

Community Benefits under S37 of the Planning Act
As agreed to by City Council at its meeting December 17 & 18 2019

35 High Park Ave:

8. City Council authorize the City Solicitor to enter into an agreement pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning for the purpose of securing appropriate community benefits to be based on the value of additional height and/or density beyond what is permitted by the current Zoning By-law, to be registered on title to the lands at 35, 41-63, 65 and 95 High Park Avenue and 66 and 102-116 Pacific Avenue, and include community benefits that have been identified as being priorities for this are through the High Park Apartment Neighbourhood Area Character Study.

9. The following are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development if approved by the Local Planning Appeal Tribunal:

i. the rental tenure of the 968 existing units at 35, 65 and 95 High Park Avenue and 66 Pacific Avenue, retained on the site, will be secured as rental dwelling units for 20 years without an application for demolition or conversion to condominium;

ii. a Tenant Relocation and Assistance Plan shall be provided to all Eligible Tenants, to the satisfaction of the Chief Planner and Executive Director, City Planning;

iii. needed improvements to the existing rental apartment site, without pass-through costs to existing tenants, and access to new indoor and outdoor amenities for all on-site residents;

iv. a construction mitigation strategy and a communication plan to reduce impacts on remaining tenants;

v. the requirements of the Toronto District School Board and Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues;

vi. the requirements of the Toronto Transit Commission, including moving the existing TTC stop on High Park Avenue at Glenlake Avenue, accommodating the TTC bus's accessibility ramps; provision of revised plans with setback requirements; warning clauses and other requirements as noted in the TTC comments along with identified payments, if necessary;

vii. a 2.1 metre sidewalk along each frontage abutting the site, subject to preservation of existing mature trees where feasible, to be secured through the Site Plan Control process;

viii. mid-block pedestrian connection(s) as generally shown in Public Appendix B to the report (December 11, 2019) from the City Solicitor to the satisfaction of the Chief Planner and Executive Director, City Planning; prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, any required easements along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the mid-block connections; the Owner shall own, operate, maintain and repair the pedestrian connections and install and maintain signage, at its own expense, stating that members of the public shall be entitled to use the pedestrian connections at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the pedestrian connections shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

ix. the construction and maintenance of the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held on October 26 and 27, 2009 through the adoption of item 2009.PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City

Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of 2017.PG23.9 of the Planning and Growth Committee, and as may be further amended by Council from time to time; and

x. the above base improvements for the off-site parkland dedication referred in Part 6 above and the development charge credit referred to in Part 7 above;

xi. the owner shall provide privately owned publicly accessible open spaces, as generally shown in Public Appendix B to the satisfaction of the Chief Planner and Executive Director, City Planning;

A. for Unencumbered Soils in front of 95 High Park Avenue and the area in front of 66 Pacific Avenue both as identified on the landscape plan; and

B. for the Dog Off Leash Areas next to the new park, adjoining the site to the south; and adjacent to the proposed Privately Owned Publicly Accessible Open Space in front of 95 High Park Avenue fronting Glenlake Ave, including:

prior to the issuance of Site Plan Approval, the Owner shall convey to the City, for nominal consideration, easements along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the Privately Owned Publicly Accessible Open Space; the Owner shall own, operate, maintain and repair the Privately Owned Publicly Accessible Open Space and install and maintain signage, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the Privately Owned Publicly Accessible Open Space shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;

xii. on-site dog relief areas with proper disposal facilities for existing and new residents and/or a dog relief station within each building; and

xiii. any measures identified in any updated/revised studies provided for in Parts 10 iv., v., viii. and ix. below, to be implemented through the Site Plan Control process to the satisfaction of the Chief Planner and Executive Director, City Planning.

111 Pacific Ave:

a. prior to the Local Planning Appeal Tribunal issuing its order, the owner shall enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, such Section 37 benefits to include:

A. 72 rental dwelling units or 10 percent of the number of the units for which site plan approval is received, at affordable rents as defined by the Canada Mortgage Housing Corporation (5 percent to be provided within existing rental buildings and 5 percent to be provided within the new rental buildings);

B. \$200,000.00 for streetscape improvements;

C. \$700,000.00 for improvements to local public parks;

D. \$500,000.00 for public art;

E. \$200,000.00 for non-profit daycare purposes within the vicinity;

F. Privately Owned Publicly Accessible Open Space (which may include a Dog Off Leash Area Privately Owned Publicly Accessible Open Space); and

G. two pedestrian easements for mid-block connections;

In addition, Councillor Perks and City lawyers negotiated the following:

- 1. The total quantum of the Section 37 benefits will be no greater than \$8.9 million dollars;**
- 2. The allocation of this quantum will be subject to further discussions and agreement between our client and City staff in consultation with the Ward Councillor. The allocation will be for items set out in the attached settlement offer from Minto which I understand has been accepted by City Council or such other items that are acceptable to our client and the City;**
- 3. This offer is subject to the conditions set out in the attached settlement offer from Minto (see pages 6 and 7 of the letter); and**
- 4. This offer is also conditional on the proposal set out in the latest resubmission being approved by the LPAT. This offer will expire if it is not accepted by City Council by 12:00 noon on Friday, December 20, 2019**