

**57-77 Wade Avenue –Zoning Amendment Application –
Request for Interim Directions Report**

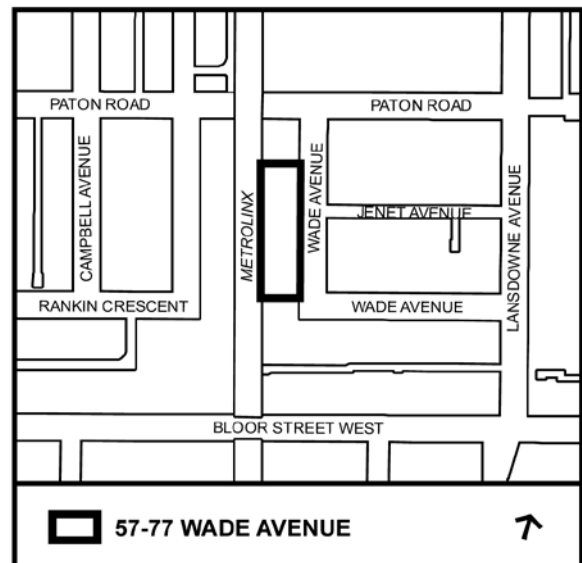
Date:	June 25, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 18 – Davenport
Reference Number:	17 277975 STE 18 OZ

SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (LPAT) due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

A Preliminary Report was considered by Toronto and East York Community Council on May 2, 2018. A community meeting was held on May 15, 2018.

Since Council's consideration of the Preliminary Report, the applicant has provided a revised submission. The revised application proposes a 7-storey (37.4 metres, including mechanical penthouse) office building at 57-77 Wade Avenue. The proposed development includes a total of 14,001 square metres of gross floor area, which includes 222 square metres of retail space at the ground level. A total of 34 vehicle parking spaces and 120 bicycle parking spaces will be provided.



Staff have asked the applicant for necessary information related to the application, without which it is not possible for staff to conclude the application is consistent with the Provincial Policy Statement (PPS) (2014).

Should the application be appealed to the LPAT, staff recommend that City Council direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City Staff to continue to review the application and resolve any outstanding issues detailed in this report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York Community Council.
2. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on May 2, 2018 authorizing staff to hold a community consultation meeting. Link to report: <https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114305.pdf>

ISSUE BACKGROUND

Proposal

This application is for a Zoning By-law Amendment to permit a new 7-storey (37.4 metres, including mechanical penthouse) office building. In the current revised submission, the applicant has provided the option for a 2.5 metre high crash wall along the west (rear) lot line. The building has a total non-residential gross floor area of 14,001 square metres, which includes 222 square metres of retail space located at the ground level. The overall density proposed is 3.89 times the area of the lot (see Attachment No. 3: Application Data Sheet).

The building setbacks are as follows:

Property Line	Setback
East (front)	0 metres
West (rear)	6.6 metres
North	9.1 metres
South	15.2 metres

The ground floor consists of an office lobby and a retail space located at the north end of the building, and multi-use "collaborative space" at the south end of the building. The lobby can be accessed from an entrance on Wade Avenue and from the covered at-grade parking area at the rear of the property. An outdoor seating area for employees of the building is proposed on the southern portion of the site, adjacent to a landscaped public walkway which provides a pedestrian and bicycle connection to the future Greenway Multi-Use Trail in the Davenport Diamond Grade Separation transit expansion project.

The green roof at the top of the building is accessible and serves as an outdoor amenity area. A small indoor amenity space is also proposed at the same level beside the mechanical penthouse.

The proposal includes 34 surface parking spaces, accessed from a driveway at the north side of the property off Wade Avenue. The upper levels of the building project over the surface parking area at the rear of the building. A total of 120 bicycle parking spaces (114 long-term and 6 visitor), one Type-C loading space and one Type-G loading space are proposed.

Changes from the Original Proposal

The revised application was submitted on April 19, 2018 and incorporates a number of changes from the original proposal submitted in December 2017. The revisions include:

- the option of a 2.5 metre high crash wall for rail safety purposes along the west (rear) lot line is provided;
- an increase in gross floor area from 13,473 to 14,001 square metres of GFA;
- slight modifications to the proposed west, north and south building setbacks; and
- reduction of the driveway width.

Provincial Land-Use Policies: 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. The matters include:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (k) the adequate provision of employment opportunities;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place; and

- (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

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

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well- being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

More specifically, Section 4.7 of the PPS provides that the Official Plan is the most important vehicle for implementation of the PPS. In addition, the PPS requires that official plans shall also provide clear, reasonable and attainable policies to protect the provincial interest. Municipalities are required to keep their official plans up-to-date with the Provincial Policy Statement.

Policy 1.1.1 (c) of the PPS states that "healthy, liveable and safe communities are sustained by: avoiding development and land use patterns which may cause environmental or public health and safety concerns."

Section 1.1.3 of the PPS provides guidance on how development within a *Settlement Area* should occur including the following: "Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety."

Furthermore, Policy 1.2.6.1 states that: "*Major Facilities* and *sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*."

The PPS defines *Major Facilities* to include *Rail Facilities* which are defined as, among other things, rail corridors. Section 1.6.9 states that: "Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:

- a. Their long-term operation and economic role is protected; and

- b. *Airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and/or separated from each in accordance with policy 1.2.6" cited above.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS. The PPS identifies the Official Plan as the most important vehicle for its implementation.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better- designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act* to conform with the Growth Plan.

Staff will review the proposed development application for consistency with the PPS and conformity with the Growth Plan.

Official Plan

The site is designated *Core Employment Areas* in Official Plan Amendment 231 (OPA 231). OPA 231 was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the Ontario Municipal Board (now the Local Planning Appeal Tribunal). The lands are not subject to a site or area specific appeal to OPA 231, therefore, the *Core Employment Areas* designation applies.

The lands immediately surrounding the site to the north and south are designated *Core Employment Areas*, while the Metrolinx rail corridor to the west is designated *Utility Corridor*. The properties across from the site on the east side of Wade Avenue are designed *Mixed Use Areas* (see Attachment No. 2: Official Plan).

Section 4.6 of the Official Plan states that "*Employment Areas* are places of business and economic activities vital to Toronto's economy and future economic prospects." Uses permitted in *Core Employment Areas* are set out in Policy 4.6.1 and include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems and vertical agriculture.

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

Policies related to proximity to the rail corridor are included in the Official Plan. In Section 3.4 – The Natural Environment, Policy 21 states that major facilities such as rail infrastructure, corridors and yards and sensitive land uses including residences and education and health facilities will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. The policy further states that to assist in identifying impacts and mitigating measures, the proponent may be required to prepare studies in accordance with guidelines established for the policy's purpose. The proponent will be responsible for implementing the required mitigating measures.

The Official Plan must be read as a whole. Staff will review the proposed development for conformity with the City of Toronto Official Plan with respect to the policies noted above and all other pertinent policies.

Zoning

The site is zoned Industrial (I2 D2) in the former City of Toronto By-law 438-86, as amended. The I zone permits a range of non-residential uses, including industrial, institutional, community facilities, office, and a limited range of retail and warehousing uses. The maximum height and total density is 14.0 metres and 2.0 times the area of the lot (for any combination of uses).

In May 2013, the City enacted a harmonized Zoning By-law 569-2013. The subject lands are zoned Employment Industrial (E2.0), with a maximum permitted height of 14.0 metres and a total density of 2.0 times the area of the lot. The zoning that applies to the subject lands is substantially the same with regards to use, density, and height as Zoning By-law 438-86.

COMMENTS

This application is currently still under review. A third-party peer review of the applicant's rail safety report has been initiated to advise on the appropriateness of the proposed rail protection measures. Based on preliminary comments from the peer review, the applicant is required to provide a risk assessment matrix and calculations in the next resubmission of the rail safety report.

Staff require the necessary outstanding information noted above to complete the peer review process, without which it is not possible for staff to conclude the application is consistent with the PPS (2014) and conforms with the Growth Plan (2017) and Official Plan. The purpose of this report is to seek City Council's direction to attend and oppose the application in its current form should it be appealed to the LPAT due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

CONTACT

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SIGNATURE

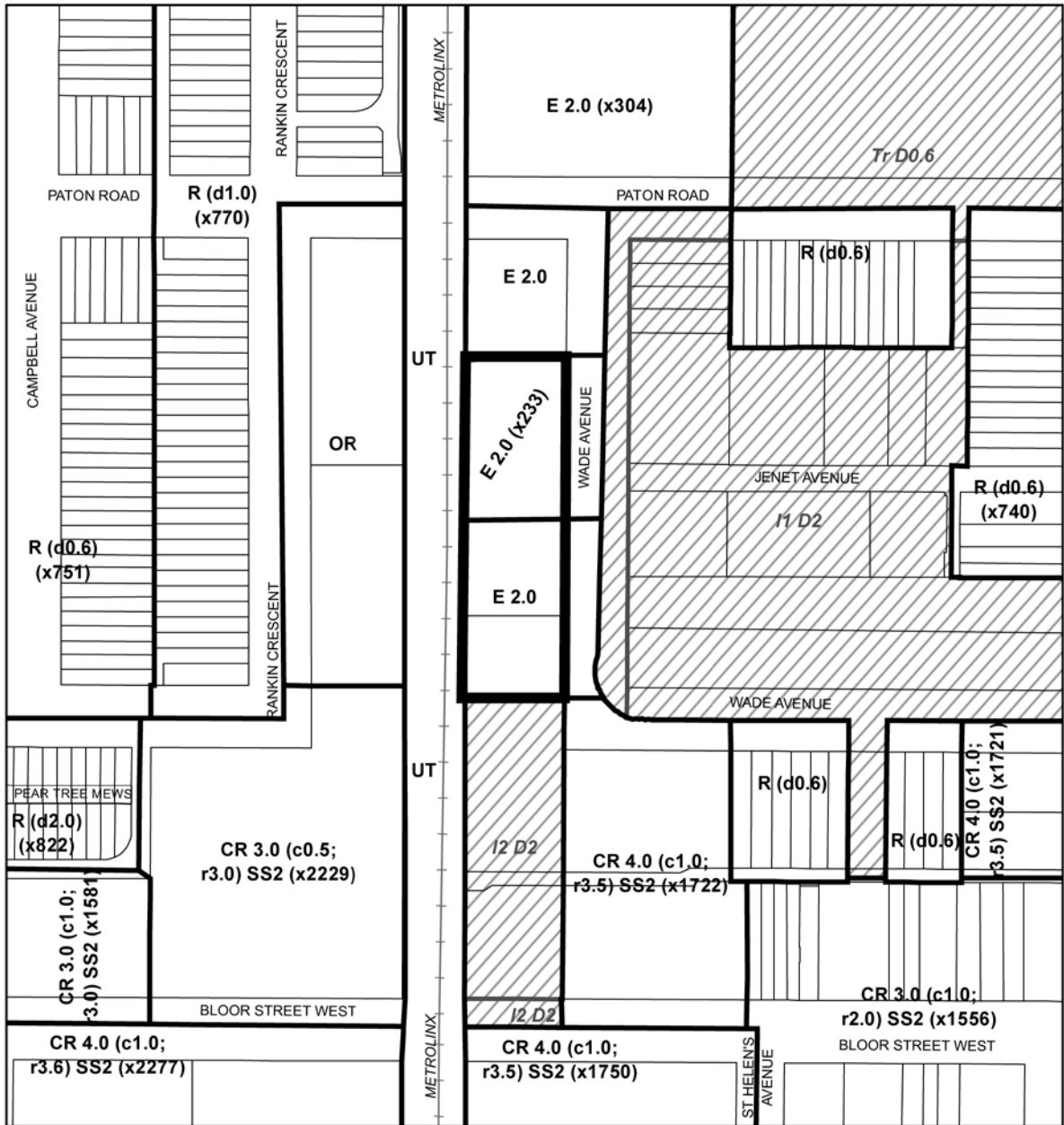
Lynda H. Macdonald, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Zoning
Attachment 2: Official Plan
Attachment 3: Application Data Sheet

Attachment 1: Zoning



Zoning By-law No. 569-2013

57-77 Wade Avenue

File # 17 277975 STE 18 0Z

Location of Application

R Residential
 CR Commercial Residential
 E Employment Industrial
 OR Open Space Recreation
 UT Utility and Transportation

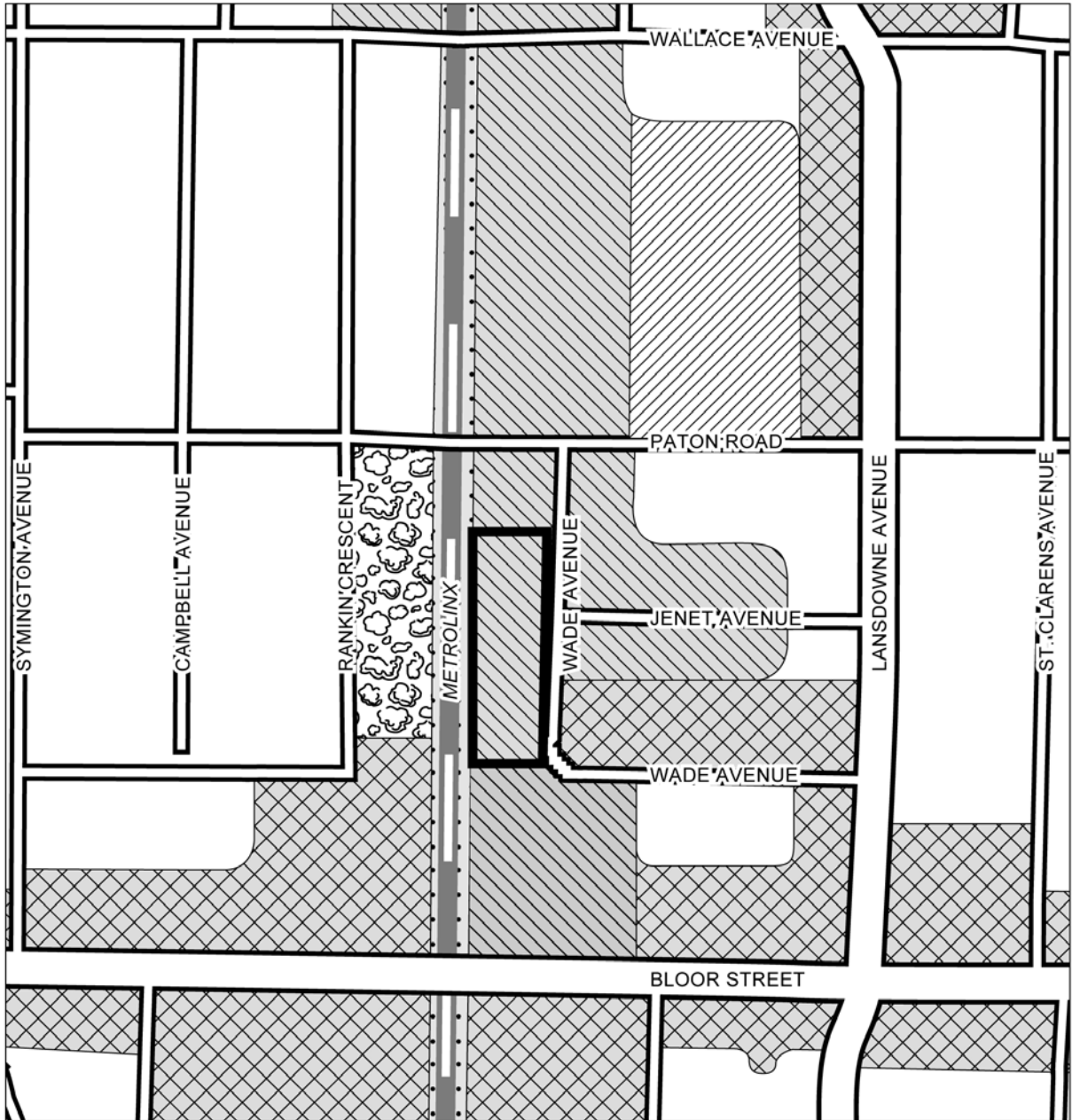
See Former City of Toronto By-Law No. 438-86

I1 Industrial District
 I2 Industrial District
 Tr Industrial District



Not to Scale
 Extracted: 03/05/2018

Attachment 2: Official Plan



TORONTO
Extract from Official Plan

57-77 Wade Avenue

File # 17 277975 STE 18 0Z




 Not to Scale
 03/05/2018

Attachment 3: Application Data Sheet

Municipal Address: 57-77 Wade Avenue **Date Received:** December 20, 2017

Application Number: 17 277975 STE 18 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment to permit a 7-storey office building.

Applicant	Architect	Owner
R E Millward and Associates Ltd. 1200 Bay St, Suite 1200 Toronto, ON M5R 2A5	Bogdan Newman Caranci Inc. 672 Dupont St, Suite 410 Toronto, ON M6G 1Z6	57-77 Wade Development LP 174 Spadina Ave, Suite 500 Toronto, ON M5T 2C2

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision: No
Zoning:	E 2.0	Heritage Designation: No
Height Limit (m):	14	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m):	3,465	Frontage (m):	105	Depth (m):	32.5
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			883	883
Residential GFA (sq m):				
Non-Residential GFA (sq m):			14,001	14,001
Total GFA (sq m):			14,001	14,001
Height - Storeys:			7	7
Height - Metres:			34.7	34.7

Lot Coverage Ratio (%):	25.5	Floor Space Index:	3.89
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:	222	
Office GFA:	13,779	
Industrial GFA:		
Institutional/Other GFA:		

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

Total Residential Units by Size

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

Parking and Loading

Parking Spaces:	34	Bicycle Parking Spaces:	120	Loading Docks:	2
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