

Authority: Toronto and East York Community Council Item TE34.13, adopted as amended, by City of Toronto Council on July 19, 20, 21 and 22, 2022

CITY OF TORONTO

BY-LAW 1032-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1481 to 1535 Yonge Street, 1 to 31 Heath Street East and 30 to 36 Alvin Avenue and 22 St. Clair Avenue 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 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 increases 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The 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. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as Part 1 on Diagram 2 attached to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label: CR 4.25 (c2.0; r3.0) SS2 (x695) as shown on Diagram 5 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as Part 2 on Diagram 2 attached to this By-law to the Zoning By-law Map in Section 990.10 and applying the following zone label: CR 0.6 (c0; r0.6) SS2 (x695) as shown on Diagram 5 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands identified as Part 3 on Diagram 2 attached to this By-law to a zone label of CR 4.25 (c2.0; r3.0) SS2 (x695) as shown on Diagram 5 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands identified as Part 4 on Diagram 2 attached to this By-law to a zone label of CR 0.6 (c0; r0.6) SS2 (x695) 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 identified as Part 1 on Diagram 2 attached to this By-law to the Policy Areas Overlay Map in Section 995.10 and applying a label of PA3, as shown on Diagram 3 attached to this By-law.
8. Zoning By-law 569 -2013, as amended, is further amended by adding the lands identified as Part 1 and Part 2 on Diagram 2 attached to this By-law to the Height Overlay Map in Section 995.20, and applying the following height labels to these lands: HT 30.0 and HT 13.0 as shown on Diagram 4 attached to this By-law.
9. Zoning By-law 569-2013, as amended, is further amended by adding the lands identified as Part 1 and Part 2 on Diagram 2 attached to this By-law to the Rooming House Overlay Map in Section 995.40 and applying a label of B3 as shown on Diagram 6 attached to this By-law.
10. Zoning By-law 569 -2013, as amended, is further amended by adding the lands identified as Part 1 and Part 2 on Diagram 2 attached to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.

11. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x695) so that it reads:

(695) Exception CR x695

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 1481-1535 Yonge Street, 1-31 Heath Street East and 30-36 Alvin Avenue, and 22 St. Clair Avenue East, if the requirements of By-law 1032-2022 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (MM) below;
- (B) 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 147.0 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 40.10.20.100(45), clause 150.5.20, and 150.5.40.40(1), a **home occupation** within a **dwelling unit** may have employees in the **dwelling unit** who are not the business operator;
- (D) For the purpose of this exception, the following uses may be provided in combination with a **dwelling unit** on the **lot**:
- (i) office, **custom workshop, artist studio, production studio, performing arts studio, private art gallery, software development and processing, personal service shop and retail store**;
- (E) Despite Regulation 40.10.40.1(1), residential use portions of a **building** may be located on the same **storey** as non-residential use portions;
- (F) 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 1032-2022;
- (G) For the purpose of this exception, mezzanines, mechanical penthouses and any portion of a **building** on the roof top used for washrooms, stairways, access, hallways, vestibules, elevator overruns, residential amenity terraces, does not constitute a **storey**;
- (H) Despite Regulations 40.5.40.10(4), (5), (6), (7) and (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) **structures** and elements related to outdoor flooring and roofing assembly and drainage, safety railings, guard rails, railings, parapets, terraces,

- planters, balustrades, eaves, bollards, **ancillary structures**, retaining walls, and ornamental or architectural features and elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material, may project above the height limit to a maximum of 2.0 metres;
- (ii) acoustical barriers, landscape features, lighting fixtures, terrace dividers, stairs and stair enclosures, and fences, may project above the height limits to a maximum of 3.0 metres;
 - (iii) cabanas, awnings, terraces, trellises, ornamental elements, screens, other structures for outside or open air recreation, may project above the height limits to a maximum of 4.0 metres;
 - (iv) equipment and **structures** used for the functional operation of the **building**, such as electrical, utility, mechanical penthouse, ventilation, maintenance, safety and **green roof** purposes, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator machine rooms, elevator overruns, chimneys, stacks, vents and water supply facilities, and related structural elements that enclose, screen or cover such equipment, as well as areas dedicated for indoor **amenity** space and associated elevator lobbies/vestibules, may project above the height limits to a maximum of 6.0 metres;
 - (v) architectural crowning elements on Tower 1, as shown on Diagram 7 of By-law 1032-2022, may project above the height limits to a maximum of 11.0 metres; and
 - (vi) window washing equipment, lightning rods, antennae, flagpoles and satellite dishes and wind mitigation features may project up to a maximum height of 5.0 metres above the elements listed in (iv) above;
- (I) For the purposes of this exception, the total area of all equipment, **structures**, or parts of any **building** mentioned in (H)(v) and (iv) above may cover 100 percent of the area of the roof, measured horizontally;
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 128,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 123,500 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses in Area 1, shown in Diagram 7 attached to By-law 1032-2022, is 3,825 square metres;
 - (iii) the required minimum **gross floor area** for non-residential uses in Area 2, shown in Diagram 7 attached to By-law 1032-2022 is 1,552 square metres;

- (iv) the required minimum **gross floor area** for non-residential uses in Area 3, shown in Diagram 7 attached to By-law 1032-2022, is 1,646 square metres;
- (v) the required minimum **gross floor area** for non-residential uses in Area 4, shown in Diagram 7 attached to By-law 1032-2022, is 1,163 square metres;
- (K) Despite Regulations 40.10.20.100(1), (5), (6), (17), (33), a **cabaret, club, eating establishment, entertainment place of assembly, place of assembly, recreation use, take-out eating establishment, service shop, retail service, retail store** and **retail store with beverage manufacturing use** for beer, cider and wine may exceed 400 square metres;
- (L) Section 150.100 does not apply to an **eating establishment** on the lands;
- (M) Despite Regulation 40.10.20.100 (20) the outdoor sale or display of goods or commodities:
 - (i) does not need to be combined with another permitted non-residential use;
 - (ii) there is no maximum cumulative area for the outdoor sale or display of goods or commodities;
 - (iii) the area for the outdoor sale or display of goods or commodities may not be located in areas required for parking, loading, **driveways** or **landscaping**; and
 - (iv) storage or warehousing of goods may be permitted in a **vehicle**;
- (N) In addition to the uses permitted to be combined with an **outdoor patio**, as set out in Regulation 40.10.20.100 (21)(A), a **retail store with beverage manufacturing use** for beer, cider and wine may also have an **outdoor patio**;
- (O) Despite Regulations 40.10.20.100 (21)(B) and (C), an **outdoor patio**:
 - (i) shall have no maximum area; and
 - (ii) may be used to provide entertainment such as performances, music and dancing;
- (P) 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 1.7 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.3 square metres of outdoor **amenity space** for each **dwelling unit**;

- (iii) no more than 25 percent of the outdoor component may be a **green roof**; and
 - (iv) the **amenity space** required for the **lot** may be provided within one **building**;
- (Q) Despite Regulation 40.10.40.70(2) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 7 of By-law 1032-2022;
- (R) Despite Regulation 40.10.40.80(2), the required minimum separation of **main walls** are as shown in metres on Diagram 7 of By-law 1032-2022;
- (S) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60, and (Q) and (R) above, the following **building** elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) eaves, cornices, windowsills, light fixtures, to a maximum extent of 1.0 metres;
 - (ii) columns, bollards, wheelchair ramps, stairs and stair enclosures, to a maximum extent of 4.0 metres;
 - (iii) balconies and balcony dividers and ornamental and architectural elements and feature, to a maximum extent of 2.0 metres;
 - (iv) canopies, awnings, trellises, window washing equipment, signage or similar structures, to a maximum extent of 3.0 metres; and
 - (v) guards and guardrails, railings, parapets, terraces, privacy and wind screens, landscape planters and terrace platforms to a maximum extent of the **main wall** of the **storey** below;
- (T) Despite (Q) and (R) above, an interior pedestrian walkway between Tower 1 and Tower 3 may be permitted within the location shown on Diagram 7 of By-law 1032-2022, subject to the following:
- (i) an interior pedestrian walkway must be located above a height of 6.9 metres and below a height of 18.0 metres, measured between the Canadian Geodetic Datum elevation of 147.0 metres and the highest point of the interior pedestrian walkway;
- (U) For the purposes of this exception, the floor plate of each Tower 1, 2 and 3 on Diagram 7 of By-law 1032-2022 must have a maximum **gross floor area** of 850 square metres measured from the exterior of the **main wall** of such floor level, and subject to the floor area reductions of regulation 40.5.40.40(3);

- (V) For the purposes of this exception, a "Tower" is the portion of the building illustrated on Diagram 7 of By-law 1032-2022 which collectively enclose the entirety of a **storey** higher than:
- (i) 28.7 metres for Tower 1;
 - (ii) 20 metres for Tower 2; and
 - (iii) 29 metres for Tower 3;
- (W) Despite Clause 200.5.10.1, Table 200.5.10.1 and Regulation 200.5.1.10(5), **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.22 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) no residential visitor **parking spaces** are required;
 - (iii) no **parking spaces** for non-residential uses are required;
 - (iv) Despite Regulation 200.5.10.1(1), "care-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
 - (a) a reduction of four (4) **parking spaces** for residents will be permitted for each car-share **parking space** provided, to a maximum of 10 car-share **parking spaces**;
 - (b) 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;
 - (c) for the purpose of this exception, "car-share **parking spaces**" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
 - (d) car-share **parking spaces** may be provided in tandem **parking spaces**;
- (X) **Parking spaces** required by (W)(i) above may be provided in a **stacked parking space** and/or in an automated parking system;
- (Y) If a **parking space** is provided in a **stacked parking space** and/or in an automated parking system, Regulations 200.5.1.10.(2), (3) and (6), do not apply to the **parking space**;

- (Z) **Parking spaces in public parking** may be provided on the lands for the purposes of providing temporary short-term parking for the public and the permitted uses on the **lot**;
- (AA) **Parking spaces** referred to in (Z) above, and **drive aisles** accessing those **parking spaces** must be provided in accordance with the following minimum dimensions:
- (i) for Municipally owned **public parking**:
- (a) for **parking spaces**:
1. a minimum length of 5.2 metres;
 2. a minimum width of 2.6 metres; and
 3. a minimum vertical clearance of 2.2 metres;
- (b) for **drive aisles**:
1. a minimum width of 7.0 metres;
- (ii) for all other **public parking**:
- (a) for **parking spaces**:
1. a minimum length of 5.6 metres;
 2. a minimum width of 2.6 metres; and
 3. a minimum vertical clearance of 2.0 metres;
- (b) for **drive aisles**:
1. a minimum width of 6.0 metres
- (BB) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
- (i) a minimum length of 5.6 metres;
- (ii) a minimum width of 3.4 metres; and
- (iii) a minimum vertical clearance of 2.1 metres;
- (CC) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;

- (DD) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
- (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of the **building**;
and
 - (iii) and shortest route from the required entrances in (i) and (ii).
- (EE) Despite Regulation 40.10.100.10(1), a maximum of four **vehicle** accesses to the **lot** are permitted and may be provided from Alvin Avenue and/or Heath Street East;
- (FF) Despite Clause 220.5.10.1, **loading spaces** must be provided on the **lot** as follows:
- (i) for the first **building** constructed on the lands a minimum of one Type 'G' **loading space** and one Type 'B' **loading space** must be provided, plus additional **loading spaces** as follows:
 - (a) one Type 'B' **loading space** for non-residential **gross floor area** on the lot between 2,500 square metres and 4,999 square metres;
 - (b) one Type 'B' **loading space** for non-residential **gross floor area** on the lot above 5,000 square metres; and
 - (c) one Type 'C' **loading space** per each building that contains more than 399 **dwelling units**;
 - (ii) for each subsequent **building** constructed on the lands, **loading spaces** must be provided as follows:
 - (a) one Type 'B' **loading space** for non-residential **gross floor area** on the **lot** between 2,500 square metres and 4,999 square metres
 - (b) one Type 'B' **loading space** for non-residential **gross floor area** on the **lot** above 5,000 square metres; and
 - (c) one Type 'C' **loading space** per each **building** that contains more than 399 **dwelling units**;
- (GG) For the purpose of this exception, if a **mixed use building** on the **lot** has a minimum of 30 **dwelling units**, the requirement for a Type "A" **loading space** or a Type "B" **loading space** is satisfied by the provision of a Type "G" **loading space**, referred to in Regulation 220.5.1.10(8);
- (HH) Despite Regulation 40.10.90.40(1), access to the required **loading spaces** set out in (FF) above may be provided from Alvin Avenue;

- (II) In addition to the places "long-term" **bicycle parking spaces** may be located in Regulation 230.5.1.10 (9) and 230.40.1.20(1), "long-term" **bicycle parking spaces** may be located on any level of a **building** below ground, or on the first and second **storeys** above ground or the mezzanine level between the first and second **storeys**;
- (JJ) Despite Regulation 230.5.1.10(7), no change or shower facilities are required;
- (KK) Despite Regulations 230.5.1.10(6) and (10) and Clause 230.40.1.20, both "long-term" and "short-term" **bicycle parking spaces** may be located in a secured room, enclosure or bicycle locker may be located in a **stacked bicycle parking space**;
- (LL) Despite Regulations 230.5.1.10(4)(A) and (C), a **stacked bicycle parking space** must have the following dimensions:
- (i) a minimum length of 1.8 metres;
 - (ii) a minimum width of 0.45 metres;
 - (iii) despite (ii) above, the width of an upper tier **stacked bicycle parking space** may be reduced by 0.14 metres per side if the **stacked bicycle parking space** overlaps with an adjacent **stacked bicycle parking space** on one or both sides; and
 - (iv) despite (ii) above, the width of a lower tier **stacked bicycle parking space** may be reduced by 0.32 metres per side if the **stacked bicycle parking space** overlaps with an adjacent **stacked bicycle parking space** on one or both sides;
- (MM) A minimum of 15 percent of the total number of **dwelling units** on the lands must contain a minimum of two bedrooms and a minimum of 10 percent of the total number of **dwelling units** on the lands must have three or more bedrooms, provided that:
- (i) a minimum of 7.5 percent of the **dwelling units** within each of Areas 1, 2, 3 and 4 shown on Diagram 8 attached to By-law 1032-2022, are required to have a minimum three bedrooms; and
 - (ii) a minimum of 10 percent of all **dwelling units** on the lands must have a minimum of three bedrooms, once all the **buildings** are constructed;

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

12. Tower 1, Tower 2, Tower 3 and Building 1 are as shown on Diagram 7 of By-law 1032-2022.
13. None of the provisions of By-law 810-2008 will continue to apply to the **lot**.

14. Tower 1, Tower 2, Tower 3 and Building 1, and each of their respective podium and underground components, may proceed in separate construction phases.
15. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

16. Temporary use(s):

None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office or temporary construction 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.

17. Section 37 Requirements:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A 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
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law 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 any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands 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 facilities, services or matters set out below.
2. Prior to the first above grade building permit the owner will provide a cash contribution to the City in the amount of \$6,847,810:
 - a) \$744,510.00 for the signalization of the intersection of Yonge Street and Heath Street, and/or the following: streetscape improvements; new and/or capital improvements to affordable housing; community facilities; and parks;
 - b) \$2,671,000.00 for the cost of the realignment of Heath Street West on the West side of Yonge Street and streetscape improvements, and/or the following: streetscape improvements; new and/or capital improvements to affordable housing; community facilities; and parks; and
 - c) \$3,432,300.00 for new and/or capital improvements to affordable housing and/or community services and facilities.
3. Prior to issuance of the first above-grade building permit, the owner shall submit a Letter of Credit equal to 100 percent of the value of the streetscaping improvements. The owner will construct streetscaping improvements, including improvements in connection with the realignment of Heath Street in the public right-of-way on the East side of Yonge Street using high quality materials in areas fronting on Alvin Avenue, Yonge Street, and Heath Street East at a cost of \$2,102,000.00. Improvements on Heath Street East, in connection with the realignment, will include civil works such as removals, relocation of catch basins, paving and hydro pole relocation at a further value of \$1,426,000.00.
4. The owner agrees that it will make a contribution (the "Public Art Contribution") equal to \$1,626,100.00 towards Public Art in accordance with the Public Art program.
5. Prior to Site Plan Approval, the owner shall prepare, at its expense, a Public Art Plan (the "Public Art Plan") for the provision of Public Art upon the Site or adjacent City-owned lands, and submit the Public Art Plan to the Toronto Public Art Commission for recommendation and to Council for approval.
6. The Public Art Plan, must meet the requirements of the Percent for Public Art Program. The Plan must include the degree of collaboration, the proposed location of the Public

Art work within the overall Public Art Plan, the Jury composition, the budget, the distribution of the budget, the proposed timing of each part of the Public Art Plan in relation to the development of the Site and if the call for proposals is to be by invitation, a draft proposal call and a list of the artists to whom the proposal call is intended to be sent. The owner agrees to consider site potential in terms of public use, scale, coherence, visibility, safety, accessibility, narrative endowment and urban design objectives. The budget shall include the estimated cost of each proposed Public Art work and collaborative Public Art work above the Reasonable Base Costs of such element.

7. The owner shall deepen the affordability level and extend the affordability period for sixteen (16) of the eighteen (18) replacement rental dwelling units with mid-range rents, comprised of at least 1,096 square metres of residential Gross Floor Area, where at least five (5) studio units, five (5) one-bedroom units, and six (6) two-bedroom units are provided at affordable rents, as currently defined in the City's Official Plan, for a period of at least 99 years beginning from the date of first occupancy of each unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - a) The owner shall provide and maintain the (16) replacement rental dwelling units with affordable rents (the "Affordable Housing Units") at Affordable Rents for the 99 year affordability period. The initial rent (inclusive of utilities) charged to the first tenants of any Affordable Housing Units shall not exceed 100 percent of 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;
 - b) If one of the Affordable Housing Units becomes vacant and is re-rented to a new tenant during the 99 year affordability period, the initial rent (inclusive of utilities) charged to the new tenant shall not exceed 100 percent of 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;
 - c) After the first year of occupancy of any of the Affordable Housing Units and for the duration of the 99 year 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;
 - d) Notwithstanding the annual rent increases permitted in c) above, the rent (inclusive of utilities) charged to any first tenants or new tenants occupying an Affordable Housing Unit during the 99 year 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; and

- e) 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 the replacement rental dwelling units with affordable rents being made available for rent, the owner shall develop and implement an Access Plan to ensure units are rented to eligible households in consultation with, and to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.

The financial contributions set out above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date City Council adopts the zoning by-law amendment(s) to the date of payment.

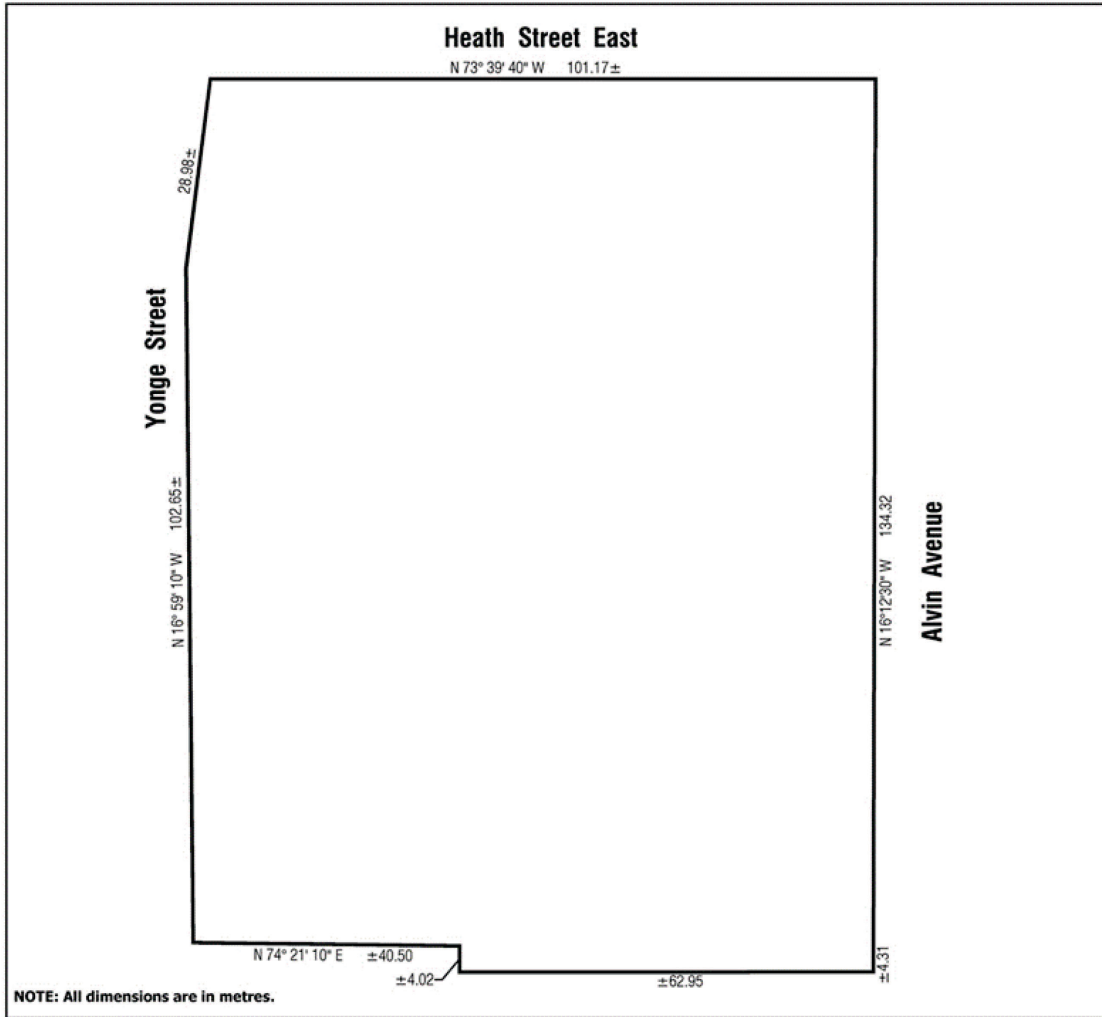
- 8. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:
 - a) Prior to the later of condominium registration and the first residential use of Tower 1, the construction, provision and maintenance of a continuous pedestrian connection from the POPS described in Paragraph 8.j) below, connecting to the south property line with a knock out panel at or below grade, or through other means to facilitate an indoor connection to the existing TTC subway entrance;
 - b) The owner will provide a bus shelter at or near the intersection of Yonge Street and Heath Street;
 - c) Prior to Site Plan Approval the owner will plan all future utility connections to be grouped/located away from trees in order to minimize and streamline potential tree planting conflicts, and in coordination with Engineering and Construction Services. Maintenance holes, sampling ports, and the P1 floorplan (e.g. mechanical room, storage tanks, etc.) may need to be reconfigured. Additionally, if the building will be serviced by Enbridge gas, the location of the gas connection must be identified and should also be located away from trees in order to avoid conflicts with tree roots.
 - d) Prior to Site Plan Approval, the owner shall submit a Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and the outdoor areas of the podiums to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development the recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - e) Prior to the issuance of Site Plan Approval, a Construction Management Plan and Neighbourhood Communication Strategy must be submitted to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Executive Director, Engineering and Construction Services and the Ward Councillor;

- f) Pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted 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;
- g) Prior to the earlier of Site Plan Approval or the first building permit for shoring and excavation, the owner shall submit the following materials for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - i. Functional Servicing and Stormwater Management Report;
 - ii. Hydrogeological Report;
 - iii. Servicing Report Groundwater Summary Form;
 - iv. Hydrogeological Review Summary Form; and
 - v. Fire Flow Test;
- h) Prior to Site Plan Approval, all applicable plans including sections will be required to identify a minimum pedestrian clearway of 3.5 metres along Yonge Street, and a minimum pedestrian clearway of 2.1 metres along Alvin Street and Heath Street;
- i) Prior to Site Plan Approval for development, or if phased then at each phase, a Transportation Impact Study will be submitted, and all recommendations will be secured as part of the Site Plan Agreement, and be constructed and paid by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- j) Prior to the later of condominium registration or the first residential use of last residential building on the lands, the owner will provide to the City for nominal consideration, Privately Owned Publicly-Accessible Space (POPS) easements over the new courtyard with a minimum area of 270 square metres, for public access and provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of the Director, Corporate Real Estate Management, 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 signage in a location to be determined through Site Plan Approval, at its own expense, stating that members of the public shall be entitled to use the POPS between the hours of 6am to 11:59pm, 365 days a year;
- k) Prior to the later of condominium registration of Tower 1 and Tower 3 or the later of the first residential use of Tower 1 and Tower 3, the owner will convey to the City for nominal consideration, a minimum 2.5-metre wide easement over the

pedestrian connection from Yonge Street to the POPS indicated in Paragraph 8.j) above, to provide public access for use by the general public, which easements shall include provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor. The owner shall own, operate, maintain and repair the easement;

- l) Prior to the later of condominium registration or the first residential use of Tower 2 and Building 1, the owner will convey to the City for nominal consideration, a minimum 2.5-metre wide easement over the pedestrian connection from Alvin Avenue to the POPS indicated in Paragraph 8.j) above, to provide public access for use by the general public, which easement shall include provisions for rights of support if necessary, encumbrances, and insurance and indemnification of the City by the owner, to the satisfaction of Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor. The owner shall own, operate, maintain and repair the easement;
- m) The owner shall provide on-site dog off-leash amenities with proper disposal facilities or dog relief stations within each building accessible to all building residents;
- n) Once all the buildings are constructed, a minimum of 10 percent of all dwelling units on the lands must have a minimum of three bedrooms.

Diagram 1



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

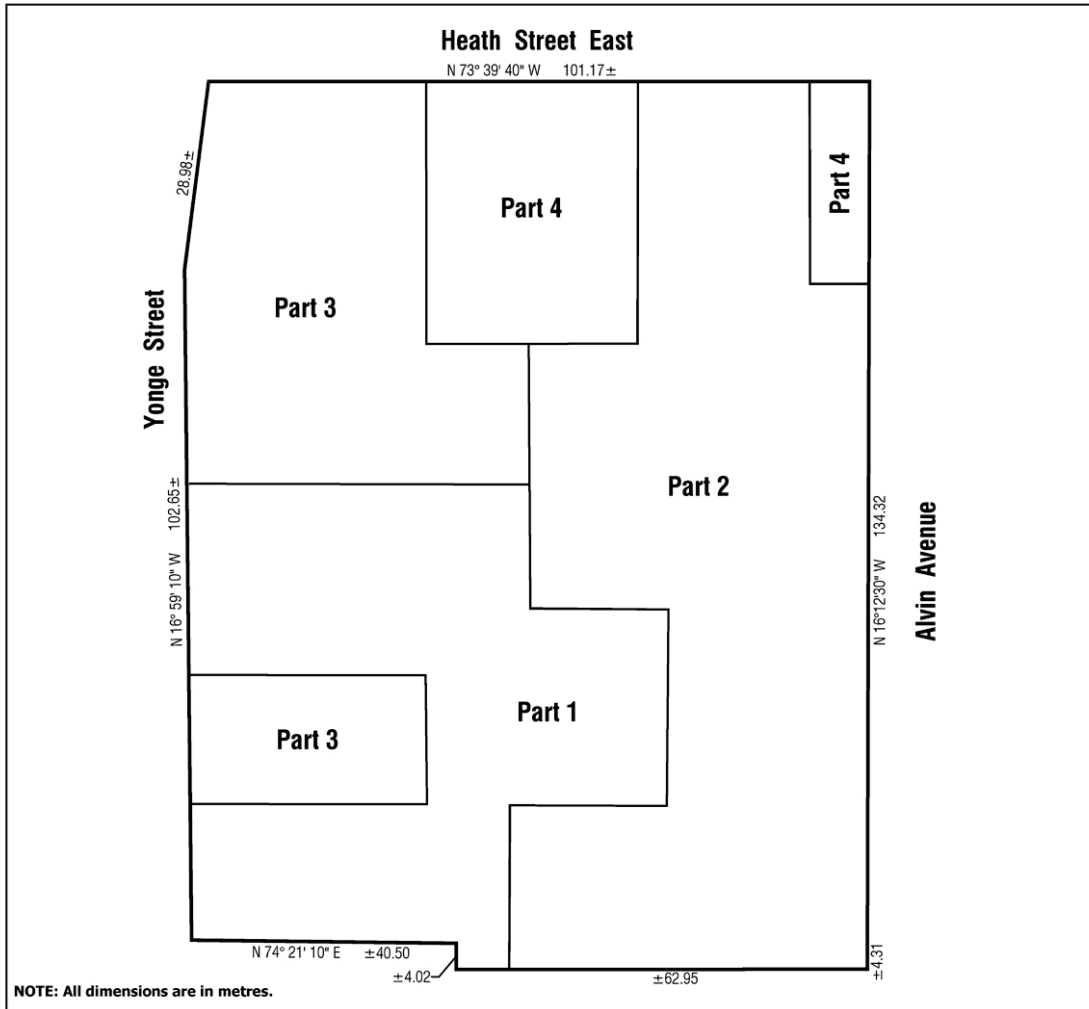
Diagram 1 - Land Map

File # _____

Not to Scale



Diagram 2



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

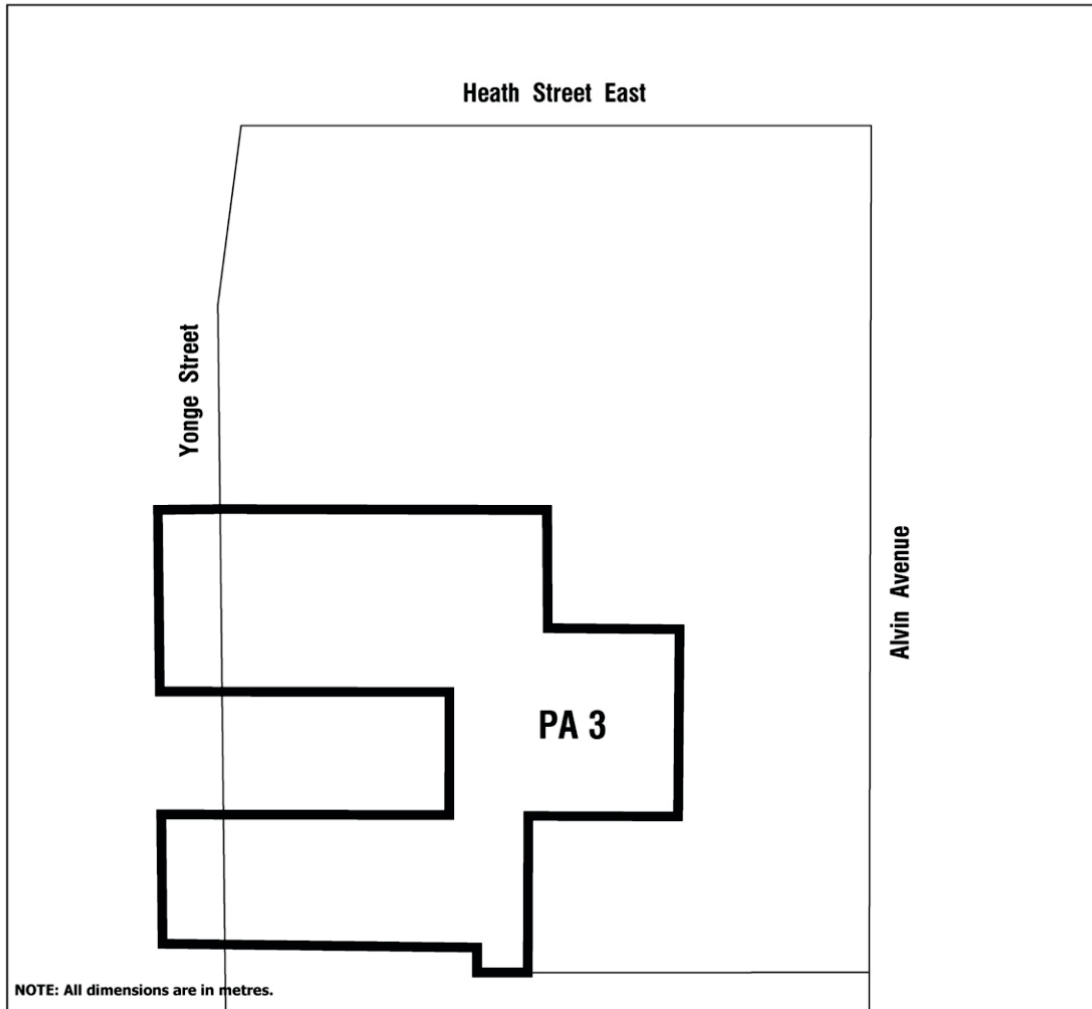
Diagram 2

File # _____

Not to Scale



Diagram 3



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

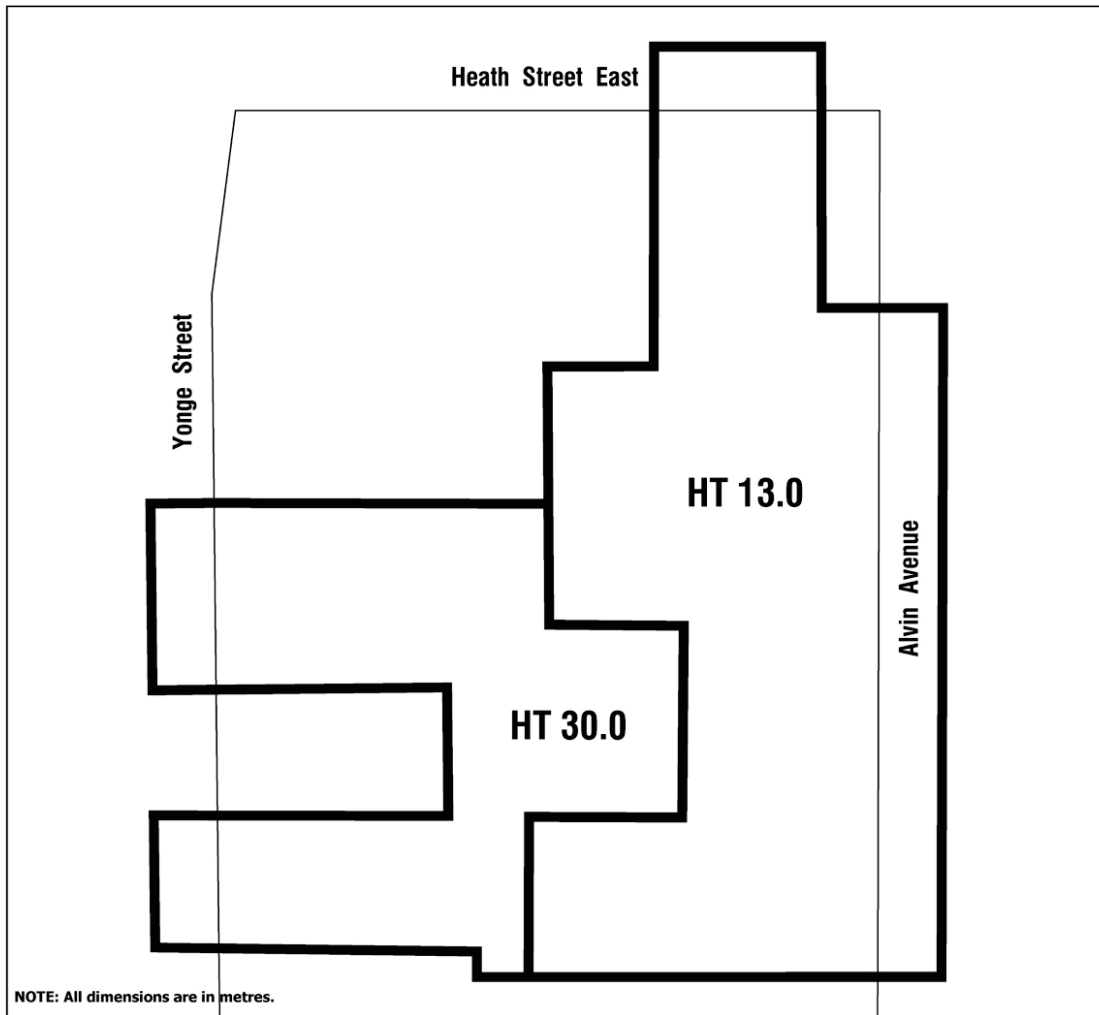
Diagram 3 - Policy Area Map

File # _____

Not to Scale



Diagram 4



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

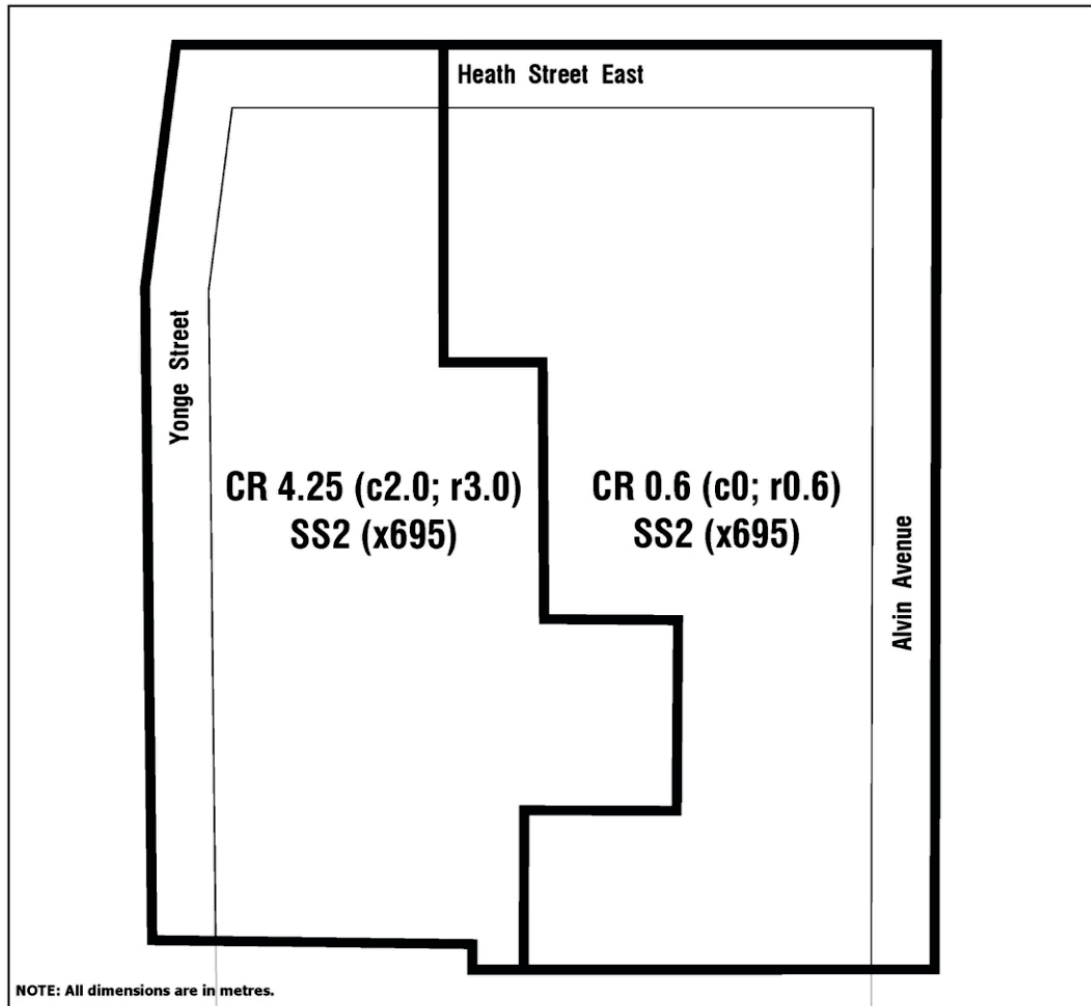
Diagram 4 - Height Overlay Map

File # _____

Not to Scale



Diagram 5



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

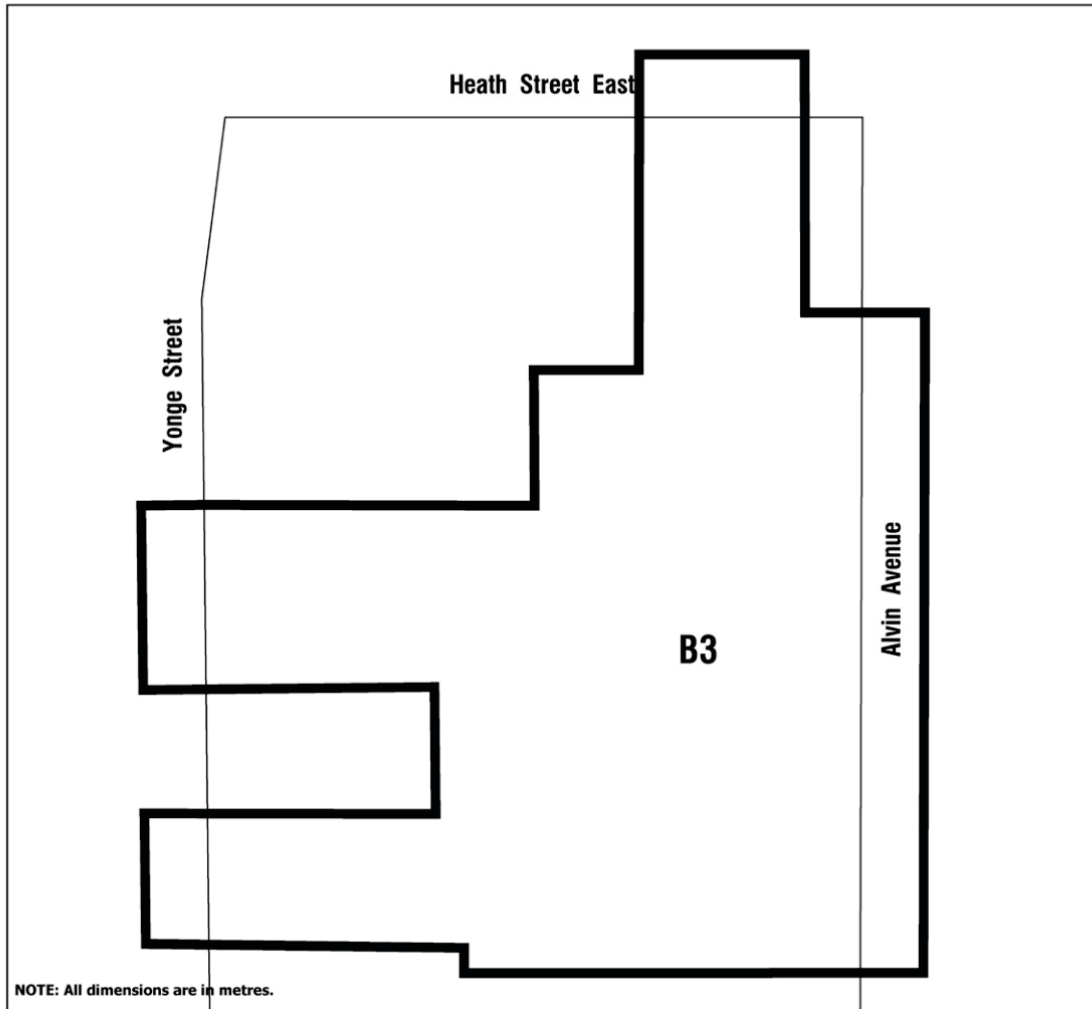
Diagram 5 - Zoning Map

File # _____

Not to Scale



Diagram 6



1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East

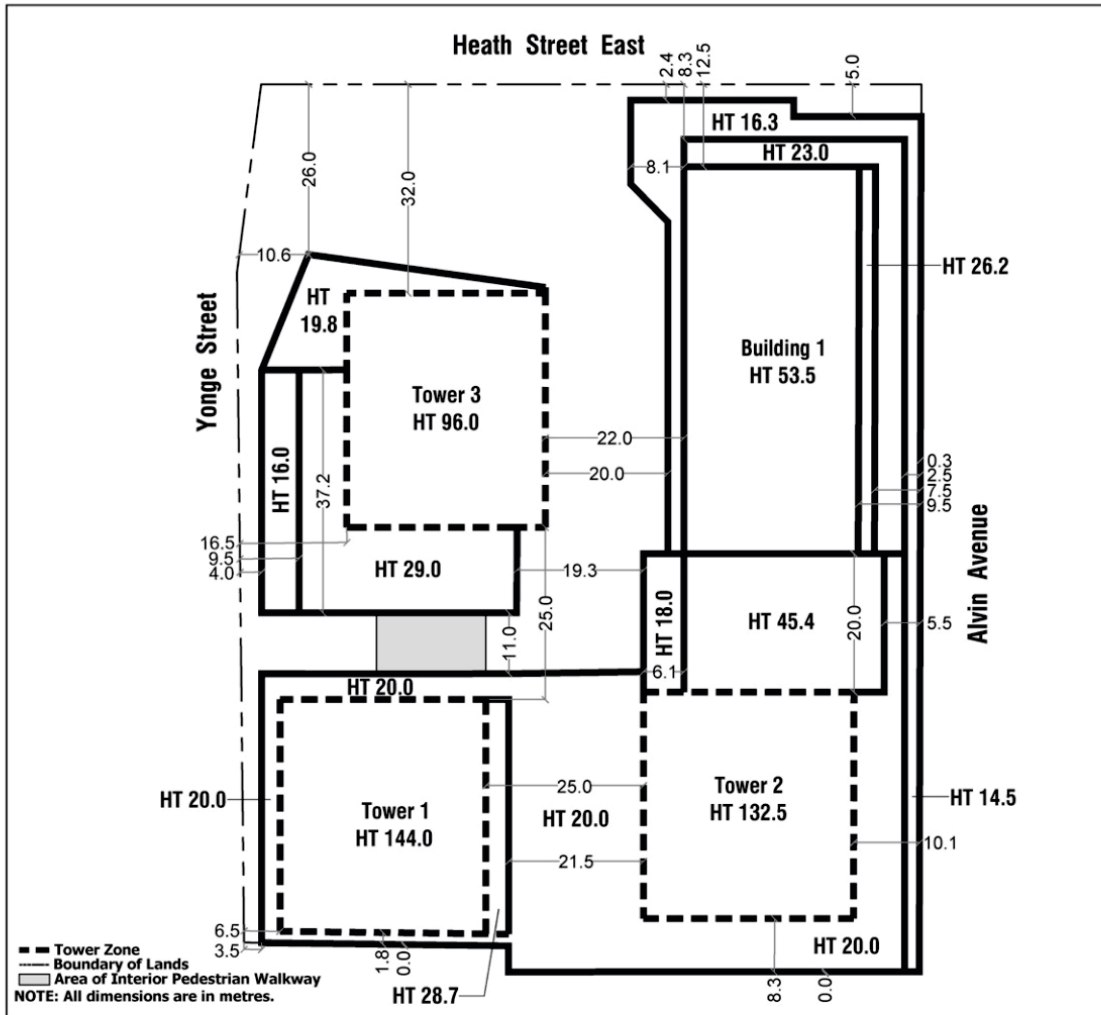
Diagram 6 - Rooming House Map

File # _____

Not to Scale



Diagram 7



1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
 & 30 to 36 Alvin Avenue and 22 St Clair Avenue East

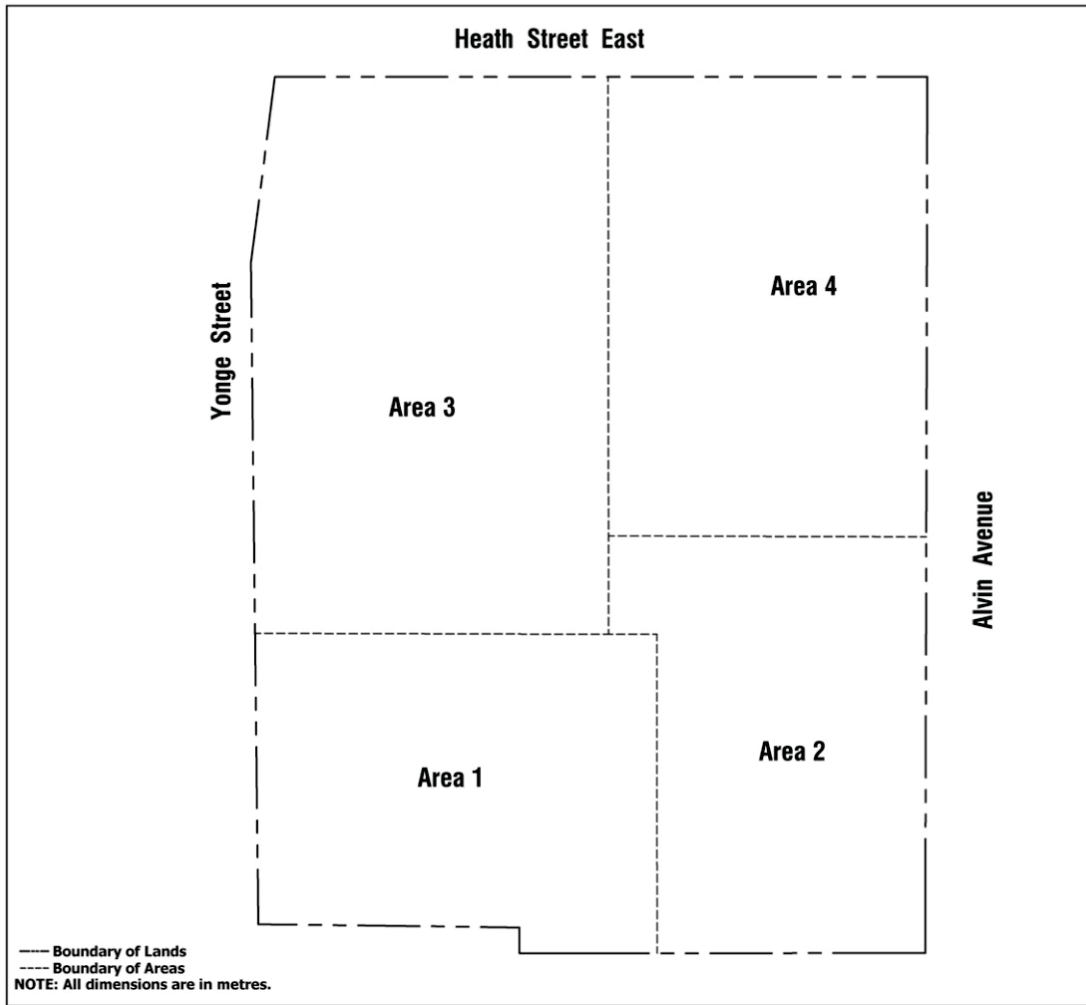
Diagram 7 - Height Map

File # _____

Not to Scale



Diagram 8



**1481, 1485 to 1535 Yonge Street, 1 to 29 Heath Street East
& 30 to 36 Alvin Avenue and 22 St Clair Avenue East**

Diagram 8

File # _____

Not to Scale

