

Authority: Toronto and East York Community Council
Item TE33.5, as adopted by City of Toronto Council on
June 26, 27, 28 and 29, 2018

CITY OF TORONTO

BY-LAW 1165-2019

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally in the year 2018 as 1245 Dupont Street, 1260 Dufferin Street and 213 Emerson Avenue.

Whereas authority is given to Council of the City of Toronto by 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 such 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 increase 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; 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 *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; 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 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;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the *height* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the owner's sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.

2. Upon execution and registration in priority of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, securing the provisions of the facilities, services, and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a *building* permit, the owner may not erect or use such *building* until the owner has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
4. This By-law applies to the lands delineated by a heavy line and identified municipally as "1245 Dupont Street and 1260 Dufferin Street" as shown on Map 1 attached hereto and forming a part of this By-law.
5. District Map 48J-313 contained in Appendix "A" of By-law 438-86, as amended, is further amended in accordance with Map 2 attached hereto and forming part of this By-law.
6. Height and Minimum Lot Frontage Map District Map 48J-313 contained in Appendix "B" of By-law 438-86, as amended, is further amended in accordance with Maps 4 and 5 attached hereto and forming part of this By-law.
7. Notwithstanding any severance, 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 had occurred.
8. None of the provisions of this By-law or By-law 438-86, as amended, shall prevent the erection and use of a *sales office* on the *lot* to be used exclusively for the initial sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* on the *lot*.

MIXED USE DEVELOPMENT - BLOCKS 1, 2, 3, 4, and 5

9. Blocks 1, 2, 3, 4, and 5 are portions of the *lot* identified as such on the attached Map 3 to this By-law.
10. None of the provisions of Sections 2(1) with respect to the definitions of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*brew-on-premises*", "*grade*", "*height*", "*lot*" "*non-residential gross floor area*", "*patio*", "*residential gross floor area*", "*restaurant*", "*street-related retail and service uses*", and "*take-out restaurant*", 4(2)(a), 4(4)(b), 4(4)(i), 4(4)(l), 4(6), 4(10), 4(12), 4(13), 4(16), 8(1), 8(2), 8(3) Part I, 8(3) Part II, 8(3) Part III, 8(3) Part IV, 8(3) Part VIII, 12(1)(428), 12(2)146, 12(2)270, By-law 579-2017, and By-law Amendment 724-2004 of By-law 438-86, being "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 land and the erection and use of certain *buildings* and *structures* in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of *buildings* or *structures* on the lands identified as Blocks 1, 2, 3, 4, and 5 on the attached Map 3, provided that:

- (a) In addition to the uses permitted in Section 8(1) of By-law 438-86, as amended, *car washing establishment, market, medical / dental office, mixed-use building* and *patio* are permitted on Blocks 1, 2, 3, 4, and 5 of the *lot*;
- (b) A *retail store* may include *brew-on premises* provided the *interior floor area* of the *retail store*, including the *brew-on premises* area, does not exceed 930 square metres;
- (c) A *restaurant* may include *brew-on premises* to a maximum total *interior floor area* of 85 percent of the total *interior floor area* of the *restaurant* to a maximum of 5,000 square metres;
- (d) Other uses combined with a *restaurant* are subject to the following:
 - (i) The following may occupy a maximum of 6 percent of the *total interior floor area* of the *restaurant* to a maximum of 50 square metres:
 - (A) dance floor;
 - (B) stage;
 - (C) teletheatre gambling;
 - (D) disc jockey;
 - (E) sound room;
 - (F) areas dedicated to recreational activities; and
 - (G) any other entertainment area; and
 - (ii) other than a *patio*, all uses must be entirely in the *building* with the *restaurant*;
- (e) The maximum total *gross floor area* of all *buildings* on Blocks 1, 2, 3, 4, and 5 of the *lot* shall be 245,500 square metres and the maximum *residential gross floor area* of all *buildings* on Blocks 1, 2, 3, 4, and 5 of the *lot* shall be 217,000 square metres;

- (f) The maximum *residential gross floor area* and minimum *non-residential gross floor area* permitted for each of Blocks 1, 2, 3, 4, and 5 of the *lot* shall be as set out in the following table:

Block	Maximum <i>Residential Gross Floor Area</i> (square metres)	Minimum <i>Non-Residential Gross Floor Area</i> (square metres)
1	43,150	12,500
2	28,600	4,900
3	50,600	2,500
4	50,800	4,300
5	43,850	2,300

- (g) Notwithstanding subsection (f) above, increases up to 10 percent of the maximum *residential gross floor area*, as permitted on each Block by the table in subsection (f), are allowed provided the total aggregate *residential gross floor area* of all *buildings* on Blocks 1, 2, 3, 4, and 5 of the *lot* does not exceed 217,000 square metres;
- (h) A total combined maximum of 2,896 *dwelling units* are permitted on Blocks 1, 2, 3, 4, and 5 of the *lot*;
- (i) All *buildings* containing *dwelling units* shall comply with the following:
- (i) a minimum of 33 percent two bedroom *dwelling units*; and
 - (ii) a minimum of 9 percent three or more bedroom *dwelling units*;
- (j) Notwithstanding subsection (i) above, when *buildings* containing *dwelling units* have been erected on four of the five Blocks, exclusive of Block 6, on the *lot*, then the *dwelling unit* mix for the remaining Block shall ensure the following:
- (i) a minimum of 37 percent of the total number of *dwelling units* provided on Blocks 1, 2, 3, 4, and 5 of the *lot* are two bedroom *dwelling units*;
 - (ii) a minimum of 10 percent of the total number of *dwelling units* provided on Blocks 1, 2, 3, 4, and 5 of the *lot* are three or more bedroom *dwelling units*; and
 - (iii) for the purposes of this section, "*buildings* have been erected" after the issuance of any Above Grade Building Permits that allow a *building* containing *dwelling units*;

- (k) Indoor *residential amenity space* shall be provided on Blocks 1, 2, 3, 4, and 5 of the *lot* at a rate of at least 1.5 square metres for each *dwelling unit* and may be provided in a multi-purpose room or rooms which are not contiguous;
- (l) Outdoor *residential amenity space* shall be provided on Blocks 1, 2, 3, 4, and 5 of the *lot* at a rate as set out in the following table:

Block	Minimum outdoor <i>residential amenity space</i> for each <i>dwelling unit</i> (square metres)
1	1.3
2	3.0
3	1.2
4	1.0
5	1.3

- (m) No portion of a *building* or *structure* erected on Blocks 1, 2, 3, 4, and 5 of the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol "HT", as shown on the attached Maps 4 and 5;
- (n) Map 9 demonstrates how angular plane angles are measured;
- (o) Notwithstanding subsection (m) above, a *building* or *structure* erected within an Angular Plane Zone on Maps 4 and 5 will be consistent with the following:
- (i) a *building* or *structure* erected within Angular Plane Zone 1 on Map 5, may not penetrate an angle of 75 degrees projected over Angular Plane Zone 1, originating at the eastern edge of Angular Plane Zone 1, starting from a *height* of 26.0 metres, as indicated on Map 5;
 - (ii) a *building* or *structure* erected within Angular Plane Zone 2 on Map 5, may not penetrate an angle of 75 degrees projected over Angular Plane Zone 2, originating at the southern edge of Angular Plane Zone 2, starting from a *height* of 28.5 metres, as indicated on Map 5; and
 - (iii) a *building* or *structure* erected within Angular Plane Zone 3 on Map 5, may not penetrate an angle of 80 degrees projected over Angular Plane Zone 3, originating at the northern edge of Angular Plane Zone 3, starting from a *height* of 26.0 metres, as indicated on Map 5;
- (p) Notwithstanding subsection (m) above, a *building* or *structure* erected within Slope Zone on Maps 4 and 5 will be consistent with the following:

- (i) a *building* or *structure* erected within Slope Zone 1 on Map 5, shall be contained within the slope between the *height* of 55.5 metres and 73.5 metres, as indicated on Map 5;
 - (ii) a *building* or *structure* erected within Slope Zone 2 on Map 5, shall be contained within the slope between the *height* of 41.4 metres and 73.5 metres, as indicated on Map 5;
 - (iii) a *building* or *structure* erected within Slope Zone 3 on Map 5, shall be contained within the slope between the *height* of 30.0 metres and 37.5 metres, as indicated on Map 5; and
 - (iv) a *building* or *structure* erected within Slope Zone 4 on Map 5, shall be contained within the slope between the *height* of 29.5 metres and 41.5 metres, as indicated on Map 5;
- (q) Notwithstanding the *height* limits specified on the attached Maps 4 and 5, the following *building* elements may exceed the permitted maximum *height* limits shown on Maps 4 and 5, in accordance with the following:
- (i) the following elements may project a maximum of 3.0 metres above the height shown on Maps 4 and 5: guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, railings, planters, cornices, and seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, wheelchair ramps and ramps to underground, safety and wind protection/mitigation features, solar panels and equipment;
 - (ii) the following elements may project a maximum of 4.0 metres above the height shown on Maps 4 and 5: ornamental elements, landscape elements, structures used for outside or open air recreation including pools and associated equipment, light monitors, light fixtures, pergolas, architectural features, trellises, awnings and canopies, excepting the canopy located within the canopy zone on Map 5;
 - (iii) the following elements may project a maximum of 6.0 metres above the height shown on Maps 4 and 5: public art features, mechanical equipment, exoskeleton structures, stairs, stair towers and enclosures, enclosures of mechanical equipment, unenclosed heating equipment;
 - (iv) the following elements may project a maximum of 6.9 metres above the height shown on Maps 4 and 5: elevator overruns, lightning rods, ventilation or cooling equipment such as chimneys, stacks, flues, vents, air intakes, antennas, satellite dishes, and cellular arrays, parapets and elements of a green roof; and

- (v) the following elements may project above the height shown on Maps 4 and 5: window washing equipment including Building Maintenance Unit (BMU);
- (r) No portion of a *building* or *structure* erected or used above *grade* on Blocks 1, 2, 3, 4, and 5 of the *lot* is located otherwise than wholly within a *building envelope* shown on the attached Maps 4 and 5;
- (s) Notwithstanding the *building envelopes* shown on Maps 4 and 5, nothing in this By-law shall prevent underground parking or *structures* from extending to the *lot* lines as identified on Map 1;
- (t) Notwithstanding the *building envelopes* specified on the attached Maps 4 and 5 and the requirements of subsections (m), (o), (p), (q) and (r) above, the following *building* elements may project beyond the *building envelopes* shown on Maps 4 and 5, in accordance with the following:
 - (i) the following elements may encroach a maximum of 1.0 metre beyond any *building* envelope limit shown on Maps 4 and 5: eaves, window sills, damper equipment to reduce *building* movement, architectural flutes, pillars and satellite dishes;
 - (ii) the following elements may encroach a maximum of 2.5 metres beyond any *building* envelope limit shown on Maps 4 and 5, excluding slope zones: balconies, inclusive of any exoskeleton structures and exoskeleton cladding thereon;
 - (iii) the following elements may encroach a maximum of 3.0 metres beyond any *building* envelope limit shown on Maps 4 and 5: pergolas, guardrails, balustrades, railings, decorative / acoustic doors and screens, light fixtures, awnings and canopies, excepting the canopy located within the canopy zone on Map 5;
 - (iv) the following elements may encroach a maximum of 5.0 metres beyond any *building* envelope limit shown on Maps 4 and 5: trellises, and planters;
 - (v) the following elements may encroach a maximum of 6.0 metres beyond any *building* envelope limit shown on Maps 4 and 5: ventilation shafts, and elements required for the functional operation of a building, site servicing features, stairs, stair enclosures, wheelchair ramps, fences; and
 - (vi) the following elements may encroach beyond any *building* envelope limit shown on Maps 4 and 5: public art installations, art and landscape features and window washing equipment including Building Maintenance Unit (BMU);

- (u) Notwithstanding (m), (q), (s) and (t) above, a canopy located within the canopy zone on Map 5 may project between 10 and 19 metres above the *heights* shown on Map 5 and may be located outside the *building envelopes* delineated by the heavy lines specified on Map 5;
- (v) None of the provisions of this By-law shall apply to prevent the erection or use of a pergola, shade structure, weather protection canopy, landscape features including planters and plantings, water feature, furnishing elements, light fixtures, or public art on the lands shown as POPS on Maps 4 and 5;
- (w) Notwithstanding (t) above, balconies are not permitted to project beyond the *building envelope* in the Balcony Restriction Zone as indicated on Map 8;
- (x) Notwithstanding (r) above, the first *storey* of a *building* located on Block 1 shall be set back a minimum of 6.5 metres from the property line along Dufferin Street for a minimum distance of 50.0 metres running south, measured from the north-east corner of the building. For the purposes of this provision, the setback shall be taken from the property line along Dufferin Street as it existed on May 1, 2018 notwithstanding any future conveyance;
- (y) The maximum *tower floor plate* of any *building* on Blocks 2, 3, 4, and 5 of the *lot*, located within an area identified as a "Tower Zone" on Maps 4 and 5, shall be 750 square metres;
- (z) Every *main wall* of a *tower* on Blocks 2, 3, 4, and 5 of the *lot* shall be located no closer than 25.0 metres to another *main wall* of a *tower* on the *lot*;
- (aa) If a line projected at a right angle from a *main wall* of a *tower* on Blocks 1, 2, 3, 4, and 5 of the *lot* intercepts another *main wall* of the same *tower*, the *main walls* must be separated by a minimum of 25.0 metres;
- (bb) *Building* elements on Blocks 2, 3, 4, and 5 of the *lot* that may be attached to a *tower* specified in subsection (t) above are permitted to encroach into the minimum separation distances specified in subsections (z) and (aa) above;
- (cc) *Parking spaces* shall be provided and maintained on any of Blocks 1, 2, 3, 4, and 5 of the *lot* in accordance with the following:
 - (i) required residential *visitor parking spaces* and *parking spaces* for non-residential uses on a Block may be provided on a non-exclusive basis within a *commercial parking garage* and may be provided on a Block within 350 metres of the Block for which the *parking space* is required provided the *parking spaces* are located within the lands zoned CR on Map 2;

- (ii) *car-share parking spaces* are permitted on Blocks 1, 2, 3, 4, and 5 of the *lot*;
- (iii) subject to the *car-share parking space* requirements, the number of residential *parking spaces* required for Blocks 1, 2, 3, 4, and 5 of the *lot* shall be provided and maintained in accordance with the following minimum requirements:
 - (A) 0.45 *parking spaces* for each *affordable housing dwelling unit*;
 - (B) 0.6 *parking spaces* for each bachelor *dwelling unit*;
 - (C) 0.7 *parking spaces* for each one *bedroom dwelling unit*;
 - (D) 0.9 *parking spaces* for each two *bedroom dwelling unit*; and
 - (E) 1.0 *parking spaces* for each three *bedroom dwelling unit* or more *bedrooms*;
- (iv) for each *car-share parking space* provided on the *lot*, the minimum number of residential *parking spaces* required pursuant to subsection (iii) above may be reduced by four *parking spaces*. The maximum number of *car-share parking spaces* that may be provided on any Block on the *lot* are as follows:
 - (A) maximum of 10 *car-share parking spaces* permitted for Block 1;
 - (B) maximum of 6 *car-share parking spaces* permitted for Block 2;
 - (C) maximum of 12 *car-share parking spaces* permitted for Block 3;
 - (D) maximum of 12 *car-share parking spaces* permitted for Block 4; and
 - (E) maximum of 10 *car-share parking spaces* permitted for Block 5;
- (v) *Parking spaces* for all other uses shall be provided in accordance with the following table:

<i>Parking Space Rates and Parking Space Occupancy Table - Non-Resident Parking</i>				
		AM = 6 a.m. to Noon (Morning) PM = Noon to 6 p.m. (Afternoon) EVE = 6 p.m. to 6 a.m. (Evening)		
Land Use	Minimum Parking Rate	AM	PM	EVE
Non-residential (exclusive of office, restaurant, take-out restaurant and community centre uses)	1.0 <i>parking space</i> for each 100 square metres of <i>non-residential gross floor area</i>	20 percent	100 percent	100 percent
Office	0.35 <i>parking space</i> for each 100 square metres of <i>non-residential gross floor area</i>	100 percent	60 percent	0 percent
Visitors' Parking for <i>Dwelling Units</i>	0.1 <i>parking spaces</i> per <i>dwelling unit</i>	10 percent	35 percent	100 percent

- (vi) the minimum number of *parking spaces* required on the *lot* based on the table above shall be determined as follows:
 - (A) for morning, afternoon and evening parking periods identified in the table above, the minimum number of *parking spaces* required for each use is calculated using the respective *parking space* rate and occupancy rate;
 - (B) the minimum number of *parking spaces* required for each parking period is the total of the *parking spaces* required for all uses during that parking period; and
 - (C) the minimum number of *parking spaces* required is equal to the largest number of *parking spaces* required for any parking period;
- (vii) no *parking spaces* are required for *restaurant, take-out restaurant or community centre* uses;
- (viii) if the calculation of the required number of *parking spaces* pursuant to subsections (iii) and (v) above results in a number with a fraction, the number is rounded down to the nearest whole number; and

- (ix) notwithstanding Section 4(17) of By-law 438-86, as amended, a *parking space*, including a parallel *parking space*, may have a minimum width of 2.6 metres despite being obstructed on one or both sides up to a maximum of 10 percent of the total parking spaces provided on Blocks 1, 2, 3, 4, and 5 of the *lot*;

- (dd) Accessible *parking spaces* shall be provided in accordance with the following:
 - (i) An accessible *parking space* must have the following minimum dimensions:
 - (A) length of 5.6 metres;
 - (B) width of 3.9 metres; and
 - (C) vertical clearance of 2.1 metres;
 - (ii) Accessible *parking spaces* must be the *parking spaces* located:
 - (A) closest to a main pedestrian access to a *building*; and
 - (B) at the same level as the pedestrian entrance to the *building*.
 - (iii) Clearly identified off *street* accessible *parking spaces* must be provided on the same *lot* as every *building* or *structure* erected or enlarged, if the total *parking space* requirement is 5 or more, in compliance with the following:
 - (A) if the number of required *parking spaces* is 5 to 24, a minimum of 1 *parking space* must comply with the minimum dimensions for an accessible *parking space*;
 - (B) if the number of required *parking spaces* is 25 to 100, a minimum of 1 *parking space* for every 25 *parking spaces* or part thereof must comply with the minimum dimensions for an accessible *parking space*; and
 - (C) if the number of required *parking spaces* is more than 100, a minimum of 4 *parking spaces* plus 1 *parking space* for every 50 *parking spaces* or part thereof in excess of 100 *parking spaces*, must comply with the minimum dimensions for an accessible *parking space*.
 - (iv) A minimum of 10 percent of the required *parking spaces* for a medical office must comply with the minimum dimensions for an accessible *parking space*;

- (ee) The minimum *loading space* requirements on the *lot* shall be in accordance with the following standards:
- (i) one *loading space* – type "G" shall be provided on each of Blocks 1, 2, 3, 4, and 5 of the *lot* for *dwelling units*;
 - (ii) loading for a *retail store, restaurant, and personal grooming establishment* shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>Lot</i> Devoted to Such Uses	Minimum Number of <i>Loading Spaces</i> Required
0 to 499 square metres	None required
500 to 1,999 square metres	1 <i>loading space</i> - type "B"
2,000 to 4,999 square metres	2 <i>loading spaces</i> - type "B"
5,000 to 9,999 square metres	3 <i>loading spaces</i> - type "B"
10,000 to 19,999 square metres	1 <i>loading space</i> - type "A" and 3 <i>loading spaces</i> - type "B"
20,000 to 29,999 square metres	1 <i>loading space</i> - type "A", 3 <i>loading spaces</i> - type "B" and 1 <i>loading space</i> - type "C"
30,000 square metres or greater	1 <i>loading space</i> - type "A", 3 <i>loading spaces</i> - type "B" and 1 <i>loading space</i> - type "C"

- (iii) *loading spaces* for a grocery store or supermarket shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>Lot</i> Devoted to Such Uses	Minimum Number of <i>Loading Spaces</i> Required
0 to 499 square metres	None required
500 to 999 square metres	1 <i>loading space</i> - type "B"
1,000 to 1,999 square metres	1 <i>loading space</i> - type "A"
2,000 to 4,999 square metres	1 <i>loading space</i> - type A and 1 <i>loading space</i> - type "B"
5,000 to 9,999 square metres	1 <i>loading space</i> - type A and 2 <i>loading spaces</i> - type "B"
10,000 to 19,999 square metres	2 <i>loading space</i> - type "A" and 2 <i>loading spaces</i> - type "B"

(iv) *loading spaces* for office uses shall be provided as follows:

Total <i>Gross Floor Area</i> on the <i>Lot</i> Devoted to Such Use	Minimum Number of <i>Loading Spaces</i> Required
0 to 499 square metres	None required
500 to 999 square metres	1 <i>loading space</i> – type "B"
1,000 to 1,999 square metres	1 <i>loading space</i> – type "B" and 1 <i>loading space</i> – type "C"
2,000 to 3,999 square metres	1 <i>loading space</i> – type "B" and 2 <i>loading spaces</i> – type "C"
4,000 to 27,999 square metres	2 <i>loading spaces</i> – type "B" and 2 <i>loading spaces</i> – type "C"
28,000 to 51,999 square metres	2 <i>loading spaces</i> – type "B" and 3 <i>loading spaces</i> – type "C"
52,000 square metres or greater	A minimum of 2 <i>loading spaces</i> – type "B" and 3 <i>loading spaces</i> – type "C"

- (v) Notwithstanding the requirements of subsections (i), (ii), (iii) and (iv) above, the minimum *loading space* requirement for each of Blocks 1, 2, 3, 4, and 5 on the *lot* is the total of (a), (b) and (c) below where two or more of the following non-residential uses are situated on the Block: office, *retail store*, *restaurant*, *take-out restaurant*, *personal grooming establishment*, *dry-cleaning shop* or *laundry shop*:
- (A) the minimum number of required *loading spaces* – type "B" is the largest number of *loading spaces* – type "B" required for any one of the uses above, plus the *loading spaces* – type "B" required for all other non-residential uses not listed above;
- (B) the minimum number of required *loading spaces* – type "C" is the largest number of *loading spaces* – type "C" required for any one of the uses listed above plus the *loading spaces* – type "C" required for all other non-residential uses that are not listed above; and
- (C) the requirement for a *loading space* – type "A" or a *loading space* – type "B" or a *loading space* – type "C" for non-residential uses shall be deemed to be satisfied by the provision and maintenance of a *loading space* – type "G" in respect of the portion of the building to be erected or used for residential purposes;
- (vi) Notwithstanding the requirements for loading in subsections (ii), (iii) and (iv) above, only one *loading space* – type "G" and one *loading space* – type "B" will be required on Block 2; and

- (vii) Notwithstanding the requirements for loading in subsections (ii), (iii) and (iv) above, only one *loading space – type "G"* and one *loading space – type "B"* will be required on Block 4;
- (ff) All *driveways* and *drive aisles* must comply with the following:
 - (i) the maximum permitted slope is 15.0 percent;
 - (ii) the maximum permitted slope for a minimum distance of 3.0 metres at the top and bottom of a ramp is 7.5 percent; and
 - (iii) notwithstanding (i) and (ii) above, the maximum permitted slope within 6.0 metres of a property line is 5.0 percent;
- (gg) *Bicycle parking spaces* shall be calculated for each of Blocks 1, 2, 3, 4, and 5 of the *lot* in accordance with the following standards:
 - (i) a minimum rate of 0.9 *bicycle parking spaces - occupant per dwelling unit*;
 - (ii) a minimum rate of 0.1 *bicycle parking spaces - visitor per dwelling unit*;
 - (iii) a minimum rate of 0.2 *bicycle parking spaces - occupant* for each 100 square metres of *interior floor area* used for an office, other than a medical office and 3 plus 0.2 *bicycle parking spaces - visitor* for each 100 square metres of *interior floor area* used for an office, other than a medical office;
 - (iv) a minimum rate of 0.15 *bicycle parking spaces - occupant* for each 100 square metres of *interior floor area* used for a medical office and 3 plus 0.15 *bicycle parking spaces - visitor* for each 100 square metres of *interior floor area* used for a medical office;
 - (v) a minimum rate of 0.2 *bicycle parking spaces - occupant* for each 100 square metres of *interior floor area* used for a *restaurant* or a *personal service shop* and 3 plus 0.3 *bicycle parking spaces - visitor* for each 100 square metres of *interior floor area* used for a *restaurant* or a *personal service shop*;
 - (vi) *bicycle parking spaces – occupant* are for use by the occupants or tenants of a *building*; and
 - (vii) *bicycle parking spaces- visitor* are for use by visitors to a *building*;

- (hh) *Bicycle parking spaces* may be provided on a Block within 350 metres of the Block containing the use for which the *bicycle parking space* is required provided the *bicycle parking spaces* are located within the lands zoned CR as shown on Map 2;
- (ii) One *shower-change facility* is required in a building on Block 3 and one *shower-change facility* is required in a building on Block 5;
- (jj) No *building* may be erected or used on each of the Blocks 1, 2, and 3 of the *lot* that are subject to *priority uses* as shown on Map 6 unless a minimum of 20 percent of the length of the exterior *building wall* along the *priority uses* frontage, indicated by heavy black lines on Map 6, at the first storey above *grade* is occupied by *priority uses*;
- (kk) Notwithstanding the provisions of this By-law, nothing shall prevent the following uses of the *lot*:
 - (i) *existing uses* and *existing building(s)* or any portion thereof;
 - (ii) any non-residential use permitted within the CR district in section 8(1)(f)(b) within the *existing building(s)* or any portion thereof;
 - (iii) *existing parking spaces*;
 - (iv) *existing loading spaces*; and
 - (v) a *sales office*;
- (ll) The exceptions in subsections (kk)(i) and (kk)(ii) above shall apply to the remaining portions of the *existing building(s)* that remain on the *lot* after demolition of portions of the *existing building(s)* provided that:
 - (i) minimum of fifty (50) *parking spaces* are provided; and
 - (ii) minimum of one (1) *loading spaces – type "B"* is provided;
- (mm) Addition(s) to the *existing building(s)* on the *lot* are permitted and additions may be used for purposes permitted in subsections (kk)(i) and (kk)(ii) above, provided that:
 - (i) the *non-residential gross floor area* of the addition(s) shall not exceed an aggregate of 1,300 square metres;
 - (ii) the setback of the *existing building(s)* from the *lot* line along Dupont Street and Dufferin Street, as such *lot* line existed on May 1, 2018 as shown on Map 7 as Line A, shall be the minimum setback for any additions to the *existing building(s)*;

- (iii) *parking spaces* for additions to the *existing building(s)* are provided in compliance with the requirements of subsection (ll) above; and
- (iv) no additions are made to Building 1 as shown on Map 7; and
- (nn) Notwithstanding subsection (mm) above, such restrictions shall not be applicable to the community centre as identified on as shown on Map 7.

PARK AND COMMUNITY USES – "BLOCK 6"

- 11. Block 6 consists of a portion of the *lot* identified as such on the attached Map 3 to this By-law.
- 12. None of the provisions of Section, 4(2)(a), 5(1)(f), and By-law Amendment 724-2004 of By-law 438-86, being "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 land and the erection and use of certain *buildings* and *structures* in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *community centre* or *buildings* or *structures* on the lands identified as Block 6 on the attached Map 3, provided that:
 - (a) A *community centre* shall have a maximum permitted height of 20.0 metres; and
 - (b) Community-related uses are permitted.

DEFINITIONS

- 13. For the purposes of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined by the said By-law 438-86, as amended, except for the following:
 - (a) "*affordable housing*" means rents which do not exceed the *CMHC rent*;
 - (b) "*affordable housing dwelling unit*" means a *dwelling unit* used for *affordable housing*;
 - (c) "*bicycle parking space –occupant*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and

- (iii) may be located outdoors or indoors, on any level above or below ground, and may be located within a secured room, enclosure or bicycle locker;
- (d) "*bicycle parking space –visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) may be located outdoors or indoors, on any level above or below ground, and may be located within a secured room, enclosure or bicycle locker;
- (e) "*brew-on-premises*" means a *building* or a portion of a *building* used for the fermentation, chilling, filtering, carbonation and bottling of beverages by or on behalf of retail clients;
- (f) "*building*" means a wholly or partially enclosed *structure* with a roof supported by walls, columns, piers or other structural systems. A vehicle is not a building;
- (g) "*building envelope*" means a *building* volume on the *lot* for each *height* area shown by "H", as delineated on Maps 4 and 5 attached hereto;
- (h) "*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(s)* erected on the *lot*;
- (i) "*car-share parking space*" means a parking space used exclusively for the parking of a *car-share* motor vehicle;
- (j) "*CMHC rent*" means the average rent, inclusive of utilities, for private rental apartments by unit type for the City of Toronto as reported annually by Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report;
- (k) "*existing building(s)*" and "*existing uses*" means those uses and *building(s)* existing on the *lot* as of May 1, 2018;
- (l) "*grade*" means the Canadian Geodetic elevation of 120.95 metres;

- (m) "*gross floor area*" means the sum of the total area of each floor level of a *building*, above and below *grade*, measured from the exterior of the *main wall* of each floor level reduced by the area in the *building* used for: (A) parking, loading and bicycle parking below-ground; (B) required loading spaces at the ground level and required *bicycle parking spaces* at or above-ground; (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; (D) required shower and change facilities for required *bicycle parking spaces*; (E) required amenity space; (F) elevator shafts; (G) garbage shafts; (H) mechanical penthouse; and (I) exit stairwells in the *building*;
- (n) "*height*" means the vertical distance between *grade* and the highest elevation of the highest point of the *building*, except for those permitted *building* projection elements prescribed in this By-law;
- (o) "*interior floor area*" means the floor area of any part of a *building*, measured to:
- (i) the interior side of a *main wall*;
 - (ii) the centreline of an interior wall; or
 - (iii) a line delineating the part being measured;
- (p) "*lot*" means the whole of the lands or part outlined by heavy lines on Map 1 of this By-law;
- (q) "*main wall*" means any exterior wall of a *building* or *structure*, including all structural members essential to the support of a roof over a fully or partly enclosed area;
- (r) "*market*" means a location where goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sale indoors or outdoors but does not include a retail outlet otherwise classified or defined in this by-law;
- (s) "*non-residential gross floor area*" means the sum of the total area of each floor level of a *building* used for non-residential uses, above and below *grade*, measured from the exterior of the *main wall* of each floor level reduced by the area in the *building* used for: (A) *car washing establishment*, parking, loading and bicycle parking below-ground; (B) required loading spaces at the ground level and required *bicycle parking spaces* at or above-ground; (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; (D) required shower and change facilities for required *bicycle parking spaces*; (E) required amenity space; (F) elevator shafts; (G) garbage shafts; (H) mechanical penthouse; and (I) exit stairwells in the *building*;
- (t) "*patio*" means an outdoor area that is used in conjunction with a permitted non-residential use where meals or refreshments or both may be served to and/or consumed by patrons;

- (u) "*personal service shop*" means premises used to provide personal grooming services or for the cleaning or care of apparel;
- (v) "*priority uses*" means non-residential uses, where each shop or unit may have a maximum *interior floor area* of 400 square metres;
- (w) "*residential gross floor area*" means the sum of the total area of each floor level of a *building* used or associated with residential uses, above and below *grade*, measured from the exterior of the *main wall* of each floor level reduced by the area in the *building* used for: (A) parking, loading and bicycle parking below-ground; (B) required loading spaces at the ground level and required *bicycle parking spaces* at or above-ground; (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; (D) required shower and change facilities for required *bicycle parking spaces*; (E) required amenity space; (F) elevator shafts; (G) garbage shafts; (H) mechanical penthouse; and (I) exit stairwells in the *building*;
- (x) "*restaurant*" means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service;
- (y) "*sales office*" means a *building, structure, facility* or trailer on the *lot* used for the purpose of the initial sales and/or initial leasing of *dwelling units* or the *non-residential gross floor area* to be erected on the *lot*;
- (z) "*street-related retail and service uses*" means one or more of the uses listed in sections 8(1)(f)(b)(i), (ii), and (iv);
- (aa) "*structure*" means anything that is erected, built or constructed of one or more parts joined together. A vehicle is not a *structure*;
- (bb) "*take-out restaurant*" means premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises;
- (cc) "*tower*" means the portions of a *building* which collectively enclose the entirety of a *storey* higher than 43.0 metres above *grade* on Blocks 2, 4, and 5 of the *lot* and 55.0 metres above *grade* on Block 3 of the *lot*; and

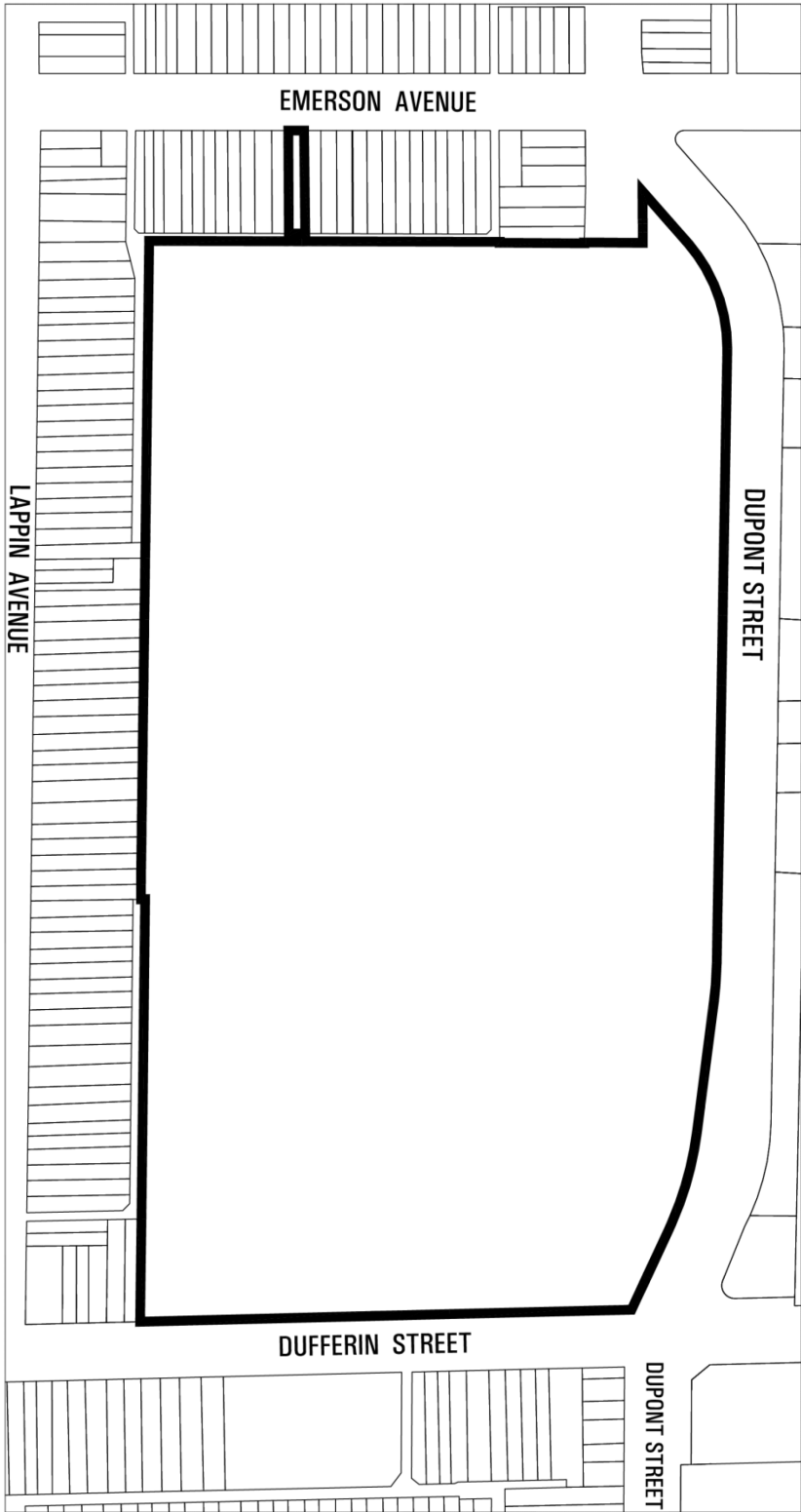
- (dd) "*tower floor plate*" means the area of a typical *building* floor level situated more than 43.0 metres above *grade* on Blocks 2, 4, and 5 of the *lot* and 55.0 metres above *grade* on Block 3 of the *lot*, measured from the exterior of the *main wall(s)* of such floor level excluding the area on the floor level devoted to: (A) elevator shafts; (B) garbage shafts; and (C) exit stairwells.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

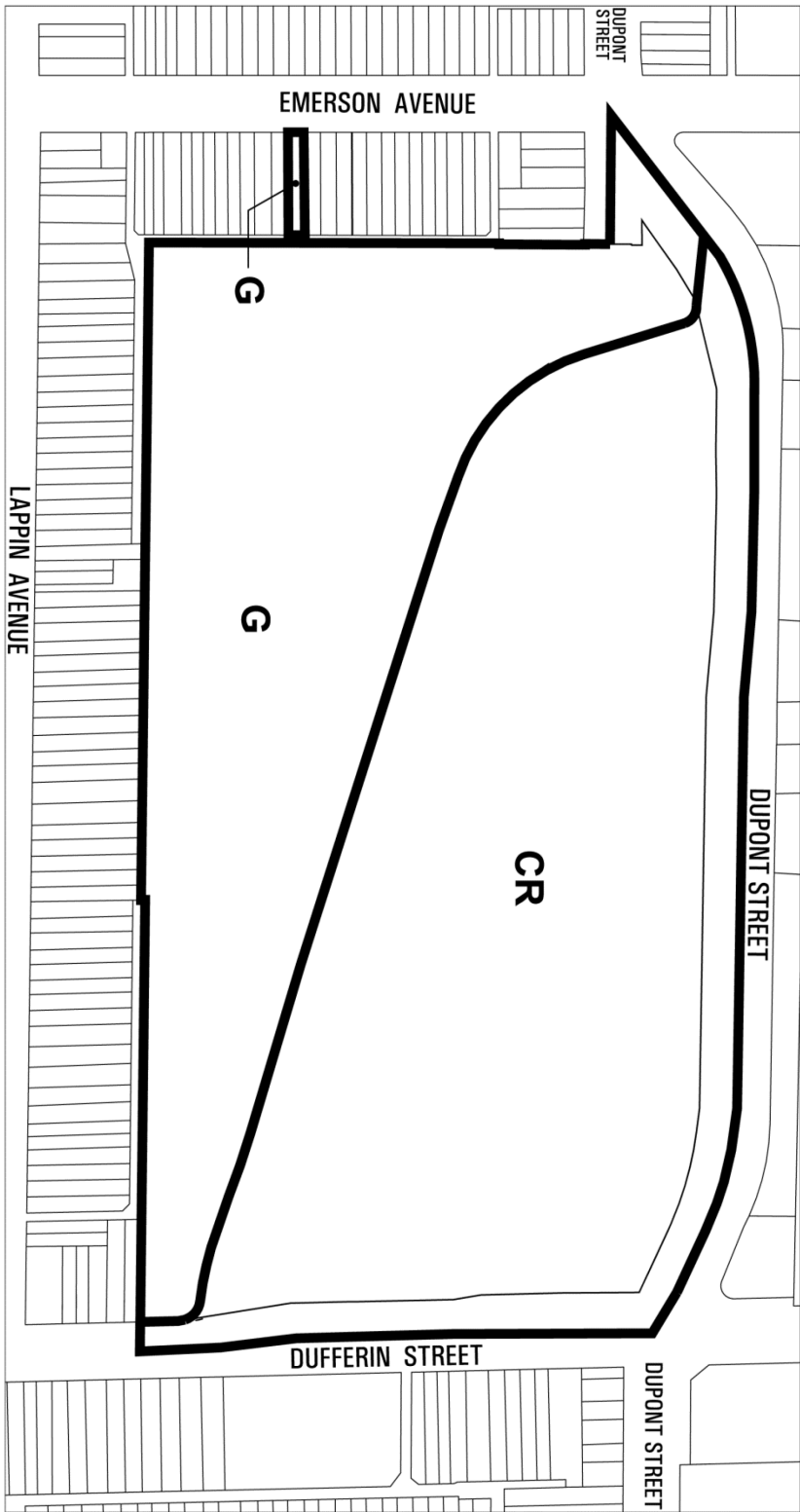


City of Toronto
Map 1

**1245 Dupont Street, 1260 Dufferin Street
and 213 Emerson Avenue**
File # 16 231334 STE 18 0Z

City of Toronto By-law 569-2013
Not To Scale
06/06/2019



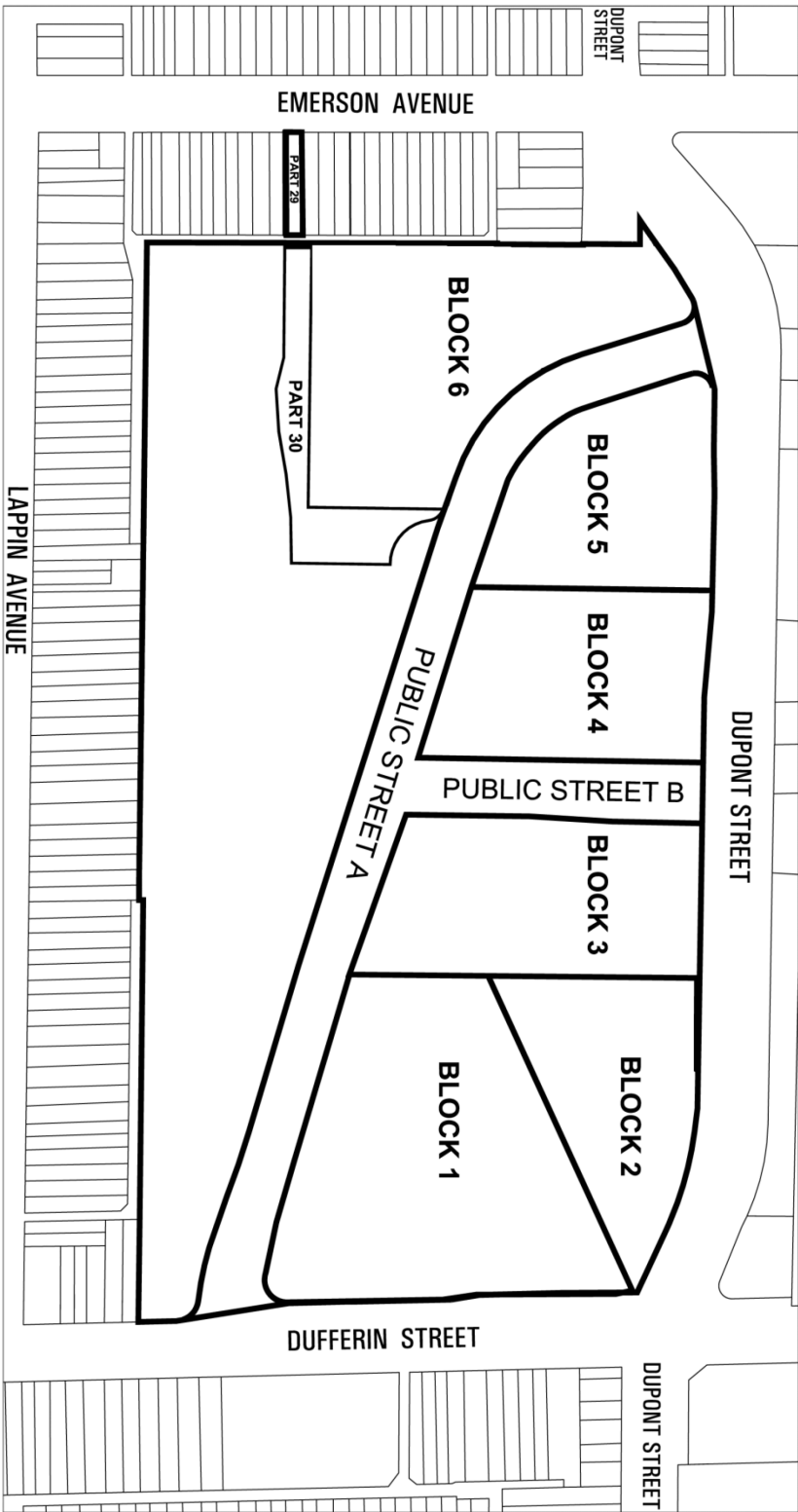


City of Toronto
Map 2

1245 Dupont Street, 1260 Dufferin Street
and 213 Emerson Avenue
File # 16 231334 STE 18 0Z

City of Toronto By-law 589-2013
Not to Scale
06/10/2019



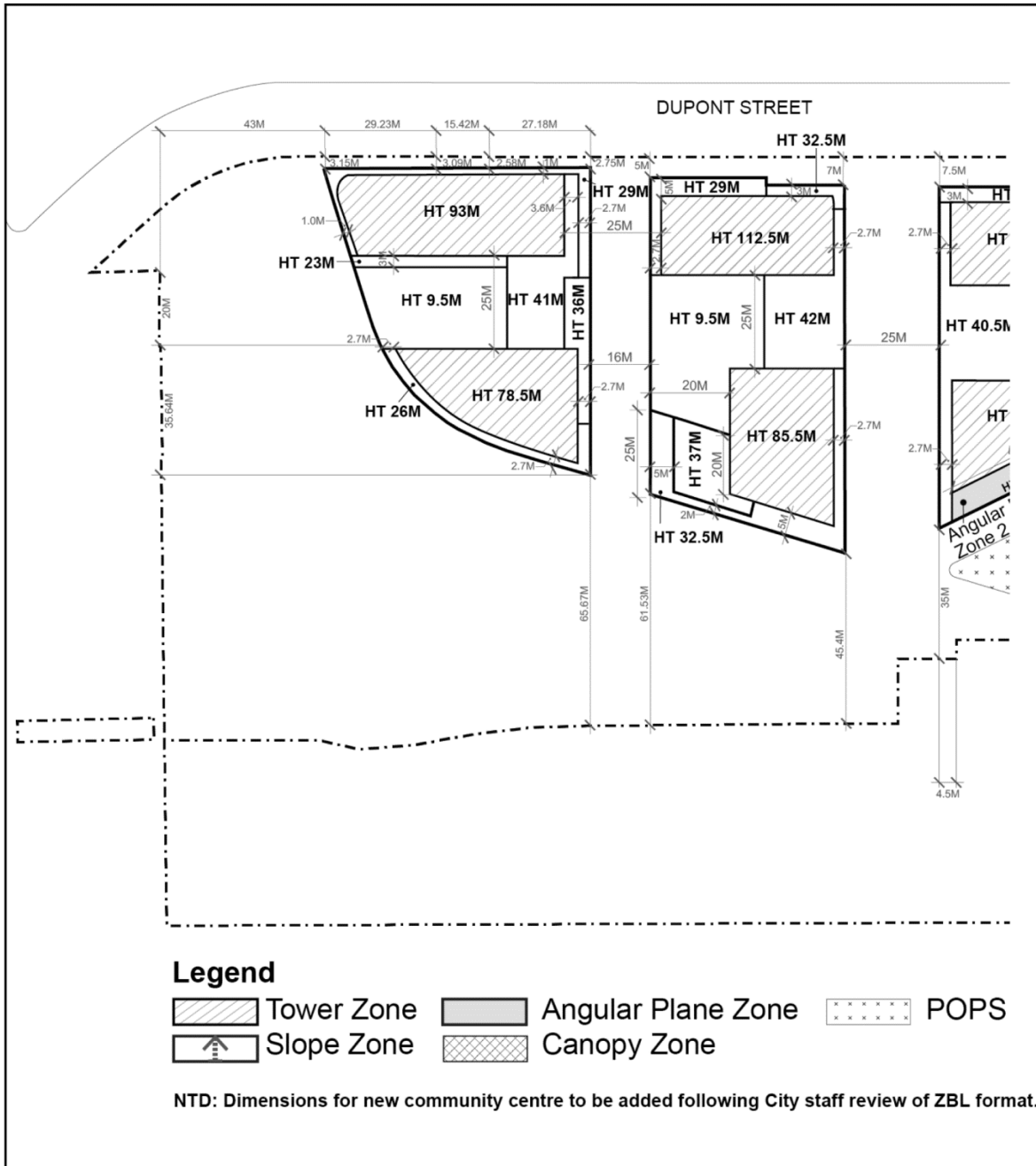


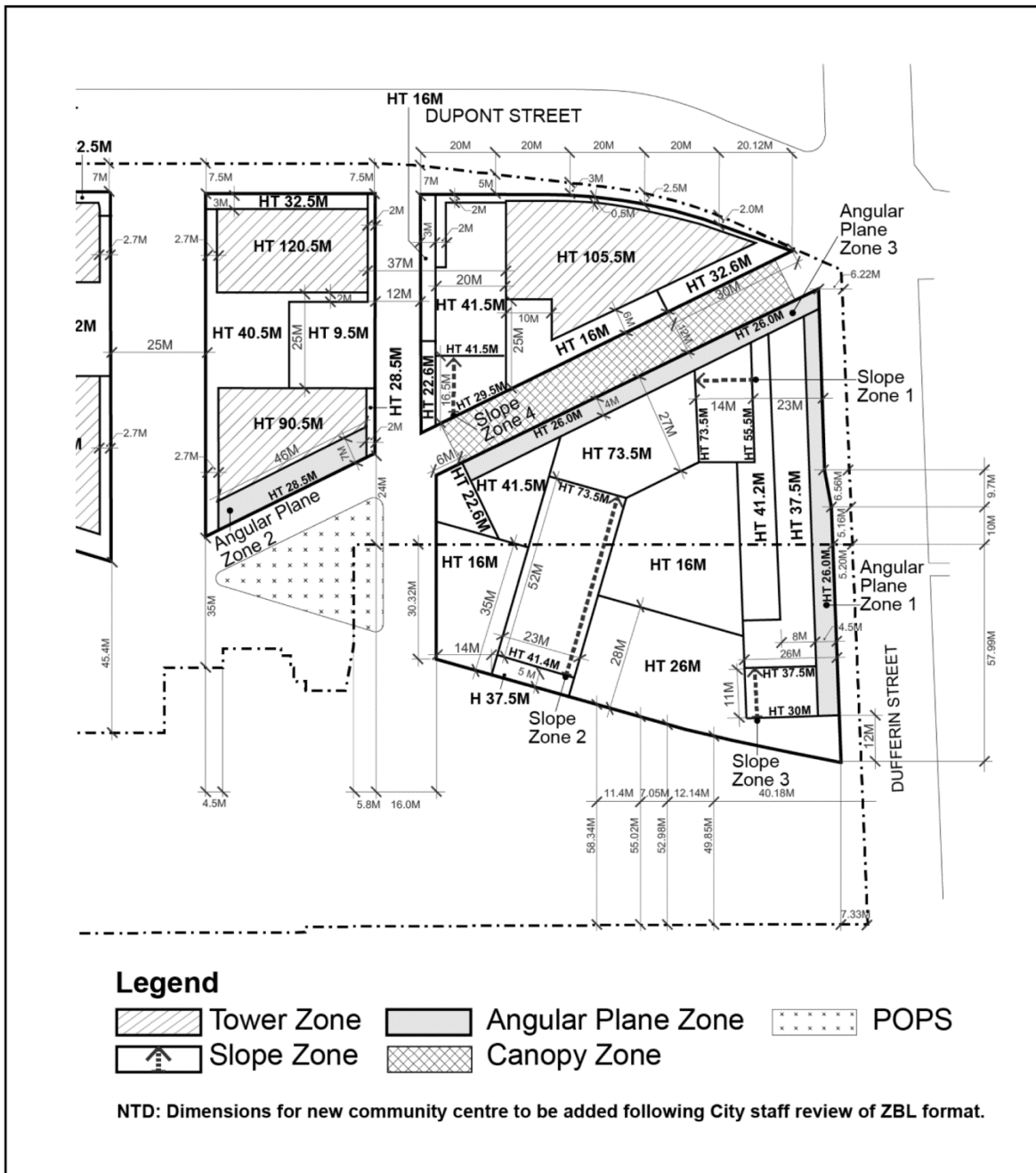
City of Toronto
Map 3

**1245 Dupont Street, 1260 Dufferin Street
 and 213 Emerson Avenue**
 File # 16 231334 STE 18 0Z

City of Toronto By-law 589-2013
 Not To Scale
 06/10/2019



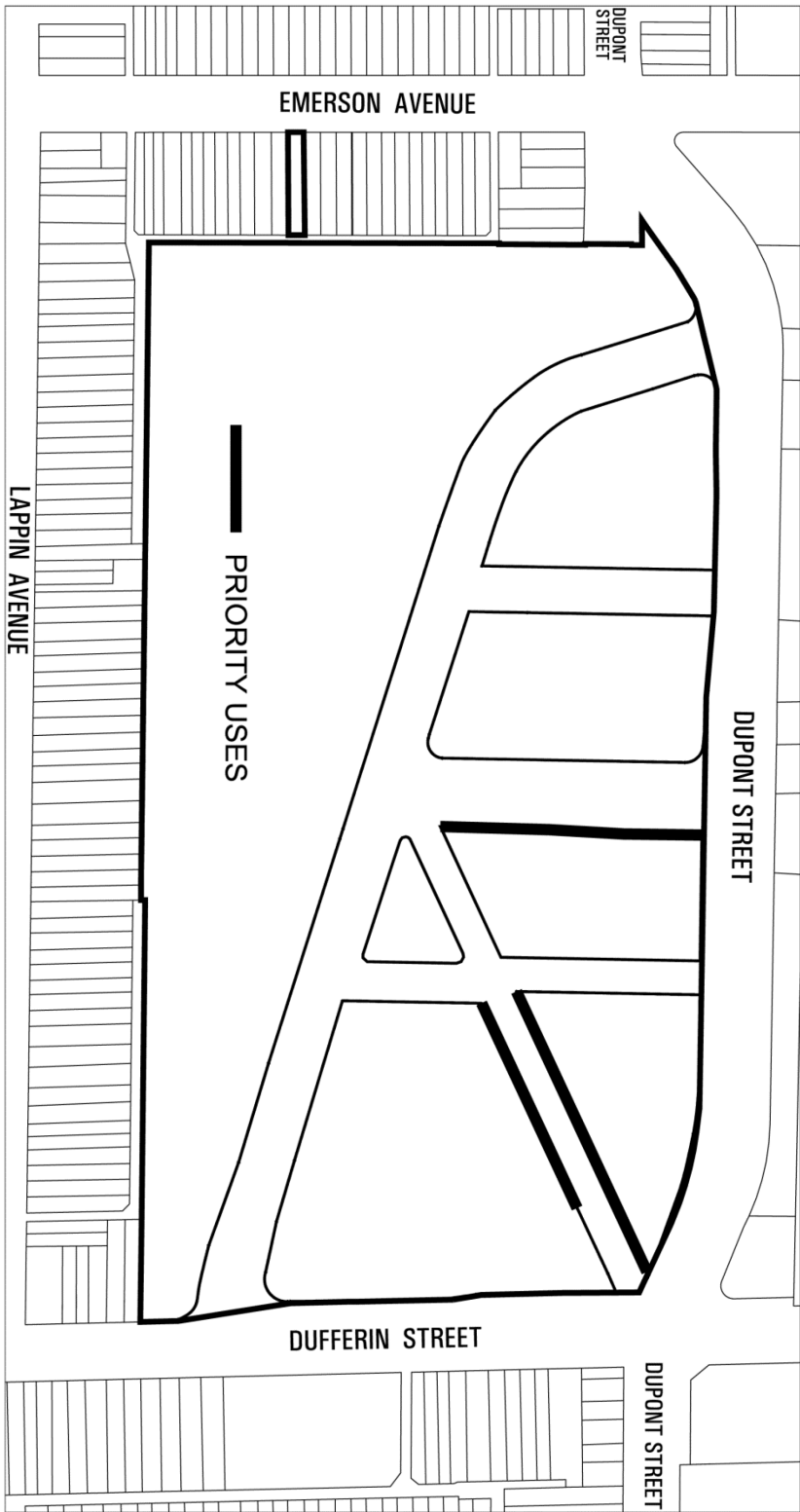




Toronto
 Map 5

1245 Dupont Street, 1260 Dufferin Street
 and 213 Emerson Avenue

File # 16231334 STE 18 02

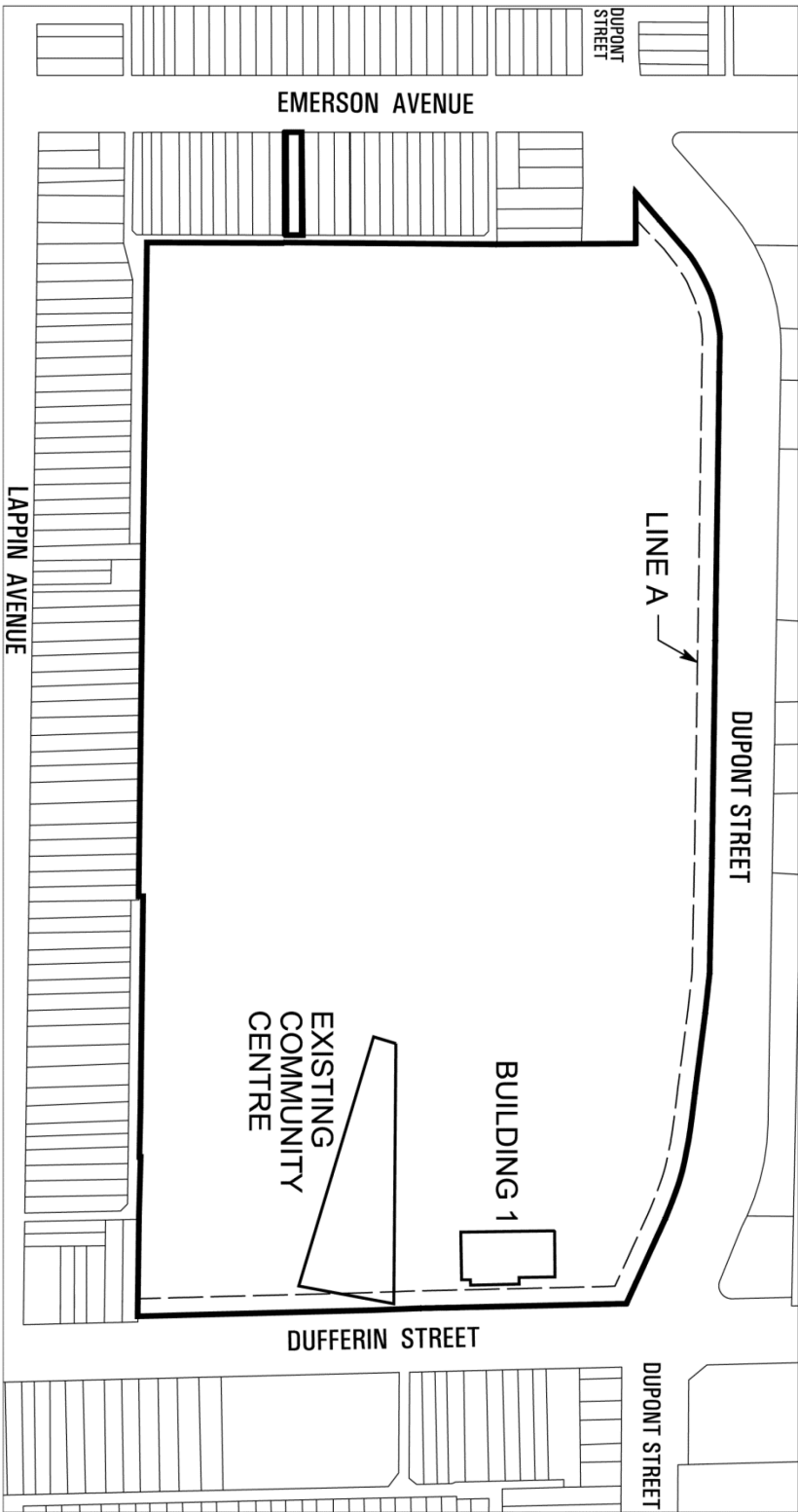


City of Toronto
Map 6

1245 Dupont Street, 1260 Dufferin Street
and 213 Emerson Avenue
File # 16 231334 STE 18 0Z

City of Toronto By-law 589-2013
Not to Scale
06/10/2019



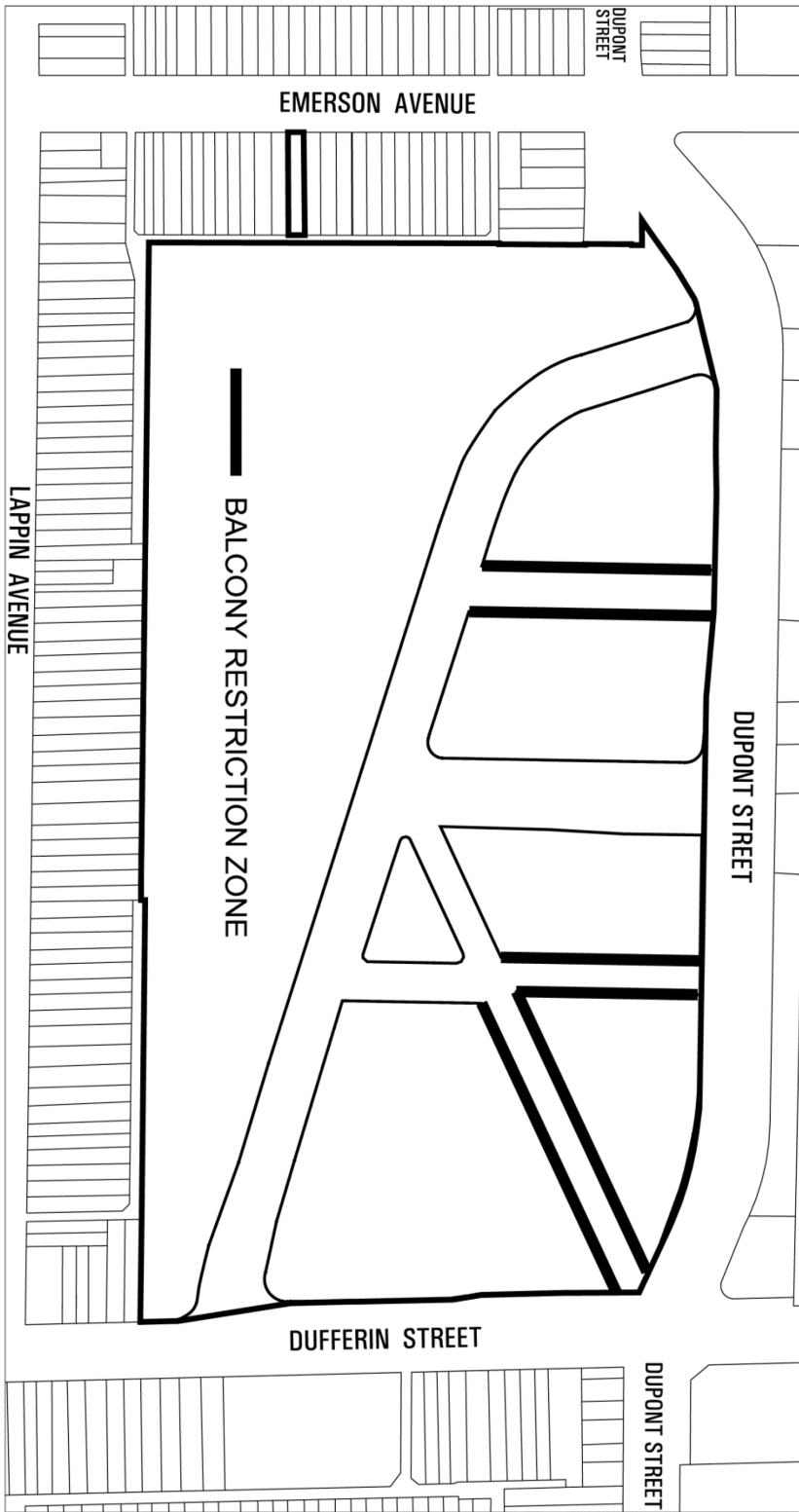


City of Toronto
Map 7

**1245 Dupont Street, 1260 Dufferin Street
and 213 Emerson Avenue**
File # 16 231334 STE 18 0Z

City of Toronto By-law 589-2013
Not to Scale
06/10/2019



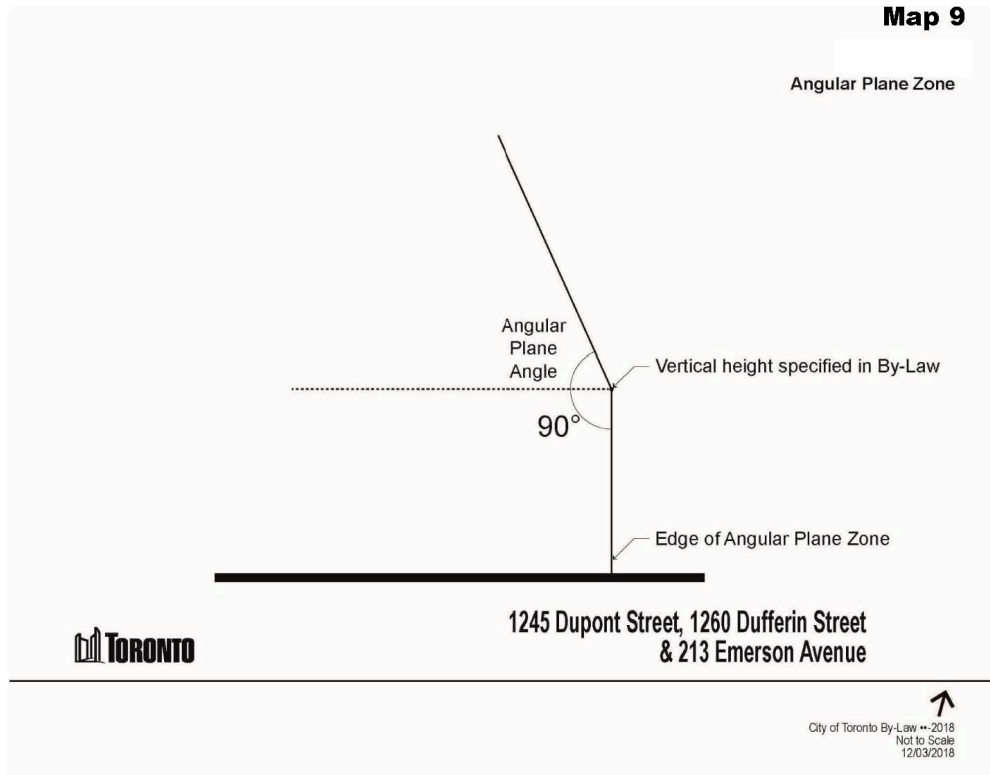


City of Toronto
Map 8

1245 Dupont Street, 1260 Dufferin Street
and 213 Emerson Avenue
File # 16 231334 STE 18 0Z

City of Toronto By-law 589-2013
Not to Scale
06/10/2019





APPENDIX 1
Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

- (a) Prior to the issuance of the first above-grade building permit for any part of the lands outlined in heavy black lines as shown on Map 1 of this By-law, the owner shall enter into an agreement with the City to design and construct 120 affordable rental housing dwelling units comprised of no less than 7,255 square metres of residential Gross Floor Area within an approved development at 1245 Dupont Street, 1260 Dufferin Street, and 213 Emerson Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning, the Director, Affordable Housing Office, and the City Solicitor, in consultation with the Ward Councillor;
- (b) Prior to the issuance of the first above-grade building permit for any part of the lands shown as Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6 on Map 3 of this By-law the owner shall submit a letter of credit in the amount of \$6,276,245.00 (inclusive of \$475,000 required by a previous agreement pursuant to Section 37 which was registered against title to the Lands on October 15, 2004 as Instrument AT628502, referred to as the "2004 Section 37 Agreement" for the purpose of this Appendix 1, said funds being indexed under that Agreement) to guarantee the owner's construction of a new community centre on Block 6 as shown on Map 3 to this By-law;
- (c) The letter of credit required in (b) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period beginning from the date of the execution of the Section 37 Agreement to the date the letter of credit is provided to the City;
- (d) In accordance with the terms of the Section 37 Agreement, the owner shall design and substantially complete the construction of a new community centre on Block 6, as shown on Map 3 to this By-law, having a minimum area of 6,000 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (e) Prior to the later of the issuance of the first above-grade building permit for Block 1 as shown on Map 3 to this By-law, the issuance of the first above-grade building permit for Block 2 as shown on Map 3 to this By-law, and the issuance of the first above-grade building permit for Block 3 as shown on Map 3 to this By-law, the owner shall submit a plan detailing the design and construction of a public art installation on either of Block 1, Block 2 or Block 3, having a minimum value of \$873,468.00 (inclusive of \$720,000.00 required by the 2004 Section 37 agreement, said funds being indexed under that Agreement), and a letter of credit in a value no less than \$873,468.00, all to the

satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor;

- (f) In accordance with the terms of the Section 37 Agreement, the owner will provide to the City for nominal consideration, Privately-Owned Publicly Accessible Space (POPS) easements over a new plaza with a minimum area of 850 square metres at the north-east corner of Public Street 'A' and Public Street 'B', said streets being shown on Map 3 to this By-law, for public access and provisions for rights of support if necessary, free and clear of physical encumbrances, with insurance and indemnification of the City provided by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Ward Councillor. The owner shall own, operate, maintain and repair the POPS in accordance with the terms of the Section 37 Agreement. The owner shall install and maintain signage in a location to be determined through Site Plan Approval, generally in accordance with the City template for POPS signage;
- (g) Prior to the earlier of the issuance of the first above-grade building permit for Block 5 as shown on Map 3 to this By-law, and the issuance of the first above-grade building permit for Block 6 as shown on Map 3 to this By-law, the owner shall enter into a Contribution Agreement with the City to provide City Capital Funding for 30 affordable rental housing dwelling units in addition to the 120 affordable rental housing dwelling units referred to in paragraph 0 above, to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor, and Incentives Contribution for the 150 affordable rental housing dwelling units through the Open Door Affordable Housing Program, to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (h) None of the affordable rental housing dwelling units referred to in paragraph (g) above will form part of an application for the registration of a plan of condominium for at least twenty five years from the date upon which the first new purpose-built affordable rental housing dwelling unit is occupied, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Director, Affordable Housing Office;
- (i) Prior to the earlier of the issuance of the first above-grade building permit for the second building constructed on the Lands collectively shown as Block 1 and Block 2, as shown on Map 3 of this By-law, and December 1, 2025, the 150 affordable rental housing dwelling units referred to in paragraph (g) above shall be ready and available for occupancy, all in accordance with the Contribution Agreement;
- (j) In accordance with the terms of the Section 37 Agreement, the owner will convey to the City for nominal consideration, easements over the pedestrian mews connection from the intersection of Dupont Street and Dufferin Street to the POPS described in paragraph (f) above, to provide public access with provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor. The owner shall own, operate, maintain and repair the easement lands;

- (k) In accordance with the terms of the Section 37 Agreement, the owner shall design, construct, provide and thereafter maintain an architectural weather canopy over the pedestrian connection, at a minimum height of 10.0 metres and a maximum height of 19.0 metres, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (l) In accordance with the terms of the Section 37 Agreement, the owner will convey to the City for nominal consideration, easements over a private road to be built as a part of Block 1 and Block 2 from Dupont Street to Public Street 'A', as shown on Map 3 of this By-law, to provide public access, which easements shall include provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (m) In accordance with the terms of the Section 37 Agreement, the owner will convey to the City for nominal consideration, easements over any portion of a private road constructed as part of Block 4 and Block 5, as shown on Map 3 of this By-law, from Dupont Street to Public Street 'A', to provide public pedestrian access for use by the general public, which easements shall include provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (n) In accordance with the terms of the Section 37 Agreement, the owner will convey to the City for nominal consideration, easements over the pedestrian connection from Dupont Street to the POPS described in paragraph (f) above, to provide public pedestrian access for use by the general public, which easements shall include provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- (o) Prior to issuance of the first above-grade building permit for each Block shown on Map 3 attached hereto, the owner shall submit a Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (p) Prior to the commencement of excavation and shoring work for each Block shown on Map 3 of this By-law, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding

community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, and in consultation with the Ward Councillor;

- (q) Prior to the earlier the issuance of the first above grade building permit for Block 1 or Block 2 and the registration of a plan of condominium within Block 5, all as shown on Map 3 of this By-law, the owner shall convey to the City the fee simple interest in the first parkland dedication block, being Part 29 and Part 30 as shown on Map 3 of this By-law, consisting of a minimum area of 1,913 square metres, free and clear of all physical encumbrances above and below grade, save and except for physical encumbrances acceptable to the General Manager, Parks, Forestry and Recreation in writing, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor;
- (r) In accordance with the terms of the Section 37 Agreement, the owner shall convey to the City the fee simple interest in the second parkland dedication block, being Part 4 and Part 22, as shown on Map 3 of this By-law, consisting of a minimum area of 3,046 square metres, free and clear of all physical encumbrances above and below grade, save and except for physical encumbrances acceptable to the General Manager, Parks, Forestry and Recreation in writing, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor;
- (s) Prior to the owner's conveyance of the parkland dedication blocks to the City in accordance with paragraphs (q) and (r) above, the owner shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure that the parkland will meet all applicable laws, regulations and guidelines respecting the site to be used for public park purposes, including City Council policies respecting soil remediation of sites. A qualified environmental consultant acceptable to the Executive Director, Engineering and Construction Services shall prepare the environmental assessment. Prior to owner's conveyance of the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the owner's expense (the "Peer Reviewer"), the conveyance of the parkland shall be conditional upon the Peer Reviewer concurring with the owner's environmental consultant that the parkland meets all applicable laws, regulations and guidelines for public park purposes, and the owner's environmental consultant shall file a Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit to the General Manager, Parks, Forestry and Recreation, the Ministry of the Environment Conservation and Parks (MECP), Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04 and that the MECP will not audit the RSC at this time or that the RSC has passed an MECP audit;
- (t) Prior to the issuance of the first above-grade building permit for the Lands, the owner shall submit a letter of credit equal to 120 percent of the Parks and Recreation component of Development Charges payable for Block 5, as shown on Map 3 of this By-law, and a letter of credit equal to 100 percent of the cash-in-lieu payable to the City in respect of

the under-dedication of parkland for the development, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- (u) Prior to Site Plan Approval for each Block, the owner is required to submit a Functional Servicing and Stormwater Management Report for each Block, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (v) Prior to Site Plan Approval for each Block, in the event the submitted Functional Servicing and Stormwater Management Report for the relevant Block identifies necessary improvements and upgrades to existing City infrastructure are required to support the development of the relevant Block, the owner shall enter into an agreement with the City to secure the construction of any necessary improvements and upgrades to the municipal infrastructure in connection with the relevant site servicing assessment and provide to the City financial security as required by the agreement for the construction of said improvements and upgrades, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (w) Prior to Site Plan Approval for each Block, save and except for Block 6 as shown on Map 3 of this By-law, the owner will submit a Transportation Impact Study for each said Block, and all recommendations therein will be secured by the owner as part of the owner's Site Plan Agreement with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (x) Prior to Site Plan Approval for Block 5, as shown on Map 3 of this By-law, the owner shall submit as part of the Transportation Impact Study for said Block an analysis of the potential need for a new signal to be located on Dupont Street at either the intersection of Public Street 'A' or Emerson Avenue, as shown on Map 3 of this By-law, with any signal to be installed and paid for by the developer, to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director, Engineering and Construction Services, and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (y) Prior to Site Plan Approval for Block 4, as shown on Map 3 of this By-law the owner shall submit as part of the Transportation Impact Study for said Block an analysis of the potential need for additional traffic mitigation measures on Public Street 'A', as shown on Map 3 of this By-law, with any mitigation measures to be installed and paid for by the developer, to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director, Engineering and Construction Services, and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- (z) Prior to the issuance of the first above-grade building permit for the earlier of Block 5 and Block 6, as shown on Map 3 of this By-law, the owner shall make a cash payment to the City in the amount of \$70,000 for the installation of transit signal priority on Dupont Street and Dufferin Street, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- (aa) The cash payment required in (z) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period beginning from the date of the execution of the Section 37 Agreement to the date of payment;
- (bb) All new transit signals to be installed as part of the development will be equipped with Transit Signal Priority, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (cc) In accordance with the terms of the Section 37 Agreement, the owner shall install and convey to the City a nearside bus bay on Public Street 'A' at Public Street 'B', as shown on Map 3 of this By-law, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the Toronto Transit Commission;
- (dd) In accordance with the terms of the Section 37 Agreement, the owner shall install and convey to the City a southbound farside bus bay on Dufferin Street at Dupont Street, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the Toronto Transit Commission;
- (ee) Prior to Site Plan Approval for each Block, the owner shall secure as a part of the relevant Site Plan Agreement with the City, on-site dog off-leash amenities with proper disposal facilities or dog relief stations within a building accessible to all building residents; and
- (ff) In accordance with the terms of the Section 37 Agreement, the owner shall relocate to Dupont Street or lands to be conveyed, for nominal consideration, by the owner to the City for the purpose of widening Dupont Street, the existing watermain currently located within an easement on the northern portion of the site adjacent to Dupont Street, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, at no expense to the City.

Despite the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.