

Authority: Toronto and East York Community Council Report No. 9, Clause No. 4,  
as adopted by City of Toronto Council on December 5, 6 and 7, 2005  
Enacted by Council: December 7, 2005

## **CITY OF TORONTO**

### **BY-LAW No. 1018-2005**

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

WHEREAS authority is given to Council of the City of Toronto by 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 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 Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development;

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 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 *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 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 directed to the Jarvis Street Improvement Project;
    - (iii) 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 payable prior to first above-grade building permit and the to be completed prior to the first occupancy of any *dwelling unit* on the site;
  - (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 luminaries;
  - (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, and the Executive Director, Technical Services; 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 Canadian Geodetic Datum;
  - (c) *height* means the height above grade as shown on Map 2; and
  - (d) 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 unless the contrary is expressed in this By-law.

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.

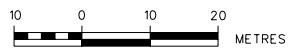
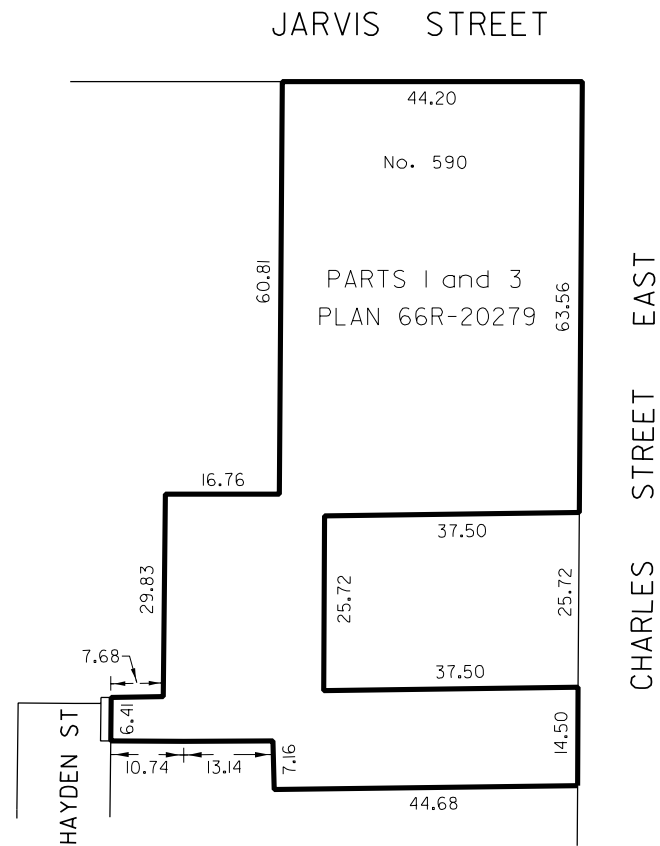
ENACTED AND PASSED this 7th day of December, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

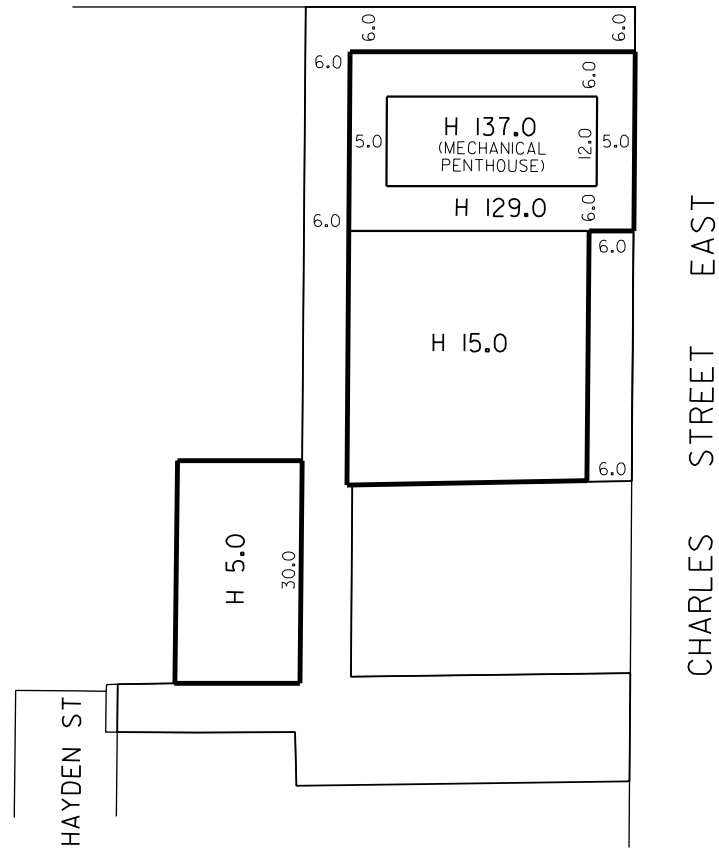
## MAP 1



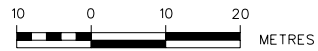
SURVEY AND MAPPING SERVICES  
TORONTO OCTOBER 2005  
BL05/590JARV1.DGN  
FILE: J9-Z14  
MAP No. 51H-321 DRAWN: VG

## MAP 2

JARVIS STREET



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



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