

Authority: Toronto and East York Community Council Item 2.6,  
as adopted by City of Toronto Council on February 5, 6, 7 and 8, 2007  
Enacted by Council: May 25, 2007

## **CITY OF TORONTO**

### **BY-LAW No. 574-2007**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally 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 2007 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 37 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. None of the provisions of Sections 4(2)(a), 4(12), 7(3)PART II 1(i), 12(2)246(a) and 12(2)246(c) 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*, in metres or in *storeys*, than the lesser of:
  - (i) The *height* specified by the numbers following the symbol H on the attached Map 2; or,
  - (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 320 square metres of indoor *residential amenity space* shall be provide on the *lot* of which no less than 160 square metres shall be located on the sixth floor and shall contain a kitchen and a washroom and no less than 160 square metres shall be located on the eighth floor and shall contain a kitchen and a washroom.
- (e) A minimum of 320 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which no less than 140 square metres shall be located on the sixth floor podium and shall be adjoining or directly accessible from the indoor *residential amenity space* and no less than 180 square metres shall be located on the eighth floor and shall be adjoining or directly accessible from the indoor *residential amenity space*.

## 2. Site Servicing

Such by-law requires that 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.

3. Pursuant to Section 37 of the *Planning Act*, the heights of the development contemplated by this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the Owner of the lot, the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section 3(c) hereof:
- (a) The amount of \$90,000 payable to the City of Toronto prior to the issuance of the first building permit for the development on the lot, the amount to be used for improvements to Clarence Square Park.
  - (b) The amount of \$10,000 payable to the City of Toronto prior to the issuance of the first building permit for the development on the lot, the amount to be used for program development at the Seniors project at 168 John Street.
  - (c) A public art contribution in accordance with the City of Toronto's public art program of a value not less than 1% of the gross construction costs of all buildings and structures to be erected on the *lot*.
  - (d) The incorporation, in the construction of the building, of exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division. This shall include 1:50 scale drawings for the podium on the Mercer Street and the Blue Jays Way elevation with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian.
  - (e) The introduction of measures to improve sound quality within residential units, as recommended by an acoustic consultant to be engaged by the applicant. The sound mitigation measures shall be subject to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the project architect.
  - (f) The incorporation of no less than fifteen (15) three-*bedroom* units.
  - (g) The provision and maintenance of an irrigation system for any proposed trees within the public road allowance, 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 of Technical Services, including requirements to maintain in good order and operation.
4. The owner of the *lot* enters into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the matters required in Section 3 of this By-law and such agreements are to be registered on title to the *lot*, and such agreements and registration to be to the satisfaction of the City.

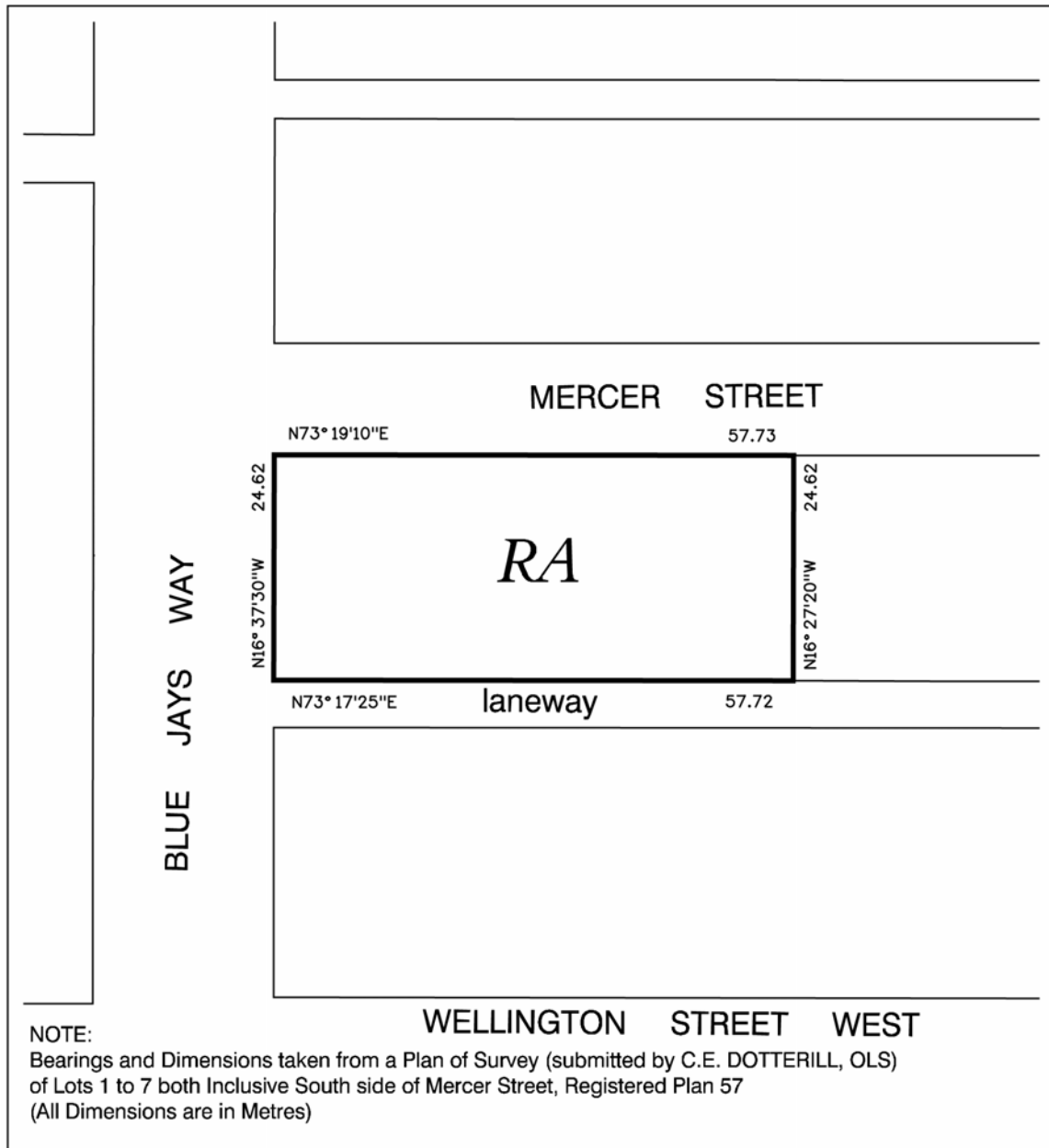
- 5.** For the purposes of this By-law each word or expression which is italicized in this by-law shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

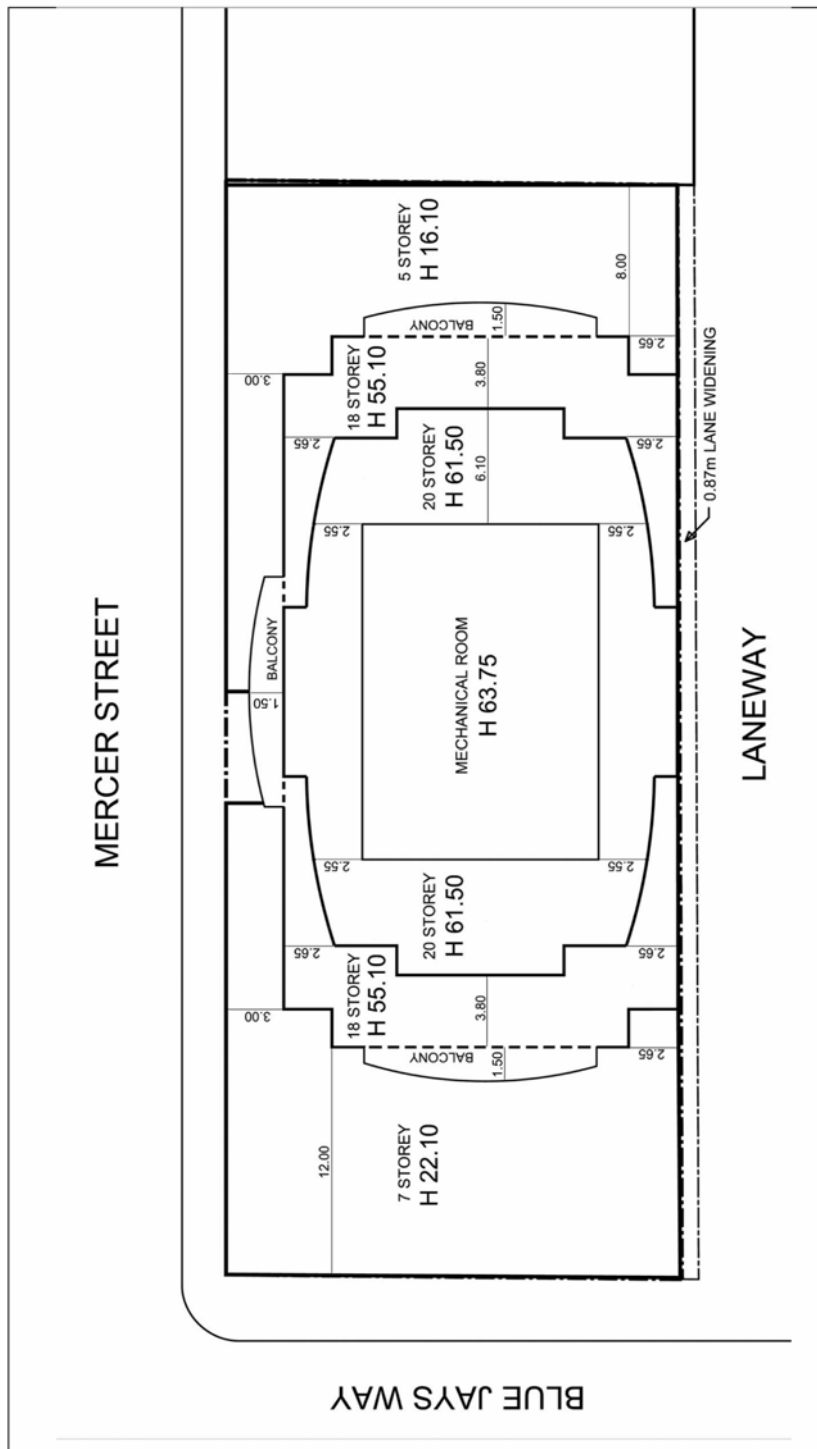
ENACTED AND PASSED this 25th day of May, A.D. 2007.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)





**Toronto** City Planning  
Division  
**Map 2**

99 Blue Jays Way

File # 05\_204847

