

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 765-2020(OMB)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known as 225 Jarvis Street.**

Whereas the Ontario Municipal Board, by its Decision issued May 3, 2016 and Executive Council of Ontario Order issued July 20, 2016 in Board File PL150845 and has determined to amend Zoning By-law 569-2013, with respect to the lands municipally known in the year 2016 as 225 Jarvis Street; and

Whereas Council of the City of Toronto has the authority to pursuant to 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

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 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 569-2013 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;

The Ontario Municipal Board orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 3.5 (c2.0; r2.0) SS2 (x59), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number CR (x59) to Section 900.11.10 so that it reads:

**Exception CR (x59)**

The 225 Jarvis Street lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 225 Jarvis Street, if the requirements of By-law 765-2020(OMB) are complied with, none of the provisions of 5.10.40.70 (1) and (2), 40.5.40.10, 40.10.20.100(1.A) and (4), 40.10.40.1(1), 40.10.40.10(2), 40.10.40.40(1), 40.10.40.50(1), 40.10.40.60, 40.10.40.70(2) and (4), 40.10.40.80(2), 40.10.50.10(2) and (3), 40.10.100.10(1), 150.100.30.1(1), 200.5.10.1(1), 200.15.1.5(1), 220.5.1, 220.5.10.1. and 230.5.10.1 apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in By-law 765-2020(OMB);
- (B) The total **gross floor area** of all **buildings** and **structures** must not exceed a maximum of 56,100 square metres, of which:
  - i. the residential **gross floor area** shall not exceed 43,000 square metres; and
  - ii. the non-residential **gross floor area** shall not exceed 13,100 square metres;
- (C) Height shall be measured from Canadian Geodetic Datum elevation of 88.55 metres;
- (D) The height of any **building** or **structure**, erected on the lands must not exceed the height in metres permitted as indicated by the numbers following the letter "H" on Diagram 3 of By-law 765-2020(OMB);
- (E) Despite (D), but subject to the provisions of (F) below, the following may exceed the height indicated by the numbers following the letter "H" as shown on Diagram 3 of By-law 765-2020(OMB):
  - 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 Diagram 3 of By-law 765-2020(OMB) 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, privacy, safety or wind protection may exceed the height limits shown on the attached Diagram 3 of By-law 765-2020(OMB) by no more than 3.0 metres;
  - iii. The **structures**, elements and enclosures permitted by (G) of this Exception may exceed the height limits shown on the attached Diagram 3 of By-law 765-2020(OMB) by no more than 3.0 metres;
- (F) Notwithstanding the height encroachments permitted by (E) of this Exception, 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**;
- (G) Subject to the provisions of (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 Diagram 3 of By-law 765-2020(OMB), 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, aircraft warning features, patio tables and chairs and public art features.
- (H) Notwithstanding the encroachments permitted by (G) of this Exception, no portion of any **building** or **structure** or use, either temporary or permanent, above a height of 116.5 metres shall be located south of any portion of **Line A** identified on Diagram 3 of By-law 765-2020(OMB);
- (I) 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 Diagram 3 of By-law 765-2020(OMB);
- (J) A minimum of 2.0 square metres of indoor **amenity space** per **dwelling unit** shall be provided on the lot. Indoor **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;
- (K) A minimum of 860 square metres of outdoor **amenity space** shall be provided on the lot;

- (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 long term **bicycle parking spaces** per **dwelling unit**; and
  - ii. A minimum of 0.1 short term **bicycle parking spaces** per **dwelling unit**.
- (O) **Bicycle parking spaces** for non-residential uses shall be provided on the lot as follows:
- i. 6 short term **bicycle parking spaces**; and
  - ii. 2 long **bicycle parking spaces**.
- (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.
- (Q) Despite any existing or future severance, partition, or division of the lot, the provisions of Exception CR (x59) shall apply to the whole of the lands as if no severance, partition or division occurred;

- (R) None of the provisions of By-law 569-2013 or the provisions of Exception CR (x59), other than (F) and (H), shall apply to prevent the erection and use of a temporary sales office anywhere on the lands for the purpose of selling **dwelling units** permitted by this Exception.
- (S) Definitions
  - i. "**Line A**" shall mean the dashed line identified as **Line A** on Diagram 3 attached to By-law 765-2020(OMB).

Prevailing By-law and Prevailing Sections: (None Apply).

**5. 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 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;
- (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; and
- (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.

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**SCHEDULE A**  
**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. 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; and
- 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.





