

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

## CITY OF TORONTO

### BY-LAW No. 1285-2016

#### **To amend Zoning By-law No. 569-2013, as amended, with respect to 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 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; and

Whereas pursuant to Section 39 of the *Planning Act*, the council of a Municipality may, in a by-law passed under section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy 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.
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 to R(x31) and R(x32), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception 31 to Article 900.2.10, so that it reads:

**Exception R (31)**

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 Parcel A as shown on Diagram 1 to By-law 1285-2016, none of the provisions of Regulations 10.5.50.10, 10.5.80.1(2)(A), (B) and (C), 10.10.20.100(12), 10.10.40.30.(1), 10.10.80.40(2), 230.5.1.10(6) and (9)(B) and 230.10.1.20(2) apply to prevent the erection and use of **buildings** or **structures** on Parcel A as shown on Diagram 1 of By-law 1285-2016 if in compliance with regulations (B) to (X) below and Section 6 and Schedule A of By-law 1285-2016.
- (B) In addition to the uses permitted pursuant to Section 10.10.20.10(1), the following uses are also permitted outside and in the Existing Building as shown on Diagram 3 of By-law 1285-2016, if such uses are located not above the first storey:
- (i) retail store, eating establishment, take-out eating establishment, office, artist studio, art gallery, personal service shop, 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, if it is **ancillary** to a permitted use listed in (A) and/or (B) above.
- (C) Despite regulation 800.50(240) **established grade** for Parcel A as shown on Diagram 1 attached to By-law 1285-2016 means the Canadian Geodetic Elevation of 119.2 metres.
- (D) Despite regulation 5.10.30.20(2) the **front lot line** is the **lot line** abutting Pears Avenue.
- (E) Despite regulation 5.10.1.30(3)(A) a **dwelling unit** may be entirely below **established grade** but no **dwelling unit** may be entirely below finished ground level.
- (F) Despite regulation 10.10.40.1(2), the Existing Building, including portions below finished ground level, and Building A as shown on Diagram 3 attached to By-law 1285-2016 are permitted on the **lot**.

- (G) Despite regulation 10.10.40.10(1):
- (i) The permitted maximum height of the Existing Building as shown on Diagram 3 of By-law 1285-2016, is the **building** height that existed for that **building** on December 1, 2016;
  - (ii) Despite (i) above, roof top mechanical equipment and related enclosures erected on the Existing Building subsequent to the passing of By-law 1285-2016 may project to a maximum of 5.0 metres above the permitted height of the Existing Building; and
  - (iii) The permitted maximum height of Building A shown on Diagram 3 attached to By-law 1285-2016, must not exceed 4.5 metres.
- (H) Despite regulation 10.10.40.40(1), on Parcel A, as shown on Diagram 1 of By-law 1285-2016, the permitted maximum **gross floor area** for the **buildings** shown on Diagram 3 attached to By-law 1285-2016 is:
- (i) 960.0 square metres for Building 'A'; and
  - (ii) the **gross floor area** that existed in the Existing Building on December 1, 2016.
- (I) Despite regulation 10.10.40.50(1) **amenity space** must be provided in accordance with the following:
- (i) a minimum of 250 square metres of indoor **amenity space** must be in the Existing Building as shown on Diagram 3 attached to By-law 1285-2016;
  - (ii) an minimum of 150 square metres of outdoor **amenity space** must be provided, of which a minimum of 40 square metres must be in a location immediately adjacent to the Existing Building and Building A as shown on Diagram 3 attached to By-law 1285-2016; and
  - (iii) in addition to subsection (i) and (ii) above, an additional multi-purpose room or rooms with a minimum total **gross floor area** of 50 square metres must be provided on the ground floor of the Existing Building as shown on Diagram 3 attached to By-law 1285-2016, and such room(s) may only be used for additional **amenity space**, and/or uses permitted in regulation (B)(i) and (ii) above.
- (J) Despite regulations 5.10.40.70, 10.5.40.70(1), 10.10.40.70 and 600.10.10(1):
- (i) no portion of the Existing Building or Building 'A' erected or used above finished ground level may be located otherwise than wholly within the areas delineated by heavy lines shown as the Existing Building and Building 'A' on Diagram 3 attached to By-law 1285-2016;

- (ii) the above ground **main walls** of a **building** must be setback from a **lot line** at least the distance shown on Diagram 3 attached to By-law 1285-2016;
  - (iii) the minimum above finished ground separation distance between **main walls** of two **buildings** is 7.0 metres;
  - (iv) no **building** setback requirement applies below finished ground; and
  - (v) regulation 600.10.10(1) does not apply to the Existing Building shown on Diagram 3 attached to By-law 1285-2016 as it existed on December 1, 2016.
- (K) Despite regulation 10.10.40.80(1)(A), for Building A as shown on Diagram 3 attached to By-law 1285-2016, where a line projected outward at a right angle from one **main wall** intercepts another **main wall** of the same **building**, the required minimum above-finished ground separation distance between those **main walls** is 0.9 metres.
- (L) The provisions of subsections (H) and (L) above, and regulations 5.10.40.70, 10.5.40.10, 10.5.40.50, 10.5.40.60 and 10.10.40.10, do not apply to prevent the erection and use of the following:
- (i) on Building A as shown on Diagram 3 to By-law 1285-2016, parapets, chimneys vents, stacks, flues and elements of a green roof to a maximum vertical projection of 1.5 metres above the permitted maximum height of the **building**;
  - (ii) a stair enclosure to a maximum vertical projection of 3.0 metres above established grade;
  - (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) a **parking garage** located at or below **established grade**.
- (M) Despite regulation 10.5.100.1(4), a **driveway** may have a maximum total width of 6.6 metres and a **driveway** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 that does not comply is permitted.

- (N) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following requirements:
- (i) a minimum of 70 **parking spaces** must be provided for residents;
  - (ii) a minimum of 36 **parking spaces** must be provided for visitors; and
  - (iii) **no parking spaces** are required for non-residential uses.
- (O) Despite provision (N)(ii) above, during construction of renovations to the existing surface parking area and **parking garage** within the Existing Building as shown on Diagram 3 attached to By-law 1285-2016, a minimum of 10 **parking spaces** are required for visitors. Upon completion of such renovations, and no later than 3 years from the date of issuance of the first above grade building permit for Building A, **parking spaces** must be provided and maintained in accordance with provision (N)(ii) above.
- (P) Despite provision (N) above and regulations 10.5.80.10(1) and 230.5.1.10(8), a maximum of 12 **parking spaces** and **bicycle parking spaces** for Parcel A on Diagram 1 attached to By-law 1285-2016 may be located or partially located on Parcel B on Diagram 1 attached to By-law 1285-2016, if access to the **parking spaces** and the **bicycle parking spaces** is from the **parking garage** in the Existing Building shown on Diagram 3 attached to By-law 1285-2016.
- (Q) Despite regulation 200.5.1(3), a **drive aisle** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 that does not comply is permitted and the minimum width required shall be the existing width.
- (R) Despite regulation 200.5.1.10(2) and (3) a **parking space** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 that has dimensions that are lesser than the minimum or greater than the maximum dimensions required by this by-law is permitted and such **parking space** may satisfy the requirements of regulation (N) above.
- (S) Despite regulation 200.15.1.1(1), an accessible **parking space** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 that has dimensions that are lesser than the minimum required by this by-law is permitted and such accessible **parking space** may satisfy the requirements of regulation (N) above.
- (T) Despite regulation 200.15.1.5(1)(A) accessible **parking spaces** must be located within 32 metres of a pedestrian access to the **building**.
- (U) Despite regulation 220.5.10.1, a **loading space** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 is permitted and despite regulation 220.5.1.10 satisfies the by-law requirements for a Type "G" **loading space**.

- (V) Despite regulation 220.5.20.1, any **driveways** providing access to a **loading space** that existed on Parcel A as shown on Diagram 1 attached to By-law 1285-2016 on December 1, 2016 are permitted and satisfy the requirements of regulation 220.5.20.1.
- (W) Despite regulation 230.5.10.1, **bicycle parking spaces** are only required for **dwelling units** in Building A.
- (X) Despite regulation 800.50(420), for the purpose of this Exception, Parcel A as shown on Diagram 1 attached to By-law 1285-2016, is a **lot** and despite any existing or future severance, partition or division of Parcel A, the provisions of this Exception and By-law 569-2013, as amended, continue to apply to Parcel A as one **lot** as if no severance, partition or division of the **lot** had occurred.

Prevailing By-law and Prevailing Sections: (None Apply)

5. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception 32 to Article 900.2.10, so that it reads:

**Exception R (32)**

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 that portion of the lands known municipally as 250 Davenport Road in the year 2015, shown as Parcel B on Diagram 1 to By-law 1285-2016, none of the provisions of regulations 10.5.50.10, 10.5.100.1(5), 10.10.20.100(12), 10.10.40.1(5), 10.10.40.30, and 600.10.10(1) apply to prevent the erection and use of **buildings** or **structures** on Parcel B as shown on Diagram 1 of By-law 1285-2016, if in compliance with regulations (B) through (S) below and Section 7 and Schedule A of By-law 1285-2016.
- (B) In addition to the uses permitted pursuant to Section 10.10.20.10(1) and despite any provisions of By-law 569-2013 to the contrary, the following uses are also permitted:
  - (i) within Building D as shown on Diagram 3 of By-law 1285-2016: **retail store**, office, **eating establishment**, **take-out eating establishment**; **financial institution**, **automated banking machine**, **recreation use**, **personal service shop**, **art gallery**, or **artist studio**; and
  - (ii) uses **ancillary** to permitted uses on Parcel A as shown on Diagram 1 of By-law 1285-2016 within a **parking garage** may be located or partially located on Parcel B as shown on Diagram 1 of By-law 1285-2016, if access to the **parking garage** is provided from Parcel A and the **parking garage** is located within 4.0 metres of the Parcel A **lot line**.

- (C) Despite regulation 10.10.40.40, the maximum **gross floor area** of all **buildings** is 26,500 square metres, of which a maximum of 300 square metres may be used for non-residential uses.
- (D) In addition to the provisions of regulation 10.5.40.40(4), any area within Building D, as shown on Diagram 3 attached to By-law 1285-2016, provided as indoor **amenity space** is also excluded from the calculation of **gross floor area**.
- (E) Despite regulation 800.50(240), **established grade** for Parcel B as shown on Diagram 1 attached to By-law 1285-2016 means the Canadian Geodetic Elevation of 119.2 metres.
- (F) Despite regulation 5.10.30.20, the **front lot line** is the **lot line** abutting Bedford Road.
- (G) Despite regulation 5.10.1.30(3)(A) a **dwelling unit** may be entirely below **established grade** but no **dwelling unit** may be entirely below finished ground level.
- (H) Despite regulation 10.10.40.10(1), the height of any **building** must not exceed the height in metres specified by the numbers following the symbol "H" on Diagram 3 attached to By-law 1285-2016.
- (I) Despite regulation 10.5.40.10(3) and (4), the portion of the **building** located within the area shown as mechanical penthouse on Diagram 3 attached to By-law 1285-2016 must only be occupied by the elements for the functional operation of the **building** listed in paragraphs (A), (B) and (C) of regulation 10.5.40.10(3), and may project a maximum of 6 metres above the maximum permitted height of the building.
- (J) Despite regulations 5.10.40.70, 10.5.40.70, 10.10.40.70 and 10.10.40.80:
- (i) no portion of a **building** erected or used above finished ground may be located otherwise than wholly within the areas delineated by heavy lines on Diagram 3 attached to By-law 1285-2016;
  - (ii) above finished ground the **main walls** of a **building** must be setback from a **lot line** at least the distance shown on Diagram 3 attached to By-law 1285-2016;
  - (iii) above finished ground the minimum separation distance between **main walls** is at least the distances shown on Diagram 3 attached to By-law 1285-2016; and
  - (iv) no **building** setback requirement applies below finished ground.
- (K) The provisions of subsections (F), (G) and (H) above, and regulations 5.10.40.70, 10.5.40.10, 10.5.40.50, 10.5.40.60 and 10.10.40.10, do 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 maximum permitted **building** heights as shown on Diagram 3 to By-law 1285-2016;
  - (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 **established grade**, to a maximum horizontal projection of 5.0 metres beyond the heavy lines shown on Diagram 3 attached to By-law 1285-2016;
  - (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 (I);
  - (iv) awnings and canopies to a maximum horizontal projection of 1.5 metres beyond the heavy lines shown on Diagram 3 to By-law 1285-2016;
  - (v) **structures** on the roof of the **building** used for outside or open air recreation, outdoor **amenity space**, safety and wind protection purposes to a maximum vertical projection of 3.0 metres above the permitted maximum **building** height shown on Diagram 3 attached to By-law 1285-2016, 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;
  - (vii) balconies to a maximum horizontal depth of 1.7 metres beyond the heavy lines shown on Diagram 3 attached to By-law 1285-2016; and
  - (viii) **parking garage** located at or below **established grade**.
- (L) Despite regulation 10.10.40.50(1), **amenity space** must be provided in accordance with the following:
- (i) a minimum of 1.8 square metres of indoor **amenity space** per **dwelling unit** in Building D, as shown on Diagram 3 of By-law 1285-2016, must be provided in a multi-purpose room or rooms, where:
    - A. at least one room, which is not a guest suite, must contain a kitchen and a washroom; and
    - B. the indoor **amenity space** may include a guest suite which must contain a bathroom and may contain a kitchen;



- (ii) a minimum of 0.8 square metres of outdoor **amenity space** per **dwelling unit** in Building D, as shown on Diagram 3 of By-law 1285-2016, must be provided, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor **amenity space**.
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following requirements for Building B, C and D as shown on Diagram 3 attached to By-law 1285-2016:
  - (i) a minimum of 0.45 **parking spaces** for each **dwelling unit** in Building D for use by residents of Parcel B as shown on Diagram 1 attached to By-law 1285-2016;
  - (ii) a minimum of 1 **parking space** for each **dwelling unit** in Building B and Building C for residents in Buildings B and C;
  - (iii) a minimum of 0.10 **parking spaces** for each **dwelling unit** in Building D, minus one **parking space**, for the use of visitors to Parcel B as shown on Diagram 1 attached to By-law 1285-2016; and
  - (iv) **parking spaces** are not required for non-residential uses.
- (N) Despite regulation 200.5.1.10(2)(A)(iv), up to a maximum of 15 **parking spaces** may be obstructed on one side without widening.
- (O) Despite regulation 230.5.10.1(2) and (5) **bicycle parking spaces** are only required for **dwelling units** in Building D, as shown on Diagram 3 of By-law 1285-2016.
- (P) Despite regulation 230.5.1.10(9) and 230.10.1.20, all required "long-term" and "short-term" **bicycle parking spaces** may be located anywhere within the first and/or second level of the **building** below finished ground.
- (Q) Despite regulations 10.5.100.1(4) a **driveway** may have a minimum width of 3.0 metres for each lane and a maximum total width of 6.4 metres.
- (R) Despite any provisions of this Exception and the provisions of By-law 569-2013 to the contrary, the following uses are permitted for a period not longer than three years from the date of approval of By-law 1285-2016: a sales office for the purpose of the sale of **dwelling units** to be erected on Parcel B, as shown on Diagram 1 attached to By-law 1285-2016, and/or an office for the administration and management of construction activities related to construction on Parcel B.
- (S) Despite regulation 800.50(420), for the purpose of this Exception, Parcel B as shown on Diagram 1 of By-law 1285-2016 is a **lot** and despite any existing or future severance, partition or division of Parcel B, the provisions of this Exception and By-law 569-2013, as amended, continue to apply to Parcel B as one **lot** as if no severance, partition or division had occurred.

Prevailing By-law and Prevailing Sections: (None Apply)

6. Zoning By-law 569-2013, as amended, is further amended by deleting Exception 900.2.10(891)(C) and relabeling regulation 900.2.10(891)(D) as (C).

7. Section 37 Provisions

Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law 1285-2016, the increase in height and/or 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 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.

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 must be dependent on satisfaction of the same.

The owner must not use, or permit the use of, a **building** or **structure** erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A 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.

Enacted and passed on December 15, 2016.

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 by 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 of this By-law and secured in an 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 Parcel B, 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 Parcel B, the owner of Parcel B 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 Parcel A 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 Parcel B, the owner of Parcel B shall construct and provide the following:
- (i) a privately owned publically accessible open space on Parcel A, 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 Parcel B, and the owner of Parcel B 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 Parcel B, with the specific location, design, configuration and improvements to be determined through the site plan approval process, and prior to site plan approval, for Parcel B, and the owner of Parcel B 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 Parcel A 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 Parcel B; 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;

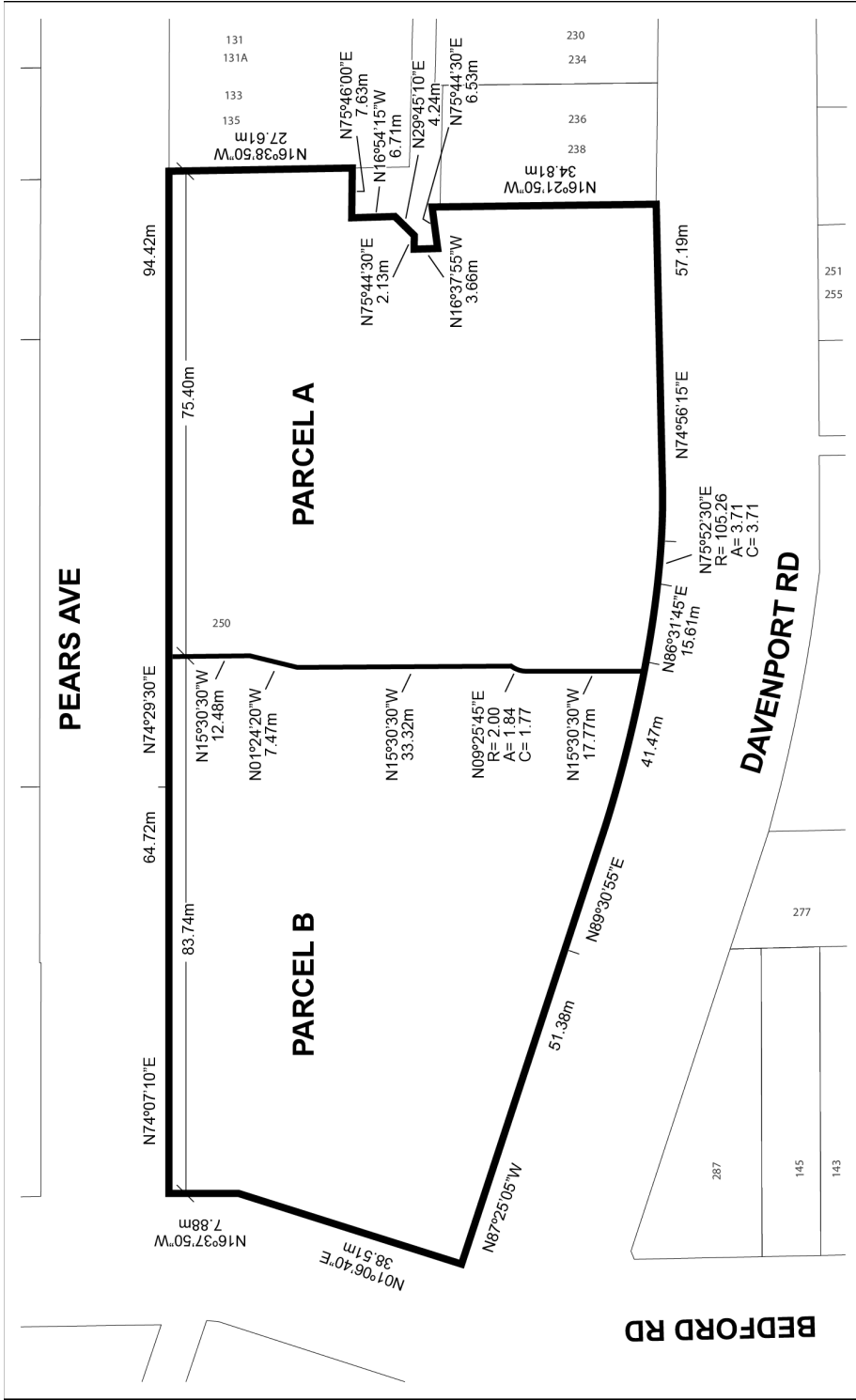
all in consultation with the Ward Councillor and local community, and to the satisfaction of the Chief Planner and Executive Director, City Planning and where all monetary amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- (D) For clarification, the owners of Parcel A and Parcel B Lands shall be responsible for maintaining the improvements in (C) above, on their respective parcels.
- (E) Prior to final site plan approval for Parcel B, 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 Parcel B 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:

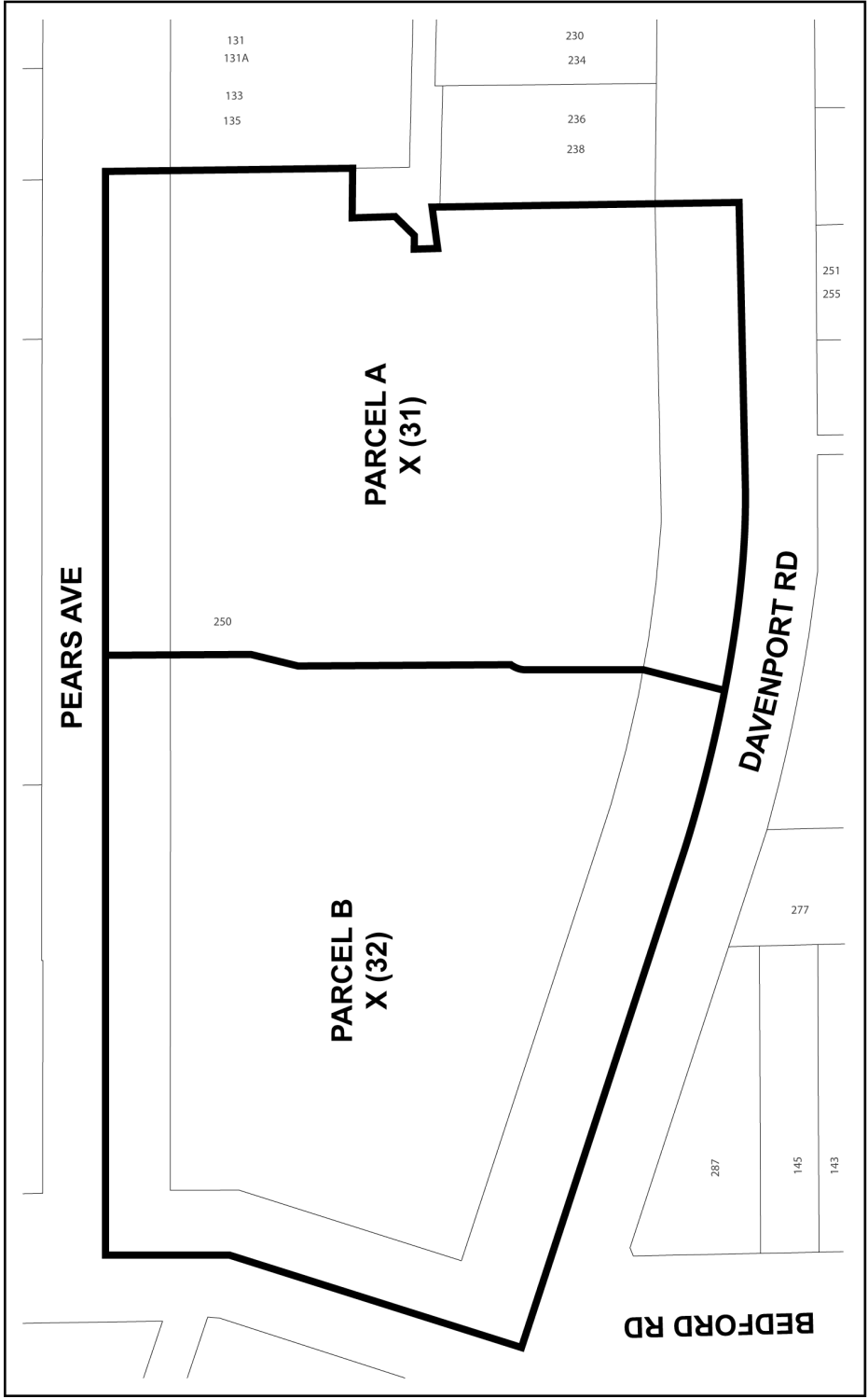
- (i) From the owner of Parcel A, registration and conveyance of a public access easement to the City over the privately owned publically accessible open space on Parcel A identified in clause (C)(i) above; and
  - (ii) From the owner of Parcel B, registration and conveyance of a public access easement to the City over the privately owned publically accessible pedestrian walkway on Parcel B 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 Parcel A 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 Parcel A and Parcel B, 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 Parcel B must prior to the earlier of the first residential use or first condominium registration on Parcel B 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 Parcel B.
- (G) Prior to the earlier of the first condominium registration or first residential use of Parcel B, or if delayed by seasonality no later than nine (9) months after the earlier of the first condominium registration or first residential use of Parcel B as agreed to in writing by the General Manager, Parks, Forestry and Recreation and secured by a letter of credit, the owner of Parcel B 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 Parcel B 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 Parcel A, 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 Parcel B, prior to two years after the issuance of the final above-grade building permit for Building B, Building C, or Building D on Parcel B, 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 Parcel A, 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 Parcel A, 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 Parcel B, prior to the issuance of the first building permit for Parcel A or Parcel B (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.

- (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.





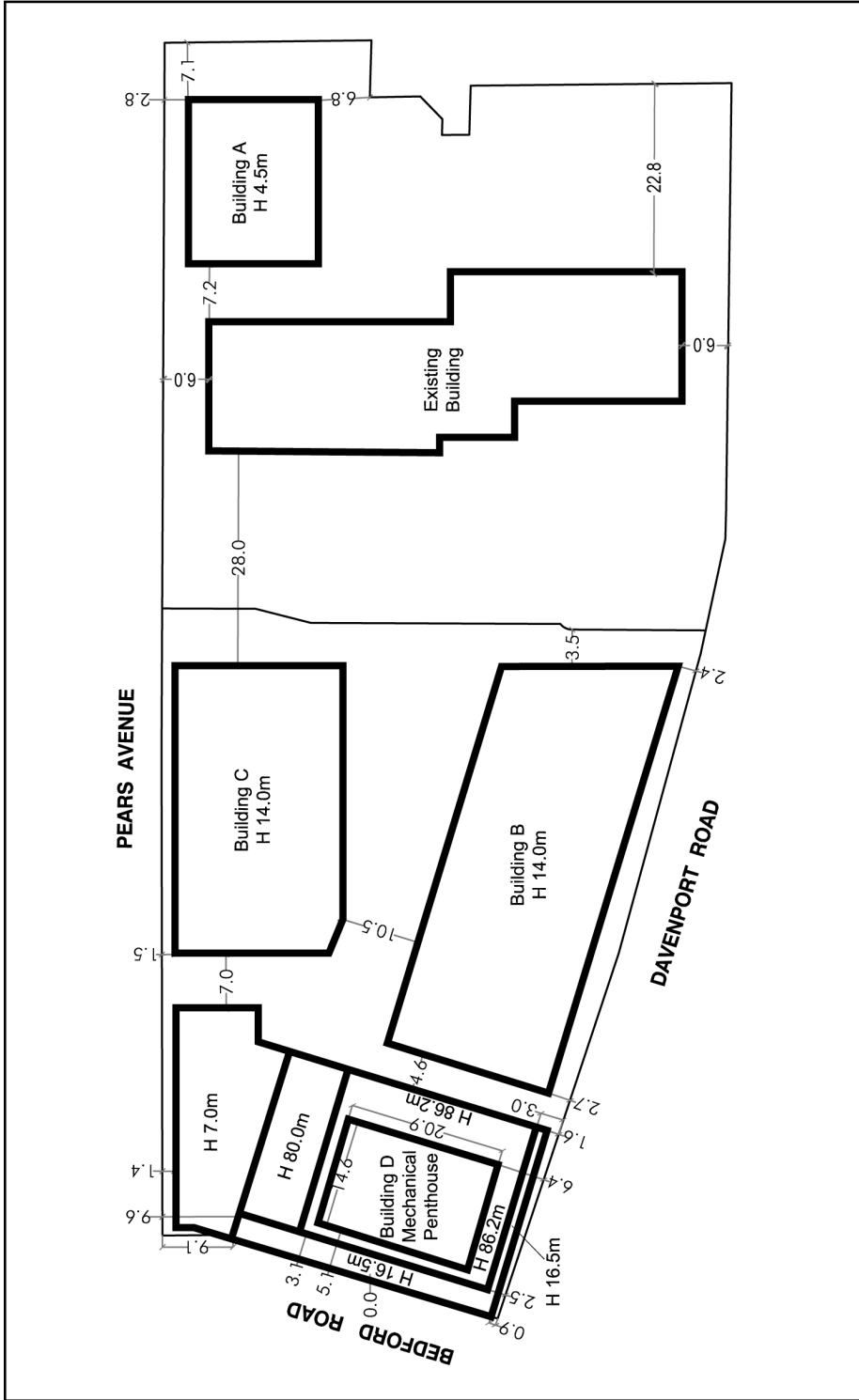


**Toronto**  
**Diagram 2**

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

City of Toronto By-Law 569-2013  
 Not to Scale  
 12/13/2016





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

City of Toronto By-Law 569-2013  
Not to Scale  
11/30/2016