

Authority: Toronto and East York Community Council Item 11.8, adopted as amended, by  
City of Toronto Council on November 29, 30 and December 1, 2011  
Enacted by Council: February 7, 2012

## CITY OF TORONTO

### BY-LAW No. 161-2012

**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 155 to 163 Dundas Street East and 200 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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set 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 an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); 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 lands 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 5(1) 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. The *owner* of the *lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *lot* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2 with respect to the definition of *grade*, *height* and *bicycle parking space* and Sections 4(2)(a), 4(5)(b), 4(5)(f)(i), 4(8), 4(10), 4(12), 4(13), 4(14), 4(16), and 8(3) Part I 1. and 3. 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*, including *accessory* uses thereto on the *lot* provided that:
  - a. the *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
  - b. the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 27,100 square metres;
  - c. the *residential gross floor area* shall not exceed 26,200 square metres;
  - d. the *non-residential gross floor area* shall not exceed 900 square metres;
  - e. the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
    - i. parapets, terrace or balcony guards and dividers, planters and railings extending to a maximum vertical projection of 2.0 metres above the height limits shown on Map 2;
    - ii. window washing equipment, landscape elements, lighting fixtures, vents, flues, pipes, access roof hatch, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may project above the height limits shown on Map 2;
  - f. no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:

- i. cornices, eaves, guardrails, and vents may extend beyond the heavy lines shown on Map 2;
  - ii. awnings, and canopies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres beyond the wall to which they are attached;
  - iii. balconies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres; and
  - iv. retaining walls and landscape elements of maximum height of 3.0 metres may extend beyond the heavy lines shown on Map 2 but may not extend beyond the south lot line.
- g. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 72 *parking spaces* are required on the lot;
- Visitor Parking:
- i. a minimum of 8 *parking spaces* shall be for visitor parking; and
  - ii. the visitor *parking spaces* required to be provided and maintained on the *lot* pursuant to this By-law shall be reserved at all times for visitors to the residential portion of the building and shall be individually designated by means of clearly visible signs as being for the exclusive use of visitors to the building.
- h. a minimum of 204 *bicycle parking spaces* shall be provided on the *lot*, subject to the following:
- i. a minimum of 178 *bicycle parking spaces* shall be provided for residents in a secure room or area and not be combined with a storage locker facility;
  - ii. a minimum of 26 *bicycle parking spaces* shall be provided at *grade* for visitors.
- i. *residential amenity space* shall be provided on the *lot* as follows:
- i. a minimum of 437 square metres of indoor *residential amenity space*; and
  - ii. a minimum of 605 square metres of outdoor *residential amenity space*.
- j. a minimum of one *loading space – type "G"* shall be provided on the *lot*; and
- k. 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 Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.

6. For the purpose of this By-law:
  - a. "*grade*" shall mean 88.88 metres Canadian Geodetic Datum;
  - b. "*height*" shall mean the vertical distance between *grade* and the highest point of the roof, excluding permitted projections identified in section 5(e) of this By-law; and
  - c. each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 7th day of February, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## Appendix "1"

### Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of that *lot* at its expense 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* and the owner 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. The *owner* shall pay to the City a payment of \$150,000 within thirty days following the Zoning By-law amendments becoming final and binding and, in any event, no later than prior to the first above grade building permit. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date the Section 37 Agreement to the date of payment.

Such payment will be deposited to the Planning Act Reserve Fund and may be used for a Heritage Conservation District Study.

2. The *owner* shall pay to the City a payment of \$300,000 prior to the first above grade building permit. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date the Section 37 Agreement to the date of payment.

Such payment may be used for laneway improvements between Mutual and Jarvis Street

3. The *owner* shall pay to the City a payment of \$400,000 prior to the first above grade building permit. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date the Section 37 Agreement to the date of payment.

Such payment will be deposited into the Planning Act Reserve Fund and may be used for improvements to Allan Gardens Park.

4. The *owner* shall pay to the City a payment of \$300,000 prior to the first above grade building permit. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date the Section 37 Agreement to the date of the payment

Such payment may be used for improvements to 170 Jarvis Street (Good Neighbours' Club).

5. The *owner* shall enter into satisfactory Agreements of Purchase and Sale with Artscape and/or the City for the conveyance of each of 14 dwelling units on the Site prior to the issuance of the first above grade building permit for the Site.

6. The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in the year 2011 as 155-163 Dundas Street East and 200 Jarvis, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.



