

TORONTO STAFF REPORT

March 14, 2006

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Subject: Refusal Report
OPA & Rezoning Application 05 211770 ESC 39 OZ
Proponent: St. John's McNicoll Centre
Architect: CXT Architects Inc.
1030 McNicoll Ave.
Ward 39 - Scarborough-Agincourt

Purpose:

To provide information on the above-noted application and to recommend refusal of the application.

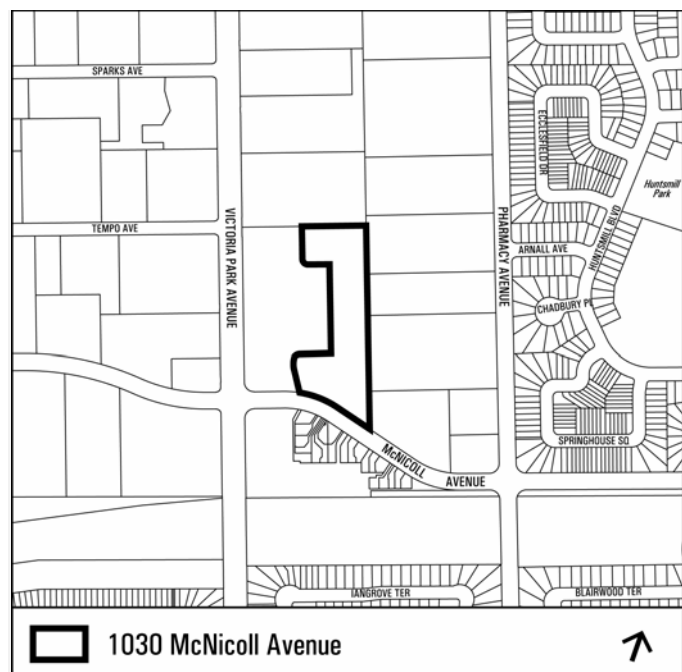
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) refuse Official Plan and Zoning By-law Amendment Application 05 211770 ESC 39 OZ to permit residential and retail uses and community facilities; and
- (2) authorize the City Solicitor and Planning staff to appear before the Ontario Municipal Board to defend the refusal of this application should the applicant file an appeal to the Board.



Background:

In 2002 the Committee of Adjustment approved the severance of the subject parcel from the original property then owned by Tendercare Nursing Homes Ltd.

Comments:

Proposal

Four buildings are proposed. The largest is a 17 storey apartment building containing 428 senior citizens' apartments with 273 parking spaces, located at the north end of the site. The second largest is an 8 storey building on the McNicoll Avenue frontage, with 150 seniors' units, medical offices and commercial uses, with 297 parking spaces. A cultural/recreational hall and place of worship are the remaining buildings, sharing the parking provided for the 17 storey tower. All but 71 of the 570 parking spaces are located underground.

The gross floor area of each of the proposed uses is as follows:

Residential	49 133 m ² (528,900 sq ft)
Commercial medical offices	2 971 m ² (32,000 sq ft)
Cultural/recreation hall	2 895 m ² (31,200 sq ft)
Daycare	909 m ² (9,800 sq ft)
Place of worship	908 m ² (9,800 sq ft)
Commercial/cafeteria	390 m ² (4,200 sq ft)
Total	57 206 m ² (615,800 sq ft)

Site Description

The area of the site is 2.4 hectares (5.9 acres). It has a 125 metre (410 feet) frontage on McNicoll Avenue and a depth of approximately 250-300 metres (820-980 feet) north to south.

The irregular shape of the site is due in part to the curvature of McNicoll Avenue and to the odd lot configuration resulting from the 2002 consent. The convoluted shape of the new lot was apparently determined solely with reference to Tendercare's needs. It allowed its parking requirements to be met in the existing parking lots, thereby avoiding the cost of relocation. As a result, the width of the subject lot narrows to approximately 58 metres (190 feet) in its middle section.

There are access easements over the existing driveways on the Tendercare site providing access to both Victoria Park and McNicoll Avenue. There are easements on the subject site as well, one along the length of the east boundary and a second, for storm water drainage, to the benefit of Tendercare.

The site is flat and vacant, except for an apparently unused paved parking area in the centre of the site. There are mature conifers along the McNicoll Avenue frontage and a mixture of conifers and deciduous trees to the north of the parking lot in the central part of the site.

Industrial uses abut the site to the north and east. On the south is a cluster of two storey office buildings.

To the west of the site is a 5 storey building originally built as a hotel over thirty years ago and now occupied by the Tendercare Living Centre. The gross floor area of the Tendercare building is 17 130 square metres (184,400 square feet). West of Victoria Park is an employment area, with some retail uses at the McNicoll Avenue intersection and large office buildings further north on Victoria Park Avenue.

Scarborough Official Plan

The site is within the Steeles Employment District. It is designated General Industrial Uses, as are the lands to the north, east and south. This designation provides for a variety of industrial, research and training facilities, offices, recreation uses and limited retailing ancillary to a principal use. Places of worship are also permitted.

The Scarborough Official Plan states that lands within Employment Districts are planned to “ensure the preservation of suitably located lands for a broad range of industrial uses; and to encourage the provision of employment opportunities”.

The north-east corner of Victoria Park and McNicoll Avenues is designated for Highway Commercial Uses. The lands south of McNicoll are subject to Numbered Policy 1, which provides for Industrial District Commercial uses in addition to General Industrial Uses with High Performance Standards.

New Toronto Official Plan

At its meeting of November 26, 27 and 28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Plan is now before the Ontario Municipal Board. The hearing commenced on June 13, 2005 and continues on March 27, 2006.

The Toronto Plan emphasizes not only the over-riding importance of protecting the City's Employment Districts, but the priority of the needs of business in city-building decisions affecting land use within the Employment Districts.

Map 2 of the new Plan sets out the Urban Structure of the City. It identifies the area bounded by Steeles, Pharmacy, the Hydro corridor south of McNicoll and Highway 404, designated in Area Official Plans as the Steeles Employment District and the Parkway-Finch Business Park, as being one of the City's Employment Districts. (Attachment 5: Toronto Official Plan).

The Plan designates this site as Employment Area, which provides for 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.

Places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges and universities may be located on major streets within Employment Areas as shown on the Major Streets map, Map 3. McNicoll Avenue is one of the streets shown on this map.

The Plan policies promote and protect these areas exclusively for economic activity. They are fundamental to meeting the needs of the City's Economic Development Strategy. The Plan states that "large Employment Districts...will be protected from the encroachment of non-economic functions" and further that "the needs of business will take priority in city-building decisions. Once lands are lost to economic activity through, for example, conversion to residential use, it is almost impossible to return them to commercial or industrial uses."

Provincial Policy Statement

The Provincial Policy Statement (PPS) requires that municipalities shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. It further states that planning authorities may permit conversion of lands within employment areas to non-employment uses only through a comprehensive review, where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

The new Provincial Policy Statement requirements apply to all applications submitted after March 1, 2005, and as such applies to the present application.

In the near future Bill 51, which received first reading on December 15, 2005, will enable City Council to refuse proposals to convert employment lands with no right of appeal to the Ontario Municipal Board.

Zoning

The site is zoned Highway Commercial (HC), permitting a hotel, hospital and associated uses, medical offices, and a place of worship. Restaurants and specified retail and service uses are limited to the ground floor only, and to a maximum gross floor area not exceeding 15% of the total built gross floor area.

Places of worship are permitted only as a single use on a lot. Residential and community facility uses are not permitted.

Site Plan Control

The site is under site plan control. No site plan application has been submitted.

Tree Preservation

There are trees of sufficient size to be covered by the City's tree protection by-law. No arborist study has been submitted.

Reasons for the Application

Residential uses and community facilities, with the limited exception of places of worship, are not provided for in the General Industrial Uses designation of the Scarborough Official Plan. The Zoning By-law does not permit residential uses.

Residential uses are contrary to the new Toronto Plan, and specifically to the Plan's Land Use and Urban Structure Plans.

Comments:

The subject site is situated within an Employment District defined in the Toronto Official Plan. At many preconsultation meetings, planning staff have repeatedly brought this fact to the applicant's attention and suggested alternative locations for the project.

The Provincial Policy Statement requires a comprehensive review to be conducted prior to Council considering converting lands out of economic use, based on a comprehensive study of growth projections and which includes consideration of alternative directions for growth. Council can consider the conversion only if the review demonstrates:

- i) that the land is not required for employment purposes over the long-term;
and,
- ii) that there is a need for the conversion, to meet population and housing targets as determined through the comprehensive review.

In the opinion of planning staff, the new Toronto Plan and the background studies on which it is based currently represent the most comprehensive review, within the meaning of the PPS, of the City's employment lands policies. It is not a localized study provided by a consultant in support of an individual application. A comprehensive review deals instead with the long-term growth prospects of the City, alternative ways of managing that growth, and a growth management strategy.

Background studies to the Toronto Plan, in particular Flashforward: Projecting Population and Employment to 2031, quite clearly establish that, for the foreseeable future:

- i) Lands designated Employment Districts on Map 2, are needed for employment purposes over the long term to accommodate part of the 544,000 job growth projected for the period 1996 to 2031 and to ensure the City's fiscal health.
- ii) More than sufficient land has been designated for residential growth in the Downtown, Centres, Avenues and other appropriate areas with a Mixed Use

land use designation to accommodate the 537,000 population increase projected for the same period.

- iii) Significantly more residential growth is possible, in appropriate Mixed Use locations across the city, to accommodate even more residential growth without having to redevelop established neighbourhoods or employment districts. (p.75 Flashforward)

Moreover, every inappropriate application that succeeds in converting employment lands to residential use undermines the long-term growth management strategy of the Official Plan:

- i) By not respecting the basic principles of intensification – to focus residential development where residential services already exist;
- ii) By undermining the strategy of focusing growth in the Centres and Avenues;
- iii) By harming the competitiveness of all employment lands throughout the City in signaling the market that the default use for vacant employment land is residential. This has a significant impact on the financial viability of redeveloping these lands for employment purposes.

The subject application is contrary to the PPS, to Council policy as set out in the Toronto Official Plan, and to the Scarborough Official Plan. Staff is recommending that the application be refused.

Conclusions:

It is recommended that City Council refuse this application because it proposes the conversion of employment lands to residential uses, contrary to the Provincial Policy Statement, Toronto City Council policy, and the Scarborough Official Plan.

Contact:

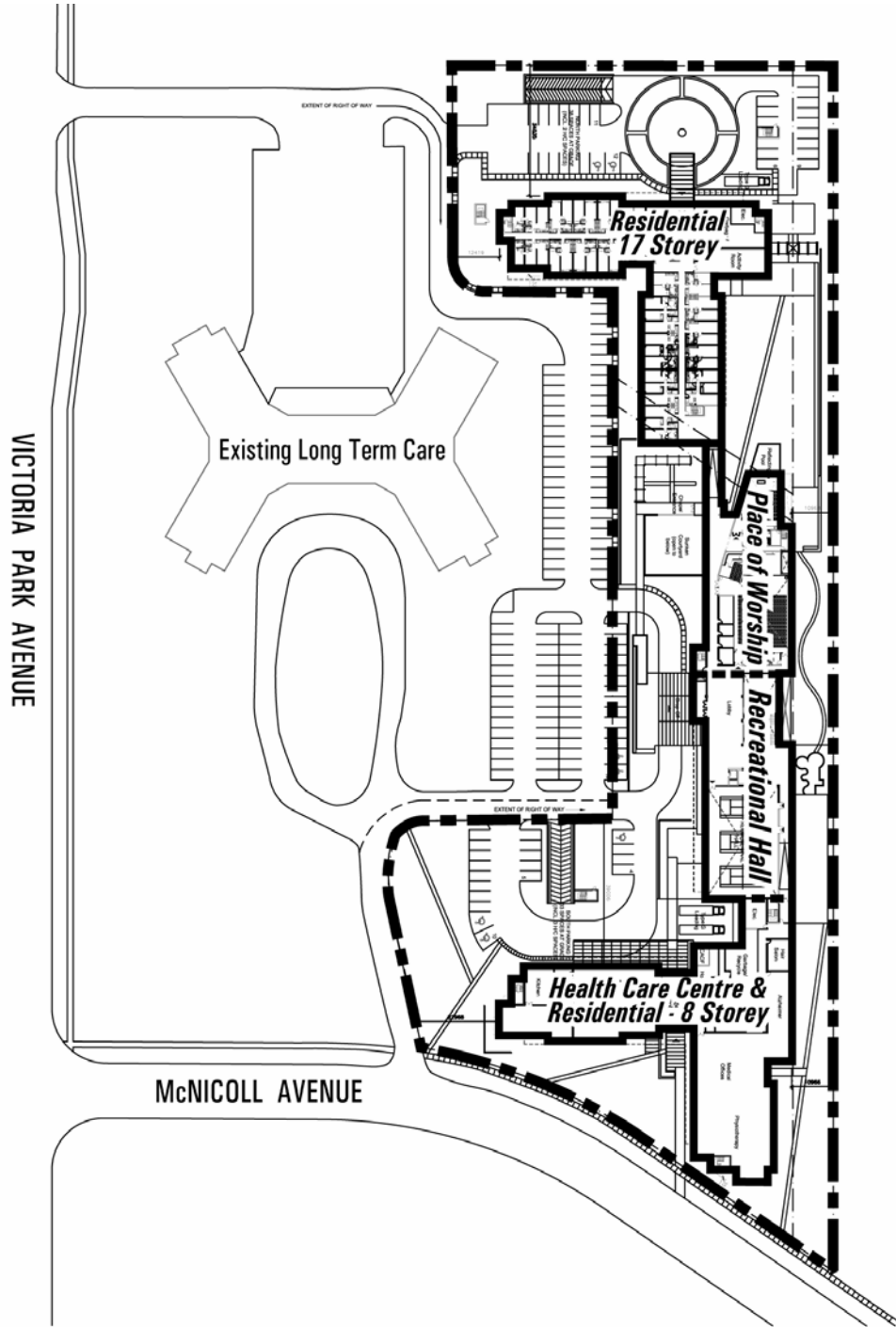
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Allen Appleby
Director, Community Planning, Scarborough District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations (as provided by applicant)
- Attachment 3: Official Plan
- Attachment 4: Zoning
- Attachment 5: Toronto Official Plan
- Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

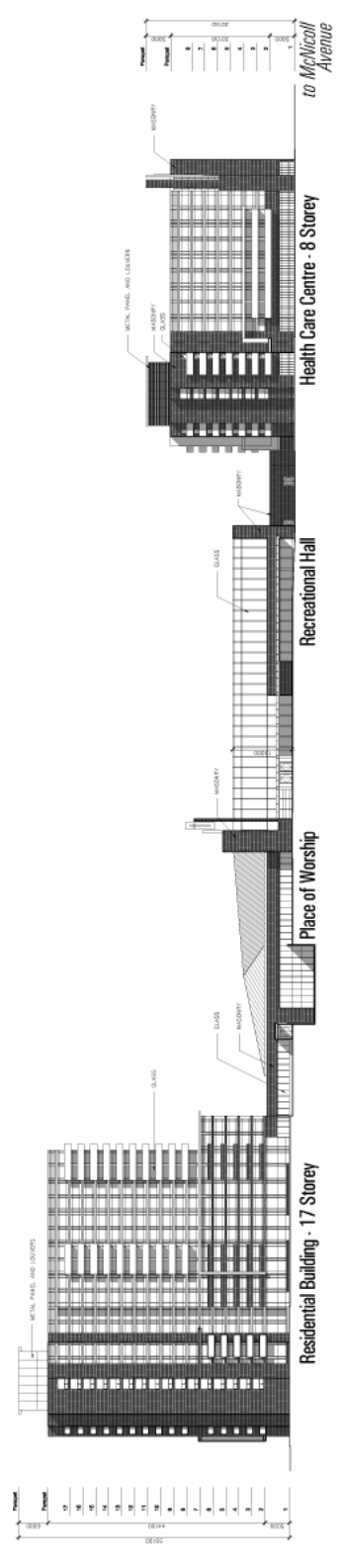
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03/13/06



1030 McNicoll Avenue

File # 05-211770 OZ

Attachment 2: Elevations



Elevation - West

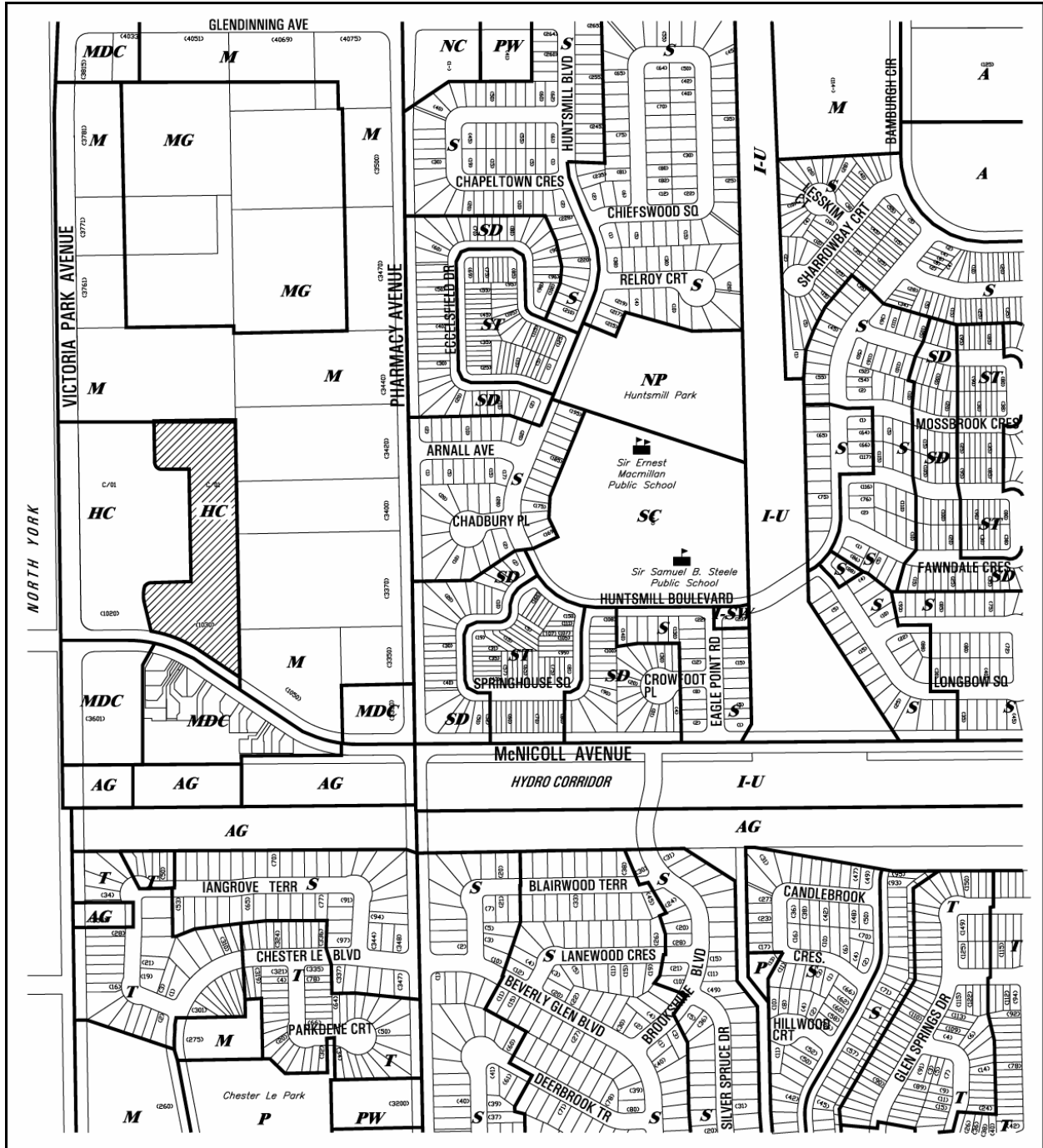
Applicant's Submitted Drawing

Not to Scale
01/19/06

1030 McNicoll Avenue

File # 05-211770 0Z

Attachment 4: Zoning



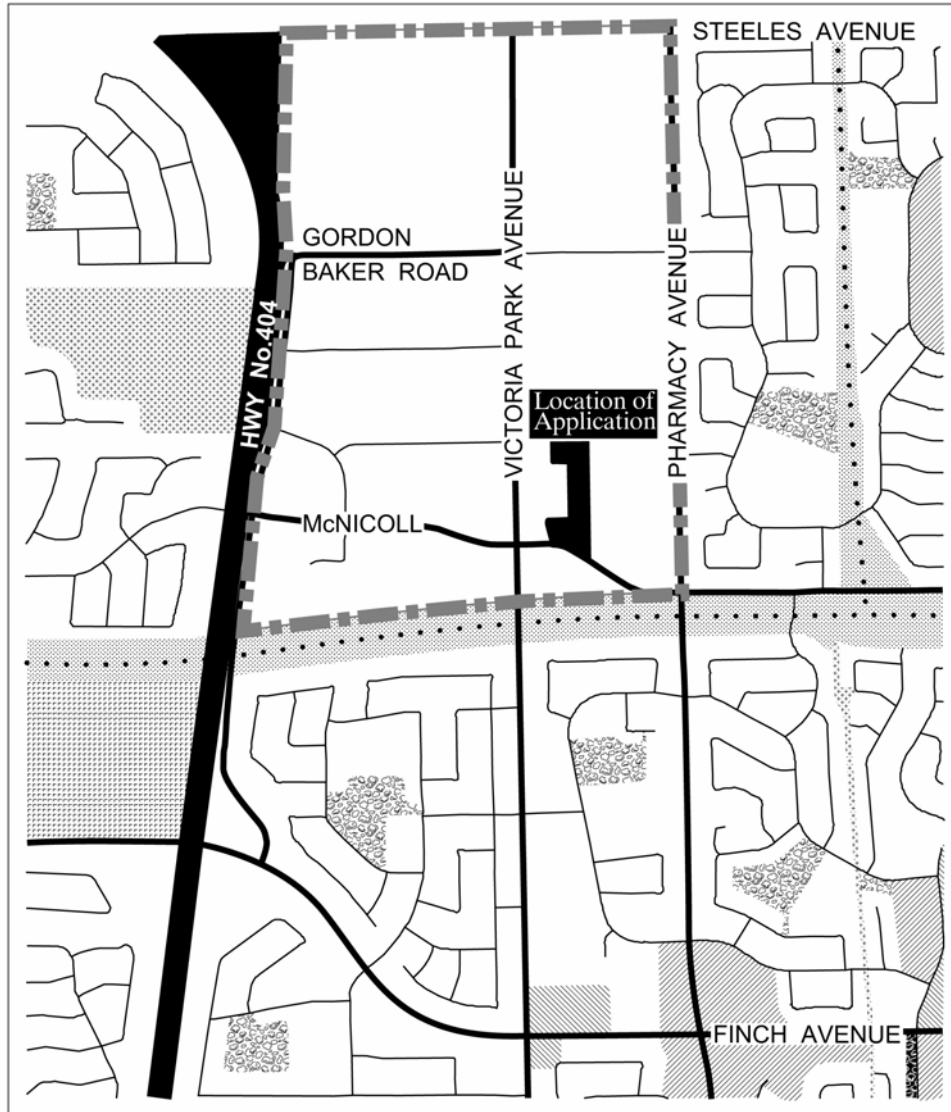
Toronto City Planning Division
Zoning

1030 McNicoll Avenue
 File # 05-211770 OZ

- | | | | |
|---|--|--|---|
| S Single-Family Residential | HC Highway Commercial Zone | I-SW Institutional - Social Welfare | Steeles Emp; Steeles & L'Amoreaux Com. Bylaws |
| T Two-Family Residential | M Industrial Zone | I-U Institutional - Utilities | Not to Scale |
| MF Multiple-Family Residential | MDC Industrial District Commercial Zone | PW Place(s) of Worship | 01/20/06 |
| SD Semi-Detached Residential | MG General Industrial Zone | NP Neighbourhood Park | |
| ST Street-Town House Residential | NC Neighbourhood Commercial School | P Park | |
| A Apartment Residential | SC School | AG Agricultural Zone | |



Attachment 5: Toronto Official Plan



TORONTO City Planning
Division
Official Plan (Portion of)

1030 McNicoll Avenue
File # 05-211770 OZ

- | | | |
|---|------------------------|---------------------|
| Employment District (Map 2 - Urban Structure) | Natural Areas | Institutional Areas |
| Neighbourhoods | Parks | Employment Areas |
| Apartment Neighbourhoods | Other Open Space Areas | |
| Mixed Use Areas | | |

↑
Not to Scale
02/13/06

Attachment No. 6: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 05 211770 ESC 39 OZ
Details: OPA & Rezoning, Standard Application Date: December 22, 2005

Municipal Address: 1030 MCNICOLL AVE, TORONTO ON

Location Description: PLAN 9323 PT BLK P RP 66R19701 PARTS 5 TO 8 **GRID E3901

Project Description: Official Plan & Zoning By-law amendment to permit 4 buildings including an 8 - storey mixed use residential building, cultural/recreationhall, place of worship and a 17 storey residential building.

Applicant:	Agent:	Architect:	Owner:
MARTIN RENDL ASSOCIATES MARTIN RENDL			ST. JOHN'S MCNICOLL CENTRE

PLANNING CONTROLS

Official Plan Designation:	Highway Commercial Uses	Site Specific Provision:	
Zoning:	HC-Highway Commercial Use	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	23629.52	Height:	Storeys:	17
Frontage (m):	0		Metres:	55.1
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	49132.82		Parking Spaces:	568
Total Non-Residential GFA (sq. m):	8073.27		Loading Docks:	0
Total GFA (sq. m):	57206.09			
Lot Coverage Ratio (%):	0			
Floor Space Index:	2.42			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	49132.82	0
Bachelor:	0	Retail GFA (sq. m):	389.98	0
1 Bedroom:	505	Office GFA (sq. m):	2971.43	0
2 Bedroom:	73	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	4711.86	0
Total Units:	578			

CONTACT: **PLANNER NAME:** **David Beasley, Principal Planner**
TELEPHONE: **(416) 396-7026**