

102 Berkeley Street – Zoning Amendment Application – Request for Direction Report

Date: March 25, 2022

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 21 221292 STE 13 OZ

SUMMARY

On October 4, 2021, a Zoning By-law Amendment application was submitted to permit a 20-storey mixed-use building with 357 square metres of retail space on the ground floor and 181 dwelling units above.

On January 28, 2022, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 102 Berkeley Street and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has addressed all outstanding issues raised by Parks, Forestry and Recreation as they relate to the required parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

c) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment; and

d) where applicable, community benefits and other matters in support of the development are to be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A Preliminary Report was adopted by Toronto and East York Community Council on February 24, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE31.42>

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located southwest of Richmond Street East and Parliament Street, on the west side of Berkeley Street. The rectangular site is approximately 1,076 square metres in size, has a frontage of approximately 22 metres on Berkeley Street and a depth of approximately 50 metres.

Existing Use: A one-storey building containing approximately 920 square metres of retail uses

Surrounding uses include:

North: A mix of low-rise buildings containing residential, commercial and institutional uses, and a proposed 38-storey mixed-use building at 429-455 Richmond Street East and 69-75 Ontario Street (File No. 19 265929 STE 13 OZ).

East: Across Berkeley Street is a mix of low-rise commercial buildings, a 25-storey residential building and a proposed 29-storey mixed-use building on the site of an existing car dealership at 550 Adelaide Street East (File No. 21 240866 STE 13 OZ).

South: Commercial buildings that range in height from one to seven storeys and a surface parking lot, which are proposed to be replaced with three mixed-use buildings of 10, 34 and 39 storeys and a public park, at 49 Ontario Street and 84-96 Berkeley Street (File No. 19 244188 STE 13 OZ).

West: A 25-storey mixed-use building at 53-65 Ontario Street.

THE APPLICATION

Description

Height: 20-storeys (70.1 metres, including a 5.0 metre mechanical penthouse).

Density (Floor Space Index): 12.1 times the area of the lot.

Uses: Mixed-use building containing retail uses on the ground floor and dwelling units above.

Unit count: 181 dwelling units (117 studio units (64.6%), 17 one-bedroom units (9.4%), 28 two-bedroom units (15.5%), 19 three-bedroom units (10.5%) and a portion of the studio units are proposed to be located and designed so that they can be converted to provide an additional 18% two-bedroom units).

Additional Information

See Attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Reasons for Application

The Zoning By-law Amendment Application proposes to amend Zoning By-laws 438-86 and 569-2013 to vary performance standards including building height, building setbacks, amenity space and vehicle parking requirements. Additional amendments to the Zoning By-laws may be identified as part of the ongoing application review.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

POLICY CONSIDERATIONS

Official Plan Designation: The site is located on lands within the Downtown and Central Waterfront area and is designated Regeneration Areas in the Official Plan. The western portion of the site is also designated Mixed Use Areas 2 - Intermediate and the eastern portion of the site along the Berkeley Street frontage is designated Mixed Use Areas 4 - Local in the Downtown Plan. The site is also within Regeneration Area 'A' (Jarvis-Parliament) of the King-Parliament Secondary Plan.

Zoning: The site is zoned Reinvestment Area (RA) in the former City of Toronto Zoning By-law 438-86, as amended, which permits a range of uses, and has a height limit of 12 metres. The site is zoned Commercial Residential Employment (CRE) in the City of Toronto Zoning By-law 569-2013, as amended, with the same use and height restrictions as By-law 438-86.

Additional Information: See Attachment 6 for applicable policy documents.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting will be held on April 5, 2022 and will be hosted by City staff.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that while the proposed intensification and land uses are generally consistent with the PPS and conform with the Growth Plan, the proposal is not consistent with PPS policies concerning appropriate development standards and does not conform to Growth Plan policies relating to complete communities, built form and the implementation of appropriate development standards through the Official Plan and other supporting documents. 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 to provincial plans.

Land Use

The proposed residential and retail uses align with the Regeneration Areas designation, the Mixed Use Areas 2 and Mixed Use Areas 4 designations in the Downtown Plan, and the Regeneration Area 'A' policies of the King-Parliament Secondary Plan. The proposal should incorporate a higher proportion of non-residential uses to better meet the intent of the Council-adopted King-Parliament Secondary Plan.

Built Form

Planning staff have reviewed the proposed built form against the policies of the Official Plan, the Downtown Plan, the King-Parliament Secondary Plan, OPA 352 and associated Zoning By-laws, and relevant design guidelines, as well as the Council-adopted updated King-Parliament Secondary Plan. Planning staff have concerns with the proposed built form in relation to the size and configuration of the site as well as the surrounding context.

Massing

The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the intent of the planning framework applicable to the site. The tower component is proposed to have no setback from the north and south property lines, and a setback ranging from approximately 5.5 metres to 10 metres from the west (rear) property line. The proposed setbacks are not sufficient and would result in inadequate separation distances between buildings on the subject and abutting properties. The base building component fails to comply with the low-rise Mixed Use Areas 4 designation and does not conform with the existing and planned context of the area, with excessive height and inadequate stepback from the Berkeley Street frontage to the tower.

Height

Given the site's size, configuration and location, the proposed 20-storey building is too tall and does not achieve the intent of the planning framework applicable to the site.

Heritage

The site is adjacent to heritage properties to the north, east and southeast. The proposed base building does not respect the character of the street in terms of design, scale and height. The proposal should be designed to mitigate any impacts on the cultural heritage value of the adjacent heritage resources, and to ensure that the proposed development conserves and enhances the cultural heritage value of the adjacent properties.

Streetscape

The proposed streetscape along Berkeley Street is not acceptable. While the proposed building setback would result in a sidewalk zone of approximately 8.3 metres along Berkeley Street, measured from the curb to the building face, which is acceptable, the projecting balconies, which cantilever 2.2 metres above the ground floor along the

street, do not provide sufficient clearance from the proposed street trees, and impact the quality of the public realm and views to the heritage buildings to the north.

Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code. The Arborist Report and Tree Preservation Plan submitted in support of the application indicate there are 14 trees both within and immediately adjacent to the subject site. Of these, four trees that do not qualify for protection under the Tree By-laws are proposed to be removed and the remaining 10 trees are proposed to be preserved. Currently, three large-growing shade trees are proposed to be planted in the municipal right-of-way along Berkeley Street. Staff will continue to work with the applicant to ensure the trees have sufficient space and planting conditions to permit long-term growth of the trees.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code. The applicant is required to satisfy the parkland dedication requirement through a 105.3 square metre on-site dedication. The park is to be located on the southeastern portion of the subject site adjacent to the park proposed to the south of the site at 94 Berkeley Street (File No. 19 244188 STE 13 OZ).

Amenity Space

The amenity space provided on-site should be increased. Amenity space is proposed to be provided at a rate of 2.04 square metres of indoor amenity space per dwelling unit and 1.21 square metres of outdoor amenity space per dwelling unit, resulting in a combined rate of 3.25 square metres of amenity space for each dwelling unit. Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws at a minimum and others through a future Site Plan Control application.

Traffic Impact, Access, Parking

The Transportation Impact Study submitted in support of the application concludes that the site impacts on the area's transportation network are anticipated to be minimal under future conditions. Transportation Services staff accept the conclusions of the submitted report.

Vehicle access to the site is proposed through a consolidated driveway that would be shared with the 53-65 Ontario Street site to the west of the subject property. This driveway is also proposed to be shared with the application to the northwest of the site at 429-455 Richmond Street East and 69-75 Ontario Street (File No. 19 265929 STE 13 OZ). The shared driveway access is required to be secured over the long-term between the adjacent buildings through a mutual/shared access agreement for the subject site and 53-65 Ontario Street.

The Type G loading space in the existing building at 53-65 Ontario Street is proposed to be shared with the subject site, along with the provision of an additional modified Type C loading space proposed within the building on the subject site. Solid Waste Management Services staff will continue to work with the applicant to ensure appropriate and functional loading space is provided for the proposal. A loading agreement is required to be secured for the proposed shared loading space between the subject site and the building at 53-65 Ontario Street.

Transportation Services staff have reviewed the proposed parking supply of 164 long-term and 19 short-term bike parking spaces and 41 vehicle spaces, and have determined that it is acceptable, subject to implementation of Transportation Demand Management measures.

Servicing

Engineering and Construction Services staff have reviewed the Functional Servicing and Stormwater Management Report and associated reports and plans, and require further revisions to the reports and drawings. In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

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. Section 37 benefits have not been discussed with the applicant because staff are of the opinion that the proposal, as currently constituted, is not good planning. Should the proposal be approved in some form by the OLT, it is recommended that City Council authorize City staff to negotiate an appropriate agreement for Section 37 benefits with the applicant, as applicable, in consultation with the Ward Councillor.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans

and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Downtown Plan, the King-Parliament Secondary Plan, OPA 352 and associated Zoning By-laws, and relevant design guidelines intended to implement Official Plan policies, as well as the Council-adopted updated King-Parliament Secondary Plan.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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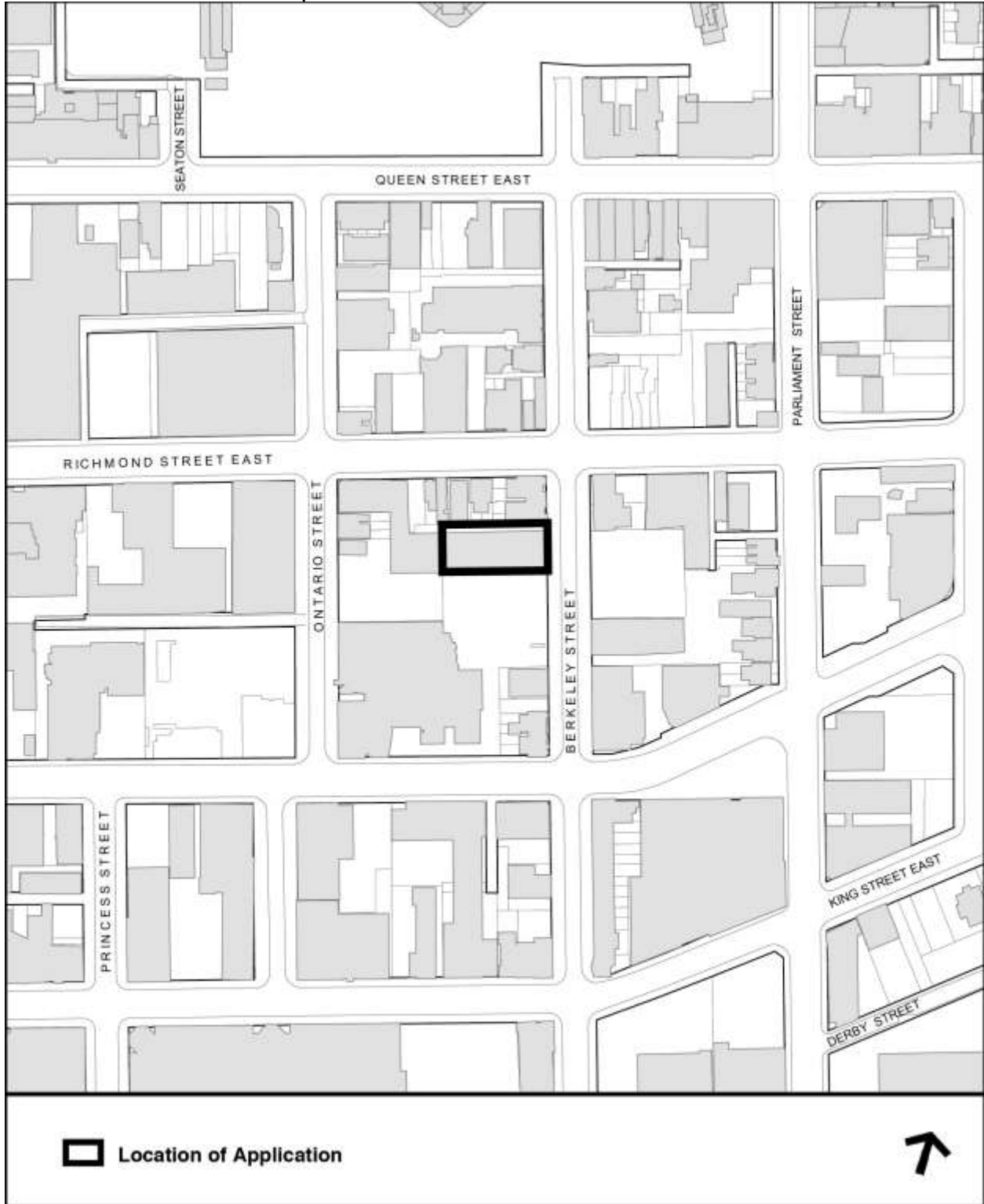
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Policy Considerations
Attachment 7: Official Plan Land Use Map
Attachment 8: Downtown Plan Land Use Map
Attachment 9: King-Parliament Secondary Plan Map
Attachment 10: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 102 Berkeley Street Date Received: October 4, 2021

Application Number: 21 221292 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit a 20-storey mixed-use building with 357 square metres of retail space on the ground floor and 12,653 square metres of residential floor area consisting of 181 dwelling units above. 183 bike parking spaces and 41 vehicle parking spaces are proposed.

Applicant	Agent	Architect	Owner
Mark Flowers, Davies Howe	Bousfields	A& Architects	BJL Properties Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	King-Parliament Secondary Plan / Downtown Plan
Zoning:	CRE (x12; x23)	Heritage Designation:	N/A
Height Limit (m):	12	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 1,076 Frontage (m): 22 Depth (m): 50

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	920		967	967
Residential GFA (sq m):			12,653	12,653
Non-Residential GFA (sq m):	920		357	357
Total GFA (sq m):	920		13,010	13,010
Height - Storeys:	1		20	20
Height - Metres:			64	64

Lot Coverage Ratio (%): 89.87 Floor Space Index: 12.09

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	12,653	

Retail GFA: 357
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			181	181
Other:				
Total Units:			181	181

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		117	17	28	19
Total Units:		117	17	28	19

Parking and Loading

Parking Spaces: 41 Bicycle Parking Spaces: 183 Loading Docks: 1

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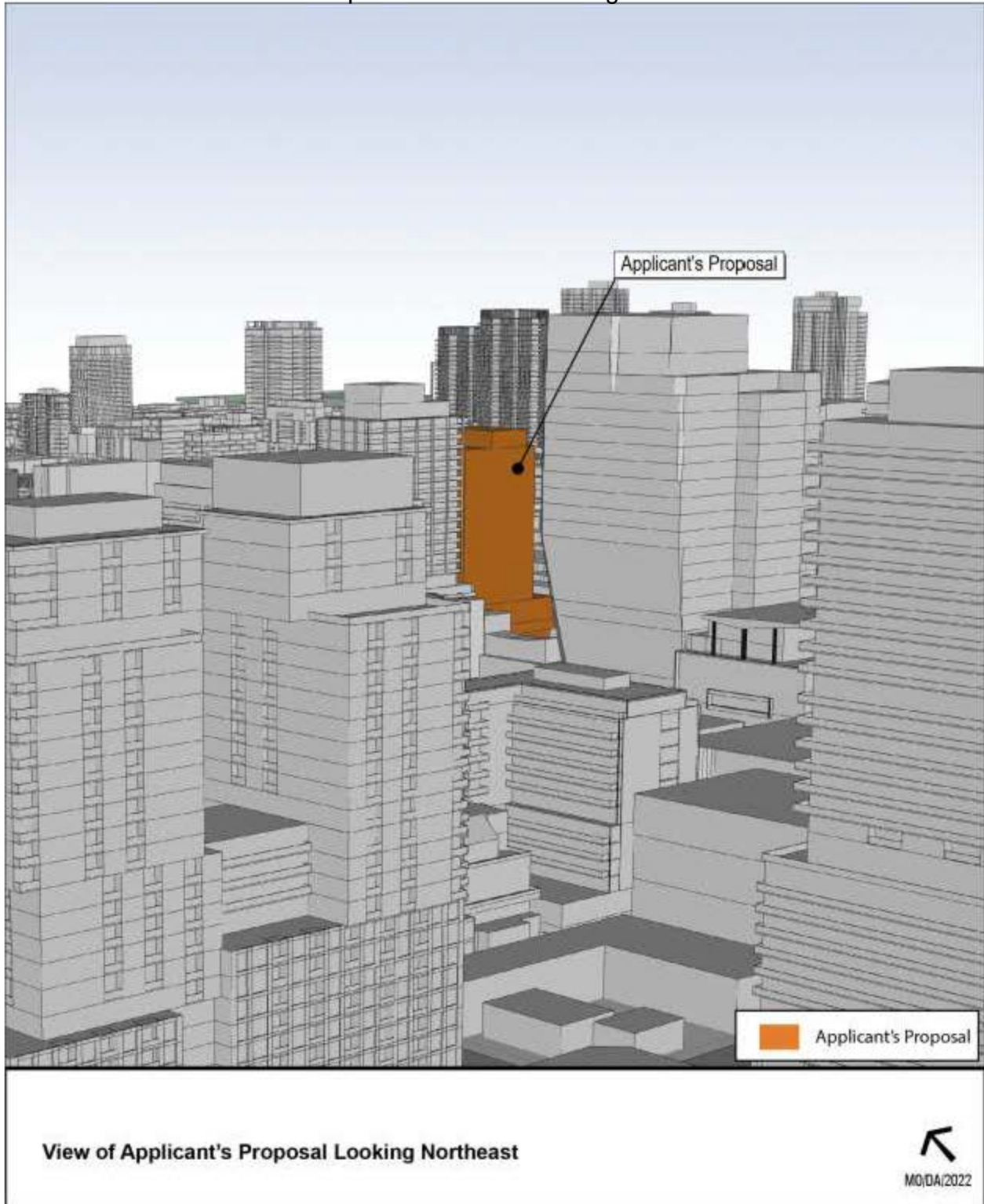
Attachment 3: 3D Model of Proposal in Context Looking Southwest



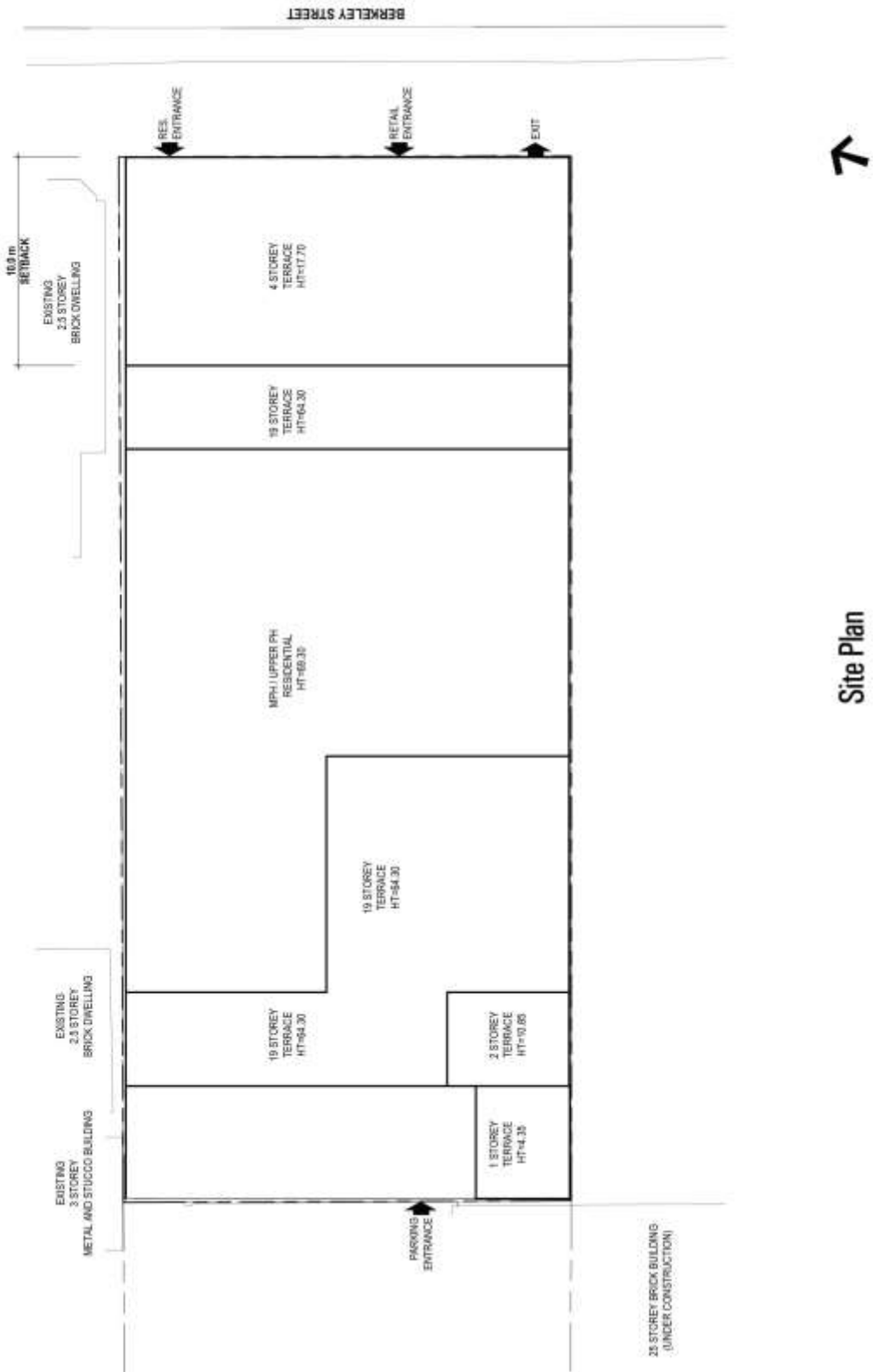
View of Applicant's Proposal Looking Southwest



Attachment 4: 3D Model of Proposal in Context Looking Northeast



Attachment 5: Site Plan



Site Plan

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.

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.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 4.6 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."

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a 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, and better connected 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 (2020), 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 (2020) 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 Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan 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 MCR, the City update its Official Plan to delineate MTSAs boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The application is located on lands within the Downtown and Central Waterfront area on Map 2 and is designated Regeneration Areas on Land Use Map 18 of the Official Plan, as shown on Attachment 7 of this report.

The Downtown Plan

City Council adopted Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") on May 22, 2018. OPA 406 included amendments to the Downtown section and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area. The Ministry of Municipal Affairs and Housing approved OPA 406 with modifications on June 5, 2019.

The western portion of the site is designated Mixed Use Areas 2 - Intermediate on Map 41-3-B and the eastern portion of the site along the Berkeley Street frontage is designated Mixed Use Areas 4 - Local on Map 41-3-D. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including midrise and some tall buildings, and development in Mixed Use Areas 4 will be of a low-rise scale, generally four storeys or less in height, which will be compatible with the existing physical character of the neighbourhood as well as the planned context.

The site is located within the King-Parliament Cultural Precinct on Map 41-14 and the Downtown Film Precinct on Map 41-15.

The Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

See Attachment 8 of this report for the site's Downtown Plan Mixed Use Areas designations.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan ("KPSP"). The main objectives of the KPSP is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area.

The site is designated Regeneration Area 'A' (Jarvis Parliament) on Map 15-1 - Land Use Plan. The area designated Regeneration Area 'A' in the KPSP is targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area.

Berkeley Street is identified as a Special Street on Map 15-1, with a small-scale and fine-grained character that is to be maintained and enhanced.

The King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf>

Official Plan Amendment 525 - King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focused on the three themes of built form, public realm and heritage. On October 29, 2019, City Council directed staff to apply the policies of the proposed King-Parliament Plan on current development applications.

On May 5, 2021, City Council approved the updated King-Parliament Secondary Plan and supplementary Zoning By-laws. The applicant has appealed both the Secondary Plan and the supplementary Zoning By-law.

The site is located in the Old Town Policy Area, which is intended to accommodate context-specific growth that is responsive to the form and scale of surrounding buildings, and will support a balance of residential, commercial and institutional uses.

The updated King-Parliament Secondary Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/king-parliament-secondary-plan-review/>

Official Plan Amendment 352 - Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted OPA 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. OPA 352 and Zoning By-laws 1106-2016 and

1107-2016 were appealed to the OLT following City Council's adoption of the planning instruments.

On November 25, 2020 and February 2, 2021, City Council approved modifications to OPA 352 and the Zoning By-laws with the intention of resolving the appeals. On May 28, 2021, the OLT partially approved modifications to OPA 352 and the Zoning By-laws. OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 are in-force for this site.

Official Plan Amendments 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020 the Minister of Municipal Affairs and Housing Issued Notices of Decision approving OPAs 479 and 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan. The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

The site is zoned Reinvestment Area (RA) in the former City of Toronto Zoning By-law 438-86, as amended. This zoning category permits a range of uses, some of which are constrained by various exceptions. The site has a height limit of 12 metres.

The site is zoned Commercial Residential Employment (CRE (x12; x23)) in the City of Toronto Zoning By-law 569-2013, as amended. The same height restrictions and exceptions in By-law 438-86 have been carried forward into By-law 569-2013.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

As part of the King-Parliament Secondary Plan Review, the site was rezoned from CRE (x12) to CR SS1 (x339) under Zoning By-law 569-2013. The amending by-law (By-law 393-2021) updated zone categories for the Old Town Policy Area to be consistent with existing and planned Mixed Use Areas land use designations in the Downtown Plan as well as maximum permitted building heights. This zone permits a wide range of residential, commercial and institutional uses, and a height of 12 metres up to a depth of 12 metres from the Berkeley Street frontage and 90.0 metres for the remaining portion of the property. The applicant has appealed both the Secondary Plan update and the supplementary Zoning By-law. Amending By-law 393-2021 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2021/law0393.pdf>

See Attachment 10 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines;
- King-Parliament Urban Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Retail Design Manual;
- Best Practices for Bird-friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2040 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

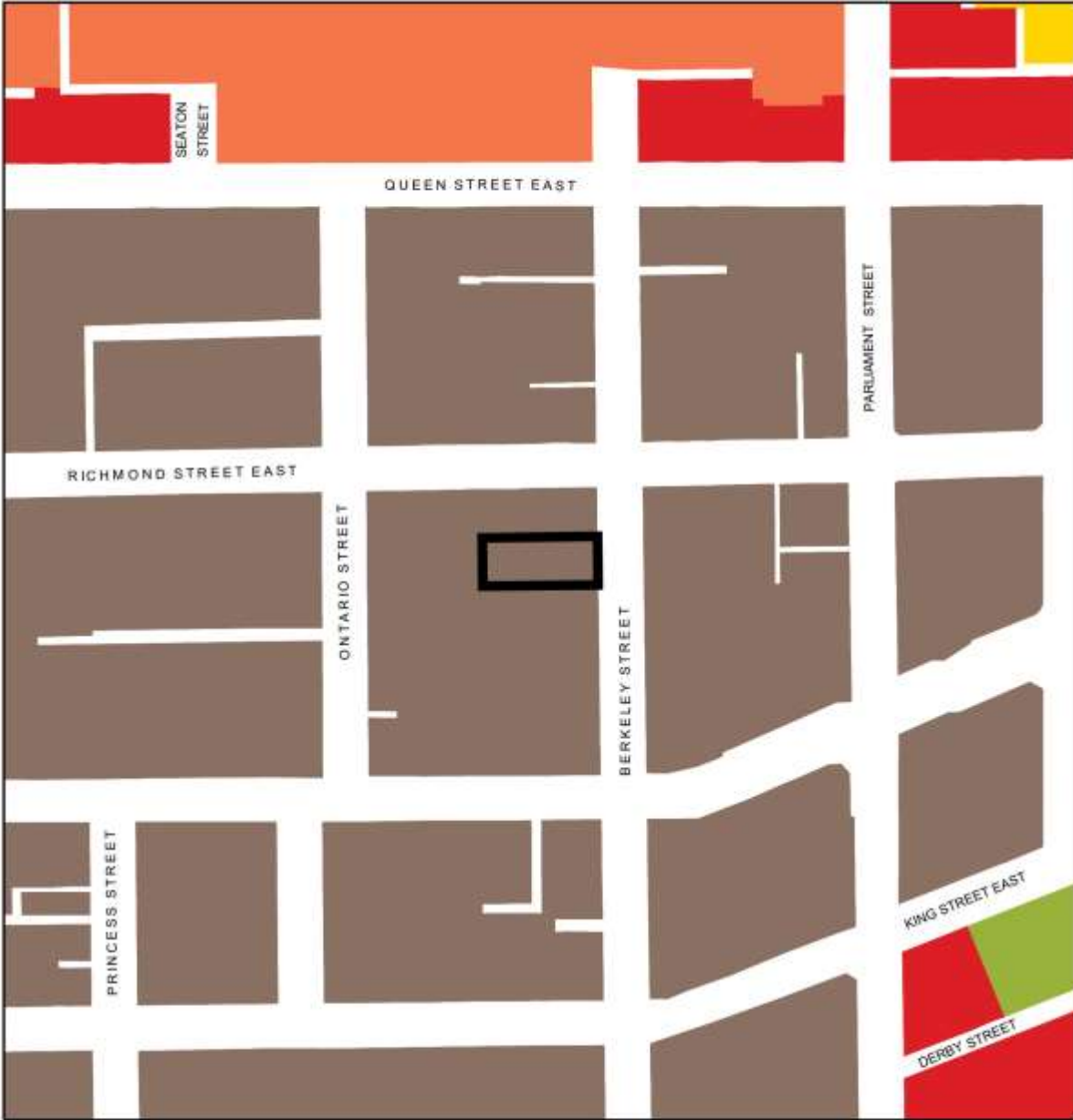
The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2040 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible. Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standard can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/officialplanguidelines/toronto-green-standard/>

Attachment 7: Official Plan Land Use Map



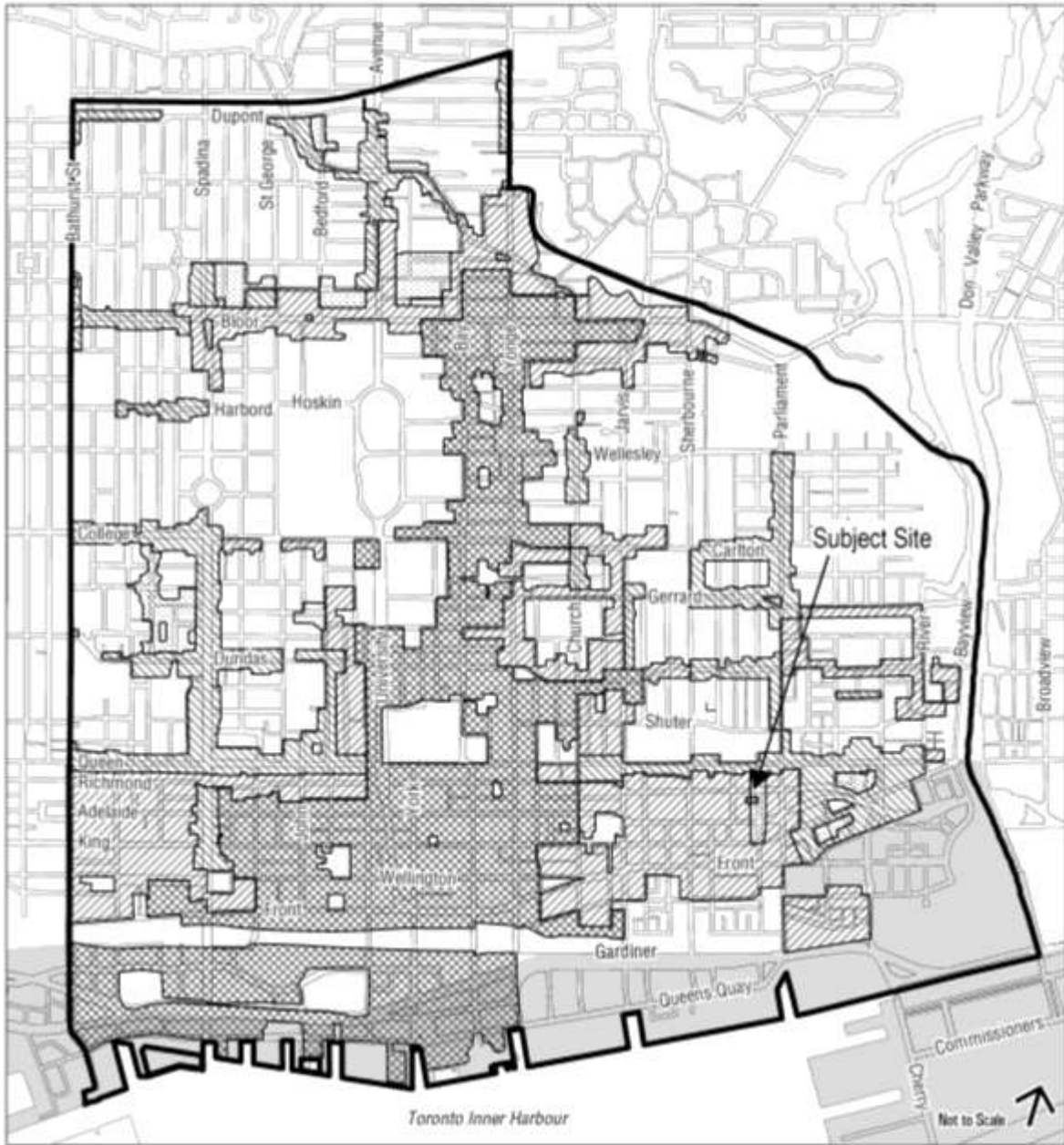
Official Plan Land Use Map #18

102 Berkeley Street
File # 21 221292 STE 13 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks
- Regeneration Areas

Not to Scale
 Extracted: 10/12/2021

Attachment 8: Downtown Plan Land Use Map

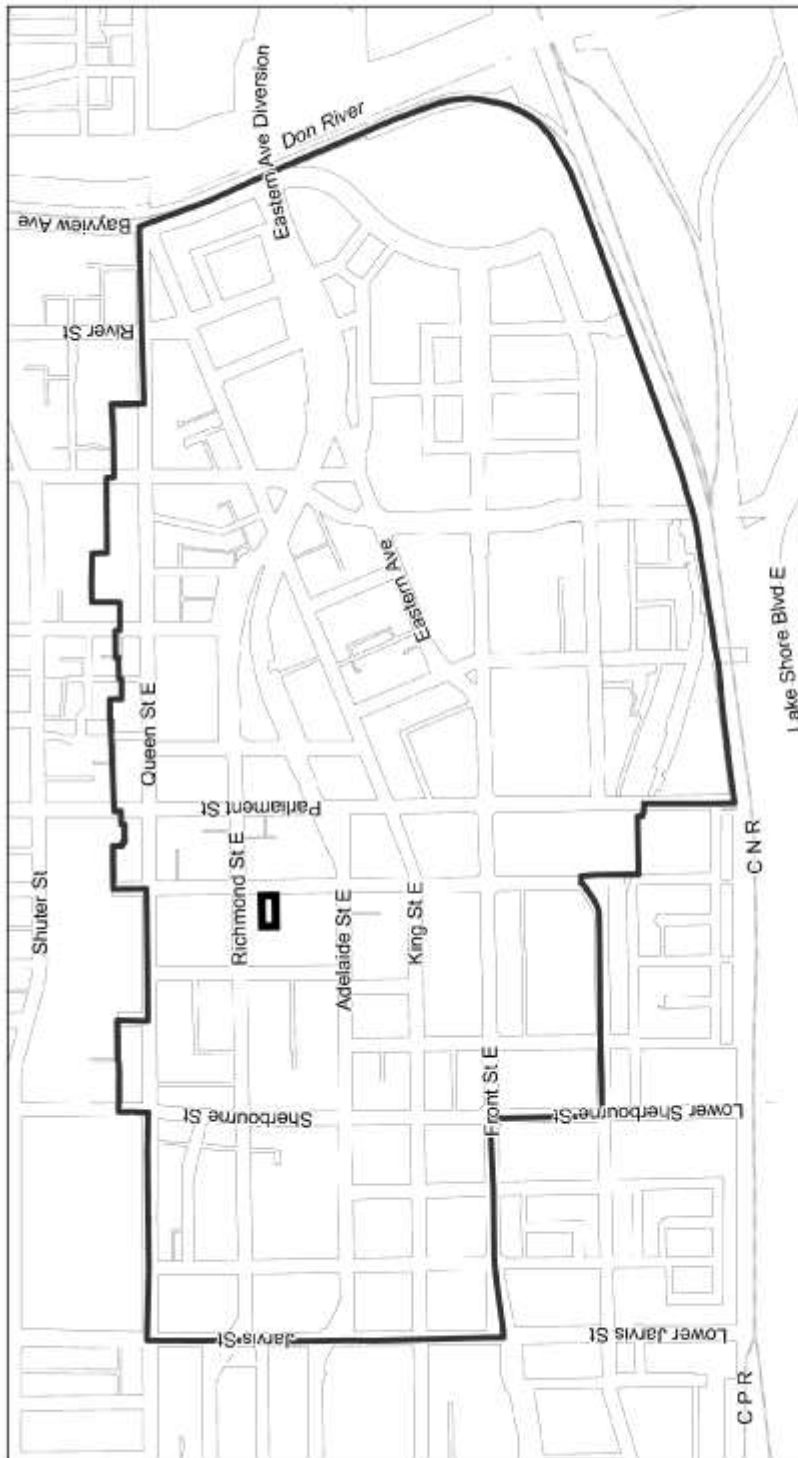


Downtown Plan
MAP 41-3 Mixed Use Areas

- Downtown Plan Boundary
- Central Waterfront Secondary Plan
- Mixed Use Areas 1 - Growth
- Mixed Use Areas 2 - Intermediate
- Mixed Use Areas 3 - Main Street
- Mixed Use Areas 4 - Local

April 2018

Attachment 9: King-Parliament Secondary Plan Map



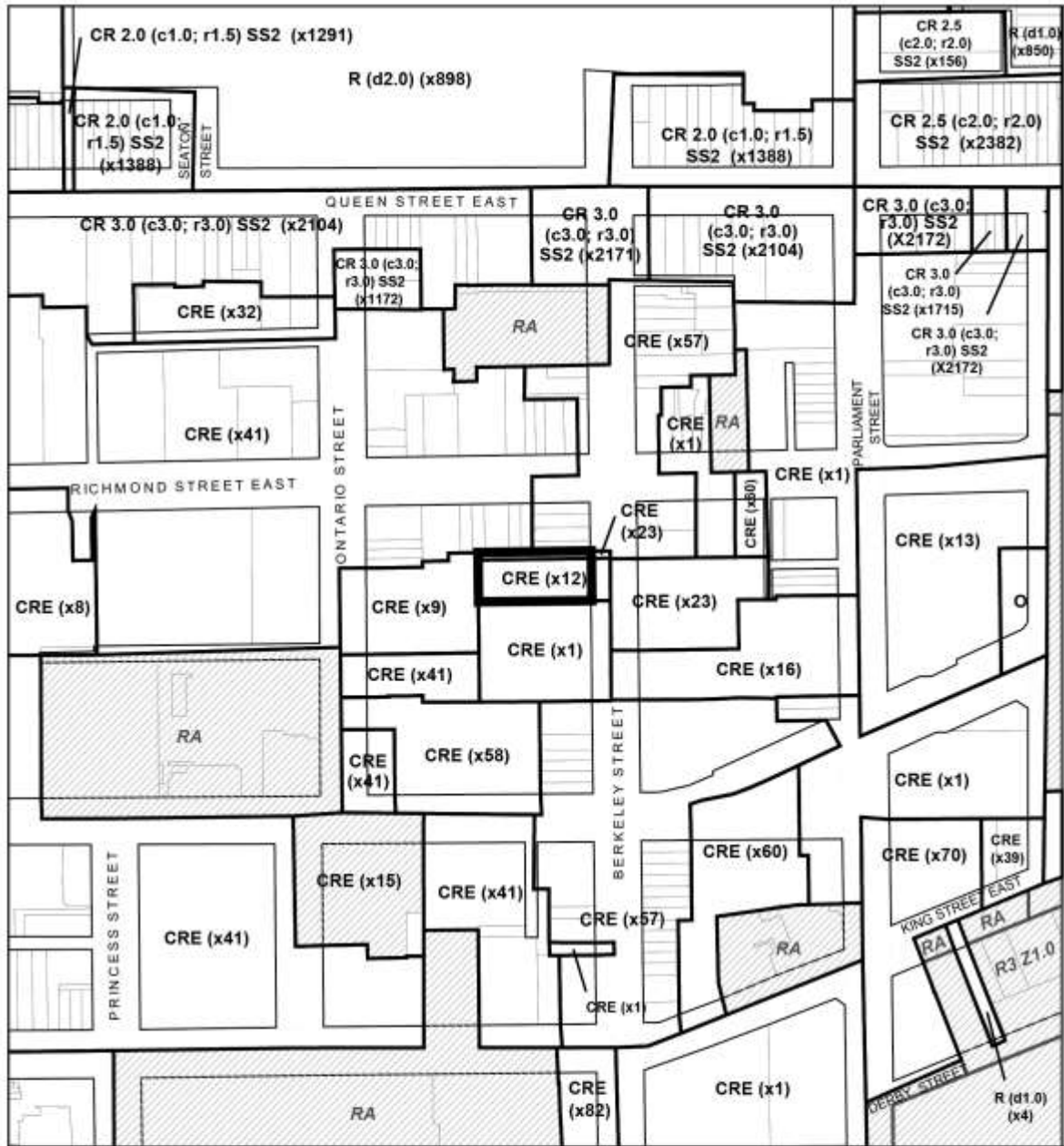
King-Parliament Secondary Plan
Map 15-1 Secondary Plan Boundary

-  King-Parliament Secondary Plan Boundary
-  Subject Site

Not to Scale 

September 8, 2019

Attachment 10: Existing Zoning By-law Map




Zoning By-law 569-2013

102 Berkeley Street

File # 21 221292 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- CRE** Commercial Residential Employment
- O** Open Space

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- RA** Mixed-Use District
- I1** Industrial District



Not to Scale
Extracted: 10/12/2021