

Witness Statement

July 28, 2006

N. Edward Davidson
B.A., M.E.S., M.C.I.P., R.P.P
Ted Davidson (Consultants) Inc.

Ontario Municipal Board Hearing
150 Sudbury Street (38 Abell Street)
City of Toronto

Case No.: **PL060443**

File Nos.: **O060093**

Z060066

M060056

1. Introduction

- 1.1 The Ontario Municipal Board (the “Board”) has scheduled a hearing to commence on September 5, 2006 to deal with the appeal of site-specific amendments to the former City of Toronto Official Plan, site-specific amendments to Zoning By-law 438-86, as amended, and the related site plans for determination and settlement of details applying to the lands located at 150 Sudbury Street (38 Abell Street) in the City of Toronto (“the subject property”). This appeal is to amend the Official Plan and Zoning By-law applicable to the subject property in order to permit a comprehensive brownfields redevelopment for an intensification of approved residential uses as provided for in the existing planning policies applicable to the subject property.
- 1.2 Since the submission of the original application and following meetings with City staff and the local community, revisions to the proposed development have been made which require the need for an amendment to the Official Plan and Zoning By-law.
- 1.3 My evidence will involve matters of opinion as well as fact. My factual evidence will examine the characteristics of the subject property and its area context. I will review the relevant Provincial Policies respecting the development of the subject property. The applicable policies of the Official Plan for the Municipality of Metropolitan Toronto will be addressed. I will examine the City of Toronto Official Plan policies governing development of the subject property as well as a review of the policy framework of the recently approved Official Plan for the amalgamated City of Toronto, not applicable to the subject property. My factual evidence will also examine the existing zoning of the subject property and its relationship to adjacent areas.
- 1.4 I have provided with this Witness Statement Document Books (Four Volumes) and a separate Photo Exhibit Book of the subject property and its surroundings.

1.5 I will rely on the materials provided in the abovementioned Document Books and Photo Exhibit Book as well as Architectural Plans and Perspectives and reports provided by other consultants respecting the subject property.

2. Witness Qualifications and Planning Experience

2.1 I am a planner and the President of Ted Davidson (Consultants) Inc. I am a Full Member of the Canadian Institute of Planners and a Registered Professional Planner with the Ontario Professional Planners Institute. My *curriculum vitae* is attached as "Appendix 'A'" and describes my professional experience, particularly the planning and approval of large scale developments in the Greater Toronto Area, including the City of Toronto. My public experience includes Management positions held with the City of Toronto Planning and Development Department including Manager of the West-Central Section of the Community and Neighbourhoods Division, the Manager of the Waterfront and Railway Lands and the Manager of the Financial District. My private experience includes senior positions held with Marathon Realty Company Limited, a subsidiary of Canadian Pacific Limited. I have extensive experience in the redevelopment of surplus railway and former industrial properties throughout Canada and the United States of America. I have also been involved in the approvals for many large scale residential and mixed-use projects in the City of Toronto including the redevelopment of the World Trade Centre Lands, the Motel Strip and various projects within Harbourfront. Since the commencement of my planning consulting practice, I have been involved in many brownfields redevelopments and developments in proximity to rail and transit corridors including the McGuinness Distillery site in former Etobicoke, Queensland Developments (Fleeceline Road, Etobicoke), 12 and 15 Sudbury Street (City of Toronto)(former Massey-Ferguson lands), 1029 King Street West (City of Toronto), 100 Strachan Avenue (City of Toronto), 1379 Bloor Street West (City of Toronto), 1100 King Street West (former CP Rail Parkdale

Yard), 800 Lansdowne Avenue (former American Standard site) and 940-1100 Lansdowne Avenue (former Canadian General Electric site).

2.2 I was originally retained in 1999 by Eastlake Developments Inc., one of the previous owners of 150 Sudbury (38 Abell Street) and 1199 Queen Street West to oversee the necessary planning approvals respecting a 114 unit townhouse project on the subject property. This solely residential project was approved by Toronto City Council in 2000 (By-law 832-2000).

2.3 I was subsequently retained by Landmark Developments Inc. (“Landmark”) in January 2005 to provide a professional planning opinion respecting the proposed redevelopment of the subject property for intensified residential development within the context of the in-force planning regulations. I was requested to oversee various planning studies, if required, and draft the necessary documents to implement the finalized proposal. In conjunction with other consultants, I considered, amongst other matters, the following:

- a). The subject property and its context adjacent to an area in transition from industrial to other, predominantly residential, uses;
- b). The suitability of the subject property for the intensified residential uses;
- c). The policy framework in existence guiding the redevelopment of the subject property, including the approved zoning by-law for the lands permitting residential uses;
- d). The environmental constraints, particularly noise and vibration, by virtue of the subject property’s location adjacent to transit and rail corridors and the impact on the proposed residential uses;
- e). The environmental condition of the subject property (soil and groundwater) and its use for residential purposes in accordance with applicable Ontario Ministry of the Environment guidelines;
- f). The changing nature of brownfields areas within the former City of

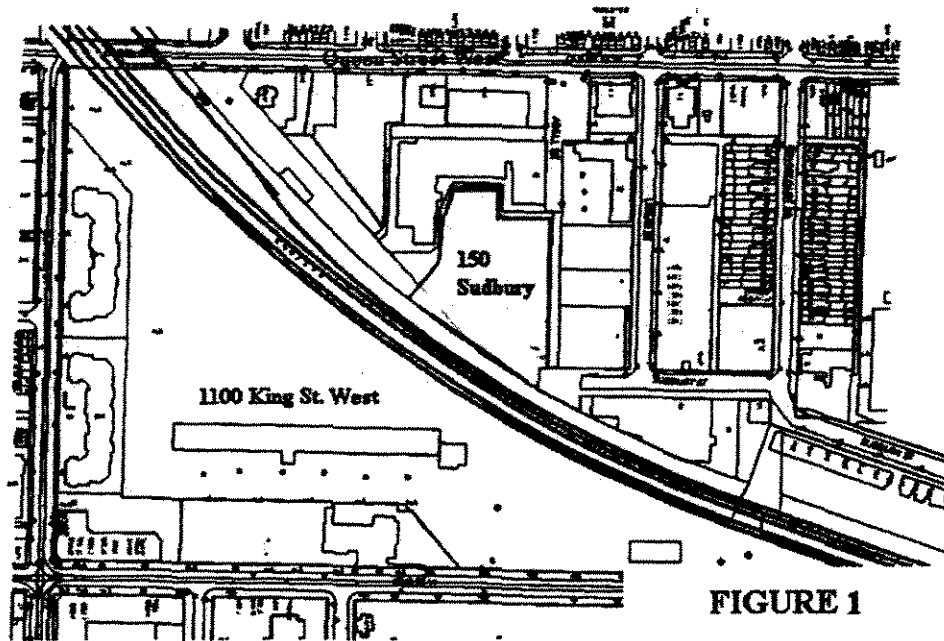
Toronto and the policy initiatives of the City to seek redevelopment of these areas in response to reurbanization, smart growth and other initiatives at all levels of government;

- g). The benefit of the proposed redevelopment of the lands in terms of environmental clean-up, re-investment and regeneration of vacant underutilized industrial lands;
- h). Similarities with other brownfields redevelopment, industrial and other land use conversions in the area and throughout the City of Toronto;
- i). The form and scale of the proposed redevelopment and its integration into the surrounding neighbourhood;
- k). Public and/or Private Access to the subject property; and
- l). Landscaping and other improvements.

3. General Observations and Background

3.1 Context

- 3.1.1 The subject property is an irregularly shaped and vacant piece of land located in the central western area of the former City of Toronto south of Queen Street West and west of the current terminus of Sudbury Street. The eastern boundary of the subject property includes a portion of the former Abell Street right-of-way running north/south between Queen Street West and Sudbury Street. The subject property, outlined on Figure 1, is bounded (i) on the south by a currently unused portion of the CN Rail Corridor as well as the CN Rail (Weston) Subdivision. Further to the south and forming the southern limit of the rail corridor is the former CP Rail corridor now owned by the Toronto Area Transit Operating Authority (TATOA), commonly referred to as GO Transit, (ii) the terminus of Sudbury Street and the former Abell Street road allowance to the east, and (iii) 48 Abell Street, the subject of a separate development application to the north and west.



- 3.1.2 To the south of the Rail Corridor is 1100 King Street West, the former CP Rail Parkdale Yard, which is currently being developed for predominantly residential uses in both a low-rise form and high-rise form. Immediately to the south of the 150 Sudbury Street lands and the rail corridors is a proposed 19 storey apartment tower forming part of the redevelopment of 1100 King Street West.
- 3.1.3 To the east of the subject property are a few remaining industrial uses, residential dwellings and the former Massey Ferguson lands, another brownfields development, which has been revitalized for predominantly residential uses with street related retail and service uses on the King Street frontage.
- 3.1.4 To the north of the subject property beyond 48 Abell is the mixed-commercial residential linear development along Queen Street West.
- 3.1.5 The subject property, once owned by CN Rail and associated with previous rail-related industrial interests in this area, is now vacant.

3.2 Background

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3.2.1 In my oral evidence I will address the history of development applications associated with the 150 Sudbury Street lands and the zoning of the subject property approved by City Council in 2000 for residential and “live-work” uses. I will also address applications filed prior to my involvement as well as minor variance approvals granted since the adoption of By-law 832-2000.

4. The Proposal

4.1 In keeping with the residential permissions currently existing on the subject property, the current proposal is for an intensified mid and high-rise redevelopment of the subject property with associated parking provided below grade.

4.2 The proposal extends Sudbury Street west as a public street from its current terminus in order to provide access and servicing. In addition, lands required for a future Abell Street connection are also provided in order to provide linkages with the subject property and Queen Street West.

4.3 Differing from the previous stacked townhouse approvals, the current proposal, in my opinion, provides increased landscaped open space at grade, provides for grade-related units fronting the future Abell Street connection, is more in keeping with the development proposals in the immediate area and provides for significant public benefits including key public road extensions identified as being essential for the complete development of the area now referred to as the West Queen West Triangle.

5. The Policy Context

5.1 Approved planning policies and controls governing the use and development of the subject property at the time of filing of the original applications are contained in the:

- a) Provincial Policy Statement, March 2005

- b) The Official Plan of the Municipality of Metropolitan Toronto
- c) Official Plan of the City of Toronto, Part I
- d) Garrison Common North Part II Plan
- e) Zoning By-law 438-86, as amended, for the City of Toronto.

5.2 In addition to the above, a new Official Plan for the City of Toronto has recently been approved, in part, by the Ontario Municipal Board. However, the new Official Plan is not applicable to the 150 Sudbury Street site; however, I have reviewed this document and find the proposal consistent with the policies contained therein.

5.3 Provincial Policy Statement

5.3.1 The Provincial Policy Statement came into effect May of 1996 and has been amended as of February 1997 and March of 2005. Municipalities and other public bodies are to have regard for the Provincial Policy Statement when exercising any authority that affects a planning matter, including the approval of new developments.

5.3.2 In my evidence I will address the relevant portions of the Provincial Policy Statement respecting directing growth so as to efficiently use land, resources, infrastructure and public services and support the use of public transit; and providing opportunities for development intensification in areas with sufficient infrastructure.

5.3.3 Based on my review of the Provincial Policy Statements, it is my opinion that the proposal is consistent with and serves to implement the Provincial Policy Statement while at the same time having regard to local context, built form and urban design objectives.

5.3.4 Of particular relevance are the policies contained within Section 1 of the Provincial Policy Statements and, in particular, policies respecting development standards. The Provincial Policy

Statements promote “cost-effective development standards to minimize land consumption and servicing costs”. The proposed intensification of the current residential permissions associated with 150 Sudbury Street meets this objective.

5.3.5 In keeping with the intent of this Provincial Policy Statement, consideration must be given to reducing unnecessary and wasteful use of land for building setbacks, road rights-of-way, and other antiquated development standards in an effort to minimize land consumption. In my experience throughout the Greater Toronto Area, a more compact urban form of development is being encouraged, in keeping with Provincial Smart Growth initiatives, in order to promote land use intensification. This compact urban form is based, in part, on reduced development standards respecting building setbacks, yard requirements, landscaped open space and increased lot coverage. The proposal for the redevelopment of 150 Sudbury Street addresses this objective.

5.3.6 The Provincial Policy Statements also address the adverse effects of noise, odour and other contaminants associated with major facilities such as major road and rail corridors. In reviewing the noise and vibration reports prepared for the subject property, it is my opinion that any “adverse effects” can be appropriately mitigated.

5.4 **The (former) Official Plan of the Municipality of Metropolitan Toronto (“Metroplan”).**

5.4.1 I reviewed Metroplan and find the proposal consistent with the general thrust of this Plan which calls for more intensive urban development, particularly through the redevelopment of obsolete industrial Lands, Section 3.2.1 122 b). The 150 Sudbury Street lands are not contained within an Employment District as outlined within Metroplan and, as such, the protection of industrial jobs is not an identified priority.

5.4.2 Metroplan also contains policies respecting Housing objectives,

Reurbanization and Air Quality and Noise which have been addressed in numerous reports prepared for the proposal to redevelop the subject property. It is my opinion that the proposed redevelopment of 150 Sudbury Street satisfies the various applicable policies of Metroplan.

5.5 City of Toronto Official Plan, Part I

Land Use Designation Applicable to 150 Sudbury Street (38 Abell Street)

The subject property is designated a “Mixed Industrial-Residential Area” on Map 1 - Generalized Land Use City of Toronto Official Plan Part I. The details of this specific designation will be dealt with following an analysis of the general policies of the Official Plan.

The Structure and Quality of the City: Section 1

5.5.1 Section 1.2 of the City of Toronto Official Plan promotes the more intensive development of the existing urban area, particularly through the process of residential intensification in the City. The proposed conversion of the subject property to residential uses is in keeping with this goal.

5.5.2 Section 1.8 supports residential intensification throughout the City, primarily through residential development in underutilized areas. The proposed development of the subject property is consistent with this policy directive.

The Environment: Section 2

5.5.3 As a brownfields site, the subject property has varying degrees of soil contamination. However, the subject property has been thoroughly examined and the residential portion of the subject property has been remediated in accordance with the Ministry of the Environment: Guideline for Use at Contaminated Sites in Ontario” (February, 1997), Table B criteria for residential/parkland land use in a non-

potable groundwater environment. Reports addressing the policies found in Section 2.20 of the Part I Official Plan have been undertaken to address this issue.

5.5.4 Section 2.25 of the City of Toronto Official Plan addresses undesirable noise levels. Engineering reports have been undertaken in accordance with this policy and they indicate that noise levels will be acceptable based on the implementation of appropriate noise and vibration mitigation measures. The proposed redevelopment is similar to many other developments adjacent to transit and rail corridors within the City of Toronto including the Massey-Ferguson lands to the east and Liberty Village and 1100 King Street West to the south and east. Mitigation measures to reduce noise and vibration levels associated with adjacent uses have been thoroughly addressed by professional engineering consultants.

5.5.5 Section 2.27 addresses Development Adjacent to Rail Corridors. In accordance with Section 2.27(a) of the Part I Official Plan, setbacks, berms and security fencing have been proposed.

5.5.6 Section 2.20 of the Part I Official Plan outlines the Environmental Objectives for New Development. In my opinion, the proposed redevelopment of the subject property is consistent with the relevant objectives listed.

Physical Form and Amenity: Section 3

5.5.7 Section 3 of the Part I Official Plan of the City of Toronto comprises the broad urban design policies of the City. The proposal is consistent with and supports the physical form and amenity policies of the Part I Plan policies which address: encouraging appropriate high quality built form that harmonizes with neighbouring development; improving the quality and safety of the pedestrian realm; privacy standards and other policy objectives. I will expand upon the proposal and its consistency with Section 3 of the Part I Official Plan in more detail during my oral evidence.

Parks and Open Space: Section 4

5.5.8 Section 4 of the Part I Official Plan outlines the Parks and Open Space policies of the City of Toronto.

5.5.9 Section 4.2 calls for the creation of green routes along corridors such as defunct rail lines and rail line setbacks for use by pedestrians, cyclists and skiers. The proposed redevelopment of the subject property is consistent with this policy.

5.5.10 Section 4.18 outlines the parks levies policies and the applicant is in agreement with the position of City Council which requires a cash-in-lieu contribution in this instance.

Housing: Section 6

5.5.11 The proposed intensification of the subject property for residential purposes is consistent with the Residential Intensification policies outlined in Section 6.14 of the City of Toronto Official Plan.

Transportation: Section 8

5.5.12 The proposed development is consistent with Section 8 of the Part I Official Plan which addresses transportation policies. The general thrust of Section 8 of the Plan is to focus on the use of public transit in lieu of the private automobile for commuting into and out of the Central Area. The subject property is located within easy walking distance of the Queen Street streetcar.

Economic Activity: Section 9

5.5.13 Section 9.37 to 9.41, inclusive; outline the policies respecting Mixed Industrial-Residential Areas. The subject property is designated Mixed Industrial-Residential in Part I of the Official Plan of the City of Toronto.

5.5.14 The Mixed-Industrial Residential designation is designed to assist in the redevelopment of vacant and underutilized industrial lands within

the former City of Toronto and permits “a mix of a wide range of residential uses, community services and facilities, street-related retail and service uses and those industrial uses which are environmentally compatible with adjacent and neighbouring uses.” (Section 9.37). The subject property has already been the subject of a previous zoning application and the stand-alone residential uses were approved by the City of Toronto. There is nothing in the existing applicable Official Plan policies to suggest that non-residential uses are a mandatory requirement for any redevelopment occurring in Mixed Industrial-Residential Areas.

5.5.15 Section 9.40 of the Official Plan Part I of the City of Toronto sets out the uses and maximum densities permitted in Mixed Industrial-Residential Areas. The proposed density is consistent with more recent intensification objectives of the Province and the City and in keeping with the developing character of the surrounding area. Where it can be demonstrated that no adverse impacts result from the proposed density and the form and character of the development is compatible with the surrounding area, rigid density limits should be regarded as a general guideline rather than an inflexible and finite regulation.

5.5.16 Section 9.41 of the Part I Official Plan does not apply to the subject property. The lands are currently vacant and the previous approval for solely residential purposes was based on the fact that redevelopment to residential uses had no effect or impact on the retention of industrial buildings or jobs.

Community Improvement: Section 15

5.5.17 Section 15.20 of the Part I Official Plan outlines policies for community improvement of the Garrison Common Area “in order to better integrate this area into the urban fabric; improve its environmental conditions and transportation services; and promote the realization of the objectives of this Plan, particularly with respect to housing, economic development, cultural and heritage resources,

parcs and open space and community facilities". The Garrison Common Area includes the area generally bounded by the Exhibition District and Ontario Place, Bathurst Street, Queen Street and Dufferin Street. The proposed redevelopment of the subject property adds significantly to the objectives outlined in Section 15.20 of the Part I Official Plan by promoting residential development, improving the environment through soil and groundwater remediation and providing linkages to other neighbourhoods within the Garrison Common North Area.

Implementation: Section 16

5.5.18 The Implementation Section of the Part I Official Plan addresses the relationship between the Part I Official Plan and Part II Amendments which provide more detailed guidance for the development of specific areas of the City. Section 16.3 of the Part I Official Plan indicates Part II Amendments prevail over the more general Part I Plan. The subject property is subject to a Part II Amendment referred to as the Garrison Common North Part II Plan.

5.5.19 It should also be noted that the existing Part I Official Plan for the City of Toronto does not contain any policies respecting the use of "Holding" By-laws.

5.6 Garrison Common North Part II Plan: Section 19.10

5.6.1 The 150 Sudbury Street lands are subject to the provisions of the Garrison Common North Part II Plan, Section 19.10 of the Official Plan of the City of Toronto.

5.6.2 The Garrison Common North Part II Plan designates the subject property Mixed Industrial-Residential Area 'B', as outlined on Map A, attached to and forming part of the Part II Plan.

General Principles for the Garrison Common North Area

5.6.3 Section 2.1(a) of the Part II Plan calls for an integration of the

Garrison Common North Area into the City fabric of streets and blocks, uses and density patterns. The proposed redevelopment of the subject property establishes a traditional street pattern allowing for the extension of existing streets. The proposed redevelopment proposes a redevelopment scheme fronting on public streets with uses that reflect the policies of the Part II Plan and the currently approved residential zoning of the subject property. The uses recognize the existing residential permissions and the mix of uses proposed in the immediate area. Finally, the density proposed is in keeping with density patterns in the area and with densities proposed by other development projects in the area.

- 5.6.4 Section 2.1(e) calls for the development of Garrison Common North in a manner that is sensitive to and protects industrial operations and areas. The subject property has no adverse impact on existing industrial buildings in the immediate area.

Structure, Form and Physical Amenity

- 5.6.5 Section 2.2 of the Part II Plan outlines the urban design objectives for new buildings and generally encourages buildings to define and form edges of streets, parks and open spaces and that building heights are compatible with adjacent buildings. This Section of the Part II Plan also seeks to ensure that developments adjacent to parks and open spaces are designed so as to minimize wind and shadowing impacts on these spaces. The proposed redevelopment meets these urban design objectives.
- 5.6.6 Section 2.3 of the Part II Plan addresses the integration of sites into the surrounding neighbourhood. The proposed extension of both Sudbury and Abell Streets and the publicly accessible landscaped open space addresses this policy.
- 5.6.7 As called for in Section 2.3(b), the new streets proposed are extensions of the existing street grid and align with existing streets in the immediate area. In reviewing the Land Use Map associated with

the Garrison Common North Part II Plan, it outlines a conceptual network of streets generally in accordance with the street system proposed for the redevelopment of the subject property. It should be noted, however, that there are no policies respecting the provision of these streets.

5.6.8 Section 2.3(d) requires that consideration be given to utilizing the required safety setback from the rail corridors as open space or roadway or both, particularly in residential areas. The proposed redevelopment of the subject property accomplishes this objective by virtue of the proposed extension of Sudbury Street.

5.6.9 Section 2.3(i) calls for streetscape improvements through such means as tree planting, improved lighting and the provision of street furniture. The extension of Sudbury Street will be designed to City standards.

Parks

5.6.10 The provision of parkland serving local needs has been provided in accordance with the recommendation for cash-in-lieu of parkland adopted by City Council.

Environment

5.6.11 In accordance with Sections 2.13 and 2.14 of the Part II Plan, noise and vibration studies have been undertaken and mitigation measures have been concluded respecting acceptable levels for the proposed residential uses and adequate setbacks and buffering from the transit and rail corridors have been designed in accordance with Section 2.27 of the Part I Official Plan.

5.6.12 Section 2.15 of the Part II Plan outlines environmental studies to be completed as necessary. All of the required studies relevant to the requested approvals have been undertaken.

Traffic and Parking

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5.6.13 In accordance with Sections 2.18 and 2.20 of the Part II Plan, the proposed redevelopment of the subject property improves pedestrian and bicycle routes by providing new public streets with a separate bicycle path.

5.6.14 Bicycle parking, in accordance with City standards, is proposed for the residential redevelopment of the 150 Sudbury Street site. (Section 2.20 (c)).

Mixed Industrial-Residential Area 'B'

5.6.15 Mixed Industrial-Residential Areas are to contain a mix of a wide range of residential uses, including live-work units, community services and facilities and those industrial uses which are environmentally compatible with adjacent and neighbouring uses. The proposed redevelopment of the subject property is in accordance with previous residential permissions.

5.6.16 It should be noted that the Part II Plan contains no development phasing requirements respecting the redevelopment of brownfields sites.

6. Existing Zoning

6.1 The subject property is zoned I1D3 which permits a wide range of Non-Residential Uses as outlined in Section 9 (1) (f) of Zoning By-law 438-86. Residential uses, including "live-work" units have been added to the list of permitted uses available for the development of 150 Sudbury Street by virtue of site-specific zoning by-law 832-2000 and subsequent minor variance approvals.

6.2 The I1D3 zoning of the subject property limits the maximum density of the lands to 3.0 and a height limit of 18.0 metres. The 18 metre height limit is, in my opinion, reflective of the underlying industrial zoning and the development standards associated therewith. The 18.0 metre height limit, in my opinion, has no relationship to, or is it based upon common development standards associated with residential

development of the subject property.

6.3 The development of the subject property requires amendments to the existing zoning by-law to expand the intensity of residential development. The proposed amendment to the zoning by-law has been included in materials filed concurrent with this Witness Statement.

7. Ministry of the Environment Guidelines

7.1 I have reviewed the various Guidelines of the Ministry of the Environment respecting Land Use Compatibility. The proposed redevelopment of the subject property appropriately considers these Guidelines. Adequate noise and vibration studies have been undertaken and the environmental issues respecting the requested approvals have been appropriately addressed by qualified professionals.

8. CN (Draft) Policy for the Protection of New Development Adjoining Railways

8.1 I have considerable experience with this draft policy document as a municipal planner, as General Manager of the Railway Lands for Marathon Realty Corporation, as General Manager of Planning for Marathon Realty's Land Group, as Vice-President of Development for a major housing developer in the Greater Toronto Area and as a private planning consultant involved in the redevelopment of many sites involving railway corridors.

8.2 The draft policy of CN Rail should be considered as is any "guideline" prepared by a commenting agency. In my review of Canadian Transport Agency Decisions respecting the "CN Principle Main Line Requirements", CN Rail has, on occasion, successfully argued that "the Principal Main Line Requirements are guidelines rather than regulations or statutory instruments of law".

8.3 In addressing residential intensification and promoting a more

compact urban form of development, as encouraged by both the Province of Ontario and the City of Toronto, consideration to development proposals adjacent to rail corridors, is more appropriately carried out on a site by site basis, rather than applying generic guidelines, taking into consideration such matters as the as-built condition of the lands, its topographical characteristics, the nature of transit and rail traffic, speed limits imposed, and other matters.

8.4 The approved residential building setback as established by Zoning By-law 832-2000 is in the order of 19 metres from the northern boundary of the rail corridor. In addition, the subsequent Committee of Adjustment applications varying the extent of the established residential building envelopes were not appealed to the Ontario Municipal Board by either CN Rail or GO Transit.

8.4 In reviewing the reports of qualified professional consultants involved in this project respecting the proposed building setback and crash protection measures in keeping with CN's draft policy, it is my opinion that the proposed building setback of the proposed residential units and the proposed safety measures meet the requirements of CN Rail, as outlined in their draft policy.

9. GO Transit

9.1 It is my understanding that no formal policy respecting setbacks and safety measures has been formally adopted by GO Transit. Go Transit has chosen to adopt the CN Rail guidelines as "industry standard" and has applied the Principal Main Line Standards to their transit corridors. Notwithstanding the fact that the CN guidelines were developed for freight movements and the containment of spills, it is my opinion, after reviewing the reports of qualified structural engineers, that the proposed setbacks and safety berm exceeds the informal requirements of GO Transit.

10. Review of Other Brownfields Redevelopments in the City of Toronto.

10.1 My evidence will outline other brownfields and infill developments within the City of Toronto and those included in the Garrison Common North Part II area.

11 New City of Toronto Official Plan: Recently Approved but Not Applicable to the Subject Property

11.1 Although not in force at the time of the applications respecting the subject property, I will examine the provisions of the new Official Plan as they relate to this development.

11.2 The subject property is designated a Regeneration Area.

11.3 The lands surrounding the subject property are in transition from former industrial lands to residential and mixed uses.

11.4 The subject property is also subject to the provisions of the Garrison Common North Secondary Plan which designates the subject property, together with other properties, as an area containing a mix of employment and residential uses.

11.5 The Garrison Common North Secondary Plan provides no density or height maximums for the subject property.

11.6 It is my professional opinion that the proposed redevelopment of the subject property is in conformity with the New Official Plan and the Garrison Common North Secondary Plan.

12 Issues to be addressed

12.1 My oral evidence will address the following issues outlined on Attachment 2(C) to the Procedural Order of the Board:

Issues 1 – 21, inclusive,

Issues 24 – 30, inclusive

Issue 32, and

Issue 35

- 12.1.1 Issue 1 – It is my opinion that the proposed intensification of an already permitted use is consistent with the purposes of the Planning Act. The only issues related to the 150 Sudbury Street lands are built form and density related. Residential permissions on the subject property were approved by the City of Toronto in 2000 and re-confirmed with the granting of further minor variances.
- 12.1.2 Issue 2 - In my opinion, and as outlined in this statement, the proposed intensification of uses on the 150 Sudbury Street lands has appropriate regard for the matters of interest set out in Section 2 of *the Planning Act*
- 12.1.3 Issue 3 - The 150 Sudbury Street application is subject to the Provincial Policy Statement dated March 2005. As discussed in this statement, it is my opinion that the matters of Provincial interest set out therein have been addressed.
- 12.1.4 Issue 4 - As outlined in this statement, the policies and objectives of Metroplan have been complied with.
- 12.1.5 Issue 5 - As detailed in this statement, the in-force policies of both the Part I Official Plan and the Garrison Common North Part II Plan have been complied with.
- 12.1.6 Issue 6 - Although not applicable to the 150 Sudbury Street lands, the intent and policies of the new City of Toronto Official Plan and the Garrison Common North Secondary Plan have been complied with. Given the Regeneration designation of the subject property and the existence of a Secondary Plan, the

intensification of the already permitted residential uses would not require an amendment to the new Official Plan.

The recently enacted *Places to Grow Act*, including the Growth Plan for the Greater Golden Horseshoe, although not applicable to the 150 Sudbury Street lands calls for intensification of built up areas and Brownfield sites. The 150 Sudbury Street proposal is consistent with the objectives of this Act.

- 12.1.7 Issue 7 – The residential intensification of the lands and the extension of the public street system transforms the subject property into a regenerated area of the City compatible with the surrounding proposals. The form, character, and intensity of the proposed intensification of an already permitted land use represent good land use planning practice.
- 12.1.8 Issue 8 - The proposed redevelopment of the 150 Sudbury Street lands increases the amount of housing stock in the City of Toronto and contributes significantly to the public realm through the extension of Sudbury Street and the future extension of Abell Street. In addition, the public interest is further enhanced through the publicly accessible landscaped open space available to residents and future residents of the area.
- 12.1.9 Issue 9 - The in-force zoning by-law (832-2000) permits residential uses, including “live-work” units together with light “Industrial” uses. There is no requirement for any mandatory provision of non-residential floor area in the in-force zoning by-law.
- 12.1.10 Issue 10 - The proposed development of 150 Sudbury Street has taken into consideration the proposed developments

in the area and is compatible therewith. The revised proposal, in my opinion, is more in keeping with the emerging character of the area than the approved stacked townhouse scheme.

- 12.1.11 Issue 11 - Although other witnesses will be addressing this matter in greater detail, the proposed redevelopment of 150 Sudbury Street is appropriate from an urban design perspective and addresses the objectives set out in the Garrison Common North Part II Plan as well as the Built Form provisions of the in-force Official Plan.
- 12.1.12 Issue 12 - The revised development proposal for the lands has been designed in order to properly address the creation of the new public street extensions and is compatible with the other development proposals in the immediate area. A large portion of the subject property is contributing to the public realm through the provision of a new street designed to City standards, further conveyances for future street connections and publicly accessible open space which links to the development to the north.
- 12.1.13 Issue 13 - The revised proposal contributes significantly more landscaped open space than is provided in the approved stacked townhouse scheme.
- 12.1.14 Issue 14 - As outlined in this statement, the proposal for the redevelopment of 150 Sudbury Street has assessed the necessary environmental policies and regulations applicable to the subject property. Noise and vibration studies have been undertaken, an assessment of safety requirements associated with the rail corridor has been conducted and a soil remediation plan has been developed.

12.1.15 Issue 15 - The West Queen West Triangle is developing in similar fashion to other neighbourhoods in the City and in similar fashion to the 1100 King Street West lands to the south of the rail corridor and the former Massey Ferguson lands and Inglis lands (Liberty Village) to the east. Queen Street West provides the necessary retail and service uses with residential uses in the upper floors of buildings fronting on Queen while the internal portions of the neighbourhood are developing as residential and ancillary uses. The previous approvals associated with 150 Sudbury Street, as a stand alone residential enclave, mirrors this traditional development pattern within the City. At present there is no vibrant or apparent neighbourhood character to the vast majority of the Triangle. It is primarily comprised of vacant lands or lands previously used for industrial operations that have left the City. The permissions which allow for the introduction of “live-work” dwellings that contain uses compatible with the surrounding and emerging residential uses provides some flexibility in addressing the mixed-use character of the area.

12.1.16 Issue 16 - The redevelopment of 150 Sudbury Street should not be required to have uses that animate the neighbourhood at the street level. The revised proposal allows for the introduction of grade-related “live-work” units along the future Abell Street and common amenity space for the use of the residents along the extension of Sudbury Street. Given the location of the 150 Sudbury Street lands and the nature of the surrounding land uses, a flexible and practical approach to the possibility of introducing uses that animate future streets is more desirable than mandating such uses which may sit vacant.

12.1.17 Issue 17 - The currently approved zoning by-law permitting stand alone residential uses on the 150 Sudbury Street lands does not mandate the introduction of any non-residential uses. The former approval was based on the same planning regulations currently in place for the lands.

The in-force Official Plans have no policies respecting “no-net-loss of non-residential uses” in this area. In my review of other development proposals and approvals in Mixed Industrial-Residential Areas in the City, and particularly those within the Garrison Common Part II Plan area, no mandated requirement for non-residential space was put in place.

12.1.18 Issue 18 - The in-force Official Plan does not require a contribution to a mixture of uses in this area nor does the new City of Toronto Official Plan. Both Plans allow for exclusive use buildings as well as buildings with mixed uses.

12.1.19 Issue 19 - The appropriateness of density is based on a detailed analysis of built form impacts and an assessment of required hard and soft services. The revised proposal for the intensification of 150 Sudbury Street does not exhibit any adverse impacts on surrounding properties and the proposal respects the development proposals in the immediate area. Hard services have been assessed and will be put in place as development proceeds. Community Services have been addressed by the City and will be put in place, if required, as development proceeds.

12.1.20 Issue 20 - Significant contributions to the public realm including the extension of Sudbury Street and the conveyance of lands necessary for the future

extension of Abell Street are being provided by the applicant. In addition, the provision of publicly accessible open space and linkages with other projects are all positive contributions made by the redevelopment of 150 Sudbury Street. Given the nature and extent of the expenditures to be made to build the Sudbury Street extension, to oversize services to accommodate other projects in the area and to provide safety measures requested by the City, CN Rail and GO Transit, the applicant will be seeking credits towards the development charges applicable to the subject property for the contribution of these area-wide benefiting infrastructure improvements.

- 12.1.21 Issue 21 - The currently approved residential redevelopment of 150 Sudbury Street is not subject to any “holding” provision pursuant to Section 36 of the Planning Act. In fact, there is no Official Plan provision in the in-force Part I Plan or in the in-force Garrison Common North Part II Plan that allows for the introduction of “holding” provisions. As is the case in other developments in Garrison Common North, development has proceeded incrementally with the provision of services necessary for individual site development. Building permits should be issued allowing for the development of lands with occupancy restricted to having appropriate infrastructure, including access provisions, in place at such time.

The residential portion of the subject property has been environmentally remediated, parks levies will be collected at building permit stage and Sudbury Street will be built to an appropriate standard prior

to occupancy. As such, there is no need for holding provisions when all of these matters will be adequately addressed in the various legal agreements required as part of the approval process.

12.1.22 Issue 24 -

As demonstrated in the approval of the previous stacked townhouse project on the 150 Sudbury Street lands, the Sudbury Street extension is not required for the development of the subject property nor was it secured during the processing and approval of the zoning by-law permitting the introduction of residential uses on the subject property as allowed by by-law 832-2000.

At the time of the processing of the original development application for the lands, the extension of Sudbury Street was not considered a requirement of the City whereas a pedestrian connection and bicycle path connecting the terminus of Sudbury Street and Queen Street West was to be secured.

As a result of current thought respecting the public street network in the area, the City is seeking to secure the extension of Sudbury Street to connect to Queen Street West and the re-establishment of Abell Street to connect Sudbury Street to Queen Street West. The 150 Sudbury Street proposal is pivotal to the implementation of this now preferred road network and the applicant has agreed to the City's direction with respect to an expanded right-of-way and services to complement the future development of the entire Triangle area.

12.1.23 Issue 25 -

The proposed development of the 150 Sudbury Street lands provides for a consolidated vehicular entrance to the underground garage and a common

servicing area. Pedestrian entrances are taken from appropriate locations on the proposed public street network agreed to by the applicant.

12.1.24 Issue 26 - The necessary noise and vibration studies have been undertaken by qualified professionals indicating that this issue be satisfactorily dealt with provided the recommendations and conclusions in the reports are implemented.

12.1.25 Issue 27 The previous development approved by City Council and set out zoning by-law 832-2000 established a building setback of approximately 19 metres from the northern boundary of the rail corridor. This setback was determined throughout the course of a public process which included circulation to CN Rail. I would also note that this setback of 19 metres is consistent with the setback requirement in the East of Main planning area adjacent to the CN Principle Main Line as set out in the implementing zoning by-law affecting that residential development.

12.1.26 Issue 28 - As requested by City staff, the proposed redevelopment of 150 Sudbury Street includes increased publicly accessible open space and roads designed and built to City standards, including sidewalks and multi-use trails. Currently there is no open space network for the West Queen West Triangle area nor is any such network outlined in either the Part I Official Plan governing the area or in the Garrison Common North Part II Plan.

12.1.27 Issue 29 - The applicant is willing to provide for cash-in-lieu of parkland as recommended by the City. The considerable on-site landscaped open space also provides amenity space for the residents.

12.1.28 Issue 30 The 150 Sudbury lands can be serviced independent from the remainder of the lands within the Triangle. If it is the objective of the City that a Master Servicing Plan be in place, the development of the 150 Sudbury lands are essential in the functioning of such a scheme but not dependent on its implementation. As demonstrated through previous residential approvals the 150 Sudbury Street lands can be developed independently of other lands within the area.

12.1.29 Issue 32 In order to address this issue appropriately a detailed breakdown of costs is required for the planned City infrastructure objectives as well as a detailed assessment of the breakdown of local versus area-wide benefits. Infrastructure improvements serving the broader area should be addressed through development charge credits. The provision of parkland has already been recommended through a cash-in-lieu payment. Future but not required road connections should also be dealt with through credits to development charges.

12.1.30 Issue 35 - The form and content of the Official Plan Amendment and Zoning By-law contained in the materials filed with this statement reflect and implement the revised proposal submitted.

However, the applicant is aware that the City may have a specific Official Plan format and Zoning By-law format it wishes to implement. As a result of the approval of the New Official Plan it is my opinion that the requirement for an Official Plan Amendment to introduce the proposed project is not required in the context of the New Official Plan.

13 Site Plan

- 13.1 A site plan, filed pursuant to Section 41 of the Planning Act and incorporating revisions has been filed with the City of Toronto.
- 13.2 A revised site plan, which conforms to the proposed Official Plan and Zoning By-law, is being prepared which results in a high quality project that respects the built form of the surrounding area and creates no significant adverse impacts on surrounding properties.
- 13.3 Subject to the incorporation of the normal recommendations of City of Toronto Departments, it is my recommendation that the revised site plan be approved and the necessary undertaking be prepared for execution by the applicant.

14. Reports and Documents

- 14.1 I will rely on the reports and documents as outlined in the accompanying "Document Book: N. Edward Davidson M.C.I.P., R.P.P." provided in four volumes.
- 14.2 I will also rely on visual exhibits and site and area photographs contained in the Photo Exhibit Book.
- 14.3 I will also rely on the reports and visual exhibits submitted by other professional consultants respecting this matter.

15 Conclusions

- 15.1 The proposed redevelopment of the subject property, designated Mixed Industrial-Residential Area 'B', conforms to the provisions of the in-force Part I Official Plan and the in-force Garrison Common North Part II Plan and is in keeping with previous approvals for residential development approved by the City of Toronto.
- 15.2 The proposed redevelopment of these vacant and underutilized industrial lands is compatible with the physical context of the surrounding area, provides for a more appropriate use of the lands, is

consistent with the scale and character of the surrounding neighbourhood and represents a residential intensification of the subject property consistent with Provincial and City policy.

- 15.3 The proposed redevelopment is based on an extension of the public street grid system generally as outlined in the Garrison Common North Part II Plan.
- 15.4 The environmental issues associated with the subject property and its surrounding uses have been adequately addressed and measures have been identified to ensure acceptable live and work conditions. The proposed redevelopment of the subject property represents a significant environmental benefit while adding to the City's housing stock.
- 15.5 The proposed setback of the dwelling units more than adequately addresses concerns respecting rail safety and is consistent with other approved developments within the City adjacent to transit and rail corridors.
- 15.6 Public benefits in the form of environmental site remediation; design, construction and conveyance of a public street network; public park levies and streetscape improvements are all achieved by the proposed redevelopment of the 150 Sudbury Street lands.
- 15.7 The revised site plan represents the conversion of a vacant, previously approved residential site to intensified uses in keeping with the policies of all relevant levels of government. The revised site plan integrates well with the emerging, predominantly residential, neighbourhood proposed for the immediate area. The site plan is based on a system of public streets which form extensions to the existing street network in the immediate area while providing additional access to Queen Street West. The site plan contains significant landscaped open space to serve the needs of the local residents and is supplemented by a significant indoor recreational amenity and associated outdoor space accessible to future residents of

the proposal. Noise and vibration concerns, given the subject property's proximity to transit and rail corridors, have been adequately addressed as have any safety considerations associated with these corridors. The lands set aside for safety mitigation allow for the creation of a public street system and multi-use trail linking other park spaces and communities.

15.8 The form of the amendment to the Official Plan and zoning by-law which implements the proposed redevelopment of the subject property is contained in the materials filed.

Respectfully submitted:

Ted Davidson (Consultants) Inc.



N. Edward Davidson M.C.I.P., R.P.P.
President

July 28, 2006

Appendix 'A'

N. Edward Davidson

B.A., M.E.S., M.C.I.P., R.P.P.

Education

York University

Master of Environmental Studies, 1973

(Land Resource Management & Development)

University of Western Ontario

Bachelor of Arts, 1970

(Urban Geography and Planning)

Professional and Other Memberships

- ***Ontario Professional Planners Institute, Registered Professional Planner***
- ***Member of the Canadian Institute of Planners***
- ***Member, Arbitration and Mediation Institute of Canada Inc.***

Professional Experience

I. Ted Davidson (Consultants) Inc.

N. Edward Davidson is the president and principal planner of ***Ted Davidson (Consultants) Inc.***

As a practising professional planner and development manager, Mr. Davidson provides planning and development advice to major developers, individuals and municipalities in the Province of Ontario. Mr. Davidson is qualified and recognized as an expert witness and during the past 31 years has given expert evidence before the Ontario Municipal Board on numerous occasions. Mr. Davidson regularly appears before municipal councils, committees of council and committees of adjustment throughout the Province of Ontario.

Mr. Davidson provides planning and development advice for a wide range of projects including commercial/residential infill projects, greenfields development, conversion of former industrial lands to mixed use and residential uses, and industrial intensification.

Mr. Davidson is involved in the planning and implementation of urban and recreational waterfront lands and his work includes Official Plan studies at both a site-specific and area-based level and drafting of numerous zoning by-laws. Environmental matters associated with development and redevelopments are also co-ordinated by Mr. Davidson.

II. Camrost Development Corporation

Vice - President, Planning & Development - October 1990 to May 1994

Ted Davidson directed the development of Camrost's residential, commercial and mixed - use projects. Camrost Development Corporation primarily concentrates its development activity in Metropolitan Toronto with projects such as Marina Del Rey on the Etobicoke waterfront, the Residences of the World Trade Centre in the waterfront area of the City of Toronto, Hollywood Plaza in North York and Canyon Springs/Granite Gates in the City of Mississauga.

As Vice - President, Ted Davidson directed the following major projects:

- **Etobicoke Harbour City** (The Motel Strip, City of Etobicoke).
- **Harbourview Village** (Mystic Pointe: former McGuinness Distillery, City of Etobicoke).
- **World Trade Centre - Yonge** (World Trade Centre Lands, City of Toronto).

- various projects in Mississauga, North York and Scarborough

III. Marathon Realty Company Limited

***General Manager, Southtown General Manager, Planning
April 1987 - September 1990***

As General Manager of Southtown (The Railway Lands), Mr. Davidson was responsible for all aspects of the development stage of the 35 acre former CP Rail Yard in downtown Toronto (The Railway Lands).

As General Manager of Planning, Mr. Davidson provided expertise and consulting resources to all business units of Marathon Realty. The company's projects, included, amongst others, Southtown (Toronto), Yonge/Summerhill (Toronto), Coal Harbour (Vancouver), Glenview (Chicago), Wentworth (Montreal), Arbor Business Park (Atlanta) and I.C.C. Business Park (San Francisco).

IV. City of Toronto Planning & Development Department

- ***Manager, Downtown Section (Financial District), 1985 - 1987***
- ***Manager, Waterfront and Railway Lands Section, 1981 - 1985***
- ***Manager, West Central Section, 1978 - 1981***

Significant projects included: The Railway Lands Part II Plan, The Central Waterfront Plan, The Harbourfront Part II Plan, The Annex Part II Plan, The Bathurst - St. Clair Part II Plan, The Southeast Spadina Part II Plan, The King - Spadina Part II Plan, The Kensington Market Part II Plan, The Port Industrial District Part II Plan, The Central Bayfront Part II Plan, as well as the management of approvals respecting many complex commercial, residential and mixed-use projects.

V. Regional Municipality of Peel

Senior Planner

Policy Division, Planning Department, 1975 - 1978

VI. South Lake Simcoe Conservation Authority

Planner

Planning Area: Regional Municipality of York & Simcoe County, 1973 - 1975

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