

2819 St Clair Ave East – Rezoning – Final Report

Date:	October 27, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 31 – Beaches-East York
Reference Number:	07 289599 STE 31 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

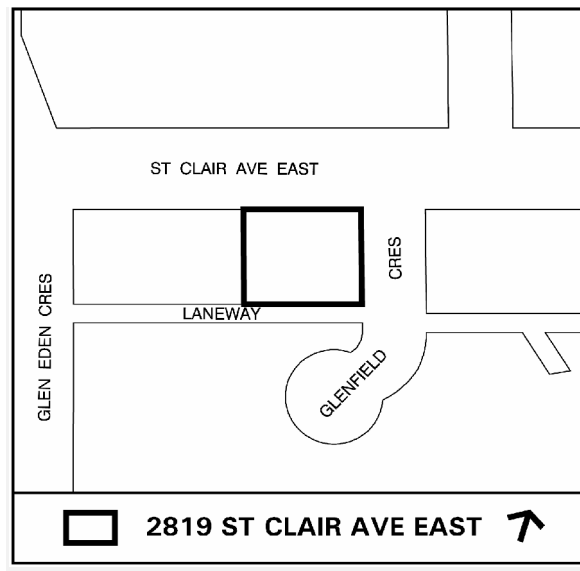
This application proposes to develop the site at 2819 St. Clair Avenue East with 8 live-work townhouse dwelling units.

This report reviews and recommends approval of the application to amend the former Borough of East York Zoning By-law 6752, as amended.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the former Borough of East York, 6752, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8;
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; and



3. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant proposes to develop the property at 2819 St. Clair Avenue East with 8, 3-storey live-work units. Each live-work unit will have an approximate gross floor area of 160 m². The development will have an overall height of approximately 10 metres.

Site and Surrounding Area

The subject site is located on the south side of St. Clair Avenue East, midway between Victoria Park Avenue and O'Connor Drive. The subject site has a frontage of approximately 30.5 metres, a depth of approximately 37 metres and an overall site area of approximately 1,117 m². The site currently contains an automotive repair shop and a gas bar which the applicant proposes to demolish and decommission.

Development in the vicinity can be described as follows:

North: Development north of the site consists of an elementary school and low density residential development in the form of single detached dwellings;

East: Development east of the site consists of a place of worship and mixed use developments with commercial at grade and residential above;

South: Development south of the site consists of low density residential development in the form of single detached dwellings; and

West: Development west of the site consists of a place of worship and low density development in the form of townhouse dwellings and single detached dwellings.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated "*Mixed Use Areas*" in the Official Plan. This 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.

"*Mixed Use Areas*" achieve a multitude of planning objectives by combining a broad array of residential, office, retail and services uses. Although "*Mixed Use Areas*" will absorb most of the anticipated increase in retail, office and service uses in the City, not all "*Mixed Use Areas*" will experience the same scale or intensity of development.

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;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment; and
- providing good site access and circulation and an adequate supply of parking for residents and visitors.

Zoning

The subject site is zoned Commercial in the former Borough of East York Zoning By-law 6752, as amended. This zoning category permits commercial and institutional land uses.

Site Plan Control

The subject site and development are subject to Site Plan Control. An application for Site Plan Control has been submitted and is being reviewed concurrently with the Rezoning application.

Ravine Control

The subject site is in an area subject to Ravine Control.

Reasons for Application

An amendment to the Zoning By-law is required to permit live-work units which are residential uses. Residential uses are not permitted at grade. Also, the proposed density of residential development exceeds the Zoning By-law permissions.

Community Consultation

A Community Consultation meeting was held on May 22, 2006 at Gordon A. Brown Middle School. Approximately fifteen members of the public were in attendance. Issues raised and discussed related to the use of the live-work units, how the live-work units will function, limiting the non-residential uses, building height, access and egress to parking, site servicing, and site remediation.

Planning staff endeavoured to answer the questions asked by those in attendance at the Community Consultation meeting. Further detail is provided in the comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

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 through key objectives such as, but not limited to: building strong communities; the wise use and management of resources; and, protecting public health and safety. The PPS required that municipal Official Plans provide clear, reasonable and attainable policies to protect provincial interest and direct development to suitable areas.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposal and determined that it is consistent with, and does not conflict with, the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe.

Land Use

“*Mixed Use Areas*” are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. “*Mixed Use Areas*” allow residents to live, work and shop in the same area, even the same building, giving individual an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive, and safe. Although “*Mixed Use Areas*” will absorb most of the anticipated increase in retail, office and service uses in the City, not all “*Mixed Use Areas*” will experience the same scale or intensity of development. The highest buildings and greatest intensity will occur in the *Downtown*, with decreased intensity and scale in the *Centres* and along *Avenues*.

Policy 2.3.1.2 of the Official Plan states that 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 the Official Plan through the stepping down of buildings towards and setbacks from those “*Neighbourhoods*”; maintain adequate light and privacy for residents in 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*”.

The development criteria contained within Section 4.5.2 of the Official Plan requires that development in “*Mixed Use Areas*” locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives contained within the Plan. The objectives are addressed by ensuring that developments provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale “*Neighbourhoods*”, and by locating and massing of new buildings in a manner that is sensitive and limits shadow impacts during the spring and fall equinoxes. The applicant’s proposal has adequately address the policies contained within Section 2.3.1 and Section 4.5 of the Official Plan.

The former borough of East York Zoning By-law 6752, as amended, requires that development in the Commercial zoning category have non-residential uses at grade. Two-storeys of residential uses are permitted above the non-residential use. An amendment to zoning by-law is required to permit the residential uses at grade. Although the site is located in an area zoned Commercial and designate Mixed Use in the Official Plan, this portion of St. Clair Avenue East does not function as a commercial main street, and as such, the permission to allow residential uses at grade will not negatively affect the function of St. Clair Avenue at this location.

Given the location of the site on St. Clair Avenue East, and surrounding area context, the proposed live-work development is appropriate for the site. The proposed use for the lands is both compatible with adjacent land uses and is in keeping with the policies and development criteria contained within the Official Plan.

Height, Scale, and Massing

The Official Plan sets out criteria to evaluate development within the “*Mixed Use Areas*” designation. All new development within “*Mixed Use Areas*” is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale. The height, siting and massing of the proposal addresses the criteria contained within the “*Mixed Use Areas*” designation.

In addition, the performance standards contained within the former Borough of East York Zoning By-law 6725, as amended, permits mixed use buildings within the “C” Zone to have a maximum height limit of 3-storeys. The height of the proposed townhouse live-work units is permitted as-of-right, and is consistent with the scale of development abutting the site.

Density

The Commercial (“C”) Zone limits the area of habitable space within commercial buildings to 50% the lot area. The Zoning By-law does not specify a maximum floor space index for the “C” Zone.

The proposed townhouse (live-work) development will have an overall floor space index of approximately 1.90 times the lot area. The applicant’s proposal seeks flexibility that would allow for the ground floor of the live-work units to either be used exclusively for residential use. The Zoning By-law Amendment attached to this report permits the townhouse units and live-work uses. To mitigate any potential conflicts, the non-residential live-work units uses will be limited.

As was stated, this portion of St. Clair Avenue East does not function as a commercial main street, and as such, the permission to allow residential uses at grade will not negatively affect the function of St. Clair Avenue at this location. Given the location of the site and based upon the built form, height, and massing of the development, the density is appropriate for the site.

Traffic Impact, Access, Parking

Vehicular access to the site is provided via an existing public laneway which extends westerly off Glenfield Crescent. The provision of vehicular access off an existing public laneway is preferred, and meets the City’s objectives regarding the preservation of streetscapes, as well as reducing the number of curb cuts on major streets.

The applicant proposes to provide a total of 16 residential parking spaces (two parking spaces per unit) for this proposal. Eight of the parking spaces will be located within integral garages at the rear of the site, with the remaining eight parking spaces to be located outside of each parking garage within the driveway. Designated visitor parking will be not be provided.

A parking study, dated November 2007, was prepared in support of the proposed development. The report concluded that the provision of two residential parking spaces per unit, and no residential/commercial visitor parking spaces is sufficient to serve this

development. Technical Services Staff have indicated that the consultant's findings are adequate to serve this development, and agree that the proposed parking supply is acceptable.

Servicing

The applicant has submitted a site servicing assessment which determines stormwater runoff, sanitary flow and water supply demand resulting from the development, as well as demonstrates how this site can be serviced, and confirms that the existing municipal infrastructure is adequate to service the proposed development. Development Engineering staff have reviewed the servicing assessment and have accepted the consultants findings.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. In addition, the site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate rate park levy. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.0106 hectares (106.6m²). Based on this calculation, the parkland dedication that would apply to this site is 9.6%.

The required parkland dedication will be satisfied through cash in lieu. This is appropriate as an on-site parkland dedication requirement of .0106 hectares (106.6m²) would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Development Standard

Planning Staff have discussed the Toronto Green Development Standards with the applicant.

Development Charges

It is estimated that the development charges for this project will be approximately \$70,552.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Marian Prejel, Planner
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SIGNATURE

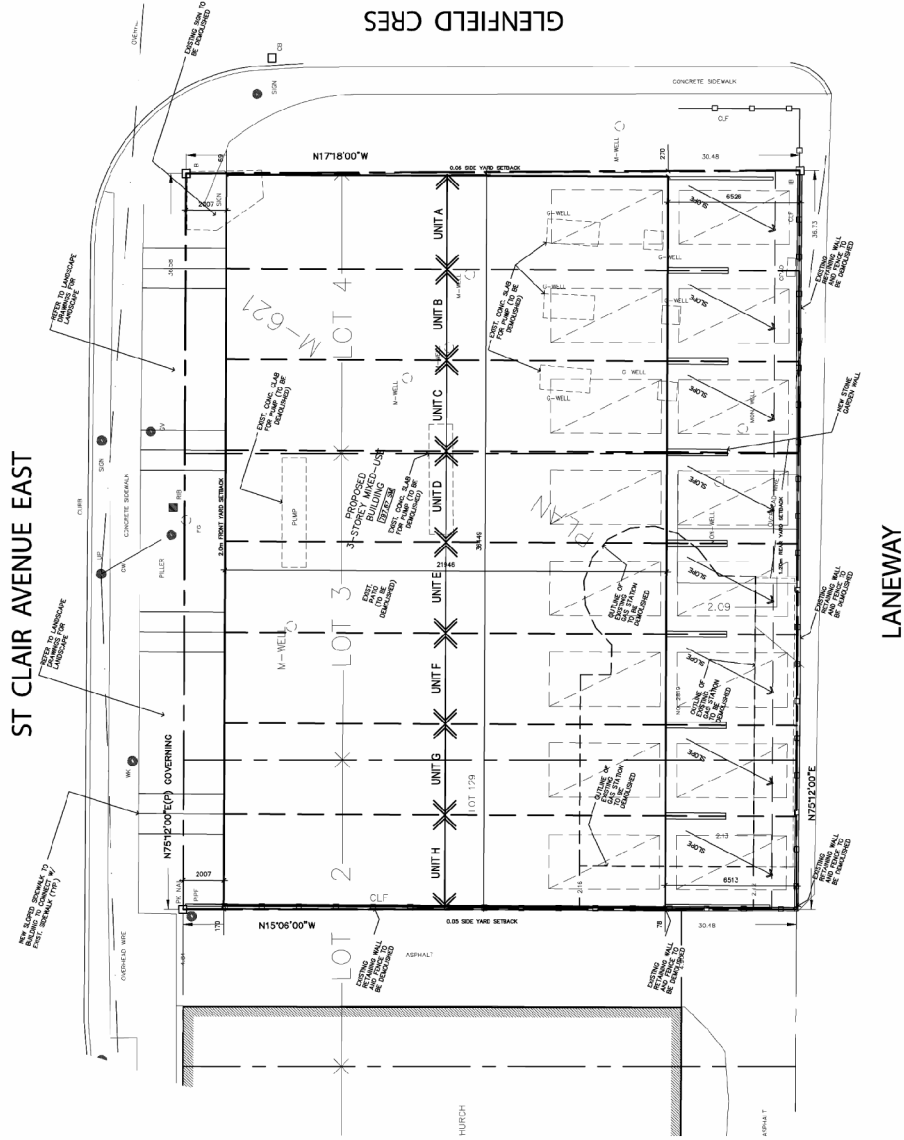
Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Front Elevation
Attachment 3: Rear Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



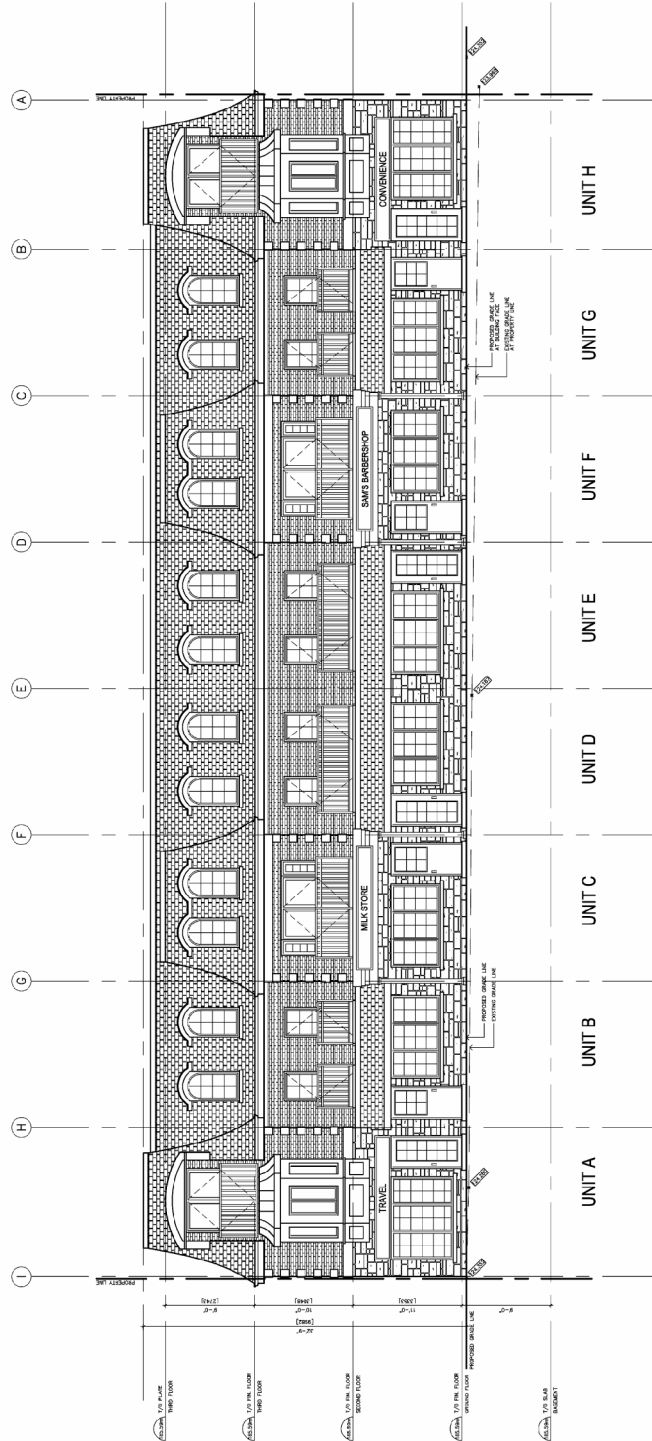
2819 St Clair Avenue East

Site Plan
 Applicant's Submitted Drawing

File # 07_289599

Not to Scale
 02/06/08

Attachment 2: Front Elevation



Front Elevation

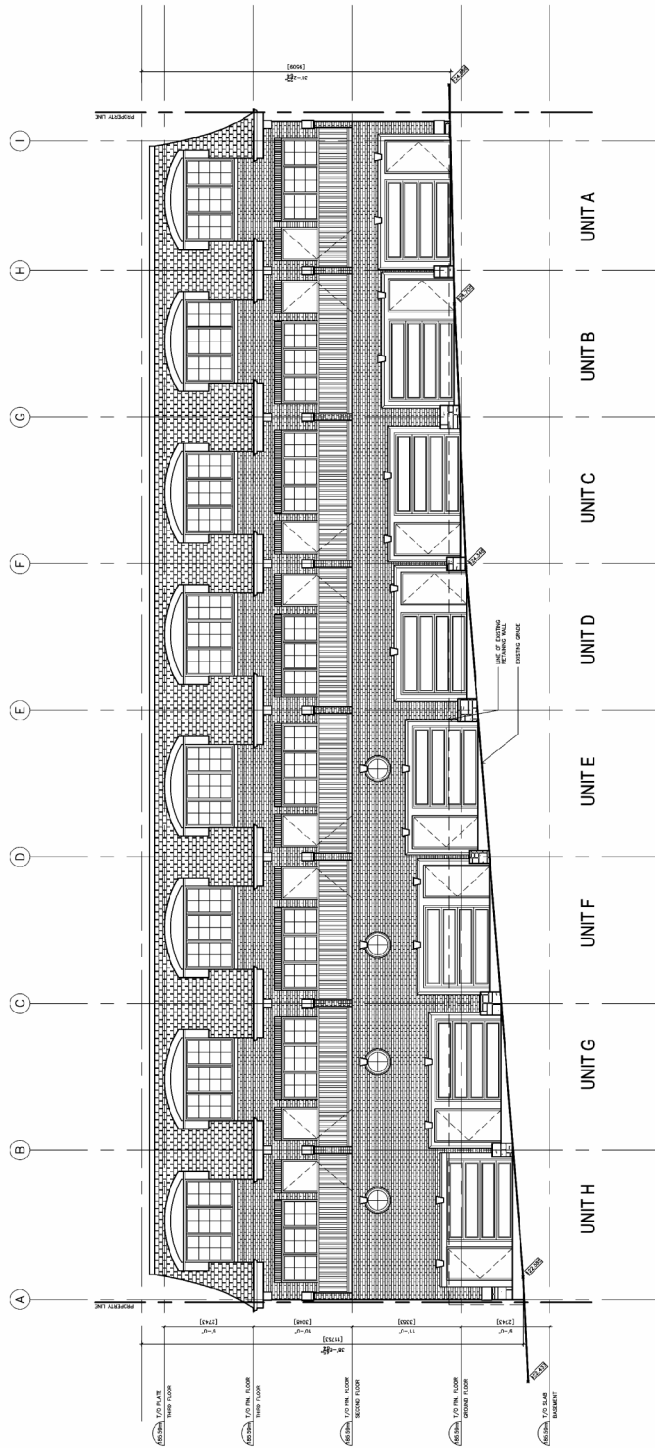
Applicant's Submitted Drawing

Not to Scale
02/06/08

2819 St Clair Avenue East

File # 07_289599

Attachment 3: Rear Elevation



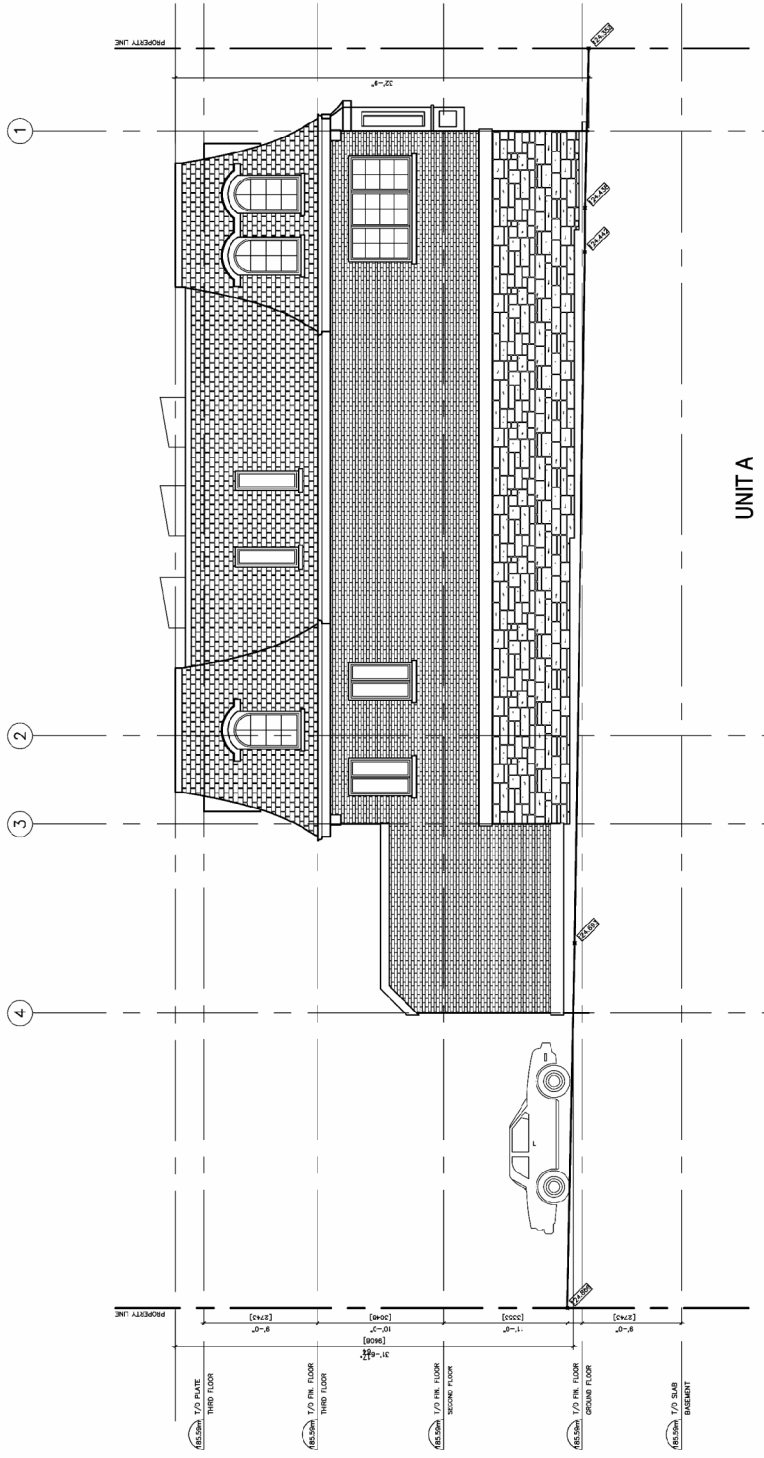
2819 St Clair Avenue East

Rear Elevation
 Applicant's Submitted Drawing

Not to Scale
 02/06/08

File # 07_289599

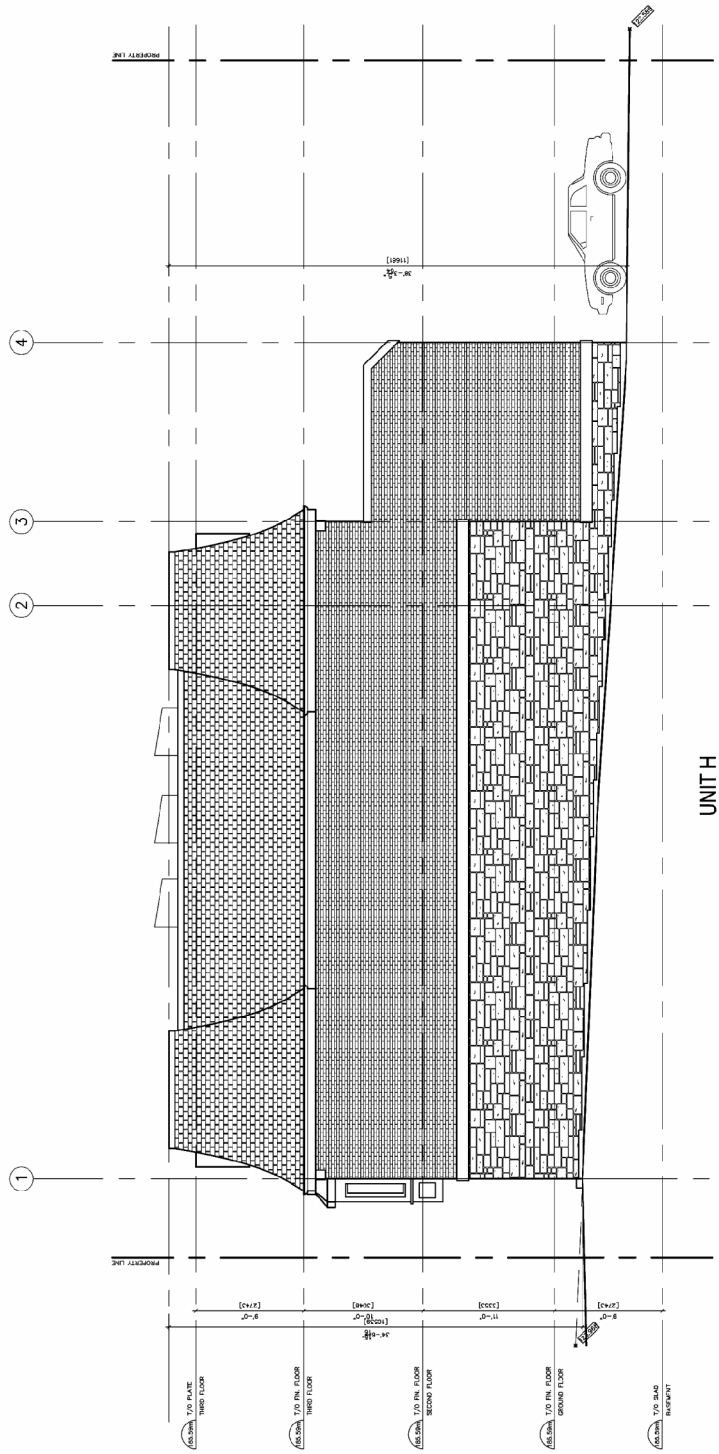
Attachment 4: East Elevation



East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 02/06/08

2819 St Clair Avenue East
 File # 07_289599

Attachment 5: West Elevation



2819 St Clair Avenue East

West Elevation
 Applicant's Submitted Drawing

File # 07_289599

Not to Scale
 02/06/08

Attachment 6: Zoning



2819 St Clair Avenue East

File # 07_289599

- R1B Low Density Residential
- R2A Medium Density Residential
- C Commercial
- G Conservation



Not to Scale
Zoning By-law 6752 as amended
Extracted 02/06/08 - DR

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07 289599 STE 31 OZ
Details	Rezoning, New Building	Application Date:	December 28, 2007

Municipal Address: 2819 ST CLAIR AVE E
 Location Description: PL M621 LT3 LT4 PT LT2 **GRID S3106
 Project Description: Application for Rezoning- demolish existing gas bar and garage building - Construct eight new rowhouses with ground floor commercial.

Applicant:	Agent:	Architect:	Owner:
Randal Dickie			Perampalam Arulalagan

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	Commercial	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1116.85	Height:	Storeys:	3
Frontage (m):	30.5		Metres:	10
Depth (m):	37			
Total Ground Floor Area (sq. m):	797.67			Total
Total Residential GFA (sq. m):	1212.96		Parking Spaces:	16
Total Non-Residential GFA (sq. m):	797.67		Loading Docks	0
Total GFA (sq. m):	2010.63			
Lot Coverage Ratio (%):	71.5			
Floor Space Index:	1.88			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1212.96	0
Bachelor:	0	Retail GFA (sq. m):	797.67	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	8	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

CONTACT: PLANNER NAME: Marian Prejel, Planner
TELEPHONE: (416) 392-9337

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2008

Enacted by Council: ~, 2008

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2008

To amend the former Borough of East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as 2819 St. Clair Avenue East

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. The lands subject to this by-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Map “1” attached hereto.
2. Schedule “A” to Zoning By-law No. 6752, as amended, is hereby further amended by changing the zoning category for the lands identified as “Area Subject to Amendment” on Map “1” of this By-law from “C (Commercial) Zone” to “CA.24 (Commercial Site Specific) Zone.”
3. Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 8.A.24 immediately after Section 8.A.23 of the by-law as follows:

“8.A.24 2819 St. Clair Avenue East (CA.24 Zone)

8.A.24.1 Area Restricted

The provisions of this section shall only apply to those lands being part of Lot 2 and all of Lot 3 and Lot 4 Registered Plan M-621, City of Toronto (formerly Borough of East York), as shown on Map “1” of this By-law

8.A.24.2 General Provisions:

On those lands referred to in Section 8.A.24 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof,

except in accordance with this By-law and for the following provisions:

(1) Permitted Uses, Buildings and Structures:

- a) Multiple Attached Dwellings; and
- b) Live-Work units.

(2) Developable Area

For the purpose of this By-law, the development requirements shall only apply to the lands identified on Map “1” attached to this By-law.

(3) Development Requirements:

(a) Minimum Lot Area	1115 m ²
(b) Maximum No. of Dwelling Units	8 units
(c) Maximum Residential Gross Floor Area	2100 m ²
(d) Maximum Coverage	75%
(e) Maximum Floor Space Index	1.90 times the lot area
(f) Minimum Setbacks – North Side	2.0 metres
(g) Minimum Setbacks – South Side	6 metres
(h) Minimum Setbacks – East Side	0 metres
(i) Minimum Setbacks – West Side	0 metres
(j) Maximum Building Height	11 metres
(k) Maximum No. of Storeys	3 storeys
(l) Minimum Residential Amenity Space - Outdoor	18 m ² per dwelling unit

(4) Live-Work units:

- (a) The work component of the Live-Work use shall be restricted to the following uses:

(i) office;

- (ii) studio;
- (iii) personal grooming establishment; and
- (iv) tailoring shop.

(6) Parking Requirements:

- (a) A minimum of 2 Off-Street Parking Spaces shall be provided for each Dwelling Unit;
- (b) For the purpose of this By-law, the Off-Street Parking Spaces, as referenced above, may be provided as Tandem Parking Spaces; and
- (c) For the purposes of this By-law, Off-Street Parking for visitors is not required.

(7) Signs:

For the purposes of this By-law, there shall be no roof signs or projecting signs.

(8) Within the lands shown on Map "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

(9) Division of Lands:

Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.

(10) Definitions

- (a) “Live-Work unit” shall mean a Dwelling which may be used for work purposes by the residents of the unit and which may also be used for work purposes by persons employed by the resident of the unit, up to a maximum of 2 employees.

- (11) Other provisions of the By-law:
 - (a) Excepting the amendments contained in this By-law, all the other provisions of former East York Zoning By-law No. 6752, as amended, shall apply to the lands referred to in Section 8.A.24.

