



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**40 Reading Court – Official Plan Amendment, Zoning  
By-law Amendment and Site Plan Approval – OMB  
Hearing**

<b>Date:</b>	March 25, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 2 – Etobicoke North
<b>Reason for Confidential Information:</b>	This report is about litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	

**SUMMARY**

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The owners of 40 Reading Court propose to build a 4-storey, 11,198 square metre place of worship with ancillary uses on the property. The proposed building would include office and meeting space, classrooms, library, gymnasium, pastor's offices, pastor's residence, a café, bookstore, chapel and daycare centre. The proposed development would contain 392 surface parking spaces and result in a floor space index of 0.53 times the lot area with a proposed capacity of approximately 1,350 congregants within its sanctuary.

The owners of the property have appealed their Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval applications to the Ontario Municipal Board (OMB) due to a lack of decision by the City within the statutory timeframe.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.

2. Council authorize the public release of the recommendations in Confidential Attachment 1 if adopted and the balance of Confidential Attachment 1 and Confidential Attachment 2 remain confidential.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

At its meeting on April 10, 2012, City Council referred a motion from Etobicoke York Community Council to the Acting Chief Planner for a report to the Planning and Growth Management Committee. The motion from the Ward Councillor requested that City Planning staff prepare the necessary Official Plan and Zoning By-law Amendments to permit a place of worship at 40 Reading Court. The decision document can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EY14.27>

On December 31, 2012 the applicant submitted applications to amend the Official Plan and Zoning By-law, as well as Site Plan Control approval. Planning and Growth Management Committee (PGMC) considered a Preliminary Report from the Chief Planner at its meeting on April 11, 2013. PGMC directed staff to review the applications concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes the Municipal Comprehensive Review (MCR). The decision document can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG23.2>

At its meeting of December 16, 17 and 18, 2013, City Council considered a request to convert these employment lands for non-employment uses as part of the MCR. Under Section 2.2.6.5 of the Provincial Growth Plan for the Greater Golden Horseshoe, the City may convert employment lands for non-employment uses only through the MCR. At the same meeting, City Council adopted Official Plan Amendment 231 (OPA 231), which designated the subject lands as *Core Employment Areas*. The decision can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing for approval. On July 9, 2014, the Minister of Municipal Affairs and Housing issued a decision confirming Council's action to retain the property at 40 Reading Court for employment purposes only. On July 29, 2014, the applicant submitted an Ontario Municipal Board (OMB) appeal to the Minister's decision of OPA 231. The OMB received 178 appeals to OPA 231 and the first pre-hearing conference was held on March 12-13, 2015. The Minister's decision can be accessed at this link:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/O/ministers%20decision%20on%20opa%20231.pdf>

## **ISSUE BACKGROUND**

### **Site and Surrounding Area**

The subject vacant site is 2.1 hectares in area with approximately 100 metres of frontage on Reading Court. This portion of Reading Court terminates in a cul-de-sac.

Surrounding land uses include:

North: a surface parking lot associated with a commercial building fronting Attwell Drive, as well as the Royal Woodbine Golf Course.

South: across the street is a vacant lot. There are three 6-storey office buildings and a 10-storey hotel beyond this site.

West: a 15-storey hotel and the Royal Woodbine Golf Course located behind the hotel.

East: a 1-storey commercial building fronting Attwell Drive.

### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. City Council's planning decisions are required to be consistent with the PPS.

The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS defines employment areas as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.6.9.1 of the PPS requires that planning for land uses in the vicinity of airports, rail facilities and marine facilities be undertaken so that their long-term operation and economic role is protected.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of

infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an employment area in the Growth Plan is the same as the one contained in the PPS.

## **Official Plan**

The site is identified as an *Employment District* on Map 2 – Urban Structure Map and is designated *Employment Areas* on Map 15 - Land Use Map of the Official Plan (Attachment 5). Lands designated *Employment Areas* are intended for a wide range of employment uses including offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area business and workers.

Section 4.6.2 of the in-force Official Plan allows places of worship in *Employment Areas* if they are located only on major streets as shown on Map 3 of the Plan. Reading Court is not identified as a major street on Map 3.

A small portion at the northwest corner of the subject site is designated *Other Open Space Area*. *Other Open Space Areas* will be used primarily for golf courses, cemeteries, and open spaces associated with utilities and other specialized uses and facilities.

Official Plan Amendment (OPA) 23, currently under appeal, retains the lands at 40 Reading Court as *Employment Areas*, and designates them as *Core Employment Areas* (Attachment 6).

## **Zoning**

Zoning By-law 569-2013 does not apply to the site. The subject lands are zoned CL-Limited Commercial and are subject to three site specific by-laws; 1981-358, 1984-84 and 1997-169 under the former City of Etobicoke Zoning Code. Under Site Specific By-

law 1981-358 the lands were rezoned from I.C2- Class Two Industrial to CL- Limited Commercial to permit business and professional office buildings only, subject to specific provisions. Under Site Specific By-law 1997-169 a public parking area was permitted.

### **TRCA Regulation Limit**

A portion of the lands are located within the Toronto and Region Conservation Authority Regulation Limit, and are therefore subject to Ontario Regulation 166/06.

### **Site Plan Control**

The lands are within an area of Site Plan Control. The applicant submitted a Site Plan Control application concurrently with the Official Plan and Zoning By-law Amendment applications.

### **Reasons for the Application**

An Official Plan Amendment is required as the Official Plan only provides for places of worship to be located in *Employment Areas* if they are located on major streets as shown on Map 3. A Zoning By-law Amendment is required as the current site specific zoning By-law does not permit a place of worship.

### **COMMENTS**

The applicant has appealed their Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A hearing has been scheduled to commence July 6, 2015 and a deadline for finalization of pre-hearing procedural matters is set for April 10, 2015. This report requests direction from City Council for the OMB hearing.

### **CONTACT**

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### **SIGNATURE**

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Anna Kinastowski, City Solicitor

### **ATTACHMENTS**

Attachment No. 1: Confidential Information