



## REPORT FOR ACTION

### 57-77 Wade Avenue – Zoning Amendment Application – Final Report

Date: June 18, 2019

To: Toronto and East York Community Council

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

Ward 9 - Davenport

**Planning Application Number: 17 277975 STE 18 OZ**

#### SUMMARY

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This application to amend the Zoning By-law proposes a 7-storey (33.2 metres, plus 5 metre mechanical penthouse) office building for the property at 57-77 Wade Avenue. The proposed development includes a total of 13,123 square metres of gross floor area, with 218 square metres of retail space at the ground level. A total of 33 vehicle parking spaces and 122 bicycle parking spaces will be provided at-grade.

The site is adjacent to the Metrolinx GO Barrie line, and a rail safety report with proposed derailment mitigation measures was submitted in support of the application. A revised version of the report, dated May 2019, is currently under peer review with the City's rail safety consultant. Upon acceptance of the proposed derailment mitigation measures by the City's third-party peer reviewer, staff will be satisfied that the development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

The proposal diversifies the range of employment options in an established *Employment Area*, and represents appropriate intensification in an area well-served by existing and planned transit infrastructure. This report reviews and recommends approval of the application to amend the Zoning By-law, subject to the recommendations outlined in this report.

#### RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 57-77 Wade Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report (June 18, 2019) from the Director, Community Planning, Toronto and East York District.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 57-77 Wade Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (June 18, 2019) from the Director, Community Planning, Toronto and East York District
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. City Council require the owner to provide a cash payment-in-lieu into the Municipal Parking Fund in lieu of any parking shortfall below the provision of 47 parking spaces on-site.
5. Prior to the introduction of the necessary Bills to City Council for enactment, require the owner to complete a Third-Party Peer Review of the revised Rail Safety Report, prepared by Arup Canada Inc., dated May 1, 2019, to the satisfaction of the City's rail safety consultant, and obtain acceptance of the proposed derailment mitigation measures, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
6. 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. Prior to the issuance of the first above-grade building permit, the owner shall provide a cash contribution of \$350,000 towards the provision of affordable rental housing and parks improvements within Ward 9 in the vicinity of the site, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment;
  - b. The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. The owner shall provide, at its own expense, 300 square metres of privately-owned, publicly-accessible open space located on the southern portion of the site (Refer to the Site Plan in Attachment 7, attached to the report, dated June 18, 2019, from the Director, Community Planning, Toronto and East York District), with the design details of this privately-owned, publicly-accessible open space to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner and, prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, for the purpose of the general public's use of this privately-owned, publicly-accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor;

ii. The owner shall provide, at its own expense, a minimum 3.5 metre wide public walkway easement be located along the full extent of the south edge of the site, connecting Wade Avenue to the future Davenport Diamond Greenway Multi-Use Trail, with the design details of this walkway to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director and, prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, for the purpose of pedestrian and cycling use by the general public over this walkway, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor;

iii. The owner shall design and construct the public realm improvements for the public walkway between Wade Avenue and the Davenport Diamond Greenway Multi-Use Trail in accordance with the Davenport Diamond Public Realm Plan;

iv. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall complete a peer review of the submitted Noise and Vibration Feasibility Study by the City's peer reviewer, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provide certification from the noise and vibration consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;

v. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall incorporate all mitigation measures from the rail safety study accepted by the City's peer reviewer into the drawings submitted for site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and prior to Site Plan Approval agree that all mitigation measures be constructed and maintained by the owner at its sole cost and expense;

vi. Prior to issuance of Notice of Approval Conditions for the Site Plan application, the owner shall provide a Construction Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

vii. Prior to the commencement of excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the

surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor; and

viii. Prior to Site Plan Approval, the owner shall provide a cash payment-in-lieu into the Municipal Parking Fund in lieu of any parking shortfall below the provision of 47 parking spaces on-site.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A Preliminary Report for this application, dated April 16, 2018, was adopted by Toronto and East York Community Council on May 2, 2018 authorizing staff to conduct a community consultation meeting. A copy of the report is available at:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114305.pdf>

A Request for Interim Direction Report was adopted by Toronto and East York Community Council on July 4, 2018 and City Council on July 23, 2018, authorizing the City Solicitor and appropriate 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 City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*. The report is available at:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-117601.pdf>

## **APPLICATION BACKGROUND**

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### **Consultation with the Applicant**

Pre-application consultation meetings were held with the applicant on March 1, 2017 and September 27, 2017 to discuss the proposal and complete application submission requirements. Preliminary issues that were raised at the meetings include the proposed height and massing of the development, servicing and parking requirements, rail safety measures, conformity with OPA 231, as well as how the proposal interfaces with the future Metrolinx Davenport Diamond Grade Separation transit project immediately west of the site.

### **Proposal**

This application is for a Zoning By-law Amendment to permit a new 7-storey (33.2 metres, plus 5 metre mechanical penthouse) office building. The building has a total non-residential gross floor area of 13,123 square metres, which includes 218 square

metres of retail space located at the ground level. The overall density proposed is 3.8 times the area of the site (see Attachment 1: Application Data Sheet). In the current revised submission, the applicant is proposing a columned crash barrier for rail safety purposes along the west (rear) lot line.

The proposed building setbacks are as follows: 0 to 1.7 metres from the east (front) lot line; 6.6 to 7.1 metres from the west (rear) lot line; 9 metres from the north (side) lot line; and 15.2 to 15.5 metres from the south (side) lot line. The footprint of the ground floor is smaller than the upper levels to accommodate a surface parking area. The ground floor is set back approximately 15 metres from the rear lot line.

The ground level consists of an office lobby and retail space located at the north end of the building, and a multi-use "collaborative space" at the south end. 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. A small privately-owned publicly-accessible space (POPS) is proposed on the southern portion of the site, adjacent to a landscaped public walkway which provides a pedestrian and bicycle connection from Wade Avenue 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 beside the mechanical penthouse.

The proposal includes 33 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 122 bicycle parking spaces (87 long-term and 35 visitor), one Type-B loading space and one Type-G loading space are proposed.

The proposed building is intended to be a prototype for a mid-scale office building using a mass timber hybrid structure. The structural system of the building makes use of a composite concrete-timber deck supported by composite concrete-steel beams and timber columns.

See Attachments 1 and 7 to 12 of this report for application data, 3D rendering, site plan and elevation drawings for the proposed development.

### **Changes from the Original Proposal**

The most recent revised application was submitted on May 9, 2019 and incorporates a number of changes from the original proposal submitted in December 2017. The revisions include:

- A crash barrier for rail safety consisting of 12 columns along the west lot line;
- An increase in gross floor area from 12,299 to 13,123 square metres;
- A height increase of 1.2 metres to accommodate changes to the mechanical penthouse and other urban design considerations;
- Revision to the setbacks of the mechanical penthouse to reduce shadow impacts;
- Slight modifications to the proposed west, north and south building setbacks; and

- An increase in the total supply of bicycle parking, as well the ratio of visitor to long-term spaces. Long-term bicycle parking spaces were also relocated to an accessible area in the basement to allow for additional landscape open space and a POPS;
- Internalization of the Type-G and Type-B loading spaces within the building envelope;
- Reduction of one parking space; and
- Reduction of the driveway width for access at the north end of the site.

### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Architectural Plans and Survey
- Landscape Plans
- Planning Rationale Report
- Tree Preservation Plan and Arborist Report
- Contaminated Site Assessment
- Sun/Shadow Study
- Draft Zoning By-law Amendments
- Public Consultation Plan
- Noise and Vibration Feasibility Study
- Energy Strategy
- Energy Efficiency Report
- Pedestrian Level Wind Study
- Transportation Impact Study
- Hydrogeological Study
- Geotechnical Review
- Functional Servicing and Stormwater Management Report
- Building Mass Model
- Rail Safety Report (and other related, supporting documents)
- Toronto Green Development Standards Checklist

The material submitted in support of the application can accessed at the following link:  
<https://aic.to/57wade>

### **Submission and Date Deemed Complete**

The Zoning By-law Amendment application was complete as of December 20, 2017. A Notification of Complete Application was issued on January 19, 2018.

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been 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.

## Statutory Public Meeting Comments

In making their decision with regard to this application, Council members will have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## Reasons for Application

A Zoning By-law Amendment is required to both the former City of Toronto Zoning Bylaw No. 438-86 and City-wide Zoning By-law No. 569-2013, as amended, to permit the proposed height (from 14 metres to 38.2 metres), density (from 2.0 to 3.8 times the lot area), setbacks, and parking provisions, and other changes to performance standards.

## SITE AND SURROUNDING AREA

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The subject site is located on the west side of Wade Avenue, between Bloor Street West and Jenet Avenue. Wade Avenue is an L-shaped street which extends from Lansdowne Avenue to Paton Road (see Attachment No 2: Location Map). The property is generally rectangular in shape, with a frontage of 105 metres on Wade Avenue, a depth of 32.5 metres and a total lot area of approximately 3,465 square metres.

The site is currently a vacant lot and enclosed with a corrugated metal fence. The property was formerly occupied by the Ontario Redi-Mix concrete manufacturing and distribution plant, which was closed in 2010.

The site is surrounded by the following uses:

**North:** Immediately north of the property is a 3-storey commercial building at 87 Wade Avenue containing flexible studio and office spaces. Further north on Paton Road is the Nitta Gelatin factory, a two-storey brick building with several loading docks. Adjacent to the gelatin plant is a vacant property owned by the Toronto Transit Commission at 640 Lansdowne Avenue, which is planned to be redeveloped with affordable housing and employment uses through the City's Open Door Affordable Housing Program.

**East:** Across from the site at 50 Wade Avenue is Propeller Coffee, a coffee roasting facility and café. Along Jenet Avenue, there are a series of low-rise residential and industrial buildings, including Ontario Aluminum and Glass. Further east on Wade Avenue, there are single and semi-detached dwellings, as well as Tamil Co-operative Homes, an 8-storey residential building. The Lansdowne TTC subway station is located on the east side of Lansdowne Avenue at the terminus of Wade Avenue, approximately 170 metres from the subject site.

**South:** To the south of the site are 1 to 3-storey buildings fronting Bloor Street West. These include retail businesses such as a used car lot, Spar Marathon Roofing, as well as the Buddhist Association of Canada located at 1330 Bloor Street West. On the southwest corner of Bloor Street West and St. Helens Avenue is the site for the planned

Bloor- Lansdowne GO Station. The new station will provide a link between the Barrie GO rail corridor and the TTC Bloor-Danforth subway line at Lansdowne Station. The main site for the planned station is currently occupied by a Value Village thrift store, comprised of a single storey building and surface parking.

**West:** Immediately west of the site is the rail corridor operated by Metrolinx for the Barrie GO line. Through the Metrolinx Regional Express Rail (RER) program, the Barrie GO line will receive significant infrastructure upgrades in the form of an elevated rail corridor called the Davenport Diamond Grade Separation. The rail overpass will extend approximately 1.4 kilometres from Bloor Street West to just south of Davenport Road. The project is expected to improve transit service by eliminating the Davenport Diamond, a railway intersection located northwest of Dupont Street and Lansdowne Avenue where Canadian Pacific (CP) freight trains and Metrolinx GO trains intersect. Currently, the tracks for the Barrie GO line are located at-grade. The guideway for the elevated rail corridor will gradually rise adjacent to the subject property, ascending from a height of approximately 2 metres to 5 metres above the grade from south to north along the frontage of the site. The Davenport Diamond Grade Separation project is currently in procurement and construction is expected to begin in 2019.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

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 protection of health and safety; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2014)**

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

- The efficient 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, Policy 1.1.3.4 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) 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 (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

## **Planning for Major Transit Station Areas**

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### **Section 4.6 – Employment Areas**

The site is located within an *Employment Area*, as shown on Map 2 of the Official Plan, and 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 Local Planning Appeal Tribunal (LPAT). 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 designated *Core Employment Areas* and *Mixed Use Areas* (see Attachment 3: 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 and utilities. 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.

Policy 4.6.6 provides direction for development within *Employment Areas*, including:

- Providing a high quality public realm with a connected, easily understood, comfortable and safe network of streets, parks and accessible open spaces;

- Integrating the development into the public street network and systems of roads, sidewalks, walkways, bikeways and transit facilities, and establishing new segments where appropriate;
- Mitigating the potential negative impacts from traffic generated by development within *Employment Areas* and adjacent areas;
- Providing adequate parking and loading on-site;
- Providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas;
- Providing a buffer and/or mitigating adverse effects, where appropriate, to *Neighbourhoods*, *Apartment Neighbourhoods*, and *Mixed Use Areas*.

### **Section 3.4 – The Natural Environment**

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 technical studies. The proponent will be responsible for implementing mitigation measures.

#### **Section 3.1.2 – Built Form**

Section 3.1.2 - Built Form provides policy direction to ensure that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

As noted in Section 5.6.1, the Official Plan must be read as a whole. Staff have reviewed the proposed development for consistency with the City of Toronto Official Plan with respect to the policies noted above and all other pertinent policies. The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

## **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 regard to use, density, and height as Zoning By-law 438-86.

## **FCM Guidelines for New Development in Proximity to Railway Operations**

In May 2013, the Federation of Canadian Municipalities, in conjunction with the Railway Association of Canada, released the Guidelines for New Development in Proximity to Railway Operations (the "FCM Guidelines"). The guidelines have not been adopted by the Province of Ontario or Toronto City Council and have no standing as either provincial or municipal policy. They do, however, provide guidance for planners and developers across Canadian jurisdictions with respect to development in proximity to railway operations.

The FCM Guidelines focus on development in proximity to rail corridors and the treatment of the sites in terms of providing for safety and noise and vibration mitigation. The FCM Guidelines recommend that the ideal safety approach is to provide a 30 metre setback between a principal building and a rail corridor with an earthen berm to absorb the force of impact in the event of a train derailment, or alternatively where the site is constrained, a lesser setback and a crash wall can be employed in lieu of a berm. Setback distances are measured from the mutual property line to building face.

Due to the site's proximity to the Metrolinx rail corridor, redevelopment of the subject property must consider concerns related to the risk to health and safety in the event of a rail accident. A Rail Safety Report prepared by Arup Canada Inc. and subsequent revised versions and supporting documents, were submitted in support of this application. The report addresses the FCM Guidelines, as well as the Metrolinx Adjacent Development Guidelines (2013), which were established to ensure safety and minimize conflicts between new development and Metrolinx rail operations. A third-party Peer Review of the report is currently in process to ensure the accuracy and appropriateness of the analysis, as well as to advise on the adequacy of the proposed derailment mitigation measures. The issue of rail safety and the status of the City's peer review process are further discussed in latter sections of this report.

## **City-wide Land Use Study for Development Close to Rail Corridors**

As part of its adoption of the Dupont Street Regeneration Area Study in late 2014, City Council directed City Planning staff to undertake a study in order to identify appropriate separation and mitigation requirements for developments along rail corridors in the City.

This study will lead to guidelines for a series of rail corridor types that will assist City staff when they review development applications adjacent to rail corridors and yards. The study is being conducted in two Phases. Phase 1 is an inventory and information gathering phase with the objective being to obtain a better understanding of what rail infrastructure we have in the City, the nature of rail operations and identify a series of rail infrastructure typologies that will serve as the basis for consultation in Phase 2. Informed by the findings of Phase 1, the key objective of Phase 2 is to develop guidelines based on the typologies identified.

The City retained IBI Group and Stantec to assist staff in the development of Toronto specific land use guidelines for development that is proposed in close proximity to rail infrastructure. The consultant's final report has been completed and is available at the link below.

The study website can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/guidelines-for-development-close-to-rail-corridors-yards/overview-development-close-to-rail-corridors-yards/>

The consultant's Final Report from Phase 2 of the study is available here: <https://www.toronto.ca/wp-content/uploads/2019/05/960c-City-Planning-Final-Report-City-Wide-Land-Use-Study-Development-in-Proximity-to-Rail-Operations-Phase-2-March-21-2019.pdf>

At its meeting on August 25, 2014, City Council directed City Planning to require the submission of Derailment Safety Reports and Plans as part of any planning application for sites that abut a rail corridor (Item PG35.6). The Derailment Safety Reports and Plans are peer reviewed by a third-party railway safety consultant as well as the rail operator.

### **Davenport Diamond Grade Separation and Public Realm Plan**

Metrolinx conducted an Environmental Assessment for the Davenport Diamond Grade Separation project under the streamlined Transit Project Assessment Process (TPAP), which the Minister of the Environment and Climate Change approved on August 4, 2016. In the approved Environmental Project Report, Metrolinx identifies the site at 57-77 Wade Avenue as a temporary construction staging site for the construction of the rail overpass. The applicant has consulted with Metrolinx on this matter and is in the process of drafting a temporary easement agreement for use of the site.

A key component of the Davenport Diamond Grade Separation project is the Greenway Multi-Use Trail (the "Greenway"), which will run beneath and adjacent to the rail overpass, providing new pedestrian and cycling connections into adjoining neighbourhoods. Metrolinx has created a public realm plan to develop the design details of the Greenway. The public realm plan locates the terminus of the multi-use trail next to the site, and a permanent bicycle and pedestrian connection is proposed between the trail and Wade Avenue along the south edge of the subject property.

## **Site Plan Control**

The property is subject to Site Plan Control. An application for Site Plan approval has been submitted (File No. 18 132864 STE 18 SA) and is being reviewed concurrently with this application.

## **COMMUNITY CONSULTATION**

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City Planning held a community consultation meeting on May 15, 2018. The local Councillor, the applicant's team and approximately 16 members of the public attended the meeting. The comments and concerns raised by residents with respect to the proposed development were generally related to the following matters:

- the proposed height and massing of the building, with respect to shadow impacts on residential properties in the area;
- the proposed parking supply and additional demand for on-street parking on Paton Road;
- contamination due to the former industrial uses on the site and health impacts on future employees of the building;
- the potential spread of site contaminants through dust during construction;
- the need for additional cycling connections and infrastructure around the site;
- the potential for gentrification of the area due to the approval and construction of the building;
- the lack of affordable housing in the surrounding neighbourhood;
- the need for more employment opportunities for creative industries; and
- the provision of Section 37 benefits should the application be approved.

These issues and comments have been considered in the review of the application.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Policy Considerations section of the Report.

Staff's consideration of the PPS and the Growth Plan in the review of the application is as follows:

#### **The Provincial Policy Statement (2014)**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by promoting an appropriate mix and range of employment uses, opportunities for a diversified economic base, a wide range of economic activities and ancillary uses.

Policy 1.5.1 (b) of the PPS indicates that healthy, active communities should be promoted by "planning and providing for a full range of equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...".

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.7 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

The proposed development is consistent with the above policies of the PPS. The proposal provides for a range of new employment uses and supporting ancillary uses to help support and grow and diversify the City's economic base. The proposal is close to transit and active transportation options, and located within walking distance of a residential area to the east, both of which help minimize the need for, and length of, automobile trips. The proposal provides both a POPS and a pedestrian/cycling link to a planned multi-use trail, which connects to an existing network of parks, open spaces and recreational trails. The proposal achieves the Official Plan's broader objectives of supporting a range of new employment uses in a format compatible with its surrounding context.

Policy 1.1.3.4 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.



Sensitive land uses are defined as "Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and education and health facilities."

It is the opinion of City Planning Staff that the proposed commercial office buildings are Sensitive Land Uses as defined by the PPS. The buildings abut a rail corridor which is a rail facility and therefore a Major Facility as defined by the PPS. The proposed development is required by the PPS to demonstrate how the development and the rail corridor is: "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 applicant has submitted a rail safety report and supporting documentation to demonstrate how the impact of a potential derailment will be mitigated. Upon completion of the third-party peer review process with the City's rail consultant and acceptance of the proposed rail safety measures, staff will be satisfied that the proposal is consistent with Policies 1.1.3.4, 1.2.6.1 and 1.6.9 of the PPS and Policy 3.4.21 of the Official Plan.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. The site is an Intensification Area as defined by the Growth Plan.

Section 1.2.1 of the Growth Plan notes that the policies of the plan are intended to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.

Section 2.2.1.4 of the Growth Plan directs that complete communities will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities.

Section 2.2.5.1 of the Growth Plan directs that economic development and competitiveness will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands; and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Section 2.2.5.3 of the Growth Plan directs that retail and office uses will be located in areas that support active transportation and have existing or planned transit.

The proposed development conforms with the above-noted policies of the Growth Plan. The proposal provides for a range of new employment uses and supporting ancillary uses to help support and grow and diversify the City's economic base. The proposal is close to transit and active transportation options and located within walking distance of

residential areas in the Bloor-Lansdowne area, both of which assist with creating pedestrian friendly, transit supported areas.

## **Land Use**

The site is located within an *Employment Area*, and is designated *Core Employment Areas* in the Official Plan. *Employment Areas* are places of business and economic activity, which strive to expand employment clusters which are integral to the city's competitive advantage. The site is designated *Core Employment Areas* uses, which permits uses such as offices, manufacturing, warehousing, parks, ancillary retail outlets, as well as small scale services and restaurants which serve the employment functions of the area. The application proposes a 7-storey office building with an ancillary retail space at the ground floor. The retail space at the ground floor is expected to provide services or a restaurant to serve employees of the building.

The proposal also includes a small POPS area at the south end of the building, which is adjacent to a landscaped pedestrian/cycling pathway connecting the Greenway Multi-Use Trail. Although these spaces are available for public use, they also provide employees in the area with active transportation options and outdoor amenity during work hours.

The proposed office building will diversify the range of employment opportunities in an area with predominately manufacturing and light industrial uses. The application complies with Section 4.6 of the Official Plan regarding development in *Employment Areas*.

## **Built Form and Site Design**

The proposal has been reviewed against the Official Plan Built Form policies in Chapter 3, as well as the policies for development in *Employment Areas* in Section 4.6 of the Plan.

Policy 4.6.6(k) in the Official Plan requires that development in *Employment Areas* provide a buffer or mitigate adverse effects to *Neighbourhoods*, *Apartment Neighbourhoods*, and *Mixed Use Areas*. As this policy typically refers to manufacturing or industrial uses which generate significant noise, odour and/or vibration impacts, it has limited applicability to the proposed office building. Potential impacts arising from the development will be discussed primarily from the perspective of built form and site design.

Official Plan Policy 3.1.2.1 requires that new development be located to frame and support adjacent streets. For properties which end a street corridor, development should be designed to acknowledge the prominence of the site. The development of the vacant site will frame the street to fill a "gap" on the west side of Wade Avenue, and provide visual interest in the streetscape with an architecturally prominent front entrance design. The site is located at the terminus of the east-west section of Wade Avenue, and serves as a gateway connection to the future Greenway Multi-Use Trail. The building is set back 15.4 metres from the south lot line to accommodate a POPS and landscaped pedestrian/cycling pathway which frame the entrance to the Greenway.

Policy 3.1.2.3 requires that new development be massed and located to fit within the existing and planned context, and create an appropriate transition in scale to neighbouring existing or planned buildings. The immediate context around the proposed development is primarily that of low to medium scale commercial and industrial buildings. The proposed building is generally consistent with the scale of existing and planned building heights surrounding the site, including Tamil Co-operative Homes (20 Wade Avenue), an 8-storey residential building to the east which spans most of the block between Lansdowne Avenue and the north-south portion of Wade Avenue. The property directly south of the site at 1360 Bloor Street also has an as-of-right zoning permission for a height of 30 metres. On this basis, staff find the proposed height acceptable.

The height and massing of the building should mitigate impacts on neighbouring properties, parks and open spaces through limiting shadow, in addition to privacy and overlook (Policy 3.1.2.3(d), (e) & (f)). The lands surrounding the site are designated *Core Employment*, *Mixed Use Areas* and *Utility Corridor* for the rail line. As such, no privacy and overlook issues are anticipated. A 9.1 metre setback is provided from the north lot line to ensure that the south-facing windows of the office building at 87 Wade Avenue maintain access to light.

The applicant's shadow study provides an analysis of the incremental shadows resulting from the building. There are small clusters of properties designated *Neighbourhoods* in the surrounding area, specifically along the south side of Paton Road, the south side of Wade Avenue and on Lansdowne Avenue. However, the proposal does not generate any shadow impacts which affect these properties. Erwin Krickhan Park is located to the west of the site on the opposite side of the rail corridor. The applicant revised the setbacks of the mechanical penthouse from the original design to improve shadow impacts on the park. The shadow study indicates that the revised proposal casts shadows along the east edge of the park for one hour in the morning during the spring and fall equinoxes. Planning staff are satisfied that the proposal adequately limits shadows on surrounding properties designated *Neighbourhoods* and provides for sufficient access to sunlight on nearby greenspaces.

The applicant has also revised the design and organization of the site to address the policy direction for development in *Employment Areas* in Section 4.6.6 of the Official Plan. The proposal increases the permeability of walkways and bikeways to transit facilities by establishing a new connection between the planned Greenway Multi-Use Trail and Lansdowne subway station. Curb cuts providing access to the rear were also reduced to provide less interruption to the streetscape. Loading spaces have been consolidated within the building envelope and surface parking spaces located at the rear beneath the building to reduce the visual impact of servicing areas. Landscape improvements secured in the design of the pedestrian/cycling pathway and POPS will serve to further screen these portions of the development.

### **Traffic Impact, Parking, Cycling**

Access to parking and servicing is provided via a private driveway at the north end of the property from Wade Avenue. The proposal includes one Type G and one Type B

loading space, located at the northwest corner of the building. Transportation Services staff have reviewed the applicant's Transportation Impact Study (prepared by LEA Consulting Ltd, dated December 2017) and find the traffic impacts of the proposal acceptable. The proposed loading supply and turning movements to access the loading space are also satisfactory.

The application proposes 33 surface parking spaces at the rear of the building, which is a reduction from the parking standards in the Zoning By-law. The applicant's Transportation Impact Study justifies the reduced parking supply based on the site's proximity to public transit infrastructure, including the transit options in the Dundas West-Bloor Mobility Hub area, and the extended cycling network in proximity of the site. Transportation Services concur with the rationale for a parking reduction, however, staff recommend that 47 spaces be provided to serve the development. Staff will accept the proposed supply of 33 spaces, subject to the applicant providing a cash payment-in-lieu to the Municipal Parking Fund to compensate for the shortfall of 14 spaces on-site. The contributions to the Municipal Parking Fund are used for the development of future municipal parking facilities.

A total of 122 bicycle parking spaces (87 long-term and 35 visitor) and associated shower / change facilities are proposed. The bicycle parking supply exceeds the minimum requirement of 64 spaces in Zoning By-law 569-2013. Detailed design of bike parking and shower / change areas will be secured through the submitted Site Plan Control application.

### **Rail Safety Report and Peer Review**

The west edge of the site abuts the rail corridor for the GO Barrie line, which will be upgraded through the Davenport Diamond Grade Separation Project to accommodate increased service of up to 180 train trips a day, with travel speeds up to 100 kilometres per hour. Any redevelopment of the property must consider the serious concerns related to the risk to health and safety in the event of a rail accident.

For the review of development applications adjacent to rail corridors, the City generally follows the rail safety and risk mitigation best practices identified in the FCM Guidelines for New Development in Proximity to Railway Operations. The FCM Guidelines recommend that buildings with sensitive uses be setback 30 metres from the boundary of the rail corridor, and a 2.5 metre high berm be constructed as a safety barrier. Through previous land use decisions and approvals for rail-adjacent lands, including OPA 271 for the Dupont Street Regeneration Study Area, the City has applied this standard to all “high occupancy” uses, or uses in which a high density of people live, work, sleep, shop or conduct other activities throughout the day. Examples include, but are not limited to: buildings with multiple residential units, office buildings, retail centres and schools. “Low occupancy” uses, such as parking lots, garages, loading areas and storage facilities, are non-sensitive, low intensity land uses that do not result in a high density of people gathering throughout the day. Low occupancy uses may be located within the setback from the rail corridor.

Applicants may propose, through a Zoning Amendment application, an alternative to the rail safety mitigation measures recommended in the FCM Guidelines. However, the

alternative must provide at least an equivalent level of rail safety for occupants of the building as the required 30 metre setback and berm. This must be demonstrated through a development viability or rail safety report bearing the stamp of a fully insured, qualified, professional engineer. This report is peer reviewed by a rail safety expert retained by the City, at the expense of the applicant. The City has previously accepted reduced setbacks from rail corridors, including the required 20 metre setback along the north side of Dupont Street in OPA 271 and Area Specific Zoning By-law 1011-2014, which was reviewed and accepted by the City's rail safety consultant during the OMB appeal process.

The rail corridor setback and safety barrier proposed for the current application does not conform with the recommended mitigation measures in the FCM Guidelines. The original rail safety report submitted with the application, dated February 2018, prepared by Arup Canada Inc, and a revised iteration dated October 2018, addressed two scenarios for the track configuration and operations along the GO Barrie Line: the existing at-grade track condition and the elevated rail corridor planned for the RER Davenport Diamond Grade Separation. For the at-grade track condition, the study proposed a building setback of 6.6 to 7 metres from the rail corridor. A 2.5 metre high concrete crash wall was proposed in the original study, and was later revised to a height of 5 metres. In the scenario with the elevated rail deck, the same building setbacks were proposed with no crash barrier. The Arup study relied on the Jordan Rail System to mitigate the potential of a derailment: a system of steel inner bridge guard rails Metrolinx is expected to install along the entire length of the elevated corridor. The study concludes that no additional setback or crash protection is required for the 57-77 Wade site, given that the risk of derailment managed from within the rail corridor.

The City retained the engineering firm, Hatch Ltd., to conduct a peer review of the rail safety study and confirm the validity of the analysis. Hatch provided preliminary comments on May 20, 2018, and a meeting was held between the applicant's rail safety expert and the City's peer reviewer on September 26, 2018 to discuss additional risk assessment analysis required for the report.

The City's peer reviewer submitted final comments for the applicant's rail safety report on November 29, 2018, concluding that there was insufficient scientific, historical or analytical evidence to demonstrate that the proposed rail safety measures meet FCM guidelines for the development of the proposed office building.

On May 8, 2019, the applicant submitted a revised rail safety study with a new mitigation measure which was designed collaboratively between the applicant's rail safety consultant and Metrolinx. As Metrolinx has nearly completed the procurement process for the Davenport Diamond Grade Separation project, the May 2019 rail safety report only contemplates the elevated rail corridor condition. The report proposes a 6.6 to 7 metre building setback from the rail corridor, in conjunction with a columned crash barrier along the west property line. Detailed design drawings and a Structural Design Report, submitted May 29, 2019, indicate that the safety barrier will consist of a system of 12 concrete columns spaced 8.8 metres apart, with heights which range from 3.98 metres to 6.8 metres to reflect the rising elevation of the rail deck. The proposed system of columns is not a continuous safety barrier resembling a typical concrete crash wall,

but rather, the design allows for access and permeability between the Greenway Multi-Use Trail and the site.

The applicant independently arranged for a third-party peer review of the May 2019 rail safety report through Metrolinx's rail safety consultant, AECOM. A memorandum from AECOM, dated May 17, 2019, was forwarded to Planning staff by Metrolinx, summarizing the findings of the peer review. The memorandum notes that the rail safety report was revised through the peer review process to examine key issues, including:

- Acceptability of columns in lieu of a continuous safety barrier (including function in the event of a spill, explosion or fire)
- Use of passenger trains as the governing case, despite the potential of freight travel along the corridor;
- Characteristics of potential train derailment scenarios
- Configuration of the safety columns to deflect collisions from two-way rail traffic, as well as calculations for column design; and
- The suitability of the safety barrier during the interim track condition while the guideway is being constructed.

AECOM's memorandum concludes that based on the issues outlined above, the May 2019 rail safety report and conceptual design of the columned safety structure is in general compliance with railway requirements, and the concerns identified through the peer review process have been satisfactorily addressed. The memorandum does not detail the safety criteria in the railway requirements which were applied. The comments in the memorandum are limited to the conceptual design of the safety structure, and the detailed design, once completed, will require further review by Metrolinx and AECOM.

A peer review of the study by the City's rail safety consultant is required to confirm AECOM's findings and ensure that the full scope of issues, as discerned from a land use compatibility perspective, are addressed, including the risk and level of impact from a derailed train on the proposed building should an accident occur. Although Metrolinx has provided comments during the review to confirm that they have no concerns with the proposed rail corridor setback and reliance on the Jordan Rail System to provide suitable derailment protection, the City is ultimately responsible for land use decisions which ensure the compatibility of uses, including the safety of development approved along rail-adjacent lands. For this reason, the City must conduct its own peer review process.

As building envelopes are secured at the Zoning By-law Amendment stage of the planning approval process, a proven engineering solution that is accepted by the City's peer reviewer must be achieved before the enactment of the site-specific zoning by-laws. It is staff's recommendation that the bills for enactment be held until such time that a peer review process with the City's rail safety consultant is satisfactorily completed and acceptance of the rail safety report is obtained.

### **Noise and Vibration Study**

As part of the application, a Noise and Vibration Feasibility Study (prepared by RWDI AIR INC, dated December 4, 2017) was submitted to evaluate the noise and vibration

impacts from the Metrolinx GO Barrie line. The sound levels from rail traffic noise were assessed using the MOECC Publication NPC-300 noise guidelines. The study concludes that the sound levels from rail traffic were considerable, however, mitigation measures could be employed through building design measures. The study recommends that noise mitigation measures such as the use of upgraded window and wall construction materials with an STC rating of at least 39-43 be used for the north, west and south facades of the building.

Vibration impacts from the rail line as well as the TTC subway line were assessed according to MOEE/TTC Protocol for Noise and Vibration assessment, in addition to the FCM guidelines. The vibrations from the rail and transit lines exceed the guideline recommended 0.1 mm/s perceptibility limit. The study recommends that vibration isolation of the entire foundation of the building, including the building columns, be implemented.

A peer review of the submitted Noise and Vibration Feasibility Study is currently underway to assess the analysis and recommended mitigation measures in the report. Prior to Site Plan approval, the applicant will be required to satisfactorily complete the peer review process and incorporate all recommended mitigation measures in the drawings. The applicant will be responsible for building and maintaining the mitigation measures at its sole cost and expense, to the satisfaction of the Chief Planner.

### **Streetscape and Wade Avenue Connection**

Section 3.1.1 of the Official Plan directs that high quality architectural, landscape and urban design be promoted within new development to enhance the quality of the public realm. Sidewalks and boulevards will be design to provide safe, attractive, interesting and comfortable spaces through the provision of landscaping, lighting and street furnishings.

Due to the primarily industrial character of the area, the sidewalks on Wade Avenue are poor pedestrian environments, with minimal tree planting and narrow sidewalks. The proposed development will result in significant improvements to the streetscape along Wade Avenue. A 5.68 metre sidewalk zone is proposed from the front lot line to the edge of the curb, consisting of a 2.15 metre sidewalk and 3.53 metre wide landscape strip. Nine new street trees, soft landscaping and 9 benches are proposed within the landscaped area.

A 3.5 metre pedestrian and cycling connection between the Davenport Diamond Multi-Use Trail and Wade Avenue is located at the southern edge of the site. The new connection serves as an ingress/egress point to the trail and provides a direct route to Lansdowne subway station. The easement and public realm improvements for the connection will be secured as a matter of convenience in the Section 37 Agreement. The design details of the pathway will be consistent with the Davenport Diamond Public Realm Plan and finalized through the Site Plan Control process.

## **Parkland Dedication**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This proposal is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above ground building permit.

## **Privately-Owned Publicly-Accessible Open Space (POPS)**

The proposal includes 300 square metres of Privately-Owned Publicly-Accessible Open Space (POPS) at the south end of the site (See Attachment 7: Site Plan). The purpose and benefit of this type of landscaped open space is to provide public access to complement public parks and open space networks. The proposed POPS is adjacent to the pedestrian/cycling pathway between the Greenway Multi-Use Trail and Wade Avenue. The POPS will provide the public and employees of the building a place for passive recreational activities which complement the active uses on the multi-use trail.

The POPS will continue to be privately-owned and public access will be granted by way of an easement to be secured through the Section 37 Agreement. The design of the POPS will be finalized through the Site Plan Control process.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The recommended Zoning By-law Amendments in Attachments 5 and 6 secure Tier 1 performance measures related to Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Control process.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the



existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. Prior to the issuance of the first above-grade building permit, the owner shall provide a cash contribution of \$350,000 towards the provision of affordable rental housing and parks improvements within Ward 9 in the vicinity of the site, such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.

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

1. The owner shall provide, at its own expense, 300 square metres of privately-owned, publicly-accessible open space located on the southern portion of the site (Refer to the Site Plan in Attachment 7, attached to the report, dated June 18, 2019, from the Director, Community Planning, Toronto and East York District), with the design details of this privately-owned, publicly-accessible open space to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner and, prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, for the purpose of the general public's use of this privately-owned, publicly-accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor;
2. The owner shall provide, at its own expense, a minimum 3.5 metre wide public walkway easement be located along the full extent of the south edge of the site, connecting Wade Avenue to the future Davenport Diamond Greenway Multi-Use Trail, with the design details of this walkway to be secured through the Site Plan Approval process to the satisfaction of the Chief Planner and Executive Director and, prior to Site Plan Approval, the owner shall grant an easement to the City, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, for the purpose of pedestrian and cycling use by the general public over this walkway, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division, in consultation with the City Solicitor;
3. The owner shall design and construct the public realm improvements for the public walkway between Wade Avenue and the Davenport Diamond Greenway Multi-Use Trail in accordance with the Davenport Diamond Public Realm Plan;
4. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall complete a peer review of the submitted Noise and Vibration Feasibility Study by the City's peer reviewer, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and provide

certification from the noise and vibration consultant that all recommended mitigation measures have been incorporated into the drawings submitted for Site Plan Approval;

5. Prior to the issuance of Notice of Approval Conditions for the Site Plan application, the owner shall incorporate all mitigation measures from the rail safety study accepted by the City's peer reviewer into the drawings submitted for site plan approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and prior to Site Plan Approval agree that all mitigation measures be constructed and maintained by the owner at its sole cost and expense;

6. Prior to issuance of Notice of Approval Conditions for the Site Plan application, the owner shall provide a Construction Phasing Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

7. Prior to the commencement of excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor; and

8. Prior to Site Plan Approval, the owner shall provide a cash payment-in-lieu into the Municipal Parking Fund in lieu of any parking shortfall below the provision of 47 parking spaces on-site.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal conforms with the Growth Plan (2019). Furthermore, the application is in keeping with the intent of the Toronto Official Plan with respect to *Employment Areas*, particularly as it relates to intensification of office uses in areas well-served by transit.

The provision of adequate derailment mitigation measures to ensure public safety is essential to the viability of the proposal and is a key consideration in staff's evaluation of the application. Upon satisfactory completion of the City peer review process, staff will be satisfied that the development is consistent with the Provincial Policy Statement (2014). Staff recommend that the applicant's rail safety report be accepted by the City's rail safety consultant before City Council enact the site-specific zoning by-laws which permit the proposed building envelopes.

Staff recommend that Council support approval of the application, subject to the recommendations of this report.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment (By-law 438-86)
- Attachment 6: Draft Zoning By-law Amendment (By-law 569-2013)

### **Applicant Submitted Drawings**

- Attachment 7: Site Plan
- Attachment 8: East Elevation
- Attachment 9: South Elevation
- Attachment 10: North Elevation
- Attachment 11: West Elevation
- Attachment 12: 3D Massing Model View

## Attachment 1: 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:** A 7-storey office building.

### Applicant

R E Millward & Associates Ltd.  
1200 Bay St, Suite 1200  
Toronto, ON M5R 2A5

### Architect

Bogdan Newman Caranci  
672 Dupont St, Suite 410  
Toronto, ON M6G 1Z6

### Owner

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): 14.0

Site Plan Control Area: Yes

### Project Information

Site Area (sq m): 3,465

Frontage (m): 105

Depth (m): 33

### Building Data

#### Existing

#### Retained

#### Proposed

#### Total

Ground Floor Area (sq m):

908

908

Residential GFA (sq m):

Non-Residential GFA (sq m):

13,123

13,123

**Total GFA (sq m):**

**13,123**

**13,123**

Height - Storeys:

7

7

Height - Metres:

38.2

38.2

**Lot Coverage Ratio (%)**:

26.2

**Floor Space Index:**

3.8

### Floor Area Breakdown

#### Above Grade (sq m)

#### Below Grade (sq m)

Retail GFA:

218

Office GFA:

12,905

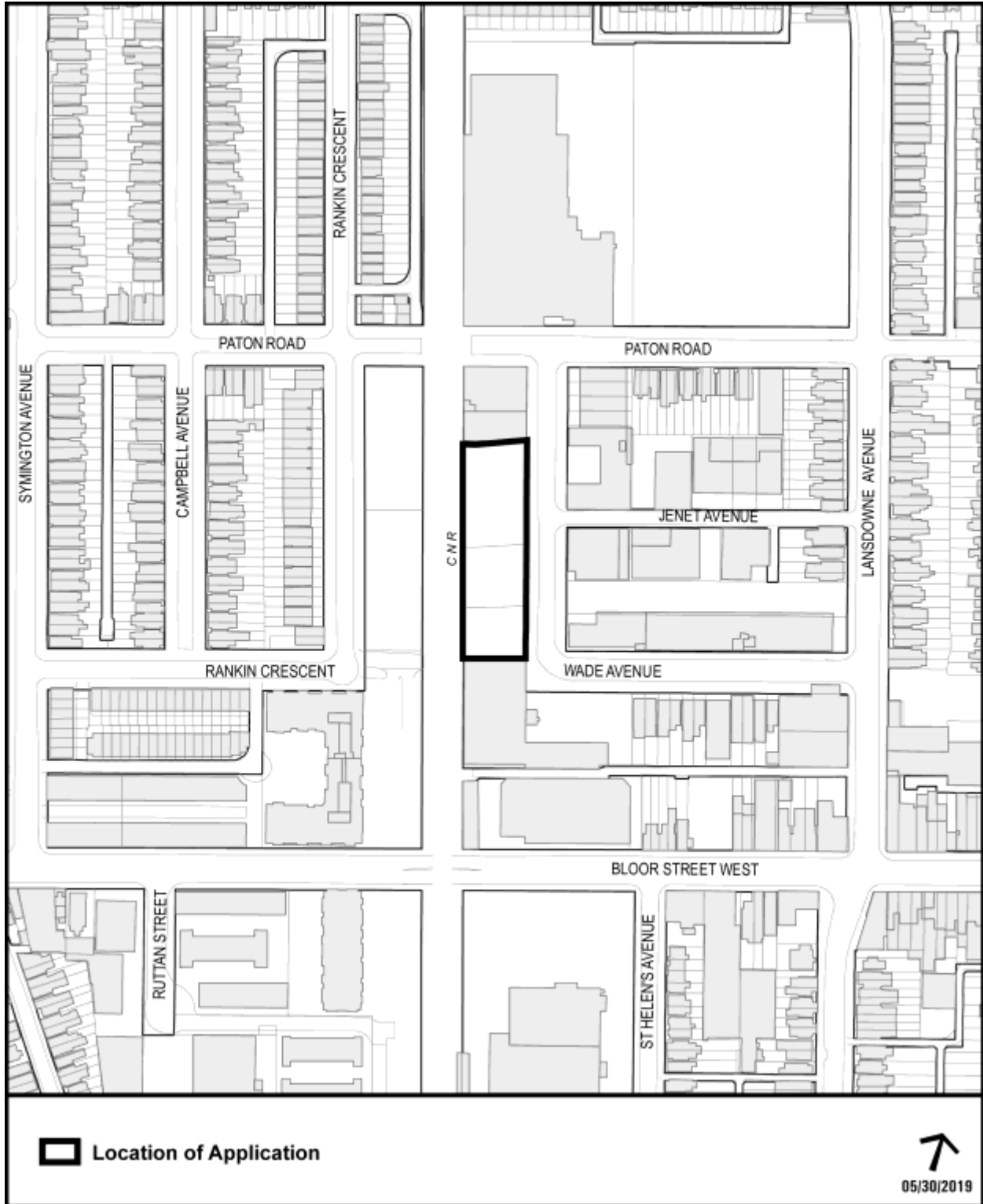
### Parking and Loading

Parking Spaces: 33

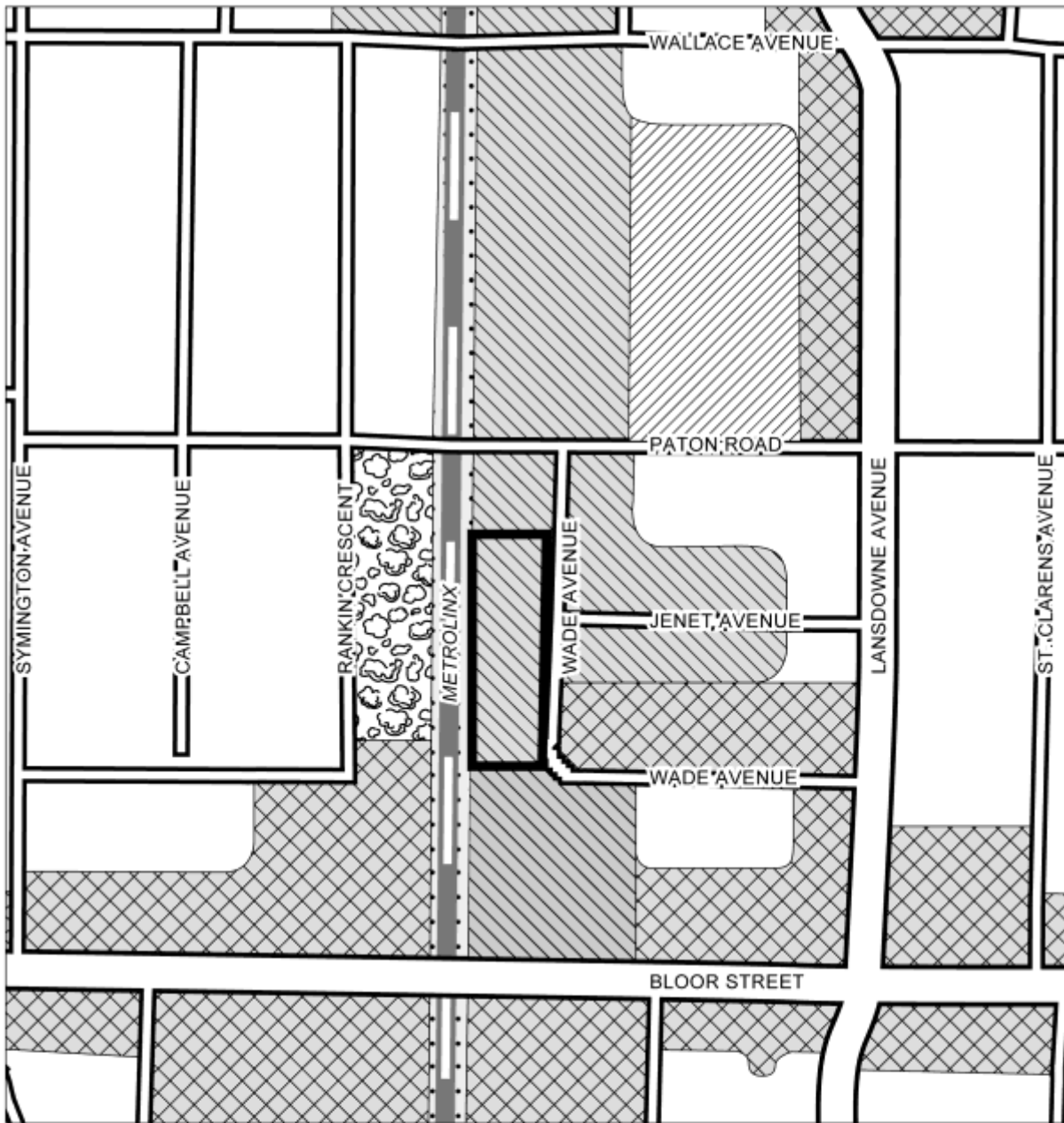
Bicycle Parking Spaces: 122

Loading Docks: 2

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



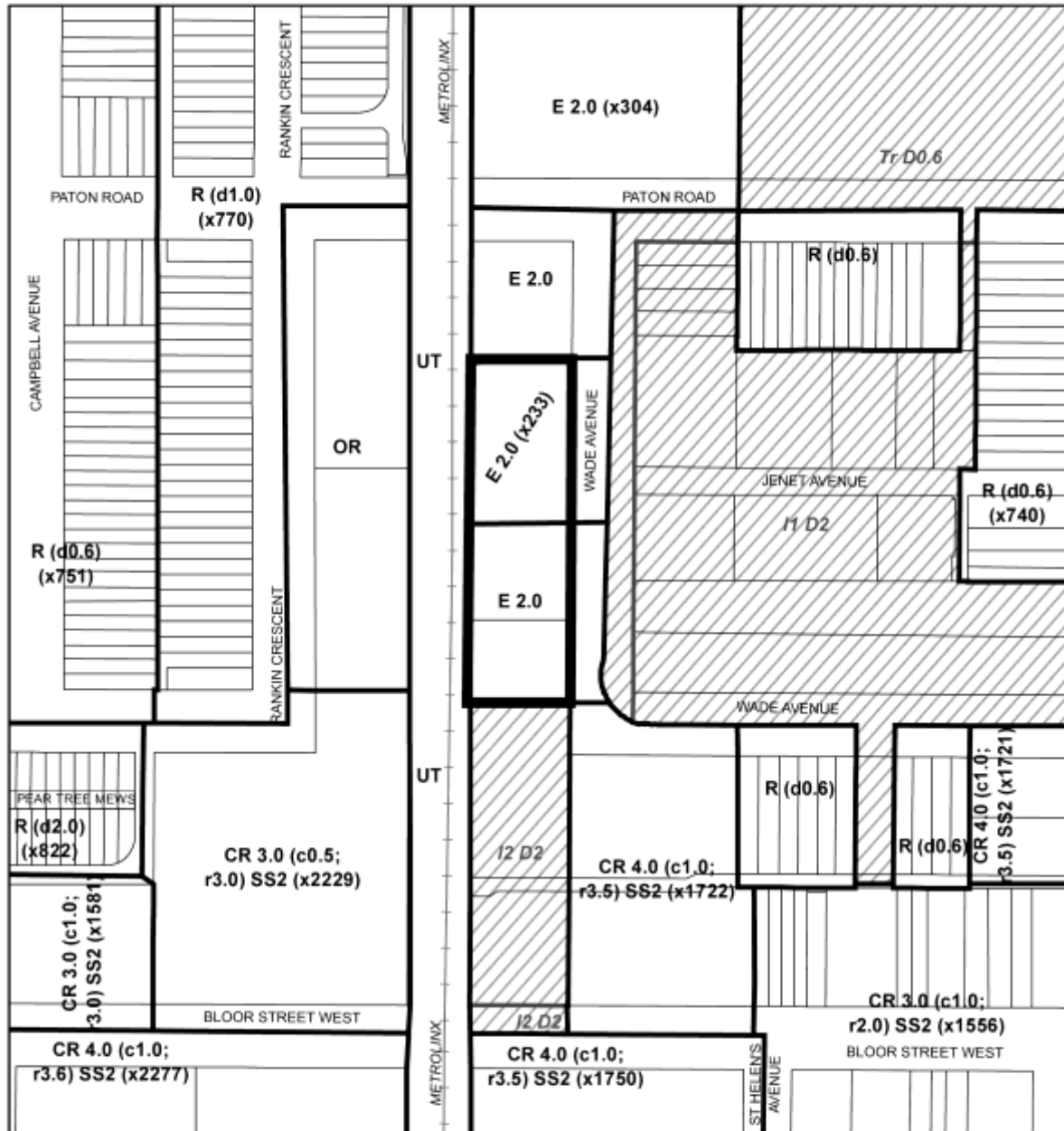
Extract from Official Plan

57-77 Wade Avenue

File # 17 277975 STE 18 0Z



Attachment 4: Existing Zoning By-law Map



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

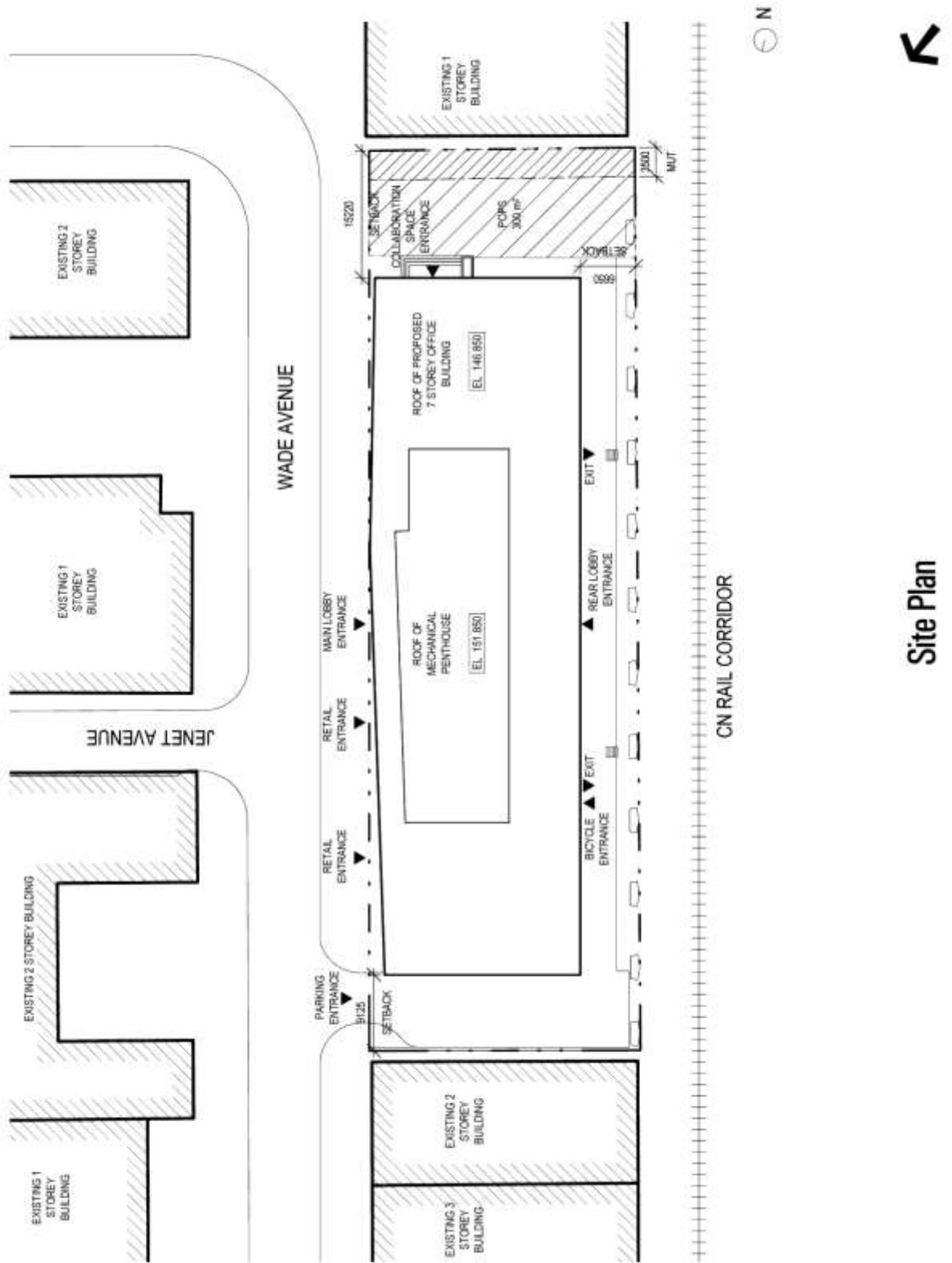
Attachment 5: Draft Zoning By-law Amendment (By-law 438-86)

(The Draft By-law Amendment will be made available on or before the June 25, 2019 Toronto and East York Community Council Meeting)

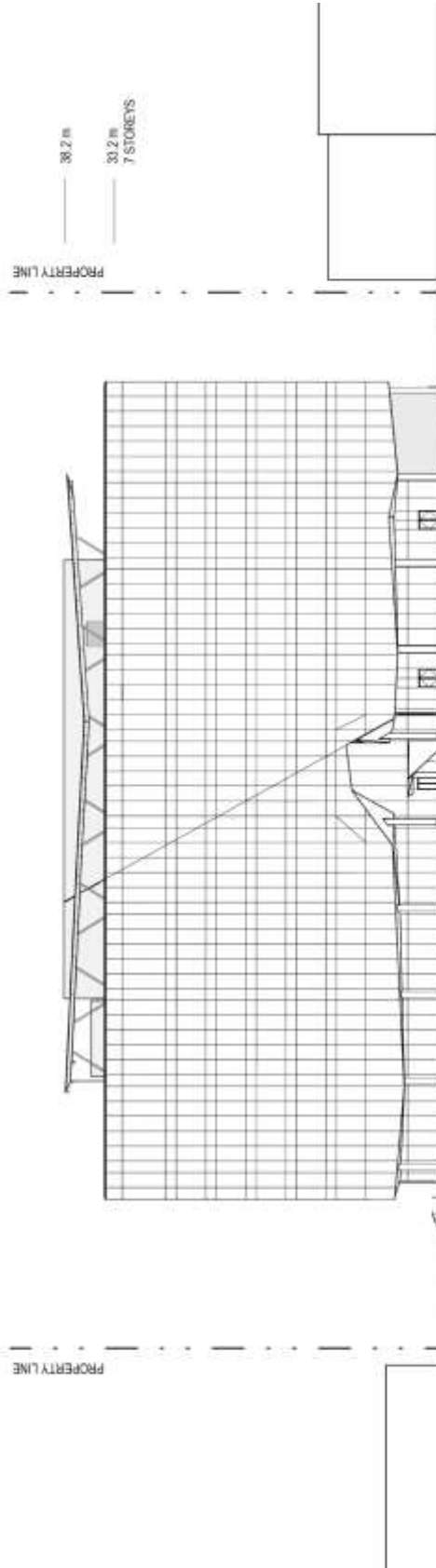


Attachment 6: Draft Zoning By-law Amendment (By-law 569-2013)

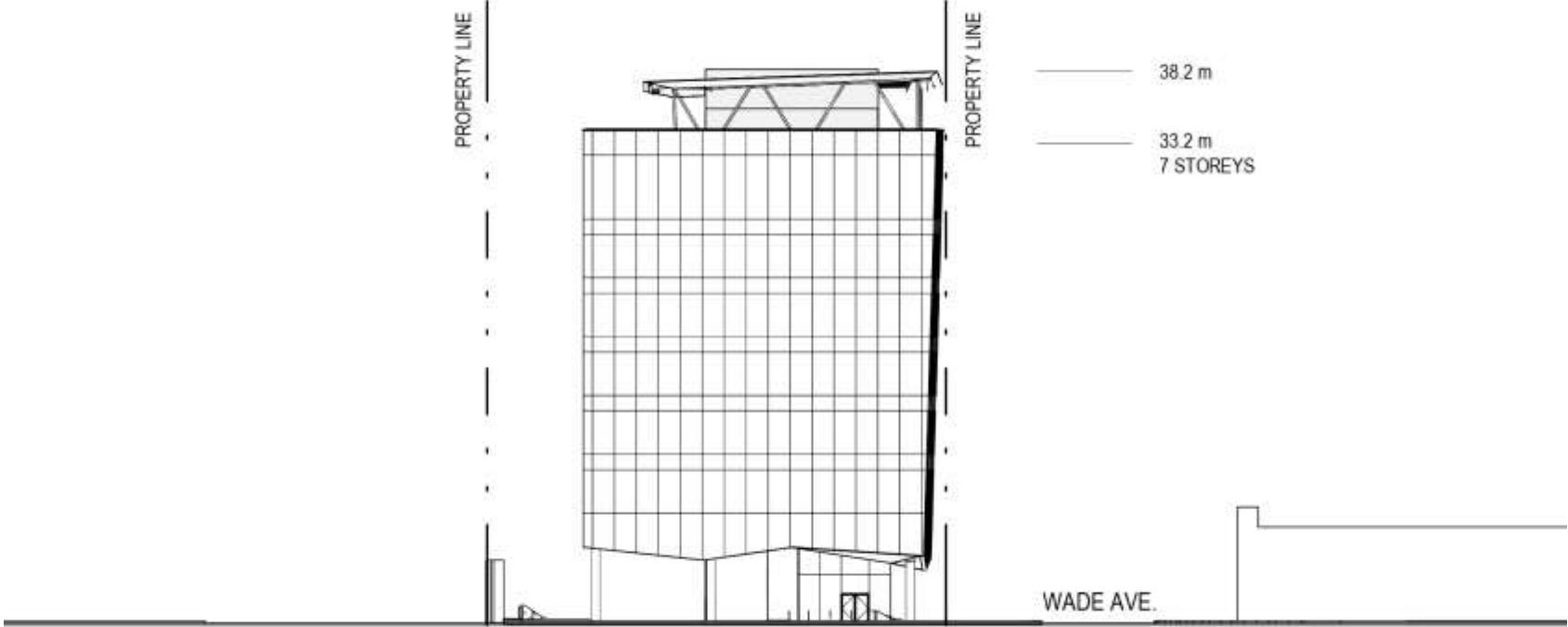
(The Draft By-law Amendment will be made available on or before the June 25, 2019 Toronto and East York Community Council Meeting)



Attachment 8: East Elevation

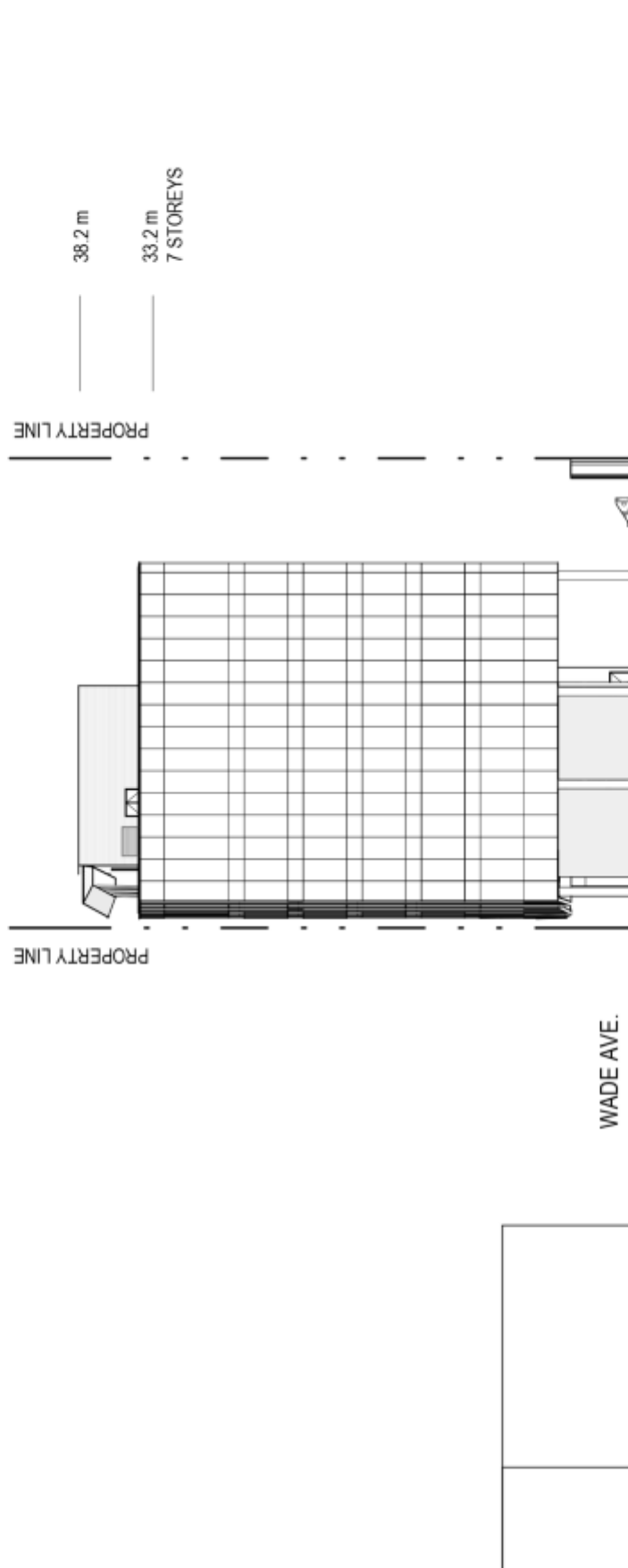


East Elevation



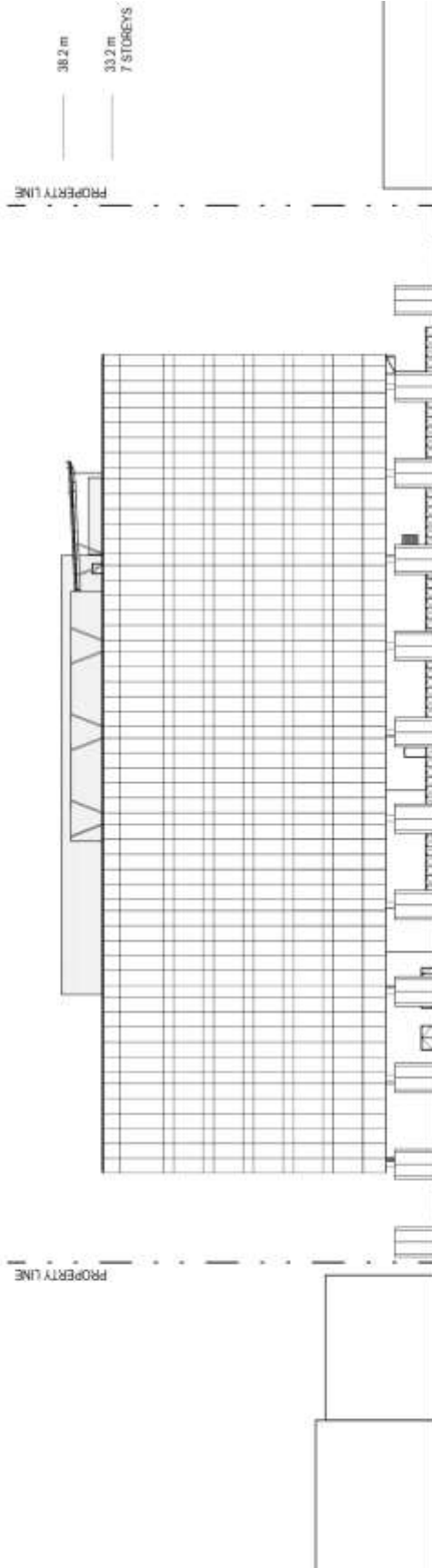
South Elevation

Attachment 10: North Elevation

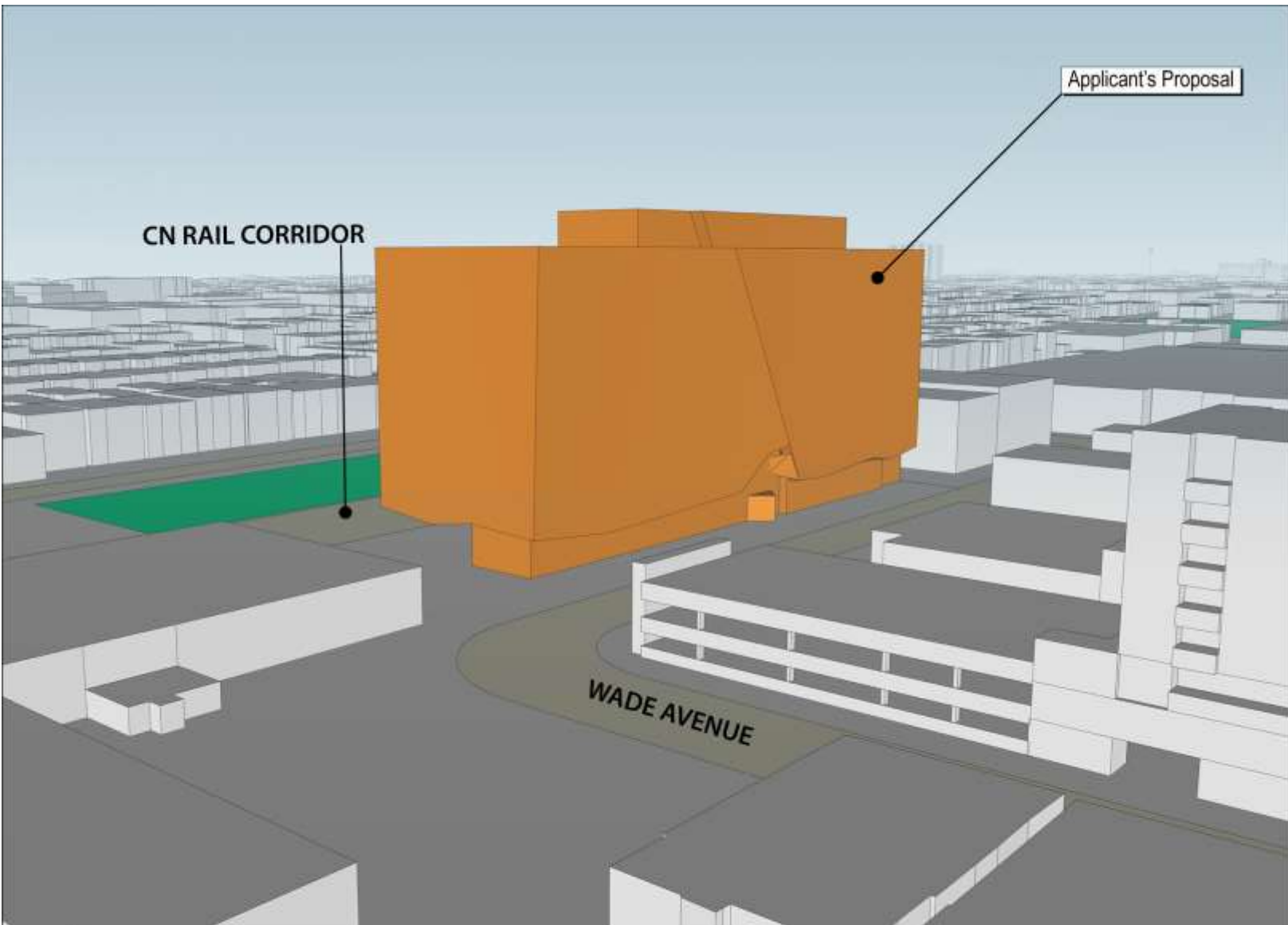


North Elevation

Attachment 11: West Elevation



West Elevation



View of Applicant's Proposal Looking Northwest

↗  
05/30/2019