

545 Commissioners Street – Site Plan Control Application and City-initiated Zoning By-law Amendment – Final Report

Date: February 5, 2021

To: Toronto and East York Community Council

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

Ward 14 - Toronto-Danforth

Planning Application Number: *17 261772 STE 30 OZ and 20 148800 STE 14 SA*

SUMMARY

This application proposes to construct a concrete batching and mixing yard, builder's supply yard, and open storage of raw materials at 545 Commissioners Street. Office, retail, and vehicle repair shop uses are also proposed as ancillary to the primary industrial uses on the site. The local Councillor directed staff to report to City Council, through Toronto and East York Community Council, as per the provisions in By-law No. 438-2000 for Site Plan Control applications. In addition to a review of the site plan control matters for this application, City staff are bringing forward amendments to the Zoning By-law through a City-initiated site specific zoning by-law which is intended to further facilitate this project, in keeping with prior decisions for this site and use.

This report reviews and recommends approval of a site specific zoning by-law under zoning by-laws 438-86 and 569-2013. This report also reviews and recommends approval, in principle, of the Site Plan Control application for 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 6 to the report (dated February 2, 2020) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013, for the lands at 545 Commissioners Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report (dated February 2, 2020) from the Director, Community Planning, Toronto and East York District.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council, pursuant to Subsection 45(1.4) of the Planning Act, permit an application for minor variances with respect to the property municipally known as 545 Commissioners Street for additional relief from the requirements of Former City of Toronto Zoning By-law 438-86, as amended by By-law 337-2018, and from the requirements of City of Toronto Zoning By-law 569-2013, should it be necessary to facilitate the relocation of the ML Ready Mix concrete batching facility to the Port Lands.
5. City Council approve, in principle, the conditions set out in Attachment 8 to the report dated February 2, 2021 from the Director, Community Planning, Toronto and East York District for the proposed concrete batching and mixing yard, builder's supply yard, and open storage of raw materials at 545 Commissioners Street.
6. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

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, By-law 640-2004. 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.

At its meeting on July 4, 2017, City Council adopted the recommendations in the Final Report (dated June 29, 2017) from the City Manager on the relocation of a concrete batching facility on 29 Judson Street to 545 Commissioners Street. One of the recommendations adopted was for City Planning staff to undertake planning approvals for the lands at 545 Commissioners for the purposes of permitting a concrete batching facility. City Council's decision can be found at:
<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 the Port Lands Planning Framework and Port Lands Official Plan Modification plan for industrial uses, multimedia uses, and port

uses. The interim control by-law was then extended in June 26, 2018. For more information, please see the link below:

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

At its meeting on March 26, 2018, City Council adopted the recommendations in the Final Report (dated February 2, 2018) from the Director, Community Planning, Toronto and East York District on the zoning by-law amendment application for 545 Commissioners Street. As part of this item, City Council adopted Site-Specific Zoning By-law 337-2018 to permit a concrete batching and mixing yard, builder's supply yard, and open storage of raw materials. City Council's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE30.7>

At its meeting on June 26, 2018, City Council adopted the staff report from the Acting Director, Community Planning, Toronto and East York District, entitled "Port Lands Interim Control By-law Extension - Final Report", which recommended a further one year extension to the Port Lands Interim Control By-law to allow for the completion of the Port Lands Zoning Review Study.

The report can be found at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.43>

At its meeting on October 2, 2019, City Council adopted various zoning by-law amendments to lands within the Port Lands Planning Framework, particularly the Warehouse District, East Port and South Port, Maritime Hub, and the Leslie Green Portal and Turning Basin Park. These zoning by-law amendments bring these areas of the Port Lands within the City-wide Zoning By-law 569-2013. Currently, these zoning by-law amendments have been appealed to the Local Planning Appeal Tribunal. City Council's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE8.13>

On June 10, 2020, the Site Plan Control application for 545 Commissioners Street (File No. 20 148800 STE 14 SA) was referred to City Council, in accordance with By-law No. 483- 2000.

PROPOSAL

The applicant proposes to construct a concrete batching and mixing yard, builder's supply yard, vehicular servicing and repair area, and open storage of raw materials at 545 Commissioners Street. Office, retail and vehicle repair shop uses are also proposed as ancillary to the primary industrial uses on the site. The proposed office, retail and vehicular repair shop is within a 2-storey structure with an overall building height of 7.6 metres. The proposed height of the concrete batching plant is 30 metres. The open storage of raw materials is setback 43 metres from the Commissioners Street frontage and has a visual barrier, blocking it from view. In addition, a gate and visual barrier is provided along Commissioners Street.

To service this development, the applicant proposes to provide 34 parking spaces at-grade. Parking is accessed from an existing curb cut on Commissioners Street. In addition to vehicular parking, 16 parking spots are proposed for trucks, accessed from the separate curb cut that is also existing.

Site and Surrounding Area

The site is approximately 9,400 square metres in area and is located on the south side of Commissioners Street, east of Leslie Street.

Various industrial uses surround the site. 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 lands and the Leslie Street Spit, including Tommy Thompson Park.

Reasons for Application

In 2018, City Planning brought forward a City-initiated site specific zoning by-law on the site to permit a concrete batching and mixing yard, builder's supply yard, open storage of raw materials yard, and an office use ancillary to these primary industrial uses. The result was a site specific zoning by-law under by-law number 337-2018. However, over the course of the two years since that approval, portions of the Port Lands have been brought into the City-wide Zoning By-law 569-2013. These zoning standards have been appealed to the Local Planning Appeal Tribunal. Regardless of the appeal, Toronto Building advises that a site specific zoning by-law related to 569-2013 to recognize the uses permitted on this site is required. In addition, minor adjustments are also proposed to site specific zoning by-law 337-2018, such as providing for the permission of a retail use in association with the industrial uses on the site, which is intended to supply builders' with concrete materials. None of the amendments proposed would contravene the Port Lands Official Plan Modification, and all are in keeping with the policies in the Port Lands.

The application is also subject to Site Plan Control. As such, the applicant submitted a Site Plan Control application.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Survey
- Architectural Plans (including site plan, floor plans, and elevations)
- Landscape Plans
- Civil and Utilities Plans
- Toronto Green Standard Checklist

- Tree Declaration Form
- Tree Inventory and Preservation Plan Report
- Environmental Impact Phase One and Two
- Geotechnical Study
- Functional Servicing and Stormwater Management Report
- Transportation Impact Study

Copies of the submitted documents are available on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate conditions of Site Plan Control approval.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. This new plan amends the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a review pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan, including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto 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 in the Port Lands) 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.

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 site is subject to Site-Specific Zoning By-law 337-2018 which was adopted by City Council on March 26, 2018. The site-specific bylaw permits the concrete batching and mixing yard, builder's supply yard, open storage of raw materials, and ancillary office use at 545 Commissioners Street. The site specific by-law can be accessed at the following link:

<https://www.toronto.ca/legdocs/bylaws/2018/law0337.pdf>

Until recently, the site was not subject to the City-wide Zoning By-law 569-2013. Under 569-2013, the site is zoned E (Employment Industrial Zone) which permits a variety of industrial and manufacturing uses, but does not permit a concrete batching plant. However, the completion of a Port Lands Zoning Review resulted in a City-initiated Zoning By-law Amendment (By-law 1303-2019) which brought the subject site, and other properties in the Port Lands, into 569-2013. By-law 1303-2019 created site-specific Exception E 39 to Zoning By-law 569-2013 which zoned the site E (Employment Industrial Zone) which permits a wide range of port-priority uses and include additional permissions for heavier industrial uses like public works yards, warehousing, medium intensity manufacturing, concrete batching plants, waste transfer stations and recovery facilities. By-law 1303-2019 was appealed to the LPAT and is not in force.

Community Consultation

A community consultation was held on January 30, 2018 when the City brought forward the site specific zoning by-law amendment under 438-86. Two members of the public attended the meeting. Staff presented on the City-initiated zoning amendment. There were no questions or comments.

Given the abundant community consultation process throughout the development of the Port Lands Official Plan Modification and the Port Lands Zoning Review and that the City proposes minor adjustments to the 2018 site specific zoning by-law and a new site specific zoning by-law under 569-2013 that is consistent with the 438-86 site specific by-law, a further community consultation meeting was not required.

COMMENTS

On July 4, 2017, City Council directed CreateTO and City staff to undertake various processes to relocate a concrete batching facility from 29 Judson Street in Etobicoke to 545 Commissioners Street in the Port Lands. The reason for this relocation is because the concrete batching facility at 29 Judson Street currently benefits as a legal non-conforming use and is situated adjacent to low-rise residential properties that are designated *Neighbourhoods* in the Official Plan. This relationship between the two adjacent uses is undesirable. As such, City Council directed CreateTO and City Planning to undertake a development review process in order to permit a concrete batching facility on the western portion of 545 Commissioners Street.

On March 26, 2018, City Council adopted a City-initiated site specific zoning by-law for the site at 545 Commissioners Street to permit the relocation from a zoning perspective. At the same time, CreateTO submitted for a consent application and obtained approval from the Committee of Adjustment.

On June 9, 2020, City Planning received a site plan control application for the subject site. During the review, Toronto Building staff indicated that a site specific zoning by-law under the City-wide Zoning By-law 569-2013 would need to also be provided in addition to the site specific zoning by-law under 438-86 that was completed in 2018. This was not addressed in 2018 as the City-wide Zoning By-law 569-2013 did not apply to the Port Lands until the end of 2019.

Lastly, the plans received from the applicant raised the need to permit an ancillary retail use onsite which this report recommends approving.

These site specific zoning by-law amendments are required to facilitate the relocation of the concrete batching facility from its current location in Etobicoke to a more suitable planned location in the Port Lands.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (2020) and does not conflict with the Growth Plan (2020).

Planned Context

As mentioned in the Background section of this report, and has been made clear in the report from 2018 on this site, the policies of the former City of Toronto Official Plan, which apply to this subject site, as well as the policies of the Port Lands Official Plan Modification 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 lands are identified for 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. In 2018, the site specific zoning by-law was in line with the PLPF and the OPM. A retail use that is in association to the industrial uses permitted on the site is proposed to be added to the 2018 site specific by-law, which is also in keeping with the policy framework for the site.

Moreover, since 2018, the subject site was brought into the City-wide Zoning By-law 569-2013. As such, a site specific zoning by-law within 569-2013 is proposed. While this by-law is new, this site specific zoning by-law is a conformity exercise to ensure that the uses already approved in 2018 under former City of Toronto By-law 438-86 and approved in the Port Lands OPM are also approved in 569-2013. Conformity with Official Plan policies is also a requirement under the Planning Act. Without this site specific zoning by-law in 569-2013, a building permit could not be issued, which would defeat the purpose of this City-initiated planning exercise that City Council directed in 2018 to relocate the concrete batching facility from Etobicoke to a more appropriate location.

Existing Context

In addition to the planned context detailed above which would permit the intended uses, 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.

Land Use and Zoning Amendments

The concrete batching facility, builder's supply yard and open storage of raw materials are approved in the 2018 site specific zoning by-law. Also approved in that zoning by-law is an office use that is ancillary. The applicant also proposes a retail use that is in association to the industrial use. This proposed use is supportable given that the new zoning regulations under 569-2013 for the Port Lands would allow that use provided it is in association with a manufacturing/industrial use, except for the fact that the regulations are under appeal with the Local Planning Appeal Tribunal. Regardless of the appeal, the land uses are consistent with zoning by-laws, and the proposed City-initiated site specific zoning by-laws for this site, though necessary to facilitate the redevelopment, will not contravene these Council-approved zoning regulations.

Other zoning amendments are required to the new zoning regulations that apply to the site under 569-2013. These amendments include the following:

A driveway width of 3.5 metres. This is required to recognize the shared driveway condition between the portion of the property used for the concrete batching facility and the portion of the property to the east which is owned and operated by Toronto Water. The overall driveway width is over 7 metres, which exceeds the driveway width requirement of 6 metres in the zoning by-law. The variance is required because 3.5 metres of that driveway is on the portion of the property used for the concrete batching facility. This condition is existing.

An open storage yard requires a 3 metres setback from all lot lines. The proposed open storage yard is setback 43 metres from the north property line (Commissioners Street). The west and south setbacks are both approximately 20 metres. The east property line setback is 0 metres; however, the applicant is proposing a visual barrier to mitigate impacts of dust and noise. As has been previously noted, this concrete batching facility and open storage yard is being located in an area where various concrete batching facilities and open storage yards already currently exist, including an existing concrete batching facility immediately to the east.

A 3 metre wide strip of soft landscaping is required along the entire length of the lot line abutting a street. The applicant does propose soft landscaping along the entire length of the property line along Commissioners Street; however, the building housing the ancillary uses fronts on the property line which is also represents good urban design to help frame the street edge. Where able, the applicant has provided soft landscaping on their site. The public realm along Commissioners Street, on the public right-of-way, is acceptable and is in line with the public realm work planned for Commissioners Street. Such work is detailed in the public realm section of this report.

These amendments to the zoning by-law are acceptable and the plans that will be secured provide additional reassurances that the intent of these zoning standards will be met, such as the visual barriers and landscaping.

Density, Height, Massing

The site plan application proposes height and massing which are consistent with the Zoning By-law and, specifically, the 2018 site-specific zoning by-law 337-2018 and the new zoning regulations under 569-2013 approved under by-law 1303-2019.

Architectural Design

The materiality and design of the proposed building onsite will be a precast panels that are appropriate for the use and provide an acceptable building face along Commissioners Street. In addition, a visual barrier is proposed to mitigate impacts caused by the industrial use on the public realm, such as noise and dust, as well as to provide a more appealing façade and ensure safety on the site. The open storage use is also setback 43 metres from Commissioners Street and also has its own visual barrier.

The proposal includes 349 square metres of green roof space on the ancillary office and retail building.

Public Realm Improvements

The public realm improvements fronting the subject site are a continuation of landscape streetscape improvements initiated in 2008, providing a planted pedestrian walkway, improved sightlines, and creating an identity for the East Port industries with consistent signage pylons, lighting, and acoustic walls located within the each property boundary.

The streetscape works include a sidewalk connection travelling eastwest from the existing walkways at Canada Post, St Marys Cement, and Metrix Ready-Mix Site, from 675 to 595 Commissioners Street, and will terminate past the Innocon Site at the 535 Commissioners Street towards Turning Basin Parkette. CreateTO will implement the landscape improvements by entering in a Letter of Undertaking and Easement Agreement with the City to maintain pedestrian sidewalks and public landscape areas.

The right-of-way streetscape improvements within the 4.74 metres outside of the property line will include planting of fifteen (15) street trees and shrub planting along the new sidewalk. New concrete curbs and gutters will replace the damaged existing curbs and asphalt patching of street will be provided into both property driveways. One driveway will be resurfaced at 595 Commissioners Street. Tree protection will be included and a separate application to Urban Forestry will be submitted.

The public realm improvements proposed along Commissioners Street that are within the scope of this site plan application are acceptable.

Road Widening

A 4.76 metre road widening will be provided in order to widen Commissioners Street. The widening is technically on City-owned land and a transfer of jurisdiction will be

provided to the General Manager of Transportation Services. This is a standard requirement for developments along Commissioners Street and is resolved between CreateTO and the relevant City of Toronto divisions.

Loading Docks

Transportation Services accepts the amount of loading provided as well as the movement of trucks in and out of the site area.

Parking Access

Vehicular access to the site is proposed via two existing two-way driveways located off the south side of Commissioners Street. The main passenger vehicle access is provided from the easterly driveway and the main truck entrance is provided from the westerly driveway. The easterly driveway will be shared with the existing Toronto Water building to the east of the subject site.

The amount of parking provided is acceptable. In addition, Transportation Services staff have reviewed the applicant's Transportation Impact Study and concur with the conclusion that the traffic impacts are acceptable.

Solid Waste

The proposal is not eligible for City of Toronto waste collection services. All solid waste will be collected privately.

Functional Servicing, Stormwater, and Groundwater

Engineering and Construction Services are currently working with the applicant to finalize the various engineering studies and plans in support of the proposal. These final amendments are required prior to certification by a qualified engineer. Conditions of the Site Plan Agreement will require that the applicant construct the proposal in accordance with the certified reports and plans accepted by Engineering & Construction Services.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and will be secured through a Site Plan Agreement. The proposal has adequately met the standards under Tier 1 of the TGS for this particular building type and land use.

Interim Control By-law

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. Due to the appeal of By-law 1303-2019, the interim control by-law continues to apply to the site. At the same time as the proposed zoning by-law for this site is enacted, the interim control by-law will be repealed for the subject site.

Conclusion

City Planning staff have brought forward an amending City-initiated zoning by-law amendment under 438-86 and a new site specific zoning by-law under 569-2013. Both site-specific by-laws recognize and conform to the relevant Official Plan and the Port Lands OPM and are a positive step toward facilitating the relocation of this concrete batching facility to a location in the Port Lands where such uses are planned for, expected, and desirable. The site specific zoning by-laws also meet the intent of the new zoning regulations under 569-2013, regardless of the need to vary some of the regulations to facilitate the development.

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. 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.

City Planning staff have also completed the review of the Site Plan Control Application for 545 Commissioners Street. The proposal is in accordance with the approved site-specific zoning by-law and consistent with site plan matters to be considered under Section 41 of the Planning Act and Section 114 of the City of Toronto Act. Planning staff recommend approval, in principle, of the proposed Site Plan Control application, subject to the conditions provided in Attachment 3.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA, Director
Community Planning, Toronto and East York District

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Perspective Drawing
- Attachment 4: Site Plan
- Attachment 5: Elevations
- Attachment 6: Draft Zoning By-law 438-86
- Attachment 7: Draft Zoning By-law 569-2013
- Attachment 8: Conditions of Site Plan Approval

Attachment 1: Application Data Sheet

Municipal Address: 545
COMMISSIONERS
ST Date Received: May 26, 2020

Application Number: 20 148800 STE 14 SA

Application Type: Site Plan Approval, Standard

Project Description: Site Plan Approval for a concrete batching and mixing yard, builder's supply yard, and open storage of raw materials yard on the subject site at 545 Commissioners Street.

Applicant	Agent	Architect	Owner
Architecture for All	Architectural for All	Architectural for All	City of Toronto

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	E2.0 (x39)	Heritage Designation:
Height Limit (m):	20	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 9,339 Frontage (m): 83 Depth (m): 94

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			789	789
Residential GFA (sq m):				
Non-Residential GFA (sq m):			855	855
Total GFA (sq m):			855	855
Height - Storeys:			2	2
Height - Metres:			8	8

Lot Coverage Ratio (%): 8.45 Floor Space Index: 0.09

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		

Retail GFA: 248
 Office GFA: 349
 Industrial GFA: 258
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				
Other:				
Total Units:				

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:					

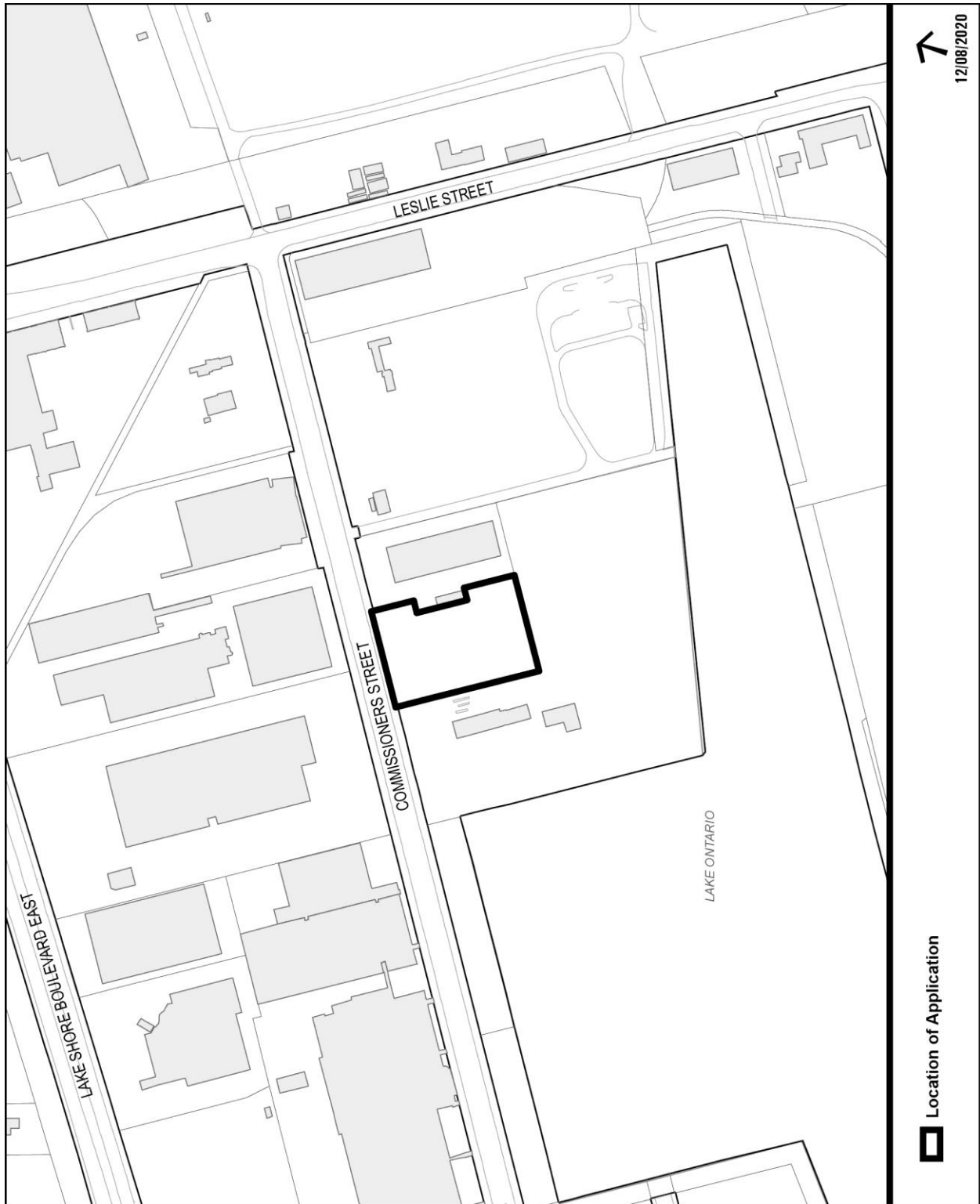
Parking and Loading

Parking Spaces:	50	Bicycle Parking Spaces:	Loading Docks:
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CONTACT:

George Pantazis, Senior Planner
 416-392-3566
 George.Pantazis@toronto.ca

Attachment 2: Location Map

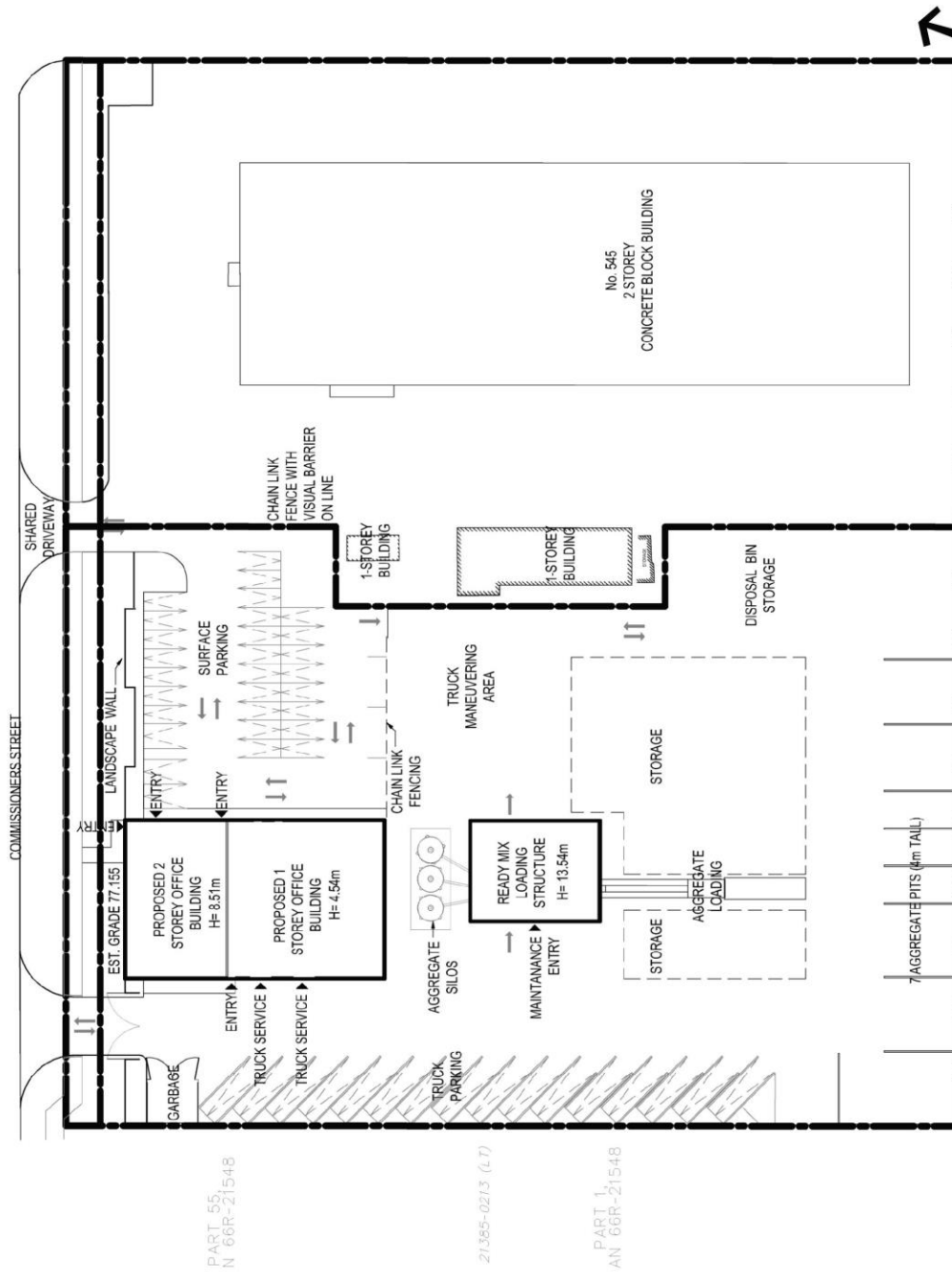


Attachment 3: Perspective View

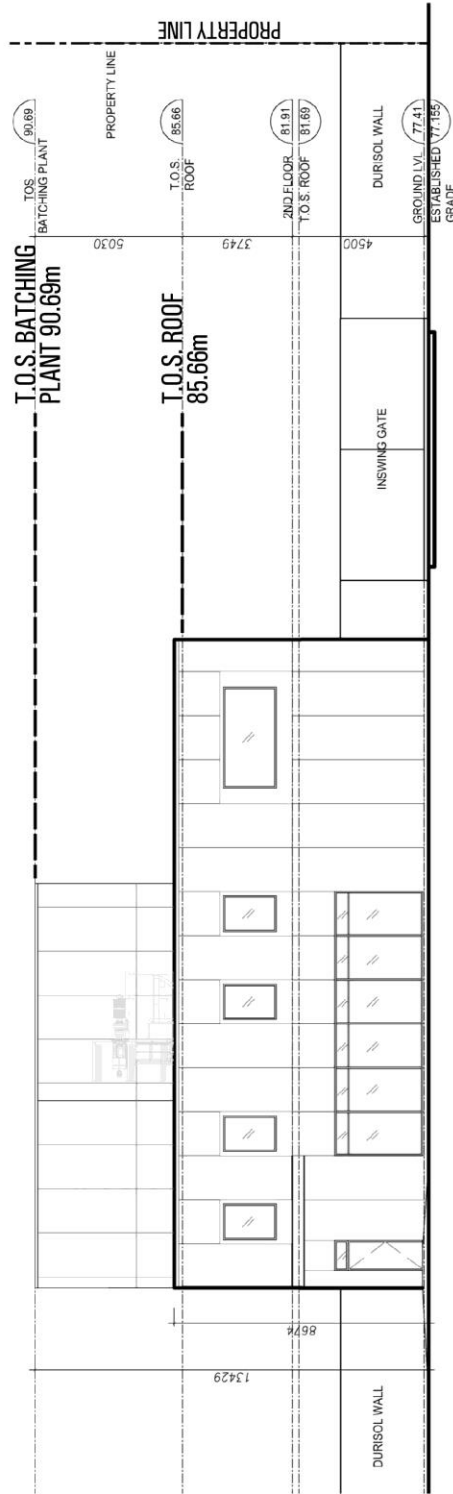


Perspective View

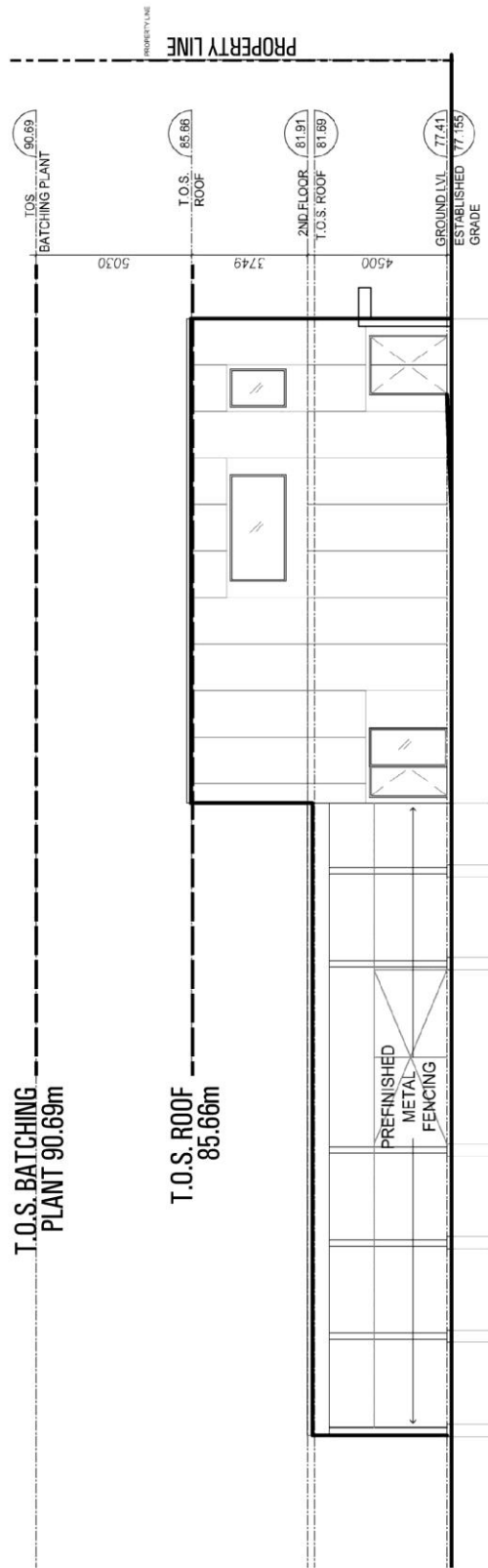
Attachment 4: Site Plan



Attachment 5: Elevations



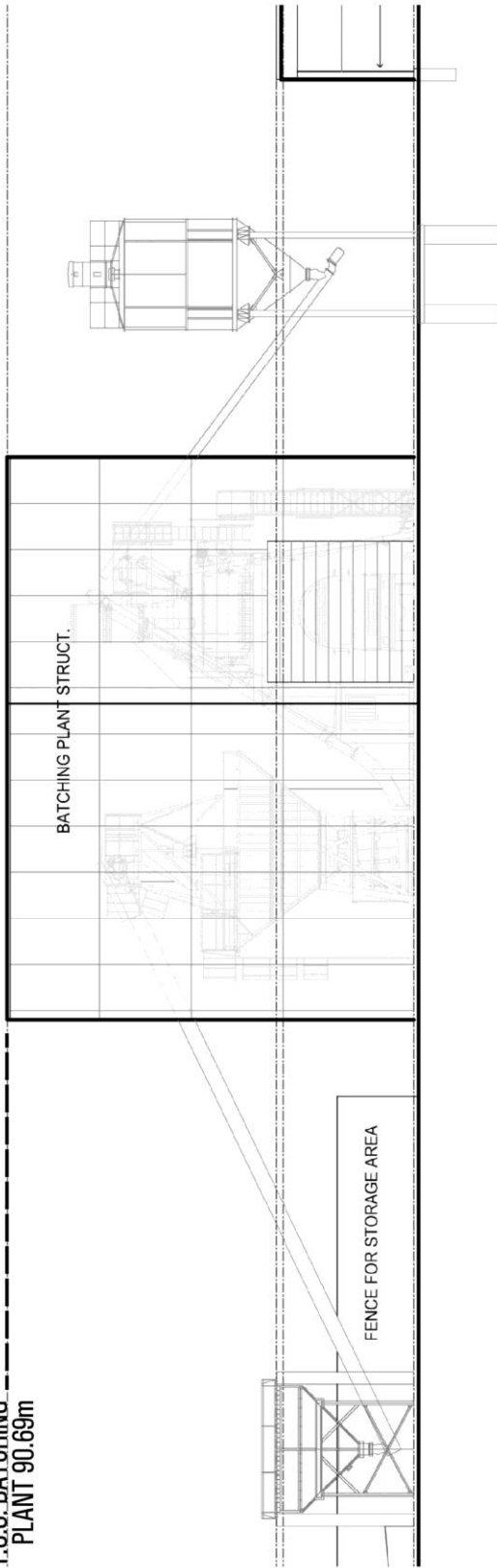
North Elevation



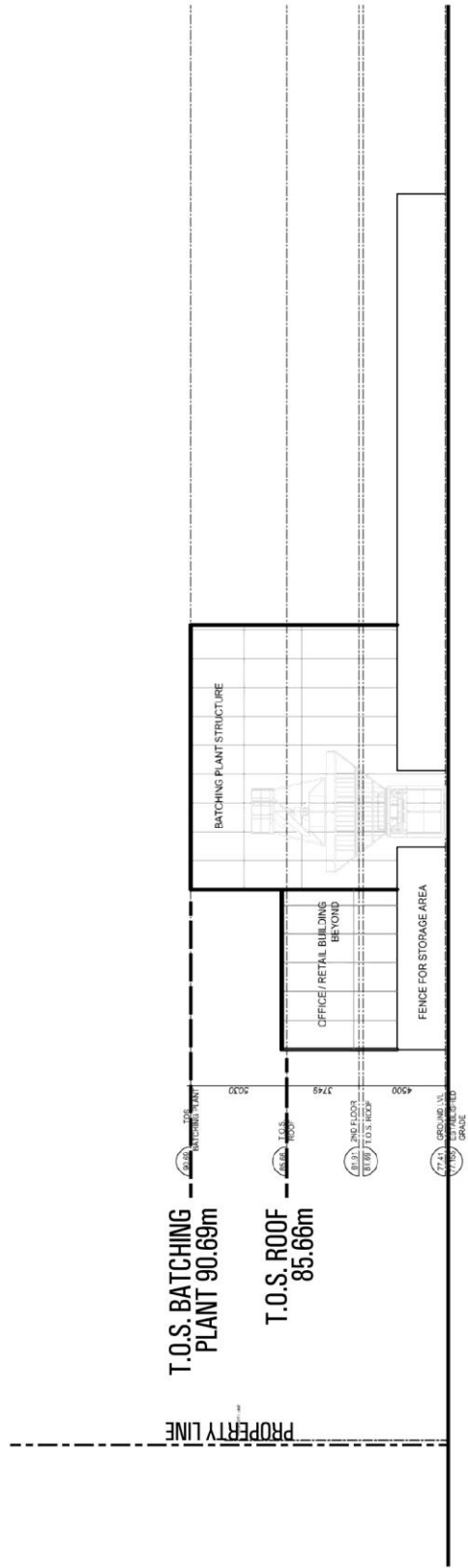
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A204B

East Elevation

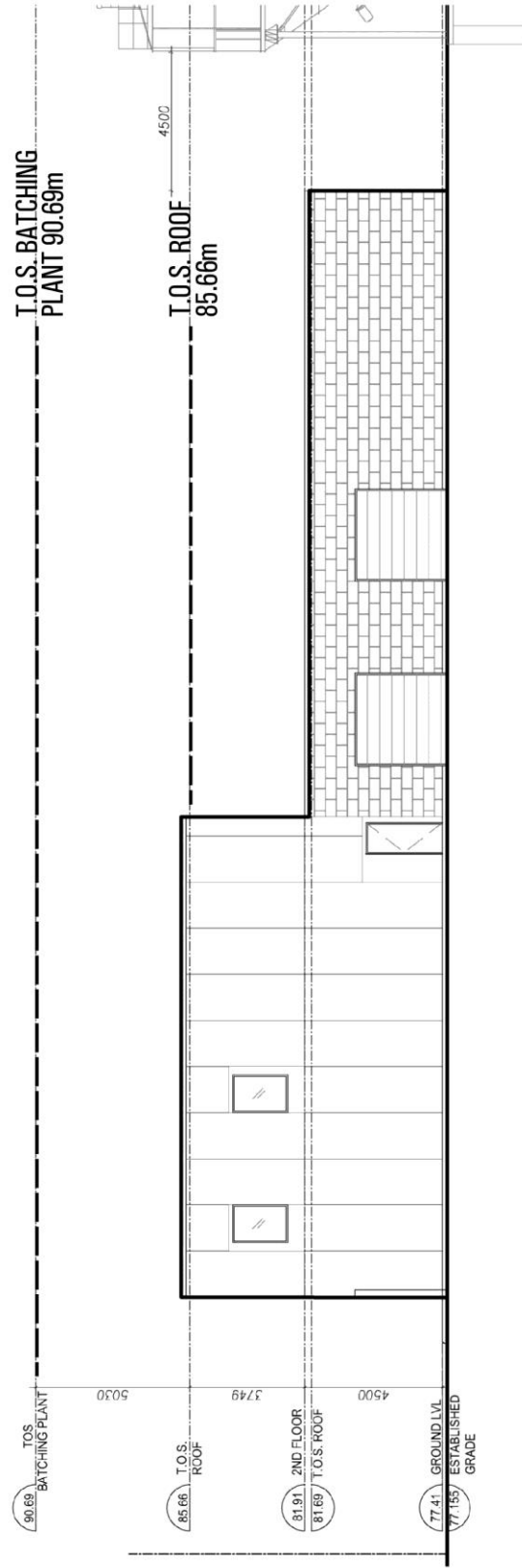
T.O.S. BATCHING
PLANT 90.69m



East Elevation (continued)



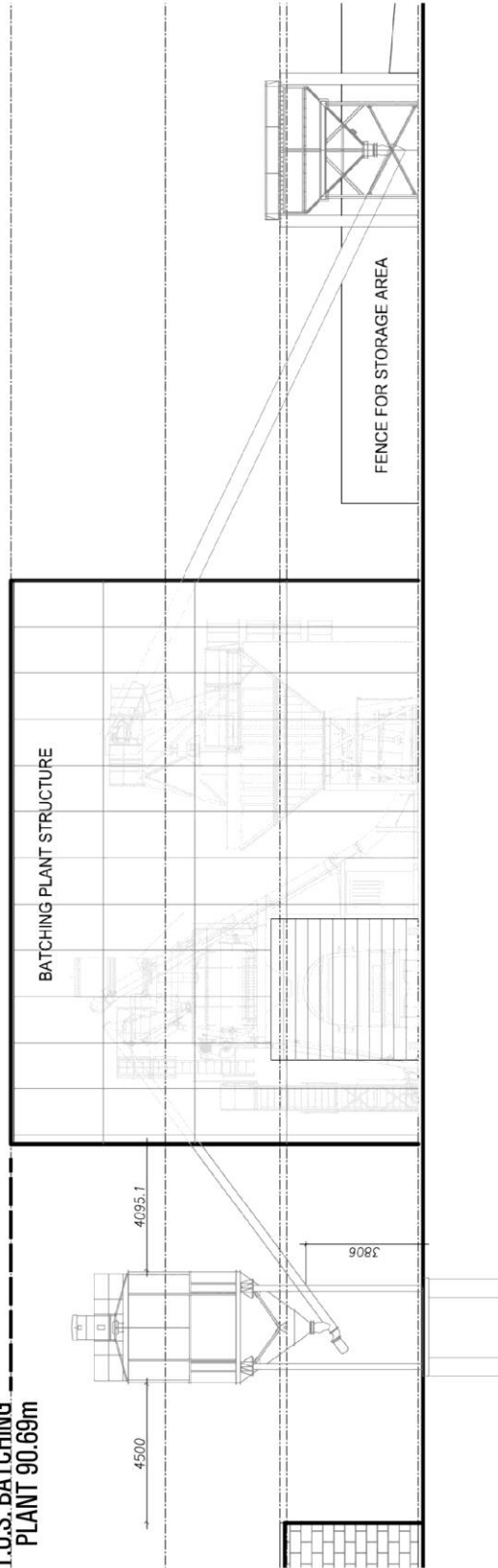
South Elevation



01 →
A202B

West Elevation

T.O.S. BATCHING
PLANT 90.69m



West Elevation (continued)

Attachment 6: Draft Zoning By-law 438-86

The draft zoning by-law will be available on or before the Toronto and East York Community Council meeting.

Attachment 7: Draft Zoning By-law 569-2013

The draft zoning by-law will be available on or before the Toronto and East York Community Council meeting.

Attachment 8: Draft Conditions of Site Plan Approval

Drwg. No.	Drawing Title	Plans Prepared By	Revision Date
A-010	Site Plan	AFA Architecture for All	December 2, 2020
A-101	Proposed Ground Floor	AFA Architecture for All	December 2, 2020
A-102	Proposed Second Floor Plan	AFA Architecture for All	December 2, 2020
A-103	Proposed Roof Plan	AFA Architecture for All	December 2, 2020
A-201	Proposed Elevations	AFA Architecture for All	December 2, 2020
A-202	Proposed Elevations	AFA Architecture for All	December 2, 2020
A-301	Proposed Sections	AFA Architecture for All	December 2, 2020
A-302	Proposed Sections	AFA Architecture for All	December 2, 2020
L1	Landscape Site Plan	dtah	November 24, 2020
E2.01	Exterior Lighting Plan	Leen Consulting	December 2020

PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow - 416-397-5379

1. The tenant shall enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the tenant's expense.

CITY PLANNING – George Pantazis – 416-392-3566

2. The tenant shall submit a financial security to the Director, Community Planning, Toronto & East York District in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the approved onsite landscape plans.

ENGINEERING & CONSTRUCTION SERVICES – Muhammad Qamar – 416-338-2264

3. A Letter of Undertaking shall be provided to the City by the Toronto Port Lands Company (TPLC) through its agent CreateTO (collectively "CreateTO"), stating that CreateTO will maintain sufficient funds to cover the estimated future cost of bringing the future road widening lands into compliance, to the satisfaction of the General Manager, Transportation Services and the City Solicitor.

4. The owner shall make satisfactory arrangements with Engineering & Construction Services for work on the City's right-of-way. The owner shall provide financial security, engineering and inspection fees, and provide insurance, as required.

POST APPROVAL CONDITIONS

URBAN FORESTRY

1. The tenant shall ensure the following: all tree protection barriers are maintained in good condition and are not moved or altered; established tree protection zones are not used as construction access, storage, or staging areas; unauthorized grade changes are not performed within established tree protection zones; and tree protection barriers are only removed once development and all site activities are complete and once Urban Forestry has approved their removal on behalf of the General Manager of Parks, Forestry & Recreation.

2. The tenant shall strictly adhere to the Tree Protection Specifications contained in the approved Arborist Report (prepared by Kuntz Forestry Consulting, dated November 24, 2020) and Tree Preservation Plan (entitled Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan, Figure 1, prepared by Kuntz Forestry Consulting, No. 6, dated November 24, 2020) and to the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees.

3. The tenant shall notify all builders, contractors, and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the owner.

4. The tenant shall protect at all times Trees 13, 17, 19, and 25 situated within the Commissioners Street City road allowance adjacent to the subject lands in accordance with the Arborist Report (prepared by Kuntz Forestry Consulting, dated November 24, 2020) and Tree Preservation Plan (entitled Existing Conditions, Proposed Site Plan, Tree Inventory & Preservation Plan, Figure 1, prepared by Kuntz Forestry Consulting, No. 6, dated November 24, 2020), and other plans approved under the Site Plan Control application.

5. The tenant shall have a qualified company implement and maintain tree planting in accordance with the approved plans and to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry and Recreation. Prior to construction or grading activities and where necessary to ensure the health and vigour of trees to be preserved, the tenant shall have all approved tree preservation and maintenance measures conducted on existing trees by a certified arborist or other qualified expert, according to currently accepted sound arboricultural practices and to the satisfaction of Urban Forestry.

6. The tenant shall plant all trees as per the plans approved by Urban Forestry within one (1) year of occupancy. All trees shall arrive on site in a balled and burlapped condition with a minimum caliper of 60 millimetres (or as otherwise specified on the approved plans). Prior to planting, each tree shall have the burlap removed from the

upper portion of the root ball (along with part of the wire cage, if necessary), and soil brushed away or removed from the top of the root ball until the first proper root is identified, indicating the top of the original/permanent root crown. The tree shall then be planted with this level considered as the top of the root ball for all other instructions. Any tree found planted with the actual root crown more than 2.5 centimetres below finished grade may be rejected and require replacement or replanting at the City's discretion. Upon the planting of the new trees on the subject land, the tenant shall assume the full responsibility for the maintenance and health of the private trees and shall take no action or permit any action that will injure, damage, destroy or prevent the trees from maturing to the point that the trunk of the tree measures 30 centimetres in diameter or more, measured at 1.37 metres above ground level.

7. The tenant shall provide a detailed report to the Supervisor, Urban Forestry, Tree Protection & Plan Review, Toronto & East York District (tpprsouth@toronto.ca), to sufficiently verify that tree planting has been completed according to approved landscape plans. The report shall document all materials, sources, quality analysis reports, quantities, dimensions and locations of all trees, soil, and infrastructure to support trees.

8. The tenant shall provide a letter of certification and a complete set of as-built landscape drawings to the Supervisor, Urban Forestry, Tree Protection & Plan Review, Toronto & East York District (tpprsouth@toronto.ca), both of which are stamped by the Landscape Architectural consultant who designed and supervised the construction of landscape works. The letter and as-built drawings shall confirm that all trees, soil, and infrastructure to support trees have been planted, installed, and constructed according to approved landscape plans.

9. The tenant shall maintain all tree planting areas free of litter and weeds, maintain the grade of all in-ground tree planting areas level with the adjacent boulevard, and maintain all approved ground cover and irrigation systems for the life of the Site Plan Agreement. The tenant shall also maintain all curbs, planters, grates, guards, railings, and other tree surrounds that do not conform to City of Toronto standard details in a state of good repair, and shall remove or modify these surrounds to accommodate tree growth, removal, and planting, as required by Urban Forestry.

10. The owner shall develop and maintain the site and adjacent City-owned lands in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Site Servicing Plan, Landscape Plan, Building Permit, and Tree Permit(s)/Approvals. Any proposed revisions/alterations to the approved plans or permits that affect trees shall be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation, prior to the revisions/alterations being implemented.

ENGINEERING & CONSTRUCTION SERVICES

11. Within 3 months of Site Plan Approval, CreateTO shall submit a cost estimate from CreateTO's environmental consultant, which is to be peer reviewed at CreateTO's expense, confirming the cost of remediating the contaminated road widening lands as

described in Post Approval Condition 12 below. The final determination of the amount of funds to be retained by CreateTO to cover the costs for the future remediation shall be made by the Executive Director of Engineering and Construction Services.

12. CreateTO, upon written notification from the General Manager, Transportation Services, prepare all documents and convey to the City a 4.76 metre wide strip of land along the Commissioners Street frontage of the site, prior to the approved future transportation/transit improvements planned for Commissioners Street or at the discretion of the City, for nominal consideration, in fee simple, at no cost with terms and conditions satisfactory to the City Solicitor in consultation with the General Manager, Transportation Services.

14. If in the opinion of the City Solicitor the requirements ("Requirements") referenced in Post-Approval Condition No. 12, above, are not being completed within the specified time or not in accordance with the requirements of the General Manager, Transportation Services, CreateTO acknowledges and agrees as follows:

i. The cost of completing any outstanding Requirements shall be calculated by the General Manager, Transportation Services, whose decision shall be final. In the event that the said funds retained by CreateTO are insufficient to reimburse the City for all expenses incurred by the City to carry out the said Requirements, then CreateTO agrees to pay to the City such additional costs forthwith upon demand.

ii. It is understood and agreed that the total costs for all work done under the authority of this Section shall include a management fee of Twenty Percent (20%) of all labour, material and machine time charges incurred to complete the work, and further, a fee of Thirty Percent (30%) of the charges incurred for the dislocation and inconvenience caused to the City as a result of such default on the part of CreateTO. It is understood and agreed that the aforementioned costs and fees as expressed in percentages are liquidated damages and are not to be deemed to be a penalty. It is hereby declared and agreed that the assumption by CreateTO of the obligations imposed by this Section is one of the considerations without which the City would not have executed this Agreement.

iii. CreateTO shall restore, at its own expense, any damages to its Lands resulting from the City, its servants, agents and contractors carrying out any and all works on the Lands to complete the said Requirements. For greater certainty, restoration by CreateTO of any damage caused by the City shall include but not be limited to landscaping, driveways and accesses, walkways, and underground utility and services.

15. The tenant shall remove all existing accesses, curb cuts, and traffic control sign(s) along the development site frontage that are no longer required and reinstate the curb, gutter and boulevard within the City's right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.

16. The tenant shall provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to

the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.

17. Refuse and recyclable materials generated by this development must be collected by a private refuse collection firm at no cost to the City.

18. The tenant shall construct and maintain stormwater management facilities and site grading as recommended in the accepted Stormwater Management Report and Site Grading Plan.

19. The tenant shall construct and maintain site servicing as indicated on the accepted Site Servicing Plan.

20. The tenant shall provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted stormwater management report and the accepted grading plan.

21. The tenant shall provide certification to the Chief Engineer & Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted drawings.

22. CreateTO shall construct the public right-of-way widening to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services, and at no cost to the City.