

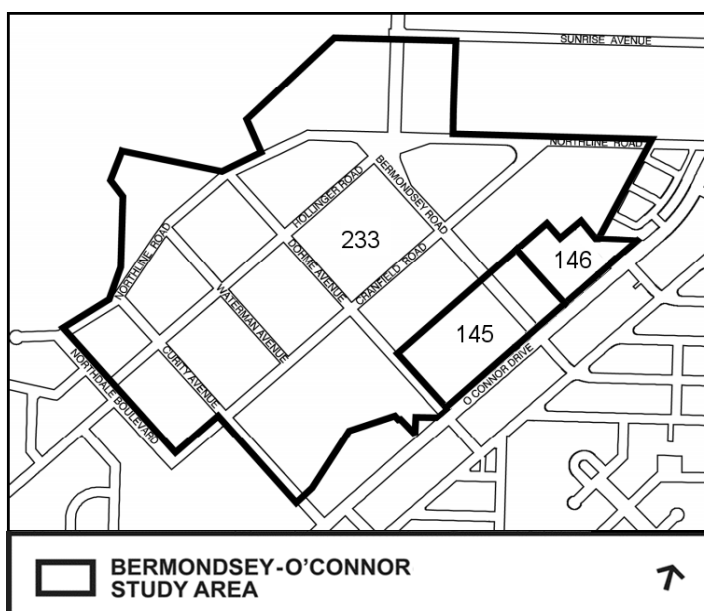
## **Bermondsey O'Connor *Employment Area* – City-initiated Official Plan Amendment – Final Report**

<b>Date:</b>	April 23, 2014
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 31 – Beaches-East York
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\PGMC\PG14039

### **SUMMARY**

This report proposes a City-initiated Official Plan Amendment in response to Council's direction on December 16-18, 2013 to review Site and Area Specific Policies 145, 146 and 233 that apply in the Bermondsey O'Connor area, consider the appropriateness of continuing the uses permitted by these policies, and consider removing those uses not consistent with the new *Employment Areas* designations.

Staff reviewed the three Site and Area Specific Policies, examined the Bermondsey O'Connor area and consulted with the public. Staff recommend that Site and Area Specific Policies 145 and 146 be removed from the Official Plan to delete permissions for institutional and residential uses. Further, staff recommend that Site and Area Specific Policy 233 be amended to remove permissions for institutional uses and places of worship, and that small and medium scale retail uses only be permitted on lands fronting Bermondsey Road, north of Northline Road and south of Sunrise Avenue.



## RECOMMENDATIONS

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### The City Planning Division recommends that Council:

1. Amend the Official Plan for lands in the vicinity of the intersection of Bermondsey Road and O'Connor Drive substantially in accordance with the proposed Official Plan Amendment attached as Attachment No. 4 to this report.
2. Authorize the City Solicitor to make such stylistic and technical changes to the proposed Official Plan Amendment as may be required.

### Financial Impact

The recommendations in this report have no financial impact.

## DECISION HISTORY

Site and Area Specific Policies 145, 146 and 233 of the Official Plan apply to the study area. These policies have their origin in the former East York Official Plan through an amendment adopted in 1998 and subsequently approved in June 2002 by the Ontario Municipal Board. These policies were carried forward into the Official Plan when Council adopted the new Official Plan in November 2002.

At its meeting on December 16-18, 2013 Council considered the staff report "Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests" and adopted Official Plan Amendment No. 231 (OPA 231) as amended.

Council directed City Planning staff to *"review Site and Area Specific Policies 145, 146 and 233 which apply to the lands located in the Bermondsey Road and O'Connor Avenue area, in order to review the appropriateness of the continuation of the uses permitted in the site and area specific policies, with the intent to consider the removal of uses which are not consistent with the General and Core Employment designations, and report in the first half of 2014."*

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2> – Clause 20

OPA 231 is under review by the Ministry of Municipal Affairs and Housing and is not yet in effect. A Minister's decision on OPA 231 is anticipated before August 2014.

OPA 231 includes new Official Plan policies, two new land use designations *"General Employment Areas"* and *"Core Employment Areas"*, and mapping pertaining to the City's economic health and employment lands.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

## **Bermondsey – O'Connor *Employment Area* Study**

### **Official Plan Designations**

The lands in the study area are designated as *Employment Areas* by the in-force Official Plan (see Attachment 1). *Employment Areas* are intended to be places of business and economic activity including 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. Consideration may also be given to permit large scale and stand-alone retail stores and “power centres” in *Employment Areas* in locations on major streets which form an employment area boundary, subject to criteria. Lands in the study area fronting O'Connor Drive are located on a major street at the *Employment Area* edge.

Upon OPA 231 coming into effect, most of the study area would be designated as *Core Employment Areas* and the majority of the lands fronting O'Connor Drive would be designated as *General Employment Areas* (see Attachment 2). *Core Employment Areas* are reserved for business and economic activities such as offices, manufacturing, warehousing, transportation facilities, research and development facilities, utilities, media facilities, industrial trade schools and vertical agriculture. *General Employment Areas* permit restaurants and all forms of retail uses, fitness centres and ice arenas in addition to the uses permitted in *Core Employment Areas*.

### **Site and Area Specific Policies 145, 146 and 233**

The Site and Area Specific Policies (SASP) are shown in Attachment 3. In addition to uses permitted by the in-force *Employment Areas* designation, additional uses are permitted on the three respective SASP land areas, as follows:

- SASP 145, 146 and 233 each permit institutional and commercial uses;
- SASP 146 also permits residential uses subject to conditions; and
- SASP 233 also permits places of worship.

Regarding SASP 233, Council adopted Official Plan Amendment No. 51 in 2008 and also amended the zoning by-law for the lands. The zoning amendments introduced development standards for the place of worship use regarding lot coverage, parking and limits to places of worship through a separation distance and a 'one per block' maximum. With new performance standards for places of worship in the zoning by-law, SASP 233 was amended to delete a redundant policy requiring traffic and parking studies for proposed places of worship related to a Holding (H) provision in the zoning.

### **Zoning**

The lands subject to SASP 145 and 146 are zoned Mixed Commercial Industrial (MCI) in former Borough of East York Zoning By-Law 6752, which permits a wide range of industrial, commercial and institutional uses.

The lands subject to SASP 233 are zoned Employment Industrial (E) by city-wide Zoning By-law 560-2013, which permits a wide range of industrial uses such as manufacturing, and warehouses, and also permits offices and other uses. Two prevailing by-laws also apply to these lands: By-law 89-2003 permits commercial and institutional uses, automotive service centres and service stations, and motor vehicle repair shops. By-law 589-2008 permits places of worship subject to development standards, including a limit of one place of worship per block and a 500 metre separation distance between places of worship not abutting O'Connor Drive or Bermondsey Road.

### **Study Area Today**

The study area is a healthy employment area and it is occupied by a variety of *Employment Area* uses, including manufacturing, wholesaling, warehouse, office and retail uses. Retail uses are clustered along O'Connor Drive and also along the north part of Bermondsey Road. Regarding impactful industries, the Ministry of the Environment has issued eight (8) Certificates of Approval to industrialists in the area for mostly noise and air quality issues. A small number of institutions and places of worship are located within the study area. Although the Official Plan has permitted residential uses on the SASP 146 lands, no residential uses have been developed.

In 2013, the study area comprised a total of 2,997 employees and 120 firms. Since 1998, study area employment has decreased by 829 jobs (22 per cent) while the number of study area firms has increased by a total of 33 firms (38 per cent). Employment losses largely occurred in the manufacturing sector, consistent with the global trend where manufacturers operate now with fewer employees.

### **Proposed Official Plan Amendment**

Staff recommend approval of the proposed Official Plan Amendment shown in Attachment 4. Staff propose that SASP 145 and 146 be deleted. It is also proposed that SASP 233 be altered to (i) apply only to lands fronting Bermondsey Road north of Northline Road and south of Sunrise Avenue and (ii) only permit small and medium scale retail uses in addition to the in-force *Employment Area* uses.

#### Commercial/Retail Uses

Most retail uses located in the study area are on lands fronting O'Connor Drive. The in-force *Employment Areas* designation permits large scale and stand-alone retail uses on lands fronting a major street at an *Employment Area* edge, including O'Connor Drive. Upon OPA 231 coming into effect, these lands would be designated as *General Employment Areas*, except for the Mondelez (Peak Freans) bakery which would be *Core Employment Areas*. The in-force *Employment Areas* and the *General Employment Areas* designations permit retail and office uses. Therefore the SASP 145 and 146 permissions for "commercial uses" are redundant and can be deleted. As well, small scale ancillary retail outlets would be permitted at the Mondelez bakery by the in-force *Employment Areas* and the *Core Employment Areas* designation of OPA 231.

On the lands subject to SASP 233, a cluster of retail uses has established along Bermondsey Road, north of Northline Road. Retail uses have not located on the

remainder of the SASP 233 lands that are mostly internal street locations with a few exceptions. A revised SASP 233 is proposed to permit only the Bermondsey Road retail cluster that currently exists. Staff do not recommend continuing retail use permissions on the remainder of the current SASP 233 lands, since new retail uses could impact the viability of the *Employment Area*, including creating potential traffic conflicts. This approach is consistent with the in-force *Employment Area* designation and the *Core Employment Areas* designation of OPA 231.

#### Sensitive Uses – Institutional, Place of Worship and Residential Uses

Regarding the Site and Area Specific Policy permissions for residential, institutional and place of worship uses, the Official Plan and Municipal Comprehensive Reviews considered these and other sensitive land uses and their relationship with employment lands. The Province has expressed concern to staff, declaring that: *"allowing sensitive land uses within designated Employment Areas in the Official Plan has the potential to compromise the suitability of surrounding land for employment uses that require separation and impact this limited land supply."* Existing industries have also voiced concerns regarding sensitive uses in *Employment Areas*. Staff considered the issue of sensitive uses on employment lands and in fall 2013 recommended that sensitive uses not be permitted by the *General* and *Core Employment Areas* designations. Consistent with this policy direction, Council enacted OPA 231 in December 2013 inclusive of the *General* and *Core Employment Area* designations.

Sensitive uses such as places of worship, institutional and residential uses that are permitted by the three Site and Area Specific Policies are not appropriate uses within *Employment Areas* since:

- there is a finite supply of employment land which should be preserved for employment uses;
- sensitive uses are broadly permitted through other designations where development is allowed, so that these uses are offered a broad array of alternative sites in Toronto;
- including sensitive uses may affect the operations of existing and future industry in *Employment Areas* through complaints under the *Environmental Protection Act* and/or impact upon the environmental certificates that industries operate under;
- including sensitive uses may affect the City's ability to protect employment lands from residential and other conversions outside of a Municipal Comprehensive Review; and
- including sensitive uses may affect the City's power to limit appeals to the OMB of Council decisions to refuse re-designations of *Employment Areas* to non-employment uses.

Staff propose that Site and Area Specific Policy permissions in SASP 145, 146 and 233 for institutional, place of worship and residential uses be deleted to ensure consistency with the City's policy direction regarding *Employment Areas* and sensitive uses. Retaining these policy permissions for sensitive uses in these locations could impact on the viability of this *Employment Area*, and would also undermine the application and defense of the newly adopted *Employment Area* policies of OPA 231.

The effect of the above proposals is to amend the Official Plan by (i) deleting SASP 145 and 146 in their entirety, and (ii) altering SASP 233 to permit small and medium retail uses on only those lands fronting Bermondsey Road north of Northline Road and south of Sunrise Avenue.

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

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 for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Public Consultation and Open House**

A public open house on March 5, 2014 informed firms and landowners in the study area and nearby residents of: the area study, proposed amendments to the Site and Area Specific Policies and the recent Official Plan/Municipal Comprehensive Reviews. Notice of the public open house was mailed to landowners and tenants within the study area and within a 120 metre radius surrounding the study area.

Over 30 members of the public attended the public open house and provided feedback regarding the study and proposed policy directions. Public comment by email and telephone was also received by staff.

Most participants support the proposed amendments to the Site and Area Specific Policies. A few nearby residents advocated allowing retail and residential uses throughout the interior of the *Employment Area* in order to promote further development. Several residents who live directly beside the *Employment Area* expressed concern regarding the traffic and noise of *Employment Area* firms, illustrating that sensitive uses such as residential, institutional and places of worship are not compatible with *Employment Area* uses.

## CONCLUSION

As directed by Council on December 16, 2013, staff have reviewed Site and Area Specific Policies 145, 146 and 233 that apply in the Bermondsey O'Connor area, and considered the appropriateness of the continuation of the uses permitted by these policies, with the intent to consider removing those uses not consistent with the *Employment Areas* designations. Upon reviewing the three Site and Area Specific Policies, examining the study area and consulting with the public, staff recommend that the Official Plan be amended to delete SASP 145 and 146 and amending SASP 233 to ensure consistency with the *Employment Areas* designations.

## CONTACT

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## SIGNATURE

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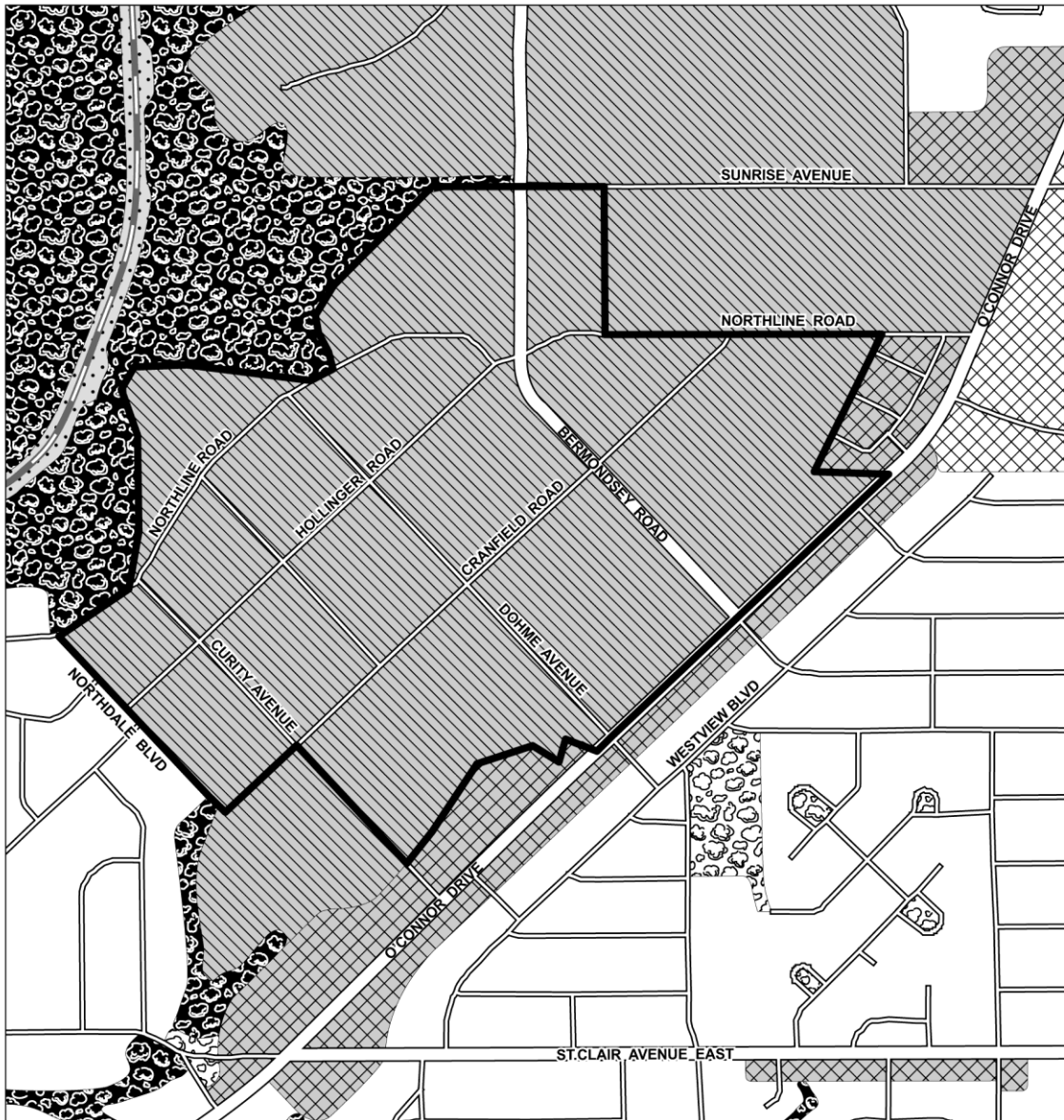
Jennifer Keesmaat, M.E.S, MCIP, RPP  
Chief Planner & Executive Director  
City Planning Division

## ATTACHMENTS

Attachment 1: In-Force Official Plan  
Attachment 2: Official Plan Amendment No. 231 Land Use Designations  
Attachment 3: Existing Site and Area Specific Policies 145, 146 and 233  
Attachment 4: Proposed Official Plan Amendment

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## Attachment 1: In-Force Official Plan



**TORONTO** City Planning

Extract from In-Force Official Plan

Bermondsey-O'Connor Study Area

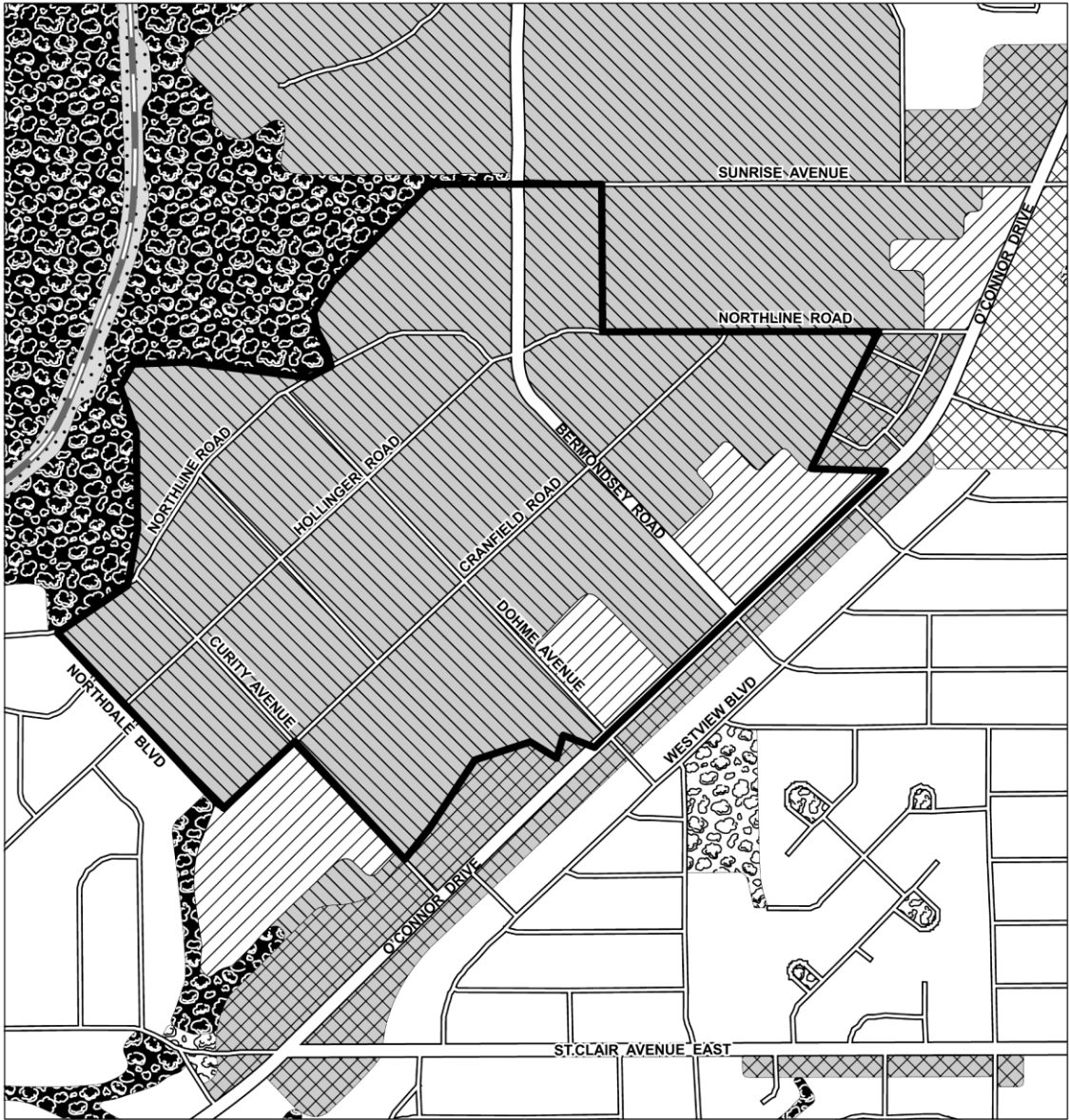
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	Subject Lands		Natural Areas		Employment Areas
	Neighbourhoods		Parks		Utility Corridors
	Apartment Neighbourhoods				
	Mixed Use Areas				

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Not to Scale  
04/08/2014



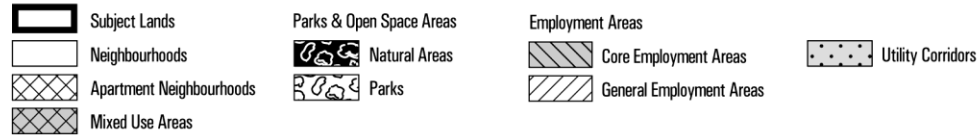
Attachment 2: Official Plan Amendment No. 231 Land Use Designations



Extract from OPA No. 231 to the Official Plan

Bermondsey-O'Connor Study Area

Reference # PG14039

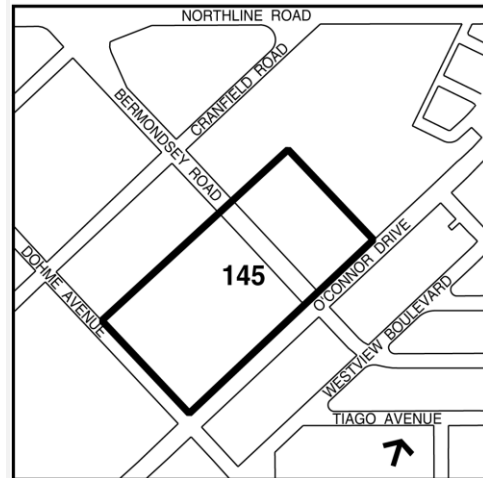


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### Attachment 3: Existing Site and Area Specific Policies 145, 146 and 233

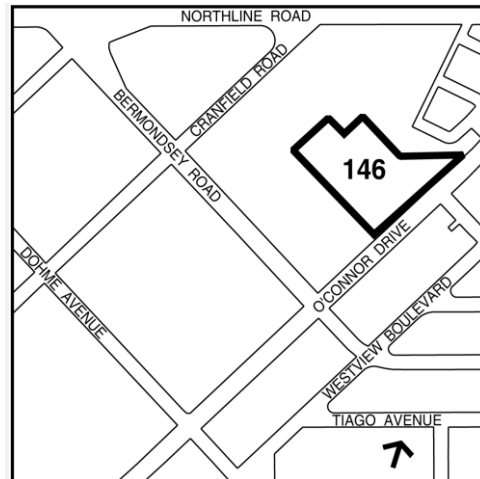
#### 145. 1100-1110, 1200 and 1400 O'Connor Drive

- a) Commercial and institutional uses are permitted.



#### 146. 1450, 1500 and 1550 O'Connor Drive

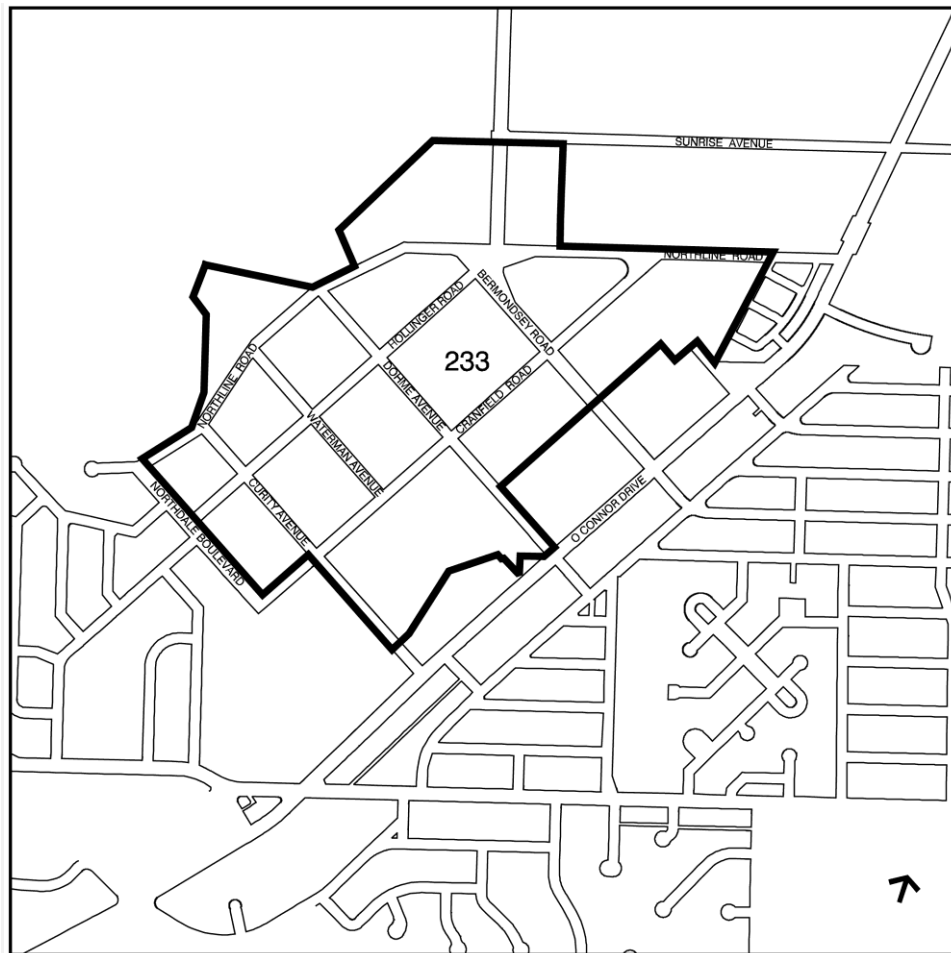
- a) Residential uses are permitted by way of an amendment to the Zoning By-law:
- i) to a depth of 90 metres from O'Connor Drive. However, where a 90 metre depth renders the remainder of lands undevelopable a depth of up to 140 metres may be considered;
  - ii) to a maximum height of 4 stories. Residential buildings which exceed 3 stories are to be designed with no windows on any floor higher than the 3rd floor on the north façade overlooking the industrial area;
  - iii) provided that no industrial uses are allowed to locate within any buildings containing residential units;
  - iv) provided that adequate measures are taken to protect the inhabitants from the noise, vibration and odour impacts of industrial uses;
  - v) provided that residential uses be subject to appropriate screening and buffering from nearby industrial land uses;



- vi) provided that any traffic from the proposed residential uses not conflict with the operations of existing industrial uses;
  - vii) provided that residential uses meet Ministry of the Environment (MOE) Guidelines for Land Use Compatibility;
  - viii) provided that industrial sound levels do not exceed Ministry of the Environment (MOE) Guidelines for Environmental Noise at the residential receptor (LU-131); and
  - ix) provided that residential buildings be designed with a high level of urban design and be oriented to the street with no direct access or parking areas adjacent to the O'Connor Drive street frontage.
- b) Commercial and institutional uses are permitted.

**233. Lands Generally Bounded by O'Connor Drive, Northdale Boulevard and the Former Boundary of the Borough of East York**

Commercial, institutional and Places of Worship uses are permitted.



#### **Attachment 4: Proposed Official Plan Amendment**

Authority: Planning and Growth Management Committee Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To adopt an amendment to the Official Plan  
for the City of Toronto  
respecting lands in the vicinity of the intersection of  
Bermondsey Road and O'Connor Drive**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 243 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

City of Toronto By-law No.~~-20~

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**AMENDMENT NO. 243 TO THE OFFICIAL PLAN**

**LANDS IN THE VICINITY OF THE INTERSECTION  
OF BERMONDSEY ROAD AND O'CONNOR DRIVE**

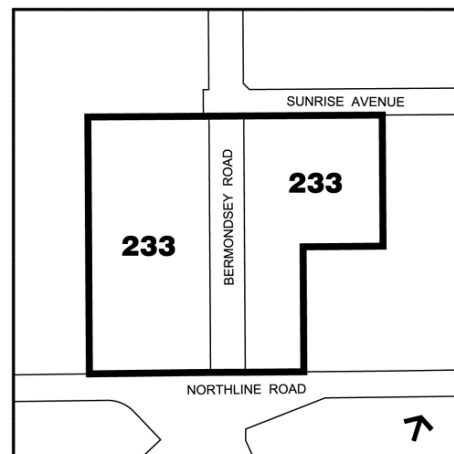
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The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policies No. 145 and No. 146.
2. Chapter 7, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy No. 233 and replacing it with the following text and map:

**233. Bermondsey Road, between Sunrise Avenue and Northline Road**

Small and medium scale retail  
uses are permitted.



3. Map 31, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policies No. 145 and No. 146.
4. Map 31, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy No. 233 and replacing it with the map shown above.