

30 Commercial Road – Rezoning – Final Report

Date:	January 14, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	08 147004 NNY 26 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to permit a music production and distribution facility at 30 Commercial Road.

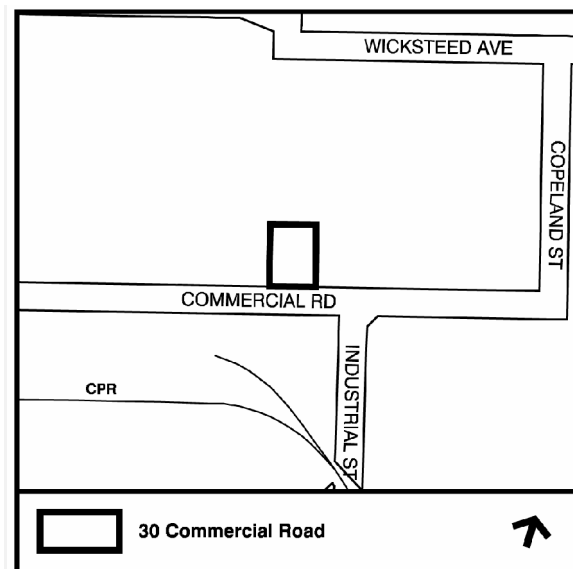
The proposed music production and distribution facility has been in operation at 30 Commercial Road for several years without any negative impacts. City Planning has reviewed the application and determined that the proposed change in use meets the intent of the City of Toronto Official Plan.

Given the proposed operation’s location, compatible with surrounding land uses and complies with the Official Plan, the proposed change in use is appropriate and the rezoning application should be approved.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law to permit a music recording and production facility substantially in



accordance with the draft Zoning By-law Amendment attached as Attachment No. 6.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 26, 2006, the Committee of Adjustment granted a minor variance to permit a music production operation as an office space use for a period of three years from the date of the decision.

ISSUE BACKGROUND

Proposal

This application proposes to change the use on the subject lands to permit a music production and distribution facility as a permanent use. The application proposes to utilize the existing building and no new construction is being proposed. The building is three storeys in height and has a gross floor area of 839.8 m² (9,028 sq.ft.).

Vehicle access to the site is provided from Commercial Road and all parking is surface parking. There is a pedestrian linkage from Commercial Road to the main entrance of the building.

Site and Surrounding Area

The site is 0.148 hectares (1 484 m²) in size, with a frontage of 33.3m (109 ft.) along Commercial Drive. The site is relatively flat with trees lining the northerly and easterly property boundaries. The site has a three storey building and a total of 21 existing on-site parking spaces.

The adjacent properties are:

North: Industrial operation

South: Commercial Road. Industrial operation across from Commercial Road

East: Vacant industrial land

West: Vacant industrial land. Currently used to stockpile soil.

Provincial Policy Statement and Provincial Plans

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 City of Toronto Official Plan designated the subject lands "Employment Areas". Employment Areas are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers. The City of Toronto Official Plan also identifies the subject lands as being in an Employment District.

Zoning

The subject lands are zoned "M2" and "M2(7)" in the former Borough of East York Zoning By-law 1916, as amended (see Attachment 4). The northern portion of the site is zoned "M2" (General Industrial) and permits a variety of industrial uses including technical research and development facilities, offices accessory to and exclusively devoted to a use permitted on the same lot, data processing, communications and graphic arts.

The southern portion of the site is zoned M2(7) (General Industrial Site Specific 7) and permits the additional use of, "recognized industrial trade union for the purposes of a union office and an occupational training program for apprentices or members of the union, but shall not include a union meeting hall." A music production and distribution facility is not a permitted use in either the "M2" or "M2(7)" zones.

Site Plan Control

A site plan development application is not required as there are no proposed changes to the existing building.

Alternate Parkland Dedication

In a memorandum dated October 7, 2008 the Parks, Forestry and Recreation Department indicated that they have no requirements with respect to the proposed use. The application is subject to the former Borough of East York which exempts industrial and commercial uses from parkland dedication requirements.

Reasons for Application

The proposed development does not meet former Borough of East York Zoning By-law 1916, as amended, with respect to the use. The proposed change in zoning will regularize a temporary use that is currently permitted by way of a minor variance.

Community Consultation

On January 14, 2009 Community Planning held a community consultation meeting so that members of the public can comment on the application. Thirteen members of the

local business community were present and indicated that they were supportive of the application.

Agency Circulation

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

COMMENTS

The proposed music production and distribution facility has been in operation at this local for a number of years by way of a minor variance. The application does not propose to make any changes to the existing site other than rearranging the parking facilities to more closely comply with current standards.

Provincial Policy Statement and Provincial Plans

The rezoning application is consistent with the Provincial Policy Statement (PPS) and conforms with the Growth Plan for the Greater Golden Horseshoe by providing a mix of employment opportunities and diversifying the City's economic base.

Land Use

The proposed music production and distribution facility is consistent with the "Employment Areas" policies of the City of Toronto's Official Plan and given the context of the surrounding land uses. The operation has been in existence since 2006 and 18 people are presently employed at this facility. The City has not received any complaints regarding the operation at 30 Commercial Road.

The proposed use provides a compatible form of employment, creates diversity within the business park and strengthens the City's employment base. For these reasons, staff finds that the proposed music production and distribution facility is an appropriate land use to be added to the existing permissible uses.

Traffic Impact, Access, Parking

The proposed 19 on-site parking spaces are adequate to service the proposed use and is one more parking space than required under the By-law. The current access from Commercial Road will be maintained.

The applicant is required to revise the current angled parking stalls to be at a right angle to the drive aisle. This will create a parking aisle width that does not meet the current by-law requirements. Given that the lot dimensions, size and location of the structure are fixed, the Technical Services Division is willing to accept a reduced aisle width to accommodate the current parking standards. In the event the site is redeveloped, the Technical Services Division will require the site to meet the current Zoning By-law requirements.

Servicing

No additional servicing is required to permit the proposed use.

Development Charges

It is estimated that there will be no development charges for this project as no new construction is being proposed.

CONTACT

Derrick Wong, Planner

Tel. No. (416) 395-7052

Fax No. (416) 395- 7155

E-mail: dwong3@toronto.ca

SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

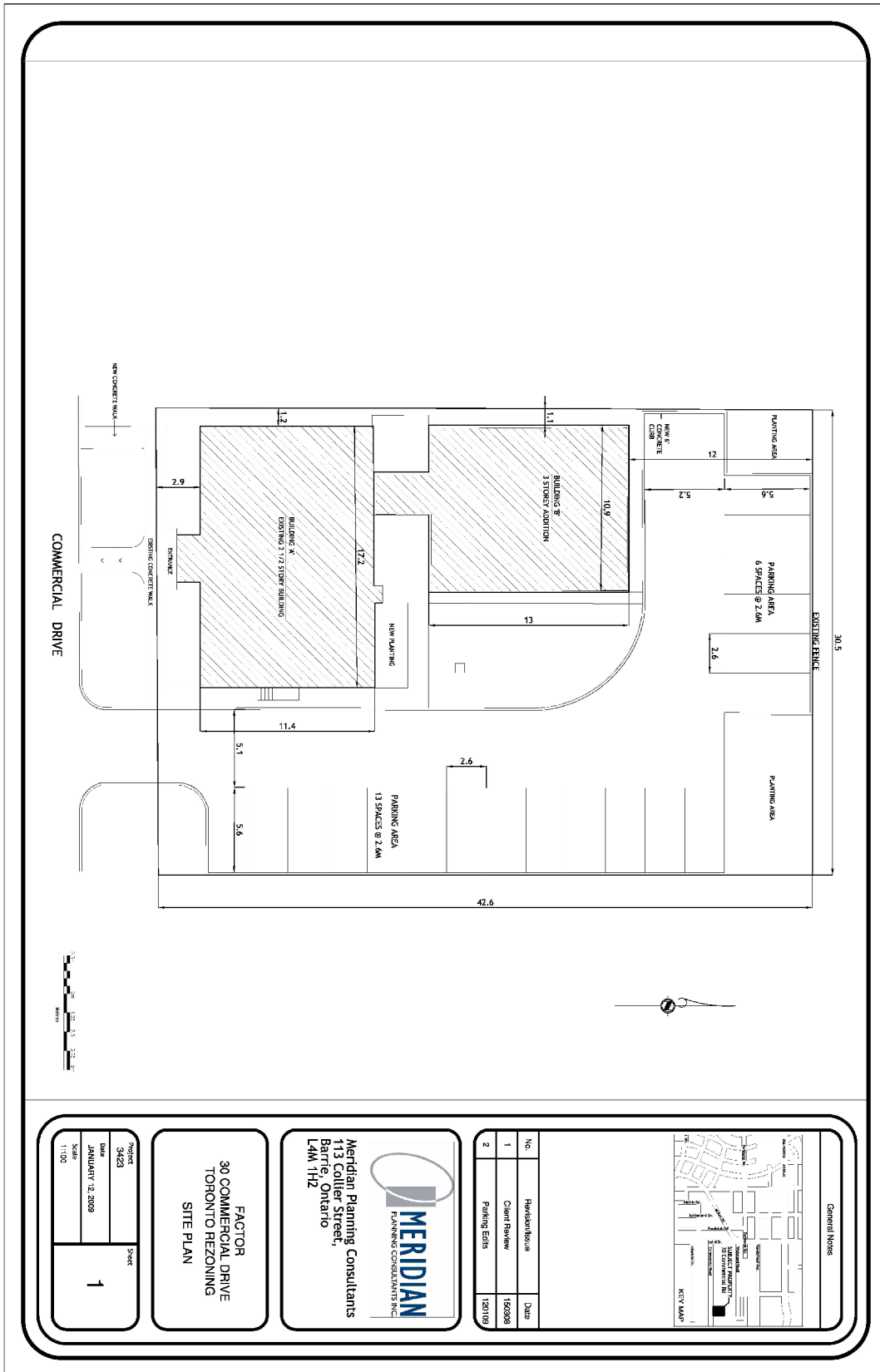
Attachment 3: Elevations 2

Attachment 4: Zoning

Attachment 5: Application Data Sheet

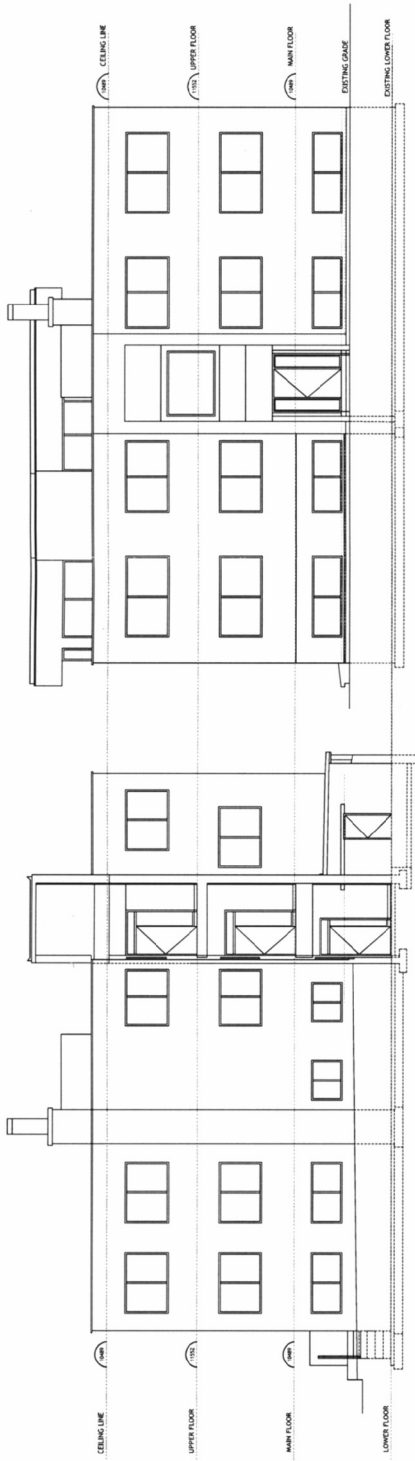
Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



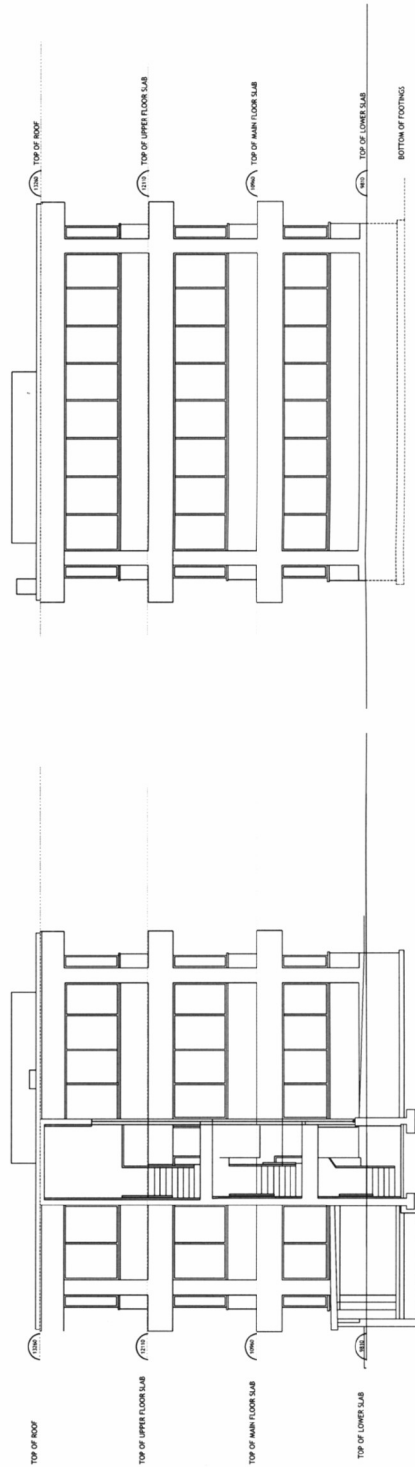
<p>MERIDIAN PLANNING CONSULTANTS INC.</p>		<p>General Notes</p>																						
<p>Meridian Planning Consultants 113 Collier Street, Barré, Ontario L4M 1H2</p>		<table border="1"> <thead> <tr> <th>No.</th> <th>Revisions/Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Client Review</td> <td>15/03/08</td> </tr> <tr> <td>2</td> <td>Parking Edits</td> <td>12/01/09</td> </tr> </tbody> </table>	No.	Revisions/Description	Date	1	Client Review	15/03/08	2	Parking Edits	12/01/09	<table border="1"> <tr> <td>Project</td> <td>34423</td> <td>Sheet</td> <td>1</td> </tr> <tr> <td>Date</td> <td>JANUARY 12, 2009</td> <td colspan="2"></td> </tr> <tr> <td>Scale</td> <td>1:100</td> <td colspan="2"></td> </tr> </table>	Project	34423	Sheet	1	Date	JANUARY 12, 2009			Scale	1:100		
No.	Revisions/Description	Date																						
1	Client Review	15/03/08																						
2	Parking Edits	12/01/09																						
Project	34423	Sheet	1																					
Date	JANUARY 12, 2009																							
Scale	1:100																							
<p>FACTOR 30 COMMERCIAL DRIVE TORONTO REZONING SITE PLAN</p>																								

Attachment 2: Elevations



South Elevation - Building A

North Elevation - Building A



North Elevation - Building B

South Elevation - Building B

Elevations

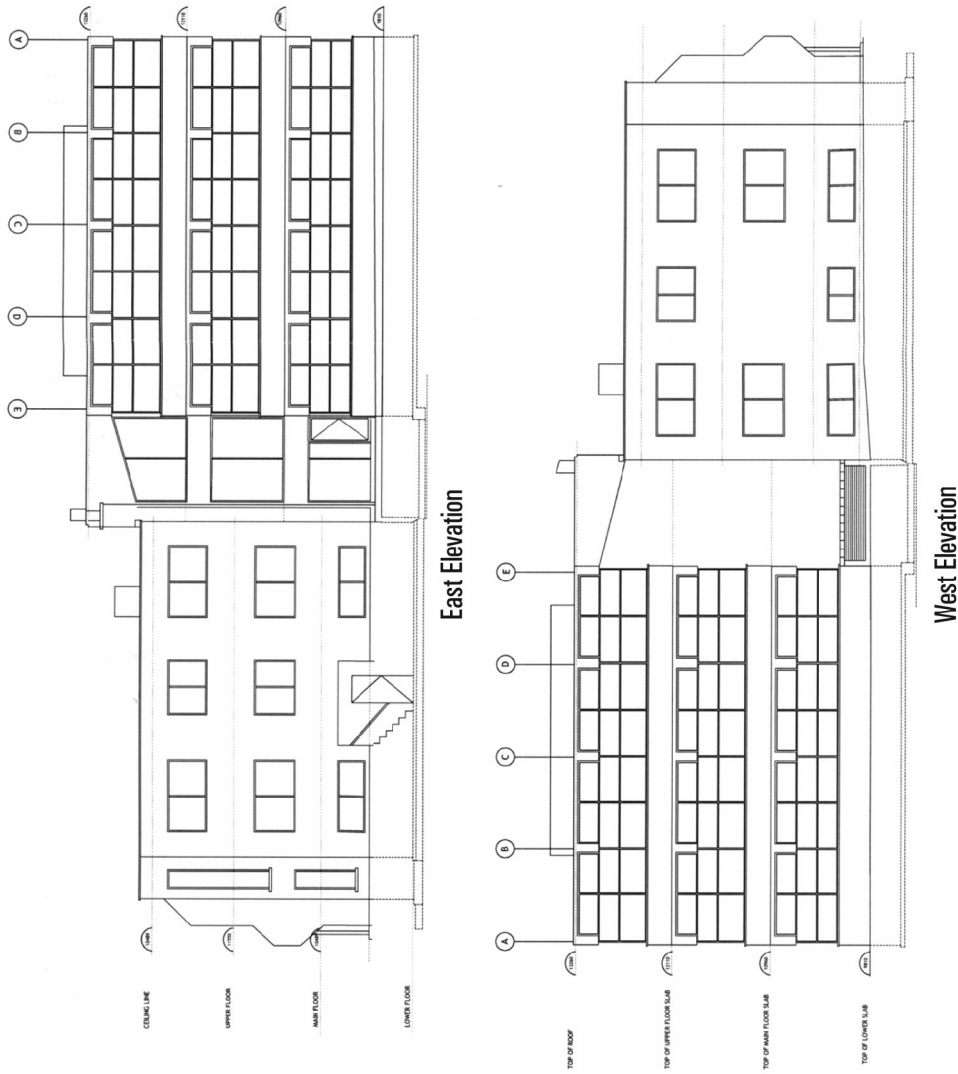
Applicant's Submitted Drawing

Not to Scale
09/05/2008

30 Commercial Road

File # 08 147004

Attachment 3: Elevations 2



30 Commercial Road

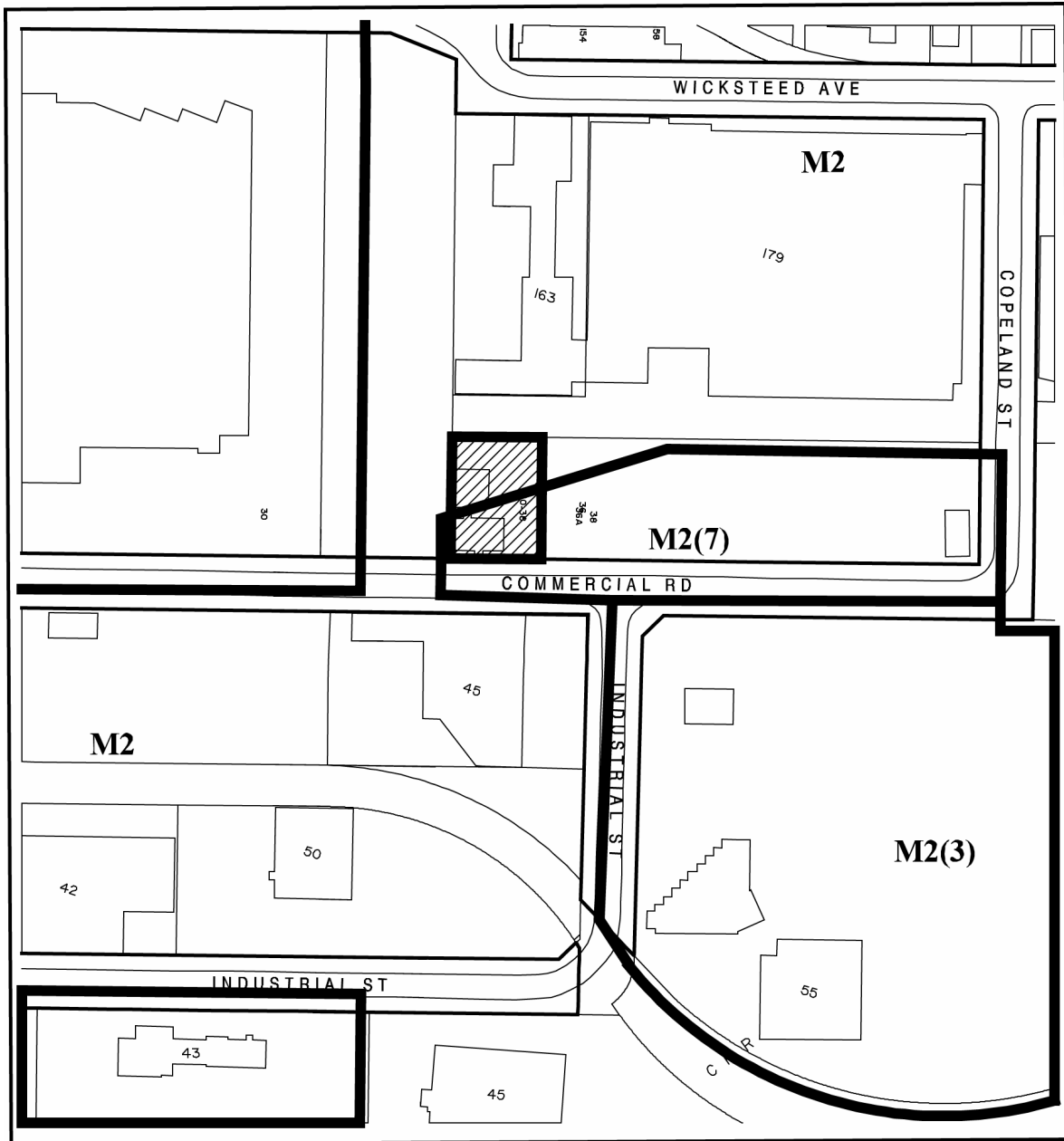
File # 08 147004

Elevations

Applicant's Submitted Drawing

Not to Scale
09/05/2008

Attachment 4: Zoning



30 Commercial Road

File # 08_147004_z

Former Toronto Zoning By-law 438-86
M.2 General Industrial

Former York Zoning By-law 1-83
BE Basic Employment Zone



Not to Scale
Former York Zoning By-law 1-83
Extracted 04/21/2008

Attachement 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 147004 NNY 26 OZ
Details	Rezoning, Standard	Application Date:	April 14, 2008

Municipal Address: 30 COMMERCIAL RD

Location Description: CON 3FB PT LT14 PL 2510 BLK 6PT FORM 7 - 65% PUBLIC 35% SEPARATE << STRUCTURE ADDRESS FOR 30-38 COMMERCIAL RD **GRID N2604

Project Description: Proposal to rezone the subject lands to permit an music production and distribution facility in the existing building. This application is to regularize the current use permitted by a minor variance.

Applicant:	Agent:	Architect:	Owner:
JIM DYMENT			1598431 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	M2(7)
Zoning:	M2 and M2(7)	Historical Status:	N/A
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1484	Height:	Storeys:	3	
Frontage (m):	33.25		Metres:	10.57	
Depth (m):	44.8				
Total Ground Floor Area (sq. m):	346.2				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	19	
Total Non-Residential GFA (sq. m):	839.8		Loading Docks	0	
Total GFA (sq. m):	839.8				
Lot Coverage Ratio (%):	23.3				
Floor Space Index:	0.57				

DWELLING UNITS

Tenure Type:

Rooms: 0

Bachelor: 0

1 Bedroom: 0

2 Bedroom: 0

3 + Bedroom: 0

Total Units: 0

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	0	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	839.8	839.8	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: **PLANNER NAME:** **Derrick Wong, Planner**
TELEPHONE: **(416) 395-7052**

Attachment 6: Draft Zoning By-law Amendment

BY-LAW No.

To amend By-law 1916, as amended, for the Former Town of Leaside,
with respect to the lands municipally known as
30 Commercial Road

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and 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;

Therefore, the Council of the City of Toronto enacts as follows:

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Schedule “1” attached hereto.
2. Schedule “A” to Zoning By-law 1916, as amended, is hereby further amended by changing the zoning category for the lands identified on Schedule “1” of this By-law from “General Industrial (M2) Zone” and “General Industrial (M2 (7)) Special Section 7 Zone” to “General Industrial (M2 (9)) Zone”.
3. Zoning By-law 1916, as amended, is hereby further amended by adding the following sections:

“8.3 4 i) 30 Commercial Road (M2(9) Zone)

- (i) Area Restricted

The provisions of this section shall only apply to those lands being Part of Lot 14 Concession 3, from the Bay (Geographic Township of York) and Block 6 Registered Plan 2510 City of Toronto, (former Borough of East York), which are zoned General Industrial (M2(9)) on Schedule “A” of By-law 1916.

- (ii) Definitions

Music Production and Distribution Facility

For the purposes of this exception, Music Production and Distribution Facility shall mean the use of land, buildings or structures for all activities related to the production of music

including but not limited to the recording, storing, reproduction and distribution of music and associated office uses.

(iii) Permitted Uses

Notwithstanding the provisions of Sections 8.3.1 and Section 8.3.4 g) of this By-law, the land and premises identified on Schedule “A” hereto as M2(9) may also be used for the purposes of a Music Production and Distribution Facility.

(iv) Aisle width

Notwithstanding any other provision of this By-law, the minimum aisle width shall be 5.1 metres.

4. Other Provisions of the By-law

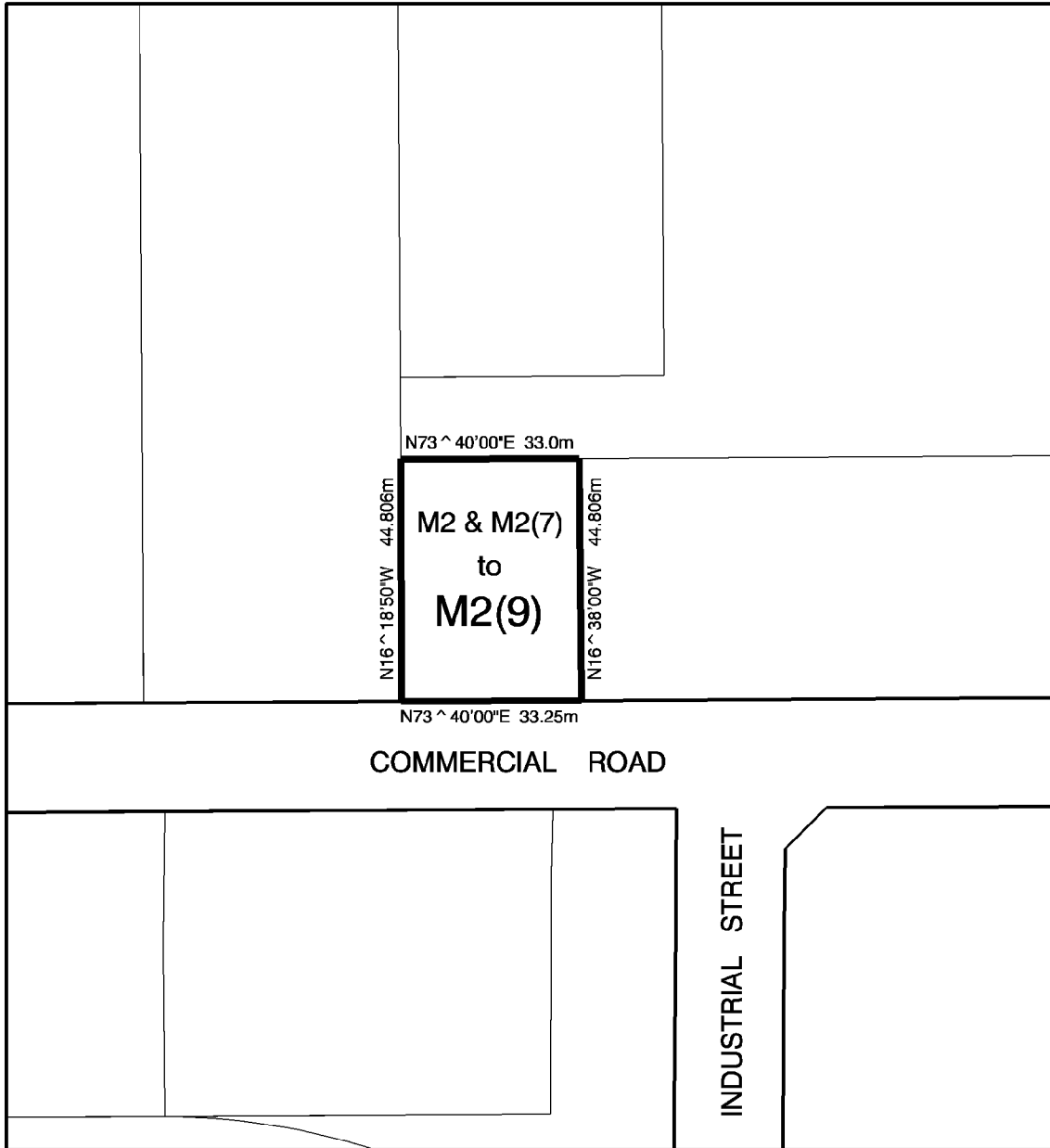
Except as amended in this By-law, all the other provisions of By-law 1916 shall apply to the lands;

ENACTED AND PASSED this day of ,A.D. 2008

Mayor

City Clerk

Schedule "1"



Schedule 1

Part of Lot 14, Con. 3, From The Bay & Block 6, R.P. 2510, City of Toronto
Survey Data from Plan Of Survey, dated August 24, 2004, prepared by Holding Jones Vanderveen Inc., O.L.S.
Date: 01/12/2009
Approved by: D.Wong

File # 08_147004

