

CITY OF TORONTO

BY-LAW No. 879-2001(OMB)

To adopt Amendment No. 9 to the Official Plan for the former Borough of East York.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1898 dated December 22, 2000, upon hearing the appeal of Kosmor Construction Inc. under Section 22(1) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the Official Plan for the former Borough of East York.

THEREFORE the Official Plan for the former Borough of East York is amended as follows:

1. Amendment No. 9 to the Official Plan for the former Borough of East York, consisting of the attached text and map designated as Schedule "A", is hereby adopted.

AMENDMENT NO. 9 TO THE OFFICIAL PLAN
OF THE
FORMER BOROUGH OF EAST YORK

The following Text and Maps, constitute Amendment No. 9 to the Official Plan for the former Borough of East York (being an amendment to the provisions of the former Borough of East York Official Plan.

The sections headed “Title, Purpose, Location” and “Basis” are explanatory only, and shall not constitute part of this amendment.

PART ONE

PREAMBLE

1. **TITLE**

This is Amendment No. 9 to the Official Plan for the former Borough of the East York.

Only that part of this Amendment entitled “Part B The Amendment” constitutes Amendment No. 9 to the Official Plan for the former Borough of East York.

2. The purpose of this Amendment is to establish policies for the lands which are identified as Special Policy Area 4 on Map 7, to be incorporated as Section 3.15.4 of the Official Plan for the former Borough of East York and to more specifically insert site specific policies to:
- (a) designate the lands bounded by Eglinton Avenue East, the West Don River Valley, Research Road, Vanderhoof Avenue and Brentcliffe Road as “Eglinton-Brentcliffe Business Area”, “Eglinton-Brentcliffe Mixed Use Area”, “Light Industrial” and “Open Space”.
 - (b) limit the range of new commercial uses to Business and Professional Offices, Business Services, Retail, Eating Establishments, Service Uses, and Trade, Technical and Service Uses;
 - (c) restrict the amount and type of commercial uses in the “Eglinton-Brentcliffe Mixed Use Area”;
 - (d) establish appropriate development guidelines and/or provisions to guide the future course of development of the lands including an implementation framework; and
 - (e) permit the continuation of existing industrial and commercial uses, automobile sales and service uses, retail and wholesale warehousing, and retail stores to a maximum gross floor area of 17,143 m².

3. **LOCATION**

The lands affected by this Amendment are identified as Area 4 on “Map 7 - Special Policy Areas” of the Official Plan for the former Borough of East York and are located on the south side of Eglinton Avenue East, east of Brentcliffe Road, north of Research Road and west of the West Don River Valley.

4. **BASIS**

A portion of the lands affected by this Amendment were subject to a Site Specific Official Plan Amendment 23 (“OPA 23”) which was approved by Council in 1990. Through that amendment, Council redesignated the lands bounded by Eglinton Avenue East, the West Don River Valley, Vanderhoof Avenue and Brentcliffe Road from “Industrial-Commercial” and “Open Space - Valley Lands” to “Industrial-Commercial/Residential High Density”. OPA 23 permitted the lands to be developed for Business and Professional Business Services, Retail, Restaurant, and Service Uses to a maximum gross floor area of 81,300 m² for Business and Professional Offices and a maximum gross floor area of 3300 m² for Business Services, Retail, Restaurant and Services Uses and for multiple family dwellings and accessory uses provided the “Residential High Density” uses are developed in accordance with the specific policies to a maximum of 1,175 units and a maximum gross floor area of 130,100 m². All of the permitted uses were to be only permitted in accordance with a Master Concept Plan, the Plan recognizing that all of the Industrial-Commercial density is to be developed on the westerly half of the land affected by this Amendment in order to permit residential development on the balance of the lands by way of bonusing under Section 36 of the Planning Act, 1983 (as amended).

Those site specific permissions were reconfirmed by Council’s subsequent adoption of the Secondary Plan for the Leaside Industrial and Urban Centre Areas, Official Plan Amendment 29 (“OPA 29”) in August of 1992.

Following the adoption of OPA 23, and prior to the adoption of OPA 29, Kosmor Construction acquired additional abutting lands lying to the south of Vanderhoof Road and north of Research Road, and modified the previous proposal to incorporate the additional lands.

Council subsequently enacted, and the Minister approved, subject to deferrals and referrals, a consolidated Official Plan for the Borough of East York. This Amendment amends that Plan.

The subject lands comprise 12.14 ha (30 ac.) and are currently occupied by a mix of industrial, office, retail warehouse, retail and service commercial uses. Existing high and low rise residential development lies to the north, valley lands and parkland lie to the east, and industrial and commercial uses lie to the south and west.

Kosmor Construction Inc. proposes that the lands be developed as a mixed use development including:

- (a) a maximum commercial gross floor area on a portion of the lands of 63,637 m² (685,005 ft²);
- (b) light industrial uses with a floor space index of 2.0;
- (c) a maximum of 965 dwelling units, with a maximum gross floor area of 104,080 m² (1,120,344.4 ft²) of which 2,090 m² (22,497 ft²) may be used for commercial purposes on a portion of the lands; and
- (d) the continuation of existing uses with a maximum gross floor area of 17,143 m² (184,532 ft²).

The proposal is appropriate for the subject lands for the following reasons:

- it is generally consistent with the findings of the Leaside-Thorncliffe Park Industrial Area Secondary Plan Review and the Leaside Industrial and Urban Centre Area Secondary Plan (OPA 29); including Council's reconfirmation of the approvals adopted in OPA 23;
- it is consistent with Metropolitan Toronto's Official Plan and policies concerning the redevelopment of the arterial road peripheries of industrial areas for higher order mixed uses including residential uses and the placement of high density residential uses along Metropolitan arterial roads;
- the increase in office density will take advantage of the land's location along one of the City's major arterial roads and transit routes;
- the increase in office density and commercial uses will assist in redressing the former Borough's assessment imbalance and ability to provide services to residents;
- the increase in office density and ancillary retail uses will provide considerable job opportunities;
- the residential uses are consistent with former Metropolitan Toronto, former Borough and Provincial policies promoting residential intensification and affordable housing.
- the residential uses will take advantage of the land's scenic valley exposure, and proximity to transit routes and shopping, cultural and recreational opportunities;
- the residential uses will be compatible with adjacent uses and provide the opportunity to diversify the former Borough's housing stock, to create a more vibrant and lively environment on the lands and also to provide for a better live-work relationship with the offices and other employment areas;

- the public road plan will create an attractive accessible valley edge, and greater flexibility and connectivity in the Leaside Industrial Area road network.

The Amendment contains policies to ensure that the development satisfies the traffic, environmental, servicing and urban design requirements of the City and other agencies. Finally, all other provisions of the *Planning Act* regarding parkland dedication and site plan control shall apply to the development of these lands.

The Amendment also clarifies that existing uses on the lands shall be able to continue in order to permit employment and assessment opportunities to continue.

PART B**THE AMENDMENT**

1. The text of the Official Plan of the former Borough of East York is hereby amended by deleting Section 3.15.4.1 and by replacing Section 3.15.4.1 with the following provisions which establish policies for Special Policy Area 4:

3.15.4.1 **South East Corner of Brentcliffe Road and Eglinton Avenue East**

The following policies shall apply to the lands bounded by Eglinton Avenue East, Brentcliffe Road, Vanderhoof Avenue, Research Road and the West Don River Valley. The other policies of this Plan shall also apply to these lands but only insofar as they do not conflict with the policies of this section. In the event of a conflict, the policies of this section shall prevail.

3.15.4.2 **Permitted Uses**

- (a) The lands which are the subject of this Amendment and shown on Schedule "A" shall be designated

"Eglinton/Brentcliffe Business Area"
 "Eglinton/Brentcliffe Mixed Use Area"
 "Light Industrial"
 "Open Space" and
 "Community Park"

- (b) Notwithstanding any other provision of this Plan a maximum gross floor area of 17,143 m² (184,531.7 ft²) may be used for "Industrial Special Purpose Commercial" uses, automobile sales and service uses, retail and wholesale warehousing, retail stores excluding food stores in excess of 929 m², (10,000 ft²) and eating establishments, as well as day nurseries and community facilities on the western half of the lands.

- (c) For the purpose of this Section:

"Eglinton/Brentcliffe Business Area" uses shall include but not be limited to Business and Professional Offices, Business Services, Eating Establishments, ancillary Retail and Technical Trade and Service Uses, and accessory uses to a maximum gross floor area of 63,637 m² (685,005.3 ft²), of which not more than 3,252 m² (35,000 ft²) may be used for uses other than Business and Professional Offices and Technical Trade and Service Uses.

“Eglinton/Brentcliffe Mixed Use Area” shall include a maximum of 965 dwelling units with a maximum residential gross floor area of 104,080 m² (1,120,344.4 ft²) and a maximum building height of 18-storeys. Limited commercial uses shall also be permitted, such as retail uses (not including food stores in excess of 929 m² [10,000 ft²]), financial institutions and personal services, as well as public and institutional land uses, including schools, day nurseries, and community facilities, to a maximum gross floor area of 2,090 m² (22,497 ft²).

“Light Industrial” shall include both technical trade and service uses, and light industrial uses to a maximum floor space index of 2.0.

In addition to the above uses, temporary sales and construction management offices shall be permitted on the lands which are the subject of this Amendment as shown on Schedule “A”.

3.15.4.3 **Implementation and Policies**

The policies applicable to the development or redevelopment of the lands shall be implemented by means of the powers conferred upon Council by all applicable statutes and in particular as follows:

(a) **Plan of Subdivision**

Due to the nature of the development and size of the lands, the lands will be developed by way of Plan of Subdivision. A registered agreement shall establish the staging and phasing of the infrastructure necessary to support the development, together with conditions with respect to traffic, environmental and soils remediation, noise attenuation, air quality and the appropriate conditions to be satisfied prior to Site Plan approval of any specific phase of development.

The subdivision agreement shall also set out legal, financial and design conditions in order to address the requirements of the City of Toronto and the Toronto Region Conservation Authority with respect to the foregoing, generally to be satisfied as a precondition to the issuance of a building permit.

(b) **Zoning By-law and Site Plan Control**

Implementing Zoning By-laws shall only be enacted in accordance with Schedule “A” for the entire lands and in accordance with the policies of this Plan.

(c) **Holding Zones**

Subject to section 3.15.4.3(a) above, a Zoning By-law may incorporate holding provisions in accordance with Section 36 of the *Planning Act*, as amended. The Holding provision may be utilized for the purposes set out in Section 3.15.4.3(f) (traffic). The use of the “H” symbol in these circumstances will serve to limit the use of the lands in order to achieve orderly phased development. The symbol may be removed by by-law when the conditions required to lift the hold have been met to the satisfaction of Council as set out in Section 3.15.4.3(f) below.

When Council passes a by-law utilizing the symbol “H” to place the lands or any part thereof in a Holding category, such by-law shall specify the uses that may be permitted while the Holding symbol is in place.

(d) **Phasing**

Council shall ensure through a Subdivision Agreement that the development is consistent with the orderly and phased development of the subject lands in accordance with subsections (e), (f) and (g) below.

(e) **Environmental Issues**

Subject to section 3.15.4.3(a) above, prior to the passing of any implementing Zoning By-law or as a precondition of Site Plan approval, the owner shall submit to the City to the satisfaction of Council, detailed reports addressing the following issues:

- (i) the decommissioning of former Industrial uses, as required;
- (ii) the decommissioning of the closed sanitary landfill;
- (iii) plans to monitor and control any potential impacts of the closed sanitary landfill site;
- (iv) noise attenuation.

Development of the lands shall be conditional upon satisfying any legal, financial and design conditions imposed by the City of Toronto, the Ministry of the Environment and Energy, the Atomic Energy Control Board and the Toronto and Regional Conservation Authority with respect to the foregoing.

(f) **Transportation**

Subject to section 3.15.4.3(a) above, prior to the passing of any implementing Zoning By-law or the passing of any amending by-law to remove the “H” symbol from any implementing Zoning By-law, the owner shall submit to the City, to the satisfaction of Council detailed reports by a qualified transportation engineer which addresses the following issues:

- (i) existing traffic and transit volumes on the local and arterial road system;
- (ii) the amount and distribution of motor vehicle and transit based trips generated by the proposed development;
- (iii) the amount and distribution of motor vehicle and transit based trips generated by the existing, committed, and approved development within the Leaside Business Area, including all lands subject to this Amendment; and, by permitted development within the area subject to this Amendment;
- (iv) an analysis of the present planned road and transit system's capacity to accommodate the new trips;
- (v) the identification of any road network safety concerns;
- (vi) an assessment of the traffic impact on local and collector residential streets;
- (vii) the identification of the specific operational or other improvements required in light of the overall requirements, in order to satisfactorily mitigate development impacts, maintain acceptable traffic and transit service levels; and
- (viii) a review of the land's vehicular access points and pedestrian connections to transit services;

and shall undertake to provide or support the introduction of necessary improvements to the satisfaction of the City.

Development of the lands may be conditional upon satisfying any legal, financial and design conditions imposed by the City of Toronto with respect to the foregoing.

The subdivision agreement shall secure the provision of the transportation improvements identified on Schedule B which are required to support a maximum of 965 dwelling units. The said improvements shall be phased in accordance with the requirements of the City of Toronto as provided in the

subdivision agreement.

(g) **Technical Conditions**

Subject to Section 3.15.4.3(a) above, and as a condition of each Site Plan approval, the owner shall submit to the City, detailed reports addressing the provision of water, sanitary sewers, storm water management and electrical services, and shall undertake to provide required improvements to the satisfaction of the City.

(h) **Urban Design**

Council shall attempt to achieve the following design principles when approving the implementing Zoning By-laws and Site Plans:

- (i) achieve a high order of urban design and building treatment that is sensitive to the surrounding urban context;
- (ii) provide a variation of building heights with minimal shadowing over residential areas to the north. The maximum building height shall be limited to 18 storeys;
- (iii) provide a strong building relationship to street edges to enhance accessibility and visual identity;
- (iv) provide a transition in scale from new development to the surrounding area;
- (v) create a safe, comfortable and accessible public realm, including safe and convenient pedestrian access to transit and throughout the area;
- (vi) ensure a consolidation and organization of private open space, landscaping and recreational facilities into compact, functional, well designed and highly accessible nodes;
- (vii) ensure a logical building configuration to achieve identifiable office and residential precincts:
- (viii) ensure views and vistas through and within the lands;
- (ix) provide publicly accessible lanes or roads into the lands which tie together the differing uses and allow for the development of a connecting road pattern on the lands and nearby lands;
- (x) provide maximum public accessibility to the valley edge and public lands, and to the lands;
- (xi) provide a high order of landscaping treatment; and

(xii) provide an appropriate level of buffering from adjacent uses.

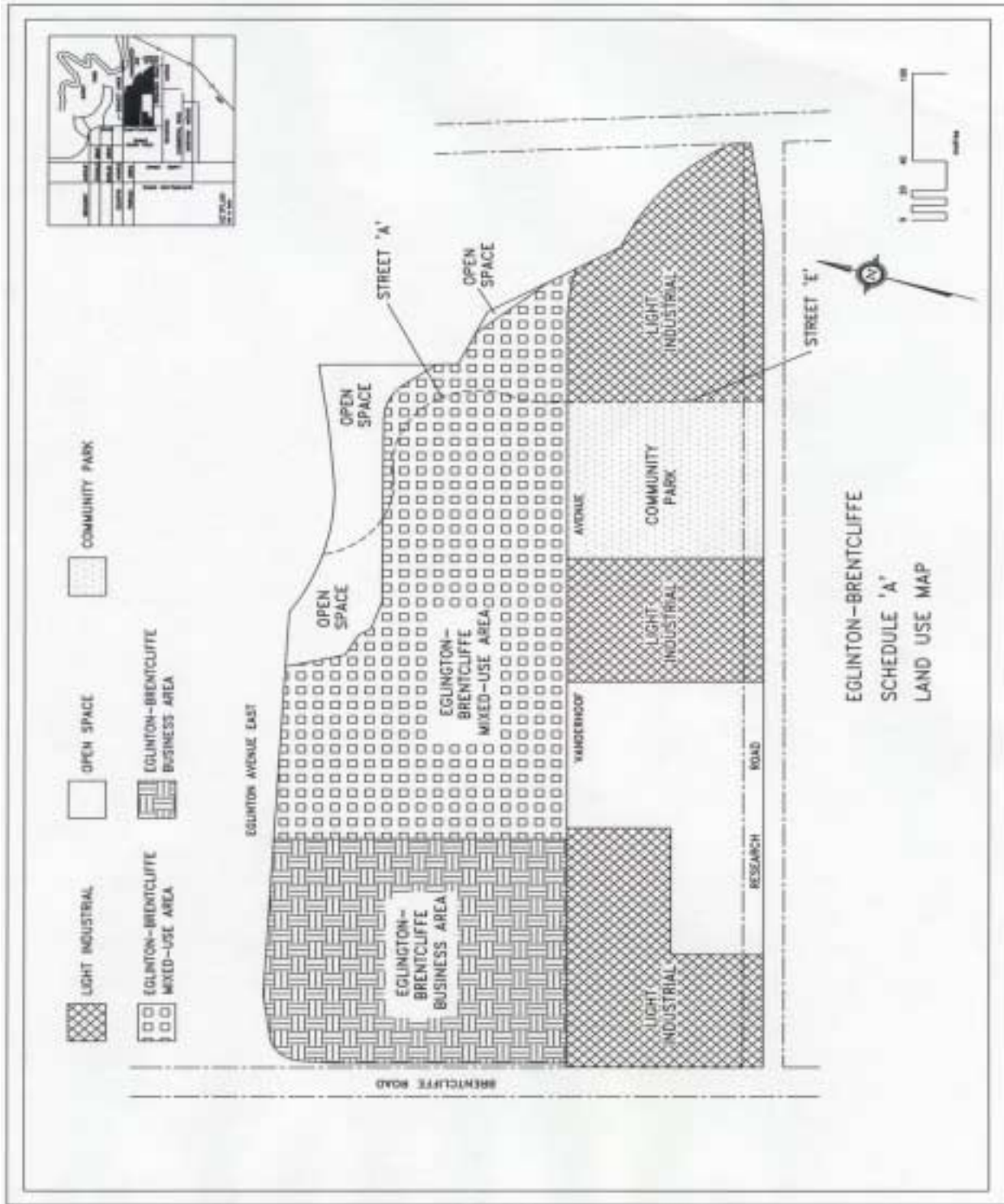
(i) **Eglinton Avenue East and Research Road Connection**

Notwithstanding Section 2.7.1.2.d)2, the new street connecting Eglinton Avenue East and Wicksteed Avenue, as designated on Map 2, as amended, attached hereto, of the Official Plan and shown as Street "A" and Street "E" on Schedule "A", shall have a right-of-way of 18 metres between Eglinton Avenue East and Vanderhoof Avenue, and a right-of-way of 18.5 metres between Vanderhoof Avenue and Research Road.

(j) **Parks**

The Parks contribution shall be made up of a parkland dedication and other considerations as stipulated in the Subdivision Agreement.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD ORDER NO. 1898, ISSUED DECEMBER 22, 2000.



SCHEDULE B

1. Reconstruct Vanderhoof Avenue, between Brentcliffe Road and Research Road with a 10.0 m pavement width within a 20.0 metre right-of-way.
- 2.a Introduce Eglinton/Brentcliffe intersection improvements to introduce separate southbound left turn lane;

or
- 2.b extend third eastbound lane on Eglinton Avenue East through the Brentcliffe Road intersection.
3. Protect for and dedicate property required to introduce Street “A” and “E” as identified in Section 3.15.4.3 (i) of this Official Plan Amendment, including property required for improvements at the intersection of Street “A” with Eglinton Avenue East.