

Authority: Local Planning Appeal Tribunal Decision issued on January 29, 2020 and Ontario Land Tribunal Order issued on July 14, 2021 in File PL180288

CITY OF TORONTO

BY-LAW 700-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1141 Bloor Street West, 980 Dufferin Street and 90 Croatia Street.

Whereas the Owner of the lands in the year 2018 appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decisions issued on January 29, 2020 and Ontario Land Tribunal Order issued on July 14, 2021, determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 1141 Bloor Street West, 980 Dufferin Street and 90 Croatia Street; and

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

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

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

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

Whereas the increase in 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 Ontario Land Tribunal Orders:

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 subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: "CR 3.0 (c1.0; r2.0) SS2 (x373)" and "OR (x29)", as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area Overlay label to these lands: PA3, 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 Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 16.0 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 subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 373 so that it reads:

(373) Exception CR (373)

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

Site Specific Provisions:

- (A) On lands municipally known as 1141 Bloor Street West, 980 Dufferin Street and 90 Croatia Street in the year 2020, if the requirements By-law 700-2021(OLT) including Section 13 and Schedule A, together with (B) to (GG) below, are complied with, an **apartment building** on Block F and **mixed-use buildings** may be constructed and used;
- (B) For the purposes of By-law 700-2021(OLT), reference to Block A, Block B, Block C, Block D, Block E, Block F, and the public **park** are as identified on Diagram 6 attached to By-law 700-2021(OLT) and reference to **building A**, **building B1**, **building B2**, **building C**, **building D**, **building E** and **building F** are the buildings within such Blocks as identified on Diagrams 7 and 8 attached to By-law 700-2021(OLT);
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the lands must not exceed 167,230 square metres, and provided that:
 - (i) the residential **gross floor area** must not exceed 145,807 square metres up to the maximum permitted for each Block:

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- a. 15,950 square metres for Block A;
 - b. 57,800 square metres for Block B;
 - c. 27,900 square metre for Block C;
 - d. 20,700 square metres for Block D;
 - e. 20,700 square metres for Block E; and
 - f. 2,900 square metres for Block F;
- (ii) the combined maximum non-residential **gross floor area** across all Blocks must not exceed 22,000 square metres, subject to:
- a. the provision of a **community centre** located on Block D having a minimum of **gross floor area** of 2,787 square metres and containing a **day nursery** with a minimum **gross floor area** of 743 square metres; and
 - b. the **community centre** may include a **club**;
- (iii) despite Provision (C)(ii) above and (H) below, up to a maximum of 10 **buildings** or **structures** may be erected within the "Private Street" as shown on Diagram 6 attached to By-law 700-2021(OLT), subject to the following:
- a. each **building** or **structure** may have a maximum non-residential **gross floor area** of 10 square metres;
 - b. each **building** or **structure** has a maximum **height** of no greater than 3 metres; and
 - c. any such **building** or **structures** are only permitted when the "Private Street" is closed to **vehicle** access as set out in Schedule A;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height for each **building** or **structure** is the numerical value measured in metres following the HT symbol on Diagrams 7 and 8 attached to By-law 700-2021(OLT);
- (E) The permitted maximum number of **storeys** for each **building** is the numerical value following the ST symbol on Diagrams 7 and 8 attached to By-law 700-2021(OLT);
- (F) For the purpose of this exception, the following are not a **storey**:
- (i) a mechanical penthouse or mezzanine level of any building on the Blocks, except **building** A as shown Diagram 7 attached to By-law 700-2021(OLT);

- (G) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the elevation of the highest point of the **building** or **structure** and the Canadian Geodetic Datum elevation of:
- (i) 112.00 metres, inclusive of a mechanical penthouse and **amenity space** for **building A**;
 - (ii) 111.20 metres for **building B1**;
 - (iii) 111.20 metres for **building B2**;
 - (iv) 112.70 metres for **building C**;
 - (v) 112.00 metres for **building D**;
 - (vi) 111.00 metres for **building E**; and
 - (vii) 111.00 metres for **building F**;
- (H) Despite Regulations 5.10.40.70(1), (2), (3) and (4), clauses 40.5.40.60 and 40.10.40.60, and Regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and required minimum above-ground distance between the **main walls** is as shown in metres on Diagrams 7 and 8 attached to By-law 700-2021(OLT);
- (I) Despite Regulation 40.5.40.10(4), **landscaping** may also exceed the permitted maximum height for the **building** by a maximum of 5.0 metres, subject to Regulation 40.5.40.10(5);
- (J) Despite Regulation 40.5.40.10(5), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a building, as permitted by Regulation 40.5.40.10(4), must comply with the following:
- (i) the total area of all equipment, **structures**, or parts of a **building** may cover 100 percent of the area of a roof, measured horizontally;
 - (ii) any equipment, **structures**, parts of a **building**, planters and landscaping may be located within 6.0 metres of a **lot line** abutting a **street**, regardless of their total horizontal dimension; and
 - (iii) Provisions (J)(i) and (ii) above do not permit additional **gross floor area** beyond that permitted in Provision (C) above;
- (K) Despite Regulation 40.5.40.10(6), unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may exceed the permitted maximum height for that **building** by 3.0 metres, if the **structures** are no closer than 0.0 metres from the interior face of any **main wall**;

- (L) Despite Regulations 40.5.40.10 (4), (5), (8)(A) and (C), the area of equipment, **structures** or parts of a **building**, as permitted by Regulation 40.5.40.10(4), listed in the regulation located on the roof of a permitted **building** may exceed the permitted maximum height for that **building** by 6.5 metres and may cover up to 100 percent of the area of the **storey** immediately below the subject roof;
- (M) Despite Regulation 40.5.40.10(8)(A), lightning rods, window washing equipment may exceed the permitted heights shown on Diagrams 7 and 8 attached to By-law 700-2021(OLT) equal to the sum of the height following the letters HT and up to a maximum 5.0 metres;
- (N) Despite Regulation 40.5.40.10(8)(B), chimneys, pipes, vents, and air handling unit may exceed the permitted shown on Diagrams 7 and 8 attached to By-law 700-2021(OLT) equal to the sum of the height following the letter HT and up to a maximum of 3.0 metres;
- (O) Despite Regulations 5.10.40.70(1), (2), (3) and (4), clauses 40.5.40.60 and 40.10.40.60, and regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and required minimum above-ground distance between the **main walls** are as shown in metres on Diagrams 7 and 8 attached to By-law 700-2021(OLT), except that:
- (i) cornices, pilasters, parapets, other ornamental elements, eaves, window sills, light fixtures and any related access **structures** or drainage for the foregoing, which may encroach beyond the distance between **main walls** shown on Diagrams 7 and 8, by up to a maximum of 1.0 metre for **buildings** fronting the Private Street;
 - (ii) guardrails, fences, screens, decks, balconies, terraces and landscape features as well as any related access, balustrades, railings, infrastructure, covers and associated **structures** and drainage for the foregoing, which may encroach into the **building setbacks** and distance between **main walls** shown on Diagrams 7 and 8, by up to maximum of 2.5 metres;
 - (iii) despite Provision (O)(ii) above, guardrails, fences, screens, decks, balconies, terraces and landscape features as well as any related access, balustrades, railings, infrastructure, covers and associated **structures** and drainage located on **building B2** may only encroach beyond the **building setbacks** and distance between **main walls** shown on Diagrams 7 and 8, by up to a maximum of 2.5 metres only for the portion of the **building** above the second **storey** to the top of the eighth **storey** fronting the Private Street;
 - (iv) access stairs and enclosures, wheelchair ramps, window washing equipment, building maintenance units, site servicing features, ventilation shafts and any related access, guardrails, balustrades, railings, infrastructure, covers or drainage for the foregoing may encroach into and

beyond the **building setbacks** and distance between **main walls** shown on Diagrams 7 and 8, by up to a maximum of 5.0 metres;

- (v) Provisions (O)(i) to (iv) above does not apply to the area identified as heritage building to be retained on **building D**, except for **amenity space** or an outdoor **eating establishment** and ancillary **structures** to the **eating establishment** use permitted by the City; and
- (vi) Provisions (O)(i) to (iv) above does not permit encroachments, projections or otherwise beyond the **building setbacks** adjacent to a **street**;
- (P) Regulation 40.5.40.10(5), 40.5.40.10(6), 40.5.40.10(8)(A) and (C) and Provisions (J), (K), and (L) above do not apply to **building A**;
- (Q) Despite Regulation 40.10.40.60(1)(C) and Provision (H) above, a platform with no roof may encroach into the lands identified as "Private Street" on Diagram 6 attached to By-law 700-2021(OLT) up to a maximum of 1.5 metres;
- (R) Despite regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 2.8 square metres for each **dwelling unit** of which:
 - (i) at least 1.5 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**; and
 - (iv) zero (0) square metres of **amenity space** is required for the **dwelling units** on Block F as shown on Diagram 6 attached to By-law 700-2021(OLT);
- (S) The maximum number of dwelling units located on Blocks A, B, C, D, and E is 2,106 and must be provided in accordance with the following:
 - (i) 211 **dwelling units** on Block A;
 - (ii) 859 **dwelling units** on Block B;
 - (iii) 421 **dwelling units** on Block C;
 - (iv) 315 **dwelling units** on Block D; and
 - (v) 300 **dwelling units** on Block E;
- (T) The provision of **dwelling units** located on Blocks A, B, C, D, and E is subject to the following:

- (i) a minimum of 11 percent of the total number of **dwelling units** across the blocks must contain three or more bedrooms; and
 - (ii) a minimum of 20 percent of the total number of **dwelling units** across the blocks must contain two bedrooms;
- (U) 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 and commodities; and
 - (iii) storage or warehousing of goods may be permitted in a **vehicle**;
- (V) Despite Regulation 40.10.100.10(1)(C), more than one **vehicle** access is permitted on the lands, and 40.10.100.10(1)(B) does not apply;
- (W) Despite Regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.29 **parking spaces** per **dwelling unit** for residents;
 - (ii) a minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors;
 - (iii) a minimum of 1.0 **parking spaces** per 100 square metres of **gross floor area** for non-residential uses;
 - (iv) despite Provision (W)(iii) above, zero (0) **parking spaces** are required for **eating establishments, take-out eating establishments**;
 - (v) despite Provision (W)(iii) above, above and 200.5.1.10(2)(A)(ii);
 - a. a minimum of 4 of the required **parking spaces** must be for the exclusive use of the **community centre** and **day nursery** use and may be shared; and
 - b. the parking spaces under (a) above must have a minimum width of 3.9 metres.
 - (vi) a reduction of four (4) resident **parking spaces** may be provided for each car-share **parking space** provided, to a maximum of 15 car-share **parking spaces**; and

- (vii) Despite Provisions (W)(i) and (ii) above, zero (0) **parking spaces** are required for **building F** as shown on Diagram 6 attached to By-law 700-2021(OLT);
- (X) All **non-residential parking** and **residential visitor parking** may be provided on a non-exclusive, shared basis according to the occupancy rates listed below:
- (i) residential visitors:
- a. morning – 10 percent;
 - b. afternoon – 35 percent; and
 - c. evening – 100 percent;
- (ii) non-residential uses:
- a. morning – 20 percent;
 - b. afternoon – 100 percent; and
 - c. evening – 75 percent.
- (Y) **Parking spaces** for non-residential and residential visitor uses may be provided in a **public parking** garage below ground;
- (Z) Despite Regulation 200.15.10(1), a minimum of 4 accessible parking spaces must be provided plus 1 accessible parking space for every 50 required parking spaces or part thereof; and
- (i) Despite 200.15.1(1), 200.15.1(3), 200.15.1(4) and By-law 579-2017, an accessible **parking space** must comply with the following:
- a. the minimum required width of an accessible **parking space** is 3.9 metres; and
 - b. 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. shortest route from the required entrances in b. i., and ii., above;
- (AA) Despite Regulation 230.5.10.1(1) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following:

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- (i) a minimum of 0.9 "long-term" **bicycle parking spaces** per **dwelling unit** for residents;
 - (ii) a minimum of 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** for residential visitors;
 - (iii) a minimum of 0.2 "long-term" **bicycle parking spaces** per 100 square metres **interior floor area** for **retail stores, personal service shops, and eating establishments** and **take-out eating establishments**;
 - (iv) a minimum of 3 plus 0.3 "short-term" **bicycle parking spaces** per 100 square metres **interior floor area** for **retail stores, personal service shops, and eating establishments**;
 - (v) a minimum of 0.2 "long-term" **bicycle parking spaces** per 100 square metres **interior floor area** for office uses;
 - (vi) a minimum of 3 plus 0.2 "short-term" **bicycle parking spaces** per 100 square metres **interior floor area** for office uses;
 - (vii) a minimum of 0.1 "long-term" **bicycle parking spaces** per 100 square metres **interior floor area** for **community centre** or **day nursery** uses;
 - (viii) a minimum of 3 plus 0.1 "short-term" **bicycle parking spaces** per 100 square metres **interior floor area** for **community centre** or **day nursery** uses; and
 - (ix) no "long-term" **bicycle parking spaces** or "short-term" **bicycle parking spaces** will be required for any of the residential **dwelling units** within Block F as shown on Diagram 6 attached to By-law 700-2021(OLT);
- (BB) Despite Regulation 230.5.1.10 (7), no shower and change facilities are required;
- (CC) Despite Regulation 230.5.1.10(10), a "long-term" **bicycle parking space** and "short-term" **bicycle parking space** may be provided in a **stacked bicycle parking space** provided the minimum dimensions are:
- (i) a minimum vertical clearance of 1.2 metres;
 - (ii) a minimum width of 0.45 metres; and
 - (iii) a minimum length of 1.8 metres;
- (DD) Despite Regulations 220.5.10.1(2), (3), (4), (5) and (8), **loading spaces** must be provided in accordance with the following:

- (i) a minimum of one (1) Type 'G' **loading space** and one (1) Type 'B' **loading space** must be provided for use in conjunction with **building A**, **building B1** and **building B2**; and
 - (ii) a combined minimum of an additional three (3) Type 'B' **loading spaces** and five (5) Type 'C' **loading spaces** must be provided anywhere within Block A, Block B, Block C, Block D, and Block E:
 - a. additional **loading spaces** must be provided at a rate of one (1) **loading spaces** Type 'B' for each 46,600 square metres of residential and non-residential **gross floor area**; and
 - b. additional **loading spaces** must be provided at a rate of one (1) **loading spaces** Type 'C' for each 29,650 square metres of residential and non-residential **gross floor area**; and
 - (iii) zero (0) **loading spaces** are required for or within Block F as shown on Diagram 6 attached to By-law 700-2021(OLT);
- (EE) Despite regulation 220.5.20.1(2), access to **loading spaces** provided below-ground, including Type 'G' **loading spaces**, may be provided via a ramp with a maximum grade of 12 percent;
- (FF) Despite Regulation 5.10.30.1(1), within the lands shown on Diagram 1 attached to By-law 700-2021(OLT) no **building** or **structure** may be erected or used:
- (i) unless the **street** identified as Public Street on Diagram 6 of By-law 700-2021(OLT), is constructed to a minimum base curb and base asphalt or concrete and is connected to an existing **street**;
 - (ii) unless all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the street identified as Public Street on Diagram 6 attached to By-law 700-2021(OLT), and are operational; and
 - (iii) **building F** as shown on Diagram 7 attached to By-law 700-2021(OLT) and below-ground **structures** and foundations located on any of the Blocks as shown on Diagram 6 attached to By-law 700-2021(OLT), are not subject to the restrictions of Provisions (FF)(i) and (ii) above; and
- (GG) the issuance of above-grade **building** permits are subject to the following:
- (i) prior to issuance of any above-grade **building** permit for **building A**, **building B1**, **building B2**, **building C**, **building D**, and **building E** as shown on Diagram 6 and 7 attached to By-law 700-2021(OLT), the **street** identified as Public Street on Diagram 6 of By-law 700-2021(OLT) must be conveyed to the City; and

- (ii) prior to issuance of any above-grade **building** permit for **building C**, **building D**, and **building E** as shown on Diagram 6 and 7 attached to By-law 700-2021(OLT), the lands zoned OR (x29) on Diagram 2 and labelled as "Public Park" on Diagram 6 of By-law 700-2021(OLT) must be conveyed to the City.

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

8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.42.10 Exception Number 29 so that it reads:

(29) Exception OR 29

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

Site Specific Provisions:

- (A) For the purposes of By-law 700-2021(OLT), public **park** is identified on Diagram 6 attached to By-law 700-2021(OLT);
- (B) The public **park** shown on Diagram 6 attached to By-law 700-2021(OLT) must be a minimum area of 3,580 square metres;

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

9. For the purpose of this By-law, **car-share** 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 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.
10. For the purpose of this By-law, car-share parking spaces means **parking spaces** that are reserved for and actively used for **car-share**.
11. No provision in the former City of Toronto Zoning By-law 438-86 applies to the lands in Diagram 1 attached to this By-law.
12. Despite any future severance, partition or division of the lands as shown on Diagram 1 attached to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.
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/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 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 prior to the issuance of a building permit, the issuance of such permit shall be dependent upon satisfaction of the 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 applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Local Planning Appeal Tribunal Decision issued on January 29, 2020 and Ontario Land Tribunal Order issued on July 14, 2021 in File PL180288.

Schedule A
Section 37 Provisions

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

For clarity, references to Blocks in this Schedule A are to the lands shown on Diagram 6 attached to this By-law.

Affordable Housing

1. The owner shall construct a residential **building** on Block F containing a minimum of fifty-six (56) affordable housing **dwelling units** to the satisfaction of the Executive Director, Housing Secretariat.
2. Prior to the issuance of the first above-grade **building** permit for all or any part of the development, the owner shall enter into an agreement of purchase and sale with the City to convey Block F to the City, for nominal consideration, free and clear of encumbrances unless otherwise agreed, and as improved by the construction of the affordable rental housing **building** containing a minimum of fifty-six (56) affordable housing **dwelling units**, which will include, but will not be limited to, the Block F drawings depicting the exterior and interior of the affordable rental housing **building**, including any required **amenity space** and **bicycle parking spaces** as approved by the City, to the satisfaction of the Executive Director, Housing Secretariat, in consultation with the Chief Planner and Executive Director, City Planning, and the APS shall be in a form approved by the City Solicitor.
3. The owner shall comply with the terms of the APS and convey Block F to the City, prior to the earlier of:
 - (a) any residential occupancy of a **building** within the development on any part of the lands; and
 - (b) the first registration under the Condominium Act, 1998 of all or any part of the development on any part of the lands;to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.

Capital Contribution to Affordable Housing

4. Prior to the issuance of the first above-grade **building** permit for all or any part of the development on the lands, the owner shall provide written confirmation from the Chief Financial Officer, Habitat for Humanity in the Greater Toronto Area, satisfactory to the Executive Director, Housing Secretariat and the City Solicitor, that the owner has entered

into a binding agreement with Habitat for Humanity in the Greater Toronto Area, whereby a not-for-profit and affordable housing trust or entity, with its objective being the management of a set of funds for the creation and support of affordable housing will be created to receive a capital contribution from the owner as contemplated in Section 37 Agreement.

5. The owner shall on terms set out in Section 37 Agreement, make a capital contribution to the not-for-profit and affordable housing trust or entity in the amount of NINE MILLION DOLLARS (\$9,000,000.00) to be secured and used for the purpose of providing affordable housing in the City, where a minimum of fifty percent shall be directed to affordable housing in the Ward where the lands are located.
6. A maximum of TWO MILLION DOLLARS (\$2,000,000.00) of the capital contribution referred to above Clause 5 of this Schedule A may be directed to the provision of community space in the Ward where the lands are located and that serves the public.
7. Prior to issuance of the last above-grade **building** permit for all or any part of the development on the lands, the owner shall provide written confirmation from the Chief Financial Officer, Habitat for Humanity in the Greater Toronto Area, satisfactory to the Executive Director, Housing Secretariat and the City Solicitor, that the financial contribution referred to in Clause 5 of this Schedule A has been paid to the not-for-profit affordable housing trust or entity.

Community Hub and Child Care Centre

8. For the purposes of Schedule A to this By-law, the reference to community hub shall mean a **community centre** and the reference to child care centre shall mean **day nursery**.
9. The owner shall, at its sole expense, design, construct, and convey to the City in fee simple, free and clear of encumbrances unless otherwise agreed, in an acceptable environmental condition, for nominal consideration and at no cost to the City, a minimum 30,000 square foot (approximately 2,787 square metres) community hub within the lower two floors of the **heritage site** at 980 Dufferin Street (Kent School) within Block D as shown on Diagram 8 attached to this By-law, which includes a child care facility (the "**Community Hub**"), on terms set out in the Section 37 Agreement, all to the satisfaction of the Executive Director, Corporate and Real Estate Management, the Chief Planner and Executive Director, City Planning, the General Manager, Children's Services, and the City Solicitor. The Community Hub shall be finished to base building condition on terms set out in the in the Section 37 Agreement.
10. The owner shall, at its sole expense, design, construct, finish, furnish, fully equip, commission and convey to the City a non-profit licensable child care centre within the Community Hub on terms and specifications set out in the Section 37 Agreement, and which has a minimum size of 8,000 square feet (approximately 743 square metres) of interior space and 3003 square feet (approximately 279 square metres) of exterior space, that can accommodate a minimum of 49 child care spaces all to the satisfaction of the Executive Director, Corporate and Real Estate Management, the Chief Planner and

Executive Director, City Planning, the General Manager, Children's Services, and the City Solicitor (the "**Child Care Centre**"). The Child Care Centre shall at least include all appliances (major and minor), play-based toys (interior and exterior) and administrative furnishing and equipment, including the associated outdoor play area.

11. The Community Hub, exclusive of the Child Care Centre, in base building condition shall be a minimum gross floor area of 22,000 square feet (approximately 2,044 square metres) which does not include the additional required common spaces serving the Community Hub, including **parking spaces** or **building** common areas such as lobby, entrances, stairwells, elevators, and other **building** common areas, all of which are to be provided by the Owner to the City at no cost and expense to the City, including:
 - (a) vehicular drop off and pick up location to accommodate a minimum of three (3) vehicles, and such space may be shared with other drop off and pick up locations on the lands and may be located at or below grade close by, or adjacent to the Child Care Centre and Community Hub;
 - (b) two (2) parking spaces for the exclusive use of the Community Hub at no cost to the City and such parking spaces for the Child Care Centre to be located close by, or adjacent to (including below grade) the Child Care Centre in a location or locations satisfactory to the City; and
 - (c) the guests and invitees of the Community Hub shall be entitled to have use of guest parking spaces within the Development during normal operating hours of the Community Hub at no cost or continuing cost of the City and/or by guests and invitees of the Community Hub to the extent that such parking spaces are offered free of charge to other guests of the development.
12. Prior to issuance of the first above-grade **building** permit for all or any part of the development within Block D, the owner shall provide the City with a cost estimate of the Community Hub, including the Child Care Centre, satisfactory to the Chief Planner and Executive Director, City Planning, the Executive Director, Corporate and Real Estate Management and the Director, Social Development, Finance and Administration, and subsequent to acceptance of the cost estimate, the owner shall provide the City with financial security that is one hundred and twenty (120 percent) percent of the value of the Community Hub, including the Child Care Centre, required to be constructed with provision for release of such security as set out in the Section 37 Agreement.
13. The owner shall convey the Community Hub, including the Child Care Centre, to the City, at the earlier of:
 - (a) prior to, or concurrent with the registration of a condominium under the Condominium Act, 1998 within all, or any part, of the development on Block D of the lands; and
 - (b) prior to the registration of a condominium under the Condominium Act, 1998 within all, or any part, of the development on Block C of the lands; and

in any event, prior to any residential occupancy of all, or any part of, the development on Block D of the lands.

14. Prior to conveyance of the Child Care Centre, the owner shall make the following payments, each of which shall be indexed upwardly in accordance with the construction price index, calculated from the date of the Section 37 Agreement to the date of payment,
 - (a) all cash contributions required to fully equip the Child Care Centre in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided, finalized and approved by the General Manager, Children's Services;
 - (b) a one-time contribution in the amount of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) towards the City Child Care Centre Replacement Reserve Fund to provide for the replacement of appliances and large equipment due to wear and tear, and
 - (c) a one-time contribution in the amount of ONE HUNDRED AND EIGHTY THOUSAND DOLLARS (\$180,000.00) towards for the defrayment of operational deficits incurred during the Child Care Centre's first year of operation.
15. Prior to conveyance of the Community Hub, including the Child Care Centre, to the City, the owner shall enter into and register on title to appropriate lands, an easement and cost sharing agreement for nominal consideration and at no cost to the City, in a form satisfactory to the City Solicitor respecting the portion of the lands to be owned by the City and the owner as they pertain to the Community Hub, the Child Care Centre the development proposed within Block D. Such agreement shall, as applicable, address and/or provide for the integrated support, use, operation, maintenance, repair, replacement reconstruction of certain shared facilities and shared costs.

Heritage Conservation of Kent School

16. Prior to the issuance of any **building** permit for all or any part of the development, including a **building** permit or a heritage permit, but excluding permits for repairs, maintenance, and usual and minor works as are acceptable to the Senior Manager, Heritage Planning, the owner shall:
 - (a) provide **building** permit drawings, including notes and specifications for the conservation and protective measures of the **heritage site** at 980 Dufferin Street (Kent School) within Block D as shown on Diagram 8 attached to this By-law, keyed to an approved conservation plan provided pursuant to a heritage easement agreement entered into between the owner and the City, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and
 - (b) provide financial security, including provision for upwards indexing in accordance with the construction price index, to satisfaction of the Senior

Manager, Heritage Planning, to secure all work included in the approved conservation plan, and approved interpretation plan in respect of the **heritage site**.

Commemoration of Bloor Collegiate

17. The Owner shall, prior to the issuance of the first above-grade **building** permit for all or any part of the development on the lands, provide a commemoration plan for the Bloor Collegiate Institute **building** that includes, among other matters, retention of portions of the of the façade of the Bloor Collegiate Institute **building** at 1141 Bloor Street West, and the dismantling, relocation, and reconstruction of other portions of Bloor Collegiate Institute and/or the Timothy Eaton Embroidery Factory **building** in a content and form satisfactory to the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning.

Toronto Transit Commission Below-Grade Connection

18. The owner shall, on terms set out in the Section 37 Agreement, at its own sole cost and expense, design, construct and thereafter maintain, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Toronto Transit Commission (the "TTC"), a publicly-accessible below-grade pedestrian tunnel connection from Block C on the lands under Bloor Street West connecting to the existing Dufferin Street Subway Station on the north side of Bloor Street West generally in the location to be illustrated in the Section 37 Agreement (the "TTC Connection").
19. Prior to the earlier of any residential occupancy of all or any part of the development within Block C and the registration of all or any part of the development under the Condominium Act, 1998 within Block C , the owner will complete the TTC Connection, at its sole cost and expense on terms set out in the Section 37 Agreement, to standards and specifications satisfactory to the General Manager, Transportation Services, the Executive Director, Corporate and Real Estate Management and the TTC.
20. Prior to the earlier of final site plan approval for Block C and issuance of any above-grade **building** permit for all or any part of the development on Block C, and, in any event, prior to any works conducted within or below Bloor Street West as it relates to the TTC Connection, the owner shall, at its sole cost and expense, obtain all necessary approvals, permits and enter into a tunnel connection licence agreement with the City and the TTC regarding the TTC Connection, in a form and content acceptable to the General Manager, Transportation Services, the Executive Director, Corporate Real Estate Management, City Solicitor and the TTC in their sole and unfettered discretion.
21. Prior to the earlier of any residential occupancy of all or any part of the development within Block C and the registration of all or any part of the development on Block C under the Condominium Act, 1998, the owner shall enter into an entrance connection easement agreement with the City and the TTC with respect to the TTC Connection, in a form and content acceptable to the General Manager, Transportation Services, the Executive Director, Corporate Real Estate Management, the City Solicitor and the TTC in their sole and unfettered discretion.

TTC Technical Review

22. Prior to the issuance of any **building** permit for all or any part of the development on Block C on the lands if determined to be required in the sole discretion of the TTC, the owner shall complete a technical review of the TTC Connection, and obtain written acknowledgement of the TTC that the owner has satisfied all of the conditions arising out of the review. This technical review is particular to the TTC Connection and is in addition to any other technical review required in connection with the development. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
23. Prior to the issuance of any **building** permit for all or any part of the development on Block A and Block C on the lands if determined to be required in the sole discretion of the TTC, including any demolition and/or excavation work, the owner shall complete a TTC technical review(s) of the development on Block A and Block C, and the owner shall obtain written acknowledgement from the TTC that the owner has satisfied all of the conditions arising out of the review(s) including the entry into any agreements with the TTC and/or the City, if applicable. As part of the review process, the owner shall provide the requisite information and pay the associated review fee(s) to TTC.
24. Prior to the issuance of any **building** permit for all or any part of the development on Block A and Block C on the lands, including any demolition and/or excavation work, the Owner shall enter into a construction agreement(s) with TTC in a form acceptable to TTC, and shall include a detailed Construction Management Plan, including construction schedule, hoarding plans, shoring and excavation plans, crane swing plans, sequence and methodology, condition surveys, and other items as identified through the required technical review(s).

Public Park pursuant to Section 42 of the Planning Act

25. Prior to the earlier of, issuance of the first above-grade **building** permit for all or any part of the development on Block C, Block D or Block E and the registration of all or any part of the development on Block A or Block B under the Condominium Act, 1998, and, in any event, prior to any residential use or occupancy of all or any part of the development on Block A or Block B, the owner shall convey a minimum 3,580 square metres of the lands for public parkland purposes, in an acceptable environmental condition, to the satisfaction of General Manager, Parks, Forestry and Recreation, pursuant to Section 42 of the Planning Act and in accordance with the terms set out in the Section 37 Agreement.
26. Prior to the issuance of the first above-grade **building** permit for all or any part of the development on the lands, the owner shall post financial security to secure the park improvements in the amount of 120 percent of the value of each of proposed base park improvements and the above base park improvements to the satisfaction of General Manager, Parks, Forestry and Recreation. The financial security shall be held for the installation and warranty of the park improvements in accordance with terms set out in the Section 37 Agreement. No credit shall be given towards the parks and recreation component of the development charges for costs associated with the base park

improvements and for above-base park improvements only where approved by City Council.

27. The owner shall design and complete base park improvements and the above-base park improvements on terms set out in the Section 37 Agreement to the satisfaction of the General Manager, Parks, Forestry and Recreation.

Publicly Accessible Open Space

28. The owner shall, at its expense and on terms set out in the Section 37 Agreement, design, construct and thereafter maintain, privately owned publicly accessible open space in the nature of a plaza area, mews and a private street that includes vehicular travel, activity area and walkways (the "**POPS Area**") as part of the development on the lands, with the specific configuration and design to be determined and secured in the context of site plan approval all to the satisfaction of the Chief Planner and Executive Director, City Planning, generally as follows:
- (a) a plaza area at the north-east corner of Block C as illustrated on Diagram 6 of this By-law and having a minimum area of 150 square metres;
 - (b) a north pedestrian mews walkway providing connection to Dufferin Street and located within Block D north of the **heritage site** as illustrated on Diagram 6 of this By-law and having a minimum area of 650 square metres;
 - (c) a south pedestrian mews walkway providing connection to Dufferin Street and located within Block E south of the **heritage site** as illustrated on Diagram 6 of this By-law and having a minimum area of 445 square metres; and
 - (d) a private street between Bloor Street West and Croatia Street within Block B as illustrated on Diagram 6 of this By-law and having a minimum width of 20 metres which includes a minimum continuous 2.1 metre pedestrian walkway on the west side of the travelled portion of the private street, a minimum 8.5 metre activity zone, including landscaping, bicycle parking and a minimum continuous 2.4 metre pedestrian walkway on the east side of the travelled portion of the private street.
29. In accordance with the timing set out in Clause 30 below and the terms set out in the Section 37 Agreement, the owner shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, one or more public access easement(s) over the POPS Area for pedestrian and vehicular access, as applicable, and including support rights, in favour of the City for use by the City and the general public (the "**POPS Easement**"). The POPS Easement for the POPS Area within the private street may provide for closure of the private street to vehicles for special events, including limitation on the number of events, to the satisfaction of the Chief Planner and Executive Director, City Planning.

30. Prior to the earlier of any residential occupancy and the registration of a condominium within all or part of the development on the Block specified below, the owner shall, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor:
- (a) for Block B, convey a POPS Easement for the POPS Area comprising the private street within Block B and any such easement area shall be exclusive of areas that may be identified for temporary restaurant seating and/or retail displays to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (b) for Block C, convey a POPS Easement for the POPS Area comprising the plaza area within Block C;
 - (c) for Block D, convey a POPS Easement for the POPS Area comprising the north pedestrian mews within Block D; and
 - (d) for Block E, convey a POPS Easement for the POPS Area comprising the south pedestrian mews within Block E.

Toronto Green Standards

31. The owner shall construct and maintain the development on the lands in accordance with Tier 1, Toronto Green Standard and the owner is encouraged to achieve Tier 2, Toronto Green Standard, as adopted by City Council and applicable at the time a site plan application is submitted to the City for each **building** within the development.

Asbestos Management Plan

32. Prior to the issuance of any **building** permit for all or any part of the development on the lands, the owner shall provide, at its expense, an asbestos management plan in a content and form satisfactory and acceptable to the Chief Building Official and Chief Engineer and in accordance with the terms set out in the Section 37 Agreement.

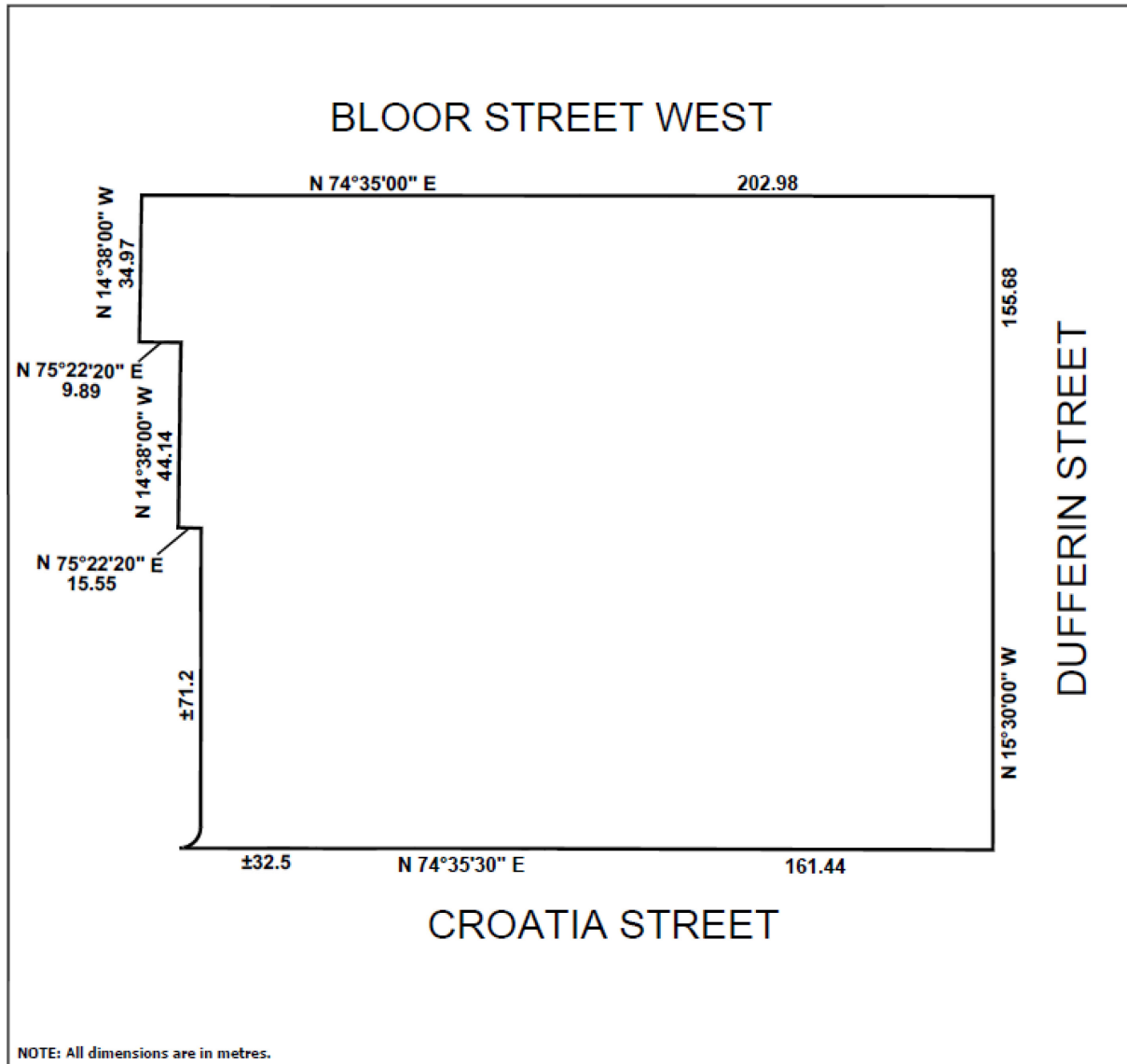
Wind Study

33. The owner shall prepare and submit a wind study with each site plan application for **buildings** within the development, including the required wind tunnel test, and mitigation measures will be secured in a site plan agreement(s) with the City.

Public Street and Municipal Infrastructure

34. To facilitate the development, the owner shall, at its own cost and expense, design, remediate and construct a new public street having a minimum width of 18.5 metres extending between Bloor Street West and Croatia Street in the location illustrated on Diagram 6 of this By-law, together with associated municipal services both internal and external to the lands, to the satisfaction of the Executive Director, Engineering and Construction Services.

35. Prior to issuance of any **building** permit for all or any part of the development on the lands, the owner shall:
- (a) enter into a financially secured subdivision agreement with the City pursuant to Section 51 of the Planning Act necessary to implement the plan of subdivision for the lands, including required external works , to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
 - (b) obtain release for construction of services in accordance with the terms of the subdivision agreement, to the satisfaction of the Chief Engineer and Executive Director Engineering and Construction Services.
36. Prior to issuance of the first above-grade **building** permit for all or any part of the development, with the exception of Block F, the plan of subdivision shall be registered to the satisfaction of the Chief Planner and Executive Director, City Planning.



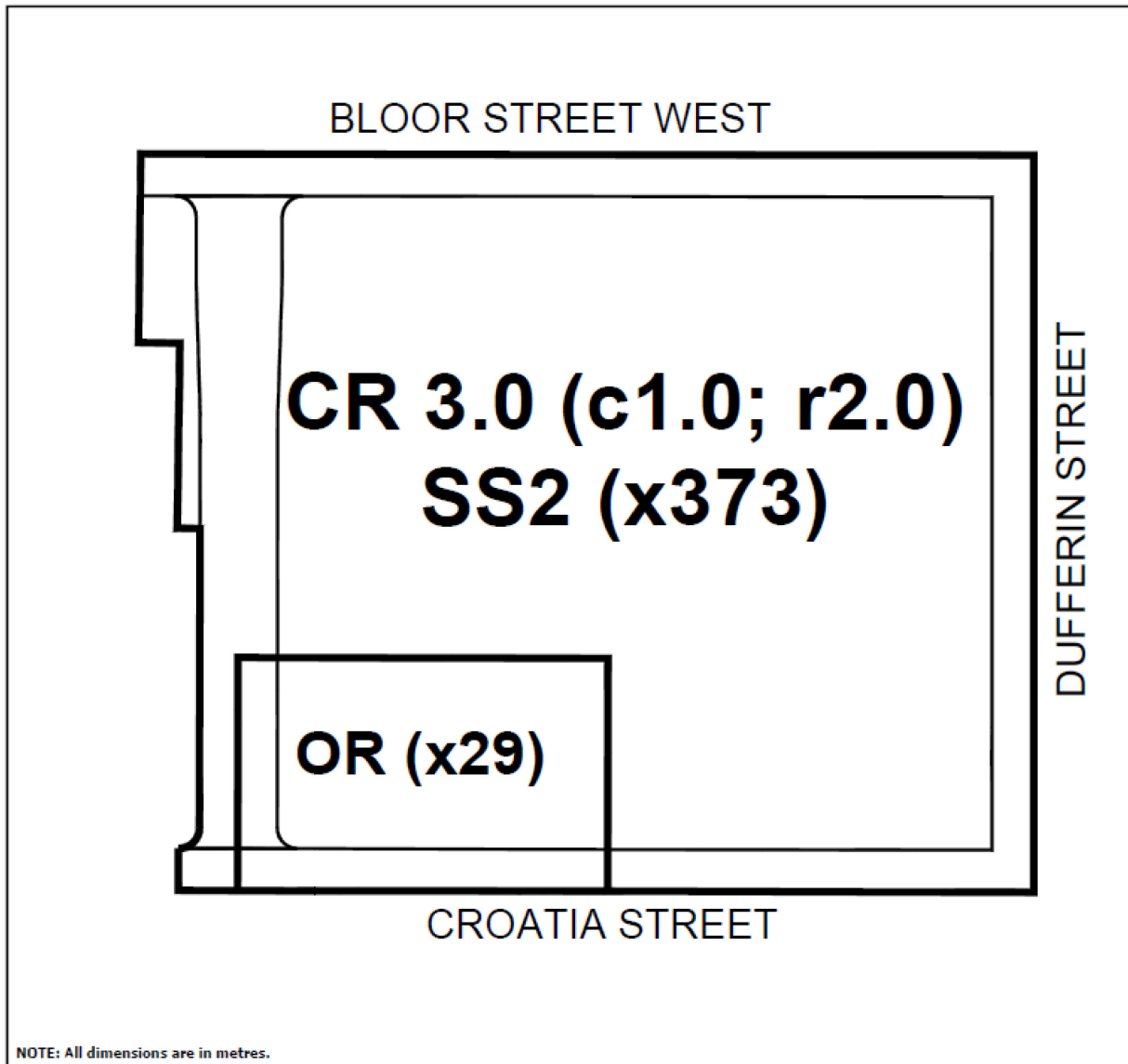
90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West

Diagram 1

File #17 _____



Not to Scale



NOTE: All dimensions are in metres.



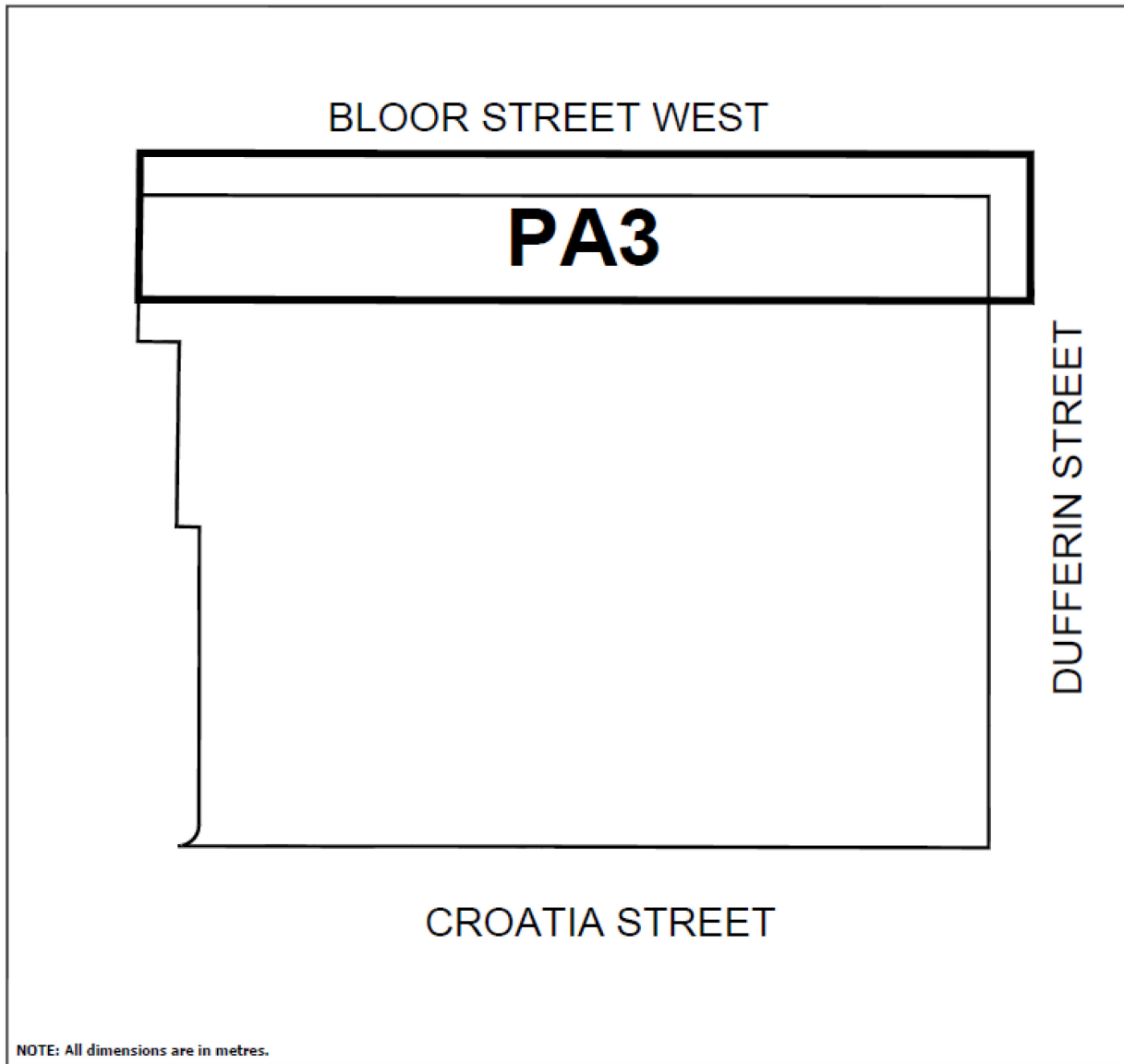
90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West

Diagram 2

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Not to Scale



NOTE: All dimensions are in metres.



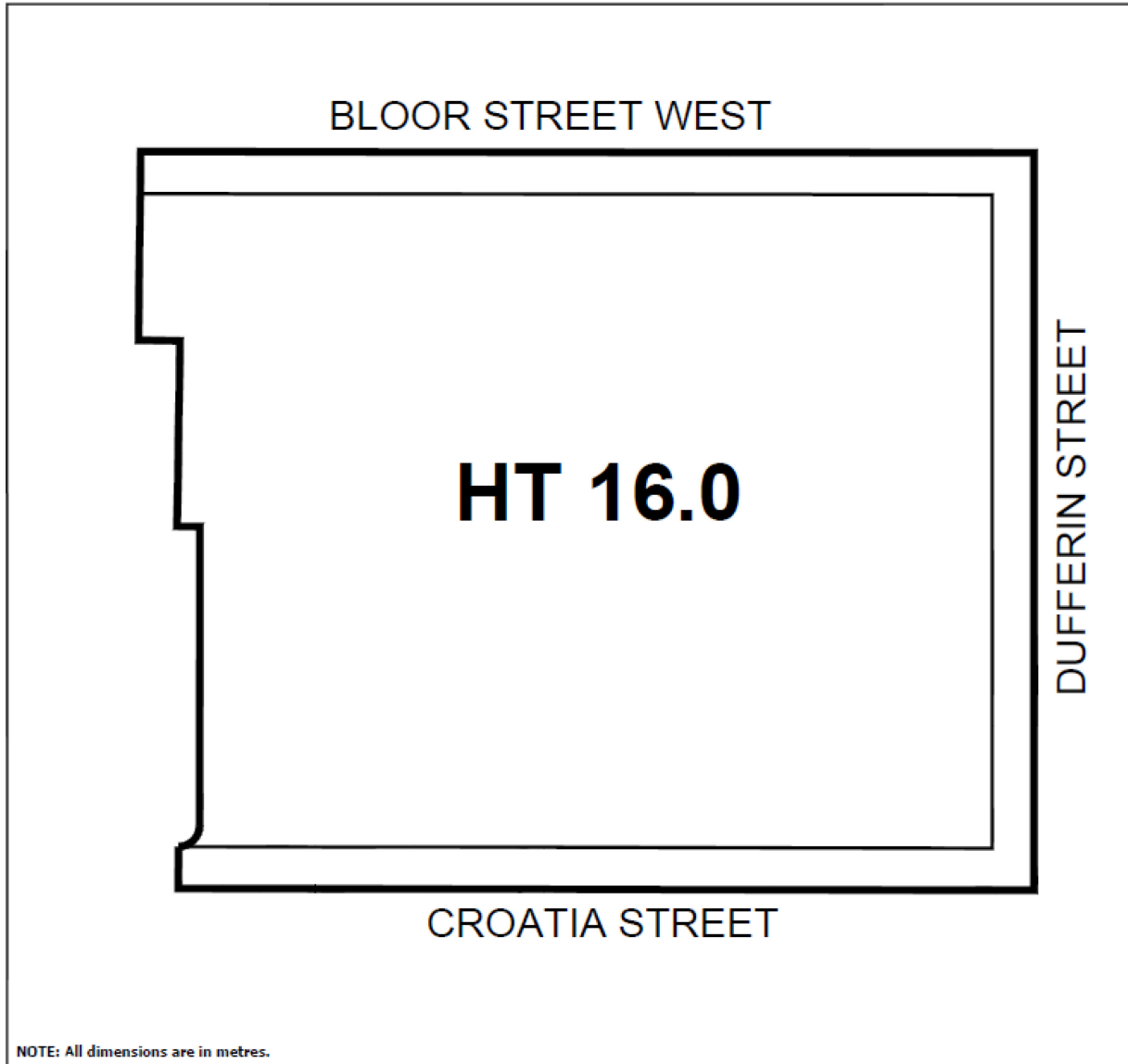
90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West

Diagram 3

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Not to Scale



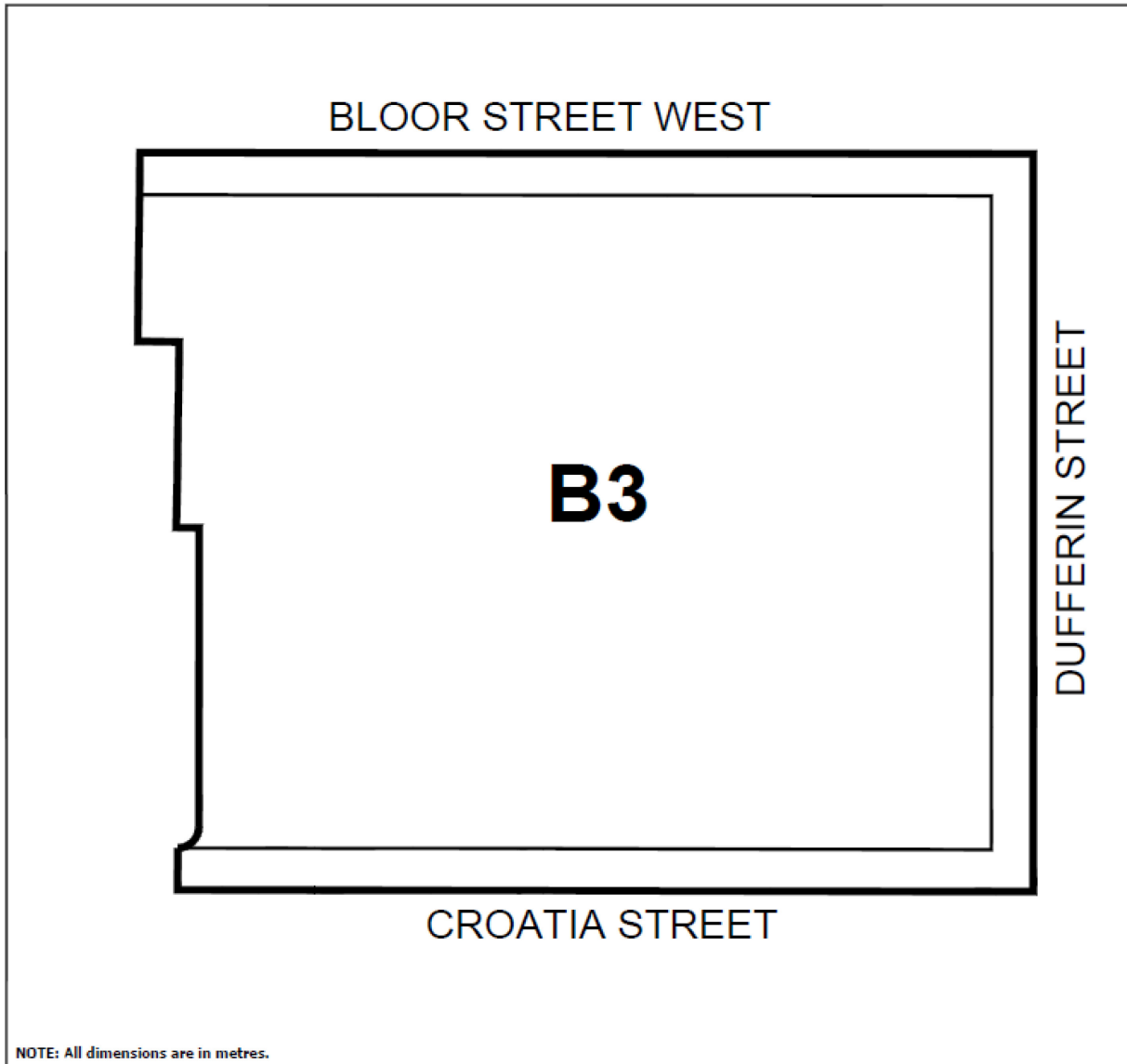
90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West

Diagram 4

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Not to Scale




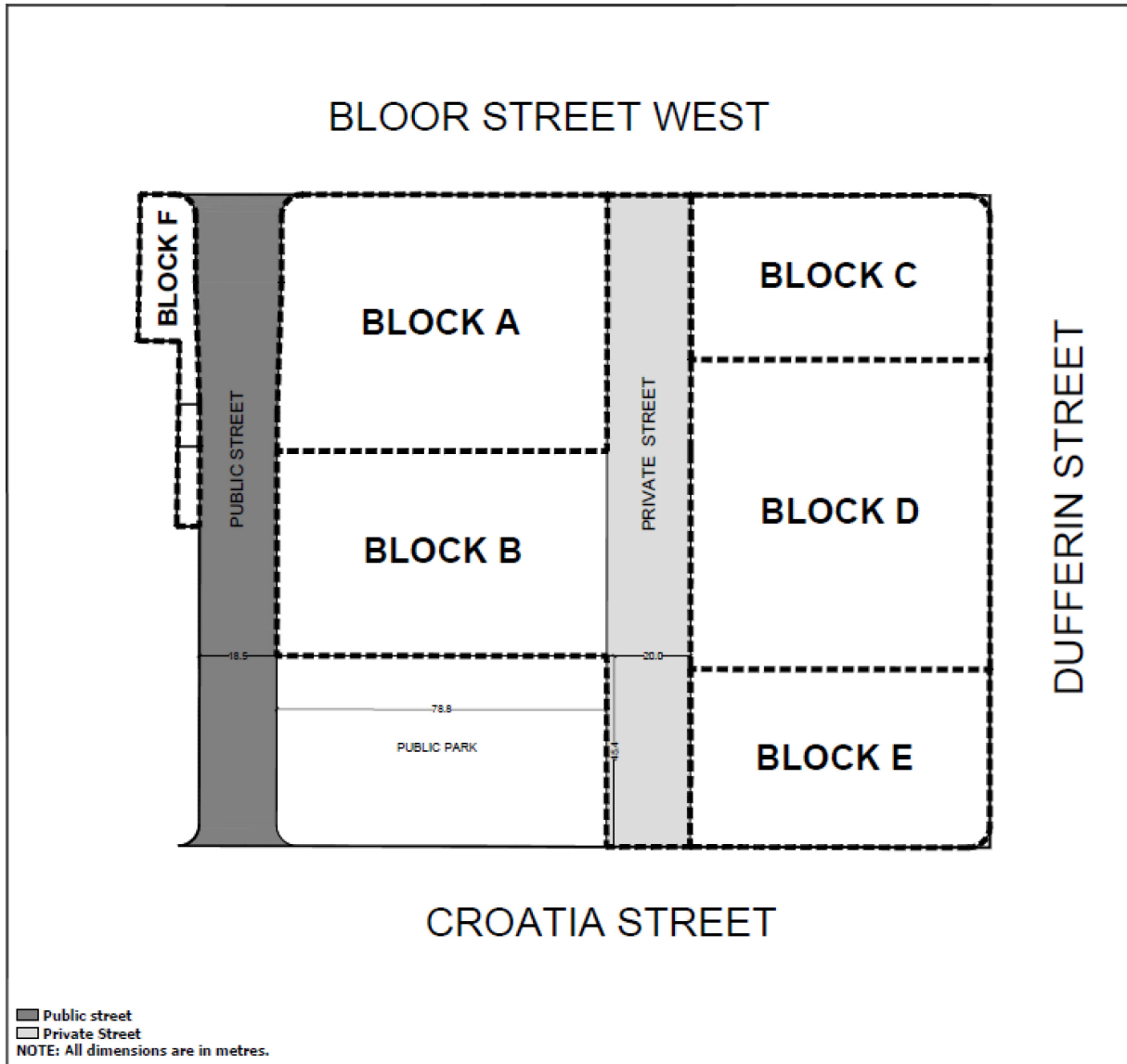
 **90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West**

Diagram 5

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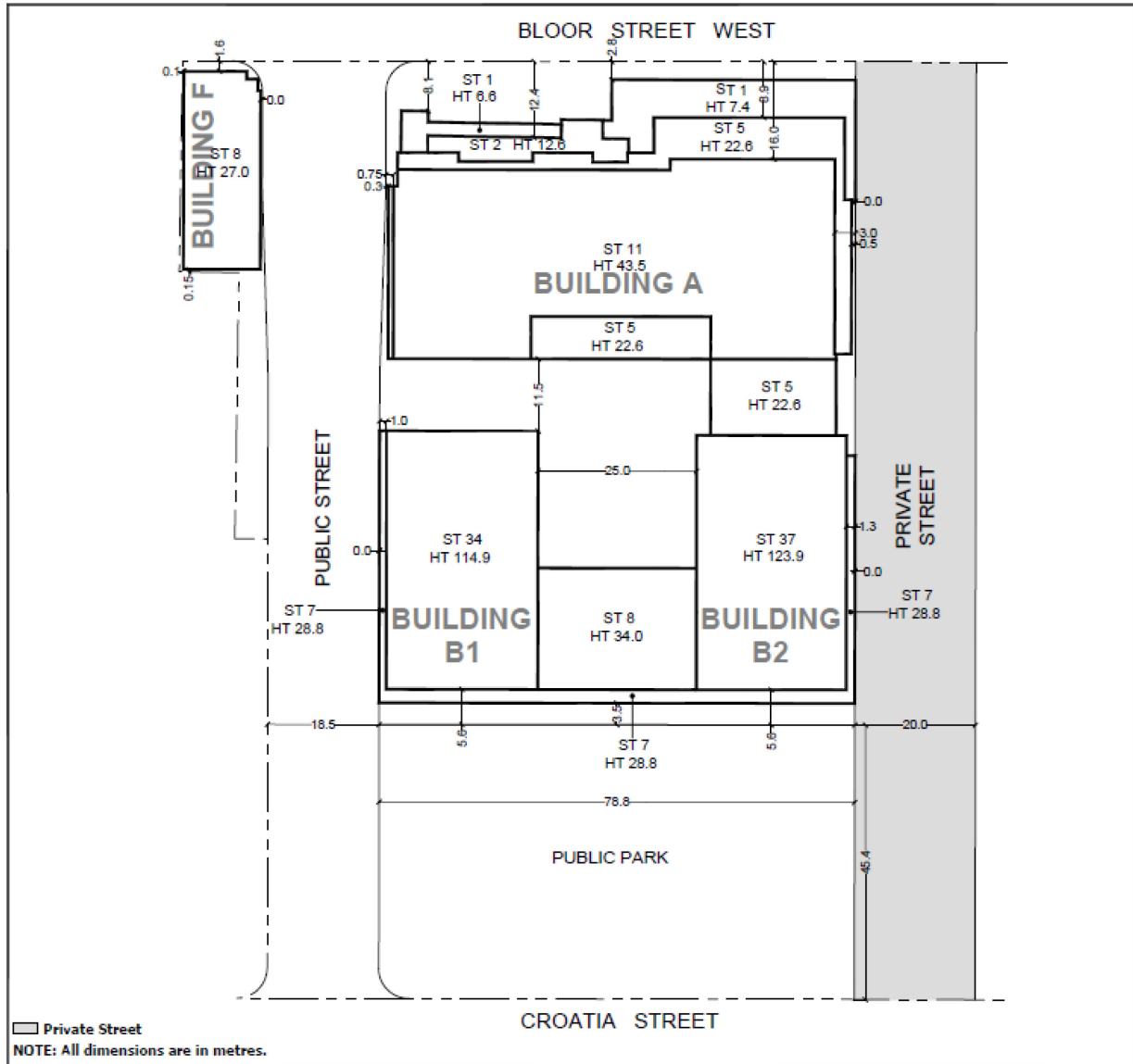
90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West

Diagram 6

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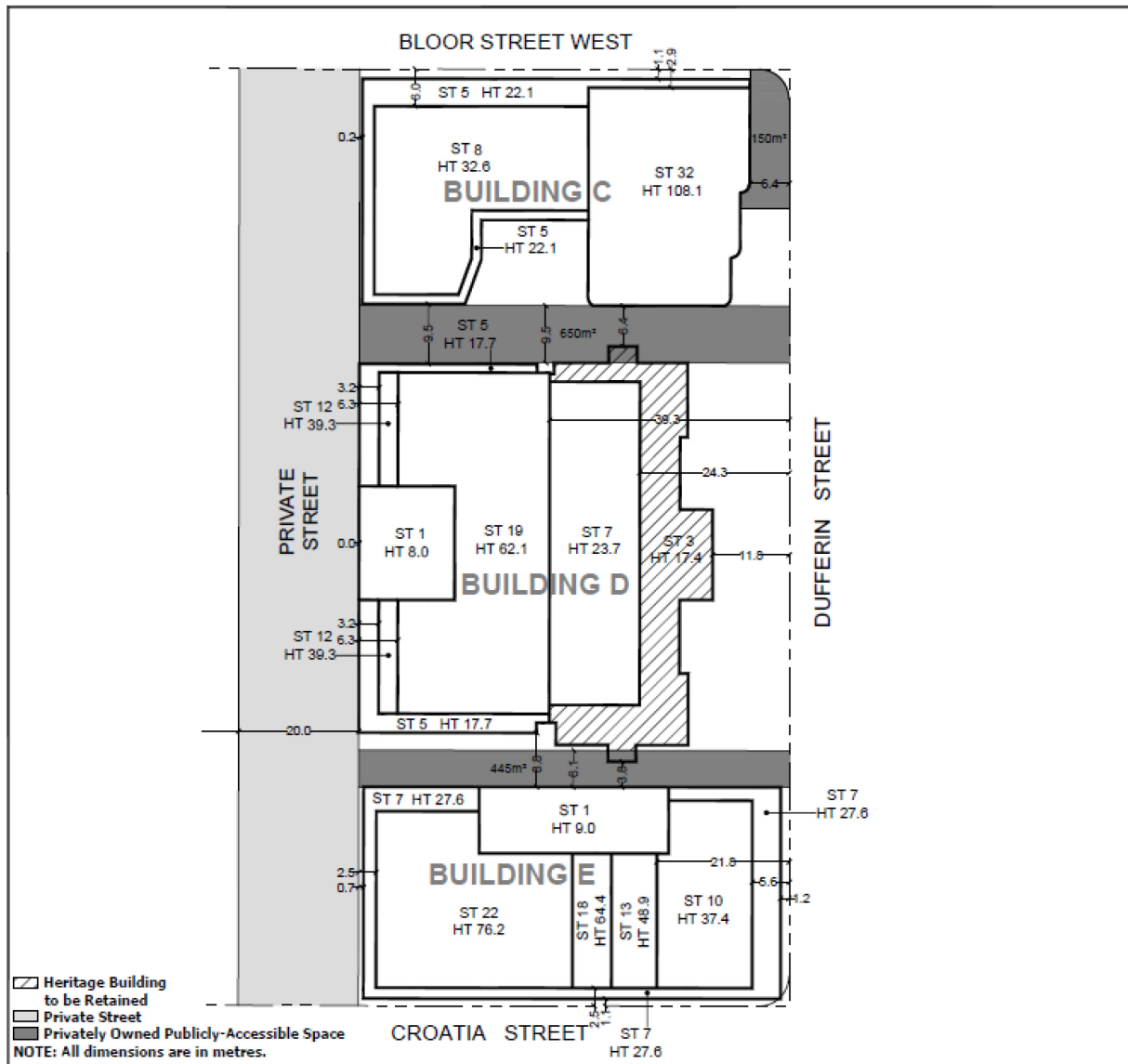
TORONTO City Planning Division **90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West**

Diagram 7

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Not to Scale



TORONTO City Planning Division **90 Croatia Street, 980 Dufferin Street & 1141 Bloor Street West**

Diagram 8

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