

Authority: Local Planning Appeal Tribunal Order/Decision
issued on October 23, 2020 in Tribunal File PL171290

CITY OF TORONTO

BY-LAW 848-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 1-25 Defries Street.

Whereas the Local Planning Appeal Tribunal, by its Order/Decision issued October 23, 2020, in Tribunal File PL171290 approved amendments to amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 1–25 Defries Street; and

Whereas the Local Planning Appeal Tribunal 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 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 in accordance with Schedule A of this By-law; 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 Ontario Land Tribunal orders:

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.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this by-law to the Zoning Map in Section 990.10, and applying the following zone label to these lands: CR 2.5 (c2.0; r1.5) SS2 (x291), OR, and ON, 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: PA 1, 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 Height Overlay Map in Section 995.10.1, and applying the following height label to these lands: HT 15 and HT 4, 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 Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands 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.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 291 so that it reads:

Exception CR 291

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 the lands municipally known as 1-25 Defries Street, if the requirements of Clause 9 and Schedule A of By-law 848-2021(OLT) are complied with, an **apartment building or mixed-use building**, is permitted in compliance with (B) to (O) below;
- B. The total **gross floor area** must not exceed 42,500 square metres, of which:
 - i. 42,500 square metres of **gross floor area** may be used for residential uses;
 - ii. 3,000 square metres may be used for non-residential uses; and
 - iii. non-residential uses must be located on the first or second **storey**;
- C. The permitted maximum area of the tower floor plate for each **storey** above the 11th **storey** is 840.0 square metres, measured from the exterior of the **main wall**;

- D. Regulation 40.10.40.1(1), regarding the location of commercial uses in a **mixed use building**, does not apply;
- E. Despite Regulation 40.5.40.10(1), the height of a **building or structure** is measured as the distance from the Canadian Geodetic Datum elevation of 83.20 metres to the highest point of the **building or structure**;
- F. Despite Regulations 40.10.40.10(2) and (7) the permitted maximum height of the **building or structure** or portion thereof, including a mechanical penthouse, must not exceed the height in metres specified by the numbers following "HT" and the height in **storeys** above ground level specified by the numbers following "ST" as shown on Diagram 6 of By-law 848-2021(OLT);
- G. Despite Clause 40.5.40.10 and (F) above, the following may project above the permitted maximum height as shown on Diagram 6 of By-law 848-2021(OLT):
- i. retaining walls, fencing, decks, guardrails, planters, decorative screens, lighting features, landscape features, parapets not associated with a raised pool deck, wheelchair ramps, solar panels, roof access hatches, **green roof** elements, skylights, roof assemblies including decking and pavers and **structures** on the roof of the **building** used for safety purposes by 1.5 metres;
 - ii. raised pool and raised pool deck by 1.6 metres;
 - iii. parapets for raised pool deck, lighting rods, window washing equipment, and wind mitigation features by 4.0 metres;
 - iv. cabanas, trellises and pergolas features by 4.5 metres within the specified area delineated by hatched area as shown on Diagram 6; and
 - v. vents, stacks, mechanical elements, heating/cooling towers, stairs, stair enclosures, elevator enclosure and overrun must not exceed the maximum height specified on Diagram 6;
- H. Despite Regulation 40.10.40.70(2) and Article 600.10.10, the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 848-2021(OLT);
- I. Despite Clause 40.10.40.60 the following may encroach into the required minimum **building setbacks** shown on Diagram 6 attached to By-law 848-2021(OLT):
- i. **building** cornices, lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, and **green roof** elements, wind mitigation, architectural cladding and design features to a maximum of 0.5 metres;

- ii. canopies, awnings, wheel chair ramps, vents, landscape features, wind mitigation elements, noise mitigation elements, window washing equipment and public art features to a maximum of 2.0 metres;
 - iii. balconies may project a maximum of 1.5 metres within specified areas delineated by a dashed line as shown on Diagram 6 of By-law 848-2021(OLT); and
 - iv. despite (I)(iii) above, balconies located on the east side of the tower above the 11th **storey** may project a maximum of 2.0 metres within the specified area delineated by a dashed line as shown on Diagram 6 of By-law 848-2021(OLT);
- J. Despite clause (G) and (I) of By-law 848-2021(OLT), no encroachments are permitted over lands zoned ON or OR;
- K. Despite Regulation 40.10.40.50(1), a minimum of 1,120 square metres of indoor **amenity space** and 1,120 square metres of outdoor **amenity space** must be provided;
- L. Despite Regulation 200.5.10.1(1), the parking rates in Table 200.5.10.1 and regulation 200.15.10(1), a minimum of 179 **parking spaces** must be provided and maintained below ground as follows:
- i. a minimum of 144 **parking spaces** must be provided for residents of the **dwelling units** or for a car-share service provider, including a minimum of 5 accessible **parking spaces**;
 - ii. a minimum of 29 **parking spaces** must be provided for visitors of the **dwelling units**, including a minimum of 1 accessible **parking space**;
 - iii. a minimum of 6 **parking spaces** must be provided for either visitors of the **dwelling units**, visitors to non-residential uses, or car-share; and
 - iv. no **parking spaces** are required for non-residential uses;
- M. Despite Regulation 230.5.10.1(1) and (5) and table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the lands in accordance with the following:
- i. a minimum of 504 long-term **bicycle parking spaces** must be provided for residents; and
 - ii. a minimum of 56 short-term **bicycle parking spaces** must be provided for visitors;
- N. Despite Regulation 230.5.1.10(4), **stacked bicycle parking spaces** provided within an approved bicycle parking stacker must be in accordance with the following:

- i. a **stacked bicycle parking space** may overlap an adjacent **stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.143 metres per side;
 - ii. a minimum length of 1.86 metres; and
 - iii. a minimum vertical clearance from the ground of 1.4 metres for the lower tier of **stacked bicycle parking spaces**; and
- O. Despite Regulation 220.5.1.10(3), a total of one Type "G" **loading space** is required for residential and non-residential uses.

Prevailing By-laws and Prevailing Sections:

- a. Section 12(1) 175 of former City of Toronto By-law 438-86;
- b. Section 12(2) 132 of former City of Toronto By-law 438-86;
- c. Section 12(2) 270 of former City of Toronto By-law 438-86;
- d. Section 12(2) 278 of former City of Toronto By-law 438-86; and
- e. Former City of Toronto By-law 444-88.

9. 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/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 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.

Pursuant to Local Planning Appeal Tribunal Order/Decision issued on October 23, 2020 in Tribunal File PL171290.

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, or otherwise agreed to be the owner, on the lands shown on Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act where the owner agrees as follows:

Community Benefits

1. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$4,000,000.00, to be allocated as follows:
 - a. \$2,500,000.00 to be allocated towards improvements to local parks and/or streetscapes that comply with the Streetscape Manual and/or are to the satisfaction of the Chief Planner and Executive Director, City Planning, within an area bounded by the Don River, Eastern Avenue, Parliament Street, Shuter Street, River Street (between Shuter Street and Dundas Street East), and Dundas Street East (between River Street and the Don River), including all costs associated with designing and implementing a new sidewalk on the west side of the Bayview Avenue between 1-25 Defries Street and Queen Street East, and other improvements to be determined in consultation with the Ward Councillor; and
 - b. \$1,500,000.00 for the commissioning of public art and associated site preparation on lands located at or near the intersection of King Street East and Queen Street East, as part of a gateway feature for the Corktown neighbourhood, to be coordinated by the Economic Development and Culture Division in consultation with Transportation Services Division, City Planning Division, and Waterfront Toronto.
2. The payments required in items 1a. and 1b. above must be increased by upwards index in accordance with the Non-Residential Building Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.
3. In the event the cash contributions required in items 1a. and 1b. above have not been used for the intended purpose within three (3) years of the date of the issuance of the first above-grade building permit, the cash contribution may be directed to another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject property.

Toronto and Region Conservation Authority

4. The owner agrees to convey the lands below the long-term stable top-of-bank and the buffer zone lands located within 10 metres of the long-term stable top-bank, excluding any lands required for widening the Bayview Avenue right-of-way, to Toronto and Region Conservation (TRCA), prior to final Site Plan approval.

5. Pursuant to Ontario Regulation 166/06, the owner is required to obtain a Toronto and Region Conservation (TRCA) permit prior to any development and/or site alteration on the subject property.
6. The owner agrees to provide information to Toronto and Region Conservation (TRCA) that describes how a Limiting Distance Separation Agreement and a Maintenance Easement will be secured through the appropriate development agreement(s), to the satisfaction of Toronto and Region Conservation (TRCA).
7. The owner agrees to design and construct an accessible pedestrian/cycle path and a staircase on the subject site to provide access to Bayview Avenue through the Site Plan approval process. The design of the accessible pedestrian/cycle path and the staircase must be to the satisfaction of Toronto and Region Conservation (TRCA), the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services.

Transportation Services

8. Prior to approval of a Site Plan Control application, the owner agrees to prepare all documents and convey to the City, at nominal cost, a 4.76 metre wide conveyance along the west limit of Bayview Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles and trees, and subject to a right-of-way for access purposes, including construction access, until such time as the said lands have been laid out and dedicated for public highway purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor.
9. Prior to approval of a Site Plan Control application and prior to the issuance of a building permit, the owner agrees to convey to the City, at nominal cost, the following land conveyance for a corner rounding and surface easement for a corner rounding in order to provide for, among other things, adequate pedestrian facilities and appropriate sight lines:
 - a. a land conveyance for a 5.0 metre corner rounding at the northeast corner of the intersection of Defries Street and Labatt Avenue; and
 - b. a surface easement for a 5.0 metre corner rounding at the southeast corner of the intersection of Defries Street and Mark Street.

Parkland Dedication

10. Prior to issuance of the first above-grade building permit, the owner is required to convey a 421 square metre portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry and Recreation (PFR).

11. The owner is to pay for the costs of the preparation and registration of all relevant documents. The owner shall provide to the satisfaction of the City Solicitor all legal descriptions and applicable reference plans of survey for the new parkland.
12. Prior to conveying the parkland to the City, the owner must:
 - a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering and Construction Services;
 - b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit towards the cost of the peer review in the form of a certified cheque, to the Chief Engineer and Executive Director, Engineering and Construction Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
 - c. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Chief Engineer and Executive Director, Engineering and Construction Services for peer review and concurrence, which states:
 - i. In the opinion of the Qualified Person:
 - (a) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (b) To the extent that the opinion in 12.d.i is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

- ii. Land to be conveyed to the City meets either:
 - (a) The applicable Ministry Generic Site Condition Standards for the most environmentally sensitive adjacent land use; or
 - (b) The Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

- e. The Qualified Person's statement, referenced in above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Chief Engineer and Executive Director, Engineering and Construction Services.

- f. For conveyance of lands requiring a Record of Site Condition:
 - i. File the Record of Site Condition on the Ontario Environmental Site Registry; and
 - ii. Submit the Ministry's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, as amended, to the Chief Engineer and Executive Director, Engineering and Construction Services.

Park Construction: Base Park Improvements

- 13. The owner, at their expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:
 - a. demolition, removal and disposal of all existing materials, buildings and foundations;
 - b. grading inclusive of topsoil supply and placement, minimum of 150 millimetres;
 - c. sod #1 nursery grade or equivalent value of other approved park development;
 - d. fencing to City standard (where deemed necessary);
 - e. all necessary drainage systems including connections to municipal services;

- f. electrical and water connections (minimum 50 millimetres) directly to the street line, including back flow preventers, shut off valves, water and hydro meters and chambers;
 - g. street trees along all public road allowances, which abut future City owned parkland; and
 - h. standard park sign (separate certified cheque required).
14. All park work is to be completed to the satisfaction of the General Manager, Parks, Forestry and Recreation.
15. Prior to the issuance of the first above grade building permit, the owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
16. Prior to issuance of the first above grade building permit, the owner shall post an irrevocable Letter of Credit in the amount of 120 percent of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
17. The construction of the Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late completion of the construction of the Base Park Improvements to the park block may be taken into consideration and the date for completion may be extended at the discretion of the General Manager, Parks, Forestry and Recreation.
18. Should the owner carry out any of the Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain, at the owner's expense, a Park Occupation Permit (POP) from Parks, Forestry and Recreation's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
19. Prior to conveyance of the parkland the owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.
20. Prior to conveyance of the parkland, the owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of

the General Manager, Parks, Forestry and Recreation and the Director of Technical Services.

21. The owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park.

Above Base Park Improvements

22. The owner agrees to design and construct the Above Base Park Improvements to the new park, to the satisfaction of the General Manager, Parks, Forestry and Recreation, for a development charge credit against the Parks and Recreation component of the Development Charges. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. Prior to the issuance of the first above grade building permit for all or any part of the site, the owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry and Recreation, and a Letter of Credit equal to 120 percent of the Parks and Recreation Development Charges payable for the development, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
23. The owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, Parks, Forestry and Recreation.
24. Prior to the issuance of the first above grade building permit for the development of all or any part of the site, the owner is required to submit working drawings, specification and landscape plans showing the scope and detail of the work for the Above Base Park Improvements for review and approval by the General Manager, Parks, Forestry and Recreation.
25. The construction of the Above Base Park Improvements to the park block shall be completed within one year after the issuance of the first above grade building permit to the satisfaction of the General Manager, Parks, Forestry and Recreation. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block may be taken into consideration and the date for completion may be extended at the sole discretion of the General Manager, Parks, Forestry and Recreation.
26. Should the owner carry out any of the Above Base Park Improvements on the park block following conveyance of the park block to the City, the owner must obtain, at the owner's expense, a Park Occupation Permit (POP) from Parks, Forestry and Recreation's Park Supervisor for that Ward. The POP will outline in detail the insurance requirements,

extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, Parks, Forestry and Recreation. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park.

27. The owner, upon completion of the construction and installation of the Base and Above Base Park Improvements, to the satisfaction of the General Manger, Parks, Forestry and Recreation, shall be required to guarantee such work and associated materials. The owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, Parks, Forestry and Recreation be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Above Base Park Improvement Letter of Credit. Upon the City's acceptance of the certificate, the Letter(s) of Credit will be released less 20 percent which will be retained for the 2 year guarantee known as the Parkland Warranty Period.
28. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, Parks, Forestry and Recreation.
29. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to Parks, Forestry and Recreation. A complete set of "as built" plans shall be provided electronically on CD in PDF format, and two (2) sets full size bond hard copy the General Manager, Parks, Forestry and Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warrantees, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
30. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks, Forestry and Recreation, with respect to the park design.
31. The owner agrees to prepare a conceptual design for the proposed park on the Labatt Avenue right-of-way that provides a unified and cohesive design for both the proposed public park on the subject site and the adjacent proposed public park on the Labatt Avenue right-of-way.

Construction Management

32. Prior to the commencement of any excavation and shoring work, the owner will submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with

the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, or the General Manager, Transportation Services, in consultation with the Ward Councillor.

Types of Dwelling Units

33. The owner agrees that the proposed development will include a minimum of 30 percent two-bedroom units and a minimum of 10 percent three-bedroom units.

Toronto Green Standard

34. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time.

Car-Share

35. With regard for the parking spaces required under this By-law, the owner agrees to provide and maintain six (6) car-share parking spaces solely for the purpose of car-share. Car-share refers to the practice where a number of people share the use of motor vehicles that are made available for short-term rental, including hourly rental that must be publicly available. Prior to any occupancy of the building, the owner agrees to secure a car-share operator to provide continuous service for the required car-share parking spaces. If a car-share operator is no longer able to provide service, the owner agrees to secure an alternative car-share operator within 12 months of any interruption in service.

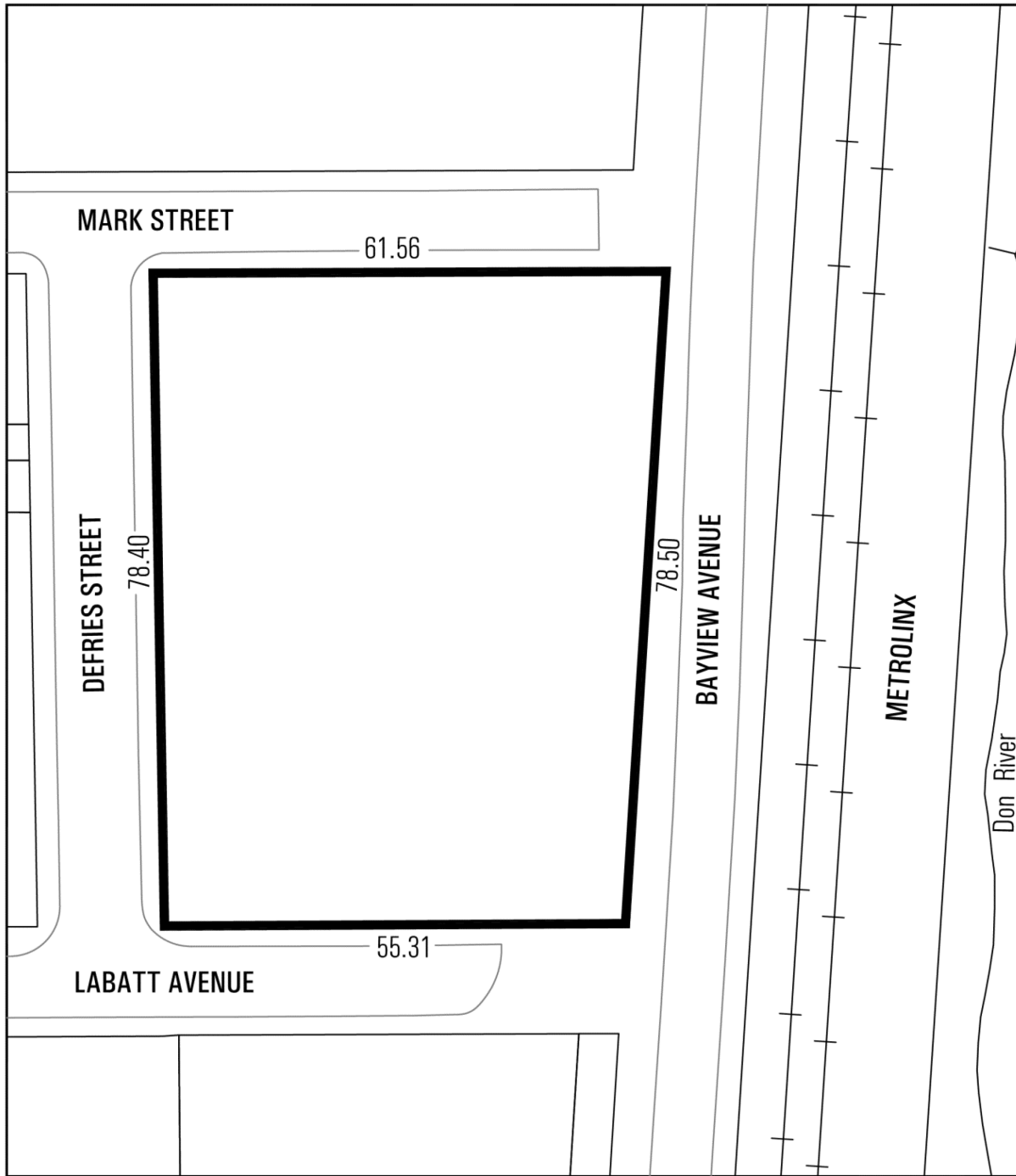
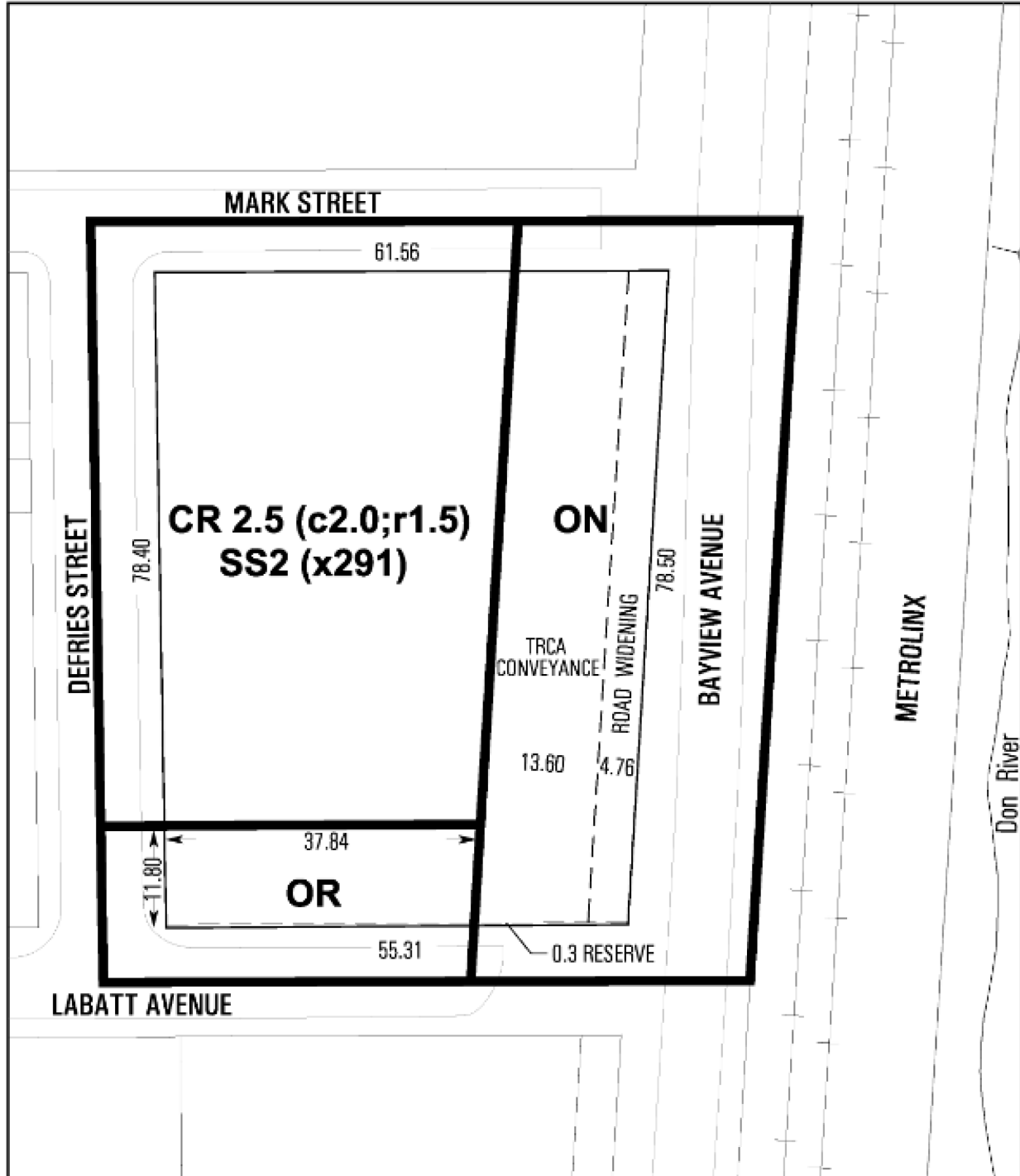



Diagram 1

1-25 Defries Street

File # 14 213710 STE 28 OZ



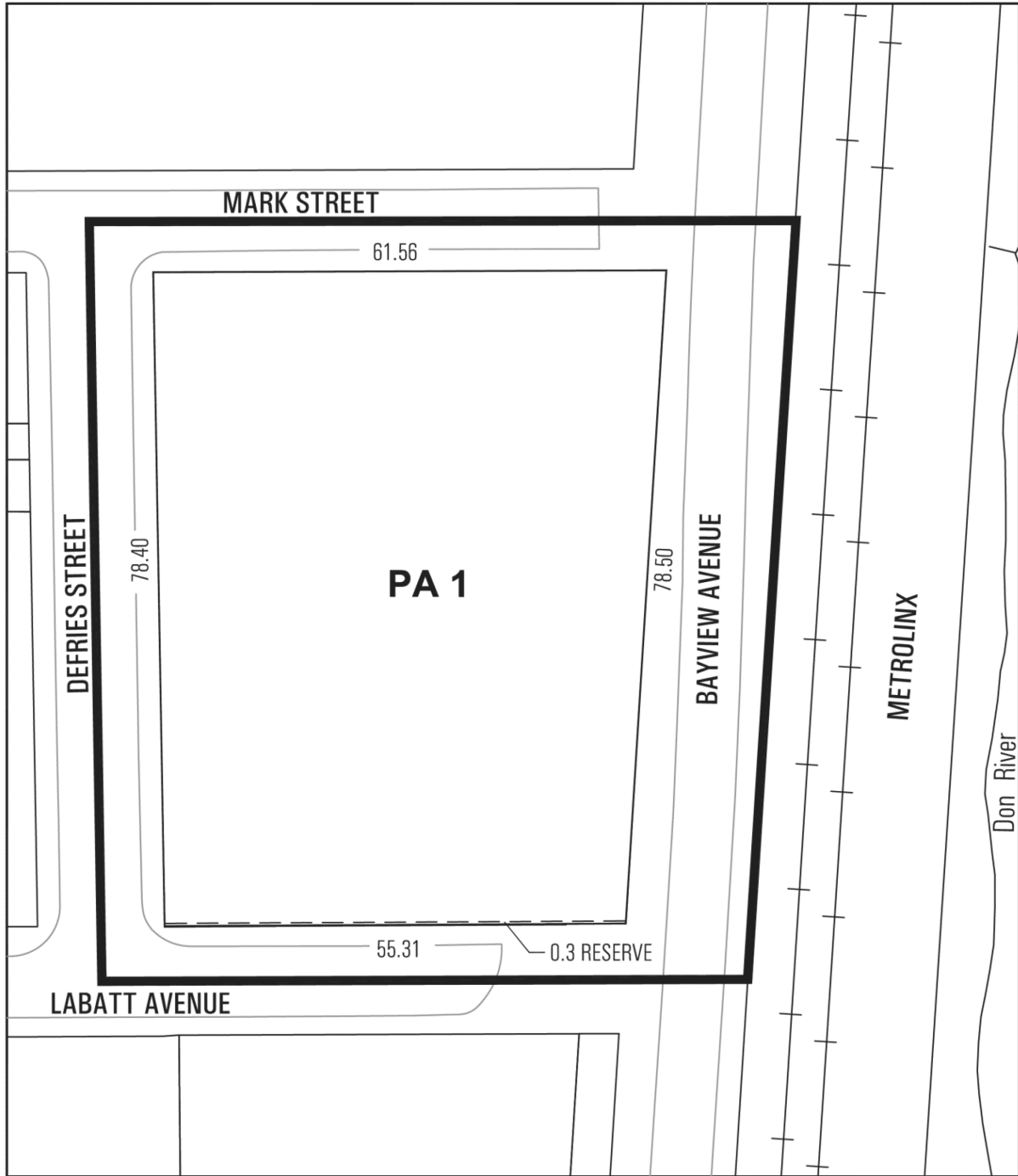



Diagram 3

1-25 Defries Street

File # 14 213710 STE 28 0Z

