

Authority: Toronto and East York Community Council Item 34.6, as adopted by City of Toronto Council on June 8 and 9, 2010 and Motion MM52.10, moved by Councillor Vaughan, seconded by Councillor Perks, as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1129-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 99 Blue Jays Way.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2010 as 99 Blue Jays Way; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services and 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 of matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the height permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements with certain facilities, services and matters in return for the increases in height in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 574-2007 is hereby repealed.

2. None of the provisions of Sections 4(2)(a), 4(12), 4(17), 7(3)PART II 1(i), 12(2)246(a) and 12(2)246(c) and 12(2)246(e) and 12(2)246(f) and 12(2)246(g) and 12(2)246(h) of By-law No. 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 or use of a *mixed-use building* on the *lot*, provided that:
- (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) No person shall erect or use a building or structure on the *lot* having a greater *height* than the lesser of:
 - (i) The *height* in metres specified by the numbers following the symbol H on the attached Map 2; and
 - (ii) The number of *storeys* specified on the attached Map 2.
 - (c) Notwithstanding (b):
 - (i) An elevator shaft and mechanical penthouse equipment shall be permitted to the maximum *height* in metres for mechanical room as specified on the attached Map 2; and
 - (ii) Roof parapets and railings shall not exceed the sum of 1.2 metres and the applicable maximum *height* limit on the attached Map 2.
 - (d) a minimum of 618 square metres of indoor *residential amenity space* shall be provided on the *lot* of which no less than 316 square metres shall be located on the sixth *storey* and shall contain a kitchen and a washroom and no less than 302 square metres shall be located on the eighth *storey* and shall contain a kitchen and a washroom.
 - (e) A minimum of 675 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which no less than 325 square metres shall be located on the sixth *storey* podium and shall be adjoining or directly accessible from the indoor *residential amenity space* located on the sixth *storey* and no less than 350 square metres shall be located on the eighth *storey* and shall be adjoining or directly accessible from the indoor *residential amenity space* located on the eighth *storey*.
 - (f) A minimum of 1 shared (modified) *Loading Space – Type G/Type B* shall be provided.
 - (g) A minimum of 101 *parking spaces* shall be provided of which 85 *parking spaces* shall be residents' *parking spaces*, and 14 *parking spaces* shall be reserved for visitors' *parking spaces* and 2 *parking spaces* shall be for non-residential uses.

- (h) A maximum of 5 *parking spaces* with a width of 2.6 metres and an obstruction on one side may be provided and designated for small cars only.
3. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the lot by this By-law, are permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:
- (a) the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the facilities, services and matters required to be provided by this Section 3 and consents to the registration of such agreement or agreements against title to the lot;
 - (b) prior to the issuance of the first above-grade building permit the owner shall provide an indexed cash contribution of \$1,200,000.00 payable to the City of Toronto of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:
 - i. streetscape improvements to John Street and Mercer Street;
 - ii. park improvements to Clarence Square Park;
 - iii. Heritage Conservation District Studies in the King Spadina East Precinct and/or design and development supporting the John Street streetscape project;
 - (c) the owner shall provide a public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost, and in accordance with the terms of the Section 37 Agreement referred to above;
 - (d) the owner shall provide and maintain a minimum of ten percent (10%) of the residential units in the building as three bedroom units;
 - (e) the owner shall provide architectural, elevations and landscaping plans including 1:50 elevations showing the exterior building and landscaping materials, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with the Site Plan Application, submit 1:50 scale drawings in conformity with this requirement for the podium of the building;
 - (f) the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (g) the owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, date-stamped May 27, 2009;

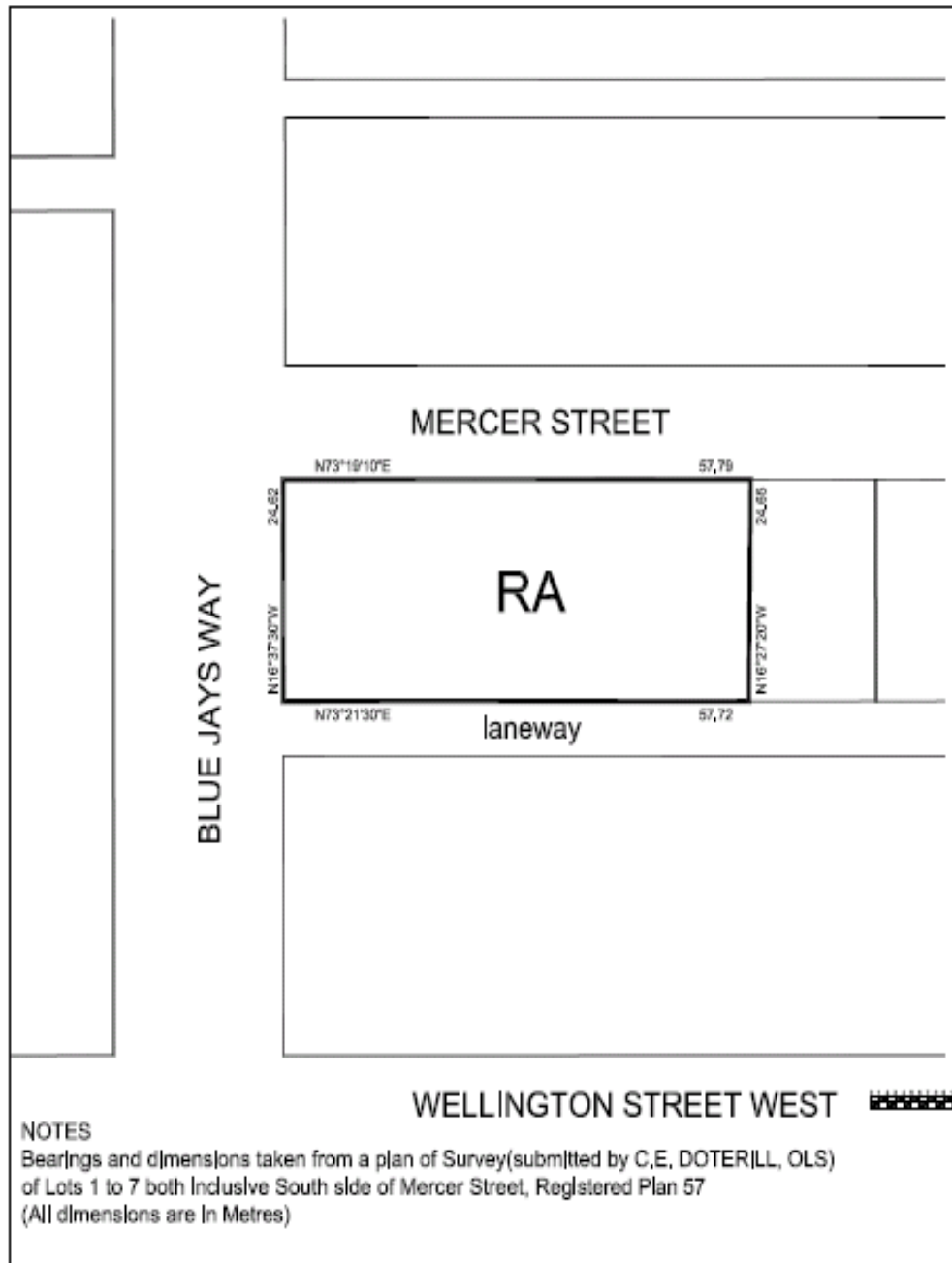
- (h) the owner shall provide and maintain in good order and operation an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services;
 - (i) the owner shall submit a wind study completed by a qualified wind consultant in conjunction with the Site Plan Application and implement all wind mitigation measures recommended by the report.
- 4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of Section 3 hereof, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
- 5. Notwithstanding any of the foregoing provisions, where the provisions of this By-law or an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, require the provision of facilities, services and matters prior to issuance of a *building permit* for the proposed development of the *land*, the *owner* may not erect or use any building or structure on the *land* until the *owner* has satisfied the said requirements and *building permit* issuance shall be dependent on the same.
- 6. No person shall use any land or erect or use any building or structure on the *lot* 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.
- 7. 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 the said By-law No. 438-86, as amended.

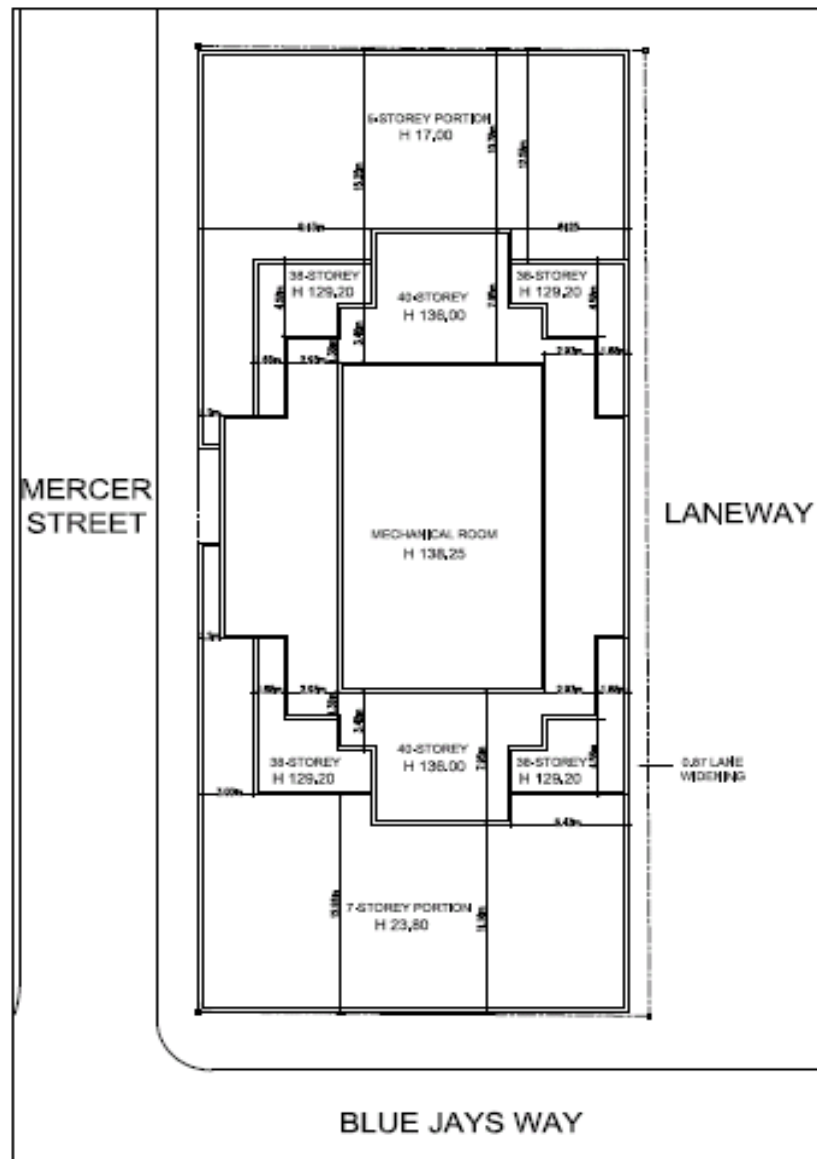
ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Map 1

Map 2

99 BLUE JAYS WAY
MAP 2