

**53, 61 and 65 Ontario Street, and 102 Berkeley Street -
Zoning Amendment Application - Preliminary Report**

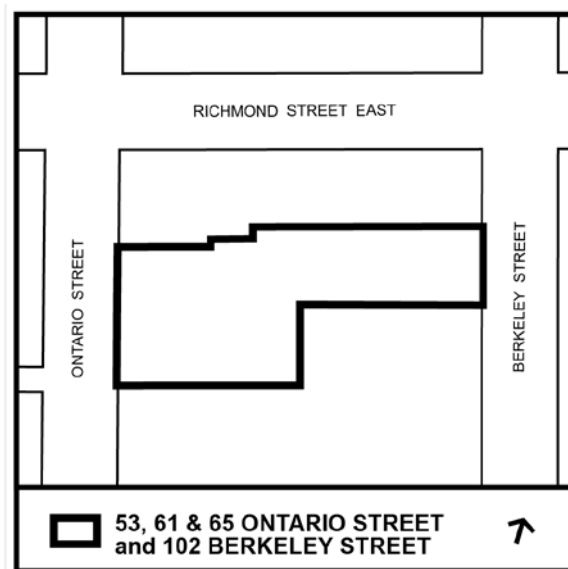
Date:	March 10, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	15 113777 STE 28 OZ

SUMMARY

A Zoning By-law Amendment application has been submitted for 53, 61 and 65 Ontario Street, and the rear portion of 102 Berkeley Street, to permit a 25-storey mixed-use building consisting of an 8-storey base building and a 17-storey tower. The proposal consists of: 17,991 square metres of residential gross floor area resulting in 277 dwelling units; 620 square metres of commercial gross floor area; 176 vehicular parking spaces and 282 bicycle parking spaces. The site is located southeast of Richmond Street East and Ontario Street, with frontage on Ontario Street.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

It is recommended that a community consultation meeting be scheduled by staff, in consultation with the Ward Councillor. A Final Report and public meeting under the *Planning Act* to consider the application is targeted for the fourth quarter of 2015, provided the issues raised in this report and through the review of the application are satisfactorily resolved, and that any



requested information is submitted by the applicant in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 53, 61 and 65 Ontario Street, and 102 Berkeley Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There had been no recent *Planning Act* applications on this site.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on January 7, 2015, to discuss complete application submission requirements. The applicant presented a proposal similar to the application submitted. Issues identified by staff include: overall height of the building; height of the base building; stepbacks of the tower from the property lines; zero side and rear lot line setback conditions; consistency of the massing to the overall built form character of the King-Parliament area; impacts to the surrounding heritage buildings and buildings with heritage potential; provision for an adequate amount of family-sized residential dwelling units; and provision for the replacement of commercial office space that was previously on the site.

ISSUE BACKGROUND

Proposal

The applicant is proposing to develop the property at 53, 61 and 65 Ontario Street, and the rear portion of 102 Berkeley Street for a mixed-use building of 25 storeys (83.45 metres including the mechanical penthouse), consisting of an 8-storey base building with street-related retail uses, and a 17-storey tower (refer to Attachments 2a-b: Elevations). The front portion of the existing 1-storey building at 102 Berkeley Street is to be retained. The proposal has a total gross floor area of 18,601 square metres, of which 17,981 square metres is residential space, and 620 square metres is street-related retail space.

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

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

The development proposes a total of 277 residential dwelling units consisting of: 82 (29.6%) bachelor units; 146 (52.7%) one bedroom units; 31 (11.2%) two bedroom units; and 18 (6.5%) three bedroom units.

The provision of amenity space for the residential component of the development, in contrast to the Zoning By-law standards is outlined in the following table:

Amenity Space for Residential Use		
	Proposed (sq.m.)	Zoning By-law Standard (sq.m.)
Indoor Amenity Space	324 on the 2 nd Storey 115 on the 9 th Storey	554
Outdoor Amenity Space	450 on the 9 th Storey	554

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

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

Site and Surrounding Area

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

The surrounding uses are as follows:

West: On the west side of Ontario Street are: 411 Adelaide Street East – a 3-storey brick commercial/industrial building that is designated on the City of Toronto Inventory of Heritage Properties; an east-west city-owned public laneway; 424 to 460 Adelaide Street East – a vacant site, and subject to a Zoning By-law Amendment application (file no. 10 215620 STE 28 OZ) to permit two condominium towers of 19 and 21-storeys with a shared mixed-use base building.

North: 67 to 71 Ontario Street – three 2.5-storey brick mixed use townhouses; 75 Ontario Street and 429 Richmond Street East – a 1-storey retail building; 431 Richmond Street East – a 2-storey brick commercial building; 455 – 457 Richmond Street East – two 2 to 3-storey residential buildings; 461 Richmond Street East – a 1-storey place of worship; 467 to 469 Richmond Street – two 2.5-storey residential brick townhomes; and 106 to 112 Berkeley Street – four 2-storey townhouses used for residential and commercial purposes.

East: 86 and 94 Berkeley Street – a private surface parking lot for the commercial office building further west. On the east side of Berkeley Street are: 111 to 115 Berkeley Street - four 2-storey semi-detached office buildings that are listed on the City of Toronto Inventory of Heritage Properties; 95 to 105 Berkeley Street - a private surface parking; and 93 to 95 Berkeley Street – a 2-storey brick building listed on the City of Toronto Inventory of Heritage Properties, and subject to a Zoning By-law Amendment application (file no. 14 148284 STE 28 OZ) to permit a 21-storey mixed-use building.

South: 49 Ontario Street – a 7-storey commercial office building; and 472 to 474 Adelaide Street East – a 2-storey mixed-use building. Southeast includes: 82 Berkeley Street – a 2-storey industrial/office building; and 72 to 78 Berkeley Street – four 2.5-storey townhouses used for residential and commercial purposes. On the south side of Ontario Street is 25 Ontario Street – a 3-storey brick building

that is listed on the City of Toronto Inventory of Heritage Properties, and is subject to a Zoning By-law Amendment application (file no. 11 327900 STE 28 OZ) to permit a 27-storey residential building with street-related retail uses.

Planning Act, Provincial Policy Statement and Provincial Plans

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

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, such as encouraging mixed-use development that incorporates compatible employment uses; 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; 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.

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

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront on Map 2 – Urban Structure. The Downtown is a growth area and will continue to evolve as a healthy and attractive place to live and work. The site is designated *Regeneration Area* on Map 18 – Land Use Plan. Section 4.7 indicates *Regeneration Areas* are unique areas of the City where a mixture of uses is encouraged, and where strategies and a framework for development shall be “tailor-made” based on the specific policies of the Secondary Plan.

Section 3.1.2 – “Built Form” directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy, and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets,

parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

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

Section 3.1.5 – “Heritage Resources” provides direction on preserving listed and designated properties on the City of Toronto Inventory of Heritage Properties. Policy 2 requires listed properties to be conserved, and that development adjacent to such properties respect the scale, character and form of the heritage building.

Section 1.5 – “How to Read the Plan” indicates the Official Plan is a comprehensive and cohesive whole. This application will be reviewed against all policies of the Official Plan. The Official Plan can be accessed at: <http://goo.gl/q127OD>

King-Parliament Secondary Plan

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

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

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

The heritage resource policies of the Official Plan are further refined in Section 4 – “Heritage and Community Improvement” of the Secondary Plan. Heritage buildings are identified as essential elements of the physical character in the King-Parliament area. New buildings should achieve a compatible relationship with heritage buildings in their

context through consideration of such matters as building height, massing, scale, setbacks, roof line and profile and architectural character and expression.

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

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

King-Parliament Urban Design Guidelines

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

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

King-Parliament Community Improvement Plan

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

St. Lawrence Heritage Conservation District Study

On August 16, 2012, City Council authorized the St. Lawrence Heritage Conservation District (HCD) Study to proceed. The study process will result in the preparation of an HCD plan(s) and by-law(s) to protect the historical and cultural significance of the study area. The recommended study area is generally bordered by Yonge Street to the west, Adelaide Street to the north, Parliament Street to the east and the railway corridor to the south. Although the site is immediately adjacent to the recommended study area boundary of the HCD Study, any policy recommendations resulting from the HCD study dealing with adjacencies and compatibility to the area will be considered as part of the review of this application.

Staff report for action – Preliminary Report – 53, 61 and 65 Ontario Street, and 102 Berkeley Street

Zoning

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

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

City-Wide Tall Building Design Guidelines

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

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

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

Tree Preservation

Urban Forestry are reviewing the plans and arborist report to determine if there are impacts on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

TOcore

On May 13, 2014, the Toronto and East York Community Council (TEYCC) considered a Staff Report regarding *TOcore: Planning Toronto's Downtown*, along with a related background document entitled *Trends and Issues in the Intensification of Downtown*. Both reports can be accessed at: <http://goo.gl/CKvftl>.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The review of this application will be informed by the issues being considered by TOcore.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law for: an increase in overall height; reduction in rear yard setback; reduction of indoor and outdoor amenity space; and reduction in vehicular parking spaces to name a few.

Additional areas of non-compliance may be identified through the circulation and review process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Property Survey
- Context Plan
- Site Plan
- Floor Plans
- Elevations
- Sections
- Shadow Studies
- Landscape Plan
- Planning and Urban Design Rationale Report
- Heritage Impact Statement
- Transportation Impact Study
- Functional Servicing and Conceptual Stormwater Management Report
- Environmental Noise Feasibility Study
- Air Emissions Letter
- Pedestrian Wind Study

- Stage 1 Archaeological Assessment
- Arborist Report
- Completed Green Standard Checklist
- Draft Zoning By-law Amendments

A Notification of Incomplete Application issued on March 10, 2015 identifies the outstanding material required for a complete application submission as follows:

- Topographical / Grading Plan
- Physical or Computer Generated Building Mass Model

Issues to be Resolved

The following issues are to be addressed by the review of this application:

- Consistency with the PPS and the Growth Plan for the Greater Golden Horseshoe;
- Conformity with the Official Plan policies, including sections on “Downtown”, “Public Realm”, “Built Form”, “Built Form – Tall Buildings”, and Heritage Resources”;
- Conformity with the King-Parliament Secondary Plan policies, including sections on “Urban Structure and Built Form”, and “Heritage and Community Improvement”;
- Conformity with the King-Parliament Urban Design Guidelines, including a built form that corresponds with the adjacent historical and urban design of the *Corktown Special Identity Area*, and the scale and character of Berkeley Street;
- Consistency with the city-wide Tall Building Design Guidelines, including built form considerations on fit and transition in scale, sunlight and skyview, views from the public realm, heritage properties and heritage conservation districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space, and sustainable design;
- Overall height of the building, taking into account the existing/planned context, and its impact;
- Side and rear yard setbacks and stepbacks, taking into account the constraints which may influence the redevelopment potential on neighbouring sites;
- Mix of unit types and sizes, including the provision for family sized units;
- Adequacy and amount of indoor and outdoor amenity space areas for the proposed residential uses;

- Impacts on the adjacent heritage designated building across Ontario Street, and other buildings containing heritage potential surrounding the site;
- Adequacy of community services and parkland in the area;
- Appropriate servicing to accommodate the proposed development;
- Assessment of traffic generation and flow, and their impacts to the existing transportation network;
- The number of vehicular parking spaces for the proposed development;
- The location of bicycle parking spaces for the proposed development; and
- Conformity with the Toronto Green Standard.

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

SECTION 37

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the *Planning Act*. The City intends to apply the Section 37 provisions of the *Planning Act* to this application should it be approved in some form.

CONTACT

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E-mail: htang2@toronto.ca

SIGNATURE

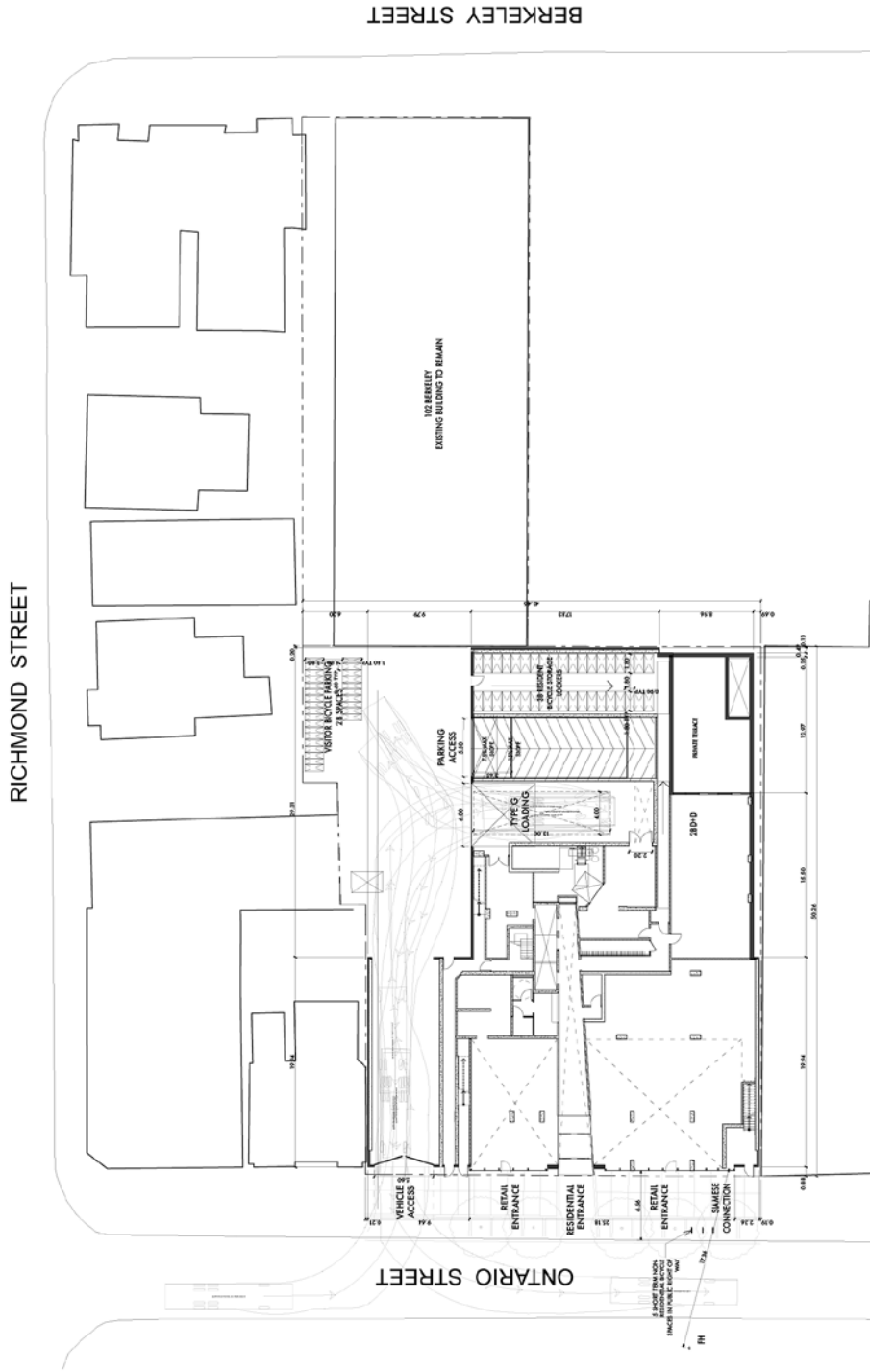
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan

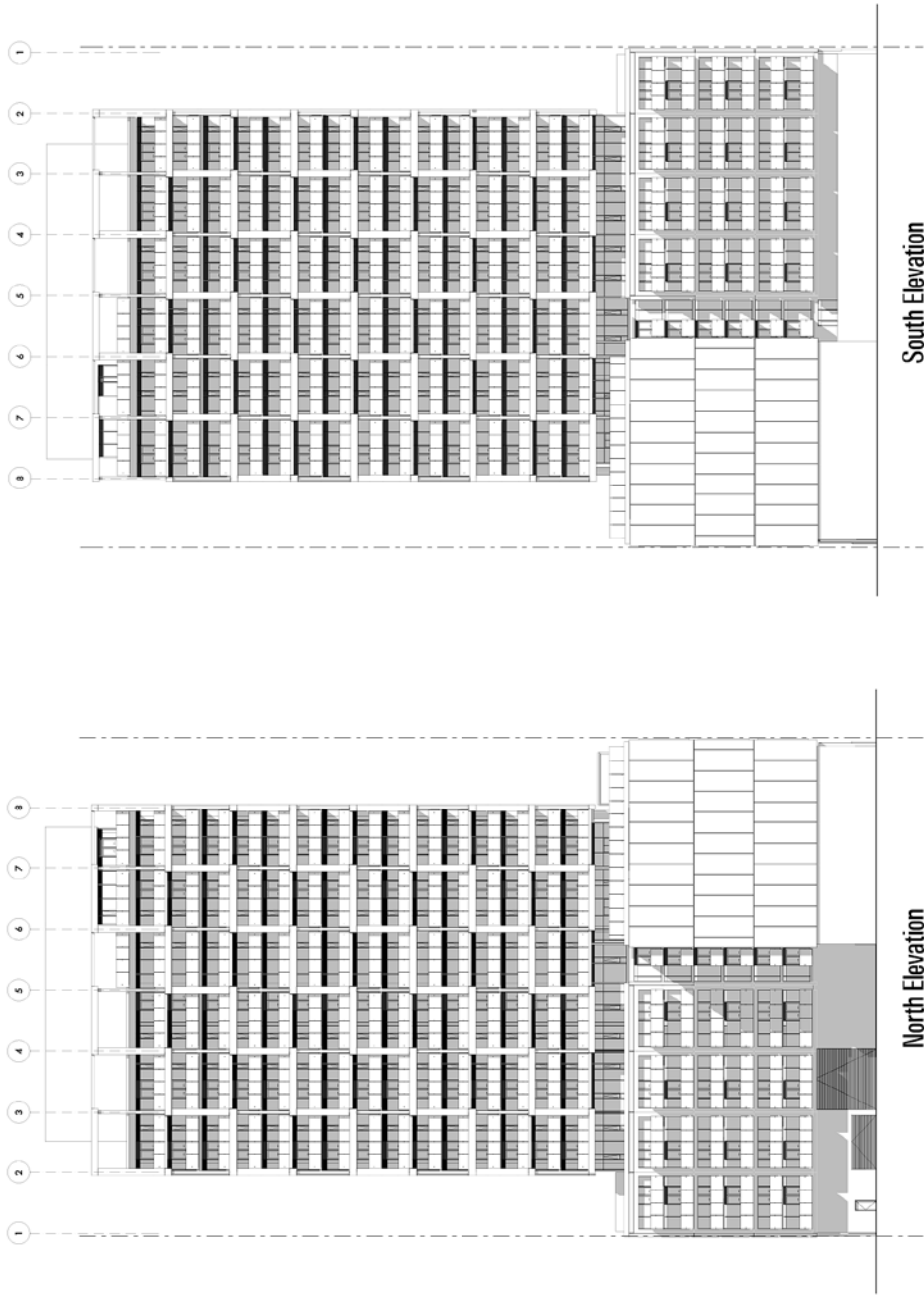


53, 61 & 65 Ontario Street and 102 Berkeley Street

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

File # 15 113777 STE 28 0Z

Attachment 2a: North and South Elevations



Elevations

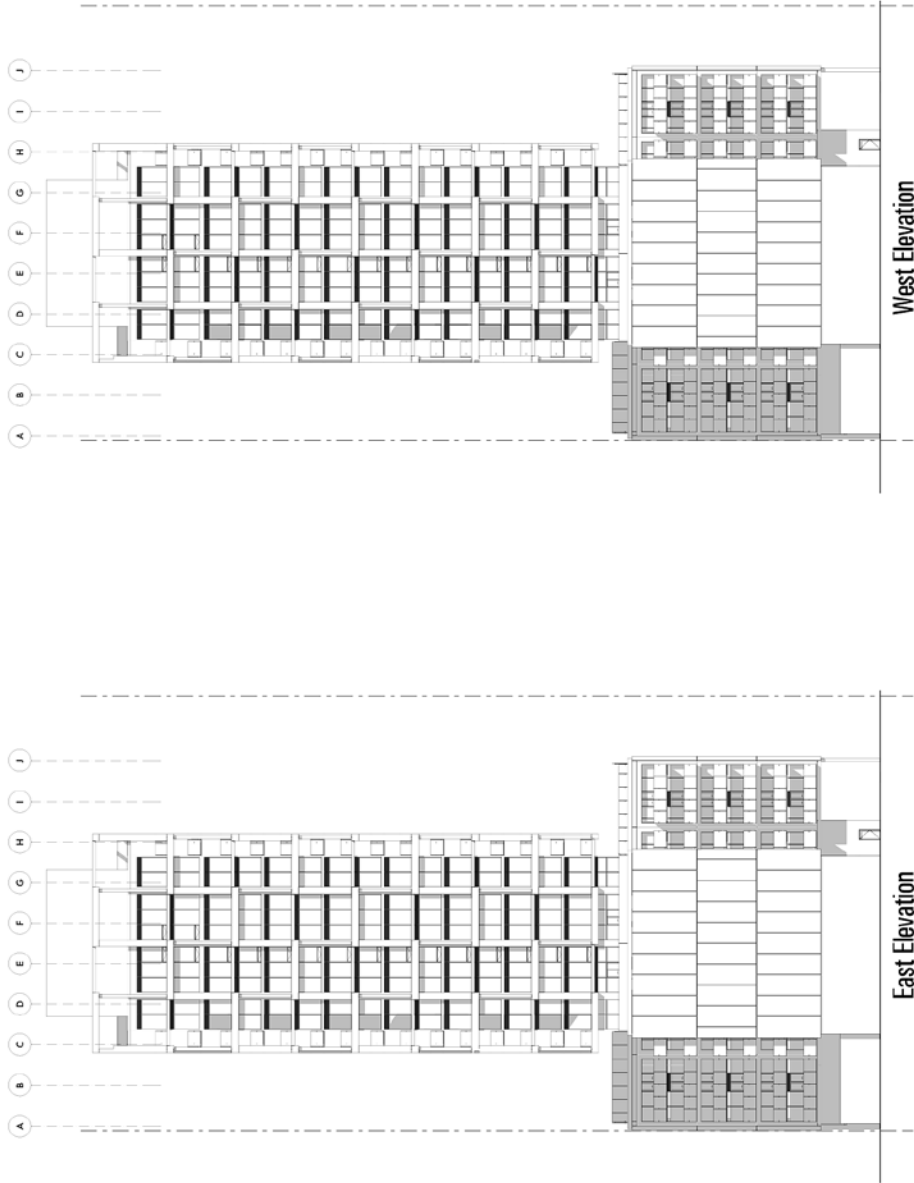
Applicant's Submitted Drawing

Not to Scale
03/04/2015

53, 61 & 65 Ontario Street and 102 Berkeley Street

File # 15 113777 STE 28 0Z

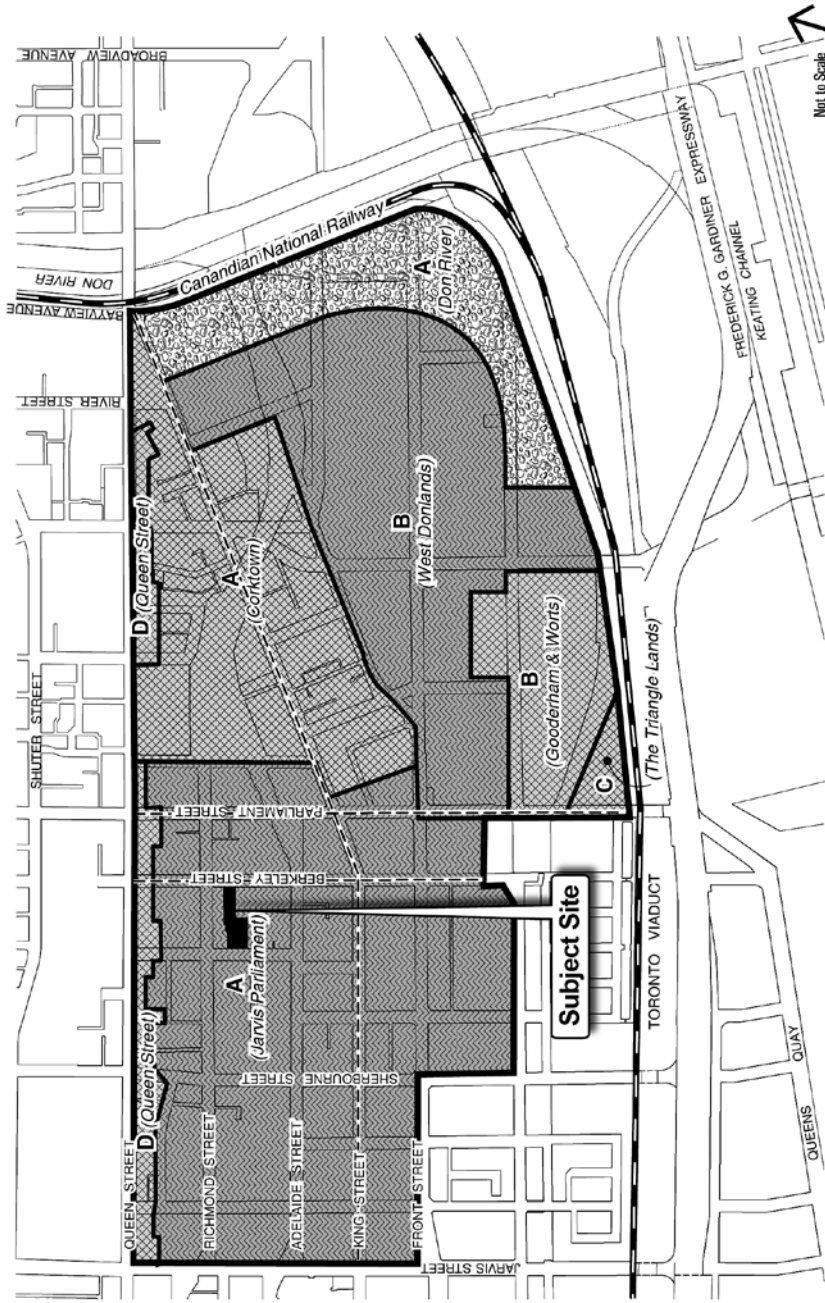
Attachment 2b: East and West Elevations



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

53, 61 & 65 Ontario Street and 102 Berkeley Street
File # 15 113777 STE 28 0Z

Attachment 3: King-Parliament Secondary Plan



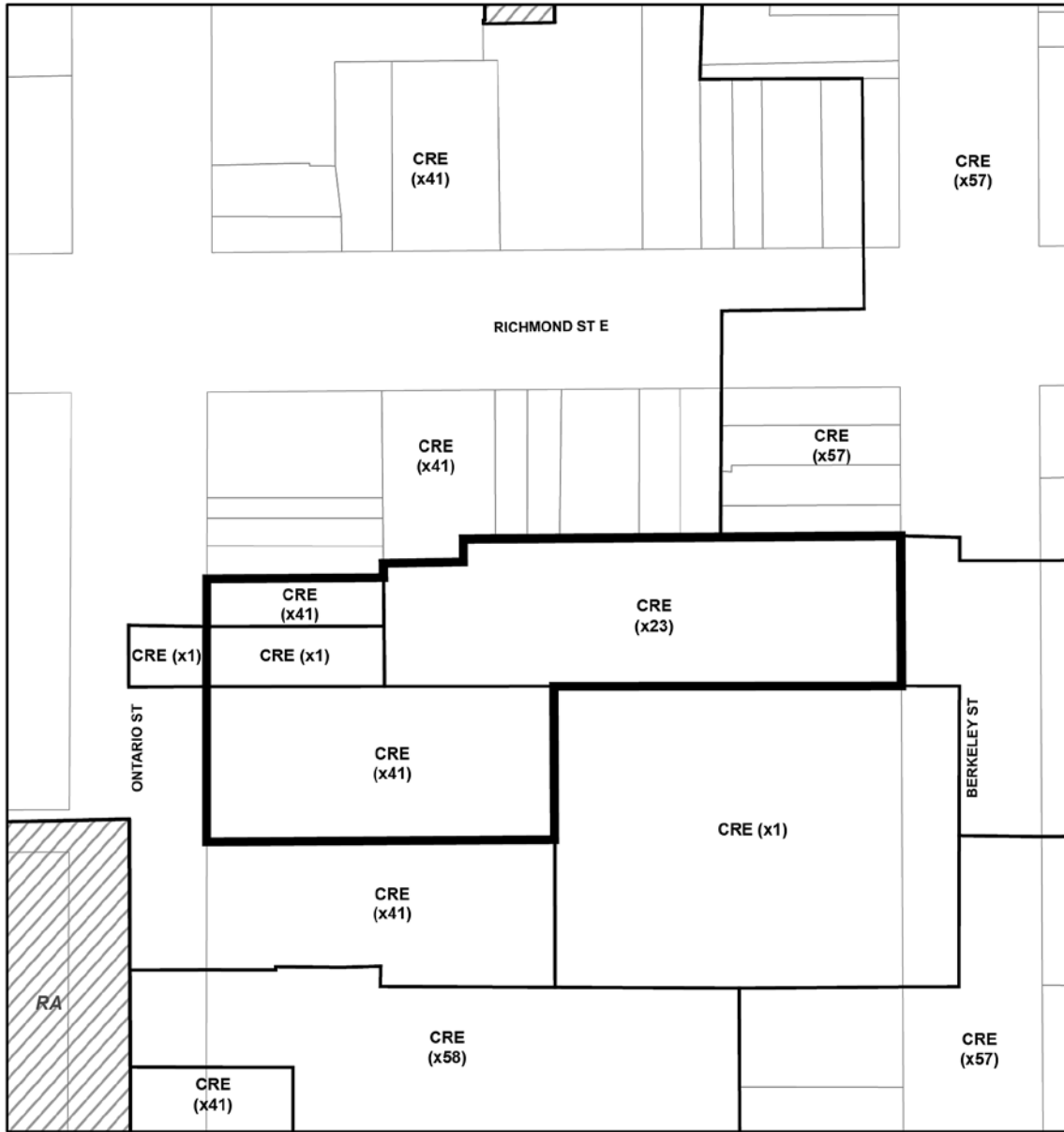
King-Parliament Secondary Plan
MAP 15-1 Land Use Plan



- Secondary Plan Boundary
- Special Streets
- ▨ Mixed Use Areas
- ▩ Regeneration Areas
- ▧ Parks and Open Space Areas

June 2006

Attachment 4: Zoning



53,61 & 65 Ontario Street and 102 Berkeley Street

Zoning By-law 569-2013

File # 15 113777 STE 28 02

Location of Application

CRE Commercial Residential Employment

See Former City of Toronto Bylaw No. 438-86

RA Mixed-Use District

Not to Scale
Extracted: 03/04/2015

Attachment 5: Application Data Sheet

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

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

PLANNING CONTROLS

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

PROJECT INFORMATION

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

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

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

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