

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

CITY OF TORONTO

BY-LAW No. XXX- 2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 20 Edward Street.

Whereas Council of the City of Toronto has the authority to 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;

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 No. 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;

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 No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 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 black lines to CR 6.0 (c2.0; r6.0) SS1 (xXX), as shown on Diagram 3 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article

900.11.10 Exception Number XX so that it reads:

(62) Exception CR XX

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 20 Edward Street, none of the regulations of 5.10.40.70, 40.5.40.10(1) and (2), 40.5.40.70, 40.10.40.10(1), 40.10.40.40(1), 40.10.40.50, 40.10.40.60(1), 40.10.40.70(1), 40.10.90.40(1) and (3); 40.10.100.10(1); 230.5.10.1; Table 230.5.10.1(1); 900.11.10(x2318) (B) prevent the erection or use of a building, structure, addition or enlargement if it complies with By-law No. XXX-2016.
- (B) If Schedule 'A' of by-law XXXX-2016 is complied with the following regulations apply;
- (C) Any **building** or **structure** erected on the lands must not exceed the height in metres specified by the numbers following the symbol “H” on Diagram 3 of By-law XXX-2016.
- (D) Areas following the symbol "MPH" on Diagram 3 of By-law XXX-2016 is the sum of the applicable height limit and the number following the "+" symbol permitting the maximum height for 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.
- (C) In addition to encroachments permitted in Section 40.10.40.60, the following encroachments are permitted to extend beyond the areas delineated by heavy lines on Diagram 3 attached to and forming part of this By-law:
 - i. awnings, canopies and window washing equipment – a maximum of 3.0 metres beyond the heavy lines shown on Diagram 3 of By-law XXXX-2016;
 - 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 Diagram 3 of By-law XXXX-2016;
- (D) Balconies are permitted to project to a maximum of 1.7 metres beyond the heavy lines shown on Diagram 3 of By-law XXXX-2016;

- (E) Balconies are not permitted on the easternmost façade of the building;
- (F) The ground floor is setback 1.4 metres from the south property line;
- (G) The total **gross floor area** of all **buildings** and **structures** as shown on Diagram 3 of By-law XXX-2016, must not exceed 47,815 square metres, comprised as follows:
 - i. residential uses symbolized by the letter ‘r’, permitted by Regulations 40.10.20.10(1)(B) and 40.10.20.20(1)(B), must not exceed 38,500 square metres;
 - ii. non-residential uses symbolized by the letter ‘c’, permitted by Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), must not exceed 9,315 square metres excluding **public parking**;
- (H) **Residential amenity** space and **non-residential amenity** space shall be provided and maintained on the **lot** in accordance with the following:
 - i. a minimum of 1.56 square metres for each **dwelling unit** is indoor **amenity space**;
 - ii. a minimum of 1.1 square metres per **dwelling unit** is outdoor **amenity space**, of which at least 40.0 square metres shall be provided in a location adjoining or directly accessible from indoor **residential amenity space**; and
- (I) Despite 40.10.40.50(2), no outdoor **amenity space** is required for non-residential uses on the lands;
- (J) A minimum of 627 **bicycle parking spaces** shall be provided and maintained for the **mixed use building** in accordance with the following:
 - i. A minimum of 521 **bicycle parking spaces – long term** is provided;
 - ii. A minimum of 58 **bicycle parking spaces – short term** is provided;
 - iii. A minimum of 48 **bicycle parking spaces** shall be specifically dedicated to the **non-residential gross floor area** uses;

Prevailing By-law and Prevailing Sections

- (K) Section 12 (2) 256 of former City of Toronto By-law 438-86

4. 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 3 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 _____, 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 land on Diagram 3 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.