

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 1166-2019

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2018 as 1245 Dupont Street, 1260 Dufferin Street and 213 Emerson Avenue.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law; 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 increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 of this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined in heavy lines as shown on Diagram 1 attached to this By-law, to CR 0.6 (c0.6; r0.6) SS2 (x185) and OR(x28), as shown on Diagram 2 attached to this By-law.

#### **MIXED USE DEVELOPMENT – BLOCKS 1, 2, 3, 4, and 5**

4. Zoning By-law 569-2103, as amended, is further amended by adding to Article 900.11.10 Exception Number (185) so that it reads:

##### **Exception CR(185)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1245 Dupont Street, 1260 Dufferin Street and 213 Emerson Avenue, if the requirements in Section 6 and Schedule A of By-law 1166-2019 are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (DDD) below;
- (B) Regulations 40.5.80.1(1), 40.5.80.10(1), 40.10.40.1(1), 40.10.40.80(2), 230.5.1.10(7), 230.5.1.10(8), and By-law 724-2004 do not apply;
- (C) A **retail store** may include food or beverage **manufacturing** provided the **interior floor area** of the **retail store**, including the food or beverage **manufacturing** area, does not exceed 930 square metres;
- (D) An **eating establishment** may include beverage **manufacturing** to a maximum total **interior floor area** of 85 percent of the total **interior floor area** of the **eating establishment** to a maximum of 5,000 square metres;
- (E) Despite regulations 40.10.20.100(1), (16) and (17), an **eating establishment**, **take-out eating establishment**, **entertainment place of assembly**, **place of assembly**, **recreation use**, **service shop**, **custom workshop**, and **retail service** may exceed 400 square metres;
- (F) Despite regulation 40.10.20.100(20)(C), the cumulative area of the outdoor sale or display of goods or commodities may not be more than 500 square metres;
- (G) Despite regulation 40.10.20.100(21)(B), an **outdoor patio** with a maximum **gross floor area** of 725 square metres is permitted on Block 1, as shown on Diagram 3 to By-law 1166-2019, and an **outdoor patio** with a maximum **gross floor area** of 530 square metres is permitted on Block 4, as shown on Diagram 3 to By-law 1166-2019;

- (H) Despite regulation 40.10.20.100(21), a maximum of 15 percent of the **gross floor area** of an **outdoor patio**, up to a maximum of 50 square metres, may be used as the area from which entertainment such as performances, music and dancing may be provided;
- (I) Despite regulation 150.100.30.1(2), an **eating establishment** with an **interior floor area** greater than 1,000 square metres is not required to be separated from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (J) Despite regulations 150.96.30.1(3), (4) and (5), and 150.96.40.1(1) and (2), the setback, fencing and **vehicle** access requirements do not apply to a **vehicle washing establishment** located below ground;
- (K) Despite regulation 150.96.20.1(3), the **interior floor area** of a **retail store** and **personal service shop** is not limited to 20 square metres where such uses are located on the same **lot** as a **vehicle washing establishment**;
- (L) Despite regulation 150.96.40.1(2), the **vehicle** entrance and exit from a **building** containing a **vehicle washing establishment** may be 0 metres from any **lot line** abutting a **street**;
- (M) Despite regulations 40.10.20.40(1) and 40.10.40.40(1), the maximum total **gross floor area** of all **buildings** on the lands outlined in heavy lines and zoned CR 0.6 (c0.6; r0.6) SS2 (x185) as shown on Diagram 2 to By-law 1166-2019, excluding below ground **vehicle washing establishments**, will be 245,500 square metres:
- (i) the total maximum **gross floor area** occupied by residential uses is 217,000 square metres;
  - (ii) the total maximum **gross floor area** occupied by residential uses on each of Blocks 1, 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 will comply with the following:
    - (a) a maximum **gross floor area** of 43,150 square metres occupied by residential uses on Block 1;
    - (b) a maximum **gross floor area** of 28,600 square metres occupied by residential uses on Block 2;
    - (c) a maximum **gross floor area** of 50,600 square metres occupied by residential uses on Block 3;
    - (d) a maximum **gross floor area** of 50,800 square metres occupied by residential uses on Block 4; and
    - (e) a maximum **gross floor area** of 43,850 square metres occupied by residential uses on Block 5;

- (iii) minimum **gross floor area** occupied by non-residential uses on each of Blocks 1, 2, 3, 4 and 5 as shown on Diagram 3 to By-law 1166-2019 will comply with the following:
  - (a) a minimum **gross floor area** of 12,500 square metres occupied by non-residential uses on Block 1;
  - (b) a minimum **gross floor area** of 4,900 square metres occupied by non-residential uses on Block 2;
  - (c) a minimum **gross floor area** of 2,500 square metres occupied by non-residential uses on Block 3;
  - (d) a minimum **gross floor area** of 4,300 square metres occupied by non-residential uses on Block 4; and
  - (e) a minimum **gross floor area** of 2,300 square metres occupied by non-residential uses on Block 5;
  
- (N) Despite section (M) above, increases up to 10 percent of the maximum **gross floor area** occupied by residential uses permitted on each Block in subsection (M)(ii) above are allowed, provided the maximum **gross floor area** occupied by residential uses in all **buildings** provided on Blocks 1, 2, 3, 4, and 5, as shown on Diagram 3 to By-law 1166-2019, does not exceed 217,000 square metres;
  
- (O) A total combined maximum of 2,896 **dwelling units** are permitted on Blocks 1, 2, 3, 4, and 5 as shown on Diagram 3 to By-law 1166-2019;
  
- (P) All **buildings** containing **dwelling units** must contain:
  - (i) a minimum of 33 percent of **dwelling units** with two bedrooms; and
  - (ii) a minimum of 9 percent of **dwelling units** with three or more bedrooms;
  
- (Q) Despite section (P) above, when buildings containing dwelling units have been erected on four of the five Blocks, exclusive of Block 6, as shown on Diagram 3 to By-law 1166-2019, then the **dwelling unit** mix for the remaining Block must ensure the following:
  - (i) a minimum of 37 percent of the total number of **dwelling units** on Blocks 1, 2, 3, 4, and 5 are two bedroom **dwelling units**;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** on Blocks 1, 2, 3, 4, and 5 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**;

- (R) No **building** may be erected or used on a **lot** subject to street-related "Priority Uses" as shown on Diagram 6 to By-law 1166-2019 unless a minimum of 20 percent of the length of the exterior **main wall** along the "Priority Uses" frontage indicated by heavy black lines on Diagram 6 to By-law 1166-2019, at the first **storey** above ground is occupied by non-residential uses that have a maximum **interior floor area** of 400 square metres or less per retail unit;
- (S) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 120.95 metres to the highest point of a building or structure, except for those **building** elements and **structures** permitted to project above the heights shown on Diagrams 4 and 5 to By-law 1166-2019 in section (U) below;
- (T) Despite regulation 40.10.40.10(2), the height of a **building** or **structure** may not exceed the height limits of the numbers following the symbol HT on Diagrams 4 and 5 to By-law 1166-2019;
- (U) Despite section (T) above, a **building** or **structure** erected within an Angular Plane Zone on Diagram 4 or 5 to By-law 1166-2019 will be consistent with the following:
- (i) a **building** or **structure** erected within Angular Plane Zone 1 on Diagram 5 to By-law 1166-2019, 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 at a height of 26.0 metres measured from the Canadian Geodetic Datum elevation of 120.95 metres, as indicated on Diagrams 4 and 5 to By-law 1166-2019. See Diagram 9 to By-law 1166-2019 for how an **angular plane** angle is measured;
  - (ii) a **building** or **structure** erected within Angular Plane Zone 2 on Diagrams 4 and 5 to By-law 1166-2019, 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 at a height of 28.5 metres measured from the Canadian Geodetic Datum elevation of 120.95 metres, as indicated on Diagrams 4 and 5 to By-law 1166-2019. See Diagram 9 to By-law 1166-2019 for how an angular plane angle is measured; and
  - (iii) a **building** or **structure** erected within Angular Plane Zone 3 on Diagrams 4 and 5 to By-law 1166-2019, 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 at a height of 26.0 metres measured from the Canadian Geodetic Datum elevation of 120.95 metres, as indicated on Diagrams 4 and 5 to By-law 1166-2019. See Diagram 9 to By-law 1166-2019 for how an angular plane angle is measured;

- (V) Despite section (T) above, a **building** or **structure** erected within a Slope Zone on Diagram 4 or 5 to By-law 1166-2019 will be consistent with the following:
- (i) a **building** or **structure** erected within the Slope Zone 1 on Diagram 5 to By-law 1166-2019, must be contained within the slope between the height of 55.5 metres and 73.5 metres, as indicated on Diagram 5 to By-law 1166-2019;
  - (ii) a **building** or **structure** erected within the Slope Zone 2 on Diagram 5 to By-law 1166-2019, must be contained within the slope between the height of 41.4 metres and 73.5 metres, as indicated on Diagram 5 to By-law 1166-2019;
  - (iii) a **building** or **structure** erected within the Slope Zone 3 on Diagram 5 to By-law 1166-2019, must be contained within the slope between the height of 30.0 metres and 37.5 metres, as indicated on Diagram 5 to By-law 1166-2019; and
  - (iv) a **building** or **structure** erected within the Slope Zone 4 on Diagram 5 to By-law 1166-2019, must be contained within the slope between the height of 29.5 metres and 41.5 metres, as indicated on Diagram 5 to By-law 1166-2019;
- (W) Despite regulations 40.5.40.10(3), (4), (5), (6), and (7), and 5.10.60.1(2), (3) and (4), and sections (T), (U) and (V) above, the following **building** elements and **structures** are permitted to project above the heights shown on Diagrams 4 and 5 to By-law 1166-2019:
- (i) 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 may project a maximum of 3.0 metres above the height shown on Diagrams 4 and 5 to By-law 1166-2019;
  - (ii) 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 Diagram 5, may project a maximum of 4.0 metres above the height shown on Diagrams 4 and 5 to By-law 1166-2019;
  - (iii) public art features, mechanical equipment, exoskeleton **structures**, stairs, stair towers and enclosures, enclosures of mechanical equipment, unenclosed heating equipment, may project a maximum of 6.0 metres above the height shown on Diagrams 4 and 5 to By-law 1166-2019;

- (iv) 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** may project a maximum of 6.9 metres above the height shown on Diagrams 4 and 5 to By-law 1166-2019; and
  - (v) window washing equipment including Building Maintenance Unit (BMU) may project above the height shown on Diagrams 4 and 5 to By-law 1166-2019;
- (X) Despite sections (T), (U) and (V) above and regulations 5.10.40.70(1), (2) and (4), 40.5.40.60(1), 40.5.40.70(1), 40.10.40.60(1), (2), (3), (4), (5), (6), (7), (8) and (9), 40.10.40.70(2) and (4), 40.10.40.80(2), and 5.10.60.1(4), no portion of a **building** or **structure** erected or used above ground level may be located otherwise than wholly within the **building** envelopes delineated by the heavy lines specified on Diagrams 4 and 5 to By-law 1166-2019, with the exception of the following (the "**Building** Elements and Encroachments"):
- (i) eaves, window sills, damper equipment to reduce **building** movement, architectural flutes, pillars and satellite dishes may encroach a maximum of 1.0 metre beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019;
  - (ii) balconies, inclusive of any exoskeleton **structures** and exoskeleton cladding may encroach a maximum of 2.5 metres beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019, excluding slope zones;
  - (iii) pergolas, guardrails, balustrades, railings, decorative / acoustic doors and screens, light fixtures, awnings and canopies, excepting the canopy located within the canopy zone on Diagram 5, may encroach a maximum of 3.0 metres beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019;
  - (iv) trellises and planters may encroach a maximum of 5.0 metres beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019;
  - (v) ventilation shafts, and elements required for the functional operation of a **building**, site servicing features, stairs, stair enclosures, wheelchair ramps, fences may encroach a maximum of 6.0 metres beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019; and
  - (vi) public art installations, art and landscape features and window washing equipment including Building Maintenance Unit (BMU) may encroach beyond any **building** envelope limit shown on Diagrams 4 and 5 to By-law 1166-2019;

- (Y) Despite sections (T), (W), and (X) above and regulation 40.5.40.60(1), a canopy located within the Canopy Zone on Diagram 5 to By-law 1166-2019 may project between 10.0 and 19.0 metres above the heights shown on Diagram 5 to By-law 1166-2019 and may be located outside the **building** envelopes delineated by the heavy lines specified on Diagram 5 to By-law 1166-2019;
- (Z) None of the provisions of this By-law will 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 Diagrams 4 and 5 attached to By-law 1166-2019;
- (AA) Despite section (X) above, balconies are not permitted to project beyond the **building** envelope in the Balcony Restriction Zone as shown on Diagram 8 to By-law 1166-2019;
- (BB) Despite section (X) above, the first **storey** of a **building** located on Block 1, as indicated on Diagram 3 to By-law 1166-2019, must be set back a minimum of 6.5 metres from a **lot line** abutting Dufferin Street for a minimum distance of 50.0 metres running south, measured from the north-eastern most corner of the **building**. For the purposes of this provision, the setback must be taken from the **lot line** along Dufferin Street as it existed on May 1, 2018 despite any future conveyance;
- (CC) Despite regulation 40.10.40.60(1)(C), a platform attached to the front **main wall** of a **building** with a floor level higher than the floor level of the first **storey** of the **building** may be located immediately above the first **storey** of the **building** and may project beyond the front **main wall** of the **storeys** below;
- (DD) Despite regulation 5.10.40.70(2), and the **building** envelopes shown on Diagrams 4 and 5 to By-law 1166-2019, required minimum **building setbacks** do not apply to the parts of a **building** or **structure** that are below-ground and nothing in this By-law will prevent underground parking or underground **structures** from extending to the **lot** lines as defined by heavy lines on Diagram 1 to By-law 1166-2019;
- (EE) The areas identified as "tower zones" on Diagrams 4 and 5 to By-law 1166-2019 on Diagram 3 to By-law 1166-2019, are subject to the following:
- (i) for the purposes of this subsection, for Blocks 2, 4 and 5 on Diagram 3 to By-law 1166-2019 "tower" means a **building** or portions of a **building** which collectively enclose the entirety of a **storey** at an elevation higher than the Canadian Geodetic Datum elevation of 163.95 metres (43.0 metres of **building** height relative to the Canadian Geodetic Datum elevation of 120.95 metres);



- (ii) for the purposes of this subsection, for Block 3 on Diagram 3 to By-law 1166-2019 "tower" means a **building** or portions of a **building** which collectively enclose the entirety of a **storey** at an elevation higher than the Canadian Geodetic Datum elevation of 175.95 metres (55.0 metres of **building** height relative to the Canadian Geodetic Datum elevation of 120.95 metres);
  - (iii) the floor plate of each tower at an elevation higher than the Canadian Geodetic Datum elevation of 163.95 metres on Blocks 2, 4 and 5 on Diagram 3 to By-law 1166-2019 must have a maximum **gross floor area** of 750 square metres measured from the exterior of the **main wall** of such floor level, and subject to the floor area reductions of regulation 40.5.40.40(3);
  - (iv) the floor plate of each tower at an elevation higher than the Canadian Geodetic Datum elevation of 175.95 metres on Block 3 on Diagram 3 to By-law 1166-2019 must have a maximum **gross floor area** of 750 square metres measured from the exterior of the **main wall** of such floor level, and subject to the floor area reductions of regulation 40.5.40.40(3);
  - (v) despite regulation 40.10.40.80(2), each **main wall** of a tower must be separated by at least 25.0 metres from a **main wall** of each other tower;
  - (vi) if a line projected at a right angle from a **main wall** of a tower intercepts another **main wall** of the same tower, those **main walls** must be separated by a minimum of 25.0 metres;
  - (vii) despite subsections (v) and (vi), the **Building** Elements and Encroachments of section (X) above are permitted to encroach into the required separation distances of subsections (v) and (vi) above; and
  - (viii) despite subsections above, **buildings** or portions of **buildings** permitted to be greater in height than 43.0 metres on Diagrams 4 and 5 to By-law 1166-2019, that are not located within an area identified as a "tower zone" on Diagrams 4 and 5 to By-law 1166-2019, are not subject to subsections (i), (ii), (iii) and (iv) above, but are subject to subsections (v), (vi), and (vii) above;
- (FF) Despite regulation 40.10.40.50(1), **amenity space** must be provided on each of Blocks 1, 2, 3, 4, and 5, as shown on Diagram 3 to By-law 1166-2019, in accordance with the following:
- (i) indoor **amenity space** must be provided at a minimum rate of 1.5 square metres for each **dwelling unit**; and

- (ii) outdoor **amenity space**, which is not required to be directly accessible from indoor **amenity space**, must be provided in accordance with the following:
  - (a) minimum rate of 1.3 square metres for each **dwelling unit** on Block 1;
  - (b) minimum rate of 3.0 square metres for each **dwelling unit** on Block 2;
  - (c) minimum rate of 1.2 square metres for each **dwelling unit** on Block 3;
  - (d) minimum rate of 1.0 square metres for each **dwelling unit** on Block 4; and
  - (e) minimum rate of 1.3 square metres for each **dwelling unit** on Block 5;
  
- (GG) Despite 40.10.40.1(1), indoor and outdoor residential **amenity space** may be located on the same level as non-residential use portions of a **building**;
  
- (HH) Despite regulation 200.5.1.10(2), a maximum of 10 percent of the total **parking spaces** provided on a **lot** may have a minimum width of 2.6 metres, despite being obstructed according to regulation 200.5.1.10(2)(D);
  
- (II) Despite regulation 200.5.1(2), clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following and may be located on any of the Blocks as shown on Diagram 3 to By-law 1166-2019:
  - (i) for a **dwelling unit** used for affordable housing in a **mixed use building**, resident / tenant **parking spaces** at a minimum rate of 0.45 for each **dwelling unit** where:
    - (a) "affordable housing" means rents which do not exceed the CMHC rent; and
    - (b) "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;
  
  - (ii) for a **dwelling unit** in a **mixed use building**, not captured in section (II)(i) above, resident/tenant **parking spaces** at a minimum rate of:
    - (a) 0.6 for each bachelor **dwelling unit**;

- (b) 0.7 for each one bedroom **dwelling unit**;
  - (c) 0.9 for each two bedroom **dwelling unit**; and
  - (d) 1.0 for each three or more bedroom **dwelling unit**;
- (iii) **Parking spaces** for all other uses in accordance with the following:
- (a) AM = 6 a.m. to Noon (Morning), PM = Noon to 6 p.m. (Afternoon) and Eve = 6 p.m. to 6 a.m. (Evening);
  - (b) minimum parking rate of 1.0 **parking spaces** for each 100 square metres of **gross floor area** used for non-residential uses, exclusive of office, **eating establishment, take-out eating establishment** and **community centre** at a parking occupancy rate of 20 percent in the AM, 100 percent in the PM and 100 percent in the Eve;
  - (c) minimum parking rate of 0.35 **parking spaces** for each 100 square metres of **gross floor area** used for office at a parking occupancy rate of 100 percent in the AM, 60 percent in the PM and 0 percent in the Eve; and
  - (d) minimum parking rate of 0.1 **parking spaces** for each **dwelling unit** at a parking occupancy rate of 10 percent in the AM, 35 percent in the PM and 100 percent in the Eve for the purposes of **Dwelling Unit** in a **Mixed Use Building** – Visitors;
- (iv) the minimum number of **parking spaces** required on the lands zoned CR 0.6 (c0.6; r0.6) SS2 (x185), as shown on Diagram 2 to By-law 1166-2019, based on subsection (iii) above is determined as follows:
- (a) for each of the morning, afternoon and evening parking periods identified in subsection (iii) 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 on a **lot** is equal to the largest number of **parking spaces** required for any parking period;
- (v) no parking is required for **eating establishment, take-out eating establishment** or **community centre** uses;
- (vi) car-share **parking spaces** are permitted;

- (vii) for each car-share **parking space** provided, the minimum number of **parking spaces** for residents/tenants required, may be reduced by four **parking spaces** where:
  - (a) "car-share" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
  - (b) a "car-share **parking space**" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes;
  
- (vii) the maximum number of car-share **parking spaces** that may be provided on any Block for each of the Blocks shown on Diagram 3 to By-law 1166-2019, 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;
  
- (JJ) Despite regulations 40.5.80.1(1), 40.5.80.10(1) and 200.5.1(2), the **parking spaces** required in section (II)(iii) above, may be:
  - (i) provided on a non-exclusive basis;
  - (ii) provided within a **public parking** facility; and
  - (iii) provided on a Block within 350 metres of the Block containing the use for which the **parking space** is required;
  
- (KK) Despite regulation 200.5.1.10(12), the **vehicle** entrance or exit to a **building** may be 0 metres from the **lot line** abutting a **street**;
  
- (LL) Despite regulation 40.10.100.10(1)(c), more than one **vehicle** access is permitted on Blocks 3 and 5 as shown on Diagram 3 to By-law 1166-2019;
  
- (MM) Despite section 200.15 and By-law 579-2017, accessible **parking spaces** must 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**;
- (NN) Despite clauses 220.5.1.10 and 220.5.10.1 and regulation 40.10.90.1(1), **loading spaces** must be provided and maintained in accordance with the following standards:
- (i) for each **building** containing **dwelling units**, only one **loading space** is required in the form of a Type "G" loading space;

- (ii) despite the requirements above and clauses 220.5.1.10 and 220.5.10.1, the minimum **loading space** requirement for a **lot** is the total of subsections (a), (b) and (c) below where two or more of the following non-residential uses are situated on a lot: office, **retail store**, **eating establishment**, **take-out restaurant** or **personal service shop**:
  - (a) the minimum number of required **loading spaces** Type "B" on a **lot** 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 on the **lot** not listed above;
  - (b) the minimum number of required **loading spaces** Type "C" on a **lot** 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 on the **lot** 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 on a **lot** will be deemed to be satisfied by the provision and maintenance of a **loading space** Type "G" required for residential uses on the **lot**;
- (iii) despite clauses 220.5.1.10 and 220.5.10.1, only one **loading space** Type "G" and one **loading space** Type "B" are required for the **buildings** on Block 2 as shown on Diagram 3 to By-law 1166-2019; and
- (iv) despite clauses 220.5.1.10 and 220.5.10.1, only one **loading space** Type "G" and one **loading space** Type "B" are required for the **buildings** on Block 4 as shown on Diagram 3 to By-law 1166-2019;
- (OO) Despite regulation 220.5.20.1(2), the maximum permitted slope of a **driveway** leading to any **loading space** is 15.0 percent;
- (PP) Despite regulation 40.10.90.40(3), a **loading space** may have its **vehicle** access through a **main wall** that faces a **street**;
- (QQ) 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) despite subsections (i) and (ii) above, the maximum permitted slope within 6.0 metres of a property line is 5.0 percent;

- (RR) Despite regulations 230.5.1.10(3)(A), (6) and (9), "long-term" **bicycle parking spaces** may be located outside or inside a **building**;
- (SS) Despite regulations 230.5.1.10(3)(B), and 230.50.1.20(1) and (2), "short-term" **bicycle parking spaces** may be located outside or inside a **building**;
- (TT) Despite clause 230.40.1.20 and regulation 230.5.1.10(8), **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;
- (UU) Despite regulation 230.5.1.10(7), no shower and change facilities are required to be provided;
- (VV) Despite section (UU) above, one shower and change facility must be provided in a **building** on Block 3 as shown on Diagram 3 to By-law 1166-2019 and one shower and change facility must be provided in a **building** on Block 5 as shown on Diagram 3 to By-law 1166-2019;
- (WW) None of the provisions of this By-law will apply to prevent the existing **building(s)**, as of May 1, 2018, on the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019, from being used for any purpose existing on such lands as of May 1, 2018 or for any use listed in regulations 40.10.20.10(1) and 40.10.20.20(1) that are permitted under the letter "C" of the CR zone;
- (XX) None of the provisions of this By-law will apply to prevent the use of the existing **parking spaces** or **loading spaces**, as of May 1, 2018, on the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019;
- (YY) Despite regulations 40.10.80.20(1) and (2), existing **parking spaces** may be setback 0.0 metres from a **lot line** in the Open Space Zone category;
- (ZZ) The use exceptions in sections (XX) and (YY) above will apply to the remaining portions of the existing **building(s)** that remain on the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019, after demolition of portions of the existing **building(s)** provided that:
- (i) a minimum of fifty (50) **parking spaces** are provided; and
  - (ii) a minimum of one Type "B" **loading space** is provided;
- (AAA) Additions to the existing **building(s)** are permitted and may be occupied by any use permitted in section (YY) above, provided that:
- (i) the **gross floor area** of the addition(s) does not exceed an aggregate total of 1,300 square metres;

- (ii) the setback of the existing **building(s)** from the **lot lines** along Dupont Street and Dufferin Street, as it existed on May 1, 2018 as shown on Diagram 7 to By-law 1166-2019 as Line A, is the minimum required **building setback** for any additions to the existing **building(s)**;
  - (iii) **parking spaces** for additions to the existing **building(s)** will be provided in compliance with the requirements in section (ZZ) above; and
  - (iv) no additions are permitted to Building 1, as shown on Diagram 7 to By-law 1166-2019;
- (BBB) Section (AAA) above, does not apply to the **community centre** identified on Diagram 7 to By-law 1166-2019;
- (CCC) None of the provisions of this By-law will apply to prevent a temporary sales office from being erected or used on the lands zoned CR 0.6 (c0.6; r0.6) SS2 (x185), as shown on Diagram 2 to By-law 1166-2019; and
- (DDD) Despite any existing or future severances, partition, or division of the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019, the provisions of this exception will apply to the whole of the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019 as if no severance, partition, or division had occurred.

Prevailing By-laws and Prevailing Sections (None Apply)

## **OPEN SPACE RECREATION – BLOCK 6**

5. Zoning By-law 569-2103, as amended, is further amended by adding to Article 900.42.10 Exception Number (28) so that it reads as follows:

### **Exception OR(28)**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite regulation 90.5.40.10(1), the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 120.95 metres and the elevation of the highest point of that **building** or **structure**;
- (B) Despite regulation 90.30.40.10(1), the permitted maximum height for a **building** or **structure** is 20 metres;
- (C) Despite regulation 90.30.40.70(1), no minimum **front yard setback** is required;



- (D) Despite regulation 90.30.40.70(2)(A), the minimum **rear yard setback** and **side yard setback** is 5.0 metres, if a **lot** abuts a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
- (E) Despite regulation 200.5.10.1(1), **parking spaces** are not required for a **community centre**.

Prevailing By-laws and Prevailing Sections (None Apply)

6. Section 37 Provisions:

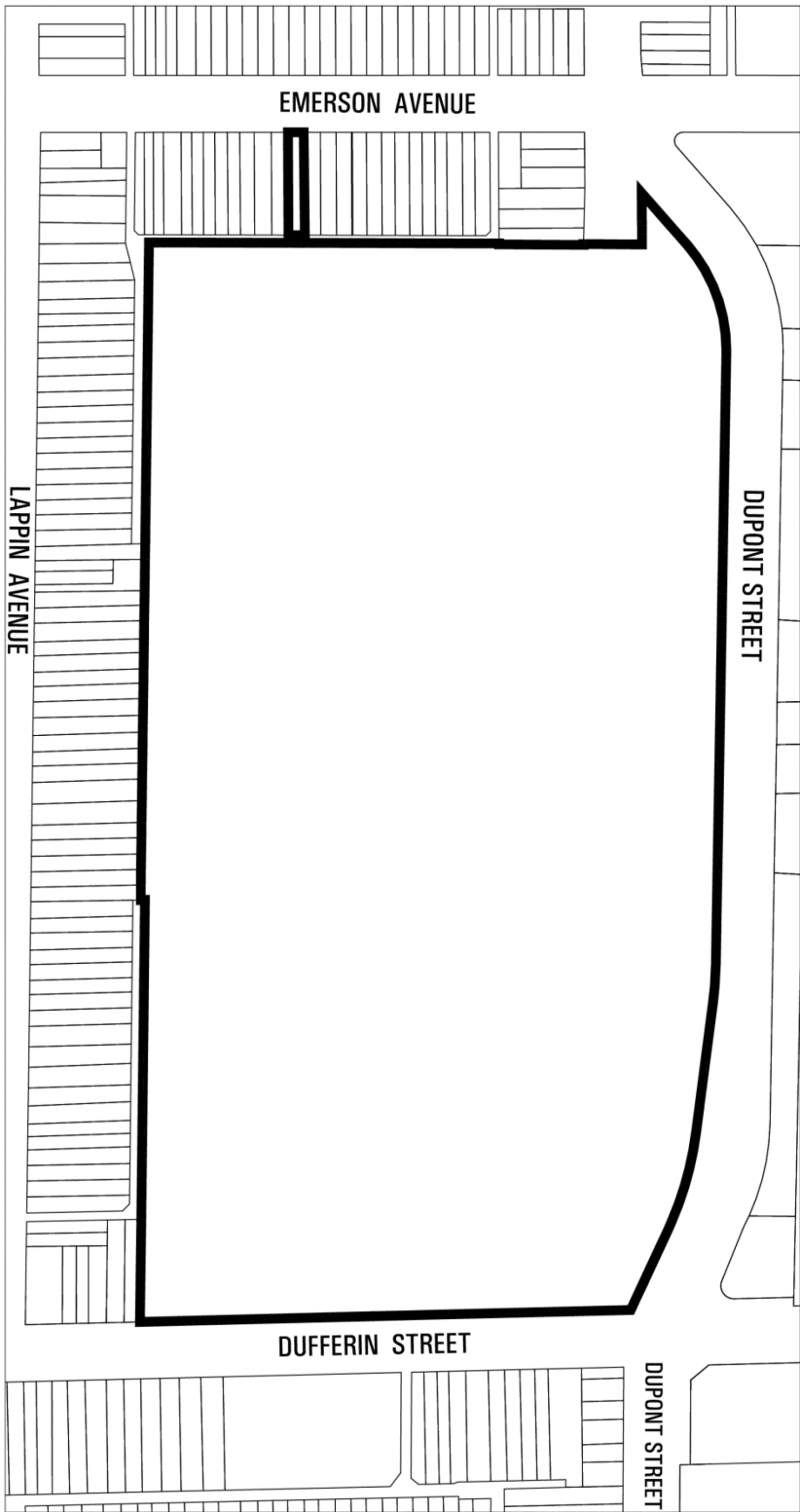
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 to By-law 1166-2019 in return for the provision by the owner, of the facilities, 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 in priority 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, the lands as permitted by By-law 1166-2019, unless or until the owner has executed and registered in priority an agreement or agreements pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, securing the provision of facilities, services and matters set out in all provisions of Schedule A of By-law 1166-2019. For clarity, this requirement will not prevent any of the uses existing on such lands as of May 1, 2018 or for any use listed in regulations 40.10.20.10(1) and 40.10.20.20(1) that are permitted under the letter "C" of the CR zone on the lands outlined by heavy black lines on Diagram 1 to By-law 1166-2019, or prevent any addition to or alteration of an existing **building** as permitted by By-law 1166-2019.

Enacted and passed on July 18, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

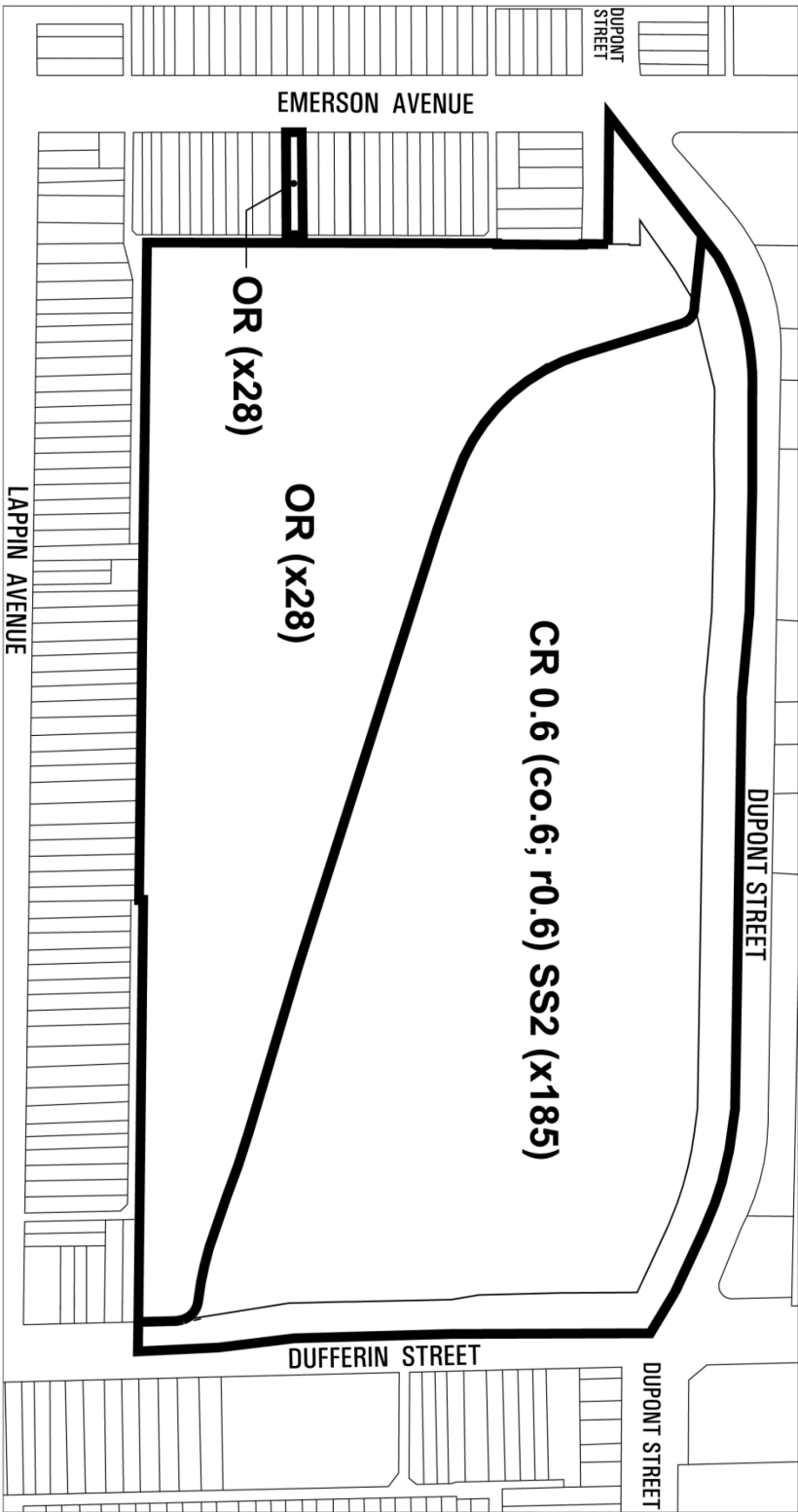


**City of Toronto**  
Diagram 1

**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



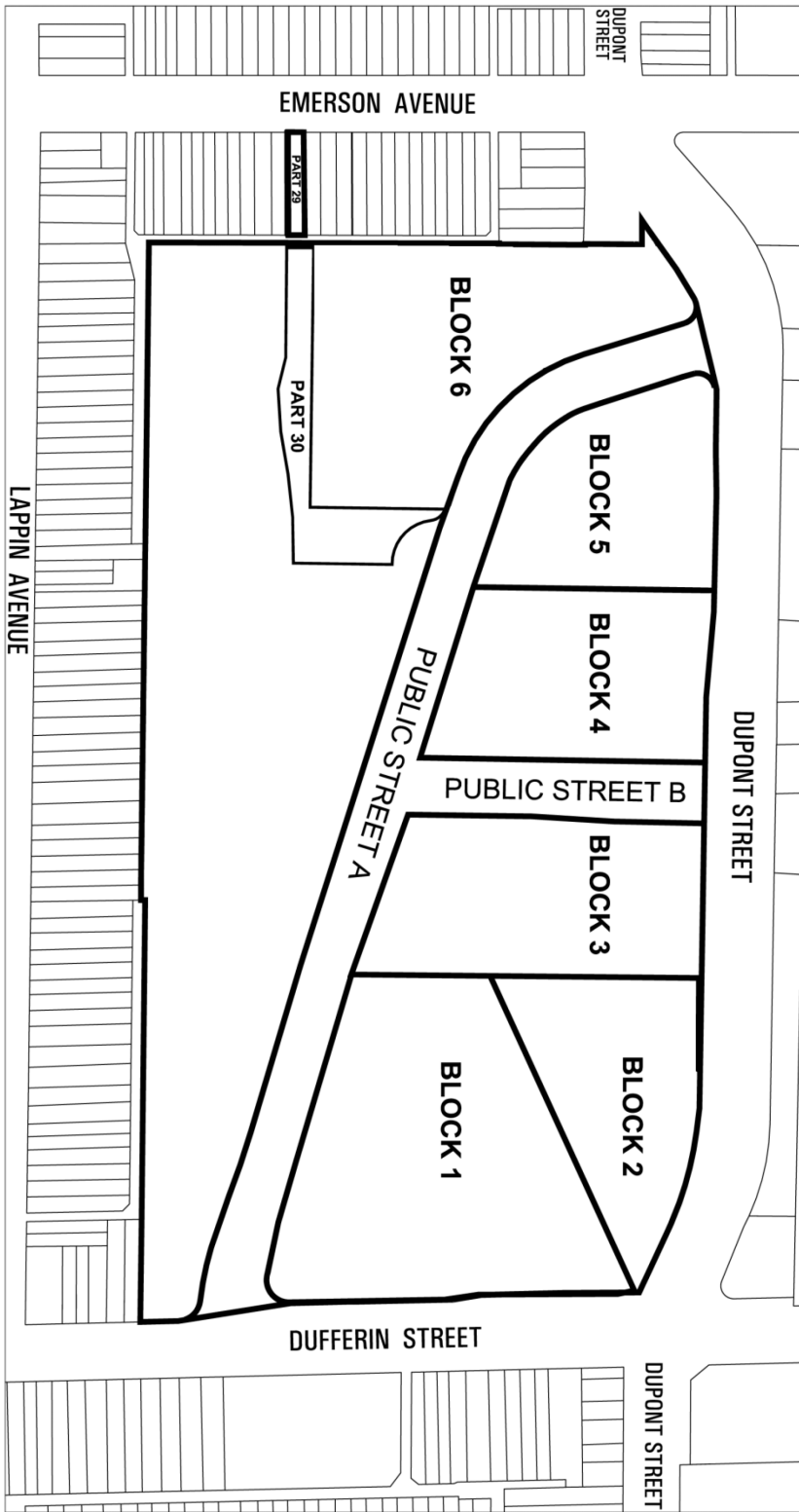


**City of Toronto**  
Diagram 2

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



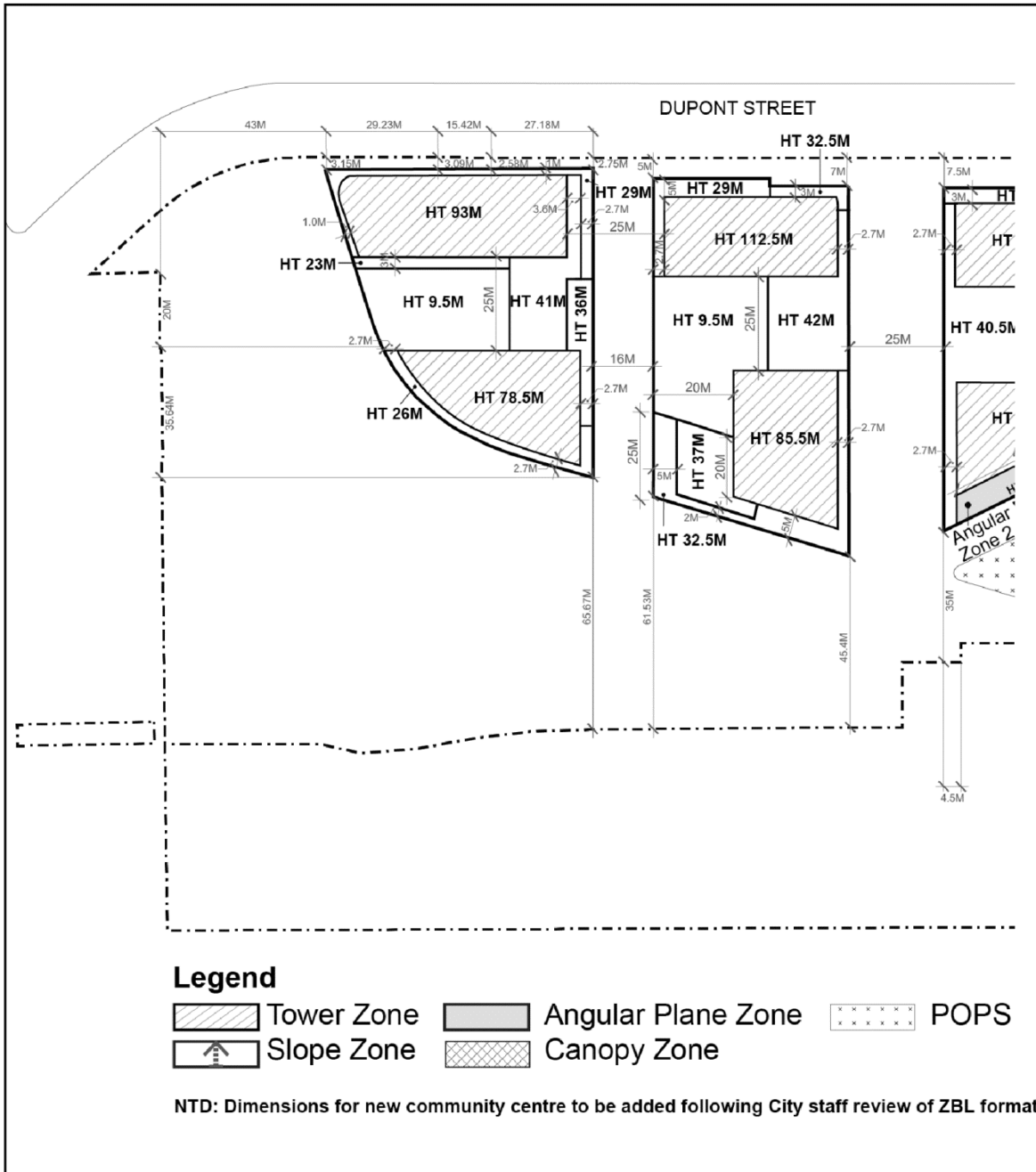


**City of Toronto**  
Diagram 3

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

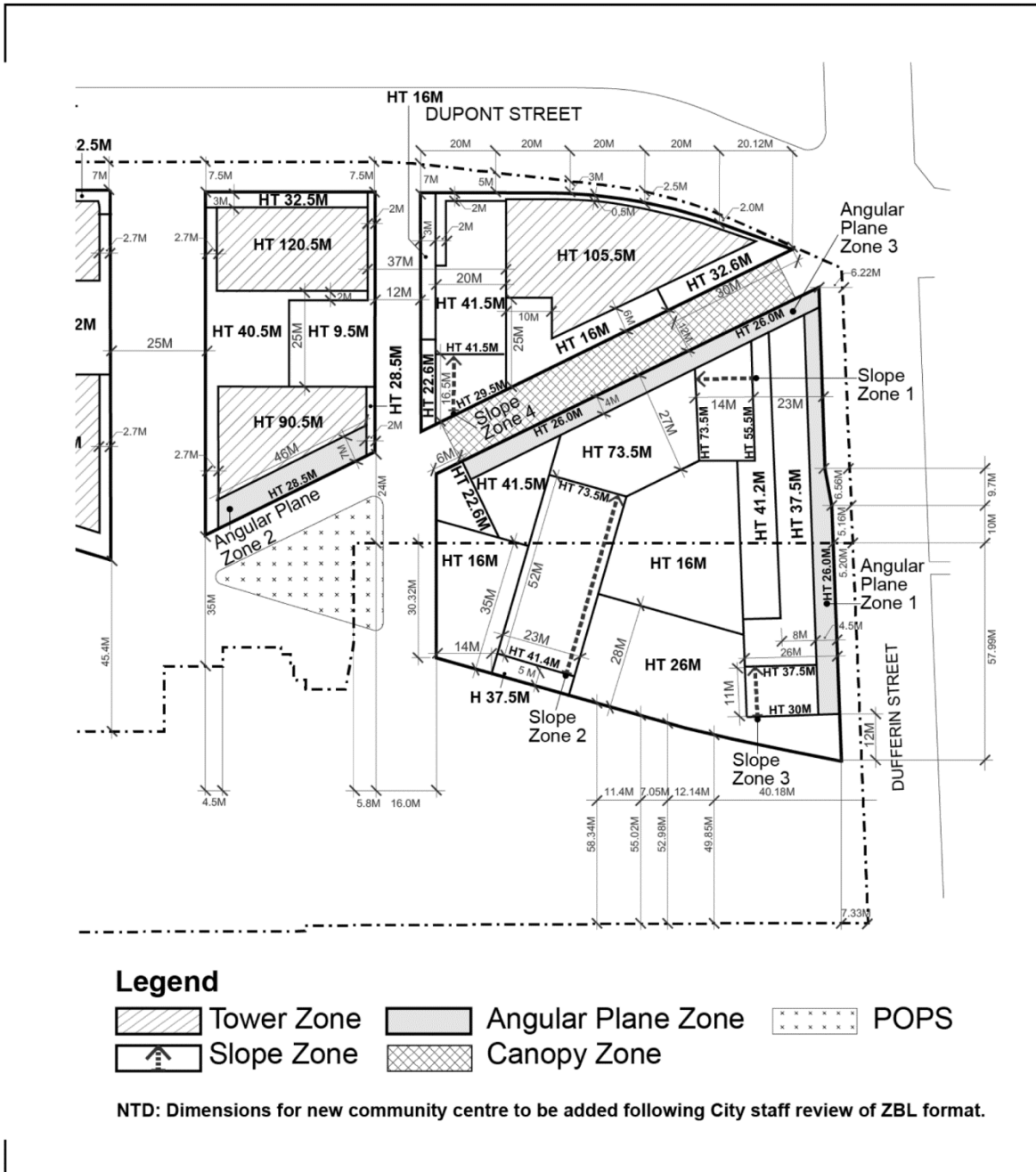




**TORONTO**  
 Diagram 4

1245 Dupont Street, 1260 Dufferin Street  
 and 213 Emerson Avenue

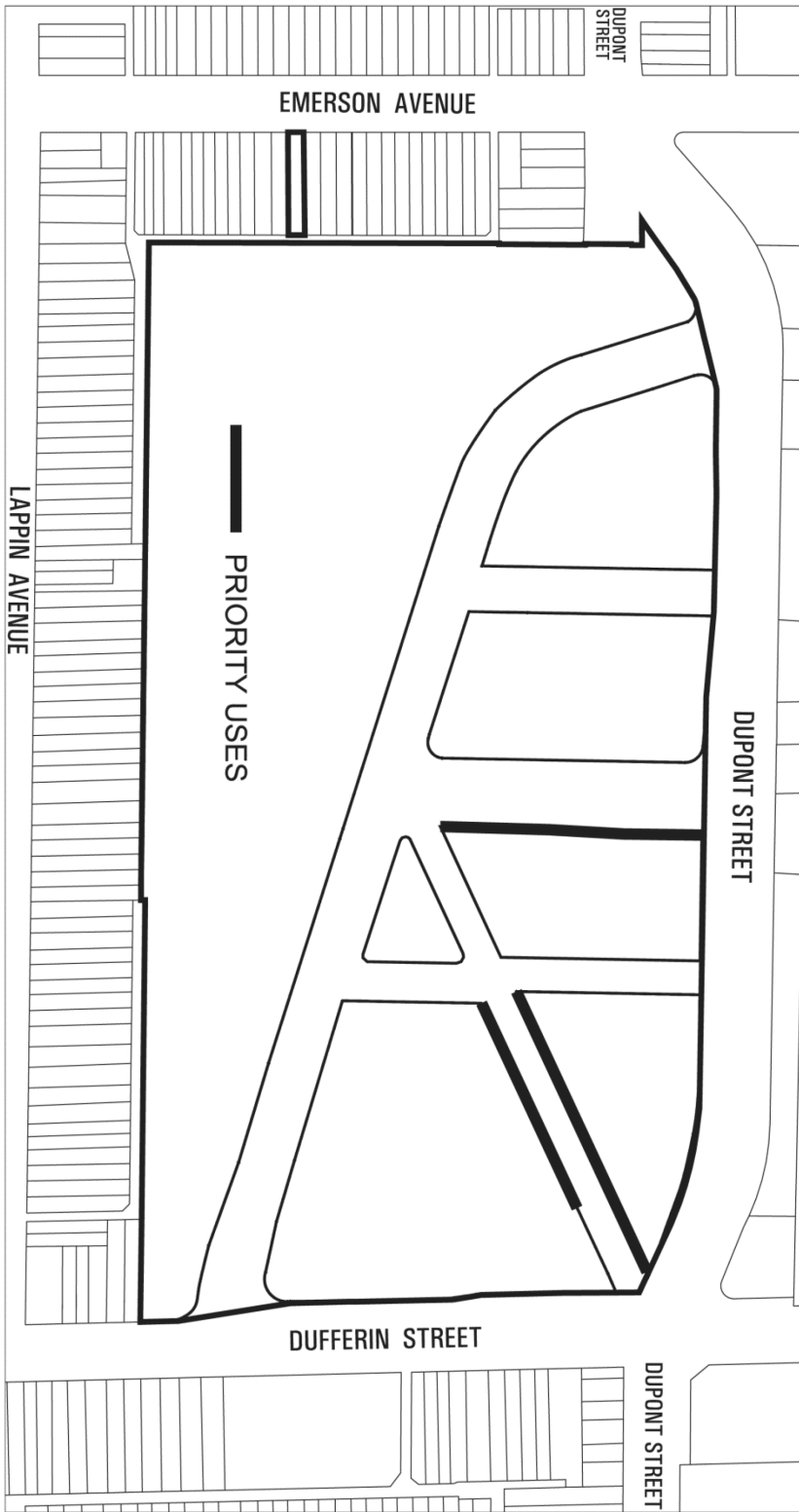
File # 16231334 STE 18 0Z



**TORONTO**  
 Diagram 5

1245 Dupont Street, 1260 Dufferin Street  
 and 213 Emerson Avenue

File # 16231334 STE 18 0Z

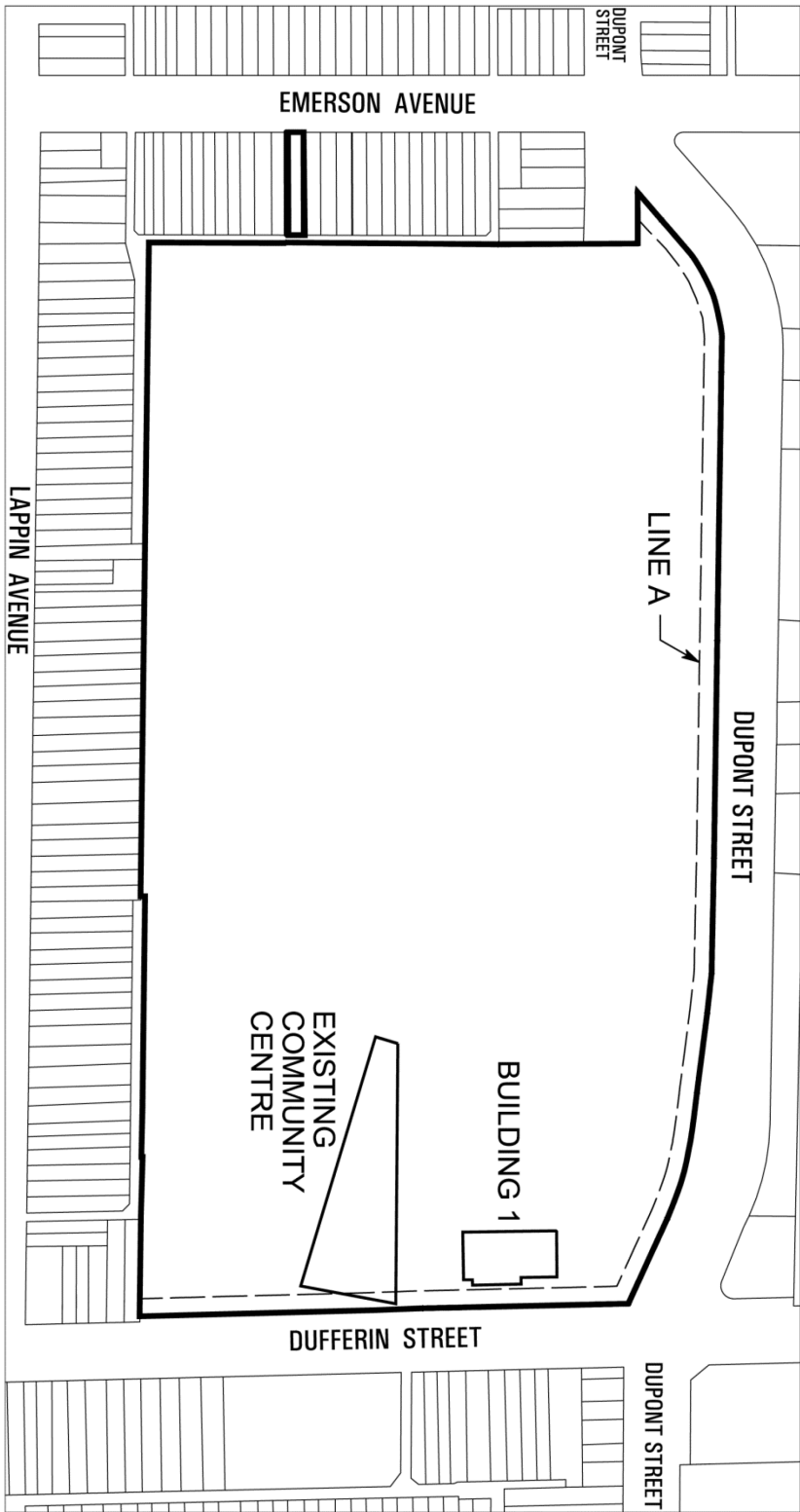


**City of Toronto**  
Diagram 6

1245 Dupont Street, 1260 Dufferin Street  
and 213 Emerson Avenue  
File # 16 231334 STE 18 02

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





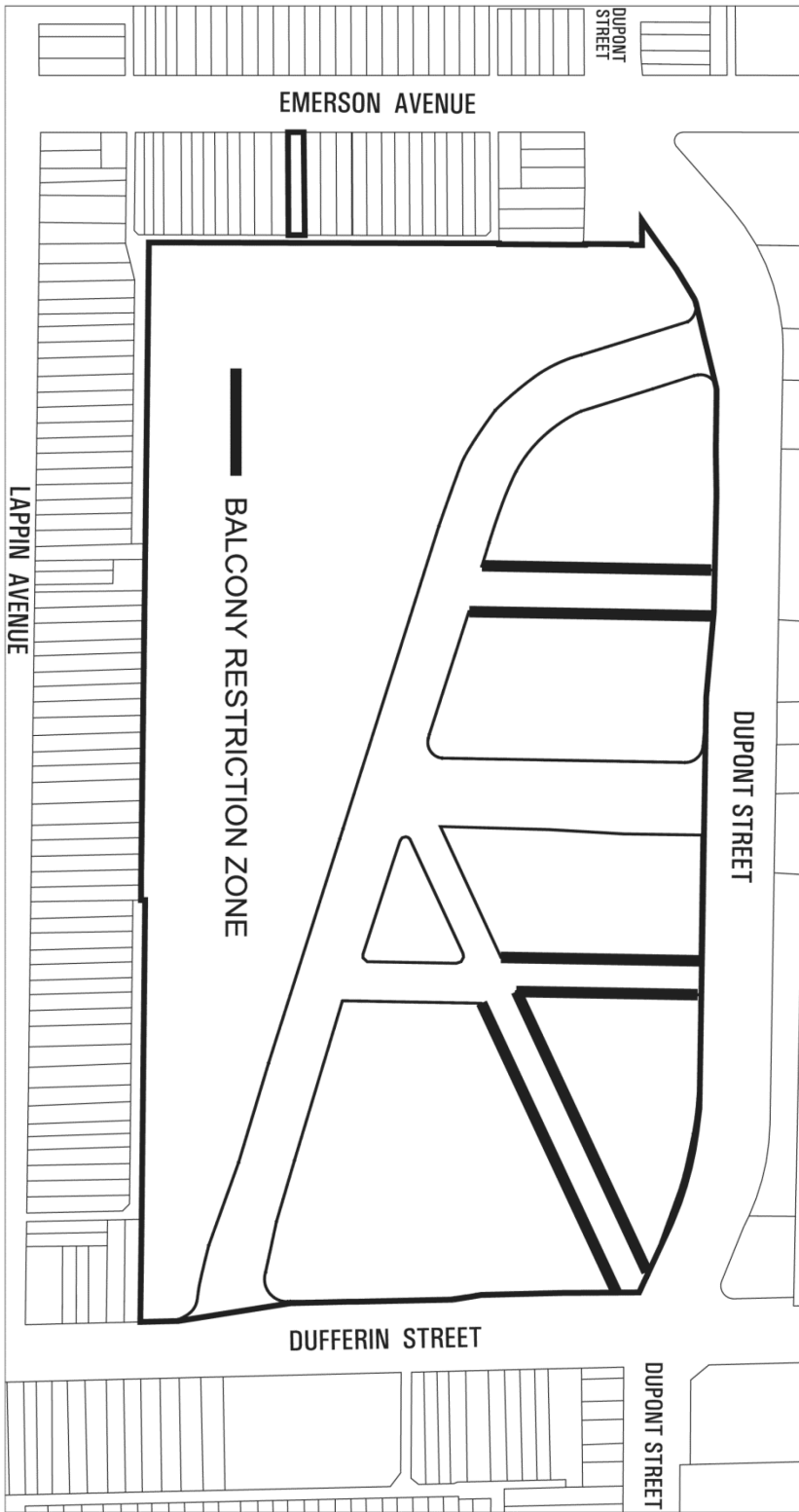
**City of Toronto**  
Diagram 7

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  
06/06/2019







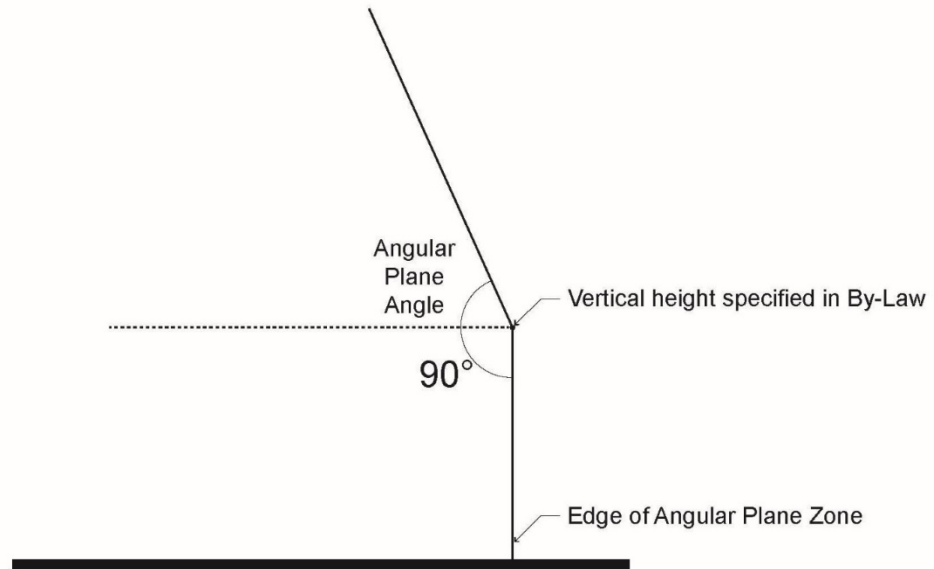
**City of Toronto**  
Diagram 8

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  
06/06/2019



**Diagram 9**  
Angular Plane Zone



1245 Dupont Street, 1260 Dufferin Street  
& 213 Emerson Avenue

**SCHEDULE A**  
**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 Diagram 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 Diagram 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 Schedule A, said funds being indexed under that Agreement) to guarantee the owner's construction of a new community centre on Block 6 as shown on Diagram 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 Diagram 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 Diagram 3 to this By-law, the issuance of the first above-grade building permit for Block 2 as shown on Diagram 3 to this By-law, and the issuance of the first above-grade building permit for Block 3 as shown on Diagram 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 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 Diagram 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 Diagram 3 to this By-law, and the issuance of the first above-grade building permit for Block 6 as shown on Diagram 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 (a) 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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 Diagram 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;
- (dd) 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
- (ee) 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.