

Part 19 – Section 37 Provisions

Contained in this part are provisions or agreements outlining the facilities, services or matters that are subject of a by-law passed pursuant to Section 37 of *the Planning Act, R.S.O. 1990*. Section 37 of the act states: “The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

900 Albert Street

1. The following applies to 900 Albert Street:
 - (a) The City shall require that the owner of the lands at 900 Albert Street to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works and monies to be completed by the applicant that would be paid to the City. Funds will be secured prior to the issuance of a building permit for above grade works. The total value of the monies to be secured being \$975,000.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (i) An indexed contribution of \$450,000.00 is to be provided to Ward 14. \$100,000.00 is to be directed towards the Ward 14 Community Garden Fund, and \$350,000.00 is to be directed towards the Ward 14 Community Parks Fund.
 - (ii) A payment of \$525,000.00 to the Ward 14 Affordable Housing Fund.
 - (iii) In addition, the following non-cash contributions will be provided:
 1. As part of the Site Plan Control approval process, the owner shall provide pedestrian, servicing and access easement over the site to the mutual satisfaction of the City of Ottawa and owner, as well as provide for the opportunity for an easement to allow for a future connection to the lands at 250 City Centre Avenue.
 2. As part of the Site Plan Control approval process, the construction of a new pathway along the southern property limit connecting to the existing multi-use pathway and an elevated walkway along the western wall of the new building which connecting from Albert Street to a new O-Train bridge.
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured. (By-law 2012-336) (By-law 2018-346)

111, 115 and 121 Parkdale Avenue and 71 Burnside Avenue

2. The following applies to the properties at 111, 115 and 121 Parkdale Avenue and 71 Burnside Avenue:
 - (a) The City shall require that the Owner of the land at 111, 115, 121 Parkdale Avenue and 71 Burnside Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manger, Planning and Growth Management, to secure an indexed contribution of \$400,000 towards a community fund for the Mechanicsville neighbourhood as detailed below:
 - (b) The payment of Section 37 funds shall be within 24 months of the issuance of a building permit.
 - (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management to create and contribute to a community fund for the Mechanicsville neighbourhood to be used for recreation and other community building needs.
 - (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-109)

159, 163 and 167 Parkdale Avenue

3. The following applies to the properties at 159, 163 and 167 Parkdale Avenue:
 - (a) The City shall require that the Owner of the land at 159, 163 and 167 Parkdale Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$275,000 towards a community fund for the Mechanicsville neighbourhood as further detailed below.
 - (b) The payment of \$125,000 of Section 37 funds shall be provided prior to the issuance of a building permit, while the remaining \$150,000 shall be provided within 24 months of the issuance of a building permit.
 - (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management to create and contribute to a community fund for the Mechanicsville neighbourhood to be used for recreation and other community building needs.
 - (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-99)

265 Carling Avenue

4. The following applies to the property at 265 Carling Avenue:

- (a) The City requires that the Owner of the land at 265 Carling Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$215,828.67.
- (b) The payment of Section 37 funds shall be provided prior to the issuance of a building permit.
- (c) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to provide the following: 100% of the required funds to go towards improvements to Eugene Forsey Park and Dalhousie South Park.
- (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (LPAT Decision n° PL170303, issued May 25, 2018) (By-law 2017-41)

505 Preston Street

5. The following applies to the property at 505 Preston Street:

- (a) Prior to the lifting of the holding provision, the City shall require that the Owner of the land at 505 Preston Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure an indexed contribution of \$1,150,700 towards public benefits as detailed below:
 - (i) 40% of the contribution shall go towards the design and construction of a future pedestrian and cycling bridge over the existing OTrain corridor at Hickory Street.
 - (ii) 40% of the contribution will be made to achieve implementation of area wide public realm improvements/benefits in accordance with the Strategic Directions report, with the specific items to be determined in consultation between all relevant stakeholders and the Councillor. The list of potential priority items as identified in the Strategic Directions for these Section 37 monies include but are not limited to the following.
 - (iii) The multi-use pathway along the west side of the OTrain between Beech Street and Carling Avenue.
 - (iv) Improvements to Ev Tremblay Park.
 - (v) Multi-purpose street initiative on Champagne Avenue South, south of Beech Street.
 - (vi) Streetscape and Sidewalk improvements along Carling, including the expansion and improvement of sidewalks on the Carling Avenue bridge over the OTrain tracks.
 - (vii) Streetscape and sidewalk improvements along Sidney Street.
 - (viii) A public square at Preston and Carling.
 - (ix) Traffic calming projects throughout the entire Preston-Carling District.

- (x) The purchase of lands at 1010 Somerset Street West to increase the size of Plouffe Park.
- (b) The remaining 20% of the contribution will be provided to achieve other potential community benefits as determined in consultation with the Ward Councillor and local community in accordance with the Strategic Directions report and/or public benefits as set out in Policy 11 of Section 5.2.1 of the Official Plan.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit.
- (d) The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in this section.
- (e) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-115)

460 St. Laurent Boulevard

- 6. The following applies to the property at 460 St. Laurent Boulevard:
 - (a) The City shall require that the owner of the land at 460 St. Laurent Boulevard enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manger, Planning and Growth Management, to secure funds in the amount of \$312,000 to provide local community benefits within the Cardinal Glen neighbourhood for recreational uses, such as bike/walking pathways, tree planting and park infrastructure.
 - (b) The payment of \$50,000 of Section 37 funds shall be provided prior to the issuance of a building permit, while the remaining \$262,000 shall be provided within 24 months of the issuance of a building permit.
 - (c) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2013-275)

514, 516, 518, 530 and 532 Rochester Street

- 7. The following applies to the properties at 514, 516, 518, 530 and 532 Rochester Street:
 - (a) At least twenty percent (20%), of the total number of dwelling units, to be constructed in the building shall be capable of being designed as three bedroom units in compliance with the provisions of the Ontario Building Code. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three bedroom units. For each dwelling unit below the 20% threshold, a further uplift contribution of \$10,000 per unit must be made to the City's affordable housing program.

- (b) An indexed payment of \$317,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be paid to the City's affordable housing program, to the satisfaction of the General Manager, Planning and Growth Management, in consultation with the Ward 14 Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of an above-grade building permit.
- (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2014-100)

1040 Somerset Street West

- 8. The following applies to the property at 1040 Somerset Street West:
 - (a) Design a public multi-use pathway along the western side of the O-train corridor between Somerset Street West and Gladstone Avenue to the satisfaction of the General Manager, Planning and Growth Management;
 - (b) Construct a public multi-use pathway in accordance with the approved design as noted above along the western edge of the O-train corridor for the length of the subject property to the satisfaction of the General Manager, Planning and Growth Management;
 - (c) An indexed payment of \$500,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for Tom Brown Arena improvements, including but not limited to a stairway connection to the Albert Street bridge, to the satisfaction of the General Manager, Planning and Growth Management in consultation with the local Ward 15 Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2014-106)

845 Carling Avenue

- 9. The following applies to the property at 845 Carling Avenue:
 - (a) The City shall require that the Owner of the land at 845 Carling Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below that will comprise a combination of public benefits that will include facilities/works to be undertaken by the Owner and monies that would be paid to the City to be used by the City for defined capital projects with the total value of the benefits to be secured being \$3,350,300 to the City. The specific benefits to be secured and provided are:

- (i) The construction of the Sidney Street Woonerf, from the Subject property, east to Preston Street to an upset limit of \$585,000. Should the cost to construct this Woonerf exceed the up-set limit, monies may be transferred from the monies for the Adeline Woonerf to cover the additional costs so as to have the Sidney Woonerf completed by the applicant as part of the first phase of development should development be undertaken in phases with the remaining monies for the Adeline Woonerf then being provided to the City to implement this community benefit;
- (ii) The construction of the Adeline Street Woonerf, from the North/South public pathway east to Preston Street to an upset limit of \$1,232,500 to be constructed when the development along Adeline proceeds. Should the cost to construct this Woonerf exceed the up-set limit, monies up to the up-set limit will be provided to the City to implement this community benefit;
- (iii) As part of the implementation of the Woonerfs noted in i) and ii), undertaking the works to bury the overhead wires to an upset limit of \$1,182,500. Should the Owner determine as set out in ii) that the cost for the Owner to construct the Adeline Woonerf will exceed the upset limit noted whereby the owner will provide a payment to the City for the costs for this Woonerf for the City to undertake this work, the owner shall also provide to the City a cash payment for any monies not utilized from the \$1,182,500 noted herein for the burial of wires as part of the Sidney Woonerf to allow the City to implement the burial of wires along Adeline and for any other burial of wires that may be implemented;
- (iv) Providing a cash payment of \$350,300 to the City to be applied to the construction of the Hickory Street Bridge;
- (v) As part of the site development, the owner shall provide the following:
 - a) Granting of a surface easement to provide continuous public access to the plaza between the two tallest towers on the subject property, to the satisfaction of the General Manager of Planning and Growth Management;
 - b) Provision of a direct connection to the Carling OTrain Station from the tower located closest to Carling Avenue with direct access, both external and internal through the proposed development to the Carling OTrain Station, as well as improvements to the Carling OTrain Station and to the satisfaction of the General Manager of Planning and Growth Management.
 - c) The details for the community benefits noted in (a) and (b) above shall be determined and secured through the Site Plan Control Agreement that is to be registered prior to the issuance of any building permit.
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development and may be provided to coincide with phased development in accordance with the phasing plan that will be required to be developed through the Site Plan Approval process should the project be developed in phases and that will also identify the works to be undertaken as part of each phase

which will also include implementation of public benefits. (By-law 2015-265)

192, 196 Bronson Avenue and 31 Cambridge Street North

10. (a) The City shall require that the Owner of the lands at 192, 196 Bronson Avenue and 31 Cambridge Street North enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below provided by monies to be paid to the City to deliver the defined capital projects with the total value of the benefits to be secured being \$355,120. The specific benefits to be secured and provided are:
- (i) The owner shall provide a payment of \$106,536 (30 per cent) to the City to create an urban agriculture fund for Somerset Ward (Ward 14), which will include improvements to Nanny Goat Hill Community Garden and the development of new urban agriculture at McNabb Park. The first payment of \$7,500 will be paid at the time of the Section 37 Agreement registration and the remainder shall be paid prior to the issuance of the first building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment. (By-law 2017-148)
 - (ii) The Owner shall provide a payment of \$106,536 (30 per cent) to the City for landscaping and pedestrian amenity improvements near the vehicle barrier on Cambridge Street North, immediately south of Somerset Street. The payment shall be paid prior to the issuance of the first building permit and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (iii) The Owner shall provide a payment of \$142,048 (40 per cent) to contribute to the Ward 14 affordable housing reserve, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (iv) Any leftover monies remaining after the implementation of the identified projects from the ward urban agriculture fund or the Cambridge Street landscaping and pedestrian amenity improvements will be reallocated to the Ward 14 affordable housing reserve. (By-law 2017-148)
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2015-330)

151 and 153 Chapel Street

11. (a) The City shall require that the owner of the lands at 151 and 153 Chapel Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below, and which will comprise a

combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$1,800,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment. The specific benefits to be secured and provided are:

- (i) Improvements to cycling infrastructure in the area with specific contribution to be determined by the Ward Councillor.
 - (ii) Improvements to Sir Wilfred Laurier Park located approximately 350 metres south of the subject site with specific contribution to be determined by the Ward Councillor.
 - (iii) Improvements to Jules Morin Park and MacDonald Gardens Park with specific contribution to be determined by the Ward Councillor.
 - (iv) The remainder of money towards public realm improvements in the area potentially including to cul-de-sacs at Friel and Augusta Streets, the walkway that links York Street and Beausoleil Drive from Chapel Street, improvements to the blank façade at 215 Wurtemberg Street and to celebrate heritage resources. Should significant public art be provided on the subject site or a minimum of 10 per cent of units in the project be three-bedroom, a draw-down factor may apply to a maximum upset limit of \$200,000 for either public art or 30 per cent of units in the project being three-bedroom units.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (OMB Order #PL150320, issued April 26, 2016)

2280 City Park Drive

12. The City shall require that the owner of the lands at 2280 City Park Drive enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning and Growth Management, to secure the public benefits noted below:
- (a) Monies paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$411,510 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment as follows:
 - (i) Improvements to the Beacon Hill North Community Centre with specific contribution to be determined by the Ward Councillor.
 - (ii) Improvements to Ken Steele Park to provide a football bunker and any other specific contributions to be determined by the Ward Councillor.
 - (b) The public benefits to be provided without a monetary contribution are:
 - (i) At least five per cent of the total number of dwelling units to be constructed in the building(s) on the portion of the lot zoned TD2[2350] shall be capable of being designed as three bedroom units or two bedroom plus den units in

compliance with the provisions of the Ontario Building Code.

- (c) The owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in this section.
- (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services, and matters to be secured.
- (e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for any development proposed on the portion of the lot zoned TD2[2350].
- (f) The building permit for any development proposed on the portion of the lot zoned TD2[2350] shall not be issued unless the provisions of (b) above are met. (By-law 2016-250)

1960 Scott Street

13. The City shall require that the owner of the lands at 1960 Scott Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
 - (i) \$100,000 for the Lions Park Puddle Rink Infrastructure;
 - (ii) \$300,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services; and,
 - (iii) \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the adjacent area.
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2017-113)

190 Richmond Road

14. (a) The City shall require that the owner of the lands at 190 Richmond Road enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the

City to be used for defined capital projects with the total value of the benefits to be secured being \$450,000 to the City. The specific benefits to be secured and provided are:

- (i) The owner shall provide a payment of \$400,000 to the City for the development of a new City park on the portion of the subject land generally in the area rezoned to Open Space (O1).
 - (ii) Any leftover monies remaining after the development of the said park will be reallocated to the Ward 15 Cash-in-Lieu of Parkland account.
 - (iii) The owner shall provide a payment of \$50,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2017-217)

979 Wellington Street West

15. (a) ***The City shall require that the Owner of the lands at 979 Wellington Street West to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$165,000.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.***
- (i) ***The specific benefits to be secured and provided are: \$155,000.00 – Laroche Park field house reconstruction; \$10,000.00 – cycling improvements on Armstrong Street; Wellington Street West streetscape improvements to be implemented through the Site Plan Control approval; Public Art, to be implemented through the Site Plan Control approval; and, Provision of two affordable housing units through an agreement with the Affordable Housing Branch.***
 - (ii) ***Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.***
 - (iii) ***The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2018-86) (Subject to By-law 2021-341)***

320 McRae Avenue and 315 Tweedsmuir Avenue

16. The following applies to the properties at 320 McRae Avenue and 315 Tweedsmuir Avenue:
- (a) The City shall require that the owner of the lands discharge Agreement OC2004404 pursuant to Section 37 of the *Planning Act*, and replace said agreement with a new Section 37 Agreement to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$1,572,100.00 to the City, indexed upwardly in accordance with the Statistics Canada Non Residential Construction Price Index for Ottawa, calculated from the date agreement the new Section 37 Agreement is executed to the date of payment.
 - (b) The benefits to be secured are:
 - (i) A cash contribution of \$747,600.00 into a Ward 15 specific fund for pedestrian/ cycling connectivity improvements, including but not limited to lighting along pathways.
 - (ii) A cash contribution of \$824,500.00 to construct a public park on the land zoned O1 on McRae Avenue.
 - (c) If there are unspent or unallocated funds from a cash payment for a period of three years after receipt of the funds, the funds, the funds may be redirected to a different community benefit without requiring an amendment to the site specific by-law provided that:
 - (i) The funds are redirected to a purpose that represents a reasonable planning relationship to the original development application; and
 - (ii) Concurrence is received by the Ward Councillor.
 - (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.
 - (e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2018-204) (By-law 2021-140)

1950 Scott Street, 312 and 314 Clifton Road

17. (a) The City shall require that the owner of the lands at 1950 Scott Street, 312 and 314 Clifton Road enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$1,550,000 to the City. The specific benefits to be secured and provided are:
- (i) \$775,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
 - (ii) \$325,000 in a Ward 15 specific fund for improvements to road safety in surrounding areas.

- (iii) \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the surrounding area.
- (iv) \$250,000 in a Ward 15 specific fund for improvements to parks and recreation in the surrounding area.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2019-348)

1178 Cummings Avenue and 1098 Ogilvie Road

18. The City shall require the owner of the lands at 1178 Cummings Avenue and 1098 Ogilvie Road to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits as detailed below.
 - (a) Monies paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$130,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment as follows:
 - (i) Improvements to Ken Steele Park to provide a football bunker and local community improvements.
 - (b) The public benefits to be secured as part of the Site Plan Control approval process and without a monetary contribution are as follows:
 - (i) The planned multi-use pathway, finished grading, and sodding and/or seeding of the Hydro Electric Power corridor adjacent to the site, subject to the City entering into a License of Occupation and/or 32 recreational license with the Ontario Infrastructure and Lands Corporation (OILC)/Hydro One Networks Inc. (HONI);
 - (ii) Public sidewalk extension within Cummings Avenue road allowance from the northern limit of the site to Ogilvie Road; and
 - (iii) The planned multi-use pathway and associated lands on the site from Cummings Avenue to the west limit of site.
 - (c) The owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in this section.
 - (d) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the

facilities, services, and matters to be secured.

- (e) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2020-212)

112 Nelson Street

- 19. 1. The City shall require that the owner of the lands at 112 Nelson Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$300,000 to the City. The specific benefits to be secured and provided are:
 - (a) An indexed contribution of \$300,000.00 towards a Ward 12 specific account for local area public use, traffic calming and/or park improvements, as determined by the Ward Councillor.
 - (b) The public benefits to provided without a monetary contribution are:
 - (i) At least ten percent (10%), of the total number of dwelling units, to be constructed in the building shall be provided as three-bedroom units in compliance with the provisions of the Ontario Building Code.
 - (ii) As part of the Site Plan Approval process, the Owner(s) shall provide a semi-public plaza (privately owned public space) at the front of the site between the ground floor wall and public sidewalk along Nelson Street, and the plaza space will be subject to a public surface easement, as a condition of Site Plan.
 - (iii) The Owner shall enter into a separate agreement with the City of Ottawa (the "Affordable Housing Agreement") that will require 10% of the dwelling units to be Affordable. A housing provider determined by the City shall administer these units. "Affordable" shall be defined as dwelling units with starting rents at occupancy not exceeding 125% of the City Wide Average Market Rent (AMR) as determined by the Canada Mortgage Housing Corporation (CMHC) for a given year, subject to the provisions under the Residential Tenancies Act, 2006. The owner acknowledges and agrees that the Affordable Housing Agreement requires a period of affordability that shall not be less than 10 years and certain eligibility/selection requirements, determined by the City, for occupancy of said Affordable units. For further clarity, dwelling units required elsewhere in the S. 37 agreement are permitted to count towards require,d Affordable Units.
- 2. Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- 3. The payment of Section 37 funds shall be provided prior to the issuance of the first building permit for the proposed development. (By-law 2020-299)

2070 Scott Street

20. 1. The City shall require that the owner of the lands at 2070 Scott Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$900,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
- (i) Roy Duncan Park improvements including half basketball court: \$80,000
 - (ii) Ward 15 specific account for nearby traffic calming improvements: \$200,000
 - (iii) Ward 15 specific account for affordable housing: \$620,000
 - (iv) In addition, the following non-cash contributions will be provided as part of the Site Plan Control approval process:
 - 1) The owner shall provide and maintain a pedestrian pathway along the rear of the site subject to a public access easement.
 - 2) The blank wall of the rear façade along the pedestrian pathway closer to Churchill Avenue will incorporate public art.
 - 3) The owner will acknowledge and agree to construct the building using a combined heat and power cogen system (CHP system) for energy efficiency and provide confirmation of the system installation.
 - 4) The requirement to provided tenants with one-month presto card.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2020-325)

100 Bayshore Drive

21. 1. The City shall require that the owner of the lands at 100 Bayshore Drive enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$150,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the

Section 37 Agreement to the date of payment.

- (a) The specific benefits to be secured and provided are:
-\$150,000 towards a park amenity that is aimed at youth.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2020-327)

100 Argyle Avenue

22. 1. The City shall require that the Owner of the lands at 100 Argyle Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$76,081.50 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (a) The specific benefits to be secured and provided are:
 - \$76,081.50 – Ward 14 traffic calming fund;
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-122)

1619 and 1655 Carling Avenue

23. 1. The City shall require that the Owner of the lands at 1619 and 1655 Carling Avenue to enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$1,243,863.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (a) The specific benefits to be secured and provided are:
 - \$400,000.00 towards neighbourhood cycling improvements;
 - \$500,000.00 towards the Ward 15 affordable housing fund;
 - \$200,000.00 towards improvements in Clare Garden's Park (including the installation of a water service); and

- And the remaining \$143,863.00 towards local area traffic calming
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-139)

3030 St. Joseph Boulevard

24. 1. (a) The City shall require that the owner of the lands at 3030 St. Joseph Boulevard enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Clerk and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$156,000 to the City. The specific benefits to be secured and provided are:
 - (i) \$156,000 in a Ward 1 specific fund for improvements to public amenities in the surrounding area.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-184)

78, 84, 86 and 88 Beechwood and 69, 73, 77, 81, 85, 89 and 93 Barrette Street

25. (a) The City shall require that the owner of the lands at 78, 84, 86 And 88 Beechwood Avenue And 69, 73, 77, 81, 85, 89 And 93 Barrette Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$738,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (i) The specific benefits to be secured and provided are:
 - Cycling and safety improvements on Beechwood Avenue - with a focus from Loyer Street to the owner's lands
 - Residual amounts to be placed into a Ward 12 cycling and pedestrian

improvements fund

- In addition, the following non-cash contributions will be provided as part of the Site Plan Control approval process:
 - The owner shall provide and maintain a mid-block pedestrian pathway connection Beechwood Avenue to Barrette Street, subject to a public access easement;
 - The owner shall construct right-of-way improvements, including a cycle track, sidewalk, and landscaping along their frontage and extending eastwards to include the entire frontage of 98 Beechwood Avenue;
 - The owner will provide a minimum of 1:1 ratio of units to bicycle parking spaces;
 - The owner shall provide traffic calming measures along Barrette Street in the form of a bulb-out;
 - The owner shall provide opportunity for car-sharing on site;
 - The owner shall seek LEED v4.1 BD+C certification.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-227)

319, 325 and 327 Richmond Road, 381 Churchill Avenue North, and 380 Winona Avenue

26. The City shall require that the owner of the lands at 319, 325 and 327 Richmond Road, 381 Churchill Avenue North, and 380 Winona Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$779,205.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
 - (i) \$15,000 for a mural at Westboro Beach underpass (any additional funds to go into the affordable housing fund);
 - (ii) \$40,000 for a placemaking project at the corner of Churchill and Workman;
 - (iii) \$362,102.50 for road safety improvements in the Westboro area; and,
 - (iv) \$362,102.50 for Ward 15 affordable housing fund.
 - (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (c) The payment of Section 37 funds shall be provided prior to the issuance of a building

permit for the proposed development. (By-law 2021-237)

19 Centrepointe Drive

27. (1) The City shall require that the owner of the lands at 19 Centrepointe Drive enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner. The total value monies to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
 - (i) Ward 8 specific account for nearby traffic calming improvements: \$450,000
 - (ii) Ward 8 specific account for Ottawa Public Library, Nepean Centrepointe Branch additional resource purchases: \$80,000
 - (iii) Ward 8 specific account for nearby park improvements: \$70,000
 - (b) In addition, the following non-cash contributions will be provided:
 - (i) As part of the Site Plan Control approval process, a condition shall be registered as part of the site plan agreement such that the owner shall provide a monthly transit pass for new residents of the proposed buildings for a period of one year. The pass shall be given at a rate of one pass per dwelling unit with an upset cost limit of \$845,250 for the entire development.
 - (ii) As part of the Site Plan Control approval process, the owner shall provide an additional 300 bicycle parking spaces above and beyond the minimum zoning requirement, along with a bicycle tune up and maintenance area.
 - (iii) As part of the Site Plan Control approval process, the owner shall include a greenroof on the fourth and fifth storey of the proposed buildings, with a minimum area of 260 square metres.
 - (c) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
 - (d) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-257)

30, 38, 42 and 48 Chamberlain Avenue

28. **[Subject to By-law 2021-282]**

301 Lett Street (Areas D and E, Schedule 386)

29. (1) The City shall require that the owner of the lands at 301 Lett Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$2,000,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
- "Park - East Flats" contribution for construction and design: \$2,000,000.00
 - In addition, the following non-cash contributions will be provided as part of the Site Plan Control approval process:
 - The Owner agrees that at least one of the residential towers will be a purpose-built rental building.
 - At least twenty dwelling units, two-bedroom or more, will be rented at or below Average Market Rent, for a minimum period of 10 years.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development. (By-law 2021-280)

307 and 309 Lisgar Street

30. The City shall require that the Owner of the lands at 307 and 309 Lisgar Street to enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$753,296.00 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
- (a) The specific benefits to be secured and provided are:
- \$500,000.00 - Ward 14 Affordable Housing Fund; and
 - \$253,296.00 - Public Realm / Environmental Improvements on Metcalfe Street
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building

permit for the proposed development. (By-law 2021-340)

1330 Carling Avenue/815 Archibald Street

31. (1) The following applies to 1330 Carling Avenue/815 Archibald Street:
- (a) The City shall require that the owner of the lands at 1330 Carling Avenue/815 Archibald Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner. The total value monies to be secured being \$250,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.
 - (b) The specific benefits to be secured and provided are:
 - (i) \$125,000 toward the expansion/improvement of the Carlington Community Garden (McBride Street and Woodward Avenue) located within Carlington Park, 937 Clyde Avenue North/1640 Laperriere Avenue; and
 - (ii) \$125,000 toward local area traffic calming.
 - (c) The public benefits to be secured through site plan approval and without a monetary contribution and are as follows:
 - (i) Provision of 87 bicycle parking spaces beyond the minimum zoning requirement. The resulting provision of bicycle parking will be, at minimum, a rate of one space per dwelling unit;
 - (ii) Two electric vehicle charging stations available to the public;
 - (iii) Two bicycle repair stations, with one accessible to the public; and
 - (iv) Provision of 210 preloaded monthly transit passes for residents for a period of one year.
 - (d) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured. (By-law 2022-342)

861 Clyde Avenue

32. (1) The City shall require that the owner of the lands at 861 Clyde Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will

comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

- (a) The benefits to be secured are:
- A cash contribution of \$100,000.00 towards traffic calming measures in the areas surrounding the proposed development, divided fifty percent each between Wards 7 and 16.
 - In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the site Plan Control Agreement:

The provision of 10 per cent of the total units affordable to the 30th income percentile throughout the entire project for a 20-year term. The units are to be spread throughout several of the towers, having at least some affordable units in the first phase of development to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development. A minimum of 15 per cent of the units must be two or three bedrooms, a minimum of 60 per cent must be one-bedrooms, and a maximum of 25 per cent can be bachelors.

- (b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the first phase of the proposed development.

112 Montreal Road and 314 Gardner Street

35. (1) The following applies to 112 Montreal Road and 314 Gardner Street

The City shall require that the owner of the lands at 112 Montreal Road and 314 Gardner Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Real Estate and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

a) The benefits to be secured are:

At the discretion of the Ward Councillor, a cash contribution of \$787,498.15 towards any or all of the following:

- Traffic calming measures
- Local parks improvements
- Community improvements such as landscaping and lighting
- Notwithstanding the foregoing, the City may apply the money to an affordable housing agreement to provide affordable housing on the property.

All the above money contributions are applicable to Ward 12.

In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the Section 37 Agreement or the Site Plan Control Agreement, whichever is most appropriate:

- Bike lane along Vanier Parkway
- Publicly accessible bike repair station to be operated and maintained by the property owner
- Publicly accessible landscaped courtyard (POPS)
- Publicly accessible children's play area
- Child-care facility for the use of future occupants and the surrounding community
- Public art
- 20 per cent of total units are three-bedroom or two-bedroom+den
- Five public electric vehicle charging stations at grade
- Tri-sorter refuse/recycling system
- Energy conserving insulation + double glazed low-e argon windows

b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner,

without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.

- c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the first phase of the proposed development.

2050 Scott Street and 295, 299 and 301 Ashton Avenue

36. (1) The City shall require that the owner of the lands at 2046 and 2050 Scott Street and 295, 299 and 301 Ashton Avenue enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Real Estate and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

The benefits to be secured are:

- (a) A cash contribution of \$100,000.00 towards sidewalk upgrades on Ashton Avenue and Winona Avenue.
- (b) In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the site Plan Control Agreement:
 - i. A mid-block pedestrian connection from Scott Street to Ashton Avenue, including public art murals, bike parking spaces and repair stations.
 - ii. An approximately 185 square metre space on the ground floor of the podium to be used as a daycare space for the community. Should the owner opt out of this non-cash contribution, an amount of \$100,000.00 would be added to the cash contribution above.
 - iii. The establishment of a displacement fund for the residential tenants of the buildings to be demolished on the Ashton Avenue lands. Any tenant that occupied any of the existing properties prior to the acquisition by Scott Street Development Inc. shall receive a credit in the difference of existing rent compared to market for a similar unit for the same duration as their tenancy in the building for up to two years (or the required amount as per the Residential Tenancies Act, whichever is greater). These tenants are to be given first right of refusal for the affordable units in the building (at the affordable rent).
 - iv. The provision of 15 affordable housing units within the proposed building, at the Canada Mortgage and Housing Corporation (CMHC) average market rent (AMR) with a 20-year affordability commitment inflated at annual guideline increase. A minimum of 8 of these units shall be 2- or 3-bedroom units. Affordable units will be of the same size as comparable units within the same building, and will align with Building Code definitions of the unit type (i.e. studio, one-, two- or three bedroom unit definitions).

311 Somerset Street West and 234-236 O'Connor Street

38. (1) The City shall require that the owner of the lands at 311 Somerset Street West and 234-236 O'Connor Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Real Estate and Economic Development, to secure the public benefits noted below, and which

will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

- a) The benefits to be secured are:
 - At the discretion of the Ward Councillor, a cash contribution of \$599,950.69 towards the following:
 - \$549,950.69 to the ward affordable housing fund
 - \$50,000 to future community gardening needs in the ward

All the above money contributions are applicable to Ward 15.

- In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the Section 37 Agreement or the Site Plan Control Agreement, whichever is most appropriate:
 - Publicly accessible bicycle parking
 - Bike repair station
 - 11 EV charging stations (5 available to visitors)
 - Energy efficient building technologies and techniques that will exceed the energy efficiency levels established in the National Energy Code for a building of this type by 25%
 - One (1) large piece or three (3) smaller pieces of public art (along O'Connor, corner of O'Connor and Somerset, and along Somerset)
 - Seven (7) large units (2-bedroom plus convertible den)
- b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law, which identify the facilities, services and matters to be secured.
- c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the first phase of the proposed development.

70 Richmond Road and 376 Island Park Drive

39. (1) The City shall require that the owner of the lands at 70 Richmond Road and 376 Island Park Drive enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Real Estate and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including

monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

The benefits to be secured are:

- A cash contribution of \$750,000.00 towards improvements to the Island Park/Richmond intersection (in line with the concept shown as part of the unsafe intersection report from October 2020).
- A cash contribution of \$194,562.54 to be put into the Ward 15 ward-specific affordable housing fund.”

This by-law shall not come into force unless and until an agreement pursuant to Section 37 of the *Planning Act* is registered on title to the lands known municipally as 70 Richmond Road and 376 Island Park Drive.