

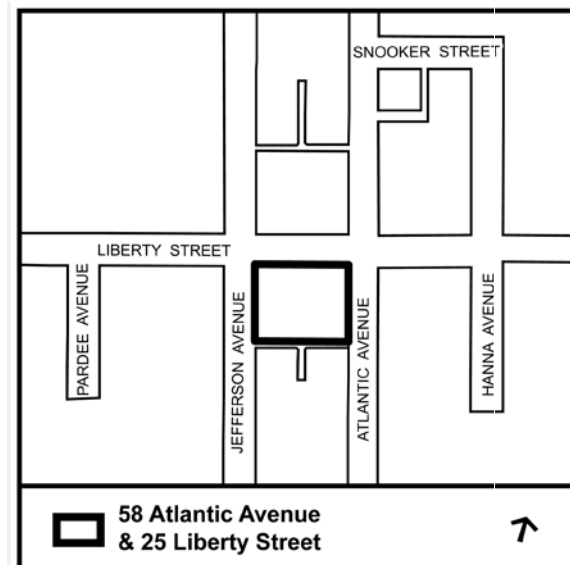
25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue – Zoning Amendment and Rental Housing Demolition and Conversion Applications – Final Report

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| Date: | April 16, 2018 |
| To: | Toronto and East York Community Council |
| From: | Acting Director, Community Planning, Toronto and East York District |
| Wards: | Ward 14 – Parkdale-High Park |
| Reference Number: | 15 236743 STE 14 OZ and 15 130397 STE 14 RH |

SUMMARY

The Zoning By-law Amendment application proposes the development of a 10-storey (49 metres, including the mechanical penthouse) 25,700 square metre commercial office building at 25 Liberty Street and 58 Atlantic Avenue. The proposed development incorporates the existing three storey heritage building on the northeast corner of the site.

The application for Rental Housing Demolition and Conversion proposes to demolish 42 existing live/work units at 25 and 35 Liberty Street and 51, 61 and 65 Jefferson Avenue and replace them as 51 new residential dwellings units within two new rental apartment buildings currently under construction at 11 and 25 Ordinance Street. The off-site location is within the same general neighbourhood of 25 Liberty Street and provides for the replacement rental units to be mixed throughout the new rental buildings.



This report reviews and recommends approval of Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications to permit the proposed development.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 (April 9, 2018) from the Acting Director, Community Planning, Toronto and East York District;
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. Before introducing the necessary bills contemplated in Recommendation 1 to City Council for enactment, City Council require the owner(s) to:
 - a. Enter into Heritage Easement Agreements with the City for the properties at 25 Liberty Street, to the satisfaction of the Senior Manager, Heritage Preservation Services and the City Solicitor, and in accordance with the recommendations of the Staff report to the Toronto Preservation Board and Toronto, (April 6, 2018) from the Senior Manager Heritage Preservation Services, City Planning Division, with such agreement to be registered on title to the subject properties prior to the earlier of the coming into force of the Zoning By-law Amendments giving rise to the proposed alterations, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services; and;
 - b. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the properties at 25 Liberty Street, all to the satisfaction of the Senior Manager, Heritage Preservation Services, in accordance with the recommendations of the Staff report to Toronto Preservation Board (April 6, 2018) from the Senior Manager Heritage Preservation Services, City Planning Division.

4. Before introducing the necessary bills contemplated in Recommendation 1 to City Council for enactment, City Council require the owner(s) to enter into an Agreement(s) with the City pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor, together with satisfactory provisions in the amending By-laws, to secure the following, at the owner's expense, in connection with 25 and 35 Liberty Street, and 58 Atlantic Avenue and 51, 61 and 65 Jefferson Avenue (the development lands), all to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor, with such agreement to be registered to the satisfaction of the City Solicitor prior to the earlier of the bills coming into force, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, including conditional permits and permits for excavation and shoring, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services:
 - a. The following matters are recommended to be secured in a Section 37 Agreement:
 - i. A financial contribution by the owner of \$1,250,000.00 towards the provision of affordable rental housing within Ward 14 in the vicinity of the site including provision for upwards in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
 - ii. The entering into of a Three Party Agreement between the City, the owner of the development lands, and the owner of the 11 and 25 Ordnance Street property (the Ordnance rental replacement lands), all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor to provide for and secure among other matters, the off-site replacement at the Ordnance Street rental replacement lands, of the rental units to be demolished on the development lands, and at the prescribed rent levels, and with timing and other conditions as set out in Recommendations 6. a. to i. below, and with provision for with such agreement to be registered to the satisfaction of the City Solicitor prior to the earlier of the bills coming into force, or the issuance of any permit for all or any part of the development lands, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services;

- iii. The owner of the development lands to provide tenant relocation and assistance to all eligible tenants, including securing the right to return to the off-site replacement rental dwelling units and at restricted rents;
- iv. That prior to final Site Plan Approval for the proposed Zoning By-law Amendment by City Council for the property located at 58 Atlantic Avenue (25 Liberty Street), the owner shall:
 - A. provide final site plan drawings substantially in accordance with the approved Conservation Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - B. have obtained final approval for the necessary Zoning By-law Amendment required for the development lands, such Amendment to have come into full force and effect.
 - C. provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services.
 - D. provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - E. submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.
- v. That prior to the issuance of any permit for all or any part of the property at 58 Atlantic Avenue, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
 - A. have obtained final approval for the necessary Zoning By-law Amendment required for the alterations to the property at 58 Atlantic Avenue, such amendment to have

come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services.

- B. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services.
 - C. provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Lighting Plan, and Interpretation Plan.
- vi. That prior to the release of the Letter of Credit required the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the approved Conservation Plan, Approved Lighting Plan and Approved Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services and shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.
- b. The following matters of convenience are recommended to be secured in a Section 37 Agreement at the owners expense and thereafter implemented to the City's satisfaction:
- i. Implementation of wind mitigation measures as determined through a satisfactory wind tunnel analysis undertaken prior to the issuance Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - ii. Design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- iii. Design and construction prior to the issuance of the first above-grade building permit for all or any part of the development lands, of required improvements to municipal infrastructure identified in the Functional Servicing and Stormwater Management should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports; and
 - iv. Submission of a Construction Management Plan for the development lands, to the satisfaction of the Chief Planner and Executive Director, City Planning ,the City's General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, prior to the issuance of any permit, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, and thereafter shall implement the plan during the course of construction.
5. Before introducing the necessary bills contemplated in Recommendation 1 to City Council for enactment, City Council require the owner of the development lands to enter into a Three Party Agreement with the City and the Owner of the Ordnance rental replacement lands , all to the satisfaction of the Chief Planner and City Solicitor as required in Recommendation 4. a. ii. above, with such agreement to be registered to the satisfaction of the City Solicitor prior to the earlier of the bills coming into force, or the issuance of any permit for all or any part of the development lands, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services.
6. City Council approve the application for a Rental Housing Demolition permit in accordance with Toronto Municipal Code Chapter 667 to allow the demolition of 42 existing rental dwelling units located at 25 and 35 Liberty Street and 51, 61 and 65 Jefferson Avenue to subject to the following conditions:
- a. The owner of the Ordnance rental replacement lands shall provide and maintain not less than fifty-one (51) replacement rental dwelling units, comprised of 35 one-bedroom units and 16 two-bedroom units, on the lands within the development at 11 and 25 Ordnance Street, as illustrated on the plans submitted to the City Planning Division dated November 16, 2017, for a period of at least twenty years beginning from the date that the final replacement rental dwelling unit is first

occupied. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;

- b. The owner of the Ordnance rental replacement lands shall provide and maintain at least 2 one-bedroom replacement rental dwelling units at affordable rents and at least 17 one-bedroom or larger and 1 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten years beginning from the date that each replacement rental dwelling unit is first occupied. The owner of the Ordnance rental replacement lands shall provide and maintain at least 16 one-bedroom and 15 two-bedroom replacement rental dwelling units which may be offered at unrestricted rents;
- c. The owner of the development lands shall provide tenant relocation and assistance to all eligible tenants, and together with the owner of the Ordnance rental replacement lands shall provide the right to return to a replacement rental dwelling unit on the Ordnance rental replacement lands, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- d. The rental replacement dwelling units on the Ordnance rental replacement lands shall be ready and available for occupancy on or before the occupancy of seventy percent of the dwelling units in the Ordnance rental replacement building and before the non-residential use of any new buildings erected on the development lands on or after the date of enactment of the zoning by-law amendments for the development site;
- e. The owner of the Ordnance rental replacement lands shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities as illustrated on the plans submitted to the City on November 16, 2017 for such lands, together with access to bicycle parking and visitor parking and all other parts of the Ordnance rental replacement lands as other residents of such lands, on the same terms and conditions as other residents of such lands and at no cost, and any revisions to such amenities shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- f. The owner shall provide at least 14 vehicle parking spaces for a predetermined monthly fee to the satisfaction of the Chief Planner and Executive Director, City Planning to tenants of the replacement rental dwelling units;
- g. The owner shall provide at least 44 storage lockers for a predetermined monthly fee to the satisfaction of the Chief Planner and

Executive Director, City Planning, to tenants of the replacement rental dwelling units;

- h. The owner of the development lands shall have entered into with the City and the owner of the Ordinance rental replacement lands and registered, one or more Three Party Agreements pursuant to Recommendation 4 above, on title to the development lands and the Ordinance rental replacement lands to secure the conditions outlined in a, b, c, d, e, f and g above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division with such registration to occur on or before the date set out in Recommendation 5 above; and
- i. The owner of 11 and 25 Ordinance agrees in the event it applies for and obtains any minor variance pursuant to Section 45 of the Planning Act, for all or any part of such lands, that should the City seek the imposition by the Committee of Adjustment or of any Tribunal on appeal there from, of a condition(s) to help to secure the obligations associated with provision of the replacement rental dwelling units, as set out in Recommendation 4 and Recommendation 6, including amongst other matters, the requirement to retain such units as residential rental units, the rent requirements, the type of units, and the requirement to provide such 51 replacement rental units as set out in this Recommendation 6, including to returning tenants from the development site, as part of any minor variance application, the owner of 11 and 25 Ordinance lands shall not oppose such condition and shall assist with its implementation. In addition, in the event that such variance is not constructed by the time the Three Party Agreement are registered on the 11 and 25 Ordinance lands, the owner of 11 and 25 Ordinance shall enter into and register on title to the 11 and 25 Ordinance lands (the Ordinance rental replacement lands) a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands, comprising the 51 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing the conditions of this approval on the Ordinance rental replacement lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provision of the replacement rental housing on the Ordinance rental replacement lands following receipt of confirmation of the completion and occupancy of all such 51 replacement rental dwelling units at the rents required in this Recommendation 6, and including provision of the right to return eligible tenants, all to the satisfaction of the Chief Planner.

- j. The owner of the Ordnance rental replacement lands shall enter into and register on title one or more Agreement(s) pursuant to s.111 of the City of Toronto Act, 2006 to secure the conditions outlined in Recommendations 6. a. to i. above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
7. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Toronto Municipal Code Chapter 667 for the demolition 42 existing rental dwelling units located at 25 & 35 Liberty Street and 51, 61 & 65 Jefferson Avenue after all the following have occurred:
 - a. Satisfaction or securing of the conditions in Recommendation 6 above;
 - b. The Zoning By-law Amendment referred to in Recommendation 1 has come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for Site Plan approval by the Chief Planner or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;
 - d. The issuance of excavation and shoring permits for the approved development on the site;
 - e. The issuance of the first above grade permit at 11 and 25 Ordnance Street; and
 - f. The execution and registration of one or more Section 37 Agreements and the Three Party Agreement, pursuant to the *Planning Act* securing Recommendation 6 a, b, c, d, e, f, g and h and any other requirements of the Zoning-Bylaw Amendment.
 - g. The execution and registration of an agreement pursuant to s.111 of the *City of Toronto Act, 2006*.
 8. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning has issued the Preliminary Approval referred to in Recommendation 7.
 9. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City

Planning has issued the Preliminary Approval referred to in Recommendation 2, which permit may be included in the demolition permit for Toronto Municipal Code Chapter 667 under section 363-11.1 of the Municipal Code, on condition that:

- a. The owner erects an office building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. Should the owner fail to complete the new building within the time specified in condition 8.a above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
10. Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement; and,
 11. Before introducing the necessary bills contemplated in Recommendation 1 to City Council for enactment, City Council require the owner(s) to submit revised Functional Servicing, Geotechnical and Stormwater Management Reports, to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services Division, that address the comments in the memo from the Manager, Development Engineering Toronto & East York District (February 22, 2018).

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

Original Application Submission

The original application, submitted on October 13, 2015, proposed amendments to the Zoning By-law to permit the development of 12-storey, 59-metre commercial office building comprising 26,301 square metres of floor space and the incorporation of an existing three-storey heritage building on the northeast corner of the site. A total of 286 parking spaces were proposed in four levels of below-grade parking with access from Jefferson Avenue.

Current Application

The current plans, dated January 10, 2018, has been revised from the original submission detailed above. The current application proposes the development of a

10-storey, 49-metre commercial office building comprising 25,570 square metres of floor space. The proposal continues to incorporate the existing three-storey heritage building on the northeast corner of the site.

A glass atrium enclosing part of the south and west facades, which was featured in the original submission, has been modified. Several adjustments to building step backs and setbacks have been made resulting in changes to the massing of the building.

Retail and showroom uses are proposed on the ground floor of both the new construction and the retained heritage building.

A total of 111 bike parking spaces, 108 parking spaces and four loading spaces are proposed to be accessed via public laneway at the south of the site, connecting Jefferson Avenue and Atlantic Avenue. Two below grade parking levels are proposed.

The following chart compares details of the original and current applications.

| Statistic | Initial Submission | Current Plan |
|---------------------------|---------------------------|---------------------------|
| Total Floor Area | 26,301 square metres | 25,570 square metres |
| Building Height | 12 storeys (59 metres) | 10 storeys (49 metres) |
| Underground Garage Levels | 4 | 2 |
| Loading Spaces | 4 | 4 |
| Bike Parking Spaces | 105 | 111 |
| Vehicle Parking Spaces | 283 | 108 |

Rental housing Demolition and Conversion Application

A Rental housing Demolition and Conversion Application was submitted by the applicant on March 4, 2015, predating the Zoning By-law Amendment application, and requesting the demolition of four residential units on the site.

Following an inspection of the site by the City it was determined that revisions to the application were required to acknowledge the 42 live/work units existing on the property.

Pre-Application Consultation

A pre-application consultation meeting regarding the Zoning By-law Amendment application was held with the applicant on September 8, 2015, to provide preliminary comments and discuss complete submission requirements.

Site and Surrounding Area

The site is rectangular in shape and bordered by Liberty Street, Atlantic Avenue, Jefferson Avenue and a three-metre-wide public laneway connecting Jefferson Avenue and Atlantic Avenue. The total site area is 3,350 square metres.

The site is located within the "Liberty Village" area, which was historically an industrial/manufacturing district. Over the last two decades the area has transitioned away from an industrial employment focus with the construction of a number of residential apartment buildings on the east side of Liberty Village, and the construction and adaptive reuse of existing buildings as new office, creative and information technology spaces.

The site is currently occupied by a complex of five buildings ranging in height from one to three storeys with a surface parking lot accessed from Atlantic Avenue and boulevard parking on Liberty Street and Jefferson Avenue. There are a total of 53 units within the entire complex comprising of a mixture of commercial and residential tenants uses. 42 of the units are considered live/work units. The remaining 11 units are considered commercial.

North: Directly across the street is 60 Atlantic Avenue, a heritage designated three-storey office building; the north side of the property includes a surface parking lot which is under development review for a five-storey office building. Further north along Atlantic Avenue are low-rise office and commercial buildings, including the heritage designated property at 99 Atlantic Avenue for a new eight-storey office building at the northeast corner of Atlantic Avenue and Liberty Street including a Privately Owned Publicly Accessible Open Space (POPS) at the northwest corner of Liberty Street and Hanna Avenue.

South: Immediately south of the site is a public laneway. Streets south of the laneway to the GO rail corridor are lined with one to three storey office and industrial buildings.

East: Across the street, on the southeast corner of Liberty Street and Atlantic Avenue is the Toronto Parking Authority surface parking lot, and immediately east of the parking lot is a commercial complex known as the Liberty Market Building, which has a mix of commercial, retail and restaurant uses. Beyond that, the area is known as "King-Liberty" comprised of a residential neighbourhood made up of townhouses and condominium towers.

West: On the southwest corner of Jefferson Avenue and Liberty Street is a one-storey radio station complex. On the northwest corner is the Allan A. Lamport Stadium. The Liberty Village employment area continues west to Dufferin Street.

Provincial Policy Statement and Provincial Plans

The Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the promotion of built form that is well designed and encourages a sense of place; and the appropriate location of growth and development.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 (PPS) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. The PPS includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters, including land use studies. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPA. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and,
- The conservation of cultural heritage resources.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by City Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan.

Five Year and Municipal Comprehensive Reviews

In December 2013, City Council considered a report on draft Official Plan policies and designations for employment, prepared as part of the five-year Official Plan and Municipal Comprehensive Reviews (MCR). The MCR was completed, resulting in Official Plan Amendment 231 (OPA 231).

Council's decision may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

OPA 231 designates the site as *Core Employment Areas*. In addition to primary employment uses such as manufacturing and offices, secondary employment uses such as restaurants and retail are permitted, provided they are ancillary to and on the same lot as the principal use and are intended to serve the *Core Employment Area*.

In addition to the *Core Employment Areas* designation, the Area 3 Site and Area Specific Policy of the Garrison Common North Secondary Plan was modified by OPA 231. The revised area specific policy for Liberty Village includes an expanded number of primary employment uses as well as secondary employment uses, and 'small scale service uses such as banks, hotels, parks, workplace ancillary daycares, small scale retail and restaurant uses along with recreational uses to support the primary office use and provide amenities for the area's current and future employees'. Under the modified Area 3 policy, these uses are permitted provided they are located in the ground floor level of buildings that currently contain or are intended to contain primary employment uses.

Larger scale retail is permitted up to a maximum of 6,000 square metres, subject to provisions which include but are not limited to the following: the retail use cannot be stand alone and is to be incorporated into a multi-storey office building, and must front onto Atlantic Avenue, Liberty Street, and/or Hanna Avenue. Live-work permissions were removed in the revised policy.

On July 9, 2014, the Ministry of Municipal Affairs approved, with some modifications, the majority of OPA 231. The Minister's Decision was subsequently appealed to the Ontario Municipal Board (OMB) and as such portions of OPA 231 are not in effect. In addition to city-wide appeals a number of site specific appeals have also been submitted to the OMB including an appeal to OPA 231's modification of the Area 3 Site and Area Specific Policy in the Garrison Common Secondary Plan. The subject lands are within the Area 3 boundaries and as such OPA 231 is not in force for the site.

The Minister's Decision may be viewed here:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

Official Plan Policies

Until OPA 231 is brought into force for the lands, the in-force Official Plan identifies the site as being within an *Employment District*, as shown on Map 2 – Urban Structure and within the *Employment Areas* land use designation, as shown on Map 18.

The proposed redevelopment has been reviewed against relevant policy sections, which include the policy sections summarized below. The Official Plan is intended to be read as a comprehensive and cohesive whole.

The Official Plan is available here:

http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Employment Districts (2.2.4)

The site is located within an *Employment District* on Official Plan Map 2 – Urban Structure. *Employment Districts* are intended exclusively for economic activity and protected from the encroachment of non-economic functions. They help maintain and grow the City’s tax base and dynamic economy, provide a range of employment opportunities, and are intended to help achieve a balance in the population and employment growth.

Public Realm (3.1.1)

Section 3.1.1 contains policies that help guide the development of streets, sidewalks, boulevards, and other aspects of the public realm.

Built Form (3.1.2)

Section 3.1.2 of the Official Plan includes policies for the City’s Built Form and requires that new development be located and organized to fit within an area’s existing and/or planned context.

Heritage Resources (3.1.5)

Section 3.1.5 of the Official Plan requires that development adjacent to heritage resources respects the scale, character and form of the heritage resource. The updated Heritage Conservation Policies contained in Official Plan Amendment 199, recently approved by the OMB, cover a wide array of heritage properties including: individually significant buildings and structures, properties that are a part of a heritage conservation district, cultural heritage landscapes, archaeological resources and areas of archaeological potential.

Housing Policies (3.2.1)

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, that the following be secured:

- At least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;

- For a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

Employment Areas (4.6)

Section 4.6 of the Official Plan describes *Employment Areas* as "hothouses where we grow our enterprises and jobs", and recognizes that businesses increasingly require flexibility to compete effectively in the global economy.

A broad and inclusive approach to employment uses in *Employment Areas* is needed for the City's economic future. Uses that support the prime economic function of

Employment Areas, such as parks, small scale retail stores, services and restaurants to meet the daily needs of business and employees must also be readily accessible within

Employment Areas. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

Height and/or Density Incentives (5.1.1)

Section 37 of the *Planning Act* gives municipalities authority to pass zoning by-laws involving increases in the height or density of development in return for the provision by the owner of community benefits. Section 5.1.1 of the Official Plan includes policies dealing with the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities and include amongst other matters, rental housing to replace demolished rental housing.

Garrison Common North Secondary Plan (6.14)

The site is within the Garrison Common North Secondary Plan found in Chapter 6.14 of the Official Plan. The Secondary Plan's major objectives include:

- ensuring that new development be integrated into the established city fabric in terms of streets, blocks, uses, density patterns;
- permitting a variety of land uses and densities;
- providing community services and facilities;
- being sensitive to and protecting the employment uses; and,

- providing a range of housing types in terms of size, type, affordability and tenure.

The site is also located within Policy Area 3 of the Garrison Common North Secondary Plan. Policy Area 3 directs that a 'healthy and vibrant economic district will be maintained by reinforcing existing economic sectors, encouraging appropriate new economic activities and establishing an environment conducive to future economic growth.' Under the current in-force policies, uses that are "encouraged" include manufacturing operations, business services, media and communication operations, film, video and recording production, cultural and artistic services, fine art production, live/work units and artistic studios. Retail uses are not included within the in-force policies for Area 3.

Official Plan Amendment 231

The proposal will be reviewed against the in-force employment policies of Section 4.6 as well as the policies of Official Plan Amendment (OPA) 231 as set out in the above Five Year and Municipal Comprehensive Reviews section of this report.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing (including social housing). Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board.

The applicant is seeking to demolish 42 existing rental apartment and live/work units at 25 Liberty Street and 58 Atlantic Avenue and replace the units within the new rental apartment building currently under construction at 11 and 25 Ordnance Street.

Zoning

The site is zoned IC D3 N1.5 “Employment” in the former City of Toronto By-law 438-86, as amended (Attachment 2). The industrial commercial zone allows factory uses, packaging plants, and industrial storage and warehouse uses with a floor area up to 3 times the area of the lot, and uses that are more commercial in nature with a floor area of 1.5 times the area of the lot. The area has a height limit of 28 metres.

While restaurant, retail and service shop uses are generally permitted in an IC zone, exception (298), which applies to the site, prohibits them in the Liberty Village Area except on the King Street and Dufferin Street frontages as well as at 105 to 141 Jefferson Street and 110 to 134 Atlantic Avenue.

The site is not subject to the new harmonized City-wide Zoning By-law 569-2013.

Site Plan Control

An application for Site Plan Control is required. A Site Plan Approval application has not yet been submitted.

Reasons for the Application

The Zoning By-law Amendment application includes a retail component for the site that does not conform to the in-force policies for Policy Area 3 within the Garrison Common North Secondary Plan, which does not encourage retail uses nor does it comply to Zoning By-law 438-86 as amended.

Exception (298) under Section 12(2) prohibits retail and services uses in an IC zone in the Liberty Area, which means that the proposed retail uses are not permitted. Additionally, the proposed height and density of the office building is above the permitted allowances.

It is noted that Policy Area 3 within OPA 231, currently under appeal at the Ontario Municipal Board includes permission for retail, and the Official Plan Amendment is only related to the in-force policies.

In addition, an application to permit the demolition of the 42 existing rental dwelling units is required under Chapter 667 of the Toronto Municipal Code as the site contains at least 6 residential dwelling units of which at least one was used for residential rental

Community Consultation

A community consultation meeting occurred on February 11, 2016. Approximately 50 people were in attendance. Comments raised by the community included the following:

- Concerns were raised about live/work units being removed from Liberty Village and being replaced by office uses;
- There were mixed opinions on the scale and design of the building;
- Concerns about traffic congestion were raised;
- Concerns were raised about the approach to heritage preservation. Specifically it was suggested that more than the 25 Liberty Street building should be retained.
- A number of questions regarding tenant relocation and assistance and the City's rental housing replacement policies were raised.
- Concerns about commercial space remaining vacant were also raised.

A number of meetings with City Planning staff and the residents of the buildings on site took place throughout the application review process to provide updates and answer questions regarding the status of the application review and rental housing policies.

Two meetings were held with tenants of the buildings. The first meeting, in April 2015, focussed on work that was being undertaken in the building without City approval. Subsequent to the rezoning application being submitted, a further meeting was held on November 28, 2017. The meeting was attended by about 25 people, along with the local Councillor, applicant and City Planning staff. The meeting provided tenants with the opportunity to review the rental replacement proposal and tenant relocation and assistance plan.

Tenants raised a number of questions and concerns with the proposal, including: the loss of the live/work units; the need for appropriately sized replacement units; challenges with finding interim housing given the current cost and availability of rental housing; and difficulty in finding and paying for a separate studio space in addition to their residential space.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

The following sections review the proposed development through the policies, guidelines and objectives noted above.

Provincial Policy

Provincial Policy Statement (2014)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by promoting an appropriate mix and range of employment uses, opportunities for a diversified economic base, a wide range of economic activities and ancillary uses.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. In the PPS, conserved is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*."

Policy 4.7 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

Policy 4.8 requires that planning authorities shall keep their zoning by-laws up-to-date with their Official Plans and the Provincial Policy Statement.

The proposed development is consistent with the above policies and other relevant policies of the PPS. The proposal provides for a range of new employment uses and supporting ancillary uses to help support and grow and diversify the City's economic base. The proposal is close to transit and active transportation options, and located within walking distance of a significant residential density located on the east side of the Liberty Village area, both of which help minimize the need for, and length of, automobile trips. The proposal includes the retention and incorporation of a significant heritage building at 25 Liberty Street. The proposal achieves the Official Plan's broader objectives of supporting a range of new employment uses in a format compatible with its surrounding context. The recommended Zoning By-law Amendment in Attachment 8 implements the Official Plan and Provincial Policy.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. The site is an *Intensification Area* as defined by the Growth Plan.

Section 1.2.1 of the Growth Plan notes that the policies of the plan are intended to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.

Section 2.2.1.4 of the Growth Plan directs that complete communities will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities.

Section 2.2.1.4 of the Growth Plan directs that economic development and competitiveness will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands; increasing employment densities; and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The proposed development is consistent with the above section and other relevant sections of the Growth Plan. The proposal provides for a range of new employment uses and supporting ancillary uses to help support and grow and diversify the City's economic base. The proposal is close to transit and active transportation options and located within walking distance of a significant residential density located on the east side of the Liberty Village area, both of which assist with creating pedestrian friendly, transit supported areas. The proposed development conforms to the Growth Plan.

Land Use Policy

Employment Areas

Map 2 – Urban Structure - in the Official Plan identifies the subject site as *Employment District*. Official Plan Map 18 – Land Use, identifies the subject site as *Employment Areas*.

Policy 4.6.1 requires that *Employment Areas* consist of 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.

Policy 4.6.6 requires that development in *Employment Areas* will contribute to the creation of competitive, attractive, highly functional *Employment Areas* by:

- supporting the economic function of the *Employment Areas* and the amenity of adjacent areas;
- providing adequate parking and loading on-site; and

- providing landscaping on the front and any flanking yard and adjacent to any public parks and open space to create an attractive streetscape and screening parking, loading and service areas.

The proposed development includes the uses contemplated in Policy 4.6.1 and is designed to implement the policy direction noted in Policy 4.6.6. The proposed development complies with Section 4.6 of the Official Plan regarding development in *Employment Areas*.

Compliance with OPA 231

Although OPA 231 is not in-force for the subject lands, the current proposal conforms to the intent of the Garrison Common Area 3 policies as modified by OPA 231.

Built Form

The proposed development was reviewed against the Official Plan Built Form policies, primarily contained within Chapter 3 of the Plan. These policies seek to ensure appropriate form and scale of new development within their surrounding contexts, including transition to areas of lower scale, appropriate relationship to adjacent streets, and the limiting of light, view and privacy impacts on the surrounding properties, streets and open spaces.

Streetscape Improvements

Section 3.1.1 of the Official Plan directs that high quality architectural, landscape and urban design and construction will be promoted within new developments to enhance the quality of the public realm, and that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces through the provision of landscaping, lighting, and street furnishings.

Owing to its primarily industrial past, the streets and sidewalks within Liberty Village often offer poor pedestrian environments, limited tree planting and street furniture and, in the case of the site, surface boulevard parking along Liberty Street. The proposed development will result in significant improvements to the streetscape along Liberty Street, Jefferson Avenue, and Atlantic Avenue, including the removal of the surface boulevard parking.

This report's Recommendations identify that the design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue will be secured in the Section 37 Agreement as a matter of convenience. In addition, the details of these improvements will be secured through the future Site Plan Approval for the proposed development.

Existing and Planned Context

Official Plan Policy 3.1.2 requires that new development be massed and located to fit within the existing and planned context, and create an appropriate transition in scale to neighbouring existing or planned buildings.

Policy 3.1.2 further states that new development will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; provides for adequate light and privacy; adequately limits any resulting shadowing of, and uncomfortable wind conditions on, neighboring streets and properties, among other measures.

The immediate context around the proposed development is that of low to medium scale commercial and former industrial buildings, surface parking lots, and a City park known as Lamport Stadium. Recent development approvals in the area include an eight-storey 40-metre office building at 99 Atlantic Avenue and a five-storey office building located at 80 Atlantic Avenue.

Numerous industrial heritage buildings within the vicinity of the site contribute to Liberty Village's unique built character. Many of these heritage structures have undergone adaptive reuse from their formerly industrial uses to more contemporary office and creative industry space.

The proposed development fronts onto three public streets and a public lane. No privacy impacts are anticipated on the existing single storey commercial buildings to the south of the public lane.

The proposed development shadows a small corner of the Lamport Stadium parking lot at 9:18am at the equinoxes. The proposed development shadows portions of the north sidewalk and the south sidewalk on Liberty Street, in the vicinity of the site, until 2:18 pm, and 3:18 pm, at the equinoxes, respectively. The proposed development shadows portions of the east and west sides of Atlantic Avenue beginning at 12:18 pm continuing throughout the day at the equinoxes. The proposed development shadows portions of the east and west sides of Jefferson Avenue until 10:18 am at the equinoxes. The proposed shadow impacts on adjacent streets are greater than would result from a building constructed to the as-of-right building height of 28 metres. Adjustments to building height, step backs, massing and scale, achieved through review of this application, result in limiting the additional shadow impacts on adjacent streets and properties to the satisfaction of City Planning staff and in accordance with the Built Form Policies of the Official Plan.

The proposed building materiality assists in tying the lower floors of the "base building" of the development to the predominantly brick and masonry character of surrounding low scale buildings. The proposed upper storeys are set back and clad in glass panels which assists in differentiating the base building from the upper storeys and emphasizing the importance of the "base building" design in fitting the building within its surrounding context. City Planning staff will

continue to review and secure appropriate building materiality through the Site Plan Control process.

The proposed building height is generally consistent with the scale of recently approved office development in the Liberty Village Area. As noted above, adjustments to building mass and scale made through the review of this application have effectively limited the impacts of building height above the 28-metre building height permitted by the current Zoning By-law. The proposed building height is appropriate. City Planning staff note that while the proposed building height is appropriate in this instance, this report should not be considered to imply a benchmark height of 10-storeys is appropriate for new office development within Liberty Village. The Liberty Village context varies considerably in terms of the scale and form of heritage resources and the potential for light view and privacy impacts on adjacent properties. Heights of less than 10 storeys, or more than 10 storeys, may be appropriate on sites within Liberty Village, but this should be ascertained through the detailed review of the development application process, including community consultation.

A heritage building is situated on the site and is being retained within the redevelopment, and a number of other listed heritage buildings are situated in the vicinity of the site. In review of this application, City Planning staff undertook a detailed analysis of the proposed form and scale of the building in relation to both heritage buildings on site and within the surrounding area. Given the character of Liberty Village, such an analysis is critical in ascertaining whether a proposed development fits appropriately within its existing and planned context. In this case, reductions in building height, additional building setbacks and sculpting, and changes to materials were requested by City Planning staff to ensure that the proposal fit appropriately in context.

In summary, the proposed development scale and massing relates appropriately to its surrounding existing and planned context, and limits its impact on surrounding properties, streets, and open spaces. The proposed development is consistent with the Built Form policies of the Official Plan.

Wind Impacts

The applicant has submitted a Pedestrian Wind Comfort analysis from Rowan Williams Davies & Irwin Inc., revised as of February 15, 2017, to detail the potential wind impacts resulting from the massing of the proposed buildings.

The report concludes that the proposed development has several positive design features for wind control, resulting in suitable wind conditions at most sidewalk and building entrance locations. An exception was noted at the entrance off Jefferson Avenue near the corner with Liberty Street. The report recommends that wind tunnel tests be conducted at an appropriate design stage to confirm and quantify these wind conditions and, if necessary develop wind control solutions.

To address wind conditions created by the new development, City Planning will require an updated wind study and satisfactory wind tunnel analysis be completed prior to the issuance of Site Plan Approval. The City will secure the wind tunnel analysis and any mitigation measures through the Section 37 Agreement and a Site Plan Control application.

Heritage Considerations

A report to the Toronto Preservation Board regarding the conservation of the structure at 25 Liberty Street is being considered in conjunction with this report. The report is before Toronto Preservation Board on April 19, 2018.

The report includes a Heritage Property Research and Evaluation Report, which determines that the property at 58 Atlantic Avenue has design, associative and contextual values. The 25 Liberty Street building, known formerly as the Ontario Wind Engine and Pump Company Building (1901) retains its integrity as one of the earliest surviving well-crafted early 20th century industrial buildings in the former King-Dufferin industrial district where it reflects the historical development of the area as a manufacturing hub at the west end of Toronto. The building contributes to the character of Liberty Village where it is part of an important surviving collection of former industrial buildings that are included on the City of Toronto's Heritage Register for their cultural heritage value.

The report notes that the context of heritage property on this block will be altered with the introduction of a new office complex, the heritage building itself will be conserved retained as a whole building with minimal alterations, and will continue to be read as an independent volume. The report further notes that Heritage Preservation Services staff is supportive of the proposal.

City Planning staff consider the proposal supportable as it retains the property's heritage attributes and mitigates against the impact on its scale, form and massing by incorporating step backs and a transparent glazed connection. The proposal conserves the heritage attributes and character of the heritage property as well as that of the adjacent heritage properties in accordance with applicable Official Plan policies and the provincial policy framework.

Rental Housing

The existing buildings converted to live/work uses in 1998 through approval from the Ontario Municipal Board for live/work units. Over the years, many of the units remained as live/work while some were used as strictly commercial spaces. At the time of the application in 2015, it was determined that 42 of the currently existing 53 units were residential rental units.

The existing rental housing units are within an eclectic mix of buildings and operate as one complex with shared outdoor space. The 42 residential rental units are comprised of 22 bachelors, 19 one-bedrooms and 1 two-bedroom units. Of these, one unit is considered to have affordable rents (rents at or below average

market rent for the City of Toronto), 13 units have mid-range rents (below one and a half times average market rent), and 28 units have high-end rents (above mid-range).

Given their live/work nature, most units are generously sized and include loft space for the bedrooms. On average, the size of the units range from 600 square feet for a bachelor, 890 square feet for a one-bedroom and 800 square feet for the two-bedroom unit. To accurately assess the square footage of the existing units, the units were measured by a building surveyor. Loft spaces that did not comply with the Building Code were deducted from the size of the unit in order to best capture habitable living accommodation.

Many of the tenants of the buildings use their units from both work and living purposes. The layout of the building and units has lent itself to being beneficial for artists, photographers, and freelance media producers as well as solely residential tenants.

Rental Replacement

The applicant has proposed to replace the existing 42 units in two new rental towers currently under construction at 11 and 25 Ordnance Street. The reason to replace the units on another site was to address the designation of the 25 Liberty Street site as a core *Employment Area*, and that the proposal for the site is entirely office use. Although options to maintain some of the live/work units on the site were explored, it was determined that securing all of the units off-site addressed the rental replacement matters in the most comprehensive manner.

Live/work units, such as those at 25 Liberty, have provided an important type of housing in the City and efforts to address these characteristics were considered as part of the replacement plan. However, as the off-site location for the rental replacement had already been designed in terms of unit layout and location, replacement of the live/work character and units of the same size was not possible. Staff are looking at how to address the replacement of live/work units as part of future rental replacement applications.

The applicant has proposed to replace the same amount of existing gross floor area as currently exists with somewhat smaller units. This results in the replacement of more units overall, with the 42 existing units being replaced with 51 new units. In addition, all bachelor units will be replaced with one-bedroom units.

The unit mix for the replacement units is proposed to be comprised of 35 one-bedroom and 16 two-bedroom units. Overall, the units will be about 18% smaller, however the same amount of overall gross floor area will be replaced. On average, the one-bedroom units are proposed to be about 544 square feet and the two-bedroom units 750 square feet. Two one-bedroom units will have rents set at affordable rents, 18 units of one bedroom or larger will have rents no more than

mid-range, and 31 units will have no rent restrictions. This is a similar proportion by rent threshold as what exists today.

All units will have ensuite laundry, access to a storage locker for a small fee, and a proportionate share of bicycle and vehicle parking spaces. Tenants of the replacement units will have access to all indoor and outdoor amenities on the same terms and conditions as the rest of the building. While the replacement units will be for residential use, tenants will be able to use their units for some work functions, such as using the space as an office, workshop or studio, subject to certain exceptions.

One or more agreements pursuant to the *Planning Act* and *City of Toronto Act* will secure all details regarding the replacement rental housing, including the number of replacement units, minimum unit sizes, maximum rents and future tenants' access to all facilities and amenities. The agreements will be secured against both the 25 Liberty Street and 51, 61 and 65 Jefferson Avenue lands, as well as the off-site lands at 11 and 25 Ordnance Street.

The units will be secured for at least 20 years and rents will be secured for returning and new tenants for at least 10 years. The units with high-end rents will not have any rent restrictions.

Tenant Relocation and Assistance Plan

The existing tenants are mostly long-time tenants, some of whom were residents of the buildings when the live/work use was first legalized. Tenants feel a strong connection to the Liberty Village community and have identified wanting to stay in the community while the off-site housing is being constructed. Prior to the application being made, tenants have been actively involved in advocating for their residential rights and working to ensure that the tenant relocation and assistance plan responds to their needs as live/work tenants.

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and secured through the Section 37 and Section 111 Agreements with the City. The Tenant Relocation and Assistance Plan will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, tenants will receive:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- The right to return to one of the replacement rental dwelling units in the new building, including the right to return at the same rent to a different type of unit than currently occupied (e.g. one-bedroom to two-bedroom);

- Compensation equal to 3 month's rent pursuant to *the Residential Tenancies Act*;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure; and
- Any special needs compensation as determined by the Chief Planner.

Parks

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 site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

This application is subject to a 2% parkland dedication. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the parkland dedication requirement resulting from the proposed development is estimated to be too small to create a functional park. The site is also directly across from Lamport Stadium Park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Community Services and Facilities

The increasing population in Liberty Village serves as a statement on the serious need to manage growth to ensure livability. One of the most significant challenges faced by the City in efforts to ensure the livability in the area is the increasing demand for a range of community services and facilities and the facilities and services which are available.

An office development will help to balance the mix of live and work uses in Liberty Village, but also increase demands on public facilities such as parks and open spaces and for services such as child care. The City is currently undertaking a study of services within Liberty Village to determine long term needs as the community continues to grow.

Cycling

A total of 111 bike parking spaces and associated shower / change facilities are proposed. Bike Parking spaces and associated shower / change facilities are located at the P1 level. Detailed design of bike parking and shower / change areas will be secured through a Site Plan Control application.

Parking and Loading

The proposed development includes a total of 108 commercial parking spaces. The current By-law requires a total of 299 parking spaces.

Liberty Village is proximate to both existing and planned local and regional transit connections and future cycling connections, and is located near a significant residential population. The local community has raised concerns about both the provision of parking and traffic congestion in Liberty Village. With the exception of the planned Liberty Village New Street, the area is not contemplated to be serviced by any significant new road infrastructure in the foreseeable future. To address concerns about congestion within Liberty Village, supporting active transportation and discouraging personal automobile use are two measures which should be employed to combat area traffic congestion on both an area-wide and site specific basis through development applications, where possible.

On an area-wide basis, the future King Liberty Pedestrian Bridge, proposed Liberty Village SmartTrack Station, and the multi-use path proposed along the south portion of Liberty Village New Street are all anticipated to contribute to improving pedestrian and cycling accessibility and circulation within Liberty Village.

On a site-specific basis, an excessive provision of parking spaces encourages personal automobile use and discourages active transportation use. City Planning staff are therefore satisfied with the proposed reduction in parking.

The proposed development includes a total of 4 loading spaces, consisting of 2 Type B, 2 Type C spaces, all located on the ground floor and accessed via a rear laneway. The proposed number and type of loading spaces is acceptable. Detailed design of parking and loading areas will be secured through a Site Plan Control Application. Transportation Services staff are satisfied with the proposed loading.

Servicing

Engineering and Construction Services Division has requested revisions to the submitted Functional Servicing, Geotechnical and Stormwater Management Reports. It is recommended that these reports are amended, to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services Division, prior to the proposed By-law amendment being brought forward for to City Council for enactment.

Section 37

Section 37 of the *Planning Act* authorizes a municipality with appropriate Official Plan provisions to pass Zoning By-laws involving increases in the height and/or density otherwise permitted by the Zoning By-law in return for the provision of community benefits by the owner. The community benefits must bear a reasonable planning relationship to the proposed development including at a

minimum, an appropriate geographic relationship and addressing planning issues associated with the development.

The following community benefits are recommended to be secured in the Section 37 Agreement:

- A financial contribution of \$1,250,000 towards the provision of affordable rental housing within Ward 14 in the vicinity of the site. The residential areas around the proposed development are in need of additional affordable rental housing. The contribution to affordable housing complies with the Official Plan policies regarding Section 37 benefits.

The following matters of convenience are also recommended to be secured in the Section 37 Agreement:

- Implementation of wind mitigation measures through a satisfactory wind tunnel analysis;
- Design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue;
- Design and construction of required improvements to municipal infrastructure identified in the Functional Servicing and Stormwater Management Reports; and,
- Matters related to heritage preservation of the existing building at 25 Liberty Street.

Summary of the Proposed Zoning By-law Amendment

The proposed amendments to By-law No. 438-86, as amended, (Attachment 8) includes the following:

- Increasing the permitted building height from 28 metres, plus allowances for mechanical equipment, to 49 metres inclusive of mechanical equipment;
- Permitting a maximum of 26,000 square meters of non-residential floor space inclusive of a maximum 2,400 square metres for specific uses, such as retail uses, to be located on the ground floor;
- Permitting additional non-residential uses, such as retail store, personal service shop, financial institution, and others;
- Mapping to delineate permitted setbacks, step backs and other dimensions being secured related to building massing; and,

- Requiring the provision of vehicle and bike parking spaces and loading areas.

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 Toronto Green Standard 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. The recommended Zoning By-law Amendment in Attachment 8 secures Tier 1 performance measures related to Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Conclusion

The development of a 10-storey, 25,700 square metre commercial office building at 25 Liberty Street and 58 Atlantic Avenue will introduce a substantial amount of new employment space into an area the City has targeted for employment growth. The proposal has been designed and scaled to appropriately limit its impacts on the surrounding area. The proposed development fits within the existing and planned context and appropriately incorporates the retention of the existing heritage building.

The proposed off-site replacement and tenant relocation and assistance requirements for the existing 42 live/work rental apartment units on site are consistent with the City's Rental Housing Replacement policies. The tenant relocation and replacement requirements acknowledge the nature of the existing live/work units and the challenges involved with off-site relocation.

City Planning recommends the approval of the application to amend the Zoning By-law.

CONTACT

Graig Uens, Senior Planner
Tel. No. 416-397-4647
E-mail: Graig.Uens@toronto.ca

SIGNATURE

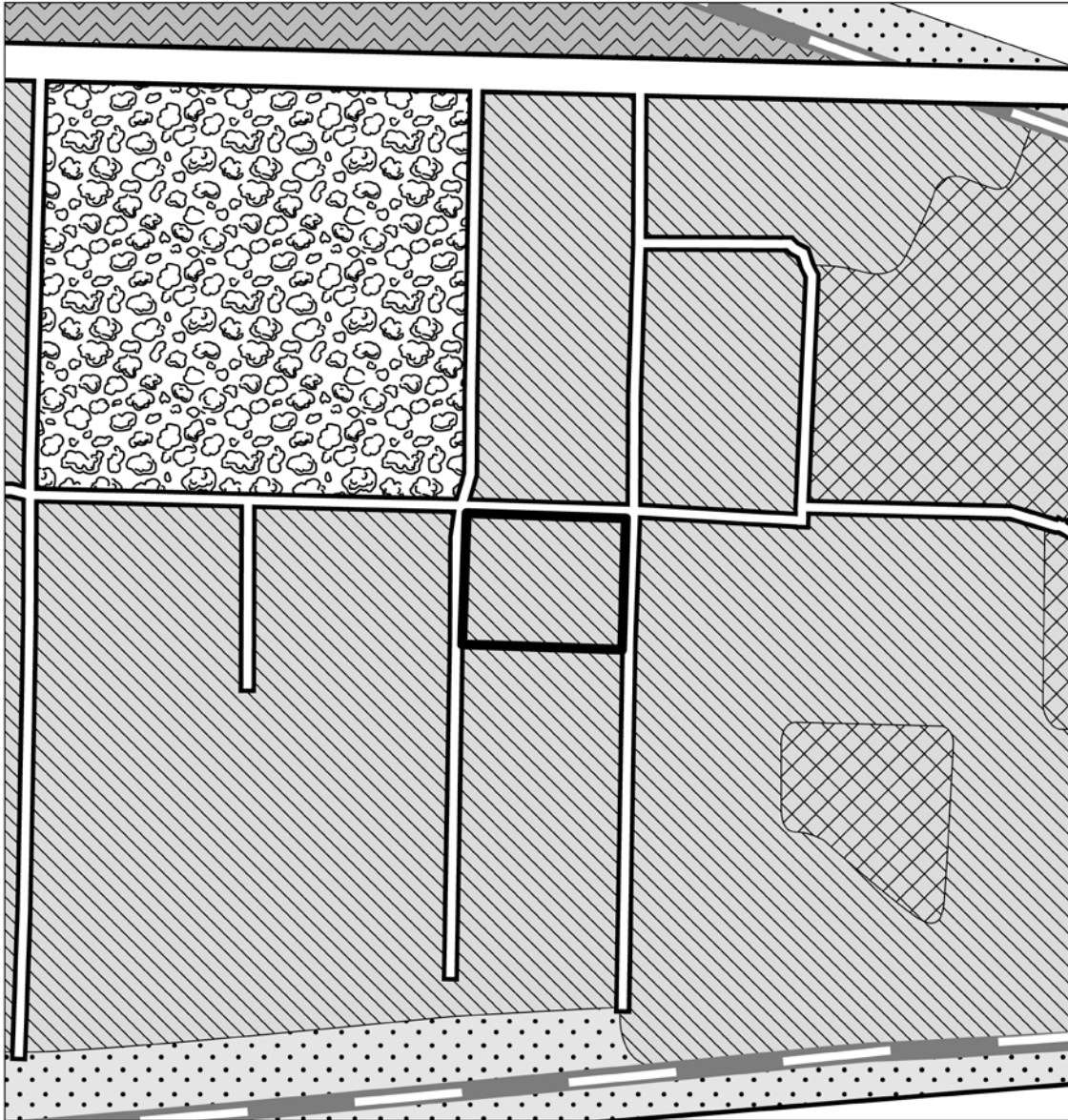
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Official Plan Excerpt - Land Use Map 18
Attachment 2: Zoning By-law 438-86 Excerpt
Attachment 3: Site Plan
Attachment 4: North Elevations
Attachment 5: East Elevations
Attachment 6: South Elevations
Attachment 7: West Elevations
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Application Data Sheet

Attachment 1: Official Plan Excerpt –Land Use: Map 18.



TORONTO City Planning
 Extract from Official Plan

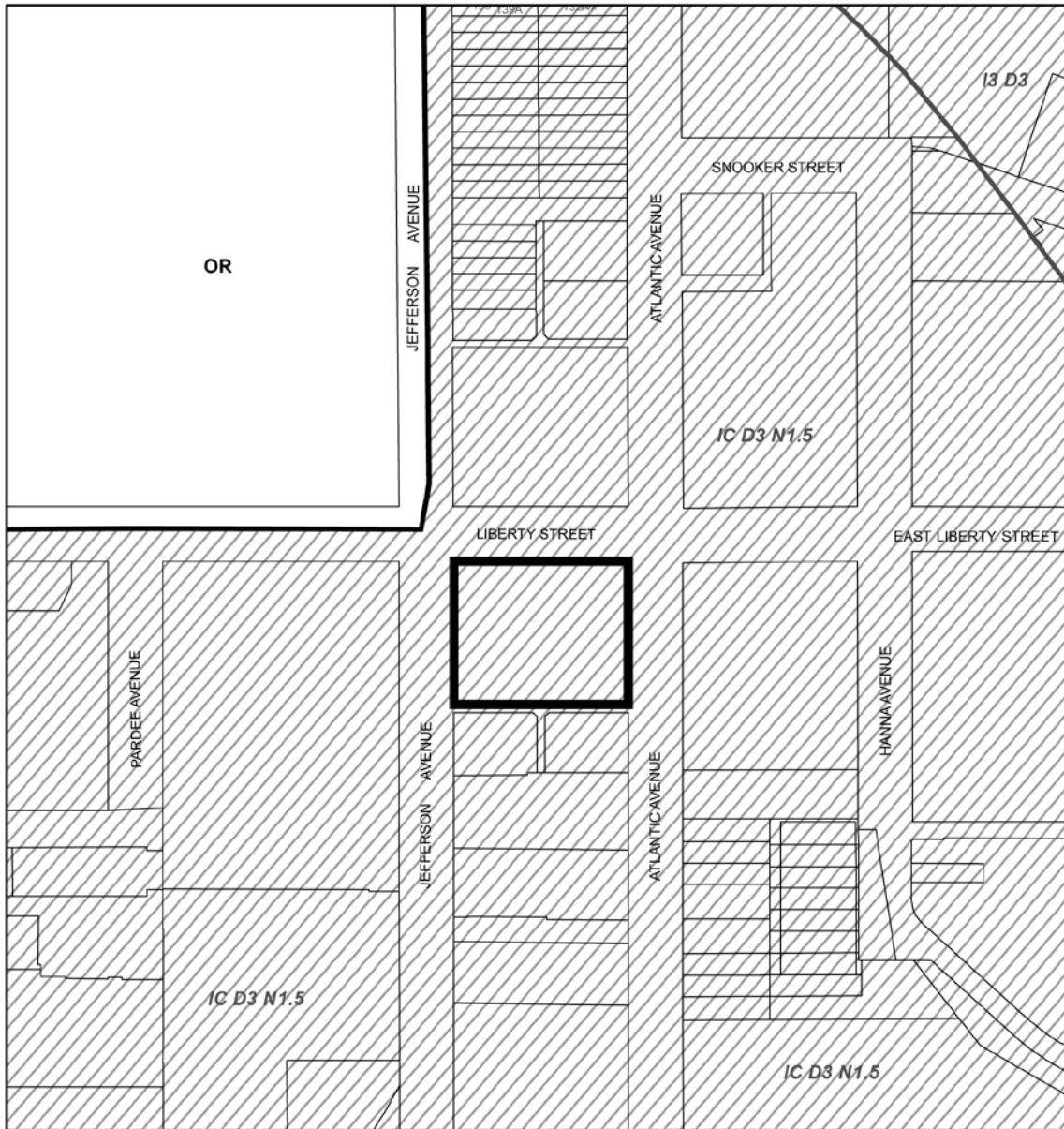
58 Atlantic Avenue & 25 Liberty Street

File # 15 236743 STE 14 0Z

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|-----------------|--------------------------|--------------------|-------------------|
| Site Location | Parks & Open Space Areas | Regeneration Areas | Utility Corridors |
| Neighbourhoods | Natural Areas | Employment Areas | |
| Mixed Use Areas | Parks | | |

↑
 Not to Scale
 12/01/2015

Attachment 2: Zoning By-law 438-86 Excerpt



Zoning By-law 569-2013

25 Liberty Street And 58 Atlantic

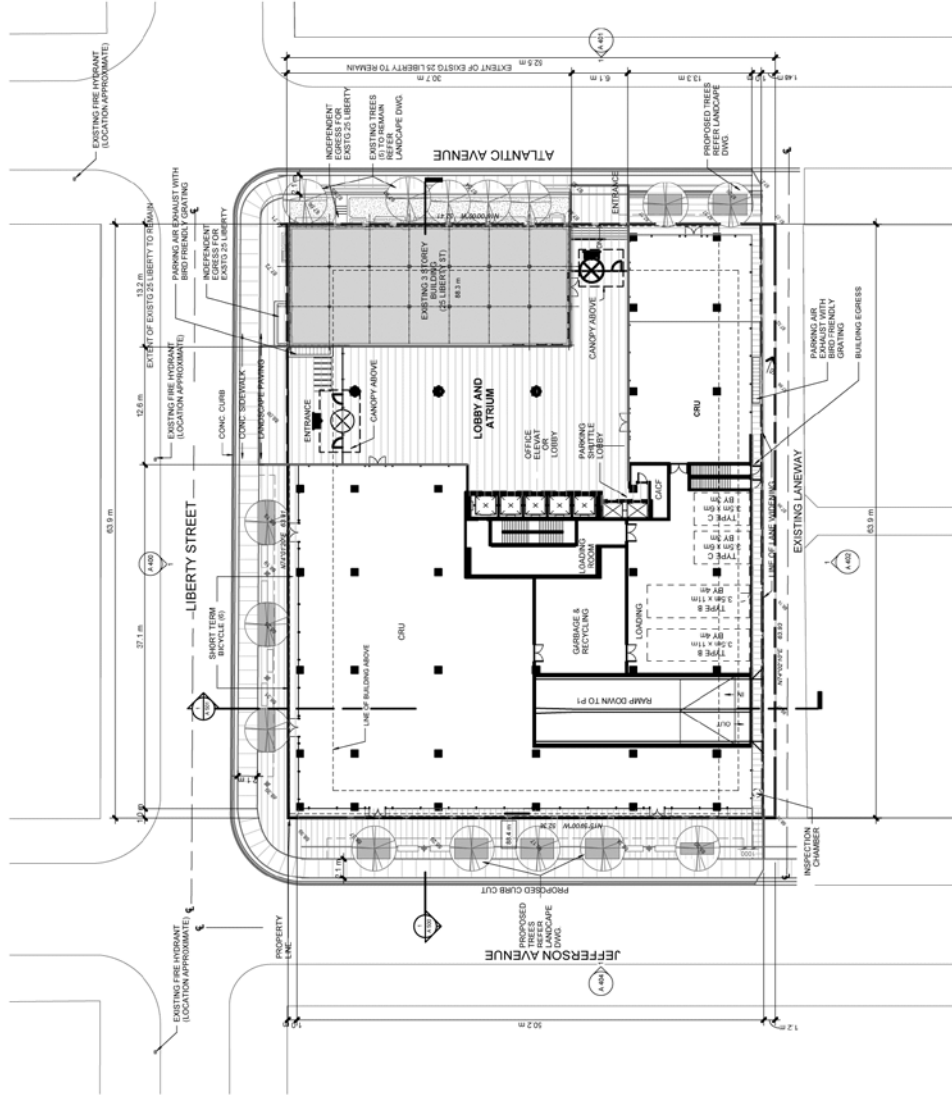
File # 15 236743 STE 14 0Z

 Location of Application
 OR Open Space Recreation

 See Former City of Toronto By-Law No. 438-86
 I3 Industrial District
 IC Industrial District


 Not to Scale
 Extracted: 04/17/2018

Attachment 3: Site Plan

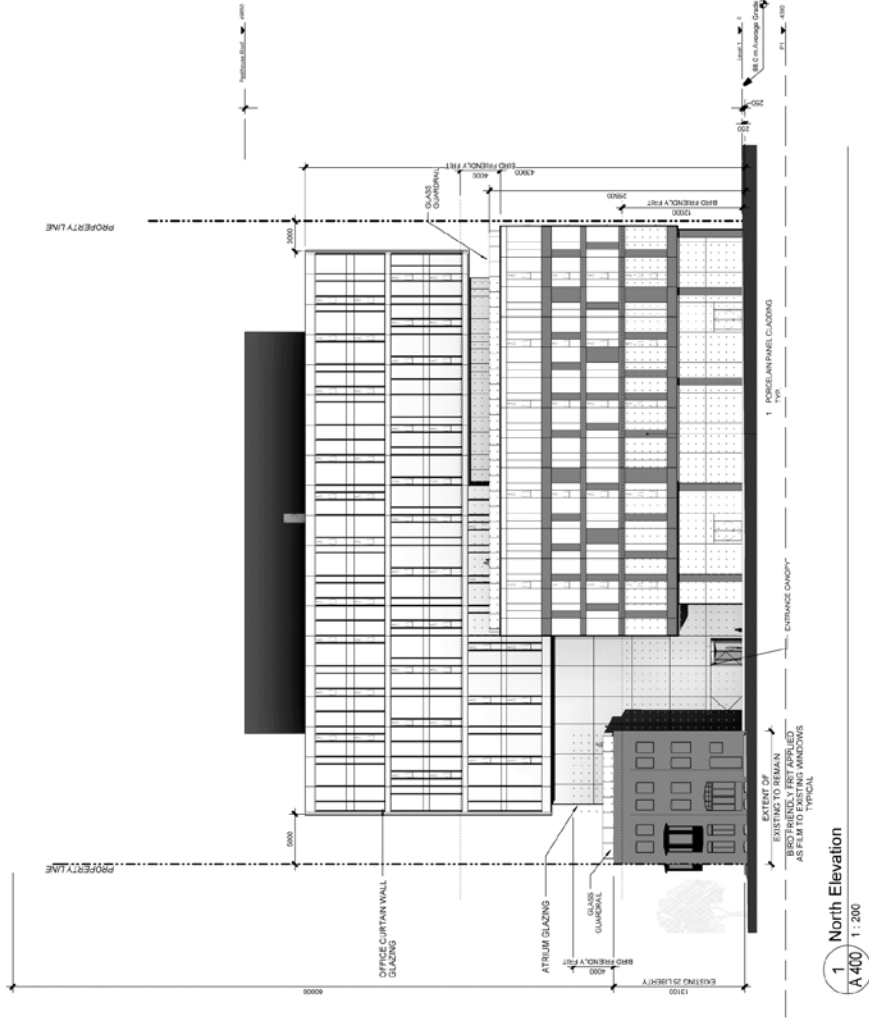


25 Liberty Street and 58 Atlantic Avenue

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 04/16/2018

File # 15 236743 STE 14 0Z

Attachment 4: North Elevations

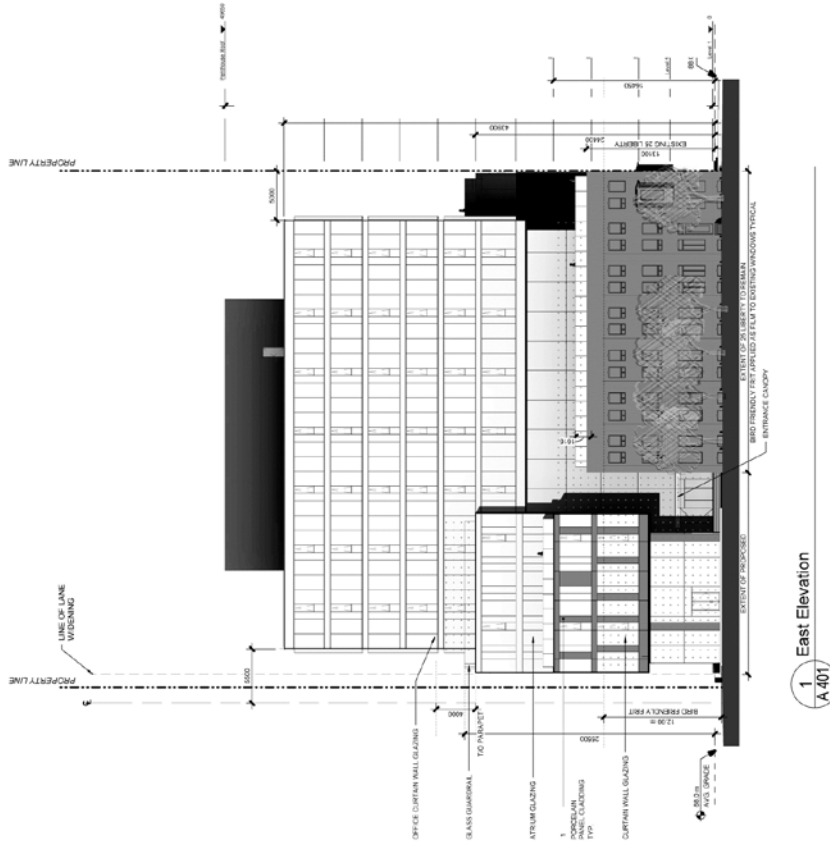


25 Liberty Street and 58 Atlantic Avenue

North Elevation
 Applicant's Submitted Drawing
 Not to Scale
 04/16/2018

File # 15 236743 STE 14 0Z

Attachment 5: East Elevations



25 Liberty Street and 58 Atlantic Avenue

East Elevation
 Applicant's Submitted Drawing

Not to Scale
 04/16/2018

File # 15 236743 STE 14 02

Attachment 6: South Elevations



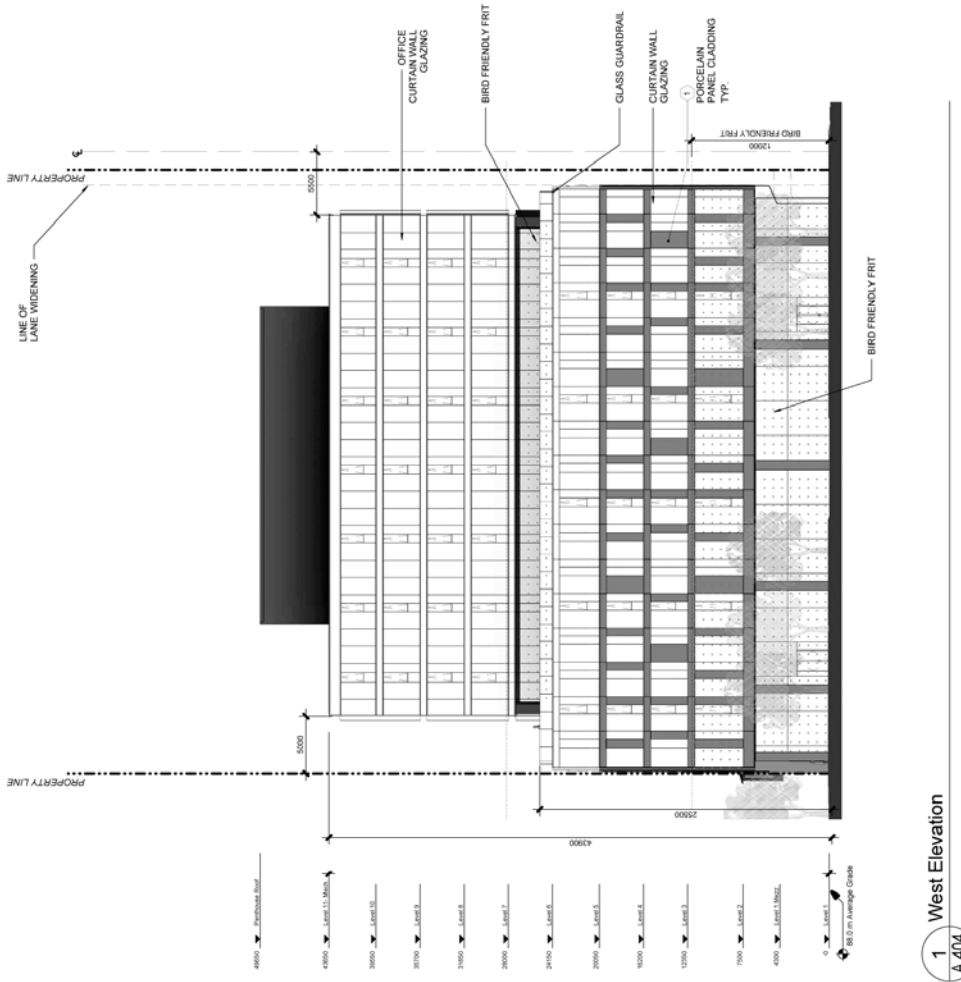
1 South Elevation
A.402

25 Liberty Street and 58 Atlantic Avenue

South Elevation
Applicant's Submitted Drawing
Not to Scale
04/16/2018

File # 15 236743 STE 14 0Z

Attachment 7: West Elevations



25 Liberty Street and 58 Atlantic Avenue

File # 15 236743 STE 14 0Z

West Elevation
 Applicant's Submitted Drawing
 Not to Scale
 04/16/2018

Attachment 8: Draft Zoning By-law Amendment

**Draft Zoning By-law Amendment will be available prior to
May 2, 2018 Toronto and East York Community Council.**

Attachment 9: Application Data Sheet

| | | | |
|------------------|----------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 15 236743 STE 14 OZ |
| | | Application Date: | October 13, 2015 |

Municipal Address: 58 ATLANTIC AVE

Location Description: PLAN 1110 BLK A PLAN 765 LOT 112 TO LOT 117 **GRID S1408

Project Description: Proposal to for a rezoning application related to a 10 storey office building with 2 levels of below ground parking. There is a Rental House Demolition and Control Application (File No. 15 130397 STE 14 RH) being reviewed concurrently.

| | | | |
|--|-------------------------------|--|----------------------|
| Applicant: | Agent: | Architect: | Owner: |
| SWEENEY STERLING FINLAYSON AND CO ARCHITECTS | The Liberty 25 Building LP | SWEENEY STERLING FINLAYSON AND CO ARCHITECTS | 2393720 ONTARIO LTD. |

PLANNING CONTROLS

| | | | |
|----------------------------|------------------|--------------------------|---|
| Official Plan Designation: | Employment Areas | Site Specific Provision: | Garrison Common North Secondary Plan |
| Zoning: | IC D3 N1.5 | Historical Status: | Y |
| Height Limit (m): | 28 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m): | 3349.1 | Height: | Storeys: | 10 |
| Frontage (m): | 63.9 | | Metres: | 43.9 |
| Depth (m): | 52.5 | | | |
| Total Ground Floor Area (sq. m): | 2534 | | | Total |
| Total Residential GFA (sq. m): | 0 | | Parking Spaces: | 108 |
| Total Non-Residential GFA (sq. m): | 25669 | | Loading Docks | 4 |
| Total GFA (sq. m): | 25669 | | | |
| Lot Coverage Ratio (%): | 75.7 | | | |
| Floor Space Index: | 7.9 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|---|----------------------------------|-------------|
| Tenure Type: | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 2699 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 22970 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 |
| Total Units: | 0 | | |

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