

TORONTO STAFF REPORT

August 28, 2006

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Subject: Refusal Report
Official Plan Amendment & Rezoning Application 05 151779 WET 11 OZ and
Site Plan Approval Application No. 05 210418 WET 11 SA
Applicant: Stephen Armstrong, Armstrong Hunter & Associates
Architect: Graziani & Corazza Architects Inc.
Ward 11 - York South-Weston

Purpose:

This report reviews and recommends refusal of applications to amend the City of Toronto Official Plan and the former City of Toronto Zoning By-law No. 438-86 to permit the conversion of an industrial property at 6 Lloyd Avenue, formerly used as a paint manufacturing facility, to residential.

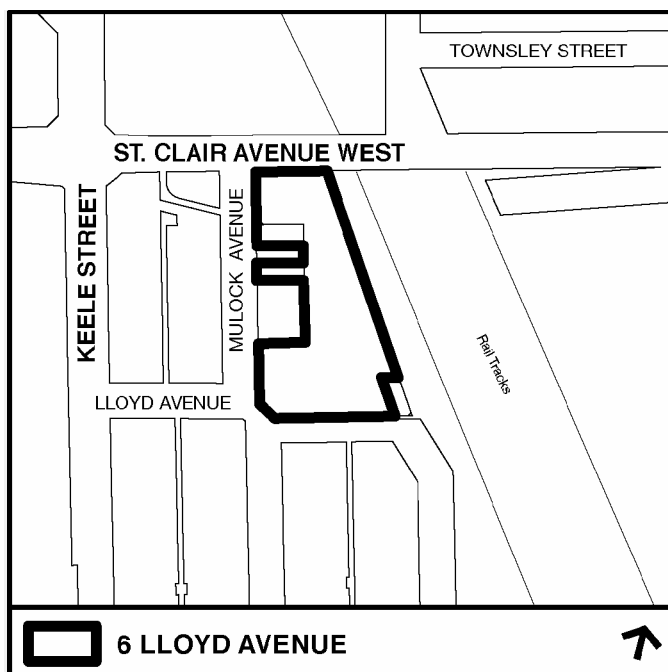
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that Council:

- (1) refuse Official Plan and Rezoning application 05 151779 WET 11 OZ and Site Plan Approval application 05 210418 WET 11 SA for 6 Lloyd Avenue; and
- (2) direct the City Solicitor and appropriate City staff to attend, if necessary, the Ontario Municipal Board, to support City Council's decision to refuse these applications as represented by the proposal outlined in this report.



Background

On June 28, 2005 an application was submitted to amend the City of Toronto Official Plan and the former City of Toronto Zoning By-law No. 438-86 to permit the conversion of an industrial property to residential. The original proposal, which has since been revised, included three building components; a 10-storey tiered building (Tower A) along Lloyd Avenue, a 18-storey tiered building (Tower B) adjacent to the east side of the property and an 14-storey tiered building (Tower C) along St. Clair Avenue West. The development contained approximately 413 units with buildings setback approximately 20 metres from the adjoining railway corridor.

The applicant was advised in a letter dated July 27, 2005 that additional information and reports were required in order to properly review the application. This was reiterated in the Preliminary Report, dated August 23, 2005 and adopted by Community Council in September 2005, as well as in the circulation comments that were forwarded to the applicant in October and November of 2005.

On December 16, 2005, much of the material and reports requested were received as part of a site plan application submission received at that time. A revised proposal was submitted on March 27, 2006 and is described below.

Comments:

Proposal

The revised proposal includes three building components; a 2 and 6-storey tiered building (Tower A) along Lloyd Avenue, a 14-storey building (Tower B) adjacent to the east side of the property and a 2, 8 and 10-storey tiered building (Tower C) along St. Clair Avenue West. The development will contain approximately 400 units. Each building is to be connected to a 4-storey above grade parking structure. The residential buildings will be setback approximately 25 metres from the railway corridor with the parking structure designed as a crash wall. Landscaped amenity space is proposed on the rooftop of the parking structure.

The proposed development is to front onto an interior driveway with access to Mulock Avenue. The driveway is to wrap around existing two-storey dwellings on the east side of Mulock Avenue that do not form part of the site. The existing 3-storey paint facility is to be demolished and replaced by Tower C, which will include live-work units in the 2-storey component fronting Lloyd Avenue while the remaining upper floors will contain apartment units. The proposed development is to be constructed in three phases commencing with Tower C on Lloyd Avenue and ending with the Tower A fronting onto St. Clair Avenue West. (Attachment Nos. 1, 2 and 6)

A detailed summary of the revised proposal as submitted by the applicant is shown in the following table.

Site Area	0.924 ha (2.28 acres)
Number of Units	400
Tower A	104
Tower B	140
Tower C	156
Gross Floor Area	44,480 square metres
Residential	29,510 square metres
Non - Residential (Parking)	14,970 square metres
Floor Space Index	4.81
Coverage	75% (approx.)
Proposed Building Height	Tower A: 2 and 6 storeys (22 metres) Tower B: 14 storeys (46 metres) Tower C: 2, 8 and 10 storeys (40 metres)
Parking spaces (resident)	344
Parking spaces (visitor)	62
Bicycle parking	300

Site Description

The property, municipally known as 6 Lloyd Avenue, is located on the southeast corner of Lloyd Avenue and Mulock Avenue. The property directly abuts the CN/CP railway corridor to the east, St. Clair Avenue West to the north, Lloyd Avenue to the south and a portion of Mulock Avenue to the west. On the west, the site extends to Mulock Avenue between a number of existing dwellings that front onto Mulock Avenue. The site is generally triangular in shape and has a lot area of approximately 0.92 hectares (2.28 acres). It is currently occupied by the former Benjamin Moore paint facility, which is a 3-storey building having a gross floor area of approximately 7 246 square metres (78,000 square feet). There is a grade difference past the north end of the property as St. Clair Avenue West slopes down under the CNR overpass. Access to the site from St. Clair Avenue West is via a pedestrian staircase located at the north end of Mulock Avenue.

The property is situated in the southeastern quadrant of the former Old Stockyards Industrial District which is located south of St. Clair Avenue West and east of Keele Street. This quadrant is characterized by a mix of industrial, commercial and low rise residential uses. Surrounding land uses include:

North: a new 3 and 4 storey townhouse development.

South: a mix of grade related residential dwellings and industrial uses (i.e. NRI Industries, Canada Bread, Benjamin Moore, Topper Linen Supply and various auto body shops).

East: CN/CP railway corridor and further east a mix of industrial, commercial and grade related residential dwellings.

West: immediately abutting the property on the east side of Mulock Avenue are nine semi-detached dwellings. On the west side of Mulock Avenue are semi-detached dwellings, an auto body shop and a motor vehicle inspection station.

On the south side of St. Clair Avenue West, west of Keele Street, are several big box retail developments, namely Business Depot, Canadian Tire, Home Depot, Future Shop and Rona. Further west along St. Clair Avenue West are a mix of low rise residential uses, food processing uses and other commercial/industrial uses.

Provincial Policy Statement (the PPS)

The Provincial Policy Statement 2005 (the PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with the PPS. The Toronto Official Plan designates the site Employment Areas. The PPS contains a number of policies related to employment areas which include: providing for an appropriate mix and range of employment to meet long term needs; providing opportunities for a diversified economic base; planning for, protecting and preserving employment areas for current and future uses; and ensuring infrastructure is provided to support current and projected needs.

Policy 1.3.2 of the PPS states that "Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion." Conformity with the PPS is discussed later in this report.

Official Plan Policies

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into full force and effect. The Order also repealed most of the policies of the former City of Toronto Official Plan and Metro Plan that were previously in effect. However, the Order did not bring into force the new Plan policies related to Section 37, Housing and the flood plain "Special Policy Areas". Policies in the former City of Toronto Official Plan and Metro Plan respecting these three policy areas remain in effect. The Housing and Section 37 policies will be adjudicated in September and October 2006.

The site is not within an Employment District on Map 2 of the Plan. However, the site is designated Employment Areas on Map 17 of the Plan. Employment Areas are places of business and economic activity which consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses and restaurants and small scale stores and services that serve area business and workers. The proposed residential use is not permitted.

The northerly portion of the subject property is in an Avenues corridor as identified in Map 2 of the Plan. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged. The Avenues are targeted for growth, investment and incremental transformation over time. The type and character of this transformation is guided by the underlying land use designation which in this case is Employment Areas. Therefore, investment and growth in economic activity, job opportunities and the infrastructure supporting employment are anticipated in this Avenues corridor. Reurbanization of the Avenues is to be achieved through the preparation of an Avenue Study, which is discussed in a subsequent section.

The Plan contains a number of policies relevant to the land use issues which are raised by the applications and are discussed later in the report.

Zoning

The existing zoning on the site is Industrial District I4 D7 (See Attachment 4). Permitted uses include the following: a public park, parking garage, city yard, generating station, public incinerator, pumping station, sewage disposal plant; recycling yard, laboratory, public transit, railway station, railway yard, animal by-products plant, chemical products factory, concrete batching and mixing yard, distillation plant, and rubber products factory. Permitted uses are allowed at a density of up to seven times the area of the lot and have no height limit. Residential uses are not permitted in an Industrial District I4 zoning category.

Site Plan Control

The site and proposed development are subject to Site Plan Control. An application for Site Plan Approval was submitted on December 16, 2005. The applicant has formally requested that this application be deferred pending the final decision on the revised Official Plan and Zoning By-law amendment application.

Reasons for the Application

Amendments to the City of Toronto Official Plan and Zoning By-law No. 438-86 are required because residential uses are not permitted in an Employment Areas designation or in the Industrial District I4 zoning category.

Community Consultation

A community meeting was held on October 24, 2005 to provide local residents and business owners with an opportunity to review and comment on the application. Approximately 40 people and the Ward Councillor were in attendance at this meeting, in addition to City Staff and the applicant. Representatives from local industries such as Canada Bread, NRI Industries and St. Mary's Cement voiced their opposition to the development. Local residents were generally in favour of the site being converted from an industrial use to a residential use but not at the density and scale being proposed. Issues that were raised at the meeting included:

- (a) increased traffic on local roads and along Keele Street and St. Clair Avenue West;
- (b) impact to local schools, community services and facilities;
- (c) the need for additional studies as sited in the Preliminary Report;
- (d) compatibility with existing residential and industrial uses;
- (e) density and scale of the development;
- (f) proposal's consistency with the Provincial Policy Statement as it relates to the conversion of the site from industrial to residential;
- (g) the use of warning clauses;
- (h) impacts during construction;
- (i) proposed tenancy of units;
- (j) possible impacts and further redevelopment of Mulock Avenue properties;
- (k) retention and reuse of the existing Benjamin Moore building.

Staff and the applicant responded to these issues based on the information available at that time.

A second meeting was held on March 21, 2006 by the local Councillor in an attempt to establish a working committee to address issues and concerns and provide an opportunity to comment on the revised proposal. Approximately 8 people attended the meeting, in addition to City Staff, the applicant and the applicant's consultants. As a result of the feedback received at the meeting there was no interest in establishing a working committee.

In addition, to the comments received at the meetings, Planning staff also received several telephone calls and letters outlining concerns with the proposed OPA and rezoning application. The concerns identified were consistent with the issues described above and also included the potential for conflicts with existing industrial operations in regard to noise, odour, air quality and traffic impacts. Correspondence was also received from Topper Linen Supply Limited advising of their opposition to the proposed development and its possible impacts to their operations.

Both Canada Bread and NRI Industries requested and received, from the applicant, copies of the documents and reports that formed part of the OPA, rezoning and site plan applications. Both companies hired external consultants to peer review these documents to verify their conclusions and determine potential impacts to their operations. Copies of these peer review reports have been forwarded to the City and will be discussed later in the report.

Agency Circulation

The applications were circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the applications.

Comments:

Consistency with the Provincial Policy Statement (the PPS)

The applicant is proposing to amend the City of Toronto Official Plan and Zoning By-law No. 438-86 to permit the conversion of an industrial property to residential. The subject property is designated Employment Areas in the City's Official Plan. The Provincial Policy Statement contains a number of policies related to employment areas and permits the conversion of lands within employment areas to non-employment uses only through a comprehensive review that has demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

A local, focused review was warranted in this situation to address provincial and city policy objectives. The applicant was requested to submit an analysis of the site in the context of a local area study that addressed the two "tests" necessary as part of the PPS: that the land is not required for employment purposes over the long term and that there is a need for the conversion to residential. This review was also to address:

- (a) the role of the site and area in the market;
- (b) the role of the site in providing a residential/employment balance in the area based on a supply/demand analysis for both these uses;

- (c) the impact and/or precedent that this application may create for conversion of other existing employment uses in the area;
- (d) the impacts that this application would have on the operation of other existing employment uses in the area;
- (e) the continued viability of the site for employment uses; and
- (f) other planning objectives that would be met by this development beyond contributing to the City's housing supply.

City Planning and the Economic Development Division also conducted a general review of the local area to assist in reviewing the applicant's submission and to assess the land use options in context. The Employment Lands Need Study, submitted by the applicant and prepared by urbanMetrics was reviewed by City Staff. Staff have concluded that the study failed to satisfy the request noted above. The study was unable to demonstrate that the site was not required for continued employment purposes. The study argued only that the site was not viable for retail or suburban-type manufacturing and industrial uses. It did not indicate if other employment uses could exist on the site such as light industrial or business service uses. As well, the study did not demonstrate that there was a need for the conversion to residential. Instead, the study argued that the site was suitable for residential use because it was located in an "area in transition" and was not designated as an Employment District in the Official Plan.

The study also made no attempt to assess the long term implications this application would have on the continued viability of the existing employment uses in the area among which there are several large scale businesses with a relatively large employment base. Instead, the study stated that the existing uses have coexisted with nearby residential uses for decades and it was difficult to determine whether or not new residential uses would have any impacts. The findings noted by Staff were also the conclusion of Hemson Consulting Ltd. who was retained by Canada Bread, one of the local industries, to peer review the urbanMetrics report.

Suitability for Employment Purposes

The subject lands are part of a larger precinct of historic employment activity along the rail corridors, on lands between Dundas Street and St. Clair Avenue West. This relatively large tract of land is designated Employment Areas in the Plan recognizing existing economic activity and confirming the continued importance of this area, and this site, for the City's economic future. Employment Area designations outside of the Employment Districts remain important to the City of Toronto as locations of existing and future economic activity where they represent viable opportunities to maintain jobs and land supply. Section 4.6 of the Official Plan identifies Employment Areas as places of business and economic activity, where development is to contribute to the creation of competitive, attractive, highly functional Employment Areas by supporting the economic function of the Employment Areas and by encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment.

This employment precinct is not shown within an Employment District on Map 2 because there exists small enclaves of non-industrial activity among the industrial uses along the rail corridors. The Employment District overlay is intended for areas that will be protected and promoted exclusively for economic activity such as manufacturing. In this particular context, investment

in the employment function may need to be balanced with other non-employment functions in the vicinity. It is not the intent of the Plan to endorse or encourage the conversion of these viable Employment Areas to non-employment uses.

The Employment Needs Study prepared by urbanMetrics in support of the applications identifies the site as being in an “area in transition.” While portions of the former Old Stockyards District have undergone land use changes as a result of comprehensive City based planning exercises, this cannot be said for the area in which the subject site is located. This area is located in the southeast quadrant of the former Old Stockyards District and is bounded by St. Clair Avenue to the north, Keele Street to the west and the CN/CP rail corridor to the east and the CP rail line to the south. This quadrant is home to many large employers including: NRI Industries, Canada Bread, Topper Linen, St. Mary’s Cement, International Cheese, Nina Ricci and Ferrier Wire. The Economic Development Division has advised that this is a stable employment area, and this is supported by the findings of “Historical Profiles of Employment Districts” published by City Planning as background to the Official Plan.

The Division further states that contrary to the Employment Needs Study prepared by urbanMetrics, this employment area is not in decline. The employment uses located in this quadrant bare no relation to the former abattoirs and meat packing uses that characterized the former Old Stockyards Industrial District and therefore were not impacted when these sites underwent redevelopment to large retail uses and low rise residential uses. Businesses such as NRI Industries and Topper Linen have been operating in this area for over 50 years. None of the major industries noted above have indicated that their intent is to cease operations. Some, like NRI Industries and Canada Bread have recently made significant capital investments to their plants. These observations were also stated in the Planning Evaluation report prepared by Barry Morrison & Associates, on behalf of Canada Bread, which notes that this “area has remained stable throughout the demise of the animal barns and the related meat packing plants...companies such as NRI or St. Mary’s Cement have few if any linkages to the former slaughterhouses that characterized the Old Stockyards District.”

Employment in this quadrant has remained stable and has been able to coexist with existing low rise residential uses in the area. Over the past ten years, the total number of employment establishments has remained constant with 38 establishments noted in 2005 and 35 establishments in 1996. While greater fluctuations have been observed in the total employment figures with 747 employees in 1996 to high of 1,128 employees in 1999, this figure has remained constant over the past three years with employment averaging 763 people.

As a mixed use area, operational conflicts can exist when new uses are introduced which may limit the viability of existing industries. The Economic Development Division has also advised that the introduction of high density housing will de-stabilize a healthy industrial/employment area which provides employment for over 750 people. As well, approval of this application is likely to encourage further applications for residential development over the next few years.

The Economic Development Division is strongly opposed to this application and believes that it is not in the best interest of the City of Toronto and should be refused as:

- (a) the applications undermine the employment-land retention policies of the Official Plan;

- (b) the rezoning of this site would destabilize a stable employment area (i.e.: NRI 400+ employees, Canada Bread 150+ employees, Topper Linens 120+ employees);
- (c) the subject property is a viable industrial site and conversion would result in the loss of future Commercial/Industrial Assessment;
- (d) introducing a high density residential development would have significant impacts upon existing local businesses;
- (e) such a conversion would set a dangerous precedent for future conversion applications;
and
- (f) the removal of this significantly large industrial site from Toronto's industrial properties would deteriorate an already depleted inventory and would eliminate the potential for future job creation.

Compatibility with Surrounding Land Uses

Section 2 of the Planning Act requires that the council of a municipality shall have regard for matters of provincial interest such as the orderly development of safe and healthy communities and the protection of public health and safety. One of the main principles of the Provincial Policy Statement (Section 3) is to reduce the potential for public cost or risk to the Ontario's residents by directing development away from areas where there is risk to public health or safety or property damage. Specifically, Section 1.1.1 (c) states that healthy, livable and safe communities are sustained by avoiding development and land use patterns, which may cause environmental or public health and safety concerns. Section 1.7.1(e) also states that long-term economic prosperity should be supported by planning so that major industries and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odor, noise and other contaminants, and minimize risk to public health and safety.

These principles have been carried over to the Official Plan which broadly seeks to "create an attractive and safe city that evokes pride, passion and a sense of belonging – a city where people of all ages and abilities can enjoy a good quality of life." More specifically the Plan contains policies (Section 2.3.1. and 4.6) related to carefully controlling development so that neighbourhoods are protected from negative impact and that the boundary between Employment Areas and residential lands are treated with measures to minimize nuisance impacts. Zoning development standards among other tools are used to implement these objectives.

The proposed development is located in an area, which currently contains a mix of uses. The area is characterized by low rise industrial, commercial and residential development comprised of detached dwellings, semi-detached dwellings and townhouses. These low rise uses have been able to coexist in this area for over 80 years. The proposed residential development would be introducing a new building form into the former Old Stockyards Industrial District that currently does not exist. The introduction of a high density, high-rise residential development will create challenges with regard to its compatibility with the existing employment and low-rise residential uses in the area.

While there are situations where residential uses and employment uses are located in close proximity, every attempt should be made to buffer, isolate or limit the interface between these uses in order to avoid unmanageable conflicts. For consistency with the PPS and the Official Plan, the proposed development should not result in environmental conditions or mitigation

measures which negatively impact upon future residents or the existing uses and planned context. The Ministry of the Environment in their comments to staff, state that the proposed development would be introducing a new sensitive use (receptor) that was not considered in the MOE's Approval Process (for the existing employment uses). As a result environmental conflicts could occur between existing local industry and the proposed development.

In order to assess potential environmental impacts, the applicant was requested to address the Ministry of the Environment's (MOE) Guideline D-6 related to the Compatibility between Industrial Facilities and Sensitive Land Uses. The applicant was also required to submit a number of reports which included an Air Quality/Odour Study, Noise Control Study, Vibration Impact Study, Pedestrian Wind Study, Traffic Impact Study and Sun/Shadow Study.

As mentioned previously, some of these reports were also peer reviewed by third party consultants that were retained by either Canada Bread or NRI Industries. These industries submitted copies of their consultant's peer review reports to the City to form part of their formal comments related to the proposed development. Generally, these peer review consultants (Pinchin Environmental for Canada Bread and Ortech Environmental for NRI) did not agree with the conclusions reached in the applicant's reports and instead noted that air quality, odour and noise emissions from their represented industries would impact the proposed development. Pinchin also noted that if the development is approved, local industries may be faced with implementing expensive abatement measures to mitigate impacts which may affect the continued viability of their operations or future operations thereby reducing the value of their properties.

Due to the differing opinions in the information received, the City retained the firm of Golder Associates, at the applicant's expense, to peer review the Air Quality/Odour Study and related documentation associated with the MOE Guideline D-6. Following the initial review by Golder, the applicant was requested to address a number of issues and shortcomings noted in their Study. An Addendum to the Air Quality/Odour Study was submitted and reviewed by Golder. The final peer review by Golder, concluded the following in their Executive Summary. The review is available from City Planning staff upon request.

- (a) the potential air quality and odour concerns associated with Canada Bread were not fully addressed. The peer review prepared on behalf of Canada Bread highlighted significant concerns regarding the impacts of the proposed development on its operations. This review went on to indicate that the proposed high-rise development nullified the potential benefits of increasing stack heights, the only cost effective solution for odour control for the baking process;
- (b) one of the key shortcomings noted in the Addendum was the absence of an assessment of air quality impacts. While the study indicated that an assessment of air compliance was completed using the Regulation 346 dispersion model; it did not provide any indication of whether compliance can be reached. In addition, the model used does not consider stable meteorological conditions identified in the Study as conditions that potentially "have greater impacts on high rise developments;"
- (c) the Addendum suggests that mitigation may be required to reduce the predicted odour levels due to NRI Industries at the proposed high-rise development in the light of the latest MOE odour discussion paper. However the Study did not indicate whether the required odour mitigation would be feasible;

- (d) the Addendum discusses measures that could be incorporated into the design of the proposed development to reduce the likelihood of odour complaints. However, none of these measures address the potential need identified in the Addendum “to reduce the predicted odour levels at the proposed development”; and
- (e) the Addendum suggests that the “rezoning of the land from industrial to residential uses be subject to a holding symbol ‘H’ in the By-law.” It then suggests that this holding provision could be revoked when the “owner of the development lands has entered into an agreement with the objecting industry(s) to mitigate odour and/or air quality issues.” However, no information was provided to suggest that mitigation would be feasible. Therefore, the suggested holding provision would not provide any protection to affected industries if mitigation were not feasible and air quality/odour impacts were to arise.

Golder further concludes that the information presented in support of the applications, and the peer review reports prepared by Canada Bread and NRI Industries, both point to the fact that the proposed development could result in impacts to these industrial operations to the extent that mitigation measures for odour and/or air quality would be required. No evidence was presented to suggest that there are feasible mitigation measures. Both the applicant’s study and the industries peer review reports indicate that the proposed high-rise development may nullify the benefits of the possible mitigation strategies, one of which is the increasing of the stack heights at the industries.

The reports submitted as part of the applications were unable to demonstrate that the proposed development was compatible with the existing industrial uses or that mitigation measures to minimize adverse impacts were feasible and could be introduced and properly secured. Nor did the reports conclusively indicate that the proposed development did not have the potential to cause environmental or public health and safety concerns thereby contravening the intent of the Planning Act and PPS. As well, no final determination was reached regarding the MOE Guideline D-6 as it relates to industry classifications and appropriate separation distances between uses.

Avenue Study

The Official Plan places the northern portion of the site within an Avenues corridor along St. Clair Avenue West. A City initiated Avenue Study, led by the consulting firm of Office for Urbanism, commenced in the winter of 2006 for the segment of St. Clair Avenue West between Keele Street and Glenholme Avenue. The study is to be completed in the winter of 2007.

The policies of Section 2.2.3 of the Official Plan require that development on the Avenues will implement the policies of the relevant designation (Employment Areas) if that development precedes an Avenue Study. Although the applicant advised staff that they were interested in formally participating in the St. Clair Avenue Study, but only as it related to Phase 3 of their development (Tower C) abutting St. Clair Avenue West, an application of this nature must be reviewed in a comprehensive nature and not in individual segments. This is important in order to achieve a cohesive development that can relate to its planned context.

This application is premature as it is preceding the completion of the Avenue Study and has the potential to set a precedent for the form and scale of the reurbanization along the Avenue that

may not be in keeping with the vision and implementation strategy that is being developed, and will ultimately be approved by Council.

Built Environment Policies and Issues

The proposed residential development represents a high density form of development with building heights of 6, 10 and 14 storeys and a residential floor space index (FSI) of 3.19 times the area of the lot and a total FSI of 4.81 times the area of the lot.

Areas adjacent to the site are characterized by low rise residential development comprised of detached dwellings, semi-detached dwellings and townhouses. The residential gross floor area of recent residential developments in the former Old Stockyards Industrial District has not exceeded 1 times the area of the lot. The proposed residential development would be introducing a new building form into the area that currently does not exist in terms of building height, scale and massing. The Built Form policies of the Plan (Section 3.1.2) state that new development will be located and organized to fit with its existing context. New development is to be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks and open spaces and properties by:

- (a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- (b) creating appropriate transitions in scale to neighbouring existing and/or planned building for the purpose of achieving the objectives of this Plan;
- (c) providing for adequate light and privacy;
- (d) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- (e) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The proposed density and overall height of the buildings is excessive within this built form context. There are no apartment neighbourhoods or high rise residential buildings in the vicinity of the site which the proposal can relate to. As well, the site has not been identified within any policy documents as an apartment neighbourhood, a regeneration area or as an area appropriate for tall buildings.

New development in an area is expected to improve or maintain the quality of residential areas and should improve the micro-climate conditions on the site and within the surrounding context. Policy 3 of Section 3.2.3 states that the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility. A review of the sun/shadow studies and the wind studies indicates that shadows from the proposed development may impact on the adjacent open spaces, dwellings and streets. As well, the introduction of tall buildings creates negative

impacts with regard to wind speed and pedestrian comfort levels along the public streets, throughout the site and in the yards of the existing dwellings on the east side of Mulock Avenue.

The Planning Rationale and other documentation submitted in support of the applications note that the property is a brownfield site requiring extensive remediation and that the proposed density and height of the buildings will have less impact than if the site were developed according to the current I4 D7 zoning permissions. This zoning allows for noxious industrial uses to a maximum density of 7 times the lot area and no height limit. While the applicant has identified this as an acceptable rationale in support of the proposal, current industrial developments are typically built with densities of less than 1.0 times the area of the lot.

Other more specific concerns related to the proposed development include:

- (i) Designing the proposed development to create an acceptable interface or buffer to the adjacent industrial uses to the south and west to minimize nuisance impacts;
- (ii) A 45 degree angular plane, taken from the abutting low density residential property lines to the proposed high density residential buildings, is recommended in order to achieve appropriate separation distances and transition with regard to light, view, privacy and scale. The 45 degree angular plane currently indicated on the plans is not correct. The angular plane should be taken from the rear and sides of the residential lots on the east side of Mulock Avenue;
- (iii) The proposed sound barrier walls are 3.5 metres and are placed on top of the 1.1 metre high podium parapet which extends along the perimeter of the parking garage. The total combined height of the noise barrier is 4.6 metres located along St. Clair Avenue West, the rail corridor and Lloyd Avenue. This is problematic from an urban design perspective as it creates a compound-like environment for the residential outdoor amenity spaces located on the parking garage deck;
- (iv) The proposed buildings and grade related units should preferably have main entrances located on a public street and not a private driveway for reasons of access and address;
- (v) Comfortable and attractive pedestrian connections are required to be provided from the proposed development to the municipal sidewalk on St. Clair Avenue West;
- (vi) The proposed built form should be compatible with the vision for St. Clair Avenue West identified through the Avenue Study with regard to height and mass and should be compatible with the surrounding City fabric with regard to light, view and privacy;
- (vii) Private outdoor amenity areas in the form of patios and common outdoor areas which function as rear yards are not to be located in the front yards between the buildings and the public street; and
- (viii) Common outdoor amenity areas are to be located away from existing or potential noise sources.

The proposed development is not consistent with the Built Form policies of the Official Plan and does not have appropriate regard for the established pattern of the existing low density area in terms of the proposed density, scale, massing and height. As well, it does not fit harmoniously into the existing planned context in order to limit impacts on either the new or neighbouring uses.

Land Assembly

Redevelopment issues and some of the conflicts raised in this report related to the proposal could be addressed in part by land assembly. Currently, the proposal surrounds the existing adjacent dwellings on Mulock Avenue and has building entrances fronting onto the rear and side yards of these dwellings. This condition creates conflicts as the height and massing of the proposed development impacts these properties in terms of shadows, light, view, privacy and lack of transition. Although attempts have been made to acquire these properties and incorporate them into the proposed development this possibility may never be realized.

Other Issues

In addition to the inconsistency with the Provincial and City planning policies, the application raises the following concerns which have not been resolved:

- (1) The 2005 Preliminary Report identified that consideration of the use of Section 37 of the Planning Act to secure public benefits would be determined following receipt of circulation comments and staff's further consideration of facilities, services or matters that address local community priorities. Although the issue was identified, discussions were not held with the applicant and the issue was not concluded. In the event of an appeal to the Ontario Municipal Board, the City will be requesting consideration of securing community benefits through Section 37 at an Ontario Municipal Board hearing;
- (2) GO Transit and CNR noted in their comments that the Noise Control Study was to address the implications related to additional train lengths. As well, further information was required to assess if there will be drainage from the subject property onto the railway corridor;
- (3) Technical Services have commented on the proposed development and the following is a summary of their concerns:
 - (i) Based on the proposed unit count, a parking supply of 480 parking stalls is required. This is based on a ratio of 1.0 stall per dwelling unit for units with two bedrooms or less, and 1.20 stalls per dwelling unit for units with more than two bedrooms. As well, an additional 0.20 stalls per dwelling unit is necessary for visitor parking; and
 - (ii) Any site-specific bylaw shall contain a definition of "live-work" as noted in their memorandum dated August 23, 2006 to limit the types of subsidiary businesses which will be allowed;

- (iii) A number of conveyances will be required as a condition of site plan approval. These will include a:
- (a) strip of land 4.94 metres wide along the St.Clair Avenue West frontage of the subject property, to satisfy the Official Plan requirement for a minimum 30 metre right-of-way for the section of St. Clair Avenue; and
 - (b) strip of land approximately 4.0 metres wide along the property frontage abutting the Lloyd Avenue/Mulock Avenue intersection, and approximately 3.5 metres wide along the Lloyd Avenue frontage of the subject site. This is necessary to achieve a minimum 20 metre right-of-way width along these sections of public highway and to protect the municipality's ability to introduce intersection and boulevard improvements at Lloyd Avenue/Mulock Avenue and along the north side of Lloyd Avenue;
- (iv) Any site-specific bylaw is to establish a minimum 5.0 metre building setback from the existing street line at the southwest corner of the property adjoining the Lloyd Avenue/Mulock Avenue intersection, and a minimum 4.5 metre building setback along the Lloyd Avenue frontage of the subject site in order to protect for the future conveyances at the Mulock Avenue/Lloyd Avenue intersection;
- (v) Information submitted in support of the applications indicated that this development will result in an increase in sanitary flows from the site of approximately 19 L/s. At the time of this report, the City was unable to confirm that there is capacity in the existing sewers to accommodate flows from this site;
- (vi) The maximum allowable storm water discharge rate from the subject development into the City's intercepting storm sewers shall be limited to 127 L/s., which is derived from a 0.55 runoff co-efficient and a 87.28 mm/hr rainfall intensity over the site area; and
- (vii) Information regarding pressure and flow testing results for the existing watermain on Mulock Avenue and Lloyd Avenue was not provided and would be required for further review.

Conclusions:

The proposed development is not consistent with Provincial Policy Statement or the policies of the Official Plan related to Employment Areas, Avenues and Built Form. The proposed development does not have appropriate regard for the established pattern of the existing low density area or fit harmoniously into the existing planned context in order to limit impacts on new or neighbouring uses. The application is premature as it is preceding the completion of an Avenue Study. If the application is approved, it has the potential to set a precedent for the remainder of the Avenue which may not be in keeping with the vision that is being created. As well, further land assembly is required to achieve a successful and comprehensive development.

In addition, the material submitted in support of the applications were unable to demonstrate that the site was not required for continued employment purposes or that there was a need for the conversion to residential. Supporting studies were also unable to demonstrate that the proposed development was compatible with the existing industrial uses or that adverse impacts from odour, air quality, noise and other contaminants could be mitigated to minimize risk to public health and safety. It is recommended that the Official Plan Amendment and rezoning application, as well as the Site Plan Approval application be refused.

Contact:

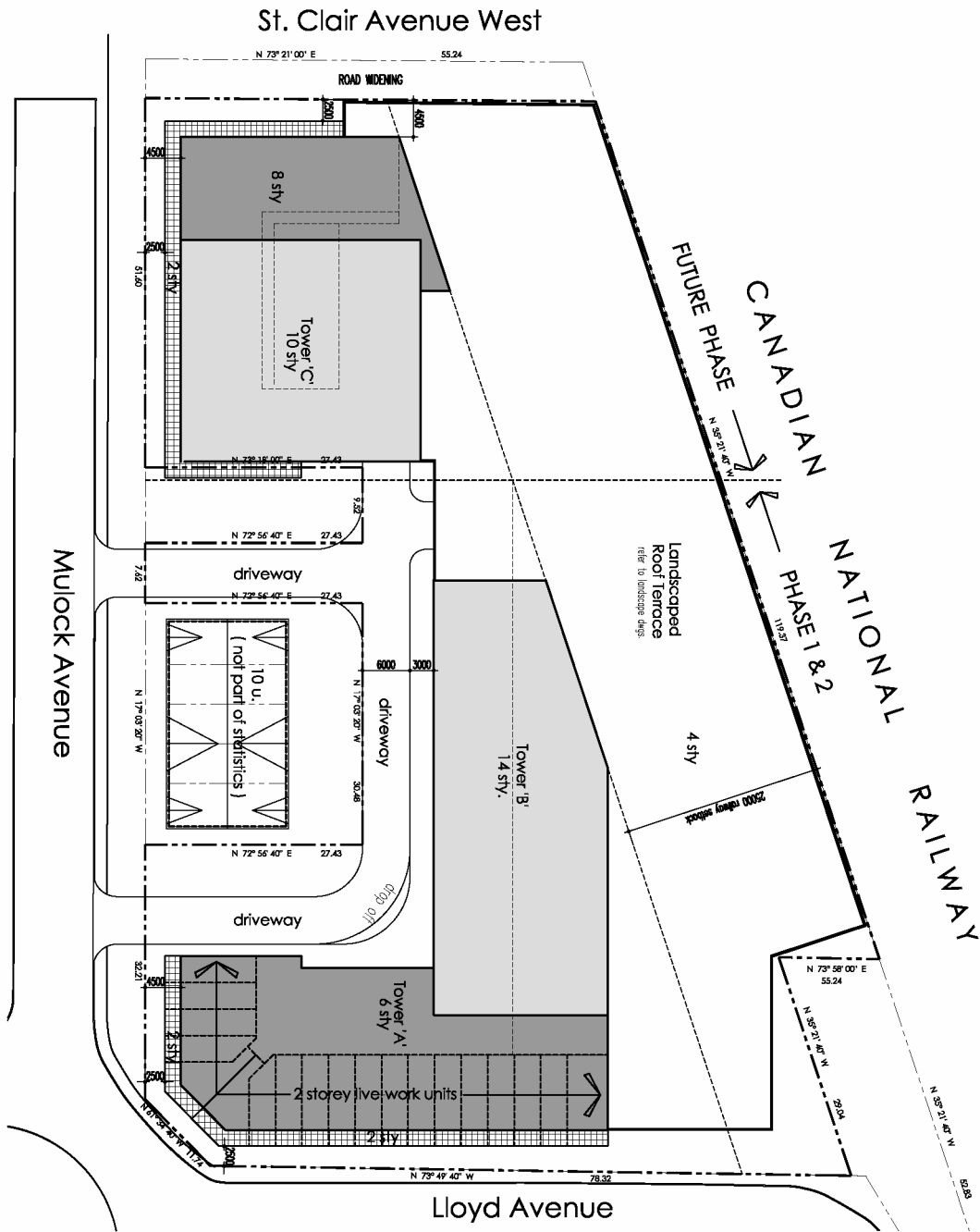
Luisa Galli, Planner, MCIP, RPP
Tel: (416) 394-6007; Fax: (416) 394-6063
E-mail: lgalli@toronto.ca

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Existing Land Use/ Built Form Pattern
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

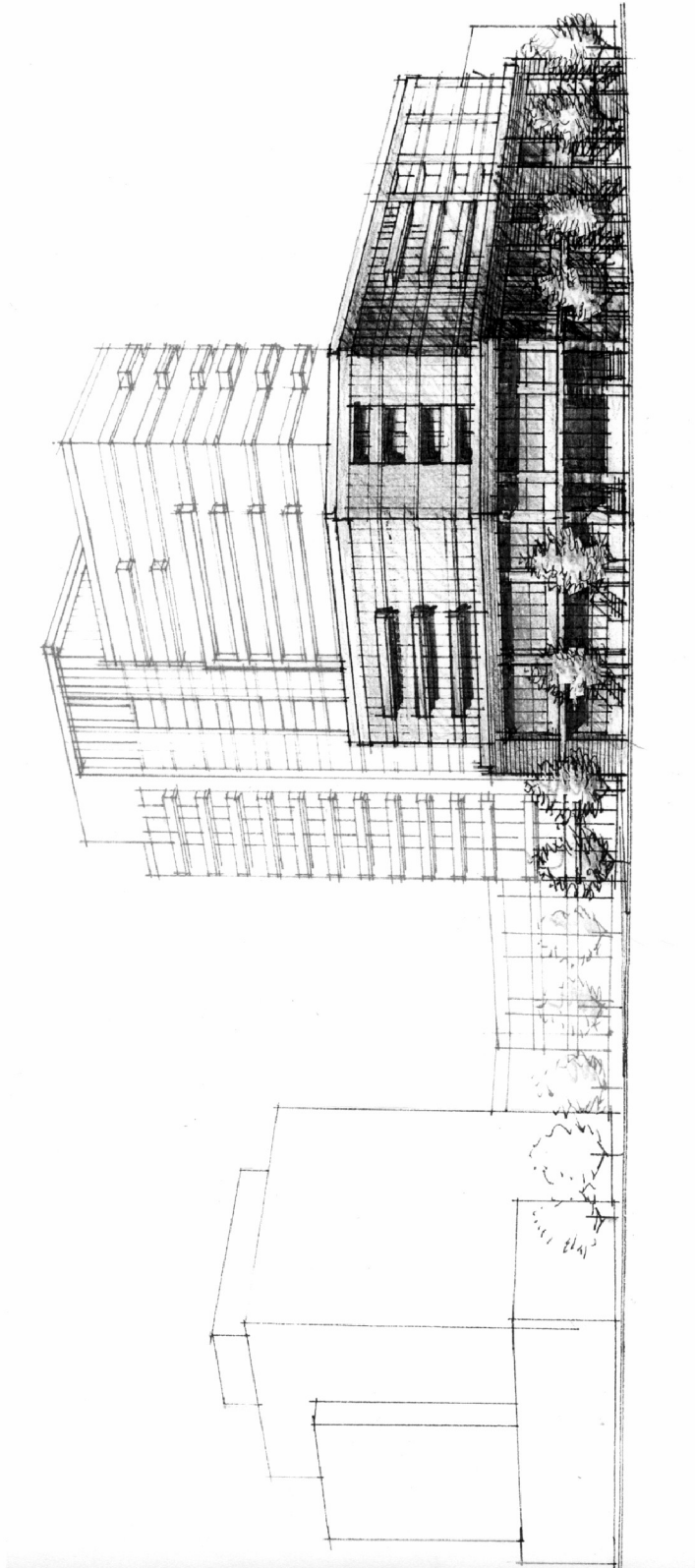
Not to Scale
08/02/06



6 Lloyd Avenue

File # 05_151779

Attachment 2(a): Elevation 1



Elevations

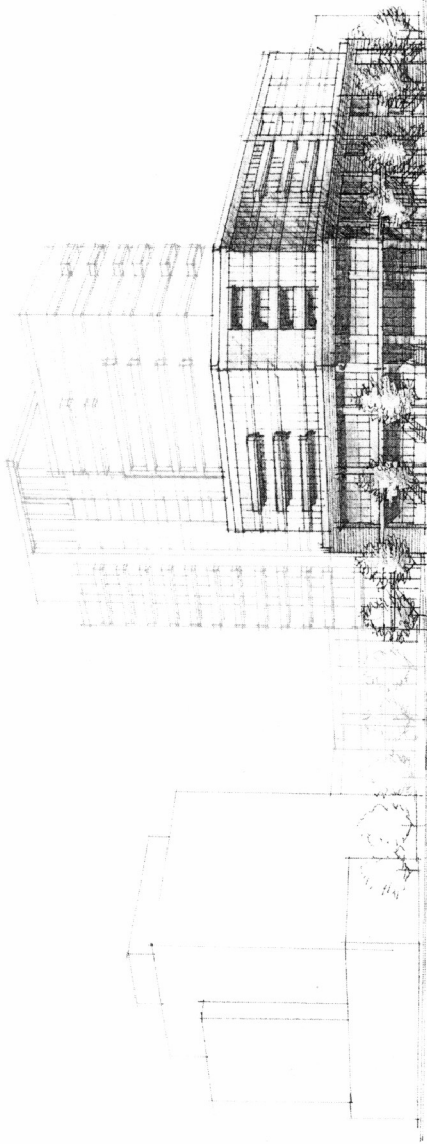
6 Lloyd Avenue

Applicant's Submitted Drawing

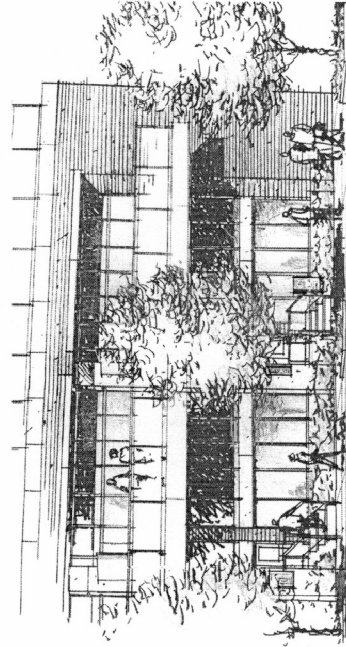
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File # 05_151779

Attachment 2(b): Elevation 2



street level view from southwest



live/work concept

Elevations

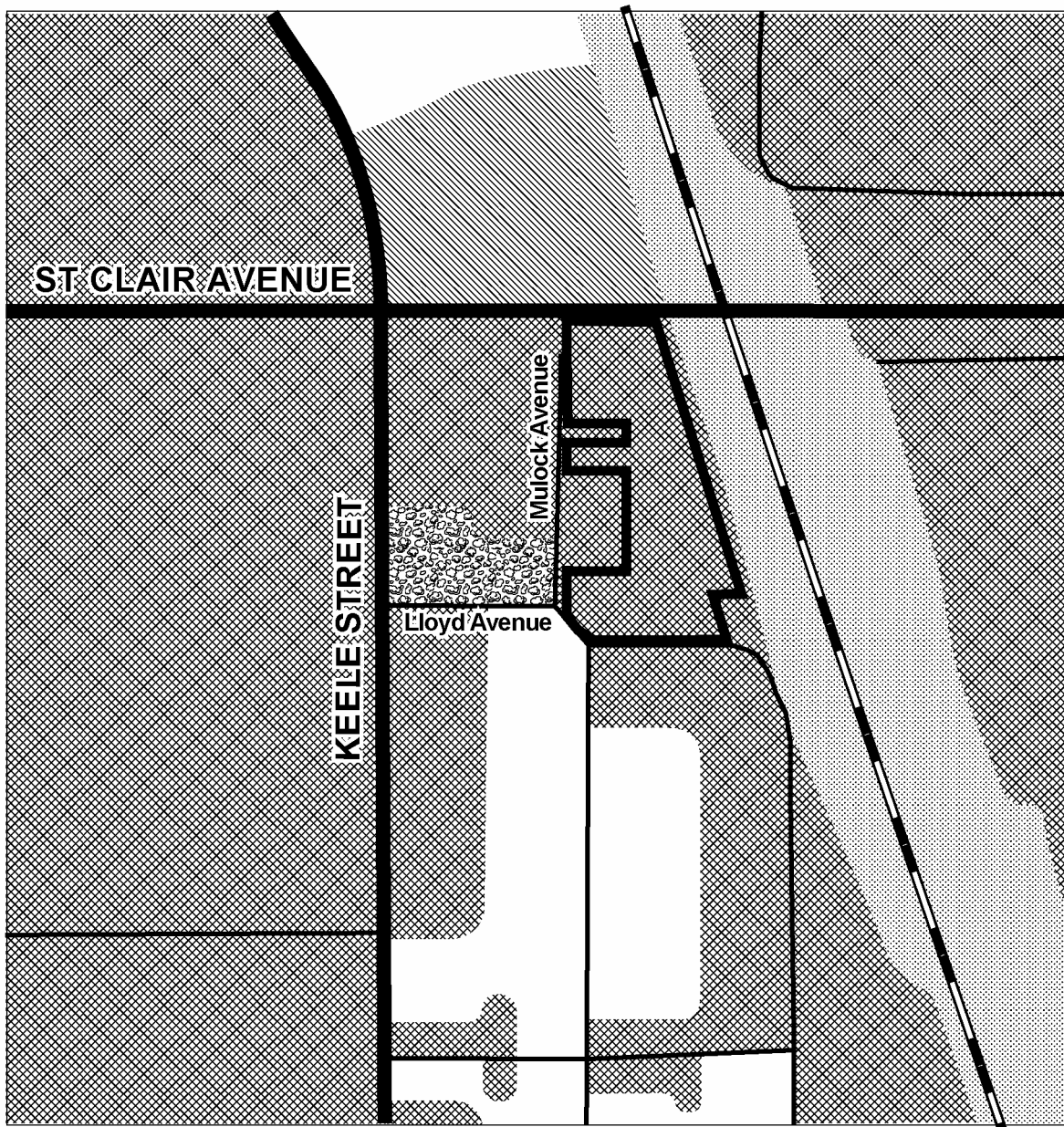
Applicant's Submitted Drawing

Not to Scale
08/02/06

6 Lloyd Avenue

File # 05_151779

Attachment 3: Official Plan



 **Toronto** City Planning
Official Plan

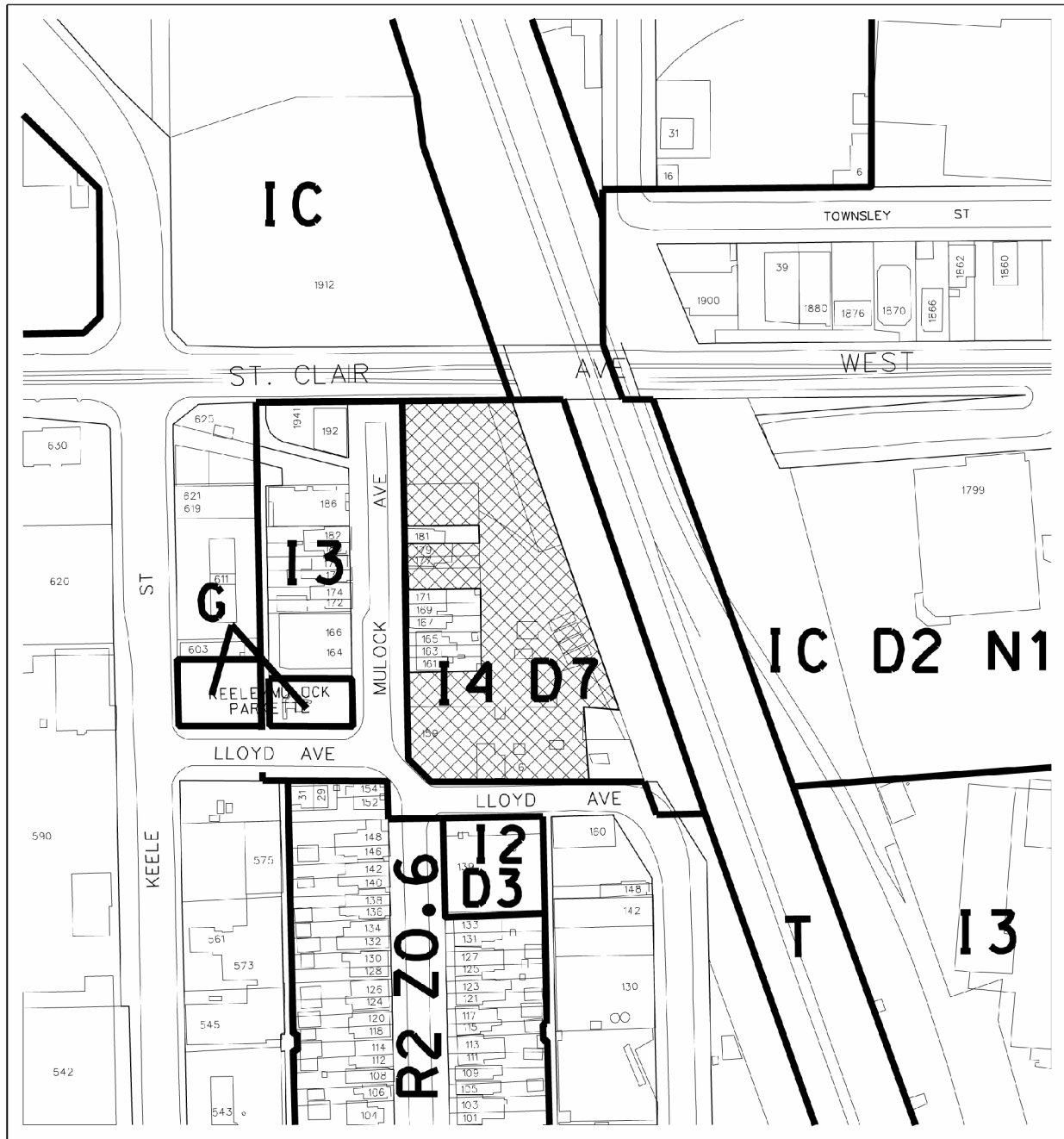
6 Lloyd Avenue

File #05_151779

- | | |
|---|--|
|  Site |  Parks |
|  Neighbourhoods |  Employment Areas |
|  Mixed Use Areas |  Utility Corridor |


Not to Scale
08/11/06

Attachment 4: Zoning (Map)



 **Toronto** Urban
Development Services
Zoning

6 Lloyd Avenue
File # 05_151779

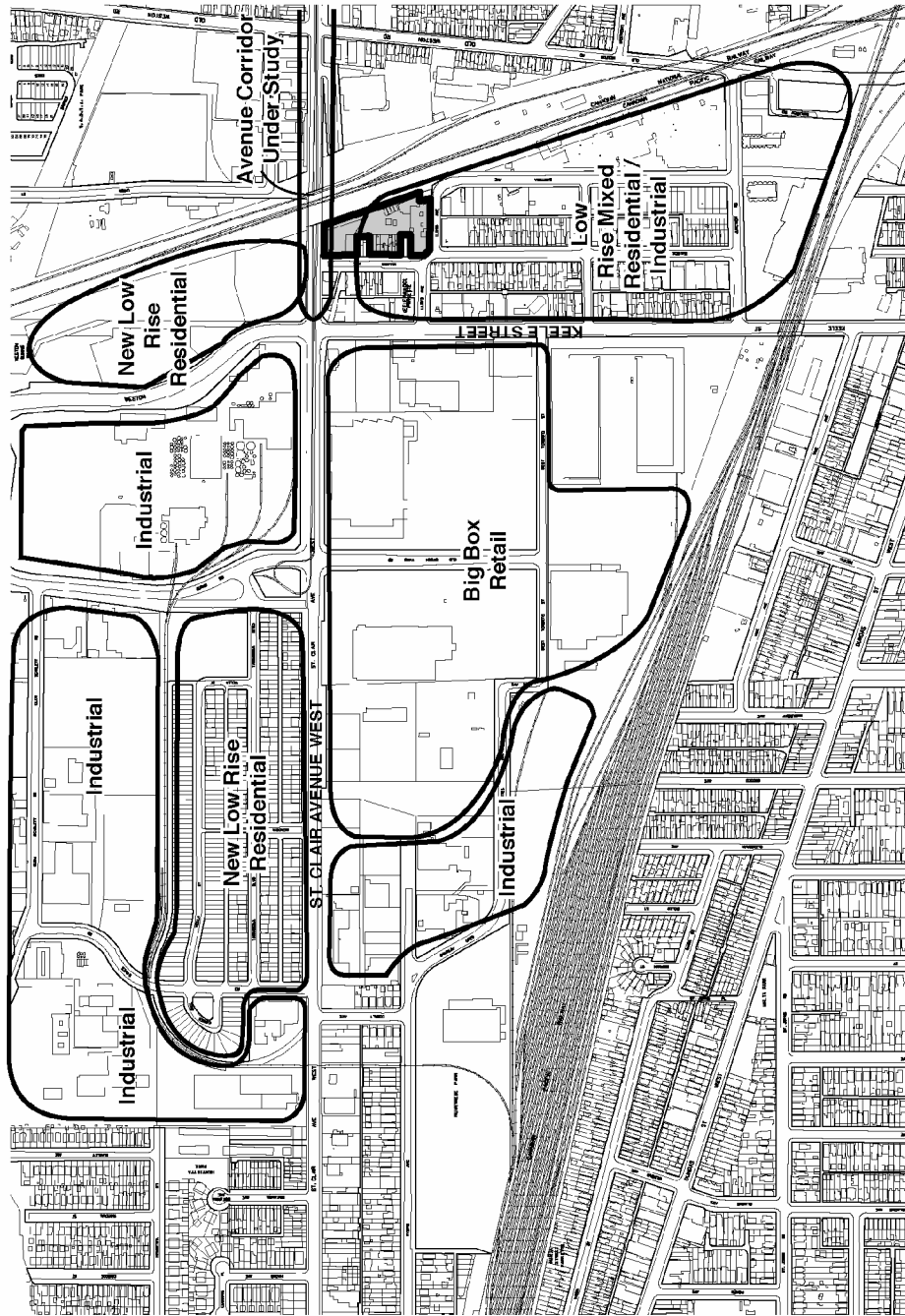
G Parks District
R2 Residential District
I2 Industrial District
I4 Industrial District

IC Industrial District
T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/17/05 - rz

Attachment 5: Existing Land Use/Built Form Pattern



Existing Land Use / Built Form Pattern

6 Lloyd Avenue

Not to Scale
08/22/06

File # 05_151779

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 151779 WET 11 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 28, 2005
Municipal Address:	6 LLOYD AVE, TORONTO ON		
Location Description:	CON 2 FTB PT LOT 35 PLAN 698Y LOTS 31 TO 34 37 42 TO 44 LANE (E LOT 32) PT CAWTHRA AVE CLOSED BLK A NTE **GRID W1110		
Project Description:	OP and zoning amendment application to convert an industrial property to residential. The proposed development includes a 2 and 6-storey tiered building, a 14-storey building and a 2, 8 and 10-storey tiered building. The development will contain approximately 400 units. A 4-storey parking podium, which is to act as a crash wall, is also incorporated into the design of the development.		

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	n/a
Zoning:	I4 D7	Historical Status:	n/a
Height Limit (m):	none	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	9239	Height:	Storeys:	14
Frontage (m):	55.24		Metres:	46
Depth (m):	131.22			
Total Ground Floor Area (sq. m):	6980 (Based on original proposal)		Total	
Total Residential GFA (sq. m):	29510	Parking Spaces:	406	
Total Non-Residential GFA (sq. m):	14970	Loading Docks	1	
Total GFA (sq. m):	44480			
Lot Coverage Ratio (%):	75 (Based on original proposal)			
Floor Space Index:	4.81			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	29510	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	246	Office GFA (sq. m):	0	0
2 Bedroom:	154	Industrial GFA (sq. m):		0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	14970	0
Total Units:	400			

CONTACT: PLANNER NAME: Luisa Galli, Planner
TELEPHONE: (416) 394-6007