

STAFF REPORT ACTION REQUIRED

33 and 37 Parliament Street Official Plan and Zoning Amendment Application – Refusal Report

Date:	December 15, 2017	
To:	Toronto and East York Community Council	
From:	Acting Director, Community Planning, Toronto and East York District	
Wards:	Ward 28 – Toronto Centre-Rosedale	
Reference Number:	17 219060 STE 28 OZ	

SUMMARY

This application proposes 15 and 39-storey mixed use buildings. The proposal contains: 622 residential units; 1,248 square metres of at-grade retail space; and 262 vehicular and 623 bicycle parking spaces within a 3-level underground garage.

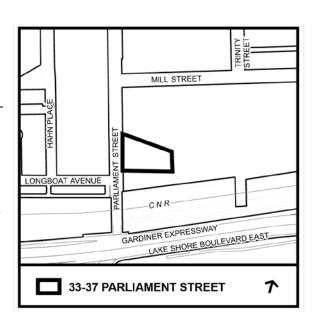
The proposal represents over-development of the site. The application does not conform to the objectives of the in-force Official Plan and King-Parliament Secondary Plan, nor the emerging policy direction of Official Plan Amendment 304.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the Official Plan Amendment application, for the lands at 33 and 37 Parliament Street (file no. 17 219060 STE 28 OZ) for the reasons outlined in the report from the Acting Director, Community Planning, Toronto and East York District dated December 15, 2017.



- 2. City Council refuse the Zoning By-law Amendment for the lands at 33 and 37 Parliament Street (file no. 17 219060 STE 28 OZ) for the reasons outlined in the report from the Acting Director, Community Planning, Toronto and East York District dated December 15, 2017.
- 3. City Council authorize the City Solicitor, together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event the decision is appealed to the Ontario Municipal Board.
- 4. City Council authorize the Acting Director, Community Planning, Toronto and East York District in consultation with the Ward Councillor, to ensure services, facilities and/or matters pursuant to section 37 of the Planning Act, as may be required by the Acting Chief Planner, in consultation with the Ward Councillor are secured, should the proposal be approved in some form by the Ontario Municipal Board.
- 5. In the event this decision is appealed to the Ontario Municipal Board and the Board approves some form of development, City Council authorize the City Solicitor, to request the Ontario Municipal Board to withhold its order until a revised functional servicing report and a revised hydrogeological report have been submitted and reviewed to the satisfaction of the Executive Director, Engineering and Construction Services.
- 6. In the event this decision is appealed to the Ontario Municipal Board and the Board approves some form of development, City Council authorize the City Solicitor, to request the Ontario Municipal Board to place a holding symbol "H" on the amending Zoning Bylaw until the flood proofing measures are approved by the Province and the appeal period has expired.
- 7. In the event this decision is appealed to the Ontario Municipal Board and the Board approves some form of development, City Council authorize the City Solicitor, to request the Ontario Municipal Board to withhold its order until an Archaeological Monitoring and Mitigation Strategy has been submitted to the satisfaction of the Senior Manager, Heritage Preservation Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 31, April 1 and 2, 2015, City Council authorized staff to undertake a study of the Distillery District as a potential Heritage Conservation District (HCD) and directed the Chief Planner and Executive Director, City Planning, to initiate the study of the Distillery District. The subject site is within the HCD study area. The decision document and report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG2.8

On December 7, 2016, the Toronto Preservation Board endorsed City Planning's decision to proceed from the Study Phase to the Plan Phase of the proposed Distillery District HCD, including its recommended boundary and the recommendation to proceed to district designation. The endorsement document and report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB19.9

On July 4, 2017, City Council adopted Official Plan Amendment (OPA) 304 – an amendment to provide development direction for the Distillery District, the Triangle Lands and portions of the West Don Lands on: massing and building typology; maintaining the utility of open spaces by minimizing new net shadows; maintaining the cultural heritage values of the area's heritage buildings; and the promotion of various transportation modes. The subject site is within the boundaries of OPA 304. The decision document and report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.7

On November 14, 2017, the Toronto and East York Community Council considered the preliminary report on the subject application and approved the recommendation to report back to the first quarter of 2018 on the results of the community consultation meeting and staff recommendations of the proposal. The report stated the proposal was over-development and was not supportable in its current form. The decision document and preliminary report can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE28.38

ISSUE BACKGROUND

Proposal

The applicant is proposing a 39-storey tower (131 metres including the mechanical penthouse) with a 6-storey base building connected to a 15-storey building (50 metres). The 39-storey tower has a floor plate area of 750 square metres. The proposal has a total gross floor area of 47,019 square metres, of which 45,770 square metres is residential uses and 1,248 square metres is non-residential uses (refer to Attachment 1: Site Plan and Attachments 2-5: Elevations).

The proposal's buildings setbacks are summarized in the following table:

Base Building Setbacks	North	1.8 from 2 nd to 6 th storey	
from Property Line (m.)		2.0 to 8.6 starting on the 7 th storey	
	East	1.8 starting on the 7 th storey	
		measured from the building edge	
	South	N/A	
	West	0 from 2 nd to 6 th storey	
		4.4 starting on the 7 th storey	
39-storey Tower Setbacks	North	2.0 to 8.6 starting on the 7 th storey	
from Property Line (m.)	East	1.8 starting on the 7 th storey	
		measured from the building edge	
		5 to 58.0 starting on the 7 th storey	
	South	12.3 starting on the 16 th storey	
	West	4.4 starting on the 16 th storey	

15-storey Building	North	1.8 to 20.3 from 1 st to 14 th storey
Setbacks from Property		3.0 to 23.4 at the 15^{th} storey
Line (m.)	East	0 from 1 st to 14 th storey
		1.9 at the 15 th storey
	South	9.0 from 1 st to 14 th storey
		10.9 at the 15 th storey
	West	0 from 1 st to 14 th storey
		2.3 at the 15 th storey

The application proposes a total of 622 residential units, consisting of: 23 (4%) bachelor units; 341 (55%) one bedroom units; 198 (32%) two bedroom units; and 60 (10%) three bedroom units.

Indoor amenity space of 1,246 square metres and outdoor amenity space of 1,679 square metres are proposed on the 7th and 16th storey. The amount of indoor and outdoor amenity space for the proposed 622 residential dwelling unit development exceeds the standards in the Zoning By-law. A privately-owned publicly-accessible space (POPS) in the form of a courtyard is proposed on the northern portion of the site abutting Distillery Lane with an area of approximately 393 square metres.

Pedestrian accesses to the residential lobby and at-grade retail uses are proposed on Parliament Street and the proposed POPS off of Distillery Lane. A private driveway is proposed along the southern boundary of the site to be used for vehicular access and serve as a pedestrian connection to the Distillery District.

Vehicular access is proposed on the private driveway via Parliament Street. A 3-level underground parking garage is proposed to accommodate: 192 resident; 37 visitor; and 33 commercial parking spaces. Two loading spaces comprising of: 1 Type 'B'; and 1 Type 'G' are proposed to be accessed from the private driveway. Bicycle parking spaces are proposed to be located within the underground garage to accommodate 560 resident and 63 visitor parking spaces (refer to Attachment 10: Application Data Sheet).

Site and Surrounding Area

The subject site is a rectangular shaped parcel with an area of 3,913 square metres with a frontage of 62 metres along Parliament Street. Currently, the site contains two 1-storey commercial/industrial buildings with an associated garage and a surface parking lot.

The surrounding uses are as follows:

North: The Distillery District – a National Historic Site of Canada, currently a mixed-use community consisting of various buildings designated under Part IV of the *Ontario Heritage Act* by By-law 156-76 and included in the City's Heritage Register. The Distillery District is also comprised of a privately-owned, publicly-accessible laneway system that functions as a network of pedestrian open space areas and occasional servicing corridors. There are also 6 existing residential condominium buildings ranging from 12 to 40 storeys.

East: A surface commercial parking lot at 31R Parliament Street, 370 and 370R Cherry Street. The lands are subject to an Ontario Municipal Board (OMB) approved Official Plan amendment and Rezoning application to permit a 49-storey tower and a 1-storey addition to the previously approved 4-storey 'Ribbon Building', file no. 14 174007 STE 28 OZ.

South: A 1-storey industrial building and associated surface parking lot, currently subject to an Official Plan and Zoning By-law Amendment application to permit a 49-storey tower, file no. 16 188179 STE 28 OZ. This application at 31 Parliament Street is currently under appeal to the OMB.

West: Across Parliament Street is a series of 2 to 9 storey residential buildings that are part of the Harmony Cooperative within the St. Lawrence Community. Further northwest is Parliament Square Park and the site of Canada's First Parliament buildings designated under Part IV of the *Ontario Heritage Act* by By-law 91-97.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment:
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character;
- Conserving significant built heritage resources and significant cultural heritage landscapes; and,
- Ensuring development and site alteration adjacent to protected heritage properties are evaluated to ensure that the heritage attributes are conserved.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing
 municipalities to make more efficient use of land, resources and infrastructure to reduce
 sprawl, cultivate a culture of conservation and promote compact built form and betterdesigned communities with high quality built form and an attractive and vibrant public
 realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work:
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and,
- Requiring municipalities to work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is identified within the *Downtown and Central Waterfront* area in Map 2 – Urban Structure of the Official Plan. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the *Downtown*. Policy 6 of Section 2.2.1 indicates specific districts in the *Downtown* with historic and distinct character shall have guidelines to ensure development respect the context of such districts. The City has implemented this Official Plan policy through the adoption of the King-Parliament Urban Design Guidelines as discussed later in this report.

The site is designated *Mixed Use Areas* in Map 18 – Land Use Plan of the Official Plan. **Section 4.5** indicates *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses. Policy 2 provides development criteria for *Mixed Use Areas* which directs that development shall: locate and mass new buildings to provide a transition between areas of different intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintain sunlight and comfortable wind conditions; provide good access and circulation for vehicular activity; and provide recreation space for residents. Development on underutilized lands within *Mixed Use Areas* shall also provide: new jobs and homes for our growing population; access to schools; access to parks and community centres; and access to transit services (Refer to Attachment 6: Official Plan).

Section 3.1.2 – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that includes: demonstrating how the proposal will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 – "Heritage Conservation" provides policy direction on the conservation of heritage properties in the City's Heritage Register and on development adjacent to heritage properties. Policy 5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it, including consideration such as scale, massing, materials, height, building orientation and location relative to the heritage property. Policy 27 encourages the conservation of buildings and structures on the Heritage Register.

Section 5.6 – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This application

was reviewed against all policies of the Official Plan. The Official Plan can be accessed at: http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Lower Don Special Policy Area

The site is within the Lower Don floodplain and is identified within the *Downtown Spill Zone* of the *Lower Don Special Policy Area* (SPA) in the former Municipality of Metropolitan Toronto Official Plan. The *Lower Don SPA* permits development provided that flood proofing measures are implemented. Any changes to the boundaries and/or policies of a SPA require Provincial approval. On October 30, 2012, City Council adopted City-initiated Official Plan Amendment 394 (OPA 394), an amendment to remove the lands within the *Downtown Spill Zone* from the *Lower Don SPA*, after the risk of flooding was eliminated by the construction of the Flood Protection Landform on the West Don Lands east of the site. OPA 394 is not in full force and effect until it is approved by the Province and the appeal period expires.

King-Parliament Secondary Plan

The site is within the King-Parliament Secondary Plan, which forms part of the Official Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area.

The site is designated *Mixed Use Area 'C'* (*Triangle Lands*) in the Secondary Plan, where a mixture of uses is permitted provided that: the massing, siting and design of any new development is complementary and sensitive to the heritage character of the Distillery District; and the height of any development is consistent with the heights of the neighbouring portions of the St. Lawrence Community (refer to Attachment 7: King-Parliament Secondary Plan).

Other built form policy directions are provided in Section 3 – "Urban Structure and Built Form" of the Secondary Plan where new development shall: provide adequate light, view and privacy to neighbouring properties; achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression; provide appropriate proportional relationships to adjacent streets to minimize wind and shadowing impacts; and provide streetscape and open space improvements.

Policy direction on heritage conservation is provided in Section 4 – "Heritage and Community Improvement" of the Secondary Plan. Heritage buildings are identified as essential elements of the physical character in the King-Parliament area. New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression.

This application was reviewed against all policies of the Secondary Plan, which can be accessed at: http://www1.toronto.ca/static_files/CityPlanning/PDF/15_king_parliament_dec2010.pdf

Official Plan Amendment 304

As indicated in the Decision History section of this report, City Council adopted OPA 304, enacted as By-law 847-2017. The purpose of OPA 304 is to amend the King-Parliament Secondary Plan to provide an updated policy direction for redevelopment in the Distillery District, the Triangle Lands and portions of the West Don Lands. Specifically, OPA 304 permits a maximum of two tall buildings within the Triangle Lands, with all other development to be mid-rise buildings in both height and scale. This built form direction is established in order to maintain the cultural heritage values of the Distillery District and the utility of the area's open spaces, among other objectives.

The subject site is within the western portion of the Triangle Lands policy area. The direction of OPA 304 permits one tall building of up to 30 storeys in the western portion of the Triangle Lands provided certain parameters are met, including: providing an adequate height transition down towards the St. Lawrence Community; minimizing incremental shadows on the surrounding public realm; that the massing, site and design conserve and complement the heritage character of the Distillery District; ensuring adequate sky views are maintained from the Distillery District; and expanding the publicly accessible pedestrian network and open space of the Distillery District. There are two appeals submitted to the OMB on By-law 847-2017. The first appeal is by the applicant for the subject lands. The second appeal is by the applicant for 31 Parliament Street to permit a 49-storey tower. Both site specific appeals are located within the western portion of the Triangle Lands where OPA 304 permits one tall building of up to 30 storeys. The City Council enacted By-law 847-2017 can be accessed at: http://www.toronto.ca/legdocs/bylaws/2017/law0847.pdf

Zoning

The site is zoned IC D2 N0.5 under Zoning By-law 438-86, with a height limit of 23 metres. This zoning designation permits various non-residential uses of an industrial and commercial nature. The maximum density is 2 times the lot area with a maximum commercial density of 0.5 times the lot area. The site is subject to certain exception provisions, including: the prohibition of a commercial parking garage or a private commercial garage; and a maximum gross floor area of 8,000 square metres for a single retail use (refer to Attachment 8: Zoning).

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines provide urban design direction to the policy intent of the King-Parliament Secondary Plan. Policy 6 in Section 2.2.1 of the Official Plan indicates specific districts in the *Downtown* with historic and distinct character shall have guidelines to ensure development respect the context of such districts. The site fronts on Parliament Street, identified as a Special Street, where the creation of new buildings along the street edge shall be consistent in general character and scale with the existing heritage industrial buildings.

This application was reviewed against the King-Parliament Urban Design Guidelines, which can be accessed at:

https://www1.toronto.ca/city_of_toronto/city_planning/community_planning/files/pdf/14kingpar liament.pdf

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Policy 1 in Section 5.3.2 – 'Implementation Plans and Strategies for City-Building' of the Official Plan states Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public improvements in growth areas. The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 – 'The Built Environment' and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

This application was reviewed against the city-wide Tall Building Design Guidelines, including sections on context analysis, fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and Heritage Conservation Districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space and sustainable design. The city-wide Guidelines can be accessed at: http://www.toronto.ca/planning/tallbuildingdesign.htm

Distillery District Heritage Conservation District Study

City Council prioritized the Distillery District Heritage Conservation District (HCD) study to be initiated in 2016. The purpose of the HCD Study was to determine if the study area contains cultural heritage value and warrants designation as an HCD under Part V of the *Ontario Heritage Act*.

As indicated in the Decision History section of this report, the Toronto Preservation Board endorsed City Planning's recommendation to proceed from the study phase to the plan phase of the proposed Distillery District HCD, including the recommended boundary, draft objectives and statement of cultural heritage value. The subject site is within the boundaries of the Distillery District HCD, and has been identified as a non-contributing property (refer to Attachment 9: HCD Study Area).

TOcore

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city. TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the midtown rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be accessed at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1. Further background information can be accessed at www.toronto.ca/tocore.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

Reasons for Application

The proposal requires an amendment to the Official Plan and Zoning By-law. The proposal requires an amendment to Policy 12.1(b) of the King-Parliament Secondary Plan to allow a building height that is not consistent with the building heights of the neighbouring portions of the

St. Lawrence Community to the west. It is noted that the proposal also does not conform to the policy direction of OPA 304.

The proposal requires an amendment to the Zoning By-law for: the residential use; the retail use, increase in maximum density; increase in building heights; and reduction in vehicular parking spaces, among others.

Community Consultation

A community consultation meeting was held on December 13, 2017, at the Lucie and Thornton Blackburn Conference Centre at 80 Cooperage Street. Approximately 30 members of the public attended, along with the Ward Councillor and City staff. Concerns raised at the meeting and through written submissions include:

- The need to develop this site, along with the rest of the Triangle Lands holistically;
- The proposal does not provide an appropriate transition to the St. Lawrence Community;
- The 6-storey base building and the 15-storey building are too tall;
- Increased shadows on the surrounding open spaces and the impact to the utility of such spaces, including sunlight for trees;
- Lack of sufficient greenspace in conjunction with the proposed density;
- Increased traffic congestion for the area from the traffic generated by the proposal, including potential congestion at the drop-off area that serves the building at 39 Parliament Street:
- Insufficient parking spaces to accommodate the proposal;
- Potential noise and vibrations from the railway to the south;
- Potential noise borne from the close proximity of residential units between this proposal and the building at 39 Parliament Street;
- Wind impacts generated by the proposal; and,
- Construction impacts, should this proposal be approved in some form.

Design Review Panel

The application was considered by the Design Review Panel on December 12, 2017, where the Panel voted for refinement, on condition that the vote be based on the acknowledgement that redevelopment south of the site at 31 Parliament Street may occur. The Panel noted the significance of redevelopment on this site abutting the Distillery District – a national historic site of Canada, and expressed difficulty in assessing the proposal on its own merits without knowing the resolution of the appealed 49-storey proposal at 31 Parliament Street and the collective impact to the Distillery District. The Panel expressed concerns of the potential for three tall buildings in the Triangle Lands policy area: the OMB approved 49-storey tower at 31R Parliament Street; the City Council refused and OMB appealed 49-storey tower at 31 Parliament Street; and the subject application. The proposal at 31 Parliament Street was unanimously voted for redesign by the Panel at the December 15, 2016 meeting.

When assessed on its own merits, the Panel generally supported the design of the proposal, noting the design contextually fits in with the character of the Distillery District. The Panel indicated the 15-storey building component needs to be reduced in height or eliminated completely in order to reduce net new shadows on the surrounding open spaces. The Panel also

suggested the location of the POPS courtyard be relocated to the south of the site in order to maximize sunlight.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

This application represents over-development for the site and does not meet the current planning framework or the emerging policy direction for the Triangle Lands policy area. The proposal for a tall building is not compatible and does not complement the existing built form character and scale of the area. Also, the proposal does not conform to the emerging policy direction of OPA 304 where a tall building shall be up to 30 storeys.

Provincial Policy Statement and Provincial Plans

The PPS recognizes the local context is important and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 4.7 indicates that the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.3 indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. In this regard, the proposal has not met the overall objectives of the Official Plan and the King-Parliament Secondary Plan.

With regard to heritage conservation, Policy 2.6.3 of the PPS indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The Official Plan further refines the direction of the PPS to require appropriate built form to fit harmoniously into its existing and/or planned context and the conservation of heritage properties. This application is not consistent with the PPS as the proposal has not addressed an appropriate method to conserve the scale, form and massing and heritage attributes of the various properties in the Distillery District.

With regard to protection from flooding hazards, Policy 3.1.4 indicates that development may be permitted within flood hazard areas where an SPA is approved. The SPA on the subject site requires flood proofing measures to be approved by the Province. OPA 394 to the former City of Toronto Official Plan, an amendment that addresses flood proofing measures has not been approved by the Province. If development of any form is approved by the OMB, a holding symbol ("H") should be placed on the amending Zoning By-law until the flood proofing measures are approved by the Province and the appeal period has expired.

The site is within the urban growth centre of the built-up area boundary, an intensification area identified in the Growth Plan. Policy 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve a minimum intensification target which will identify the appropriate type and scale of development and transition of built form to adjacent areas. In this regard, the King-Parliament Secondary Plan, in conjunction with the urban design guidelines and the Zoning By-law, provides direction on built form, massing and scale of development for the

Triangle Lands. The emerging policy direction of OPA 304 updates the existing King-Parliament Secondary Plan to allow for one tall building of up to 30 storeys. This proposal is not consistent with the Growth Plan as the application does not provide an appropriate scale of development as required in the King-Parliament Secondary Plan.

Policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities. This application is not consistent with the Growth Plan as the proposal has not adequately addressed how the proposal conserves the adjacent heritage resources in the Distillery District.

Policy 2.2.3.2 of the Growth Plan directs urban growth centres be planned and achieve by 2031 a minimum density target of 400 residents and jobs combined per hectare for the *Downtown* Toronto urban growth centre where the site is situated in. This urban growth centre is on track to exceed the Growth Plan's density target of 400 jobs and residents per hectare by 2031. It is noted that the target is the average of the entire urban growth centre and it is not for any one particular area within the centre. This proposal is not required to meet or contribute to the minimum density target for the *Downtown* Toronto urban growth centre.

Land Use

This proposal consists of residential and commercial retail uses. The proposed mix of land uses comply with the *Mixed Use Area 'C'* (*Triangle Lands*) designation in the King-Parliament Secondary Plan.

Height

The proposed tall building's overall height of 124 metres (131 metres including the mechanical penthouse) exceeds the King-Parliament Secondary Plan policy direction that requires development to be consistent in height with the neighbouring St. Lawrence Community. The proposed height also exceeds the Zoning By-law height limit of 23 metres. The Official Plan directs lands within *Mixed Use Areas* to locate and mass buildings to provide transition between areas of different intensity and scale. The King-Parliament Secondary Plan indicates new development must be complementary and compatible with its surrounding area. Specifically, Policy 3.2(e) requires new buildings to achieve a compatible relationship with their built form context through consideration of such matters as building height. The proposed height of the 39-storey tower is not complementary or compatible with its surrounding area.

Policy 3 of Section 5.3.1 of the Official Plan indicates that when a site-specific OPA is being considered, the review shall examine whether the application should be considered within the immediate context or whether a broader review and possible area-specific policy are appropriate. OPA 304 satisfies the intent of Policy 5.3.1.3 by providing an updated policy framework for the Triangle Lands. OPA 304 permits a tall building of up to 30 storeys within the western portion of the Triangle Lands, where the subject site is located. A building of up to 30 storeys allows for the introduction of development while providing a more gradual transition in building height towards the St. Lawrence Community to the west, is complementary and compatible with its surrounding area and minimize net new shadows on the surrounding open spaces.

The 15-storey building mass of 50 metres fronting on the proposed courtyard and Distillery Lane to the north and the proposed driveway to the south does not meet the policy direction of the King-Parliament Secondary Plan in being complementary and sensitive to the heritage character of the Distillery District. Further, OPA 304 directs any new development, besides tall buildings be mid-rise in height and scale.

Massing

The existing and emerging policy framework was analysed in respect to the proposal's massing and its fit to its immediate context. The Official Plan requires new development to be massed to fit harmoniously into its existing and/or planned context by: creating appropriate transitions in scale to neighbouring buildings; providing adequate light and privacy, and minimizing additional shadowing on neighbouring parks to preserve their utility. The King-Parliament Secondary Plan requires development on the Triangle Lands to ensure the massing, siting and design is complementary and sensitive to the heritage character of the Distillery District.

Parliament Street is identified as a 'Special Street' in the King-Parliament Secondary Plan and the King-Parliament Urban Design Guidelines where new buildings should be consistent in general character and scale with the heritage industrial buildings along this street. The 6-storey base building and 15-storey mass, in conjunction with the 39-storey tower along the Parliament Street frontage does not respect the industrial heritage character of Parliament Street.

Shadow Impacts

A Shadow Study was submitted in support of the application. The study shows net new shadows cast from the proposal on the surrounding open spaces during March 21st, June 21st and September 21st. Specifically, the proposal will create net new shadows during the spring and fall equinoxes on: Parliament Square Park and the site of Canada's First Parliament Building between 9:18 am to 12:18 pm; the future park at the northeast corner of Parliament Street and Mill Street between 12:18 pm to 2:18 pm; and the open spaces that form the laneway system of the Distillery District between 10:18 am to 5:18 pm. The study also shows net new shadows during June 21st on: Parliament Square Park between 9:18 am to 12:18 pm; and the open spaces that form the laneway system of the Distillery District between 12:18 pm to 5:18pm.

The proposed massing does not adequately limit new net shadows on the surrounding open spaces, and does not preserve the utility of the park spaces. Section 3.2(f) of the King-Parliament Secondary Plan directs that new development be massed and designed to minimize shadow impacts on parks and open spaces. Further, this proposal's massing does not conform to the policy direction of OPA 304 that requires development to minimize new net shadows on the surrounding open spaces between March 21st to September 21st from 10:18 am to 5:18 pm, including no new net shadows at 2:18pm on June 21st.

Wind Impacts

A Preliminary Pedestrian Level Wind Study was submitted in support of the application. The study concluded the proposal will result in comfortable wind conditions throughout the year. City Planning staff reviewed the study and requests additional information on specific sensor locations on and surrounding the site be provided. Further, it is noted OPA 304 require new development within the Triangle Lands to provide a wind mitigation strategy to ensure building

entrances, courtyards, lanes and open spaces on and surrounding the site be comfortable for sitting during the summer. Should this proposal be approved in some form by the OMB, City Planning staff will continue discussions with the applicant to address the policy direction of OPA 304.

Noise and Vibration Impacts

A Noise and Vibration Study was submitted in support of the application. The study indicated various mitigation measures will be required in order to ensure the residential use is protected from nearby traffic and rail noise sources. City Planning staff reviewed the study and require additional information on potential stationary noise impacts. Metrolinx has also reviewed the study and indicate the report will need to be revised using updated rail traffic data.

Air Emission

An Air Quality Study was submitted in support of the application. The study concluded no air emission impacts are predicted to adversely impact the proposed uses.

Heritage Conservation

A Heritage Impact Assessment (HIA) was submitted in support of the application. Heritage Preservation staff have reviewed the document and are of the opinion the proposal has not adequately proposed a strategy to conserve the adjacent historic Distillery District, where most of the buildings are designated under Part IV of the *Ontario Heritage Act* and included in the City's Heritage Register.

Archaeological Potential

A Stage 1 Archaeological Assessment was submitted in support of the application. The assessment recommended a program of archaeological monitoring during construction to be undertaken in order to document the resources associated with the 1859 Gooderham and Worts Parliament Street wharf and other resources that may be present. Heritage Preservation Services staff have reviewed the assessment and require certain conditions to be imposed, should the proposal be approved by the OMB in some form.

Traffic Impact, Access and Loading

A Transportation Impact Study was submitted in support of the application. The study concluded the traffic activity generated by the development can be accommodated by the existing area road network. Transportation Services staff has reviewed the report and require further analysis on the consultant's forecasting.

Vehicular and loading access is proposed on a private driveway from Parliament Street. Transportation Services staff require further assessment on the proposed access. Transportation Services staff also note the proposed access for this site is abutting the proposed access for the appealed application at 31 Parliament Street, where potential traffic conflicts may occur. Transportation Services staff recommend the two development proposals consolidate vehicular and loading accesses.

Two loading spaces: 1 Type "C" and 1 Type 'C', are proposed to serve the development. The number and type of loading spaces proposed conform to the standards of the Zoning By-law.

Vehicular Parking

A total of 262 vehicular parking spaces, consisting of 192 resident, 37 visitor and 33 retail are proposed within a 3-level underground garage. Based on the standards of Zoning By-law 569-2013, a minimum of 468 spaces are required, consisting of 394 residential, 62 visitor and 12 retail spaces. The Transportation Impact Study submitted in support of the application concluded the reduced number of parking spaces for the proposal is appropriate to encourage a shift to other modes of transportation and is similar in parking rates with other approved developments. Transportation Services staff have reviewed the report and does not concur with the analysis of the report and request the minimum number of parking spaces for residential as stipulated in the Zoning By-law be provided, or that the applicant submit a parking study that includes a parking utilization survey of the occupied residential buildings in the Distillery District.

Bicycle Parking

The proposal provides a total of 623 bicycle parking spaces consisting of 560 resident and 63 visitor spaces. The proposed number of bicycle parking spaces meets the standard of the Zoning By-law and the provisions of the Toronto Green Standard.

Servicing, Stormwater Management and Hydrogeological Impacts

A Functional Servicing Report was submitted in support of the application. The report concluded the proposal can be adequately serviced with new connections to the existing 300 mm sanitary sewer and 150 mm watermain on Parliament Street. Engineering and Construction Services staff has reviewed the report and indicate additional analysis is required to confirm that there is sufficient capacity to service this proposal.

A Stormwater Management Report was submitted in support of the application. The report concluded the potential runoff from the proposal will be managed through the green roofs, a cistern and connection to the municipal storm sewer system. Engineering and Construction Services staff has reviewed the report and require additional analysis, including information on stormwater management to accommodate its proximity to Lake Ontario.

A hydrogeological Investigation Report was submitted in support of the application. The report indicated the impact of the proposal to groundwater can be adequately controlled. This application was circulated to Toronto Water for comments but no comments have been received at the time of this report.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion is subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

The application is also proposing a POPS space in the form of a courtyard that fronts onto Distillery Lane of approximately 393 square metres. The size and location of the POPS as it is currently proposed allows pedestrians to access the space from Distillery Lane and is appropriate for the historical context of the area. The POPS also meets the emerging policy direction of OPA 304 to provide for open spaces such as courtyards through development.

Streetscape

The site fronts on Parliament Street to the west, where a 2.1 metre to 3.4 metre wide pedestrian sidewalk is proposed. City Planning staff request a minimum 6 metre wide pedestrian sidewalk be provided for redevelopment on the lands. City Planning staff will continue discussions with the applicant in achieving an appropriate pedestrian sidewalk width, should this application be approved by the OMB in some form.

Tree Preservation

There are 20 trees on and within 6 metres of the site. A Tree Inventory and Preservation Plan Report was submitted in support of the application. Urban Forestry staff has reviewed the documentation and indicate it does not meet the City's Tree By-laws. Also, Urban Forestry staff requests the planting of trees along Parliament Street. City staff will continue discussions with the applicant in providing the parameters for trees along Parliament Street, should this application be approved by the OMB in some form.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

Section 37

The Official Plan includes policies pertaining to the exchange of community benefits for increased height and density for new developments pursuant to Section 37 of the *Planning Act*.

There has been no discussion with the applicant regarding Section 37 community benefits since the application's proposed increase in density and height over the existing Zoning By-law standards does not meet the overall policy objectives of the Official Plan and King-Parliament Secondary Plan. However, in the event this proposal is appealed and approved in some form by the OMB, City staff request the OMB to withhold its final order until an appropriate community benefits package is secured in consultation with the Ward Councillor.

Conclusion

The proposed application represents over-development and is not supported by City Planning staff. The 15 and 39-storey building fail to adhere to the built form policy objectives of the Official Plan and the King-Parliament Secondary Plan. The proposal's built form also does not conform to the emerging policy direction for the Triangle Lands policy area in OPA 304, where a tall building of up to 30 storeys sited in the western portion of the Triangle Lands may be permitted provided it transition down towards the St. Lawrence Community and minimize net new shadows on the surrounding open spaces, among other criteria.

City Planning staff recognize there are two applications proposing a tall building where only one is allowed in the Triangle Lands as stipulated in OPA 304: the subject application; and the appealed proposal at 31 Parliament Street. Should the applicant appeal the decision of this application to the OMB, City Planning staff will continue to have discussions with the applicant and the applicant at 31 Parliament Street in resolving the emerging policy direction of OPA 304.

Other issues the proposal has not resolved include the appropriate measures to conserve the heritage resources of the Distillery District, appropriate number of vehicular parking spaces to accommodate the development, traffic impacts; appropriate wind mitigation measures; and sufficient servicing to accommodate the proposal.

CONTACT

Henry Tang, Senior Planner Tel. No. (416) 392-7572

E-mail: Henry.Tang@toronto.ca

SIGNATURE

Lynda H. Macdonald, Acting Director, Community Planning, Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\31223819061.doc) - vc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: West Elevation
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: South Elevation
Attachment 6: Official Plan

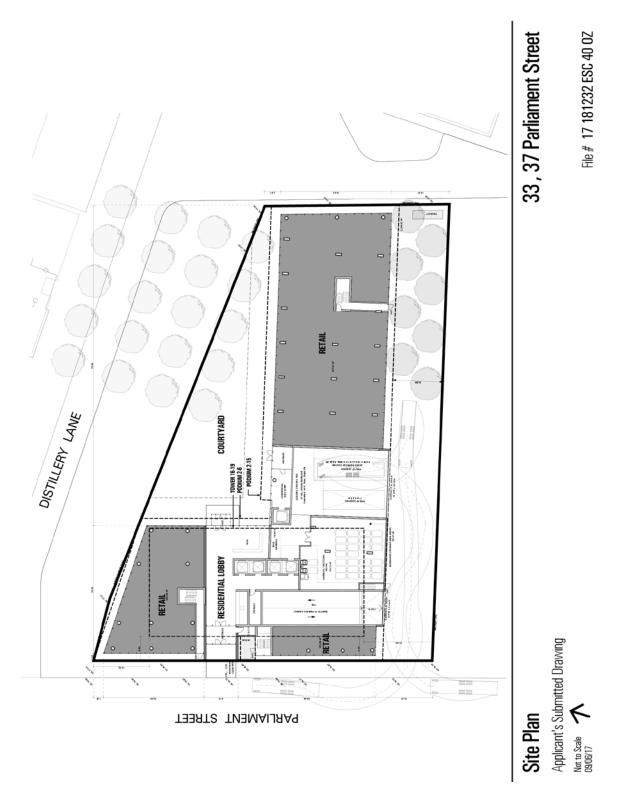
Attachment 7: King-Parliament Secondary Plan

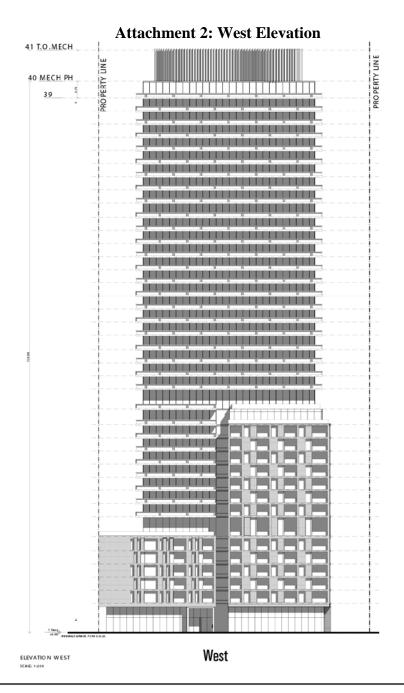
Attachment 8: Zoning

Attachment 9: HCD Study Area

Attachment 10: Application Data Sheet

Attachment 1: Site Plan



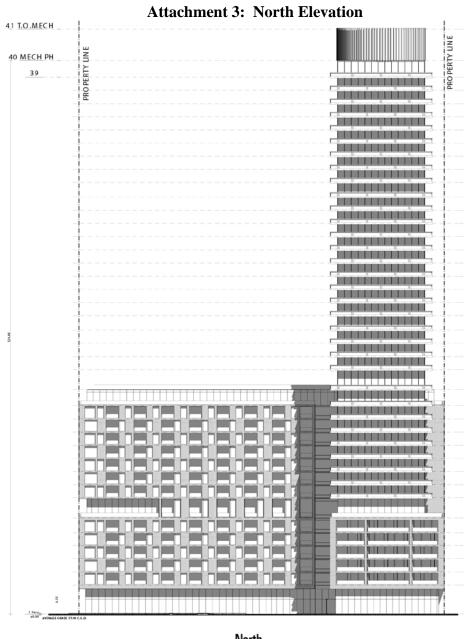


Elevation

33, 37 Parliament Street

Applicant's Submitted Drawing

Not to Scale 09/06/17



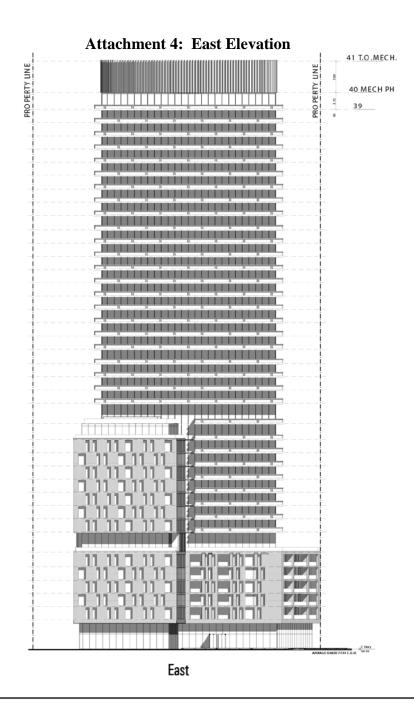
North

Elevation

33, 37 Parliament Street

Applicant's Submitted Drawing

Not to Scale 09/06/17

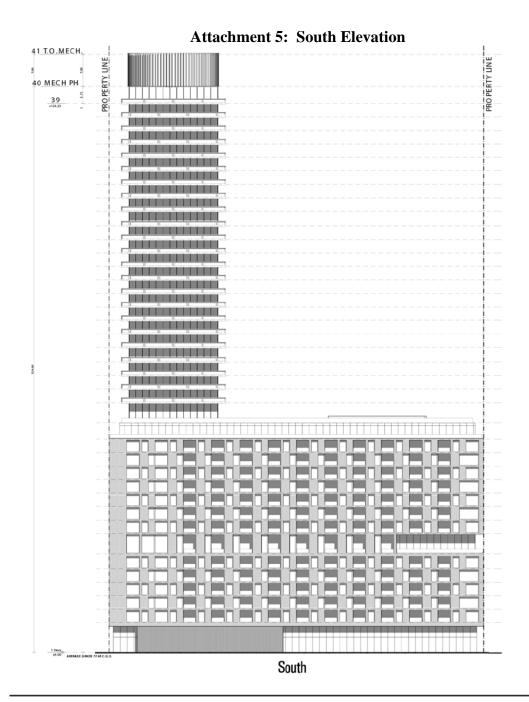


Elevation

33, 37 Parliament Street

Applicant's Submitted Drawing

Not to Scale 09/06/17



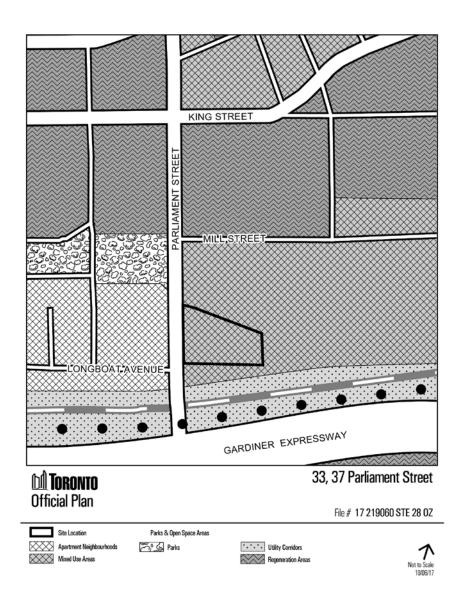
Elevation

33, 37 Parliament Street

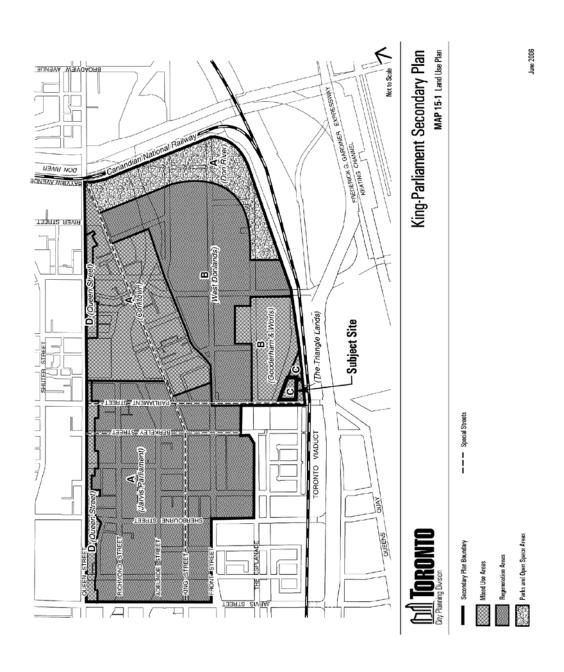
Applicant's Submitted Drawing

Not to Scale 09/06/17

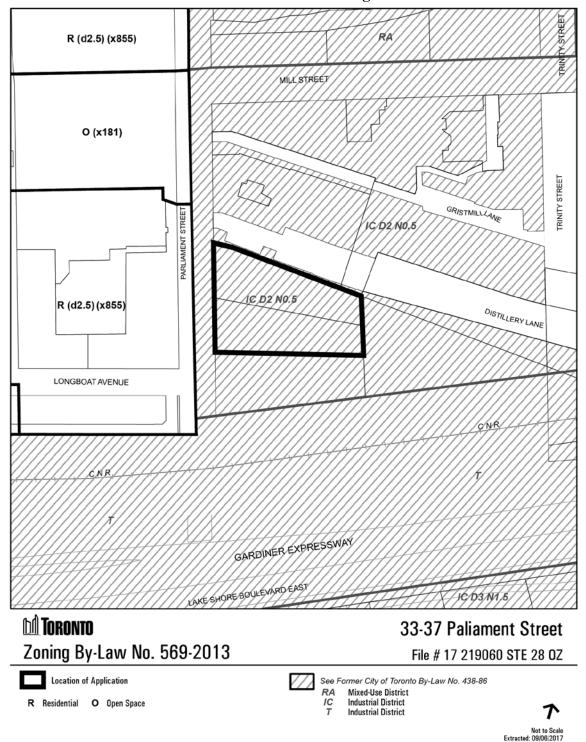
Attachment 6: Official Plan



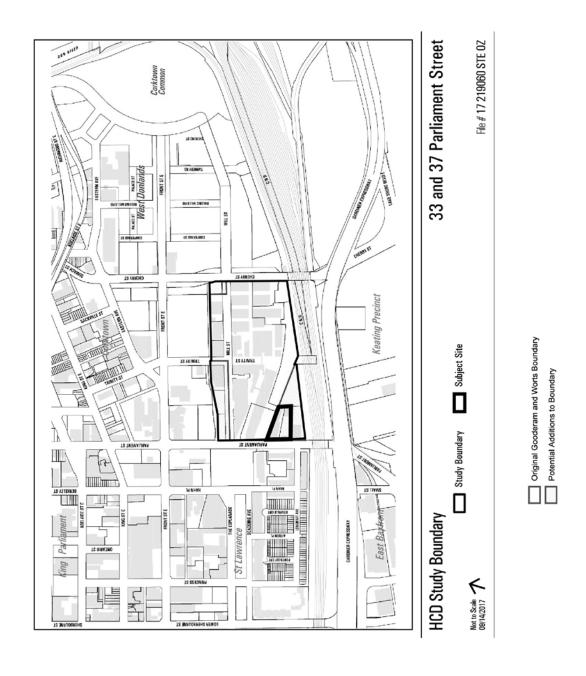
Attachment 7: King-Parliament Secondary Plan



Attachment 8: Zoning



Attachment 9: HCD Study Area



Attachment 10: Application Data Sheet

Application Type Official Plan Amendment & Application Number: 17 219060 STE 28 OZ

Rezoning

Details OPA & Rezoning, Standard Application Date: August 18, 2017

Municipal Address: 33 AND 37 PARLIAMENT STREET

Location Description: PLAN 76 PT WATER LOT A PLAN 108 PT LOTS 4 & 5 **GRID S2813

Project Description: Proposal for Offical Plan Amendment and rezoning to permit to a 39 and 15 storey mixed-

use building with a total of 622 residential units and retail uses at-grade.

Applicant: Agent: Architect: Owner:

2547575 ONTARIO INC. architects Alliance 2547575 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: IC D2 N0.5 Historical Status: Yes Height Limit (m): 23 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m): 3,913.2 Height: Storeys: 39

Frontage (m): 61 Metres: 124 (131 inc. MPH)

Depth (m): 82.2

Total Ground Floor Area (sq. m): 2,194.92 **Total**

Total Residential GFA (sq. m):45,770.39Vehicular Parking Spaces:262Total Non-Residential GFA (sq. m):1,248.28Loading Docks:2Total GFA (sq. m):47,018.67Bicycle Parking Spaces:623

Lot Coverage Ratio (%): 56
Floor Space Index: 12

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	45,770.39	0
Bachelor:	23 (3.7%)	Retail GFA (sq. m):	1,248.28	0
1 Bedroom:	341 (54.8%)	Office GFA (sq. m):	0	0
2 Bedroom:	198 (31.8%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	60 (9.7%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	622 (100%)			

CONTACT: PLANNER NAME: Henry Tang, Senior Planner

TELEPHONE: (416) 392-7572