

126, 128, 132 and 132A Berkeley Street, 93R and 97 Ontario Street – Zoning Amendment Application – Final Report

Date:	June 3, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	08 190996 STE 28 OZ

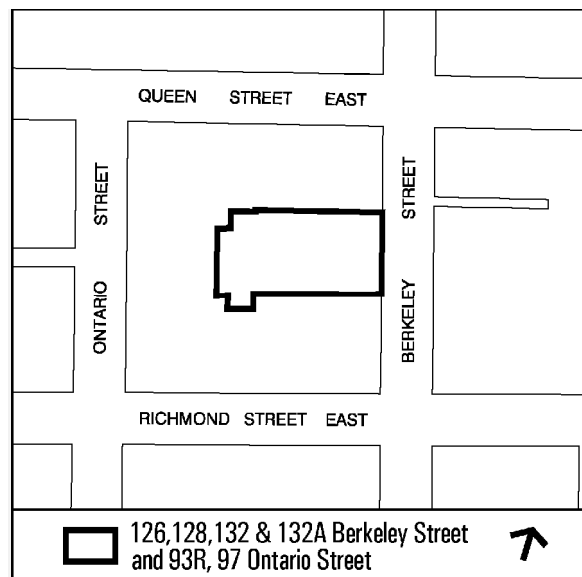
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a 10-storey (29.5 metre) residential building with 180 rental apartment units at 126, 128, 132 and 132A Berkeley Street and 93R and 97 Ontario Street. Access to a two level underground parking garage with 72 parking spaces is proposed from Berkeley Street at the north end of the site.

The height, massing and scale of the proposed 10-storey residential building are in keeping with the existing and planned built form context in this area of King-Parliament. The project, if approved, will result in the redevelopment of an under-utilized site with a building that enhances and strengthens the heritage character of Berkeley Street, consistent with the planning framework for King-Parliament.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 126, 128, 132 and 132A Berkeley Street and 93R and 97 Ontario Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated June 3, 2011, from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed cash contribution of \$50,000.00 of which \$5,000.00 will be allocated towards the North St. Lawrence Market redevelopment and \$45,000.00 towards a Heritage Conservation District Study and streetscape improvements in the Corktown neighbourhood.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. At least three, three bedroom dwelling units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code, shall be provided in the building.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of March 26, 2009, Toronto and East York Community Council (TEYCC) considered a preliminary report on the application. TEYCC directed that staff hold a community consultation meeting with landowners and residents within 120 metres of the site. The preliminary report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.TE24.42>

ISSUE BACKGROUND

Proposal

The application proposes a 10-storey (29.5 metres) residential building with 180 rental apartment units. The mix of apartment units proposed includes: 97 bachelor, 70 one-bedroom and 13 two-bedroom apartments. The applicant has agreed to provide 3 three-bedroom apartments in the building. The base of the building would be 4 storeys (12.85 metres) and setback from Berkeley Street approximately 1.5 to 2.5 metres. The building would step back 12 metres from Berkeley Street at the 5th floor. A further stepback of 1.2 metres is proposed at the 10th floor on the north side of the building. A mechanical penthouse of 6 metres is proposed on top of the building (Attachments 1, 2, 3, 4 and 5).

Two levels of underground parking with 72 spaces are proposed for residents (61) and visitors (11). Eighteen outdoor bicycle parking spaces are proposed for visitors on the north side of the building and 162 bicycle parking spaces are proposed in the parking garage for residents. Access to loading and parking is proposed from a 5.5 metre driveway at the north end of the site from Berkeley Street.

Proposed common amenity space includes 190 square metres within the building and 440 square metres outdoors. Balconies of varying sizes are proposed for many of the apartments. Juliette balconies are proposed for all apartments on the north side of the building except those of the 10th floor which have full balconies. Six of seven existing trees are proposed to be preserved: three along the south property boundary and three street trees along Berkeley Street. Additional site and development statistics are included in the application data sheet, Attachment 6.

Site and Surrounding Area

The site is located on the west side of Berkeley Street south of Queen Street East. The site is 2079 square metres in size, rectangular in shape with an irregular westerly boundary, and generally flat. It has a frontage of approximately 32 metres along Berkeley Street and a depth of about 64.5 metres. The site is occupied by a one and half storey commercial building that was formerly used as a fitness facility and large areas of surface parking.

Surrounding uses include:

North: Adjacent to the site is the Berkeley Street Church situated on the southwest corner of Berkeley Street and Queen Street East. The church, a designated building under the *Ontario Heritage Act*, houses the 'Church at Berkeley' heritage event venue and its associated garden and world house display. West of the church, on the south side of Queen Street East there are 2 and 3-storey mixed-used buildings with retail at grade and residential uses above. The church and the mixed-use buildings are separated from the site by a privately owned 2.9 metre wide laneway. There are three 14-storey apartment buildings (Moss Park), surrounded by parkland and surface parking on the north side of Queen Street East.

East: On the east side of Berkeley Street opposite the site there are 2 and 3-storey house-form commercial and residential buildings. Further north, on the east side of Berkeley Street fronting Queen Street East is a five-storey, red-brick commercial building.

South: Along Berkeley Street directly south of the site are two mixed-use, older heritage character house-form buildings. Further south along the north side of Richmond Street East, are several 1 and 2-storey residential and commercial buildings and two of these abut the south-west corner of the site.

West: Adjacent to the west is a 9-storey (26 metres) apartment building that fronts on Ontario Street. A single storey Toronto Hydro building is adjacent to the south of the existing apartment building and a single storey auto repair shop is north of the existing apartment building.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located in the *Downtown* and in the King-Parliament Secondary Plan Area. The site is designated *Regeneration Areas* in the Official Plan.

As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that; builds on the strength of the area as an employment centre, provides for a range of housing opportunities and supports and enhances the speciality retail and entertainment districts. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling, improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area.

This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity. The policies of Section 2.2.1 encourage a full range of housing opportunities through residential intensification. The policies of Section 2.2.6 for the *Downtown* provide that design guidelines specific to districts of historic and distinct character will be developed to ensure new development respects the context of such districts in terms of its fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by; massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

The housing policies of Section 3.2.1 support the provision of a full range of housing opportunities in the City and seek to stimulate the production of new private sector rental housing.

Policies for *Regeneration Areas*

A broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization.

The policies of Section 4.7.2 for *Regeneration Areas* require that the framework for new development in these areas be set out in a Secondary Plan. Section 5.2.1.1 provides that secondary plans are intended to apply to defined areas and adapt and implement the objectives, policies, land use designations, and overall planning approach of the Official Plan to fit the local context. Section 5.2.1.3 of the Official Plan provides that Secondary Plans will promote a desired type and form of physical development for the area, and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 4.7.2 gives direction on the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide revitalization through matters such as:

- urban design guidelines related to the unique character of the area
- strategies to promote greening and community improvements
- a heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources
- transportation policies that encourage transit, walking and cycling in preference to private automobile use and

- environmental policies to ensure that lands are cleaned appropriately for new development.

The Toronto Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

King-Parliament Secondary Plan

The site is situated in the King-Parliament Secondary Plan Area and within a sub-area of King-Parliament identified as the Jarvis-Parliament Regeneration Area. The King-Parliament Secondary Plan provides a framework for reinvestment and development, intended to encourage a wide range of uses that are mutually compatible and complement the existing built form character and scale of the area. Within this context, the Jarvis-Parliament Regeneration Area is intended as an area targeted for significant growth.

The Secondary Plan includes policies for areas of special identity and special streets within King-Parliament. The easterly portion of the site along Berkeley Street is situated within the Corktown neighbourhood, an area of special identity in King-Parliament. Berkeley Street is also considered a special street. Among other things, the objectives of the Secondary Plan recognize that the Corktown neighbourhood is a stable area and along with Berkeley Street, this neighbourhood has a unique small scale fine grained built form. As such, the policies of Section 2.8 provide that change in this area will be gradual, primarily through infill redevelopment which maintains the existing physical character of the area.

The urban structure built form principles of Section 3 of the King-Parliament Secondary Plan provide that new buildings will be sited and massed to provide adequate light, view and privacy for neighbouring properties and achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression. Buildings adjacent to streets, parks and open spaces will be massed to provide appropriate proportional relationships and designed to minimize the wind and shadowing impact on the streets, parks or open spaces. As a special street in King-Parliament Section 3.1.3 provides that the quality, role and character of Berkeley Street will be maintained and enhanced.

In the context of King-Parliament these principles require special consideration when reviewing development proposals to ensure that new development reinforces and enhances the historic built form that makes this area of the City so distinct. The heritage and community improvement policies of Section 4 recognize heritage buildings as essential elements of the physical character of King-Parliament. Section 4.4 provides that new buildings should achieve a compatible relationship with heritage buildings in their context, through consideration of matters such as building height, massing, scale, setbacks, stepbacks, roofline and profile and architectural character and expression.

To assist in the implementation of the Secondary Plan's objectives, urban structure and built form principles, and heritage and community improvement policies, Section 5

encourages the removal of existing surface parking in King-Parliament with priority given to the removal of surface parking around heritage buildings and in areas of special identity. The Secondary Plan also includes initiatives and policies that promote community improvement and measures to strengthen the pedestrian environment.

The King-Parliament Secondary Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/pdf_secondary/15_king_parliament_aug2007.pdf

King-Parliament Urban Design Guidelines

Along with the Official Plan and King-Parliament Secondary Plan policies, the urban design guidelines for King-Parliament seek to reinforce the physical character and identity of the area. The site is situated in the Corktown neighbourhood and along Berkeley Street an historic street originally the east limit of the Old Town of York. The objectives of the guidelines seek to preserve both the heritage buildings and maintenance of the scale and character of the street on vacant and infill sites. The guidelines provide that new development will respect the historical and urban design significance of the area. This is achieved by among other things, ensuring that front yard parking is discouraged and that residential buildings on Berkeley Street have a continuous setback along the street.

The King-Parliament Urban Design Guidelines are available on the City's website at:
www.toronto.ca/planning/urbdesign/pdf/14kingparliament.pdf

King-Parliament Community Improvement Plan

The Community Improvement Plan for King-Parliament provides a framework for the improvements within the area to attract new investment. Areas of special identity such as Corktown are noted as deserving special attention in order to highlight their heritage and historic importance.

Zoning

The site is zoned Reinvestment Area (RA) in Zoning By-law 438-86 (Attachment 7). A wide range of residential, retail, commercial, institutional, recreational and industrial uses are permitted on the site.

On this site, a maximum building height of 12 metres is permitted with an additional 5 metres permitted for rooftop mechanical elements (Attachment 8). An exception in the by-law also limits the height to 12 metres on the portion of the site within 12 metres of Berkeley Street.

Buildings are permitted to extend to the front lot line and to the side lot lines to a depth of 25 metres from a street. Beyond a depth of 25 metres buildings must be setback a minimum of 7.5 metres from a side lot line. A minimum 7.5 metre setback from the rear lot line is also required. A minimum setback of 3 metres is required along Berkeley Street for the portion of a building higher than 20 metres.

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has been submitted and is being reviewed concurrently with the zoning amendment application (file: 11 157438 STE 28 SA). The applicant has been working with City staff to make revisions to the site plan in response to division and agency comments, and as a result, site plan review is nearing completion. Should Council approve the zoning amendment application, it is anticipated that a Notice of Approval Conditions could be issued shortly thereafter.

Reasons for Application

The proposed building exceeds the maximum height of 12 metres permitted in the zoning by-law by 0.85 metres for the base of the building (4 storeys) and 17.5 metres for the taller element (10 storeys). The 6 metre high mechanical penthouse exceeds the maximum height of 5 metres permitted in the zoning by-law. Additional areas of non-compliance with the zoning by-laws include:

- a minimum setback of 7.5 metres is required from the north property line for the portion of the building situated more than 25 metres from the street line and setbacks of 3.5 and 5.5 metres are proposed.
- a minimum setback of 7.5 metres is required from the south property line for the portion of the building situated more than 25 metres from the street line and a setback of 7.0 metres is proposed.
- a minimum setback of 7.5 metres if required from the west property line and a setback of 6 metres is proposed.
- the by-law requires a building to be located within 50 metres of the street and the proposed building will be approximately 56 metres from Berkeley Street.
- a minimum of 2 square metres per unit of indoor amenity space is required and 1.1 square metres per unit is proposed.

Community Consultation

Three community consultation meetings have been held since the submission of the application in August 2008 as the applicant has made a number of changes to the proposal in response to community input and agency and division comments. Planning staff as well as the Ward Councillor attended each meeting.

The first meeting was held on April 2, 2009. The proposal at that time included a 21-storey rental apartment building with a 4-storey townhouse podium and 238 units. Approximately 30 people attended the meeting. Comments and issues raised included: concern with the proposed height and massing of the building, shadow impacts including those on Queen Street East, privacy and overlook impacts on adjacent properties, proposed tree removal and potential traffic impacts.

The second meeting was held on June 15, 2010. A revised proposal was presented for a 13-storey building, with 120 apartments. Toronto Community Housing Corporation (TCHC) was proposed to operate the building. Approximately 20 people attended the meeting. Comments and issues raised included: the prevalence of existing social housing in the area, lack of amenities for families in the neighbourhood, height, massing, density and small lot size, concern that the building would impact the Queen Street East character, lack of open space and parking and traffic issues.

A further revised proposal for a 10-storey, 169 unit rental apartment building (no longer proposed to be operated by TCHC) was presented at the third community consultation meeting on January 26, 2011. Approximately 20 people attended the meeting. Comments were generally positive noting the reduction in height, increased setbacks and improvements to the design. On-street parking impacts, building height and lack of larger units were noted as issues by some residents.

Design Review Panel

The proposal has been considered by the City's Design Review Panel (DRP) on two occasions, the first June 15, 2010, and the second February 15, 2011.

At the first DRP meeting the panel considered the proposal for a 13-storey building. The panel expressed concern with the height and density and noted that it would set a precedent for the area and have negative implications for the secondary plan and urban design guidelines. The panel voted for refinement to the project on condition that the height and floor plate size continued to evolve into more of what was envisioned in the regulatory framework. The panel thought that the architecture was well developed and indicated that the building facades were both sophisticated and skilfully handled.

At the second DRP meeting the panel considered the revised proposal for a 10-storey building. The panel was supportive of the revisions, and noted that the proposal formed a good relationship with its context, including the heritage church along Queen Street East, and the neighbouring buildings along Berkeley Street. The panel suggested that the setbacks be increased along the south and west property boundaries and suggested additional landscaping on the south side of the building.

Agency Circulation

The application was 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.

COMMENTS

The application has been assessed in the context of the planning framework for King-Parliament, the input received from the public and the DRP, and the comments received from City divisions and agencies through their review and assessment of the application.

The site is situated within King-Parliament, an area characterized with low to mid-rise former office, manufacturing and warehouse buildings, along with pockets of lower scale residential buildings many of which have historic and architectural significance. Berkeley Street is considered a special street in King-Parliament due to its historic significance within Corktown and its heritage character fine grained built form. The site is relatively large and is located mid-block adjacent to the historic Berkeley Church and low scale heritage character residential buildings. Given its context new development on the site will set a precedent for future development in the area.

As a site in the *Downtown* and in *Regeneration Areas* it is an appropriate location for development that promotes growth. The growth strategy for this area of the City is framed by the King-Parliament Secondary Plan that sets out the desired type and form of physical development for the area, aimed to encourage reinvestment for a wide range of uses that are mutually compatible and complement the existing built form character and scale of the area. The Secondary Plan is supported by a community improvement plan and urban design guidelines to ensure that new building and public realm improvements preserve and reinforce the areas unique heritage character.

The proposal is consistent with this planning framework. The residential use and the provision of rental housing supports the housing policies of the Official Plan that promote a range of housing opportunities and encourage new private sector rental housing. The level of intensification and the proposed low to mid-rise building are appropriate for this site given its context within the *Downtown* and in the Jarvis Parliament Regeneration Area that is targeted for significant growth and compatible development.

The proposed site layout and building design reinforces the existing and planned built form context along Berkeley Street, a special street in King-Parliament. The height of the building base (12.85 metres) is in keeping with the adjacent low-rise residential buildings to the south and east and the church to the north. The proposed design details and the floor levels and wall to window ratios are consistent with the adjacent houses to the south and the side elevation of the church to the north. As well, the building is proposed to be faced in brick consistent with surrounding buildings. The taller building element (29.5 metres) is proposed to be setback 12 metres from Berkeley Street ensuring that the view of the historic Berkeley Church, a landmark building in King-Parliament is preserved. The building fits in and respects its existing heritage context.

The development provides an appropriate transition to neighbouring areas of lower scale. The 10-storey building element is located at the west portion of the site adjacent to an existing 9-storey residential apartment building. The stepback provides a transition to the lower scale buildings along Berkeley Street consistent with the planning objectives that seek to enhance the low-rise built form character along this special street in King-Parliament. Appropriate setbacks are proposed along the north (3.5 to 5.5 metres), south (7.0 metres) and west (5.5 to 6.0 metres) property lines to ensure that light, view and privacy conditions are protected for adjacent properties as well as future residents of the building.

The application proposes the removal of a substantial area of surface parking along Berkeley Street near a heritage site, important objectives of the planning framework for King-Parliament. The proposed building setback from Berkeley Street of 1.5 to 2.5 metres is consistent with those on adjacent properties. The setbacks along with the low-rise base of the building will create a desirable street wall condition through this area. Three of four existing street trees are proposed to be retained, and the front yard of the building along Berkeley Street is proposed to be enhanced with landscape beds and pedestrians connections from the sidewalk to the main residential entrance. The proposed development will fill in a gap along the street and combined with the additional landscaping, significantly enhance this section of Berkeley Street.

The applicant has responded to the comments of residents, the DRP and City staff, and has made substantial improvements to the proposal since its initial submission. To achieve compatibility and fit with existing and planned buildings, the height of the building was reduced from 21 to 10 storeys. Setbacks from adjacent properties have been increased to protect views, promote privacy and reduce overlook. The setback of the taller building element has been increased from 9 to 12 metres consistent with the planning objectives for Berkeley Street that provide for lower scale buildings within 12 metres of the street.

The height, massing and scale of the development are appropriate for the site. If approved, the development will strengthen and enhance the historic built form character of Berkeley Street consistent with the planning framework for King-Parliament.

Provincial Policy Statement and Provincial Plans

The proposal represents intensification consistent with the objectives of the PPS that provides for new infill development that maintains the existing physical character of the area.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It provides both significant intensification for this area of King Parliament, and does so in a manner that is respectful and in keeping with the built form objectives for this area.

Mix of Unit Types

Staff discussed with the applicant the lack of larger family-sized units in the building. The applicant has agreed to provide three 3-bedroom apartments by redesigning the upper floors. Staff are satisfied with the proposal as the building will provide new rental housing including opportunities for families adding to the range of housing options in this area of the City consistent with the Official Plan. It is recommended that the requirement for three 3-bedroom units be secured in the Section 37 agreement.

Sun, Shadow, Wind

A shadow study was submitted with the application that assessed the shadow impacts of the proposed building and found that shadow impacts on nearby properties and Queen Street East are limited. The study indicates that there is a small incremental shadow cast

by the building on Queen Street East in the early morning on March 21 and September 21. However, the shadow cast by the building does not reach Queen Street East at all on June 21.

Parking & Loading

The traffic impact study submitted with the application included an assessment of parking demand and concluded that a minimum of 70 parking spaces would be needed, 59 for residents and 11 for visitors. To support these findings the assessment included an analysis of parking demand for an existing rental building in the area at 167 Church Street. Transportation Services staff reviewed the traffic impact study and consider it acceptable and have recommended parking rates to be included in the zoning by-law. The draft zoning by-law includes parking rates to ensure that a minimum of 70 parking spaces are provided including 11 visitor parking spaces (Attachment 9).

Staff from the City's Solid Waste division initially noted concern that the area proposed along the north side of the building would not be sufficient to accommodate the City's waste collection vehicle turning requirements without relying on the adjacent private laneway. The applicant has investigated the opportunity to utilize the adjacent lane as well as make improvements to the area. Despite extensive investigation, the applicant had not been able to fully determine the ownership of the lane and as a result has worked with Solid Waste staff to redesign the waste collection area to ensure that the City's requirements for waste collection can be accommodated on site. The design will be secured through the site plan application process.

Bicycle Parking

The application proposes 180 bicycle parking spaces (162 occupant and 18 visitor). The location of the bicycle parking spaces for visitors is proposed outdoors on the north side of the building and those for occupants are proposed in the underground parking garage.

The applicant has requested the opportunity to provide for bicycle parking stackers. This would reduce the overall space required to accommodate bicycles in the underground garage. Access to the bicycles would still be available at all times as the stacker includes a manoeuvrable upper level.

Transportation Planning staff have no objection to the use of bicycle stackers which are consistent with the emerging technologies promoted in the City's design guidelines for bicycle parking. Standards for bicycle stackers are proposed in the draft zoning by-law amendment (Attachment 9).

Tree Preservation

The arborist report submitted with the application identified 7 trees in fair to poor condition; 4 street trees (White Ash) along Berkeley Street and 3 Manitoba Maples along the south boundary of the site. In the current proposal one of the street trees in the area of the driveway is proposed to be removed. New trees are proposed to be planted in the outdoor courtyard in the southwest area of the site

When the application was initially submitted, it proposed the removal of the 3 Manitoba Maples along the south boundary. Two of these trees are situated on the site, the other on the adjacent property all very close to the property line. The impact of the proposed development on these trees was identified as an issue of concern by the adjacent property owner at the first community consultation meeting. The trees extend over the property line and provide shade and privacy for the patio on the adjacent property. In response to these concerns the applicant redesigned the underground parking garage to set back the south wall in the area of the trees. The application currently proposes to preserve these trees.

The applicant has advised that they are continuing discussions with the adjacent property owners about the possible removal of these trees given their poor condition, the impacts on the design of the parking garage and the ultimate proximity of them to the new building which would make maintenance and pruning difficult.

In the event that the applicant proposes the removal of the three Manitoba Maples along the south property line, appropriate replacement planting and/or cash-in-lieu in accordance with the City's Tree Private Protection By-law would be required, as well as appropriate landscaping within the area. As well, an application for tree removal would require letters from the adjacent property owners indicating they are aware of and accept the removal of the trees. Any proposed changes to the building and landscaping along the south property line would be addressed through the continuing review of the site plan application.

Amenity Space

The Zoning By-law requires that indoor and outdoor amenity space each be provided at a minimum rate of 2 square metres per dwelling unit (total 720 square metres), and that at least 40 square metres of the outdoor space must be directly accessible to the indoor amenity space.

The application proposes 190 square metres of indoor amenity space (1.1 square metres per unit) and 440 square metres of outdoor amenity space (2.4 square metres per unit). The indoor space consists of a library, office, gym and lounge area with a kitchen and washroom. An outdoor courtyard at the southwest corner of the site (375 square metres) is accessible to the indoor lounge area and an outdoor amenity terrace of 65 square metres is also proposed from the 4th floor at the east end of the building.

Although the proposed indoor amenity space is below the standard typically required, the outdoor space exceeds the standard and a minimum of 3.5 square metres of amenity space is proposed overall. Planning staff are satisfied that the proposed amenity facilities and the overall amenity space provided will be sufficient to meet the needs of residents.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application

are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provisions of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The applicant proposes 180 residential units on a site, 0.2079 hectares (2079 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.24 hectares (2400 m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.02079 hectares (207.9 m²).

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.02079 hectares (207.9 m²) would not be of a useable size and the site would be encumbered with below grade parking. The actual amount of the cash-in-lieu is determined at the time of issuance of a building permit.

Toronto Green Standard

The zoning amendment application was submitted in August 2008 and is not subject to the new mandatory Toronto Green Standard (TGS). The site plan application was submitted in March 2011 and is subject to Tier 1 of the TGS. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the TGS will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

When the application was submitted, the bicycle parking was designed to meet the requirements of the City's new zoning by-law which was intended to be precedent for bike standards at that time over other requirements including those of the TGS. With the repeal of the new zoning by-law, bicycle parking is now required to meet the Tier 1 TGS. The TGS requires 0.8 bicycle parking spaces per unit for occupants (144) and requires that 5% of the occupant spaces (8) be located at grade. It also requires 0.2 spaces per unit for visitors (36).

The overall number of bicycle parking spaces proposed (180) meets the mandatory Tier 1 TGS requirement however the current location proposed in the parking garage for 5% of the occupant bicycle parking spaces does not meet the requirements of the TGS. Given site area constraints there is insufficient space on site to accommodate the 36 visitor and 8 occupant bicycle parking spaces at grade required by the TGS without the loss of outdoor amenity space.

The applicant has indicated that there is sufficient space at grade to accommodate 27 spaces and have requested that this be accepted. This would provide for the 9 occupant spaces as required in the TGS, as well as the 18 visitor parking spaces previously proposed. Planning staff have no objection to the request. The draft zoning by-law amendment includes standards for the bicycle parking (Attachment 9).

A green roof system is proposed for 30% of the roof of the building, and the applicant is proposing to achieve all required Tier 1 standards, except for the bicycle standards as noted above. Other applicable TGS performance measures will be secured through the Site Plan Approval process such as storm water quantity and quality, energy efficiency, and urban heat island reduction through planting shade trees and the use of high-albedo surface materials.

Section 37

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

1. An indexed cash contribution of \$50,000.00 of which \$5,000 will be allocated towards the North St. Lawrence Market redevelopment and \$45,000.00 towards a Heritage Conservation District Study and streetscape improvements in the Corktown Neighbourhood.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. At least three, three bedroom dwelling units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code, shall be provided in the building.

Development Charges

It is estimated that the development charges for this project will be \$1,089,991.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning recommends that Council approve the zoning by-law amendment application. The applicant has responded to the comments of residents, the DRP and City staff, and has made substantial improvements to the proposal since its initial submission. The proposal for a 10-storey building represents appropriate intensification of an under-utilized site in this area of King-Parliament. Through modifications to the built-form and site layout the applicant is proposing a development that fits in and respects the heritage character of Berkeley Street, consistent with the planning framework for King-Parliament. The recommended zoning by-law amendment is included as Attachment 9.

CONTACT

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Susan McAlpine, Senior Planner

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SIGNATURE

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

(p:\2011\Cluster B\pln\teycc9567708013) - vc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: East Elevation

Attachment 3: North Elevation

Attachment 4: South Elevation

Attachment 5: West Elevation

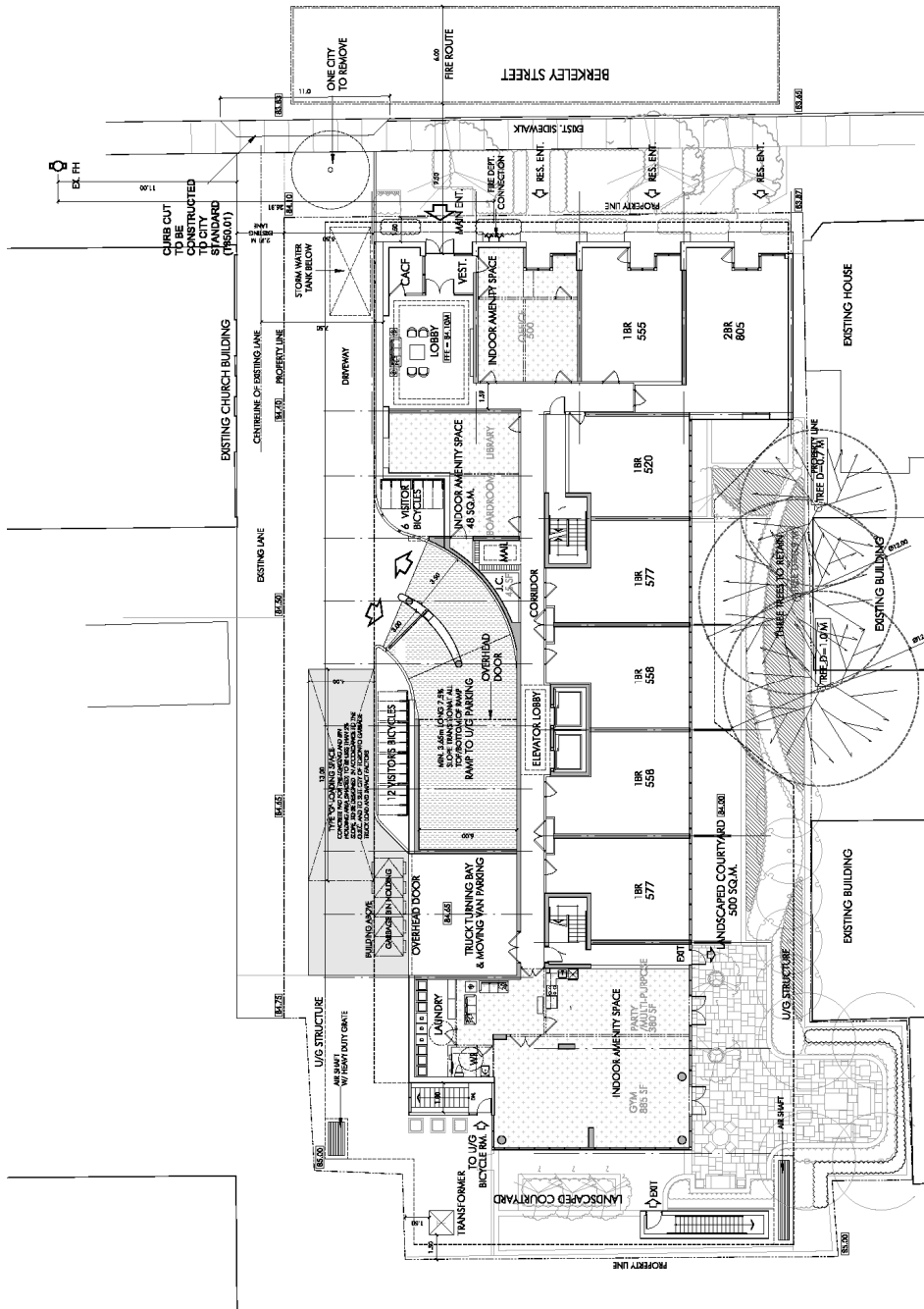
Attachment 6: Zoning

Attachment 7: Zoning (Height)

Attachment 8: Application Data Sheet

Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Site Plan

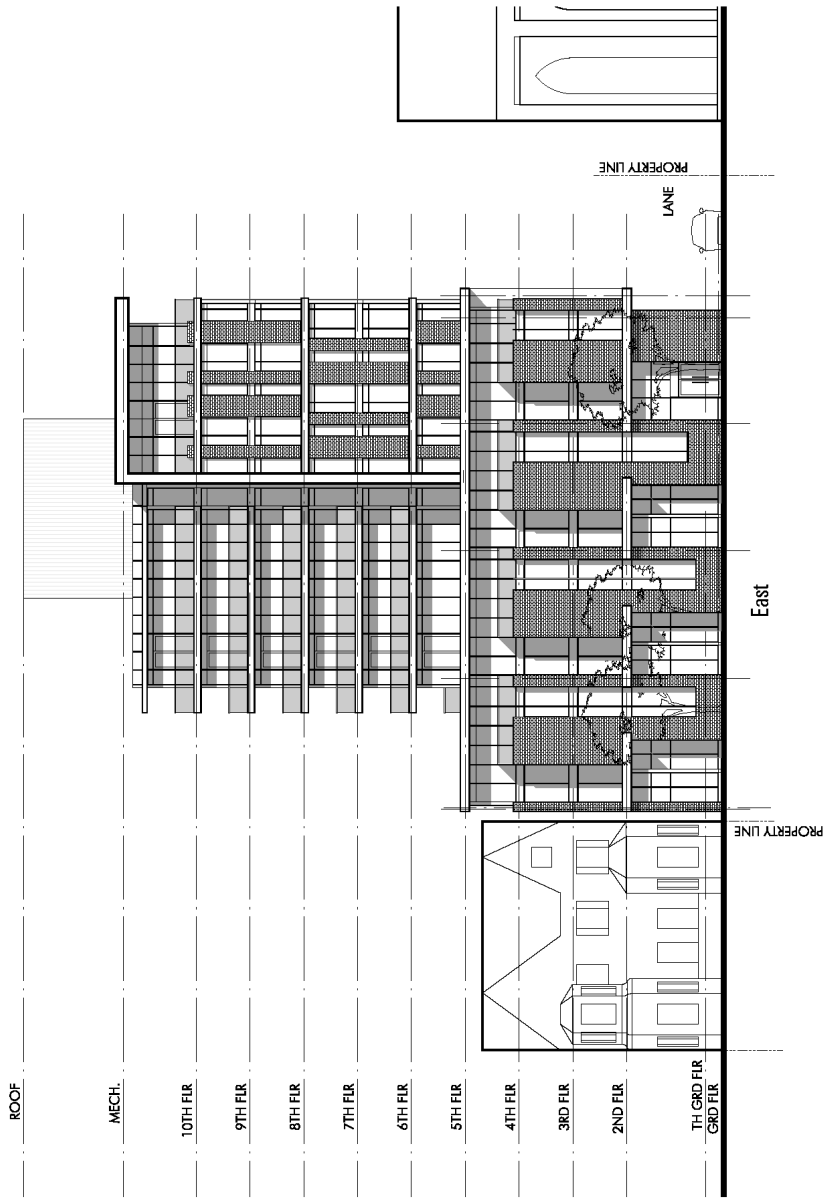


126,128,132 and 132A Berkeley Street
and 93R and 97 Ontario Street

Site Plan
Applicant's Submitted Drawing
Not to Scale
05/16/2011

File # 08 190996 0Z

Attachment 2: East Elevation



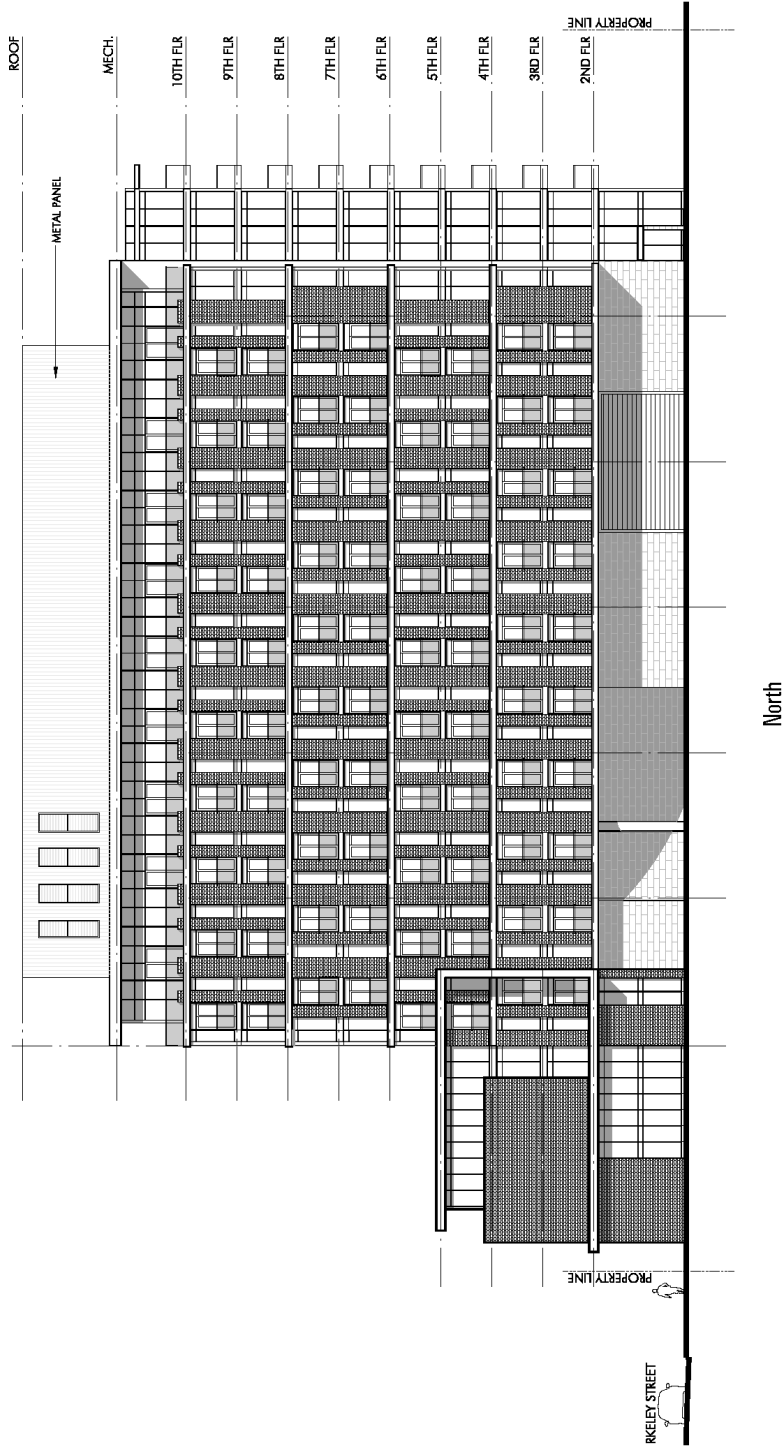
**126,128,132 and 132A Berkeley Street
and 93R and 97 Ontario Street**

File # 08 190996 0Z

Elevations
Applicant's Submitted Drawing

Not to Scale
05/16/2011

Attachment 3: North Elevation



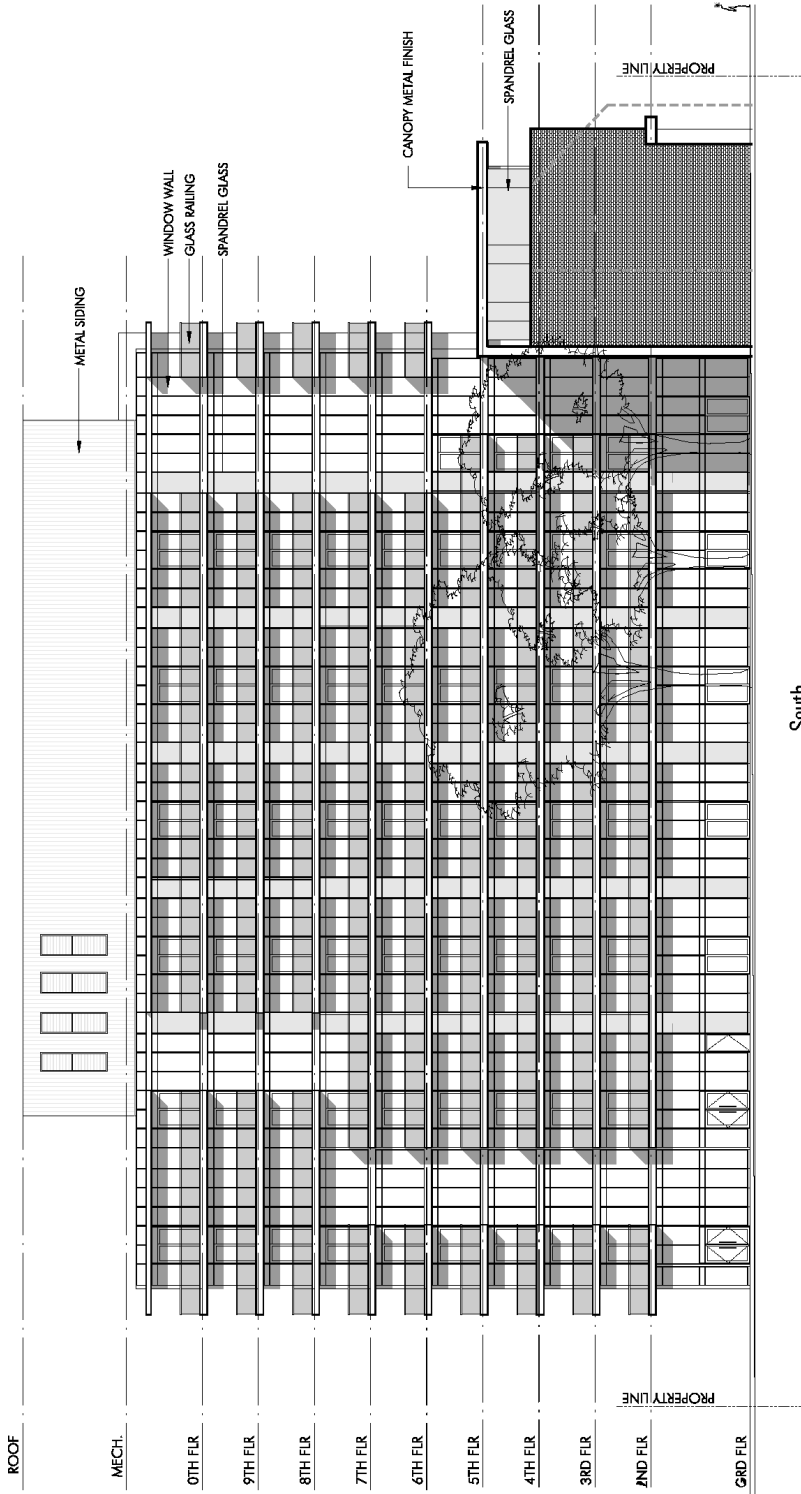
126,128,132 and 132A Berkeley Street
and 93R and 97 Ontario Street

File # 08 190996 0Z

Elevations
Applicant's Submitted Drawing

Not to Scale
05/16/2011

Attachment 4: South Elevation

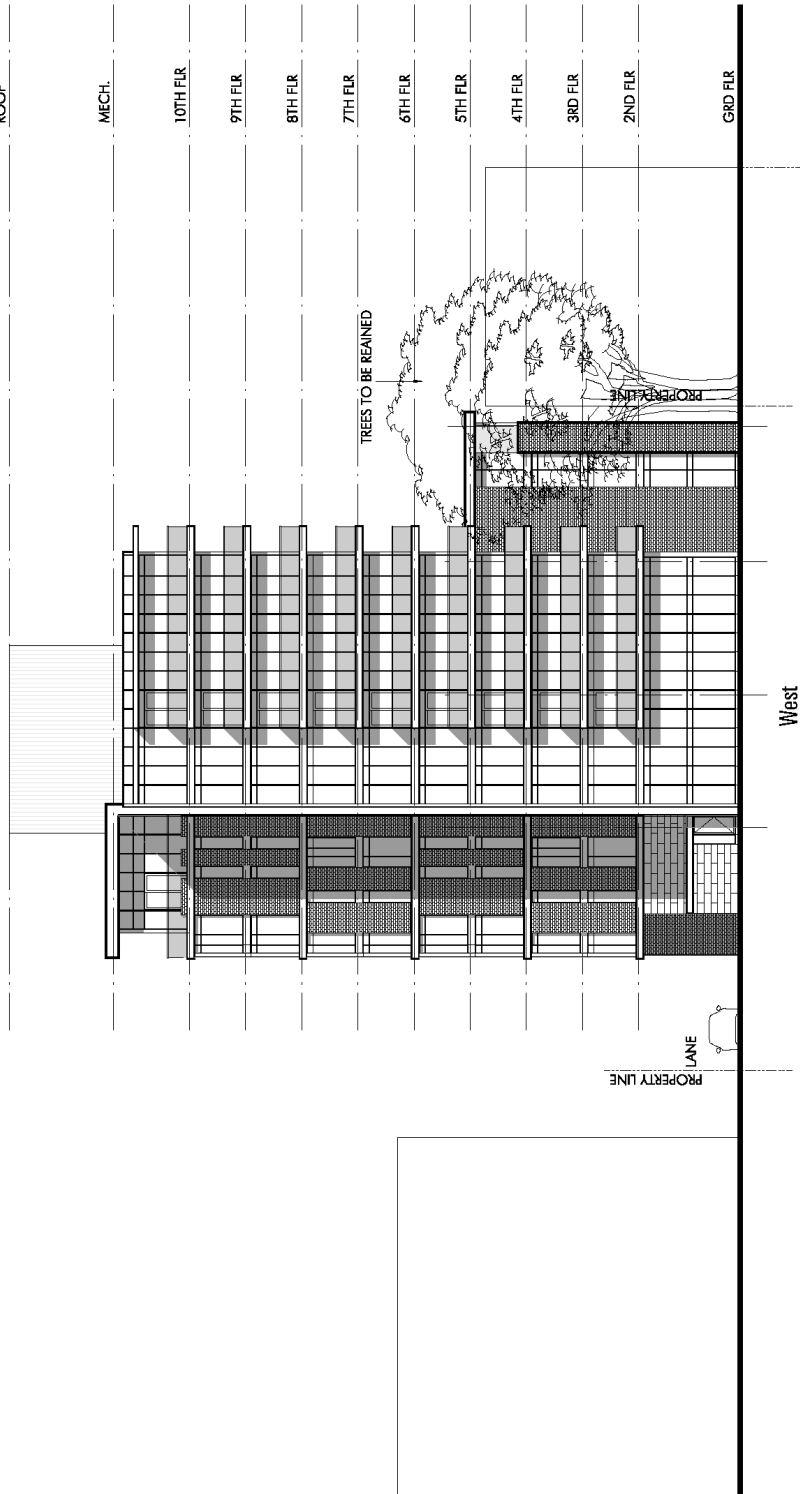


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/16/2011

126,128,132 and 132A Berkeley Street
and 93R and 97 Ontario Street

File # 08 190996 0Z

Attachment 5: West Elevation



**126,128,132 and 132A Berkeley Street
and 93R and 97 Ontario Street**

**Elevations
Applicant's Submitted Drawing**

File # 08 190996 0Z

Not to Scale
05/16/2011

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	08 190996 STE 28 OZ 11 157438 STE 28 SA
Details	Rezoning, Standard	Application Date:	August 7, 2008 (OZ) March 31, 2011 (SA)
Municipal Address:	126, 128, 130 & 132 BERKELEY ST & 93R & 97 ONTARIO ST		
Location Description:	PL D19 LTS 5 & 6 PT LT4 **GRID S2808		
Project Description:	Rezoning application received Aug. 2008, for 19-storey residential rental apartment building with 288 dwelling units & 3 levels of below grade parking. Revised application Dec. 30, 2008 for a 21-storey residential rental building with 238 units & 2 levels of underground parking. Revised application received June 2, 2010 proposing a 13-storey residential rental building containing 120 units & 2 levels of below-grade parking with TCHC as the end-user. Revised zoning application and new site plan application received Mar. 31, 2011 proposing a 10-storey residential building with 180 units & 2 levels of underground parking.		

Applicant:	Agent:	Architect:	Owner:
Concert Real Estate Corp. 55 University Ave. 16 th Fl Toronto, ON M5J 2H7		Page & Steele/IBI Group 95 St. Clair Ave. W. Suite 200 Toronto, ON M4V 1N6	Concert Real Estate Corp. 55 University Ave. 16 th Fl Toronto, ON M5J 2H7

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision: No
Zoning:	RA	Historical Status: Yes
Height Limit (m):	12	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	2079	Height:	Storeys:	10
Frontage (m):	31.9		Metres:	29.5
Depth (m):	64.4			
Total Ground Floor Area (sq. m):	1094			Total
Total Residential GFA (sq. m):	9050		Parking Spaces:	72
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	9050			
Lot Coverage Ratio (%):	52.6			
Floor Space Index:	4.35			

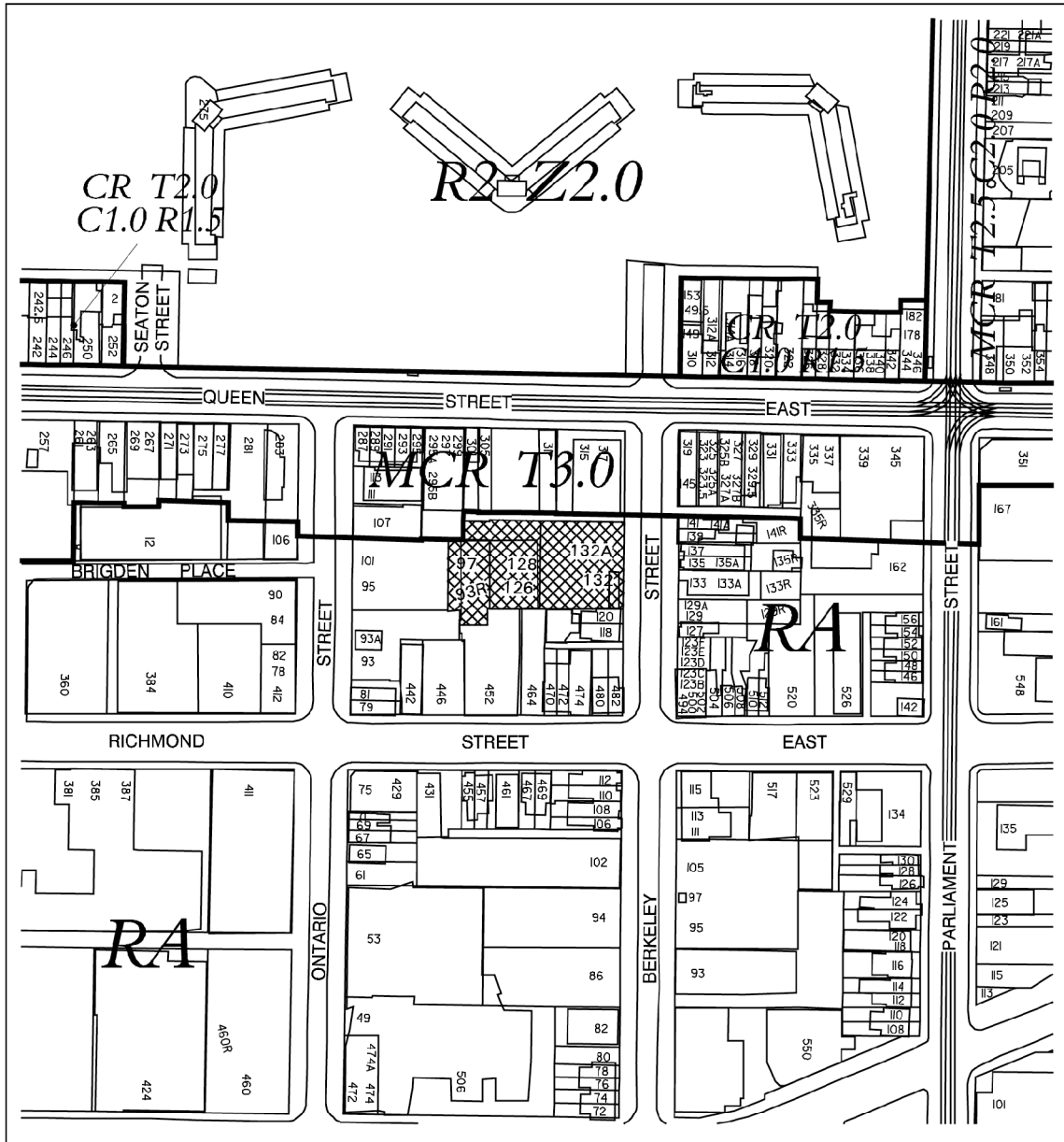
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental			
Rooms:	0	Residential GFA (sq. m):	9050	0
Bachelor:	97(53.9%)	Retail GFA (sq. m):	0	0
1 Bedroom:	70(38.9%)	Office GFA (sq. m):	0	0
2 Bedroom:	13(7.2%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	180			

CONTACT:	PLANNER:	Willie Macrae (wmacrae@toronto.ca) Sue McAlpine (smcalpin@toronto.ca)	
	TELEPHONE	416-392-7572	416-397-4487

Attachment 7: Zoning



132 Berkeley Street

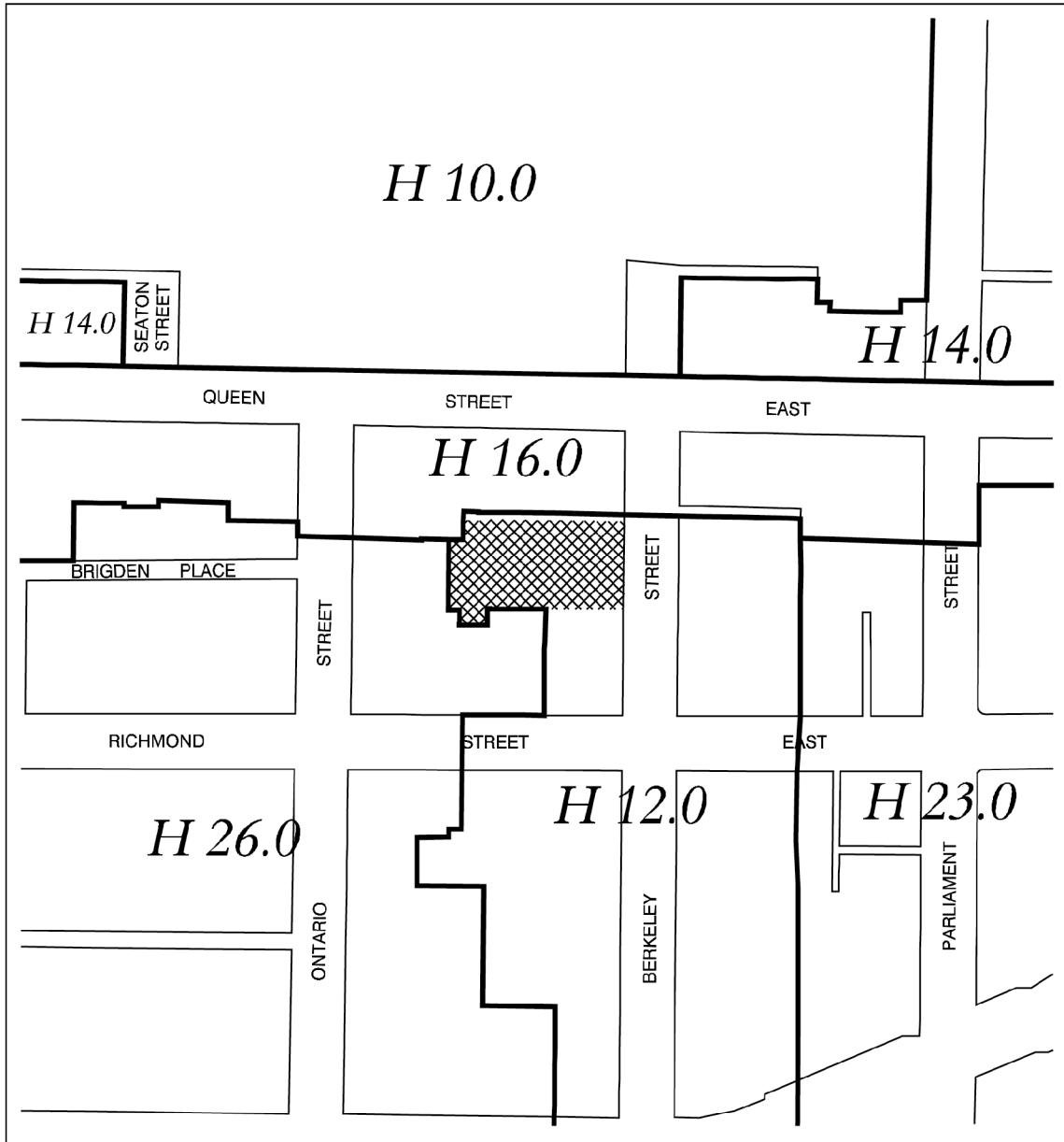
File # 08_190996

- R2 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/27/08 - TA

Attachment 8: Zoning (Height)



132 Berkeley Street

File # 08_190996

Height numbers are in metres.



Not to Scale
Zoning By-law 438-86 as amended
Extracted 09/12/08 - TA

Attachment 9 – Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend General Zoning By-law No. 438-86, as amended of the former City of Toronto, with respect to the lands municipally known as 126, 128, 132 and 132A Berkeley Street and 93R and 97 Ontario Street

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands delineated by a heavy line and identified as “126, 128, 132 and 132A Berkeley Street and 93R and 97 Ontario Street” as shown on Map 1 attached to and forming part of this By-law.

2. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in Appendix “1” hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Appendix “1” hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
4. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. None of the provisions of Sections 4(2)(a)(i), 4(12), 4(13)(a), (b), and (c), 4(14), 4(16), 7(3)Part II, 12(2) 94, and 12(2) 246(c) and (e) of Zoning By-law No. 438-86, being “A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *residential building* on the *lot* provided that;
 - (a) the *residential gross floor area* of buildings and structures shall not exceed 9,050 square metres.
 - (b) no portion of a building or structure erected on the *lot* shall have a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2 except that;
 - (i) a mechanical penthouse having a maximum vertical dimension of 6 metres shall be permitted within the area on Map 2 outlined by a dashed lines, provided the overall *height* of the building including

the mechanical penthouse within the area on Map 2 outlined by a dashed lines does not exceed 35.5 metres.

- (ii) the maximum height for parapets, fences, railings, balcony and terrace guards and dividers, decorative screens, privacy screens, wind screens, planters, balustrades, and window washing equipment shall be the sum of 2.0 metres and the applicable *height* limit shown on Map 2.
 - (iii) the maximum height for unenclosed heating, ventilation or cooling equipment such as chimneys, stacks, and flues shall be the sum of 2 metres and the applicable *height* limit shown on Map 2 or permitted by subsection (i) above.
- (c) no portion of a building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2.
- (d) Section 6(c) of this By-law shall not apply to the type of structures listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” and “OTHER APPLICABLE QUALIFICATIONS” are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. light fixtures, cornices, eaves, sills	1.0 metres	none
B. balconies	not more than 1.5 metres from the wall where it is attached	none
C. canopies	not more than 2.5 metres from the wall where it is attached	none
D. ornamental and architectural features, landscape features, art installations, bollards, stairs, stair enclosures,	no restriction	none

wheel chair ramps, retaining walls, underground garage ramps and their associated structures, air shafts, transformers vaults and elements required for the functional operation of the building		
E. the structures listed in Section 6(b)(ii) of this By-law	no restriction	subject to the requirements of Section 6(b)(ii) of this By-law

- (e) despite Section 4(5) (b) and Section 12(2) 246(e) of By-law 438-86, the minimum number of *parking spaces* to be provided in a building on the *lot* shall be as follows:
- (i) 0.2 *parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.45 *parking spaces* for each one-bedroom *dwelling unit*;
 - (iii) 0.6 *parking spaces* for each two-bedroom *dwelling unit*;
 - (iv) 0.75 *parking spaces* for each three-bedroom *dwelling unit*; and
 - (v) 0.06 *parking spaces* for every *dwelling unit* contained therein, to be used for visitor’s parking.
- (f) a minimum of 1.1 square metres of indoor *residential amenity space* shall be provided for each *dwelling unit* located in a multi-purpose room or rooms in the building (whether or not such rooms are contiguous), at least one of which contains a kitchen and a washroom.
- (g) a minimum of 2.4 square metres of outdoor *residential amenity space* shall be provided for each *dwelling unit* of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.
- (h) *bicycle parking spaces-occupant* and *bicycle parking spaces-visitor* shall be provided as follows:
- (i) a minimum of 0.9 *bicycle parking spaces – occupant* per *dwelling unit* and at least 5% of the *bicycle parking spaces – occupant* shall be provided at the ground floor level.

- (ii) a minimum of 0.1 *bicycle parking spaces – visitor per dwelling unit*.
- (i) the *bicycle parking spaces* required in Section 6(h) of this By-law may be provided in a *stacked bicycle parking space*.
- (j) “*stacked bicycle parking space*” means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
- (k) despite the minimum dimensions of *bicycle parking spaces* in Section 2(1) of By-law 438-86 if *bicycle parking spaces* are provided in a *stacked bicycle parking space* then the minimum vertical dimension of a *stacked bicycle parking space* shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.45 metres width and 1.8 metres length.
- (l) despite the minimum width for one-way driveways or passageways in Section 4(5) (i) (ii) of By-law 438-86, one-way driveways or passageways providing access to a public highway shall have a minimum width of 3.0 metres.
- (m) despite the definitions of “*grade*”, “*height*” and “*lot*” in Section 2(1) of By-law 438-86, they shall not apply to the lands and instead the following definitions shall apply:
 - (i) “*grade*” means 85.15 metres Canadian Geodetic Datum.
 - (ii) “*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in Section 6(b) (i) and (ii) of this By-law.
 - (iii) “*lot*” means the lands delineated by heavy lines on Map 1 attached to this By-law.
- (n) this By-law shall apply to all of the lands shown on Map 1 attached to this By-law, regardless of future severance, partition or division.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.
 FRANCES NUNZIATA,
 Speaker
 (Corporate Seal)

ULLI S. WATKISS,
 City Clerk

Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the *lot* as outlined in heavy lines on Map 1 to secure the following facilities, services or matters;

- (a) Prior to the issuance of the first above grade building permit, the owner of the *lot* shall pay the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) to the City of Toronto as contribution towards the North St. Lawrence Market redevelopment (\$5,000.00) and towards a Heritage Conservation District Study and streetscape improvements in the Corktown Neighbourhood (\$45,000.00), such payment to be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of the Section 37 Agreement to the date of payment of the sum by the owner to the City of Toronto,
- (b) At least three (3), three-bedroom dwelling units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code, shall be provided in the building.

