

Authority: Toronto and East York Community Council
Item TE28.4, adopted as amended, by City of Toronto
Council on November 9, 10, and 12, 2021

CITY OF TORONTO

BY-LAW 166-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2021 as 29, 31, 33 and 39 Pleasant Boulevard.

Whereas Council of the City of Toronto has the authority 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 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 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 and forming part of 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 and replacing Article 900.2.10 Exception Number 944 so that it reads:

(944) Exception R 944

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 29, 31, 33 and 39 Pleasant Boulevard, if the requirements of Section 6 and Schedule A of By-law 166-2022 are complied with, a residential **building** or **structure**, may be erected and used in compliance with (B) to (X) below:
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy lines on Diagram 1 of By-law 166-2022;
- (C) Despite Regulation 10.10.40.40(1), the permitted maximum residential **gross floor area** of all **buildings** and **structures** on the **lot** is 20,150 square metres;
- (D) For the purpose of this exception, the calculation of **gross floor area** does not include the areas occupied by any non-structural architectural grid system or ornamental features that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features;
- (E) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT as shown on Diagram 2 of By-law 166-2022;
- (F) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic elevation of 140.80 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite Regulations 10.5.40.10(3), 10.5.40.10(4), 10.10.40.10(1), 10.10.40.10(8), 10.10.40.10(9), 10.10.40.10(10), and (E) above, no portion of the **building** or **structure** shall exceed the height limits shown in metres and specified by the numbers following the letter HT shown on Diagram 2 of By-law 166-2022, except for the following:
 - (i) Railings and guards, which may project above the permitted maximum height by a maximum of 2.0 metres;
 - (ii) Mechanical equipment used for the functional operation of the **building**, elevator overruns and machine rooms, and electrical elements (including screens and mechanical penthouse) may project above the permitted maximum height by a maximum of 10.60 metres, provided its coverage does not exceed 80 percent of the area of the roof of the tower floor plate, labelled as HT 112.0 on Diagram 2 of By-law 166-2022;

- (iii) Vents, ornamental architectural elements, exhausts, lightning rods, chimney stacks, window washing and **building** maintenance equipment, **green roof** elements, roof assemblies, parapets and ornamental architectural elements may project above the permitted maximum height by a maximum of 10.60 metres;
 - (iv) Wind remediation screens and **structures** may project above the permitted maximum height by a maximum of 3.0 metres; and
 - (v) Landscape features and elements including trellises, and outdoor amenity structures, which may project above the permitted maximum height by a maximum of 3.0 metres;
- (H) Despite Regulations 10.5.40.50(2), 10.5.40.60 (1), (2), (3), (4), and (5), 10.5.40.70 (1) and (2) and 10.10.40.70 (1), (2), and (3), no portion of the **building** or **structure** erected above finished ground level is permitted to be located otherwise than wholly within the areas delineated by heavy lines on the attached Diagram 2 of By-law 166-2022, except for the following:
- (i) Pilasters, decorative columns, canopies, belt courses, pipes, utility equipment, awnings, **building** cornices, lighting fixtures, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, terraces, wheel chair ramps, vents, retaining walls and curbs, **bicycle parking spaces**, landscape and **green roof** elements, mechanical and architectural screening and wind mitigation features, which may exceed beyond the heavy lines, except for the **lot lines**, as shown on Diagram 2 of By-law 166-2022 up to a maximum of 3.0 metres;
 - (ii) Balconies may project beyond the heavy lines up to a maximum of 1.8 metres; and
 - (iii) Despite H) ii. above, balconies on the south **main wall** of the **building** between the Canadian Geodetic elevation of 140.80 metres and the Canadian Geodetic elevation of 186.0 metres may project beyond the heavy lines up to a maximum of 1.5 metres;
- (I) For the purpose of this exception, non-structural ornamental architectural elements permitted by (H) above, including the areas that may be fully or partly enclosed by such features, are not **main walls**;
- (J) Despite Regulation 10.5.50.10(4), a minimum of 320 square metres of **landscaping** or **soft landscaping** is required to be provided on the **lot**, excluding the portion of the **lot** labelled as Parkland on Diagram 2 of By-law 166-2022, of which a minimum of 120 square metres will be **soft landscaping**;

- (K) Despite Regulation 10.5.50.10(5), a 1.5 metre wide **soft landscaping** strip is not required to be provided along any part of a **lot line** abutting another **lot** in the Residential Zone category;
- (L) Despite Regulation 10.5.80.40(3)(A), **vehicle** access to a **parking space** on the **lot** may be from the **street**;
- (M) Despite Regulation 10.5.100.1(4)(B), a **driveway** may have a maximum total width of 7.2 metres;
- (N) Regulation 10.5.100.1(5) with regards to a **vehicle** access provided between the **street** and the principle pedestrian entrance to the **building** does not apply;
- (O) Regulation 10.10.80.40(2) with regards to parking access to a **corner lot** or a **lot** abutting a lane does not apply;
- (P) Despite Regulations 200.5.1(2), 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum requirements:
 - (i) 0.22 **parking spaces** per **dwelling unit** for residents;
 - (ii) 0.03 **parking spaces** per **dwelling unit** for visitors; and
 - (iii) In addition to i. and ii. above, one car-share **parking space** is permitted;
- (Q) For the purpose of this exception, car-share is the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or nonprofit car sharing organization;
- (R) For the purpose of this exception, car-share **parking space** means a **parking space** that is reserved and actively used for car-sharing;
- (S) Despite Regulation 200.5.1.10(12)(C), the **vehicle** entrance or exit to the **building** must be at least 4.15 metres from the **lot line** abutting a **street**;
- (T) Despite Regulation 200.15.1(1)(B), an accessible **parking space** must have a minimum width of 3.4 metres;
- (U) Despite Regulation 200.15.1(4), accessible **parking spaces** on Parking Level 1 are not required to be closest to a barrier free passenger elevator that provides access to the first **storey** of the **building** or the shortest route from the required entrance to the elevator;
- (V) Despite Regulation 10.10.40.30(1)(B), the permitted maximum **building depth** is 32.0 metres;

- (W) Despite Regulation 10.10.40.50(1), residential **amenity space** shall be provided and maintained in accordance with the following minimum requirements:
- (i) a minimum of 1.78 square metres of indoor **amenity space** per **dwelling unit** must be provided; and
 - (ii) a minimum of 1.38 square metres of outdoor **amenity space** per **dwelling unit** must be provided, of which at least 40 square metres of outdoor **amenity space** must be provided in a location directly accessible from an area containing indoor **amenity space**; and
- (X) Despite Regulation 230.5.1.10(4), the minimum width of a **stacked bicycle parking space** is 0.43 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

4. Despite any existing or future severance, 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.
5. None of the provisions of this By-law, as amended, or By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than 3 years from the date this by-law comes into full force and effect, which means a **building, structure**, facility, trailer or portion thereof used exclusively for the purpose of the marketing, initial sale, lease or rental of the **dwelling units** on the **lot**.
6. 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 2 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; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density of the development pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on March 9, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A
Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are 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:

1. Prior to any Site Plan Approval the owner shall provide a construction management plan and neighbourhood communication strategy, to the satisfaction of the Chief Planner and Executive Director, City Planning ("Chief Planner") in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services ("Chief Engineer") and the Ward Councillor, on such terms as are set out in the Section 37 Agreement.
2. Prior to the issuance of the first Above-Grade Building Permit, the owner shall make a cash contribution to the City in the amount of THREE MILLION SIX HUNDRED FORTY THREE THOUSAND DOLLARS (\$3,643,000.00) to be directed, at the discretion of the Chief Planner in consultation with the Ward Councillor, to capital improvements to be allocated to new or existing affordable housing, new or existing cultural and/or community space, and/or local area park or streetscape improvements. In the event that the cash contribution has not been used for the intended purposes within three (3) years after this By-law comes into full force and effect, the cash contribution may be re-directed for other purposes at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purposes are identified in the Official Plan and will benefit the community in the vicinity of the lands. The cash payment shall be indexed upwardly in accordance with the Building Construction Price Index for the period beginning from the date of the execution of the Section 37 Agreement to the date of payment.
3. Prior to the issuance of the first Above-Grade Building Permit, the owner shall convey to the City the fee simple interest in a portion of the lands for public parkland purposes, to the satisfaction of General Manager, Parks, Forestry and Recreation, as shown on Diagram 2 of this By-law, consisting of a minimum area of 149 square metres, free and clear of all physical encumbrances above and below grade, save and except for physical encumbrances acceptable to the General Manager, Parks, Forestry and Recreation in writing, to the satisfaction of the General Manager, Parks, Forestry and Recreation, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor.
4. Prior to the owner's conveyance of the parkland dedication to the City in accordance with paragraph 3 above, the owner shall be responsible for an environmental assessment of the land and any associated costs or remediation works required as a result of that assessment. A qualified environmental consultant acceptable to the Chief Engineer shall

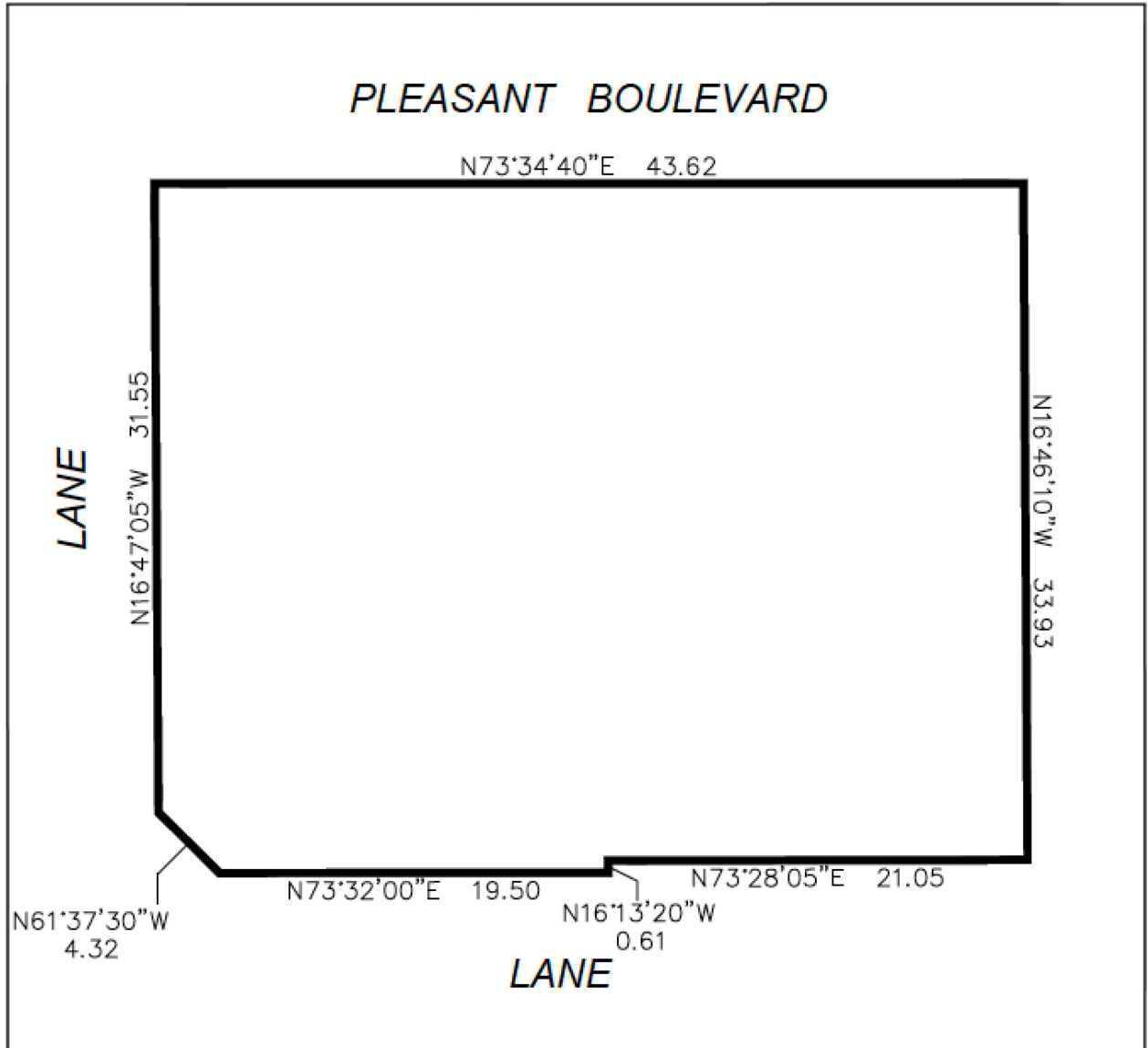
prepare the environmental assessment. Prior to the owner's conveyance of the parkland to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the owner's expense (the "Peer Reviewer"), the conveyance of the parkland shall be conditional upon the Peer Reviewer concurring with the owner's environmental consultant that the parkland meets all applicable laws, regulations and guidelines for public park purposes.

5. In accordance with the Section 37 agreement, prior to the issuance of the first Above-Grade Building Permit, the Owner shall submit cost estimates for the proposed Base and Above Base improvements to the public park. Prior to the issuance of the building permit that triggers the development charges payment, the owner shall provide financial security in the form of a letter of credit or certified cheque on such terms as are satisfactory to the Chief Financial Officer and Treasurer in the amount of 120 percent of the value of each of the Base Park Improvements and the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. This financial security shall be held for the installation and warranty of the Base and Above Base Park Improvements and is subject to upward adjustment as set out in the Section 37 agreement.
6. In accordance with the Section 37 agreement, the design and construction of the Base and Above Base improvements to the public park shall be completed prior to the earlier of any registration of a condominium on the lands or within two years after the issuance of the first Above-Grade Building Permit for the development, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
7. In accordance with the Section 37 agreement, prior to Site Plan Approval the owner shall convey a non-exclusive surface easement for a privately owned publicly accessible space ("POPS") in favour of the City, over and upon an area of not less than 140 square metres on the western portion of the lands as generally identified on the architectural plans prepared by Giannone Petricone Associates, dated June 15, 2021, with insurance and indemnification of the City provided by the owner. The owner shall own, operate, maintain and repair the POPS in accordance with the terms of the Section 37 Agreement, with construction of the POPS to be completed prior to the earlier of any registration of a condominium on the lands or within twelve months of first residential use of the development. The owner shall install and maintain signage in a location to be determined through Site Plan Approval, generally in accordance with the City template for POPS signage.
8. In accordance with the Section 37 agreement, prior to Site Plan Approval the owner shall convey a non-exclusive surface easement for public pedestrian access over lands having a minimum width of 1.7 metres abutting the eastern boundary of the Lands as generally identified on the architectural plans prepared by Giannone Petricone Associates, dated June 15, 2021 (the "Pedestrian Walkway"), with insurance and indemnification of the City provided by the owner. The owner shall construct and maintain the Pedestrian Walkway with materials specified in accordance with landscape plans and drawings to the satisfaction of the Chief Planner as determined through the Site Plan Approval process. The Owner shall ensure that prior to the earlier of any registration of a condominium on

the lands or within twelve months of first residential use of the development, the Pedestrian Walkway is constructed, open and accessible to the general public at all times.

- 9.** The Owner shall make satisfactory arrangements with the Chief Engineer for the construction of any new municipal infrastructure and/or any improvements or upgrades to the existing municipal infrastructure required to support the Development, identified by the Functional Servicing Report, authored by the Odan/Detech Group Inc., dated December 10, 2019, and revised on November 15, 2021, as accepted by the Chief Engineer, and enter into a financially secured agreement to pay for and construct such necessary improvements, upgrades and/or infrastructure.
- 10.** In accordance with the Section 37 agreement, the Owner shall construct and maintain the development in accordance with Tier 1, Toronto Green Standard.

Despite the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.



29-39 Pleasant Boulevard, Toronto

Diagram 1

File #19 _____



Not to Scale

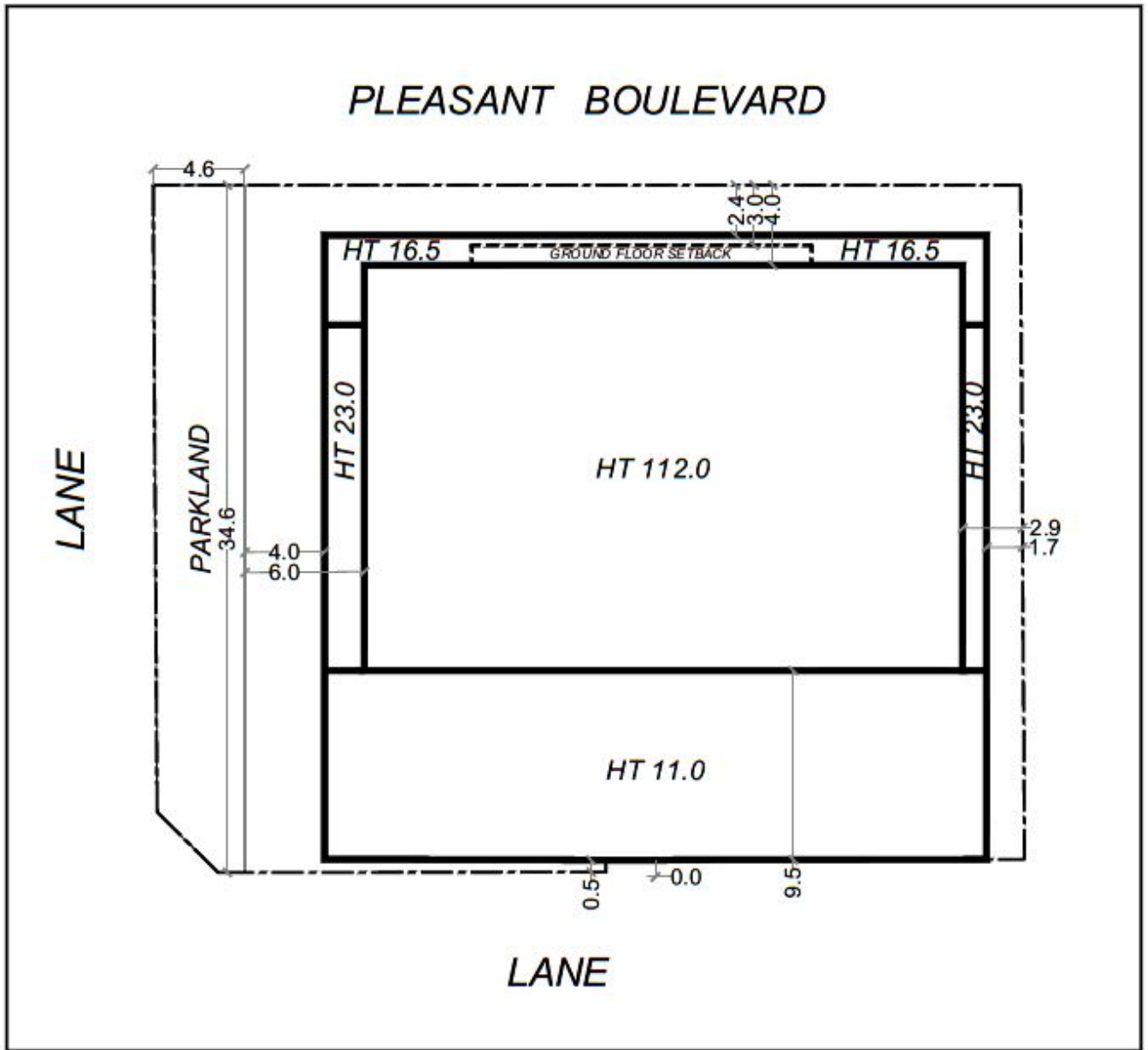


Diagram 2



Not to Scale