

250 Dundas Street West – Zoning By-Law Amendment Application – Supplementary Report

Date: January 27, 2020

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 11 - University-Rosedale

Planning Application Number: 18 150969 STE 20 OZ

SUMMARY

At its meeting of January 8, 2020, Toronto and East York Community Council referred the report from the Director, Community Planning to City Council without recommendations and requested staff report directly to the January 29 and 30, 2020 meeting of City Council with a Supplementary Report reflecting amendments to the Section 37 contributions by increasing the affordable rental housing units from 22 to 26 units (containing 19 1-bedroom units and 7 2-bedroom units at 90 percent AMR), and an increased cash contribution to streetscaping and public realm improvements in the amount of \$120,000.00.

As a result of further discussions regarding Section 37 matters, additional community benefits have been agreed to and some changes to the report and by-laws are required, such that the affordable housing being secured will have 26 units with 19 1-bedroom and 7 2-bedroom units at 90% of Average Market Rents (rather than the previously agreed upon 22 units with 17 one-bedroom and 5 two-bedroom at 80% of Average Market Rents) through the Open Door Affordable Rental Housing Program. The cash contribution to streetscaping and public realm improvements is to be increased to \$120,000.00 from \$100,000.00.

No changes are being proposed to the development proposal itself, for a 49-storey mixed-use building with retail at grade, office uses within an 8-storey base building, and residential uses above with a total of 522 units. Staff recommend approval of the Zoning By-law Amendment application and that the Recommendations in this report.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, for the lands at 250 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.1 to the January 27, 2020 report from the Chief Planner and Executive Director, City Planning.

2. City Council amend City of Toronto Zoning By-law 438-86 for the lands at 250 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.2 to January 27, 2020 report from the Chief Planner and Executive Director, City Planning.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
5. Prior to the introduction of the necessary Bills to City Council for enactment, the owner of the lands at 250 Dundas Street West shall:
 - a. Submit revised plans, drawings, and studies to reflect the outstanding requirements outlined in the Engineering and Construction Services memo of November 27, 2019, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
 - b. Pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.
6. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. the owner will construct and operate up to 26 affordable rental housing units comprised of a minimum 1,154 square metres of residential gross floor area at 250 Dundas Street West, substantially in accordance with the Affordable Rental Housing Terms and Conditions outlined in Attachment 3 to the report dated January 15, 2020, from the Director, Community Planning, Toronto and East York District, and Executive Director, Housing Secretariat, in consultation with the Ward Councillor, the value for which shall be \$8,000,000.00.

- ii. Prior to the issuance of the first above-grade building permit, the owner shall submit a letter of credit, in the City's standard form in the amount of \$500,000 to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and
 - iii. Prior to the issuance of the first above grade building permit, the owner shall submit a cash contribution of \$120,000.00 to secure streetscaping and public realm improvements at the southwest corner of Elm Street and Simcoe Street, in consultation with the Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. Prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") to provide Open Door Affordable Housing Program incentives for up to 26 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Affordable Housing Program Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - ii. Prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private and City trees on the site and adjacent property as required by the City of Toronto Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated October 31, 2019.
 - iii. Prior to the issuance of the first above grade building permit, the owner shall submit a revised Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and any outdoor

amenity space on the site and to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- iv. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.
- v. As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner will be required to convey an off-site parkland dedication equal to the value of the parkland on-site dedication. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
- vi. In the event that the off-site parkland dedication is substantially less than the value of the on-site parkland dedication, then the owner will be responsible for the shortfall of parkland dedication requirement through a payment of cash-in-lieu, to be paid for prior to the issuance of the first above grade building permit.
- vii. In the event that the owner is unable to acquire a suitable off-site parkland dedication, after reasonable commercial efforts, the owner will be required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted based upon the submission to Toronto Building prior to the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

- viii. The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program.
 - ix. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
7. Subject to approval of an Open Door Affordable Rental Housing Program application by the Executive Director, Housing Secretariat, City Council authorize the Executive Director, Housing Secretariat, to negotiate and execute a municipal capital facility agreement (Contribution Agreement) with the owner for up to 26 affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas Street West to secure rents at or below 90 percent of average market rents, together with any security, financing or other documents required, as well as any amendments thereto required from time to time, on terms and conditions acceptable to the Executive Director, Housing Secretariat, in a form satisfactory to the City Solicitor.
8. Subject to approval of an Open Door Affordable Housing Program Application by the Executive Director, Housing Secretariat, City Council exempt the up to 26 new affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas Street West from taxation for municipal and school purposes for the 30-year term of the municipal capital facility agreement.
9. Subject to approval of an Open Door Affordable Housing Program Application by the Executive Director, Housing Secretariat, City Council authorize that the up to 26 new affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas Street West be exempt from the payment of development charges and be exempt from the payment of planning, park dedication and building permits fees under existing City policy.
10. City Council authorize severally each of the Executive Director, Housing Secretariat and the General Manager, Shelter, Support and Housing Administration to execute, on behalf of the City, any security or financing documents or any other documents required to facilitate the funding process, including any documents required by the owner to complete pre-development activities, construction and secure conventional financing, where required, including any postponement, confirmation of status, discharge or consent documents where and when required during the term of the municipal housing facility agreement, as required by normal business practices, and provided that such documents do not give rise to financial obligations on the part of the City that have not been previously approved by Council.

11. City Council authorize staff to cancel or refund any taxes paid pursuant to the by-law exempting the property from taxation if authority is given for an exemption from taxation as set out in Recommendation 8 above.
12. City Council authorize the Executive Director, Housing Secretariat to work with the General Manager, Shelter Support and Housing Administration to secure up to two housing benefits (for 10 percent of the affordable rental housing), subject to available funding and the execution of the municipal capital facility agreement referred to in Recommendation 7 above.
13. The payment amounts referred to in Recommendation 6.a. herein to be increased upwards by indexing in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City; and

DECISION HISTORY

On January 8, 2020 Toronto and East York Community Council referred Item TE12.5 to City Council without recommendations and directed that:

1. the Director, Community Planning, Toronto and East York District be requested to report directly to the January 29, 2020 meeting of City Council with a Supplementary Report reflecting amendments to the Section 37 contributions by increasing the affordable rental housing units from 22 to 26 units (containing 19 one-bedroom units and 7 two-bedroom units at 90% AMR), and an increased cash contribution to streetscaping and public realm improvements in the amount of \$120,000.00.

The Final Report is available on the City website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.5>

FINANCIAL IMPACT

There are no financial impacts to the City resulting from the proposed development at 250 Dundas Street West. However, as part of the Section 37 contribution, affordable rental housing units are being proposed, and the report recommends City incentives through the Open Door Affordable Rental Housing Program (Open Door Program) to be provided for the affordable housing at 250 Dundas Street West. Open Door Program incentives include relief from development charges, planning and building permit fees and property taxes for 30 years.

As a result of changes to the Section 37 contributions including an increase in affordable rental units from 22 units at 80% Average Market Rents (AMR) to 26 units at 90% AMR for a 30 year period, City incentives through the Open Door Affordable Rental Housing Program have been revised as follows:

Affordable Rental Homes	Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes	Estimated Total Value of Incentives
26	30 years	\$911,205	\$231,487	\$394,522	\$1,537,214

*calculated using November 2020 Rates

**includes estimated 2020 building permit fees of \$21,157, planning fees of \$80,330, and parkland dedication fees of \$130,000.

† calculated using 2019 Property Tax rates; 2020 Property Tax Rates will be available when City Council determines the 2020 Tax and Rate Supported Budget in February 2020.

The revised value of the annual property tax exemption is estimated at \$20,128 at 2019 rates. The net present value of tax relief over the 30 year term is estimated at \$394,522 as summarized below:

Property Tax	Annual	NPV: 30 Years
City	\$14,785	\$289,789
Education	\$5,271	\$103,320
City Building	\$72	\$1,413
Total:	\$20,128	\$ 394,522

A tax exemption would have no net present impact to the City for the educational portion of taxes remitted to the Province. In the event of a default, the Contribution Agreement will provide that the by-law providing the property tax exemption will be repealed.

The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this report for review as part of the 2020 budget process.

EQUITY IMPACT

Access to safe, secure, affordable rental housing in all parts of Toronto is a fundamental goal of the City's new HousingTO Action Plan 2020-2030. Providing new affordable housing is also a goal of the City's Poverty Reduction Strategy. The development of the Property will provide the City and the neighbourhood with 26 new affordable rental apartments

COMMENTS

Housing Issues

As a result of changes to the Section 37 contributions, the number of affordable rental housing units being secured has increased from 22 to 26 units. Accordingly, the residential gross floor area increased from approximately 1,013 to 1,154 square metres and the affordable units will now include a mix of 19 one-bedroom units and 7 two-bedroom units. Rents will be secured at an affordable rate, ensuring they are set at no more than 90 percent of average market rent for the City for a 30 year period. Rents will be determined as of the date that the units are ready and available for occupancy. The developer will develop and manage the ongoing operations of the affordable units once constructed.

The City will continue to provide incentives through the Open Door Affordable Rental Housing Program (Open Door Program) for the affordable rental homes, subject to approval of an Open Door Program application. Open Door Program incentives include exemption from development charges, waivers of planning and building permit fees, and exemption from property taxes for 30 years.

As part of the Open Door Program, 10% of the affordable rental units will be made available to households receiving monthly housing benefits and referred from the City's Housing Access System. The owner will submit an affordable housing access plan to the City's General Manager, Shelter, Support and Housing Administration for approval. Provisions to ensure that 10% of the affordable rental units will be available to households in receipt of housing benefits and referred from the City's Housing Access System will be included in the affordable housing access plan.

In the event that the Executive Director, Housing Secretariat does not approve the Open Door Program application, the City will not provide Open Door Program incentives for the 26 affordable rental units. However, the owner will remain obligated to provide the 26 affordable rental homes at no more than 90 percent of average market rent for a 26 year period under the terms of the Section 37 Agreement. The affordable rental housing terms and conditions set out in the revised Attachment 3 of this report detail the matters to be secured within the Section 37 Agreement and the Open Door Program Contribution Agreement.

Unit sizes of the affordable rental units will correspond generally to those of market units in the proposed development and will be reviewed as part of the site plan approval process.

Public Realm and Streetscaping

Discussions were raised at the working group sessions related to public realm and traffic concerns in the vicinity of the development site, specifically at the southwest corner of Simcoe Street and Elm Street. The original Section 37 Contributions allotted \$100,000.00 towards streetscaping measures to improve the conditions at this intersection. With the revised Section 37 Contributions, an additional \$20,000.00 is being allocated towards this secured benefit.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The provision of 26 affordable rental housing units comprising of 19 one-bedroom units and 7 two-bedroom units within the development.
2. \$500,000.00 for public art on the lands, to be secured by a letter of credit in the City's standard form, to be provided to the City prior to the issuance of the first above-grade building permit. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council.
3. The owner shall make a cash contribution in the amount of \$120,000.000 towards Streetscape improvements at the southwest corner of Elm Street and Simcoe Street in consultation with the Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, to be secured prior to the issuance of the first above-grade building permit.
4. All cash contributions referred to in 2-3 above shall be increased upwards by indexing in accordance with the statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Off-site Parkland Acquisition.
2. The owner agrees to submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and shall be submitted prior to the commencement of any shoring and excavation work.
3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item

PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

At its meeting of January 8, 2020, Toronto and East York Community Council directed staff to report directly to City Council outlining the revised Section 37 amendments, which include an additional 4 affordable rental housing units and an additional cash contribution of \$20,000.00 towards streetscape improvements. The additional contributions to be secured are a positive improvement and staff recommend that Council support approval of the Zoning By-law Amendment application.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director, City Planning

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment for By-law 569-2013
Attachment 2: Draft Zoning By-law Amendment for By-law 438-86
Attachment 3: Affordable Rental Housing Terms and Conditions

Attachment 1: Draft Zoning By-law Amendment 569-2013

Authority: Toronto and East York Community Council Item TE12.5, as adopted by City of Toronto Council on XXX

CITY OF TORONTO

Bill No. BY-LAW NO. XXXX-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 250 Dundas Street West.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas 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*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or 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;

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

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

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy lines to CR (xXX), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number XX so that it reads:

Exception CR (xXX)

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

Site Specific Provisions:

- (A) On 250 Dundas Street West, if the requirements of Section 6 and Schedule A of By-law [clerks to supply by-law #] are complied with, then a **building or structure** may be constructed in compliance with regulations (B) to (R) below.
- (B) Despite regulations 40.10.20.10(1) and 40.10.20.20(1), **public parking**, and a temporary sales facility are permitted uses.
- (C) The maximum **gross floor area** on the lot must not exceed 46,800 square metres, provided:
 - i. The residential **gross floor area** does not exceed 31,450 square metres; and
 - ii. the non-residential **gross floor area** does not exceed 15,350 square metres
- (D) In addition to the exclusions listed in Clause 40.5.40.40, the **gross floor area** of a **building** is also reduced by:
 - i. **amenity space**
- (E) A minimum of 10% of the **dwelling units** must contain three bedrooms and 27% of the **dwelling units** must contain two bedrooms.
- (F) Despite regulation 40.5.40.10(1), the height of a building or structure is the distance between the Canadian Geodetic Datum of 95.1 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite regulation 40.10.40.10(1), no portion of any **building** or **structure** on the **lot** may have a **height** greater than the **height** in

metres specified by the number following "HT" symbol as shown on Diagram 3 attached to By-law (Clerks to supply by-law ##);

- (H) Despite Clause 40.5.40.10 and regulation (G) above, the following elements of a **building** may exceed the maximum permitted **height** as follows:
- i. Wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a **green roof, structures** located on the roof used for outside or open air recreation, which may project above the **height** limits shown on Diagram 3 attached to By-law [Clerks to supply ##] by no more than 3.0 metres; and
 - ii. Elevator overrun which may project above the **height** limits shown on Diagram 3 attached to By-law [Clerks to supply ##] by no more than 4 metres.
- (I) Despite clause 40.5.40.70 and regulations 40.10.40.70(1), (3) and (5), and 40.10.40.80(1) and (3), the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown Diagram 3 of By-law [Clerks to supply ##]; and
- i. the ground floor of the building shall be set back a minimum of 3 metres from the property line along Dundas Street West.
- (J) Despite regulation 40.5.40.60(1), clause 40.10.40.60 and regulation (I) above, the following elements of a **building** may encroach into the required **building setback** or separation distance:
- i. Cornices, eaves, light fixtures, parapets, art and **landscaping** features, trellises, window sills, vertical window screens, ornamental elements, ventilation shafts, mechanical equipment, balustrade, railings, wheelchair ramps, site servicing features, window washing equipment, mullion cap extensions, screening, stair enclosures, fences underground garage ramp and associated **structures**, up to a maximum of 0.5 metres;
 - ii. Awning and canopies, up to a maximum of 2.0 metres; and
- (K) Regulation 600.10.10 with respect to **building setbacks** does not apply;
- (L) Despite regulation 40.10.40.50(1), **amenity space** must be provided as follows:

- i. A minimum of 2 square metres per dwelling unit of indoor **amenity space**; and
 - ii. A minimum of 1.74 square metres per dwelling unit of outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**

- (M) Despite regulation 200.5.1 and 200.5.1.10(1), and (5), **parking spaces** must be provided as follows:
 - i. A minimum of 54 parking spaces for the dwelling units;
 - ii. A minimum of 31 **parking spaces** for non-residential uses
 - iii. A minimum of 3 of the required **parking spaces** must be located in the first level of underground parking exclusively reserved and signed for short-term usage;

- (N) Despite regulation 220.5.1.10 (12) (c) the vehicular entrance or exit to the **building** may be less than 6.0 metres from the **lot line** abutting the **street**.

- (O) Despite regulation 40.10.90 and 220.5.10.1 (1), (2), (3) and (5), at least one type "G" **loading space** and one type "C" **loading space**, and one type "B" **loading space** must be provided and maintained;

- (P) Despite regulation 230.5.1.10 (4) and (5),
 - (i) "**bicycle parking space**" means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.46 metres by 1.93 metres and a vertical dimension of at least 1.22 metres, and;
 - (ii) where 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.

- (Q) Despite regulation 230.5.10.1 **bicycle parking spaces** must be provided on the **lot** for residential and non-residential uses as follows:
 - a. A minimum of 499 "long-term" **bicycle parking spaces** shall be provided for residential and non-residential occupants; and
 - b. A minimum of 90 "short-term" **bicycle parking spaces** shall be provided for residential and non-residential visitors.

- (R) Despite regulation 230.40.1.20 (2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance.

Prevailing By-laws and Prevailing Sections:

- (B) 900.11.10(2)
- (C) 900.11.10(2398)

5. Despite any existing or future severance, partition or division of the **lot** shown in Diagram 2 of this by-law, the provisions of this By-law apply to the whole **lot** as if no severance, partition or division occurred.

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown 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 and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name,

Ulli S. Watkiss,
City Clerk

Speaker

(Seal of the City)

SCHEDULE A

Section 37 Provisions

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

1. Prior to the issuance of the first above-grade building permit, the owner shall submit a letter of credit in a value no less than \$500,000.00 in the City's standard form to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. Prior to the issuance of the first above-grade building permit, the owner shall submit a public art plan detailing the design and construction of a public art installation, in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor; and details of the public art process to the satisfaction of City Council.
3. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$120,000.00 to be allocated towards local streetscape improvements located within Ward 11 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, the Ward Councillor, the General Manager, PF&R and the General Manager, Transportation Services.
4. The financial contribution identified in Section 3 above shall be paid by certified cheque to the City, and the amount set out in Section 1 and 3 herein shall be increased by upwards indexing in accordance with the non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.
5. In the event that the cash contributions referred to in Section 1 and 3 above has not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11.
6. Prior to the issuance of any building permit, including permits for excavation and shoring, and subject to the project qualifying for Open Doors, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") with the City to design, construct, provide, maintain and contribute to the provision

and maintenance of twenty-six (26) new affordable rental housing dwelling units on the lot at a value of at least \$8,000,000 from the owner, with terms in accordance with such contribution agreement, including that the average monthly rents of such twenty-six (26) units shall be at or below 90 percent of the CMHC rents for a period of thirty (30) years inclusive of a 5 year phase-out period from first occupancy of each such unit as affordable rental housing in accordance with such contribution agreement, all to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor. And the owner shall thereafter provide such affordable rental housing dwelling units in accordance with the contribution agreement entered into with the City.

7. The affordable rental housing dwelling units will be comprised of the following:
 - (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
 - (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
 - (c) average unit sizes will be higher than the minimum sizes.

8. The following general provisions for the affordable rental housing dwelling units will be:
 - (a) tenants of the affordable rental housing shall have access to the indoor and outdoor amenity spaces associated with the building on the same basis as other units within the development with no separate or additional charges;
 - (b) all affordable rental housing units will have laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
 - (c) the tenants of the affordable rental housing will have access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;
 - (d) parking will be provided consistent with the by-law requirements on the same basis as other units within the development and is not included as a part of rent. The maximum monthly parking charge to the tenants in the 1st year of the building's occupancy will be agreed to at the time of site plan application to the satisfaction of the Chief Planner and Executive Director, City Planning, and annual increases thereafter will be limited to the same percentage for annual rent increases as the Guideline increase permitted under provincial legislation;
 - (e) storage lockers will be made available to rent at the same residential unit to storage locker ratio as the entire building;

- (f) rents will be set at affordable rents, where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below 90% of the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report;
 - (g) if utilities are not included in the rent and are to be paid by the tenant, a utility allowance will be delivered by way of setting off the amount of the utility allowance against the monthly rental payment, for each separately metered utility, as determined and updated annually by the City, or to the satisfaction of the Chief Planner and the Director of Housing Stability Services in writing; and
 - (h) When entering into a tenancy agreement for an affordable unit, household income cannot exceed four times the annual equivalent of the rent for the unit.
9. Prior to site plan approval for all or any part of the lot, the owner shall provide to the satisfaction of the Chief Planner and to the Director, Affordable Housing Office, the proposed unit layouts and floor plans for any areas of buildings that provide or relate to the provision of the new affordable rental dwelling units required in clauses 3 and 4 above.
10. The owner will submit an Open Door Affordable Rental Housing Program application for approval by the Executive Director, Housing Secretariat, to be eligible for the City's Open Door Program incentives as described in the Recommendations of this report. Subject to approval under the program, during the affordability period:
- (a) affordable rents must be provided for a minimum of 30 years from initial occupancy, inclusive of a 5-year phase-out period during which rents can be set at market levels when a tenant vacates a unit. Thereafter rents may be charged in accordance with the Residential Tenancies Act or successor legislation;
 - (b) the owner will provide an affordable housing access plan and first occupancy report satisfactory to the Director of Housing Stability Services or designate, no later than six months before first occupancy to report on rents at occupancy; and
 - (c) the owner will provide to the Director of Housing Stability Services an annual occupancy report at the end of each calendar year to report on rents during the year and information on the household incomes of units rented to new tenants during the year.
11. In the event the project does not qualify for Open Doors, as required in clause 6 of this Schedule, the owner shall in any event provide and maintain on the lot at least 26 new affordable rental housing dwelling units distributed throughout the

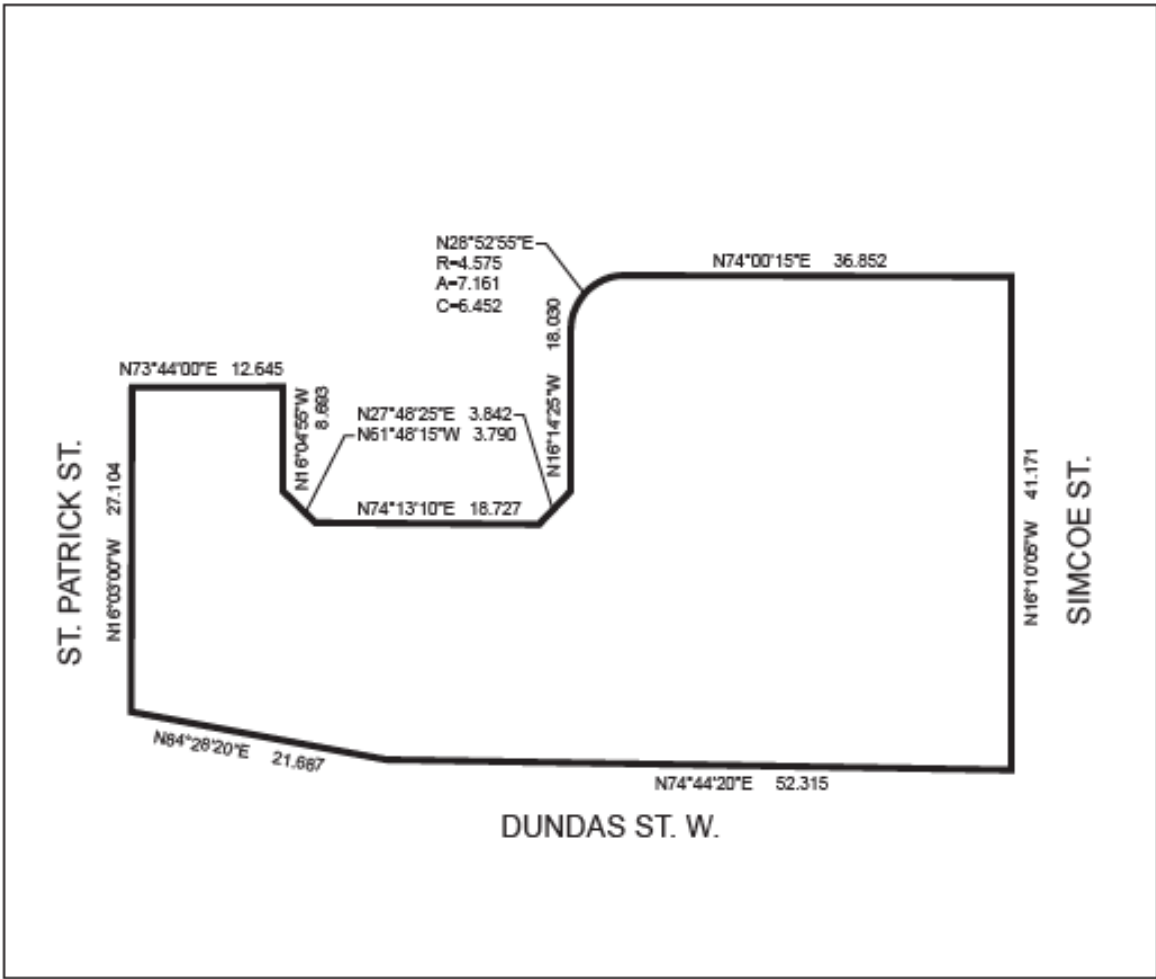
lot with rents that remain at 90% AMR for at least 26 years. The affordable rental units will be comprised of the following:

- (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
 - (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
 - (c) average unit sizes will be higher than the minimum sizes.
12. The affordable rental units of the building shall be maintained as rental housing for at least a 49-year period and the owner shall not apply to convert any of the units to any non-rental housing purposes, nor to demolish the rental housing without replacement as rental housing on the site, during this period. The owner shall also not apply for approval of a Description with respect to any portion of the rental housing, nor register any of the rental housing under the Condominium Act or for any other form of ownership tenure, such as but not limited to, life lease or co-ownership as defined in c.667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.
13. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
- (a) prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") to provide Open Door Affordable Housing Program incentives for up to 26 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - (b) prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private and City trees on the site and adjacent property as required by the City of Toronto Tree Bylaw as outlined in the memorandum from Urban Forestry Services staff dated October 31, 2019.
 - (c) Prior to the issuance of the first above grade building permit, the owner shall submit a revised Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and any outdoor amenity space on the site and to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the

development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- (d) Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.
- (e) As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner will be required to convey an off-site parkland dedication equal to the value of the parkland on-site dedication. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
- (f) In the event that the off-site parkland dedication is substantially less than the value of the on-site parkland dedication, then the owner will be responsible for the shortfall of parkland dedication requirement through a payment of cash-in-lieu, to be paid for prior to the issuance of the first above grade building permit.
- (g) In the event that the owner is unable to acquire a suitable off-site parkland dedication, after reasonable commercial efforts, the owner will be required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted based upon the submission to Toronto Building prior to the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.
- (h) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on

December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.



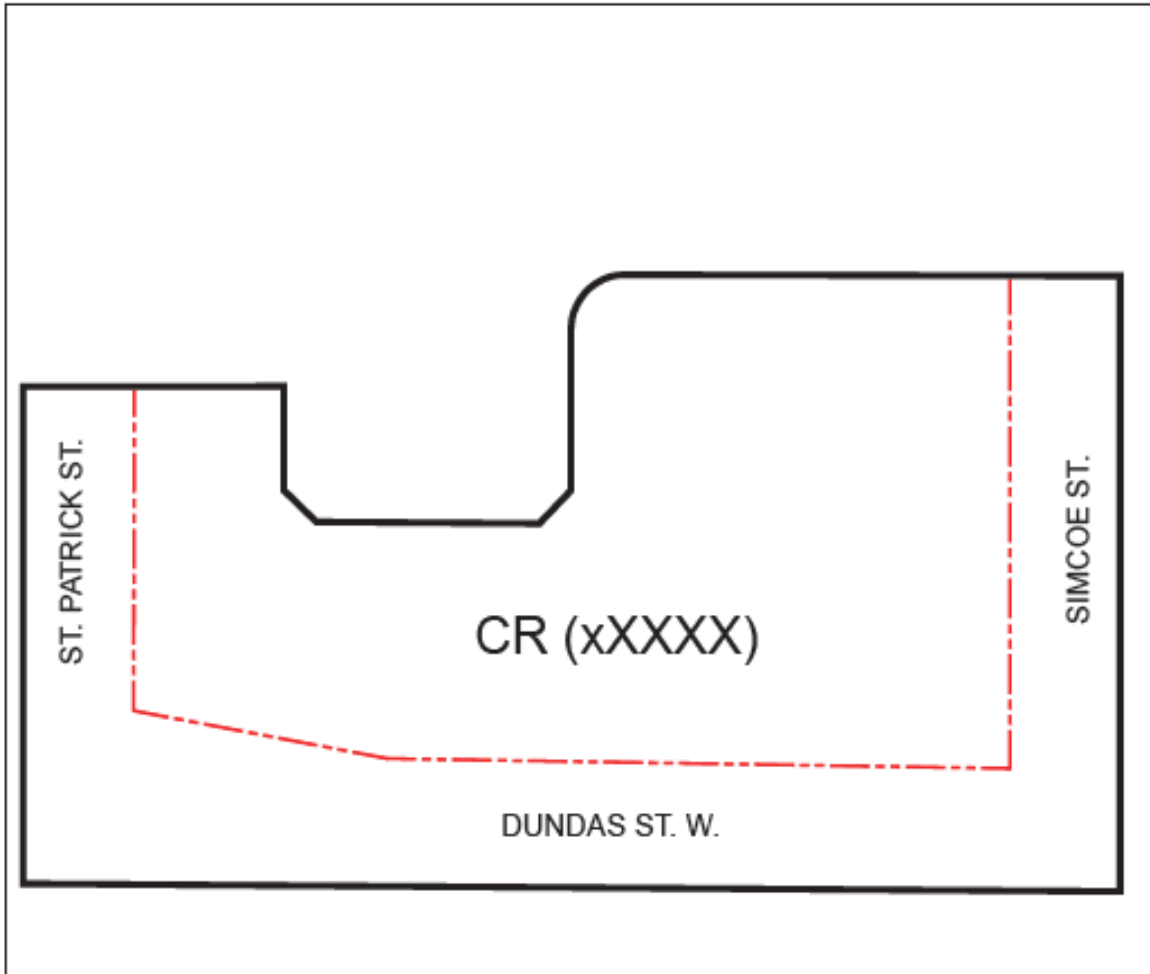
250 Dundas Street West, Toronto

Diagram 1

File #18 150969 STE 20 OZ



Not to Scale



 **TORONTO**
By-Bylaw

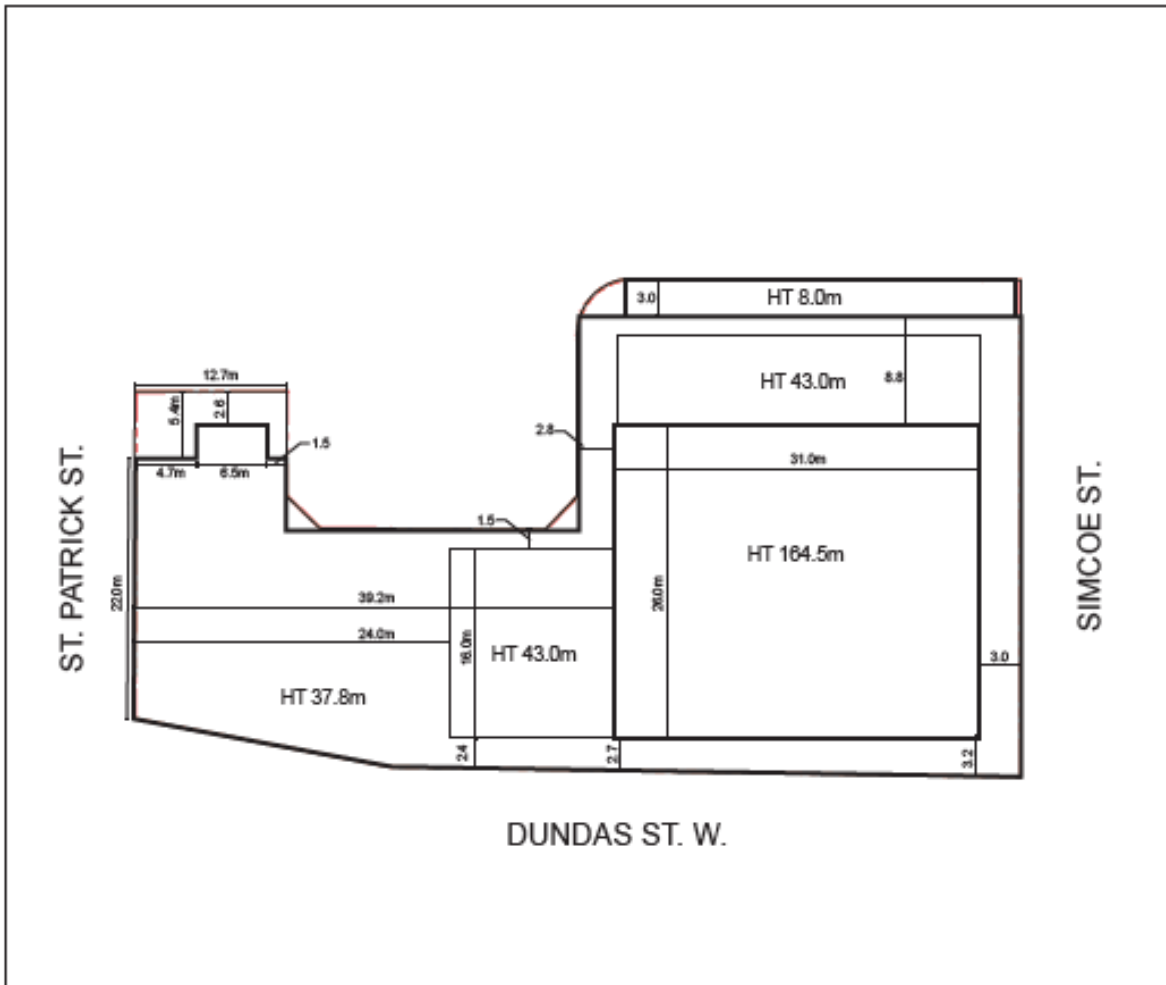
250 Dundas Street West, Toronto

Diagram 2

File #18 150969 STE 20 OZ



Not to Scale



250 Dundas Street West, Toronto

Diagram 3

File #18 150969 STE 20 OZ

↑
Not to Scale

Attachment 2: Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item TE12.5, as adopted by City of Toronto Council on xxx, 2020

Enacted by Council: on

CITY OF TORONTO

Bill No.

BY-LAW No. -2020

To amend former City of Toronto By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2020 as 250 Dundas Street West.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the 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, a by-law under Section 34 of the Planning Act, may authorize increase in the height or 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 matter as are set out in the by-law; and

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, 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; and
The Council of the City of Toronto enacts:

The Council of the City of Toronto enacts:

1. This By-law applies to the lands delineated by heavy black lines and identified as 250 Dundas Street West, as shown on Map 1 attached to and forming part of the By-law.
2. None of the provisions of Section 2 with respect to definitions of amenity space, bicycle parking space – occupant, bicycle parking space – visitor, height, lot and grade and Sections 4(2)(a), 4(5)(b), (c), (d) and (h), 4(8)(b) and (d), 4(12), 4(13), 8(3) Part I 1, 2 and 3(a), 8(3) Part II 1(a)(ii), 8(3) Part III 1(a), 8(3) Part XI(2), 12(2)132 and 12(2)208 of By-law No. 438-86, as amended and By-Law 64-83, shall apply to prevent the erection and use of a mixed-use building on the lot provided that:
 - (a) the lot comprises of the lands delineated by heavy lines on the attached Map 1;
 - (b) the total combined residential gross floor area and non-residential gross floor area on the lot shall not exceed 44,700 square metres;
 - i. the total residential gross floor area shall not exceed 29,600 square metres; and
 - ii. the total non-residential gross floor area shall not exceed 15,100 square metres, of which a minimum of 14,000 square metres shall be used for office purposes.
 - (c) a minimum of 10 percent 3-bedroom dwelling units shall be provided;
 - (d) a minimum of 27 percent 2-bedroom dwelling units shall be provided;
 - (e) a minimum of 2 square metres of indoor residential amenity space per dwelling units shall be provided and maintained on the lot in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom;
 - (f) a minimum of 1.74 square metres of outdoor residential amenity space per dwelling unit shall be provided;
 - (g) no portion any building or structure erected on the lot above grade shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law with the exception of the following:
 - i. the ground floor of the building shall be set back a minimum of 3 metres from the property line along Dundas Street West;

- ii. eaves, cornices, lighting fixtures, fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, privacy screens, ornamental structures, frames, underground garage ramps, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, window washing equipment, pool, decking public art features, and architecture features, railings, screens;
 - iii. canopies which may encroach a maximum of 3 metres beyond the building envelopes; and
 - iv. structures, elements and enclosures permitted by sub-Section (h) below;
- (h) no part of any building or structure to be erected on the site shall exceed the height limits in metres specified by the numbers following the symbol "H" as shown on Map 2, except that;
- i. structures, elements and enclosures permitted by sub-Section (g) above;
 - ii. structures on any roof used for outdoor amenity space or open air recreation, maintenance, safety or wind protection purposes provided such projections are limited to a maximum vertical projection of 3.5 metres above the permitted building heights shown on Map 2;
 - iii. structures on any roof used for green roof purposes, vestibules providing access to outdoor amenity space, cooling towers, parapets, mechanical and architectural screens, chimneys, vents, stacks, mechanical fans, guardrails, decking, pavers, landscape elements and features, telecommunication equipment, antennas, exit stairs, elevators and related structural elements, flues, window washing equipment, elements or structures related to drainage, and structures and elements associated with green energy and renewable energy facilities provided such projections are limited to a maximum vertical projection of 3.5 above the permitted building heights shown on Map 2; and
 - iv. portions of an underground parking garage and associated structures situated below finished ground level provided no portion of such structures is more than 1.0 metre above Canadian Geodetic Datum elevation of 95.1 metres;
- (i) a minimum number of 54 residential parking spaces shall be provided on the site;

- (j) a minimum number of 31 parking spaces for non-residential uses and visitors shall be provided on the site, which may be provided on a non-exclusive basis;
 - (k) a minimum of 3 of the required parking spaces must be located in the first level of underground parking exclusively reserved and signed for short-term usage;
 - (l) a minimum number of 499 bicycle parking spaces – occupant shall be provided;
 - (m) a minimum number of 90 bicycle parking spaces – visitor shall be provided;
 - (n) a minimum of 1 shower and change facilities shall be provided for each gender; and
 - (o) One loading space – type G, one loading space – type B and one loading space – type C shall be provided and maintained on the site.
3. Despite any existing or future severance, partition or division of the site, the provisions of this by-law shall apply to the whole site as if no severance, partition or division occurred.
 4. None of the provisions of this By-law shall apply to prevent a temporary sales office on the site.
 5. Except as otherwise provided herein, the provisions of By-law No. 438-86 shall continue to apply to the site.
 6. Pursuant of Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision at the owner's sole expense and in accordance with and subject to the agreement referred to in Appendix 1 of this By-law.
 7. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provisions of the facilities, services, and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
 8. For the purposes of the By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:

- (a) “amenity space” means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities. Indoor residential amenity space is excluded from the calculation of residential gross floor area;
 - (b) “bicycle parking space” means an area that is equipped with a bicycle rack, locker or bicycle stacker for the purposes of parking and securing bicycles, and:
 - i. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.46 metres by 1.93 metres and a vertical dimension of at least 1.22 metres, and;
 - ii. where 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;
 - (c) “bicycle stacker” means a device where a bicycle parking space is positioned above or below another bicycle parking space and can be accessed by means of an elevating device.
 - (d) “grade” shall mean, 95.1 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
 - (e) “height” shall mean the vertical distance between grade and the highest point of a building or structure on the lot, except for those elements prescribed by this By-law;
 - (f) “temporary sales office” means a building, structure, facility or trailer on the site used for the purpose of leasing of dwelling units or non-residential gross floor area to be erected on the site; and
 - (g) “lot” means the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law
9. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure on the lot unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on (clerk to insert the date), 2020.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

APPENDIX 1

Section 37 Provisions

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

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

1. Prior to the issuance of the first above-grade building permit, the owner shall submit a letter of credit in a value no less than \$500,000.00 in the City's standard form to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. Prior issuance of the first above-grade building permit, the owner shall submit a public art plan detailing the design and construction of a public art installation, in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor; and details of the public art process to the satisfaction of City Council.
3. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$120,000.00 to be allocated towards local streetscape improvements located within Ward 11 and within the vicinity of the subject lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, the Ward Councillor, the General Manager, PF&R and the General Manager, Transportation Services.
4. The financial contribution identified in Section 3 above shall be paid by certified cheque to the City, and the amount set out in Section 1 and 2 herein shall be increased by upwards indexing in accordance with the non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.
5. In the event that the cash contributions referred to in Section 2 and 3 above has not been used for the intended purposes within three (3) years of the By-laws

coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11.

6. Prior to the issuance of any building permit, including permits for excavation and shoring, and subject to the project qualifying for Open Doors, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") with the City to design, construct, provide, maintain and contribute to the provision and maintenance of twenty-six (26) new affordable rental housing dwelling units on the lot at a value of at least \$8,000,000 from the owner, with terms in accordance with such contribution agreement, including that the average monthly rents of such twenty-six (26) units shall be at or below 90 percent of the CMHC rents for a period of thirty (30) years inclusive of a 5 year phase-out period from first occupancy of each such unit as affordable rental housing in accordance with such contribution agreement, all to the satisfaction of the Director, Affordable Housing Office, the Chief Planner and Executive Director, City Planning and the City Solicitor. And the owner shall thereafter provide such affordable rental housing dwelling units in accordance with the contribution agreement entered into with the City.
7. The affordable rental housing dwelling units will be comprised of the following:
 - (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
 - (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
 - (c) average unit sizes will be higher than the minimum sizes.
8. The following general provisions for the affordable rental housing dwelling units will be:
 - (a) tenants of the affordable rental housing shall have access to the indoor and outdoor amenity spaces associated with the building on the same basis as other units within the development with no separate or additional charges;
 - (b) all affordable rental housing units will have laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
 - (c) the tenants of the affordable rental housing will have access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;

- (d) parking will be provided consistent with the by-law requirements on the same basis as other units within the development and is not included as a part of rent. The maximum monthly parking charge to the tenants in the 1st year of the building's occupancy will be agreed to at the time of site plan application to the satisfaction of the Chief Planner and Executive Director, City Planning, and annual increases thereafter will be limited to the same percentage for annual rent increases as the Guideline increase permitted under provincial legislation;
 - (e) storage lockers will be made available to rent at the same residential unit to storage locker ratio as the entire building;
 - (f) rents will be set at affordable rents, where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below 90% of the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report;
 - (g) if utilities are not included in the rent and are to be paid by the tenant, a utility allowance will be delivered by way of setting off the amount of the utility allowance against the monthly rental payment, for each separately metered utility, as determined and updated annually by the City, or to the satisfaction of the Chief Planner and the Director of Housing Stability Services in writing; and
 - (h) When entering into a tenancy agreement for an affordable unit, household income cannot exceed four times the annual equivalent of the rent for the unit.
9. Prior to site plan approval for all or any part of the lot, the owner shall provide to the satisfaction of the Chief Planner and to the Director, Affordable Housing Office, the proposed unit layouts and floor plans for any areas of buildings that provide or relate to the provision of the new affordable rental dwelling units required in clauses 3 and 4 above.
10. The owner will submit an Open Door Affordable Rental Housing Program application for approval by the Executive Director, Housing Secretariat, to be eligible for the City's Open Door Program incentives as described in the Recommendations of this report. Subject to approval under the program, during the affordability period:
- (a) affordable rents must be provided for a minimum of 30 years from initial occupancy, inclusive of a 5-year phase-out period during which rents can be set at market levels when a tenant vacates a unit. Thereafter rents may be charged in accordance with the Residential Tenancies Act or successor legislation;
 - (b) the owner will provide an affordable housing access plan and first occupancy report satisfactory to the Director of Housing Stability Services

or designate, no later than six months before first occupancy to report on rents at occupancy; and

- (c) the owner will provide to the Director of Housing Stability Services an annual occupancy report at the end of each calendar year to report on rents during the year and information on the household incomes of units rented to new tenants during the year.

11. In the event the project does not qualify for Open Doors, as required in clause 6 of this Schedule, the owner shall in any event provide and maintain on the lot at least 26 new affordable rental housing dwelling units distributed throughout the lot with rents that remain at 90% AMR for at least 26 years. The affordable rental units will be comprised of the following:

- (a) at least 19 one-bedroom units having a minimum size of at least 39 square metres;
- (b) at least 7 two-bedroom units having a minimum size of at least 59 square metres; and
- (c) average unit sizes will be higher than the minimum sizes.

12. The affordable rental units of the building shall be maintained as rental housing for at least a 49-year period and the owner shall not apply to convert any of the units to any non-rental housing purposes, nor to demolish the rental housing without replacement as rental housing on the site, during this period. The owner shall also not apply for approval of a Description with respect to any portion of the rental housing, nor register any of the rental housing under the Condominium Act or for any other form of ownership tenure, such as but not limited to, life lease or co-ownership as defined in c.667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.

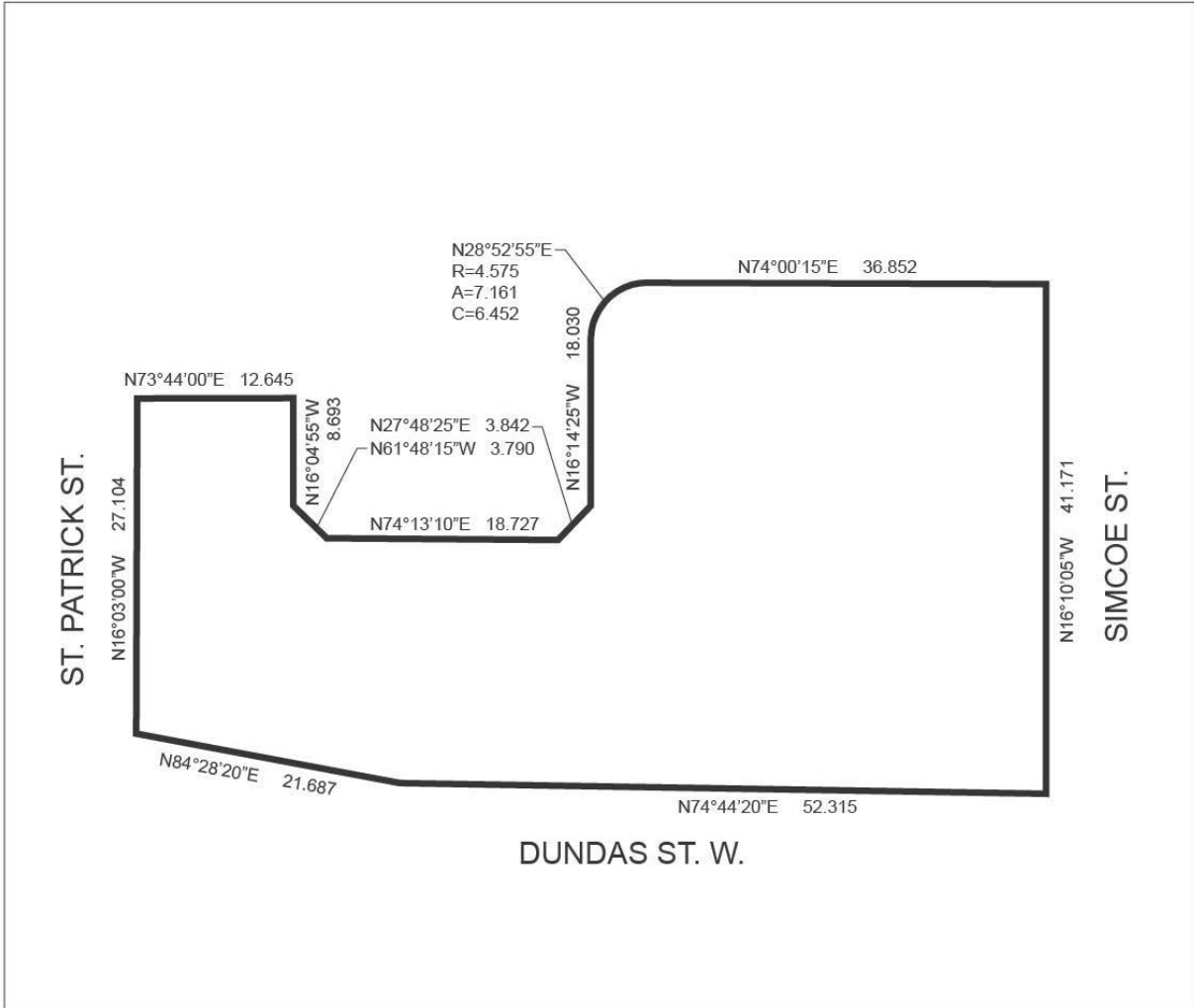
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- (a) prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") to provide Open Door Affordable Housing Program incentives for up to 26 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.

- (b) prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private and City trees on the site and adjacent property as required by the City of Toronto Tree Bylaw as outlined in the memorandum from Urban Forestry Services staff dated October 31, 2019.
- (c) Prior to the issuance of the first above grade building permit, the owner shall submit a revised Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and any outdoor amenity space on the site and to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- (d) Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.
- (e) As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner will be required to convey an off-site parkland dedication equal to the value of the parkland on-site dedication. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
- (f) In the event that the off-site parkland dedication is substantially less than the value of the on-site parkland dedication, then the owner will be responsible for the shortfall of parkland dedication requirement through a payment of cash-in-lieu, to be paid for prior to the issuance of the first above grade building permit.
- (g) In the event that the owner is unable to acquire a suitable off-site parkland dedication, after reasonable commercial efforts, the owner will be required

to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted based upon the submission to Toronto Building prior to the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

- (h) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

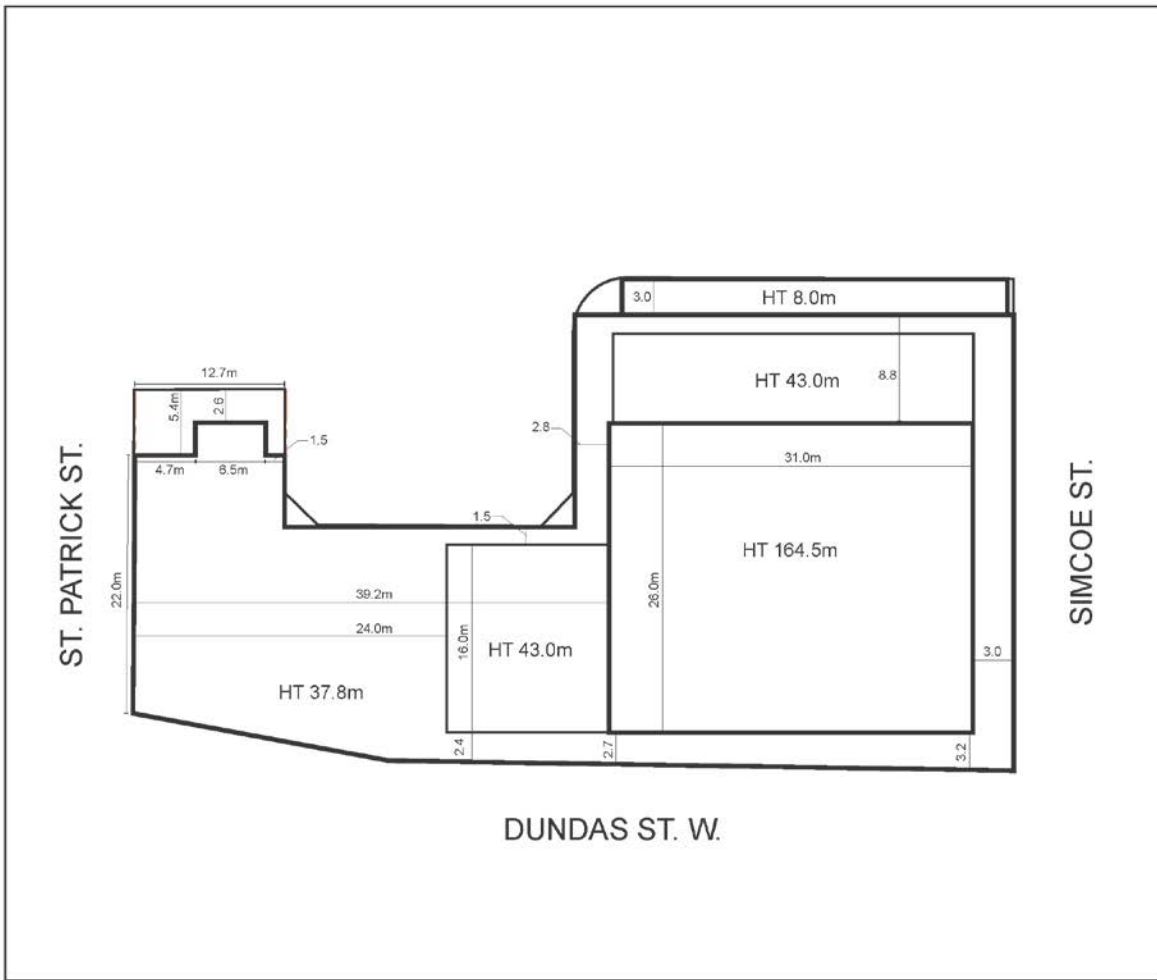


250 Dundas Street West, Toronto

Map 1

File #18 150969 STE 20 OZ





250 Dundas Street West, Toronto

Map 2

File #18 150969 STE 20 OZ



Not to Scale

Attachment 3: Affordable Rental Housing Terms and Conditions

The affordable rental housing units will be integrated within the residential components of the Proponent's development on the lands currently known as 250 Dundas Street West. The size, layout and general characteristics of the affordable rental units will correspond generally to the overall characteristics of units in the proposed development. The affordable units are not to have a separate entrance and the proposed locations of all affordable units shall be to the satisfaction of the Executive Director, Housing Secretariat, and the Chief Planner and Executive Director, City Planning Division. The terms and conditions identified in this Attachment will be secured through a Section 37 agreement.

1. General Provisions

- a. Tenants of the affordable rental housing shall have access to the indoor and outdoor amenity spaces associated with the building on the same basis as other units within the development with no separate or additional charges
- b. all affordable rental housing units will have laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
- c. The tenants of the affordable rental housing will have access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;
- d. Parking will be provided consistent with the by-law requirements on the same basis as other units within the development and is not included as a part of rent. The maximum monthly parking charge to the tenants in the 1st year of the building's occupancy will be agreed to at the time of site plan application to the satisfaction of the Chief Planner and Executive Director, City Planning, and annual increases thereafter will be limited to the same percentage for annual rent increases as the Guideline increase permitted under provincial legislation.

2. Affordable Rental Housing Units

Approximately 26 units, or 1,154 square metres of residential Gross Floor Area, will be constructed and provided as follows:

- a. 19 one-bedroom units, which shall have a minimum size of 39.0 square metres; and
- b. 7 two-bedroom units, which shall have a minimum size of 59.0 square metres

Average unit sizes will be higher than the minimum sizes in order to ensure a complete range of types and sizes. The final unit breakdown and sizes will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

3. Rents and Tenant Incomes

Rents will be set at affordable rents, where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below 90% of the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report.

If utilities are not included in the rent and are to be paid by the tenant, a utility allowance will be delivered by way of setting off the amount of the utility allowance against the monthly rental payment, for each separately metered utility, as determined and updated annually by the City, or to the satisfaction of the Chief Planner and the Director of Housing Stability Services in writing.

When entering into a tenancy agreement for an affordable unit, household income cannot exceed four times the annual equivalent of the rent for the unit.

4. Open Door Affordable Rental Housing Program

The owner will submit an Open Door Affordable Rental Housing Program application for approval by the Executive Director, Housing Secretariat, to be eligible for the City's Open Door Program incentives as described in the Recommendations of this report. Subject to approval under the program, during the affordability period:

- a. Affordable rents must be provided for a minimum of 30 years from initial occupancy, inclusive of a 5-year phase-out period during which rents can be set at market levels when a tenant vacates a unit. Thereafter rents may be charged in accordance with the Residential Tenancies Act or successor legislation;
- b. The owner will provide an affordable housing access plan and first occupancy report satisfactory to the Director of Housing Stability Services or designate, no later than six months before first occupancy to report on rents at occupancy;
- c. The owner will provide to the Director of Housing Stability Services an annual occupancy report at the end of each calendar year to report on rents during the year and information on the household incomes of units rented to new tenants during the year.

In the event that the Executive Director, Housing Secretariat does not approve the Open Door application, the City will not provide the program incentives for the 26 affordable rental units. The owner will deliver the 26 affordable rental units under the terms and conditions as set out in sections 1, 2 and 3 of this attachment for a 26-year period.

5. Tenure

The affordable rental units of the building shall be maintained as rental housing for at least a 49-year period and the owner shall not apply to convert any of the units to any non-rental housing purposes, nor to demolish the rental housing without replacement as rental housing on the site, during this period. The owner shall also not apply for approval of a Description with respect to any portion of the rental housing, nor register any of the rental housing under the Condominium Act or for any other form of ownership tenure, such as but not limited to, life lease or co-ownership as defined in c.667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.