



**STAFF REPORT
ACTION REQUIRED**

**Zoning Amendment Appeal to OMB
City-Initiated St. Clair Ave Study - 743 St. Clair Ave West
Request for Direction Report**

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|--------------------------|---|
| Date: | May 11, 2010 |
| To: | City Council |
| From: | Chief Planner and Executive Director, City Planning Division |
| Wards: | Ward 21 – St. Paul’s |
| Reference Number: | CC10037 (File Nos. 05-189781 WET 11 TM and 06-115914 SPS 00 TM) |

SUMMARY

The purpose of this report is to seek instructions for the City Solicitor for the upcoming Ontario Municipal Board (OMB) pre-hearing conference on May 17, 2010. In September 2009, City Council approved Official Plan and Zoning By-law amendments to implement the findings and recommendations of the City-initiated St. Clair Avenue Study conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street. The amending by-laws were enacted by Council in October 2009 and appealed to the OMB. The Official Plan Amendment was appealed by National Rubber Technologies Corp. and the Zoning by-law Amendment was appealed by the Goldman Group in relation to its site at 743 St. Clair Avenue West.

On December 7, 2009, a site plan application was submitted for 743 St. Clair Avenue West to permit a new 9-storey mixed use building with retail and/or commercial uses located at the ground floor and residential units above. The initial proposal did not meet the intent of the St. Clair Avenue Study or the implementing zoning by-law. Modifications have subsequently been made to the plans that satisfy Planning staff concerns. It is recommended that City Council support the proposal in principal and that Council direct the City Solicitor and staff to attend at the OMB in support of a site-specific amendment to the St. Clair Avenue Study Zoning By-law No.1103-2009 for 743 St. Clair Avenue.

RECOMMENDATIONS

1. That City Council authorize the City Solicitor, City Staff and any other necessary consultants to attend the Ontario Municipal Board hearing to support, in principle, a site-specific amendment to the St. Clair Avenue Study Zoning By-law 1103-2009 for 743 St. Clair Avenue substantially in accordance with the site plan and elevations drawings shown in Attachments 1 and 2 to this report.
2. That City Council authorize the City Solicitor to request the OMB to withhold its Order with respect to the zoning by-law amendment appeal subject to the following:
 - i) Finalization of the site-specific zoning by-law amendment acceptable to the City Solicitor in consultation with the Director, Community Planning, Toronto and East York District, and
 - ii) The owner satisfying the Notice of Approval Conditions to be issued for Site Plan Approval by the Chief Planner and Executive Director, City Planning Division under Section 41(6) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact

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

DECISION HISTORY

City Council on October 27, 2009 adopted Official Plan Amendment No. 84 via By-law 1102-2009 and passed By-law 1103-2009 to amend the former City of Toronto Zoning By-law 438-86. The purpose and effect of Official Plan Amendment No. 84 and Zoning By-law 1103-2009 was to implement the findings and recommendations of the St. Clair Avenue Study conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street. Both by-laws have been appealed to the Ontario Municipal Board. The Official Plan Amendment was appealed by National Rubber Technologies Corp. and the Zoning by-law Amendment was appealed by the Goldman Group in relation to its site at 743 St. Clair Avenue West.

A pre-hearing for the appeals was held on March 30, 2009. At this pre-hearing National Rubber Technologies Corp. narrowed its appeal of OPA 84 to only that section of St. Clair Avenue West between Old Weston Road and Blackthorn/Spring Grove Avenues, withdrawing its appeal as it applied to the remainder of the corridor to the east. This allowed the City to request the Board to approve Zoning By-law 1103-2009 for the St. Clair corridor between Bathurst Street and Blackthorn/Spring Grove Avenues, with the exception of the property at 743 St. Clair Avenue West. City Legal is currently preparing a draft Order for the Board. Once the Order is issued, the new zoning by-law will be in force and effect, except for the Goldman Group's appeal of that by-law related solely to 743 St. Clair Avenue West. The two appeals of OPA 84 and the site-specific appeal of Zoning By-law 1103-2009 are now separated and will proceed individually.

A further pre-hearing will be held with respect to the 743 St. Clair Avenue zoning appeal on May 17, 2010. The Goldman Group has also appealed their Site Plan Application No. 09 194455 STE 21 SA for 743 St. Clair Avenue West. The applicant has advised that they will be requesting the OMB to consolidate both their zoning by-law and site plan appeals for this property.

Reports from the Chief Planner and Executive Director on the City-initiated St. Clair Avenue Study (Bathurst Street to Keele Street) can be accessed at:

Final Report (May 11, 2009)

<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-21310.pdf>

Supplementary (June 2, 2009)

<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-21828.pdf>

Supplementary Report #2 (Sept 29, 2009)

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-23795.pdf>

ISSUE BACKGROUND

On December 7, 2009, a site plan application was submitted for 743 St. Clair Avenue West to permit a new 9-storey mixed use building with retail and/or commercial uses located at the ground floor and residential units above including rental replacement units as required by the Section 111 agreement related to the lands municipally known as 530-534 St Clair Ave W. The applicant is proposing a total of either 46 rental dwelling units or 61 social housing units should a non-profit provider be secured. In reviewing the proposal the following concerns were identified by City planning staff:

- a) The proposal was not in keeping with the intent of the St Clair Avenue Study as it related to built form, massing, height, minimum lot size, step backs and set backs;
- b) The proposal did not include any on-site parking to accommodate the proposed uses; and
- c) Site Plan issues related to solid waste collection and servicing.

The applicant has revised their proposal to address a number of these concerns however site plan issues remain outstanding. The proposed 9-storey building has been modified, to generally include the required building set backs and step backs. A total of 6 parking spaces will be provided on the site with access provided from the adjoining property at 747 St. Clair Avenue West. In addition, the proposed development will include 2 car sharing spaces and 4 parking spaces to be provided on 747 St. Clair Avenue West. Should the proposal be for market rental housing then these 4 parking spaces will be designated for the exclusive use of the residents of 743 St. Clair Avenue West. Otherwise the 4 parking spaces will be shared between the properties. These requirements will be included in a site-specific zoning by-law amendment for the site.

An agreement and an easement will also be required between the owners of 747 and 743 St. Clair Avenue West with respect to parking matters.

The proposed revisions are reflected in the site plan and elevation drawings included in Attachments 1 and 2. The revised proposal is generally in keeping with the intent of the St. Clair Avenue Study and the implementing Zoning By-law No. 1103-2009.

COMMENTS

A pre-hearing conference at the Ontario Municipal Board is scheduled for May 17, 2010 and it is proposed that this conference be used for a settlement hearing if City Council adopts the recommendations in this report.

The applicant has satisfied the concerns raised by planning staff related to the intent of the St. Clair Zoning By-law. However, there are still a number of site plan issues related to solid waste collection and servicing that remain outstanding. As part of the settlement, the City Solicitor will be requesting the OMB to withhold its Order with respect to the zoning by-law amendment appeal subject to the following:

- a) Finalization of the site-specific zoning by-law amendment acceptable to the City Solicitor in consultation with the Director, Community Planning, Toronto and East York District, and
- b) The owner satisfying the Notice of Approval Conditions to be issued for Site Plan Approval by the Chief Planner and Executive Director, City Planning Division under Section 41(6) of the Planning Act and Section 114 of the City of Toronto Act.

The OMB may be spoken to in the event there are any disputes with respect to the Notice of Approval Conditions issued for Site Plan Approval.

CONTACT

Luisa Galli, Planner, MCIP, RPP
Tel. No. (416) 394-6007 Fax No. (416) 394-6063
E-mail: lgalli@toronto.ca

SIGNATURE

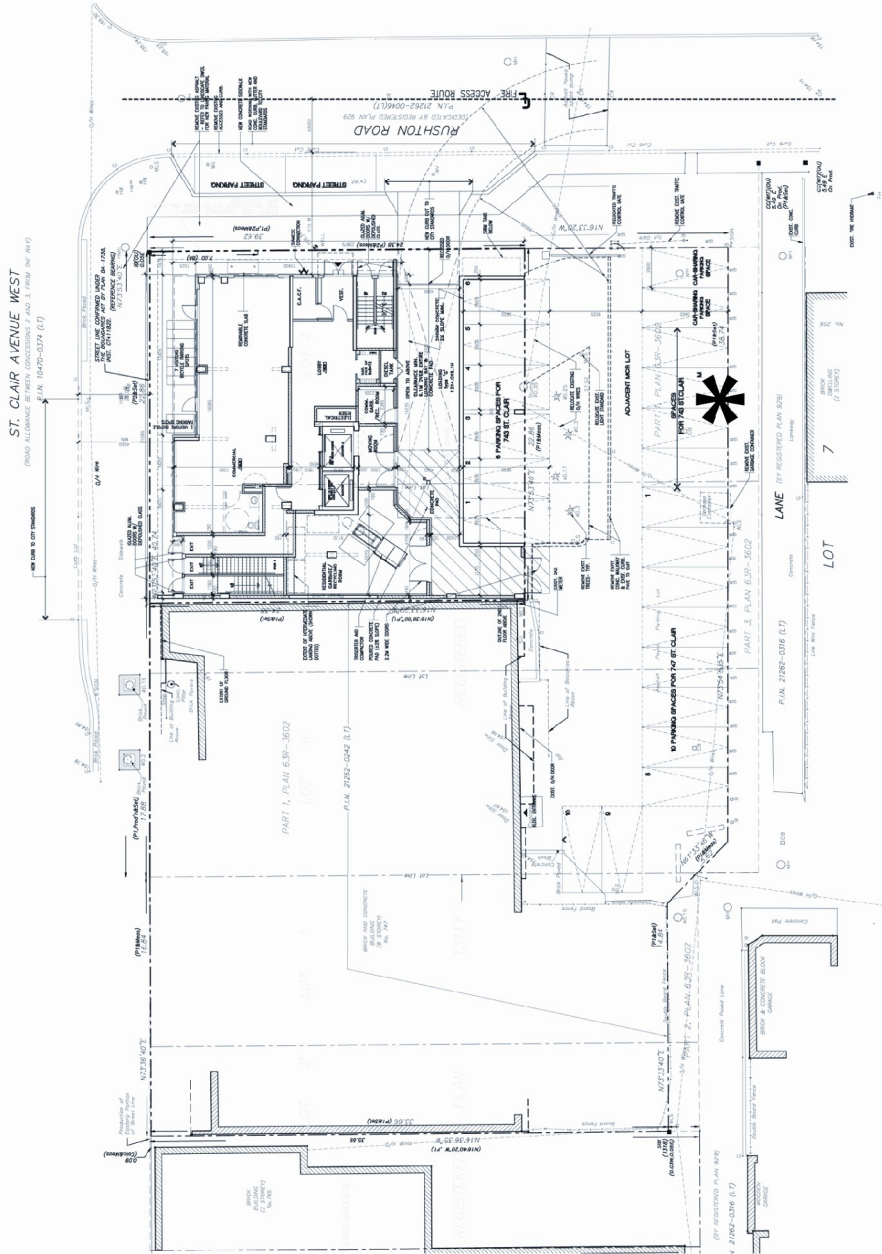
Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plans – Rental Housing Option and Social Housing Option
Attachment 2: Elevations and Section

Attachment 1: Site Plan

Rental Housing Option



743 St. Clair Avenue West

Designated Parking for 743 St. Clair

Site Plan (Rental)

Applicant's Submitted Drawing

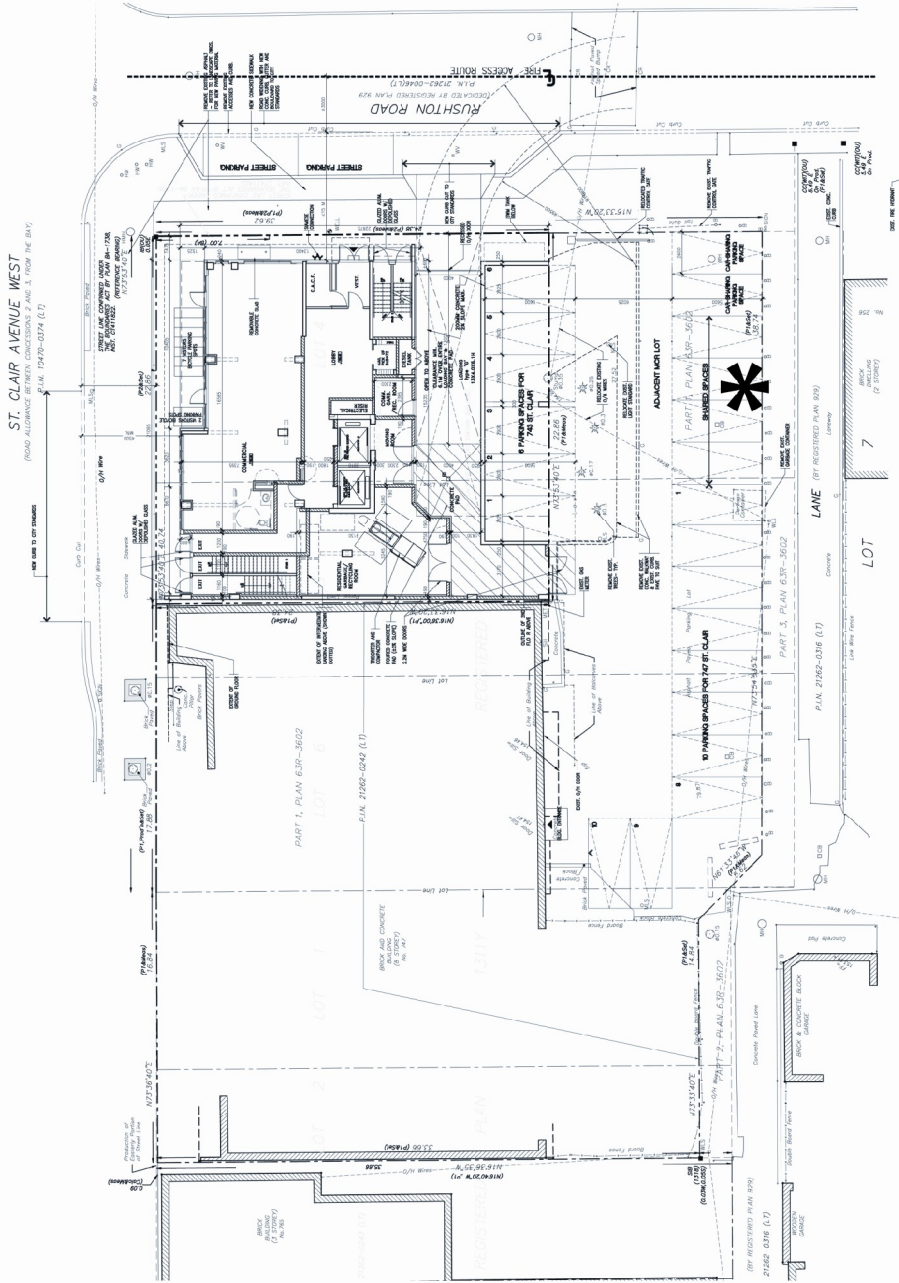
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File # 05_189781 & 06_115914



Attachment 1: Site Plan

Social Housing Option



Site Plan (Social) ✱ **743 St. Clair Avenue West**

Shared Parking between 747 St. Clair and 743 St. Clair

Applicant's Submitted Drawing ➔ File # 05_189781 & 06_115914

Not to Scale
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Attachment 2: Elevations and Section

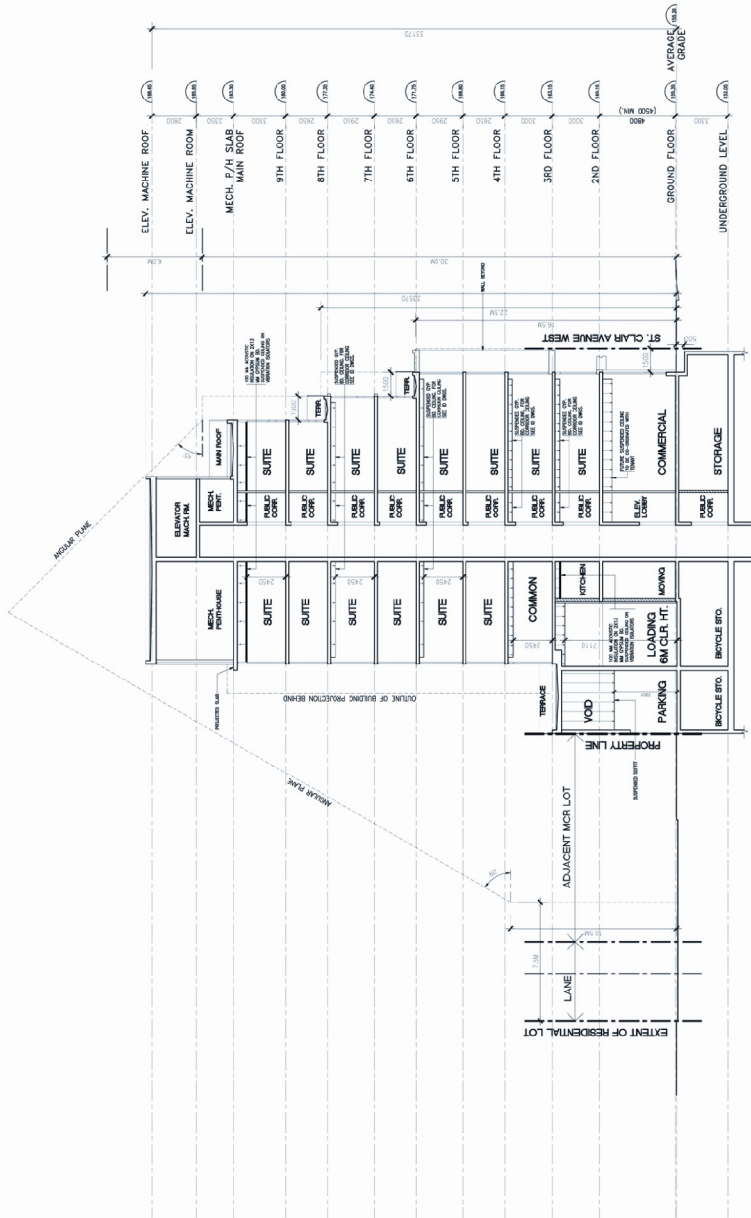


743 St. Clair Avenue West

File # 05_189781 & 06_115914

Elevations
Applicant's Submitted Drawing

Not to Scale
05/11/10



1 BUILDING SECTION
AS

743 St. Clair Avenue West

Section
Applicant's Submitted Drawing

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05/11/10

File # 05_189781 & 06_115914