

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 167-2022

**To amend former City of Toronto Zoning By-law 438-86, as amended, respecting to the lands municipally known 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 438-86, 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. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law on the lands shown on Map 1 of this By-law are permitted subject to compliance with conditions set out in this By-law, and in return for the provision by the owner of the lands shown on Map 1 of this By-law, the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by one or more agreements with the City pursuant to Section 37(3) of the Planning Act.

2. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of an above grade building permit, the issuance of such permit shall be dependent on satisfaction of same
3. 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 Appendix 1 are satisfied and an agreement pursuant to Section 37(3) of the Planning Act is registered on title to the lands to the satisfaction of the City Solicitor.
4. The provisions of By-law 438-86, as amended, shall continue to apply to the lands outlined by heavy lines on Map 1 attached, except as otherwise provided herein.
5. The provisions of this By-law shall apply to the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law.
6. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*', '*residential gross floor area*', and '*residential amenity space*' and Sections 4(2)(a), 4(4)(b), 4(10), 4(12), 4(13) (a), (c) and (d), 4(14), 4(16), 6(3) Part I, 6(3) Part II, 6(3) Part III, 6(3) Part IV 2., and 12(2) 263 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 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, and none of the provisions of By-law 208-72 shall apply to prevent the erection or use of an *apartment building* and *accessory* uses thereto on the lands *lot*, provided that:
  - (A) The *lot* comprises of the land delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - (B) The total *gross floor area* of all buildings and structures on the *lot* shall not exceed 20,150 square metres;
  - (C) 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;
  - (D) No portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2 attached hereto;
  - (E) No portion of any building or structure erected or used above *grade* shall exceed the *height* limits above grade in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto;
  - (F) No portion of the building or structure erected above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, 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 Map 2 up to a maximum of 3.0 metres;
  - (ii) Balconies may project beyond the heavy lines as shown on Map 2 up to a maximum of 1.8 metres; and
  - (iii) Despite (f) 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;
- (G) Non-structural ornamental architectural elements permitted by (f) above, including the areas that may be fully or partly enclosed by such features, are not main walls;
- (H) No portion of the building or structure shall exceed the *height* limits shown in metres and specified by the numbers following the letter H on Map 2, except for the following:
- (i) Railings and guards, which may project above the permitted maximum height up to 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 up to 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 Map 2;
  - (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 up to 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, fences and outdoor amenity structures, which may project above the permitted maximum height up to a maximum of 3.0 metres;

- (I) A minimum of 320 square metres of *landscaped open space* or *soft landscaping* will be provided on the *lot*, excluding the portion of the *lot* labelled as Parkland on Map 2, of which a minimum of 120 square metres will be *soft landscaping*;
- (J) A *soft landscaping* strip is not required to be provided along any part of a *lot* line abutting another lot in the Residential District;
- (K) Vehicle access to a *parking space* on the *lot* may be from the *street*;
- (L) A driveway to an *apartment building* may have a maximum total width of 7.2 metres;
- (M) Vehicle access to the principle pedestrian entrance to the building is not required;
- (N) 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 that elevator;
- (O) *Parking spaces* must be provided and maintained in accordance with the following minimum requirements:
  - (i) 0.22 *parking spaces* per *dwelling unit* shall be provided for residents;
  - (ii) 0.03 *parking spaces* per *dwelling unit* shall be provided for visitors; and
  - (iii) In addition to subsection i. and ii. above, one car-share *parking space* is permitted;
- (P) Bicycle *parking spaces* must be provided and maintained in accordance with the following minimum requirements:
  - (i) 0.9 *bicycle parking spaces – occupant per dwelling unit*; and
  - (ii) 0.1 *bicycle parking spaces – visitor per dwelling unit*;
- (Q) The *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* required by subsection (p) above, may be provided in the form of *stacked bicycle parking spaces*;
- (R) A maximum building *depth* of 32.0 metres is permitted;
- (S) One *loading space – type G* shall be provided and maintained on the *lot*;
- (T) *Residential amenity space* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
  - (i) a minimum of 1.78 square metres of indoor *residential amenity space* per *dwelling unit* must be provided; and

- (ii) a minimum of 1.38 square metre of outdoor *residential amenity space* per *dwelling unit* must be provided, of which at least 40 square metres of outdoor *residential amenity space* must be provided in a location directly accessible from an area containing indoor *residential amenity space*;
- (U) None of the provisions of this By-law as amended, or By-law 438-86, as amended, apply to prevent 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 initial sale, lease or rental of *dwelling units* on the *lot*;
- (V) For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
  - (i) "*height*" means the vertical distance between grade and the highest point of the building or structure, except for those elements prescribed in this By-law;
  - (ii) "*car-share*" means 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;
  - (iii) "*car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing;
  - (iv) "*grade*" means 140.80 metres Canadian Geodetic Datum;
  - (v) "*gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
    - (a) Parking, loading and bicycle parking below-ground;
    - (b) Required *loading spaces* and circulation and maneuvering to loading spaces at the ground level and required *bicycle parking spaces* at or above-ground;
    - (c) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below-ground;
    - (d) Shower and change facilities require by this By-law for required *bicycle parking spaces*;
    - (e) Indoor *residential amenity space* required by this By-law;
    - (f) Elevator shafts;

- (g) Garbage shafts;
- (h) Mechanical penthouse; and
- (i) Exit stairwells in the building;
- (vi) *"residential amenity space"* means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities; and
- (vii) *"stacked bicycle parking spaces"* means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, with horizontal dimensions of at least 0.43 metres by 1.8 metres and a vertical dimension of at least 1.2 metres.

7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

Enacted and passed on March 9, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

## Appendix 1

### 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 Map 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 Map 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.



