6 Lloyd Avenue - Official Plan Amendment Application - Preliminary Report

Date: March 17, 2014
To: Planning and Growth Management Committee
From: Chief Planner and Executive Director, City Planning
Wards: Ward 11 – York South-Weston
Reference Number: P:\2014\Cluster B\PLN\PGMC\PG14033
13 278533 WET 11 OZ

SUMMARY

This application proposes to amend the Official Plan by redesignating the northern two-thirds of the lands from Employment Areas to Mixed Use Areas and creating a new Site and Area Specific Policy over the entire site to permit residential uses and commercial/offices uses at 6 Lloyd Avenue. The southern one-third of the site is proposed to remain designated Employment Areas. The submitted application does not include appropriate plans and drawings and other required material for a complete application.

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.

This report recommends that the Chief Planner schedule a community consultation meeting and submit the Final Report for 6 Lloyd Avenue to Planning and Growth Management Committee after the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment (OPA) 231, subject to the applicant submitting all required information in a timely manner.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Provided the applicant submits all outstanding materials required for a complete application, staff be directed to schedule a community consultation meeting for the lands at 6 Lloyd Avenue together with the Ward Councillor after the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment 231.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

4. The Chief Planner and Executive Director, City Planning be directed to submit the Final Report on 6 Lloyd Avenue to Planning and Growth Management Committee after the applicant submits all outstanding material required for a complete application and the Minister of Municipal Affairs and Housing issues a decision on Official Plan Amendment 231.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In June 2005, Official Plan Amendment and Zoning By-law Amendment applications were filed to redesignate the site from Employment Areas to Mixed Use Areas to allow for a mixed use development consisting of two residential buildings having heights of 18 and 21 storeys and a 2-storey employment use building for the property at 6 Lloyd Avenue. The applications were refused by City Council and appealed to the Ontario Municipal Board (OMB) by the owner, Terrasan Inc. Following a 41 day hearing, the OMB in its decision of October 21, 2008 (PL060854) dismissed Terrasan’s appeal and upheld City Council’s refusal of the applications. The OMB concluded that the proposed amendments were inconsistent with the Provincial Policy Statement regarding the protection and preservation of employment land for both existing and future users. It also found that the applications did not conform to the overall intent and purpose of the City's Official Plan or Zoning By-law.

Official Plan Amendment (OPA) 231

At its meeting of December 16, 17 and 18, 2013, City Council considered a request to convert these employment lands for non-employment purposes as part of the Municipal Comprehensive Review. Under Section 2.2.6.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, the City may convert employment lands for non-employment
uses only through such a Municipal Comprehensive Review. At the same meeting, City Council adopted Official Plan Amendment (OPA) 231 which converts the northern two-thirds of these lands to a Mixed Use Areas designation to allow for residential uses while retaining the southern one-third of the site for employment uses by designating it General Employment Areas. In addition, OPA 231 introduces a Site and Area Specific Policy for the lands to provide specific policies for residential and commercial development on the site. Through this process, City Council determined that the northern two-thirds of the lands may be designated for residential purposes in the Official Plan.

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. The Minister has 180 days to issue a decision on the Official Plan Amendment. The decision of City Council and OPA 231 can be found at the following links:

Pre-Application Consultation
A pre-application consultation meeting was not held with the applicant to discuss the proposal for the site or complete application submission requirements.

ISSUE BACKGROUND

Proposal
The application proposes to amend the Official Plan by redesignating the northerly two-thirds of the site from Employment Areas to Mixed Use Areas while retaining the southern one-third of the site as Employment Areas. A new Site and Area Specific Policy (SASP) is also proposed to be applied to the entire site to provide for the following:

a. Require that a minimum of 4,000 m$^2$ of commercial and/or office space (including an arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum and restaurant/cafés) be constructed on the southerly one-third of the lands and that this development occur:
   i) prior to or concurrently with, any residential development on the northerly two-thirds of the lands;
   ii) along at least 50% of the Lloyd Avenue frontage; and
   iii) at a minimum height of 10 m.

b. Secure the 4,000 m$^2$ of commercial and/or office space to be constructed on the southerly one-third of the lands by way of a Section 37 Agreement and/or Plan of Subdivision, or any other means determined by the City.

c. Permit residential uses subject to a Holding ("H") symbol on the northerly two-thirds of the lands in order to ensure a built form that is appropriate and compatible with adjacent properties as well as to provide an appropriate
separation from the adjacent rail corridor. The specific heights, density and other built form standards are to be established in the implementing Zoning By-law. The Holding ("H") symbol shall apply only to the northerly two-thirds of the land.

d. Enactment of a Zoning By-law that incorporates a Holding ("H") symbol defining and incorporating the conditions that must be satisfied prior to the removal of the Holding ("H") symbol.

No concept plans illustrating a future development proposal or any additional information was submitted by the applicant.

### Site and Surrounding Area

The property, currently identified by the applicant as 6 Lloyd Avenue, is comprised of a number of properties that were assembled as part of the previous 2005 development applications. The site is located on the northeast corner of Lloyd Avenue and Mulock Avenue, southeast of the St. Clair Avenue West and Keele Street intersection. The property directly abuts the Metrolinx/CP railway corridor to the east, St. Clair Avenue West to the north, Lloyd Avenue to the south and Mulock Avenue to the west.

The site is currently vacant and triangular in shape with a lot area of approximately 1.06 ha (2.65 acres). A retaining wall exists along the northern boundary of the site abutting St. Clair Avenue West which slopes down under the rail overpass. Access to the site from St. Clair Avenue West is via a pedestrian staircase located at the north end of Mulock Avenue.

The subject lands are located in an area characterized by a mix of low rise industrial, commercial and residential uses. The surrounding land uses include:

**North:** 3-storey townhouse development on the north side of St. Clair Avenue West.

**South:** a mix of low rise residential dwellings, office and industrial uses (i.e., National Rubber Technologies, Topper Linen Supply, Junction Craft Brewery, and various auto body shops, woodworking shops, etc).

**East:** Metrolinx/CP railway corridor. East of the rail corridor is a mix of low rise industrial, commercial and residential uses.

**West:** On the west side of Mulock Avenue are semi-detached dwellings, auto body repair uses and a parkette.

On the north and south side of St. Clair Avenue West, west of Keele Street, are several fast food restaurant and big box retail uses such as Canadian Tire, Home Depot, Future Shop, Rona and the Trinity Group retail commercial development. Further west along St. Clair Avenue West are a mix of low rise residential uses, food processing uses and other commercial uses.
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.

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. The Growth Plan allows municipalities to permit conversion of lands within employment areas to non-employment uses only through a 'municipal comprehensive review' where key criteria have been met. A Municipal Comprehensive Review is an Official Plan review initiated by a municipality that comprehensively applies the Growth Plan policies.

City Council’s planning decisions are required to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff will review the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as Employment Areas on Map 17 – Land Use Plan. 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. To ensure that the Employment Areas function well and are attractive to new uses, the Plan sets out criteria for development. Specifically the Plan states that "Development will contribute to the creation of competitive, attractive, highly functional Employment Areas by supporting the economic function of the area, mitigating the effects of noise, vibration or other matter that will be detrimental to other business or the amenity of neighbouring areas and treating the boundary between Employment Areas and residential lands to minimize nuisance impacts."

To promote strong communities and a competitive economy, the Plan also contains a number of policies (3.4.21 and 4.6.6) to ensure industries and sensitive land uses will be appropriately designed, buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants and to promote safety. The Plan further states that adverse impacts are to be mitigated, the boundary between these uses will be treated with landscaping, fencing or other measures and that the proponent will be responsible for any required mitigative measures.

The site is also within an Avenues corridor as identified on Map 2 – Urban Structure of the Official Plan. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities.
Reurbanization of the Avenues is to be achieved through the preparation of an Avenue Study that sets out contextually appropriate as-of-right zoning and other regulations to achieve high quality development.

In October 2009, City Council approved the Avenue Study that was conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street. The study findings and recommendations included amendments to the Official Plan and Zoning By-law that set out specific policies and regulations to guide development for properties fronting St. Clair Avenue West designated Mixed Use Areas in the Official Plan. For those properties along St. Clair Avenue West that were designated Employment Areas, such as 6 Lloyd Avenue, it was recommended that these sites be studied separately as part of the City’s Official Plan 5 Year Review given the analysis required by the policies of the Growth Plan and Provincial Policy Statement in relation to the study of Employment Areas.

Official Plan Amendment (No. 84) that implements the findings of the St. Clair Avenue Study was appealed to the Ontario Municipal Board (OMB) by National Rubber Technologies at 35 Cawthra Road for the lands between Blackthorn Avenue/Spring Grove Avenue and Old Weston Road. While Planning staff have reported to Etobicoke York Community Council on a potential settlement to the appeal, the matter remains outstanding.

**Official Plan Amendment 231**

OPA 231 results in the Official Plan being amended by converting the northern two-thirds of the subject lands from Employment Areas and redesignating them to Mixed Use Areas and retaining the southern one-third of the existing employment lands by designating them General Employment Areas. OPA 231 removes the Avenues overlay from the St. Clair Avenue West frontage.

Official Plan Amendment 231 also adds new Site and Area Specific Policy (SASP) 447 to the site that specifically includes the following policies:

"a) A minimum of 4,000 square metres of commercial and/or office space is to be constructed in Area 'B' and that this development occurs:

i) prior to or concurrently with, any residential development on the remainder of the lands;

ii) along at least 50 per cent of the Lloyd Avenue frontage; and

iii) at a minimum height of 10m."
b) Permitted uses in Area 'B' include arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum and restaurant/cafe.

c) A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a Section 37 Agreement and/or Plan of Subdivision, or any other means determined by the City.

d) Residential uses to a maximum building height of 16.5 metres and subject to a Holding ("H") symbol in Area ‘A’, provided any residential building is set back a minimum of 30 metres from the adjacent rail corridor. The Holding symbol shall apply only to Area ‘A’.

e) The conditions in the Zoning By-law that incorporates a Holding ("H") symbol defining and incorporating the conditions that must be satisfied prior to the removal of the Holding ("H") symbol."

The Site and Area Specific Policy proposed by the applicant is not consistent with SASP 447 with respect to the residential uses set out in item (d) above. It eliminates the restrictions on maximum residential building heights and minimum residential building setbacks from the adjacent rail corridor included in SASP 447 intended to minimize adverse impacts from nearby industrial uses and the rail corridor. Instead, this application proposes that the specific heights, density and other built form standards shall be set out in the implementing Zoning By-law.

**Zoning**

The site is zoned Industrial District I4 D7 under former City of Toronto Zoning By-law 438-86. Permitted uses include the following: a public park, parking garage, city yard, generating station, public incinerator, pumping station, sewage disposal plant, recycling yard, laboratory, public transit, railway station, railway yard, animal by-products plant, chemical products factory, concrete batching and mixing yard, distillation plant and rubber products factory. Permitted uses are allowed at a density of up to seven times the area of the lot and have no height limit. Residential uses are not permitted in an Industrial District I4 zoning category.

On May 9, 2013 City Council enacted City-wide Zoning By-law 569-2013, which is currently under appeal to the Ontario Municipal Board. Under Zoning By-law 569-2013, the lands are zoned Employment Heavy Industrial Zone (EH 7.0). This zoning permits only non-residential uses to a density of 7.0 times the area of the lot such as a bindery, contractor establishment, manufacturing, laboratory, public utility and works yard, recovery facility, service shop, shipping terminal, vehicle repair shop, warehouse and waste transfer station.

**Site Plan Control**

Any proposed development on the site would be subject to site plan approval. An application for site plan approval has not been submitted.
Reasons for the Application

An amendment to the City of Toronto Official Plan is required as residential uses are not provided for in the Employment Areas designation. As well, the proposed Site and Area Specific Policy (SASP) is not consistent with SASP 447 contained in OPA 231.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Record of Site Condition

A Notification of Incomplete Application issued on January 14, 2014 identifies the outstanding material required for a complete application submission as follows:

- Survey
- Topographical Survey
- Revised Development Approval Application Form
- Appropriate plans and drawings (none were submitted with the application)
- Community Services and Facilities Study
- Archaeological Assessment
- Transportation Impact Study
- Noise Impact Study
- Vibration Study
- Odour and Air Quality Assessment
- Functional Servicing Report

The site is comprised of a number of properties that were originally occupied by the former Benjamin Moore paint factory and residential dwellings fronting Mulock Avenue. The applicant has been requested to confirm all addresses that apply to the site as proposed by the subject application.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comments. The following issues/concerns have been identified through a preliminary review of the application:

- conformity with applicable provincial legislation particularly as it relates to Employment Areas policies and their conversion;
- conformity with Official Plan policies, including OPA 231 and Site and Area Specific Policy 447;
- compatibility with adjacent employment uses to ensure a safe, healthy and appropriate living environment;
• assessment of land use compatibility impacts related to noise, vibration and odour and the implementation of any required mitigation measures;
• the lack of required supporting material that would allow the application to be deemed complete and provide for an appropriate level of review and analysis of the proposal;
• demonstrating how the proposed uses are to be accommodated on the site; 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

______________________________
Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS
Attachment 1: Official Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 1: Official Plan
Attachment 3: Application Data Sheet

Application Type: Official Plan Amendment  
Details: OPA, Standard  
Application Number: 13 278533 WET 11 OZ  
Application Date: December 16, 2013

Municipal Address: 6 LLOYD AVENUE  
Location Description: CON 2 FTB PT LOT 35 PLAN 698Y LOTS 31 TO 34 37 42 TO 44 LANE (E LOT 32) PT CAWTHRA AVE CLOSED BLK A NTE **GRID W1110  
Project Description: Proposed amendments to the City's Official Plan to redesignate the north two-thirds of the lands from Employment Areas to Mixed Use Areas and establish a new Site and Area Specific Policy over the entire site.

Applicant: OVERLAND LLP  
Agent: 2053785 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation: Employment Areas  
Site Specific Provision: n/a  
Zoning: I4 D7 EH 7.0  
Historical Status:  
Height Limit (m): None  
Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (hectares): 1.06  
Height:  
Storeys: Not Provided  
Frontage (m): To Be Confirmed  
Metres: Not Provided  
Depth (m): To Be Confirmed  
Total Ground Floor Area (sq. m): Not Provided  
Total Residential GFA (sq. m): Not Provided  
Parking Spaces: Not Provided  
Total Non-Residential GFA (sq. m): Not Provided  
Loading Docks: Not Provided  
Total GFA (sq. m): Not Provided  
Lot Coverage Ratio (%): Not Provided  
Floor Space Index: Not Provided

DWELLING UNITS

Tenure Type: Not Provided  
Rooms:  
Bachelor: Not Provided  
Retail GFA (sq. m): Not Provided  
1 Bedroom: Not Provided  
Office GFA (sq. m): Not Provided  
2 Bedroom: Not Provided  
Industrial GFA (sq. m): Not Provided  
3 + Bedroom: Not Provided  
Institutional/Other GFA (sq. m): Not Provided  
Total Units: Not Provided

FLOOR AREA BREAKDOWN (upon project completion)

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