

Authority: Toronto and East York Community Council Item 26.12,
as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

CITY OF TORONTO

BY-LAW No. 1341-2013

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 200 Dundas Street East, 241-251 Jarvis Street and 280 George Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas Subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the Owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in 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 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 Appendix 1 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a

facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Section 2(1) with respect to the definition of *grade* and *height* and Sections 4(2)(a), 4(5)(b), 4(8), 4(10), 4(12), 4(16), 8(3) Part I 1 and 3, 8(3) Part II 1(a)(ii), 8(3) Part II 2(a) and 12(2)132 of By-law No. 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*, including *accessory* uses thereto and a *commercial parking garage* on the *lot* provided that:
 - (a) The *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
 - (b) The total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 57,050 square metres;
 - (c) The *residential gross floor area* shall not exceed 54,250 square metres;
 - (d) The *non-residential gross floor area* shall not exceed 2,800 square metres;
 - (e) The *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (i) parapets, terrace or balcony guards and dividers, planters and railings extending to a maximum vertical projection of 2.0 metres above the *height* limits shown on Map 2; and
 - (ii) window washing equipment, landscape elements, lighting fixtures, vents, flues, pipes, access roof hatch, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may project above the *height* limits shown on Map 2;
 - (f) No portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:
 - (i) cornices, eaves, guardrails, lighting fixtures and vents may extend beyond the heavy lines shown on Map 2;

- (ii) awnings, and canopies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres beyond the wall to which they are attached; and
 - (iii) balconies may extend beyond the heavy lines shown on Map 2 to a maximum of 1.5 metres.
- 5. A minimum of 405 *parking spaces* shall be provided and maintained on the *lot* of which a minimum of 267 *parking spaces* shall be for residents, a minimum of 51 *parking spaces* shall be for visitors and/or commercial public parking, a minimum of 82 *parking spaces* shall be for residents and/or commercial public parking, and a minimum of 5 *parking spaces* shall be used as *car-sharing parking spaces*.
- 6. A minimum of 786 *bicycle parking spaces* shall be provided on the *lot* as follows:
 - (a) 632 resident *bicycle parking spaces*; and
 - (b) 153 shared visitor and retail *bicycle parking spaces*.
- 7. Residential *dwelling units* shall be provided as follows:
 - (a) A minimum of 10% three-bedroom *dwelling units*.
- 8. *Residential amenity space* shall be provided on the *lot* as follows:
 - (a) A minimum of 1,240 square metres of indoor *residential amenity space* per unit;
 - (b) A minimum of 1,500 square metres of outdoor *residential amenity space*;
- 9. A minimum of one *loading space - type "B"* shall be provided on the *lot*;
- 10. A minimum of two *loading spaces - type "C"* shall be provided on the *lot*; and
- 11. A minimum of one *loading space - type "G"* shall be provided on the *lot*.
- 12. The minimum ground floor height shall be 6.5 metres excluding the area below the mezzanine where the minimum ground floor height shall be 4.1 metres.
- 13. Continuous pedestrian level weather protection shall be provided to the *lot* lines along Jarvis Street, Dundas Street East and George Street.
- 14. Notwithstanding the provisions outlined on Map 2, the ground floor shall be setback as follows for a height of 6.5 metres:
 - (a) 2 metres from the west *lot* line;
 - (b) 2.6 metres from the south *lot* line; and

(c) 1.5 metres from the east *lot* line.

15. For the purpose of this By-law:

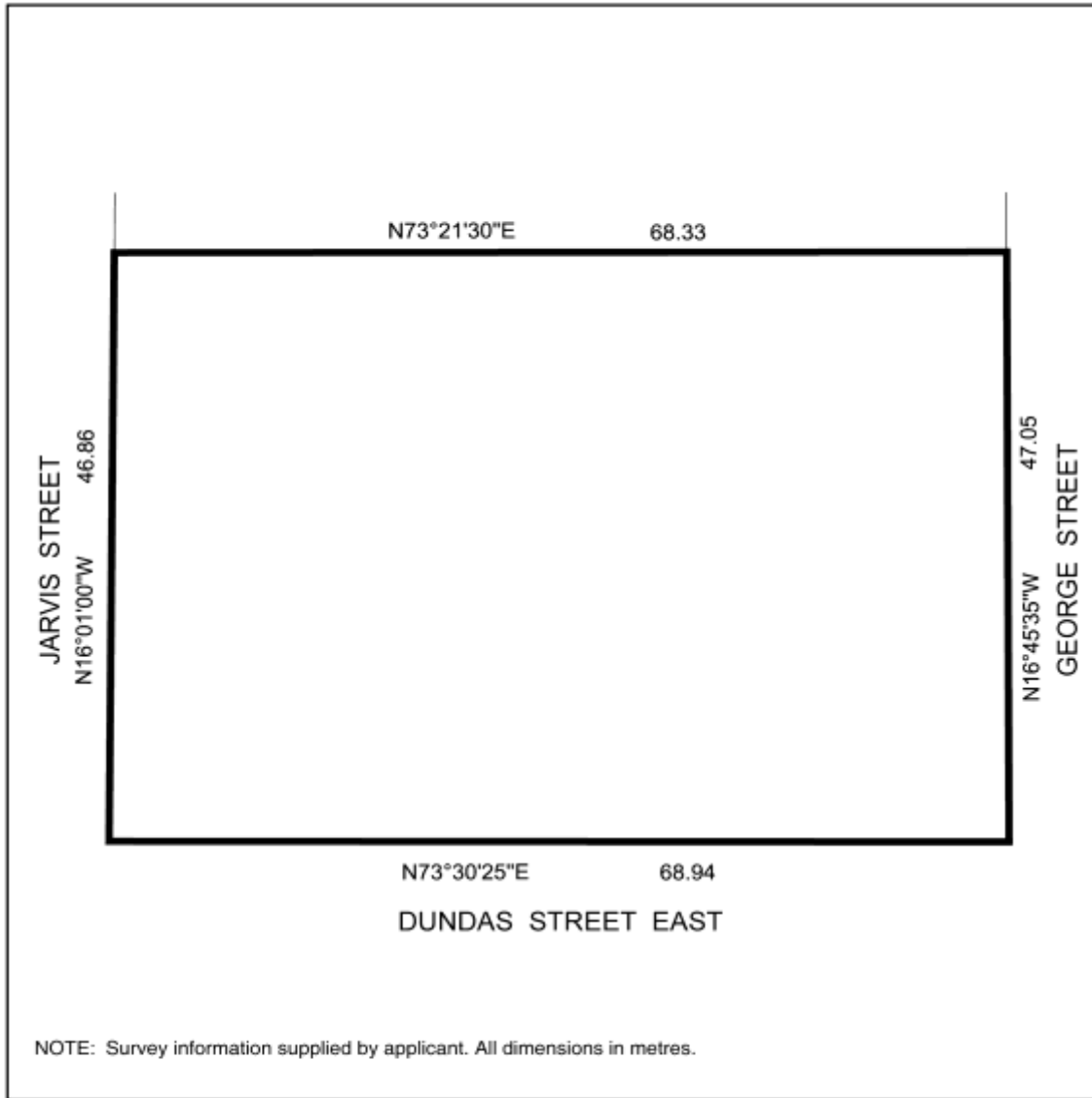
- (a) "*car-share parking space*" means an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle that is owned by a profit or non-profit car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements;
- (b) "*grade*" shall mean 89.5 metres Canadian Geodetic Datum;
- (c) "*height*" shall mean the vertical distance between *grade* and the highest point of the roof, excluding permitted projections identified in section 4(e) of this By-law; and
- (d) Each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

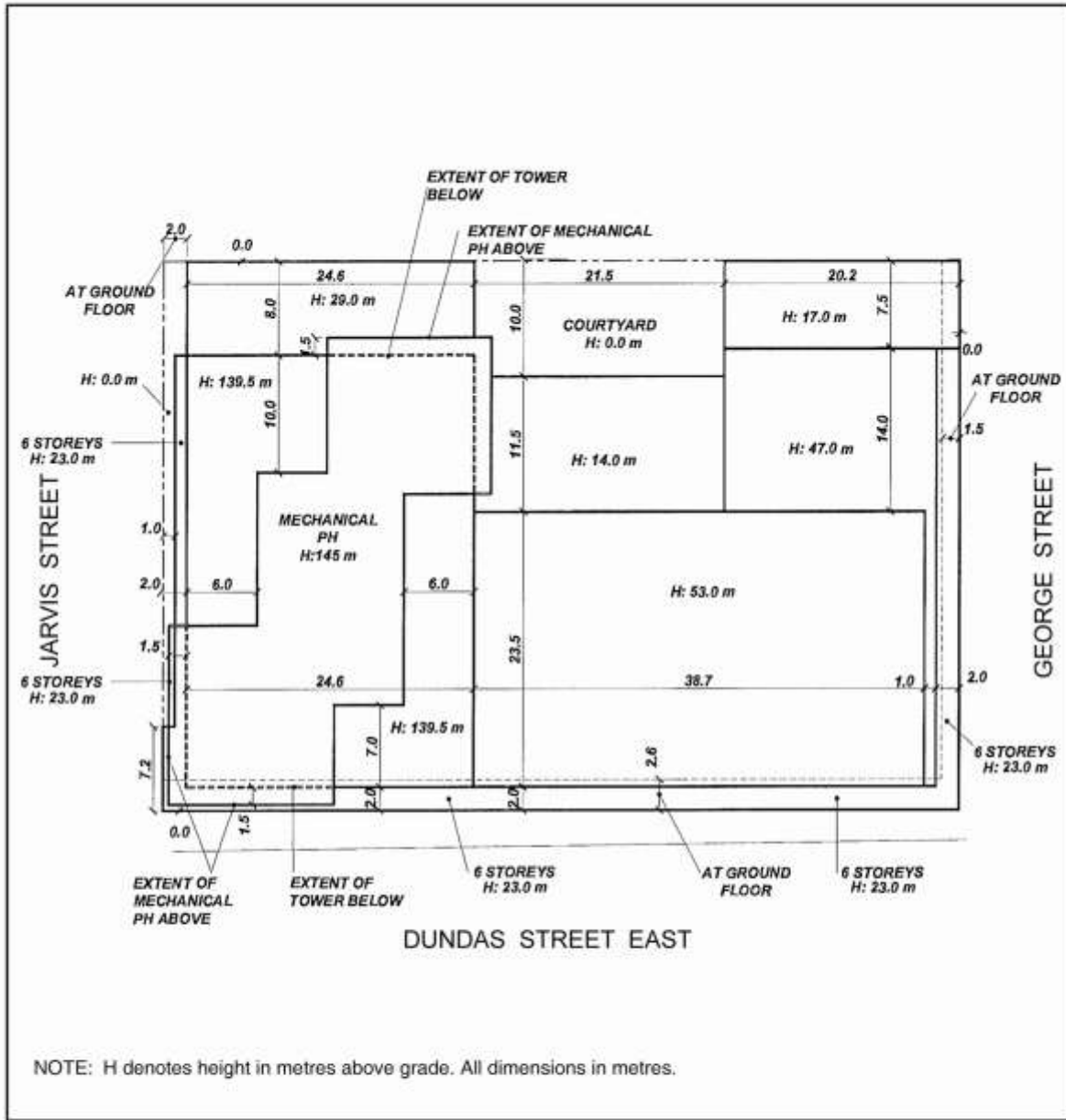
Enacted and passed on October 11, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Appendix 1**Council Authorities to Implement Matters Pursuant to the Section 37 Agreement**

The facilities, services and matters set out below are required to be provided to the City at the *Owner's* expense in return for the increase in height and density of the proposed development on the *Lands* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *Owner* agrees as follows:

1. Prior to the issuance of the first above-grade building permit, the Owner shall make a cash contribution to the City in the amount of \$250,000 which will be used for local streetscape, parkland and community services improvements within Ward 27 and may be used for finishing the community space at 200 Dundas Street East.
2. The Owner shall convey to the City a minimum of 1,300 square metres of space as a freehold stratified fee simple interest free and clear of all charges, liens, registered restrictions and other encumbrances of any kind except any Shared Facilities Agreement required pursuant to the Section 37 Agreement prior to the registration of any condominium on the site or in the event no condominium is registered on the site, before such time that any unit is occupied.
3. The cash amounts provided to the City shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. Require the owner to pay all costs of infrastructure improvements associated with their development including such improvements to utilities and transportation infrastructure as may be required;
 - ii. The owner is required to obtain approval from Transportation Services for the road improvements required to accommodate projected site traffic levels;
 - iii. The size of the residential waste room for the Tower shall be at least 113 square metres and the size of the residential garbage room for the base shall be at least 139 square metres;
 - iv. A type G loading space shall be provided, which has minimum dimensions of 13 metres long x 4 metres wide with an unencumbered vertical clearance of 6.1 metres for the entire loading area;
 - v. A concrete staging pad abutting the front of the Type G loading space shall be provided with a minimum size of 75 square metres;

- vi. All access driveways must have a minimum overhead travelling clearance of 4.4 metres including any overhead doors; and
- vii. A collection vehicle's minimum turning radius of 9.5 metres inside and 14 metres outside must be observed entering, exiting and travelling throughout the site. The access route and loading platform must be designed in such a way as to allow the collection vehicle to enter the site, collect the waste materials and exit in a forward motion without the need to backup onto a public road.