

Authority: Local Planning Appeal Tribunal Decision issued on November 23, 2020 and Ontario Land Tribunal Order issued on August 24, 2022 as corrected by its Order on March 16, 2023 in File OLT-22-002850 (formerly PL190470), effective as of August 9, 2022

CITY OF TORONTO

BY-LAW 787-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 351-373 Queen Street East, 161-167 Parliament Street, and 80-94 Power Street.

Whereas pursuant to Section 37.1(3) of the Planning Act, if the local municipality has passed a by-law described in subsection 37 (1) as it read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force before the day that it passes a community benefits charge by-law under Section 37.2, then Subsections 37 (1) to (4), as they read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force continue to apply with respect to the by-law and the lands that are the subject of the by-law; and

Whereas this by-law was approved by the OLT on August 9, 2022, being a date prior to the day that the City of Toronto Community Benefits Charge By-law was passed, and this by-law contains provisions described in subsection 37(1) of the Planning Act as it read on the day before section 1 of COVID-19 Economic Recovery Act, 2020 came into force; and

Whereas the Local Planning Appeal Tribunal in its Decision issued on November 23, 2020 and the Ontario Land Tribunal in its Order issued on August 24, 2022 as corrected by its Order on March 16, 2023 in respect of Case OLT-22-002850, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 351-373 Queen Street East, 161-167 Parliament Street, and 80-94 Power Street; 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 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;

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 on Diagram 1 attached to 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 amending the zone labels on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CRE (x1), CR 3.0 (c3.0; r3.0) SS2 (x2172) and CR 3.0 (c3.0; r3.0) SS2 (x1715) to CR 3.0 (c3.0; r3.0) SS2 (x770) and O, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 770, so it reads:

(770) Exception CR 770

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) For the purpose of this exception, Regulation 900.11.10(333) applies to the lands identified as "Part 1" and Regulation 900.11.10(339) applies to the lands identified as "Part 2", as shown on Diagram 1 of By-law 787-2023(OLT);
- (B) Despite (A) above, if the requirements of Section 6 and Schedule A of By-law 787-2023(OLT) are complied with, Regulations 900.11.10(333) and (339) do not apply to the lands municipally known as 351-373 Queen Street East, 161-167 Parliament Street, and 80-94 Power Street, and a **building, structure**, addition or enlargement may be constructed in compliance with (C) to (T) below;
- (C) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 83.92 metres and the elevation of the highest point of the **building or structure**;
- (D) Despite Regulations 40.5.40.10(2), (3), (4), (5), (7) and (8), the following elements of a **building or structure** may project above the permitted maximum **building** heights shown on Diagram 3 of By-law 787-2023(OLT):

- (i) Chimneys, vents, parapets, maintenance equipment storage, privacy screens, railings, dividers and guard rails, light fixtures, to a maximum of 3.0 metres;
 - (ii) Mechanical and electrical equipment located on the portion of the **building** labelled "ST 1" and "HT 7.5" as shown on Diagram 3 of By-law 787-2023(OLT), to a maximum of 4.5 metres;
 - (iii) **landscaping** elements, pergolas, partition screens, wind screens, sun shades, maintenance equipment and elements of a **green roof** and outdoor **amenity** to a maximum of 4.0 metres;
 - (iv) a mechanical penthouse located on the roof of the **building**, which includes equipment for the functional operation of the **building**, and **structures** that enclose, screen or cover such equipment, may project a maximum of 6.0 metres, to not exceed a height of 97.5 metres, as shown on Diagram 3 of By-law 787-2023(OLT); and
 - (v) an elevator overrun located on the mechanical penthouse may project above the height specified in (D)(iv) by a maximum of 1.5 metres, to not exceed a height of 99.0 metres, as shown on Diagram 3 of By-law 787-2023(OLT);
- (E) Despite Regulation 40.5.40.60(1) and Clause 40.10.40.60 the following **building** elements and **structures** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 3 of By-law 787-2023(OLT):
- (i) canopies, balustrades, cornices, wall pilasters, signage, eaves, light fixtures, stairs, and window sills to a maximum of 1.5 metres; and
 - (ii) balconies on the north and west **main walls** above a height of 16 metres, to a maximum of 1.5 metres;
- (F) In addition to the exclusions listed in Regulation 40.5.40.40(3), mechanical, electrical and storage rooms located on first **storey** and the mezzanine level will be excluded from the calculation for **gross floor area**;
- (G) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the numerical value, in metres, following the letters "HT" as shown on Diagram 3 of By-law 787-2023(OLT);
- (H) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" as shown on Diagram 3 of By-law 787-2023(OLT);

- (I) Despite (G) above, the following portions of a **building** do not constitute a **storey**:
- (i) a partial **storey** between the third floor and the fourth floor of a **building**;
 - (ii) a "mezzanine level" of a **building**; and
 - (iii) for the purpose of this exception, a "mezzanine level" is a level located between the first **storey** and the second full **storey**, provided that the **gross floor area** of the mezzanine level must not exceed 50 percent of the **gross floor area** of the first **storey** in the **building**;
- (J) Despite Regulation 40.10.40.40(1), the total **gross floor area** of **buildings** and **structures** on the **lot** must not exceed a maximum of 35,700 square metres, of which:
- (i) a maximum **gross floor area** of 32,100 square metres may be residential uses;
 - (ii) a minimum **gross floor area** of 3,400 square metres must be non-residential uses; and
 - (iii) a maximum **gross floor area** of 4,000 square metres may be non-residential uses;
- (K) Despite Regulation 40.10.40.50(1)(A), at least 1.5 square metres for each **dwelling unit** of indoor **amenity space** must be provided;
- (L) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** in metres are shown on Diagram 3 of By-law 787-2023(OLT);
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided at a minimum rate of:
- (i) 0.2 **parking spaces** per **dwelling unit** for residential occupants; and
 - (ii) 0.1 **parking spaces** per **dwelling unit** for the shared use of residential visitors and non-residential uses;
- (N) Despite (L) above, "car-share parking space" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space", to a maximum of 2 "car-share parking spaces";
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such

"car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and

- (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (O) Despite Regulation 200.15.10(1), a minimum of 5 accessible **parking spaces** must be provided;
- (P) Despite Regulations 200.15.1(1) and (3), an accessible **parking space** must be provided as follows:
 - (i) an accessible **parking space** must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (Q) Despite Regulations 230.5.1.10(10) and 230.50.1.20(1), both "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space** and may be located in an enclosed room;
- (R) Despite Regulations 220.5.1.10(1), 220.5.10.1(2), (3) and (4), two Type "B" **loading spaces** and one Type "G" **loading space** must be provided and maintained on the **lot**;
- (S) A minimum of 40 percent of the total number of **dwelling units** on the **lot** must contain two or more bedrooms, of which a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms; and
- (T) Regulation 40.10.20.100 (1)(A) regarding the permitted maximum **interior floor area** of **eating establishments** and **take-out eating establishments** does not apply.

Prevailing By-laws and Provisions: (None Apply)

5. Despite any future severance, partition or division of the lands shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

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 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 satisfaction of the same; and
- (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.

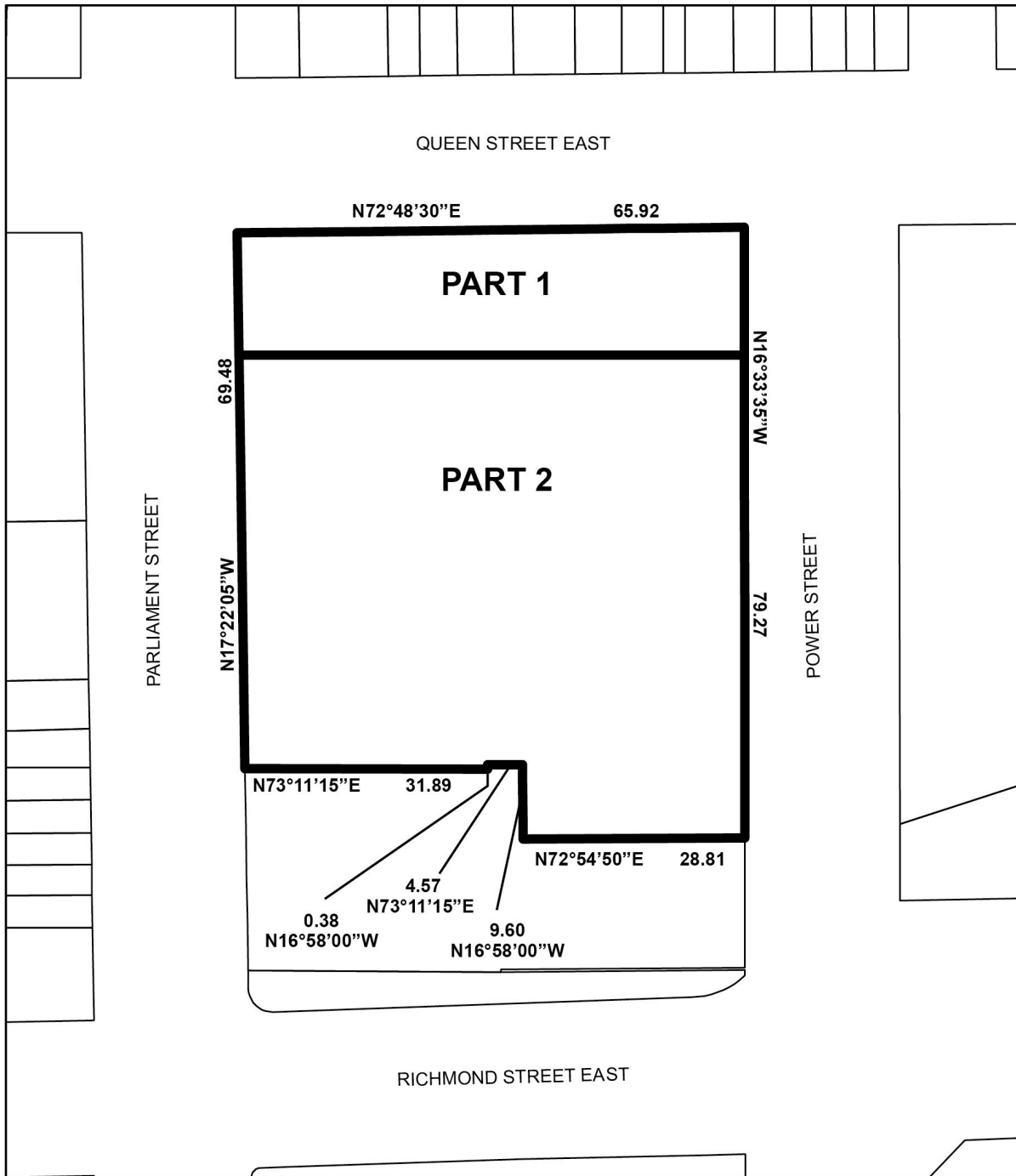
Pursuant to the Decision of the Local Planning Appeal Tribunal issued on November 23, 2020 and Ontario Land Tribunal Order issued on August 24, 2022 as corrected by its Order on March 16, 2023 in File OLT-22-002850 (Formerly PL190470), effective as of August 9, 2022.

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/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) a cash contribution of one million, five hundred thousand dollars (\$1,500,000.00) to be paid by the Owner prior to the issuance of the first above-grade building permit and to be allocated as follows: 50 percent shall be put toward capital improvements in Toronto Community Housing buildings and/or new or existing affordable housing units within proximity of the subject site in the Ward, with the remaining 50 percent to be put towards local streetscape, parkland and/or community facilities within proximity of the subject site in the Ward, at the discretion of the Chief Planner and Executive Director, City Planning and in consultation with the Ward Councillor;
- (2) the cash contribution referred to in (1) shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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 Agreement to the date of payment;
- (3) in the event the cash contribution referred to in (1) above has not been used for the determined purpose within three (3) years of the amending Zoning By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
- (4) the Section 37 Agreement will also secure the following matters as a legal convenience to support the development:
 - i. replacement rental dwelling units and, rents, tenant relocation and assistance, any other rental housing-related matters and other Section 37 matters, all to the satisfaction of the City Solicitor;
 - ii. the Owner shall develop a Tenant Relocation and Assistance Plan with assistance and financial compensation provisions that extend beyond those provided under the Residential Tenancies Act, 2006, based on the City's usual considerations and requirements as of the date of the Settlement Offer, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - iii. the Owner shall provide and maintain within the new residential building(s) a dwelling unit mix that includes a minimum of 10 percent three-bedroom dwelling units and a minimum of 30 percent two-bedroom units, for a minimum of 40 percent of the total number of dwelling units having two or more bedrooms.

Diagram 1



161-167 Parliament Street, 351-373 Queen Street East & 80-94 Power Street

File #: 18 136695 STE 28 OZ

Diagram 2

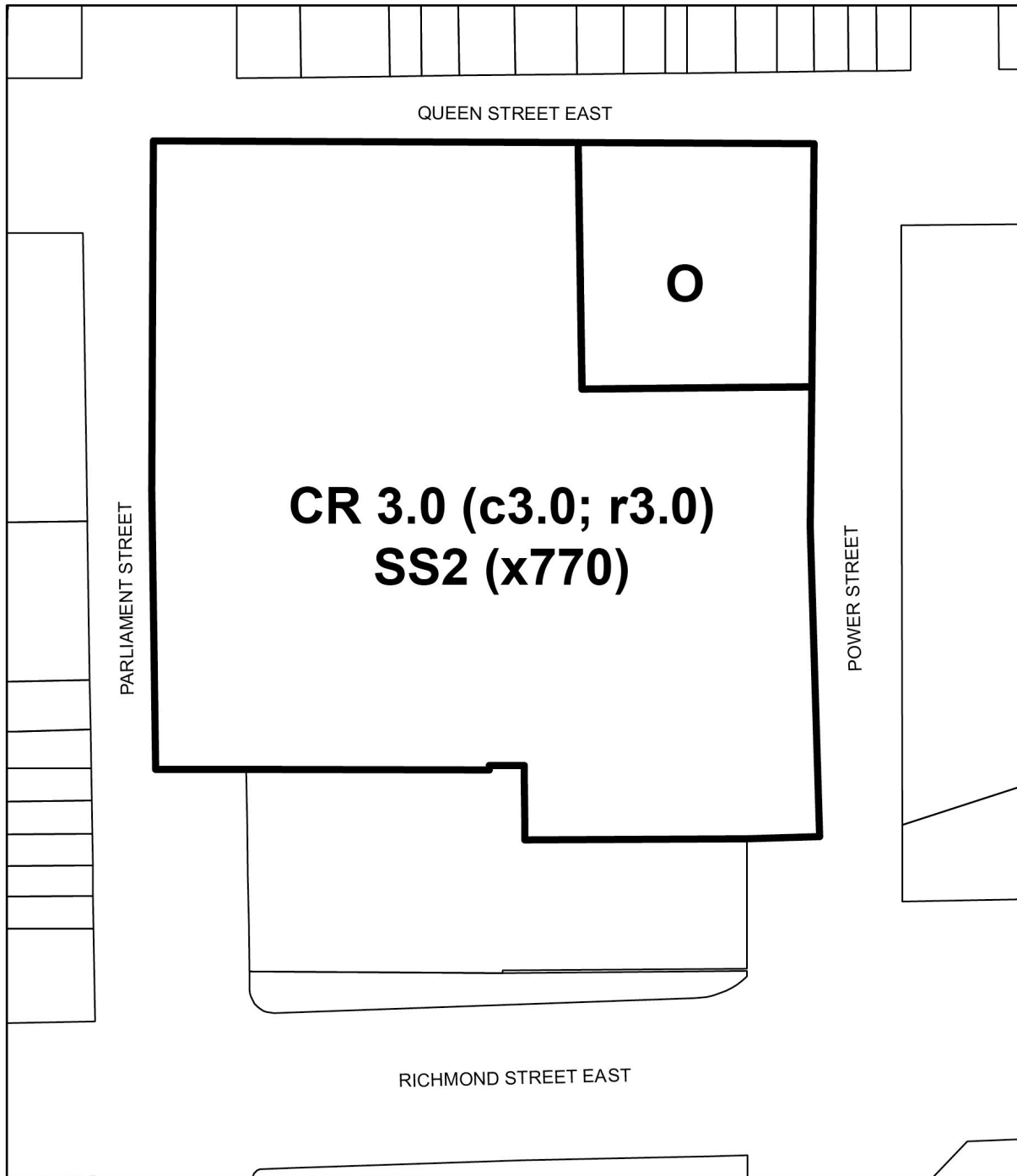
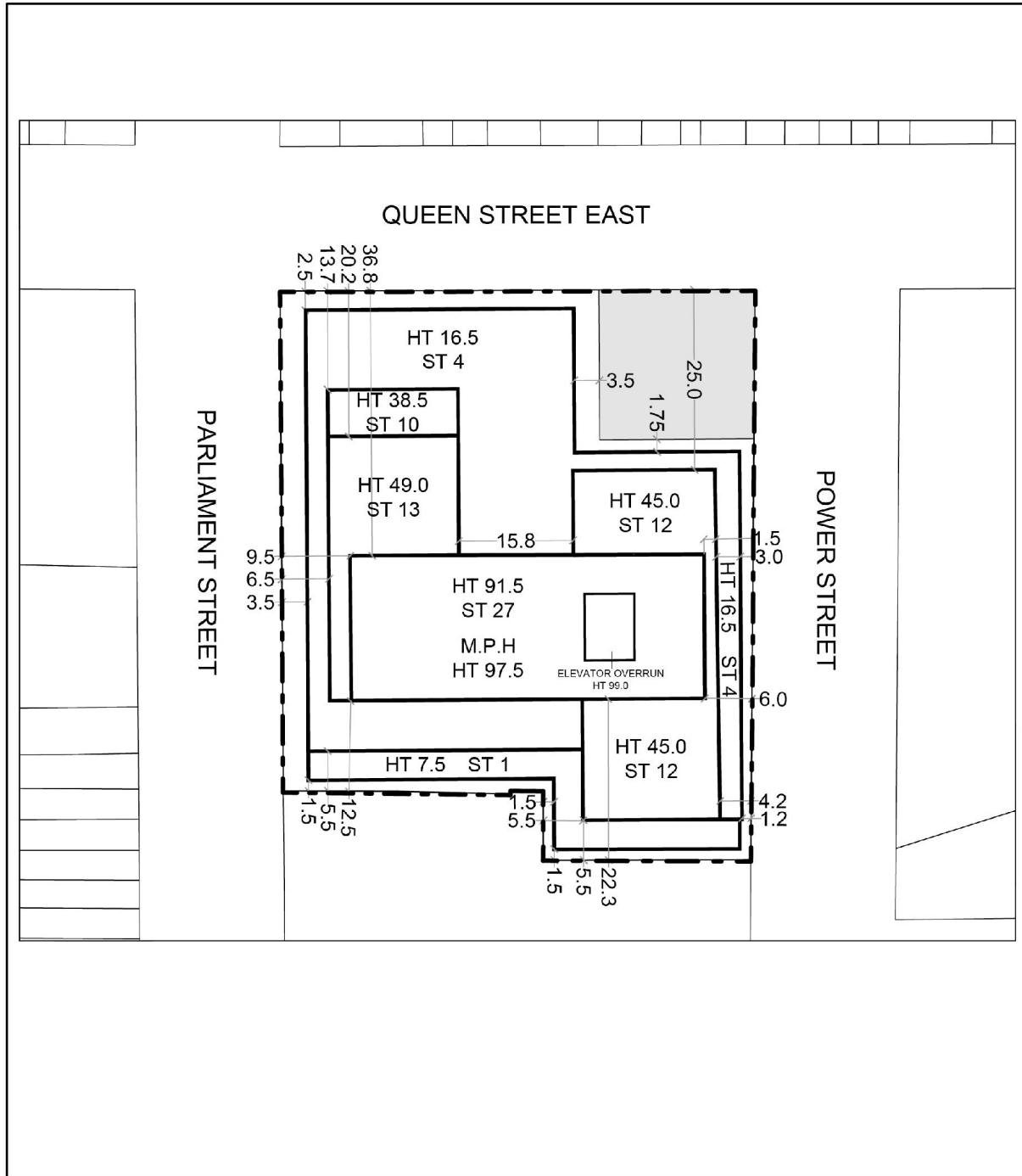


Diagram 3




 **TORONTO**
Diagram 3

161-167 Parliament Street, 351-373 Queen Street East & 80-94 Power Street

File #: 18 136695 STE 28 OZ

 Parkland dedication to the City (446 m²)


City of Toronto By-law 569-2013
Not to Scale
07/14/2022