

**Baby Point Gates Planning Study  
227 - 430 Jane Street, 665 - 685 Annette Street,  
494 Armadale Avenue, 143 Evans Avenue and  
502 – 504 Willard Avenue – Status Report**

<b>Date:</b>	August 11, 2017
<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>	17 106280 WET 13 TM

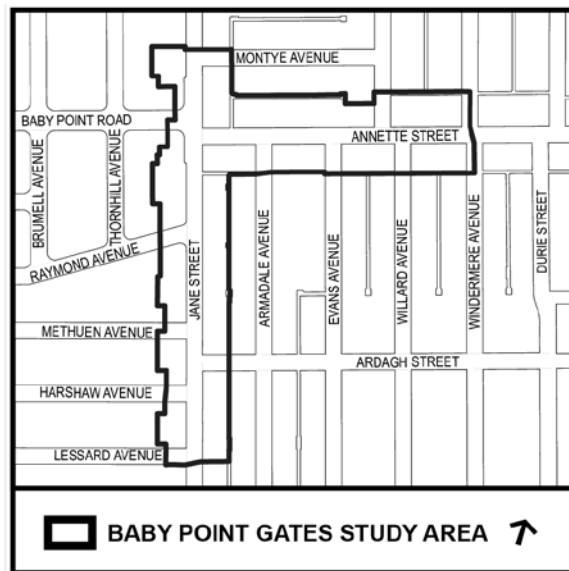
**SUMMARY**

The purpose of this report is to outline the study process and provide recommendations related to the Baby Point Gates Planning Study.

At its meeting held on August 12, 2014, Etobicoke York Community Council directed City Planning staff to review the existing zoning and lawful non-conforming commercial uses in the Baby Point Gates Business Improvement Area (BIA) and to consult with the Ward Councillor and community on options for enhancing and expanding zoning to sustain and increase commercial use permissions (EY35.80).

The Baby Point Gates Planning Study area is generally along Jane Street from Montye Avenue in the north, to Lessard Avenue in the south, as well as on Annette Street from Windermere Avenue in the east to Jane Street in the west.

The study area is consistent with the Baby Point Gates BIA boundary, which was established in 2010.



Early in the study review process, staff concluded there were significant obstacles associated with advancing a general Zoning By-law Amendment for the entirety of the study area. Revisions to the existing zoning would require a significant amount of additional time and resources to ensure that matters including parking, traffic, built form, massing, site servicing and other significant issues were appropriately assessed, prior to presenting recommendations to Etobicoke York Community Council.

Many concerns were also expressed through the community consultations regarding any changes to existing zoning permissions, which would create as-of-right conditions that may result in unacceptable impacts to the area, as well as potential property assessment impacts.

On this basis, staff concluded, in consultation with the Ward Councillor, that an Official Plan Site and Area Specific Policy for the area would be an appropriate first step to address the Community Council direction.

A Working Group process was initiated to study the area, establish guiding principles to be used to develop a policy framework for the future of the area, and develop site-specific policies that would guide the future evolution of the area.

This report recommends that Etobicoke York Community Council direct staff to prepare an amendment to the Official Plan to create a Site and Area Specific Policy for the Baby Point Gates area and schedule a statutory public meeting to consider this amendment on October 17, 2017.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Etobicoke York Community Council direct the Director, Community Planning, Etobicoke York District to prepare an amendment to the Official Plan to create a "Site and Area Specific Policy" for the lands at 227 – 430 Jane Street, 665 – 685 Annette Street, 494 Armadale Avenue, 143 Evans Avenue and 502-504 Willard Avenue, and that the amendment be scheduled for a statutory public meeting by the Etobicoke York Community Council on October 17, 2017;
2. Etobicoke York Community Council direct that 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**

On August 12, 2014, Etobicoke York Community Council (EY35.80) "Requested the Director of Community Planning, Etobicoke York District, in collaboration with

Economic Development and Culture, Business Improvement Area staff, to review the existing zoning and lawful non-conforming commercial uses in the BIA area, consult with the local Councillor and community on options for enhancing and expanding zoning to sustain and increase commercial use permissions, and report back to Etobicoke York Community Council.”

The direction can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.80>

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff are of the opinion that the recommended Site and Area Specific Policy for the Baby Point Gates area is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The Baby Point Gates study area contains two land use designations, as illustrated in the Official Plan Land Use Plan Map 14; being *Mixed Use Areas* and *Neighbourhoods* (see Attachment 1: Official Plan).

The *Mixed Use Areas* designation generally applies to the lands on the north side of Annette Street between Jane Street and Windermere Avenue, on the west side of Jane Street, between Methuen Avenue and Lessard Avenue, and on the east side of Jane Street from Annette Street to south of Ardagh Street.

The *Neighbourhoods* designated lands are generally opposite the *Mixed Use Areas*, on the south side of Annette Street, on the west side of Jane Street from Montye Avenue to Methuen Avenue, and on the east side of Jane Street south of Ardagh Street (241 Jane Street).

The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development and is identified in the Official Plan as providing opportunities for increased jobs and/or population. The Official Plan states that “*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.” However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The *Mixed Use Areas* policies

require that transition between areas of different development intensity and scale be provided.

The Official Plan states that lands designated *Neighbourhoods* are considered physically stable areas comprised of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. Policy 4.1.3 specifically states:

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, service 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 the *Neighbourhood*.

The Official Plan identifies Jane Street and Annette Street as Major Streets on Map 3.

The Official Plan emphasizes that development in *Neighbourhoods*, be sensitive, gradual and generally "fit" the existing physical character by respecting and reinforcing the general physical patterns in the neighbourhood.

## **Zoning**

The land use permissions of City-wide Zoning By-law No. 569-2013 generally correspond to the Official Plan land use designations, with *Neighbourhoods* lands being zoned "R" and the *Mixed Use Areas* lands being zoned "CR" (See Attachment 2: Zoning).

The purpose of the R zone is to provide areas for a variety of residential building types, including detached houses, semi-detached houses, townhouses, duplexes, triplexes, fourplexes and apartment buildings.

The purpose of the CR zone is to provide areas for a broad range of uses, including retail, service commercial, office and residential uses, often in mixed use buildings. The CR zone contains development standards that establish specific requirements, such as

permitted maximum height for a building, required minimum and permitted maximum building setbacks and angular planes, based on different physical contexts.

The west side of Jane Street from Methuen Avenue to Lessard Avenue and the east side of Jane Street from Annette Street to 241 Jane Street is zoned CR 2.5(c1.0; r2.0) SS2 (x1563), with a maximum building height of 14 metres.

Generally, this zoning category permits a wide range of non-residential uses, which can be mixed with residential uses to a maximum density of 2.5 times the area of the lot. Stand-alone residential or non-residential uses are permitted to a maximum density of 2 times the area of the lot.

Similarly, the properties on the north side of Annette Street, as well as 773-777 Annette Street are also zoned for a mix of uses, but to a lesser density. These lands are zoned CR 2.0 (c1.0; r1.5) SS2 (x1586), with a maximum building height of 12 metres. A mix of residential and non-residential uses is permitted to a maximum density of 2 times the area of the lot, with stand-alone commercial uses capped at 1.0 and stand-alone residential uses capped at 1.5 times the area of the lot, respectively.

The lands in the study area that correspond to the Official Plan *Neighbourhoods* designation are zoned R and RM, with the exception of some properties on the east side of Jane Street, south of Montye Avenue.

Lands on the south side of Annette Street are zoned R (d0.6) (x737), which permits residential development up to a density of 0.6 times the area of the lot and a maximum building height of 10 metres.

Along Jane Street, south of Baby Point Road, the lands are zoned R (d1.0) (x7) and (x102), while north of Baby Point Road the lands are zoned RM (f12.0; a370; u:2; d0.6) (x123).

Both the former City of Toronto Zoning By-law No. 438-86 and former City of York Zoning By-law No. 1-83 continue to apply to the properties in the area study. Overall, the zoning permissions and regulations in these two By-laws are similar to those under the City-wide Zoning By-law No. 569-2013.

The lands municipally known as 425 Jane Street have a site-specific Zoning By-law in effect under the former City of York Zoning By-law No. 1-83 only.

## **Community Consultation**

Prior to initiating the study and widely engaging the local residents, City Planning staff consulted with the Ward Councillor and Baby Point Gates BIA board members, to identify issues and concerns, establish a timeframe and study deliverables. These matters were also discussed at the Baby Point BIA Annual General Meeting held on January 11, 2017.

A consultation strategy was formulated to engage the broader community through an initial community consultation meeting, where staff could solicit interest from community volunteers to participate in a Working Group process, followed by a second community consultation meeting to present the outcomes of the Working Group process.

The first community consultation meeting was held on February 6, 2017 at St. Pius X Catholic School. The meeting was attended by approximately 100 people. A Working Group of five (5) area residents was formed in the weeks following this meeting. The Working Group was comprised of one business owner/operator/resident and four area residents from the surrounding neighbourhood.

The Working Group began with a walking tour of the study area on February 25<sup>th</sup> to assess the physical context and character of the area and to initiate consideration of the opportunities and constraints related to commercial and retail uses in the study area.

The Working Group held three meetings on March 20<sup>th</sup>, April 4<sup>th</sup> and April 19<sup>th</sup> to discuss the study terms of reference and establish study guiding principles.

The final community consultation meeting was held on June 15, 2017 at the same venue, where the study outcomes were shared with the community. Approximately 10 people attended this meeting.

## **COMMENTS**

Planning staff were directed to review the existing zoning and lawful non-conforming commercial uses and examine options to enhance and increase commercial use permissions within the study area. Early in the review process and after consulting with other City staff, the Ward Councillor and the BIA, staff concluded there were significant obstacles associated with advancing a general Zoning By-law Amendment for the entirety of the study area.

Revisions to the existing zoning for the area would require a significant amount of time and resources to ensure that matters including parking, traffic, built form, massing, site servicing and other significant issues were appropriately assessed, prior to presenting recommendations to Etobicoke York Community Council.

Further, many concerns were raised through the community consultations that there might be property assessment implications on those properties in the study area that would benefit from additional as-of-right commercial use permissions, but were not in a position to implement those permissions.

A recommendation was made by a BIA executive member to assess the potentially non-conforming properties only, but staff could only identify this potential in a handful of properties. Staff were of the opinion that the Official Plan and *Planning Act* both provide protection to uses that could demonstrate a lawful non-conforming status and a process to assess and evaluate change to these properties, on a site-specific basis.

In order to provide for a greater opportunity for complementary commercial opportunities, while addressing community concerns of adverse traffic, parking impacts and loss of the area's physical character, staff recommended that the study focus on establishing a policy framework to provide a clear definition of the existing physical context and character of the area, and to ensure compatibility of future developments.

This policy framework would be implemented through a Site and Area Specific Policy (SASP) within the Official Plan. The review and study would identify area elements that are unique and essential to the vibrancy and sustainability of the area, as well as identify elements of the local area that require additional attention or change to ensure the long term viability of the area.

To conduct the study and engage the community, a Working Group process was determined to be the most appropriate mechanism to identify the area character elements and establish guiding principles to use in the formulation of an SASP.

## **THE CONSULTATION AND WORKING GROUP PROCESS**

### **i. Community Consultation Meeting – February 6, 2017**

At this consultation meeting, Planning staff identified the process for the area review and provided information differentiating Official Plan policies and Zoning regulations. The Working Group process was introduced and a request for stakeholder participation from the community was initiated through volunteer forms.

The community expressed the following comments at this meeting:

1. Intensification of non-residential uses would add to the traffic congestion and on-street parking demands in the area.
2. Change would encourage development growth pressures similar to those in Bloor West Village.
3. Concern for the potential loss of the low scale physical context as a result of changes and growth pressures.
4. Concern for the potential loss of the small scale retail experience, centred around Jane Street and Annette Street.
5. Questioned the need for additional commercial/retail uses in the community and whether the market could absorb more retail space.
6. Existing conflicts between residential traffic and non-residential loading and solid waste management on existing public service laneways could be exacerbated.



Members of the community also requested that the study consider a “Do Nothing” alternative, as a viable outcome for the review/study.

## **ii. Working Group Process**

The Working Group was comprised of five participants, representing various areas of the community.

As noted earlier, the Working Group conducted an initial walking tour of the study area on February 25, 2017, to understand and identify elements that are unique and essential to the vibrancy and sustainability of the area, as well as identify elements of the local area that require additional attention or change to ensure the long term viability of the area.

The Working Group convened three more times (March 20<sup>th</sup>, April 4<sup>th</sup> and April 19<sup>th</sup>) to establish guiding principles for the study area, that would be used to later inform the formulation of a Site and Area Specific Policy (SASP) for the area. The group used existing precedent SASP examples from other areas of the City to assist in this regard.

The guiding principles that resulted from the Working Group were:

1. To encourage small-scale ground floor retail in all new developments.
2. To encourage repurposing of existing house form buildings to accommodate retail and commercial uses on the ground floor.
3. To ensure the existing physical character is reinforced in new development.
4. To ensure new development is compatible with the surrounding residential neighbourhoods.

Using these principles, the Working Group developed a draft for a proposed SASP attached as Attachment 3 to this report, which is being recommended to City Council for enactment.

## **iii. Community Meeting – June 15, 2017**

The attendance at the second consultation meeting was significantly lower than the initial meeting. Comments received from the attendees were generally positive. Planning staff identified how the proposed Site and Area Specific Policy addressed many of the concerns raised at the February consultation meeting, however, additional concerns were expressed, including:

1. The market for retail and commercial uses is changing. This area has recently experienced the loss of three major retail operations, including a food store. The recent redevelopment experienced in the area involved former commercial sites (public garages) being redeveloped into residential uses only.

2. The study area lacks adequate opportunities to accommodate parking and waste management and does not have the critical mass to support additional commercial uses.
3. Small scale retail is difficult to attract and turnover is high.
4. The brick and mortar retail market is forecast to contract as on-line shopping continues to expand.
5. The area needs opportunities for larger format retail and commercial uses.

The positive comments included:

1. The study area provides opportunities for small scale retail and commercial uses that cannot afford the rents along Bloor Street West or Dundas Street West.
2. The study area fills a unique niche to serve the local community.
3. Retail tenants who have lost or are in the process of losing their space in buildings that are being redeveloped have an opportunity to relocate into the study area and re-establish their businesses.

## **Conclusion**

Planning staff were directed to review the existing zoning and lawful non-conforming commercial uses in the BIA area and to consult with the Ward Councillor and community on options for enhancing and expanding the zoning to sustain and increase commercial use permissions (EY35.80).

Early in the study process a number of concerns and constraints were identified that presented significant obstacles to fully implementing this direction. Concerns that additional commercial zoning rights may have property assessment impacts on lands zoned solely for residential use were raised, as well as community acceptance of these as-of-right changes. These concerns were discussed with the Ward Councillor, as well as members from the Baby Point Gates BIA.

In consultation with the Ward Councillor, staff recommended that a Site and Area Specific Policy for the area would be an appropriate response to the Etobicoke York Community Council direction. Stemming from the Community Consultation meeting, a Working Group process was initiated to study the area, establish guiding principles to be used to develop a policy framework for the future of the area and develop site-specific policies that will guide the evolution of the area. Using these principles, the Working Group developed the draft for a proposed Site and Area Specific Policy presented in this report.

Planning staff are recommending that Etobicoke York Community Council direct the Director, Community Planning, Etobicoke York District to prepare an amendment to the Official Plan to create a "Site and Area Specific Policy" for the lands at 227 – 430 Jane Street, 665 – 685 Annette Street, 494 Armadale Avenue, 143 Evans Avenue and 502-504 Willard Avenue, and that the amendment be scheduled for a statutory public meeting by the Etobicoke York Community Council on October 17, 2017, and that notice be given accordingly.

The proposed SASP would complement existing Official Plan Policies associated with commercial uses in *Neighbourhoods*, by respecting and reinforcing the physical character of the local area and the scale and function of its commercial space, while also providing greater certainty and clarity regarding the future commercial opportunities and evolution of the Baby Point Gates area.

The proposed SASP would also provides a policy framework that will guide and provide opportunities for new retail and commercial uses to be established in the area, while also ensuring that issues related to traffic, parking and scale are further addressed through site-specific development applications.

## **CONTACT**

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## **SIGNATURE**

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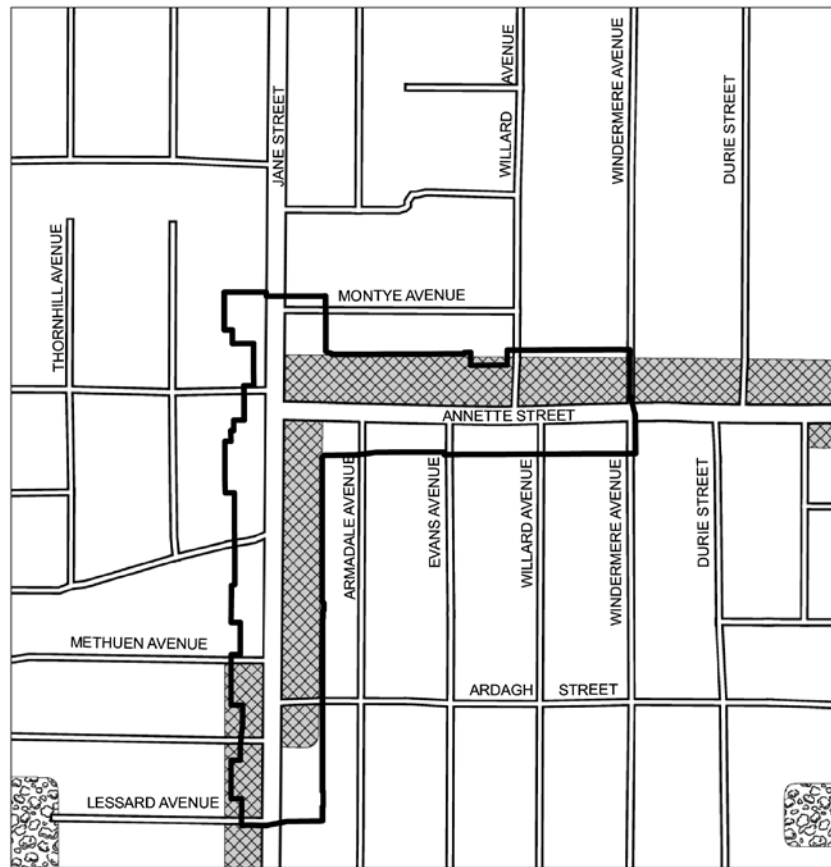
## **ATTACHMENTS**

Attachment 1: Official Plan

Attachment 2: Zoning

Attachment 3: Proposed Site and Area Specific Policy

## Attachment 1: Official Plan



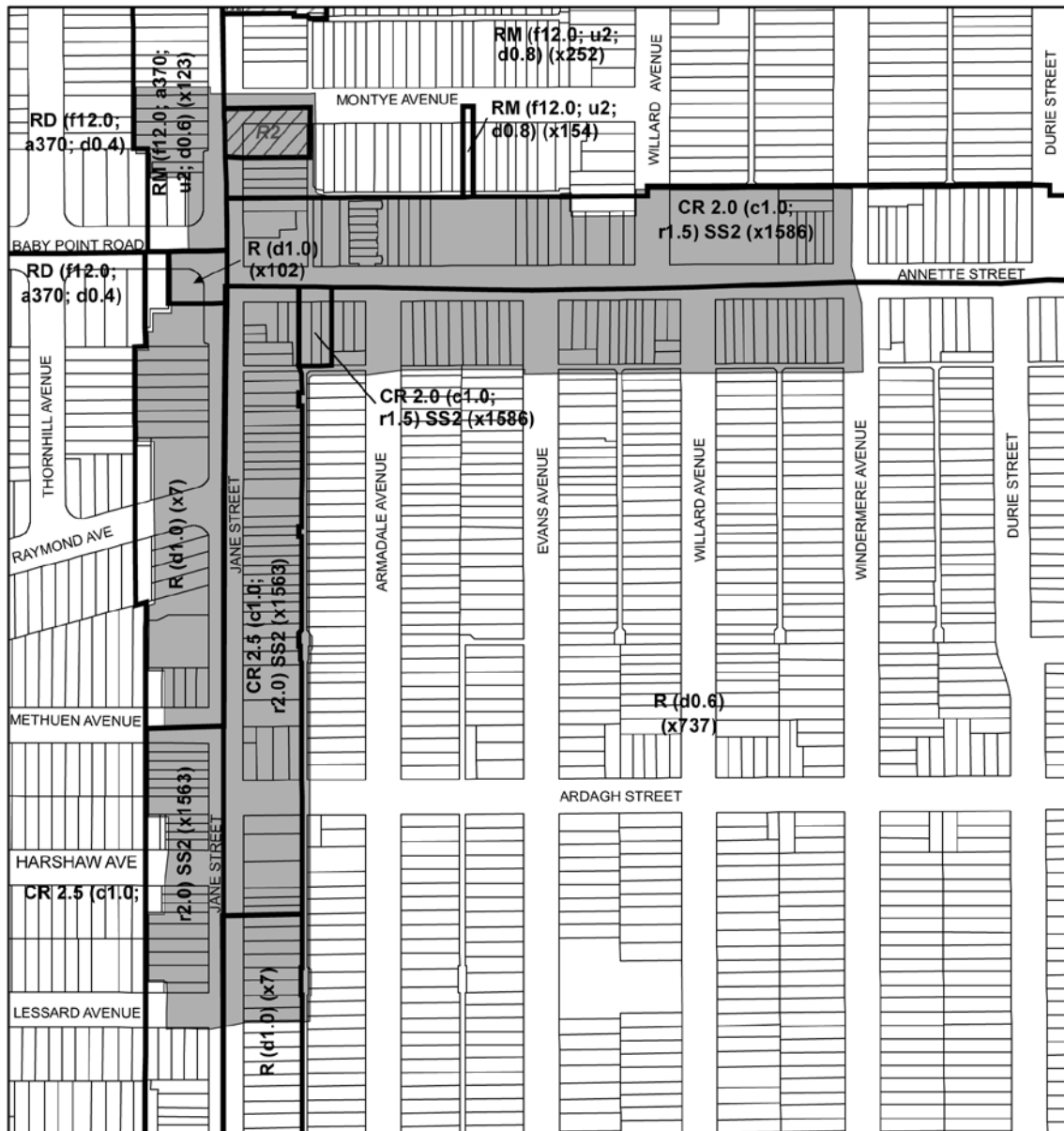
**TORONTO** City Planning  
**Official Plan**

Baby Point Gates BIA



↑  
 Not to Scale  
 08/27/16

## Attachment 2: Zoning



### Baby Point Gates BIA

### Zoning By-Law No. 569-2013

BIA

See Former City of York By-Law No. 1-83  
R2 Residential Zone

**R** Residential  
**RD** Residential Detached  
**RM** Residential Multiple  
**CR** Commercial Residential



Not to Scale  
Extracted: 08/14/2017

### **Attachment 3: Proposed Site and Area Specific Policy**

**XXX.** 227 - 430 Jane Street, 665 - 685 Annette Street,  
494 Armadale Avenue, 143 Evans Avenue and  
502 – 504 Willard Avenue (**Baby Point Gates Area**)

In order to enhance the existing physical character and commercial function of the area:

- a) Development will reinforce the existing commercial uses, while being compatible with existing residential uses and conform to the low rise scale and physical character of the existing area.
- b) Street-related commercial uses are encouraged in new developments.
- c) Repurposing of existing house-form buildings to accommodate commercial uses on the ground floor is encouraged.
- d) Streetscape improvements that promote a healthy and vibrant pedestrian environment will be promoted and encouraged.