

Authority: Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Decision issued on November 25, 2020 and Order issued on August 12, 2022 in File PL180306

CITY OF TORONTO
BY-LAW 1249-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands known municipally in the year 2022 as 2450 Victoria Park Avenue.

Whereas the Local Planning Appeal Tribunal, by its Decision issued on November 25, 2020 and Order issued August 12, 2022 in Tribunal File PL180306, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 2450 Victoria Park Avenue; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, whereby City Council or the Tribunal on an appeal may, in a by-law enacted under section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services, or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land 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 dealing with such facilities, services or matters; and

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

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by former City of North York By-law 7625 is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner and the City of Toronto (hereinafter referred to as the "City"); 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;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 7625, the General Zoning By-law of the former City of North York, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Schedule 1 attached to this By-law.
2. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 of this By-law.
3. Section 64.23 of By-law 7625 of the former City of North York is amended by adding the following new subsection:

64.23 (153) C1 (153)

DEFINITIONS

- (A) For the purposes of this exception the following definitions will apply:
- (i) "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct exterior access at grade, or any combination thereof;
 - (ii) "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car sharing organization and where such organizations may require that cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (iii) "Car-share Parking Space" means a parking space used exclusively for the parking of a car-share motor vehicle;
 - (iv) "Established Grade" shall mean 173.15 metres Canadian Geodetic Datum;
 - (v) "Food Hall" shall mean a premises comprised of one or more retailers where food and beverages are prepared and offered for sale to patrons for consumption on and off the premises;
 - (vi) "Floor Space Index" shall mean the result of the Gross Floor Area of all buildings divided by the area of the lot, before any conveyances;
 - (vii) "Gross Floor Area" shall mean the aggregate of the areas of each floor, above or below grade measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
 - (a) indoor amenity area;

- (b) parking, loading and bicycle parking below established grade;
 - (c) parking, loading and bicycle parking at or above established grade;
 - (d) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (e) shower and change facilities required by this By-law for required bicycle parking spaces;
 - (f) elevator shafts;
 - (g) garbage shafts;
 - (h) mechanical penthouse;
 - (i) exit stairwells in the building; and
 - (j) day nursery.
- (viii) "lot" shall mean the lands subject to this exception as contained within the heavy lines shown on Schedule 1 to this By-law;
- (ix) "Studios and Custom Workshops" means a premises used for the production of dance, music, publications, art production, digital media and applications, and custom-made goods in limited quantities which may also include office and/or retail space for the sale of such goods and services;
- (x) "Temporary Sales Office" shall mean a building, facility or structure used for the purpose of the initial sales and/or initial leasing of dwelling units or non-residential gross floor area to be used or erected on the lands shown on Schedule C1(153);
- (xi) "Tower Floor Plate" means the area of a typical building floor level above the 6th floor for any building erected on lands shown as Building A or Building B on Schedule C1(153), as well as the area of a typical building floor level above the 4th floor for any building erected on lands shown as Building C on Schedule C1(153), as measured from the exterior of the main walls of such floor level, but excluding the areas on each floor level allocated to:
- (a) The floor area of residential balconies and terraces.
- (xii) "Type 'G' loading space shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres;

- (xiii) "Type 'B' loading space shall mean a loading space that is a minimum of 3.5 metres wide, 11.0 metres long and has a minimum vertical clearance of 4.0 metres; and
- (xiv) "Type 'C' loading space shall mean a loading space that is a minimum of 3.5 metres wide, 6.0 metres long and has a minimum vertical clearance of 3.0 metres.

PERMITTED USES

(B) On the lands shown as C1(153) on Schedule 1, the only permitted uses shall be:

- (i) residential: *apartment house dwellings*, multiple attached dwellings, and accessory uses including *recreational amenity areas*;
- (ii) non-residential:
 - a. restaurants;
 - b. food hall;
 - c. retail store;
 - d. personal service shops;
 - e. financial institutions;
 - f. business and professional offices;
 - g. automatic laundry shop;
 - h. dry cleaning and laundry collecting establishments;
 - i. studios and custom workshops;
 - j. take-out restaurants;
 - k. fitness centres;
 - l. commercial recreation;
 - m. information processing;
 - n. research facilities;
 - o. car rental agencies; and
 - p. temporary sales office.

- (iii) Institutional:
 - a. day nursery.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (C) The provisions of Section 22.10 (Gross Floor Area) shall not apply.
- (D) The maximum gross floor area for the lands zoned as C1 (153) shall be 67,710 square metres.
- (E) A minimum gross floor area of 6,203 square metres shall be provided for non-residential uses as follows:
 - i) A minimum of 4,093 square metres shall be provided in Buildings A and B; and
 - ii) A minimum of 2,110 square metres shall be provided in Buildings C and D.
- (F) A day nursery shall form part of the aforementioned non-residential *gross floor area*, however is excluded from the overall *gross floor area* permitted on the lot.

LOT COVERAGE

- (G) The provisions of Section 23.2.1 for lot coverage shall not apply.

LOT AREA

- (H) The provisions of Section 23.2.4.1 for lot area shall not apply.

DENSITY

- (I) The maximum floor space index is 3.5 FSI.

DWELLING UNITS

- (J) The maximum number of dwelling units on the lot shall not exceed 1056 units.

FLOOR AREA OF DWELLING UNITS

- (K) Notwithstanding Section 23.2.4.2 for minimum dwelling unit size, the following shall apply to the entire lot, regardless of any phasing:
 - i) A minimum of 30 percent of the total number of dwelling units on the lot shall be 2-bedroom dwelling units, of which a minimum of 25 percent of

these 2-bedroom dwelling units shall have a minimum floor area of 87 square metres; and

- ii) A minimum of 10 percent of the total number of dwelling units on the lot shall be 3-bedroom dwelling units, of which a minimum of 25 percent of these 3-bedroom dwelling units shall have a minimum floor area of 100 square metres.

BUILDING HEIGHT AND NUMBER OF STOREYS

- (L) The maximum building height above *established grade* and the maximum number of storeys shall be as shown on Schedule C1(153). The following shall apply in interpreting Schedule C1(153):
 - i) The symbols "HT" shall mean the maximum building height permitted, measured in metres from established grade, for that portion of the building; and
 - ii) The symbols "ST" shall mean the maximum number of storeys permitted for that portion of the building, excluding the mechanical penthouse.
- (M) The provisions of Section 23.2.4.3 for maximum building height for commercial buildings with dwellings above the first floor shall not apply.
- (N) Notwithstanding subsection (L) above, the following elements may project beyond the maximum height limits and maximum number of storeys shown on Schedule C1(153) in accordance with the following:
 - i) Guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, skylights, planters, seating areas, cornices, ramps may project to a maximum of 1.5 metres;
 - ii) Fences, balcony and terrace dividers, decorative screens, privacy screens, safety and wind protection/mitigation measures and solar panels may project to a maximum of 3.0 metres;
 - iii) Ornamental features, landscape elements, outdoor amenity structures, light fixtures, pergolas, architectural and ornamental features, trellises, awnings and canopies may project to a maximum of 4 metres;
 - iv) Mechanical features, stairs, stair enclosures, mechanical enclosures, unenclosed equipment, window washing equipment and other building maintenance equipment may project a maximum of 6 metres; and
 - v) Elevator overruns, lightning rods, antennas, ventilation and cooling equipment parapets, District Energy equipment and enclosures, green roofs may project a maximum of 8.3 metres.

YARD SETBACKS

- (O) The minimum yard setbacks for all buildings and structures above *established grade* shall be as shown on Schedule C1(153), in metres.
- (P) Notwithstanding subsection (O) above and subsection (S) below, the following may encroach into the minimum yard setbacks or separation distances between main walls of buildings as shown on Schedule C1(153) in accordance with the following:
- i) Architectural elements, ornamental elements may encroach a maximum of 0.9 metres;
 - ii) Window sills and lighting fixtures may encroach a maximum of 0.5 metres;
 - iii) Canopies may encroach a maximum of 3 metres;
 - iv) Balconies may encroach a maximum of 1.5 metres; and
 - v) Railings, exterior stairways, wheelchair ramps, decks, ramps, pergolas and gazebos may encroach a maximum of 1.8 metres.
- (Q) Despite subsection (P) above, balconies may not project into minimum yard setbacks or separation distances between main walls of buildings in the following locations (not to be applied to inset balconies):
- (i) no balconies shall be located on any building at or below the 6th storey for Buildings A, B, and D as shown in Schedule C1(153);
 - (ii) no balconies shall be located at or below the 4th storey for Building C as shown in Schedule C1(153);
 - (iii) no balconies shall be located closer than 3 metres to an outermost exterior corner intersection of main walls of any building;
 - (iv) on Building A as shown in Schedule C1(153), no balconies shall be permitted along the main wall facing east;
 - (v) on Building B as shown in Schedule C1(153), no balconies shall be permitted along the main wall facing south; and
 - (vi) on Building C as shown in Schedule C1(153), no balconies shall be permitted along the main wall facing east.

TOWER FLOOR PLATE

- (R) The maximum tower floor plate area for Buildings A, B, and C as shown on Schedule C1(153) Lands shall be 750 square metres.

DISTANCE BETWEEN BUILDINGS

- (S) The minimum separation between buildings and/or portions of building shall be shown as on Schedule C1(153), in metres.

LANDSCAPING:

- (T) A total of 3,371 square metres of landscaped space shall be provided on the lands zoned C1(153) as follows:
- i) For Buildings A and B, a total of 1,730 square metres of landscaping; and
 - ii) For Buildings C and D, a total of 1,641 square metres of landscaping.

PARKING

- (U) All required parking spaces shall be provided within the lands zoned C1(153).
- (V) All required parking spaces shall be provided below *established grade* with the exception of loading and short-term parking spaces.
- (W) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated, at a blended parking ratio of 0.75 parking spaces and in accordance with the following:
- (i) Residential – 0.6 spaces per dwelling unit; and
 - (ii) Visitor and Non-residential uses – 0.15 spaces per dwelling unit (Visitor parking to be shared with non-residential uses).
- (X) A parking space must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 2.6 metres;
 - (iii) vertical clearance of 2.0 metres; and
 - (iv) the minimum width in subsection (ii) above must be increased by 0.3 metres for each side of the parking space that is obstructed by more than 1.0 metre from the front or back of a parking space.

- (Y) Sections 6A(6)(e-g) (Non-Residential Parking Regulations) and 6A(9) (Parking Regulations for Commercial Zones) of By-law 7625, shall not apply.
- (Z) Car share parking spaces are permitted on the lands zoned C1(153) in accordance with the following:
- (i) A reduction of 4 resident parking spaces will be permitted for each of the car-share parking spaces provided on the lands zoned C1(153), to a maximum of a reduction of 68 resident parking spaces.
- (AA) Carpool/ride share spaces are permitted on the lands zoned C1(153).
- (BB) Accessible parking shall be provided and maintained as follows:
- (i) 'Accessible' means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11.
 - (ii) An accessible parking space must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres.
 - (iii) Despite subsection (ii) above, an accessible parking space that is adjacent and parallel to a drive aisle form which vehicle access is provided must have minimum dimensions of:
 - (a) length of 7.1 metres;
 - (b) width of 2.6 metres; and
 - (c) vertical clearance of 2.1 metres.
 - (iv) The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
 - (v) Accessible parking spaces must be parking spaces closest to a barrier free:
 - (a) entrance to a building;
 - (b) passenger elevator that provides access to the first storey of a building; and

(c) shortest route for the required entrances in subsections (a) and (b) above.

(vi) Accessible parking spaces shall be provided as follows:

(a) 5 parking spaces plus 1 parking space for every 50 parking space or part thereof in excess of 100 parking spaces.

BICYCLE PARKING

(CC) Bicycle parking shall be provided and maintained as follows:

(i) Residential:

(a) Long-term bicycle parking spaces (Resident) – 0.68 spaces per dwelling unit; and

(b) Short-term bicycle parking spaces (Visitors) – 0.07 spaces per dwelling unit.

(ii) Non-residential:

(a) For office uses the minimum number of short-term bicycle parking spaces to be provided is 3 plus 0.15 for each 100 square metres of interior floor area;

(b) For office uses the minimum number of long-term bicycle parking spaces to be provided is 0.13 for each 100 square metres of interior floor area;

(c) For all other non-residential uses the minimum number of short-term bicycle parking spaces to be provided is 3 plus 0.25 bicycle parking spaces for each 100 square metres of interior floor area; and

(d) For all other non-residential uses the minimum number of long-term bicycle parking spaces to be provided is 0.13 bicycle parking spaces for each 100 square metres of interior floor area.

(DD) Bicycle parking spaces will comply with the following minimum dimensions;

(i) A bicycle parking space must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;

(ii) A bicycle parking space if placed in a vertical position on a wall, structure or mechanical device must have a minimum length or vertical clearance of

1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;

- (iii) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres; and
 - (iv) An area used to provide bicycle parking spaces must have a minimum vertical clearance of 2.4 metres if it is a stacked bicycle parking space; and 1.9 metres in all other cases.
- (EE) 1 shower and change facility shall be provided in Building B.
- (FF) All long-term *bicycle parking spaces* shall be located below grade or on the ground floor or any mezzanine level.
- (GG) All short-term *bicycle parking spaces* shall be located at grade.
- (HH) Bicycle parking may be provided in bicycle stackers and vertical and horizontal storage racks.

LOADING

- (II) Notwithstanding Section 6A(16)(loading Requirements) of By-law 7625, loading shall be provided in accordance with the following minimum requirements:
- (i) One (1) Type 'G' loading space for Building B;
 - (ii) One (1) Type 'G' loading space for Building D;
 - (iii) One (1) Type 'B' loading space for Building B;
 - (iv) One (1) Type 'B' loading space for Building D; and
 - (v) One (1) Type 'C' loading space for Building A.

RECREATIONAL AMENITY AREA

- (JJ) Recreational Amenity area shall be provided in accordance with the following:
- (i) A minimum of 2.0 square metres of indoor *recreational amenity area* per dwelling unit; and
 - (ii) A minimum of 2.0 square metres of outdoor *recreational amenity area* per dwelling unit.

USE QUALIFICATIONS

- (KK) Outdoor recreational amenity areas may be located on rooftop terraces.

- (LL) Permitted non-residential uses shall be located on the ground and second floor only.

DIVISION OF LANDS

- (MM) Notwithstanding any severance, conveyance, partition, or division of the lot shown on Schedule 1, the regulations of this exception continue to apply to the whole of the lot as if no severance, conveyance, partition or division had occurred.

4. SECTION 37 AGREEMENT

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lot shown on Schedule 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 Subsection 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.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

5. Within the lot shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (A) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway.
- (B) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Pursuant to Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) Decision issued on November 25, 2020 and Order issued on August 12, 2022 in File PL180306.

SCHEDULE A

Section 37 Provisions

Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.

1. The community benefits to be secured in the Section 37 Agreement are as follows:
 - a. Prior to the issuance of the first above-grade building permit or any building on the Property the Owner shall provide a financial contribution to the City in the amount of \$2,500,000.00 to be allocated towards public art, streetscape improvements, affordable housing and/or multi-purpose community agency space at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
 - b. Prior to Site Plan Control Approval, the Owner shall provide a financial contribution to the City in the amount of \$500,000.00 to be used towards Pleasant View Library at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
 - c. The financial contributions referred to in Part 1.a. and 1.b. above shall be indexed in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the Owner to the City.
 - d. In the event the financial contribution referred to in Part 1.a. or Part 1.b. above has not been used for the intended purpose prior to the expiry of the third anniversary of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole 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 lands.
 - e. The Owner shall provide a non-profit licensed 62 space child care centre to be located within the Property, on the ground floor of Building "D" (shown on Schedule C1(153) of this By-law) with the precise location, capacity and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children Services, and such child care centre shall generally be in accordance with the following:
 - i. The child care centre shall be of a resulting gross floor area of approximately 929 square metres with an accompanying outdoor play area

of 279 square metres and be constructed, finished, furnished and equipped by the owner;

- ii. The child care centre shall be designed to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Children's Services; and
- iii. The details of the child care centre lease term and other matters, such as phasing, timing, location, obligations and any such matters to implement the child care centre, shall be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines (2016), including a provision of one hundred and eighty thousand (\$180,000.00) dollars for start-up operating costs and equipment costs and one hundred and fifty thousand (\$150,000.00) dollars for a replacement reserve fund.

2. And to support the development of the lands:

- a. The Owner shall convey to the City a minimum 2,850 square metres primarily located on the south western portion of the Lands (generally shown on Schedule 1 as O1) for public parkland purposes (the "Public Park") pursuant to Section 42 of the Planning Act, with the exact size, location and configuration of the on-site parkland dedication to be to the satisfaction of the General Manager, Parks, Forestry and Recreation. The Owner shall convey the Public Park in accordance with the City's Policy for Accepting Potentially Contaminated Lands and constructed to base park conditions, prior to the earlier of:
 - i. the issuance of the first above-grade building permit for the last building on the lands;
 - ii. registration of the first Description for any condominium under the Condominium Act for any building on the Lands; or
 - iii. occupancy of any building on the Lands;

and in any event no later than three years after the first above-grade building permit for any building on the Lands.

- b. Prior to the issuance of the first above-grade building permit for a part or all of the Lands, the Owner shall submit cost estimates for the proposed base park improvements and above base park improvements, as more specifically set out in the Section 37 Agreement (collectively, the "Park Improvements"). The Owner agrees to design and construct the above base park improvements to the new park for a development charge credit against the Parks and Recreation component of the Development Charges By-law to the satisfaction of the General Manager, Parks, Forestry and Recreation. 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.

- c. The Owner shall convey to the City a new 18.5 metre public street from Hallcrown Place easterly to Victoria Park Avenue, across the central portion of the Property as generally shown on Schedule C1(153), with the exact location, alignment and configuration to the satisfaction of the General Manager, Transportation Services (the "Road"). The conveyance of the proposed public Road shall be transferred to the City, with obligations and timing for conveyance and construction to be determined through an application for draft plan of subdivision for the Property, to the satisfaction of the City Solicitor and General Manager, Transportation Services.
- d. The Owner shall provide two privately-owned publicly-accessible open spaces, with one located to the east of Building "A" being a minimum 3.0 metre walkway connection between Consumers Road south to the new public street and the second a minimum 8 metre wide strip to include a 4.0 metre walkway and 2.0 metres of planting on either side along the south property line adjacent to the Public Park and connecting to Victoria Park Avenue as generally shown on Schedule C1(153), to the satisfaction of the Chief Planner and Executive Director, City Planning.
- e. Prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately-owned publicly-accessible open spaces.
- f. The Owner shall own, operate, maintain and repair the privately-owned publicly-accessible open spaces and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly-accessible open spaces at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly-accessible open spaces shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.
- g. A minimum of 6,203 square metres of the entire gross floor area of the Development on the Lands shall be non-residential gross floor area, which may include the child care centre. No above-grade building permit, including a conditional permit, will be issued for any above grade component of any building containing residential units on the Lands prior to the issuance of the first above-grade building permit for an above grade component of the non-residential uses proposed on the Lands.
- h. Prior to the earlier of:
 - i. the first above grade building permit for the last building on the Property;

- ii. the registration of the first Description for any condominium under the Condominium Act for any building on the Property; or
- iii. the first occupancy of any building on the Property; and
- iv. in any event no later than three years after the first above-grade building permit for any building on the Property to the satisfaction of the General Manager, Transportation Services and the City Solicitor;

the Owner shall install traffic control signals and all related infrastructure, and all related pavement markings, all related road signage, and construct any minor changes to existing curbs as necessary at the intersection of Hallcrown Place and Consumers Road, including a designated left turn lane on Hallcrown Place and the westbound left-turn lane on Consumers Road, to facilitate the installation of the traffic control signals and all related infrastructure, at the sole cost of the Owner, to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning.

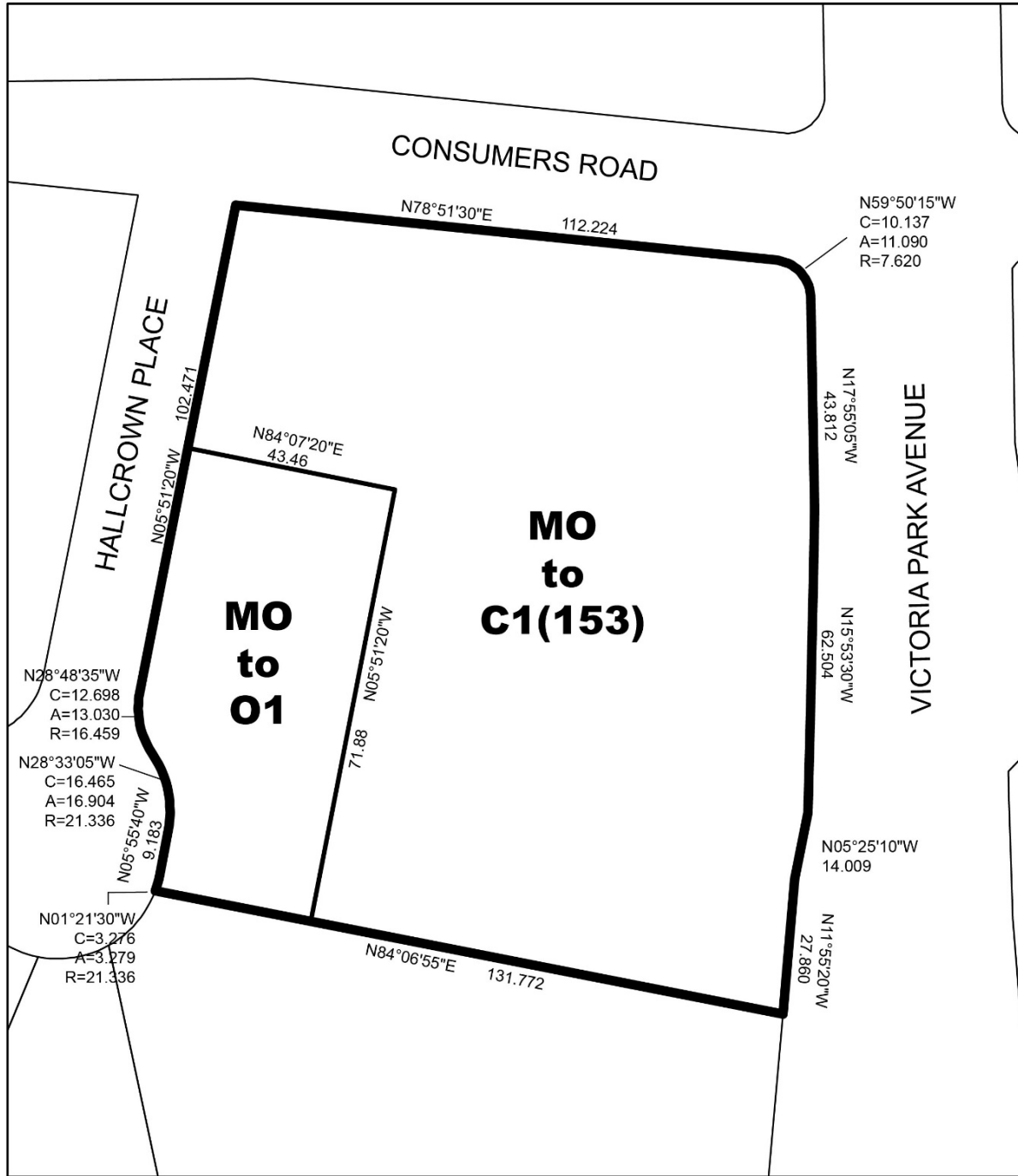
- i. A gratuitous temporary access easement, to the benefit of the City over the lands representing the private driveway (generally shown on Schedule C1(153) of this by-law), to facilitate a turning loop for City-owned vehicles to circulate over the Road, until such time as the Road is extended to Victoria Park Avenue, shall be provided, all in a form acceptable to the City Solicitor and at the owner's sole cost and expense.
- j. Prior to the issuance of Site Plan Approval, the Owner shall, at its sole cost and expense, provide updates to the submitted Environmental Noise Feasibility Study prepared by SLR Consulting (Canada) Ltd. (dated April 27, 2021) as required, satisfactory to the Chief Planner and Executive Director, City Planning, dealing with the mitigation of transportation and stationary noise on the Development, and thereafter shall, at its sole cost and expense, implement the necessary mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- k. The Owner shall provide and maintain residential units within the Development as follows:
 - i. a minimum of thirty percent (30 percent) of the proposed units shall contain two (2) bedrooms, with a minimum 25 percent of these 2-bedroom units having a minimum size of 87 square metres of gross floor area; and
 - ii. a minimum of ten percent (10 percent) of the proposed units shall contain three (3) bedrooms, with a minimum 25 percent of these 3-bedroom units having a minimum size of 100 square metres of gross floor area.
- l. Prior to Site Plan Approval for the Development, the Owner shall submit a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and

Hydrogeological Review, including Foundation Drainage Report to the satisfaction of the Chief Engineer, in consultation with the General Manager, Toronto Water.

- m. Prior to the issuance of Site Plan Approval for the Development, the Owner shall design, construct and render operational, at no cost to the City, new municipal infrastructure and/or any improvements or upgrades to existing municipal infrastructure, as identified in the accepted Engineering Reports to support the Development, all to the satisfaction of the Chief Engineer, should it be determined that improvements or upgrades and/or new infrastructure are required to support the Development, satisfactory to the Chief Planner, the Chief Engineer and the City Solicitor.
- n. Prior to the issuance of Site Plan Approval for the Development, the Owner shall make satisfactory arrangements with the Chief Engineer for the construction of new municipal infrastructure and/or any improvements or upgrades to the existing municipal infrastructure, should it be determined that upgrades or improvements are required to the existing infrastructure and/or new infrastructure are required to support this Development, and enter into a financially secured agreement to pay for and construct any necessary improvements, upgrades and/or infrastructure.
- o. Prior to the issuance of Site Plan Approval for the Development, the Owner shall, at its sole cost and expense, prepare and submit a detailed Traffic Impact Study and Transportation Demand Management (TDM) Memorandum to the satisfaction of the General Manager, Transportation Services and that any matters arising from the Traffic Impact Study and the TDM Memorandum be secured, if required, to the satisfaction of the City Solicitor and General Manager, Transportation Services.
- p. Prior to the issuance of the first above-grade building permit for the Development on any portion of the Lands, the Owner shall pay to the City, by certified cheque, the sum of Fifty Thousand Dollars (\$50,000.00) in Canadian funds, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, calculated from the date of the execution of this Agreement to the date of payment, for the future implementation of bike-share facilities in Ward 17, at a location that may be determined by the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services, in consultation with the Ward Councillor.
- q. Prior to the issuance of the first above-grade building permit for the Development on any portion of the Lands, the Owner shall pay to the City, by certified cheque, the sum of Two Hundred Thousand Dollars (\$200,000.00) in Canadian funds, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, calculated from the date of the execution of this Agreement to the date of payment, for the construction of grade-related cycling infrastructure in the area.

- r. Prior to the earlier of any occupancy or condo registration within the Development, the Owner shall, in its sole discretion, either:
 - i. Enter into an agreement with Smart Commute/Point A to secure the provision of shuttle service for the transportation of residents and employees of the Development to and from the Don Mills subway station and provide a copy of such to the Chief Planner and Executive Director, City Planning Division. The City and Owner acknowledge and agree that such agreement may include a third party, being an operator of such service; or
 - ii. Provide, at its own expense, a private shuttle service for the transportation of residents and employees of the Development to and from the Don Mills subway station, if it has not entered into an agreement in accordance with 2.r.i.
- s. The Owner will provide and maintain one (1) real-time transit/transportation information screen within the residential building lobby of each of the four (4) proposed development blocks within the Development in locations to be determined at the Site Plan Approval stage, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services.
- t. The Owner shall provide and maintain an appropriate amount of the non-resident parking supply for the Development as carpool/ride-sharing/low emission vehicle parking spaces in locations within the Development to be determined at the Site Plan Approval stage, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services.
- u. The Owner shall provide and maintain pick-up/drop-off locations adjacent to each building on site for carpooling, ride-share, taxi and transit operations in locations within the Development to be determined at the Site Plan Approval stage, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager, Transportation Services.
- v. The Owner shall construct and maintain the Development in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard or higher, where appropriate.

Schedule 1



Schedule C1(153)

