



## STAFF REPORT ACTION REQUIRED

### Supplementary Report - Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations for Conversion Requests

<b>Date:</b>	December 12, 2013
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\City Council\CC13104

#### SUMMARY

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At its meeting of November 21, 2013 Planning and Growth Management Committee requested staff to report directly to Council on the following:

- i) Outline additional incentives that could be considered by the City to promote the development and maintenance of office space in areas on rapid transit;
- ii) Address the cumulative impact of all conversions of employment lands to non-employment uses which were recommended by the Committee; and
- iii) Address, upon review, modifications to the proposed Official Plan Amendment arising out of the submissions to Committee.

City Planning staff previously retained a consultant to investigate further incentives to promote office space on rapid transit. Results of this work have not concluded. Staff recommend that a report on potential incentives be submitted to Planning and Growth Management Committee in the first half of 2014.

In summary, the impact of the 11 additional conversions to non-employment uses recommended by Committee would still result in the retention of 97 per cent of *Employment Areas*. However, two of the additional conversions are located beside City or Transportation Yards and could compromise the future of those yards that provide essential public services. In addition, approval of these conversion requests may result in challenges to staff to protect other City yards against residential encroachments in the

subsequent anticipated Ontario Municipal Board hearing on the employment lands conversions. Other additional conversions would undermine the viability of healthy employment corridors along the Gardiner Expressway in Etobicoke and abutting Highway 401 in Scarborough, and would undermine staff's ability to prevent the conversion of other sites in those corridors.

Staff have reviewed the submissions to Planning and Growth Management Committee and are recommending modifications to the proposed Official Plan that include:

- Redesignating the longstanding confectionary factory at 277 Gladstone Avenue from a *Neighbourhoods* designation to a *Core Employment Area* designation;
- Adding a site and area specific policy to permit a place of worship at 1331 Martin Grove Road where the congregation had purchased lands under the existing Official Plan permission; and
- Redesignating the parking lot of an existing place of worship to *Mixed Use Area* at 1250 Markham Road to permit a seniors residence in a location isolated from the larger *Employment Area*.

## RECOMMENDATIONS

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

1. Amend proposed Official Plan Amendment 231 by:
  - a) Add the following words at the beginning of the proposed amendment to Chapter 6, Section 7, Downsview Secondary Plan:

'Upon the establishment of the development framework required by Site and Area Specific Policy No. 387 in Chapter 7 of the Official Plan'
  - b) Modify Site and Area Specific Policy 426 by:
    - i) Including the lands at 30 Booth Avenue in the title of the policy and the map of the area where the policy is applies.
    - ii) Delete the paragraph c) up to the end of subparagraph ci) and replacing it with the following:
  - "c) A comprehensive plan for a new employment precinct that includes consideration of the relationship and connections to nearby properties including 1, 5, 9 and 21 Don Roadway, 6, 30 Booth Avenue, and 385, 405, 415, and 433 Eastern Avenue will only be implemented by way of an implementing zoning by-law. In addition to the *General Employment Area* policies of the Official Plan, the following policies apply:

- i) The comprehensive plan for the redevelopment of the precinct will address land use, built form, land division, interim development conditions, public realm connections and appropriate transition in built form to low-scale residential uses north of Eastern Avenue. The comprehensive plan will include transportation and servicing infrastructure plan that identifies new infrastructure and improvements to existing infrastructure and also identifies transportation demands and impacts and any necessary mitigation measures."
- ii) Deleting subparagraph c ii) and replacing it with the following:
  - " ii) the City will secure phasing of development and infrastructure improvements to ensure orderly development and to ensure that development of the precinct's employment uses accompanies development of the other permitted uses. At full build-out of the employment precinct, no more than 20 per cent of the total gross floor area is to be devoted to retail, major retail, service commercial, recreation and entertainment uses."
- iii) Adding the following at the end of paragraph d):
  - "Prior to review and before the next Municipal Comprehensive Review, the City may initiate Official Plan Amendments as necessary for the purpose of facilitating comprehensive infrastructure and precinct planning to extend the employment land use permissions and requirements of sub-policies a) through c) inclusive to adjoining lands located at 6 Booth Avenue, 385, 405, 415, 433 Eastern Avenue and 1, 5 and 9 Don Roadway subject to the following conditions:
    - i) The proposed amendment is not intended to add any residential, including live/work, permissions to the lands; and
    - ii) The owners and operators of the adjoining lands have been consulted."
- c. Amend Map 18 in Appendix 2 to designate the lands on the northerly half of 1250 Markham Road to a *Mixed Use Area*, and add a new Site and Area Specific Policy No. 450 for the lands known municipally in 2012 as 1250 Markham Road, as follows:

### "450. 1250 Markham Road

- a) Only a residential building for senior citizens is permitted on Parcel 'A'.
- b) A place of worship and ancillary community facility and recreational uses are permitted on Parcel "B".
- c) Employment uses on Parcel "B" will be compatible with adjacent residential uses.
- d) All new development is to be located and developed to the satisfaction of the Toronto and Region Conservation Authority and the City.
- e) All new development is to protect land for the possible future extension of Bushby Drive from Grangeway Avenue to Markham Road."
- d. Add a new Site and Area Specific Policy No. 451 for the lands known municipally in 2012 as 1331 Martin Grove Road, as follows:



### "451. 1331 Martin Grove Road

- a. A place of worship is permitted."
  - e. Amend Map 2 in Appendix 1 to designate the lands at 277 Gladstone Avenue as an Employment Area, and amending Map 43 in Appendix 2 to show the lands at 277 Gladstone Avenue as a *Core Employment Area*.
  - f. Amend Map 39 in Appendix 2 to designate the entire property at 196 North Queen Street as a *Mixed Use Area* and the entire property at 164 North Queen Street as a *General Employment Area*.
2. Request the Chief Planner and Executive Director, City Planning, in consultation with the General Manager of Economic Development and the Chief Financial Officer to report to Planning and Growth Management Committee in the first half of 2014 on additional incentives that the City may consider to promote the development of and maintenance of office space in the Downtown, Centres and within walking distance of rapid transit stations.

## **Financial Impact**

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

## **DECISION HISTORY**

At its meeting of November 21, 2013, Planning and Growth Management Committee considered a report from the Chief Planner and Executive Director City Planning that recommended proposed Official Plan Amendment 231. The proposed Official Plan Amendment contains new Official Plan policies for Economic Health and *Employment Areas*, as well as new designations and mapping of lands designated as *Employment Areas*.

Planning and Growth Management Committee did not recommend any changes to the proposed policies in Amendment 231. However, amendments to the proposed Official Plan designations and/or site and area specific policies were recommended as they affected specific properties.

Planning and Growth Management Committee requested that the following be reported directly to Council:

- a) The General Manager of Economic Development Culture and Tourism and the Chief Planner and Executive Director City Planning report on the economic impact and overall value to the City's economy generated by businesses located within lands currently designated employment areas and the impacts of the conversion proposals. This matter will be reported out in a separate report from the City Planning and Economic Development Culture and Tourism Divisions.
- b) The Chief Planner and Executive Director, City Planning report on incentives that could be added to the office replacement policies, such as but not limited to, stratified zoning and the exclusion of office space from density calculations.
- c) The Chief Planner and Executive Director, City Planning, report on the cumulative impact of all conversions of employment lands to non-employment uses which have been recommended by the Planning and Growth Management Committee.

## **COMMENTS**

### **Incentives to Promote Office Space on Rapid Transit**

#### **Existing Incentive Programs**

Under the City's Imagination, Manufacturing, Innovation and Technology (IMIT) tax incentive program the following office space within 800 metres of a rapid transit station will benefit from a grant of 60% of the increase in the municipal taxes attributable to the development over a ten year period:

- all office buildings of at least 5,000 square metres, where an office building is defined as a building with at least 80 per cent of the gross floor area used for offices; and
- a minimum of 5,000 s.m. of contiguous office space within a mixed use building.

Another municipal initiative to promote office development is the reduction of the property tax differential with other GTA municipalities for commercial offices.

### **Proposed Policy 3.5.9 to Promote Office in Transit-Rich Locations**

In October 2012, Council directed staff to consider policies requiring a mix of residential and non-residential uses in *Mixed Use Areas* and *Regeneration Areas*, including mechanisms for implementing the requirements. Staff proposed more modest initiatives to promote and retain office space in those land use designations only in the vicinity of rapid transit, rather than citywide. The promotion of office space on rapid transit is a key element of the proposed economic policies of the Official Plan. The potential to construct up to 100 million square feet of office space in the GTA over the next 30 years exists and it is important to direct as much of this office space as possible to locations with rapid transit in order to make the best use of investments in rapid transit and to avoid worsening the existing road congestion in the region. Part of this strategy is to avoid the ongoing displacement of existing office space by residential redevelopment in transit-rich areas.

Policy 3.5.9 in proposed Amendment 231 would require that, when residential development takes place on a site with an existing office building in a transit-rich area, the new development would provide a net gain of office space in addition to the residential component. This policy would apply to properties with 1000 s.m. or more of existing office space in a *Mixed Use Area* or *Regeneration Area* within the Downtown, a Centre, or within 500 m. of an existing or approved and funded subway, light rapid transit or GO station. Where site conditions and context do not permit both the residential development and an increase of office gross floor area on the site, the required office space may be constructed on a second site, prior to or concurrent with the residential development within the same Downtown, Centre or within 500 metres of the same rapid transit station.

Submissions made to the Planning and Growth Management Committee meeting of November 21, 2013 requested that this policy not be applied to 48 specific properties. Only 15 of those 48 properties actually contained sufficient office space that the proposed policy for office replacement on transit would apply. Those 15 properties contain approximately 1.42 million square feet of office space.

### **Potential New Incentives to Encourage Replacement and Addition of Office Space on Rapid Transit**

In the summer of 2013, as the policies to require an increase in office space were being reformulated, Real Estate Search Corporation (RESC) was retained to analyze potential policies for office replacement and retention beyond those that currently exists. The final report has not yet been submitted but detailed drafts contain several preliminary ideas for

incentives to be reviewed and discussed with other City Divisions, including Finance and Economic Development, Culture and Tourism, before recommendations are submitted to Committee and Council. A report is targeted for the first quarter of 2014 to Planning Growth and Management Committee on further recommendations. The preliminary ideas to incent office replacement and retention include various combinations of the following inducements to help ensure the retained, replaced and increased office space is competitive.

- i) Enriching the existing IMIT program based on the logic that if there was no policy requiring the office space to be replaced and augmented, there would be no commercial tax once the building was demolished.
- ii) Parking requirements of refurbished or replacement office space would be no greater than the parking for the existing office space. Many older office buildings have little or no parking and the policy would only apply to areas with excellent access to rapid transit.
- iii) Exempt replacement or new office space from the density calculations for the development site, where they are not adjacent to low rise residential areas or on Avenues subject to the application of the mid-rise guidelines.

The concept of 'stratified zoning' referenced by Planning and Growth Management Committee is not an incentive to promote office development. It is a potential but untried tool to attempt to secure the construction of employment space along with residential development in a true mixed use building. The concept involves designating or zoning a certain height from grade as an *Employment Area*, and the height above that as a *Mixed Use Area* where residential would be permitted. This technique has never been used and its legality has never been tested before the courts. If a pilot of this technique is used, it should be on a single site, not a broader area, where the City and the landowner agree on the uses and heights.

### **Cumulative Impact of All Conversions of Employment Lands to Non-Employment Uses Recommended by Planning and Growth Management Committee**

As of October 16, 2013 staff had received 125 requests/applications to convert employment lands to non-employment purposes, and recommended that 43 sites, or one-third be wholly or partially converted to non-employment uses. These were largely smaller isolated sites that cumulatively comprised 55 ha., or only 15 per cent of the total land area covered by the conversions. By the November 21, 2013 Planning and Growth Management Committee meeting approximately 140 conversion requests had been received.

Planning and Growth Management Committee passed motions to convert a further 11 sites that staff recommended be retained as *Employment Areas*: 130 Bentworth Ave./109 Cartwright Ave., 290 Old Weston Road, 6 Lloyd Avenue, 299 Campbell Avenue, 1001 Ellesmere Ave., 22 Metropolitan Road, 630 Kipling Ave./3 Queensway Lions Court, 1306-1310 The Queensway, 564-580 Evans Ave./24 The East Mall, the Mimico GO Triangle, and a portion of the south side of Judson Street. In addition, Committee recommended removing the lands at 30 Tippett Road from the Municipal

Comprehensive Review and the Regeneration Area Study that is well underway, and recommended the property be designated as a *Mixed Use Area* rather than a *Regeneration Area*. Planning staff do not support these redesignations and conversions as good planning practice.

The 11 additional conversion requests recommended by Committee cumulatively comprise 30 ha. of employment lands. Ninety-seven per cent of the lands currently designated as *Employment Areas* would still be retained as *Core Employment Areas* and *General Employment Areas*. However, the cumulative impact of the additional conversions recommended by Planning and Growth Management Committee could extend beyond the specific sites. The additional conversion requests recommended by Committee include those adjacent to City and Metrolinx yards, and within important healthy employment areas with access to major highway ramps. Council approval of certain of the additional conversions recommended by Committee would be a precedent for other properties which could present inconsistencies and difficulties for staff in defending Council's decisions at any subsequent Ontario Municipal Board hearing.

### **Conversions in South Etobicoke**

The *Employment Area* along the Gardiner Expressway/Queen Elizabeth Way in Etobicoke contains 16 conversion requests/applications which were all recommended by staff to be retained as *Employment Areas*. This employment corridor had approximately 500 firms with 10,000 employees in 2011, and provides signature employment sites with excellent business visibility and access to a major highway for the movement of goods by truck. Committee recommended the conversion of three properties along the corridor, 564-580 Evans Avenue and 24 The East Mall, 630 Kipling Avenue and 3 Queensway Lions Court, and 1306-1310 The Queensway. All three sites are on, or near ramps to the Gardiner Expressway and should be retained as *Employment Areas* in keeping with Section 2.2.6.9 of the Provincial Growth Plan and the implementing policies of proposed OPA 231 that Committee endorsed. In addition, Committee requested staff to address the submission for 158 Park Lawn Road in the report to Council.

The property at 564-580 Evans Avenue abuts the elevated on-ramp from Highway 427 to the Gardiner Expressway as well as an on-ramp to the Expressway from Evans Avenue and contains an array of industrial and commercial service uses. Future residents will likely experience high levels of noise and poor outdoor air quality because of the highway adjacency. The two conversion requests on Kipling Avenue also present challenges given the proximity of the Queensway Transfer Facility, a large open-air private solid waste collection facility and Versacold, a large food cold storage warehouse on Queensway Lions Court.

The South Etobicoke Industrial Employers Association (SEIEA) wrote to Committee (PG 28.2.145) suggesting that conversions of employment lands could threaten the stability and long-term economic growth of the South Etobicoke Employment Area that contains 40,000 jobs, 2,000 of which are employed by SEIEA members. It is staff's opinion that the precedent of converting 3 of the 16 conversion requests in the Gardiner Expressway Corridor, especially those that are located on or near Expressway ramps, could undermine

staff's ability to defend against conversion appeals in the rest of the employment corridor at the Ontario Municipal Board, thereby undermining the viability of the larger *Employment Area*. Staff also propose that no residential uses be recognized in the Official Plan for 158 Park Lawn Avenue in order to not create a precedent for creating residential uses adjacent to the Ontario Food Terminal.

### **Highway 401 Employment Corridor in Scarborough**

The employment corridor along Highway 401 in Scarborough also offers industrial sites that offer visibility and highway access for the movement of goods. There are several conversion requests along the Highway 401 corridor in Scarborough. Planning and Growth Management Committee recommended that the lands at 22 Metropolitan Road be redesignated from an *Employment Area* to a *Mixed Use Area* to accommodate a new hotel, condominium towers and at least 5700 s.m. of office space. The site is immediately adjacent to Highway 401 at the Warden Avenue interchange, and would not comply with the Growth Plan and proposed Official Plan policies to preserve sites near highway interchanges for employment purposes.

Metropolitan Road is a cul-de-sac that is composed almost entirely of industrial and warehouse uses, apart from a hotel, and one place of worship near the Warden Avenue frontage. Sensitive residential uses at this location could create conflicts between new residents and the operations and truck movements of the manufacturing and warehousing operations on this cul-de-sac. At the end of the cul-de-sac at 100 Metropolitan Road is the 700,000 square foot warehouse of Hudson's Bay Co. Logistics on a 30 acre site. Hudson's Bay Co. Logistics has leased the site until 2019 and has up to 300 employees in the warehouse in peak retail season. Representatives for the owners of the warehouse site have written indicating that there is great concern with the possible redesignation of the site at 22 Metropolitan Road while retaining the *Employment Area* designation in the remaining area. They have indicated that the area should be considered as a whole with all property owners treated equally.

The approval of residential towers on 22 Metropolitan Road would be a precedent for other conversion requests along the 401 Corridor in Scarborough and particularly other properties in the triangle bounded by Warden Avenue, Highway 401 and the CPR Rail Corridor which contains Metropolitan Road. In the broader Highway 401 corridor, the only conversion request recommended by staff is an isolated hotel site at Kennedy Road north of Highway 401 that was orphaned when the OMB approved the conversion of the Sufferance Truck Terminal for residential towers and townhouses a decade ago despite City opposition.

### **Conversions Affecting Operations of City Yards and Vital Transportation Yards**

The permission for a private school expansion onto 130 Bentworth Ave./109 Cartwright Ave. recommended by Committee would place a children's school immediately adjacent to a City Yard that could generate noise, odour, and truck traffic concerns. The Parks, Forestry and Recreation Division operates the Bentworth Yard where the following impactful operations take place outdoors: the storage of manure fertilizer and aggregates, the testing of maintenance equipment, the temporary storage of waste from City parks,

the operation of an interdepartmental fuel station and the operation of a mobile wood chipper.

Regardless of any undertakings by the school, the *Environmental Protection Act* grants rights to school staff, students and parents of students to lodge complaints to the Ontario Ministry of the Environment if they feel they are adversely affected by a City Yard operation. Once the Ministry confirms the existence of an adverse noise, odour or other adverse effect, the City would be required to alter its operations to mitigate any impacts upon the school. The City has received residential conversion requests near seven other City Yards including two waste transfer stations, all of which have been recommended to be retained as *Employment Areas*. Proponents for the other conversion requests near City Yards could cite this conversion as inconsistent application of the policy direction at any future OMB or court hearing. Staff support safeguarding the City's ability to provide essential services through protecting the operations of City yards in *Employment Areas*.

Major transportation yards also require separation from sensitive uses that could affect their ability to support public transportation in Toronto and the region. Planning and Growth Management Committee recommended that the lands at 29 to 75 Judson Street be designated as a 'Regeneration Area' which would permit residential and other sensitive uses. These lands are adjacent to the Willowbrook GO Train Maintenance Facility. The Metrolinx Willowbrook GO Yard is a 20,000 square metre maintenance depot that includes bays for train equipment, a locomotive shop, a railcar shop and storage tracks for 21 trains. Based on discussions with representatives from Metrolinx, it is staff's understanding that the Willowbrook storage and maintenance facility plays a critical role in GO Transit's operations in the city and region. Metrolinx has recently invested in improvements to the maintenance building at Willowbrook and have no plans to reduce the role that the yards play in GO operations. The introduction of residential uses next to their yards has the potential to cause major land use conflicts with current operations and may potentially limit the operations of the yard which are critical to support regional transit.

Staff are aware that there is a concrete batching plant on a portion of the Judson lands which creates conflicts with residences on the north side of Judson Street. Staff had recommended a site and area specific policy that prohibited certain heavy industrial uses on 29-75 Judson Street and restricted employment uses to those which would be compatible with nearby residential uses. However, the redesignation of these lands to a *Regeneration Area* and the introduction of residential uses on the south side of Judson Street would create even more extreme land use conflicts and would compromise the functioning of our regional GO Transit system.

### **Maintaining the Integrity of Regeneration Area Studies**

Where there are clusters of conversion requests in areas with good transit that are not part of a broader employment area, the lands are proposed to be designated as a *Regeneration Area* with an area study to be undertaken to provide a comprehensive framework for redevelopment. Removing key sites from such ongoing studies undermines the ability to properly plan for a permanent new piece of the City with open space and proper

transportation, and diminishes the significance of the recent community input and participation in the study. It undermines the ability of staff and the community to undertake comprehensive community planning, and creates an inequitable situation for other applicants and property-owners within the boundaries of Regeneration Area studies.

Planning and Growth Management Committee recommended the following actions with respect to the City-owned lands at 30 Tippet Road:

- Map 2 be amended to show the lands at 30 Tippet Road as an 'Avenue'
- The lands at 30 Tippet Road be determined to be exempt from the City's Municipal Comprehensive Review of the Employment Lands and be deleted from Site and Area Specific Policy No. 387
- The processing of the Site Specific Official Plan Amendment and Zoning By-law applications filed for the lands at 30 Tippet Road not in any way be affected by the Municipal Comprehensive Review of Employment lands.
- Map 14 in Appendix 2 be amended to designate the lands at 30 Tippet Road as a *Mixed Use Area* rather than a *Regeneration Area*.
- The Chief Planner and Executive Director, City Planning, present the findings of the Tippet Road Area Planning Study presently underway to the North York Community Council in early 2014 with regards to the site and area specific policy.

The lands at 30 Tippet Road are one of five conversion requests clustered in the Tippet Road area which are proposed, along with other lands in the area, to be converted from an *Employment Area* designation to a *Regeneration Area* designation to permit residential as well as employment uses. A Regeneration Area study was initiated by staff in June, 2013 to create a comprehensive development framework for the area including: streets and blocks, densities, building heights, a greening strategy for parks and open space, pedestrian connections to key sites such as the subway station, land buffers from the Allen Road and Highway 401, and transportation policies including new roads. The study is well underway. Two working group meetings were held in the fall of 2013 and the next working group meeting is anticipated in a month when draft plans showing streets, blocks and open spaces will be presented and discussed.

The parcel at 30 Tippet Road is a City-owned 1.2 ha. TTC commuter parking lot. A developer with an option to purchase has submitted an application for an Official Plan Amendment to construct two residential condominium buildings of 12 and 13 storeys as well as 30 townhouses. It is a large parcel at the core of the proposed *Regeneration Area* that currently provides public access to the Wilson Subway station and is a critical piece of any comprehensive planning for this area. The property has its principle frontage on Tippet Road, although a 'dogleg' portion does front onto a retaining wall for the Allen Road underpass on Wilson Avenue, where no access would be possible.

The lands at 30 Tippet Road are currently designated as '*Employment Areas*' and the Committee motion to exempt the lands from the City's Municipal Comprehensive Review does not meet the requirements of the Provincial Growth Plan. Amending Map 2 to show these lands as 'Avenues' would not remove the parcel from being subject to the Municipal

Comprehensive Review because the lands are designated '*Employment Areas.*' The recommendations of Committee regarding 30 Tippet Road are contrary to provincial statute and unnecessary.

This redevelopment of this area has always been subject to a special area study, even preceding the City's Official Plan Review. The Downsview Area Secondary Plan includes these lands in the 'Wilson District' and requires that a district plan be completed prior to development proceeding in the area to provide the comprehensive planning and development framework. Proposed Official Plan Amendment 231 recommended the deletion of the lands covered by the Regeneration Area Study from the Downsview Secondary Plan as it would be redundant to do two studies of the area to create the development framework. However, this report now recommends that the clause be amended, and that the lands only be deleted from the Downsview Area Secondary Plan with the establishment of the planning framework for the Regeneration Area required by Site and Area Specific Policy 387.

Staff are of the opinion that the Committee recommendations relating to 30 Tippet Road would:

- Include actions which contravene Provincial statute;
- Undermine the area study in the middle of the community process by removing a key parcel;
- Undermine the creation of a comprehensive planning framework for roads, parks, heights, and densities, among other matters, in the study area;
- Are potentially prejudicial to the remaining private landowners in the area, while expediting approval on a City-owned site; and
- Undermine the integrity of the Regeneration Area study process taking place across the City.

### **Additional Recommended Modifications to Proposed OPA 231 Arising from Submissions to Planning and Growth Management Committee**

**Extension of the Area Where Site and Area Specific Policy 426 Is Applicable**  
Site and Area Specific Policy 426 was recommended by Staff and Planning and Growth Management Committee to reflect a proposal to redevelop the former Lever Ponds site located at 21 Don Roadway into a comprehensively planned employment node. Located just east of the City's downtown in the South of Eastern *Employment Area*, the proposal encompasses a broad variety of non-residential uses, including a majority of office uses. Post-secondary colleges, universities, trade schools, hotels, studios and research facilities would also be permitted as primary employment uses on the site. Under the applicant's vision the area could become a major office precinct provided the appropriate investments in office infrastructure are provided.

Submissions to Planning and Growth Management Committee were made by both First Gulf Don Valley Ltd. and the owners of 30 Booth Avenue, the Cinespace studios site, requesting that the area subject to Site and Area Specific Policy 426 be expanded. As well, the Ward Councillor submitted a request to Planning and Growth Management

Committee, (PG28.2.218), asking staff to review the requests from Cinespace Studios and First Gulf Don Valley to expand the boundaries of the proposed Site and Area Specific Policy 426 to include adjacent properties and to report back to Committee in the first quarter of 2014.

Staff have investigated this request and are able to report directly to Council on it. In principle, staff support the extension of the area where Policy 426 would be applicable as it would promote the comprehensive planning of the precinct. As the owners of 30 Booth Avenue are amenable, it is recommended that the policy be amended to include the Cinespace studio lands at 30 Booth Avenue in Policy 426 as part of Official Plan Amendment 231. Staff recognize that additional discussions need to take place with Enbridge Gas and the Real Estate and Facilities Division before additional lands on Eastern Avenue, Booth Avenue and Don Roadway are included in the area specific policy. However, the policy is recommended to be amended to allow for the extension of its applicability to adjacent lands outside of a Municipal Comprehensive Review through an amendment or modification to the Official Plan.

#### **Redesignation of 277 Gladstone Avenue from *Neighbourhoods* to *Core Employment Area***

A chocolate and confectionary factory, formerly owned by Cadbury but currently operated by Mondelez Canada Inc. is located at 277 Gladstone Avenue. Although chocolate and confectionary production has been occurring on the lands since the 1890s, the employment use has never been recognized in the Official Plan. The site is currently designated *Neighbourhoods* in the Official Plan and is zoned R2. Although non-conforming, the current manufacturing operations are permitted under a site specific zoning by-law (706-86) and expansions and improvements are permitted under Exception 18 of Section 12(1) of the former City of Toronto zoning by-law. However, due to the underlying *Neighbourhoods* land use designation, the site is not currently covered under the harmonized zoning by-law (569-2010).

In a submission to the November 21, 2013 meeting of Planning and Growth Management Committee the consultants for Mondelez Canada Inc. requested that the lands at 277 Gladstone Avenue be redesignated from *Neighbourhoods* to *Core Employment Areas* in recognition of the current production of chocolate and confectionary items on the site and to allow for possible future improvements and upgrades to the factory. Between 2007 – 2011 the firm has made upwards of \$45 million in capital upgrades and all indications are that they intend to continue making investments and maintain their manufacturing operations on the lands. The factory currently employs approximately 450 persons. In order to recognize the current employment uses, accommodate capital improvements and encourage jobs to remain in Toronto, staff recommend that 277 Gladstone Avenue be redesignated from *Neighbourhoods* to *Core Employment Areas* and that Map 2 in Appendix 1 to Official Plan Amendment 231 be modified to show the lands at 277 Gladstone Avenue as an Employment Area.

### **Site and Area Specific Policy to Permit a Place of Worship at 1331 Martin Grove Road**

The Assembly of Prayer, a religious congregation, put in an offer to purchase a .34 ha. property at 1331 Martin Grove Road in April, 2013 and have subsequently completed the purchase. The lot is on the east side of Martin Grove Road midway between Rexdale Blvd and Racine Road. In the submission to the Planning and Growth Management Committee meeting of November 21, 2013 the Congregation was aware that the in-force Official Plan permitted a place of worship on a major road such as Martin Grove Road in an *Employment Area*. At the time of the purchase offer, staff were not yet recommending a prohibition on places of worship in *Employment Areas*. The congregation will be moving from premises in another *Employment Area* that is not on a major road, so will not add to the number of places of worship in the City's *Employment Areas*. The east side of Martin Grove Road has a mix of automobile service uses and other places of worship, and permission for this place of worship will not have the effect of undermining the viability of the broader *Employment Area*. The site was previously used as an automobile sales centre and no industrial uses will be displaced. Similarly to the situation at 2781 Markham Road, a congregation purchased a site to build a place of worship based on the in-force Official Plan policies. Staff therefore recommend that a Site and Area Specific policy be added to Chapter 7 of the Official Plan to permit a place of worship at 1331 Martin Grove Road.

### **Permission for a Seniors Residence on the Northerly Portion of 1250 Markham Road**

The property at 1250 Markham Road is developed with a legally constructed place of worship and ancillary recreational and community facilities. The development was completed in 2008. The church building with an integrated community facility wing occupies the south portion of the property, with parking located west of (behind) the building and on the north portion of the site.

Global Kingdom Ministries, owner of the site, submitted a request to the Planning and Growth Management Committee (PG28.2.177), to permit development of a stand-alone residential building to accommodate condominium style "Life-Lease" housing for seniors on the north portion of the property. Limited retail commercial uses are also proposed. The Ward Councillor submitted a request to Planning and Growth Management Committee (PG28.2.177) that staff be requested to review the conversion request by Global Kingdom Ministries at 1250 Markham Road and report to Council as part of item PG28.2. Although Committee did not deal with the request, Planning Division staff have reviewed this matter.

The site is approximately 3 ha. in size and is located on the west side of Markham Road, north of Ellesmere Road. The Official Plan identifies the site as an *Employment District* on Map 2, Urban Structure, and designates as *Employment Areas* (Section 4.6, Land Use Plan Map 18). A portion of the lands are within the natural heritage system shown on Map 9. The Natural Environment policies of the Official Plan apply to the lands.

The former City of Scarborough Employment Districts By-law No. 24982 zones the site as Industrial (M and the new citywide Zoning By-law No. 569-2013 does not apply to the property.

The following uses surround the site: the Highland Creek (East Branch) valley lands to the west and north, multi-unit industrial buildings to the south and residential and commercial uses on the east side of Markham Road, across from the property.

As indicated in the report of November 5, 2013 from the Chief Planner and Executive Director, City Planning Division, there is no need to convert any employment designated lands to meet the Provincial population forecast for Toronto. In this instance there is no need to address an incompatibility of *Employment Areas* permissions with existing adjacent land uses. The proposed seniors housing site is isolated from a larger employment area. It fronts onto Markham Road, a major arterial road and there is a residential community on the opposite east side of Markham Road. It is also separated from any larger employment area by the Highland Creek valley lands that extend along west and north site boundary. To the south, the existing church building provides a substantial separation and buffering between employment lands and the proposed location of residential building. The north portion of the property is remote and well buffered from traditional employment uses.

Given the site specific characteristics and its location on a major road, it is staff's opinion that the requested conversion will not adversely affect the overall viability of the larger *Employment Area* extending west of the Highland Creek lands or along Progress Avenue. Staff support the request to construct a seniors residence on the northerly portion of the parcel, and a new Site and Area Specific Policy is proposed to be added to Chapter 7 to permit a seniors residence on the existing church parking lot.

A portion of the land along the west and north site limits is identified as being within 10 metres of the top-of-bank of the west branch of Highland Creek, which is within the Toronto and Region Conservation Authority's (TRCA) jurisdiction in accordance with Ontario Regulation 166/06 and the Authority's mandate to implement the natural hazards policies of the Provincial Policy Statement. Both the Official Plan and TRCA policy require that all new development be set back 10 metres from the top-of-bank of valleys or other locations where slope instability or erosion present a significant risk to life or property. TRCA staff has indicated that the change of use to allow for residential cannot be supported within the portion of the lands that is within an erosion hazard. The proponent will have to submit necessary supporting material and engage in a site staking exercise to allow the TRCA staff to determine the location of the top-of-bank.

The Official Plan provides for the easterly extension of Bushby Drive from its current terminus at Grangeway Avenue, east of McCowan Road, to Markham Road. At the present time, there are no plans indicating the location of the proposed road extension but it is anticipated that the future road may connect to Markham Road between Ellesmere Road and Progress Avenue and could affect the church property. It is also possible that the need for the Bushby Drive extension may be reconsidered in the future. To maintain

flexibility in terms of the future road alignment staff recommend that new development protect land for the possible future extension of Bushby Drive in support of the Official Plan policy.

### **Corrections to Map 39 for North Queen Street**

Planning and Growth Management Committee recommended that staff correct mapping errors for North Queen Street on Map 39 of Appendix 2 to proposed Official Plan Amendment 231. Staff have reviewed the mapping and are recommending that the entire property at 196 North Queen Street be designated as a *Mixed Use Area* and the entire property at 164 North Queen Street be designated as a *General Employment Area*.

### **CONTACT**

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### **SIGNATURE**

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