

**459 Eastern Avenue - Official Plan Amendment and Zoning Amendment Applications - Preliminary Report**

<b>Date:</b>	May 15, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	Pg12040 (File Number: 12 148264 STE 30 OZ)

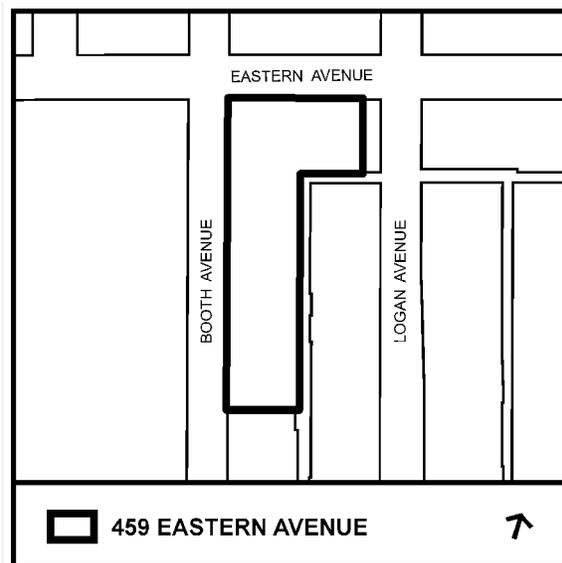
**SUMMARY**

This application proposes a mixed-use development at 459 Eastern Avenue on a site associated with the existing Weston Bakery. The proposal comprises three buildings of 6, 4, and 2 storeys, with 71 residential live-work units and 7,883 square metres of non-residential floor space dedicated to retail, office, and other commercial uses.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The proponent has also submitted Official Plan Amendment and rezoning applications for the Weston Bakery site located across the street at 462 Eastern Avenue, which is the subject of a separate preliminary report.

Staff recommend that a community consultation meeting be held in the area upon completion of the Five Year and Municipal Comprehensive Reviews, addressing both the subject application and the application for 462 Eastern Avenue. The meeting will provide an opportunity to the public to review the application and to provide input and feedback on the proposal.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. Staff be directed to review the application concurrently and in the context of the statutory Five Year Review of the Official Plan being undertaken by the City Planning Division, which includes a Municipal Comprehensive Review.
2. The Chief Planner and Executive Director, City Planning, upon completion of the Five Year and Municipal Comprehensive Reviews, be directed to:
  - i. Schedule a community consultation meeting for the lands at 462 Eastern Avenue together with the Ward Councillor;
  - ii. Appropriately coordinate the community consultation meeting together with any community consultation for the planning application at 462 Eastern Avenue;
  - iii. Issue notice for the community consultation meeting to landowners and residents within 120 metres of the site; and
  - iv. Ensure that notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

At its meeting of January 29 and 30, 2008, City Council adopted the South of Eastern Secondary Plan with an objective to preserve and enhance a healthy and vibrant Employment District exclusively for employment uses (OPA No. 23 to the Official Plan and OPA No. 379 to the (former) City of Toronto Official Plan). Council also adopted area-specific Zoning By-law Amendments (By-law 130-2008) for the South of Eastern area to refine the list of permitted uses. A number of landowners and applicants appealed both matters to the Ontario Municipal Board, which allowed the appeals and ordered in its decision of March 3, 2009 that the Secondary Plan is not approved and that By-law 130-2008 is repealed.

Section 26 of the *Planning Act* requires the City to review all of 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, which includes a Municipal Comprehensive Review as defined by the Growth Plan for the Greater Golden Horseshoe is now underway 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>

On January 5, 2012 Planning and Growth Management Committee approved recommendations directing City Planning staff to split the Five Year and Municipal Comprehensive Reviews into two phases to ensure an effective and manageable review process. Phase A (statutory) consists of the Growth Plan's Municipal Comprehensive Review and the Planning Act's statutory requirements for an Official Plan review. Phase B (non-statutory) consists of revisions to the Official Plan's policies and maps resulting from Council referrals, staff review and stakeholder consultations. The Five Year and Municipal Comprehensive Reviews of the Official Plan's employment area policies are part of Phase A, which is anticipated to be completed in the fall of 2012. The link to the Committee's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG10.8>

Also on January 5, 2012, the Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning, to consider a planning framework for the South of Eastern Employment Area. The study to determine this planning framework has not yet commenced, pending the findings of the five Year Official Plan Review relative to Employment Lands and pending reporting of the Port Land Acceleration initiative. The link to the decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG10.15>

## **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant in November 2011 to discuss complete application submission requirements. Staff provided the advice that an application would be premature pending the outcome of the Five Year and Municipal Comprehensive Review.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to develop the Weston Bakery surface parking lot located at 459 Eastern Avenue with a mixed-use development with 71 residential live-work units and 7,883 square metres of floor area dedicated to retail, office, and "employment flex-space" uses. The proposed development comprises three buildings that share a common underground parking garage; one building fronts onto Eastern Avenue and two front onto Booth Avenue. The overall density of the proposal is 2.03 times the area of the site. To provide for the development, the application proposes to amend Official Plan Site and Area Specific Policy No. 190 to encompass the site and to permit residential uses on the northerly portion of the site. With respect to the Zoning By-law, the application proposes to establish a number of site-specific zoning provisions.

The proposed building fronting onto Eastern Avenue is six storeys (19.6 metres), plus a 4.5 metre mechanical penthouse. A 1.5 metre stepback from Eastern Avenue is shown above the fifth storey. The building includes 922 square metres of retail/commercial space on the ground floor, 948 square metres of commercial/office space on the second floor, and 71 residential live-work units on floors 3 – 6.

The northern building proposed on Booth Avenue is four storeys (18.4 metres plus a 4.5 metre mechanical penthouse) and two storeys (10 metres plus a 5 metre mechanical penthouse), with a 1.5 metre setback from Booth Avenue above the third storey and an east-west exterior pedestrian passage at grade through to the rear of the building. The building includes 1,019 square metres of retail space on the ground floor and 3886 square metres of "commercial flexspace" on floors 2 to 4.

The southern building proposed on Booth Avenue is two storeys (10 metres plus a 5 metres mechanical penthouse). The building includes 1214.2 square metres of office space. An exterior east-west pedestrian passage through to the rear is located on the southern side of the building.

The plan shows a surface parking lot located behind the proposed buildings, as well as a common underground garage, providing a total of 207 parking spaces (61 surface and 207 underground) and 107 bicycle parking spaces. Two vehicular access points to the site are located off of Booth Avenue. An exterior ramp to the underground garage is located on the northerly portion of the site behind the 6-storey building that faces Eastern Avenue. The applicant has indicated on the Toronto Green Standard checklist that they intend to provide a green roof in compliance with the City's green roof by-law, with details to be provided at the time of site plan application.

## **Site and Surrounding Area**

The site is an L-shaped property located on the south side of Eastern Avenue at the corner of Booth Avenue. The site has 64.9 metres of frontage on Eastern Avenue, occupying most of the frontage between Booth and Logan Avenues. The flanking frontage on Booth Avenue is 150.1 metres. The site is currently occupied by a surface parking lot that provides employee parking and tractor trailer storage for the Weston Bakery located across the street at 462 Eastern Avenue.

The uses on surrounding properties are as follows:

**South:** The immediate area south of the site is occupied by employment uses lining Booth Avenue, including office uses, open storage, and uses related to design industries.

**North:** The north side of Eastern Avenue is generally lined with a mix of employment, commercial, and residential uses in a variety of building forms. Immediately to the north of site across Eastern Avenue is the Weston Bakery, located at 462 Eastern Avenue occupying an industrial building, generally ranging in height from 1 to 4 storeys.

**East:** Immediately to the east of the site, occupying the southwest corner of Eastern and Logan Avenues, is a sound and music studio occupying a 1- and 2-storey industrial building. Further east along Eastern Avenue are properties occupied by other employment uses, including a number of automotive and transport uses.

A public lane abuts much of the subject site's eastern property line, separating the site from residential properties with houseform buildings that face Logan Avenue. These properties are the western edge of a small residential pocket of properties facing parts of Logan Avenue, Morse Street, and Carlaw Avenue between Eastern Avenue and Lake Shore Boulevard.

West: To the west of the site, across Booth Avenue, is a City of Toronto maintenance yard.

### **The Planning Act**

Section 2 of the *Planning Act* addresses matters of Provincial Interest and requires municipal Councils to have regard to matters such as:

- (k) the adequate provision of employment opportunities;
- (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.

Section 26 of the *Planning Act* requires the City to review its Official Plan not less frequently than 5 years after the Official Plan comes into effect. Since the Toronto Official Plan came into effect in June 2006, the City commenced its statutory review of the Official Plan in May 2011 to comply with the *Planning Act*. The City is required to review policies and designations applying to areas of employment, and policies dealing with removal of land from areas of employment to confirm or amend these policies. City staff are in the midst of the review of employment lands required under Provincial statute.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 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 1.1 of the PPS addresses how to manage and direct land use to achieve efficient development and land use patterns. Section 1.3 of the PPS addresses employment areas. Section 3.1 of the PPS addresses natural hazards, including policies with respect to permitting development within a floodway.

City Council's planning decisions are required to be consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 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.

## **Official Plan**

The Urban Structure Map (Map 2) of the Official Plan identifies the site as lying within an Employment District, along with other lands lying south of Eastern Avenue and Lake Shore Boulevard. Employment Districts are large districts comprised solely of lands where the Employment Areas land use designation applies. These lands can accommodate substantial growth in jobs and meet the needs of some key economic clusters. Official Plan policies protect and promote Employment Districts exclusively for economic activity and enhance Employment Districts to ensure that they are attractive and function well.

The Official Plan's land use designation for the subject site is *Employment Areas*. Section 4.6 of the Official Plan describes *Employment Areas* 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 4.6.1 of the Official Plan 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.

The site lies within the Lower Don River flood plain and the Special Policy Area identified on Map 10 of the Official Plan. Official Plan Policies relating to the Special Policy Area have not yet been approved by the Ontario Municipal Board; therefore, the policies of the (former) City of Toronto Official Plan remain in full force and effect with respect to the Special Policy Areas. Section 2.58 of the Official Plan for the former City of Toronto, states that development may be permitted on condition that it is flood protected to at least the 1:350 year level, in which case no building or structure will be subject to a risk of flooding in excess of 25 percent over an assumed life of 100 years. Section 2.68 of Official Plan for the former City of Toronto, contains requirements all development must meet in addressing the flood risk associated with the Lower Don area. Staff have circulated the application to Toronto Region and Conservation Authority for comment.

## **Zoning**

Zoning By-law 438-86 designates the site I2 D3. This zoning permits a wide range of industrial and other non-residential uses within buildings developed to a maximum density of 3.0 times the area of the lot. The zoned height limit for the site is 15.0 metres.

## **Site Plan Control**

Site Plan Approval would be required for the proposed development to proceed. The applicant has not submitted an application for Site Plan Review.

## **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.

## **Reasons for the Application**

The proposal requires an Official Plan Amendment because the proposed residential uses are not permitted on lands designated Employment Areas.

The proposal requires an amendment to the Zoning By-law because neither the proposed residential use nor the full range of proposed non-residential uses are permitted on lands zoned I2 D3.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale Report, including Community Services and Facilities Study.
- Employment District Economic Impact Analysis
- Phase 1 Environmental Site Assessment
- Transportation Demand Management Plan
- Transportation Impact Analysis
- Functional Servicing Report
- Shadow Study

A Notification of Complete Application was issued on April 30, 2012.

Staff have requested the applicant to submit an Arborist Report.

### **Issues to be Resolved**

On a preliminary basis, the following issues have been identified to be assessed through the application review:

- The proposed permission for residential live-work uses on lands designated Employment Areas;
- The appropriateness of the proposed non-residential uses on the site;
- Contribution of the proposed development to protecting and promoting the Employment District exclusively for economic activity and to enhancing the Employment District;
- The appropriateness of the proposal within the context of the Five Year and Municipal Comprehensive Reviews that are currently underway;
- Adequacy of flood protection and the appropriateness of the proposed development within the Lower Don Special Policy Area;
- The built form and massing of the proposed development;
- Shadow impacts of the development on the surrounding public realm and nearby properties;
- The physical relationship of the proposed development to the low-scale built-form of adjacent and nearby residential areas;
- Improvement of the public lane adjacent to the site;
- Adequacy of servicing infrastructure to support the proposed development;
- Vehicular access to the development;

- Traffic and transportation impacts of the proposal;
- Appropriate provision of tree protection and tree planting;
- Compliance of the proposal with Tier 1 of the Toronto Green Standard;
- The appropriateness of including the northerly portion of the site within Site and Area Specific Policy No. 190; and
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

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

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Site Plan

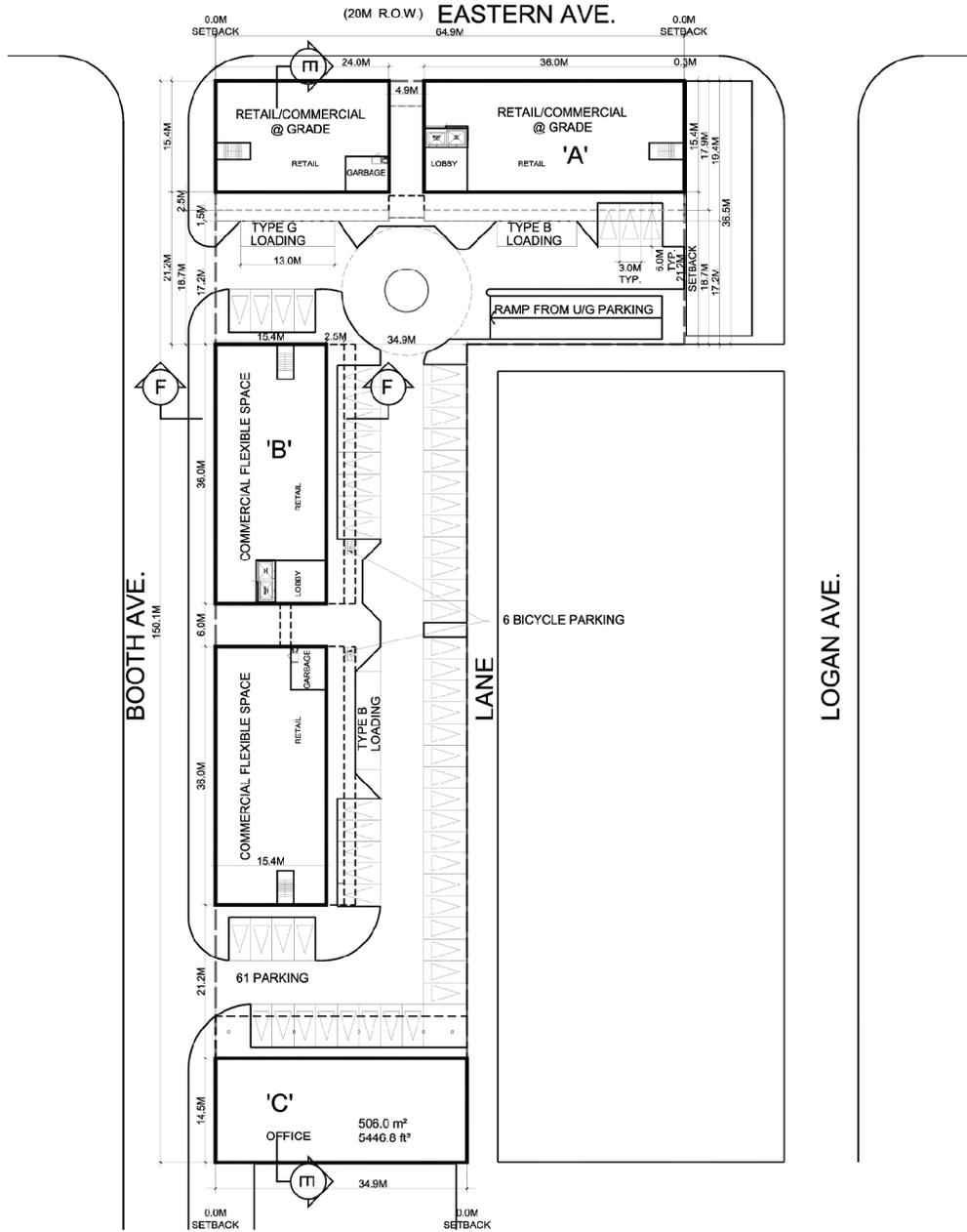
Attachment 2: Elevations

Attachment 3: Official Plan

Attachment 4: Zoning

Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale 

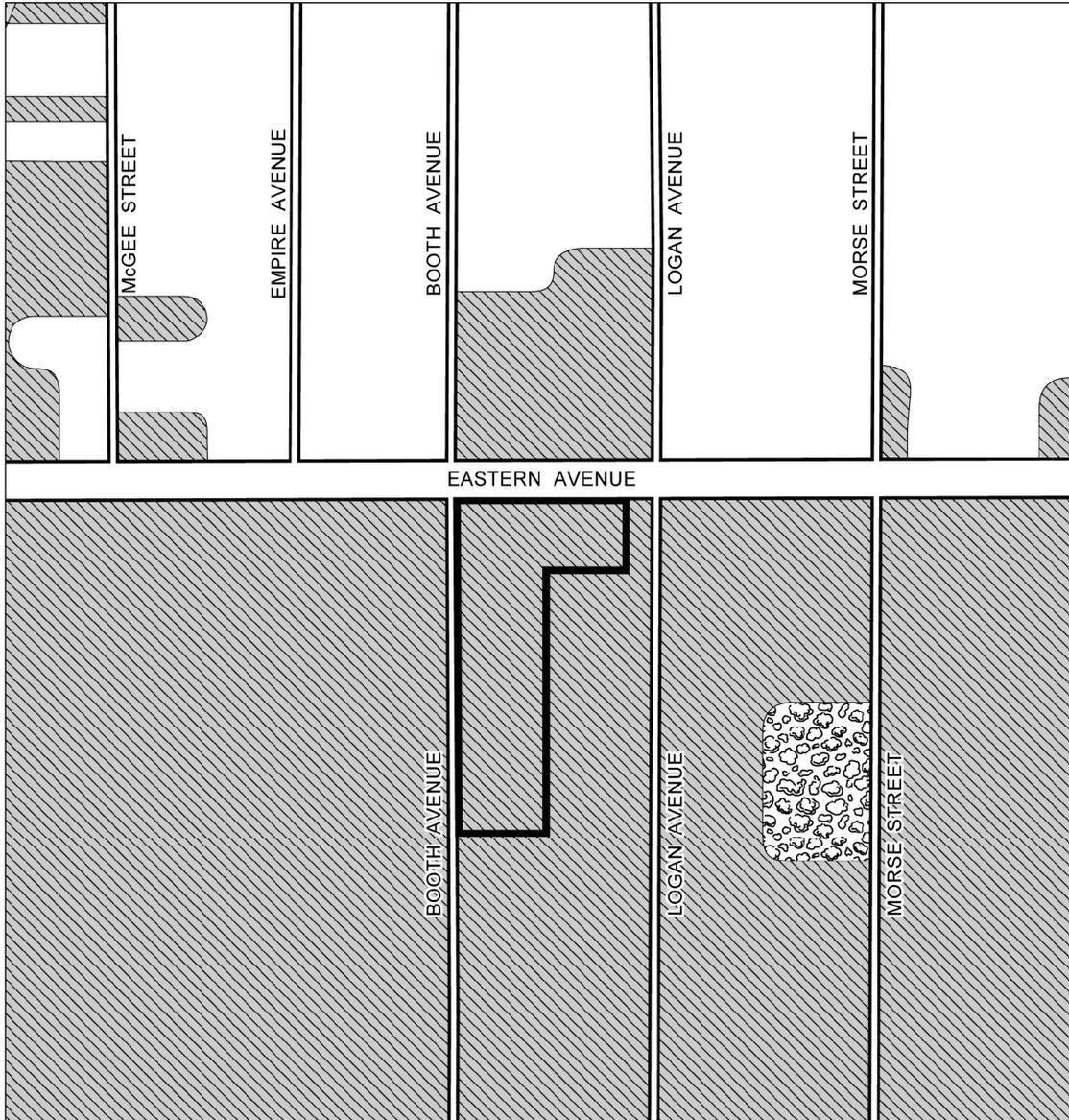
05/17/2012

## 459 Eastern Avenue

File # 12 148264 0Z



### Attachment 3: Official Plan



**TORONTO** City Planning  
**Official Plan**

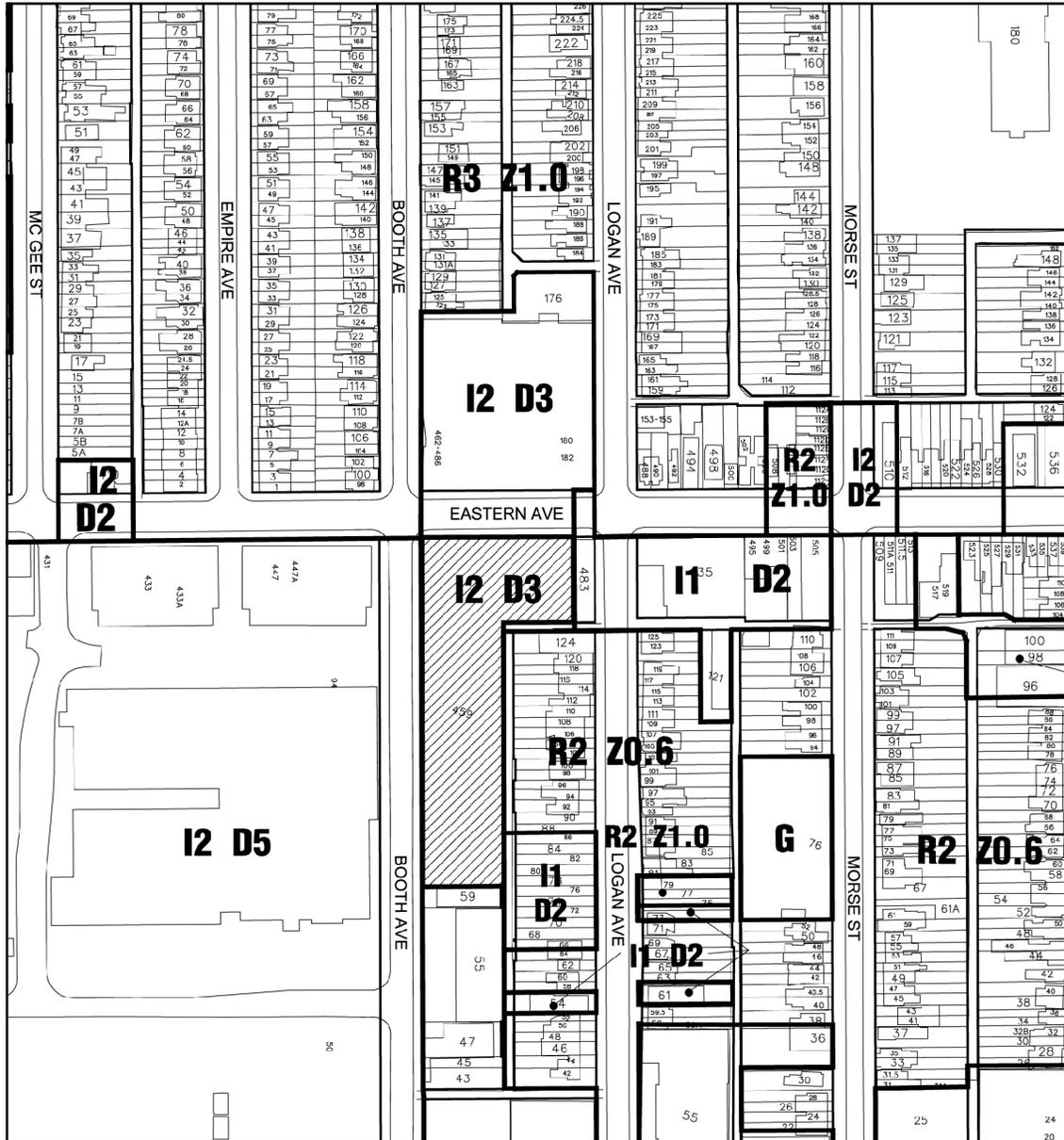
459 Eastern Avenue

File # 12 148264 0Z

-  Site Location
-  Neighbourhoods
-  Employment Areas
-  Parks & Open Space Areas
-  Parks

  
 Not to Scale  
 05/17/2012

# Attachment 4: Zoning



459 Eastern Avenue

File # 12 148264 0Z

- I1 Industrial District
- I2 Industrial District
- R2 Residential District
- R3 Residential District
- G Parks District

↑  
Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 05/17/2012

## Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 148264 STE 30 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 30, 2012

Municipal Address: 459 EASTERN AVE

Location Description: PLAN M19 LOTS 89 TO 100 PLAN M19 LOTS 39 TO 45 RP 66R14084 PART 3 \*\*GRID S3012

Project Description: The proposal comprises a 4 storey and 2 storey non-residential building fronting onto Booth Avenue and a 6-storey building along the Eastern Avenue frontage containing 2 floors of retail and office uses and 71 live/work dwelling units. 178 parking spaces are proposed, including 41 on the surface and 137 in a below grade parking structure.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
2122498 ONTARIO LIMITED	BOUSFIELDS INC.	TURNER FLEISCHER ARCHITECTS	2122498 ONTARIO LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Area Specific Policy 190
Zoning:	I2 D3	Historical Status:	No
Height Limit (m):	15	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	6342	Height:	Storeys:	6
Frontage (m):	64.9		Metres:	19.6 m + mech. penthouse
Depth (m):	150.1			
Total Ground Floor Area (sq. m):	1,835			<b>Total</b>
Total Residential GFA (sq. m):	4,866		Parking Spaces:	178
Total Non-Residential GFA (sq. m):	7,883		Loading Docks	3
Total GFA (sq. m):	12,749			
Lot Coverage Ratio (%):	40			
Floor Space Index:	2.03			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	4866
Bachelor:	14	Retail GFA (sq. m):	1835
1 Bedroom:	37	Office GFA (sq. m):	2162
2 Bedroom:	16	Industrial GFA (sq. m):	0
3 + Bedroom:	4	Institutional/Other GFA (sq. m):	3886
Total Units:	71		

**CONTACT: PLANNER NAME: Kyle Knoeck, Senior Planner**  
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