

**383 Sorauren Avenue Zoning Amendment – Request for Directions Report**

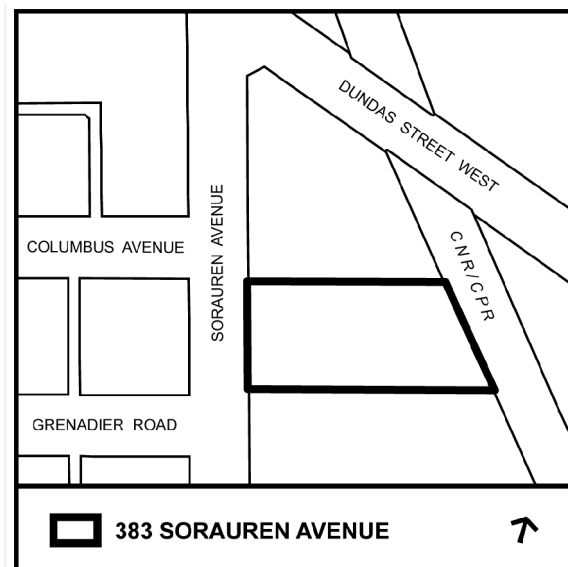
<b>Date:</b>	January 31, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 14 – Parkdale-High Park
<b>Reference Number:</b>	12 264111 STE 14 OZ

**SUMMARY**

The purpose of this report is to provide City Council with the results of settlement negotiations on 383 Sorauren Avenue, appealed by the applicant to the Ontario Municipal Board (OMB). This report follows the Request for Directions report dated August 16, 2013, from the Director, Community Planning, Toronto and East York District and adopted by City Council on October 8, 2013.

In the August 16, 2013 report, City Planning staff identified that the proposal did not provide adequate transition to its existing and planned context, did not provide sufficient parking, and did not provide sufficient private amenity space, among other concerns.

On January 6, 2014, the applicant presented a settlement to the OMB. This report provides details of the settlement and seeks Council support.



## RECOMMENDATIONS

---

### The City Planning Division recommends that:

1. City Council support the amendment to Zoning By-law 438-86, as amended for the lands at 383 Sorauren Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (January 31, 2014) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required, for submission to the OMB to be attached to their Order.
3. City Council require the owner to enter into an agreement pursuant to Section 37 of the *Planning Act* as follows:
  - a. The community benefits secured in the Section 37 Agreement are as follows:
    - i. A cash contribution of \$112,500.00 towards improvements to the Wabash-Sorauren Community Centre, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
    - ii. A cash contribution of \$112,500.00 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 14, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - b. The following matters are also to be secured in the Section 37 Agreement as a legal convenience to support the development:
    - i. The provision of appropriate warning clauses and mitigation measures in the Site Plan Agreement and payments toward mitigation at 393 Sorauren Avenue up to a maximum of \$10,000.00 in recognition of the adjacent rail facility and commercial employment uses, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- ii. The provision of an eighty (80) percent transparency opening at the 8<sup>th</sup> storey architectural frame as shown in Drawing Nos. A.13 and A.14 submitted as Exhibit 8 to the Ontario Municipal Board hearing file no. PL130568 as part of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director of City Planning, to achieve an open frame to allow for skyview and sunlight to the south and north.
4. Before the Final Order of the OMB is issued in respect of Site Plan Approval, City Council require the applicant to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On October 17, 2012 McCarthy Tetrault LLP on behalf of Sorauren Developments Inc. submitted an application to amend Zoning By-law 438-86, as amended, for 383 Sorauren Avenue to permit an 11-storey mixed use building. Toronto and East York Community Council adopted a Preliminary Report, with amendments, on the application on January 22, 2013. The link to the report can be found here:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-54043.pdf>

The application was appealed to the OMB by the applicant on June 7, 2013 pursuant to Section 34(11) of the *Planning Act* due to the City not making a decision within 120 days. City Council adopted a Request for Directions report on October 8, 2013. As part of the recommendations of the report, City Council authorized the City Solicitor to oppose the appeal, and along with City Planning staff, to enter into settlement discussions with the applicant. The link to the report can be found here:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60717.pdf>

### **ISSUE BACKGROUND**

#### **Proposal and OMB Settlement**

The original proposal submitted on October 17, 2012 was for an 11-storey mixed-use building with a height of 34.15 metres, consisting of 160 residential units.

A revised proposal was submitted on July 19, 2013 as a Site Plan Approval application, proposing a 10-storey mixed use building with a height of 31.5 metres, consisting of 145 residential units. The revised proposal presented in the Site Plan application made improvements compared to the original proposal, but did not fully conform to the Built Form – Transition in Scale policies of the Official Plan, among other concerns.

The settlement as presented to the OMB on January 6, 2014 resulted in a proposal similar to the one submitted through the Site Plan Approval application, but with revisions to: the massing of the building that more closely conforms to the Built Form – Transition in

Scale policies of the Official Plan; the overall area for private amenity space to be more in line with the 2 square metres per unit Zoning By-law standard; and the number of vehicular parking spaces being reduced. The settlement site plan and elevations are shown in Attachments 1 and 2a-d respectively in this report.

The pertinent details for each version of the proposal are summarized in the table below:

	<b>Rezoning Application</b> October 17, 2012	<b>Site Plan Application</b> July 19, 2013	<b>OMB Settlement</b> January 6, 2014
Building Height	34.15 metres	31.5 metres	31.5 metres
No. of Storeys	11	10	10
No. Units	160	145	145
Density	4.6 FSI	4.4 FSI	4.4 FSI
No. of Residential Parking Spaces	85	107 + 3 car share spaces	95 + 3 car share spaces
No. of Visitor Parking Spaces	10	21	18
Indoor Amenity Space	63 square metres	94 square metres	224 square metres
Outdoor Amenity Space	322 square metres	301 square metres	301 square metres
Non-Residential Unit Space	191 square metres	191 square metres	0

## COMMENTS

### Height and Massing

The settlement includes stepbacks of 3 metres after the 6<sup>th</sup> storey, 6 metres after the 7<sup>th</sup> storey, and 11 metres after the 8<sup>th</sup> storey along Sorauren Avenue, whereas previous versions of the proposal had no stepping until the 8<sup>th</sup> storey. This stepping from Sorauren Avenue provides for an adequate transition in scale to the predominately 2-storey dwellings across Sorauren Avenue, designated as "Neighbourhood" in the Official Plan to the west, and to the Robert Watson Lofts building to the south, where the massing of the building fits within an angular plane of 45 degrees after a base height of 18.6 metres. The stepping also ensures a consistent streetwall height is established on the east side of Sorauren Avenue, where the building's base height complements the base height of Robert Watson Lofts at approximately 17 metres. Further, the stepping ensures a reduction in incremental shadowing to the west, and improves skyview along Sorauren Avenue from the north and south. An open frame will remain outside the angular plane of 45 degrees, as requested by the applicant to maintain the architectural integrity of the proposal.

The settlement to permit an overall height of 31.5 metres to the top of the frame of the 10<sup>th</sup> storey is appropriate. City Planning staff is of the opinion that a 10 storey building is

acceptable for this site in these circumstances given its area context next to the rail corridor to the east, the "warehouse" character of portions of this area, and the stepping back of the height of the proposal away from Sorauren Avenue, providing a more appropriate transition in scale to the area designated as "Neighbourhood" in the Official Plan to the west. The massing presented to the OMB is detailed in the elevations in Attachments 2a-d in this report.

### **Facing Distance**

The settlement provides a facing distance of approximately 11 metres between the south facing wall of the proposed building and the north facing wall of Robert Watson Lofts to the south. A facing distance of 11 metres, where the side yard setback to the property line is 5.5 metres, is typically considered for a mid-rise building context, and is stipulated in the Zoning By-law. Although this condition is the same as the original proposal, the applicant has agreed to provide window and balcony treatments that will reduce overlook concerns from the south facing wall, and the north facing wall. This will help to provide privacy to the existing units at the Robert Watson Lofts to the south and to any development that may occur to the north in the future.

### **Parking**

The settlement provides for a total of 113 vehicular parking spaces, where 95 spaces (including 3 car-share spaces) are allocated for residents, and 18 spaces are allocated for visitors.

### **Private Amenity Space**

The settlement provides for 224 square metres of indoor amenity space, and 301 square metres of outdoor amenity space. The provision of 224 square metres of indoor amenity space is more than previous versions of the proposal, and will be configured as two rooms located on the ground floor of the building. City Planning staff is of the opinion that the amount and configuration of indoor amenity space is appropriate for a 145 residential unit building, as it is an acceptable deviation from the Zoning By-law standard which would yield 290 square metres, and is configured on the ground floor where it can accommodate a range of purposes.

### **Air, Noise and Vibration Impacts**

The subject site is adjacent to the Metrolinx-Kitchener GO rail corridor, and is within proximity to various industrial land uses. RWDI Consulting Engineers and Jade Acoustics Inc. were retained by the City to peer review the Air Quality Assessment Report and Noise & Vibration Feasibility Study respectively. The peer review of the Air Quality Assessment report concurred with the findings that the proposal will not be adversely impacted by odour of nearby industries. The peer review of the Noise & Vibration Feasibility Study, and subsequent addendum information confirmed the need for mitigation measures to reduce adverse noise impacts to the proposal. Such mitigation measures are to be implemented as part of the draft by-law attached as Attachment 6 in this report, as a legal convenience in the Section 37 Agreement, and through the associated Site Plan Approval process.

## **Parkland**

The subject site is within an area with 0 to 0.42 hectares of parkland per 1,000 people identified in the Official Plan, and is within the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Dedication By-law 1020-2010. Based on the proposal submitted, the parkland dedication requirement is 264 square metres as specified under By-law 1020-2010.

The applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no area for on-site parkland dedication that would be a useable size. The actual amount of cash-in-lieu shall be determined at the time of the issuance of the building permit.

## **Toronto Green Standard**

The applicant will be required to meet the Tier 1 performance standards of the Toronto Green Standard through the Final Order on the Site Plan Approval application at the OMB.

## **Section 37**

The settlement as approved by the OMB includes the negotiation of an appropriate agreement for Section 37 benefits, in consultation with the local Councillor. The community benefits to be secured in the Section 37 Agreement are as follows:

1. Prior to the issuance of the first above-grade building permit, a cash contribution of \$112,500.00 towards improvements to the Wabash-Sorauren Community Centre to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.
2. Prior to the issuance of the first above-grade building permit, a cash contribution of \$112,500.00 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 14, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.

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

1. Appropriate warning clauses and mitigation measures in the Site Plan Agreement and payments toward mitigation measures at 393 Sorauren up to a maximum of

\$10,000.00 in recognition of the adjacent rail facility and commercial employment uses respectively.

2. An eighty (80) percent transparency opening at the 8<sup>th</sup> storey architectural frame as shown in Drawing Nos. A.13 and A.14 submitted as Exhibit 8 to the Ontario Municipal Board hearing file no. PL130568 as part of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director of City Planning.

## **Conclusion**

City Planning staff is supportive of the overall settlement as described in this report. The revisions made to the massing of the building to ensure an appropriate transition in scale to the adjacent properties and public realm, the provision of additional private amenity space, and the securing of community benefits under Section 37 of the *Planning Act* provides for an appropriate development.

The associated Site Plan Approval application submitted for this development has also been appealed to the OMB. The applicant is in the process of revising the site plan drawings. City Planning staff and the City Solicitor will finalize the site plan conditions and execute all necessary agreements and documents prior to the OMB's Final Order.

## **CONTACT**

Henry Tang, Planner  
Tel. No. (416) 392-7572  
Fax No. (416) 392-1330  
E-mail: htang2@toronto.ca

## **SIGNATURE**

---

Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2013\Cluster B\pln\TEYCC\3949124039.doc) - ca

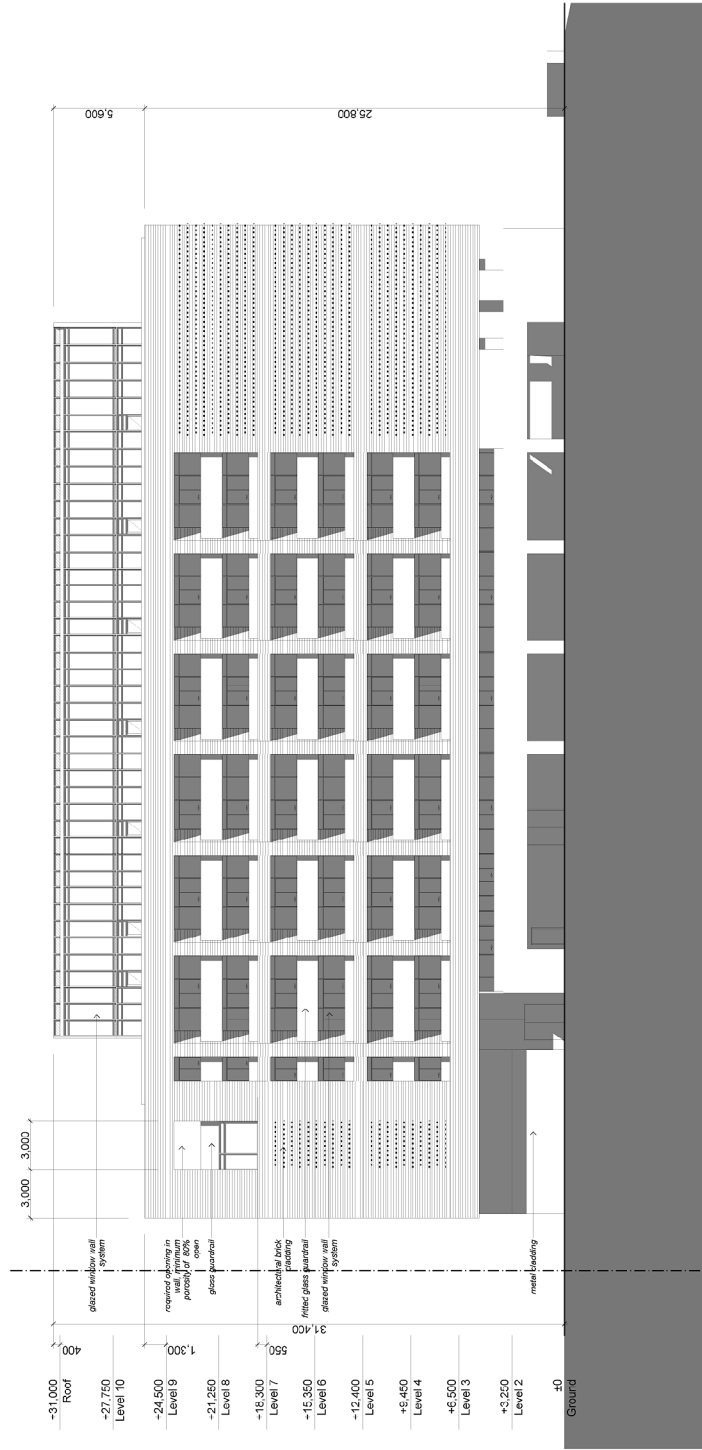
## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a-d: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment





# Attachment 2a: South Elevation



South Elevation

383 Sorauren Avenue

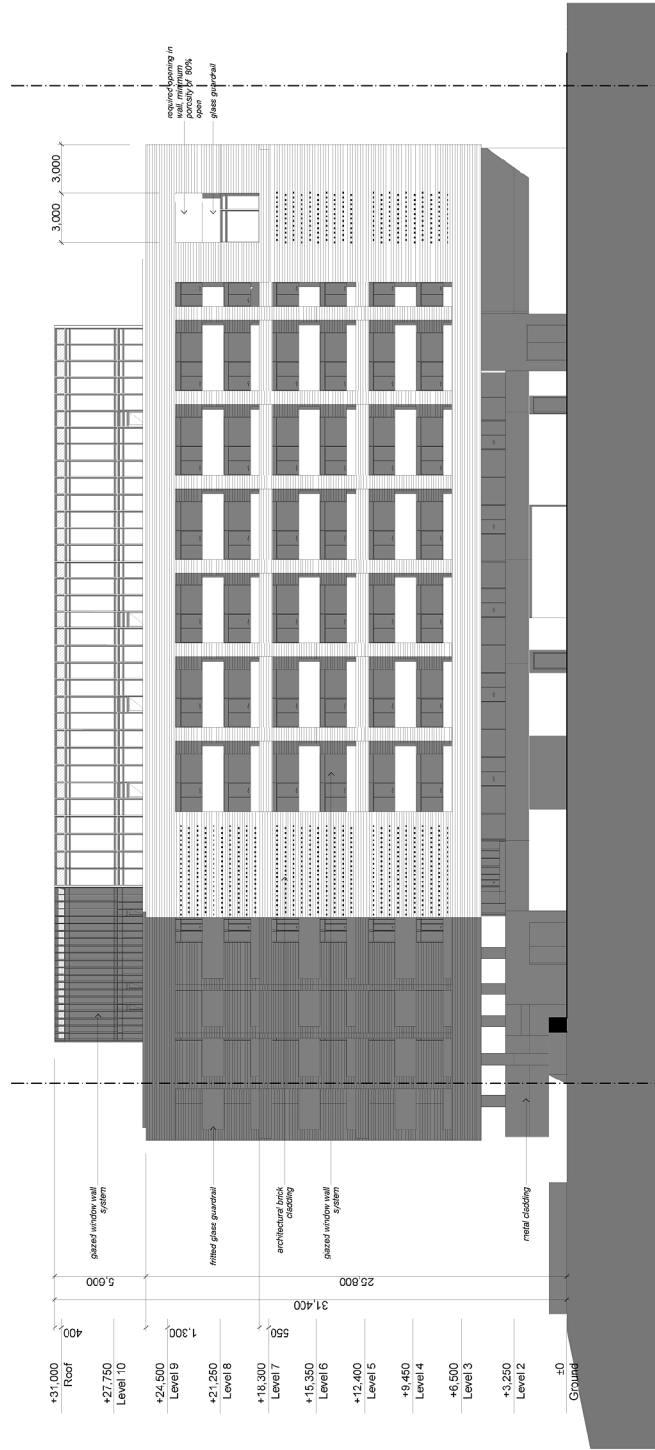
Elevations

Applicant's Submitted Drawing

Not to Scale  
01/22/2014

File # 12 264111 0Z

# Attachment 2b: North Elevation



North Elevation

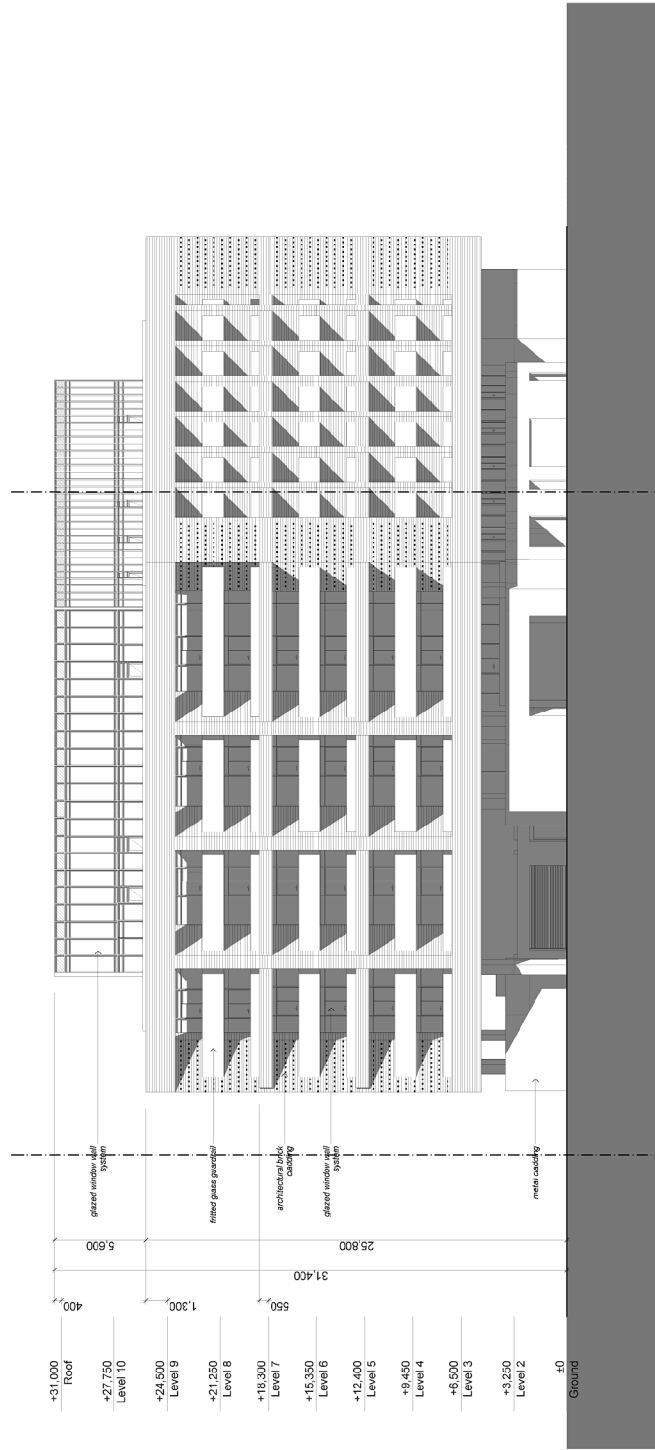
383 Sorauren Avenue

**Elevations**  
 Applicant's Submitted Drawing

File # 12 264111 0Z

Not to Scale  
 01/22/2014

Attachment 2c: East Elevation



East Elevation

Elevations

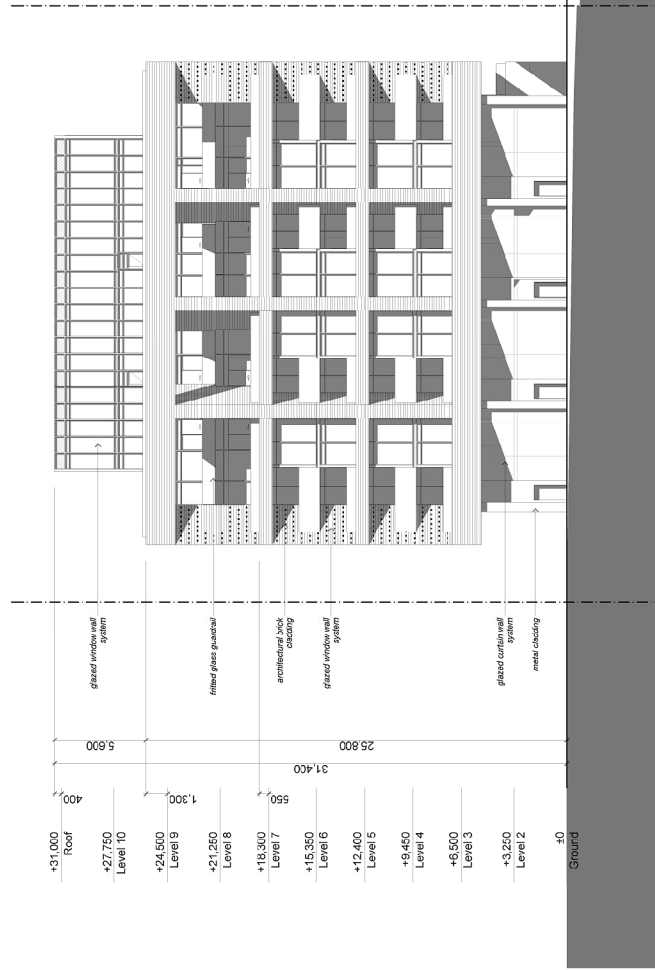
Applicant's Submitted Drawing

Not to Scale  
01/22/2014

383 Sorauren Avenue

File # 12 264111 0Z

**Attachment 2d: West Elevation**



West Elevation

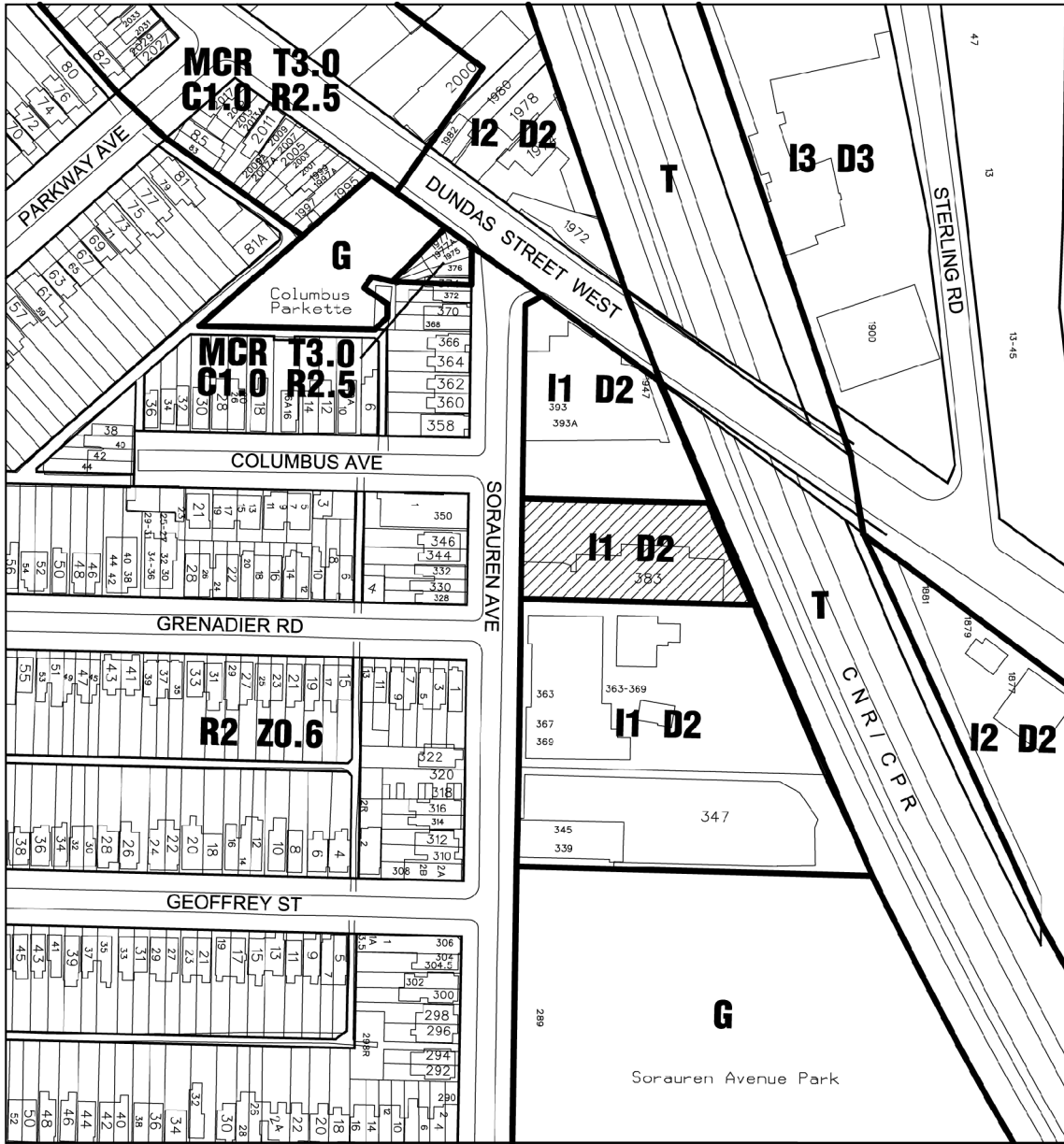
**383 Sorauren Avenue**

**Elevations**  
 Applicant's Submitted Drawing

File # 12 264111 0Z

Not to Scale  
 01/22/2014

### Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

**383 Sorauren Avenue**

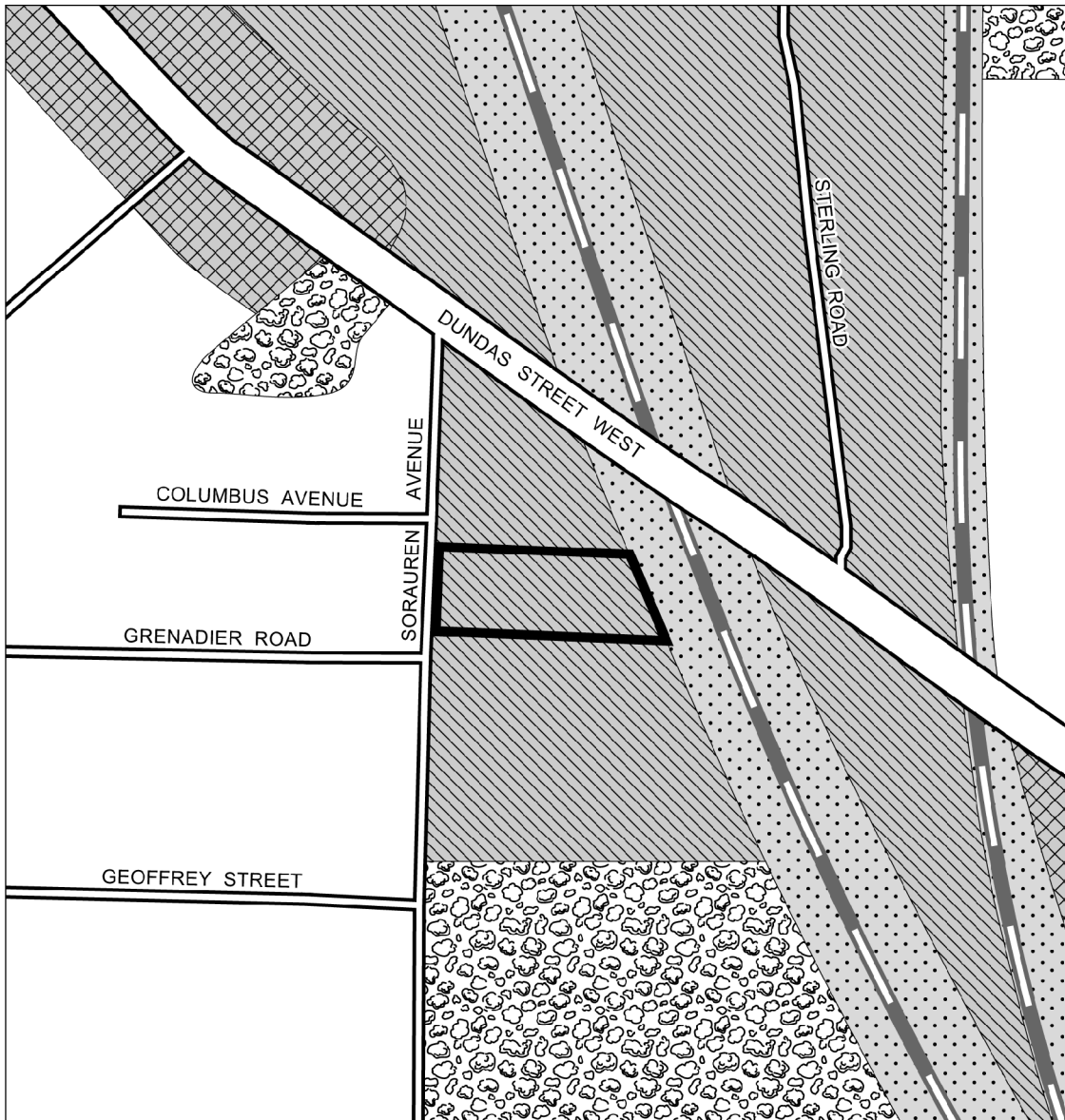
File # 12 264111 0Z

- |    |                     |     |                      |
|----|---------------------|-----|----------------------|
| I1 | Industrial District | R2  | Residential District |
| I2 | Industrial District | MCR | Mixed-Use District   |
| I3 | Industrial District |     |                      |
| T  | Industrial District |     |                      |
| G  | Parks District      |     |                      |



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 11/27/2012








## Attachment 4: Official Plan



**TORONTO** City Planning  
**Official Plan**

**383 Sorauren Avenue**

File # 12 264111 0Z

- |  |  |
|--|--|
|  Site Location    |  Parks & Open Space Areas |
|  Neighbourhoods   |  Parks                    |
|  Mixed Use Areas  |  Utility Corridors        |
|  Employment Areas |  |

  
 Not to Scale  
 11/27/2012

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 264111 STE 14 OZ
Details	Rezoning, Standard	Application Date:	October 17, 2012

Municipal Address: 383 SORAUREN AVE

Location Description: PLAN 287 PT LOT 35 \*\*GRID S1403

Project Description: Rezoning application to permit the redevelopment of an existing industrial single storey non-residential building to a 10 storey residential building having: 145 residential units with 2 storey townhouses integrated into the first two floors of the building with garden terraces; 113 vehicular parking below grade including 3 car-share surface spaces; and 11,499 m<sup>2</sup> of total residential space.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
McCarthy Tetraault LLP		Architects Alliance	Sorauren Developments Inc. (formerly 23299990 Ontario Inc.)

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	154
Zoning:	I1 D2	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	2,665	Height:	Storeys:	10
Frontage (m):	36.57		Metres:	31.5
Depth (m):	73			
Total Ground Floor Area (sq. m):	962			<b>Total</b>
Total Residential GFA (sq. m):	11,499		Parking Spaces:	113
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	11,499			
Lot Coverage Ratio (%):	36			
Floor Space Index:	4.3			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	2
1 Bedroom:	91
2 Bedroom:	51
3 + Bedroom:	1
Total Units:	145

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	11,499		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Henry Tang, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-7572</b>
	<b>E-MAIL:</b>	<a href="mailto:htang2@toronto.ca">htang2@toronto.ca</a>

## Attachment 6: Draft Zoning By-law Amendment

### CITY OF TORONTO

#### BY-LAW No. ~-2014 (OMB)

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands known municipally as 383 Sorauren Avenue.**

WHEREAS the Ontario Municipal Board pursuant to its Order No. \_\_\_\_ issued \_\_\_\_, 2014, upon hearing an appeal under Section 34(11) of the *Planning Act* R.S.O. 1990, c.P.13, as amended, deems it advisable to amend By-law 438-86, as amended of the former City of Toronto with respect to the lands known municipally in the year 2014 as 383 Sorauren Avenue;

WHEREAS the Official Plan for the City of Toronto contains such 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 matter 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 the height or density of development, the *owner* may be required 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; 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 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;

THEREFORE By-law 438-86 of the former City of Toronto is amended by the Ontario Municipal Board as follows:

- 1) None of the provisions of Section 2(1) with respect to the definition of the terms *bicycle parking space*, *bicycle parking space-occupant*, *bicycle parking space-visitor*, *grade*, *height* and *lot*, and Sections 4(2)(a), 4(4)(b), 4(12), 4(16), 9(1)(a), 9(3)Part I and 9(3) Part II of Zoning By-law No. 438-86, as amended, 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 an *apartment building* and *accessory* uses on the *lot*, provided that:

- a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- b) the *residential gross floor area* of the building shall not exceed 11,550 square metres;
- c) a maximum of 145 *dwelling units* shall be permitted on the *lot*;
- d) no portion of the building above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following:
  - i. bollards, eaves, cornices, balustrades, lighting fixtures, awnings, canopies, fences and safety railings, parapets, trellises, window sills, window washing equipment, privacy screens, dividers, privacy walls, guardrails, vents, stacks, terraces, patios, wheelchair ramps, retaining walls or crash walls, landscape features, stairs, stair enclosures, doors, window washing equipment, underground garage ramps and associated structures, planters and elements or structures on the roof of the building used for outside or open air recreation, green roof, safety or wind protection purposes; and
  - ii. an architectural frame, which may contain areas used for storage purposes, may be located on those portions of the *lot* subject to a height limit of 18.6 metres and 21.5 metres as shown on Map 2, provided the height of such architectural frame does not exceed a *height* limit of 25.0 metres, excluding parapets;
- e) no portion of the building shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the structures and elements provided for in subsection (d) above;
- f) notwithstanding subsection (d) above, no window of a *dwelling unit* shall be located closer than 5.5 metres to the northerly and southerly lot lines;
- g) not less than 113 *parking spaces* shall be provided and maintained on the *lot*, of which 18 *parking spaces* shall be provided for the exclusive use of visitors to the *lot*;
- h) a minimum of 3 *car-share parking spaces* shall be provided on the *lot*;

- i) all *bicycle parking spaces-visitor* shall be located at finished ground level in a weather protected area;
  - j) a minimum of 220 square metres of indoor *residential amenity space* shall be provided in a room or rooms which are not contiguous, one of which shall contain a kitchen and a washroom;
  - k) a minimum of 300 square metres of outdoor *residential amenity space* shall be provided, of which a minimum of 40 square metres shall be directly accessible from the indoor *residential amenity space*; and
  - l) no outdoor *residential amenity space* shall be located between the building and the northerly property line nor on the roof of that portion of the building located above a height of 25.0 metres.
- 2) None of the provisions of Zoning By-law No. 438-86, as amended, shall apply to prevent a *temporary sales office/pavilion* on the *lot*.
- 3) For the purposes of this By-law:
- a) “*temporary sales office/pavilion*” means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
  - b) “*bicycle parking space*” means an area used for parking or storing a bicycle having the following dimensions:
    - (i) the minimum dimension of a *bicycle parking space* placed in a horizontal position is:
      - A. minimum length of 1.8 metres;
      - B. minimum width of 0.6 metres; and
      - C. minimum vertical clearance from the ground of 1.9 metres;
    - (ii) the minimum dimension of a *bicycle parking space* placed in a vertical position on a wall, structure or mechanical device is:
      - A. minimum horizontal clearance from the wall, structure or mechanical device of 1.2 metres;
      - B. minimum width of 0.6 metres; and
      - C. minimum vertical clearance of 1.9 metres;

- (iii) the minimum dimension of a *bicycle parking space* provided in a *bicycle stacker* is:
    - A. minimum length of 1.8 metres;
    - B. minimum width of 0.6 metres; and
    - C. the overall minimum vertical clearance for a *bicycle stacker* is 1.9 metres;
  - c) “*bicycle parking space-occupant*” means *bicycle parking spaces* for use by the occupants or tenants of a building;
  - d) “*bicycle parking space-visitor*” means *bicycle parking spaces* for use by visitors to a building;
  - e) “*bicycle stacker*” means a device which provides *bicycle parking spaces* in a horizontal position above or below another *bicycle parking space* and equipped with a mechanism providing floor level access to both *bicycle parking spaces*;
  - f) “*car-share motor vehicle*” means a motor vehicle available for short-term rental, for the use of at least the occupants of the building erected on the lot;
  - g) “*car-share parking space*” means a *parking space* used exclusively for the parking of a *car-share motor vehicle*;
  - h) “*grade*” means 108.75 metres Canadian Geodetic Datum;
  - i) “*height*” means the highest point of the roof above *grade* except for those structures and elements as prescribed by this By-law;
  - j) “*lot*” means those lands outlined in heavy lines on Map 1 attached hereto;
  - k) “*owner*” means the registered owner of the *lot*; and
  - l) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law.
- 4) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense certain facilities, services and matters set out in Schedule A hereof subject to and in accordance with an agreement pursuant to Section 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.

- 5) 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.

## **SCHEDULE A**

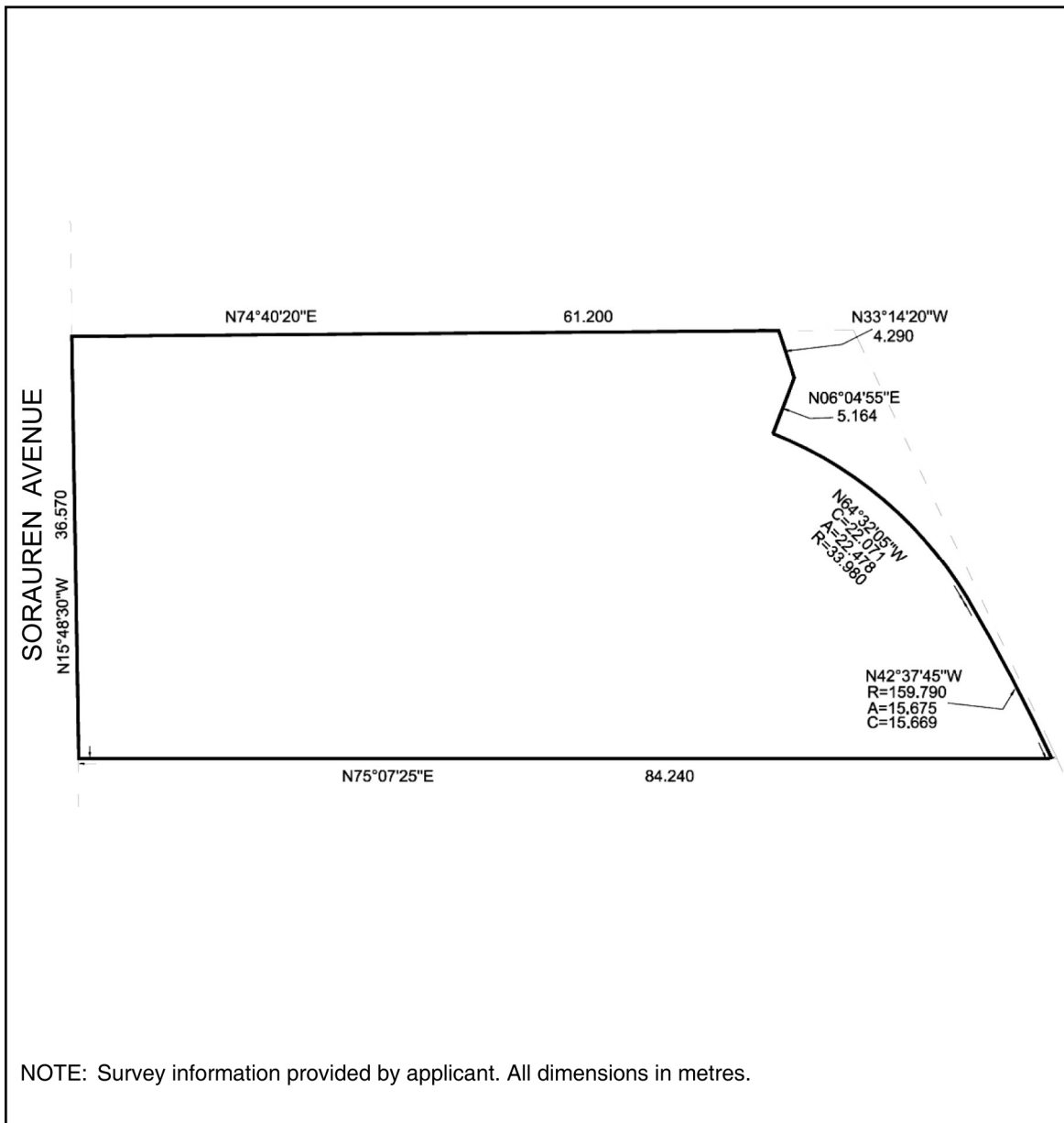
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the *lot* and in accordance with an agreement under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (1) Prior to issuance of an above grade building permit, other than building permit for a temporary sales office/pavilion, the *owner* shall provide:
  - a. A cash contribution of \$112,500.00 towards improvements to the Wabash-Sorauren Community Centre to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - b. A cash contribution of \$112,500.00 toward the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 14, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contributions referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law 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 of City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
- (3) As a legal convenience, the agreement(s) shall secure the provision of appropriate warning clauses and mitigation measures in the Site Plan Agreement and payments toward mitigation measures at 393 Sorauren Avenue up to a maximum of \$10,000.00 in recognition of the adjacent rail facility and commercial employment uses.

- (4) As a legal convenience, the agreement(s) shall secure the provision of an eighty (80) percent transparency opening at the 8<sup>th</sup> storey architectural frame identified in Section (1) d) (ii) of this By-law and further shown on Drawing Nos. A.13 and A.14 submitted as Exhibit 8 to Ontario Municipal board hearing file no. PL130568 as part of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director of City Planning.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON \_\_\_\_\_, 2014, IN BOARD CASE NO. PL130568

# Map 1



## Map 2

