

Authority: Toronto and East York Community Council Item TE34.20, adopted as amended, by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1185-2018

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2018 as 187-193 Parliament Street.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Subsection 37(3) of the Planning Act, the Council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height and/or density of development beyond that otherwise permitted by the zoning by-law, in return for the provision of such facilities, services and matters as are set out in the by-law; and

Whereas the increases in the density and heights 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 (hereinafter referred to as the "City"); and

Whereas the Official Plan of the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

Whereas the *owner* of the land that is the subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid land as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By law are permitted subject to compliance with all of the conditions set out in this By law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 to the City at the *owner's* sole expense and in accordance with and subject to the agreement referenced in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. None of the provisions of By-laws 138-2003, 333-2002, former City of Toronto By-laws 204-79 or 284-72 apply.
4. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height*, *lot* and Sections 4(2)(a), 4(3)(a), 4(3)(f), 4(5), 4(6), 4(12), 4(13), 4(14)(a)(ii), 6(1), 6(3) Part I, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 8, 6(3) Part III 1, 6(3) Part IV, 8(1) Part II 1(b)(ii), 8(3) Part I, 8(3) Part II 4, 8(3) Part XI 1, 12(1) 3(B), 12(1) 61, 12(1) 232, 12(2) 132, 12(2) 156, 12(2) 270(a), 12(2) 380, 13 (39-80), 13 (49-90), 13 (59-82), 13 (531-78), 13 (532-78), 13 (533-78), 13 (546-83), 13 (547-83) or 13 (696-81) of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection on the *lot* of *mixed-use building*, which may contain *live-work units* and *non-residential gross floor area*, a *commercial parking garage* and other uses *accessory* thereto on the lands municipally known as 187-193 Parliament Street (hereinafter referred to as the *lot*), provided that:
 - a. the *lot* on which the building is to be located comprises at least those lands within the heavy line on Map 1, attached to and forming part of this By-law;
 - b. the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 9,200 square metres, subject to the following limitations:
 - i. A maximum of 500 square metres shall be for *retail* use; and
 - ii. A maximum of 30 *live-work units* shall be permitted;
 - c. in addition to the uses permitted by Section 8(2)(14) of By-law 438-86, as amended, the work component of a *live-work unit* may also include the following uses: office, workshop, studio, *artist's or photographer's studio*, *communications and broadcasting establishment*, *custom workshop*, *data processing establishment*, research and development institute, *software design and development establishment*, *personal grooming establishment* and *tailoring shop*;
 - d. no provision of this by-law or By-law 438-86, as amended, shall limit a *live-work unit* from being occupied by a business that operates with multiple employees within that unit;
 - e. no provision of this by-law or By-law 438-86, as amended, shall require the *live-work unit* to be the principal residence of the business operator;
 - f. no portion of a *mixed-use building* 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. Architectural features, awnings, balconies, balustrades, canopies, cornices, doors, eaves, light fixtures, ornamental elements, parapets, trellises, stairs, stair enclosures, and window sills, may encroach up to a maximum of 0.3 metres; and

- ii. Dog run areas, gas meter enclosures, intake grates from parking levels, landscape features, underground garage ramps, ventilation shafts, walls of an underground garage; wheel chair ramps, and associated structures may encroach up to a maximum of 2.1 metres;
- g. no portion of a *mixed-use building* erected on the *lot* shall be located above the *heights* shown on Map 2, with the exception of the following:
- i. Fence, green roof elements, landscaping, parapet wall, privacy screen, safety railing, stair enclosures, stairs, terraces and trellises, which may project up to a maximum of 1.2 metres beyond the *heights* shown on Map 2; and
 - ii. Elevator shaft, mechanical equipment, enclosed mechanical service areas, acoustic screens and access ladders, which may project up to a maximum of 5.0 metres beyond the *heights* shown on Map 2;
- h. *parking spaces* shall be provided on the *lot* in accordance with the following standards:
- i. A minimum of 0.6 *parking spaces* per *live-work units* for the occupants;
 - ii. A minimum of 0.1 *parking spaces* per *live-work units* for the visitors to the live-work units;
 - iii. A minimum of 0.35 *parking spaces* for each 100 square metres of the office use;
 - iv. A minimum of 0.1 *parking spaces* for each 100 square metres of the *retail* use; and
 - v. A minimum of 2.5 *parking spaces* for each 100 square metres of the *place of assembly* use;

If the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;

- i. a minimum of two *loading spaces - Type B* and two *loading spaces - Type C* shall be provided on the *lot*;
- j. *bicycle parking spaces* shall be provided for the uses on the *lot* in accordance with the following standards:
 - i. A minimum of 0.9 *bicycle parking spaces - long term* per *live-work unit*;
 - ii. A minimum of 0.1 *bicycle parking spaces - short term* per *live-work unit*;

- iii. A minimum of 0.2 *bicycle parking spaces - long term* per 100 square metres of *non-residential gross floor area*;
 - iv. A minimum of 3 + 0.3 *bicycle parking spaces - short term* per 100 square metres of *non-residential gross floor area*; and
 - v. *Bicycle parking spaces - short term* may be located in the City boulevard adjacent to the *lot*.
5. None of the provisions of Zoning By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales or leasing office* on the *lot*.
6. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- "bicycle parking spaces - long term"* are bicycle parking spaces for use by the occupants or tenants of a building;
- "bicycle parking spaces - short term"* are bicycle parking spaces for use by visitors to a building;
- "grade"* means 84.5 metres Canadian Geodetic Datum;
- "height"* means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
- "lot"* shall refer to those lands delineated by a heavy black line on Map 1;
- "temporary sales or leasing office"* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale or lease of *live-work units*, office space or *retail* space to be erected on the *lot*.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1: Community Benefits

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 Section 37(3) of the Planning Act in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall make an indexed cash contribution in the amount of \$600,000.00 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
 - a. local parks improvements within proximity of the site within the boundaries of Ward 28 as it exists on July 27, 2018, or such future Ward in which the site is located; with the allocation of such funds to be determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
 - b. local streetscape improvements within proximity of the site within the boundaries of Ward 28 as it exists on July 27, 2018, or such future Ward in which the site is located; with the allocation of such funds to be determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor; and
 - c. prior to issuance of an above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall make an indexed cash contribution in the amount of \$100,000.00 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, toward landscaping and open space improvements to the Toronto Community Housing Corporation property located at 275, 285 and 295 Shuter Street;

The amounts referred to in sections 1. of this Appendix 1 are to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

2. In the event the cash contributions referred to in Section 1 have not been used for the intended purpose within three (3) years of this By-law 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 of City Planning, in consultation with the local Councillor, provided that the that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



