171 East Liberty Street
Zoning Amendment Application – Final Report

Date: May 22, 2014
To: Planning and Growth Management Committee
From: Chief Planner and Executive Director, City Planning Division
Wards: Ward 19 – Trinity-Spadina
Reference Number: P:\2014\Cluster B\PLN\PGMC\PG14075  (12 246860 STE 19 OZ)

SUMMARY

This application proposes to permit the redevelopment of the most easterly portion of the site with a 28-storey mixed-use building consisting of ground floor retail, 12,000 square metres of office on the 2nd to 7th storeys, 283 residential units on the 7th to 28th storeys and three levels of underground parking. A two-storey portion of the existing building at the east end of the site is proposed to be demolished to facilitate the proposed development.

The proposal includes a substantial amount of new office space which will animate the east portion of Liberty Village during the daytime. The proposal locates all new development to the east portion of the site, relating better to the character of the existing adjacent towers and allowing for a transition to the lower buildings and heritage character to the west. The proposed mixed-use building is a positive contribution to the neighbourhood and provides an appropriate transition from the primarily residential area in the east to the employment area in the west.

This site has been reviewed through the 5-Year Municipal Comprehensive Review of the Official Plan. Council approved a
conversion of a portion of the subject lands from Employment Lands to Mixed Use Areas through Official Plan Amendment 231.

This report reviews and recommends approval of the Zoning By-law amendment application. The recommendations contained within this report conform with the policies of the City's Official Plan, and City Council approved OPA 231, however as the Minister of the Municipal Affairs and Housing has yet to approve OPA 231, any bills will be held until such time as the Minister issues a decision.

RECOMMENDATIONS

City Planning Staff recommends that:

1. City Council amend former City of Toronto Zoning By-law 1150-2008, being a By-law to amend Zoning By-law 438-86, as amended, for the lands at 171 East Liberty Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated May 22, 2014, from the Chief Planner and Executive Director, City Planning Division;

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required;

3. Before introducing the bills to Council, the City receive the Minister of Municipal Affairs and Housing’s decision on Official Plan Amendment 231;

4. Before introducing the necessary bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following:

   i) The following matters shall be secured as a community benefit in support of the development:

      a) The owner shall contribute $1,000,000.00, indexed upwardly 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 upon issuance of the 1st above-grade building permit, toward securing and/or constructing community services and/or facilities within the general area of 171 East Liberty Street, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;

   ii) The following matters shall be secured in support of the development:

      b) Prior to the issuance of the first demolition permit for the of part of the existing building necessary to facilitate the proposed
development, the owner will submit a Construction Management Plan including but not limited to details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor;

c) Prior to the issuance of any above grade permits, an updated wind study will be provided to the satisfaction of the City Planning Division to identify measures to mitigate wind impacts year-round. Mitigation measures will be required to be incorporated into the proposed building;

d) The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms;

e) Prior to the issuance of below-grade permits, the owner shall submit a functional pavement marking and signing plan for a dedicated westbound right-turn-lane at the East Liberty Street/Pirandello Street and construct, or cause to be constructed, at no cost to the City, this dedicated westbound right-turn-lane to the satisfaction of the General Manager, Transportation Services; and,

f) The owner agrees to provide and maintain a minimum of 32 parking spaces within the commercial garage at 171 East Liberty Street for the exclusive use of visitors to the residential condominium, at no cost, between the hours of 6:00PM on Fridays and 6:00AM on Mondays to the satisfaction of the Chief Planner and Executive Director, City Planning. These 32 parking spaces shall include signage that indicates that the spaces are for the exclusive use of visitors to the residential condominium, at no cost, between the hours of 6:00PM on Friday and 6:00AM on Monday.

5. Before introducing the necessary bills to City Council for enactment, the owner shall be required to enter into an agreement registered on title of both 171 East Liberty and 5 Hanna Avenue with the owners of each site, to which the City will be party, to secure 133 commercial parking spaces to be provided at 5 Hanna Avenue; and,

6. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 Agreement and any agreement(s) required for the provision of off-site parking.
Financial Impact
The recommendations in this report have no financial impact.

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

2006 – Five (5) minor variance applications sought to permit restaurant and retail uses in various units within the existing commercial building.
2008 - A minor variance application was approved to allow restaurant space within the boiler house building.

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

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

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

Pre-Application Consultation
A pre-application consultation meeting took place on August 16, 2012 to discuss complete application submission requirements.

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

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

Vehicle access is provided via Hanna Avenue and East Liberty Street. Surface parking areas are provided adjacent to both frontages. A rear laneway to the south of the site provides access to loading areas.
North: A 7-storey building at 43 Hanna Avenue known as the ‘Toy Factory Lofts’ and a 30-storey residential building at 150 East Liberty Street.

South: A 2-storey building at 9 Hanna Avenue occupied by Toronto Police Services and a 7-storey “Live-Work” building at 5 Hanna. Further south is the CN rail corridor, the Gardiner Expressway and Exhibition Place.

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

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

**Original Proposal**

The original application proposed the redevelopment of the easterly portion of 171 East Liberty Street with a 32-storey mixed-use building consisting of ground floor retail, office floor space on the 2nd to 7th storeys, residential units on the 8th to 32nd storeys and three levels of underground parking. A total of 32,279 square metres of newly constructed gross floor area, comprised of 2,139 square metres of retail uses, 12,379 square metres of office uses, and 291 residential units. The original proposal included 334 vehicle parking spaces in 3 levels of underground parking accessed via the laneway at the rear of the site and 349 bicycle parking spaces.

**Revised Proposal**

The revised application proposes the redevelopment of the easterly portion of 171 East Liberty Street with a 28-storey (99.9 metre) mixed-use building consisting of ground floor retail space, office floorspace on the 2nd to 7th storeys, residential units and amenity space on the 7th to 28th storeys and three levels of underground parking. A two-storey portion of the existing building at the east part of the site is proposed to be demolished to facilitate the proposed development. The new building is proposed to connect internally with the remaining portion of the existing 2-storey non-residential building (Attachments 1 and 2).

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

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

A total of 283 residential units are proposed on floors 7 to 28 including 10% 3-bedroom units and 12% 2-bedroom and 2-bedroom plus den units.

Common indoor and outdoor amenity space for residents is proposed on the 8th storey at 500 square metres and 257 square metres respectively.
The proposed development includes 324 bicycle parking spaces including 241 for residents, a minimum of 43 for visitors and 40 for office / retail uses.

The proposed development includes 329 vehicle parking spaces in 3 levels of underground parking, as well as in the underground commercial garage of an adjacent site, 5 Hanna Avenue, accessed via the laneway at the rear of the site. Parking spaces are allocated as follows:

<table>
<thead>
<tr>
<th>171 East Liberty Street</th>
<th>5 Hanna Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents:</td>
<td>Commercial Parking</td>
</tr>
<tr>
<td>142 spaces</td>
<td>133 Spaces</td>
</tr>
<tr>
<td>Office/Retail:</td>
<td></td>
</tr>
<tr>
<td>104 spaces</td>
<td></td>
</tr>
<tr>
<td>Commercial parking</td>
<td></td>
</tr>
<tr>
<td>14 spaces</td>
<td></td>
</tr>
<tr>
<td>Existing spaces to be retained</td>
<td>69 spaces</td>
</tr>
<tr>
<td>14 spaces</td>
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</tbody>
</table>

Existing spaces to be retained

A total of four (4) loading spaces (3 Type B and 1 Type C) are currently situated on site. The development proposes an additional four (4) loading spaces (2 Type B, 1 Type C, and 1 Type G).

The overall density of the proposal is 2.95 times the site area, including existing density to be retained.

**POLICY CONTEXT**

**Provincial Policy Statement and Provincial Plans**

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; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. 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.

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; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The Official Plan (OP) Urban Structure Map 2 identifies the subject site as part of the Employment Districts designation. The OP Map number 18 – Land Use designates the
Employment Districts and Employment Areas

Section 2.2.4.1 states that Employment Districts shown on Map 2 will be protected and promoted exclusively for economic activity in order to, among other things, maintain and grow the City’s tax base and provide a range of well paid and stable employment opportunities for Toronto residents.

Employment Areas are places of business and economic activity. Uses that support this function 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 (Section 4.6.1).

Mixed Use Areas

The Official Plan, through Official Plan Amendment 231, redesignates the lands subject to redevelopment as Mixed Use Areas. Mixed Use Areas are intended to consist of a broad range of commercial, residential and institutional uses. These areas are intended to absorb, over time, a portion of Toronto’s expected growth. Mixed Use Areas vary in scale and density subject to a site's locational attributes and context. The OP contains policies to guide the development of Mixed Use Areas, including: the creation of a balance of uses that reduces automobile dependence and meets the needs of the community; the provision of new jobs and homes on underutilized lands; the location and massing of buildings to frame streets, minimize shadow impacts and provide areas of transition toward lower scale 'Neighbourhoods'; and the provision of an attractive, safe and comfortable pedestrian environment.

The Public Realm

Public Realm policies contained within the OP that help guide the development of streets, sidewalks and boulevards are applicable to the proposal. Policy 3.1.1.6 requires that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians. Policy 3.1.1.14 outlines design considerations for new streets, including providing connections between adjacent neighbourhoods, dividing larger sites into smaller development blocks, providing access and addresses for new developments, allowing the public to freely enter without obstruction, creating adequate space for pedestrians, bicycles and landscaping, and providing access for emergency vehicles.

Built Form Policies

Section 3 of the City's Official Plan, 'Building a Successful City' identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that...
development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow and wind impacts on streets, open spaces and parks.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The background text in Section 3.1.3, which provides context for the policies, is clear in stating that tall buildings do not belong everywhere. Tall buildings are generally limited to areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific zoning. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Official Plan. Policy 3.1.3.1 c) directs that new tall buildings will contribute to the skyline character of the subject area.

Section 37 Policy
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, community facilities, day care space, and area park improvements.

Garrison Common North Secondary Plan
The Garrison Common North Secondary Plan applies to the site. 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.

Municipal Comprehensive Review of the Official Plan
The subject site is currently within the Employment Lands land use designation within the City’s Official Plan. As part of the 5-year Municipal Comprehensive review of the Official Plan, lands within the Employment Lands land use designation may be converted to other land use designations. In December 2013, City Council approved the conversion of part of the lands at 171 East Liberty Street from Employment Areas to Mixed Use Areas through Official Plan Amendment 231 (OPA 231).
Prior to OPA 231 coming into force, the Minister of Municipal Affairs and Housing (MMAH) must approve the Official Plan Amendment. At the time of drafting of this report, a decision by the Minister has not been issued. Should Council approve the Zoning By-law amendments appended to this report (Attachment 5), any bills will be held until such time as a decision is issued.

Official Plan Amendment 231 can be found at -

**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 that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at [http://www.toronto.ca/planning/tallbuildingdesign.htm](http://www.toronto.ca/planning/tallbuildingdesign.htm)

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that 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 Plan related to the design and development of tall buildings in Toronto.

The Guidelines are intended to implement the built form policies of the City’s Official Plan. They include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm. In considering site context, in addition to requirements for master plans on larger sites, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby.

Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views. Design criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces, and respect for heritage buildings. New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller buildings elements, a minimum stepback of 5 metres for the tower from the street edge of the base building is required. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces, as well as minimizing additional shadowing on neighbouring parks to preserve their utility.
Zoning
The site is zoned Industrial District (IC D3 N1.5), with a maximum permitted building height of 28.0 metres and a maximum density of 1.5 times the lot area for certain uses, and 3 times the lot area for other uses, by City of Toronto Zoning By-law No. 438-86, as amended. By-law 1150-2008 further amends By-law 438-86 to permit additional non-residential uses on the subject site.

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

Reasons for the Application
The applicant has submitted a Zoning By-law Amendment application to permit a mixed-use building including residential uses in an Industrial Zone. The proposed building exceeds the permitted maximum building height of 28 metres. The proposed building does not comply with other Zoning By-law requirements regarding required loading spaces, parking spaces, and amenity space.

Community Consultation
On Monday May 6, 2013, City Planning Staff held a community consultation meeting at 165 East Liberty Street, the Brazen Head, to present the proposed development and engage the community in a discussion on the proposal. Approximately 80 members of the community attended this meeting.

The community raised concerns regarding the following:
- introducing more residential units into the Liberty Village neighbourhood;
- whether the proposed live/work units would function as live/work units;
- traffic circulation;
- the public realm;
- preservation of heritage elements of the existing building at 171 East Liberty Street;
- shadow impacts the proposed building will have on adjacent open space and businesses;
- the proposed building height;
- the proposed amount of indoor amenity area; and
- impacts to views from existing buildings and those under-construction.

On Wednesday April 16, 2014, Councillor Mike Layton held a community meeting at 165 East Liberty Street, the Brazen Head, to present the revised development proposal. Approximately 70 members of the community attended this meeting.

The community raised concerns regarding the following:
- introducing more residential units into the Liberty Village neighbourhood;
- traffic circulation and impacts on area traffic flows
• the completion of a Heritage Conservation District Study prior to the approval of the proposed development;
• the proposed building height;
• impacts to views from existing buildings and those under-construction; and
• concerns regarding construction activities (debris, noise, etc)

Overall the community is generally supportive of the introduction of more office space into the area and it was noted that the building design, particularly on the retail and office floors, was attractive.

**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**

**Provincial Policy Statement and Provincial Plans**

Section 2 of the Planning Act sets forth matters of Provincial interest which municipal Councils shall have regard to in making decisions under the Act. These include 2(h) the orderly development of safe and healthy communities; 2(l) the protection of the financial and economic well-being of the Province and its municipalities; and 2(p) the appropriate location of growth and development.

The Planning Act, PPS and the City’s Official Plan are inter-connected. One of the stated purposes of the Planning Act in Section 1.1(f), is to recognize the decision-making authority of municipal councils in planning. Section 4.5 of the PPS provides that the official plan is the most important vehicle for implementation of the PPS. In addition, the PPS provides that comprehensive, integrated and long term planning is best achieved through municipal Official Plans, that official plans are to identify provincial interests and set out appropriate land use designations and policies, and that official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The PPS provides minimum standards and states that it does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy in the PPS. Planning authorities are to keep their Official Plans up to date with the PPS in order to protect Provincial interests.

The City’s Official Plan is up-to-date, having been approved at the OMB in 2006, and, along with guiding development in the City, it implements the PPS in order to protect Provincial interests. The proposal does not conflict 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; and protecting natural systems
and cultivating a culture of conservation. The proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**
The proposed development has been reviewed against, and will conform to the policies of the City of Toronto Official Plan, both as a whole, and as they apply specifically to this site, provided the Minister approves Official Plan Amendment 231, as it relates to this development, in the form in which it was enacted by City Council.

The attached Zoning By-law amendments (Attachments 5) reflect a development which satisfies the policies of the Official Plan.

**Mixed Use Areas**
The proposed building conforms to the Mixed Use Areas Policies of the Official Plan (Section 4.5). The proposal creates a balance of commercial and residential space. The development provides for new jobs and homes for Toronto’s growing population and allows the creation of well-paid, stable, safe and fulfilling employment opportunities for all Torontonians. The building has been designed, located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Service areas, loading and vehicle accesses have been located at the rear of the building adjacent to an existing shared laneway.

**Garrison Common North Secondary Plan**
The development responds to the policy direction contained within the Garrison Common North Secondary Plan by integrating into the established city fabric of streets, blocks, uses, density patterns characteristic of the area and provides for a range of uses and housing types.

**Built Form**
The proposed Zoning By-law amendment at 171 East Liberty Street includes one tall building element situated atop a podium and is subject to the Built Form Policies of the Official Plan (Section 3.1.2) and the City of Toronto Tall Building Design Guidelines.

**Base Building**
The base building has been designed to relate to the adjacent podium at 65-85 East Liberty Street. The podium provides a number of stepbacks in order to provide for interesting visual articulation and stepping away from the public realm. The podium is lined with active, grade-related uses which will promote a safe and animated public realm. The first two storeys of the podium feature exterior materials, articulation and treatments which reflect the heritage character of the west portion of the building which is proposed to be retained. The building is set back 3.0 metres from the property line and 7.3 metres from the street at-grade, allowing for appropriate sidewalk widths and new boulevard tree-planting.
Building Floorplates and Separation Distance
The size and articulation of the floor plate of a tall building is key to the perception of the overall massing of the building and its visual and physical impact on adjacent areas. The use of small floor plates is encouraged to improve sky views, and improve porosity between buildings. Section 3.2.1 of the Tall Building Design Guidelines recommends that floorplates of tall buildings not exceed 750 square metres, excluding projecting or inset balconies.

Separation distances between buildings also assist in improving sky views, and improving porosity between buildings on the site. Reducing the spacing distances by moving tall building closer together compromises liveability issues within units as well as the quality of the public realm. Section 3.2.3 of the Tall Building Design Guidelines recommends that the minimum distance between tall buildings be 25 metres.

The proposed tower element achieves a minimum separation distance of 25 metres from other towers at 65-85 East Liberty Street and 150 East Liberty Street. The proposed floorplates of the tower vary from 789 square metres to 680 square metres.

Section 3.2.1 of The Tall Building Guidelines states that, where floor plates larger than 750 square metres are proposed, exceptional design attention must be given to the shape and articulation of the tower to diminish the overall impact of building mass and greater setbacks and separation distances should also be provided.

City Planning is satisfied that the design characteristics of these towers meet the intent of the Tall Building Guidelines.

The Site as a Transition Area
The subject site is considered as a transitional area between the predominantly tall-building character of the east end of Liberty Village and the much more moderate height and historical character of the area to the west. The subject site is a transition zone between these two distinct areas of Liberty Village. Planning staff support the tower location at the east end of the property to relate better to the adjacent towers and preserve the majority of the existing building. The proposed development generally complies with the intent of Section 3 of the Official Plan.

Built Form Conclusions
City Planning staff is satisfied that the development implements the principles of the Tall Building Guidelines and the Built Form Policies of the Official Plan.

The proposed development is organized and massed to fit harmoniously with the existing context and contribute to the skyline. It appropriately responds to streets, open spaces, and adjacent structures at good proportion, and generally complies with the intent of Section 3.1.2 of the Official Plan. Through review of the Site Plan application, the City will secure interesting, high-quality materials in the treatment of the tower and podium.
Economic Impact and Securing the Proposed Office Space
The 5-year municipal comprehensive review of the Official Plan determined that the exclusive employment uses were not mandatory for the east end of the site. City Planning’s is recommending that employment uses that are compatible to the area's residential context should be incorporated into any proposed redevelopment of the subject lands at 171 East Liberty. In response to this position, the applicant is proposing a minimum of 12,000 square metres of non-residential office space within the proposed redevelopment.

Through the review of the proposed amendment to the Official Plan to convert the subject site from Employment Lands to Mixed Use Areas, City Staff concluded that the proposed Office Space was a positive component of the development, contributing to the broader policies of the Official Plan. The proposed office space also implements one of the principles of the Employment Land conversions being considered through the 5-Year Municipal comprehensive review of the Official Plan to require lands which were converted to retain some employment space. The proposed office space will contribute positively to the Liberty Village area and City-wide economy.

In order to secure this space as employment space, Official Plan Amendment 231 requires a minimum of 12,000 square metres of Office Space be provided on the Mixed Use Areas portion of the lands subject to this development. This requirement is also stated within the Attached Zoning By-law Amendment (Attachment 5).

Traffic Impact, Access, Parking
Transportation Services has completed the review of the Transportation Impact Study submitted by MMM Group Limited.

The applicant is proposing to satisfy the parking requirements of the proposed development within both the subject site and on an adjacent site, 5 Hanna Ave. A 133 space commercial parking area is situated at 5 Hanna Ave which will contribute to the Parking for the commercial uses on site. This approach is acceptable to Transportation Services Staff.

In order to ensure that parking continues to be provided on the adjacent site, the owner shall be required to enter into an agreement registered on title of both 171 East Liberty and 5 Hanna Avenue with the owners of each site, to which the City will be a party, to secure for 133 commercial parking spaces to be provided on the adjacent lot.

In order to accommodate future traffic volumes in accordance with the submitted Traffic Study by MMM Group Limited dated May 2014, the owner will submit a functional pavement marking and signing plan and construct, at no cost to the City, a dedicated westbound right-turn-lane at the East Liberty Street/Pirandello Street intersection.

The applicant will provide 32 parking spaces within the commercial garage at 171 East Liberty Street for the exclusive use of visitors to the residential condominium, at no cost, between the hours of 6:00PM on Fridays and 6:00AM on Mondays. These 32 parking
spaces will include signage that indicates that the spaces are for the exclusive use of
visitors to the residential condominium, at no cost, between the hours of 6:00PM on
Friday and 6:00AM on Monday. This will be secured in the Section 37 Agreement.

**Servicing**

The applicant has submitted Functional Servicing Report by MMM Group dated May
2014 in support of the proposed development. This document has been reviewed and
accepted by Engineering and Construction Services and Toronto Water. The report
concludes that services are adequate to support the proposed development.

**Parks, Forestry and Recreation**

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 0.42 – 0.78 ha of parkland per 1000 people, which is the
second lowest provision level. The site is in a parkland priority area, as per Alternative
Rate Parkland Dedication By-law No. 1020-2010.

The development site area is 2768 m2. For sites that are less than 1 hectare in size, a cap
of 10% is applied to the residential use while the non-residential use is subject to a 2%
parkland dedication.

As the site would not generate a large enough parcel of land to be useful as parkland, the
applicant is requested to satisfy the parkland dedication requirement by cash-in-lieu.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of
the building permit by the Facilities and Real Estate Division.

**Heritage Context**

The sensitive heritage context of this area includes a variety of listed and designated
structures similar to those located on the subject site. Over the years a number of
buildings in the vicinity have undergone adaptive re-use and most have been undertaken
with regard for the heritage character of the area and have complied with the area's
current zoning provisions. Heritage Preservation Services (HPS) staff reviewed a zoning
amendment report on this site in 2008 and at that time commented that 171 East Liberty
Street would be best served under the umbrella of a heritage conservation district
designation.

The community has expressed significant concern over the partial demolition of the
existing building. The building itself is not listed or designated, and has been
significantly altered over time. The building as a transitional structure however is very
valuable with regard to the contrasting character of Liberty Village to the east and to the
west.
On June 14th 2005, City Council authorized the Liberty Village Area, within the boundaries of Atlantic Avenue, Dufferin Street, King Street, and the Rail Corridor, for study as a Heritage Conservation District (HCD). The HCD study of this area will begin once the area has been prioritized according to the Council adopted HCD Prioritization Criteria.

**Wind Conditions**

The applicant has submitted a wind study from Gradient Microclimate Engineering Inc. to detail the potential wind impacts resulting from the massing of the proposed development. The report concludes the wind conditions at grade surrounding the proposed development are expected to be generally suitable for the intended pedestrian uses in most areas. However, based on the orientation of the project relative to prevailing wind directions, and the proximity of the proposed tower to other adjacent high-rise developments, the report suggests that that the development may experience some stronger wind conditions at grade in some instances.

The report further notes that a detailed wind tunnel study is currently underway to identify any mitigation measures.

In order to address wind conditions City Planning will require an updated wind study and will secure any mitigation measures through the Section 37 Agreement and site plan approval.

**Construction Management**

In order to respond to community concerns regarding the proposed development, prior to the issuance of the first demolition permit, the owner will submit a Construction Management Plan including but not limited to details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor.

**The West of Downtown Study**

City Planning has been requested to review the existing and planned development in the King Liberty Area in the context of the larger West of Downtown Area (WDT). The WDT is the area generally west of Bathurst Street, north of Lake Shore Boulevard West from Dufferin to King Street West. Planning will be looking at the overall level of development in the area and the hard and soft infrastructure that exists or is needed to serve this area that has intensified rapidly. One of the major focuses of the study will be transportation infrastructure.
Planning staff will be working on this study with other City divisions with a report on the work program and preliminary findings in early 2015.

**Implementation**

The in-force Official Plan currently permits ‘live-work’ uses on the subject site though the Garrison Common North Secondary Plan. Official Plan Amendment 231 removes ‘live-work’ uses from Liberty Village and redesignates the east part of the subject site as *Mixed Use Areas* while leaving the west part of the site as *Employment Areas*.

Residential uses will be permitted within the *Mixed Use Area* portion of the subject property, however residential uses, including ‘live-work’ uses, will not be permitted in the part of the site remaining as *Employment Areas*. OPA 231 also requires a minimum of 12,000 square metres of office space be provided on the part of the site designation *Mixed Use Areas*.

In order to implement Official Plan Amendment 231, the Draft By-law (Attachment 5) permits residential uses and requires that a minimum of 12,000 square metres be provided in the area corresponding to the *Mixed Use Areas* designation on the property. The Draft By-law does not permit residential uses on the west part of the lands, corresponding to the *Employment Areas* designation and limits the proposed tower to the east side of the site in a prescribed building envelope.

**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 benefit are recommended to be secured in the Section 37 Agreement:

i. an indexed cash contribution of $1,000,000.00 for securing and/or constructing community services and/or facilities within the general area of 171 East Liberty Street;

The following matters to support the development will also be secured within the Section 37 Agreement:

ii. submission of a satisfactory construction management plan which will be implemented on site throughout construction;

iii. A revised wind study with mitigation impacts required to be incorporated into the proposed building;
iv. Provision of a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms;

v. Submission of an acceptable pavement marking and signing plan for a dedicated westbound right-turn-lane at the East Liberty Street/Pirandello Street and construction of this improvement;

vi. Providing and maintaining a minimum of 32 parking spaces within the commercial garage which are free from Fridays at 6:00PM until Mondays at 6:00AM exclusively for visitors to the residential condominium.

Conclusion
Liberty Village has grown and changed significantly in the last several years. This change has resulted in challenges regarding the provision of new park space, community infrastructure and transportation infrastructure. Community concerns with regard to the impacts of further development in Liberty Village are valid, though in this case, staff feel that the potential impacts of this one new building are minor, as the proposed redevelopment results in less than the current as-of-right density on the site and introduces new office space contributing to a better balance of mixed-uses. The larger study of the hard and soft infrastructure that exists or is needed to serve this new neighbourhood will be reviewed as part of the West of Downtown Study.

City Planning is supportive of the proposed development. It will introduce a substantial amount of office space into a primarily residential area within Liberty Village and provides a good transition between the towers to the east and the lower buildings and heritage character to the west.

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

SIGNATURE

_______________________________
Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner & Executive Director
City Planning Division
ATTACHMENTS
Attachment 1: Official Plan Map18 Excerpt
Attachment 2: Zoning By-law 438-86 Excerpt
Attachment 3: Site Plan
Attachment 4: Building Elevations
Attachment 5: Draft Zoning By-law Amendment
Attachment 6: Application Data Sheet
Attachment 1: Official Plan Map18 Excerpt
Attachment 2: Zoning By-law 438-86 Excerpt
Attachment 5: Draft Zoning By-law Amendment

Authority: Planning and Growth Management Committee Item ~ as adopted by City of Toronto Council on ~, 2014

Enacted by Council: ~, 2014

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2014

To amend the By-law 1150-2008, being a By-law to amend By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands known municipally as 165 East Liberty Street and 171 East Liberty Street.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS Council of the City of Toronto on October 30, 2008 adopted By-law No. 1150-2008 being a By-law “to amend the General Zoning By-law 438-86 of the former City of Toronto with respect to the lands municipally known as 165 East Liberty Street and 171 East Liberty Street”; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law passed under Section 34 of the Planning Act, authorize increases in the height of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the By-law; and

WHEREAS Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height permitted hereunder, beyond those otherwise permitted in the Zoning By-law, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height in connection with the aforesaid lands as permitted in this By-law; The Council of the City of Toronto HEREBY ENACTS as follows:

Staff report for action – Final Report – 171 East Liberty St
V.05/13

27
1. By-law No. 1150-2008 is amended by:

(a) adding Map 2 and Map 3 attached to and forming part of this By-law;

(b) deleting section 1(b)(iii) and substituting therefor the following:

“the total combined non-residential gross floor area for the uses in subsection (vi) does not exceed 13,350 square metres”;

(c) amending section 1(b)(vi) by adding apartment building and day nursery to the list of permitted uses;

(d) amending section 1(b) by adding thereto the following:

(viii) residential uses, including ‘live-work’ uses, shall not be permitted on the lot, except within Area A, and such residential uses shall be subject to the provisions of this By-law.

(e) deleting the MAXIMUM FLOOR AREA provisions in section 1(c) and substituting therefor the following:

“(c) the maximum combined non-residential gross floor area and residential gross floor area on the lot does not exceed 57,800 square metres, provided that:

(i) the maximum non-residential gross floor area for any use listed under subsection 1(b)(vi) of this By-law, does not exceed 13,350 square metres, of which a minimum of 12,000 square metres of non-residential gross floor area will be used for non-residential uses other than retail uses;

(ii) the maximum non-residential gross floor area for any other non-residential use not including those listed under subsection 1(b)(vi) of this By-law does not exceed 39,100 square metres, of which a minimum of 12,000 square metres of non-residential gross floor area will be used for non-residential uses other than retail uses; and

(iii) the maximum residential gross floor area shall be only be located in Area A as shown on Map 2 and shall not exceed 18,050 square metres, within which a maximum of 283 dwelling units are permitted, of which, a minimum of 10% of the total number of dwelling units shall be 3-bedroom dwelling units or larger.

(f) deleting 1(d) with respect to PARKING and substituting therefor the following:

(i) a minimum of 142 parking spaces shall be provided on the lot for the residential uses within situated within Area A; and

(ii) a minimum of 187 parking spaces shall be provided for the non-residential uses on the lot; and,
(iii) a minimum of 133 parking spaces shall be provided at 5 Hanna Avenue, within a commercial garage, for the non-residential uses on the lot.”

(g) adding a new AMENITY subsection 1(f) as follows:

“(f) despite subsection 4(12) of Zoning By-law 438-86, as amended:

(i) a minimum of 1.75 square metres per dwelling unit of indoor residential amenity space shall be provided within Area A as shown on Map 2; and

(ii) a minimum of 0.9 square metres per dwelling unit of outdoor residential amenity space shall be provided within Area A as shown on Map 2”

(h) adding a new SETBACKS subsection 1(g) as follows:

“(g) despite subsection 9(3) Part II of Zoning By-law 438-86, as amended, no portion of a building or structure erected or used above grade within Area A is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 3, subject to the following;

(i) canopies, awnings, architectural fins, building cornices, lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend beyond the heavy lines shown on Map 3;

(ii) balconies and associated architectural vertical framing structures may extend up to 1.8 metres beyond the heavy lines shown on Map 3, except on the building façade facing East Liberty Street and the building façade facing south;

(i) adding a new HEIGHTS subsection 1(h) as follows:

“(h) despite subsection 4(2) of Zoning By-law 438-86, as amended, the height of any building or structure, or portion thereof within Area A, shall not exceed those heights as indicated by the numbers following the symbol H on the attached Map 3, which shall not exceed a maximum height of 28 storeys, with the exception of the following:

(i) the maximum height for terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, elevator overrun, staircase, cooling tower discharge structures, boiler vents, generator vents, garbage chutes, window washing equipment, ornamental architectural features, chimney stacks, ladders and structures used for safety or wind protection purposes shall be permitted to encroach a
maximum of 1.5 metres above the *height* limit shown on Map 3;

(ii) despite any section in this By-law to the contrary, above and inclusive of, the 9th *storey*, the following shall apply:

a. a maximum of 12 *storeys* shall have a total *floorplate* which does not exceed a maximum of 789 square metres;

b. a minimum of 7 *storeys* shall have a total *floorplate* shall not exceed a maximum of 770 square metres; and,

c. a minimum of 1 shall have a total *floorplate* shall not exceed a maximum of 680 square metres.

(j) adding a new BICYCLE PARKING section 1(i) as follows:

(1) despite subsection 4(13) of Zoning By-law 438-86, as amended, a minimum of 324 *bicycle parking spaces* shall be provided on the *lot*, of which:

a) a minimum of 40 *bicycle parking spaces* will be provided for the non-residential uses on the *lot*;

b) a minimum of 0.6 *bicycle parking spaces per dwelling unit* shall be located only on the ground floor or parking level 1, and shall be secured within the interior of the building;

c) a minimum of 0.15 *bicycle parking spaces per dwelling unit* shall be provided for visitors to the residential units, and shall be located only on the ground floor or parking level 1 secured within the interior of the building; and,

d) none of the required *bicycle parking spaces for residents or visitors* shall be located below parking level 1.

(k) adding new definitions to section 2 as follows:

“*Area A*” means the area of the *lot* indicated as such on Map 2 and Map 3 attached to and forming part of this by-law.

“*grade*” means 85.55 metres Canadian Geodetic Datum.

“*floorplate*” means the total area of a floor of a building measured from the exterior of the main wall of the floor level, including voids at the level of the floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct or utility shaft.

“*lot*” means the entire area shown in dashed black lines on Map 2 attached to and forming part of this by-law.”

(l) adding a new section 3 as follows:
“3. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole of the lot as if no severance, partition or division occurred.”

(m) adding a new section 4 as follows:

“4. A sales office, used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential gross floor area to be erected on the lot, shall be permitted.”

(n) adding a new section 5 as follows:

“5. Section 37

The owner of the subject lands shall at its expense enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services, and matters referred to below. The owner of the subject lands, in accordance with, and subject to the aforesaid Section 37 agreement(s), shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in height authorized in this By-law Amendment:

a) The owner shall contribute $1,000,000.00, indexed upwardly 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 upon issuance of the 1st above-grade building permit, toward securing and/or constructing community services and/or facilities within the general area of 171 East Liberty Street, to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;

The following matters to support the development shall also be secured within the Section 37 Agreement:

b) Prior to the issuance of the first demolition permit for the of part of the existing building necessary to facilitate the proposed development, the owner will submit a Construction Management Plan including but not limited to details regarding size and location of construction staging areas, dates of significant concrete pouring activities, measures to ensure safety lighting does not negatively impact adjacent residences, construction vehicle parking locations, refuse storage, site security, site supervisor contact information, and any other matters deemed necessary to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the
c) Prior to the issuance of any above grade permits, an updated wind study will be provided to the satisfaction of the City Planning Division to identify measures to mitigate wind impacts year-round. Mitigation measures will be required to be incorporated into the proposed building;

d) The owner shall provide a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms;

e) Prior to the issuance of below-grade permits, the owner shall submit a functional pavement marking and signing plan for a dedicated westbound right-turn-lane at the East Liberty Street/Pirandello Street and construct, or cause to be constructed, at no cost to the City, this dedicated westbound right-turn-lane to the satisfaction of the General Manager, Transportation Services; and,

f) The owner agrees to provide and maintain a minimum of 32 parking spaces within the commercial garage at 171 East Liberty Street for the exclusive use of visitors to the residential condominium, at no cost, between the hours of 6:00PM on Fridays and 6:00AM on Mondays to the satisfaction of the Chief Planner and Executive Director, City Planning. These 32 parking spaces shall include signage that indicates that the spaces are for the exclusive use of visitors to the residential condominium, at no cost, between the hours of 6:00PM on Friday and 6:00AM on Monday.

ENACTED AND PASSED this______day of_________, 2014.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)
Attachment 6: Application Data Sheet

Application Type: Rezoning
Details: Rezoning, Standard
Application Number: 12 246860 STE 19 OZ
Application Date: September 14, 2012

Municipal Address: 171 EAST LIBERTY ST
Location Description: PT ORDNANCE RESERVE PT BLK 11 RP 66R19577 PART 3 **GRID S1908
Project Description: This application proposes to permit the redevelopment of the most easterly portion of the site with a 28-storey mixed-use building consisting of ground floor retail, office floorspace on the 2nd to 7th storeys, residential units on the 8th to 28nd storeys and three levels of underground parking. A two-storey portion of the existing building at the east part of the site is proposed to be demolished to facilitate the proposed development.

Applicant: Sherman Brown Dryer
Agent: Lifetime Developments
Karol
Inc
Architect: Wallman Architects
Owner: LIBERTY MARKET BUILDING INC

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m): 19374
Frontage (m): 276
Depth (m): 0
Total Ground Floor Area (sq. m): 12747
Total Residential GFA (sq. m): 18004
Total Non-Residential GFA (sq. m): 39088
Total GFA (sq. m): 57092
Lot Coverage Ratio (%): 65.8
Floor Space Index: 2.9

Total
Parking Spaces: 329
Loading Docks: 8

FLOOR AREA BREAKDOWN (upon project completion)

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<th>Tenure Type</th>
<th>Above Grade</th>
<th>Below Grade</th>
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<td>Bachelor: 22</td>
<td>Retail GFA (sq. m): 13345</td>
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<td>1 Bedroom: 198</td>
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<td>3 + Bedroom: 29</td>
<td>Institutional/Other GFA (sq. m): 0</td>
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</tbody>
</table>

DWELLING UNITS

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