

CITY OF TORONTO

BY-LAW No. 154-2011(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 18 Lower Jarvis Street.

WHEREAS the Ontario Municipal Board pursuant to its Orders dated August 13, 2008, April 13, 2010 and May 28, 2010, upon hearing the appeal of Context Real Estate Inc. Under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend By-law No. 438-86 of the former City of Toronto, as amended with respect to the lands known municipally as 18 Lower Jarvis Street;

THEREFORE By-law No. 438-86 of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. District Map 51G-321 contained in Appendix "A" of the aforesaid By-law No. 438-86, is hereby further amended by redesignating the lands delineated by heavy lines to CR T9.5 C0.5 R9.0 as shown on Plan 1 attached hereto.
2. None of the provisions of Section 2 defining the terms "*grade*", "*street-related retail and service uses*" and "*lot*", and Sections 4(2)(a), 4(5)(b), 4(5)(h), 4(8)(b), 4(12), 4(13), 4(17), 8(3) PART I 1 and 3, 8(3) Part II 1.(a)(i)(ii), 8(3) Part III 1(a) and 12(2)260 of By-law No. 438-86, 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, the provisions of Sections 15, 24, 25 and 26 of By-law No. 515-76, being "A By-law to amend By-law No. 20623 to regulate certain lands within the St. Lawrence Neighbourhood" as amended, or the provisions of By-law No. 812-78 shall apply to prevent the erection and use of a *mixed-use building* on the lands shown on Plan 1 attached to and forming part of this By-law, provided that:
 - A. the *lot* comprises not less than the lands outlined by heavy lines on Plan 1;
 - B. no part of such building above *grade* is located otherwise than wholly within the area shown delineated by heavy lines on Plan 2 attached hereto other than:
 - (i) balconies or canopies which may project a maximum of 3 metres from the wall to which they are attached; and
 - (ii) landscape structures or a crash wall no more than 10 metres in height.
 - C. no portion of any *building* or structure erected or used on such lands is located above the *height* limits shown on Plan 2 attached hereto other than balconies which may project a maximum of 3 metres from the wall to which they are attached;

- D. the aggregate amount of the *residential gross floor area* and the *non-residential gross floor area* erected or used on such lands does not exceed 55,200 square metres; of which:
- (i) not more than 2,700 square metres shall be *non-residential gross floor area* for the purposes of *street-related retail and service uses*;
 - (ii) not more than 38,000 square metres shall be *residential gross floor area*; and
 - (iii) not more than 14,500 square metres shall be *non-residential gross floor area* or *residential gross floor area* used for the purposes of an above grade parking facility.
- E. the number of *dwelling units* erected or used on such lands does not exceed 480;
- F. *parking spaces* shall be provided and maintained for *dwelling units* in accordance with the following minimum standards:
- (i) 0.27 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.64 *parking spaces* for each one *bedroom dwelling unit*;
 - (iii) 0.91 *parking spaces* for each two *bedroom dwelling unit*;
 - (iv) 1.09 *parking spaces* for each three or more *bedroom dwelling unit*; and
 - (v) a minimum of 0.06 *parking spaces* per *dwelling unit* for visitors to the building, provided that such spaces may be shared with *parking spaces* to be provided and maintained for non-residential use.
- G. the above grade parking facility contains no more than 400 parking spaces, of which:
- (i) a maximum 2 car-share parking spaces may be include;
 - (ii) for each car-share parking space provided on the site, the minimum resident parking required shall be reduced by 5 parking spaces;
 - (iii) no more than 18 parking spaces may have a minimum width of 2.6 metres where one side of the parking space is obstructed, a minimum width of 3.0 metres where both sides of the parking space are obstructed and having a minimum parking space length of 5.6 metres; and
 - (iv) all parking spaces referenced in subsection G(iii) above shall be included in the calculation for total required parking spaces for the site.

- H. at least 1 *loading space – Type B* and 2 *loading spaces – Type G* are provided and maintained on the *lot*;
- I. *residential amenity space* is provided on the *lot* in the following minimum amounts:
- (i) 1.4 square metres for each *dwelling unit* located outdoors; and
 - (ii) 2.0 square metres for each *dwelling unit* located indoors.
- J. the building may be constructed in not more than two phases, consisting of the portions of the building located within the areas designated *Phase 1* and *Phase 2* on the aforesaid Plan 2 provided that:
- (i) notwithstanding subsection 2H herein, upon completion of *Phase 1* at least 1 *loading space – Type B* and 1 *loading space – Type G* is provided and maintained within *Phase 1*;
 - (ii) notwithstanding subsection 2I(ii) herein, Phase 1 may be erected and used with no less than 190 square metres of *residential amenity space* located indoors;
 - (iii) notwithstanding subsection 2K herein, the facilities, services and matters to be provided prior to the issuance of the first above-grade building permit for *Phase 1* shall consist only of \$100,000 as indexed pursuant to the agreement referred to in Subsection 2L herein, for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property; and
 - (iv) notwithstanding subsection 2M, Phase 1 may be constructed and used with less than a minimum of 5% of dwelling units containing at least three bedrooms or the provision of knock out panels to achieve a minimum of 5% of the dwelling units containing at least three bedrooms.
- K. the owner of the lands at its expense and in accordance with and subject to the agreement referred to in subsection 2L herein, provides the following facilities, services and matters:
- (i) prior to the issuance of the first above-grade building permit pays to the City the sum of \$500,000, as indexed pursuant to the agreement referred to in Subsection 2L herein, for the purposes of streetscaping improvements on Lower Jarvis Street not abutting the property; and
 - (ii) prior to the issuance of the first above-grade building permit pays to the City, or financially secures the sum of \$1,000,000, as indexed pursuant to the agreement referred to in Subsection 2L herein, for the purposes of a public art contribution, which could be used to improve the pedestrian environment along Lower Jarvis Street between Front Street East and

Lake Shore Boulevard East, including potential enhancements to the canopy along Lower Jarvis Street, the CN underpass and the St. Lawrence Market colonnade.

- L. the owner of the *lot* enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in subsections 2J(iii) and 2K of this By-law, the said agreement to include provisions relating to indexing, insurance, GST, termination, unwinding and registration, and registers such agreement on title to the lands as a first charge, such agreement and registration to be to the satisfaction of the City Solicitor;
 - M. a minimum of 5% of the *dwelling units* shall contain at least three bedrooms or the provision of knock out panels to achieve a minimum of 5% of the *dwelling units* containing at least three bedrooms;
 - N. for *Phase 1* a minimum of 63 *bicycle parking spaces - occupant* shall be provided and may be combined with storage lockers;
 - O. for *Phase 1* and *Phase 2* combined a minimum of 33 *bicycle parking spaces - occupant* shall be in a common element room with the *bicycle parking spaces* not combined with storage lockers and the remainder of the minimum required 127 *bicycle parking spaces - occupant* may be combined with storage lockers;
 - P. for *Phase 1* and *Phase 2* combined a minimum of 40 *bicycle parking spaces - visitor* shall be provided;
 - Q. a canopy or colonnade shall cover an area with a minimum horizontal clear depth of 3 metres along Wilton Street;
 - R. a window of a *dwelling unit* (other than a window of a kitchen or bathroom) or a window of a *dwelling room* in the building shall not be located closer than 9.5 metres to a window of another *dwelling unit* (other than a window of a kitchen or bathroom) or a window of a *dwelling room* on the same *lot* for Phase 2 of the development on levels 6 and 7; and
 - S. a window of a *dwelling unit* (other than a window of a kitchen or bathroom) or a window of a *dwelling room* in the building shall not be located closer than 4.7 metres to a wall, or to a lot line that is not a street line for Phase 2 of the development.
3. For the purposes of this By-law:
- (a) *Phase 1* shall mean Phase 1 as shown on Plan 2;
 - (b) *Phase 2* shall mean Phase 2 as shown on Plan 2;
 - (c) "*grade*" means 77.05 metres above Canadian Geodetic Datum;

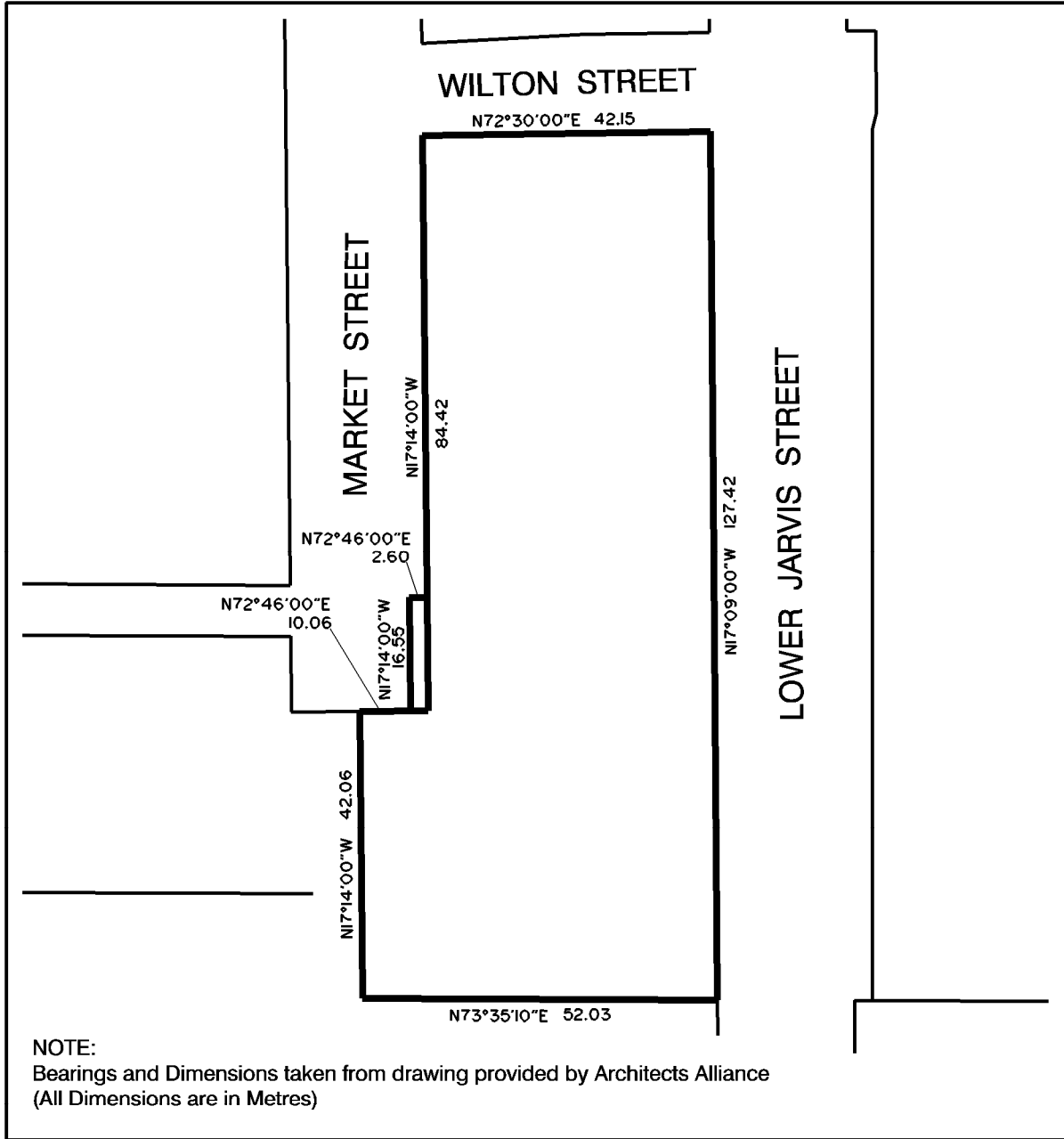
- (d) *"lot"* means those lands delineated by heavy lines as shown on the attached Map 1, which shall be deemed to be one *lot* regardless of whether or not two or more structures are erected or are to be erected on any part or parts thereof and regardless of any conveyance or easements made or granted after the day this by-law comes into force, and may include a portion of the Market Street road allowance abutting the lands shown as a hatched area on Plan 1 provided such lands are closed as a public street and conveyed to the owner;
- (e) *"auto-share"* shall mean the practice where a number of people share the use of one or more automobiles that are owned by a profit or non-profit auto-sharing organization and where such organization may require that use of automobiles to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the auto-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (f) *"auto-share parking space"* shall mean a *parking space* that is reserved and actively used for *auto-share* purposes; and
- (g) *"street-related retail and service uses"* means the same as the term defined in Section 2 of By-law No. 438-86, except that permitted uses shall be limited to one or more of the following:

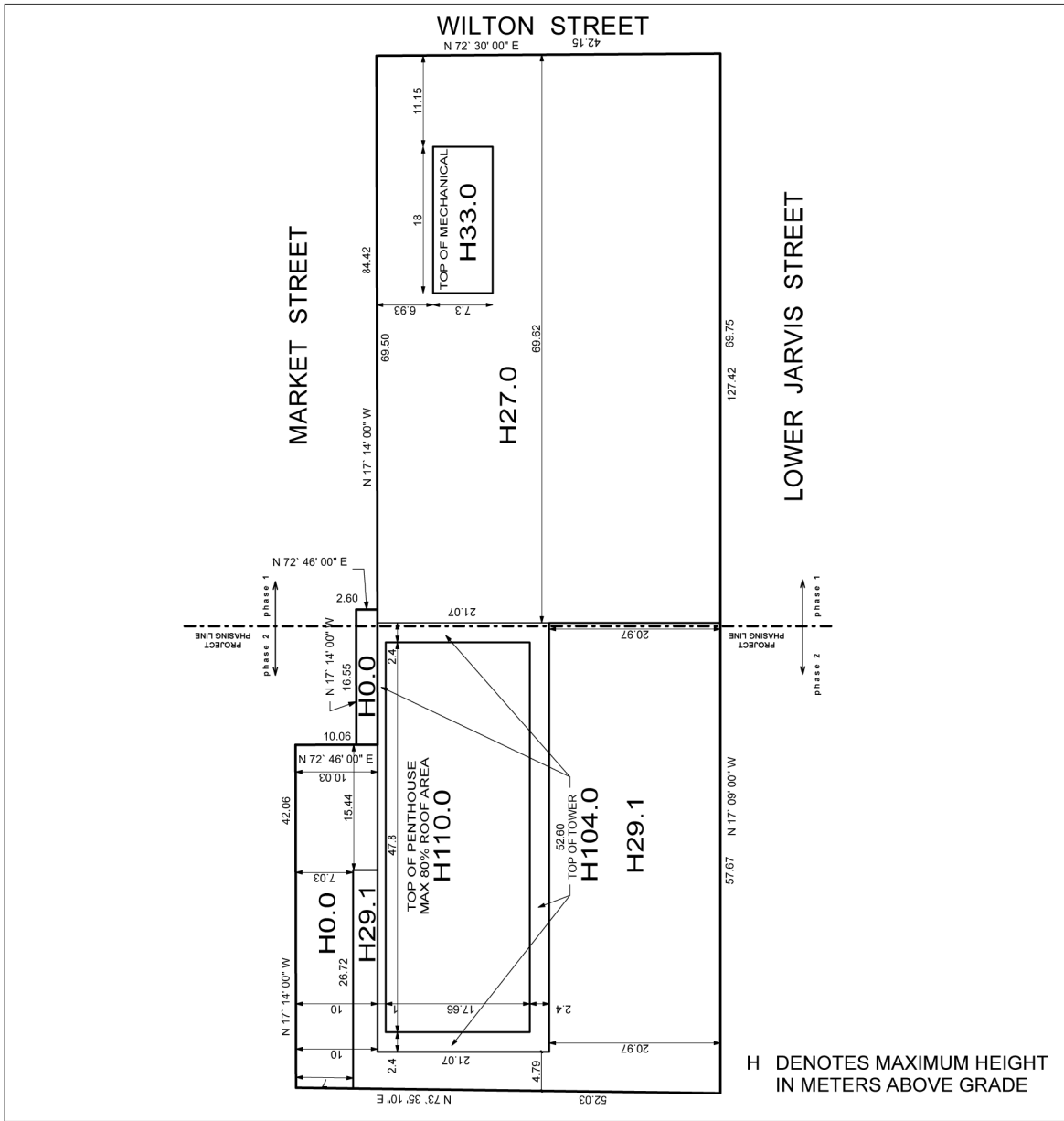
clinic;
community centre;
day nursery;
municipal community centre;
public art gallery;
public library;
public museum;
auctioneer's premises;
bake shop;
branch of a bank or financial institution;
courier service;
dry-cleaner's distributing station;
personal grooming establishment;
private art gallery;
restaurant;
retail store;
showroom;
tailoring shop; and
take-out restaurant.

4. None of the provisions of By-law No. 438-86, this By-law or any restrictive By-law shall apply to prevent the use of the *lot* for a temporary sales showroom for the purposes of selling the residential dwellings set out in this By-law or for temporary surface visitor parking for the purposes of visiting a temporary sales showroom.

- 5.** Former City of Toronto By-law No. 97-0640 is hereby repealed.

PURSUANT TO DECISION/ORDERS ISSUED ON AUGUST 13, 2008, APRIL 13, 2010 AND MAY 28, 2010 OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL060607.





H DENOTES MAXIMUM HEIGHT IN METERS ABOVE GRADE

