

**500 Lake Shore Boulevard West – Zoning By-law Amendment, and Site Plan Control Applications - Request for Direction Report**

<b>Date:</b>	August 15, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	04 200810 STE 20 OZ

**SUMMARY**

This application was made prior to January 1, 2007 and is not subject to the changes to the Planning Act that came into effect on that date or the City of Toronto Act, 2006.

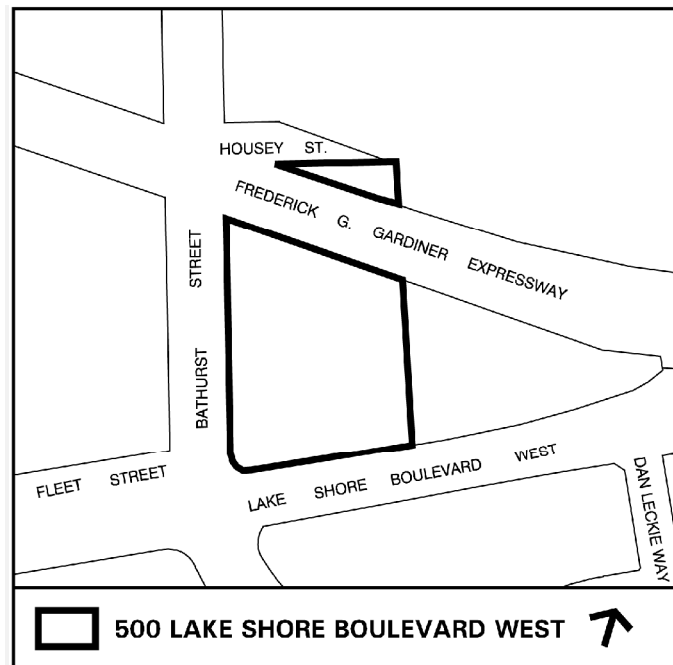
This application proposes a 4 storey commercial building with a rear 4 storey parking structure at 500 Lake Shore Blvd West. The proposal will have an overall density of approximately 2.9 times the lot area.

The purpose of this report is to obtain Council direction in connection with appeals before the Ontario Municipal Board.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council support the Zoning By-law Amendment and Site Plan Control applications submitted for 500 Lake Shore Boulevard West in principle on the terms and for the reasons



outlined in the report from the Director, Community Planning, Toronto and East York District dated August 15, 2011.

2. City Council authorize the City Solicitor and necessary staff to attend at the Ontario Municipal Board to present the position set out in this report, as required.
3. City Council authorize staff to continue to work with the applicant to resolve any outstanding issues related to requirements of Technical Services and Heritage Preservation Services, and report directly to Council, if necessary, to obtain revised direction prior to the Ontario Municipal Board hearing.
4. City Council authorize staff to take any necessary actions to give effect to the above recommendations.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

Loblaw Properties Limited is the owner of the 13,923 square metre site on the northeast corner of Bathurst Street and Lake Shore Boulevard West. The site is currently occupied by a four storey historically-designated building constructed in 1927. Applications for a Zoning By-law Amendment and Site Plan Control were filed with the City in 2004. An application for demolition under the Ontario Heritage Act was also filed.

The original proposal sought to build a new Loblaws Superstore on the site. Five hundred and twenty seven parking spaces were proposed in two levels of parking, in the first and second levels of the building, with additional parking provided at the north end of the site. The south and west facades of the building, plus one bay of the eastern façade, were proposed to be retained in place. Access was proposed from Housey Street and Lake Shore Boulevard West.

At the time of the original applications, the Ontario Municipal Board (OMB) was considering appeals related to the consent to sever the site (Block 8 in the Fort York Neighbourhood Secondary Plan) from Block 9/10. Appeals related to Official Plan Amendment and Zoning By-law amendments for Block 9/10 were also before the OMB. The Zoning By-law amendment, Site Plan Control, and application for demolition related to Block 8 were appealed and consolidated with the related matters before the OMB. The consent and planning matters related to Block 9/10 were resolved, and Orders related to those matters were issued. The site specific matters related to the proposed development on Block 8 remained before the Board and issuance of a final Order was made subject to satisfaction of pre-approval conditions and finalization of required agreements. The primary issues to be resolved at that time included securing municipal infrastructure obligations and heritage requirements. Subject to certain pre-approval conditions being satisfied and appropriate agreements being entered into, Council had supported the Zoning By-law amendment and Site Plan Control applications but refused the application for demolition treating the proposal as an alteration given the intended retention of facades.

Since the original submission was made, the applicant has reviewed a number of scenarios for redeveloping the site, including plans that seek to retain the south, west and part of the east heritage facades of the existing building.

## **ISSUE BACKGROUND**

### **Proposal**

Since the time of the original submission, the applicant has revised their proposal and is now seeking permission to construct a 4-storey commercial building on the site. The first floor will consist of a grocery store, the second floor will be comprised of retail and office space, the third and fourth floors will contain office space. The grocery store will have a gross floor area of approximately 6,322 m<sup>2</sup>, an additional 5,341m<sup>2</sup> of retail space is proposed on the second floor, and 10,421 m<sup>2</sup> of office area is proposed for the upper storeys of the building.

The proposal will have an overall height of approximately 23 metres, and an overall site density of 2.9 times the lot area (including all above-grade parking levels). Parking for 414 automobiles is proposed within a 4 storey parking structure, with access provided from Housey Street and Lake Shore Boulevard West.

Originally the applicant proposed to retain the south and west facades in place, but has since indicated that this is no longer possible due to the condition of the structure. The applicant proposes to dismantle and rebuild the south and west elevations of the existing 4-storey structure, plus one bay of the eastern façade, and replace the existing warehouse structure with a new building designed for the commercial and retail uses. The rear 1-storey section of the building will also be demolished and reconstructed. The existing roof signage is proposed to be temporarily removed and replaced in the same location.

### **Site Description**

The site is located on the northeast corner of Bathurst Street and Lake Shore Boulevard West. Development in the vicinity of the site is as follows:

North: The Gardiner Expressway runs across the north portion of the site. North of the expressway are Blocks 33 and 37 of the Railway Lands West. These two blocks are currently subject to a rezoning application to permit 5 towers ranging in height from 8 to 42 storeys.

South: Across Lake Shore Boulevard West, to the south of the subject site is a 4-storey heritage building housing Rogers Communications. Diagonally across the intersection is a 10-storey residential building and a gas station.

East: A 24-storey residential building has been constructed to the east of the subject site on Blocks 9/10 of the Fort York Neighbourhood.

West: A 32-storey residential building has been constructed at the northwest corner of the Bathurst Street and Fleet Street intersection.

## **Provincial Policy Statement**

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.

## **Official Plan**

The site is designated "*Mixed Use Areas*" in the Official Plan. The Plan contains development criteria that direct the form and quality of new development in these areas.

The subject site is identified as Block 8 within the Fort York Neighbourhood Secondary Plan and is designated *Mixed Use Areas H* in the Secondary Plan. Within this area, the policies identify that there be a mixture of commercial and residential uses with a maximum gross floor area of 71,030 square metres for Area H.

The proposal has been reviewed for compliance and conformity with the criteria contained within the Official Plan. An amendment to the Official Plan is not required.

## **Zoning By-law**

The property is zoned IC D3 N1.5 with a height limit of 24 metres. The permitted density on the subject site is 1.5 times the area of the lot.

## **Site Plan Approval**

The proposed development is subject to Site Plan Approval. The applicant submitted a Site Plan Approval application in 2004 with the Zoning By-law Amendment application. Revised drawings submitted in December 2010 are the plans that Staff are currently reviewing. Conditions and requirements are being identified through the processing of the application although not all the technical conditions that will need to be addressed by the applicant have been finalized at this time.

## **COMMENTS**

### **Provincial Policy Statement**

Given the submission date of this application, the Provincial Policy Statement (1997), as amended is applicable. City Council's planning decisions are required to be consistent with the PPS. The proposal is consistent with the PPS.

### **Land Use**

The subject site is identified as Block 8 within the Fort York Neighbourhood Secondary Plan and is designated *Mixed Use Areas H* in the Secondary Plan. Within this area, there is intended to be a mixture of commercial and residential uses up to a maximum gross floor area of 71,030 square metres.

The applicant's proposal for 24,597m<sup>2</sup> of retail and office gross floor area on the site, 40,629 m<sup>2</sup> inclusive of all parking, is less than the maximum gross floor area permitted by the Secondary Plan. In addition, the proposed mix of retail and office space on the site is consistent with the "Mixed Use Areas" policies contained within the Official Plan.

## **Heritage**

The Loblaw Groceteria Company Building is a historically designated building which plays a key role in the Fort York Neighbourhood. The building was designated by City Council under Part IV of the *Ontario Heritage Act* on February 1, 2001. Built in 1927 the building was designed by the Toronto architectural firm of Sparling, Martin and Forbes and its presence, along with the Tip Top Tailor building and the Rogers building across the street express the built form history of the area.

The Secondary Plan states that any new development at this site will have regard for the historical and architectural significance of the Lake Shore Boulevard West and Bathurst Street facades. The applicant proposes to dismantle, restore and incorporate the existing south and west elevations, and part of the east return of the structure, and replace the existing warehouse structure with a new building designed for the commercial and retail uses. A report regarding the demolition of the heritage structure will be forwarded under separate cover by Heritage Preservation Services to the Toronto Preservation Board for its meeting to be held on September 7, 2011. Staff have requested authorization to report back to Council if, as a result of any recommendations from Toronto Preservation Board, further Council direction from that which is outlined in this report is required.

A Heritage Impact Statement is required to be approved to the satisfaction of the Manager, Heritage Preservation Services. A Heritage Easement Agreement will be required as a pre-approval condition of Site Plan Approval together with other conditions as set out by Heritage Preservation Services.

## **Signage**

There are two existing roof-top billboard signs on the subject building that will remain based on previous approvals. Under Chapter 694 of the City of Toronto Municipal Code (the new City-wide Sign By-law), these existing roof-top billboard signs can remain provided they are not substantially altered (i.e. change in the method of sign copy display; change in the dimensions of the sign face; change in the height of the sign; etc.) and only repaired and maintained. If altered, the "grand-fathered" permissions would be lost and the applicant would have to comply with the new provisions respecting third party signs under the jurisdiction of Chapter 694 of the City of Toronto Act.

A previous sign variance for this site, heard and decided on by Toronto and East York Community Council, recommended that the applicant be permitted to remove the roof-top billboard signs and put the same signs back onto the roof once the construction of the building is complete. The proposal now contemplates the re-erection of the existing roof-top billboard signs in the same location and with the same attributes as previously approved. As such, Toronto Building has advised that this current proposal is not a substantial alteration and does not require approvals under Chapter 694.

## **Traffic, Access and Infrastructure**

The site is located within an area covered by the Class Environmental Assessment Study for Infrastructure Improvements in the Fort York and Railway Lands West Neighbourhoods. The Environmental Assessment has been completed, and the grades on Bathurst Street and Housey Street have been established, which are different than the grades that currently exist on the site. Technical Services staff has requested that the applicant illustrate how the project will interface with the reconstructed streets.

As part of the original application, the proposed access points were Lake Shore Boulevard West and Housey Street. The Lake Shore Boulevard West access driveway was to function as a right-in only from Lake Shore Boulevard West and the owner was to construct a deceleration lane for this driveway. The Housey Street entrance allowed vehicles to enter the site from the northeast and then enter the garage on either of the 2 levels. Service access will be limited to Housey Street. All vehicles exiting the site have to use Housey Street to Bathurst or Dan Leckie Way. Technical Services has indicated that Housey Street at Bathurst Street, will be limited to right-in/right-out operations. In addition, through movements between the Housey Street access driveway and Fort Street may be prohibited, if operational, or safety problems occur as a result of the offset intersection proposed by the applicant.

In the context of settlement of the consent matters involving Block 8 and Block 9/10, the owner previously agreed to undertake certain infrastructure obligations that would be secured in appropriate agreements with the City at the time of approvals for any proposed development on Block 8. Such agreement will be required to be in place prior to final approval of a Zoning Amendment for the proposal.

## **Site Servicing**

The proposed development is still under review with respect to its effects on the existing Garrison Creek storm culvert and Fredrick G. Gardiner Expressway.

## **Conclusion**

Staff are supportive of the Zoning By-law Amendment and Site Plan Control applications in principle. However, a number of matters will require resolution in the context of the Ontario Municipal Board proceedings. These matters are as follows:

### **A. Draft Zoning By-law Amendment**

A draft Zoning By-law Amendment will be prepared once the applicant has addressed the outstanding Division comments.

### **B. Site Plan Approval**

The site plan application for the subject site has also been appealed to the OMB. Consistent with delegated authority previously given to the Chief Planner and Executive Director with respect to site plan matters, in the context of hearing preparation, draft conditions of approval, including pre-approval conditions, will be developed, in particular, those conditions of approval which relate to heritage and transportation matters.

### **C. Heritage Matters**

The application is subject to an application for demolition under the Ontario Heritage Act. Heritage Preservation Staff are reporting out on matters related to the proposed demolition and reconstruction of the west and south facades of the building. A report regarding the demolition of the heritage structure has been forwarded under separate cover by Heritage Preservation Services to the Toronto Preservation Board. If necessary, staff will report back on heritage matters.

### **CONTACT**

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Fax No. (416) 392-1330  
E-mail: mprejel@toronto.ca

### **SIGNATURE**

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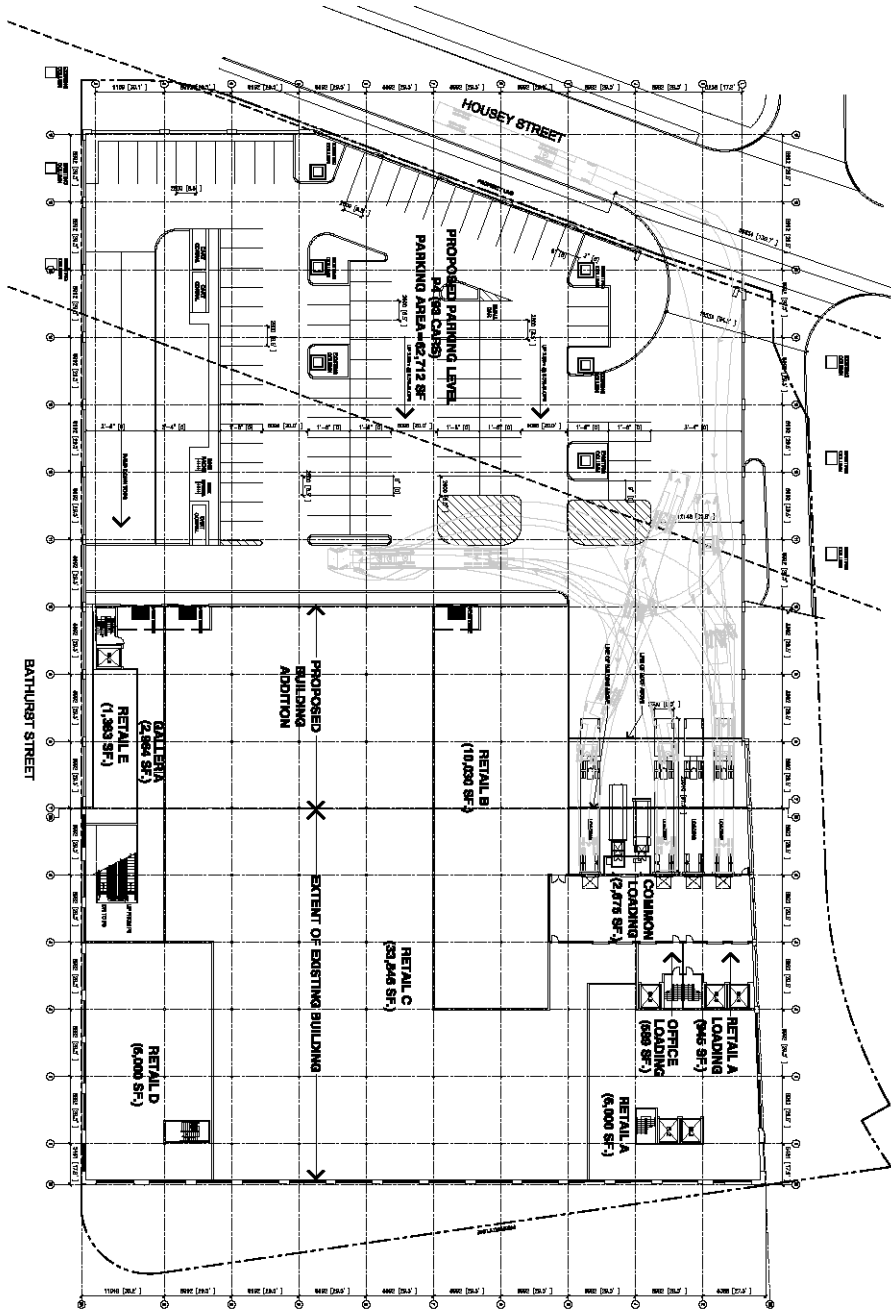
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Elevations  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



Site Plan

500 Lakeshore Boulevard West

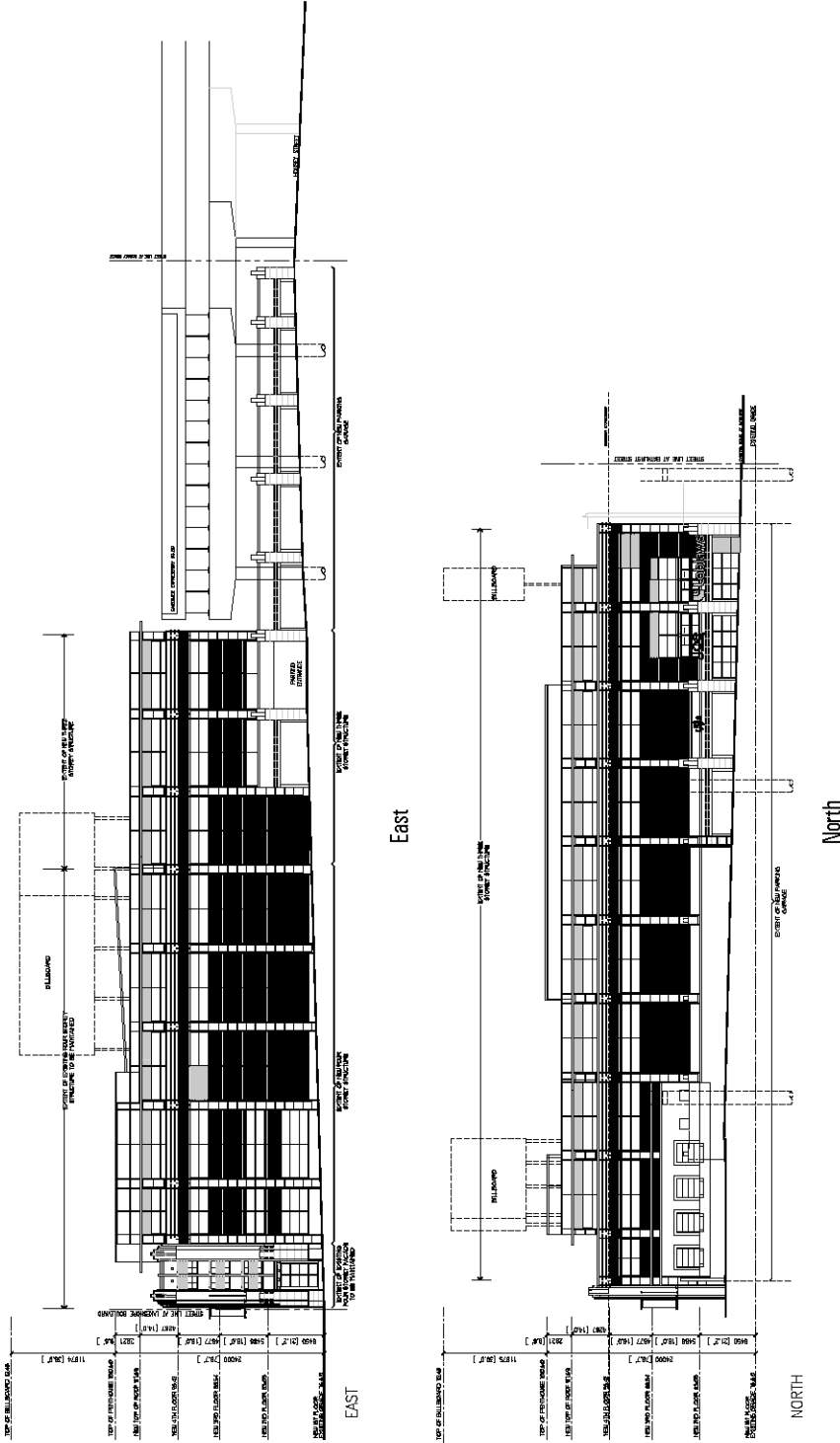
Applicant's Submitted Drawing

Not to Scale  
08/09/2011

File # 04 200810 0Z



Attachment 2: Elevations



500 Lakeshore Boulevard West

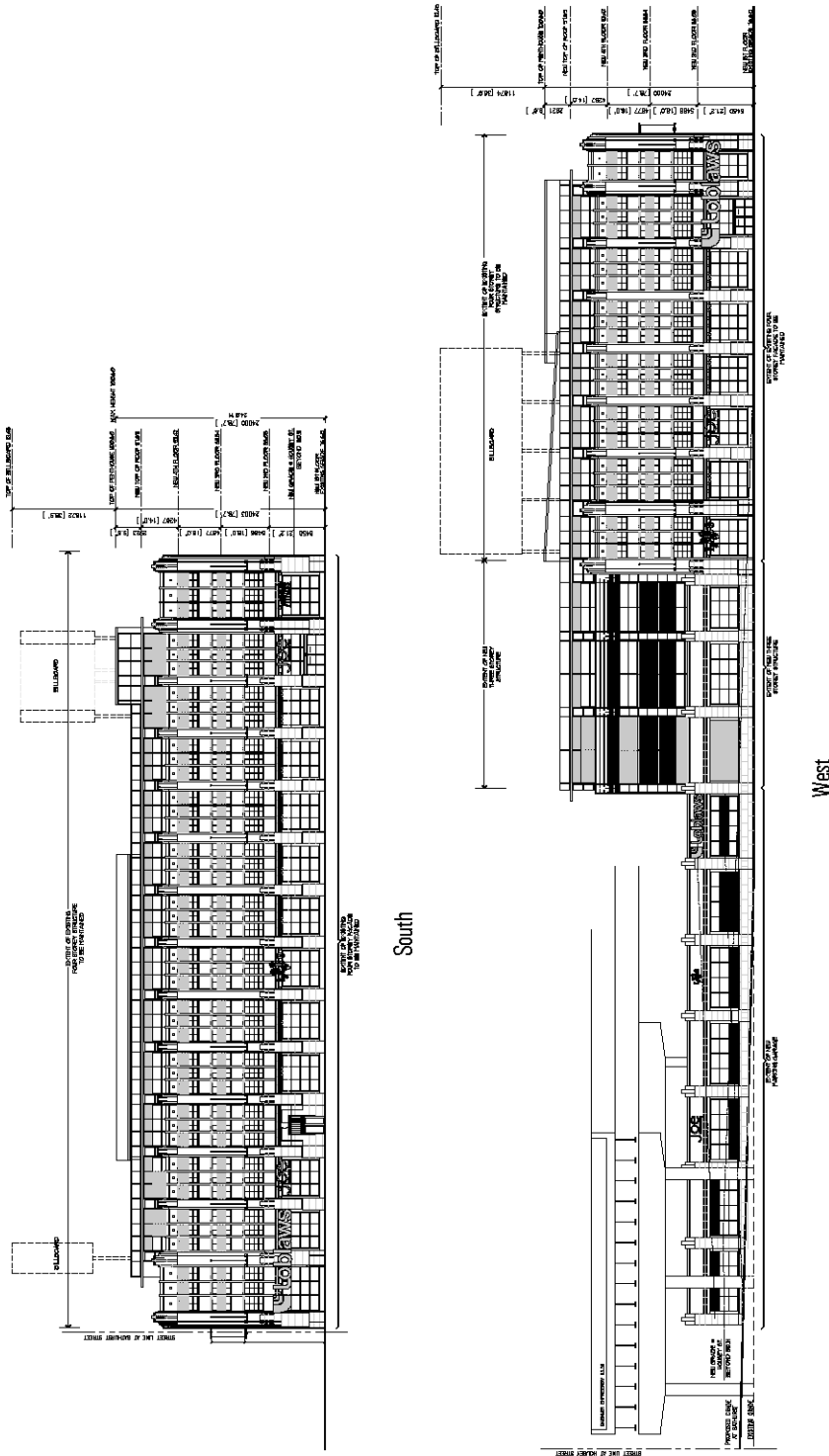
Elevations

Applicant's Submitted Drawing

Not to Scale  
08/08/2011

File # 04 200810 0Z

# Attachment 3: Elevations



500 Lakeshore Boulevard West

Elevations  
 Applicant's Submitted Drawing

Not to Scale  
 08/08/2011

File # 04 200810 0Z

**Attachment 4: Application Data Sheet**

Application Type: Rezoning      Application Number: 04 200810 STE 20 OZ  
 Details: Rezoning, Standard      Application Date: December 15, 2004  
 Municipal Address: 500 Lake Shore Blvd W  
 Location Description: PLAN D1397 PT HOUISEY ST PLAN D1429 PT BLKS 1 AND 2 RP  
 66R22509 PARTS 1 TO 8 11 24 AND 32 \*\*GRID S2016  
 Project Description: Proposed redevelopment of former Loblaws Groceteria site into proposed  
 Loblaws Super-store. Concurrent site plan application # 2004 04 199677  
 STE 20 SA. This is an historical building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Vincent Planning + Development Consultants Inc.		Turner Fleischer Architects	Loblaws Properties

**Planning Controls**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Fort York Secondary Plan
Zoning:	IC D3 N1.5	Historical Status:	Y
Height Limit (m):	24	Site Plan Control Area:	Y

**Project Information**

Site Area (sq. m):	13923	Height:	Storeys:	4
Frontage (m):	81.9		Metres:	22.97
Depth (m):	0			
Total Ground Floor Area (sq. m):	0		<b>Total</b>	
Total Residential GFA (sq. m):	0	Parking Spaces:		414
Total Non-Residential GFA (sq. m):	40629	Loading Docks		0
Total GFA (sq. m):	40629			
Lot Coverage Ratio (%):	0			
Floor Space Index:	2.92			

**Dwelling Units**

**Floor Area Breakdown** (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	30208
1 Bedroom:	0	Office GFA (sq. m):	10421
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

**Contact: Planner: Marian Prejel, Senior Planner      TEL: 416-392-9337**