

Authority: Toronto and East York Community Council Item TE19.2, as adopted by City of Toronto Council on November 8 and 9, 2016

CITY OF TORONTO

Bill No. 1275

BY-LAW No. -2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known in the year 2015 as 250 Davenport Road.

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 *owner* may be required 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 No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the *owner* of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of development permitted is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix 1 hereof and which are to be 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.
2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit shall be dependent on satisfaction of same.

3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied and an agreement pursuant to Section 37(3) of the Planning Act is registered on title to the lands to the satisfaction of the City Solicitor.
4. The provisions of By-law No. 438-86, as amended, shall continue to apply to the lands outlined by heavy lines on Map 1 attached hereto, except as otherwise provided herein.
5. The provisions of this By-law shall apply to the lands outlined by heavy lines on Map 1 attached hereto.

Parcel A Lands:

6. None of the provisions of Section 2(1) with respect to the definition of "*bicycle parking space-occupant*", "*bicycle parking space-visitor*", "*height*", "*grade*", "*non-residential gross floor area*", "*residential gross floor area*" and "*lot*" and Sections 4(2)(a), 4(5), 4(8), 4(11)(b) and (c), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV, 6(3)Part IX, 6(3)XI and 12(2)132 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, and the provisions of By-law No. 1106-2016 shall apply to prevent the erection and use of *residential buildings* containing residential and non-residential uses on the *Parcel A Lands* provided:
 - (a) the total *gross floor area* of all buildings on the *lot*, shall not exceed the following:
 - (i) the *gross floor area* of the *Existing Building* as existing on December 1, 2016; and
 - (ii) a maximum of 960.0 square metres of *gross floor area* located in *Building A*;
 - (b) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, as amended, the following uses are permitted in the Existing Building and outside on the *lot*:
 - (i) *retail store, restaurant, take-out restaurant, office, artist's or photographer's studio, private art gallery, personal grooming establishment and custom workshop*;
 - (ii) *community centre* which need not be operated by or on behalf of a government or non-profit organization, and which may include health care- related services; and
 - (iii) outdoor sales and display, provided it is *ancillary* to a permitted use listed in (i) or (ii) above, outdoor markets and farmers markets;

- (c) within the *Existing Building*, the uses permitted pursuant to subsection (b)(i) and (ii) above are only permitted within and below the ground floor of the *Existing Building*;
- (d) the permitted maximum height of the *Existing Building* shown on Map 2 is the height that existed on December 1, 2016, with the exception that roof top mechanical equipment and related enclosures erected subsequent to the passing of this By-law, shall be permitted provided the height of such equipment and enclosures are limited to 5.0 metres above the permitted maximum height of the *Existing Building*;
- (e) no portion of *Building A* erected above finished ground level on the *lot* shall exceed the height in metres specified by the number following the symbol "H" on the attached Map 2;
- (f) no portion of the *Existing Building* and *Building A* erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines shown as the *Existing Building* and *Building A* on Map 2, attached hereto;
- (g) the provisions of subsections (d), (e) and (f) above shall not apply to prevent the erection and use of the following:
 - (i) on *Building A* parapets, chimneys vents, stacks, flues and elements of a green roof to a maximum vertical projection of 1.5 metres above the height in metres specified by the number following the symbol "H" on the attached Map 2;
 - (ii) a stair enclosure to a maximum vertical projection of 3.0 metres above finished ground level;
 - (iii) canopies, balconies, privacy screens and awnings attached to the *Existing Building* on December 1, 2016;
 - (iv) stairs, railings, guard rails, retaining walls, planters, trellis, pergola and ramp or elevating device providing barrier free access;
 - (v) a garden shed limited to a maximum vertical projection of 2.5 metres above finished ground; and
 - (vi) *parking garage* at or below *grade*;
- (h) *residential amenity space* shall be provided on the *Parcel A Lands* in accordance with the following:
 - (i) a minimum of 250 square metres of indoor *residential amenity space* shall be provided in the *Existing Building*; and

- (ii) a minimum of 150 square metres of outdoor *residential amenity space* shall be provided, of which a minimum of 40 square metres shall be provided in a location immediately adjacent to both the *Existing Building* and *Building A*;
- (iii) in addition to (i) and (ii) above, a multi-purpose room or rooms having a minimum size of 50 square metres shall be provided on the ground floor of the *Existing Building* and such room(s) may only be used for *residential amenity space* and the uses permitted pursuant to subsection (b)(i) and (ii) above;
- (i) a *dwelling unit* may be entirely below *grade*, provided no *dwelling unit* is entirely below finished ground level;
- (j) *parking spaces* must be provided and maintained on the *Parcel A Lands* in accordance with the following requirements:
 - (i) a minimum of 70 *parking spaces* shall be provided for residents of the *Parcel A Lands*;
 - (ii) a minimum of 36 *parking spaces* shall be provided for visitors;
 - (iii) no *parking spaces* shall be required for non-residential uses; and
 - (iv) *parking spaces* shall be provided in accordance with Section 4(17) of By-law 438-86, as amended, with the exception that *parking spaces* existing on the *lot* on December 1, 2016, are permitted and the minimum dimensions required shall be the existing dimensions;
- (k) notwithstanding (j)(ii) above, during construction of renovations to the existing surface parking area and *parking garage* within the *Existing Building*, a minimum of 10 *parking spaces* shall be required for visitors, provided that upon completion of the renovations, and no later than three years from the date of issuance of the first above grade building permit for *Building A*, *parking spaces* shall be provided in accordance with (j)(ii) above;
- (l) a maximum of 12 *parking spaces* and *bicycle parking spaces* may be located or partially located on the *Parcel B Lands* provided that access to the *parking spaces* and *bicycle parking spaces* is from the *parking garage* in the *Existing Building*;
- (m) ingress and egress to and from parking facilities shall be provided in accordance with Section 4(5)(i)(ii) of By-law 438-86, as amended, with the exception that driveways and passageways existing on the *lot* on December 1, 2016, are permitted and the minimum widths required shall be the existing widths;
- (n) a minimum of one *loading space - type G* shall be provided and maintained on the *Parcel A Lands* and notwithstanding the definition of a *loading space - type G* in

Section 2(1) of By-law 438-86, as amended, any loading space existing on the *Parcel A Lands* in the year 2016 may satisfy this requirement; and

- (o) *bicycle parking spaces* shall be provided for *dwelling units* in *Building A* as follows: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as long term *bicycle parking spaces* and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*.

Parcel B Lands:

- 7. None of the provisions of Section 2(1) with respect to the definition of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*height*", "*grade*", "*non-residential gross floor area*", "*residential gross floor area*" and "*lot*" and Sections 4(2)(a), 4(5)(b), 4(8), 4(11)(b), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV, 6(3)Part IX, 12(2) 132 and 12(2) 280 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, and the provisions of By-law No. 1106-2016 shall apply to prevent the erection and use of a *mixed-use building* on the *Parcel B Lands* provided:
 - (a) the total *gross floor area* on the *lot* shall not exceed 26,500 square metres of which, a maximum of 300 square metres may be used for non-residential uses;
 - (b) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, the following uses are also permitted on the *lot*:
 - (i) within *Building D*: *retail store*, office, *branch of a bank or financial institution*, *personal grooming establishment*, gym or fitness studio, *bake-shop*, *artist's or photographer's studio*, *private art gallery*, *restaurant* and *take-out restaurant*; and
 - (ii) uses *ancillary* to permitted uses on the *Parcel A Lands* in a *parking garage* may be located or partially located on the *Parcel B Lands* provided access to the *parking garage* is provided from the *Parcel A Lands* and the *parking garage* is located within 4.0 metres of the *Parcel A Lands* lot line;
 - (c) no portion of any building or structure erected above finished ground level shall exceed the heights in metres specified by the numbers following the symbol "H" on the attached Map 2;
 - (d) no portion of a building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached hereto;
 - (e) notwithstanding (c) above, the portion of a building located above a *height* of 86.2 metres and located within the area identified as mechanical penthouse on Map 2 shall only be occupied by a stair tower, elevator equipment, chimney stack or

other heating, cooling or ventilating equipment or other equipment used for the functional operation of the building, or a fence, wall or structure enclosing such structures and elements, provided that the height of such equipment and enclosures are limited to 6 metres above a *height* of 86.2 metres;

- (f) the provisions of subsections (c), (d) and (e) above shall not apply to prevent the erection and use of the following:
- (i) parapets, window washing equipment and elements of a green roof to a maximum vertical projection of 1.5 metres above the heights in metres specified by the numbers following the symbol "H" on the attached Map 2;
 - (ii) a platform, such as a porch, terrace, deck, patio or similar structure, including associated privacy screens or dividers, with a floor no higher than the first *storey* of a building above *grade*, to a maximum horizontal projection of 5.0 metres beyond the heavy lines shown Map 2;
 - (iii) cooling towers, generator, stair tower, fresh air units to a maximum vertical projection of 0.6 metres above the maximum permitted height of the mechanical penthouse set out in regulation (e);
 - (iv) awnings and canopies to a maximum horizontal projection of 1.5 metres beyond the heavy lines shown on Map 2;
 - (v) structures on the roof of the building used for outside or open air recreation, outdoor *residential amenity space*, safety and wind protection purposes to a maximum vertical projection of 3.0 metres above the heights in metres specified by the numbers following the symbol "H" on the attached Map 2, provided such structures do not enclose space to form a room or rooms;
 - (vi) railings fences, retaining walls, guard rails, underground garage ramps and their associated structures, landscape and public art features, architectural roof top feature, architectural design element, trellis, planters, ramps or elevating device providing for barrier free access; stairs, structures for safety and wind protection purposes, lighting fixtures, chimneys, vents, stacks and flues; and
 - (vii) balconies and associated privacy screens or dividers to a maximum horizontal depth of 1.7 metres beyond the heavy lines shown on Map 2;
- (g) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum of 1.8 square metres of indoor *residential amenity space* per *dwelling unit* in "*Building D*" shall be provided in a multi-purpose room or rooms, at least one of which shall contain a kitchen and a washroom;

- (ii) a minimum of 0.8 square metres of outdoor *residential amenity space* per *dwelling unit* in "*Building D*" must be provided, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and
 - (iii) required indoor *residential amenity space* may include a guest suite containing a bathroom and may include a kitchen;
- (h) a *dwelling unit* may be entirely below *grade*, provided no *dwelling unit* is entirely below finished ground level;
- (i) *parking spaces* shall be provided and maintained on *Parcel B Lands* in accordance with the following requirements:
- (i) a minimum of 0.45 *parking spaces* per *dwelling unit* in *Building D* for use by residents of the *Parcel B Lands*;
 - (ii) a minimum of 1 *parking space* per *dwelling unit* for residents in *Buildings B* and *C* for residents in *Building B* and *C*;
 - (iii) a minimum of 0.10 *parking spaces* per *dwelling unit* in *Building D*, minus one *parking space*, for the use of visitors to the *Parcel B Lands*; and
 - (iv) *parking spaces* are not required for non-residential uses;
- (j) the provisions of section 4(17) of By-law No. 438-86, as amended, shall apply with the exception that up to a maximum of 15 *parking spaces* may be obstructed on one side without widening;
- (k) a minimum of 1 *loading space-type G* shall be provided and maintained on the *lot*; and
- (l) *bicycle parking spaces* are only required for *dwelling units* in *Building D* in accordance with the following requirements:
- (i) long term *bicycle parking spaces* are for use by the residents of *Building D*;
 - (ii) short term *bicycle parking spaces* are for use by visitors to the *Parcel B Lands*; and
 - (iii) for *dwelling units*: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as long term *bicycle parking spaces* and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*.

8. None of the provisions of this By-law and By-law 438-86, as amended, shall apply to prevent a *temporary sales office* on the *Parcel B Lands* for a period not longer than three years from the date of approval of this By-law.
9. For the purposes of the By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
- (a) "*ancillary*" means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure;
 - (b) "*basement*" means the portion of a building between the *first floor* and any floor below the level of the *first floor*;
 - (c) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.6 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
 - (d) "*Building A*" means the building on the *Parcel A Lands* shown as Building A on Map 2;
 - (e) "*Building B*", "*Building C*" and "*Building D*" means the buildings or portions of a building on the *Parcel B Lands* shown as Building B, Building C and Building D on Map 2;
 - (f) "*Existing Building*" means the existing building located on the *Parcel A Lands* on December 1 2016, as shown as the Existing Building on Map 2, and includes portions below finished ground level;
 - (g) "*first floor*" means the floor of the building, other than an area used for a parking space, that is closest in elevation to *grade*;
 - (h) "*grade*" shall mean 119.20 metres Canadian Geodetic Datum;

- (i) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structures, excluding those elements identified in Sections 6(g) and Sections 7(e) and(f) of this By-law;
 - (j) "*gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level excluding:
 - (i) parking, loading, and bicycle parking below *grade*;
 - (ii) required loading spaces and required bicycle parking at or above *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the *basement*;
 - (iv) shower and change facilities required for *bicycle parking spaces*;
 - (v) indoor *residential amenity space*;
 - (vi) elevator and garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building;
 - (k) "*lot*" shall mean, for the purpose of Section 6. of this By-law, the *Parcel A Lands* delineated by heavy lines on Map 1, and for the purpose of Section 7 of this By-law, the *Parcel B Lands* delineated by heavy lines on Map 1;
 - (l) "*Parcel A Lands*" means the lands identified as Parcel A on Map 1;
 - (m) "*Parcel B Lands*" means the lands identified as Parcel B on Map 1; and
 - (n) "*temporary sales office*" shall mean a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *Parcel B Lands* and/or the administration and management of construction activities related to construction on the *Parcel B Lands*.
10. The provisions of By-law Nos. 22637, 22904, 23047 and 66-74, shall not apply to the *Parcel A Lands* and the *Parcel B Lands*.
11. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *Parcel A Lands* and the *Parcel B Lands* as if no severance, partition or division occurred.

Enacted and passed on December , 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1

Section 37 Provisions

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

- (a) Prior to the issuance of the first above-grade building permit for the Parcel B Lands, the owner of Parcel B shall provide an indexed cash contribution to the City in the amount of \$1,200,000 to be allocated to capital improvements that will benefit the community in the vicinity of the development and be allocated as follows, all at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor unless otherwise indicated:
 - (i) \$700,000 towards capital improvements to support food security benefits and/or health services for the benefit of current and future tenants of the Existing Building;
 - (ii) \$300,000 towards improvements to indoor amenity spaces at 250 Davenport; and
 - (iii) \$200,000 towards improvements to the privately owned publically accessible open space and/or the new public park identified in clause (c)(i) below;

all amounts to 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.

For clarification, the Existing Building is the existing 25-storey social housing residential tower located at 250 Davenport Road and owned by Toronto Community Housing Corporation;

- (b) Prior to site plan approval for the Parcel B Lands, the owner of the Parcel B Lands shall provide Letters of Credit, in a form and from a bank satisfactory to the Chief Planner and Executive Director, City Planning, in accordance with the following:
 - (i) in the amount of \$255,500 to guarantee the construction of the above base park improvements contemplated in clause (g) below;
 - (ii) in the amount of \$270,000 to guarantee the construction of the improvements for the POPS Open Space contemplated in clause (c)(i) below;
 - (iii) in the amount of \$135,000 to guarantee the construction of the public pedestrian walkway contemplated in clause (c)(ii) below; and
 - (iv) in the amount of \$375,000 to guarantee the construction of the outdoor landscape improvements on the Parcel A Lands contemplated in clause (c)(iii) below;

with all amounts to 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;

- (c) Prior to the earlier of the first condominium registration or residential use of the Parcel B Lands, the owner of the Parcel B Lands shall construct and provide the following:
- (i) a privately owned publically accessible open space on the Parcel A Lands, having a minimum size of 840.0 square metres, with the specific location, design, configuration and improvements to be determined through the site plan approval process, and prior to site plan approval, for the Parcel B Lands, and the owner of the Parcel B Lands shall be responsible for the cost of said improvements to a maximum value of \$270,000;
 - (ii) a privately owned publically accessible pedestrian walkway on the Parcel B Lands, with the specific location, design, configuration and improvements to be determined through the site plan approval process, and prior to site plan approval, for the Parcel B Lands, and the owner of the Parcel B Lands shall be responsible for the cost of said improvements to a maximum value of \$135,000;
 - (iii) improvements to the outdoor landscaping and other public realm on the Parcel A Lands to a maximum value of \$375,000, with the specific location, design, configuration, and improvements to be determined through the site plan approval process and prior to site plan approval, for the Parcel B Lands; and
 - (iv) two POPS signage plaques, located on the lands identified in clause(c)(i) and (ii) above, substantially in accordance with the template for POPS signage and which are placed in accordance with the parameters established in the Urban Design Guidelines for POPS as endorsed by City Council at its meeting on July 8, 2014 through the adoption of Item PG34.14;

all in consultation with the Ward Councillor and local community, and to the satisfaction of the Chief Planner and Executive Director, City Planning and where all monetary amounts to 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;

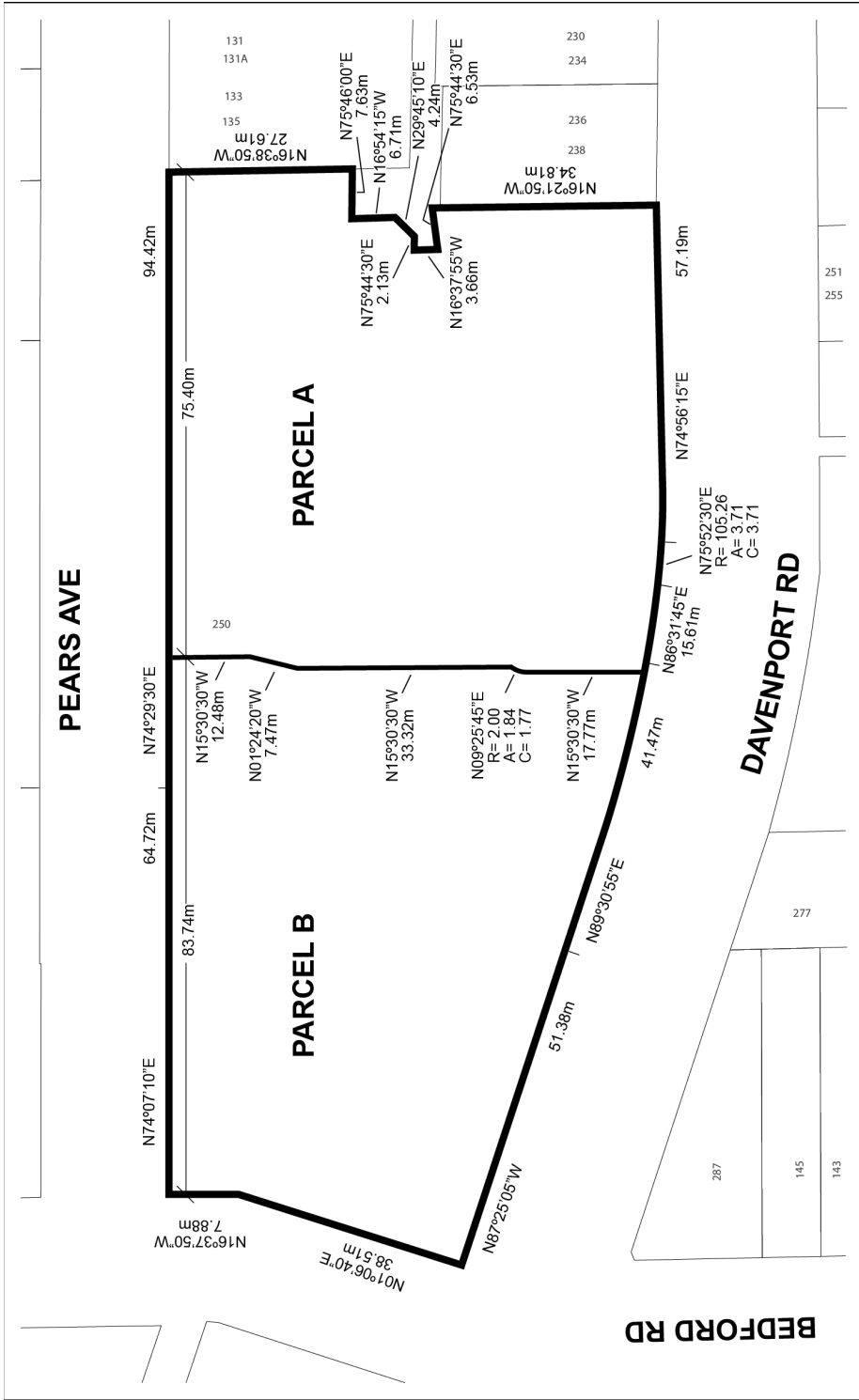
- (d) For clarification, the owners of the Parcel A Lands and the Parcel B Lands shall be responsible for maintaining the improvements in clause c. above, on their respective parcels;
- (e) Prior to final site plan approval for the Parcel B Lands, the following non-exclusive easements in perpetuity in favour of the City shall be conveyed to the City as indicated below, for nominal consideration, free and clear of encumbrances and at no cost to the City, and the owner of the Parcel B Lands shall prepare all documents, at their sole cost, required for registration, all to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning:

- (i) from the owner of the Parcel A Lands, registration and conveyance of a public access easement to the City over the privately owned publically accessible open space on the Parcel A Lands identified in clause (c)(i) above; and
 - (ii) from the owner of the Parcel B Lands, registration and conveyance of a public access easement to the City over the privately owned publically accessible pedestrian walkway on the Parcel B Lands identified in clause (c)(ii) above;
- (f) Prior to the issuance of a Statement of Approval for the Site Plan Control application on the Lands, the owner of the Parcel A Lands must have conveyed the parkland to the City in escrow for nominal consideration, free and clear of all encumbrances and at no cost to the City, an on-site parkland dedication to the City (the "Parkland Conveyance") for the satisfaction of the Section 42 parkland dedication requirements for the Parcel A Lands and the Parcel B Lands, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor, in accordance with the following:
 - (i) the minimum size of the Parkland Conveyance shall be 510.0 square metres;
 - (ii) the final location, configuration and design of the Parkland Conveyance shall be determined through the site plan approval process, prior to the issuance of the Statement of Approval, to the satisfaction of the General Manager, Parks, Forestry and Recreation and in consultation with the Ward Councillor; and
 - (iii) the City will be allowed to release the Parkland Conveyance from escrow at any time without consent of the owner, but may permit the land to be used for construction staging subject to the usual park occupancy permit conditions, and the owner of the Parcel B Lands must prior to the earlier of the first residential use or first condominium registration on the Parcel B Lands be responsible for an environmental assessment of the Parkland Conveyance lands and any associated costs or remediation works required as a result of that assessment to the satisfaction of the City together with the filing of a Record of Site Condition (RSC) in accordance with all applicable Ministry of Environment and Climate Change requirements to the satisfaction of the General Manager, Parks, Forestry and Recreation. For clarification, peer review by an environmental consultant retained by the City shall be at the expense of the owner of the Parcel B Lands;
- (g) Prior to the earlier of the first condominium registration or first residential use of the Parcel B Lands, or if delayed by seasonality no later than nine (9) months after the earlier of the first condominium registration or first residential use of the Parcel B Lands as agreed to in writing by the General Manager, Parks, Forestry and Recreation and secured by a letter of credit, the owner of the Parcel B Lands shall complete and install base park improvements, and above-base park improvements to an indexed maximum value of \$255,500, for the Parkland Conveyance to the satisfaction of the General Manager, Parks, Forestry and Recreation, and in consultation with the Ward Councillor, with the specific location, configuration and design of the park improvements to be determined through the site plan approval process, prior to site plan approval to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- (h) The owner of the Parcel B Lands shall provide and construct, and maintain as indicated, those improvements in clause (a) to (g) above, with no cost-pass through by the owner of the Parcel A Lands, to the tenants of the Existing Building or the 13 rental replacement units;
- (i) The owner, as indicated, shall provide, construct and maintain the following:
 - (i) by the owner of the Parcel B Lands, prior to two years after the issuance of the final above-grade building permit for Building B, Building C, or Building D on the Parcel B Lands, shall construct 13 replacement rental housing units in Building A (the "Replacement Rental Units") to the point that they are issued occupancy permits by Toronto Buildings;
 - (ii) by the owner of the Parcel A Lands, shall maintain 447 retained rental housing units (the "Retained Rental Units") and 13 replacement rental housing units (the "Replacement Rental Units") as social housing residential rental units for a period of 25 years commencing from the date of Council approval of the Zoning Amendment Application No. 15 192161 STE 20 OZ, in accordance with the following:
 - A. the rents for the Replacement Rental Units will be set as rents geared to income; and
 - B. the unit mix of the Replacement Rental Units must include at least two (2) one-bedroom dwelling units and eleven (11) two-bedroom dwelling units, with all detailed floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning, as follows:
 - a) the minimum gross floor area of a one-bedroom replacement Rental Unit must be 49.0 square metres;
 - b) the minimum gross floor area of a two-bedroom Replacement Rental Unit must be 69.0 square metres; and
 - c) for the purpose of determining the number of bedrooms, a bedroom must have a window on an exterior wall;
 - (iii) by the owner of the Parcel A Lands, the provision of tenant relocation assistance for tenants in the Existing Building to be demolished or converted, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration; and
 - (iv) by the owner of the Parcel B Lands, prior to the issuance of the first building permit for the Parcel A Lands or the Parcel B Lands (including a permit for renovation, demolition or excavation), the preparation and submission of a Construction Mitigation and Tenant Communication Strategy to the satisfaction

of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration; and

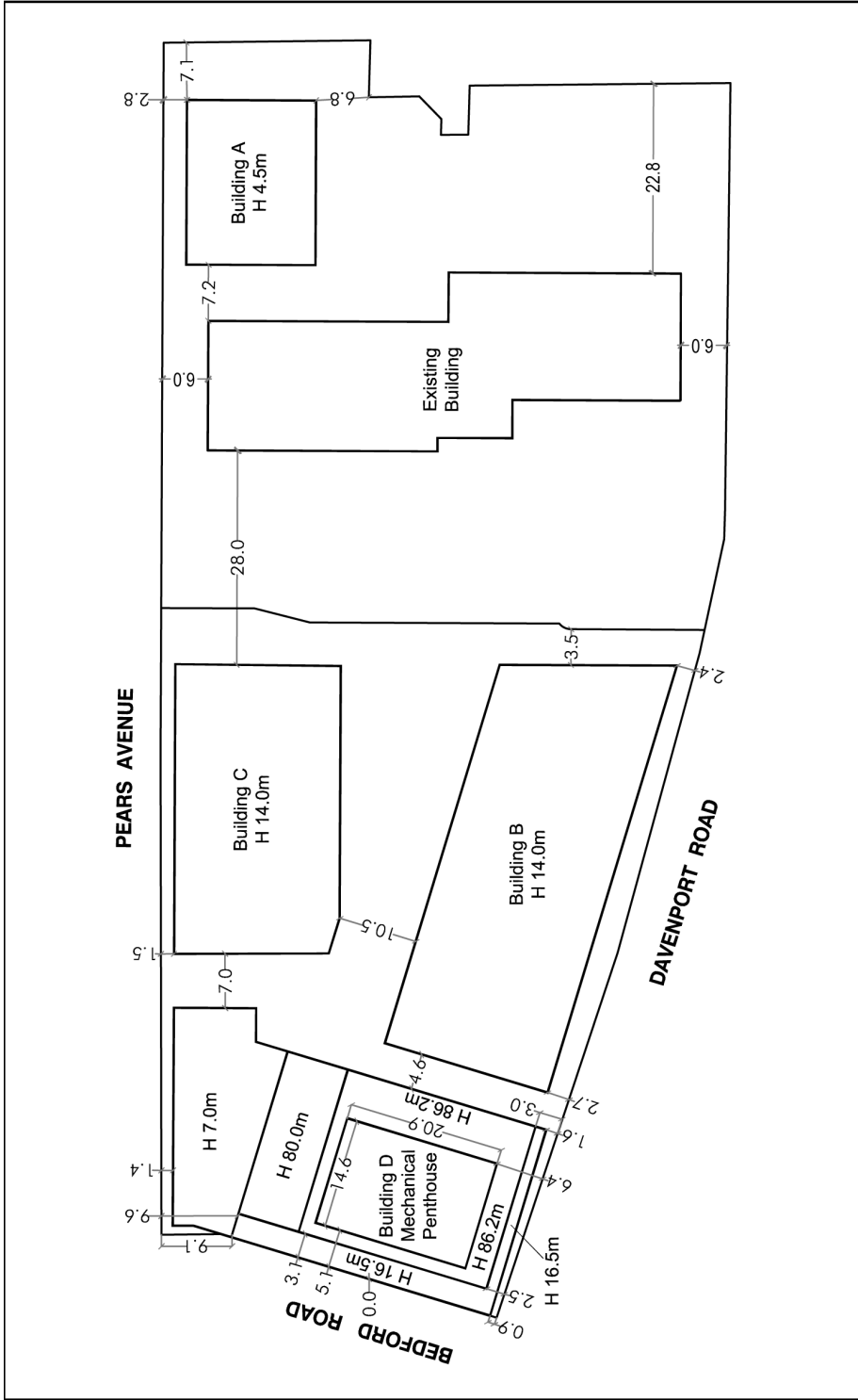
- (j) Prior to the issuance of the first building permit, the owner submit a Construction Management Plan, to the satisfaction of the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not limited to, details regarding size and location of construction staging areas, dates and significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, minimizing and managing truck access, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary.



Toronto
 Map 1

250 Davenport Road
 File # 15 192161 STE 20 OZ & 15 192164 STE 20 RH

City of Toronto By-Law 438-86
 Not to Scale
 12/14/2016



Toronto
Map 2

Toronto
Map 2

File # 15 192161 STE 20 0Z & 15 192164 STE 20 RH



City of Toronto By-Law 438-86
Not to Scale
11/30/2016