

Authority: Ontario Municipal Board Decision issued on February 27, 2018 and Ontario Land Tribunal Order issued on June 15, 2021 in Tribunal File PL150016

CITY OF TORONTO

BY-LAW 699-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 308, 310, 312 and 314 Jarvis Street and 225 Mutual Street.

Whereas the Ontario Land Tribunal, formerly the Local Planning Appeal Tribunal, formerly the Ontario Municipal Board, pursuant to its decision/orders issued on February 27, 2018 and June 15, 2021, in File PL150016, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 308, 310, 312 and 314 Jarvis Street and 225 Mutual Street; and

Whereas the Official Plan of 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 allow increases in 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 or matters as are set out in the by-law; and

Whereas the Official Plan of the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; 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, and the Ontario Municipal Board on appeal, 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 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; and

Whereas pursuant to Section 39 of the Planning Act, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Ontario Land Tribunal enacts:

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 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 4.0 (c1.0; r4.0) SS1 (x381) 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 Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 1, as shown on Diagram 3 attached to this By-law.
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 label to these lands: HT 30.0, as shown on Diagram 4 attached to this By-law.
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 and to the Rooming House Overlay Map in Section 995.40.1, with no value as shown on Diagram 6 attached to this By-law.
7. None of the provisions of By-law 569-2013, as amended, apply to prevent a **temporary sales office** on the lands subject to this By-law, which means a **building, structure, facility, trailer or portion thereof** use exclusively for the purpose of the sale, leasing or rental of **dwelling units** or non-residential units to be erected on the same lands for a period not to exceed 3 years from the date of this By-law coming into full force and effect.
8. Zoning By-law 569-2013 as amended, is further amended by adding Article 900.11.10 Exception Number 381 so that it reads:

Exception CR 381

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 308-314 Jarvis Street, if the requirements of Section 8 and Schedule A of By-law 699-2021(OLT) are complied with then a **building or structure** may be constructed in compliance with regulations (B) to (S) below;

- (B) Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 32,584 square metres, of which:
- i. A maximum of 32,341 square metres of **gross floor area** may be used for residential uses; and
 - ii. A minimum of 240 square metres of **gross floor area** must be used for non-residential uses, and such **gross floor area** for non-residential uses must be located on the ground level of any building on the lot;
- (C) The maximum permitted tower **floorplate** area, as measured from the exterior of the main wall of each **storey** permitted above a height of 31.5 metres, measured from **established grade**, shall not exceed 771 square metres;
- (D) A minimum of 10 percent (10 percent) of the total number of units erected on the **lot** or 49 units, whichever is greater, shall comprise three-bedroom **dwelling units** or **dwelling units** having a greater number of bedrooms, including **townhouse** units;
- (E) A minimum of twenty percent (20 percent) of the total number of units erected on the **lot** or 98 units, whichever is greater, shall comprise two-bedroom **dwelling units**;
- (F) Despite regulations 40.5.40.10(1) and (2), for the purpose of this exception, the height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 99.0 metres to the highest point of the **building** or **structure**;
- (G) Despite regulations 40.10.40.10(1) and 40.5.40.10(4), the permitted maximum height is the numerical value in metres specified by the numbers following the letter "HT" on Diagram 5 of By-law 699-2021(OLT);
- (H) The maximum number of **storeys** permitted on the **lot** shall not exceed the number of **storeys** specified by the numbers preceding the letters ST as shown on Diagram 5 of By-law 699-2021(OLT);
- (I) Despite regulations 40.5.40.70, 40.10.40.70, and 600.10, the minimum required setbacks for any **building** or **structure** are shown in metres on Diagram 5 of By-law 699-2021(OLT);
- (J) Despite regulations 40.5.40.10, 40.5.40.70, 40.10.40.60, 40.10.40.70.(1), and 600.10, the following **building** elements and **structures** are permitted to encroach into required **building setbacks** shown on Diagram 5 of By-law 699-2021(OLT) as follows:
- i. Architectural features, awnings, balustrades, bay windows, canopies, chimneys, cornices, eaves, fences, guardrails, lighting fixtures, landscape features, ornamental elements, parapets, brick elements, planters, railings, retaining walls, stairs and stair enclosures, screens, and window sills, may

- encroach into the required **building setbacks** for all **buildings** and **structures** up to a maximum of 2.5 metres;
- ii. Railings, balustrades and screen dividers on terraces associated with **residential dwelling units** may encroach into the required **building setback** of all **buildings** and **structures** up to a maximum of 4.9 metres;
 - iii. Screens, planters along the both the Jarvis Street and Mutual Street frontage, and underground garage ramp and their associated structures including canopies, may encroach into the required **building setback** for all **buildings** and **structures** up to a maximum of 5.5 metres; and
 - iv. Balconies may encroach into the required **building setbacks** for all **buildings** and **structures** up to a maximum of 2.0 metres;
- (K) Despite regulations 40.5.40.10 and 40.10.40.60, the following **building** elements and **structures** are permitted to project above the heights shown on Diagram 5 of By-law 699-2021(OLT) as follows:
- i. Architectural features, air intake and air handling units, awnings, balconies, canopies, communication equipment, cornices, eaves, fences, flues, green roof, guardrails, insulation and roof surface materials, landscape features, lighting fixtures, ornamental elements, pipes, planters, platforms, railings, retaining walls, screens, stairs, terraces, walkways, access hatches, wind protection, and window sills may project above the heights shown on Diagram 5 by a maximum of 2.0 metres;
 - ii. Underground garage ramps and their associated structures may project above the heights shown on Diagram 5 by a maximum of 4.9 metres;
 - iii. Elements or structures on any portion of a roof used for outside or open air recreation, including required residential **amenity space** and stair enclosures may project above the heights shown on Diagram 5 by a maximum of 3.0 metres;
 - iv. Mechanical penthouses, parapets, vents, stacks, railings, window washing equipment, green roofs located on mechanical penthouses, and exit stairs may exceed the **heights** specified on Diagram 5 by a maximum of 5.0 metres;
 - v. Elevator enclosures and overruns, parapets, roof drainage components, and thermal and waterproofing assembly and green roofs associated with elevator enclosures and overruns located in "Area A" on Diagram 5 may project above the **heights** specified on Diagram 5 by a maximum of 6.5 metres;
 - vi. Elevator enclosures and overruns, parapets, roof drainage components, and thermal and waterproofing assembly located in "Area B" on

- Diagram 5 may project above the **heights** on Diagram 5 by a maximum of 6.2 metres; and
- vii. Chimneys, cooling towers, and perimeter walls associated with cooling towers located in "Area C" on Diagram 5 may project above the **heights** specified on Diagram 5 by a maximum of 7.5 metres;
- (L) Despite regulation 40.10.40.50, **amenity space** must be provided and maintained in accordance with the following:
- i. A minimum of 2.0 square metres per **dwelling unit** of indoor **amenity space** must be provided; and
- ii. A minimum of 1.5 square metres per **dwelling unit** of outdoor **amenity space** must be provided;
- (M) Despite regulations 40.10.90.40.(1) and (3), and 40.10.100.10.(1), **vehicle** access to required **loading spaces** and **parking spaces** shall be provided and maintained on the **lot** from Jarvis Street.
- (N) Despite Table 200.5.10.1, **parking spaces** must be provided on the **lot** as follows:
- i. A minimum of 0.17 **parking spaces** per **dwelling unit** for residents must be provided; and
- ii. A minimum of 0.05 **parking spaces** per **dwelling unit** for visitors to the **dwelling units** must be provided;
- (O) Required residential visitor **parking spaces** may be shared with retail commercial uses and may be used commercially for profit.
- (P) Despite regulation 220.5.10.1, a minimum of one **loading space** – Type G and one **loading space** – Type C must be provided and maintained on the **lot**.
- (Q) Despite regulations 230.5.10.1(1), (2) and (5), a minimum of 496 **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
- i. A minimum of 0.9 "long-term" **bicycle parking spaces** per **dwelling unit** must be provided;
- ii. A minimum of 0.1 "short-term" **bicycle parking spaces** per **dwelling unit** must be provided; and
- iii. A minimum of 5 short-term **bicycle parking spaces** must be provided for the non-residential uses on the **lot**;

- (R) Despite regulation 230.5.1.10(4)(A), **bicycle parking spaces** must comply with the following:
- i. A **stacked bicycle parking space** must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.0 metres; and
 - ii. A **bicycle parking space** that is not a **stacked bicycle parking space**, must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.9 metres; and
- (S) For the purposes of this Exception:
- i. **Existing Heritage Building** means the existing heritage building municipally known as 314 Jarvis Street, located on the *lot* in the year 2021 as shown on Diagram 5, subject to any alterations, additions and internal modifications;

Prevailing By-laws and Prevailing Sections: None apply.

9. Despite any existing or future consent, severance, partition or division of the lot, the provisions of By-law 699-2021(OLT), shall apply to the **lot**, as identified on Diagram 1, as if no consent, severance, partition or division occurred.

10. 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 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 the satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure on the site erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Ontario Municipal Board Decision issued on February 27, 2018 and Ontario Land Tribunal Order issued on June 15, 2021 in Tribunal File PL150016.

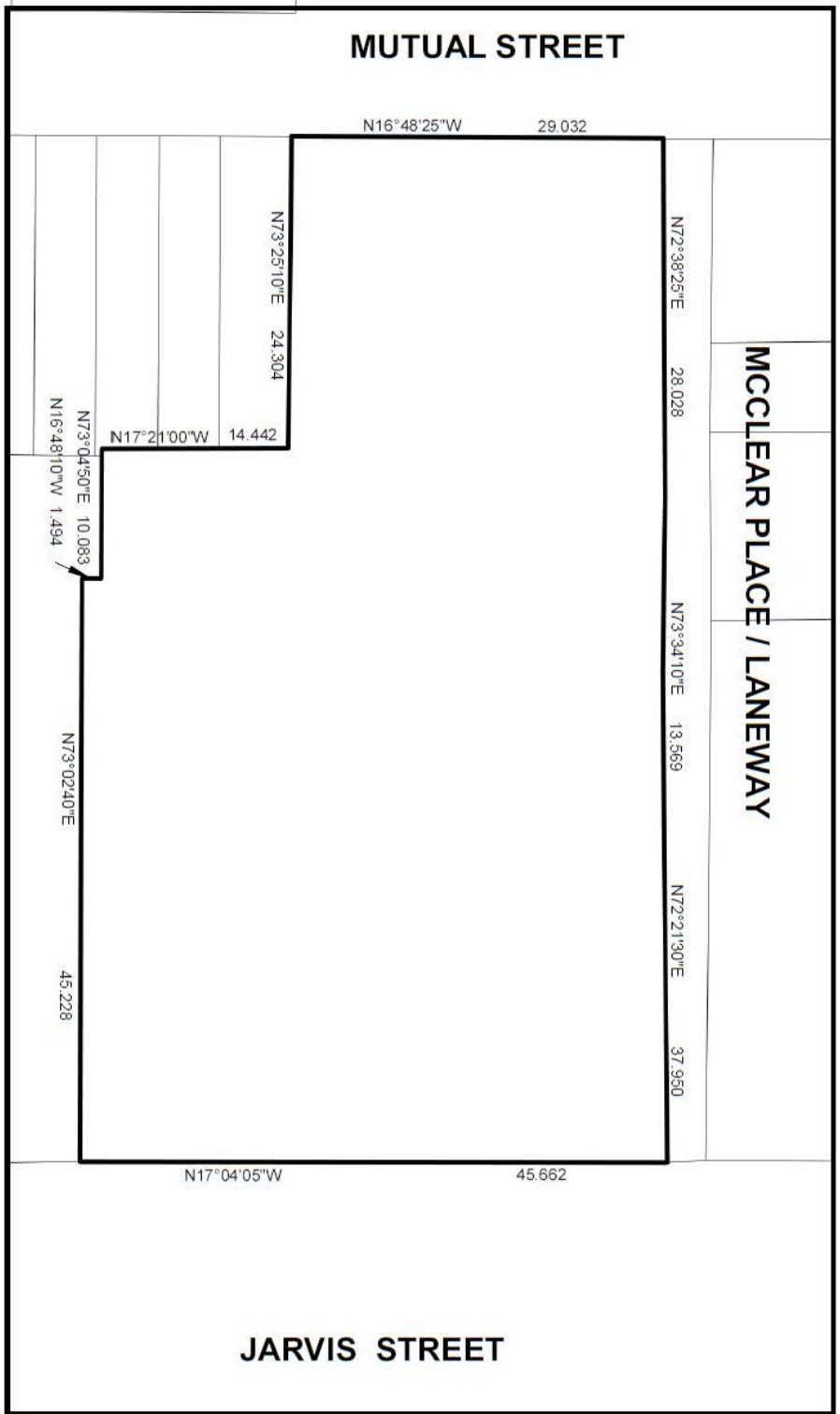
Schedule A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City by the owner of the lands at the owner's expense in accordance with this By-law and as further specified in one or more agreements pursuant to Section 37 of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. Prior to issuance of the first above grade building permit or a heritage permit, but excluding a heritage restoration permit, for all or any part of the site, the owner shall pay to the City the sum of \$3,100,000.00, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, for purposes identified in the Toronto Official Plan and will benefit the community in the vicinity of the site;
2. Prior to the earlier of issuance of the first above grade building permit for all or any part of the site and execution and registration of the Section 37 agreement on title to the site, the owner shall pay to the City the sum of \$200,000.00, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, for capital improvements to improve the public safety and other conditions of public interest relating to the lane known as McClear Place, including such things as lighting, and for streetscape and other improvements in the vicinity of the site;
3. The following matters are secured in the Section 37 agreement as a legal convenience to support the development of the site but are not characterized as community benefits under section 37 of the Planning Act:
 - a) Prior to the earlier of final Site Plan Approval and issuance of a building permit or a heritage permit for the site or any portion thereof, the owner shall, at its sole cost and expense:
 - i. provide the City with the final Site Plan drawings substantially in accordance with the Reconstruction Plan, prepared by Goldsmith Borgal and Company Ltd. Architects, dated December 2, 2020, on file with and accepted by the Senior Manager, Heritage Planning;
 - ii. provide the City with a heritage lighting plan that describes how the exterior of the heritage building on the site will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such plan to the satisfaction of the Senior Manager, Heritage Planning;
 - iii. provide the City with a detailed landscape plan for the Site, satisfactory to the Senior Manager, Heritage Planning;

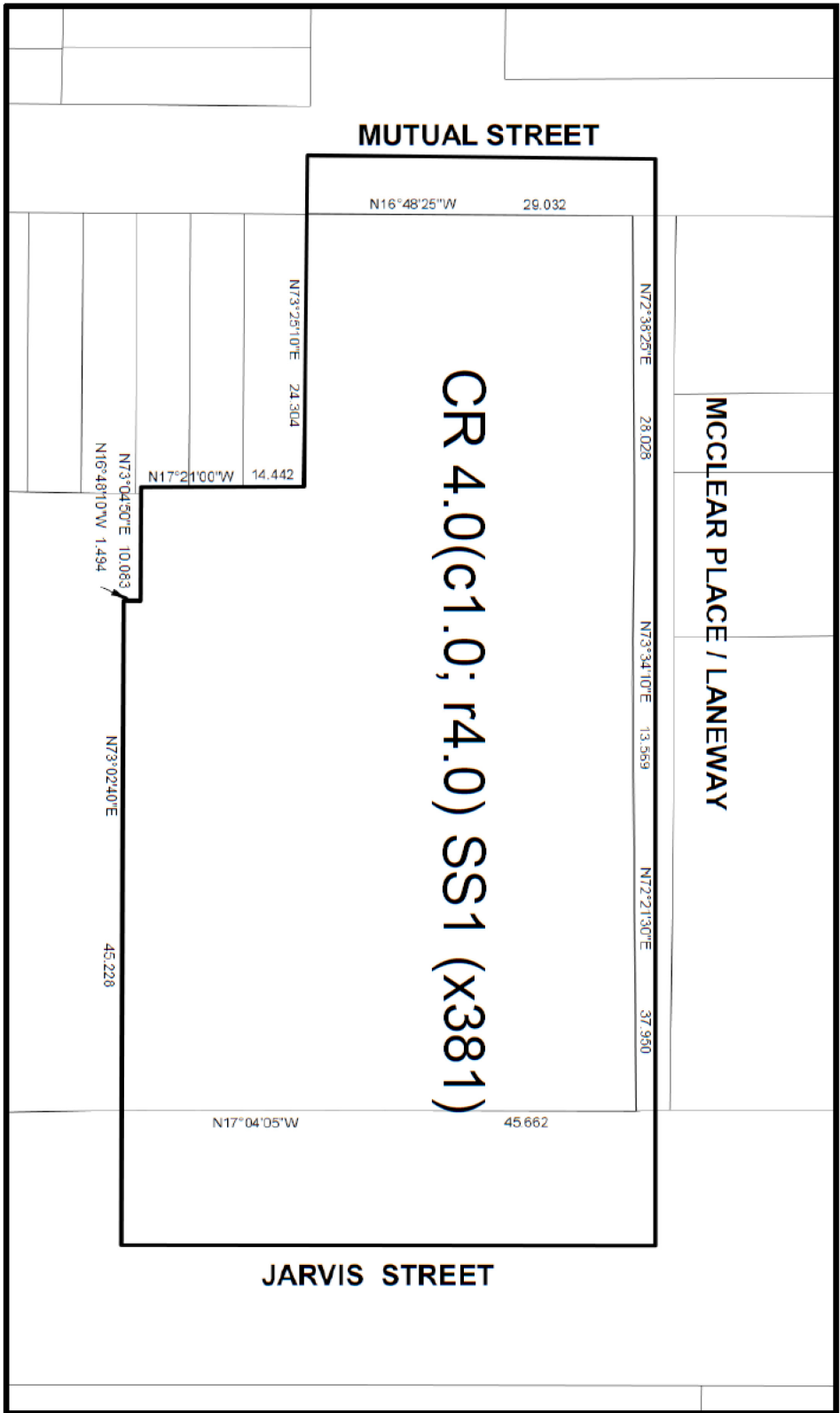
- iv. provide the City with an interpretation plan for the Site, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such plan to the satisfaction of the Senior Manager, Heritage Planning; and
 - v. provide the City with a signage plan, if required, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such plan to the satisfaction of the Senior Manager, Heritage Planning;
- b) Prior to issuance of any permit for the site or any portion thereof, including a building permit or a heritage permit, the owner shall:
- i. have obtained the final order of the Ontario Land Tribunal approving the amending by-laws, with such amending by-laws having come into effect in a form and with content acceptable to the Chief Planner and Executive Director, City Planning and the City Solicitor, in consultation with the Senior Manager, Heritage Planning;
 - ii. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Senior Manager, Heritage Planning;
 - iii. provide full documentation of the existing heritage property at 314 Jarvis Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning; and
 - iv. provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Reconstruction Plan, the approved lighting plan and interpretation plan;
- c) The owner shall construct and maintain the development on the site in accordance with Tier 1, Toronto Green Standard, and the owner is encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate;
- d) The owner shall provide space within the development on the site for installation of maintenance access holes and sampling ports on the site, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with Section 681-10 of City of Toronto Municipal Code Chapter 681, Sewers;

- e) The owner shall design, construct and render operational, at no cost to the City, improvements or upgrades to municipal infrastructure identified in the Functional Servicing Report required to support the development, if any, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services. The timing for the completion of any such improvements, if required, will be determined in the context of Site Plan Approval for the development, and secured by way of agreement(s) with the City, and the improvements may be completed on a phased basis, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- f) The owner shall, through the Site Plan Approval process, enter into a financially secured agreement for the construction of any improvements to municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the transportation report accepted by the General Manager, Transportation Services and the Functional Servicing Report and/or any other engineering report accepted by, and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- g) The owner will provide screening and other mitigation measures for the loading facilities at grade, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h) Prior to the issuance of the first above grade building permit or a heritage permit for all or any part of the site, the owner shall, at its sole cost and expense, provide to the City a construction management plan, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, in accordance with the terms and conditions of the Section 37 agreement; and
- i) Prior to the earlier of the final Site Plan Approval and issuance of any building permit in connection with the development on the site or a portion thereof, the owner shall, at its sole cost and expense, prepare and submit a detailed pedestrian level wind study for the development to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation, in accordance with the terms and conditions of the Section 37 Agreement.



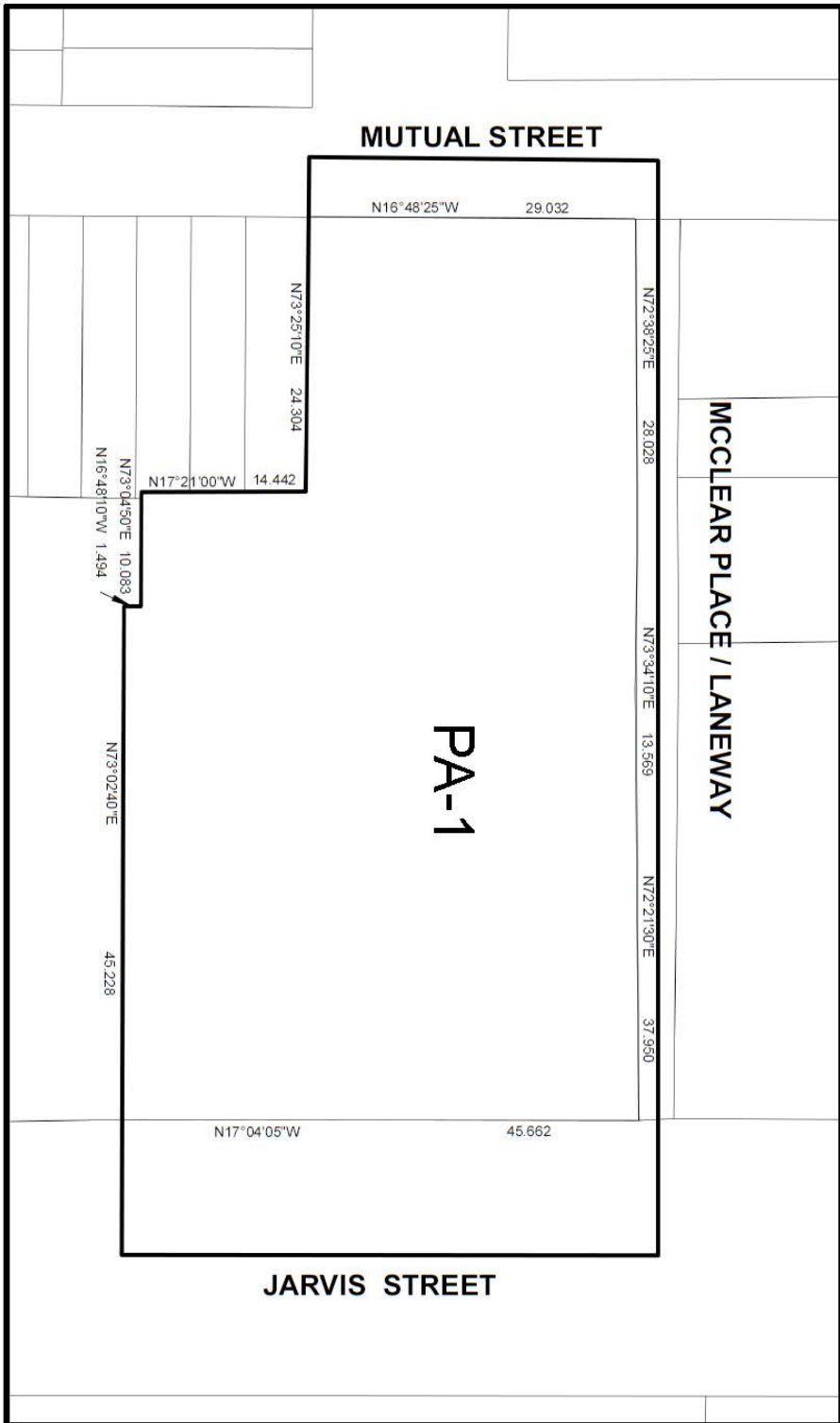
308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 1

Not to Scale



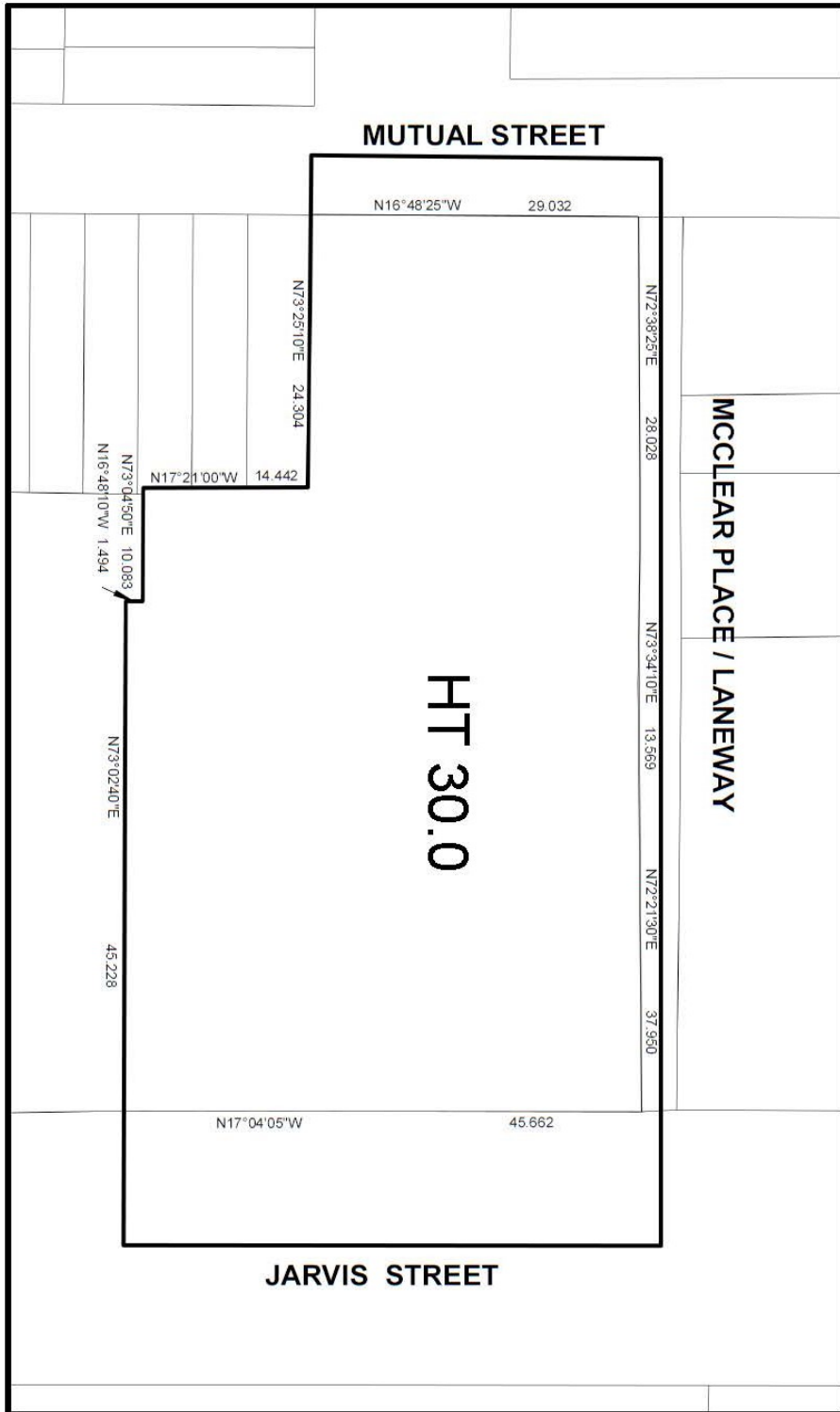
308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 2

Not to Scale



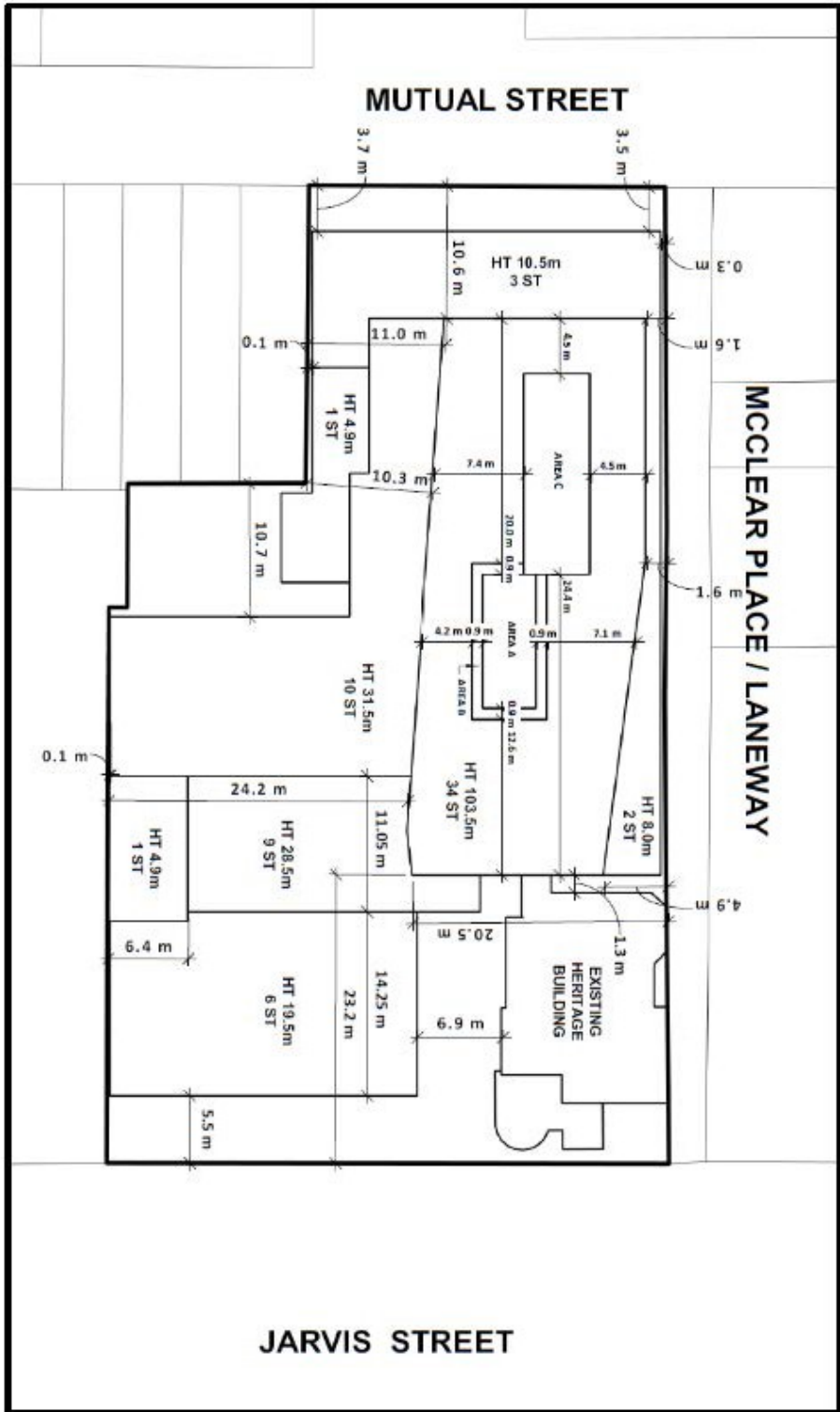
308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 3

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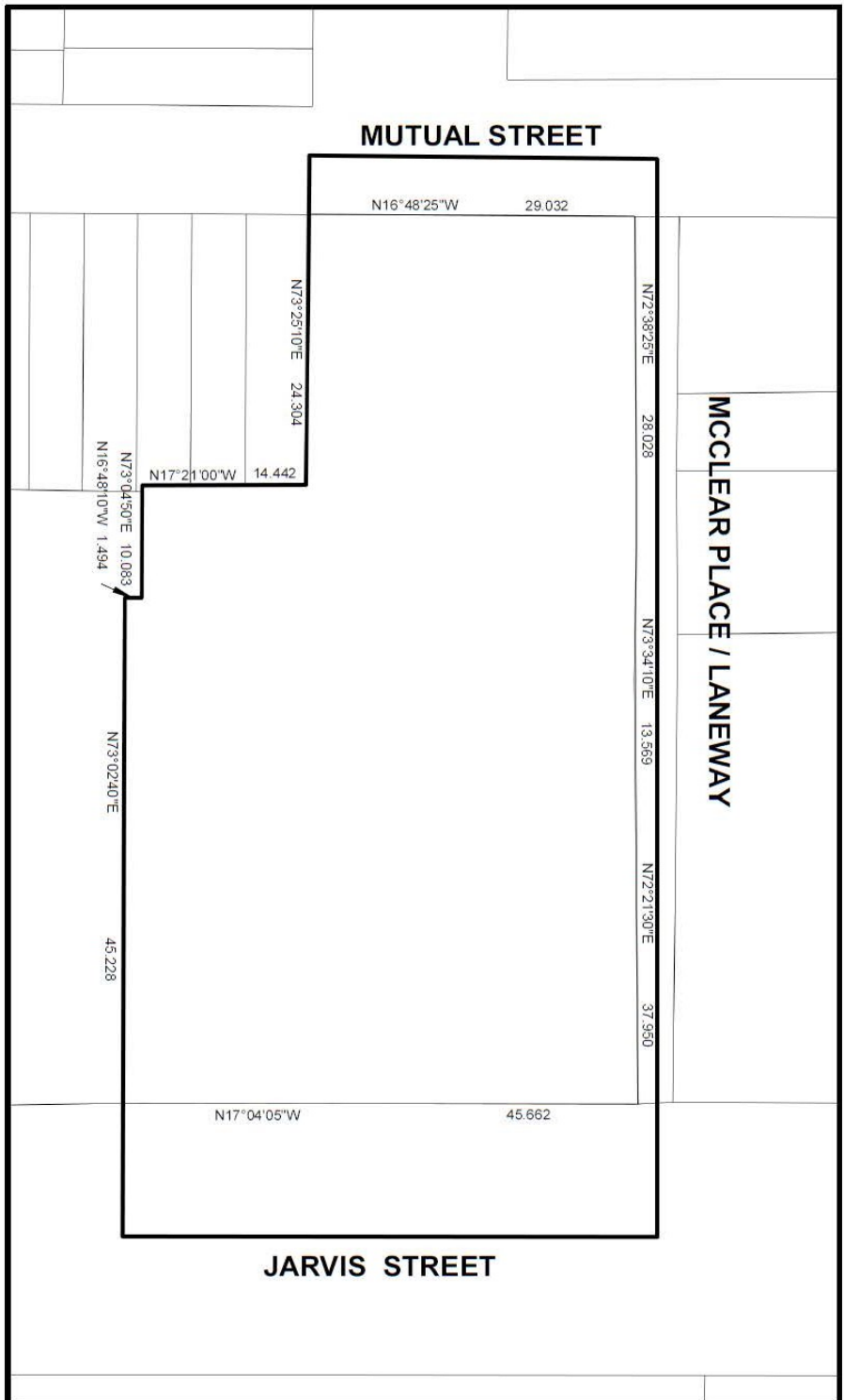
308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 4

Not to Scale



308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 5

Not to Scale



308-314 Jarvis Street and 225 Mutual Street
DIAGRAM 6

Not to Scale