

## 3400-3422 Dundas Street West – Zoning Amendment Application – Final Report

<b>Date:</b>	February 19, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 13 – Parkdale-High Park
<b>Reference Number:</b>	08 184977 WET 13 OZ

### SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

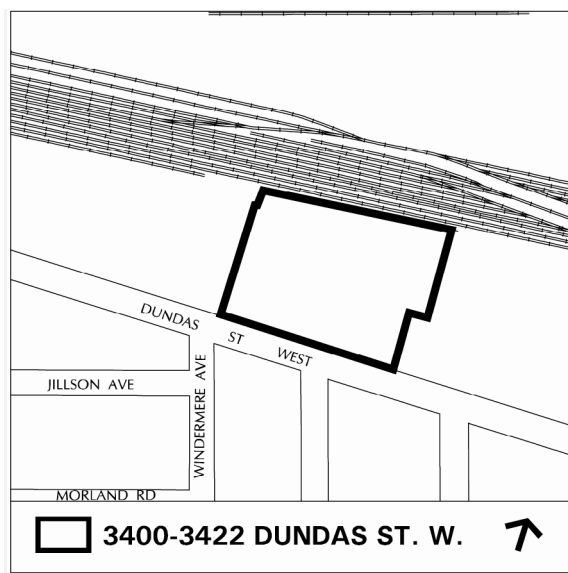
This application proposes to delete the site specific by-law that governs the existing commercial plaza, shopping centre and private club at 3400-3422 Dundas Street West, and revert to the general provisions of the Commercial Employment zoning regulations under the former City of York By-law 1-83, which also apply to the lands. Permission is also sought to allow a place of worship in the basement of the shopping centre, occupying the former location of the private club.

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

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council amend former City of York Zoning By-law 1-83 for the lands at 3400-3422 Dundas Street West, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 4.



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

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The property was the subject of a previous zoning amendment application, which sought to amend site-specific By-law 2157-75 to permit a private club in the basement of the shopping centre. Site-specific zoning By-law 2157-75 was enacted to permit the existing commercial development in what was then an M-Manufacturing District. The M-District did not permit the then proposed shopping centre. In addition to other site requirements, By-law 2157-75 listed what particular business and commercial uses would be permitted, and limited the height of the buildings. Some of the listed uses included professional offices, a library, service or repair shops, commercial school, artist's studio, and restaurants. The M-District was subsequently amended to a CE- Commercial Employment Zone by former City of York By-law 1249-88, but the site-specific zoning exception was left in place. Both amendments have been incorporated into the former City of York By-law 1-83 as site-specific Section 16, Subsection 184.

### **ISSUE BACKGROUND**

#### **Proposal**

The current zoning amendment seeks to remove the site-specific by-law that pertains to the site, and allow for the underlying Commercial Employment zoning provisions of the former City of York by-law to apply. In addition, the application is to permit a place of worship currently located in the basement of the shopping centre, in the space occupied by the former permitted private club. Construction or alterations to the existing buildings are not proposed, and potential development plans have not been identified as part of this application.

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

The site contains three connected buildings setback from Dundas Street West, with parking situated at the front. The most westerly building is two storeys in height and contains medical and professional offices on the second floor. The main floor of this westerly building contains a commercial bank, and moving easterly, a variety of commercial and retail uses exist. The most easterly building contains a Price Chopper grocery store.

North of the site is the CN Railway line. To the south, east and west of the site, along Dundas Street West, are a variety of small-scale shops, such as motor vehicle related uses, retail stores, recreational facilities, and industrial uses. Immediately adjacent to this property to the east is a large industrial user.

## **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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated Employment Areas on Map 14. Uses that support this function consist of, but are not limited to, offices, manufacturing, warehousing, distribution, research and development facilities, restaurants and small scale stores, and services that serve area businesses and workers. Within Employment Areas places of worship are permitted to locate on major streets as identified on Map 3. Dundas Street West is recognized on Map 3, and therefore the use is permitted. It is noted that the site is not located within an Employment District on Map 2.

This portion of Dundas Street West is identified as an Avenue. "Avenues" are important corridors along major streets where reurbanization is anticipated, and the creation of job opportunities are encouraged, while improving the pedestrian environment, the look of the street, and transit service for community residents. Such reurbanization is subject to the policies contained in the underlying land use designation.

## **Zoning**

The property is zoned Commercial Employment (CE), and site exception Section 16(184) of the former City of York By-law applies to the site. Permitted uses within CE zones include industrial uses, offices, restaurants, recreational uses, limited retail use provisions, business service establishments, day nurseries, and a design centre. While a place of worship is not listed as a permitted use in a CE zone, it is provided for in the Official Plan.

## **Site Plan Control**

No physical alterations of the buildings are proposed therefore an application for Site Plan Control is not required.

## **Reasons for Application**

An application has been filed to remove the existing site-specific exception that applies to the site, and to revert to the general provisions of the Commercial Employment standards of the former City of York By-law. Currently, the site-specific by-law restricts the location of commercial and business uses to defined areas of the building. By deleting this by-law, it will create flexibility and allow for additional uses on the property, which are permitted in the Commercial Employment zoning, and also present along the north side of Dundas Street West. The application also seeks the permission for a place of worship use. A place of worship is not permitted in the commercial employment zone, but is allowed for in the Official Plan Employment Areas land use designation. As such, a zoning amendment application is required.

## **Community Consultation**

A community consultation meeting was held on site, at 3400 Dundas Street West, on January 11, 2010. A few local residents attended, and no major concerns with the amendment were raised. Questions asked mainly related to potential and future tenants, to which the representative of the site addressed.

## **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**

The proposal is consistent with the PPS. For Employment Areas, planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs. Additionally, planning authorities shall 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 and ancillary uses, and take into account the needs of existing and future businesses.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Policies related to where and how to grow speak to the protection and preservation of employment areas. As the application does not seek to remove existing employment or retail space on the site, the proposal does not conflict with the policies of the Growth Plan.

## **Land Use**

The site is designated Employment Areas in the Official Plan and is zoned Commercial Employment with a site-specific by-law. The proposed zoning change conforms with the Employment Area Development Criteria policies of the Plan, considering the context of the existing development and the uses that function well on this site.

Staff is of the opinion that the request to delete the site-specific by-law, and remain as a Commercial Employment zone, maintains the objective of the in-place planning framework for this area. The current site-specific by-law is more restrictive than the commercial employment provisions in the former City of York By-law. By deleting this site-specific by-law, additional business operations would be permitted on site, thereby meeting the policy direction of the Official Plan by promoting economic activity and creating flexibility to accommodate employment uses.

Places of Worship, previously addressed in this report, are permitted to locate in Employment Areas where located on a major street, such as this portion of Dundas Street West. Some Places of Worship can be extensive land uses and are not directly supportive of the primary employment function of these areas, and can impact the local traffic movement.

The place of worship is in the basement of the existing shopping centre, in the location of the previously approved private club. Originally, this space was intended as surplus storage for the plaza, and not considered by the owner to add retail value to the site. In this instance, as the place of worship is in the basement level of the shopping centre, it is not removing existing retail space that was designed for economic activity, and therefore, can be viewed as not having an impact to the primary employment function of the site. From a land use perspective, there have been no objections to the proposed place of worship.

The attendees of the church are from the local area and surrounding communities. To date, there have been no concerns with the traffic operations of the place of worship. Replacement of the private club area with a place of worship use on this property, is considered not to adversely affect on-site businesses, nor have a serious impact on the local traffic movement.

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

The site is located on a major road and is accessible by public transit. The site currently provides 169 parking spaces, whereas the current site-specific by-law requires 157 spaces. Subject to confirmation from appropriate staff, the inclusion of a place of worship use would raise the required number of parking stalls to 195, representing a shortfall of 26 parking spaces.

The hours of operation for the place of worship, and associated church activities occurring on site, have not generated complaints related to traffic. At the time of this report, no complaints have been received with respect to the church and the available parking supply to meet the needs of the other businesses on site.

Concerns related to traffic impact, access and parking have not been raised as part of the application review process.

### **Toronto Green Standard**

As there are no proposed additions to the existing buildings, Toronto Green Standard does not apply.

### **CONTACT**

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E-mail: [stulloc@toronto.ca](mailto:stulloc@toronto.ca)

### **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

### **ATTACHMENTS**

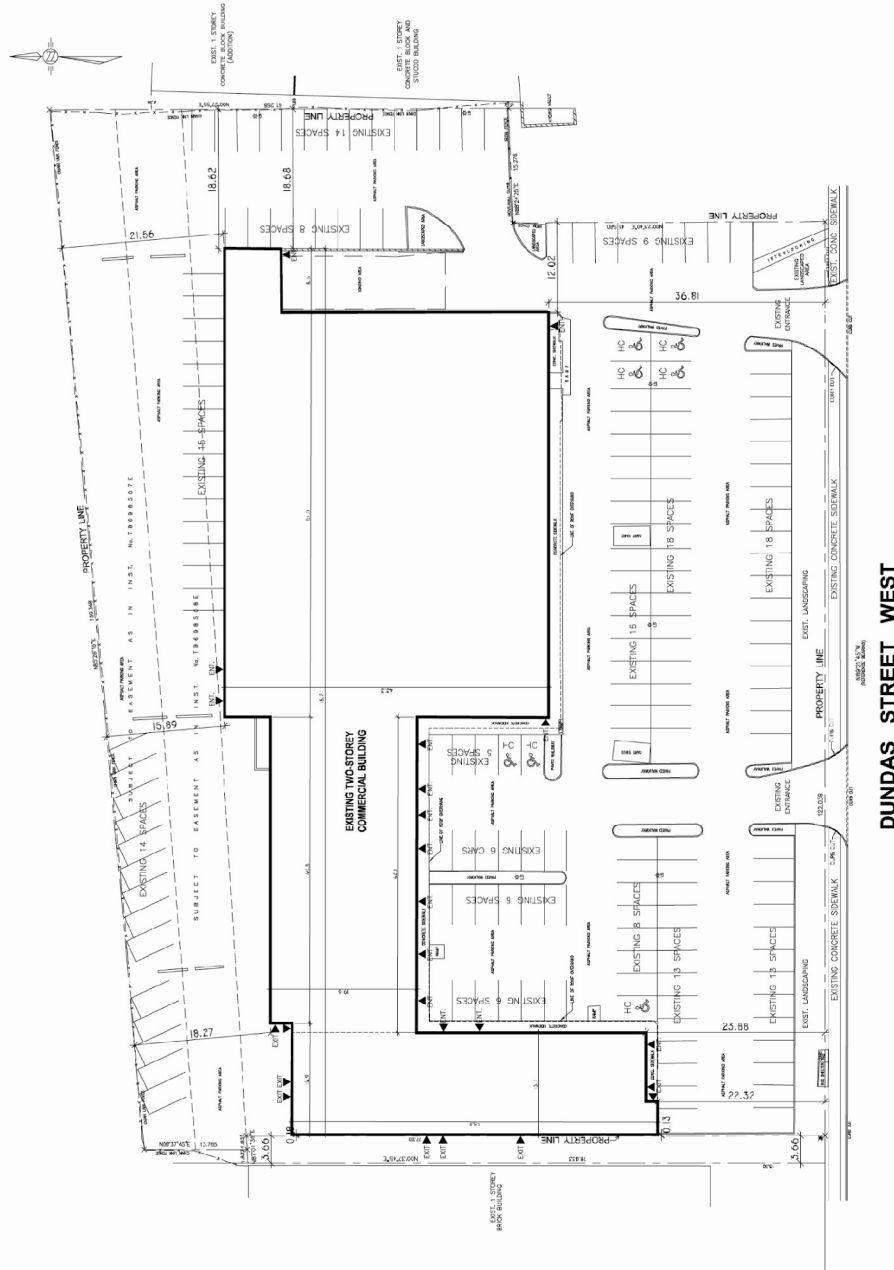
Attachment 1: Site Plan

Attachment 2 Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

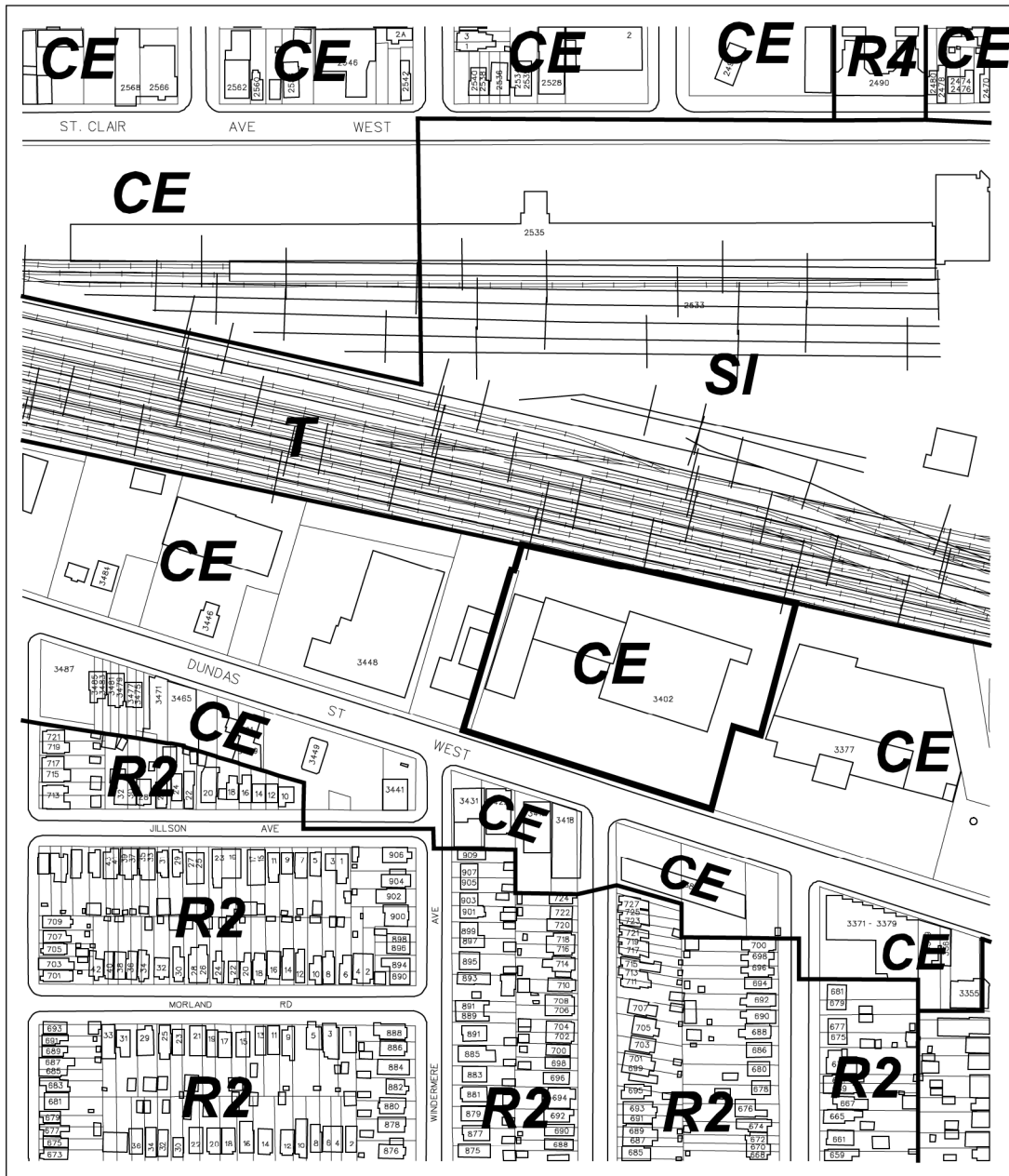
Not to Scale  
12/15/08



3400 - 3422 Dundas Street West

File # 08\_184977

## Attachment 2:



**TORONTO** City Planning  
West District  
**Zoning**

**3400 - 3422 Dundas Street West**

File # 08\_184977

R2 Residential Zone  
R4 Residential Zone  
SI Strategic Industrial Employment Zone  
T Transportation & Utilities  
CE Commercial Employment Zone



Not to Scale  
Former York Zoning By-Law 1-83  
Extracted 12/15/08-KP



### Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	08 184977 WET 13 OZ
Details	Rezoning, Standard	Application Date:	July 22, 2008

Municipal Address: 3400-3422 DUNDAS ST W

Location Description: PL 518 BLK S LTS 29-45 PL 4161 LT A PT LT B RP64R-12520 PTS 9 & 10 \*\*GRID W1302

Project Description: To amend the York By-law to delete Site Specific 16(184) and allow for the underlying commercial employment zoning to apply, and to introduce a new site-specific zoning to permit a place of worship in the basement of the shopping centre.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ZENTIL PLUMBING & HEATING LTD			ZENTIL PLUMBING & HEATING LTD

#### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	Commercial Employment Site Specific 16(184)
Zoning:	CE	Historical Status:	
Height Limit (m):	8	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	12714.4	Height:	Storeys:	2
Frontage (m):	122		Metres:	8
Depth (m):	96			
Total Ground Floor Area (sq. m):	3906.7			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	169
Total Non-Residential GFA (sq. m):	5721.4		Loading Docks	2
Total GFA (sq. m):	5721.4			
Lot Coverage Ratio (%):	30.7			
Floor Space Index:	0.45			

#### DWELLING UNITS

Tenure Type:

Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	0

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

	Above Grade	Below Grade
Residential GFA (sq. m):	0	0
Retail GFA (sq. m):	3881	0
Office GFA (sq. m):	576.5	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	666.6	597.0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Shelly Tulloch, Acting Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8208</b>

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

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend former City of York Zoning By-law No.1-83, as amended,  
With respect to the lands municipally known as 3400-3422 Dundas Street West**

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That Section 6 of City of York By-law No. 1-83, as amended, be and the same is hereby further amended by adding thereto the following as new Subsection 6(81).

**Lands – North side of Dundas Street West (3400-3422 Dundas Street West)**  
**MAP 18**  
**(81) MAP 18**

By changing the area shown on District Map 18 comprising the lands shown on Schedule “A” attached hereto by deleting reference to S16(184) and replacing with S16(437), and changing District Map 18 accordingly.

2. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, be and the same is hereby further amended by deleting S16(184) and adding a new Subsection (437):

**“(437) Lands – North side of Dundas Street West (3400-3422 Dundas Street West)**

Notwithstanding the provisions of Section 2, subsection (77a) and any other provisions of By-law No. 1-83, as amended, the Lands shown on Schedule “A” attached hereto, may be used for of a place of worship, in addition to the permitted uses in Section 13.6, Commercial Employment Zone, and the lands shall be subject to the following regulations:

1. A minimum of 169 parking spaces are required.

2. The place of worship is restricted to the basement of the centre building, as shown on Schedule 'B', and shall have a maximum gross floor area of 360 square metres.
3. All other provisions of By-law No. 1-83, as amended, shall continue to apply to the Lands shown on Schedule "A" attached hereto, except in the cases where provisions of this Subsection are in conflict with By-law 1-83, as amended, the provisions of this By-law shall prevail.

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

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



Schedule 'A' BY-LAW Number \_\_\_\_\_  
and to Section 16(437) of Zoning By-Law 1-83

