

6 Lloyd Avenue and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Avenue – Official Plan Amendment – Refusal Report

Date:	Janaury 8, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	13 278533 WET 11 OZ

SUMMARY

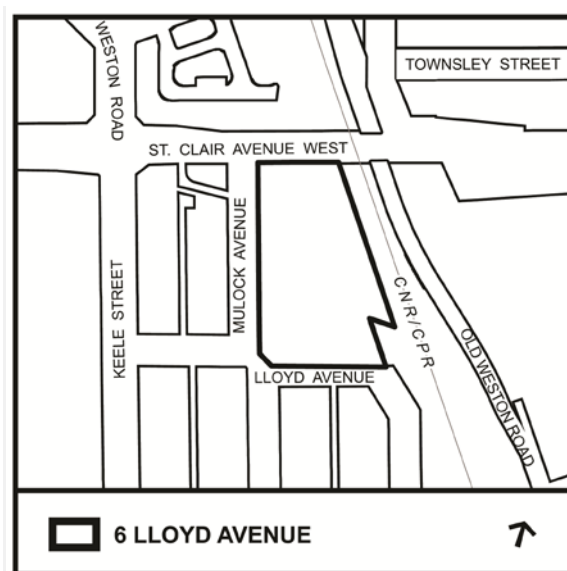
This application proposes to amend the Official Plan by redesignating the northern two-thirds of the lands from *Employment Areas* to *Mixed Use Areas* and creating a new Site and Area Specific Policy (SASP) over the entire site to permit residential uses and commercial/offices uses at 6 Lloyd Avenue and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Avenue. The southern one-third of the site is proposed to remain designated *Employment Areas*. The site is commonly referred to as 6 Lloyd Avenue and is titled this way in the graphics and attachments to this report.

This report reviews and recommends refusal of the application to amend the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment at 6 Lloyd Avenue and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Avenue for the



following reasons:

- a. the proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
- b. the proposal is inconsistent with the PPS;
- c. the proposal does not conform to the City's Official Plan;
- d. the proposal does not conform to Council adopted OPA No. 231 and SASP 447 which sets out a new planning framework for the site. Despite Council's adoption of OPA No. 231 that allows for the redesignation a portion of the site to *Mixed Use Areas* and the introduction of residential uses, the applicant has submitted the current application which seeks broader and more liberal land use policies and the elimination of all site-specific restrictions as they relate to residential uses; and
- e. the conceptual development proposal does not conform to the Official Plan, is inconsistent with Council-approved guidelines for Tall Buildings and fails to address compatibility issues with adjoining land uses. As proposed, it could result in an unsafe and inappropriate living environment.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Planning and Growth Management Committee

At its meeting of May 29, 2014, the Planning and Growth Management Committee considered a Preliminary Report dated March 17, 2014 from the Director, Community Planning, Etobicoke York District (Item PG33.9), which provided preliminary information on the application and sought the Committee's direction on the further processing of the application and on the community consultation process. The Committee recommended that City Council direct the Chief Planner and Executive Director, City Planning to submit the Final Report on this application to the Etobicoke York Community Council on August 12, 2014 after the applicant submits all outstanding material required for a complete application. City Council adopted the Committee's recommendation at its meeting on June 10, 2014.

As all the required information for a complete application had yet to be submitted by August 12, 2014, a Final Report was not prepared. The last of the required material was submitted on September 3, 2014 and a Notice of Complete Application was issued. This allowed for the processing and review of the application so that a report could be prepared for the next meeting of the Etobicoke York Community Council. A copy of the Preliminary Report and decision history can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG33.9>

Official Plan Amendment OPA No. 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 report entitled "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." 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 No. 231 introduces Site and Area Specific Policy 447 for the lands to provide specific policies for residential and commercial development on the site which the current proposal does not implement. While staff did not recommend the conversion of the lands for non-employment uses, City Council determined that the northern two-thirds of the lands may be designated for residential purposes in the Official Plan subject to certain site specific requirements. The decision of City Council and OPA No. 231 can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>
<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

Official Plan Amendment No. 231 was approved by the Province on July 9, 2014. Over 178 appeals of the Minister's decision have been forwarded to the Ontario Municipal Board (OMB), including an appeal by the applicant as it relates to the subject property and Policy 2.2.4.5 of OPA No. 231. As a result, OPA No. 231 is not in full force and effect.

Previous Applications and OMB Decision

In June 2005, Official Plan Amendment and Zoning By-law Amendment applications were submitted 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 in 2007 and appealed to the 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.

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 m² 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/café) 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 m² 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 building heights, density and other built form standards are to be established in the implementing Zoning By-law. The Holding ("H") symbol would apply only to the northerly two-thirds of the site.
- 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.

A development concept was submitted to illustrate how the proposed uses could be accommodated on the site including potential building heights, massing and built form relationships. The proposed concept is for a mixed use development that would include four new buildings ranging in height from 8 to 14 storeys with a total gross floor area of approximately 43,548 m² and a Floor Space Index of 4.06 times the area of the site (see table below and Attachment 5: Application Data Sheet).

All the buildings would be aligned in a parallel pattern across the site with floor plates oriented east to west. Three residential buildings (labeled A, B and C in Attachment 1 to this report) would be located on the northerly two-thirds of the site proposed to be designated *Mixed Use Areas*. Building A would have frontage onto St. Clair Avenue West and Buildings B and C would be located within the interior of the site. The retail/office building (Building D) would be located in the southern one-third of the site proposed to remain designated *Employment Areas*.

	Proposed Use	Building Height	Gross Floor Area (sq m)
Building A	Residential	14 storeys	n/a
Building B	Residential/Retail	14 storeys	n/a
Building C	Residential	14 storeys	n/a
Building D	Retail/Office	8 storeys	n/a
Total			33,786 residential 9,762 office/retail
Total Units	478 residential units		
Site Area	10,728 sq m		
Lot Coverage	0.38 times the lot area		
Floor Space Index	4.06		
Total Parking	491 spaces		

The submitted Planning Rationale notes that Buildings A, B and C would have maximum heights of 14 storeys and Buildings B, C and D would have building heights that step down towards Mulock Avenue with the tallest building heights located adjacent to the rail corridor. This information differs from that depicted on the submitted elevation and site plan drawings.

Separation distances between buildings would range between 17.2 m and 20 m. The residential buildings (A, B and C) would be setback 18 m from the rail corridor and have no setbacks along the Mulock Avenue frontage.

All four buildings would be located above a two level underground parking garage that would occupy the entire site and provide approximately 491 spaces to accommodate the proposed uses. Vehicles would access the site and underground parking via individual ramps located off St. Clair Avenue West, Mulock Avenue and Lloyd Avenue.

Outdoor amenity space would be provided between the four buildings and along the rail corridor. It would be located at ground level and above the roof top of the parking garage. According to the submitted Planning Rationale, it is intended that this space would accommodate a network of pedestrian pathways, reflecting pools/canals, active community activities such as farmers markets and sculpture gardens and future trail linkages along the rail corridor. No information related to indoor amenity space was provided as the report notes this would be detailed as part of a future Zoning By-law Amendment application.

A proposed crash wall and bermed visual/sound barrier wall would be located along the east property line adjacent to the rail corridor and proposed outdoor amenity space.

The submitted Planning Rationale notes that the future development proposal would include significant sustainability measures, including meeting the Tier 2 Green Development Standard. While not specifically depicted on the submitted drawings or other supporting material, these measures would apparently include a reflecting pool for

rainwater collection, vertical gardens, farmer's market and event space, sculpture gardens and solar arrays on the roof of each building.

Site and Surrounding Area

The site is comprised of a number of properties that were assembled as part of the previous 2005 development applications and include 6 Lloyd Avenue and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Avenue. The site is commonly referred to as 6 Lloyd Avenue and 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 1.07 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 currently provided 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, 2014 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 communities; wise use and management of resources; and protecting public health and safety. The PPS also contains a number of policies related to employment areas which include but are not limited to the following: providing for an appropriate mix and range of employment uses to meet long term needs; providing

opportunities for a diversified economic base; planning for, protecting and preserving employment areas for current and future uses.

The 2014 PPS also provides that new development proposed on lands adjacent to transportation corridors should be designed to be compatible with the corridor and avoid, mitigate or minimize negative impacts on and from the transportation corridor. 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 by the *Planning Act*, to conform, or not conflict, 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 matters 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 northern portion of 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 (NRT) at 35 Cawthra Road for the lands between Blackthorn Avenue/Spring Grove Avenue and Old Weston Road. Staff have been working with NRT to modify Official Plan Amendment No. 84 to address potential impacts of NRT's air emissions on residential buildings with heights greater than 16 m with a view to settling the appeal. While Planning staff have reported to Etobicoke York Community Council on a potential settlement to the appeal, the matter remains outstanding.

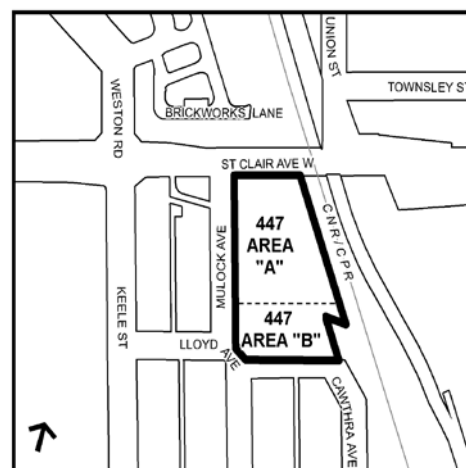
Official Plan Amendment No. 231

At its meeting of December 16, 17 and 18, 2013, City Council adopted OPA No. 231 which was approved with minor modifications by the Minister of Municipal Affairs and Housing on July 9, 2014. Official Plan Amendment No. 231 contains new economic policies and new policies and designations for *Employment Areas* as part of the Official Plan and Municipal Comprehensive Reviews.

OPA No. 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 No. 231 removed the *Avenues* overlay from the St. Clair Avenue West frontage.

Official Plan Amendment No. 231 also adds a 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."

While OPA No. 231 and SASP 447 provide a new vision and policy direction for the site, they are not the current in force policies. Given the number of appeals to OPA No. 231 that have been submitted to the Ontario Municipal Board, it could be some time before OPA No. 231 is in effect. As there is no certainty as to how OPA No. 231 may be amended through the OMB appeal process or whether Council's vision for this site will remain unchanged, the review of this application has been based on the in force Official Plan policies that apply to the site as of the date of this report.

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 the 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 current Employment Areas designation. As well, the proposed Site and Area Specific Policy (SASP) is not consistent with SASP 447 contained in OPA No. 231.

Community Consultation

A community meeting was held by the local Councillor on July 29, 2014 to provide residents with an opportunity to review and comment on the application. Approximately 30 people were in attendance, in addition to City staff and the applicant team. The community was generally supportive of new development and residential uses on the site, but had the following comments and/or concerns:

- 1) Proposed building heights would not be in keeping with the character of the area and could be excessive;
- 2) Lack of adequate separation distances between the proposed buildings;
- 3) Poor transitioning of the proposed buildings to existing low rise residential uses;
- 4) Provision of additional community space within the development;
- 5) Inadequate setbacks of the residential buildings to the rail corridor;
- 6) Vehicle access to development site is problematic and could result in traffic conflicts, particularly from St Clair Avenue West;
- 7) Proposed number of residential units is excessive and has the potential to create additional traffic in the area;
- 8) Whether the development could accommodate a potential for a GO station stop on the site; and
- 9) Status of the development and potential for additional changes to the development proposal.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement 2014 and Provincial Plans

The applicant is proposing 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* in order to permit residential uses.

Both the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Provincial Policy Statement 2014 (PPS) contain a number of policies related to employment areas including the requirement for Planning authorities to plan for, protect and preserve these areas for current and future uses. They state that Planning authorities may permit the conversion of lands within employment areas to non-employment uses only through a comprehensive review or municipal comprehensive review that 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 conversion is not to adversely affect the overall viability of the employment area.

The applicant participated in the City's Official Plan and Municipal Comprehensive Review by requesting that the subject site be converted and the Official Plan land use designation be changed from *Employment Areas* to *Mixed Use Areas*. The analysis that was conducted as part of the Municipal Comprehensive Review, noted that the site was located in an area that had a stable economic base with the same number of firms in 2012 as in 2006 and a slight decline in employment due to the closure of Canada Bread and the mechanization in existing industries. It concluded that there was still a market for employment space in the area as evidenced by the leasing of the former Canada Bread building on Cawthra Avenue for a brewery and various studio uses and an application for a 4,650 m² (50,000 square foot) industrial condominium at 150 Old Weston Road. It also noted that both City Council and the Ontario Municipal Board had concluded as part of the previous 2005 application by the same owner that the conversion of this site to allow for residential uses was incompatible with existing industry in the area and would impact the viability of area industries. It was staff's opinion that the lands should be retained for employment uses and there was no need for the requested conversion to meet the City's population forecasts as provided by the Growth Plan.

No information has been submitted as part of this application to demonstrate that the land is not required for employment purposes over the long term or that there is a need to convert a portion of the site to non-employment uses. In addition, no information has been provided to indicate how the proposed redesignation, which would allow for the introduction of residential uses, would not negatively impact the overall viability of the existing industries in the surrounding area. For these reasons, the proposal is not consistent with the PPS and does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applicant is proposing to amend the Official Plan by redesignating the northerly two-thirds of the site from *Employment Areas* to *Mixed Use Areas* to permit residential uses while retaining the southern one-third of the site as *Employment Areas*.

In December 2013, City Council adopted Official Plan Amendment No. 231 which converted the northern two-thirds of these lands to a *Mixed Use Areas* designation and retained the southern one-third of the site for employment uses. This was done contrary to the recommendation by staff contained in the report entitled "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". As discussed in the previous section, it was staff's opinion that the lands be retained for employment uses and there was no need for the requested conversion to meet the City's population forecasts as provided by the Growth Plan. As OPA No. 231 has been appealed to the Ontario Municipal Board and is not the in force policies that apply to the site, this recommendation remains unchanged.

As part of the rationale used to support the proposed conversion, the applicant contends that as the northern portion of the site is located along an *Avenue*, which in their opinion contemplates residential uses, the proposed redesignation is justified as it would be more in keeping with the overall growth management framework of the Official Plan that directs growth to *Avenues*. The policies related to *Avenues* do not promote the redesignation of lands from their current *Employment Areas* designation to *Mixed Uses Areas* or any other designation. Nor do they strictly promote residential uses. Instead, growth along the *Avenues* is encouraged to create both new housing and job opportunities respectively, where the underlying designation provides for these uses.

It should also be noted that OPA No. 231 removes the *Avenues* overlay on this site.

Compatibility with Surrounding Land Uses

Section 2 of the *Planning Act* requires that the council of a municipality shall have regard for matters of provincial interest such as the orderly development of safe and healthy communities and the protection of public health and safety. One of the main principles of the Provincial Policy Statement 2014 is to reduce the potential for public cost or risk to Ontario's residents by directing development away from areas where there is risk to public health or safety or property damage. Specifically, Section 1.1.1 (c) states that healthy, livable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.2.6 also states that major industries and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

These policy principles have been carried over to the City's Official Plan which broadly seeks to "create an attractive and safe city that evokes pride, passion and a sense of belonging – a city where people of all ages and abilities can enjoy a good quality of life." More specifically, the Plan contains policies (3.4.21 and 4.6.6) related to carefully controlling development so that industries and sensitive land uses are protected from negative impact and that the boundary between *Employment Areas* and residential lands are treated with measures to minimize nuisance impacts.

While there are situations where residential uses and employment uses are located in close proximity, every attempt should be made to buffer, isolate or limit the interface between these uses to avoid unmanageable conflicts. For consistency with the PPS and the Official Plan, the proposed development should not result in environmental

conditions or mitigation measures which negatively impact future residents or the existing uses and planned context.

The site is located in an area with a mix of residential, commercial and industrial uses. It is located adjacent a busy rail corridor which will have additional frequent trains between Union Station and Pearson International Airport as well as increased regional commuter rail service. The area has a history of land use compatibility issues, particularly in relation to the adverse impacts of odour from neighbouring industry on residential uses. This issue was a key component of the previous 2005 applications by the same owner of this site for 21-storey and 18-storey residential buildings and a low-rise employment building. These applications were refused by the City in 2007. The Ontario Municipal Board (OMB) also refused the appeal by the current owner concluding that the odours emitted in the plumes from National Rubber Technologies (NRT) would impact residents of tall multi-storey residential developments and not provide a liveable environment. The modelling of the odour plume from NRT indicated that any residential development over 16 m in height would be subject to unacceptable levels of odour that would need to be mitigated and that the required mitigation measures may not be feasible particularly in relation to the NRT facility.

The issue of odour was also raised through the St. Clair Avenue Study conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street. 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 for the lands between Blackthorn Avenue/Spring Grove Avenue and Old Weston Road. Staff have been working with NRT to modify Official Plan Amendment No. 84 to address potential impacts of NRT's air emissions on residential buildings with heights greater than 16 m. The proposed modification includes a new Site and Area Specific Policy that would establish the policy framework for City Council to enact a Zoning By-law containing an "H" holding symbol. It also identifies the criteria that must be met before City Council should lift the "H" holding symbol to allow for building heights greater than 16.5 m. The objective of this strategy is to ensure that any necessary mitigation measures required to be implemented at the source (employment site) and/or on the development lands to mitigate any potential adverse odour impacts on proposed residential uses from nearby industry are feasible and will provide for an appropriate living environment.

The proposed *Mixed Use Areas* designation would allow for the introduction of sensitive uses (i.e. residential) on the site which would be in close proximity to a rail corridor and industrial properties. To assess land use compatibility issues, the applicant was requested to submit a number of studies to determine if residential uses would be appropriate on the site. The Air Quality and Odour Impact Study concluded that the potential frequency of detectable odour was higher on upper floors of residential towers and that this issue could be addressed through mitigation measures at the source (NRT) or at the proposed residential development. It recommended that residential buildings incorporate a number of mitigation measures that would include enclosed balconies, pressurization of the building, central air conditioning, odour filtration mechanical system and warning

clauses. These are the same mitigation measures that were proposed as part of the 2005 applications which the Ontario Municipal Board concluded would "not produce a liveable environment for its future inhabitants who would be forced to keep their windows closed in order for building air conditioning and carbon filtration systems to work." The OMB also noted that there was no economical way for NRT to eliminate odour emissions at source, particularly in relation to tall residential buildings.

Therefore, staff are of the opinion that residential uses on this site, particularly in a tall building form, are not compatible with existing industry in the area. The introduction of any sensitive land use on this site should only be considered in the context of a well developed planning policy framework (such as the modification being considered for OPA No. 84) that ensures any required mitigation measures are feasible, will provide for an appropriate living environment and not adversely impact the viability of existing industries. No strategy has been provided as part of the applicant's proposed Official Plan Amendment and Site and Area Specific Policy framework to address the land use compatibility issues known to exist in the area.

Proposal's Conformity with OPA No. 231 and SASP 447

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 a Municipal Comprehensive Review. This review was completed and as part of this process, the owner requested a change of land use from employment use to residential. Multiple site plan proposals for this site were also submitted of which the last version proposed a commercial building on the south portion of the site and a 16.5 m high residential building on the northerly portion of the site.

On December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment OPA No. 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 No. 231 introduces Site and Area Specific Policy 447 for the lands to provide specific policies for residential and commercial development on the site as proposed by the owner in the site plan submitted during the Municipal Comprehensive Review.

Despite the new land use designations and policies to be provided through OPA No. 231 and SASP 447 including the introduction of residential uses subject to conditions, this application seeks broader and more liberal land use policies and the elimination of all site-specific restrictions as they relate to residential uses. As a result, the proposed Site and Area Specific Policy is not consistent with SASP 447 with respect to residential uses. 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 building heights, density and other built form standards should be established in a future implementing Zoning By-law Amendment.

This approach would be contrary to the planning policy framework that is being considered to address land use compatibility issues for other properties designated *Mixed Use Areas* along St. Clair Avenue West. There is nothing unique about the site, nor does it have any special physical characteristics or features that warrant a different approach to addressing land use compatibility issues than is currently being considered as part of the Avenues study for other properties designated *Mixed Use Areas* along St. Clair Avenue West.

As demonstrated from the previous applications, supporting odour studies, and the St. Clair Avenue Study work, this site has a greater likelihood of being impacted by potential odour emissions when a residential building is taller than 16 m due to its proximity to National Rubber Technologies. In addition, residential uses are typically set back 30 m from a rail corridor to address safety requirements related to a potential derailment. As such, it is prudent to address these issues as part of an application proposing the introduction of residential uses on the site as was done with OPA No. 231 and SASP 447. This reduces future issues that may arise due to the need for mitigation measures that may not contribute to a positive or safe living environment as demonstrated by the conceptual development illustrated in the drawings submitted in support of this application.

Proposed Development Concept

A development concept was requested to be submitted to illustrate how the proposed land use changes and Site and Area Specific Policy may relate to a potential future development and be accommodated on the site. The proposed concept would include four new buildings comprised of three 14 storey residential buildings (one with retail at grade) and an 8 storey retail/office building. While the submitted concept does not form part of the amendment to the Official Plan being requested, it does provide information on how land use compatibility issues may be addressed and what the future intent for the site by the owner may be in terms of built form and density.

As currently proposed, this concept would not conform with the Built Form policies of the Official Plan or be in keeping with the City's Tall Building Guidelines. The conceptual proposal does not have appropriate regard for the established pattern of the existing low density area in terms of the proposed density, scale, massing and building heights. It does not fit harmoniously into the existing planned context in order to limit impacts on either the new or neighbouring uses. The proposed heights of the residential buildings, separation distances between buildings and setbacks to the rail corridor do not address potential land use compatibility issues and may create an inappropriate and unsafe living environment within the residential portion of the development.

The Built Form policies of the Plan (Section 3.1.2) state that new development will be located and organized to fit with its existing context. New development is to be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks and open spaces and properties by: massing new buildings to appropriately frame adjacent streets and open space; creating appropriate transitions in scale to neighbouring buildings; providing for adequate light and privacy; and limiting

and minimizing any resulting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces.

Areas adjacent to the site are characterized by low rise residential development comprised of detached dwellings, semi-detached dwellings and townhouses. The proposed density and overall heights of the buildings would be excessive within the existing and planned context.

Other more specific concerns related to the proposed development include:

- a) The site is not a Tall Building site or identified for significant future residential growth. OPA No. 231 removes this site from the *Avenues* corridor where properties are targeted for growth and reurbanization.
- b) The proposed building heights are excessive within the existing and planned context.
- c) Proposed buildings located further south on the site should step down in height in order to relate positively to, and be consistent with, the existing built form in the area bounded by the two rail corridors to the east and to the south, Keele Street to the west and St. Clair Avenue West to the north.
- d) The proposed mitigation measures noted in the Air Quality and Odour Impact Study to be included in the design of the residential buildings may not create an appropriate living environment for residents.
- e) An 8 storey office/retail building is proposed on the southernmost portion of the site to create a buffer to existing industrial uses. As the proposed residential buildings are greater in height than the commercial building, little protection from industrial emission plumes for the upper residential storeys would be derived from this intervening land use.
- f) Buildings should to be located parallel to the street in order to define and support the streets with interesting and active elevations.
- g) Building entrances should be located prominently on the street facing building elevation and are to be directly accessible from the municipal sidewalk ensuring safety and convenience for pedestrians, cyclists and transit users.
- h) Vehicular access should be provided from the secondary streets only and not St. Clair Avenue West because of significant grade differences at the St. Clair Avenue frontage.
- i) Vehicular driveways should not be located on axis with the terminus of public streets nor are they to be located to front onto the Keele-Mulock Parkette.

- j) Landscaped open spaces and publicly accessible spaces should be located in visually prominent areas, adjacent to the public streets and should not be located behind the buildings or adjacent to the rail corridor and existing or potential noise sources.
- k) The proposed separation distances between the buildings are insufficient and the proposed heights and building orientation result in inappropriate conditions for the future residents in terms of light, view and privacy.
- l) The buildings are located too close to the rail corridor and do not meet the recommended set back of 30 m established by the rail companies.
- m) Service areas and garbage handling areas should be located away from public streets so that they are appropriately hidden and screened from view.
- n) The landscape areas between buildings should be located at grade so that they are easily accessible and barrier free without the need for ramps and retaining walls and their associated long term maintenance.
- o) The minimum required common indoor amenity space and shared outdoor open space should be provided on site for the use of the future residents.

It should be noted that the previous 2005 applications for the site by the same owner had similar densities, number of residential units and built form challenges. The issues identified above are comparable to those that formed the basis of City Council's and the OMB's refusal of the previous applications.

Other Issues

1. Should the application be approved, it is recommended that community benefits be negotiated with the applicant and secured in a Section 37 Agreement.
2. No comments have been received from GO Transit, Metrolinx or CN Railway as to whether the proposed conceptual development and setback to the rail corridor would meet safety requirements required for residential development adjacent to a rail corridor.
3. Engineering and Construction Services staff note that while a Functional Servicing Brief had been submitted for review, a Functional Servicing Report is required to assess potential impacts resulting from the proposed change in land use. They also commented that should the proposal proceed in its current form on the site, additional information will be required.

Conclusion

The proposed application conflicts with the Growth Plan for the Greater Golden Horseshoe and is not consistent with the Provincial Policy Statement as it fails to demonstrate that the land is not required for employment purposes over the long term.

The proposal does not conform to the City's Official Plan in regard to the policies related to *Employment Areas*. The application also does not conform to Council adopted and Ministry approved OPA No. 231 and SASP 447 which provides a new planning framework for the site and addresses potential land use compatibility issues. Despite OPA No. 231 redesignating a portion of the site to *Mixed Use Areas* to allow for the introduction of residential uses, this application seeks broader and more liberal land use policies/permissions and the elimination of all site-specific restrictions as they relate to residential uses. This could result in a potential future residential development that would require mitigation measures that may not contribute to a positive or safe living environment as demonstrated by the conceptual development submitted in support of this application.

It should also be noted that the conceptual development proposal does not conform to the Official Plan, is inconsistent with Council-approved guidelines for Tall Buildings and fails to address land use compatibility issues. It is recommended that the Official Plan Amendment be refused.

CONTACT

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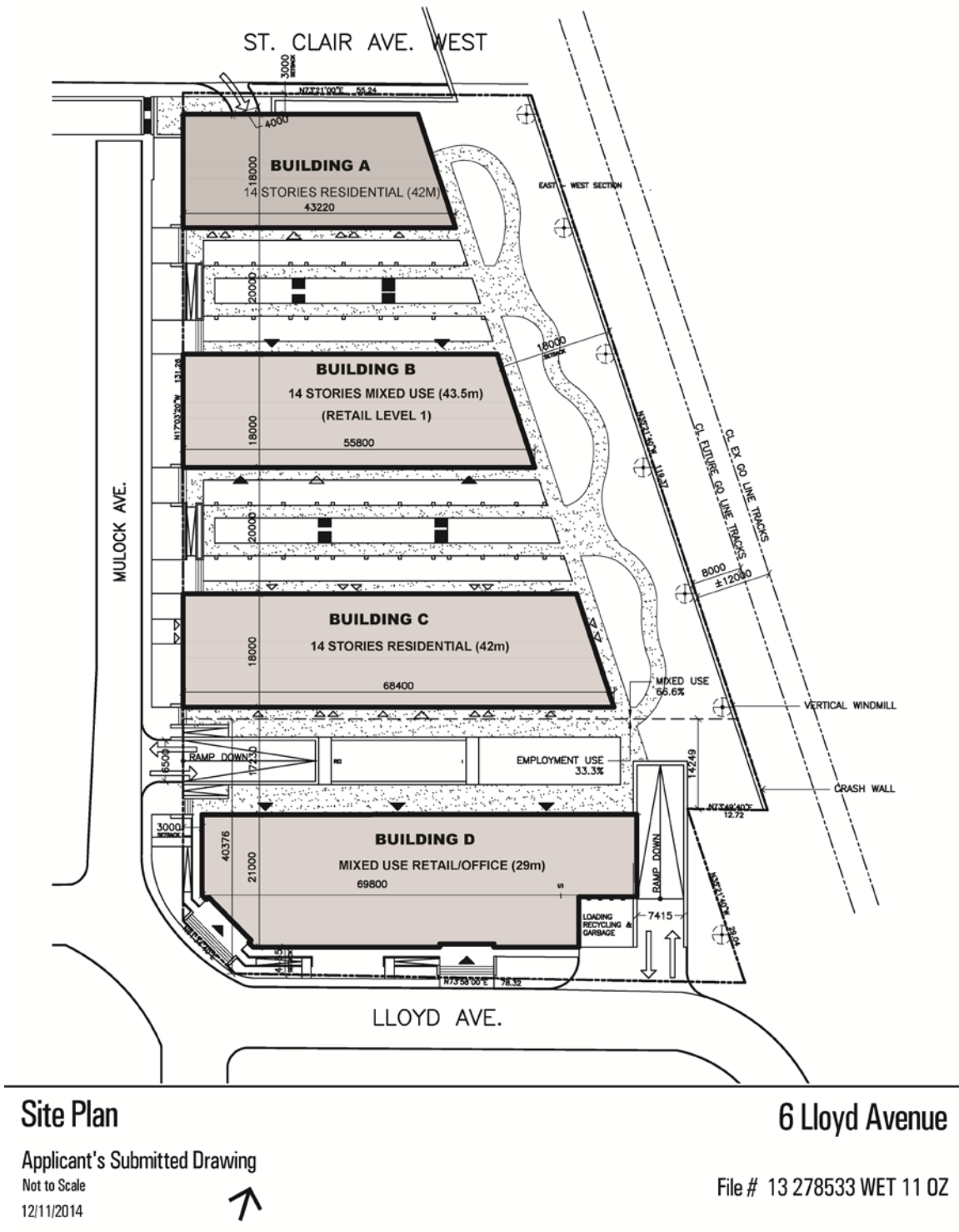
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Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

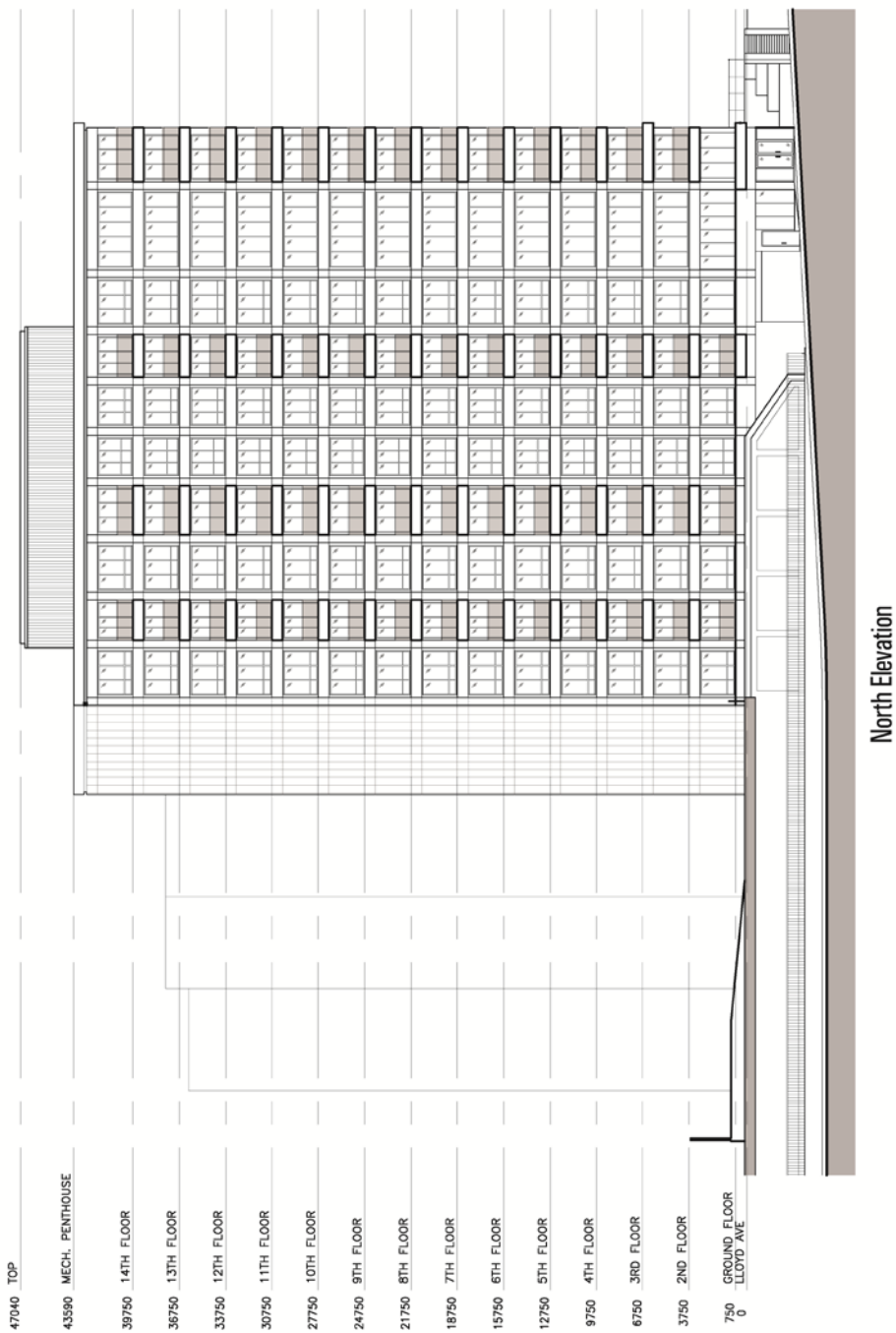
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: West Elevation
Attachment 2c: South Elevation
Attachment 2d: East Elevation
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Attachment 2a: North Elevation



6 Lloyd Avenue

Elevations
Applicant's Submitted Drawing
Not to Scale
12/11/2014

File # 13 278533 WET 11 0Z

Architectural drawings of the 1940-1950s building facade, showing elevations for the 1940-1950s, 1950-1960s, and 1960-1970s periods. The drawings include floor levels, window patterns, and structural details.

1940-1950s Elevation:

- 422.33 TOP
- 3690 MECH. RETENHOUSE
- 3370 12TH FLOOR
- 3010 11TH FLOOR
- 2750 10TH FLOOR
- 2470 9TH FLOOR
- 2170 8TH FLOOR
- 1820 7TH FLOOR
- 1530 6TH FLOOR
- 1270 5TH FLOOR
- 970 4TH FLOOR
- 670 3RD FLOOR
- 370 2ND FLOOR
- 700 GRAVEL FLOOR

1950-1960s Elevation:

- 4144 TOP
- 2970 MECH. RETENHOUSE
- 2650 8TH FLOOR
- 2250 7TH FLOOR
- 1950 6TH FLOOR
- 1550 5TH FLOOR
- 1250 4TH FLOOR
- 950 3RD FLOOR
- 550 2ND FLOOR
- 700 GRAVEL FLOOR

1960-1970s Elevation:

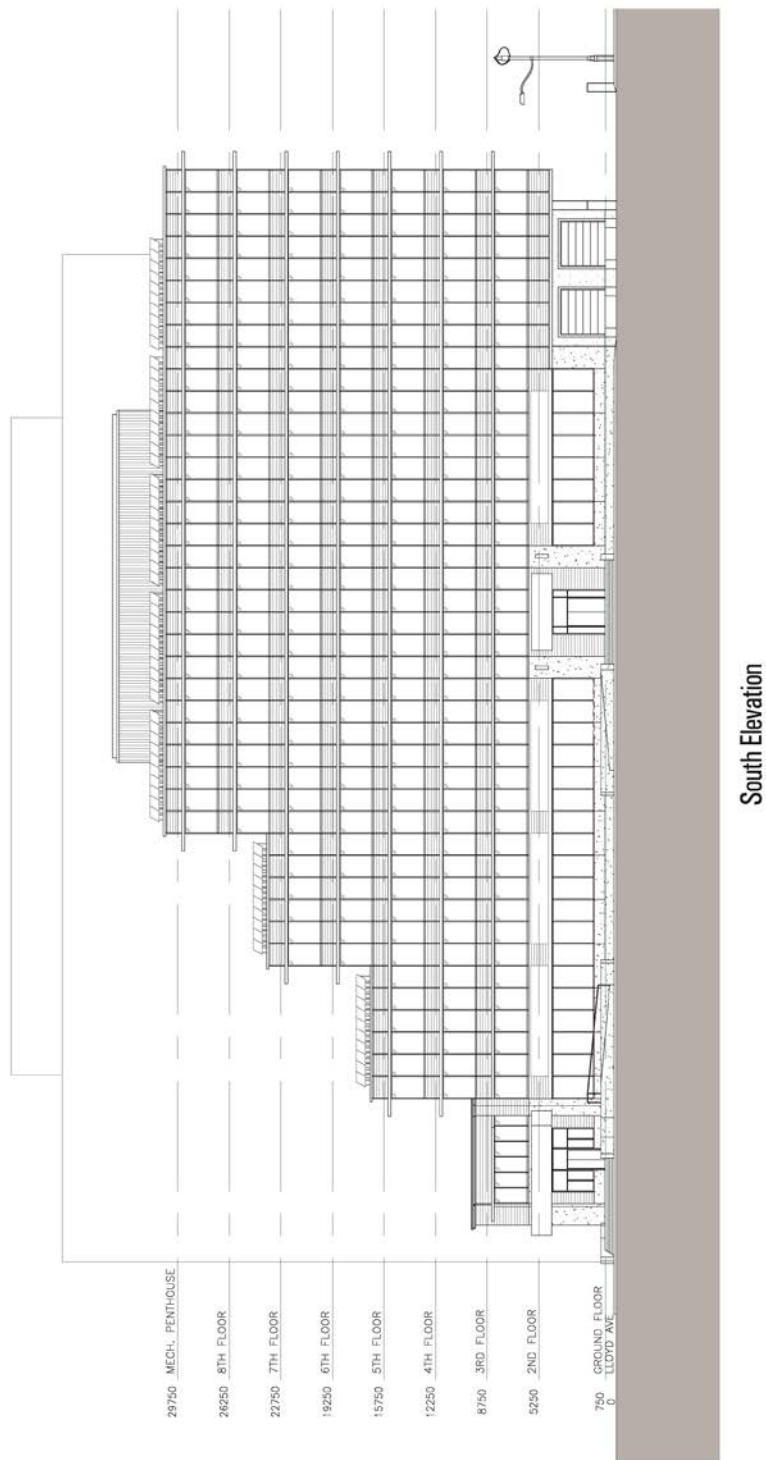
- 4144 TOP
- 2970 MECH. RETENHOUSE
- 2650 8TH FLOOR
- 2250 7TH FLOOR
- 1950 6TH FLOOR
- 1550 5TH FLOOR
- 1250 4TH FLOOR
- 950 3RD FLOOR
- 550 2ND FLOOR
- 700 GRAVEL FLOOR

Elevations

Applicant's Submitted Drawing
Not to Scale
12/11/2014

12/11/2014

Attachment 2c: South Elevation



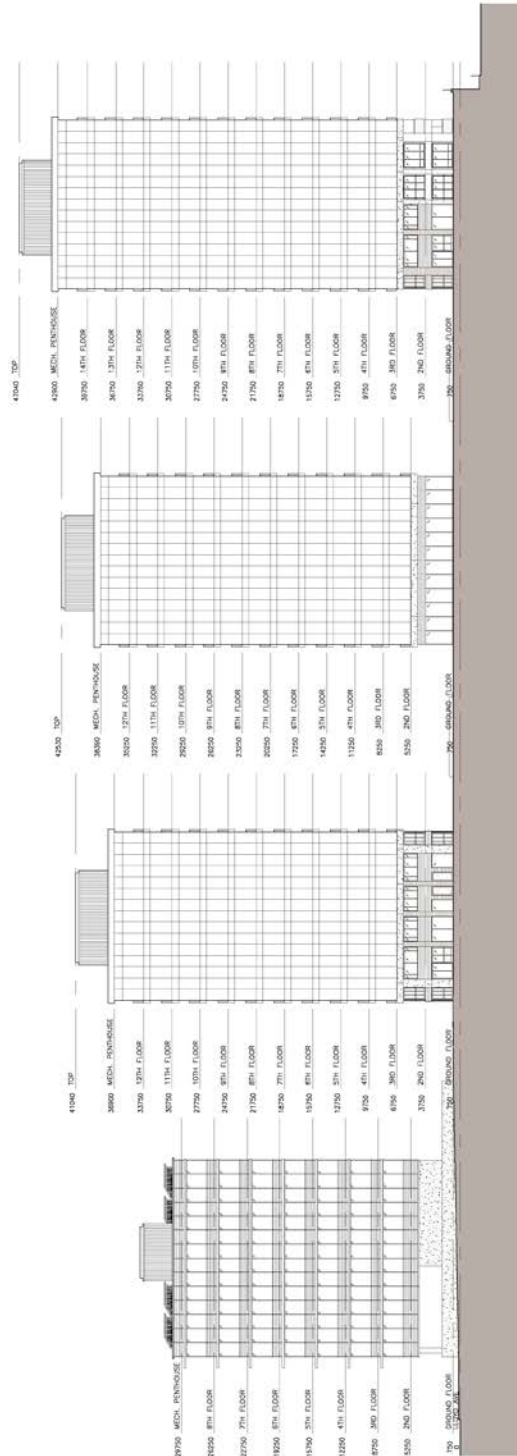
Elevations

Applicant's Submitted Drawing
Not to Scale
12/11/2014

6 Lloyd Avenue

File # 13 278533 WET 11 0Z

Attachment 2d: East Elevation



East Elevation

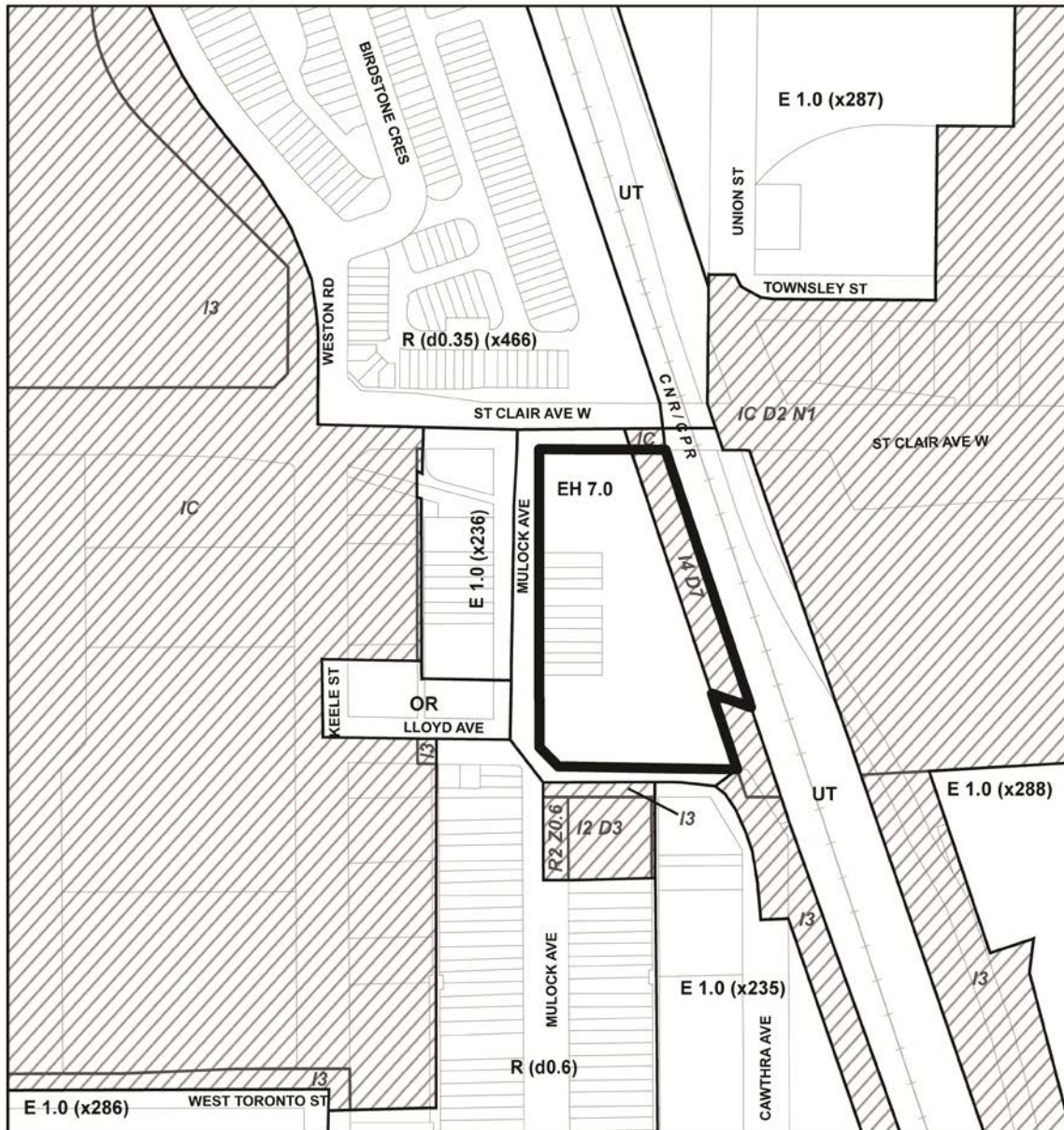
Elevations

Applicant's Submitted Drawing
Not to Scale
01/07/2015

6 Lloyd Avenue

File # 13 278533 WET 11 02

Attachment 3: Zoning



Toronto City Planning
Zoning By-law 569-2013

6 Lloyd Avenue
File # 13 278533 WET 11 02

	Location of Application		See Former City of Toronto By-law No. 438-86
R	Residential	R2	Residential District
E	Employment Industrial	I/C	Industrial District
EH	Employment Heavy Industrial	I2	Industrial District
UT	Utility and Transportation	I3	Industrial District
OR	Open Space Recreation	I4	Industrial District

Not to Scale
Extracted 03/13/2014

Attachment 4: Official Plan



Toronto City Planning
Official Plan

6 Lloyd Avenue

File # 13 278533 WET 11 02



↑
Not to Scale
03/11/2014

Attachment 5: Application Data Sheet

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

Municipal Address:	6 Lloyd Ave and 195, 181, 179, 177, 175, 171, 169, 167, 165, 163 and 161 Mulock Ave
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 <i>Employment Areas</i> to <i>Mixed Use Areas</i> and establish a new Site and Area Specific Policy over the entire site.

Applicant:	Agent:	Architect:	Owner:
OVERLAND LLP			2053785 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	n/a
Zoning:	I4 D7 EH 7.0	Historical Status:	n/a
Height Limit (m):		Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq. m):	10728	Height:	Storeys:	14
Frontage (m):	78.32		Metres:	44.4
Depth (m):	130.93			
Total Ground Floor Area (sq. m):	4103			Total
Total Residential GFA (sq. m):	33786		Parking Spaces:	491
Total Non-Residential GFA (sq. m):	9762		Loading Docks	2
Total GFA (sq. m):	43548			
Lot Coverage Ratio (%):	38			
Floor Space Index:	4.06			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	33786	0
Bachelor:	0	Retail GFA (sq. m):	2263	0
1 Bedroom:	323	Office GFA (sq. m):	7499	0
2 Bedroom:	149	Industrial GFA (sq. m):	0	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	0	0
Total Units:	478			

CONTACT:	PLANNER NAME:	Luisa Galli, Planner
	TELEPHONE:	(416) 394-6007