



**STAFF REPORT
ACTION REQUIRED**

Supplementary Report to Council – City-wide Site Plan Control By-law

Date:	June 4, 2012
To:	City Council
From:	Acting Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	Cc12046

SUMMARY

This report provides City Council the additional information requested by the Planning and Growth Management Committee at its May 17, 2012 meeting as part of its recommendations to City Council to enact a City-wide Site Plan Control By-law. The additional information relates to the outcome of a meeting with the Toronto and Region Conservation Authority (TRCA) and City Parks, Forestry and Recreation staff regarding site plan control for new detached houses on ravine lots; comment on a lower size threshold for exempting new industrial buildings from site plan control; and including in site plan control interior alterations of industrial buildings used for industrial purposes to any other industrial uses that are located on arterial roads.

RECOMMENDATIONS

The Acting Chief Planner and Executive Director, City Planning recommends that:

1. City Council enact the Site Plan Control By-law substantially in accordance with the draft included as Attachment 1 and thereby amend Chapter 415 - Development of Land by adding Article V, "Site Plan Control".
2. City Council authorise staff to make stylistic and technical changes to the draft Site Plan Control By-law and the By-law to repeal the previous site plan control by-laws as may be required.

Financial Impact

This report has no direct financial impact in its implementation.

DECISION HISTORY

At its May 17, 2012 meeting the Planning and Growth Management Committee recommended that City Council enact a City-wide Site Plan Control By-law. As part of its recommendations, the Committee requested the Chief Planner and Executive Director to report directly to City Council on 3 matters:

1. The outcome of a meeting with the Toronto and Region Conservation Authority (TRCA) regarding site plan control for new buildings (i.e. detached houses) on ravine lots.
2. A lower threshold for exempting new industrial buildings located in proximity to residential areas.
3. Include in Clause 5 of the Interior Alterations for Use Conversions section of the By-law that the exemption not allow the introduction of a prohibited use and the exemption not apply to industrial buildings located on arterial roads.

For the Decision Advice and Other Information of the Committee refer to:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG14.1>

COMMENTS

Meeting with the TRCA

Staff from City Planning, Parks, Forestry & Recreation, and Toronto Building met with the TRCA staff to determine how ravine protection can be ensured for detached houses,

semi-detached houses, and duplexes, which are exempt from site plan approval by the proposed City-wide Site Plan Control By-law. The following is a summary and outcome of the meeting.

It was acknowledged that any developments, including detached houses, would still require TRCA development permits if the properties are within the TRCA area of interest, which includes the area within 15 metres of the floodplain and the stable top-of-bank. The Conservation Authorities Act (implemented through the TRCA development permit process) is applicable law under the Building Code Act. Toronto Building will maintain a procedure to identify building permit applications for new detached houses on lots within the TRCA regulated area. Building permits will not be issued for such developments until applicants submit to Toronto Building the TRCA development permits or Toronto Building receives written releases from TRCA.

The TRCA's review of development under its permitting system allows for comment and attachment of conditions to most of the issues involved with ravine properties, such as control of flooding, erosion, slope stability, dynamic beaches, pollution and the conservation of land. However, some City approvals, such as the Ravine and Natural Feature Protection By-law, complement the TRCA regulation by offering better or further protection for vegetation and trees. In addition, the new City-wide Zoning By-law will include a requirement of a 10 metre setback for buildings from the stable top-of-bank. This new measure in the Zoning By-law achieves far more than could be achieved through site plan approval with respect to the siting and location of buildings.

The conclusion resulting from the meeting was that through continued and enhanced coordination and cooperation between Toronto Building Division, the TRCA and Parks, Forestry & Recreation Division, and the adoption of the new City-wide Zoning By-law, the concerns over small development on most ravine lots can be dealt with without the need for site plan approval. There were examples of some sites which were the subject of recent applications that were difficult to develop and site plan approval may prove worthwhile in such circumstances. But the criteria for delineating such sites require some further consideration. City Planning, the TRCA, Parks, Forestry and Recreation and Toronto Building staff will monitor the implementation of the Site Plan Control By-law and report back to Committee on the effectiveness of the process and, if necessary, the criteria for capturing smaller scale development on particular ravine lots that may benefit from the site plan approval process.

Lower Exemption Threshold for New Industrial Buildings in Proximity to Residential Areas

The exemption threshold in the proposed City-wide Site Plan Control By-law for a new industrial building containing only industrial uses is 1,000 square metres. This threshold level was arrived at using existing threshold levels (900 square metres is the current highest) and then rounding-up as a matter of policy support for development related to job creation initiatives. The requested report recommendation from Committee suggests

that industrial sites close to residential areas should have a lower threshold applied because even smaller industrial development, when close to residential areas, may have an impact that better site design may alleviate.

Determining which industrial sites are located in proximity to residential areas is difficult since every industrial area is bounded in part by residential areas, although most are separated by a public road. Older industrial areas tend to be more embedded into residential communities, having been developed when there was no overall land use strategy.

Nevertheless, zoning regulations have been enacted to account for proximity issues over the years. These regulations require land uses that are more compatible with the surrounding area and establish lot and building requirements, including parking and loading space standards, all of which help to reduce potential impacts of the built form and activity. Zoning regulations vary across the City to account for the differences between various areas of the City. This ensures that a 'one size fits all' approach is avoided.

The site plan approval process applies when the development complies with the zoning by-law. Site plan approval cannot vary the parking or loading space requirements. It cannot change the use, setback, height, density or landscaping requirements. These are zoning regulations that must be adhered to. A building of less than 1,000 square metres will require at the most, 9 car parking spaces. The nature of employment uses is to have employees arrive at a set time and leave at a set time. This situation can be contrasted with retail or other service commercial uses that may generate traffic throughout the day and yet are located as close to residential areas as some of these industrial areas at issue. These uses would be subject to site plan approval.

On this basis, no change to the threshold limit exempting new industrial buildings is recommended for sites located in proximity to residential areas.

Additional Qualifications for the Interior Alteration for Use Conversion Existing Industrial Use to another Industrial Use Exemption

The request is to consider including in Clause 5 of the Interior Alterations for Use Conversions section of the proposed Site Plan Control By-law that the exemption not allow the introduction of a prohibited use and the exemption not apply to industrial buildings located on arterial roads.

The site plan approval process cannot prohibit nor permit any new land use. Land use is a matter regulated by the zoning by-law. Site Plan approval applies only if the land use is permitted. An interior alteration for a use conversion from an industrial use to another use category, such as commercial, provided the conversion is deemed to be development, would be subject to site plan control, unless exempt by another exemption.

The outcome of the second qualification would be that industrial to industrial interior alterations to industrial buildings fronting on a minor arterial and major arterial road as shown on the City's Road Classification System would be subject to site plan control if deemed development. Whereas, industrial to industrial interior alterations to industrial buildings fronting on a local road or collector road would be exempt from site plan control.

Approaching exemptions to site plan control approval based on location does not always ensure that larger industrial developments are subject to site plan control. Also, in some cases, site plan control approval may be required for smaller developments based on their location, such as in this instance on an arterial road.

An exemption qualification based on size ensures that the same size development is subject to site plan control regardless of location. In the case of interior alterations for use conversion from an existing industrial use to another industrial use, it is more practical to base a development's intensity of use on the size of the development rather than on its location. No change to the proposed Site Plan Control By-law is recommended.

Additional Minor Changes to the By-law

The designated heritage property exemption from Clause 6 of the New Buildings Exemptions and from Clause 5 of the Interior Alterations for Use Conversions Exemptions, have been removed from the proposed Site Plan Control By-law. Given the non-intrusive nature of the developments exempt from site plan approval, such as new ancillary buildings less than 50 square metres, requiring an entire site plan review process to address solely heritage matters would not be commensurate with the effort required to process the site plan application.

Clause 6 of the Interior Alterations for Use Conversions Section of the proposed Site Plan Control By-law is intended to require site plan approval for a single or semi-detached house where more than 2 dwelling units are being added, if the home is located on commercially zoned property. The version of the proposed By-law submitted to Planning and Growth Management Committee omitted the words "on commercially zoned property." Such properties are found along arterial roads in North York, Scarborough and Etobicoke. Site plan approval can help address concerns with proper parking, access and drainage.

The qualification that a development may be subject to site plan control if it is the subject of a previous site plan control agreement under Clause 3 of the Additions to Existing Buildings Exemptions has been removed. For clarity and certainty, the qualification is removed, indicating that all sites subject to previously approved site plans will be reviewed together with the approved plans.

A copy of the revised City-wide Site Plan Control By-law is attached.

Toronto Building, Legal Services, Parks, Forestry and Recreation and the TRCA have reviewed this report.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning Division

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ATTACHMENTS

Attachment 1: Proposed Site Plan Control By-law

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Authority: Community Council/Committee Item No. , as adopted by City of Toronto Council

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To amend the City of Toronto Municipal Code Chapter 415
by adding Article V, Site Plan Control

WHEREAS subsection 114(2) of the *City of Toronto Act, 2006*, S.O. 2006, CHAPTER 11, Schedule A, provides that where in an official plan an area is shown or described as a proposed site plan control area, the City may, by by-law designate the whole or any part of such an area as a site plan control area; and

WHEREAS the City of Toronto's Official Plan describes the entire City of Toronto as a potential area for site plan control; and

WHEREAS subsection 114(3) of the *City of Toronto Act, 2006* provides that a by-law passed under subsection 114(2) may designate a site plan control area; and

WHEREAS subsection 114(17) of the *City of Toronto Act, 2006* provides that where the City has designated a site plan control area, the City may, by by-law define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required.

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

Definitions

Terms used in this by-law have the same meaning as corresponding terms used in the applicable zoning by-law in effect for the property.

Area of Site Plan Control

All land within the City of Toronto boundaries is designated a site plan control area.

Development Subject to Site Plan Control

The approval of plans and drawings in accordance with section 114(5) of the City of Toronto Act, 2006 and section 41(4) of the Planning Act for development in accordance with section 114(1) of the City of Toronto Act, 2006 and section 41(1.1) of the Planning Act is required unless otherwise exempt from approval as set out in this by-law.

Exemptions

New Buildings

A new building is exempt from the requirement of the approval of plans and drawings if the new building is:

1. a detached dwelling, semi-detached dwelling, or duplex;
2. a triplex, or fourplex, if:
 - a) the building is less than 4 storeys; and
 - b) the property includes less than 5 parking spaces;
3. a row house or townhouse project, if:
 - a) the project includes no more than 4 dwelling units; and
 - b) each dwelling unit fronts on a public road;
4. an industrial, manufacturing or warehouse building, containing only industrial, manufacturing or warehouse uses, if:
 - a) the building is less than 1,000 square metres in gross floor area; or
 - b) the building is not an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station;
5. an ancillary building associated with a detached dwelling, semi-detached dwelling, duplex, triplex, fourplex, or row house or townhouse;
6. an ancillary building associated with a commercial, industrial or manufacturing, institutional, mixed-use, office, or other non-residential building, or a residential building not cited in exemption 5 above, if the ancillary building is less than 50 square metres in gross floor area;
7. a building used as a temporary sales pavilion, model home, or construction office associated with a building that will be constructed on the same property;
8. a building used as a temporary sales pavilion, model home, or construction office associated with a building that will not be constructed on the same property, if the building used as a temporary sales pavilion, model home, or construction office is less than 500 square metres in gross floor area; or
9. a tent, marquee, or air supported structure erected for a period not to exceed 26 weeks.

Additions to Existing Buildings

An addition attached to an existing building is exempt from the requirement of the approval of plans and drawings if the existing building is:

1. a detached dwelling, semi-detached dwelling, duplex, triplex, fourplex, or row house or townhouse;
2. an ancillary building associated with a detached dwelling, semi-detached dwelling, duplex, triplex, fourplex, or row house or townhouse;
3. a commercial, institutional, mixed-use, office, or other non-residential building, except for an industrial, manufacturing or warehouse building, provided the addition:
 - a) is less than 600 square metres in gross floor area;
 - b) is not located in the front yard, or in the side yard on a corner lot;
 - c) does not include a drive through facility, entertainment place of assembly, medical office, place of assembly, or place of worship;
 with one such exemption allowed every 24 months starting from the date of the issuance of the building permit for the addition;
4. an industrial, manufacturing or warehouse building, containing only industrial, manufacturing or warehouse uses provided the addition:
 - a) is less than 20% of the gross floor area of the existing building, or 600 square metres, whichever is greater;
 - b) is not associated with an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station;
 with one such exemption allowed every 24 months starting from the date of the issuance of the building permit for the addition; or
5. on a property designated under Part IV or Part V of the Ontario Heritage Act.

Interior Alterations for Use Conversions

An interior alteration for use conversion is exempt from the requirement of the approval of plans and drawings if the interior alteration:

1. is less than 1,000 square metres of the existing building; with one such exemption allowed every 24 months starting from the date of the issuance of the building permit for the interior alteration;
2. is not associated with an entertainment place of assembly, medical office, place of assembly, or place of worship;
3. does not increase the number of dwelling units in a detached dwelling or a semi-detached dwelling by more than 2 dwelling units on a commercially zoned property;
4. does not include a use conversion of a detached dwelling or a semi-detached dwelling to a non-residential use, that will be the only use in the building, except for a temporary sales pavilion, model home, or construction office use; or
5. is to an existing industrial, manufacturing or warehouse building, containing only industrial, manufacturing or warehouse uses for a use conversion from an existing industrial, manufacturing or warehouse use to any other industrial, manufacturing or warehouse use, if the interior alteration is not associated with an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station.

Replacement, Reconstruction, or Compliance

Replacement or reconstruction of a building or structure, or part of a building or structure, destroyed or damaged by fire, explosion, flood or other similar cause, or replacement, reconstruction, or compliance due to an order of the City of Toronto is exempt from the requirement of the approval of plans and drawings if the gross floor area and height of the building or structure are not increased, no lot line setback is changed, the use of the land is not changed, or the building is on a property designated under Part IV or Part V of the Ontario Heritage Act.

ENACTED AND PASSED this .

Mayor

City Clerk