

1391 Weston Road – Zoning By-law Amendment Application – Request for Interim Direction Report

Date: June 13, 2018
To: Etobicoke York Community Council
From: Director, Community Planning, Etobicoke York
Ward: 11 - York South-Weston

Planning Application Number: 18 143862 WET 11 OZ

SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to City Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision during the break in Council's meeting schedule (July to December 2018). The report sets out potential issues related to the application in its current form.

This application proposes to redevelop the lands for a gas station and associated commercial building with a gross floor area of 62 m². Three surface parking spaces are proposed to facilitate the proposed use.

The proposed developments consistency with the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) is still being assessed.

The proposal addresses the lands Official Plan *Employment Areas* designation, which stipulates that a broad and inclusive approach to employment uses in *Employment Areas* is needed for the City's economic future.

A pre-application meeting was held on April 13, 2016. The current application was submitted on April 13, 2018 and deemed complete on May 11, 2018.

Issues to be resolved, as outlined in this report, include:

- The appropriateness of the proposed use in this location;
- Traffic impacts of the proposed development;
- The design of the proposed commercial kiosk which fronts two *Avenues*;
- The loss of trees and limited amount of landscaping proposed; and
- Whether there is adequate space to accommodate internal vehicle movements.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report.
2. City Council direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.
3. City Council direct City staff to schedule a community consultation meeting for the lands at 1391 Weston Road together with the Ward Councillor.
4. City Council direct that Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
5. City Council direct that Notice for the statutory public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no recent decisions that are pertinent to this application.

ISSUE BACKGROUND

Proposal

The subject property is proposed to be developed with a gas station and associated commercial building (kiosk). The proposed service station would contain four gas pumps, on a 486 m² paved surface area, with 362 m² landscaped area proposed on the northern site boundary. The proposed commercial building would have a floor area of 62 m² and would be located at the southern site boundary at the Weston Road / Jane Street intersection. The kiosk would have glazing on its northern frontage, no glazing on the Weston Road and Jane Street frontages and a door on its southern frontage.

Three on-site parking spaces are proposed at the northeast corner of the site. The proposal would provide for a 4.4 m road widening along Weston Road and a 0.4 m widening on the Jane Street frontage. A 2.1 m sidewalk is proposed in front of the commercial kiosk connecting Jane Street and Weston Road.

Vehicular access is proposed from both Weston Road and Jane Street. It is proposed that the access from Jane Street would be right-in right-out due to the existing centre median and the second access from Weston Road would be a full moves access. (see Attachment 5: Site Plan and Attachment 6: Elevations)

Site and Surrounding Area

The subject property is located at the northern corner of the intersection of Jane Street and Weston Road and is municipally described as 1391 Weston Road (see Attachment 2: Location Map). The site has a total area of 910 m² and has frontages of 31 m on Jane Street and 51 m on Weston Road. The property is currently developed with a one-storey commercial building and is occupied with three separate restaurant operations.

The surrounding land uses are as follows:

- North: To the north of the site are industrial uses including the Irvine Tissue Corporation factory.
- South: Directly south is the Weston Road and Jane Street intersection which is fronted by commercial uses and residential properties.
- East: To the east is Jane Street, fronted by commercial uses and residential properties, beyond which is the UP / CP / GO railway line.
- West: To the west is Weston Road, beyond which is an area of open space and residential properties.

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 (2014) (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 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 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 City 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 City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 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".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan 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 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 City 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 City Council shall also conform with the Growth Plan.

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. City 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 City 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 City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff will be reviewing the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017).

Toronto Official Plan

This application will also be reviewed against the policies of the City of Toronto Official Plan as follows:

The subject lands are currently designated *Employment Areas* in the Official Plan on Land Use Map 15 (see Attachment 3: Official Plan Land Use Map). 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".

Under Official Plan Amendment 231, the entirety of the subject lands are designated as *Core Employment Areas*.

Official Plan Amendment 231

At its meeting of December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review with respect to Economic Health Policies and the Policies, Designations and Mapping for Employment Areas. Among other matters, OPA 231 introduced policies to greater protect the City's finite supply of employment land.

On December 20th, 2016, the OMB issued an order partially approving OPA 231, including *the Core Employment Areas* and *General Employment Areas* land use designations.

As there is no-site-specific appeal to OPA 231 for the subject lands, the *Core Employment Areas* designation is in force and effect in conjunction with the *Employment Areas* policies of the Official Plan.

Under OPA 231, the entirety of the subject lands are designated as *Core Employment Areas*. OPA 231 defines *Core Employment Areas* as places for business and economic activities. The term "Core" refers primarily to the employment functions within these areas. Uses that would attract the general public into the interior of an employment area and possibly disrupt industrial operations are not generally permitted in *Core Employment Areas*. The uses presently permitted within this designation include "manufacturing, warehousing, wholesaling, transportation facilities, offices, research and development facilities, utilities, industrial trade schools, media facilities, and vertical agriculture".

OPA 231 establishes policies that encourage the protection and preservation of *Employment Areas* such as Policies 2.2.4(a) and (b) which establish that *Employment Areas* will be used exclusively for business and economic activities.

Furthermore, Policy 2.2.4.3 outlines the City's priority in encouraging the use of existing employment lands within the City due to a limited supply. This policy states: "A more intensive use of lands in *Employment Areas* for business and economic activities will be encouraged to make better use of a limited supply of lands available for these activities".

Section 4.6.5 of OPA 231 provides policies for all *Employment Areas*. Development will contribute to the creation of competitive, attractive, highly functional *Employment Areas* through: supporting the existing and planned function of the Employment Area; providing a high quality public realm, providing landscaping on the site boundaries; and not adversely affecting neighbouring land uses in terms of dust, noise and odours.

Both Weston Road and Jane Street are identified as an *Avenue* on Map 2 of the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Staff are still reviewing the application for compliance with the relevant Official Plan policies.

Zoning

The subject lands are zoned Local Commercial/Residential Zone (LCR) exception S16(240) within the former City of York Zoning By-law No. 1-83, as amended (see Attachment 4: Existing Zoning By-law Map). Exception 240 allows for commercial uses but does not include a gas station or the associated commercial building.

The subject lands are not subject to the City-wide Zoning By-law No. 569-2013, as amended.

Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan Control application has been submitted and is being reviewed concurrently with this application (see Attachment 5: Site Plan).

Reasons for Application

A Zoning By-law Amendment is required to permit the proposed gas station use and to provide site specific standards to allow for the gasoline bar and commercial building to be developed as proposed.

Application Submission

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

- Planning Rationale;
- Arborist Letter / Tree Preservation Plan;
- Toronto Green Standard Checklist;
- Traffic impact Assessment; and
- Stormwater Management Report and Servicing Report.

The above and current planning information for the application is available at the Application Information Centre (AIC) at <http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4354262&isCofASearch=false&isTlabSearch=false>

Agency Circulation

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received will be used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is still being reviewed and evaluated against the PPS (2014) and the Growth Plan (2017).

Land Use

The application is currently being reviewed against the Official Plan policies described in the Issue Background Section of this report, as well as the policies of the Toronto Official Plan as a whole. The commercial building fronts onto the Weston Road / Jane Street *Avenues* where developments are encouraged to improve the pedestrian environment, the appearance of the street and create shopping opportunities.

Traffic Impact, Access and Parking

A Traffic Impact Assessment including Fuel Delivery Route Plans and an Internal Circulation Plan were submitted in support of the application and are currently being reviewed by Transportation Services staff. Formal comments have not yet been provided on the suitability of the proposed site access, loading areas and parking arrangements, however initial review of the submitted plans has raised concerns regarding the limited space for internal vehicle movements.

Road Widening

The applicant has provided for a 4.4 m road widening on Weston Road and a 0.4 m road widening on Jane Street. City staff are reviewing the application to determine if the proposed road widenings are adequate and whether the proposed use could function once the road widenings are dedicated to the City.

Streetscape

The initial review of the application has raised concerns with the minimal landscaped open space at the site, particularly fronting Weston Road and Jane Street and the lack of glazing on the commercial building frontages on Weston Road and Jane Street.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The application is currently being reviewed by City staff to determine the required parkland contribution.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes to remove four privately-owned trees. The applicant has submitted a Tree Preservation Plan which is currently under review by City staff.

Built Form Impacts

The application is currently being assessed by City staff to confirm the suitability of the proposed building location and setbacks based on Provincial policies and plans and the City's Official Plan policies including Official Plan Amendment 231. City staff are still assessing the appropriateness of the proposed site organization; layout; access (particularly road access); open space/landscaping; transition impacts to adjacent areas and impacts on the public realm.

Toronto Green Standard

City 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 through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through ensuring that there is sufficient automobile infrastructure, cycling infrastructure and systems in place for the storage and collection of recycling and organic waste.

Conclusion

The proposal is being reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. From initial review it appears that the proposal is generally in keeping with the intent of the Toronto Official Plan, particularly as it relates an employment use within an *Employment Area*. However, the following initial concerns have not been resolved:

- The appropriateness of the proposed use in this location;
- Traffic impacts of the proposed development;
- The design of the proposed commercial kiosk which fronts two *Avenues*;
- The loss of trees and limited amount of landscaping proposed; and
- Whether there is adequate space to accommodate internal vehicle movements.

It is recommended that City Council direct City staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report.

It is also recommended that City Council direct the City Solicitor, and appropriate City staff, to attend and oppose the application in its current form (as per the issues identified in this report) should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of City Council's failure to make a decision on the application within the statutory timeframe.

Contact

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Signature

Neil Cresswell, MCIP, RPP

Director, Community Planning

Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Site Plan

Attachment 6: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 1391 Weston Road **Date Received:** April 13, 2018

Application Number: 18 143862 WET 11 OZ

Application Type: Rezoning

Project Description: To construct a one storey commercial building in conjunction a proposed gas station use on the subject site.

Applicant	Agent	Architect	Owner
Evans Planning 8481 Keele St, Concord, L4K 1Z7		D.G. Biddle & Associates Limited 96 King St E, L1H 1B6	2478838 Ontario Inc

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N
Zoning:	LCR exception S16(240)	Heritage Designation:	N
Height Limit (m):	15	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 910 Frontage (m): 51 Depth (m): 31

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			62	62
Residential GFA (sq m):				
Non-Residential GFA (sq m):			62	62
Total GFA (sq m):			62	62
Height - Storeys:			1	1
Height - Metres:			9	9

Lot Coverage Ratio (%): 6.81 Floor Space Index: 0.07

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:	62	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:

Other:

Total Units:

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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Retained:

Proposed:

Total Units:

Parking and Loading

Parking Spaces: 3

Bicycle Parking Spaces:

Loading Docks:

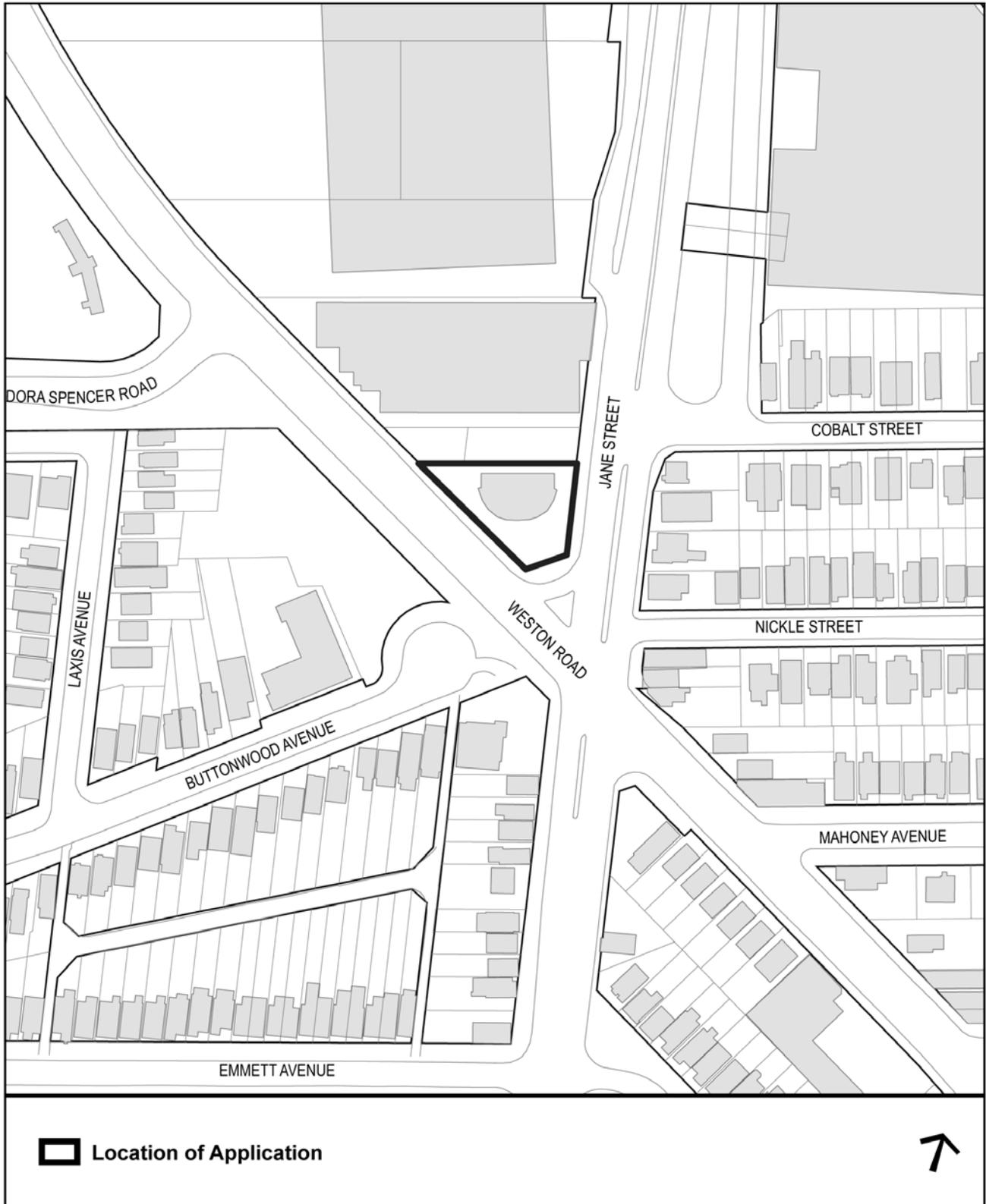
CONTACT:

Sean Rooney, Planner

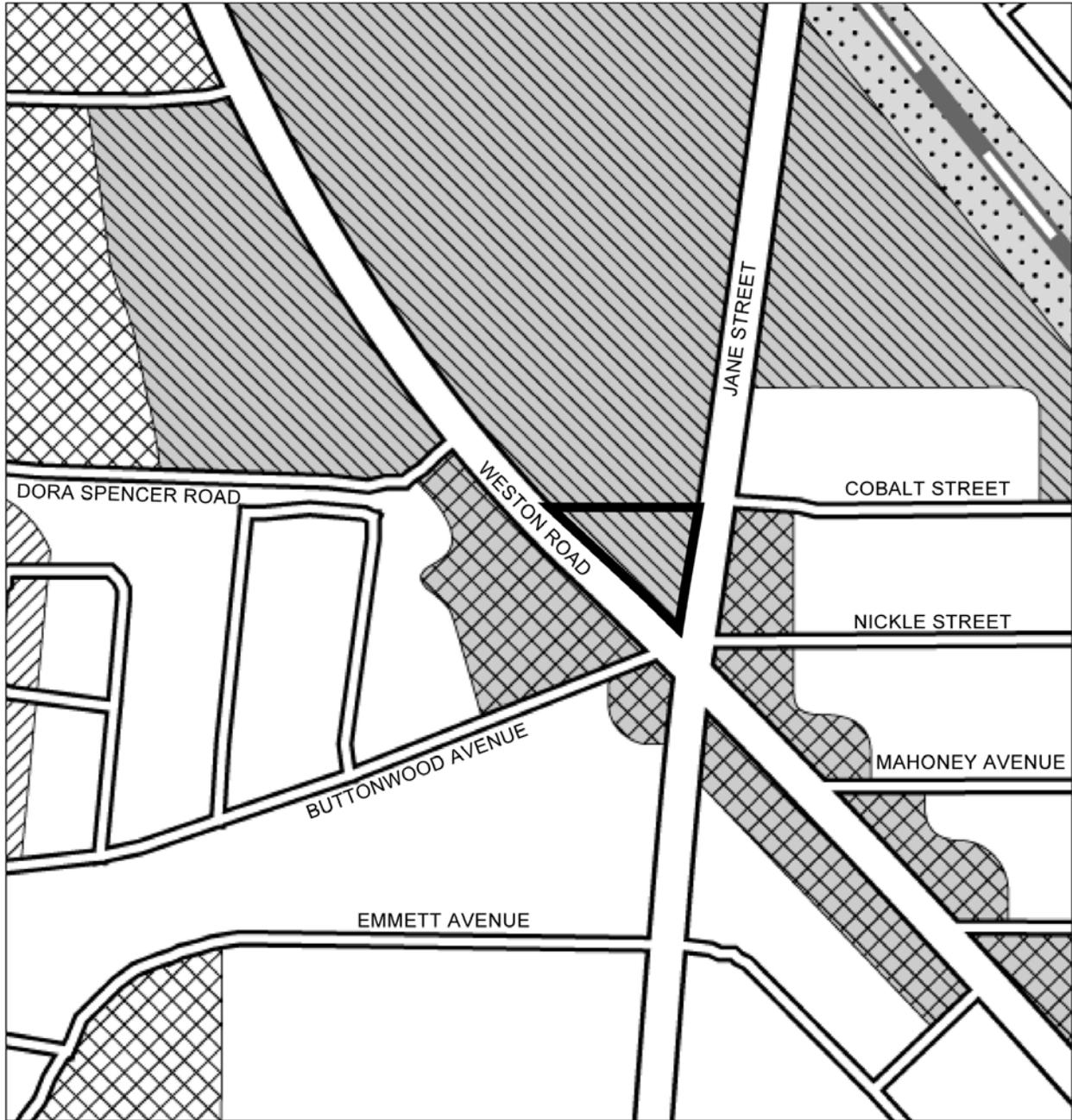
(416) 394-8245

Sean.Rooney@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #14

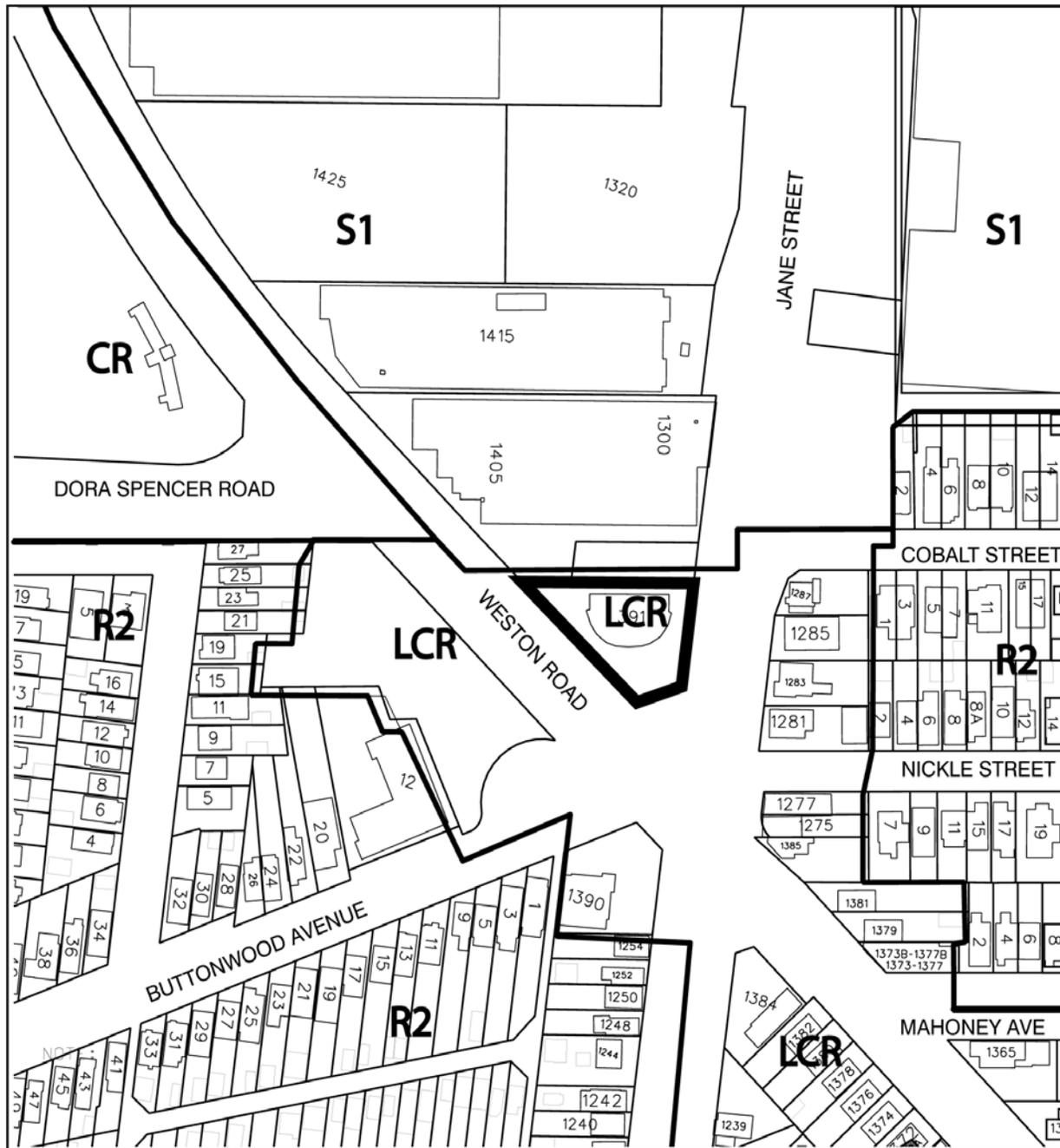
1391 Weston Road

File # 18 143862 WET 11 0Z

 Location of Application	 Institutional Areas
 Neighbourhoods	 Employment Areas
 Apartment Neighbourhoods	 Utility Corridors
 Mixed Use Areas	

↑
Not to Scale
05/10/2018

Attachment 4: Existing Zoning By-law Map



Former York Zoning By-law 1-83

1391 Weston Road

File # 18 143562 WET 11 0Z

Location of Application

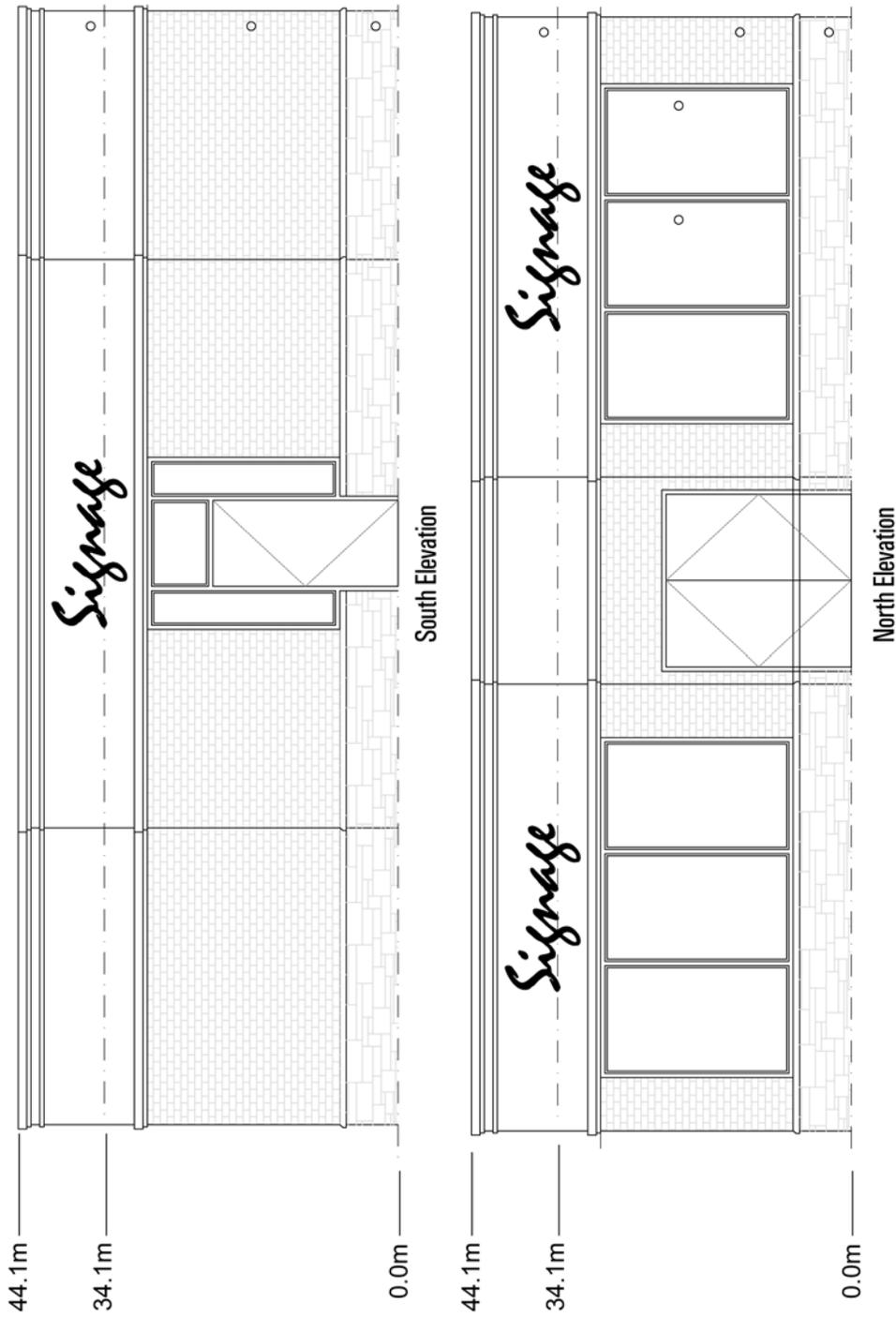
R2 Residential Zone
CR Commercial Residential Zone

LCR Local Commercial Residential Zone
S1 Strategic Industrial Employment Zone



Not to Scale
Extracted: 05/10/2018

Attachment 6: Elevations



1391 Weston Road

Elevations

Applicant's Submitted Drawing

Not to Scale
05/10/2018

File # 18 143862 WET 11 0Z