

Authority: Local Planning Appeal Tribunal  
Decision issued on June 18, 2019 and Orders  
issued on May 15, 2020 and July 16, 2020, in  
Tribunal File PL170099

## CITY OF TORONTO

### BY-LAW 682-2020(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2019 as 203 Jarvis Street, and to repeal By-law 1118-2010.**

Whereas the owner of the lands known municipally in the year 2019 as 203 Jarvis Street applied for a zoning by-law amendment for redevelopment of the lands and appealed that application to the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board; and

Whereas authority is given to the Local Planning Appeal Tribunal by Section 34(26) of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this by-law; and

Whereas the Local Planning Appeal Tribunal, by its Decision issued on June 18, 2019 and Orders issued on May 15, 2020 and July 16, 2020, in File PL170099 approved amendments to City of Toronto Zoning By-law 438-86, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains 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 and/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 and/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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 438-86 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 land and the City of Toronto;

Therefore, By-law 438-86, of the former City of Toronto, as amended, is further amended by the Local Planning Appeal Tribunal as follows:

1. None of the provisions of Sections 2(1) with respect to the definition of "*bicycle parking space – visitor*", "*bicycle parking space – occupant*", "*grade*", "*lot*" and "*parking*

*stacker*", and Sections 4(2)(a), 4(5)(b) and (g), 4(5)(h), 4(8)(b), 4(12), 4(13)(a),(c) and (d), 4(14)(a)(iii), 4(17) 8(3) PART I 1, 2 and 3(a) and (b), 8(3) PART II 1(a)(ii) and 2(a), 8(3) PART XI 1, 12(2)(270), 12(2)(380) of Zoning By-law 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", or the provisions of By-law 517-76, By-law 197-93, and By-law 182-70 shall apply to prevent the erection and use of a *mixed-use building* containing *dwelling units* and a *hotel*, and uses *accessory* thereto, on the *lot* provided that:

- a. the *lot* on which the building is to be located comprises at least those lands within the heavy lines on Map 1, attached to and forming part of this By-law;
- b. the total combined *residential gross floor area* and *non-residential gross floor area* of any building or structure erected on the *lot* shall not exceed 20,800 square metres, of which:
  - i. the total *residential gross floor area* of any building or structure erected on the *lot* shall not exceed 11,500 square metres;
  - ii. the total *non-residential gross floor area* of any building or structure erected on the *lot* shall not exceed 9,300 square metres; and
  - iii. no *residential gross floor area* shall be located above a Canadian Geodetic Datum elevation of 188.75 metres;
- c. a maximum of 179 *dwelling units* are permitted on the *lot*;
- d. a minimum of 10 percent of the *dwelling units* must have three or more bedrooms;
- e. no portion of any building or structure on the *lot* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol HT on Map 2 attached to and forming part of this By-law, except for the following:
  - i. roof drainage, thermal insulation and roof ballast which may exceed said *height* limits by a maximum of 1 metre;
  - ii. parapets, planters, green roof elements, vents flues, pipes, access roof hatch railings, terrace or balcony guards and dividers, elevator overrun and heating, cooling and ventilating equipment and fence which may exceed said *height* limits by a maximum of 2 metres;
  - iii. trellises, stairs, stair enclosures, wall or structure enclosing elements, railings, window washing equipment, partitions, screens, ornamental elements, architectural elements, landscape elements, lighting fixtures, structures located on the roof used for outside or open air recreation,

- safety or wind protection purposes, which may exceed said *height* limits by a maximum of 3.2 metres; and
- iv. within the area denoted as HT 52.3 on Map 2 of By-law 682-2020(LPAT), no portion of any building or structure shall be located between a Canadian Geodetic Datum of 106.5 and 115.5 metres.
- f. the maximum number of *storeys* permitted in a *mixed-use building* on the *lot* is 32 *storeys*, excluding the mechanical penthouse and mezzanine.
- g. no portion of any building or structure erected and used above *grade* on the *lot* 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, except for:
- i. columns, piers, pillars and window sills with a maximum projection of 1 metre;
  - ii. cornices, light fixtures, ornamental elements (including mullion caps and projected metal panels), parapets, planters and ventilation shafts to a maximum projection of 2 metres;
  - iii. art and landscape features, patios, decks, pergolas, trellises, guardrails, balustrades, railings, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated to a maximum of 3 metres; and
  - iv. balconies may project a maximum of 2.0 metres, provided they do not exceed an individual area of 4.0 square metres
- h. *residential amenity space* shall be provided in accordance with the following:
- i. a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit*; and
  - ii. a minimum of 1.25 square metres of outdoor *residential amenity space* per *dwelling unit*;
- i. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i. a minimum of 0.26 *parking spaces* per *dwelling unit* for the residents of the *dwelling units*;
  - ii. a minimum of 29 *parking spaces* for the shared use of the *hotel* and visitors to the *dwelling units*;

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- iii. if the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
  - iv. *parking spaces* may be provided in *parking stackers*;
  - v. *parking spaces* not located in a *parking stacker* shall have the following minimum dimensions:
    - (A) length - 5.6 metres;
    - (B) width - 2.6 metres; and
    - (C) vertical clearance - 2.0 metres;
  - vi. a minimum of 4 accessible *parking spaces* located closest to a barrier free pedestrian entrance within the parking garage providing access to an elevator serving the ground floor and having the following minimum dimensions shall be provided and maintained on the *lot*:
    - (A) length - 5.6 metres;
    - (B) width - 3.4 metres; and
    - (C) vertical clearance - 2.1 metres;
  - j. a minimum of one *loading space* – "Type G" shall be provided and maintained on the *lot*; and
  - k. *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
    - i. 162 *bicycle parking spaces* – *occupant*; and
    - ii. 28 *bicycle parking spaces* – *visitor*;
2. For the purpose of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as such word or expression as defined by By-law 438-86 as amended, with the exception of the following:
- a. "*grade*" shall mean 87.50 metres Canadian Geodetic Datum;
  - b. "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
  - c. "*parking stacker*" shall mean a mechanical motor vehicle parking facility with *parking spaces* which are positioned above each other, may not be readily

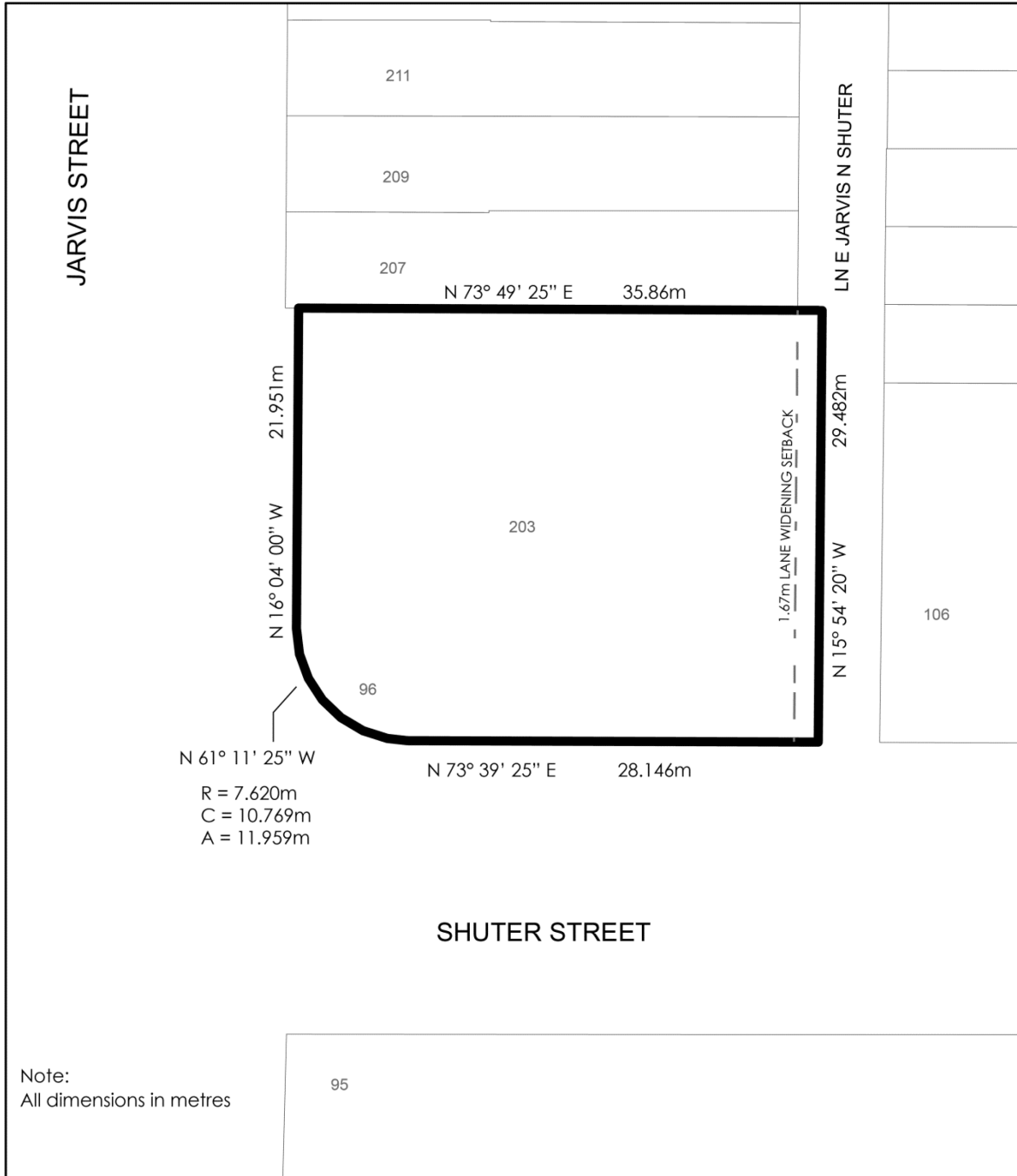
accessible at all times without maneuvering another vehicle or a device, and shall have minimum dimensions of 2.3 metres by 5.1 metres;

- d. *"bicycle parking space – occupant"* means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and:
- i. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.325 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.325 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - iii. where bicycles are to be parked in a bicycle rack or in a stacked manner, bicycles may be parked in a secured room or area, in bicycle lockers and in all such cases the dimensions in 2(d)(i) and (ii) shall not apply and a minimum vertical dimension of at least 1.1 metres is required;
- e. *"bicycle parking space – visitor"* means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
- i. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.325 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - ii. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.325 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - iii. may be located indoors or outdoors including within a secured room or enclosure; and
  - iv. where bicycles are to be parked in a bicycle rack or in a stacked manner, bicycles may be parked in a secured room or area, and in all such cases the dimensions in 2(e)(i) and (ii) shall not apply and a minimum vertical dimension of at least 1.1 metres is required;
- f. 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 By-law 438-86, as amended.

3. The provisions of this By-law respecting the use of the lands, or the *height* or use of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.

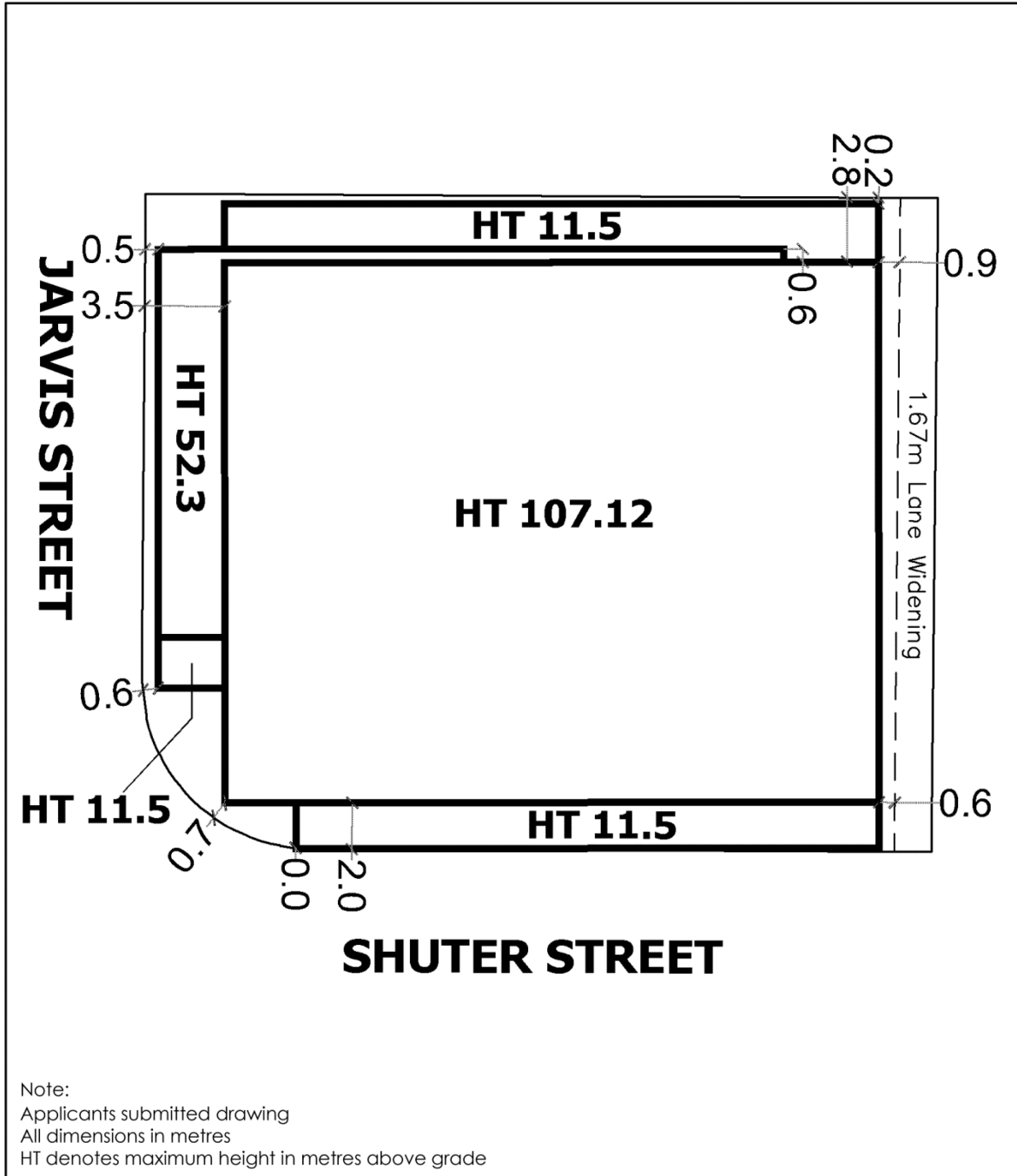
4. By-law 1118-2010 is hereby repealed.
5. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
6. Within the lands shown on Map 1 attached to this By-law, 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.
7. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
8. 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.
9. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to Local Planning Appeal Tribunal Decision/Orders issued on June 18, 2019 and May 15, 2020 and July 16, 2020 in File PL170099.



203 Jarvis Street

File # 16 207248 STE 27 OZ





**SCHEDULE A**  
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner 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. Prior to the issuance of the first above *grade* building permit the *owner* shall enter into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act, to be registered on title and to the satisfaction of the City Solicitor, which shall include the following benefits:
  - a. A cash contribution of \$1,000,000, and 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 is made, to be allocated in accordance with Official Plan policy 5.1.1 and to be allocated to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor as follows:
    - i. \$400,000 for local area streetscape and park improvements;
    - ii. \$300,000 for capital improvements in cultural, community and recreation city-owned facilities in Ward 13; and
    - iii. \$300,000 to improve new or existing affordable housing in Ward 13;
  - b. A community benefits package/strategy that provides, as a minimum, using best efforts to the local hiring of construction workers and hotel workers; and
  - c. The proposed hotel will provide union jobs and not function as a bed-and-breakfast establishment.