

Authority: Toronto and East York Community Council ##, as adopted by City of Toronto Council on __ 20--

Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. XXX-2016

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

WHEREAS Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the *owner* may be required to enter into one or more agreements with the municipality in respect of the facilities, services and matters;

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 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the *owner* of the land and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

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

2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit shall be dependent on satisfaction of same.
3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
4. The provisions of By-law 438-86, as amended, shall continue to apply to the lands outlined by heavy lines on Map 1 attached hereto, except as otherwise provided herein.
5. The provisions of this By-law shall apply to the lands outlined by heavy lines on Map 1 attached hereto.

Parcel A Lands:

6. None of the provisions of Section 2(1) with respect to the definition of “*height*”, “*grade*”, “*non-residential gross floor area*”, “*residential gross floor area*” and “*lot*” and Sections 4(2)(a), 4(5), 4(8), 4(11)(b), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV, 6(3)Part IX, 6(3)XI and 12(2)132 of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of *residential buildings* containing residential and non-residential uses on the *Parcel A Lands* provided:
 - (a) the total *gross floor area* of all buildings on the *lot* shall not exceed the following:
 - (i) the *gross floor area* of the *Existing Building* as existing in the year 2015,
 - (ii) a maximum of 960.0 square metres of *gross floor area* located in *Building A*; and
 - (iii) the calculation of *gross floor area* shall not include any part of a building or structure used for the purpose of a *commercial parking garage*;
 - (b) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, as amended, the following uses are permitted on the *lot*:
 - (i) a *commercial parking garage*, *community centre*, market gardens and farmers or seasonal markets,
 - (ii) a *retail store* and *personal grooming establishment* subject to the provisions of subsection (h) below;
 - (iii) uses *ancillary* to permitted uses on the *Parcel B Lands*, including but not limited to a parking garage located below finished ground level,

landscaping, stairs, walkways, retaining walls, planters, seating and fencing;

- (c) The height of the *Existing Building* shown on Map 2 shall not exceed the height of such building as it existing on the *lot* in the year 2015, including but not limited to existing roof top mechanical equipment, penthouses, vents and stacks, with the exception that roof top mechanical equipment and related enclosures erected subsequent to the passing of this By-law, shall be permitted provided the height of such equipment and enclosures are limited to 5.0 metres above the surface of the existing roof;
- (d) no portion of *Building A* erected above finished ground level on the *lot* shall exceed the height in metres specified by the number following the symbol "H" on the attached Map 2;
- (e) no portion of *Building A* erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached hereto;
- (f) the provisions of subsections (c), (d) and (e) above shall not apply to prevent the erection and use of the following:
 - (i) railings, parapets, balustrades, terraces, terrace guards and dividers, cornices, ornamental elements, stairs and enclosed stairs, trellises, planters, partitions, guard rails, chimneys, retaining walls, vents, stacks, flues, privacy screens, screens, architectural features, elements of a green roof, and structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes, eaves, light fixtures, awnings, canopies, balconies, window sills, balustrades, railings, fences, wheel chair ramps, and landscape features to a maximum of xx metres;
- (g) *residential amenity space* shall be provided on the *Parcel A Lands* in accordance with the following:
 - (i) a minimum of 250 square metres of indoor *residential amenity space* shall be provided in the *Existing Building* in a multipurpose room or rooms, at least one of which shall contain a kitchen and a washroom; and
 - (ii) a minimum of 150 square metres of outdoor *residential amenity space* shall be provided, of which a minimum of 40 square metres shall be provided in a location immediately adjacent to both the *Existing Building* and *Building A*;
- (h) in addition to subsection (g) above, a multi-purpose room or rooms having a minimum size of 50 square metres shall be provided on the ground floor of the *Existing Building* and such room(s) may only be used for *residential amenity space*, a *community centre*, a *retail store* or a *personal grooming establishment*;

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- (i) *parking spaces* must be provided and maintained on the *Parcel A Lands* in accordance with the following requirements:
 - (i) a minimum of 70 *parking spaces* shall be provided for occupants of the *Parcel A Lands*;
 - (ii) a minimum of 36 *parking spaces* shall be provided for visitors to the *Parcel A Lands* and such *parking spaces* may also be provided on a non-exclusive basis in a *commercial parking garage* for use by persons who are not visitors to the *Parcel A Lands*; and
 - (iii) notwithstanding the minimum *parking space* dimensions in Section 4(5) of By-law 438-86, as amended, any *parking spaces* and drive aisles existing on the *lot* in the year 2015 are deemed to comply; and
 - (iv) notwithstanding (ii) above, during construction related to the renovation of the below grade garage on the *Parcel A Lands*, a minimum of 10 visitor *parking spaces* shall be required on the *Parcel A Lands*;
- (j) a minimum of one *loading space – type G* shall be provided and maintained on the *Parcel A Lands* and notwithstanding the definition of a *loading space – type G* in Section 2(1) of By-law 438-86, as amended, any loading space existing on the *Parcel A Lands* in the year 2015 is deemed to meet this requirement;

Parcel B Lands:

7. None of the provisions of Section 2(1) with respect to the definition of “*bicycle parking space - occupant*”, “*bicycle parking space – visitor*”, “*height*”, “*grade*”, “*non-residential gross floor area*”, “*residential gross floor area*” and “*lot*” and Sections 4(2)(a), 4(5)(b), 4(8), 4(11)(b), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV, 6(3)Part IX, 12(2) 132 and 12(2) 280 of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *Parcel B Lands* provided:
- (a) the total *gross floor area* on the *lot* shall not exceed 26,500 square metres of which, a maximum of 300 square metres may be devoted to non-residential uses;
 - (b) in addition to the uses permitted pursuant to Section 6(1) of By-law 438-86, the following uses are also permitted on the *lot*:
 - (i) *retail store, office, branch of a bank or financial institution, personal grooming establishment, fitness studio, bake-shop, artist’s or photographer’s studio, private art gallery, restaurant and take-out restaurant,*

- (ii) Uses *ancillary* to permitted uses on the *Parcel A Lands*, including but not limited to a *parking garage* located below finished ground level, landscaping, stairs, walkways, retaining walls, planters, seating and fencing;
- (c) no portion of any building or structure erected above finished ground level shall exceed the heights in metres specified by the numbers following the symbol “H” on the attached Map 2;
- (d) no portion of a building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached hereto;
- (e) the portion of a building located above a *height* of 86.2 metres and located within the area identified as mechanical penthouse on Map 2 shall only be occupied by a stair tower, elevator equipment, chimney stack or other heating, cooling or ventilating equipment or other equipment used for the functional operation of the building, or a fence, wall or structure enclosing such structures and elements, provided that the height of such equipment and enclosures are limited to 6 metres above a *height* of 86.2 metres;
- (f) the provisions of subsections (c), (d) and (e) above shall not apply to prevent the erection and use of the following:
 - (i) railings, parapets, balustrades, terraces, terrace guards and dividers, cornices, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, patios, landscape elements, planters, partitions, guard rails, stairs, stair enclosures, wheelchair ramps, chimneys, retaining walls, vents, stacks, flues, cooling towers, generator, fresh air units, privacy screens, screens, architectural features, architectural rooftop feature, elements of a green roof, lightning rods, and structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes; eaves, lighting fixtures, awnings, canopies, window sills, balustrades, railings, fences, wheel chair ramps, underground garage ramps and their associated structures and landscape and public art features;
 - (ii) balconies to a maximum horizontal interior horizontal depth of 1.5 metres, and a maximum horizontal projection of 0.2 metres beyond such 1.5 metre limit beyond the heavy lines shown on Map 2;
- (g) *residential amenity space* shall be provided in accordance with the following:
 - (i) a minimum of 1.8 square metres of indoor *residential amenity space* per *dwelling unit* in “*Building D*” shall be provided in a multi-purpose room or rooms, at least one of which shall contain a kitchen and a washroom;
 - (ii) a minimum of 0.8 square metres of outdoor *residential amenity space* per *dwelling unit* in “*Building D*” must be provided, of which at least 40 square

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metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and

- (iii) required indoor *residential amenity space* may include a guest suite containing a bathroom and may include a kitchen;
- (h) *parking spaces* shall be provided and maintained on *Parcel B Lands* in accordance with the following requirements:
 - (i) a minimum of 0.45 *parking spaces* per *dwelling unit* in *Building D* for residents of *Building D* and such *parking spaces* may be available for use by all residents of the *Parcel B Lands*;
 - (ii) a minimum of 1 *parking space* per *dwelling unit* for residents in *Buildings B* and *C* for residents in *Building B* and *C*;
 - (iii) a minimum of 0.09 *parking spaces* per *dwelling unit* in *Building D* for the use of visitors to the *Parcel B Lands*;
 - (iv) *parking spaces* are not required for non-residential uses; and
 - (v) for each *car-share parking space* provided, the minimum number of resident *parking spaces* required pursuant to subsections (i) and(ii) above may be reduced by four *parking spaces*, up to a maximum of 6 *car-share parking spaces*;
- (i) the provisions of section 4(17) of By-law 438-86, as amended, shall apply with the exception that up to a maximum of 15 *parking spaces* which are obstructed on one or two sides in accordance with Section 4(17)(e), may have the following minimum dimensions:
 - A. Length – 5.6 metres;
 - B. Width – 2.6 metres; and
 - C. Vertical clearance – 2.0 metres;
- (j) a minimum of 1 *loading space- type G* shall be provided and maintained on the *lot*;
- (k) *bicycle parking spaces* are only required for dwelling units in *Building D* with such spaces provided in *Building D* in accordance with the following requirements:
 - (i) long term *bicycle parking spaces* are for use by the residents of *Building D*;
 - (ii) short term *bicycle parking spaces* are for use by visitors to the *Parcel B Lands*; and

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- (iii) for *dwelling units*: 0.9 *bicycle parking spaces* for each *dwelling unit*, allocated as long term *bicycle parking spaces* and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces*;
8. None of the provisions of this By-law and By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office* on the *Parcel B Lands* for a period of not longer than 3 years from the date of approval of By-law No. (Clerks to insert by-law number); a sales office for the purpose of the sale of *dwelling units* to be erected on the *Parcel B Lands* and/or an office for the administration and management of construction activities related to construction on *Parcel B Lands*.
9. Notwithstanding any provisions of this By-law, any uses and buildings existing as of the date of this By-law are permitted within the land delineated as *Parcel A Lands* and *Parcel B Lands* on Map 1.
10. For the purposes of the By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms;
- (a) "*ancillary*" means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure;
 - (b) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and vertical dimension of at least 1.9 metres; and
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (a) and (b) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.8 metres by 0.6 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres;
 - (c) "*Building A*" means the building on the *Parcel A Lands* shown as Building A on Map 2;
 - (d) "*Building B*", "*Building C*" and "*Building D*" means the buildings or portions of a building on the *Parcel B Lands* shown as Building B, Building C and Building D on Map 2;

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- (e) “*car-share*” means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building for short term rental;
- (f) “*car-share parking space*” means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
- (g) “*community centre*” means a portion of a building used for community activities including but not limited to, arts, crafts, physical, social, charitable, and educational activities not used for a commercial purpose as well as community service and health care related uses;
- (h) “*Existing Building*” means the existing building located on the *Parcel A Lands* in 2015, containing a minimum of 447 *dwelling units*, the above ground portion of which is shown as the Existing Building on Map 2, as well as any *accessory* structures, including an underground parking garage and its associated structures, subject to any alterations and additions, which may include an exit stair or enclosed exit stair from the underground garage, which do not result in any additional *gross floor area*;
- (i) “*grade*” shall mean 119.20 metres Canadian Geodetic Datum;
- (j) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structures, excluding those elements identified in Sections 6(c) and(f) and Sections 7(e) and(f) of this By-law;
- (k) “*gross floor area*” shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level excluding:
 - (i) parking, loading, and bicycle parking below *grade*;
 - (ii) required loading spaces and required bicycle parking at or above *grade*;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
 - (iv) shower and change facilities required for *bicycle parking spaces*;
 - (v) indoor *residential amenity space*;
 - (vi) elevator and garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building.

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- (l) “*lot*” shall mean, for the purpose of Section 4. of this By-law, the *Parcel A Lands* delineated by heavy lines on Map 1, and for the purpose of Section 5. of this By-law, the *Parcel B Lands* delineated by heavy lines on Map 1;
 - (m) “*Parcel A Lands*” means the lands identified as Parcel A on Map 1;
 - (n) “*Parcel B Lands*” means the lands identified as Parcel B on Map 1;
 - (o) “*rental replacement dwelling unit*” means one of the thirteen (13) rental *dwelling units* in the buildings erected on the *Parcel A Lands*, as referenced in Appendix 1 of this By-law and secured by an agreement pursuant to Section 37 of the *Planning Act*, and for the purposes of determining *rental replacement dwelling unit* type, a *bedroom* shall have a window on an exterior wall;
 - (p) “*temporary sales office*” shall mean a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *Parcel B Lands* and/or the administration and management of construction activities related to construction on the *Parcel B Lands*.
11. The provisions of By-law Nos. 22637, 22904, 23047 and 66-74, as they relate to the *Parcel A Lands* and the *Parcel B Lands* are hereby repealed.
12. The provisions of By-law ●-2016 shall not apply to the *Parcel A Lands* and the *Parcel B Lands*.
13. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole of the *Parcel A Lands* and the *Parcel B Lands* as if no severance, partition or division occurred.

ENACTED AND PASSED this ____ day of _____, A.D. 2016.

JOHN TORY
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix 1

Section 37 Provisions

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

1. Prior to the issuance of the first above-grade building permit for the *Parcel B Lands*, the *owner* of the *Parcel B Lands* shall provide an indexed cash contribution to the City in the amount of \$1,200,000 to be allocated to capital improvements that will benefit the community in the vicinity of the development and be allocated as follows, all at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor unless otherwise indicated:
 - (a) \$700,000 towards capital improvements to support food security benefits for the benefit of current and future tenants of the *Existing Building*;
 - (b) \$300,000 towards the improvements to the indoor amenity space at 250 Davenport Road; and
 - (c) \$200,000 towards improvements to the privately owned publically accessible open space identified in Section 3(a) of this Schedule;

All amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

2. Prior to site plan approval the *Parcel B Lands*, the *owner* of the *Parcel B Lands* shall provide Letters of Credit, in a form and from a bank satisfactory to the Chief Planner and Executive Director, City Planning, in accordance with the following:
 - (a) in the amount of \$255,500 to guarantee the construction of the above base park improvements contemplated in Section 7 of this Schedule;
 - (b) in the amount of \$270,000 to guarantee the construction of the improvements for the Privately Owned Publicly Accessible Space (POPS) contemplated in Section 3(a) of this Schedule;
 - (c) in the amount of \$135,000 to guarantee the construction of the public pedestrian walkway contemplated in Section 3(b) of this Schedule; and

(d) in the amount of \$375,000 to guarantee the construction of the outdoor landscape improvements on the *Parcel A Lands* contemplated in Section 3(c) of this Schedule;

with all amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

3. Prior to the earlier of the first condominium registration or residential use of the *Parcel B Lands*, the *owner* of the *Parcel B Lands* shall construct and provide the following:
 - (a) a privately owned publicly accessible open space on the *Parcel A Lands*, having a minimum size of 840.0 square metres, (the "POPS Open Space") with the specific location, design, configuration and improvements to be determined through the site plan approval process, and prior to site plan approval, for the *Parcel B Lands*, and the *owner* of the *Parcel B Lands* shall be responsible for the cost of said improvements to a maximum value of \$270,000;
 - (b) a privately owned publicly accessible pedestrian walkway on the *Parcel B Lands*, with the specific location, design, configuration and improvements to be determined through the site plan approval process, and prior to site plan approval, for the *Parcel B Lands*, and the *owner* of the *Parcel B Lands* shall be responsible for the cost of said improvements to a maximum value of \$135,000;
 - (c) improvements to the outdoor landscaping and other public realm on the *Parcel A Lands* to a maximum value of \$375,000, with the specific location, design, configuration, and improvements to be determined through the site plan approval process and prior to site plan approval, for the *Parcel B Lands*;
 - (d) two POPS signage plaques, located on the lands identified in Section 3(a) and 3(b), above, substantially in accordance with the template for POPS signage and which are placed in accordance with the parameters established in the Urban Design Guidelines for POPS as endorsed by City Council at its meeting on July 8, 2014 through the adoption of Item PG34.14.

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

4. For clarification, the *owners* of the *Parcel A Lands* and the *Parcel B Lands* shall be responsible for maintaining the improvements in Section 3, above, on their respective parcels.
5. Prior to final site plan approval for the *Parcel B Lands*, the following non-exclusive easements in perpetuity in favour of the City shall be conveyed to the City as indicated

below, for nominal consideration, free and clear of encumbrances and at no cost to the City, and the *owner* of the *Parcel B Lands* shall prepare all documents, at their sole cost, required for registration, all to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning:

- (a) From the *owner* of the *Parcel A Lands*, registration and conveyance of a public access easement to the City over the privately owned publically accessible open space on the *Parcel A Lands* identified in Section 3(a), above; and
 - (b) From the *owner* of the *Parcel B Lands*, registration and conveyance of a public access easement to the City over the privately owned publically accessible pedestrian walkway on the *Parcel B Lands* identified in Section 3(b), above.
6. Prior to the earlier of the first residential use or first condominium registration for *Building C* or *Building D*, the owner of the *Parcel A Lands* shall convey, for nominal consideration, free and clear of all encumbrances and at no cost to the City, an on-site parkland dedication to the City (the "Parkland Conveyance") for satisfaction of the Section 42 parkland dedication requirements for the *Parcel A Lands* and the *Parcel B Lands*, to the satisfaction of the General Manager, Parks, Forestry & Recreation and the City Solicitor, in accordance with the following:
- (a) the minimum size of the Parkland Conveyance shall be 510.0 square metres; and
 - (b) the final location, configuration and design of the Parkland Conveyance shall be determined through the site plan approval process, prior to site plan approval, to the satisfaction of the General Manager, Parks, Forestry & Recreation; and
 - (c) the *owner* of the *Parcel B Lands* shall be responsible for an environmental assessment of the Parkland Conveyance lands and any associated costs or remediation works required as a result of that assessment to the satisfaction of the City together with the filing of a Record of Site Condition (RSC) in accordance with all applicable Ministry of Environment and Climate Change requirements to the satisfaction of the General Manager Parks, Forestry and Recreation. For clarification, peer review by an environmental consultant retained by the City shall be at the expense of the *owner* of the *Parcel B Lands*.
7. Prior to the earlier of the first condominium registration or first residential use of the *Parcel B Lands*, or if delayed by seasonality no later than nine (9) months after the earlier of the first condominium registration or first residential use of the *Parcel B Lands* as agreed to in writing by the General Manager, Parks, Forestry and Recreation and secured by a letter of credit, the *owner* of the *Parcel B Lands* shall complete and install base park improvements, and above-base park improvements to an indexed maximum value of \$255,500, for the Parkland Conveyance to the satisfaction of the General Manager, Parks, Forestry and Recreation,

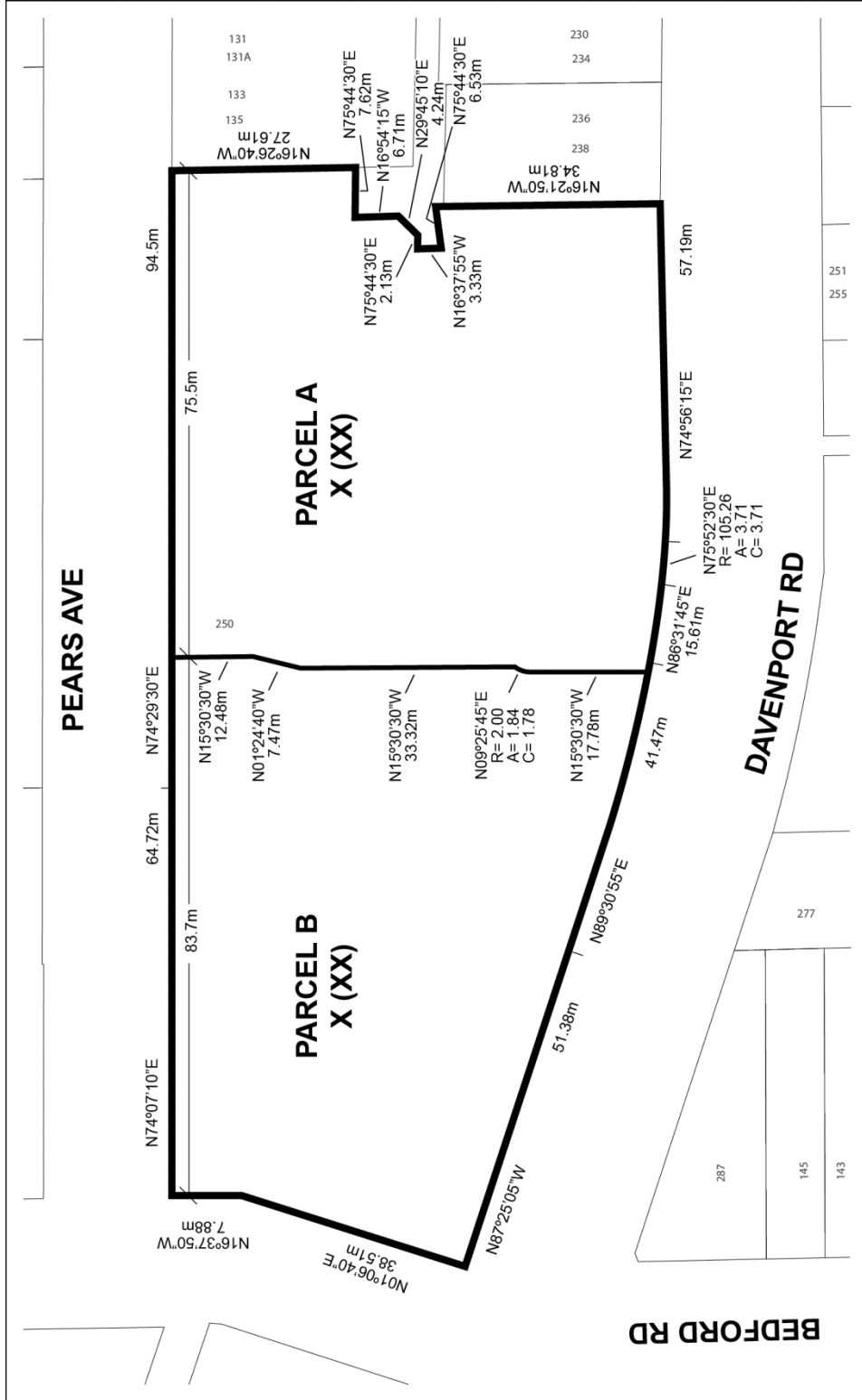
with the specific location, configuration and design of the park improvements to be determined through the site plan approval process, prior to site plan approval to the satisfaction of the General Manager, Parks, Forestry and Recreation.

8. The *owner* of the *Parcel B Lands* shall provide and construct, and maintain as indicated, those improvements in Sections 1-6, above, with the *owner* of the *Parcel A Lands* providing that there shall be no cost-pass through to the tenants of the *Existing Building* or the 13 rental replacement units.

9. A minimum of 10% of the dwelling units on *Parcel B Lands* must have three bedrooms.

10. The *owner*, as indicated, must provide, construct and maintain the following:
 - (a) by the *owner* of the *Parcel B Lands*, must construct prior to the earlier of:
 - (i) two years after the issuance of the first above-grade building permit for *Building B*, *Building C*, or *Building D*; or
 - (ii) the first residential use of *Building C* or *Building D*; or
 - (iii) the first condominium registration for *Building C* or *Building D*;13 replacement rental housing units in Building A (the "Rental Units") in a state where they have been issued occupancy permits by Toronto Buildings;
 - (b) by the owner of *Parcel A Lands*, must maintain 447 retained rental housing units (the "Retained Rental Units") and 13 *rental replacement dwelling units* as social housing residential units for a period of 25 years commencing from the date of Council approval of the Zoning Amendment Application No. 15 192161 STE 20 OZ, in accordance with the following:
 - (i) The rents for the *rental replacement dwelling units* will be set as rents geared to income; and
 - (ii) The unit mix of the *rental replacement dwelling units* must include at least two (2) one-bedroom dwelling units and eleven (11) two-bedroom dwelling units, with all detailed floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning, as follows:
 1. The minimum gross floor area of a one-bedroom *rental replacement dwelling unit* must be 49.0 square meters; and

2. The minimum gross floor area of a two-bedroom *rental replacement dwelling unit* must be 69.0 square meters.
 - (c) by the *owner* of the *Parcel A Lands*, the provision of tenant relocation assistance for tenants in the *Existing Building* to be demolished or converted, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration;
 - (d) by the *owner* of the *Parcel B Lands*, prior to the issuance of the first building permit for the *Parcel A Lands* or the *Parcel B Lands* (including a permit for renovation, demolition or excavation), the preparation and submission of a Construction Mitigation and Tenant Communication Strategy to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.

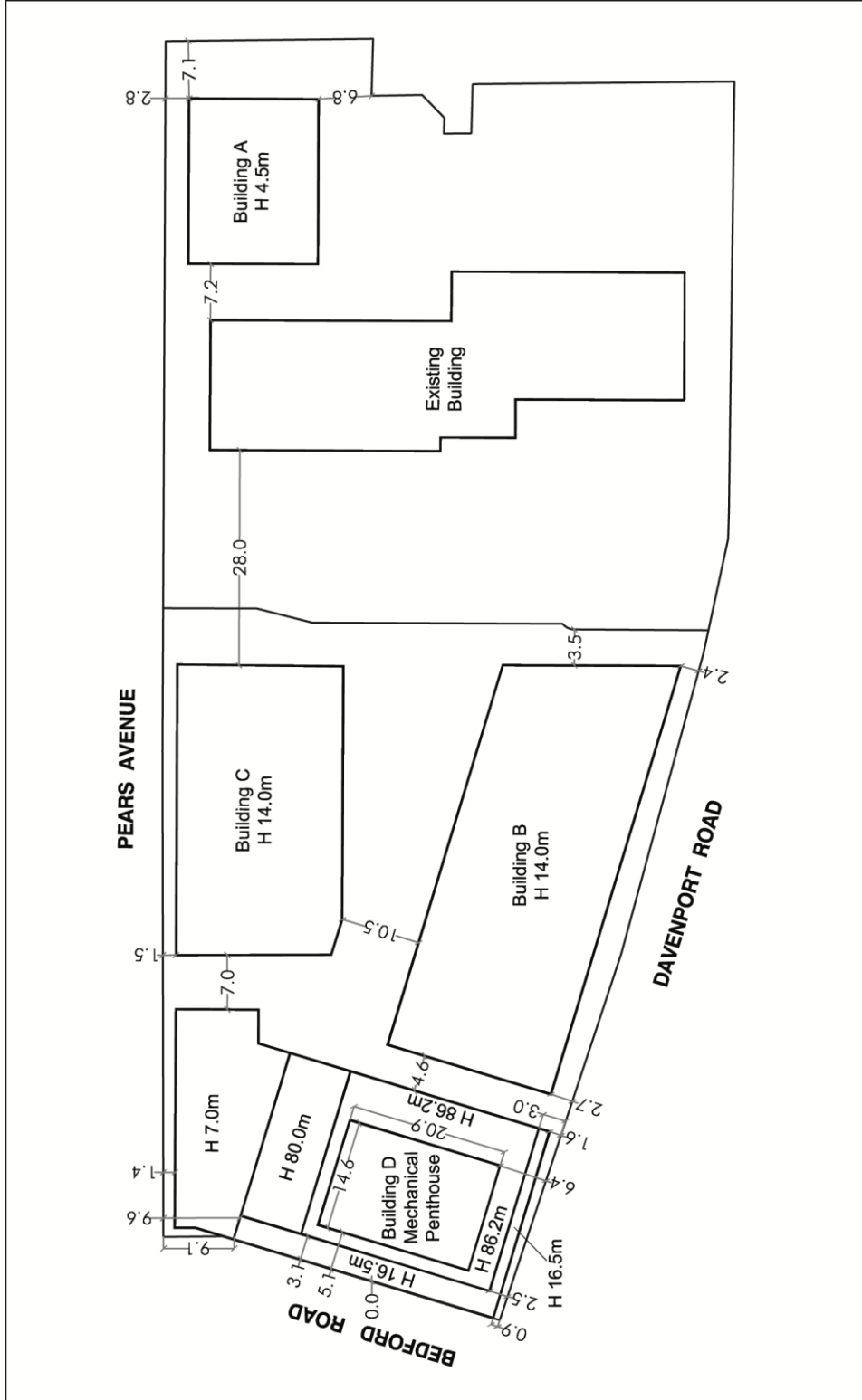


250 Davenport Road

File # 15 192161 STE 20 OZ & 15 192164 STE 20 RH

Toronto
Map 1

City of Toronto By-Law 438-86
Not to Scale
09/22/2016



Toronto
250 Davenport Road

File # 15 192161 STE 20 OZ & 15 192164 STE 20 RH

Toronto
Map 2

City of Toronto By-Law 438-86
Not to Scale
09/16/2016

