

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**To amend by-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known in the year 2016 as 20 Edward Street.**

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law with respect to the lands known municipally in the year 2016 as 20 Edward Street; 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/or 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, a 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid 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 land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; and

Whereas the Council of the City has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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 on the lands identified as the *lot* on Map 1 forming part of this By-law are permitted subject to compliance with the conditions set out in By-law and in return for the provision by the owner of the *lot*, of the facilities, services and matters set out in Schedule A hereof, the provisions of which shall be secured by one or more agreements pursuant to Section 37(3) of the *Planning Act*.

2. Upon execution and registration of one or more agreements between the City and the owner of the *lot* on title pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Schedule A hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) require the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the owner of the lands has satisfied the said requirement.
  
3. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, and *lot* and Sections 4(2)(a), 4(8), 4(12), 4(13), 4(14), 8(2)5, 8(3) Part I, 8(3) Part II 1, 8(3) Part III (1)(a), 12(2)132 of By-law No. 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 land and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* delineated by dashed lines on the attached Map 1, provided that:
  - (a) the *lot* upon which the proposed building is erected or used comprises the lands delineated by heavy lines on the attached Map 1;
  - (b) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached hereto;
  - (c) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of the building as shown on Map 2 shall not exceed 47,815 square metres, subject to the following:
    - (i) the *residential gross floor area* of the building shall not exceed 38,500 square metres; and
    - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 9,315 square metres excluding the *commercial parking garage* and mechanical rooms;
  - (d) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following rates:
    - (i) a minimum of 1.56 square metres per *dwelling unit* for indoor *residential amenity space*; and
    - (ii) a minimum of 1.14 square metres per *dwelling unit* for outdoor *residential amenity space*, of which at least 40 square metres shall be provided in an location adjoining or directly accessible from indoor *residential amenity space*; and
    - (iii) no *amenity space* for non-residential uses shall be provided on the *lot*;

- (e) no portion of a building or structure erected on the *lot* will exceed the *height* in metres or storeys specified by the numbers following the symbol "H" and "ST", respectively, on the attached Map 2;
- (f) Despite Section 3(e) of this By-law, the following elements may project above the height limits:
  - i. canopies, wind screens, elevator overruns, mechanical equipment and any associated enclosure structures, mechanical penthouses, parapets, guard rails, roofing materials, railings and dividers, pergolas, trellises, eaves, screens, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping, and elements of a green roof provided that the maximum vertical projection is 4 metres above the height otherwise permitted and complies with the Ontario Regulation 114/16 – Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports.
- (g) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
  - (i) awnings, canopies and window washing equipment – a maximum of 3.0 metres beyond the heavy lines shown on Map 2;
  - (ii) doors, cornices, ornamental elements, parapets, architectural flutes, ornamental elements, parapets, pillars, pergolas, trellises, eaves, ventilation shafts, guardrails, balustrades, railings, wheel chair ramps, planters, columns, piers, pillars, window sills, light fixtures, art and landscape features and site servicing features – a maximum of 1.2 metres beyond the heavy lines shown on Map 2;
- (h) balconies may encroach a maximum of 1.7 metres into a building setback of the building as shown on Map 2 only;
- (i) balconies are not permitted on the easternmost façade of the building;
- (j) the ground floor is setback 1.4 metres from the south property line;
- (k) a maximum of 572 *dwelling units* are permitted;
- (l) a minimum of 49 *dwelling units* erected or used on the lands must each have three or more bedrooms in compliance with the provisions of the Ontario Building Code (O. Reg. 322/12), as amended or replaced from time to time;
- (m) a minimum of 627 *bicycle parking spaces* shall be provided on the *lot* in accordance with the following:
  - (i) a minimum of 521 *bicycle parking spaces – occupant* shall be provided;

- (ii) a minimum of 58 *bicycle parking spaces – visitor* shall be provided;
- (iii) a minimum of 48 *bicycle parking spaces* shall be specifically dedicated to the *non-residential gross floor area* uses;
- (n) a minimum of one *loading space - type "G"*, two *loading spaces - type "B"* and two *loading spaces – type "C"* shall be provided and maintained on the *lot*.

4. For the purposes of this By-law:

- (a) “*bicycle parking space – occupant*” means an area that is equipped with a bicycle locker or a room or bicycle rack for the purpose of parking and securing bicycles, and
  - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above;
- (a) “*bicycle parking space – visitor*” means an area that is equipped with a room or 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 a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking spaces within the stacker are not be subject to the dimensions outlined in (i) and (ii) above;
- (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 to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be

refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven;

- (d) "*car-share parking space*" means a parking space exclusively for a car used only for car--sharing purposes;
- (e) "*grade*" means 93.24 metres Canadian Geodetic Datum;
- (f) "*height*" means the vertical distance between grade and the highest point of the building or structure except for those elements otherwise prescribed in this By-law;
- (h) Each word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.

6. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had 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 Map 2 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.

8. Within the *lot*, no person shall use any land or erect any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2016.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Seal of the City)

## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the *lot* at their expense to the *City* in accordance with one or more agreements pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first above-grade building permit the owner shall provide an indexed cash contribution to the City in the amount of \$3,500,000.00 to be allocated to capital improvements which will benefit the community in the vicinity of the project such as, but not limited to, an underground pedestrian tunnel (PATH connection) connecting the subject property to the property at 595 Bay Street (Atrium on Bay), non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, capital improvements to Toronto Community Housing in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, and improvements to public parks in the area or for parkland acquisition in Ward 27, such parkland to be to the satisfaction of the General Manager, Park, Forestry and Recreation.
2. the Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 72 square metres on the northwest corner of the site as a Privately-Owned Publicly-Accessible Space (POPS) and provide public access easements to hand over the POPS, for use by members of the general public, for nominal consideration, to the City, such easement to be conveyed to the City prior to the earlier of the issuance of any site plan approval for the site and the issuance of any building permit for the site and with the specific location, configuration and design to be determined to the satisfaction of the Chief Planner and Executive Director, City Planning Division in the context of site plan approval. The Owner shall own, operate, maintain and repair the POPS and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year. The Owner shall have completed the construction of the POPS prior to the earlier of any new commercial or any residential use of the site and registration of any condominium on the site;
3. the Owner shall at its expense provide knock-out panels along the north and west walls of the concourse level of the building for potential future underground pedestrian network connections, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
4. the Owner shall at its expense design, construct, and finish in accordance with TTC's standards and specifications a TTC second exit/entrance facility from Dundas Subway Station through the development to Edward Street, which shall include fare gate equipment and related appurtenances. The TTC second exit/entrance facility shall be

- constructed within the development, more specifically at the southeast quadrant of the proposed development to the satisfaction of the TTC in consultation with the Chief Planner and Executive Director, City Planning Division. The second exit/entrance facility shall include a knock-out panel at the concourse level to facilitate a direct connection to a future pedestrian tunnel that will be constructed below grade within the Edward Street right-of-way that will connect the southbound platform of Dundas Subway Station to the second exit/entrance facility within the development;
5. the Owner shall, prior to the issuance of a below-grade permit, complete a Toronto Transit Commission technical review(s) respecting the development and the TTC second exit/entrance facility, and shall address all concerns arising from the technical review(s) to the satisfaction of the TTC in consultation with the Chief Planner and Executive Director, City Planning Division;
  6. the Owner shall convey an easement or fee simple conveyance to the City and TTC, at its election, for access and other rights as may be required for the TTC second exit/entrance facility over and through the portion of development lands owned by the Owner; and
  7. the Owner shall enter into agreement(s) with the TTC that will set out the Owner's obligations to construct and maintain a new exit/entrance within the development and the necessary easements in place for public egress and ingress. The terms of the agreement shall be negotiated with the Owner, in consultation with the Chief Planner and Executive Director, City Planning Division and the agreement shall be to the satisfaction of TTC in consultation with the Chief Planner and Executive Director, City Planning Division.
  8. The owner shall pay for and construct upgrades the municipal infrastructure should it be determined that such upgrades are required to support the development in accordance with the servicing report accepted by the Executive Director, Engineering and Construction Services. The Owner agrees to enter into a Municipal Infrastructure Agreement to secure the construction of the infrastructure upgrades as required, as a condition of approval of the Site Plan Control application.
  9. In the event that the cash contributions referred to in Section (1) above has not been used for the intended purpose within 3 years of this By-law coming into 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 local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



