

Authority: Ontario Land Tribunal Decision issued on July 19, 2018, amended by Amending Decision dated August 10, 2018 and its Order issued on March 23, 2022 in Tribunal File PL170101

## **CITY OF TORONTO**

### **BY-LAW 512-2022(OLT)**

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2021 as 31 Parliament Street.**

Whereas the Ontario Land Tribunal, by its Decision issued on July 19, 2018, amended by Amending Decision dated August 10, 2018 and Order issued on March 23, 2022 in respect of Tribunal Case PL170101, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2021 as 31 Parliament Street; and

Whereas the Ontario Land Tribunal 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 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 as are set out in the By-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule A of this By-law; 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 Ontario Land Tribunal orders:

1. This By-law applies to the lands delineated by a heavy line and identified as 31 Parliament Street as shown on Map 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.

3. District Maps 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, 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, is further amended by re-designating from "IC" to "CR" on Map 1 attached to and forming part of this By-law.
4. Definitions:
- (A) For the purposes of this By-law, the terms set forth in italics, subject to Section 4(B) of this By-law, have the same meaning as such terms have for the purposes of By-law 438-86 of the former City of Toronto, as amended; and
- (B) The following definitions shall apply:
- (i) "*grade*" shall mean 77.5 metres Canadian Geodetic Datum;
- (ii) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structures, excluding permitted projections in this By-law;
- (iii) "*lot*" shall mean the lands outlined by heavy lines on Map 1 attached to this By-law;
- (iv) *Bicycle parking space – occupant* shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for use by occupants of the building on the *lot*, and:
- (a) 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; and
- (b) 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;
- (v) *Bicycle parking space – visitor* shall mean an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles for use by visitors to the building on the *lot*, and:
- (a) 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; and
- (b) 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;

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- (vi) "*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 of the main wall of each floor level, reduced by the area in the building used for:
- (a) Parking, loading and bicycle parking below-ground;
  - (b) Required loading spaces on the ground level and required *bicycle parking spaces* at or above-ground;
  - (c) Storage rooms, vestibules, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (d) Shower and change facilities that are required by this By-law for required *bicycle parking spaces*;
  - (e) Amenity space required by this By-law;
  - (f) Elevator shafts;
  - (g) Garbage shafts;
  - (h) Mechanical penthouse; and
  - (i) Exit stairwells in the building.

5. None of the provisions of Section 2 with respect to the definition of the terms *lot*, *grade* and *height*, and Sections 4(2)(a), 4(5), 4(12), 4(13), 8(3) PART I, 8(3) PART II 1(b), 12(2)132, 12(2)246 and 12(2)270, 12(2)380 of Zoning 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 lands 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* on the *lot*, provided that:

- (A) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
- (B) the total *gross floor area* shall not exceed 31,000 square metres on the *lot*, of which a minimum of 134 square metres shall be for *non-residential gross floor area* at *grade*;
- (C) The maximum number of *dwelling units* shall not exceed 428;
- (D) The provision of *dwelling units* is subject to the following:
  - (i) a minimum of 53 percent of the total number of *dwelling units* shall contain two bedrooms or three bedrooms; and

- (ii) a minimum of 11 percent of the total number of *dwelling units* shall contain three or more bedrooms;
- (E) no portion of a building or structure erected on the *lot*, excluding mechanical penthouses, shall have a greater number of *storeys* as shown by the numbers following the symbol "ST" on Map 2 of this By-law;
- (F) no portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following:
  - (i) cornices, lighting fixtures, architectural features, ornamental structures, trellises, balconies, balcony roof or canopies, terraces, columns, window washing equipment, mechanical fans, balustrades, safety or wind protection measures, and landscape features, may project or encroach by a maximum of 1.8 metres;
- (G) no portion of any building or structure erected on the *lot* shall have a greater *height* in metres than the height limits specified by the numbers following the symbol "HT" identified on Map 2 attached to and forming part of By-law 512-2021(OLT), with the exception of the following:
  - (i) parapets, fences and safety railings, planters and elements or structures on the roof of the building used for outside or open air recreation, safety or wind protection purposes, elements or structures required for the maintenance of the building and landscape features, all of which may project up to 3.5 metres above the height limits shown on Map 2;
- (H) *residential amenity space* shall be provided on the *lot* in accordance with the following ratios:
  - (i) a minimum of 2.15 square metres of indoor *residential amenity space* per *dwelling unit*; and
  - (ii) a minimum of 2.0 square metres of outdoor *residential amenity space* per *dwelling unit*;
- (I) Vehicle *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) An overall minimum of 0.36 *parking spaces* per *dwelling unit* of which a minimum of 15 per cent shall be for visitor parking; and
  - (ii) no *parking spaces* are required for non-residential uses;
- (J) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

- (i) a minimum of 0.9 *bicycle parking spaces – occupant per dwelling unit*; and
  - (ii) a minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*;
6. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
7. None of the provisions of By-law 438-86 of the former City of Toronto, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales/leasing office.
8. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (A) 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
  - (B) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
9. 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/or density of the development is permitted beyond that otherwise permitted on the *lot* 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 *lot*, 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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**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 development on the lands shown on Map 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act where the *owner* agrees as follows:

1. Prior to the issuance of the first Above-Grade Building Permit for any *mixed use building* on the *lot*, the *owner* shall pay a cash contribution of \$4,900,000.00 to the City to be allocated as follows:
  - (a) \$980,000.00 for the provision of affordable housing in the vicinity of the Lands; and
  - (b) \$3,920,000.00 towards any combination of the following, at the discretion, and to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
    - (i) local parkland improvements and/or public realm improvements in the vicinity of the Lands, which may include David Crombie Park Revitalization and/or improvements to the Parliament Street underpass; and
    - (ii) community services and facilities in the vicinity of the Lands.
2. The payment amount identified in Section 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment
3. In the event the cash contribution referred to above has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. Prior to the issuance of notice of approval conditions in connection with the Site Plan Approval, the *owner* shall submit a Construction Management Plan in accordance with the terms of the Section 37 Agreement and to the satisfaction of the Chief Planner, in consultation with the Ward Councillor.
5. As part of the Site Plan Approval process, the *owner* shall provide the following to the satisfaction of the Chief Planner:
  - (a) landscape plans that include the provision for street trees and landscaping along Parliament Street and/or along the proposed driveway, where appropriate, and

paving on the private driveway that complements the character of the Distillery District; and

- (b) plans to ensure the north wall of the Development is designed and well-lit.
6. Prior to the issuance of any Building Permit, including a permit for excavation and shoring, the *owner* shall prepare an Archaeological Monitoring and Mitigation Strategy to the satisfaction of the Senior Manager, Heritage Preservation Services.



