

Authority: Toronto and East York Community Council
Item TE15.1, as adopted by City of Toronto Council on
June 29 and 30, 2020

CITY OF TORONTO

BY-LAW 648-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 1467 Bathurst Street and 490 St Clair Avenue West.

Whereas Council of the City of Toronto has the authority to 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 provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

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

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

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

The Council of the City of Toronto enacts:

1. The **lands** subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions unless otherwise defined herein.
3. Zoning By-law 569-2013, as amended, is further amended by adding the **lands** subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these **lands**: CR 3.0 (c2.0; r2.0) SS2 (x261) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the **lands** subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these **lands**: PA3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the **lands** subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the **lands** subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these **lands**: HT 16.0, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the **lands** subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number x261 so that it reads:

Exception CR x261

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 1467 Bathurst Street and 490 St Clair Avenue West, if the requirements of Section 12 and Schedule A of By-law 648-2020 are complied with, **buildings and structures** in compliance with (B) to (II) below may be erected and used;
- (B) The **lands** consist of the area within the heavy lines as shown on Diagram 1 of By-law 648-2020;
- (C) Despite regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 157.34 metres in the year 2020 and the elevation of the highest point of the **building or structure**;
- (D) Despite regulations 40.10.40.10(2), 40.10.40.10(7), and (E) below:
 - (i) the westerly tower is permitted to have a maximum of 35 **storeys**, plus an additional **storey** for **amenity space**; and
 - (ii) for the purpose of determining compliance with D(i) above, the mechanical penthouse and the mezzanine containing the community centre use shall not be considered a **storey**;

- (E) Despite regulation 40.10.40.10(2), no portion of a **building** or **structure** erected on the **lands** may exceed the height in metres specified by the numbers following "HT" on Diagram 7 of By-law 648-2020 as follows;
- (F) Despite (E) above, and regulations 40.5.40.10(4), (5), (6) & (7) and 40.5.75.1(2)(A)(ii), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 7 of By-law 648-2020:
- (i) **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, **ancillary structures**, retaining walls, and ornamental or architectural features by no more than 2.0 metres;
 - (ii) elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - (iii) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, garbage chutes, emergency generators and lighting fixtures by no more than 2.5 metres;
 - (iv) elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences by no more than 2.75 metres;
 - (v) cabanas and trellises by no more than 3.6 metres;
 - (vi) wind mitigation features by no more than 3.0 metres;
 - (vii) mechanical screening and heating/cooling towers by no more than 8.0 metres;
 - (viii) window washing equipment, lightning rods, decorative lighting canopy and public art features; and,
- (G) Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and above ground separation distance between **main walls** in metres are as shown on Diagram 7 of By-law 648-2020;
- (H) Despite (G) above and regulations 5.10.40.70(1) and 40.10.40.60(2) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 7 of By-law 648-2020:
- (i) balconies may encroach no more than 2.0 metres;
 - (ii) cladding, wind mitigation features, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements,

- lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may encroach no more than 2.5 metres;
- (iii) canopies may encroach no more than 4.0 metres; and
 - (iv) public art features and all landscaping associated with the privately owned publically accessible space;
- (I) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures**, must not exceed 82,750 square metres, provided:
- (i) the residential **gross floor area** must not exceed 80,500 square metres; and
 - (ii) the non-residential **gross floor area** must not exceed 2,250 square metres;
- (J) A minimum of 10 percent of the total number of **dwelling units** must contain at least three bedrooms;
- (K) Despite regulation 200.5.10.1(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided as follows:
- (i) A minimum of 0.5 **parking spaces** per **dwelling unit** for residents;
 - (ii) A minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors;
 - (iii) A minimum of 1 **parking space** must be provided for a **day nursery** use;
 - (iv) A minimum of 1 **parking space** must be provided for a **community centre** use;
 - (v) with the exception of (K)(iii) and (K)(iv), no **parking spaces** are required for non-residential uses on the **lands**;
 - (vi) the **parking spaces** required by (K)(ii) may be provided on a non-exclusive basis within a **public parking** facility;
 - (vii) the **parking spaces** required by (K)(iii) and (K)(iv) must be provided on an exclusive basis within a **public parking** facility;
- (L) Despite Section (K) above, a reduction of four resident **parking spaces** is permitted for each on-site 'car-share parking space' provided, up to a maximum of 1 'car-share parking space' per 60 **dwelling units**;

- (M) **parking spaces** must comply with the **parking space** dimensions in regulation 200.5.1.10 with the exception that no more than 10 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one side;
- (N) Despite clause 200.15.1, accessible **parking spaces** must be provided as follows:
 - (i) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and
 - (iii) despite regulation 200.15.1(4) and 200.15.15.4(2), a maximum of 10 accessible **parking spaces** do not need to be the shortest route to the passenger elevator;
- (O) Despite regulation 40.10.40.1(1), **dwelling units** located in the central tower of the **building** may also be located on the same level or below non-residential use portions;
- (P) Despite regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum length of at least 1.6 metres;
- (Q) Despite regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres;
- (R) Despite regulation 230.5.1.10(7), no shower and change facilities are required;
- (S) Despite regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above-grade or on the P1 and P2 levels in the **building**;
- (T) Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- (U) Despite regulations 230.5.10.1(1), (3) and (5), and Table 230.5.10.1(1):
 - (i) at least 0.9 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;

- (ii) at least 0.1 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the **dwelling units**;
 - (iii) at least 1 **bicycle parking space** per 562 square metres of non-residential **gross floor area** must be allocated as long-term **bicycle parking spaces** for the non-residential uses;
 - (iv) at least 1 **bicycle parking space** per 281 square metres of non-residential **gross floor area** must be allocated as short-term **bicycle parking spaces** for the non-residential uses; and
 - (v) The number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction;
- (V) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located in a secured room or an unsecured room;
- (W) Despite the requirements of clause 220.5.10.1, **loading spaces** must be provided and maintained as follows:
- (i) one (1) Type "G" **loading space**; and
 - (ii) one (1) Type "B" **loading space**;
- (X) Despite regulation 40.10.100.10(1)(C), more than one **vehicle** access is permitted;
- (Y) Despite regulation 40.10.20.100(8), the entrance or exit to a **lot** with **public parking** may be through any zone category;
- (Z) In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
- (i) All open to below areas;
 - (ii) **public parking** below ground, inclusive of ramps and aisles above and below ground;
 - (iii) Hallways and elevator vestibules below ground; and
 - (iv) Electrical, utility, mechanical and ventilation rooms on any level of the **building**;
- (AA) Despite regulation 40.10.40.10(5), the minimum height of the first **storey** that contains **dwelling units** and the ground floor of the central tower must be at least 3 metres, and no other areas of the first storey shall have a minimum height requirement;

- (BB) With the exception of both indoor and outdoor **amenity space** including any enclosure required to access the **amenity space**, no residential **dwelling units** are permitted above a Canadian Geodetic Datum elevation of 273 metres in the year 2020 in the westerly tower;
- (CC) Despite 40.10.40.1(3), integrated townhouse units may be located so that another **building** is between any **main wall** of the **building** and the **street** on which the **building** fronts;
- (DD) Despite regulation 40.10.20.100(21)(B), the maximum area of each **outdoor patio** is 500 square metres;
- (EE) Despite regulation 40.10.20.100(33) and clause 150.100, there is no maximum **interior floor area** for an **eating establishment**;
- (FF) Despite regulations 40.5.40.60(1) the height limitation of 5.0 metres related to canopies does not apply;
- (GG) Despite clauses 40.10.90.40 and 40.10.100.10, access to a **loading space** and vehicle access to the **lots** will be from a private **driveway** on the north and east adjacent **lot** accessing both Bathurst Street and St Clair Avenue West;
- (HH) Despite regulations 220.5.20.1(1) and 220.5.20.1(2), the width and slope of the existing private **driveway** providing access to the proposed **loading spaces** as it existed in the year 2020 on the east and north adjacent **lots** shall be deemed to comply;
- (II) Despite regulation 200.5.1(3)(A), a maximum of 15 **parking spaces** can be accessed from a drive aisle with a width of at least 4.0 metres.

Prevailing By-laws and Prevailing Sections:

- (A) None apply.
 - (B) By-law 358-1998(OMB), former City of Toronto Zoning By-law 438-86, and former City of York Zoning By-law 1-83 shall not apply to the **lands** shown on Diagram 1 of By-law 648-2020.
9. Despite any existing or future severance, partition, or division of the **lands**, the provisions of this By-law will continue to apply to the whole of the **lands** shown on Diagram 1 attached to this By-law as if no severance, partition, or division occurred;
10. For the purposes of interpreting By-law 648-2020:
- (A) "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership

requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- (B) "car-share parking space" means a parking space that is reserved and actively used for car-sharing;
- (C) "**lands**" means the area within the heavy lines shown on Diagram 1.

11. Nothing in this By-law will apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development;

12. 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 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the **lands**, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 29, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the **lands** as shown on Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the earlier of issuance of site plan approval or a foundation permit, the owner shall:
 - a. provide a more detailed pedestrian level wind study, including wind tunnel analysis report, to the satisfaction of the Chief Planner and Executive Director, City Planning, which identifies recommendations for the pedestrian realm, new public park, and the outdoor areas of the base buildings and outdoor amenity areas to mitigate wind impacts year-round;
 - b. provide a public access easement to the City for the future pedestrian connection to the TTC subway station, as set out in 5 d. below, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
2. Prior to the issuance of site plan approval or an above grade building permit, other than a building permit for a temporary sales office, the owner shall:
 - a. provide public access easements to the City for the POPS and pedestrian walkways and clearways as set out in 5 a. and 5 c. below, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b. provide financial security to the City as follows:
 - i. a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the child care centre required pursuant to 4 a. below, complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer to secure the child care centre;
 - ii. a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the community agency space required pursuant to 4 b. below, complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning to secure the community agency space; and
 - iii. a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the below-grade publicly-accessible underground

pedestrian tunnel required pursuant to 5 f. below, complying with the specifications and requirements of the Section 37 Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning to secure the future pedestrian tunnel.

3. Prior to the earliest of first residential or new non-residential use or occupancy of a unit, building, or portion thereof, within the **lands**, or the closing of the final building permit, the owner shall provide documentation demonstrating that there is an agreement with the adjacent property owner to provide a pedestrian tunnel below the north-south private driveway to the east, and necessary public easements as required pursuant to 5 f. below, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
4. The owner agrees to provide the following matters which shall be secured in the Section 37 Agreement:
 - a. the design, construction, and finishing of a non-profit licensable child care facility on the ground floor of the base building of Towers 2 and 3 to accommodate 49 children, including infants, toddlers and preschoolers, comprising a minimum of 513 square metres of interior space and a minimum of 192 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for child pick-up and drop-off, with such child care facility to be made available to the City within 12 months of residential occupancy of the base building for Towers 2 and 3;
 - i. the entering into a lease agreement with the City for 99 years for the child care facility; with such facility to be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), property damage, and local improvement charges;
 - ii. a one-time cash contribution in the amount of \$90,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;
 - iii. a one-time cash contribution in the amount of \$135,000.00 towards start-up operating costs for the defrayment of operational deficits during the first year of operation, to be paid prior to the child care facility being made available to the City;
 - iv. a one-time cash contribution in the amount of \$150,000.00 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the child care centre operator and/or the General Manager, Children's Services, which will be finalized and approved by the General Manager, Children's Services;

- v. one parking space will be provided free-of-charge for the use of the supervisor of the child care facility. A parking pass will be provided for officials conducting inspections of the child care facility. An appropriate pick-up/drop-off facility will be identified through the site plan approval process, consistent with the requirements of the Section 37 Agreement;
 - vi. all cash contributions shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
- b. the design, construction, and finishing of a community agency space with a minimum of 465 square metres on the at-grade lobby and mezzanine level of Tower 1 at no cost to the City and provided in accordance with the City's Community Space Tenancy Policy and base building conditions, in accordance with the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration and the Chief Planner and Executive Director, City Planning, with such community agency space to be made available to the City within 12 months of residential occupancy of the Tower 1;
- i. the entering into a lease agreement with the City at no cost for 99 years for the community agency space and such facility shall be free of all rent, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), structural and servicing elements, property damage, and utilities for a period of (25) years, in accordance with the Section 37 Agreement;
- c. the provision and maintenance of sixteen (16) dwelling units as affordable rental dwelling units on the **lands**. The sixteen units will include six (6) one-bedroom units, eight (8) two-bedroom units and two (2) three-bedroom units. The affordable rental dwelling units shall be provided in contiguous groups of at least six (6) dwelling units. The general configuration and layout of the sixteen (16) affordable rental dwelling units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- i. the owner shall provide and maintain the sixteen (16) affordable rental dwelling units as rental dwelling units for at least twenty-five (25) years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least twenty-five (25) years from the date of first occupancy. When the twenty-five (25) year period has expired, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as

the owner has applied for and obtained all approvals necessary to do otherwise;

- ii. the owner shall provide and maintain the affordable rental dwelling units at affordable rents for at least fifteen (15) years, beginning with the date that each such unit is first occupied. During the first fifteen (15) years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline;
- iii. tenants of the affordable rental dwelling units shall have access to all amenities, car parking, bicycle parking and visitor parking on the same terms and basis as all other residents in the same tower.

5. The owner shall provide the following to support the development of the **lands**:

- a. the owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 640 square metres north of the new public park, between Towers 1 and 2, with a minimum 5.0 metre wide pedestrian clearway, as a Privately-Owned Publicly-Accessible Space (POPS) and shall provide to the City for nominal consideration POPS easements subject to public access easements for use of the POPS by members of the general public. Such easements to be conveyed to the City prior to site plan approval, and with the configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning in the context of site plan approval. The owner shall, operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the earlier of any new commercial or any residential use of the **lands**;
- b. the owner shall provide and maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning, a minimum area of 232 square metres and a minimum of 165 square metres to the east and west of the POPS respectively, as private landscaped outdoor space;
- c. the owner shall at its expense provide and maintain public access easements to the City for the following: a minimum 9.0 metre wide publicly-accessible pedestrian landscaped walkway on the north side of St. Clair Avenue West with a minimum 2.5 metre pedestrian clearway; a minimum 5.0 metre wide publicly-accessible pedestrian landscaped walkway on the east side of Bathurst Street with a minimum 2.1 metre pedestrian clearway; a minimum 5.0 metre wide publicly-accessible pedestrian landscaped walkway on the south side of the east-west private driveway to the north with a minimum 2.1 metre pedestrian clearway; and a publicly-accessible pedestrian walkway on the west side of the north-south private driveway to the east with a minimum 2.1 metre pedestrian

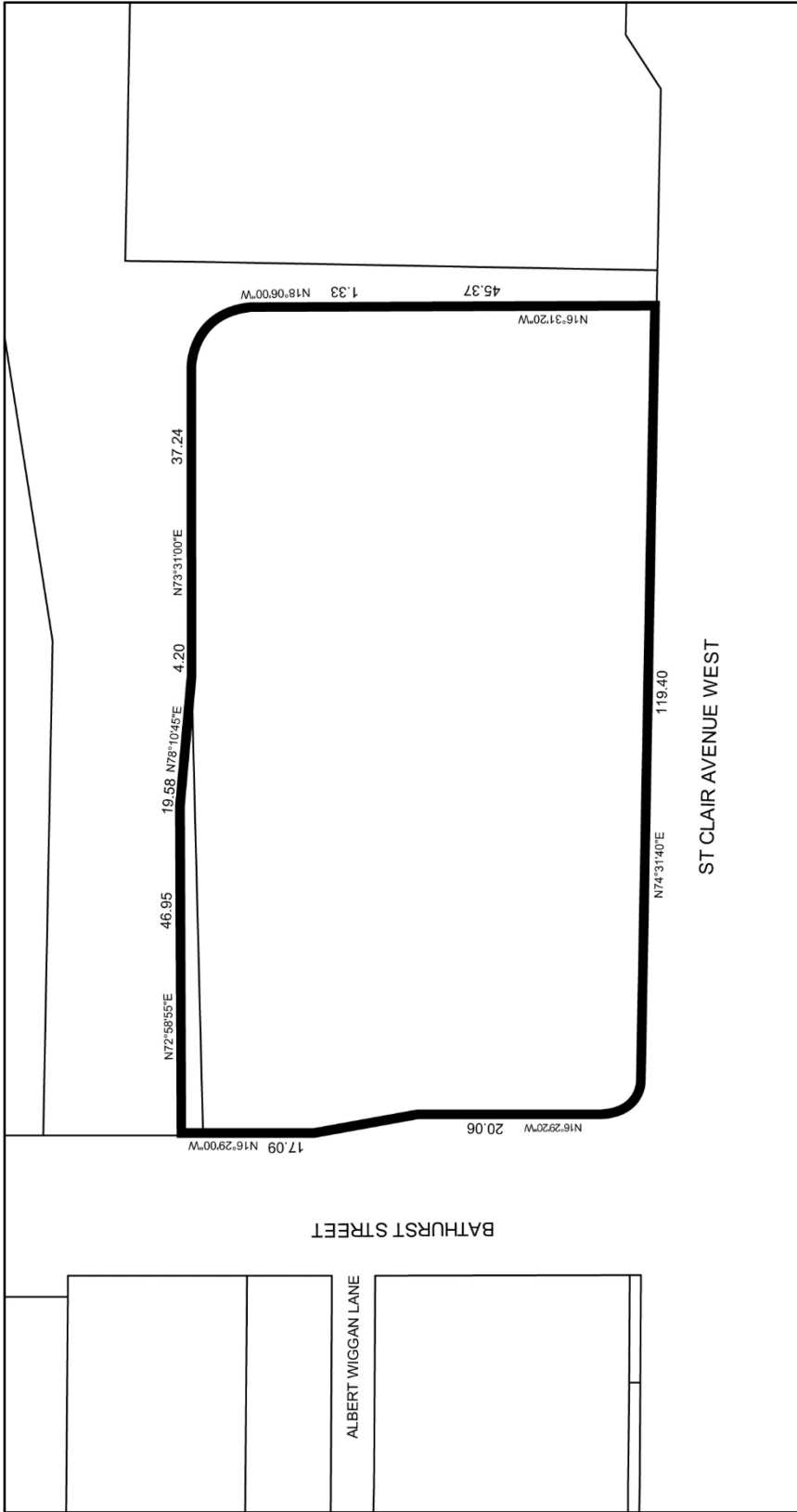
clearway. Public access easements shall be conveyed to the City prior to the issuance of site plan approval;

- d. the owner shall at its expense provide and maintain an accessible, indoor, east-west publicly-accessible route, with knock out panel to facilitate a future climate-controlled pedestrian connection to the TTC subway station, and provide public access easements, for nominal consideration, to the City, such easement to be conveyed to the City prior to the earlier of the issuance of any site plan approval or the issuance of any foundation permit for the **lands**, to accommodate linkages through the **lands** for the publicly-accessible underground pedestrian network to the satisfaction of the Chief Planner and Executive Director, City Planning. Public access to the publicly-accessible route would be granted at the time that the entire route connecting to the TTC subway station is secured;
- e. the owner shall at its expense provide a minimum of one knock-out panel along the P2 level of the east wall of the underground garage for potential future underground pedestrian network connection to the TTC subway station, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. the owner is required at its expense to secure, construct and maintain a below-grade publicly-accessible underground pedestrian tunnel, under the north-south private driveway to the east, from the knock out panel(s) at the east end of the **lands** to the adjacent property further east at 396 St. Clair Avenue West, when the property to the east of the north-south private driveway is redeveloped, to complete a climate-controlled pedestrian route from Bathurst Street and St. Clair Avenue West to the TTC subway station. The location, configuration and design will be determined in consultation with the City and the adjacent property owner east of the north-south private driveway. The construction of the tunnel would occur at the time when the adjacent properties to the east redevelop, and the entire publicly-accessible route connecting to the TTC subway station is secured;
 - i. the obligation to provide the pedestrian tunnel includes the following: the cost of designing, administering, and constructing pedestrian tunnel; the cost of constructing the publicly-accessible pedestrian pathway through the **lands** and any associated loss of revenue in order to accommodate the publicly-accessible pedestrian pathway; the cost of appropriate wayfinding signage above and below grade indicating the pedestrian pathway; the cost of designing, administering and constructing any required relocation of existing utilities and municipal infrastructure; the cost of design and construction of sidewalks, curbs and roadways on completion of the tunnel, any cost of design by a third party as may be required; the cost of peer review of design, the cost of diversion of transit facilities as well as the costs associated with the implementation of any required traffic control measures during construction; and the cost of all engineering and professional services and related permits;
- g. the owner will implement and maintain in support of the development all recommended wind mitigation as determined in the detailed pedestrian level wind

study required pursuant to 1 a. to the satisfaction of the Chief Planner and Executive Director, City Planning;

- h. the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate; and
- i. the owner shall provide a minimum of 10 percent three-bedroom units.

Diagram 1



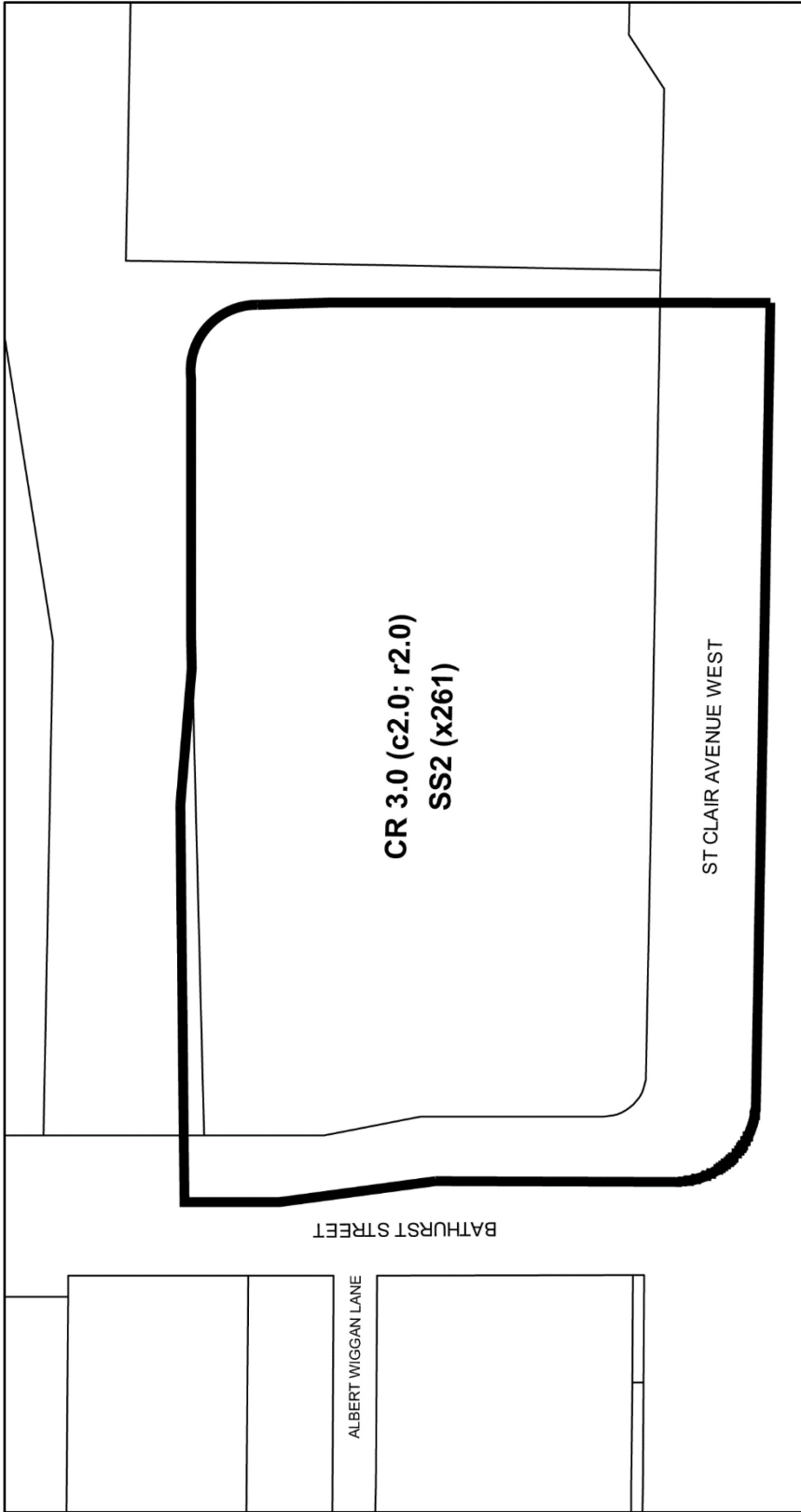
1467 Bathurst Street

File # 17 278700 STE 21 0Z



City of Toronto By-law 569-2013
Not to Scale
03/09/2020

Diagram 2



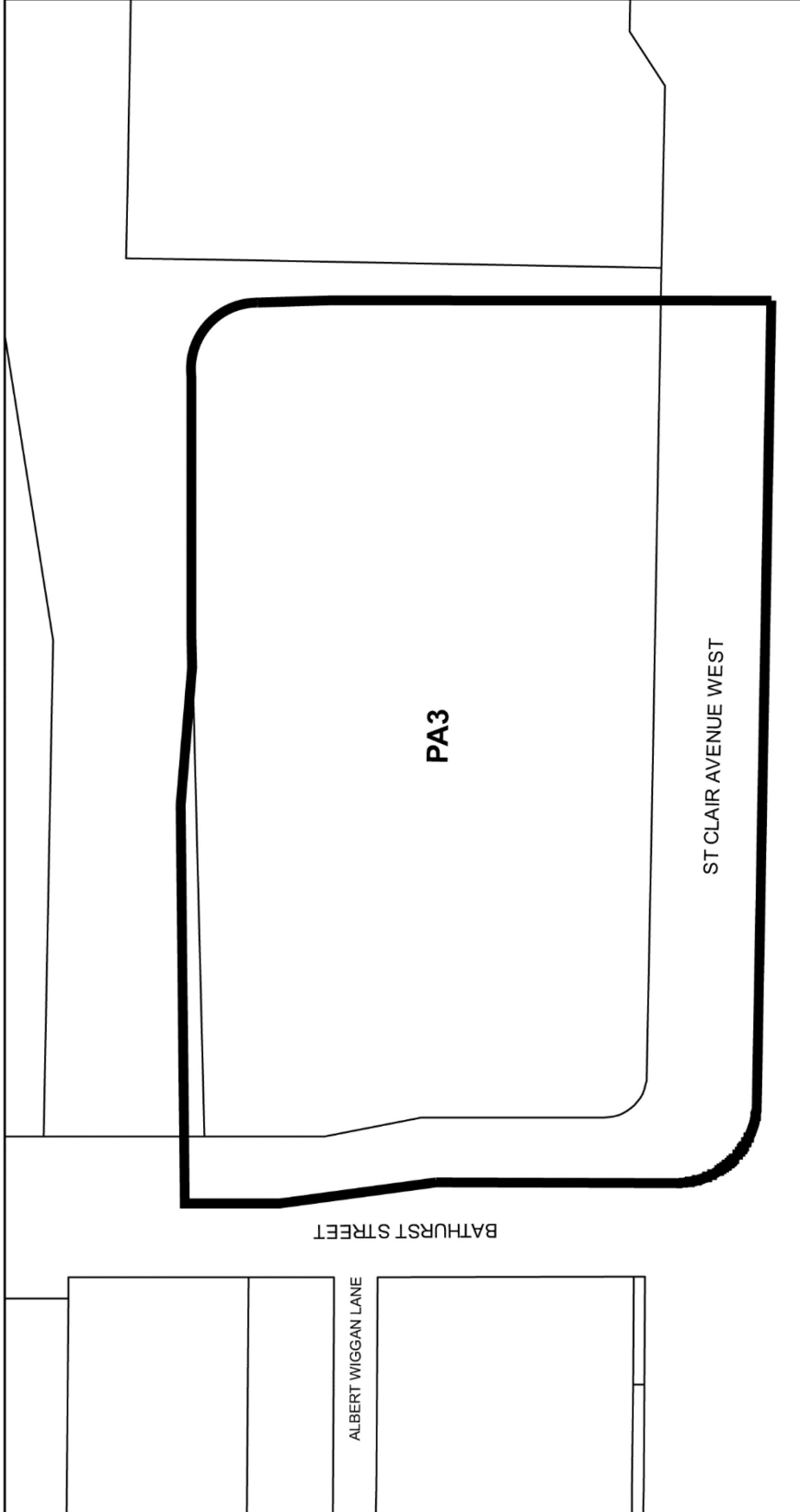
1467 Bathurst Street

File # 17 278700 STE 21 0Z



City of Toronto By-law 569-2013
Not to Scale
05/22/2020

Diagram 3



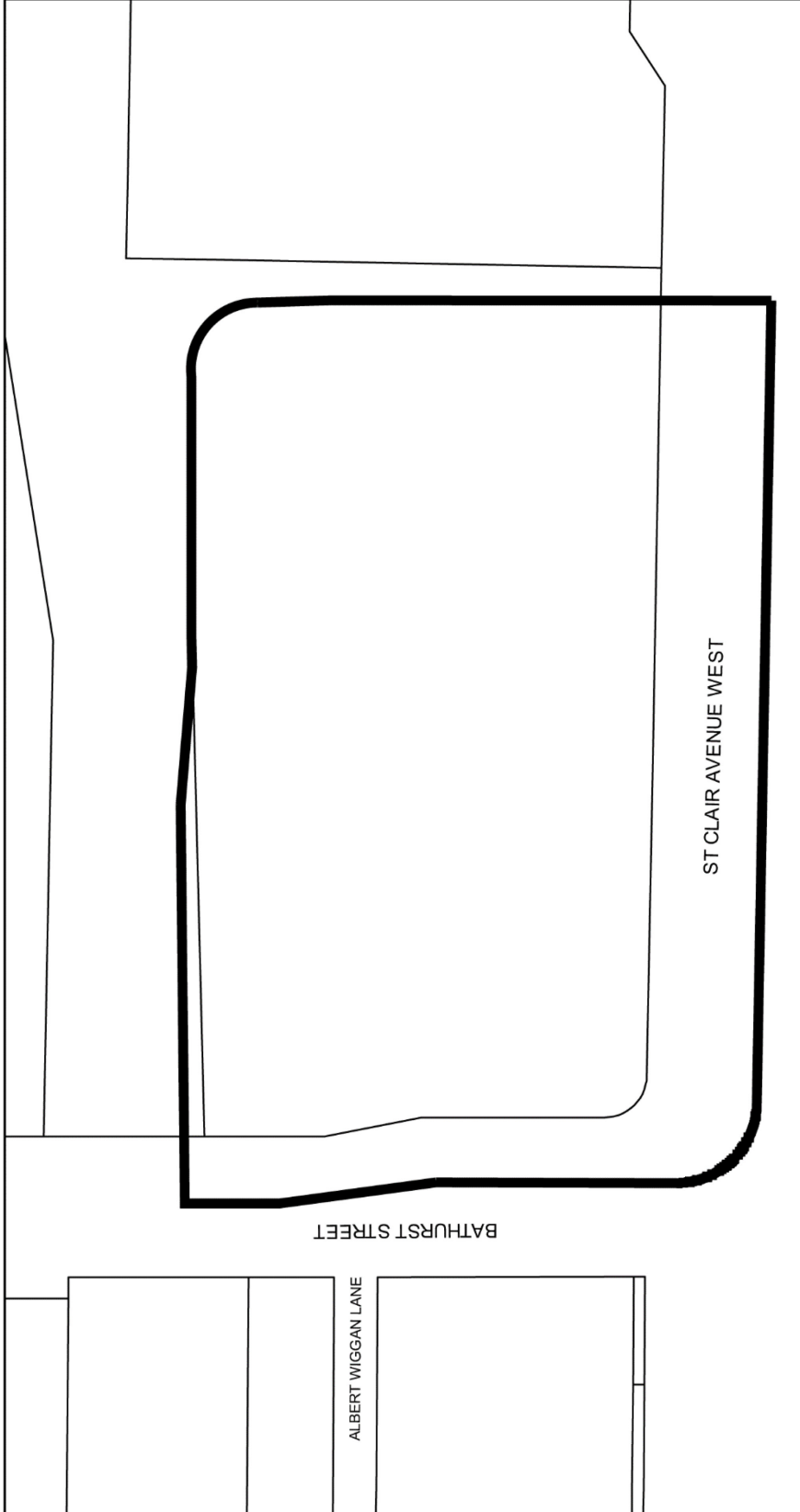
1467 Bathurst Street

File # 17 278700 STE 21 OZ



City of Toronto By-law 569-2013
Not to Scale
03/09/2020

Diagram 4



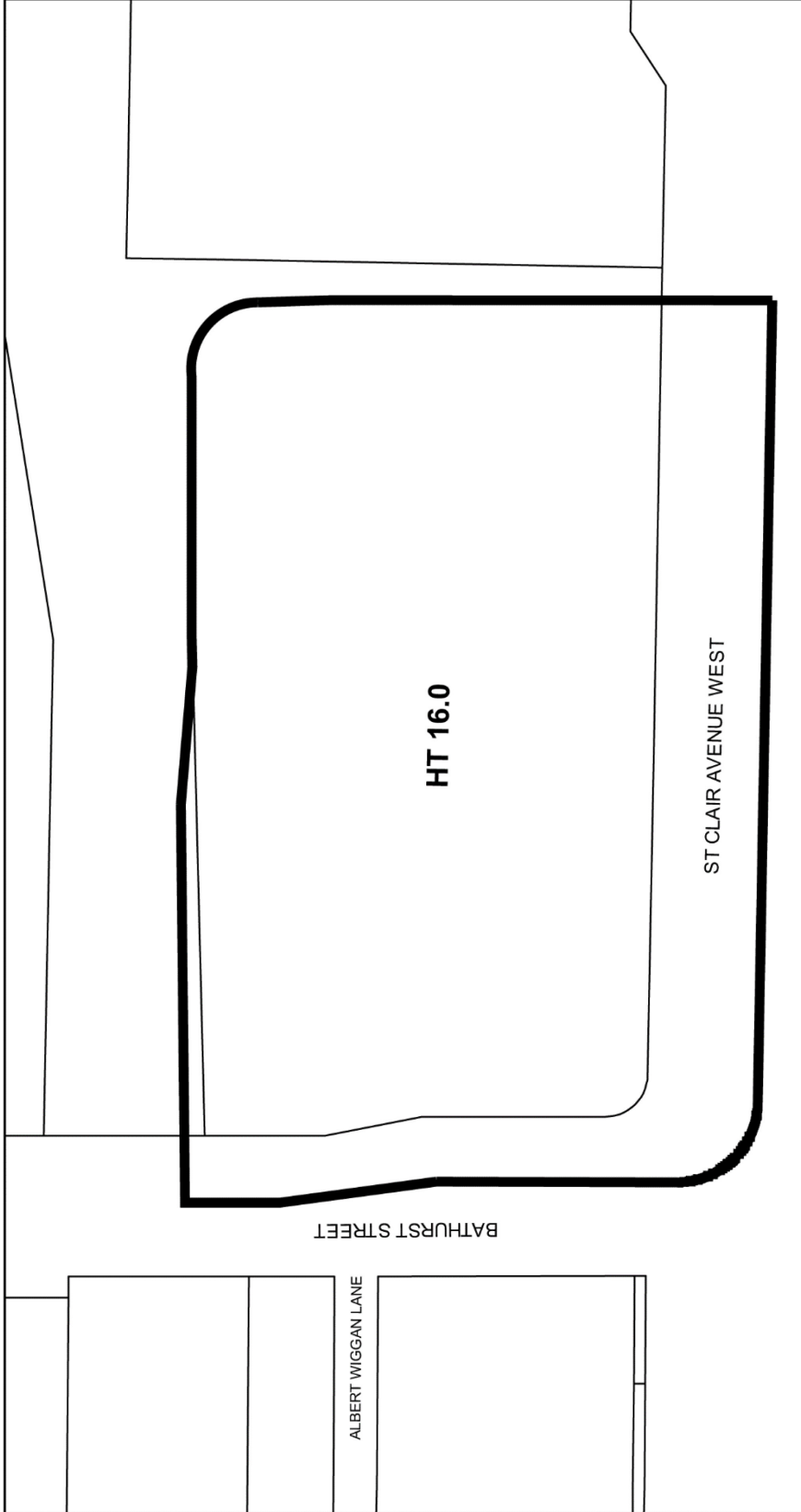
1467 Bathurst Street

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05/22/2020

Diagram 5



 **Toronto**
Diagram 5

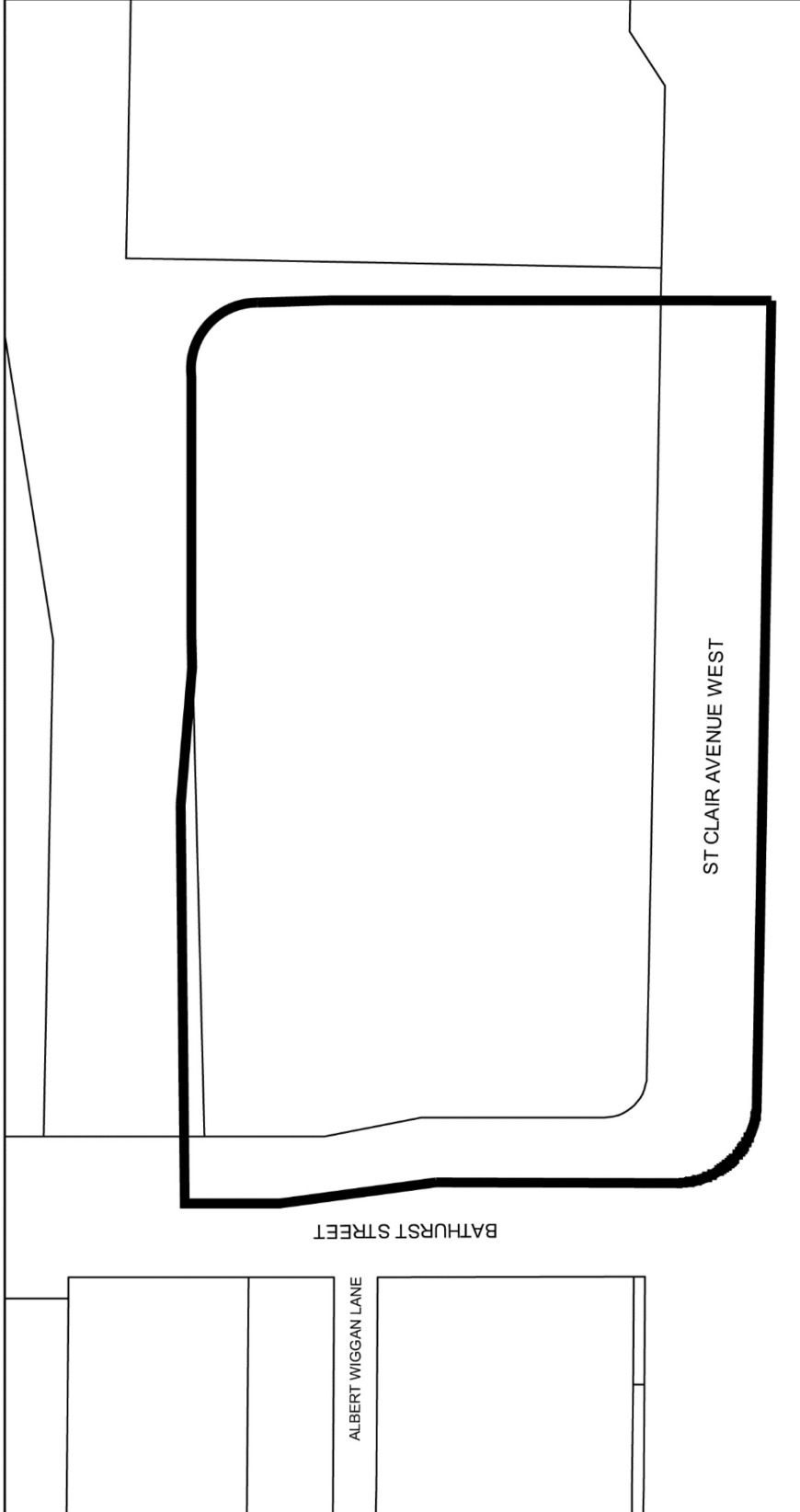
1467 Bathurst Street

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Diagram 6



 **Toronto**
Diagram 6

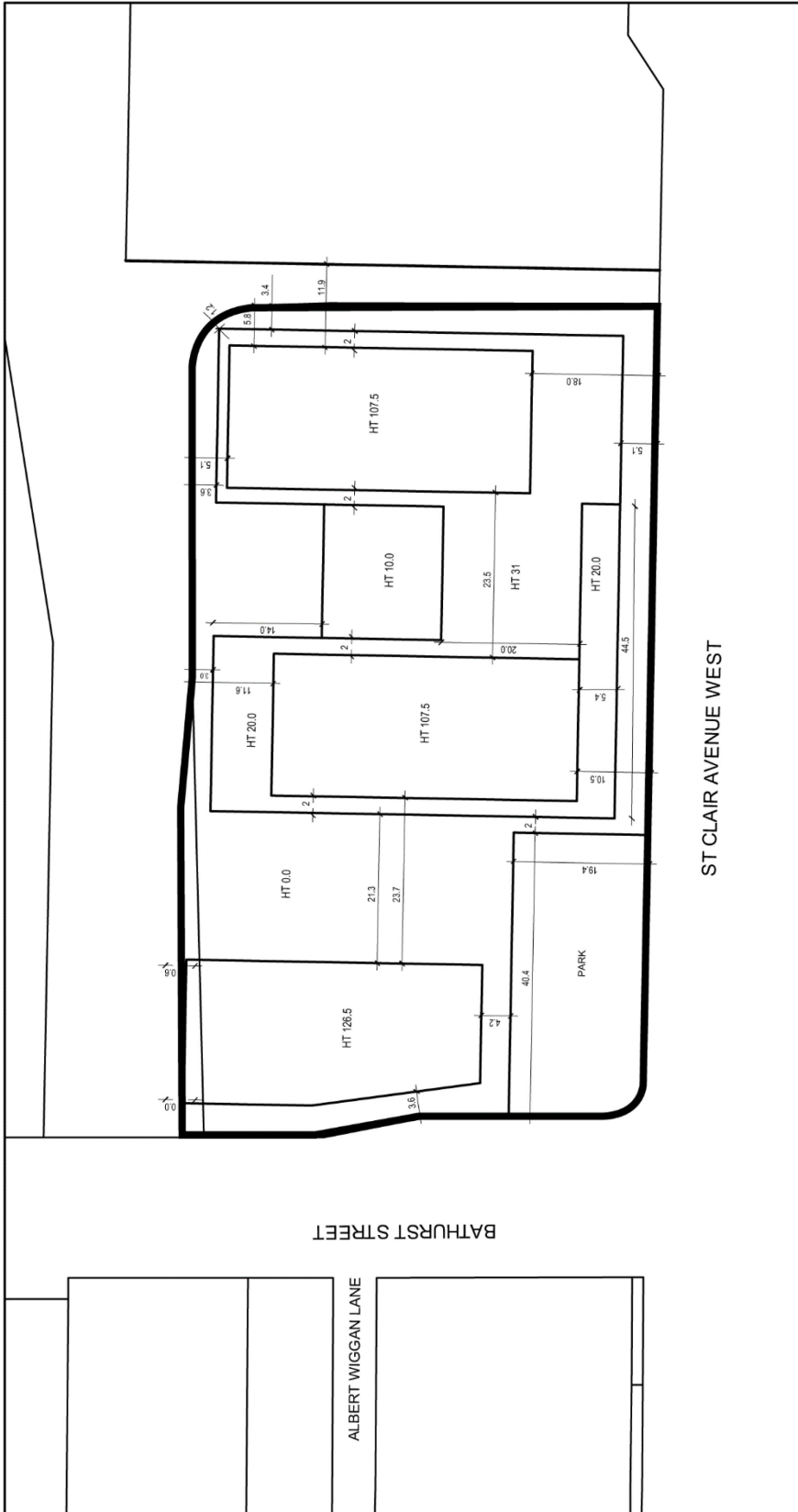
1467 Bathurst Street

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Diagram 7



1467 Bathurst Street

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