

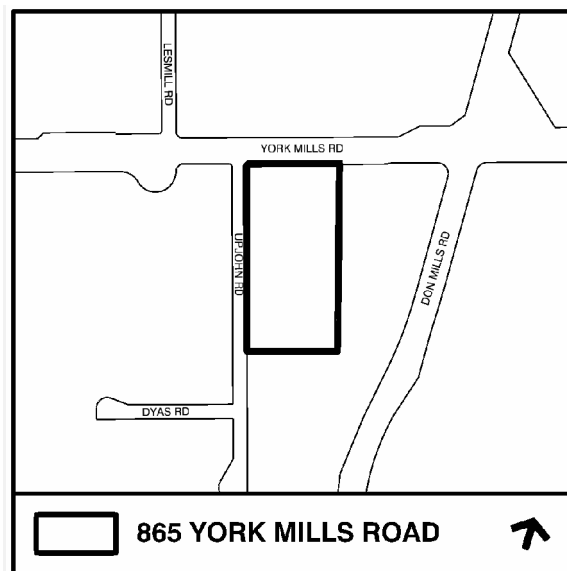
**865 York Mills Road
Official Plan Amendment Application
Preliminary Report**

Date:	February 28, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 34 – Don Valley East
Reference Number:	Pg12013 (File No. 11 330777 NNY 34 OZ)

SUMMARY

This site at 865 York Mills Road is located in an Employment District and is designated Employment Areas in the Official Plan. The application proposes to amend the Official Plan Employment Areas designation for the site to permit a mixed use development with residential, retail and other commercial uses. The proposal is for three residential buildings with 892 residential units with heights of 32 to 38 storeys, two 25 storey office buildings each with 26,695 m² of GFA, 16,700 m² of retail space, and a 20 storey hotel with 15,300 m² of GFA. The total gross floor area proposed for all uses is 184,770 m² resulting in an overall site density of 5.5 FSI.

This report provides preliminary information on the above-noted application and seeks Planning and Growth Management Committee's directions on further processing of the application and on the community consultation process.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the application to amend the Employment Areas designation for the subject lands to permit residential and retail uses concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review, that is being undertaken by the City Planning Division.
2. Upon completion of the Municipal Comprehensive Review, staff be authorized to:
 - (i) Schedule a community consultation meeting for the lands at 865 York Mills Road, together with the Ward Councillor.
 - (ii) Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
 - (iii) 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

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements and to review and give feedback on the proposal. Staff advised the applicant that any application to change the designation of the site to permit residential uses would be considered premature given that the City is currently undertaking the Municipal Comprehensive Review.

ISSUE BACKGROUND

Proposal

This application is for an Official Plan Amendment only. It proposes to amend the Official Plan designation for the site to permit residential uses. The proposal is for a mixed use development comprised of:

- Three residential buildings with 892 residential units with heights of 32 to 38 storeys. Two residential buildings are proposed along the York Mills Road frontage and another is proposed along the Upjohn Road frontage.
- Two 25 storey office buildings each with 26,695 m² of GFA to be located at the south end of the site.
- A 20 storey hotel with 15,300 m² of GFA. proposed along the Upjohn Road frontage.
- 16,700 m² of retail space. Details of the proposed retail uses have not been provided including the size of individual retail stores and whether the proposal includes large-scale retail uses.
- The various components of the development are connected by a 3 storey podium building.

The total gross floor area proposed for all uses is 184,770 m² with an overall site density of 5.5 FSI. A total of 3,200 parking spaces are proposed in 4 levels of parking (3 above grade and 1 below grade).

Site and Surrounding Area

The 3.35 ha site is located on the south side of York Mills Road at the corner of Upjohn Road. There is a large 12,686 m² one storey building on the site with a food store, restaurants, office and other commercial uses. The building was renovated in 2009 to accommodate the existing commercial uses.

Adjacent uses include:

North: On the north side of York Mills Road is the 21 storey Prince Hotel, ravine lands, a small office building, car wash and retail and restaurant uses. On the west side of Lesmill Road is a proposed commercial plaza and proposed Home Depot store.

South: Office building with surface parking lot. Further south along Upjohn Road are one storey buildings with office uses.

East: Along the south side of York Mills Road is a retail-commercial plaza, restaurants, and a 10 storey office building with surface parking continuing along Don Mills Road. Further south along Don Mills Road is an office building.

West: Along York Mills Road on the west side of Upjohn Road is a retail-commercial plaza with restaurants.

In July 2011, Aird and Berlis LLP sent City Planning staff a letter on behalf of the owner of 900 York Mills Road (Prince Hotel) advising that Westmont Hospitality Group is considering intensifying the site with residential and commercial uses. The letter formally requests the City to redesignate the site from Employment Areas to Mixed Use Areas as part of the City's five year review of the Official Plan and the Municipal Comprehensive Review in order to permit residential uses.

The Planning Act

Section 2 of the Planning Act, which deals with Provincial Interests, requires councils of municipalities to have regard to matters of provincial interest 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; and
- (p) the appropriate location of growth and development.

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.

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. Section 1.3 of the PPS requires the City to:

- provide for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses; and
- protect and preserve employment areas for current and future uses.

The PPS defines employment areas as "areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities".

Section 1.3.2 of the PPS states that the City may only permit conversion of lands within employment areas to non-employment uses through a Comprehensive Review where it has been demonstrated that:

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

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (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. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan.

The Growth Plan includes similar policies to the PPS directed at the preservation of employment areas for future economic opportunities. 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 Growth Plan. The Growth 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 defines a Municipal Comprehensive Review 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 to areas where it has been demonstrated through the municipal comprehensive review that it meets a number of criteria.

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

The Official Plan identifies this site as an Employment District on the Urban Structure Map (Map 2) and designates the lands as Employment Areas on the Land Use Plan, Map 19. The site is part of a larger employment area which extends east to Don Mills Road, south to Bond Avenue, west of the Canadian Nation Railway tracks and lands north of

York Mills Road (see Attachment 5). It is a key policy directive of the Official Plan to protect Employment Districts from the encroachment of non-economic functions and uses. The Plan's policies seek to promote Employment Districts exclusively for economic activities and permit uses that support this function including a range of industrial, business and commercial uses, and does not include residential uses.

Section 3.5.3 of the Official Plan recognizes that retailing will continue to be an important part of the City's economy and states that large scale retail stores that attract significant traffic are limited to major streets in Employment Areas. Section 4.6 of the Official Plan, which deals with Employment Areas, indicates that a broad and inclusive approach to employment uses in Employment Areas is needed for the City's economic future.

Policy 4.6.1 of the Official Plan states 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 Plan also provides that places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate within an Employment Area if the use is to be located on a major street shown on Map 3.

In recognition that some land users require large parcels of land, the Plan also contains policy direction with respect to large scale, stand-alone retail stores. The Plan indicates that while these uses are not directly supportive of the primary employment function of these areas, they have special locational needs which the Plan recognizes. Policy 4.6.4 of the Official Plan provides for the consideration of an Official Plan Amendment to permit large scale and stand alone retail stores in locations on major streets that do not form the boundary of Employment Areas, if it can be demonstrated, among other matters that:

- (a) such development will not undermine the stability of the Employment Area and will have particular regard for the viability of industrial uses;
- (b) sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
- (c) the economic health of nearby shopping districts is not adversely affected.

The Official Plan also provides criteria to review development within Employment Areas including: contribution to the support of the economic function of the area; providing adequate parking on-site; creating an attractive streetscape and sharing driveways and parking areas where possible.

Zoning

The subject site is zoned Industrial-Office Business Park Zone (MO) in the former City of North York Zoning By-law No. 7625. The MO zone permits a range of industrial,

office, business and commercial uses with a maximum gross floor area of 150% of the lot area. A retail store is permitted provided it does not exceed 20% of the gross floor area of the largest floor of the buildings on the lot. The proposal does not comply with the existing zoning and will require the submission of a rezoning application.

Other Planning Applications

The applicant has only submitted an application to amend the Official Plan. A rezoning application and site plan application have not been submitted.

Reasons for the Application

As indicated above, the site is identified in the Official Plan as an Employment District on the Urban Structure Map and designated as an Employment Area on the Land Use Plan. Residential uses are not permitted in an Employment District and in Employment Areas. In addition, the Official Plan only permits retail uses ancillary to office, manufacturing, warehousing and hotel uses and small scale stores and services that serve area businesses and workers. Depending on the specific details of the proposed retail uses, an amendment to the Official Plan for the proposed retail uses may also be required.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Employment District Economic Impact Study
- Functional Servicing Report
- Phase 1 Environmental Site Assessment
- Transportation Considerations Report

A Notification of Complete Application was issued on February 8, 2012.

Provincial Plans and Policy Statement

To consider an application for conversion of employment lands to non-employment use, the Provincial Policy Statement (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 following two-part test has been satisfied:

- 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 For The Greater Golden Horseshoe (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 the employment forecasts allocated to it 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 application is premature prior to the completion of these reviews. It is therefore recommended that the application be reviewed concurrently and in the context of the Five Year Review of the Official Plan and the Municipal Comprehensive Review.

Official Plan

The Official Plan states that Employment Districts shown on Map 2 will be protected and promoted exclusively for economic activity in order to maintain and grow the City's tax base, attract new employment, develop quality Employment Districts that are globally competitive locations for businesses, nurture a diverse economic base, provide for balanced growth between population and employment, and provide a range of employment opportunities for Toronto residents.

Employment Districts are large areas comprised of lands where the Employment Areas land use designation applies. As stated in the Official Plan, Employment Districts play an important role in the Plan's growth management and job intensification strategy. The

Employment Areas land use designation is intended for a wide range of employment uses and does not include residential land uses.

The City is currently reviewing policies in the Official Plan related to Employment Areas and the application to redesignate the subject site to permit residential uses is premature at this time. Further analysis of the appropriateness of the redesignation to allow for the proposal is required in the context of the Five Year Review of the Official Plan and the Municipal Comprehensive Review.

Issues to be Resolved

Land Use Issues

The subject site is part of a larger employment district. The current proposal is for an Official Plan Amendment. The appropriateness of amending the Official Plan designation for this site to permit residential uses will need to be evaluated including the impacts on the surrounding employment area. On a preliminary basis the following land use issues have been identified:

- The appropriateness of redesignating the subject site from Employment Areas to permit residential uses on the site as part of the Municipal Comprehensive Review.
- Impacts of residential land use changes proposed for this site and other sites in the employment area.
- Impacts of the proposed residential uses on the surrounding employment area.
- Transition from residential to employment uses and their location on the site.
- The appropriateness of the proposed land uses.

Area Wide Issues

As noted earlier the applicant is proposing an Official Plan amendment that would permit a significant mixed use project with over 184,000 square metres (1.9 million square feet) of development. The proposed density of the project is 5.5 FSI.

On a preliminary basis, in addition to the land use issues above, the following issues have been identified that could impact the larger area as a result of the proposal:

- Needs arising from a new context for a mixed use community including schools, local streets, parks.
- The availability and adequacy of community services and facilities in the area to support the proposed residential development.
- Traffic impacts and parking assessment.
- Appropriate Section 37 community benefits should the application be recommended for approval.

Site Specific Issues

In addition to the above issues, there are a number of site specific issues that would need to be evaluated to assess the merits of the proposal and the subsequent submission of a rezoning and site plan application. Such issues include, but are not limited to:

- Appropriateness of the proposed density, built form, massing, building heights and design.
- Site access and road connections.
- Parkland dedication.
- Adequacy of the proposed outdoor amenity space.
- Shadow impacts.
- Phasing of the development to ensure construction of the proposed office buildings.
- Assessment of site servicing.
- Appropriateness of above grade parking.
- Meeting the built form and public realm policies of the Official Plan.

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

CONTACT

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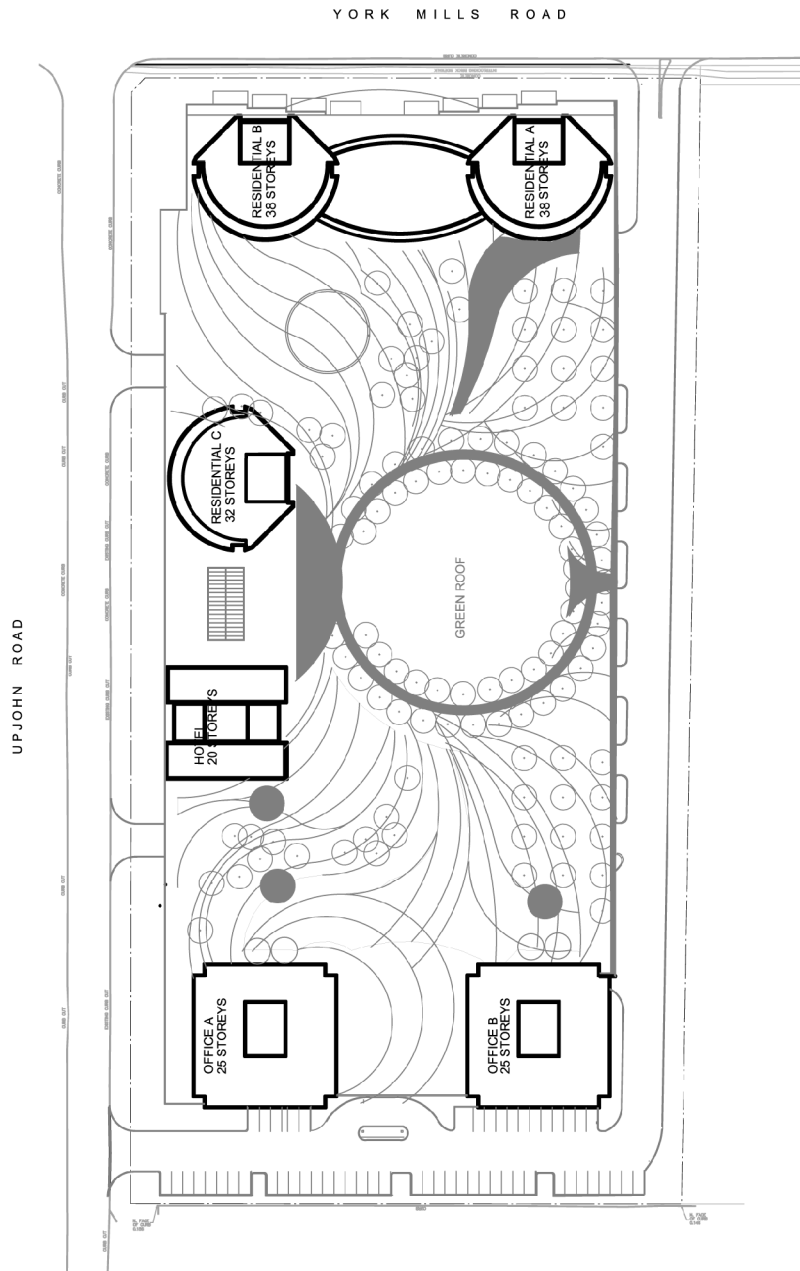
SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Main Floor Plan
Attachment 3: Rendering and Elevations
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
01/12/2012

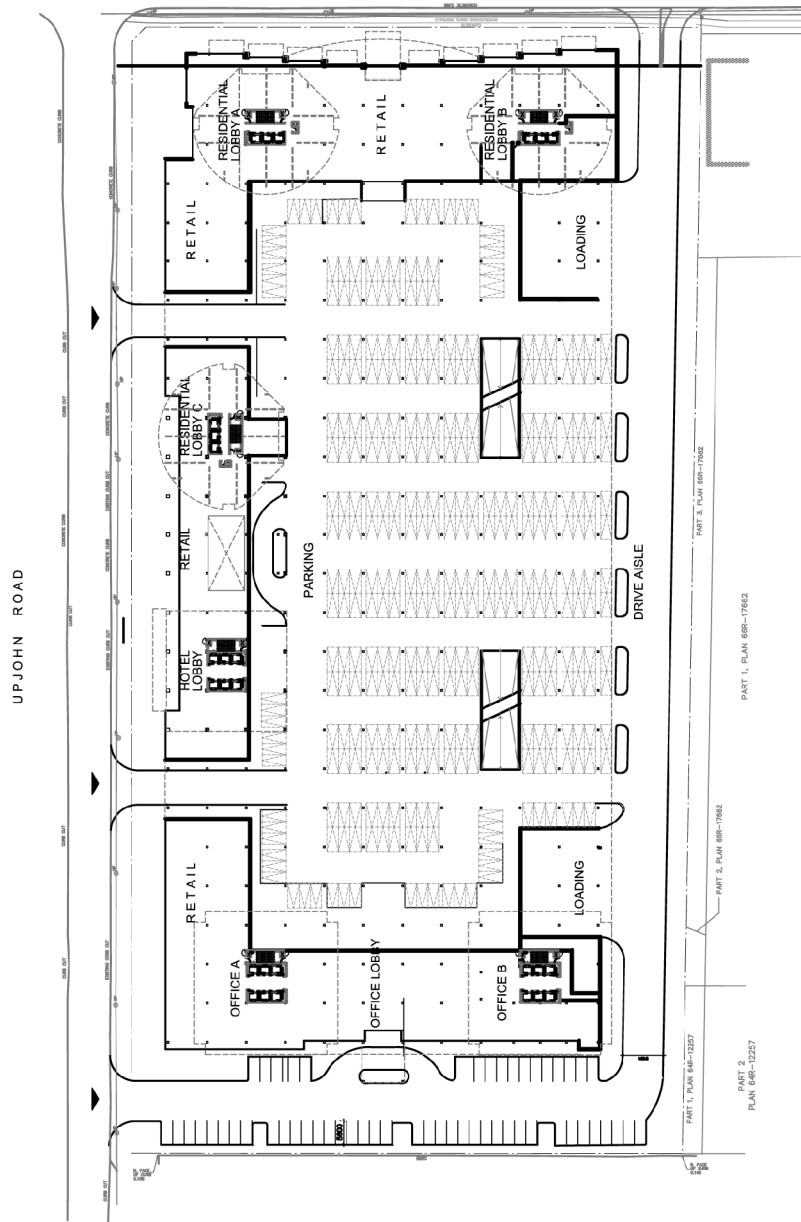


865 York Mills Road

File # 11 330777 NNY 34 0Z

Attachment 2: Main Floor Plan

YORK MILLS ROAD



Level 1 Main Floor Plan

865 York Mills Road

Applicant's Submitted Drawing

Not to Scale 

File # 11 330777 NNY 34 0Z

Attachment 3: Rendering and Elevations



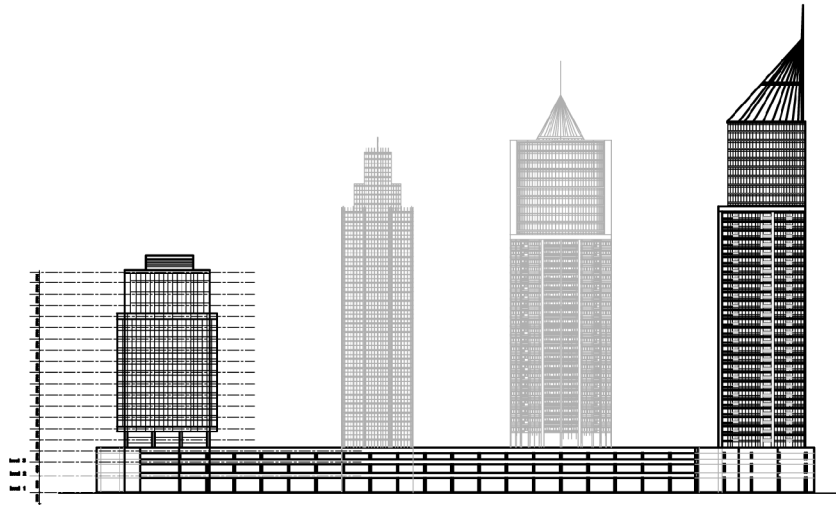
Concept Rendering

Applicant's Submitted Drawing

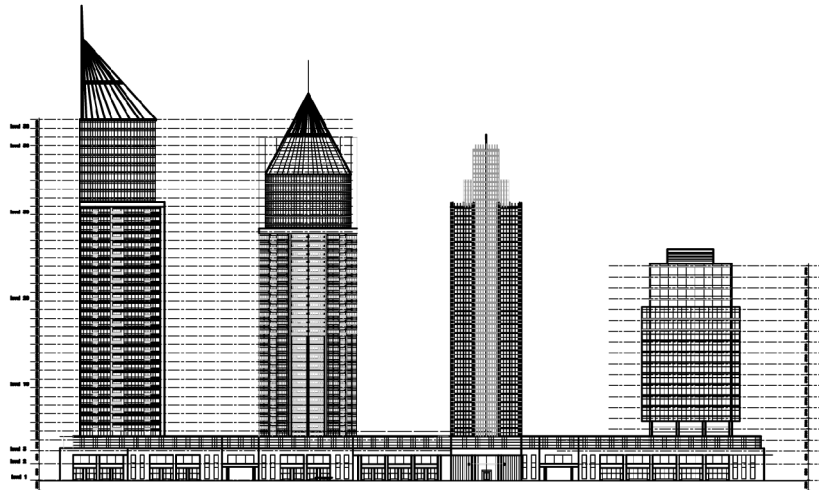
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865 York Mills Road

File # 11 330777 NNY 34 02



EAST ELEVATION



WEST (UPJOHN ROAD) ELEVATION

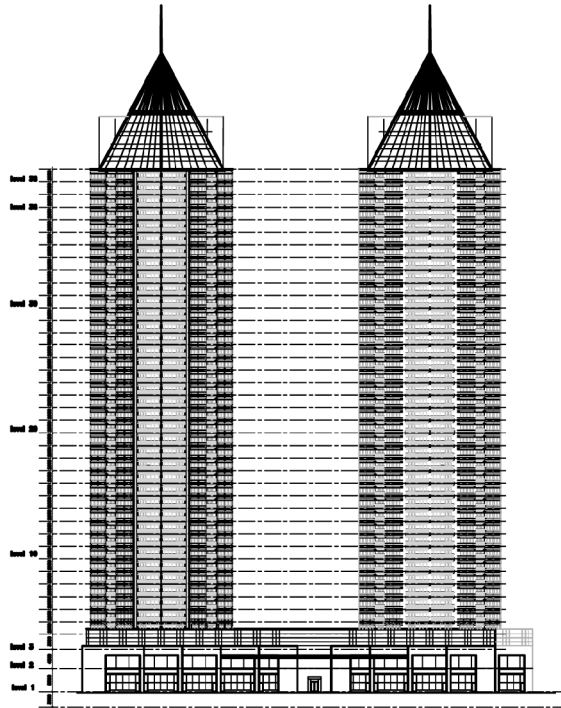
Elevations

Applicant's Submitted Drawing

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865 York Mills Road

File # 11 330777 NNY 34 0Z



NORTH (YORK MILLS) ELEVATION

Elevations

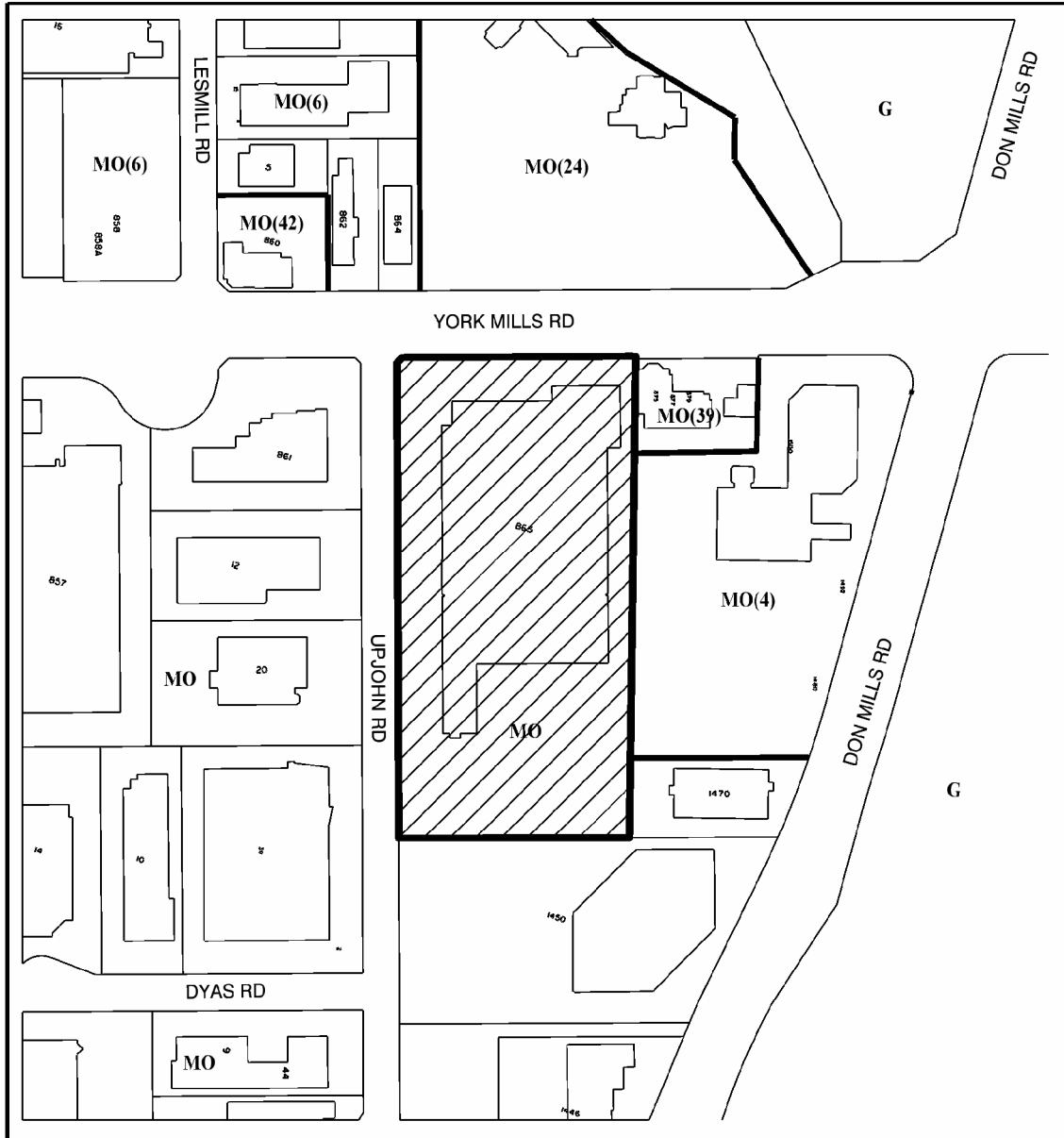
Applicant's Submitted Drawing

Not to Scale
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865 York Mills Road


File # 11 330777 NNY 34 0Z

Attachment 4: Zoning

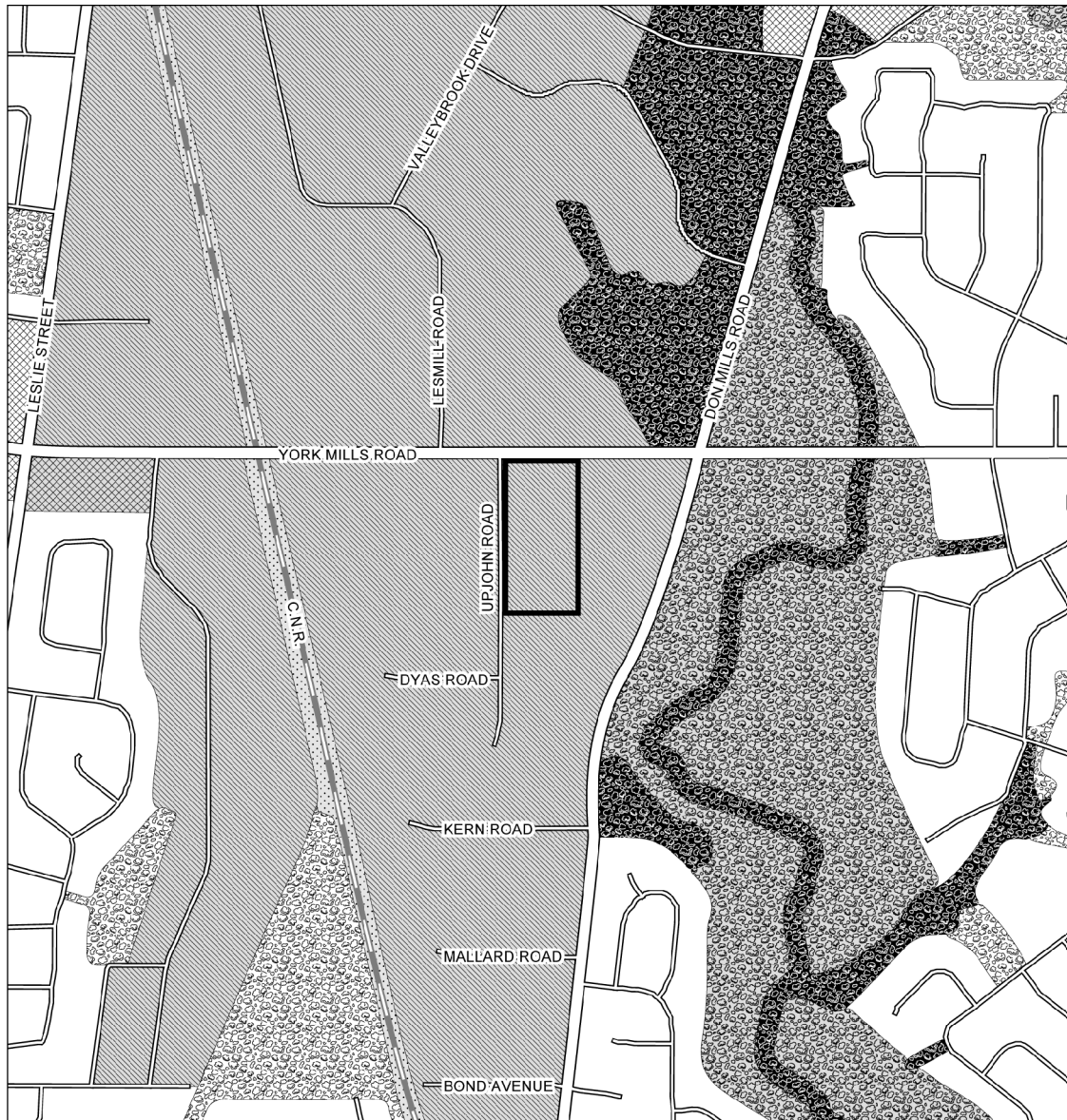


865 York Mills Road
File # 11 330777 NNY 34 0Z

MO Industrial-Office Business Park Zone
G Greenbelt Zone


 Not to Scale
 Zoning By-law 7625
 Extracted 01/11/2012





Attachment 5: Official Plan



TORONTO City Planning
Official Plan

865 York Mills Road

File # 11 330777 NNY 34 0Z

 Site Location	 Parks & Open Space Areas
 Neighbourhoods	 Natural Areas
 Employment Areas	 Parks
 Utility Corridors	 Other Open Space Areas


 Not to Scale
 01/12/2012

ATTACHMENT 6: APPLICATION DATA SHEET

Application Type	Official Plan Amendment	Application Number:	11 330777 NNY 34 OZ
Details	OPA	Application Date:	December 23, 2011

Municipal Address: 865 YORK MILLS RD

Location Description: CON 3 EY PT LOT 10 **GRID N3403

Project Description: Proposal is to amend the Official Plan to permit residential and retail uses on the site. The proposal includes two 25 storey office buildings each with 26,695 sq.m. GFA, 16,700 sq.m. of retail space, a 20 storey hotel with 15,300 sq.m. of GFA and 3 residential buildings with 892 residential units with heights of 32 to 38 storeys. Total GFA proposed is 184,770 sq.m. with an overall density of 5.5 FSI.

Applicant:	Agent:	Architect:	Owner:
Lindsay Dale-Harris (Bousfields Inc.)		Wayne Long	2141805 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	MO	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	33496	Height:	Storeys:	20 to 38
Frontage (m):	128		Metres:	0
Depth (m):	260			
Total Ground Floor Area (sq. m):	10660			Total
Total Residential GFA (sq. m):	99371		Parking Spaces:	3200
Total Non-Residential GFA (sq. m):	85399		Loading Docks	0
Total GFA (sq. m):	184770			
Lot Coverage Ratio (%):	32			
Floor Space Index:	5.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	99371	0
Bachelor:	0	Retail GFA (sq. m):	16697	0
1 Bedroom:	0	Office GFA (sq. m):	53389	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	15313	0
Total Units:	892			

CONTACT: PLANNER NAME: Nimrod Salamon, Senior Planner
TELEPHONE: (416) 395-7095