



STAFF REPORT
Committee of Adjustment
Application

Date:	December 23, 2014
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Allen Appleby, Director, Community Planning, North York District
Ward:	Ward 26 (Don Valley West)
Reference:	File No: A915/14NY Address: 11-25 INDUSTRIAL STREET Application to be heard: Thursday, January 8, 2015

RECOMMENDATIONS

It is recommended that the application for minor variance be refused.

APPLICATION

The applicant is proposing to construct a two-storey fitness centre and surface parking lot connecting to the existing retail site to the south.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- 1. Chapter 60.20.20.100.(7), By-law No. 569-2013**
A Recreation Use is not permitted in the E zone unless it is located on a lot that fronts a major street.
A Recreation Use is proposed.
- 2. Chapter 60.20.40.70.(3), By-law No. 569-2013**
The minimum required rear yard setback is 7.5m.
The proposed rear yard setback is 0.89m.
- 3. Section 8.3.1, By-law No. 1916**
A Private and Public Recreation Facility use is not permitted in the M2 zone.
A Private and Public Recreation Facility use is proposed.
- 4. Section 8.3.2, By-law No. 1916**
The minimum required rear yard setback is 6.0m.
The proposed rear yard setback is 0.89m.

COMMENTS

The subject lands are approximately 0.56 hectares and have a frontage of approximately 91 metres on Industrial Street. The site is currently vacant but was recently occupied by industrial buildings that have been demolished. To the north, east and west of the site are industrial buildings. Abutting the site to the south are lands also owned by the applicant which contain a large format retail building and a number of smaller retail buildings that operate as one site and share parking.

The applicant proposes to construct a two-storey fitness centre (5,574.2 square metres) with approximately 190 parking spaces on the site. The parking lot would be connected to, and incorporated into, the existing parking lot to the south, which serves the existing large format grocery store and other retail uses. Vehicular access to the proposed parking lot is proposed at three locations along Industrial Street and from the existing parking lot of the retail development to the south.

The Provincial Policy Statement (PPS) requires municipalities to "plan for, protect and preserve employment areas for current and future uses". These lands should provide for a diversified economic base by "maintaining a range and choice of suitable sites for employment uses, and take into account the needs of existing and future businesses". The Growth Plan for the Greater Golden Horseshoe requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan.

The PPS states that the conversion of lands within employment areas to non-employment uses may be permitted through a comprehensive review and should only be permitted where it has been demonstrated "that the land is not required for employment purposes over the long term and there is a need for the conversion". In addition, the Growth Plan for the Greater Golden Horseshoe states that municipalities may permit conversion of lands within employment areas to non-employment uses only through a *Municipal Comprehensive Review*.

The site is designated as *Employment Areas* in the City of Toronto Official Plan. These areas are identified to meet the requirements of the PPS and are intended to be retained for uses that serve an economic function and provide jobs. Policy 4.6.2 of the Official Plan states that recreational uses such as the proposed fitness centre are only permitted in *Employment Areas* when located on a major street as identified on Map 3. Industrial Street is not identified as a major street on Map 3. Policy 4.6.3 requires development which includes large scale, stand-alone retail stores on major streets to ensure that sufficient transportation capacity is available to accommodate the increase in traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets and that the functioning of other economic activities within the *Employment Areas* are not adversely affected. As the subject site is being added to the large format retail store site to the south, reports assessing impacts to traffic and other economic activities in the area should be provided to the City as part of an application for this type of development.

The City has recently conducted a *Municipal Comprehensive Review* of all *Employment Areas* within the Official Plan and staff submitted a report to the December 2013 meeting of City Council. The report recommended changes to the Official Plan concerning *Employment Areas* and included Official Plan Amendment 231 (OPA 231). Staff recommended a new designation of *Core Employment Areas* for the subject site in OPA 231. OPA 231 was adopted by City Council as Council policy in December 2013 (By-law 1714-2013) and it was subsequently sent to the provincial government for review. The Minister of Municipal Affairs and Housing approved OPA 231 with modifications on July 9, 2014. The *Core Employment Areas* designation does not permit the proposed fitness use.

OPA 231, as approved and modified by the Minister of Municipal Affairs and Housing, includes Policy 9 within Section 2.2.4, Employment Areas: Supporting Business and Employment Growth, which reads as follows (underlining added for emphasis):

"The redesignation of land from an *Employment Area* designation to any other designation, by way of an Official Plan Amendment, or the introduction of a use that is otherwise not permitted in an *Employment Area* is a conversion of land within an *Employment Area* and is also a removal of land from an *Employment Area*, and may only be permitted by way of a Municipal Comprehensive Review. The introduction of a use that may be permitted in a *General Employment Area* into a *Core Employment Area* or the redesignation of a *Core Employment Area* to a *General Employment Area* designation is a conversion and may only be permitted by way of a Municipal Comprehensive Review."

The site's *Core Employment Area* designation under OPA 231 is under appeal by the applicant in an attempt to have the site redesignated as *General Employment Area*. Fitness centres are not permitted in *Core Employment Area* but are permitted in the *General Employment Area* designation. A prehearing conference before the Ontario Municipal Board is scheduled on March 12 and 13, 2015 to address the appeals of OPA 231. Until the appeal of OPA 231 is complete, this application is premature.

Former Town of Leaside By-law 1916 and City of Toronto By-law 569-2013 do not permit recreational uses on the site and contain no development standards for recreational uses in these areas. As previously mentioned, for a development within an *Employment Areas* designation which includes a large scale, stand-alone retail store (such as the existing grocery store), the Official Plan outlines a number of reports and studies which need to be submitted in order to determine if the use is appropriate. An application to amend the zoning by-law to permit the proposed use is more appropriate and would allow staff an opportunity to assess the potential impacts a recreational use may have on the employment area and to create appropriate development standards. The rezoning process allows for a comprehensive review of the reports to determine whether the proposal is appropriate.

CONCLUSION

In conclusion, the application is premature given the applicant's appeal of OPA 231 regarding the *Core Employment Area* designation of the site. Further, the current Official Plan requires a development which contains large scale, stand-alone retail stores to ensure that sufficient transportation capacity is available to accommodate the increase in traffic and that it results in an acceptable level of traffic on adjacent and nearby streets. The Official Plan also requires an applicant to ensure that the functioning of other economic activities within the employment area are not adversely affected. The review of these impacts requires a more fulsome review through an application to amend the zoning by-law. As such, the application does not meet the requirements of Section 45 of the *Planning Act* for a minor variance.

CONTACT

Guy Matthew, Planner
Tel: 416 395-7102
Fax: 416-395-7155
E-mail: gmatthe2@toronto.ca

Gerry Rogalski, Senior Planner
Tel: 416 397-4074
Fax: 416 392-3821
E-mail: grogals@toronto.ca

SIGNATURE

Allen Appleby
Director, Community Planning, North York District
A915/14NY