

CITY OF TORONTO

BY-LAW 897-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 202 Jarvis Street and 160-166 Dundas Street East.

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 has held at least one public meeting in accordance with the Planning Act; and

Whereas the City of Toronto Zoning By-law 569-2013, as amended, provides, that where it applies, it supersedes By-law 438-86, as amended (being the Zoning By-law for the former City of Toronto), and any predecessor zoning by-laws as are applicable; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the Planning Act; 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 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 lands elects to provide facilities, services or matters, in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of 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 is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto 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 amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined in heavy line to CR4.0 (c2.0; r4.0)SS1 (x307) as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 307 so that it reads:

Exception CR 307

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 the lands municipally known as 202 Jarvis Street and 160-166 Dundas Street East, in the year 2021, if the requirements of Section 6. and Schedule A of By-law 897-2021 are complied with, a **building or structure** containing a **post-secondary school, student residence** and non-residential uses, including uses **ancillary** to the foregoing uses, may be erected and used on the **lot** if in compliance with Regulations (B) to (DD);
- (B) The lands to which this Exception applies comprise all the lands shown on Diagram 1 of By-law 897-2021;
- (C) Despite Regulation 40.10.40.40, the maximum permitted **gross floor area** on the **lot** is 58,000.0 square metres, of which a maximum of 19,500 square metres may be used for the purposes of a **student residence**;
- (D) In addition to the provisions of Regulation 40.5.40.40(3) the **gross floor area** of a **mixed-use building** is also reduced by the area of a **building** used for the purpose of a greenhouse;
- (E) The combined number of **bed-sitting rooms** and **dwelling units** must not exceed 625;
- (F) Despite Regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 90.0 metres (GVCD 1928 - Pre 1978) and the highest point of the **building or structure**;
- (G) Despite Regulations 40.5.40.10 (3), (4), (5), (6), (7) and (8) and 40.10.40.10(1), for those portions of the **building** above the finished ground surface, the permitted maximum height of each portion of a **building or structure**, is the height in metres as specified by the numbers following the HT symbol as shown on Diagram 3 of By-law 897-2021, with the exception of the following projections:
 - i. The **structures** and elements listed in (J) below;

- ii. Parapets, structures for a green roof and sky lights to a maximum of 3.0 metres above the maximum permitted **building** height;
 - iii. Window washing equipment and structures for safety noise or wind attenuation purposes to a maximum of 3.5 metres above the maximum permitted **building** height;
 - iv. Lightning rods, antennae, aircraft warning lights, chimneys, ducts, vents, stacks and flues, mechanical screens and architectural screens to a maximum of 7.0 metres above the maximum permitted **building** height;
 - v. Despite iii. above, chimneys, vents, stacks, flues and air craft warning lights on the roof of that portion of the **building** subject to a height limit of 173.7 shown on Diagram 3 of By-law 897-2021 to a maximum of 9.5 metres above the maximum permitted **building** height; and
 - vi. Structures on a portion of the **building** subject to permitted **building** height of 74.9 metres or less, used for outdoor **amenity space**, open air recreation and greenhouse purposes, to a maximum of 5.5 metres above the maximum permitted **building** height;
- (H) For the purpose of this Exception the term **established grade** is the Canadian Geodetic Datum elevation of 90.0 metres (GVCD 1928 - Pre 1978);
- (I) Despite Regulation 40.10.40.70 the minimum required **building setbacks** for the portion of a **building or structure** above the finished ground surface are shown on Diagram 3 of By-law 897-2021;
- (J) Despite Regulations 5.10.40.70(1), 40.5.40.60 and 40.10.40.60 and (I) above, the following elements of a **building** may encroach within a required **building setback**:
- i. lighting fixtures, cornices, sills, eaves to a maximum projection of 0.5 metres into a required **building setback**;
 - ii. elements located at or below a height of 8.0 metres above **established grade**:
 - (1) Canopies and awnings to a maximum projection of 4.5 metres into a required **building setback**;
 - (2) planters, bollards, stairs, railings, safety railings, guards and guardrails, retaining walls, walls, bicycle parking facilities, light standards, lighting fixtures, wheel chair ramps, landscape features and art installations; and
 - iii. **Structures**, and elements permitted by (G) above;

- (K) The permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" on Diagram 3 of By-law 897-2021 and the portion of a **building** used for the purpose of a greenhouse is not a **storey**;
- (L) The permitted maximum **gross floor area** of a **storey** located more than 76.0 metres above **established grade** is 750.0 square metres;
- (M) Despite Clause 40.10.40.50, **amenity space** is only required as follows:
- i. a minimum of 2.0 square metres of indoor **amenity space** per **bed-sitting room** and per **dwelling unit** must be provided on the **lot**;
- (N) Despite Clause 200.5.10.1, Table 200.5.10.1 and Section 200.15 a minimum of 3 **parking spaces** must be provided on the **lot** and must comply with the following requirements for an accessible **parking space**:
- i. An accessible **parking space** must have the following minimum dimensions:
 - (1) length of 5.6 metres;
 - (2) width of 3.4 metres; and
 - (3) vertical clearance of 2.1 metres;
 - ii. The entire length of an accessible **parking space** must be adjacent to a 1.5 metres wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
- (O) Despite Clause 220.5.10.1 a minimum of 3 Type "B" **loading spaces** and a minimum of 3 Type "C" **loading spaces** must be provided on the **lot**;
- (P) Despite Regulation 220.5.1.10, **loading spaces** required by this Exception may be used by **post-secondary school** or **student residence** uses, including uses **ancillary** thereto, which may or may not be located on the **lot**;
- (Q) Despite Regulation 230.5.10.1(1) and Table 230.5.10.1(1) **bicycle parking spaces** for a **post-secondary school** and a **student residence**, including uses **ancillary** thereto, must be provided as follows:
- i. For a post-secondary school:
 - (1) the minimum number of short-term **bicycle parking spaces** is 3.0 plus 0.3 **bicycle parking spaces** for each 100 square metres of **interior floor area** used for **post-secondary school** offices and classrooms; and

- (2) the minimum number of long-term **bicycle parking spaces** is 1.0 for each 100 square metres of **interior floor area** used for **post-secondary school** offices and classrooms; and
- ii. for a student residence:
 - (1) the minimum number of short-term **bicycle parking spaces** is 0.01 per **dwelling unit**;
 - (2) the minimum number of short-term bicycle parking spaces is 0.01 per **bed sitting-room**;
 - (3) the minimum number of long-term **bicycle parking spaces** is 0.1 per **dwelling unit**; and
 - (4) the minimum number of long-term **bicycle parking spaces** is 0.1 per **bed-sitting room**;
- (R) Despite Regulation 230.5.1.10(9) a required "long-term" **bicycle parking space** may be located below-ground;
- (S) Despite Regulation 230.5.1.10(10), a "long-term" **bicycle parking space** and a "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (T) Regulation 40.10.40.1(1) does not apply with respect to the location of residential use portions of the **building**;
- (U) Regulation 40.10.40.1(2) does not apply with respect to the floor level of the first **storey**;
- (V) Regulations 40.10.90.40(1) and (3) do not apply with respect to access to a **loading space**;
- (W) Regulation 40.10.100.10(1) does not apply with respect to **vehicle** access;
- (X) Regulation 200.5.1.10(12)(C) does not apply with respect to a **vehicle** entrance from the **lot line**;
- (Y) Regulation 230.40.1.20 (2) does not apply with respect to the location of "short-term" **bicycle parking spaces**;
- (Z) Section 600.10 with respect to Building Setback Overlay District Map does not apply;
- (AA) Section 600.20 with respect to Priority Retail Streets Overlay Map does not apply;
- (BB) A **mixed-use building** also includes a **building** with a **student residence** and a non-residential use;

- (CC) The provisions of this Exception respecting the height 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; and
- (DD) Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law 897-2021, the provisions of this Exception and By-law 569-2013, as amended, apply to the lands as one **lot**, as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections

- (A) Section 12(2) 132 of the former City of Toronto By-law 438-86; and
- (B) Section 12(2) 256 of the former City of Toronto By-law 438-86.

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 of this By law, 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 must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to exception CR(x307) of By law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

Enacted and passed on November 12, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of City)

Schedule A

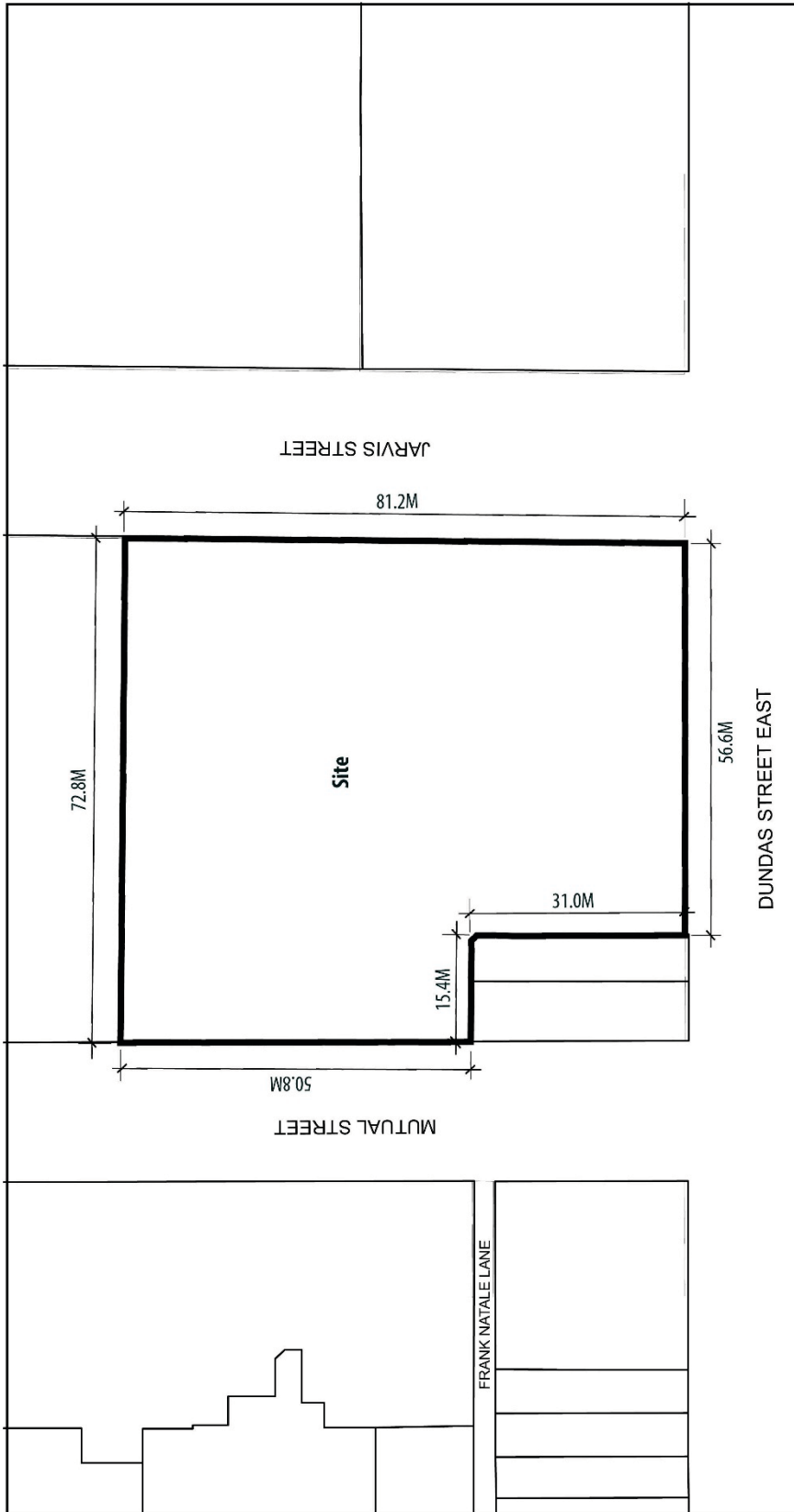
Section 37 Provisions

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 as shown on Diagram 1 of this By-law, subject to and as secured in a registered agreement or agreements under subsection 37(3) as it read on September 17, 2020, of the Planning Act, whereby the owner agrees as follows:

1. As a matter recommended to be secured in the Section 37 Agreement as a legal convenience to support the development, the owner shall:
 - (A) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected Hospital for Sick Children helicopter flight path;
 - (B) Provide a revised Functional Servicing and Stormwater Management Report to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and to determine whether any upgrades may be required to the existing infrastructure to support the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (C) Secure the design and provision of financial securities for any improvements to the municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;
 - (D) The owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 225 square metres at grade for use by the general public as a Public Square in the southwest corner of the site in a location generally as shown in the Official Plan Amendment, with the location, configuration, use and design of the Public Square to be determined in the context of site plan approval to the satisfaction of the Chief Planning and Executive Director, City Planning Division, and secured in a site plan agreement with the City;
 - (E) At or before six months from the first residential use or occupancy, with extensions as may be satisfactory to the Chief Planner, the owner shall have completed construction of the Public Square referred to in (D) above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor free and clear of encumbrances and for nominal consideration, a public access easement in

perpetuity in favour of the City over the privately owned publicly accessible space (Public Square), including rights of support as applicable, on such terms and conditions as are set out in the Section 37 Agreement, including provision for insurance and indemnification associated with public access easements; and

- (F) That the owner construct and maintain the development of the Site in accordance with Tier 1 Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard or higher, where appropriate consistent with the performance standards of the Toronto Green Standards applicable at the time of the site plan application for each building on the site.



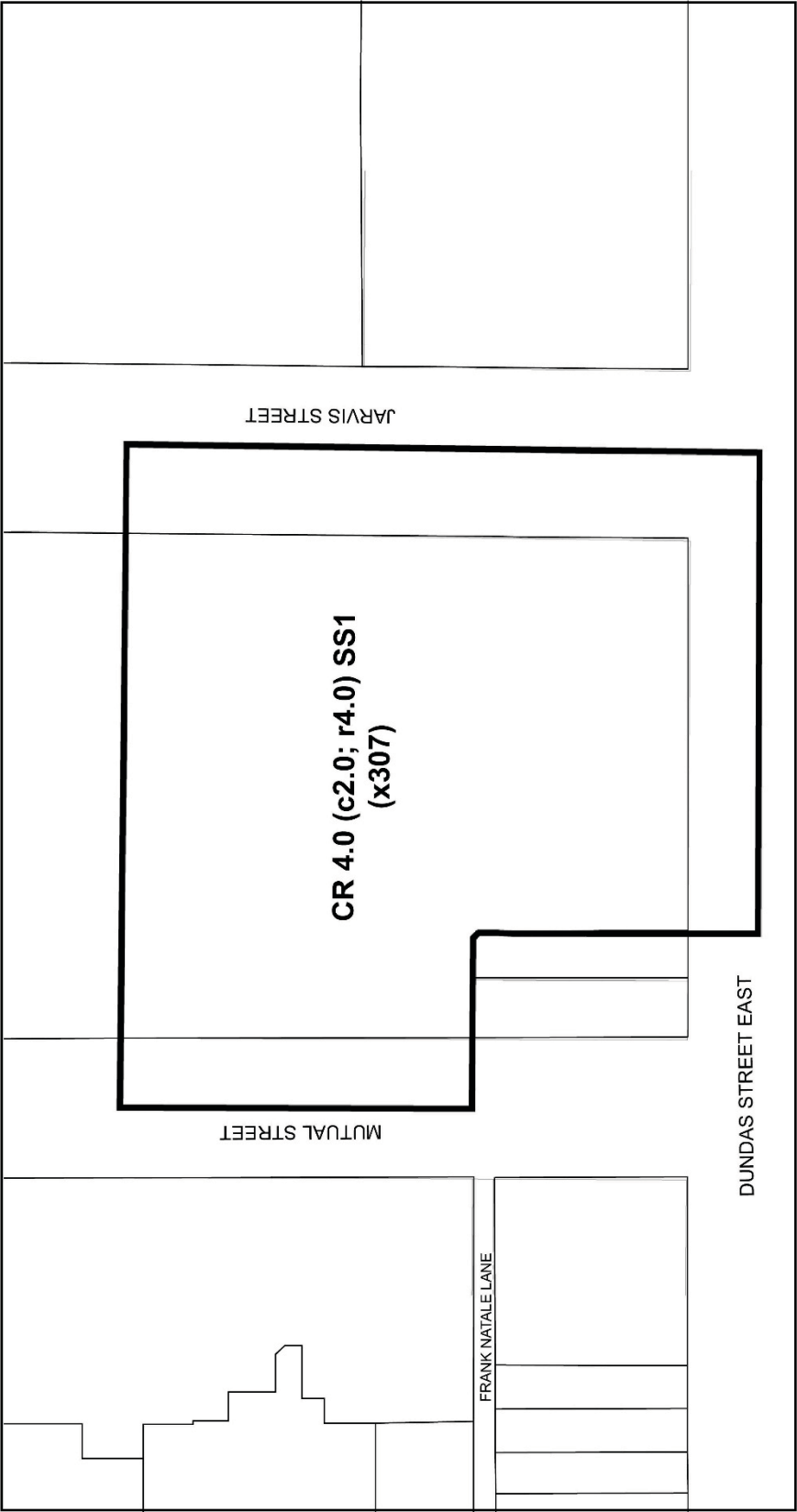
202 Jarvis Street And 160 - 166 Dundas Street East

Diagram 1

File # 18 271373 STE 13 0Z



City of Toronto By-law 569-2013
Not to Scale
10/20/2021



202 Jarvis Street And 160 - 166 Dundas Street East

Diagram 2

File # 18 271373 STE 13 0Z



City of Toronto By-law 569-2013
Not to Scale
10/20/2021



202 Jarvis Street And 160 - 166 Dundas Street East

Diagram 3

File # 18 271373 STE 13 0Z