

**171 East Liberty Street  
Zoning Amendment Application - Preliminary Report**

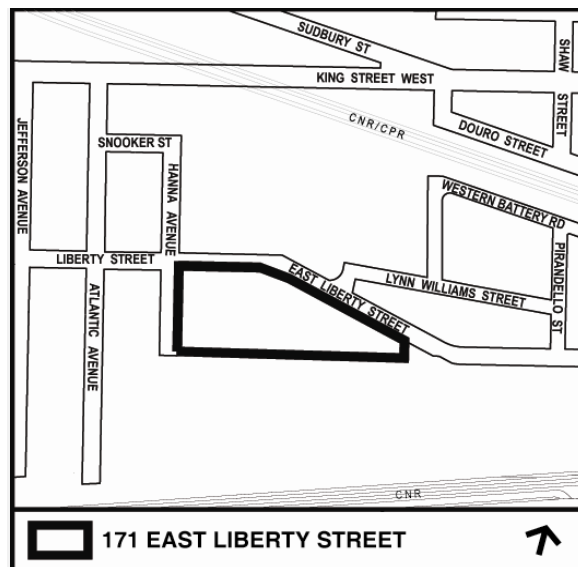
<b>Date:</b>	December 19, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner & Executive Director, City Planning Division
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	P:\2012\Cluster B\PLN\PGMC\PG13005 12 246860 STE 19 OZ

**SUMMARY**

This application proposes to permit the redevelopment of the most easterly portion of the site with a 32-storey mixed-use building consisting of ground floor retail, office floorspace on the 2<sup>nd</sup> to 7<sup>th</sup> storeys, residential units on the 8<sup>th</sup> to 32<sup>nd</sup> storeys and three levels of underground parking. A two-storey portion of the existing building at the east part of the site is proposed to be demolished to facilitate the proposed development.

While the subject application for a zoning by-law amendment is considered by staff to be complete, the application is also considered to be premature, as it proposes residential uses, other than live/work units, within an area designated 'Employment Areas' by the City of Toronto Official Plan. In order to consider the currently proposed development, City Planning Staff require the submission of an Official Plan Amendment application to propose residential uses, other than live/work units, in an Employment Area designation.

This report provides preliminary information on the above-noted application and seeks Planning and Growth Management Committee's direction on further processing of the application and on the community consultation process.



A final report cannot be brought forward for consideration until such time as the applicant submits an Official Plan Amendment application to permit residential uses within an 'Employment Lands' designation for review. The Official Plan amendment application would be considered through the City's ongoing 5-year Municipal Comprehensive Reviews of the Official Plan.

## **RECOMMENDATIONS**

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1. Staff be directed to review the development proposal respecting 171 East Liberty Street concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review, that is being undertaken by the City Planning Division.
2. Staff, upon completion of the Five-Year Official Plan and Municipal Comprehensive Review, be directed to:
  - (i) Schedule a community consultation meeting for the lands at 171 East Liberty Street together with the Ward Councillor.
  - (ii) Issue notice for the community consultation meeting to landowners and residents within 120 metres of the site.
  - (iii) Ensure that notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The property has been subject to several planning applications since 2006, affecting both the primary commercial building and the smaller boiler house building.

2006 – Five (5) minor variance applications sought to permit restaurant and retail uses in various units within the existing commercial building.

2008 - A minor variance application was approved to allow restaurant space within the boiler house building.

2008 – A Zoning By-law amendment application was approved to permit retail and services uses, totalling 11,645 square metre (125,345 square feet), on the ground floor of the existing commercial building.

2011 - A minor variance application was approved to allow restaurant space within the boiler house building.

2012 – A minor variance was approved to convert the 3<sup>rd</sup> floor office space within the boiler house building to restaurant floor space.

## **Pre-Application Consultation**

A pre-application consultation meeting took place on August 16, 2012, with the applicant to discuss complete application submission requirements.

## **ISSUE BACKGROUND**

### **Site and Surrounding Area**

The subject site is irregular in shape and generally flat. The site has an area of 1.94 hectares (4.79 acres), frontages of 276 metres along East Liberty Street, and 100 metres along Hanna Avenue.

The site is currently occupied by two buildings. The larger of the two buildings is a former munitions factory, converted in 2004 into the current commercial complex. The 24,582 square metre building is composed of a 2-storey section on the south half of the site and is linked by a covered pedestrian area to the 3-storey section towards the north end of the site. The smaller 'Boiler House' building to the north of the main building is 4 storeys in height and 568 square metres in size. Neither building is currently listed in the City's Inventory of Heritage Properties, or Designated under the Ontario Heritage Act.

Vehicle access is provided via Hanna Street and East Liberty Street. Surface parking areas are provided adjacent to both frontages. A private rear laneway to the south of the site provides access to loading areas.

North: A 7-storey building at 43 Hanna Avenue known as the 'Toy Factory Lofts' and a 30-storey residential building at 150 East Liberty Street.

South: A 2-storey building at 9 Hanna Avenue occupied by Toronto Police Services and a 7-storey building at 5 Hanna currently under construction.

East: A three tower building of 23, 25 and 23 storeys situated above a 2-8 storey podium building at 65,75 and 85 East Liberty.

West: A Toronto Parking Authority surface lot. Further west is a mix of mostly low rise heritage buildings with employment uses.

### **Proposal**

The application proposes the redevelopment of the easterly portion of 171 East Liberty Street with a 32-storey mixed-use building consisting of ground floor retail, office floor space on the 2<sup>nd</sup> to 7<sup>th</sup> storeys, residential units on the 8<sup>th</sup> to 32<sup>nd</sup> storeys and three levels of underground parking. The development proposes a total of 32,279 square metres of newly constructed gross floor area.

A two-storey section of the existing building, consisting of 3,904 square metres of gross floor area, and a surface parking area, located at the east part of the site, are proposed to be demolished to allow for construction of the base-building of the proposed tower. The new building is proposed to connect internally with the remaining portion of the existing 2-storey non-residential building (Attachments 1 and 2).

Retail uses, totalling 2,139 square metres of gross floor area are proposed on the ground floor of the new building.

Office space, totalling 12,379 square metres of gross floor area are proposed on floors 2 to 7.

Residential units, totalling 17,773 square metres of gross floor area, are proposed on floors 7 to 32. The proposed 291 residential units are distributed as follows:

Studio:	24 units	(8% of total)
One Bedroom:	193 units	(66% of total)
Two Bedroom:	49 units	(17% of total)
Three Bedroom:	25 units	(9% of total)

Common indoor and outdoor amenity space for residents is proposed on the 8<sup>th</sup> storey and is distributed as follows:

Outdoor Amenity Space:	595 square metres (6,405 square feet)
Indoor Amenity Space:	358 square metres (3,853 square feet)

The proposed development includes 334 vehicle parking spaces in 3 levels of underground parking accessed via the laneway at the rear of the site. Parking spaces are allocated as follows:

Residents:	120 vehicle parking spaces
Office/Retail:	214 vehicle parking spaces

The proposed development includes 349 bicycle parking spaces which are allocated as follows:

Residents:	291 bicycle spaces
Office/Retail:	58 bicycle spaces

## **The Planning Act**

Section 2 of the *Planning Act*, which deals with Provincial Interests, requires councils of municipalities to have regard to matters of provincial interest such as:

- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the province and its municipalities;
- (o) the protection of health and safety; and

- (p) the appropriate location of growth and development.

Section 26 of the *Planning Act* requires municipalities to review all the policies contained within their in-force Official Plans every five years. As part of the Five-Year review process, Section 26 (1) (b) of the *Planning Act* requires municipalities to revise the Official Plan if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the official plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the policy foundation for regulating the use and development of land. City Council's planning decisions are required to be consistent with the PPS. The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and taking into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

The PPS defines *employment areas* as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.3.2 of the PPS states that the City may only give consideration to converting lands within employment areas to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

## **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict with, the Growth Plan.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an *employment area* in the Growth Plan is the same as that used in the PPS.

## **Official Plan**

The subject property is within an *Employment District*, as noted on Map 2, and designated *Employment Areas*, as noted on Map 18, of the Toronto Official Plan.

The Official Plan Policy 2.2.4.1 states that *Employment Districts* are intended to be protected and promoted to be used exclusively for economic activity with the objective to provide a range of employment opportunities, a good overall balance between population and employment growth by creating job opportunities for Toronto residents, and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians.

The Official Plan Policy 4.6.1 describes *Employment Areas* as places of business and economic activity consisting of uses such as offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

The subject property is contained within the Garrison Common North Secondary Plan and is subject to Policy Area 3 of this Secondary Plan. Policy Area 3 is described as a healthy and vibrant economic district that will be maintained by reinforcing existing economic sectors, encouraging appropriate new economic activities, and establishing an environment conducive to future economic growth.

Policy Area 3 generally permits manufacturing operations, business services, media and communication operations, film, video, and recording production, cultural and artistic services, fine art production, live/work units, and artist studios. This policy area states that no residential use other than live/work units will be permitted.

### **Zoning**

The site is zoned Industrial District (IC D3 N1.5), with a maximum permitted building height of 28.0 metres and a maximum density of 1.5 times the lot area, by City of Toronto Zoning By-law No. 438-86, as amended.

### **Site Plan Control**

This property is subject to the city-wide Site Plan Control By-law No.774-2012. An application for site plan approval has not yet been submitted.

### **Planning Act/Five-Year Review**

In May 2011, the City Planning Division commenced the statutory Five-Year Review of the Official Plan, which includes a Municipal Comprehensive Review as set out in the Growth Plan. Until the Five-Year Review process is complete, refusal or approval of the subject applications would be premature. It is therefore recommended that the applications be reviewed concurrently and in the context of the Five-Year Review of the Official Plan and the Municipal Comprehensive Review.

On November 8, 2012, Planning and Growth Management Committee considered a Report from the Chief Planner which outlined proposed City-wide Employment Areas policy directions. Although the Municipal Comprehensive Review has not been completed, a preliminary assessment based on the criteria in the Growth Plan and Provincial Policy Statement has determined that these lands should be retained for employment uses and be designated as *Core Employment Areas*. The lands are within Area 3 of the Garrison Common North Secondary Plan and should be subject to the following proposed amendments:

- Removal of current policy allowing live/work units;
- Add a new Site and Area Specific Policy to the Secondary Plan implementing the key directions and strategies related to: pedestrianization transportation etc., as identified through the Liberty Village master planning exercise.

### **City of Toronto Tall Building Guidelines**

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate

light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

## **Reasons for the Application**

The applicant has submitted a Zoning By-law Amendment application to permit a mixed use building including residential uses in an Industrial Zone. The proposed building exceeds the permitted maximum building height of 28 metres by approximately 83 metres resulting in a proposed building height of approximately 111 metres to the top of the 32<sup>nd</sup> storey, and approximately 10 additional metres in height to accommodate the rooftop mechanical area. In addition, the proposed building does not comply with other Zoning By-law requirements regarding required loading spaces, parking spaces, and amenity space.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application in September 2012:

- Planning Rationale;
- Boundary Plan of Survey;
- Architectural Plans;
- Underground Garage Plans;
- Landscape Plans;
- Archaeological Resource Assessment;
- Transportation Impact Study/ Parking Study / Loading Study;
- Functional Servicing Report;
- Stormwater Management Report;
- Employment Assessment;
- Sun/Shadow Study;
- Wind Study;
- Toronto Green Standards Checklist;
- Arborist / Tree Preservation Plan;
- Heritage Review Letter;
- Geotechnical Report; and,
- Noise/Vibration Report.

A notification of complete application was issued on October 19, 2012.

## **Issues to be Resolved**

### **Proposed Residential, Live/Work Units**

The proposed residential units are noted in the application as being 'live/work' units. Having reviewed the materials submitted in support of the subject application, Planning staff do not consider the proposed residential units to constitute 'live/work' units. The proposed units differ in no substantial way from purpose-built residential units.



Therefore, planning staff must consider the appropriateness of introducing residential uses, other than live/work uses, on this site through the Five-Year Official Plan Review.

### **Proposed Office Space**

Planning staff are concerned about the opportunity for the proposed office spaces to be converted to residential spaces in the future. In the floor plans submitted in support of this application, the office spaces are partitioned in such a way that appears to allow them to be easily converted to residential space.

### **Heritage**

The sensitive heritage context of this area includes a variety of listed and designated structures similar to those located on the subject site. Over the years a number of buildings in the vicinity have undergone adaptive re-use and most have been undertaken with regard for the heritage character of the area and have complied with the area's current zoning provisions. Heritage Preservation Services (HPS) staff reviewed a zoning amendment report on this application in 2008 and at that time commented that 171 East Liberty Street would be best served under the umbrella of a heritage conservation district designation. The Liberty Village area has been authorized for study as a heritage conservation districts but a study has not yet been undertaken.

Given that this application represents a significant departure from the existing zoning, HPS staff are concerned about the precedent this application may set in the area.

### **Other Issues**

Other issues to be resolved include, but are not limited to:

1. Conformity with the policies of the Official Plan and the Garrison Common North Secondary Plan;
2. Suitability of introducing new residential uses and the mix of uses proposed in the building;
3. Compliance with the City-wide Tall Building Design Guidelines;
4. Proposed reduction in resident parking;
5. Location of visitor's vehicle and bicycle parking;
6. Height and massing relationships with the immediate area and with abutting properties;
7. Building design;
8. Proposed green roof area;
9. Provision and type of on-site amenity space;
10. Heritage considerations;
11. Traffic, site servicing, and impacts on the pedestrian realm;
12. Building setbacks and stepbacks; and
13. Impacts on the future development of the Liberty Village area.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

### **Section 37**

Should this project proceed to approval in some form community benefits will be secured through Section 37 of the Planning Act.

### **Conclusion**

Approval or refusal of the subject applications to convert employment lands to allow non-employment uses prior to the completion of the Five-Year Official Plan and Municipal Comprehensive Reviews would be premature.

### **CONTACT**

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Fax No. 416-392-1330  
E-mail: guens@toronto.ca

### **SIGNATURE**

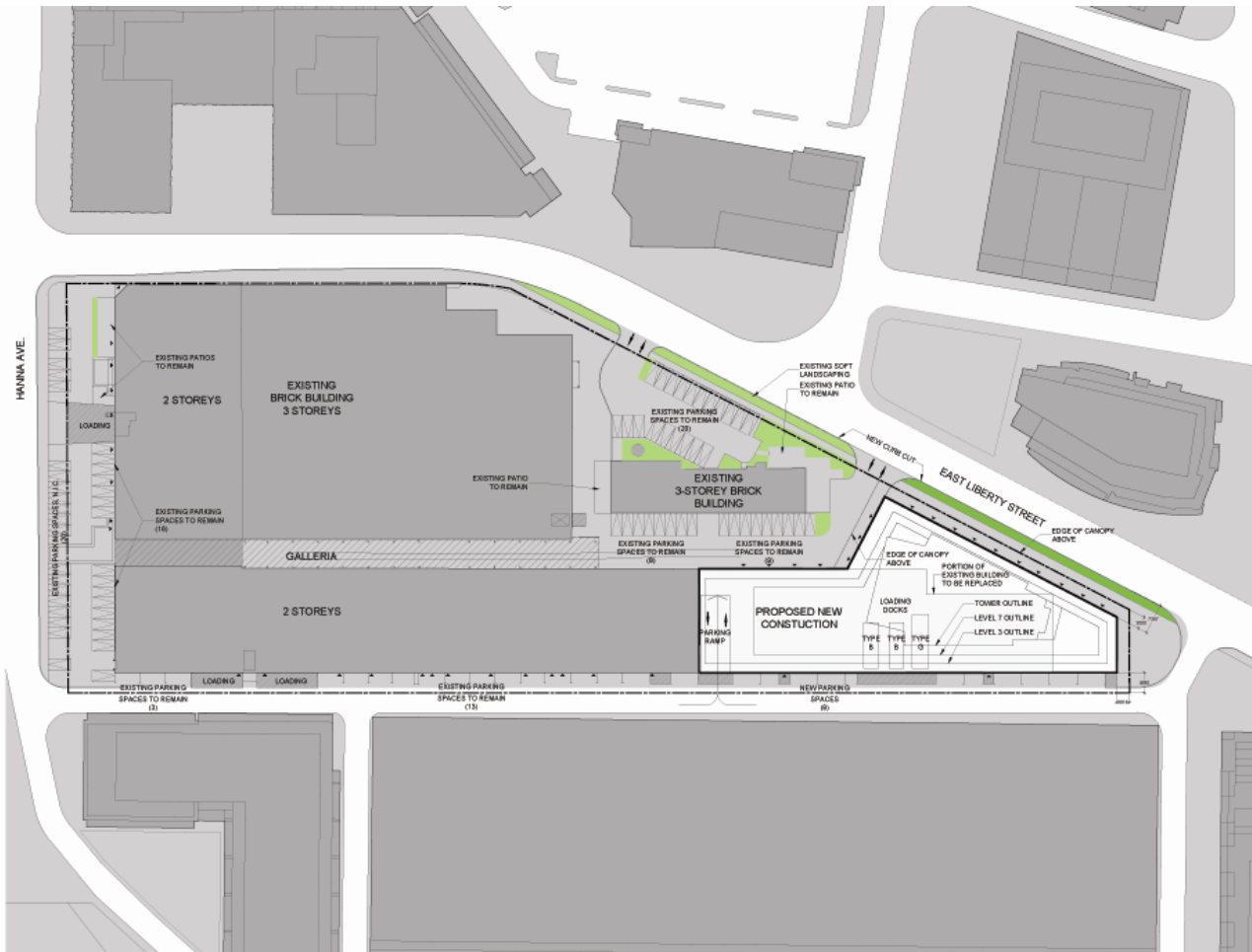
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner & Executive Director

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Official Plan  
Attachment 4: Zoning  
Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

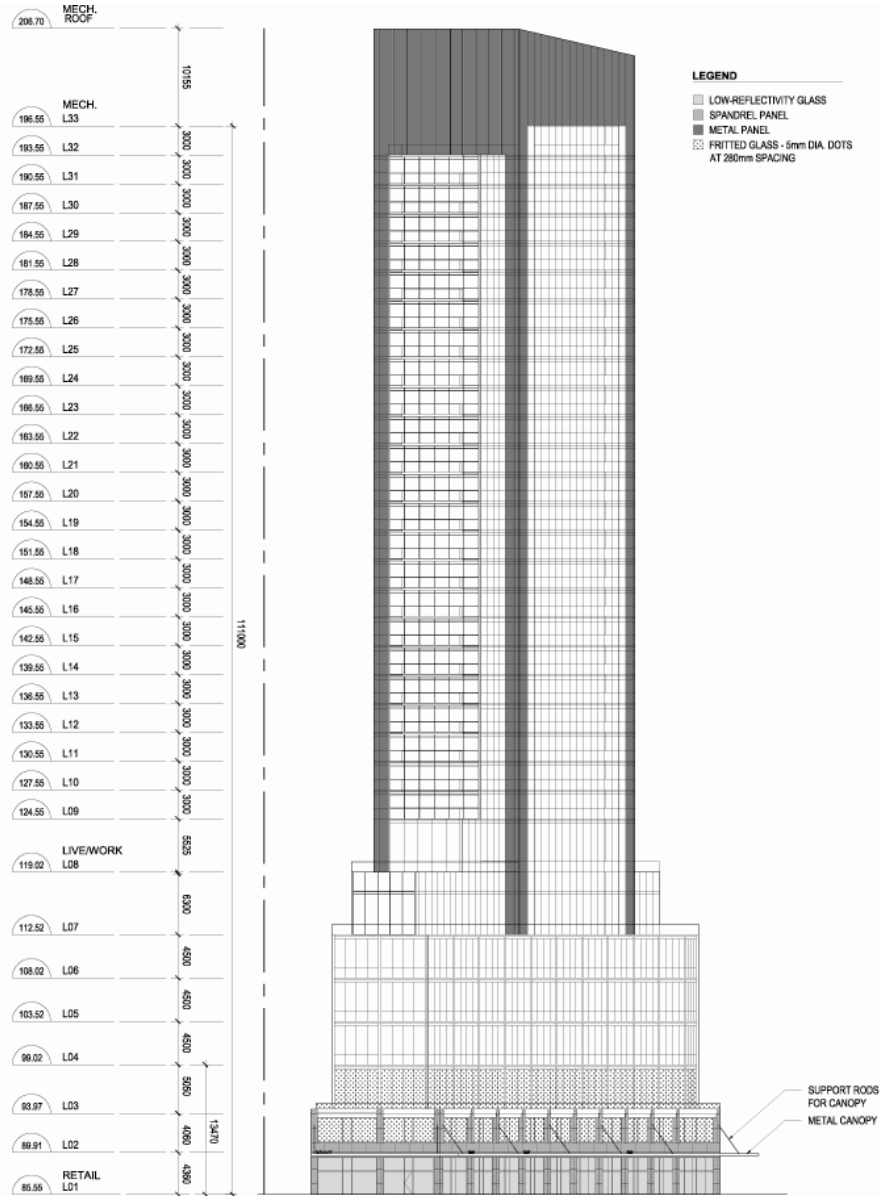
171 East Liberty Street

Applicant's Submitted Drawing

Not to Scale   
11/04/2012

File # 12\_246860

## Attachment 2: Elevations



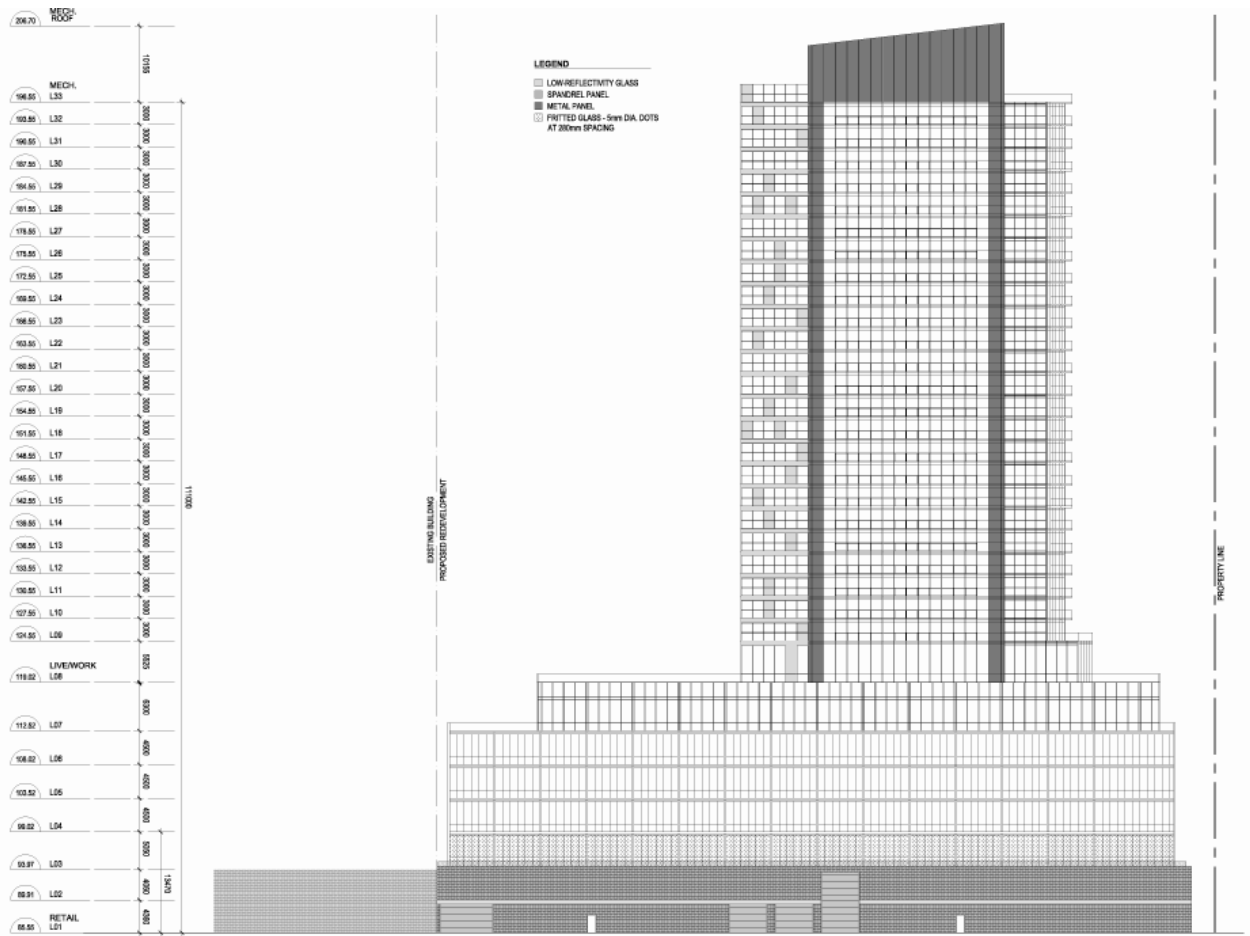
### Elevations

Applicant's Submitted Drawing

Not to Scale  
11/04/2012

### 171 East Liberty Street

File # 12\_246860



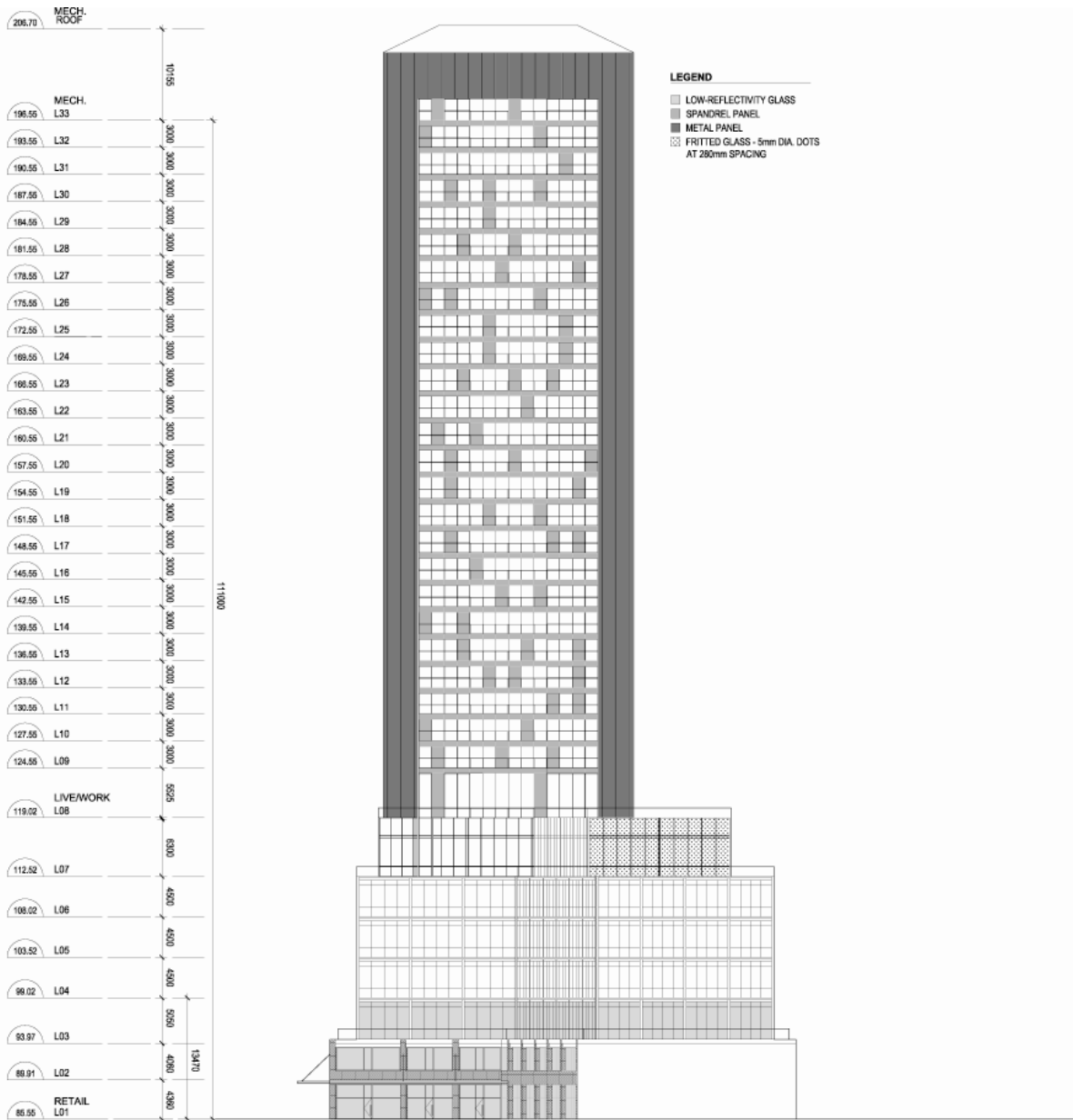
## South Elevation

171 East Liberty Street

Applicant's Submitted Drawing

Not to Scale  
11/04/2012

File # 12\_246860



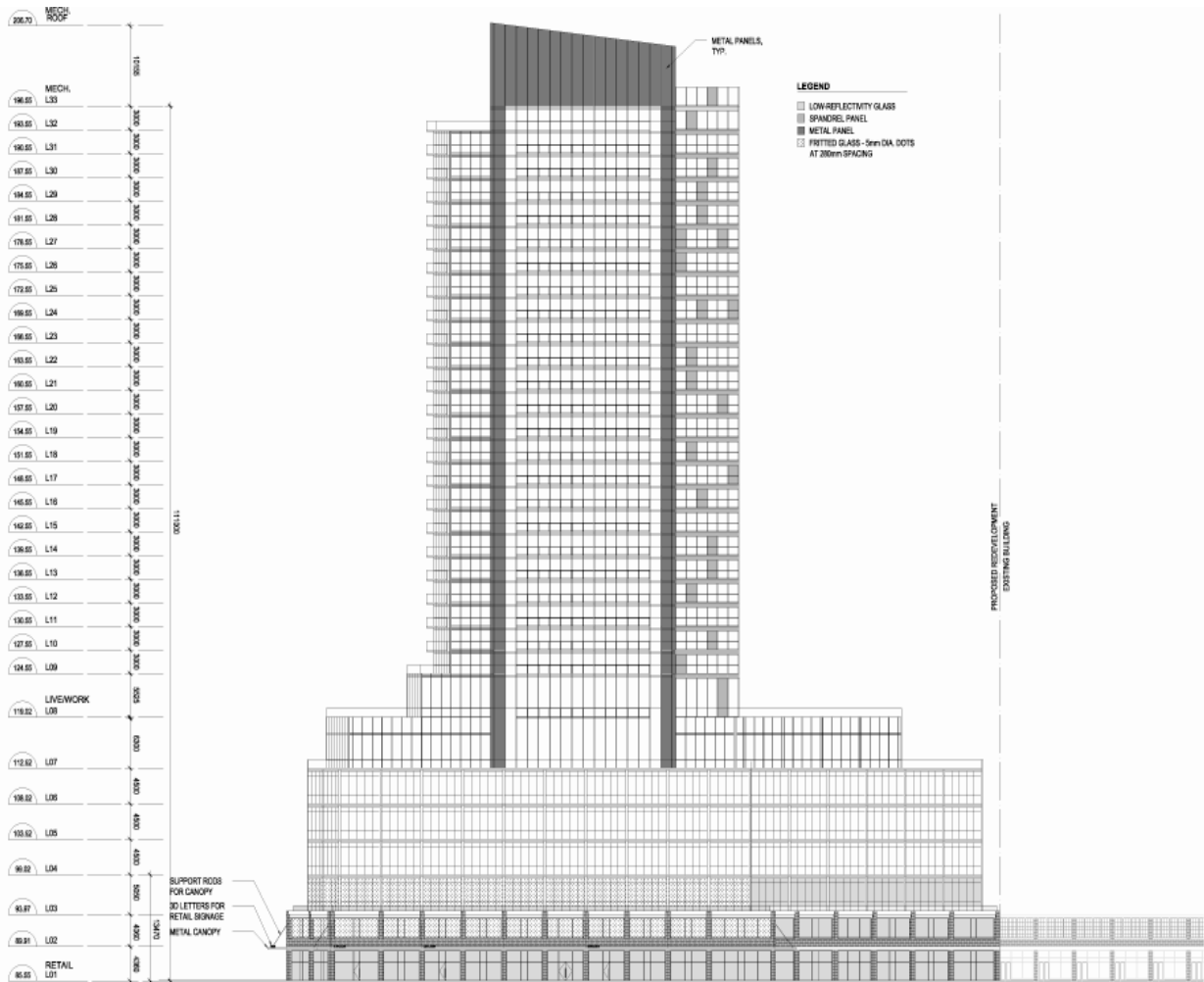
## West Elevation

171 East Liberty Street

Applicant's Submitted Drawing

Not to Scale  
11/04/2012

File # 12\_246860



# North Elevation

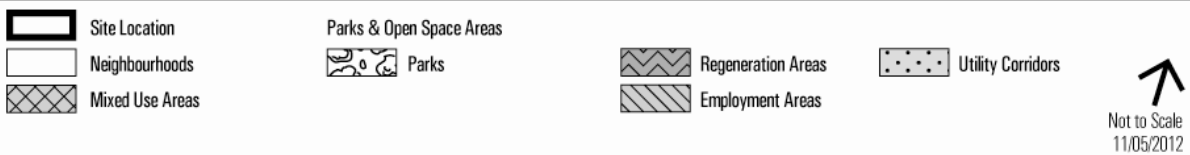
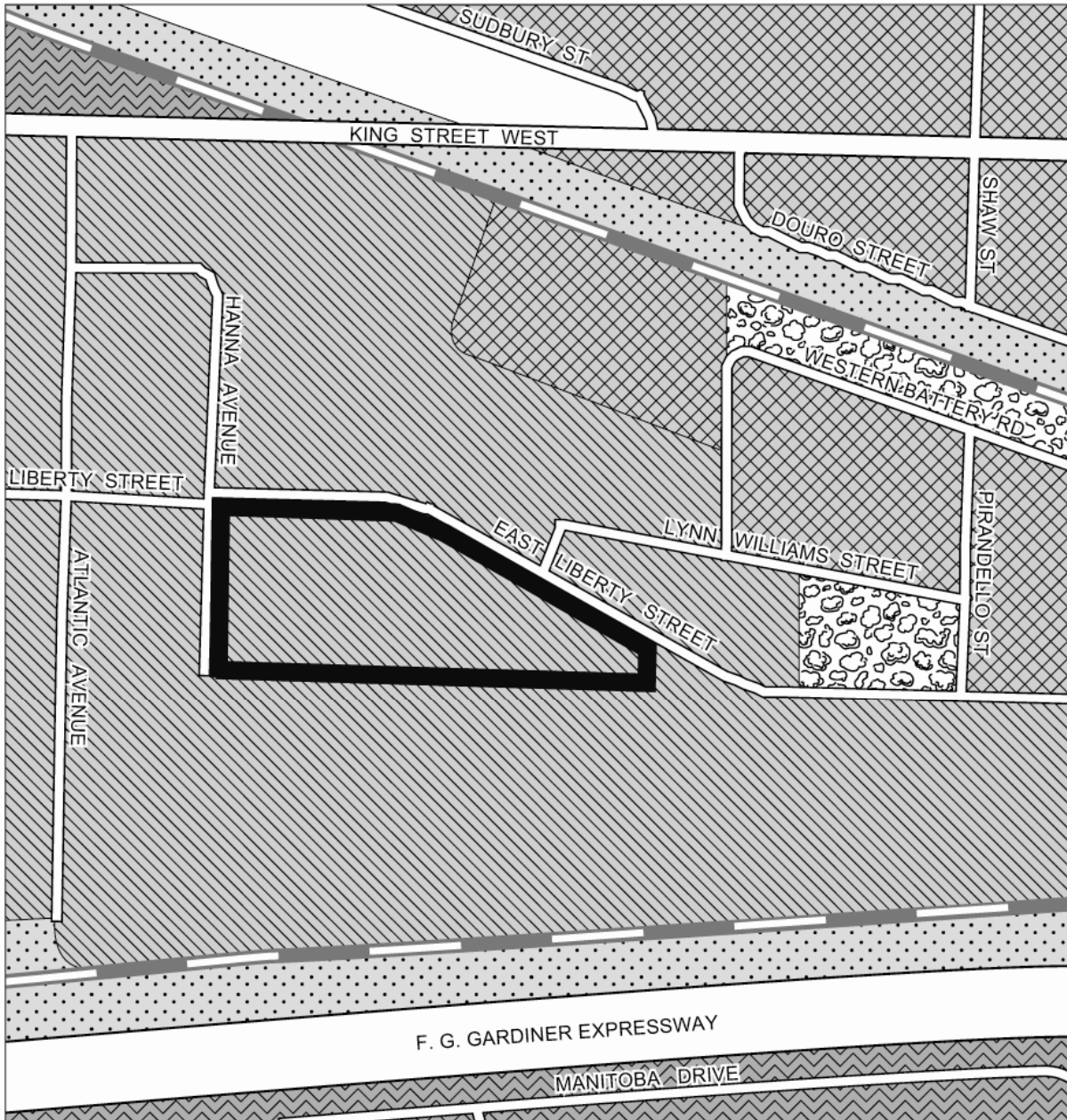
171 East Liberty Street

Applicant's Submitted Drawing

Not to Scale  
11/04/2012

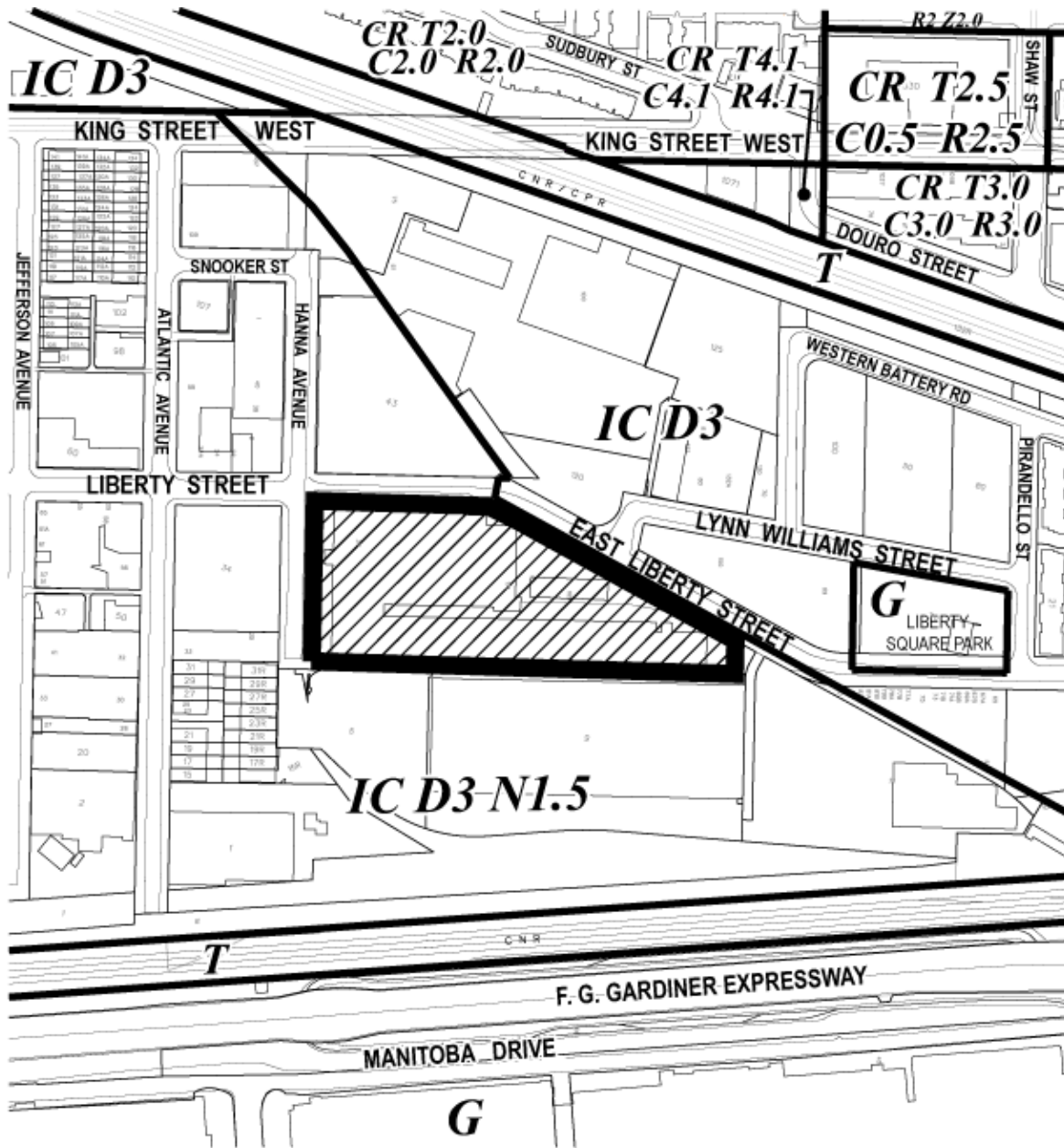
File # 12\_246860

### Attachment 3: Official Plan





Attachment 4: Zoning By-law



171 East Liberty Street

File # 12\_246860\_OZ

- G Parks District
- CR Mixed Use District
- IC Industrial District
- T Industrial District

↑  
Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 12/04/2012

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 246860 STE 19 OZ
Details	Rezoning, Standard	Application Date:	September 21, 2012

Municipal Address: 171 EAST LIBERTY ST  
 Location Description: PT ORDNANCE RESERVE PT BLK 11 RP 66R19577 PART 3 \*\*GRID S1908  
 Project Description: Rezoning application to permit the development of the easterly portion of the existing site with a 32-storey mixed-use building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
SHERMAN BROWN DRYER KAROL ADAM BROWN		Wallman Architects	LIBERTY MARKET BUILDING INC

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	IC D3 N1.5	Historical Status: No
Height Limit (m):	28.0 metres	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	19374	Height:	Storeys:	32
Frontage (m):	276		Metres:	111
Depth (m):	0			
Total Ground Floor Area (sq. m):	12747			<b>Total</b>
Total Residential GFA (sq. m):	17773		Parking Spaces:	334
Total Non-Residential GFA (sq. m):	39863		Loading Docks	0
Total GFA (sq. m):	57636			
Lot Coverage Ratio (%):	65.79			
Floor Space Index:	2.97			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Other		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	17773	0
Bachelor:	24	Retail GFA (sq. m):	13065	0
1 Bedroom:	193	Office GFA (sq. m):	26798	0
2 Bedroom:	49	Industrial GFA (sq. m):	0	0
3 + Bedroom:	25	Institutional/Other GFA (sq. m):	0	0
Total Units:	291			

**CONTACT: PLANNER NAME: Graig Uens, Planner**  
**TELEPHONE: 416-397-4647**