

TORONTO STAFF REPORT

May 18, 2004

To: Toronto North Community Council

From: Acting Director, Community Planning, North District

Subject: Refusal Report
Application to amend Zoning By-law and Official Plan
Georgian Bond Avenue Inc.
20 Bond Avenue (Block 16)
TD CMB 2002 0015
Ward 25 - Don Valley West

Purpose:

This report reviews and recommends refusal of applications to amend the Official Plan and Zoning By-law to permit a 45-unit townhouse development with a limited live-work component.

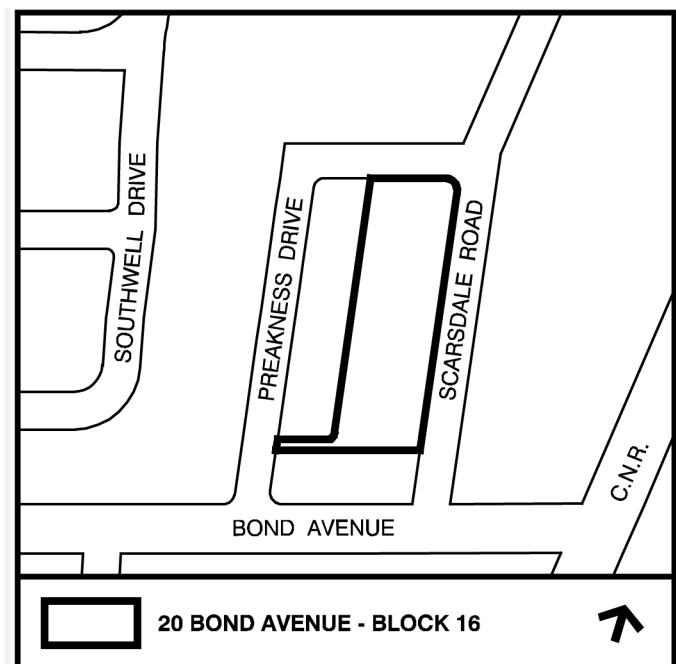
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council refuse the Official Plan and Zoning Amendment applications at 20 Bond Avenue File No: TD CMB 2002 0015.
- (2) Should this application be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City Staff be authorized to appear before the Ontario Municipal Board to defend the refusal of this application.



Background:

Site History

The original development approval was the subject of a lengthy and detailed planning process that included an Ontario Municipal Board hearing.

On May 11 and 12, 1999 City Council refused an application submitted by Glenarda Properties Ltd proposing to amend the industrial designation on the site to residential to permit a plan of subdivision comprising 82 dwelling units (i.e., 14 detached homes and 68 semi-detached homes). Council did not support staff's position regarding principles of development for the site that recommended the redesignation of the site for residential purposes with the inclusion of limited home occupation uses (offices) along the Scarsdale Road frontage of the site. It was Council's decision that the lands retain their industrial designation and zoning. The Council decision was subsequently appealed by the applicant to the Ontario Municipal Board.

In March 2000, the Ontario Municipal Board dealt with the appeal. Based on the evidence presented at the hearing, it was the decision of the Board to refuse the applications however, the Board indicated that it was prepared to withhold its order and consider an alternative development proposal which included, among other matters, the following criteria:

- a full employment use on Scarsdale Avenue;
- a live-work proposal with the residential component ancillary to the work component on most of the lands;
- a live-work proposal having a more dominant residential component on the portion of the land adjacent to Charnwood Avenue.

On October 5, 2000, the parties returned to the Board with the applicant seeking approval on a proposal that met the criteria set out in the Board's previous decision. The City did not take a position on the revised proposal.

In an Order issued November 9, 2000, then revised on September 10, 2001, the Board approved an amendment to the official plan, zoning by-law and draft plan of subdivision to facilitate development of the entire site. Attachment 3 illustrates the approved street and block plan layout of the subdivision.

The approved proposal included live-work residential uses on the majority of the site and an industrial/employment land use parcel of land fronting Scarsdale Road (Block 16). The resulting zoning and designation for Block 16, the lands subject of this report, remained industrial/employment to preserve and maintain an industrial/employment land use along Scarsdale Road.

The remainder of the industrial/employment zoned lands (Blocks 11-15) included permission for live-work units in the form of townhouses provided the employment use is the primary use (i.e., 50-75%).

Lands along the western boundary of the subdivision (Blocks 1-10 backing onto Charnwood Road properties) were zoned residential and included permission for a live-work component however the work use is subordinate to the primary residential use (i.e. 10-30%) and in the form of semi-detached dwellings.

Committee of Adjustment

Subsequent to the decision of the Ontario Municipal Board, the owners made application to the Committee of Adjustment seeking minor variance approval on Blocks 11-15 of the employment lands. The owner informed the Committee that since the time of the OMB hearing the owner commenced marketing of the project and found that there was little interest in a live-work arrangement that contained employment/work space as the predominant land use. As a result, a reduction in the required space to be allocated for employment use was sought. The application was for 32 grade related townhouses units.

On March 27, 2003, the Committee granted a reduction in the required percentage of live/work uses from 50-75% to 10-30% and a modification of the permitted building envelopes.

Proposal

This is a proposal to change the land use from an industrial/employment use to residential on the remaining industrially designated land fronting onto Scarsdale Road.

The applicant is proposing to amend the Official Plan and Zoning By-law approved by the Ontario Municipal Board on Block 16 within the approved plan of subdivision to accommodate a 45 unit townhouse development with a limited live/work, or home occupation component. The work component would be located in the basement/underground parking level of each unit and comprise an area between 10-30% of the gross floor area of the dwelling unit.

The applicant submits that the owner is unable to market the development for industrial/employment uses in accordance with the Ontario Municipal Board approval and is seeking approval on a live-work proposal similar to that approved on the adjacent blocks (11-15) within the industrially designated lands in the subdivision.

As illustrated on Attachment 1, the townhouse units are planned within a series of eight, 3-storey townhouse blocks. Three blocks are proposed along the Scarsdale Road and Preakness Drive frontages of the site. A southerly block of townhouses will overlook an internal walkway separating it from the approved townhouses on Bond Avenue. The remaining four blocks which are proposed along the east edge of the site, are arranged in pairs and are sited within the internal

portion of the site. Parking is provided in a one-level underground parking garage and accessed through a common entrance driveway from Preakness Drive. Two parking spaces per unit has been provided.

The following is a statistical summary of the proposal:

Site Statistics	
Site Area	7,062m ²
Gross Floor Area	8,094m ²
Density	1.2 FSI
Building Coverage (footprint)	41.7%
Building Height	3 storeys (9.5m/31.2 feet)
Units	45
Parking	90 spaces (2 spaces per dwelling unit)

Site and Surrounding Area

The lands are located within an employment area on Scarsdale Road, which is located in the area south of York Mills Road and east of Leslie Street.

The 0.70 ha (1.7 acres) subject lot forms part of a new plan of subdivision located at the northwest corner of Bond Avenue and Scarsdale Road. The lot is one of 16 parcels that comprise a plan of subdivision approved for industrial purposes or a mix of live-work (or home occupation) uses either in the form of townhouses or semi-detached units. The plan of subdivision is bisected by a new public road (Preakness Drive) which connects Bond Avenue to Scarsdale Road. Land uses west and south of the site are residential, located within the Banbury Residential Community. Lands north and east of the site along Scarsdale Road are employment related including a mix of office, industrial, private schools, churches and storage. The following is a summary of the area context:

East: industrial/employment uses, then the C.N.R right-of-way, then Bond Park;

North: a place of worship fronting Scarsdale Road, Southwell Public Park, then industrial/employment uses;

West: limited live-work/home occupation uses (on lands within the plan of subdivision) in the form of townhouses and semi-detached dwellings, then the rear yards of single detached dwellings fronting onto Charnwood Avenue; and,

South: rear yards of single detached dwellings fronting Chatfield Drive.

North York Official Plan

The site is designated Industrial in the former City of North York Official Plan. This designation permits a wide range of industrial activities and employment uses, places of worship, schools and commercial uses (subject to locational limitations) as well as, limited housing opportunities.

Dwellings are permitted in industrial areas as an accessory use provided they support and are compatible with the primary use of the land for employment purposes (e.g. a caretaker or a residence for the head of a congregation). Amendment applications which propose dwellings that combine work space with living space (i.e., live-work) in industrial area may be approved by Council provided that compatibility criteria are satisfied. It is intended that a proposal with live-work accommodation provide a land use buffer between residential lands and industrial lands as well as meeting the needs of some employment uses for combined residential/employment occupancy.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The City is now in the middle of prehearings with appellants at the Board.

Once the Plan comes into full force and effect, the site will be designated as an *Employment Area*. *Employment Areas* are intended to be places of business and economic activity. Uses that support this function consist of: offices manufacturing, warehousing, distribution, research and development facilities, utilities, restaurants and small scale stores and services that serve area businesses and workers.

The site is situated within an *Employment District* as identified on Urban Structure Map 2 of the Plan. *Employment Districts* are employment areas intended to accommodate substantial growth and jobs and meet the needs of some of the key economic clusters that are the focus of the City's Economic Development Strategy.

This application is not consistent with the new Official Plan.

Zoning

The lands are included in site specific zoning by-law M1(28) – Industrial Zone One. The by-law is comprised of two parts.

Part Two of the zoning by-law deals with the subject site (Block 16) fronting onto Scarsdale Road. The by-law includes site specific performance standards for the full range of light industrial uses currently permitted within the M1 zone category. The M1 zone category is intended to serve as a buffer between residential and industrial uses. The zoning permits employment uses such clubs, offices, industrial sales and service, warehousing, information processing, manufacturing, personal service shops, and storage facilities. The zoning also permits places of worship and schools including commercial schools, an adult education school, colleges and university uses.

Part One deals with Blocks 10-15 (west and south of the subject lands) which front onto Preakness Drive and the Bond Avenue. The by-law for these lands includes performance

standards for specific light industrial uses including permission for live-work dwellings provided that the employment use is the primary use (i.e., between 50-75% of the gross floor area). As noted previously in this report, the Committee of Adjustment approved minor variance to reduce the required percentage of live-work mix to a range of 10-30%.

Site Plan Control

An application for site plan approval has not been submitted.

Reasons for the Application

The Official Plan and zoning by-law do not permit the proposed residential uses.

Community Consultation

A community consultation meeting has not been scheduled.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. The Economic Development Division, Economic Development Culture and Tourism Department do not support rezoning the site for residential purposes. Their concerns regarding the proposed change from employment use to residential use can be summarized as follows:

1. the employment-land retention policies of both the existing Official Plan and those of the new City of Toronto Official Plan would be undermined;
2. existing local businesses could be negatively impacted;
3. the stable employment area could be destabilized;
4. the subject property is a viable employment/industrial site;
5. it would result in the loss of Commercial/Industrial Assessment;
6. the potential for job creation on the site would be eliminated; and,
7. it would set a precedent for future conversion applications in employment areas.

Comments:

Land Use

Following an extensive and lengthy Ontario Municipal Board hearing on this plan of subdivision, in September 2001 it was the decision of the Board to maintain an industrial/employment land use on this portion of the subdivision with the intent that the predominant land use would be preserved along the Scarsdale Road frontage in support of the employment area. The remainder of the property included permissions for diminishing degrees of a live-work use format towards the stable residential neighbourhood to the west.

The applicant is proposing to amend the official plan and zoning by-law to permit residential uses. This is not consistent with the Board decision that does not permit a residential

development. The applicant has proposed that each of the residential units will have an employment/work space in each unit with a limit of 30 percent of the gross floor area. The proposed use would be conducted by members of the household who live in the unit as their principal residence. In effect, the proposal is home occupation space in a residential setting.

The Urban Structure map of the new Official Plan indicates the property is included within an 'Employment District.' It is an objective of the Plan to protect the City's large employment districts from the encroachment of non-economic functions and promote them exclusively for economic activity in order to, among other policies, maintain and ensure a stable environment for investment and to maintain and grow the City's tax base. The '*Employment Area*' land use designation of the site would not permit residential uses.

The proposal does not comply with the intent of the North York Official Plan to preserve industrial areas for employment purposes and the policies of the new Official Plan for the City of Toronto to protect and promote industrial lands primarily for economic activity.

It is staff's opinion that the Board decision to maintain this parcel of land along Scarsdale Road for purely industrial/employment uses be respected. The applicant's proposal to rezone the employment land for residential purposes should be refused.

Appeal to Ontario Municipal Board

The application to redevelop the industrially designated portion of the subdivision was originally submitted on November 19, 2002. The applications contemplated redevelopment of the site, including the industrially designated blocks immediately west of the subject parcel of land, with a residential development comprising five, 3-storey apartment buildings containing a total of 188 dwelling units. However on July 3, 2003, the applicant filed a revised application to permit a 6-storey apartment building with a limited live/work component for the remaining lands (Block 16). This proposal was subsequently referred to the Ontario Municipal Board on November 12, 2003 on the basis that the City did not make a decision on the applications within 90 days. While waiting for a hearing date to be scheduled by the Board, the applicant submitted the current revised application on March 1, 2004, and has requested the Board not proceed in scheduling a hearing.

To date, no formal appeal to the Board has been made with respect to the current proposal. However, should City Council support the staff position on this application, and the decision is appealed to the Ontario Municipal Board, it is recommended that the City Solicitor and appropriate City Staff be authorized to appear before the Board to defend the refusal of this application.

Conclusions:

A land use decision on the site followed a long and extensive review process that resulted in an Ontario Municipal Board decision in September 2001 to maintain an industrial designation and zoning along the Scarsdale Road frontage of the subdivision.

The proposal for a 45-unit townhouse development does not meet the intent of the existing North York Official Plan to preserve industrial areas for employment purposes and is contrary to the policies of the new Official Plan for the City of Toronto to protect and promote industrial lands primarily for economic activity. The proposal is also contrary to the recent Ontario Municipal Board decision to maintain an industrial/employment land use on this portion of the subdivision. It is staff's opinion that the Board decision to maintain this parcel of land along Scarsdale Road for purely industrial/employment uses be respected and reinforced.

This report recommends refusal of the applications. The report also recommends the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board to defend the refusal of the applications should they be appealed to the Board.

Contact:

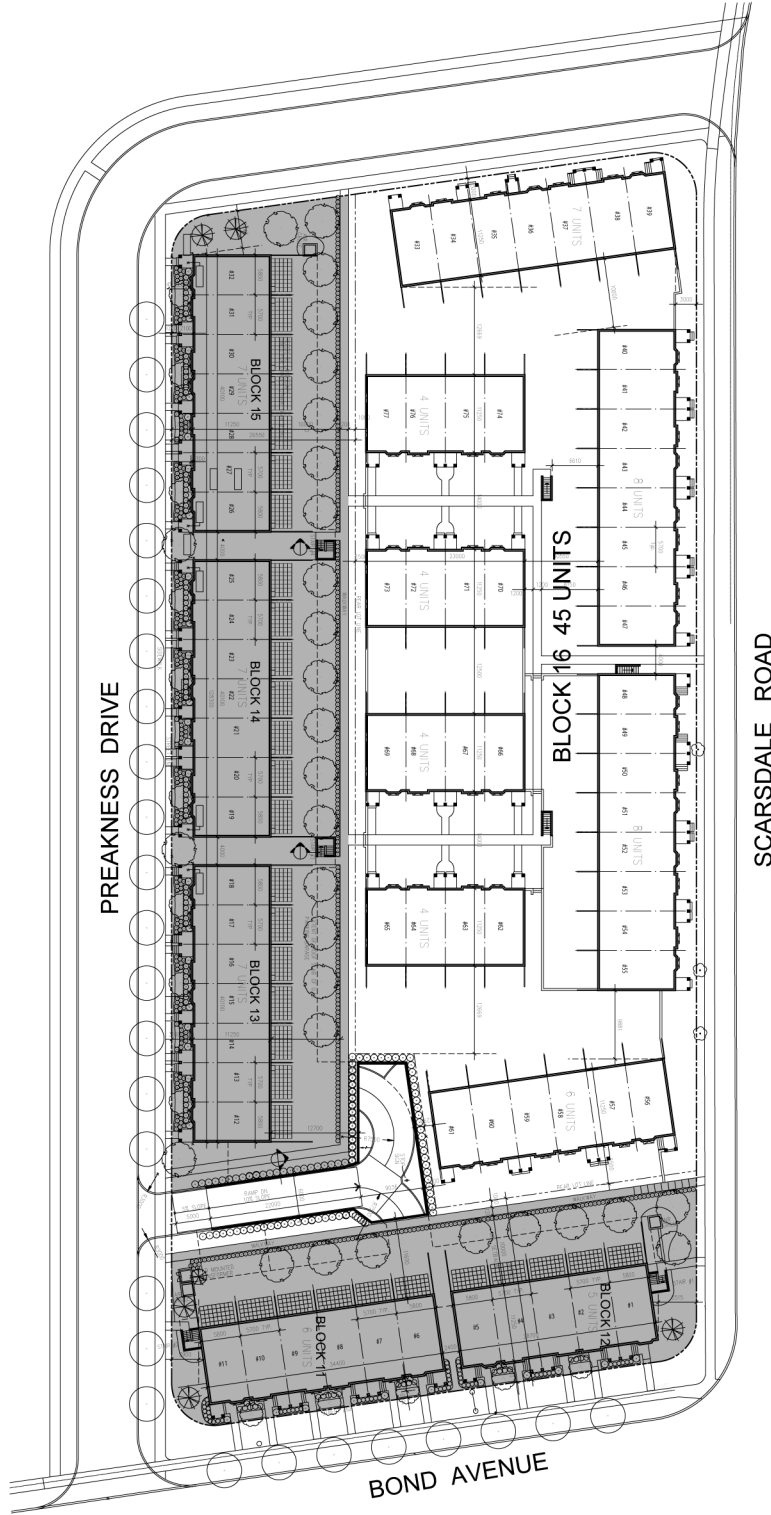
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List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Plan of Subdivision
Attachment 4: Zoning
Attachment 5: Official Plan

ATTACHMENT 1 – SITE PLAN



Blocks not subject of this application

20 Bond Avenue - Block 16

Site Plan
Applicant's Submitted Drawing

Not to Scale
05/14/04



File # TD CMB 2002.0015

ATTACHMENT 2 – ELEVATIONS



Front (North) Elevation (Block 16)



Rear (South) Elevation (Block 16)



Side (West) Elevation (Block 16)

Typical Elevations

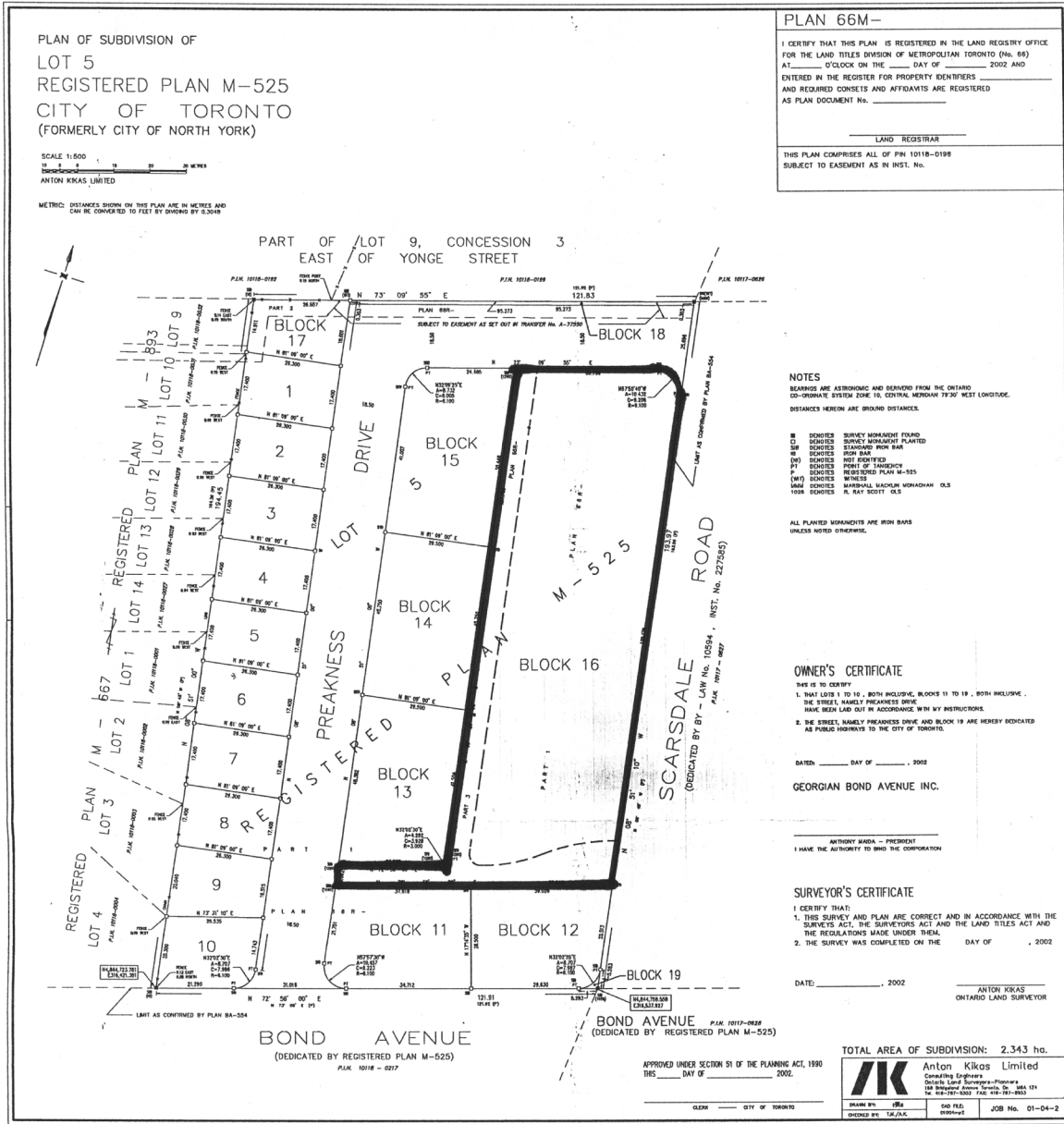
Applicant's Submitted Drawing

Not to Scale
05/14/04

20 Bond Avenue - Block 16

File # TD CMB 2002 0015

ATTACHMENT 3 – SUBDIVISION PLAN



Plan of Survey

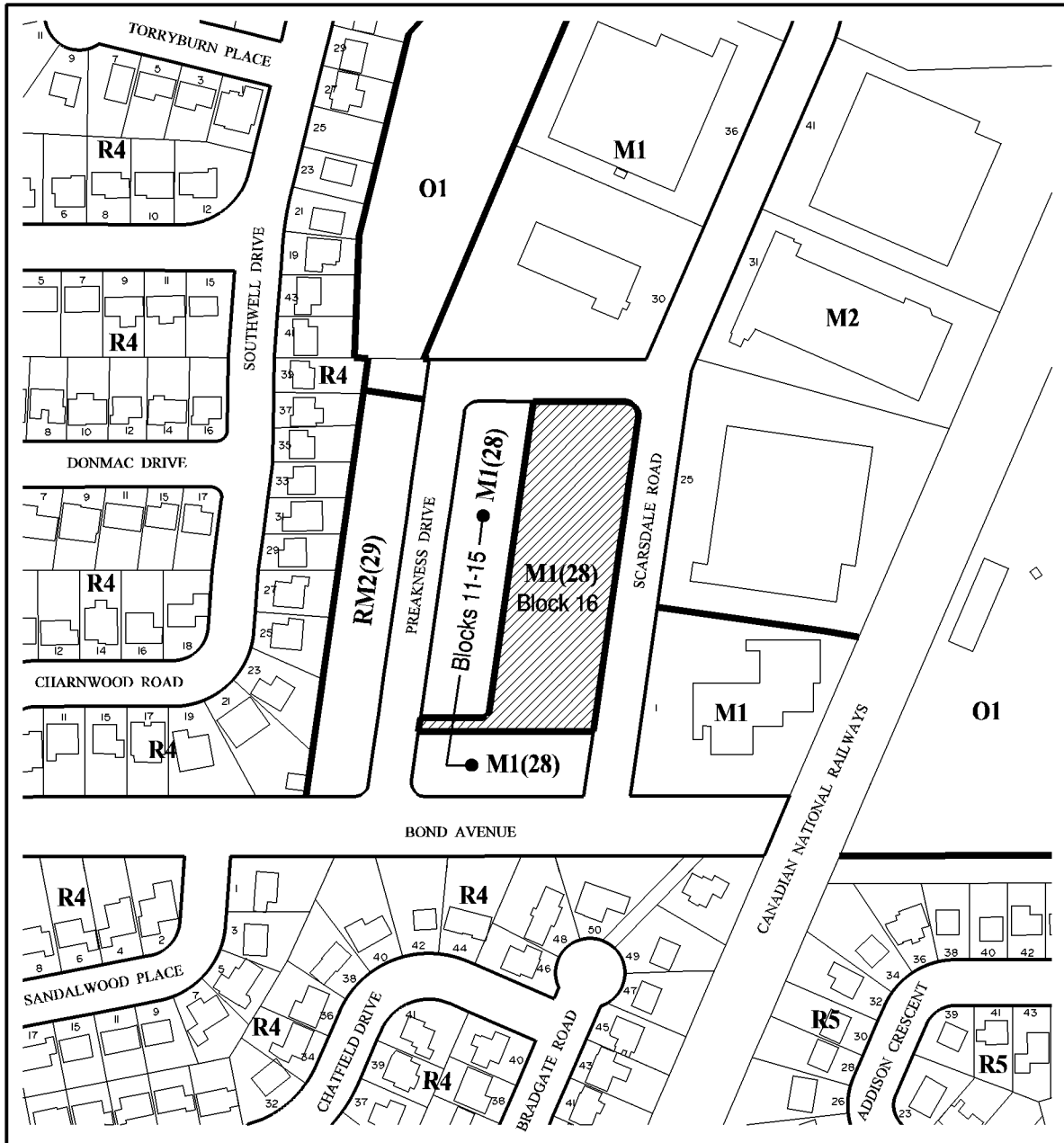
Applicant's Submitted Drawing

Not to Scale
05/14/04

20 Bond Avenue - Block 16

File # TD CMB 2002 0015

ATTACHMENT 4 – ZONING



20 Bond Avenue - Block 16

File # TD CMB 2002 0015

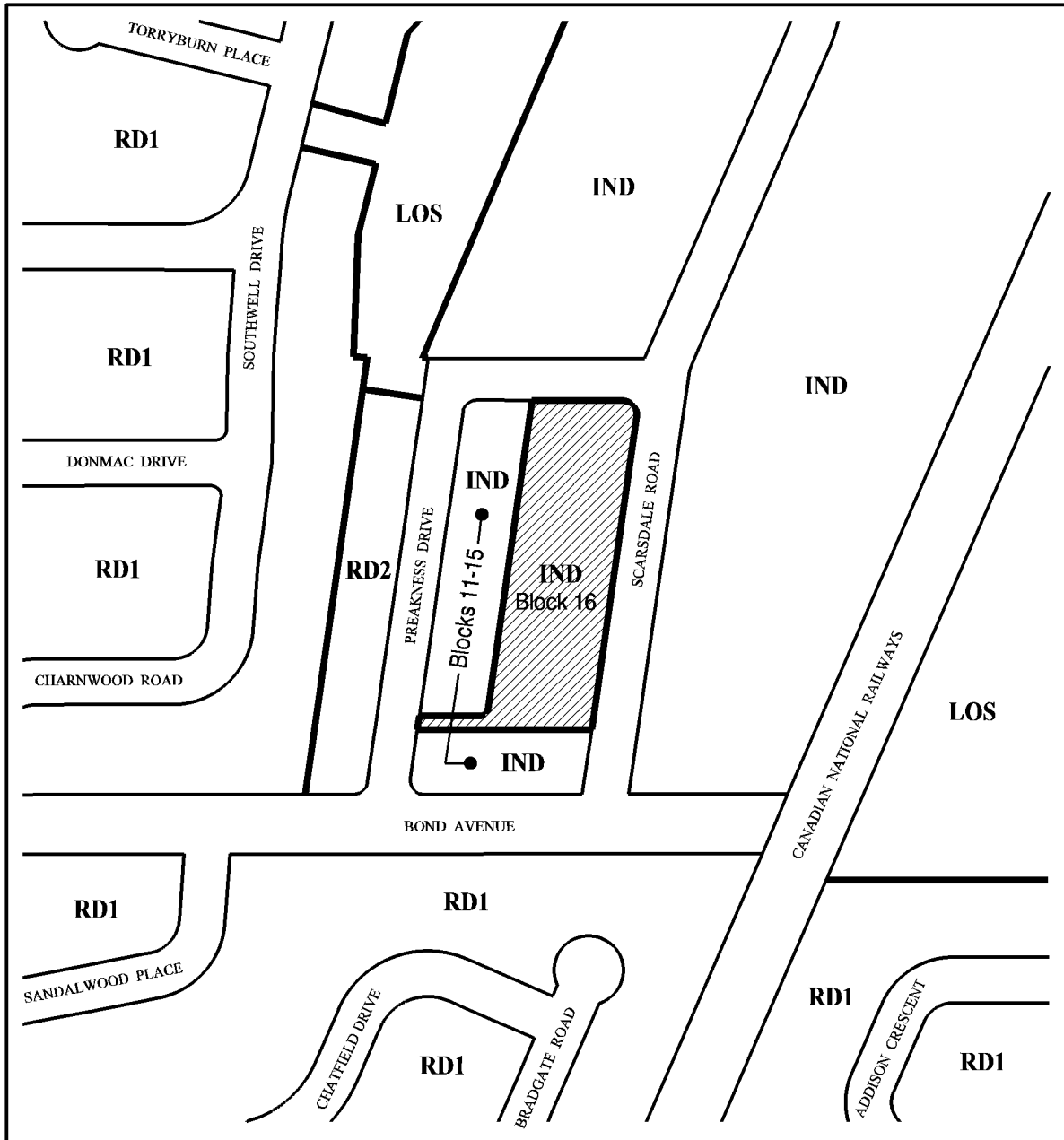
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone

- M1 Industrial Zone One
- M2 Industrial Zone Two
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 01/12/04

ATTACHMENT 5 – OFFICIAL PLAN




 **TORONTO** Urban Development Services
Official Plan

20 Bond Avenue - Block 16

File # TD CMB 2002 0015

- RD1 Residential Density One
- RD2 Residential Density Two
- IND Industrial
- LOS Local Open Space


Not to Scale
North York Official Plan
Extracted 01/12/04