

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

CITY OF TORONTO

BY-LAW 277-2019(LPAT)

To amend Zoning By-law 569-2013, 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 on January 31, 2017 after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. c. P.13, as amended, and Local Planning Appeal Tribunal Order issued May 7, 2018 in Board File PL160543, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013; 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/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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or 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/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 land elects to provide facilities, services and matters in return for an increase in the height and/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 Local Planning Appeal Tribunal enacts:

1. The lands subject to this By-law are outlined by heavy lines on Diagram 1 attached to this By-law.

2. Except as otherwise provided in this By-law, the regulations of By-law 569-2013 continue to apply to the lands delineated by a heavy line on Diagram 1 attached to this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. 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 municipally known in the year 2017 as 46-54 Power Street 113-135 Parliament Street, as outlined in heavy black line to CRE(x13) and O, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number CRE (x13) to Article 900.12.10 so that it reads:

Exception CRE 13

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections:

Site Specific Provisions

- (A) On 46, 48, 50, 52 and 54 Power Street, and 113, 115, 121, 123, 129 and 135 Parliament Street, if the requirements of Section 6 and Schedule A of By-law 277-2019(LPAT) are complied with, none of Regulations 5.10.40.70 (1) and (2), 50.5.40.10 (1), (4) and (5), 50.5.40.60 (1), 50.10.20.10 (1), 50.10.40.10 (1), 50.10.40.30 (1), 50.10.40.50 (1), 50.10.40.60 (2), 50.10.40.70 (1) and (5), 50.10.40.80 (1), 50.10.90.40 (1)(B) and (3), 200.5.1 (2), 200.5.1.10 (8), (10) and 12(C), 200.5.10.1 (1), 200.10.1, 200.15, 200.15.10 (1)(C), 220.5.10.1, 230.5.1.10 (9)(B), 230.50.1.20 (1); 230.5.1.10 (4)(C), (5) and (7), 230.5.10.1, and 600.10.10 shall apply to prevent the construction and use of a **mixed-use building** and **public parking** uses permitted in By-law 277-2019(LPAT) on the lands;
- (B) The residential **gross floor area** of the **mixed-use building** must not exceed 39,500 square metres;
- (C) The non-residential **gross floor area** of the **mixed-use building** must not exceed 4,150 square metres and the **interior floor area** of any single **retail service** or **retail store** use must not exceed 3,500 square metres;
- (D) No portion of a building or structure, including the mechanical penthouses, may have a greater height than the heights in metres specified by the numbers following the symbol H and the storeys specified by the number following the symbol ST on Diagram 2 of By-law 277-2019(LPAT);

- (E) Despite (D) above:
- (i) Parapets, planters, pool, pool deck, railings, terrace dividers and elements of a **green roof** may exceed the applicable height limits shown on Diagram 2 by a maximum of 2.0 metres;
 - (ii) A garden shed may exceed the applicable height limits shown on Diagram 2 to a maximum of 2.4 metres; and
 - (iii) Wind screens, window washing equipment, pergolas, trellises, vents, chimney stacks, mechanical equipment, stair enclosures, lightning rods and exhaust flues may exceed the applicable height limits shown on Diagram 2 by a maximum of 3.0 metres;
- (F) Despite Clause 50.10.40.70 and Article 600.10.10, no portion of a **building** or **structure** may be located otherwise than wholly within the areas delineated by heavy lines on Diagram 2, with the exception of the following:
- (i) Lighting fixtures, cornices, ornamental elements, eaves, window sills, guardrails, columns, balconies, balcony dividers, piers, wheel chair ramps, vents, scuppers and underground garage ramps, and their associated structures, to a maximum of 2.0 metres;
 - (ii) Awnings, canopies and signage to a maximum of 3.0 metres; and
 - (iii) Cladding to a maximum of 0.25 metres;
- (G) **Amenity space** must be provided and maintained on the **lot** in accordance with the following:
- (i) A minimum of 1.8 square metres of indoor residential **amenity space** for each **dwelling unit** which may be in a multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;
 - (ii) A minimum of 1.75 square metres of outdoor residential **amenity space** for each **dwelling unit** and a minimum of 40 square metres must be in a location adjoining or directly accessible from a portion of the indoor residential **amenity space**;
 - (iii) A maximum of 150 square metres of indoor **amenity space** may include up to two (2) guest suites; and
 - (iv) No more than 25 percent of the outdoor **amenity space** may be provided as a **green roof**;
- (H) **Bicycle parking spaces** must be provided as follows for the residential uses:
- (i) A minimum of 468 long-term **bicycle parking spaces**; and
 - (ii) A minimum of 52 short-term **bicycle parking spaces**;

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- (I) **Bicycle parking spaces** must be provided as follows for the non-residential uses:
- (i) A minimum of 8 long-term **bicycle parking spaces**; and
 - (ii) A minimum of 15 short-term **bicycle parking spaces**;
- (J) Despite regulation 230.5.1.10(10), long-term and short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (K) The minimum number of **parking spaces** to be provided in a **parking garage** is 249, in accordance with the following:
- (i) A minimum of 0.33 **parking spaces** for each **dwelling unit** must be provided for the residents of the **mixed-use building**;
 - (ii) A minimum of 77 **parking spaces** must be provided for the shared use of residential visitors and non-residential uses of the **mixed-use building** which may be provided within a **public parking** use, 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**;
- (L) A maximum of 22 **parking spaces** which are obstructed on one side only and a maximum of 4 of which are obstructed on two sides need not comply with regulation 200.5.1.10 (2)(A)(iv) and (D) for the side(s) that is/(are) obstructed;
- (M) Despite Section 200.15 and By-law 579-2017, a minimum of 8 of the **parking spaces** required by (K) above must be provided as accessible **parking spaces**, each having a minimum width of 3.9 metres and a minimum length of 5.6 metres;
- (N) A minimum of two Type "B" **loading spaces** and a minimum of one Type "G" **loading space** must be provided;
- (O) The height of a **building** or **structure** is measured from the Canadian Geodetic elevation of 82.5 metres;
- (P) For the purposes of this exception, none of the following **building** elements are considered a **storey** and are excluded from the calculation of residential and non-residential **gross floor area**:
- (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 **interior 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;
- (Q) For the purposes of this exception, **amenity space** may include up to 2 guest suites and the floor area of such guest suites is excluded from the calculation of

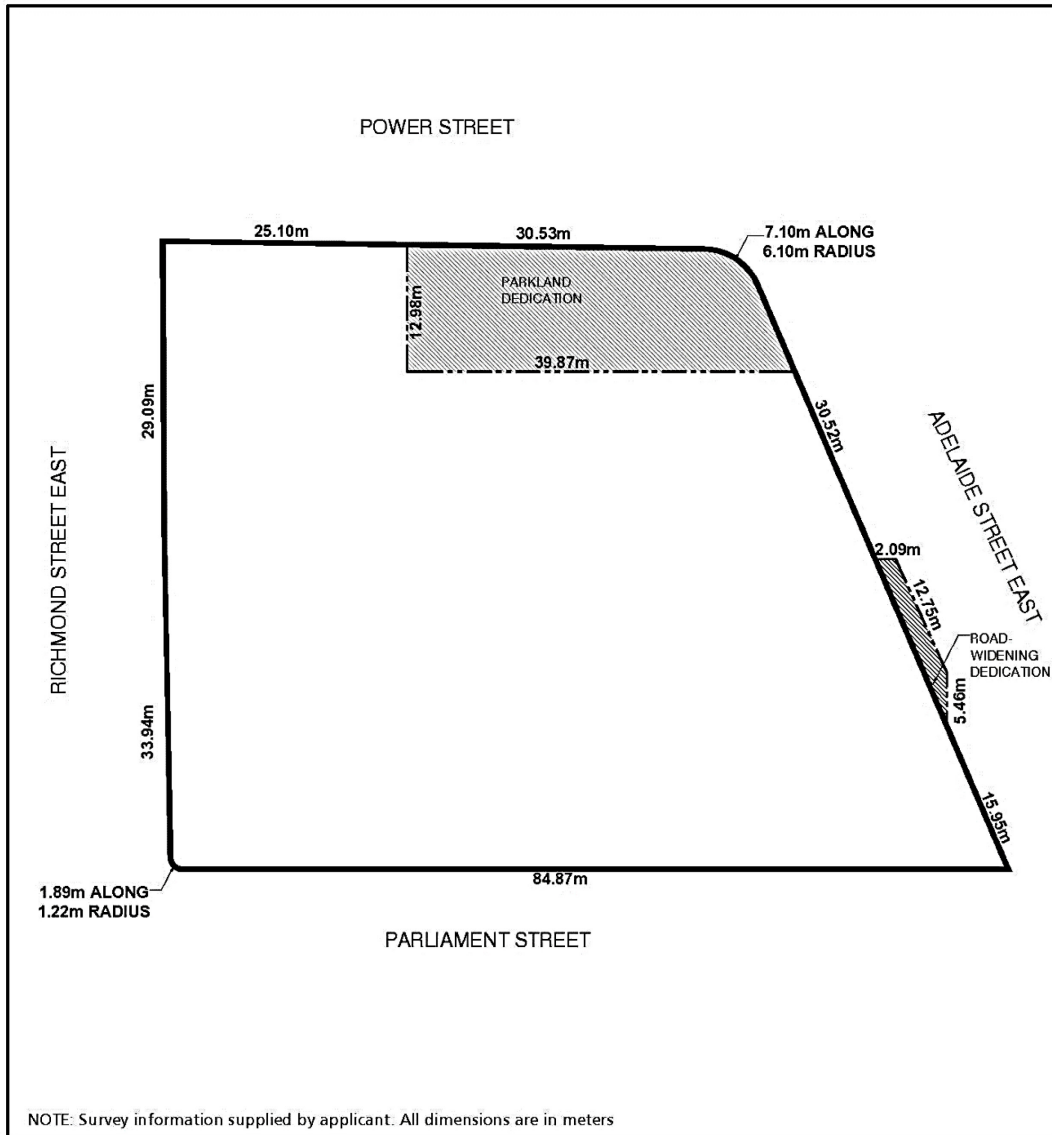
residential **gross floor area** and such guest suites do not constitute **dwelling units** for the purposes of this By-law.

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

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 1 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 subsection 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 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 Schedule A are satisfied.

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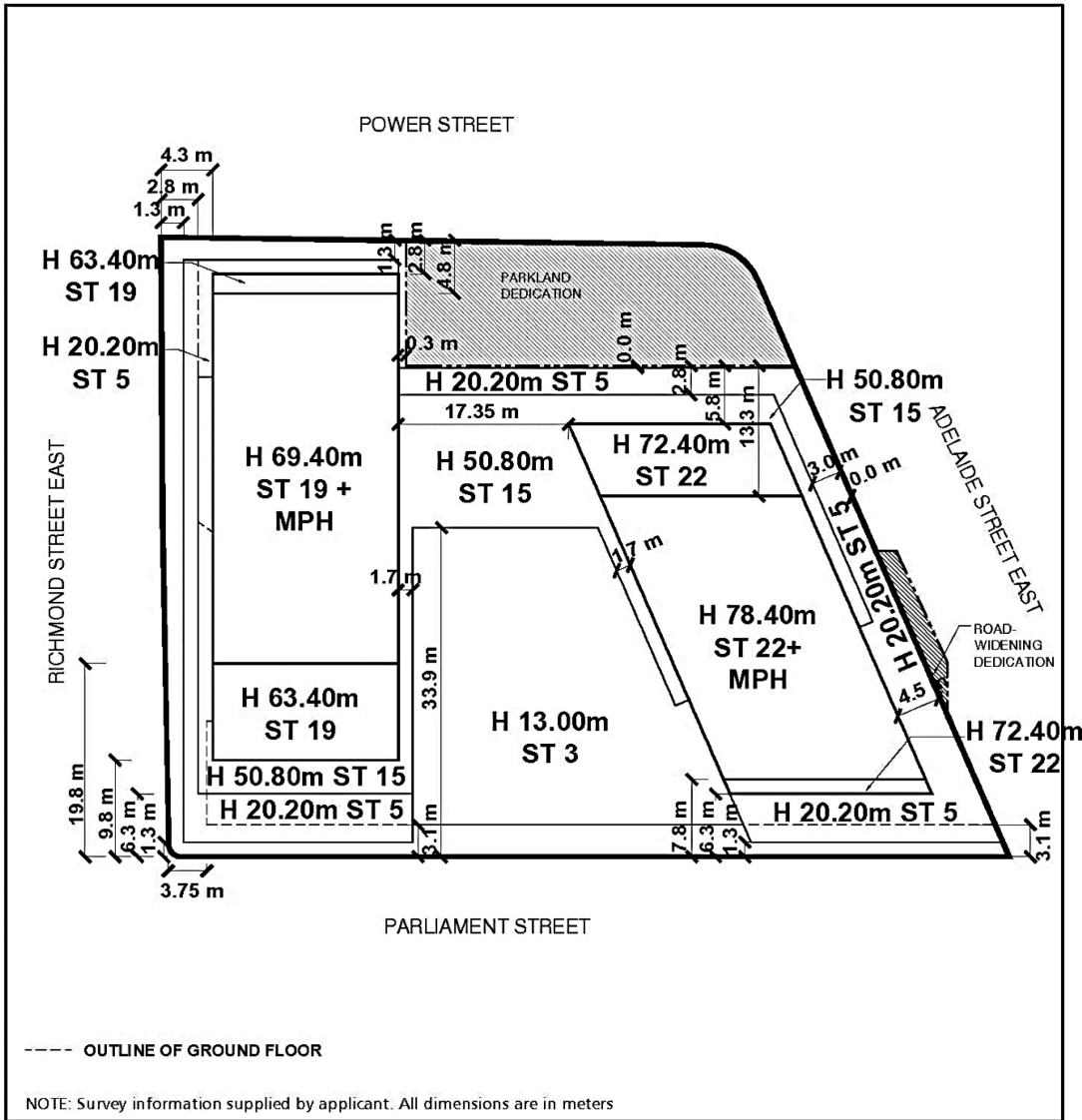


46-54 POWER ST. AND 113-135 PARLIAMENT ST.

DIAGRAM 1



Not to Scale
23/08/2017

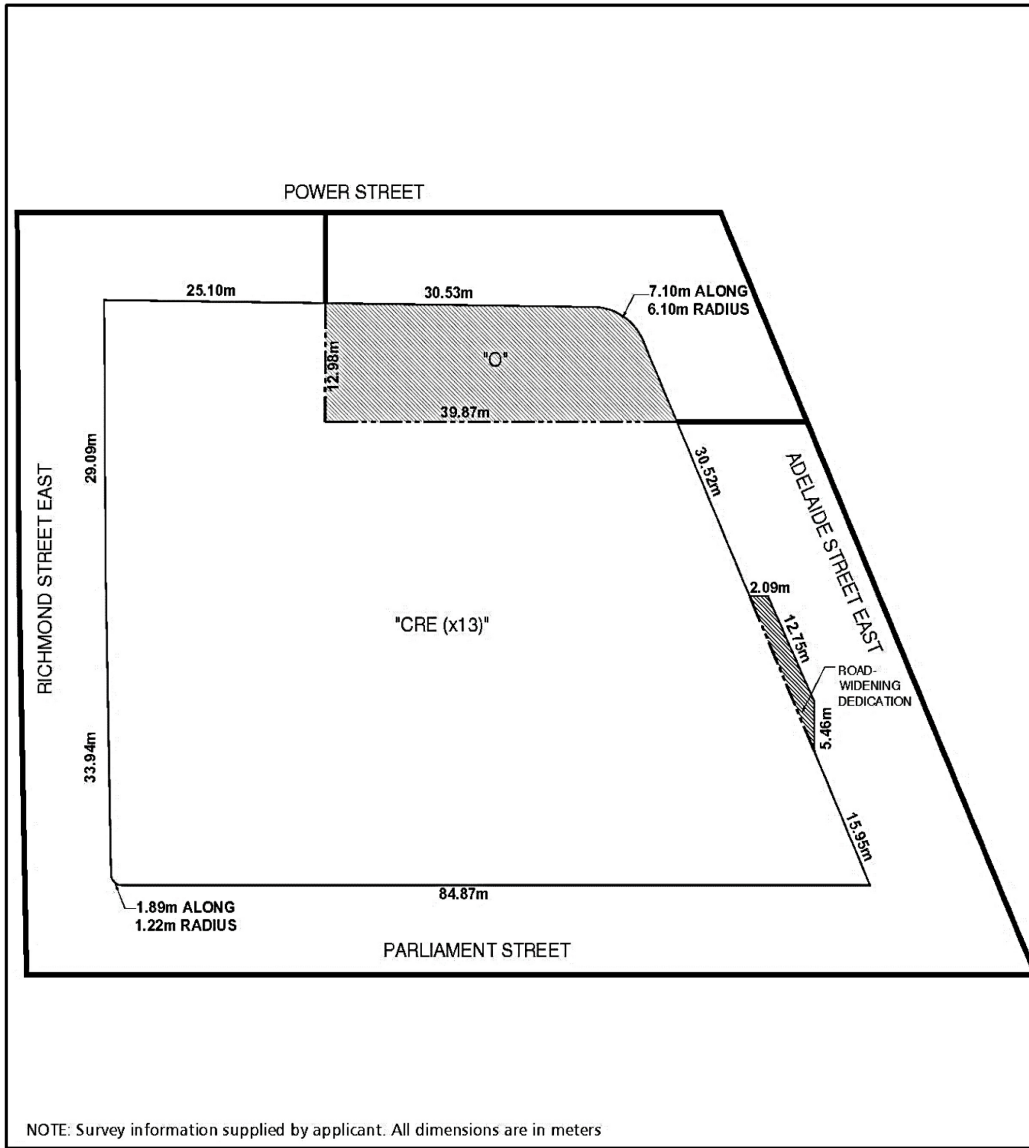


46-54 POWER ST. AND 113-135 PARLIAMENT ST.

DIAGRAM 2



Not to Scale
28/08/2017



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

DIAGRAM 3



Not to Scale
25/01/2018

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 Diagram 1 of 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 lands shown in Diagram 1.

- (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.