

**571 Jarvis St and 119 Isabella Street – Amendment to Draft Zoning By-law – Final Report**

<b>Date:</b>	July 10, 2012
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	Cc19050 (11 224619 STE 27 OZ)

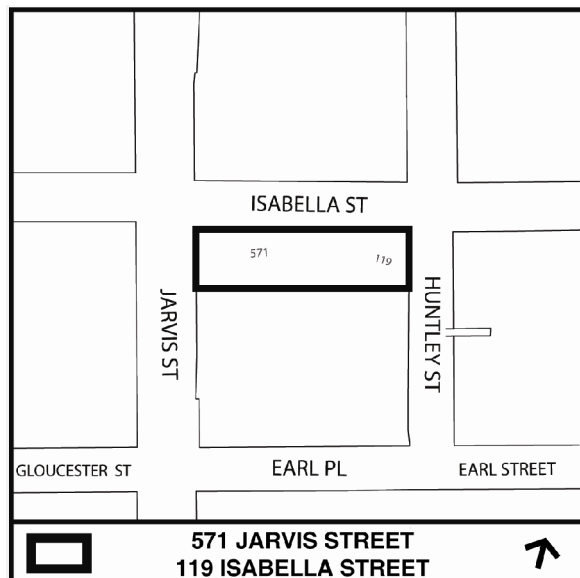
**SUMMARY**

At its meeting of June 13, 2012 the Toronto East York Community Council recommended adoption of the Draft Official Plan and Zoning By-law amendments recommended by Community Planning for 571 Jarvis Street and 119 Isabella Street, and requested the Director, Community Planning to report directly to City Council on July 11 and 12, 2012, respecting amendments to the Draft Zoning By-law Amendment to allow a proposed cantilever over the existing heritage building (The Grey Lady) at 571 Jarvis Street.

**RECOMMENDATIONS**

**In the event City Council determines to adopt the draft zoning by-law amendment so as to permit the building cantilever, the following recommendation should be adopted:**

1. City Council amend Clause 2 to the report dated May 17, 2012, from the Director, Community Planning, Toronto and East York District by replacing Attachment 7 with Attachment 1 attached to the Report dated July 10, 2012 from the Director, Community Planning, Toronto and East York District.



## **Discussion**

On June 13, 2012 Toronto East York Council directed Community Planning to amend the May 17, 2012 Report for 571 Jarvis Street and 119 Isabella Street. The direction required an amendment to Attachment 7 (Draft Zoning By-law) adopted by Toronto East York Community Council in order to permit the proposed cantilever over the existing heritage building (The Grey Lady) at 571 Jarvis Street.

City Planning did not support the proposed cantilever as it was considered an unnecessary design element that compromised the heritage integrity of the designated building. A report from the Director of Urban Design will be considered by Council along with the present report and Zoning By-law amendment.

Map 2 (attached to this Report) has been amended to include the cantilever. The cantilever will add an additional 85 square metres of gross floor area to the proposed 4067 square metre Community Health Centre. The text in the draft zoning by-law amendment has been amended to reflect the additional gross floor area.

## **Conclusion**

In the May 17, 2012 Report for 571 Jarvis Street and 119 Isabella Street, Official Plan Amendment and Zoning By-law Amendment, City Planning recommended draft by-laws. Toronto East York Community Council at its meeting of June 13, 2012 recommended adoption with amendments to permit a cantilever over the existing heritage building (Grey Lady). City Planning does not support the cantilever. Recommendations are provided in this report in the event City Council adopts Community Council's modifications.

No further notice is required for this amendment.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on \_\_\_\_\_, 2012

Enacted by Council: \_\_\_\_\_, 2012

### **BY-LAW No. XX-2012**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands municipally known as 571 Jarvis Street and 119 Isabella Street**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 of the former City of Toronto, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally as 571 Jarvis Street and 119 Isabella Street;

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, in return for the provision of such facilities, services and matters as are set out in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for any 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;

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth;

WHEREAS the increase in the density or height permitted hereunder, beyond those otherwise permitted on the lands by By-law No. 438-86, as amended, are to be permitted subject to the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the *owner* of the lands and the City of Toronto (hereinafter referred to as the “City”);

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development;

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements to secure certain facilities, services and matters in return for the

increases in height and/or density in connection with the aforesaid lands as permitted in the By-law;

NOW THEREFORE, the Council of the City of Toronto HEREBY ENACTS 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 including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(2)(a)(i)C, 4(5)(I)(II), 4(8)(B), 4(10))A), 4(10)(D), 6(1)(A), 6(3) Part I 1, 6(3) Part II 3.A(II), 6(3) Part II 3.G, 6(3) Part II 4, 6(3) Part II 5(I), 6(3)II 6(1), 6(3) Part IV 2 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 land 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”, as amended, shall apply to prevent the erection or use of an institutional building on the *lot* provided that:
  - (a) the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) only a *Community Health Centre* and administrative office uses are permitted on the *lot*;
  - (c) the total *non-residential gross floor area* of the building or buildings erected on the *lot* shall not exceed 4200 square metres;
  - (d) no person shall erect or use a building or structure or portion thereof on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres as shown on Map 2 attached to and forming part of this By-law, exclusive of the rooftop structures and equipment permitted by subsection 4(e) of this By-law;

- (e) despite subsection 1(d) herein, the following structures may extend above the maximum *height*:
  - (i) by a maximum of 1.5 metres:
    - a stair tower, elevator shaft, structures used for outside or open air recreation, maintenance, safety, or wind protection purposes, including chimney stack or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements, and
  - (ii) heating, cooling or ventilating equipment on the roof of the building, provided the requirements of Section 4(2)(a) (i) of By-law No. 438-86, as amended, are complied with;
- (f) the existing heritage building at 571 Jarvis Street is retained in its entirety, in situ on the *lot*;
- (g) no portion of the building or structure erected or used above grade on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
  - (i) canopies, eaves, awnings and building cornices may extend beyond the heavy lines shown on the attached Map 2; and
  - (ii) balconies, lighting fixtures, ornamental or architectural elements, parapets, landings and associated railings, trellises, window sills, bay windows, guardrails, balustrades, mullions, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend beyond the heavy lines shown on the attached Map 2 by a maximum of 1.5 metres;
- (h) No person shall use any land or erect or use any building or structure on the *lot*, unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
  - (i) 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
  - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational;
- (i) the maximum building depth of any building erected or used on the *lot* shall not exceed 73 metres;

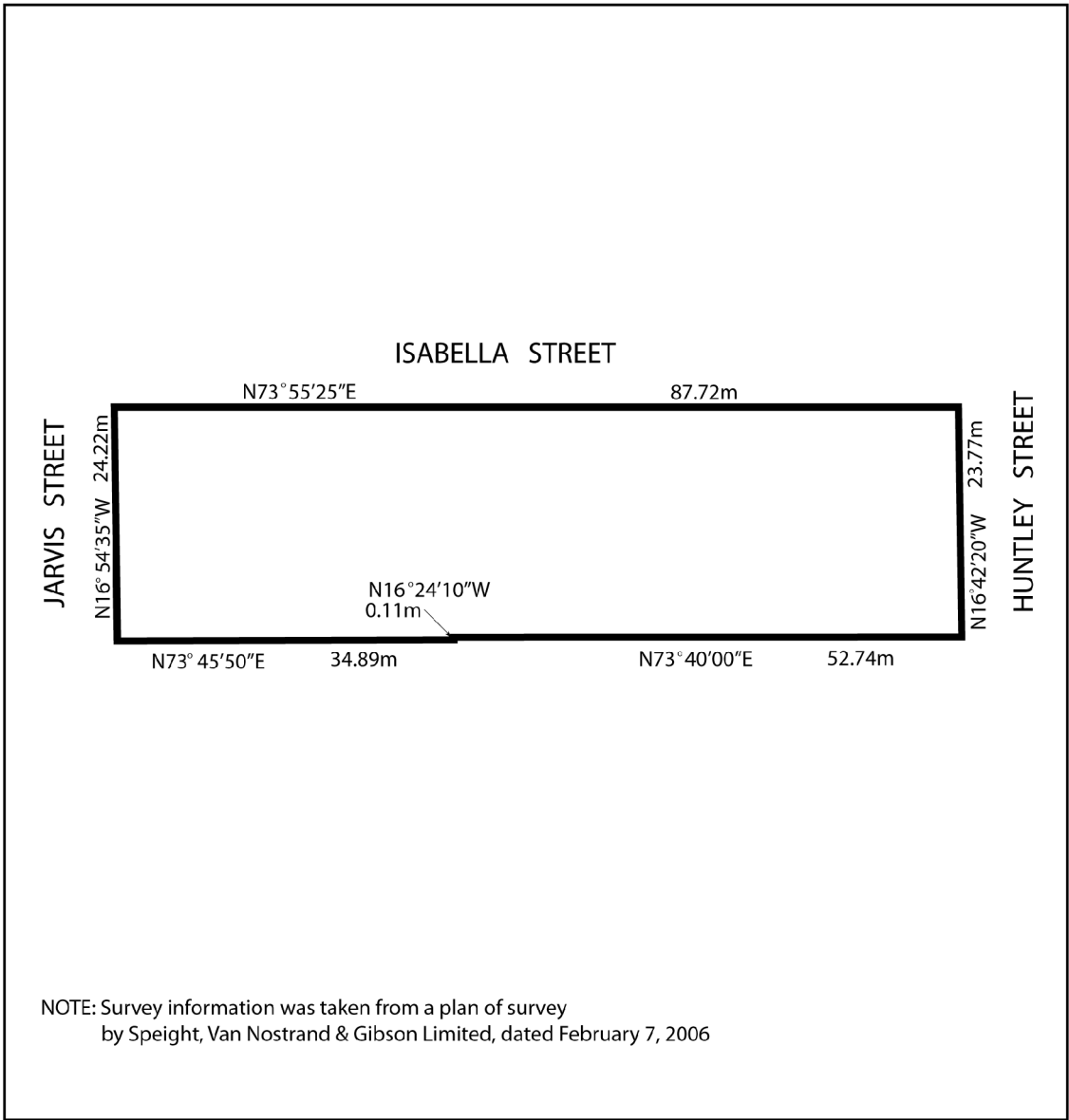
- (j) at least one *loading space – type B* shall be provided and maintained on the *lot*;
  - (k) a minimum of 18 *bicycle parking spaces* shall be provided and maintained on the *lot* for the occupant of and visitors to the building in accordance with the following:
    - (i) for occupants, not less than 6 *bicycle parking spaces – occupant*, are provided and maintained below grade and 3 *bicycle parking spaces – occupant* are provided and maintained at *grade*; and
    - (ii) for visitors, not less than 9 *bicycle parking spaces – visitor* are provided and maintained at *grade*;
  - (l) a maximum of 20 *parking spaces* are provide and maintained below *grade*;
  - (m) the minimum width of a one lane driveway shall be 3.49 metres; and
  - (n) the maximum grade of a one lane driveway shall be 15%.
5. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended with the exception of the following:
- (a) "*community health centre*" shall have the same meaning as in By-law No. 438-86, as amended but for greater certainty, a *clinic* includes a specialized hospital;
  - (b) "*height*" shall mean the vertical distance in metres between *grade* and the highest point of the building or structure;
  - (c) "*grade*" means 113.85 metres above Canadian Geodetic Datum; and
  - (d) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law.

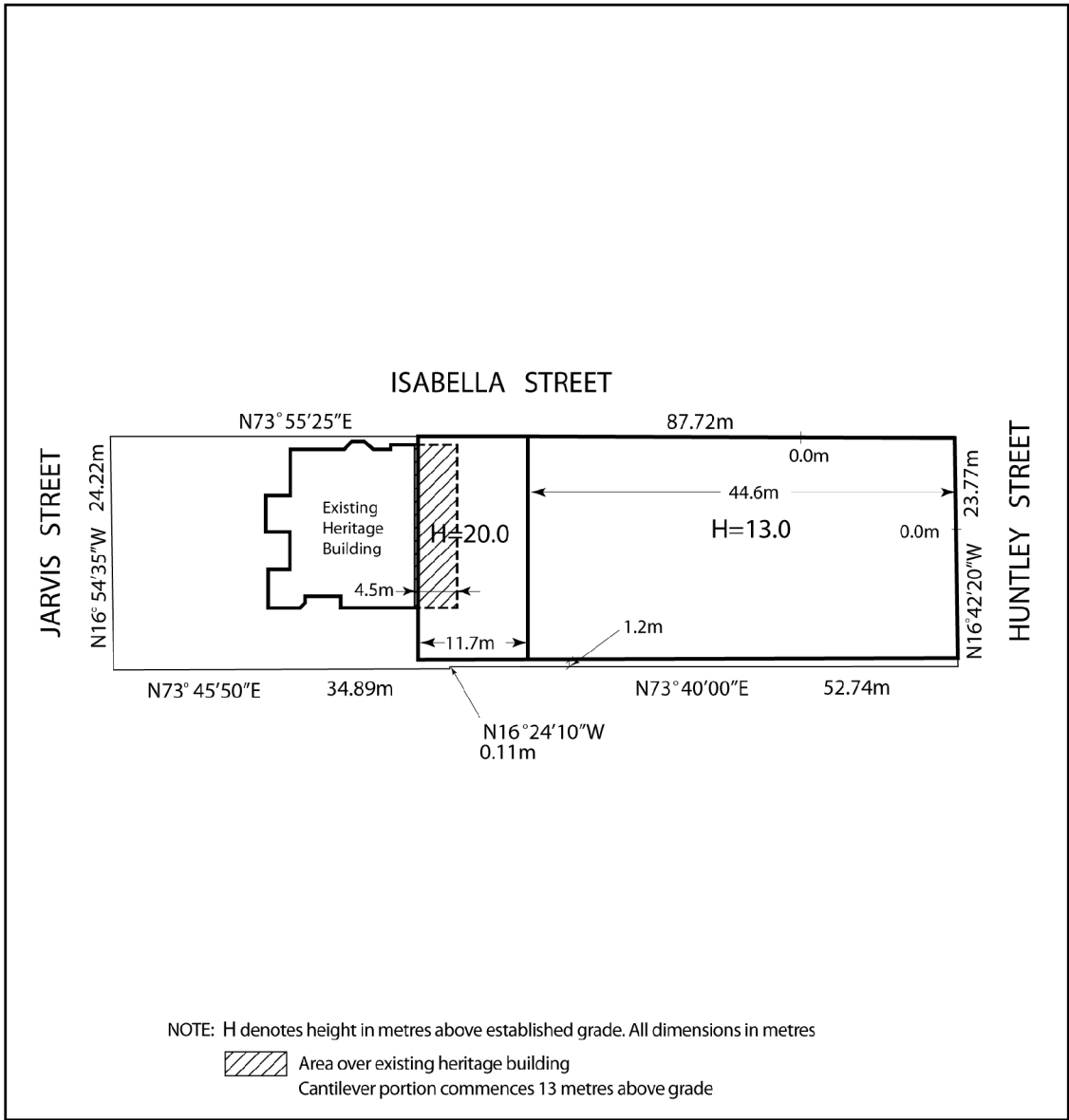
ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)







Appendix “1”  
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* 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* with conditions providing for indexing escalating of the financial contributions, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a. Incorporate in the construction of the building, and maintain exterior building and landscape materials satisfactory to the Chief Planner and Executive Director of City Planning.
- b. Provide and maintain trees and a continuous soil trench within the Isabella Street and Huntley Street road allowance to the satisfaction of the Director of Urban Forestry in accordance with Landscape Plan, Drawing No. L1.01 prepared by Mark Hartley Landscape Architects date stamped June 24, 2011.
- c. Provide and maintain an irrigation system for proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer irrigation system for all new trees in the public rights-of-ways, satisfactory to the Executive Director, Technical Services and General Manager, Parks, Forestry and Recreation.
- d. Build in conformity with the Green Development Standard Checklist received by the Chief Planner and Executive Director, City Planning Division on July 22, 2011.
- e. Enter into a Site Plan Agreement to the satisfaction of the Chief Planner and Executive Director of City Planning, under Section 114 of the *City of Toronto Act, 2006*.
- f. Prior to final site plan approval the owner shall provide the following to the satisfaction of the Manager, Heritage Preservation Services:
  1. an as-found record of the existing buildings at 571 Jarvis Street and 119 Isabella Street, including photographs keyed to plans, floor plans and elevations of all the visible exteriors and interiors;
  2. a detailed Conservation Plan (including drawings and specifications for materials and finishes related to the heritage building and all new construction) for the rehabilitation and restoration work as described by the February 24, 2012 Heritage Impact Assessment and March 29, 2012 drawings, to be prepared

- by a qualified heritage consultant, detailing recommended interventions, exterior restoration, building protection measures during construction, estimated costs of all restoration work and a schedule of short and long term maintenance requirements; and
3. a final detailed landscape plan that supports the heritage character of the heritage building.
- g. Prior to final site plan approval the owner shall enter into a Heritage Easement Agreement with the City for the protection and long term maintenance of the heritage property, subject to the approved alterations, to the satisfaction of the Manager, Heritage Preservation Services.
  - h. Prior to final site plan approval the owner shall provide a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration work included in the detailed Conservation Plan.
  - i. Prior to the issuance of any permit pursuant to the Ontario Heritage Act for the heritage property located at 571 Jarvis Street the owner shall provide the following:
    1. full building permit drawings, including notes and specifications for the rehabilitation, restoration and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and
    2. that the zoning by-law amendment be in full force and the Section 37 Agreement and Heritage Easement Agreement have been entered into and registered to the satisfaction of the City Solicitor.
  - j. Prior to the issuance of a demolition permit for the heritage property located at 119 Isabella Street, the owner shall to the satisfaction of the Chief Planner and the Manager, Heritage Preservation Services:
    1. obtain final site plan approval for the proposed development at 571 Jarvis Street and 119 Isabella Street to the satisfaction of the Chief Planner and the Manager, Heritage Preservation Services; and
    2. provide full documentation of the existing coach house, including archival quality photographs of all exterior elevations and features keyed to a location map, all existing interior floor plans and copies of original drawings as may be available.

- k. Prior to the release of the Letter of Credit, the owner shall:
  - 1. complete the heritage rehabilitation and restoration work to the satisfaction of the Manager, Heritage Preservation Services;
  - 2. provide a Letter of Substantial Completion for the heritage rehabilitation and restoration work signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and
  - 3. submit final as-built photographs of the exterior and interior of the heritage building at 571 Jarvis Street to the satisfaction of the Manager, Heritage Preservation Services.
  
- l. Prior to final site plan approval, the owner will:
  - 1. Retain a consultant archaeologist, licensed by the Ministry of Culture under provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Final Draft – Standards and Guidelines for Consulting Archaeologists, September 2006, Ministry of Culture; and
  - 2. Should the archaeological assessment process continue beyond a Stage 1 assessment, any recommendations for Stages 2-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation.
  
- m. Prior to final site plan approval, the owner will:
  - 1. Complete a Noise Attenuation study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division. The City will require the owner to retain a third party reviewer at their expense; and
  - 2. Submit to the Executive Director of Technical Services for review and acceptance, a site servicing review to demonstrate how this site will be serviced and whether the existing municipal infrastructure is adequate.