

Authority: Ontario Municipal Board Decision issued May 3, 2016 and Executive Council of Ontario Order issued July 20, 2016 in File PL150845

## CITY OF TORONTO

### BY-LAW 764-2020(OMB)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 225 Jarvis Street.**

Whereas pursuant to Section 34(11) of the Planning Act the *owner* of the lands known as 225 Jarvis Street appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision issued on May 3, 2016 and Executive Council of Ontario Order issued on July 20, 2016 for File PL150845, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known as 225 Jarvis Street; 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 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, 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 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 are to be secured by one or more agreements between the *owner* of the land and the City of Toronto; and

Therefore pursuant to the Order of the Ontario Municipal Board, former City of Toronto By-law 438-86 is amended 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 Appendix 1 of this By-law.
2. None of the provisions of Sections 2(1) "*amenity space*", "*grade*", "*height*", "*lot*", "*non-residential gross floor area*", and "*residential gross floor area*", 4(2)(a), 4(5)(b),

4(8), 4(10), 4(12), 4(13), 8(2) 7(b), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part II 1, 8(3) Part II 2(a), 8(3) Part III, of By-law 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", shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided:

- a) The *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- b) The maximum combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* shall not exceed 55,100 square metres;
- c) The maximum *residential gross floor area* erected on the *lot* shall not exceed 42,000 square metres;
- d) The maximum *non-residential gross floor area* erected on the *lot* shall not exceed 13,100 square metres;
- e) A minimum of 2.0 square metres of indoor residential *amenity space* per *dwelling unit* shall be provided on the *lot*. Indoor residential *amenity space* provided in the *building* or structure above the minimum requirement of 2.0 square metres per *dwelling unit* is permitted to be shared between all residential and non-residential uses provided on the *lot*;
- f) A minimum of 860 square metres of outdoor residential *amenity space* shall be provided on the *lot* of which at least 40 square metres is provided in a location adjoining or directly accessible from the indoor residential *amenity space*;
- g) Subject to the provisions of 2.h) below, no portion of any *building* or structure erected above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, except for the following:
  - i. Light fixtures, cornices, sills, eaves, mullions, canopies, awnings, parapets, trellises, ornamental and architectural elements, guardrails, balustrades, railings, stairs, stair enclosures, stair landings, terraces, balconies, platforms, wheel chair ramps, vents, air shafts, underground garage ramps and their associated structures, privacy screens and walls, fences, bollards, retaining walls, landscape features and vegetation, lightning rods, transformer vaults and elements required for the functional operation of the *building*, window washing equipment, balconies and public art features;
- h) Notwithstanding the encroachments permitted in 2.g) above, no portion of any *building* or structure erected or use, either temporary or permanent, above a *height* of 116.5 metres shall be located south of any portion of *Line A*;

- i) No portion of the *building* or structure on the *lot* shall have a greater *height*, in metres above *grade*, than the *height* limit in meters above *grade* specified by the numbers following the symbol 'H', on the attached Map 2 except that, subject to the provisions of 2.j) below, the following may exceed the *height* indicated by the numbers following the symbol 'H':
  - i. A stair tower, elevator shaft, chimney stack or other heating, cooling or ventilation equipment or window washing equipment on the roof of the *building* or a fence, wall, decorative feature or structure enclosing such elements may exceed the *height* limits on the attached Map 2 by no more than 8.0 metres;
  - ii. a structure located on the roof of the *building*, used for outside or open air recreation, maintenance, landscaping, architectural purposes, privacy, safety or wind protection may exceed the *height* limits shown on the attached Map 2 by no more than 3.0 metres; and
  - iii. structures, ornamental and architectural elements, which are permitted on the *lot* and beyond the *lot* in accordance with 2.g) above may exceed the *height* limits shown on the attached Map 2 by no more than 3.0 metres;
- j) Notwithstanding the *height* encroachments permitted in 2.i) above, no portion of any *building* or structure or use, either temporary or permanent, shall have a *height* above 116.5 metres for any portion of the lands located within 0.6 metres north of any portion of *Line A* and for any portion of the lands located south of any portion of *Line A*;
- k) The building shall be setback 3.0 metres from Jarvis Street between a *height* of 18.4 metres and 26.0 metres as shown on Map 2 of this By-law;
- l) *Parking spaces* for residential uses within the *building* must be maintained on the *lot* in accordance with the following:
  - i. A minimum of 0.3 *parking spaces* for each bachelor *dwelling unit*;
  - ii. A minimum of 0.5 *parking spaces* for each one bedroom *dwelling unit*;
  - iii. A minimum of 0.75 *parking spaces* for each two bedroom *dwelling unit*;
  - iv. A minimum of 1.0 *parking space* for each three bedroom *dwelling unit*; and
  - v. A minimum of 0.06 *parking spaces* for each *dwelling unit* for visitors to the *building*.
- m) *Parking spaces* for non-residential uses within the *building* must be maintained on the *lot* in accordance with the following:

- i. A minimum of 0.2 *parking spaces* per 100 square metres of *non-residential gross floor area*;
- n) *Bicycle parking spaces* for residential uses shall be provided on the *lot* as follows:
  - i. A minimum of 0.9 *bicycle parking spaces – occupant per dwelling unit*; and
  - ii. A minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*.
- o) *Bicycle parking spaces* for non-residential uses shall be provided on the *lot* as follows:
  - i. 8 *bicycle parking spaces*– visitor.
- p) The minimum number of *loading spaces* to be provided and maintained on the *lot* shall be:
  - i. Two (2) *loading spaces – type B*;
  - ii. Two (2) *loading spaces – type C*; and
  - iii. One (1) *loading space – type G*.

### 3. Definitions:

- a) For the purpose of this By-law, the terms set forth in italics, subject to Section 3.b) of this By-law, have the same meaning as such terms have for the purposes of By-law 438-86 of the former City of Toronto, as amended; and
- b) For the purposes of this by-law, the following definitions shall apply:
  - i. "*amenity space*" means a common area or areas within a *lot* which are provided for recreational or social purposes;
  - ii. "*grade*" means the Canadian Geodetic elevation of 88.55 metres;
  - iii. "*height*" means the vertical distance between *grade* and the highest point of the roof except for the excluded elements prescribed in this By-law;
  - iv. "*Line A*" shall mean the dashed line identified as *Line A* on Map 2 attached to this By-law;
  - v. "*lot*" means those lands outlined in heavy lines on Map 1 attached hereto;
  - vi. "*non-residential gross floor area*" shall have the same meaning as provided in By-law 438-86 of the former City of Toronto, as amended,

except that *amenity space* as defined and required by this By-law shall be excluded; and

vii. "*residential gross floor area*" shall have the same meaning as provided in By-law 438-86 of the former City of Toronto, as amended, except that *amenity space* as defined and required by this By-law shall be excluded.

4. Except otherwise noted herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of By-law 438-86 of the former City of Toronto, as amended, or of this By-law, other than 2.h) and 2.j) above, shall apply to prevent the erection or use on the *lot* of a temporary sales office for the purpose of selling *dwelling units* permitted by this By-law.
6. Notwithstanding any existing or future severances, 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.

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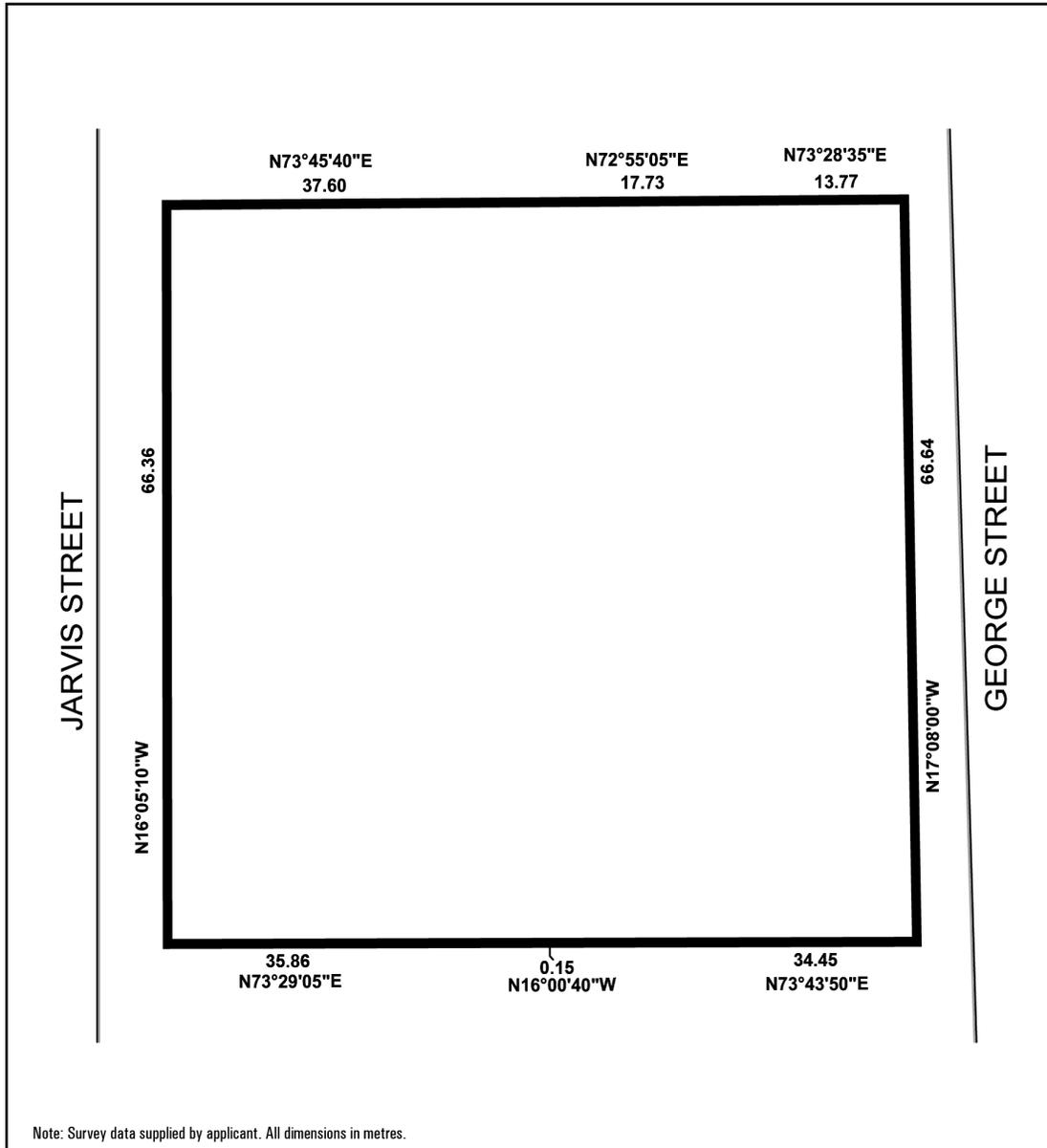
**APPENDIX 1**  
**Section 37 Provisions**

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 lands municipally known as 225 Jarvis Street (the "Lands") subject to and as secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the *owner* agrees as follows:

1. The *owner* shall pay to the City, by certified cheque, the sum of \$2,500,000 at or before the issuance of the first above-grade Building Permit for the development on the Lands together with any increases to reflect increases in the Construction Price Index from the date of execution of this Agreement until the payment of the said monies, which monies shall be used by the City for:
  - a. affordable housing;
  - b. completion of community services and facilities space at 220 Dundas Street East;
  - c. improvements to Moss Park; and
  - d. the construction of a green linkage between Moss Park and Allan Gardens;
2. In the event the cash contributions referred to above have not been used for the intended purpose within three years of the this By-law coming into full force and effect, the cash contributions may be redirected for other purposes at the discretion of the Chief Planner and Executive Director, 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 Lands;
3. The *owner* shall pay for and construct any improvements to municipal infrastructure required in connection with the accepted Functional Servicing and Stormwater Management Report dated March 2015 and required to support the development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services at the City of Toronto;
4. The owner shall fulfill the requirements and related approval process of the City of Toronto's Private Tree By-law (being Article III of Chapter 813 of the City of Toronto Municipal Code) and City Street Tree By-law (being Article II of Chapter 813 of the City of Toronto Municipal Code);
5. Any site plan agreement pursuant to section 114 of *City of Toronto Act*, SO 2006, or section 41 of the Planning Act, RSO 1990, entered into and registered against the Lands shall include:
  - a. Prior to construction of any *building* or structure, a detailed aeronautical assessment and obstruction lighting assessment of the final building design shall be undertaken and provided to St. Michael's Hospital (the "Hospital") for review

and approval to ensure that no use, permanent or temporary *building* or structure, penthouses, parapets, equipment, antenna or installations penetrate any flight path published in accordance with Canadian Aviation Regulations that is in place as of the date of January 1, 2016 (the "Flight Path") and that any proposed permanent or temporary *building* or structure, including but not limited to any construction, will not frustrate, penetrate, impede, or necessitate modification to the Flight Path ("Impact on the Flight Path") and obstruction marking and lighting will be incorporated as required;

- b. All construction equipment, including cranes and other structural and forming equipment, both permanent and temporary, will be located to ensure that there is no Impact on the Flight Path;
- c. All operational activities and use on the Lands shall be undertaken such as to ensure that there is no Impact on the Flight Path;
- d. Prior to any construction, a Land Use Proposal Submission Form will be submitted to NAV CANADA for approval, with a copy to the Hospital;
- e. Prior to any construction, an Aeronautical Assessment Form for Obstruction Marking and Lighting will be submitted to Transport Canada for approval, with a copy to the Hospital;
- f. Prior to construction, a Crane/Construction Equipment Study will be undertaken and a Plan of Construction Operations (PCO) will be implemented to coordinate construction activities if required and ensure that there will be no Impact on the Flight Path;
- g. Any *building* or structure on the Lands will fully comply with all requirements and guidelines regarding obstruction marking and lighting in areas adjacent to the Flight Path in accordance with the Canadian Aviation Regulations; and
- h. The *owner* shall provide a report prepared by a qualified flight path consultant to the City, with a copy to the Hospital, that confirms that the proposed *building* or structure, including but not limited to its lighting and markings, its construction, its operation, and its use and functionality, complies with subsections (a) to (g) above, prior to the execution and registration of any Site Plan Agreement against the title to the Lands.



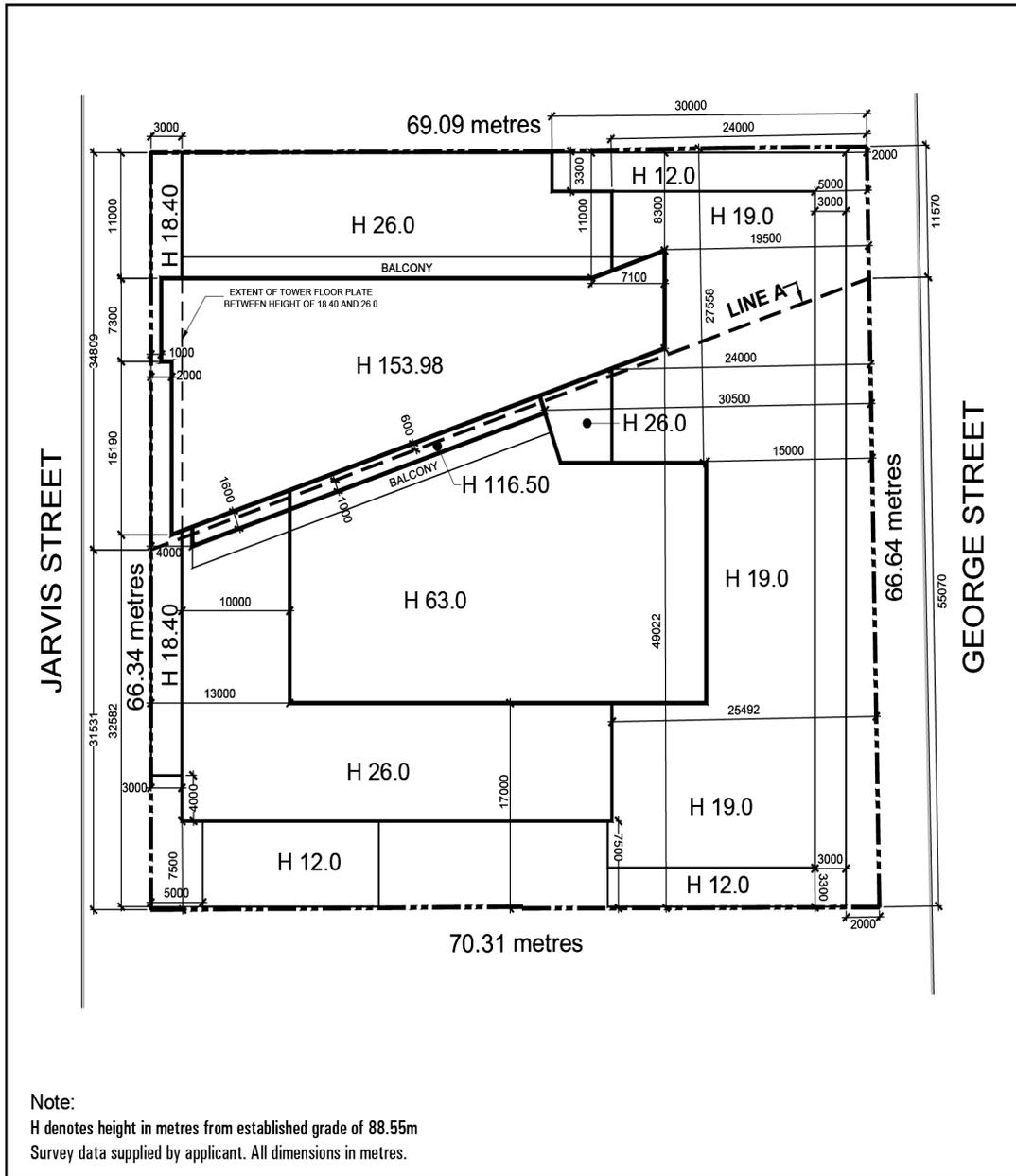
Map 1

225 Jarvis Street

File # 15 134245 STE 27 0Z



Not to Scale  
02/23/2016



225 Jarvis Street

Map 2

File # 15 134245 STE 27 0Z



Not to Scale  
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