

**410 – 446 Bathurst St - Zoning Amendment Application - Preliminary Report**

<b>Date:</b>	April 18, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	13 124400 STE 19 OZ

**SUMMARY**

This application proposes to demolish the existing non-residential buildings and construct a new 3-storey commercial building having a total gross floor area of approximately 12,000 square metres of retail with a total of 302 parking spaces below grade at 410-446 Bathurst Street.

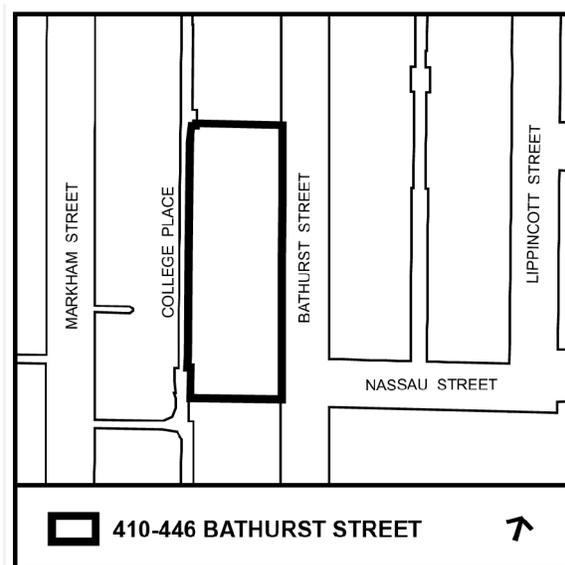
This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

Next steps include a community consultation meeting scheduled for the second quarter of 2013. A final report is targeted for the fourth quarter of 2013. The target date assumes that the applicant will provide all required information in a timely manner.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 410-446 Bathurst Street



- together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
  3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The applicant (Riotrin) appealed before the Ontario Municipal Board ("the Board") the May 30, 2012 decision of the City of Toronto Committee of Adjustment, which refused its application for eight minor variances from the provisions of the City of Toronto Zoning By-law 438-86 and refused the associated Site Plan Approval. On December 18, 2012 the Board decision found that the requested variances fail at least two of the four tests of Section 45(1) of the Planning Act and the Board therefore ordered the appeal to be dismissed. The Board dismissed the appeal respecting Site Plan Approval because the site plan is dependent for its legality of the minor variances that were sought in the application.

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant proposes to demolish the existing structures on the site and construct a 3-storey retail building approximately 18 metres high, having a gross floor area (GFA) of approximately 12,000 square metres, including the potential for a single store of up to 8,800 square metres, and underground parking for approximately 320 cars. The proposed building will have a density of approximately 2.3 times the lot area. It is proposed to configure the ground level of the building into approximately ten individual retail areas.

The second and third floors and associated ground floor galleria have a combined GFA of approximately 8,800 square metres and are designed to hold either one or two tenants. The underground parking lot and the truck loading docks are both accessed from Bathurst Street via a combined entrance/exit at the south end of the building, located directly opposite Nassau Street, a local street running between Bathurst Street on the west and Spadina Avenue on the east.

## Site and Surrounding Area

The site encompasses 4,937 square metres and has a wide frontage of approximately 120 metres and lot depth of approximately 40 metres. Four properties comprise the site, including the former home of the 2-storey Kromer Radio, a parking lot, the Sunnyside Auto Body shop, and the 2-storey SESCO electrical supply building. The subject site is located on the west side of Bathurst Street, between Nassau Street to the south and College Street to the north. The Nassau Street/Bathurst Street intersection is signalized.

Land uses surrounding the site are as follows:

North: The north half of the 2-storey semi-detached building at 450 Bathurst Street immediately adjacent and attached to the SESCO site at 446 Bathurst Street, a 1-storey beer store with front yard surface parking, a 2-storey brick building of warehouse character, and a 4.5-storey walk-up brick building of warehouse character further north.

South: 2.5-storey office building containing the offices of St. Volodymyr church and school, the St. Volodymyr Cathedral, and semi-detached brick houses further south.

East: 2-3 storey semi-detached and row houses, Kensington Market, and Toronto Western Hospital, which occupies the entire block bordered by Bathurst Street on the west, Nassau Street on the north, Wales and Carlyle Streets on the east and Dundas Street West on the south.

West: College Place laneway and 2-3 storey semi-detached and row houses.

## 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.

## Official Plan

The east side of Bathurst is the western boundary of the *Downtown* area as defined by Map 2 – Urban Structure of the Official Plan. The proposed development is located on the west side of Bathurst Street. The subject site is designated as a *Mixed Use Area* (Map

18) in Chapter Four of the Official Plan. Adjacent lands to the west of the subject site and opposite the subject site on Bathurst Street are designated as *Neighbourhoods*.

Section 4.5.3 of the Official Plan includes policy on *Mixed Use Areas*. The *Mixed Use Area* designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in “*Mixed Use Areas*” includes, but is not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locating and massing new buildings to frame the edges of streets and parks with good proportion ;
- providing an attractive, comfortable and safe pedestrian environment;
- taking advantage of nearby transit services;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;

Large scale, stand-alone retail stores and/or “power centres” are not permitted in *Mixed Use Areas* within the *Central Waterfront*, and *Downtown*, and are permitted only through a zoning by-law amendment in other *Mixed Use Areas*. Where permitted new large scale, stand-alone retail stores and/ or “power centres” will ensure that:

- sufficient transportation capacity is available to accommodate the additional traffic generated by the development, resulting in an acceptable volume of traffic on adjacent and nearby streets; and
- the function and amenity of the area for businesses and residents and the economic health of nearby shopping districts are not adversely affected.

*Neighbourhoods* are considered to be physically stable areas. Section 2.31 of the Official Plan includes but is not limited to the following policies related to development sites that are adjacent or close to *Neighbourhoods*:

- Developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

- Intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study.

Public realm policies in Section 3.1.1 of the Official Plan include but are not limited to:

- ensuring new development enhances the quality of the public realm;
- City streets are a significant public open space that serve pedestrians and vehicles, provide space for public utilities and services, trees and landscaping, building access, and are public gathering places;
- Sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements.

Built form policies in Section 3.1.2 of the Official Plan include but are not limited to:

- New development will minimize the width of driveways and curb cuts across the public sidewalk;
- New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- New development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities; and co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;

Section 3.5.3 policies on the future of retailing reinforce the role of traditional shopping streets in communities as the retail fabric of the City continues to evolve. Retail policies include but are not limited to:

- A strong and diverse retail sector will be promoted by permitting a broad range of shopping opportunities for local residents and employees in a variety of settings;

- and supporting speciality retailing opportunities that attract tourists and residents of the broader urban region.
- Traditional retail shopping streets will be improved as centres of community activity by encouraging quality development of a type, density and form that is compatible with the character of the area and with adjacent uses; improving public amenities such as transit and parking facilities, street furniture and landscaping.
  - In order to provide local opportunities for small businesses and maintain the safety, comfort and amenity of shopping areas, zoning regulations for ground floor commercial retail uses in new buildings in new neighbourhoods or in *Mixed Use Areas* along pedestrian shopping strips where most storefronts are located at the streetline, may provide for a maximum store or commercial unit size based on the following considerations:
    - the prevailing sizes of existing stores and commercial units in the area; other indicators of opportunities for small business, such as vacancies in existing stores and commercial units; the provision of a range of store and commercial unit sizes to meet the range of local needs including day-to-day convenience shopping and other household goods and services; the need for ‘eyes on the street’; the rhythm and flow of storefronts on the strip; and the potential for the building design, particularly the street façade, to address the safety, comfort and amenity of the shopping area.

## **Zoning**

The subject site is subject to Zoning By-law No. 438-86, and is zoned Mixed Commercial Residential (MCR T2.5 C2.0 R2.0). This zoning category permits a range of residential and commercial uses to a maximum height of 14.0 metres, and a maximum total density of 2.5 times the lot area. The proposal requires relief from a number of provisions within the By-law, including but not limited to an increase in the maximum non-residential GFA and maximum height.

## **Site Plan Control**

The development is subject to Site Plan Control. The applicant has submitted an application for Site Plan Control.

## **Reasons for the Application**

A Zoning Amendment application is required to permit the height, scale and density proposed by the applicant. The reasons for the application include but are not limited to:

- an increase in height from 14 metres to 18 metres;
- an increase in the total commercial density from 2.0 to approximately 2.3 times the lot area; and
- an increase in the maximum non-residential GFA for a single retail use from 8,000 square metres to approximately 8,800 square metres.

## COMMENTS

### Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Stormwater Management and Functional Servicing Report
- Sun/Shadow Study
- Toronto Green Standard Checklist
- Urban Transportation Considerations
- Residual Retail Market Demand Analysis

A Notification of Complete Application was issued on March 22, 2013.

### Issues to be Resolved

Further processing of the application and public consultation are recommended. Planning staff will consider the issues listed below.

1. The appropriateness of the proposed non-residential density;
2. Appropriateness of the siting, massing, and transition of the proposed building and relationship with adjacent properties, particularly towards lower scale *Neighbourhoods*;
3. The treatment of the ground floor of the building and its relationship to the streetscape;
4. Streetscape treatment and tree planting on Bathurst Street;
5. Transit, traffic and neighbourhood parking impacts;
6. Determination of any adverse affects on the function and amenity of the area for businesses and residents and the economic health of nearby shopping districts; and supporting speciality retailing opportunities that attract tourists and residents of the broader urban region.
7. Identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be recommended for approval.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

Liora Freedman, Planner  
Tel. No. (416) 338-5747  
Fax No. (416) 392-1330  
E-mail: lfreedm@toronto.ca

## **SIGNATURE**

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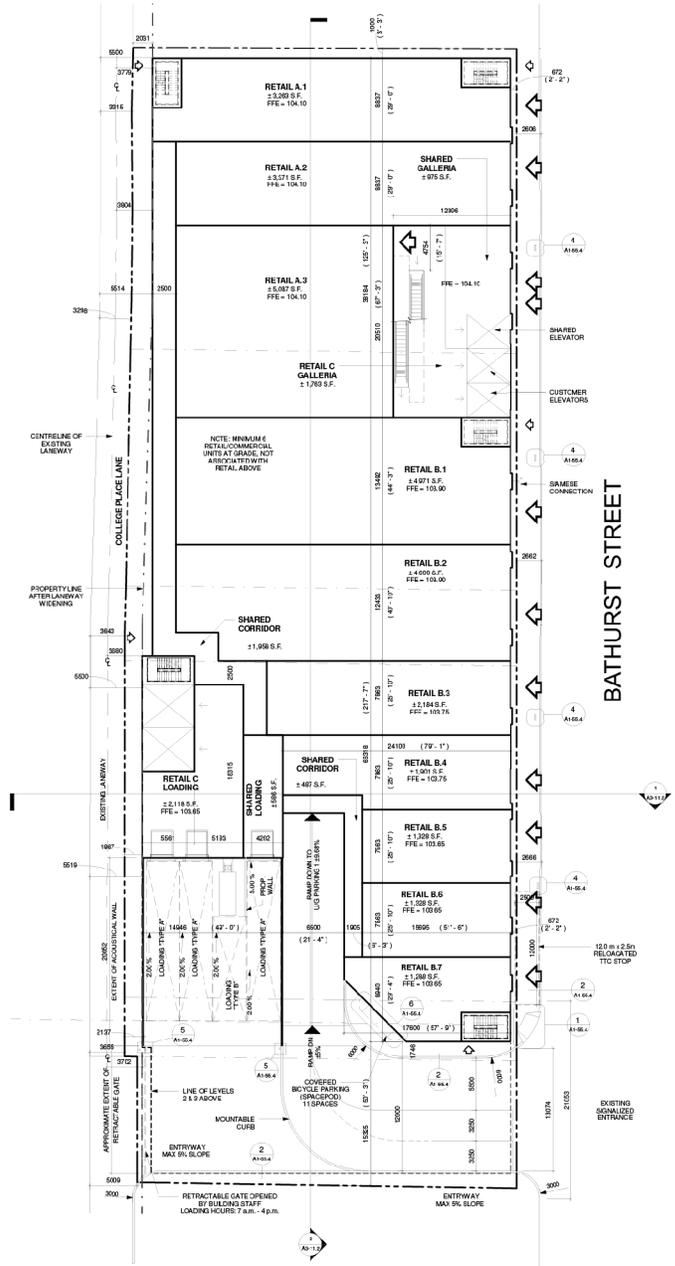
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

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

# Attachment 1: Site Plan



## Site Plan

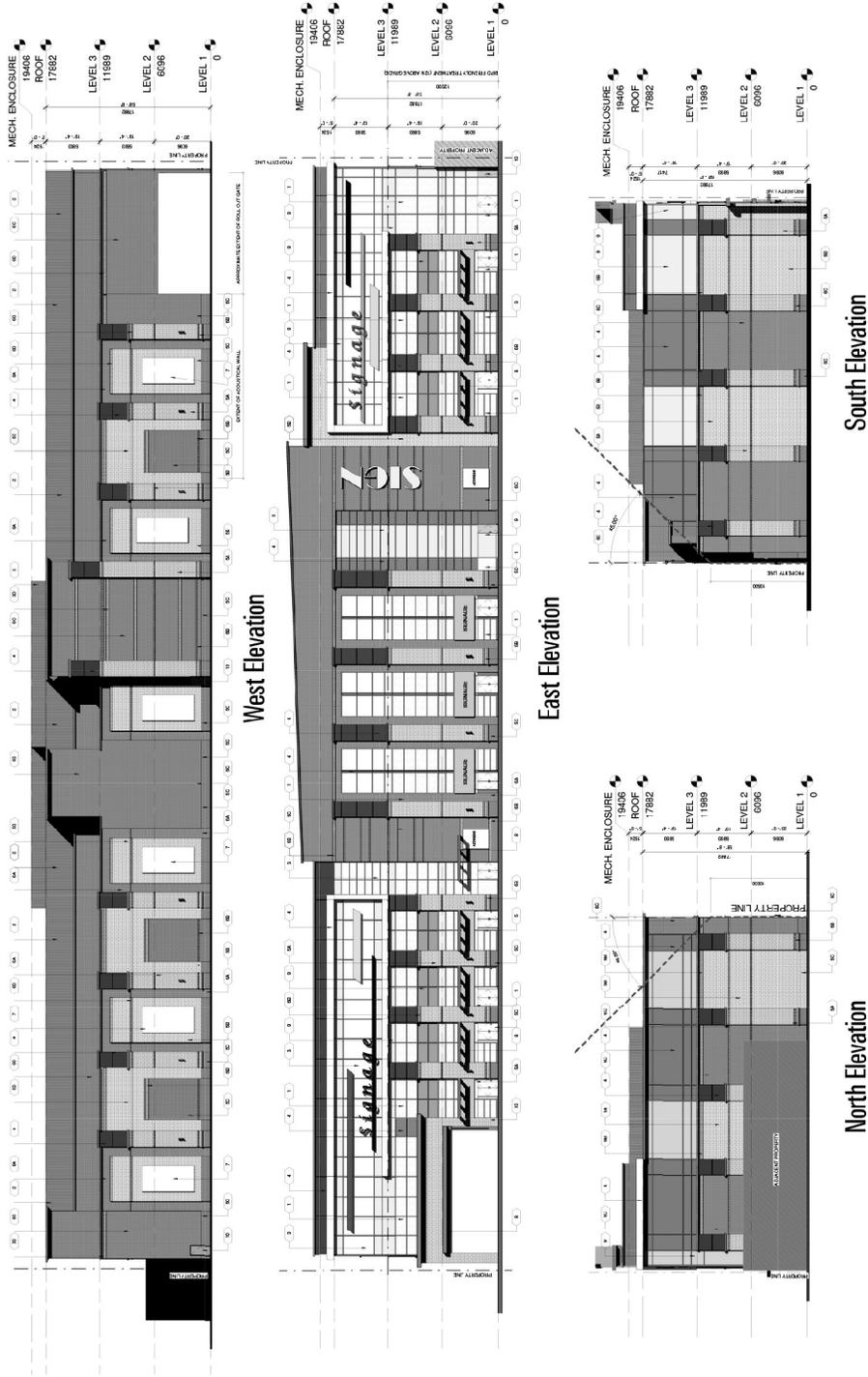
Applicant's Submitted Drawing

Not to Scale  
04/11/2013

## 410-446 Bathurst Street

File # 13 124400 OZ

# Attachment 2: Elevations



**Elevations**  
**410-446 Bathurst Street**

Applicant's Submitted Drawing

Not to Scale  
 04/11/2013

File # 13 124400 0Z



### Attachment 4: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning      Application Number: 13 124400 STE 19 OZ  
 Details: OPA & Rezoning, Standard      Application Date: February 25, 2013

Municipal Address: 410 BATHURST ST  
 Location Description: PLAN 74 PT LOT 131 RP 63R4676 PART 1 \*\*GRID S1905  
 Project Description: Proposal for Site Plan Approval and Rezoning to demolish the existing non-residential building and construct a new 3-storey commercial building having a total gross floor area of approximately 12,000m2 of retail, including the potential for a single store of up to 8,800m2, with a total of 302 parking spaces below grade. See related Site Plan Approval 13-124466.

**Applicant:** GOODMAN'S LLP      **Agent:**      **Architect:** Turner & Fleischer      **Owner:** RIOCAN PS INC

#### PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas      Site Specific Provision:  
 Zoning: MCR T2.5 C2.0 R2.0      Historical Status:  
 Height Limit (m):      Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq. m):	4937	Height:	Storeys:	3
Frontage (m):	121.1		Metres:	17.9
Depth (m):	40.2			
Total Ground Floor Area (sq. m):	3516			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	302
Total Non-Residential GFA (sq. m):	11458		Loading Docks:	4
Total GFA (sq. m):	11458			
Lot Coverage Ratio (%):	71.2			
Floor Space Index:	2.3			

#### DWELLING UNITS

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

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	11458
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

**CONTACT:**      **PLANNER NAME:** Liora Freedman, Community Planner  
**TELEPHONE:**      (416) 338-5747