# **TORONTO** STAFF REPORT ACTION REQUIRED

93 to 95 Berkeley Street, and 112 to 124 Parliament Street -Zoning Amendment Application - Preliminary Report

Date:	May 22, 2014
То:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre Rosedale
Reference Number:	14 148284 STE 28 OZ

## SUMMARY

A Zoning Amendment application has been submitted for 93 to 95 Berkeley Street and 112 to 124 Parliament Street to permit a 19-storey mixed use building consisting of a 6-storey base building and a 13-storey tower. The site has frontages on both Parliament Street and Berkeley Street, located within the block bordered by Parliament Street to the east, Adelaide Street East to the south, Berkeley Street to the west, and Richmond Street East to the north.

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

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



#### RECOMMENDATIONS

#### The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 93 to 95 Berkeley Street, and 112 to 124 Parliament Street together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
- 3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

#### **Financial Impact**

The recommendations in this report have no financial impact.

#### **DECISION HISTORY**

On March 20, 2014, City Council adopted the recommendation from the City Planning Division for the inclusion of the 2-storey brick building at 93 to 95 Berkeley Street, originally known as the Christie, Brown & Co. Stables building on the City of Toronto Inventory of Heritage Properties for its cultural heritage value. The link to the report is available here:

http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-66247.pdf

#### **Pre-Application Consultation**

Beginning September, 2013, the applicant consulted with City Planning staff on several occasions to discuss conceptual massing options on the site. Initial issues identified by staff include: the appropriate building height for the area; appropriate base heights and the application of angular planes along the Berkeley Street and Parliament Street frontages; separation distances between the north and south facing walls to the property lines; and the appropriate floorplate size of the tower.

On March 3, 2014, a pre-application consultation meeting was held with the applicant to discuss the proposed development and complete application submission requirements. Along with massing issues previously identified, staff also noted: heritage conservation expectations for the Christie, Brown & Co. Stables building; site access requirements; an adequate amount of private amenity space; and an appropriate amount of three bedroom residential units for the development.

## **ISSUE BACKGROUND**

### Proposal

The applicant is proposing to redevelop the site to construct a mixed use building of 19storeys (64.3 metres), with a 6-storey base building containing street-related retail, office and residential uses, and a 13-storey tower containing residential uses. The Christie, Brown & Co. Stables building is proposed to be partially conserved and reintegrated as part of the redevelopment. The existing seven 1 to 2.5-storey townhouses used for commercial and residential purposes along Parliament Street are proposed to be demolished. The proposed building will have a total gross floor area of 21,238 square metres, of which 20,181 square metres is residential space, 803 square metres is office space, and 254 square metres is street-related retail space. The typical tower floor plate size is proposed to be 898 square metres.

The development's stepbacks from the west and east property lines are summarized in the following table:

	Berkeley Street	Parliament Street
	Frontage (west)	Frontage (east)
3 <sup>rd</sup> Storey	7.7 metres	0 metres
7 <sup>th</sup> Storey	14.0 metres	8 metres
9 <sup>th</sup> Storey	17.9 metres	8 metres
10 <sup>th</sup> Storey	51.5 metres	7.5 metres

A side yard setback of 3.5 metres after a depth of 29.0 metres from the Berkeley Street frontage, and a side yard setback of 8.1 metres from the Parliament Street frontage that tapers to 3.8 metres after a depth of 40.4 metres are proposed along the north property line. A rear yard setback of 0.6 metres is proposed along the west property line. A side yard setback of approximately 6.6 metres is proposed along the south property line. Portions of the massing are proposed to cantilever over the 6.6 metre setback from the 3<sup>rd</sup> to 6<sup>th</sup> floor, extending to the south property line (refer to Attachment 1: Site Plan, and Attachments 2a-c: Elevations).

The development proposes a total of 276 residential units consisting of: 68 (25%) bachelor units; 117 (42%) one bedroom units; 64 (23%) two bedroom units; and 27 (10%) three bedroom units.

Indoor amenity space of 596 square metres is proposed on the 3<sup>rd</sup>, 4<sup>th</sup> and 10<sup>th</sup> storeys, and outdoor amenity space of 350 square metres is proposed on the 10<sup>th</sup> storey.

Pedestrian access to the residential lobby and the street-related retail space are proposed from Parliament Street. The main pedestrian access to the office space is proposed from Berkeley Street. A proposed private, but publicly accessible walkway will provide an east-west pedestrian connection between Berkeley Street and Parliament Street on the southern portion of the site. A secondary access to the office space, and main access to the ground-related residential units are proposed from the walkway (refer to Attachment 1: Site Plan).

Vehicular access is proposed from Parliament Street. The application proposes a 3 level underground parking garage that accommodates 163 resident and 31 visitor parking spaces. A shared Type G/B loading space is proposed to be accessed from Parliament Street. Bicycle parking is proposed in a number of locations: within the underground levels; the ground floor; the pedestrian walkway; and the privately owned portion of the Parliament Street right-of-way. There are 249 residential, 34 visitor, 5 retail, and 10 office bicycle parking spaces (refer to Attachment 5: Application Data Sheet).

#### Site and Surrounding Area

The site is a "L" shaped parcel located within the block bordered by Parliament Street to the east, Adelaide Street East to the south, Berkeley Street to the west, and Richmond Street to the north.

The surrounding uses are as follows:

- West: On the west side of Berkeley Street are: 2-storey townhouses used for residential and commercial purposes; a 2-storey industrial/office building; a private surface parking lot for the industrial building further west; and a 1-storey brick industrial building.
- South: A 2-storey garage and a 1-storey auto sales centre. Across Adelaide Street East are: a 4-storey brick commercial building; a 2-storey brick commercial building; and a 5-storey office building. Further southwest, along Berkeley Street, are: fourteen 2storey row houses that are listed on the City of Toronto Inventory of Heritage Properties; and the 3-storey brick building currently occupied by the Alumni Theatre Company, also listed on the City of Toronto Inventory of Heritage Properties.
- East: On the east side of Parliament Street are: a 4-storey mixed use building; a commercial surface parking lot; and a 2-storey office building. These properties are currently subject to a Zoning By-law Amendment application (file no. 13 181685 STE 28 OZ) and a Rental Housing Demolition and Conversion application (file no. 13 181698 28 RH) to permit a 21-storey mixed use building and the replacement of 12 rental apartment units.
- North: A private surface parking lot; four 2-storey semi-detached office buildings that are listed on the City of Toronto Inventory of Heritage Properties; various 2-storey office/retail buildings; Worts Lane a public lane that extends to Richmond Street East to the north and to Parliament Street to the east; and a 1-storey commercial building.

#### Planning Act, Provincial Policy Statement and Provincial Plans

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

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities by accommodating a range and mix of uses; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

#### **Official Plan**

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

Section 3.1.2 – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy, and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

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

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

Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This application will be reviewed against all policies of the Official Plan. The Official Plan is available here:

http://www1.toronto.ca/static\_files/CityPlanning/PDF/chapters1\_5\_dec2010.pdf

On December 18, 2013, City Council approved Official Plan Amendment 231 (OPA 231) for employment land policies, as part of the City's Official Plan/Municipal Comprehensive Review. On January 2, 2014, OPA 231 was forwarded to the Minister of Municipal Affairs and Housing for approval. *Planning Act* applications submitted after December 18, 2013, shall meet the intent of City Council's direction. OPA 231 amends Section 2.2.4 of the Official Plan by adding Policy 9, which requires residential redevelopment on sites containing a minimum of 1,000 square metres of office space be maintained and increased. The site contains various retail and office uses that total over 1,000 square metres. City Planning staff will assess whether the existing non-residential uses qualify as office uses and its conformity to Policy 9. OPA 231 is available here:

http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-63574.pdf

#### **King-Parliament Secondary Plan**

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring development is compatible and complementary to the existing built form character and scale of the area. The site is designated Regeneration Area 'A' (Jarvis-Parliament) on Map 15-1 – Land Use Plan. Regeneration Area 'A' lands are targeted for significant growth as a whole, having a mixture of compatible land uses (refer to Attachment 3: King-Parliament Secondary Plan).

The built form policies of the Official Plan are further refined in Section 3 - "UrbanStructure and Built Form" of the Secondary Plan. In particular, new development shall: provide adequate light, view and privacy for neighbouring properties; achieve a compatible relationship with its built form through height, massing, scale, setbacks, roofline, and profile architectural character and expression; provide appropriate

proportional relationships to adjacent streets to minimize wind and shadowing impacts; and provide streetscape and open space improvements.

The heritage resource policies of the Official Plan are further refined in Section 4 – "Heritage and Community Improvement" of the Secondary Plan. Heritage buildings are identified as essential elements of the physical character in the King-Parliament area. The height of buildings on lots containing heritage buildings may be increased beyond Zoning By-law permissions if conservation restoration and maintenance of such heritage buildings are secured. However, any increase in height, and overall built form of the development must achieve a compatible relationship with the heritage buildings on and surrounding the site.

The site is also within the *Corktown Area of Special Identity* on Map 15-3 – Areas of Special Identity. The site fronts onto Parliament Street to the east and Berkeley Street to the west, identified as *Special Streets* on Map 15-1 – Land Use Plan. Further built form and urban design considerations are outlined in the King-Parliament Urban Design Guidelines.

This application will be reviewed against all policies of the Secondary Plan, available here:

http://www1.toronto.ca/static\_files/CityPlanning/PDF/15\_king\_parliament\_dec2010.pdf

#### **King-Parliament Urban Design Guidelines**

The King-Parliament Urban Design Guidelines correspond to the policy direction of the King-Parliament Secondary Plan. As noted above, the site is identified within the *Corktown Area of Special Identity*. New development shall respect the historical and urban design significance of the area. Further, Parliament Street and Berkeley Street are identified as *Special Streets*. New buildings shall be consistent in general character and scale with the heritage industrial buildings along Parliament Street and Berkeley Street.

This application will be reviewed against the King-Parliament Urban Design Guidelines, available here:

http://www1.toronto.ca/city\_of\_toronto/city\_planning/community\_planning/files/pdf/14ki ngparliament.pdf

## King-Parliament Community Improvement Plan

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

#### St. Lawrence Heritage Conservation District Study

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

## Zoning

Under Zoning By-law 438-86, the site is zoned RA "Reinvestment Area" with a height limit of 12 metres for the western portion of the site fronting Berkeley Street, and 23 metres for the portion of the site fronting Parliament Street. The RA designation permits a mixture of uses including residential, retail, office and manufacturing uses. The site is subject to certain permission and exception provisions, including: a massing height of up to 12 metres between the street limit to a lot depth of 12 metres along Berkeley Street; and a massing height of up to 16 metres for the base building, with an application of an angular plane of 44 degrees on subsequent massing height along Parliament Street.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013 are subject to the new Zoning By-law. 93 to 95 Berkeley Street is zoned CRE (x57), and 112 to 124 Parliament Street zoned CRE (x1) "Commercial Residential Employment", with a height limit of 12 metres for the western portion of the site fronting Berkeley Street, and 23 metres for the portion of the site fronting Berkeley Street (refer to Attachment 4 – Zoning). The CRE zone permits a range of uses similar to the former designation under Zoning By-law 438-86. The (x1) and (x57) provisions refer to site specific exceptions that are carried over from Zoning By-law 438-86.

#### **City-Wide Tall Building Design Guidelines**

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

This application will be reviewed against the city-wide Tall Building Design Guidelines, including sections on fit and transition in scale, sunlight and skyview, views from the public realm, heritage properties and heritage conservation districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm,

publicly accessible open space, and sustainable design. The city-wide Guidelines are available here: <a href="http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM1">http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM1</a> 0000071d60f89RCRD

#### **Tree Preservation**

Urban Forestry staff are reviewing the development plans and tree preservation plans to determine the impact on any existing mature trees. The owner will be required to obtain the necessary permits prior to removing any trees.

#### Site Plan Control

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

#### **Reasons for the Application**

The proposal requires an amendment to the Zoning By-law for: an increase in overall height; reduction in side and rear yard setbacks; reduction of outdoor private amenity space area; and relief from site specific exceptions that requires specific massing fronting on Berkeley Street and Parliament Street.

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

#### COMMENTS

#### **Application Submission**

The following plans/reports/studies were submitted with the application:

- Topographical/Property Survey
- Context Plan
- Perspectives
- Site Plan
- Floor Plans
- Elevations
- Section
- 1:50 Detailed Colour Building Elevations
- Landscape Plans
- Tree Preservation Plan
- Planning Rationale Report
- Community Services & Facilities Report
- Heritage Impact Assessment Report
- Stage 1 Archaeological Assessment Report
- Pedestrian Wind Assessment Report
- Shadow Studies

- Environmental Noise and Vibration Assessment Report
- Urban Transportation Considerations Report
- Functional Servicing & Stormwater Management Report
- Toronto Green Standard Checklist
- Draft Zoning By-law Amendments

A Notification of Complete Application was issued on May 22, 2014.

#### Issues to be Resolved

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

- Consistency with the PPS and the Growth Plan for the Greater Golden Horseshoe;
- Conformity with the Official Plan policies, including the sections on "Downtown", "Public Realm", "Built Form", "Built Form – Tall Buildings", and "Heritage Resources";
- Conformity with the King-Parliament Secondary Plan policies, including the sections on "Urban Structure and Built Form" and "Heritage and Community Improvement";
- Conformity with the King-Parliament Urban Design Guidelines, including a built form that corresponds with the historical and urban design of the *Corktown Special Identity Area*, and the scale and character of Parliament Street and Berkeley Street;
- Conformity with the city-wide Tall Building Design Guidelines, including built form concerns on fit and transition in scale, sunlight and skyview, views from the public realm, heritage properties and heritage conservation districts, floor plate size and shape, tower placement, separation distance, site servicing and access, pedestrian realm, publicly accessible open space, and sustainable design;
- Overall height of the building, taking into account the existing and planned context and impact;
- Side and rear yard setbacks;
- The replacement and potential conversion of office uses;
- Public realm improvements, including the need to widen the Parliament Street right-of-way or increase the setback of buildings for pedestrian activity;
- Adequacy of community services and parkland in the area;
- Appropriate conservation measures for the Christie, Brown & Co. Stables building;

- Appropriate servicing to accommodate the proposed development;
- Assessment of traffic generation and flow, and their impacts to the existing transportation network;
- The location of bicycle parking spaces; and
- Conformity to the Toronto Green Standard.

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

#### Issues to be Resolved

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the *Planning Act*. The applicant is aware that the City intends to apply the Section 37 provisions of the *Planning Act* to this application. Details of a Section 37 Agreement between the applicant and the City will be established if a development is recommended for approval.

#### CONTACT

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#### SIGNATURE

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

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#### ATTACHMENTS

Attachment 1:Site PlanAttachment 2a-d:ElevationsAttachment 3:King-Parliament Secondary PlanAttachment 4:ZoningAttachment 5:Application Data Sheet

Attachment 1: Site Plan







#### Attachment 2b: North Elevation





Attachment 3: King-Parliament Secondary Plan



## **Attachment 5: Application Data Sheet**

Application Type	Rezoning		Application Number:			14 148284 STE 28 OZ			
Details	Rezoning, Star	ndard	Application Date:			April 28, 2014			
Municipal Address:	93–95 BERK	ERKELEY STREET, & 112 – 124 PARLIAMENT STREET							
Location Description:	ation Description: PLAN 7A PT LOTS 17 & 18 & LOT 24 RP 63R2841 PART 1 SUBJ TO ROW **GRID S2808								
Project Description:	To rezone the lands at 93-95 Berkeley St. & 112,114,116,118,120,122,124 Parliament St. to allow for the construction of a 19-storey mixed use building containing 276 dwelling units, retail on the ground floor, and offices on the ground and second floor. 194 vehicular parking spaces will be provided below grade. 298 bicycle parking spaces will be provided below grade and on the ground floor.								
Applicant:	Agent:		Architect:			Owner:			
R.E. Millward + Associates Ltd.			Giannone Petricone Associates Inc., and Giovanni A. Tassone Architect Inc.			Berkeley Parliament Inc.			
PLANNING CONTROLS									
Official Plan Designation:	Regeneration Areas		Site Specific By-law:			No			
Zoning:	RA	RA		Historical Status:			Listed (93-95 Berkeley St.)		
Height Limit (m):	12, 23	12, 23		Site Plan Control Area:			Yes		
PROJECT INFORMATION									
Site Area (sq. m):	2,903		Height:	Storeys:		19			
Frontage (m):	43.57			Metres:		64.3			
Depth (m):	44.7	44.75							
Total Ground Floor Area (sq.	n): 1,805					Total			
Total Residential GFA (sq. m)	20,1	20,181		Vehicular Parking Spac		es: 194			
Total Non-Residential GFA (s	q. m): 1,057			Loading Docks:		1			
Total GFA (sq. m):	21,2	21,238		Bicycle Parking Spaces		298			
Lot Coverage Ratio (%):	62								
Floor Space Index:	7.3								
DWELLING UNITS		FLOO	R AREA BR	EAKDOWN	N (upon projec	t com	pletion)		
Tenure Type:	Condo				Above Grad	le	<b>Below Grade</b>		
Rooms:	0	Resident	tial GFA (sq. 1	m):	20,181		0		
Bachelor:	68 (25%) Retail C		GFA (sq. m):		254		0		
1 Bedroom:	117 (42%) Office		GFA (sq. m):		803		0		
2 Bedroom:	64 (23%) Industria		al GFA (sq. m):		0		0		
3 + Bedroom: 27 (10%)		Institutional/Other GFA (sq. m): 0			0		0		
Total Units:	276 (100%)								
CONTACT: PLANNER NAME: TELEPHONE: E-MAIL:		(416) 392	ang, Planner -7572 toronto.ca						