

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 150-2021(LPAT)

To amend the Zoning By-law 569-2013, as amended, with respect to the lands known municipally 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, 2019 in Tribunal File PL160913, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 20 Edward Street (the "*Lands*"); 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; 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 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 in accordance with Schedule A of this By-law; 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 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;

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 569-2013 is hereby amended as follows:

1. The lands subject to this By-law are outlined by heavy 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 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 (78), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 78 so that it reads:

Exception CR 78

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) A **building** or **structure** may be erected on the lands delineated by the heavy line on Diagram 1 of By-law 150-2021(LPAT) and used for the uses permitted if the whole of the **premises** on those lands collectively comply with regulations (B) to (O) below.
- (B) Despite 40.5.40.10, 40.10.40.10 (1), and 600.10, **average grade** is Canadian Geodetic Datum elevation 93.24 metres and no portion of any building or structure shall have a **height** in metres greater than the **height** limits specified by the numbers following the symbol HT on Diagram 3 attached to and forming part of this By-law, 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 **average grade** of up to 22.5 metres, as specified by the numbers following the symbol "HT" on Diagram 3 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 "HT" on Diagram 3 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 portions of **buildings** with a maximum **height** of 98.0 metres, as specified by the numbers following the symbol "HT" on Diagram 3 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 "HT" on Diagram 3 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 "HT" on Diagram 3 of this By-law.
- (C) Despite 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, not including a mezzanine floor, is 4.5 metres.
- (D) Despite 5.10.40.70, 40.5.40.60, 40.5.40.70, 40.10.40.60, 40.10.40.70 (1), and 600.10, no portion of any **building** or **structure** above **average grade** shall be located otherwise than wholly within the areas delineated by heavy lines on Diagram 3 attached to and forming part of this By-law, with the exception of the following:
- (i) the ground floor shall be set back 1.35 metres from the south property line;
 - (ii) nothing shall prevent art and landscape features, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures from extending a maximum of 3.0 metres beyond the heavy lines of portions of **buildings** with **height** limits above **average grade** of up to 94.5 metres, as specified by the numbers following the symbol "HT" on Diagram 3 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 1.5 metres, from extending a maximum of 2.0 metres beyond the heavy lines of portions of **buildings** with a **height** limit of 94.5 metres, as specified by the numbers following the symbol "HT" on Diagram 3 of this By-law;

- (iv) 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 portions of **buildings** with a **height** limit of 100.6 metres, as specified by the numbers following the symbol "HT" on Diagram 3 of this By-law;
 - (v) balconies may project no more than 1.7 metres beyond the heavy lines shown on Diagram 3 of this By-law, with the exception of the easternmost façade of the building where balconies shall not be permitted; and
 - (vi) nothing in 4(C)(iii) shall prevent a terrace from projecting beyond the heavy lines in Diagram 3.
- (E) Despite 40.10.40.40 (1), the maximum **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 47,700 square metres, and:
- (i) the total **gross floor area** of residential uses must not exceed 38,900 square metres; and
 - (ii) the total **gross floor area** of non-residential uses must not exceed 8,850 square metres.
- (F) The maximum number of **dwelling units** for any building erected on the **lot** is 560, of which:
- (i) a minimum of 51 dwelling units erected or units of 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.
- (G) Despite 40.10.40.50, a minimum of 2.6 square metres of **amenity space** per **dwelling unit** must be provided including:
- (i) a minimum of 1.5 square metres of indoor **residential amenity space** per **dwelling unit**; and
 - (ii) a minimum of 1.1 square metres of outdoor **residential amenity space** per **dwelling unit**.
- (H) Despite 200.5.10.1 and Table 200.5.10.1, a minimum number of **parking spaces** must 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.**
- (I) Despite 40.10.100.10 (1), vehicular access to all **buildings** and **structures** on the **lot** may be provided from Edward Street;
- (J) Despite 200.15, as amended, only the following regulations apply to accessible **parking spaces**:
 - (i) An accessible **parking space** must have the following minimum dimensions:
 - A. length of 5.6 metres;
 - B. width of 3.9 metres; and
 - C. vertical clearance of 2.1 metres.
 - (ii) Accessible **parking spaces** must be the **parking spaces** located:
 - A. closest to a main pedestrian access to a **building**; and;
 - B. at the same level as a pedestrian entrance to the **building**.
 - (iii) Clearly identified off **street** accessible **parking spaces** must be provided on the same **lot** as every **building** or **structure** erected or enlarged, if the total **parking space** requirement is 5 or more, in compliance with the following:
 - A. if the number of required **parking spaces** is 5 to 24, a minimum of 1 **parking space** must comply with the minimum dimensions for an accessible **parking space**;
 - B. if the number of required **parking spaces** is 25 to 100, a minimum of 1 **parking space** for every 25 parking spaces or part thereof must comply with the minimum dimensions for an accessible **parking space**;
 - C. if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**, must comply with the minimum dimensions for an accessible **parking space**.
- (K) Despite 40.10.90.40 (1) and 40.10.90.40 (3), a minimum number of **loading spaces** must be provided and maintained on the **lot**, in accordance with the following:
 - (i) a minimum of 2 Type "B" **loading spaces**;

- (ii) a minimum of 2 Type "C" **loading spaces**; and
 - (iii) a minimum of 1 Type "G" **loading space**.
- (L) Despite 230.5.1.10, 230.5.10.1 and Table 230.5.10.1(1), a minimum number of **bicycle parking spaces** must 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;
 - (iii) a minimum of 41 bicycle parking spaces shall be specifically dedicated to **non-residential** uses; and
 - (iv) despite 230.5.1.10(4), a **stacked bicycle parking space** must have a minimum width of 0.4 metres.
- (M) Nothing in this By-law shall prevent the erection or use of a building, structure, addition or enlargement for a **mixed use building, temporary sales office, car-sharing, parking garage**, or any other use permitted by this exception;
- (N) For the purpose of Exception CR 78, all bold-type words and expressions have the same meaning as defined in By-law 569-2013, as amended, with the exception of the following:
- (i) **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-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. Vehicles are reserved in advance and fees for use are normally based on time and/or charge fees based on kilometres driven;
 - (ii) **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;
 - (iii) **lot** means the parcel of land outlined by heavy lines on Diagram 1 attached to and forming part of this By-law;
 - (iv) **storey** means a level of a **building**, other than a **basement**, located between any floor and the floor, ceiling or roof immediately above it, except that a **storey** shall not include a mezzanine level located between the first **storey** and the second full **storey** of a **building** provided that the **gross floor area** of the mezzanine level shall not exceed 50 percent of the **gross floor area** of the first **storey** in the **building**; and

- (O) Notwithstanding any existing or future severances, partition, or division of the lot, the provisions of this By-law will apply to the whole of the lot as if no severance, partition, or division had occurred.

Prevailing By-laws and Prevailing Sections:

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

5. 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 1 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; and
- (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.

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

SCHEDULE A
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 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 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**

1.2 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.

1.3 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.





