

61, 75 and 85 Hanna Avenue – Zoning Amendment Application – Final Report

Date: June 5, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 10 - Spadina-Fort York

Planning Application Number: 18 264755 STE 10 OZ

SUMMARY

The Zoning By-law limits the number of restaurants within the three existing buildings on 61, 75 and 85 Hanna Avenue to 1 per building, and also restricts the maximum gross floor area of each restaurant to 475 square metres. This application proposes to remove the restrictions on the number and size of restaurants on the ground floors of the three buildings located at 61, 75 and 85 Hanna Avenue. The application does not propose any alterations to the exterior of the three existing buildings.

This report reviews and recommends approval of the application to amend Zoning By-law 438-86.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 61, 75 and 85 Hanna Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
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.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

APPLICATION BACKGROUND

A pre-application consultation meeting was held with the applicant on April 12, 2018 to discuss complete application submission requirements as well as to provide feedback on the proposal. The application was submitted on December 5, 2018.

A Preliminary Report on the application was adopted by Toronto and East York Community Council on February 14, 2019 authorizing staff to conduct a community consultation meeting. The report can be accessed at the following link:
<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130354.pdf>.

Application Description

This application proposes to amend former City of Toronto Zoning By-law 438-86, as amended, for the properties located at 61, 75 and 85 Hanna Avenue by removing the limit on the number and size of restaurants on the ground floor of the existing buildings on the subject properties.

Detailed project information is found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-informationcentre/>.

See attachment 1 for the location of the properties.

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale
- Draft Zoning By-law Amendment
- Architectural Plans
- Site Servicing and Impact Assessment
- Transportation Impact Study

A Notification of Complete Application was issued on January 14, 2019.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Site and Surrounding Area

The sites are located at the north-east corner of Hanna Avenue and Snooker Street. The 61 Hanna Avenue site consists of a one-storey commercial-retail building

containing 1,056 square metres of gross floor area and six leasable units. The 75 Hanna Avenue site consists of a one-storey commercial-retail building with 1,139 square metres of gross floor area and five leasable units. The 85 Hanna Avenue site consists of a four-storey commercial building comprised of 8,081 square metres of gross floor area with retail and restaurant uses at-grade and office uses on the upper floors.

The surrounding development and land uses are as follows:

North: King Street West and rail tracks are located to the north of the subject sites.

East: Immediately to the east of the sites is a one-storey grocery store building and a surface parking lot. Further east, at Western Battery Road and Lynn Williams Street, are high-rise residential buildings.

South: To the south of the sites are predominantly three-storey retail and office buildings.

West: Immediately west of the site are three and four-storey retail and office buildings. Further west of the site, at Atlantic Avenue, is a row of three-storey mixed-use buildings with predominantly restaurants on the ground floor and residential above.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

This application has been reviewed against the following land use designation policies of the City of Toronto Official Plan:

Chapter 4- Land Use Designations

The 85 Hanna Avenue site is designated *Employment Areas* in the City of Toronto Official Plan (see attachment 2). This designation permits uses that promote business and economic activity, such as offices, manufacturing, warehousing, distribution, research and development facilities and additional uses, such as ancillary uses, and small-scale stores and restaurants that serve the area businesses and workers.

The 61 and 75 Hanna Avenue sites are designated *Mixed Use Areas* in the City of Toronto Official Plan Land Use Map. This designation permits a broad range of commercial, residential and institutional uses in a single use building or a mixed use building with the intention of 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.

Five Year and Municipal Comprehensive Reviews

In December 2013, City Council considered a report on draft Official Plan policies and designations for employment, prepared as part of the five-year Official Plan and MCR. The MCR was completed, resulting in Official Plan Amendment 231 (OPA 231).

Council's decision may be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

OPA 231 designates the 85 Hanna Avenue site as *General Employment Areas*. In addition to primary employment uses such as manufacturing and offices, secondary employment uses such as retail stores, service shops, restaurants and fitness centres are all business and economic activities that are also permitted in *General Employment Areas*. *General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail stores, service shops and restaurants can serve workers in the *Employment Areas* and would also benefit from visibility and transit access to draw the broader public.

On July 9, 2014, the Ministry of Municipal Affairs approved, with some modifications, the majority of OPA 231. The Minister's Decision was subsequently appealed to the Ontario Municipal Board (OMB) and as such portions of OPA 231 are not in effect. However, there are no site-specific appeals related to the 85 Hanna Avenue site.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Garrison Common North Secondary Plan

The sites are within the Garrison Common North Secondary Plan, found in Chapter 6.14 of the Official Plan, and are subject to the general policy directions of the Plan (see Attachment 3). From a general policy perspective, the Garrison Common North

Secondary Plan contemplates land use flexibility based on changing market demands in the Secondary Plan area. Specifically, Policy 3.1(a) states that, “in order to promote future flexibility in use, new buildings will be designed to easily adapt to conversion, with a particular focus on street level spaces, to facilitate changes in market demand for services and activities”.

Zoning

The properties are predominantly zoned Industrial (I3, D3) by former City of Toronto Bylaw 438-86, as amended. A small portion of the 85 Hanna Avenue property is zoned industrial-Commercial (IC D3 N1.5) at the southwest corner of the property. See attachment 4 for the Zoning By-law 438-86 map of the properties.

The “I3” zoning permits a broad range of industrial, commercial, and employment land uses including, but not limited to, offices, restaurants, and various manufacturing uses. It does not permit residential or retail uses.

The partial “IC” zoning is generally more permissive compared to the “I3” permissions, as it permits a broader range of additional commercial uses, including unrestricted restaurant uses.

None of the three sites are subject to City-Wide Zoning By-law 569-2013.

Site Plan Control

A Site Plan Control application is not required, as this rezoning application is only seeking permissions for uses and interior alterations not subject to site plan control.

Reasons for the Application

Restaurant Uses, as defined in Zoning By-law 438-86, are permitted in the I3 zoning. However, the Zoning By-law limits the number of restaurants within the three existing buildings on 61, 75 and 85 Hanna Avenue to 1 per building, and also restricts the maximum gross floor area of each restaurant to 475 square metres. The purpose of the application is to amend the Zoning By-law by removing the limit on the permitted number and size of restaurants on the ground floors of the existing buildings on the subject properties.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Policy 1.3.1 of the PPS states that planning authorities shall promote economic development and competitiveness by promoting an appropriate mix and range of employment uses, opportunities for a diversified economic base, a wide range of economic activities and ancillary uses.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Toronto Official Plan and Land Use sections of this Report outline and evaluate the appropriateness of the subject site for the proposed changes.

Policy 4.8 requires that planning authorities shall keep their zoning by-laws up-to-date with their Official Plans and the Provincial Policy Statement.

The proposed development supports Provincial policy objectives to promote economic activity, minimize vehicle trips, as well as keeping the zoning by-laws up-to-date with the Official Plan. The proposed development is therefore consistent with the PPS.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan directs the vast majority of growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component of complete communities. Furthermore, this section directs that complete communities ensure the development of high quality, compact built form, an attractive and vibrant public realm, including open spaces, through site design and urban design standards.

The proposed development is consistent with the above-noted sections and other relevant sections of the Growth Plan. The proposal provides for an efficient use of

existing infrastructure and contributes to a mix of land uses. The proposed development conforms to the Growth Plan.

Land Use

This application has been reviewed against the Official Plan, Secondary Plan and OPA 231 policies described in the Issue Background Section of the Report, as well as the policies of the Toronto Official Plan as a whole.

It is City Planning staff's opinion that removing the limits on the number and size of restaurants at 61 and 75 Hanna Avenue would allow for a greater mix of compatible uses that serve the local community, while also contributing to reducing auto dependency. Similarly, removing the limits at 85 Hanna Avenue would provide greater potential for the site to serve the local businesses and workers located in the designated *Employment Areas* to the west of the site.

City Planning staff also note that *Core Employment Areas* policies in OPA 231 require restaurant uses to be small in scale, and secondary to the main employment uses. The *General Employment Areas* policies of OPA 231 do not provide such restrictions on restaurant uses as *General Employment Areas* are generally located on the periphery of *Employment Areas* where restaurants can serve workers in the *Employment Areas* and also benefit from visibility and transit access to draw the broader public. It is City Planning staff's opinion that the proposal conforms with the *General Employment Areas* policies in OPA 231.

To ensure that the proposed uses are compatible with the other uses on the lots, the proposed zoning by-law amendment (see Attachment 5) includes provisions that limit the restaurant uses to the ground level, and restrict the restaurants from functioning like nightclubs.

Given the existing and planned context for the subject property and the surrounding area, the proposed removal on the limit and size of restaurants on the subject lots is appropriate and is supported by staff.

Traffic Impact, Access, Parking

Transportation Services staff reviewed the submitted Transportation Impact Study, and advised that they do not have any concerns regarding the traffic impact of the proposed uses.

Services

Engineering and Construction Services staff reviewed the submitted Site Servicing and Impact Assessment report, and advised that the existing servicing is considered adequate to accommodate the proposed uses.

Community Consultation

A Community Consultation meeting was held at 1499 Queen Street West on May 9, 2019. A representative from the Ward Councillor's was present at the meeting along with the applicants. No members of the public attended the meeting, and as such, no comments from the public were provided.

Conclusion

This application, which proposes removing the limits on the number and size of restaurants on the ground floors at 61, 75 and 85 Hanna Avenue, meets the Official Plan objectives of allowing for a mix of compatible uses that serve the local residents, and the businesses and workers. City Planning recommends approval of this Zoning By-law amendment.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

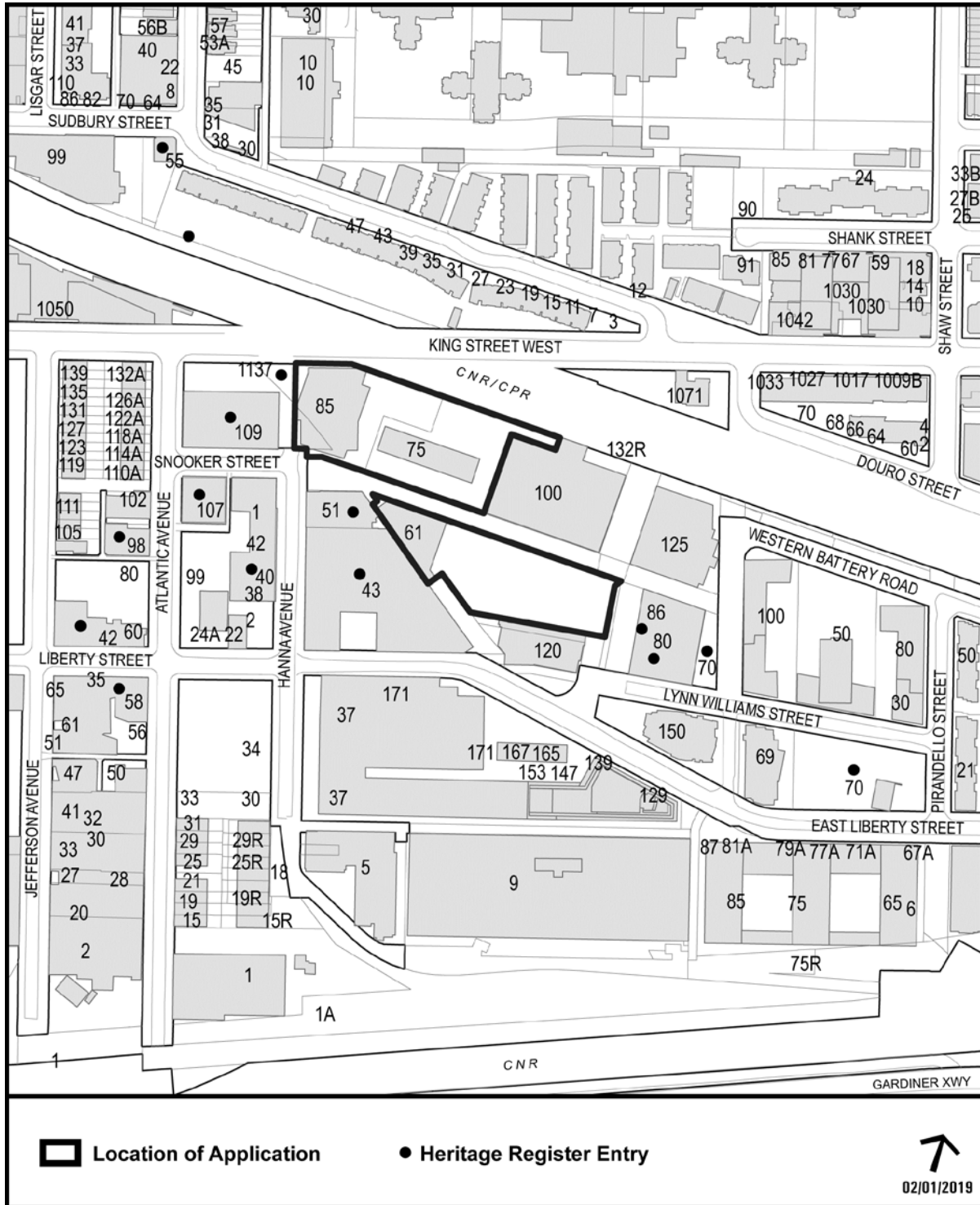
Attachment 2: Official Plan Land Use Map

Attachment 3: Garrison Common North Secondary Plan Map

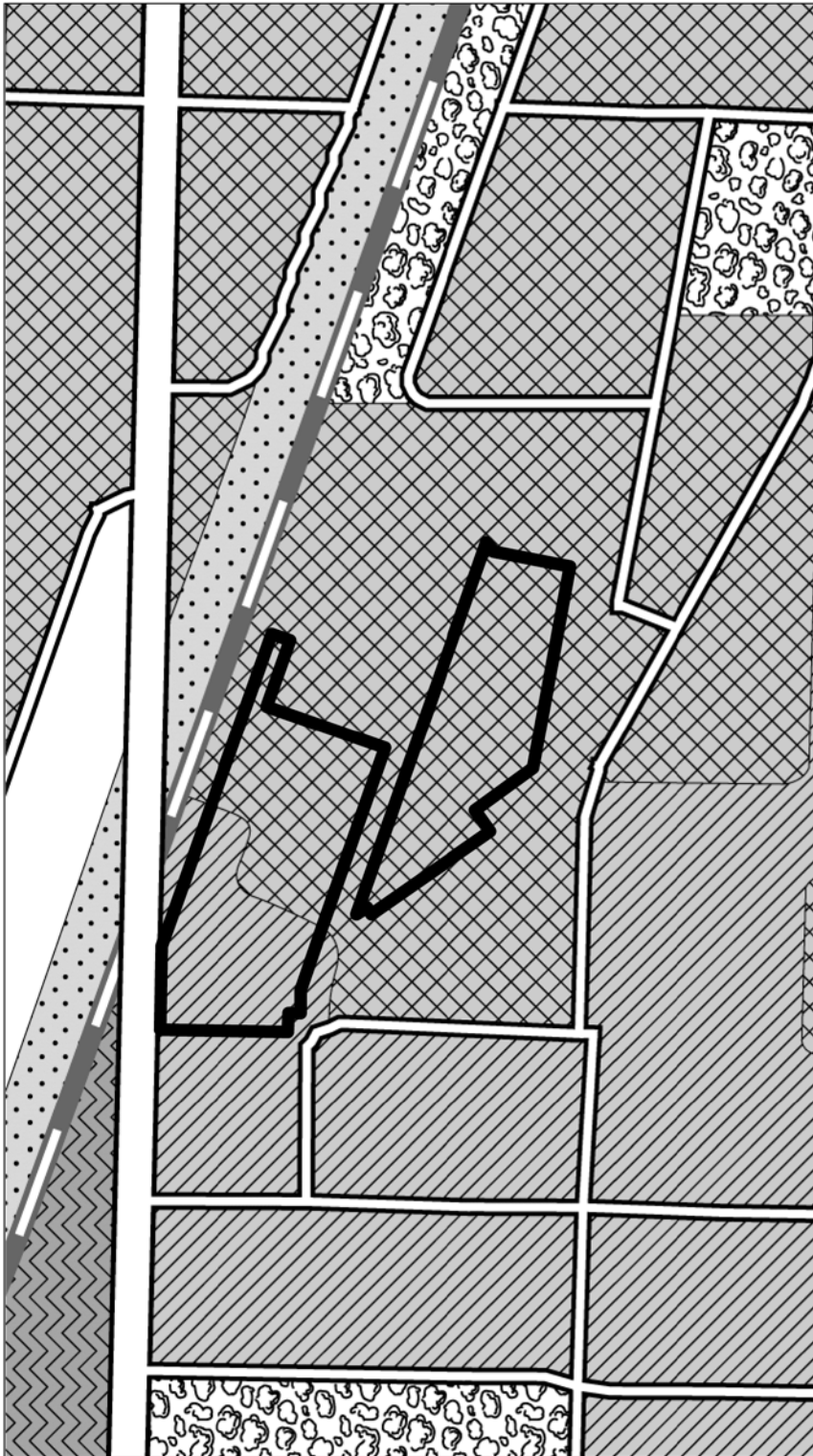
Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Location Map



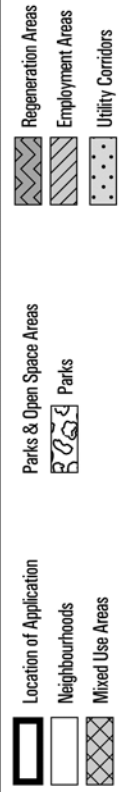
Attachment 2: Official Plan Land Use Map #18



61, 75 and 85 Hanna Avenue

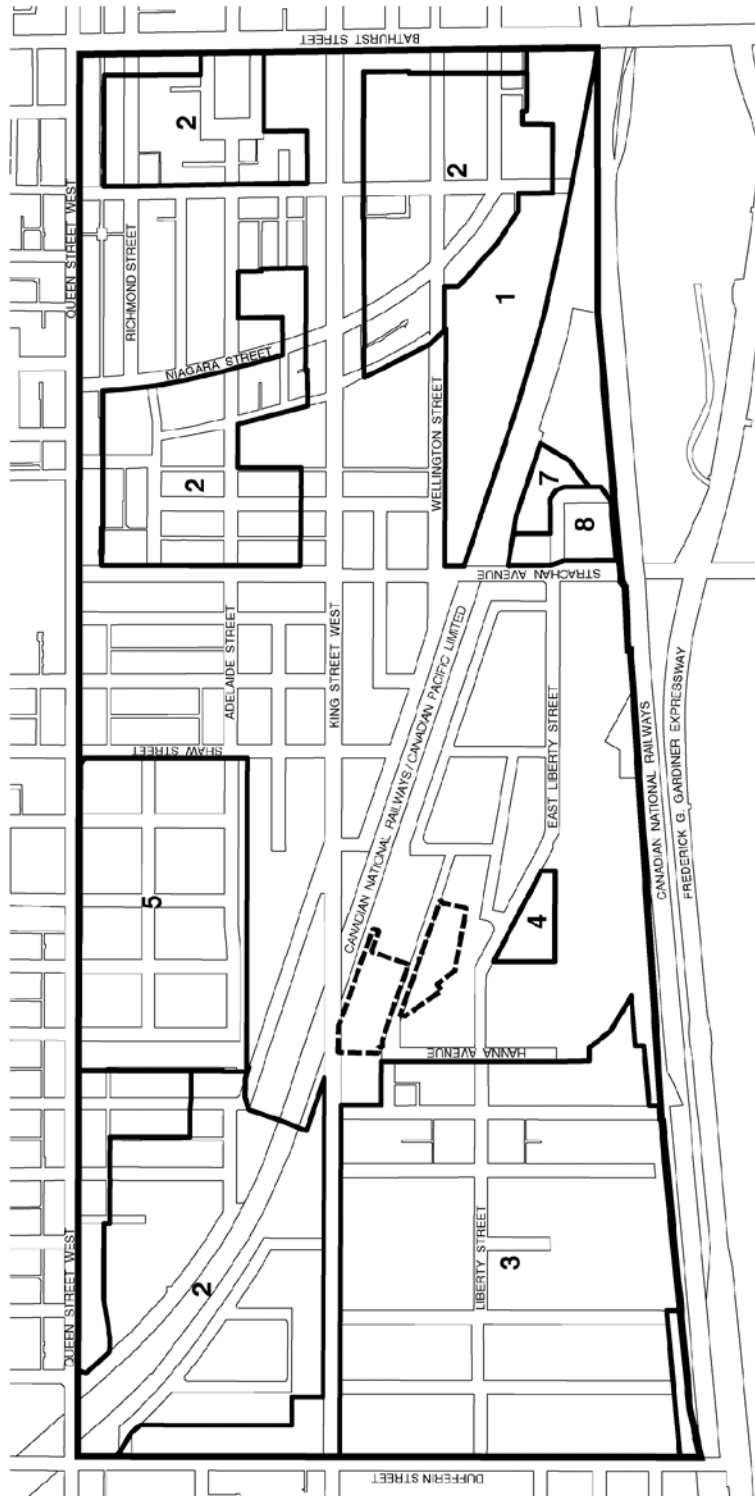
TORONTO
 Official Plan Land Use Map #18

File # 18 264755 STE 10 0Z



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 Not to Scale
 02/04/2019

Attachment 3: Garrison Common North Secondary Plan Map

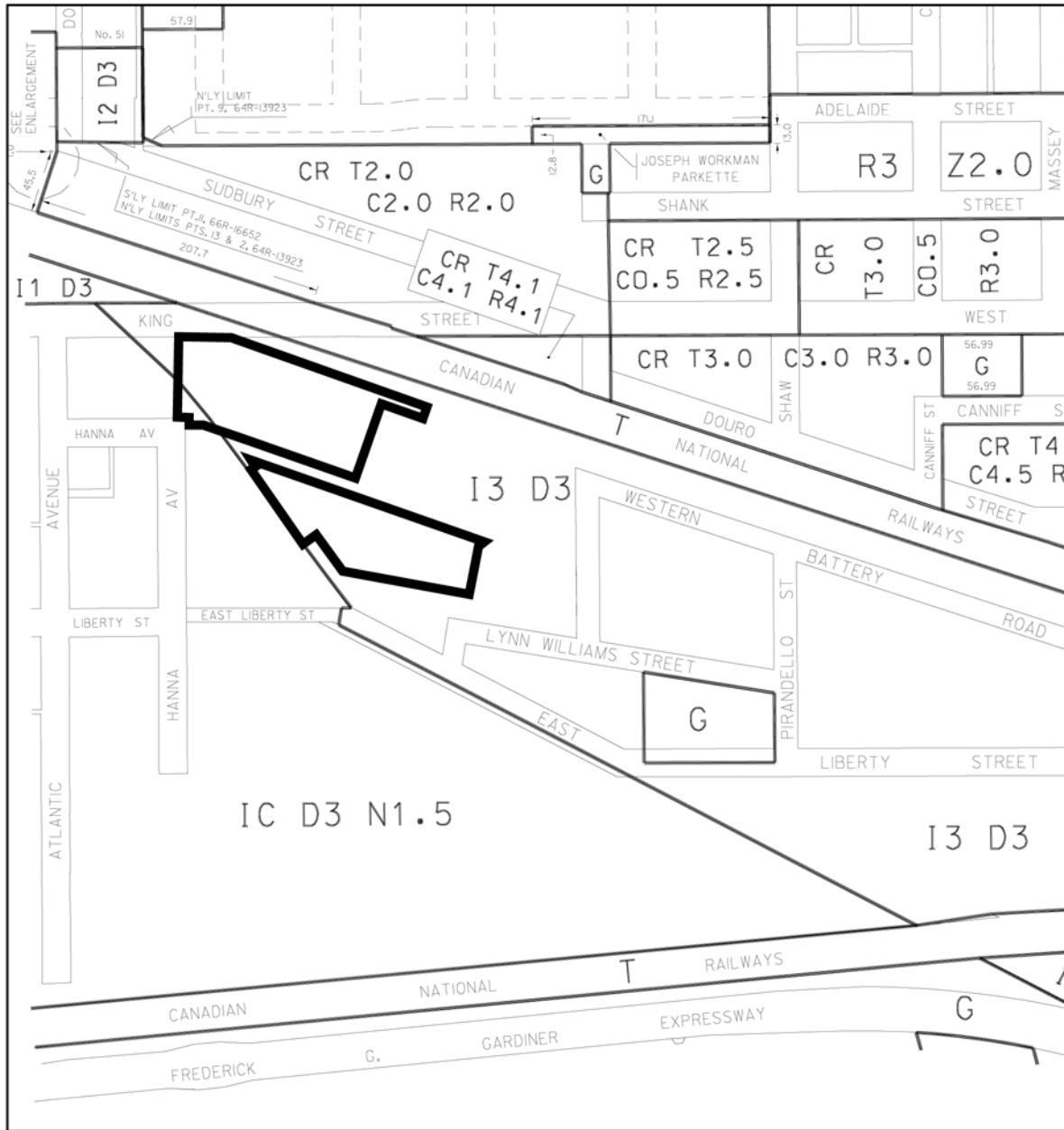


Garrison Common North Secondary Plan MAP 14-1 Site and Area Specific Policies



- Secondary Plan Boundary
- Subject Site
- Site and Area Specific Policies

Attachment 4: Existing Zoning By-law Map



Zoning By-law 438-86

61, 75 and 85 Hanna Avenue

File # 18 264755 STE 10 OZ

	Location of Application	I1	Industrial District
R3	Residential District	I2	Industrial District
CR	Mixed-Use District	I3	Industrial District
RA	Mixed-Use District		

↑
Not to Scale
Extracted: 02/12/2019

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-20~

To amend the General Zoning By-law No. 438-86 of the former City of Toronto as amended by By-law 566-2000, By-law 684-2003, By-law 600-2005, By-law 853-2005, and By-law 1079-2010, with respect to the lands municipally known as 61 Hanna Avenue, 75 Hanna Avenue, and 85 Hanna Avenue being portions of the Garrison Common North Area, for the lands known as the Inglis Lands.

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. This By-law applies to the lands delineated by heavy black line and identified as 61 Hanna Avenue, 75 Hanna Avenue, and 85 Hanna Avenue as shown on Map 1, attached to and forming part of this By-law.
2. None of the provisions of Section 9(2)(2)(i) of general Zoning By-law 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 land 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 use of a *restaurant* or *take-out restaurant* on the lands municipally known as 61 Hanna Avenue, 75 Hanna Avenue, and 85 Hanna Avenue, provided that:
 - (a) *Restaurant* and *take-out restaurant* uses may be provided only on the ground floor; and,
 - (b) For the purposes of this By-law, a *restaurant* use shall have the following meaning:

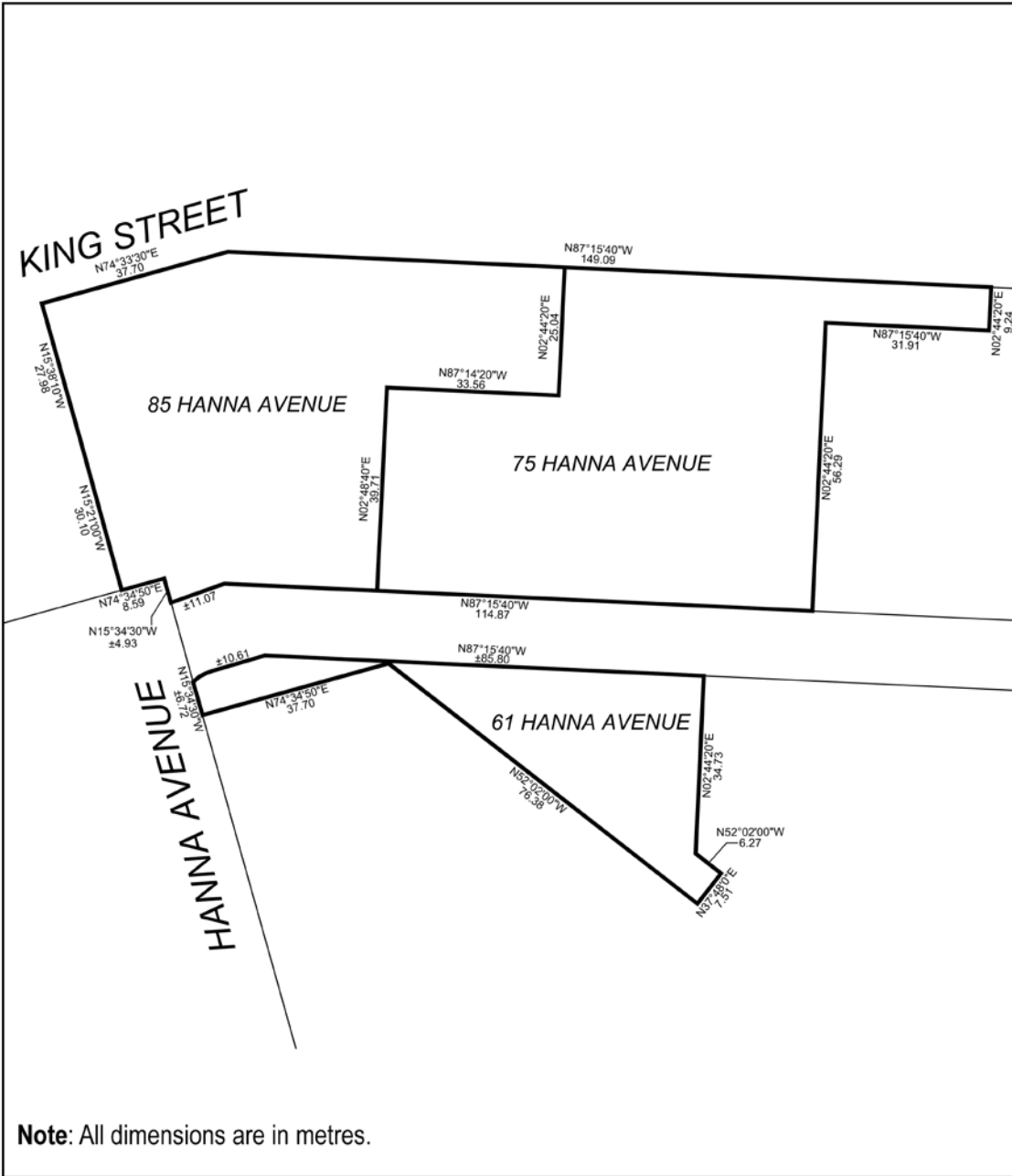
"*restaurant*" means a building or a portion of a building used for the preparation and cooking of meals and the sale of food and beverages to the public while they are seated, for consumption on the premises and which may include:

- i. an incidental take-out service;
- ii. an area for children's play equipment; and,
- iii. floor area for up to two billiard tables not exceeding 18 square metres per billiard table;

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

JOHN TORY, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)



61, 75 and 85 Hanna Avenue

File # 18 264755 STE 10 0Z



City of Toronto By-law 438-86
Not to Scale
05/22/2019