

Authority: Toronto and East York Community Council Item 26.9,  
as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 1710-2013**

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known as 571 Dundas Street West, 21, 21a, 23, 23a and 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street.**

Whereas authority is given to Council by 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 Council may, in a by-law passed under Section 34 of the *Planning Act*, by the use of the holding symbol "h" in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of such lands and the City of Toronto; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Section 2(1) of By-law No. 438-86, being "A By-law to regulate the use of land in the erection, use, bulk, height, spacing of/and other matters relating to buildings and structures in various areas of the City of Toronto", as amended, is further amended by:

- (a) inserting after the definition of "*adult movie arcade*", the following:

"*Alexandra Park and Atkinson Co-op Area*" means that part of the City of Toronto delineated by heavy lines shown on Map 1 attached hereto".

2. District Map 50H-311 contained in Appendix 'A' of By-law No. 438-86, as amended, is hereby further amended by re-designating the lands delineated by heavy lines to "MCR(h)", "G(h)", R4A and "R4A(h)" as shown on Map 2, attached hereto.
3. Height and Minimum Lot Frontage Map 50H-311 contained in Appendix 'B' of By-law No. 438-86, as amended, is hereby further amended with respect to those lands delineated by heavy lines as shown on Map 3 attached hereto.

#### **PERMISSIVE EXCEPTION**

4. Section 12(1) of By-law No. 438-86 is amended by adding the following exception:

"490. to permit the erection of buildings or structures or the use of land in the *Alexandra Park and Atkinson Co-op Area* in accordance with the following provisions:

**(1) PERMITTED USES**

- (a) None of the provisions of this By-law or By-law No. 438-86 shall apply to prevent the use of any land, building or structure on *Blocks* 12 and 16, as shown on Map 3, for any purpose prohibited by these By-laws if such land, building or structure was lawfully used for such purpose on the date of the passing of this By-law, so long as it continues to be used for that purpose.
- (b) The erection and use of a *sales office* is permitted within the *Alexandra Park and Atkinson Co-op Area*.
- (c) Below *grade* facilities for storm water retention shall be permitted within the *Alexandra Park and Atkinson Co-op Area* except in *Blocks* 17, 18 and Streets A - E.
- (d) One *retail store* is permitted on the first floor of a building with a maximum height greater than 4 storeys/14 metres on *Blocks* 8, 9, 13 and 16, provided the *net floor area* of the *retail store* is less than or equal to 200 square metres.
- (e) *Commercial parking garages* are permitted within the *Alexandra Park and Atkinson Co-op Area*.
- (f) Lands zoned with the "h" Holding Symbol shall not be used for any purpose other than those permitted within an R3 district or those permitted under (1)(a) until the "h" Holding Symbol has been removed. An amending by-law to remove the "h" Holding Symbol in whole, or in part,

shall be enacted by City Council when the following plans and studies have been submitted for the lands from which the "h" Holding symbol is proposed to be removed to the satisfaction of the Chief Planner and Executive Director, City Planning Division secured through an agreement or agreements binding on the owner and successors entered into pursuant to Sections 37, 41 or 51 of the *Planning Act*, or any combination thereof, as appropriate:

- (i) submission of updated Detailed Context Plans, to the satisfaction of the Chief Planner and Executive Director;
  - (ii) submission of updates to the Construction Mitigation and Safety Plan, and Tenant Communication Strategy, to the satisfaction of the Chief Planner and Executive Director;
  - (iii) provision of a Tenant Relocation and Assistance Plan, and periodic updates to the Plan, being satisfactory to the General Manager, Shelter, Support and Housing Administration and the Chief Planner and Executive Director;
  - (iv) execution of a subdivision agreement satisfactory to the Chief Planner and Executive Director pursuant to Section 51 of the *Planning Act*;
  - (v) periodic Housing Issues report updates relating to each phase of revitalization demonstrating adequate progress in the replacement and/or refurbishment of social housing units to the satisfaction of the Chief Planner and Executive Director;
  - (vi) submission of satisfactory Community Service and Facility Implementation Plan, which will include a financial strategy to finance any determined required community service or facility to the satisfaction of the Chief Planner and Executive Director; and
  - (vii) confirmation of funding or financing of transportation infrastructure, servicing infrastructure, parks, and/or community facilities required to support development to the satisfaction of the Director, Corporate Finance and Administration.
- (g) Prior to the removal of the "h" Holding Symbol, shoring and demolition is permitted within the *Alexandra Park and Atkinson Co-op Area*.

**(2) FLOOR AREA**

- (a) No person shall, within the *Alexandra Park and Atkinson Co-op Area*, erect or use a building or structure or portion thereof where:

- (i) the total *residential gross floor area*, the total *non-residential gross floor area* and the combined total *residential gross floor area* and *non-residential gross floor area* exceeds the amounts indicated for each *Block*, or group of *Blocks*, as shown on Map 3, as follows:

<i>Block</i>	Maximum gross floor areas (m <sup>2</sup> )		
	<i>residential gross floor area</i> (m <sup>2</sup> )	<i>non-residential gross floor area</i> (m <sup>2</sup> )	Total <i>residential gross floor area</i> and <i>non-residential gross floor area</i> (m <sup>2</sup> )
1	14,310	1,030 (Retail/Office)	14,600
2 (apartment)	5,800	950 (Retail/Office)	6,050
2(townhouses), 3, 5, 7, 9(townhouses), 10, 14, 15 and 16 (townhouses)	24,000	0	24,000
4	37,250	2,400 (Retail/Office)	37,950
6	22,250	1,400 (Retail/Office)	22,550
8	15,300	200 ( <i>retail store</i> )	15,300
9 (apartment)	11,000	1,250 non-residential space	12,250
11	19,350	0	19,350
12	As existed on the date of the passing of this by-law		
13	14,650	200 ( <i>retail store</i> )	14,650
16 (apartments)	As existed on the date of the passing of this by-law		
17	0	50	50
18	0	50	50
Street A	0	0	0
Street B	0	0	0
Street C	0	0	0
Street D	0	0	0
Street E	0	0	0

- (b) For a Tower Area, as shown on Map 6, no person shall erect a building or structure where the *floor plate area* of any storey in the *tower* portion of the building exceeds 750 square metres.

### (3) **BUILDING HEIGHT**

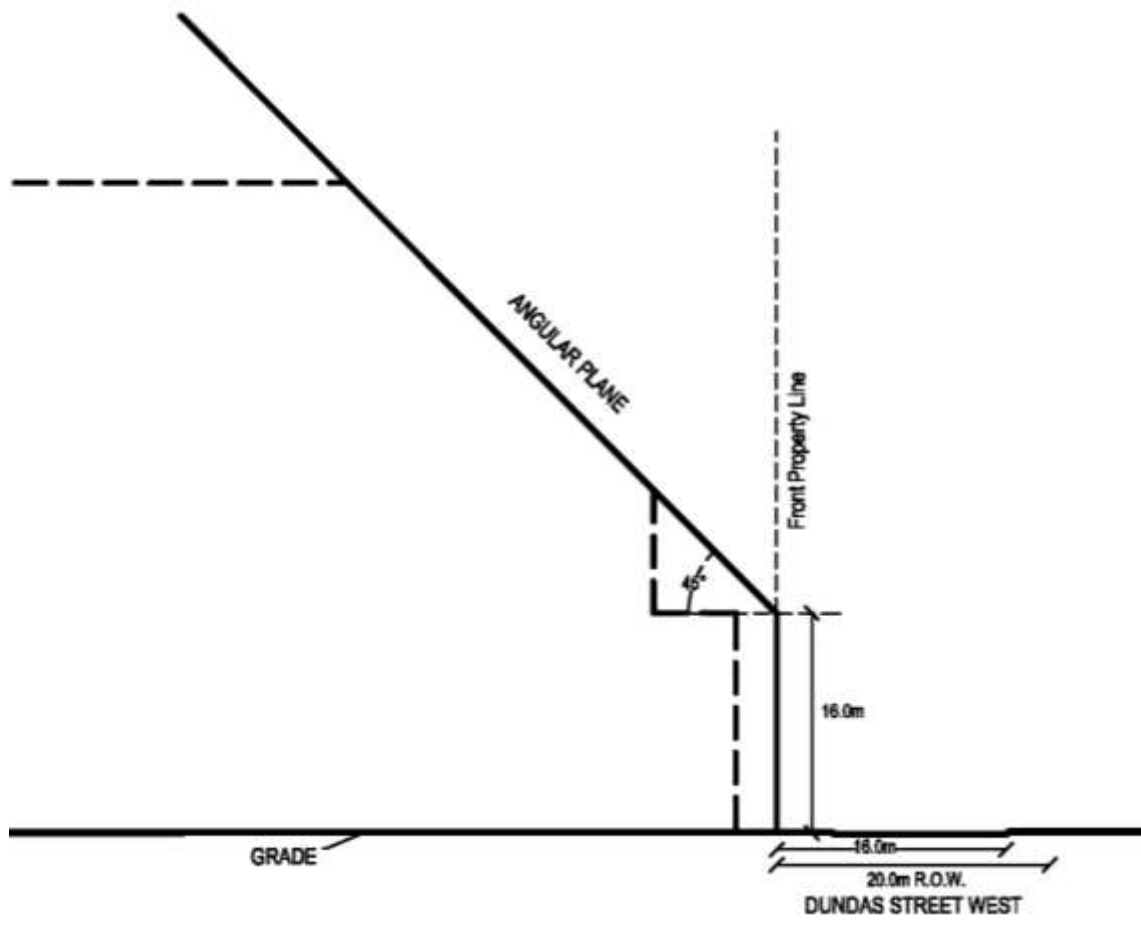
- (a) *Height* limits shall be in accordance with Sub-section 4 (2) of By-law No. 438-86, except that maximum *height* in storeys and metres shall be as shown on Maps 5.1 - 5.7.

- (b) *Towers* are permitted in Tower Areas shown on Map 6 and only one such tower is permitted in each Tower Area.
- (c) Sections 4(3)(a) and 4(3)(b) of this By-law do not prevent the erection or use of the following elements and enclosures, provided they do not penetrate the angular plane described in Section 4(4)(a) of this By-law:
  - (i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
    - A. the maximum vertical extent of such elements or enclosures above the permitted *height* is no greater than 5 metres, except that on Blocks 11 and 13 a maximum of 11.5 metres is permitted;
    - B. the aggregate horizontal area of such elements, including the area contained *within an* enclosure, does not exceed 40% of the area of the roof of the building;
    - C. the width of any such elements, including the width of an enclosure, located within six metres of a *block line* that is a *street* line, does not exceed 30% of the width of the main wall of the building facing the *block line* provided the width is to be measured parallel to the *block line* boundary;
  - (ii) residential and mechanical penthouse on Blocks 11 and 13, provided all elements are contained within an additional 6.5 metres above the maximum permitted building height of 38 metres;
  - (iii) structures that do not enclose space and are used for renewable energy purposes to a maximum of 3.0 metres above the permitted *height*, except that on Blocks 11 and 13 a maximum of 9.5 metres is permitted; except that any such elements located on top of a structure identified in Section 4(3)(c)(i) are permitted to a maximum 8.0 metres above the permitted *height*, except that on Blocks 11 and 13 where no structures are permitted above those structures identified in Section 4(3)(c)(i);
  - (iv) structures that do not enclose space and are used for outside or open air recreation, maintenance, safety, or wind protection purposes, including landscape garden amenities, green roofs, parapets, and terrace guards/landscape planters to a maximum of 4.0 metres above the permitted *height*, except that on Blocks 11 and 13 a maximum of 10 metres is permitted, subject to the limitations contained within Section 4(2)(a)(ii) of By-law No. 438-86; and

- (v) balcony railings to a maximum of 1.8 metres above the permitted height.

**(4) ANGULAR PLANE**

- (a) For a *lot* which abuts Dundas Street West in *Blocks* 1, 2, 4 and 6, all portions of a building or structure on the *lot* facing Dundas Street West must be contained within a 45 degree angular plane projected over the *lot* from the *lot* lines which abut Dundas Street West at an elevation of 16 metres above the average elevation of the ground directly above such *lot* line as shown on the following diagram.



**(5) SETBACKS AND SEPARATION**

- (a) No portion of a building or structure may be located closer to a *block line* or any other building or structure than the distance in metres shown in Maps 5.1 to 5.7.
- (b) No portion of a building or structure may be located closer than 5.5 metres to a *block line* which does not abut a street or public or private park, except on *Blocks* 7, 10, 13, 14 and 15, as shown on Maps 5.3, 5.5 and 5.6.

- (c) No person shall erect or use a building or structure having a height greater than 5 storeys or 17 metres unless above such height:
- (i) for *blocks* which abut Dundas Street West, a 6.0 metre setback is provided from the main wall of such building or structure facing Dundas Street West to Dundas Street West, as shown on Maps 5.1 - 5.8; and
  - (ii) for *blocks* which do not abut Dundas Street West, a 3.0 metre setback is provided from the main wall of such building or structure facing a public street or a public or private park, except on *Blocks* 11 and 13, where setbacks above 5 storeys or 17 metres may be less than 3.0 metres, as shown on Maps 5.4, 5.5, and 5.8.
- (d) For a Tower Area, as shown on Map 6, any storey with a *floor plate area* not exceeding 750 square metres shall have at a *block line* not abutting the street or park, a minimum 12.5 metre setback.
- (e) No person shall erect or use a building or structure in which a *primary window* in the building is closer than:
- (i) 15 metres to a *primary window* of another dwelling unit, except that on *Block* 15, a *primary window* is permitted to be located no closer than 7.0 metres to a *primary window* of another dwelling unit, as shown on Map 5.6; and
  - (ii) 7.5 metres to a *wall*, except that on *Block* 15, a *primary window* is permitted to be located no closer than 7.0 metres to a wall, as shown on Map 5.6.
- (f) Paragraphs 5(a) to 5(e) do not apply to the type of structure listed in Column A, provided that the restrictions set out in Column B opposite the structure are complied with:

Column A Structure		Column B Maximum Permitted Projection
(i)	Eaves, cornices, awnings or ornaments	Maximum of 1.0 metre projection
(ii)	Balcony	Maximum of 1.8 metre projection except that no projection is permitted where the wall to which it is attached faces a public street or a public or private park

Column A Structure	Column B Maximum Permitted Projection
The structures described in sub-clauses (iii) to (v) below are permitted:	
A. between a building facing a public street or public or private park and the <i>block line</i> on <i>Blocks</i> 3, 5, 7, 10, 14, 15, and 16;	
B. between a building on <i>Block</i> 2 facing Street D and the <i>block line</i> ; and	
C. and between a building on <i>Block</i> 9 facing Street B and the <i>block line</i>	
(iii) Stairs, handrails, guards and canopies	2.7 metres
(iv) Bay window	0.7 metres
(v) Porches, trellises, and garbage enclosures	1.7 metres
The structures described in sub-clauses (vi) to (vii) are permitted between a building and a <i>block line</i> that is not a street line or a public or private park on <i>Blocks</i> 3, 5, 7, 10, 14, 15 and 16	
(vi) Porch	2.2 metres
(vii) Canopies and trellises	3.1 metres

- (g) Paragraphs 5(a) to 5(e) do not apply to structures that do not enclose space and are used for outside or open air recreation, maintenance, safety, or wind protection purposes, including landscape garden amenities, green roofs, parapets, and terrace guards/landscape planters to a maximum of 4.0 metres above the permitted *height*.

## (6) **ENCROACHMENTS**

- (a) No portion of a building or structure may encroach into a public right of way except the type of structure listed in Column A, provided that the restriction set out in Column B opposite the structure is complied with:

Column A Structure	Column B Maximum Permitted Projection
(i) Stairs, handrails, and guards located on <i>Block</i> 9 are permitted to encroach into <i>Street B</i>	1.7m
(ii) Stairs, handrails, and guards located on <i>Block</i> 10 are permitted to encroach into <i>Street B</i>	0.8 metres
(iii) Stairs, handrails, and guards located on <i>Block</i> 10 are permitted to encroach into <i>Street C</i>	1.0 metres

Column A Structure	Column B Maximum Permitted Projection
(iv) Stairs, handrails, and guards located on <i>Block 15</i> are permitted to encroach into <i>Street B</i> .	0.8 metres

**(7) STREET RELATED RETAIL**

- (a) Within the Street Related Retail Area show on Map 4, no more than 30% of the total length of the Street Related Retail Area's frontage on Dundas Street West may be used for any use other than for street related retail and service uses or office uses permitted by Section 8(1)(f)(b)(vi) of By-law No. 438-86.
- (b) No dwelling units may be located facing Dundas Street West on the ground floor of a building or structure which faces onto Dundas Street West.

**(8) RESIDENTIAL AMENITY SPACE**

- (a) *Residential amenity space* shall be provided in accordance with Section 4(12) of By-law No. 438-86 except that for buildings on *Blocks 2* and *9*:
  - (i) a portion of the indoor *residential amenity space* required for *Block 2* may be located in *Block 9*, provided a minimum of 50 square metres indoor *residential amenity space* is located on-site in *Block 2*;
  - (ii) any community space located in *Block 9* may be used to satisfy the indoor *residential amenity space* requirements for *Blocks 2* and *9*; and
  - (iii) a minimum of 50 square metres of indoor *residential amenity space* shall be provided in *Block 9* in a different location than any community space.
- (b) No indoor or outdoor *residential amenity space* will be required for any *social housing* townhouses.

**(9) VEHICULAR PARKING**

- (a) On *Blocks 1, 4, 6, 8, 11, and 13* parking facilities shall be provided in accordance with section 4(5) and 4(10) of By-law No. 438-86, except that:

- (i) in a building containing more than 6 dwelling units, parking shall be provided and maintained at the rate of:

Unit Size	Minimum Parking Spaces per Dwelling Unit	Maximum Parking Spaces per Dwelling Unit
Bachelor	0.3	0.4
1 bedroom	0.5	0.7
2 bedroom	0.8	1.2
3 or more bedrooms	1.0	1.5
Visitor	0.1	No maximum

- (ii) the maximum required resident parking spaces shall be reduced by 4 parking spaces for each car-share parking space provided, and the maximum reduction permitted by this means shall be limited by the application of the following formula:

$4 \times (\text{Total No. of Units} \div 60)$ , rounded down to the nearest whole number;

- (iii) Parking spaces for each dwelling unit in a building containing less than 6 dwelling units shall be provided at a minimum rate of 1.0 space per dwelling unit.

- (b) On *Blocks 2, 3, 5, 7, 9, 10, 12, 14, 15 and 16* parking facilities shall be provided in accordance with section 4(5) and 4(10) of By-law No. 438-86, except that:

- (i) a minimum of 0.32 *parking spaces per dwelling unit* for residents and visitors shall be provided and maintained for all *dwelling units*;
- (ii) a maximum of 0.40 parking spaces per *dwelling unit* for residents and visitors shall be provided and maintained for all *dwelling units*;
- (iii) *parking spaces* shall be provided either in a permitted parking facility on the same *block* containing the use for which the parking is to be provided or in a permitted parking facility on *Blocks 2, 9, 12 or 16*.

- (c) Notwithstanding Section 4(9)(b) of this By-law, prior to completion of construction on *Blocks 9 and 16*, parking may be provided at grade within the *Alexandra Park and Atkinson Co-op Area* or within a parking facility located within 200 metres of the boundary of the *Alexandra Park and Atkinson Co-op Area*; and after completion, parking for the residential uses on *Blocks 9 and 16* will be provided entirely below grade.

- (d) No *parking spaces* will be required for any community space located on *Block 9* if the *Gross Floor Area* of the community space is less than 1100 square metres;

**(10) LOADING**

- (a) Loading facilities shall be provided in accordance with section 4(8) of By-law No. 438-86.

**(11) ACCESS**

- (a) Ingress and egress to and from the parking facilities on *Block 13* shall be provided in accordance with the requirements of section 4(5)(i) of By-law No. 438-86 except that such access may be provided over a private right-of-way or easement over adjacent lands provided in favour of the subject property.

**(12) BICYCLE PARKING**

- (a) *Bicycle parking spaces* shall be provided in accordance with Section 4(13) of By-law No. 438-86, except that:
  - (i) for *dwelling units* in a building containing 5 or more *dwelling units*, other than senior citizens' housing and townhouses, a minimum of 1.0 *bicycle parking spaces* for each *dwelling unit*, of which 80% of *bicycle parking spaces* will be provided for residents and 20% of *bicycle parking spaces* will be provided for visitors;
  - (ii) for *street related retail and service uses* or office uses, at least 0.2 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* will be provided and maintained for residents and the greater of 0.3 *bicycle parking spaces* per 100 square metres of *non-residential gross floor area* or 6 spaces will be provided and maintained for visitors; and
  - (iii) if the calculation of the minimum *bicycle parking spaces* results in a fraction of a space being required, the number of spaces must be rounded up to the next whole number.

**(13) DEFINITIONS**

- (a) For the purposes of this By-law and subject to Section 13(b) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and

- (b) the following definitions shall apply:

*"bicycle parking space"* means, notwithstanding Section (2)1 of By-law No. 438-86, *bicycle parking space - occupant* or a *bicycle parking space - visitor*.

*"bicycle parking space - occupant"* means, notwithstanding Section (2)1 of By-law No. 438-86, an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and:

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) in the case of a bicycle rack, is located in a secured room or area;
- (iv) if a *stacked bicycle parking space* is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

*"bicycle parking space - visitor"* means, notwithstanding Section (2)1 of By-law No. 438-86, an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles; and:

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker;
- (iv) if a *stacked bicycle parking space* is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

*"Block"* means an area outlined in heavy and medium lines on Map 3.

*"block line"* means a heavy line shown on on Maps 5.1 - 5.7, defining a *Block*.

*"car-sharing"* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing

organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

*"car-share parking space"* means a parking space that is reserved and actively used for car-sharing.

*"existing rental dwelling units"* means the 806 rental dwelling units operated by Toronto Community Housing Corporation that existed on the lands as of the date of the passing of this By-law.

*"floor plate area"* means the total area of a floor of a building measured from the exterior of the main wall of the floor level, including voids at the level of the floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation, duct or utility shaft.

*"grade"* means the average elevation of the sidewalk or, where there is no sidewalk, of the roadway, in front of the *Block* on which a building stands.

*"height"* means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 3 and Maps 5.1 - 5.7 exclusive of any elements described in Section 4(3)(c) of this By-law.

*"non-residential gross floor area"* means the aggregate of the areas of each floor above *grade* of a *non-residential building* or the non-residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building, excluding the floor area of mechanical uses located on the roof or integrated within the top floor of the building, but inclusive of the following areas: the space occupied by walls and stairs; voids at the level of each floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct, utility shaft, parking of motor vehicles or bicycles, storage, or other *accessory* use.

*"primary window"* means the a window of a *dwelling unit* ,other than a window of a kitchen or bathroom.

*"rent-geared-to-income"* has the same meaning as in section 38 of the *Housing Services Act, 2011*.

*"replacement rental dwelling units"* means the three hundred and thirty-three (333) rental dwelling units to be constructed pursuant to this By-law.

*"residential gross floor area"* means the aggregate of the areas of each floor above *grade* of a *residential building* or the residential portion of a *mixed-use building*, measured between the exterior faces of the exterior walls of the building, excluding the floor area of mechanical uses located

on the roof or integrated within the top floor of the building, but inclusive of the following areas: the space occupied by walls and stairs; voids at the level of each floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct, utility shaft, parking of motor vehicles or bicycles, storage, or other *accessory* use.

*"sales office"* means an office located in a building, structure, facility or trailer, satisfactory to the City's Chief Planner and used exclusively for the initial sale and or initial leasing of dwelling units or non-residential gross floor area to be erected in the *Alexandra Park and Atkinson Co-op Area*.

*"stacked bicycle parking space"* means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.

*"tower"* means a portion of a building having a height greater than 12 storeys.

*"townhouse"* means one of a series of more than two attached buildings, each building comprising one dwelling unit divided vertically from another by a party wall, and each dwelling unit facing a public street.

**(14) SECTION 37**

(a) The owner of the subject lands shall at its expense enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c. P.13, as amended, to secure the facilities, services, and matters referred to below. The owner of the subject lands, in accordance with, and subject to the aforesaid Section 37 agreement(s), shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in density and height authorized in this By-law Amendment:

- (i) The construction of a new 1,100 square metre community facility to be operated by TCH and Atkinson Co-op and located within a new TCH building to be constructed on Block 9 to the satisfaction of the Chief Planner and Executive Director, Director, Affordable Housing Office, Director Toronto Community Housing, General Manager of Parks, Forestry & Recreation and the Ward Councillor. The new facility will:
  - A. have a minimum gross floor area of 1,100 square metres;
  - B. be valued at a minimum construction cost of \$5,000,000.00;

- C. be constructed to a commercial standard, ready for occupancy for the intended use, containing all finishing, fixtures and equipment necessary to implement programming of the facility, including heating ventilation and air conditioning systems;
  - D. include the construction of two new outdoor basketball courts adjacent to the facility; and
  - E. be completed in accordance with the requirements of the Section 37 agreement, prior to the issuance of a demolition permit for the existing community centre at 105 Grange Court.
- (ii) The retention and refurbishment of 473 existing social housing units and common areas and amenities in the apartment buildings at 20 Vanauley Street, 73-75 Augusta Square and 91 Augusta Avenue, and the fourplex building known as 21, 21a, 23, 23a Augusta Avenue, as described in the Planning Report dated August 15, 2013 in accordance with the detailed refurbishment plans referenced in the Section 37 Agreement, and to the satisfaction of the Chief Planner and Executive Director and the Director, Affordable Housing Office. The detailed refurbishment plans to be prepared for each building shall include, but not necessarily be limited to, the following information:
  - A. exterior improvements with the objective of integrating the refurbished properties with the newly constructed buildings;
  - B. upgrading building systems and envelope systems for energy efficiency;
  - C. updating common areas and amenity spaces; and
  - D. interior unit work where required.
- (iii) Prior to the issuance of the first below-grade building permit for a building located within Block 13, the owner shall submit a report detailing the refurbishment plan described in the Section 37 Agreement for the existing building located at 20 Vanauley Street and 21, 21a, 23, 23a Augusta Avenue to satisfaction of the Chief Planner and Executive Director and the Director, Affordable Housing Office. The refurbishment work for these buildings will be completed prior to the issuance of the first below-grade building permit for any new market condominium buildings under Phase 2 on any of Blocks 1, 4, 6 or 8;

- (iv) Prior to the issuance of the first below-grade building permit for any building under Phase 2 located within Blocks 1, 4, 6 or 8, the owner shall submit a report detailing the refurbishment plans described in the Section 37 Agreement for the existing buildings located at 73-75 Augusta Square and 91 Augusta Avenue, to satisfaction of the Chief Planner and Executive Director and the Director, Affordable Housing Office. The refurbishment of these buildings shall be completed prior to the issuance of the first above-grade permit for the last market condominium building to be completed within Blocks 1, 4, 6 or 8;
- (v) The owner shall make a cash contribution towards the growth of affordable rental and/or affordable ownership housing within the proposed market buildings to be located on Blocks 1, 4, 6, 8, 11 and/or 13 to a minimum value of \$2,000,000.00, to the satisfaction of the Chief Planner and Executive Director, Director, Affordable Housing Office, City Solicitor, Director, Real Estate Services in consultation with the Ward Councillor with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and that such contribution shall be provided in the following manner:
  - A. a minimum value of \$552,400.00 be provided prior to the issuance of the first above-grade building permit for any market building on Blocks 11 or 13, whichever is issued first; and
  - B. a minimum value of \$1,447,600.00 be provided prior to the issuance of the first above-grade building permit for the last market building to be constructed within Blocks 1, 4, 6 or 8.
- (vi) The owner shall provide 4,000 square feet of non-residential floorspace for the purposes of local social enterprise and business development on the site within the ground floor of the proposed market buildings to be located on Blocks 1, 4, and/or 6, to a minimum construction value of \$1,000,000.00 with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of the benefit, with frontage on Dundas Street West and/or Block 17 to the satisfaction of the Chief Planner and Executive Director, the Director, Social Development and Finance, the City Solicitor, the Director, Real Estate Services in consultation with the Ward Councillor. The benefit shall be provided in the following manner:

- A. the Owner shall provide to the City the above-noted benefit of 2,000 square feet of non-residential floor space within Blocks 1, 2, 4, and/or 6 to the satisfaction of the Chief Planner and Executive Director, City Planning, Director, Affordable Housing Office, City Solicitor, Director, Real Estate Services, and in consultation with the Ward Councillor, prior to the registration of the first condominium on Blocks 1, 4, and/or 6 to a minimum construction value of \$500,000.00; and
  - B. the Owner shall provide to the City the above-noted benefit of 2,000 square feet of non-residential floor space within Blocks 1, 2, 4, and/or 6 to the satisfaction of the Chief Planner and Executive Director, City Planning, Director, Affordable Housing Office, City Solicitor, Director, Real Estate Services, and in consultation with the Ward Councillor, prior to the registration of the last condominium on Blocks 1, 4, and/or 6 to a minimum construction value of \$500,000.00.
- (vii) The owner shall prepare a "District Public Art Plan" to develop a consistent theme for the redevelopment and to locate public art in a location(s) that is highly visible and publicly accessible within a prominent area of the Alexandra Park and Atkinson Co-op lands prior to the registration of a subdivision agreement for any Block other than Blocks 10, 11, 12, 13, 14 or 15. A minimum public art contribution for the revitalization will be based on 1% of the gross construction cost of the total revitalization's market component. The Plan will be subject to approval from the Chief Planner and Executive Director. It shall consider, amongst other matters, the overall public art plan, the participation of the local arts community and local artists, capacity to provide space for the creation of art, the jury composition, the distribution of the budget and the proposed phasing for the installation of each part of the District Public Art Plan in relation to the phased development of the site.
- (viii) The Owner agrees to provide at its sole cost two Bixi Stations with a minimum of 10 bicycle spaces per station, at a location to be determined within Ward 20, to the satisfaction of the Executive Director, Engineering and Construction Services and the Chief Planner in consultation with the Ward Councillor. One Bixi Station shall be provided at a date no later than the registration of the last condominium building in Phase 1. The second Bixi Station shall be provided no later than the registration of the last condominium building in Phase 2.

- (b) The rental housing replacement provisions to be secured in the Section 37 Agreement are as follows:
- (i) The provision and maintenance on the site of not less than 333 *Replacement Rental Dwelling Units*, all of which shall have rents geared-to-income, which units shall be of a size to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (ii) Each *Replacement Rental Dwelling Unit* will be maintained as a rent-geared-to-income unit for not less than 25 years from the date on which it is first occupied;
  - (iii) The 333 *Replacement Rental Dwelling Units* shall be ready and available for occupancy no later than prior to the registration of the last market condominium building to be constructed on the lands;
  - (iv) The 333 Replacement Rental Dwelling Units shall consist of:
    - A. 14 1-bedroom units, all of which may be located in Apartment House Dwellings;
    - B. 56 2-bedroom units, all of which may be located in Apartment House Dwellings;
    - C. 80 3-bedroom units, all of which may be located in Apartment House Dwellings;
    - D. 79 3-bedroom units, all of which will be located in Townhouse Dwellings;
    - E. 77 4-bedroom units, all of which will be located in Townhouse Dwellings; and
    - F. 27 5-bedroom units, all of which will be located in Townhouse Dwellings;
  - (v) The Owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands, and that requires at least:
    - A. The right to a new replacement social housing unit and the option to remain in Alexandra Park during revitalization;

- B. At least 5 months notice prior to the date the tenant must vacate their unit due to demolition;
  - C. Assistance with moving to and from a temporary relocation unit and new replacement social housing unit; and
  - D. Priority to select a unit in the next phase or sub-phase of revitalization for tenants who are not initially provided a replacement social housing unit that they would otherwise be entitled to.
- (vi) The owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first below-grade building permit in each phase of construction to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (c) The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) The owner shall agree not to seek issuance of a building permit until such time as the infrastructure required for the development of each phase as identified in the accepted Functional Servicing Report and Transportation Functional Design is constructed or secured to the satisfaction of the General Manager of Toronto Water and the General Manager of Transportation Services;
  - (ii) The owner shall agree to remit all outstanding Planning Application Fees as per the City and TCH's Memorandum of Understanding, dated August 2, 2011, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Treasurer prior to Site Plan approval being issued for any application filed for redevelopment of the subject lands;
  - (iii) The owner shall provide funding and construction of any improvements to municipal infrastructure (including off-site road improvements) as required throughout each phase of development in connection with the Functional Servicing Report and the Traffic Impact Study, being updated as necessary to implement the Revitalization of Alexandra Park and Atkinson Co-op;
  - (vi) The owner shall provide updates to the Emergency Services Communication Strategy prior to the demolition of any buildings within each Block, to ensure appropriate emergency access to Alexandra Park during any interim development conditions, to the satisfaction of the Chief Planner and Executive Director, the Superintendant, Emergency Medical Services and the District Chief, Fire Prevention-South Command, and prior to the issuance

of a demolition permit for any buildings contained within the subject Block;

- (vii) Regardless of any proposed sub-phasing for the lands within Phase 2, the following shall apply to secure for the complete replacement of social housing units, and may be amended as necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
- A. Prior to the issuance of any above-grade permit for a building on Blocks 1, 4, 6 or 8, a total of 60 replacement social housing townhouse units will be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - B. Should the last Market Building to be constructed on the subject site be situated on Block 1, prior to the issuance of an above-grade building permit for a building situated on Block 1, all 333 replacement social housing units, with the exception of those units being located on Blocks 2 and 3, must be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - C. Should the last Market Building to be constructed on the subject site be situated on Block 4, prior to the issuance of an above-grade building permit for a building situated on Block 4, all 333 replacement social housing units, with the exception of those units being located on Block 5, must be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - D. Should the last Market Building to be constructed on the subject site be situated on Block 6, prior to the issuance of an above-grade building permit for a building situated on Block 7, all 333 replacement social housing units, with the exception of those units being located on Block 7, must be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - E. Should the last Market Building to be constructed on the subject site be situated on Block 8, prior to the issuance of an above-grade building permit for a building situated on Block 8, all 333 replacement social housing units, with the exception of 13 social housing townhouse units located at the north part of Block 9, must be completed to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

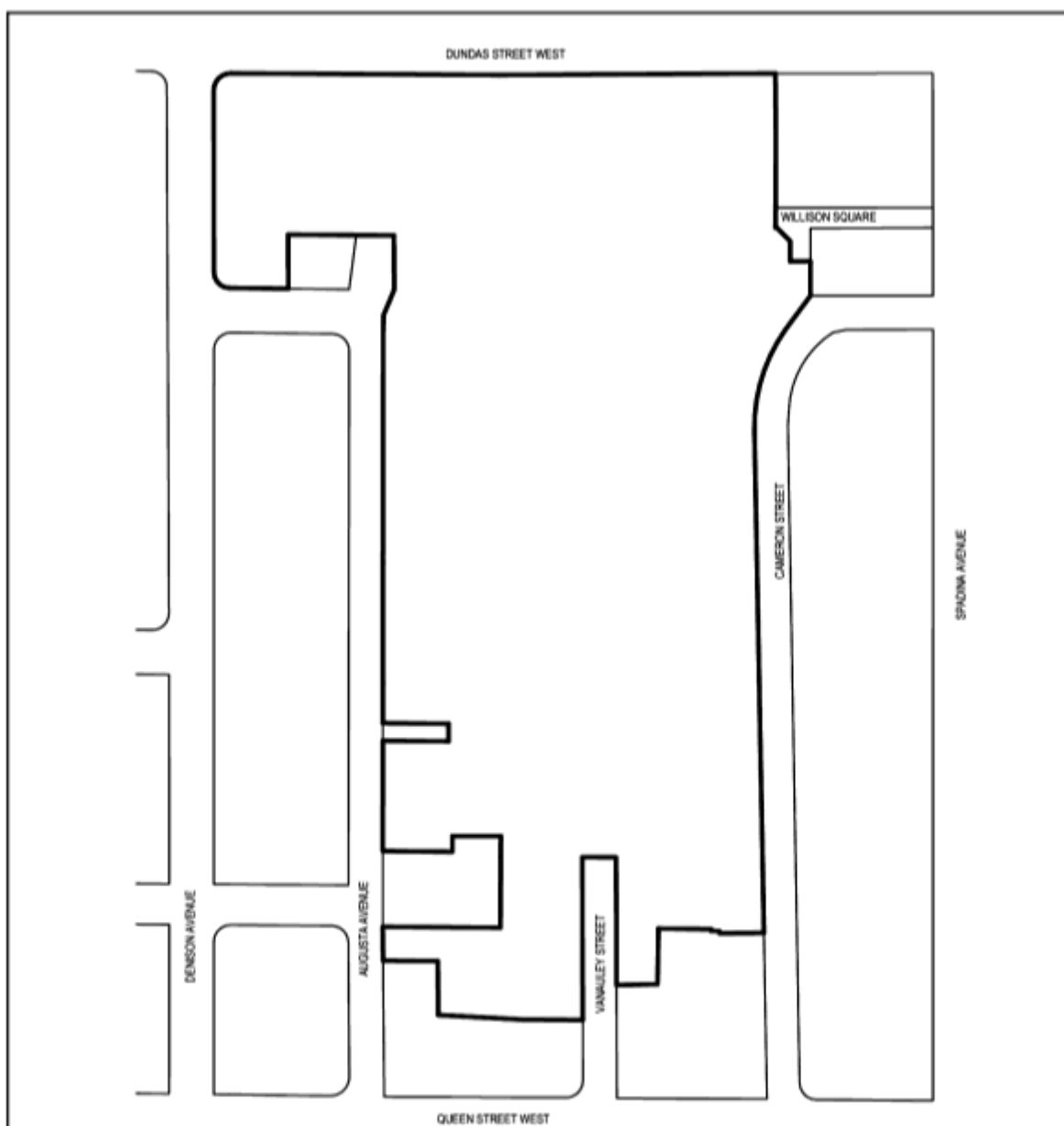
- F. For provisions B, C, D, and E, above, any social housing units which have yet to be completed upon the issuance of the first above-grade permit for the last Market Building to be constructed within phase two must be completed prior to the registration of the Condominium for the final Market Building, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Enacted and passed on December 18, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



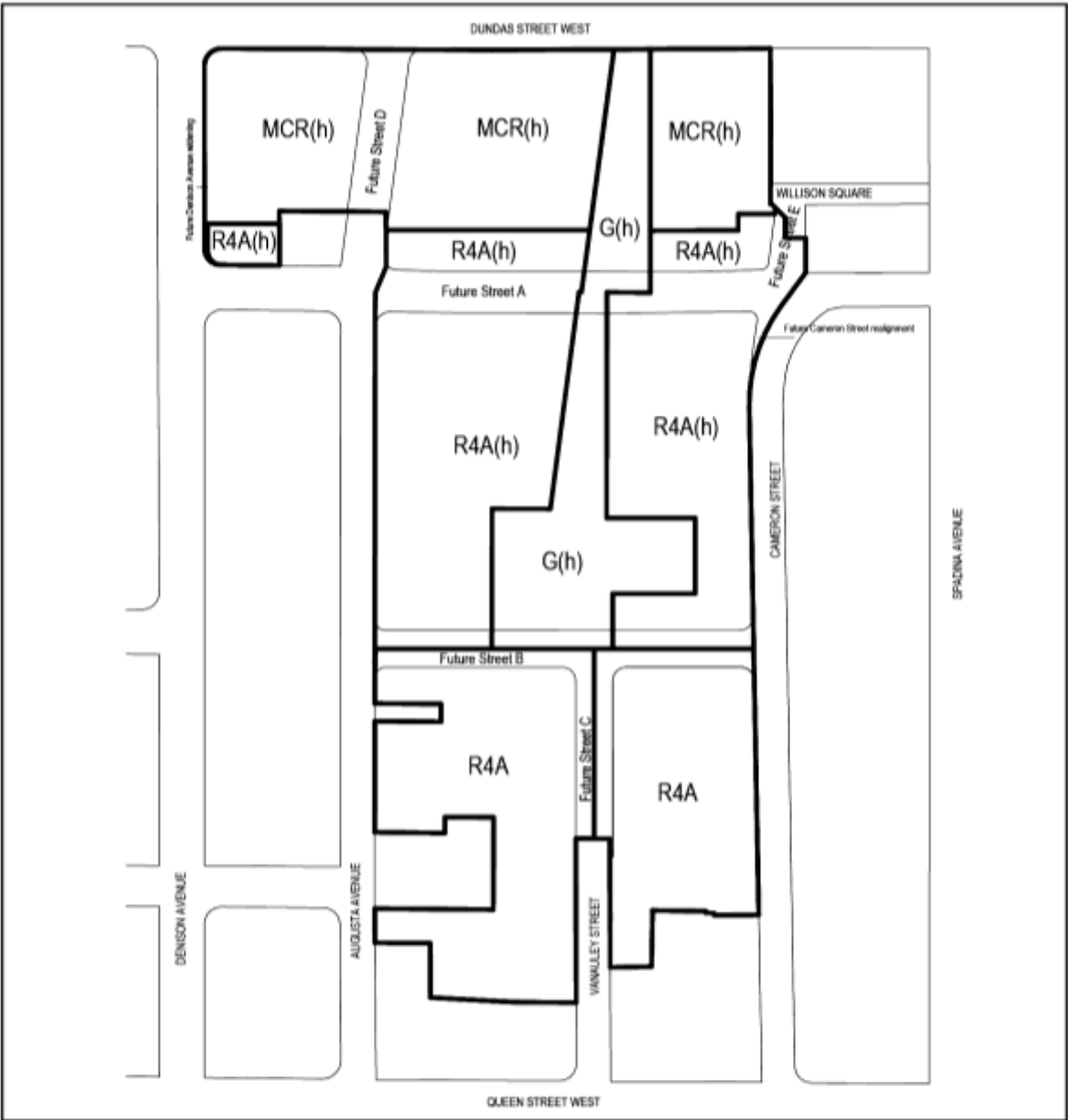
## Map 1 Atkinson Park and Atkinson Co-op Area

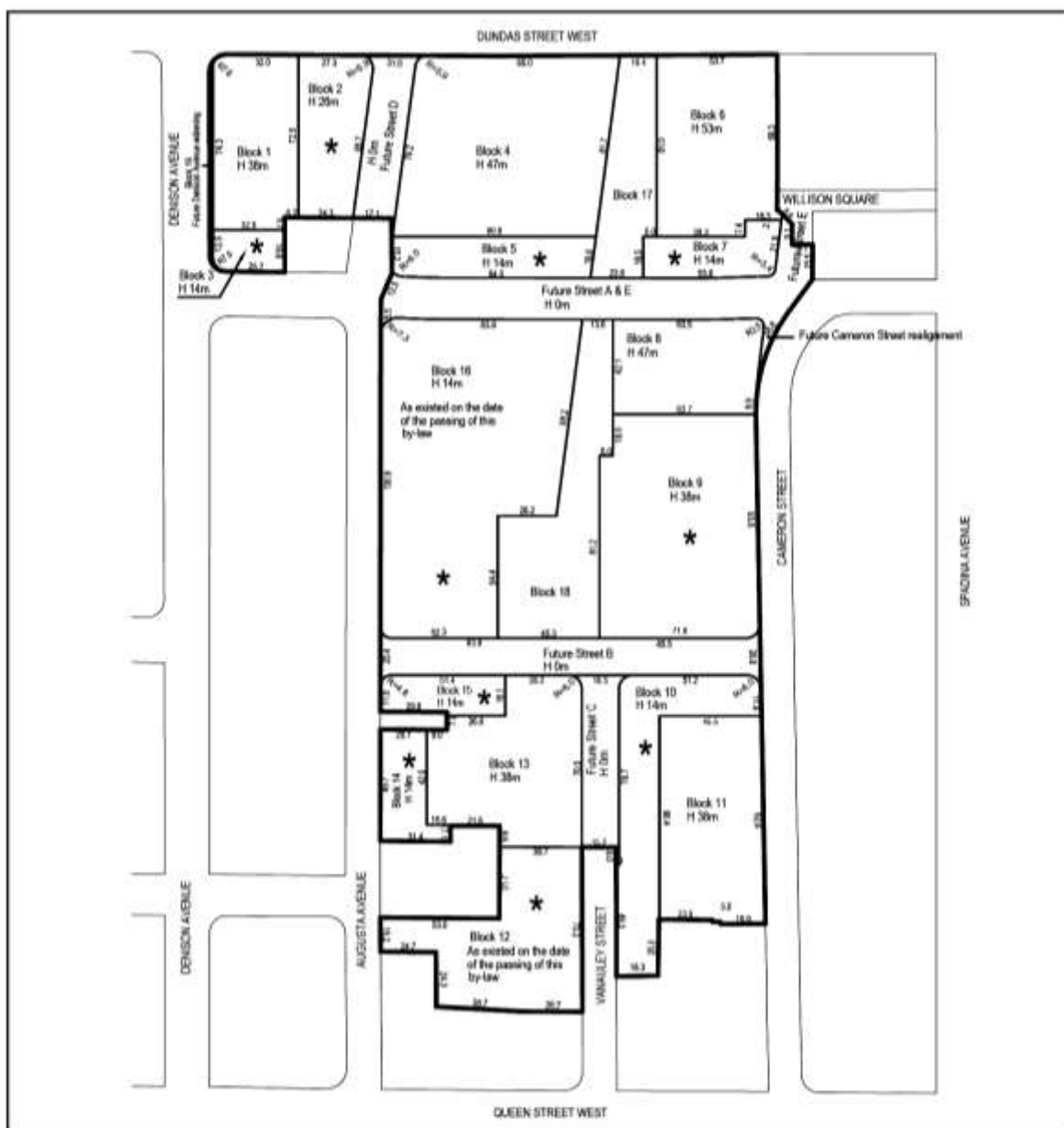
## Alexandra Park Revitalization

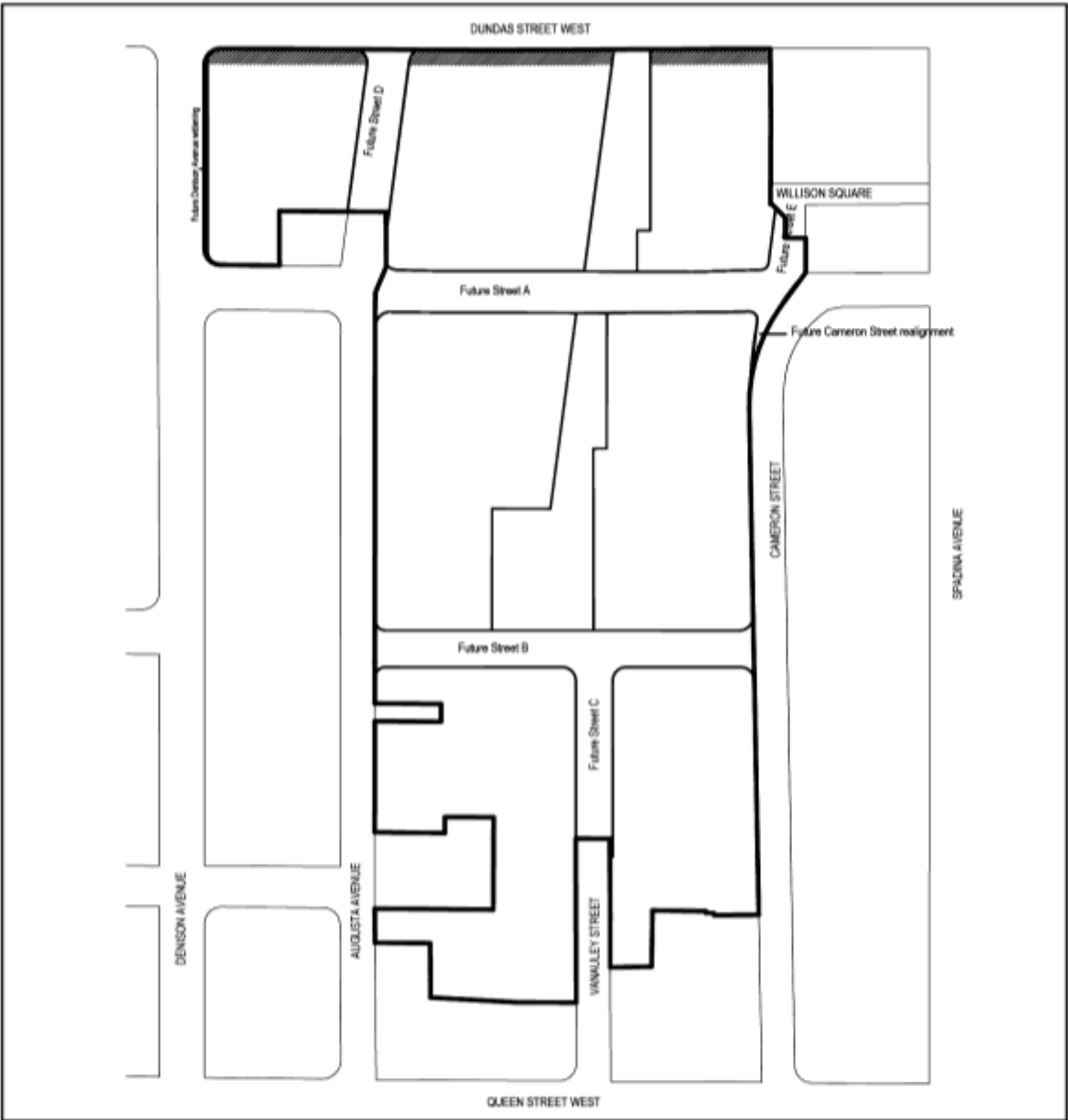
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Not to Scale  
08/12/2013







 **TORONTO** City Planning  
**Map 4**  
**Street Related Retail**

**Alexandra Park Revitalization**

File # 11 143142 02

 Street Related Retail

  
Not to Scale  
08/12/2013

