March 5, 2013

Planning and Growth Management Committee
c/o Frances Pritchard, Committee Administrator
City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Members of the Planning and Growth Committee

Dear Committee Members:

Re: Proposed New Zoning By-law
City of Toronto
793 Spadina Road
Imperial Oil
Our File: 09.618

On behalf of our client, Imperial Oil (‘Esso’), we are submitting this letter in regard to the proposed new zoning bylaw for the City of Toronto as it would apply to the property known municipally as 793 Spadina Road (‘subject site’) in the former City of Toronto.

We have made submissions to city staff with respect to this matter and have not received any response.

We have identified a particular concern related to the application of the new proposed zoning by-law to the proposed development of the subject site for a new vehicle fuel station and retail store, both of which are currently permitted uses under former City of Toronto Zoning By-law 438-86, as amended. This proposal is currently subject of an application for Site Plan Approval and is under review by City staff.

The new proposed zoning by-law would now place the subject site in a Residential Zone category, subject to site specific exception 893. Exception 893 permits a vehicle fuel station only. There is no specific allowance for the retail store in the exception and it would therefore not be a permitted use in the zone. In our view it would be appropriate for the exception to be modified to provide for both uses of the subject site. Ideally this could be accomplished prior to passage by Council of the proposed new zoning bylaw.
For ease of reference we have included a copy of our previous submission to city Staff and the current site plan drawing included with the owner's application for the site plan approval.

On behalf of our client we would request that we be provided with Notice of Passage of the Zoning By-law.

Should there be any questions or need for additional information please contact the undersigned.

Yours very truly,

WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
Planning · Urban Design

Wendy Nott, FCIP, RPP
Senior Principal

Encl. November 26th, 2012 submission including Site Plan

Cc. Arvydas J. Sestokas, Imperial Oil
November 28, 2012

City of Toronto
Zoning By-law and Environmental Planning
Zoning By-law Project
City Planning
Metro Hall, 55 John Street, 22nd Fl
Toronto, ON M5V 3C6

Attention: Joe D'Abraamo
Acting Director

Dear Mr. D'Abraamo

Re: Revised Draft City-Wide Zoning By-law
Imperial Oil
793 Spadina Road
Our File No. 09.618

On behalf of our client, Imperial Oil ('Esso'), we are submitting the enclosed materials in response to the June 18th, 2012 version of the revised draft zoning by-law as it relates to the Esso site located at 793 Spadina Road ('subject site') in the former City of Toronto.

1. Site Location and Description
The subject site is located on the southeast quadrant of Spadina Road and Eglinton Avenue West.

The subject site is currently occupied by Mr. Lube service shop. An application for Site Plan Control has been submitted by Esso to construct a gasoline station and accessory convenience store.

Access to the site is via two full turn movement driveways: one from Spadina Road and one from Eglinton Avenue West.

For reference, we have included two site plans pertaining to the subject site. One reflects what is currently on the site and one reflects the proposed redevelopment of the site as per the open site plan control application (12 269022 STE 22 SA).

2. Adjacent Land Uses
The following land uses are adjacent to the subject site as seen on the aerial photograph below:

North: Residential Uses and Open Space
(designated Apartment Neighbourhoods and Parks)
East: Open Space (designated Natural Area)  
South: Residential Uses (designated Neighbourhoods)  
West: Residential Uses (designated Apartment Neighbourhoods)  

3. Official Plan  
The subject site is located within a Mixed Use Area designation as indicated on Map 17 of the Official Plan (OP) which provides for a wide range of commercial and residential uses. Eglinton Avenue West is identified as an Avenue on Map 2 of the OP. Both Spadina Road and Eglinton Avenue West are identified as Major Streets on Map 3 of the OP with right-of-way widths of 27 metres.

4. Zoning  
The subject site is placed within a Residential (R2 Z2.0) zone in the City of Toronto Zoning By-law No. 438-86. This zone category primarily permits residential uses. Site specific exception 12(1) 314 permits a gas station on the subject site.

The revised draft zoning by-law places the subject site in a Residential Zone (R d2.0 x893). Site specific exception 893 carries forward the permissions for a vehicle fuel station. The zone permits a retail store provided it is located within an apartment building. Therefore, the by-law is unclear as to whether an accessory convenience store is permitted on the subject site.

5. Comments  
The current draft zoning by-law is not clear as to the permissions for the convenience store, potentially rendering the uses proposed in the existing Site Plan Control Application, if approved, legal non-conforming. Legal non-conforming status carries a significant burden to owners in terms of limitations on future replacement and financial requirements (i.e. mortgaging).
Esso requests that the site specific exception be amended to include a convenience store as an accessory use.

On behalf of Esso, we would like to thank you for the opportunity to provide feedback on the proposed zoning by-law and your attention to this matter. We trust the information provided is sufficient to allow for the appropriate revisions to be made to the proposed City of Toronto Zoning By-law prior to adoption by City Council. Should you have any questions or require additional information please do not hesitate to contact the undersigned.

Yours very truly,

WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
Planning · Urban Design

[Signature]

Wendy Nott, FCIP, RPP
Senior Principal

cc. Arvydas J Sestokas