



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	September 30, 2016
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment Scarborough Panel</b>
<b>From:</b>	Paul Zuliani, Acting Director, Scarborough District Community Planning
<b>Wards:</b>	Scarborough-Rouge River (41)
<b>Reference:</b>	File No. A167/16SC Address: 4140 Finch Avenue East Application to be heard: Thursday, October 6, 2016 at 9:30 a.m.

**RECOMMENDATION**

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This application is premature given the outstanding matters related to the future grade separation proposed as part of the Stouffville GO rail service improvements. Matters with respect to exemptions and amendments to Section 37 provisions should be considered by Council. Staff recommend that the matter be deferred or refused as staff will not support the dual purpose use should development be permitted on these lands.

**APPLICATION**

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**PURPOSE OF THE APPLICATION:**

The owners are proposing to demolish a part of the building and undertake interior renovations for a proposal to use the building for a Place of Worship and Educational Facility (religious school).

**REQUESTED VARIANCES TO THE ZONING BY-LAW:**

- 1) To exempt the owner of the lands from the requirement to provide or fund the facilities, services and matters required by Performance Standard 2356,  
Whereas Performance Standard 2356 requires the owners of the land to enter into an agreement pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to provide or fund the following:
  - (i) a payment of \$110,000 - for the undergrounding of hydro services along the north side of Finch Avenue East between Midland Avenue and the C.N. Railway.
  - (ii) a payment of \$110,000 - for the reconstruction of the Agincourt Community Centre by the City.

- 2) A total of 72 parking spaces are proposed on the lot  
Whereas a minimum of 106 parking spaces are required based on a minimum required parking rate of:  
Educational and training facilities: 3.0 spaces per 100 m<sup>2</sup> of gross floor area  
Place of Worship: 7.7 spaces per 100 m<sup>2</sup> of gross floor area
- 3) Eight proposed parking spaces would have access from a 6-metre wide, one-way drive aisle  
Whereas a minimum 6-metre wide, two-way drive aisle is required; and
- 4) The Place of Worship is proposed in conjunction with an Educational Facility  
Whereas a Place of Worship is only permitted as a sole use on a lot.

## **COMMENTS**

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The applicant is seeking a relief from the Zoning By-law to demolish a part of the building and undertake interior renovations for a proposal to use the building for a Place of Worship and Educational Facility (religious school).

### **Section 37**

The applicant is seeking relief to exempt the owner of the lands from the requirement to provide or fund the facilities, services and matters required by Performance Standard 2356, whereas Performance Standard 2356 requires the owners of the land to enter into an agreement pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to provide or fund the following:

- (i) a payment of \$110,000 - for the undergrounding of hydro services along the north side of Finch Avenue East between Midland Avenue and the C.N. Railway.
- (ii) a payment of \$110,000 - for the reconstruction of the Agincourt Community Centre by the City.

Amendments to Section 37 provisions should be approved by Council and are in Staffs opinion, beyond the scope of the Committee of Adjustment.

### **Stouffville GO Line**

The subject site is in located just east of the Stouffville GO line.

Over the next ten years Metrolinx will be implementing Regional Express Rail (GO RER) service across the GO rail network. This entails more frequent, two-way service along all GO corridors including electrification of the lines. As part of this initiative, an environmental assessment study was done in 2014 for the Stouffville corridor for an additional track which would be required for the two-way service. Design and construction of various facilities along the corridor are in progress at the moment.

There are a number of at-grade road-rail crossings along the corridor which includes Finch Avenue East. As a result of a two-way more frequent GO service along the Stouffville corridor in association with the Smartrack initiative, Metrolinx is looking at grade-separating these crossings.

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The subject site would be impacted by a grade separation at the Stouffville GO line/Finch Avenue crossing. The extent of the impact (property and access) would only be known upon completion of the necessary study/design work. As a result, at this time it is premature to grant approval given the imminent nature of the works associated with increased GO service along the corridor.

### **Dual purpose Use**

The subject lands are identified as 'Employment Districts' on Map 2 'Urban Structure' in the Official Plan. Lands within an Employment District should be protected and promoted exclusively for economic activity in order to: attract new and expand existing employment clusters that are key to Toronto's competitive advantage; develop quality Employment Districts that are globally competitive locations for national and international business and offer a wide choice of sites for new business; nurture Toronto's economic base; create and sustain well paid stable, safe and fulfilling employment opportunities for all Torontonians.

The subject lands are designated as 'Employment Areas' as shown on Map 19 'Land Use Plan'. Policy 4.6.2 indicates that within Employment Areas, places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate only on major streets as shown on Map 3. Finch Avenue is an identified as a major street on Map 3 in the Official Plan.

In 2013 amendments were made to the Official Plan that affect Policies, Designations and Mapping for Employment Areas. Official Plan Amendment 231 was adopted by City Council and has received approval from the Province, but is currently under appeal at the Ontario Municipal Board. In June 2015 the OMB ordered that portions of OPA 231 be approved while other policies remain under appeal.

OPA 231 refines the policies of Section 4.6 reproduced above by introducing and distinguishing between *Core Employment Areas* and *General Employment Areas* (see Attachment 1). The subject lands fall within a *General Employment Area*, as shown on Map 7 of the amendment (see Attachment 2).

*General Employment Areas* are places for business and economic activities generally located on the peripheries of Employment Area. Sensitive uses such as places of worship are specifically not identified as a use in either the *Core* or *General Employment Areas*, and are not "places for business and economic activities", as described in OPA 231 policy 4.6.3 *General Employment Areas*.

Therefore, Places of Worship are not consistent with the *General Employment Areas* policies of OPA 231.

The subject property is zoned Community Commercial (CC), and Employment (E) under the Scarborough 17677 Zoning By-law as amended. The provisions of the City of Toronto new Zoning By-law No. 569-2013 are not applicable.

A Place of Worship is only permitted as a sole use on a lot; however, the applicant is proposing a Place of Worship as an ancillary use in conjunction with an Educational Facility.

**CONTACT**

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**SIGNATURE**

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Paul Zuliani

Acting Director, Scarborough District Community Planning

## **Attachment 1 – Excerpts from Official Plan Amendment 231 (under appeal)**

### **POLICIES**

#### **Core Employment Areas**

1. *Core Employment Areas* are places for business and economic activities. 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.

2. Secondary uses, which support the primary employment uses set out in Policy 1, 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).

#### **General Employment Areas**

3. *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas* where, in addition to all uses permitted in a *Core Employment Area*, retail and service uses, restaurants, fitness centres and ice arenas may also be established.

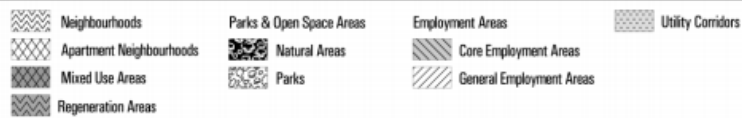
## Attachment 2 – Official Plan Amendment 231: Map 7



**TORONTO** City Planning

Redesignate from 'Employment Areas' to Official Plan  
Designations Shown on Maps 1 to 48 inclusive

Map 7



↑  
Not to Scale  
10/30/2013

