

TORONTO STAFF REPORT

October 25, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Final Report
Official Plan Amendment and Rezoning Application 05 104157 STE 27 OZ
Applicant: Roslyn Houser, Goodmans LLP
Architect: Architects Alliance
590 Jarvis Street
Ward 27, Toronto Centre-Rosedale

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit the construction of a 437 unit, 129 metre residential condominium building at 590 Jarvis Street.

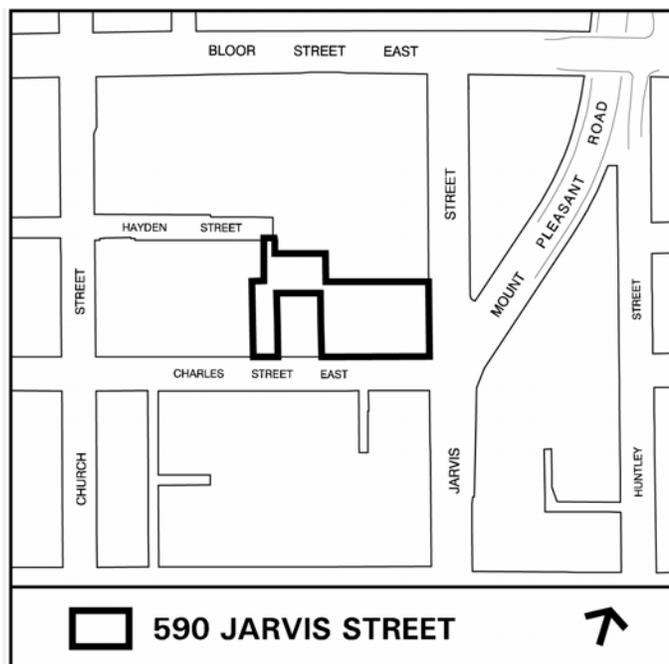
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) amend Zoning By-law 436-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;



- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and the draft Zoning By-law Amendment as may be required;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to execute one or more agreements under Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreements to be registered against the title of the lands for the development to secure the following facilities, services, and matters:
 - (a) contributions in the amount of \$625,000, as directed by the Chief Planner and Executive Director, City Planning Division, for the following local community improvement initiatives:
 - (i) \$125,000 towards the Jarvis Street Improvement Project;
 - (ii) \$500,000 towards design and implementation of improvements at the intersection of Jarvis Street and Mount Pleasant Road, of which any unused monies are to be included in the Jarvis Street Improvement Project;
 - (b) to provide and maintain works of public art within the lot, or provide cash in lieu thereof, of a value not less than \$370,000, indexed annually, implemented under the City's Public Art Program;
 - (c) to submit, prior to site plan approval, to the Executive Director, Technical Services Division, a certified cheque in the amount of \$4,527.21, payable to the Treasurer, City of Toronto, for City staff to upgrade five 70W metal halide Acorn luminaires on Charles Street East to 100W luminaires;
 - (d) to provide building materials and landscaping on the lot as shown on the plans submitted by Architects Alliance (elevations) and JR & A (landscape plans) and date-stamped October 21, 2005 as on file with the Chief Planner and Executive Director, City Planning Division;
 - (e) to pay for all costs associated with any modifications required to the traffic control signals at the Jarvis Street/Charles Street East/Mt. Pleasant Road intersection that are necessary to accommodate the traffic generated by this development, as well as any modifications that are required at nearby traffic control signals, as determined by the General Manager, Transportation Services Division;
 - (f) to undertake improvement of the street right-of-way abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General

Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division;

- (g) to provide an irrigation system for all street trees in the public right-of-way abutting the lot which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services Division, including requirements to maintain the entire system in continuing good order and operation; and
- (5) authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

Background:

Great Gulf Homes (Jarvis – Charles) Ltd. owns the property at 590 Jarvis Street. The site is the former location of the Metropolitan Toronto Police Headquarters. City Council at its meeting of September 28, 29, 30 and October 1, 2004 accepted the Offer to Purchase from Great Gulf Homes.

Proposal

The proposed development consists of a 129 metre high residential building containing 437 one and two bedroom units. The proposal features a two storey ground floor with glass walls, inset from the building edge, creating a covered walkway along Jarvis Street. The residential gross floor area totals 33,630 square metres, resulting in a density of 7.8 times the lot area. The proposal includes a total of 874 square metres of indoor residential amenity space and 874 square metres of outdoor residential amenity space. The residential indoor amenity space is located in a two-storey pavillion that fronts onto Charles Street East. The outdoor residential amenity space includes a landscape feature adjacent to the amenity pavillion as well a landscaped open space at the rear of the property which compliments and completes Hayden Square.

A total of 390 parking spaces are provided in five levels of underground parking, consisting of 364 spaces for resident use and 26 spaces for visitor use.

Site and Surrounding Area

The 0.43-hectare (1.06-acre) irregular shaped site is located at the northwest corner of Jarvis Street and Charles Street East. Mount Pleasant Road connects with Jarvis Street at this location. The site is an irregular shape that extends along Charles Street East, with a small frontage on Hayden Street to the north. The site wraps around the Gerstein Centre at 100 Charles Street East.

North: a three-storey office building formerly used by the Anglican Archdiocese of Toronto. A 112 metre residential building has been approved for this site but has not yet been constructed.

South: a three-storey office building that is the headquarters of Pizza Pizza at the south west corner of Jarvis Street and Charles Street East. Farther west along the south side of Charles Street East are apartment buildings.

East: across Jarvis Street is a 16-storey office building that is the headquarters of Rogers Communications.

West: eight and nine storey apartment buildings are along Charles Street East.

Consistency with the Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. On March 1, 2005, a new PPS came into effect. PPS housing policies include the provision of an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with PPS policies.

Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan designates the site as part of the Central Area. The Central Area is identified as the pre-eminent Centre. MetroPlan supports initiatives to increase the supply of housing in the Central Area in a way that promotes healthy and sustainable communities and enhances existing neighbourhoods.

Former City of Toronto Official Plan

The site is designated "Medium Density Mixed Use Commercial Residential Area" in the former City of Toronto Official Plan. Under this designation, new developments should be compatible with existing buildings and open spaces and have mid-rise heights of six to ten storeys with a maximum density of four times the lot area, ensuring the physical form objectives of the Plan are achieved and ensuring compatibility with local conditions and objectives.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and the hearing is now in progress.

Once the Official Plan comes into full force and effect, the property will be designated "Mixed Use Area" within the Downtown and Central Waterfront urban structure area. Mixed Use Areas permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. The new Plan contains development criteria that will direct the form and quality of development. The criteria state that new buildings provide a transition to lower scale areas; minimize shadow impacts on adjacent areas; provide an attractive, safe and comfortable pedestrian environment; and that transit services are in proximity and accessible to the site.

The Downtown and Central Waterfront area policies in the new Plan promote residential intensification in Mixed Use Areas. A modification to the new Official Plan is not required because the proposal meets the intent of the Mixed Use Area policies.

Zoning

The current zoning on the property is CR T 4.0 C1.0 R4.0. This allows for a density of four times the lot area and a maximum height of 30 metres.

Site Plan Control

An application for site plan control approval has not been filed at this time but will be required.

Reasons for the Application

The proposed density of 7.8 times the lot area and height of 129 metres, exceed the as-of right permissions of 4 times and 30 metres, respectively, thereby requiring an amendment to the former City of Toronto Official Plan and Zoning By-law 438-86, as amended.

Community Consultation

A Community Consultation Meeting was held on April 21, 2005. There were approximately 40 people in attendance with many from buildings on the north side of Bloor Street East.

Concerns raised at the community meeting were with respect to shadows and view. Residents were concerned that this proposal may have potential shadow impacts on existing buildings north of Bloor Street East. Residents were also concerned that views would be blocked. Traffic and parking concerns were also raised. Residents expressed concerns that the area is already congested and this proposal would aggravate that situation. Several residents also expressed concern with the potential for the creation of a streetwall along Jarvis Street, which was viewed as undesirable. Residents also questioned what the comprehensive planning objectives are for the area, as there is no Secondary Plan. Councillor Rae and the developer had a subsequent meeting with residents north of Bloor Street East to review shadow studies.

Agency Circulation

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

Comments:

The proposal was reviewed in terms of fit and context within the existing neighbourhood. Comments are provided below:

Land Use and Density

The proposal to redevelop the site for residential uses is consistent with Official Plan policies that encourage new housing, residential intensification and infill development. The location is close to the Bloor/Danforth subway line, retail uses and services. The redevelopment of the site for residential purposes is compatible with surrounding land uses.

The proposed density for the site is 7.8 times the area of the lot. The underlying as-of-right density in the general Zoning By-law is 4.0 times the area of the lot. The applicant has submitted a Planning Rationale for the increased density. The density is comparable to other developments in the area and is supportable given the proposal's proximity to Bloor Street East and the subway line.

Massing and Height

The residential tower has been sited on the eastern portion of the property, to ensure that the massing of the building does not have adverse impacts on the south-facing windows of St. Paul's Anglican Church. The location of the tower allows for sun and light penetration into the church windows and the amenity space located north of the site. The residential tower is situated at the corner of Jarvis Street and Charles Street East and the indoor amenity space is located along Charles Street East. The indoor amenity space is located in a two storey pavilion along Charles Street East, which compliments the height, setback and house form of the Gerstein Centre.

The location of the residential tower on the eastern portion of the site reduces negative impacts with a tall residential tower at this location. The original submission proposed a tower height of 141.5 metres, which staff considered too high for the area. Negotiations with the applicant have resulted in a 12 metre height reduction, which was brought before Community Council and endorsed on September 19, 2005. The 129 metre height is supportable given the reduction of negative impacts on the surrounding area. These include the provision of open space, the mitigation of shadow impacts on the windows of St. Paul's Anglican Church to the north, compatibility with surrounding developments and the creation of an appropriate visual landmark for the intersection of Jarvis/Mount Pleasant/Charles Street East.

View Terminus/Gateway

The Official Plan designates the intersection of Jarvis Street and Bloor Street East as a view terminus. While this proposal is somewhat south of that area, it is in the block which fronts on Bloor Street, and this development will provide a framework for the view terminus. The importance of the Jarvis/Mount Pleasant/Charles Street East intersection as a gateway into the City from the north is well recognized. The proposed building is designed to be elegant and visually distinctive and will begin to establish a sense of place at this intersection. Furthermore, Section 37 monies are being set aside to design and implement improvements to the intersection to further establish this as an important gateway. Public art contributions will also be considered as part of the creation of the gateway.

Sun, Shadow, Wind

The applicant has submitted shadow studies of the proposed building to illustrate the potential shadow impacts of the proposed building at different times of the year and at different times of the day. When reviewing these studies, staff took into account the impacts on the stained glass window of St. Paul's Anglican Church and residential buildings to the east and north. With the location of the residential building on the eastern section of the site, the shadow studies indicate impacts on the surrounding area are acceptable.

A pedestrian level wind study was undertaken by the applicant. The study concluded that overall the wind comfort conditions were satisfactory. However, the study did suggest that wind controls, such as well situated landscaping, could be used to improve the wind conditions near the main building entrance. This has been noted and will be addressed during the site plan review process.

Traffic Impact, Access, Parking

A Traffic Impact Study prepared by Marshall Macklin Monaghan and subsequent addenda have been submitted and reviewed by Technical Services Division staff. Staff generally accept the conclusion of the study that the site generated traffic can be accommodated by the area road network. To facilitate traffic operations, the applicant will be required to pay all costs associated with the alterations required to extend the cycles of the existing traffic control signals at the Charles Street East/Mount Pleasant/Jarvis Street intersection and any other impacted intersections to accommodate the additional turning movements at the intersection associated with this development. A cost estimate is being prepared.

The access to the site will be from both Jarvis Street and Charles Street East. All directional access will be provided from the western edge of the site on Charles Street East. A right in/right out access is proposed to be provided from Jarvis Street. The applicant will be responsible for the costs associated with the installation of a sign

prohibiting left turns at the Jarvis Street access. Access to the underground garage will be from a private driveway on the north edge of the site.

The Official Plan encourages development at locations well served by a full range of transportation options so as to reduce reliance on the private automobile. The site is in proximity to public transit operations, particularly the Bloor/Danforth subway line, and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

As well, 200 resident and visitor bicycle parking spaces are proposed, which meets the requirements of Zoning By-law 438-86, as amended. Bicycle parking will be provided in convenient locations within the underground parking garage.

A total of 390 vehicle parking spaces are provided, 364 spaces for residents and 26 spaces for visitors. All parking spaces will be provided in five levels of underground parking. This parking provision satisfies the minimum Zoning By-law requirements.

Amenity Space

The proposed development includes 874 square metres of indoor amenity space and 874 square metres of outdoor amenity space. The indoor amenity space is located in a two-storey pavilion along Charles Street East. The outdoor amenity space is provided to the northwest of the tower and is adjacent to the outdoor amenity space of developments to the north. The provision of outdoor amenity space augments and completes the outdoor amenity space now developed at the terminus of Hayden Street and provides a significant neighbourhood amenity.

Municipal Infrastructure

The applicant has provided a site servicing assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from the development. Technical Services Division staff are reviewing the assessment. The costs of any municipal services upgrades required to support the development will be borne by the applicant and will be required prior to site plan approval.

The applicant has submitted a municipal lighting assessment. Technical Services Division staff have reviewed the report and have advised that upgrading of existing street lighting is required to accommodate the proposed land use. The applicant will pay for the costs of the upgrades.

Trees/Landscaping

There are currently five trees along the north property line listed in fair to poor condition that are proposed to be removed. Two street trees along Jarvis Street, listed in fair to poor condition, are also proposed to be removed.

The applicant is proposing a comprehensive landscape design for the property. An area that is currently an asphalt parking lot on the north end of the property will be landscaped, including trees, as an outdoor amenity space. The street frontages of both Jarvis Street and Charles Street East will be landscaped in a comprehensive manner including replacement of street trees. Furthermore, Section 37 monies are proposed to be used for the improvement of the Jarvis/Mount Pleasant/Charles Street East intersection. While not as yet designed, it is anticipated that improvements for the intersection could include landscaping that is reflective and compatible with the landscaping on this site.

Community Benefits

The applicant has agreed to provide a package of community benefits that have contributed to the merits of the proposal. The applicant has agreed to provide the following benefits in exchange for increasing height and density:

- (a) contributions in the amount of \$625,000, as directed by the Chief Planner and Executive Director, City Planning Division, for the following local community improvement initiatives:
 - (i) \$125,000 towards the Jarvis Street Improvement Project;
 - (ii) \$500,000 towards design and implementation of improvements at the intersection of Jarvis Street and Mount Pleasant Road, of which any unused monies to be included in the Jarvis Street Improvement Project;
- (b) to provide and maintain works of public art within the lot, or provide cash in lieu thereof, of a value not less than \$370,000, indexed annually, implemented under the City's Public Art Program;
- (c) to submit, prior to site plan approval, to the Executive Director, Technical Services Division, a certified cheque in the amount of \$4,527.21, payable to the Treasurer, City of Toronto, for City staff to upgrade five 70W metal halide Acorn luminaries on Charles Street East to 100W luminaires;
- (d) to provide building materials and landscaping on the lot as shown on the plans submitted by architects Alliance (elevations) and JR & A (landscape plans) date-stamped October 21, 2005 as on file with the Chief Planner and Executive Director, City Planning Division;
- (e) to pay for all costs associated with any modifications required to the traffic control signals at the Jarvis Street/Charles Street East/Mt. Pleasant Road intersection that are necessary to accommodate the traffic generated by this development, as well as any modifications that are required at nearby traffic control signals, as determined by the General Manager, Transportation Services Division;

- (f) to undertake improvement of the street right-of-way abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division;
- (g) to provide an irrigation system for all street trees in the public right-of-way abutting the lot which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services Division, including requirements to maintain the entire system in continuing good order and operation; and

Development Charges

It is estimated that the development charges for this project will be \$2,028,550. This is an estimate and the actual charge is assessed and collected at the time of Building Permit issuance.

Conclusions:

The proposed development at 590 Jarvis Street allows for residential intensification in the central area of the City. It is an area well served by transit and service and the proposal is consistent with the Provincial Policy Statement, MetroPlan and the in force and new Official Plans. Planning staff recommend approval of this application.

Contact:

Kathryn Thom, Senior Planner
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Fax: (416) 392-1330
Email: kthom@toronto.ca

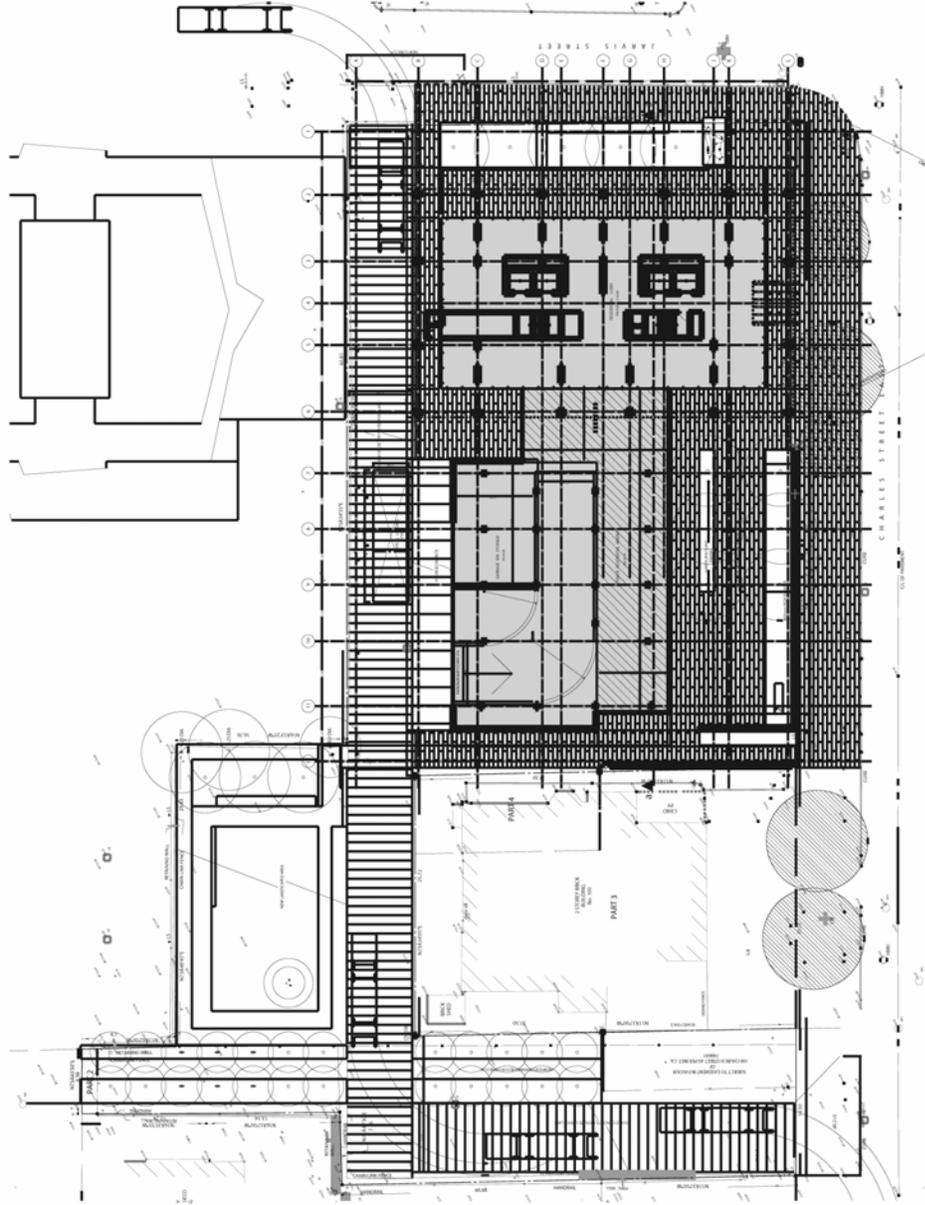
Michael Cole, Planner
Phone: (416) 392-0420
Fax: (416) 392-1330
Email: mcole2@toronto.ca

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

List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: West and North Elevations
- Attachment 4: East and South Elevations
- Attachment 5: Official Plan (Map)
- Attachment 6: Zoning (Map)
- Attachment 7: Draft Official Plan Amendment
- Attachment 8: Draft Zoning By-law Amendment

Attachment 2: Site Plan



590 Jarvis Street

File # 05_104157

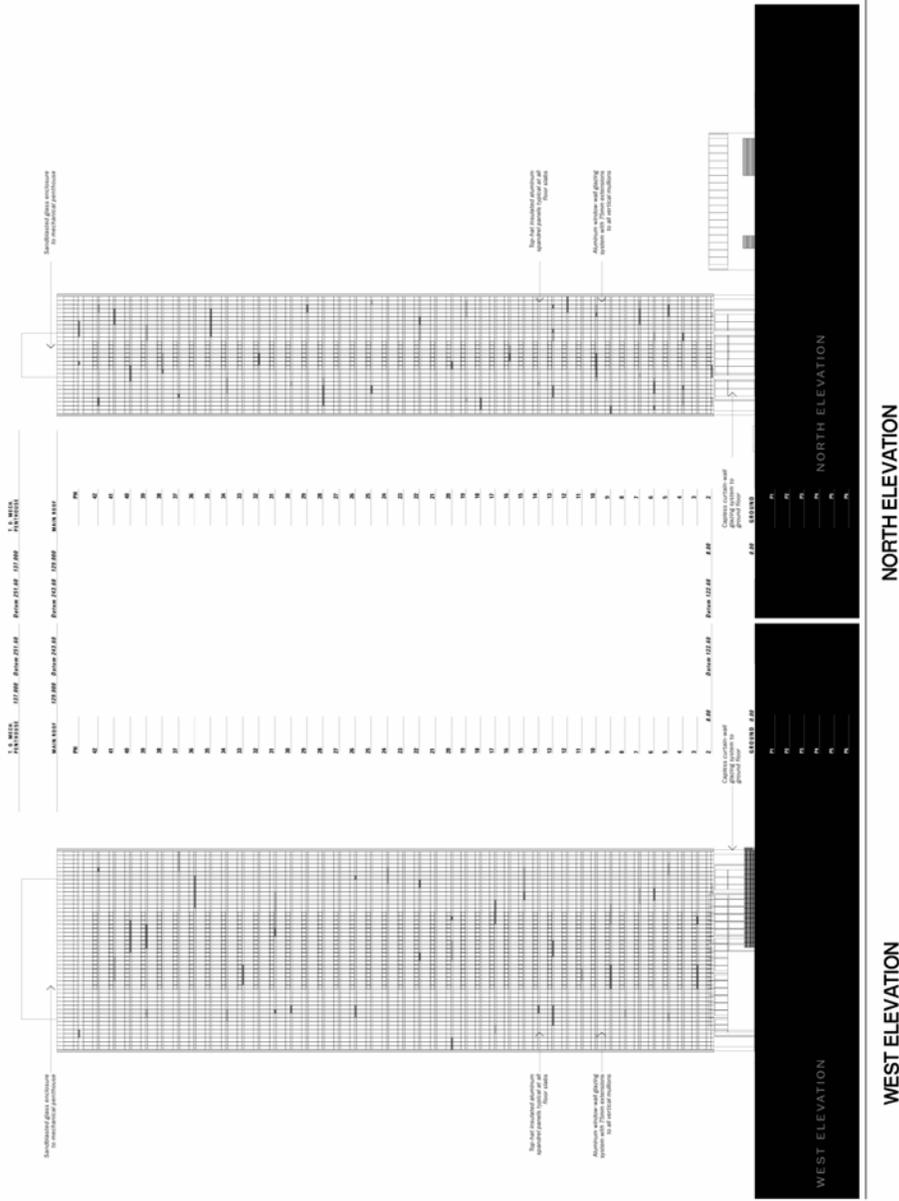
Site Plan

Applicant's Submitted Drawing

Not to Scale
06/03/05



Attachment 3: West and North Elevations



590 Jarvis Street

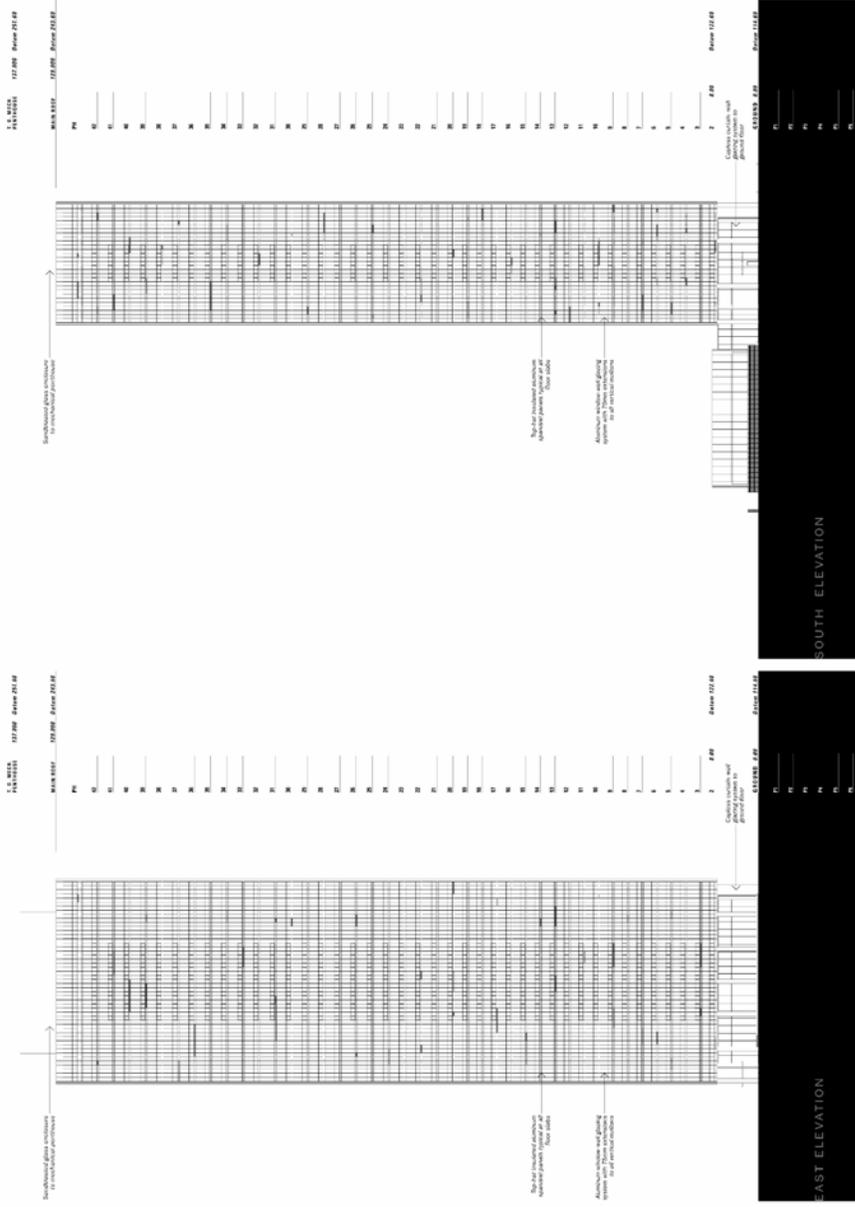
North & West Elevations

Applicant's Submitted Drawing

Not to Scale
10/24/05

File # 05_104157

Attachment 4: East and South Elevations



590 Jarvis Street

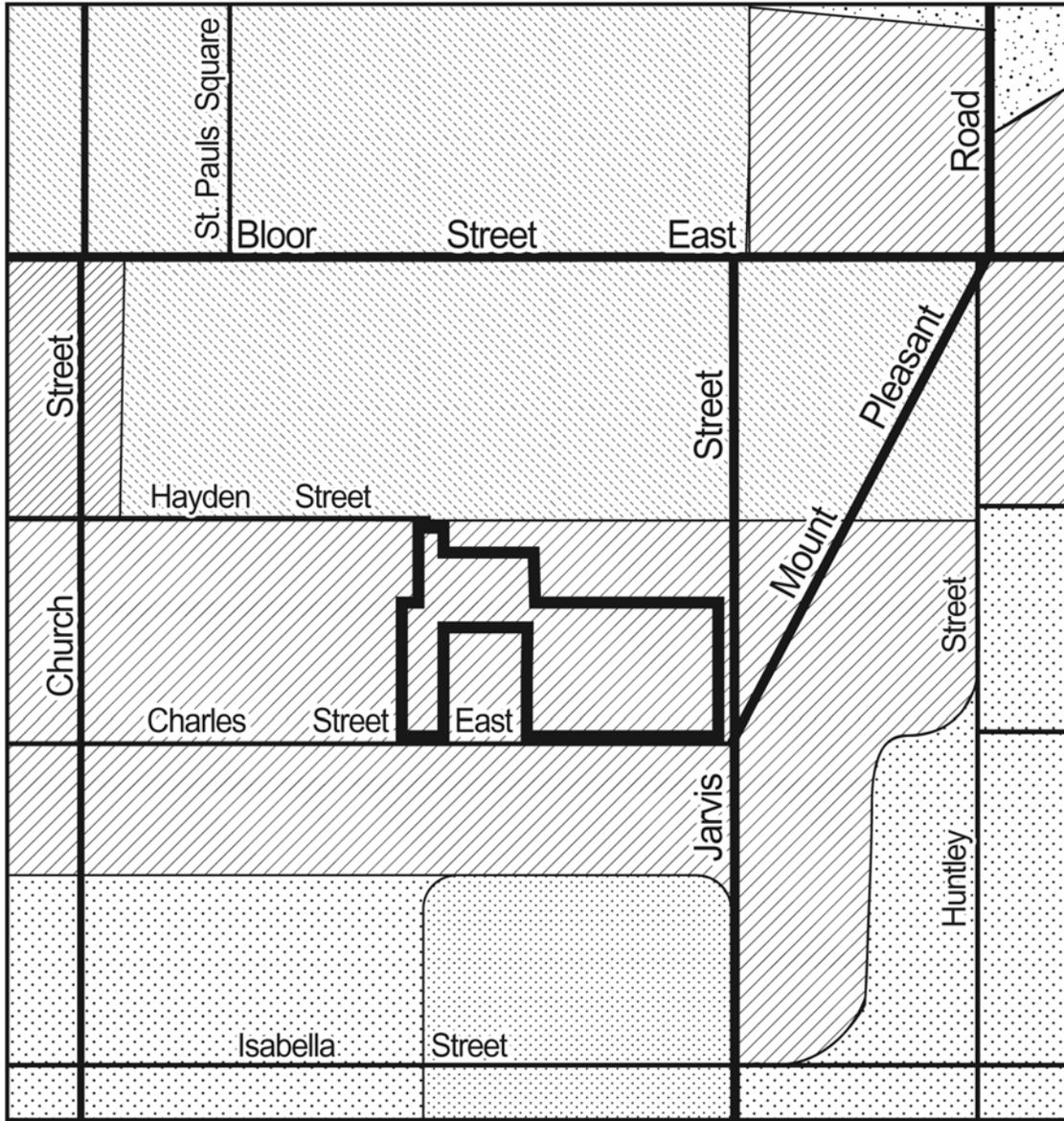
East & South Elevations

Applicant's Submitted Drawing

Not to Scale
10/24/05

File # 05_104157

Attachment 5: Official Plan (Map)



 **TORONTO** Urban Development Services
Official Plan

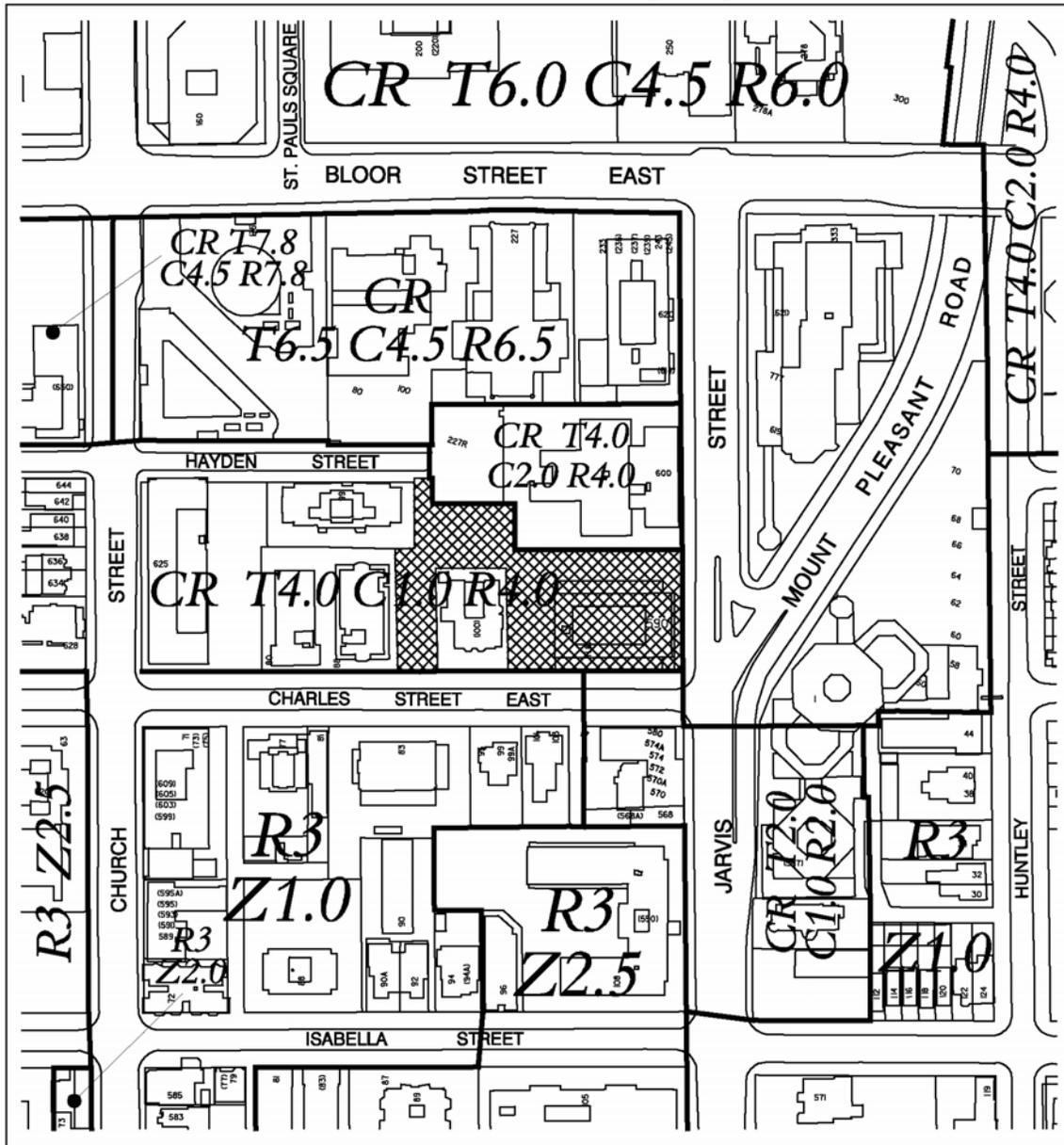
590 Jarvis Street

File # 05_104157

- | | | |
|--|---|--|
|  Site |  Medium Density Mixed Commercial - Residential Areas |  Natural Areas |
|  Medium Density Residence Areas |  High Density Mixed Commercial - Residential Areas 'A' | |
|  High Density Residence Areas |  High Density Mixed Commercial - Residential Areas 'B' | |


Not to Scale
06/03/05

Attachment 6: Zoning (Map)



 **TORONTO** Urban Development Services
Zoning

590 Jarvis Street

File # 05_104157

R3 Residential District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/03/05 - TA

Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Report No. xx, Clause No. xx,
as adopted by City of Toronto Council on xx xx xx and xx, 2005
Enacted by Council: xx xx, 2005

CITY OF TORONTO

BY-LAW No. xxx-2005

**To adopt Amendment No. 354 to the Official Plan of the former City of Toronto
with respect to lands municipally known as 590 Jarvis Street.**

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 354.

ENACTED AND PASSED this xx day of xx, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

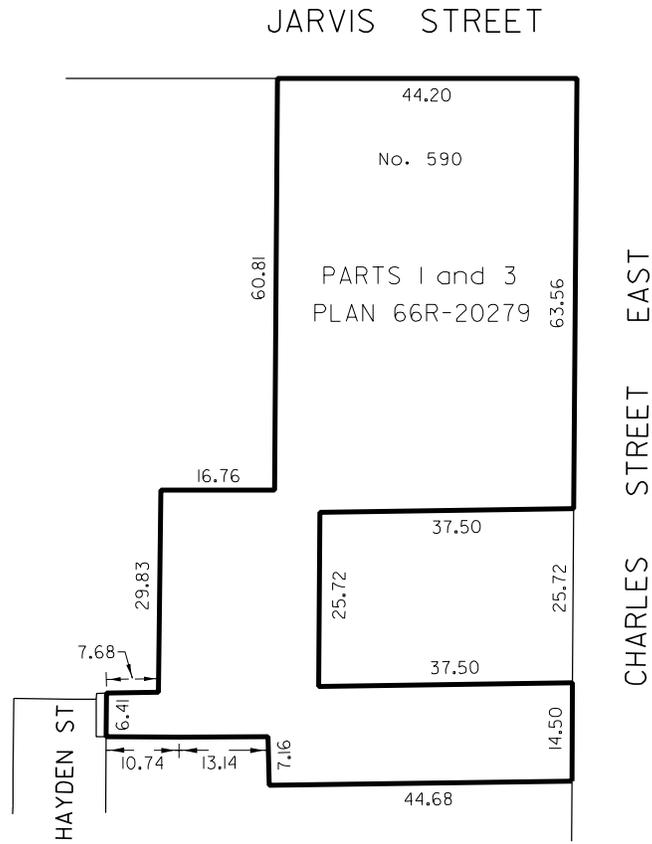
1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.675 and the attached Map 18.675:

"18.675 Lands municipally known as 590 Jarvis Street.

- (1) Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.675 to permit the erection and use of a building containing *residential* uses having a maximum gross floor area of 33,630 square metres.
- (2) Council may not pass any by-law designating the lands for uses described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the lands is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters set out in Section 3 hereof, and to ensure that such agreement is in a form satisfactory to the City and is appropriately registered on title to the lands;
- (3) Pursuant to Section 37 of the *Planning Act*, the *heights* and density of 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* of 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 2 of this By-law, agreeing to:
 - (a) contributions in the amount of \$625,000 as directed by the Chief Planner and Executive Director, City Planning Division, for the following local community improvement initiatives:
 - (i) \$125,000 towards streetscaping improvements for Jarvis Street;
 - (ii) \$500,000 towards design and implementation of improvements at the intersection of Jarvis Street and Mount Pleasant Road, of which any unused monies are to be included in the Jarvis Street Improvement Project;
 - (b) to provide and maintain works of public art within the *lot*, or provide cash in lieu thereof, of a value not less than \$370,000.00, indexed annually, implemented under the City's Public Art Program;

- (c) to submit, prior to site plan approval, to the Executive Director, Technical Services Division, a certified cheque in the amount of \$4,527.21, payable to the Treasurer, City of Toronto, for City staff to upgrade five 70W metal halide Acorn luminaries on Charles Street East to 100W luminaires;
- (d) to provide building materials and landscaping on the *lot* as shown on the plans date-stamped October 21, 2005 as on file with the Chief Planner and Executive Director, City Planning Division;
- (e) to pay for all costs associated with any modifications required to the traffic control signals at the Jarvis Street/Charles Street East/Mt. Pleasant Road intersection that are necessary to accommodate the traffic generated by this development, as well as any modifications that are required at nearby traffic control signals, as determined by the General Manager, Transportation Services Division;
- (f) to undertake improvement of the street right-of-way abutting the *lot*, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division; and
- (g) to provide an irrigation system for all street trees in the public right-of-way abutting the *lot* which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation.”

MAP 18.675



METRES



SURVEY AND MAPPING SERVICES
TORONTO OCTOBER 2005
OPA05/18675.DGN
FILE: J9-Z14
MAP No. 51H-321 DRAWN: VG

Attachment 8: Draft Zoning By-Law Amendment

Authority: Toronto Community Council Report No. xx, Clause No. xx,
as adopted by City of Toronto Council on xx xx xx xx, 2005
Enacted by Council: xx xx, 2005

CITY OF TORONTO

BY-LAW No. xxx-2005

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 590 Jarvis Street.

WHEREAS the Council of the City of Toronto has been requested to amend its 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 2005 as 590 Jarvis Street; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the Planning Act regarding the proposed zoning by-law amendment; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of the Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density or height permitted hereunder, beyond those otherwise permitted on the land by By-law No. 438-86, as amended, are 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 such land 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 dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

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

1. None of the provisions of Sections 4(2)(a) and 8(3) PART I 3(a) 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 *residential building* on the lands municipally known as 590 Jarvis Street (hereinafter referred to as 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) the *residential gross floor area* shall not exceed 33,630 square metres;
- (c) no portion of the building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
- (d) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2;
- (e) a minimum of 874 square metres of indoor *residential amenity space* shall be provided on the *lot*;
- (f) a minimum of 874 square metres of outdoor *residential amenity space* shall be provided in a location on the *lot* adjoining or accessible by stairs from a portion of the indoor *residential amenity space*;
- (g) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) 0.7 *parking spaces* for each *one bedroom dwelling unit*;
 - (ii) 1.0 *parking spaces* for each *two bedroom dwelling unit*; and
 - (iii) 0.06 *parking spaces* for every *dwelling unit* for visitors use;
- (h) a minimum of 200 *bicycle parking spaces* shall be provided and maintained on the *lot*, and of the total number of *bicycle parking spaces* provided, 80% shall be designated *bicycle parking space – occupant*, and 20% shall be designated *bicycle parking space – visitor*;
- (i) at least one *loading space-type G* shall be provided and maintained on the *lot*; and
- (j) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and

matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.

2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of 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* of 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 1(j) of this By-law, agreeing to:

- (a) contributions in the amount of \$625,000 as directed by the Chief Planner and Executive Director, City Planning Division, for the following local community improvement initiatives:
 - (i) \$125,000 towards streetscaping improvements for Jarvis Street;
 - (ii) \$500,000 towards design and implementation of improvements at the intersection of Jarvis Street and Mount Pleasant Road, of which any unused monies are to be included in the Jarvis Street Improvement Project;

which contributions are payable prior to the first above-grade building permit;

- (b) to provide and maintain works of public art within the *lot*, or provide cash in lieu thereof, of a value not less than \$370,000.00, indexed annually, implemented under the City's Public Art Program;
- (c) to submit, prior to site plan approval, to the Executive Director, Technical Services Division, a certified cheque in the amount of \$4,527.21, payable to the Treasurer, City of Toronto, for City staff to upgrade five 70W metal halide Acorn luminaires on Charles Street East to 100W luminaires;
- (d) to provide building materials and landscaping on the *lot* as shown on the plans date-stamped October 21, 2005 as on file with the Chief Planner and Executive Director, City Planning Division;
- (e) to pay for all costs associated with any modifications required to the traffic control signals at the Jarvis Street/Charles Street East/Mt. Pleasant Road intersection that are necessary to accommodate the traffic generated by this development, as well as any modifications that are required at nearby traffic control signals, as determined by the General Manager, Transportation Services Division;
- (f) to undertake improvement of the street right-of-way abutting the *lot*, including streetscaping and tree installation, to the satisfaction of the Chief

Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry & Recreation Division, and the Executive Director, Technical Services Division; and

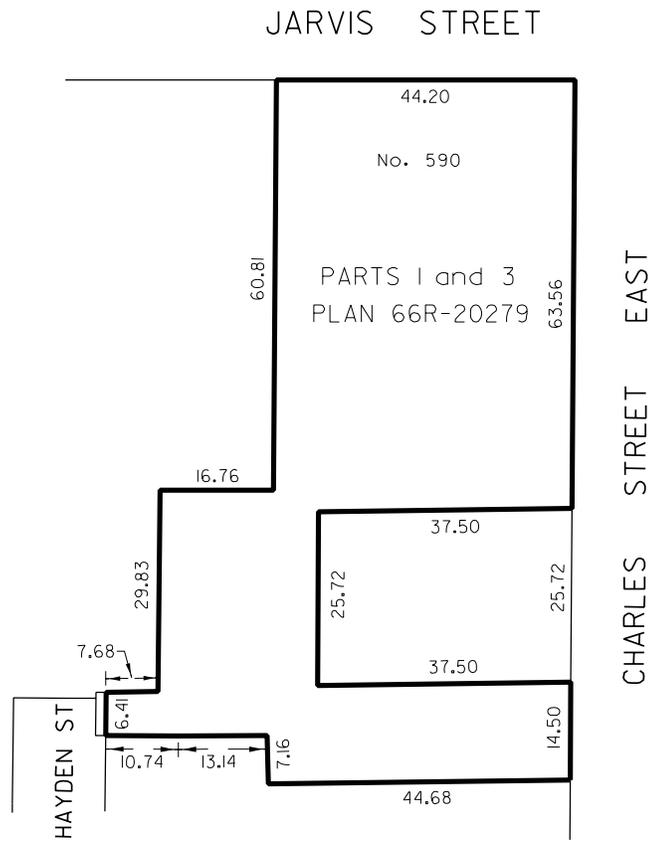
- (g) to provide an irrigation system for all street trees in the public right-of-way abutting the *lot* which irrigation system has an automatic timer, is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a backflow preventer, all to the satisfaction of the Executive Director, Technical Services, including requirements to maintain the entire system in continuing good order and operation.
3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot*.
 4. For the purposes of this By-law,
 - (a) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (b) *grade* means 114.6 metres above Canadian Geodetic Datum; and
 - (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
 5. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the *lot* is subject to the provisions of this By-law.
 6. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this xx day of xx, A.D. 2005.

DAVID R. MILLER, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)

MAP I

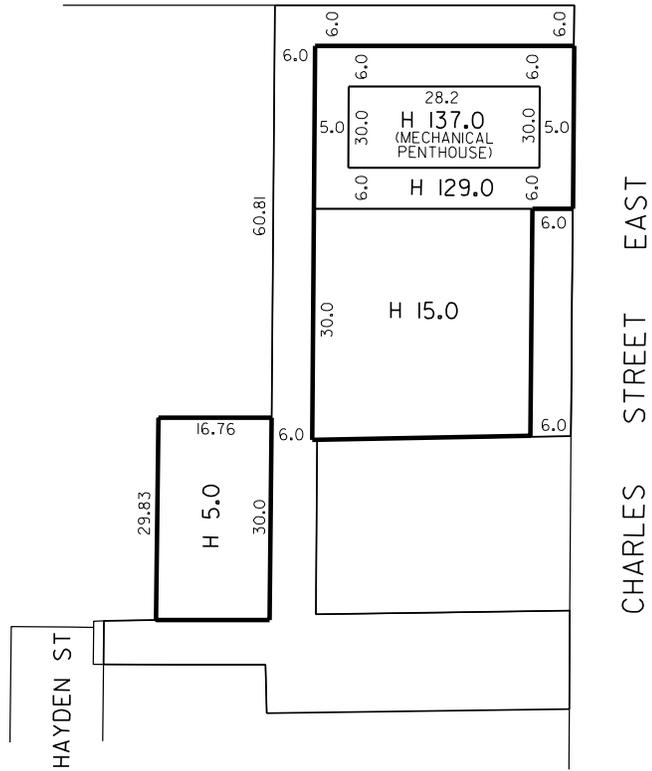


SURVEY AND MAPPING SERVICES
TORONTO OCTOBER 2005
BL05/590JARV1.DGN
FILE: J9-214
MAP No. 51H-321 DRAWN: VG

MAP 2

DRAFT

JARVIS STREET



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
TORONTO OCTOBER 2005
BL05/590JARV2.DGN
FILE: J9-Z14
MAP No. 51H-321 DRAWN: VG