

555 Dupont St – Zoning Amendment Application – Final Report

Date:	September 30, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	10 176037 STE 20 OZ

SUMMARY

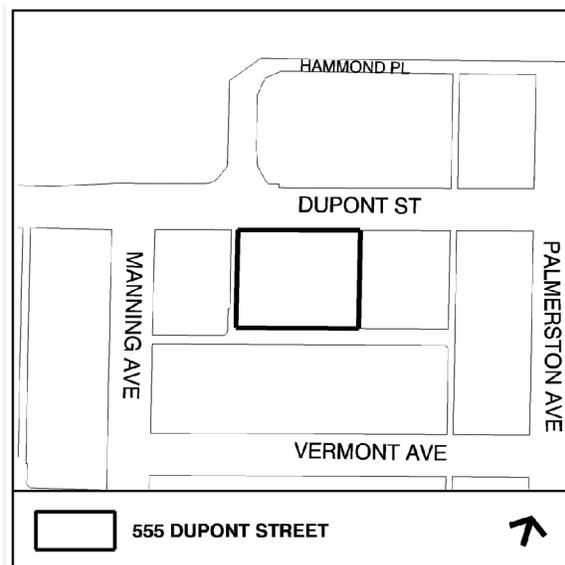
This application proposes to amend Zoning By-law No. 438-86 to permit neighbourhood-serving commercial uses at 555 Dupont St.

The City Planning Division is recommending approval of the proposed neighbourhood-serving commercial uses. This report reviews and recommends the approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No.438-86, for the lands at 555 Dupont Street, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.5 to this report dated September 30, 2011, from the Director, Community Planning, Toronto and East York District.
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.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 555 Dupont Street to submit a Feasibility Servicing Report, a hydrant flow test, and a water demand analysis to the Executive Director of Technical Services for approval.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A site specific exemption to the City's Zoning By-law in 1992 allows a *builders' supply yard* to operate at 555 Dupont Street. A *builders' supply yard* means a yard for the storage of building supplies such as lumber, bricks, plumbing or heating materials, pre-bagged concrete, sand, gravel or similar substance, but does not include a salvage yard or the bulk storage of loose materials such as sand, gravel or concrete.

A previous applicant applied to the Committee of Adjustment in July 2006 to convert the existing *builders' supply yard* to a Drugstore. City Planning staff recommended that a Site Plan Application be submitted and circulated and that a number of parking, loading and traffic related issues be resolved through both on-going discussions and the Site Plan Approval process. The Committee of Adjustment deferred the matter Sine Die in order to allow time for further consultation. However, the applicant eventually withdrew the site plan application (06-142084 STE SA) and did not proceed with the Committee of Adjustment application, when the drugstore client decided not to proceed with an outlet at this location.

ISSUE BACKGROUND

Proposal

The application proposes to amend Zoning By-law No. 438-86 to permit neighbourhood-serving commercial uses at 555 Dupont Street. The existing building and parking lot are proposed to be maintained at their current size and location.

The following is a list of the applicant's proposed neighbourhood-serving commercial uses recommended for approval:

- Personal grooming establishment,
- Service, rental or repair shop,
- An office,
- Restaurant with a maximum size of 400 m², with no rooftop patio, and no entertainment licensing
- Take-Out restaurant with a maximum size of 200 m²,
- Private Art Gallery,
- Day nursery,

- Bake-shop,
- Caterer's shop,
- Dry-cleaner's distribution station,
- Tailoring shop, and
- Retail store with a maximum size of 200 m2.

(See Attachment 4, Application Data Sheet, for project details)

Site and Surrounding Area

The site is located on the south side of Dupont Street, on a property one block east of Manning Avenue. The site contains a one storey building and parking lot used for a *builders' supply yard*.

North: tennis club and Loblaws parking lot.

South: a private laneway with private garages and rear yards of nine residential houses on Vermont Avenue.

East: a residential detached house.

West: vacant retail house form building. The next property west has a vacant retail space at grade with Committee of Adjustment approval for a coffee shop.

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. The proposed zoning by-law would not conflict with Provincial Policy Statement or the Growth Plan.

Official Plan

The site is designated *Neighbourhoods* in the City of Toronto Official Plan. This designation extends east on Dupont Street approximately one block east of Palmerston Avenue and approximately two and half blocks west to Clinton Avenue. Further east and west of those boundaries there are short sections of Dupont Street designated *Mixed Use Areas*.

Policies pertaining to *Neighbourhoods* are described in Chapter 4.1 of the City of Toronto Plan. The *Neighbourhoods* designation permits a full range of residential uses with lower scale buildings, as well as parks, schools, local institutions and small scale stores and shops handling the needs of the area residents.

Policy 4.1.3 of the Official Plan states that "small-scale retail, service and office uses are permitted on the properties in *Neighbourhoods* that legally contained such uses prior to the approval date of this Official Plan. New small-scale retail service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required on major streets shown on Map 3, with the exception of portions of streets which have reversed lot frontages. To maintain the residential amenity of *Neighbourhoods*, new small-scale retail, services and office uses will:

- a. Serve the needs of area residents and potentially reduce local automobile trips;
- b. Have minimal noise, parking or other adverse impacts upon adjacent or nearby residents; and
- c. Have a physical form that is compatible with and integrated into *Neighbourhoods*."

Zoning

The Zoning By-law designates the site R2 Z1. The zoning permits a variety of residential and community services, but not the list of retail and restaurant uses proposed by the applicant. The applicant is not proposing any changes to the existing building, its orientation or the location of the parking area. (Refer to Attachment 3 - Zoning Map)

Site Plan Control

The Toronto Building Division has determined the change of use of the site to one of the proposed uses would require a site plan control application. An application for site plan approval has not been yet been filed.

Reasons for Application

An amendment to the Zoning By-law is necessary because the proposed zoning uses are not permitted in an R2 Z1 residentially zoned area.

Community Consultation

A community meeting was held at the Walmer Road Baptist Church on April 11, 2010. Approximately 25 members of the public attended the meeting. At this meeting the applicant presented a list of proposed uses for the existing building. Residents and business owners had questions or comments regarding: the impact of the proposed commercial uses; available on-site parking; limiting the access to the rear laneway; no change to the existing buildings size and height; restricting restaurant size; and

prohibiting any future proposal for a rooftop patio. A number of residents were in support for the replacement of the commercial use of the *builders' supply yard* in the subject building.

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

Land Use

The proposed commercial land uses conform to policy 4.1.3 of the City's Official Plan. The existing small-scale *builders' supply yard* use however, is not the type of use normally permitted by the City's Official Plan *Neighbourhoods* designation.

The proposed uses are neighbourhood-serving retail and service uses permitted within the *Neighbourhoods* designation through a rezoning application. The proposed uses are neighbourhood-serving due to their nature and the small size of the existing building.

The proposed uses serve the needs of the area residents. The site is highly accessible for pedestrians, transit users and drivers, as its location is adjacent to residential uses on Dupont Street which is a major street and a transit corridor.

The current use of the property includes significant outdoor storage of construction material with a high security fence. This property would be made more compatible with the surrounding neighbourhood if the existing use was replaced by any of the recommended commercial uses in the site specific draft by-law. The current location of the existing building and parking area buffer adjacent residential uses to the south, and will help mitigate adverse impacts on adjacent residents from noise and parking.

The proposed draft by-law recommends a maximum size for restaurants or take-out restaurants and prohibits roof-top patios, all to mitigate impact on the neighbourhood.

The change in use from a *builders' supply yard* to a neighbourhood-serving commercial use will improve the aesthetics of the property, and the pedestrian environment along Dupont Street. The streetscape and physical improvements to the site should be more compatible with the neighbourhood.

In summary, the proposed zoning by-law amendment supports the intent of the *Neighbourhoods* designation; and offers opportunity to potentially reduce local automobile trips, improve the pedestrian environment of Dupont Street, and provide greater neighbourhood-scale services without compromising the character or stability of the neighbourhood.

Traffic Impact, Access, Parking

The subject site includes a one-storey building and a parking lot and has direct access to the Dupont TTC bus route service. Pedestrian traffic from the neighbourhood is easily accessible by the Dupont Street sidewalk. The site has capacity for a maximum of 21 parking spaces and has access onto Dupont Street.

Since one specific neighbourhood-serving commercial use has not been selected or identified to date, the City's Technical Services Division has requested that the owner comply with the minimum parking supply and parking space dimensional requirements of the Zoning By-law. The owner is being required to comply with the loading space supply and requirements of the Zoning By-law based on the selected use(s) to be operated in the existing building on the site. The approval of the proposed uses for the site is subject to sufficient parking being provided on site.

Servicing

The owner is required to provide a Functional Servicing Report, a hydrant flow test and a water demand analysis prior to the final approval of the draft zoning by-law. The owner will be required to pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, should it be determined that improvements are required to support this development. This report recommends that the draft zoning by-law Bills in Council be held until the Functional Servicing Report, hydrant flow test and water demand analysis is submitted to and approved by the Executive Director of Technical Services.

Streetscape

All landscaping and streetscaping for this application will be dealt with through the Site Plan Approval process.

Development Charges

It is estimated that the development charges for this project will be \$145,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit. The Development Charges By-law is currently being reviewed to consider allowing for a credit to be applied for all non-residential ground floor area being demolished or converted to another non-residential use on the ground floor.

CONTACT

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SIGNATURE

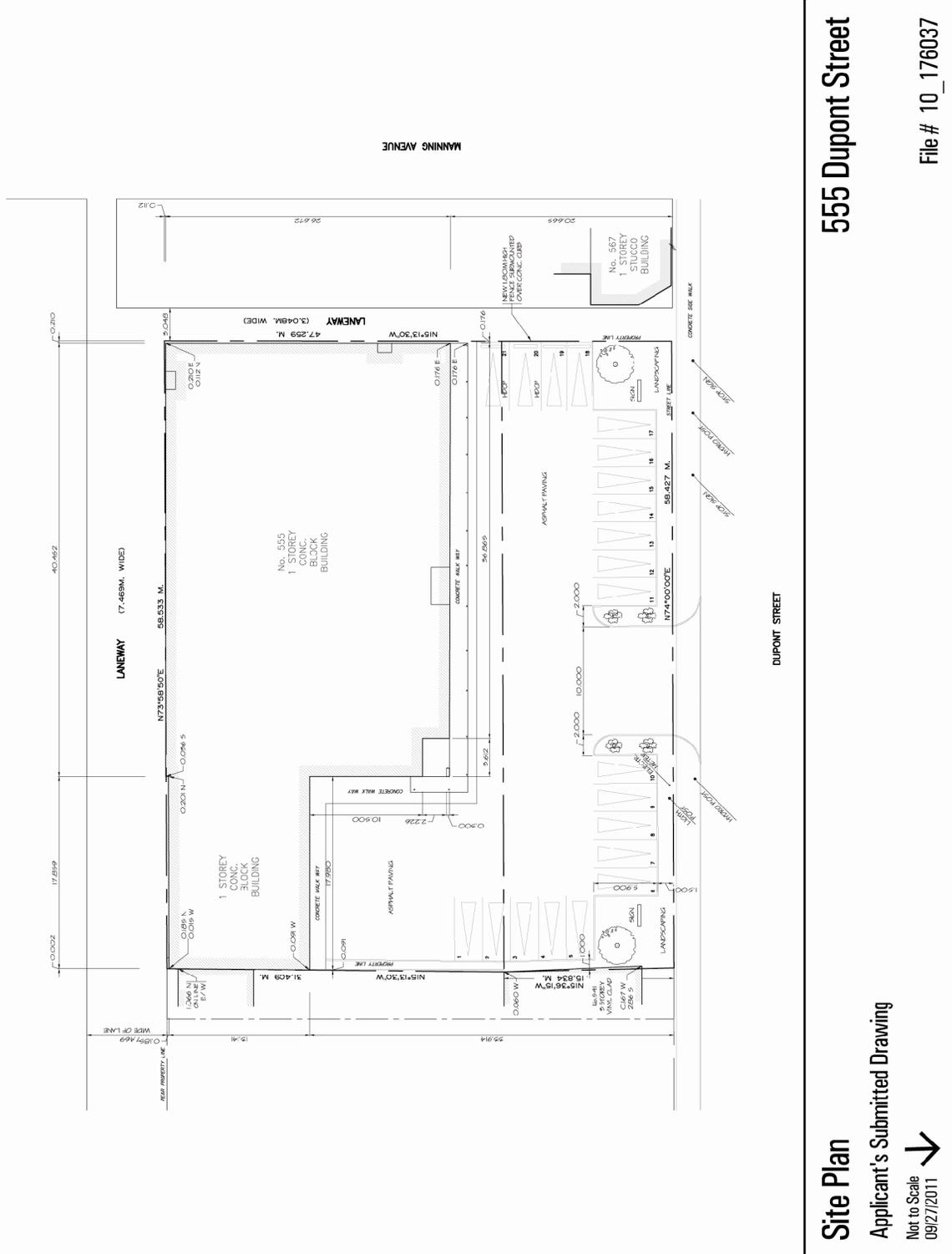
Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



555 Dupont Street

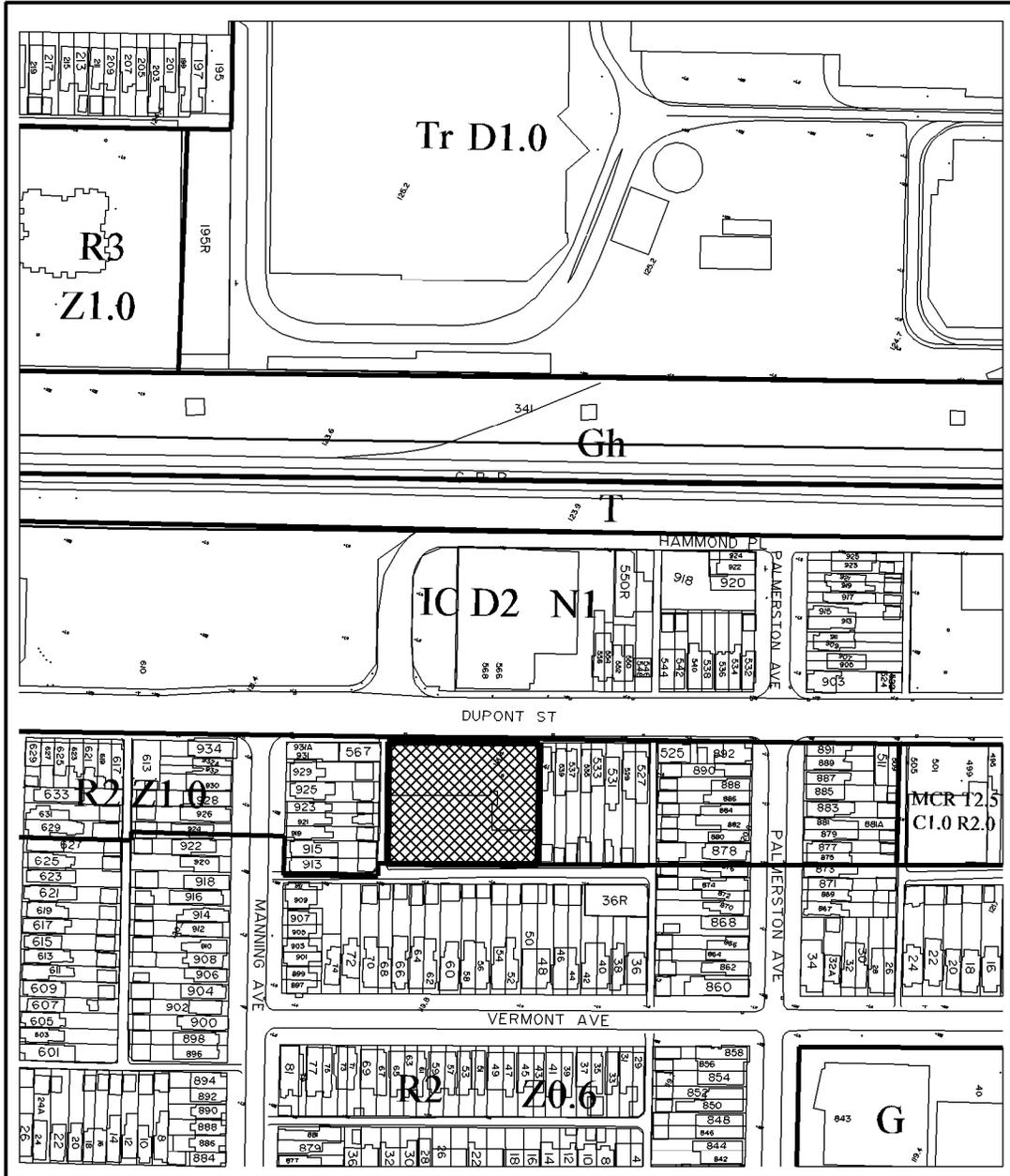
File # 10_176037

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 09/27/2011



Attachment 3: Zoning



TORONTO Urban Development Services
Zoning

555 Dupont Street
 File # 10_176037

- Gh Parks District
- R2 Residential District
- R3 Residential District
- MCR Mixed-Use District
- T Industrial District
- Tr Industrial District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 09/26/2011 - JC

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item (or report No. ,
Clause No. as adopted by City of Toronto Council on , 2011-09-25
Enacted by Council: , 2011

CITY OF TORONTO

Bill No.

By-Law No. – 2011

To amend by-law No. 438-86 of the former City of Toronto With respect to lands known as 555 Dupont Street

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, with respect to lands forming part of lands known municipally in the year 2011 as 555 Dupont Street.

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment:

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

1. None of the provisions of Section 6 with respect to the chart of uses and qualifications of uses, of Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of *residential* zoned building on the lands municipally known in the year 2011 as 555 Dupont Street as more particularly identified on Map1 of this By-law.
2. Notwithstanding Section 6(1) (f) or 6 (2) of By-law 438-86, no person shall use the existing *building* within the *site* for any purpose except one or more of the following neighbourhood serving uses:
 - (a) *a personal grooming establishment*
 - (b) *a service, rental or repair shop*
 - (c) *an office*

- (d) one *restaurant* with a maximum size of 400 m², with no rooftop patio and no entertainment licensing
 - (e) one *take-out restaurant* with a maximum size of 200 m²
 - (f) a *private art gallery*
 - (g) a *day nursery*
 - (h) a *bake shop*
 - (i) a *caterer's shop*
 - (j) a *dry-cleaner's distribution station*
 - (k) a *tailoring shop*
 - (l) retail uses, each with a maximum unit size of 200 m²
3. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*Building Envelope*" means a Building Envelope as outlined by heavy lines on Map 2 attached hereto;
 - (b) "*owner*" mean the registered owner of the *site* or any part thereof;
 - (c) "*site*" means those lands outlined by heavy lines on Map 1 attached hereto;
 - (d) "*building*" means the structure outlined in heavy lines on Map 2 attached hereto;
4. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined in the By-law.
5. Within the lands shown on Map 1 attached to this Bylaw, 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.

6. Within the lands shown on Map 2 attached to this Bylaw, no person shall use any land or erect or use any building or structure unless there is compliance with the following:
- (a) The parking supply and parking space dimensional requirements of the zoning by-law, and
 - (b) The loading space supply and requirements of the Zoning By-law.

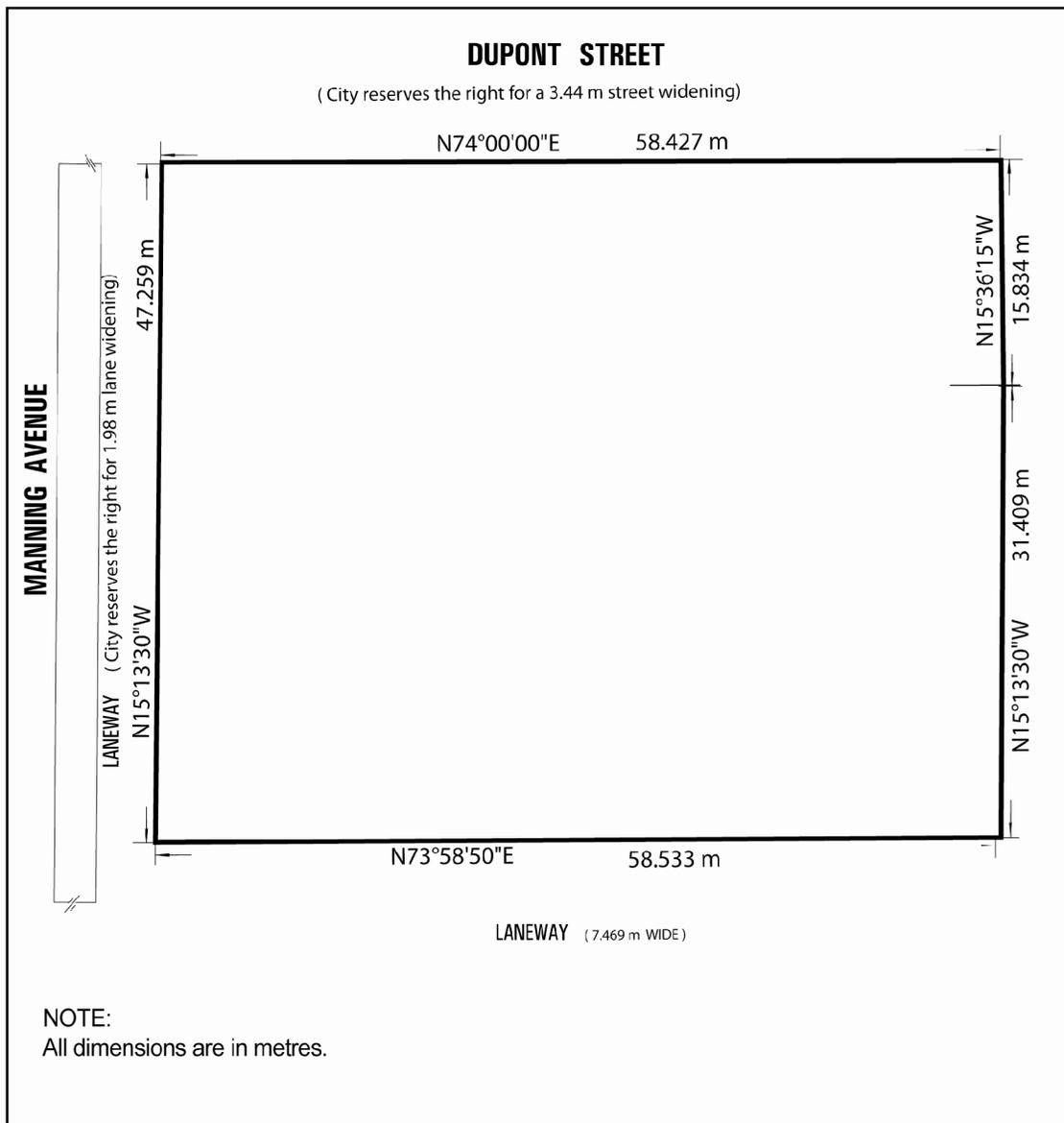
ENACTED AND PASSED this day of , A.D. 2011.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Map 1



Map 2

