

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 513-2022 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 31 Parliament Street.

Whereas the Ontario Land Tribunal pursuant to its Order/Decision in respect of Tribunal Case PL170101 issued July 19, 2018, amended by Amending Decision dated August 10, 2018 and Ontario Land Tribunal, by its Order/Decision issued March 23, 2022 has approved a zoning by-law amendment to amend City of Toronto Zoning By-law 569-2013, as amended, with respect to lands municipally known as 31 Parliament Street; 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 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;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 569-2013 is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines as shown on Diagram 1, attached to 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands, as shown on Diagram 2 attached to this By-law: CR SS2 (x437).
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying the following Policy Overlay label to these lands: PA1; as shown on Diagram 3 of this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 23.0, as shown on Diagram 4 of this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 of this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 and applying the following height label to these lands: B3, as shown on Diagram 6 of this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding Exception (x437) to Article 900.11.10 so that it reads:

Exception CR (x437)

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 lands municipally known as 31 Parliament Street in the year 2020, if the requirements of Section 10 and Schedule A of By-law 513-2022(OLT) are complied with a **building, structure**, addition or enlargement may be erected in compliance with (B) to (Q) below:
- (B) Despite (C) below and Regulations 5.10.40.70(1) and (2), Clauses 40.5.40.60 and 40.10.40.60, the following **building** elements and **structures** may project into a required minimum **building setback** as follows:
 - (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, all of which may extend a maximum of 1.8 metres;

- (C) Despite Regulation 40.10.40.70(2) and Article 600.10.10, the required minimum **building setbacks** above ground and minimum distance between **main walls** are shown in metres on Diagram 7 of By-law 513-2022(OLT);
- (D) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), and Regulation 40.10.40.10(7), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 77.5 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulations 40.10.40.10(2) and 40.10.40.10(7) the permitted maximum height of a **building** or **structure**, is the numerical value in metres following the symbol "HT" and in **storeys** following the symbol "ST" on Diagram 7 of By-law 513-2022(OLT);
- (F) Despite regulations 40.5.40.10(6) and (7) and (E) above, the following **building** elements and **structures** may exceed the permitted maximum height limits shown on Diagram 7 of By-law 513-2022(OLT):
 - (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, and landscape features, all of which may exceed the permitted maximum height by 3.5 metres;
- (G) Despite (C) and (E) above, no **building** may be located within the hatched area shown on Diagram 7 of By-law 513-2022(OLT) to a minimum height of 6.0 metres above the Canadian Geodetic Datum elevation of 77.5 metres;
- (H) Despite Regulations 40.10.20.20(1) and 40.10.20.100(7), **public parking** is permitted provided it is located below ground;
- (I) Despite Regulation 40.10.40.1(1), residential **amenity space** may be located on the same **storey** as the non-residential use portions of the **building**;
- (J) Despite Regulation 40.10.40.40(1), the total **gross floor area** must not exceed 31,000 square metres, of which a minimum of 134 square metres must be non-residential **gross floor area**;
- (K) The permitted maximum number of **dwelling units** is 428;
- (L) **Dwelling units** must comply with the following:
 - (i) a minimum of 53 percent of the total number of **dwelling units** must contain two bedrooms or three bedrooms; and
 - (ii) a minimum of 11 percent of the total number of **dwelling units** must contain three or more bedrooms;

- (M) Despite regulation 40.10.40.50(1), **amenity space** must be provided in accordance with the following rates:
- (i) a minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit**; and
 - (ii) a minimum of 2.15 square metres of indoor **amenity space** per **dwelling unit**;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following minimum rates:
- (i) a minimum overall parking rate of 0.36 **parking spaces** per **dwelling unit**, of which a minimum of 15 per cent shall be provided as visitor **parking spaces**; and
 - (ii) no **parking spaces** are required for non-residential uses;
- (O) Despite Regulations 40.5.80.1(1), 200.5.1.10(10) and 200.10.1(1) and (2), the **parking spaces** provided for residential visitors in accordance with (N) above, may be shared with non-residential uses;
- (P) Despite Regulation 230.5.1.10(9)(B)(iii), a required long-term **bicycle parking space** for a **dwelling unit** in a **mixed-use building** may be located below-ground;
- (Q) Sections 12 (2) 132 and 12 (2) 270 (a) of former City of Toronto By-law 438-86 do not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12 (2) 132 of former City of Toronto By-law 438-86; and
 - (B) Section 12 (2) 270 (a) of former City of Toronto By-law 438-86.
9. Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of this exception, apply to the lands, as identified on Diagram 1, as one **lot** as if no consent, severance, partition or division occurred.
10. 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 of By-law 513-2022(OLT) in return for the provision by the **owner**, at the **owner's** expense of the facilities, services and matters set out in Schedule A 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 the 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.

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.

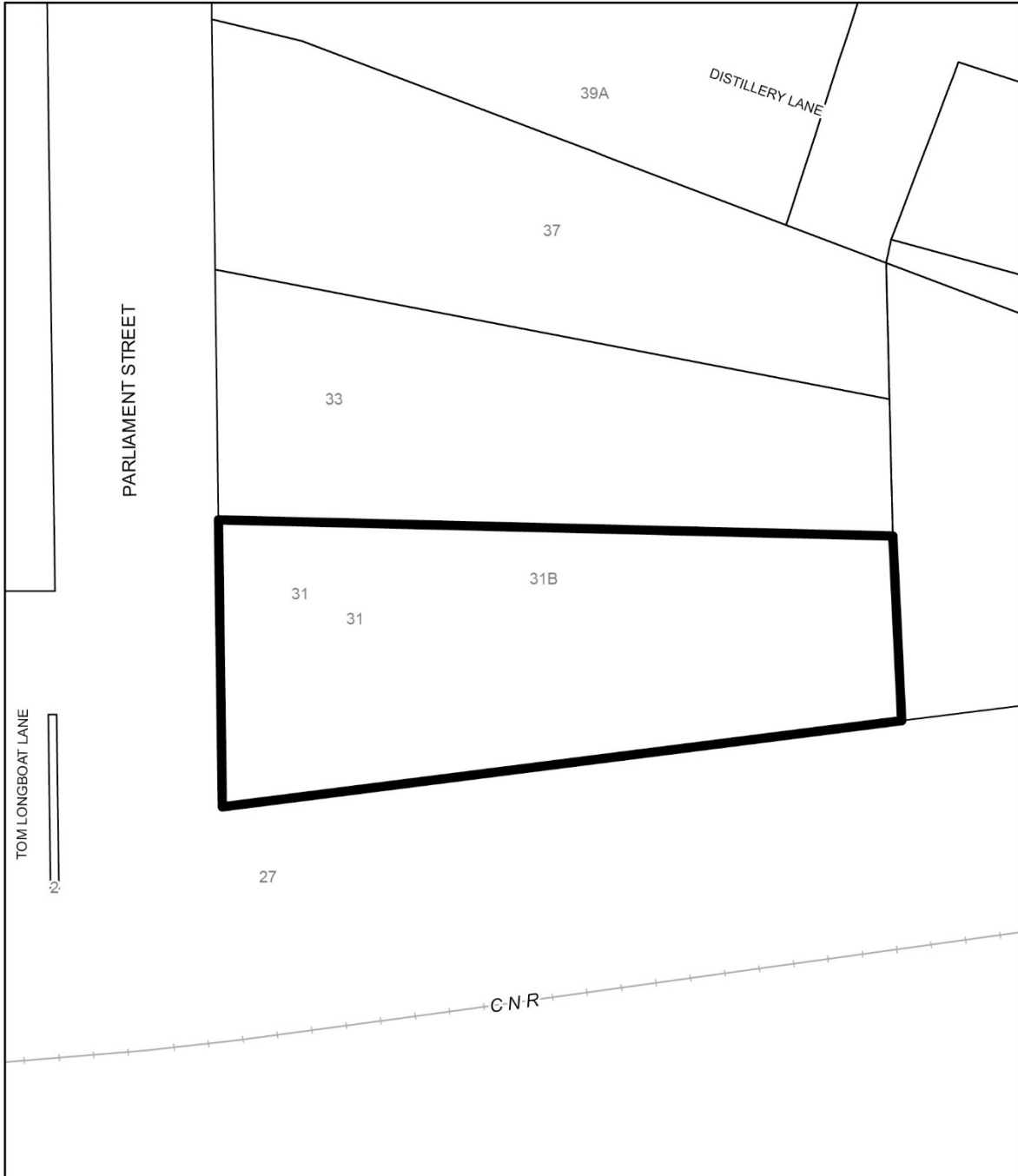
SCHEDULE A
Section 37 Provisions

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 Diagram 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 for the provision of affordable housing in the vicinity of the Lands; and
 - (b) \$3,920,000 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 identified in Section 1 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.



 **TORONTO**
Diagram 1

31 Parliament Street

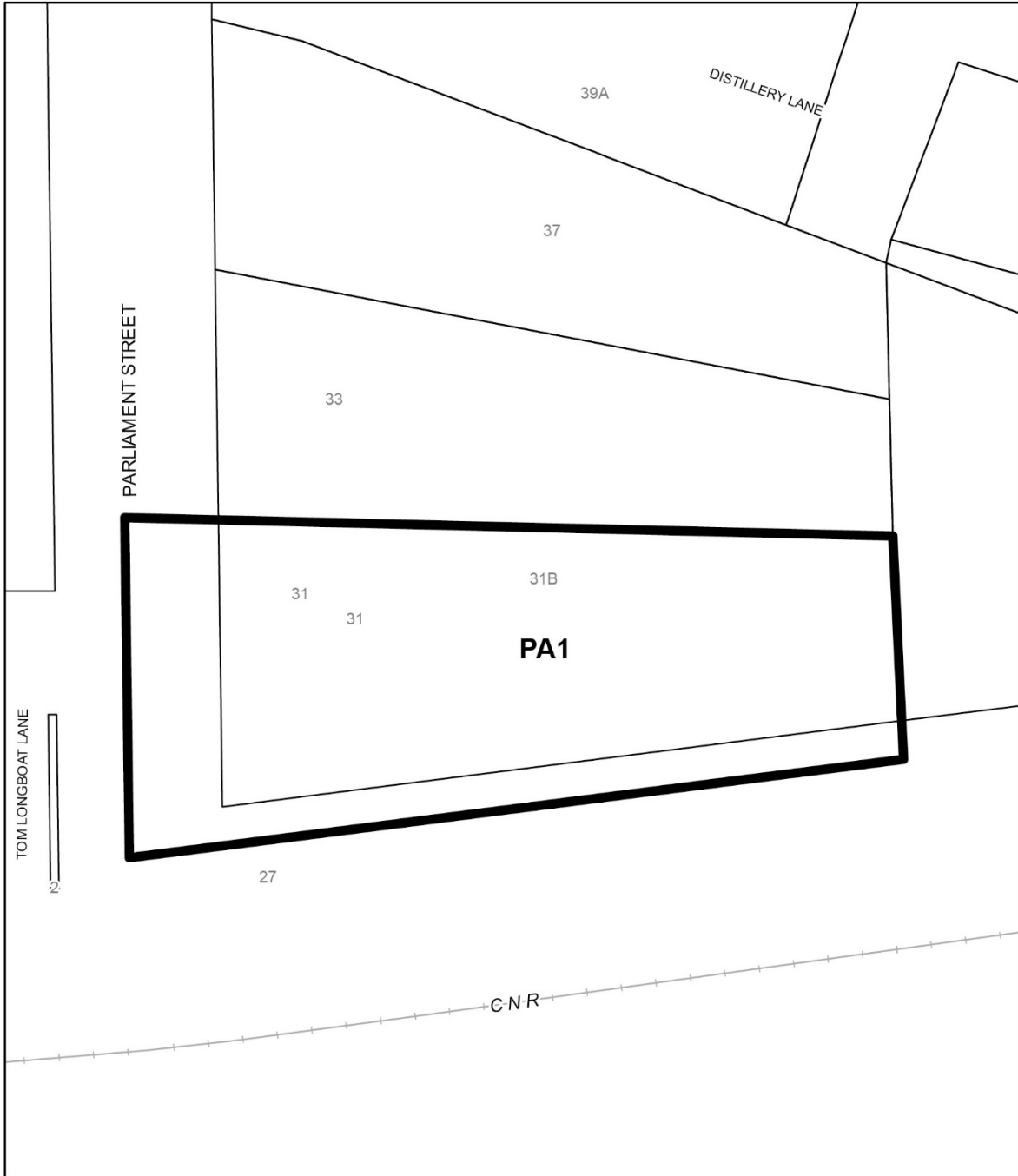
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 **TORONTO**
Diagram 2

31 Parliament Street

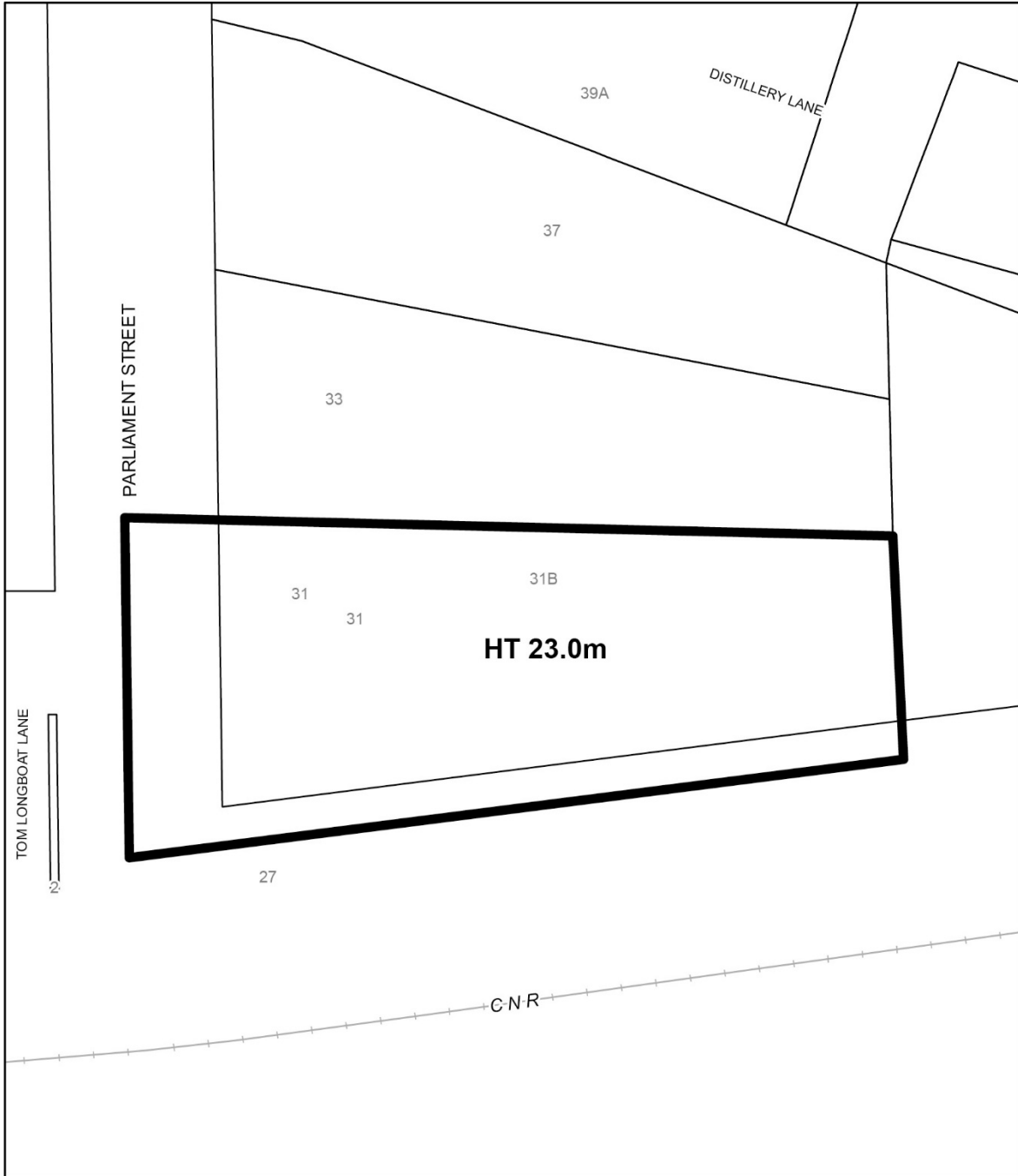
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 **TORONTO**
Diagram 3

31 Parliament Street

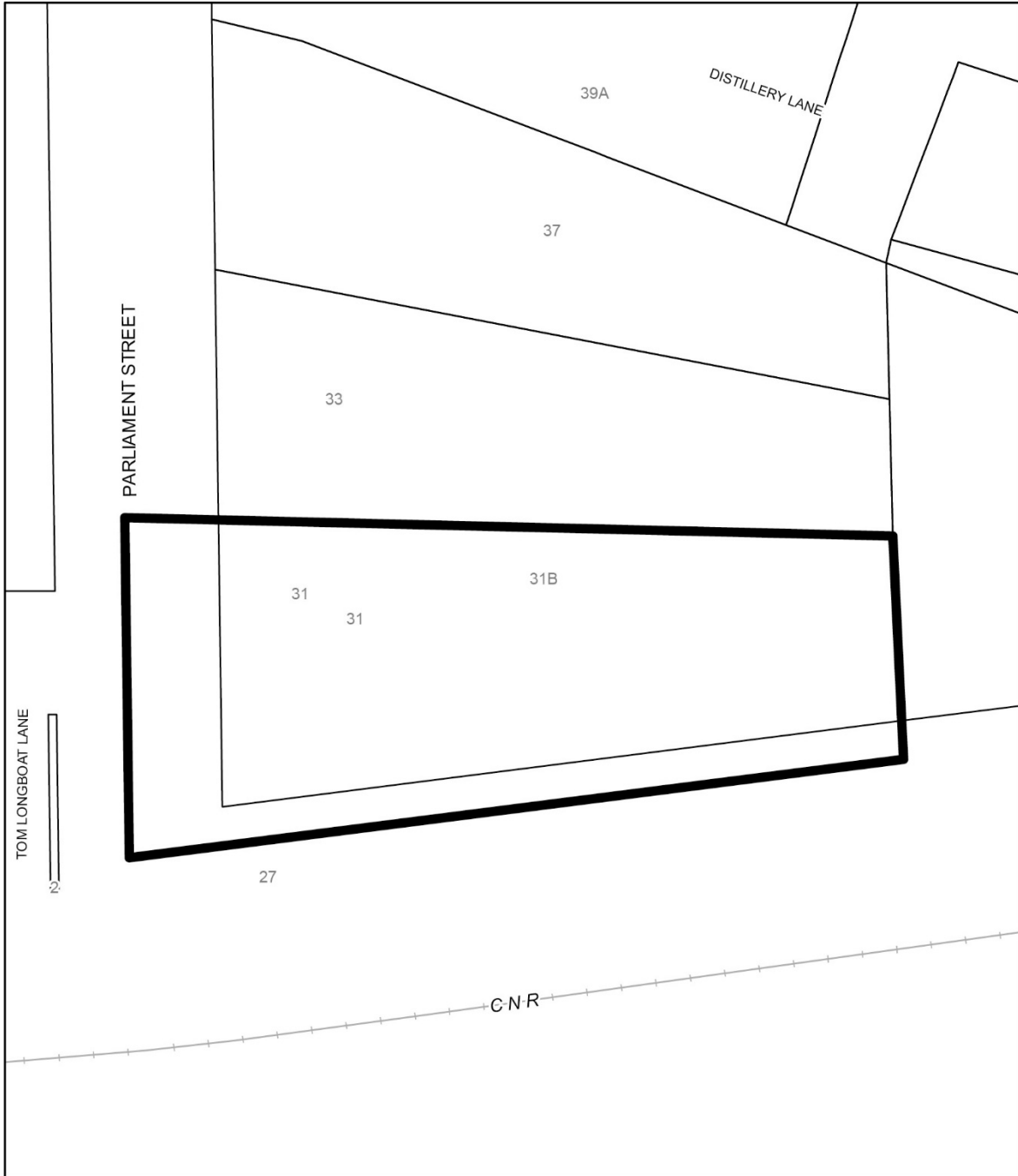
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 **TORONTO**
Diagram 4

31 Parliament Street

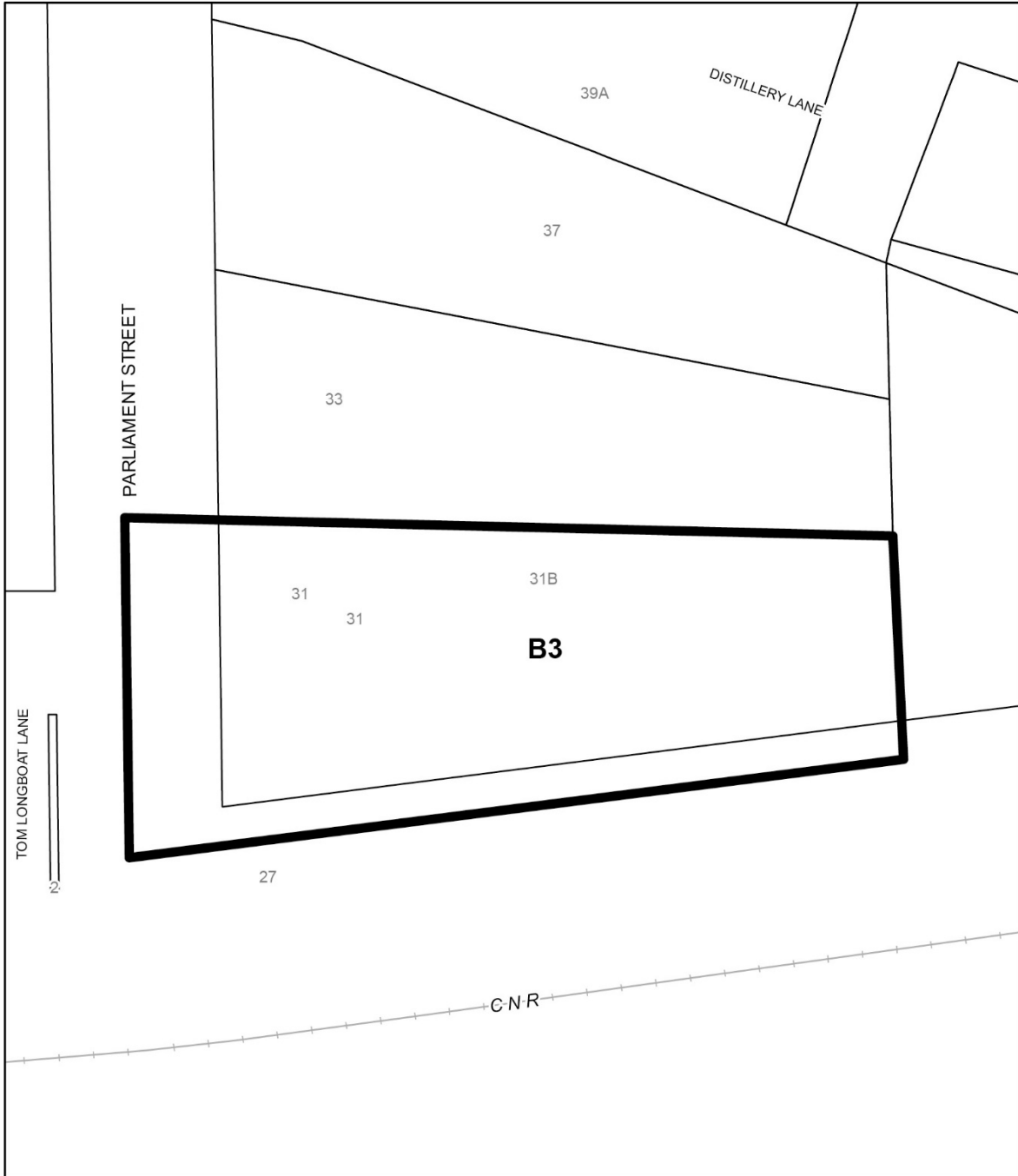
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 **TORONTO**
Diagram 5

31 Parliament Street

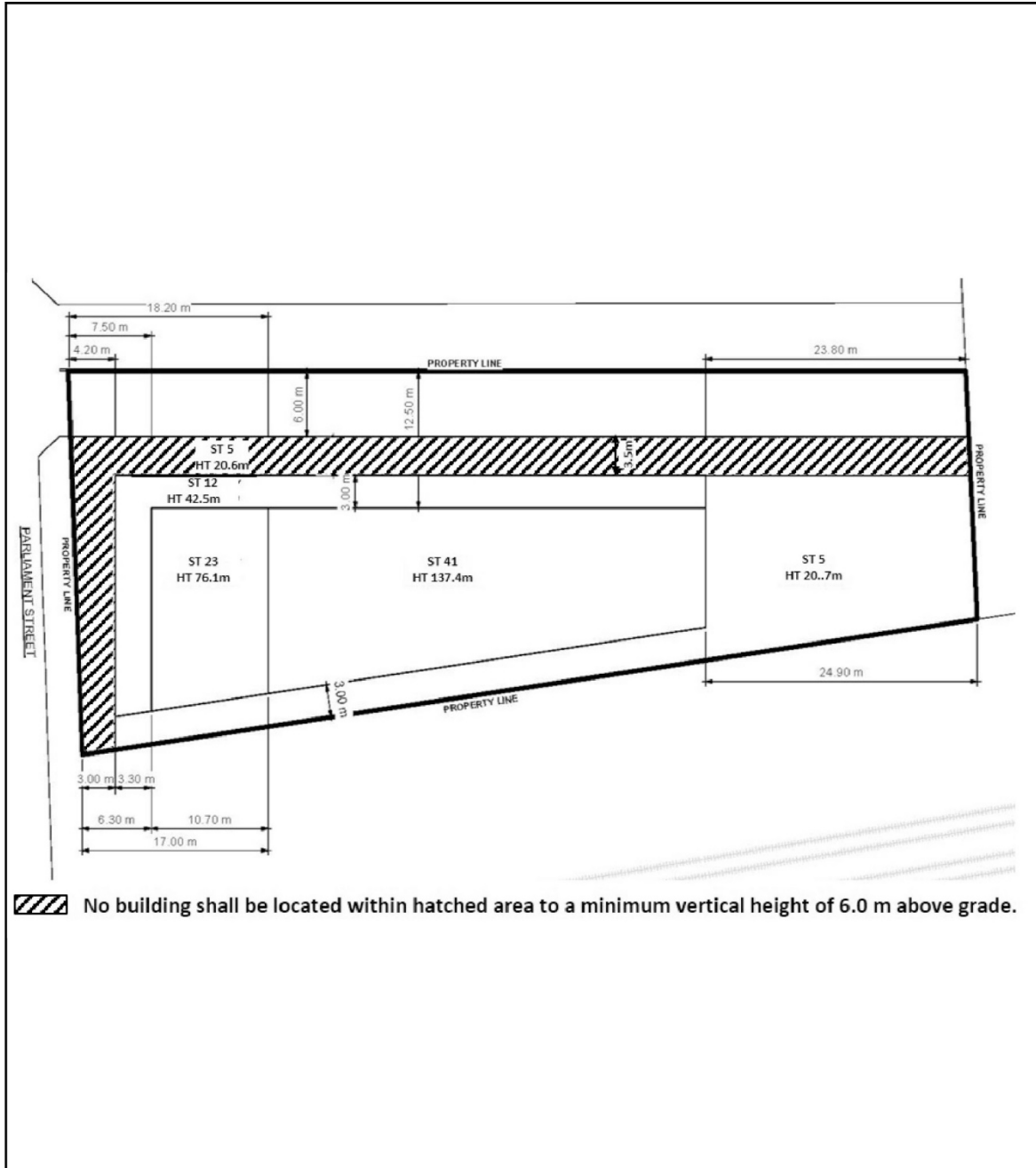
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 **TORONTO**
Diagram 6

31 Parliament Street

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 No building shall be located within hatched area to a minimum vertical height of 6.0 m above grade.

 **TORONTO**
Diagram 7

31 Parliament Street

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City of Toronto By-law 569-2013
Not to Scale
12/10/2021