

**53, 61 and 65 Ontario Street, and 102 Berkeley Street -
Zoning Amendment - Request for Direction Report**

Date:	October 19, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15 113777 STE 28 OZ

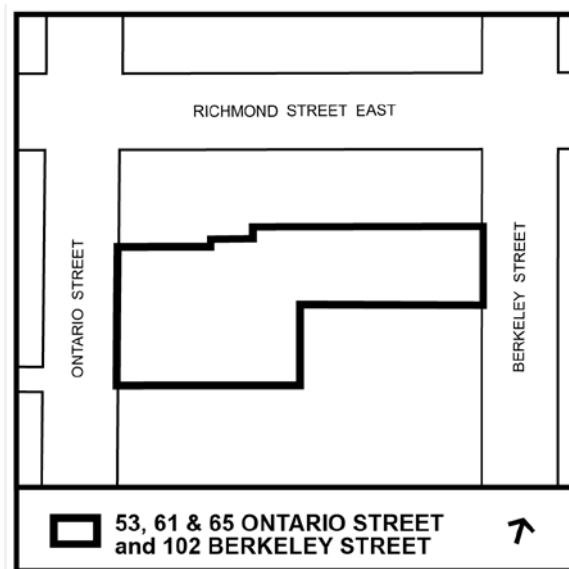
SUMMARY

The purpose of this report is to request direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the application for a Zoning By-law amendment at 53, 61 and 65 Ontario Street, and 102 Berkeley Street.

The application proposes a 25-storey mixed-use building consisting of an 8-storey base building and a 17-storey tower. The proposal consists of: 17,991 square metres of residential gross floor area resulting in 277 dwelling units; 620 square metres of retail commercial space; 176 vehicular parking spaces; and 282 bicycle parking spaces.

The proposal's massing does not fit within its existing and planned context as required by the Official Plan, the King-Parliament Secondary Plan, and negatively impacts the heritage property to the west. The proposal also does not conform to amenity space and loading space requirements. City Planning is not in support of this proposal in its current form.

On July 29, 2015, the rezoning application was appealed to the OMB by the applicant pursuant to Section 34(11) of the *Planning Act* due to the City not making a decision within 120 days of deeming the application



complete. It is recommended that the City oppose the appeal at the OMB. It is also recommended that staff continue discussions with the applicant to revise the proposal to address the issues identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law amendment application for 53, 61, and 65 Ontario Street and 102 Berkeley Street (file no. 15 113777 STE 28 OZ), and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. City Council authorize the Director, Community Planning, Toronto and East York District in consultation with the local Councillor, to secure services, facilities, and matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

On April 14, 2015, Toronto and East York Community Council approved the recommendations, with amendments, of the Preliminary Report on the application. The report identified various issues that need to be resolved, including: overall height of the building; building setbacks and stepbacks; mix of residential unit types; impacts to the adjacent heritage building and buildings with heritage potential; and amount of amenity space. In regards to appropriate building setbacks and stepbacks, the local Councillor made a motion to refer City Planning to raise the issue of the proposed severance at 102 Berkeley Street in the community consultation meeting, and address the issue in the Final Report. The report can be accessed at: <http://goo.gl/utbC5F>

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop a mid-block site for a mixed-use building of 25 storeys (83.45 metres including the mechanical penthouse), consisting of an 8-storey base building with street-related retail, and a 17-storey tower (refer to Attachments 2a-b: Elevations). The front portion of the existing 1-storey building at 102 Berkeley Street is to be retained and proposed to be severed through a future Consent application. The proposal has a total gross floor area of 18,601 square metres, of which 17,981 square metres is residential space, and 620 square metres is street-related retail space.

The proposed massing of the base building provides a 0 metre side yard setback condition along the north property line to a depth of 20.9 metres from Ontario Street, and a 0 metre side yard setback condition along the south property line. The proposed 0 metre setback along the south property line mirrors the existing condition of the building to the south, creating a continuous streetwall. The proposal's setbacks and stepbacks are further explained in the following table:

Setbacks and Stepbacks to the Property Line		
Base Building	North - after a depth of 20.9 metres from Ontario Street	9.3 to 15.3 metres
	South – after a depth of 20.9 metres from Ontario Street	0 metres on the 1 st and 2 nd floors 9.3 metres from the 3 rd to 8 th floors
	East – to the proposed severance line of 102 Berkeley Street	0 metres
	West	0 metres
Tower	North	10 to 16 metres
	South	10 metres
	East – to the proposed severance line of 102 Berkeley Street	6.28 metres
	West	6.5 metres

The development proposes a total of 277 residential dwelling units consisting of: 82 (29.6%) bachelor units; 146 (52.7%) one bedroom units; 31 (11.2%) two bedroom units; and 18 (6.5%) three bedroom units. Indoor amenity space of 439 square metres on the 2nd and 9th storeys, and outdoor amenity space of 450 square metres is proposed on the 9th storey.

Pedestrian access to the residential lobby and the street-related retail spaces are proposed on Ontario Street. Two street-related retail units are proposed, with separate entrances on the south and north side of the site along Ontario Street. The entrance to the residential lobby is proposed to be located between the retail entrances along Ontario Street (refer to Attachment 1: Site Plan).

Vehicular access is proposed on Ontario Street. A 4 level underground garage that accommodates 160 residential, and 16 visitor vehicular parking spaces is proposed. A shared Type G/B loading space is proposed to be accessed from Ontario Street. Bicycle parking spaces are proposed to be located within the underground garage and at grade, with 249 residential, 28 visitor, and 5 commercial spaces (refer to Attachment 5: Application Data Sheet).

Site and Surrounding Area

The site fronts on Ontario Street to the west and Berkeley Street to the east, generally located southeast of Richmond Street East and Ontario Street. The site consists of 4 municipal addresses: 61 Ontario Street – a vacant lot; 65 Ontario Street - a 2.5-storey detached residential building converted for mixed-uses; 102 Berkeley Street – a 1-storey brick warehouse building; and 53 Ontario Street – a vacant lot that previously contained a 4-storey brick office building with a 2-storey rear addition.

The surrounding uses are as follows:

- West: On the west side of Ontario Street are: the Gendron Manufacturing Company Building at 411 Richmond Street East - a 3-storey brick commercial/industrial building that is designated under Part IV of the *Ontario Heritage Act* by By-law 352-83 and included on the City's Heritage Register; an east-west City-owned public laneway; and 424 to 460 Adelaide Street East – a site under construction for two condominium towers of 19 and 21-storeys with a shared mixed-use base building, subject to Site Plan Approval application (file no. 12 139600 STE 28 SA).
- North: 67 to 71 Ontario Street – three 2.5-storey brick mixed-use townhouses; 75 Ontario Street and 429 Richmond Street East – a 1-storey retail building; 431 Richmond Street East – a 2-storey brick commercial building; 455 – 457 Richmond Street East – two 2 to 3-storey residential buildings; 461 Richmond Street East – a 1-storey place of worship; 467 to 469 Richmond Street – two 2.5-storey residential brick townhomes; and 106 to 112 Berkeley Street – four 2-storey townhouses used for residential and commercial purposes.
- East: 86 and 94 Berkeley Street – a private surface parking lot. On the east side of Berkeley Street are: 111 to 115 Berkeley Street - four 2-storey semi-detached office buildings that are listed on the City's Heritage Register; 97 to 105 Berkeley Street - a private surface parking lot; and the Christie, Brown & Co. Stables building at 93 to 95 Berkeley Street – a 2-storey brick building designated under Part IV of the *Ontario Heritage Act* by By-law 1037-2015, included on the City's Heritage Register, and subject to Site Plan Approval application (file no. 15 156917 STE 28 SA) for a 21-storey mixed-use building.
- South: 49 Ontario Street – a 7-storey commercial office building; and 472 to 474 Adelaide Street East – a 2-storey mixed-use building. Southeast includes: 82

Berkeley Street – a 2-storey industrial/office building; and 72 to 78 Berkeley Street – four 2.5-storey townhouses used for residential and commercial purposes. On the south side of Ontario Street is 25 Ontario Street – a 3-storey brick building that is designated under Part IV of the *Ontario Heritage Act* by By-law 339-2013, included on the City's Heritage Register, and subject to Zoning By-law amendment application (file no. 11 327900 STE 28 OZ) to permit a 27-storey residential building with street-related retail uses.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities by accommodating a range and mix of uses; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; protecting significant built heritage resources; and protecting public health and safety. In regards to our built heritage resources, the PPS aligns with the *Ontario Heritage Act* by not permitting development on adjacent lands to protected heritage properties except where the proposed development and site alteration has been evaluated and has been demonstrated that the attributes of the heritage property will be conserved. The PPS recognizes that local context and character is important and indicates the Official Plan is the most important vehicle for implementation of the PPS. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe 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; protecting natural systems; and the conservation of cultural heritage and archaeological resources where feasible. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 – Urban Structure. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work. However, growth is not envisioned to spread uniformly throughout the *Downtown*. The site is designated *Regeneration Areas* on Map 18 – Land Use Plan. Section 4.7 indicates *Regeneration Areas* are unique areas of the City where a mixture of uses is encouraged, and where strategies and a framework for development shall be “tailor-made” based on the specific policies of the Secondary Plan.

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

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

Section 5.6 – “Interpretation” provides guidance on the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – “How to Read the Plan” indicates the Official Plan is a comprehensive and cohesive whole. This application was reviewed against all policies of the Official Plan. The Official Plan can be accessed at: <http://goo.gl/q127OD>

Official Plan Amendment 199

On May 12, 2015 the OMB approved Official Plan Amendment 199 to the City's Official Plan Heritage policies. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register, and provide policy direction on development *adjacent* to heritage properties. The term '*adjacent*' is defined as those lands adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, green space, park and or easement or intersection. Policy 26 requires new construction on, or *adjacent* to a

property on the Heritage Register be designed to *conserve* the cultural heritage values, attributes and character of the property and to mitigate visual and physical impact on it, including considerations such as scale, massing, materials, height, building orientation and location relative to the heritage property.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring development is compatible and complementary to the existing built form character and scale of the area.

The site is designated *Regeneration Area 'A' (Jarvis-Parliament)* on Map 15-1 – Land Use Plan. Lands designated *Regeneration Area 'A'* are targeted for significant growth as a whole, having a mixture of compatible land uses (refer to Attachment 3: King-Parliament Secondary Plan).

The built form policies of the Official Plan are further refined in Section 3 – “Urban Structure and Built Form” of the Secondary Plan. In particular, new development shall: provide adequate light, view and privacy for neighbouring properties; achieve a compatible relationship with its built form through height, massing, scale, setbacks, roofline, and profile architectural character and expression; provide appropriate proportional relationships to adjacent streets to minimize wind and shadowing impacts; and provide streetscape and open space improvements.

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

The front portion of 102 Berkeley Street is within the *Corktown Area of Special Identity* on Map 15-3 – Areas of Special Identity. Berkeley Street is also identified as a *Special Street* on Map 15-1 – Land Use Plan. Although the proposal currently does not contemplate redevelopment on the front portion of 102 Berkeley Street, the project will be reviewed against the policies applicable to the *Corktown Area of Special Identity*. Further built form and urban design considerations are outlined in the King-Parliament Urban Design Guidelines.

This application was reviewed against all policies of the Secondary Plan, which can be accessed at: <http://goo.gl/oFjxDX>

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines provides urban design direction to the policy intent of the King-Parliament Secondary Plan. As noted above, the front portion of 102 Berkeley Street is identified within the *Corktown Area of Special Identity*. New development shall respect the historical and urban design significance of the area. Berkeley Street is also identified as a *Special Street*. The preservation of heritage buildings and maintenance of the scale and character of the street on vacant or infill sites is an urban design objective along Berkeley Street.

This application was reviewed against the King-Parliament Urban Design Guidelines, which can be accessed at: <http://goo.gl/e0da4s>

King-Parliament Community Improvement Plan

The purpose of the King-Parliament Community Improvement Plan (CIP) is to complement the policies of the King-Parliament Secondary Plan by providing a framework for the improvement of public lands within the King-Parliament area. The *Corktown Area of Special Identity* is identified as an area that deserves special attention in order to highlight its heritage and historical importance. Berkeley Street, as a *Special Street* merits additional attention to its long-term physical improvement. Other potential civic improvements identified in the CIP within proximity to the site shall also be considered.

St. Lawrence Heritage Conservation District Study

The site is outside of the draft St. Lawrence Heritage Conservation District (HCD) Plan's boundary. The draft HCD Plan indicates development adjacent to its Plan boundary to conform to the policy direction of OPA 199 to the City's Official Plan.

Zoning

Under Zoning By-law 438-86, the site is zoned RA "Reinvestment Area" with a height limit of 26 metres for 53, 61 and 65 Ontario Street, and 12 metres for 102 Berkeley Street. The RA designation permits a mixture of uses including residential, retail, office and manufacturing uses. The site is subject to certain permission and exception provisions including: a massing height of up to 20 metres with a subsequent stepback of 3 metres along Ontario Street; and a massing height of up to 12 metres between the street limit to a lot depth of 12 metres along Berkeley Street.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. 53 and 65 Ontario Street are zoned CRE (x41), 61 Ontario street is zoned CRE (x1), and 102 Berkeley Street is zoned CRE (x23) "Commercial Residential Employment". The height limits, the range of uses, and site specific permission and exceptions are carried over from Zoning By-law 438-86 (refer to Attachment 4: Zoning).

City-Wide Tall Building Design Guidelines

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

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

This application was reviewed against the city-wide Tall Building Design Guidelines, including sections on fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and HCDs, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space, and sustainable design. The city-wide Guidelines can be accessed at: <http://goo.gl/FshVfT>

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted at the writing of this report.

TOcore

On May 13, 2014, TEYCC considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two, "Planning and Analysis". The review of this application was informed by the issues being considered under TOcore.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law to permit the height of the 25-storey building, and other non-conforming conditions including: reduction in rear yard setback; reduction of indoor and outdoor amenity space; and reduction in vehicular parking spaces.

City Division/Agency Circulation

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

Design Review Panel

The application was considered by the Design Review Panel on July 7, 2015, where the Panel voted for redesign of the proposal. The Panel noted the massing and design of the proposal must be sensitive its context given the site's location within an older neighbourhood. In coming to a vote for a redesign of the proposal, key suggestions include:

- The density should be reduced;
- The height and overall massing of the base building needs to be reduced to complement the lower-scale townhouses to the north;
- The building's setbacks and stepbacks to the side and rear lot lines need to be increased; and,
- Provide an east-west midblock pedestrian connection.

The Panel also indicated a conceptual block plan showing how the proposal relates to the future planned context of the block would be needed to better understand the appropriateness of the proposal's massing. The Panel also noted this proposal does not offer improvements to the public realm in correlation to the requested density and massing.

Community Consultation

Informal meetings with members of the public and written comments were submitted throughout the application's review process. Concerns raised by members of the public include:

- Insufficient side and rear yard setbacks and stepbacks;
- The impact of the potential consent application to sever the property at 102 Berkeley Street, and the resultant deficient building setbacks and stepbacks from new property lines; and,
- The location of the driveway proposed at the northern portion of the site.

On April 2, 2015, the applicant presented the proposal to the St. Lawrence Neighbourhood Association's (SLNA) Development Committee, and the Corktown Residents and Business Association (CRBA). The SLNA Development Committee indicated: the tower and base building should be lowered in height; the proposal should complement and respect the heritage resources surrounding the site; an adequate supply of family sized units shall be provided; and the lack of natural light access for the ground floor units. The CRBA suggested an east-west pedestrian connection between Ontario Street and Berkeley Street be provided.

On September 16, 2015, a community consultation meeting was held at St. Paul's Basilica at 93 Power Street. City Planning staff, the applicant, the local Councillor and approximately 10 members of the public attended. Comments raised at the meeting include:

- the tower height is too tall for the area;
- the base building height is too tall and does not complement the townhomes to the north;
- the driveway access be relocated from the north portion of the site to the south portion of the site; and,
- the proposed retail uses at grade should be located on the north side of the site fronting on Ontario Street.

At the community consultation meeting, the applicant indicated: revisions to the proposal based on agency and community comments will be considered; and there are no redevelopment plans on properties owned by the applicant north of the site.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS recognizes the local context is important, and that a well-designed built form contributes toward overall long-term economic prosperity. Policy 4.7 indicate the Official Plan is the most important vehicle for implementation of the PPS. Policy 1.1.3.3 indicate planning authorities shall identify appropriate locations for intensification and redevelopment. Further, policy 2.6.3 indicate planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. In this context, the Official Plan further refines the direction of the PPS to require appropriate built form to fit harmoniously into its existing and/or planned context, and the conservation of heritage properties. It is the position of City Planning staff that the built form of the proposal does not respect the physical character of the area, and will have a negative heritage impact on the Gendron Manufacturing Company Building at 411 Richmond Street East. As such, this proposal is not consistent with the PPS, and has not addressed the policy direction of the Official Plan.

The site is within the urban growth centre of the built-up area boundary as delineated in the GPGGH, where a significant share of population and employment growth is anticipated. In conjunction with the direction for intensification in the urban growth area, policy 6 in section 2.2.3 of the GPGGH directs the City's Official Plan and supporting documents, such as urban design guidelines, to establish policies to identify appropriate scale of development. Further, policy 7 directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan and the urban design guidelines provide direction on the appropriate massing and separation distances between buildings. Policy 1(e) in section 4.2.4 of the

GPGGH indicates municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage resources where feasible. The City has developed heritage policies through its Official Plan in support of cultural heritage conservation that this proposal has not met. Also, the proposal does not have regard to Section 2(d) of the *Planning Act* which provides that the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest is a matter of provincial interest. As such, this proposal is in conflict with the GPGGH.

Land Use

The proposal consists of residential and retail commercial uses, and complies with the intent of the land use provisions for Regeneration Areas in the Official Plan and the King-Parliament Secondary Plan.

Height

The proposal's overall height of 83.45 metres, or 25 storeys, is not supported by City Planning. Although the Official Plan recognizes *Regeneration Areas* within *Downtown* as areas where intensification is encouraged, it also requires new development be located and organized to fit within its existing and planned context so it achieves a compatible relationship with the built form context. The King-Parliament Secondary plan further refines the Official Plan's policies on built form and indicate new development must respect the physical character of the King-Parliament area. The Tall Building Design Guidelines encourage tall buildings to fit and transition to lower scale buildings.

The proposed building's overall height exceeds the current Zoning By-law height permission of 26 metres along Ontario Street and does not provide an appropriate height transition for the King-Parliament area from east to west. Heights of tall buildings within the King-Parliament area either constructed or approved gradually decrease from the west to east. Within proximity to the subject site, recent developments constructed or approved range between 19 to 21 storeys, and are more consistent with the prevailing warehouse character fabric of the area. In adhering to the policy direction of the King-Parliament Secondary Plan, the incremental transition of this area to a predominately point tower typology has been avoided. Further, the site abuts the *Corktown Area of Special Identity* to the east, where building heights are anticipated to be lower in scale. City Planning staff have requested the applicant to reduce the height of the proposal from 25 storeys to 19 storeys in keeping with the existing and planned context, and character of the King-Parliament area, and will continue discussions with the applicant to achieve an appropriate overall building height.

Scale, Massing and Separation Distances

The massing of the proposal is not supported by City Planning. The King-Parliament Secondary Plan requires development to be sited and massed to provide adequate light, view and privacy for neighbouring properties. The Tall Building Design Guidelines direct proposals to evaluate the existing and planned context by: transition to lower scale buildings; provide a base building height of 80% of the street right-of-way where no

consistent streetwall is present; and provide a minimum 25 metres between tall buildings, among other performance measures. The proposed base building of 21.6 metres in height or 8 storeys does not provide an appropriate transition to the two 2.5 storey townhouses to the north, and also does not conform to the performance measure for a 16 metre base building height as directed by the Tall Building Guidelines. The proposed severance line at 102 Berkeley Street will create a 0 metre base building setback condition and insufficient tower setback to the proposed east lot line. Also, the 10 metre setback of the tower to the north and south property lines for this mid-block site does not meet the minimum performance measure of 12.5 metres as stipulated in the Tall Building Guidelines. The proposed massing conditions on the site do not offer sufficient separation distances for potential redevelopment of abutting properties in the future.

City Planning staff requested the applicant to reduce the height of the base building to respond to the heritage building to the west and potential heritage buildings to the north, and also requested the applicant to provide a block context analysis, showing how the proposal relate to the potential build out of the block bordered by Ontario Street, Richmond Street East, Berkeley Street and Adelaide Street East. In the interim, without the block context analysis for review, City Planning staff requested the applicant to make the following revisions to the proposal:

- increase the tower setback from 6.3 metres to 10 metres to the proposed east property line;
- shift the location of the tower northwards to provide a 12.5 metre setback to the south property line; and,
- eliminate the massing that encompass dwelling units on the ground floor located on the south portion of the site.

City Planning staff have no concerns with the proposal to maintain the front portion of the existing building at 102 Berkeley Street, as it conforms to policy and urban design guideline directions in maintaining the scale and character of Berkeley Street – a *Special Street* identified in the King-Parliament Secondary Plan.

Heritage

A Heritage Impact Assessment (HIA) was submitted in support of the application. City Planning staff have reviewed the document, and is of the opinion the proposal will have a negative visual impact on the Gendron Manufacturing Company Building. The Gendron Manufacturing Building occupies approximately one half of the block on the west side of Ontario Street between Richmond Street East and Adelaide Street East. This former factory building is constructed of red brick with a stone base typical of historic industrial buildings in this neighbourhood. The proposal includes a black metal clad base building located directly across the street from the heritage building. This base building will rise to a height of 21.6 metres. At 21.6 metres this base building will be approximately double the height of the approximately 11 metre tall heritage building. The design of this base building does not sufficiently respond to the height and materiality of the heritage

building and as a result will create a negative visual impact that is inconsistent with OPA 199.

The site is also directly south of three house form buildings that may have sufficient cultural heritage value to be designated under the *Ontario Heritage Act*. City Planning staff has recommended that the applicant work with their heritage consultant to evaluate these properties. In the context of this application City Planning Heritage staff will be evaluating these properties for Cultural Heritage value. If these properties are found to have cultural heritage value, the design of the proposed base building should conserve their cultural heritage value.

City Planning staff will continue discussions with the applicant on revising the base building height that will sufficiently mitigate negative impacts to the adjacent heritage building.

Amenity Space

The proposed 439 square metres of indoor and 450 square metres of outdoor amenity space is not sufficient. Zoning By-law standards require 2.0 square metres per dwelling each for indoor and outdoor amenity space. This standard results in 554 square metres each for indoor and outdoor amenity space for the 277 unit proposal. City Planning staff requests this proposal to conform to the Zoning By-law standards on amenity space.

Sun/Shadow/Wind

Shadow studies submitted in support of the application assessed the proposal's shadow impacts on the public realm during the fall equinox. The massing of the proposal will shadow the opposite side of Ontario Street from 9:18am to 10:15am, and Richmond Street East from 9:18am to 3:18pm. As part of the ongoing discussions on the proposal's height and massing with the applicant, City Planning staff will attempt to further mitigate shadow impacts from this proposal on the public realm.

The Pedestrian Wind Study submitted in support of the application assessed projected wind velocities within and surrounding the proposed site. The report concluded suitable wind conditions will be achieved at the entrances of the development, adjacent sidewalks, and outdoor amenity areas provided wind mitigation measures are implemented. City Planning staff has requested the applicant to provide a wind velocity assessment for the south terrace on the first floor, should the south terrace remain as part of the proposal.

Proposed Severance at 102 Berkeley Street

The Planning Rationale Report submitted in support of the application indicated a Consent application will be submitted to sever the front portion of the property at 102 Berkeley Street. The proposed Consent application suggests additional development on 102 Berkeley Street in the future. City Planning staff recommends the property at 102 Berkeley Street not be severed, and instead be utilized as part of the proposal.

City Planning staff will continue discussions with the applicant on the proposed Consent application, and the resultant building setbacks and stepbacks issues.

Traffic Impact and Vehicular Access

The Traffic Impact Study submitted in support of the application concluded vehicular trip generation from the proposal will have minimal traffic impacts to the surrounding street intersections. Engineering and Construction Services (ECS) staff has reviewed the study and are satisfied with its conclusions on traffic impact.

The Traffic Impact Study indicated the proposed shared Type G/B loading space is adequate to serve the proposal. ECS staff do not agree with the study's recommendation for a shared loading space, and require the Type G and B loading spaces be separated in order to ensure residential waste collection is not impeded.

The proposed driveway location, and proposed vehicular access to the underground garage is acceptable to ECS staff. Detailed design of the driveway access and vehicular circulation will be provided through the Site Plan Control process, should the application be approved in some form.

Vehicular Parking

The Traffic Impact Study submitted in support of the application indicates the proposed total of 176 vehicular parking spaces consisting of 160 residential and 16 visitor spaces is sufficient for the proposal. ECS staff has reviewed the study and are satisfied with the number of parking spaces proposed. However, it is noted the number of accessible parking spaces for the 277 unit proposal is 8, whereas only 4 are proposed. Staff will continue discussions with the applicant in providing an appropriate number of accessible parking spaces.

Bicycle Parking

The proposed total of 282 bicycle parking spaces consisting of: 249 resident; and 28 visitor; and 5 commercial spaces is sufficient for the proposed development. City Planning staff have concerns with the proposed location of some of the residential bicycle parking spaces in storage lockers within the underground garage, and will continue discussions with the applicant on relocating the parking spaces.

Servicing and Stormwater Management

A Functional Servicing & Conceptual Stormwater Management Report was submitted in support of the application. The report concluded the proposal can be adequately serviced with the existing municipal sewer and water service systems, along with the implementation of an underground storage tank and a sump on site to control storm drainage. ECS staff has reviewed the report and require more information on the report's findings, including: capacity of the existing storm sewer; and water service connections for the different land uses of the proposal. Staff will continue discussions with the applicant to address the outstanding servicing and stormwater management concerns.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 277 dwelling units and 176 underground vehicular parking spaces, retaining none of the original structures on the site. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 3,693 sq.m. or 186% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 193.3 sq.m.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit, should the proposal be approved in some form.

Tree Preservation

An Arborist Report was submitted in support of the application, proposing to remove 3 trees on and within 6 metres of the site. Urban Forestry staff have reviewed the report and are not satisfied that the report will adequately address the requirements and approval process of the City's Private Tree By-law and City Street Tree By-law. Staff will continue discussions with the applicant on an appropriate tree protection and removal plan that conforms to the City's tree by-laws.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. City Planning staff will continue discussions with the applicant to achieve Tier 2 of the TGS.

Section 37

The proposal at its current height would normally be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on the proposal's height and massing. Should this proposal be approved in some form by the OMB, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicants, in consultation with

the local Councillor. Potential benefits may include: local streetscape and parkland improvements; the redevelopment of the North St. Lawrence Market; the redevelopment of the site of Canada's First Parliament buildings; and the implementation of the Heritage Interpretation Master Plan and Heritage Lighting Master Plan for Old Town Toronto.

CONCLUSION

City Planning is not in support of the proposal as submitted as the proposed massing does not fit within the character of the King-Parliament area, and negatively impacts the heritage building to the west. The King-Parliament area is more consistent in its built form context that attributes to the warehouse typology, the numerous heritage buildings and buildings with heritage potential, and the existing laneway system. New development within this area should be sensitive and be more compatible with the prevailing character of this area. City Planning staff is of the opinion the proposal needs to be revised in its height and massing in order to fit contextually in the area, and provide sufficient amenity space and loading spaces for the size of this development.

City Planning staff recommends continued discussions with the applicant be sought to revise the proposal which addresses the issues set out in this report.

CONTACT

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SIGNATURE

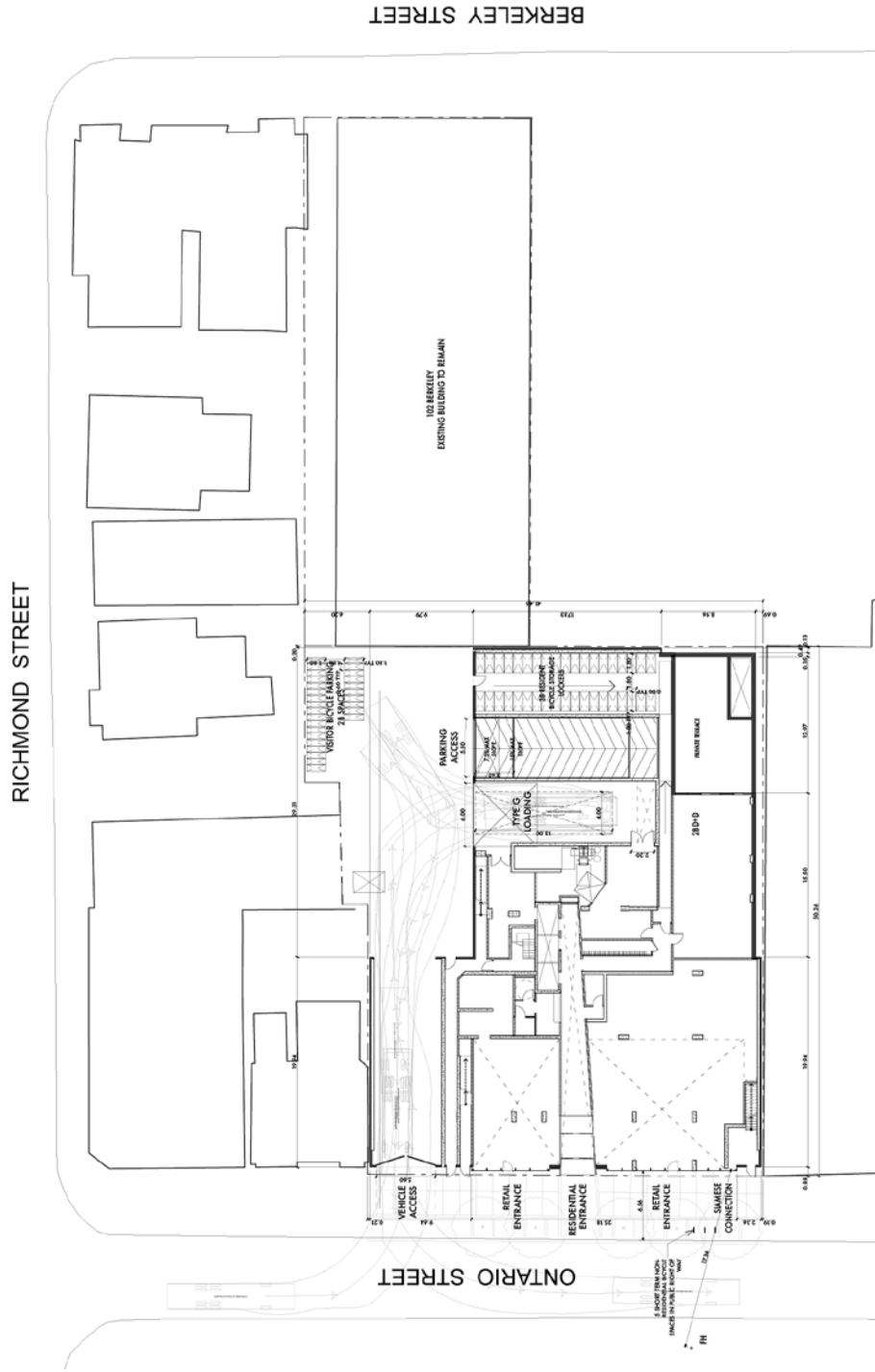
Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a-b: Elevations
Attachment 3: King-Parliament Secondary Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



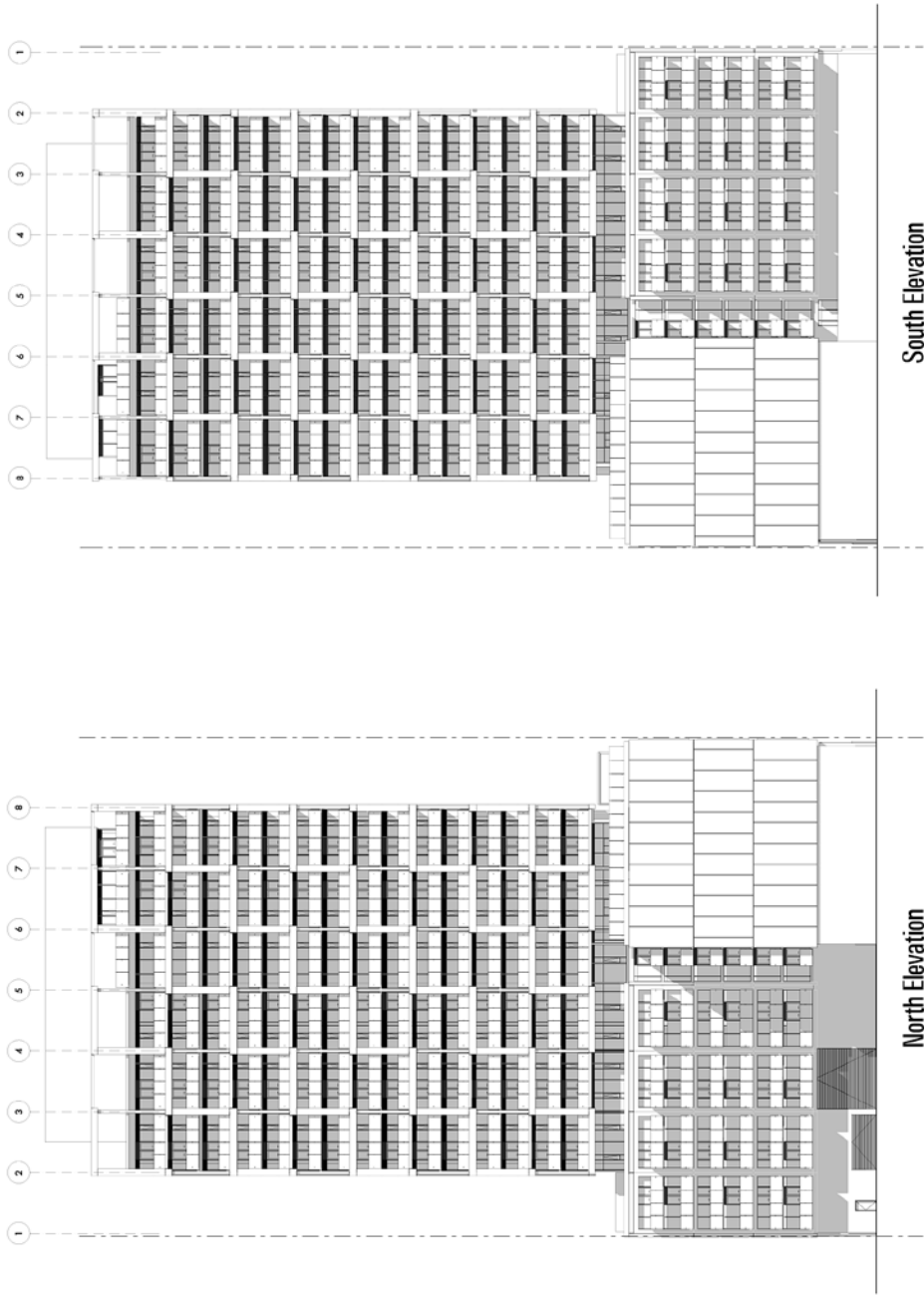
53, 61 & 65 Ontario Street and 102 Berkeley Street

Site Plan
Applicant's Submitted Drawing

Not to Scale
03/04/2015

File # 15 113777 STE 28 0Z

Attachment 2a: North and South Elevations



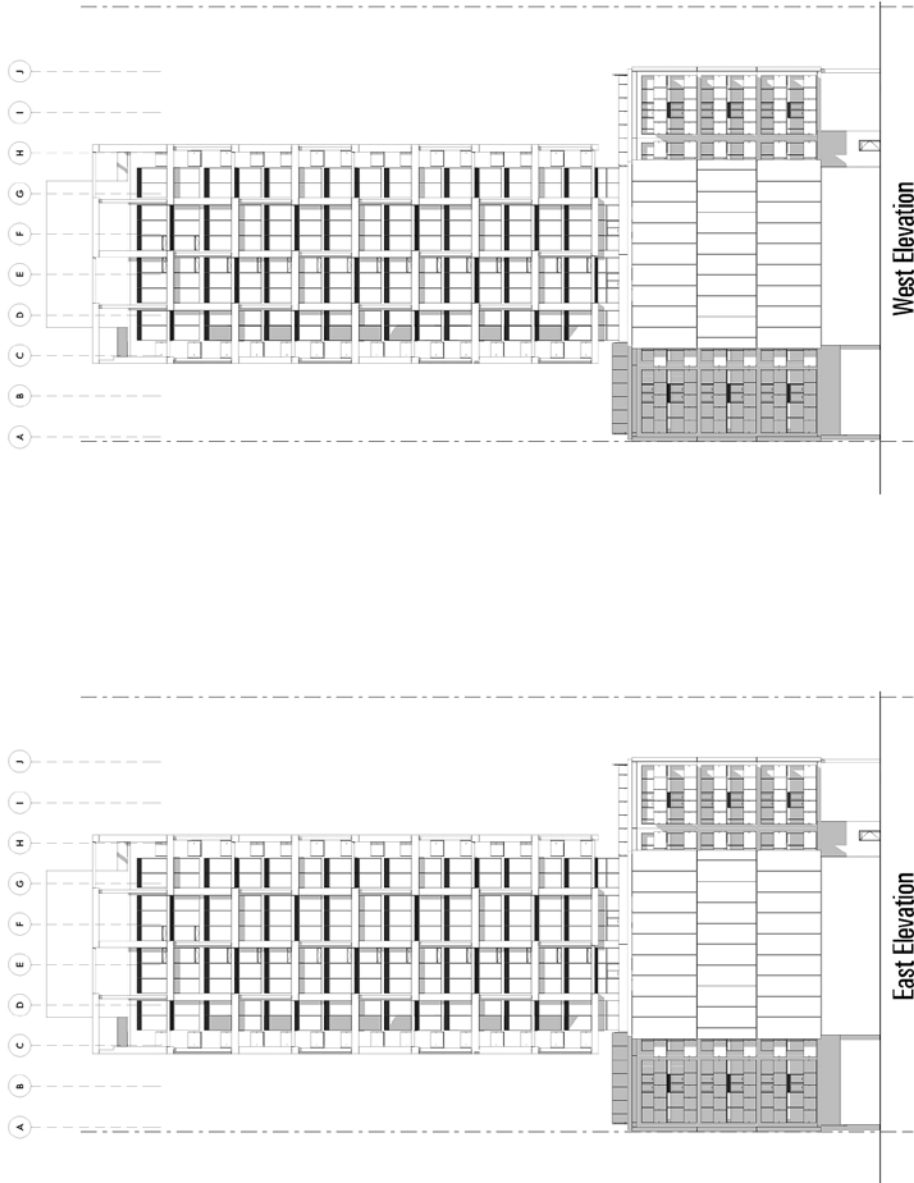
Elevations
Applicant's Submitted Drawing
Not to Scale
03/04/2015

53, 61 & 65 Ontario Street and 102 Berkeley Street

File # 15 113777 STE 28 0Z

Staff report for action – Request for Direction – 53, 61 and 65 Ontario Street, and 102 Berkeley Street

Attachment 2b: East and West Elevations

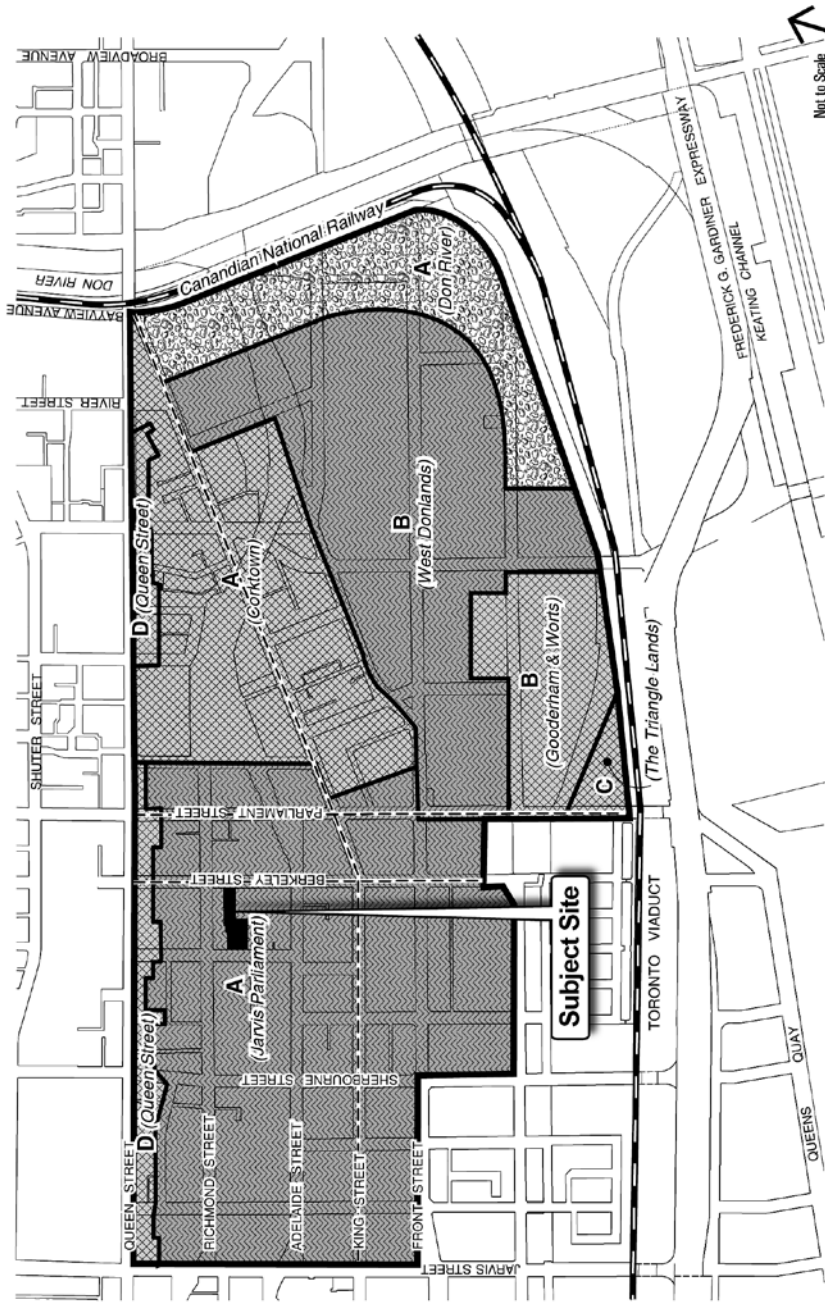


Elevations
Applicant's Submitted Drawing
Not to Scale
03/04/2015

53, 61 & 65 Ontario Street and 102 Berkeley Street

File # 15 113777 STE 28 0Z

Attachment 3: King-Parliament Secondary Plan

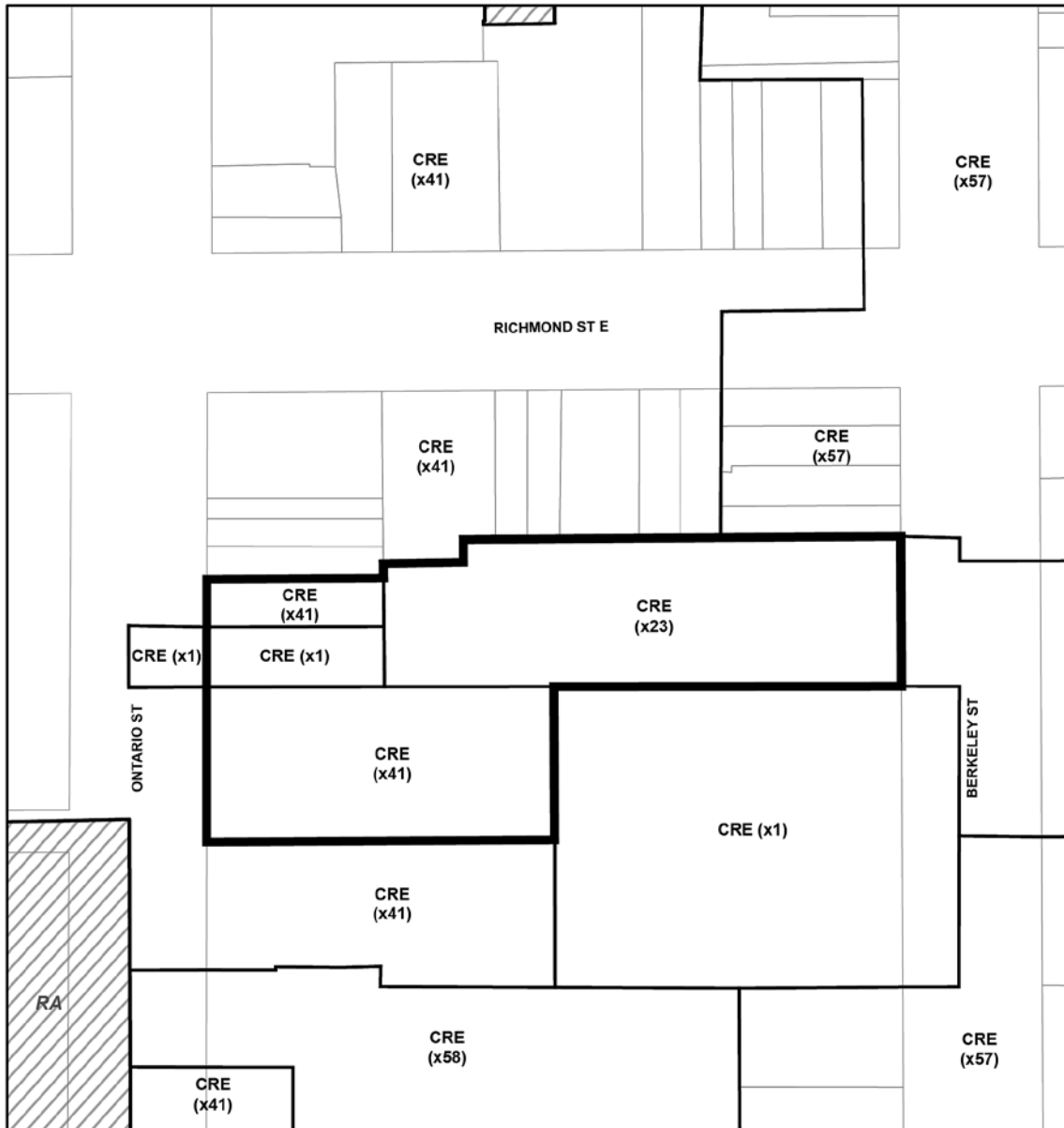


Toronto
City Planning Division

King-Parliament Secondary Plan
MAP 15-1 Land Use Plan

June 2006

Attachment 4: Zoning




Zoning By-law 569-2013

53,61 & 65 Ontario Street and 102 Berkeley Street

File # 15 113777 STE 28 OZ

 Location of Application
CRE Commercial Residential Employment

 See Former City of Toronto Bylaw No. 438-86
RA Mixed-Use District


 Not to Scale
 Extracted: 03/04/2015

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	15 113777 STE 28 OZ
Details	Rezoning, Standard	Application Date:	February 9, 2015
Municipal Address:	53, 61 & 65 Ontario Street, and 102 Berkeley Street		
Location Description:	PLAN 7A BLK 1 LOT 12 RP 66R17669 PART 2 **GRID S2808		
Project Description:	Proposed 25-storey mixed-use building containing street related retail uses and residential uses above. A residential gross floor area of 17,981 square metres is proposed with 620 square metres of grade-related retail uses. The building will contain a total of 277 residential units, 176 underground vehicular parking spaces and 282 bicycle parking spaces.		

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis LLP Attn: Kim Kovar		architectsAlliance	Bel-East Corp. and Bel Ontario Inc.

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	N/A
Zoning:	CRE (x41)	Historical Status:	No
Height Limit (m):	26, 12	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1,986 (excluding the front portion of 102 Berkeley St.)	Height:	Storeys: 25
Frontage (m):	37.47		Metres: 83.45
Depth (m):	50.26		
Total Ground Floor Area (sq. m):	1,305		Total
Total Residential GFA (sq. m):	17,981	Vehicular Parking Spaces:	176
Total Non-Residential GFA (sq. m):	620	Loading Docks	1
Total GFA (sq. m):	18,601	Bicycle Parking Spaces:	282
Lot Coverage Ratio (%):	66		
Floor Space Index:	9.37		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0 (0%)	Residential GFA (sq. m): 17,981	0
Bachelor:	82 (29.6%)	Retail GFA (sq. m): 620	0
1 Bedroom:	146 (52.7%)	Office GFA (sq. m): 0	0
2 Bedroom:	31 (11.2%)	Industrial GFA (sq. m): 0	0
3 + Bedroom:	18 (6.5%)	Institutional/Other GFA (sq. m): 0	0
Total Units:	277 (100%)		

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	E-MAIL:	htang2@toronto.ca