

Authority: Ontario Municipal Board Order issued on June 5, 2012 and February 19, 2013 in Board Case No. PL120060

## CITY OF TORONTO

### BY-LAW No. 566-2013(OMB)

#### **To amend Zoning By-law No. 438-86, of the former City of Toronto, by amending By-law No. 1308-2008 with respect to lands municipally known as 45 Charles Street East.**

Whereas Council of the City of Toronto on December 3, 2008 adopted By-law No. 1308-2008 being a By-law to amend the General Zoning By-law No. 438-86 with respect to lands known as 45 Charles Street East; and

Whereas the Ontario Municipal Board, pursuant to its Orders issued June 5, 2012 and February 19, 2013 in relation to Board Case No. PL120060, determined to amend Zoning By-law No. 438-86 of the former City of Toronto by amending By-law No. 1308-2008; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 1308-2008 and 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 are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

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:

1. By-law No. 1308-2008 is amended by:
  - (a) Deleting Map 2 attached to By-law No. 1308-2008 and substituting Map 2 attached to and forming part of this By-law;
  - (b) Deleting Appendix 1 attached to By-law No. 1308-2008 and substituting Appendix 1 attached to and forming part of this By-law; and
  - (c) Deleting Sections 3(d), 3(e), 3(f) and 3(g) and substituting the following:
    - "(d) the *residential gross floor area* erected or used shall not exceed 34,410 square metres;
    - (e) *residential amenity space* is provided on the lot as follows:
      - (i) a minimum of 1.89 square metres per unit of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms in the building, at least one of which is located at *grade* level;
      - (ii) a minimum of 1.28 square metres per unit of *residential amenity space* shall be provided outdoors on the *lot*;

- (f) provide and maintain *parking spaces* on the *lot* in accordance with the greater of the following criteria:
  - (i) a minimum of 229 *parking spaces* inclusive of four car-share parking spaces; or
  - (ii) provide and maintain a minimum ratio of 0.44 *parking spaces* per unit plus four car-share parking spaces;
- (g)
  - (i) for residents, not less than 160 *bicycle parking spaces - occupant*, of which at least 89 shall be provided in a secure room and shall not be combined with a storage locker facility. No required *bicycle parking spaces-occupant* shall be provided on levels P2 - P6;
  - (ii) for visitors, not less than 40 *bicycle parking spaces - visitor*, not to be combined with storage lockers to be provided at *grade*;"

PURSUANT TO THE ORDERS/DECISIONS OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON JUNE 5, 2012 AND FEBRUARY 19, 2013 UNDER BOARD CASE FILE  
NO. PL120060.

**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, HST, 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) A payment of \$1.6 million will be payable prior to the issuance of the first above-grade building permit. Such payment will be deposited to the *Planning Act* Reserve Fund and would be used for local streetscape and park improvements. Ten percent will be allotted for capital improvements to TCHC buildings in Ward 27 in consultation with the local councillor;
- b) A payment of \$2.0 million will be payable prior to the issuance of the first above-grade building permit. Such payment will be deposited to the *Planning Act* Reserve Fund and would be used towards the construction of an indoor swimming pool at the Wellesley Community Centre, located at 495 Sherbourne Street, or construction of other community recreation facilities in the vicinity of the *lot*; and
- c) Require that the cash amounts identified in a) and b) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the *owner* to the City.

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

- d) Offer a one-year membership to a car-share program, operating in conjunction with the car-share parking spaces provided for this site, at no cost, to all first-time purchasers and/or occupants of residential units in the subject development, subject to the first time purchasers and/or occupants of residential units applying and being approved for membership by the car-share organization;
- e) 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, to be addressed as part of the Site Plan Approval;
- f) Provide and maintain an irrigation system at the *owner's* expense for any proposed trees within the public road allowance, 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 General Manager, Technical Services;

- g) Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
- h) Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
- i) Build in conformity with the Green Development Standard Checklist date stamped as received on November 29, 2011, to the satisfaction of the Chief Planner and Executive Director;
- j) Prior to final registration of the condominium the owner shall:
  - 1. Submit to the General Manager of Transportation Services, for review and approval prior to deposit in the Land registry Office, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System with the coordinate values shown on the face of the plan, and delineating thereon by separate PART the lands to be conveyed to the City, the remainder of the site, and any appurtenant easements;
  - 2. Pave the lane widening lands in accordance with the requirements of the Executive Director of Technical Services at no cost to the City, including any costs related to the relocation of any utility poles which are to be at no cost to the City or Toronto Hydro;
  - 3. Convey a 0.95 metre wide strip of land abutting the east limit of the substandard public lane abutting the site on the west; subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes;
  - 4. Convey a 1.52 metre by 1.52 metre triangular corner splay at the northeast corner of the intersection of the east-west and north-south public lanes. Such lands to be free and clear of all encumbrances, save and except for utility poles and the concrete wall that is to be demolished or any temporary hoarding related to the demolition; and
  - 5. Include a clause in the declaration of condominium and in all offers of purchase and sale stating that the public lane abutting this site will be given low priority for winter maintenance by the City, in accordance with City Council policy, and that public lanes are salted only, not plowed.

