
 - c. The sixty-seven (67) residential dwelling units shall be maintained as rent-geared to income and affordable rental dwelling units for a minimum period of ninety-nine (99) years in accordance with the terms and conditions set out in the Section 37 Agreement.
 - d. None of the sixty-seven (67) affordable or replacement rental **dwelling units** shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a **dwelling unit**, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental **dwelling unit** shall be made for at least 99 years from the date of first occupancy. Upon the expiration of the 99 year period, the owner shall continue to provide and maintain the dwelling units as rental **dwelling units**, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
3. The owner shall provide and maintain the one hundred and twenty (120) replacement social housing **dwelling units** on the **lot** as shown on Diagram 1 of this By-law in accordance with the following:
- a. The units shall be provided as social housing **dwelling units** with rents geared-to-income for a period of at least 99 years beginning from the date that each replacement social housing **dwelling unit** is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 99 year period, all in accordance with the terms and conditions set out in the Section 37 Agreement;
 - b. the one hundred and twenty (120) replacement social housing **dwelling units** shall be composed of thirty-eight (38) one-bedroom units, thirty-four (34) two-bedroom units, and forty-eight (48) three-bedroom units;
 - c. the owner shall provide one hundred and three (103) replacement social housing **dwelling units** within the **building** on the lands identified as Area B in Map 2 of this By-law, and seventeen (17) replacement social housing **dwelling units** within **building** on the lands identified as Area A in Map 2 of this By-law; and
 - d. the owner shall provide tenant relocation assistance to all Eligible Tenants of the one hundred and twenty (120) existing social housing **dwelling units** proposed to be demolished, including the right to return to occupy a replacement social

housing unit in accordance with the terms and conditions set out in the Section 37 Agreement and as further detailed in the Tenant Relocation and Assistance Implementation Plan.

4. The owner shall design, construct and convey to the City an administrative office with a minimum **gross floor area** of thirty-seven (37) square metres, located in the **building** on the lands identified as Area A in Diagram 2 of this By-law and in accordance with the terms and conditions set out in the Section 37 Agreement.
5. The owner shall provide at least 30 percent two-bedroom units and 9 percent three-bedroom units on the lands identified as Area A in Diagram 2 of this By-law.
6. Prior to the issuance of the Site Plan Statement of Approval for any building on the lands identified as Area A in Diagram 2 of this By-law, the owner shall convey to the City a 2.1 metre publicly accessible pedestrian clearway along the western property line to provide public access for use by the general public, with the specific location, configuration and design to be determined to the Satisfaction of the Chief Planner and Executive Director, City Planning through the Site Plan Approval process.
7. Prior to the issuance of the Site Plan Statement of Approval for any building on the lands identified as Area A in Diagram 2, the owner shall convey to the City a privately owned, publicly-accessible open space easement over not less than 647 square metres on the lands generally identified as Future Open Space Diagram 3 of this By-law. The privately owned, publicly-accessible open space easement shall be conveyed in accordance with the terms and conditions set out in the Section 37 Agreement.
8. Parkland contribution pursuant to Section 42 of the *Planning Act* shall be satisfied through cash-in-lieu contribution and off-site parkland conveyance as follows:
 - a. Prior to the issuance of the first Above-Grade Building Permit for any part of the **lot** as shown on Diagram 1 of this By-law, the Owner shall provide a cash contribution of ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) to the City; and
 - b. Prior to the issuance of the first Above-Grade Building Permit for any part of the **lot** as shown on Diagram 1 of this By-law, the owner shall convey to the City, as off-site parkland dedication, the fee simple interest in lands with an area of at least 675 square metres at the property known municipally as 2 Phin Avenue in the City of Toronto, located adjacent to Phin Park, in accordance with the terms and conditions set out in the Section 37 Agreement.
9. Prior to final Site Plan Approval for any **building** on the **lot** as shown on Diagram 1 of this By-law, the owner shall enter into financially secured agreement(s) for the construction of any improvements to municipal road infrastructure and/or municipal servicing infrastructure, should it be determined that any such improvements are required to support the Development, all accordance with the terms and conditions set out in the Section 37 Agreement.

10. In the event municipal improvements referenced in Section 8 above are required, the owner shall provide the City a Letter of Credit for the estimated cost of such improvements prior to Site Plan approval for any **building** on the **lot** as shown on Diagram 1 of this By-law.
11. In the event municipal improvements referenced in Section 8 above are required, the owner shall design and construct such improvements prior to the issuance of the first Above-Grade Building Permit for the any part of the **lot** as shown on Diagram 1 of this By-law, all to the satisfaction of the General Manager, Transportation Services and the Executive Director of the City's Engineering & Construction Services.
12. Prior to final Site Plan Approval for any **building** on the lands identified as Area A in Diagram 2 of this By-law, the Owner shall submit a plan outlining proposed streetscape and public realm improvements on the **lot** as shown on Diagram 1 of this By-law or on publicly-owned lands immediately abutting the **lot** as shown on Diagram 1 of this By-law, in accordance with the terms and conditions set out in the Section 37 Agreement.
13. Prior to issuance of the first Above-Grade Building Permit for any part of the lands identified as Area A in Diagram 2 of this By-law, the Owner shall provide a Letter of Credit to the City for the estimated cost of improvements referenced in Section 11 above.
14. The Owner shall complete construction of the improvements referenced in Section 11 above no later than one (1) year following first residential or commercial occupancy of the lands identified as Area A in Diagram 2 of this By-law.
15. Prior to the earlier of any residential occupancy or registration of a condominium on any part of the **lot** as shown on Diagram 1 of this By-law, the Owner shall design and construct a pedestrian crosswalk between the **lot** as shown on Diagram 1 of this By-law and the south side of Eastern Avenue, with the details to be determined through the Site Plan Approval process, all to the satisfaction of the General Manager, Transportation Services.
16. In the event municipal improvements referenced in Section 14 above are required, the owner shall provide a letter of credit to secure such works prior to final Site Plan Approval for any **building** on the lands identified as Area A in Diagram 2 of this By-law.
17. The Owner shall design, construct and maintain indoor amenity space in accordance with the Section 37 Agreement and as follows:
 - a. On the lands identified as Area A in Diagram 2 of this By-law, a common room with at least one boardroom table, a fitness and exercise room, and a party room that includes a kitchenette and access to a washroom; and
 - b. On the lands identified as Area B in Diagram 2 of this By-law, a common room with at least one boardroom table, and a party room that includes a kitchenette and access to a washroom.
18. The Owner shall provide and maintain, at its sole cost and expense, pet amenities on the

lands identified as Area A in Diagram 2 of this By-law and in accordance with the terms of the Section 37 Agreement.

19. Prior to the issuance of any building permit, including shoring, piling, excavation, foundation or demolition permit for any part of the **lot** as shown on Diagram 1 of this By-law, the owner shall submit a Construction Management Plan and Mitigation Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter implement such plan during the course of construction. The Construction Management Plan will include, but not be limited to the following:
 - a. details regarding size and location of construction staging areas;
 - b. plan to address noise, dust, street closures, parking and laneway uses and access;
 - c. dates and significant concrete pouring activities;
 - d. mitigation strategies to reduce the impact on adjacent residents including negative effects of safety lighting, construction vehicle parking locations, refuse storage, site security, site supervisor contact information; and
 - e. any other matters deemed necessary;
20. The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
21. The owner shall construct and maintain the development of the **building** on the lands identified as Area B in Diagram 2 of this By-law in accordance with Tier 2 performance measures of the Toronto Green Standards, and shall construct and maintain the development of the **building** on the lands identified as Area A in Diagram 2 of this By-law in accordance with Tier 1 performance measures of the Toronto Green Standards.
22. Prior to the commencement of demolition works on any part of the **lot** as shown on Diagram 1 of this By-law, the owner shall ensure that a minimum of 75 percent of the surface area on the construction hoarding when first erected and at all times thereafter shall be allocated to artwork in accordance with the terms set out in the Section 37 Agreement.