CITY OF TORONTO

BY-LAW No. 1067-2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 56 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 2006 as 56 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 34 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 of the former City of Toronto, 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), 7(3) Part II 3 and 12(2)246(a) of Zoning By-law No. 438-86, of the former City of Toronto, as amended, 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 containing dwelling units 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 portion of any building or structure erected and used above grade is located otherwise than wholly within the heavy lines on Map 2 attached hereto except eaves, cornices, canopies, awnings, skylights, ornamental elements, trellises, lighting, fixtures, public art features, balconies, fences, landscape planters and seating areas, retaining walls, ramps to an underground garage, stairways, wheelchair ramps and railings;

(c) No portion of the building on the lot, shall have a greater height, in metres or in storeys, than the lesser of:

(i) The number of storeys specified on the attached Map 2; and

(ii) The height in metres specified by the numbers following the symbol H on the attached Map 2 including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, provided that this paragraph does not prevent the erection and use of railings, parapet walls, window washing equipment, stair towers, partitions dividing outdoor recreation areas and trellises, lightning rods, exhaust flues, located above the height of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres.

(d) The residential gross floor area of the mixed-use building does not exceed 17331 square metres, and the building contains not more than 220 dwelling units;

(e) The non-residential gross floor area of the mixed-use building does not exceed 999 square metres; and

(f) Residential amenity space shall be provided on the second floor level of the building. A minimum of 395 square metres of indoor residential amenity space shall be provided in a multi-purpose room or contiguous rooms, at least one of which contains a kitchen and a washroom, and a minimum of 401 square metres of outdoor residential amenity space shall be provided in a location 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 increased height 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 4 hereof:

(a) Enter into a heritage easement drawn pursuant to Section 37 of the Ontario Heritage Act for the preservation of a portion of the front façade of the existing building on the lands, as identified on Map 2 attached hereto;

(b) The amount of $65,000 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;

(c) The amount of $25,000 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 Victoria Memorial Square Park;

(d) The amount of $10,000 payable to the City of Toronto prior to the issuance of the first building permit for development on the lot, the amount to be used for public housing improvements in Ward 20;

(e) The amount of $100,000 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 restoration of the existing heritage façade on the site;

(f) 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;

(g) 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 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;

(h) 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;
(i) Submission of a landscape plan to be secured in an Agreement pursuant to Section 41 of the Planning Act, such plan to address hard and soft materials and lighting for the front yard setback from Blue Jays Way, the side yard setback along the public lane, and the outdoor residential amenity space referred to in Section 1(f) above subject to the satisfaction of the Chief Planner, City Planning Division;

(j) Submission of a Pedestrian Level Wind Study be secured in an Agreement pursuant to section 41 of the Planning Act, such Agreement to specify that any required wind mitigation measures shall be subject to the satisfaction of the Chief Planner, City Planning Division;

(k) the owner agrees to make revisions to the development or submit a Letter of Credit, if required, in accordance with the recommendations of a street lighting assessment; and

(l) the contributions contemplated in subsection 3(b), 3(c), 3(d) and 3(e) shall be indexed to the Consumer Price Index from the date of execution of the first agreement under Section 37 of the Planning Act.

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 Sections 2 and 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 of the former City of Toronto, as amended.

ENACTED AND PASSED this 27th day of September, A.D. 2007.

SANDRA BUSSIN, Speaker
ULLI S. WATKISS City Clerk

(Corporate Seal)