

**1075-1095 Leslie Street – Official Plan Amendment
Application – Final Report**

Date:	July 19, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 25 – Don Valley West
Reference Number:	06 102160 NNY 25 OZ

SUMMARY

This is a revision to an application made on January 12, 2006 and is therefore not subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

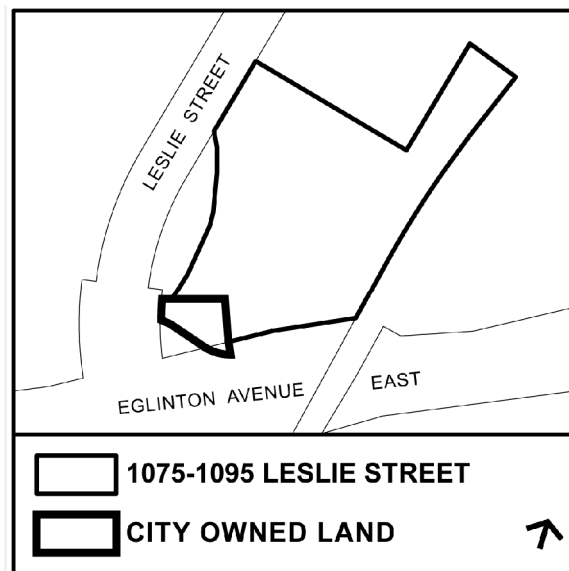
This application proposes to amend the Official Plan for City-owned land at the northeast corner of Leslie Street and Eglinton Avenue East. This would facilitate the sale of the land to the owner of the adjacent mixed use development site at 1075-1095 Leslie Street (Rowbry Holdings Limited). The City-owned land is permanently covered by an easement between the City and Rowbry Holdings Limited to provide vehicular and pedestrian access to the site.

This report reviews and recommends approval of the application to amend the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the City owned lands adjacent to 1075-1095 Leslie Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8.



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, revised Notice of Site Plan Approval Conditions shall be issued by the Director, Community Planning, North York District to include provisions to ensure the driveway from Leslie Street through the site and connecting to the apartment site to the north remains open and unobstructed to the general public at all times.
4. Before introducing the necessary Bills to City Council for enactment, the applicant shall provide confirmation to the Director, Community Planning, North York District that the matters set out in the Technical Services memorandum dated May 25, 2010 have been addressed to the satisfaction of the Executive Director, Development Engineering, Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Rezoning and Site Plan Control applications have been approved, or are currently being reviewed, for the redevelopment of the former Inn on the Park site at 1075-1095 Leslie Street.

Redevelopment of the site will comprise a mix of uses including a Lexus-Toyota automotive dealership, retail, personal service shops, a fitness centre, offices, banquet hall, restaurants, a night club and residential uses. Attached is a copy of the site plan depicting the development (see Attachment 1).

On April 1, 2008, Site Plan Control approval was issued for the (Phase 1) automobile dealership.

At its meeting of April 29 and 30, 2009 City Council approved an application to amend the site specific zoning of the site to permit the conversion of the existing 23-storey hotel tower into a 123-unit retirement residence (Phase 2). Notice of Approval Conditions on the Site Plan Control application were issued on June 3, 2009. The staff report on the rezoning application is available at the following web link:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-20056.pdf>

At its meeting of May 25, 2010, North York Community Council adopted a Preliminary Report dated May 3, 2010 from the Director, Community Planning, North York District on the application. In addition to directing City Planning staff to proceed with scheduling

and providing notice for the community consultation meeting and the public meeting under the *Planning Act*, North York Community Council directed Planning staff, in consultation with the General Manager Parks, Forestry and Recreation, the General Manager Transportation Services and Director of Real Estate Services, to report to the June 22, 2010 meeting of North York Community Council on the feasibility of a land exchange with the City. The owner of 1075-1095 Leslie Street owns land further north at 1133 Leslie Street (refer to Attachment 4). Community Council directed staff to determine the potential of utilizing the exchanged lands as a connection from Leslie Street to the linear parkland being developed on the former CN Spur line to the east.

On June 22, 2010 North York Community Council deferred consideration of the above report to its next meeting on August 17, 2010.

ISSUE BACKGROUND

Proposal

Rowbry Holdings Limited (“Rowbry”), the owner of 1075-1095 Leslie Street is proposing to purchase City-owned land located between its site and the public right-of-ways of Leslie Street and Eglinton Avenue East. Rowbry currently maintains a driveway and pedestrian sidewalk through the land connecting Leslie Street to the site at 1075-1095 Leslie Street.

The land subject to this application deals with Parts 1, 2, 4 and 6 on the reference plan attached to this report (Attachment 3). These lands are currently developed with stairs, sanitary and storm sewers and lawn space (Part 1) a driveway (Parts 2 and 6) and a pedestrian sidewalk (Part 4).

Part 1 will be landscaped in accordance with plans and drawings approved under the Site Plan Control application for the automotive dealership (refer to landscape plan in Attachment 2).

In view of Official Plan policy regarding the disposal of City-owned land designated *Parks and Open Space Area- Other Open Space Areas*, an amendment is necessary to facilitate the sale of these lands.

It should be noted that the owner has also filed a request to purchase Part 3, the easterly portion of the existing driveway and pedestrian sidewalk, however the request will be dealt with through a separate process. The Part 3 lands are designated *Mixed Use Areas*. This designation does not include a policy with respect to the disposal of City owned lands. As such an amendment to the Official Plan is not required to purchase the land.

Transportation Services and Real Estate Services staff are administering the request to purchase Part 3 through the closure and sale of public right-of-way land process.

Site and Surrounding Area

The City-owned lands subject to this application are located at the northeast corner of Leslie Street and Eglinton Avenue. The land was originally required to accommodate an interchange in connection with plans to extend Leslie Street south of Eglinton Avenue East. Management of the land falls under the jurisdiction of Transportation Services.

Shown as Parts 1, 2, 4 and 6 on the draft reference plan on Attachment 3 of this report, the subject City-owned lands have an area of 2,022m² (21,764 sq.ft.). The Part 2, 4 and 6 lands are permanently covered by an easement between the City and Rowbry to provide access to the Rowbry site. The remaining (easterly) portions of the driveway and pedestrian sidewalk (not subject to this application and identified as Parts 3 and 5) are covered by an annual access license agreement between the City and Rowbry amended and approved by City Council on January 26, 2010 (Item GM27.8).

Construction is underway on the Rowbry site to revitalize the former the Inn on the Park site with a mix of uses including an automobile dealership, retail and office uses and residential uses. The site is served by two driveways. The driveway at the south end of the site is located just north of Eglinton Avenue East while a signalized driveway provides access through the Carrington on the Park site, a condominium apartment building site located north of the Rowbry site. The north driveway operates as a mutual driveway for both the Carrington on the Park site and the Rowbry site. An existing easement across the Carrington on the Park lands provides access to the Rowbry site. The two entrance driveways from Leslie Street are connected by way of a “meandering” driveway through the Rowbry site.

Uses surrounding the site include:

North: residential lands (Carrington on the Park) with employment lands beyond (Sony Canada);

South: Eglinton Avenue with Wilket Creek beyond;

East: Canadian Pacific Railway lands with employment lands beyond (Celestica); and

West: Leslie Street with Sunnybrook/Wilket Creek Park beyond.

Official Plan

The City-owned land subject to this application are designated *Parks and Open Spaces – Other Open Space Areas* in the Official Plan (refer to Attachment 6). Lands within this designation are used primarily for golf courses, cemeteries, and open spaces associated with utilities and other specialized uses and facilities.

Section 4.3.8 of the Plan states the sale or disposal of publicly owned lands in *Parks and Open Space Areas* is discouraged and that no City owned lands in *Parks and Open Space Areas* is to be sold or disposed of. However, the Plan states that City-owned land in *Parks and Open Space Areas* may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

Site specific exceptions to section 4.3.8 are found in Chapter 7 of the Official Plan – Site and Area Specific Policies, Policy 265. The policy includes a number of sites throughout the City where the provisions of the Plan prohibiting the disposal of City owned land in the *Green Space System* or *Parks and Open Space Areas* does not apply.

Zoning

The land subject to this application is zoned G (Greenbelt). The zoning permits single detached dwellings, parks and playgrounds operated by the City of Toronto and the Toronto Region Conservation Authority with buildings and structures accessory thereto, tennis courts, bowling greens, stadia, swimming pools, greenhouses, golf courses and similar uses operated for commercial purposes, monuments, bandstands and private garages and parking areas incidental to any of the foregoing uses. The zoning map is attached to this report as Attachment 5.

Site Plan Control

An application for Site Plan Control is not required as the owner intends to continue to use the lands for vehicular and pedestrian access. Matters pertaining to access and driveway design as well as related matters addressing landscaping, ravine control and tree preservation were finalized through Site Plan Approval for the Phase 1 automobile dealership (Lexus-Toyota).

Ravine Control

A portion of the City owned lands are subject to the City of Toronto Ravine and Natural Feature Protection By-law. The purpose of the by-law is to promote the management, protection and conservation of ravines and associated natural and woodland areas and to prohibit and regulate the injury and destruction of trees, filling and dumping in areas defined in Schedule A of the by-law. A permit is required to conduct any of the above activities on the ravine protected areas. The General Manager of Parks, Forestry & Recreation is authorized to issue permits to injure or destroy trees or alter the grade where applicable.

Reasons for Application

It is a policy of the Official Plan that no City-owned lands in *Parks and Open Space Areas* be sold or disposed of. An amendment to the Official Plan is required to allow the sale of the land.

Community Consultation

The proposal was presented to local residents at a community consultation meeting on June 30, 2010 at St. Bonaventure Catholic School. The meeting was attended by the local

Councillor, the applicant and five members of the public. The resident concerns focussed primarily on the current site operation and management including the increased traffic at the northerly driveway, speeding, early morning loading activities, the unloading of new vehicles on Leslie Street destined to the Lexus-Toyota dealership and trespassing onto the neighbouring residential site (Carrington On The Park).

With respect to the application to amend the Official Plan, a resident expressed the concern that the sale of the land would give the owner the ability to restrict access to the Rowbry site and result in increased traffic at the northerly entrance and through the residential condominium apartment building site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Land Exchange

As noted previously, it is a policy of the Plan that the sale or disposal of publicly owned lands in *Parks and Open Space Areas* is to be discouraged and that no City owned lands in *Parks and Open Space Areas* be sold or disposed of. However, the Plan states that City-owned land in *Parks and Open Space Areas* may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

At its meeting held on June 22, 2010, North York Community Council directed staff to report back on the feasibility of a land exchange with the owner of 1075-1095 Leslie Street who owns land further north at 1133 Leslie Street (refer to Attachment 4) and determine the potential of utilizing the exchanged land as a connection from Leslie Street to the linear parkland being developed on the former CN Spur line to the east.

Parks, Forestry and Recreation (PF&R) advise the land the owner has offered to the City at 1133 Leslie Street is a steep sloped parcel of land that falls sharply from the edge of Leslie Street. In view of the existing topography of the land, PF&R are not able to use the land as a trail connection to the Leaside Spur Line.

Transportation Services reviewed the use of the land at 1133 Leslie Street from a transportation perspective and have determined the land is not required for a future transportation road network. Transportation Services advises the funds generated from the sale of the City owned land would be a greater benefit to the City than the proposed land exchange.

In view of the above, in order for Rowbry to complete a purchase of the City-owned lands, an amendment to the Official Plan is necessary.

Proposed Acquisition of City-Owned Land

The City-owned land subject to this application is permanently covered by a easement giving Rowbry an interest in the land. While these lands are designated *Parks and Open Spaces – Other Open Space Areas*, they are not considered parkland. They are currently developed with a driveway, pedestrian walkway, storm and sanitary sewers and lawn space which Rowbry presently maintains. The current Greenbelt (G) zoning of the site will not change and the lands will continue to be regulated by the Ravine and Natural Features Protection By-law. In view of the forgoing, as well as the position of Transportation Services and Parks, Forestry and Recreation staff, City Planning has no objection to the owners request to amend the Official Plan in order to purchase the land.

Planning staff recommend Site and Area Specific Policy 265 in Chapter 7 of the Official Plan be amended to include the subject land. Policy 265 states the provisions of the Plan prohibiting the disposal of certain City owned lands in the *Green Space System* or *Parks and Open Space Areas* does not apply (refer to Attachment 8).

Servicing

Technical Services advise that the City owned land the applicant wishes to purchase contains storm and sanitary sewers. Technical Services is requiring the owner to retain the services of a Consulting Engineer to prepare and submit an Engineering Report, investigation, and drawings to the satisfaction of the Executive Director of Technical Services.

Technical Services has consulted with Toronto Hydro who advise they have hydro plants along Leslie Street and Eglinton Avenue East and an easement is required. Toronto Hydro are requiring easements. The comments from Technical Services are attached to this report as Attachment 7.

Ravine Control

Urban Forestry staff have no objections to the application. Tree protection, removal, planting and financial security matters were addressed through the Site Plan review process.

Site Plan Control

As noted previously, Site Plan Control approval has been issued for the (Phase 1) automobile dealership and Notice of Approval Conditions (NOAC) on the Site Plan Control application have been issued for the senior's residence and retail addition (Phase 2). Pre-conditions of Site Plan Approval include the execution and registration of the Agreement and filing various financial securities.

In addition to the requirements of Technical Services, City Planning is recommending the concern raised by a resident at the community consultation meeting regarding potential

access restrictions at the southerly be addressed through the Site Plan Agreement by way of revised Notice of Approval Conditions.

CONTACT

Steve Forrester, Senior Planner

Tel. No. (416) 395-7126

Fax No. (416) 395-7155

E-mail: sforrest@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Landscape Plan

Attachment 3: Draft Reference Plan

Attachment 4: City Owned Lands and Lands Offered in Exchange

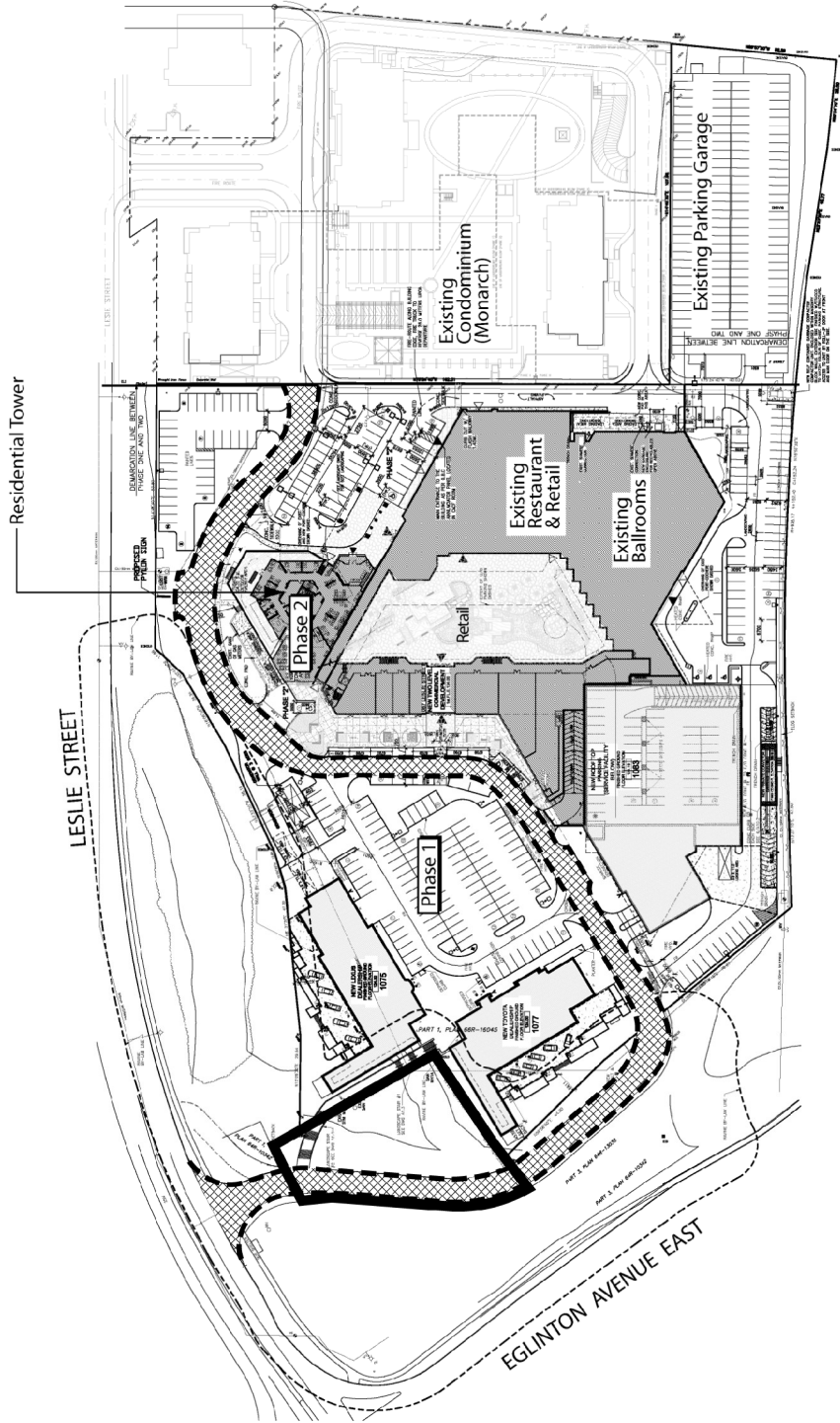
Attachment 5: Zoning

Attachment 6: Official Plan

Attachment 7: Technical Services Comments

Attachment 8: Draft Official Plan Amendment

Attachment 1: Site Plan



1075-1095 Leslie Street

Site Plan

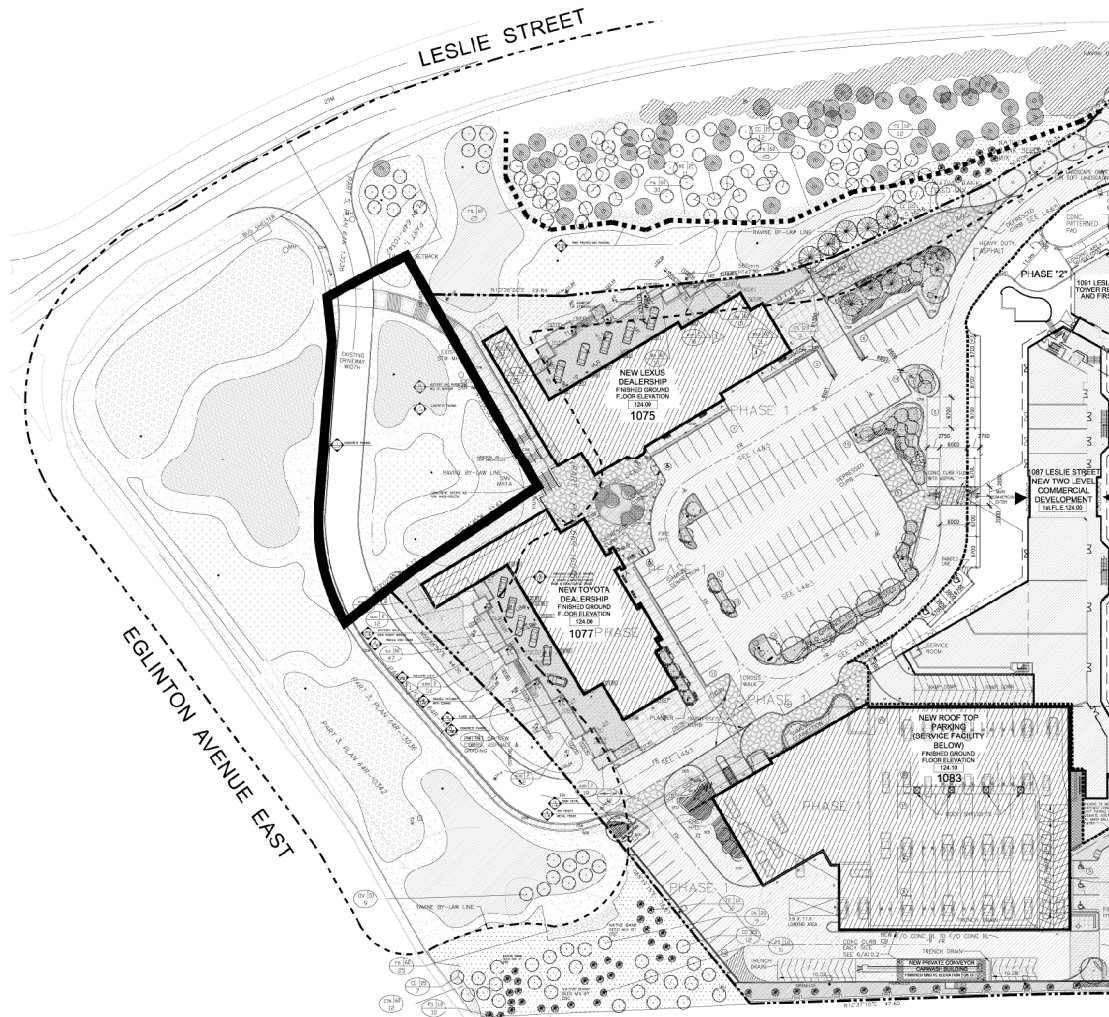
-  City Owned Lands
-  Private Driveway

Applicant's Submitted Drawing
 Not to Scale
 07/20/2010



File # 06_102160

Attachment 2: Landscape Plan



Landscape Plan

Applicant's Submitted Drawing

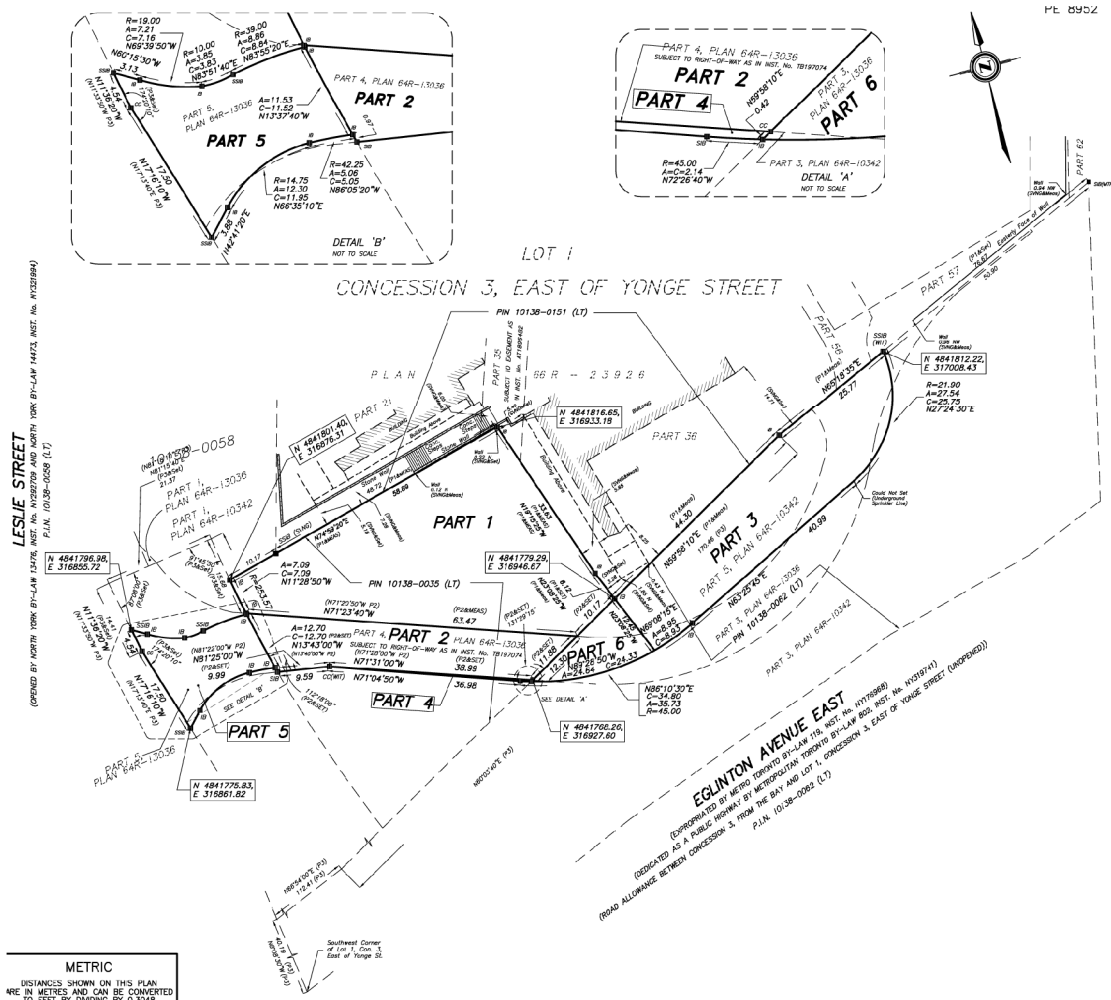
Not to Scale →
04/19/2010

1075-1095 Leslie Street

 City Owned Lands

File # 06_102160

Attachment 3: Draft Reference Plan



Draft Reference Plan

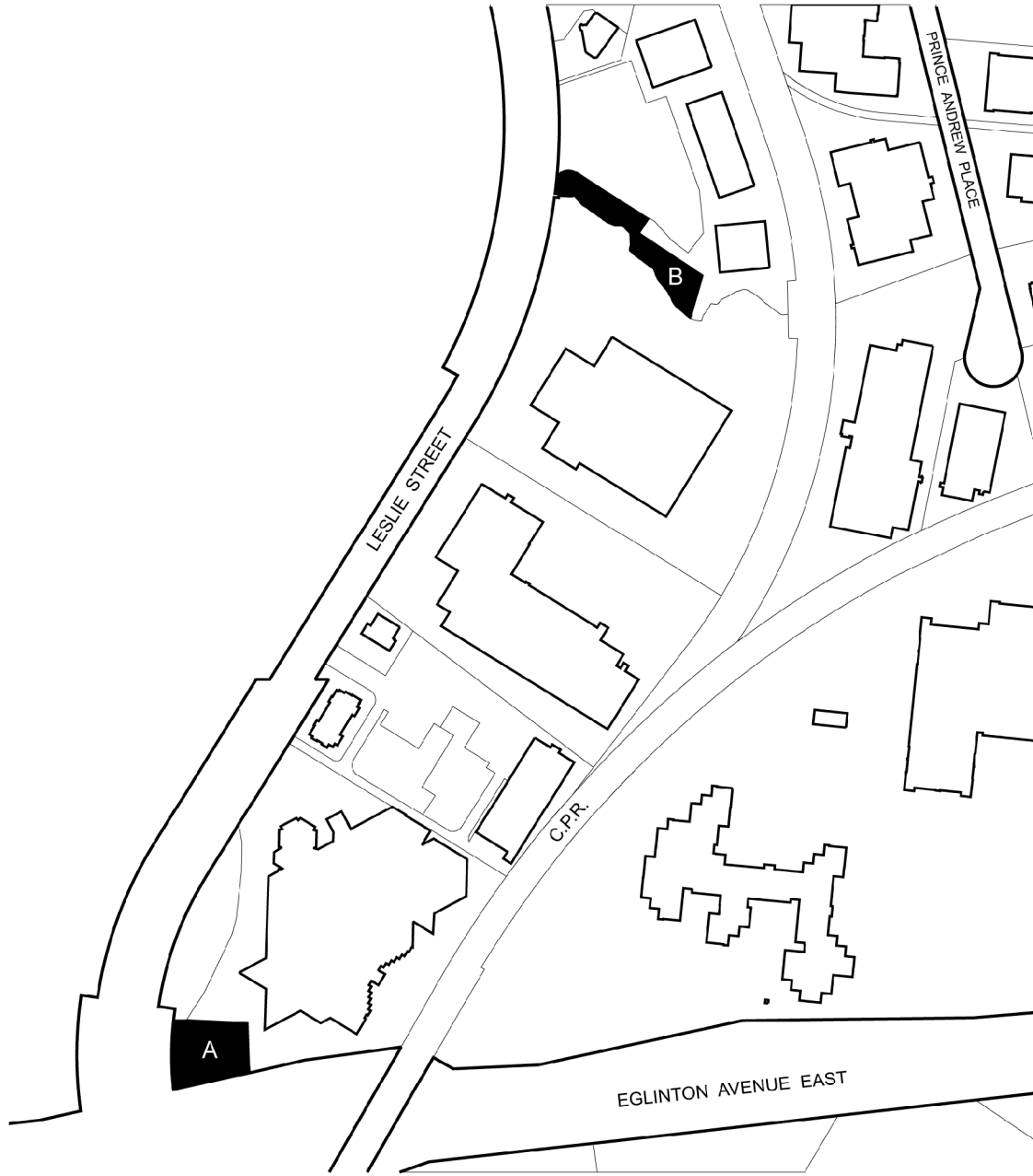
1075-1095 Leslie Street

Applicant's Submitted Drawing

Not to Scale
04/19/2010

File # 06_102160

Attachment 4: City Owned Lands and Lands Offered in Exchange



Areas considered for Land Exchange

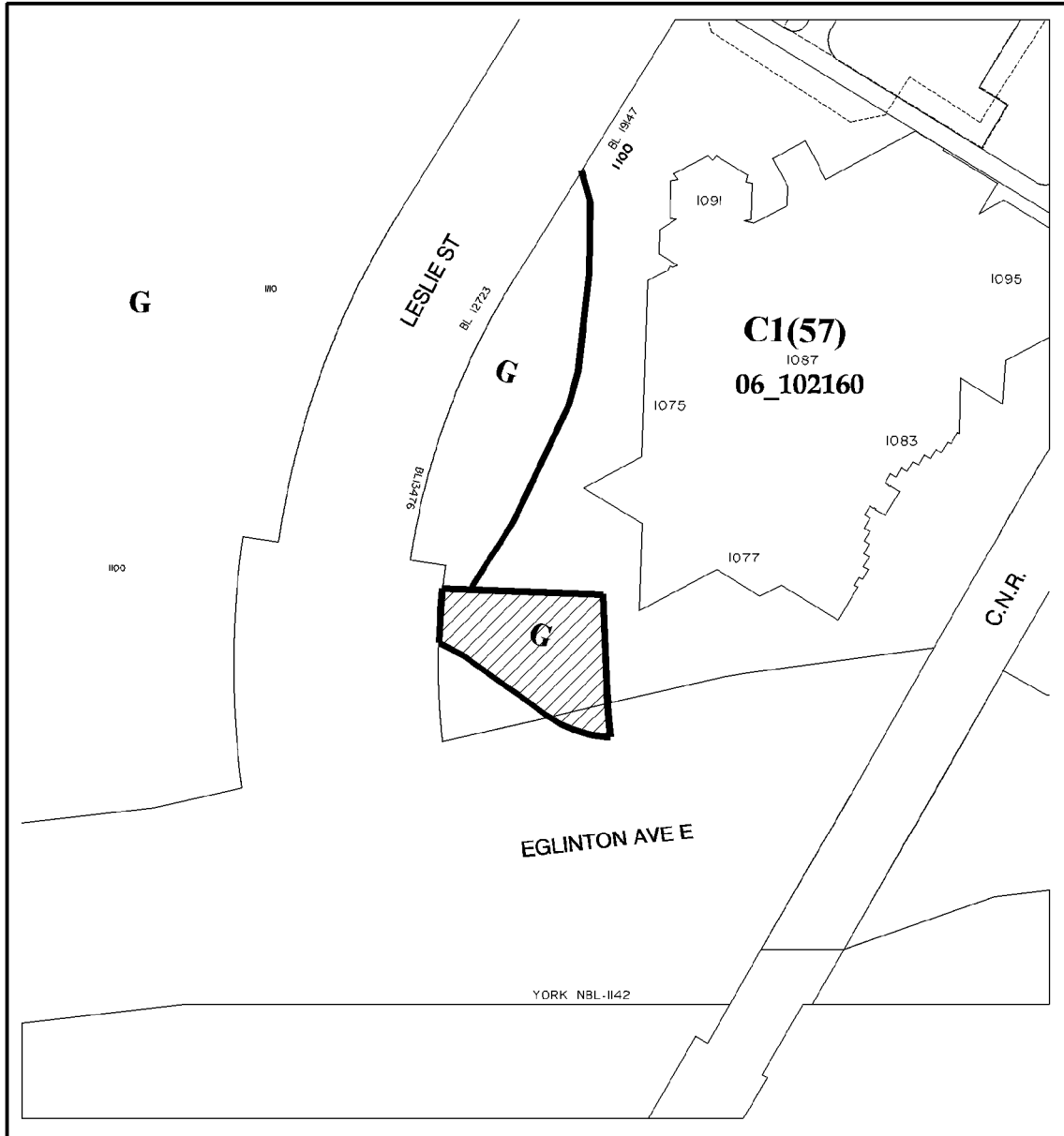
1075-1095 Leslie Street

Not to Scale
06/10/2010

- A** City Owned Lands
- B** Lands offered in Exchange

File # 06_102160

Attachment 5: Zoning



Toronto City Planning
Zoning

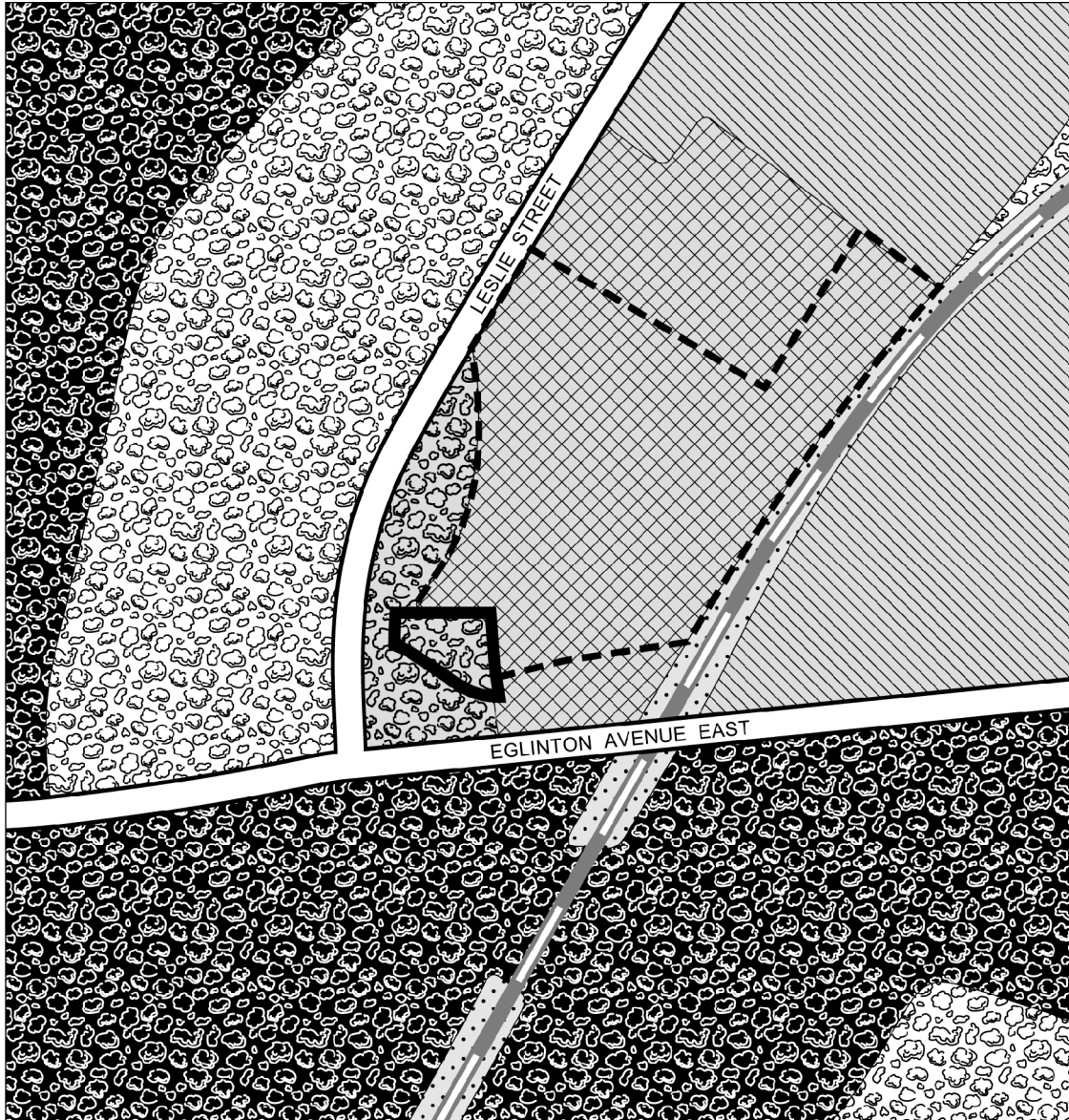
1075-1095 Leslie Street

File # 06_102160

G Greenbelt Zone
C1 General Commercial Zone

↑
Not to Scale
Zoning By-law 7625
Extracted 07/15/2010

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

1075-1095 Leslie Street

File # 09_112006

 Site Location	 Natural Areas	 Utility Corridors
 1075-1095 Leslie Street	 Parks	
 Mixed Use Areas	 Other Open Space Areas	
 Employment Areas		


 Not to Scale
 04/19/2010

Attachment 7: Technical Services Comments



Frank Clarizio, P. Eng.
Manager, Development Engineering
North York District

Development Engineering
Technical Services Division
North York District
North York Civic Centre
5100 Yonge Street, 4th Floor
North York, Ontario M2N 5V7

Reply Attention:
Pezhman Imani, P. Eng.
Development Engineer
Tel. 416-395-6181 Fax. 416-395-6328
E-Mail: pimani@toronto.ca

MEMORANDUM

TO: T. Keefe, Director
Community Planning, North York District
Attention: Steve Forrester

FROM: Frank Clarizio, P. Eng.
Manager, Development Engineering, North York District

DATE: May 25, 2010

SUBJECT: Official Plan / Zoning Bylaw Amendment Application No: 06102160 NNY 25 OZ
Your Memorandum Dated: April 15 2010
Applicant: Randal Dickey C/O PMG planning Consultants
Location: 1075-1095 Leslie Street Ward: 25

APPLICATION DESCRIPTION

This is a request to amend the Official Plan to facilitate the acquisition of City owned land at the northeast corner of Leslie Street and Eglinton Avenue East. The land is designated Parks and Open Space – Other Open Space Areas and is currently developed with a driveway and pedestrian walkway to 1075-1095 Leslie Street. The applicant is also in the process of purchasing a section of City Right of Way adjacent to the Open Space land.

Previous memos include Zoning Bylaw Amendment dated April 20, 2009 regarding.

The following comments and conditions are provided based on the following submissions:

- Overall Site Plan drawing ,by Venchiarutti Gagliardi Architect Inc., revised dated April 01 2009, stamped as received by Planning on April 07, 2010

- Survey Plan no.186-Con.3 dated March 17, 2010, unstamped by planning;
- Landscape Sheet reference plan drawing no. L-1, by Terraplan Landscape Architects Inc., revised dated March 31 2009, stamped as received by Planning on April 07, 2010
- Planting Plan-Ravine Phase 2 drawing no. L-9, by Terraplan Landscape Architects Inc., revised dated March 31 2009, stamped as received by Planning
- Other associated drawings and reports.

Please advise me if any changes or modifications are required to the comments or conditions identified in this memorandum.

A. REVISIONS AND ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN, STUDIES AND DRAWINGS

The owner is required to amend and/or provide reports and/or Studies and/or Drawings to address the following comments and resubmit for the review and acceptance by the Executive Director of Technical Services prior to the enactment of Zoning By-law Amendment.

1. The City owned land at the northeast corner of Leslie Street and Eglinton Avenue East includes municipal sewers. The owner shall be required to retain the services of a Consulting Engineer to submit to this Division, an Engineering Report, investigation, and drawings outlining the municipal works necessary for this development by the Executive Director of Technical Services. Please note:
 - If the investigation shows that any other properties sewers connected to the said sewers, so then the easement agreement between City of Toronto and the owner is required.
 - If the subject property is the only one connected, report and drawing have to propose the proper works as per City Design criteria.

B. OFFICIAL PLAN / ZONING BY-LAW AMENDMENT CONDITIONS

1. **Appropriate easements are maintained for Toronto Hydro, Enbridge Gas and City of Toronto.**

C. ADVISORY OF OTHER CITY APPROVALS AND REQUIREMENTS

The owner is advised that the following approvals and additional conditions may be required at the site plan stage. These comments are preliminary and are subject to change based on submissions for subsequent planning approval applications. They are provided for the owner's information only.

1. Municipal Numbering

The applicant is advised to contact Mr. Robert Sevigny, Municipal Numbering Supervisor, at 416-392-8451 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. Please see <http://www.toronto.ca/mapping/numbers/index.htm> for details.

2. Road Allowance Permits.

2.1 The applicant must obtain the necessary authorisations and permits from our Right-of-Way Management Section before excavating or encroaching into municipal road allowance. The applicant is advised to contact our Right-of-Way Management Section at (416) 394-8422 regarding site-specific permit and licensing requirements.

3. Construction Management Plans.

3.1 We advise the applicant that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from our Right-of-Way Management Section, including payment of the necessary fees.

4. Encroachments.

4.1 Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the section through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.

5. Toronto Hydro Approval.

5.1 The applicant must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.

D. BACKGROUND

EXTERNAL CIRCULATION (Part 1, Part 2, Part 4 and Part 6)

- Toronto Hydro – A phone conversation with Toronto Hydro indicated that they have hydro plants up Leslie, along Eglinton to the rail tracks and abutting part 1. Toronto Hydro indicated that they will require an easement.
- Enbridge Gas – Has provided a map of their utilities and it indicates that there is a NPS 12 STHP gas main within Part 6 of the Survey.
- Rogers Cable – Does not have facilities within these lands

- Bell Canada – Does not have facilities within these lands
- Toronto and Region Conservation Authority – a phone call indicated that no permit is needed for this land.

Frank Clarizio, P. Eng.
Manager, Development Engineering, North York District

PI/pi

Copy to: M. Currie, Director, Transportation Services, North York District

Attachment 8: Draft Official Plan Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2010

Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting certain lands at the northeast corner of Eglinton Avenue East and Leslie
Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13,
as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the
public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No.119 to the Official Plan is hereby adopted pursuant to
the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

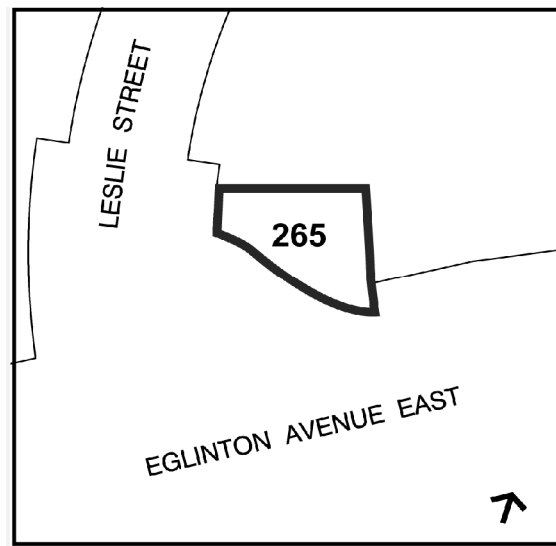
AMENDMENT NO. 119 TO THE OFFICIAL PLAN

**CERTAIN LANDS AT THE NORTHEAST CORNER OF EGLINTON AVENUE
EAST AND LESLIE STREET**

The Official Plan of the City of Toronto is amended as follows:

1. Site and Area Specific Policy No. 265 of Chapter 7, Site and Area Specific Policies is amended by adding the following text and map respecting lands located at the northeast corner of Eglinton Avenue East and Leslie Street:

Certain Lands at the Northeast Corner of Eglinton Avenue East and Leslie Street



2. Map 31, Site and Area Specific Policies, is amended by labelling the lands located at the northeast corner of Eglinton Avenue East and Leslie Street, as shown on the map in 1 above, as being subject to Site and Area Specific Policy No. 265.