

43 Upton Road - Zoning By-law Amendment Application - Preliminary Report

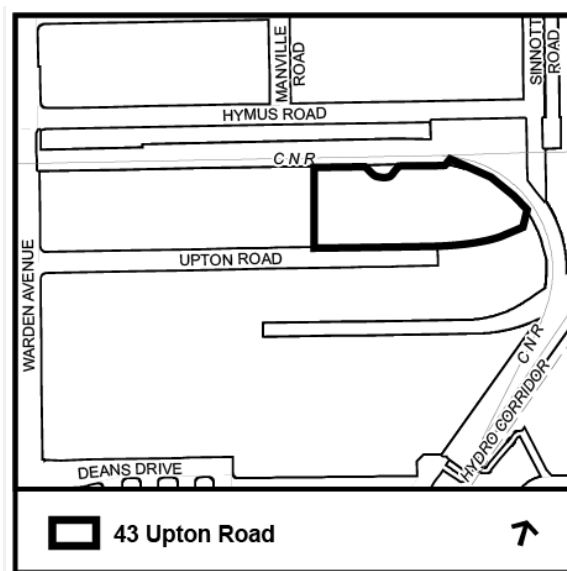
Date:	September 15, 2015
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	15 183871 ESC 35 OZ

SUMMARY

This application proposes to remove permissions for both heavy industrial uses and sensitive uses that are currently allowed under the Zoning By-laws for the lands at 43 Upton Road.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The application should proceed through the planning review process including the scheduling of a community consultation meeting. A final report will be prepared and a public meeting will be scheduled once all identified issues have been satisfactorily resolved and all required information provided.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 43 Upton Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Submission of the subject Zoning By-law Amendment application was one of the conditions of the recently negotiated settlement of the Ontario Municipal Board (OMB) appeals on the adjacent lands at 743 Warden Avenue. In December 2013, the owner of 743 Warden Avenue submitted Official Plan Amendment, Zoning B-law Amendment and Draft Plan of Subdivision applications to redesignate the lands from *Employment Areas* to *Mixed Use Areas* and *Neighbourhoods* in the Official Plan. The development would include 314 dwelling units consisting of 184 townhouses and 130 apartment units in a 5-8 storey mixed use building; a minimum of 4,645 square metres of commercial space; a network of public streets and lanes; and a stormwater management pond. In June 2014, the owner appealed the applications to the OMB due to the City's lack of decision within the statutory timeframe. On September 1, 2015, the OMB approved, in principle, the draft Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision, as per the Request for Directions Report with Confidential Attachment adopted by City Council at its meeting of July 7 and 8, 2015, available at <http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-82140.pdf>. The OMB decision will be issued on or soon after October 22, 2015 for 743 Warden Avenue.

In May 2012, City Council approved an application to amend the Official Plan for 43-50 Upton Road to delete the proposed extension of Sinnot Road from Upton Road to Hymus Road from 'Schedule 2: The Designation of Planned but Unbuilt Roads' (File No. 11 274834 ESC 35 OZ).

In December 1998, the property known as 50 Upton Road was purchased from the City of Toronto and merged in title with 43 Upton Road.

In June 2010, the Committee of Adjustment approved an application to convey the westerly portion of 43-50 Upton Road to the employment lands to the south (B019/10SC).

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V.03/13

In March 2012, the Deputy Secretary-Treasurer of the Committee of Adjustment approved an application for delegated consent to sever 43-50 Upton Road into two employment parcels, which had previously merged in title, re-establishing the pre-1998 property boundaries (B045/10C).

In May 2012, the Deputy Secretary-Treasurer of the Committee of Adjustment approved an application to convey by Lot Addition lands from 50 Upton Road to 43 Upton Road and established pedestrian and vehicular easements and rights-of-way between 43 and 50 Upton Road (B017/12SC).

Pre-Application Consultation

On April 23, 2015, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

This application proposes to remove permissions for heavy industrial uses permitted under both City of Toronto Zoning By-law 569-2013 and former Scarborough Employment Districts Zoning By-law No. 24982 and sensitive uses permitted under former Scarborough Employment Districts Zoning By-law No. 24982 for the lands at 43 Upton Road.

Site and Surrounding Area

The site is located northeast of Warden Avenue and St Clair Avenue East on the south side of Upton Road. The site has a frontage along Upton Road of approximately 79 metres, a depth of approximately 63 metres and an area of approximately 1.3 hectares (3.2 acres). The relatively flat site contains several one-storey industrial buildings and surface parking areas.

Surrounding uses include:

- North: Mix of one- and two-storey industrial and vehicle service buildings and open storage areas
- East: Former Canadian National Rail line, Line 2 Bloor-Danforth subway and residential uses beyond
- South: Vacant lands subject of the proposed residential development
- West: One-storey industrial and vehicle service buildings

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Employment Areas* in the Official Plan. *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.

OPA 231

On December 18, 2013, City Council adopted Official Plan Amendment (OPA) 231, which contains new and revised economic health and employment policies and new land use designations for employment lands. On July 29, 2013, OPA 231 was approved, with minor modifications, by the Minister of Municipal Affairs and Housing. Over 178 appeals of the Minister's decision were received and forwarded to the OMB.

On June 22, 2015, the OMB issued an order bringing into force the redesignation of sites under OPA 231 from *Employment Areas* to other land use designations and brought into force and effect a number of Official Plan policies except as they pertain to lands still under site specific appeals. The OMB order is available at <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=50430621f3161410VgnVCM10000071d60f89RCRD>. The next prehearing is scheduled to take place on October 22, 2015.

Though the land use designations outlined in OPA 231 are still under appeal, *Employment Areas* would be comprised of lands designated both as *Core Employment Areas* and *General Employment Areas*. The subject property would be designated *Core Employment Areas*. Uses permitted in *Core Employment Areas* are manufacturing, warehousing, wholesaling, transportation facilities, offices, research and development facilities, utilities, industrial trade schools, media facilities and vertical agriculture. Secondary uses, which support the primary employment uses permitted in *Core Employment Areas* are: hotels, parks, small-scale restaurants and catering facilities of a maximum size set out in the applicable Zoning By-law(s), and small-scale service uses that directly serve business needs such as courier services, banks and copy shops of a maximum size as set out in the Zoning By-law(s). Small-scale retail outlets that are

ancillary to and on the same lot as the principal use may be permitted up to a maximum size set out in the applicable Zoning By-law(s).

Zoning

The western half of the site is zoned Employment Heavy Industrial (EH) and the eastern half of the site is zoned Employment Industrial (E) in City of Toronto Zoning By-law 569-2013 (see Attachment 1: Zoning). The EH zoning category permits a range of industrial uses including animal shelters, building supply yards, dry cleaning or laundry plants and recovery facilities. The E zoning category permits a range of industrial uses including contractor's establishments, laboratories, offices and pet services.

The site is zoned Industrial (M), Special Industrial (MS), General Industrial (MG), and Vehicle Service (VS) in the former Scarborough Employment Districts Zoning By-law No. 24982. The industrial zoning categories permit light to heavy industrial uses while the Vehicle Service category permits vehicle sales and service and repair garages. Sensitive uses including day nurseries, education uses and places of worship are also permitted in the industrial zoning categories.

Site Plan Control

A Site Plan Control application is not required as no new development is proposed.

Reasons for the Application

While the application will be reviewed on its own merit, the application was submitted as part of the negotiated settlement for the adjacent lands at 743 Warden Avenue.

COMMENTS

Application Submission

A planning rationale was submitted with the application.

A Notification of Complete Application was issued on July 30, 2015.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. Planning staff will review and discuss with the applicant the issues below that have been identified on a preliminary basis:

- Appropriateness of removing permissions for heavy industrial uses from the lands.
- Ensure compliance with the policies of Official Plan Amendment 231, which establishes new economic policies and new policies and designations for *Employment Areas*.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

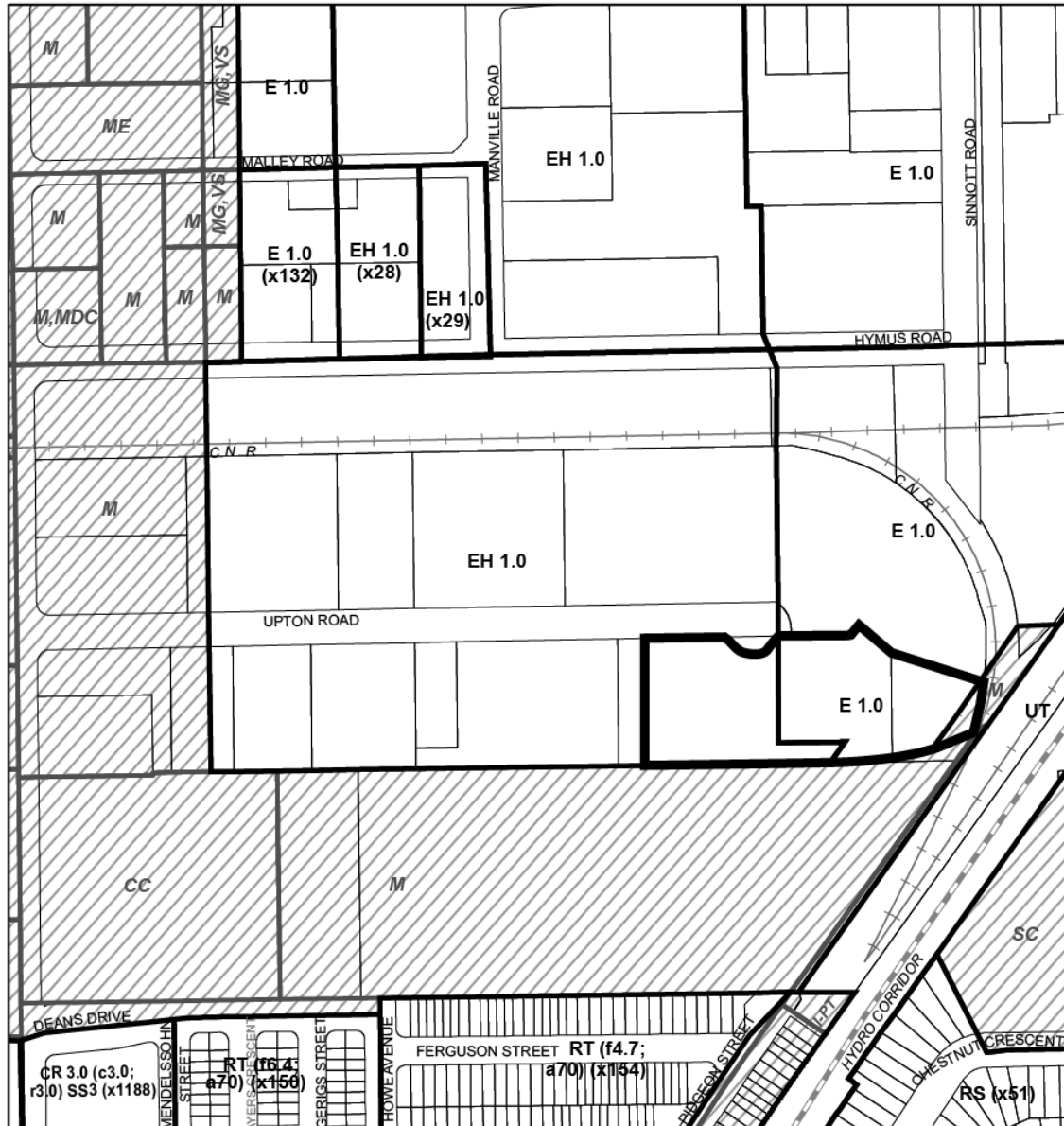
Lorna Day, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Zoning

Attachment 2: Application Data Sheet

Attachment 1: Zoning



Zoning By-Law No. 569-2013

43 Upton Road

File # 15 183871 ESC 35 0Z



Location of Application

RS Residential Semi-Detached
RT Residential Townhouse
CR Commercial Residential

E Employment Industrial
EH Employment Heavy Industrial
I Institutional
UT Utility and Transportation



See Former City of Scarborough Employment District Bylaw No. 24982 &
See Former City of Scarborough Birchmount Park Community Bylaw No. 9174

M Industrial Zone
MG General Industrial Zone
ME Mixed Employment Zone
MDC Industrial District Commercial Zone
VS Vehicle Service Zone

CC Community Commercial Zone
I-PT Institutional - Public Transit Zone
SC School



Not to Scale
Extracted: 08/20/2015

Attachment 2: Application Data Sheet

Application Type	Rezoning	Application Number:	15 183871 ESC 35 OZ
Details	Rezoning, Standard	Application Date:	July 2, 2015
Municipal Address:	43 Upton Road		
Location Description:	SCARBOROUGH CON C PT LOTS 31 AND 32 AND RP 64R11463 PARTS 5 TO 7		
Project Description:	This application proposes to remove permissions for both heavy industrial uses and sensitive uses that are currently allowed under the Zoning By-laws for the lands at 43 Upton Road.		

Applicant:	Agent:	Architect:	Owner:
Goldman (Upton) Ltd.			Goldman (Upton) Ltd.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	No
Zoning:	By-law 569-2013: EH 1.0 and E 1.0 and By-law 24982: M-361-913-982-1043, MG, VS-361-913-982-1043-2300-2301-2302-2303-2304, and MS, VS-361-913-991-1054-2300-2301-2302-2303-2304. Ex. 120	Historical Status:	
Height Limit (m):	20	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	12,950	Height:	Storeys:	0
Frontage (m):	79		Metres:	0
Depth (m):	63			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN

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

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