

35 Taber Road - Zoning By-law Amendment Application - Final Report

Date:	October 23, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Ward:	Ward 2 – Etobicoke North
Reference Number:	16 262690 WET 02 OZ

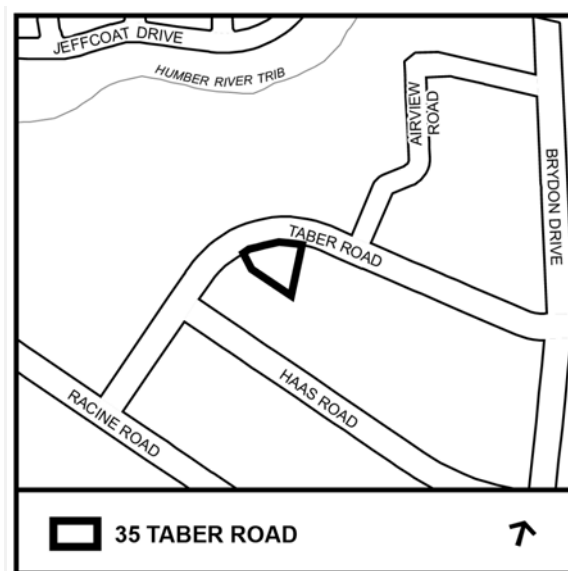
SUMMARY

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit the existing vehicle-related uses to remain on the lands municipally known as 35 Taber Road, as well as a reduction in parking requirements for these uses. The site contains one multi-occupancy building, having four units with vehicle-related uses. No new construction is proposed. A total of 20 parking spaces are provided on site.

Since 2001, multiple minor variance applications were granted to permit vehicle related uses and a parking deficiency. Each approval allowed the use on a temporary basis for a period of five years. The most recent application, File A505/16EYK, was refused by the Committee of Adjustment on August 4, 2016.

The application proposes to add vehicle-related uses, which exist currently on the site, to the list of permitted uses. This would allow for the existing uses to remain permanently. The proposed vehicle related uses have existed on the property for approximately 15 years and no adverse impacts have been identified during this period. The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan, and conforms to the policies of the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 35 Taber Road, substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 4 to this report.
2. City Council amend and the former City of Etobicoke Zoning Code for the lands at 35 Taber Road, substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 5 to this report.
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. Prior to the introduction of the Bills at City Council, the owner shall submit a revised site plan illustrating that there are no parking spaces located east of the building, and that wall-mounted 'no parking' signs have been installed, to the satisfaction of Manager, Transportation Services, Etobicoke York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In February 2001, the property at 35 Taber Road was subject to a Committee of Adjustment application under File A260/00ET to permit vehicle related uses and a parking deficiency. The application was approved subject to the use being permitted for a period of 5 years, expiring on March 1, 2006. Between 2006 and 2016, three identical applications were filed to continue this use (Files A38/06EYK, A180/11EYK, and A505/16EYK). The final application, File A505/16EYK, was refused by the Committee of Adjustment on August 4, 2016. The proposed vehicle related uses have existed on the property for approximately 15 years.

The current application was submitted on December 9, 2016. On February 22, 2017, Etobicoke York Community Council considered a Preliminary Report related to this application. The Community Council decision and report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-101987.pdf>

ISSUE BACKGROUND

Proposal

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code to permit the existing vehicle-related uses to remain on the lands municipally known as 35 Taber Road. The application also proposes a reduction to the parking requirements for these uses. The site contains one multi-occupancy building, having a floor area of 956m² and containing four units with vehicle-related uses. No new construction is proposed. A total of 20 parking spaces are provided on site (see Attachment 1: Site Plan).

Site and Surrounding Area

The site is located within an employment area and is located on the south side of Taber Road, between Haas Road and Airview Road. The site contains a four unit, two-storey building that was originally developed in conjunction with the neighbouring property at 31 Taber Road. All four units are currently occupied with automotive uses.

Surrounding land uses include:

North: Employment lands (multi-unit industrial) with Berry Creek and a low density residential neighbourhood further north.

South: Employment lands containing multi-unit industrial buildings.

East: Employment lands containing multi-unit industrial buildings.

West: Employment lands containing multi-unit industrial buildings.

Provincial Policy Statement and Provincial Plans

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.

Official Plan

The property is designated *Employment Areas* on Map 13, Land Use Plan in the Official Plan. *Employment Areas* are places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers. Development will contribute to the creation of competitive, attractive, highly functional *Employment Areas* by:

- a) supporting the economic function of the *Employment Areas*, and the amenity of adjacent areas;
- b) encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- c) avoiding excessive car and truck traffic on the road system within *Employment Areas* and adjacent areas;
- d) providing adequate parking and loading on-site; and
- e) providing landscaping on the front and any flanking yard and adjacent to any public parks and open space to create an attractive streetscape and screening parking, loading and service areas.

Official Plan Amendment 231

Official Plan Amendment 231 (OPA 231) was adopted by City Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the Ontario Municipal Board (OMB).

In the OMB's December 20, 2016 Order regarding OPA 231, the Board partially approved the *Core Employment Areas* and *General Employment Areas* land use designations.

The subject property is designated *Core Employment Areas* and is not subject to a site or area specific appeal to OPA 231.

Section 4.6 of the Official Plan states that "Employment Areas are places of business and economic activities vital to Toronto's economy and future economic prospects". Uses permitted in *Core Employment Areas* are set out in Policy 4.6.1 and include all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems and vertical agriculture.

Additional uses including small-scale restaurants, catering facilities, courier services, banks and copy shops are permitted provided they are ancillary to and intended to serve the *Core Employment Area* in which they are located. Small scale retail uses that are ancillary to and on the same lot as the principal use are also permitted.

Zoning

The site is zoned Employment (E 1.0) in City of Toronto Zoning By-law No. 569-2013 and Industrial Class 2 (I.C2) in the former City of Etobicoke Zoning Code (see Attachment 2 : Zoning). Permitted uses in the Employment Zone include manufacturing, warehousing, wholesaling and office uses. Zoning By-law No. 569-2013 is currently under appeal to the Ontario Municipal Board.

Reasons for the Application

An amendment to City of Toronto Zoning By-law No. 569-2013 and the former City of Etobicoke Zoning Code is required to permit the existing vehicle-related uses to remain on the lands and to permit the proposed reduction in the parking requirements for these uses.

Community Consultation

A community consultation meeting was held on May 9, 2017 at St. Benedict Catholic School. In addition to the applicant, City Planning staff, and a representative of the Ward Councilor, and the owner of the neighbouring property (also the former owner of the subject site) attended the meeting. One neighbouring resident attended the meeting.

The main issue identified was related to parking. At the meeting, the owner of 31 Taber Road expressed concerns with the proposed reduction to the number of required parking spaces and indicated that employees from the businesses at 35 Taber Road had been using parking reserved for his address.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed application to permit vehicle related uses on the site is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017). Both the PPS and Growth Plan promote economic development and competitiveness in employment lands. *Employment Areas* are encouraged to provide for an appropriate mix and range of employment uses to meet long term economic needs. This proposal allows for an additional use to be permitted on the site, which provides opportunities for a diversified economic base and greater flexibility to attract and retain employment in the area.

Land Use

The subject site is designated *Core Employment Areas* in the Official Plan. *Employment Areas* are parts of the City where businesses and enterprises grow. To promote this, businesses are increasingly required to have flexibility to compete effectively in the global economy. This need for flexibility includes the use of the land, buildings and types of businesses that would provide opportunities for increased employment and business activity in the area

The proposed vehicle-related uses conform to the relevant land use policies in the City's Official Plan. Other employment uses, particularly multi-unit industrial, are found to the west, east, south and north of the subject property, with Berry Creek and a low density residential neighbourhood further north. Vehicle uses have existed, with no adverse impacts, on this site for a period of over fifteen years. As a result, Planning staff are of the opinion that the proposed use is compatible with the surrounding area.

Vehicle related uses are provided for in the Draft Zoning By-law Amendments included as Attachments 4 and 5 to this report.

Servicing

Engineering and Construction Services staff are satisfied that the site is appropriately connected to water and sanitary services for the proposed vehicle related uses.

Traffic Assessment

The volume of vehicular traffic generated by the multiple-occupancy building is not expected to negatively impact the level-of-service of the abutting street network; consequently, a traffic operations assessment was not required in conjunction with this proposal.

Roadways

According to the Land and Property Surveys Unit of the Engineering and Construction Services Division, conveyances for widening purposes are not required along the abutting Taber Road frontage of the subject property.

Sidewalks/Boulevards/Streetscaping

An existing municipal sidewalk abuts the Taber Road frontage of the subject site, which provides ditch drainage in the vicinity of the site. No modifications are proposed as part of the subject rezoning application.

The existing sidewalk measures 1.5 metres in width. If a redevelopment proposal were to be submitted in the future, to satisfy accessibility requirements in the Toronto Green Standard, the applicant would be required to reconstruct the municipal sidewalk along the Taber Road frontage to a width of 1.8 metres, as per the minimum accessibility requirement. The sidewalks would be designed according to the cross-section requirements of City of Toronto Design Standard No. T-310.010-2.

Driveway Access/Site Circulation

Existing full-movement driveways are provided to Taber Road from the subject site to the west and to the east of the existing building. No modifications are proposed as part of the subject rezoning application.

The east driveway to the site is located entirely on the adjacent property at 31 Taber Road. A statutory declaration dated October 18, 2010, included as an appendix in the Planning Rationale supporting this application, includes an arrangement that permits vehicular access to the site at 35 Taber Road via the driveway on 31 Taber Road, although the passages in the declaration that describe this access appear to have been a typewritten amendment to the declaration. Subsequently, the applicant's planning consultant, in an August 16, 2017 e-mail to City Planning, included registration documents (Instrument No. AT2852772) for an easement agreement establishing a right-of-way over 31 Taber Road for access purposes in favour of 35 Taber Road (which requires access to the neighbouring property at 31 Taber Road for use of their driveway to Taber Road and for vehicle manoeuvring purposes). The agreement does not provide the right for vehicles associated with 35 Taber Road to park on 31 Taber Road.

Parking

In support of the subject rezoning application, the applicant submitted a Parking Justification Study, prepared by C. F. Crozier & Associates Inc., dated December, 2016.

Parking utilization surveys were undertaken on Thursday, October 27, 2016 from 12:00 p.m. to 7:00 p.m. and on Saturday, October 29, 2016 from 11:00 a.m. to 5:00 p.m.

The results of the parking utilization surveys indicate a parking demand of 15 parking spaces, or a parking utilization of 75 percent, based upon the available parking supply of 20 spaces. The consultant indicates that the 23-space parking supply illustrated on the submitted site plan includes three parking spaces on the east side of the building that currently encroach into the property at 31 Taber Road, and indicates that '[these three spaces] cannot be accounted for in the total parking supply of the property.'

The observed peak parking demand of 15 spaces for the 720 m² occupied units, results in a peak parking demand ratio of 2.08 parked vehicles per 100 m² of gross floor area. Applying this ratio to the entire 956.89 m² building yields a parking demand of 20 parking spaces. On this basis, the consultant concludes that the 20-space parking supply is adequate to accommodate the peak parking demand. Transportation Services staff are satisfied that sufficient parking is supplied on site. The Draft Zoning By-law Amendments attached to this report includes a provision that a minimum of 20 parking spaces be maintained on site. The applicant has submitted a revised site plan drawing that illustrates wall-mounted 'no parking' signs on both 35 and 31 Taber Road.

Loading

For the previous Committee of Adjustment applications described above, no loading-related variances were sought. An updated zoning review from the Building Division for the current rezoning application dated January 26, 2017 does not list any loading-related variances. No loading spaces are provided.

CONCLUSION

This report recommends approval of the proposal to amend City of Toronto Zoning By-law No. 569-2013 and the former Etobicoke Zoning Code to add vehicle-related uses to the list of permitted uses. These uses have been on the site since 2001 with no known impacts and have obtained previous Committee of Adjustment approvals on an interim basis. By way of the approval of the application, the existing uses would be able to remain permanently. The proposal to reduce the parking requirements for these uses is recommended to be approved for similar reasons.

CONTACT

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E-mail: derek.brunelle@toronto.ca

SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

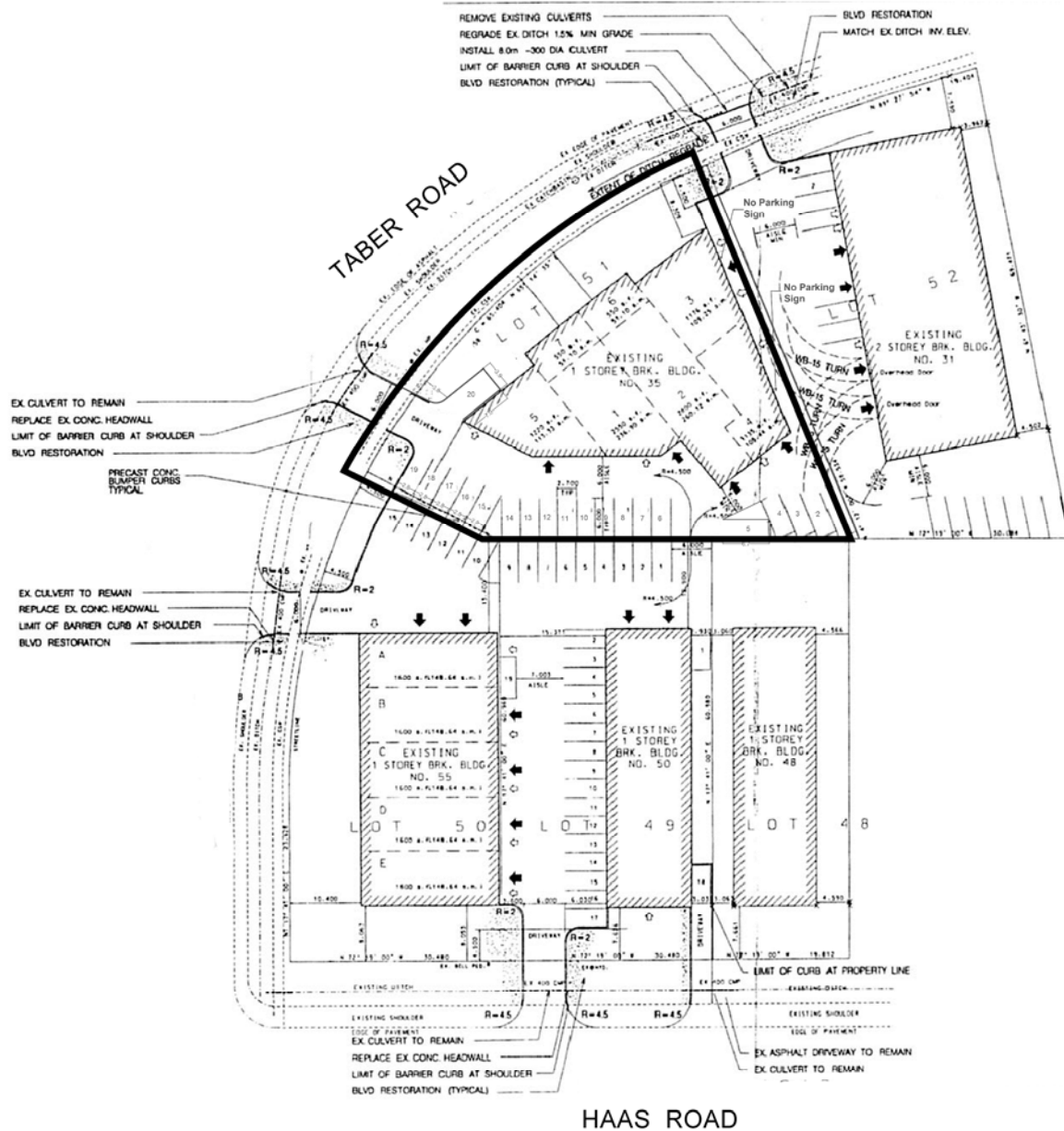
Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment (City of Toronto Zoning By-law No. 569-2013)

Attachment 5: Draft Zoning By-law Amendment (Former Etobicoke Zoning Code)

Attachment 1: Site Plan



Site Plan

35 Taber Road

Applicant's Submitted Drawing

Not to Scale
10/26/2017



File # 16 262690 WET 02 0Z

Attachment 2: Zoning



Zoning By-Law No. 569-2013

35 Taber Road

File # 16 262690 WET 02 02



Location of Application

RD Residential Detached

E ON Employment Industrial
Open Space Natural



See Former City of Etobicoke By-Law No. 11,737

I.C1 Class 1 Industrial Zone
I.C2 Class 2 Industrial Zone



Not to Scale
Extracted: 10/17/2017

Attachment 3: Application Data Sheet

Application Type:	Rezoning	Application Number:	16 262690 WET 02 OZ
Details:	Rezoning, Standard	Application Date:	December 9, 2016
Municipal Address:	35 TABER ROAD		
Location Description:	PLAN 4630 LOT 51 **GRID W0203		
Project Description:	Zoning By-law Amendment application to permit the existing vehicle related uses to remain within a four-unit existing multiple occupancy building and to reduce the parking requirements for these uses.		
Applicant:	Agent:	Architect:	Owner:
MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING LIMITED	OZ KEMAL		1832732 ONTARIO CORP

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N/A
Zoning:	Employment (E1.0)	Historical Status:	N/A
Height Limit (m):	20	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	0	Height:	Storeys:	2
Frontage (m):	0		Metres:	10
Depth (m):	0			
Total Ground Floor Area (sq. m):	824			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	20
Total Non-Residential GFA (sq. m):	956		Loading Docks	0
Total GFA (sq. m):	956			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT: **PLANNER NAME:** **Derek Brunelle, Assistant Planner (416) 394-8878**

**Attachment 4: Draft Zoning By-law Amendment
(City of Toronto Zoning By-law 569-2013)**

Authority: Etobicoke York Community Council Item, XX, as adopted by City of Toronto Council on XXX, 2017

**CITY OF TORONTO
BY-LAW No. XXX-2017**

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 35 Taber Road.

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. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
2. By-law XXXX – 2017 and its provisions apply to the lands outlined in heavy lines on Diagram 1.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to E (x25), as shown on Diagram 2 attached to this By-law.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception Number 25 so that it reads:

Exemption E 25

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite the requirements of Table 200.5.10.1, and 200.15 for a **building** with a **gross floor area** of not more than 1000 square metres, a minimum of 20 **parking spaces** are required, of which one (1) **parking space** must be an accessible **parking space**; and

- (B) Despite the requirement of 60.20.80.20(1), vehicle related uses are permitted in a multiple occupancy building.

- (C) Despite the requirement of 60.20.80.20(1), a lawful **parking space** existing on the date of the enactment of By-law **[clerks to insert]** need not comply with 60.20.80.20(1) if it is does not comply with the required setback.

Prevailing By-laws and Prevailing Sections: (None Apply)

ENACTED AND PASSED this ____ day of _____, 2017.

Mayor

(Corporate Seal)

City Clerk

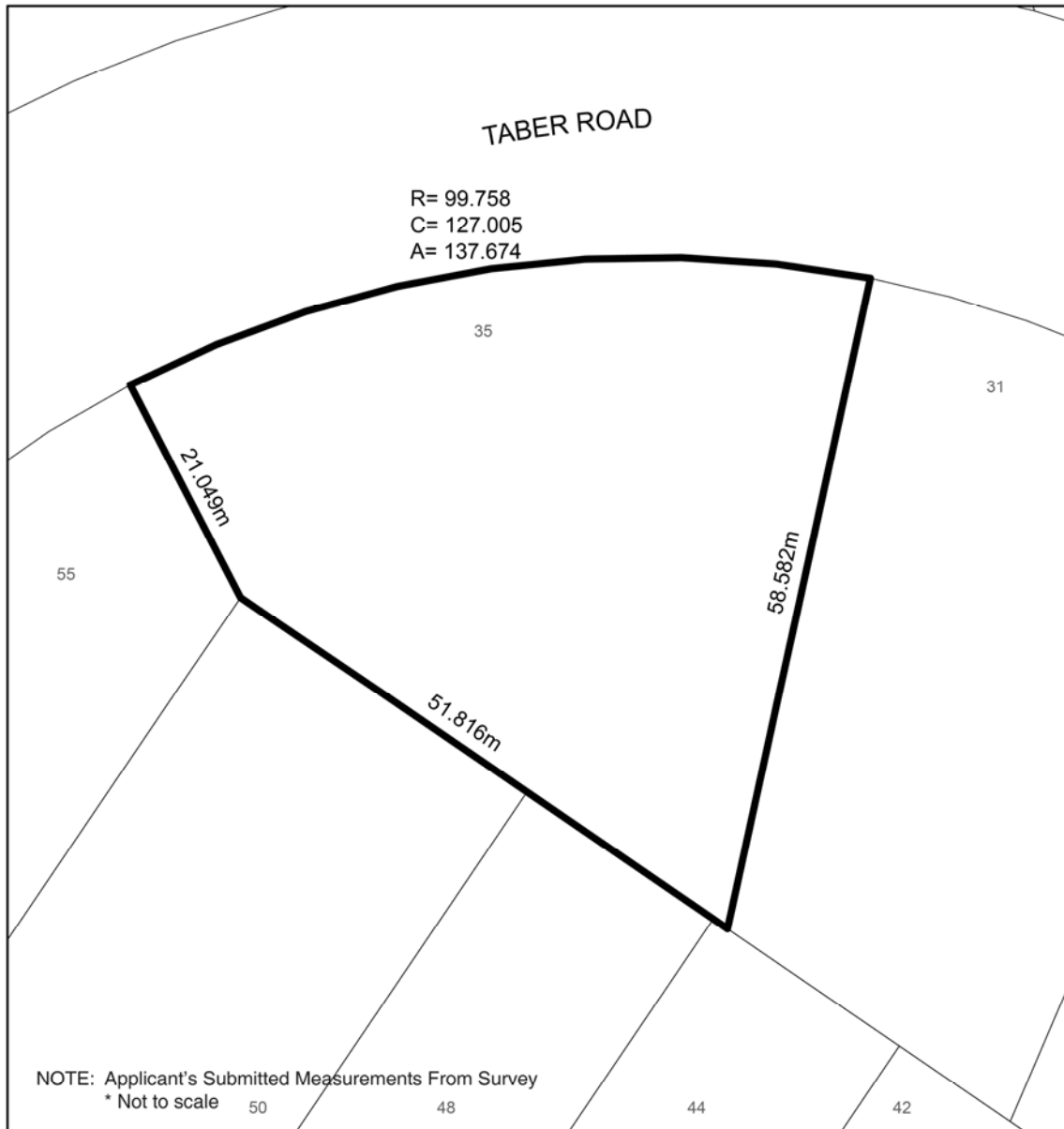


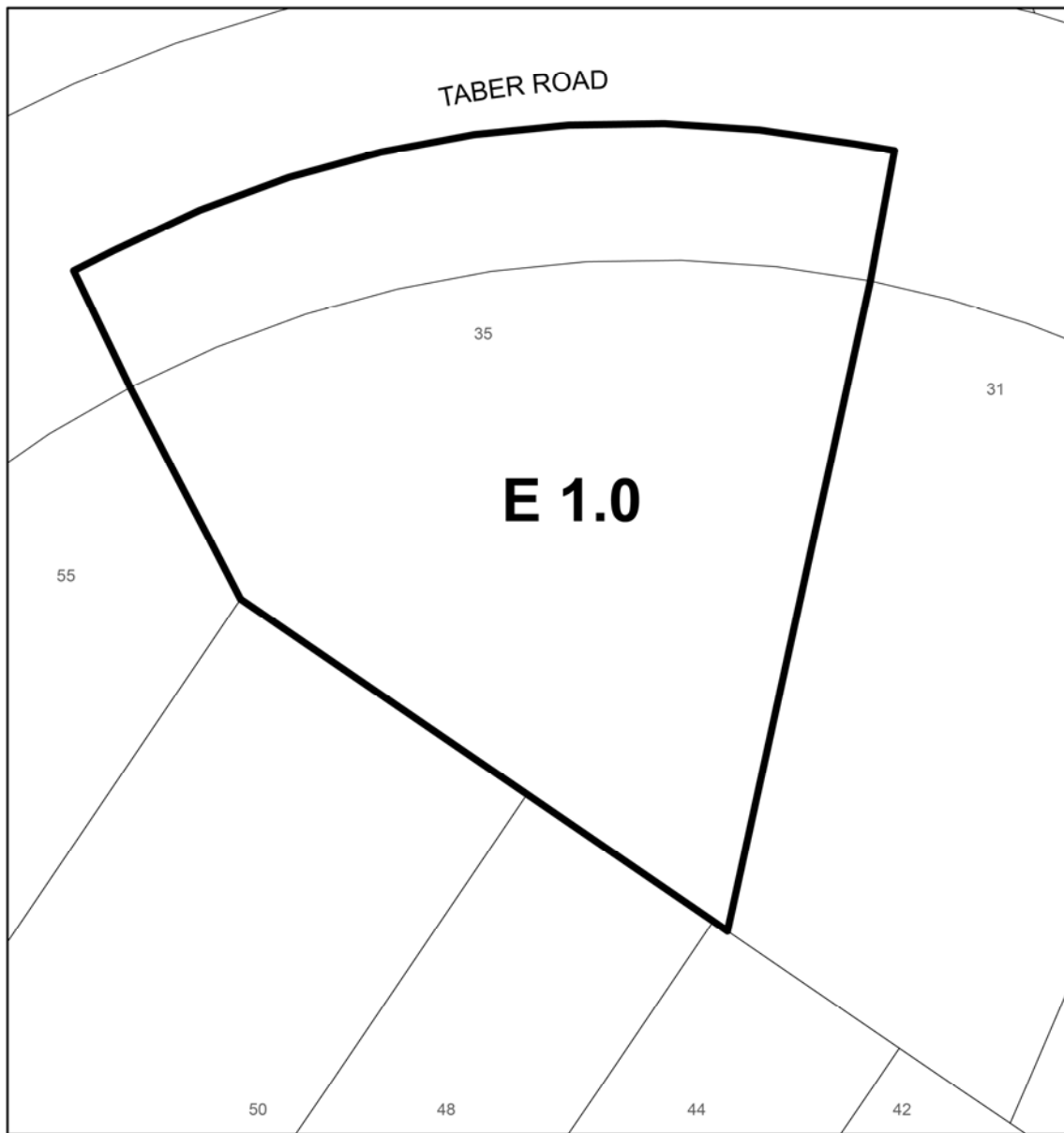
Diagram 1

35 Taber Road

File # 16 262690 WET 02 02



Not to Scale
Extracted: 10/10/2017



 **TORONTO**
Diagram 2

35 Taber Road
File # 16 262690 WET 02 02


Not to Scale
Extracted: 10/10/2017

Attachment 5: Draft Zoning By-law Amendment (Former Etobicoke Zoning Code)

Authority: Etobicoke 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 ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as 35 Taber Rd**

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. That the Zoning classification of the lands shown on Schedule “A” attached hereto is hereby confirmed as Class 2 Industrial (I.C2) Zone and notwithstanding Chapters 304, 320, and 324 of the Etobicoke Zoning Code, the following development standards and uses shall be applicable to the Lands:
 - (a) Notwithstanding the Prohibited Uses of Section 304-32, the following additional uses are permitted:
 - i) Vehicle-related automobile uses in multiple-occupancy buildings.
 - (b) Notwithstanding the Front Yard provisions of 304-36(B), the following development standards are permitted:
 - i) The required front yard shall be landscaped along the entirety of the front lot line, except for the necessary driveway access(es) and one parking space.
 - (c) Notwithstanding the Parking Location provisions of 304-36(G), the following development standards shall apply:
 - i) No parking area shall be located closer than 3.5 metres
 - (d) Notwithstanding the provisions of Section 320-18, the following parking rate shall apply:
 - i) A rate of 2 spaces per 100 sq m, but no less than 20 spaces.

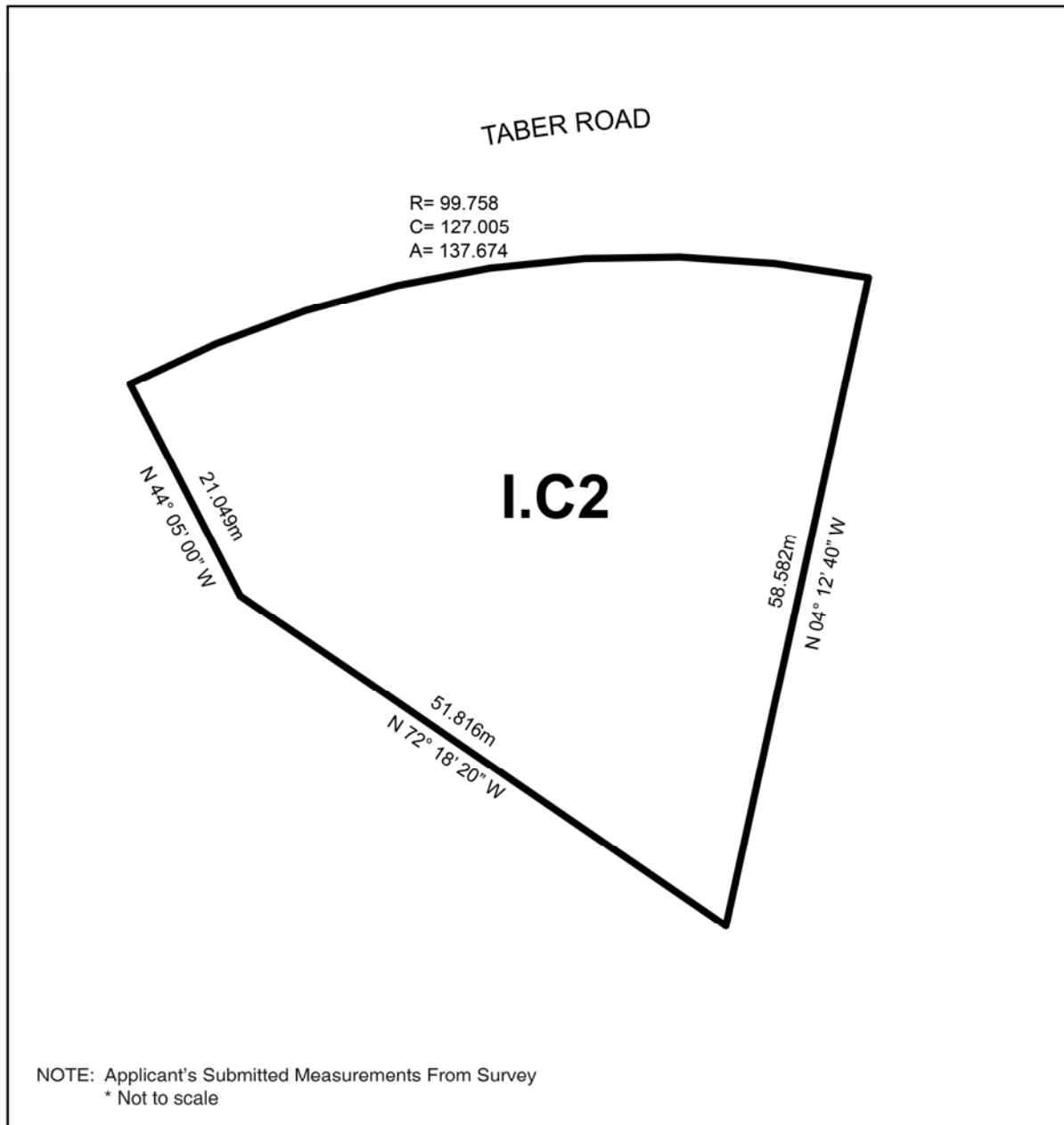
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
XXX-2017	Lands municipally known as 35 Taber Road.	To amend the former Etobicoke Zoning Code to permit vehicle-related uses in a multiple occupancy building.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

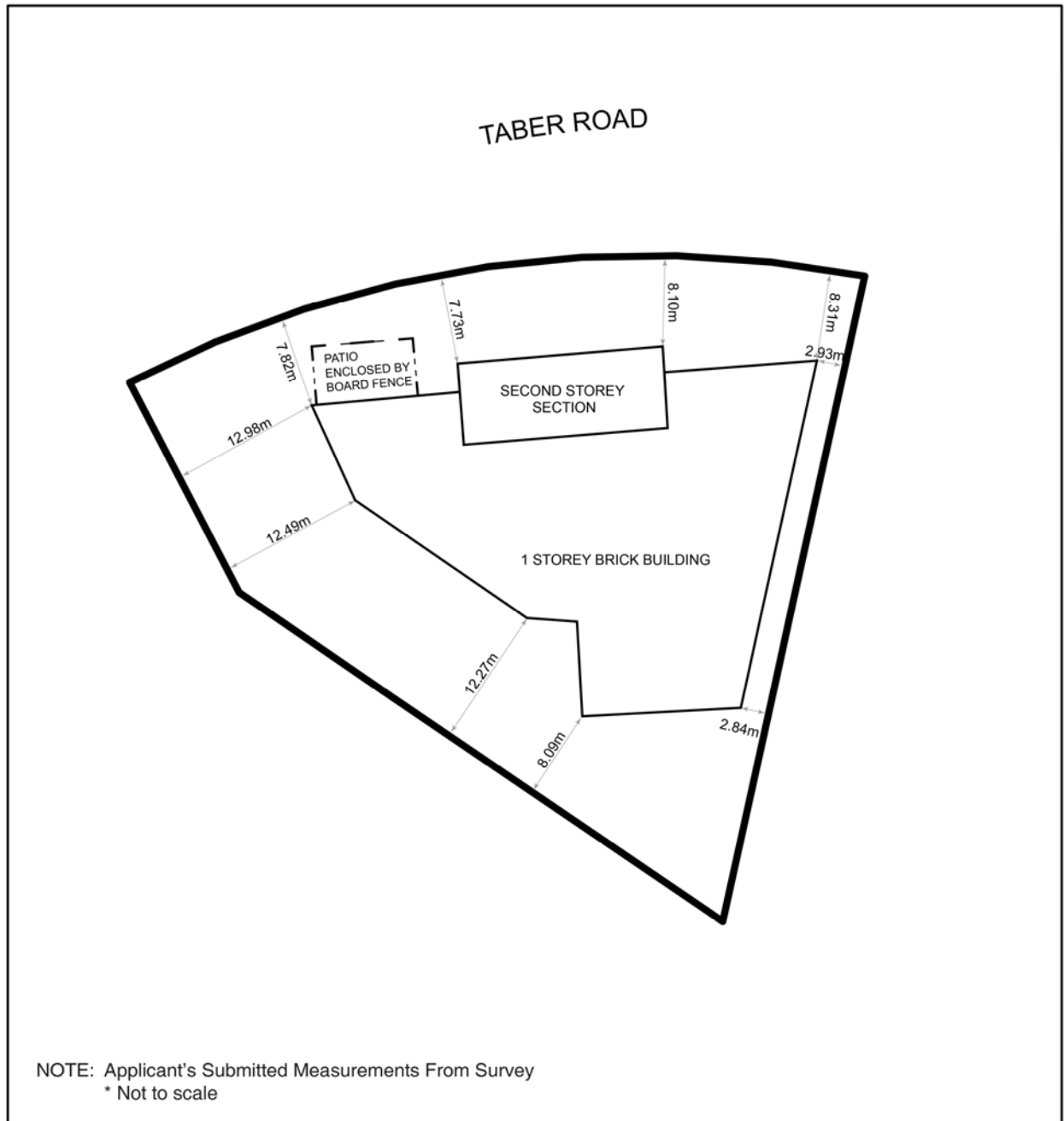
(Corporate Seal)



TORONTO
Schedule A

35 Taber Road
File # 16 262690 WET 02 0Z

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Toronto
 Schedule B

35 Taber Road
 File # 16 262690 WET 02 02

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