

Authority: Toronto and East York Community Council Item 17.11, as adopted by City of Toronto Council on July 11, 12 and 13, 2012 and Toronto and East York Community Council Item 29.43, as adopted by City of Toronto Council on February 19 and 20, 2014

CITY OF TORONTO

BY-LAW No. 115-2014

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 571 Jarvis Street and 119 Isabella Street.

Whereas the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally as 571 Jarvis Street and 119 Isabella Street; 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 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 Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for any increase in the height of 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 subject to 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"); and

Whereas the Official Plan of the 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 to secure certain facilities, services and matters in connection with the aforesaid lands set forth in the By-law;

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 including the provision by the *owner* of the *lot* of the facilities,

services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3(o) 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 or 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. None of the provisions of Sections 4(2)(a), 4(5)(a) & (b), 4(8)(b), 4(10)(a), 4(10)(d), 6(1)(a), 6(3) Part I 1, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 6, 6(3) Part IV 2 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 land 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 an institutional 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) only a *Community Health Centre* and administrative office uses are permitted;
 - (c) the total *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 4200 square metres;
 - (d) no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 exclusive of the rooftop structures and equipment permitted by Section 3(e) of this By-law;
 - (e) notwithstanding Section 3(d), but subject to Section 3(e) hereof, the following structures may project from the maximum *height*:
 - (i) by a maximum of 1.5 metres:

a stair tower, elevator shaft, structures used for outside or open air recreation, maintenance, safety, or wind protection purposes, including chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements;
 - (ii) by a maximum of 3.3 metres:

a garden fence screen, for the roof garden;

- (f) the existing heritage building at 571 Jarvis Street be retained;
- (g) no portion of the building or structure erected on the *lot* or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, eaves, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
 - (ii) lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
- (h) 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:
 - (i) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational;
- (i) a maximum building depth of any buildings erected or used on the *lot* shall not exceed 73 metres;
- (j) at least one *loading space - type B* shall be provided and maintained on the *lot*;
- (k) a minimum of 18 *bicycle parking spaces* only shall be provided and maintained on the *lot* for the occupant of and visitors to the building in accordance with the following:
 - (i) for occupants, not less than 6 *bicycle parking spaces - occupant*, to be provided below *grade* and 3 *bicycle parking spaces - occupant* be provided at *grade*; and
 - (ii) for visitors, not less than 9 *bicycle parking spaces - visitor* are provided and maintained only at *grade*;
- (l) a maximum of 20 *parking spaces* but not less than 15 *parking spaces* be provided below *grade* on the *lot*;
- (m) one lane driveway width of a minimum of 3.49 metres be permitted;
- (n) maximum grade of one lane driveway is 15%; and
- (o) the *owner* of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the *Planning Act*, to the City Solicitor's satisfaction, to secure the matters in Appendix 1.

4. For the purposes of this By-law:
- (a) "*community health centre*" as defined by By-law No. 438-86 but for greater clarification, a clinic includes a specialized hospital;
 - (b) "*height*" shall mean the vertical distance in metres between *grade* and the highest point of the building or structure;
 - (c) "*grade*" means 113.85 metres above Canadian Geodetic Datum;
 - (d) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
and
 - (e) 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.

Enacted and passed on February 20, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix "1"
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. Incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning.
2. Provide and maintain trees and a continuous soil trench within the Isabella Street and Huntley Street road allowance to the satisfaction of the Director of Urban Forestry in accordance with Landscape Plan, Drawing No. L1.01 prepared by Mark Hartley Landscape Architects date stamped June 24, 2011.
3. Provide and maintain an irrigation system for 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 irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation.
4. Build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on July 22, 2011.
5. Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the *City of Toronto Act, 2006*.
6. Prior to final site plan approval the owner shall provide the following to the satisfaction of the Manager, Heritage Preservation Services:
 - (a) an as-found record of the existing buildings at 571 Jarvis Street and 119 Isabella Street, including photographs keyed to plans, floor plans and elevations of all the visible exteriors and interiors;
 - (b) a detailed Conservation Plan (including drawings and specifications for materials and finishes related to the heritage building and all new construction) for the rehabilitation and restoration work as described by the February 24, 2012 Heritage Impact Assessment and March 29, 2012 drawings, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, building protection measures during construction, estimated costs of all restoration work and a schedule of short and long term maintenance requirements;

- (c) a final detailed landscape plan that supports the heritage character of the heritage building; and
 - (d) a heritage interpretation plan for the existing heritage property and coach house at 119 Isabella Street.
- 7. Prior to final site plan approval the owner shall enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property, subject to the approved alterations, to the satisfaction of the Manager, Heritage Preservation Services.
- 8. Prior to the issuance of the first building permit the owner shall provide a Letter of Credit in the amount of \$400,000, such amount to be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the date the Letter of Credit is submitted, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration work included in the detailed Conservation Plan.
- 9. Prior to the issuance of any permit pursuant to the Ontario Heritage Act for the heritage property located at 571 Jarvis Street the owner shall provide the following:
 - (a) full building permit drawings, including notes and specifications for the rehabilitation, restoration and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and
 - (b) that the zoning by-law amendment be in full force and the Section 37 Agreement and Heritage Easement Agreement have been entered into and registered to the satisfaction of the City Solicitor.
- 10. Prior to the issuance of a demolition permit for the heritage property located at 119 Isabella Street, the owner shall to the satisfaction of the Chief Planner and the Manager, Heritage Preservation Services:
 - (a) obtain final site plan approval for the proposed development at 571 Jarvis Street and 119 Isabella Street to the satisfaction of the Chief Planner and the Manager, Heritage Preservation Services; and
 - (b) provide full documentation of the existing coach house, including archival quality photographs of all exterior elevations and features keyed to a location map, all existing interior floor plans and copies of original drawings as may be available.
- 11. Prior to the release of the Letter of Credit, the owner shall:
 - (a) complete the heritage rehabilitation and restoration work to the satisfaction of the Manager, Heritage Preservation Services;

- (b) provide a Letter of Substantial Completion for the heritage rehabilitation and restoration work signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and
 - (c) submit final as-built photographs of the exterior and interior of the heritage building at 571 Jarvis Street to the satisfaction of the Manager, Heritage Preservation Services.
12. Prior to final site plan approval, the owner will:
- (a) retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft - Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture; and
 - (b) should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
13. Prior to final site plan approval, the owner will:
- (a) complete a Noise Attenuation study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense; and
 - (b) submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.



