

**10, 11, 25 and 30 Ordnance Street, 45 Strachan Avenue –
Official Plan Amendment – Refusal Report**

Date:	April 7, 2010
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	10-115786 STE 19 OZ

SUMMARY

This Official Plan Amendment application proposes to amend the Garrison Common North Secondary Plan to permit the conversion of employment lands to a mix of uses, including residential uses, on lands known as 11, 25 and 30 Ordnance Street and 45 Strachan Avenue. The application also proposes that 10 Ordnance Street be encouraged to be developed as a public park. The Official Plan designates the properties as *Employment Areas*, and they are shown on the Urban Structure Map within an *Employment District*.

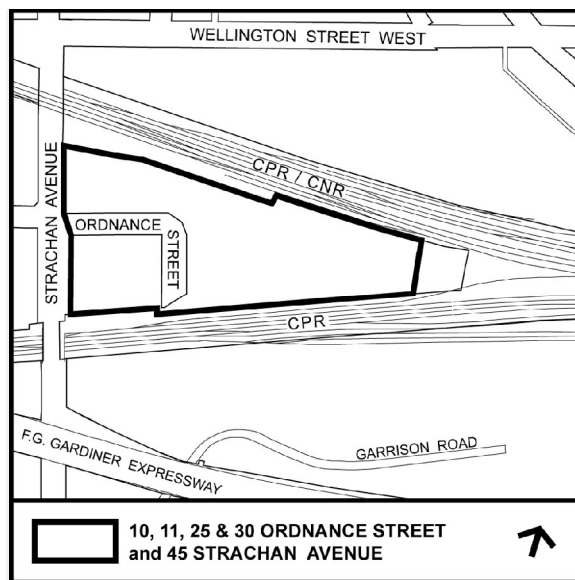
The proposal does not conform with the Province’s Growth Plan for the Greater Golden Horseshoe, nor the Toronto Official Plan, and is not consistent with the Provincial Policy Statement.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse application 10 115786 STE 19 OZ for 10, 11, 25 &



30 Ordnance Street and 45 Strachan Avenue for the following reasons:

- (a) the proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
- (b) the proposal is inconsistent with the Provincial Policy Statement; and
- (c) the proposal does not conform to the Official Plan.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A City initiated application is currently under way to rezone 10 Ordnance Street from Industrial (I3) to Park Land (G). The Official Plan designates the lands as *Employment Areas*. Parks are a permitted use within *Employment Areas*.

The Environmental Assessment has been completed for the Fort York Pedestrian and Cyclist Bridge linking the Stanley Park South extension with the Fort York National Historic site and will span across the two rail corridors and the lands at 10 Ordnance Street. The bridge has long been contemplated in a number of planning documents, including the Garrison Common North Secondary Plan in the City of Toronto Official Plan. The purpose of the bridge is to improve the pedestrian and cyclist circulation throughout the area and create links over the rail corridors. Construction of the bridge is anticipated to begin in 2011.

At its February 22nd and 23rd, 2010 meeting, City Council passed a motion directing the Chief Planner to report to the April 27th, 2010 Toronto and East York Community Council meeting on the subject application. However, Council's "Guidelines for Identifying and Processing Planning Matters of City-Wide Interest and Cross-Boundary Issues" requires that this matter be reported to the Planning and Growth Management Committee.

ISSUE BACKGROUND

Proposal

The Official Plan Amendment application proposes to amend the Garrison Common North Secondary Plan to add an additional Site and Area Specific Policy that would apply to the subject lands.

The proposed Site and Area Specific Policy would apply to the triangular piece of land east of Strachan Avenue, between the GO Transit Georgetown rail corridor and the CNR and GO Transit Lakeshore rail corridors (the subject lands). The proposed policy would encourage development of a public park on the eastern portion of the lands (10 Ordnance Street) and introduce residential and mixed use permissions for the remainder of the area (11, 25 and 30 Ordnance Street, 45 Strachan Avenue).

The applicants have indicated they intend to redevelop 30 Ordnance Street with two high rise residential towers that would share a common podium that would accommodate a mix of uses, however, there is no specific development proposal submitted for review as part of this application for an Official Plan Amendment.

Site and Surrounding Area

The Ordnance Street lands are a 3.1 hectare triangularly-shaped parcel located on the east side of Strachan Avenue, south of the GO Transit (Metrolinx) rail line and north of the CN rail line. The lands are municipally referred to as 10, 11, 25 and 30 Ordnance Street and 45 Strachan Avenue.

Thirty Ordnance Street (0.65 ha) is occupied by a large commercial billboard sign and a one storey industrial building, of which a portion is currently being used for short term storage and as a temporary research facility. The balance of the Ordnance lands are owned by the City of Toronto; 10 Ordnance Street (1.6 ha) is currently leased to a commercial parking lot operator but the City has initiated an application to rezone the site as Park Land; 11 Ordnance Street contains a two storey shelter for homeless youth; and 45 Strachan Avenue contains a one storey building operated by Municipal Licensing and Standards.

Land uses surrounding the site are as follows:

North: Across the GO Transit Georgetown railway line lies a 3 storey housing shelter project and City-owned property that has been rezoned 'G' Park Land and reserved for the Stanley Park South extension, which is also the proposed northern touchdown point for the Fort York Pedestrian Bridge. To the east of these lands lies the City-owned property municipally known as 701 Wellington Street West, which is used as a works yard.

South: Across the CNR and GO Transit Lakeshore railway corridor lies the Fort York National Historic Site. The proposed southern touchdown point for the Fort York Pedestrian Bridge is located on the northern edge of Garrison Common at the Fort, which is also a public park. Directly south of Fort York is the Gardiner Expressway.

East: The Fort York pedestrian bridge is proposed to cross over the lands. Further to the east is a parcel of land owned by Metrolinx, which contains a signal station and a large billboard sign. Beyond the Metrolinx site the two railway lines converge and continue into downtown Toronto.

West: King Liberty Village is located to the west of Strachan Avenue.

Planning Act

Section 2 of the *Planning Act* sets forth matters of Provincial interest which municipal Councils shall have regard to in making decisions under the Act. These include Section

2(k) the adequate provision of employment opportunities; and Section 2(1) the protection of the financial and economic well-being of the Province and its municipalities.

In order to protect and preserve employment lands from conversion to non-employment uses such as residential, Section 22(7.3) of the *Planning Act* denies the right of appeal to the Ontario Municipal Board for applications to remove any land from an area of employment that are refused by City Council.

Provincial Policy Statement

The Provincial Policy Statement 2005 (PPS) applies to this proposal and provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

Section 1.3.1 of the PPS requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- 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.

Employment areas are defined in the PPS as areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities.

Section 1.3.2 states that municipalities 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.

Section 3(5) of the *Planning Act* requires City Council's planning decisions to be consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The Province's *Growth Plan for the Greater Golden Horseshoe* (Growth Plan), which has its basis under the *Places to Grow Act 2005*, applies to this proposal. *The Places to Grow Act* states that where there is conflict between the PPS and the Growth Plan, the Growth Plan will prevail.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the growth forecasts contained within the Plan. Section 2.2.6.2 of the Growth Plan identifies the same criteria by which municipalities are to promote economic development and competitiveness as outlined in Section 1.3.1 of the Provincial Policy Statement.

The Growth Plan also states that municipalities may only permit conversion of lands within employment areas to non-employment uses through a municipal comprehensive review (Section 2.2.6.5).

The definition of an employment area in the Growth Plan is the same definition used in the PPS. The Growth Plan clarifies and strengthens the applications of the PPS as it applies to employment lands, in particular by clarifying the definition of “municipal comprehensive review” by defining it as: “an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Growth Plan”.

Section 14 of the *Places to Grow Act 2005* requires that all decisions under the *Planning Act* made by a municipal council and the Ontario Municipal Board must conform to the Growth Plan.

Official Plan

The Official Plan designates the subject lands as *Employment Areas* (Map 18) and locates the site within an *Employment Districts* on the Urban Structure Map (Map 2).

Section 2.2.4.1 states that *Employment Districts* shown on Map 2 will be protected and promoted exclusively for economic activity in order to:

- a) maintain and grow the City’s tax base;
- b) attract new and expand existing employment clusters that are key to Toronto’s competitive advantage;
- c) develop quality *Employment Districts* that are globally competitive locations for national and international business and offer a wide choice of sites for new business;
- d) nurture Toronto’s diverse economic base;
- e) provide a good overall balance between population and employment growth by creating job opportunities for Toronto residents;
- f) provide a range of employment opportunities for Toronto residents that can be reached by means other than the private automobile; and
- g) create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians.

The proposed residential use is not provided for within *Employment Districts*. *Employment Areas* are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the proceeding uses, and restaurants and small scale stores and services that serve area business and workers (Section 4.6.1). The proposed residential uses are not provided for within *Employment Areas*.

The subject lands are also located within the boundaries of the Garrison Common North Secondary Plan. While there are several area specific policies within the Secondary Plan, no area specific policy applies to the Ordnance Street lands to permit additional or different uses than those provided for within *Employment Areas*. These lands are therefore subject to the general objectives for the Secondary Plan as a whole and rely upon the parent Plan to provide land use permissions on an individual site basis.

Zoning

Under Former City of Toronto Zoning By-law 438-86 the subject site is zoned I1 D3 (Attachment 6). The I3 zoning classification permits a wide range of industrial and commercial uses up to a total density of 3.0 times the area of the lot. The maximum permitted height for the site is 18.0 metres.

Site Plan Control

A Site Plan Control application is not required at this time because there is no development proposal submitted for review as part of this Official Plan Amendment.

Reasons for Application

The proposed residential use is not permitted on lands designated as *Employment Areas* in the Official Plan. Depending upon the type of uses that comprise the non-residential portion of the proposed “mixed use development”, an amendment may additionally be required for some or all of the proposed non-residential uses.

Community Consultation

Staff were unable to schedule a Community Consultation meeting prior to the preparation of this report as City Council at its February 22 and 23, 2010 meeting directed Planning to report on the proposal to the April 27, 2010 Toronto and East York Community Council meeting. The Official Plan Amendment Application was submitted on February 10, 2010.

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

Planning Act

The proposed amendment does not have adequate regard to matters of Provincial Interest as required by Section 2 of the Planning Act.

In particular, Section 2(k) refers to the adequate provision of employment opportunities; and 2(l) the protection of the financial and economic well-being of the Province and its municipalities. Policies pertaining to these items of Provincial interest are contained within the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

In order to protect and preserve employment lands from conversion to non-employment uses such as residential, Section 22(7.3) of the *Planning Act* denies the right of appeal to the Ontario Municipal Board for applications to remove any land from an area of employment that are refused by City Council.

Provincial Policy Statement

The proposal is not consistent with the PPS.

The City of Toronto Official Plan designates the Ordnance Street lands as *Employment Areas*, which are considered places of business and economic activity. As well, the lands are located in an *Employment District* on the Urban Structure Map, which are to be protected and promoted exclusively for economic activity. This supports the Provincial Policy Statement, which defines employment areas as areas designated in an official plan for clusters of business and economic activities. The proposed Official Plan amendment to permit the inclusion of residential uses on the subject lands would constitute a conversion of employment lands to a non-employment use.

To consider an application for conversion of employment lands to a non-employment use, the PPS requires a comprehensive review to be conducted which is based on a review of growth projections, and which includes consideration of alternative directions for growth. Only after such a review can Council consider converting employment lands, and then only where the two-part test has been satisfied. That is, that the comprehensive review has demonstrated that the land is not required for employment purposes over the long-term and that there is a need for the conversion (for example, to meet the population and housing targets as determined through the comprehensive review). A comprehensive review has not been completed in co-ordination with this application.

Section 4.5 of the Provincial Policy Statement provides that the official plan is the most important vehicle for implementation of the PPS. In addition, the PPS requires that official plans shall also provide clear, reasonable and attainable policies to protect provincial interests. Municipalities are required to keep their official plans up-to-date with the Provincial Policy Statement. The approval of an official plan amendment to allow for residential uses on the subject lands would be contrary to provincial policies and interests.

For the reasons outlined above, the proposed development is not consistent with the PPS. Section 3(5) of the *Planning Act* requires that the decisions of City Council must conform, or shall not conflict, with Provincial Policy that is in effect at the time of any decision.

Growth Plan for the Greater Golden Horseshoe

The proposal does not conform with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan provides the same definition of employment areas as the PPS; they are areas designated in an official plan for clusters of economic activities. In terms of the Growth Plan, the subject lands are also an employment area. Residential uses are not permitted. The proposed Official Plan amendment would also constitute a conversion of employment lands under the Growth Plan.

The Growth Plan reiterates and clarifies the objectives of preserving and protecting employment lands from conversions to non-employment uses. Policy 5 of Section 2.2.6 clarifies that the City may permit a conversion of employment area lands to non-employment uses only through a municipal comprehensive review which is described as an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Growth Plan. This review would need to demonstrate the following:

- a) there is a need for the conversion;
- b) the City will meet its employment forecasts allocated to the City pursuant to the Growth Plan;
- c) the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification target, density targets and other policies of the Growth Plan;
- d) there is existing and planned infrastructure to accommodate the proposed conversion;
- e) the lands are not required over the long term for the employment purposes for which they are designated; and
- f) cross-jurisdictional issues have been considered.

No review has been initiated or completed by the City of Toronto to demonstrate that any of these criteria have been addressed. The City will be conducting a municipal comprehensive review as part of its five year review of the Official Plan that was approved in 2006 by the Ontario Municipal Board. As part of this review the City will be evaluating all lands designated for employment across the city to determine whether certain parcels will no longer be required to satisfy the City's long term employment needs.

Based on the above-noted reasons, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe. Section 14 of the *Places to Grow Act 2005* requires that all decisions under the *Planning Act* made by a municipal council and the Ontario Municipal Board must conform to the Growth Plan.

Official Plan

The principal issue raised by this application is the conversion of the subject lands from employment uses to residential uses.

The Official Plan states that *Employment Districts* shown on Map 2 will be protected and promoted exclusively for economic activity in order to (among other reasons) maintain and grow the tax base, attract new employment, foster competitiveness, nurture a diverse economic base, provide for balanced growth between population and employment, and provide job opportunities for Toronto residents.

The *Employment Districts* are large areas comprised exclusively of lands where the *Employment Areas* land use designation applies. *Employment Areas* are the hothouses where the City grows its enterprises and jobs; uses that detract from the economic function of these lands will not be permitted. Together, *Employment Districts* and *Employment Areas* form a significant part of the long term growth management and job intensification strategy of the Official Plan. Lands shown as *Employment Districts* on Map 2 are needed for employment purposes over the long term to accommodate part of the job growth projected to 2031 and to ensure the City's fiscal health.

The needs of business should take priority in the City's employment lands. The stability and certainty needed for businesses to operate and make investment decisions is threatened when lands in *Employment Districts* and *Employment Areas* are lost through incremental conversion. Conversions should only be given consideration in the context of a municipal comprehensive review when all the criteria set out in the Growth Plan are considered to determine whether conversion to non-employment uses is appropriate.

The Ordnance Street lands are located within the boundaries of the Garrison Common North Secondary Plan. Section 5.6.6 of the Official Plan stipulates that the policies of the Official Plan apply to areas subject to Secondary Plans, except in the case of a conflict, in which case, the Secondary Plan policy will prevail. While there are several area specific policies within the Garrison Common North Plan boundaries that provide for additional uses to those permitted in the Official Plan, the subject lands are not located in one of these areas. For lands not identified within one of the Site and Area Specific Policy areas development will be subject to the general objectives for the Secondary Plan as a whole and rely upon the parent Plan to provide land use permissions on an individual site basis.

The proposed Official Plan amendment to convert employment lands to residential and mixed uses does not conform with the City of Toronto Official Plan policies.

Conclusion

The PPS and the Growth Plan require municipalities to promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future employment uses. The Official Plan policies pertaining to *Employment Areas* and *Employment Districts* stipulate that retention of these sites for employment uses is vital to the long term economic growth and health of the City.

This application cannot be supported as it does not conform to the Growth Plan and the Toronto Official Plan and is not consistent with the PPS. Approval of the application, without first undertaking a municipal comprehensive review, would be contrary to the interests of the Provincial Policy Statement and the Growth Plan. The 5 year review of the Official Plan will begin later this year. The *Planning Act* requires that the decisions of City Council must conform, or shall not conflict, with Provincial Policy. In addition, the *Places to Grow Act 2005* requires that all municipal planning decisions conform with the Growth Plan.

This report recommends refusal of the application to amend the Official Plan based on both provincial and municipal policy frameworks.

CONTACT

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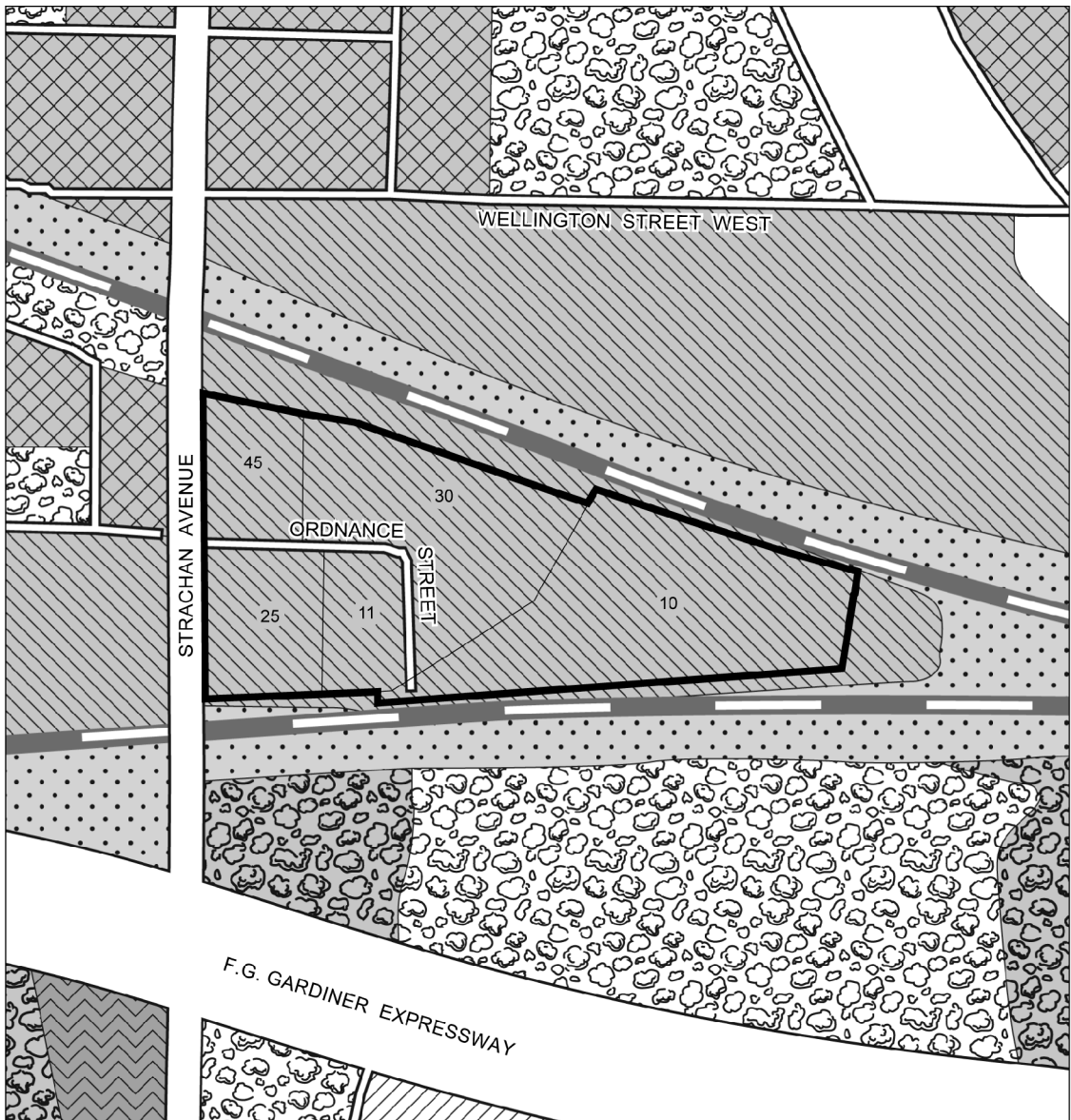
Gary Wright
Chief Planner and Executive Director
City Planning Division

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ATTACHMENTS

Attachment 1: Official Plan Map
Attachment 2: Draft Official Plan Amendment as Submitted by the Applicant

Attachment 1: Official Plan Map



TORONTO City Planning
Official Plan

**10,11,25 & 30 Ordnance Street
 and 45 Strachan Avenue**

File # 10_115786

- | | | |
|------------------|--------------------------|--------------------|
| Site Location | Parks & Open Space Areas | Regeneration Areas |
| Neighbourhoods | Parks | Utility Corridors |
| Mixed Use Areas | Other Open Space Areas | |
| Employment Areas | | |

↑
 Not to Scale
 04/06/2010

**Attachment 2:
Draft Official Plan Amendment as Submitted By the Applicant**

CITY OF TORONTO

BY-LAW No. XXX-2010

To adopt Amendment No. XXX of the Official Plan, being an amendment to the provisions of the Official Plan, Chapter 6, Section 14, the Garrison Common North Secondary Plan.

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

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. Amendment No. XXX to the Official Plan, consisting of the attached text and map designated as Schedule "A", is hereby adopted.

ENACTED AND PASSED this ____ day of _____, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

AMENDMENT NO. XXX TO THE OFFICIAL PLAN OF THE CITY OF TORONTO GARRISON COMMON NORTH SECONDARY PLAN

The following text and map constitutes Amendment No. XXX to the City of Toronto Official Plan, being an amendment to the provisions of Chapter 6, Section 14, Garrison Common North Secondary Plan.

OFFICIAL PLAN AMENDMENT

The Garrison Common North Secondary Plan is hereby amended as follows:

1. Policy 6.1 is amended by adding the words “including the proposed Fort York Pedestrian and Cycle Bridge” so that it reads as follows:

“The north-south Garrison Creek open space system will be completed, providing both visual and physical connections to Fort York and the waterfront, including the proposed Fort York Pedestrian and Cycle Bridge.”

2. Policy 8.1 is amended by deleting the words “and the proposed Front Street Extension” so that it reads as follows:

“The owner of each new development adjacent to a rail corridor is required to complete both a noise and vibration impact study and air quality assessment.”

3. Policy 9.2 is deleted.
4. Policy 9.3 is deleted.
5. Section 10, Site and Area Specific Policies, is amended by adding the following:

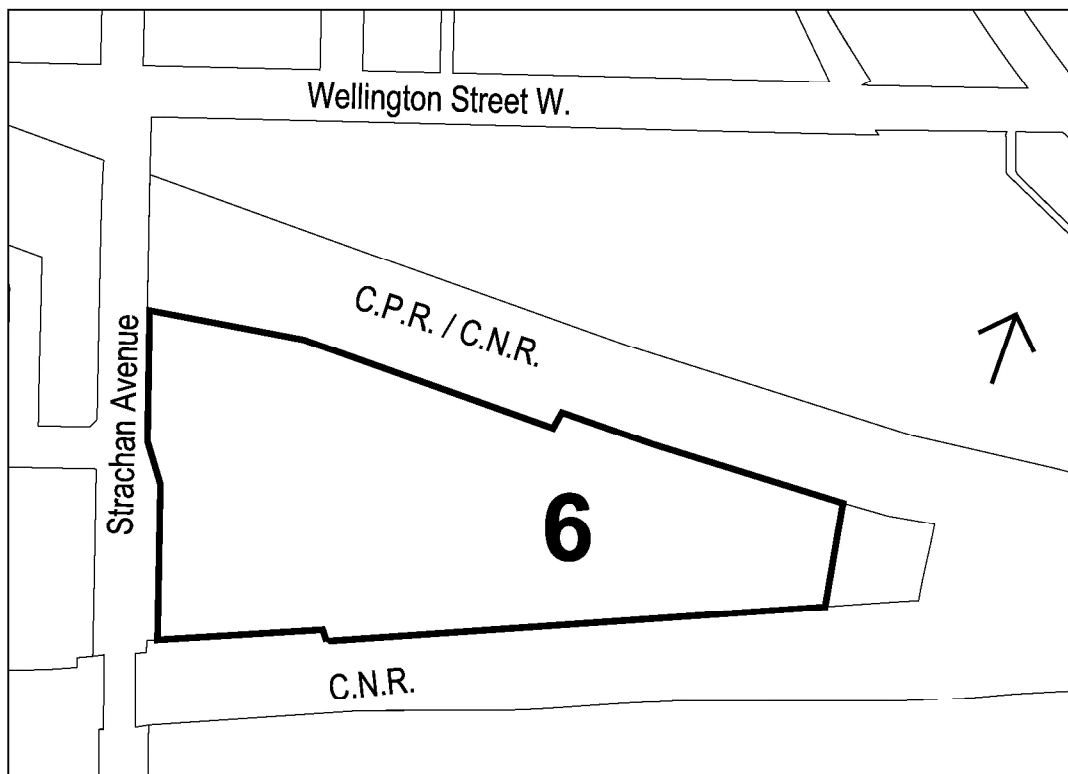
“Area 6. Lands east of Strachan Avenue

The redevelopment of the lands shown as 6 on Map 14-1 for uses consistent with the major objectives of this Secondary Plan will proceed in accordance with the following:

- a) a public park associated with the proposed Fort York Pedestrian and Cycle Bridge is permitted and encouraged within the easterly portion of the area in

order to provide linkages between the bridge and the King Liberty community; and

- b) the design of new residential and/or mixed use development within the remainder of Area 6 shall maintain a compatible built form relationship with the proposed park and pedestrian/cycle bridge by providing active uses at grade. Section 37 shall be considered to secure enhancements to the connections to the proposed park and bridge as a priority for this area.”



- 6. Map 14-1, Site and Area Specific Policies, is amended to show Site and Area Specific Policy Area Number 6, as shown on the above map.