



**STAFF REPORT
ACTION REQUIRED**

**187-193 Parliament Street
Official Plan Amendment and Zoning Amendment –
Supplementary Report**

Date:	June 26, 2018
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:	16 268586 STE 28 OZ

SUMMARY

The Report from the Acting Director, Community Planning, Toronto and East York District (dated June 15, 2018) included a general description of the Section 37 package related to 187-193 Parliament Street. It identified that further detail on that package would be provided in a Supplementary Report. This Report provides these details.

RECOMMENDATIONS

City Planning recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 187-193 Parliament Street substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment No. 1 to the report (June 26, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 187- 193 Parliament Street substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment No. 2 to the report (June 26, 2018) from the Acting Director, Community Planning, Toronto and East York District.
3. City Council replace Recommendation 6 from the report (June 15, 2018) from the Chief Planner and Executive Director, City Planning, with the following recommendation:

6. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into and/or register an Agreement(s) pursuant to Section 37 of the *Planning Act*, together with satisfactory provisions in the amending by-laws, to secure the items described generally below, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor and at the owner's expense:

a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

i. 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 \$700,000.00 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 23, 24, or 25, 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 23, 24, or 25, 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) landscaping and open space improvements to the Toronto Community Housing Corporation property located at 275, 285 and 295 Shuter Street.

The amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

COMMENTS

Should any refinements be identified as desirable in the consideration of these items, staff will provide a subsequent report to the July 2018 meeting of City Council, as directed.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment (438-86)

Attachment 2: Draft Zoning By-law Amendment (569-2013)

Attachment 1: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO
BY-LAW No. XXX-2018**

To amend Zoning By-law No. 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*;

WHEREAS pursuant to Subsection 37(3) of the *Planning Act*, the Council of a municipality may, in a bylaw 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 No. 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 HEREBY ENACTS as follows:

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 hereof 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 hereof, 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 284-72 or 204-79 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), 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(2) 132, 12(2) 156, 12(2) 270(a) and 12(2) 380 of the aforementioned Zoning By-law No. 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 attached to and forming part of this By-law, 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 space* 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 No. 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, attached to and forming part of this By-law;

“*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 this ~ day of 2018.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

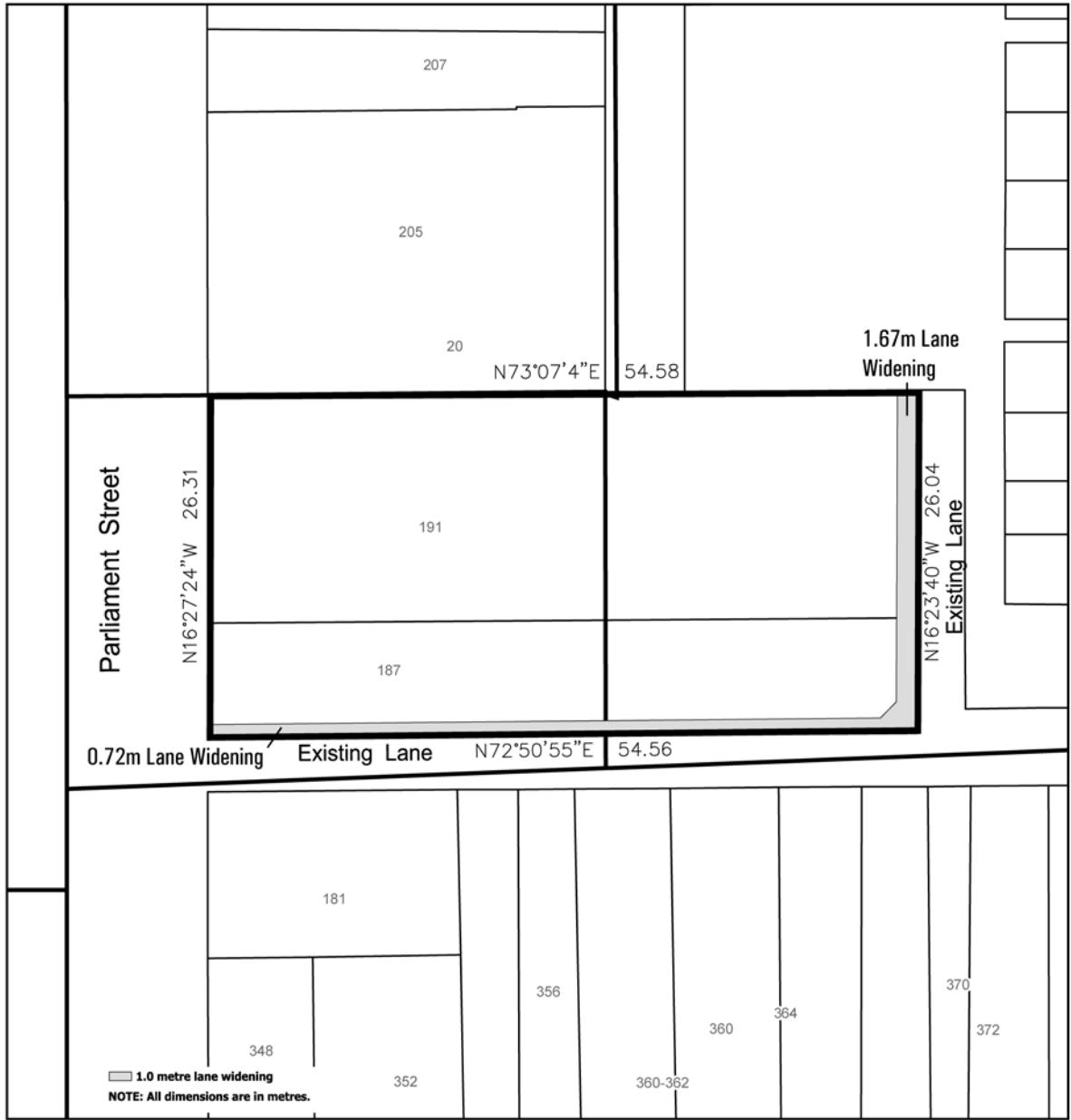
Appendix 1: Community Benefits

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 \$700,000.00 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 and streetscape improvements within proximity of the site within the boundaries of Ward 28 as it exists on July 23, 24, or 25, 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 23, 24, or 25, 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) landscaping and open space improvements to the Toronto Community Housing Corporation property located at 275, 285 and 295 Shuter Street.

Such amount 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.

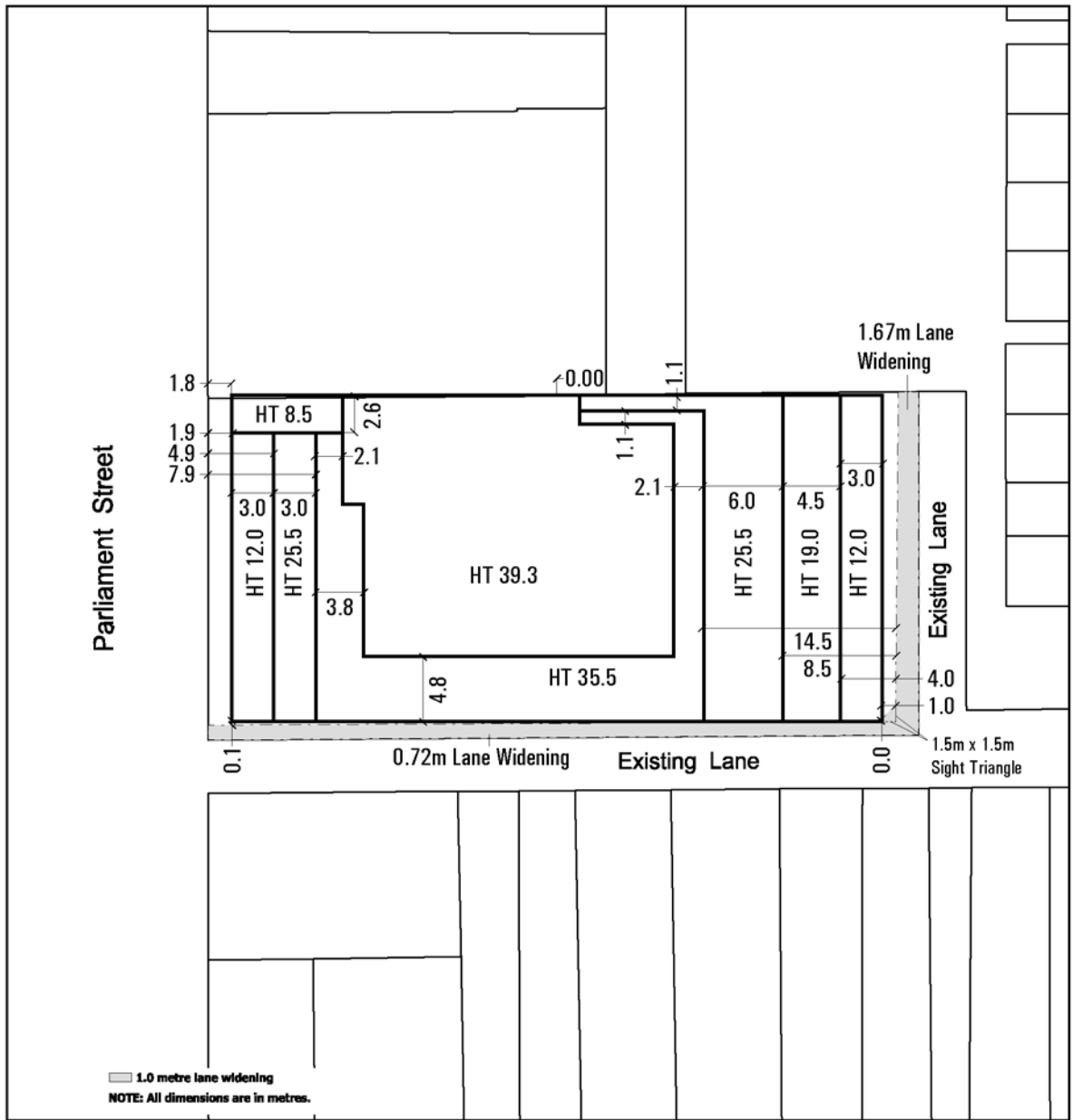


 **TORONTO**
Map 1

187-193 Parliament Street

File # 16 268586 STE 28 OZ


Former City of Toronto By-Law 438-86
Not to Scale
4/27/2018



TORONTO
Map 2

187-193 Parliament Street

File # 16 268586 STE 28 OZ

↑
Former City of Toronto By-Law 438-86
Not to Scale
5/16/2018

Attachment 2: Draft Zoning By-law Amendment (569-2013)

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2018

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 187-193 Parliament Street.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

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 No. 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.5 (c2.0; r2.0) SS2 x156 as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 156 so that it reads:

(156) Exception CR 156

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 187-193 Parliament Street, if the requirements of Section 5 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, none of the provisions of 40.10.40.10(2), 40.10.40.40(1) and 900.11.10(2283) apply to prevent the erection or use of a **mixed-use building** that complies with (B) to (Q) below.
- (B) Despite regulations 5.10.40.70(1) and 40.10.40.70(2), a **building or structure** must be located entirely within the area delineated by heavy lines shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (C) Despite clause 40.10.40.60 and (B) above, the following are permitted to encroach into the required **building** setbacks shown on Diagram 3 of By-law [Clerks to supply by-law ##]:
 - i. architectural features, awnings, balconies, balustrades, canopies, cornices, doors, eaves, light fixtures, ornamental elements, parapets, trellises, stairs, stair enclosures, and window sills may encroach to a maximum of 0.3 metres; and
 - ii. dog run areas, gas meter enclosures, intake grates from parking levels, landscape features, railings, underground garage ramps, ventilation shafts, walls of an underground garage; wheel chair ramps, and associated **structures** may encroach to a maximum of 2.1 metres.

- (D) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 84.50 metres in the year 2017 and the elevation of the highest point of the **building** or **structure**;
- (E) Despite regulation 40.10.40.10(2), no portion of the **building** may exceed the height in metres specified by the numbers following the symbol "HT" on Diagram 3 of By-law [Clerks to supply by-law ##];
- (F) Despite article 40.5.40.10 and (E) above, the following **building** elements and **structures** are permitted to project above the heights shown on Diagram 3 of By-law [Clerks to supply by-law ##]:
 - i. fence, **green roof** elements, **landscaping**, parapet wall, privacy screen, safety railing, stair enclosures, stairs, terraces and trellises may project a maximum of 1.2 metres; and
 - ii. elevator shaft, mechanical equipment, enclosed mechanical service areas, acoustic screens, and access ladders may project a maximum of 5.0 metres.
- (G) Despite regulations 40.10.20.100(45), 150.5.20.1(1) and (6), and section 800.50(345), a **home occupation** within a **dwelling unit**:
 - i. may have employees in the **dwelling unit** who are not the business operator; and
 - ii. does not have to be the principal residence of the business operator for the **dwelling unit**.
- (H) Despite regulations 40.10.40.1(1):
 - i. the following uses may be provided in combination with a **dwelling unit**: office, **artist studio**, **production studio**, **custom workshop**, **software development and processing**, research and development institute, and **personal service shop**; and
 - ii. a **place of assembly** may be located above a **dwelling unit**.
- (I) Despite regulations 40.10.40.40(1), 40.10.20.100(1) and 40.10.20.100(17) the maximum **gross floor area** on the **lot** must not exceed 9,200 square metres, as follows:
 - a. a maximum of 500 square metres may be for **retail store** or

- retail service** uses; and
- b. a maximum of 30 **dwelling units** are permitted.
- (J) Despite regulation 40.10.40.50(1), **amenity space** must be provided as follows:
- i. at least 60 square metres of indoor **amenity space**; and
 - ii. at least 60 square metres of outdoor **amenity space**.
- (K) Despite regulation 40.10.40.80(2)(B), windows are permitted on Levels 8-10 of the north elevation.
- (L) Despite regulation 200.5.10.1(1) **parking spaces** must be provided on the **lot** in accordance with the following:
- i. a minimum of 0.6 **parking spaces** for each **dwelling unit** for occupants;
 - ii. a minimum of 0.1 **parking spaces** for each **dwelling unit** for visitors;
 - iii. a minimum of 0.1 **parking space** for each 100 square metres of **gross floor area** for **retail store** or **retail service** uses; and
 - iv. a minimum of 2.5 **parking spaces** for each 100 square metres of **gross floor area** for **place of assembly** uses.
- (M) Despite regulations 220.5.10.1(3) and (5), a minimum of two “Type B” and two “Type C” **loading spaces** must be provided on the **lot**;
- (N) Despite clause 40.10.90.40(2), access to a **loading space** may be provided via Anna Hilliard Lane.
- (O) Despite clauses 40.10.20.100(8) and 40.10.100.10(2), access to a **parking space** may be provided via Anna Hilliard Lane, which is not within a CR Zone.
- (P) Despite regulation 230.5.1.10(8), "**short term**" **bicycle parking spaces** –may be provided on the City boulevard adjacent to the **lot**.
- (Q) Regulation 40.10.50.10(3) with respect to **landscaping** when abutting a **lot** in a Residential or Residential Apartment Zoning does not apply.

Prevailing By-laws and Prevailing Sections: None Apply

5. 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.
- (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.

Enacted and passed on **month ##, 2018.**

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

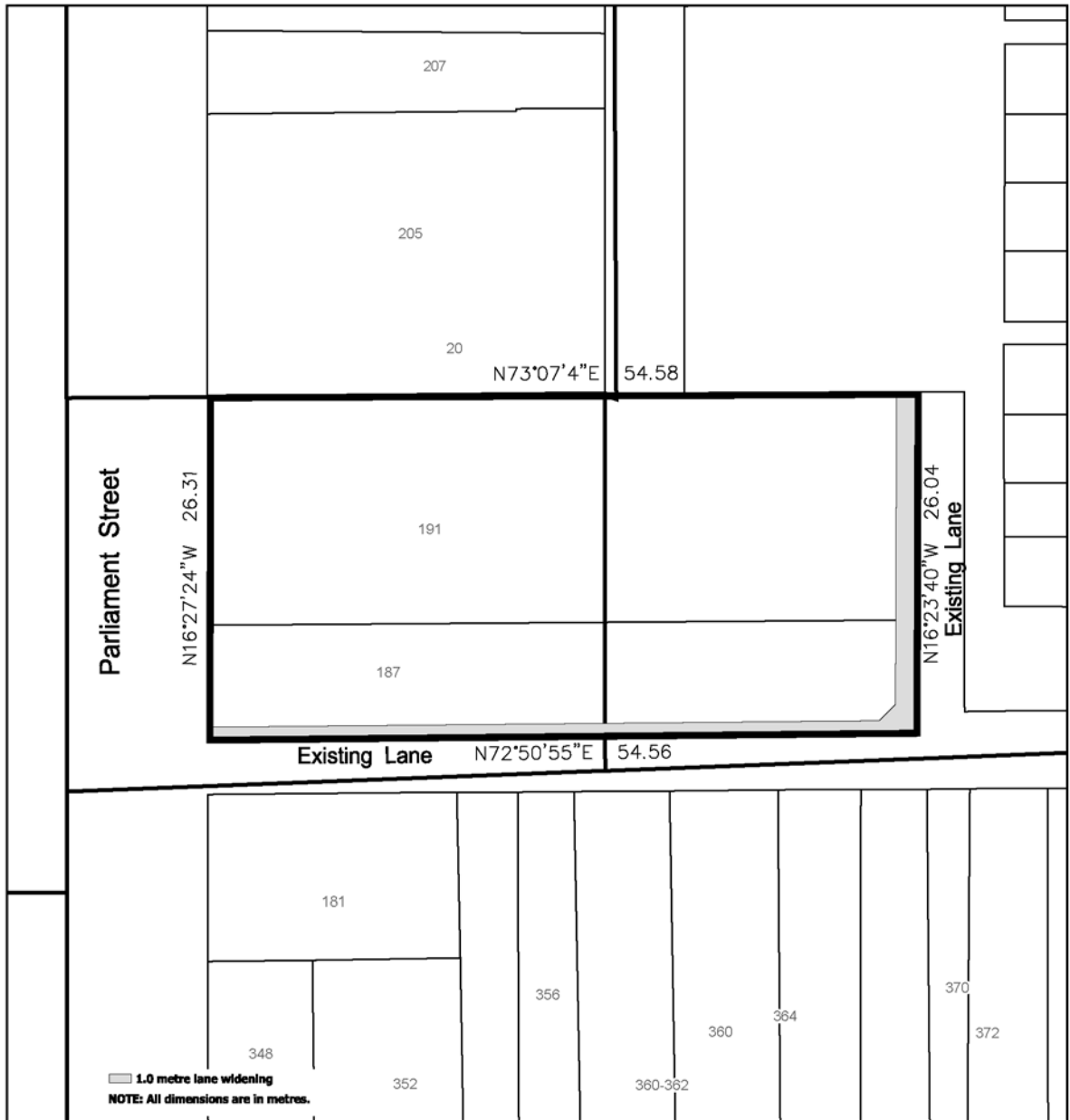
SCHEDULE A:
Section 37 Provisions

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 proposed development on the lands as shown in Diagram 2 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 \$700,000.00 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 and streetscape improvements within proximity of the site within the boundaries of Ward 28 as it exists on July 23, 24, or 25, 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
 - b) local streetscape improvements within proximity of the site within the boundaries of Ward 28 as it exists on July 23, 24, or 25, 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) landscaping and open space improvements to the Toronto Community Housing Corporation property located at 275, 285 and 295 Shuter Street.

Such amount 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.

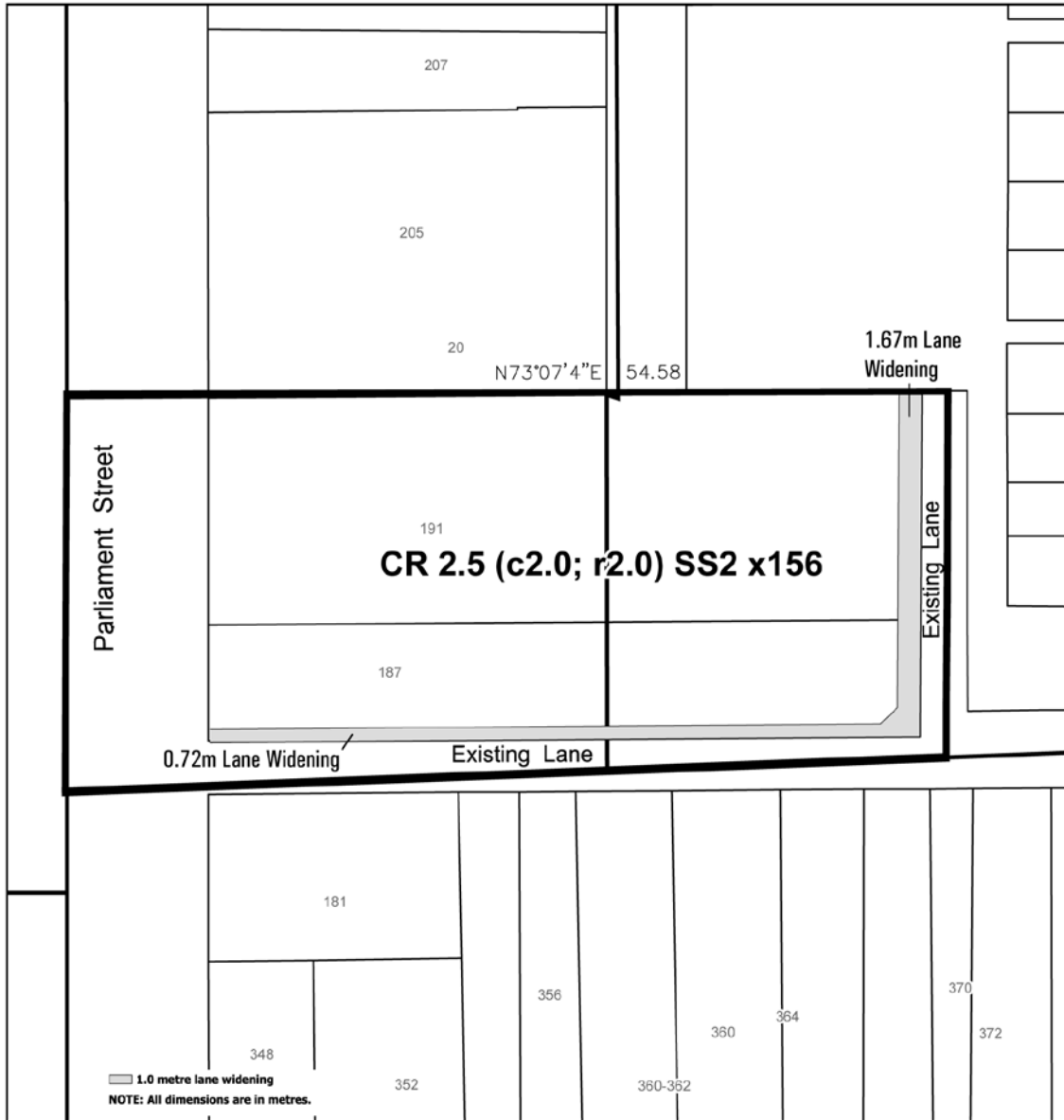


TORONTO
Diagram 1

187-193 Parliament Street

File # 16 268586 STE 28 OZ

City of Toronto By-Law 569-2013
Not to Scale
4/27/2018

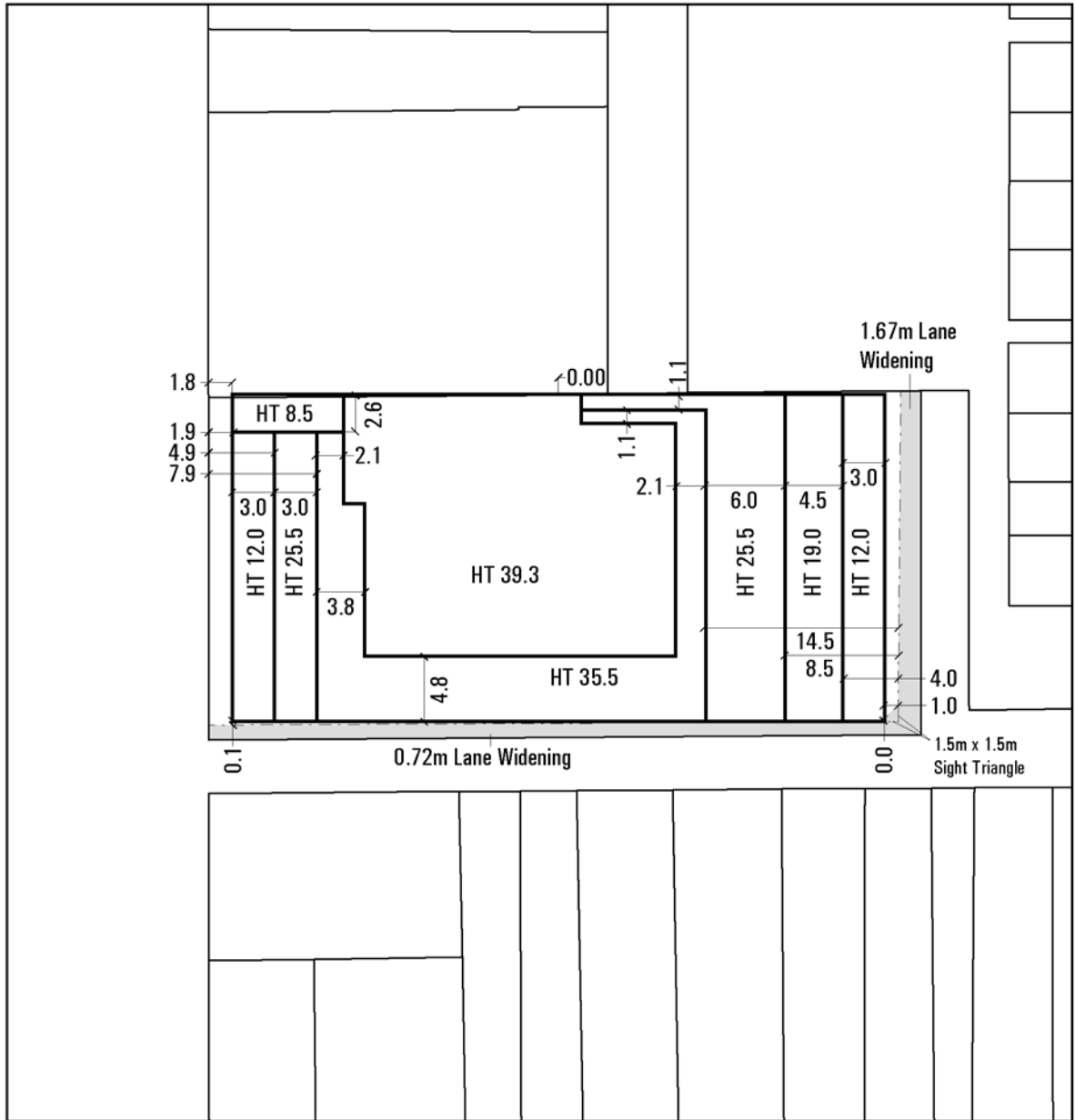


TORONTO
Diagram 2

187-193 Parliament Street

File # 16 268586 STE 28 0Z



 City of Toronto By-Law 569-2013
 Not to Scale
 08/26/2018



TORONTO
Diagram 3

187-193 Parliament Street

File # 16 268586 STE 28 OZ


 City of Toronto By-Law 569-2013
 Not to Scale
 5/16/2018