

## STAFF REPORT ACTION REQUIRED

# 14 Strachan Ave, 39 - 51 East Liberty St and 19 Western Battery Rd – Rezoning, Subdivision Applications – Supplementary Report

Date:	June 7, 2010	
To:	City Council	
From:	Chief Planner and Executive Director, City Planning	
Wards:	Ward 19 – Trinity-Spadina	
Reference Number:	09 115093 STE 19 OZ, 10 108633 STE 19 SB cc10047	

#### SUMMARY

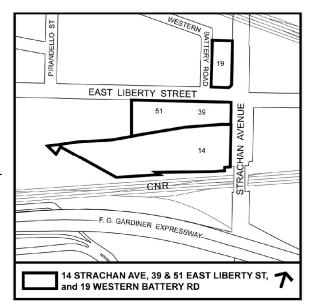
At its May 25, 2010 meeting, Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning, to report directly to Council for its meeting on June 8 and 9, 2010, on the possibility of accommodating additional height or modified massing on the development blocks at 14 Strachan Avenue and 39 to 51 East Liberty Street. This report responds to that request and also identifies additional recommendations secured through negotiations with the applicant to be considered by Council.

This report advises Council to adopt the attached recommendations in place of those identified in the May 10, 2010 staff report. This report also advises that the Chief Planner may approve the Draft Plan of Subdivision.

#### RECOMMENDATIONS

### The City Planning Division recommends that:

1. City Council amend Zoning By-law 566-2000 substantially in accordance with the draft Zoning



- By-law Amendment for 14 Strachan Avenue, 39-51 East Liberty Street and 19 Western Battery Road attached as Attachment No. 3 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010.
- 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- 3. City Council authorize the City Solicitor to amend the Phase II subdivision agreement for King-Liberty, registered as Instrument No. AT1373680 to:
  - Release those lands at the easterly boundary of the Phase II Subdivision for inclusion in the new Phase 2A East Subdivision, with the exception of phasing provisions relating to the completion of the Pirandello Extension; and
  - ii. Provide for the Pirandello Extension connection between East Liberty Street and any future Local Road and to revise the interim design treatment of the Pirandello Extension.
- 4. City Council authorize the City Solicitor to amend the Section 37 Agreement registered as Instrument No. CA681469 to exempt *Block 1A*, municipally known in 2010 as 39-51 East Liberty Street, 14 Strachan Avenue and 19 Western Battery Road, from the Public Art Program.
- 5. City Council authorize the General Manager of Parks, Forestry & Recreation to use any parkland dedication cash-in-lieu above 5% obtained from the development at 65-85 East Liberty Street towards the acquisition of additional parkland generally shown on Attachment 1 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010 to the satisfaction of the Director of Real Estate and Director of Finance.
- 6. Prior to the introduction of the necessary Bills at City Council, City Council require the owner to enter into a Subdivision Agreement satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, for the lands known in 2010 as 14 Strachan Avenue and 39-51 East Liberty Street. Such agreements shall be registered on title to the lands in a manner satisfactory to the City Solicitor, to secure the following:
  - i. Dedication and construction of a new local road, to the satisfaction of the Executive Director of Technical Services, generally as shown on Attachment 1 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010.
  - ii. A letter of credit to secure the construction of the new local road, to the satisfaction of the Executive Director of Technical Services, prior to the

- issuance of an above grade building permit for the first building using the new road.
- iii. Dedication and Above Base Park construction of new parkland to the satisfaction of the General Manager of Parks, Forestry & Recreation, generally as shown on Attachment 1 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010. The developer will receive a credit for the Parks and Recreation component of the Development Charges applicable to this development for the cost to complete the Above Base Park construction of the parkland.
- iv. Construction and maintenance, in perpetuity, of a crash wall along the CN and GO Transit Lake Shore Rail Corridor generally as shown on Attachment 1 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010.
- v. A contribution of not less than one percent of the estimated gross construction costs for the above grade development on the lands known in 2010 as 14 Strachan Avenue and 39-51 East Liberty Street, including any density transferred to the lands known in 2010 as 19 Western Battery Road, which may be used for:
  - a. The City's Percent for Public Art Program; or
  - b. The acquisition of any additional parkland generally shown on Attachment 1 to the report from the Director, Community Planning, Toronto and East York District dated June 7, 2010.
- vi. To improve the local road and laneway system in the neighbourhood and provide additional access to the Toronto Polices Services Building at 9 Hanna Avenue, as shown on Attachment 2 to the report from the Chief Planner and Executive Director, City Planning Division dated June 7, 2010, the owner shall also ensure that Toronto Hanna Properties Limited ("THPL"):
  - a. Releases the existing easements in Instrument No. AT1331272 and restrictive covenants in Instrument No. AT1331291 over the Cityowned lands designated as Parts 1 to 14, inclusive, on Plan 66R-22662 that benefit lands currently owned by THPL.
  - b. Releases the existing easement in Instrument No. AT426406 over the City-owned lands designated as Parts 1 and 2 on Plan 66R-20451 that benefits lands currently owned by THPL.
  - c. Executes, as tenant under the existing Sign Lease for the signs in front of the building at 9 Hanna Avenue, an amending agreement

- to release the tenant's access easement over Parts 1 to 7, inclusive, on Plan 66R-22704.
- d. Provides its covenant, as tenant under the Sign Lease, that it shall not object to the City agreeing to a reconfiguration of its existing easement across 5 Hanna Avenue, provided that continuous hydroelectric servicing, and vehicular and pedestrian access to the signs which it leases at 9 Hanna Avenue is maintained on equivalent terms and conditions to the City's existing easements.
- vii. As part of the Site Plan Approval process, the owner shall provide 1:50 scale drawings for the first, second, third and fourth storey portions of all building elevations with building materials labelled and the drawings having a sufficient level of detail to illustrate how the building will be perceived by pedestrians. The owner shall incorporate, in the construction of the buildings, said exterior materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- viii The owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, City Planning Division, date-stamped as received April 8, 2009.
- ix. The owner shall provide and maintain an irrigation system, at the applicant's expense, for proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director, Technical Services Division, and requirements to maintain in good order and operation.
- x. The owner shall provide a wind study and implement any mitigation measures required through the study satisfactory to the Chief Planner and Executive Director, City Planning Division.
- 7. City Council authorize the City Solicitor and other City officials as appropriate to do all things necessary to execute the subdivision agreement between the owner and the City to grant this request.
- 8. City Council determine that no further notice for such amendments is required, in accordance with Section 34(17) of the Planning Act.

#### **Financial Impact**

The applicants are proposing an over-dedication of approximately 0.2038 hectares (2,038.7m²) of additional parkland to the City. Given that there are no remaining development sites in the King Liberty Village Neighbourhood to which a parkland credit could be applied, the applicants are proposing that the City purchase the additional land.

The proposed conveyance represents linear parkland that would provide a pedestrian connection along the south side of the King Liberty neighbourhood. The additional parkland conveyance has been valued by City staff at an estimated \$1,536,157.00. Should Council choose to adopt this reports recommendation to purchase the additional parkland, staff have estimated that the above 5% parkland cash-in-lieu that will be collected from the adjacent condominium development, currently under construction, at 65-85 East Liberty Street could be used to purchase the 2,038.7m<sup>2</sup> of land. While it is anticipated that the cash-in-lieu payments above 5% for that project should be greater than the \$1,536,157.00 required to purchase the additional conveyance, staff have indicated that the one percent of the estimated gross construction costs for the subject application, which is typically collected for the City's Percent for Public Art Program, could be used to cover an outstanding balance if there is one. As such, the purchase of these lands will not require any additional funding from the Parkland Acquisition Reserve Fund or City debt. A land acquisition project, funded by the above sources, must be included in the 2011 Parks, Forestry and Recreation Capital Budget and 2012-2020 Capital Plan to facilitate this transaction. Additionally, the owner will be constructing the new parkland and will therefore receive a credit for the Parks and Recreation component of the Development Charges for the Above Base Park construction for this project, which will need to be included in the 2012-2020 Operating Budget.

As part of the potential parkland transaction outlined above, the applicants have also agreed to convey to the City, at nominal consideration, additional lands adjacent to the subject site that could be used to implement the City's objectives for a local road along the south side of the King-Liberty/Liberty Village neighbourhoods. These lands have an area of 3,938.8m<sup>2</sup>. An Environmental Assessment is currently under review by the City for the local road.

Ongoing costs to operate and maintain these new City parkland spaces are estimated at \$1,032 per year annually for basic parkland, starting in 2011 or later, once the park has been developed.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with the Financial Impact Statement.

#### COMMENTS

#### **Density and Height**

At its May 25, 2010 meeting, Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning, to report directly to Council for its meeting on June 8 and 9, 2010, on the possibility of accommodating additional height or modified massing on the development blocks at 14 Strachan Avenue and 39 to 51 East Liberty Street.

As requested, Planning staff have conducted a review of the site and subject proposal and have determined that two additional storeys could be accommodated on the eastern tower of Building A and one additional storey on Building B could be accomplished with

minimal incremental impact. However, staff feel that any additional height on the block would cast an undesired shadow on the park and townhouse developments directly to the north, across East Liberty Street. A revised draft zoning by-law is attached to this report (Attachment 3) to reflect the additional storeys on the two towers.

The draft zoning by-law has also been amended to identify a new block in the King Liberty Village neighbourhood, Block 2A South, which represents the parkland proposed to be conveyed to the City. A maximum density of 4,076.0m<sup>2</sup> has been assigned to these lands.

As a result of the additional storeys permitted on Block 2A East and the density assigned to Block 2A South, approximately 2,000 to 2,500 square metres of permitted gross floor area remains in the King Liberty Village neighbourhood. Staff suggest that any of this remaining density may be more suitably allocated to blocks other than 14 Strachan Avenue/39-51 East Liberty Street or 19 Western Battery Road. To this end, the applicants have proposed to build an additional 2 storeys on Block 7, municipally referred to as 150 East Liberty Street, which would increase the height of that building from 30 storeys to 32 storeys. These two additional storeys represent approximately 2,000m<sup>2</sup>. Staff have reviewed this proposal and acknowledge that the proposed additional height on that block will not result in any significant incremental shadow impacts. This report cannot address such a proposal as the notification for this application, as per the Planning Act, did not include increasing the height or density for Block 7 (150 East Liberty Street). As such, the applicants have indicated they intend to submit a Minor Variance application to the Committee of Adjustment to request the additional 2 storeys for Block 7.

#### **Plan of Subdivision Application**

Staff have identified a number of recommendations in this report that will secure the following through the Subdivision Agreement to be registered on title:

- The new local road to be conveyed to the City will be constructed to City Standards:
- The dedication of new parkland along the south end of the King Liberty Village neighbourhood that will improve pedestrian connections through the neighbourhood:
- The crash wall required along the southern property line, adjacent to the CN and GO Transit Lakeshore rail corridor will be constructed by the applicant and continue to be owned and maintained by the owner; and
- The owner's related corporation will release the existing easements and restrictive covenants that they currently have over the east driveway lands, as outlined on Attachment 8, so the City can make any required improvements to the lands to allow Toronto Police Services to use the driveway to exit their 9 Hanna Avenue site and for the driveway to one day be dedicated as a public road.

A copy of the Draft Agreement is currently being prepared by the City solicitor in consultation with the City Planning Division and other commenting divisions.

#### **Open Space/Parkland**

In consultation with Parks, Forestry and Recreation and Legal Staff, it was determined that the parkland dedication requirements identified in the May 10, 2010 staff report were incorrect. The 5% dedication requirement established in 2000 for the original residential component of King Liberty Village was for cash-in-lieu, not land dedication. The original policies and agreements governing King Liberty do not identify a land dedication rate for the reserve lands, therefore, the lands are subject to the current City of Toronto parkland dedication rates.

The application proposes 1033 residential units on a total site area of 1.3455 hectares (13,455.4m²). This land calculation consists of the development site less the land to be conveyed to the City for the new public road. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 1.377 hectares (13,773m²). However, a cap of 15% applies and hence the parkland dedication for the development would be 0.2018 hectares (2,018.3m²).

This development site is in a Parkland Priority Area and is identified as being in the second lowest level of parkland provision. There is an additional 1,608.8m² of land within this development site that could be purchased by the City as parkland. In accordance with the provisions of the alternate Rate Parkland By-law 1420-2007, the above 5% cash-in-lieu that will be collected from the adjacent development at 65-85 East Liberty St. could be used for purchasing this additional parkland. Included as part of the proposed parkland are lands to be retained by the applicant having an area of 0.0860 hectares (860.0m²). These lands will be developed as parkland but will be retained by the applicants due to potential contamination concerns and to allow the applicants access to the crash wall adjacent to the rail corridor which will also remain in their possession. Easements will be registered over the lands in favour of the City to allow them to be used as parkland.

This additional parkland conveyance would create a linear park system along the south side of the King Liberty that would enhance pedestrian connections throughout the neighbourhood.

#### **SIGNATURE**

Gary Wright, Chief Planner and Executive Director City Planning Division

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#### **ATTACHMENTS**

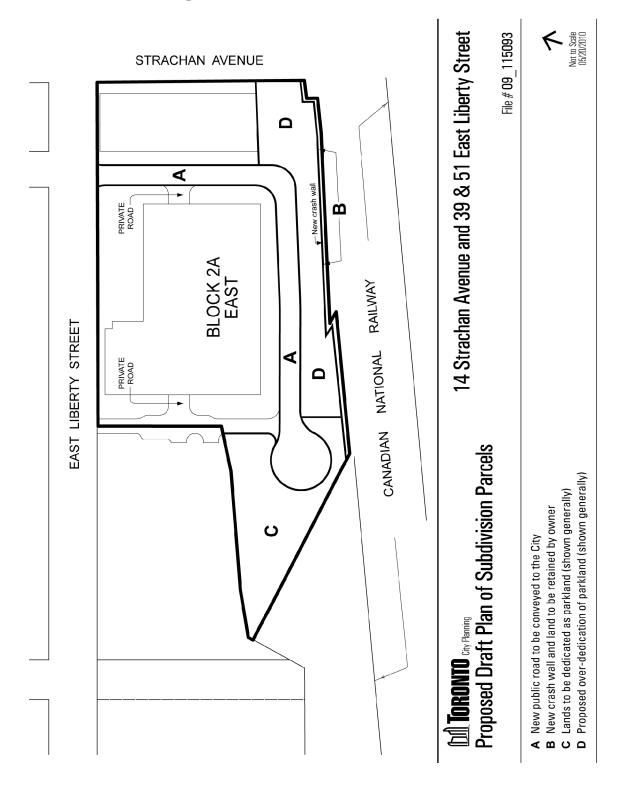
Attachment 1: Proposed Draft Plan of Subdivision Parcels

Attachment 2: Proposed Draft Plan of Subdivision: Lands to be Conveyed

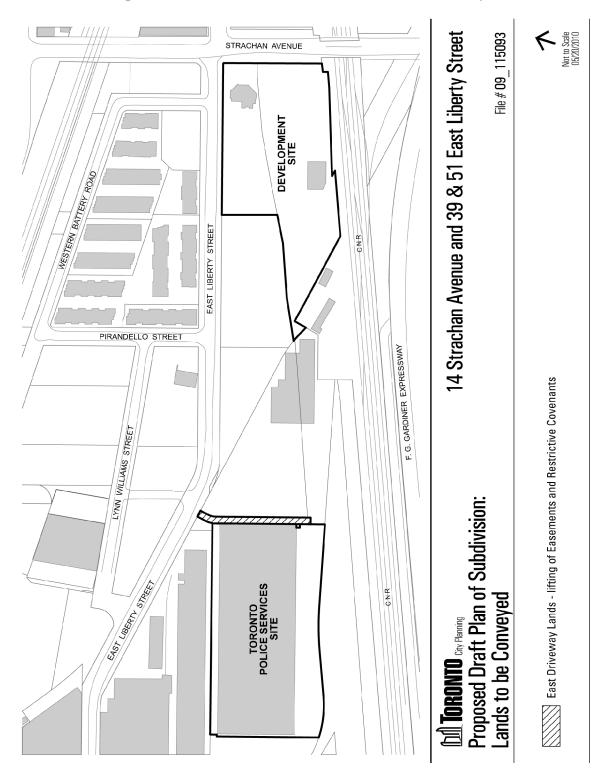
Attachment 3: Draft Zoning By-law Amendment

Staff report for action – Supplementary Report – 14 Strachan Ave & 39-51 East Liberty St, 19 Western Battery Rd 7

Attachment 1: Proposed Draft Plan of Subdivision Parcels



Attachment 2: Proposed Draft Plan of Subdivision: Lands to be Conveyed



#### **Attachment 3: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ [or Report No. ~,

Clause No. ~] as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

Bill No.

#### CITY OF TORONTO

#### **BY-LAW No.** -2010

To amend the General Zoning By-law No.438-86 of the former City of Toronto as amended by By-law No.566-2000, By-law No.684-2003, By-law No.600-2005 and By-law No.853-2005 with respect to the lands known as 39 East Liberty Street/14 Strachan Avenue; 51 East Liberty Street/14 Strachan Avenue; and 19 Western Battery Road being portions of the Garrison Common North Area, for the lands known as the *Inglis Lands*.

WHEREAS authority is given to Council by Section 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*; The Council of the City of Toronto HEREBY ENACTS as follows:

- **1.** By-law No.566-2000, is further amended as follows:
  - (1) Section 2(1)(a) and (b) of By-law No.566-2000, as amended by By-law No.684-2003 and By-law No.600-2005 are replaced by the following:
    - "(a). On block 1, block 1A, block 2A west, block 2A east, block 2B, block 11A, block 3, block 4, block 5, block 6, block 7, block 8 internet/computer technology use, and any use permitted in an IC or I3 district in Section 9(1)(f) of the aforesaid By-law No.438-86, as amended;
    - (b). On block 1, block 1A, block 2A west, block 2A east, block 3, block 5, and block 7 any residential use permitted in section 8(1)(f)(a) of the aforesaid By-law 438-86; and"
  - (2) Section 2(3)(a) is replaced by:
    - "(3) Maximum Floor Area
      - (a) Despite Section 9(3) PART I of the aforesaid By-law No. 438-86, as amended, the total amount of *non-residential* gross floor area, residential gross floor area or any

combination thereof, permitted in the *Inglis Lands* shall not exceed 493,741 square metres;

(b)

COLUMN A	COLUMN B	COLUMN C
	MAXIMUM	MAXIMUM TOWER
BLOCK	DENSITY (Sq.m)	FOOTPRINT ABOVE
		PODIUM
2B/11A	86,684	1,395*
5	19,655	1,115
6	39,651	1,690
7	38,339	1,645
2A South	4,076	n/a

<sup>\*</sup> Note: This maximum tower footprint above *podium* applies to each of the three towers to be located on blocks 2B/11A"

#### (3) Section 2(7) is further amended by the following:

"The amount of non-residential gross floor area used for street-related retail and service uses on each block as set out in Column A below, shall not exceed a non-residential gross floor area equal to the amount set out in the corresponding row in Column B;"

COLUMN A	COLUMN B
BLOCK	MAXIMUM NON-RESIDENTIAL GROSS FLOOR AREA USED FOR STREET RELATED RETAIL OR SERVICE USES (m <sup>2</sup> )
1	2,320
1A	500
2A west	2,000
2A east	2,000
2B	2,300
11A	4,980
3	4,650
4	14,000
6	3,050
8	2,400

- (4) Section 2(9) is amended by the following by adding new paragraphs (b) and (c):
  - "(9) Required Building Setback Streets

- (b) By adding "no setback is required along the northern boundary of *block 1A*; and
- (c) By adding "no setback is required along the southern boundary of *block 2A east*;"
- (5) Section 2(10)(a) is amended by deleting "block 2A" and replacing it with "block 1A" and "block 2A west" and "block 2A east";
- (6) Section 2(13) PARKING is further amended by adding the following provisions pertaining to (i) *block 1A and (ii) block 2A east*;

#### (i) "Block 1A

A total of 250 parking spaces are provided, of which 10 parking spaces may be located off-site within 300 metres of *block 1A*. Notwithstanding, all parking spaces dedicated for visitor use must be provided on-site;

In the case of a building or structure used for any of the uses set out in Column A of the following table on *block 1A*, parking spaces shall be provided and maintained at the rate set out in the corresponding row in Column B:

USE	REQUIRED PARKING
	(Spaces Per Unit)
Studio/bachelor dwelling unit	0.15
One bedroom dwelling unit	0.60
Two bedroom dwelling unit	1.00
Residential visitor parking	0.10

#### (ii) "Block 2A East

A temporary at-grade vehicular parking facility on the lands currently municipally known as 39 East Liberty Street/14 Strachan Avenue can be operated to provide for the off-site vehicular parking spaces for *block 1A* only;

The resident and visitor vehicular parking for the building to be erected on the lands municipally known in 2010 as 39 East Liberty Street/14 Strachan Avenue may be located in the underground parking facility to be provided on the lands municipally known in 2010 as 51 East Liberty Street/14 Strachan Avenue;

The underground parking facility to be provided on the lands municipally known in 2010 as 51 East Liberty Street/14 Strachan Avenue may also be used to provide off-site parking for *block 1A*, except for visitors; and

A *commercial parking garage* as defined by By-law No.438-86, as amended is a permitted use on *block 2A east*;

Visitor parking on *block 2A east* will be provided as per the standard contained in By-law No.566-2000, as amended by By-law No. 684-2003, as amended by By-law No. 600-2005. 50% of the visitor parking spaces shall be provided for, and signed for, the exclusive use of visitors to the residential component of the project. Notwithstanding Section 4(4)(d) of By-law 438-86, the remaining 50% of the visitor spaces may be used for a *commercial parking garage* as defined by By-law No. 438-86, as amended, when these space are not being used by visitors;

- (7) Section 2(17) HEIGHT limits set out on Appendix "B" map 49G-322. The height limits applicable to a building or structure located on the *Inglis Lands*, is amended to provide for the height limits set out on Map 3A and Map 3B attached;
- (8) Section 2(18) AFFORDABLE HOUSING (defined by maximum unit sizes) as contained in By-law No.566-2000 is amended by By-law No. 684-2003 and by By-law No.600-2005 by altering this section to read as follows:
  - "Not less than 30 percent of the *dwelling units* within each of *block 1;* block 1A; block 2A west and block 2A east combined; block 3; block 5; and block 7 and not less than 30 percent of the *live-work* units within block 2B, block 11A, block 6 and block 8 shall comply with the size requirements for each of the unit types listed...;"
- (9) Section 2(19) is amended by inserting "block 1A" and "block 2A east":

This section is further amended by adding a new section 2(19)(v) to read as follows:

"(v) On *block 1A* and *block 2A east* the maximum *height* of the *podium* shall be 16 metres measured from *grade* and the minimum height of the first *storey* above *grade* will be 4.0 metres measured from *grade*;"

(10) Add a new Section 2(21) to read as follows:

#### "Block 1A

- (i) Notwithstanding the definition of *front lot line* contained in Section 2 of By-law No.438-86 as amended, Western Battery Road is deemed to be the *front lot line* for *block 1A*;
- (ii) Notwithstanding the definition of *grade* contained in Section 2 of By-law No. 438-86, as amended, the average grade for *block 1A* will be 86.15 metres as taken from Western Battery Road;
- (iii) Notwithstanding Sections 2(10)(i) and (ii), the building on *block 1A* will provide a 3 metres setback above a height of 16 metres on East Liberty Street and Western Battery Road, only;
- (iv) Notwithstanding Section 2(11)(E), the depth of balconies on *block 1A* may not exceed 1.5 metres;
- (v) Notwithstanding section 4(16) of By-law 438-86, a hard surface driveway shall not be required to be located on site;"
- (11) Add a new Section 2(22) to read as follows:

#### "Block 2A East

- (i) Notwithstanding the definition of *front lot line* contained in Section 2 of By-law No.438-86 as amended, East Liberty Street is deemed to be the *front lot line* for *block 2A east;*
- (ii) Notwithstanding the definition of *grade* contained in Section 2 of By-law No.438-86 as amended, the average *grade* for 39 East Liberty Street/14 Strachan Avenue will be 84.45 metres as taken from East Liberty Street;
- (iii) Notwithstanding the definition of *grade* contained in Section 2 of By-law No. 438-86, as amended, the average *grade* for 51 East Liberty Street/14 Strachan Avenue will be 86.45 metres as taken from East Liberty Street;
- (iv) Notwithstanding Sections 2(10)(i) and (ii), the buildings on *block 2A east* will provide a 3 metres setback above a height of 16 metres on East Liberty Street and Solidarity Way, only;
- (v) Notwithstanding Section 2(11)(E), the depth of balconies on *block 2A east* may not exceed 1.5 metres;
- (vi) Notwithstanding Section 4(16) of By-law 438-86, a hard surface driveway shall not be required to be located on the lands

municipally known in 2010 as 39 East Liberty Street/14 Strachan Avenue;"

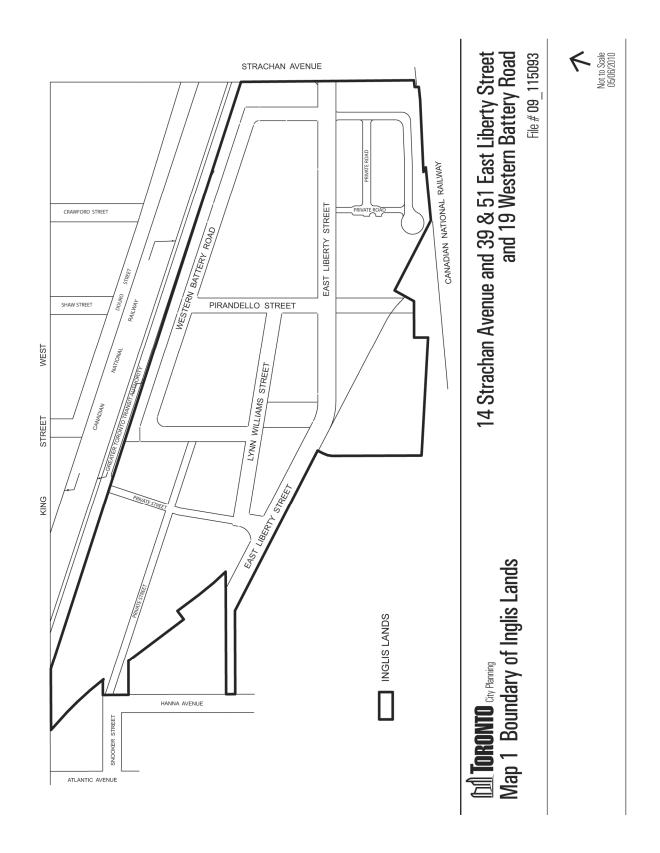
- (12) Section 5(2) is amended by inserting "block 1A", "block 2A west"; and "block 2A east" and mean those lands respecting designated and shown as BLOCK 1A, BLOCK 2A WEST, and BLOCK 2A EAST on Map 2, appended hereto;"
- (13) Maps 1, 2, 3A, 3B, and 4 attached to By-law No.566-2000 as amended by By-law No.684-2003, by By-law No.600-2005 and by By-law No.853-2005 are replaced by Maps 1, 2, 3A, 3B, 4 attached to this By-law.

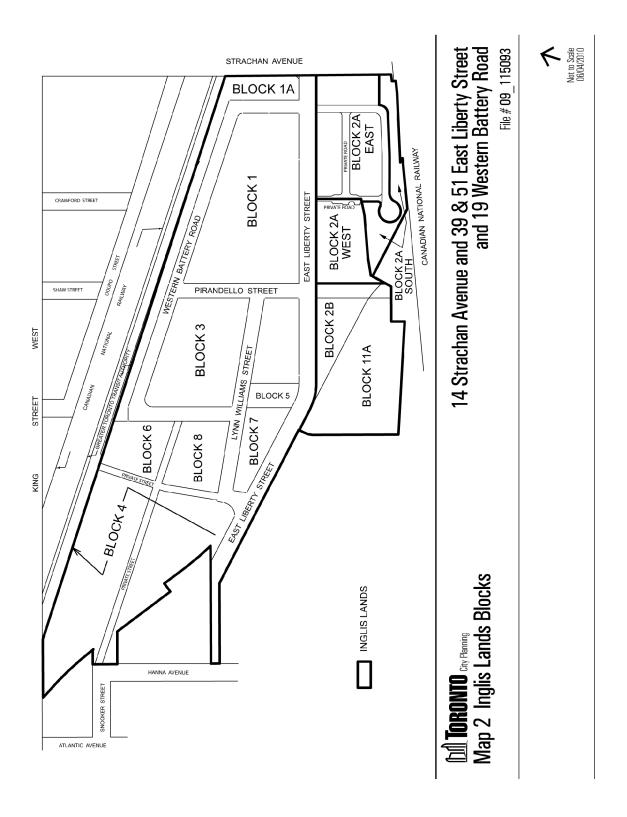
#### Definitions

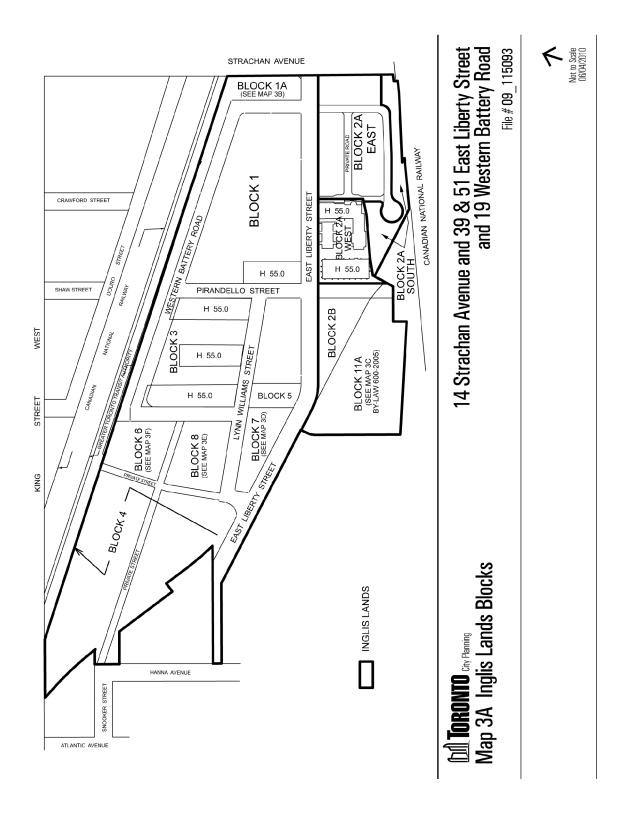
- 2. All defined terms used in this By-law shall, unless expressly stated to the contrary, have the same meanings as in By-law No.438-86 as amended by By-law No. 566-2000, By-law No.684-2003 and By-law No.600-2005.
- 3. Accessory uses shall have the same meaning as in By-law No.438-86, as amended, but for the purposes of this By-law, accessory uses shall also include a commercial parking garage.

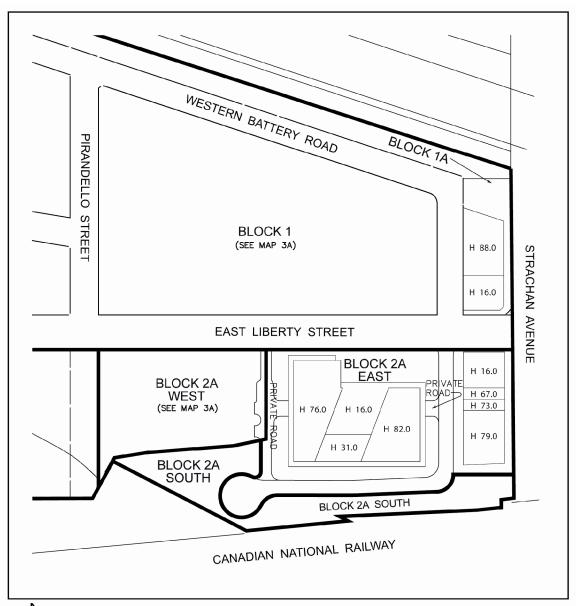
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER, Mayor ULLI S. WATKISS, City Clerk









TORONTO City Planning

14 Strachan Avenue and 39 & 51 East Liberty Street and 19 Western Battery Road
File # 09 115093



