

Authority: Local Planning Appeal Tribunal Decision  
issued January 15, 2018 and Order issued March 13, 2019  
in Tribunal File PL160913

## CITY OF TORONTO

### BY-LAW 149-2021(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2019 as 20 Edward Street.**

Whereas the Local Planning Appeal Tribunal, by its Decision issued January 15, 2018 and Order issued March 13, 2109 in Tribunal File PL160913, determined to amend Zoning By-law 438-86, as amended, with respect to the lands known municipally as 20 Edward Street (the "*Lands*"); and

Whereas Council 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 such provisions relating to the authorization of increases in height and 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 increase 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, 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 438-86, 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; and

Whereas the Council of the City of Toronto 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 increased in height and density permitted by this By-law; and

Therefore, pursuant to the Decision of the Local Planning Appeal Tribunal issued January 15, 2018 and the Order issued March 13, 2019 in Tribunal File PL160913, Zoning By-law 438-86 is hereby amended as follows:

1. Pursuant of 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 this By-law and in return for the provision by the owner of the *lot*, of the facilities, services and matters set out in Schedule 1 hereof, the provisions of which shall be secured by one or more agreements pursuant to Section 37(3) of the Planning Act in accordance with Schedule 1 of this By-law.

2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
3. None of the provisions of Sections 2(1) with respect to the definition of '*bicycle parking space – visitor*', '*height*', '*grade*', '*lot*', '*residential gross floor area*', and '*non-residential gross floor area*', 4(2)(a), 4(5)(b), 4(8)b, 4(12), 4(13), 4(14), 8(1)(b), 8(2)5, 8(3) Part I, 8(3) Part II (1), 8(3) Part III (1)(a), 12(2) 132 and 12(2) 380 of Zoning By-law 438-86, 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", shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed-use building* and *commercial parking garage* including *car-sharing*, provided:
  - (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
  - (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, except that:
    - i. nothing shall prevent art and landscape features, cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated structures from extending a maximum of 3.0 metres beyond the heavy lines of areas with *height* limits above *grade* of up to 94.5 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
    - ii. nothing shall prevent window washing equipment, including but not limited to davit arms and roof anchors which have a maximum height of 1.5 metres, from extending a maximum of 2.0 metres beyond the heavy lines of areas with a *height* limit of 94.5 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
    - iii. nothing shall prevent window washing equipment, including but not limited to davit arms and roof anchors which have a maximum height of 1.8 metres, from extending a maximum of 2.0 metres beyond the heavy lines of areas with a *height* limit of 100.6 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;

- iv. a balcony may project a maximum of 1.7 metres from the wall where it is attached, with the exception of the easternmost façade of the building where balconies shall not be permitted; and
  - v. nothing in Section 5(b)(ii) of this By-law shall prevent a terrace from projecting beyond the heavy line shown on Map 2;
- (c) Despite Section 5(b) of this By-law, the ground floor of any building or structure on the *lot* shall be set back 1.35 metres from the south property line;
- (d) No portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto, except that:
- i. nothing shall prevent canopies, wind screens, parapets, guard rails, roofing materials, railings and dividers, pergolas, trellises, eaves, screens, stairs, roof drainage, lightning rods, architectural features, landscaping, roof maintenance access ladder, elements of a green roof, and window washing equipment including but not limited to davit arms and roof anchors, from projecting a maximum of 5.0 metres above the portions of buildings with height limits above *grade* that are up to 22.5 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
  - ii. nothing shall prevent boiler flues, roof maintenance ladder, guard rails, parapets, roofing materials, landscaping, lightning rods, elements of a green roof, and window washing equipment, including but not limited to davit arms and roof anchors, from projecting a maximum of 1.5 metres above the *height* limits of the portions of buildings with a maximum *height* of 94.5 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
  - iii. nothing shall prevent boiler flues, roof maintenance ladder, parapets, roofing materials, landscaping, lightning rods and window washing equipment, including but not limited to davit arms, roof anchors, and elements of a green roof from projecting a maximum of 0.4 metres above the *height* limits of the portions of buildings with a maximum *height* of 98.0 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
  - iv. nothing shall prevent boiler flues, mechanical ducts, roof maintenance ladder, guard rails, parapets, roofing materials, landscaping, lightning rods, elements of a green roof, and window washing equipment, including but not limited to davit arms and roof anchors, from projecting a maximum of 1.8 metres above the *height* limits of the portions of buildings with a maximum *height* of 100.6 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law; and

- v. nothing shall prevent boiler flues, parapets, roofing materials, landscaping, lightning rods and window washing equipment, including but not limited to davit arms and roof anchors, from projecting a maximum of 0.6 metres above the *height* limits of the portions of buildings with a maximum *height* of 103.3 metres, as specified by the numbers following the symbol "H" on Map 2 of this By-law;
- (e) The total *gross floor area* on the *lot* shall not exceed 47,700 square metres, of which:
    - i. a maximum of 38,900 square metres shall be residential *gross floor area*; and
    - ii. a maximum of 8,850 square metres shall be non-residential *gross floor area*;
  - (f) The maximum number of dwelling units shall be 560, of which:
    - i. a minimum of 51 dwelling units erected or used on the lands must 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;
  - (g) A minimum number of *parking spaces* for the *mixed use building* shall be provided and maintained on the *lot* in accordance with the following:
    - i. 129 *parking spaces* for the use of residents in the building;
    - ii. 116 *parking spaces* for the non-residential uses in the building;
    - iii. no *parking spaces* for visitors shall be required on the *lot*; and
    - iv. 8 *car-share parking spaces*;
  - (h) A minimum number of *bicycle parking spaces* for the *mixed use building* shall be provided and maintained on the *lot* in accordance with the following:
    - i. a minimum of 0.9 *bicycle parking spaces* – *occupant per dwelling unit*;
    - ii. a minimum of 0.1 *bicycle parking spaces* – *visitor per dwelling unit*; and
    - iii. a minimum of 41 *bicycle parking spaces* shall be specifically dedicated to *non-residential* uses;
  - (i) A minimum number of *loading spaces* for the *mixed use building* shall be provided and maintained on the *lot* in accordance with the following:
    - i. a minimum of 2 *loading spaces* – *type B*;

- ii. a minimum of 2 *loading spaces – type C*; and
  - iii. a minimum of 1 *loading space – type G*;
- (j) A minimum of *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 1.5 square metres per dwelling unit of *residential amenity space* located indoors;
  - ii. a minimum of 1.1 square metres per dwelling unit of *residential amenity space* located outdoors, of which at least 40 square metres shall be provided in a location adjoining or directly accessible from indoor *residential amenity space*; and
  - iii. no *amenity space* for non-residential uses shall be required on the lot;
- (k) None of the provisions of By-law 438-86 shall apply to prevent a temporary *sales office* on the lot as of the date of the passing of this By-law; and
- (l) For the purpose of this By-law:
- i. "*bicycle parking space – occupant*" means an area used for parking or storing a bicycle by the occupants or tenants of a *building*, and
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions 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 horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
    - (iii) may be located outdoors or indoors, including within a secured room, enclosure, bicycle locker, or *stacked bicycle parking space*; and
    - (iv) where the bicycles are to be parked in a *stacked bicycle parking space*, has horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
  - ii. "*bicycle parking space – visitor*" means an area used for parking or storing a bicycle by visitors to a *building*, and:
    - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;

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- (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (iii) may be located outdoors or indoors, including within a secured room, enclosure, bicycle locker, or *stacked bicycle parking space*; and
  - (iv) where the bicycles are to be parked in a *stacked bicycle parking space*, has horizontal dimensions of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.2 metres;
- iii. "*stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space, is equipped with a mechanical device providing floor level access to both bicycle parking spaces;
  - iv. "*car-sharing*" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization. To use a car-share 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. Vehicles are reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven;
  - v. "*car-share parking space*" means a *parking space* exclusively reserved and used only for *car-sharing* purposes whereby the vehicle is accessible to at least the occupants of the buildings;
  - vi. "*grade*" means 93.24 metres Canadian Geodetic Datum;
  - vii. "*gross floor area*" the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, reduced by the area in the building used for:
    - (i) parking, loading and bicycle parking below-ground;
    - (ii) required *loading spaces* at the ground level and required *bicycle parking spaces – occupant* or *bicycle parking spaces - visitor* at or above-ground;
    - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
    - (v) amenity space required by this By-law;

- (vi) elevator shafts;
  - (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) exit stairwells in the building;
- viii. *"height"* means the height above *grade* as shown on Map 2;
- ix. *"lot"* means those lands identified on Map 1 attached to this By-law;
- x. *"sales office"* means a temporary building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* or *non-residential gross floor area* to be erected on the *lot*; and
- xi. each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law 438-86, as amended.
4. Despite any existing or future 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 occurred.

Local Planning Appeal Tribunal Decision issued January 15, 2018 and Order issued March 13, 2019 in Tribunal File PL160913.

**SCHEDULE 1**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first Above Grade Building Permit for the Development, the Owner shall make a cash payment to the City in the amount of **THREE AND A HALF MILLION DOLLARS (\$3,500,000.00)** to be allocated as follows:
  - (a) **THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$350 000)** to be used for capital improvements related to accessibility of City owned facilities and infrastructure in the vicinity of the Development. This work will be coordinated through City Planning in consultation with the Equity, Diversity & Human Rights Office who will retain the assistance of outside consultants, as necessary
  - (b) The balance of the funds will be used for capital improvements which will benefit the community in the vicinity of the Development 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 Director in consultation with the Ward Councillor, and/or 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 in consultation with the Ward Councillor.
  - (c) The amount of the cash contribution listed in section 1. a) shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, reported quarterly by Statistics Canada, calculated from the date of execution of this Agreement to the date of payment of the funds by the Owner to the City.
  - (d) In the event that the cash contributions referred to in Part a above has not be 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 Director, 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.
2. Prior to issuance of final site plan approval, the Owner shall prepare all documents and convey for nominal consideration an easement to the City for public access over a Privately Owned Publicly-Accessible Space (the "POPS") on the northwest corner of the Site which shall have a minimum area of seventy two (72) square meters to the satisfaction of the Director and the City Solicitor. The lands which are the subject of the easement shall be free and clear of all physical encumbrances and all title encumbrances



having priority over the easement except for encumbrances permitted by the City Solicitor, it being expressly agreed that any encumbrances which would otherwise have had priority over the easement shall be postponed to the easement. There will be no portion of any building or structure overhanging the POPS.

The following matters are also recommended to be secured in the Section 37 Agreement as legal convenience to support development:

**1. HOSPITAL FOR SICK CHILDREN HELICOPTER FLIGHT PATH**

- 1.1. The Developer shall not create, authorize, allow, permit, support or condone in any way any Impact on the Flight Path as it relates to any development on the Developer Property or during construction of any buildings on the Developer Property.
- 1.2. The Developer agrees that with respect to any building or structure constructed in accordance with the Amending By-laws (the "Future Building"):
  - (a) Prior to construction of the Future Building, or application for site plan approval in accordance with section 114 of City of Toronto Act, SO 2006, or section 41 of the Planning Act, RSO 1990, a detailed aeronautical assessment of the final building design will be undertaken and provided to THSC for review and approval to ensure that there is no Impact on the Flight Path and obstruction lighting will be incorporated as required;
  - (b) All construction equipment, including cranes and other structural and forming equipment, both permanent and temporary, will be located to ensure that there is no Impact on the Flight Path;
  - (c) All operational activities and use on the Developer Property or associated with the Future Building shall be undertaken such as to ensure that there are no Impact on the Flight Path;
  - (d) Prior to any construction, a Land Use Proposal Submission Form will be submitted to NAV CANADA for approval, with a copy to THSC;
  - (e) Prior to any construction, an Aeronautical Assessment Form for Obstruction Marking and Lighting will be submitted to Transport Canada for approval, with a copy to THSC;
  - (f) Prior to construction, a Crane/Construction Equipment Study will be undertaken and a Plan of Construction Operations (PCO) will be implemented to coordinate construction activities, if required, and to ensure that there will be no Impact on the Flight Path;
  - (g) Any building or structure on the Developer Property will fully comply with all requirements and guidelines regarding obstruction marking and lighting in areas adjacent to the Flight Path in accordance with the Canadian Aviation Regulations; and

(h) The Developer shall provide a report prepared by a qualified flight path consultant to the City, with a copy to THSC that confirms that the proposed building or structure, including but not limited to its lighting and markings, its construction, its operation, and its use and functionality, complies with subsections (a) to (g) above, prior to the execution and registration of any Site Plan Agreement against the title to the Developer Property.

1.4 The Developer agrees that it shall not apply for any Building Permit pursuant to section 8 of the Building Code Act, as may be amended, unless the requirements set out in section (a)- (h) of this Agreement have been complied with or further secured as conditions of Site Plan Approval, as appropriate. For greater clarity, the requirements set out in section (a)-(g) shall nonetheless continue as ongoing requirements.

## **2. ACCESSIBILITY AUDIT AND CONSTRUCTION MANAGEMENT PLAN**

2.1 Prior to the issuance of the first Above-Grade Building Permit for the Development, the Owner shall complete an accessibility audit and Construction Management Plan to ensure that the construction phase of the project minimizes impacts and maintain safety and accessibility for residents with disabilities living the vicinity of the Development, all to the satisfaction of the Director.

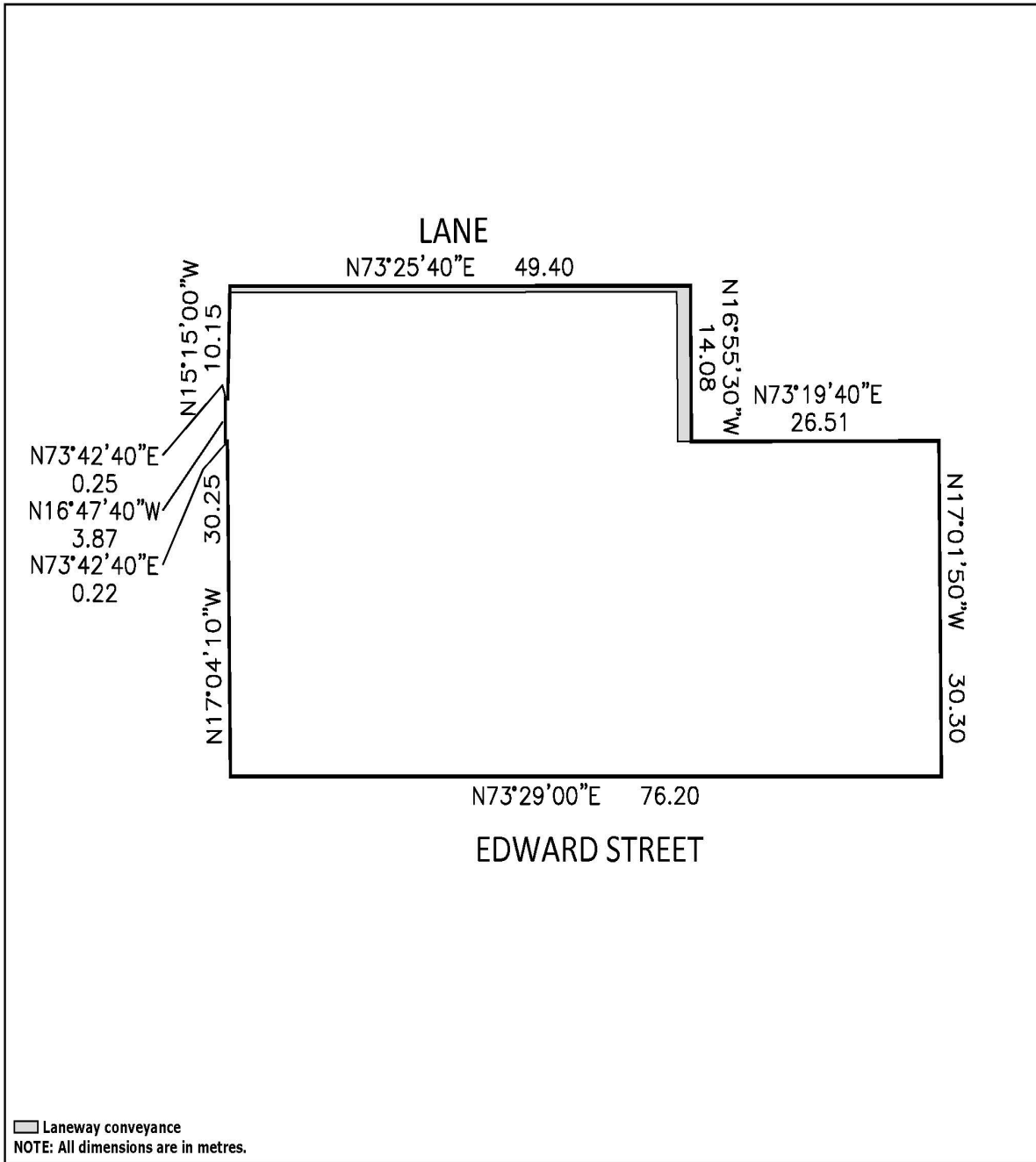
2.2 The accessibility audit shall be limited to reviewing and analyzing the areas to be impacted on a short term basis during the construction of the building and shall be completed by a qualified consultant to the satisfaction of the Director, Equity, Diversity & Human Rights Office.

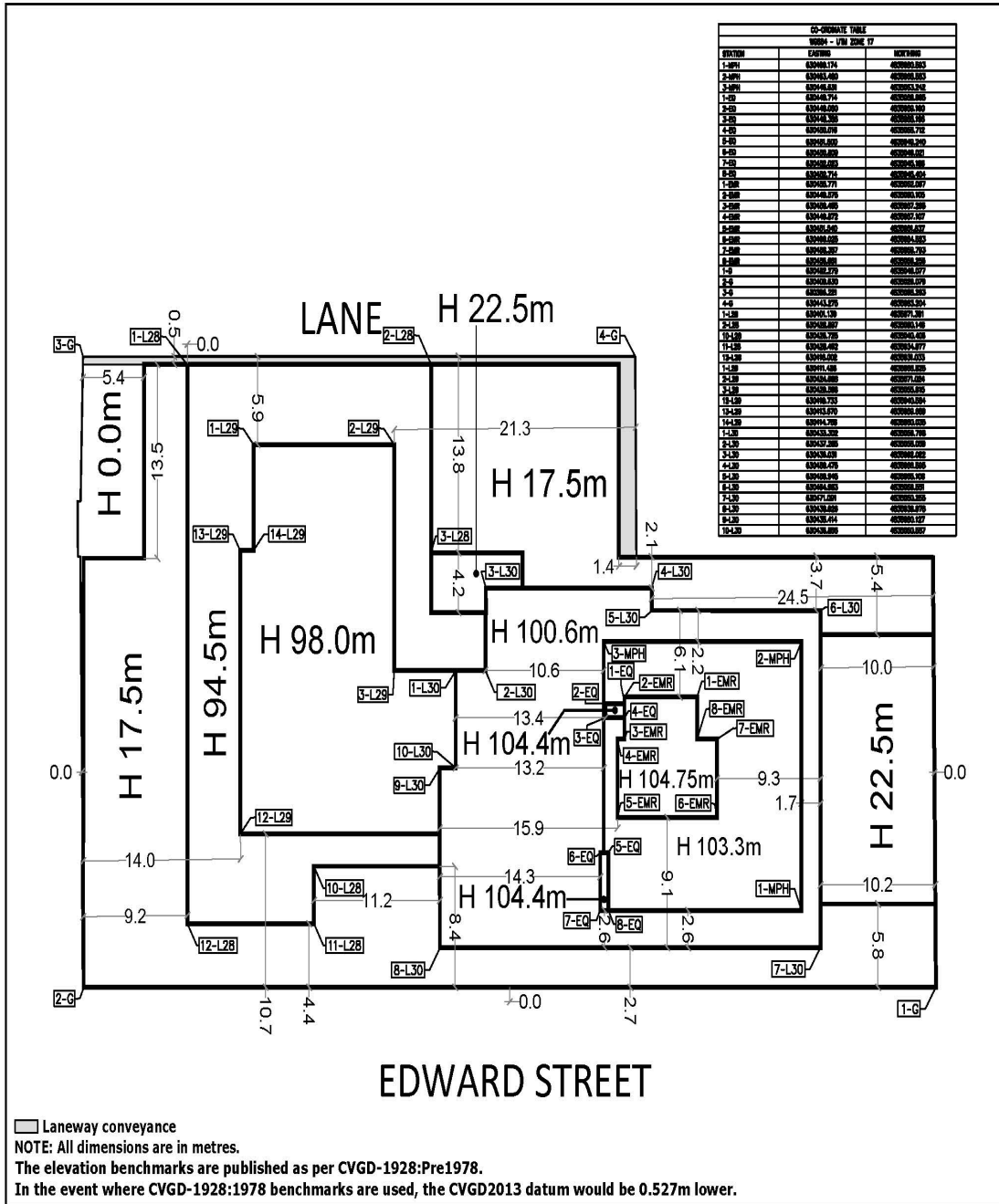
2.3 The Construction Management Plan shall describe measures to be taken to ensure that access to the public laneway to the north of the Development and the mid-block connections to the west of the site are not interrupted by the construction of the Development unless such interruption is totally unavoidable, in which case, it shall be limited to as short a duration as possible.

## **3. OTHER MATTERS**

3.1 The Owner agrees that in addition to any other urban forestry conditions set out in the Site Plan agreement, that any City-owned tree fronting onto Edward that are removed as part of the Development will be replaced as depicted in the Landscape Plans dated July 13, 2017 on file with the City of Toronto.

3.2 The Owner shall pay for and construct any necessary improvements to the municipal infrastructure required to support the development as determined by the Executive Director, Engineering and Construction Services, and shall enter into a Municipal Infrastructure Agreement to secure such construction, as required, as a condition of approval of the Site Plan Control application.





20 Edward Street, Toronto

Map 2

File # \_\_\_\_\_

Not to Scale