

**Southwest Corner of Morningside Avenue and McNicoll Avenue – City-Initiated Official Plan Amendment – Final Report**

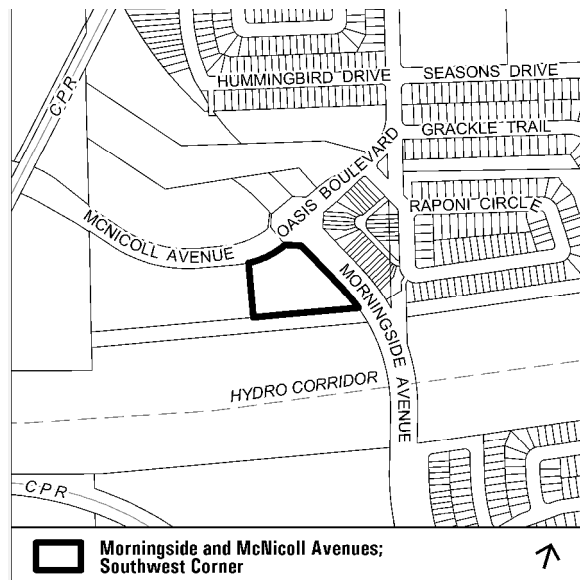
<b>Date:</b>	March 19, 2013
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 42 – Scarborough-Rouge River
<b>Reference Number:</b>	12 165924 ESC 42 OZ

**SUMMARY**

This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

Planning staff are proposing to clarify the land use designation applying to a property located at the southwest corner of Morningside and McNicoll Avenues to avoid any ambiguity in the interpretation of the land use policies that apply to the lands.

The proposed amendment would re-designate the subject lands from 'Neighbourhoods' to 'Employment Areas' consistent with Urban Structure Map (Map 2) of the Toronto Official Plan which shows the subject lands within an Employment District. The proposed amendment would reflect and correlate with the designation which existed in the former Scarborough Official Plan which designated the lands Neighbourhood Commercial within an area designated as Business Park. The proposed amendment would also correspond with the current Business Park (BP) and Neighbourhood Commercial (NC) zoning applying to the subject lands.



This report reviews and recommends approval of the City-initiated amendment to the Toronto Official Plan.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the Toronto Official Plan, for the lands at the southwest corner of Morningside and McNicoll Avenues substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to report dated March 19, 2013.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY/REASON FOR THE AMENDMENT**

The Ontario Municipal Board (OMB) approved the Morningside Heights Secondary Plan in 2000 and in 2002 approved the Morningside Heights Community Zoning By-law. These approvals led to the development of a new community known as Morningside Heights. The subject lands at that time were designated in the former Scarborough Official Plan as Neighbourhood Commercial within an area designated as Business Park located along the west side of Morningside Avenue. Neighbourhood Commercial provided for local convenience retail, personal service and professional office facilities serving the surrounding neighbourhood. The Business Park designation primarily was to provide for industrial and office employment opportunities and secondarily, to provide for limited retail and other uses such as places of worship, a community centre and library facilities, subject to locational restrictions within the Business Park. The Business Park was also to provide an acoustical and visual buffer between the Morningside Heights residential community and the industrial uses to the west. These policies did not provide for residential uses on the subject lands. The Morningside Heights Secondary Plan in the former Scarborough Official Plan is illustrated by Attachment 4.

When City Council adopted the Toronto Official Plan in November 2002, the structure and language of the new Plan differed from those of the Official Plans of the former municipalities. The land use designations within the former Morningside Heights Secondary Plan were incorporated in part, onto the Land Use Plan Map in Chapter 4 and, on the Morningside Heights Secondary Plan Land Use Plan of the Toronto Official Plan. The lands within the Business Park were also included within the Employment Districts shown on the Urban Structure Map (Map 2) of the Toronto Official Plan. Inadvertently however, the lands were designated as 'Neighbourhoods' on the Land Use Plan Map in Chapter 4 which provides, among other uses, for residential uses. The 'Neighbourhoods' policies conflict with the policies of both the Employment Districts and, 'Employment

Areas' in the current Morningside Heights Secondary Plan as neither employment policies provide for residential uses.

Both the former and current Morningside Heights Secondary Plans have a policy statement which references that the alignment for Morningside Avenue within the Community as being the intended interface between residential uses and other uses.

The Morningside Heights Zoning By-law zones the subject lands as Neighbourhood Commercial (NC) and Business Park (BP). This zoning correlates with the former Morningside Heights Secondary Plan in the Scarborough Official Plan. The zoning by-law, as it applies to the subject lands, does not permit residential uses.

The applicable portion of the Employment Districts from the Urban Structure Map (Map 2) in the Toronto Official Plan is illustrated on Attachment 1. The current land use designation as shown on the Map 22, Land Use Map is illustrated on Attachment 2. The Morningside Heights Secondary Plan is illustrated on Attachment 3. The current zoning applying to the subject lands is illustrated on Attachment 5.

## **ISSUE BACKGROUND**

### **Proposal**

This City-initiated amendment will correct the land use designation in the Toronto Official Plan to ensure a consistent policy framework for these lands, which would also correlate with the designation of the former Scarborough Official Plan. The amendment would be to Map 22, Land Use Plan only and would re-designate the subject lands from 'Neighbourhoods' to 'Employment Areas' in order to maintain the urban structure of the Morningside Heights Community as envisioned, planned and approved by the OMB.

### **Site and Surrounding Area**

The subject lands are approximately one hectare and are located at the southwest corner of Morningside Avenue and McNicoll Avenue. The subject lands are vacant.

- North: Vacant lands, the Neilson Tributary, and lands for the future extension of Morningside Avenue to Steeles Avenue exist on the north side of McNicoll Avenue. Hummingbird Park and residential uses occur further to the north and northeast, and would occur on the east side of the future Morningside Avenue extension.
- West: Immediately adjacent to the lands is a development for a banquet hall and office building for which some construction has commenced. A vacant property occurs further west adjacent to the Havelock Subdivision rail line, with industrial uses beyond within the Tapscott Employment District.
- South: A hydro corridor containing a hydro substation is adjacent to the subject lands along with other vacant lands further south on the west side of Morningside Avenue.
- East: Residential uses exist on the east side of Morningside Avenue.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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 subject lands are shown on Map 2, Urban Structure as Employment Districts which are areas of economic activity. Policy 2.2.4.1 of the Official Plan states that Employment Districts shown on Map 2 will be protected and promoted exclusively for economic activity in order to maintain and grow the City's tax base, nurture Toronto's diverse economic base, provide a good overall balance between population and employment growth and provide a range of employment opportunities.

The subject lands are designated as 'Neighbourhoods' on Map 22, Land Use Plan which provides, among other uses, for residential uses.

The subject lands are located within the Morningside Heights Secondary Plan which contains detailed land use policies to guide development within the secondary plan area. Policy 1.2.2 generally identifies lands west of Morningside Avenue as 'Employment Areas' and Policy 1.2.2.4 specifically provides for an approximately one hectare commercial centre within the 'Employment Areas' designation, north of the Hydro One right-of-way for local convenience retail, personal service and professional office facilities serving the surrounding neighbourhood. Policy 1.6.1 pertains to the extension of Morningside Avenue as an arterial road within the Morningside Heights Secondary Plan area. This Policy also references the intent of Morningside Avenue's alignment which is to be at the interface between residential uses and other uses.

Policy 5.6.6 of the Toronto Official Plan provides guidance in interpreting the Plan. This policy states that when Secondary Plans policies conflict between policies of the Official Plan (Chapters 1 to 5), the Secondary Plan policies prevail.

## **Zoning**

The subject lands are zoned as Neighbourhood Commercial (NC) Zone and Business Park (BP) Zone in the Morningside Heights Community Zoning By-law.

The Neighbourhood Commercial Zone permits day nurseries and retail commercial uses serving the adjacent residential neighbourhood and includes uses such as: financial institutions, business and professional offices, medical centres, service shops and agencies, restaurants, retail stores, drug stores, mechanical or automatic car washes, bakeries, studios, laundromats, dry cleaning depots and libraries.

The Business Park Zone permits light industrial uses, offices, day nurseries, financial institutions, education and training facility uses conducted wholly within enclosed buildings, recreational uses, restaurants, banquet halls, health centres and a fire/police station. Community centres and library facilities are also permitted.

## **Community Consultation**

A community consultation meeting was held December 18, 2012. Two individuals attended this meeting: an area resident, and a representative of the landowner. The main issue raised by the landowner's representative was with the removal of the 'Neighbourhoods' designation which provides for residential uses. The current landowner had expressed interest in developing the lands for residential development and did not wish to have development rights removed.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposed amendment is consistent with the PPS. The proposal would maintain the spatial separation between the industrial uses within the Tapscott Employment District to the west from the residential uses on the east side of Morningside Avenue within the Morningside Heights Community, thereby avoiding potential public health and safety concerns. The proposal would also promote a land use pattern that sustains the financial well-being of the City over the long term by maintaining the subject lands for economic opportunities and development.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal would promote economic development by providing a mix of employment uses. The proposal would also protect and preserve the employment area for employment thereby contributing to building a complete community.

### **Proposed Official Plan Amendment – Land Use**

Currently, the 'Neighbourhoods' designation on Map 22, Land Use Plan that applies to the subject lands conflicts with Employment Districts area and related policies. The proposed City-initiated amendment would correct the land use designation such that a consistent policy framework applies to the lands. By amending Map 22, Land Use Plan for these lands to 'Employment Areas', the designation and policies would correlate with the Employment Districts policies which provide for economic activity.

With regards to the Morningside Heights Secondary Plan, no amendments would be required to facilitate the amendment to Map 22, Land Use Plan as the policies contained in the Secondary Plan provide for an approximately one hectare commercial centre within

the 'Employment Areas' designation, north of the Hydro One right-of-way for local convenience retail, personal service and professional office facilities serving the surrounding neighbourhood.

The Secondary Plan also describes Morningside Avenue as being at the interface between residential uses and other uses. This would be consistent with how the Morningside Community has developed, with residential uses on the east side of Morningside Avenue and the business park being on the west side. The purpose of the business park within Morningside Heights Community is to not only provide a "linear" spatial separation between the residential uses and the industrial/employment uses within the Tapscott Employment District, but also to be an employment corridor. The proposed amendment would reinforce this policy.

The Morningside Heights Zoning By-law zones the subject lands as Neighbourhood Commercial (NC) and Business Park (BP). This zoning has existed since 2002 when the OMB approved the zoning by-law for the Morningside Heights Community. The zoning by-law does not permit residential uses on the subject lands nor on any other lands on the west side of Morningside Avenue. With the proposed amendment, no changes to the Morningside Heights Zoning By-law are required.

The proposed amendment would result in the Official Plan's Employment Districts, Employment Areas and Secondary Plan policies being consistently applied to the subject lands and the existing zoning for the subject lands would conform to these policies.

### **Emerging Employment Policy**

City Planning is undertaking a 5-year review of the Toronto Official Plan as required by the Planning Act as well a concurrent Municipal Comprehensive Review as required by the Provincial Growth Plan. The endeavour includes a review of the employment policies in the Toronto Official Plan. While the review is not complete, the most recent staff report on the draft policies and designations reveals that there is no real differentiation between the Employment Districts and Employment Areas. In addition, the report references that the current distinction between the Employment Districts and Employment Areas in the Toronto Official Plan are outdated. The proposed policy direction is that there be different Employment Areas designations that include 'core areas' of employment primarily for industrial uses and secondary uses, and other designations which include, but are not limited to, commercial uses including retail. These draft designations would not provide for residential uses. With regards to the subject lands, the proposed draft designation is Retail Employment Areas. The links to the staff report are:

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-51493.pdf>

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-51834.pdf>

## **Landowner's Concern**

At the community consultation meeting, the landowner's representative expressed concern with the deletion of the 'Neighbourhoods' designation which provides for residential uses. An interest to develop the subject lands for residential was expressed but no applications have been submitted. In order to accommodate a residential development, an amendment to the Official Plan would be required whether the current City-initiated amendment were adopted or not. To that end, the landowner would be required to submit the appropriate planning applications.

## **Conclusion**

The City-initiated amendment would correct the land use designation in the Toronto Official Plan to ensure a consistent policy framework which provides certainty and clarity as to which policies apply to the subject lands. The proposed amendment is a map change only and no other amendments, including to the zoning by-law, would be required.

The proposed amendment would also be consistent with the designation of the former Scarborough Official Plan which provided for the establishment of the Morningside Heights Community and which, provided for the Business Park located along the west side of Morningside Avenue within the Community. The proposed amendment is also consistent with the emerging employment policies as part of the 5-year Official Plan review and the Municipal Comprehensive Review. Staff recommend that the proposed amendment to the Toronto Official Plan be adopted.

## **CONTACT**

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## **SIGNATURE**

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Raymond David, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Official Plan – Urban Structure (Map 2)  
Attachment 2: Official Plan  
Attachment 3: Morningside Heights Secondary Plan  
Attachment 4: Former Morningside Heights Secondary Plan  
Attachment 5: Zoning  
Attachment 6: Draft Official Plan Amendment

Attachment 1: Official Plan – Urban Structure (Map 2)



**TORONTO** City Planning  
Urban Structure

Morningside and McNicoll Avenues;  
Southwest Corner

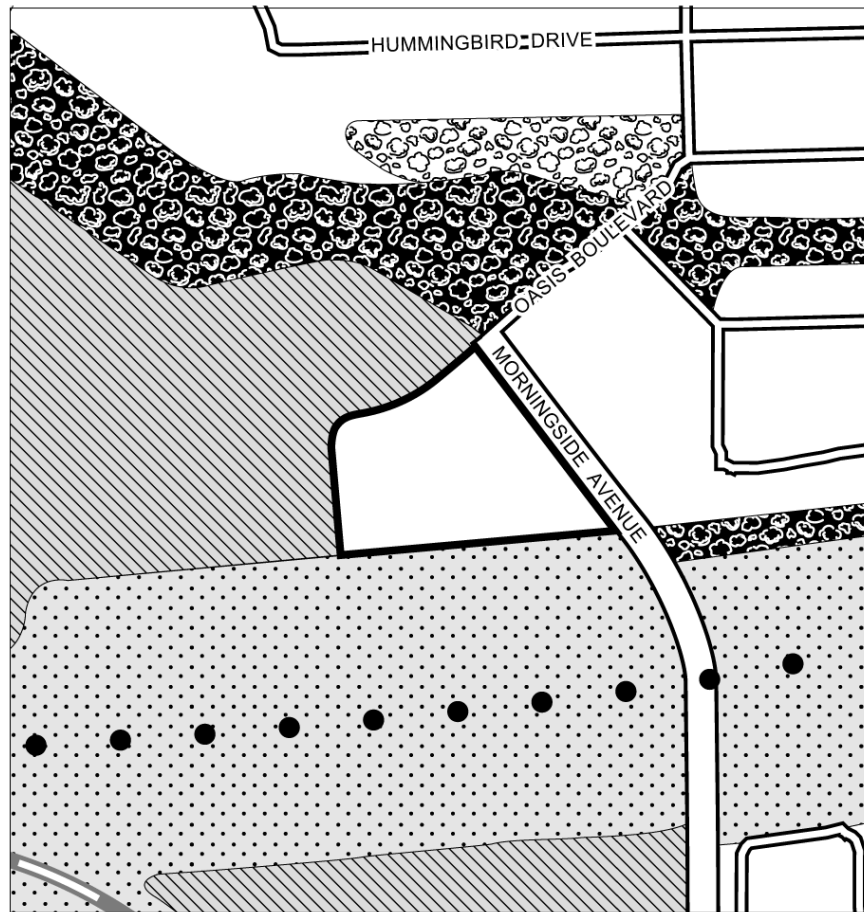
File # 12 165924 ESC 42 0Z

-  Site Location
-  Green Space System
-  Employment Districts

  
Not to Scale  
03/05/13



## Attachment 2: Official Plan



**Toronto** City Planning  
Official Plan

Morningside and McNicoll Avenues;  
Southwest Corner

File # 12 165924 ESC 42 0Z



# Attachment 3: Morningside Heights Secondary Plan



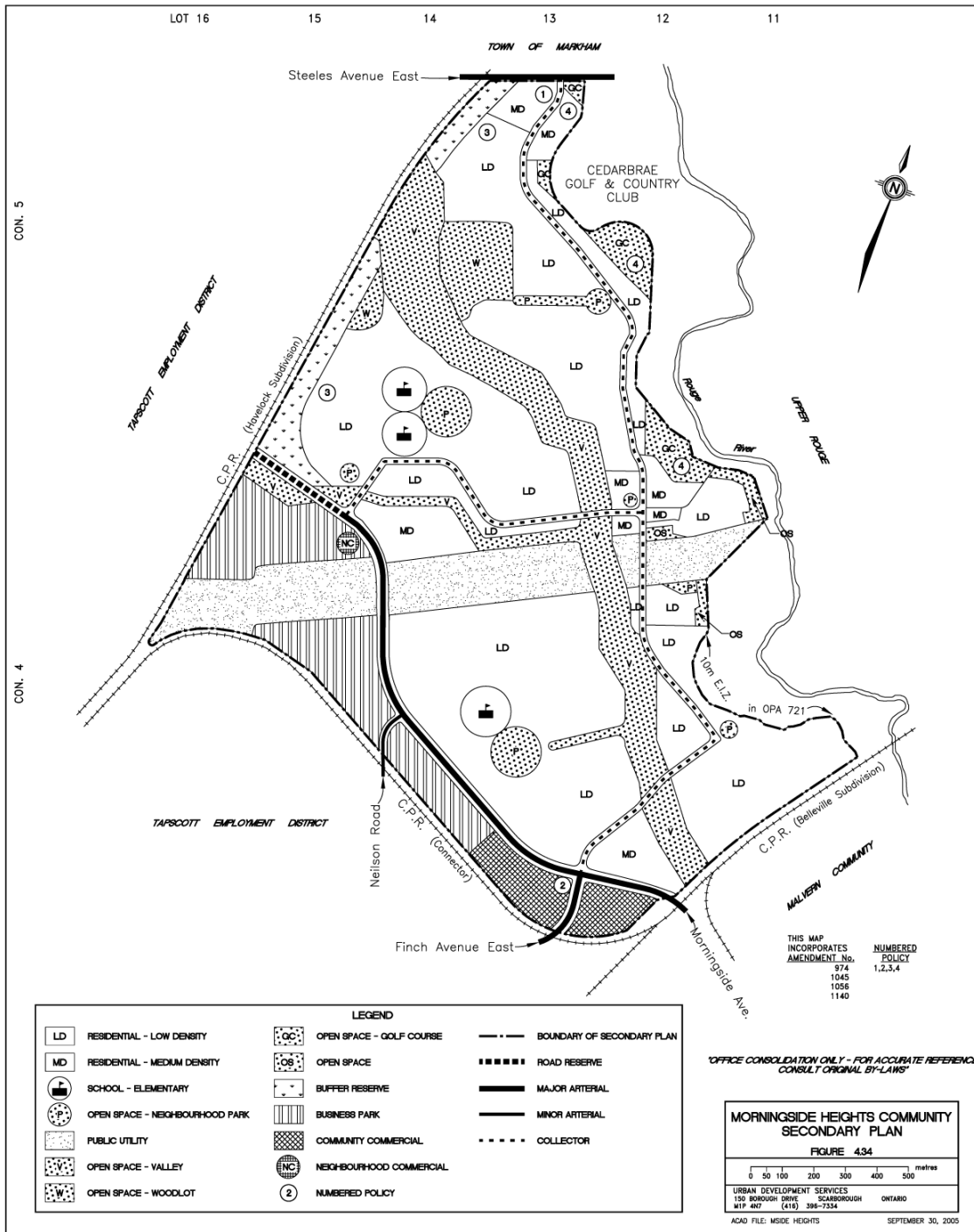
## Morningside Heights Secondary Plan

MAP 3-1 Land Use Plan

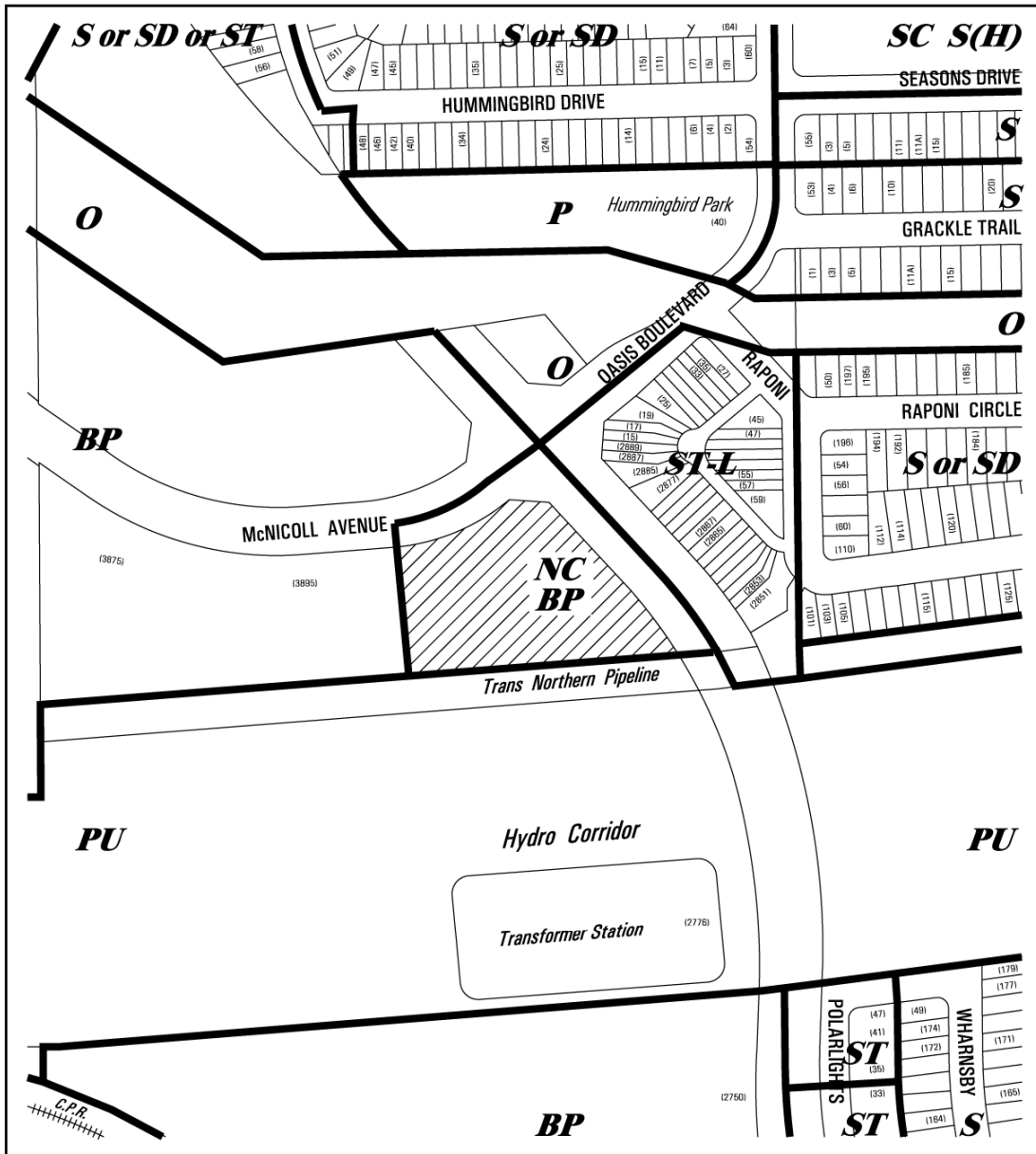
Secondary Plan Boundary	Road Reserve	Railway
Site and Area Specific Policies	Major Arterial	Hydro Corridor
Parks and Open Space Areas	Minor Arterial	
Neighbourhood Area 'A'	Collector	

June 2006

# Attachment 4: Former Morningside Heights Secondary Plan



## Attachment 5: Zoning



**Zoning** (Morningside Heights Community)

Morningside and McNicoll Avenues; Southwest Corner

File # 12 165924 ESC 42 0Z

- Location of Application
- S** Single-Family Residential
- SD** Semi-Detached Residential
- ST** Street Townhouse Residential
- ST-L** Street Townhouse-Lane Residential

- M** Multiple Family Residential
- SC** Schools
- O** Open Space
- P** Park

- NC** Neighbourhood Commercial
- BP** Business Park
- PU** Public Utility
- (H)** Holding

↑ Not to Scale  
05/09/12

**Attachment 6: Draft Official Plan Amendment**

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. -2013**

**To adopt an amendment to the Official Plan  
for the City of Toronto  
respecting the lands at the Southwest Corner Morningside Avenue and McNicoll  
Avenue**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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*;

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

1. The attached Amendment No. 216 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

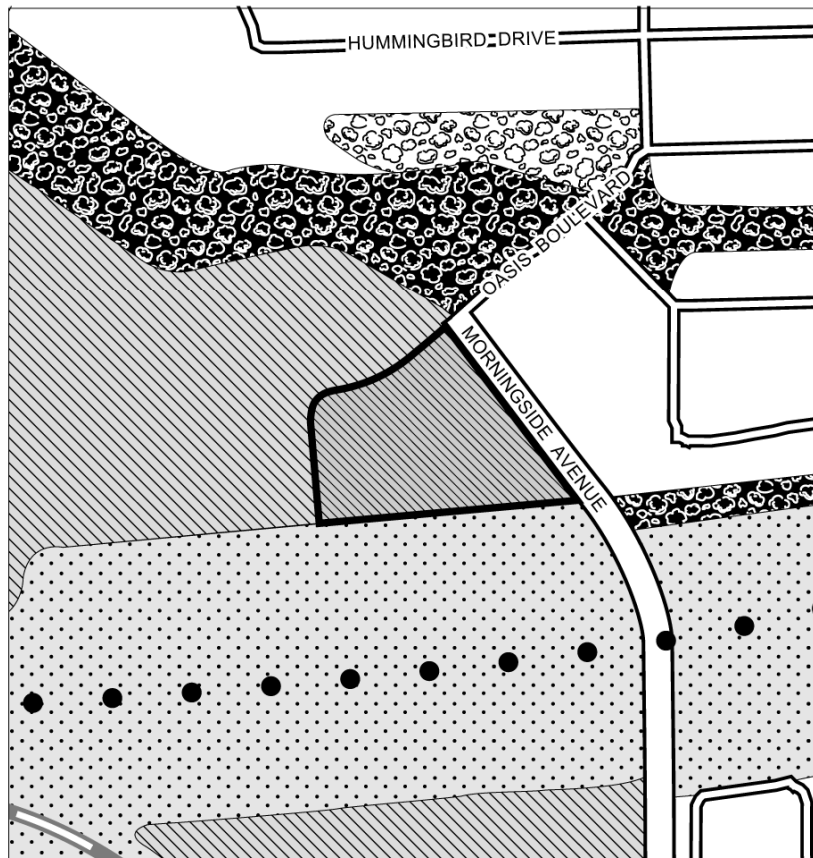
(Corporate Seal)

**AMENDMENT NO. 216 TO THE OFFICIAL PLAN**  
**LANDS AT THE SOUTHWEST CORNER OF MORNINGSIDE AVENUE**  
**AND MCNICOLL AVENUE**

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The Official Plan of the City of Toronto is amended as follows:

1. Map 22, Land Use Plan, is amended by re-designating the lands at the southwest corner of Morningside Avenue and McNicoll Avenues from *Neighbourhoods* to *Employment Areas*, as shown on the attached Schedule 1.



**Toronto** City Planning  
**Official Plan Amendment #216**

Revisions to Land Use Map 22 to Redesignate lands from Neighbourhoods to Employment Areas

**Morningside and McNicoll Avenues;  
 Southwest Corner**

File # 12 165924 ESC 42 02



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 02/11/13