

39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street – Zoning Amendment Application – Preliminary Report

Date: September 10, 2021

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 21 160624 STE 10 OZ

Designated Heritage Buildings on Site: Yes

Current Uses on Site: The site contains six non-residential buildings ranging from 1-4 storeys (39-41 Fraser Avenue: 1-storey building, 47-49 Fraser Avenue: 2-storey building, 8-42 Pardee: 2-storey building and 53 Fraser and 135 Liberty Street: 4-storey building).

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the development application located at 39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street. The proposal is to maintain the existing buildings and construct a 10-storey building on Fraser Avenue and an 11-storey building along Pardee Avenue.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street, together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2020, City Council adopted staff's recommendations to state its intention to designate the properties at 39-53 Fraser Avenue, 8-42 Fraser and 135 Liberty Street under Part IV, Section 29 of the Ontario Heritage Act for the property. The decision and associated staff report related to the Heritage Designation can be accessed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.13>

THE APPLICATION

Complete Application Issued: June 21, 2021

Description

This application proposes to amend the Zoning By-law to permit a phased development of two new non-residential buildings within a complex of six existing buildings. Phase 1 proposes a 10-storey (43.33 metres plus a 7-metre mechanical penthouse) building along Fraser Avenue; and Phase 2 proposes an 11-storey (48.36 metres plus a 7-metre mechanical penthouse) building along Pardee Avenue.

The proposal includes a total gross floor area of 32,397 square metres between the two new buildings, consisting of 842 square metres of retail use on the ground floor and 31,455 square metres commercial/office use above. 67 vehicular parking spaces, 144 bicycle parking spaces and 4 loading spaces are proposed.

See Attachments 1 of this report for a Location Map, Attachments 2-3 for a three dimensional representation of the project in context, Attachment 4 for the proposed Site Plan and Attachment 7 for the Application Data Sheet.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

www.toronto.ca/41FraserAve

Reasons for the Application

A Zoning By-law application seeks to amend the former City of Toronto Zoning By-law 438-86 to vary performance standards, including building height, density, vehicular

parking, and loading. Through the review of the application, staff may identify additional areas of non-compliance. The site is currently not subject to the City-wide Zoning By-law 569-2013.

Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy-led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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, and better connected 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended 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 (2020) 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 are planned for the prescribed densities.

The subject site is located approximately 300 metres from the Exhibition GO station.

Toronto Official Plan Policies and Planning Studies

The site is located on lands shown as Employment Areas on Map 2 of the Official Plan and Core Employment Areas on Land Use Plan Map 18. The site is also located within the Garrison Common North Secondary Plan.

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities and local improvements.

The proposal is subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the Planning Act should the proposal be approved in some form. In the event the applicant provides in-kind benefits pursuant to Section 37 of the Planning Act, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Garrison Common North Secondary Plan

The site is within the Garrison Common North Secondary Plan. The Secondary Plan's major objectives include ensuring that new development be integrated into the established city fabric, and that a variety of land uses and densities are permitted, while being sensitive to and protecting employment uses. Additional objectives relate to new developments providing community services and facilities, and providing a range of housing types in terms of size, type, affordability and tenure.

OPA 231: Employment Lands:

In December 2013, City Council considered a report on draft Official Plan policies and designations for employment, prepared as part of the five-year Official Plan and Municipal Comprehensive Reviews (MCR). The MCR was completed, resulting in Official Plan Amendment 231 (OPA 231). Council's decision may be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

OPA 231 designates the site as Core Employment Areas. In addition to primary employment uses such as manufacturing and offices, secondary employment uses such as restaurants and retail are permitted, provided they are ancillary to and on the same lot as the principal use and are intended to serve the Core Employment Area.

In addition to the Core Employment Areas designation, the Policy Area 3 Site and Area Specific Policy of the Garrison Common North Secondary Plan was modified by OPA 231. The revised area specific policy for Liberty Village includes an expanded number of primary employment uses as well as secondary employment uses, and 'small scale service uses such as banks, hotels, parks, workplace ancillary daycares, small scale retail and restaurant uses along with recreational uses to support the primary office use and provide amenities for the area's current and future employees. Under the modified Policy Area 3, these uses are permitted provided they are located in the ground floor level of buildings that currently contain or are intended to contain primary employment uses.

Larger scale retail is permitted up to a maximum of 6,000 square metres, subject to provisions which include but are not limited to the following: the retail use cannot be stand alone and is to be incorporated into a multi-storey office building, and must front onto Atlantic Avenue, Liberty Street, and/or Hanna Avenue. Live-work permissions were removed in the revised policy.

On July 9, 2014, the Ministry of Municipal Affairs approved, with some modifications, the majority of OPA 231. The Minister's Decision was subsequently appealed to the Ontario Land Tribunal (OLT) and as such portions of OPA 231 are not in effect. In addition to city-wide appeals a number of site specific appeals have also been submitted to the

OLT including an appeal to OPA 231's modification of the Area 3 Site and Area Specific Policy in the Garrison Common Secondary Plan. The subject lands are within the Area 3 boundaries and as such OPA 231 is not in force for the site.

On January 8, 2019, the LPAT issued an order approving portions of OPA 231. The Core Employment Areas policies are now in force. Policy Area 3 of the Garrison Common North Secondary Plan remains under appeal.

Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Liberty Village Public Realm and Community Services and Facility Study

On July 16, 2020, City Council requested the Director, Community Planning, Toronto and East York District, City Planning, undertake a planning study of the Liberty Village area to assess and identify City assets, identify opportunities to improve and expand the range of public realm, open space and community services and facilities within the area. The study will set direction for the best utilization of city-owned assets and properties throughout Liberty Village.

City Planning provided a status update report to the June 24, 2021, Toronto and East York Community Council. The status report contained a Terms of Reference, Community Engagement Strategy and estimated study timelines. Community Council received the report and requested staff to provide a further status report to the January 2022 Toronto and East York Community Council detailing preliminary findings, short-term implementation opportunities for public realm improvements, and community consultation feedback to-date from the study.

The agenda item with the latest status update report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE26.29>

Heritage Impact and Conservation

The subject site is designated under Part IV, Section 29 of the Ontario Heritage Act, City of Toronto By-law 46-2021, as being of cultural heritage value or interest.

The properties contain the former E.W. Gillett Co. Ltd factory complex, which contains a collection of buildings, 1-4 storeys in height with a prominent five-storey corner tower at its north-west corner, associated with industrial uses and featuring the Neo-Gothic and Streamlined Moderne styles.

Zoning By-laws

The site is zoned IC D3 N1.5 in the former City of Toronto By-law 438-86, as amended (Attachment 6). This industrial commercial zone allows factory uses, packaging plants,

and industrial storage and warehouse uses with a floor area up to 3 times the area of the lot, and uses that are more commercial in nature with a floor area of 1.5 times the area of the lot. The area has a height limit of 28 metres.

While restaurant, retail and service shop uses are generally permitted in an IC zone, exception 298, which applies to the site, prohibits them in the Liberty Village Area, except on the King Street and Dufferin Street frontages as well as at 105 to 141 Jefferson Street and 110 to 134 Atlantic Avenue.

The site is not subject to the new harmonized City-wide Zoning By-law 569-2013.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards;
- Bird-Friendly Guidelines; and
- The Retail Design Manual

The City's Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standards may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMENTS

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the PPS and the applicable Provincial Plans to establish the application's consistency with the PPS and conformity with the Growth Plan (2020).

Official Plan Conformity

Staff will continue to evaluate this development application to determine conformity to the Official Plan and the Garrison Common North Secondary Plan.

Built Form, Planned and Built Context

Planning staff are evaluating the proposed layout, height, massing and other built form issues based on Section 2 q. and r. (Provincial interest) of the Planning Act; the PPS (2020), the Growth Plan (2020) as amended, the City's Official Plan, the Garrison Common North Secondary Plan, the Zoning By-law, and the City's Design Guidelines.

Staff will assess the following:

- The proposed overall building heights of the two buildings and their massing, including setbacks, stepbacks and cantilevers in relation to the existing and planned context;
- Assessment of the streetscaping and public realm improvements on and surrounding the site;
- Proposed site access;
- Evaluation of interior and exterior mid-block connections between existing and planned buildings;
- Size and location of amenity space for each building;

- Sun/Shadow impacts on existing open spaces; and
- Potential wind impacts around the site and surrounding area;

Heritage Impact and Conservation

A Heritage Impact Assessment was submitted with the application and is under review. This application will be evaluated to determine if the proposed building additions and proposed alterations to the heritage resources on site are consistent with applicable provincial and municipal policies along with the overall heritage conservation strategy.

Community Services and Facilities

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future resident and worker population.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed development. Staff will also be determining if the potential cumulative impact of all proposed applications in the area of this application.

A Servicing Report was provided by the applicant with the submission. The purpose is intended to evaluate the effects of a proposed change in land use or development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed development.

Transportation

Staff are also reviewing the Transportation Impact Study submitted by the applicant, the purpose of which is to evaluate the effects of the re-development but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Additional Issues

This application has been circulated to City divisions and public agencies for comment. - Additional issues may be identified through the review of the application, agency comments and the community consultation process.

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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SIGNATURE

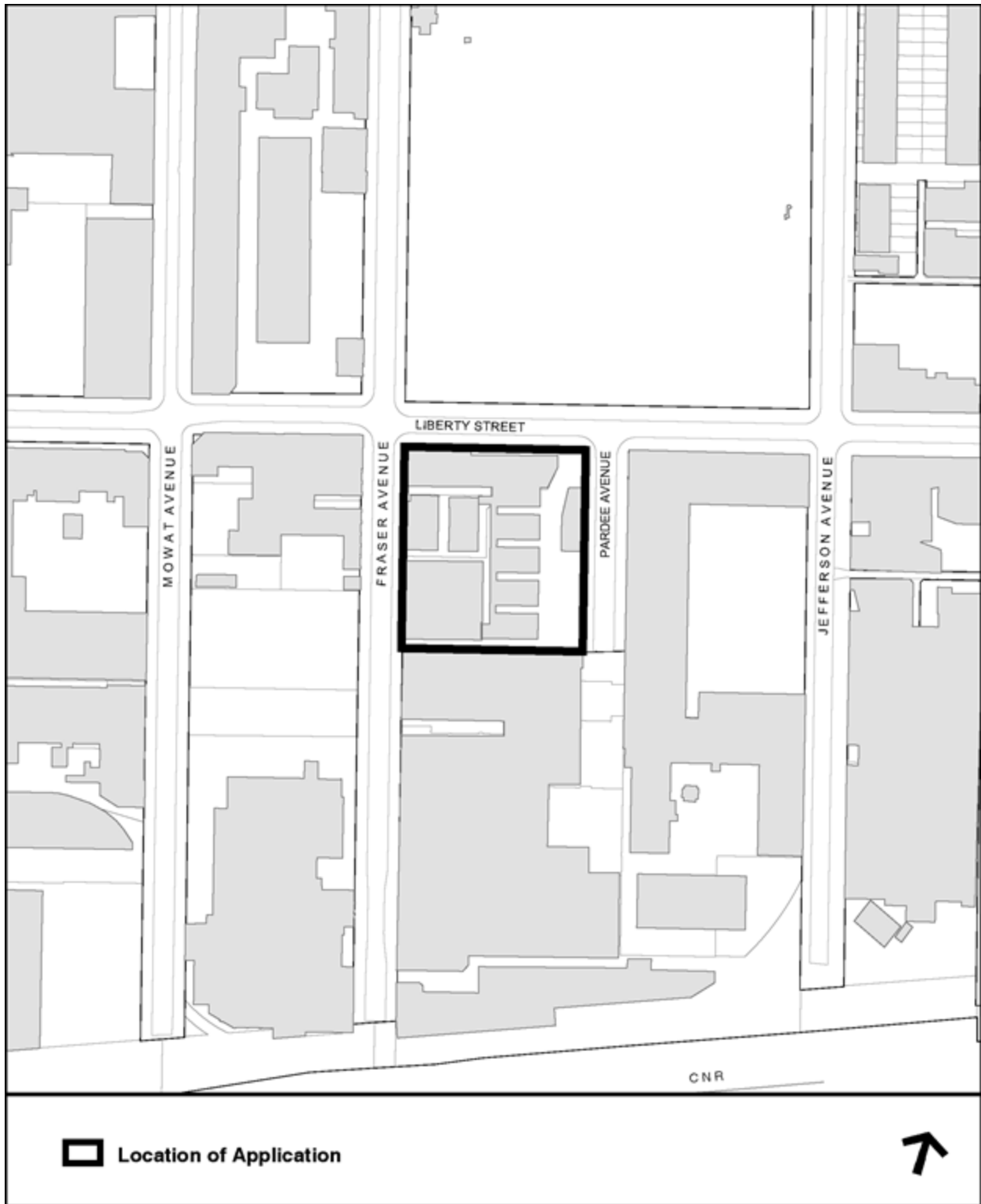
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

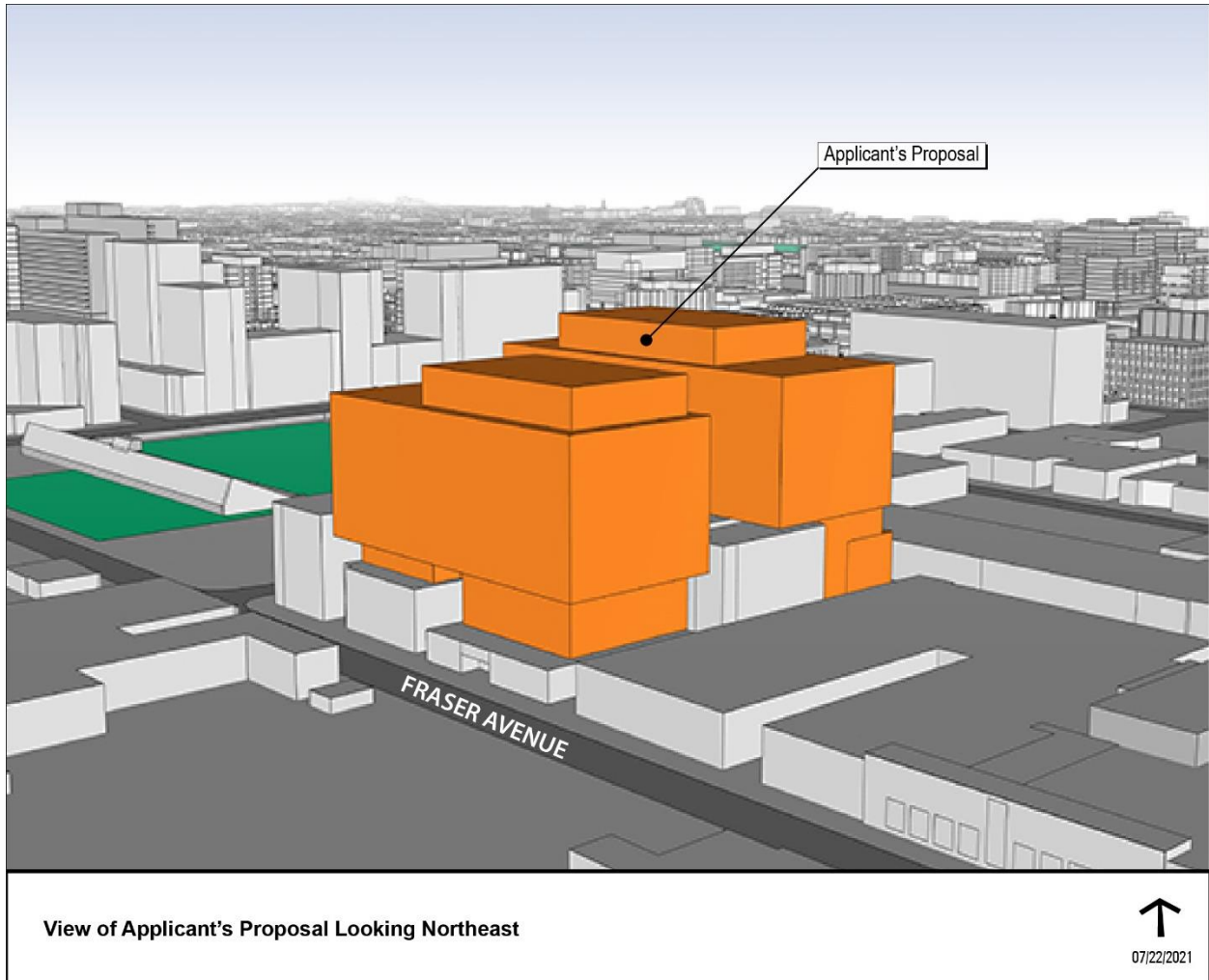
City of Toronto Drawings

- Attachment 1: Location Map
- Attachment 2: 3D Model of Proposal in Context (Northeast view)
- Attachment 3: 3D Model of Proposal in Context (Southwest view)
- Attachment 4: Site Plan
- Attachment 5: Official Plan Map
- Attachment 6: Zoning
- Attachment 7: Application Data Sheet

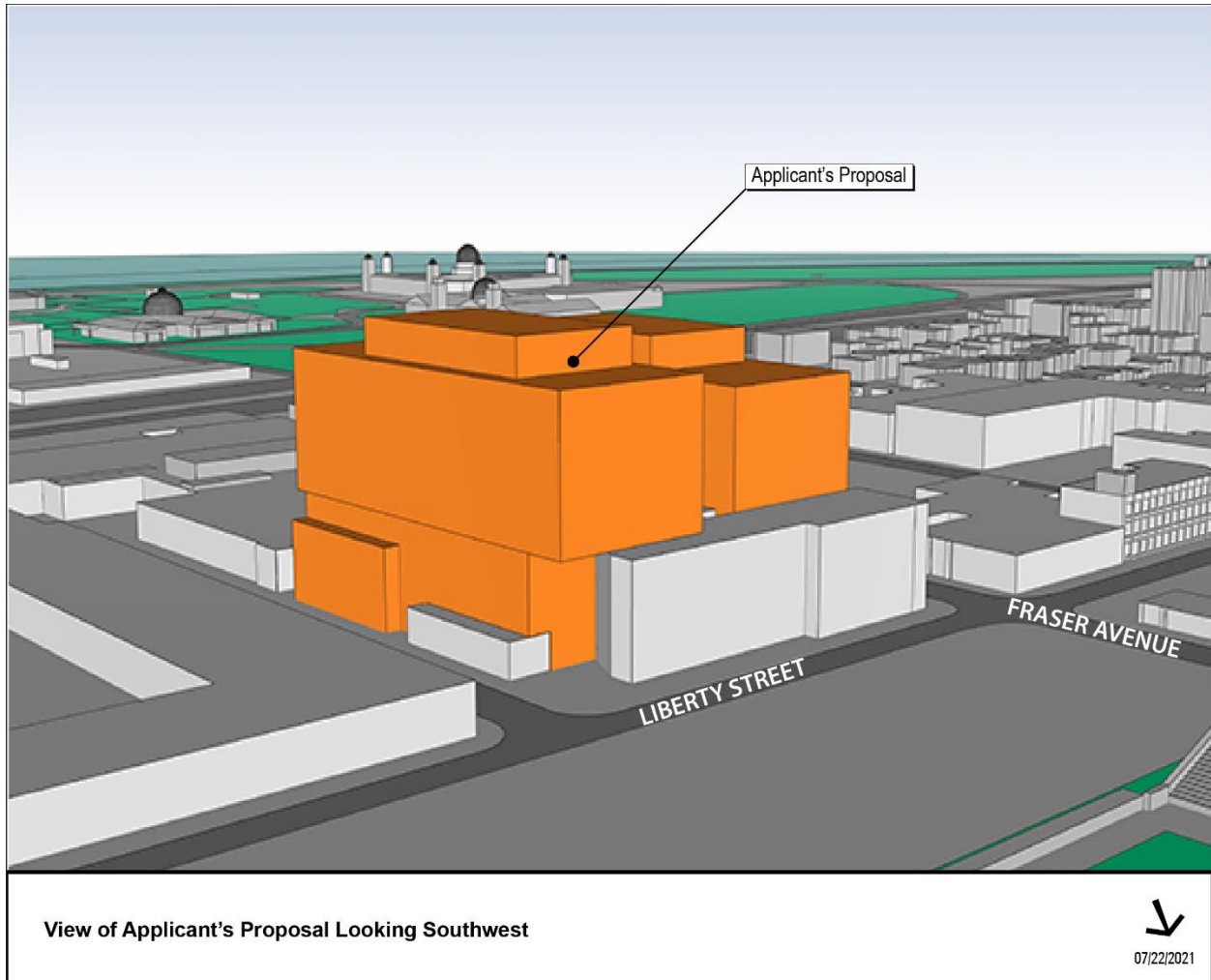
Attachment 1: Location Map



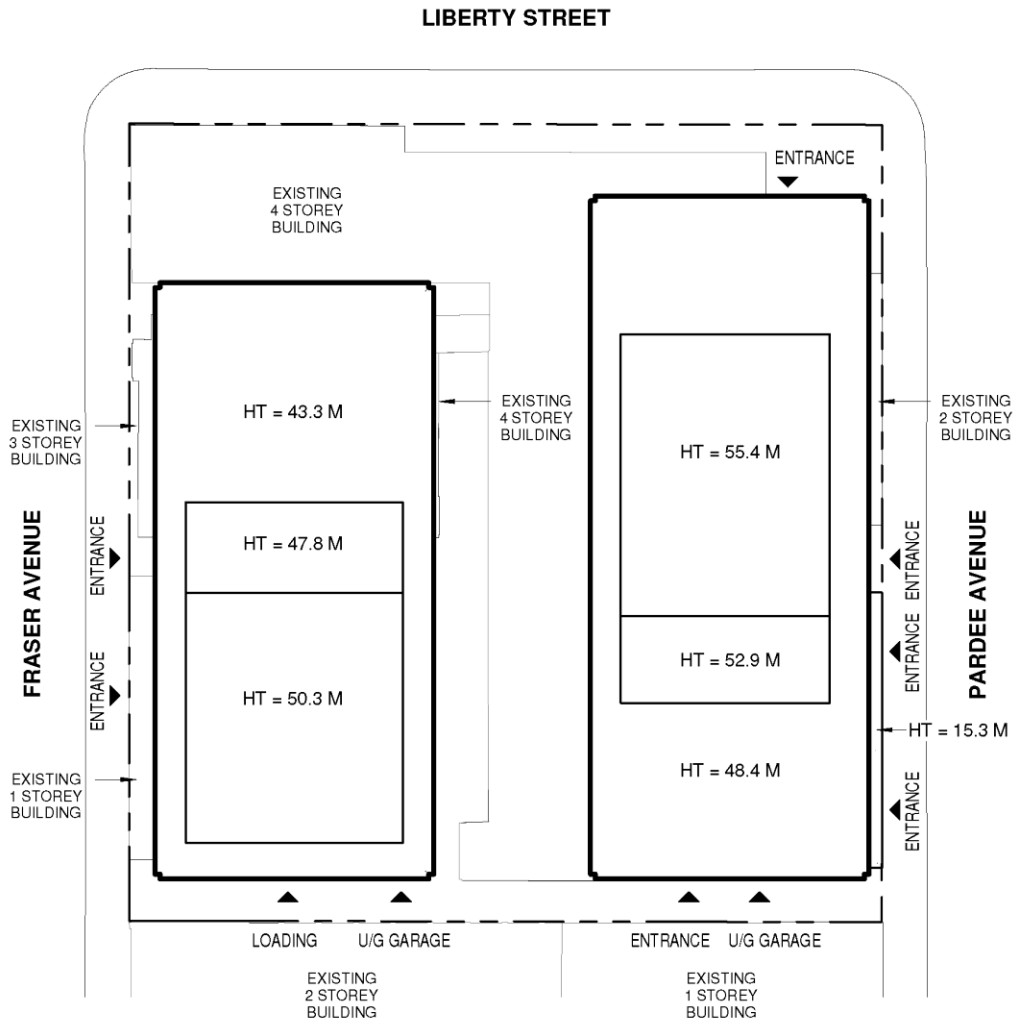
Attachment 2: 3D Model of Proposal in Context (Northeast view)



Attachment 3: 3D Model of Proposal in Context (Southwest view)



Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #18

39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street
File # 21 160624 STE 10 OZ


 Location of Application

 Parks

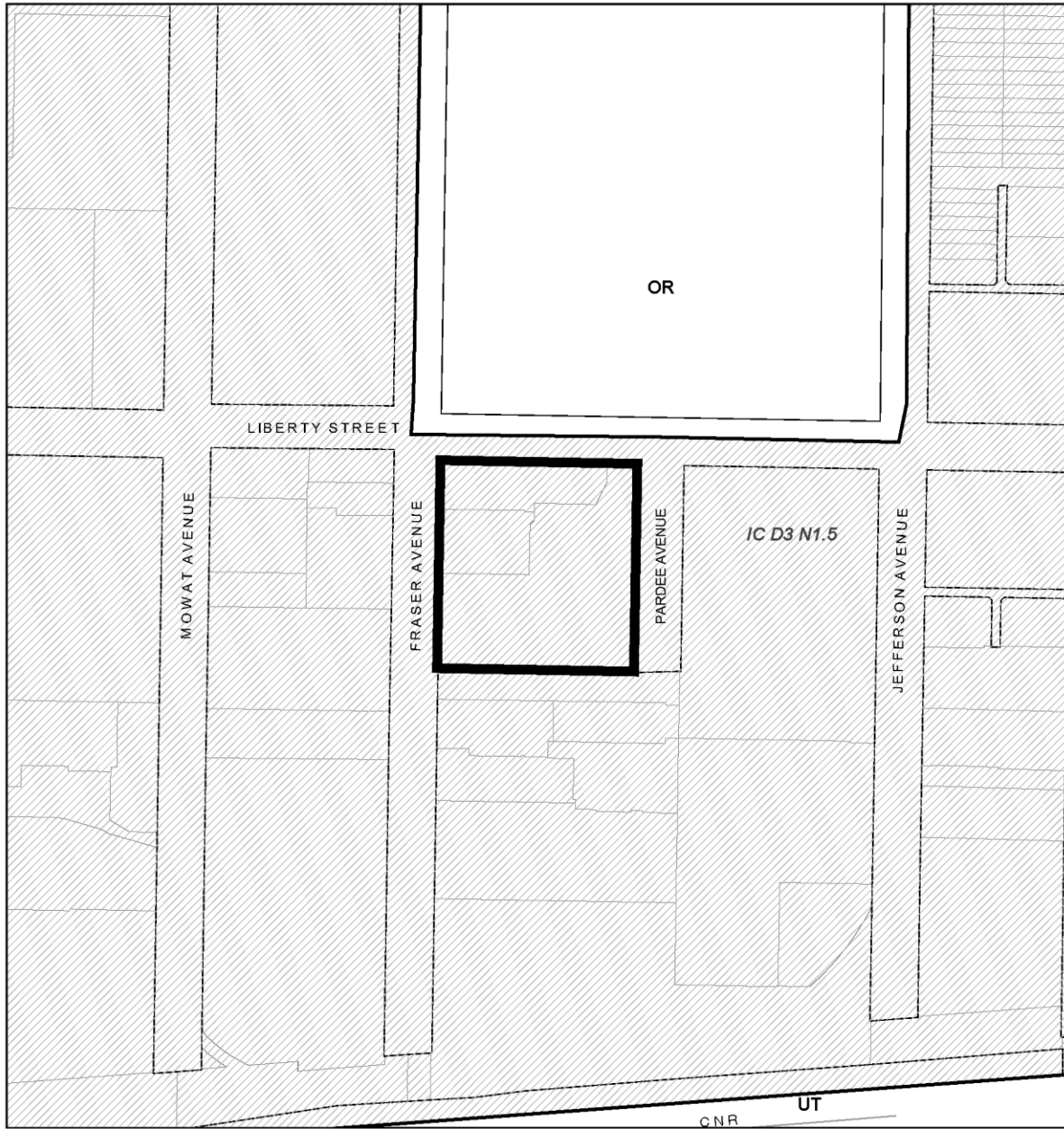
 Utility Corridors

 General Employment Areas

 Core Employment Areas


Not to Scale
Extracted: 05/31/2021

Attachment 6: Zoning Map




Zoning By-law 569-2013

39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street
File # 21 160624 STE 10 0Z

 Location of Application
R Residential
OR Open Space Recreation
UT Utility and Transportation

 See Former City of Toronto By-law No. 438-86
IC Industrial District
G Parks District


 Not to Scale
 Extracted: 05/31/2021

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 39-53 Fraser Avenue, **Date Received:** May 26, 2021
8-42 Pardee Avenue
and 135 Liberty
Street

Application Number: 21 160624 STE 10 OZ

Application Type: Rezoning

Project Description: Two new 10 and 11-storey non-residential buildings on the lot.

Applicant	Agent	Architect	Owner
Sweeny & Co Architects Inc.	Rozalia Rajewski	Sweeny & Co Architects Inc.	135 Liberty Street Inc., 53 Fraser Avenue Inc., & 47 Fraser Avenue Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	IC D3 N1.5	Heritage Designation:	Y
Height Limit (m):	28	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,915 Frontage (m): 86.05 Depth (m): 91.50

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	4,977	3,817	1,565	5,382
Residential GFA (sq m):				
Non-Residential GFA (sq m):	18,486	16,871	32,297	49,168
Total GFA (sq m):	18,486	16,871	32,297	49,168
Height - Storeys:			11	11
Height - Metres:			55	55

Lot Coverage Ratio (%) 0.67 Floor Space Index: 6.2

Floor Area Breakdown **Above Grade** (sq m) **Below Grade** (sq m)

Residential GFA:

Retail GFA: 842

Office GFA: 31,455

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: 67 Bicycle Parking Spaces: 144 Loading Docks: 4

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