

Authority: Ontario Municipal Board Decisions/Orders issued on March 9, 2017, March 23, 2017 and May 3, 2017 in Board File PL160720

CITY OF TORONTO

BY-LAW 547-2017(OMB)

To amend Zoning By-law 1916, as amended, of the former Town of Leaside, with respect to lands municipally known in the year 2017 as 939 Eglinton Avenue East.

Whereas the Ontario Municipal Board, pursuant to its Orders issued on March 9, 2017 and March 23, 2017 and May 3, 2017, in Board File PL160720, has determined to amend Zoning By-law 1916 of the former Town of Leaside, as amended, with respect to the lands known municipally in the year 2017 as 939 Eglinton Avenue East; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the *Planning Act* as a mechanism to secure capital facilities required to support development; and

Whereas the Owner has agreed to certain matters hereinafter set out which is secured by one or more agreements between the Owner of the land and the City of Toronto;

Zoning By-law 1916, as amended, of the former Town of Leaside, is further amended by the Ontario Municipal Board as follows:

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified on Map 1 attached to and forming part of this by-law.
2. Schedule "A" to former Town of Leaside Zoning By-law 1916, as amended, is further amended by changing the zoning category for the lands shown on Map 1 of this By-law from "Light Industrial M1(3) – Site Specific Zone" to "Mixed Use Residential Commercial – Site Specific MRC.3Zone" and to "Open Space (Parks) Zone (O)".
3. Former Town of Leaside Zoning By-law 1916, as amended, is further amended by deleting Section 8.2.3 (c) "LIGHT INDUSTRIAL ZONE - M1, 8.2.3 Exceptions" and replacing it as follows:

8.2.3 (c) 939 Eglinton Avenue East - M1(3)

1. Area Restricted

The provisions of this section shall only apply to the lands zoned M1(3) on Map 1 attached to and forming part of this By-law.

2. General Provisions

On those lands referred to in Section 8.2.3(c) of this By-law, no person shall use, occupy, erect or alter or cause to be used, occupied or altered, any **Building, Structure** or land or part thereof except in accordance with the following provisions:

- a. Permitted Uses, **Buildings** and **Structures**
 - i. Industrial
 - (i) Printing, publishing, platemaking, typesetting, bindery;
 - (ii) Food and beverage industries, including the preparation of foods for whole sale, but not including the slaughtering of animals, meat processors or fish plants;
 - (iii) Medical laboratories;
 - (iv) Technical Research and Development Facilities;
 - (v) Data processing;
 - (vi) Communications; and
 - (vii) Graphic arts;
 - ii. Retail Commercial
 - (i) Retail Store;
 - (ii) Drug Store;
 - (iii) Food Store;
 - (iv) Personal Service Shop;
 - (v) Financial Institution;
 - (vi) Tailors Shop;
 - (vii) Dressmakers Shop;
 - (viii) Dry Cleaners Distributing Station;
 - (ix) Automated Teller Machine;
 - (x) Printing store;
 - (xi) Artist and photographers studio and/or supplies store;
 - (xii) Bakery;
 - (xiii) Eating Establishment;

- (xiv) Variety/convenience store; and
 - (xv) Fitness centre/gym;
 - iii. Office
 - (i) Business and Professional Office;
 - (ii) Business Office;
 - (iii) Medical Office; and
 - (iv) Clinic;
 - vi. Other
 - (i) Uses that lawfully existing on the lands as of December 16, 2013 shall continue to be permitted; and
 - (ii) Uses accessory to the forgoing uses in i, ii, and iii above;
- b. Definitions
- i. **Gross Floor Area** shall mean the sum of the total area of each floor level of a building, above and below ground, measured from the exterior of the main wall of each floor level, but excluding:
 - (i) parking, loading and bicycle parking below **established grade**;
 - (ii) required loading spaces and required **bicycle parking spaces** at or above **established grade**;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**;
 - (iv) shower and change facilities required by this By-law for required **bicycle parking spaces**;
 - (v) indoor amenity space required by this By-law;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the **building**;

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- ii. Interior **Floor Area** shall mean the floor area of any part of a building, measured to the interior side of a main wall, the centreline of an interior wall, or a line delineating the part being measured;
 - iii. **Established Grade** shall mean 130.4 metres Canadian Geodetic Datum;
 - iv. **Height** shall mean the distance between the **Established Grade** and the elevation of the highest point of the building;
 - v. **Bicycle Parking Space** shall mean an area used for parking or storing a bicycle;
 - vi. **Bicycle Room** shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles;
 - vii. **Stacked Bicycle Parking Space** shall mean 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**;
 - viii. **Long-Term Bicycle Parking Spaces** shall mean bicycle parking spaces for use by the occupants or tenants of a **building**; and
 - ix. **Short-Term Bicycle Parking Spaces** shall mean bicycle parking spaces for use by visitors to a **building**;
- c. Development Requirements (Parcel 3)
- i. The portion of the existing building, as shown on Map 2, shall be permitted to continue to exist with a minimum **gross floor area** of 4,200 square metres;
 - ii. **Yard Setbacks for Buildings and Structures**

The **yard** setbacks for **buildings** and **structures** shall be the minimum **yard** setbacks as shown on Map 2, attached to and forming part of this By-law;
 - iii. **Maximum Height of Buildings and Structures**

The maximum **building height** of any **building** or **structure**, or portion thereof, shall not exceed 18.5 metres;
 - iv. Notwithstanding Section 8.2(1)(b)(ii), the uses permitted in 2.a.i,ii, and iii above may be located on the ground or second floor and may occupy the entirety of any floor;

v. The maximum permitted floor space index shall be 0.80;

vi. Parking

Notwithstanding Section 5.17, parking shall be provided in accordance with the following minimum requirements:

- (i) A minimum of 1.0 parking space per 100 square metres of **gross floor area** shall be required for non-residential uses;
- (ii) A maximum of 2.0 parking spaces per 100 square metres of **gross floor area** for commercial and offices uses, and a maximum of 4.0 parking spaces per 100 square metres of **gross floor area** for retail or personal service shop uses;
- (iii) Parking aisle driveway widths and parking space dimensions that existed on the lot on the date this By-law was enacted, shall be deemed to comply with the By-law;
- (iv) A maximum of 6 new parking spaces shall be permitted having a minimum width of 2.6 metres and a minimum length of 5.6 metres;
- (v) A new east-west one-way drive aisle with a maximum length of 23 metres may be permitted having a minimum width of 5.2 metres; and
- (vi) A maximum of 14 indoor parking spaces shall be permitted and not be included as part of required parking;

vii. Landscaping

Notwithstanding Section 8.1.5, no landscaping shall be required abutting a street;

viii. Loading

Notwithstanding Sections 5.19, loading spaces shall be provided in accordance with the following requirements:

- (i) A minimum of one Type B and one Type C loading space shall be provided;
- (ii) Type B loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres; and

- (iii) Type C loading space shall have minimum dimensions of 6.0 metres long, 3.5 metres wide and a vertical clearance of 3.0 metres.

ix. Bicycle Parking

The minimum number of **bicycle parking spaces** shall be provided in accordance with the following:

- (i) The minimum number of **short-term bicycle parking spaces** to be provided is 3 plus 0.3 **bicycle parking spaces** for each 100 square metres of **interior floor area**;
- (ii) The minimum number of **long-term bicycle parking spaces** to be provided is 0.2 for each 100 square metres of **interior floor area**;
- (iii) **Short-term bicycle parking spaces** and **Long-term bicycle parking spaces** may be no more than 30 metres from a pedestrian entrance to the **building** on the **lot**; and
- (iv) A **Long-Term bicycle parking space** may be located in a **stacked bicycle parking space**;

x. Bicycle Parking Space Dimensions

- (i) A **bicycle parking space** must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;
- (ii) A **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;
- (iii) If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres; and
- (iv) An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of 2.4 metres if it is a stacked bicycle parking space; and 1.9 metres in all other cases.

4. Former Town of Leaside Zoning By-law 1916, as amended, is hereby further amended by adding the following new Section 6.11.3 Mixed Use Residential Commercial – site specific Zone MRC.3 as follows:

6.11.3 939 Eglinton Avenue East – MRC.3

1. Area Restricted

The provisions of this section shall only apply to the lands zoned MRC.3 (Parcel 1) on Map 2 attached to and forming part of this By-law.

2. General Provisions

On those lands referred to in Section 6.11.3 of this By-law, no person shall use, occupy, erect or alter or cause to be used, occupied or altered any Building, Structure or land or part thereof except in accordance with the following provisions:

a. Permitted Uses, Buildings and Structures

i. Residential

- (i) Apartment Dwelling; and
- (ii) Multiple Attached Dwelling

ii. Retail Commercial

- (i) Retail Store;
- (ii) Drug Store;
- (iii) Food Store;
- (iv) Personal Service Shop;
- (v) Financial Institution;
- (vi) Tailors Shop;
- (vii) Dressmakers Shop;
- (viii) Dry Cleaners Distributing Station;
- (ix) Automated Teller Machine;
- (x) Printing store;
- (xi) Artist and photographers studio and/or supplies store;
- (xii) Bakery;

- (xiii) Eating Establishment;
 - (xiv) Variety/convenience store;
 - (xv) Fitness centre/gym;
 - (xvi) Place of Assembly; and
 - (xvii) Place of Amusement
- iii. Office
- (i) Business and Professional Office;
 - (ii) Business Office;
 - (iii) Medical Office; and
 - (iv) Clinic
- iv. Other
- (i) Commercial school;
 - (ii) Day Nursery;
 - (iii) Community facilities;
 - (iv) Commercial parking garage; and
 - (v) Uses accessory to the foregoing uses in 2.a.i., ii., iii. and iv above;
- b. Definitions
- i. **Gross Construction Area** shall mean the total aggregate floor area of any floor of a building measured from the exterior face of all exterior walls;
 - ii. **Gross Floor Area** shall mean the sum of the total area of each floor level of a building, above and below ground, measured from the exterior of the main wall of each floor level, but excluding:
 - (i) parking, loading and bicycle parking below **established grade**;
 - (ii) required loading spaces and required bicycle parking spaces at or above established grade;

- (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) indoor amenity space to a maximum of 2.0 square metres per unit;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building;
- iii. **Interior Floor Area** shall mean the floor area of any part of a building, measured to the interior side of a main wall, the centreline of an interior wall, or a line delineating the part being measured;
- iv. **Established Grade** shall mean 130.4 metres Canadian Geodetic Datum;
- v. **Height** shall mean the distance between the **Established Grade** and the elevation of the highest point of the **building**;
- vi. **Bicycle Parking Space** shall mean an area used for parking or storing a bicycle;
- vii. **Bicycle Room** shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles;
- viii. **Stacked Bicycle Parking Space** shall mean 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**;
- ix. **Long-Term Bicycle Parking Spaces** shall mean **bicycle parking spaces** for use by the occupants or tenants of a **building**; and
- x. **Short-Term Bicycle Parking Spaces** shall mean **bicycle parking spaces** for use by visitors to a **building**;
- c. Development Requirements (Parcel 1)
- i. **Gross Floor Area**

- (i) A maximum **total gross floor area** of 70,500 square metres, of which the maximum residential gross floor area is 68,500 square metres;
 - (ii) A minimum non-residential **gross floor area** of 1,285 square metres shall be provided in Building A and a minimum non-residential gross floor area of 555 square metres shall be provided in Building B; and
 - (iii) Within Building C as shown on Map 2, the maximum **gross construction area** of any storey of which the floor level is more than 17.5 metres in **height** above **established grade**, shall be 800 square metres;
- ii. **Dwelling Units**
- (i) The maximum number of residential dwelling units shall be 1,035 units; and
 - (ii) A minimum of 40 percent of the residential dwelling units shall be 2-bedroom dwelling units or larger;
- iii. **Maximum Height of Buildings and Structures**
- (i) The maximum **building height** of any **building** or **structure**, or portion thereof, shall not exceed the maximum **height** limit in metres and number of storeys as shown on Map 2 attached to and forming part of this By-law;
 - (ii) Mechanical penthouses shall not be included as a storey;
 - (iii) Any portion of **Building C** that is located within 7.5 metres in height from **established grade** shall be considered as 1-storey; and
 - (iv) The following may exceed the maximum **height** limits shown on Map 2:
 - a. a roof **structure** which is used to house stairwells for roof access and/or the mechanical, window washing, electrical or ventilation systems for the **building**;
 - b. decorative features and design elements including skylights, parapets, cornices, mouldings, flashings, and landscape elements;

- c. elevator overruns, railings, roof drainage, thermal insulation and roof ballast terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or structure elements and railings, lighting fixtures, vents, flues, pipes, access roof hatch, generators, outdoor furniture, fence, pergolas, trellises, skylights, and pools;
 - d. outdoor amenity areas including outdoor kitchens and fireplaces, structures located on the roof used for outside or open air recreation, safety or wind protection; and
 - e. green roof elements and/or structures;
- iv. **Yard Setbacks, Stepbacks and Permitted Projections for Buildings and Structures**
 - (i) The **building** location and setbacks shall be the minimum **yard** setbacks for a building or structure as shown on Map 2;
 - (ii) The **building** location and stepbacks shall be the minimum dimensions as shown on Map 2;
 - (iii) Underground parking **structures** may have a minimum **yard** setback of 0.0 metres from any lot line; and
 - (iv) In addition to the provisions in Section 5.7, the following projections and encroachments may be permitted within any required building setback:
 - a. balconies to a maximum of 1.8 metres;
 - b. at-grade terraces to a maximum of 2.0 metres;
 - c. canopies and awnings to a maximum of 3.0 metres;
 - d. window sills;
 - e. decorative features and design elements including entry portals, eaves, guardrails, landscape elements, ornamental elements, retaining walls, window washing equipment, vents, parapets, cornices, mouldings, flashings, railings, pergolas, trellises, lighting fixtures; and

- f. exterior stairways and railings, wheelchair ramps and decks and ramps;
 - (v) Notwithstanding sub-clause c) (iv) of this By-law, balcony projections shall not be located closer than 3.0 metres from the exterior corner wall of the outline of **Building C**, as identified on Map 2, above a height of 17.5 metres above established grade;
 - v. Landscaping

All yard areas other than driveways, loading areas, motor vehicle parking, walkways, stairs, outdoor amenity areas, terraces, and patios shall be landscaped;
 - vi. Amenity Space shall be provided in accordance with the following requirements:
 - (i) a minimum of 1.5 square metres of indoor amenity space per residential dwelling unit shall be provided in total for buildings A, B and C; of which a minimum of 1 square metre of indoor amenity space shall be provided in each building; and
 - (ii) a minimum of 1.5 square metres of outdoor amenity space per residential dwelling unit shall be provided in total for buildings A and C, of which a minimum of 0.55 square metres of outdoor amenity space shall be provided in Building C;
 - vii. Parking - Notwithstanding Sections 5.17, provide parking in accordance with the following minimum requirements:
 - (i) Residential:
 - a. Bachelor units – a minimum of 0.6 spaces and maximum of 0.9 spaces per **dwelling unit**;
 - b. 1-Bedroom units – a minimum of 0.7 spaces and a maximum of 1.0 spaces per **dwelling unit**;
 - c. 2-Bedroom units – a minimum of 0.9 spaces and a maximum of 1.3 spaces per **dwelling unit**;
 - d. 3 or more Bedroom units – a minimum of 1.0 space and a maximum of 1.5 spaces per **dwelling unit**; and

- e. Visitors – a minimum of 0.1 spaces per **dwelling unit**;
- (ii) Commercial/Office Uses
 - a. A minimum of 1.0 spaces to a maximum of 2.0 spaces per 100 square metres of **gross floor area**;
- (iii) Other Non-residential:
 - a. A minimum of 1.0 spaces to a maximum of 4.0 space per 100 square metres of **gross floor area** for non-residential uses; and
 - b. residential visitor parking spaces and non-residential parking spaces may be provided on a non-exclusive basis and may be shared;
- (iv) Loading
 - a. Notwithstanding Section 5.19, loading spaces shall be provided in accordance with the following:
 - i. A minimum of one Type G and two Type B loading spaces shall be provided;
 - ii. Type G loading space shall have minimum dimensions of 13.0 metres long, 4.0 metres wide and a vertical clearance of 6.1 metres; and
 - iii. Type B loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres;
- viii. Bicycle Parking

The minimum number of **bicycle parking spaces** shall be provided in accordance with the following requirements:

- (i) Residential:
 - a. **Long-term bicycle parking spaces** (Resident) – 0.9 spaces per **dwelling unit**;
 - b. **Short-term bicycle parking spaces** (Visitors) – 0.1 spaces per **dwelling unit**;

- c. A **bicycle parking space** for a **dwelling unit** may not be located in a **dwelling unit**, on a balcony, in a storage locker, or in an area used for commercial space;
- (ii) Non-residential:
- a. The minimum number of **short-term bicycle parking spaces** to be provided is 3 plus 0.3 **bicycle parking spaces** for each 100 square metres of **interior floor area**;
 - b. The minimum number of **long-term bicycle parking spaces** to be provided is 0.2 for each 100 square metres of **interior floor area**;
 - c. **Short-term bicycle parking spaces** may be no more than 30 metres from a pedestrian entrance to the **building** on the **lot**;
 - d. **Long-term bicycle parking spaces** must be located in a **building**; and
 - e. A **Long-Term bicycle parking space** may be located in a **stacked bicycle parking space**;
- (iii) **Bicycle Parking Space Dimensions**
- a. A **bicycle parking space** must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;
 - b. A **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;
 - c. If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres; and
 - d. An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of 2.4 metres if it is a **stacked bicycle parking space**; and 1.9 metres in all other cases;

- (iv) **Long-Term Bicycle Parking Spaces** may be located: on the first storey of the building; on the second storey of the building; and on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 percent of the area of that level is occupied by bicycle parking spaces, until all required **bicycle parking spaces** have been provided.
3. Notwithstanding any of the provisions of this By-law, as amended, a temporary sales office is permitted on the **lot**.
4. Notwithstanding anything else contained in this By-law, the provisions of Section 6.11.3 – MRC.3 shall continue to apply collectively to all of the lands identified on Map 2 (Parcel1) of this By-law, notwithstanding any existing or future severance, partition or division thereof and as if no severance, partition or division occurred.
5. Except as amended in this By-law, all the other provisions of By-law 1916, amended, shall apply to the lands.
6. **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 lands shown on Map 1 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; and
- 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 applicable provisions of Schedule A are satisfied.

Pursuant to Ontario Municipal Board Decision/Order issued on March 9, 2017, March 23, 2017 and May 3, 2017 in Board File PL160720

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 lands zoned MRC.3 and secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the City, with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

Cash Contribution

1. A cash contribution to the City, prior to the issuance of the first above grade building permit, in the amount of \$4,550,000.00 to be applied toward new recreational/community facilities (which may include off-site parkland acquisition) in the vicinity of the site and/or the expansion of any existing recreational/community facilities in the vicinity of the site.
2. A cash contribution to the City, prior to the issuance of the first above grade building permit, in the amount of \$50,000.00 for the provision of bike-share facilities at a location that is proximate to the *lot* as determined by the Chief Planner in consultation with the ward councillor, provided that the selection of this location by the City shall not constrain other aspects of site plan approval for the development.
3. In the event the cash contributions referred to in sections 1 and 2 have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
4. The cash contributions referred to in sections 1 and 2 shall increase in accordance with the increase in 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 submission of the cash contribution by the *owner* to the City.

Road Construction and Conveyance

5. Prior to the issuance of the first above grade building permit for any building to be serviced from the new north-south public street as determined by the Executive Director, Engineering and Construction Services, or September 30, 2022, whichever is earlier, the *Owner* shall, for nominal consideration, convey the new north-south public street to the City.

6. Prior to the conveyance of the new north-south public street, the *Owner* shall complete the construction of the new north-south public street and related services at its own expense.

Infrastructure Requirements

7. Prior to issuance of the first above grade building permit for any building, in support of the development, to the satisfaction of the Executive Director, Engineering and Construction Services, the following infrastructure improvements shall be completed and operational by the *owner*:
 - a. The upsizing of the sanitary sewer on Eglinton Avenue East for a total length of 134.4 metres from manhole 4141316109 to New LRT1 (being a new manhole constructed by Metrolinx) from the existing 250 millimeter diameter to 1050 millimeter diameter; and
 - b. The upsizing of the sanitary sewer on Brentcliffe Road for a total length of 30.5 metres from manhole 4138516096 to manhole 4141316109 from the existing 250 millimeter diameter to 300 millimeter diameter.

Parkland Dedication

8. Prior to the issuance of the first above grade building permit, the *owner* shall pay the cash-in-lieu of parkland component of its parkland dedication.
9. Prior to site plan approval for any Building, the *owner* shall, at the City Solicitor's discretion, either; (a) register a Section 118 Restriction on title to the proposed park lands or (b) enter into an Escrow Agreement, to secure the parkland conveyance from the *owner* to the City in accordance with section 0 of this Schedule.
10. In addition to the cash in lieu of parkland payable, in support of the development, prior to the earlier of; (a) condominium registration for Building C; (b) occupancy of Building C, and (c) September 1, 2023, the *owner* shall, at its own expense, convey a public park having a minimum size of 1718 m² on terms and conditions set out in the Section 37 Agreement.
11. Prior to the issuance of the first above grade building permit for the second building for which a Building Permit application is submitted, the *owner* shall satisfy the Executive Director, Engineering and Construction Services of the environmental condition of the public park, in accordance with the terms set out in the Section 37 Agreement.

Parkland Construction

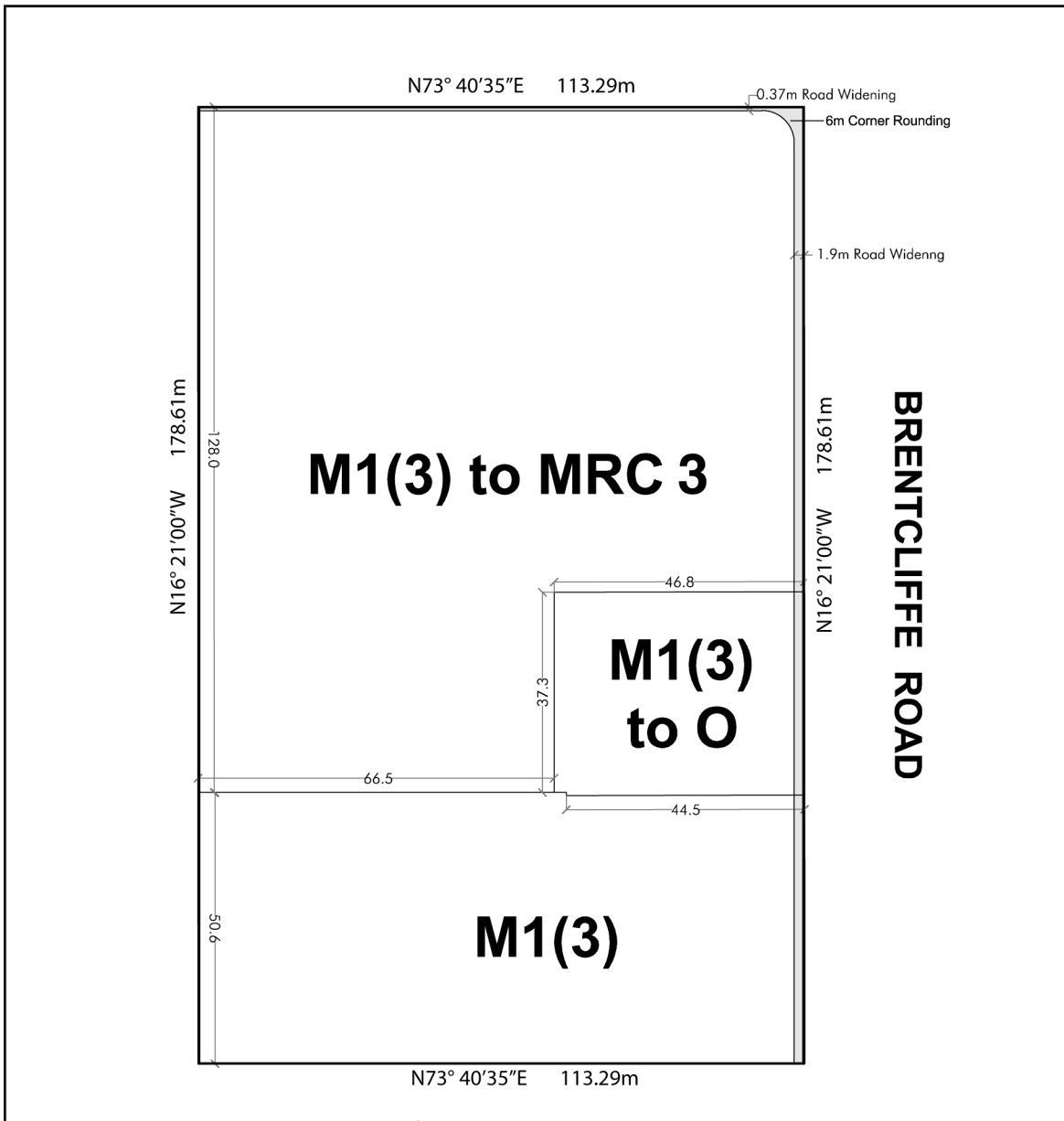
12. Prior to the earlier of; (a) occupancy of Building C, (b) condominium registration for Building C, and (c) September 1, 2023, or such later date as may be agreed to in writing by the Parties, the *owner* shall complete the Base Park Improvements to the satisfaction of the General Manager of Parks, Forestry and Recreation.

Agreement

13. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
- a. Prior to issuance of the first above grade building permit for any Building the owner shall submit (a) Letter(s) of Credit in the City's standard form and in an amount satisfactory to the General Manager Parks, Forestry and Recreation in the amount of 120 percent of the value of the base park improvements;
 - b. Should the *owner* elect to construct the Above Base Park Improvements, it shall:
 - i. complete the said improvements within one year following the completion of the Base Park Improvements, and complete the said improvements to the satisfaction of the General Manager of Parks, Forestry and Recreation;
 - ii. prior any Development Charges being payable in accordance with the Development Charges By-law, for each of Building, A, B and C, provide the City a letter of credit in the amount of 120 percent of the parks and recreation component of the development charges payable for the building for which a building permit application has been made; and
 - iii. receive a credit toward the parks and recreation component of the City's Development Charges By-law for the above-based park improvements, with such credit not to exceed the lesser of:
 - a. the final cost of the above-base park improvements as confirmed by the General Manager of Parks, Forestry and Recreation; or
 - b. the parks and recreation component of the development charges payable with respect to the development;
 - c. Prior to Site Plan Approval for any Building or at such later date as may be determined by the Chief Planner, the Owner shall, for nominal consideration, provide public access over the 6 metre wide private street as identified in Map 2 of this Bylaw, by way of an easement or an equally binding legal mechanism to the satisfaction of the City Solicitor, subject to the City providing the *owner* the right of unrestricted occupancy, access and use of the private street but only for the purpose of construction of any component of the development, including Buildings and the private street, at no cost to the *owner*;
 - d. The Owner agrees to construct Buildings A, B and C with masonry materials that reflect the Leaside character, as generally shown on the submitted

building elevation drawings A14 to A21, dated January 27, 2017, with details to be further refined prior to Site Plan Approval for any development on the lands;

- e. All conveyances to the City, including easements, shall be for nominal consideration, at the owner's expense and at no cost to the City on terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements, and such conveyances shall be free and clear of encumbrances to the satisfaction of the City Solicitor as well as the General Manager, Parks Forestry and Recreation (park conveyance), the General Manager, Engineering and Construction Services (new public road, road widenings) and Chief Planner and Executive Director, City Planning (private driveway easement);
- f. Prior to site plan approval for any Building the *owner* shall:
 - i. enter into a municipal infrastructure agreement outlining its obligations regarding off-site infrastructure improvements including terms respecting financial security; and
 - ii. provide a letter of credit in the City standard form in the amount of 120 percent to secure the cost of the off-site infrastructure improvements based on a cost estimate satisfactory to the Executive Director, Engineering and Construction Services.



939 Eglinton Avenue East

Map 1

File # 15 141830 NNY 26 0Z

Part of Block A
 Registered Plan 2755, City of Toronto
 Speight, Van Nostrand & Gibson Limited
 Ontario Land Surveyors



Not to Scale
 03/08/2017

