

**Request for Direction Report
Zoning By-law Amendment Application
2709 Yonge Street**

Date:	December 20, 2006
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 25 – Don Valley West
Reference Number:	File No. 05-171180 NNY 25 OZ

SUMMARY

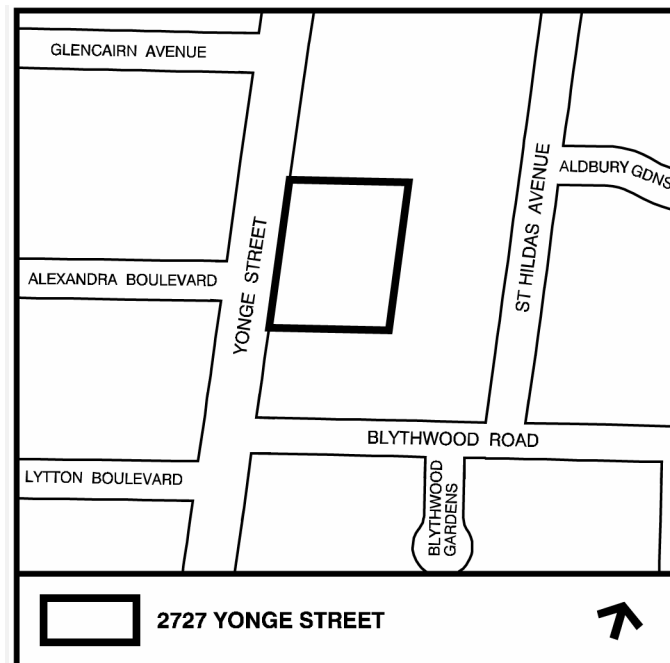
An application has been submitted to expand the range of commercial-retail uses permitted at 2709 Yonge Street.

This purpose of this report is to seek Council direction regarding the appeal to the Ontario Municipal Board by the applicant (on behalf of Commercial Condominium Corporation MTCC 1194).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council instruct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to support the position outlined in this report.



FINANCIAL IMPACT

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

ISSUE BACKGROUND

Site Description:

The subject site was developed in 1995 with a seven storey, mixed residential-commercial building with commercial-retail storefront units located on the ground floor. In 1995 the subject lands were granted approval for Draft Plan of Condominium which provided for the creation of separate residential and commercial-retail condominium corporations.

The subject site is located on the east side of Yonge Street, just south of Strathgowan Avenue. The commercial component of the building is located at grade level and is a separately registered commercial-retail condominium corporation comprised of 8 individual commercial-retail units, and 50 dedicated interior parking spaces. The subject site includes multiple convenience addresses for the commercial portion of the building.

The subject property is abutted to the north by a 4 storey residential building. Across the street to the west is located a 6 storey residential building and a 5 storey residential building with ground floor commercial-retail uses. To the southeast and southwest of the subject property is situated two-storey mixed use developments consisting of ground floor commercial-retail and two-storey residential buildings.

Proposal:

The applicant is proposing to expand the range of commercial and retail uses that may be permitted on the ground floor of the existing building.

The additional commercial-retail uses that are being requested include: artist's or photographer's studio; bake-shop; branch of a bank or financial institution; brew-on-premises establishment; caterer's shop; clinic; day nursery; dry-cleaner's distributing station; duplicating shop; office; pawnbroker's shop; personal grooming establishment; pet shop; post office; private academic, philanthropic or religious school; private art gallery; restaurant; retail store; service, rental or repair shop; tailoring shop; and take-out restaurant.

Provincial Policy Statement (PPS):

The Provincial Policy Statement (2005) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns shall promote a mix of housing, employment, parks and opens spaces, and transportation choices that facilitate pedestrian mobility and other modes of travel.

The PPS also promotes economic development and competitiveness by requiring planning authorities to provide for an appropriate mix and range of employment, providing opportunities for a diversified economic base which supports a wide range of economic activity and maintaining, and where possible, enhancing the vitality and viability of downtowns and mainstreets.

Toronto Official Plan:

The subject site is designated a “Mixed Use Area” in the City of Toronto Official Plan. This designation provides for a broad range of high quality commercial, residential and institutional uses in single or mixed use buildings that reduce automobile dependency while serving the needs of the local community. Retail commercial activity in a “Mixed Use Area” is intended to create and sustain new, stable and fulfilling employment opportunities.

The subject site is also identified as being on an “Avenue” in the City of Toronto Official Plan. “Avenues” are important corridors along major streets where opportunities to improve the streetscape and pedestrian environment as well as shopping opportunities for local residents are encouraged.

Zoning:

The subject site is zoned Mixed Commercial Residential (MCR) T3.0 C0.5 R3.0 zone in the former City of Toronto Zoning By-Law No. 438-86. This zoning normally permits a wide range of residential, community services and retail-service uses. Restrictive Exception (Section 12(2)107) of By-Law No. 438-86 prohibits within this MCR T3.0 C0.5 R3.0 zone the use of a building or structure for any non-residential uses, retail and service shops except for a grocery shop.

An amendment to the Zoning By-Law is required as the existing restrictive exception to the MCR zoning does not permit commercial-retail uses other than a grocery shop on the subject lands.

Community Meeting:

A community meeting to discuss the proposal was held on April 21, 2006. Members of the residential condominium portion of the subject building, their legal representative as well as

residents from the neighbouring residential community were in attendance. The applicant and the owner of the commercial-retail portion of the building were also present.

Participants expressed concern that any additional commercial-retail uses should respect the upscale nature of the subject building and avoid creating noise or odours. The majority of the discussion focused on the relationship between the residential portion of the building (Residential Condominium Corporation MTCC 1172) and the commercial-retail portion located on the ground floor (Commercial Condominium Corporation MTCC 1194).

Representatives of the two Condominium Corporations have had discussions with regard to amending the reciprocal cost-sharing agreements that exists between them. Although the City has not been party to the particulars of the negotiations, staff has been informed that an accord to amend the reciprocal cost-sharing agreement has been reached. However, the applicant has indicated that there is still on-going discussion between the two parties with respect to other matters.

COMMENTS

Analysis:

Since the building was erected in 1995 a number of at-grade commercial and retail uses have and continue to operate in the commercial portion of the subject site. These uses were permitted through application to the Committee of Adjustment and received Building Permit approval.

Multiple storefront units were also identified on the plans submitted to the City for approval of Draft Plan of Condominium. The individual units range in size from approximately 92 m² to 158 m². No alterations to the size of the commercial-retail component of the building are being proposed through this application.

It should be noted that the applicant has not requested the full range of non-residential uses found within the “Mixed Use Districts” (MCR) Zone of the former City of Toronto Zoning By-law 438-86. In response to concerns about compatibility with the character of the subject building, the applicant has agreed to remove “pawnbroker’s shop” and “private academic, philanthropic or religious school” from the list of proposed additional commercial-retail uses.

The range of commercial-retail uses, as amended, that are being proposed are considered compatible with the residential component of the building as well as being pedestrian oriented and supportive of the needs of the adjacent residential neighbourhoods.

The proposed range of commercial-retail uses for the subject site can also be considered an appropriate extension of the vibrant, locally-oriented mix of commercial-retail activity that exists to the south of the site along the Yonge Street corridor.

Conclusions:

That the City Solicitor and appropriate City staff attend the Ontario Municipal Board in support of adding the following commercial-retail uses to the list of permitted uses for the property located at 2709 Yonge Street: artist's or photographer's studio; bake-shop; branch of a bank or financial institution; brew-on-premises establishment; caterer's shop; clinic; day nursery; dry-cleaner's distributing station; duplicating shop; office; personal grooming establishment; pet shop; post office; private art gallery; restaurant; retail store; service, rental or repair shop; tailoring shop; and take-out restaurant.

CONTACT

Ben DiRaimo, Planner
Tel. No. 416-395-7119
Fax No. 416-395-7155
E-mail: bdiraimo@toronto.ca

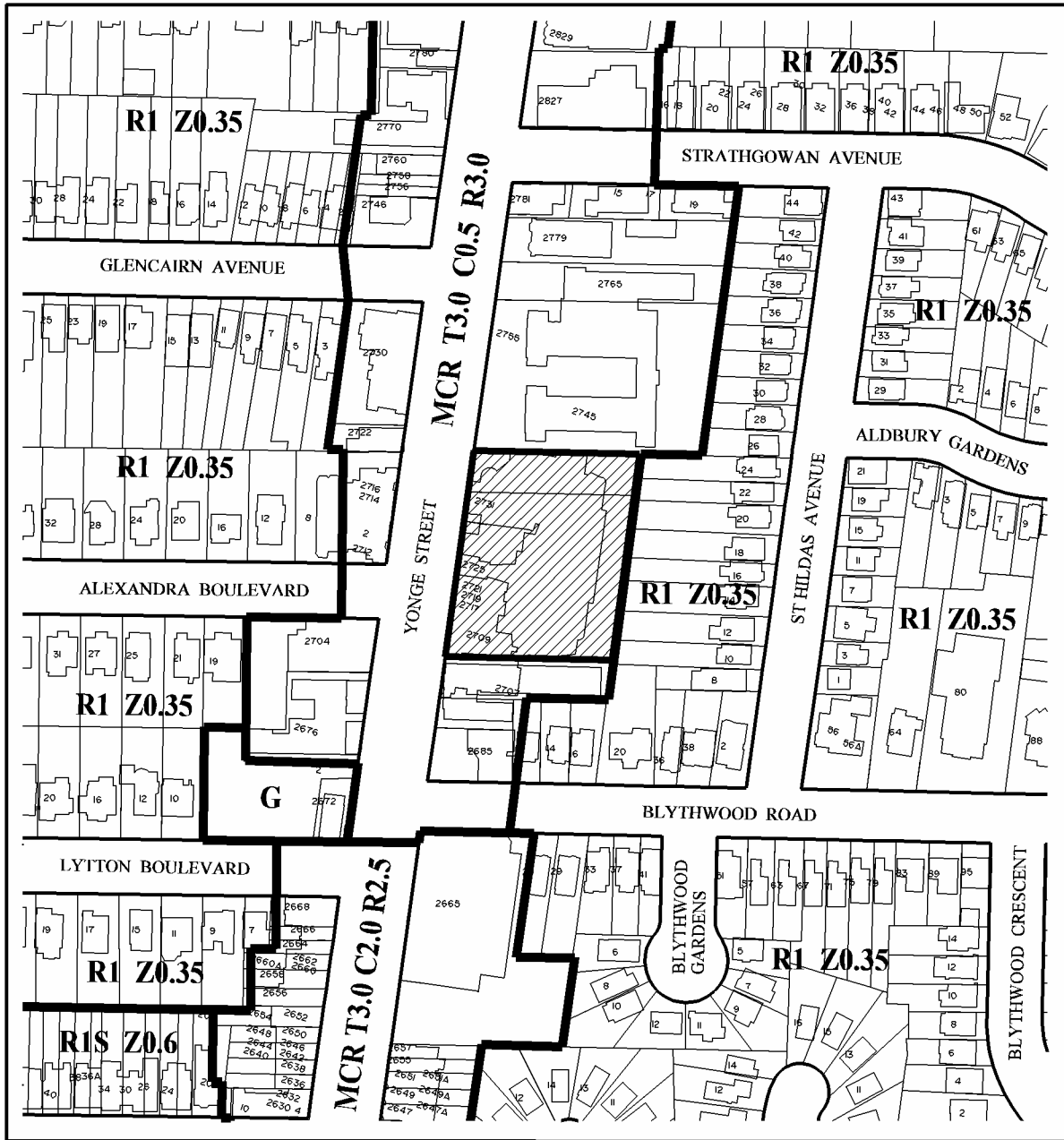
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Zoning (Map)
Attachment 2: Official Plan (Map)
Attachment 3: Site – Ground Floor Plan
Attachment 4: Photos

Attachment 1: Zoning (Map)



TORONTO City Planning
Division
Zoning

2709 Yonge Street

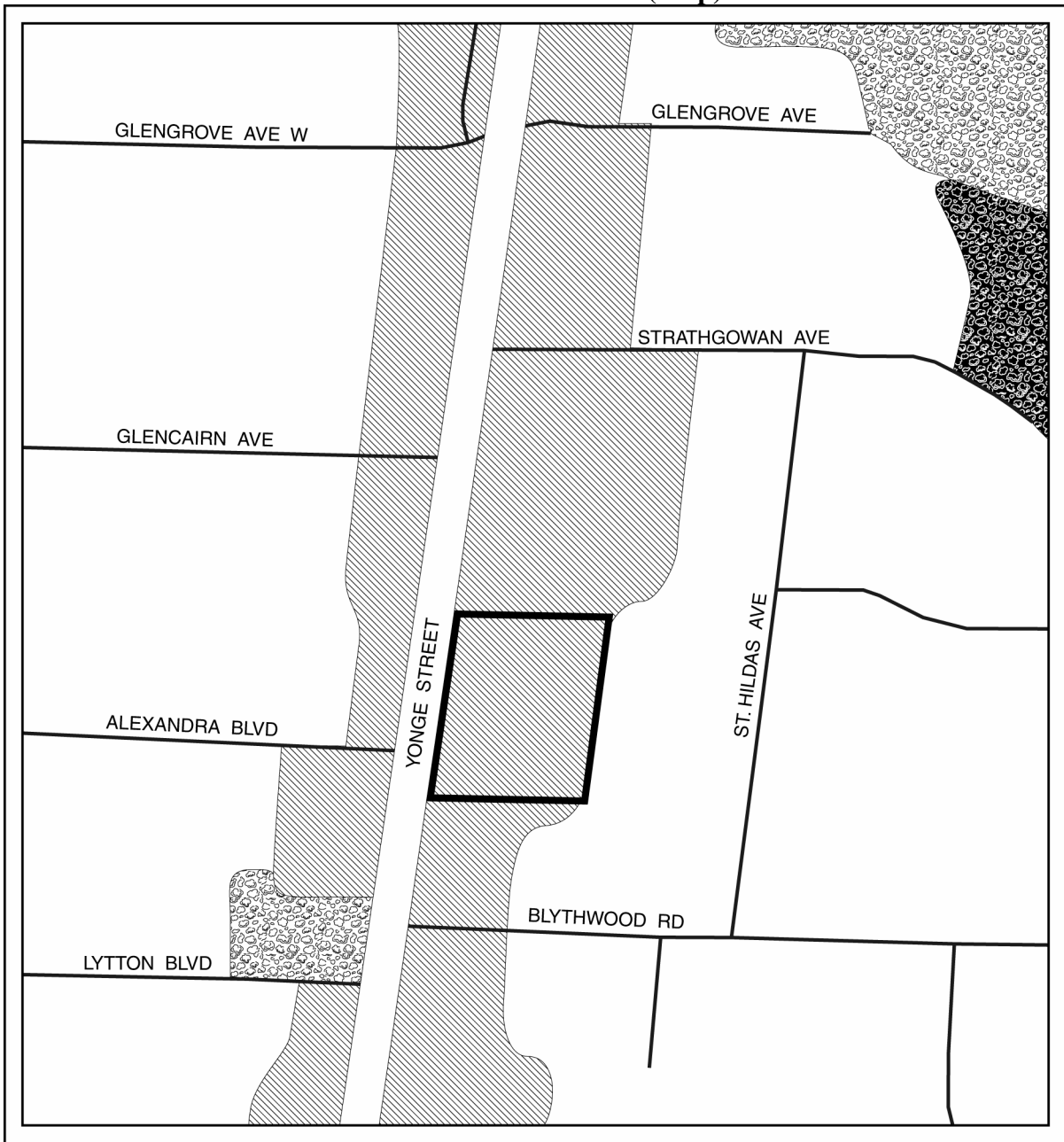
File # 05_171180

- R1 Residential District
- R1S Residential District
- MCR Mixed-Use District
- G Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/24/05

Attachment 2: Official Plan (Map)



Toronto City Planning Division
Official Plan

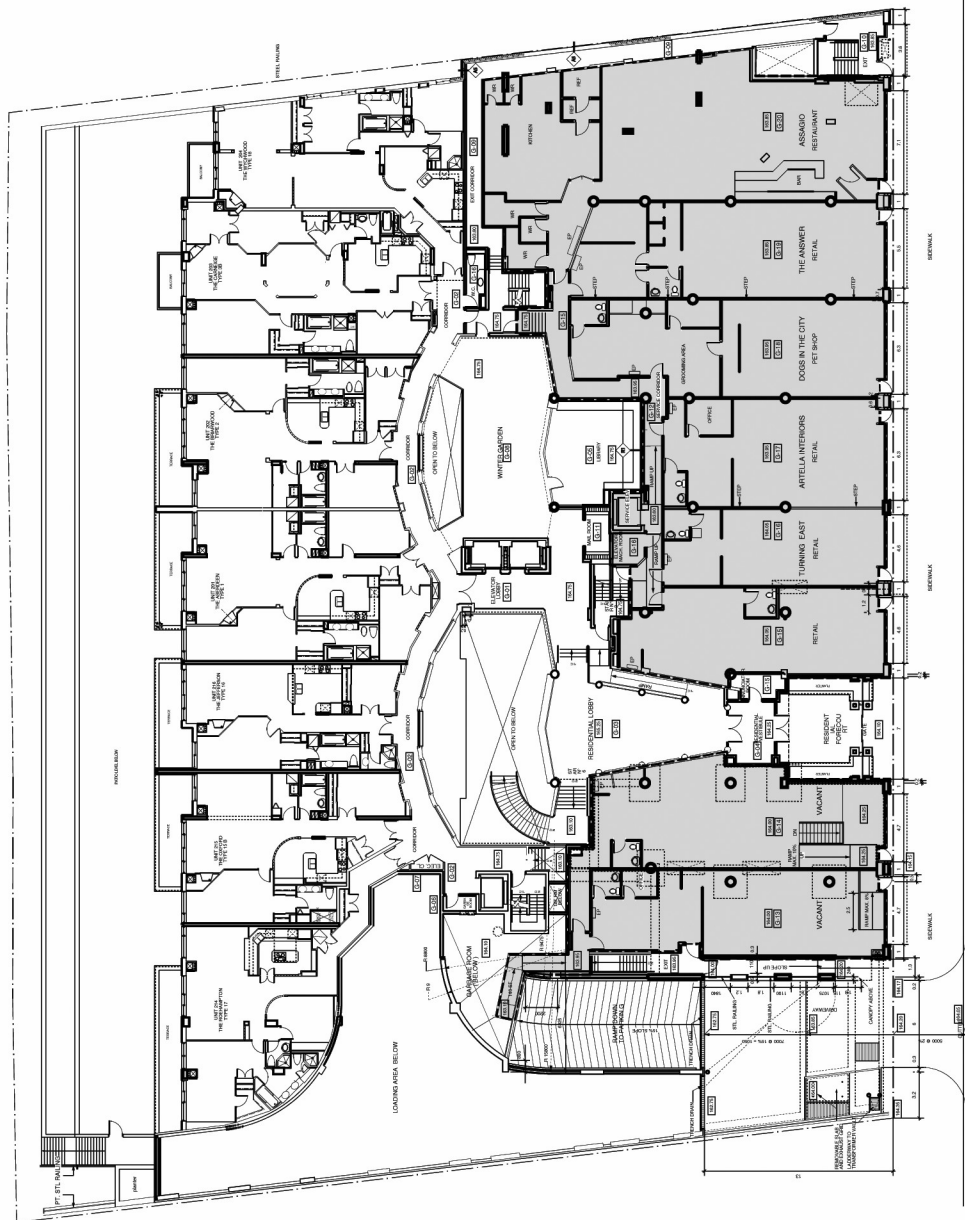
2709 Yonge Street
 File # 05_171180

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Natural Areas
-  Parks



Not to Scale
 June 2006

Attachment 3: Site – Ground Floor Plan



YONGE STREET

2709 Yonge Street

Site - Ground Floor Plan

Applicant's Submitted Drawing

Not to Scale
03/31/06



File # 05_171180

Attachment 4: Photos



Yonge Street looking north



East side of Yonge Street

Images

2709 Yonge Street

12/05/06

File # 05_171180