

**Attachment 7: Draft Zoning By-law Amendment**

**CITY OF TORONTO BY-LAW No. XX**

**XXXX-2019**

**To amend former City of Toronto Zoning By-law No. 438-86, respecting a portion of the lands municipally known as 571 Dundas Street West delineated on Map 1.**

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

2. District Map 50H-311 contained in Appendix 'A' of By-law No. 438-86, as amended, is hereby further amended by re-zoning the lands delineated by heavy lines to "MCR" and "R4A" 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.
4. Nothing in By-Law 1710-2013 or Section 12(1)(490) shall apply to prevent the erection and use of buildings or structures on Sites in the *Alexandra Park and Atkinson Co-op Phase 2B Area*, as shown on Map 1, attached hereto, provided that it meets the provisions contained in Section 12(1)(XXX).

#### **PERMISSIVE EXCEPTION**

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

"xxx. to prevent the construction of buildings or structures or the use of land on *Sites* within the *Alexandra Park and Atkinson Co-op Phase 2B Area* in accordance with the following provisions:

(1) **PERMITTED USES**

- (a) The erection and use of a *temporary sales office* is permitted within the *Alexandra Park and Atkinson Co-op Phase 2B Area* as shown on Map 1.
- (b) Below-grade *commercial parking garages* are permitted within the *Alexandra Park and Atkinson Co-op Phase 2B Area* as shown on Map 1.
- (c) *Live/work units* are permitted within the first three storeys of Sites 4, 6 and 8 as shown on Map 4.
- (d) *Small-scale commercial uses* are permitted within lands zoned "G" as shown on Map 2.
- (e) A *Community Recreation Hub* is permitted within lands zoned "G" as shown on Map 2.

**(2) FLOOR AREA**

- (a) No person shall, within the *Alexandra Park and Atkinson Co-op Phase 2B Area*, erect or use a building or structure or portion thereof where:

<i>Site</i>	Maximum gross floor areas (m <sup>2</sup> )		
	<i>residential gross floor area (m<sup>2</sup>)</i>	<i>non-residential gross floor area (m<sup>2</sup>)</i>	<i>Total residential gross floor area and non-residential gross floor area (m<sup>2</sup>)</i>
4	39,000	5,000	40,000
6	42,000	4,200	43,000
8	22,000	5,000	23,000

- (b) For portions of a building above 42.5 metres within the *Alexandra Park and Atkinson Co-op Phase 2B Area*, as shown on Map 5.1, 5.3 and 5.4, no person shall erect a building or structure where the *floor plate area* of any storey above 42.5 metres exceeds 750 square metres.
- (c) For portions of a building above 52.5 metres within the *Alexandra Park and Atkinson Co-op Phase 2B Area*, as shown on Map 5.2, no person shall erect a building or structure where the *floor plate area* of any storey above 52.5 metres exceeds 750 square metres
- (d) *Dwelling units* provided on *Sites 4, 6 and 8* must comply with the following provisions:
- (i) a minimum of fifteen percent of the total number of *dwelling units* must be two (2) bedroom units and be a minimum size of 87 square metres each;
  - (ii) a minimum of ten percent of the *dwelling units* must be three (3) bedroom units and be a minimum size of 100 square metres each; and,
  - (iii) an additional 15 per cent of the total number of *dwelling units* will be a combination of 2-bedroom and 3-bedroom units.
- (e) The interior floor area of an individual *small-scale commercial use* on lands zoned “G” may not exceed 200 square metres.

(3) **BUILDING HEIGHT**

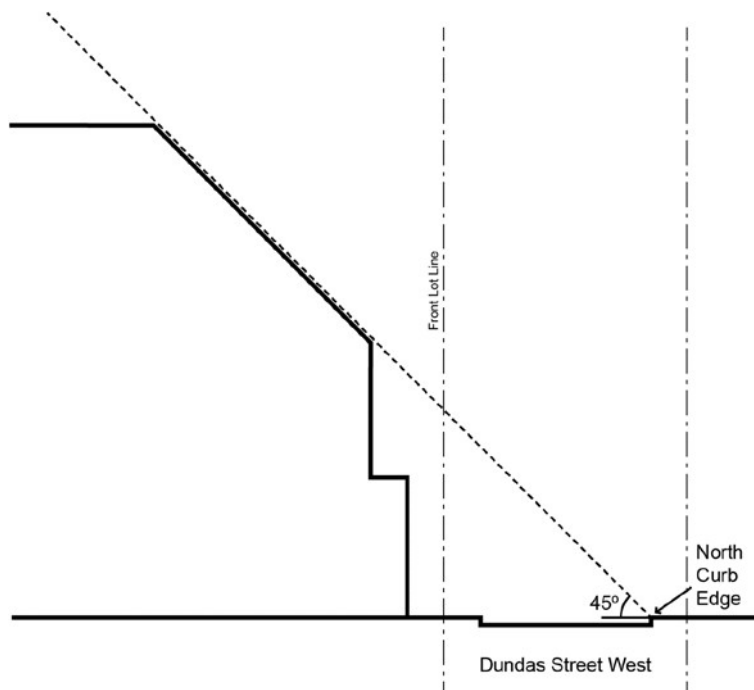
- (a) Height limits shall be in accordance with Sub-section 4(2) of By-law No. 438-86, except that maximum height in metres shall be as shown on Maps 5.1 to 5.4.
- (b) Section 5(3)(a) of this By-law does not prevent the erection or use of the following elements and enclosures, provided they do not penetrate the angular plane as described in Section 5(4)(a) , except as permitted by Section 5(4) 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:
    - 1. the maximum vertical extent of such elements or enclosures above the permitted *height* is no greater than 5 metres;
    - 2. 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;
    - 3. the width of any such elements, including the width of an enclosure, located within six metres of a *site line* that is a *street line*, does not exceed 30% of the width of the main wall of the building facing the *site line* provided the width is to be measured parallel to the *site line* boundary;
  - (ii) mechanical penthouses, provided all elements are contained within an additional 6.5 metres above the maximum permitted building height in metres shown on Maps 5.1 to 5.4;
  - (iii) loading facilities and enclosures as required by Section 5(9) of this By-law to a maximum height of 8.0 metres above grade.
  - (iv) residential penthouses including indoor *residential* amenity areas, vestibules and washrooms serving outdoor *residential amenity* areas, provided all elements are contained within an additional 3.5 metres above the maximum permitted building height in metres shown on Maps 5.1 to 5.4 and do not exceed a *residential gross floor area* of 150 square metres;
  - (v) 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 any such elements located on top of a structure

identified in Section 5(3)(b)(i) are permitted to a maximum 8.0 metres above the permitted *height*;

- (vi) structures that do not enclose space and are used for outside or open air recreation, maintenance, safety, ornamental or architectural features 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*; and
- (vii) balcony railings to a maximum of 1.8 metres above the permitted *height*.

**(4) ANGULAR PLANE**

- (a) In *Sites 4 and 6*, all portions of a building or structure facing Dundas Street West must be contained within a 45-degree angular plane projected over the *lot* from the curb edge on the northern side of Dundas Street West as shown on the following diagram. All other portions of a building or structure on the *lot* facing Dundas Street West must be contained within the 45-degree angular plane.



- (b) Notwithstanding Section 5(4)(a), portions of the buildings on *Sites 4 and 6* may project into the angular plane, provided that the total *floor area* calculated using the ceiling area of each floor that projects beyond the angular plane does not exceed 5% of the total *residential and non-*

*residential gross floor area* on each Site.

- (c) Notwithstanding Sections 5(4)(a) and (b), the mechanical penthouse may project beyond the angular plane, and is excluded from the calculation of total floor area projecting beyond the angular plane.
- (d) Notwithstanding 5(4)(a), structures that do not enclose space, and are located on the roof may project into the angular plane a maximum *height* of 4.0 metres.

**(5) SETBACKS AND SEPARATION**

- (a) No portion of a building above 42.5 metres, as shown on Maps 5.1 to 5.4, may be erected less than 25 metres from a portion of another building or structure above 42.5 metres on the *lot*, measured perpendicular from the main wall.
- (b) No portion of a building or structure may be located closer to a *site line* or any other building or structure than the distance in metres shown in Maps 5.1 to 5.4.
- (c) Notwithstanding Sections 5(5)(a) and 5(5)(b), lighting fixtures, cornices, sills, eaves, canopies and awnings which may extend a maximum of 2.5 metres beyond the setback lines shown on the attached Maps 5.1 to 5.4.
- (d) Notwithstanding Sections 5(5)(a) and 5(5)(b), balconies above a height of 6 metres above grade, window washing equipment, parapets, railings, planters, retail patios and spill-out spaces, balustrades, bollards, stairs, covered stairs or stair enclosures, fences and safety railings, trellises, guardrails, chimneys, vents, stacks, mechanical fans, retaining walls, wheel chair ramps, landscape features, outdoor recreation uses, ornamental or architectural features, day nursery facilities, and public art elements may extend a maximum of 2.0 metres beyond the setback lines shown on Maps 5.1 to 5.4.
- (e) Notwithstanding Section 5(5)(d), balconies that extend beyond the setback lines shown on Maps 5.1 to 5.4 may occupy a maximum of 60% of the length of each building face on each storey of the building.
- (f) Notwithstanding Section 5(5)(b), garage ramps and portions of a building enclosing the ramps may extend beyond the setback lines shown on Maps 5.1 to 5.4, provided they comply with the following:
  - (i) A maximum 4.0 metres of projection beyond the setback line; and
  - (ii) A maximum *height* of 3.0 metres.

**(6) 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.

**(7) RESIDENTIAL AMENITY SPACE**

- (a) *Residential amenity space* on Sites 4, 6 and 8 shall be provided and maintained as follows:
  - (i) a minimum of 3.0 square metres of *residential amenity space* per dwelling unit, of which not less than 1.5 square metres per dwelling unit shall be provided as indoor *residential amenity space*;
  - (ii) a minimum of 40 square metres of outdoor *residential amenity space* provided in a location accessible from indoor *residential amenity space*;
  - (iii) indoor *residential amenity space* will not include guest suites.
- (b) *Residential amenity space* on Sites 9 and 17 shall be provided in accordance with Section 4(12) of By-law No. 438-86, except that:
  - (i) a portion of the indoor *residential amenity space* required on Sites 9 and 17 may be located in the Community Recreation Hub within the *Alexandra Park and Atkinson Co-op Area*, in addition to the minimum required *gross floor area* of the Community Recreation Hub, provided a minimum of 100 square metres of indoor *residential amenity space* is located on-site in each of Sites 9 and 17;
- (c) No indoor or outdoor *residential amenity space* will be required for any social housing *townhouses*.

**(8) VEHICULAR PARKING**

- (a) On Sites 4, 6 and 8, parking shall be provided in accordance with Section 4(5) and 4(10) of By-law No. 438-86, except that:

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

Residents: a minimum of 0.47 spaces per unit;

Visitors: a minimum of 0.1 spaces per unit.

Save and except that 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.

- (b) On *Sites 5, 7, 9, 17 and 18*, parking 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* as a combined total for all *dwelling units* on *Sites 2, 3, 5, 7, 9, 16, 17 and 18* in Phase 2;
- (ii) a maximum of 0.60 parking spaces per *dwelling unit* for residents and visitors shall be provided and maintained for all *dwelling units*, as a combined total for all *dwelling units* on *Sites 2, 3, 5, 7, 9, 16, 17 and 18* in Phase 2;
- (iii) *parking spaces* shall be provided either in a permitted parking facility on the same *Site* containing the use for which the parking is to be provided or in a permitted parking facility on another *Site* within the *Alexandra Park and Atkinson Co-op Area*.
- (c) Notwithstanding any existing or future severance, partition or division of the net area of each *lot*, as shown on Map 3, parking provided in accordance with Section 5(8)(a) and (b) can be located within the whole of the net area of each *lot*, as if no severance, partition or division occurred.
- (d) Notwithstanding Section 5(8)(a) and (b), parking is not required on any *Site* in the *Alexandra Park and Atkinson Co-op Phase 2B Area* for permitted non-residential uses.
- (e) Notwithstanding Section 5(8)(a) and (b) of this By-law XXXX-2019, prior to completion of construction on *Sites* in the *Alexandra Park and Atkinson Co-op Phase 2B Area*, 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*.



**(9) LOADING**

- (a) Loading facilities shall be provided on *Sites* within the *Alexandra Park and Atkinson Co-op Phase 2B Area* as follows:

<b>Site</b>	<b>Minimum Number and Type of Loading Spaces Required</b>
Site 4	1 Type C and 1 Type G
Site 6	1 Type C and 1 Type G
Site 8 & 9	1 Type G
Sites 16 & 17	1 Type G

- (i) Type “C” loading spaces must have the following dimensions:
- (A) minimum length of 6.0 metres;
  - (B) minimum width of 3.5 metres; and
  - (C) minimum vertical clearance of 3.0 metres; and
- (ii) Type “G” loading spaces must have the following dimensions:
- (A) minimum length of 13.0 metres;
  - (B) minimum width of 4.5 metres; and
  - (C) minimum vertical clearance of 6.1 metres.
- (iii) Required loading spaces for *Site 4* and *Site 6* may be combined, as long as the minimum size requirements for both required loading spaces is met.
- (b) A driveway to a loading space must have:
- (i) a minimum width along its entire length of:
    - (A) 3.5 metres for a one-way driveway; or
    - (B) 6.0 metres for a two-way driveway; and
  - (ii) a minimum vertical clearance along its entire length of:
    - (A) 4.4 metres to a Type "G" loading space;
    - (B) 3.0 metres to a Type "C" loading space; and
- (c) The permitted maximum slope of a driveway leading to a loading space is:
- (i) 8% for a Type "G" loading space; and
  - (ii) 15% for a Type “C” loading space.
- (d) If a loading space is inside a building:
- (i) the vehicle entrance and exit for a two-way driveway into and out of the building must have a minimum width of 5.5 metres; and

- (ii) the vehicle entrance or exit for a one-way driveway into or out of the building must have a minimum width of 3.5 metres, if the vehicle entrance or exit is 6.0 metres or more away from the lot line abutting a street.

**(10) BICYCLE PARKING**

- (a) *Bicycle parking spaces* shall be provided as follows:
  - (i) a minimum of 1.0 *bicycle parking spaces* for each dwelling unit, allocated as 0.9 *long-term bicycle parking space* per dwelling unit and 0.1 *short-term bicycle parking space* per dwelling unit;
  - (ii) If the calculation of the minimum *bicycle parking spaces* results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* must be rounded up to the next whole number.
- (b) The minimum dimension of a *bicycle parking space* is:
  - (i) minimum length of 1.8 metres;
  - (ii) minimum width of 0.6 metres; and
  - (iii) minimum vertical clearance from the ground of 1.9 metres.
- (c) The minimum dimension of a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device is:
  - (i) minimum length or vertical clearance of 1.9 metres;
  - (ii) minimum width of 0.6 metres; and
  - (iii) minimum horizontal clearance from the wall of 1.2 metres.
- (d) If a *stacked bicycle parking space* is provided, the minimum vertical clearance for each *bicycle parking space* is 1.2 metres.
- (e) An area used to provide *bicycle parking spaces* must have a minimum vertical clearance of:
  - (i) 2.4 metres if it is a stacked bicycle parking space; and
  - (ii) 1.9 metres in all other cases.
- (f) *Long-term bicycle parking spaces* must be located in a building within a secure room or area.
- (g) *Bicycle parking spaces* must be on the same lot as the dwelling for which it is required.
- (h) *Long-term bicycle parking spaces* may be located:
  - (i) on the first storey of the building;

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- (ii) on the second storey of the building;
  - (iii) on the 1<sup>st</sup> level of the building below *grade*.
- (i) A maximum of 50% of the required *Long-term bicycle parking* spaces may be located in a *stacked bicycle parking space*.

**(11) GENERAL**

- (a) Despite any existing or future severance, partition, or division of the lot, the provisions of this exception shall apply to the whole of the lot, as if no severance, partition or division had occurred.
- (b) The location of property lines within each *lot*, as shown on Map 3, will be determined through a Plan of Subdivision, Plan of Condominium, Part Lot Control or severance process. Notwithstanding the location of any future severance, partition or division of the net area of each *lot* as shown on Map 3, reference to *Sites* 4, 6 and 8 in this By-Law refers to market condominium buildings and reference to *Sites* 5, 7, 9, 16, 17 and 18 refers to Toronto Community Housing apartment buildings or *townhouses*.
- (c) Within the lot, no person shall use any land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway;
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

**(12) DEFINITIONS**

- (a) For the purposes of this By-law, and subject to Section 5(12)(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 spaces”* means an area used for parking or storing a bicycle.

*“Community Recreation Hub”* means a publicly accessible building owned by the Toronto Community Housing Corporation that contains recreational uses, meeting spaces, local social enterprise space, *small-scale commercial uses*, and other community-oriented amenities.

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"*floor area*" means the two-dimensional area of a *storey* of a *building* or portion of a *storey* of a *building* measured immediately below the *storey* above.

"*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, and excluding balconies.

"*grade*" means 97.74 metres Canadian Geodetic Datum.

"*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 5.1 to 5.4 exclusive of any elements described in Section 5(3)(b) of this By-law.

"*live-work units*" means a dwelling unit which may be used for residential or work purposes by the residents of the unit and which may also be used for work purposes by persons not residing in the unit.

"*long-term bicycle parking spaces*" are bicycle parking spaces for use by the occupants or tenants of a building.

"*lot*" means the combination of each of the following *Sites*, as shown on Map 3: *Sites* 4 and 5; *Sites* 6 and 7; *Sites* 8, 9 and 18; and *Site* 16, *Site* 17 and 91 Augusta.

"*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.

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

"*replacement rental dwelling units*" means the 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

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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.

"*short-term bicycle parking spaces*" are bicycle parking spaces for use by visitors to a building.

"*Site*" means an area outlined in thin lines on Map 3.

"*site line*" means a thin line shown on Map 3, defining a *Site*.

"*small-scale commercial uses*" shall mean stand-alone or integrated commercial, take-away restaurant and/or cafe establishments located within the *Community Recreation Hub* and/or the public park.

"*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.

"*temporary 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.

"*townhouse*" means one of a series of more than two attached dwelling units divided from another by a party wall, and may be integrated with direct at-grade access in the base building of a multi-unit residential or mixed-use building with each dwelling unit facing a public street or a privately owned publicly accessible open space.

**(13) SECTION 37**

- (a) 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 on satisfaction of the same; and
- (b) The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

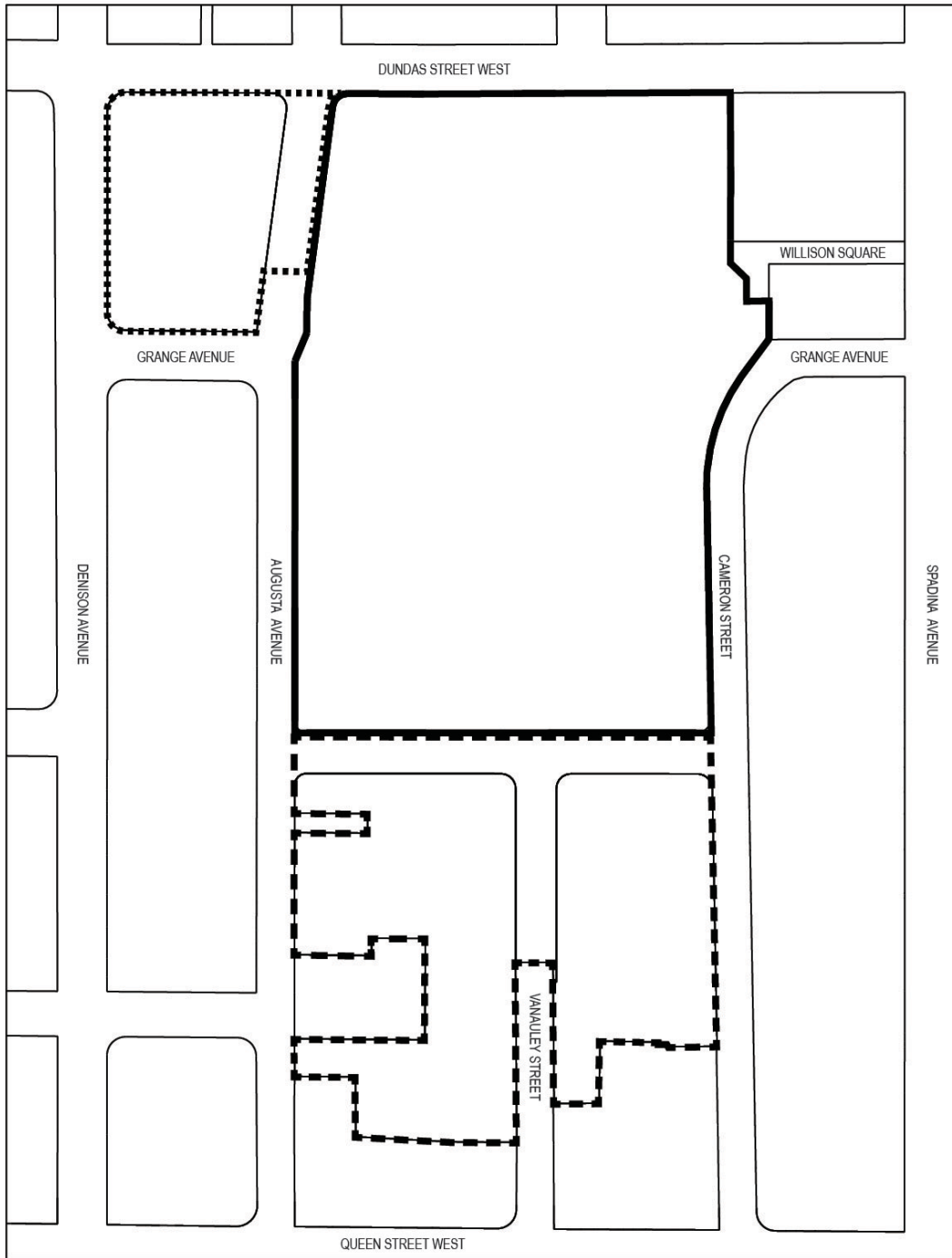
Enacted and passed on ~ , 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,

City Clerk

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### Alexandra Park Revitalization

### Map 1

### Alexandra Park and Atkinson Co-op Phase 2B Area File # XX XXXXXXXX

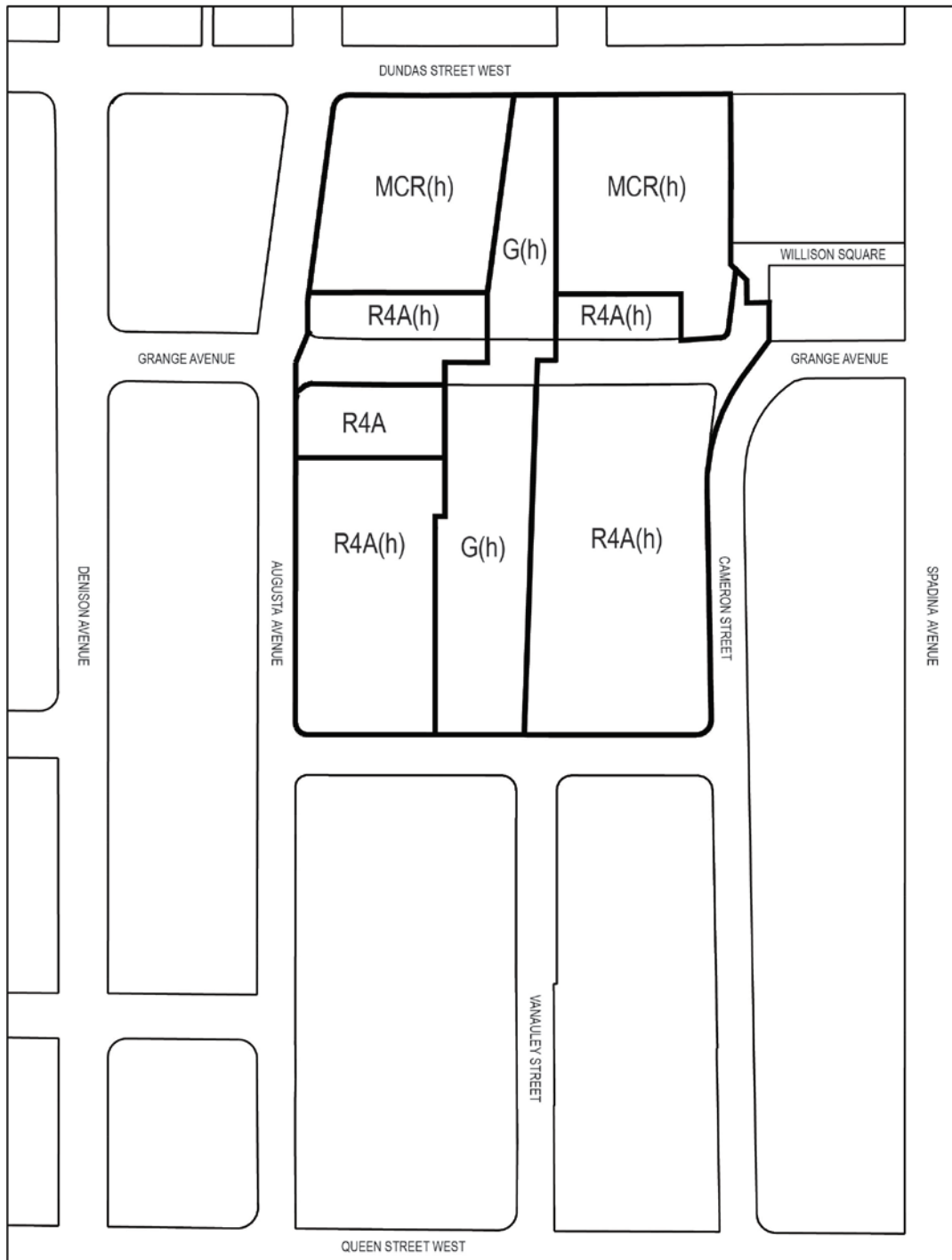
Alexandra Park and Atkinson Housing Co-op Phase 2B Area

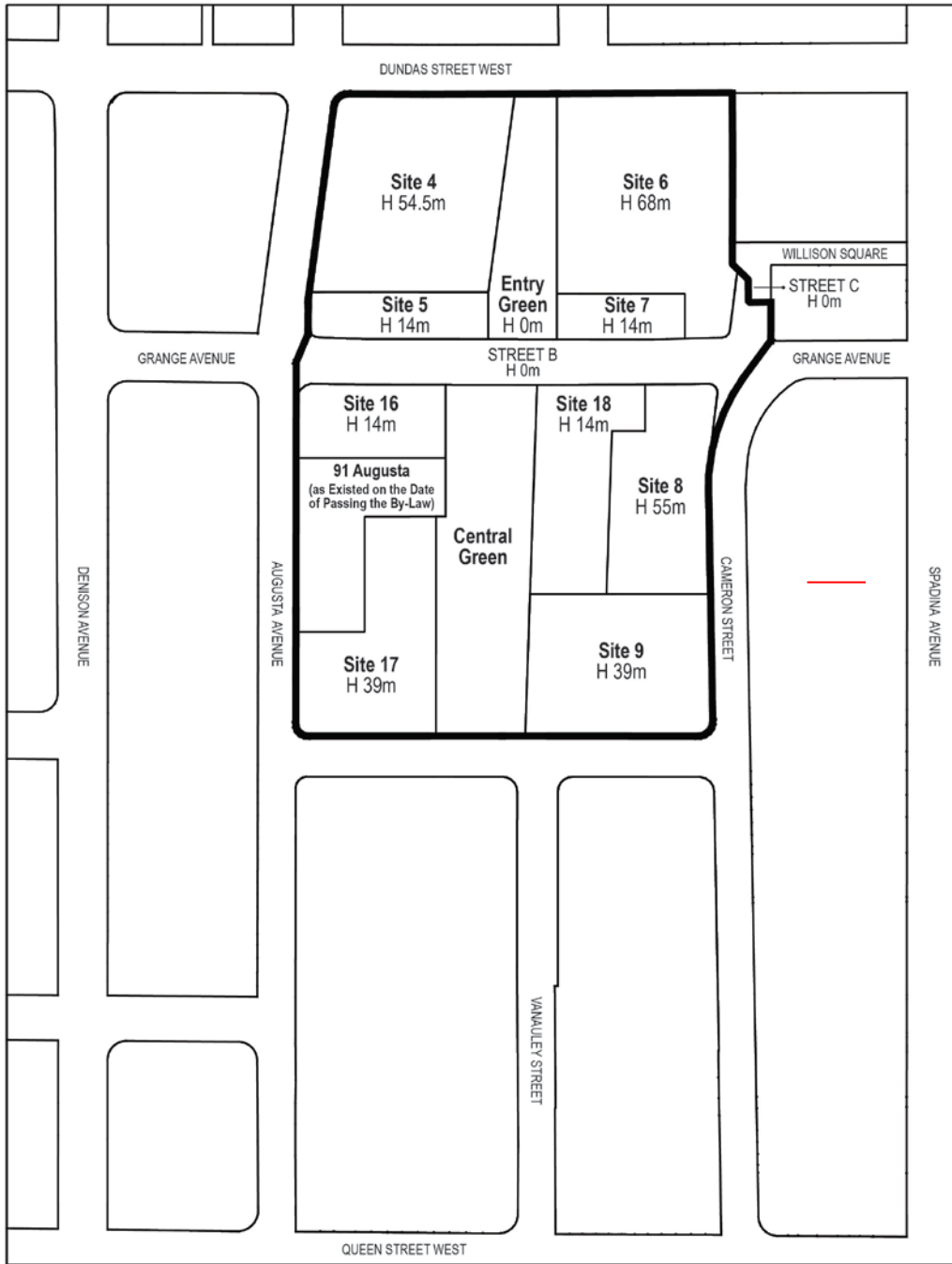
Alexandra Park and Atkinson Housing Co-op Phase 2A Area

Alexandra Park and Atkinson Housing Co-op Phase 1 Area

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**Alexandra Park Revitalization**

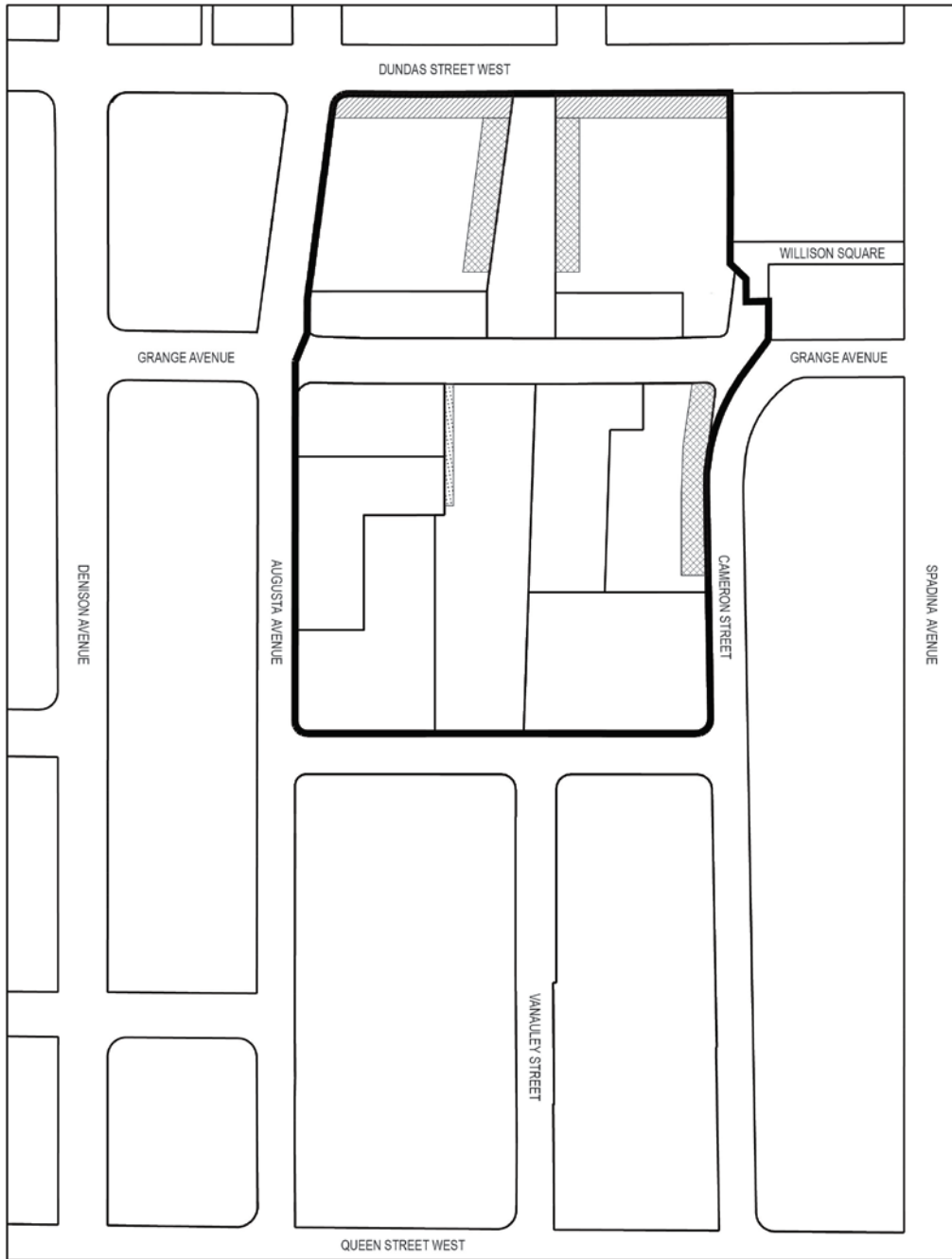
**Map 3  
 Site Numbers, Overall Height and Lot Frontage**

File # XX XXXXXXXX

NTD: 1. Community Recreation Hub height TBD from community recreation hub planning process  
 2. Lot Frontage TBD from Plan of Subdivision

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**TORONTO** City Planning  
**Map 4**  
**Commercial Uses**

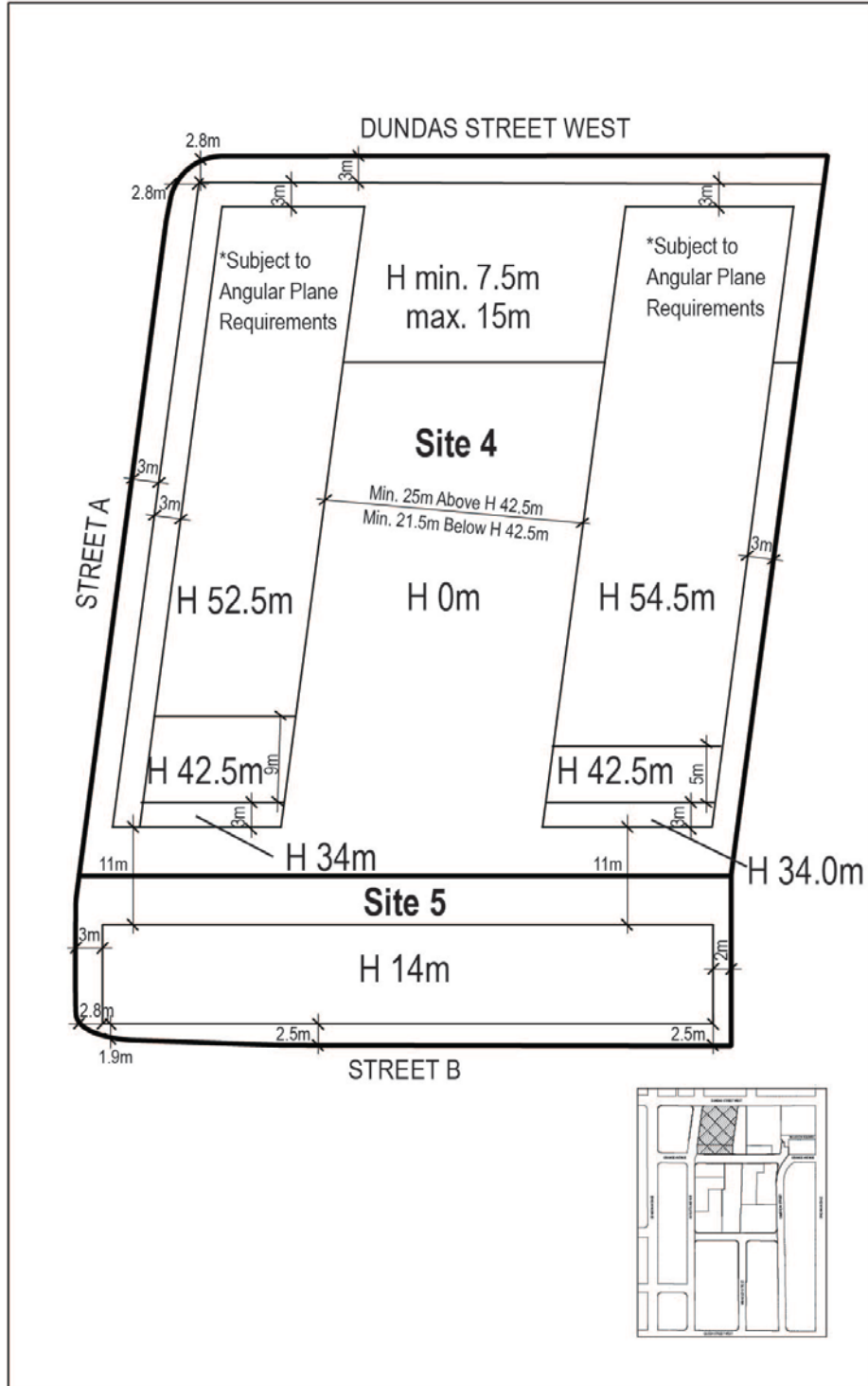
**Alexandra Park Revitalization**

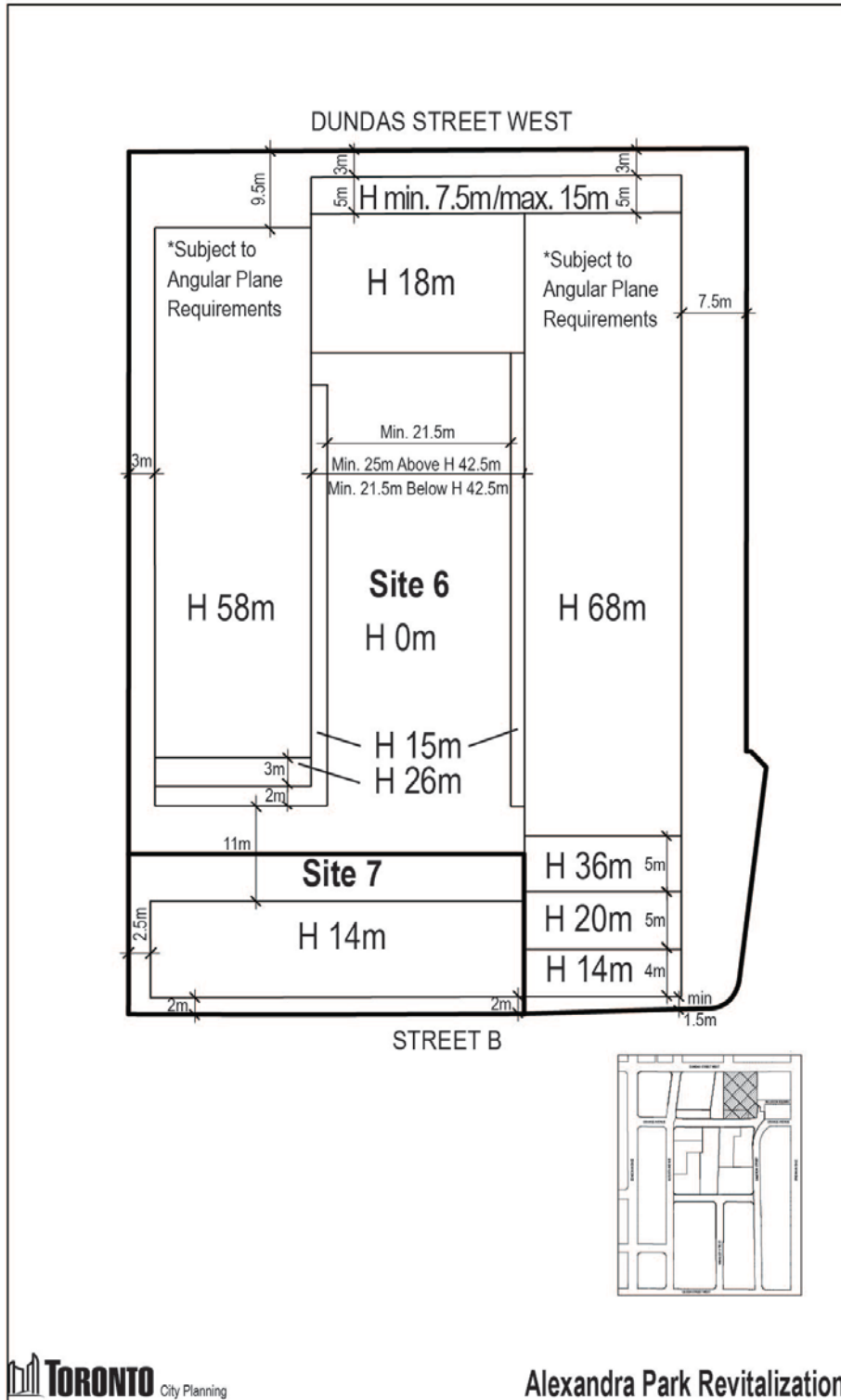
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-  Street Related Retail
-  Small-scale Commercial Uses
-  Live Work

NTD: 1. Small-scale commercial uses in Community Recreation Hub TBD from community recreation hub planning process

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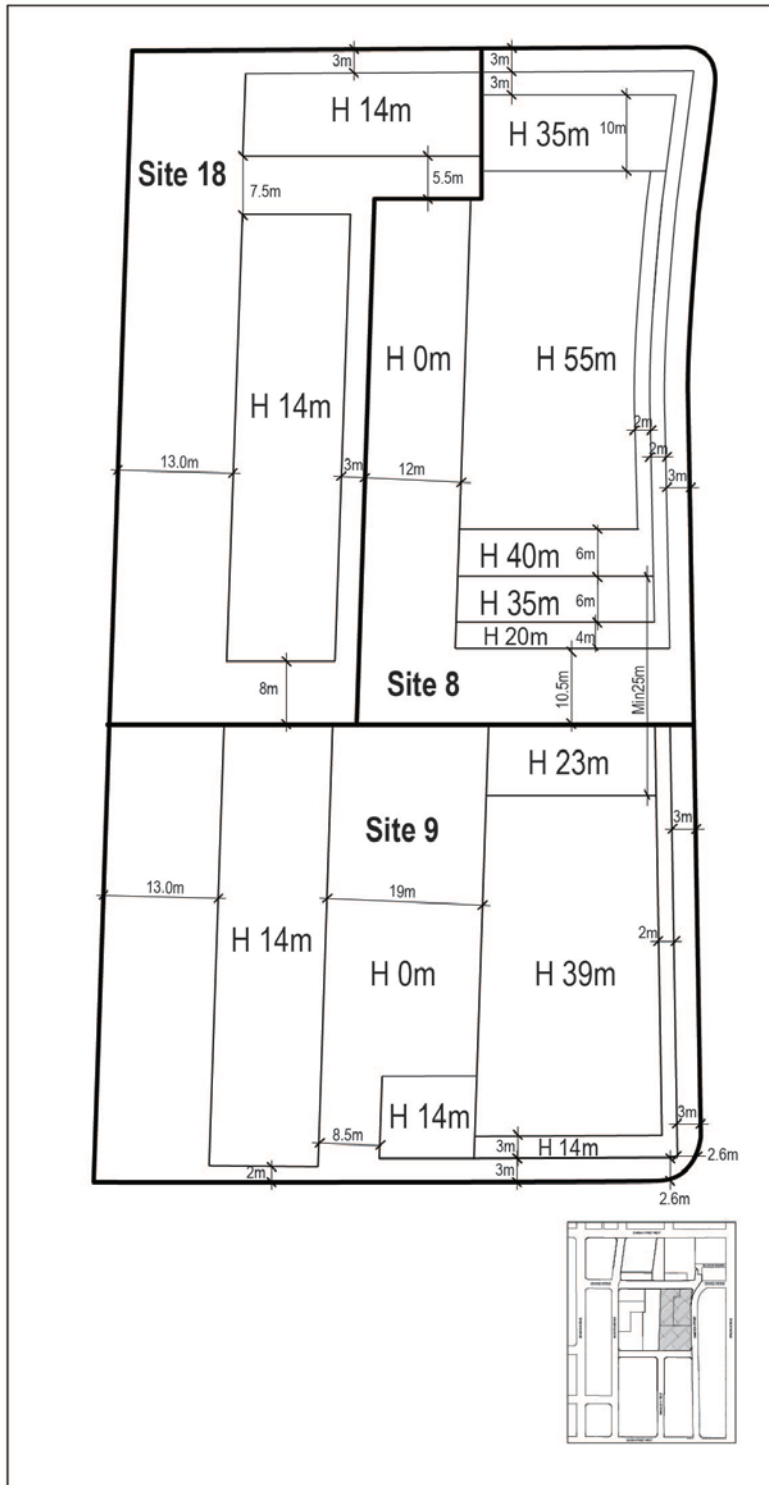
**Map 5.2**  
**Sites 6 and 7: Heights, Setbacks and Stepbacks**

File # XX XXXXXXXX

— Site Line  
 — Setback Line

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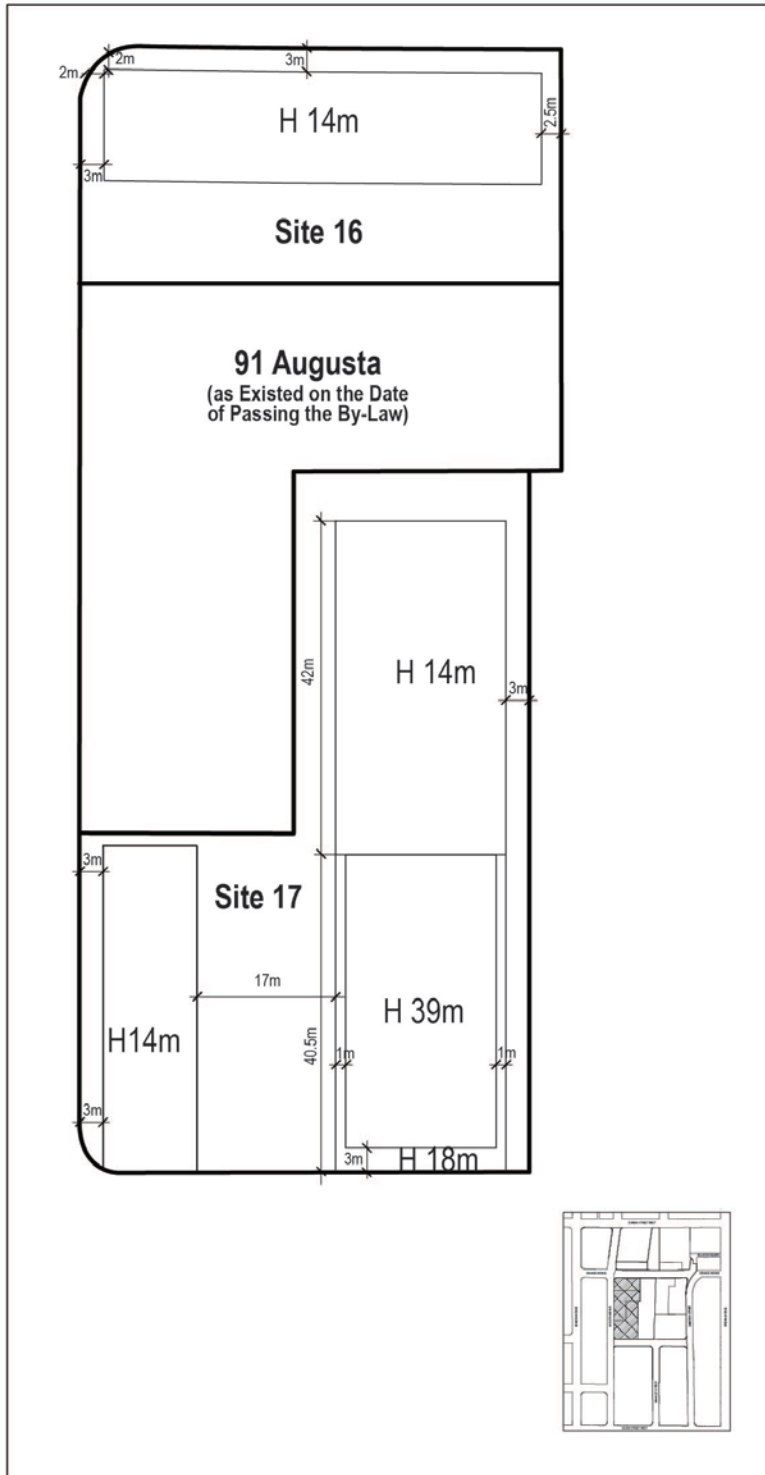
Map 5.3

Sites 8, 9, 18: Heights, Setbacks and Stepbacks

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— Site Line  
- - - Setback Line

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**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 their expense in accordance with one or more agreements entered into pursuant to Section 37(3) of the *Planning Act* and/or Section 111 of the City of Toronto Act, 2006. These agreements shall amend the existing Section 37 Agreement (*Instrument Number AT 3518413*) and the existing Section 111 Agreement (*Instrument Number AT3518416*) in a form satisfactory to the City with conditions providing indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement in return for the increase in height of the proposed development on the lands as shown on Map 1 of this By-law and as secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- i. Prior to the issuance of the first below-grade permit for the first market building to be constructed in a Phase other than Phase 1 or Phase 2A, the owner shall provide a financial contribution of \$2,000,000.00, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the amended Section 37 Agreement to the date of payment, towards the construction and finishing the replacement community centre location on Block 10 to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- ii. In the event the financial contribution referred to in Section 1 of this Schedule has not been used for the intended purpose within eight (8) years of this By-law coming into full force and effect, the financial contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.
- iii. Prior to the earlier of, the first residential occupancy of, or the registration of the Draft Plan of Condominium for, the final market building to be constructed within Phase 2, all refurbishment work to retained social housing buildings in Phase 2 will be completed.
- iv. Prior to the issuance of any above-grade permit for a building on a Block in Phase 2, the owner will submit an updated wind study. The owner will design and construct any measures that may be required to mitigate the negative impact of any wind conditions.
- v. Amend Sections 8.1 and 8.2 to provide for the construction of a new 2,000 square metre community facility to be owned by Toronto Community Housing (TCH) and operated by Atkinson Housing Co-op and Alexandra Park Residents Association and located within a new TCH building to be constructed on Block 10 to the satisfaction of the Chief Planner and Executive Director, City Planning, Director, Affordable Housing Office, Director,

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Toronto Community Housing, General Manager, Parks, Forestry and Recreation and in consultation with the Ward Councillor. The new facility will:

- a. Have a minimum gross floor area of 2,000 square metres;
  - b. Be valued at a minimum of \$9,000,000.00, including all construction, finishing, fixtures, HVAC systems and equipment to the satisfaction of the Director of Real Estate Services, City of Toronto, of which \$5,000,000.00 was required by the original Section 37 Agreement, \$2,000,000.00 will be redirected from the overall value of the Public Art Contribution required by the original Section 37 Agreement towards the financing the construction of the community facility, including the outfitting of art studio space accessible to the community, and \$2,000,000.00 will be an additional contribution by the owner;
  - 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 HVAC systems;
  - d. Include the construction of two new basketball courts within or adjacent to the facility, one of which may be constructed on Block 11; 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.
- vi. Amend Sections 3.3, 4.2, and 4.4 of the Section 37 Agreement to include the 77 units at 73-75 Augusta Square to be demolished and replaced, so that a total of not less than 410 replacement social housing units, comprising 183 townhouse units and 227 apartment units, all of which are rental housing units and shall have rents geared-to-income, are to be provided and maintained for a period of at least 25 years;
  - vii. Amend Section 3.6 of the Section 37 Agreement to clarify the required parkland dedication area.
  - viii. Amend the table in Section 4.11 of the Section 37 Agreement to include the 34 one-bedroom apartment units and the 43 two-bedroom apartment units at 73-75 Augusta Square to be demolished and replaced, so that a total of not less than 410 replacement social housing units, comprising 183 townhouse units and 227 apartment units, are to be provided and maintained
  - ix. Amend Sections 7.1, 7.3, 7.5, of the Section 37 Agreement to remove references to 73-75 Augusta Square.
  - x. Amend Sections 8.3 of the Section 37 Agreement to allow part or all of the required Local Enterprise Space to be constructed on Block 10, subject to appropriate conditions including regarding timing of completion.

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- xi. Amend Section 13 of the Section 37 Agreement as necessary to permit the allocation of up to \$2,000,000.00 to the community facility.
- xii. The following additional matters of convenience are recommended to be secured in the amended Section 37 Agreement as a legal convenience to support development:
  - i. Prior to the issuance of an above grade permit for development on Sites 4, 6, 8, 9 and 17 the owner will submit an updated wind study and incorporate into the building design and site plan any wind mitigation measures.