

**3694-3700 Bathurst Street - Rezoning Application – Final Report**

|                          |   |
|--------------------------|---|
| <b>Date:</b>             | June 7, 2007                                      |
| <b>To:</b>               | North York Community Council                      |
| <b>From:</b>             | Director, Community Planning, North York District |
| <b>Wards:</b>            | Ward No. 15 – Eglinton-Lawrence                   |
| <b>Reference Number:</b> | Rezoning Application 06 196044 NNY 15 OZ          |

**SUMMARY**

An application has been submitted to amend the site specific zoning for 3694-3700 Bathurst Street to permit the full range of uses generally permitted in the General Commercial (C1) Zone.

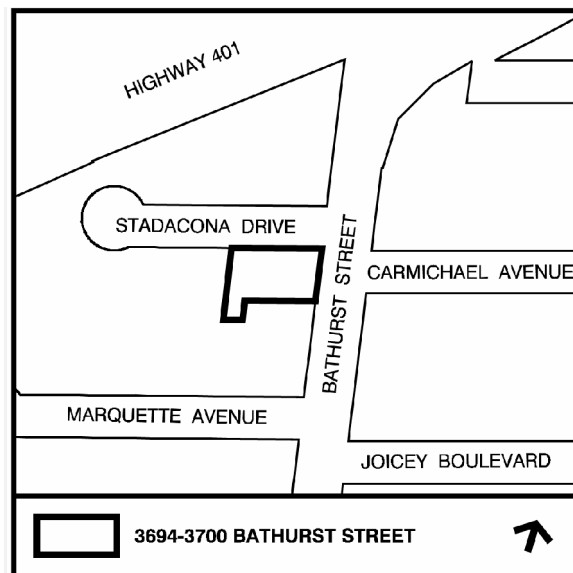
The proposed range of commercial-retail uses are considered compatible with the surrounding neighbourhood as well as being pedestrian oriented and supportive of the needs of the adjacent residential neighbourhoods. The proposed range of uses are also considered to be an appropriate extension of the locally-oriented mix of commercial-retail activity that exists along this portion of Bathurst Street. The existing building is suitable for commercial uses as the building fronts directly on Bathurst Street with parking provided at the rear of the site.

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 the Zoning By-law for 3694-3700 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4; and



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

## **FINANCIAL IMPACT**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

An application under Section 45 of the *Planning Act* was submitted to vary the provisions of the North York Zoning By-law to permit an orthodontist/dental office use within the existing building on the subject property. This application was refused by the Committee of Adjustment on November 2, 2006 as it was deemed not to be a minor variance.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to amend the existing site specific zoning, which permits the fitting and installation of automobile glass and mobile telephones in motor vehicles, to permit the full range of uses generally permitted in the General Commercial (C1) Zone.

### **Site and Surrounding Area**

The site is located at the southwest corner of Stadacona Drive and Bathurst Street. The site has an area of 1,116 m<sup>2</sup> and currently contains a vacant 297 m<sup>2</sup> one-storey commercial building with 10 parking spaces provided at the rear of the site. The existing building will be maintained.

Development in the vicinity of the site can be described as follows:

North: vacant site and Highway 401;

South: apartment buildings;

East: retirement home, religious institution and commercial uses; and

West: low-density residential (double duplex dwelling units).

### **Site History**

In 1988, North York City Council adopted a site specific Zoning By-law for this site to permit the construction of a commercial building for the fitting and installation of automobile glass and mobile telephones in motor vehicles. Prior to the enactment of this By-law, a Speedy Auto Glass establishment had been in operation on the site since 1967, but this use was not permitted in the By-law.

### **Reasons for Application**

The applicant would like to expand the list of permitted uses to improve the marketability of the vacant building and provide for a range of commercial uses similar to those permitted elsewhere on Bathurst Street south of Highway 401.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

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

- building strong communities;
- wise use and management of resources; and
- protecting public health and safety.

The proposal is consistent with the PPS. In particular, the application supports the PPS's objective of supporting long-term economic prosperity by requiring planning authorities to provide for an appropriate mix and range of employment, providing opportunities for a diversified economic base which supports a wide range of economic activity and maintaining and enhancing the vitality and viability of main streets.

The Places to Grow Growth Plan for the Greater Golden Horseshoe 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 for the Greater Golden Horseshoe. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### Official Plan

The Official Plan designates the subject site *Mixed Use Areas*. This designation provides for a broad range of commercial, residential and institutional uses in single or mixed use buildings that reduce automobile dependency while serving the needs of the local community. *Mixed Use Areas* are expected to absorb most of the anticipated increase in retail, office and service employment in the City.

The site is also located on an *Avenue* as shown on Map 2, Urban Structure of the Official Plan. *Avenues* are important corridors along major streets where reurbanization can create new housing and jobs while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service to community residents. The *Avenues* policies primarily address the development of lands on an *Avenue*.

## **Zoning**

The zoning for the site was amended in 1988 by By-law 30747. The By-law rezoned the lands from RM5 to C1 but restricted the permitted uses to “the fitting and installation of automobile glass and mobile telephones in motor vehicles”.

## **Community Consultation**

A community consultation meeting was held on April 18, 2007 at the Sir Sanford Fleming Academy. Approximately 8 individuals from the surrounding community attended the meeting. The applicant, a representative of the owner and a prospective tenant of the building were also present. Some participants supported the application. One written response was received that also supported additional commercial uses on the site.

Some participants expressed concern that any additional commercial-retail uses should have minimal traffic and parking impacts. They did not want any additional density on the site and also wanted to prohibit certain uses that are generally permitted in the C1 zone. These include: restaurants, automatic laundry shops, billiard parlours, car rental agencies, outdoor café in conjunction with a restaurant, service stations, gasoline stations, car washing establishments, motor vehicle body repair shops and outside storage and display of auto/boat/swimming pools.

## **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. Of particular note, the Technical Services Division requires that any uses permitted be subject to the required By-law parking standards.

## **Parking**

There are 10 existing parking spaces available to the rear of the existing building. Given the small size of the existing building, the majority of the requested uses would be in compliance with the parking requirements of the By-law. Some of the requested uses cannot meet the parking requirement, including restaurants, banquet halls, places of worship, day nurseries and funeral establishments. The parking requirement for a professional medical office is 12 spaces and with some minor alterations to the site, the required spaces could be accommodated.

## **Traffic impact**

As the site is located adjacent to Bathurst Street east of the residences on Stadacona Drive, providing additional commercial uses is not anticipated to generate traffic related concerns for the residents.

## **Site Plan Control**

An application for site plan control approval is not required at this time since the applicant is not proposing any alterations or improvements to the existing building.

## Recommended Zoning By-law Amendment

The General Commercial (C1) Zone permits a wide range of commercial, institutional and residential uses. The proposed By-law recommends that the majority of the commercial uses permitted in the C1 zone be permitted. The setbacks established in the 1988 By-law would be maintained. The recommended uses include:

- Retail stores;
- Personal service shops;
- Service shops;
- Banks;
- Business, professional and professional medical offices;
- Studios;
- Dry-cleaning and laundry shops;
- Fitness centres;
- Information processing;
- Clubs operated by a non-profit organization;
- Commercial schools;
- Custom workshops making articles or products to be sold at retail on the premises;
- Research; and
- Showroom.

These commercial-retail uses are considered compatible with the surrounding neighbourhood as well as being pedestrian oriented and supportive of the needs of the adjacent residential neighbourhoods. These uses are also considered to be an appropriate extension of the locally-oriented mix of commercial-retail activity that exists along this portion of Bathurst Street. The existing building is suitable for commercial uses as the building fronts directly onto Bathurst Street with parking provided at the rear of the site.

Commercial uses that are generally permitted in the C1 zone which have been omitted from the proposed By-law include: restaurants, take-out restaurants, funeral establishments, motels, hotels, apartment hotels, theatres, banquet halls, billiard parlours, bowling alleys and commercial bath houses. These uses have been prohibited due to their parking requirement or because the existing building would not be suitable to accommodate the use. The industrial sales and service use has been omitted because this use is viewed to be incompatible with the surrounding residential uses.

Automobile-related land uses, including service stations, gasoline stations and car washing establishments, have also been omitted for several reasons:

- The *Mixed Use Areas* policies of the Official Plan require that development occurring in these areas should reduce automobile dependency and provide an attractive, comfortable and safe pedestrian environment; and
- The majority of people who attended the community meeting indicated that these uses would not be compatible with the surrounding community.

The existing building would be maintained on site and would not be suitable for residential uses. Consequently, the application was not reviewed for residential uses and they have not been included in the By-law as a permitted use.

Likewise, many of the institutional uses generally permitted in the C1 zone consist of various types of residences and have not been included as permitted uses. Places of worship and day nurseries have also not been included as permitted uses due to the parking requirements of the former City of North York Zoning By-law.

The setback requirements of the existing By-law are recommended to be maintained as the existing building is to remain. In addition, new regulations for landscaping and fencing on lot lines abutting residential zones are being introduced which would provide a buffer for the adjacent residential uses.

## **CONTACT**

Cassidy Ritz, Planner  
Ph: (416) 395-7053  
Fax: (416) 395-7155  
Email:critz@toronto.ca

## **SIGNATURE**

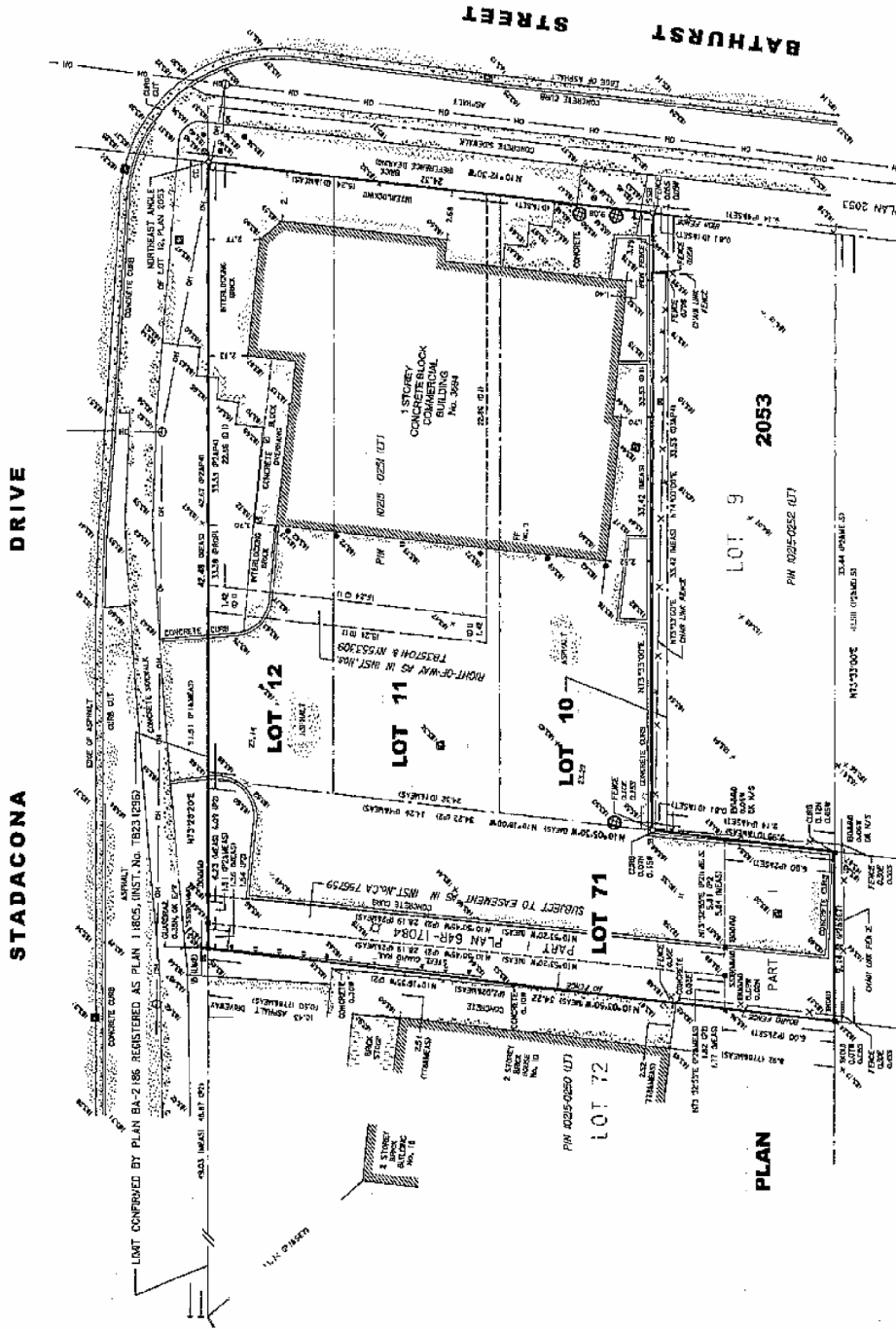
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Thomas C. Keefe  
Director, Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet  
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan

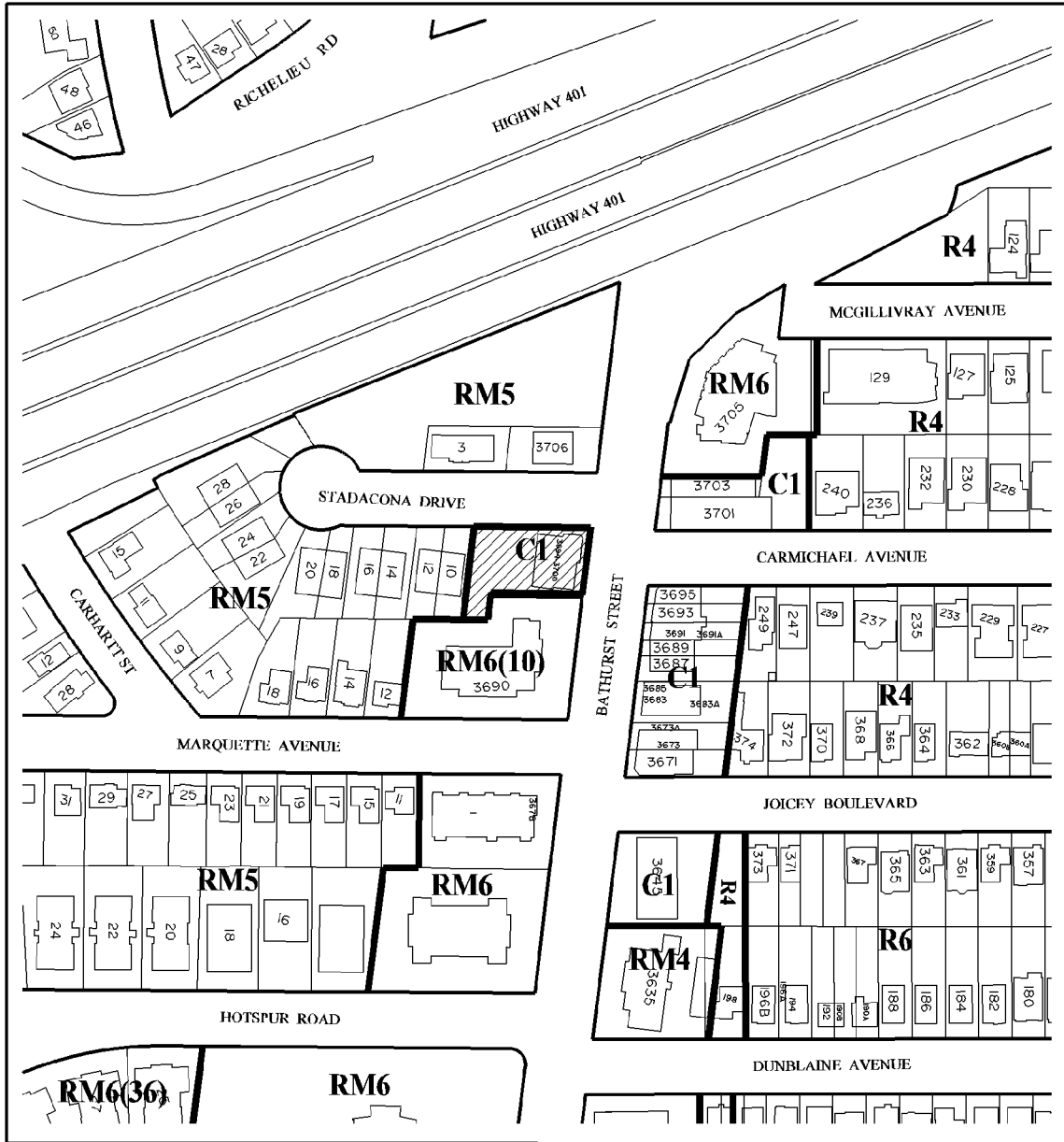


3694-3700 Bathurst Street

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/12/07

File # 06\_196044

Attachment 2: Zoning



3694-3700 Bathurst Street

File # 06\_196044

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning By-law 7625  
Extracted 01/15/07



**Attachment 3: Application Data Sheet****APPLICATION DATA SHEET**

|                  |                    |                     |                     |
|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning           | Application Number: | 06 196044 NNY 15 OZ |
| Details          | Rezoning, Standard | Application Date:   | December 5, 2006    |

Municipal Address: 3694-3700 BATHURST ST, TORONTO ON  
 Location Description: PLAN 2053 LOTS 10,11,12,71 \*\*GRID N1502  
 Project Description:

|                            |               |                   |                            |
|----------------------------|---------------|-------------------|----------------------------|
| <b>Applicant:</b>          | <b>Agent:</b> | <b>Architect:</b> | <b>Owner:</b>              |
| HERBERTCO<br>PROJECTS LTD. |               |                   | HERBERTCO<br>PROJECTS LTD. |

**PLANNING CONTROLS**

|                            |    |                          |           |
|----------------------------|----|--------------------------|-----------|
| Official Plan Designation: |    | Site Specific Provision: | BL: 30747 |
| Zoning:                    | C1 | Historical Status:       |           |
| Height Limit (m):          |    | Site Plan Control Area:  |           |

**PROJECT INFORMATION**

|                                    |        |         |                 |              |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m):                 | 1115.7 | Height: | Storeys:        | 0            |
| Frontage (m):                      | 24.32  |         | Metres:         | 0            |
| Depth (m):                         | 42.48  |         |                 |              |
| Total Ground Floor Area (sq. m):   | 297.4  |         |                 | <b>Total</b> |
| Total Residential GFA (sq. m):     | 0      |         | Parking Spaces: | 10           |
| Total Non-Residential GFA (sq. m): | 297.4  |         | Loading Docks   | 0            |
| Total GFA (sq. m):                 | 297.4  |         |                 |              |
| Lot Coverage Ratio (%):            | 26.6   |         |                 |              |
| Floor Space Index:                 | 0.27   |         |                 |              |

**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):              | 0           | 0           |
| 2 Bedroom:   | 0 | Industrial GFA (sq. m):          | 0           | 0           |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0           | 0           |
| Total Units: | 0 |                                  |             |             |

|                 |                      |                              |
|-----------------|----------------------|------------------------------|
| <b>CONTACT:</b> | <b>PLANNER NAME:</b> | <b>Cassidy Ritz, Planner</b> |
|                 | <b>TELEPHONE:</b>    | <b>(416) 395-7053</b>        |

**Attachment 4: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2007

Enacted by Council: ~, 2007

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2007**

**To amend the former City of North York Zoning By-law No. 7625, as amended, and to repeal the former City of North York Zoning By-law No. 30747 with respect to the lands municipally known as 3694-3700 Bathurst Street**

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. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.23 of By-law No. 7625 is amended by adding the following subsection:

**64.23 (125) C1 (125)**

**PERMITTED USES**

(a) The following uses are the only uses permitted:

Retail stores;  
Personal service shops;  
Service shops;  
Banks;  
Business and professional offices;  
Studios;  
Dry-cleaning and laundry collecting establishments;  
Synthetic dry-cleaning establishments;  
Automatic laundry shops;  
Fitness centres;  
Professional medical offices;  
Information processing;  
Research;  
Showroom;  
Clubs;  
Commercial schools; and

Custom workshops making articles or products to be sold at retail on the premises provided it does not comprise an obnoxious use.

## **EXCEPTION REGULATIONS**

### **(b) Yard Setbacks**

The minimum front, rear and side yard setbacks on the lands as shown in Schedule "C1(125)" attached hereto shall be maintained.

### **(c) Landscaping**

A minimum 1.2 metre landscaped strip shall be provided along the full length of a lot line that abuts any R or RM zone.

### **(d) Fencing**

An opaque acoustic fence with a minimum height of 1.8 metres shall be provided along the full length of a lot line that abuts any R or RM zone.

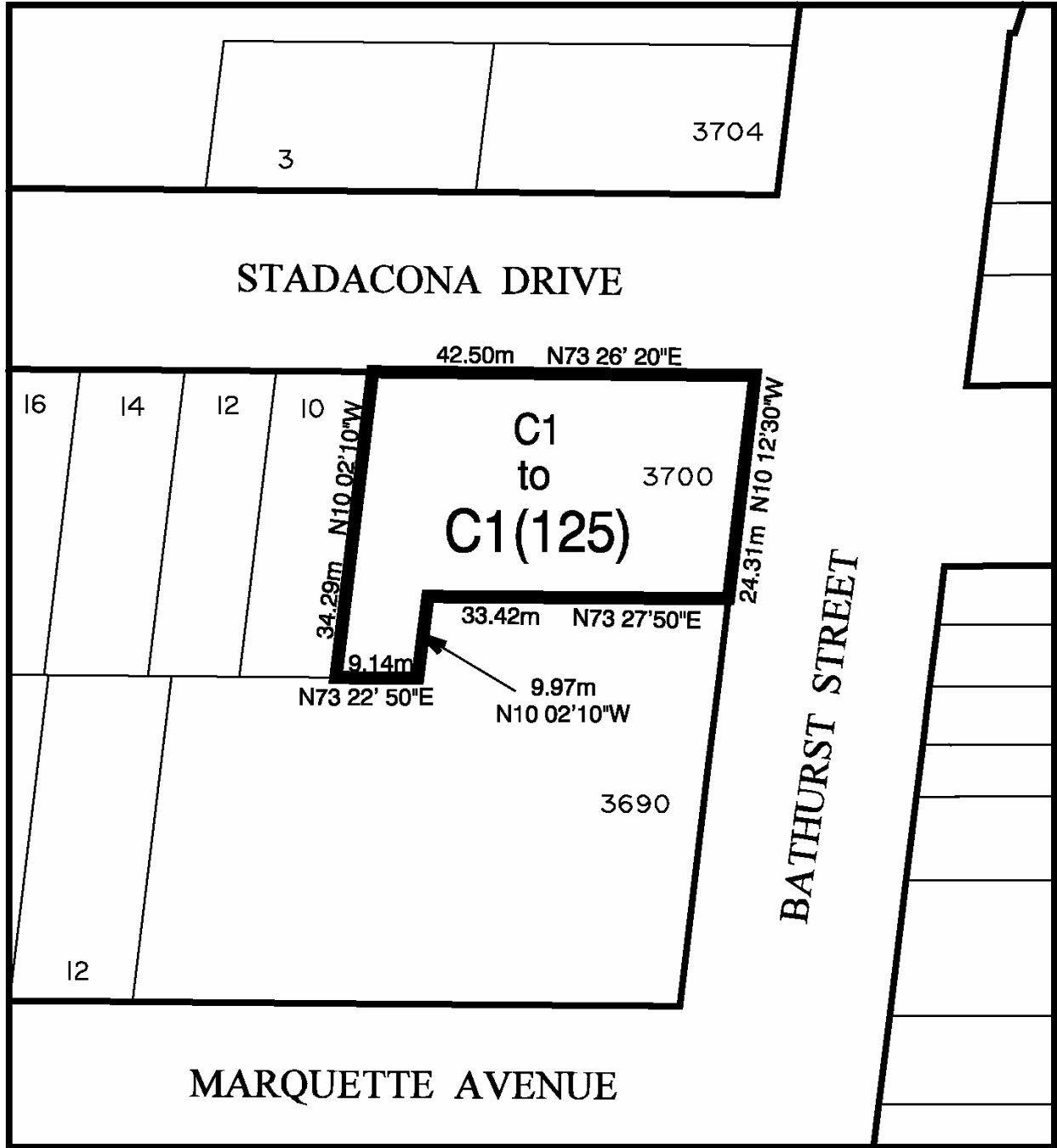
3. Notwithstanding any defined terms to the extent modified by this By-law and the provisions noted herein, all other provisions and defined terms of the former City of North York By-law 7625, as amended, continue to apply.
4. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. By-law No. 30747 of the former City of North York is hereby repealed.

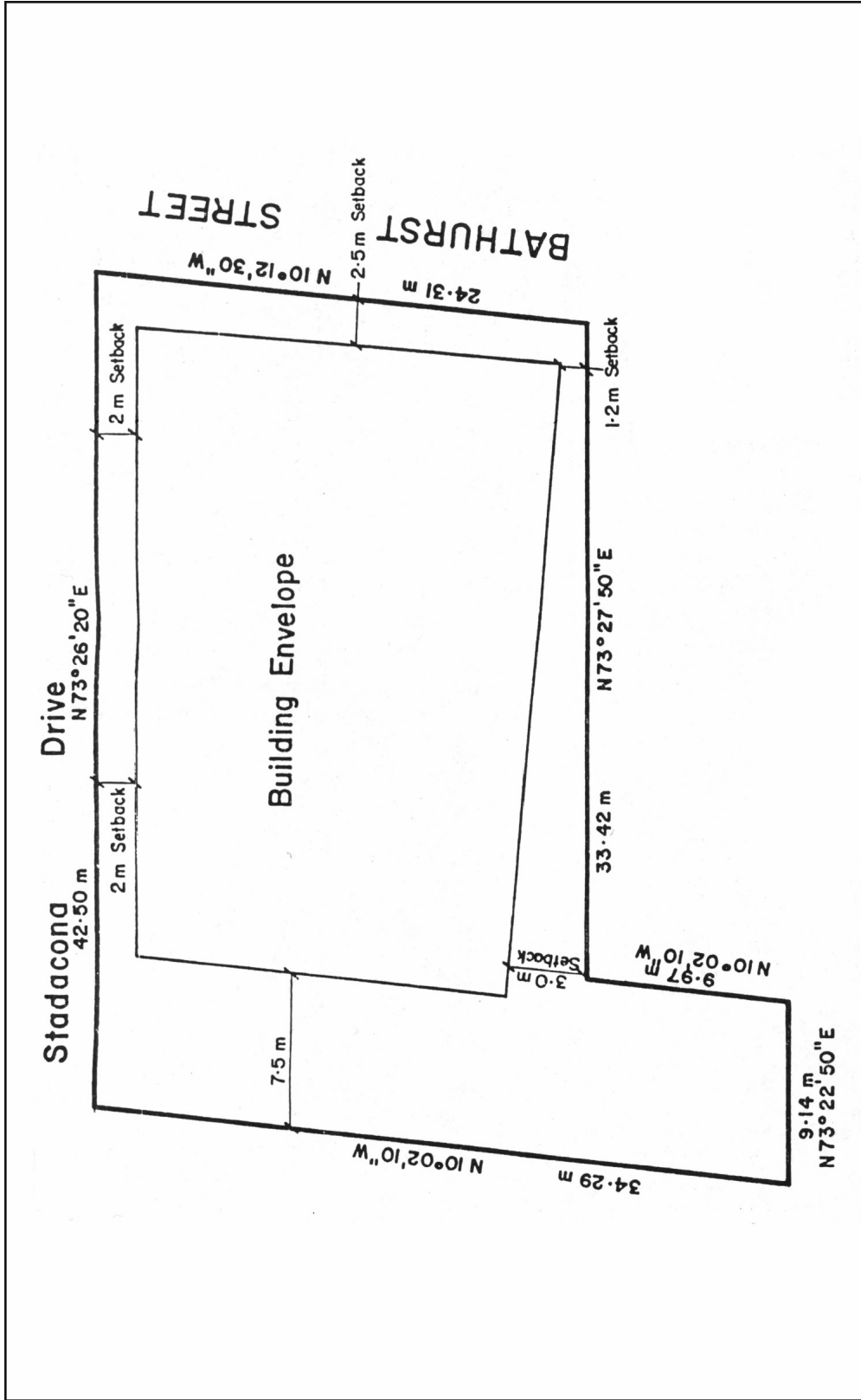
ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)





Schedule "C1(125)" to Bylaw

Part of Lot 10, Lot 11, 12 & 71, R.P. 2053

File # 06\_196044

Date: 04/26/07  
 Approved by: C. R.

