

Authority: Toronto and East York Community Council Item 22.10,
as adopted by City of Toronto Council January 27 and 28, 2009
Enacted by Council: May 27, 2009

CITY OF TORONTO

BY-LAW No. 577-2009

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 568-580 Jarvis Street and 99-103 Charles Street East.

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 2008 as 568-580 Jarvis Street and 99-103 Charles Street East; 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 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 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 and matters; 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; and

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;

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

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 Section 4(n) 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, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 6(1)(f), 6(3) Part II 2(ii), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part III 1(a), 8(3) Part I 1, 8(3) Part III 1(a), 6(3) Part I 1. 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 mixed use building on the lands municipally known as 568-580 Jarvis Street and 99-103 Charles Street East (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 37,098 square metres;
 - (c) the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 37,991 square metres;
 - (d) a minimum rear yard setback of 6.0 metres shall be provided on the *lot*;
 - (e) a front lot line setback of zero metres may be provided on the *lot*;
 - (f) 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, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
 - (ii) lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, 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;
 - (g) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated on the attached Map 2;

- (h) a minimum of 753 square metres of indoor *residential amenity space* shall be provided on the *lot* with a kitchen and washroom;
- (i) a minimum of 607 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*;
- (j) a minimum of 338 *parking spaces* shall be provided and maintained below *grade* on the *lot* in accordance with the following:
 - (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.48 *parking spaces* for each *one bedroom dwelling unit*;
 - (iii) 0.96 *parking spaces* for each *two bedroom dwelling unit*;
 - (iv) 1.2 *parking spaces* for each *three bedroom dwelling unit*;
 - (v) 0.06 *parking spaces* for every *dwelling unit* for visitors use;
 - (vi) not less than 310 *parking spaces* for residents; and
 - (vii) not less than 28 *parking spaces* for visitors, which spaces shall be signed exclusively for the use of visitors to the building.
- (k) a minimum of 400 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
 - (i) for residents, not less than 320 *bicycle parking spaces – occupant*, of which at least 80 shall be in a secure bicycle room at the P1, ground floor or the second level above grade level, all of which are weather protected and in common element area and not to be combined with a storage locker facility; and
 - (ii) for visitors, not less than 80 *bicycle parking spaces – visitor* of which at least 10 shall be provide at grade, and the remainder shall be provided at the P1 level;
- (l) at least one *loading space-type G* shall be provided and maintained on the *lot*;
- (m) at least one *loading space-type B* shall be provided and maintained on the *lot*;

- (n) 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 following facilities, services and matters in order to permit the increase in gross floor area and height authorized under this exception regulation:
- (i) prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 towards the proposed Community Center pool at Sherbourne Street and Wellesley Street and the Jarvis Street Improvement Project;
 - (ii) provide and maintain works of public art within the lot, or provide cash in lieu thereof prior to building permit issuance, of a value not less than \$400,000, indexed annually, implemented under the City's Public Art Program;
 - (iii) require that the cash amounts identified in i. and ii. above shall be indexed 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;
 - (iv) provide and maintain an irrigation system at the owner's expense for any 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 to the satisfaction of the General Manager, Technical Services;
 - (v) provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that up-grades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
 - (vi) provide for alternate servicing arrangements for any adjacent site which is connected to the existing combined sewer;
 - (vii) provide building materials and landscaping on the lot as shown on the plans submitted by Architects Alliance (elevations) date-stamped November 19, 2008 and Janet Rosenberg (landscape plans) date-stamped November 19, 2008 as on file with the Chief Planner and Executive Director, City Planning Division;

- (viii) 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;
 - (ix) build in conformity with the Green Development Standard Checklist submitted by the applicant and date stamped as received on June 28, 2008, to the satisfaction of the Chief Planner and Executive Director;
 - (x) incorporate noise mitigation measures, as required, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (xi) undertake reasonable commercial efforts to obtain LEED certification of the development and provide documentation respecting the certification process for the development to the City;
 - (xii) provide revisions to the development, or a Letter of Credit, in accordance with the recommendations of a Street Lighting Assessment;
 - (xiii) require the applicant to enter into a Site Plan Agreement under Section 41 of the *Planning Act*; and
 - (xiv) provide continuous weather protection with a minimum clear depth of three metres and minimum height of 3 metres on Jarvis Street.
5. Notwithstanding Section 6(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the site for any purpose except one or more of the following uses,
- (i) an apartment building;
 - (ii) a *retail store* having a maximum of 893 square metres on the ground floor; and
 - (iii) uses accessory thereto, including a *parking garage* located below finished ground level.
6. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the *lot*.
7. For the purposes of this By-law,
- (a) *temporary 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 130.14 metres above Canadian Geodetic Datum; and

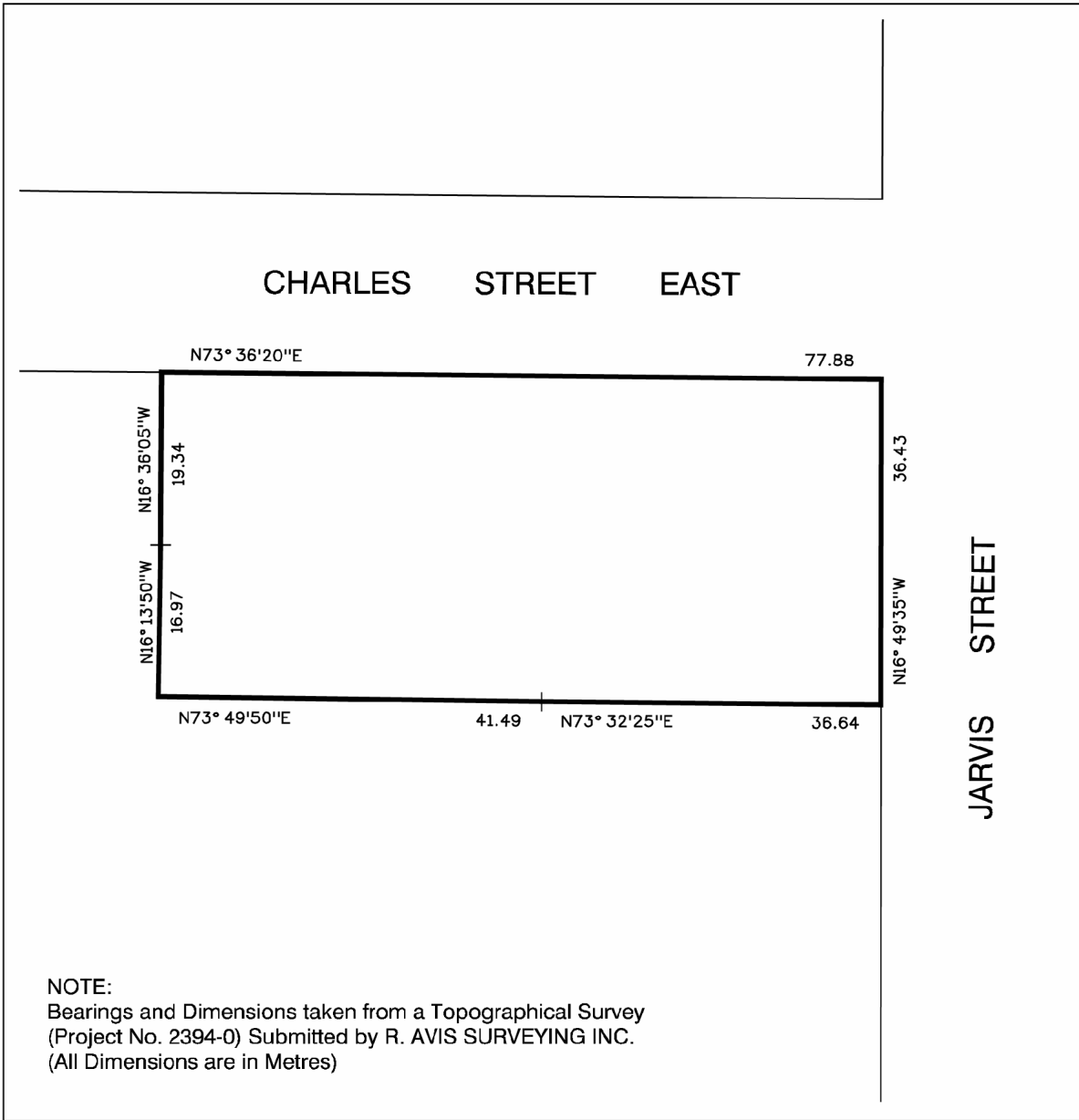
- (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
8. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions 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.

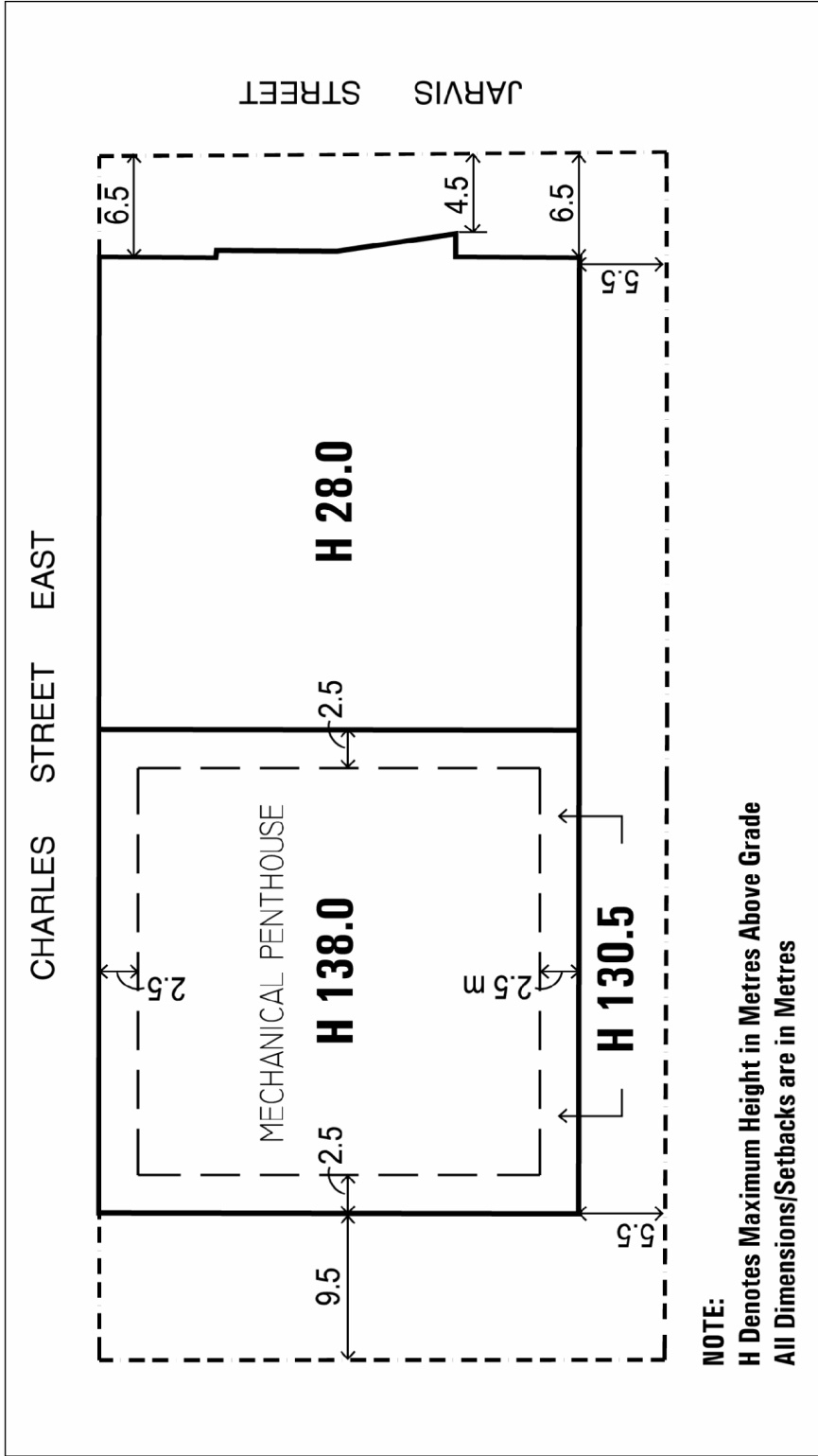
ENACTED AND PASSED this 27th day of May, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)





568-580 Jarvis St & 99, 101, & 103 Charles St east



Map 2

File # 08_111493



Note to Scale
12/01/08