



**SUBJECT: Development Update - Carriage Gate Homes – Berkeley/  
Medica One Project**

**TO: Committee of the Whole**

**FROM: Planning and Building Department**

Report Number: PB-45-17

Wards Affected: 2

File Numbers: 535-020/13

Date to Committee: June 26, 2017

Date to Council: July 10, 2017

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**Recommendation:**

Receive and file planning and building department report PB-45-17 providing an update on the Carriage Gate Homes development proposal (Berkeley/ Medica One project).

**Purpose:**

Provide Council with an update regarding the Carriage Gate Homes development proposal located within the city block bounded by John, Caroline, Elizabeth, and Maria Streets (commonly known as the Berkeley / Medica One project).

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**Background and Discussion:**

**Background**

On July 5, 2010, Council approved planning and building department report PB-15-10 which recommended approval of applications for Official Plan and Zoning By-law amendments for downtown lands known municipally as 2025 Maria Street, 510 Elizabeth Street and 2030 Caroline Street, located within the block bound by John Street, Caroline Street, Elizabeth Street and Maria Street (see Appendix A - Sketch No. 1). The applications proposed the development of an interconnected 8-storey office building, 6-storey parking garage and 17-storey apartment building with ground floor retail (see Appendix B - Sketch No. 2).

Planning and building department report PB-15-10 recommended that the zoning by-law to facilitate the proposed development be enacted following the execution and registration of a development agreement, a Section 37 agreement and the payment of rezoning fees (at that time, a portion of the rezoning fees were deferred until Council approval was granted).

The implementing zoning included a holding (H) symbol, which was applied in order to ensure that a number of matters were resolved prior to the development taking place. Report PB-15-10 set out that there were four conditions for removal of the 'H' designation to the zoning:

**For lands within 75m of Caroline Street:**

- i. The land sale of City Parking Lot No.9 was to be completed;
- ii. Underground hydro adjacent to this development was required;
- iii. A record of site condition was required from the Ministry of the Environment; and

**For lands within 35m of Maria Street:**

- iv. Following the issuance of a building permit for the development of an office building and parking garage within 75m of Caroline Street.

In 2013, Council approved planning and building department report PB-94-13, which recommended some changes to the previously approved zoning, including the removal of a holding (H) symbol and updating of the previously approved Section 37 benefits. Referring to the holding (H) symbol, PB-94-13 stated that the sale of Parking Lot No.9 had been completed and that a record of site condition had been obtained from the Ministry of the Environment. The report also noted that the condition relating to the hydro burial adjacent to the property remained applicable (not yet satisfied), but was moved to a condition of rezoning (development agreement). No reference was made in the report to the requirement to obtain a building permit for an office building and parking garage prior to the (H) symbol being lifted. However, the holding (H) symbol for the entirety of the site was lifted through the zoning by-law approval in planning and building department report PB-94-13.

As set out, Section 37 community benefits were negotiated concurrently with the zoning amendment process and these benefits were included within the zoning by-law. The Section 37 benefits included within the zoning by-law are as follows:

- a) Provide a minimum of 201 additional parking spaces;
- b) Apartment to be constructed to LEED certified environmental standard;
- c) Parking garage will contain a green roof design;
- d) Residential component will have a minimum of 27% affordable housing units.

On January 27, 2014 the zoning by-law was enacted following the execution and registration of the development agreement, Section 37 agreement and payment of rezoning fees.

In advance of the zoning by-law coming into force and effect, the applicants submitted a site plan application on November 18, 2013. The site plan process allowed the City to review the technical aspects of the development to ensure that it was safe, functional and well designed. It was also used to ensure that City development standards, and the standards of other agencies, were implemented and maintained. Building location, landscape treatment, pedestrian access, stormwater management, servicing and parking layout were a few of the items addressed during the site plan review.

During the detailed site plan review process, it was discovered that certain design elements of the proposed building did not align with the zoning provisions outlined in the approved zoning by-law. The building design required relief from the originally approved setbacks, floor areas, floor heights and floor area ratio. Therefore, the applicants submitted a minor variance application to provide the necessary zoning relief to facilitate the current proposed design. A public meeting was held on July 14, 2016 to discuss the proposed zoning relief. The Committee of Adjustment approved the requested zoning relief at its meeting of July 18, 2016. As such, the appropriate zoning to allow the proposed development is currently in force and effect.

Since the appropriate zoning was put in place to facilitate the proposed development, draft site plan approval was issued on November 14, 2016 and a subsequent building permit for the foundation of the residential apartment building was issued on March 24, 2017.

## **Discussion**

The proposed development consists of three distinct components being an 8-storey office building, a 6-storey parking garage and a 17-storey residential apartment building. The approved zoning for the site is reflective of the three components, as is the site plan which was draft approved in November 2016. Notwithstanding, during the site plan review process the applicants indicated that they intended to pursue a phased approach to constructing the proposed development; with the 1<sup>st</sup> phase consisting of the residential apartment building and the 2<sup>nd</sup> phase commencing after the completion of phase one consisting of the office building and parking structure. The applicants have obtained a building permit for the residential apartment building and have begun construction of such.

As indicated earlier, the original implementing zoning included a holding (H) symbol in part to ensure that the apartment building could not be constructed before the office

building and parking structure. However, the holding (H) symbol was removed from the site specific zoning in 2013 through planning and building department report PB-94-13, which therefore permitted the residential apartment building to be constructed in advance of the office building and parking structure.

Notwithstanding, in an effort to ensure that all three components of the development (i.e. office building, parking structure and apartment building) are constructed in a timely fashion, staff have utilized the site plan application process to encourage the developers to commence construction on the office building and parking garage as soon as the apartment building is completed.

The site plan drawings that were draft approved in November 2016 were for all three components of the development (i.e. office building, parking structure and apartment building), and as such, no single component of the development was approved in isolation. As part of the Section 37 (community benefits) agreement, the applicants agreed to provide 201 parking spaces in addition to the amount required for the development and provide a greenroof design on the parking structure to help mitigate a heat island effect and stormwater runoff. However, the timing related to the construction of the parking structure in relation to the apartment building was not specified in the Section 37 agreement as the timing of the construction of the office building and the parking garage was addressed through the holding provision.

In order to address the construction timing concerns created by the removal of the holding provision, Planning Staff have required the Section 41 (site plan) agreement (executed and registered in December 2106), set out that if the applicants do not obtain a building permit and commence development of the office building and parking garage by March 24, 2020, they are required to submit a non-refundable payment of \$300,000 to the City, install a publically accessible landscaped open space on the Phase 2 lands and upgrade the exterior façade of the apartment building (on the north side, where the building would abut the parking garage) all to the Director of Planning's satisfaction. These measures were put in place in an effort to compel the applicants to proceed with the construction of the office building and parking structure shortly after the construction of the apartment building.

Regardless of the phased approach undertaken for this development, staff is confident that the implementing zoning, site plan approval and registered agreements will result in the full development, as approved, being realized. The final site plan approval for the proposed development will reflect the three components (i.e. office building, parking garage and residential apartment building) and will reflect the Zoning By-law requirements approved by Council, including the Section 37 community benefits.

Staff continues to support this development proposal and the community benefits that will be secured as part of it. Staff are of the opinion that the proposed development represents a good mixed use development with residential intensification, containing quality urban design elements, compatibility and affordability.

### **Options considered**

As this report is provided for information only, no options are presented for consideration.

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### **Financial Matters:**

Not applicable.

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### **Conclusion:**

This report has been provided for information.

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Respectfully submitted,

Kyle Plas, MCIP, RPP  
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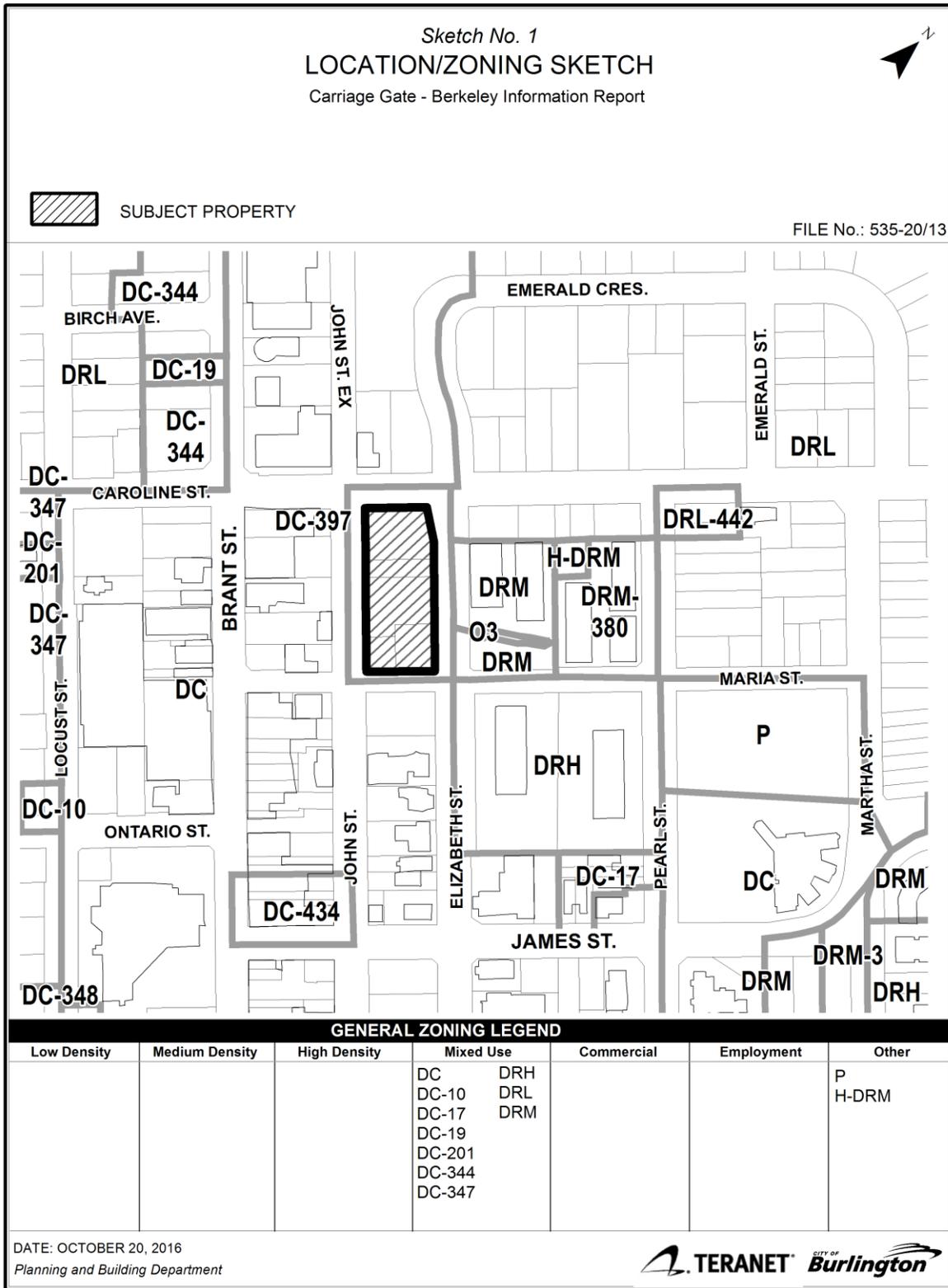
### **Appendices:**

- A. Location / Zoning Sketch
- B. Elevation Sketch

### **Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

### Appendix A – Location / Zoning Sketch



## Appendix B – Elevation Sketch

Sketch No. 2  
**ELEVATION PLAN**  
Carriage Gate - Berkeley Information Report

FILE No. 535-20/13

