

Authority: Toronto and East York Community Council Item No. ● adopted by City of Toronto Council on ●, 2020

CITY OF TORONTO

BY-LAW No. XXX- 2020

To amend Zoning By-law No. 438-86, as amended with respect to lands municipally known in the year 2020 as 1555 and 1575 Queen Street East.

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

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

WHEREAS the Official Plan for the City of Toronto contains 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 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 No. 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*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix A hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. District Map No. 53G-322 contained in Appendix "A" and "B" of By-law No. 438-86, as amended, is further amended by re-designating the lands identified from "R4 Z1.0" to "MCR" as outlined on Map 2 attached to and forming part of this By-law.
3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix A hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the

owner may not erect or use such building until the *owner* has satisfied the said requirements.

4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement
5. Except as otherwise provided herein, the provisions of By-law 483-86, as amended, shall continue to apply to the *lot*.
6. None of the provisions of Section 2 with respect to the definition of the terms "*bicycle parking space*", "*grade*", "*residential gross floor area*", "*non-residential gross floor area*" and "*height*" and Sections 4(2), 4(3), 4(4), 4(10)(a)(d), 4(13), 8(1), 8(2), 8(3), of By-law No. 438-86, as amended for the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and 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 *mixed-use buildings*, *apartment buildings* and a *commercial parking garage* on the *lot*, provided that:
 - (a) the *lot* consists of at least those lands delineated by heavy lines on the attached Map 1 attached to and forming part of this By-law;
 - (b) the total *gross floor area* of the buildings and structures on the *lot* shall not exceed 60,100 square metres, of which:
 - (i) a maximum 46,750 square metres of *gross floor area* for residential uses and a maximum 1,750 square metres of *gross floor area* for non-residential uses within Area A on the attached Map 2; and
 - (ii) a maximum 11,600 square metres of *gross floor area* for residential uses and a maximum 400 square metres of *gross floor area* for non-residential uses within Area B on the attached Map 2;

Residential Uses

Within Area A:

- (c) a minimum of 30 percent of the total number *dwelling units* shall contain two bedrooms; and
- (d) a minimum of 9 percent of the total number of *dwelling units* shall contain three bedrooms;

Within Area B:

- (e) a minimum of 25 percent of the total number of *dwelling units* shall contain two bedrooms; and
- (f) a minimum of 30 percent of the total number of *dwelling units* shall contain three bedrooms;

Commercial Uses

- (g) the following uses are permitted on the *lot* within Area A:
- (i) the uses permitted pursuant to Section 8(1)(f) of By-law 438-86;
 - (ii) a *temporary sales office, car-share parking spaces* and a *commercial parking garage*;
 - (iii) a *restaurant or take-out restaurant* permitted under (g)(i) above with a maximum *interior floor area* of 600 square metres, and a *branch of a bank or financial institution, clinic, personal grooming establishment, pet shop, recreation use, or retail store* up to a maximum *interior floor area* of 800 square metres; and
 - (iv) an outdoor patio ancillary to a *restaurant, café, or eating establishment* up to a maximum of 100 square metres;
- (h) the following uses are permitted on the *lot* within Area B:
- (i) the uses permitted pursuant to Section 8(1)(f) of By-law 438-86; and
 - (ii) *car-share parking spaces*;

Projections

Within Area A:

- (i) no portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the “HT” symbol as shown on Map 3 attached to and forming part of this By-law, with the exception of the following:
- (i) parapets, railings, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and building envelope membranes, decking, pavers, bollards, built-in planter boxes by not more than 1.50 metres;
 - (ii) heating, ventilation, and air conditioning condensing units, green roof and associated elements, including parapets and sloped toppings, by not more than 2.0 metres;
 - (iii) divider screens, visual screens, sound and wind barriers, acoustical screens, and privacy screens by not more than 2.0 metres
 - (iv) play structures and equipment, pergolas and trellises within the areas labeled as *outdoor amenity space* on Map 3, provided:
 - (a) they do not project by more than 3.0 metres; and
 - (b) they do not project into a 45 degree *angular plane* measured from a height of 14 metres parallel to the *front lot line* abutting Queen Street East;

- (v) structures used for maintenance, safety or wind protection purposes, cooling towers, chimneys, vents, flues, stacks, mechanical fans, exit stairs, guardrails, landscape elements and features, telecommunication equipment, antennas, elevators and related structural elements, window washing equipment, structures and elements related to drainage, structures and elements associated with photovoltaic solar energy and thermal solar energy devices, shrouding for telecommunication equipment and assemblies, mechanical and architectural screens, visual screens, sound barriers, acoustical screens, and privacy screens, elevator mechanical room, mechanical penthouse by no more than 5.0 metres within the area identified as Mechanical Area as shown on Map 3 of By-law -2020 [clerks to insert #]; and
- (vi) portions of an underground parking garage and associated structures provided no portion of such structures is more than 2.0 metres above *grade*;
- (j) no portion of any building or structure above finished *grade* is located other than wholly within the heavy lines on Map 3 attached to and forming part of this By-law, with the exception of the following:
 - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, ornamental elements, vents, retaining walls, landscape elements and features, privacy screens, frames, insulation, window sills, bollards, decks, planter boxes, thermal and moisture protection, hose bibs, mechanical grilles, window washing equipment, pool, decking, public art features, and architectural features, railings, and screens by not more than 2.0 metres;
 - (ii) weather protection canopies by not more than 2.0 metres within the first storey;
 - (iii) garage ramps, walkways, stairs, stair landings, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, mechanical areaways, wheelchair ramps by not more than 3.5 metres;
 - (iv) balconies on the 6th to the 14th *storeys* within the portion of the building that has a building setback of 8.3-8.8 metres from the west *side lot line*, provided:
 - a. they encroach by no more than 1.7 metres; and
 - b. that the total length of all balconies for this portion of the building, does not exceed 42% of the total length of all *main walls* facing the west *side lot line* for this portion of the building;
 - (v) balconies on the 16th to 17th *storeys* within the portion of the *building* that has a *building setback* of 10.0-10.3 metres from the west *side lot line* provided:
 - c. they encroach by no more than 1.7 metres; and

- d. that the total length of all balconies for this portion of the building, does not exceed 15% of the total length of the *main walls* facing the west *side lot line* for this portion of the *building*;
- (vi) balconies for all other parts of the building excluding those *storeys* of the west facing portion of the building with a building *setback* from the west *side lot line* not identified in (j) (iv) and (v) above, by not more than 2.5 metres;
- (vii) portions of an underground parking garage and associated structures provided no portion of such structures is more than 4.0 metres beyond the heavy lines within the west side yard setback; and

Within Area B:

- (k) no portion of any building or structure above finished *grade* is located other than wholly within the heavy lines on Map 3 attached to and forming part of this By-law, with the exception of the following:
 - (i) eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, ornamental elements, vents, retaining walls, landscape elements and features, privacy screens, frames, insulation, window sills, bollards, decks, planter boxes, thermal and moisture protection, hose bibs, mechanical grilles, window washing equipment, pool, decking, public art features, and architectural features, railings, and screens by not more than 2.0 metres;
 - (ii) weather protection canopies by not more than 2.0 metres within the first storey;
 - (iii) garage ramps, covered walkways, stairs, stair landings, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, mechanical areaways, wheelchair ramps by not more than 3.5 metres;
 - (iv) balconies by not more than 2.5 metres; and
 - (v) play structures and equipment used for outdoor amenity space.
- (l) no portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the “HT” symbol as shown on Map 3 attached to and forming part of this By-law, with the exception of the following:
 - (i) parapets, railings, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and building envelope membranes, decking, pavers, playground mounds and surfacing, bollards, built-in planter boxes by not more than 1.50 metres;

- (ii) heating, ventilation, and air conditioning condensing units, green roof and associated elements, including parapets and sloped toppings, by not more than 2.0 metres;
- (iii) divider screens, visual screens, sound and wind barriers, fences, acoustical screens, and privacy screens by not more than 2.0 metres;
- (iv) pergolas and trellises within the areas labeled as *outdoor amenity space* on Map 3, by not more than 3.0 metres;
- (v) play structures and equipment within the amenity space at grade, by not more than 3 metres; and
- (vi) structures used for maintenance, safety or wind protection purposes, cooling towers, chimneys, vents, flues, stacks, mechanical fans, exit stairs, guardrails, landscape elements and features, telecommunication equipment, antennas, elevators and related structural elements, window washing equipment, structures and elements related to drainage, structures and elements associated with photovoltaic solar energy and thermal solar energy devices, shrouding for telecommunication equipment and assemblies, mechanical and architectural screens, visual screens, sound barriers, acoustical screens, elevator mechanical room, mechanical penthouse by no more than 5.0 metres within the area identified as Mechanical Area as shown on Map 3 of By-law -2020 [clerks to insert #];

Parking and Loading Spaces

Within Area A:

- (m) parking spaces shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0.37 *parking spaces* for each *dwelling unit*;
 - (ii) a minimum of 0.06 parking spaces per dwelling unit for non-residential and visitor uses;
 - (iii) a minimum of 5 car-share parking spaces; and
 - (iv) for each car-share parking space provided, the minimum required parking spaces for residents required by subsection (m)(i) above can be reduced by up to 4 parking spaces, up to a maximum capped by the application of this formula $5 \times (\text{Total No. of Units} \div 60)$, rounded down to the nearest whole number of the total car-share parking spaces provided on the lot;
- (n) the *parking spaces* required pursuant to subsection (m)(ii) above may be provided on a non-exclusive basis and may be provided in a *commercial parking garage*;
- (o) A driveway or passageway intended for motor vehicles may be constructed or used where a portion of the surface of the driveway or passageway within a distance of six metres of a street line is at an elevation of a maximum of 0.30

metres above, or at an elevation no lower than 0.35 metres below, the average elevation of the portion of the street abutting the driveway or passageway;

- (p) *Bicycle parking spaces* shall be provided and maintained on the *lot* as follows, and may be located within a secured room or enclosure in the form of a bicycle rack, locker, or *stacked bicycle parking space*;
 - (i) a minimum of 0.9 *bicycle parking spaces – long term* for each dwelling unit;
 - (ii) a minimum of 0.1 *bicycle parking spaces – short term* for each dwelling unit; and
 - (iii) no *bicycle parking spaces* shall be required on the *lot* for non-residential uses;

Within Area B:

- (q) parking spaces shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 36 parking spaces for residential, visitor, and non-residential uses.
- (r) *Bicycle parking spaces* shall be provided and maintained on the *lot* as follows, and may be located within a secured room or enclosure in the form of a bicycle rack, locker, or *stacked bicycle parking space*:
 - (i) a minimum of 150 *bicycle parking spaces – long term*;
 - (ii) a minimum of 20 *bicycle parking spaces – short term*; and
 - (iii) no bicycle parking spaces shall be required on the lot for non-residential uses;

Definitions

- 7. For the purposes of this By-law, each word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined By-law 438-86 Section 2(1), as amended, with the exception of the following:
 - (a) "*above-grade building permit*" means a *building permit* for all or any part of the *lot* which permits the construction of a building or structure, or portion thereof, *above-grade*, but does not include the construction of a *temporary sale/rental centre*, a foundation permit, a demolition permit or a *heritage permit*;
 - (b) "*bicycle parking space*" means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
 - (i) where bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, minimum width of 0.45 metres, and minimum vertical clearance of 1.9 metres;

- (ii) where bicycles are parked in a vertical position on a wall, structure or mechanical device, has a minimum length of 1.9 metres, minimum width of 0.45 metres, and minimum horizontal clearance from the wall of 1.2 metres; and,
 - (iii) where bicycles are parked in a stacked configuration, has a minimum length of 1.9 metres, minimum width of 0.375 metres, and minimum vertical clearance of 1.375 metres.
- (c) "*bicycle stacker*" means a device whereby a bicycle parking space is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;
- (d) "*building setback*" means a horizontal distance measured at a right angle from any lot line to the nearest part of the main wall of a building or structure;
- (e) "*car-share*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the *lot*;
- (f) "*car-share parking space*" shall mean a parking space used exclusively for the parking of a car-share motor vehicle;
- (g) "*grade*" means the Canadian geodetic elevation of 78.15 metres;
- (h) "*gross floor area*" means 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, exclusive of any areas in a building or structure used for:
- (i) parking, loading, bicycle parking and a commercial parking garage;
 - (ii) storage rooms and washrooms in the basement;
 - (iii) shower and change facilities required for required bicycle parking spaces;
 - (iv) residential amenity space;
 - (v) elevator shafts, garbage shafts and garbage rooms;
 - (vi) mechanical, electrical and utility areas; and
 - (vii) exit stairwells in the building.
- (i) "*height*" means the highest point of the building or structure above *grade*, except for those elements prescribed by this by-law;
- (j) "*lot*" means the lands delineated by heavy lines on the attached Map 1 attached to and forming part of this By-law;
- (k) "*main wall*" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area;
- (l) "*temporary sales office*" means a building, structure, facility or trailer on the site;

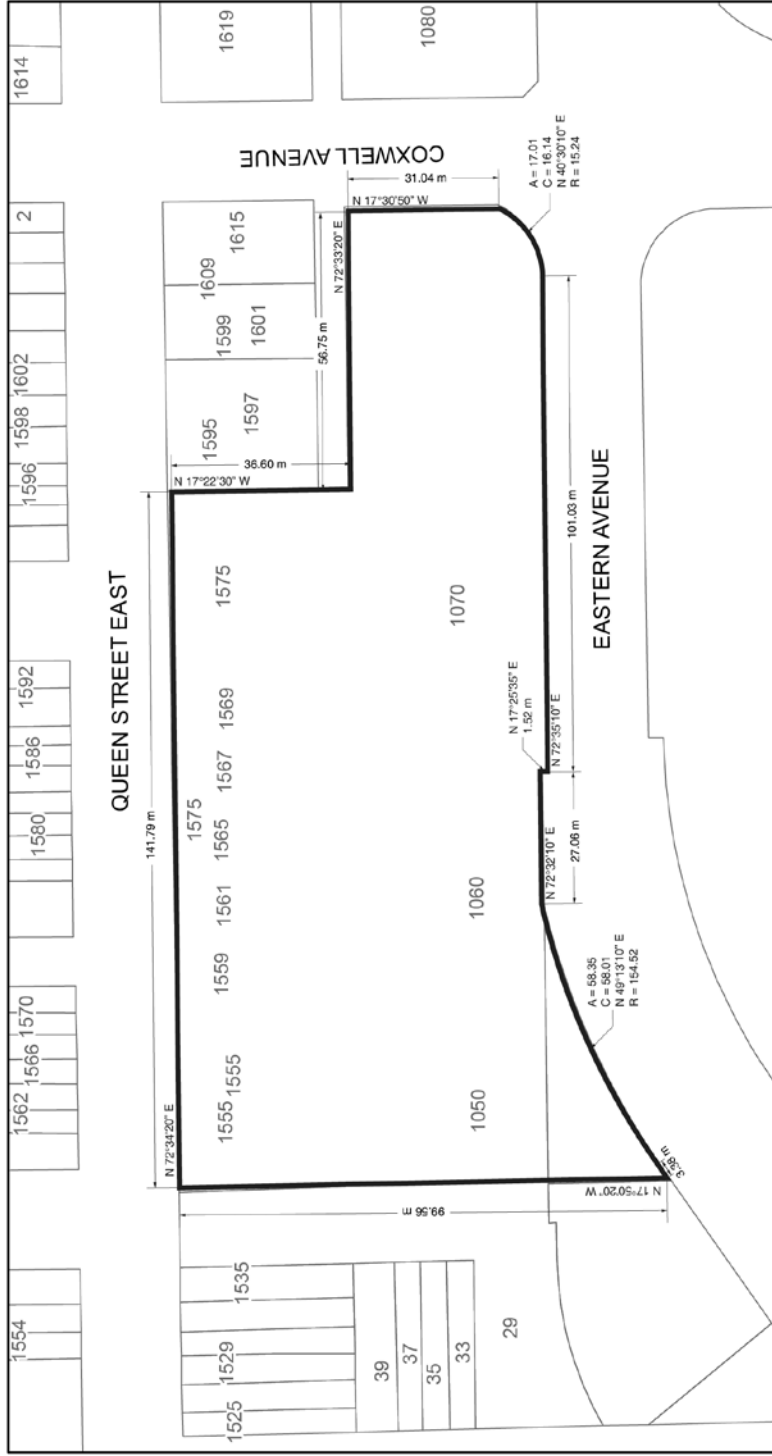
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this Exception shall apply as if no severance, partition or division had occurred.
9. Within the *lot* no person shall use any land or erect or use any building or structure unless the following municipal sewers are provided to the lot line and the following provisions are complied with:
 - a. all new public roads have been constructed to a minimum base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers and appropriate appurtenances have been installed and are operational.

Enacted and passed on XXXX, 2020.

Frances Nunziata,
Speaker

(Seal of the City)

Ulli S. Watkiss,
City Clerk

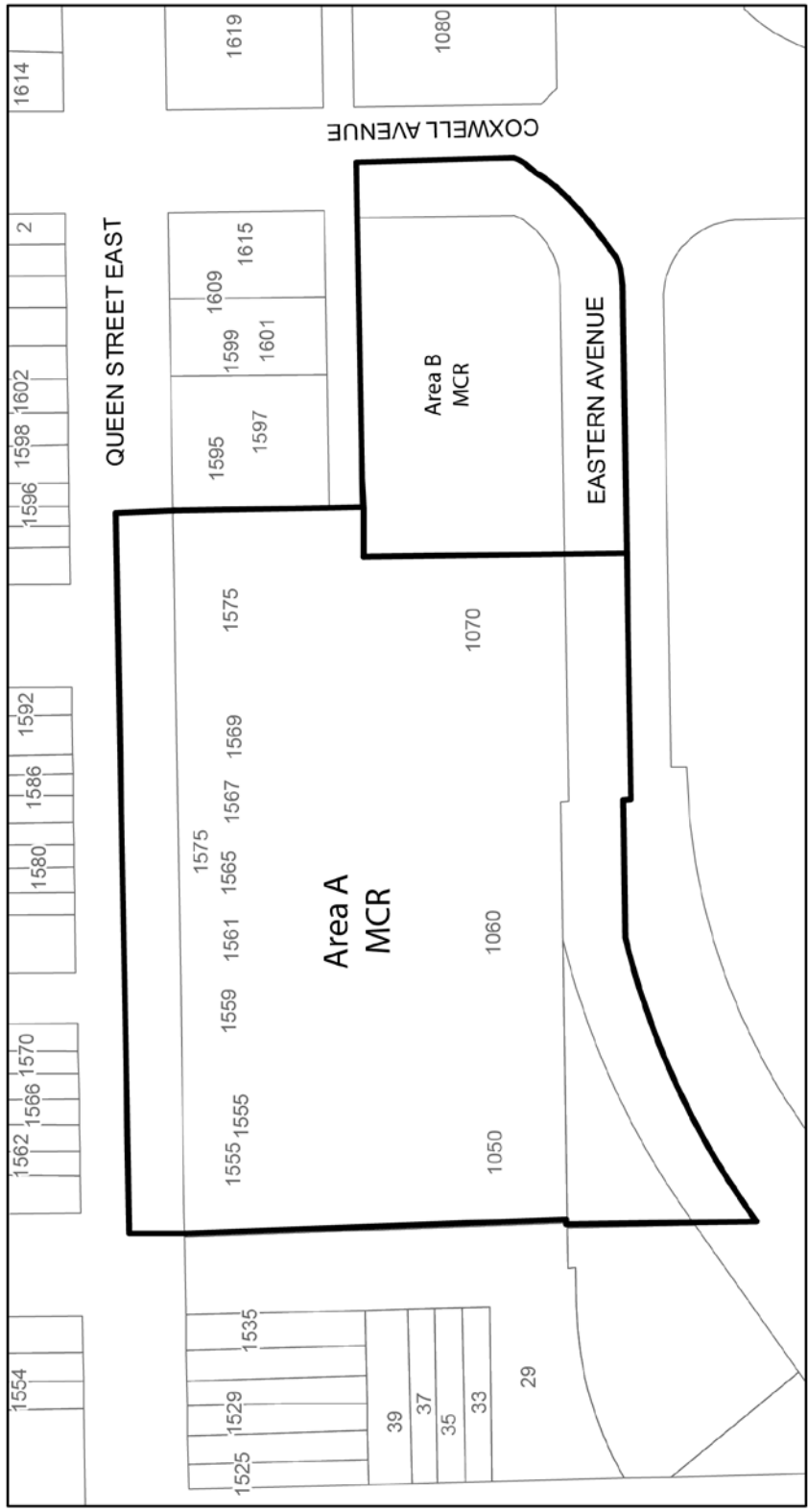


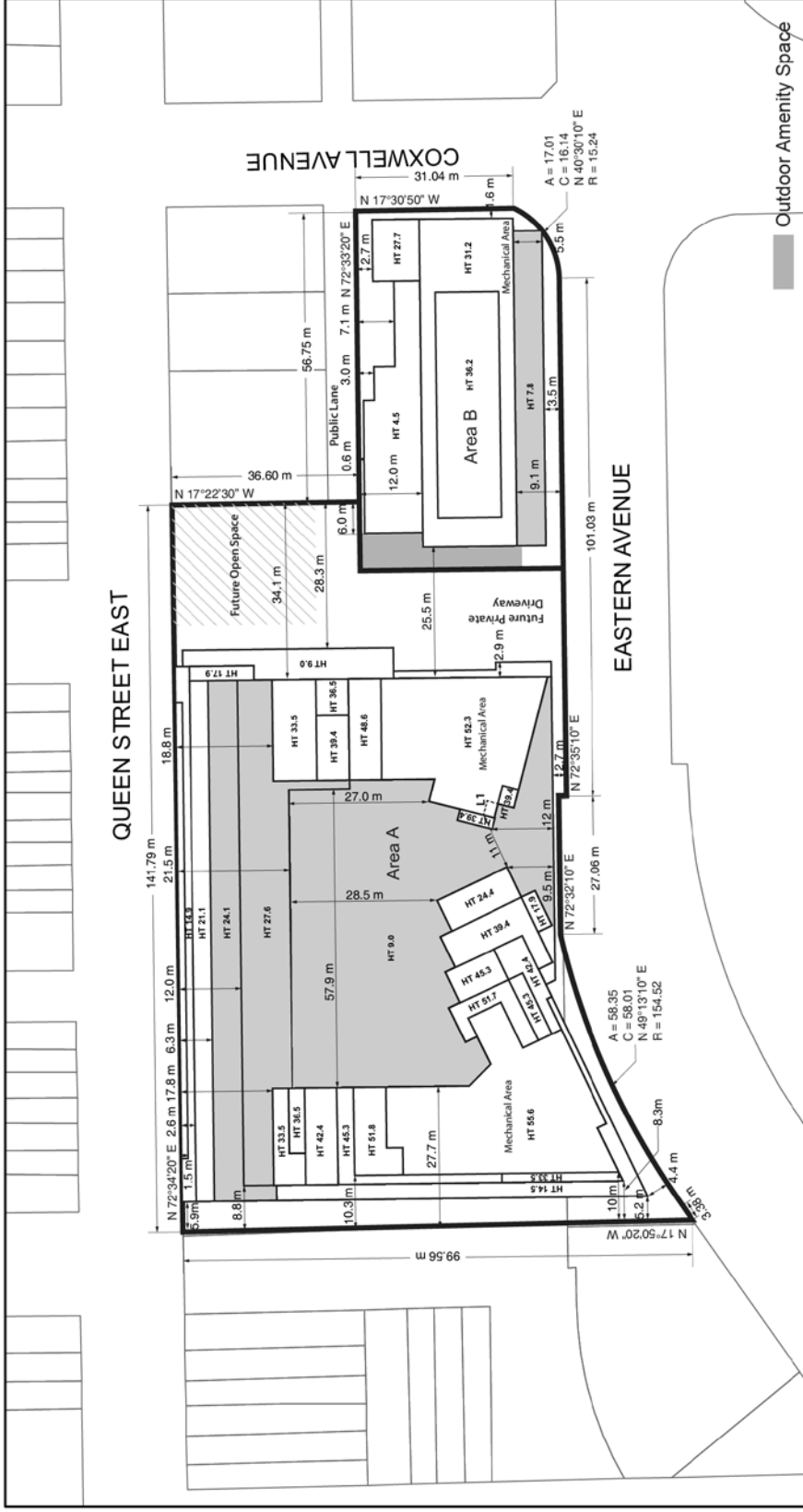
1555-1575 Queen Street East

File # 19 25597 STE 14 OZ



City of Toronto By-law 438-86
Not to Scale
06/26/2020





1555-1575 Queen Street East



File # 19 25597 STE 14 0Z

City of Toronto By-law 438-86
Not to Scale
06/26/2020

APPENDIX A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development 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. The owner shall design and construct fifty (50) affordable rental housing units comprising approximately 2,826 square metres of residential Gross Floor Area in the new 16-storey mixed-use market rental building on the site, in accordance with the terms and conditions of the Memorandum of Understanding dated October 31, 2019, between the City of Toronto, Toronto Community Housing Corporation and Context (Summerville) Inc. and such agreements entered into pursuant to the Memorandum of Understanding (the "MOU") dated October 19, 2019, and such other terms as may be required, and shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, Chief Planner and Executive Director, City Planning and the City Solicitor.
2. The fifty (50) affordable dwelling units referenced in Section 1 above as shall be provided and maintained as thirty-nine (39) one-bedroom units, five (5) two-bedroom units and six (6) three plus-bedroom affordable rental dwelling units in the new 16-storey mixed-use market rental building on the site, as follows:
 - a) Fifty (50) affordable rental dwelling units comprised of approximately two thousand eight hundred twenty-six (2,826) square metres of residential Gross Floor Area; and
 - b) The general configuration and layout of the fifty (50) affordable rental dwelling units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Executive Director, Housing Secretariat and shall be in accordance with the terms and conditions of the Memorandum of Understanding dated October 31, 2019, between the City of Toronto, Toronto Community Housing Corporation and Context (Summerville) Inc. and such agreements entered into pursuant to the Memorandum of Understanding (the "MOU") dated October 19, 2019.
3. The owner shall provide and maintain the fifty (50) affordable rental dwelling units as rental dwelling units for a minimum of forty (40) years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least forty (40) years from the date of first occupancy. Upon the expiration of the forty (40) year period, the owner shall continue to provide and maintain the affordable rental

dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.

4. The owner shall provide and maintain the fifty (50) long-term affordable rental dwelling units at affordable rents for at least forty (40) years, beginning with the date that each such unit is first occupied. The units shall be managed so that the monthly occupancy cost for any one unit during the first thirty (30) years of the affordability period, does not exceed 80% of Average Market Rent; and during the last ten (10) years of the affordability period, does not exceed 100% of average market rent, if a Unit is vacated and a new tenancy begins. During the first forty (40) years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act, 2006 and shall not exceed the Provincial rent guideline amount.
5. The owner shall, at its sole cost and expense, design and construct sixty-seven (67) residential dwelling units for the purpose of providing seventeen (17) replacement rent-geared-to-income dwelling units and fifty (50) affordable rental dwelling units in accordance with the terms and conditions of the Memorandum of Understanding dated October 31, 2019, between the City of Toronto, Toronto Community Housing Corporation and Context (Summerville) Inc. and such agreements entered into pursuant to the Memorandum of Understanding (the "MOU") dated October 19, 2019, and such other terms as may be required and shall provide such residential dwelling units in accordance with such agreement(s) to be entered into with the City, and consideration shall be given for the management of the (67) units by a non-profit co-operative all to the satisfaction of the Executive Director, Housing Secretariat, Chief Planner and Executive Director, City Planning and the City Solicitor.
6. Thirty-two (32) of the sixty-seven (67) residential dwelling units shall be conveyed to the City and shall be managed as affordable housing for a period of ninety-nine (99) years and will include seventeen (17) replacement rental dwelling units to be maintained on the site as rent geared-to-income and fifteen (15) affordable rental dwelling units. Of these thirty-two (32) rental dwelling units, six (6) shall be comprised of four (4) one-bedroom units and two (2) three-bedrooms units to be located in the new 17-storey market condominium building. Twenty-six (26) shall be comprised of sixteen (16) one-bedroom units, three (3) two-bedroom units, six (6) three-bedroom units and one (1) four-bedroom unit to be located in the new 16-storey market rental building on the site, and shall be managed so that the monthly occupancy cost of all units does not exceed 80% of average market rent on average and any one unit does not exceed 100% of average market rent, with annual rent increases not to exceed the Provincial rent guideline amount.
7. The remaining thirty-five (35) of the sixty-seven (67) residential dwelling units shall be managed as affordable rental dwelling units for a minimum period of ninety-nine (99) years all to be owned and operated by the TCHC, or a non-profit housing provider selected by the City, located in the new 10-storey Toronto Community Housing building on the site, and shall be managed so that the monthly occupancy cost of all units does not exceed 80% of average market rent on average and for

any one unit does not exceed 100% of average market rent, with annual rent increases not to exceed the Provincial rent guideline amount.

8. None of the sixty-seven (67) affordable or replacement rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be made for at least 99 years from the date of first occupancy. Upon the expiration of the 99 year period, the owner shall continue to provide and maintain the dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
9. Should the location of any of the sixty seven (67) residential dwellings units be required to be altered, than as otherwise described in these Recommendations, City Council authorizes the Director, Housing Secretariat and Chief Planner and Executive Director, City Planning to provide direction, at their discretion, to secure same to the City Solicitor, so long as the minimum number of units, the minimum gross floor area and unit sizes are maintained on the site.
10. The number, size, type, and tenure of replacement residential rental units to be provided by the owner.
11. An administrative office, of a minimum of 400 square feet, to be located on the ground floor or third floor in close proximity to the City purchased units, to be conveyed to the City in accordance with the terms and conditions of the Memorandum of Understanding dated October 31, 2019, between the City of Toronto, Toronto Community Housing Corporation and Context (Summerville) Inc.
12. The owner shall provide at least 30% two-bedroom units and 9% three-bedroom units within the proposed Market Site.
13. Prior to the issuance of the Site Plan Statement of Approval for the Market Site, the owner shall convey to the City for nominal consideration, a 2.1 metre publicly accessible pedestrian clearway between Queen Street East and Eastern Avenue across the 1555-1575 site, along the western property line adjacent to 1545 Queen Street East (McDonald's site), to provide public access for use by the general public, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.
14. Prior to the issuance of the Site Plan Statement of Approval for the Market Site, the owner shall convey to the City for nominal consideration, a Privately Owned, Publicly-Accessible Open Space (POPS) easement over not less than 647 square metres as generally shown on the attached site plan on Attachment No. 11 to the supplementary report from the Director, Community Planning, Toronto and East York District dated July 27, 2020, and to provide public access for use by the general public, which surface easements shall include provisions for rights of

support if necessary, and insurance and indemnification of the City by the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor. The owner shall own, operate, maintain and repair the POPS. The owner shall install and maintain a centralized sign on the proposed POPS, at its own expense, generally in accordance with the City of Toronto POPS Urban Design Guidelines. The POPS shall be designed and operated in the manner of a City park and shall include public art as part of the design. Members of the public shall be entitled to use the POPS 365 days a year, which shall include opportunities for public events, subject to temporary closures on terms and conditions being satisfactory to the Chief Planner and Executive Director, City Planning.

15. Prior to the issuance of the first above grade building permit, the owner shall satisfy the parkland dedication requirement for the development through a combination of fee simple conveyance of an off-site parkland dedication parcel and cash-in-lieu, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
16. The owner shall convey to the City as off-site parkland dedication a minimum of 675 square metres located at the Toronto Community Housing complex at 2 Phin Avenue, with the specific location and configuration of the 675 square meters to be to the satisfaction of the General Manger, Parks, Forestry and Recreation, in consultation with the Ward Councillor. The owner shall pay all costs associated with the conveyance of the off-site parkland to the City including all applicable taxes and fees, the cost of preparing all necessary plans, registering all relevant documents, and providing a Title Opinion demonstrating that the lands are being conveyed free and clear, above and below grade, of all easements, encumbrances, and encroachments, all to the satisfaction of the City Solicitor. The land shall be delivered in Base Park condition to the satisfaction of the General Manager, Parks, Forestry and Recreation, and meet the requirements in the Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act (January 2015). The off-site parkland dedication requirements shall be secured in the Section 37 Agreement.
17. A total of \$1.2 million shall be paid in cash-in-lieu to satisfy the remaining parkland dedication requirement to be applied to improvements to Jonathan Ashbridge Park, Phin Park, or other local park that serves the area to be determined in consultation with the Ward Councillor and the local community and local community consultation for the parks to be implemented by Parks, Forestry & Recreation.
18. The owner shall provide the following, to the satisfaction of the General Manager, Transportation Services, Executive Director, Engineering and Construction Services, the Executive Director, Corporate Real Estate Services, the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, in consultation with the Ward Councillor:
 - a) Prior to Site Plan Approval, enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be

determined that updates and road improvements are required to support the development, according to the Transportation Report accepted by the General Manager of Transportation Services and the Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;

- b) Prior to any Site Plan Approval, the owner shall submit a plan detailing improvements to the public realm to be implemented in support of the development, which will include, but not be limited to, details regarding hard and soft landscaping (including large shade trees), paving and curbing details, sidewalk treatment, outdoor seating, and cycling facilities, and TTC bus/streetcar shelters, located on both public and private lands;
 - c) Prior to the earlier of any residential occupancy or registration of a condominium on any part of the subject site, including interim occupy associated with such condominium, design and construct the pedestrian crosswalk located between the subject site and the south side of Eastern Avenue, as generally identified on the attached Site Plan, Attachment No. 11, in the supplementary report, July 27, 2020, from the Chief Planner and Executive Director, City Planning, at its sole expense, all to the satisfaction of the General Manager, Transportation Services;
 - d) Complete the construction of the approved streetscape improvements required in Section 18 (b) above by no later than 1 years following the first residential or commercial occupancy of the Market Site; and
 - e) Prior to the issuance of the first above grade building permit for the Market Site, provide a letter of credit in the amount of the cost of all works required in Section 18. (b) – (c) above. The letter of credit shall be indexed in accordance with Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 3270058, or its successor.
19. The owner shall provide and maintain new indoor amenity space to the satisfaction of the Chief Planner and Executive Director, City Planning in order to provide for at least the following: a common room with at least one boardroom table within the TCHC and Market Building; a fitness and exercise room within the Market Building; and a party room that will include a kitchenette and access to a washroom within the TCHC Building and Market Building.
20. The owner shall make available all indoor and outdoor amenity spaces generally as illustrated on the attached Site Plan, Attachment No. 11, in the supplementary report, July 27, 2020 from the Chief Planner and Executive Director, City Planning for the TCHC Building and Market Building to their respective residents without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings or as required by TCHC policy from time to time;

21. Prior to the issuance of the first above-grade building permit for any development, the owner shall design and construct, at no cost to the City, any required improvements to municipal infrastructure identified in the Transportation Report and the Functional Servicing and Stormwater Management Report, prepared by Counterpoint Engineering, dated November 27, 2019, and revised May 29, 2020, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services.
22. Prior to the issuance of any building permit, including shoring, piling, excavation, foundation or demolition permit for either the TCHC or Market Site, the owner shall submit a Construction Management Plan and Mitigation Strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official and Executive Director, Toronto Building, in consultation with the Ward Councillor and thereafter in support of the development, will implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following:
 - a) details regarding size and location of construction staging areas;
 - b) plan to address noise, dust, street closures, parking and laneway uses and access;
 - c) dates and significant concrete pouring activities,
 - d) mitigation strategies to reduce the impact on adjacent residents including negative effects of safety lighting, construction vehicle parking locations, refuse storage, site security, site supervisor contact information; and
 - e) any other matters deemed necessary;
23. The owner shall provide and maintain, at its sole expense, on-site pet amenities on the Market Site with proper disposal facilities for the building residents including relief stations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
24. The owner shall be financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
25. The owner shall construct and maintain the development of the TCHC Building in accordance with Tier 2 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 3 or higher, where appropriate; and
26. The owner shall construct and maintain the development of the Market Building in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate.