

**Zoning – 99 Blue Jays Way - Final Report**

<b>Date:</b>	December 13, 2006
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	File No. 05-204847

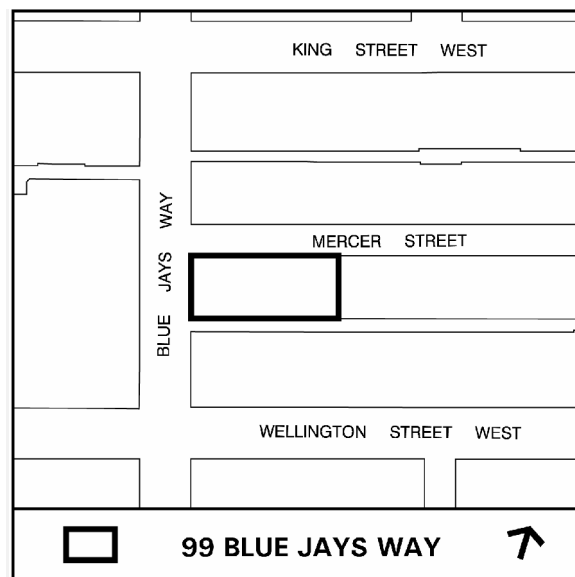
**SUMMARY**

This report reviews and recommends approval of a revised application to amend the Zoning By-law to permit the development of a 20-storey residential building with commercial uses on the lower levels at 99 Blue Jays Way, on the east side of Blue Jays Way between King Street West and Wellington Street West. The revised proposal meets the policies and objectives for the plan area relative to its built form context. A Section 37 agreement is recommended to secure community benefits, including a financial contribution towards improvements to Clarence Square Park.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



3. On the Zoning By-law Amendment for 99 Blue Jays Way coming into effect, the applicant shall withdraw their appeal to Zoning By-law Amendment 922-2006 for the King-Spadina Plan area.
4. 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, to secure the following public benefits:
  - The amount of \$100,000 payable to the City of Toronto, prior to the issuance of the first building permit, to be used for improvements to Clarence Square Park;
  - The provision and maintenance of public art works pursuant to a public programme, to be located on publicly accessible portions of the lot, in Clarence Square Park, or within publicly owned or publicly accessible locations in the East Precinct of the King-Spadina Plan Area, of a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot;
  - 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, as part of the Section 37 Agreement, 1:50 scale drawings for a portion of the podium along Blue Jays Way, Mercer Street and the south 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; and
  - The introduction of measures to improve sound quality within residential units, as recommended by an acoustic consultant to be engaged by the applicant. Sound mitigation measures may include changing the thickness of glass sizes in double glazed window assemblies, increasing the solidity of the exterior walls on the lower floors, and/or refining podium stepbacks. The sound mitigation measures shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the project architect.
5. Require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act to address matters including but not limited to vehicle access and site servicing and loading arrangements and landscaping of the podium levels.
6. Require the owner, at their expense, to provide and maintain 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 Commissioner of Works and Emergency Services, including requirements to maintain in good order and operation.

7. Require the owner to convey to the City at a nominal cost, prior to the issuance of an above-grade building permit, a minimum 0.87 metre wide strip of land to the full extent of the site abutting the north limit of the east-west public lane to a minimum depth of 0.5 metres from the finished grade, free and clear of all encumbrances save and except for the existing building that is to be demolished or any temporary hoarding related to the demolition and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes.
8. Require the owner to submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to depositing in the Land Registry Office, a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-Ordinate System, delineating thereon by separate PARTS the lands to be conveyed to the City for land widening purposes, the remainder of the site, and any appurtenant rights-of-way.
9. Require the owner, at their expense, to address any further conditions from Works and Emergency Services that may result from their review of the application.

## **FINANCIAL IMPACT**

There are no financial implications resulting from the adoption of this report.

## **ISSUE BACKGROUND**

### **Proposal**

The original proposal for this application was to construct a 27-storey residential building with commercial uses on the first two floors. The applicant has undertaken substantial revisions to the original application. The revised statistics are summarized below. The relevance of the proposed revisions are discussed in the Comments section of this report.

	Original Proposal (March 2006)	Revised Proposal (December 2006)
Site Area	1,421 m <sup>2</sup>	1,421 m <sup>2</sup>
Building Height (including mechanical)	92.9 metres	63.75 metres
Total Gross Floor Area	19,515 m <sup>2</sup>	16,560 m <sup>2</sup>
Total Residential Floor Area (Units)	15,836 m <sup>2</sup> (240)	15,101 m <sup>2</sup> (157)
Total Commercial Floor Area	963m <sup>2</sup>	744 m <sup>2</sup>
Density	13.73 times the area of the lot	11.65 times the area of the lot

### **Site and Surrounding Area**

The site is located at the southeast corner of Blue Jays Way and Mercer Street, between King Street West and Wellington Street West. The site has a frontage of approximately

25 metres on Blue Jays Way and 58 metres on Mercer Street. An east-west public lane abuts the rear of the site. The site currently supports a three storey commercial building which includes commercial office space and the Wayne Gretzky's restaurant. The existing building is proposed to be demolished.

The site is surrounded by the following uses:

North: The property fronts onto Mercer Street which has a right-of-way of 12.2 metres, beyond which is a commercial parking lot.

South: a public lane, beyond which is a residential condominium (The Icon) which extends along the length of the north side of Wellington Street West between Blue Jays Way and John Street. The height of the Icon building ranges from approximately 38 metres at Blue Jays Way to 50 metres mid-block and 63 metres at John Street.

East: a small lot currently used for parking beyond which is a 6 to 10 metre high commercial building which extends for most of the remainder of the block. To the northeast, on the north side of Mercer Street, is the La Germain Hotel.

West: is Blue Jays Way, beyond which is the Second City building (50-56 Blue Jays Way). The Second City site is currently the subject of a redevelopment application proposing a residential condominium building of approximately 60 metres in height with commercial uses at grade. Directly south of the Second City building is the Soho residential condominium and hotel which has a maximum height of approximately 50 metres at Blue Jays Way and Wellington Street West.

#### Toronto Official Plan

The site is designated Regeneration Area in the new City of Toronto Official Plan which permits the proposed residential and commercial uses. Chapter 6.16 of the new Official Plan contains the King-Spadina Secondary Plan. The King-Spadina Secondary Plan emphasizes the reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. In particular the policies of Section 3 – Built Form specify that new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

#### Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended. As part of the RA zoning controls, density standards were replaced by a package of built form objectives expressed through height limits and setbacks. The Zoning By-law permits a maximum building height of 30 metres for this site. An additional 5 metres is permitted for rooftop mechanical elements. Section 12(2)246 of the Zoning By-law requires a 3-metre setback above 20 metres on all street frontages.

## King-Spadina Review Study

In September 2006, City Council enacted amendments to the King-Spadina Secondary Plan and implementing RA zoning to update the planning framework for the Plan area. The amendments have been appealed and are not yet in force and effect, however they do represent Council's current position on the planning framework for the King-Spadina Plan Area.

The amendments to the Secondary Plan refined Plan policies and updated maps to reinforce the intent of the Plan to protect and enhance the area's unique physical attributes. The Zoning By-law Amendment includes a provision that permits an additional 5 metres of building height, subject to wrapping mechanicals and falling within an angular plane from the street.

### **Site Plan Control**

An application for site plan approval was filed concurrent with the zoning by-law amendment application. The site plan has not been finalized. That approval process will address matters including a pedestrian level wind impact study, municipal lighting assessment, on-site landscaping for the podium level outdoor amenity area, and streetscape requirements. A Section 41 Agreement will be required to secure development of the lands in accordance with the approved site plan.

### **Community Consultation**

A community consultation meeting for the original application was held on March 8, 2006. Approximately 30 people attended the meeting. Concerns expressed at the meeting included traffic congestion on the public lane and Blue Jays Way, as well as the scale of development proposed for the site. Specific to the scale of the development, residents expressed their objection to the proposed height which at 92.9 metres was significantly greater than that of surrounding buildings. Concern was also expressed with the distance between the proposed building and the Icon building which would be approximately 6-metres at the west end of the site at Blue Jays Way.

A community consultation meeting for the revised application was held on December 13, 2006. Notice was sent to everyone who had provided contact information at the original meeting, who had advised the Clerk's Department of their interest in the application, to the property management office at the Icon building, and to the King-Spadina Residents Association which maintains a website.

At the December 13<sup>th</sup> community meeting the applicant presented their revised proposal and the rationale for their changes to the design and massing of the building. Comments at this meeting focussed on built form and traffic. With respect to built form, residents sought clarification of the total floor area relative to as-of-right permissions for the site and requested that the materials proposed to be secured for the podium include the south elevation facing the public lane. Residents also requested an opportunity to incorporate an overhead door to screen the loading area from the laneway, a number of concerns were

expressed regarding the current traffic volumes on the lane and ongoing operational problems. The comments section responds to the comments raised at this meeting.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

The revised proposal has been reviewed relative to policy context, impact and compatibility with the surrounding area. The existing built form context is an important consideration for evaluating the development proposal for this site. Buildings constructed since the implementation of the King-Spadina planning framework range in height from approximately 38 metres to 63 metres in the surrounding block. The recently completed Icon residential building directly south has residential units with primary windows facing north to the subject site. As well the quality of the public realm must be considered, including shadow impacts.

In evaluating the existing built form context and considering the comments raised by City staff and at the community meeting, the applicant has re-evaluated and revised their application and now proposes a development concept that responds to its surrounding conditions. Staff support of the revised proposal is based on changes to the built form including massing changes, height reduction, increased building stepbacks and architectural expression, all of which collectively achieve a compatible relationship with the surrounding built form context.

### **(i) Massing**

The revised proposal makes key changes to the podium and upper level of the building to improve the massing relative to the immediate context.

The podium height on Blue Jays Way is proposed at 22.1 metres so that it is consistent with the podium height of the adjacent Icon building to the south. Buildings built to the lot lines at the street are a desired built form characteristic in King-Spadina and the matching of podium heights with neighbouring buildings achieves a consistent streetwall condition. The Blue Jays Way podium wraps around to Mercer Street and extends only part way down the site along Mercer Street. Following a small break in the podium, a Mercer Street podium is proposed at a height of 16.1 metres which reflects the change in the scale of the street. Brick is the proposed building material for both podiums, but the colour of the brick is proposed to be different to help distinguish the two podiums and two street context conditions which the site relates to. The architectural character and expression of this revised podium design and the resulting streetwall heights are desirable.

The second key change to the massing is the shift in location of the upper portion of the building to the centre of the lot rather than at the west end of the site at Blue Jays Way. The effect of this change is to establish a lower scale of development along Blue Jays Way which reinforces the existing scale and built form character of this block. As well, by shifting the mass, those units at the west end of the adjacent Icon building will not have their access to view and light obstructed.

The total proposed gross floor area for the revised proposal is 16,576 m<sup>2</sup>. This gross floor area is slightly more (approximately 10%) than the floor area that would result if a massing similar to the adjacent Icon building was constructed, being a 'slab' type building constructed to the lot lines up to a height of approximately 38 metres or about 12 or 13 storeys.

#### (ii) Building Height

The in-force RA zoning permits a maximum building height of 30 metres plus an additional 5 metres for rooftop mechanicals. The amended, but currently under appeal RA zoning, provides for a maximum building height of 35 metres. The original application proposed a building height of 92.9 metres. The applicant's revised proposal is for a building with a maximum height of 63.75 metres including rooftop mechanicals, which represents a reduction in height of 29.15 metres, or 9 or 10 storeys. The area of the site that rises to this height represents about two-thirds of the lot; the remainder of the site is occupied by the podium portions of the building which have heights that are significantly below the permitted building height. The proposed reduced height and roof profile are acceptable.

#### (iii) Stepbacks

The revised application modifies building stepbacks. The original application proposed a podium height of 42 metres on Blue Jays Way with only a 0.5 metre stepback above the podium. At the east end of the lot, the original application proposed building stepping at 22.5 metres and again at 29 metres. The result was that the building mass was spread over the majority of the sight increasing the impact of the development in terms of views and shadow from the street and sun and sky views to residents of the Icon building to the south.

The shift in the massing of the upper portion of the building to the centre of the site, allows for a building stepback above the podium of 12 metres on Blue Jays and 8 metres from the east end of the site. These stepbacks open up the site above the podium and provide more units in the Icon building to the south to have unobstructed views and better access to sunlight. The stepback above the podium from Mercer Street is a minimum of 2.85 metres, which is just under the 3 metre requirement of the RA zone. The proposed building stepbacks positively respond to the immediately surrounding built form context. As well, the building steps again at a height of 55 metres and 61 metres which is the height at the top of the roof.

(iv) Shadow

The original proposal resulted in the building casting morning shadow on or beyond the north sidewalk of King Street West on March 21 as well as shadow on the south side of the street in the early afternoon on September 21. There was also shadow impact on Blue Jays Way at midday in the spring and fall.

The revised proposal eliminates midday shadow impacts on Blue Jays Way, as well as afternoon fall shadow impacts on King Street West. The morning shadow impact on King Street West is also reduced with no spring shadow impact after 9:18 a.m. and fall shadow is off the street by or before 10:18 a.m. The as-of-right massing, the original proposal, and the revised proposal all have a shadow impact on Mercer Street. The revised proposal achieves Official Plan objectives to limit shadow impacts on the street and contribute to the enhanced quality of the public realm.

Impact on Adjacent Lands

This report is recommending support for a proposal which proposes an alternative massing than what would result if building in accordance with the ‘as-of-right’ zoning provisions. The King-Spadina Plan area east of Spadina Avenue has a varied built form and the immediately surrounding area includes recent developments that all have heights in excess of the RA zone height permission. The applicant’s revised proposal responds to this immediate built form context by matching the podium height to the adjacent property on Blue Jays Way, incorporating significant east and west stepbacks above the podium level and reducing building height to within the height of immediately surrounding development.

The proposed revised building massing is supportable and is considered to meet Official Plan and Secondary Plan built form policies which require that new buildings achieve a harmonious or compatible relationship with their built form context through consideration of matters such as height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

Vehicular and Loading Access

Technical Services staff reviewed the Traffic Impact and Parking Study prepared by Marshall Macklin Monaghan and have no issues with the traffic that will be generated by this proposal. At the community meetings, residents of the area expressed concerns that the east-west public lane directly south of the site which currently provides vehicle and loading access to the Icon building could not accommodate the additional traffic that would be generated by this proposal and expressed concerns with pedestrian safety at the Blue Jays Way entrance.



City staff have discussed concerns raised at the community meeting. Use of the public lane system for loading and servicing functions and vehicle access to buildings is a City policy objective. Overall, this objective enables efficient use of the existing public street infrastructure and results in a safer and more desirable public sidewalk condition and use of the ground floor of buildings. Management and enforcement of the lane operations, particularly to ensure garbage bins are not left in lanes and servicing vehicles do not park in lanes, is one initiative that could be pursued by property managers and City enforcement to address community concerns in this regard. City staff have also agreed to consult with property owners along this lane to discuss possible options to improving operations and traffic flow.

The applicant is proposing to provide a total of 96 parking spaces, of which 84 spaces will be for residents, 10 spaces will be for visitors, and 2 spaces will be for non-residential uses. One of the parking spaces is proposed to be reserved for an autoshare program. Bicycle parking space requirements are being met. Details regarding the proposed autoshare space and bicycle parking storage will be finalized as part of site plan approval.

Access to the parking garage will be from the public lane, however a driveway through the site is also proposed from Mercer Street and is expected to accommodate pick-up/drop-off functions and on-site loading manoeuvres.

#### On-Site Amenity Space

The general provisions of the Zoning By-law require a minimum of 2 m<sup>2</sup> each of indoor and outdoor amenity area for each residential unit. A total of 157 residential units are proposed, therefore a minimum of 304 m<sup>2</sup> indoor and 304 m<sup>2</sup> outdoor residential amenity space is required. The revised application proposes 320 m<sup>2</sup> indoor and 325 m<sup>2</sup> outdoor residential amenity space, slightly in excess of the zoning by-law requirement. The amenity space is located on the 6<sup>th</sup> and 8<sup>th</sup> floors: on the 6<sup>th</sup> floor a 160 m<sup>2</sup> indoor and 140 m<sup>2</sup> outdoor amenity area is proposed; and on the 8<sup>th</sup> floor a 160 m<sup>2</sup> indoor and 185 m<sup>2</sup> outdoor amenity area is proposed. Both indoor areas have direct access to the related outdoor areas and the 6<sup>th</sup> floor contains a kitchen and washroom; the 8<sup>th</sup> floor contains a washroom.

The attached draft zoning by-law amendment reflects this proposed arrangement of amenity space and recommends that both the 6<sup>th</sup> and the 8<sup>th</sup> floor indoor amenity areas contain kitchen and washroom facilities. Landscaping for the outdoor amenity areas will be finalized as part of the site plan approval process.

#### Community Benefits

The Official Plan contains provisions pertaining to the exchange of public benefits for increase in height and/or density pursuant to Section 37 of the Planning Act. It is recommended that the application enter into a Section 37 Agreement in order to provide the following community benefits:

- \$100,000 contribution towards improvements to Clarence Square Park;
- public art at a value not less than one per cent of the gross construction costs of all buildings and structures to be erected on the lot. It is recommended that the Section 37 Agreement reflect the opportunity to locate this public art on-site, within Clarence Square Park or in the public realm in the East Precinct of the King-Spadina Plan area;
- the incorporation, in the construction of the building, of exterior materials to be shown on 1:50 scale drawings for the podium levels of the Mercer Street and Blue Jays Way and south building elevations with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by the pedestrian, to the satisfaction of the Chief Planner;
- the completion of an acoustic study to address measures to improve sound quality in residential units; and
- the provision of a wind impact study and implementation of the recommendations of that study, a municipal lighting assessment, and a landscape plan for the 6<sup>th</sup> and 8<sup>th</sup> floor outdoor amenity areas.

#### Other Matters

The applicant filed appeals to the recently enacted King-Spadina Official Plan Amendment and Zoning By-law Amendment, By-laws 921-2006 and 922-2006 respectively. This report contains a recommendation that these appeals be withdrawn prior to the enactment of the recommended zoning by-law amendment.

## **Development Charges**

It is estimated that the Development Charges for this project will be \$760,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

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## **SIGNATURE**

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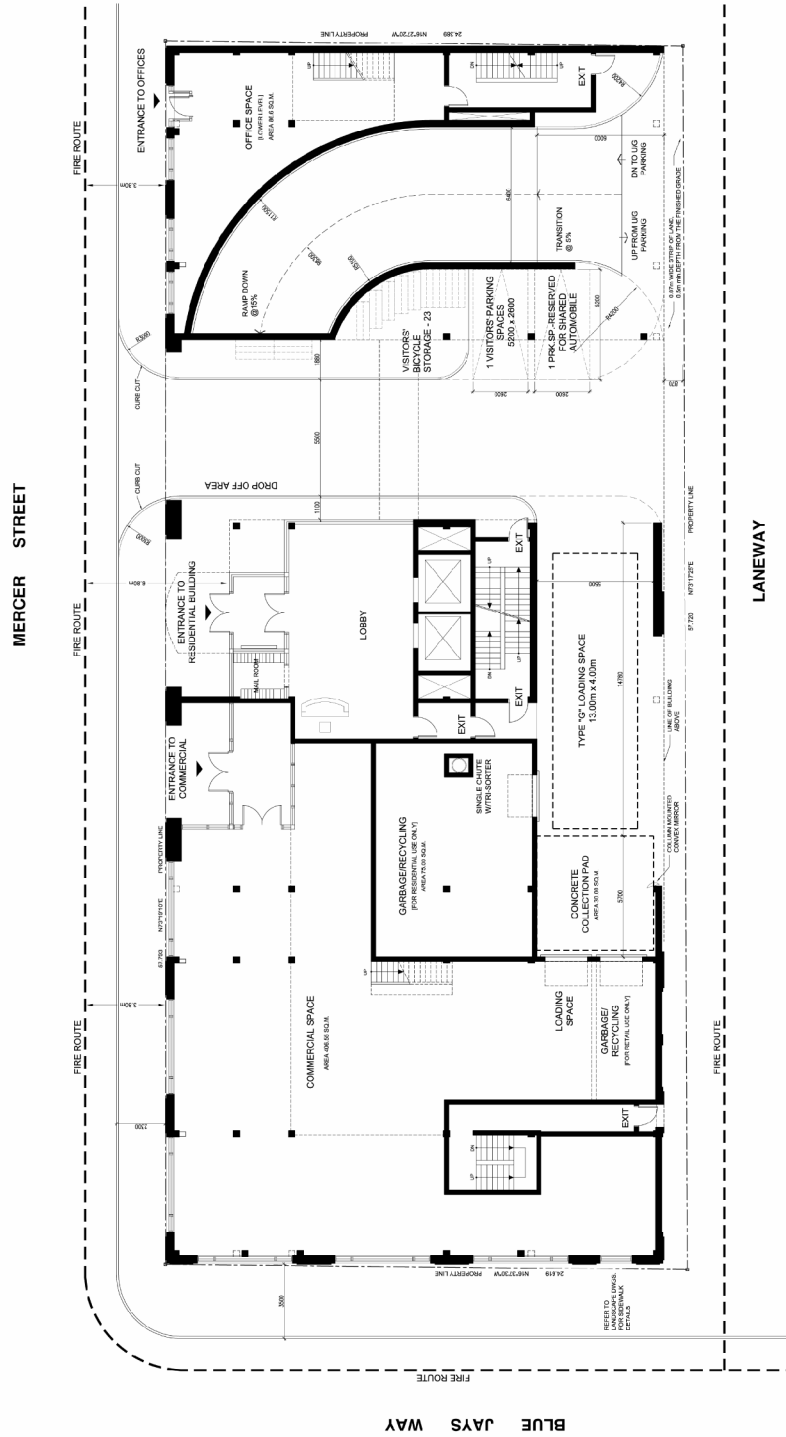
Gary Wright, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: South and East Elevations  
Attachment 3: North and West Elevations  
Attachment 4: Zoning  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



99 Blue Jays Way

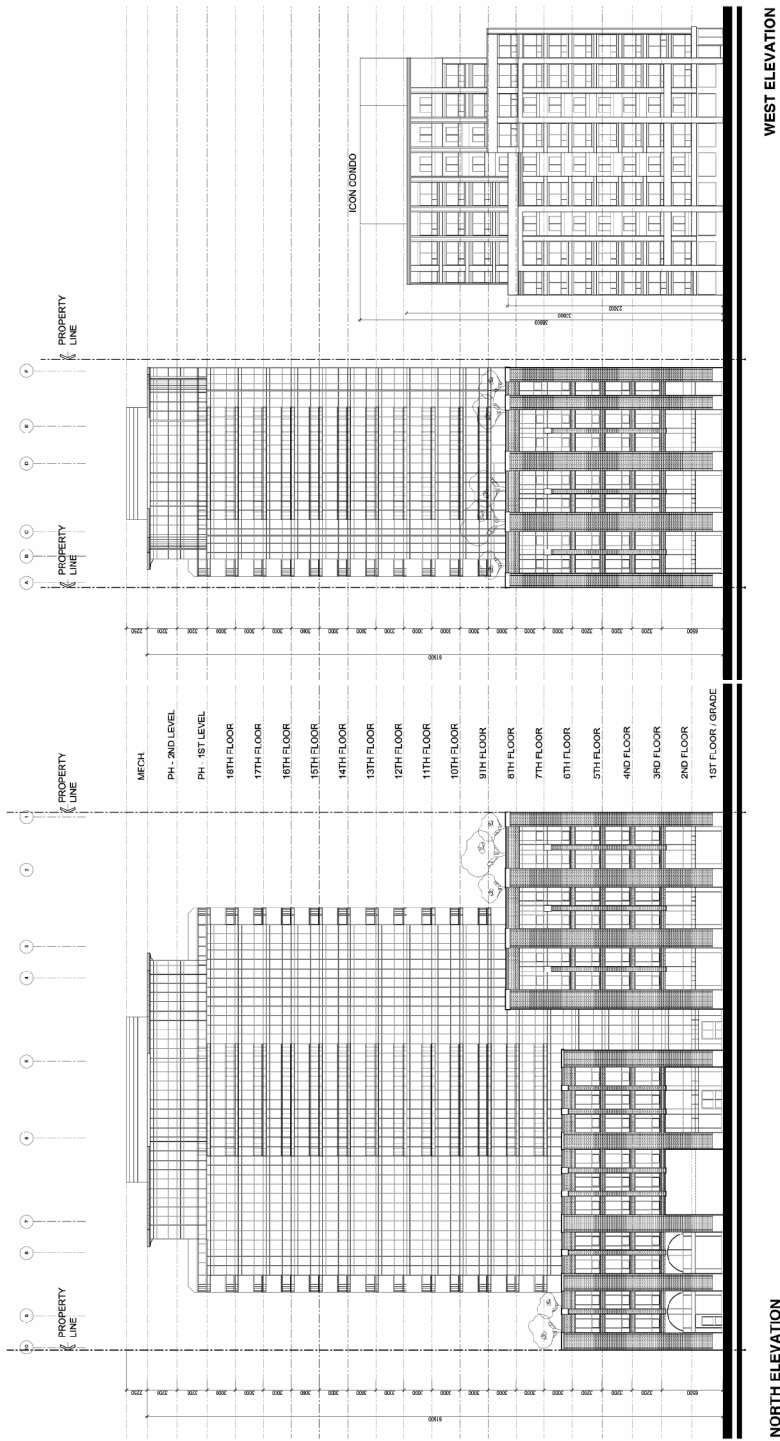
Site Plan  
Applicant's Submitted Drawing

File # 05\_204847

Not to Scale  
12/07/06



### Attachment 3: North and West Elevations



99 Blue Jays Way

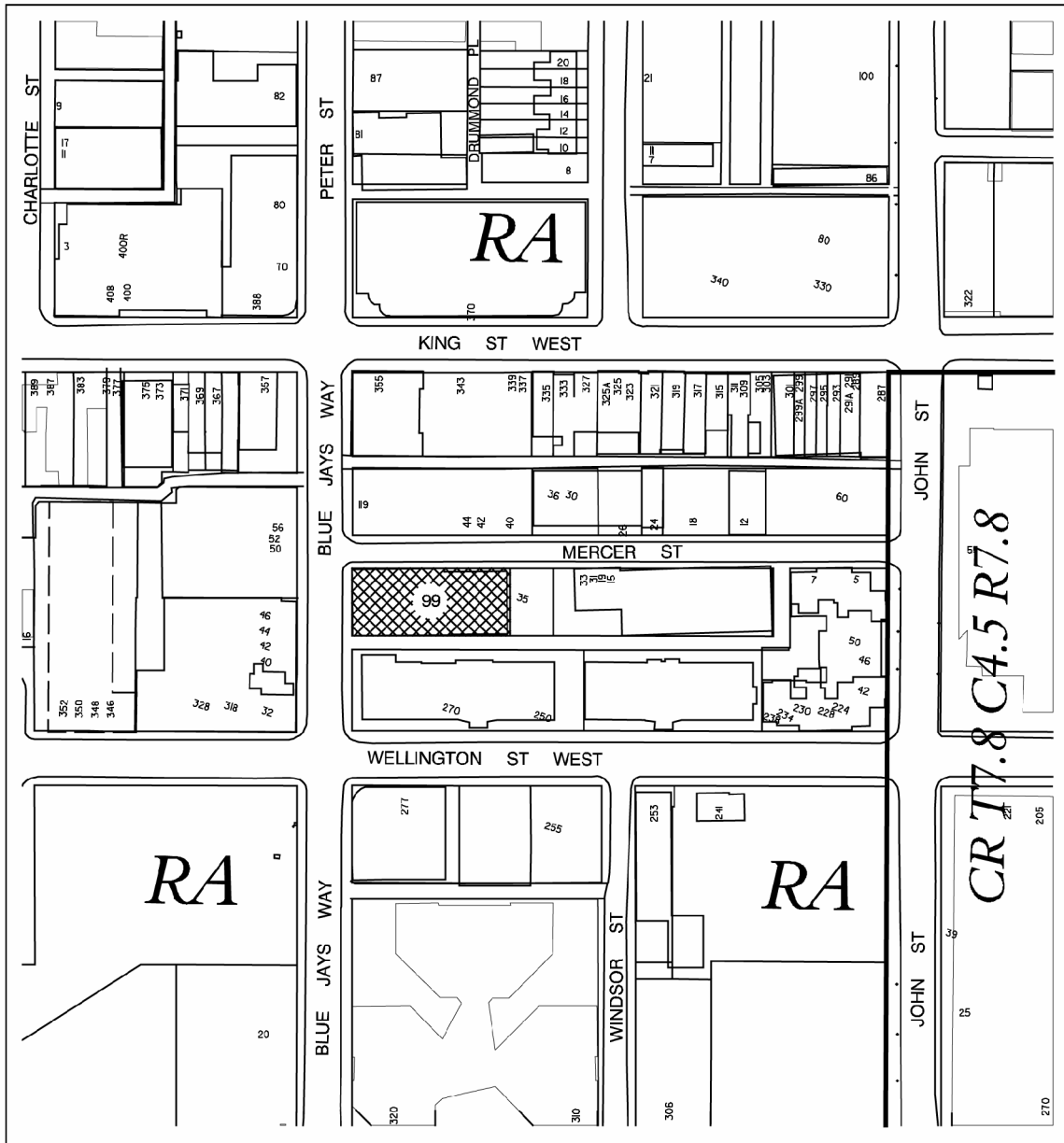
North & West Elevations

Applicant's Submitted Drawing

Not to Scale  
12/17/16

File # 05\_204847

## Attachment 4: Zoning



**TORONTO** City Planning Division  
**Zoning**

**99 Blue Jays Way**  
 File # 05\_204847

CR Mixed-Use District  
 RA Mixed-Use District



Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 02/21/06 - DR





## **Attachment 6: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Report No. \_\_\_\_ Clause No. \_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_, 2007  
Enacted by Council: \_\_\_\_, 2007

### **CITY OF TORONTO**

#### **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 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 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;

NOW THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

- 1) None of the provisions of Sections 4(2)(a), 7(3)PART II 1(i), 12(2)246(a) and 12(2)246(c) 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) the provision of Sections 4(2)(a)(i) and 4(2)(a)(ii) shall apply except that:
    - (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
  
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:

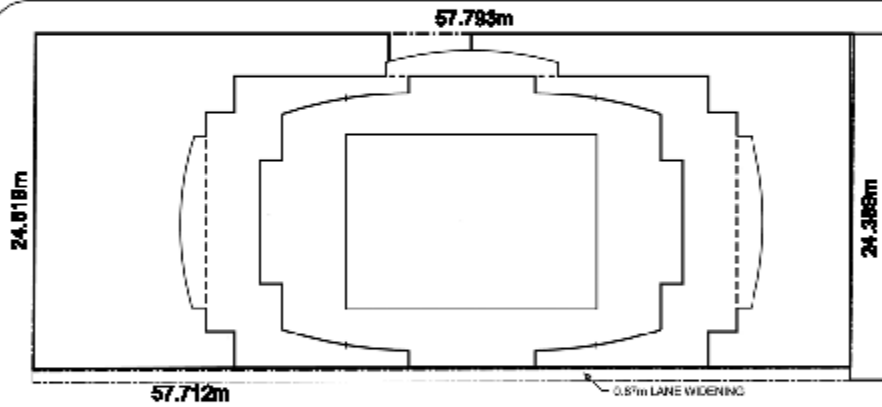
- (a) The amount of \$100,000 payable to the City of Toronto prior to the issuance of the first building permit for the development on the lot, the amount to be used for improvements to Clarence Square Park.
  - (b) A public art contribution in accordance with the City of Toronto's public art program of a value not less than 1% of the gross construction costs of all buildings and structures to be erected on the lot.
  - (c) 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.
  - (d) 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.
  - (e) The incorporation of no less than eight (8) *two-bedroom* units and seven (7) *three-bedroom* units.
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, as amended.

99 BLUE JAYS WAY BY-LAW AMENDMENT  
MAP 1



MERCER STREET

BLUE JAYS WAY



5.0m WIDE LANEWAY

0.8m LANE WIDENING

**99 BLUE JAYS WAY BY-LAW AMENDMENT  
MAP 2**



MERCER STREET

