

Authority: MM36.22, by Councillor Kristyn Wong-Tam, seconded by Councillor Gord Perks, as adopted by City of Toronto Council on October 1 and 4, 2021

CITY OF TORONTO

BY-LAW 1095-2021

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 26 Grenville Street and 27 Grosvenor Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains 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 and 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 matters 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 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; and

Whereas pursuant to Section 39 of the Planning Act, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the *heights* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the site of the facilities, services and matters set out in Appendix 1 of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

2. Upon execution and registration of an agreement or agreements with the *owner* of the site pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out in Appendix 1 of this By-law, the site 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 requirement.
3. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definition of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot*, *non-residential gross floor area*, and *residential gross floor area*, and Sections 4(2)(a), 4(5), 4(8), 4(12), 4(13)(a), (c) and (d), 8(3) Part I(1), (2) and (3), 8(3) Part II, 8(3) Part III, 12(2)132, and 12(2)380 of By-law 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 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 *mixed-use building* on the *lot*, provided that:
 - (a) for the purposes of this By-law, the *lot* consists of the lands outlined by heavy lines on Map 1, attached to this By-law;
 - (b) the permitted maximum *gross floor area* on the *lot* is 64,000 square metres, of which a maximum of 60,000 square metres of *gross floor area* may be used for residential uses, and *gross floor area* does not include areas in the building used for a *commercial parking garage* below *grade*;
 - (c) a minimum area of 975 square metres must be provided for a *day nursery*, of which 685 square metres must be interior floor area that for the purpose of this regulation may include up to 50 square metres of floor area occupied by waste storage rooms or electrical, utility, mechanical and ventilation rooms servicing the *day nursery* use, and 290 square metres must be outdoor space in a location adjoining or directly accessible to the interior space;
 - (d) a *fitness club* and a *commercial parking garage* are permitted uses on the *lot*;
 - (e) the provision of *dwelling units* is subject to the following:
 - i. a minimum of 43 percent of the total number of *dwelling units* must have two or more bedrooms;
 - ii. a minimum of 12 percent of the total number of *dwelling units* must have three or more bedrooms; and

- iii. any *dwelling units* with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by i. above;
- (f) the permitted maximum *height* of any building or structure, including any mechanical penthouse containing equipment and structures used for the functional operation of the building, is the *height* in metres specified by the number following the HT symbol, as shown on Map 2, attached to this By-law;
- (g) the permitted maximum number of *storeys* in a building is the number of *storeys* following the symbol ST, as shown on Map 2, attached to this By-law;
- (h) for the purposes of regulation (g) above, the mechanical penthouse levels of the building located above "ST 32" and "ST 46" as shown on Map 2, attached to this By-law, are not a *storey*;
- (i) the following elements of a building may project above the permitted maximum *height* in Map 2, attached to this By-law:
 - i. window washing equipment, lightning rods and wind mitigation features may project above the height limits by no more than 2 metres;
 - ii. structures and elements related to outdoor flooring and roofing assembly may project above the height limits by no more than 0.5 metres;
 - iii. safety railings, guard rails, railings, parapets, terraces, patios, planters, balustrades, bollards, stairs, ancillary structures, retaining walls, wheelchair ramps and ornamental or architectural features may project above the height limits by no more than 1.5 metres;
 - iv. elements on the roof of the building or structure used for green roof technology and related roofing material may project above the height limits by no more than 2.0 metres;
 - v. mechanical elements, garbage chutes, vents, screens, and lighting fixtures may project above the height limits by no more than 5.5 metres;
 - vi. emergency generators and associated screens may project above the height limits by no more than 5.0 metres, provided they are set back at least 5.0 metres from the edge of the building below;
 - vii. landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures and fences may project above the height limits by no more than 2.75 metres;
 - viii. cabanas and trellises may project above the height limits by no more than 3.6 metres; and

- ix. cooling towers may project above the height limits by no more than 6.0 metres, provided they are set back at least 6.0 metres from the edge of the building below;
- (j) the required minimum building setbacks and minimum distance between main walls for a building or structure are shown on Map 2, attached to this by-law;
- (k) the following may encroach into the required minimum building setbacks on Map 2, attached to this By-law:
 - i. lighting fixtures, cornices, architectural cladding or design features, sills, eaves, awnings and art installations may encroach into a building setback by a maximum of 0.6 metres;
 - ii. above a building *height* of 39.0 metres, balconies may encroach into a building setback by a maximum of 1.7 metres, provided the maximum width of the balcony is 2.1 metres; and
 - iii. canopies may encroach into a building setback by a maximum of 4.0 metres;
- (l) within "Area A", as shown on Map 3, attached to this by-law, no portion of the building shall be located between a height of 0.0 to 5.0 metres, as measured from established grade;
- (m) despite regulation (l) above, structural and architectural elements that support the building, including but not limited to columns, beams and soffits, may be located within "Area A", as shown on Map 3, attached to this by-law, between a height of 0.0 to 5.0 metres, as measured from established grade;
- (n) *residential amenity space* must be provided at a minimum rate of:
 - i. 3.15 square metres per *dwelling unit* of indoor *residential amenity space*; and
 - ii. 0.85 square metres per *dwelling unit* of outdoor *residential amenity space*;
- (o) despite regulation (n) above, the minimum indoor *residential amenity space* requirement may be reduced by a maximum of 1,575 square metres provided that the area of the reduction is provided as a *fitness club* and such area shall be considered non-residential *gross floor area* and may be part of a larger *fitness club* use within the *mixed use building*;
- (p) *parking spaces* must be provided and maintained in accordance with the following:
 - i. a minimum of 121 *parking spaces* must be provided for the use of residents of the mixed use building;

- ii. a minimum of 97 *parking spaces* must be provided for residential visitors and non-residential uses in the *mixed use building*, which may be provided in a *commercial parking garage*; and
 - iii. a reduction of four resident *parking spaces* for each of the proposed six (6) *car-share parking spaces* provided and that the maximum reduction permitted by this means be capped by the application of the following formula: $4 \times (\text{Total of Units} / 60)$, rounded down to the nearest whole number;
- (q) a maximum of 15 percent of the total *parking spaces* may be obstructed on one or two sides in accordance with Section 4(17)(e) without a requirement to increase the minimum width by 0.3 metres;
- (r) loading spaces must be provided and maintained in accordance with the following:
- i. a minimum of two *loading spaces - type G* must be provided, of which one *loading space - type G* shall be reserved for the use of 15-25 Grosvenor Street;
 - ii. a minimum of two *loading spaces - type B* must be provided, of which one *loading space - type B* shall be reserved for the use of 15-25 Grosvenor Street;
 - iii. a minimum of one *loading space - type C* must be provided; and
 - iv. one *loading space - type G* and one *loading space - type B* are permitted to be located within a single shared loading space servicing the *mixed use building*;
- (s) *bicycle parking spaces* must be provided and maintained in accordance with the following:
- i. a minimum of 0.9 *bicycle parking spaces - occupant per dwelling unit*;
 - ii. a minimum of 0.1 *bicycle parking spaces - visitor per dwelling unit*;
 - iii. a minimum of 10 *parking spaces - visitor* for the *day nursery*; and
 - iv. no *bicycle parking spaces* are required for other non-residential uses in the *mixed use building*;
 - v. both *bicycle parking spaces - occupant* and *bicycle parking spaces - visitor* may be provided in a stacked bicycle parking space;

- vi. the minimum dimensions of a *bicycle parking space* if placed in a horizontal position is:
 - A. minimum length of 1.8 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum vertical clearance from the ground of 1.9 metres, or 1.2 metres for each *bicycle parking space* if a *stacked bicycle parking space* is provided;
- vii. the minimum dimensions of a *bicycle parking space* if placed in a vertical position on a wall, structure or mechanical device is:
 - A. minimum length or vertical clearance of 1.9 metres;
 - B. minimum width of 0.6 metres; and
 - C. minimum horizontal clearance from the wall of 1.2 metres; and
- viii. despite regulations vi. and vii. above, if a *stacked bicycle parking space* is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such *stacked bicycle parking space* is 0.4 metres.

5. For the purposes of this By-law:

- (a) "*bicycle parking space – occupant*" means a bicycle parking space for the use of occupants or tenants of a building;
- (b) "*bicycle parking space – visitor*" means a bicycle parking space for use by visitors to a building;
- (c) "*car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization, and such car-share motor vehicles are made available to at least the occupants of the building, and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or km driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (d) "*car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing;
- (e) "*fitness club*" means premises containing facilities and equipment for physical exercise;
- (f) "*grade*" means 106 metres Canadian Geodetic Datum;

- (g) "*gross floor area*" means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
- i. parking spaces and loading facilities below *grade*;
 - ii. required loading facilities at the ground level;
 - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;
 - iv. facilities for bicycle parking, including the area occupied by *bicycle parking spaces* and required shower and change facilities;
 - v. indoor *residential amenity space*;
 - vi. elevator shafts, garbage shafts;
 - vii. mechanical penthouses; and
 - viii. exit stairwells in the building or structure.
- (h) "*height*" means the vertical distance between grade and the highest point of the building or structure, subject to permitted projections;
- (i) "*lot*" means those lands outlined by heavy lines on Map 1, attached to this By-law;
- (j) "*stacked bicycle parking space*" means a *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*;
6. None of the provisions of By-law 438-86, as amended, or Section 4 of By-law 1095-2021 shall apply to prevent the erection and use of an elevator and a **building or structure** which encloses an elevator on the *lot* within "Area B", as shown on Map 3, attached to this By-law, for a period of three years from the day of the passing of this By-law, subject to the following:
- (a) An elevator is a permitted use;
 - (b) The permitted maximum *height* is 6.0 metres and 2 *storeys* and there is no required minimum *height* and *storeys*;
 - (c) No *building setback* is required; and
 - (d) No *parking spaces* are required.

7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
8. 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.

Enacted and passed on December 17, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

APPENDIX 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 the lands as shown in Map 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Community Benefits

- (1) Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$1,100,000.00 to be allocated towards new and/or existing affordable housing within Ward 13, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (2) The cash contribution outlined in (1) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, and calculated from the date from the date of the Agreement to the date of payment.
- (3) In the event the cash contribution has not been used for the intended purpose within three years of the Zoning By-law Amendments coming into full force and effect, the cash contribution may be directed for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the City's Official Plan and will benefit the community in the vicinity of the lands outlined by heavy lines on Map 1 attached to this By-law.

Limiting Distance Agreement

- (4) Before introducing the necessary Bills to City Council for enactment, a restriction on the property at 32 Grenville Street will be secured through a Limiting Distance Agreement between the owner of 27 Grosvenor Street and 26 Grenville Street, the owner of 32 Grenville Street, and the City of Toronto, to the satisfaction of the City Solicitor, which will establish a Limiting Distance Area on the property at 32 Grenville Street where no new building or structure may be constructed within 7 metres of the east property line abutting 26 Grenville Street and 27 Grosvenor Street, above the height of the existing building.

Pedestrian Walkway

- (5) The owner will construct and maintain a pedestrian walkway in the location generally identified in Map 4, attached to this by-law, with specific configuration and design of the pedestrian walkway to be determined in the context of Site Plan approval all to the satisfaction of the Chief Planner and Executive Director, City Planning.

- (6) The owner will prepare all documents and convey a public access easement in perpetuity in favour of the City over the pedestrian walkway, including support rights, free and clear of encumbrances, and for nominal consideration, as a condition of Site Plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

Fitness Club

- (7) Access to the fitness club within the development will be available to residents of all rental units at no cost. In the event that the fitness club ceases operation as a commercial fitness club, the floor area containing the fitness club will revert to indoor amenity space for the rental building.
- (8) The fitness club will remain under the ownership of the owner of the rental building in perpetuity and will not be conveyed to a separate entity.

Toronto Green Standard

- (9) The owner will construct and maintain the development in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard, where appropriate.

Affordable Housing

- (10) The owner will provide a minimum 30 percent of the total residential unit mix and a minimum 30 percent of the total residential gross leasable area as affordable housing units, as described and defined in the Contribution Agreement, executed March 29, 2019.
- (11) The owner shall provide and maintain at least ninety-two (92) dwelling units as one-bedroom affordable rental units, at least ninety-three (93) dwelling units as two-bedroom affordable rental units, and at least (46) dwelling units as three-bedroom affordable rental units, in the new 32- and 46-storey mixed use buildings, such that at least 30 percent of the total residential units overall are affordable rental units, with any amendments to the satisfaction of the Chief Planner and Executive Director, City Planning, the Executive Director, Housing Secretariat, and in consultation with the City Solicitor.
- (12) The general configuration and layout of the 231 affordable rental dwelling units in the new 32- and 46-storey mixed use buildings shall be to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.
- (13) The owner shall provide and maintain the 231 affordable rental dwelling units as rental dwelling units for a minimum of 40 years, beginning with the date each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit shall be

made for at least 40 years from the date of first occupancy. When the 40 year period has expired, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.

- (14) The owner shall provide and maintain the 231 affordable rental dwelling units at affordable rents for at least 40 years, beginning with the date that each such unit is first occupied. During the first 40 years of occupancy, increases to initial rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline.

Child Care Centre

- (15) The provision of a non-profit licensed Child Care Centre to be located in the base building of the development on the lands, to accommodate 49 children, including infants, toddlers and preschoolers, comprising of a minimum of 685 square metres of interior space and approximately 290 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area, with the precise location, capacity and related matters to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Children's Services and such Child Care Centre shall generally be in accordance with the following.
- (16) The Child Care Centre shall be constructed and finished by the owner, including a minimum of 6 parking spaces for the use of the Child Care Centre for pick-up/drop-off operations. These spaces to be assigned accordingly and their location will be identified through the site plan approval process for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (17) Prior to the issuance of any above grade building permit for any portion of the lands, the owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer.
- (18) The details of the other matters, such as timing, location, obligations and any such matters to implement the Child Care Centre will be finalized between the owner and the City and will be substantially in accordance with all applicable provincial and municipal legislation, by-laws, regulations, guidelines and standards and provincial licensing requirements, including the City of Toronto's Child Care Development Guidelines (2016), and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.







