

Authority: Toronto and East York Community Council Item 36.17, adopted as amended, by
City of Toronto Council on August 25, 26 and 27, 2010

Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1118-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to the lands municipally known as 203 Jarvis Street.

WHEREAS authority is given to Council 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 the Council of the City of Toronto, at its meeting on August 25, 26 and 27, 2010, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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 the conditions set out in this By-law and in return for the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* 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, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing 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", shall continue to apply to the *site*.
4. None of the provisions of Section 2 – Definitions And Interpretation (1) with respect to the definition of "*grade*" or "*lot*", Sections 4 Regulations To All Districts (2)(a), 4(5)(i)(ii), 4(8), 4(10), 4(13), 4(14), Mixed-use Districts 8(3) Part I, 8(3) Part II, and 8(3) Part XI of By-law No. 438-86, as amended, 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", shall apply to prevent the erection and use of a *hotel* or *suite hotel* building, with associated uses, on the lands municipally known in 2010 as 203 Jarvis Street, as more particularly identified on Map 1 of this By-law, provided that:

- (1) the *lot* is comprised of at least those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law, exclusive of any lands for lane widening purposes;
- (2) no portion of the building or structure above *grade*, shall be located above finished ground level other than within a *Building Envelope*, except for the following:
 - a. cornices, lighting fixtures, window washing equipment, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, bay windows, guardrails, balustrades, railings, wind mitigation screens and features, monuments, arbours, patios, decorative features, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, and landscape features;
 - b. structures used for outside or open air recreation, safety or wind protection, provided the maximum *height* of the structure is not higher than the sum of three metres and the *height* limit applicable to the *lot*;
- (3) the maximum *height*, for any building or structure on the *lot*, shall not exceed the *height* specified by the numbers following the symbol "H" as shown on Map 2, including any elements otherwise permitted in Section 4(2)(a)(i) and (ii) of By-law No. 438-86, provided that this paragraph does not prevent the erection and use of:
 - a. a railing or railings located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.1 metres;
 - b. a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 0.7 metres, and having a maximum combined vertical dimension with (a) above of 1.8 metres above the *height* of each of the roof levels of the building;
 - c. window washing equipment, stair towers, partitions dividing outdoor recreation areas and trellises located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 3.0 metres, except above the mechanical penthouse roof level *height* of 66.6 metres; and
 - d. window washing equipment, lightning rods and exhaust flues located above the mechanical penthouse roof level *height* of 66.6 metres provided the maximum vertical dimension of any such element does not exceed 1.2 metres;

- (4) the total *gross floor area* erected or used for a *hotel* or *suite hotel* and associated uses on the *lot* does not exceed 14,705 square metres, inclusive of a maximum 105 square metres on the ground floor for retail and service uses;
 - (5) one *loading space-type B* shall be provided and maintained on the *lot*;
 - (6) a minimum of 10 weather protected bicycle parking spaces for employees shall be provided and maintained on the *lot* and comply with the bicycle parking space dimension requirements of *bicycle parking space-occupant*;
 - (7) ingress and egress access to *parking spaces* may be provided by car elevator and valet service;
 - (8) a minimum of 90 square metres of public open space shall be provided on the *lot*; and
 - (9) minimum required yard setbacks for the building or structure or portion thereof shall not be less than the distance shown in metres on Map 2 attached to and forming part of this By-law; and
 - (10) the building shall be setback a minimum of 0.86 metres from the widened public lane as shown on Map 2 along the east property line, except that a portion of the building located at the southeast corner of the property may have a 0 metre setback beginning at 10 metres clear above *grade*.
5. For the purposes of this By-law:
- (1) "*building envelope*" means a Building Envelope as delineated on Map 2 attached hereto,
 - (2) "*grade*" shall mean 87.5 metres Canadian Geodetic Datum;
 - (3) "*height*" shall mean the vertical distance between *grade* and the highest point of the roof;
 - (4) "*suite hotel*" shall mean a *hotel* with those portions of a *hotel* building composed of temporary living accommodations which may include self-contained bathroom and kitchen facilities, but shall not include laundry facilities within individual suites.
 - (5) all terms appearing in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, except as hereinbefore provided.
6. Notwithstanding any severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

7. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

APPENDIX 1**SECTION 37 PROVISIONS**

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner of the site to the City in accordance with an agreement or agreements pursuant to Section 37(1) of the *Planning Act*:

- a. prior to the issuance of the first above-grade permit, pay to the City the sum of \$800,000 towards streetscape improvements on Jarvis Street;
- b. require that the cash amounts identified in a. above shall be indexed annually 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;
- c. build in conformity with the Toronto Green Standard Checklist submitted by the applicant on March 31, 2008, to the satisfaction of the Chief Planner and Executive Director of City Planning;
- d. the owner shall prepare all documents and convey to the City, for nominal consideration, a 1.67 metre wide strip of land to the full extent of the site abutting the west limit of the north-south public lane, to a minimum depth of 0.5 metres from finished grade, such lands to be free and clear of all physical and title encumbrances, in fee simple for lane widening purposes and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated as a public highway, to the satisfaction of the Executive Director, Technical Services;
- e. as part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the elevations along Jarvis Street and Shuter Street of the podium and two floors above, with building materials labelled;
- f. the owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- g. the owner shall enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 41(16) of the Planning Act and Section 114 of the *City of Toronto Act, 2006*.

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.



