

APPENDIX "B"

Draft Zoning By-law Amendment respecting Zoning By-law 569-2013

(see attached)

Authority: Local Planning Appeal Tribunal Decision issued on [DATE] and Order issued on [date] in LPAT File No. PL171103

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ - 2021 (LPAT)

**To amend City of Toronto Zoning By-law 569-2013, as amended,
with respect to the lands municipally known in the year 2021 as
100 Simcoe Street**

(including 90-100 Simcoe Street, 130 Pearl Street and 203-211 Adelaide Street West)

Whereas the Local Planning Appeal Tribunal held a public hearing on [DATES] under Section 34 of the Planning Act;

Whereas the Local Planning Appeal Tribunal Decision issued on [DATE] in the Tribunal File File No. PL171103, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, under Section 34 of the Planning Act; and

The Local Planning Appeal Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines: CRE (XX) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.12.10 Exception Number CRE (XX) so it reads:

Exception CRE XX

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 100 Simcoe Street, if the requirements in Section 7 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed in compliance with regulations (B) to (V) below;
- (B) In addition to the uses permitted in regulation 50.10.20.10(1), **public parking** is also permitted;
- (C) The permitted maximum **gross floor area** of all **buildings** and **structures** will be 67,750 square metres;
- (D) The required minimum **gross floor area** for non-residential uses is 8,000 square metres;
- (E) A minimum of thirty percent of the total number of **dwelling units** must contain two bedrooms, and a minimum of ten percent of the total number of **dwelling units** must contain three or more bedrooms;
- (F) Despite regulation 50.5.40.10(1), the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 87.05 metres to the highest point of a **building** or **structure**;
- (G) Despite regulations 50.10.40.10(1), (2) and (4), the **height** of any **building** or **structure** may not exceed the **height** limit of the numbers following the symbol HT on Diagram 3 of By-law [Clerks to supply by-law ##];
- (H) Despite (G) above, and regulations 50.5.40.10(4), (5), (6), (7), and (8) the following elements or portion of any **building** or **structure** may project above the **height** indicated by the numbers following the symbol HT on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- i. Elevator shafts, elevator overrun, elevator machine room, enclosed stairwells, and access ladders to 8.5 metres;
 - ii. Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment; window washing equipment, cooling tower, air handlers, exhaust fans, **structures** used for the functional operation of the **building**, such as, maintenance equipment storage, chimneys, vents, and water supply facilities, and **structures** that enclose, screen or cover the elements listed above, by a maximum of 6.0 metres;
 - iii. Parapets, railings, architectural features ornamental elements, canopies, guard rails, mechanical and privacy screens, insulation

and roof surface materials, **building** equipment and noise and wind mitigation structures, by a maximum of 3.0 metres; and

- iv. **Landscaping** features and **structures** used for outside **amenity space** or open air recreation, terraces, noise and wind mitigation **structures**, and planting and other **landscaping structures** or elements of a green roof, by a maximum of 3.0 metres;
- (I) Despite clauses 50.5.40.70 and 50.10.40.70, the required minimum **building setbacks** and minimum distance between **main walls** are shown in metres on Diagram 3 of By-law [Clerks to supply by-law ##];
- (J) Despite (I) above, and regulation 5.10.40.70(1), and clauses 50.5.40.60 and 50.10.40.60, the following are permitted to encroach into the required minimum **building setbacks**, on Diagram 3 of By-law [Clerks to supply by-law ##] as follows:
- i. Ornamental and architectural elements, window projections, window washing equipment, mechanical and privacy screens, mechanical equipment, fences, trellises, railings, landscape features and awnings, to a maximum of 3.0 metres;
 - ii. Canopies to a maximum of 4.0 metres;
 - iii. Lighting fixtures, window sills, eaves, vents and stacks, to a maximum of 1.0 metres; and
 - iv. Balconies to a maximum of 1.8 metres;
- (K) Regulation 50.10.40.30(1), with respect to maximum building depth, does not apply;
- (L) Despite clauses 50.10.40.50(1)(A), **amenity space** must be provided and maintained in accordance with the following:
- i. A minimum rate of 2.0 square metres per **dwelling unit** is indoor **amenity space**; and
 - ii. A minimum rate of 1.44 square metres per **dwelling unit** is outdoor **amenity space**, of which a minimum of 40 square metres is to be provided in a location adjoining or directly accessible from an area that comprises indoor **amenity space**;
- (M) Despite regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:

- i. A minimum of 0.17 **parking spaces** per **dwelling unit** for residents of the **building**;
 - ii. no **parking spaces** are required for residential visitors or for non-residential uses;
 - iii. A minimum of 40 **parking spaces** must be provided within the **building** for the use of non-residential users of the **building** and/or the general public, and may be provided within a **public parking garage**, with or without a fee; and
 - iv. A maximum of 10% of the provided **parking spaces** may be **small parking spaces**;
- (N) Despite regulation 200.5.10(1), clause 200.5.10.1 and regulation (M) above, the total number of **parking spaces** provided on the **lot** for residential uses may be reduced at a rate of 4 **parking spaces** for each **car-share parking space**, provided the maximum permitted reduction is calculated using the following formula:
- i. $4 \times (\text{total number of dwelling units} \div 60)$, fraction rounded down to the nearest whole number;
- (O) Despite regulation 230.5.1.10(4) and (5), a **bicycle parking space** must comply with the following:
- i. For a **stacked bicycle parking space**, a minimum length of 1.8 metres, a minimum width of 0.4 metres and a minimum vertical clearance of 2.4 metres;
 - ii. For a **bicycle parking space** that is not a **stacked bicycle parking space**, a minimum length of 1.2 metres, a minimum width of 0.4 metres and a minimum vertical clearance of 1.9 metres;
- (P) Despite regulation 230.5.1.10(7), a Change and Shower Facility must be provided at the prescribed rate within a gender neutral facility;
- (Q) Despite regulations 230.5.1.10(9) a "long-term" and "short-term" **bicycle parking space** may be located within the **building** or outside, including on any level of the building below-ground, within a secured room, enclosure or unenclosed space or any combination thereof, or bicycle locker;
- (R) Despite regulations 230.5.1.10 (10), a "long-term" and "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;

- (S) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** on the **lot** and may be located in a secured room or an unsecured room;
- (T) In addition to subsection (Q) above, **parking spaces** for residents on the **lot** may be reduced at a rate of 1 **parking space** for each 5 **bicycle parking spaces** provided in excess of the minimum number of required **bicycle parking spaces** for the **lot** based on the standards contained in By-law 569-2013, as amended, provided the reduction is not greater than 20% of the total minimum *parking spaces* required in subsection (M) of this By-law;
- (U) Despite regulations 50.10.90.10, 220.5.10.1(2), (3), (4), (5), (6), (8), and article 220.20.1, a minimum of one shared Type "G"/"B" **loading space**, one Type "B" **loading space** and two Type "C" **loading spaces** must be provided and maintained, with access to Pearl Street;
- (V) Section 600.10 with respect to **building setbacks** for **buildings** in the downtown, does not apply; and

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

5. For the purposes of this By-law:

- (A) "**car-share**" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- (B) "**car-share parking space**" means a **parking space** exclusively reserved and used only for **car-share** purposes whereby the vehicle is accessible to at least the occupants of the **buildings**.
- (C) "**small parking space**" means a **parking space** that, notwithstanding the provisions of Regulation 200.5.1.10(2) of the **Zoning By-law** has a minimum width of 2.4 metres, a minimum length of 5.0 metres and a minimum vertical clearance of 1.9 metres.

6. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division has occurred.

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

Local Planning Appeal Tribunal Decision issued on [DATE] and Order issued on [date] in LPAT File No. PL171103

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the **owner** of the **lot** 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:

1. The **owner** shall provide community benefits having a value of \$10,200,000 to be allocated to the following:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$4,000,000.00 to be allocated towards one or more of the following:
 - (i) capital improvements for new or existing cultural and/or community space in Ward 10, to be determined and announced at a later date; and
 - (ii) local streetscape and/or public realm improvements located within Ward 10 and within the vicinity of the subject lands;to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the **owner**.
 - b. The **owner** shall provide and maintain on the **lot** at least **xx** new affordable rental housing **dwelling units** at a value not to exceed \$6,200,000.00 distributed throughout the **lot** with rents that remain at **xxx percent** AMR for at least **xx years**. The affordable rental units will be comprised of the following:
 - (i) at least **xx one-bedroom** units having a minimum size of at least **39 square metres**;
 - (ii) at least **xx two-bedroom** units having a minimum size of at least **59 square metres**; and
 - (iii) average unit sizes will be higher than the minimum sizes.
2. The financial contribution identified in Section 1. above shall be paid by certified cheque to the City, and the amount set out in Section 1 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.

3. In the event that the cash contributions referred to in Section 1 above has not been used for the intended purposes within three (3) years of the issuance of the first above-grade building permit, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the **owner**, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.
4. The affordable rental units of the building shall be maintained as rental housing for at least a **xx-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 Chapter 667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.
5. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - (a) The **owner** shall construct and maintain the development in accordance with
insert Green Standards requirements
 - (b) That prior to final site plan approval the **owner** shall:
insert Heritage requirements
 - (c) 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
insert Forestry requirements
 - (d) Prior to final Site Plan Approval for any part of the site, the Owner shall submit a construction management plan for the development to address such matters as may be identified in the Section 37 Agreement and required through the Site Plan Approval process, satisfactory to the Chief Planner

and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;

- (e) As part of a site plan application for the lands, the Owner shall submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning;

DRAFT Without Prejudice



DIAGRAM 1

100 SIMCOE STREET

NOT TO SCALE
DRAFT WITHOUT PREJUDICE

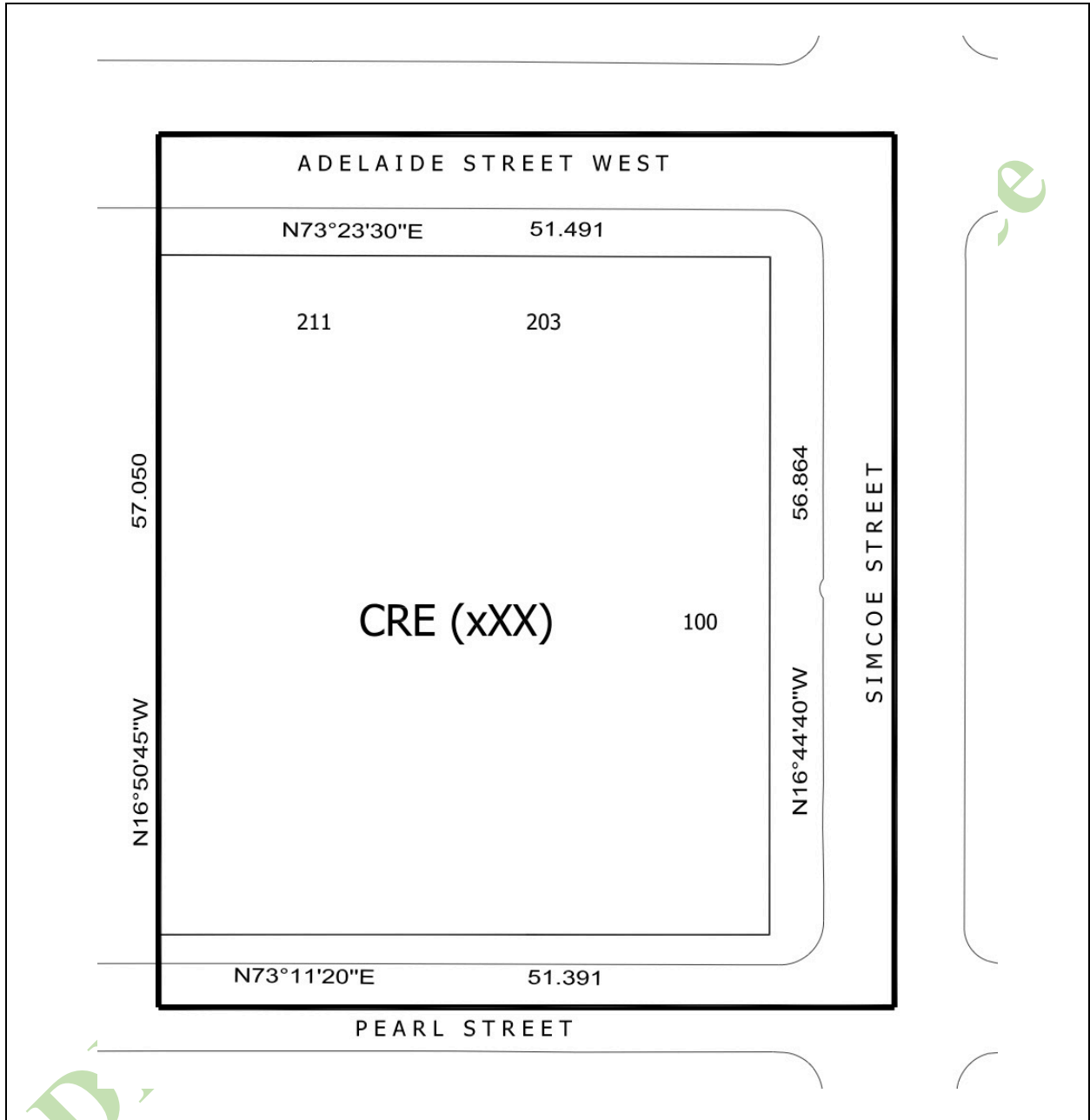


DIAGRAM 2

100 SIMCOE STREET

NOT TO SCALE
DRAFT WITHOUT PREJUDICE

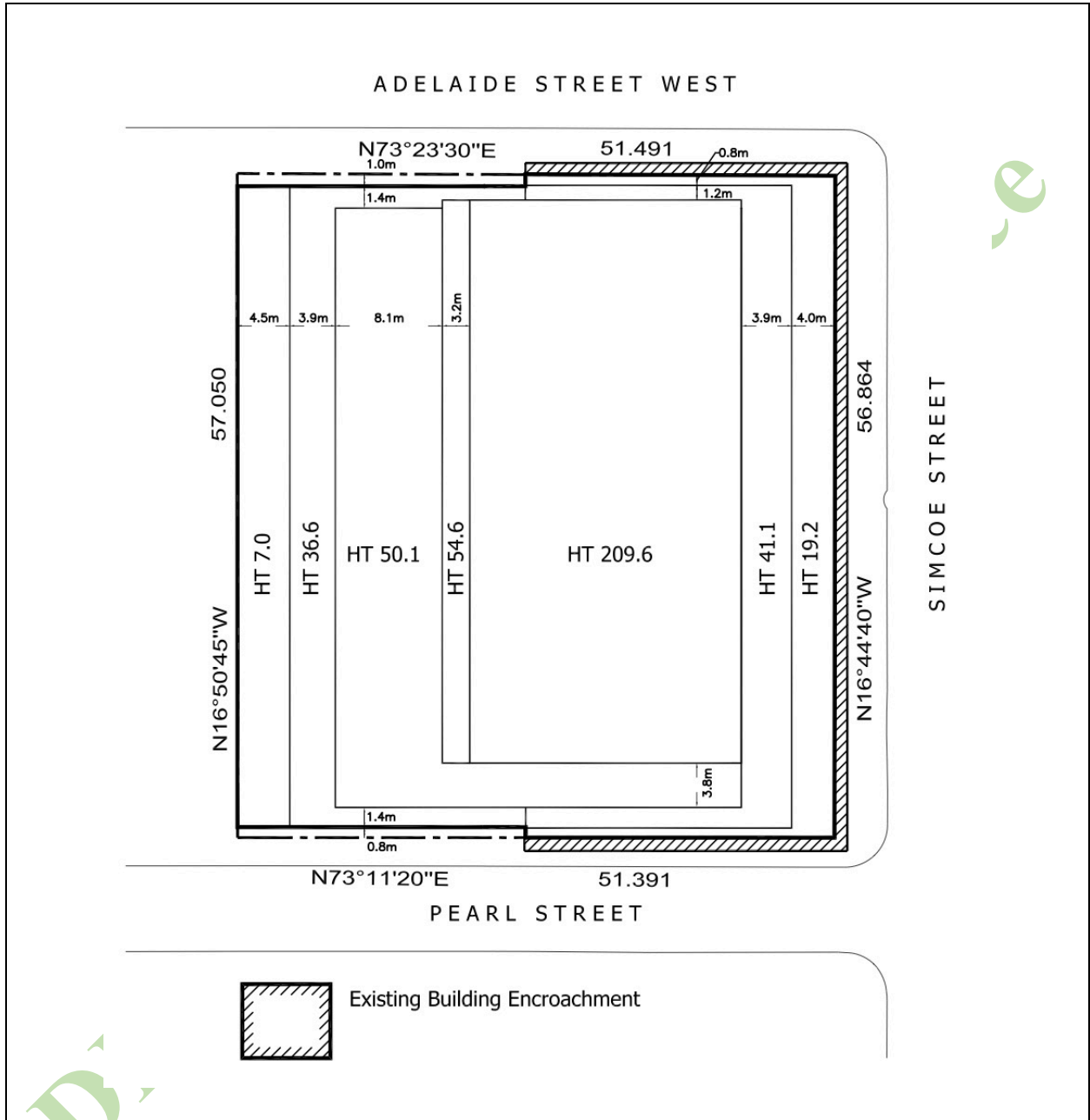


DIAGRAM 3

100 SIMCOE STREET

NOT TO SCALE
DRAFT WITHOUT PREJUDICE

APPENDIX "C"

Draft Zoning By-law Amendment respecting Zoning By-law 438-86

(see attached)

Authority: Local Planning Appeal Tribunal Decision issued on [DATE] and Order issued on [date] in LPAT File No. PL171103

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ - 2021 (LPAT)

To amend

**General Zoning By-law 438-86 of the former City of Toronto, as amended,
with respect to the lands municipally known in the year 2021 as
100 Simcoe Street**

(including 90-100 Simcoe Street, 130 Pearl Street and 203-211 Adelaide Street West)

Whereas the Local Planning Appeal Tribunal held a public hearing on [DATES] under Section 34 of the Planning Act;

Whereas the Local Planning Appeal Tribunal Decision issued on [DATE] in the Tribunal File File No. PL171103, approved amendments to the City of Toronto Zoning By-law 438-86, as amended, under Section 34 of the Planning Act; and

The Local Planning Appeal Tribunal Orders:

1. This By-law applies to the lands delineated by a heavy line on Map 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
3. None of the provisions of Section 2(1)(iii) definitions for "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*", "*lot*" "*non-residential gross floor area*", and "*residential gross floor area*", or of Sections 4(2)(a), 4(5), 4(8), 4(9), 4(10), 4(12), 4(13), 4(16), 4(17), 7(3) Part I, 7(3) Part II (2) to (7), 7(3) Part III, 12(2)132, 12(2)246, 12(2)270 and 12(2)(380) of Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *mixed use building* and uses accessory thereto, including an underground *parking garage*, on the *lot* provided that:

- a) In addition to the uses permitted in Section 7(1)(f) of Zoning By-law No. 438-86, a *commercial parking garage* shall also be permitted;
- b) The permitted maximum gross floor area of all buildings and structures will be 67,750 square metres;
- c) The *non-residential gross floor area* of the building and structures must be a minimum of 8,000 square metres;
- d) A minimum of thirty percent of the total number of *dwelling units* constructed on the *lot* must contain two bedrooms, and a minimum ten percent of the total number of *dwelling units* constructed on the *lot* must contain three or more bedrooms;
- e) No portion of a building or structure erected on the *lot*, including mechanical penthouses, shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol HT on Map 2 attached to and forming part of this By-law, except for the following:
- (i) Elevator shafts, elevator overrun, elevator machine room, enclosed stairwells, and access ladders to 8.5 metres;
 - (ii) Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment; window washing equipment, structures used for the functional operation of the building, such as, maintenance equipment storage, chimneys, vents, and water supply facilities; and structures that enclose, screen or cover the elements listed above, by a maximum of 6.0 metres;
 - (iii) Parapets, railings, architectural features, ornamental elements, canopies, guard rails, mechanical and privacy screens, planting and other landscaping structures, insulation and roof surface materials, building equipment and noise and wind mitigation structures, by a maximum of 3.0 metres; and
 - (iv) Landscaping features and structures used for outdoor *residential amenity space* or open air recreation, terraces, noise and wind mitigation structures, and planting and other landscaping structures or elements of a green roof, by a maximum of 3.0 metres;
- f) The following elements and structures are permitted to encroach beyond the heavy lines and above the heights as shown on Map 2, subject to the limitations below:

- (i) Ornamental and architectural elements, window projections, window washing equipment, mechanical and privacy screens, mechanical equipment, fences, trellises, railings, landscape features and awnings, to a maximum of 3.0 metres;
- (ii) Canopies to a maximum of 4.0 metres;
- (iii) Lighting fixtures, window sills, eaves, vents and stacks, to a maximum of 1.0 metres; and
- (iv) Balconies to a maximum of 1.8 metres;
- g) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:
- (i) A minimum rate of 2.0 square metres per *dwelling unit* of indoor *residential amenity space*; and
- (ii) A minimum rate of 1.44 square metres per *dwelling unit* of outdoor *residential amenity space* must be provided, of which a minimum of 40 square metres is to be provided in a location adjoining or directly accessible from an area that comprises indoor *residential amenity space*;
- h) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) A minimum of 0.17 *parking spaces* per *dwelling unit* must be provided on the *lot* for residents of the building;
- (ii) No *parking spaces* are required for residential visitors or for non-residential uses;
- (iii) A minimum of 40 *parking spaces* must be provided within the **building** for the use of non-residential users of the building and/or the general public, and may be provided within a *commercial parking garage*, with or without a fee; and
- (iv) A maximum of 10% of *parking spaces* may be *small parking spaces*;
- i) Despite the total number of resident *parking spaces* provided pursuant to the ratios in subsection 3 h) (i) above, *parking spaces* provided on the *lot* for residential uses may be reduced at a rate of 4 *parking spaces* for each *car-share parking space*, provided the maximum permitted reduction is calculated using the following formula:

- (i) 4 x (total number of *dwelling units* ÷ 60), fraction rounded down to the nearest whole number;
- j) *Parking spaces* for residents on the *lot* may be reduced at a rate of 1 *parking space* for each 5 *bicycle parking spaces* provided in excess of the minimum number of required *bicycle parking spaces* for the *lot* based on the standards contained in By-law 569-2013, as amended, provided the reduction is not greater than 20% of the total minimum *parking spaces* required in subsection h) of this By-law;
- k) A shower-change facility may be provided within a gender neutral facility;
- m) *Bicycle parking spaces* may be provided in a *stacked bicycle parking space* and 100 percent of the *bicycle parking spaces* that are not *stacked bicycle parking spaces* may be provided in a vertical position;
- n) A minimum of one shared Type "G"/"B" *loading space*, one Type "B" *loading space* and two Type "C" *loading spaces* must be provided and maintained on the *lot*;
- o) The definitions of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*", "*lot*" "*non-residential gross floor area*", and "*residential gross floor area*", in Section 2(1)(iii) of By-law 438-86 shall not apply to the lands and instead the following definitions shall apply:
- (i) "*Grade*" means 87.05 metres Canadian Geodetic Datum;
- (ii) "*Height*" means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in Section 3 e) of this By-law;
- (iii) "*Lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
- (iv) "*Bicycle parking space – occupant*" means an area either enclosed or unenclosed or any combination thereof, that is equipped with a bicycle rack or locker or room for the purpose of parking and securing bicycles, and
- (1) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (2) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and

- (3) where the bicycles are to be parked in a stacked bicycle parking space, the bicycle parking space is not subject to the dimensions outlined in a. and b. above but will have horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical clearance of at least 2.4 metres;
- (v) "*Bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and
- (1) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (2) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (3) where the bicycles are to be parked in a stacked bicycle parking space, the bicycle parking space is not subject to the dimensions outlined in a. and b. above, but will have horizontal dimensions of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- (4) may be located in an area that is indoors or outdoors in an enclosed or unenclosed space or any combination thereof, including within a secured room, enclosure or bicycle locker;
- (vi) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such car-share motor vehicles to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- (vii) "*car-share parking space*" means a *parking space* exclusively reserved and used only for **car-share** purposes whereby the vehicle is accessible to at least the occupants of the **buildings**.
- (viii) "*Non-residential gross floor area*" and "*residential gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:

- (1) parking, loading and bicycle parking below-ground;
 - (2) required loading spaces on the ground level and required *bicycle parking spaces* at or above-ground;
 - (3) storage rooms, vestibules, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (4) shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
 - (5) amenity space required by this By-law;
 - (6) elevator shafts;
 - (7) garbage shafts;
 - (8) mechanical penthouse; and
 - (9) exit stairwells in the building;
- (vii) “*Stacked bicycle parking space*” means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space*;
- (ix) “*small parking space*” means a *parking space* that has a minimum width of 2.4 metres, a minimum length of 5.0 metres and a minimum vertical clearance of 1.9 metres.
4. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.
5. None of the provisions of this By-law shall apply to prevent the construction of a temporary sales office on the *lot*.
6. Pursuant to section 37 of the Planning Act and subject to compliance with this By-law, the increase in *height* of development on the *lot* contemplated herein beyond the otherwise permitted in By-law 438-86 is permitted in return for the provision by the *owner*, at the *owners'* expense of certain facilities, services and matters set out in Schedule A subject to and in accordance with an agreement pursuant to subsection 37(3) of the Planning Act that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
7. Where Schedule A of this By-law requires the *owners* 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 same.

Local Planning Appeal Tribunal Decision issued on [DATE] and Order issued on [date] in LPAT File No. PL171103

SCHEDULE A

Section 37 Provisions

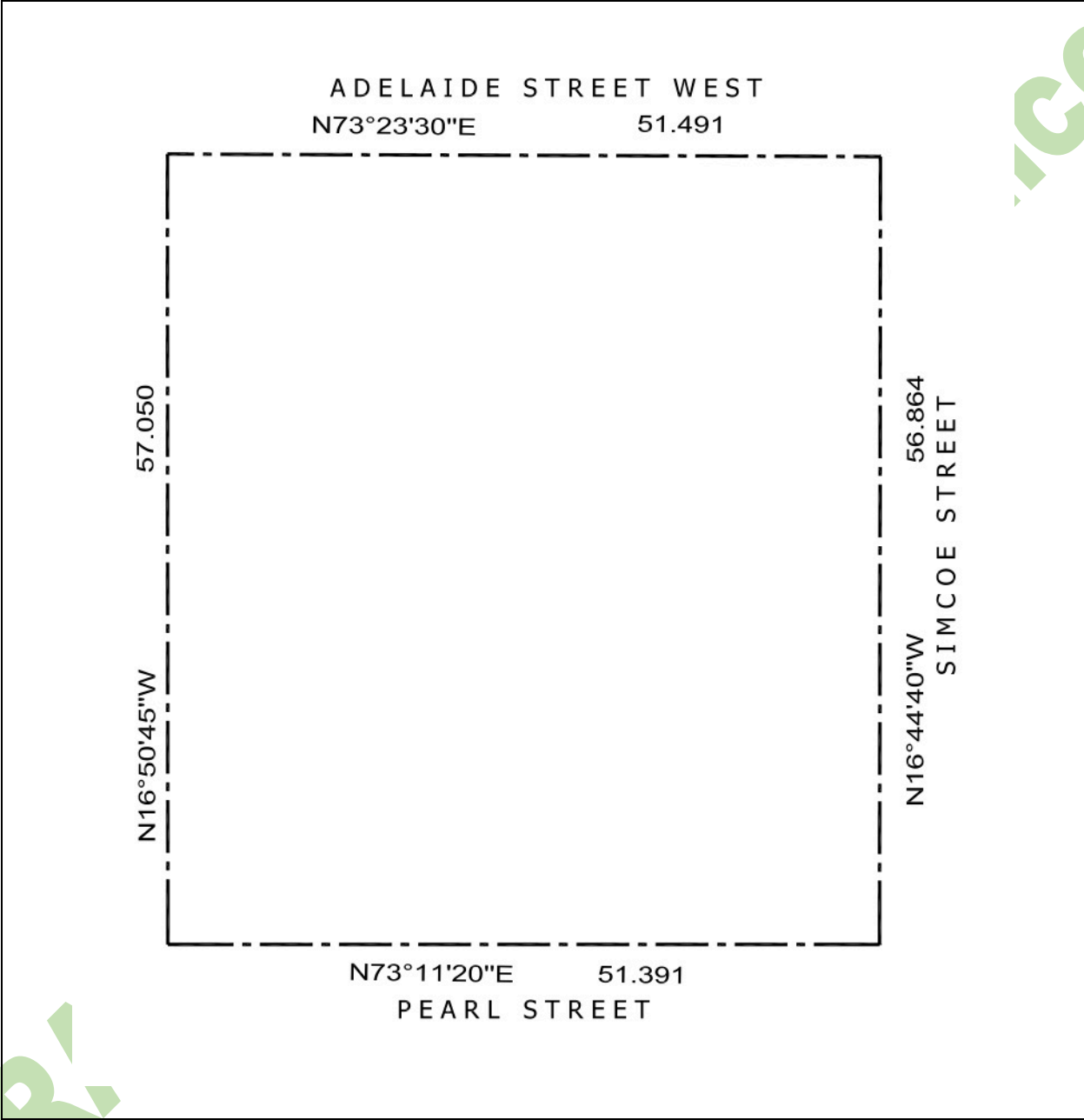
The facilities, services and matters set out below are required to be provided by the *owner* of the *lot* at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation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

1. The **owner** shall provide community benefits having a value of \$10,200,000 to be allocated to the following:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$4,000,000.00 to be allocated towards one or more of the following:
 - (i) capital improvements for new or existing cultural and/or community space in Ward 10, to be determined and announced at a later date; and
 - (ii) local streetscape and/or public realm improvements located within Ward 10 and within the vicinity of the subject lands;to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the **owner**.
 - b. The **owner** shall provide and maintain on the **lot** at least **xx** new affordable rental housing **dwelling units** at a value not to exceed \$6,200,000.00 distributed throughout the **lot** with rents that remain at **xxx percent** AMR for at least **xx years**. The affordable rental units will be comprised of the following:
 - (i) at least **xx one-bedroom** units having a minimum size of at least **39 square metres**;
 - (ii) at least **xx two-bedroom** units having a minimum size of at least **59 square metres**; and
 - (iii) average unit sizes will be higher than the minimum sizes.
2. The financial contribution identified in Section 1. above shall be paid by certified cheque to the City, and the amount set out in Section 1 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.

3. In the event that the cash contributions referred to in Section 1 above has not been used for the intended purposes within three (3) years of the issuance of the first above-grade building permit, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.
4. The affordable rental units of the building shall be maintained as rental housing for at least a **xx-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 Chapter 667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.
6. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
- (a) The **owner** shall construct and maintain the development in accordance with
insert Green Standards requirements
 - (b) That prior to final site plan approval the **owner** shall:
insert Heritage requirements
 - (c) 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
insert Forestry requirements
 - (d) Prior to final Site Plan Approval for any part of the site, the Owner shall submit a construction management plan for the development to address such matters as may be identified in the Section 37 Agreement and required through the Site Plan Approval process, satisfactory to the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor;

- (e) As part of a site plan application for the lands, the Owner shall submit an updated wind study and implement any wind mitigation measures required as identified, satisfactory to the Chief Planner and Executive Director, City Planning.

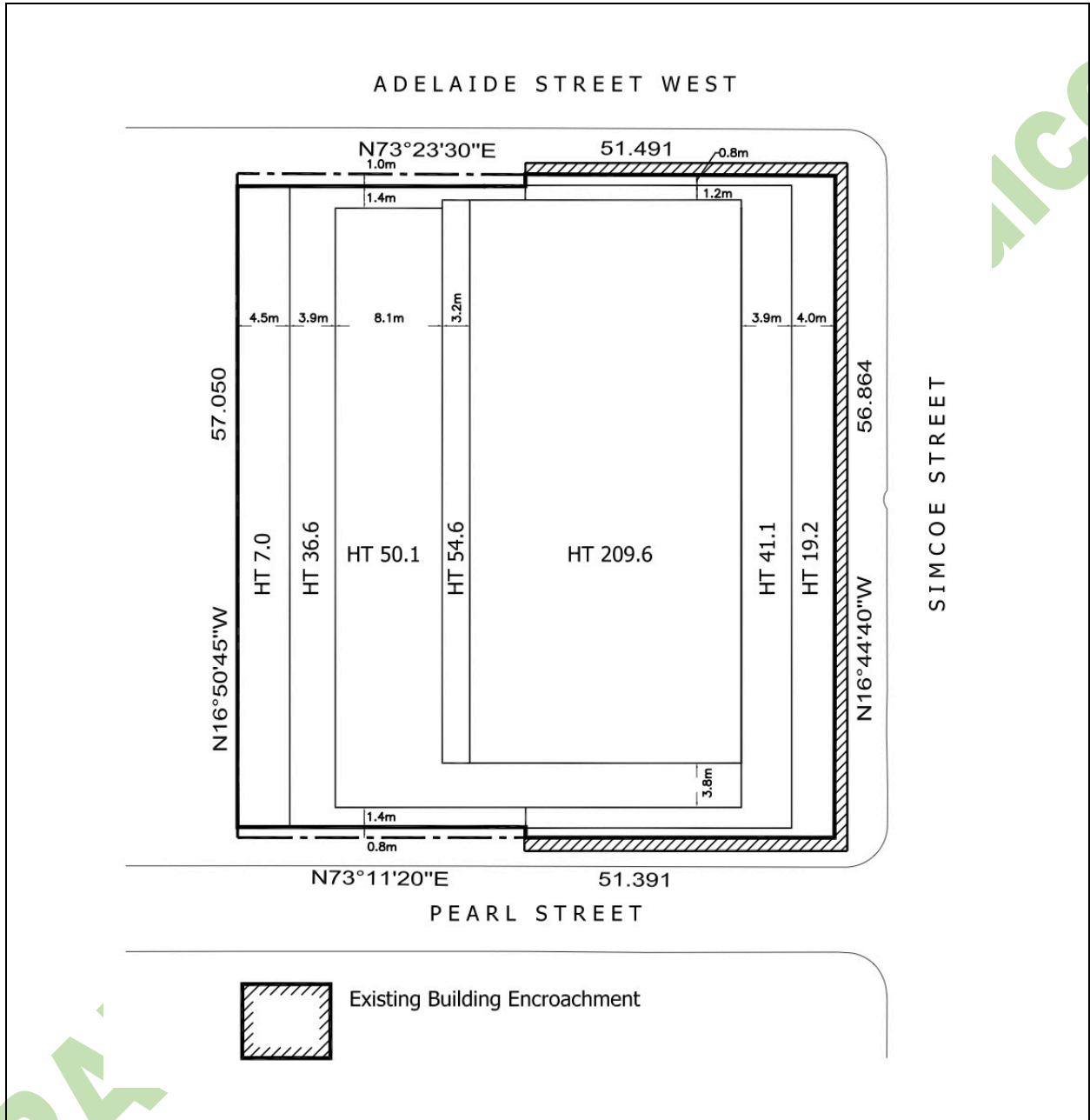
DRAFT Without Prejudice



MAP 1

100 SIMCOE STREET

NOT TO SCALE
DRAFT WITHOUT PREJUDICE



Map 2

100 SIMCOE STREET

NOT TO SCALE

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