

39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street - Zoning By-law Amendment Application – Decision Report - Approval

Date: March 23, 2022
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

SUMMARY

This report reviews and recommends approval of an application to amend the Zoning By-law to permit the development of two non-residential buildings with a 10-storey building fronting Fraser Avenue and an 11-storey building fronting Pardee Avenue, with retention of existing heritage buildings on the site. The buildings are proposed to contain a total of 29,417 square metres of office space and 1,340 square metres of retail space at-grade. Three levels of underground parking are proposed with 67 vehicle parking spaces and a total of 178 bicycle parking spaces. The proposed development would result in a built form that fits within the existing and planned context, conserves identified heritage resources and significantly improves the public realm with publically accessible open spaces, streetscaping on all three frontages and the introduction of a sidewalks on Liberty Street and Pardee Avenue.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 39-53 Fraser Avenue, 8-42 Pardee Avenue and 135 Liberty Street, substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to introducing the necessary Bills to City Council for enactment, the owner shall:

- a) Enter into a Heritage Easement Agreement(s) with the City for the properties at 41 Fraser Avenue, 47 Fraser Avenue and 135 Liberty Street substantially in accordance with plans and drawings dated June 10, 2022 prepared by Sweeny & Co. Architects and the Heritage Impact Assessment dated February 3, 2023 prepared by ERA Architects Inc., subject to and in accordance with the approved Conservation Plan required in Recommendation 3.b. to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement(s) to the satisfaction of the City Solicitor; and
- b) Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 41 Fraser Avenue, 47 Fraser Avenue and 135 Liberty Street dated February 3, 2023 prepared by ERA Architects Inc., to the satisfaction of the Senior Manager, Heritage Planning.

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

A Preliminary Report on the application was adopted by Toronto and East York Community Council on October 14, 2021, authorizing staff to hold a community consultation meeting. The Toronto and East York Community Council Decision is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2021.TE28.18>

On December 16, 17 and 18, 2020, City Council stated its intention to designate the buildings at 41-47 Fraser Avenue and 135 Liberty Street under Part IV, Section 29 of the Ontario Heritage Act. The decision and associated staff report related to the Heritage Designation can be found here:

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

The associated designation by-law 46-2021 was enacted on February 5, 2021 and can be found here: <https://www.toronto.ca/legdocs/bylaws/2021/law0046.pdf>

Liberty Village Public Realm and Community Services and Facility Study

On July 16, 2020, Toronto and East York Community Council adopted motion TE16.58 with amendments, requesting the Director of Community Planning, Toronto and East York District, in consultation with CreateTO, Parks, Forestry, and Recreation, Real

Estate Services, Transportation Services and other necessary civic officials, to undertake a study of the Liberty Village area. The motion can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.58>

The study will formulate a Public Realm and Community Services Strategy that will include principles and an implementation plan that can be achieved for future expansion and improvements to the public realm, identify opportunities for community services and facilities within the area, set direction for the best utilization of city-owned assets and properties throughout Liberty Village and provide direction for future development applications. Details of the study can be found at www.toronto.ca/libertyvillagestudy.

On July 19, 2022, City Council endorsed a Draft Public Realm Strategy, and provided direction to transform the City-owned property at 34 Hanna Avenue into public parkland, and further direction on other key aspects of the study. The agenda item with the latest status update report can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.104>.

THE SITE

Description: The site is located on the south side of Liberty Street, bordered by Fraser Avenue and Pardee Avenue with a private lane to the south. It is generally square in shape with approximately 7,915 square metres in total area, a frontage of 91.5 metres on Fraser Avenue and Pardee Avenue and 86.5 metres on Liberty Street.

Existing Use: The property consists of a complex of six commercial-office buildings that are 1-4 storeys in height, containing approximately 20,202 square metres of non-residential floor area. A private surface parking lot on the eastern portion of the site is accessed from Pardee Avenue.

THE APPLICATION

Description: Two new commercial-office buildings within the complex of existing buildings, including a 10-storey (50.33 metres, including the mechanical penthouse) building along Fraser Avenue, and an 11-storey (55.36 metres, including the mechanical penthouse) building along Pardee Avenue. The new buildings comprise a total of 30,757 square metres of non-residential, which, when combined with 16,467 square metres of existing non-residential floor area that are proposed to be retained, would result in an overall total of 47,225 square metres for the whole site.

Density: Proposed: 3.88 times the area of the lot and Total: 5.97 times the area of the lot

Heritage: The 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 subject properties contain the former E. W. Gillett Co. Ltd. factory complex which was constructed in 1911-12 with later additions in 1922 and 1941-2. The complex contains a

collection of buildings, 1-4 stories in height, including buildings that reflect the Neo-Gothic and Streamlined Moderne styles, and with a prominent five-storey corner building at the corner of Liberty Street and Fraser Avenue with a crenellated roofline. Four of the five heritage buildings are proposed to be retained and incorporated as part of the new building additions. The two-storey power house building at 42 Pardee Avenue is contemplated to be demolished to facilitate the construction, with the building materials salvaged to allow for the reconstruction of the building in its original location.

Open Space: A total of 2,533 square metres of open space is proposed on site, with the introduction of streetscaping along all three frontages, pedestrian connections throughout the building complex, a sunken garden within the interior of the site, and a 100 square metre Privately-Owned Publicly Accessible Space (POPS) proposed at the corner of Liberty Street and Pardee Avenue.

Access, Parking, and Loading: Access to the buildings are proposed from multiple entry points across the site. Pedestrian entrances to both office and retail spaces are proposed along Fraser Avenue, Liberty Street and Pardee Avenue. A private laneway is proposed along the south end of the site with vehicular access from both Fraser Avenue and Pardee Avenue, which also acts as a cycling and pedestrian midblock connection. Each of the two buildings propose underground parking that can be accessed from their respective street entrance. A shared loading bay containing 4 spaces is proposed at-grade along western portion of the private laneway gaining access from Fraser Avenue.

Cycling Infrastructure: A total of 178 bicycle parking spaces are proposed. 40 short-term bicycle spaces will be located at-grade within the streetscaping. The lower level of the existing building at 53 Fraser, which proposes to have access to both new buildings on level P1, would contain 75 short-term and 63 long-term bicycle spaces, as well as 4 shower and change room facilities and an on-site bicycle repair station. A transit information centre will be provided on site and the office buildings are proposed to be registered with Smart Commute Toronto-Central.

Revisions: The current proposal incorporates numerous revisions from the original application including the summarized list below:

- Introduction of a 100 square metre POPS at the northeast corner of the site;
- Increased setbacks of the upper portions of the buildings in order to reduce the cantilevers over the existing heritage buildings;
- Improvements to the visual impact on the prominent heritage features of the existing buildings;
- Introduction of curb extensions at both corners of Liberty Street for pedestrian safety; and
- An additional 34 short-term bicycle spaces.

These changes among other specific details were incorporated into the resubmission to address comments that were provided by City Staff and through Community Consultation and correspondence with members of the public.

Additional Information:

See Attachments 1, 2, 6, 7, 8 and 9 of this report for the Location Map, Application Data Sheet, a site plan and ground floor plan of the proposal, and three-dimensional representations of the project in context, respectively. 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: <http://www.toronto.ca/41FraserAve>

Reason for the Application: The Zoning By-law Amendment proposes to amend performance standards including: building height; retail use; density; vehicular parking and loading space requirements.

Site Plan Control: Two Site Plan Control applications were submitted on December 22, 2021 (Building fronting Fraser Avenue: File No. 21-250999 STE 10 SA and Building fronting Pardee Avenue: File No. 21-251000 STE 10 SA), which are both currently under review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: The site is designated Core Employment Areas and is located within Policy 3 Area of the Garrison Common North Secondary Plan. An area specific appeal to OPA 231 Policy Area 3 Specific Policy in the Garrison Common North Secondary Plan remains under appeal. OPA 231 is not in force for the site. See Attachment No. 3 for the Official Plan Land Use Map.

Zoning: Industrial Commercial (IC) D3 N1.5 under Zoning By-law 438-86 with a height limit of 28 metres and a maximum density of 3 times the area of the lot for industrial uses and 1.5 times the area of the lot for certain commercial uses. While restaurant, retail and service shop uses are generally permitted in an IC zone, zoning exception 298 prohibits them in the Liberty Village Area except on specific streets and sites, and is applicable to the site.

The site is not subject to the new harmonized City-wide Zoning By-law 569-2013. See Attachment No. 4 to this report for the Existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Draft Liberty Village Public Realm Strategy;
- Best Practices for Bird-Friendly Glass; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

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

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on February 2, 2022. Approximately 10 people participated, as well as a representative from the Ward Councillor's office at that time. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Support for the retention of the heritage components;
- Suggestion to increase the setbacks of the proposed north massing to reduce the visual impact on the prominent heritage features of the existing buildings;
- Suggestion for an historical commemoration of the various former uses of the building;
- Concern with width of sidewalks and lack of soft landscaping around the perimeter of the site;
- Whether any sustainability measures such as green roofs, net-zero carbon or net-zero energy will be incorporated into the development; and
- Construction timelines and construction management.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

City Staff's review of this application has had regard for the relevant matters of provincial interest as set out in the Planning Act. The current proposal has been reviewed for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

City Planning finds that the proposed office and retail use supports the City's key objectives for Core Employment Areas, and positively contributes to the growth of employment uses and jobs within the Liberty Village area by adding approximately 30,000 square metres of office space within the designated Employment Areas.

Public Realm and Streetscape Improvements

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan, as well as the City Council endorsed Draft Liberty Village Public Realm Strategy.

Owing to its primarily industrial past, the streets and sidewalks within Liberty Village often offer poor pedestrian environments and limited tree planting and street furniture. The site currently includes boulevard parking spaces along both Liberty Street and Fraser Avenue. The proposed development will result in significant improvements to the public realm with the removal of the boulevard parking along Liberty Street and Fraser Avenue, and will introduce sidewalks, 30 new street trees, additional streetscaping measures and curb extensions at both corners of Liberty Street. The surface parking lot on Pardee Avenue, which abuts the public realm, is also proposed to be removed.

The proposal includes a mid-block connection along the southern private laneway, pedestrian open spaces throughout the site, an internalized sunken garden element between the two buildings, and a 100 square metre POPS at the northeast corner of the site. The various open spaces throughout the site will enhance the proposed development and provide an opportunity for animation adjacent to the retail spaces. The outdoor pedestrian thoroughways in and around the site are reflective of the character throughout Liberty Village and will be a positive contribution to the immediate surrounding area. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. 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 grade building permit.

Tree Preservation

The applicant submitted an Arborist Declaration in support of the application indicating that there are no existing trees on private or City property which meet the criteria under the City's tree protection by-laws. A total of 36 new trees are proposed to be planted. 30 street trees are proposed to be planted within the public realm and distributed along the three street frontages. The remaining 6 private trees are proposed within the open outdoor space at the northeast corner of the site.

The Building and Heritage

City Planning staff finds that the proposal conforms with the applicable Official Plan policies with respect to built form. The proposed heights of 10 and 11 storeys (50.33 and 55.36 metres including mechanical penthouse), are consistent with recent nearby approvals and provide an appropriate fit within the planned and emerging context of the area.

In response to City staff's comments, a number of revisions were made to the massing of each of the proposed buildings in order to minimize the visual impact of the massing above the prominent heritage features and on the public realm, allow for more skyview, and reduce the shadow impacts on Lamport Stadium Park directly north of the site.

For the 10-storey building fronting Fraser Avenue, the massing of the upper portion of the building was reduced along the west and north elevations. On the west elevation, the setback has been increased from 3.5 to 5 metres. The northern portion of the building was originally proposed to cantilever over the open space walkway that runs along the rear of 135 Liberty Street. The setback of the cantilevered portion has been increased from 18 to 23 metres such that the cantilever no longer covers the open space area and now aligns with the existing northern edge of the building at 47 Fraser Avenue below.

For the 11-storey building fronting Pardee Avenue, the massing of the upper portion of the building was reduced along the east and north elevations. On the north elevation, the setback of the portion cantilevering over the existing building at 135 Liberty Street has been increased from 8 to 10 metres, and the setback of the building along Pardee has been increased from 2.2 to 3 metres.

The revisions made to the original massing of the two buildings creates a visual distinction between the heritage buildings below and the new built form above. The proposal represents a good example of how additional growth can be achieved while conserving the heritage attributes and character of designated properties. The proposed development retains and restores as much of the existing building complex as possible and the new buildings have been designed to complement and appear as visually subordinate to the heritage buildings. Staff will continue to work with the applicant during the site plan control stage on the proposed building materiality and articulation in order to reduce further mitigate the visual impacts of the development on the conserved heritage complex and the public realm.

Micro-Climate – Shadow/Wind

A revised shadow study was submitted reflecting the increased setbacks on the north elevation of the proposed buildings indicated improvements to the shadow conditions on Lamport Stadium Park. The proposal adequately limits shadow impacts to a small portion of the southwest corner of the park during the spring and fall equinox, which staff find satisfactory.

A Pedestrian Level Wind Assessment was submitted in support of the original application. The study indicates that the pedestrian areas across the site are expected to be suitable without the need for any mitigation measures. Upper terraces will be suitable for standing and will require a 1.8 metre tall wind mitigation measure to allow for sitting conditions. City Planning staff have reviewed the assessment and are satisfied with the conclusions and recommendations provided. As the design of the development has been further refined, City Planning will require an updated wind study through the Site Plan Control process to further clarify the necessary mitigation measures.

Mobility

A total of 178 bicycle parking spaces are proposed, including 63 tenant spaces and 75 visitor spaces underground, and an additional 34 spaces at-grade beyond the Zoning By-law requirements.

An Urban Transportation Considerations Report was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services have reviewed and accepted its conclusions. Vehicular access for loading and parking will be from the private lane on the south side of the site. A carpool parking space has been added to the underground parking garage under the Fraser Avenue building for office tenants. There is also potential to add car-share parking spaces to the underground garage that would be accessible to the public. Additional comments related to the detailed design of the mobility components of the proposed development, including site access and circulation, parking layout, requirements for electric vehicle infrastructure and implementing the Transportation Demand Management Plan, will be addressed through the Site Plan Control process.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have accepted their conclusions for the Zoning By-law Amendment application. Additional issues identified by Engineering and Construction Services staff will be address through the Site Plan Control process.

Toronto Green Standard

City 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 site specific zoning by-law and future site plan agreement will secure performance measures for various development features, including, but not limited to, the following:

- A total of 178 bicycle parking spaces are provided with shower and change facilities and a carpool parking phase to reduce single occupancy vehicle trips;
- Green Roof required under the Green Roof By-law;
- Planting of 30 street trees; and
- Retention of rainfall amounts on-site consistent with Tier 1 standards.

The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

Conclusion

Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). The proposal conforms to the Official Plan, particularly as it relates to the Employment and Heritage policies. The proposed office development will allow for substantial job growth in the Liberty Village Employment Area. The built form provides an appropriate relationship between the existing heritage context and the surrounding area, and conserves the cultural heritage values, attributes and character of the heritage properties. Furthermore, the proposed public realm improvements are reflective of the Draft Liberty Village Public Realm Strategy and will provide a significantly enhanced public realm. Staff recommend that Council support approval of the application.

CONTACT

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E-mail: Aviva.Pelt@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read 'Carly R', with a long horizontal flourish extending to the right.

Carly Bowman, M.Sc.Pl., MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

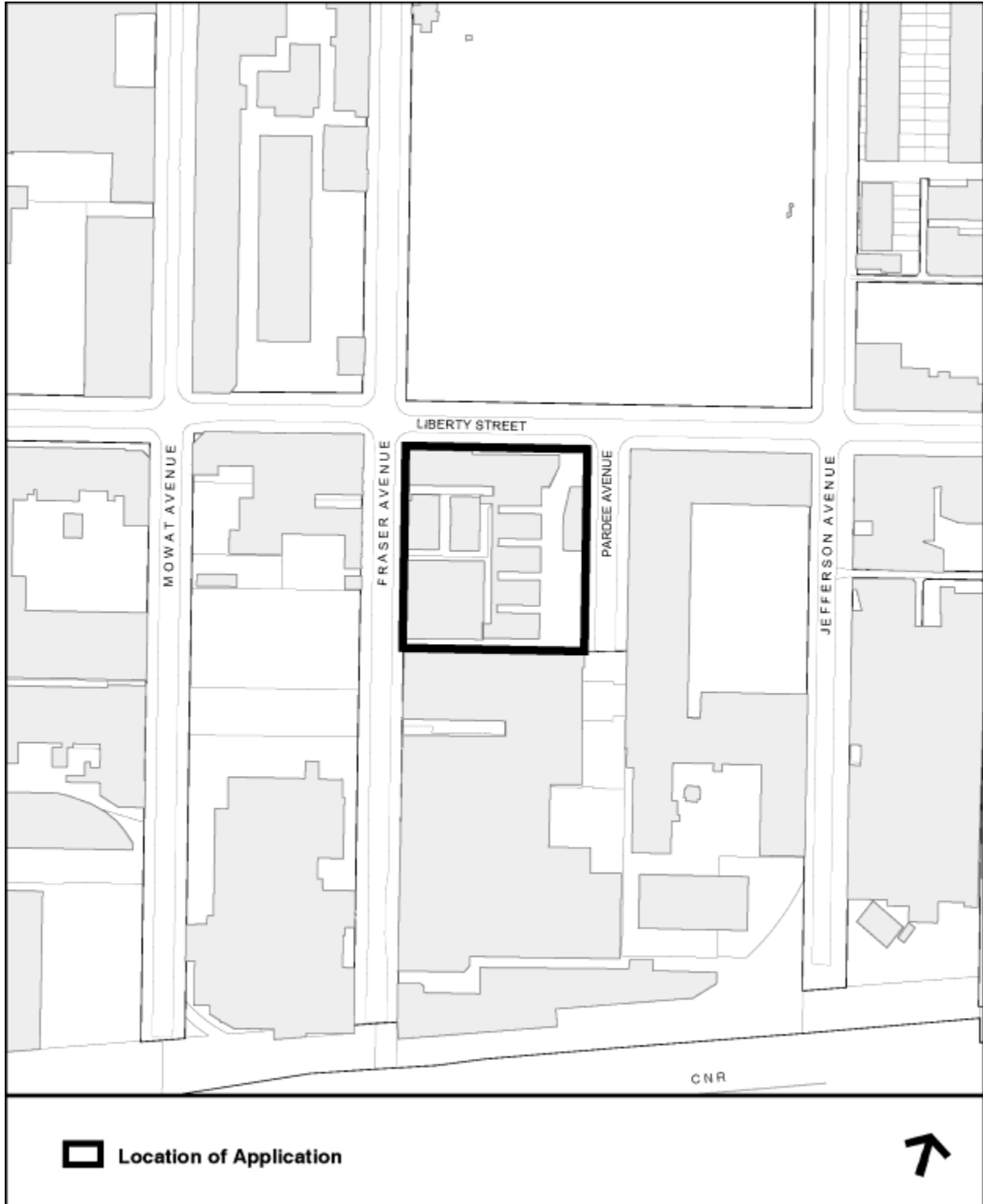
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: Ground Floor Plan
- Attachment 8: 3D Model of Proposal in Context - Northeast
- Attachment 9: 3D Model of Proposal in Context - Southwest
- Attachment 10: East Elevation
- Attachment 11: South Elevation
- Attachment 12: West Elevation
- Attachment 13: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 39-53 FRASER AVE, Date Received: May 26, 2021
 8-42 PARDEE AVE,
 & 135 LIBERTY ST

Application Number: 21 160624 STE 10 OZ. Site Plan Applications Nos. 21 250999
 STE 10 SA and 21 251000 STE 10 SA, received on December 22,
 2021.

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to facilitate the
 development of the site for two new 10 and 11-storey non-
 residential buildings on the lot, having a non-residential gross
 floor area of 30,757 square metres.

Applicant	Agent	Architect	Owner
SWEENY & CO ARCHITECTS INC		SWEENY & CO ARCHITECTS INC	53 FRASER AVENUE INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	GARRISON COMMON NORTH SECONDARY PLAN, AREA 3
Zoning:	IC D3 N1.5	Heritage Designation:	YES
Height Limit (m):	28	Site Plan Control Area:	YES

PROJECT INFORMATION

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

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	4,977	0	0	0
Residential GFA (sq m):				
Non-Residential GFA (sq m):	20,495	16,469	30,757	47,226
Total GFA (sq m):	20,495	16,469	30,757	47,226
Height - Storeys:			10 and 11	
Height - Metres:			50 and 55	

Lot Coverage Ratio
(%):

Floor Space Index: Proposed 3.88
Total 5.97

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	0	0
Retail GFA:	1,340	
Office GFA:	45,886	
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:					

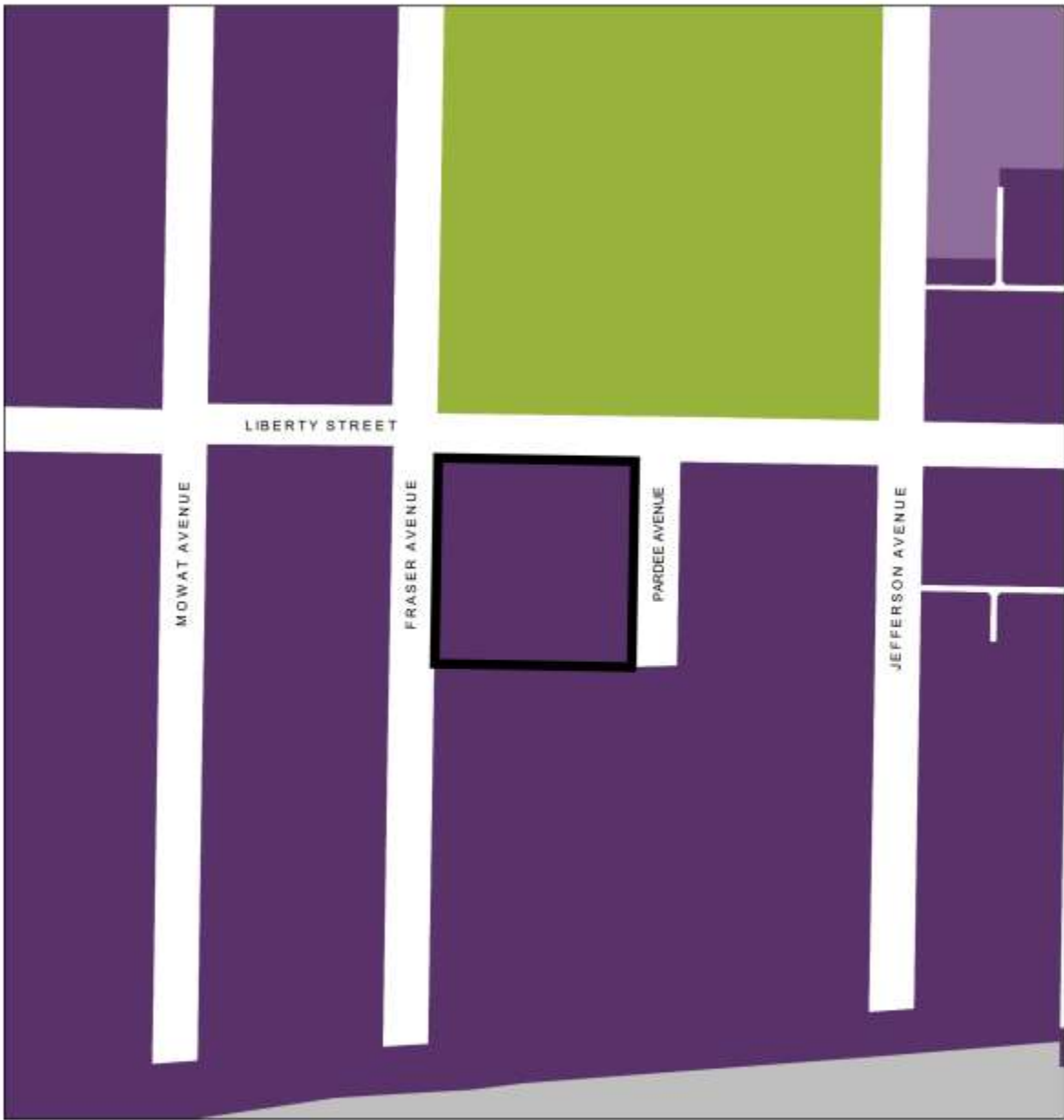
Parking and Loading

Parking Spaces:	67	Bicycle Parking Spaces:	178	Loading Docks:	4
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CONTACT:

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Aviva.Pelt@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street

File # 21 160624 STE 10 02



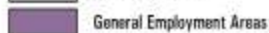
Location of Application



Parks



Utility Corridors



General Employment Areas

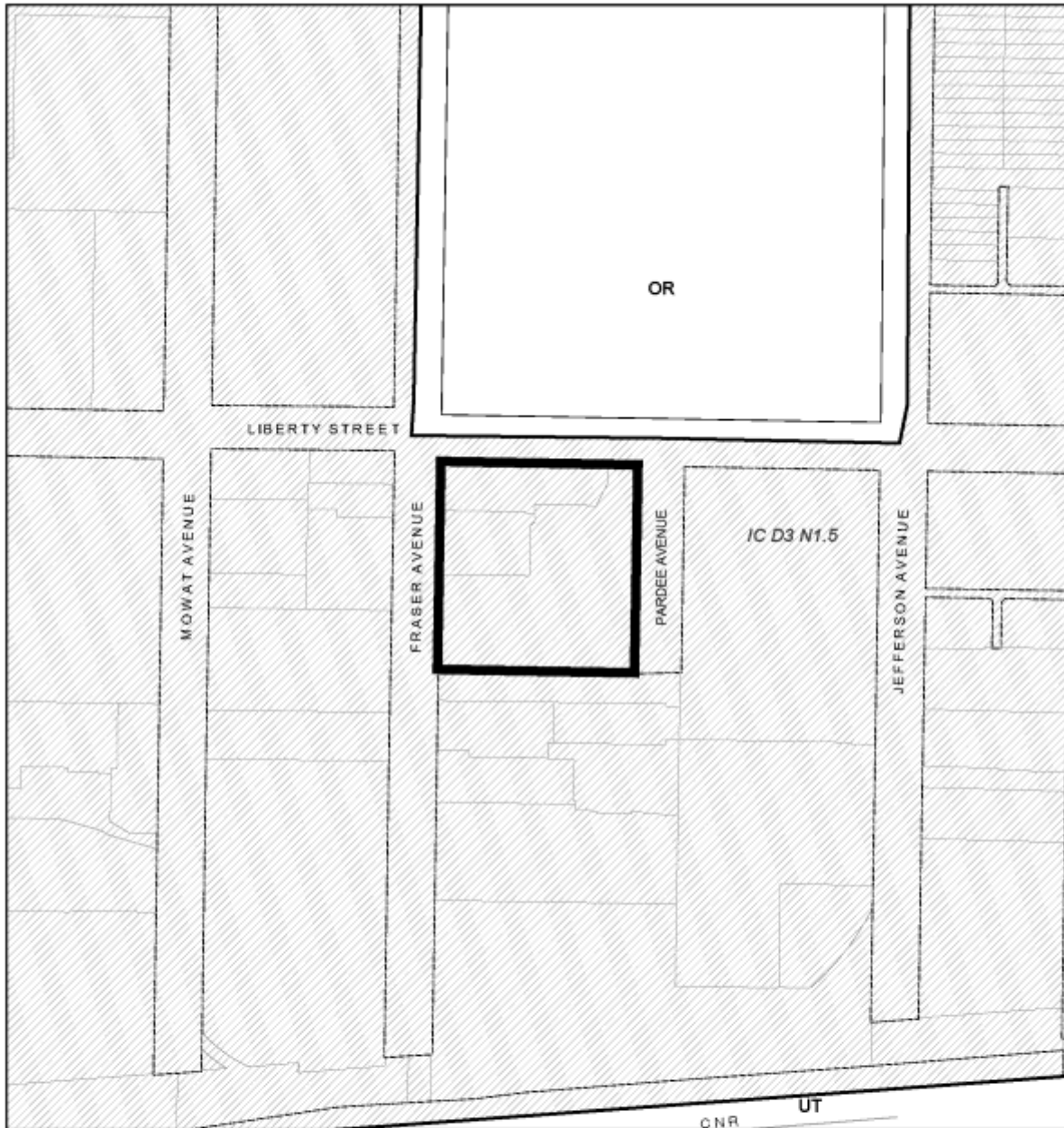


Core Employment Areas



Not to Scale
Extracted: 05/31/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

39-53 Fraser Avenue, 8-42 Pardee Avenue
and 135 Liberty Street
File # 21 160624 STE 10 02

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

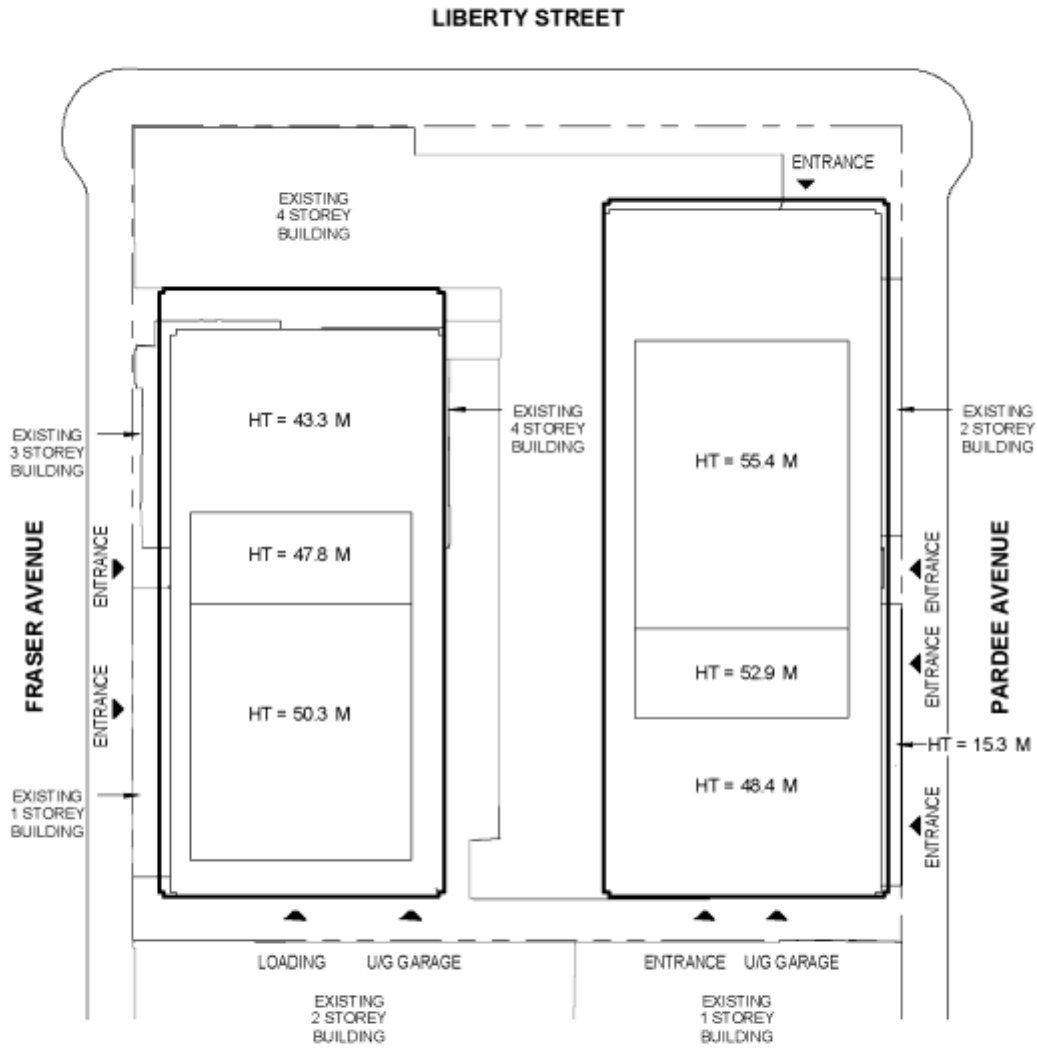
 See Former City of Toronto By-law No. 438-86
IC Industrial District
G Parks District


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 Extracted: 05/31/2021

Attachment 5: Draft Zoning By-law Amendment

To be submitted prior to Toronto and East York Community Council April 12, 2023 Meeting

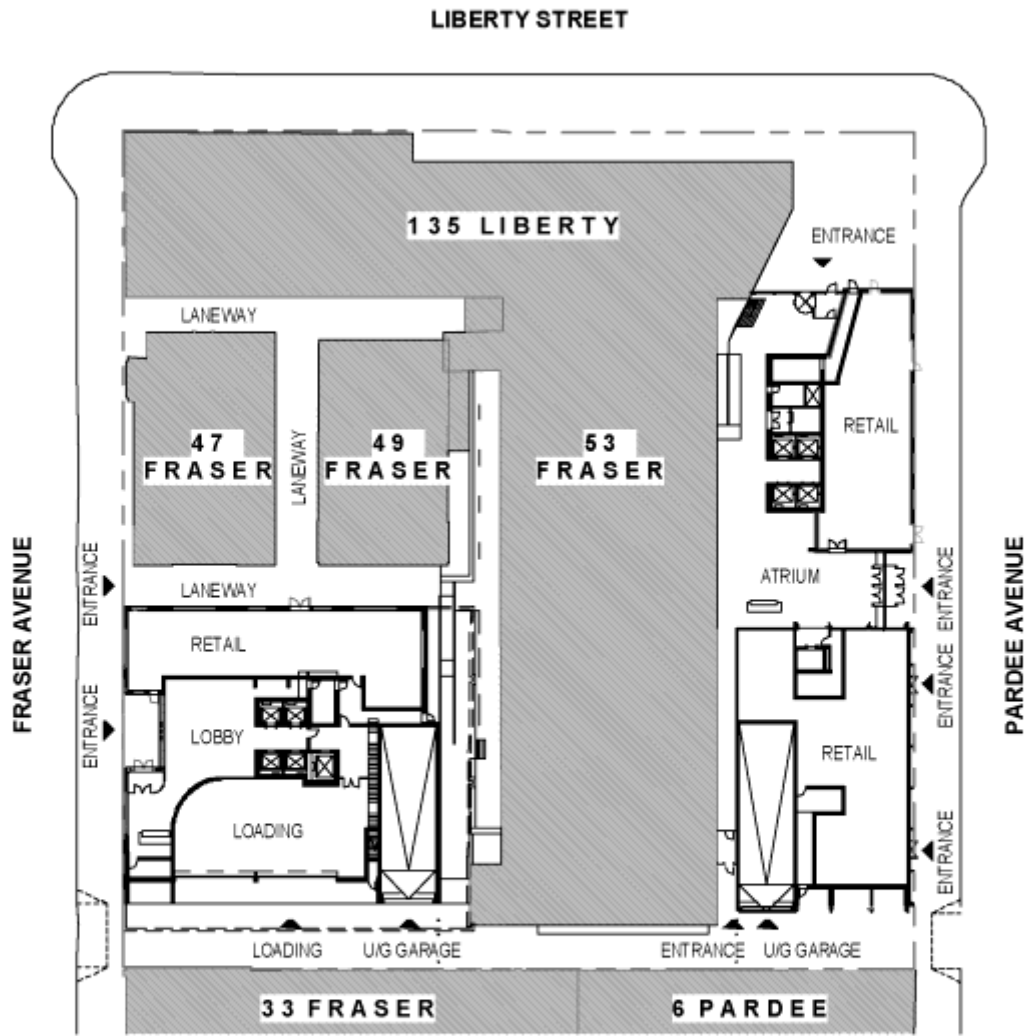
Attachment 6: Site Plan



Site Plan



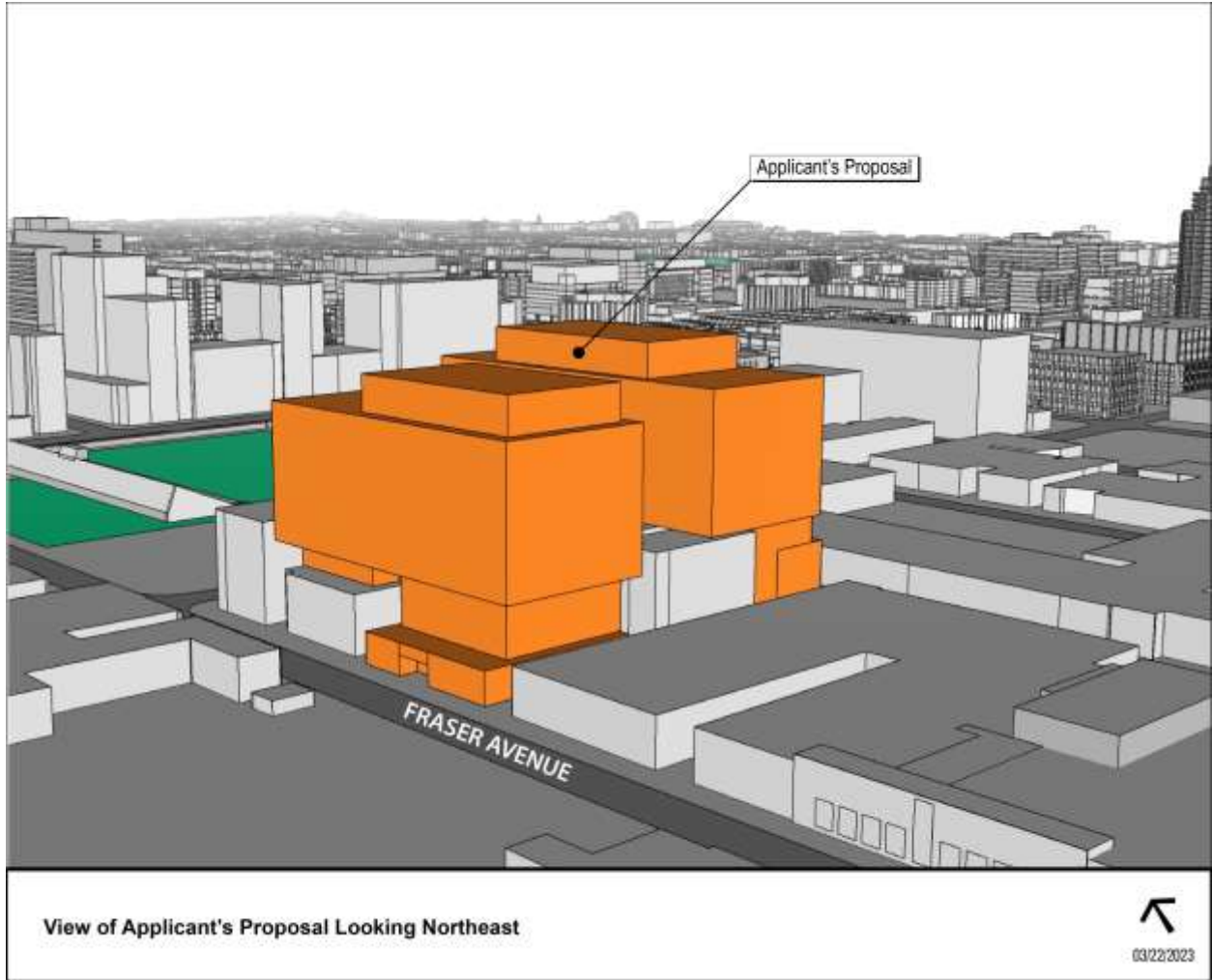
Attachment 7: Ground Floor Plan



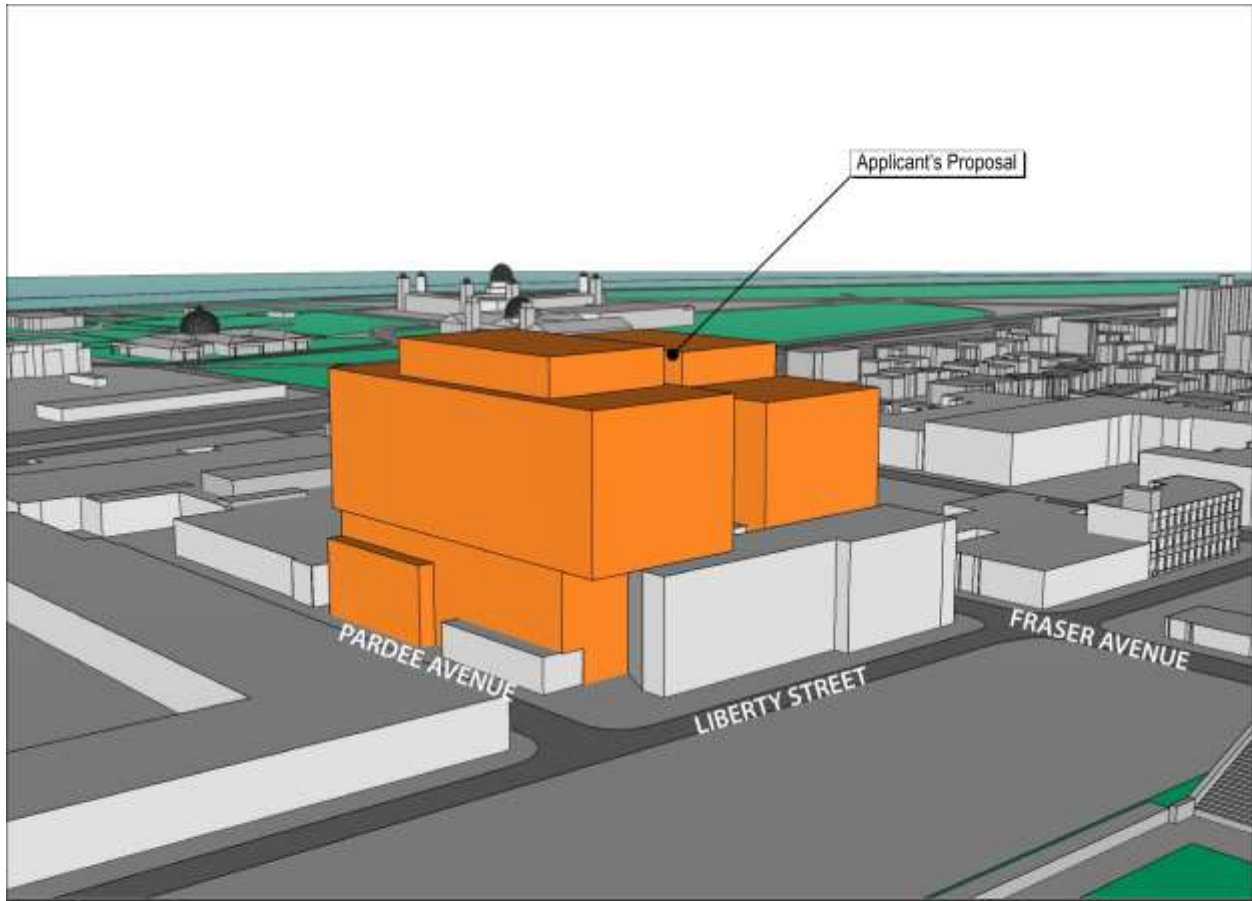
Ground Floor Plan



Attachment 8: 3D Model of Proposal in Context - Northeast



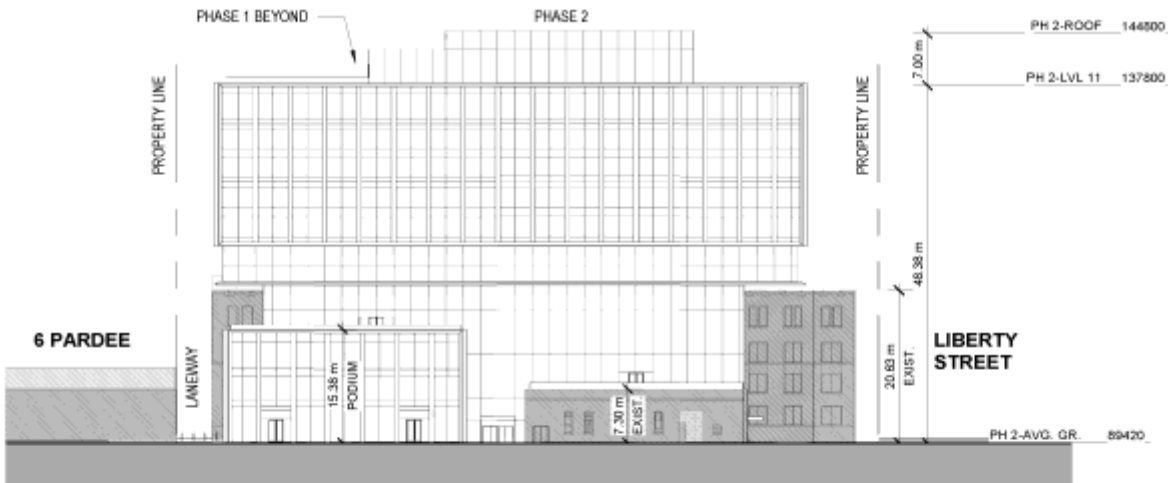
Attachment 9: 3D Model of Proposal in Context - Southwest



View of Applicant's Proposal Looking Southwest

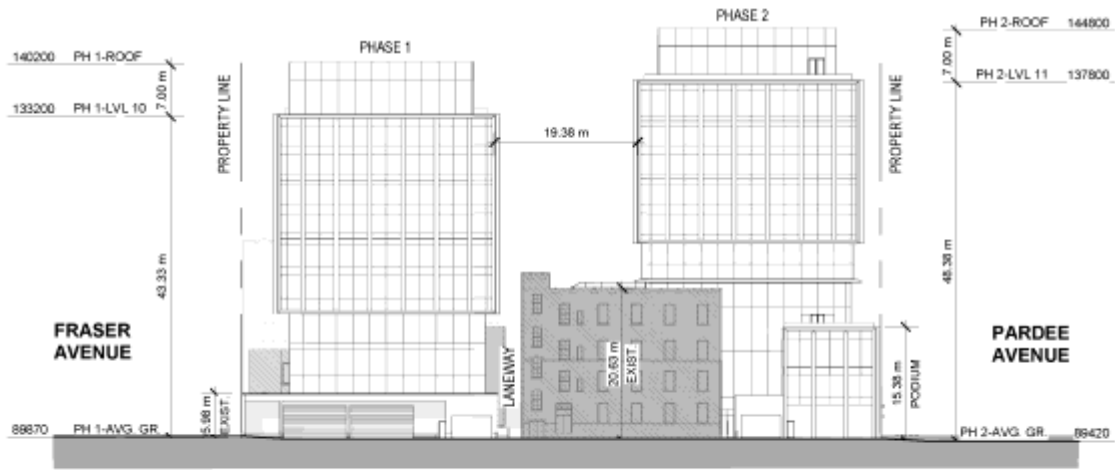
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Attachment 10: East Elevation



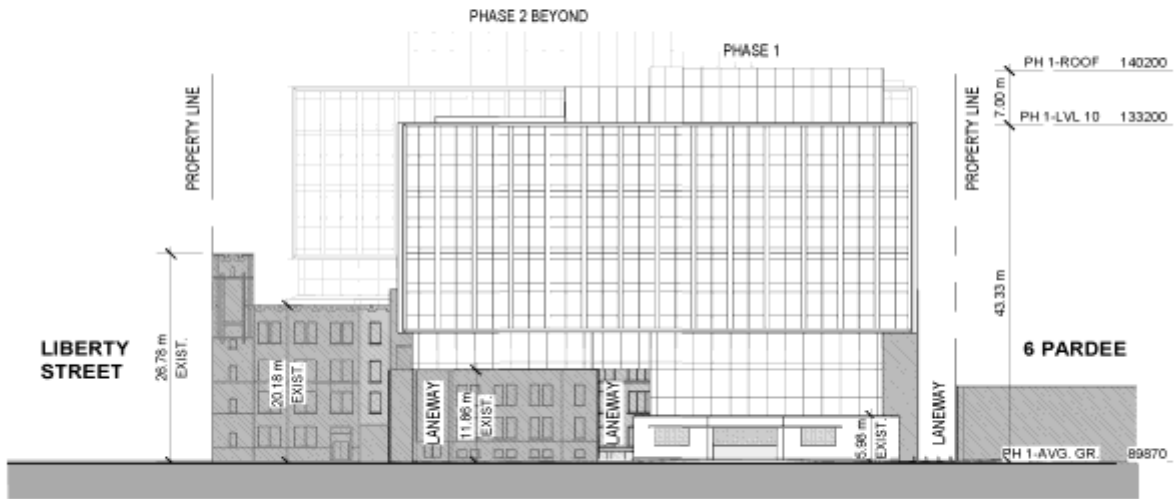
East Elevation

Attachment 11: South Elevation



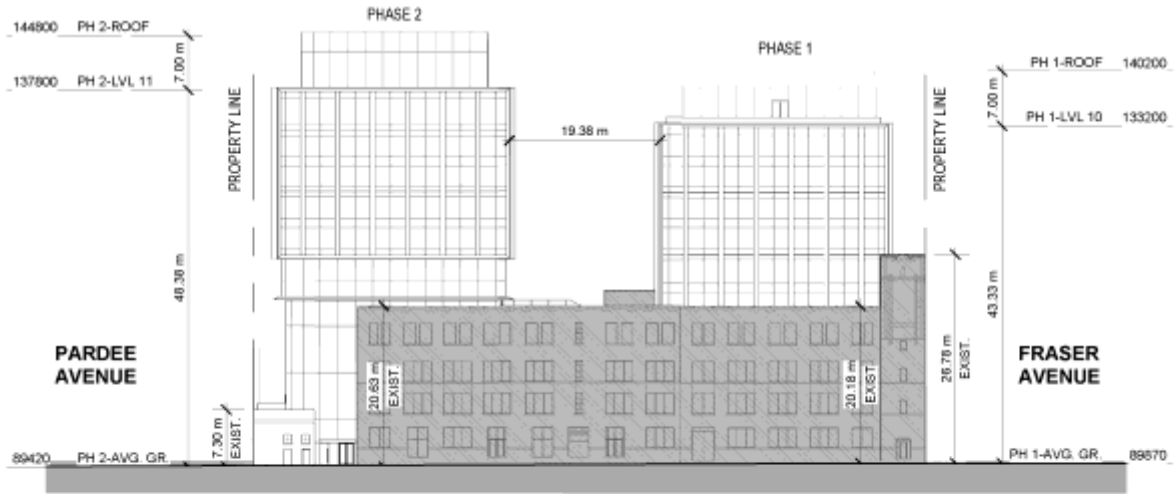
South Elevation

Attachment 12: West Elevation



West Elevation

Attachment 13: North Elevation



North Elevation