

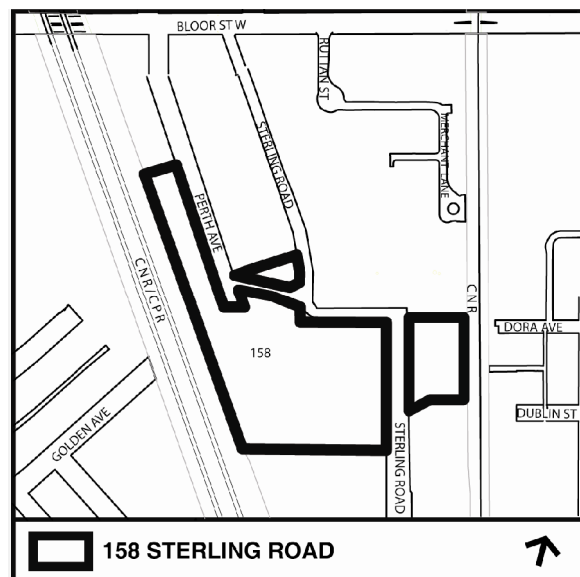
158, 164, 181 and 200 Sterling Rd - Official Plan Amendment and Zoning Amendment Applications - Preliminary Report

Date:	November 16, 2011
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 18 – Davenport
Reference Number:	Pg12001 (File Number: 11 228729 STE 18 OZ)

SUMMARY

This application proposes to amend the Official Plan by converting the *Employment Areas* designated site to allow for residential and commercial uses at 158, 164, 181 and 200 Sterling Road. The application includes 73,700 square metres of commercial space, 717 residential units, a park, connections to the railpath and renovation of the historically designated building on the site for commercial and residential use. The site is proposed to be broken into 6 development blocks with a new public road, 1,244 parking spaces and Perth Avenue is proposed to be realigned.

This report provides preliminary information on the above-noted applications and seeks Planning and Growth Management Committees direction on further processing of the applications.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the application to redesignate the subject lands from *Employment Areas* to *Mixed Use Areas* for the purpose of permitting residential development concurrently, and in the context of, the statutory Five Year Review of the Official Plan which includes a Municipal Comprehensive Review that has been commenced by the City Planning Division.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Section 26 of the *Planning Act* requires the City to review its Official Plan policies, including the designation of lands as areas of employment and the removal of land from areas of employment, every five years. This statutory review is now underway. The *Municipal Comprehensive Review* for *employment areas* referred to in the Provincial Growth Plan and *Comprehensive Review* for *employment areas* in the Provincial Policy Statement is being undertaken concurrently with the Five Year Review of the Official Plan as directed by Planning and Growth Management Committee at its meeting on May 30, 2011. The link to the decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG5.2>

The 10-storey Northern Aluminum Company Building at 158 Sterling Road is historically designated. The designation By-law can be found at:

<http://www.toronto.ca/legdocs/bylaws/2005/law0969.pdf>

Pre-Application Consultation

A series of pre-application consultation meeting were held with the applicant to discuss complete application submission requirements and to review and give feedback on the proposal. At each of these pre-application meetings staff informed the applicant that any application to change the designation of the site from *Employment Areas* to *Mixed Use Areas* would be considered premature given that the City is currently undergoing the *Municipal Comprehensive Review*.

In addition, the applicant has held approximately six meetings with the community prior to filing the application. Staff attended some but not all of these meetings.

ISSUE BACKGROUND

Proposal

The proposal contains approximately 130,000 square metres of gross floor area, divided over 6 development blocks bisected by a new public road. 55,300 square metres of

residential gross floor area (717 residential units), and 73,700 square metres of commercial gross floor area is proposed. The uses that would be included in the commercial space have not yet been defined but a mix of office and retail is expected.

A map showing the proposed Blocks is attached as Attachment 1 to this report.

Blocks 1A and 1B are located on the west side of Perth Avenue and contain 29, three-storey (11.5 metres) townhouses. Parking for these townhouses is located below grade with access from a common driveway on Perth Avenue.

A proposed realignment of Perth Avenue where it bends into Sterling Road creates Block 2 on the north side of the realigned Perth Avenue. This Block contains 16 residential townhouse units facing Perth Avenue and Sterling Road. Underground parking is provided for these units.

The historically designated Northern Aluminum Company Building on Block 3 will be renovated, and 3-storeys will be added to the top. It is proposed to contain commercial uses on the first two floors and 176 residential units above. The total height of the building is 13-storeys, or 61.4 metres once the addition is constructed on top. Also on Block 3 are commercial buildings up to eight-storeys (38 metres) on the south end of the Block, and mixed-use buildings up to 17-storeys (59.8 metres) in height. Directly west of the heritage building is a proposed courtyard space which would be accessible to the public.

Block 4 is located on the east side of Sterling Road. A 16-storey (58 metre) residential tower is proposed for the northwest corner of the block, with mixed-use buildings of ten-, eight-, and four-storeys moving southward. A two-storey parking garage takes up most of the east side of the Block adjacent to the rail corridor above-grade.

The commercial space is primarily proposed on Block 5, in two buildings, nine- and seven-storeys in height (40 and 33 metres respectively) located south of Perth Avenue on the west side of the site. A nine-metre wide pedestrian connection running east-west between the buildings would provide access to the West Toronto Railpath. Additional non-residential space is proposed on other Blocks as described below.

A new 2,162 square metre public park is proposed on Block 6, on the west side of Perth Avenue where it bends, with connections to the West Toronto Railpath.

One thousand, two hundred and forty-four parking spaces are proposed for the entire site. One level of below grade parking covers the entire site (two levels on Block 4) and the second floors of all the buildings, with the exception of the heritage building, and the townhouses also contains parking.

To summarize the uses on each block (all areas in square metres):

Block	Commercial	Residential	No. of Res. Units	Public Parkland	Landscaped Space	Parking
1A	0	2,700	15	0	0	18
1B	0	2,520	14	0	0	16
2	0	2,340	16	0	0	55
3	16,921	31,437	456	0	1,510	254
4	8,576	16,236	216	0	0	366
5	48,115	0	0	0	1,270	535
6	0	0	0	2,162	0	0
Total	73,612	55,233	717	2,162	2,780	1,244

See Attachments 1-5 for drawings detailing the proposal and Attachment 8 for the Application Data Sheet.

Site and Surrounding Area

The irregularly shaped site straddles both sides of Sterling Road, between two rail corridors, south of Bloor Street and north of Dundas Street West. The total area of the site is 31,459 square metres. A portion of the site runs along the west side of Perth Avenue from south of the Church of the Firstborn (72 Perth Avenue) to where Perth bends to travel east/west. Another small portion of the site is on the north side of Perth as it runs east/west towards Sterling Road. The majority of the site is located on the west side of Sterling Road, south of Perth Avenue and west of the Lower Galt Subdivision rail line. The last portion of the site is located on the east side of Sterling Road south of the property known as 211 Sterling Road, west of the CN Newmarket Subdivision rail line. See the Key Map on the first page of this report, or the Site Plan, Attachment 1 of this report, for a plan showing the subject site.

The entire site is currently vacant of structures with the exception of the historic Northern Aluminum Company Building. The former industrial buildings on the site were removed to allow for the remediation of the site which is ongoing.

North: To the north of the subject site is another *Employment Areas* designated building known as 213 Sterling Road which houses a variety of uses including a circus school, and a sports facility. On the north and east side of Perth Avenue is a low scale residential community of approximately 60 houses interspersed with small commercial uses. On the north and east side of Sterling Road is a mix of recently constructed townhouses, warehouse buildings containing commercial and residential units and a 15-storey condominium building fronting on Bloor Street West.

South: South of the subject property, on the west side of Sterling Road is a warehouse building that houses a gymnastics academy, a flag-making business and a paintball facility. Immediately south of this warehouse building is the Nestle chocolate factory which operates 24-hours a day, 7-days a week. South of the site

on the east side of Sterling Road are two additional warehouse building which contain a daycare, gallery space and moving box storage. South of these warehouses is another part of the Nestle factory, and then a surface parking lot used by Nestle employees.

East: East of the subject site is a rail corridor known as the CN Newmarket Subdivision, and on the opposite side of the rail corridor are a mix of low-scale residential houses, small scale commercial uses, a public park and a mid-rise residential building.

West: The West Toronto Railpath is directly west of the site, adjacent to the Lower Galt Subdivision rail corridor. This rail corridor is currently being expanded to accommodate the airport link. On the west side of this rail corridor is an area containing residential homes, a Loblaws supermarket, and smaller scale commercial uses.

The Planning Act

The Planning Act's Section 2, which deals with Provincial Interests requires councils of municipalities to have regard to matters of provincial interest such as:

- (l) the protection of the financial and economic well-being of the province and its Municipalities;
- (o) the protection of health and safety; and
- (p) the appropriate location of growth and development.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS establishes the policy foundation for regulating the use and development of land. City Council's planning decisions are required to be consistent with the PPS. The PPS requires the City 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.

The PPS defines *employment areas* as those 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 of the PPS states that the City may only give consideration to converting lands within employment areas to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

Growth Plan for the Greater Golden Horseshoe

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. City Council's planning decisions are required to conform, or not conflict with, the Growth Plan.

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 employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses 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 forecasted employment needs.

The definition of an *employment area* in the Growth Plan is the same as that used in the PPS.

Municipalities may permit conversion of lands within employment areas to non-employment uses only through a *Municipal Comprehensive Review*. The Growth Plan

clarifies and strengthens the application 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 this Plan" (Growth Plan). Consistent with the PPS, the Growth Plan limits such conversions only where it has been demonstrated through the Municipal Comprehensive Review that it meets a number of criteria.

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. Approval of the subject application without first undertaking a Municipal Comprehensive Review would be contrary to the *Places to Grow Act 2005* which requires that all municipal planning decisions conform with the Growth Plan and would be premature.

Official Plan

Map 18 of the City's Official Plan shows the majority of the subject lands are designated as *Employment Areas*. There is a small portion at the north end of the site on the west side of Perth Avenue which is designated as *Mixed Use Areas* which permits a range of residential and commercial uses. Another small piece on the north side of Perth Avenue where it bends is designated as *Neighbourhoods* which permits residential uses that fit into the character of the existing surrounding neighbourhood.

Employment Areas are described in Section 4.6 as "hothouses where we grow our enterprises and jobs". It goes on to state that business increasingly requires flexibility in order to compete effectively in the global economy. This need for flexibility extends to a firm's lands and building, and to what is available to support that business activity in the immediate area. A broad and inclusive approach to employment uses in *Employment Areas* is needed for the City's economic future. Uses that support the prime economic function of *Employment Areas*, such as parks, small scale retail stores and services to meet the daily needs of business and employees, workplace daycare and restaurants, must also be readily accessible within *Employment Areas*. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

Policy 1 of Section 4.6 states that *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 preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

It is important to note that the subject site is part of a large area designated as *Employment Areas* on Map 18 in the City of Toronto Official Plan. This area encompasses all the area between the two rail corridors, north of Dundas Street West, up to and including 213 Sterling Road and the subject site.

Zoning

Under former City of Toronto Zoning By-law 438-86 the majority of the site is zoned as I3 D3. This allows a variety of industrial uses up to a density of 3 times the area of the lot with a height limit of 23 metres. No residential uses are permitted in areas zoned for Industrial uses.

The small portion of the site designated as Mixed Use Areas in the Official Plan, on the west side of Perth Avenue is zoned Commercial-Residential allowing both residential and commercial uses up to a density of 2 times the area of the lot with a height limit of 12 metres.

The portion of the site designated Neighbourhoods in the Official Plan, on the north side of Perth Avenue where it bends towards Sterling Road is zoned R2 Z0.6 which permits residential uses up to a density of 0.6 times the area of the lot with a height limit of 10 metres.

In addition, the proposed development does not comply with other zoning standards such as maximum building height.

Site Plan Control

An application for Site Plan Control has not been filed.

Reasons for the Application

Official Plan Amendment Application - The proposed residential uses are not permitted on lands designated *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 of the proposed non-residential uses.

Zoning Amendment Application – The proposed residential uses are not permitted in areas zoned "I" (Industrial). In addition, the proposed heights (up to 61 metres) are above the height limit of 23 meters. More areas of non-compliance with the Zoning By-law may be identified through the application process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

Planning Rationale

- Community Services and Facilities Study
- Green Development Standards Checklist
- Noise and Vibration Feasibility Report
- Pedestrian Level Wind Study
- Sun/Shadow Study

- Heritage Impact Statement
- Economic Impact Analysis
- Transportation Assessment (includes Loading Study, Parking Study, Traffic Operations Assessment, Traffic Impact Study)
- Master Functional Servicing Report (includes Stormwater Management Report, Servicing Report)
- Arborist Report
- Air Quality Compatibility/Odour Study
- Environmental Conditions

A Notification of Complete Application was issued on July 15, 2011.

Provincial Plans and Policy Statement (PPS)

To consider an application for conversion of employment lands to 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 City 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.

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.

Approval of an application to convert employment lands to non-employment uses would not conform to the Growth Plan without the City first undertaking a comprehensive review addressing the criteria set out in the Growth Plan. In May 2011, the City Planning Division commenced the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review. The subject applications are premature prior to the completion of these reviews. It is therefore recommended that the applications be reviewed concurrently and in the context of the Five Year Review of the Official Plan and the *Municipal Comprehensive Review*.

Community Consultation

A community consultation meeting was held on October 13, 2011 and about 65 members of the public along with Planning staff, the applicant and the local Councillor attended. Staff made the decision to hold the community meeting prior to the completion of the Municipal Comprehensive Review in this specific circumstance because the applicant had already held at least 6 meeting in the community (some of which staff attended).

After presentations by both Planning staff and the applicant, members of the community were able to ask questions and comment on the application. Some of the comments from the public supported the application, stating that the proposed development could be a buffer between the Nestle factory and the existing residential neighbourhood north of Perth Avenue, and many people spoke about wanting to see something happen on the empty property.

Much of the discussion centred around the traffic impact of the proposal given the number of residential units proposed and the amount of commercial space. Questions were also raised about the provision of affordable housing in the development, the amount of the parkland dedications, the connections to the rail path, the types of jobs that are proposed to be created and the impact that the addition of residential units may have on the industrial uses in the area.

Since receiving the application, staff have received letters and emails from the public both supporting the application and raising concerns. Supporters of the proposal cite the renovation of the heritage building, the new park space, connections to the rail path and the revitalization of a large empty site as reasons for their support. The letters that staff have received citing concerns with the proposal, including two from Nestle, question the compatibility of residential and industrial uses and the impact of the traffic generated from the development.

In addition with talking to members of the community, staff have met with Nestle to understand the external impacts of their business and their plans for this site in the future.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

Land Use Issues

- The appropriateness of redesignating the subject property from *Employment Areas* to *Mixed Use Areas* and introducing residential uses at this site.
- The appropriateness of permitting new commercial uses on the site.
- The impact of the proposed uses on the existing industrial uses surrounding the subject site including Nestle.

Area Wide Issues

- The future comprehensive development of the lands proposed to be removed from the *Employment Areas* designation including an appropriate street and block pattern.
- The availability and adequacy of community services and facilities to accommodate residential development.
- Traffic impact and parking.
- Assessment of the pedestrian connections including those over the rail corridors to provide better connections to Lansdowne subway station and the public park on the east side of the CN Newmarket Subdivision.
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

Site Specific Issues

- The appropriateness of the proposed heights of the buildings.
- The location and amount of public parkland.
- Assessment of the impact of the proposed addition to the historically designated Tower Aluminum Company Building.
- The relationship of the newly proposed buildings to the Tower Aluminum Company Building.
- A review of the interface between the site, the West Toronto rail path and the required crash berm.
- The appropriateness of the relationship between the proposed buildings, and their relationship to the existing and proposed streets.
- Proposed above grade parking on all the blocks.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Conclusion

Staff recommend that these applications be reviewed within the context of the ongoing Municipal Comprehensive Review. Approval of the application to convert employment lands to allow non-employment uses would not conform to the Growth Plan without the prior completion of the Municipal Comprehensive Review by the City.

CONTACT

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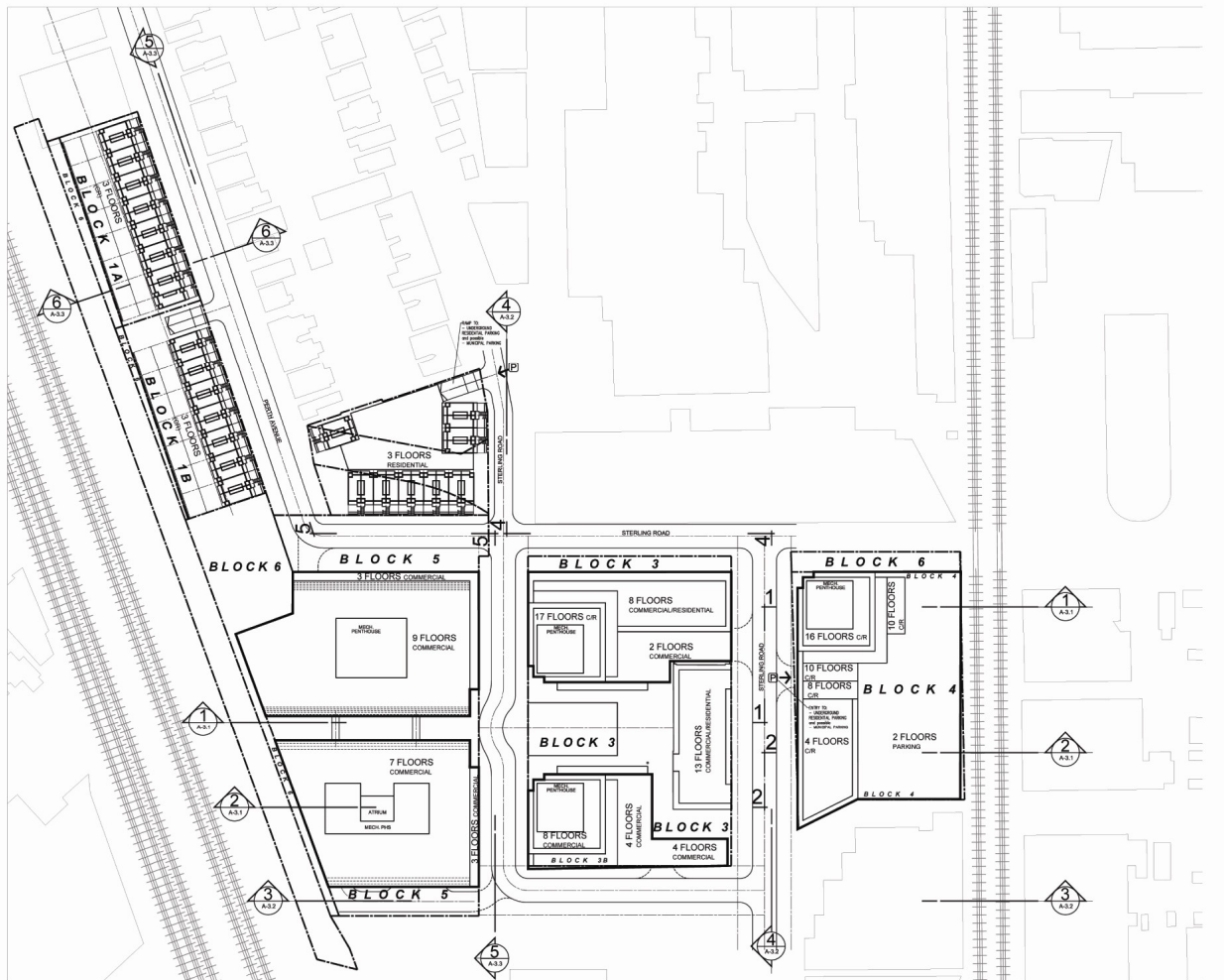
SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevation - Townhouses on West side of Perth Avenue, and Commercial Buildings on West side of new public street
- Attachment 3: Elevation - Looking North through the middle of Blocks 5, 3 and 4
- Attachment 4: Elevation - Along the South side of the Site
- Attachment 5: Elevation - Along the West Side of Sterling Road
- Attachment 6: Zoning
- Attachment 7: Official Plan
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

158 Sterling Road

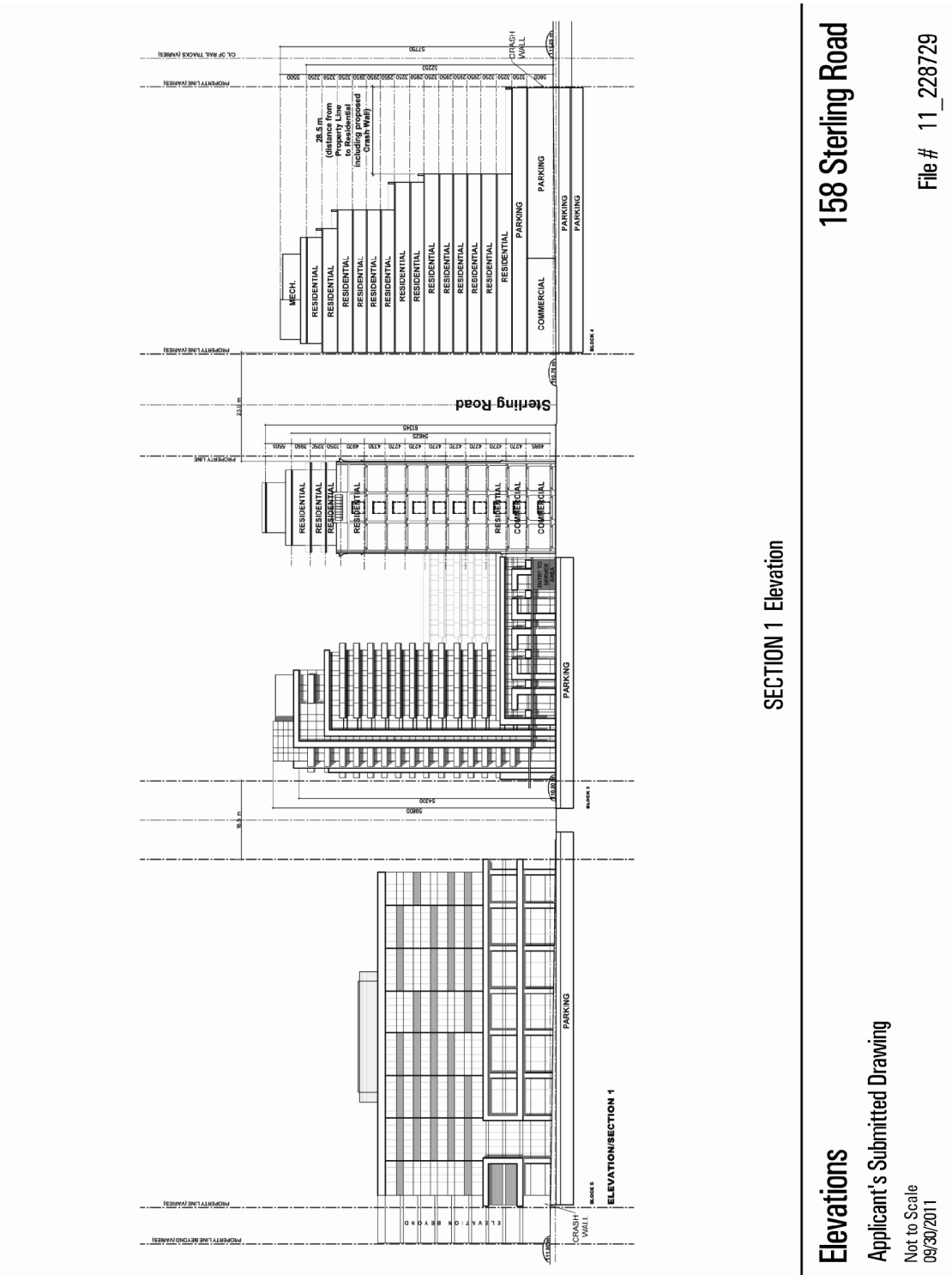
Applicant's Submitted Drawing

Not to Scale
09/30/2011



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Attachment 3: Elevation – Looking North through the middle of Blocks 5, 3 and 4



Elevations

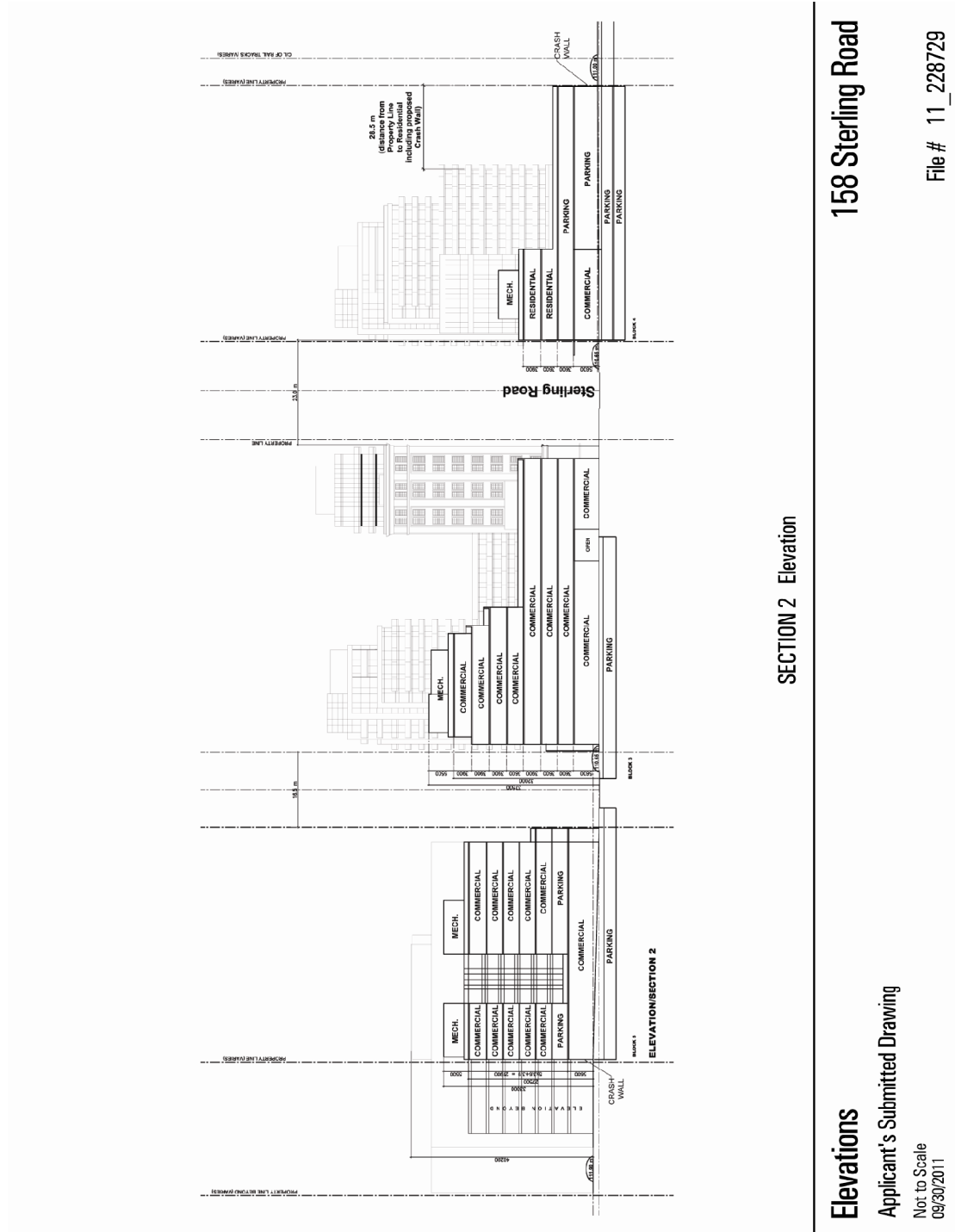
Applicant's Submitted Drawing

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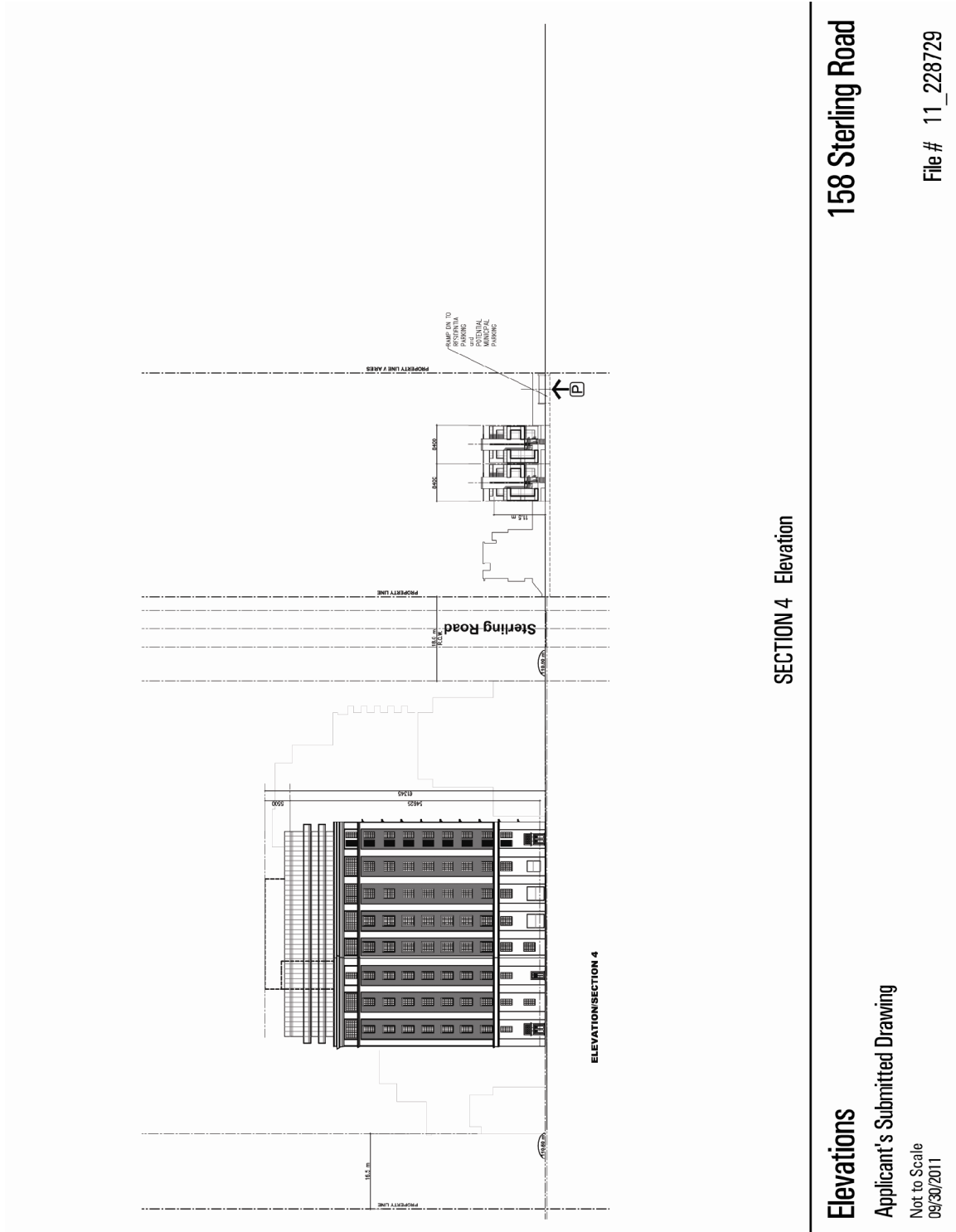
158 Sterling Road

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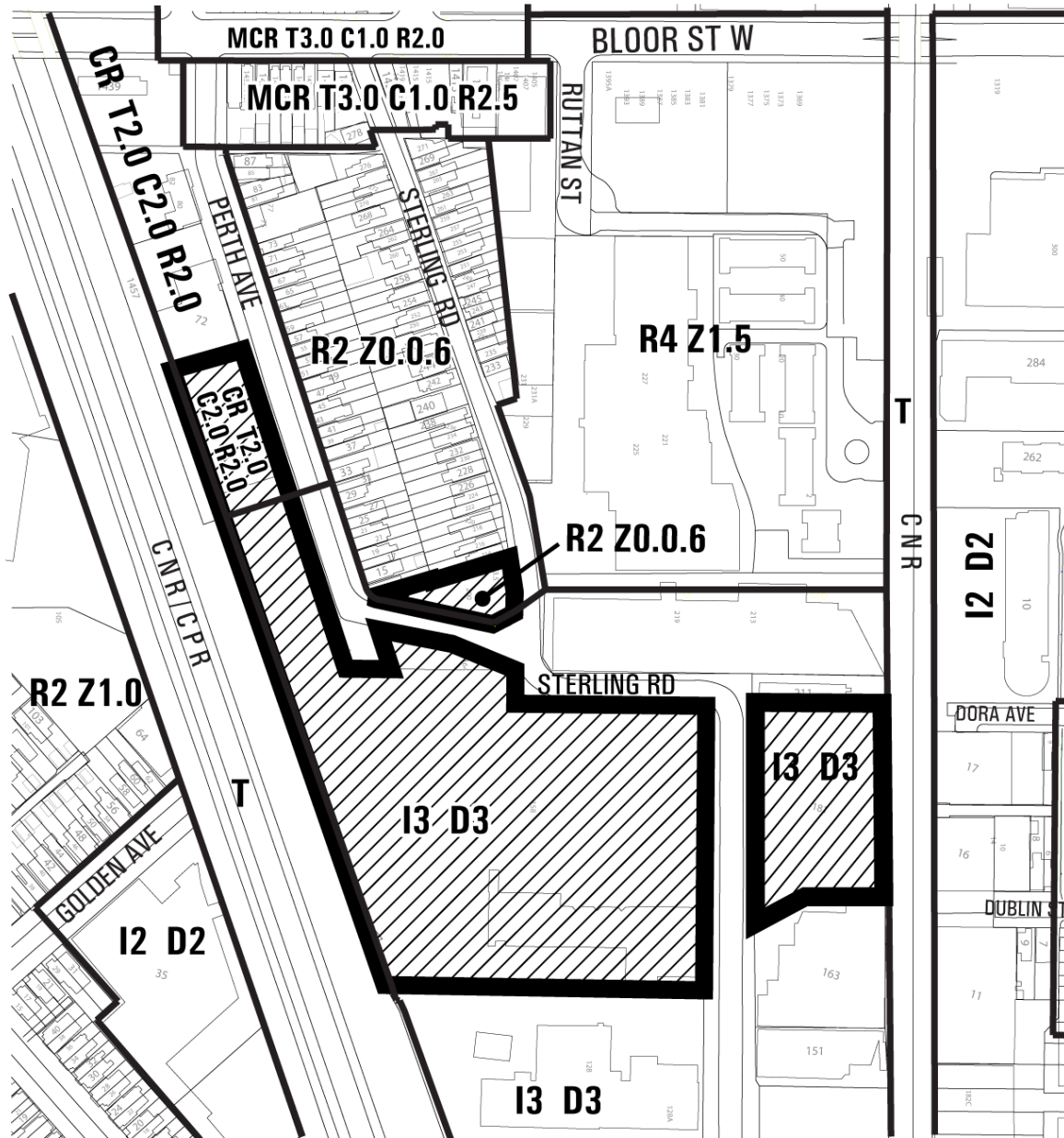
Attachment 4: Elevation - Along the South side of the Site



Attachment 5: Elevation – Along the West Side of Sterling Road



Attachment 6: Zoning



Zoning City of Toronto By-law 438-86

158 Sterling Road

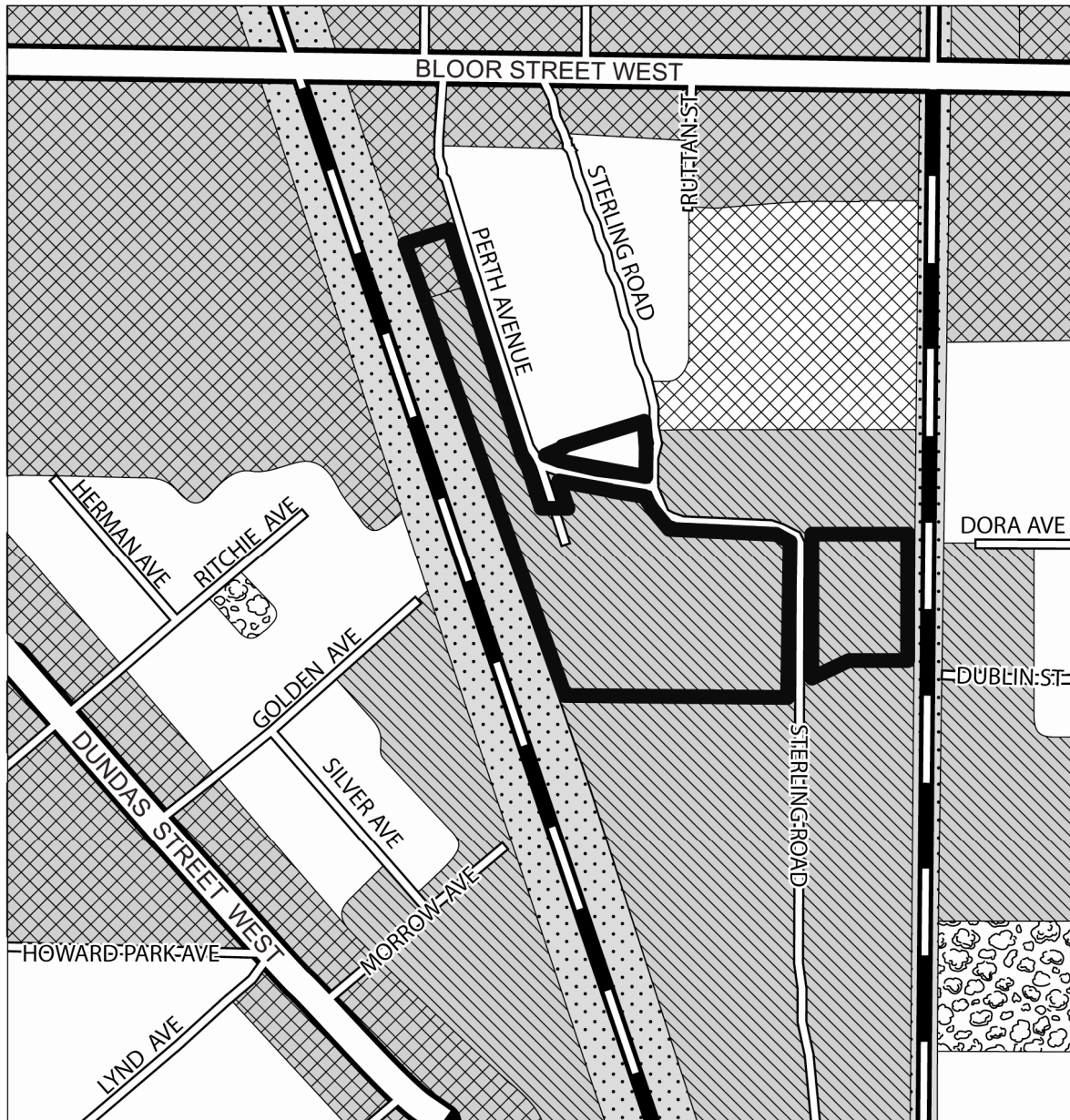
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R2 Residential District
R4 Residential District
MCR Mixed Use District
CR Mixed Use District
I3 Industrial District
T Industrial District



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Zoning By-law 438-86 as amended
Extracted 10/31/2011

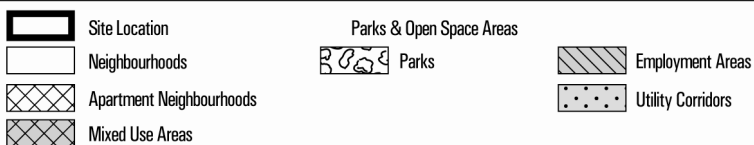
Attachment 7: Official Plan



Toronto City Planning
Official Plan

158 Sterling Road

File # 11_228729



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10/31/2011

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 228729 STE 18 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 28, 2011
Municipal Address:	158, 164, 181, 200 STERLING RD		
Location	PLAN M44 LOTS 45 TO 53 PLAN 1261 BLK F PLAN 1260 PT BLK E PT		
Description:	LOTS 22, 24, 25 & 44 **GRID S1804		
Project Description:	OPA and Rezoning application for mixed use lot. OPA (site specific) application for entire site to create new mixed use development with mix of employment and residential uses. Multiple blocks associated with site. Rezoning application for - Block 1B (extend MCR Zoning from Block 1A) and Block 3 (existing Heritage tower automotive building) Refer to draft amendments included in application.		

Applicant:	Agent:	Architect:	Owner:
Urban Strategies		Page + Steele	Castlepoint Studio Partners Limited

Planning Controls

Official Plan Designation:	Employment Areas, Mixed Use and Neighbourhoods	Site Specific Provision:
Zoning:	I3 D3, CR T2.0 C2.0 R2.0 and R2 Z0.6	Historical Status: Designated Building on site

Height Limit (m): 23, 12 and 10	Site Plan Control Area: Y
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Project Information

Site Area (sq. m):	31,459	Height:	Storeys:	Up to 17
Frontage (m):	0		Metres:	Up to 60
Depth (m):	0			
Total Ground Floor Area (sq. m):	17,410	Total		
Total Residential GFA (sq. m):	55,233	Parking Spaces:	1244	
Total Non-Residential GFA (sq. m):	58,617	Loading Docks	3	
Total GFA (sq. m):	113,850			
Lot Coverage Ratio (%):	55.3			
Floor Space Index:	3.62			

Dwelling Units

Floor Area Breakdown (upon project completion)

Tenure Type:	Condo, Freehold, Live/Work		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	55,233	0
Bachelor:	0	Retail GFA (sq. m):	57,217	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	1,400	0
Total Units:	717			