



## STAFF REPORT ACTION REQUIRED

### 56-58 Atlantic Avenue and 25-35 Liberty Street and 57-65 Jefferson Avenue – Official Plan Amendment and Zoning Amendment Applications - Preliminary Report

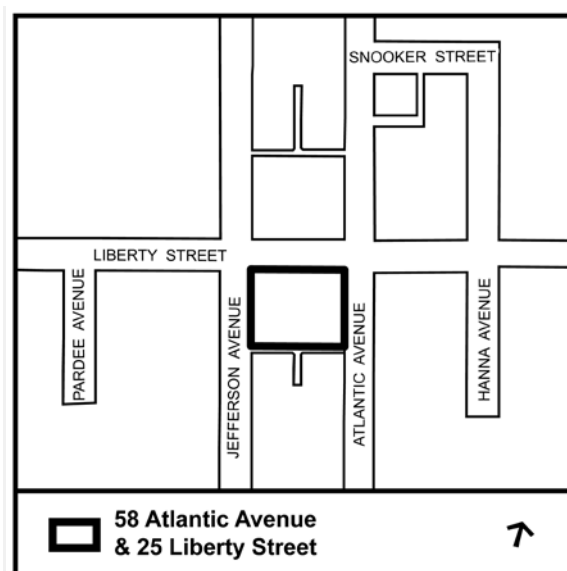
<b>Date:</b>	December 11, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 14 – Parkdale-High Park
<b>Reference Number:</b>	15-236743 STE 14 OZ and 15-130397 STE 14 RH

#### SUMMARY

This application proposes a 12-storey office building with retail at grade, a 2<sup>nd</sup> floor showroom and 4-levels of underground parking at 56-58 Atlantic Avenue, 25-35 Liberty Street and 57-65 Jefferson Avenue. The proposal also includes retention of the historic corner building known as 25 Liberty Street. The overall proposed building height is 53 metres (59 metres to the top of the mechanical penthouse).

A Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code (the Section 111 application) has been made and will be reviewed and reported on concurrently with the Zoning By-law Amendment.

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



Staff report for action – Preliminary Report - at 56-58 Atlantic Avenue and 25-35 Liberty Street and 57-65 Jefferson Avenue

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A community consultation meeting has been scheduled for February 11, 2016. The final report is targeted for the third quarter of 2016, subject to any required information being provided by the applicant in a timely manner.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 56-58 Atlantic Avenue, 25-35 Liberty Street and 57-65 Jefferson Avenue 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**

In 1998, Committee of Adjustment refused an application to legalize and maintain the existing 56 live-work units on site. In 1998, the Ontario Municipal Board allowed the legalization of the units.

## **OFFICIAL PLAN AMENDMENT (OPA) 231**

At its meeting on December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment (OPA) 231 which designated the subject lands as Core Employment Areas. In addition to the new Core Employment designation, the Area 3 Policy of the Garrison Common North Secondary Plan was amended by OPA 231. The revised area specific policy for Liberty Village is applicable to the subject lands. In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. The decision of City Council and OPA 231 can be found at the following links:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>  
<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

OPA 231 was approved, with minor modifications by the Minister in July 2014. There were appeals of that decision to the Ontario Municipal Board (OMB), including appeals of the entire Official Plan Amendment. The first prehearing at the OMB took place on March 12 and 13, 2015 where issues regarding party and participant status were resolved. At a second hearing on June 22, 2015 the OMB issued an order bringing into force the redesignation of sites under OPA 231 from Employment Area to other land use designations, and brought into force and effect a number of Official Plan policies except

as they pertain to lands still under site specific appeals. A third prehearing recently took place on October 22, 2015, and a fourth prehearing is scheduled for February 9, 2016.

The June 22, 2015 OMB order can be found at the following link:

[http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860\\_Signed%20Board%20Order%20\(June%2022%202015\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/SIPA/Files/pdf/O/PL140860_Signed%20Board%20Order%20(June%2022%202015).pdf)

## **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on September 8, 2015 to provide preliminary comments and discuss complete submission requirements. The application was filed on October 13, 2015.

## **ISSUE BACKGROUND**

### **Proposal**

The application proposes to redevelop the site with a 12-storey office building (59 metres including mechanical penthouse, 53 metres excluding mechanical penthouse), retaining the 3-storey building on site known as "25 Liberty Street", located at the southwest corner of Liberty Street and Atlantic Avenue.

This development proposes a total gross floor area of 26,301 square metres with 24,696 square metres of office use and 1,605 square metres of retail use at grade, with frontage on all three municipal streets. The second floor will contain a 1,975 square metre showroom with no retail use. The total proposed floor space index represents an overall density of 7.9 times the area of the lot.

The building is proposed to have a 4-storey podium with a 5-storey glass atrium connecting to the retained building at 25 Liberty Street. The 3<sup>rd</sup> floor of the building has a south-facing outdoor amenity area located behind the 25 Liberty building. The 5<sup>th</sup> floor of the building contains an outdoor amenity space area that wraps around the perimeter of the roof of the 4<sup>th</sup> floor podium. Above the podium is an 8-storey tower with an average floorplate of 2,285 square metres. The tower will be setback 8.3 metres from Liberty Street and 6 metres from the south property line. The tower will be setback 0 metres from both Jefferson Avenue and Atlantic Avenue. Above the 25 Liberty building will be a 10 metre clearance distance between the roof of the building and the cantilevering of the 8-storey tower.

The proposal includes photovoltaic solar panels on the roof of the 12<sup>th</sup> storey and the roof of the mechanical penthouse in lieu of the green roof requirement.

There are 286 parking spaces proposed in 4 levels of below-grade parking with access from Jefferson Avenue. Two floors are proposed to provide parking for the office building, and two floors are for a commercial parking garage (in current negotiations with the Toronto Parking Authority). There are a total of 115 bicycle parking spaces including

49 long term and 56 short term spaces. There are 4 loading spaces proposed gaining access from the public lane at the rear, south of the property.

The proposal includes the conveyance of a 1.48 metre lane widening.

The proposal also includes the removal and conversion of 42 live-work units which is being concurrently reviewed as part of the Rental Housing Demolition and Conversion Application.

## **Site and Surrounding Area**

The subject site is located along three municipal street frontages: the south side of Liberty Street, the west side of Atlantic Avenue and the east side of Jefferson Avenue. The total site area is 3,349 square metres, with a frontage of 63.9 metres and a depth of 52.4 metres. There is a 3 metre wide public lane directly south of the property running between Jefferson Avenue and Atlantic Avenue. The site is located within the "Liberty Village" area which was historically an industrial/manufacturing district. It is now considered a centre for the City's creative economy.

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.

The buildings on the property are not listed or designated on the City of Toronto's Inventory of Heritage Properties. However, Heritage Preservation Services has indicated that the property is of heritage interest and should be evaluated for the potential of designation. The applicant has incorporated the building at 25 Liberty Street into their proposal.

**North:** Directly across the street is 60 Atlantic Avenue, a heritage designated 3-storey office building; the north side of the property includes a surface parking lot which is under development review for a 5-storey office building. Further north along Atlantic Avenue are low-rise office and commercial buildings, including the heritage designated property at 99 Atlantic Avenue which was recently settled at the OMB for a new 8-storey office building at the north east 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 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 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.

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

### **Official Plan**

The subject site is located within an Employment District on Map 2 – Urban Structure. Employment Districts are to be promoted exclusively for economic activity and protected from the encroachment of non-economic functions. The site is designated as Employment Areas in the Official Plan Land Use Map 18, which are places of business and economic activity with permitted uses that include, but are not limited to: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail, restaurants and small scale stores and services that serve area businesses and workers. Large scale retail uses are only permitted in Employment Areas on lands that front onto major streets as shown on Map 3. None of the above-noted streets are identified as major streets on Map 3 of the Official Plan.

The subject site is also located within the Garrison Common North Secondary Plan, and is subject to Policy Area 3, where 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.

The proposal will be reviewed against the in-force policies above as well as the policies of the recently adopted Official Plan Amendment (OPA) 231. OPA 231 (By-law 1714-2013) adopted by City Council on December 16, 17, 18th 2013, approved by the Minister of Municipal Affairs and Housing, and currently under appeal at the Ontario Municipal Board, outlines new Official Plan policies for the City's economic health and employment areas. Under OPA 231, the site is proposed to be designated Core Employment, which permits secondary uses such as restaurants and retail that are ancillary to and on the same lot as the principal use and in addition support the area's primary employment uses. The uses are to be located within the ground floor levels of buildings with employment uses. In addition to the new Core Employment designation, the Area 3 Policy of the Garrison Common North Secondary Plan has been amended by OPA 231. The revised area specific policy for Liberty Village includes secondary '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'. 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.

Official Plan Amendment (OPA) 199, contains new heritage policies which were brought into force in May 2015. The new heritage policies promote the preservation of important heritage buildings and provide a balanced approach to the ongoing conservation of heritage while also allowing for growth. Policy 3.1.5.5 speaks to proposed *alterations*, and development which is on or *adjacent* to a property on the Heritage Register in order to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. The new policies in Section 3.1.5 now contain a definitions section which expands on and clarifies the term *adjacent* to include properties directly across from or near properties on the Heritage Register and separated by land uses such as a street or intersection, whose location has the potential to have an impact on a property on the heritage register.

As the subject site is directly across the street from two heritage designated properties, 60 and 99 Atlantic Avenue, the entire property including the building at 25 Liberty Street

will be evaluated under the new heritage policies in order to identify the potential resources on site.

## **Zoning**

The site is zoned IC D3 N1.5 in the former City of Toronto By-law 438-86, as amended. The industrial commercial zone allows a total of 3 times density for the area of the lot. The area has a height limit of 28 metres. A variety of non-residential uses are permitted in IC zones such as office, workshops and studios, warehousing, distribution, retail and service shops, and some manufacturing.

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 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.

Please see Attachment 3 for a map of the Zoning.

## **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* is 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*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing.

When there is an application for rezoning as well as an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time after receiving a joint report on both from the Planning Division. Unlike *Planning Act* applications, decisions made by the City under Chapter 667 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of the existing rental units.

The applicant is seeking to provide the replacement of the units at an off-site location, the location has not yet been determined.

### **Site Plan Control**

The subject site and development is subject to Site Plan Control. A site plan application has not been submitted at this time.

### **Tree Preservation**

There are 6 City-owned trees located on the City Boulevard adjacent to the subject site. The applicant's Arborist Report recommends the removal of 1 City tree located on Atlantic Avenue as it is in poor condition and the protection of 5 City trees, all Little-leaf Linden located on Atlantic Avenue. The Arborist Report also proposes the removal of 5 trees located on private property in order to facilitate the development proposal. Urban Forestry staff are reviewing the application.

### **Heritage Preservation Services**

There are no listed or designated buildings on site, however, Heritage Preservation Services has requested the applicant to undertake a review of the Heritage potential on the subject site.

### **Reasons for the Application**

The subject development 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. Additional areas of non-compliance with the Zoning By-law will be assessed as the review of the application advances.

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.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Architectural plans and drawings, Plans, Floor Plans, Elevations, Sections and Landscape Plan
- Planning Rationale Report
- Sun/Shadow Study



- Transportation Impact Assessment
- Housing Issues Report
- Functional Servicing and Stormwater Management Report
- Green Development Standards Checklist
- Heritage Impact Assessment
- Pedestrian Level Wind Study
- Draft Zoning By-law Amendment
- Tree Inventory and Preservation Plan Report
- Community Services and Facility Study

A Notification of Complete Application was issued on November 12, 2015.

## **Issues to be Resolved**

The following issues have been identified on a preliminary basis:

### **Employment Policies:**

- evaluating how the proposal reflects Council adopted OPA 231, and the policy direction for Employment lands in Liberty Village.
- evaluating the appropriateness of the proposed showroom use within the second floor of the building.

### **Height and density**

- The proposed height is approximately two times that permitted in the area. Height and density will be evaluated in the context, particularly given the historic scale and character of the district.
- Shadow impacts will be evaluated.

### **Heritage/Urban Design**

- Built form, design, material and massing of the new building in relation to the retained building (25 Liberty) and the adjacent Heritage properties at 99 Atlantic and 60 Atlantic Avenue, as well as the character and identity of the Liberty Village area.

### **Private and Public Realm:**

- Proposed location of outdoor amenity space and its functionality and relationship with the local neighbourhood and adjacent properties will be reviewed.
- Introduction of sidewalks and streetscaping and the provision of a high-quality landscape design will be examined.
- Pedestrianization opportunities of the laneway being used as a mid-block connection will be reviewed.

#### Rental Housing

- The appropriateness of the rental replacement plans will be evaluated.
- Proposed tenant relocation plan will be evaluated.

#### Green Roof By-law compliance

- The inclusion of photovoltaic solar panels on the roof in lieu of the Green Roof requirement will be examined.

#### Technical Aspects

- Access, parking, loading and site servicing issues will be reviewed.

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

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

### **CONTACT**

Aviva Pelt, Planner

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Fax No. 416-392-1330

E-mail: apelt@toronto.ca

### **SIGNATURE**

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

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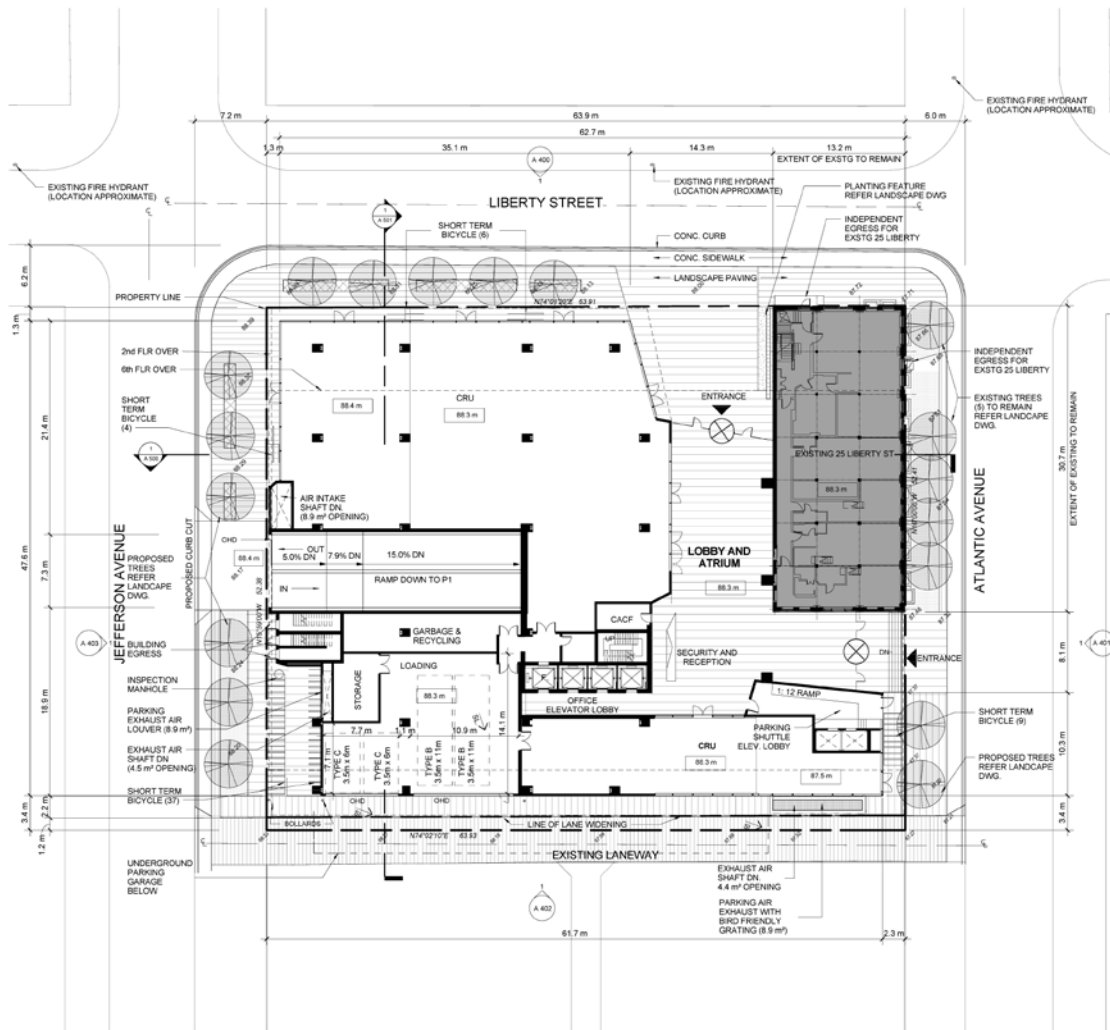
### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning  
Attachment 7: Official Plan  
Attachment 8: Application Data Sheet

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and 57-65 Jefferson Avenue

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## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

Not to Scale  
11/27/15



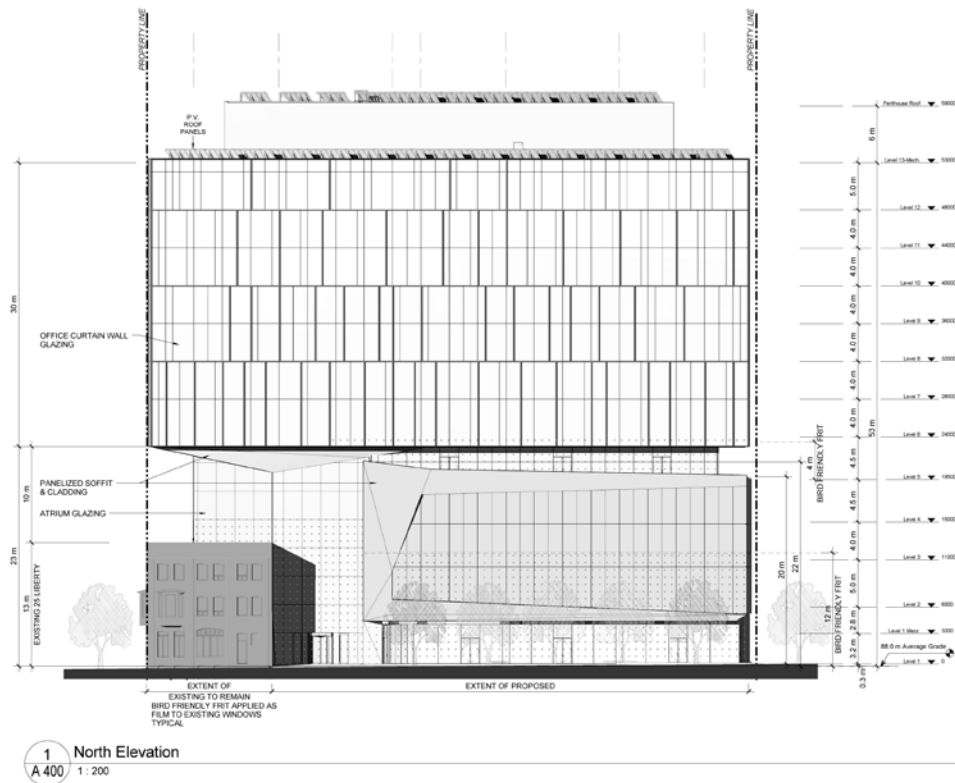
58 Atlantic Avenue &  
25 Liberty Street

File # 15 236743 STE 14 02

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## Attachment 2: North Elevation



### North Elevation

Applicant's Submitted Drawing

Not to Scale  
11/27/2015

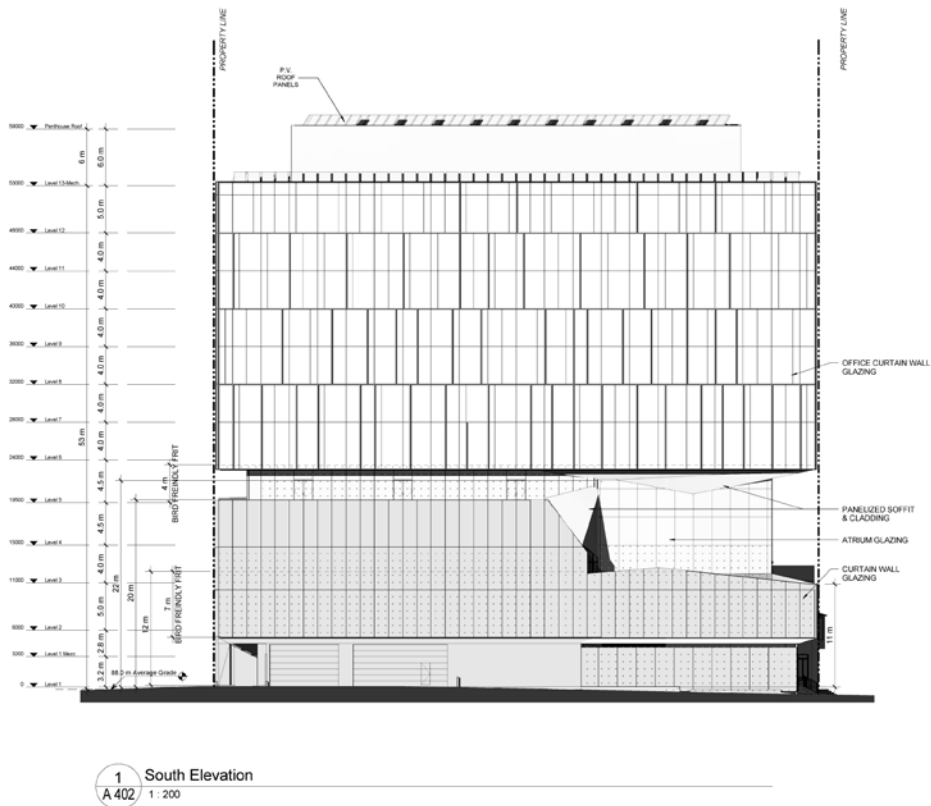
58 Atlantic Avenue &  
25 Liberty Street

File # 15 236743 STE 14 0Z

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### Attachment 3: South Elevation



## South Elevation

Applicant's Submitted Drawing

Not to Scale  
11/27/2015

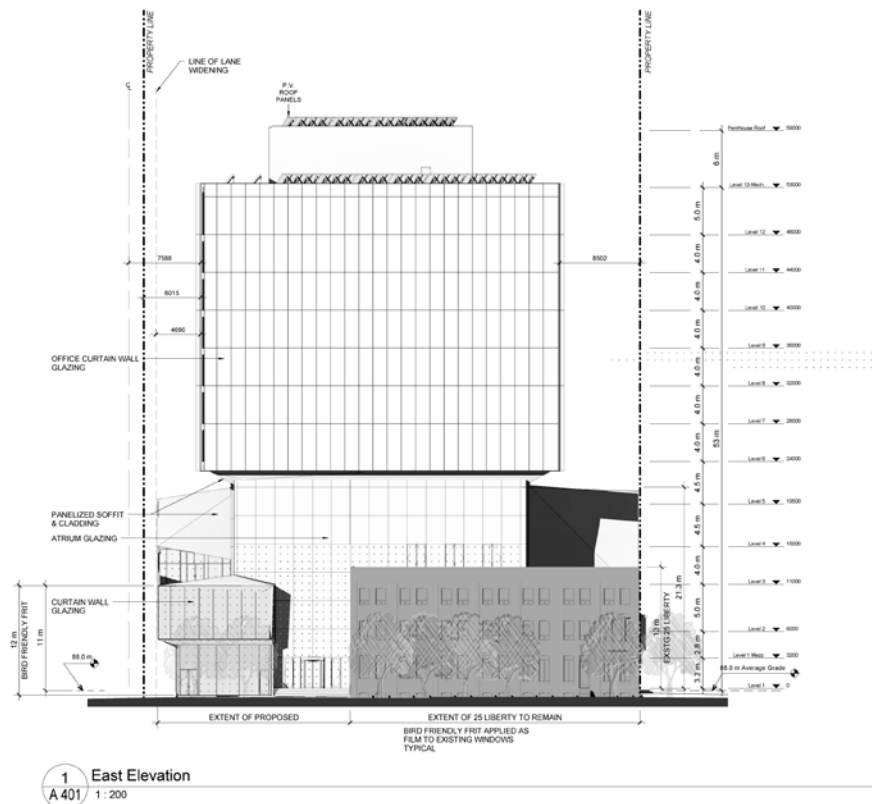
58 Atlantic Avenue &  
25 Liberty Street

File # 15 236743 STE 14 0Z

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## Attachment 4: East Elevation



### East Elevation

Applicant's Submitted Drawing

Not to Scale  
11/27/2015

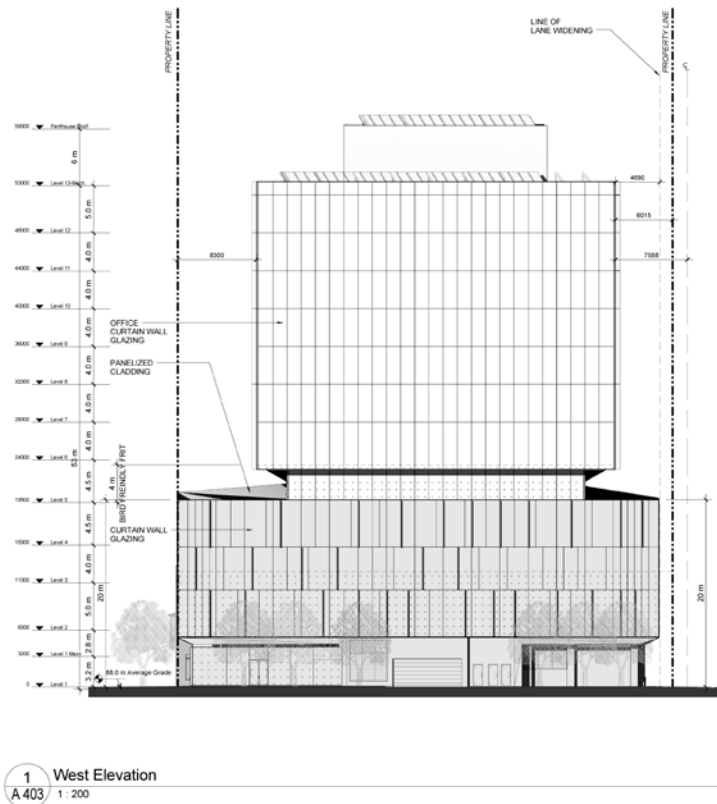
58 Atlantic Avenue &  
25 Liberty Street

File # 15 236743 STE 14 02

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## Attachment 5: West Elevation



### West Elevation

Applicant's Submitted Drawing

Not to Scale  
11/27/2015

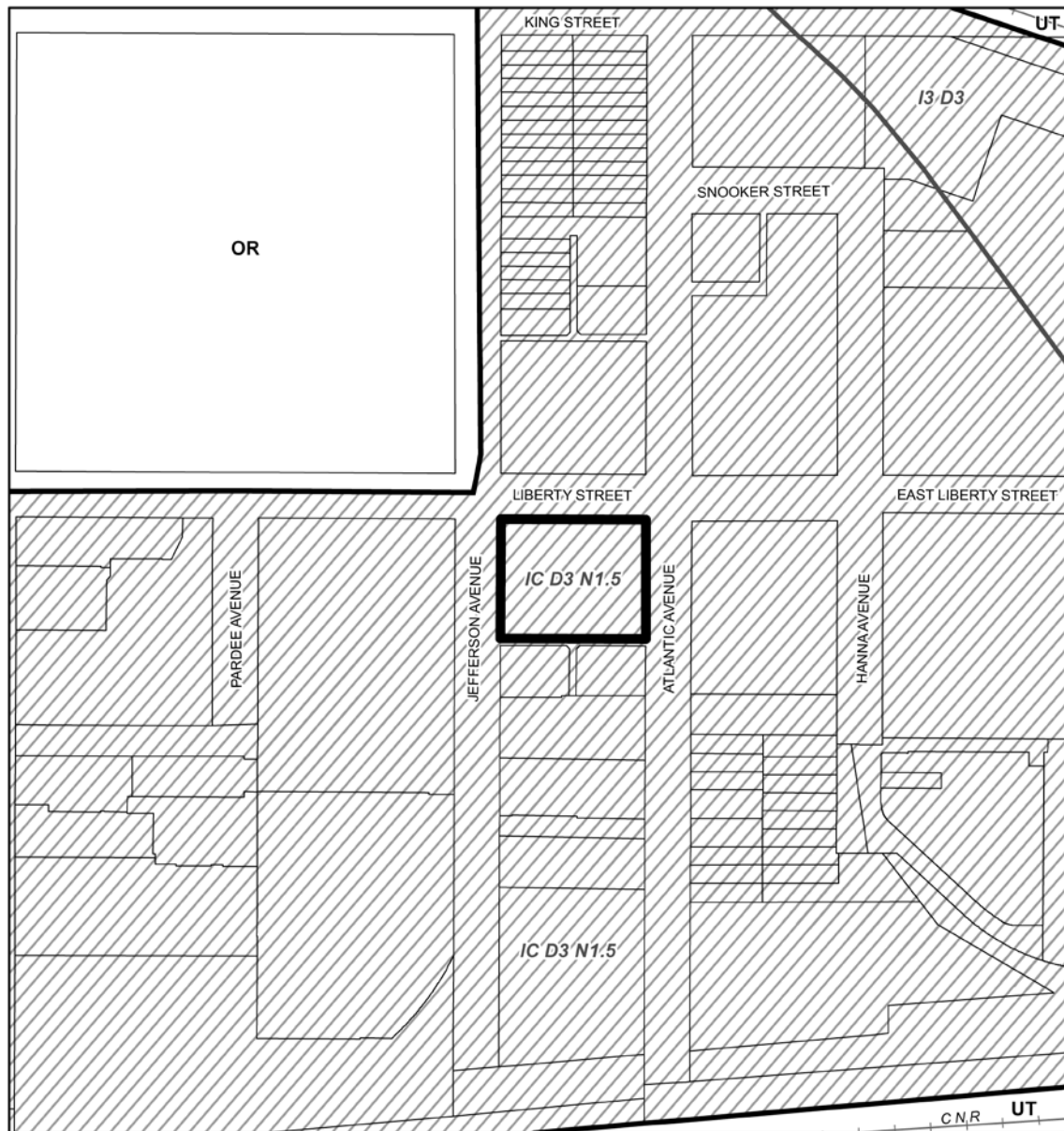
58 Atlantic Avenue &  
25 Liberty Street

File # 15 236743 STE 14 0Z

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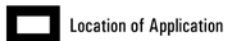
## Attachment 6: Zoning



**Zoning By-Law No. 569-2013**

**58 Atlantic Avenue & 25 Liberty Street**

**File # 15 236743 STE 14 02**



OR Open Space Recreation

UT Utility and Transportation



See Former City of Toronto By-Law No. 438-86

I3 Industrial District

IC Industrial District



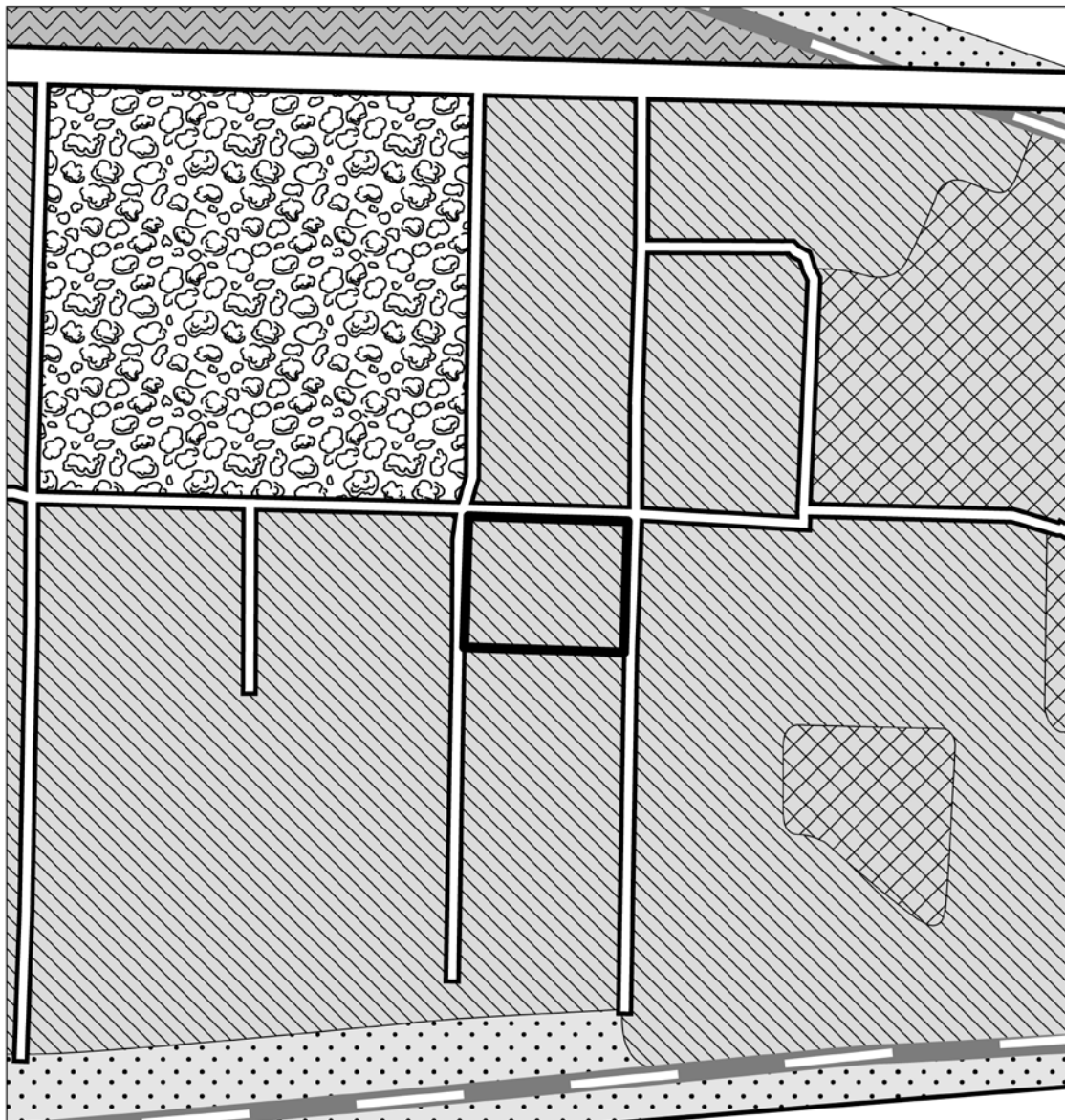
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V.03/13











## Attachment 7: Official Plan



**Toronto** City Planning  
Extract from Official Plan

58 Atlantic Avenue & 25 Liberty Street

File # 15 236743 STE 14 02

 Site Location	 Natural Areas	 Regeneration Areas	 Utility Corridors
 Neighbourhoods	 Parks	 Employment Areas	
 Mixed Use Areas			

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Not to Scale  
12/01/2015

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### Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 236743 STE 14 OZ
Details	Rezoning, Standard	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 12 storey office building with 4 levels of below ground parking. There is a Rental House Demolition and Control Application (File No. 15 130397 STE 14 RH) being reviewed concurrently.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sweeny Sterling Finlayson and Co Architects	David Rubash-Grant	Sweeny 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:	
Height Limit (m):	28	Site Plan Control Area:	

### PROJECT INFORMATION

Site Area (sq. m):	3349.1	Height:	Storeys:	12
Frontage (m):	63.9		Metres:	59
Depth (m):	52.5			
Total Ground Floor Area (sq. m):	2830			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	286
Total Non-Residential GFA (sq. m):	26301		Loading Docks	4
Total GFA (sq. m):	26301			
Lot Coverage Ratio (%):	85			
Floor Space Index:	7.9			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	1605	0
1 Bedroom:	0	Office GFA (sq. m):	24696	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

**CONTACT: PLANNER NAME: Aviva Pelt, Planner**  
**TELEPHONE: 416-392-0877**