

CITY OF TORONTO

BY-LAW No. 57-2011(OMB)

To adopt Amendment No. 369 of the Official Plan of the former City of Toronto with respect to lands municipally known as 6-18 Church Street and 51-63 Front Street East.

WHEREAS on February 22, 2007 and April 30, 2010, the Ontario Municipal Board, Board File No. PL051070, issued Orders/Decisions approving the Official Plan Amendment in principle, and on December 6, 2010, the Ontario Municipal Board issued a final order approving the form of the Official Plan Amendment with respect to lands municipally known as 6-18 Church Street, and 51-63 Front Street East;

THEREFORE the Official Plan of the former City of Toronto is amended by the Ontario Municipal Board as follows:

1. The text and maps attached hereto as Schedule "A" are hereby adopted as amendment to the Official Plan of the former City of Toronto.
2. This is Official Plan Amendment No. 369.

PURSUANT TO ORDERS/DECISIONS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON FEBRUARY 22, 2007, APRIL 30, 2010 AND DECEMBER 6, 2010 IN BOARD FILE NO. PL051070.

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.685 and the attached Map 18.685:

"18.685 Lands municipally known in the year 2008 as 6-18 Church Street and 51-63 Front Street East.

See Map 18.685 at the end of this Section.

- (1) Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.685 to permit the erection and use of a mixed use building having a maximum aggregate *residential gross floor area* and *non-residential gross floor area* of 18,900 square metres;
- (2) Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended ("*Planning Act*"), to secure the facilities, services, and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3) In return for the residential densities and height permissions granted by a by-law designating the lands for residential and other uses, including any by-law described in Section 1 hereof, the owner shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the following facilities, services and matters:
 - (a) a lease for a minimum of 90 square metres of ground floor non-residential space on the lands for a term of 5 years commencing upon the first residential occupancy of the building on the lands, at a nominal cost to the City, or cash-in-lieu thereof, for the purposes of a senior citizen's facility;
 - (b) a shoreline commemoration feature on the lands to the satisfaction of the Chief Planner, at a value of not less than one percent of the gross construction costs of the development, with detailed design to be reviewed in conjunction with Site Plan Approval and an artist to be included on the design team;
 - (c) provision for the maintenance of reasonable public pedestrian access through the vehicular courtyard on the lands between 7 a.m. and 11 p.m. daily in the event that Scott Lane is extended to the lands;
 - (d) reasonable streetscape improvements, including tree installations on the public right-of-way adjacent to the lands;

- (e) an irrigation system for all street trees in the public right-of-way adjacent to the lands, with automatic timers, such irrigation system to be designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the City's General Manager of Parks, Forestry and Recreation prior to the first occupancy of the development, provides a Letter of Credit to secure such work to the City's satisfaction prior to the issuance of the first foundation building permit, and maintains the entire system in continuing good order and operation provided that the City provides all easements necessary for the construction, maintenance and operation of such irrigation system in the public right-of-way at no cost;
- (f) exterior design and materials for the development, including final plans for the exterior design and detailing of the Front Street façade, to be secured in an agreement pursuant to Section 41 of the *Planning Act* having due regard to the context, including the heritage character of the neighbourhood;
- (g) reasonable commercial efforts to obtain LEED Certification of the building and the provision of documentation to the City respecting certification for the development and the marketing materials that will include information on LEED certification; and
- (h) the owner shall make a cash payment to the City on the amount of \$150,000 for heritage conservation initiatives in the St. Lawrence Neighbourhood, such payment to be made prior to execution of the section 37 agreement or December 31, 2009, whichever occurs first."

