

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 683-2020(LPAT)**

**To amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 203 Jarvis Street.**

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 Tribunal File PL170099, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 203 Jarvis Street; 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 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 569-2013, 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, pursuant to the Order of the Local Planning Appeal Tribunal, City of Toronto Zoning By-law 569-2013, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 3.5 (c2.0; r2.0) SS1 (x223) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA1, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 30.0, as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 to these lands, as shown on Diagram 5 attached to this By-law.
8. Zoning By-law 569-2013 as amended, is further amended by adding Article 900.11.10 Exception Number 223 so that it reads:

#### **Exception CR 223**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 203 Jarvis Street, if the requirements of Section 11 and Schedule A of By-law 683-2020(LPAT) are complied with then a **mixed use building** may be constructed in compliance with regulations (B) to (X) below;
- (B) Section 600.10 with respect to **building setbacks**, does not apply;
- (C) The **lot** consists of the lands as shown on Diagram 1 of By-law 683-2020(LPAT);
- (D) Despite Regulation 40.10.40.40(1), the total **gross floor area** of the **mixed use building** on the **lot** must not exceed 21,250 square metres, of which:
  - (i) a maximum of 11,750 square metres of **gross floor area** may be used for residential uses;

- (ii) a maximum of 9,500 square metres of **gross floor area** may be used for non-residential uses; and
  - (iii) no residential **gross floor area** may be located above a Canadian Geodetic Datum elevation of 188.75 metres;
- (E) A maximum of 179 **dwelling units** are permitted on the **lot**;
- (F) A minimum of 10 percent of the **dwelling units** must have three or more bedrooms;
- (G) Despite regulation 40.5.40.10(1), for the purpose of this exception, the height of a **building or structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 87.50 metres and the highest point of the **mixed use building**;
- (H) Despite Regulation 40.10.40.10(1) and 40.5.40.10(4) and (5), no portion of the **mixed use building** may exceed the maximum height in metres specified by the numbers following the letters "HT" on Diagram 6 of By-law 683-2020(LPAT);
- (I) Despite (H) above, no portion of the **mixed use building** may be located in the area denoted as HT 52.3 on Diagram 6 between Canadian Geodetic Datum elevation of 106.5 and 115.5 metres;
- (J) Despite regulation 40.10.40.10(7) the permitted maximum number of **storeys** in the **mixed use building** on the **lot** is 32 **storeys**, excluding the mechanical penthouse and mezzanine level;
- (K) Despite Regulations 40.10.40.70(1) and 40.10.40.80(1), the minimum required **building setbacks** and minimum above-ground distance between **main walls** are shown on Diagram 6 of By-law 683-2020(LPAT);
- (L) Despite Clause 5.10.40.70(1) 40.10.40.60 and (K) above, the following **building elements and structures** are permitted to encroach into required **building setbacks** shown on Diagram 6 of By-law 683-2020(LPAT) as follows:
  - (i) columns, piers, pillars and window sills with a maximum projection of 1.0 metre;
  - (ii) cornices, light fixtures, ornamental elements (including mullion caps and projected metal panels), parapets, planters and ventilation shafts to a maximum projection of 2.0 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 **structures** to a maximum of 3.0 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;
- (M) Despite Clause 40.5.40.10, and Regulations 40.10.40.10(1) and (H) and (I) above the following **building** elements and **structures** are permitted to project above the heights shown on Diagram 6 of By-law 683-2020(LPAT)-2020 as follows:
- (i) roof drainage, thermal insulation and roof ballast which may exceed the height limits by a maximum of 1.0 metres;
  - (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 the height limits by a maximum of 2.0 metres; and
  - (iii) trellises, stairs, stair enclosures, wall or **structure** enclosing elements, 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 the height limits by a maximum of 3.2 metres;
- (N) Despite Clause 40.10.40.50, **amenity space** must be provided and maintained at a minimum rate of 3.25 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres per **dwelling unit** is indoor **amenity space**; and
  - (ii) at least 1.25 square metres per **dwelling unit** is outdoor **amenity space**.
- (O) Despite Table 200.5.10.1, **parking spaces** must be provided on the **lot** as follows:
- (i) a minimum of 0.26 **parking spaces** per **dwelling** unit for the residents of **dwelling units**; and
  - (ii) a minimum of 29 **parking spaces** for the **hotel** and visitors to the **dwelling units**;
- (P) Despite sections 200.15.1(4) and 200.15.10(1) a minimum of 4 accessible parking spaces must be located closest to a barrier free pedestrian entrance within the parking garage providing access to an elevator serving the ground floor;
- (Q) Despite Regulations 200.15.1(1) and 200.15.10(1)(C), a minimum of 4 accessible **parking spaces** must be provided, with the following minimum dimensions:
- (i) Length: 5.6 metres;
  - (ii) Width: 3.4 metres; and

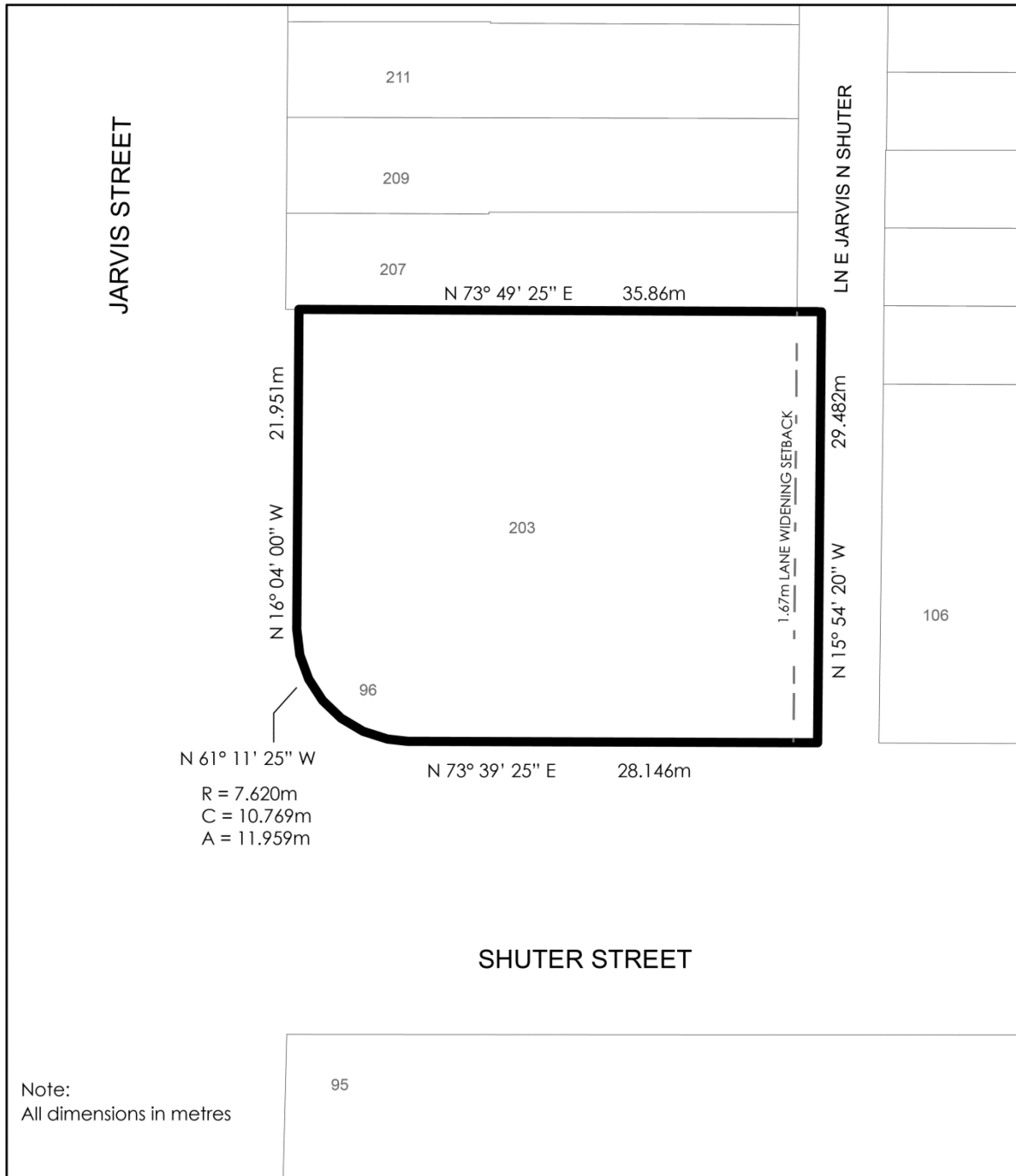
- (iii) Vertical clearance: 2.1 metres;
- (R) **Parking spaces** may be provided in **stacked parking spaces**, which despite regulation 200.5.1.10(2), must have minimum dimensions of 2.3 metres (width) by 5.1 metres (length);
- (S) Despite Regulation 200.5.1.10(12), the **vehicle** entrance or exit to the **building** may be more than 6.0 metres from the **lot line** abutting a **street**;
- (T) Despite Clause 220.5.10.1, a minimum of one **loading space – Type G** must be provided and maintained on the **lot**;
- (U) Despite Clause 230.5.10.1, **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum requirements:
  - (i) a minimum of 162 "long-term" **bicycle parking space** for the residents of **dwelling units**; and
  - (ii) a minimum of 28 "short-term" **bicycle parking spaces** for the **hotel** and visitors to the **dwelling units**;
- (V) Despite Regulation 230.5.1.10(4) **bicycle parking spaces** must have minimum dimensions as follows:
  - (i) Horizontal **bicycle parking spaces**:
    - (a) Length: 1.8 metres;
    - (b) Width: 0.325 metres; and
    - (c) Vertical clearance: 1.9 metres;
  - (ii) Vertical **bicycle parking spaces**:
    - (a) Length: 1.9 metres;
    - (b) Width: 0.325 metres; and
    - (c) Horizontal clearance: 1.2 metres;
  - (iii) **Stacked bicycle parking spaces**:
    - (a) Length: 1.8 metres;
    - (b) Width: 0.325 metres; and
    - (c) Vertical clearance: 1.1 metres;

- (W) Regulation 40.10.40.1(1) with respect to the location of commercial uses in a **mixed use building**, does not apply;
- (X) 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.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 10. Within the lands shown on Diagram 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.
- 11. Section 37 Provisions
  - (A) 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 Diagram 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 hereof 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.
  - (B) 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.
  - (C) 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.

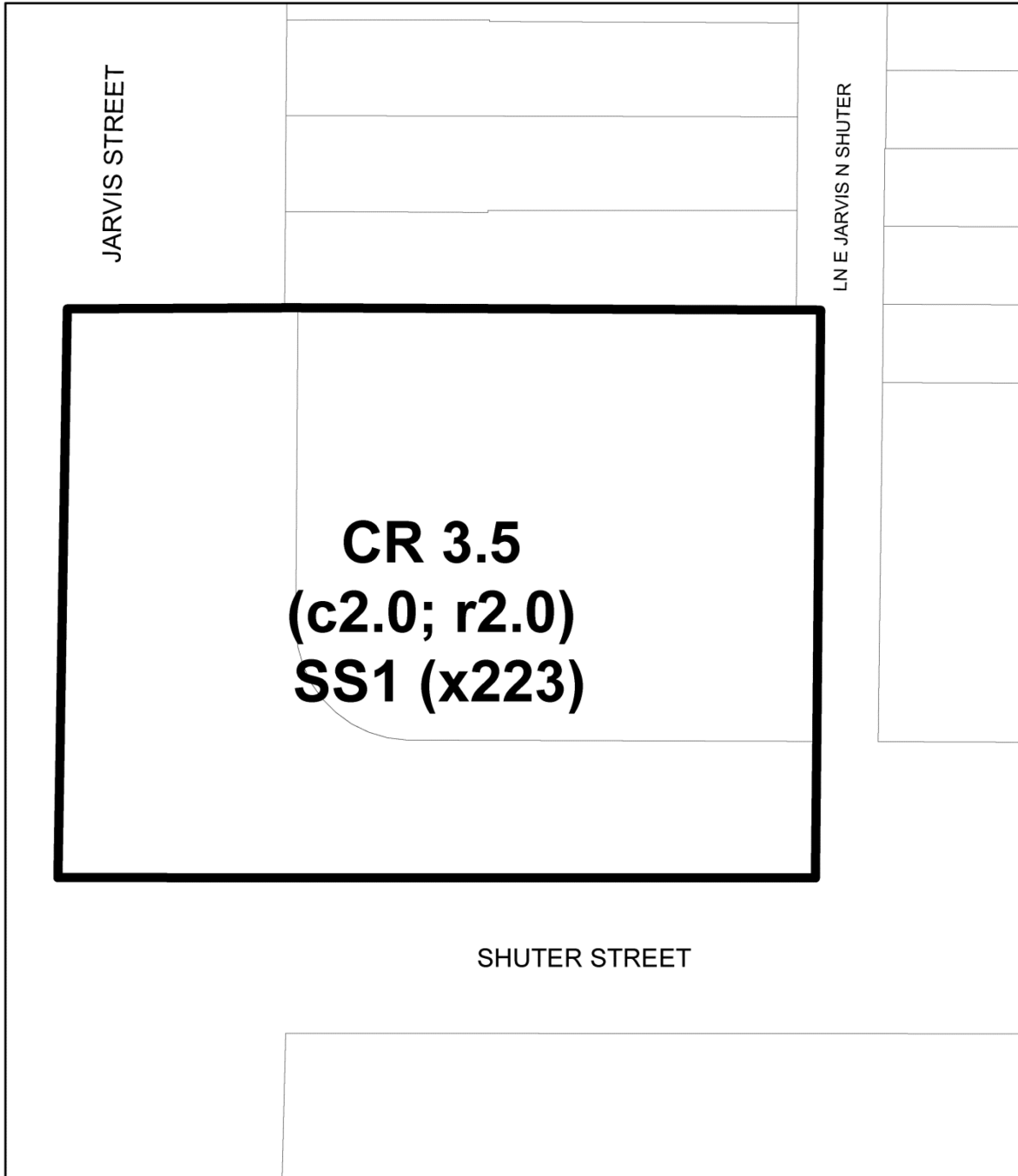
Pursuant to Local Planning Appeal Tribunal Decision/Orders issued June 18, 2019, May 15, 2020 and July 16, 2020, in Tribunal File PL170099.

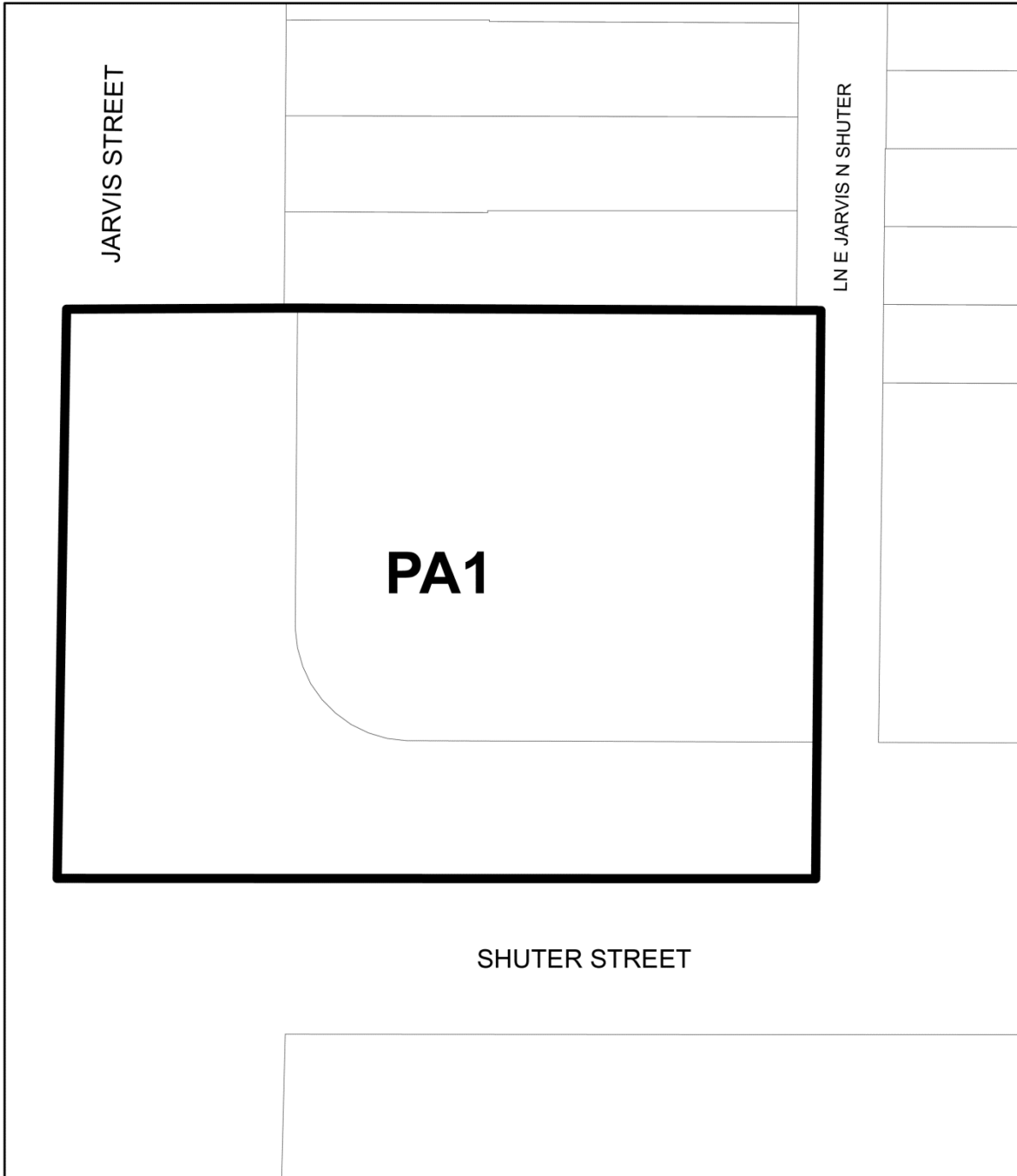


**Toronto**  
Diagram 1

**203 Jarvis Street**

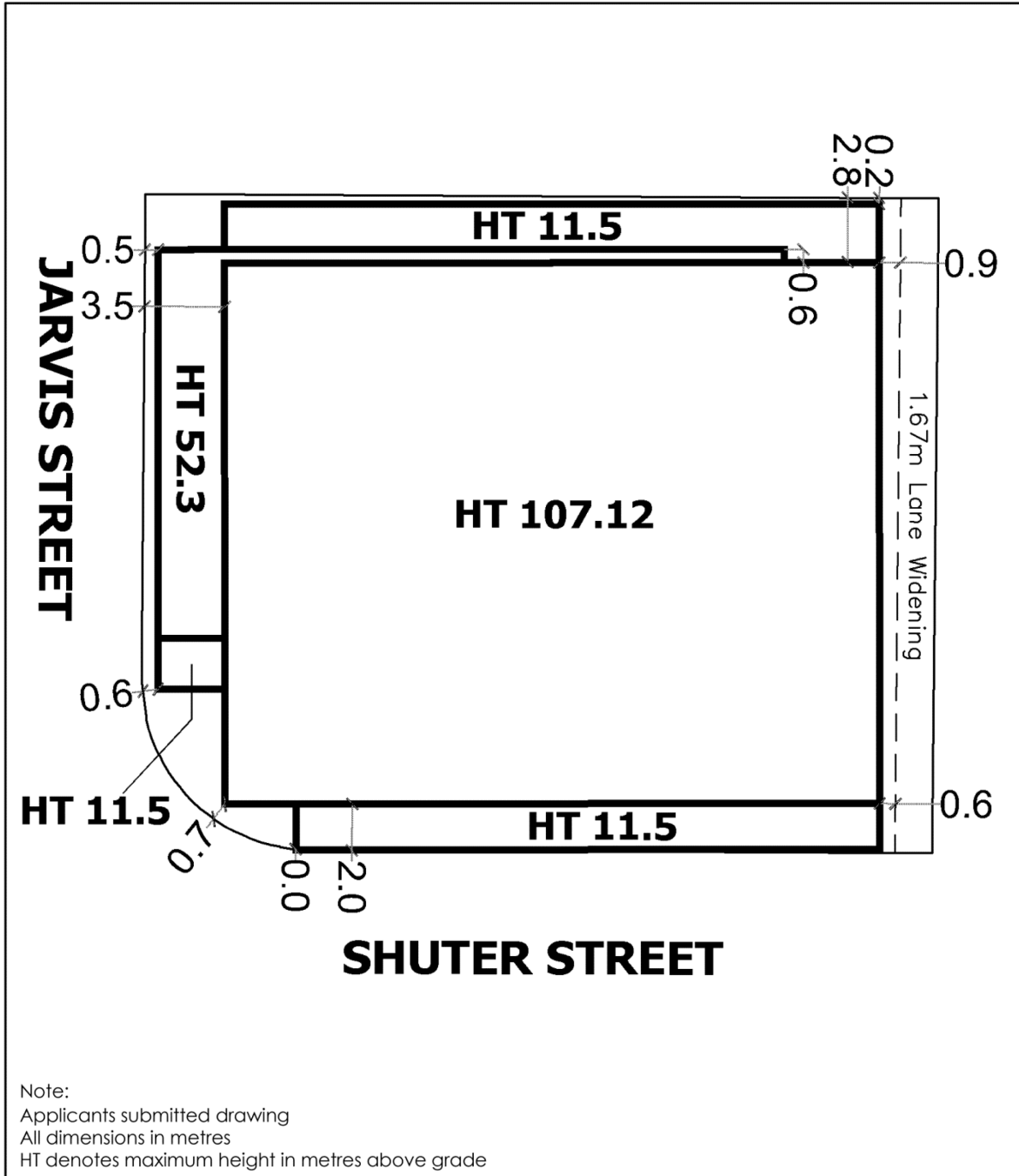
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 **TORONTO**  
Diagram 6

203 Jarvis Street

File # 16 207248 STE 27 0Z

**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, HST, 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.