

Authority: Downtown Community Council Report No. 5, Clause No. 6, as adopted by City of Toronto Council on June 26, 27 and 28, 2001; and Notice of Motion J (15), moved by Councillor Rae, seconded by Councillor Chow, as adopted by City of Toronto Council on July 24, 25 and 26, 2001  
Enacted by Council: July 26, 2001

## CITY OF TORONTO

### BY-LAW No. 716-2001

#### **To amend By-law No. 438-86, the Zoning By-law of the former City of Toronto, respecting lands known in the year 2000 as 354 and 404 Jarvis Street.**

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 height or density of development beyond those otherwise permitted by the by-law, 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 or matters in return for an increase in 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 or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands 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 are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); 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 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 the definition of the word "*lot*" in Section 2(1) and of Sections 4(2)(a), 6(1)(a), 6(3) PART I 1, 6(3) PART II 2, 3, 4, 5 and 6, 6(3) PART III 1(a), 1(b), 3(a) and 3(c), 6(3) PART IX 1(a) and (b) and 12(2) 260 of the aforesaid By-law No. 436-86 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 use of the existing buildings, additions thereto, and the erection and use on the *lot* of one or more buildings or structures containing *residential gross floor area* or *non-residential gross floor area*, provided:
  - (1) the *lot* comprises those lands delineated by a heavy line and consisting of *Blocks A* and *B*, all as shown on Plan 1 attached hereto;

Notwithstanding the definition of “*lot*” contained in section 2(1) of the aforesaid By-law No. 438-86, *Blocks A* and *B* as shown on the attached Plan 1, shall be deemed to be one *lot* regardless of whether or not two or more buildings or structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this By-law come into force;

- (2) no building or structure on *Block A* may be erected or used for any non-residential purpose other than a *retail store*, office, *commercial school*, *communications and broadcasting establishment*, *designer’s studio*, *artist’s or photographer’s studio*, *custom workshop*, or *general institutional uses*;
- (3) no building or structure on *Block B* may be erected or used for any purpose other than any one or more of:
  - (a) a *private academic, philanthropic or religious school* and a *commercial school*;
  - (b) provided a *private academic, philanthropic or religious school* use is present, any one or more of the following uses are permitted being, *an artist’s or photographer’s studio*, *communications and broadcasting establishment*, *concert hall*, *cultural and arts facilities*, *designer’s studio*, *general institutional uses*, *performing arts studio* and *public museum*; and
  - (c) a *retail store accessory* to the uses set out in paragraph (a) or *accessory* to the uses set out in paragraph (b) when such uses are permitted;
- (4) the aggregate amount of *residential gross floor area* and *non-residential gross floor area* erected or used on *Block A* does not exceed 33,025 square metres, provided the aggregate amount of *non-residential gross floor area* does not exceed 1,000 square metres;
- (5) the *non-residential gross floor area* erected or used on *Block B* does not exceed 22,430 square metres;
- (6) no part of any building or structure excluding public art provided pursuant to Section 4(3) of this By-law and canopies, located above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines and within the *height* limits shown on Plan 2 attached to and forming part of this By-law except that balconies above a *height* of 26 metres may extend up to 2.5 metres beyond the easterly limit of the area shown on Plan 2 as being subject to the 81 metre *height* limit;
- (7) despite Section 1(6) of this By-law, ramps, curbs, handrails, decorative/privacy walls, retaining walls, enclosed and unenclosed stairs and stairwells, trellises, gazebos, gates, fences, refuse receptacles/recycling bins, outdoor seating, planting boxes, vents, playground equipment, bicycle racks, landscape structures,

fountains, signage and light standards, are permitted outside the areas delineated by heavy lines, provided that such elements do not exceed a height of 4 metres above the finished ground level, except in the case of light standards, which cannot exceed a height of 6 metres above the finished ground level;

- (8) no building or structure shall contain more *storeys*, above the finished ground level, than the number shown on Plan 3 attached to and forming part of this By-law;
  - (9) *residential amenity space* is provided in accordance with Section 4(12) of the aforesaid By-law No. 438-86 except that none of the *residential amenity space* located outdoors will be adjoining or directly accessible from the indoor *residential amenity space*;
  - (10) the owner or occupant provides and maintains motor vehicle parking in accordance with the provisions of By-law No. 438-86, as amended, except to the extent of providing,
    - (a) for each *one-bedroom* and *two-bedroom dwelling unit* within a building containing more than 6 *dwelling units*, 0.7 and 1.0 *parking spaces* respectively, and
    - (b) for all uses within *Block B*, the minimum required parking shall be 1 *parking space* for each 850 square metres of *total floor area*, or fraction equal to or greater than one-half thereof, contained therein and the maximum permitted parking shall be 1 *parking space* for each 150 of *total floor area*, or fraction equal to or greater than one-half thereof, contained therein; and
  - (11) the *owner* of the *lot* is required, pursuant to Section 37(3) of the *Planning Act* to enter into an agreement with the City to secure the facilities, services and matters referred to in Section 4 of this By-law and such agreement is registered on title to the *lot*.
2. Notwithstanding section 1(2) of this By-law the following uses are permitted on *Block A*:
- (1) an enclosed bridge and landscaped area which may be used for any permitted use on *Block B*; and
  - (2) vehicular and pedestrian access and services which are *accessory* to any permitted use on *Block B*.
3. Notwithstanding section 1(3) of this By-law the following uses are permitted on *Block B*:
- (1) balconies *accessory* to a use comprising *residential gross floor area* on *Block A*;
  - (2) vehicular and pedestrian access and services which are *accessory* to any permitted use on *Block A*; and

- (3) any below *grade* parking for uses on *Block A*.
4. Pursuant to Section 37 of the *Planning Act*, the increased heights or density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the owner of the *lot*, at its sole expense and in accordance with the agreement referred in subsection 1(11) of this By-law, agreeing to:
    - (1) restore, conserve and maintain portions of the buildings located on *Block B* known as Northfield House and Havergal College and the entering into of an agreement under Section 37 of the *Ontario Heritage Act* satisfactory to the Commissioners of Economic Development, Culture and Tourism and Urban Development Services of the City as a condition of site plan approval;
    - (2) provide a contribution in the amount of \$200,000.00 as directed by the Commissioner of Urban Development Services for the upgrading of the Church Street Public School yard, or other improvements along adjacent streets, and which includes \$10,000.00 to be applied to traffic calming measures satisfactory to the Commissioner of Works and Emergency Services;
    - (3) provide and maintain one or more works of art pursuant to a public art program in publicly accessible portions of the *lot* or adjacent properties of a value not less than one percent of the cost of construction of all new buildings, structures and additions erected on the *lot* after the date of passing of this By-law, provided that costs related to obligations under agreements drawn pursuant to Section 37 of the *Ontario Heritage Act* and costs related to public art shall not be included in such valuation;
    - (4) provide, maintain and operate the development in accordance with a Noise Impact Statement approved by the Commissioner of Works & Emergency Services; and
    - (5) provide for, as a condition of site plan approval, phasing of the development of the *lot* in a manner satisfactory to the Commissioner of Urban Development Services.
  5. By-law Nos. 577-79 and 148-82 are hereby repealed.
  6. Section 13 of By-law No. 438-86 is amended by deleting, “By-law 148-82 respecting 400 to 406 Jarvis Street and 321 Mutual Street”.
  7. For the purpose of this By-law:
    - (a) “*Block A*” and “*Block B*” mean the areas identified as “*Block A*” and “*Block B*” on Plan 1;

- (b) “*cultural and arts facilities*” is defined as set out in By-law No. 438-86 except to the extent of deleting the words “provided each use does not exceed a *non-residential gross floor area* of 1,400 square metres”;
- (c) “*general institutional uses*” means those uses listed in Section 8(1)(f)(b)(iii) of the aforesaid By-law No. 438-86, as amended;
- (d) “*grade*” means the level which is located 103.5 metres above Canadian Geodetic Datum;
- (e) “*height*” means the vertical distance between *grade* and:
  - A. in the case of a pitched roof building, the mean height level between the eaves and the ridge of the roof and;
  - B. in the case of another kind of roof, the highest point of the roof; and
  - C. where there is no roof, the highest point of the structure.
- (f) “*lot*” shall be defined as set out in Section 1(1);
- (g) each other word or expression which is italicized in this By-law shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

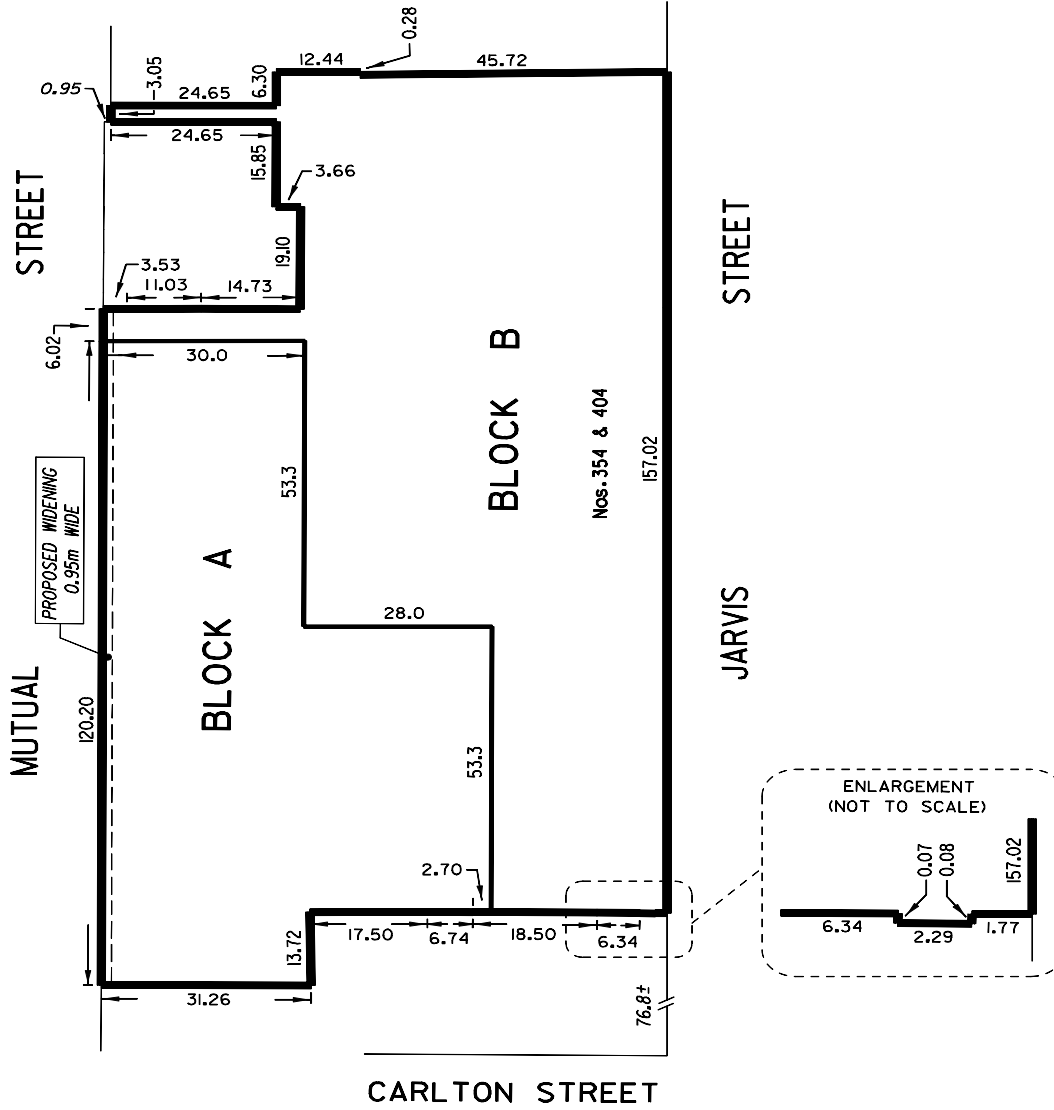
ENACTED AND PASSED this 26th day of July, A.D. 2001.

CASE OOTES,  
Deputy Mayor

JEFFREY A. ABRAMS,  
Acting City Clerk

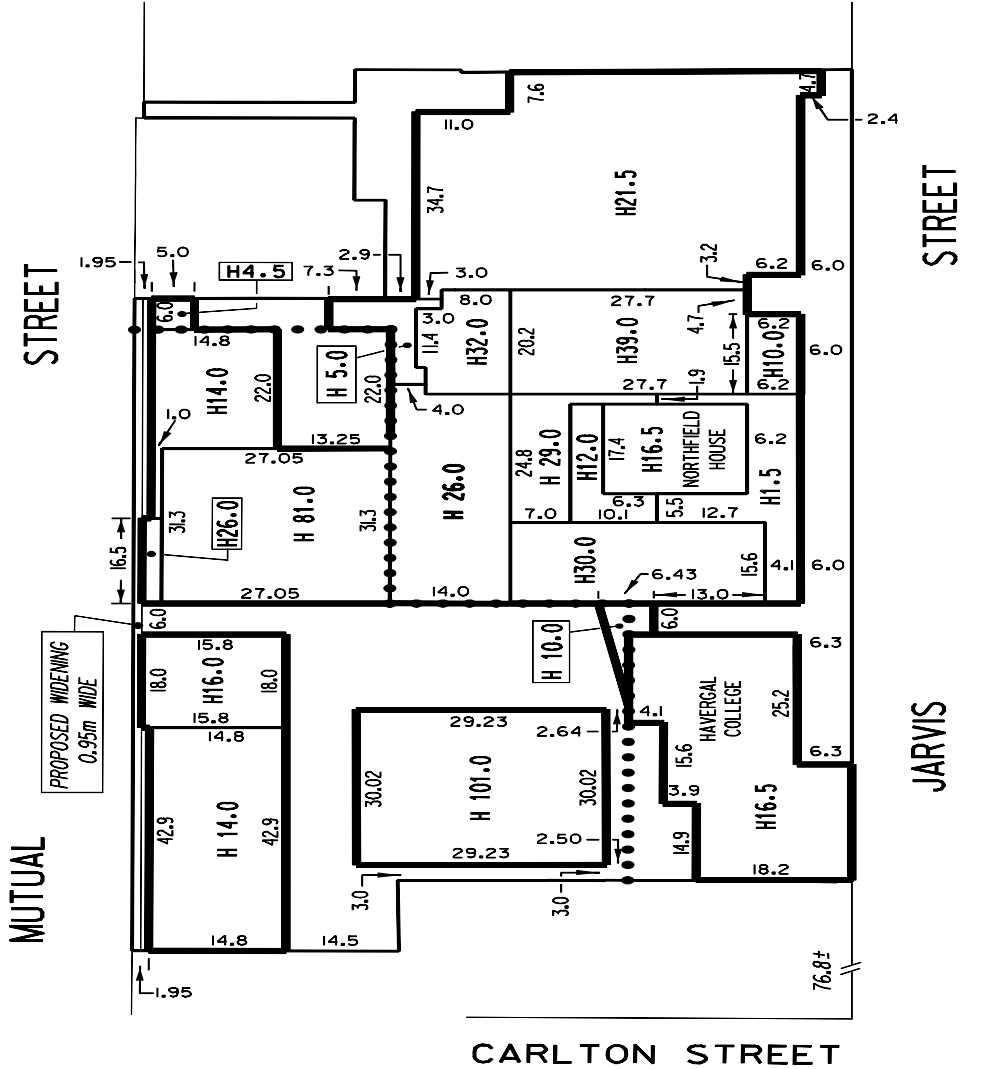
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# PLAN 1

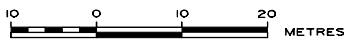


WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO JULY, 2001  
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 MAP No. 51H-321 DRAWN: PG

# PLAN 2

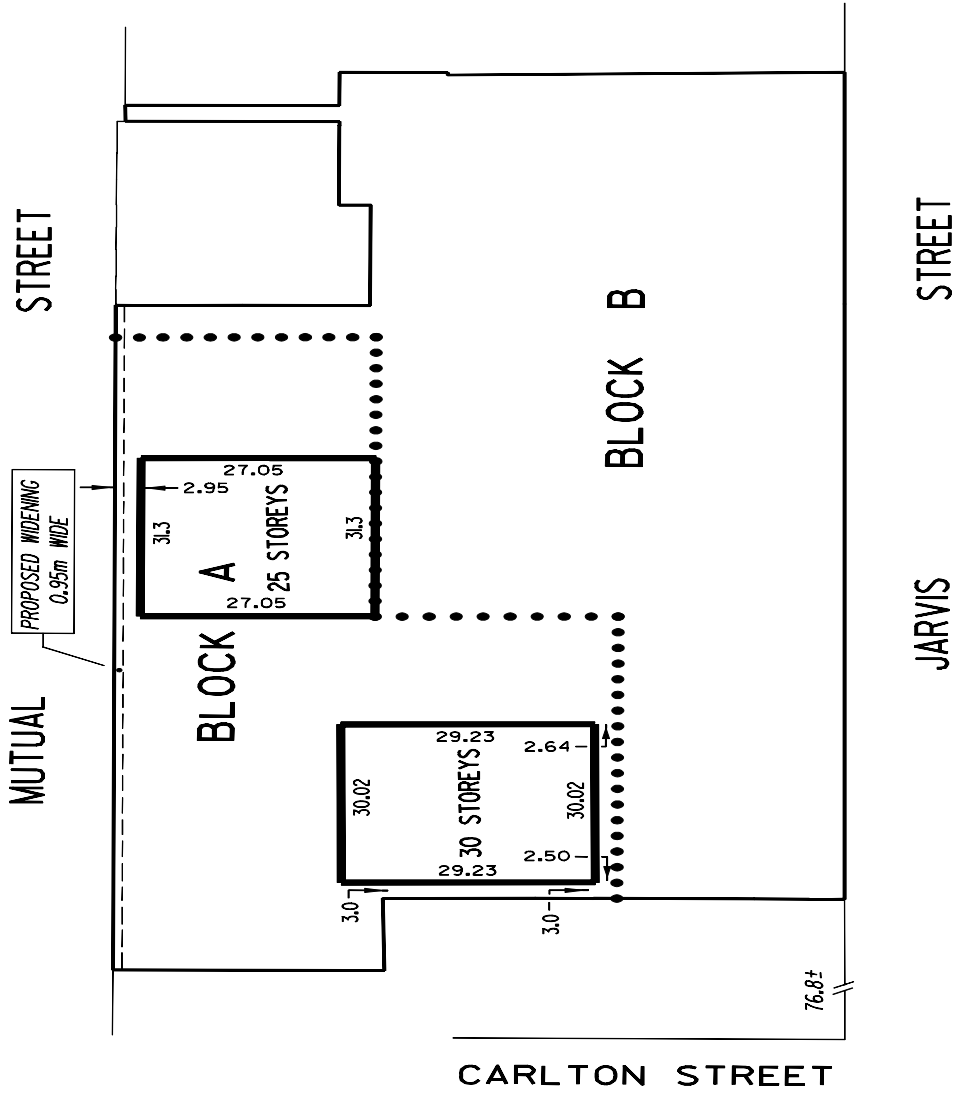


..... LIMIT BETWEEN BLOCKS A and B  
 H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO  
 BLO1/354JAR2.DGN  
 FILE # 49-23  
 MAP No. 51H-321 DRAWN: PG

# PLAN 3



..... LIMIT BETWEEN BLOCKS A and B



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO JULY, 2001  
 BLO1/354JAR3.DGN  
 FILE# J9-29  
 MAP No. 51H-321 DRAWN: PG