

Authority: Ontario Land Tribunal Decision/Order issued on August 16, 2022 (effective August 12, 2022) in File OLT-22-004018 (formerly PL170954)

CITY OF TORONTO

BY-LAW 229-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 35, 41-63, 65 and 95 High Park Avenue, and 66 and 102-116 Pacific Avenue.

Whereas the Ontario Land Tribunal pursuant to its Order issued on August 16, 2022 (effective August 12, 2022) in relation to Tribunal Case OLT-22-004018 and Legacy Case PL170954, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 35, 41-63, 65 and 95 High Park Avenue, and 66 and 102-116 Pacific Avenue; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; and

Whereas pursuant to Section 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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; 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, by Order, amends By-law 569-2013 as follows:

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of R(d2.0)(x334) and R(d0.6)(x737) to a zone label of (H)R(d2.0)(x141), and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 141 so that it reads:

(141) Exception R 141

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 35, 41-63, 65 and 95 High Park Avenue, and 66 and 102-116 Pacific Avenue, if the requirements of By-law 229-2023(OLT) are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (LL) below:
- (B) Building A, Building B, Building C, and the Existing Buildings are the **buildings** shown on Diagram 3 of By-law 229-2023(OLT);
- (C) The **lot** comprises the lands outlined by heavy lines and zoned (H) R(d2.0) (x141) on Diagram 2 of By-law 229-2023(OLT);
- (D) Regulations 10.10.40.1(2) with respect to the number of residential **buildings** on the **lot** and Regulation 10.10.40.1(5) with respect to the **building** orientation to a street, do not apply;
- (E) Despite Regulation 10.5.40.10(1), the height of a **building or structure** is the distance between the following Canadian Geodetic Datum elevations and the elevation of the highest point of the **building or structure** as shown on Diagram 3 of By-law 229-2023(OLT):
 - (i) Canadian Geodetic Datum elevation of 113.5 metres for Building A;

- (ii) Canadian Geodetic Datum elevation of 114.1 metres for Building B; and
 - (iii) Canadian Geodetic Datum elevation of 114.0 metres for Building C;
- (F) Despite Regulations 10.10.40.10(1) and 10.10.40.10(3):
- (i) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 229-2023(OLT); and
 - (ii) the permitted maximum number of **storeys** of a **building** or **structure** is the numerical value following the letters "ST", as shown on Diagram 3 of By-law 229-2023(OLT);
 - (a) for the purpose of this exception, a mechanical penthouse and a mezzanine does not constitute a **storey**;
- (G) Despite Regulations 10.5.40.10(2), 10.5.40.10(3) 10.5.40.10(4), 10.10.40.10(8) and 10.10.40.10(9) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 229-2023(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, and elevator shafts, by a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.5 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
 - (vii) terraces, which may project over the full area of the roof of the floor below; and
 - (viii) chimneys, flues, venting and ancillary mechanical or electrical elements, architectural features, parapets, elements and structures associated with a

green roof, building maintenance units and window washing equipment, by a maximum of 3.0 metres above the elements listed in (G)(i) and (G)(ii) above;

- (H) Despite (F) and (G) above, no portion of Building A, Building B or Building C may penetrate a 45 degree **angular plane** projected over the **lot** measured from the **lot lines** identified as "Angular Plane Location" on Diagram 5 of By-law 229-2023(OLT) and:
- (i) the **angular plane** for Building A must be measured at the Canadian Geodetic Datum elevation of 113.5 metres;
 - (ii) the **angular plane** for Building B must be measured at the Canadian Geodetic Datum elevation of 114.1 metres;
 - (iii) the **angular plane** for Building C must be measured at the Canadian Geodetic Datum elevation of 114.0 metres; and
 - (iv) projections and encroachments otherwise permitted by this exception must not penetrate the 45 degree **angular plane**.
- (I) Despite Regulation 10.10.40.40(1), the combined permitted floor areas of **buildings** and **structures** on the **lot** is as follows:
- (i) the permitted combined maximum floor area for the Existing Buildings as shown on Diagrams 3 of By-law 229-2023(OLT) is 69,826 square metres; and
 - (ii) the combined maximum **gross floor area** of Building A, Building B and Building C is 58,261 square metres of which:
 - (a) the **gross floor area** of Building A as shown on Diagram 3 of By-law 229-2023(OLT) must not exceed 27,999 square metres, of which the combined maximum **gross floor area** for all non-residential uses must not exceed 500 square metres;
 - (b) the **gross floor area** of Building B as shown on Diagram 3 of By-law 229-2023(OLT) must not exceed 8,524 square metres; and
 - (c) the **gross floor area** of Building C as shown on Diagram 3 of By-law 229-2023(OLT) must not exceed 21,738 square metres;
- (J) Despite Regulations 10.10.20.100(12) and 10.10.20.10(1), the following non-residential uses with a combined **gross floor area** not exceeding 500 square metres are permitted within Building A:
- (i) a **retail store(s)** may be located within Building A, subject to the following:

- (a) there may be more than one **retail store**;
 - (b) the **retail store(s)** must be located on the first **storey** of Building A; and
 - (c) access to the **retail store(s)** must be from the **street**;
- (ii) **outdoor patio**;
 - (iii) **personal service shop**;
 - (iv) **retail service**;
 - (v) **take-out eating establishment**; and
 - (vi) **eating establishments**;
- (K) The permitted maximum "floor plate area" of each **storey** above the height of 19.0 metres for Building A and 12.0 metres for Building C is 750 square metres, and for the purpose of this exception:
- (i) "floor plate area" means the total built area measured from the exterior of the **main walls** on each **storey** excluding balconies;
- (L) The combined total number of **dwelling units** located within the Existing Buildings is 968;
- (M) The combined maximum number of **dwelling units** permitted in Building A, Building B and Building C is 764;
- (N) In each of Building A, Building B and Building C:
- (i) a minimum of 30 percent of the **dwelling units** must contain a minimum of 2 bedrooms;
 - (ii) a minimum of 10 percent of the **dwelling units** must contain a minimum of 3 bedrooms; and
 - (iii) for (N)(i) and (N)(ii) above, if the number of required **dwelling units** results in a fraction equal to or greater than 0.5, the number of required **dwelling units** must be rounded up to the nearest whole number;
- (O) Despite Regulation 10.10.40.50(1), **amenity space** must be provided in accordance with the following:
- (i) **amenity space** must be provided on the **lot** for the Existing Buildings and Building A, Building B and Building C at the following combined rate:

- (a) At least 1.31 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (b) At least 2.55 square metres of outdoor **amenity space** for each **dwelling unit**;
- (ii) Despite (O)(i) above, **amenity space** for Building A, Building B and Building C must be provided on the **lot** at the following rate:
 - (a) a minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (b) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**, of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (c) no more than 25 percent of the outdoor component may be a **green roof**.
- (iii) the **amenity space** required by this exception must be available for use by all occupants of all **dwelling units** on the **lot**, inclusive of the Existing Buildings;
- (P) Despite Regulations 10.5.40.70(1), 10.10.40.70(1), (2), (3), and 10.5.40.50(2), the required minimum **building setbacks** and the required separation of **main walls** above ground are as shown in metres on Diagram 3 of By-law 229-2023(OLT);
- (Q) **Building** separation distances described in (P) above are measured from the **main wall** of the Existing Buildings excluding balconies for Existing Buildings;
- (R) Despite Clause 10.5.40.60 and (P) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, window sill, bay windows, belt course, or chimney breast, by a maximum of 1.0 metres;
 - (iv) eaves, by a maximum of 2.0 metres;
 - (v) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;

- (vi) wind mitigation elements by a maximum of 3.0 metres on the east and north side of the **main walls** of Building B below the height of 12.0 metres;
- (S) Despite (R)(i) above, balconies on the south facing **main wall** of Building C are not permitted to encroach into the 28.0 metre separation distance shown on Diagram 3 of By-law 229-2023(OLT);
- (T) Despite (R)(i) above, for Building A, Building B and Building C balconies are not permitted on a **main wall** that abuts a **street yard** below the heights of:
 - (i) 16.5 metres for Building A;
 - (ii) 9.7 metres for Building B; and
 - (iii) 9.7 metres for Building C;
- (U) Regulation 10.10.40.30(1), with respect to the maximum permitted **building** depth of an apartment **building**, does not apply;
- (V) Despite Regulation 5.10.40.70(2), within the areas identified as "Unencumbered Land Area" on Diagram 4 of By-law 229-2023(OLT), no **building** or **structure** may be located below ground, with the exception of utilities, manholes, stormwater management tanks and related elements, and shoring systems;
- (W) Regulation 10.5.50.10(5) with respect to a 1.5 metre strip of **soft landscaping** along any part of a **lot line** abutting another **lot** in the Residential Zone category, does not apply;
- (X) Despite Regulations 10.5.50.10(1), 10.5.50.10(3), 10.5.50.10(4) and 10.5.50.10(6), **landscaping** and **soft landscaping** must be provided on the **lot** as follows:
 - (i) A minimum of 50 percent of the area of the **lot** must be **landscaping**; and
 - (ii) A minimum of 50 percent of the **landscaping** area required in (X)(i) above, must be **soft landscaping**;
- (Y) Despite Regulation 200.5.10.1(1) and [Table 200.5.10.1], the minimum required number of **parking spaces** must be determined based on the total number of **dwelling units** on the **lot** in accordance with the following:
 - (i) a minimum of 0.46 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.08 residential visitor **parking spaces** for each **dwelling unit**;

- (iii) for non-residential uses:
 - (a) **0 parking spaces** are required for the first 249 square metres of non-residential **gross floor area**; and
 - (b) a minimum of 1 parking space for each 100 square metres of non-residential **gross floor area** above 249 square metres;
- (Z) Despite Regulation 200.5.1.10(2):
 - (i) the minimum dimensions of a **parking space**, only apply to **parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (ii) a maximum of 5 percent of the **parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT) may have a minimum length of 5.3 metres; and
 - (iii) a maximum of 5 percent of the **parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT) may have a minimum width of 2.6 metres if they are obstructed on one or both sides;
- (AA) Despite Regulation (Y) above, "car-share **parking spaces**" may replace the **parking spaces** otherwise required for residential occupants, subject to the following:
 - (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped to 4 car-share parking spaces;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (BB) Despite regulations 200.15.1(1), 200.15.1(3) and 200.15.1(4), and By-law 579-2017, accessible **parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT) must comply with the following:
 - (i) accessible **parking spaces** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and

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- (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) accessible **parking spaces** must be a maximum of 30.0 metres from a barrier free:
 - (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) shortest route from the required entrances in (BB)(iii)(a) and (BB)(iii)(b);
 - (CC) Section 200.15 with respect to accessible parking, does not apply to accessible **parking spaces** in the Existing Buildings;
 - (DD) Regulation 10.5.100.1(4), with respect to the width of a driveway, must only apply to **driveways** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (EE) Regulation 10.10.80.40(2), with respect to parking access to a corner **lot** does not apply;
 - (FF) Regulation 200.5.1(3), with respect to minimum dimension of **drive aisle** widths, only apply to the **drive aisles** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (GG) Despite Regulation 220.5.10.1(1) and (2), one Type "G" **loading space** and two Type "B" **loading spaces** must be provided and maintained on the **lot**;
 - (HH) Regulation 230.5.1.10(4) and (5), with respect to the minimum dimensions of a **bicycle parking space**, must only apply to the **bicycle parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (II) Regulation 230.5.1.10(9), with respect to the location of "long-term" **bicycle parking spaces**, must only apply to the **bicycle parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (JJ) Regulation 230.10.1.10(2), with respect to the location of "short-tem" **bicycle parking spaces**, must only apply to the **bicycle parking spaces** wholly constructed on the **lot** following the passing of By-law 229-2023(OLT);
 - (KK) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** must be provided at the following minimum rates:

- (i) 185 **bicycle parking spaces** must be provided for residents of the Existing Buildings;
 - (ii) 0.9 **bicycle parking spaces** per **dwelling unit** must be provided as "long-term" **bicycle parking spaces** for residents of Building A, Building B and Building C;
 - (iii) 0.1 **bicycle parking spaces** per **dwelling unit** must be provided as "short-term" **bicycle parking spaces** for residents of Building A, Building B and Building C;
- (LL) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in **stacked bicycle parking spaces**;

Prevailing By-laws and Prevailing Sections: (None apply)

5. Despite any severance, partition or division of the **lot**, the provisions of this By-law shall apply to the lands shown on Diagram 1 as one **lot**, as if no severance, partition or division occurred.
6. Temporary use(s):
- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of construction management office, construction staging uses, and access and servicing uses on the lands shown on Diagram 1 for a period of not more than 3 years from the date this By-law comes into full force and effect.
7. Holding Provisions
- (A) The lands zoned with the "(H)" symbol delineated by heavy lines in Diagram 2 attached to this by-law must not be used for any purpose other than those uses and **buildings** existing on the land as of the date of the passing of this By-law until the "(H)" symbol has been removed. The (H) symbol shall be removed upon the satisfaction of the following conditions:
 - (i) Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.
 - (ii) Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and

Executive Director of Engineering and Construction Services.

8. Section 37 Requirements:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A attached to 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 and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Ontario Land Tribunal Decision/Order issued on August 16, 2022 (effective August 12, 2022) in File OLT-22-004018 (formerly PL170954).

SCHEDULE A
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law. Prior to the issuance of any Building Permit, the owner shall enter into an agreement or agreements 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 facilities, services or matters set out below.

1. Prior to issuance of the first above-grade building permit, the owner shall make a cash contributions to the City as follows:
 - (A) \$800,000 for capital facilities for non-profit daycare purposes in the vicinity of the lot, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - (B) \$400,000 for parks in the vicinity of the lot, including High Park, to be allocated at the City's discretion and in accordance with standard City protocols; and
 - (C) \$400,000 for streetscape improvements within the High Park Apartment Neighbourhood Area.
2. The Cash Contributions set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of final approval by the Ontario Land Tribunal of this By-law to the date of payment of each Cash Contribution by the owner to the City.
3. In the event that any of the Cash Contributions in Clause 1 have not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, each Cash Contributions may be redirected for another purpose(s), 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 Official Plan and will benefit the community in the vicinity.
4. The owner shall undertake enhanced above-base streetscape improvements within the City right-of-way adjacent to the lot, with a value of no less than \$100,000 and no greater than \$200,000, to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The owner shall provide and maintain Public Art with a value of \$600,000 on the lot, to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. The owner shall construct (or cause the construction of), provide, and maintain on the Lands, at least thirty seven (37) New Affordable Rental Units, at 100 percent AMR for a

minimum of twenty (20) year affordability period, on such terms and conditions as specified in the Section 37 Agreement. The units shall be distributed throughout the lot, with 18 units located in newly constructed buildings and 19 units located in existing buildings.

The following are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The rental tenure of the 968 existing units at 35, 65 and 95 High Park Avenue and 66 Pacific Avenue, retained on the site, will be secured as rental dwelling units for 20 years without an application for demolition or conversion to condominium;
2. A Tenant Relocation and Assistance Plan shall be provided to all Eligible Tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. Needed improvements to the existing rental apartment site, without pass-through costs to existing tenants, and access to new indoor and outdoor amenities for all on-site residents;
4. A construction mitigation strategy and a communication plan to reduce impacts on remaining tenants;
5. The requirements of the Toronto District School Board and Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues;
6. The requirements of the Toronto Transit Commission, including moving the existing TTC stop on High Park Avenue at Glenlake Avenue, accommodating the TTC bus's accessibility ramps; provision of revised plans with setback requirements; warning clauses and other requirements as noted in the TTC comments along with identified payments, if necessary;
7. A 2.1 metre sidewalk along each frontage abutting the site, subject to preservation of existing mature trees where feasible, to be secured through the Site Plan Control process;
8. Mid-block pedestrian connection(s) as generally shown in Public Appendix "B" to the satisfaction of the Chief Planner and Executive Director, City Planning. Prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, any required easements along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the mid-block connections. The Owner shall own, operate, maintain and repair the pedestrian connections and install and maintain signage, at its own expense, stating that members of the public shall be entitled to use the pedestrian connections at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the pedestrian connections 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.
9. The construction and maintenance of the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its

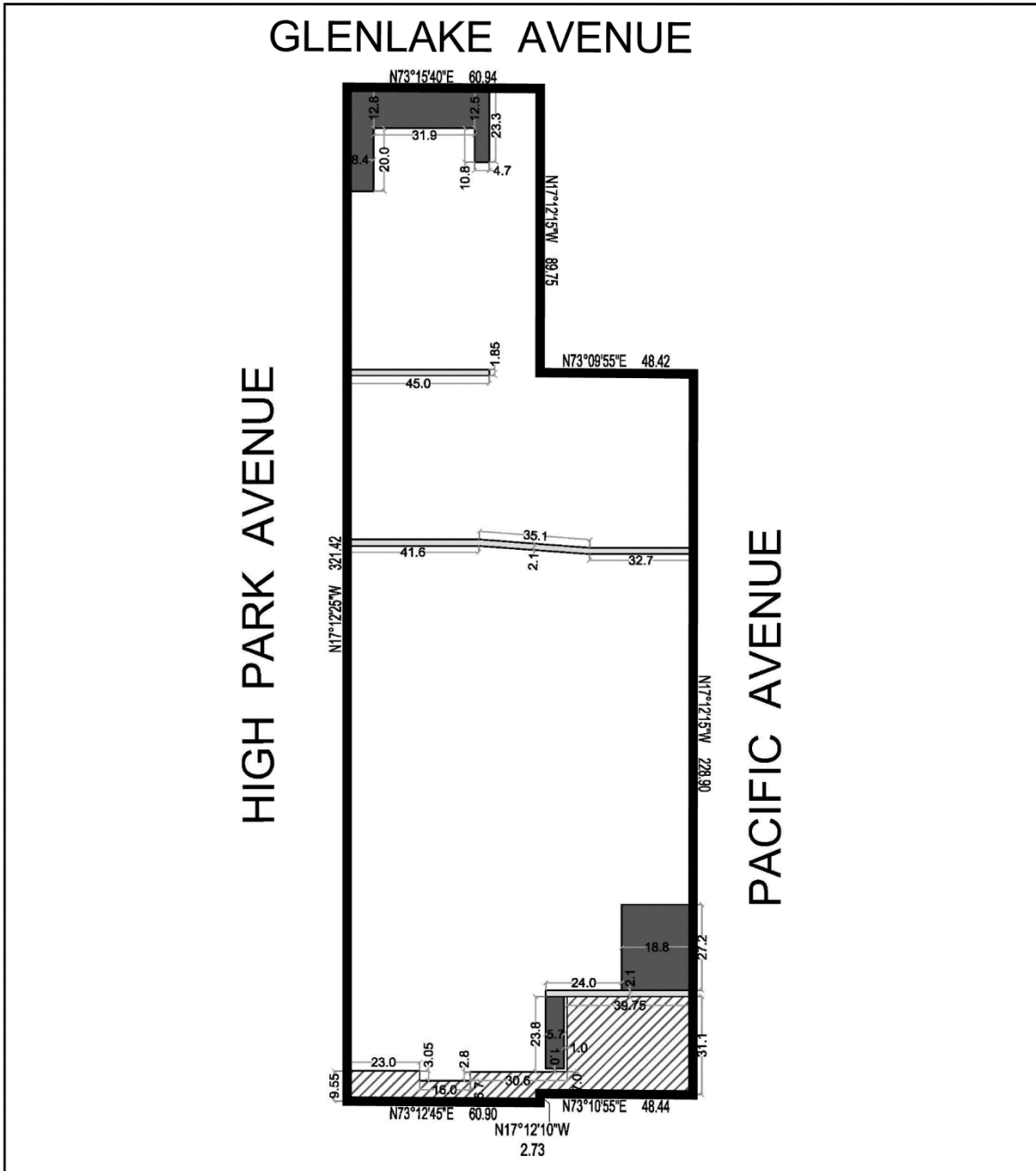
meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by Council from time to time; and

10. Above base improvements for the parkland dedication and a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the Owner of above base park improvements 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 designing and constructing 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;
11. The owner shall provide privately owned publicly accessible open spaces (POPS), to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - (A) in front of 95 High Park Avenue and the area in front of 66 Pacific Avenue both as identified on the landscape plan; and
 - (B) for the Dog Off Leash Areas next to the new park, adjoining the site to the south; and adjacent to the proposed POPS in front of 95 High Park Avenue fronting Glenlake Ave, including,

prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, easements along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the POPS. The Owner shall own, operate, maintain and repair the POPS and install and maintain signage, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the POPS 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.

12. On-site dog relief areas with proper disposal facilities for existing and new residents and/or a dog relief station within each building; and
13. Any measures and recommendations identified in any updated/revised Pedestrian Level Wind Study, Toronto Green Standards Checklist, Housing Issues Report, Natural Heritage Impact Study, Landscape Plans, Soil Volume Plans, Arborist Report and Tree Protection Plan, to be implemented through the Site Plan Control process to the satisfaction of the Chief Planner and Executive Director, City Planning.




Diagram 1



TORONTO
 Diagram 1

35, 41-63, 65 & 95 High Park Ave
 and 66 & 102-116 Pacific Ave

File # 16 271 597 WET 09 02

-  Future pedestrian easements
 -  Privately Owned Publicly Accessible Space
 -  Parkland dedication to the City
- NOTE: All dimensions are in metres.


 City of Toronto By-law 569-2013
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Diagram 2

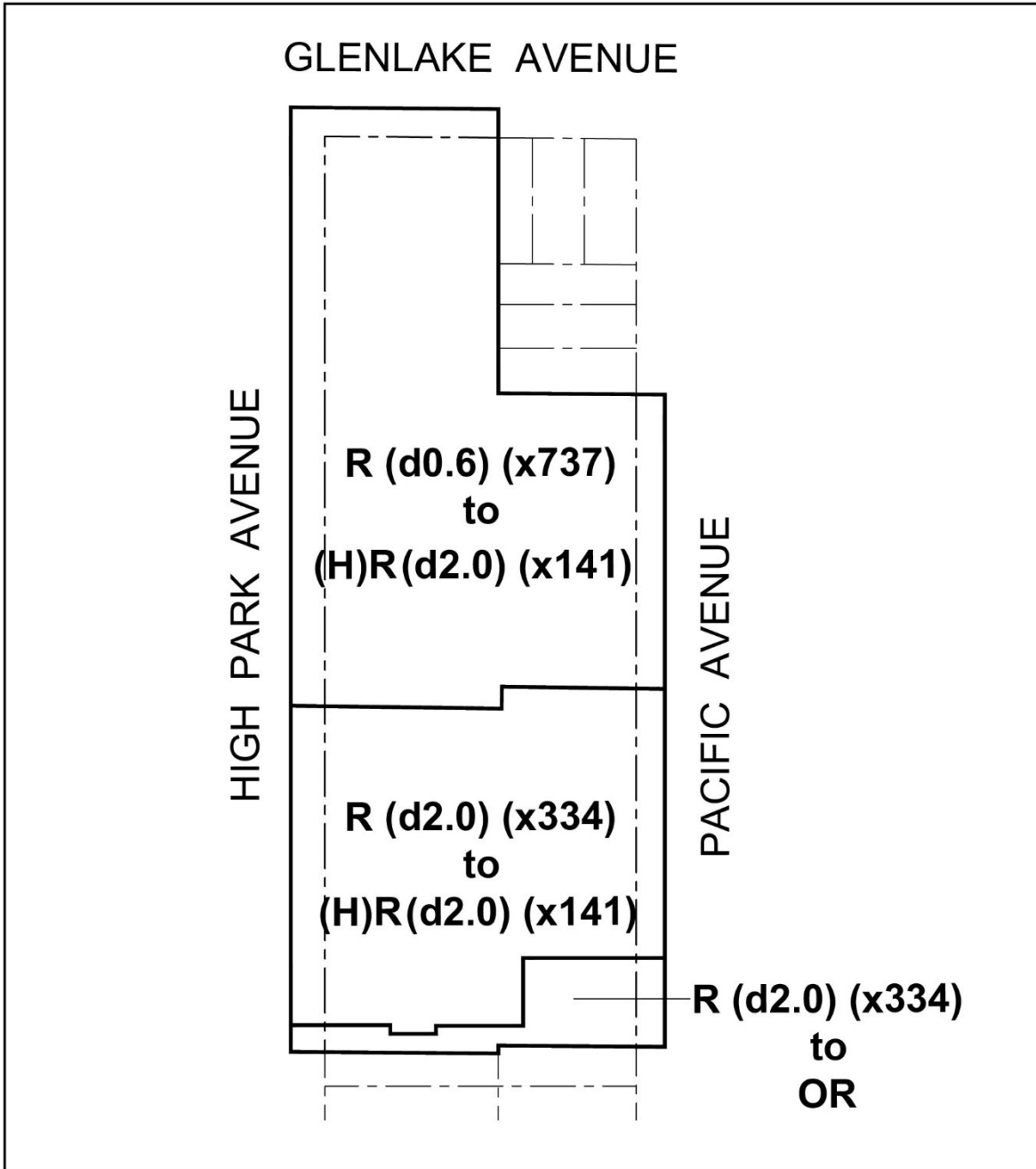


Diagram 4

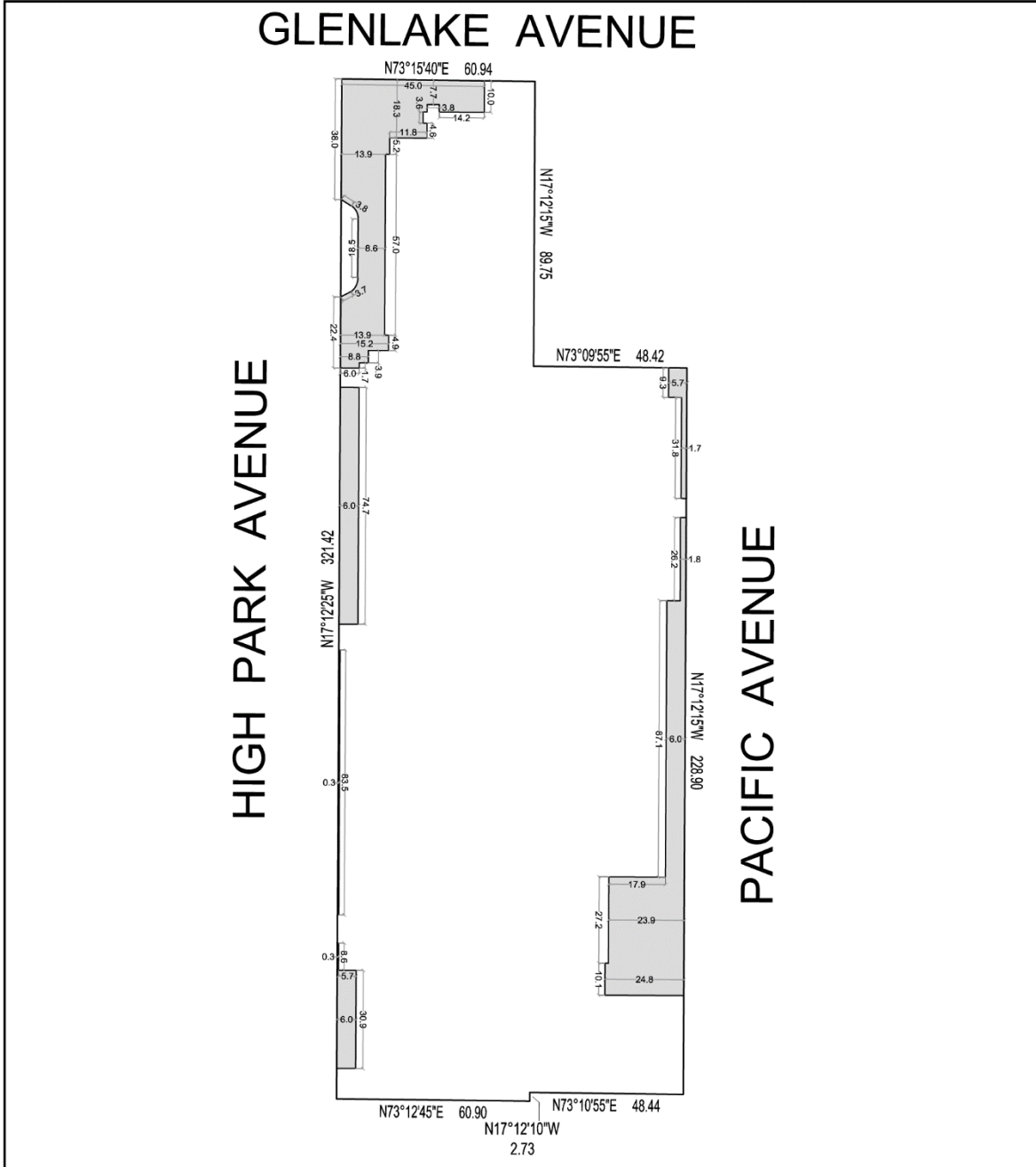




Diagram 4

**35, 41-63, 65 & 95 High Park Avenue
 and 66 & 102-116 Pacific Avenue**

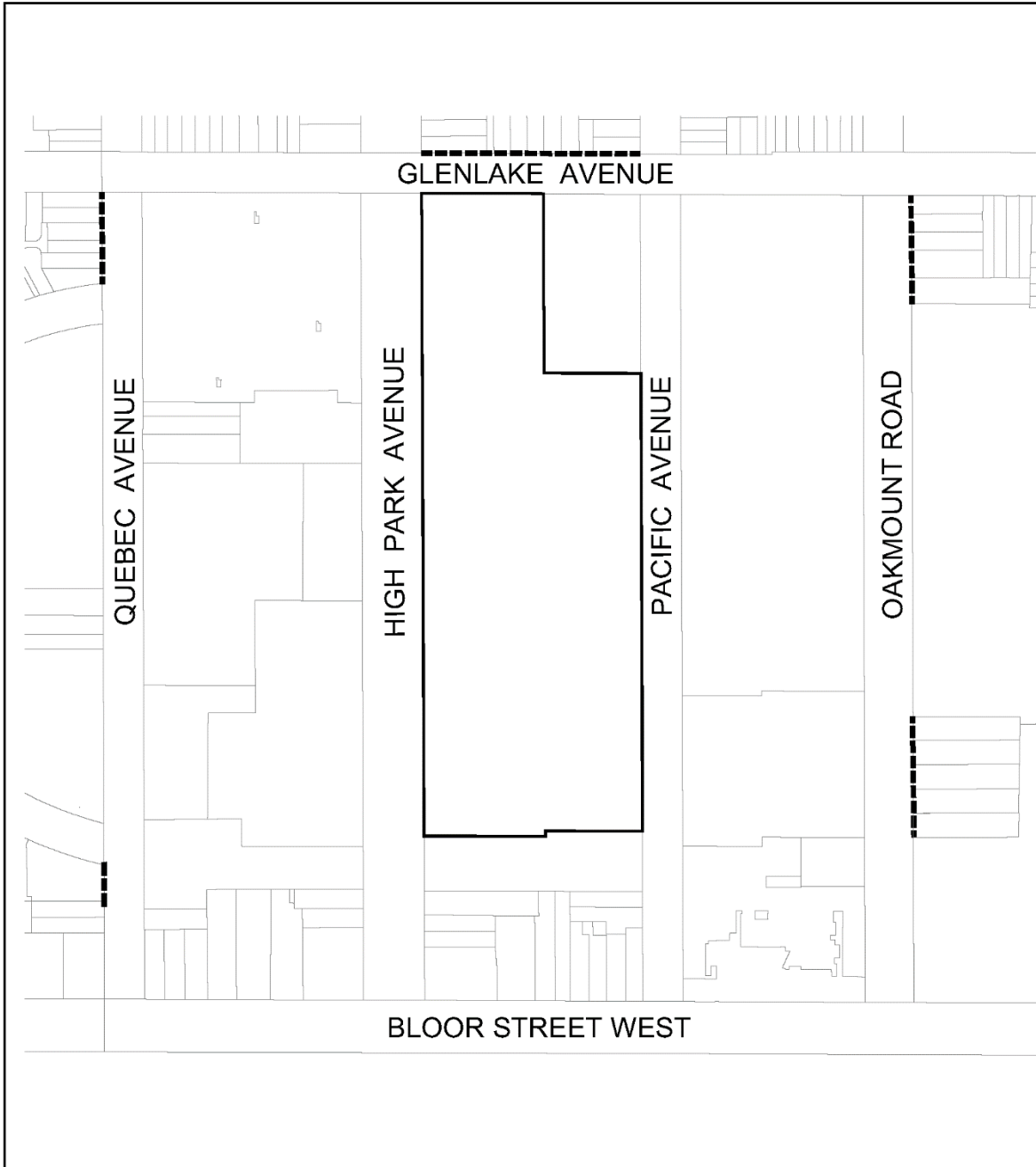
File # 16 271 597 WET 09 02

 Unencumbered Land Area – Refer to Section 4(V)

NOTE: All dimensions are in metres.


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Diagram 5



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Diagram 5

**35, 41-63, 65 & 95 High Park Avenue
and 66 & 102-116 Pacific Avenue**

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Location of Angular Plane Projection
-Refer to Section 4(H)



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