

Authority: Ontario Municipal Board Order issued on March 7, 2012, in Board File No. PL111050

CITY OF TORONTO

BY-LAW No. 621-2012(OMB)

To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands known municipally as 9-21 Grenville Street.

WHEREAS the Council of the City of Toronto has been requested to amend its By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2011 as 9-21 Grenville Street; and

WHEREAS Subsection 37(3) of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increase in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density or height permitted hereunder, beyond that otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law; and

WHEREAS Council at its meeting of November 29, 30 and December 1, 2011 determined to support the coming into force of this By-law; and

WHEREAS the Ontario Municipal Board, by the way of Order PL111050 issued on March 7, 2012, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, with respect to lands known municipally in the year 2011 as 9-21 Grenville Street;

THEREFORE, By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City as the *owner's*

sole expense and in accordance with and subject to the agreement referred to in Section 4(t) of this By-law.

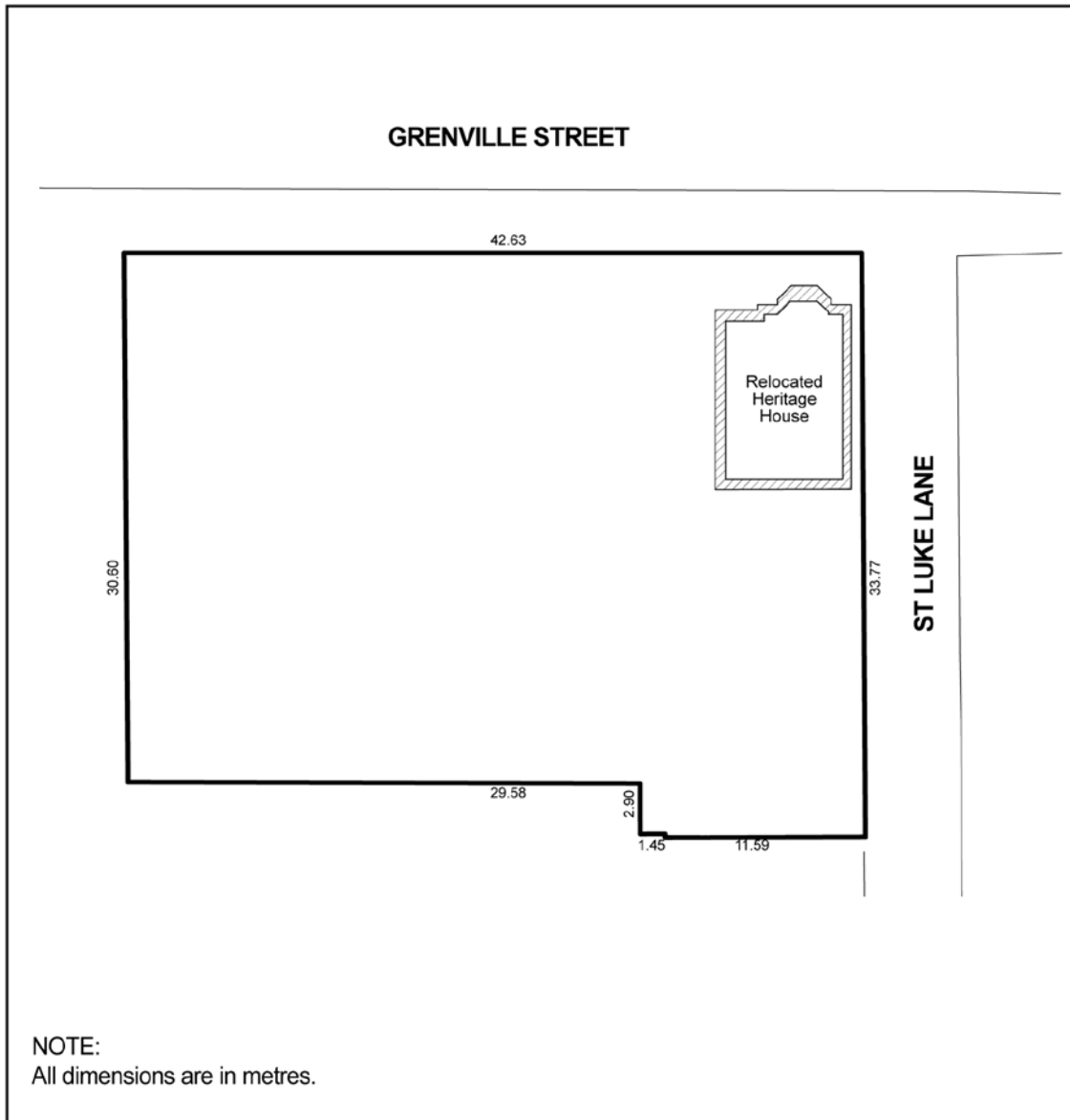
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(5), 4(10), 4(12), 4(13), 4(17), 8(3) Part I 1, 8(3) Part I 3(a), 8(3) PART II 1(a)(ii), 12(2)132 of By-law No. 438-86 of the former City of Toronto, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a mixed use building on the lands municipally known as 9-21 Grenville Street (hereinafter referred to as 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* shall not exceed 31,000 square metres;
 - (c) the *residential gross floor area* and *non-residential gross floor area* shall not exceed 31,500 square metres;
 - (d) a maximum of 495 *dwelling units* are permitted on the *lot*;
 - (e) a maximum *height* of 165.9 metres will be permitted on the *lot*;
 - (f) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, eaves, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
 - (ii) balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, planters, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;

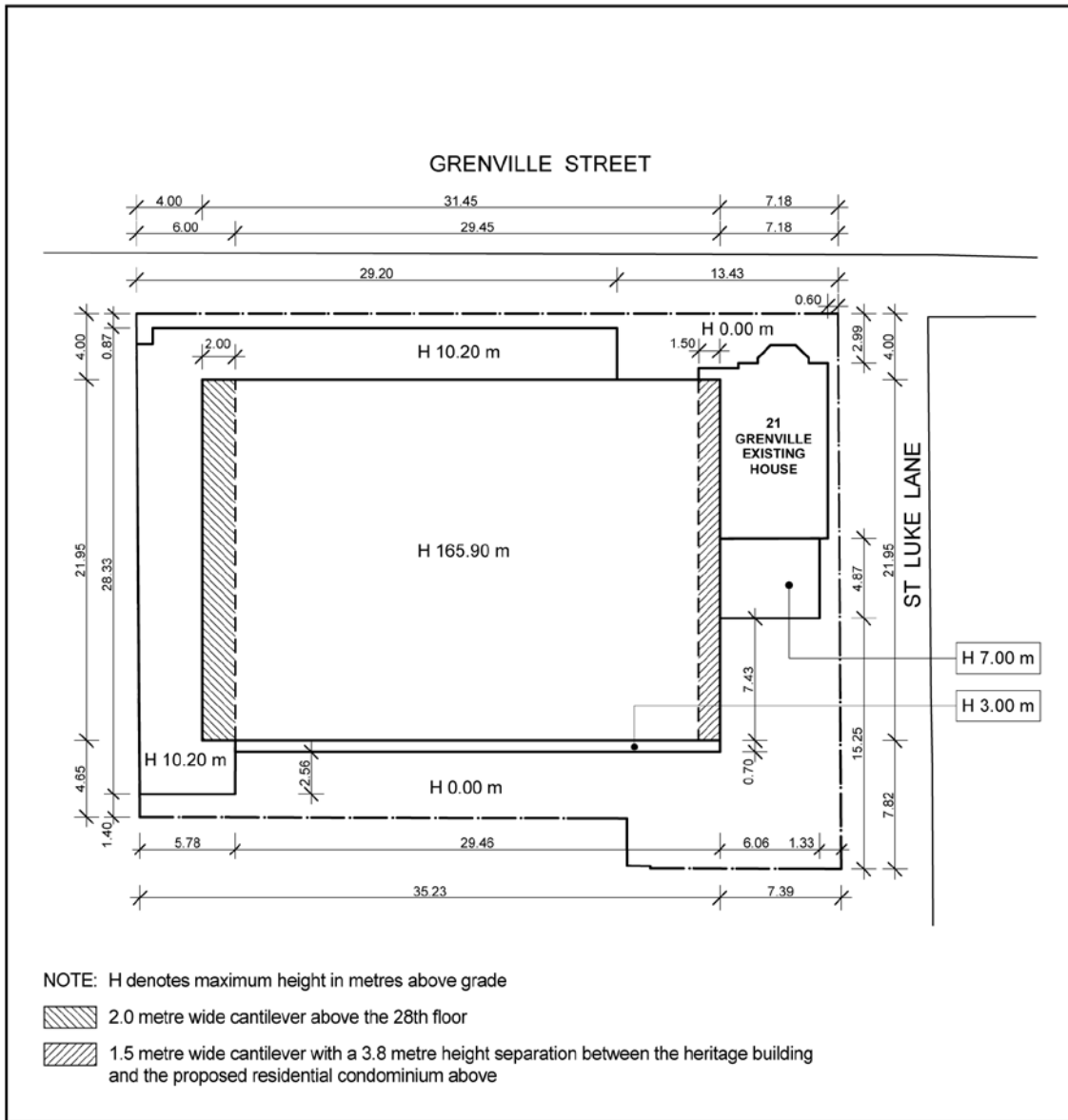
- (g) the heights of any building or structure erected on the *lot* shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
 - (i) window washing equipment and aircraft warning lights, railings, parapets walls, stair towers, partitions dividing outdoor recreation areas and trellises, elements of a green roof, lightning rods and exhaust flues located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 2.0 metres;
- (h) a minimum of 0.45 square metres per unit of outdoor *amenity space* is provided;
- (i) a minimum of 1.72 square metres per unit of indoor *amenity space* is provided;
- (j) a minimum of 437 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - (i) for residents, a minimum of 346 *bicycle parking spaces – occupant*;
 - (ii) for *visitor*, not less than 84 *bicycle parking spaces – visitor*, not to be combined with storage lockers and to be provided at *grade* or on the second floor; and
 - (iii) for *retail*, not less than 7 *bicycle parking spaces* to be provided at *grade*;
- (k) a minimum of 126 *parking spaces* shall be provided and maintained *on the lot* in accordance with the following:
 - (i) provide a maximum 89 spaces for residents;
 - (ii) provide a minimum of 4 *car-share parking spaces* and a maximum of 8 *car-share parking spaces* on the P2 level;
 - (iii) provide a minimum of 29 *commercial parking spaces*; and
 - (iv) any spaces not purchased by an owner of a residential unit in this building or used as a *car-share parking space* will form part of the *commercial parking garage*;
- (l) despite the definition of "*parking space*" in section 2(1)(iii) and the minimum width dimensions for obstructed *parking spaces* in sections 4(17) (a) and (e) of By-law No. 438-86, as amended, 4 obstructed required *parking spaces* for residents are permitted having a minimum width of 2.6 metres and 1 obstructed required *car-share parking space* is permitted having a minimum width of 2.6 metres;

- (m) at least one *loading space – type G* shall be provided and maintained on the *lot* and may be used alternatively as a *loading spaces – type B*;
 - (n) the driveway will have a slope of 7.5% within 6 metres of the street;
 - (o) the *owner* of the *lot* agrees to provide a minimum of 42 dwelling units to be constructed in the building that are capable of being designed as three-bedroom dwelling units in compliance with the provisions of the Ontario Building Code, and these dwelling units will be shown on any marketing plans as three-bedroom units and will be marketed as potential three-bedroom dwelling units. These units may be sold and/or constructed with fewer bedrooms with provisions in the condominium documentation to allow renovation to three-bedroom units;
 - (p) a minimum of 6 metre height shall be provided on the ground floor for new construction not including the designated heritage building;
 - (q) provide continuous weather protection with a minimum depth of 3 metres along Grenville Street with the exception of the frontage of the relocated Heritage building, subject to the approval of an encroachment agreement by Right-of-Way Management, failing which no weather protection will be required;
 - (r) a 2 metre wide cantilever is permitted on the west side of the building above the 28th floor as shown on Map 2;
 - (s) a 1.5 metre wide cantilever is permitted on the east side of the building with a 3.8 metre height separation over the heritage building as shown on Map 2; and
 - (t) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.
5. Notwithstanding Section 6(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the site for any purpose except one or more of the following uses:
- (i) an *apartment* building containing 50 storeys;
 - (ii) a *retail store* having a maximum of 500 square metres on the ground floor (including the relocated/expanded designated Heritage building on the south side, contained within the new building envelope and including mezzanines); and
 - (iii) uses accessory thereto, including a *commercial parking garage* located below finished ground level.
6. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the lot.

7. For the purposes of this By-law:
- (a) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (b) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
 - (c) "*grade*" means 103.45 metres Canadian Geodetic Datum;
 - (d) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
 - (e) "*temporary sales office*" 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*;
 - (f) "*commercial parking garage*" means a building or a portion of a building used for the parking of motor vehicles as an accessory use on a *lot*;
 - (g) 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.
8. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 7, 2012 IN BOARD CASE NO. PL111050





APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- (a) Prior to the issuance of the first above-grade permit, pay to the City the sum of \$800,000 towards Yonge Street and local area street improvements;
- (b) Prior to the registration of the condominium corporation, and to set out as a condition of draft condominium approval, a further payment of \$2,000,000 comprised of the following: \$1,030,000 towards Yonge Street and local area streetscaping improvements; \$600,000 towards the upgrade of St. Luke Lane; \$350,000 towards widening of sidewalks on Grenville Street and Wood Street; and \$20,000 towards LOFT Community Services for building improvements, or towards the works described above if such improvements are not feasible. These payments will not be subject to indexing, and, in consideration of the total payment of \$2,800,000, no public art contribution will be required;

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

- (c) The owner shall provide for the complete removal and off-site disposal of the existing 150 mm watermain on Grenville Street, and provide for the installation of a new 300 mm watermain and appurtenances from Yonge Street to the limit of the 9-21 Grenville Street property, as described and recommended in the Functional Servicing Report, and will make satisfactory arrangements with Technical Services for the foregoing, including the provision of financial security, insurance and payment of all required engineering and inspection fees, all to the satisfaction of the Executive Director of Technical Services;
- (d) The implementation of any wind mitigation measures required by the applicant's wind study, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- (e) Prior to final site plan approval the owner shall:
 - 1. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism and Culture be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096;

2. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism and Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393;
3. Architectural plans, elevations and landscape drawings will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division in conjunction with the Site Plan Application, and the owner shall provide 1:50 scale elevation drawings for the podium illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
4. The owner shall incorporate in the construction of the building, and there after maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
5. Provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirement to maintain in good order and operation;
6. Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the City of Toronto Act, 2006;
7. Build in conformity with the Toronto Green Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on June 1, 2011;
8. Submit a stormwater management report, a site servicing plan and site grading, drainage and landscape plans;
9. Provide continuous weather protection with a minimum depth of 3 metres along Grenville Street with the exception of the frontage of the relocated Heritage building, subject to the approval of an encroachment agreement by Right-of-Way Management, failing which no weather protection will be required;
10. Convey to the City a 0.3 metre wide strip of land across the entire length of the property abutting St. Luke Lane;
11. Enter into and register a Heritage Easement Agreement with the City for the heritage property located at 21 Grenville Street to the satisfaction of the Manager of Heritage Preservation Services and the City Solicitor;

12. Provide a detailed Conservation Plan, satisfactory to the Manager of Heritage Preservation Services, prepared by a qualified heritage consultant that:
- contains a detailed condition assessment of the heritage building;
 - details the demolition of the rear addition, the proposed method of detaching the heritage building from 25 Grenville Street, detailed plans for the re-location of the building and the integration of the heritage building with the podium of the proposed new construction as well as the proposed exterior restoration of the building once the move has been completed; and
 - includes a detailed cost estimate with descriptions and specifications for the work for the purpose of an indexed Letter of Credit to be secured within the Heritage Easement Agreement.