



REPORT FOR ACTION

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

Date: August 26 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 10 - Spadina-Fort York

Planning Application Number: 15 236743 STE 14 OZ and 15 130397 STE 14 RH

SUMMARY

This application is a modification of a proposal adopted by City Council at its meeting of May 22, 23, and 24, 2018, Agenda Item TE32.3, Final Report for Zoning By-law Amendment and Rental Housing Demolition applications. That proposal was to permit a 10-storey (49 metre, including mechanical penthouse) building with 25,570 square metres of commercial office space, and the retention of a three-storey heritage building at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61,& 65 Jefferson Avenue.

The revised application proposes the development of a 10-storey (49 metre, including mechanical penthouse) building with 22,712 square metres of commercial office space and the on-site replacement of 42 existing live/work rental dwelling units. The proposed development also includes the retention of the three-storey heritage building on the northeast corner of the site.

The accompanying revised Rental Housing Demolition Application proposes the demolition of all 42 existing live/work rental dwelling units located on the subject site and provide 42 replacement live/work rental dwelling units within the proposed building. The demolition of the 42 existing live/work rental dwelling units was originally approved by City Council at its meeting on May 22, 23 and 24, 2018. This previous rental housing and demolition proposal was approved on the condition that the applicant provide 51 replacement rental dwelling units within two new rental apartment buildings currently under construction at 11 and 25 Ordanance Street. The owner was not able to fulfill the obligations related to the off-site replacement rental dwelling units.

This report provides information on the revised proposal including the replacement rental provisions and provides new recommendations and a revised Zoning By-law amendment to allow for the 42 existing live/work rental dwelling units to be demolished and replaced on the same site within the new proposed building. It is recommended that the Recommendations section in this report replace the Recommendations section of the April 16, 2018 report, adopted at May 22, 23, and 24, 2018 City Council in its entirety.

The revised proposed development is consistent with the Provincial Policy Statement (2014) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposed development represents an appropriate development of the site.

This report reviews and recommends approval of the application to amend the Zoning By-law, subject to conditions being fulfilled before introducing the necessary Bills to Council for enactment. This report also reviews and recommends approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions. This report also recommends entering into Section 37 and Section 111 agreements for the site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council replace the Final Report and Recommendations dated April 16, 2018, from the Acting Director, Community Planning, Toronto and East York District, adopted at the May 22, 23, and 24 City Council meeting (Item TE32.3), with the current Revised Final Report and Recommendations dated August 26, 2019 from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 438-86, for the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue and 51, 61, and 65 Jefferson Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.5 to the report dated August 26, 2019 from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment, noted in Recommendation 2 above, as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner(s) to:

a) Enter into a Heritage Easement Agreement with the City for the properties at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61 and 65 Jefferson Avenue to the satisfaction of the Senior Manager, Heritage Planning, City Planning Division and the City Solicitor, and in accordance with the recommendations of the Staff report (dated April 6, 2018) to the Toronto Preservation Board from the Senior Manager, Heritage Planning with such agreement to be registered on title to the subject properties prior to the earlier of the coming into force of the Zoning By-law Amendment giving rise to the proposed alterations, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Planning; and

b) Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the properties at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61 and 65 Jefferson Avenue, all to the satisfaction of the Senior Manager, Heritage Planning, in accordance with the recommendations of the Staff report (dated April 6, 2018) to the Toronto Preservation Board from the Senior Manager, Heritage Planning.

5. Before introducing the necessary Bills contemplated in Recommendation 2 to City Council for enactment, City Council require the owner(s) to enter into an Agreement with the City, pursuant to Section 37 of the Planning Act, satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, together with satisfactory provisions in the Zoning By-law Amendment, to secure the following, at the owner's expense, in connection with 25 and 35 Liberty Street, 58 Atlantic Avenue and 51, 61 and 65 Jefferson Avenue, with such agreement to be registered to the satisfaction of the City Solicitor prior to the earlier of the bills coming into force, or the issuance of any permit for all or any part of the properties, including a heritage permit or a building permit, including conditional permits and permits for excavation and shoring, but excluding permits for such repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Planning:

a) The following matters are recommended to be secured in a Section 37 Agreement:

i) A financial contribution by the owner of \$1,250,000.00, payable prior to the issuance of the first above-grade building permit, towards the provision of affordable rental housing within Ward 10 in the vicinity of the site, including provision for upward indexing in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;

ii) The owner shall provide, secure and maintain 42 replacement live/work rental dwelling units within the proposed building, at rents as prescribed in recommendation 6, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor;

ii). The owner shall provide tenant relocation and assistance to all eligible tenants, including securing the right to return to a replacement live/work rental dwelling unit within the proposed building at restricted rents all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

iv) Prior to final Site Plan Approval for the proposed Zoning By-law Amendment for the property located 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, the owner shall:

A) Provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning;

B) Have obtained final approval for the necessary Zoning By-law Amendment required for the development lands, such Amendment to have come into full force and effect;

C) Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

D) Provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

E) Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;

v) Prior to the issuance of any permit for all or any part of the property at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61, and 65 Jefferson Avenue, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

A) Have obtained final approval for the necessary Zoning By-law Amendment required for the alterations to the property 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, such amendment to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Planning.

B) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Planning.

C) Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan, Lighting Plan, and Interpretation Plan.

vi) Prior to the release of the required Letter of Credit, the owner shall provide a letter of substantial completion, prepared and signed by a qualified heritage consultant, confirming that the required conservation work and the required interpretive work has been completed in accordance with the approved Conservation Plan, approved Lighting Plan and approved Interpretation Plan and that an appropriate standard of conservation has been achieved, all to the satisfaction of the Senior Manager, Heritage Planning and shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

b) The following matters of convenience are recommended to be secured in the Section 37 Agreement by and at the owner's expense and thereafter implemented to the City's satisfaction:

i) Implementation of wind mitigation measures as determined through a wind tunnel analysis undertaken prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

ii) Design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and the General Manager, Transportation Services;

iii) Design and construction of the required improvements to municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report(s) prior to the issuance of the first above-grade building permit for all or any part of the development lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports;

iv) Submission of a Construction Management Plan for the development lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, prior to the issuance of any permit, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, and thereafter shall implement the plan during the course of construction;

v) Matters related to heritage preservation of the existing heritage building at 58 Atlantic Avenue (25 Liberty Street), to the satisfaction of the Senior Manager, Heritage Planning; and

vi) Construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on December 5, 6, and 7, 2017, through the adoption of items PG 23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

6. City Council approve the application for a Rental Housing Demolition permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of 42 existing live/work rental dwelling units located at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue subject to the following conditions:

a) The owner shall provide, secure and maintain not less than 42 replacement live/work rental dwelling units, comprised of at least 22 bachelor, 19 one-bedroom and 1 two-bedroom units, within the proposed 10-storey building on the subject site, for a period of at least 20 years, beginning from the date that each replacement live/work rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated August 1, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- b) The owner shall provide, secure and maintain at least 1 one-bedroom replacement live/work rental dwelling unit at affordable rent and 6 bachelor, 6 one-bedroom and 1 two-bedroom replacement live/work rental dwelling units at mid-range rents, for a period of at least 10 years, beginning from the date that each replacement live/work rental dwelling unit is first occupied; the remaining 28 replacement live/work rental dwelling units shall have unrestricted rents;
- c) The owner shall provide ensuite laundry in each replacement live/work rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d) The owner shall provide tenants of the replacement live/work rental dwelling units with access to all indoor and outdoor amenities in the proposed 10-storey building at no extra charge. Access and use of these amenities shall be provided without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- e) The owner shall provide 12 vehicle parking spaces to tenants of the replacement live/work rental dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- f) The owner shall provide tenant relocation and assistance to all eligible tenants of the existing live/work rental dwelling units, including the right to return to a replacement live/work rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- g) The owner shall enter into and register on title to the subject site one or more Agreement(s) to secure the conditions outlined in 6. a, b, c, d, e and f above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*.

7. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue the Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 42 existing live/work rental dwelling units located at 25 & 35 Liberty Street, 58 Atlantic Avenue and 51, 61 & 65 Jefferson Avenue after all the following have occurred:

- a) Satisfaction or securing of the conditions in Recommendation 6 above;
- b) The Zoning By-law Amendment referred to in Recommendation 2 has come into full force and effect;

c) The issuance of the Notice of Approval Conditions for Site Plan approval by the Chief Planner or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;

d) The issuance of excavation and shoring permits for the approved development on the site; and

e) The execution and registration of one or more Section 37 Agreements pursuant to the *Planning Act* securing Recommendation 6. a, b, c, d, e, and f and any other requirements of the Zoning-Bylaw Amendment.

8. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 7.

9. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code and Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the proposed development, and after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 7, which may be included in the Residential Demolition Permit under 363-11.1, of the Toronto Municipal Code, on condition that:

a) The owner erects the proposed building on site no later than three (3) years from the day demolition of the buildings is commenced; and

b) Should the owner fail to complete the new building within the time specified in condition 9. a above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

10. Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement, Section 37 Agreement, and Heritage Easement Agreement.

11. Before introducing the necessary bills contemplated in Recommendation 2 to City Council for enactment, City Council require the owner(s) to submit revised Functional Servicing, Geotechnical and Stormwater Management Reports, to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services Division, that address the comments in the memo from the Manager, Development Engineering, Toronto & East York District (August 13, 2019).

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on May 22, 23, and 24, 2018, City Council adopted staff's recommendations with amendments for the Final Report on the Zoning By-law and Rental Housing Demolition applications to permit the development of a ten-storey commercial office building on the subject lands. A recommendation to withhold the necessary Bills for enactment of the site-specific Zoning By-law Amendment, until a number of items were satisfied, was also adopted. The City Council decision, associated staff report and Zoning By-law Amendment can be accessed through the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.3>

Additionally, at its meeting on May 22, 23 and 24, 2018, City Council adopted staff's recommendation for the approval of the alterations, designation under Part IV of the Ontario Heritage Act and giving authority to enter into a Heritage Easement Agreement for the property at 58 Atlantic Avenue. By-law 1147-2019 was enacted and passed by City Council on July 18, 2018 designating the property at 58 Atlantic Avenue under Part IV of the Ontario Heritage Act. The City Council decision and associated staff report related to the Heritage Designation can be accessed through the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.4>

In 1998, Committee of Adjustment refused an application (File No. A199801062) to legalize and maintain the existing 56 live-work units on site. On February 2, 1999, the Ontario Municipal Board allowed the legalization of the units (File No. PL980913).

PROPOSAL

Original Application Submission (2015)

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

On December 14, 2015 an Official Plan Amendment application was submitted in addition to the Zoning By-law Amendment application to allow for ground floor and

service commercial uses to be permitted on site, and to be included on the second floor of the building.

Rental Housing Demolition and Conversion Application

A Rental Housing Demolition Application was submitted by the applicant on March 4, 2015, predating the Zoning By-law Amendment application and requesting the demolition of four live/work rental dwelling units on the site. Following a site inspection, City staff determined that revisions to the application were required in order to acknowledge the 42 live/work rental dwelling units existing on the property.

A revised Rental Housing Demolition Application was formally submitted in October 2015. This application proposed to demolish the 42 existing live/work rental dwelling units on the subject site and provide off-site replacement of these rental units.

Previously Approved application at May 2018 City Council

The application approved at the May 2018 City Council, proposed the development of a 10-storey, 49-metre office building comprising 25,570 square metres of floor space. Retail and showroom uses were proposed on the ground floor and mezzanine level. Two below grade parking levels containing 108 vehicular parking spaces and 111 bicycle parking spaces to be accessed off the public laneway at the south of the site were to be provided.

The Rental Housing Demolition Application approved at the May 2018 City Council, proposed to demolish the 42 existing live/work rental dwelling units, subject to conditions which included the provision of 51 replacement rental dwelling units within two new rental apartment buildings currently under construction at 11 and 25 Ordanance Street and an acceptable Tenant Relocation and Assistance Plan.

Current Proposal

Following the May 2018 City Council decision, the applicant advised City staff that they could not meet the conditions related to off-site replacement of the existing live/work rental dwelling units. Following discussions with staff, it was concluded that the applicant could revise the proposal to reintroduce the existing live-work rental dwelling units into the new building.

The current plans, dated August 1, 2019, have been revised from the previously approved proposal to incorporate 42 rental live-work units within the development. The overall building height has remained the same with some modifications to the interior of the building to accommodate the live/work residential units and some slight modifications to the building mass, such as an additional setback of 2.32 metres on the south elevation on two floors to accommodate the live-work units.

The proposed retail in the building is located within the heritage portion of the building on the P1 and Ground Levels and an additional spaces on the Ground and Mezzanine Levels. The main entrance for 38 of the replacement live/work rental dwelling units will be from Atlantic Avenue at the southern edge of the building where the units are located within the first four levels of the building. Some are located in the heritage portion of the building that are connected by an internal bridge to the other live/work units on the first 3 floors at the southern portion of the building along the public lane. Four of the replacement live/work rental dwelling units are located with direct access on Jefferson Avenue. Access to the main entrance of the proposed office component of the building is located on Liberty Street. There are nine levels of office on floors 2-10.

See Attachment 1, for Application Data Sheet with project data and Attachments 6 & 7 for the proposed Site Plan and Elevations.

The following chart compares details of the original, previous Council approved, and current proposal.

	Initial Submission	Council Approved 2018 Version	Current Submission
Gross Floor Area	Residential: 0m ² Commercial: 1,605 m ² Office: 24,696 m ²	Residential: 0m ² Commercial: 2,699 m ² Office: 22,870 m ²	Residential: 3,801 m ² Commercial: 2,482 m ² Office: 20,189 m ²
Total Floor Area	26,301 m ²	25,570 m ²	26,472 m ²
Building Height	12 storeys (59 metres)	10 storeys (49 metres)	10 storeys (49 metres)
Underground Garage Levels	4	2	2
Loading Spaces	4	4	3
Bike Spaces	105	111	141
Vehicular Parking Spaces	283	108	107
Replacement Rental Units	Not included	51 units off-site	42 on-site

Site and Surrounding Area

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

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

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 currently a total of 53 units within the entire complex comprising of a mixture of commercial and residential tenants uses. 42 of the units are considered live/work rental dwelling units. The remaining 11 units are considered commercial.

As per the Housing Issues Report submitted by the applicant, the unit mix for the 42 existing live/work rental dwelling units is comprised of 22 bachelor, 19 one-bedroom and one two-bedroom units. At the time of application, one of the existing live/work rental dwelling units had affordable rents, 13 had mid-range rents and the remaining 28 had high-end rents.

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

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

East: Across the street, on the southeast corner of Liberty Street and Atlantic Avenue is a 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, a residential neighbourhood comprised 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.

Reasons for Application

The Zoning By-law Amendment application exceeds the permitted height and density along with a number of other performance standards. The proposal includes a retail component for the site that does not comply with 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.

An application to permit the demolition of the 42 existing live/work rental dwelling units is required under Chapter 667 of the Toronto Municipal Code as the site contains at least 6 residential dwelling units of which at least one was used for residential rental purposes.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale
- Housing Issues Report
- Heritage Impact Assessment
- Architectural Plans
- Landscape Plans
- Sun/Shadow Study
- Toronto Green Standard
- Function Servicing and Stormwater Management Report
- Transportation Impact Assessment
- Arborist/Tree Preservation Report
- Pedestrian Wind Comfort - Letter of Opinion

The information for the current proposal is available for review at the Application Information Centre (AIC) website:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

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

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Planning for the appropriate design, buffer and/or separation of major facilities and sensitive land uses to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities;
- The conservation of significant built heritage resources and significant cultural heritage landscapes;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and

- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the

delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal

comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's will achieve appropriate densities.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Five Year and Municipal Comprehensive Reviews

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

Council's decision may be viewed here:

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

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

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

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

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

Specific Policy in the Garrison Common Secondary Plan. The subject lands are within the Area 3 boundaries and as such OPA 231 is not in force for the site.

On January 8, 2019, the LPAT issued an order approving portions of OPA 231. The Core Employment Areas policies are now in force. Some policies remain subject to appeals including Employment Area conversion and population forecasting, retail policies and office replacement, as well as site-specific appeals.

Policy Area 3 of the Garrison Common North Secondary Plan remains under appeal.

Toronto Official Plan

City Planning staff have reviewed the application against the policies of the Official Plan, a number of which are summarized below. The Official Plan is intended to be read and interpreted as a comprehensive whole.

The Official Plan identifies the site as being within an Employment Areas, as shown on Map 2 – Urban Structure and within the Core Employment Areas land use designation, as shown on Map 18.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Employment Areas (2.2.4)

Employment Areas are intended exclusively for economic activity and protected from the encroachment of non-economic functions. They help maintain and grow the City's tax base and dynamic economy, provide a range of employment opportunities, and are intended to help achieve a balance between the City's population and employment growth.

Public Realm (3.1.1)

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

Built Form (3.1.2)

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

Heritage Resources (3.1.5)

Section 3.1.5 of the Official Plan requires that development adjacent to heritage resources respects the scale, character and form of the heritage resource. The updated Heritage Conservation Policies cover a wide array of heritage properties including: individually significant buildings and structures, properties that are a part of a heritage conservation district, cultural heritage landscapes, archaeological resources and areas of archaeological potential. The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation.

Housing Policies (3.2.1)

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, that the following be secured:

- At least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- For a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

Employment Areas (4.6)

Section 4.6 of the Official Plan describes Employment Areas as places of business and economic activities vital to Toronto's economy and future economic prospects.

Core Employment Areas are places for business and economic activities. Uses permitted in Core Employment Areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management

systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.

The following additional uses are permitted provided they are ancillary to and intended to serve the Core Employment Area in which they are located: parks, small-scale restaurants, catering facilities, and small-scale service uses such as courier services, banks and copy shops. Small scale retail uses that are ancillary to and on the same lot as the principal use are also permitted.

Development in all Employment Areas will contribute to the creation of competitive, attractive, highly functional Employment Areas by:

- Supporting, preserving and protecting major facilities, employment uses and the integrity of Employment Areas;
- Encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- Providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;
- Providing adequate parking and loading on-site;
- Sharing driveways and parking areas wherever possible; and
- Avoiding parking between the public sidewalk and retail uses.

Height and/or Density Incentives (5.1.1)

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

Secondary Plan

The site is within the Garrison Common North Secondary Plan found in Chapter 6.14 of the Official Plan. The Garrison Common North Secondary Plan Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/97df-cp-official-plan-SP-14-Garrison.pdf>.

The Secondary Plan's major objectives include:

- Ensuring that new development be integrated into the established city fabric in terms of streets, blocks, uses, density patterns;
- Permitting a variety of land uses and densities;
- Providing community services and facilities;
- Being sensitive to and protecting the employment uses; and
- Providing a range of housing types in terms of size, type, affordability and tenure.

The site is also located within Policy Area 3 of the Garrison Common North Secondary Plan. Policy Area 3 directs that, 'healthy and vibrant economic districts 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 Policy Area 3.

The outcome of staff analysis and review of relevant Official Plan policies and Secondary plans are summarized in the Comments section of the Report.

Rental Housing Demolition and Conversion By-law

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

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

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

On March 20, 2015, the applicant submitted a Rental Housing Demolition Application proposing to demolish 4 existing live/work rental dwelling units on the subject site. This application was revised and a formal resubmission was submitted to the City in October 2015. This revised application proposed to demolish 42 existing live/work rental dwelling units located at 25 and 35 Liberty Street, 58 Atlantic Avenue and 51, 61 and 65 Jefferson Avenue.

Zoning

The site is zoned IC D3 N1.5 in the former City of Toronto By-law 438-86, as amended (Attachment 4). This industrial commercial zone allows factory uses, packaging plants, and industrial storage and warehouse uses with a floor area up to 3 times the area of the lot, and uses that are more commercial in nature with a floor area of 1.5 times the area of the lot. The area has a height limit of 28 metres.

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

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

Site Plan Control

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

Community Consultation

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

- Concerns about live/work units being removed from Liberty Village and being replaced by office uses;
- Mixed opinions on the scale and design of the building;
- Concerns about traffic congestion;

- Concerns about the approach to heritage preservation. Specifically it was suggested that more than the 58 Atlantic (25 Liberty Street) building should be retained;
- A number of questions regarding tenant relocation and assistance and the City's rental housing replacement policies; and
- Concerns about commercial space remaining vacant.

Tenant Consultation

Throughout the development review process, City Planning staff held a number of meetings with tenants of the existing buildings to provide updates and answer questions regarding the status of the application review and City's rental housing policies. The first formal meeting, in April 2015, focussed on work that was being undertaken in the building without City approvals.

Subsequent to the rezoning application being submitted, a further meeting was held on November 28, 2017. This meeting was attended by about 25 people, along with the local Councillor, applicant and City Planning staff. The meeting provided tenants with the opportunity to review the initial replacement rental proposal and tenant relocation and assistance plan.

On June 26, 2019, City Planning held a third tenant meeting to provide impacted tenants with an overview of the application review timeline, illustrations of the revised proposal and unit layouts and the revised Tenant Relocation and Assistance Plan. The meeting was attended by approximately 10 people, along with the local Councillor, applicant and City Planning staff.

Through the tenant consultation process, tenants have raised a number of questions and concerns with the proposal, including: the loss of the live/work units; the need for appropriately sized replacement units; challenges with finding interim housing given the current cost and availability of rental housing; difficulty in finding and paying for a separate studio space in addition to their residential space; permitted rent increases for the replacement rental units; parking availability and costs; and legal fees incurred by tenants through the application review process.

COMMENTS

The Planning Act

The Planning Act, Section 2 establishes matters of provincial interest including:

- The orderly development of safe and healthy communities;
- The adequate provision of a full range of housing, including affordable housing; the co-ordination of planning activities of public bodies; and,
- The promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The City has had regard for the above contents of the Planning Act in review of this application. As detailed below, the applicant's revised proposal meets the intent of Provincial and City policies intended to guide the desired outcomes of the matters of provincial interest established in the Planning Act. The proposal represents orderly development of a safe and healthy community and provides for affordable housing. The location, form and scale of buildings and open spaces have been designed to promote a sense of place, vibrancy, safety and accessibility.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Provincial Policy Statement (2014)

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

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

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

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

resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

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

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

The proposed development is consistent with the above policies and other relevant policies of the PPS. The proposal provides for a range of new employment uses and supporting ancillary uses to help support and grow and diversify the City's economic base. The proposal is close to transit and active transportation options, and located within walking distance of significant residential density located on the east side of the Liberty Village area, both of which help minimize the need for, and length of, automobile trips. The proposal includes the retention and incorporation of a significant heritage building at 58 Atlantic Avenue (25 Liberty Street). The proposal achieves the Official Plan's broader objectives of supporting a range of new employment uses in a format compatible with its surrounding context. The recommended Zoning By-law Amendment in Attachment 5 implements the Official Plan and Provincial Policy.

A Place to Grow (2019)

The "A Place to Grow": Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019 and all planning decisions made on, or after, May 16, 2019 are required to conform to the plan. The City has reviewed the subject application against the new Growth Plan.

Section 2.2.1.3.c) directs municipalities to undertake integrated planning to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.

Section 2.2.5.1 directs that economic development and competitiveness will be promoted by: a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities; and d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Section 2.2.5.3 directs retail and office uses to be in locations that support active transportation and have existing or planned transit.

Section 2.2.5.4 provides direction in planning for employment, that surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.

Section 2.2.5.15. directs that the retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

Section 4.2.7 directs that municipalities conserve cultural heritage resources in order to foster a sense of place and benefit communities.

The proposed development is consistent with the above sections and other relevant policies of the Growth Plan, 2019. The proposal supports a compact urban form that optimizes infrastructure to support the achievement of complete communities. The proposal is close to transit and active transportation options and accommodates a vibrant public realm, including public open spaces. The proposal also mitigates impact on adjacent heritage properties including the retention of the 3 storey building at 25 Liberty Street. The proposed development conforms to the Growth Plan, 2019.

Land Use

This application has been reviewed against the Official Plan policies and Secondary Plan policies described in the Issue Background Section of the Report as well as the policies of the Official Plan as a whole.

Employment Areas

Policy 4.6.1 requires that Core Employment Areas are places for business and economic activities. Uses permitted include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, and media facilities.

Policy 4.6.2 provides for additional uses that are permitted provided they are ancillary to and intended to serve the Core Employment Area in which they are located such as parks, small-scale restaurants and small-scale retails and service uses that are ancillary to and on the same lot as the principal use are also permitted.

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

- Supporting, preserving and protecting major facilities, employment uses and the integrity of Employment Areas;
- Encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- Providing adequate parking and loading on-site;

- Sharing driveways and parking areas wherever possible; and
- Providing landscaping on the front and any flanking yard and adjacent to any public street, park and open space to create an attractive streetscape and screening parking, loading and service areas.

The proposal is also subject to policies of the Garrison Common North Secondary Plan, Policy Area 3, which currently permits live/work units.

In December 2013, City Council amended the Official Plan to, among other changes, remove permissions for live/work units from Policy Area 3 through Official Plan Amendment 231. New residential uses are incompatible with some employment uses permitted in Liberty Village and allowing live/work uses could diminish the utility of Liberty Village as one of the largest employment areas proximate to the City's Downtown Core. The City intends that any new development in Liberty Village be consistent with the Employment Areas Policies and not include any new residential uses. The part of OPA 231 which removes permission for live/work units in Policy Area 3 remains under appeal.

While OPA 231 removes residential permissions from Policy Area 3, the in-force policy permits residential live/work units and therefore the proposal meets the current policies.

In this particular development proposal, 42 live/work units already exist on the site and predate OPA 231 Policy amendments. On-site rental replacement was previously not considered when reviewing the original application. Rather, in keeping with the policy direction of OPA 231, off-site replacement was approved by City Council, in May 2018. However, while off-site replacement outside the Employment Areas designation remains the City's preference, the applicant was not able to meet the obligations for off-site replacement. As such, in considering the reintroduction of the live/work units into the current proposal, the City agreed to the on-site replacement as a result of the following:

- The 42 live/work units are permitted under the current in-force Official Plan policy;
- The proposed replacement of the existing units will not result in the introduction of any new residential or live/work units or floor area within the Employment Areas designation beyond that which is already in place on this site;
- Redeveloping this site with new office uses and replacing the existing live/work units does not create any additional incompatibility between employment and residential uses than what already exists; and

- The existing units were established under previous planning permissions that have since been recommended for removal. Permissions to allow live/work uses in Employment Areas were unique to Liberty Village.

Built Form

The overall built form has generally not changed since the approvals at City Council in May 2018. Minor modifications have been made to the building to allow for the live-work units to be incorporated, in addition to requirements to accommodate a residential lobby, hallways and amenity room. The south setback on floors 2 to 3 was increased from 3.18 metres to 5.5 metres to achieve a greater setback to the centreline of the lane.

As a result of the introduction of the live-work units into the development, there was a loss of 2,681 square metres of office space from the original approval. As such, some minor adjustments were made to some of the office floorplates and setbacks to minimize the loss of some of the office floor area, such as a slight increase in the floorplate at the north and west corners on the mezzanine level resulting in a 0.08 metre and 0.20 metre decrease in the setback. Otherwise the built form has remained as previously approved.

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

Streetscap Improvements

Section 3.1.1 of the Official Plan directs that high quality architectural, landscape and urban design and construction will be promoted within new developments to enhance the quality of the public realm, and that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces through the provision of landscaping, lighting, and street furnishings. Owing to its primarily industrial past, the streets and sidewalks within Liberty Village often offer poor pedestrian environments, limited tree planting and street furniture and, in the case of the site, boulevard parking along Liberty Street. The proposed development will result in significant improvements to the streetscape along Liberty Street, Jefferson Avenue, and Atlantic Avenue, including the removal of the boulevard parking.

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

these improvements will be secured through the future Site Plan Control application for the proposed development.

Context and Transition

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

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

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

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

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

The proposed building materials assist in tying the lower floors of the "base building" of the development to the predominantly brick and masonry character of surrounding low scale buildings. The proposed upper storeys are set back and clad in glass panels which assists in differentiating the base building from the upper storeys and emphasizing the importance of the "base building" design in fitting the building within its surrounding context. City Planning staff will continue to review and secure appropriate building materials through the Site Plan Control process.

The proposed building height is generally consistent with the scale of recently approved office development in the Liberty Village Area. As noted above, adjustments to building mass and scale made through the review of this application have effectively limited the impacts of building height above the 28-metre building height permitted by the current Zoning By-law. The proposed building height is appropriate. City Planning staff note that

while the proposed building height is appropriate in this instance, this report should not be considered to imply a benchmark height of 10-storeys is appropriate for new office development within Liberty Village. The Liberty Village context varies considerably in terms of the scale and form of heritage resources and the potential for light view and privacy impacts on adjacent properties. Heights of less than 10 storeys, may be appropriate on sites within Liberty Village, but this should be elevated through the detailed review of the development application process, including community consultation.

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

In summary, the proposed development's scale and massing relates appropriately to its surrounding existing and planned context, and limits its impact on surrounding properties, streets, and open spaces.

Sun/Shadow

The proposed development shadows a small corner of the Lamport Stadium parking lot at 9:18am at the equinoxes. The proposed development shadows portions of the north sidewalk and the south sidewalk on Liberty Street, in the vicinity of the site, until 2:18 pm, and 3:18 pm, at the equinoxes, respectively. The proposed development shadows portions of the east and west sides of Atlantic Avenue beginning at 12:18 pm continuing throughout the day at the equinoxes. The proposed development shadows portions of the east and west sides of Jefferson Avenue until 10:18 am at the equinoxes.

Adjustments to building height, setbacks, massing and scale, achieved through review of this application, result in limiting the additional shadow impacts on adjacent streets and properties to the satisfaction of City Planning staff and in accordance with the Built Form Policies of the Official Plan.

Wind

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

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

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

Heritage Impact & Conservation Strategy

A report from the Chief Planner and Executive Director, dated April 6, 2018, recommending approval of the alterations, designation under Part IV of the Ontario Heritage Act and giving authority to enter into a Heritage Easement Agreement for the property at 58 Atlantic Avenue (also known as 25 Liberty Street), was adopted by City Council on May 22, 2018. By-law 1147-2019 was enacted and passed by City Council on July 18, 2018 designating the property at 58 Atlantic Avenue under Part IV of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.4>

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

The Heritage report notes that the context of heritage property on this block will be altered with the introduction of a new office complex, the heritage building itself will be conserved retained as a whole building with minimal alterations, and will continue to be read as an independent volume. The report further notes that Heritage Planning staff are supportive of the proposal. City Planning staff consider the revised proposal supportable as it continues to retain the property's heritage attributes and mitigates against the impact on its scale, form and massing by incorporating stepbacks and a transparent glazed connection. The proposal conserves the heritage attributes and character of the heritage property as well as that of the adjacent heritage properties in accordance with applicable Official Plan policies and the provincial policy framework.

The revised proposal does not provide any additional impacts to the heritage property at 58 Atlantic Avenue (25 Liberty Street) and does not require further consideration by City Council.

Rental Housing

The subject site is comprised of an eclectic mix of buildings containing a total of 42 existing live/work rental dwelling units and operating as a single complex with shared outdoor space. These 42 live/work rental dwelling units are comprised of 22 bachelor, 19 one-bedroom and 1 two-bedroom units. At the time of application, one live/work rental dwelling unit was considered to have affordable rent (rent at or below average market rent for the City of Toronto), 13 units had mid-range rents (above affordable rent, but below one and a half times average market rent) and 28 units had high-end rents (above mid-range rent). The following table provides a summary of the existing unit mix and rent classifications for the 42 existing live/work rental dwelling units.

Unit Type	Affordable Rental Units	Mid-range Rental Units	High-end Rental Units	Total
Bachelor	0	6	16	22
One-bedroom	1	6	12	19
Two-bedroom	0	1	0	1
Total	1	13	28	42

The existing buildings were formally converted to live/work uses in 1999 through an approval from the Ontario Municipal Board (File No. PL980913). Over the years, many of these units remained as live/work rental dwelling units, while others were used strictly for commercial purposes. At the time of the application, it was determined that 42 of the existing 53 units on the subject site were used for residential rental purposes.

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

Given their live/work nature, most units are generously sized and include loft space for bedrooms. On average, the size of the existing live/work rental dwelling units range

from approximately 600 square feet for a bachelor, 900 square feet for a one-bedroom unit and 1,000 square feet for the two-bedroom unit. To accurately assess the square footage used for residential rental purposes, the units were measured by a building surveyor. Loft spaces that did not comply with the *Building Code Act* were deducted from the size of the existing live/work rental dwelling unit in order to best capture habitable living space.

Rental Demolition and Replacement

Official Plan Policy 3.2.1.6 b (i) states that when new development requires the removal of rental housing containing six or more units, and any one of the rental units has affordable or mid-range rent, the existing rental dwelling units must be replaced within the proposed development.

The Rental Housing Demolition Application initially approved by City Council on May 22, 23 and 24, 2018, proposed to replace the existing 42 live/work rental dwelling units in two new rental towers under construction at 11 and 25 Ordnance Street. At that time, off-site replacement of the existing live/work rental dwelling units on another site was required to address the land use designation of the 58 Atlantic (25 Liberty Street) site as a Core Employment Area, and that the initial development proposal for the site was entirely office use. Although options to maintain some of the live/work units on the site were explored, it was determined that securing all of the existing live/work rental dwelling units off-site addressed the replacement rental matters in the most comprehensive manner.

As part of the initial replacement rental proposal, the applicant proposed to provide 51 replacement rental dwelling units with a total Gross Floor Area of 31,046 square feet, an increase of 9 units over the existing conditions. The unit mix for this replacement rental proposal was comprised of 35 one-bedroom and 16 two-bedroom units. Under this proposal, the average unit size for the existing live/work rental dwelling units would have been reduced from 739 square feet to 609 square feet.

City Planning reviewed this initial replacement rental proposal and determined that the conditions of approval outlined in Official Plan Policy 3.2.1.6 b (i) had been satisfied.

As part of the revised replacement rental proposal, the applicant proposes to provide and maintain 42 replacement live/work rental dwelling units with a total Gross Floor Area of 31,060 square feet. The unit mix for the replacement live/work rental dwelling units would be comprised of 22 bachelors, 19 one-bedroom and 1 two bedroom units. This proposal effectively mirrors the existing conditions with respect to the number of live/work rental dwelling units, unit mix, total gross floor area and average unit size.

The overall design and unit layout of the revised replacement rental proposal also more closely reflects that of the existing live/work rental dwelling units, enabling the existing

live/work uses to continue on the subject site. In addition, eight of the replacement live/work rental dwelling units will be located within the retained heritage building along Liberty Street.

The following table provides a comparison of the existing conditions, initial replacement rental proposal and revised replacement rental proposal.

	Existing Conditions	2018 Council Approval Replacement Proposal	Current Replacement Proposal
Total Gross Floor Area	31,255 square feet	31,046 square feet	31,060 square feet
Number of Rental Units	42	51	42
Unit Mix - Bachelor - One-bedroom - Two-bedroom	22 19 1	0 35 16	22 19 1
Average Unit Size	744 square feet	609 square feet	740 square feet

Similar to the initial replacement rental proposal, the replacement live/work rental dwelling units under the revised replacement rental proposal will include ensuite laundry, central air conditioning and new appliances. Tenants of the revised replacement live/work rental dwelling units will have access to all indoor and outdoor amenity space within the proposed building, all resident and visitor bicycle parking and 12 vehicle parking spaces.

City Planning has reviewed this revised replacement rental proposal and determined that the conditions of approval outlined in Official Plan Policy 3.2.1.6 b (i) continue to be satisfied. The owner has agreed to secure all of the provisions related to number replacement live/work dwelling units, unit mix and total gross floor area of replacement rental proposal through the Section 37 and Section 111 Agreements with the City, all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Rental Tenure and Rents

The applicant has agreed to provide, secure and maintain the rental tenure of the 42 replacement live/work rental dwelling units within the proposed 10-storey building for at least 20 years. The secured rental tenure period would begin from the date that each replacement live/work rental dwelling unit is first occupied and until the owner obtains any necessary approvals removing the requirement for the replacement live/work rental dwelling units to be maintained as rental units, but no earlier than 20 years from first occupancy.

The applicant has agreed to provide, secure and maintain one one-bedroom replacement live/work rental unit at affordable rents and 6 bachelor, 6 one-bedroom and 1 two-bedroom replacement live/work rental dwelling units at mid-range rents for at least 10 years, beginning from the date that each replacement live/work rental dwelling unit is first occupied. The remaining 16 bachelor, 12 one-bedroom replacement live/work rental dwelling units will have unsecured rents.

The owner has agreed to secure all of the provisions related to the rental tenure and rent restrictions associated with the replacement rental dwelling units through the Section 37 and Section 111 Agreements with the City, all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Tenant Relocation and Assistance Plan

As of the date of this report, there are 13 tenant households living in the 42 existing live/work rental dwelling units, many of whom are long-time tenants who both live and work in the existing buildings. These remaining tenants feel a strong connection to the Liberty Village community and have identified wanting to stay in the community while the replacement rental units are being constructed. Prior to the application being made

and throughout the application review process, tenants have been actively involved in advocating for their residential rights and working to ensure that the Tenant Relocation and Assistance Plan responds to their needs as live/work tenants.

Under the *Residential Tenancies Act*, tenants who receive a Notice to End your Tenancy from their landlord in order to demolish, convert or repair their rental unit are entitled to at least 120 days notice to vacate and financial compensation equal to at least 3 months' rent.

The City's rental housing demolition and replacement policy (Official Plan Policy 3.2.1.6) states that any proposed development that would result in the demolition of six or more rental dwelling units shall provide, as a condition of approval, an acceptable Tenant Relocation and Assistance Plan to eligible tenants. This condition is intended to address tenant hardship. Generally, the various elements of a City-approved Tenant Relocation and Assistance Plan build upon and extend the notice and compensation requirements of the *Residential Tenancies Act*.

As a condition of approval for the Rental Housing Demolition Application approved by City Council on May 22, 23 and 24, 2018, the applicant agreed to provide and secure a Tenant Relocation and Assistance Plan, all of which was in line with the City's standard practice at that time. As part of the revised application, in response to comments from Planning Staff and as a result of further discussion with eligible tenants, the applicant has proposed to extend and build upon the original Tenant Relocation and Assistance Plan. The requirement of the *Residential Tenancies Act* and both the original and revised Tenant Relocation and Assistance Plans are as illustrated in the Table below.

	Residential Tenancies Act	2018 Council Approval	Current Submission
Notice to Vacate	120 days	180 days	240 days
Base Financial Compensation	Equal to 3 months' Rent	Equal to 3 months' Rent	Equal to 3 months' Rent
Additional Compensation	\$0.00	Equal to between 2 and 10 months' rent	Equal to between 5 and 17 months' rent
Moving Allowance	\$0.00	Equal to \$1,500 to \$2,500	Equal to \$1,500 to \$2,500
Special Needs Assistance	\$0.00	Equal to 2 months' rent	Equal to 4 months' rent

Right to Return to a Replacement Rental Unit	No	Yes, residential rental dwelling unit located off-site	Yes, live/work rental dwelling unit located on-site
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In addition to the notice period and financial compensation identified above and as part of the original Tenant Relocation and Assistance Plan, all eligible tenants were to be provided with the right to return to a typical residential rental dwelling unit within two new purpose built rental buildings at 11 and 25 Ordinance Street.

As part of the revised application, the applicant has agreed to provide eligible tenants with the right to return to a replacement live/work rental dwelling unit located within the new building proposed to be constructed on the subject site. This revised Tenant Relocation and Assistance Plan will allow eligible tenants to return to a replacement rental dwelling unit that more closely reflects their existing living conditions within the Liberty Village Community instead of a more typical residential rental dwelling unit located off-site.

As proposed, the revised Tenant Relocation and Assistance Plan achieves the City's current standard practices and will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. The Tenant Relocation and Assistance Plan will be secured through a Section 37 and Section 111 Agreements with the City, all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The non-residential nature of this proposal is subject to a 2% parkland dedication, while the residential portion is subject to 10%. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the parkland dedication requirement resulting from the proposed development is estimated to be too small to create a functional park. The site is also directly across from Lamport Stadium Park. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through the Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Site Plan Control process.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

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

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

Cycling

A total of 141 bicycle parking spaces and associated shower/change facilities are proposed at the P1 level. Details of the design of the bicycle parking and shower/change facilities will be secured through a Site Plan Control application.

Road Widening

In order to satisfy the Official Plan requirement of a 6.0 metre right-of-way for a public lane servicing mixed commercial-residential or industrial lands, the segment of the public lane that abuts the southern portion of the property between Atlantic Avenue and Jefferson Avenue, requires a 1.48 metre road widening dedication and is proposed to be conveyed to the City with this application.

Parking and Loading

The proposed development includes a total of 108 vehicular parking spaces. The current By-law requires a total of 320 parking spaces.

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

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

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

The proposed development includes a total of 3 loading spaces, consisting of 1 Type G/B, 1 Type B/C, and 1 Type C space, all located on the ground floor and accessed via the rear laneway. The proposed number and type of loading spaces is acceptable. Detailed design of parking and loading areas will be secured through a Site Plan Control Application.

Servicing

Engineering and Construction Services has requested revisions to the submitted Functional Servicing, Geotechnical and Stormwater Management Reports. It is recommended that these reports are amended, to the satisfaction of the Chief Engineer

& Executive Director, Engineering and Construction Services, prior to the proposed By-law amendment being brought forward to City Council for enactment.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

- a) A financial contribution by the owner of \$1,250,000.00, payable prior to the issuance of the first above-grade building permit, towards the provision of affordable rental housing within Ward 10 in the vicinity of the site, including provision for upward indexing 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;

The following matters of convenience are recommended to be secured in the Section 37 Agreement by and at the owner's expense and thereafter implemented to the City's satisfaction:

- a) The owner shall provide, secure and maintain 42 replacement live/work rental dwelling units within the proposed building, at rents as prescribed in recommendation 6, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor;
- b) The owner shall provide tenant relocation and assistance to all eligible tenants, including securing the right to return to a replacement live/work rental dwelling unit within the proposed building at restricted rents all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- c) Prior to final Site Plan Approval for the proposed Zoning By-law Amendment for the property located 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, the owner shall:
 - i) Provide final site plan drawings substantially in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning;

- ii) Have obtained final approval for the necessary Zoning By-law Amendment required for the development lands, such Amendment to have come into full force and effect;
- iii) Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
- iv) Provide an Interpretation Plan for the heritage property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
- v) Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning;
- vi) Prior to the issuance of any permit for all or any part of the property at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51,61, and 65 Jefferson Avenue, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:
 - A) Have obtained final approval for the necessary Zoning By-law Amendment required for the alterations to the property 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue, such amendment to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Planning.
 - B) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, to the satisfaction of the Senior Manager, Heritage Planning.
 - C) Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning, to secure all work included in the approved Conservation Plan, Lighting Plan, and Interpretation Plan.

vii) Prior to the release of the required Letter of Credit, the owner shall provide a letter of substantial completion, prepared and signed by a qualified heritage consultant, confirming that the required conservation work and the required interpretive work has been completed in accordance with the approved Conservation Plan, approved Lighting Plan and approved Interpretation Plan and that an appropriate standard of conservation has been achieved, all to the satisfaction of the Senior Manager, Heritage Planning and shall provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

viii) Implementation of wind mitigation measures as determined through a satisfactory wind tunnel analysis undertaken prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

ix) Design and construction of public realm improvements on Liberty Street, Jefferson Avenue and Atlantic Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and the General Manager, Transportation Services.

x) Design and construction of required improvements to municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report(s), prior to the issuance of the first above-grade building permit for all or any part of the development lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Functional Servicing and Stormwater Management Reports; and

xi) Submission of a Construction Management Plan for the development lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, prior to the issuance of any permit, including a heritage permit or a building permit, and including conditional permits, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, and thereafter shall implement the plan during the course of construction.

xii) Matters related to heritage preservation of the existing building at 25 Liberty Street, to the satisfaction of the Senior Manager, Heritage Planning.

xiii) Construct and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on December 5, 6, and 7, 2017, through the adoption of items PG 23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the in-force policies of the Toronto Official Plan.

Staff worked with the applicant and the community to address and resolve the following key concerns: retention of existing live-work units within the development, heritage preservation, and traffic congestion. Staff recommend that Council support approval of the application.

The development of a 10-storey, 26,472 square metre mixed-use commercial office building will introduce a substantial amount of new employment space into an area the City has targeted for employment growth. The proposal has been designed and scaled to appropriately limit its impacts on the surrounding area. The proposed development fits within the existing context and appropriately incorporates the retention of the existing heritage building.

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

The 42 live-work units are permitted under current in-force Official Plan policy. As the existing live/work units are only being replaced on this site, no new residential units or floors are being added to Liberty Village. By only replacing the existing units on site, the proposal maintains the intent of the in-force policies of the Official Plan.

Planning Staff have reviewed the Rental Housing Demolition application and have determined that the applicant's demolition and replacement proposal for 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61 and 65 Jefferson Avenue satisfy the City's replacement rental policies. This report recommends that City Council approve, with conditions, the application for a Rental Housing Demolition Permit in accordance with

Chapter 667 of the Toronto Municipal Code to allow for the demolition of the 42 existing live/work rental dwelling units.

Planning staff recommend that Council approve the Zoning By-law Amendment and the Rental Housing Demolition applications.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Elevations

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 58 ATLANTIC AVE Date Received: October 13, 2015

Application Number: 15 236743 STE 14 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

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

Applicant	Agent	Architect	Owner
SWEENEY STERLING FINLAYSON AND CO ARCHITECTS	SWEENEY STERLING FINLAYSON AND CO ARCHITECTS	SWEENEY STERLING FINLAYSON AND CO ARCHITECTS	2393720 ONTARIO LTD.

EXISTING PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq m): 3,349 Frontage (m): 64 Depth (m): 52

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	402	402	2,047	2,449
Residential GFA (sq m):	800	800	3,001	3,801
Non-Residential GFA (sq m):	804	804	21,908	22,712
Total GFA (sq m):	1,604	1,604	24,909	26,513
Height - Storeys:	3	3	10	10
Height - Metres:	13	13	44	44

Lot Coverage Ratio (%) 73.12 Floor Space Index: 7.92

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	3,801	
Retail GFA:	2,482	
Office GFA:	20,230	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	42		42	42
Freehold:				
Condominium:				
Other:				
Total Units:	42		42	42

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		22	19	1	
Total Units:		22	19	1	

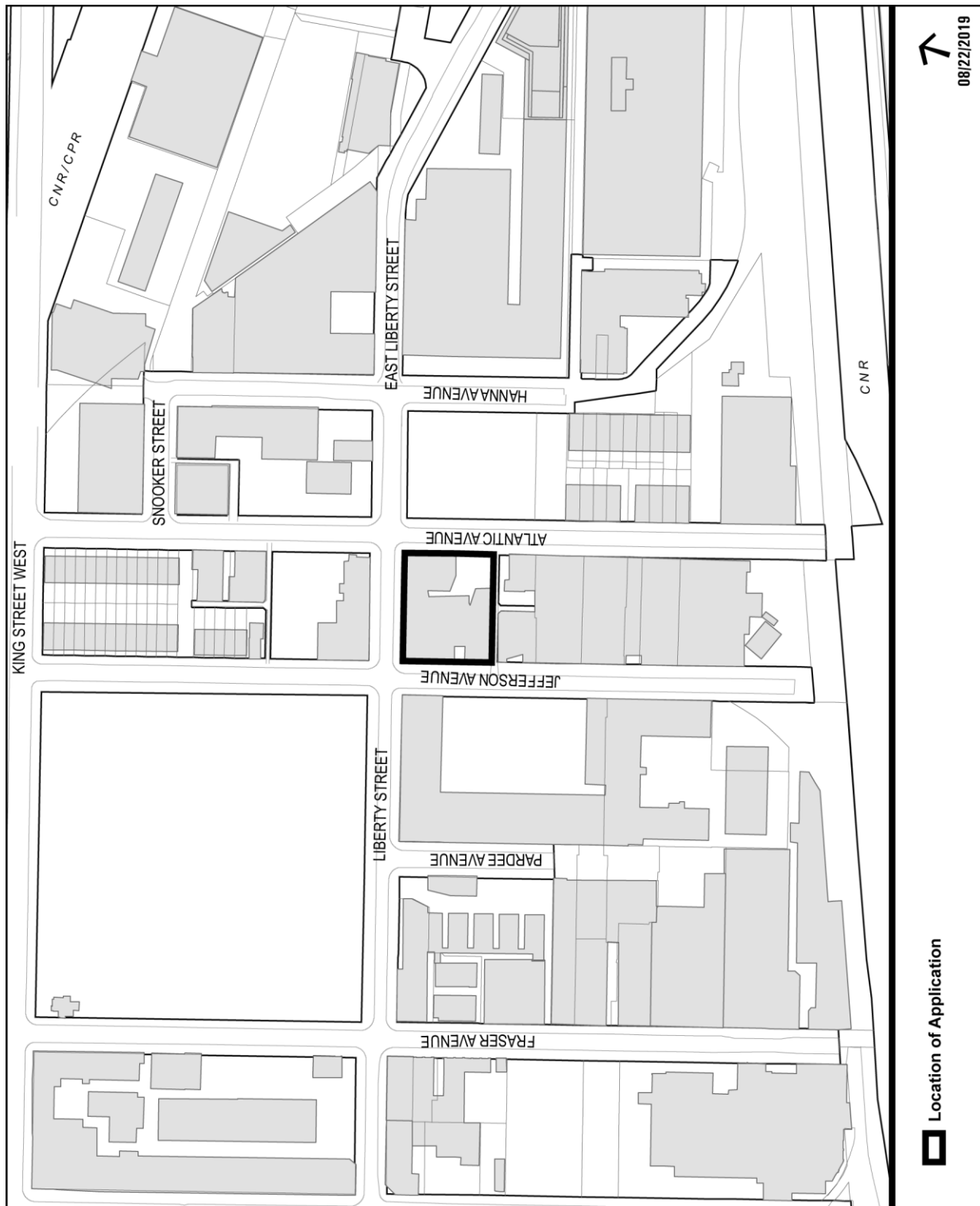
Parking and Loading

Parking Spaces:	107	Bicycle Parking Spaces:	141	Loading Docks:	3
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CONTACT:

Aviva Pelt, Planner
416-392-0877
Aviva.Pelt@toronto.ca

Attachment 2: Location Map





Official Plan Land Use Map

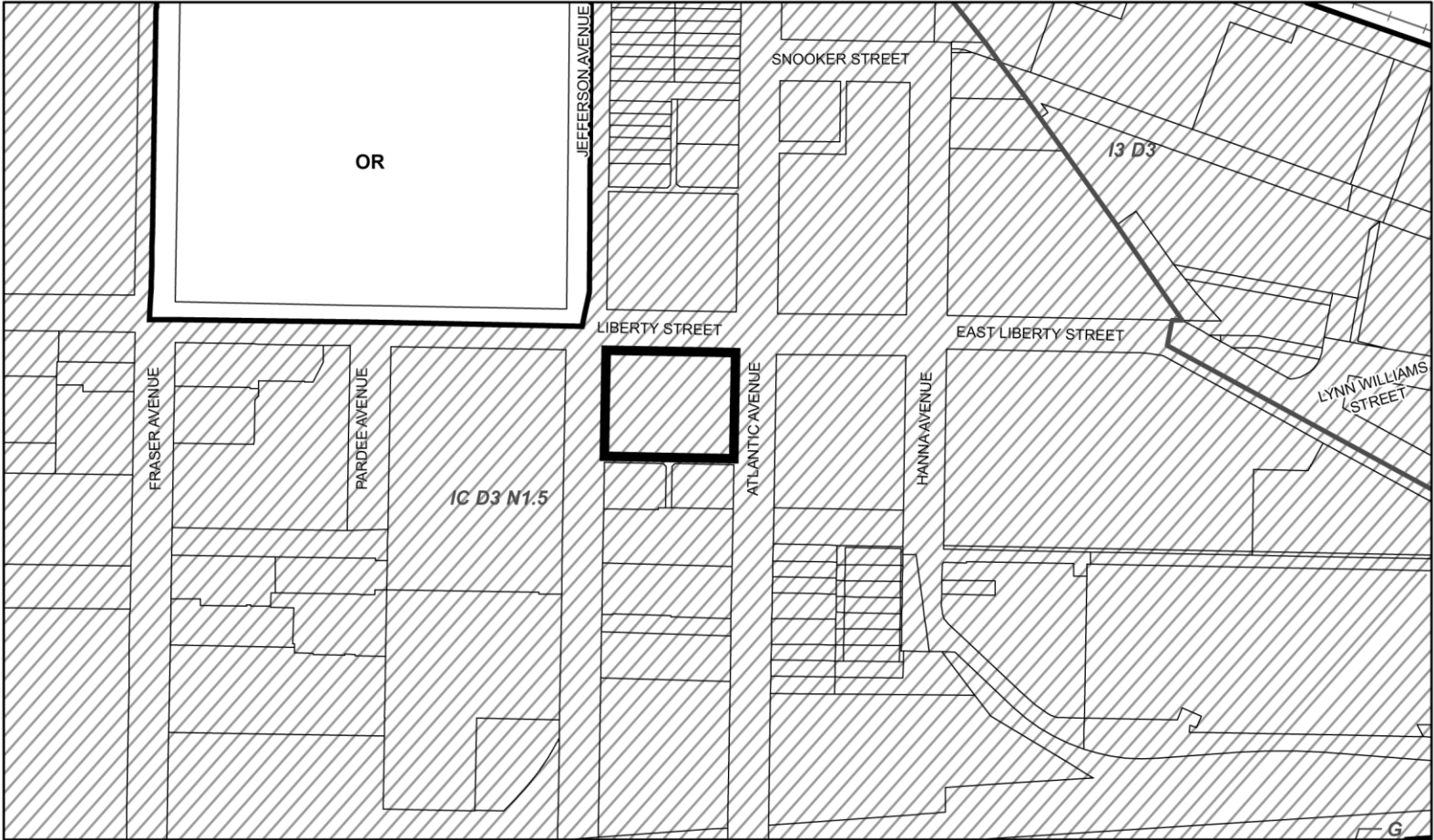
25 & 35 Liberty Street, 58 Atlantic Avenue
and 51, 61 & 65 Jefferson Avenue

File # 15 236743 STE 14 0Z



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Not to Scale
08/22/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

25 & 35 Liberty Street, 58 Atlantic Avenue and 51, 61 & 65 Jefferson Avenue

File # 15 236743 STE 14 0Z

-  Location of Application
- OR Open Space Recreation
- UT Utility and Transportation

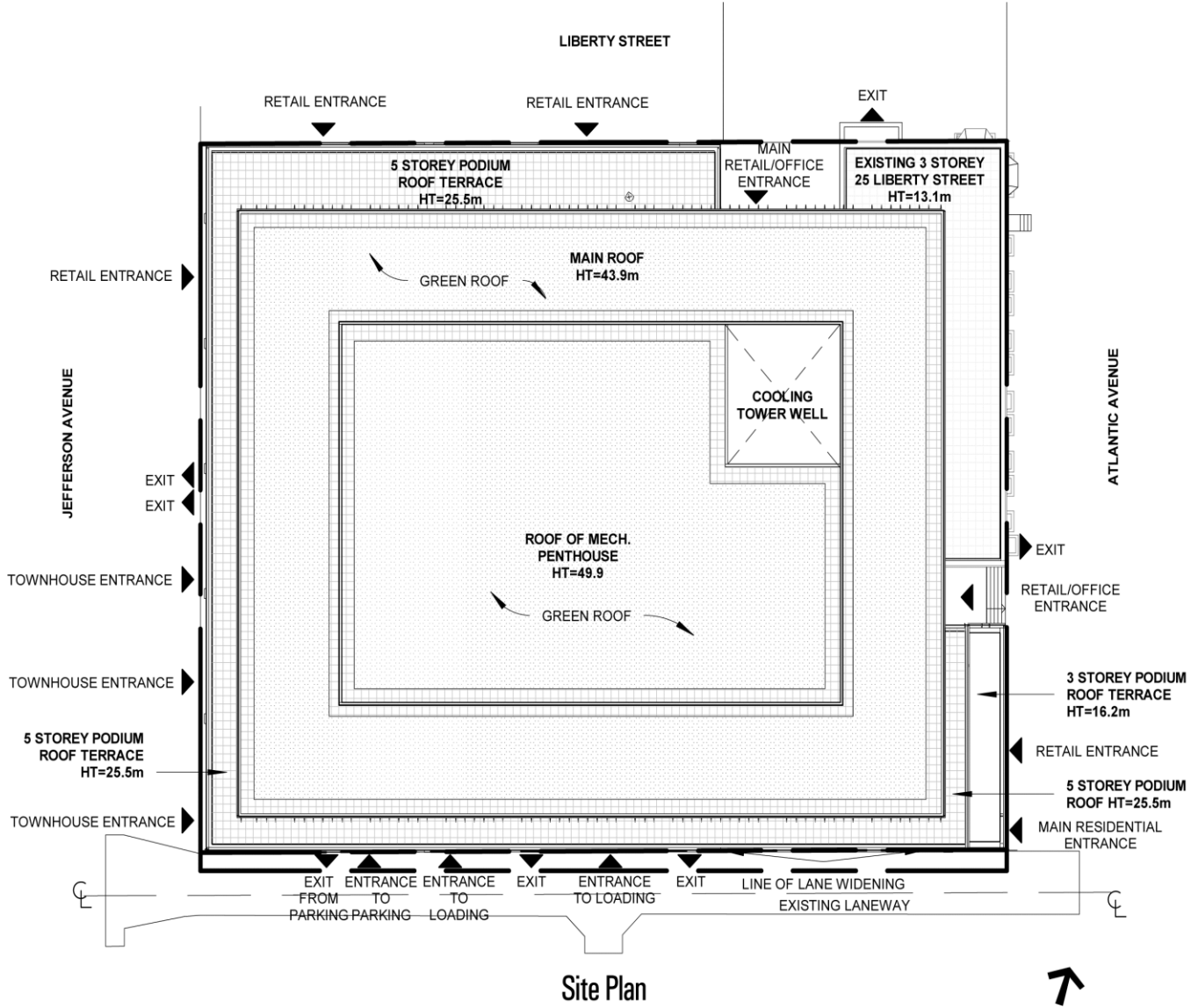
-  See Former City of Toronto By-law No. 438-86
- I3 Industrial District
- IC Industrial District



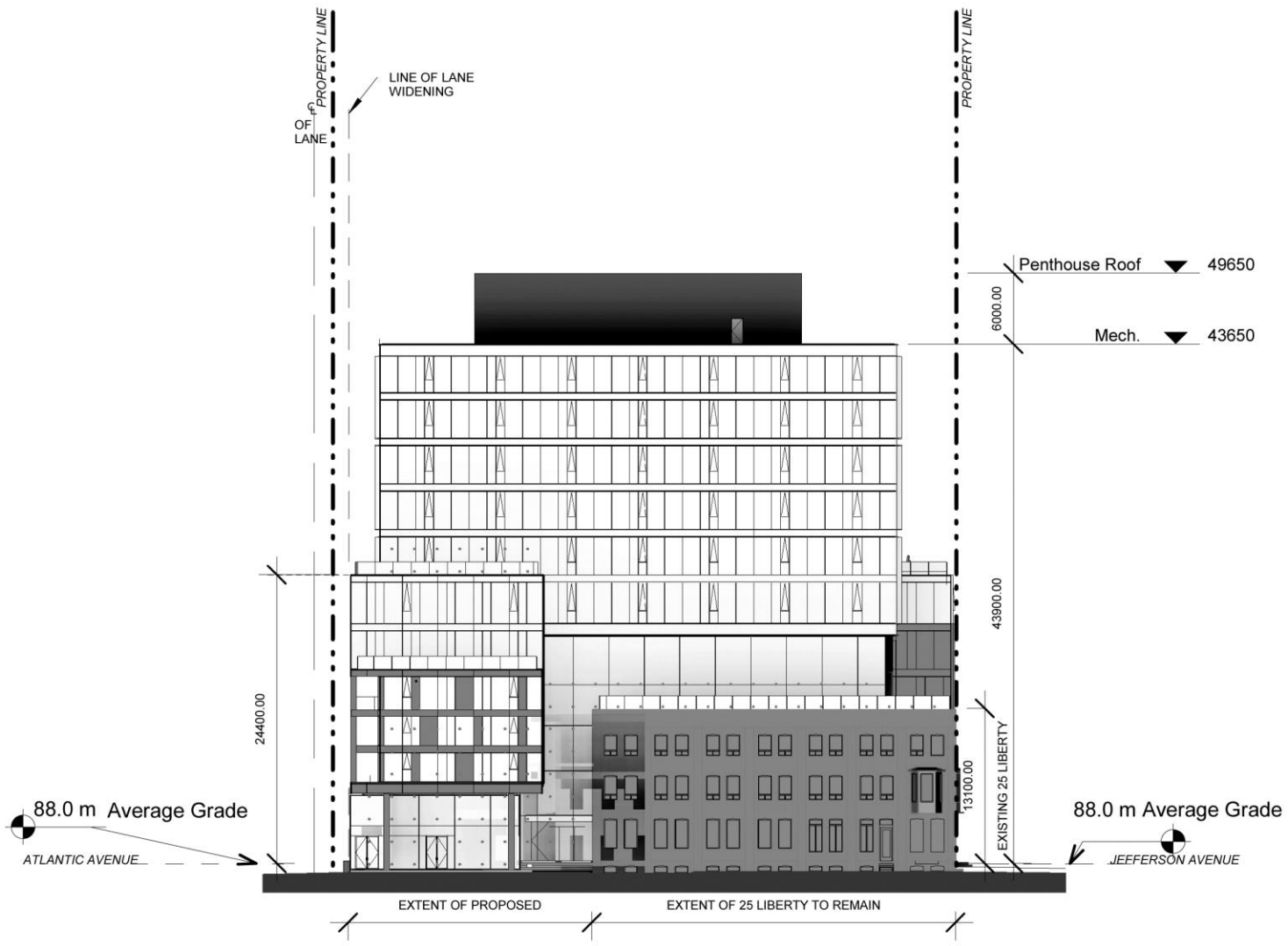
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Extracted: 08/22/2019

Attachment 5: Draft Zoning By-law Amendment

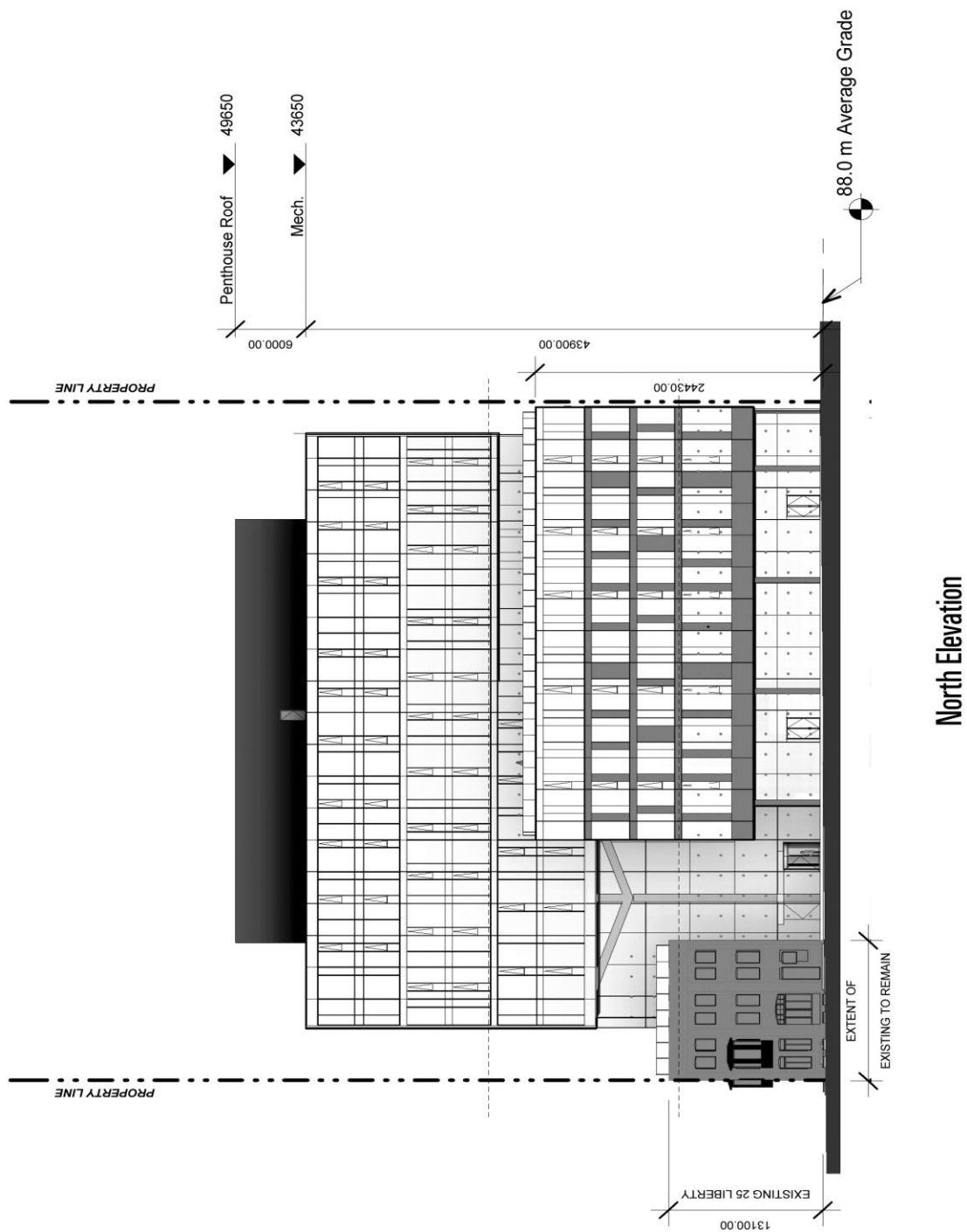
Draft Zoning By-law Amendment will be made available prior to September 16, 2019 Toronto and East York Community Council.

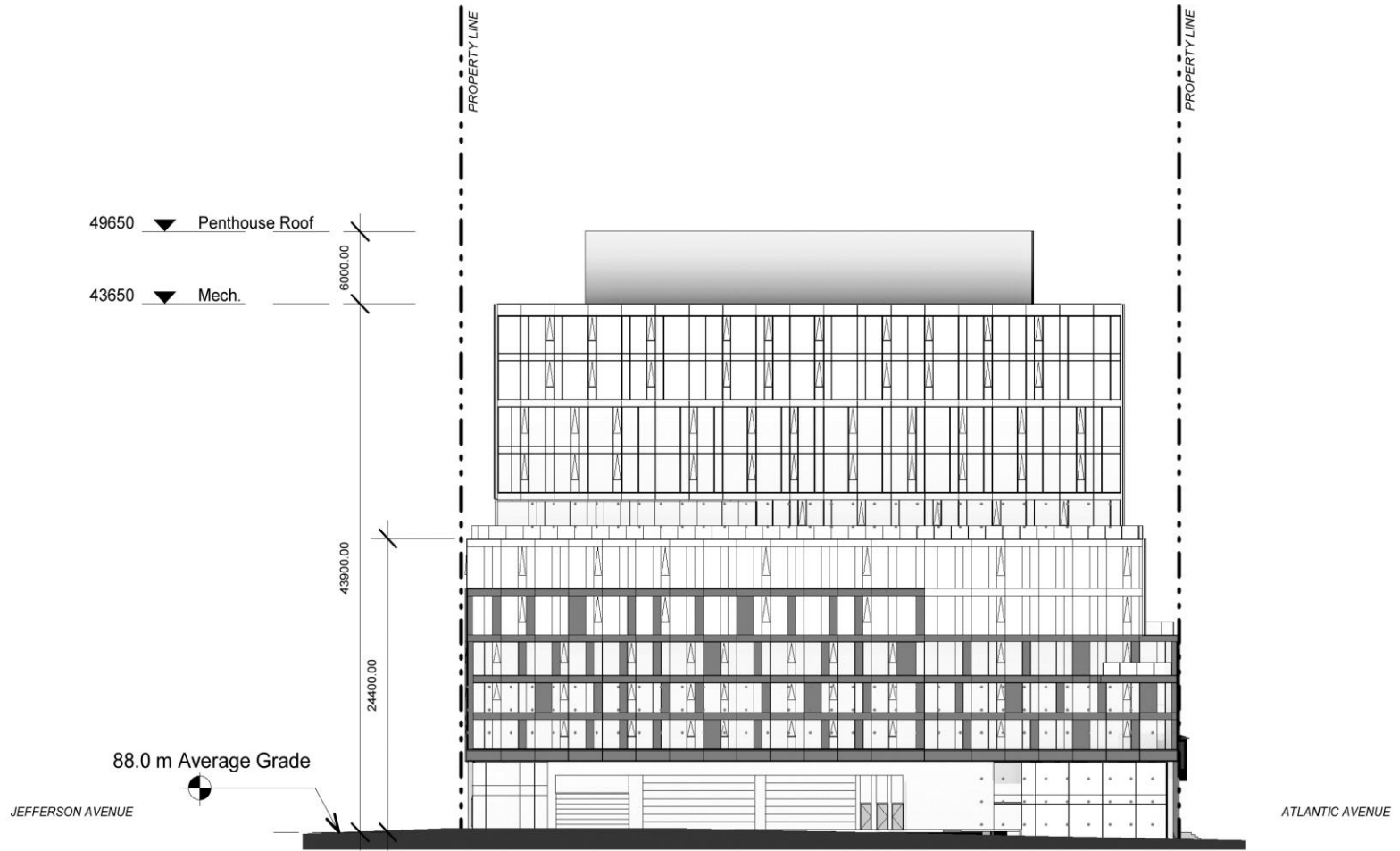


Attachment 7: Elevations



East Elevation





South Elevation



