

545 Commissioners Street – City-Initiated Zoning By-law Amendment Application – Final Report

Date:	February 2, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	17 261772 STE 30 OZ

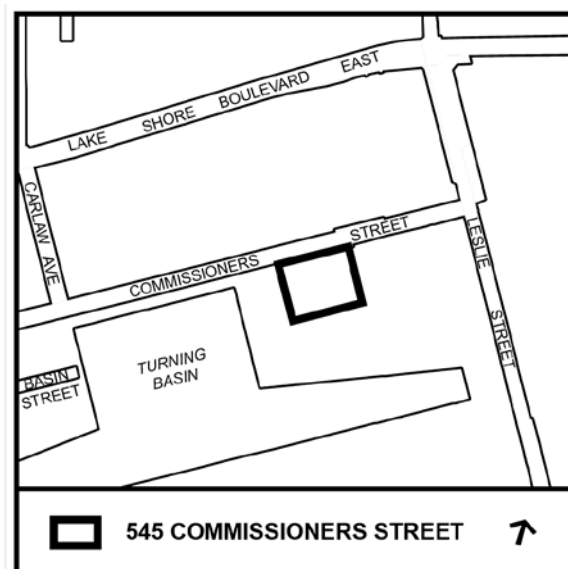
SUMMARY

This report reviews and recommends approval of a City-initiated amendment to the Zoning By-law in order to allow a concrete batching use. The site specific zoning by-law will allow for a concrete batching and mixing yard and the open storage of raw materials on the subject lands at 545 Commissioners Street.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 545 Commissioners Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to the report dated February 2, 2018, from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2004, City Council adopted a City-initiated zoning by-law amendment for the lands immediately east of the subject site at 595 Commissioners Street. The site specific zoning by-law amendment for 595 Commissioners Street permits a concrete batching and mixing yard and open storage of raw materials on a property that is zoned I3 in Zoning By-438-86, which would not otherwise permit these uses. The site specific by-law is 640-2004.

At its meeting on July 4, 2017, City Council adopted recommendations in a report from the City Manager on the relocation of a concrete batching facility from 29 Judson Street in Etobicoke to the western portion of 545 Commissioners Street used by Toronto Water for storage of vehicles and equipment in the Port Lands. As part of that report, City Council authorized the Toronto Port Lands Company to act as the City's agent for the purpose of making applications in accordance with the *Planning Act* requirements in order to permit a concrete batching operation on the western portion of 545 Commissioners Street.

For more information, please see the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC31.24>

At its meeting on October 2, 2017, City Council adopted an interim control by-law on a portion of the lands within the Port Lands that would be used for industrial uses, multimedia uses, and port uses. The adoption of an interim control by-law anticipates that staff will conduct a zoning review of the lands affected by the by-law.

For more information, please see the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM32.51>

At its meeting on December 5, 2017, City Council adopted the Port Lands Planning Framework, and requested the Deputy City Manager for Cluster B with Waterfront Toronto and relevant Divisions, agencies and corporations to conduct a zoning review of port and industrial districts in the Port Lands.

For more information, please see the link below:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.6>

ISSUE BACKGROUND

Proposal

The proposed operations for the site at 545 Commissioners Street would include a concrete batching plant and aggregate storage. The proposed amendment to the zoning will facilitate the consolidation and relocation of concrete works to this property in the Port Lands. This amendment will not change the underlying zoning categories of these lands; rather it will allow additional permitted uses including "concrete batching and mixing yard, open storage of raw materials yard, builder's supply yard" and "open storage yard" to the existing zoning categories. These uses are not presently permitted on the site.

Site and Surrounding Area

The 1.8-hectare site is located on the south side of Commissioners Street east of Leslie Street. The lot frontage is approximately 147.4 metres and the lot depth is approximately 123.6 metres. Toronto Water currently conducts several service operations on the site via the works yard and the office building, which include: vehicle and heavy equipment parking and operations; aggregate supplies depot; stores warehouse; machine shop; small engine repair shop training room; Environmental Monitoring and Protection (outfalls); Capital Works Delivery; Toronto Water Laboratory; Distribution and Collection; and staff with several service programs. The existing office building has a total square footage of 4,412.9 square metres and the site occupies 18,255.44 square metres. Toronto Water plans to relocate its heavy equipment, parking and aggregate supplies depot to the Kipling Yard at 435 Kipling Avenue and some additional yards may be used to accommodate these functions, if necessary.

Various industrial uses surround the site to the north, east, and south. Immediately to the east, west and south of the site are existing concrete batching and mixing yards and open storage yards. Further south is the Ship Channel, beyond which are vacant land and the Leslie Street Spit/Tommy Thompson Park.

Provincial Policy Statement and Provincial Plans

The *Planning Act* guides development in the Province. Under the *Planning Act*, Section 2 sets out matters of Provincial interest that Council shall have regard to in making decisions under such Act, including among other matters, the conservation of features of significant architectural, cultural, historical, archaeological and scientific interest; and the promotion of built form that is: well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and

all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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

Former City of Toronto Official Plan

The former City of Toronto Official Plan is in force in the Port Lands and designates the site as *General Industrial Area* on Map 1. This designation permits a wide range of industrial uses. Further, the site is located within the *Port Industrial District* on Map 9 of the former City of Toronto Official Plan. Under the Plan, the *Port Industrial District* is one of the City's chief industrial areas, primarily used for heavy industry, shipping and port-related purposes. One of

the major roles that the *Port Industrial District* serves is the relocation and expansion of existing City industries and the space for open storage of raw materials.

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan (CWSP) (adopted in 2003 and currently under appeal) designates the majority of the Port Lands as *Regeneration Areas*, including the subject site. *Regeneration Areas*, as defined in the CWSP, are intended to provide for a broad mix of commercial, residential, industrial, parks and open space, and institutional uses in an urban form.

The CWSP calls for the transformation of the Port Lands into a number of new urban districts amid the activities of a working port. It identifies a number of uses desirable in the Port Lands, such as new mixed-use residential development, knowledge-based industries, film and new media activities, "green" industries, recreational, cultural and tourist amenities, city-serving uses and marine-related industries. The CWSP, however, does not identify where these uses should be located, nor does it resolve how these broad land use permissions will co-exist.

Port Lands Planning Framework and Port Lands Official Plan Modification

The development of the Port Lands Planning Framework officially began in November 2013 as a joint collaboration between the City Planning Division and Waterfront Toronto. The Framework is a high-level, long-term plan that will provide the basis and rationale for modifications to the Central Waterfront Secondary Plan as it relates to the Port Lands. The Framework will be a blueprint that will establish a refined and refreshed vision for the Port Lands, guiding the transformation and evolution of the Port Lands over the coming decades. City Council adopted the Port Lands Planning Framework as well as the Port Lands Official Plan Modification on December 5, 2017.

A key aspect of the Port Lands Official Plan Modification is the provision of more detailed land use direction to provide clarity for where different land uses are appropriate and desirable and to clearly set out expectations associated with the underlying *Regeneration Areas* land use designation. This enhanced policy direction will assist in guiding the transformation of the Port Lands over the coming decades.

At the December 5, 2017 City Council meeting, City Council requested the initiation of a zoning review for port and industrial districts. This zoning review coincides with the current in-force interim control by-law that City Council adopted on October 2, 2017 for these areas of the Port Lands.

Several land use typologies are identified in the Official Plan Modification to clearly articulate the intentions and expectations for land uses within the *Regeneration Areas* designation of the Port Lands. These land use typologies include:

- Mixed-use residential – permits a broad range of uses such as residential, offices, retail and services, institutional and recreational and cultural activities;
- Productions, Interactive and Creative – permits a wide range of uses that support key economic sectors, provide good jobs for residents, strengthen and diversify our local economy, and maintain Toronto as a place for creativity and innovation;

- Light Industrial and Productions – permits a wide range of light industrial and production-related uses like warehousing, small-scale manufacturing, green industries, furniture manufacturing, printing, publishing and digital media firms, film and television studios and ancillary uses, artist studios, workshops, service commercial, and offices in single and/or multiple use buildings;
- Port – permits a full range of port and maritime uses;
- Industrial – permits a range of medium-intensity industrial land uses and some heavy-intensity industrial land uses;
- Destination and/or Catalytic – permits uses that draw people, whether on a civic or community scale; and
- Parks and Open Space Areas – permits parks, open spaces, natural areas and plazas and can include compatible community, recreation, cultural, restaurant, and some entertainment facilities.

The site is located in the East Port District on Map 3B - Port Lands Districts in the Official Plan Modification. Section 4.2.6 of the Official Plan Modification permits Port and Industrial uses in the East Port District. Industrial and Port uses would permit a concrete batching and mixing yard and open storage of raw materials yard and other heavy industrial uses.

Zoning

The harmonized City-wide Zoning By-law 569-2013 does not apply to the subject site. The former City of Toronto Zoning By-law 438-86 is in force, and zones the subject site Industrial (I3 D2). The zoning permits industrial, commercial and institutional uses at a maximum density of two times the area of the lot. While permitting various industrial uses, the I3 zoning category does not permit a "concrete batching and mixing yard" and "open storage of raw materials yard".

To the immediate west of the subject site are lands zoned I4, which would permit a "concrete batching and mixing yard" and "open storage of raw materials yard".

Reasons for Application

An amendment to the zoning by-law is required as the current zoning does not permit the intended land uses.

Community Consultation

A community consultation was held on January 30, 2018. Notice was mailed out in accordance with the requirements of the *Planning Act*. Two members of the public attended the meeting. Staff presented on the City-initiated zoning amendment. There were no questions or comments.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. As will be discussed further, the proposed land uses fit the existing and planned context of the area.

Land Use

The policies of the former City of Toronto Official Plan, which apply to this subject property, as well as approved planning frameworks for the future of the Port Lands, would permit the proposed land use.

The site is designated *General Industrial Area* in Map 1 and *Port Industrial District* in Map 9 of the former City of Toronto Official Plan. These designations would permit the proposed open storage of raw materials and concrete batching and mixing yard. Under the former Official Plan, the subject site is where relocation and expansion of industrial uses, particularly heavy industrial uses such as concrete batching and open storage of raw materials, was intended. These policies support the proposed zoning by-law amendment application.

In the Central Waterfront Secondary Plan, the subject site is designated *Regeneration Areas* which would permit a wide variety of uses, including industrial; however, further precinct planning is required for *Regeneration Areas*. The Port Lands Planning Framework (PLPF) and the Port Lands Official Plan Modification (OPM), adopted by City Council on December 5, 2017, provides detailed land use directions for these *Regeneration Areas*. When adopted, City Council also directed City Planning staff to undertake a zoning review and to bring forward any zoning amendments to implement the land use direction provided in the PLPF and OPM.

Within the PLPF and OPM, the land use for the subject lands would be Industrial and Port uses, which would allow a concrete batching and mixing yard and open storage of raw materials yard, as well as other heavy industrial uses. This City-initiated zoning amendment is in line with the PLPF and OPM land use direction, and is in keeping with and meets the intention of the City Council's direction to review and implement new zoning regulations that reflect the PLPF and OPM. The uses permitted through this City-initiated zoning amendment are not permitted in the I3 zoning category under Zoning By-law 438-86 for this site; however, given the policy and land use direction for the Port Lands, staff are of the opinion that the amendment is appropriate.

In addition to the planned context detailed above which would permit the intended uses, Planning staff are of the opinion that the existing context of the abutting uses to the east and west provide further support for the rezoning. The property to the west of the subject site, 535 Commissioners Street, is a concrete batching and mixing yard and has open storage of raw materials. Since this property is zoned I4 in Zoning By-law 438-86, these uses would already be permitted. The property to the east of the subject site, 595 Commissioners Street, is also used as a concrete batching and mixing yard and has open storage of raw materials; however, this property is zoned I3 in Zoning By-law 438-86, which does not, as-of-right, permit these uses. Rather, the property at 595 Commissioners underwent its own City-initiated rezoning process and City Council approved a concrete batching and mixing yard and open storage of raw

materials as permitted uses for this property in 2004 under Site Specific Zoning By-law 640-2004.

Since 2004, the *Regeneration Areas* in the Central Waterfront Secondary Plan has been subject to more detailed policy direction through the Port Lands Official Plan Modification. The intention behind the modification is the consolidation of industries to the east end of the Port Lands in order to make the lands available in other parts of the CWSP area for the implementation of future mixed-use neighbourhoods. Concrete companies must rely on the timely delivery of their product in order to remain viable. Given the amount of construction presently occurring in Toronto, the east end of the Port Lands provides for strategic access to construction sites located primarily in the City's central area.

Conclusion

This City-initiated zoning by-law amendment recognizes and conforms to the relevant Official Plan and the recently adopted Port Lands Planning Framework and is a positive step toward zoning lands appropriately in order to implement the land use direction of the PLPF. The amendment also acknowledges the existing context and takes into consideration past City Planning approvals for similar uses adjacent to the site. For these reasons, Planning Staff recommend that the subject lands be rezoned in accordance with the attached draft site specific zoning by-law.

CONTACT

George Pantazis, Planner
Tel. No. 416-392-3566
E-mail: George.Pantazis@toronto.ca

SIGNATURE

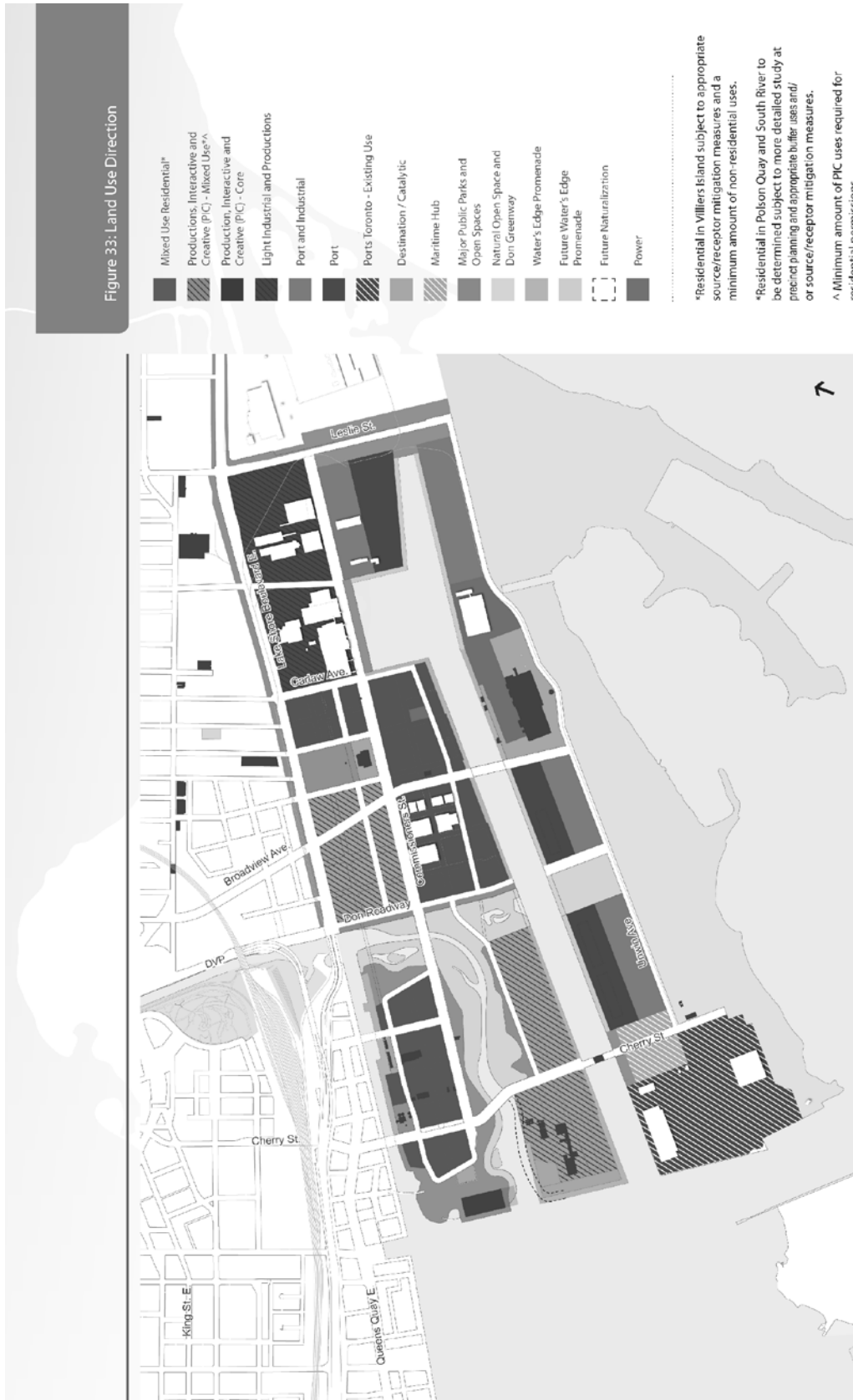
Lynda H. Macdonald
Acting, Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Port Lands Planning Framework – Land Use Direction
Attachment 2: Draft Site Specific Zoning By-law

Attachment 1: Port Lands Planning Framework – Land Use Direction



Attachment 2: Draft Site Specific Zoning By-law

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend General Zoning By-law No. 438-86, as amended, with respect to the lands
municipally known as 545 Commissioners Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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. City of Toronto By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended as follows:

(1) Section 12(1) is amended by adding the following exception:

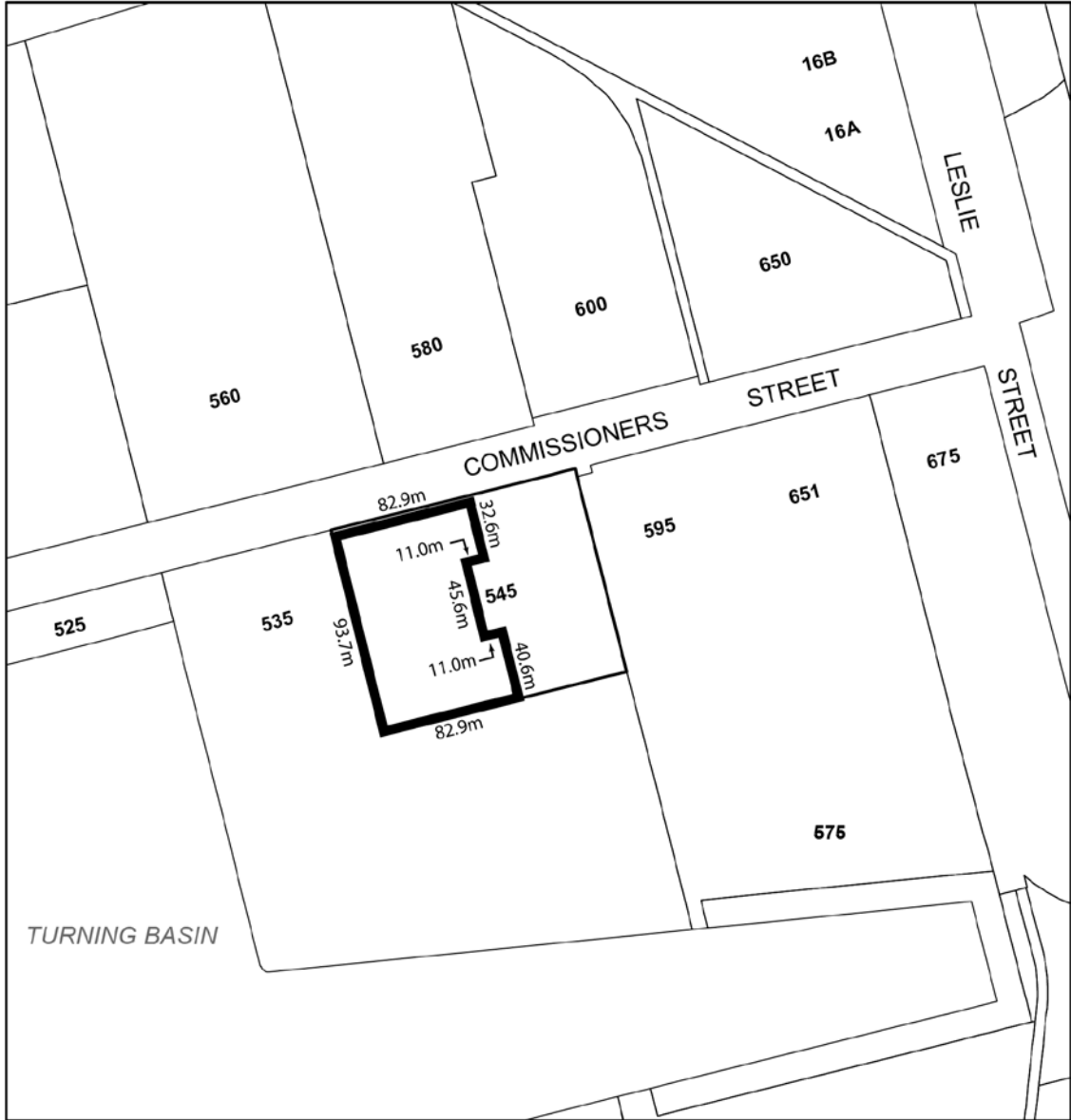
"487. to prevent, in addition to the uses permitted by section 9(1)(f), an *open storage of raw materials yard and concrete batching and mixing yard*, within the area outlined by heavy lines on Map 1 forming part of this exception, on lands known municipally in the year 2018 as 545 Commissioners Street, provided that all *parking spaces* and loading spaces necessary to accommodate such additional uses are provided on the *lot*."

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk


(Corporate Seal)



TORONTO
Map 1

545 Commissioners Street

File # 17 261772 STE 30 OZ


 City of Toronto By-Law 438-86
 Not to Scale
 01/17/2018