

**171 East Liberty St – Rezoning Application – Final Report**

<b>Date:</b>	September 22, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	07-266698 STE 19 OZ

**SUMMARY**

This application was made on October 2, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

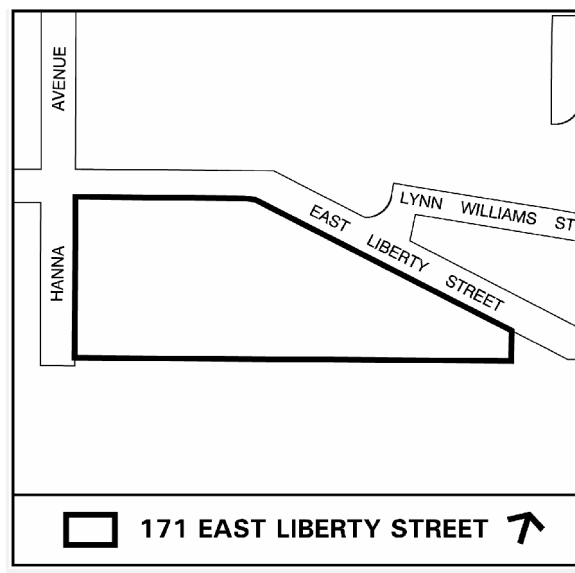
This application proposes an amendment to City of Toronto Zoning By-law 438-86 to permit retail and services uses on the ground floor of the existing commercial-industrial building at 171 East Liberty Street. The total area being proposed for retail and service uses is 11,645 square metres, which represents the area of the ground floor of the existing building.

This report reviews and recommends approval subject to certain conditions and restrictions on the type, unit size and total amount of retail and service uses, of the application.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86 of the former City of Toronto to permit certain retail and service uses as described in this report.
2. City Council authorize the City Solicitor to make such stylistic and



technical changes to the draft Zoning By-law Amendment which will be distributed to the October 7, 2008 meeting of Toronto and East York Community Council, as may be required.

3. Before introducing the necessary Bill to City Council for enactment, require the applicant to enter into an agreement with the City satisfactory to the City Solicitor to secure landscaping of the site substantially in accordance with the Landscape Plan attached as Attachment 6 to this report. The Landscape Plan will be subject to revisions to the Hanna Avenue streetscaping and final approval by the Chief Planner and Executive Director, City Planning Division and the Supervisor, Tree Protection and Plan Review, Urban Forestry.
4. Before introducing the necessary Bill to City Council for enactment, require the applicant to provide financial security for planting in the street right of way and on private property to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the Supervisor, Tree Protection and Plan Review, Urban Forestry.
5. If the applicant wishes to request the City to permanently close and sell a portion of Hanna Avenue immediately to the west of 171 East Liberty Street which is currently being leased to the applicant for parking, the applicant be directed to file an application with Transportation Services to initiate the road closure process.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

In 2006 and 2007, this building was the subject of several minor variance applications to permit retail and service uses in specific units of the ground floor. The Committee of Adjustment granted these variances, and as a result twelve units on the ground floor have permission for retail and service uses. These previous approvals represent 2,770 square metres of the existing ground floor space.

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes to rezone the existing building, known as the Liberty Market Building, to permit additional retail and services uses on the ground floor. An additional 8,875 square metres of retail and service uses are proposed, which will be limited to the ground floor only and within the current building envelope. No new floor area is being proposed to accommodate this proposal.

#### **Site and Surrounding Area**

The site is located within the 'Liberty Village' area of Toronto, on the south side of East Liberty Street and the east side of Hanna Avenue. It is 19,374 square metres in area, and is occupied by a series of existing buildings. The main 'Liberty Market Building' is 2 to 3 storeys in height, and 24,582 square metres in size. The smaller 'Boiler House' building to the north of the main building is 4 storeys in height and 568 square metres in size.

Historically, these buildings were used in the manufacturing industry. More recently, the buildings have undergone significant renovations to provide space for office, studio and other commercial uses. These uses will be maintained on the second and third floors with the proposed retail and service uses being

limited to the ground floor. Some of the ground floor units in the main building are used for retail and service activities, as approved by the Committee of Adjustment. Additionally, a portion of the Boiler house contains a restaurant which is also permitted as per the approved minor variances.

North: to the north of 171 East Liberty Street at 43 Hanna Avenue is a 7-storey, 215 unit live/work building known as the ‘Toy Factory’.

South: immediately south of the site, is a 2-storey building known as 9 Hanna Avenue which is occupied by Toronto Police Services. A new 7-storey live/work building will be developed at 5 Hanna Avenue which is also directly to the south of the site.

East: the area known as ‘King-Liberty’ is to the east of the site. This former brownfield is being transformed into a new residential neighbourhood made up of townhouses and condominium towers. There is also a commercial plaza on the western edge of ‘King Liberty’.

West: directly across Hanna Avenue is a Toronto Parking Authority surface lot, and beyond that the Liberty Village employment area continues to Dufferin Street.

## **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. 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. City Council’s planning decisions are required to be consistent with the PPS.

The 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.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe and are recommending restrictions on the type and amount of retail/service uses to be permitted.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan for the City of Toronto designates the site as *Employment Areas*, which are “places of business and economic activity”. The Plan notes that these areas are needed for the City’s economic future and that uses that support the prime economic function of *Employment Areas*, such as small scale retail stores and services may be permitted. As such, only uses that support this function of these areas are permitted. These include but are not limited to: “offices, manufacturing, warehousing, research and development, media facilities, and restaurants and small scale stores and services that serve area businesses and workers.”

The site is also shown as *Employment Districts* on Map 2, Urban Structure. These are large districts that are in large part made up of lands designated *Employment Areas*. The Plan requires that *Employment Districts* be ‘protected from the encroachment of non-economic functions.’

In addition, the Garrison Common North Secondary Plan also applies to the site. More specifically, the site is part of Area 3 in the Secondary Plan. In this area, ‘a healthy and vibrant economic district will be maintained.’ This will be achieved by reinforcing existing economic sectors, encouraging appropriate new economic activities and establishing an environment conducive to economic growth.

## **Zoning**

The site is zoned IC D3 N1.5 with a height limit of 28 metres. A variety of non-residential uses are generally permitted in IC zoning such as office, workshops and studios, warehousing, distribution, retail and service shops, and some manufacturing. While retail and service uses are usually permitted in an IC zone, exception (298) which applies to this site prohibits them in the *Liberty Area* but does permit them on the major streets on the edge of the district – King Street and Dufferin Street - conveniently located close to the employment uses.

## **Site Plan Control**

The City Building Division has determined that since the proposal will be entirely within the existing heritage structure, it does not result in an increase in the usability of the building, therefore a site plan application is not required.

## **Reasons for Application**

The application proposes development for the site that does not conform to Zoning By-law 438-86 as amended. Exception (298) under Section 12(2) prohibits retail and services uses in an IC zone in the *Liberty Area*, which means that the proposed retail and service uses are not permitted.

## **Community Consultation**

A community consultation meeting was held on November 27, 2007. The concerns raised at the meeting included, but were not limited to: increased traffic, the provision of appropriate retail which maintains the independent character of the area, and the provision of affordable spaces for artists. The majority of the people in attendance were supportive of the proposed retail and service shop uses, provided that these did not detract from the existing character of the area as noted.

## **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**

In the opinion of Planning staff, the proposal is consistent with the PPS with the restrictions described below. The PPS requires municipalities to maintain a supply of employment lands sufficient to meet long term needs for employment growth. It is the responsibility of the municipality to provide “opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities”. The municipality cannot convert employment lands in the absence of a comprehensive review.

In the opinion of Planning staff, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan also calls for a range of uses to sustain a healthy region including adequate areas for intensification both in residential and employment uses. Again, with the restrictions outlined in this report, the proposal will not conflict with the objectives of the Growth Plan.

According to the Growth Plan, a municipality may only permit conversion of lands within employment areas through a municipal comprehensive review which is defined as an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Growth Plan. Approval of this application in a manner that would convert the lands, would not conform with the Growth Plan without the City first undertaking a municipal comprehensive review addressing the criteria of the Growth Plan. The Growth Plan requires all decisions made under the Planning Act to conform with the Growth Plan. As well, the Growth Plan states that where there is a conflict between the Provincial Policy Statement and the Growth Plan, the Growth Plan will prevail.

## **Land Use**

The property at 171 East Liberty Street is located in an Employment District with an IC zoning. A site specific restrictive exception limits retail and service uses in the area to the major streets, King and Dufferin. A further site specific Official Plan Amendment and rezoning for the former Inglis Lands to the east of this site has permitted the development of a new neighbourhood that includes residential and live/work uses with a new street and open space network. Retail uses for the new neighbourhood are permitted in a retail centre at its west end. It is important to note that the lands to the east were largely vacant, brownfield sites that were redeveloped as part of a comprehensive plan that pre-dated the City's new Official Plan, the Provincial Policy Statement and the Growth Plan.

To the west of the site is Liberty Village, a traditional employment area with a significant number of heritage buildings that have been renovated to house new media and creative industries. This area is unique in Toronto and serves an important function in attracting and retaining these types of businesses.

One hundred and seventy-one East Liberty Street sits at the junction of these two areas. The historic building has been sensitively renovated and houses a number of businesses on its upper two floors. The ground floor has a mix of retail, business and restaurant functions.

As the City's Official Plan permits small scale retail and service uses to serve area businesses, Planning staff are willing to support a range of these uses with conditions:

- retail and service uses will be limited to the ground floor to be convenient to area businesses and to not erode employment functions on the upper floors
- restaurant uses will be limited to 500 sq.m and will not be permitted to have features such as dance floors, DJs or amplified music to outdoor patios which would be disruptive to adjacent uses or encourage their uses as nightclubs
- other retail and service uses will be limited to a maximum of 500 sq.m. and the list of uses will be restricted to those listed on Attachment 7 to this report so as to limit uses to those appropriate to serve the employment function of the area

- a maximum of two units will be permitted to be up to 750 sq. m to accommodate larger uses that serve the area, such as a office supply store

The applicant has requested a maximum area of 500 square metres for retail uses. This is larger than the average size of retail units in the area which is approximately 400 square metres. However there have been recent approvals through Committee of Adjustment permitting uses up to 450 square metres. Given that 500 square metres could still be considered to be “small scale” retail and that it is not a significant departure from the 450 square metres that have been approved, this maximum size is acceptable to Planning Staff. Previous Committee of Adjustment approvals will be consolidated into this by-law.

The range of retail and service permissions being proposed in Attachment 7 will serve to support the area while limiting the impact on the employment function. In addition, the Liberty Village BIA, that represents area businesses, has suggested that permission for further retail and services uses to serve area businesses will contribute to the economic competitiveness of the area.

### **Traffic Impact, Access, Parking**

A Traffic Impact Study was submitted by the applicant to assess the traffic impacts associated with this proposal on the operations of the area road network. The conclusion of this report was that the nearby signalized and unsignalized intersections will continue to operate acceptably with the traffic generated by this development. This study has been reviewed and accepted by Transportation Services.

Access to the site will continue to be provided via two driveways extending south off of East Liberty Street, an additional two driveways extending east off of Hanna Avenue, and a private right-of-way that extends east off of Hanna Avenue along the south limit of the site. This private right-of-way may form part of a future public laneway system currently being examined for the area. Transportation Services has accepted this access arrangement.

The site offers limited parking due to the fact that the majority of it is occupied by a heritage building. There is however a supply of commercial parking off site including the Toronto Parking Authority Parking lot immediately across the road. In this circumstance the proposed parking is acceptable.

The applicant has been leasing a portion of the Hanna Avenue right-of-way from the City, at the western limit of its site, for parking. In meetings with the applicant, he has requested that the City sell this land to him to ensure the continuing availability of this parking for his building. City Staff have advised the applicant to apply to the City to close up this portion of the street. If an application is received, it will be circulated by City Staff to various divisions before declaring it surplus and then a decision can be made. The applicant has also offered to exchange a strip of land the runs between 171 East Liberty and 9 Hanna Avenue (the Police Services Building owned by the City) for the Hanna Avenue lands. This exchange could secure better control of circulation behind Police Services on what now functions as a private lane owned in part by the City and in part by 171 East Liberty Street. The possibility of an exchange will be evaluated in the context of closing the portion of Hanna Avenue.

### **Servicing**

The owner has submitted a Servicing Assessment Report which concludes that the site is situated in an area with well-developed municipal infrastructure that has adequate capacity to service the proposal. This report has been reviewed and accepted by Technical Services.

## **Heritage**

Heritage Preservation Services have reviewed this application and feel that 171 East Liberty Street would be best served under the umbrella of a 'Heritage Conservation District' designation at this time. The Liberty Village area has been included on a recent mapping project identifying potential Heritage Conservation Districts within the city. The building, in its current reincarnation, has been faithfully restored and readapted for use in a modern day capacity. Presently, the physical fabric to the building does not appear to be under threat from any development proposal at this time. Heritage Preservation Services may seek to have the building listed if this situation changes while the surrounding area is being considered for 'Heritage Conservation District' designation.

## **Open Space/Parkland**

The proposal does not include any increase to the non residential building area. Therefore, this development is exempt from the parks levy requirement under Chapter 165-7 of the former City of Toronto Municipal Code, which remains in full force and effect.

## **Street Trees**

While the East Liberty public right-of-way has benefited from the installation of street trees, the Hanna Avenue public right-of-way has not. As per the Official Plan which recommends policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage, the applicant has been asked to provide some street trees along the Hanna Avenue right-of-way along the perimeter of this site.

Staff have confirmed that no underground utilities exist which would prevent the installation of street trees in this location. The applicant is preparing a revised landscape plan to include street trees along Hanna Avenue. This will result in the loss of some of the boulevard parking spaces which the City currently leases to the site. The revised landscape plans will be submitted prior to the introduction of any bills at Council.

## **Toronto Green Development Standard**

The applicant has completed The Toronto Green Development Standard checklist. The proposed development achieves several targets set out in the checklist. These include, but are not limited to; the use of local materials, the provision of pedestrian infrastructure, the minimization of air emissions and dust during construction and demolition, and the use of low-emitting materials.

## **Development Charges**

It is estimated that the development charges for this project will be \$800,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **Conclusion**

The owner of the Liberty Market Building at 171 East Liberty Street is requesting additional retail and service uses beyond those previously approved by the Committee of Adjustment. The limits on the type and size of new retail and service uses being recommended by this report will allow the applicant to continue to provide these uses in a way that is consistent with and does not conflict with the Provincial Policies and the City's Official Plan, these uses are intended to support the primary employment function of this Liberty Village Employment District.

## **CONTACT**

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## **SIGNATURE**

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Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Zoning

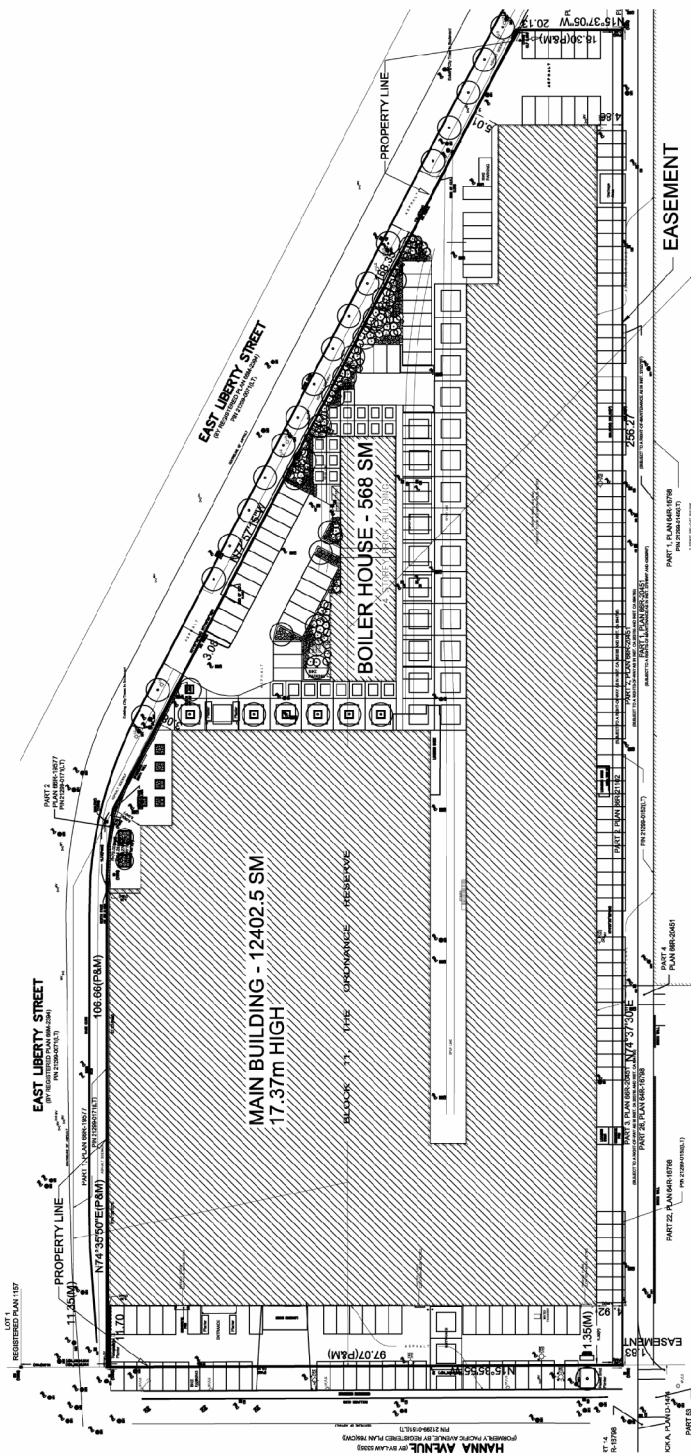
Attachment 5: Application Data Sheet

Attachment 6: Parking/Landscaped Plan

Attachment 7: Use List



# Attachment 1: Site Plan



171 East Liberty Street

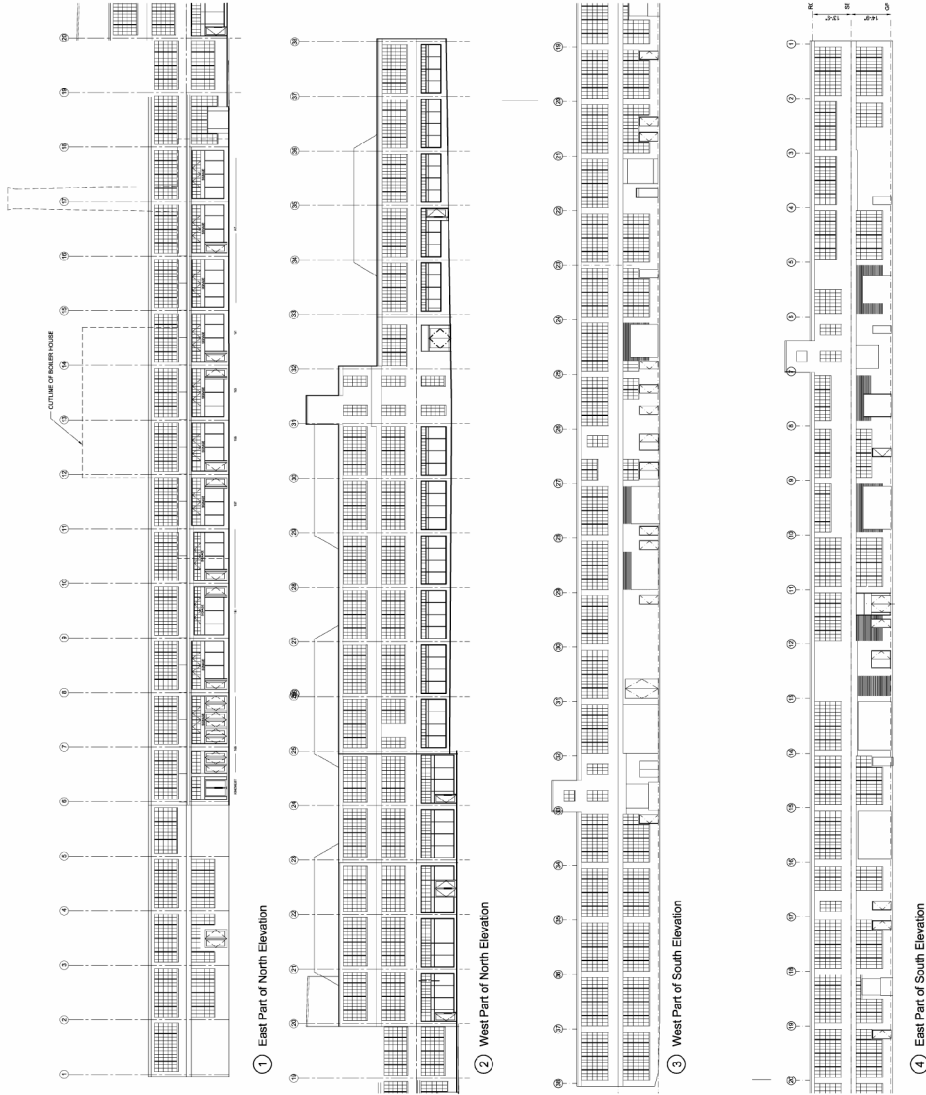
Site Plan

Applicant's Submitted Drawing

Not to Scale  
10/29/07

File # 07\_266698

Attachment 2: Elevations



171 East Liberty Street

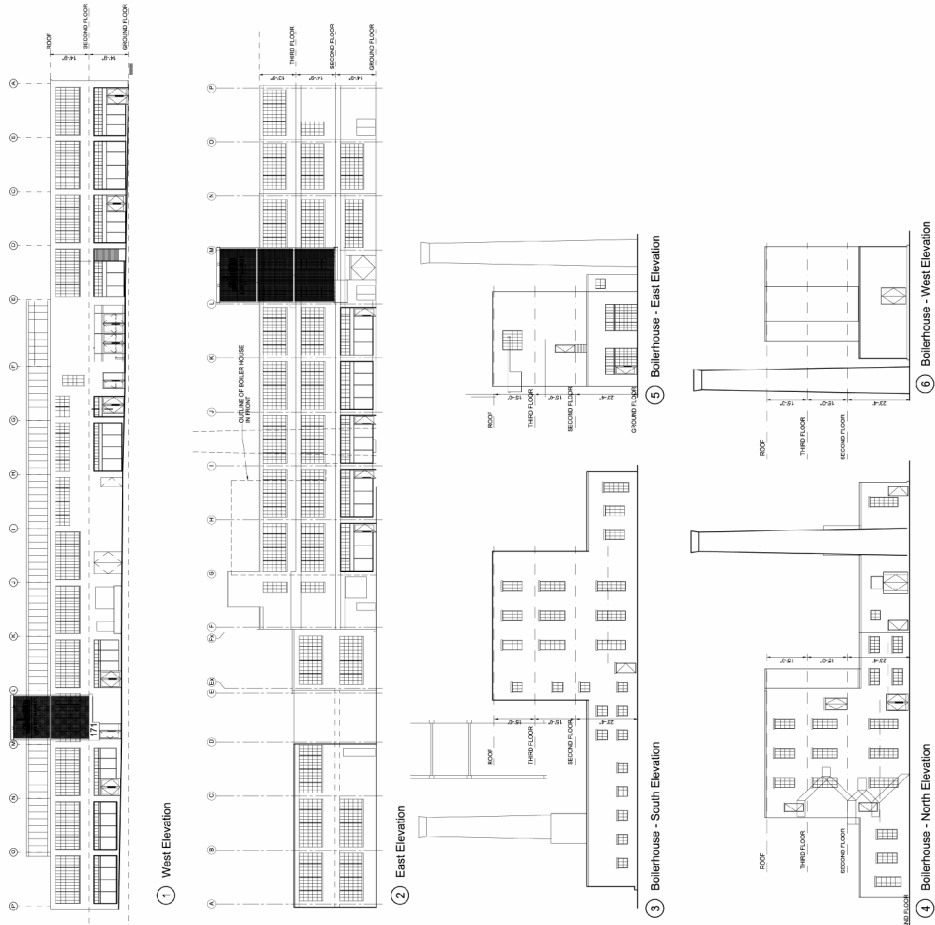
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Elevations

Applicant's Submitted Drawing

Not to Scale  
10/29/07

# Attachment 3: Elevations

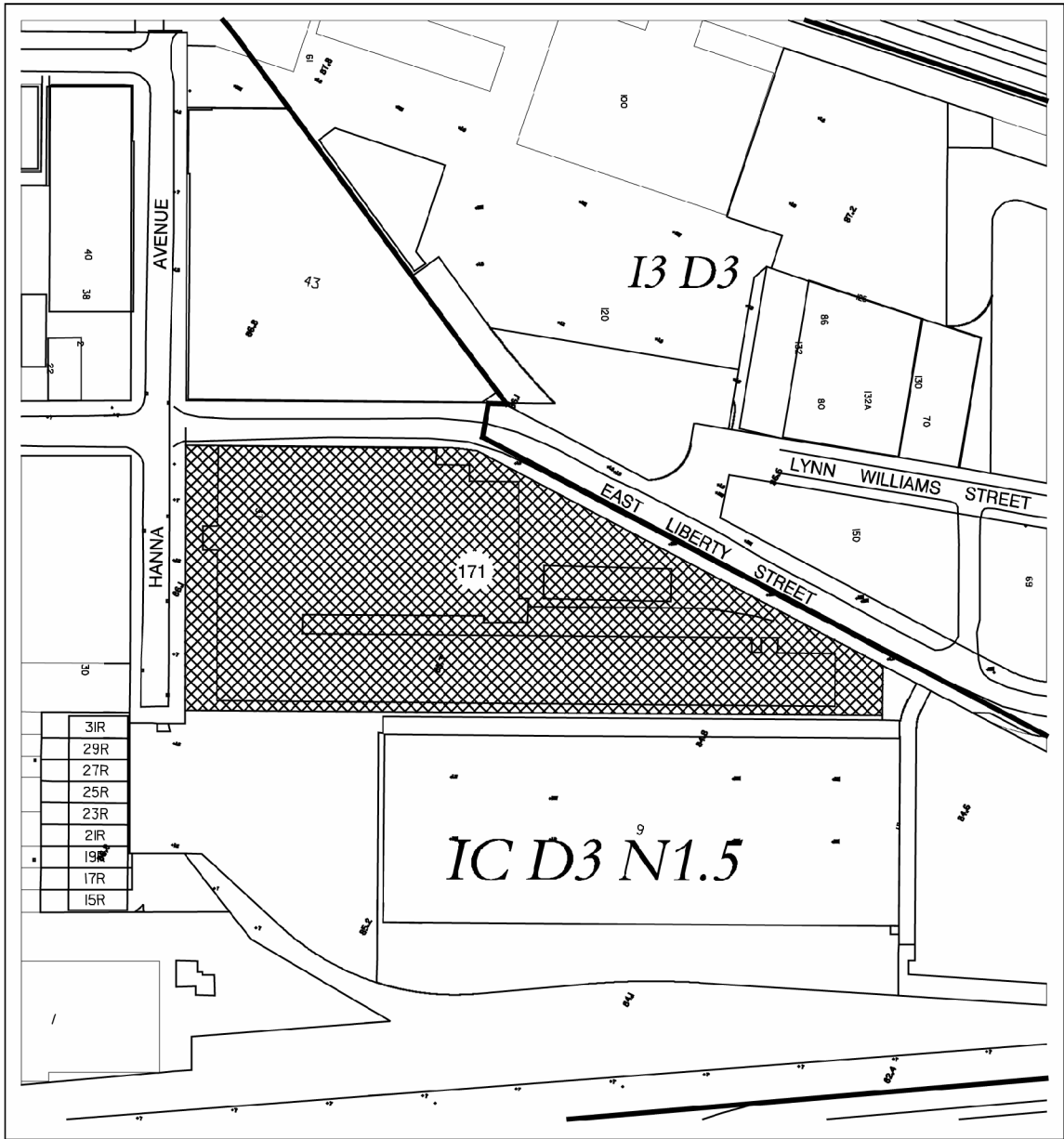


171 East Liberty Street

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/29/07

File # 07\_266698

Attachment 4: Zoning



**TORONTO** City Planning  
Zoning

171 East Liberty Street

File # 07\_266698

I3 Industrial District  
IC Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 10/29/07 - DR

### Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	07-266698 STE 19 OZ
Details	Rezoning, Standard	Application Date:	October 2, 2007

Municipal Address: 171 East Liberty St  
 Location Description: PT Ordnance Reserve PT BLK 11 RP 66R19577 PART 3 \*\*GRID S1908  
 Project Description: Amendment to City of Toronto Zoning By-law No. 438-86, as amended to allow retail, restaurant and service uses

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc			Liberty Market Building I

#### PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: IC D3 N1.5	Historical Status:
Height Limit (m): 28	Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq. m):	19374	Height:	Storeys:	3	
Frontage (m):	275.56		Metres:	16.76	
Depth (m):	98.9				
Total Ground Floor Area (sq. m):	10310				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	24582		Loading Docks	3	
Total GFA (sq. m):	24582				
Lot Coverage Ratio (%):	0				
Floor Space Index:	0				

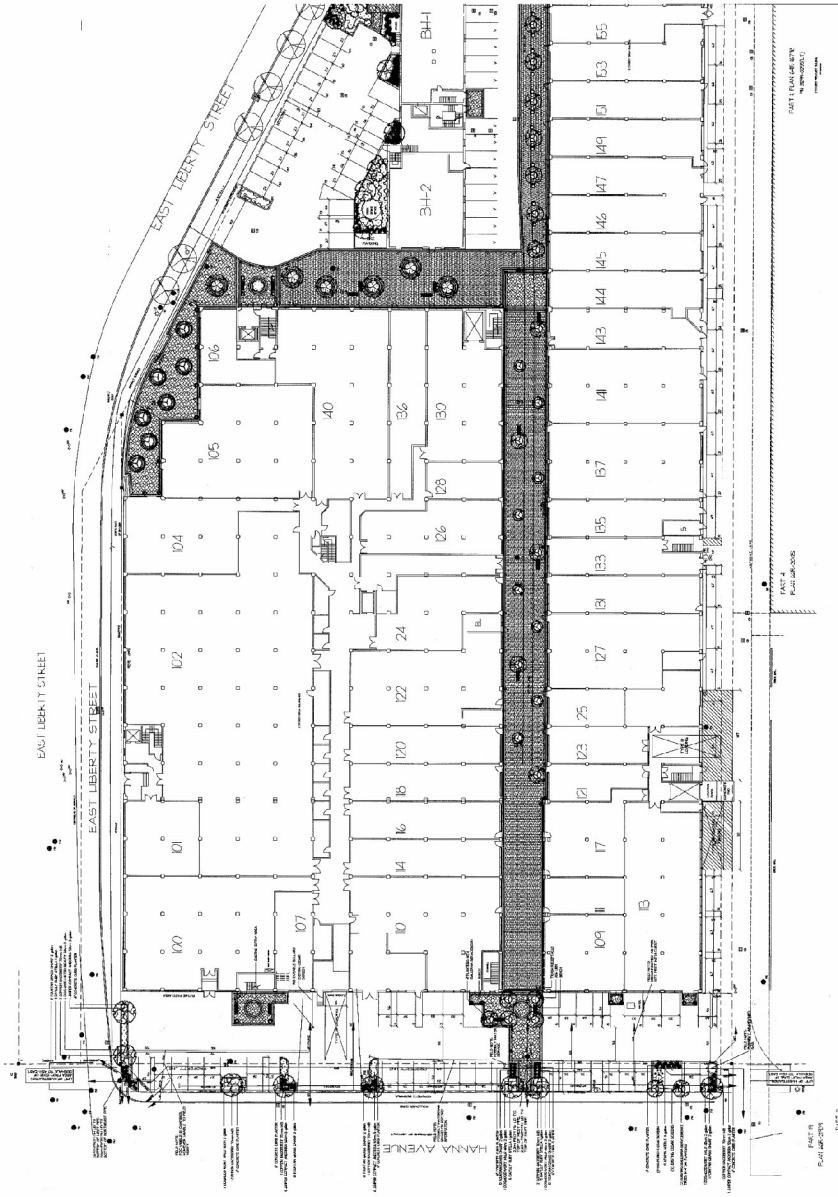
#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	6442	0
1 Bedroom:	0	Office GFA (sq. m):	18140	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: Carola Perez, Planner**  
**TELEPHONE: (416) 397-4647**

### Attachment 6: Parking/Landscaped Plan



171 East Liberty Street

Parking / Landscaped Plan

Applicant's Submitted Drawing

Not to Scale  
06/22/08

File # 07\_266698

## Attachment 7: Use List

### Uses for 171 East Liberty

List of uses to be permitted on the ground floor of the Liberty Market Building at 171 East Liberty Street

Artist and/or Photo Studio  
 Bake shop  
 Branch of a bank or financial institution  
 Brew on premises if associated with a restaurant  
 Caterer's shop  
 Computer Sales and Service  
 Courier Services/Mailbox/Fax  
 Dry cleaning shop  
 Newsstand  
 Office furniture store  
 Business/Office supply store  
 Personal grooming establishment  
 Printing Shop  
 Private art gallery  
 Restaurant (see Note 2 and 3)  
 Showroom – (See note 1)  
 Service, rental or repair shop  
 Tailoring shop  
 Take out restaurant  
 Travel Agency

Note 1: a showroom is permitted provided that it does not include sales to the public

Note 2: A restaurant is permitted provided it does not include a dance floor, stage, teletheatre gambling, disc jockey, sound room, pinball or other mechanical or electronic game machines, no other entertainment area

Note 3: no use can exceed 500 square metres except that up to two units within the building can have a total gross floor area of up to 750 square metres with the exception of restaurant or take out restaurants that cannot exceed 500 square metres