

## **130-134 Parliament Street and 529 Richmond Street East – Zoning By-law Amendment Application – Appeal Report**

Date: January 6, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

**Planning Application Number:** 21 235796 STE 13 OZ

### **SUMMARY**

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On November 9, 2021, a Zoning By-law Amendment application was submitted to permit a 44-storey mixed-use building with ground floor retail uses and 327 residential dwelling units. The application was deemed complete on May 9, 2022.

On September 27, 2022, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the OLT in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 130-134 Parliament Street and 529 Richmond Street East, and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the OLT allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
  - a) the final form and content of the draft Zoning By-law are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

- b) the owner has resolved matters related to roadway widenings, lane widenings, and conveyances, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law amendment;
- d) in the event that improvements or upgrades and/or new infrastructure are required to support the development, the owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e) the owner has provided a tenant relocation and assistance plan in accordance with Official Plan Policy 3.2.1.12, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
- f) the owner has resolved matters related to the assessment of archaeological resources, including additional archaeological assessment, preservation or commemoration as appropriate, to the satisfaction of the Senior Manager, Heritage Planning.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **THE SITE**

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**Description:** The site is located at the southwest corner of Parliament Street and Richmond Street East. The site is comprised of two parcels: the northern parcel fronts Richmond Street East at the north for 29.7 metres and Parliament Street at the east for 27.7 metres, and is bound by Worts Lane at the west and south sides. The southern parcel, across Worts Lane, fronts Parliament Street for 4.1 metres and has a depth of 29.9 metres. The total site area is approximately 943 square metres.

**Existing Uses:** A 2-storey rowhouse containing one rental dwelling unit, a 1-storey automobile service building, and a 3-storey commercial building.

## THE APPLICATION

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**Description:** A 44-storey (145.8 metres, including mechanical penthouse) mixed-use building, including an 8 storey base building. A total of 188 square metres of ground floor retail space is proposed.

**Density:** 20.9 times the area of the lot.

**Dwelling Units and Amenity Space:** The proposed 327 dwelling units include 80 studio units (24%), 164 one-bedroom units (50%), 49 two-bedroom units (15%), and 34 three-bedroom units (10%).

The proposal includes 376 square metres of indoor amenity space (1.15 square metres per dwelling unit) and 292 square metres of outdoor amenity space (0.9 square metres per dwelling unit).

**Access, Parking and Loading:** Access to the 4-level underground garage, containing 49 vehicle parking spaces, is proposed via a car lift off of Worts Lane at the south side of the site. One Type-G loading space is accessed at-grade from Worts Lane at the south side of the site.

The proposed 333 bicycle parking spaces include 34 short term, and 299 long-term spaces, located on levels 1 and P2 to P4.

### Additional Information

See Attachments 2, 3, 4, and 5 of this report for the Application Data Sheet, a three-dimensional representation of the project in context, and a site plan of the proposal, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [Toronto.ca/130ParliamentSt](https://toronto.ca/130ParliamentSt)

### Reasons for Application

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including but not limited to: building height, building setbacks, floor space index, and amenity space requirements.

### Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted at the time of preparing this report.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

### **Official Plan**

The site is located on lands within the Downtown and Central Waterfront area and is designated Regeneration Areas in the Official Plan.

### **Downtown Plan**

The Downtown Secondary Plan identifies the site as Mixed Use Areas 2 – Intermediate, as well as being within the Cultural Precinct and the Downtown Film Precinct. The Downtown Secondary Plan identifies Parliament Street as a Great Street and Priority Retail Street, and Richmond Street East as a Priority Cycling Route.

### **King-Parliament Secondary Plan**

The site is designated Regeneration Area 'A' (Jarvis Parliament) in the in-force King-Parliament Secondary Plan.

On May 5, 2021 City Council approved an updated King-Parliament Secondary Plan and supplementary Zoning By-laws. The site is within the Old Town Policy Area in the updated King-Parliament Secondary Plan. The applicant has appealed both the updated Secondary Plan and the related Zoning By-laws.

### **Zoning**

The site is zoned CRE (x1) with a height limit of 23 metres. This zone permits a wide range of residential, commercial, industrial, recreational and institutional uses.

As part of the recent King-Parliament Secondary Plan Review, By-law 393-2021 rezoned the site from CRE (x1) to CR SS1 (x339) 4.5 (c2.0; r4.0) SS2 (x333) and increased the permitted building height to 72.0 metres. By-law 393-2021 is currently under appeal.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- King-Parliament Urban Design Guidelines;
- Tall Building Design Guidelines;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;

- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

### **Toronto Green Standard**

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was held on April 7, 2022, and approximately 10 people attended. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the attendees included:

- Interest in whether any affordable housing is included in the proposal; and
- Interest in the rationale for the proposed height.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Built Form**

City Planning staff have reviewed the proposed built form, including height and massing, for conformity with Official Plan policies, as well as relevant design guidelines.

The proposed development has not demonstrated that the site can accommodate a tall building and achieve the built form objectives for the site, including tower setbacks,

public realm objectives and fit within the existing and planned context. Overall, the tower and base building are too tall, the building setbacks are insufficient, and the at-grade design elements do not provide for a high quality public realm.

## **Land Use**

The proposed retail fronts Richmond Street East, which is not a Priority Retail Street. Reconfiguring the retail space to front Parliament Street would align with the objectives of the Priority Retail Street policies.

## **Streetscape and Tree Preservation**

The proposed streetscape is not acceptable. Building setbacks along Parliament Street and Richmond Street East must be increased to provide sufficient sidewalk zones and improved growing conditions for street trees.

Transportation Services has requested a sidewalk widening along Richmond Street East, lane widenings, and corner rounding and pedestrian clearway conveyances along the Richmond Street East and Parliament Street frontages of the site.

The application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan were submitted by the applicant. The applicant proposes to remove one City-owned tree and two by-law regulated trees. Staff require five large-growing shade trees to be planted on the site. Staff require additional information to confirm the feasibility of tree planting on or adjacent to the site, and may require further revisions to the proposal based on this information.

## **Wind**

A Pedestrian Level Wind Study prepared by Gradient Wind, dated December 20, 2021, shows that wind conditions in the adjacent public realm are suitable for year round use, however changes to the building design are needed to mitigate negative wind conditions in outdoor amenity spaces during the spring and winter months.

## **Indoor/Outdoor Amenity Space**

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal includes 376 square metres of indoor amenity space (1.15 square metres per unit) and 292 square metres of outdoor amenity space (0.9 square metres per unit). The proposed amount of amenity space must be increased.

## **Servicing**

A Functional Servicing and Stormwater Management Report, and associated plans have been submitted and reviewed by Engineering and Construction Services. A number of revisions and additional information are required. In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or Appeal Report – 130-134 Parliament Street and 529 Richmond Street East

the determination of whether holding provisions are required in the Zoning By-law amendment to ensure their appropriate assessment and provision of new infrastructure if necessary.

### **Parking, Loading and Site Circulation**

A total of 49 vehicle parking spaces are proposed in a 4-level below-grade parking garage, accessed from Worts Lane at the south of the site. The proposal includes one Type-G loading space located at-grade at the southeast corner of the site. In support of the application, BA Group prepared a Transportation Impact Study, dated September 2021. While lane widenings are provided, the proposed vehicular site access and loading space configuration results in a blank-wall condition at-grade and a curb cut width that negatively impact the public realm.

### **Toronto Green Standard**

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

### **Tenant Relocation Assistance**

Staff have identified a single residential rental unit on the development site at 130 Parliament Street. The Official Plan requires a tenant relocation and assistance plan to be provided for the rental unit on-site.

### **Archaeological Resource Assessment**

The Stage 1 Archaeological Resource Assessment prepared by Archaeological Services Inc., dated April 29, 2021 recommends that a Stage 2 Archaeological Assessment be undertaken for this site. A Stage 2 Archaeological Assessment, at minimum, must be completed by the owner, and any mitigation measures to preserve or commemorate resources must be implemented by the owner to the satisfaction of Heritage Planning staff, in the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part.

### **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **CONTACT**

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## **SIGNATURE**

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Alex Teixeira, MCIP, RPP  
Acting Director, Community Planning,  
Toronto and East York District

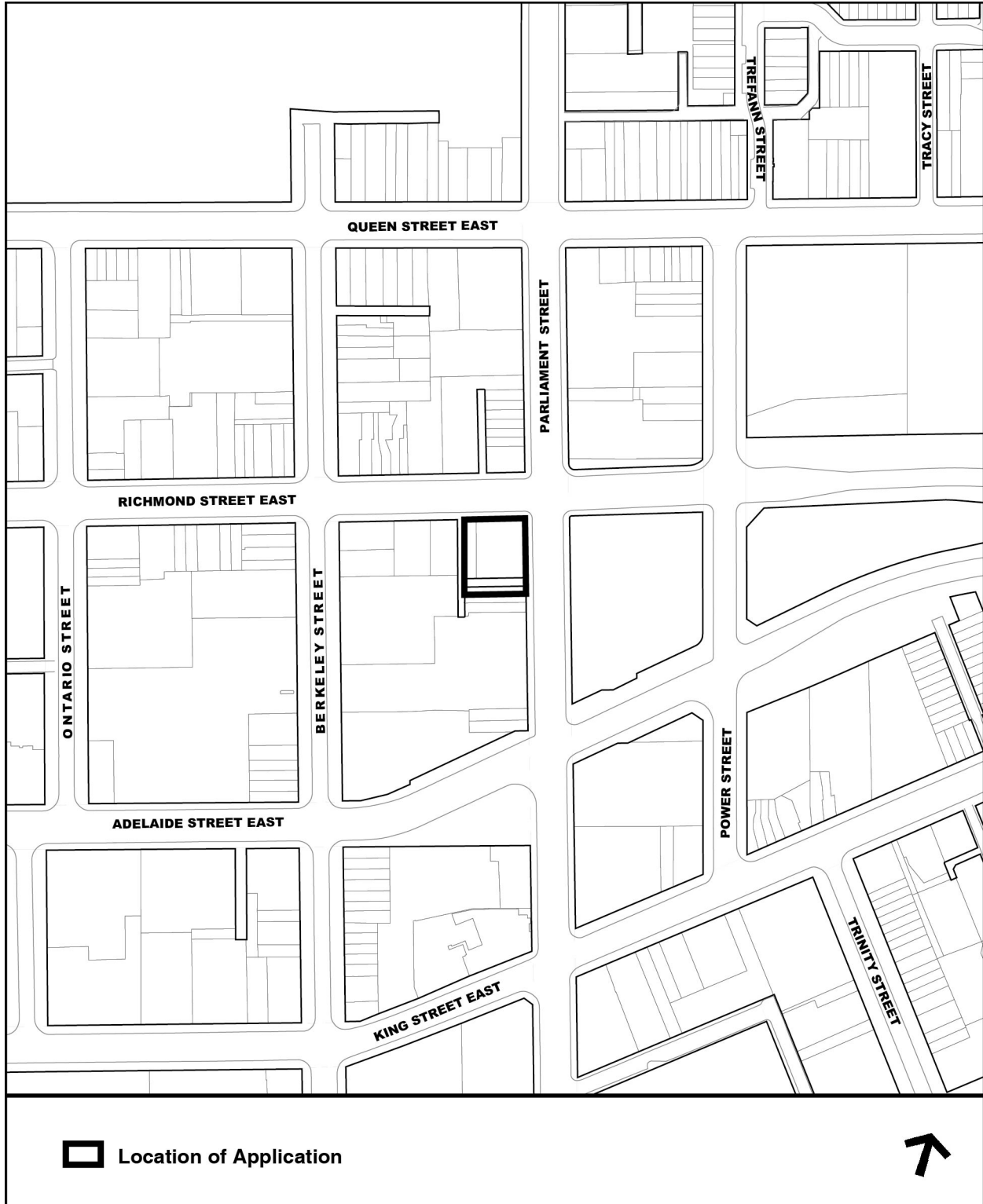
## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: 3D Model of Proposal in Context Looking Southeast  
Attachment 4: 3D Model of Proposal in Context Looking Northeast  
Attachment 5: Site Plan  
Attachment 6: Official Plan Land Use Map  
Attachment 7: Downtown Plan Mixed Use Areas Map  
Attachment 8: Zoning By-law Map



Attachment 1: Location Map



## Attachment 2: Application Data Sheet

**Municipal Address:** 130-134 Parliament St & 529 Richmond St E  
**Date Received:** November 9, 2021

**Application Number:** 21 235796 STE 13 OZ

**Application Type:** Rezoning

**Project Description:** A 44-storey (145.8 metres including mechanical penthouse) mixed-use building with retail at-grade, 327 dwelling units, 49 parking spaces in a below grade garage, and 333 bicycle parking spaces.

### Applicant

Aird & Berlis LLP

### Architect

### Owner

1812135 Ontario Inc.

## EXISTING PLANNING CONTROLS

Official Plan Designation: Regeneration Areas  
Site Specific Provision: Downtown Plan; King-Parliament Secondary Plan  
Zoning: CRE (x1)  
Heritage Designation: N  
Height Limit (m): 23  
Site Plan Control Area: Y

## PROJECT INFORMATION

Site Area (sq m): 943      Frontage (m): 30      Depth (m): 32

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			611	<b>611</b>
Residential GFA (sq m):	94		19,508	<b>19,508</b>
Non-Residential GFA (sq m):	503		188	<b>188</b>
<b>Total GFA (sq m):</b>	<b>597</b>		<b>19,696</b>	<b>19,696</b>
Height - Storeys:	3		44	<b>44</b>
Height - Metres:			140	<b>140</b>

Lot Coverage Ratio (%): 64.79      Floor Space Index: 20.89

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	19,508	
Retail GFA:	188	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:	1			
Condominium:			327	<b>327</b>
Other:				
<b>Total Units:</b>	<b>1</b>		<b>327</b>	<b>327</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		80	164	49	34
<b>Total Units:</b>		<b>80</b>	<b>164</b>	<b>49</b>	<b>34</b>

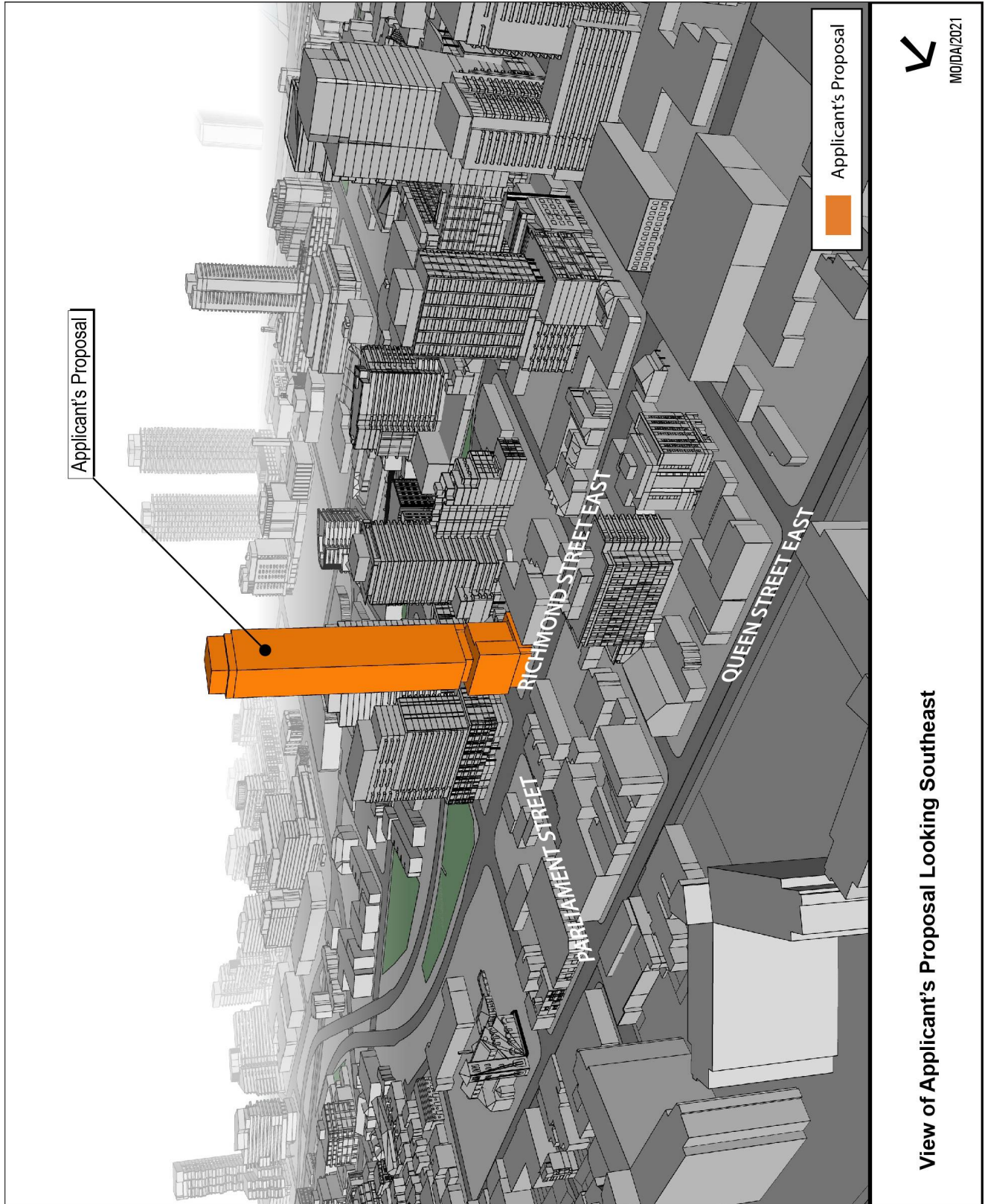
**Parking and Loading**

Parking Spaces: 49      Bicycle Parking Spaces: 333      Loading Docks: 1

**CONTACT:**

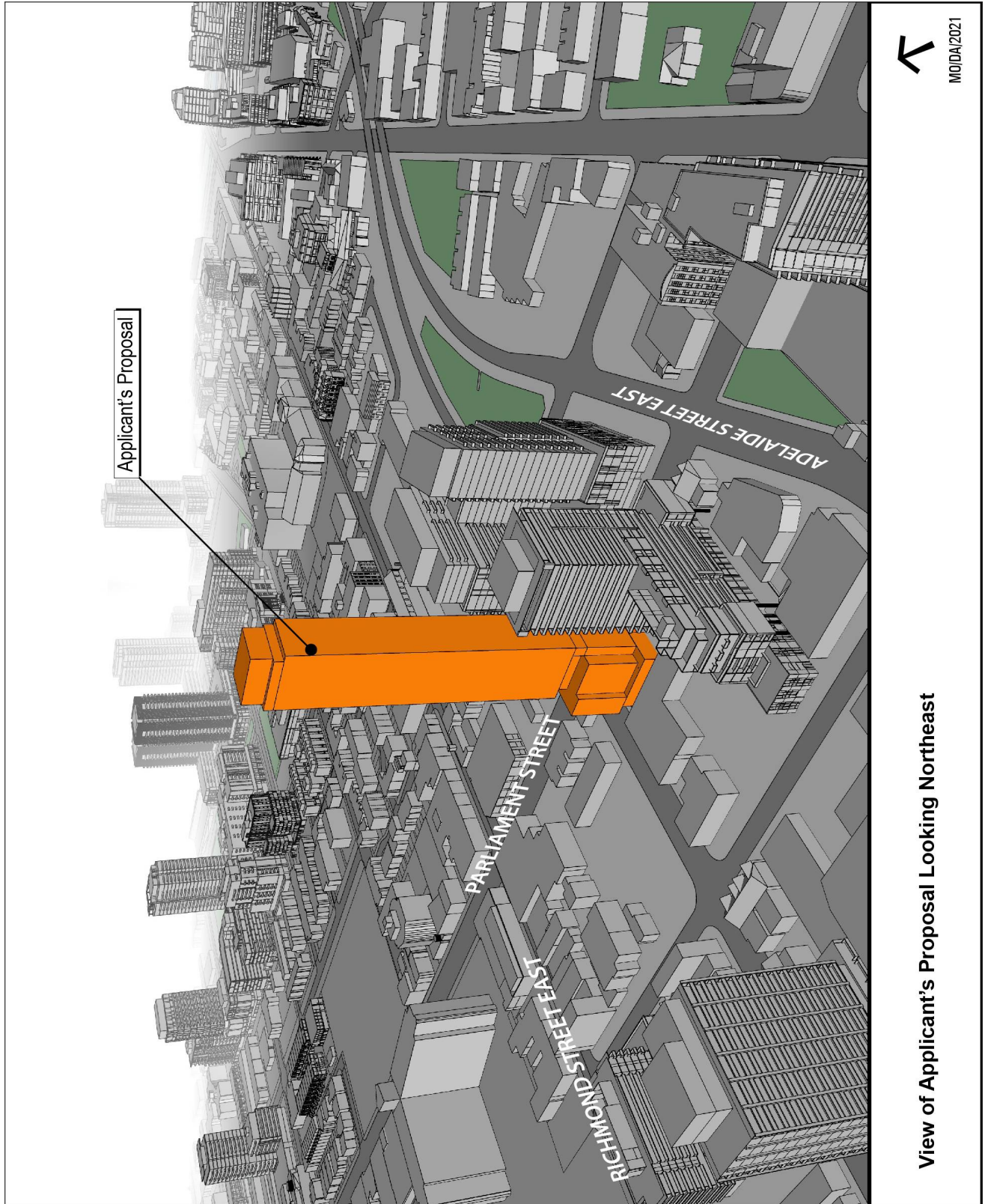
Ryan Santiago, Planner  
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Attachment 3: 3D Model of Proposal in Context Looking Southeast

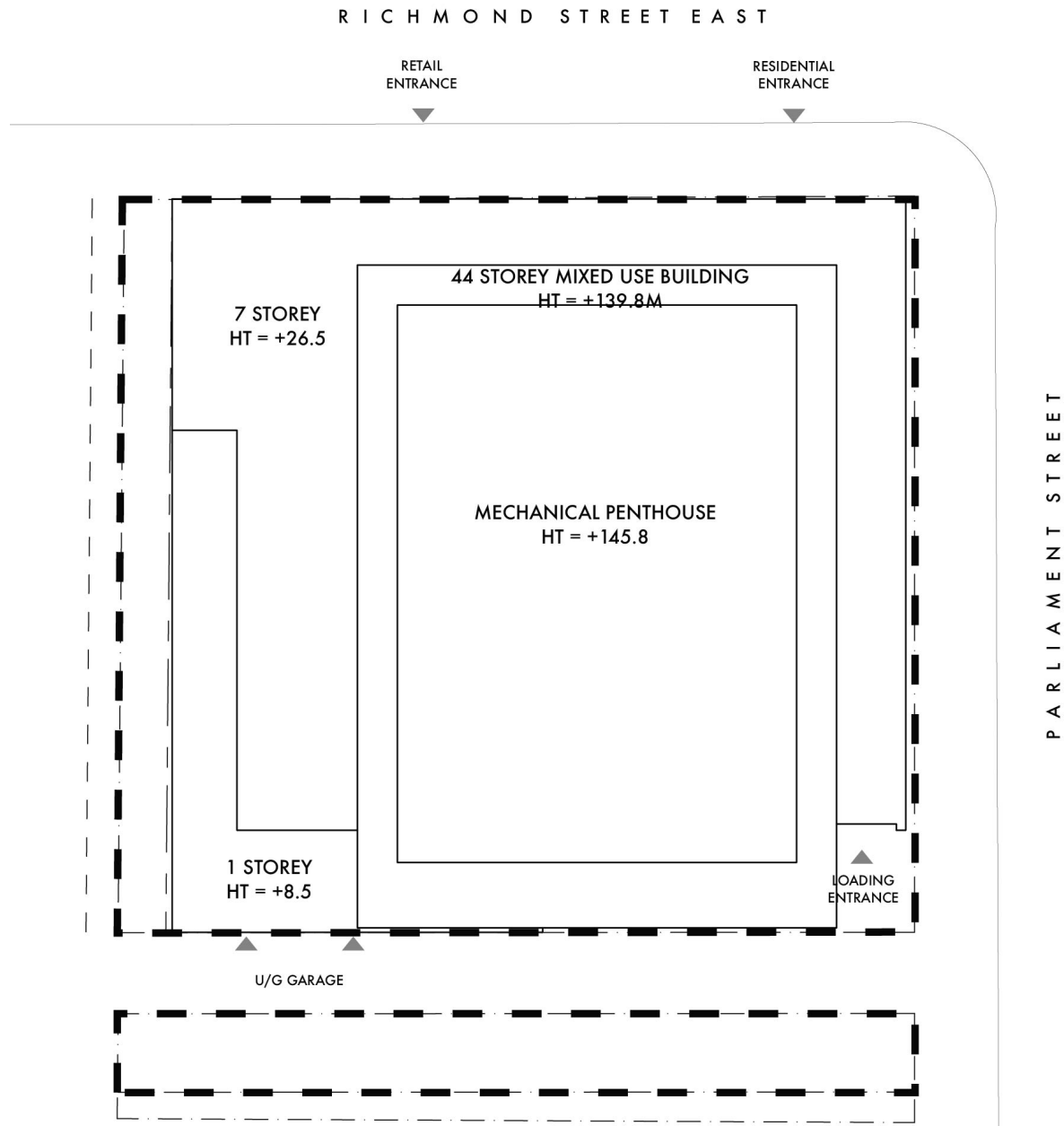




Attachment 4: 3D Model of Proposal in Context Looking Northeast



Attachment 5: Site Plan



Site Plan

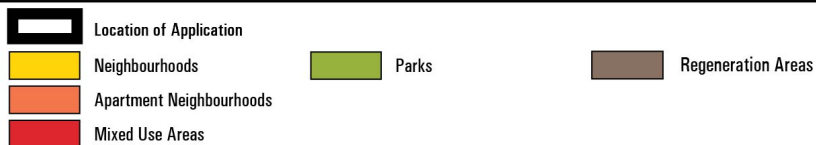
Attachment 6: Official Plan Land Use Map



130-134 Parliament St & 529 Richmond Street East

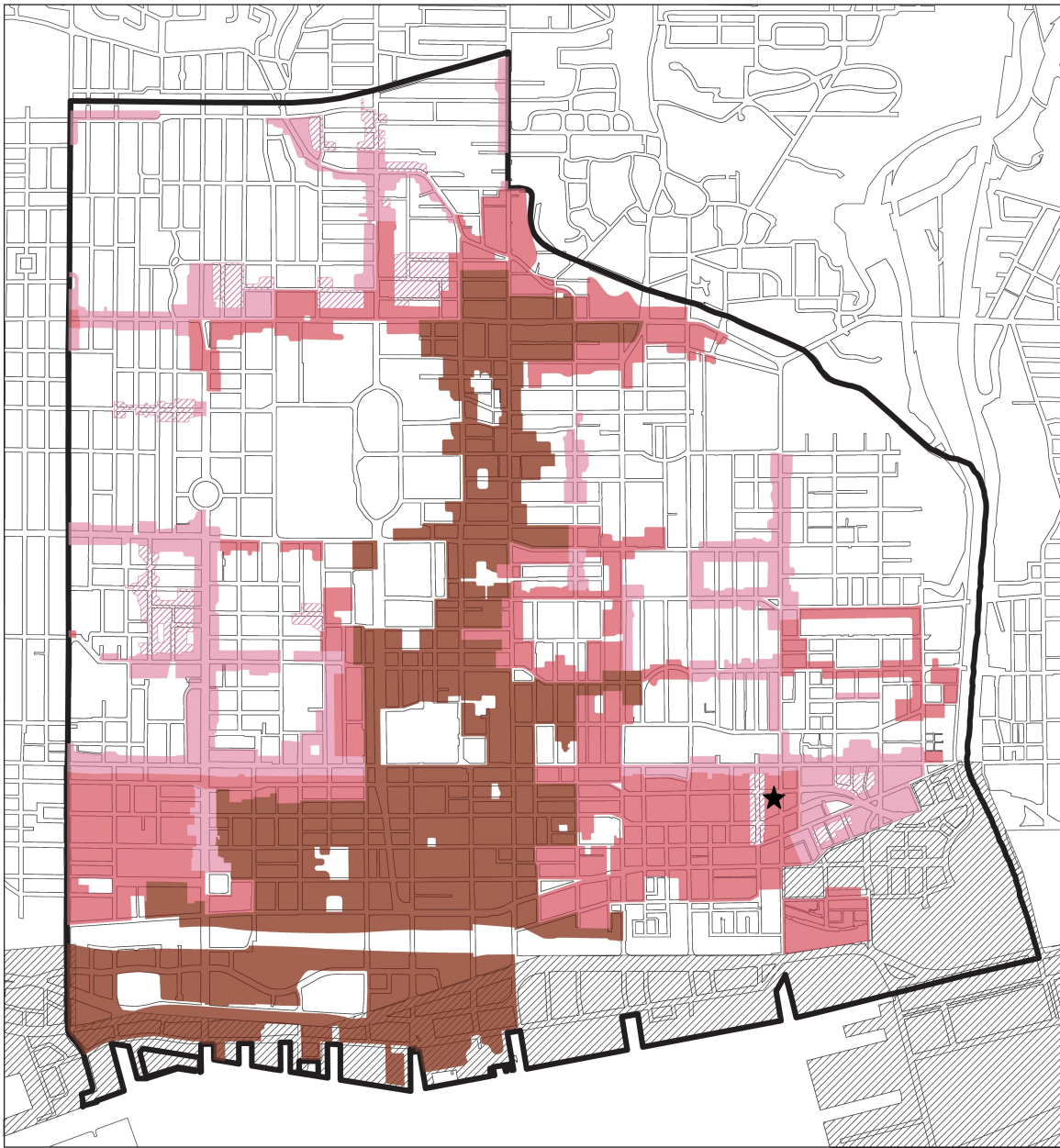
Official Plan Land Use Map #18

File # 21 235796 STE 13 0Z



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Attachment 7: Downtown Plan Mixed Use Areas Map



**Downtown Plan**  
MAP 41-3 Mixed Use Areas

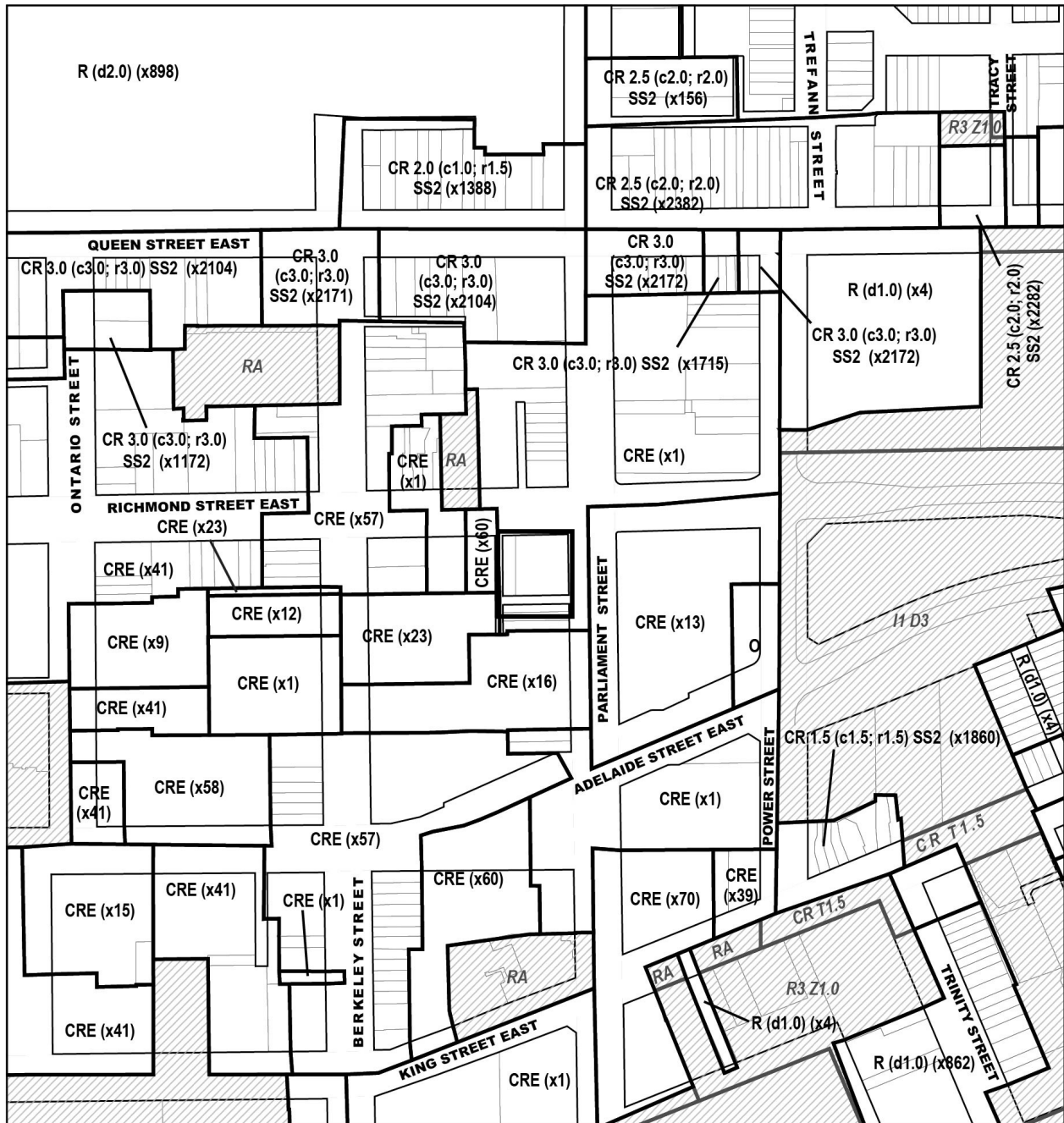
**130-134 Parliament St & 529 Richmond Street East**  
File # 21 235796 STE 13 0Z

-  Downtown Plan Boundary
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street
-  Mixed Use Areas 4 - Local
-  Central Waterfront Secondary Plan
-  Location of Application

  
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Attachment 8: Zoning By-law Map



130-134 Parliament St & 529 Richmond Street East

Zoning By-law 569-2013

File # 21 235796 STE 13 0Z

- Location of Application
- R** Residential
- CR** Commercial Residential
- CRE** Commercial Residential Employment
- O** Open Space
- OR** Open Space Recreation

- See Former City of Toronto By-law No. 438-86
- R3** Residential District
- MCR** Mixed-Use District
- I1** Industrial District



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Extracted: 11/15/2021