

109-125 George Street and 231 Richmond Street East – Official Plan and Zoning By-law Amendment Application – Supplementary Report

Date: October 4, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward: 13 - Toronto Centre

Planning Application Number: 20 120382 STE 13 OZ

SUMMARY

On September 9, 2021, Toronto and East York Community Council had before them item TE27.4, 109-125 George Street and 231 Richmond Street East - Official Plan and Zoning By-law Amendment Application - Final Report dated August 20, 2021. The Final Report recommended approval of the application to amend the Official Plan and Zoning By-law to permit a 39-storey mixed-use building.

Toronto and East York Community Council submitted the item to City Council without recommendations and requested the Director, Community Planning, Toronto and East York District to forward a supplementary report directly to City Council that includes a Section 37 community benefits package that includes affordable housing units.

This report amends and replaces the recommendations in the Final Report dated August 20, 2021 from the Director, Community Planning, Toronto and East York District, to remove conditions related to the conservation of the two heritage buildings and entering into Heritage Easement Agreements (which are provided for in the Supplementary Report in item TE27.9), adds new recommendations with respect to the conveyance of affordable housing units, and provides for minor revisions to the draft Zoning By-law that was attached to the Final Report from the Director, Community Planning, Toronto and East York. This Supplementary Report continues to recommend approval of the application to amend the Official Plan and Zoning By-law to permit the 39-storey mixed-use building.

RECOMMENDATIONS

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

1. City Council amend the Official Plan, for the lands at 109-125 George Street and 231 Richmond Street East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 1 to the report (October 4, 2021) from the Chief Planner and Executive Director, City Planning.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 109-125 George Street and 231 Richmond Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report (October 4, 2021) from the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills contemplated in Recommendations 1 and 2 above, to City Council for enactment, City Council require the owner(s) of the lands at 109-125 George Street and 231 Richmond Street East to:

a) submit to the Chief Engineer and Executive Director, Engineering and Construction Services for review and acceptance, a revised Functional Servicing and Stormwater Management Report to determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;

b) enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;

c) enter into and register on title to the lands, at the owner(s)' sole cost and expense, an Agreement pursuant to Section 37 of the *Planning Act*, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, to secure the following community benefits, in a form satisfactory to the City Solicitor:

i. the conveyance of, for nominal consideration, a minimum of one (1) one-bedroom, four (4) two-bedroom, and two (2) three-bedroom dwelling units (the "Affordable Rental Units") in the new 39-storey mixed use building for operation of affordable rental housing to WoodGreen Community Housing Inc. or another non-profit housing provider (the "Provider"), to the satisfaction of the Executive Director, Housing Secretariat, in consultation with the local councillor, on terms and conditions to the satisfaction of the Executive Director, Housing Secretariat, and such units shall have the following minimum specifications:

A. each three-bedroom rental unit shall have a minimum unit size of 75 square metres;

B. each two-bedroom rental unit shall have a minimum unit size of 56 square metres;

C. each one-bedroom rental unit shall have a minimum unit size of 39 square metres;

D. the location and layouts of the new affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

E. the seven dwelling units shall be constructed to a fully-finished condition, to a similar standard as the market units in the remainder of the development;

ii. the not-for-profit affordable housing provider shall provide and maintain the affordable rental dwelling units as secured rental housing for a minimum period of 49 years beginning from the date that each such unit is first occupied;

iii. the initial rent (inclusive of utilities) charged to the first tenants of any affordable rental dwelling unit shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;

iv. at least six months in advance of any new affordable rental dwelling unit being made available for rent, the Provider shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;

v. the new affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on the lands are available and ready for occupancy;

vi. the owner shall ensure that the condominium declaration, bylaws, and proposed rules provides all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge; access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

vii. the owner shall ensure that the condominium declaration, bylaws, and proposed rules provide all tenants of the affordable rental dwelling units

with laundry facilities on the same basis as other units within the development at no extra charge;

viii. the owner ensure that the condominium declaration, bylaws, and proposed rules shall provide all tenants of the affordable rental dwellings units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building, and in accordance with the Zoning By-law;

ix. the common expense fees for the affordable rental dwelling units shall be reduced by 50% from the other market condominium units in the building for the affordability period of 49 years, or the owner shall make an equivalent monetary contribution to the City;

x. the current owner shall pay all applicable land transfer taxes associated with the conveyance of the Affordable Rental Units to the Provider;

xi. there shall be no closing adjustments made with respect to the seven (7) dwelling units transferred to the Provider, other than adjustments for monthly occupancy fees or common expense fees and realty taxes for the year in which the final closing date occurs to be adjusted and payable on either the interim occupancy or final closing date of the sale of the units;

xii. the owner shall be solely responsible and liable for remitting the H.S.T. eligible on each of the Units conveyances (on the basis that such conveyances to the Provider and/or the City may not be eligible for any new housing rebates whatsoever);

xiii. the owner shall enter into Agreements of Purchase and Sale on its standard terms as modified by these recommendations with respect to all the Affordable Housing Units referenced in Part 4.c.i above, with the City and/or the Provider prior to the issuance of the first above grade building permit for the development and there shall be provisions allowing the Agreements of Purchase and Sale of all these units to be assignable by the City to a Provider at the City's sole discretion.

d) secure the following matters in the Section 37 Agreement in support of the development:

i. the owner(s) will:

A. construct and maintain an area of not less than 265 square metres, at grade, for use by the general public as publicly accessible, privately-owned open space (POPS), in the southwest corner of the site in a location generally identified in the Zoning By-law Amendment, with the specific configuration and design of the POPS, and associated terms, to be secured in the Section 37 Agreement, to the satisfaction of the Chief Planner and Executive

Director, City Planning, in consultation with the Ward Councillor;
and

B. prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the publicly accessible, privately-owned open space (POPS), on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning;

ii. the owner(s) will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 or higher of the Toronto Green Standard, through the site plan approval process;

iii. prior to the issuance of first above grade building permit the owner(s) of 109-117 George Street and 119-125 George Street and 231 Richmond Street East will enter into and register a Limiting Distance Agreement with the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 109-117 George Street where no new building or structure may be constructed within 30.4 metres of the south property line abutting 105 George Street above a geodetic height of 103.87 metres;

iv. the owner(s) will enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;

e) withdraw its appeal of Official Plan Amendment 352, being the Downtown Tall Buildings Setback Area Specific Policy, and the associated Zoning By-laws 1106-2016 and 1107-2016, as they relate to the subject lands; and

f) withdraw its appeal of Official Plan Amendment 525, being the King-Parliament Secondary Plan, and the associated Zoning By-law 393-2021, as they relate to the subject lands.

5. City Council authorize appropriate City Officials to take such actions as are required to implement City Council decision, including the execution and implementation of the Section 37 Agreement.

6. City Council authorize seven (7) affordable rental housing units to be developed at 109-125 George Street and 231 Richmond Street East to be eligible for waivers of planning application, building permit, and development charge exemptions.

7. City Council authorize an exemption from taxation for municipal and school purposes for 49 years, for the seven (7) affordable rental units to be constructed on the lands known as 109-125 George Street and 231 Richmond Street East.

8. City Council authorize the Executive Director, Housing Secretariat to negotiate and enter into, on behalf of the City, a municipal housing project facility agreement (the "Contribution Agreement") with WoodGreen Community Housing Inc. ("WoodGreen") or another non-profit housing provider selected by the City, for the affordable housing to be constructed on the lands known as 109-125 George Street and 231 Richmond Street East, to secure the financial assistance being provided and to set out the terms of the operation of the new affordable rental housing, on terms and conditions satisfactory to the Executive Director, Housing Secretariat and in a form approved by the City Solicitor.

9. City Council authorize the Executive Director, Housing Secretariat to negotiate and enter into, on behalf of the City, a municipal housing project facility agreement (the "Contribution Agreement") with Richmond-George Limited or a related corporation, for the affordable housing to be constructed on the lands known as 109-125 George Street and 231 Richmond Street East, to secure the financial assistance being provided and to set out the terms of the development of the new affordable rental housing, on terms and conditions satisfactory to the Executive Director, Housing Secretariat and in a form approved by the City Solicitor.

10. City Council authorize the Controller to cancel or refund any taxes paid after the effective date of the Contribution Agreements.

11. City Council authorize the City to be a party to the Agreements of Purchase and Sale for the Affordable Housing Units as a contingent transferee, in order to implement Council's decision.

12. City Council authorize the Executive Director, Housing Secretariat, to execute the Agreements of Purchase and Sale for the Affordable Housing Units, on terms and conditions satisfactory to the Executive Director, Housing Secretariat and in a form approved by the City Solicitor.

13. 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 required by WoodGreen Community Housing Inc., or another non-profit housing provider selected by the City, or Richmond-George Limited or a related corporation to obtain conventional financing and subsequent refinancing, including any postponement, tripartite, confirmation of status, discharge or consent documents of any City security documents where and when required during the term of the municipal housing project 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.

14. City Council authorize the Executive Director, Housing Secretariat, to administer and manage the transaction relating to the Affordable Housing Units in consultation with

the Executive Director, Corporate Real Estate Management, including the provision of any consents, approvals, waivers and notices, provided that they may, at any time, refer consideration of any such matters (including their content) to City Council for consideration and direction.

15. City Council authorize appropriate City Officials to take such actions as are required to implement City Council decision, including the execution and implementation of the Section 37 Agreement.

FINANCIAL IMPACT

Pursuant to the redevelopment of the lands at 109-125 George Street and 231 Richmond Street East, this report recommends City Council approval of incentives under the Open Door Affordable Housing Program for the seven (7) affordable rental dwelling units to be created at the subject lands.

The incentives include relief from development charges, building permit, planning and parkland dedication fees as well as municipal property taxes for 49 years. The Open Door incentives for the affordable rental homes recommended by this report are within the approved ten-year Open Door Program financial plan to support implementation of the overall HousingTO 2020 – 2030 Action Plan.

Based on the City's current applicable fees, charges and tax relief estimates, this report proposes an additional investment of approximately \$603,000 in City incentives as summarized in Table 1 below.

The exemptions to fees and charges will benefit Richmond-George Limited, while the property tax exemptions will benefit WoodGreen, or the selected non-profit housing provider.

Table 1: Open Door Incentives Proposed

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes†	Estimated Total Value of Incentives
7	49	\$339,976	\$68,239	\$195,265	\$603,479

*Calculated using November 2020 rates

**Includes estimated 2021 building permit fees of \$9,803, remaining 2021 planning fees of \$23,436, and parkland dedication fees of \$35,000.

†Calculated using 2021 property tax rates.

At 2021 rates, the value of the annual property tax exemption is estimated at \$7,657. The net present value of this tax relief over the 49-year term that the incentives would be in effect is estimated at \$195,265 as summarized in Table 2 below.

A tax exemption would have no net present impact to the City for the educational portion of taxes remitted to the Province.

Table 2

Property Tax	Annual	NPV: 49 Years
City	\$5,655	\$144,221
Education	\$1,917	\$48,895
City Building	\$84	\$2,148
Total:	\$7,657	\$195,265

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

On September 9, 2021, Toronto and East York Community Council had before them item TE27.4, 109-125 George Street and 231 Richmond Street East - Official Plan and Zoning By-law Amendment Application - Final Report dated August 20, 2021. The Final Report recommends approval of the application to amend the Official Plan and Zoning By-law to permit a 39-storey mixed-use building.

Toronto and East York Community Council submitted the item to City Council without recommendations and requested the Director, Community Planning, Toronto and East York District to forward a supplementary report directly to City Council that includes a Section 37 community benefits package that includes affordable housing units.

COMMENTS

Affordable Housing

As a community benefit, and in exchange for receiving financial incentives through Open Door Affordable Housing Program, the applicant shall convey for nominal consideration a minimum of one (1) one-bedroom, four (4) two-bedroom, and two (2) three-bedroom dwelling units in the proposed 39-storey mixed-use building to WoodGreen Community Housing Inc., or a non-profit affordable housing provider to be operated as affordable rental housing.

The seven (7) affordable rental units will be constructed to a fully-finished condition, to a similar standard as the market units in the remainder of the development and are to be rented out at affordable rates at 80%, or below, of the City's current definition of affordable rental housing.

The affordable rental housing will be owned and operated by a non-profit housing provider and maintained as rental housing for at least a 49-year period and shall not be converted to any non-rental housing purposes during this period. The non-profit housing provider will be responsible for leasing the units in accordance with the City's eligibility criteria and will be responsible for all operations, maintenance and repair of the units as required except for maintenance and repair that is the responsibility of the condominium corporation.

Should WoodGreen or another selected non-profit housing be unable to close on the Affordable Rental Units, and the City needs to take title to secure the benefit, staff will report back to Council on a plan for the Affordable Rental Units.

Heritage

Recommendations 4.c, 4.d, and 4.f.iv-vi from the Final Report dated August 20, 2021 with respect to the conservation of the two heritage buildings and entering into Heritage Easement Agreements ("HEA"s) have been deleted from the list of recommendations found in this report.

The necessary conditions with respect to heritage designation, conservation and entering into HEAs can be found in the Supplementary Report titled Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, Alterations to a Heritage Property, and Authority to Enter into a Heritage Easement Agreement - 109 and 125 George Street from the Chief Planner and Executive Director, City Planning. The Supplementary Report can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.9>

Draft By-law Amendment

The revisions to the Draft Zoning By-law include:

- Requiring a minimum of 25% of the dwelling units to be two-bedroom dwelling units or larger and,
- Requiring that of the 25% two-bedroom dwelling units or larger, a minimum of 10% of the dwelling units be three-bedroom dwelling units or larger;
- Correcting and clarifying information illustrated on Diagrams 2 and 5; and
- Stylistic changes that provide additional clarity.

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 PPS, conforms with the Growth Plan, is generally consistent with the objectives and policies of the Official Plan, and constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement consist of:

- conveyance of a minimum of one (1) one-bedroom, four (4) two-bedroom, and two (2) three-bedroom dwelling units in the new 39-storey mixed use building for operation of affordable rental housing to WoodGreen Community Housing Inc. or another non-profit housing provider.

The following matters are to be secured in the Section 37 Agreement in support of the development:

- the construction and maintenance of an area of not less than 265 square metres, at grade, for use by the general public as publicly accessible, privately-owned open space (POPS), in the southwest corner of the site;
- preparation of all documents and conveyance, a public access easement, including support rights, in perpetuity in favour of the City over the publicly accessible, privately-owned open space (POPS);
- entering into and registering a Limiting Distance Agreement between the owners of 109-117 George Street, 119-125 George Street and 231 Richmond Street East, and the City of Toronto; and
- conformity to the Toronto Green Standard.

The Section 37 Agreement, with terms co-ordinating the obligations of the owners, would be executed by the City and the owners of 109-125 George Street and 231 Richmond Street East and registered on title to the lands.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Official Plan Amendment

Attachment 2: Draft Zoning By-law Amendment 569-2013

Attachment 1: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW XXX-2021

To adopt Amendment No. ● to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2020 as 109-125 George Street and 231 Richmond Street East.

Whereas authority is given to Council under 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*,

The Council of the City of Toronto enacts:

1. The attached Amendment No. ● to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

xxx,
City Clerk

(Corporate Seal)

AMENDMENT NO. • TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS 109-125 GEORGE STREET AND 231 RICHMOND STREET EAST

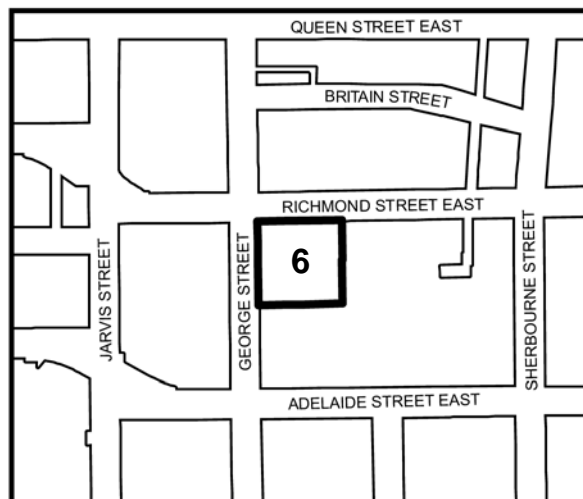
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 15, King-Parliament Plan is amended by adding the following to subsection 15, Site and Area Specific Policies:

"6. 109 to 125 George Street and 231 Richmond Street East

On the lands shown as 6 on Map 15-3:

- a) A mixed-use building with a maximum building height of 136 metres (including mechanical penthouse) and a maximum tower floorplate of 882 square metres is permitted, provided;
 - i) A public square with a minimum area of 265 square metres is provided on the site; and
 - ii) A limiting distance agreement is secured on the property at 109-117 George Street."



2. Map 15-3, Areas of Special Identity of the King-Parliament Secondary Plan is amended to show the lands known municipally as **109 to 125 George Street and 231 Richmond Street East**, as Site and Area Specific Policy Area Number 6, as shown on the above map.

Attachment 2: Draft Zoning By-law Amendment 569-2013

Authority: Toronto and East York Community Council Item No. 27.4 adopted by City of Toronto Council on ●, 2021

CITY OF TORONTO

BY-LAW No. XXX-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2020 as 109 to 125 George Street and 231 Richmond Street East.

Whereas Council of the City of Toronto has the authority to 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*;

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

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 lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services and matters;

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

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

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 of this By-law;
2. The words highlighted in bold type in this By-law have the same 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 to CR SS1 (x405) as shown on Diagram 3 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (x405) so that it reads:

Exception CR (x405)

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

Site Specific Provisions:

- (A) On lands municipally known in the year 2020 as 109 to 125 George Street and 231 Richmond Street East, if the requirements of Section 6 and Schedule A of By-law XXX-2021 [Clerks to insert number] are complied with, a **building, structure**, addition or enlargement may be erected and used in compliance with (B) to (JJ) below;
- (B) For the purpose of this exception, "Parcel A" is the parcel of land as shown on Diagram 4 of By-law XXX-2021;
- (C) For the purpose of this exception, "Parcel B" is the parcel of land as shown on Diagram 4 of By-law XXX-2021;
- (D) For the purpose of this exception, "Parcel B Building" is the **building and structures** existing on Parcel B on [Clerks to insert date of passing], labelled as "Parcel B Building" on Diagram 2 of By law XXX-2021 [Clerks to insert number] subject to alterations and additions permitted in accordance with this exception;
- (E) For the purpose of this exception, the lot comprises the lands outlined by heavy black lines as shown on Diagram 1 of By-law XXX-2021[Clerks to insert number];
- (F) Despite Regulation 40.10.20.40(1) **dwelling units** are permitted in a **mixed-use building** on Parcel A;
- (G) Despite Regulation 40.10.40.40 (1), the **gross floor areas** of the **buildings and structures** permitted on Parcel A and Parcel B are as follows:
 - (i) for Parcel A: the permitted maximum **gross floor area** is 36,000 square metres, of which:
 - (a) the permitted maximum gross floor area for residential uses is 30,500 square metres;

- (b) the permitted maximum **gross floor area** for non-residential uses is 5,500 square metres;
 - (c) the required minimum **gross floors area** for non-residential uses is 2,000 square metres; and
 - (ii) for Parcel B: 6,200.0 square metres, being the **gross floor area** of the Parcel B Building, for non-residential uses, plus an additional 680.0 square metres may be used for non-residential uses;
- (H) In addition to the provisions of Clause 40.5.40.40, the **gross floor area** of a **building** is reduced by the area of the building used for:
- (i) **public parking**;
 - (ii) atrium areas, **amenity space**; and
 - (iii) any area of the **building** occupied by non-structural architectural or ornamental features that are attached to and project from the **main wall** of a **building**;
- (I) Of the total number of **dwelling units** provided on Parcel A:
- (i) a minimum of 25 percent must be two-bedroom **dwelling units** or larger; and
 - (ii) of the **dwelling units** referred to in (I)(i) above, a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
- (J) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 85.22 metres, and the highest point of the **building** or **structure**;
- (K) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure**, is the height measured in metres, specified by the numbers following the HT symbol as shown on Diagram 5 of By-law XXX-2021 [Clerks to insert number];
- (L) Despite Clause 40.5.40.10, and Regulation (K) above, the following elements of a **building** or **structure** may project above the permitted maximum height limits as shown on Diagram 5 of By-law XXX-2021 [Clerks to insert number] as follows:
- (i) **structures** used for outdoor **amenity space**, roof top terraces and patios, maintenance equipment, safety, wind protection purposes and **structures**, or elements associated with a green roof to a maximum of 4.0 metres;

- (ii) parapets and sky lights to a maximum of 4.0 metres;
 - (iii) stairs, enclosed stairs and access ladders to a maximum of 2.5 metres;
 - (iv) structures, elements and enclosures permitted by (N) below; and
 - (v) despite (i) to (iv), above a height of 136.0 metres as shown on Diagram 5, only the following projections are permitted:
 - (a) elevator overrun to a maximum of 1.0 metres, plus 0.5 metres for an associated parapet;
 - (b) parapets to a maximum of 1.3 metres;
 - (c) window washing equipment to a maximum of 6.0 metres; and
 - (d) fans, chimneys, vents, stacks and flues to a maximum of 2.0 metres;
- (M) Despite Regulations 5.10.40.70(1), 40.10.40.80(1), 40.10.40.70(1) and Section 600.10 the required minimum **building setbacks** and the required minimum separation distances between **main walls of buildings and structures** above ground must be provided as shown on Diagram 5 of By law XXX-2021 [Clerks to insert number];
- (N) Despite Regulation 5.10.40.70(1), Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements and **structures** may encroach into the required minimum **building setbacks** and a required minimum **main wall** separation distance as follows:
- (i) railings, balustrades, planters, lighting, patios, bollards, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, landscape features and art installations;
 - (ii) balconies and privacy screens to a maximum of 1.8 metres;
 - (iii) cornices, sills, eaves, exterior building cladding materials, exterior doors and windows and ornamental or architectural features to a maximum of 1.0 metres;
 - (iv) awnings and canopies including supporting structures to a maximum of 3.5 metres; and
 - (v) structures, elements and enclosures permitted by (L) above;

- (O) No portion of a **building** on Parcel A may be located less than 30.47 metres from the southern limit of Parcel A above the Canadian Geodetic elevation of 103.87 metres and 12.5 metres from the eastern limit of Parcel A above the Canadian Geodetic elevation of 103.87 metres, with the exception of the permitted projections set out in (L) and (N) above;
- (P) The portion of a **building** on Parcel A located above a height of 126.0 metres, as measured from the Canadian Geodetic Datum elevation of 85.22 metres, and subject to a height limit of 136.0 metres as shown on Diagram 5 attached to By-law XXX-2021 [Clerks to insert number], may only be used for:
- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
 - (ii) **structures** used for the functional operation of the **building** such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, and water supply facilities;
 - (iii) indoor **amenity space** up to a maximum of 250.0 square metres plus associated corridor areas; and
 - (iv) **structures** that enclose, screen or cover the parts of a **building** listed in (i), (ii) and (iii);
- (Q) Despite (J) above, no portion of a **building** or **structure** shall be located between a height of 14.5 metres and 18.65 metres, as measured above the Canadian Geodetic elevation of 85.22 metres, within the area of Parcel B shown with hatching on Diagram 5 attached to By-law XXX-2021 [Clerks to insert number] with the exception of permitted projections set out in (L);
- (R) Despite Regulation 40.10.40.10(5), on Parcel A the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the floor of the second **storey** is 4.5 metres;
- (S) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" on Diagram 5 of By-law XXX-2021 [Clerks to insert number];
- (T) Despite Clause 40.10.40.50, **amenity space** is only required on Parcel A in accordance with the following:
- (i) a minimum of 3.0 square metres per **dwelling unit** must be provided as indoor or outdoor **amenity space**;
 - (ii) of which a minimum of 40.0 square metres must be provided as outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**;

- (U) Despite Regulation 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 0.15 **parking spaces** for each **dwelling unit** must be provided on Parcel A;
 - (ii) a minimum of 0.04 **parking spaces** for each **dwelling unit** for the use of residential visitors or **public parking** must be provided on Parcel A;
 - (iii) no **parking spaces** are required for non-residential uses on both Parcels A and B;
- (V) Despite Regulations 40.5.80.1(1), 200.5.1.10(10) and 200.10.1, the residential visitor **parking spaces** required in section (U)(ii) above may be provided on a non-exclusive basis within a **public parking** use on Parcel A;
- (W) Despite Regulation 230.5.10.1(1), Table 230.5.10.1(1) and Clause 220.5.10.1 **bicycle parking spaces** and **loading spaces** are not required for non-residential uses on Parcel B;
- (X) Despite Regulation 200.5.1.10(2), on Parcel A:
- (i) up to 15 **parking spaces** that are obstructed on one side may have a minimum width of 2.6 metres; and
 - (ii) up to 5 **parking spaces** may have a minimum length of 5.3 metres;
- (Y) Despite Regulation 200.15.1, an accessible **parking space** on Parcel A must comply with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres; and
 - (c) Vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
 - (iii) accessible **parking spaces** must be located a minimum of 20.0 metres from a barrier free entrance to a **building** on Parcel A that leads to a passenger elevator which provides access to the first **storey** of the **building**;

- (Z) Despite Regulation 200.15.10(1) a minimum of four **parking spaces** of the required **parking spaces** on Parcel A must comply with the minimum dimensions for an accessible **parking space**;
- (AA) Despite Clause 220.5.10.1, a minimum of 1 Type "C" **loading space**; and minimum of 1 Type "G" **loading space** must be provided on Parcel A;
- (BB) Despite Regulation 40.10.90.40(1), **vehicle** access to a **loading space** on Parcel A may be from a major **street**;
- (CC) Despite Regulation 40.10.100.10(1) **vehicle** access to Parcel A may be from a major **street**;
- (DD) Despite Regulations 230.5.1.10(9)(A)(iii) and (B)(iii), required "long-term" **bicycle parking spaces** may be located below-ground;
- (EE) Despite Regulation 230.5.1.10(10) a "long-term" and "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (FF) Despite Regulation 230.5.1.10(4), the width of a **bicycle parking space** must be a minimum of 0.4 metres;
- (GG) Despite 230.40.1.20(2), a "short term" **bicycle parking spaces** may be located outside the **building**, within the first **storey** of the **building** or within the first level of a below grade parking structure;
- (HH) Despite Regulation 40.10.20.100(21), **outdoor patios** on Parcel B are subject to the following:
 - (i) roof top **outdoor patios** must be combined with an office use and have a combined total area of not more than 220.0 square metres; and
 - (ii) grade related **outdoor patios** must be combined with one of the uses set out in Regulation 40.10.20.100(21)(A) and/or an office use and have a combined total area of not more than 250.0 square metres;
- (II) Despite Regulation 40.10.40.1(1), **dwelling units** must be located above non-residential use portions of a **mixed-use building** on Parcel A;
- (JJ) Regulation 40.10.40.1(2) with respect to the location of entrances and first floor elevation does not apply; and
- (KK) Regulation 40.10.40.10(5) with respect to the minimum height of a first **storey** does not apply with respect to Parcel B.

Prevailing By-laws and Prevailing Sections

None

5. Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands, if no severance, partition or division had 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 of this By law, 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 must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exception CR(x405) of By law 569-2013, as amended, unless the provisions of Schedule A of such By law are satisfied.

Enacted and passed on XXXX, 2021.

Frances Nunziata,
Speaker

John D. Elvidge
City Clerk

(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 lands and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

Community Benefits

1. The conveyance of, for nominal consideration, a minimum of one (1) one-bedroom, four (4) two-bedroom, and two (2) three-bedroom dwelling units (the "Affordable Rental Units") in the new 39-storey mixed use building for operation of affordable rental housing to WoodGreen Community Housing Inc. or another non-profit housing provider (the "Provider"), to the satisfaction of the Executive Director, Housing Secretariat, on terms and conditions to the satisfaction of the Executive Director, Housing Secretariat, and such units shall have the following minimum specifications:
 - A. each three-bedroom rental unit shall have a minimum unit size of 75 square metres;
 - B. each two-bedroom rental unit shall have a minimum unit size of 56 square metres;
 - C. each one-bedroom rental unit shall have a minimum unit size of 39 square metres;
 - D. the location and layouts of the new affordable rental dwelling units within the approved development on the lands shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat;
 - E. the seven dwelling units shall be constructed to a fully-finished condition, to a similar standard as the market units in the remainder of the development.
2. The not-for-profit affordable housing provider shall provide and maintain the affordable rental dwelling units as secured rental housing for a minimum period of 49 years beginning from the date that each such unit is first occupied.
3. The initial rent (inclusive of utilities) charged to the first tenants of any affordable rental dwelling unit shall not exceed 80 percent of the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report.
4. At least six months in advance of any new affordable rental dwelling unit being made available for rent, the Provider shall develop and implement a Tenant

Access Plan in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

5. The new affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on the lands are available and ready for occupancy.
6. The owner shall ensure that the condominium declaration, bylaws, and proposed rules provides all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge; access to, and use of, these amenities shall be provided on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings.
7. The owner shall ensure that the condominium declaration, bylaws, and proposed rules provide all tenants of the affordable rental dwelling units with laundry facilities on the same basis as other units within the development at no extra charge.
8. The owner ensure that the condominium declaration, bylaws, and proposed rules shall provide all tenants of the affordable rental dwellings units with access to permanent and visitor bicycle parking/bicycle lockers on the same terms and conditions as any other resident of the building, and in accordance with the Zoning By-law.
9. The common expense fees for the affordable rental dwelling units shall be reduced by 50% from the other market condominium units in the building for the affordability period of 49 years, or the owner shall make an equivalent monetary contribution to the City.
10. The current owner shall pay all applicable land transfer taxes associated with the conveyance of the Affordable Rental Units to the Provider.
11. There shall be no closing adjustments made with respect to the seven (7) dwelling units transferred to the Provider, other than adjustments for monthly occupancy fees or common expense fees and realty taxes for the year in which the final closing date occurs to be adjusted and payable on either the interim occupancy or final closing date of the sale of the units.
12. The owner shall be solely responsible and liable for remitting the H.S.T. eligible on each of the Units conveyances (on the basis that such conveyances to WoodGreen and/or the City may not be eligible for any new housing rebates whatsoever).
13. The owner shall enter into Agreements of Purchase and Sale on its standard terms as modified by these recommendations with respect to all the Affordable Housing Units referenced in Part 4.d.i above, with the City and/or the Provider

prior to the issuance of the first above grade building permit for the development and there shall be provisions allowing the Agreements of Purchase and Sale of all these units to be assignable by the City to a Provider at the City's sole discretion.

Privately-Owned Publicly Accessible Space (POPS)

14. The owner(s) will construct and maintain an area of not less than 265 square metres, at grade, for use by the general public as publicly accessible, privately-owned open space (POPS), in the southwest corner of the site in a location generally identified in the Zoning By-law Amendment, with the specific configuration and design of the POPS, and associated terms, to be secured in the Section 37 Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
15. The owner(s) will prepare all documents and convey, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, free and clear of encumbrances and for nominal consideration, a public access easement, including support rights, in perpetuity in favour of the City over the publicly accessible, privately-owned open space (POPS), on terms set out in the Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning.

Toronto Green Standard

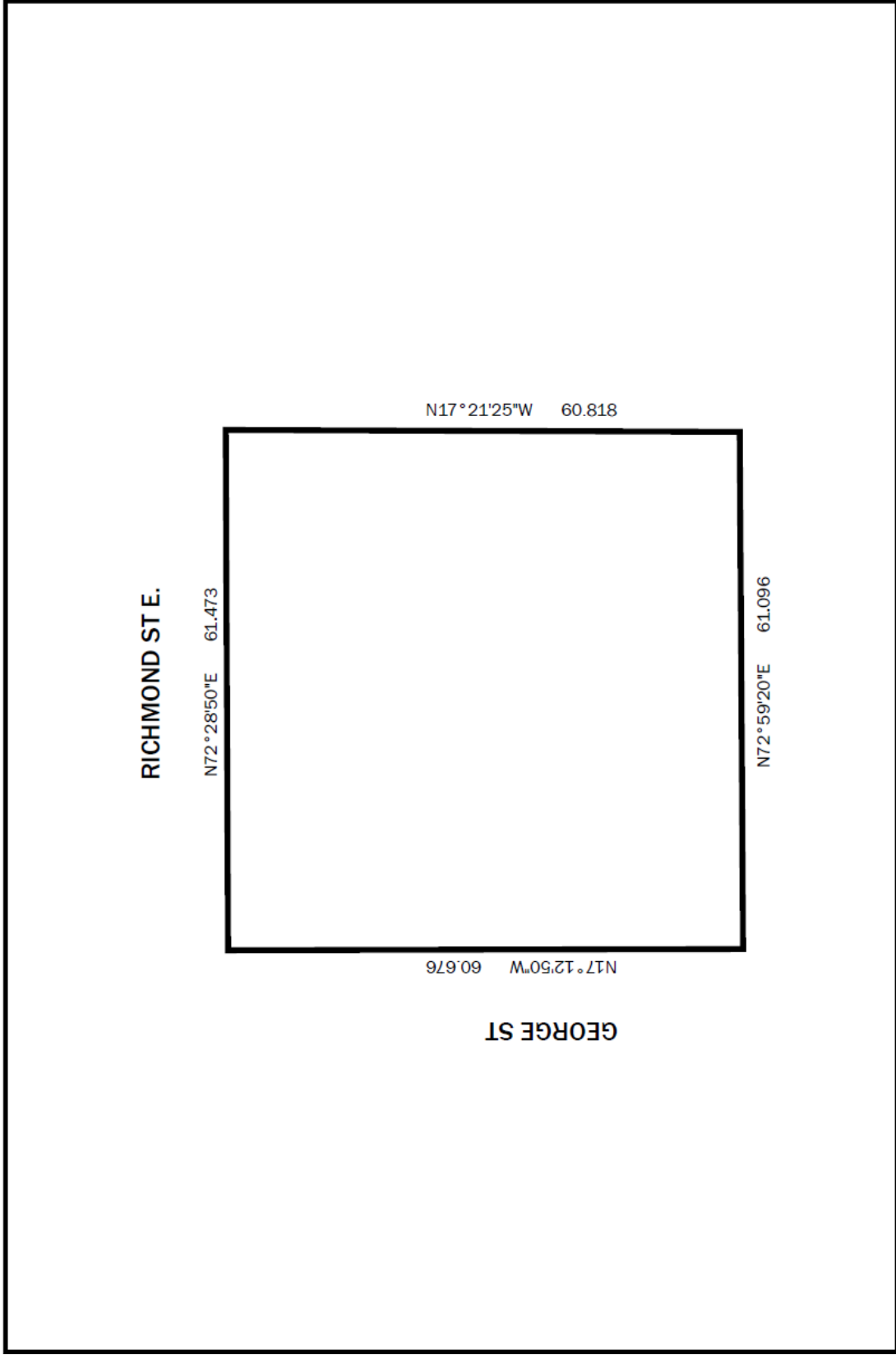
16. The owner(s) will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate.

Limiting Distance Agreement

17. Prior to the issuance of first above grade building permit the owner(s) of 109-117 George Street and 119-125 George Street and 231 Richmond Street East will enter into and register a Limiting Distance Agreement with the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 109-117 George Street where no new building or structure may be constructed within 30 metres of the south property line abutting 105 George Street above a geodetic height of 103.87 metres.

Servicing

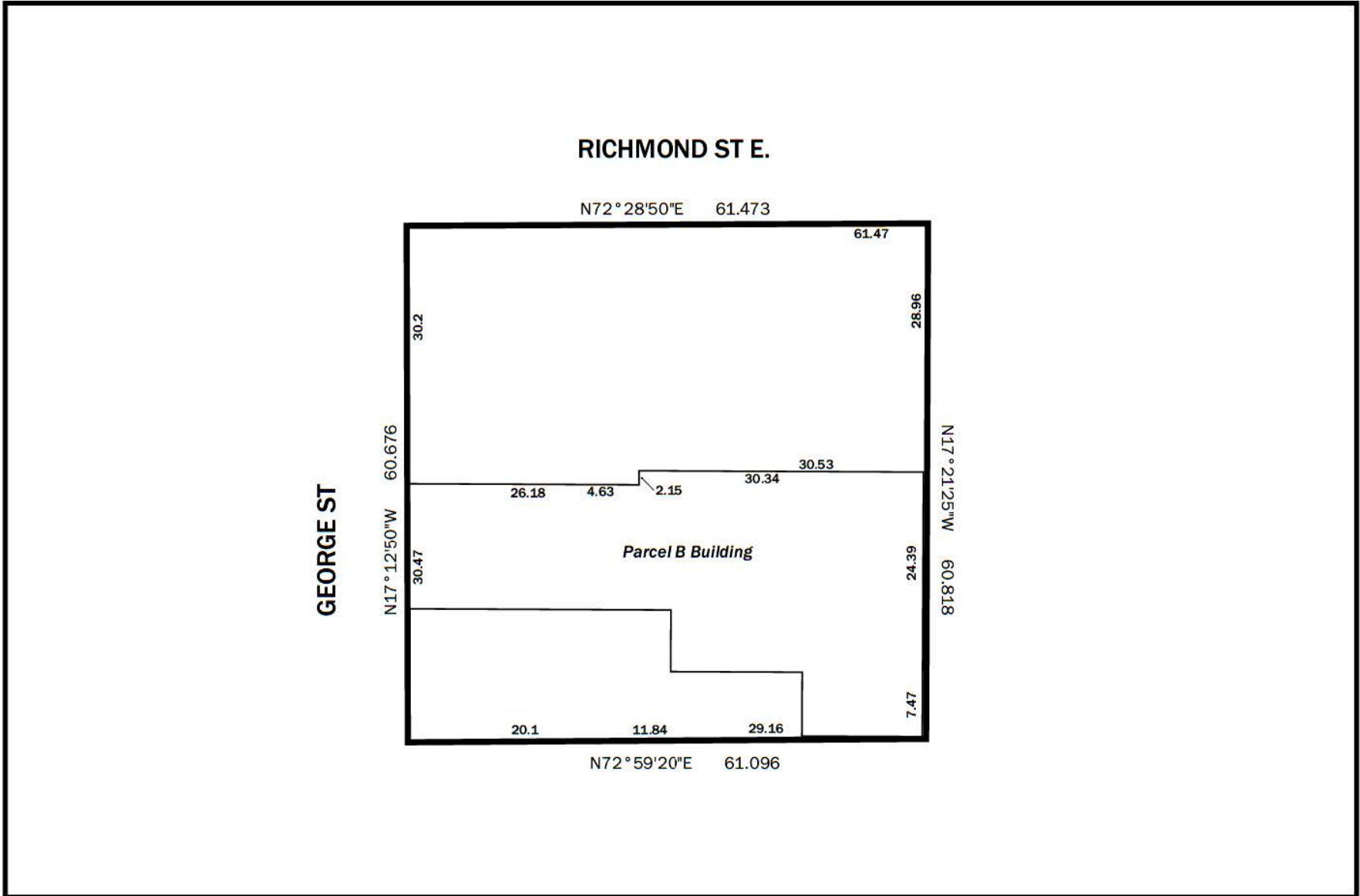
18. The owner(s) will enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager of Transportation Services and the functional servicing report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services.



109-125 George Street and 231 Richmond Street East

Diagram 1

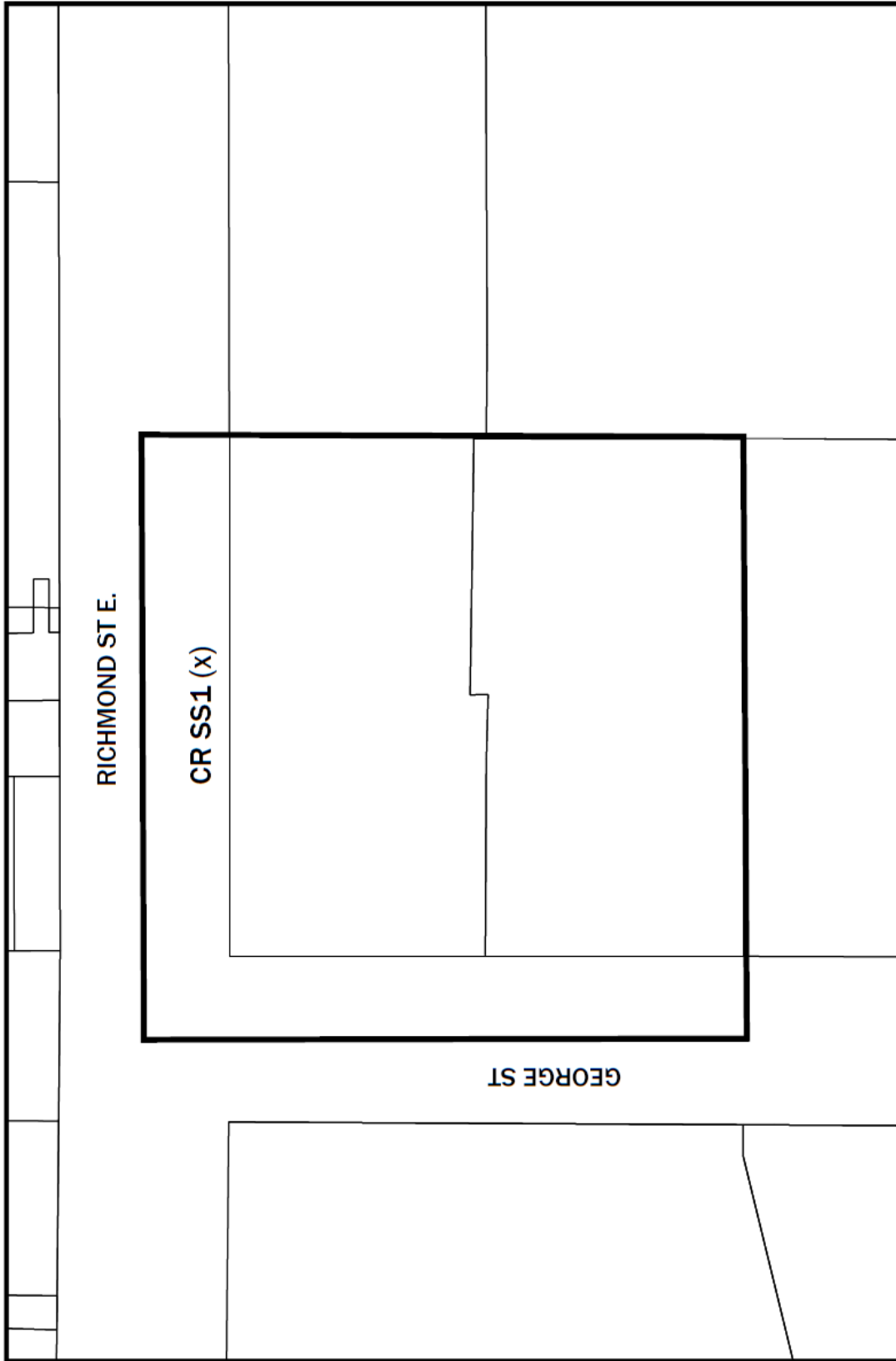
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109-125 George Street and 231 Richmond Street East

Diagram 2

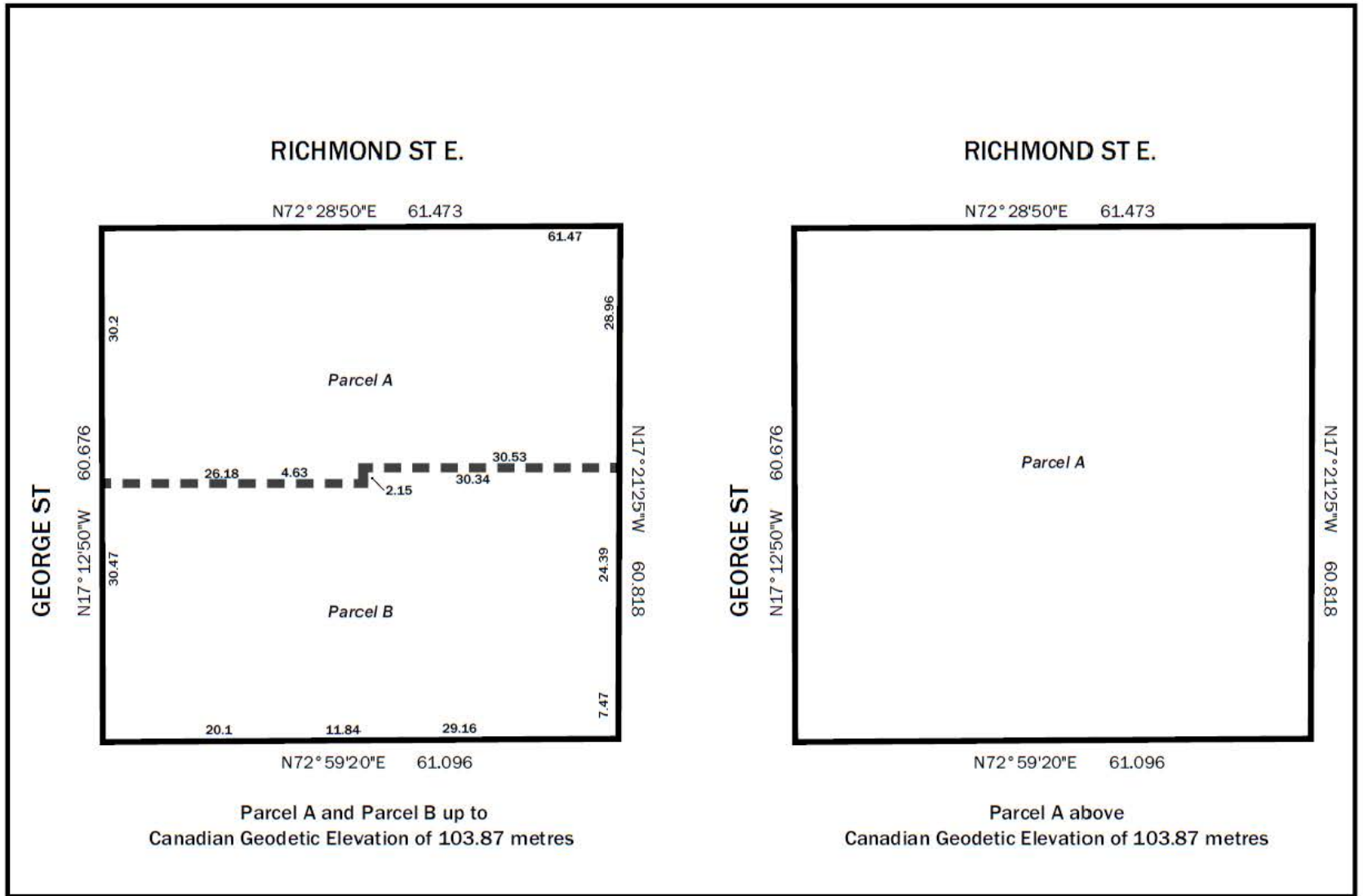
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109-125 George Street and 231 Richmond Street East

Diagram 3

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109-125 George Street and 231 Richmond Street East

Diagram 4

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