

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend General Zoning By-law 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 2010 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 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”);

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), 4(17), 7(3)PART II 1(i), 12(2)246(a) and 12(2)246(c) and 12(2)(246(e) and 12(2)246(f) and 12(2)246(g) and 12(2)246(h) of By-law 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 618 square metres of indoor *residential amenity space* shall be provide on the *lot* of which no less than 316 square metres shall be located on the sixth floor and shall contain a kitchen and a washroom and no less than 302 square metres shall be located on the eighth floor and shall contain a kitchen and a washroom.
 - (e) A minimum of 675 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which no less than 325 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 350 square metres shall be located on the eighth floor and shall be adjoining or directly accessible from the indoor *residential amenity space*.
 - (f) A minimum of 1 shared (modified) *Loading Space – Type G/Type B* shall be provided.
 - (g) A maximum of 5 parking spaces with a width of 2.6 metres and an obstruction on one side may be provided and designated for small cars only.
2. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following facilities, services and matters:
- (a) An indexed cash contribution of \$1,200,000.00 payable to the City of Toronto

prior to the issuance of the first above-grade building permit of which 10% will be allocated to affordable housing in Ward 20, and the remainder for the provision of one or more of the following:

- streetscape improvements to John Street and Mercer Street;
 - park improvements to Clarence Square Park;
 - Heritage Conservation District Studies in the King Spadina East Precinct and/or design and development supporting the John Street streetscape project;
- (b) A public art contribution in accordance with the Percent for Public Art Program for a value not less than one percent of the gross construction cost;

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

- (c) The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms, or be convertible to three or more bedrooms;
 - (d) Architectural plans, elevations and landscaping including 1:50 elevations will be secured to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with the Site Plan Application, submit 1:50 scale drawings in conformity with this requirement for the podium;
 - (e) The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (f) The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director of City Planning Division, date-stamped May 27, 2009;
 - (g) The owner shall provide and maintain in good order and operation an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, 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, Technical Services.
 - (h) The owner shall submit at a wind study completed by a qualified wind consultant in conjunction with the Site Plan Application and implement all wind mitigation measures recommended by the report.
3. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any

land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

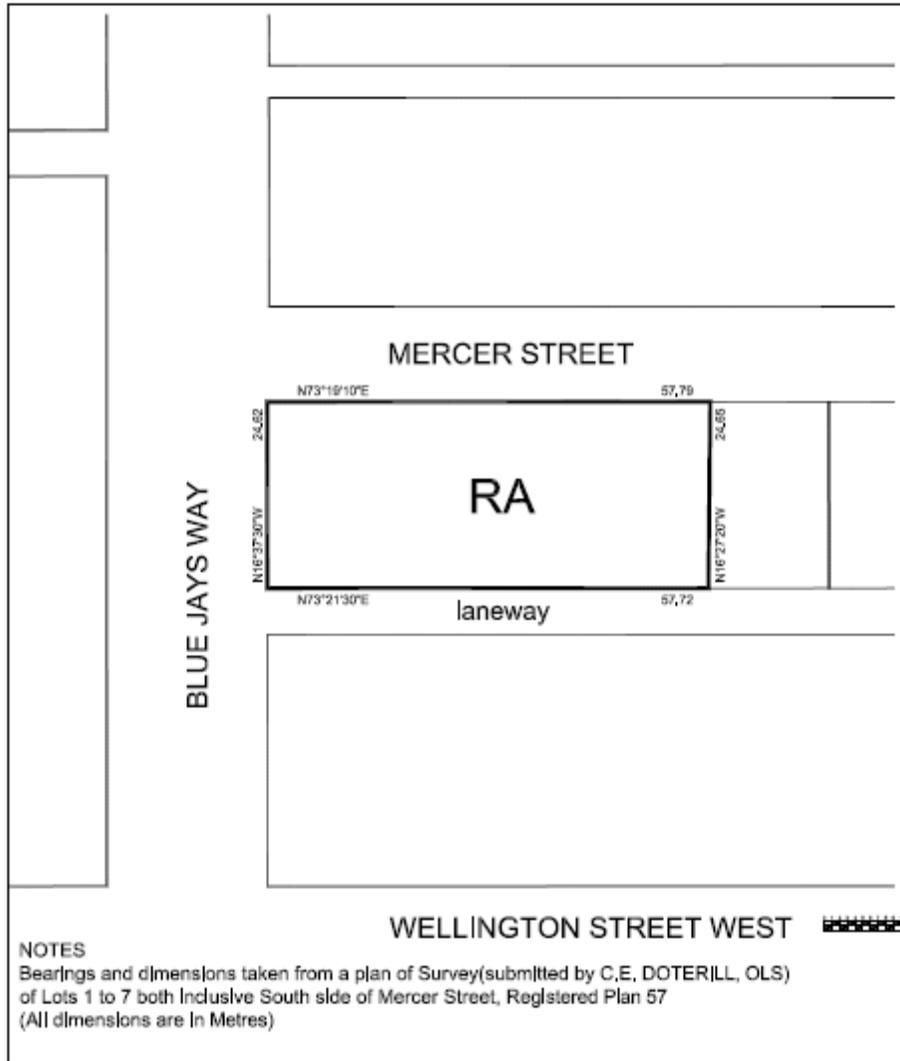
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
4. The owner of the *lot* enters into one 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.
 6. By-law 574-2007 is repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

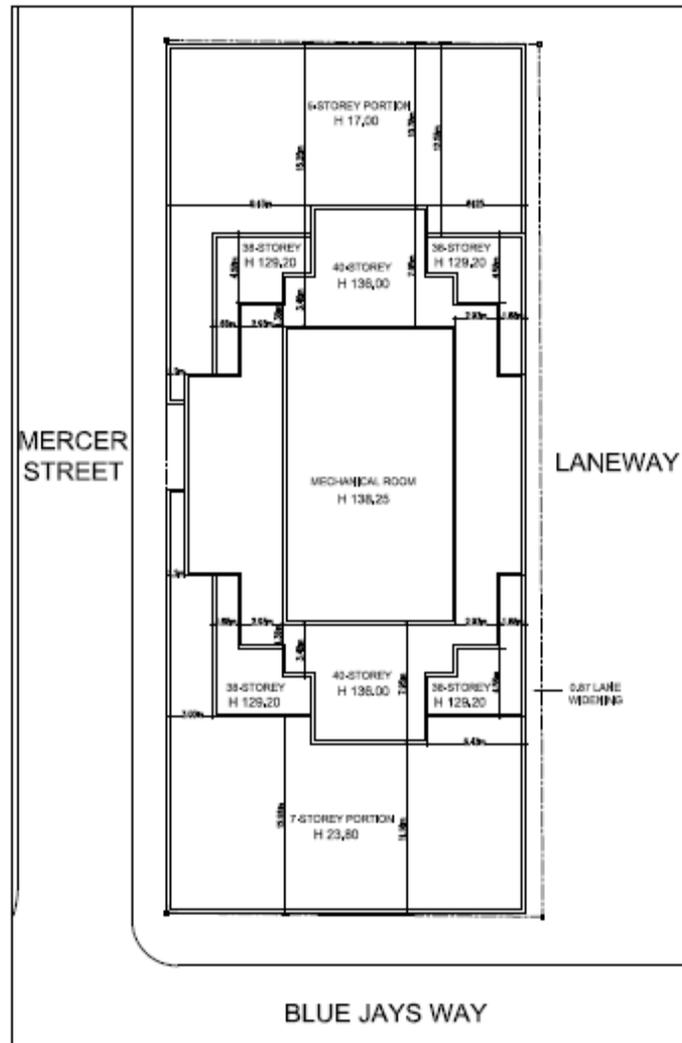
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Map 1



99 BLUE JAYS WAY
MAP 2

Map 2