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John D. Elvidge, City Clerk

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2021-12-23

CITY OF TORONTO

BY-LAW 1096-2021

To amend Zoning By-law 569-2013, 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 569-2013 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy lines on Diagram 1 to CR 7.8 (c2.0; r7.8) SS1 (x406), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 406 so that it reads:

(406) Exception CR (x406)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 26 Grenville Street and 27 Grosvenor Street, if the requirements of Section 6 and Schedule A of By-law 1096-2021 are complied with, a **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (AA) below;
- (B) Despite regulations 40.5.1.10(3) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **mixed use building** 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 **public parking** below-ground;
- (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) Despite regulation 40.10.20.10(1)(A), a fitness club is permitted in accordance with the following:
 - (i) "fitness club" means **premises** containing facilities and equipment for physical exercise;
- (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) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 106 metres and the highest point of the **building** or **structure**;
- (G) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(1), 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** described in 40.5.40.10(4), is the height in metres specified by the number following the HT symbol, and the number of **storeys** following the symbol ST, as shown on Diagram 3 of By-law 1096-2021;
- (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 Diagram 3 of By-law 1096-2021 are not a **storey**;
- (I) Despite regulations 40.5.40.10(4) to (7) and (G) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law 1096-2021:
 - (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) Despite regulation 40.10.40.1(1), residential use portions of the **building** may be located on the same level as the **day nursery**;
- (K) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey** shall be:
 - (i) 4.5 metres, to a depth of 12.5 metres, as measured from the **main wall** of the **building** adjacent to Grenville Street;
 - (ii) 4.5 metres, to a depth of 4.5 metres, as measured from the **main wall** of the **building** adjacent to Grosvenor Street;
 - (iii) 3.7 metres for all other portions of the first **storey**; and
 - (iv) for the purposes of regulations (i) and (ii), above, a mezzanine level may constitute part of the first **storey** for a maximum of 20 percent of the width of the **main wall** of the **building** adjacent to that street;
- (L) Despite regulations 40.5.40.70, 40.10.40.70(1), 40.10.40.80(1) and Section 600.10.10(1), the required minimum **building setbacks** and minimum distance between **main walls** for a **building** or **structure** are shown on Diagram 3 of By-law 1096-2021;
- (M) Despite regulation 40.10.40.60 and regulation (L) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law 1096-2021:
 - (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;
- (N) Within "Area A", as shown on Diagram 4 of By-law 1096-2021, no portion of the **building** shall be located between a height of 0.0 to 5.0 metres, as measured from **established grade**;

- (O) Despite regulation (N) 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 Diagram 4 of By-law 1096-2021, between a height of 0.0 to 5.0 metres, as measured from **established grade**;
- (P) Despite regulations 40.10.40.50(1) and (2), **amenity space** must be provided at a minimum rate of:
- (i) 3.15 square metres per **dwelling unit** of indoor **amenity space**; and
 - (ii) 0.85 square metres per **dwelling unit** of outdoor **amenity space**;
- (Q) Despite regulation (P) above, the minimum indoor **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**;
- (R) Despite regulation 40.10.100.10(1), more than one **vehicle** access is permitted to the **building**;
- (S) Despite clause 200.5.10.1 and Table 200.5.10.1, **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 as **public parking**;
 - (iii) a reduction of four resident **parking spaces** for each of the proposed six (6) car-share spaces provided and that the maximum reduction permitted by this means be capped by the application of the following formula:
$$4 \times (\text{Total of Units} / 60), \text{ rounded down to the nearest whole number};$$
 - (iv) "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; and
 - (v) "car-share parking space" means a **parking space** that is reserved and actively used for car-sharing;

- (T) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 15 percent of the total **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;
- (U) Despite regulation 200.15.1(4), accessible **parking spaces** must be located within 25 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (V) Despite regulations 220.5.10.1(2) and (3), **loading spaces** must be provided and maintained in accordance with the following:
 - (i) A minimum of two Type "G" **loading spaces** must be provided, of which one Type "G" **loading space** shall be reserved for the use of 15-25 Grosvenor Street;
 - (ii) A minimum of two Type "B" **loading spaces** must be provided, of which one Type "B" **loading space** shall be reserved for the use of 15-25 Grosvenor Street; and
 - (iii) A minimum of one Type "C" **loading space** must be provided;
- (W) Despite regulation 220.5.1.10(5), one Type "G" **loading space** and one Type "B" **loading space** are permitted to be located within a single shared **loading space** servicing the **mixed use building**;
- (X) Despite regulation 220.5.20.1(1)(a)(ii), the minimum width of a two-way **driveway** to a **loading space** is 5.9 metres;
- (Y) Despite Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained in accordance with the following:
 - (i) a minimum of 10 short-term **bicycle parking spaces** for the **day nursery**; and
 - (ii) no **bicycle parking spaces** are required for other non-residential uses in the **mixed use building**;
- (Z) Despite regulation 230.5.1.10(4), 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; and
- (AA) Despite regulation 230.5.1.10(10), both long-term and short-term **bicycle parking spaces** may be provided in a **stacked bicycle parking space**.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. None of the provisions of Zoning By-law 569-2013, as amended, shall apply to prevent the erection and use of an elevator and a **building** or **structure** which encloses an elevator within "Area B", as shown on Diagram 4 of By-law 1096-2021, for a period of three years from the day of the passing of this By-law, in compliance with Sections (A) to (D) below:
- (A) Despite regulation 40.10.20.10(1), an elevator is a permitted use;
 - (B) Despite regulations 40.10.40.10(1) and (4), and regulation 4(G) of By-law 1096-2021, the permitted maximum height is 6.0 metres and 2 **storeys** and there is no required minimum height and **storeys**;
 - (C) Despite regulation 40.10.40.70(1), and regulation 4(L) of By-law 1096-2021, no **building setback** is required; and
 - (D) Despite clause 200.5.10.1 and Table 200.5.10.1, no **parking spaces** are required.
6. Despite any severance, partition or division of lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division occurred.
7. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor.
 - (B) Where Schedule A 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.
 - (C) 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 A are satisfied.

Enacted and passed on December 17, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
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 Diagram 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 Diagram 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 Diagram 5 of By-law 1096-2021 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

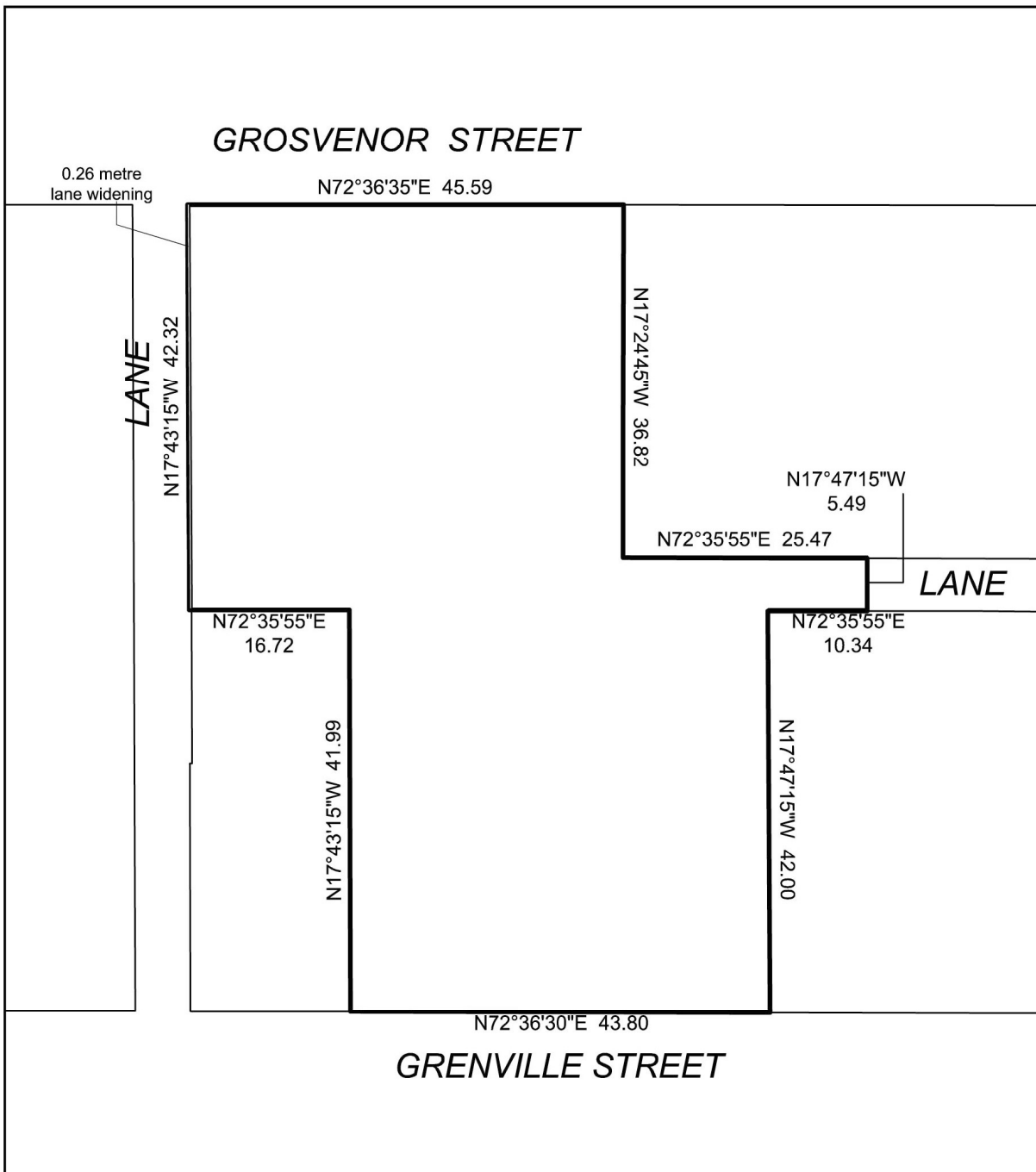
- (10) The owner will provide a minimum 30 percent of the total residential unit mix and a minimum 30 percent of the total residential gross leasable area as affordable housing units, as described and defined in the Contribution Agreement, executed March 29, 2019.
- (11) The owner shall provide and maintain 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

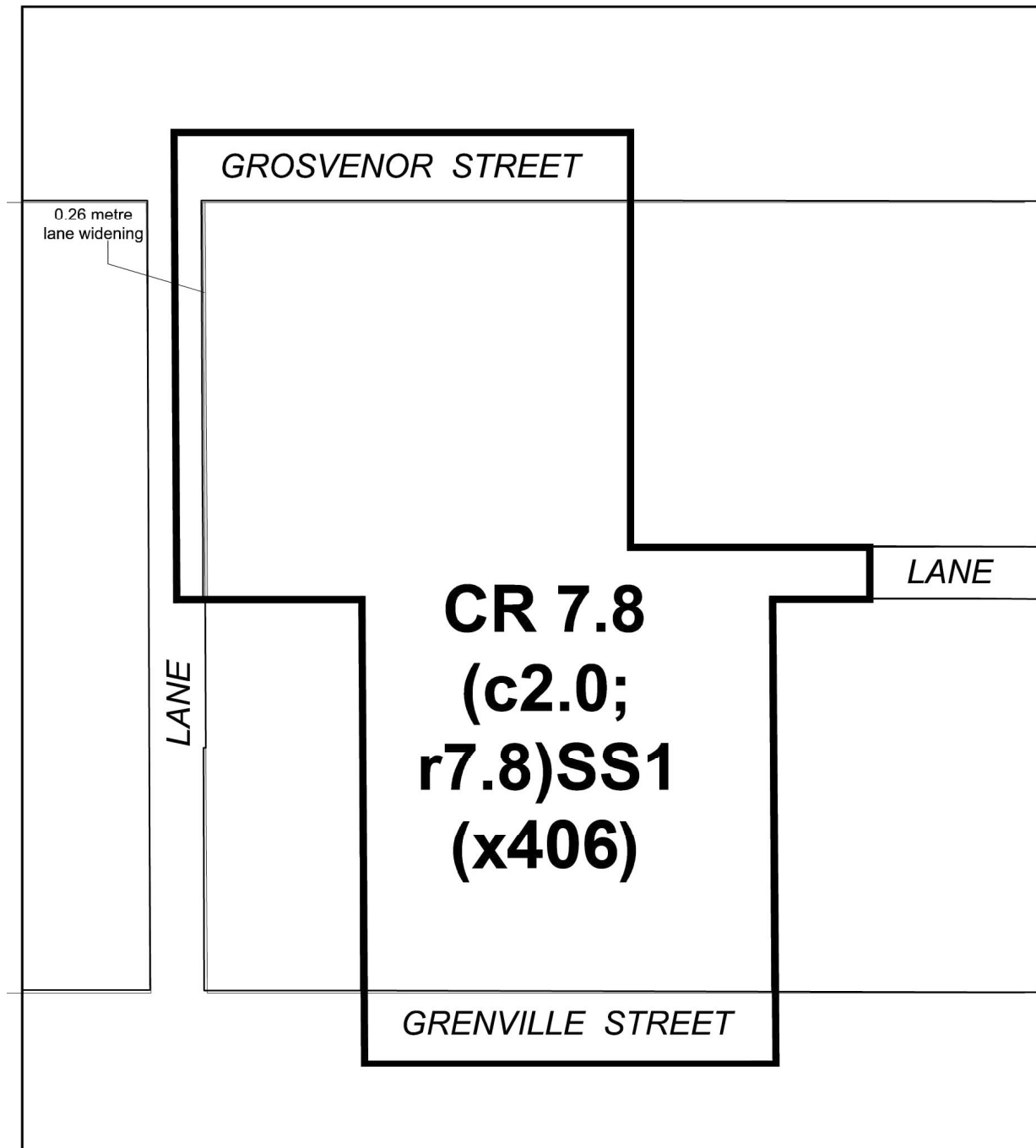
- (15) The provision of a non-profit licensed Child Care Centre to be located in the base building of the development on the lands, to accommodate 49 children, including infants, toddlers and preschoolers, comprising of a minimum of 685 square metres of interior space and approximately 290 square metres 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.



 **TORONTO**
Diagram 1

27 Grosvenor Street And 26 Grenville Street

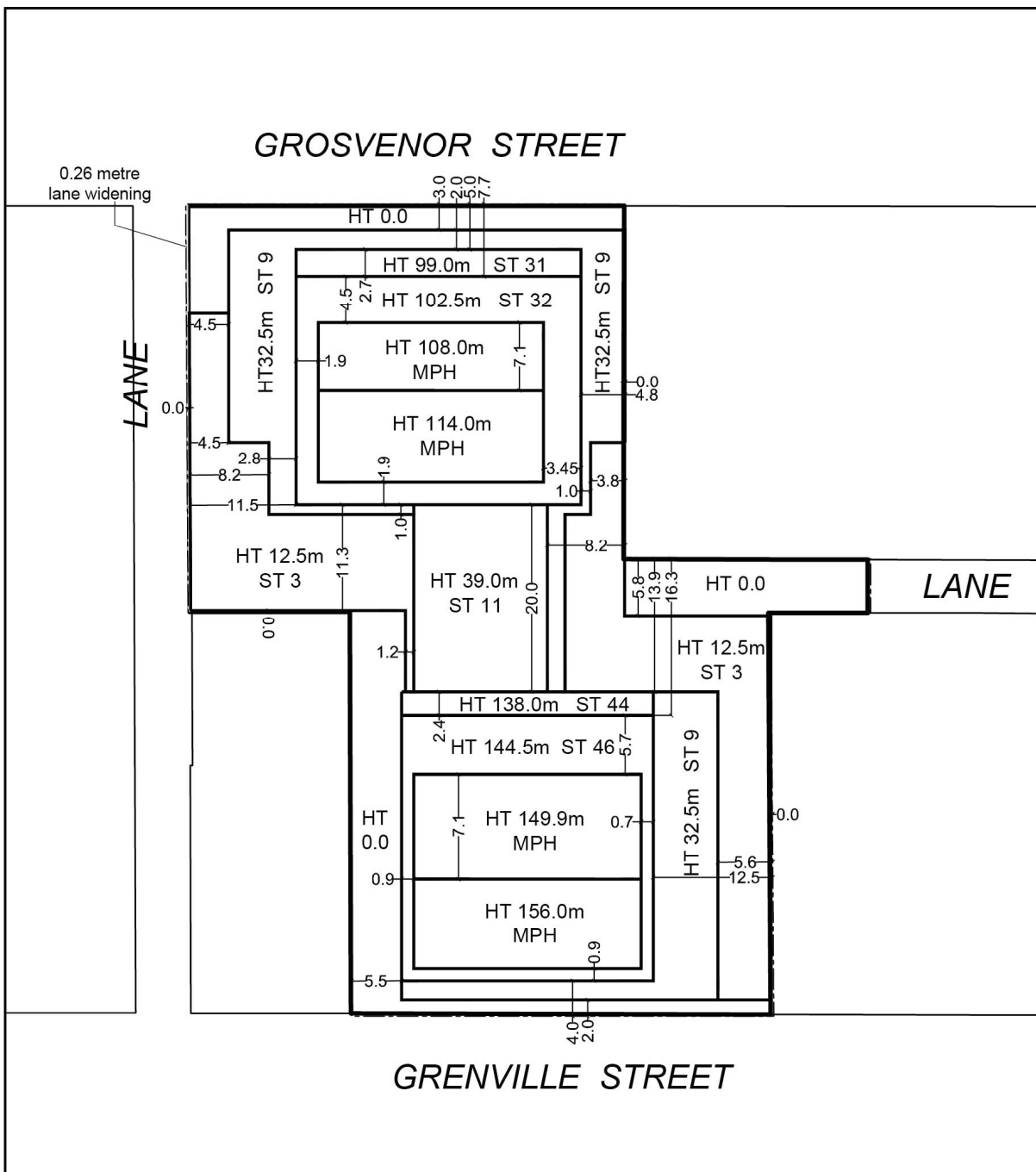
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 **Toronto**
Diagram 2

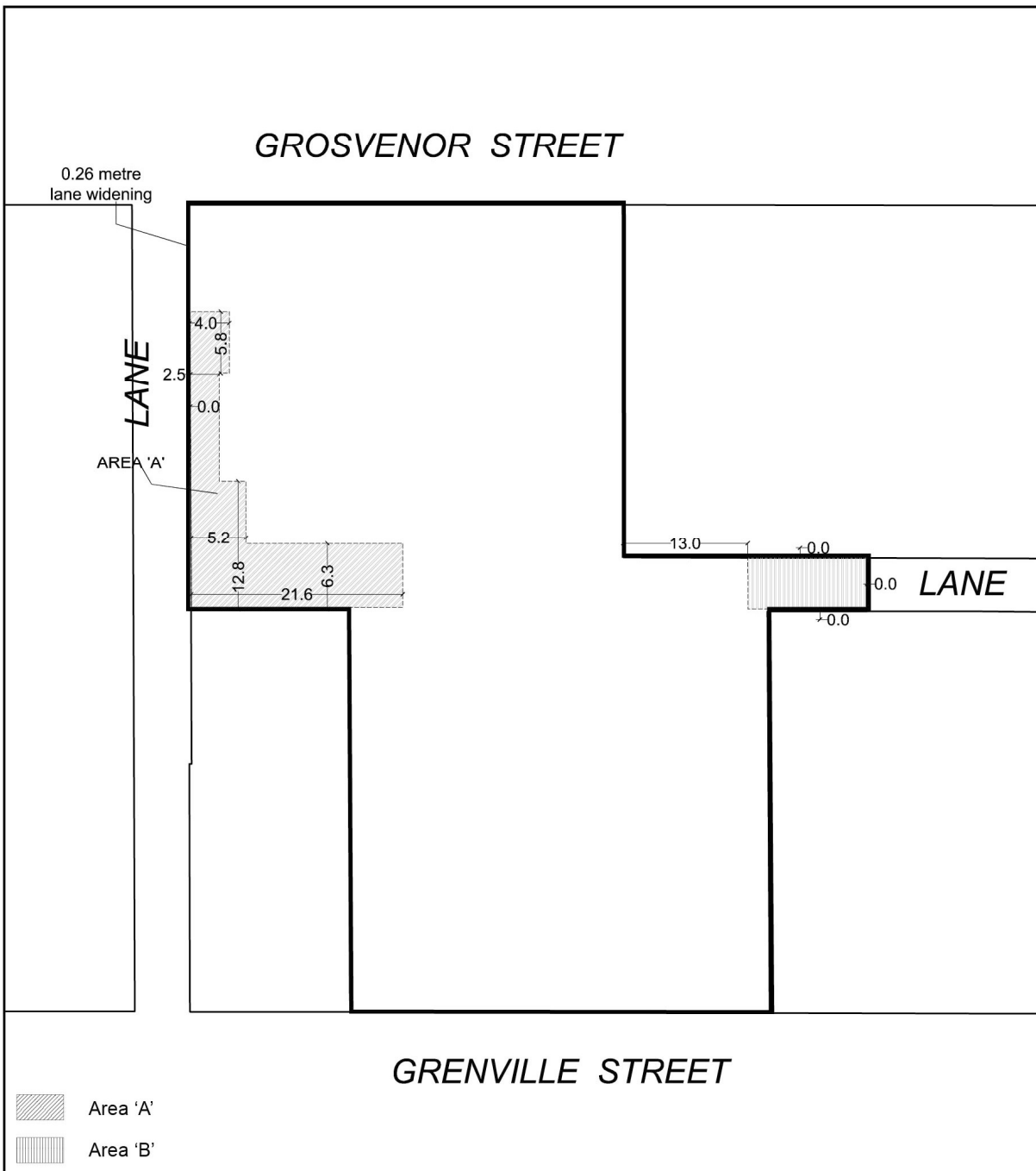
27 Grosvenor Street And 26 Grenville Street

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27 Grosvenor Street And 26 Grenville Street

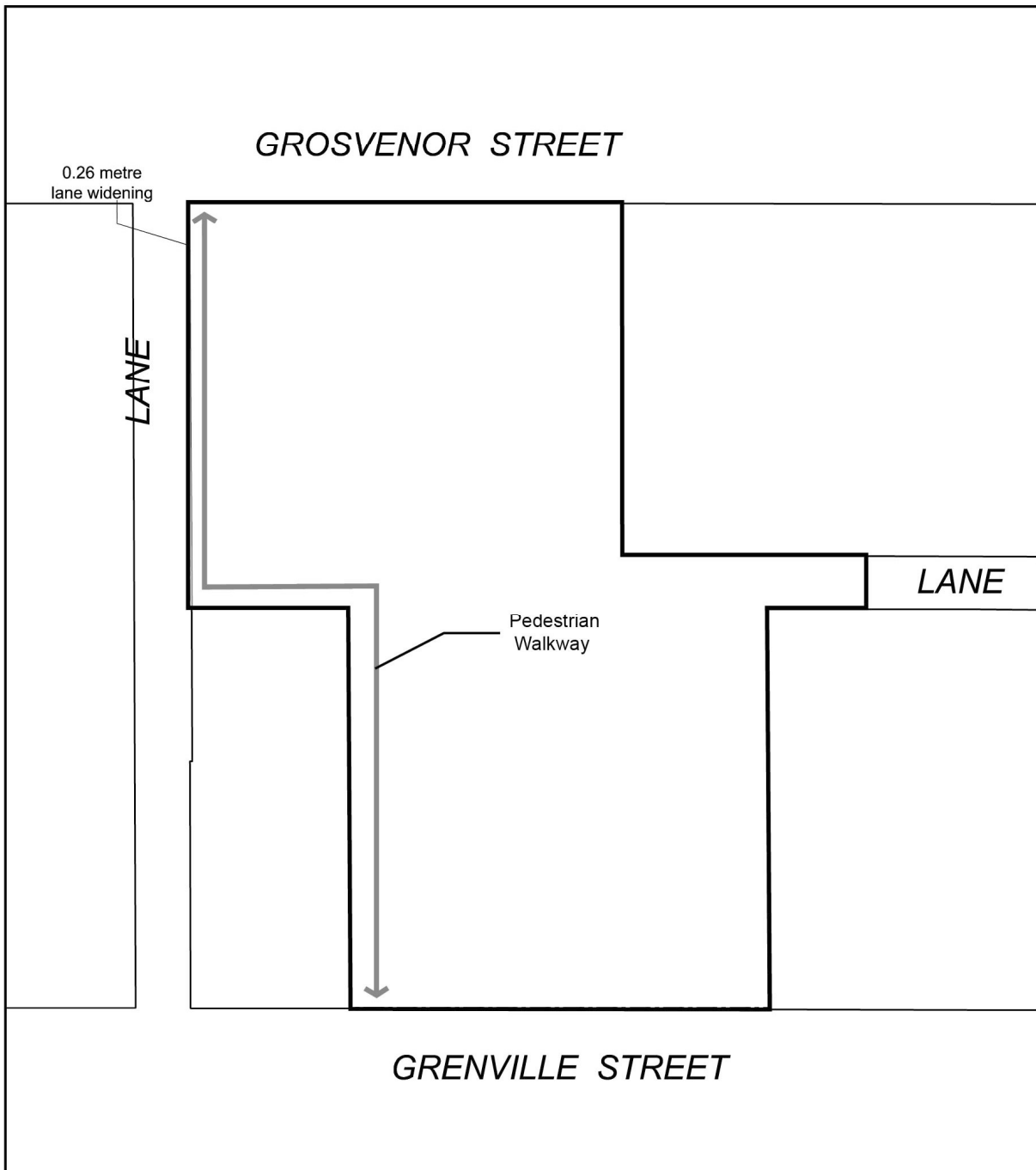
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 **TORONTO**
Diagram 4

27 Grosvenor Street And 26 Grenville Street

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 **Toronto**
Diagram 5

27 Grosvenor Street And 26 Grenville Street

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