STAFF REPORT
Committee of Adjustment
Application

Date: June 8, 2017

To: Chair and Committee Members of the Committee of Adjustment
   Toronto and East York District
c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer, Toronto
   and East York District

From: Director, Community Planning, Toronto and East York District

Wards: Ward 28, Toronto Centre-Rosedale

Reference: File No. A1301/16TEY
   Address: 738 Dundas Street East
   Applicants: Cecilia and David Chung
   Agent: Kevin Heuther
   Application to be heard: June 14, 2017 at 9:30 a.m.

RECOMMENDATION

Planning staff cannot support the proposal in its current form and respectfully recommend that the Committee refuse Application A1301/16TEY.

APPLICATION

The applicant proposes to legalize and maintain the existing recreational target range within the existing 1½-storey building. The subject property is located on the north side of Dundas Street East, between River Street and Bayview Avenue.

Variances are requested with respect to parking and land use.

BACKGROUND

On December 18, 2013, City Council approved Official Plan Amendment (OPA) 231 regarding employment lands in the city. OPA 231 was approved by the Minister of Municipal Affairs and Housing with minor modifications on July 29, 2014 and portions of the amendment are under appeal at the Ontario Municipal Board (OMB).

OPA 231 provides new and revised economic policies and designations for employment lands. On December 20, 2016, the OMB issued an Order regarding OPA 231, which partially brought into force new City-wide employment land use policies and designations. Accordingly, the subject lands are designated General Employment Areas
in the Official Plan and are not subject to a site-specific appeal to OPA 231. The applicant submitted the subject proposal on December 30, 2016.

Section 4.6 of the Official Plan states that "Employment Areas are places of business and economic activities vital to Toronto’s economy and future economic prospects”. Uses permitted in General Employment Areas are set out in Policy 4.6.2. The in-force General Employment Areas policies do not permit recreational uses within employment lands.

With regard to the Employment Areas policies that are not in force, the uses that remain under appeal from OPA 231 are industrial trade schools, media, information and technology facilities, hotels, parks, all types of retail, fitness centres, and ice arenas. Recreational uses are not included on the list of uses that are under appeal. As such, an OMB approval for the remainder of the Employment Areas policies would not permit recreational uses within employment lands.

COMMENTS

City Planning staff have reviewed the application and have discussed concerns regarding the proposed recreational use on lands designated for employment uses with the agent.

Although the appeals to OPA 231 are ongoing, the policies in OPA 231 represent City Council’s long-term planning policy direction for Employment Areas. The proposed recreational use on a property designated General Employment Areas does not comply with the in-force Official Plan policies regarding employment lands. As such, the proposal is not consistent with the general intent and purpose of the Official Plan. The proposal is not desirable for the appropriate use of the lands. The proposal fails to meet two of the tests for a minor variance as required under the Planning Act. As such, Planning staff that the application be refused.

CONTACT
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SIGNATURE

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