

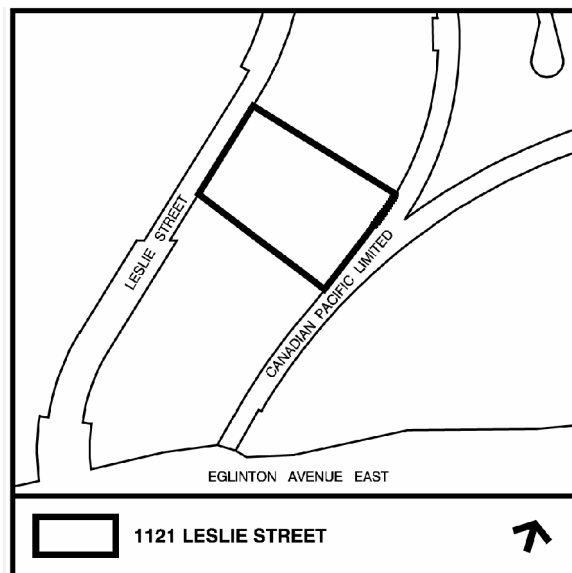
**Refusal Report  
Official Plan and Zoning By-law Amendment  
Applications  
1121 Leslie Street north of Eglinton Avenue East**

<b>Date:</b>	December 22, 2006
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	File No. 05 211055 NNY 25 OZ

**SUMMARY**

An application has been submitted to permit the conversion of employment lands to three residential apartment buildings and two office buildings at 1121 Leslie Street.

The application for the conversion of employment lands for predominately residential use is not supported based on the Provincial Policy Statement (PPS) and the Official Plan policies. The PPS requires the City to promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. The Official Plan policies governing *Employment Districts* and *Employment Areas* state that the site should be retained for employment uses in the long term and protected from the encroachment of non-economic functions. The lands are required for employment purposes and are suitable for that use. The conversion of employment lands can only be considered in the context of a comprehensive review. This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council refuse the proposed Official Plan and Zoning By-law Amendment applications.
2. Should the Official Plan and Zoning By-law Amendment applications be appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal.

## **FINANCIAL IMPACT**

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

## **ISSUE BACKGROUND**

### **Proposal**

The application was filed on December 20, 2005 and is for new residential and office development on what is known as the "Sony site" which contains a vacant office and industrial use building. The proposed gross floor area for residential use is 77,800 m<sup>2</sup> (837,500 ft<sup>2</sup>) and the proposed gross floor area for office use is 14,800 m<sup>2</sup> (159,300 ft<sup>2</sup>). The proposed density on the site is 2.5 Floor Space Index. The residential uses comprise 84% of the total GFA and office uses comprise 16% of the total GFA.

Buildings are sited around a centrally located round-about with the residential apartment buildings in the south and eastern portions of the property and the office buildings on the north side. Heights step up from Leslie Street (6 and 8 storeys) to the eastern side of the site (28 storeys) abutting the Canadian Pacific Railway line. One of the 28 storey residential buildings proposes townhouses in the base of the building. A four storey parking deck accommodating 600 spaces is proposed along the eastern boundary of the property and underground parking with 927 spaces would be provided. Attachment No. 3 provides the project statistics.

The application is not complete with respect to the City of Toronto requirements for processing development applications. A Planning Justification Report, a Transportation Impact Study, a site servicing report and arborist report have not been submitted. In addition, the following material has not been submitted; shadow analysis, elevations, landscape plans, underground and parking structure plans, floor plans, grading plan and tree preservation plans.

### **Site and Surrounding Area**

The site is 3.7 hectares (9 acres) in area and is located on the east side of Leslie Street north of Eglinton Avenue.

Abutting uses include:

North: Wrigley Canada manufacturing plant

South: residential condominium and former Inn on the Park site

East: Canadian Pacific Railway lands, then employment lands

West: Sunnybrook/Wilket Creek Park

## **Provincial Policy**

### Provincial Policy Statement

The Provincial Policy Statement (PPS) provides overall policy directions on matters of provincial interest related to land use and development. Section 3 of the *Planning Act* was amended on March 1, 2005 to require that all municipal planning decisions affecting land use planning be “consistent with” the PPS. This application was filed on December 20, 2005.

The PPS requires the City to promote economic development and competitiveness by:

- a) providing for a mix and range of employment to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment activity;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

Section 1.3.2 of the policy 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 (i.e., to meet population and housing targets).

### Places to Grow

The Provincial *Places to Grow Growth Plan for the Greater Golden Horseshoe* came into effect on June 16, 2006. The Growth Plan guides decisions on a wide range of issues including transportation, infrastructure, planning, urban form, housing, natural heritage and resource protection. The Growth Plan clarifies and strengthens the application of the PPS as it applies to employment lands. In particular, it clarifies the definition of “comprehensive review” by defining it as “an official plan review, or an official plan amendment, initiated by the municipality that comprehensively applies the policies and schedules of the Growth Plan.”

### Planning Act

Bill 51, the *Planning and Conservation Land Statute Law Amendment Act*, amends the *Planning Act*, and is part of the Province’s efforts to reform land use planning in Ontario and redefine the relationship between municipalities and the Provincial government. With respect to protection of employment lands, Bill 51 strengthens a municipal Council’s ability to retain these lands in order to accommodate future jobs and assessment growth. At the time of writing this report, Bill 51 is expected to be proclaimed in January 2007.

## **Official Plan**

The Official Plan compliments the policies found in the PPS and the two documents are mutually supportive.

The subject site is identified as an *Employment District* on Map 2 - Urban Structure and designated *Employment Areas* on the Land Use Plan, Map 20.

*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. It is the policy directive of the Plan to protect *Employment Districts* from the encroachment of non-economic functions and uses, and to promote *Employment Districts* exclusively for economic activities and permit uses that support this function including a range of industrial, business and commercial uses. Residential uses are not permitted.

*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 property is also subject to Site and Area Specific Policy No. 92 which provides for a Hold related to office development. Prior to lifting the Hold, a Transportation Impact Study is required to ensure that sufficient transportation capacity is available to accommodate commercial development in portions of the Don Mills Secondary Plan located to the north.

## **Zoning**

The site is zoned Industrial Commercial MC(23)(H). The MC zone permits a wide range of industrial uses including manufacturing and industrial sales and services, auto related uses, commercial schools and office uses. The exception places a limit on the gross floor area of retail stores and personal service shops to 20% of the gross floor area of the largest floor of all the buildings on the site. The Hold implements the Site and Area Specific Policy of the Official Plan which requires a Transportation Impact Study for office development.

## **Site Plan Control**

An application for Site Plan Control approval has not been filed.

## **Reasons for Application**

Residential uses are not permitted in the *Employment Districts* and the *Employment Areas* of the Official Plan and the Industrial Commercial zoning does not permit the proposed residential development.

## COMMENTS

This application is not consistent with the Official Plan. *Employment Areas* are intended to be places of business and economic activity. The majority of the gross floor area (84%) of the proposal is for residential development and therefore does not support this function. The Plan also identifies this site as part of an *Employment District* on Map 2 - Urban Structure which is to be protected and promoted exclusively for economic activity. The application is also not consistent with the policies in the Provincial Policy Statement regarding the preservation and protection of employment lands.

### Locations for Growth

Areas identified to accommodate growth are shown on Map 2 – Urban Structure in the Official Plan and include the *Downtown*, the *Centres*, the *Avenues* and *Employment Districts*. A mix of residential and employment growth is provided for in the *Downtown* and the *Centres*. The mixed use *Avenues* will emphasize residential growth, while the *Employment Districts* will focus on job intensification. The proposed residential development is not in the *Downtown*, in a *Centre* or on an *Avenue*, locations to which residential growth is directed.

### Comprehensive Review

As noted above, Section 1.3.2 of the Provincial Policy Statement defines what is to be considered in order for Council to approve the conversion of land within employment areas to non-employment uses. The new Official Plan fulfills the requirements of the comprehensive review because the Plan is based on City-wide studies of how and where to accommodate growth and contains projections for both population and jobs. Through the Official Plan, the City has determined the supply of employment lands required for its long term needs and identified these lands as *Employment Districts* on Map 2 - Urban Structure.

### Economic Growth

Official Plan policies indicate that reinvestment in employment lands is to be promoted and supported for job creation and economic growth. The development of this employment land site for predominately residential use will decrease land available for employment uses. The continuation of employment uses on the whole site is supported.

This site continues to be viable for employment uses due to its size and location. It is 3.7 hectares (9 acres) in area and has excellent access to Eglinton Avenue and the Don Valley Parkway, both major transportation routes. Wrigley Canada, located on the adjacent property to the north recently underwent a major expansion and now has 883 employees.

## **Residential Growth**

Background research undertaken for the new Official Plan concluded that the City has sufficient residential capacity to house the projected population to 2031. Redesignation of *Employment Areas* land is not required to provide the housing supply required to meet the population target of the Official Plan. Residential uses are not supported in this area.

Permitting residential uses at this location could also set a precedent and destabilize adjoining employment uses along Leslie Street. Development of this property does not define a logical northern edge or boundary separating new residential and existing employment uses which will be stable over the long term. Rather, it represents piecemeal development at the edge of an important employment area. Further, residential development on the subject site could lead to environmental incompatibilities with uses in the surrounding *Employment District*. Issues for potential new residents include noise, odour, vibration, litter, dust and other similar effects from existing industrial uses. The Wrigley Canada manufacturing plant is located on the property immediately to the north and the closest apartment building on the proposed development is 40 metres away from the manufacturing plant.

## **Economic Development**

The Business Development and Retention Section of the Economic Development Division are opposed to residential uses on the site for a number of reasons including the following:

The subject site forms part of the Don Mills Employment District which is a functional, stable and important area that offers a range of employment opportunities and generates a positive economic impact within the municipality. The conversion would result in the loss of industrial assessment, eliminate the potential for a variety of employment uses and set a precedent for future conversion applications on Leslie Street and in the Don Mills Employment District.

## **Conclusions**

The proposal for residential and office development at 1121 Leslie Street on lands designated as *Employment Areas* and located within an *Employment District* on Map 2 – Urban Structure of the Official Plan cannot be supported on the basis of the Official Plan policies and the Provincial Policy Statement. The lands are required for employment purposes and are suitable for that use. The conversion of employment lands can only be considered in the context of a comprehensive review. This report recommends refusal of the application and recommends that the City Solicitor and appropriate City Staff be authorized to appear before the Ontario Municipal Board to defend the refusal of the application, should it be appealed to the Board.

## **CONTACT**

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## **SIGNATURE**

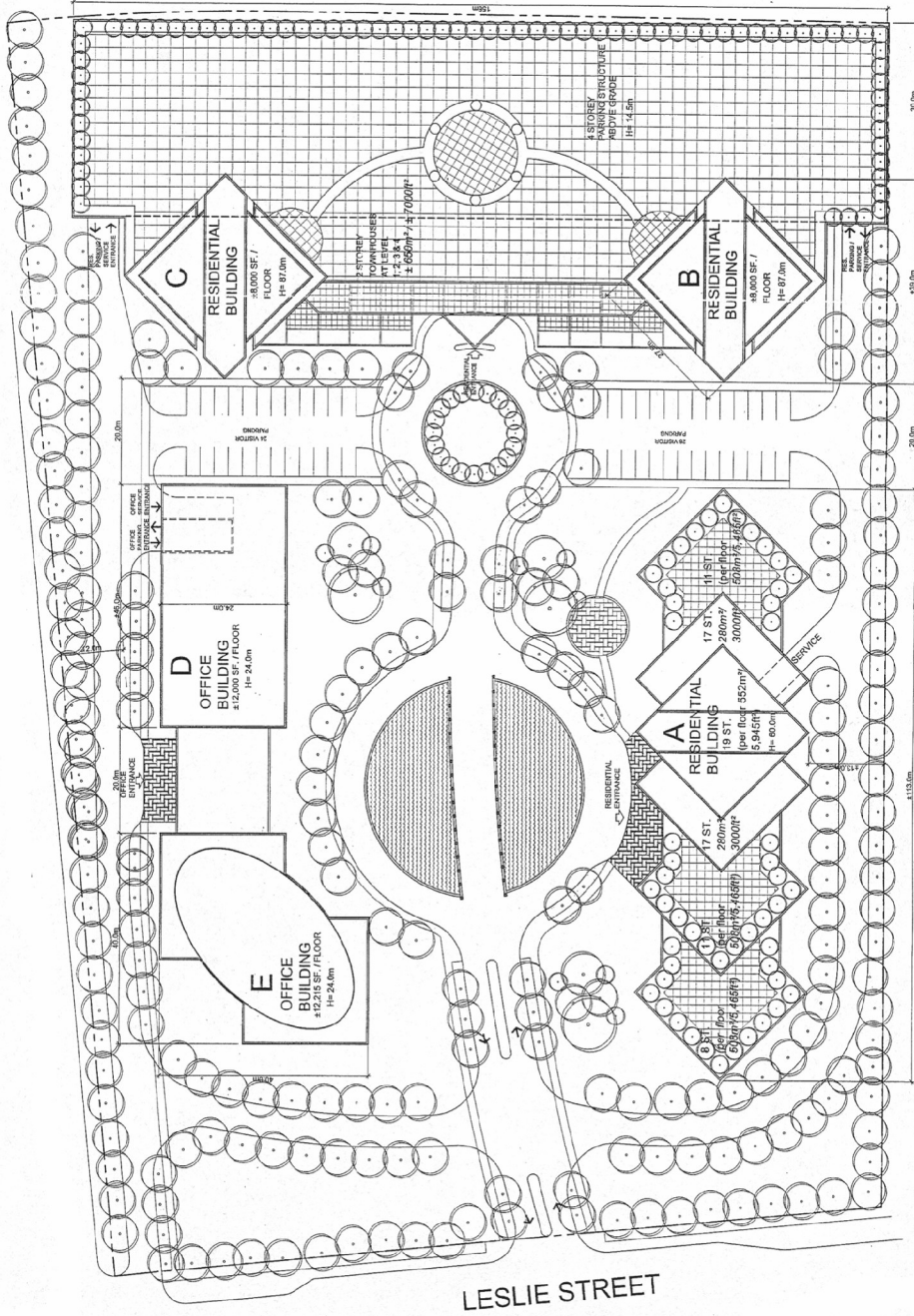
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet

# Attachment 1: Site Plan



1121 Leslie Street

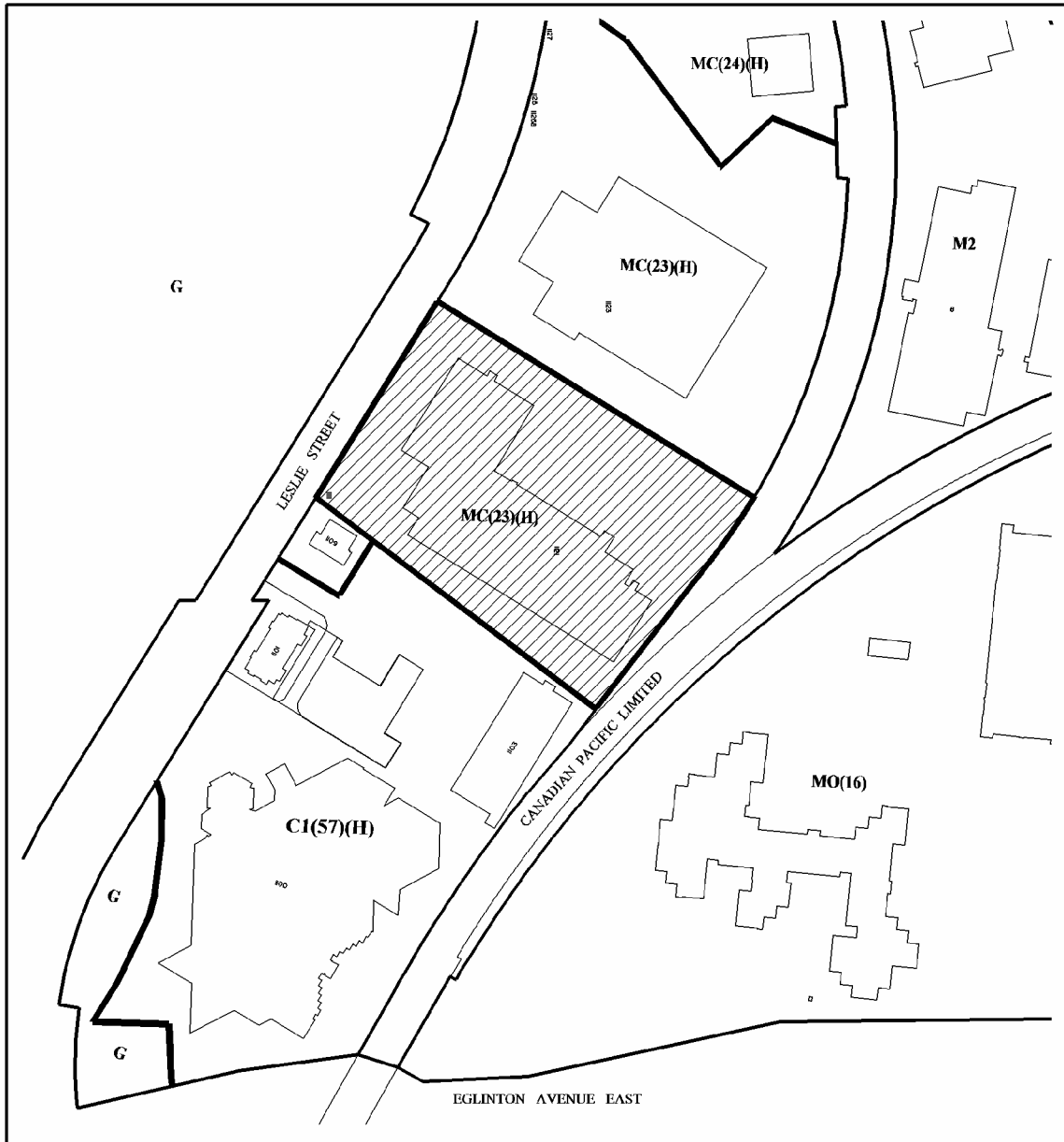
Site Plan  
 Applicant's Submitted Drawing

File # 05\_211055

Not to Scale  
 08/04/06



## Attachment 2: Zoning



**Toronto** City Planning  
Division  
**Zoning**

**1121 Leslie Street**

File # 05\_211055

M2 Industrial Zone Two  
MC Industrial-Commercial Zone  
MO Industrial-Office Business Park Zone

C1 General Commercial Zone  
G Greenbelt Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑  
Not to Scale  
Zoning By-law 7625  
Extracted 08/08/06

### Attachment 3: Application Data Sheet

## APPLICATION DATA SHEET

Application Type: Official Plan Amendment & Rezoning      Application Number: 05 211055 NNY 25 OZ  
Details: OPA & Rezoning, Standard      Application Date: December 20, 2005

Municipal Address: 1121 LESLIE ST, TORONTO ON  
Location Description: CON 3 EYS PT LOT 2 \*\*GRID N2510  
Project Description:

### PLANNING CONTROLS

Official Plan Designation: Employment Area      Site Specific Provision: Y  
Zoning: MC(23)(H)      Historical Status: N  
Height Limit (m):      Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	36819	Height: Storeys:	28
Frontage (m):	148	Metres:	87
Depth (m):	238		
Total Ground Floor Area (sq. m):	n/a		<b>Total</b>
Total Residential GFA (sq. m):	77758	Parking Spaces:	1527
Total Non-Residential GFA (sq. m):	14799	Loading Docks	n/a
Total GFA (sq. m):	92557		
Lot Coverage Ratio (%):	n/a		
Floor Space Index:	2.51		

### DWELLING UNITS

Tenure Type:  
Rooms: 0  
Bachelor: 0  
1 Bedroom: 0  
2 Bedroom: 0  
3 + Bedroom: 0  
Total Units: 837

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	77758	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	14799	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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