

Authority: Ontario Municipal Board Decision issued May 27, 2015 and Order issued December 5, 2016 in Board File PL140174

## CITY OF TORONTO

### BY-LAW 119-2017(OMB)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2015 as 6, 8, 10, 12, 14 and 16 Glen Road, 4, 6, 58, 60, 62, 64, 76 and 100 Howard Street and 603, 605, 607, 609 and 611 Sherbourne Street.**

Whereas after hearing the appeal under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and pursuant to its Decision in respect of Board File PL140174 issued on May 27, 2015 and its Order issued December 5, 2016, the Ontario Municipal Board deems it advisable to amend former City of Toronto By-law 438-86, as amended; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in *height* and density of development; and

Whereas pursuant to section 37 of the *Planning Act*, a by-law under section 34 of the *Planning Act*, may authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the *height* or density of development, the municipality, and the Ontario Municipal Board on appeal, may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in *height* and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Municipal Board Orders:

1. Upon execution and registration of the agreement(s) to be entered into with the City of Toronto pursuant to section 37 of the *Planning Act*, in accordance with the provisions of section 5 and Schedule 1 herein, District Map 51H-322, Appendix A of former City of Toronto By-law 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 1 attached hereto and comprising *Block 1* to "CR T4.0 C1.0 R4.0", comprising *Block 2* to "R4 Z1.0 (h)" and comprising *Block 3* to "CR T4.0 C1.0 R4.0" and "G" as shown on said Map 1 attached to and forming part of this By-law.

***Block 1***

2. None of the provisions of section 2(1) with respect to definition of *bicycle parking space-visitor*, *grade*, *lot* and sections 4(2)(a), 4(8)(b), 4(12), 8(3) Part I 1-3(a), 8(3) Part II 1(a)(ii), 8(3) Part VIII 1 and 8(3) Part XI 1 and 2 of former City of Toronto By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection, maintenance and use of a *mixed-use building* and uses accessory thereto, including the *Anson Jones House*, on *Block 1*, and the provision of required parking for use by residents of *Block 2*, provided:
- (a) the lands on which the *mixed-use building* including the *Anson Jones House* are located shall consist of at least those lands identified as *Block 1* and delineated by heavy lines on Map 3 attached to and forming part of this By-law;
  - (b) the total *residential gross floor area* on *Block 1* shall not exceed 38,700 m<sup>2</sup>;
  - (c) the total *non-residential gross floor area* on *Block 1* shall not exceed 1,100 m<sup>2</sup>;
  - (d) no part of any building or structure erected or used above *grade* within *Block 1* shall be located other than wholly within the areas delineated by heavy lines shown on Map 2a, attached to and forming part of this By-law, except for the following located wholly within *Block 1*:
    - (i) canopies, awnings, ornamental elements, fences, screens, landscape features to a maximum projection of 4 m;
    - (ii) cornices, lighting fixtures, trellises, eaves, window sills, guardrails, balustrades, railings, vents, underground garage ramp to a maximum projection of 1.2 m; and
    - (iii) stairs are permitted to project beyond the heavy lines delineating the heritage buildings as shown on Map 2a;
  - (e) no part of any building or structure within *Block 1* shall exceed the *height* limits shown in m and specified by the numbers following the letter "H" on Map 2a, except for the following:
    - (i) canopies, eaves, screens, landscape features, trellises, lighting rods, window washing equipment, lighting fixtures, ornamental elements and stairs may exceed the *height* otherwise permitted by a maximum of 5 m;
    - (ii) terraces and balcony dividers, solar panels, solar hotwater heater, mechanical exhaust and flues may exceed the *height* otherwise permitted by a maximum of 2 m; and

- (iii) guardrails, retaining walls, wheelchair ramps, roof drainage, terraces and balcony railings, elements of a green roof, parapets, cornices, balustrades may exceed the *height* otherwise permitted by a maximum of 1.5 m;
- (f) a maximum of 50 *storeys* shall be permitted within the 155 m height area shown on Map 2a for *Building 1A* and no *residential gross floor area* or *non-residential gross floor area* shall be located in *Building 1A* above a *height* of 155 m;
- (g) above a *height* of 16 m, the *residential gross floor area* of each individual *storey* in *Building 1A* shall not exceed 782 m<sup>2</sup>;
- (h) a maximum of 470 *dwelling units* shall be permitted on *Block 1*;
- (i) in addition to the *parking spaces* required for *Block 1* by section 4(5)(b) of former City of Toronto By-law 438-86, as amended, and notwithstanding sections 2(1) "parking garage", 8(1)(a) and 12(2)(132) of said By-law 438-86, as amended, the parking required for *Block 2* as set out in section 3(f) of this By-law shall be provided on *Block 1* for the use of residents of *Block 2*;
- (j) notwithstanding section 4(5)(b) of former City of Toronto By-law 438-86, as amended, no *parking spaces* shall be required for the non-residential uses on *Block 1*;
- (k) a minimum of 1.5 m<sup>2</sup> of outdoor *residential amenity space* per *dwelling unit* shall be provided on *Block 1*, of which a minimum of 1.34 m<sup>2</sup> of outdoor *residential amenity space* per dwelling unit located above the first storey of *Building 1A* is provided for the exclusive use of residents of *Block 1*, and notwithstanding the definition of *residential amenity space* in former City of Toronto By-law 438-86, as amended, the balance of the minimum required outdoor *residential amenity space* may be accommodated within the publicly accessible open space required by section (13)i) of Schedule 1 to this By-law, and included in the calculation of the outdoor *residential amenity space*;
- (l) a minimum of 2.0 m<sup>2</sup> of indoor *residential amenity space* per *dwelling unit* shall be provided on *Block 1* in multi-purpose room(s) with at least one room containing a kitchen and a washroom, and notwithstanding the definition of *residential gross floor area* in former City of Toronto By-law 438-86, as amended, all indoor *residential amenity space* on *Block 1*, whether required or provided in excess of the minimum requirement, shall be excluded from the calculation of *residential gross floor area*;
- (m) one *loading space – type "G"* shall be provided on *Block 1*;
- (n) notwithstanding the definition of *grade* as it relates to *Block 1*, sections 2(d) and (e) above and the H 0.0 m area shown on Map 2a, underground garages may be permitted to project above *grade* provided they are located entirely below finished grade;

- (o) balconies within *Building 1A* shall only be located in the areas identified on Map 2a and shall have a maximum depth of 1.5 m and occupy a maximum of 80 percent of each elevation of the tower; and
- (p) the horizontal area of the mechanical penthouse on the roof of *Building 1A* shall not exceed 80 percent of the horizontal area of the *storey* below.

### ***Block 2***

3. None of the provisions of section 2(1) with respect to definition of *grade*, *lot* and sections 4(2)(a), 4(5), 4(11), 6(3) Part I 1., 6(3) Part II 2, 3, 4 and 5, 6(3) Part III 1(a), and 3(d), 6(3) Part VII 1 and 6(3) Part IX 1 of former City of Toronto By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection, maintenance and use of seven *row houses* and six *semi-detached houses* on *Block 2* in the location shown on Map 2a provided:
  - (a) notwithstanding the definitions of *row house* and *semi-detached house*, the lands on which the *row houses* and the *semi-detached houses* are located consists of at least those lands identified as *Block 2* and delineated by heavy lines on Map 3;
  - (b) the total *residential gross floor area* of the *row houses* on *Block 2* shall not exceed 1,250 m<sup>2</sup> and the total *residential gross floor area* of the six *semi-detached houses* shall not exceed 880 m<sup>2</sup>;
  - (c) no part of any building or structure erected or used above *grade* within *Block 2* shall be located other than wholly within the areas delineated by heavy lines shown on Map 2a, except for the following located wholly within *Block 2*:
    - (i) cornices, lighting fixtures, awnings, ornamental elements, trellises, eaves, window sills, stairs, decks, porches, guardrails, balustrades, railings, wheelchair ramps, vents, fences, screens, landscape and public art features to a maximum projection of 0.5 m;
  - (d) no part of any building or structure within *Block 2* shall exceed the *height* limits shown in m and specified by the numbers following the letter "H" on Map 2a except for the following:
    - (i) stairs and railings, landscape features, porches and decks, awnings, wheelchair ramps and fences may exceed the 0.0 m *height* areas to a maximum of 2.0 m; and
    - (ii) for the *row houses* within the 10 m *height* area: rooftop access, elements of a green roof, guardrails, solar panels and hot water heaters, vents and exhaust flues, parapets, eaves and cornices may exceed the *height* otherwise permitted by a maximum of 2.0 m; and

- (e) a minimum of one *parking space* per *dwelling unit* on *Block 2* is required and shall be provided within *Block 1*, with temporary parking permitted on *Block 2* or off-site within 300 m of *Block 2* during construction of the *mixed-use building* on *Block 1*, for the *semi-detached houses*.

### **Block 3**

4. None of the provisions of section 2(1) with respect to definition of *bicycle parking space* – *visitor, grade, lot* and sections 4(2)(a), 4(5)(b), 4(8)(b), 4(12), 8(3) Part I 1-3(a), 8(3) Part II 2(a), and 8(3) Part XI 1 of former City of Toronto By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *non-residential building* and a *mixed-use building* including two towers and uses accessory thereto on *Block 3* provided:
- (a) the lands on which the *mixed-use building* and the *non-residential building* are located consist of at least those lands identified as *Block 3* and delineated by heavy lines on Map 3;
- (b) the *residential gross floor area* of the *mixed-use building* on *Block 3* shall not exceed 60,000 m<sup>2</sup>;
- (c) the *non-residential gross floor area* on *Block 3* shall not exceed 1,800 m<sup>2</sup> of which:
- (i) a minimum of 1,379 m<sup>2</sup> of *non-residential gross floor area* is provided for retail/commercial uses permitted by s.8(1)(f)(b)(iv) and (vi) of former City of Toronto By-law 438-86 on *Block 3*; and
- (ii) a maximum of 400 m<sup>2</sup> of *non-residential gross floor area* is provided in the *non-residential building*;
- (d) a maximum of 838 *dwelling units* shall be permitted on *Block 3*;
- (e) no part of any building or structure erected or used above *grade* within *Block 3* shall be located other than wholly within the areas delineated by heavy lines shown on Map 2b, except for the following located wholly within *Block 3*:
- (i) canopies, awnings, ornamental elements, fences, screens landscape features to a maximum projection of 4 m;
- (ii) cornices, lighting fixtures, trellises, eaves, window sills, guardrails, balustrades, railings, vents, underground garage ramp to a maximum projection of 1.2 m; and

- (iii) with respect to *Building 3B*, balconies may extend not more than 1.5 m beyond the areas delineated by heavy lines shown on Map 2b provided they are located within the shaded areas shown on Map 2b;
- (f) no part of the *mixed-use building* within *Block 3* shall exceed the *height* limits shown in m and specified by the numbers following the letter "H" on Map 2b, except for the following:
  - (i) canopies, eaves, screens, landscape features, trellises, lighting rods, window washing equipment, lighting fixtures, ornamental elements and stairs may exceed the *height* otherwise permitted by a maximum of 5 m;
  - (ii) terraces and balcony dividers, mechanical exhaust and flues may exceed the *height* otherwise permitted by a maximum of 2 m;
  - (iii) guardrails, retaining walls, wheelchair ramps, roof drainage, terraces and balcony railings, elements of a green roof, parapets, cornices, balustrades may exceed the *height* otherwise permitted by a maximum of 1.5 m; and
  - (iv) underground garages may be permitted to project above *grade* provided they are located entirely below finished grade;
- (g) no part of the *non-residential building* within *Block 3* shall exceed the *height* limits shown in m and specified by the numbers following the letter "H" on Map 2b, except for the following:
  - (i) canopies, eaves, screens, stairs, landscape features, trellises, retaining walls, solar hot water heaters, parapets, light fixtures, ornamental elements, may exceed the *height* otherwise permitted by a maximum of 3.5 m;
  - (ii) roof drainage, guardrails, cornices, balustrades, mechanical exhaust flues may exceed the *height* otherwise permitted by a maximum of 1.5 m; and
  - (iii) emergency generators exhaust required to service the *mixed-use building* but excluding any other mechanical equipment relating to the *mixed-use building*;
- (h) a maximum of 38 *storeys* shall be permitted in *Building 3B* and a maximum of 46 *storeys* shall be permitted in *Building 3C* including mechanical penthouses;
- (i) the maximum *residential gross floor area* of each individual *storey* in *Building 3B* located above a *height* of 17.5 m shall not exceed 775 m<sup>2</sup>;
- (j) the maximum *residential gross floor area* of each individual *storey* in *Building 3C* located above a *height* of 17.5 m shall not exceed 696 m<sup>2</sup>;

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- (k) a minimum of 623 m<sup>2</sup> of publicly accessible open space shall be provided at grade on *Block 3* for the combined use of the residents of *Block 3* and members of the public in the location shown Map 2b;
  - (l) a minimum of 0.76 m<sup>2</sup> per *dwelling unit* of outdoor *residential amenity space* shall be provided on the roof of the podium of the *mixed-use building* on *Block 3* for the exclusive use of the residents of *Block 3*;
  - (m) a minimum of 2.0 m<sup>2</sup> of indoor *residential amenity space* per *dwelling unit* shall be provided on *Block 3* in multi-purpose room(s) with at least one room containing a kitchen and a washroom, and notwithstanding the definition of *residential gross floor area* in former City of Toronto By-law 438-86, as amended, all indoor *residential amenity space* on *Block 3*, whether required or provided in excess of the minimum requirement, shall be excluded from the calculation of *residential gross floor area*;
  - (n) one *loading space – type "G"* shall be provided on *Block 3*; and
  - (o) *parking spaces* for residents on the *lot* must be provided and maintained in accordance with the following minimum standards:
    - (i) 0.24 *parking spaces* for each *bachelor dwelling unit*;
    - (ii) 0.40 *parking spaces* for each *one-bedroom dwelling unit*;
    - (iii) 0.60 *parking spaces* for each *two-bedroom dwelling unit*;
    - (iv) 0.96 *parking spaces* for each three or more *bedroom dwelling unit*; and
    - (v) 0.06 *visitor parking spaces* for each *dwelling unit*.
5. Pursuant to section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in *height* and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 1 hereof which are secured by one or more agreements pursuant to section 37(3) of the *Planning Act* that are in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
6. Where Schedule 1 of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
7. The *owner* shall not use, or permit the use of, a building or structure erected with an increase in *height* and density pursuant to this By-law unless all provisions of Schedule 1 are satisfied.
8. HOLDING PROVISIONS
- (a) while the "(h)" holding symbol is in place, no person shall, within any part of *Block 2* zoned R4 Z1.0(h) as shown on Map 1 attached, erect or alter any building or structure, with the exception of the conservation and restoration of the existing heritage buildings erected prior to passage of this By-law as shown on Map 2a, in

accordance with heritage permits issued pursuant to the *Ontario Heritage Act*, as amended, or use the lands for other than residential purposes with six existing (6) *semi-detached houses*. Upon removal of the "(h)" holding symbol, pursuant to section 36 of the *Planning Act*, permitted uses within *Block 2* shall be as set out in the respective R4 Z1.0 zone pursuant to former City of Toronto By-law 438-86, as amended, and this By-law; and

- (b) blocks zoned with the "(h)" symbol shall not be used for any purpose permitted by the By-law, other than as provided in section 8(a) above until the "(h)" symbol has been removed from the subject lands. An amending by-law to remove the "(h)" symbol shall be enacted by Council when the following conditions have been fulfilled to the satisfaction of Council:
  - (i) provision of detailed engineering plans and drawings satisfactory to the Executive Director, Engineering and Construction Services and the Manager, Heritage Preservation Services demonstrating that the proposed *row houses* within *Block 2* can be constructed and serviced in accordance with all applicable laws and requirements, including requirements of Toronto Water, City servicing standards and the *Building Code Act, 1992* and that the structural integrity of the existing heritage buildings within *Block 2* and shown on Map 2a hereof will not be adversely impacted by the servicing approach proposed;
  - (ii) approval of land divisions to sever *Block 2* to provide for the *row houses* independent of the existing *semi-detached houses*, has been obtained in accordance with the provisions of the *Planning Act*, as amended or the *Condominium Act*, as amended to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor and provided the minimum depth of the resulting lots for the *semi-detached houses* shall be 19.4 m measured from the Glen Road property line;
  - (iii) arrangements have been made to the satisfaction of the General Manager, Heritage Preservation Services in connection with applicable amendment to designation by-laws and applicable Heritage Easement Agreements associated with the existing heritage buildings as shown on Map 2a hereof; and
  - (iv) Notice of Conditions of Site Plan Approval has been issued for the *row houses* within *Block 2* to satisfaction of the Chief Planner and Executive Director, City Planning.

9. For the purposes of this By-law, each word or expression which is italicized in this By-law shall have the same meaning as each such word or expression as defined in former City of Toronto By-law 438-86, as amended, with the exception that the following expressions also shown in italics shall have the meanings stated below:

- (a) "*Anson Jones House*" means the heritage building existing on the lands municipally known in 2014 as 603 Sherbourne Avenue;

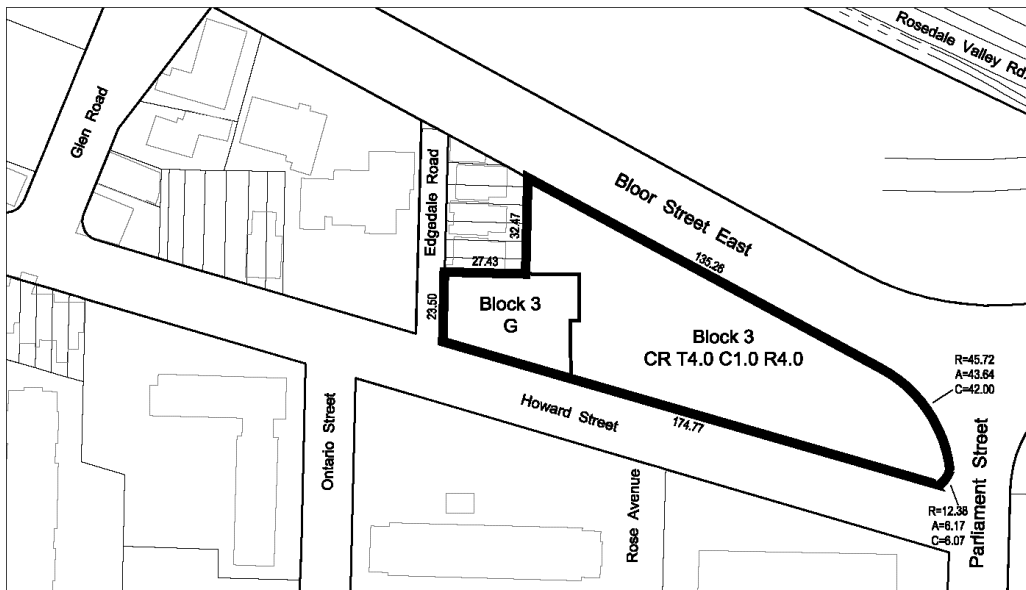
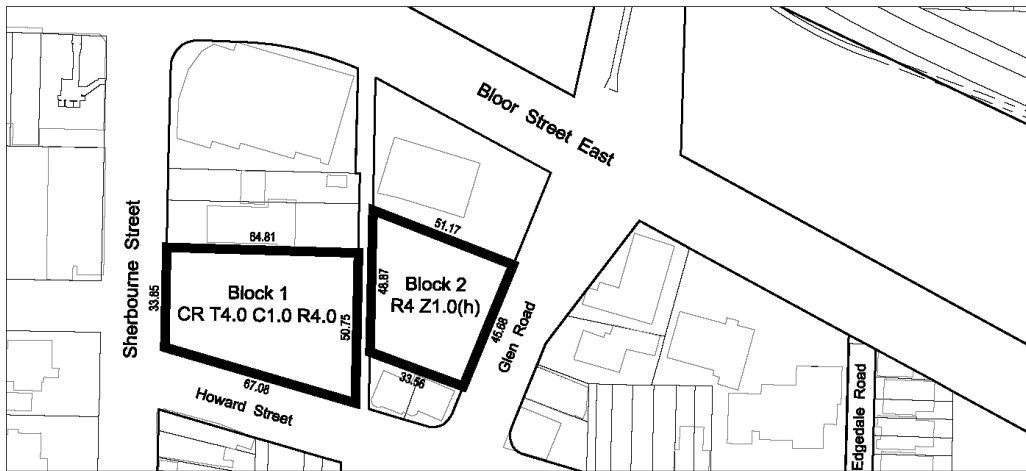


- (b) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 m by 1.8 m and a vertical dimension of at least 1.9 m; and
  - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 m by 1.2 m and a vertical dimension of at least 1.9 m;
- (c) "*Block 1*" means those lands outlined by heavy lines and identified as Block 1 on Map 3 attached to and forming part of this By-law;
- (d) "*Block 2*" means those lands outlined by heavy lines and identified as Block 2 on Map 3 attached to and forming part of this By-law;
- (e) "*Block 3*" means those lands outlined by heavy lines and identified as Block 3 on Map 3 attached to and forming part of this By-law;
- (f) "*Building 1A*" means the building permitted by this By-law in the location identified as Building 1A on Map 4 attached to and forming part of this By-law;
- (g) "*Building 3A*" means the building permitted by this By-law in the location identified as Building 3A on Map 4 attached to and forming part of this By-law;
- (h) "*Building 3B*" means the building permitted by this By-law in the location identified as Building 3B on Map 4 attached to and forming part of this By-law;
- (i) "*Building 3C*" means the building permitted by this By-law in the location identified as Building 3C on Map 4 attached to and forming part of this By-law;
- (j) "*grade*" means:
- (i) in reference to *Block 1*, an elevation of 115.15 m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 southern Ontario Adjustment);
  - (ii) in reference to *Block 2*, means an elevation of 114.5 m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 southern Ontario Adjustment); and
  - (iii) in reference to *Block 3*, means an elevation of 116.3 m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 southern Ontario Adjustment);
- (k) "*lot*" means those lands comprising *Block 1*, *Block 2* and *Block 3* shown on Map 3 attached to and forming part of this By-law;

- (l) "owner" shall mean the collective registered owners of *Block 1*, *Block 2* and *Block 3*; and
  - (m) "sales office" means a building, structure, facility or trailer on the *lot* used exclusively for the purpose of the initial sale of *dwelling units* to be erected on the *lot*.
- 10.** Despite any existing or future severance, partition or division of *Block 1*, *Block 2* or *Block 3*, the provisions of this By-law shall continue to apply to the whole of the *Block 1*, *Block 2* and *Block 3*, as applicable, as if no severance, partition or division occurred.
- 11.** Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 12.** None of the provisions of Section 12(2)380 of the former City of Toronto By-law 438-86, as amended, shall apply to *Block 1* and *Block 3*.
- 13.** None of the provisions of this By-law or By-law 438-86, as amended, shall apply to prevent a temporary *sales office* on *Block 1*, *Block 2*, and *Block 3*.

Ontario Municipal Board Decision issued May 27, 2015 and Order issued December 5, 2016 in Board File PL140174.

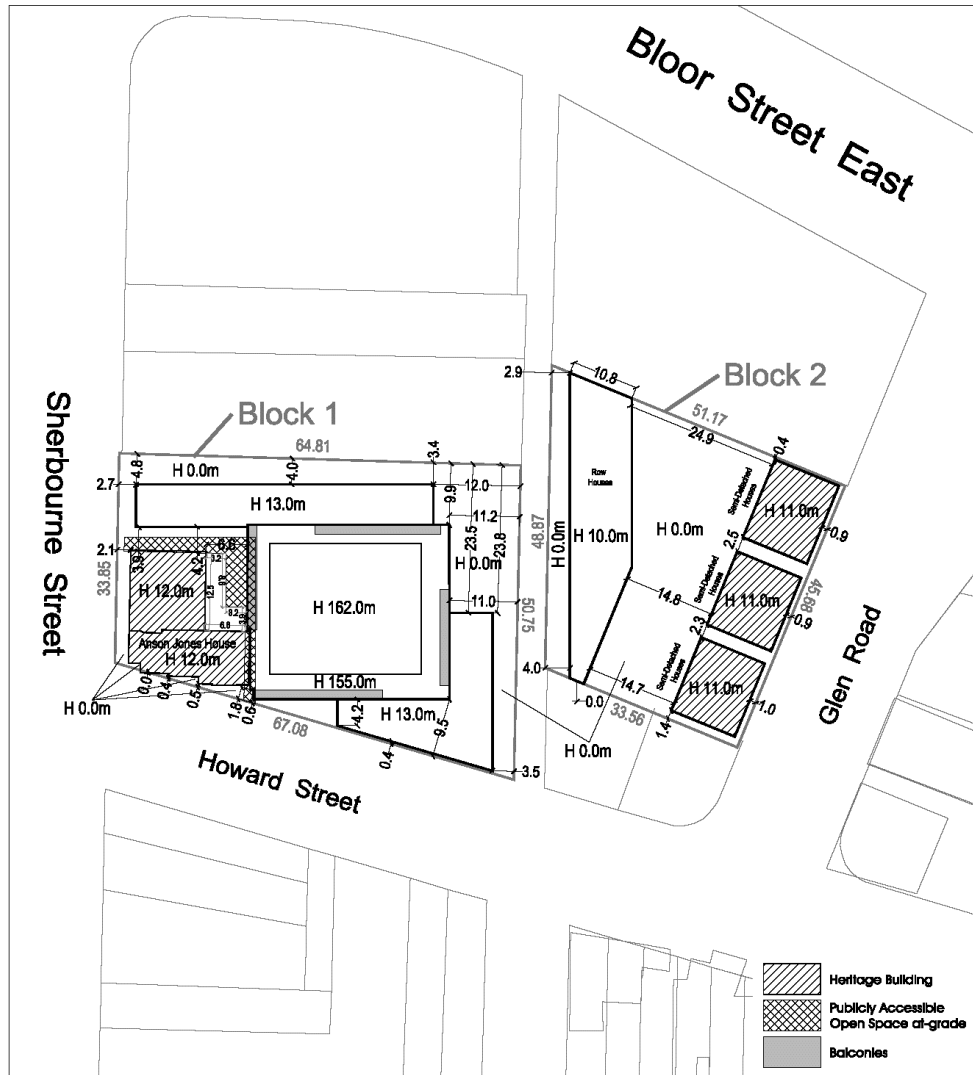
Map 1



North St. James Town  
6-16 Glen Road, 603-611 Sherbourne Street,  
and 4,6,58,60,62,64,76 & 100 Howard Street



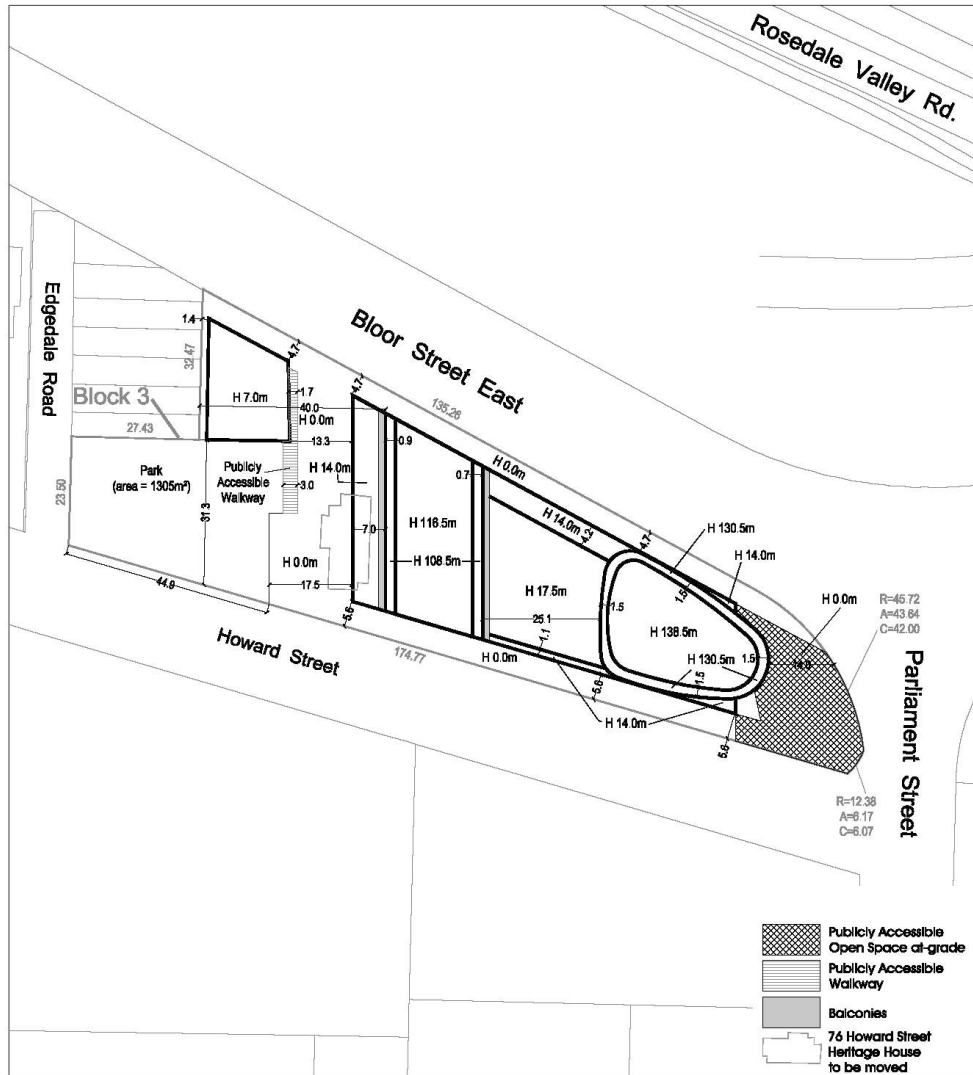
Map 2a



**North St. James Town**  
 6-16 Glen Road, 603-611 Sherbourne Street,  
 and 4,6,58,60,62,64,76 & 100 Howard Street



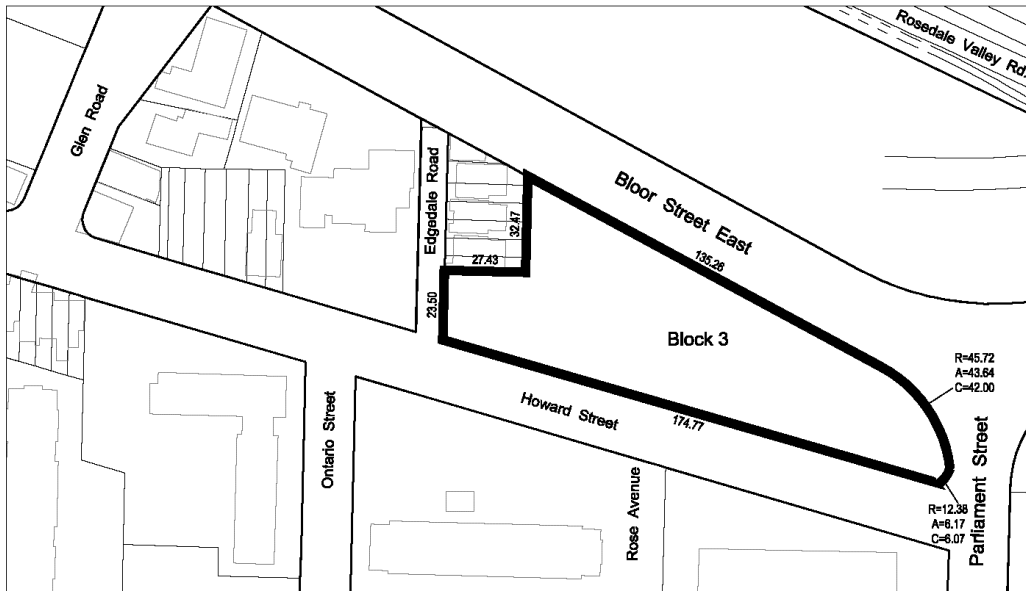
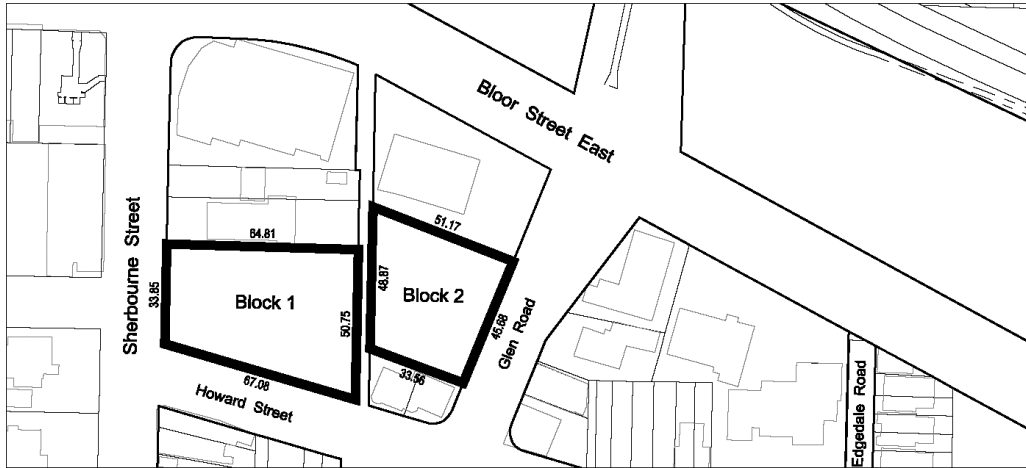
Map 2b



**North St. James Town**  
 6-16 Glen Road, 603-611 Sherbourne Street,  
 and 4,6,58,60,62,64,76 & 100 Howard Street



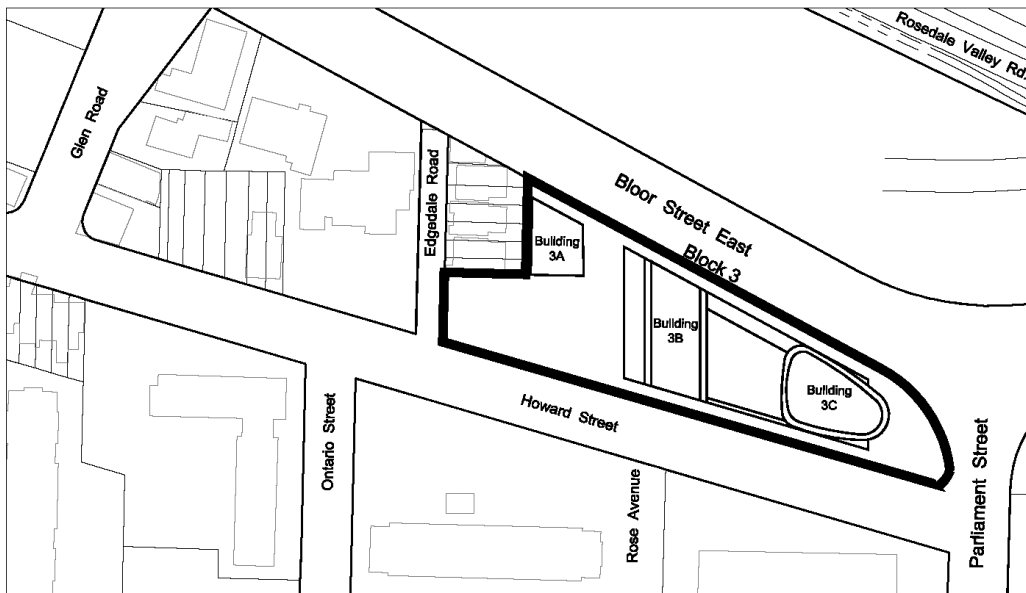
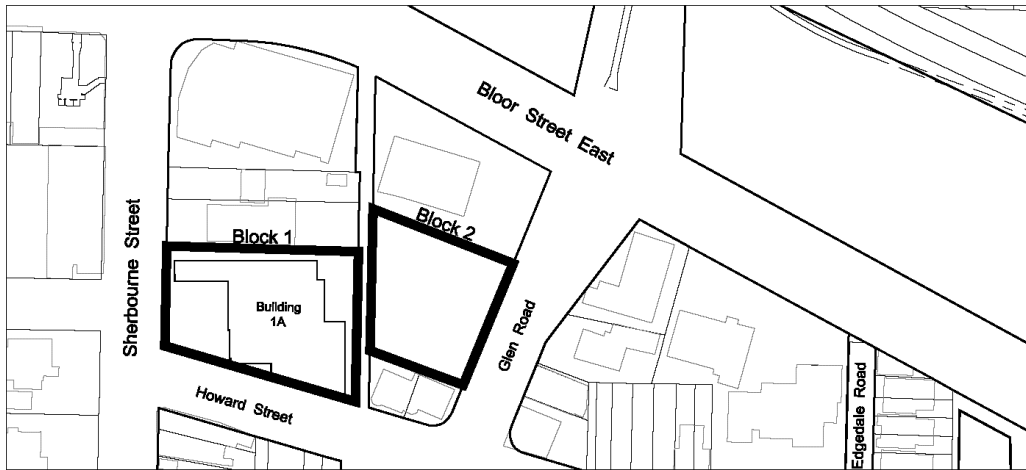
Map 3



**North St. James Town**  
6-16 Glen Road, 603-611 Sherbourne Street,  
and 4,6,58,60,62,64,76 & 100 Howard Street



Map 4



**North St. James Town**  
6-16 Glen Road, 603-611 Sherbourne Street,  
and 4,6,58,60,62,64,76 & 100 Howard Street



N.T.S.

## SCHEDULE 1

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in *height* and density of the proposed development on *Block 1, Block 2 and Block 3* and secured in an agreement or agreements under section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

#### *Cash Contributions*

- (1) The *owner* shall make a cash contribution to the City of Toronto in the amount of seven million seven hundred and fifty thousand dollars (\$7,750,000.00 CAN) payable by certified cheque to the Treasurer, City of Toronto as follows:
  - i) prior to issuance of the first above grade building permit for the first of *Buildings 1A, 3B or 3C* as shown on Map 4 attached hereto and forming part of this By-law, the *owner* shall pay 50 percent of the total cash contribution being the amount of three million eight hundred and seventy five thousand dollars (\$3,875,000.00 CAN);
  - ii) prior to issuance of the first above grade permit for the second of *Buildings 1A, 3B or 3C* as shown on Map 4, the *owner* shall pay 25 percent of the total cash contribution being the amount of one million nine hundred and thirty seven thousand five hundred dollars (\$1,937,500.00 CAN); and
  - iii) prior to issuance of the first above grade permit for the third of *Buildings 1A, 3B or 3C* as shown on Map 4, the *owner* shall pay 25 percent of the total cash contribution being the amount of one million nine hundred and thirty seven thousand five hundred dollars (\$1,937,500.00 CAN);

such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment and to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor as follows:

- a. improvements to Glen Road including streetscaping, lighting and safety improvements around the Glen Road TTC entrance/exit;
- b. public realm and park improvements including those part of the future Community Improvement Plan for the St. James Town neighbourhood; and
- c. capital construction cost for the proposed indoor pool proposed for to be constructed at the Wellesley Community Centre.



- (2) In addition to the cash contributions referred to above, prior to issuance of the first above grade building permit for the first of *Buildings 1A, 3B or 3C* as shown on Map 4, the *owner* shall make a cash contribution to the City of Toronto in the amount of one hundred and fifty thousand dollars (\$150,000.00) payable by certified cheque to the Treasurer, City of Toronto to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward the cost of outdoor public realm and parkland improvements in the immediate vicinity of the North St. James Town community and which amount shall be indexed in the same manner as the contributions referred to in section (1) of this Schedule.

### *Heritage*

- (3) The following shall apply with respect to the development proposal on the *lot*:
- i) on or before January 2, 2014 the *owner* shall provide a detailed Conservation Plan for the properties known as 6-16 Glen road detailing all conservation work required in accordance with the Heritage Impact Assessment prepared by ERA Architects Inc. and dated June 8, 2011, including a detailed estimate of costs associated with the conservation work, prepared by a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services and shall also have commenced such conservation work by April 1, 2014 and shall complete the work on or before April 1, 2015, with extensions as may be agreed to by the Manager, Heritage Preservation Services upon acceptance of a completion schedule submitted by the owner and provided regular progress reports continue to be submitted; and
  - ii) prior to the By-law coming into force and effect permitting the increase in *height* and *density* of development proposed on *Block 1, Block 2 and Block 3* the *owner* shall:
    - a. provide a detailed Conservation Plan for the properties known as 603, 605-607 Sherbourne Street and 76 Howard Street, detailing all conservation work required in accordance with the Heritage Impact Assessment prepared by ERA Architects Inc. for each of the referenced properties with final revisions dated December 20, 2012 (603 Sherbourne Street), June 10, 2013 (605-607 Sherbourne Street) and June 21, 2013 (76 Howard Street), including a detailed estimate of costs associated with the conservation work, prepared by a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services;
    - b. execute a Heritage Easement Agreement with the City of Toronto for each of the properties at 603, 605-607 Sherbourne Street, 6-16 Glen Road and 76 Howard Street to the satisfaction of the Manager, Heritage Preservation Services; and
    - c. have completed the conservation work at 6-16 Glen road in accordance with the approved Conservation Plan or shall provide written confirmation from the heritage architect to the satisfaction of the Manager, Heritage

Preservation Services, that the conservation work commenced on or before April 1, 2014 and is proceeding in accordance with the Conservation Plan in a timely and reasonable manner for completion on or before April 1, 2015, subject to extensions as may be permitted pursuant to section (3)i of this Schedule.

- (4) Prior to issuance of the first building permit, including shoring, excavation or foundation permits, applicable to either *Block 1* or *Block 3*:
- i) the *owner* shall make a cash contribution to a maximum amount of five hundred thousand dollars (\$500,000.00 CAN) which shall be applied directly by the *owner* toward the cost of relocation of the existing heritage building currently located within *Block 3* at 76 Howard Street (William Whitehead House) as shown on Map 2b to a new off-site location on the north side of Howard Street between Glen Road and Edgedale Road immediately west of the premises municipally known as 32 Howard Street as shown in Appendix 5 of the Heritage Impact Statement prepared by ERA Architects Inc., dated June 21, 2013, which relocation shall be completed to the satisfaction of the Manager, Heritage Preservation Services, prior to issuance of such building permit specified. The *owner* shall submit working drawings, a schedule and cost estimates for approval prior to the relocation and shall submit invoices which confirm payment once the building has been secured in its new location all to the satisfaction of the Manager, Heritage Preservation Services. In the event that the relocation cost is less than \$500,000.00 the *owner* shall pay the difference directly to the City and such amount may be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor in accordance with sections (1) and (21) of this Schedule;
  - ii) upon completion of the relocation of the heritage building from 76 Howard Street as referenced in section (4)i) of this Schedule, the *owner* shall initiate Council's repeal of the designation by-law applicable to 76 Howard Street and the enactment of the designation by-law for the property at the new location and the necessary heritage easement agreement shall have been executed by the owner and registered on title in connection with the conservation and long term protection of the building in the new location, all to the satisfaction of the Manager, Heritage Preservation Services; and
  - iii) the *owner* shall have completed the conservation of the heritage buildings located at 6-16 Glen Road to the satisfaction of the Manager, Heritage Preservation Services in accordance with section (6)ii) of this Schedule.
- (5) Prior to issuance of any permit pursuant to the *Ontario Heritage Act* for the respective heritage properties referred to in section (3) of this Schedule, the *owner* shall:
- i) submit full final building permit plans and drawings, including notes and specifications for the rehabilitation, restoration and protective measures to be taken, keyed to the applicable approved Conservation Plan referred to in section (3) of this Schedule, including a description of materials and finishes, to be

prepared by the project architect and heritage consultant to the satisfaction of the Manager Heritage Preservation Services;

- ii) provide a Letter of Credit in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure the conservation work as contemplated in the applicable approved Conservation Plans referred to in section (3) of this Schedule; and
  - iii) provide full documentation of this existing heritage property at 4 Howard Street (*Block 1*) which is proposed to be demolished, including two (2) printed sets of archival quality 8"x10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a DC in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available to the satisfaction of the Manager, Heritage Preservation Services.
- (6) The *owner* shall provide and maintain, at its own expense and to the satisfaction of the Manager, Heritage Preservation Services, the conservation of each of the existing heritage buildings at 603 and 605-607 Sherbourne Street (*Block 1*), 6-16 Glen Road (*Block 2*) and 76 Howard Street (*Block 3*) in accordance with the applicable Heritage Easement Agreements and approved Conservation Plans referred to in section (3) of this Schedule and completed as follows:
- i) 603 and 605-607 Sherbourne Street: prior to registration of the first plan of condominium on *Block 1*;
  - ii) 6-16 Glen Road; prior to April 1, 2015 or as required pursuant to section (3)i) of this Schedule; and
  - iii) 76 Howard Street; the earlier of within one year of the relocation of the building and the registration of the first plan of condominium on *Block 3*;

completion shall be evidenced by certificates of substantial completion prepared and signed by a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services confirming that the conservation work for a respective heritage property has been completed in accordance with the approved Conservation Plan and that the work has maintained an appropriate standard of conservation.

- (7) Prior to release of a Letter of Credit for a respective heritage property identified in section (3) of this Schedule, the *owner* shall:
- i) provide replacement Heritage Easement Agreement photographs for the heritage property to the satisfaction of the Manager, Heritage Preservation Services; and
  - ii) provide a certificate of substantial completion for the respective heritage property satisfactory to the Manager, Heritage Preservation Services in accordance with section (6) of this Schedule.

*Rental Housing Replacement*

- (8) Prior to the By-law coming into force and effect permitting the increase in *height* and density of development proposed on *Block 1*, *Block 2* and *Block 3*, where the replacement rental units are to be provided at a new off-site location on the north side of Howard Street between Glen Road and Edgedale Road immediately east of the premises municipally known as 1 Glen Road, the *owner* shall, to the satisfaction of the Chief Planner and Executive Director, City Planning, have:
- i) obtained the required variances pursuant to the *Planning Act* for the rental replacement building proposed at the Howard Street location which are final and binding; and
  - ii) filed a complete application for Site Plan Approval with City Planning related to the rental replacement building proposed.
- (9) Prior to issuance of the first above grade building permit applicable to either *Block 1* or *Block 3*, the *owner* shall have obtained the necessary building permits for the new replacement rental building at the off-site location on Howard Street referenced in section (8) of this Schedule, or, if the replacement rental *dwelling units* are to be replaced on the subject lands, the first above-grade building permit issued must provide for the replacement rental dwelling units.
- (10) The *owner* shall provide and maintain either on the subject lands or on the off-site location on Howard Street referenced in section (8) of this Schedule, not less than eight (8) new replacement rental *dwelling units*, comprising seven (7) one-bedroom *dwelling units* and one (1) three-bedroom *dwelling unit*, all of which shall be provided as affordable rental units, to the satisfaction of the City's Chief Planner and Executive Director, City Planning, subject to the following:
- i) the 8 replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units; no application may be submitted for condominium approval or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
  - ii) the replacement rental *dwelling units* shall be ready and available for occupancy no later than the date that the first new dwelling unit is ready and available for occupancy on *Block 1* or *Block 3* if the replacement rental *dwelling units* are to be provided on the Howard Street lands, or if they are to be provided on the subject lands, the earlier of the date that 70 percent of the *dwelling units* in the mixed-use building on *Block 1* or 70 percent of the *dwelling units* in the first of the towers to be constructed on *Block 3* are ready and available for occupancy;

- iii) the replacement rental *dwelling units* shall be of the same unit type as the rental *dwelling units* existing on the *lot* at the date of enactment of this By-law, subject to the following:
    - a. the seven (7) one-bedroom *dwelling units* shall be at least 53 m<sup>2</sup> in size, of which four (4) *dwelling units* shall be at least 60 m<sup>2</sup> in size, and another one (1) *dwelling unit* shall be at least 80 m<sup>2</sup> in size;
    - b. one (1) three-bedroom *dwelling unit* shall be at least 130 m<sup>2</sup> in size, and shall have private outdoor recreation space in the form of a balcony, terrace or patio;
    - c. the combined floor area of the 8 rental units shall not be less than 590 m<sup>2</sup>; and
    - d. storage lockers shall be provided for each replacement rental *dwelling unit*.
  - iv) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the *City* by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
  - v) rents charged to tenants occupying an affordable replacement rental *dwelling unit* at the end of the 10 year period set out in iv) above shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the *expiry* of the 20 year rental tenure period set forth in i) with a subsequent phase-in period of at least three years for rent increases; and
  - vi) rents charged to tenants newly occupying a replacement rental *dwelling unit* after the completion of the 10 year period set out in iv) above will not be subject to restrictions by the *City* under the terms of the Section 37 Agreement that *is required* by this By-law.
- (11) The *owner* shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, to the satisfaction of the Chief Planner and Executive Director, City Planning, which shall include at least: an extended notice period before having to vacate for demolition, financial assistance with relocation beyond the amounts required by provincial legislation, and for any eligible tenant in a rental *dwelling unit*, the right to return to a replacement rental *dwelling unit*.

*Three Bedroom Units*

- (12) i) the *owner* shall provide and maintain not less than 7 percent of the *dwelling units* on *Block 1* and *Block 2* combined, as three bedroom *dwelling units* in compliance with the provisions of the *Building Code Act, 1992* with a further 3 percent of the *dwelling units* designed as being capable of conversion to three bedroom *dwelling units* without material structural alteration and inclusion of provisions(s) in appropriate condominium documents to enable such conversions in the future;
- ii) the *owner* shall provide and maintain not less than 7 percent of the *dwelling units* on *Block 3* as three bedroom *dwelling units* in compliance with the provisions of the *Building Code Act, 1992* with a further 3 percent of the *dwelling units* designed as being capable of conversion to three bedroom *dwelling units* without material structural alteration and inclusion of provision(s) in appropriate condominium documents to enable such conversions in the future.

*Public Park and Public Open Space Requirements*

- (13) The *owner* shall provide and maintain the following:
- i) prior to registration of a plan of condominium on *Block 1*, the *owner* shall complete construction of a publicly accessible open space having a minimum size of 122 m<sup>2</sup> substantially in the location shown in crosshatching on Map 2a with details of location, design and construction to be determined in the context of site plan approval for *Block 1* pursuant to section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, section 41 of the *Planning Act*, as amended, and the *owner* shall convey a public access easement to the City, together with support rights as applicable, in a form satisfactory to the City Solicitor; and
- ii) prior to registration of a plan of condominium on *Block 3*, the *owner* shall complete construction of a publicly accessible pedestrian walkway having a minimum width of 1.5 m as a midblock connection between Bloor Street and the proposed park block on Howard Street as well as an at-grade publicly accessible open space having a minimum size of 623 m<sup>2</sup> in the locations substantially as shown on Map 2b with details of location, design and construction to be determined in the context of site plan approval for *Block 3* pursuant to section 114 of the *City of Toronto Act, 2006*, as amended, and, as applicable, section 41 of the *Planning Act*, as amended, and the *owner* shall convey public access easements to the City, together with support rights as applicable, in a form satisfactory to the City Solicitor.
- (14) Prior to issuance of the first above grade building permit applicable to any of *Blocks 1, 2 or 3* the *owner* shall:
- i) submit a Letter of Credit in the City standard form and in an amount satisfactory to the General Manager Parks, Forestry and Recreation in the amount of 120 percent of the value of the base and above-base park improvements contemplated in section (15) of this Schedule; and

- ii) either register a Section 118 Restriction on title to the proposed park lands to secure the parkland conveyance contemplated in section (15) of this Schedule or enter into an Escrow Agreement and convey the lands to the City in escrow, all to the satisfaction of the City Solicitor.
- (15) In support of the development and prior to registration of the first plan of condominium applicable to any of *Blocks 1, 2 or 3*, the *owner* shall, at its own expense, construct and convey a public park having a minimum size of 1,305 m<sup>2</sup> substantially in the location shown on Map 2b in accordance with the following and on terms and conditions as are set out in the Section 37 Agreement:
- i) the *owner* shall construct the public park to the satisfaction of the General Manager, Parks Forestry and Recreation in accordance with approved plans and specifications;
  - ii) the *owner* shall complete both base park and above-base park improvements to the satisfaction of the General Manager of Parks, Forestry and Recreation and shall provide stamped certification from a qualified landscape architect verifying all work has been completed in accordance with the approved plans and specifications; and
  - iii) convey the public park to the City in accordance with the provisions of section (16) of this Schedule and to the satisfaction of the City Solicitor.
- (16) All conveyances to the City, including easements, as referred to in sections (13) and (15) of this Schedule shall be for nominal consideration, at the owner's expense and at no cost to the City on terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements, and such conveyances shall be free and clear of encumbrances to the satisfaction of the City Solicitor as well as the General Manager, Parks Forestry and Recreation (park conveyance) and Chief Planner and Executive Director, City Planning (walkway and open spaces).
- (17) The *owner* shall receive a credit toward the parks and recreation component of the City's Development Charges By-law for the above-based park improvements referred to in section (15) of this Schedule, such credit not to exceed the lesser of:
- i) the final cost of the above-base park improvements as confirmed by the General Manager of Parks, Forestry and Recreation; or
  - ii) the parks and recreation component of the development charges payable with respect to *Block 1, Block 2 and Block 3*.

*Infrastructure Requirements*

- (18) Prior to issuance of the first building permit applicable to either *Block 1* or *Block 3*, the *owner* shall:

- i) provide a letter of credit in the City standard form to secure the cost of infrastructure improvements as may be contemplated in section (19) of this Schedule and based on a cost estimate satisfactory to the Executive Director, Engineering and Construction Services; and
  - ii) make a financial contribution, or other arrangements satisfactory to the Executive Director, Engineering and Construction Services, in connection with sewer upgrades determined to be required pursuant to the accepted sanitary analysis relating to the increased flow contribution by the development.
- (19) Prior to issuance of the first above grade building permit applicable to either of *Block 1* or *Block 3*, and in support of the development, the *owner* shall complete, to the satisfaction of the Executive Director, Engineering and Construction Services, such infrastructure improvements as may be determined to be required pursuant to the accepted Functional Servicing Report.

*Toronto Green Standards*

- (20) In support of the development the *owner* shall construct and maintain the development on *Block 1*, *Block 2* and *Block 3*, with the exception of the conservation of existing heritage buildings, in accordance with Tier 1 Performance Measures of the Toronto Green Standards as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.

*Provision for Future Allocation of Cash Contributions*

- (21) In the event the cash contributions referred to in sections (1) and (2) of this Schedule *have* not been used for the intended purpose within five (5) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.