

Authority: Toronto and East York Community Council Item 34.27,
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

CITY OF TORONTO

BY-LAW No. 1028-2014

To amend former City of Toronto By-law No. 192-93, with respect to the lands municipally known as 186 and 188 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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or 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 and matters in return for an increase in the height or density of development, a 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by *By-law No. 192-93*, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the lands and the City of Toronto;

The Council of the City of Toronto enacts:

1. *By-law No. 192-93* is further amended by deleting Sections 1, 2 and 3 and replacing with the following:
 1. None of the provisions of Sections 4(2)(a), 4(5), 4(12), 4(13), 4(16), 8(3) Part I 1, 8(3) Part I 3, 8(3) Part II 1, 8(3) Part III 1(a) and 8(3) Part XI 2 of Zoning 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", as amended, shall apply to prevent the erection and use of a *university residence* and non-residential uses, on the *lot* delineated by heavy lines on the attached Map 1, provided that:

- (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
- (b) the total combined *non-residential gross floor area* and *residential gross floor area* shall not exceed 18,000 square metres;
- (c) the total *residential gross floor area* shall not exceed 17,700 square metres;
- (d) the total *non-residential gross floor area* shall not exceed 300 square metres, including a *restaurant* or cafeteria on the ground floor;
- (e) a maximum of 191 *dwelling units*, with a maximum of 593 beds are permitted on the lot;
- (f) the *university residence* has the same meaning as in By-law No. 438-86, and in addition, the building must contain only *dwelling units*, and may be owned or operated by a college, and it may be owned or operated by another party on behalf of or for the use/benefit of one or more universities, polytechnical institutes or colleges;
- (g) no portion of any building or structure erected on the *lot* and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following: cornices, eaves, vents, canopies, awnings, skylights, ornamental elements, trellises, lighting fixtures, balconies, fences, landscape elements, retaining walls, ramps to an underground garage, stairways and railings;
- (h) no portion of the *building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol "H", shown on Map 2, with the exception of the following:
 - (i) parapets, including roof drainage, railings, thermal insulation and roof ballast, partitions dividing outdoor recreation areas, and trellises may have a maximum vertical projection of 2.0 metres;
 - (ii) window washing equipment, landscape elements, lighting fixtures, vents, pipes, access roof hatch, lightning rods and exhaust flues may project above the mechanical penthouse roof level *height* of 99.0 metres;
- (i) no portion of the *building* on the *lot*, shall have more than 30 *storeys*;
- (j) *residential amenity space* shall be provided on the *lot* as follows:
 - (i) a minimum of 382 square metres of indoor *residential amenity space* shall be provided; and

- (ii) no outdoor *residential amenity space* shall be required.
 - (k) despite Section 4(5)(b) of Zoning By-law No. 438-86, the minimum number of *parking spaces* shall be provided and maintained on the *lot*, as follows:
 - (i) 0.16 *parking spaces* for each *dwelling unit*, with minimum of 31 *parking spaces*.
 - (l) a minimum of 174 *bicycle parking spaces* shall be provided and maintained on the *lot* as horizontal, vertical or stacked bicycle spaces, in accordance with the following:
 - (i) for residents, not less than 168 *bicycle parking spaces - occupant*, and may be provided underground;
 - (ii) for non-residential occupants and all visitors, not less than 6 *bicycle parking spaces - visitor*, and may be provided underground;
 - (iii) if a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres;
 - (iv) an area used to provide stacked bicycle parking spaces must have a minimum vertical clearance of 2.4 metres.
2. For the purpose of this By-law:
- (a) By-law No. 192-93 means By-law No. 192-93 of the former City of Toronto, being a By-law to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands known as 186 and 188 Jarvis Street;
 - (b) grade means 88.1 metres Canadian Geodetic Datum;
 - (c) height means the height above grade as shown on Map 2;
 - (d) owner means the registered owner of the lot;
 - (e) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended.
3. Notwithstanding 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 had occurred.

4. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein beyond that otherwise permitted in *By-law No. 192-93* is permitted in return for the provision by the *owner*, at the *owner's* expense of certain facilities, services and matters set out in Schedule A hereof subject to and in accordance with an agreement pursuant to Section 37(3) of the *Planning Act* that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
5. Where Schedule "A" of this By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE "A"

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the *lot* and in accordance with an agreement under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

- (1) The *owner* shall provide:
 1. Prior to the issuance of the first above-grade building permit, a cash contribution of \$145,200 toward capital improvements for properties owned by Toronto Community Housing Corporation, to the satisfaction of the Chief Executive Officer, Toronto Community Housing Corporation, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.
 2. Prior to the issuance of the first above-grade building permit, a cash contribution of \$250,000 toward offsite local City-owned laneway improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.
 3. Prior to the issuance of the first above-grade building permit, a cash contribution of \$250,000 for local parklands and streetscape improvements to the satisfaction the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index of Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.
 4. Prior to the issuance of the first above-grade building permit, a cash contribution of \$806,800 toward the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units in Ward 27, and/or cultural/community/cultural space improvements in the local area to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment be made.
- (2) In the event the cash contributions referred to in Section (1) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward

Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

- (3) The following matters shall be secured in the Section 37 Agreement as a legal convenience to support development:
1. Prior to the issuance of any building permit for the site, including shoring and excavation, the *owner* shall have obtained title to the land shown on this By-law, Map 1 as "Lane to be Purchased by Applicant";
 2. Prior to the issuance of any building permit for the site, including shoring and excavation, the *owner* shall have conveyed at no cost to the City a stratified overland flow stormwater easement, satisfactory to the Executive Director of Engineering and Construction Services in consultation with the City Solicitor, such easement to be in the location shown as "Proposed Easement Below" on Attachment 1 to report dated July 14, 2014, from the Director, Community Planning, Toronto and East York District, reference no. 12 245456 STE 27 OZ and be in compliance with the accepted drawings in paragraph 3 below and to include terms whereby the *owner* shall be responsible for maintenance of the overland flow corridor and shall insure and indemnify the City;
 3. Provision of detailed design drawings showing the overland flow route and patterns from the public east-west laneway to the overland flow route corridor to the satisfaction of the City's Executive Director of Engineering and Construction prior to the issuance of any building permits for the site;
 4. Construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Management Committee Item 32.3 of the Planning and Growth Management Committee; and
 5. Submission of a Construction Management Plan to the satisfaction of the Executive Director of Engineering and Construction prior to the issuance of any building permits for the site.



