

418 The Westway – Zoning By-law Amendment Application – Final Report

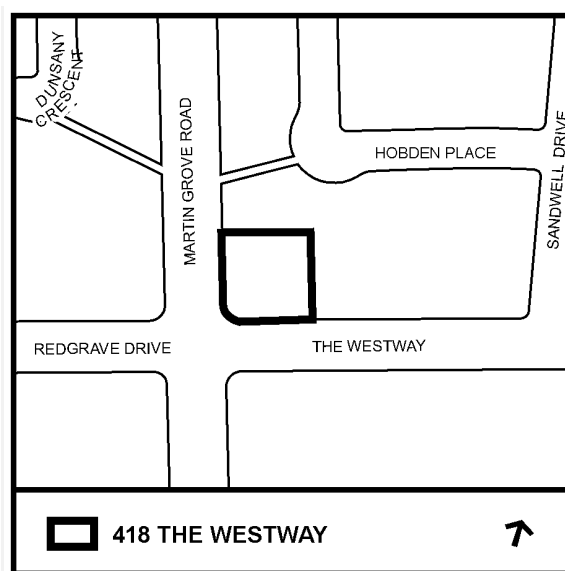
Date:	October 25, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	16 242162 WET 04 OZ

SUMMARY

This application proposes amendments to the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013, to expand the list of permitted uses at 418 The Westway. The subject property is currently regulated by two site-specific Zoning By-laws that restrict permitted uses to a gasoline service station or a financial institution with a freestanding automatic banking machine. The site is presently occupied by a 271m² vacant building and a freestanding banking machine. No new development or site alterations are proposed as part of this application.

This report reviews and recommends approval of the application to amend the Zoning By-laws. The range of uses being sought conforms with the Official Plan's intent of providing small scale retail, service and office uses that serve the needs of area residents in *Apartment Neighbourhoods*.

The application would result in the repeal of site-specific Zoning By-law 1961-12,660 and amendments to Zoning By-law 1994-98, under the former City of Etobicoke Zoning Code, and Zoning By-law No. 569-2013. This would bring the zoning for the subject property in line with the range of local commercial uses permitted under



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council repeal site-specific Zoning By-law 1961-12,660 and amend Zoning By-law 1994-98, of the former City of Etobicoke Zoning Code, for the lands at 418 The Westway substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 4 to the report of the Director of Community Planning, Etobicoke York District, dated October 23, 2017.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 418 The Westway substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report of the Director of Community Planning, Etobicoke York District, dated October 23, 2017.
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 introduction of Bills, City Council require the owner to convey land, 0.40-metre wide along The Westway frontage of the subject property to satisfy the requirement of a 27-metre wide right-of-way, to the satisfaction of the Executive Director, Engineering and Construction Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Two site-specific Zoning By-laws were enacted in 1961 and 1994 by the former City of Etobicoke Council. The site-specific By-laws limit the property's use to either a gasoline service station or a financial institution with a freestanding automatic banking machine.

ISSUE BACKGROUND

Proposal

The application seeks to amend the above noted site-specific Zoning By-laws that restrict the use of the subject property to a gasoline service station or a financial institution to allow the range of uses permitted under the Commercial Local zoning category in City-wide Zoning By-law No. 569-2013. The application also proposes a Take-Out Eating Establishment use on the subject property as part of the expanded uses being sought. No changes to the existing building or site are proposed as part of this application.

Site and Surrounding Area

The site, currently occupied by a 1-storey, 271m² commercial building is located on the northeast corner of Martingrove Road and The Westway. The site is approximately 2,378 m² in size and is rectangular in shape. The property has 49 metres of frontage on The Westway and a depth of 48.77 metres flanking Martingrove Road. The existing building on the site which was used as a bank (Toronto Dominion Bank) is currently vacant. A freestanding Automated Teller Machine (ATM) with a drive-through is situated on the subject property. The ATM is still open to the public. Two vehicular access points, one from Martingrove Road and the other one from The Westway, serve the subject property (see Attachment 1: Site Plan). Twenty nine parking spaces are presently located on the site.

Land uses surrounding the site are as follows:

- North: A residential area primarily made up of 1-2 storey detached dwellings and a few 3-storey townhouses.
- South: A 1-storey building (Martinway Plaza) located on the southeast corner of Martingrove Road and The Westway containing a variety of office, service commercial, restaurant and retail uses. A number of 12-storey apartment buildings are located further south.
- East: A 9-storey apartment building, a public school (Kipling Collegiate Institute) and 1-2 storey detached dwellings are located further east.
- West: Located on the west side of Martingrove Road are a public park (Westgrove Park), a 15-storey apartment building and 1-2 storey detached dwellings.

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.

All decisions by City 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 subject lands are designated *Apartment Neighbourhoods* on Map 14 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however, compatible infill development can be accommodated. Section 4.2 of the Official Plan states that in these established *Apartment Neighbourhoods*, improving amenities and accommodating sensitive infill,

where it can improve the quality of life, and promoting environmental sustainability are key considerations.

The application has been evaluated to determine if it conforms with the intent of providing small scale retail, service and office uses that serve the needs of area residents.

Zoning

The subject lands are zoned Limited Commercial (LC) in the former City of Etobicoke Zoning Code and Commercial Local (CL – exception 207) in City-wide Zoning By-law No. 569-2013 (see Attachment 2: Zoning). The Council-enacted City-wide Zoning By-law No. 569-2013 (under appeal) includes a number of properties with site-specific exceptions. These site-specific exceptions, which include the subject property, recognize the existing (prevailing) zoning permissions under the former City of Etobicoke Zoning Code. The existing (prevailing) zoning permissions under Zoning By-laws 1961-12,660 and 1994-98, limit the property's use to either a gasoline service station or a financial institution. The table below shows the list of permitted uses in a Commercial Local (CL) zone in City-wide Zoning By-law No. 569-2013.

Permitted Uses in a CL Zone	Permitted Uses in a CL Zone Subject to Conditions
Ambulance Depot	Automated Banking Machine
Community Centre	Cogeneration Energy
Education Use	Day Nursery
Financial Institution	Eating Establishment
Fire Hall	Municipal Shelter
Library	Outdoor Sales or Display
Massage Therapy	Place of Worship
Medical Office	Public Utility
Park	Recreation Use
Personal Service Shop	Renewable Energy
Pet Services	Retail Store
Police Station	Secondary Suite
Retail Service	Take-Out Eating Establishment
Service Shop	Transportation Use
Veterinary Hospital	Vehicle Fuel Station
Wellness Centre	Vehicle Service Shop

Site Plan Control

Although the property is subject to Site Plan Control, an application was not required since no new development or changes to the site are proposed through this application.

Reasons for Application

City staff have been advised the owners (TD Canada Trust) intend to sell the subject property at 418 The Westway. To facilitate the sale, the owners are seeking to remove the site-specific use restrictions and allow for the full range of uses permitted under the

Commercial Local (CL) zoning category in City-wide Zoning By-law No. 569-2013. The Draft Zoning By-law Amendments attached to this report would establish the range and types of uses for the subject property.

Community Consultation

A community consultation meeting was held on February 22, 2017. The meeting was attended by City Planning staff, the applicant, the owner, the Ward Councillor and approximately 15 members of the public. Issues raised during the discussion of the proposal were as follows:

- Compatibility of the expanded list of uses with the existing character of the area;
- Traffic and parking impacts on the area in general and local neighbourhood streets in particular, due to the volume of traffic that would be generated from the uses being sought;
- Concerns were expressed regarding the introduction of a Take-Out Eating Establishment and a Place of Worship on the site;
- A number of residents wanted some certainty as to what the property would be eventually used for; and
- Concerns were expressed regarding the adequacy of servicing infrastructure.

The concerns noted above are discussed in the Comments section of this report.

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 Zoning By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017). The proposed changes to the site-specific zoning would allow for a wider range of small scale retail, service and office uses that serve the needs of the surrounding area. The expanded range of uses would support efficient land use, reduce land consumption and make efficient use of existing infrastructure. In addition, the expanded range of uses would provide opportunities for the future redevelopment of the subject property with the potential for a high quality built form and an attractive and vibrant public realm.

Land Use

The subject lands are designated *Apartment Neighbourhoods* on Map 14 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents.

The application proposes to allow for a greater range of uses, including a Take-Out Eating Establishment and a Place of Worship, permitted under the Commercial Local zoning category. The table on page 5 outlines the list of proposed uses for the subject property.

Residents at the community consultation expressed concerns with the introduction of a Take-Out Eating Establishment and a Place of Worship on the subject property. Residents were of the view that a Take-Out Eating Establishment would operate and have the same impacts as a drive-through facility. Planning staff explained that the nature, operation and possible impacts of a Take-Out Eating Establishment and a drive-through facility are different. In addition, drive-through facilities are regulated by a specific City-wide By-law (Chapter 150.80 of Zoning By-law No. 569-2013) to ensure they are an appropriate fit and are compatible with surrounding uses. The introduction of a Take-Out Eating Establishment on the subject property would be consistent with similar uses permitted by the Zoning By-law on adjacent lands located at the southeast and northwest corner of the intersection at Martingrove Road and The Westway.

In the case of a Place of Worship, Planning staff are of the opinion that any future use of the property would require demonstration by the owners that the site can accommodate the use with minimal impacts on the surrounding community. It is likely that the size of any potential Place of Worship on the property would be limited by the ability to supply an appropriate level of required parking. In addition, a Place of Worship use is similar to permitted uses by the Zoning By-law on nearby lands located at the southeast and northwest corner of the intersection at Martingrove Road and The Westway.

Planning staff are of the opinion that the expanded uses being sought would create additional use options and opportunities for future redevelopment of the subject property. In addition, the application conforms with the Official Plan's intent of providing a wider range of small scale retail, service and office uses that serve the needs of area residents in *Apartment Neighbourhoods*.

To expand the list of permitted uses at 418 The Westway, staff are recommending that the existing (prevailing) zoning permissions under Zoning By-law 1961-12,660 be repealed, and Zoning By-law 1994-98 be amended under the former City of Etobicoke Zoning Code. In addition, it is recommended that Exception 207 under City-wide Zoning By-law No. 569-2013, Commercial Local (CL) zone, be deleted. As such, the subject property would have a new zoning label: CL 0.5, which permits the uses listed in the table on page 5 and reflected in the Draft Zoning By-law Amendments in attachments No. 4 and 5 of this report.

Traffic Impact, Access, Parking and Loading

Transportation Services staff have reviewed the trip generation assessment and parking supply assessment report provided by the applicant in support of the application. Transportation Services staff have determined that the trip generation for the expanded uses being sought in general, would not result in a greater volume of vehicular trips, in comparison with a financial institution, which is currently permitted on the subject

property. Staff's assessment also indicates that a vehicle fuel station, which the current site-specific Zoning By-law permits on the subject property would generate a higher volume of trips than the expanded uses being sought. Staff are of the opinion that the list of uses being sought by the application would not result in adverse traffic impacts in the area and on local roads.

Two vehicular access points, one from Martingrove Road and one from The Westway, currently serve the subject property. No changes are proposed to the access points; however, Transportation Services staff have indicated that a 0.40-metre wide conveyance is required along The Westway frontage of the subject property to satisfy the requirement of a 27-metre wide right-of-way. The conveyance of lands to the City should be undertaken concurrently with this rezoning application and it is recommended the conveyance of these lands be required before the Bills for the amendments to the Zoning By-law are tabled before City Council. In addition, a 0.305 metre wide reserve abuts the subject property along its Martin Grove Road frontage. Transportation Services staff will commence the process of dedicating this 0.305-metre reserve upon the approval of this application.

The subject property currently contains 29 vehicular parking spaces onsite. Transportation Services staff have determined that the parking supply required for the range of uses being sought by the application is comparable to the parking requirements of the uses (financial institution and vehicle service station) that are currently permitted on the subject property. As such, the existing vehicular parking spaces would generally accommodate the parking requirements of the expanded uses being sought, except a Place of Worship, which requires a higher number of parking spaces. Transportation Services staff have indicated that additional plans/information may be required from the current or future owners that demonstrates the sufficiency of parking should the site be redeveloped and intensified.

The existing building does not have a designated loading space at the present time; however, an appropriate loading space to service the site would be required through a future planning application to redevelop the site.

Servicing

Engineering and Construction Services staff have reviewed the Servicing Plans/Report submitted in support of the application and determined that the existing storm, sewer and water infrastructure can generally accommodate the expanded uses being sought by the application. Staff have however indicated that additional servicing plans and upgrades may be required should the subject lands be redeveloped and intensified in future.

Conclusion

The expanded range of uses being sought by this application is consistent with the Official Plan's intent of providing small scale retail, service and office uses that serve the needs of area residents in *Apartment Neighbourhoods* as well as the range of local commercial uses permitted under City-wide Zoning By-law No. 569-2013. In addition, the expanded range of uses would provide opportunities for the future redevelopment of the subject property with the potential of improving the built form, anchoring the corner of the intersection and improving the streetscape. As such, Planning staff recommends approval of the Draft Zoning By-law Amendments provided in Attachments 4 and 5 to this report.

CONTACT

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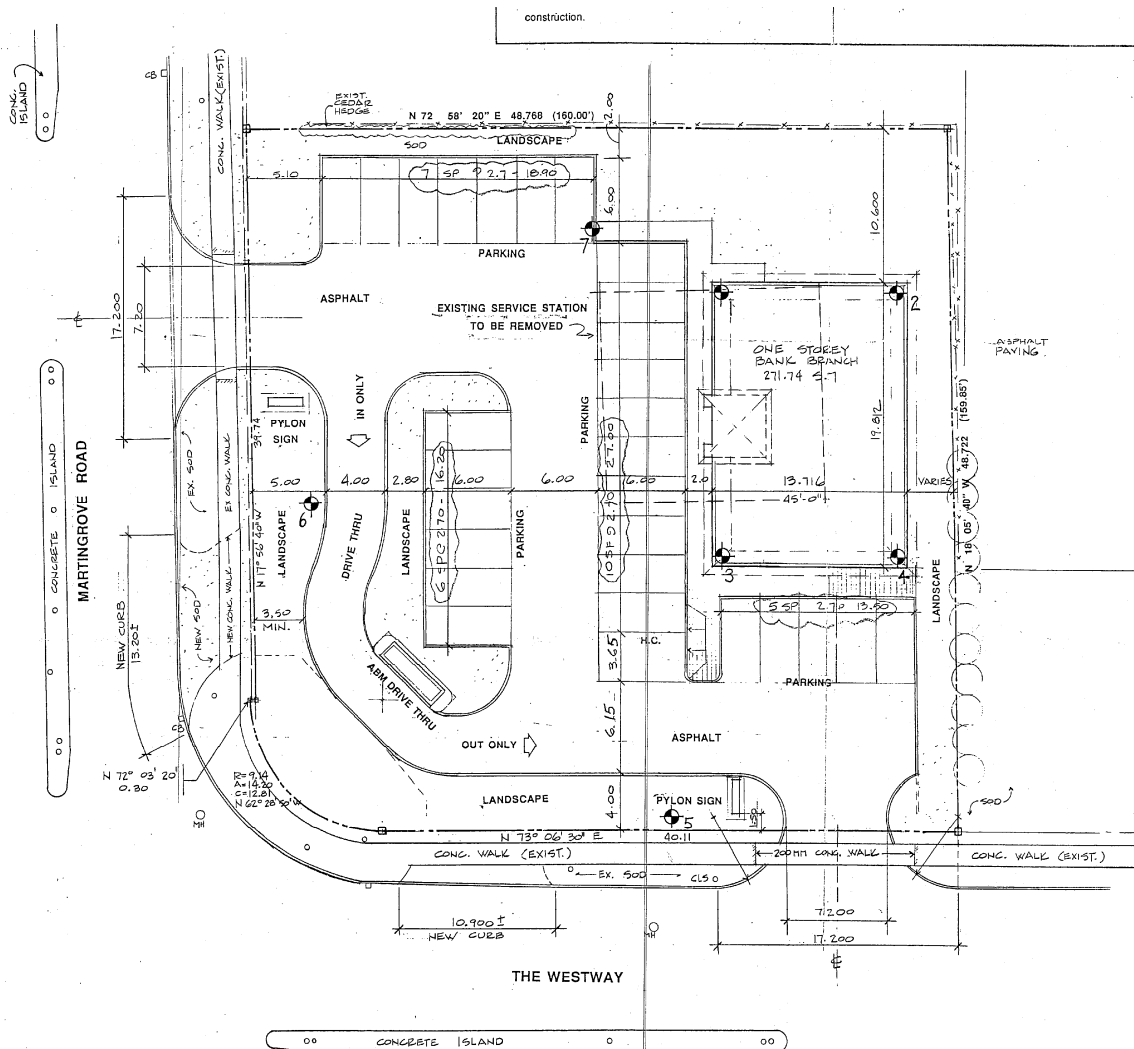
SIGNATURE

Neil Cresswell, MCIP, RPP
Director of 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 (Etobicoke Zoning Code)
Attachment 5: Draft Zoning By-law Amendment (Zoning By-law No. 569-2013)

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
11/30/16



418 The Westway

File # 16 242162 WET 04 02

Attachment 2: Zoning



Zoning By-Law No. 569-2013

418 The Westway

File # 16 242162 WET 04 02



Location of Application



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

RD	Residential Detached	RA	Residential Apartment
RT	Residential Townhouse	CL	Commercial Local
RM	Residential Multiple	CR	Commercial Residential
		OR	Open Space Recreation



Not to Scale
Extracted: 11/09/2016

Attachment 3: Application Data Sheet

Application Type:	Rezoning	Application Number:	16 242162 WET 04 OZ
Details:	Rezoning, Standard	Application Date:	October 25, 2016

Municipal Address: 418 THE WESTWAY

Location Description: PLAN 5737 PT BLK D **GRID W0401

Project Description: Application to amend the Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 to remove restrictive uses from previous site-specific Zoning By-laws (1961-12,660) and (1994-98). This application would allow an expanded range of uses permitted under the City of Toronto Zoning By-law No. 569-2013. No new development or site alterations are proposed at the present time.

Applicant:	Agent:	Planning Consultant:	Owner:
FASKEN MARTINEAU DUMOULIN LLP	FASKEN MARTINEAU DUMOULIN LLP	Johnston Litavski Planning Consultants	TD CANADA TRUST

PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision:	Yes
Zoning:	LC & CL	Historical Status:	No
Height Limit (m):	1-storey	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2,378.32	Height:	Storeys:	1
Frontage (m):	49		Metres:	10
Depth (m):	48.72			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	29
Total Non-Residential GFA (sq. m):	271		Loading Docks	0
Total GFA (sq. m):	271			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.11			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	271	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Francis Kwashie, Senior Planner
	TELEPHONE:	416-394-2615

Attachment 4: Draft Zoning By-law Amendment (Etobicoke Zoning Code)

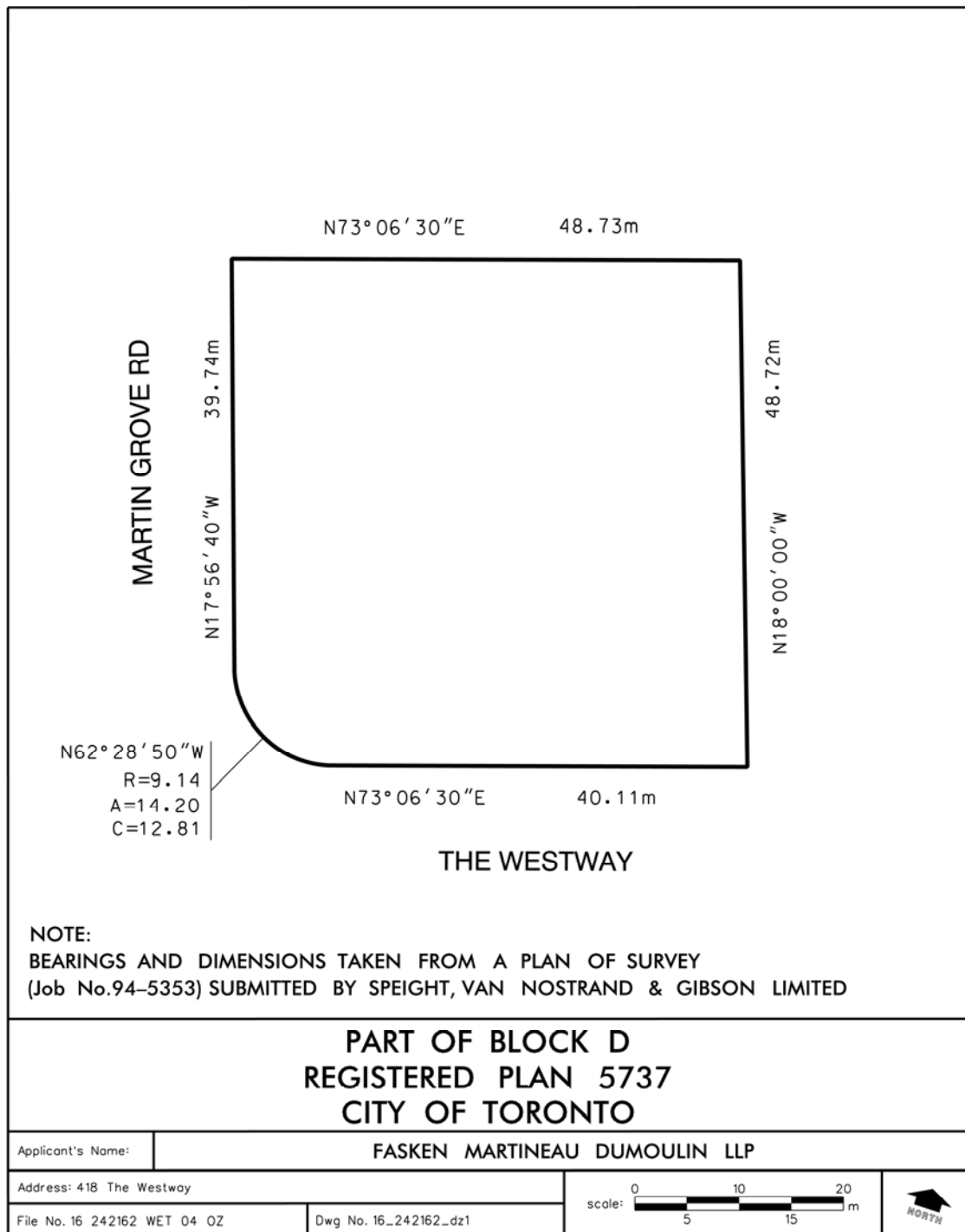
To repeal Zoning By-law 1961-12,660 and amend Zoning By-law 1994-98 of the former City of Etobicoke with respect to the lands municipally known as 418 The Westway

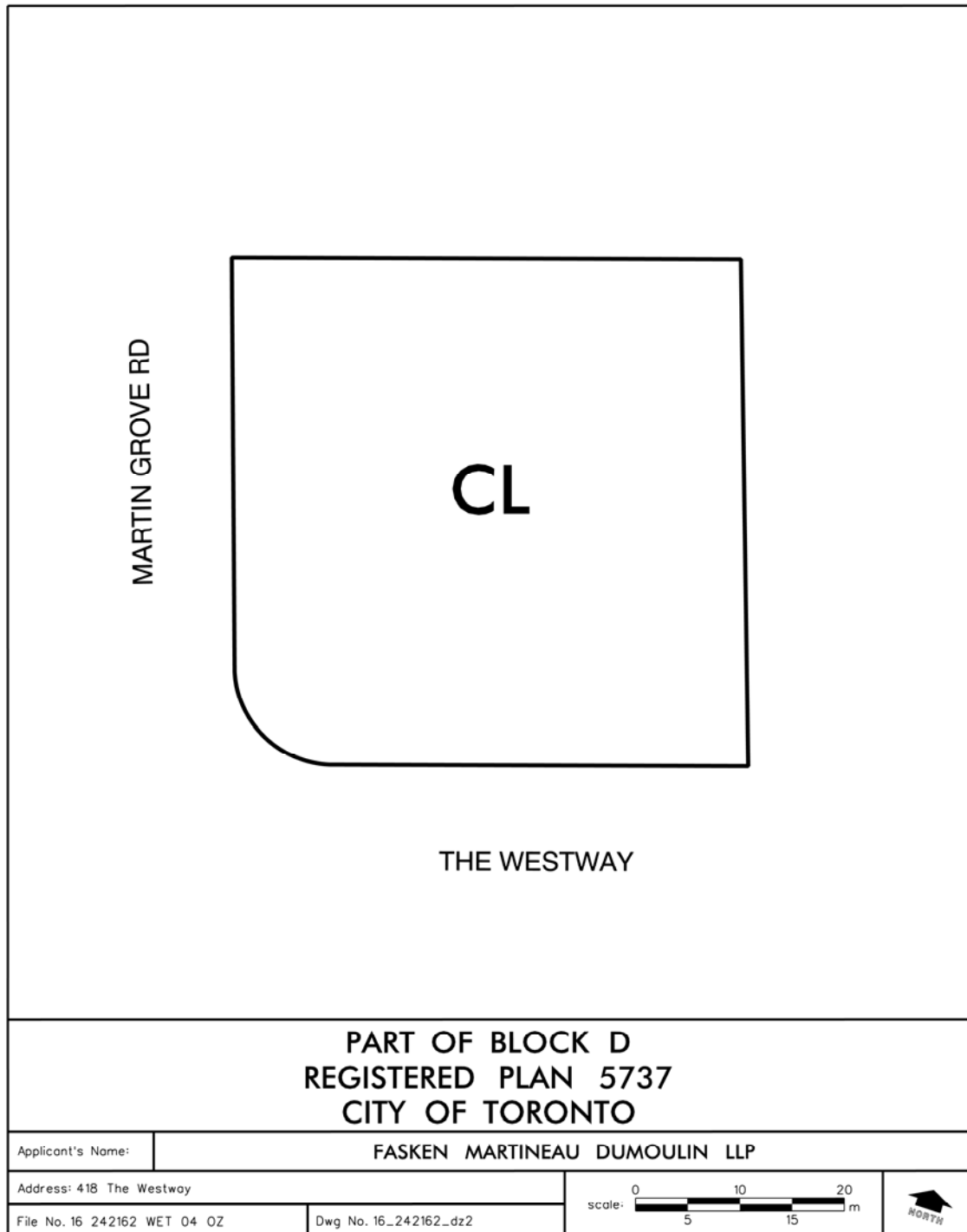
WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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 enacts:

1. That the Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is amended, by affirming the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto as Limited Commercial Zone (CL).
2. Site Specific Zoning By-law 1961-12,660 is hereby repealed from the lands delineated in heavy black lines on Schedule 'B' attached hereto.
3. In addition to the use permitted under Site Specific Zoning Bylaw 1994-98, the uses under the Limited Commercial Zone (CL) Section 320-91, shall be permitted on the lands delineated in heavy black lines on Schedule 'B', attached hereto.





Attachment 5: Draft Zoning By-law Amendment (Zoning By-law No. 569-2013)

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 418 The Westway

Whereas Council of the City of Toronto has the authority pursuant to 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 enacts:

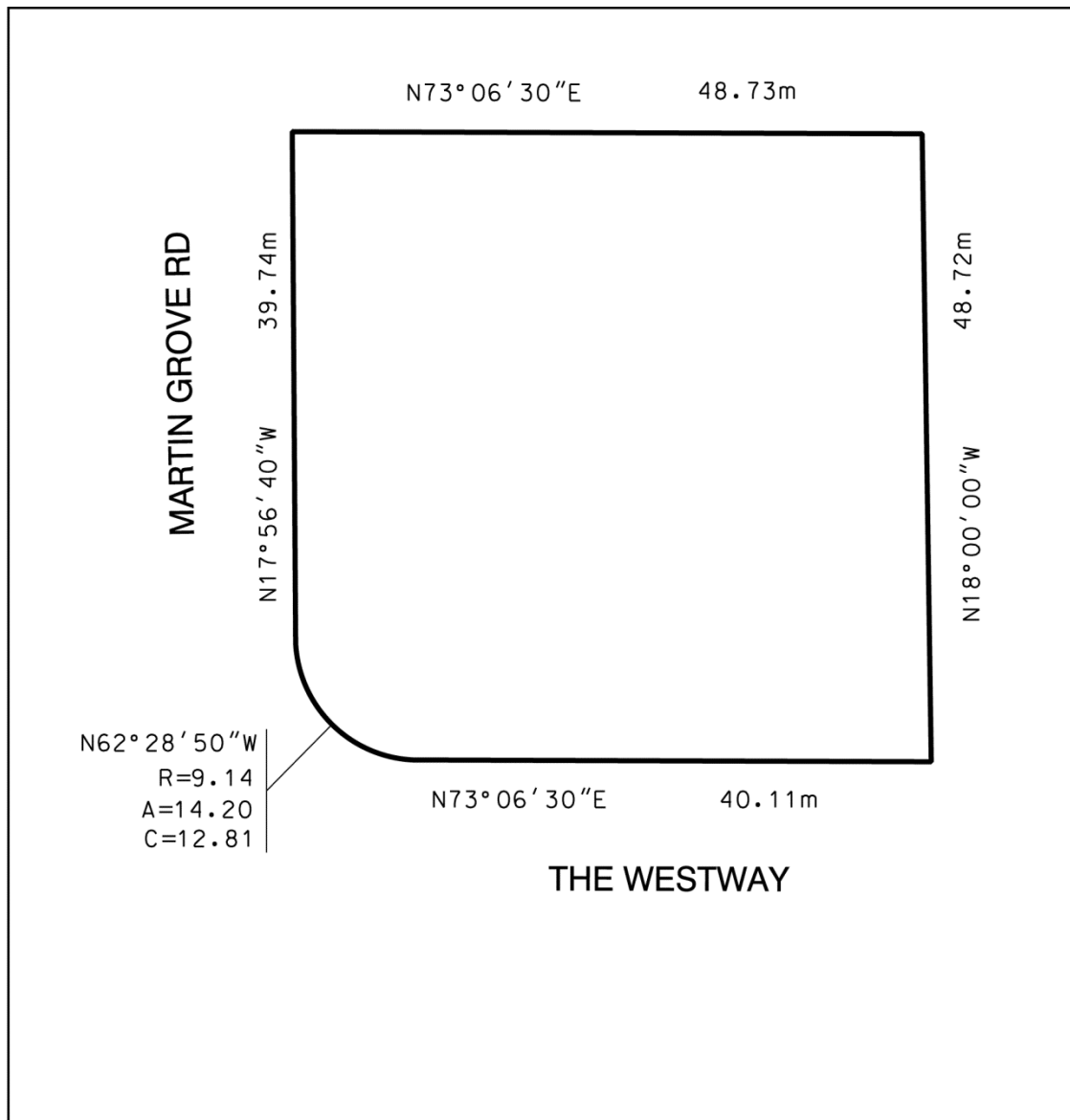
1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended so that the zone label for 418 The Westway on the Zoning By-law Map in Section 990.10 now reads as: CL 0.5 as shown on Diagram 2 attached to this By-law.
3. Zoning By-law 569-2013, as amended, is further amended by deleting Exception 207 in Article 900.10.10.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Toronto
Diagram 1

418 The Westway

File # 16 242162 WET 04 02

City of Toronto By-Law 569-2013
Not to Scale
09/05/2017



Toronto
Diagram 2

418 The Westway

File # 16 242162 WET 04 02

City of Toronto By-Law 569-2013
Not to Scale
9/14/2017