

CITY OF TORONTO

BY-LAW 276-2019(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 46-54 Power Street and 113-135 Parliament Street.

Whereas the Ontario Municipal Board, pursuant to its decision in respect of Board File PL160543 issued January 31, 2017, after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended and Local Planning Appeal Tribunal Order issued May 7, 2018 in Board File PL160543, deems it advisable to amend former City of Toronto Zoning By-law 438-86, as amended, 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 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 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 dealing with the facilities, services or matters; and

Whereas the increase in the density or *height* permitted hereunder, beyond that otherwise permitted on the land by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto;

By-law 438-86, as amended, of the former City of Toronto is further amended by the Local Planning Appeal Tribunal as follows:

1. This By-law applies to the lands delineated by heavy lines as shown on Map 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
3. District Map 51G-323 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spaces 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, is further amended by redesignating from "RA" to "G" the lands identified as "G" on Map 1 attached to and forming part of this By-law.
4. None of the provisions of Section 2(1) with respect to *bicycle parking space - occupant*, *bicycle parking space - visitor*, *grade*, *height*, *lot*, *parking garage*, *residential amenity*

space, residential gross floor area, non-residential gross floor area and storey and Sections 4(2)(a), 4(5)(b), 4(5)(h), 4(8)(b), 4(12), 4(13), 7(1)(f), 7(3) Part II 1, 12(2)132, 12(2)246, 12(2)260, 12(2)270(a)(i) and 12(2)380 of By-law 438-86, 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, shall apply to prevent the erection or use of a *mixed-use building* and uses *accessory* thereto and a *commercial parking garage* on the lands municipally known as 46-54 Power Street and 113-135 Parliament Street (herein after referred to as the *lot*) provided:

- (a) the *lot* on which the *mixed-use building* is located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law, excluding those lands labelled G;
- (b) the *residential gross floor area* of the *mixed-use building* must not exceed 40,000 square metres;
- (c) the *non-residential gross floor area* of the *mixed-use building* must not exceed 4,150 square metres;
- (d) no individual retail or service use shall exceed a maximum *non-residential gross floor area* of 3,500 square metres;
- (e) no portion of a building or structure erected on the *lot*, including mechanical penthouses, shall have a greater *height* in metres or a greater number of *storeys* than the *heights* in metres specified by the numbers following the symbol H and the *storeys* specified by the numbers following the symbol ST on Map 2 attached to and forming part of this By-law, except that:
 - (i) parapets, planters, pool, pool deck, terrace dividers and elements of a green roof may exceed the applicable *height* limits shown on Map 2 to a maximum of 2 metres;
 - (ii) a garden shed may exceed the applicable *height* limits shown on Map 2 to a maximum of 2.4 metres; and
 - (iii) wind screens, window washing equipment, pergolas, trellises, vents, railings, chimney stacks, mechanical equipment, stair enclosures, lightning rods and exhaust flues may exceed the applicable *height* limits shown on Map 2 to a maximum of 3.0 metres;
- (f) no portion of the *mixed-use building* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2 with the exception of the following:
 - (i) cornices, lighting fixtures, ornamental elements, eaves, window sills, guardrails, columns, balconies, balcony dividers, piers, wheel chair ramps, vents, scuppers and underground garage ramps, and their associated

- structures, may extend beyond the areas delineated by heavy lines on Map 2 to a maximum of 2.0 metres;
- (ii) awnings, canopies and signage may extend beyond the areas delineated by heavy lines on Map 2 to a maximum of 3.0 metres; and
 - (iii) cladding may extend beyond the areas delineated by heavy lines on Map 2 to a maximum of 0.25 metres;
- (g) *residential amenity space* shall be provided and maintained in accordance with the following:
- (i) indoor *residential amenity space* shall be provided at a minimum rate of 1.8 square metres per *dwelling unit*, and shall be contained in a multi-purpose room or rooms at least one of which includes a kitchen and washroom;
 - (ii) outdoor *residential amenity space* shall be provided at a minimum rate of 1.75 square metres per *dwelling unit*, a minimum of 40 square metres of which is to be provided in a location adjoining or directly accessible from an area that comprises indoor *residential amenity space*;
 - (iii) no more than 25 percent of the *residential amenity space* located outdoors may be provided as a green roof; and
 - (iv) a maximum of 150 square metres of indoor *residential amenity space* may be comprised of up to two (2) guest suites;
- (h) a minimum of 548 *bicycle parking spaces* shall be provided on the *lot* in accordance with the following:
- (i) a minimum of 468 *bicycle parking spaces - occupant* shall be provided for residents of the *dwelling units*;
 - (ii) a minimum of 52 *bicycle parking spaces - visitor* shall be provided for visitors to the *dwelling units*;
 - (iii) a minimum of 8 *bicycle parking spaces - occupant* shall be provided for occupants of the non-residential uses; and
 - (iv) a minimum of 15 *bicycle parking spaces - visitor* shall be provided for visitors to the non-residential uses;
- (i) *stacked bicycle parking spaces* are permitted on the *lot* and the requirements for *bicycle parking spaces* may be satisfied with the provision of *stacked bicycle parking spaces*;

- (j) notwithstanding Section 4(5)(b) of By-law 438-86, as amended, a minimum of 249 *parking spaces* shall be provided on the *lot* in accordance with the following:
 - (i) a minimum of 0.33 *parking spaces* per *dwelling unit* shall be provided in a *parking garage* for the residents of the *mixed-use building*;
 - (ii) a minimum of 77 *parking spaces* shall be provided for the shared use of residential visitors and the non-residential uses of the *mixed-use building* either in an *accessory parking garage* or a *commercial parking garage*; and
 - (iii) of the minimum 77 *parking spaces* required by (ii) above, a maximum of 5 *parking spaces* may be designated for the use of residents of the *mixed-use building*;
- (k) a maximum of 22 *parking spaces* which are obstructed on one side only and a maximum of 4 *parking spaces* which are obstructed on two sides in accordance with Section 4(17)(e) of By-law 438-86, as amended, may have minimum dimensions of 5.6 metres in length, 2.6 metres in width and 2.0 metres in height;
- (l) a minimum of two *loading spaces - type B* and a minimum of one *loading space - type G* shall be provided and maintained on the *lot*; and
- (m) none of the provisions of By-law 438-86, as amended, shall apply to prevent a *temporary sales office* on the *lot*.

5. For the purposes of this By-law the following words and expressions shall have the following meanings:

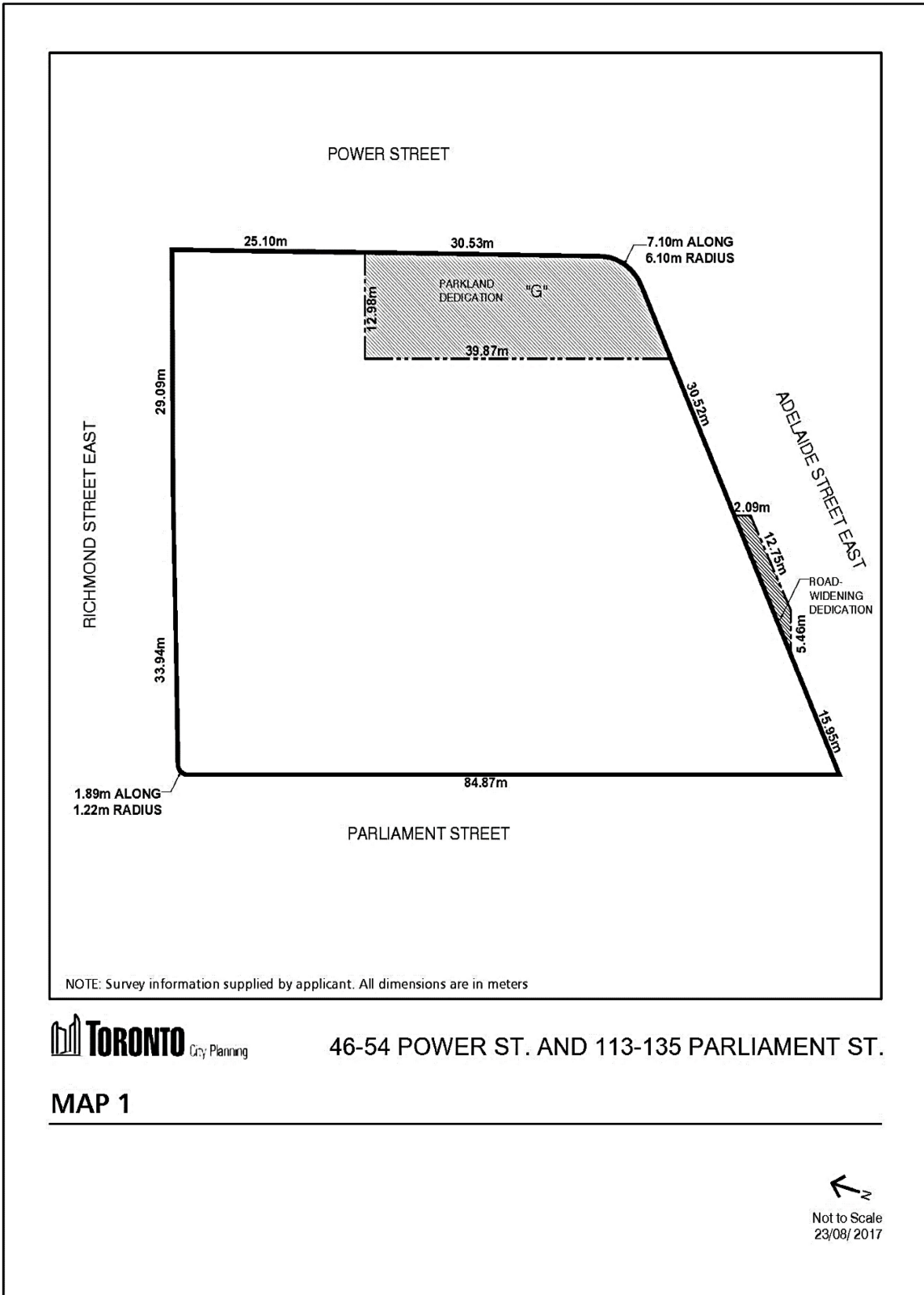
- (a) "*bicycle parking space - occupant*" means an area that is equipped with a bicycle locker or a room or a bicycle rack for the purpose of parking and securing bicycles; and
 - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a *stacked bicycle parking space*, the *bicycle parking spaces* within the stacker are not subject to the dimensions outlined in (i) and (ii) above but will have horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.0 metres;

- (b) "*bicycle parking space - visitor*" means an area that is equipped with a bicycle locker or a room or a bicycle rack for the purpose of parking and securing bicycles; and
- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a *stacked bicycle parking space*, the *bicycle parking spaces* within the stacker are not subject to the dimensions outlined in (i) and (ii) above but will have horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.0 metres;
- (c) "*stacked bicycle parking space*" shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space in a bicycle stacker and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
- (d) "*grade*" shall mean 82.5 metres Canadian Geodetic Datum;
- (e) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure;
- (f) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (g) "*parking garage*" means a portion of a building, located below *grade*, that is used for the temporary parking of motor vehicles, except that the *parking garage* may be occupied by motor vehicles whose users are not occupants or customers of the building where the *parking garage* is located;
- (h) "*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 the indoor *residential amenity space* may include up to 2 guest suites and the floor area of such guest suites shall be excluded from the calculation of *residential gross floor area* such guest suites shall not constitute *dwelling units* for the purposes of this By-law;
- (i) "*storey*" shall be as defined in By-law 438-86 except that the following building elements shall not be considered a *storey*:
- (i) a mezzanine, which means one floor level situated immediately above the first floor, which may be non-contiguous, but may not exceed a

cumulative floor area of 350 square metres and is limited in use to mechanical rooms and accesses thereto; and

- (ii) two mechanical penthouses, each of which comprising a maximum of two floor levels;
 - (j) "*temporary sales office*" shall mean an office, *showroom* or sales trailer used exclusively for the initial sale and/or initial leasing of *dwelling units* or non-residential units to be erected on the *lot*;
 - (k) "*residential gross floor area*" and "*non-residential gross floor area*" shall be as defined in By-law 438-86 except that floor area used as a *commercial parking garage* and access halls and stairs leading to mezzanine mechanical areas above the first floor shall also be excluded from the calculation; and
 - (l) each other word or expression which is italicized in this By-law shall have the same meaning as each such word or expression is defined by By-law 438-86.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of a *lot* as if no severance, partition or division occurred.
7. Pursuant to section 37 of the Planning Act and subject to compliance with this By-law, the increase in height of development on the *lot* contemplated herein beyond the otherwise permitted in By-law 438-86 is permitted in return for the provision by the *owner*, at the *owner's* expense of certain facilities, services and matters set out in Schedule A subject to and in accordance with an agreement pursuant to subsection 37(3) of the Planning Act that is in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
8. Where Schedule A of this By-law requires the owners 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 same.

Local Planning Appeal Tribunal Order issued May 7, 2018 in Board File PL160543.



NOTE: Survey information supplied by applicant. All dimensions are in meters

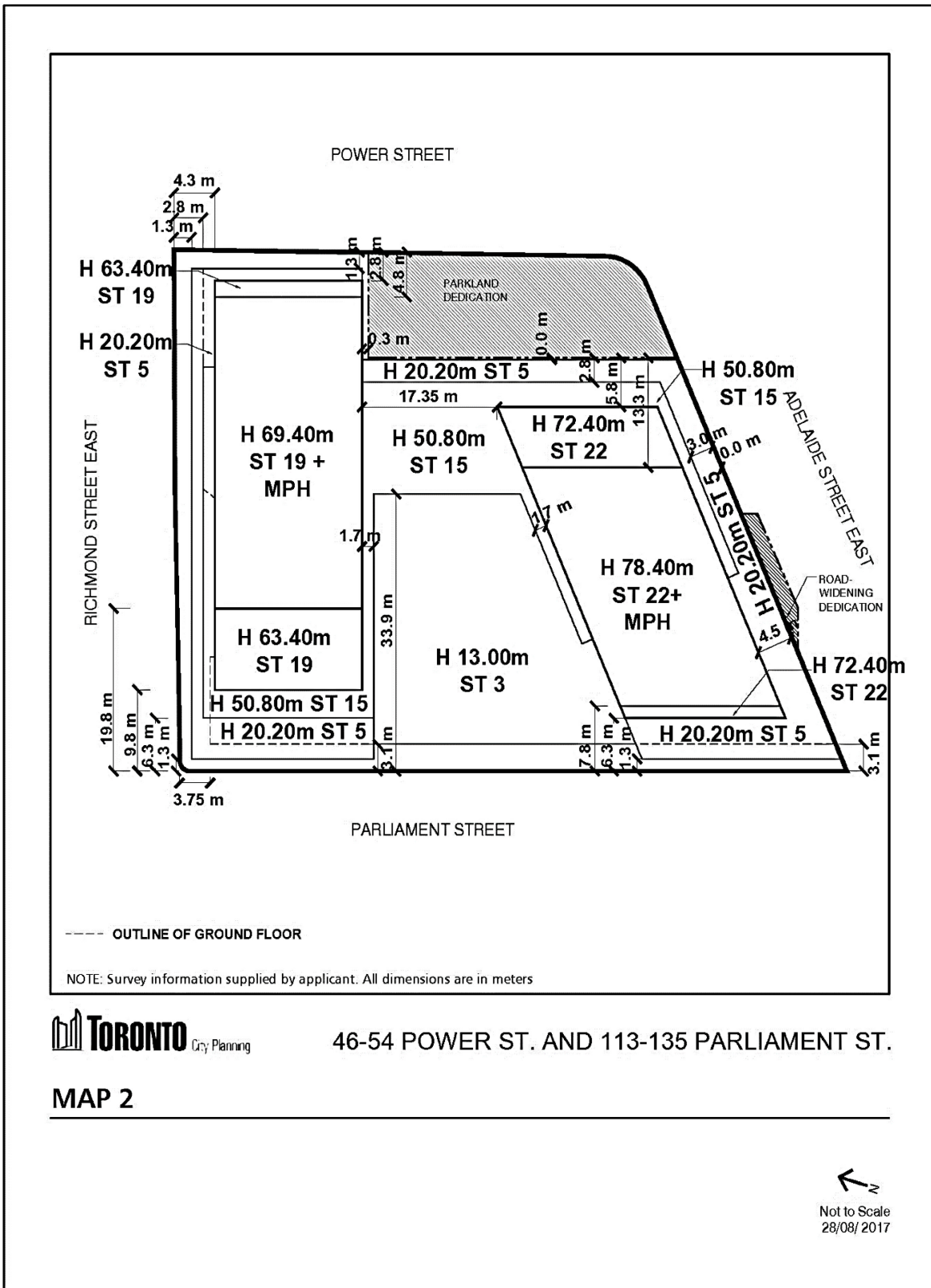


46-54 POWER ST. AND 113-135 PARLIAMENT ST.

MAP 1



Not to Scale
23/08/ 2017



46-54 POWER ST. AND 113-135 PARLIAMENT ST.

MAP 2



Not to Scale
28/08/ 2017

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 in Map 1 in this By-law and secured in an agreement or agreements under subsection 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit for the *mixed-use building* on the *lot*, the *owner* shall provide a cash contribution of:
 - (a) one million and four hundred thousand dollars (\$1,400,000) toward community benefits in the vicinity of the *lot* for the following purposes with the specific allocation to be to the satisfaction of the Chief Planner, in consultation with the Ward Councillor:
 - (i) local streetscape and parkland improvements within the area designated Corktown Area of Special Identity on Map 15-3 of the King-Parliament Secondary Plan, to the satisfaction of the Chief Planner, in consultation with the Ward Councillor;
 - (ii) redevelopment of the site of Canada's First Parliament Building, municipally known as 25 Berkeley Street, 265 and 271 Front Street East, and 44 Parliament Street to the satisfaction of the Chief Planner and the Ontario Heritage Trust, in consultation with the Ward Councillor;
 - (iii) implementation of traffic control signals at the intersections of Power Street and Richmond Street East, and Power Street and Adelaide Street East to the satisfaction of the General Manager, Transportation Planning, in consultation with the Ward Councillor; and
 - (iv) implementation of the Heritage Interpretation Master Plan for Old Town Toronto and/or the Heritage Lighting Master Plan for Old Town Toronto, to the satisfaction of the Chief Planner, in consultation with the Ward Councillor; and
 - (b) one hundred and fifty thousand dollars (\$150,000) as an additional cash contribution to be specifically allocated towards the implementation of traffic control signals at the intersections of Power Street and Richmond Street East, and Power Street and Adelaide Street East to the satisfaction of the General Manager, Transportation Planning, in consultation with the Ward Councillor.
2. In the event the cash contributions referred to in Section 1, above, have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.

3. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
- (a) the *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
 - (b) should Council approve a section 111 permit for the site, the *owner* shall enter into agreement(s) to secure the conditions of the section 111 permit and any related conditions;
 - (c) terms respecting the parkland conveyance from the *owner* to the City, including, but not limited to the timing of the conveyance and acceptable condition of the land, terms relating to the limiting distance agreement and terms relating to the park design and maintenance requirements;
 - (d) a minimum of 10 percent of the *dwelling units* shall be constructed as three bedroom units in compliance with the Ontario Building Code; and
 - (e) prior to the issuance of the first building permit, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the General Manager of Transportation Services in consultation with the Ward Councillor.