
Briefing Note

To: Gary Wright, Acting Chief Planner

Topic: EY9.71 - 6 Lloyd Avenue

The following is provided for information.

Attachment 1 contains information that responds to the letter and chronology to Councillors dated September 25, 2007 from Jeff Usher, Terrasan Development Corporation regarding 6 Lloyd Avenue.

Attachment 2 is a chronology of key events compiled by Community Planning relating to the review of the Planning applications for 6 Lloyd Avenue.

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Date: September 26, 2007

**Attachment 1: Response to Applicant’s Chronology
6 Lloyd Avenue**

Applicant’s Chronology of Events	Staff Response
<p>December, 2004, February 2, 2005, February 22, 2005, May 17, 2005 - The dates above are pre consultation meetings with City Staff – at these meetings, there was an agreement in principle reached with Staff that a residential use on the lands was acceptable. The issues of height and density would be further discussed.</p>	<p>Staff did not dismiss the possibility of a redevelopment including residential on a portion of the site given the employment/residential mixed character of the area and subject to a review of supporting documentation/studies demonstrating that the use was appropriate for the site. Applicant was advised of issues associated with built form, compatibility with adjoining land uses and policy parameters.</p> <p>As a matter of course, Staff never discloses a planning opinion without a full review of an application.</p> <p>No record of a February 2, 2005 meeting.</p>
<p>June 28, 2005 - Applications were formally submitted on the basis of this discussion/understanding.</p>	<p>OPA and rezoning application submitted for review without all supporting studies and documentation.</p>
<p>July 18, 2005 - Meeting with City Staff - Staff asked for the completion of an Air Quality and Wind Study, Sun/Shadow Study, update to Traffic Impact Study, update to Noise Control and Vibration Impact Study and an analysis of compatibility between industrial facilities and sensitive land use. Over the next few weeks, Terrasan responds to these requests through the preparation and submission of the identified Studies and Reports.</p>	<p>Agree.</p> <p>As a follow up to the meeting a letter was sent on July 27, 2005 advising of the additional info and reports required to be submitted in order to properly review the application. Material was received in December 2005 in conjunction with a site plan application.</p>
<p>November 23, 2005 - City Staff requests the preparation of an Employment Land Needs Study to justify conversion – Terrasan prepares and submits an Employment Land Needs Study a few weeks later. In this correspondence, City Staff also raises the issue of land assembly by requesting that Terrasan acquire the existing 9 semi-detached dwellings along the east side of Mulock Avenue. Terrasan acknowledges this issue by immediately undertaking a vigorous process to successfully assemble the 9 properties abutting along Mulock Avenue.</p> <p>City Staff raises a number of Urban Design issues (ie. building sighting, landscaping, pedestrian linkages...)</p>	<p>Applicant advised in the November letter that land assembly should be considered in order to achieve a successful development. It is not until July 2007, under threat of a City motion at the OMB to dismiss the application that all the lands (comprised of abutting residential properties) are finally assembled.</p> <p>The November 23, 2005 letter also outlines a number of issues related to urban design, built form, and consistency with the PPS and OP policies. These issues were identified earlier and comprehensively in the August 23, 2005 Preliminary Report.</p>

<p>December 16, 2005 – Terrasan formally submits Site Plan application.</p>	<p>Applicant was advised in the November 23, 2005 letter of the prematurity of submitting a site plan application when the land use and form of development have not been approved.</p> <p>The material requested in the July 27, 2005 letter is submitted in conjunction with this application.</p>
<p>January 19, 2006 and March 9, 2006 - City Staff requests that the application be revised to incorporate some live/work units along the southerly portion of the property so as to address transition between proposal and low density lands to the south.</p>	<p>Meeting was held to discuss issues associated with the proposed development, primarily the applicant's need to address the larger issue of land use and compatibility. Other issues such as transition of uses, land consolidation, built form and site context were also discussed as well as the need for a peer review of the air quality study to assess compatibility.</p>
<p>March 21, 2006 - At a working group meeting, it was agreed that Terrasan will revise applications to incorporate live/work units along the site's Lloyd Avenue frontage.</p>	<p>Community consultation meeting held by local ward councillor in an attempt to establish a working committee to address issues and concerns. Applicant presents a revised proposal that included a live/work component that had not been previously shown to Staff. The revised proposal is formally submitted to the City on March 23 and 31, 2006. No interest is expressed in forming a working committee and no agreement was reached with the community on the revised proposal at the meeting.</p>
<p>March 31, 2006 - Terrasan quickly responds to this request by formally revising original applications to incorporate live/work units along the Lloyd Avenue frontage. Revised applications submitted on March 31, 2006.</p>	<p>Revised drawings are submitted on March 23, 2006 and supporting documents are submitted on March 31, 2006.</p>
<p>July 13, 2006 - Meeting with City Staff and NRI and Canada Bread. Terrasan requested to modify/clarify issues with respect to Air Quality and Odour analysis. Terrasan quickly responds to this request by updating its Air Quality and Odour Analysis and submitting to the City in time for Staff to analyze the revised report prior to the September 13, 2006 Council Public Hearing.</p>	<p>The meeting held on July 13, 2006 was with the applicant, local councilor, and air quality consultants (RWDI and Golder) to address and discuss air quality and odour issues identified in Golder's peer review report as well as other planning matters. Applicant advises staff that they want a final recommendation on the proposal.</p>

<p>September 13, 2006 - Public Hearing – Staff recommends denial of revised applications even after previous discussions and revisions to proposal by Terrasan. Staff recommends that an employment use be incorporated into development as a means of addressing further transitional issue. Terrasan amends its plan to include employment area.</p> <p>In its report, Staff also reiterates the need for Terrasan to successfully acquire all of the existing 9 semi-detached units abutting the property along the east side of Mulock Avenue.</p>	<p>Staff report recommended refusal of the application. The final report does not recommend that an employment use be incorporated into the development but rather identifies the concerns that the development needs to create an acceptable buffer to the adjacent industrial uses to the south and west to minimize impacts.</p> <p>Applicant submits a revised proposal with an employment use area on March 15, 2007 several months following their appeal of the application to the OMB on September 22, 2006 and prior to the first pre-conference held on April 11, 2007. This latest revised proposal is discussed in the August 2007 planning report.</p>
<p>September 22, 2006 – Terrasan formally appeals its Official Plan and Zoning By-law Amendment Applications to the Ontario Municipal Board.</p>	<p>Agree</p>
<p>January 16, 2007- City Staff introduces motion for Terrasan to adjourn OMB Prehearing conference so that discussions can continue between Staff and Terrasan as a means of reaching a satisfactory resolution to the matter.</p> <p>Terrasan agrees with Staff’s position by willingly adjourning OMB pre hearing conference.</p>	<p>Motion introduced by the local ward councilor at the EYCC meeting requesting a deferral to provide an opportunity for staff and the application to discuss the possible revision of the proposal to reduce height and massing, introduce an employment use as a transition and buffer component and to mitigate adverse impacts from adjacent employment uses. All approval and refusal motions regarding the application fail.</p>
<p>January 23, 2007- Meeting with Senior City Staff – agreement was reached that a working group will be established between Staff and Terrasan and a series of meetings will occur over the next two months in an effort to reach a satisfactory resolution.</p>	<p>In anticipation of this motion being reintroduced at the February 2007 City Council the applicant requested a meeting with staff.</p> <p>Future meeting dates were scheduled in the event that the subsequent deferral motion to be introduced at City Council should be approved. As the motion was not approved and the applications were refused, these meetings were cancelled.</p>
<p>January 25, 2007- City Staff confirms that 4 meetings have been scheduled during the month of February, 2007 to formally discuss the pending revisions to the proposal.</p>	<p>Agree</p>

<p>February 1, 2007 - The OMB pre hearing conference originally set for February 23, 2007 formally adjourned to allow discussions between Staff and Terrasan.</p>	<p>Agree</p>
<p>February 6, 2007 - City Council denies Official Plan and Zoning applications.</p>	<p>Agree</p>
<p>March 15, 2007 -Even though Council has denied applications, Terrasan further revises original proposal by formally introducing an Employment Use along southerly portion of lands as a means of responding to Staff's comments from Public Hearing and recent meetings.</p>	<p>Applicant submits a revised proposal following their appeal of the application to the OMB and prior to the first pre-conference held on April. As the proposal is substantially different from that discussed in the August 2006 refusal report, the OMB in agreement with all parties to the proceedings orders that a Staff report be prepared for consideration by the EYCC for their Sept. 10, 2007 meeting.</p>
<p>August 2007 - Terrasan completes acquisition of all additional properties as requested by the City to increase area of site and comply with new proposal.</p>	<p>Terrasan's revised proposal in March 2007 was for a much larger residential development than originally proposed. Portions of the proposed buildings were on lands not owned by Terrasan. Terrasan did not have an agreement of purchase and sale for these properties or the consent of the owners to make an OPA and rezoning application to the City for the revised project. As a procedural matter, the City advised the OMB that it should not consider Terrasan's revised proposal if Terrasan did not at least have the consent of the owners to make the application. This doesn't imply that because Terrasan has now acquired the missing lands, Planning staff is or should now be satisfied with the enlarged project.</p>
<p>September 10, 2007 – Community Council votes in favour of development proceeding as designed and rejects staff continued recommendation to reject development application.</p>	<p>EYCC recommended approval of the revised proposal <u>subject to</u> a number of conditions including amendments adopted EYCC that included satisfactory mitigation measures being achieved and a reconfiguration of the density to reduce the height. The development "as designed" was not recommended by EYCC.</p>

Attachment 2: Chronology of Events
6 Lloyd Avenue
Application No. 05 151779 WET 11 OZ

November 9, 2004	Pre-Application meeting with Terrasan to discuss possible redevelopment options for the site. Staff recalls that among the options discussed was a preliminary concept of low rise residential development, a copy of which was not left. Terrasan advises staff of the status of the property and the remediation of the site. Staff advises that any proposal would require supporting materials and would be subject to as full review and evaluation prior to any formal position being taken.
February 22, 2005	Pre-Application meeting with Terrasan and planning consultant to discuss proposed residential concept and applicable OP policies and possible studies required for submission.
May 17, 2005	Pre-Application meeting with Terrasan and planning consultant to discuss a revised concept and planning issues (i.e. site context, built form, height, setback requirements, transition between uses, industries). Staff noted that the concept had substantially increased in height and density and indicated that it would require supporting materials and would be subject to a full review and evaluation prior to any formal position being taken.
June 28, 2005	OPA and Rezoning application submitted to permit a 10-storey building along Lloyd Ave, a 18-storey building on the east side of the property and a 14-storey building along St. Clair Ave W. Supporting studies and materials as required to comply with City Planning's STAR submission requirements were not submitted.
July 18, 2005	Meeting with applicant (architect, planner & owner), NRI and councillor to discuss a number of issues to be addressed as well as the need for further information/studies to be submitted.
July 27, 2005	Letter sent to applicant advising that additional info and reports were required to be submitted in order to review the application.
August 23, 2005	Preliminary report prepared for the September 20, 2005 Etobicoke York Community Council (EYCC) meeting outlining issues that were previously identified in the July 17, 2005 letter to the applicant.
October 24, 2005	Community consultation meeting held by Community Planning to present the proposal to the public and obtain comments.

November 23, 2005	Letter sent advising the applicant of the planning issues associated with the proposed development. Applicant advised to resolve the land use issues prior to submitting a site plan application.
December 16, 2005	Site Plan application submitted along with additional information and studies requested on July 27, 2005.
January 19, 2006	Meeting with applicant and ward councillor to discuss land use compatibility, conversion and built form issues.
March 9, 2006	Meeting with applicant (architect & planner) to discuss requirement for an air quality peer review process to assess compatibility issues.
March 21, 2006	Community consultation meeting held by ward councillor in an attempt to establish a working committee comprised of area residents and stakeholders to address issues and concerns. No interest expressed in the working committee process. At this meeting applicant presents a revised proposal incorporating live/work units on the first two levels of a 6 storey residential building fronting on Lloyd Avenue.
March 23 and 31, 2006	Revised application and supporting material submitted to permit three residential buildings – a 6-storey building with live /work units along Lloyd Ave, a 14-storey building on the east side of the property and a 10-storey building along St. Clair Ave W.
April 6, 2006	Applicant submits letter requesting that the site plan application be deferred pending the final decision of the OPA and rezoning application.
April 11, 2006	Golder Associates retained by the City to peer review the air quality and odour study and associated information.
July 13, 2006	Meeting with applicant, councillor, Golder and RWDI to discuss air quality and odour issues identified in Golder's peer review report as well as other planning matters. Applicant advises staff that they want a final recommendation on the proposal.
August 28, 2006	Refusal report prepared for the September 13, 2006 Etobicoke York Community Council meeting
September 13, 2006	At EYCC meeting refusal report, as unfinished business, is deferred to a special meeting of the EYCC to be held on Sept. 19, 2006 or other alternate date. EYCC requests Community Planning to forward copies of all relevant reports related to the applications to Community Council.

September 19, 2006	Special EYCC meeting is cancelled due to concurrent City Council meeting.
September 22, 2006	Applicant appeals the OPA and Rezoning applications to OMB.
December 21, 2006	Status Report on the applications and forwarding all information as requested by Community Council is prepared for the January 16, 2007 Etobicoke York Community Council meeting.
January 16, 2007	At the EYCC meeting, the Ward councillor introduces a deferral motion to provide an opportunity to discuss with the applicant the possible revision of the proposal to reduce height and massing, introduce an employment use as a transition and buffer component and to mitigate adverse impacts from adjacent employment uses. All approval and refusal motions regarding the application fail. The report is advanced to the February 5, 6, and 7 2007 City Council meeting without recommendation.
January 23, 2007	Meeting requested by applicant to discuss a possible motion by the Ward Councillor for introduction at the February City Council meeting. The Ward Councillor's motion was to request the applicant to seek OMB approval to defer the pre-hearing Conference scheduled for February 23, 2007 to permit the evaluation of a revised proposal to address issues identified in the planning report on this matter. Future meeting dates scheduled in anticipation that motion would be approved.
January 24, 2007	City is advised by the applicant that the OMB Pre-hearing scheduled for Feb. 23, 2007 is being requested to be adjourned to allow for further discussions of the application in an attempt to resolve outstanding issues should the proposed motion carry.
February 5,6,7, and 8, 2007	The Ward Councillor's motion to request deferral of the OMB pre-hearing Conference to permit the evaluation of a revised proposal to address issues identified in the planning report is not approved. City Council adopts Planning report's recommendation to refuse the applications. All meeting dates with applicant are cancelled.
March 15, 2007	A further revised development proposal is submitted to the City. Revised application now consists of a 2-storey employment building along Lloyd Ave, a 21-storey building along Mulock Ave and an 18-storey building along St. Clair Ave West. The application site now has been expanded beyond the original site to include abutting low density residential properties that are not in control of the applicant.

April 11, 2007	OMB Pre-hearing conference #1 – held to identify parties and timelines for review of revised proposal and submission of required supporting information from all parties. Dates were also set aside for City to bring forward a motion to dismiss application.
June 22, 2007	Planning Staff meet with applicant and solicitors to understand and discuss land ownership issues, among other matters, prior to the next OMB Pre-hearing conference.
June 29, 2007	OMB Pre-hearing conference #2 – City brings forward a motion to dismiss the applications on the ground that the applicant did not control all lands on the revised development site. Applicant advises into the start of the conference that all but two properties within the revised development site have been secured.
July 20, 2007	OMB Pre-hearing conference #3 – continuation of City’s motion to dismiss the application. During the course of the Pre-hearing applicant advises they have secured control of one property and were given consent by the other to include their site in the development.
August 24, 2007	Status and Directions report prepared for the September 10, 2007 EYCC meeting recommending refusal of the revised proposal as submitted on March 15, 2007 after the appeal to the OMB filed by the applicant on September 22, 2006. The Report is required to give City Legal direction for the up coming OMB Pre-hearing conference in October and full hearing in November 2007.
September 10, 2007	EYCC approves the application subject to a number of conditions including the satisfactory mitigation measures being achieved and a reconfiguration of the density to reduce the height. The development "as designed" was not recommended by EYCC.