

Authority: Toronto and East York Community Council
Item TE34.40, as adopted by City of Toronto Council on
July 19 and 20, 2022

CITY OF TORONTO

Bill 808

BY-LAW – 2022

To amend Zoning By-law 569-2013 with respect to the lands known municipally known in the year 2021 as 888 Dupont Street.

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; 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 pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

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

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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, a 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 forth; and

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; 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 Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. None of provisions of Zoning By-law 1011-2014, as amended, shall apply to the lands identified on Diagram 1 attached to this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by amending the lands identified on Diagram 1 attached to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zoning label to these lands: CR 2.5 (c1.0; r2.0) SS2 (x683) and EL 2.0 (x21), as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA4, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 18, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified on Diagram 1 attached to this By-law the Rooming House Overlay Map in Section 995.40.1 and applying the following label to these lands: B3, as shown on Diagram 6 attached to this By-law.
9. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x683) so that it reads:

(683) Exception CR 683

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On the portion of 888 Dupont Street shown as Part A on Diagram 2 of **By-law ####-2022**, if the requirements of **By-law ####-2022** are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (BB) below;
- (B) For the purposes of this Exception, the **front lot line** is the **lot line** abutting Dupont Street;
- (C) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 121.49 metres and the elevation of highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10 (2) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 7 of By-law **[Clerks to insert By-law ##]**;
- (E) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 7 of By-law **[Clerks to insert By-law ##]**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.0 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 6.0 metres;
 - (iii) architectural features, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) divider screens and terrace platforms, by a maximum of 2.0 metres;
 - (v) guards, railings, parapets, and **landscape** planters, by a maximum of 1.5 metres;
 - (vi) a public art feature, that is a restored chimney, as shown on Diagram 8, at ground level, by a maximum of 20.0 metres;
- (F) Despite Regulation 40.10.40.70(2), and 40.10.40.80(2) the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 7 and Diagram 8 of By-law **[Clerks to insert By-law ##]**;
- (G) Despite Clause 40.10.40.60 and (F) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) balconies, by a maximum of 2.0 metres;
 - (ii) architectural features, pilaster, decorative column, cornice, eaves, sill, belt course, canopies and awnings, public art features, window projections, including bay windows and box windows, by a maximum of 3.0 metres;
 - (iii) a public art feature, not included in G (ii) above, that is a restored chimney, as shown on Diagram 8, by a maximum of 4.8 metres;
 - (iv) guards and railings, by a maximum of 2.0 metres;
 - (v) wind mitigation, noise mitigation and train derailment mitigation measures by a maximum of 4.0 metres;
 - (vi) For the portion of the **building** containing **dwelling units** on the ground floor, landscape planters may not encroach into the required **building setbacks** along Ossington Avenue;
- (H) For the purpose of this Exception, **dwelling units**, including residential balconies, must be set back a minimum of 20.0 metres from the north **lot line**;
- (I) For the purpose of this By-law, mezzanines and the portion of a **building** on the roof top used for washrooms, access, vestibules, elevator overruns, residential amenity terraces, storage rooms and the accommodation and storage of mechanical equipment do not constitute a **storey**;
- (J) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as the non-residential use portions of the **building** provided the non-residential uses are located on or below the fourth **storey**;
- (K) Despite Regulations 40.10.20.20(1)(B), and 150.5.20.1 (6), a **home occupation**:
- (i) must be located on the ground floor of the **dwelling unit**, if the **dwelling unit** is accessed from the first **storey**;
 - (ii) may have employees in the **dwelling unit** who are not the business operator;
- (L) For the purpose of this exception, a **home occupation** is not required to be the principal residence of the business operator for the **dwelling unit**, if located below the second **storey**;
- (M) Despite Regulation 150.5.20.1 (1), a **home occupation** may:
- (i) sell, rent or lease physical goods directly from the **dwelling unit**;
 - (ii) be a **personal service shop**;

- (iii) be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario;
 - (iv) be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;
 - (v) not be an **obnoxious use**;
- (N) Despite Regulation 150.5.20.1 (2), a **home occupation** may have clients or customers attending the **premises** for:
 - (i) consultations;
 - (ii) receiving services; or
 - (iii) obtaining physical goods;
- (O) Despite Regulation 150.5.20.1 (7), a **home occupation** for music or dance instruction and training is permitted, if located below the fifth **storey**;
- (P) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot**, shown as Part A and B on Diagram 2 of **By-law #####-2022**, or part thereof, is 14,850 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 12,850 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 2,000 square metres;
- (Q) Despite regulation 40.10.20.100(7), (8), (9), (10) and (11), **public parking** is a permitted use on the lands;
- (R) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

- (S) Despite Regulation 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) at least 1.5 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**
 - (iii) a minimum of 215 square metres of indoor **amenity space**, not required as part of Regulation 40.10.40.50(1) or in (S)(i) and (ii) above, must:
 - i. be provided on the **first floor**; and
 - ii. must be communal and available for use by the occupants of a **building** on the **lot** for recreational, social, and commercial activities;
- (T) Despite Regulation 200.5.10.1(1), **parking spaces** must be provided on the **lot** in accordance with the following:
- (i) a minimum of zero (0) residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 2 residential visitor **parking spaces**;
 - (iii) in addition to (T)(ii) above, a minimum of 0.05 residential visitor **parking spaces** for each **dwelling unit**;
 - (iv) a minimum of zero (0) **parking spaces** for non-residential uses;
 - (v) a minimum of zero (0) **parking spaces** for assisted or alternative housing units;
 - (vi) a minimum of 3 "car share" spaces;
- (U) Despite Regulation 200.5.10.1(1), "car-share parking spaces" are subject to the following:
- (i) 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
 - (ii) 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;
- (V) For the purposes of this Exception, a maximum of one "car-share parking space" is permitted have a minimum length of 4.5 metres:

- (W) Despite regulations 200.15.1(1) to (4) and By-law 579-2017, accessible **parking spaces** must be provided and maintained in accordance with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - i. length of 5.6 metres;
 - ii. width of 3.4 metres; and
 - iii. 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 as shown on Diagram 1 and Diagram 2 of By-law 579-2017; and
 - (iii) accessible **parking spaces** must be located within 20 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (X) Despite Regulation 200.15.10(1), a minimum of six (6) **parking spaces** of the required **parking spaces** on the **lot** are required to be accessible **parking spaces**;
- (Y) Despite regulations 230.5.1.10(9)(A)(i)(ii) and (iii), 230.5.1.10(9)(B)(i)(ii) and (iii), and 230.5.1.10(10), "long-term" and "short term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**, a secured room, enclosure or bicycle locker;
- (Z) Despite Regulations 230.5.1.10 (9) (A) & (B) **bicycle parking spaces** may be provided on any level below ground;
- (AA) Despite regulation 230.5.1.10(7), shower and change facilities do not have to be provided for any **building** on the lands;
- (BB) Despite regulations 220.5.10.1(2), (3), (4), (5) and (8), one Type "G" **loading space** must be provided on the lands.

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

10. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.21.10 Exception Number 21 so that it reads:

(21) Exception EL 21

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On the portion of 888 Dupont Street shown as Part B on Diagram 2 of **By-law #####-2022**, if the requirements of By-law **[Clerks to insert By-law #]**, a **building** or **structure**, or a portion thereof, may be constructed, used or enlarged in compliance with Regulations (B) to (J) below:
- (B) For the purposes of this Exception, the **front lot line** is the **lot line** abutting Dupont Street;
- (C) For the purposes of this Exception, the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 121.49 metres and the elevation of highest point of the **building** or **structure**;
- (D) In addition to uses permitted in Clauses 60.10.20.10 and 60.10.20.20, the following uses are permitted:
 - (i) Uses that are **ancillary** to the residential uses on the lands shown as Part A on Diagram 2 of **By-law #####-2022** such as parking garage, **loading spaces**, storage, stairs, mechanical and vehicle **driveway** and walkways to stairs and elevators;
- (E) Despite Regulation 60.10.40.10(1) and (2) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 7 of By-law **[Clerks to insert By-law #]**;
- (F) Despite Clause 60.10.40.10 and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 7 of By-law **[Clerks to insert By-law #]**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, **structures** that enclose, screen or cover the equipment, and **structures** listed above; architectural features, parapets, and elements and **structures** associated with a **green roof**, planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (G) Despite Clause 60.10.40.70 the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 7 and Diagram 8 of By-law **[Clerks to insert By-law #]**;
- (H) Despite Clause 60.5.40.60 and (G) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

- (i) architectural features, eaves, pilaster, decorative column, cornice, public art features, sill, belt course, chimney breast, canopies, and awnings, by a maximum of 3.0 metres;
- (ii) wind mitigation, noise mitigation and train derailment mitigation measures by a maximum of 4.0 metres;
- (I) Regulation 60.10.50.10(1) with respect to **soft landscaping** for a **street lot line**, and Regulation 60.10.80.1(1) with respect to parking rates for certain uses, do not apply;
- (J) Despite Regulations 60.10.90.40 (1) and (2), the **vehicle** access to a **loading space** on a **lot** may be from Dupont Street and the **loading space** located in a **building** may have its **vehicle** access from a **main wall** that faces Dupont Street;

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

11. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

12. Temporary uses:

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
 - i. the temporary sales office **structure** does not exceed one-storey and 3.0 metres in height;
 - ii. the temporary sales office **structure** is located on Part A as shown on Diagram 2; and
 - iii. the temporary sales office is located at least 20.0 metres from the north **lot line**.

13. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as CR 2.5 (c1.0;r2.0) SS2 (x683) and EL 2.0 (x21) on Diagram 2 of **By-law #####-2022** in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

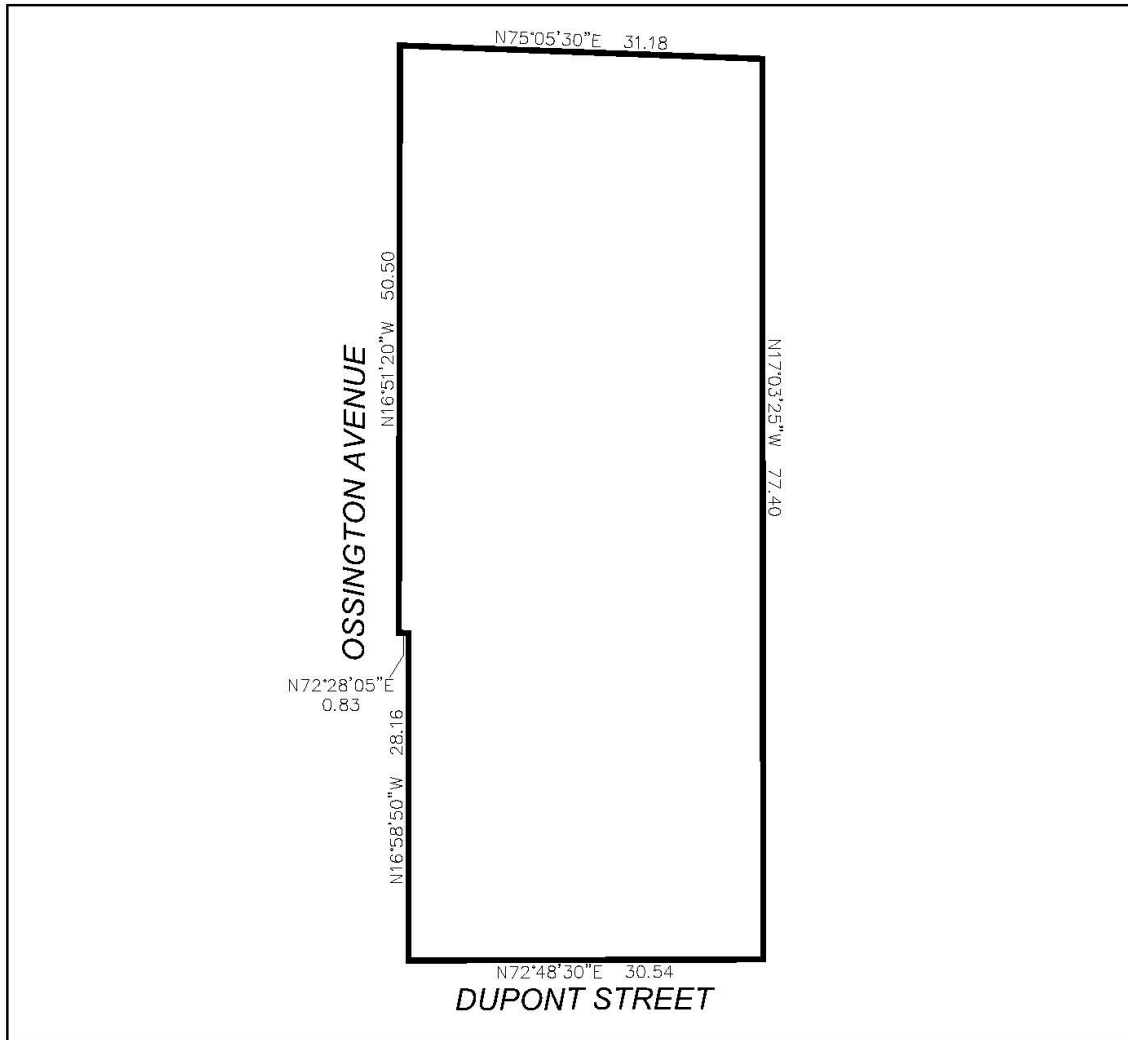
- (B) Where Schedule A of **By-law #####-2022** requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same;
- (C) The owner shall not use, or permit 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 of **By-law #####-2022** are satisfied.

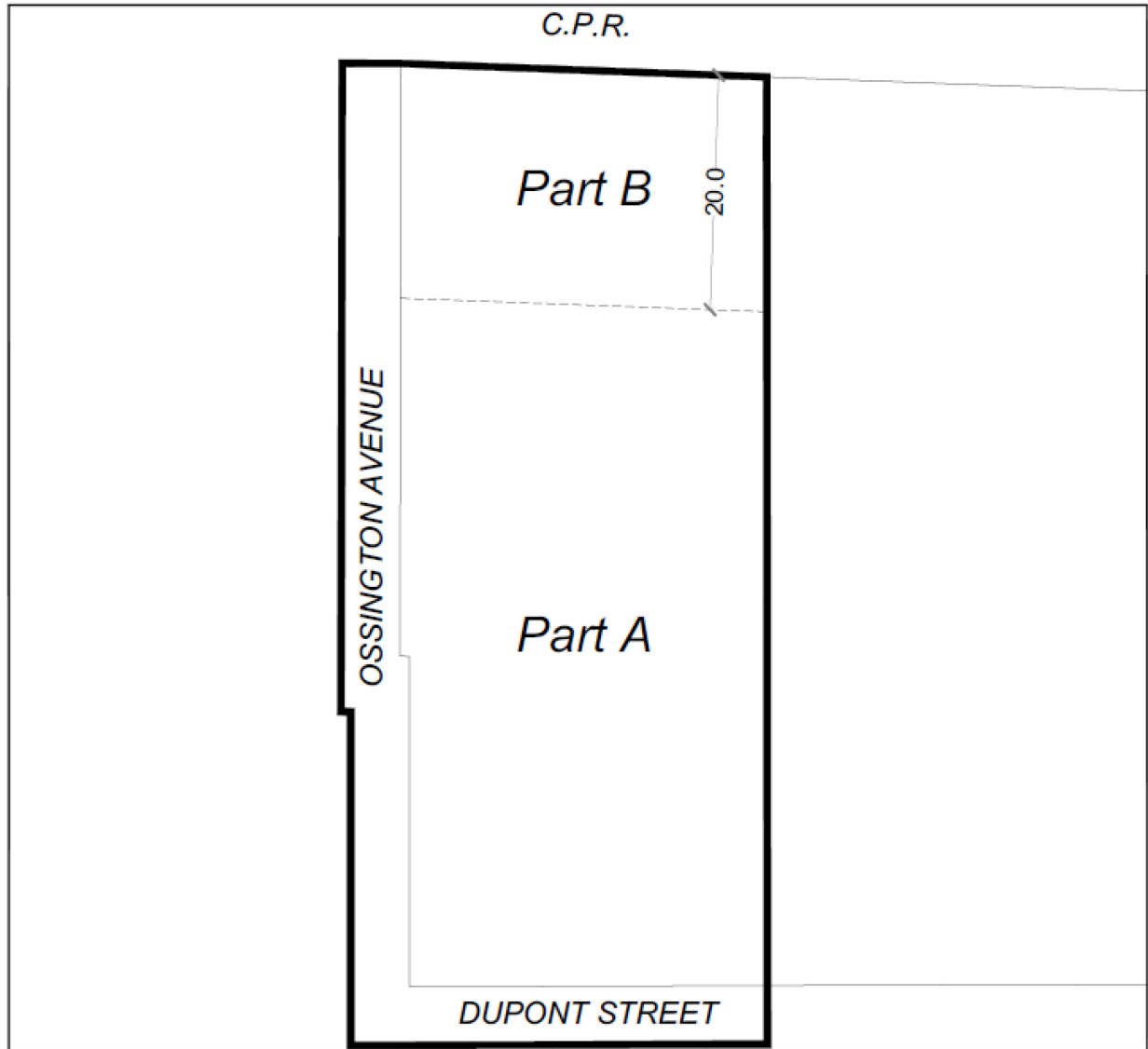
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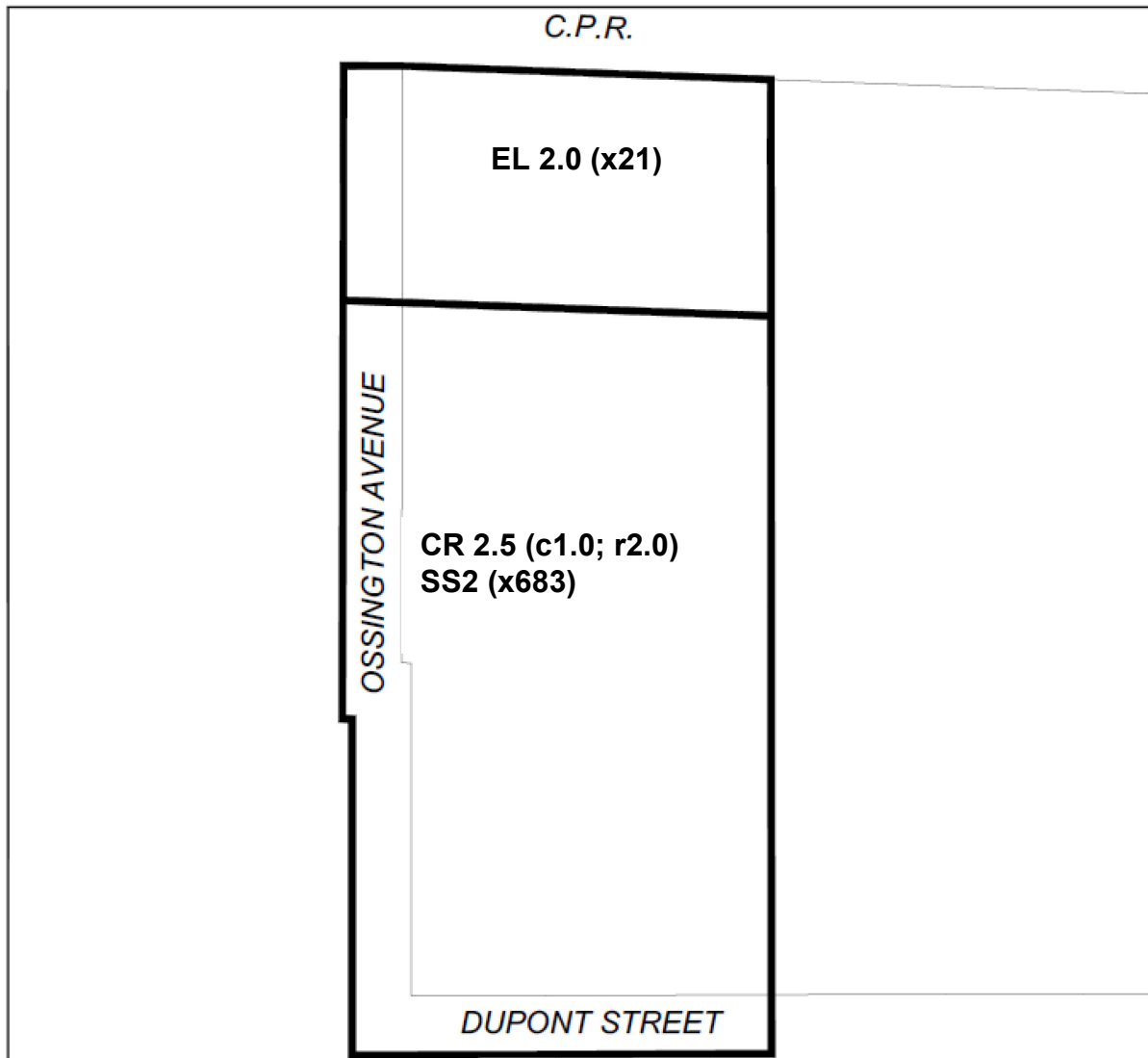
Frances Nunziata,
Speaker

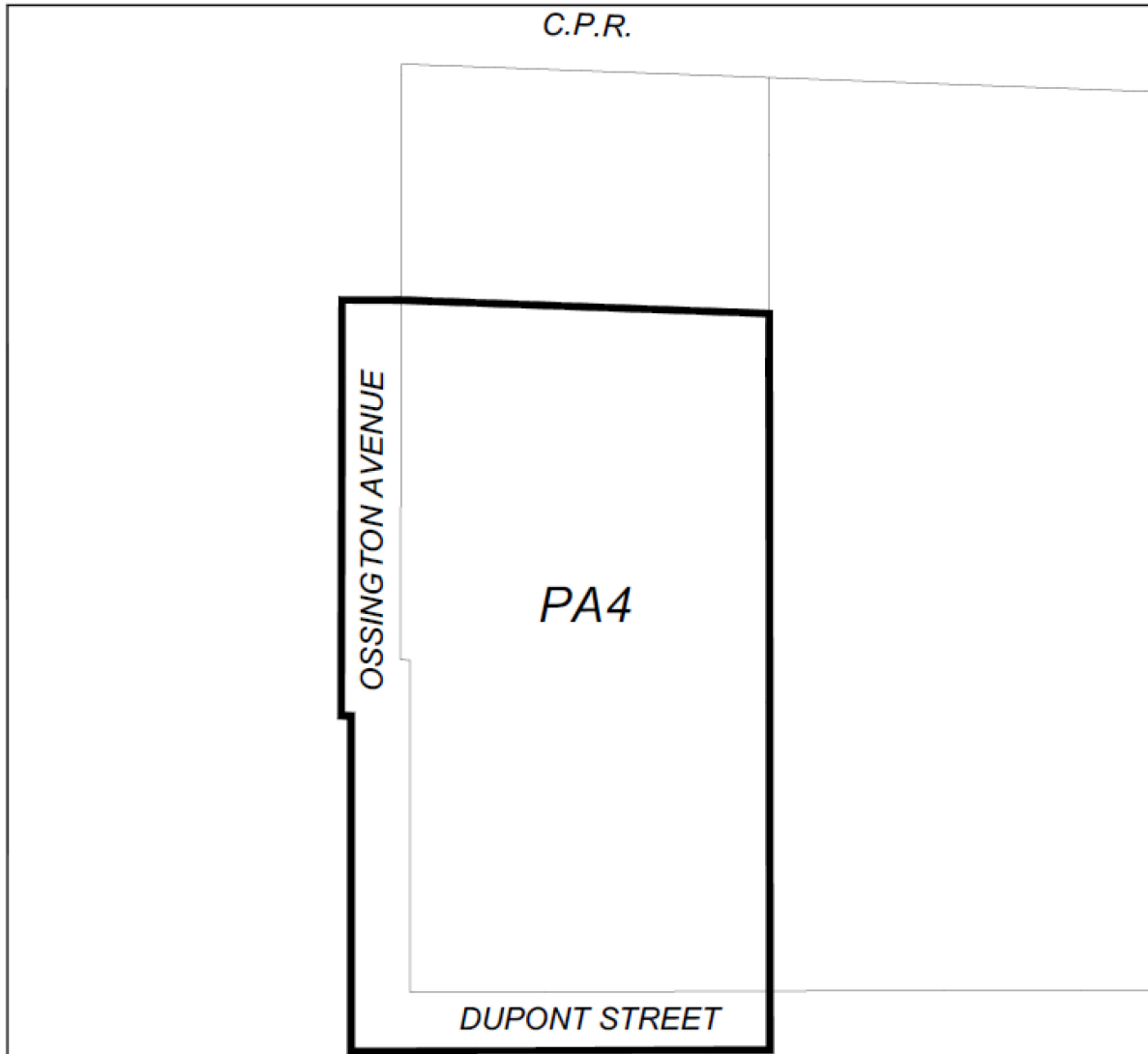
John D. Elvidge,
City Clerk

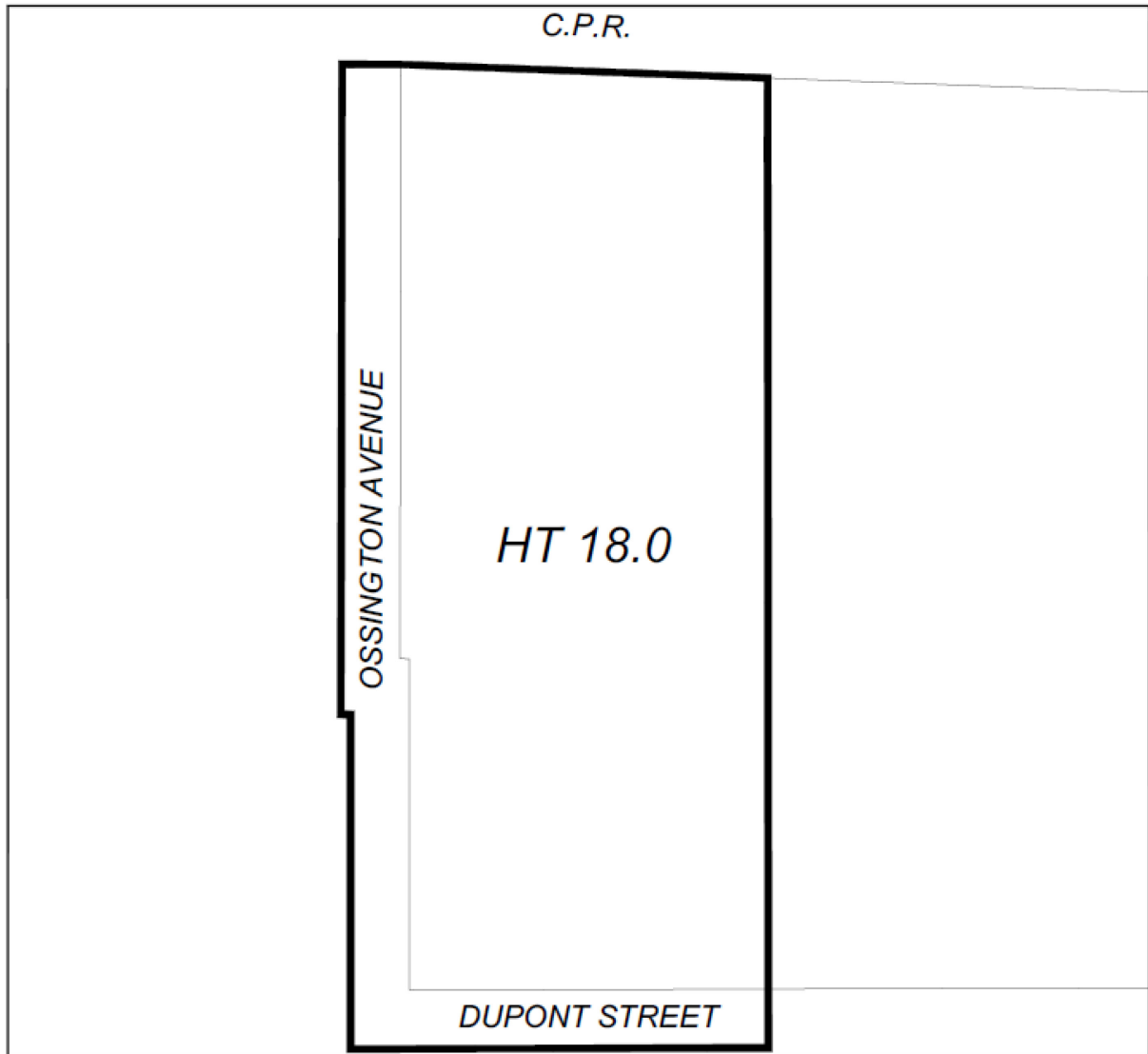
(Seal of the City)

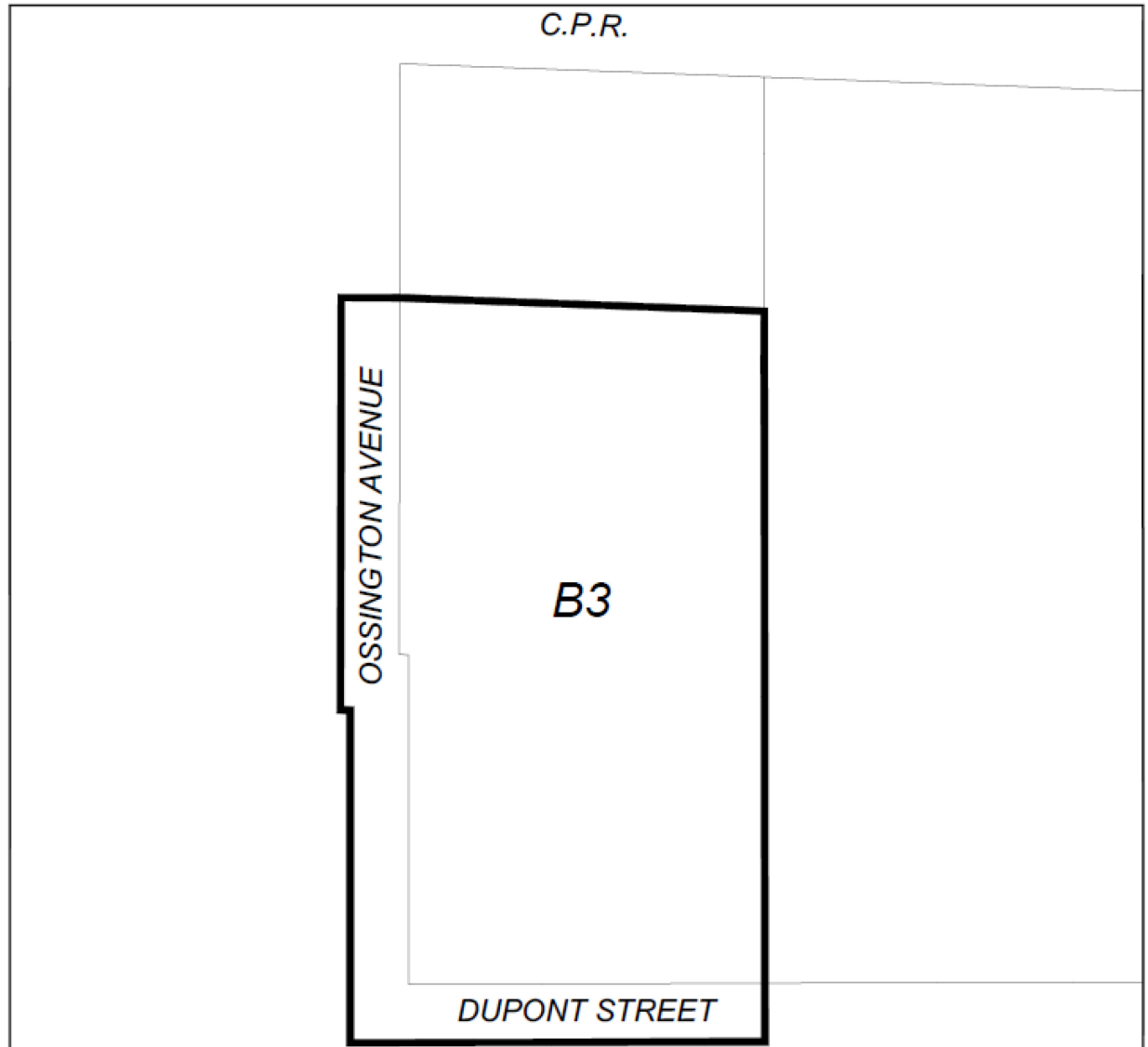


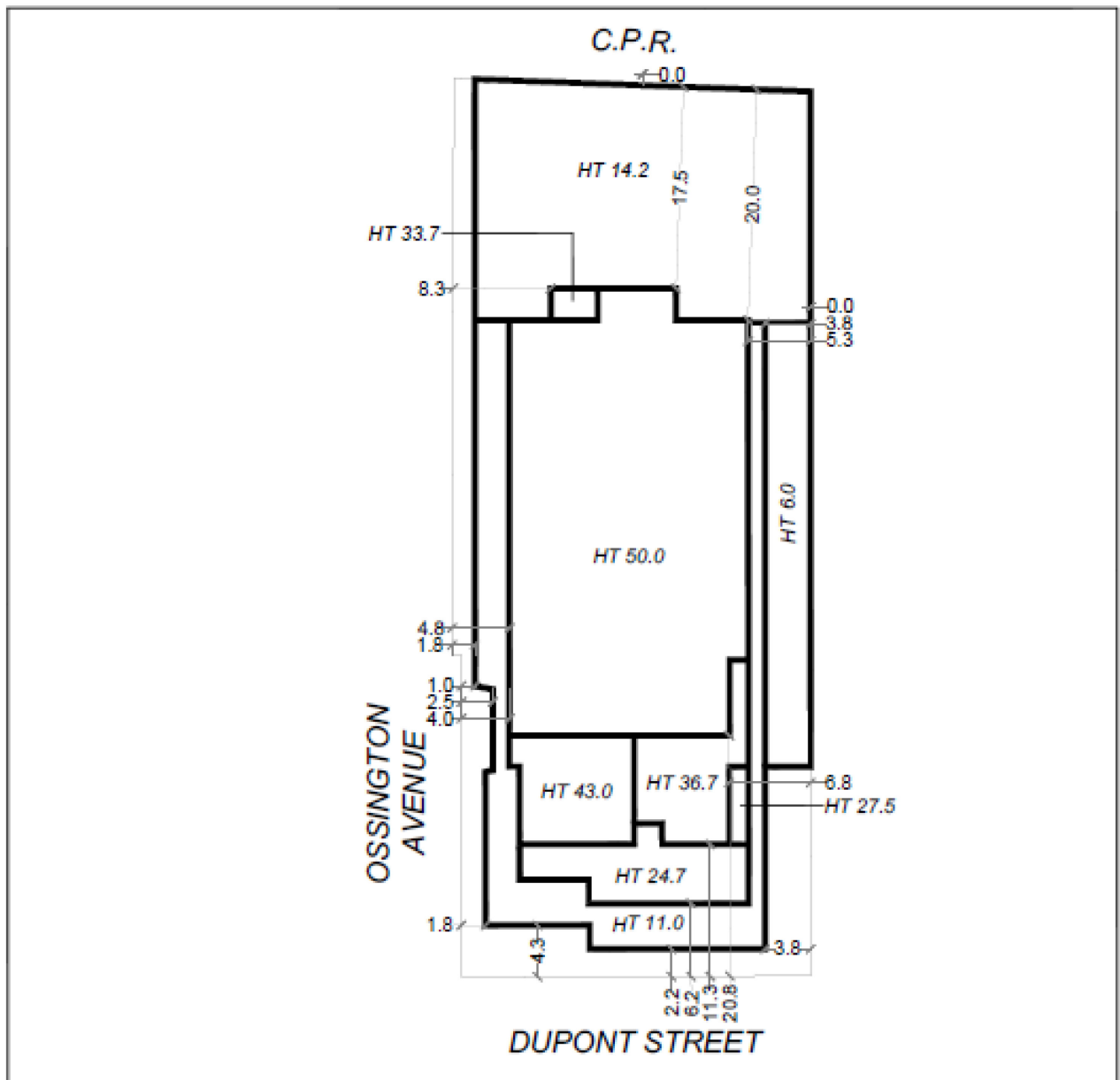


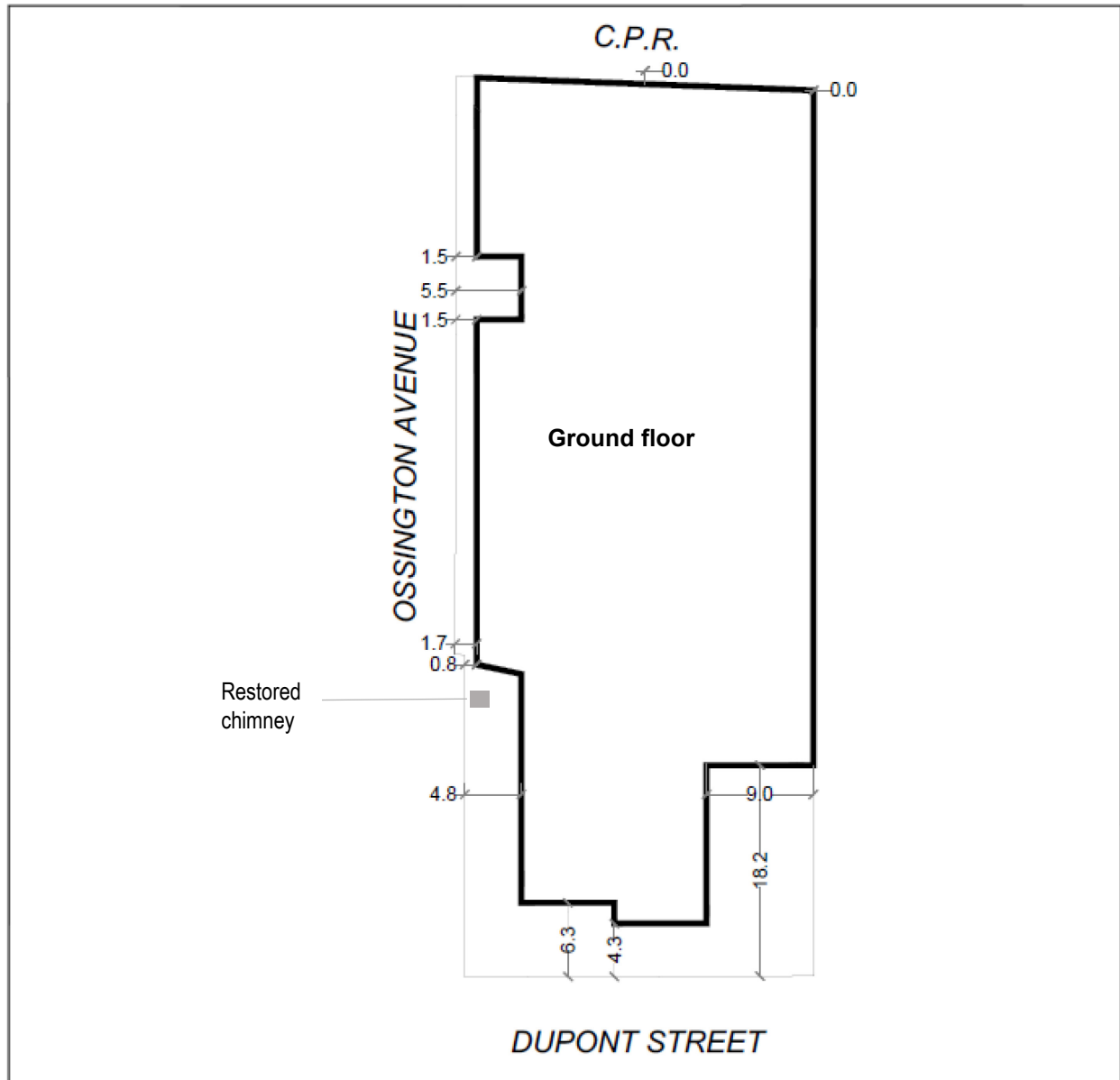












Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lands at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

- A) The community benefits to be secured in the Section 37 Agreement are as follows:
- i. The Owner shall provide and maintain twenty (20) new affordable rental housing dwelling units on the lands at 888 Dupont Street (the "Affordable Housing Units"), comprised of at least ten (10) percent of the total residential Gross Floor Area of the new 14-storey mixed use building, all to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Housing Secretariat, in accordance with the following terms:
 - (a) at least forty percent (40%) of the Affordable Housing Units shall be a two-bedroom or a three-bedroom rental dwelling unit;
 - (b) one-bedroom Affordable Housing Units shall have a minimum unit size of 48.7 square metres and a minimum average unit size of 55 square metres and two-bedroom Affordable Housing Units shall have a minimum unit size of 60 square metres and a minimum average unit size of 67.3 square metres;
 - (c) the general configuration, location and layouts of the Affordable Housing Units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Executive Director, Housing Secretariat, provided that the Affordable Housing Units will be located in contiguous groupings of at least six rental units and that all the Affordable Housing Units will be located on the third floor or higher;
 - (d) the Owner shall provide and maintain the Affordable Housing Units as rental dwelling units for a minimum period of forty (40) years beginning from the date that each such unit is first occupied, (the "Affordability Period"). During the Affordability Period, no Affordable Housing Unit shall be registered as a condominium or any other form of ownership housing such as life-lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application shall be made to demolish any Affordable Housing Unit or to convert any Affordable Housing Unit to a non-residential rental purpose. Upon the expiration of the Affordability Period, the Owner shall continue to provide and maintain the Affordable Housing Units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;

- (e) the initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (f) if an Affordable Housing Unit becomes vacant and is re-rented to a new tenant during the Affordability Period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (g) after the first year of occupancy of any Affordable Housing Units, and for the duration of the Affordability Period, the rent (inclusive of utilities) charged to the first tenants or new tenants occupying such unit may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- (h) notwithstanding the annual rent increases permitted in (g) above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit during the Affordability Period shall not be increased to an amount that exceeds 100 percent of the average rent for the same unit type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
- (i) the City's Centralized Affordable Housing Access System will be used to advertise and select tenants, provided it is in place. In addition, at least six months in advance of any new Affordable Housing Units being made available for rent, the Owner shall develop and implement an Access Plan, which will outline how units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;
- (j) the new Affordable Housing Units to be constructed shall be made ready and available for occupancy no later than the date by which seventy (70) percent of the new dwelling units in the new mixed use building are available and ready for occupancy, or to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Housing Secretariat;
- (k) the Owner shall provide all tenants of the Affordable Housing Units with access to, and use of, all indoor and outdoor amenities in the new mixed use building at no extra charge and on the same terms and conditions as

any other resident of the mixed use building, without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

- (l) the Owner shall provide all of the Affordable Housing Units with central air conditioning and ensuite laundry facilities at no extra charge;
- (m) the Owner shall provide all tenants of the Affordable Housing Units with access to visitor parking and permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building in which the Affordable Housing Units are located, and in accordance with the Zoning By-law;
- (n) prior to the issuance of the first building permit for a residential use on any part of the site, including permits for excavation and shoring, the Owner shall enter into a municipal housing facility agreement with the City (the "Contribution Agreement"), for the Affordable Housing Units that are approved for Open Door incentives, on terms satisfactory to the Executive Director, Housing Secretariat and in a form satisfactory to the City Solicitor. The owner shall provide such Affordable Housing Units in accordance with such agreement(s);

B) The following are to be secured in the Section 37 Agreement as a legal convenience as matters required to support development:

- i. the Owner shall provide, prior to the earlier of Site Plan Approval or the issuance of any foundation permit, a more detailed Pedestrian Level Wind Study, including wind tunnel analysis report, to the satisfaction of the Chief Planner and Executive Director, City Planning, which shall include recommendations to mitigate wind impacts year-round for the pedestrian realm, including the POPS, new public park to the east, and the outdoor areas of the base buildings and outdoor amenity areas. The Owner shall implement and maintain all recommended mitigation measures, in support of the development to the satisfaction of the Chief Planner and Executive Director, City Planning;
- ii. the Owner shall provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
- iii. the Owner shall provide ten percent (10%) of all net new residential units in the proposed development on the Lands as three-bedroom units;
- iv. the Owner shall pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report, to be submitted for review and acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development.

- v. the Owner shall provide a staging pad abutting the front of the Type G loading space of at least 13.6 square metres, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
 - vi. the Owner shall submit documentation and/or cash contributions toward Transportation Demand Management measures, as listed below, and such cash contributions shall be paid by the owner prior to the issuance of the site plan approval for the development, in the form of certified cheques, to the satisfaction of the General Manager, Transportation Services, and such cash contribution 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 Publication 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment:
 - (a) The provision of a minimum of three (3) car-share parking spaces;
 - (b) Written confirmation from a car-share operator that the allocated publicly-accessible car-share spaces, provided on-site, have been accepted and included in their services;
 - (c) A payment of \$50,000 to provide a new bike-share station on-site or in the area;
 - (d) One (1) car-share membership per unit, offered for the first year of occupancy;
 - (e) One (1) bike-share membership per unit, offered for the first five (5) years of occupancy; and
 - (f) One (1) Presto card per unit, pre-loaded with the value of a monthly pass, offered at the time of occupancy.
 - vii. Prior to site plan approval and issuance of the first building permit, the owner shall revise and submit to the City, Landscape Plan and plan details, for review and acceptance, to the satisfaction of the Supervisor, Tree Protection and Plan Review, and address all comments made in the Urban Forestry memo dated May 20, 2022.
- (C) Prior to the issuance of any Building Permit, the Owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above.