



## STAFF REPORT ACTION REQUIRED

### 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street – Zoning Amendment – Final Report

<b>Date:</b>	March 12, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	17 238449 STE 18 OZ

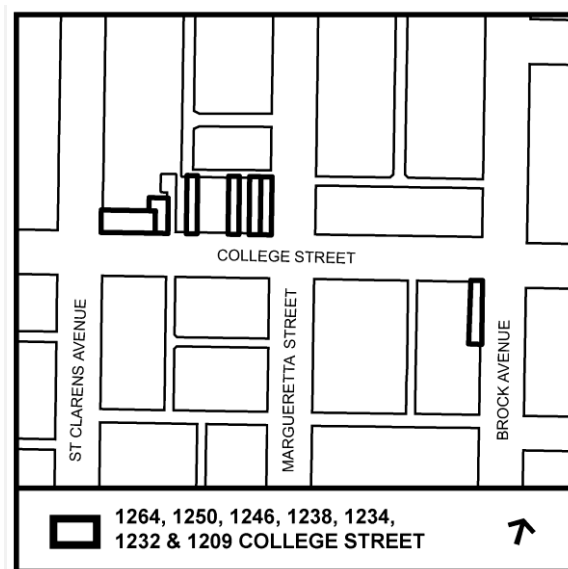
#### SUMMARY

On April 26, 2017, City Council directed City Planning staff to report to Toronto and East York Community Council on amending Zoning By-laws 438-86 and 569-2013 to permit the existing non-residential uses at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street.

The subject properties are residentially zoned in Zoning By-laws 438-86 and 569-2013, but have non-residential uses that pre-date the enactment of the by-laws, and therefore, do not conform.

This City-initiated amendment proposes to amend Zoning By-laws 438-86 and 569-2013 to permit the existing non-residential uses at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street. Laundry shop, personal grooming establishment, massage establishment and retail store uses would be permitted within the ground floor and associated below-grade levels of the existing buildings.

This report reviews and recommends approval of the City-initiated amendments to Zoning By-laws 438-86 and 569-2013.



## RECOMMENDATIONS

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

1. City Council amend Zoning By-law 438-86, for the lands at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to the report (March 5, 2018) from the Acting Director of Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the lands at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report (March 5, 2018) from the Acting Director of Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On July 16, 2013, City Council directed City Planning staff to report to Toronto and East York Community Council on amending Zoning By-laws 438-86 and 569-2013 to permit the existing non-residential uses at 1033-1041 and 1068 College Street. The properties are residentially zoned in Zoning By-laws 438-86 and 569-2013, but have non-residential uses that pre-date the enactment of the by-laws, and therefore, do not conform.

A Final Report was submitted to the April 4, 2017 Toronto and East York Community Council meeting, and can be found here:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-102079.pdf>

On April 26, 2017, City Council adopted the recommendations of the report, and directed City Planning staff to report to Toronto and East York Community Council on amending Zoning By-laws 438-86 and 569-2013 to similarly permit the existing non-residential uses at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street.

The motion can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.4>

These properties are also residentially zoned in Zoning By-laws 438-86 and 569-2013, and have non-residential uses that pre-date the enactment of the by-laws, and therefore, do not conform.

### **Proposal**

This City-initiated amendment proposes to amend Zoning By-laws 438-86 and 569-2013 to permit the existing non-residential uses at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street. Laundry shop, personal grooming establishment, massage establishment and retail store uses would be permitted within the ground floor and associated below-grade levels of the existing buildings.

### **Site and Surrounding Area**

The subject properties front onto College Street. The existing buildings located at 1232, 1234, 1238, 1246 and 1250 College Street are two-storeys, while the buildings located at 1209 and 1264 College Street are three-storeys. The ground floors and basements of the buildings have non-residential uses, while the upper storeys contain residential uses.

The surrounding uses are as follows:

- North: Low-rise residential uses including detached and semi-detached dwellings.
- West: Low-rise residential uses and commercial buildings fronting College Street.
- South: Low-rise residential uses, including semi-detached and townhouse buildings, and the Olivet Baptist Church.
- East: Low-rise residential uses and the Saint Helen's Bethel Evangelical Community Church and Saint Helen's Secondary School. Low-rise mixed-use buildings are located farther east.

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

Section 2 of the *Planning Act* outlines matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- the orderly development of safe and healthy communities;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest;
- the appropriate location of growth and development; and
- the promotion of a built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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 types and affordability to meet projected requirements of current and future residents; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character; and
- Providing that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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 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."

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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving heritage resources in order to foster a sense of place and benefit communities, particularly in strategic growth 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.

## **Official Plan**

The properties are designated Neighbourhoods as shown on Map 18 – Land Use Plan of the City of Toronto Official Plan (Attachment 2).

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings and 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 permitted in Neighbourhoods. Small-scale non-residential uses may be added to a property through amendment to the Zoning By-law provided such uses serve the needs of area residents, potentially reduce local automobile trips, have minimal adverse impacts on nearby residents, have a physical form that is compatible with the neighbourhood, and are located on a Major Street on Map 3 of the Official Plan.

## **Zoning**

The properties are zoned 'R4' Residential by By-law 438-86, as amended, and 'R' Residential by Bylaw 569-2013 (Attachment 1). The 'R4' and 'R' zones generally permit low-rise residential uses and a range of non-residential uses such as schools, places of worship, community centres and other community facilities. The maximum permitted building height is 10.0 metres. In By-law 569-2013 the properties are in an area that is also subject to Exception R 810, which permits additional residential uses, such as nursing homes, retirement homes and religious residences.

## **Reasons for Application**

On April 26, 2017, City Council directed City Planning staff to examine the zoning permissions for residentially zoned properties on College Street between Dufferin Street and Lansdowne Avenue, and potential amendments to the Zoning By-laws to permit the existing non-residential uses. A Zoning By-law amendment is required to add non-residential uses to the R4 and R zones.

## **Community Consultation**

A Community Consultation meeting was held at 1196 College Street on October 16, 2017. The Ward Councillor was present at the meeting with approximately ten members of the public. The following comments were made regarding the amendment:

- General concerns that permitting additional uses will increase development pressure in the neighbourhood.
- Support from many in attendance for permitting the existing non-residential uses within the identified buildings.
- A need for an Avenue study or a Secondary Plan to be initiated for this section of College Street in anticipation of an increase in development pressure.

A meeting with the College West Business Improvement Area (BIA) was held on February 20, 2018. A representative from the Ward Councillor's office was present, as well as members of the BIA. The BIA was generally in support of additional uses and also suggested that a City-initiated Avenue Study or Secondary Plan be conducted. The BIA was advised that this was not within the scope of Council's direction with respect to the zoning review.

## **COMMENTS**

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

The Provincial Policy Statement (PPS) 2014 recognizes that local context and character is important, and recognizes the Official Plan as the most important vehicle for implementation of this PPS. The proposal conforms to the Official Plan's objective of building complete communities by allowing for compatible uses that are respectful of the surrounding context. The proposal is consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe directs that intensification contribute to a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods. In this instance the zoning amendments are to recognize existing uses within buildings fronting onto College Street, and are supportable for the reasons discussed in this report. The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

### **Neighbourhoods Policies**

Policy 4.1.1 of the Official Plan acknowledges that *Neighbourhoods* are considered physically stable areas made up 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, schools, local institutions and small-scale stores and shops serving the needs of area residents are also permitted. The non-residential uses - laundry shop, personal grooming establishment, massage establishment and retail store - permitted by the proposed zoning by-law amendments exist today and serve local residents. These uses would be permitted to continue to provide service and employment to the area.

Policy 4.1.3 of the Official Plan allows small scale non-residential uses to be added to *Neighbourhoods* properties through amendment to the Zoning By-law provided they are located on a Major Street on Map 3 of the Official Plan. The properties subject to the proposed zoning by-law amendments are located on College Street, which is a Major Street on Map 3. The proposed additional uses are consistent with the intent of this policy. The zoning by-law amendments also limit the proposed uses to the ground floor and associated basement of the existing buildings, thereby mitigating potential adverse impacts on nearby residential properties.

### **Current Zoning By-law Permissions**

The existing uses on 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street are laundry shop, personal grooming establishment, massage establishment and retail store uses. While the 'R4' and 'R' zones do not permit such uses, the majority of the subject properties have a legally non-conforming status as their use pre-dated the enactment of Zoning By-laws 438-86 and 569-2013 and have since established themselves as part of the neighbourhood fabric. Permitting such uses in the Zoning By-laws would acknowledge the existing non-residential uses on the subject properties.

### **Traffic Impact, Access, Parking**

Transportation Services staff have advised that they do not have any concerns regarding the traffic impact of the proposed uses.

### **Servicing**

Engineering & Construction Services staff have advised that the existing servicing is considered adequate for the existing non-residential uses.

### **Summary of Proposed Zoning By-law Amendments**

The proposed amendments to By-law 438-86, as amended, and By-law 569-2013 (Attachments 3 and 4) include the following:

- Permitting the following non-residential uses within the existing buildings at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street: Laundry shop, personal grooming establishment, massage establishment and retail store.
- Limiting the non-residential uses to the first floor and associated below grade portions of the building which existing on the lots on the date of the by-law enactment.

## **CONCLUSION**

This City-initiated amendment, which proposes non-residential uses within the buildings located at 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street within a *Neighbourhoods* designated area, comply with the Official Plan objectives of allowing small-scale non-residential uses on major streets that are compatible with surrounding residential uses, while also respecting and reinforcing the existing built form character of the surrounding *Neighbourhoods* designated area. City Planning staff recommends approval of this City-initiated amendments to Zoning By-laws 438-86 and 569-2013.

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

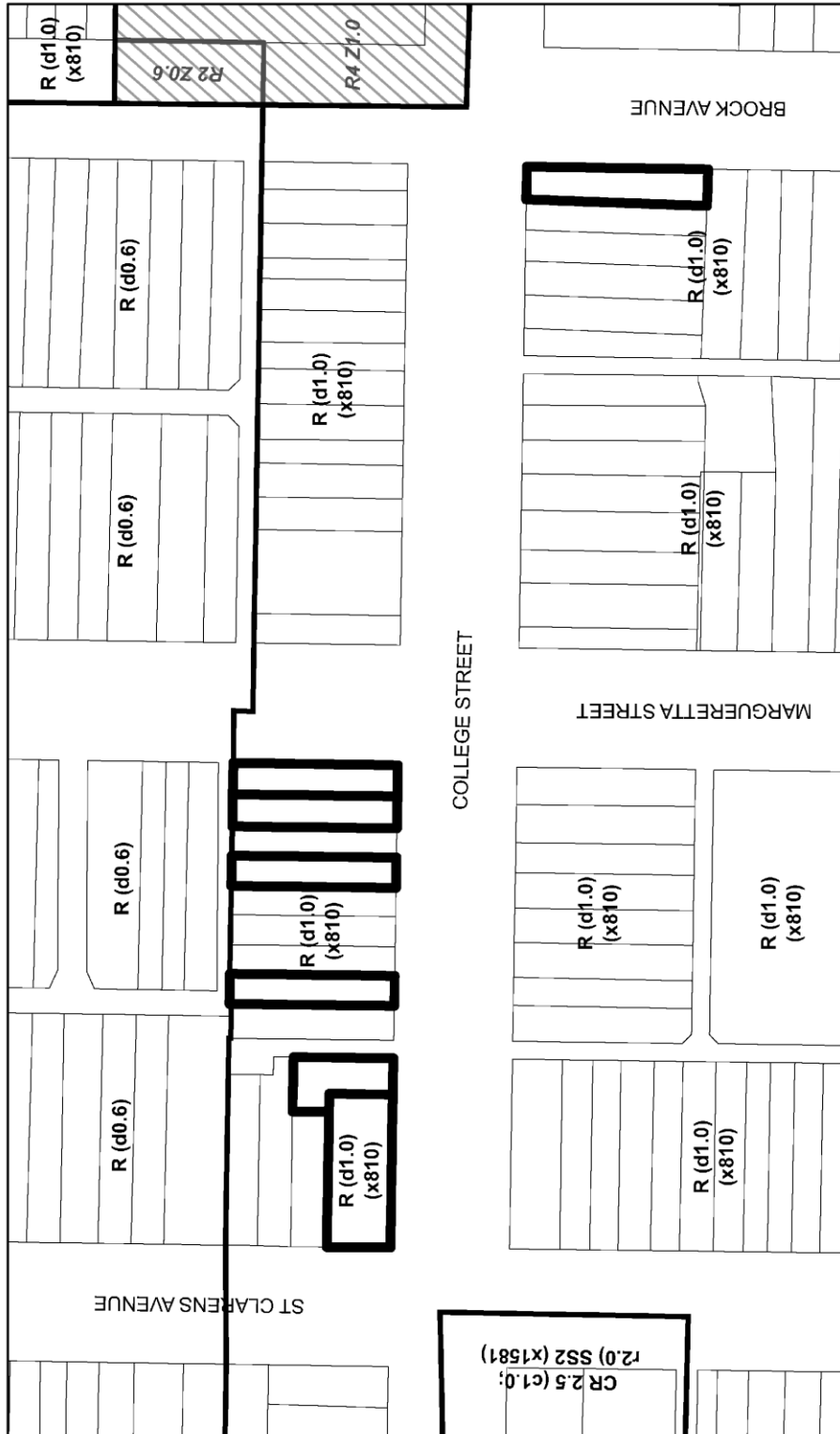
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## **ATTACHMENTS**

Attachment 1: Zoning Map  
Attachment 2: Official Plan Map  
Attachment 3: Draft Zoning By-law 438-86 Amendment  
Attachment 4: Draft Zoning By-law 569-2013 Amendment

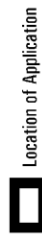


# Attachment 1: Zoning Map



**Zoning By-law No. 569-2013**

1264, 1250, 1246, 1238, 1234, 1232 & 1209 College Street  
File # 17 238449 STE 18 0Z



Location of Application



See Former City of Toronto By-Law No. 436-86



R Residential

CR Commercial Residential

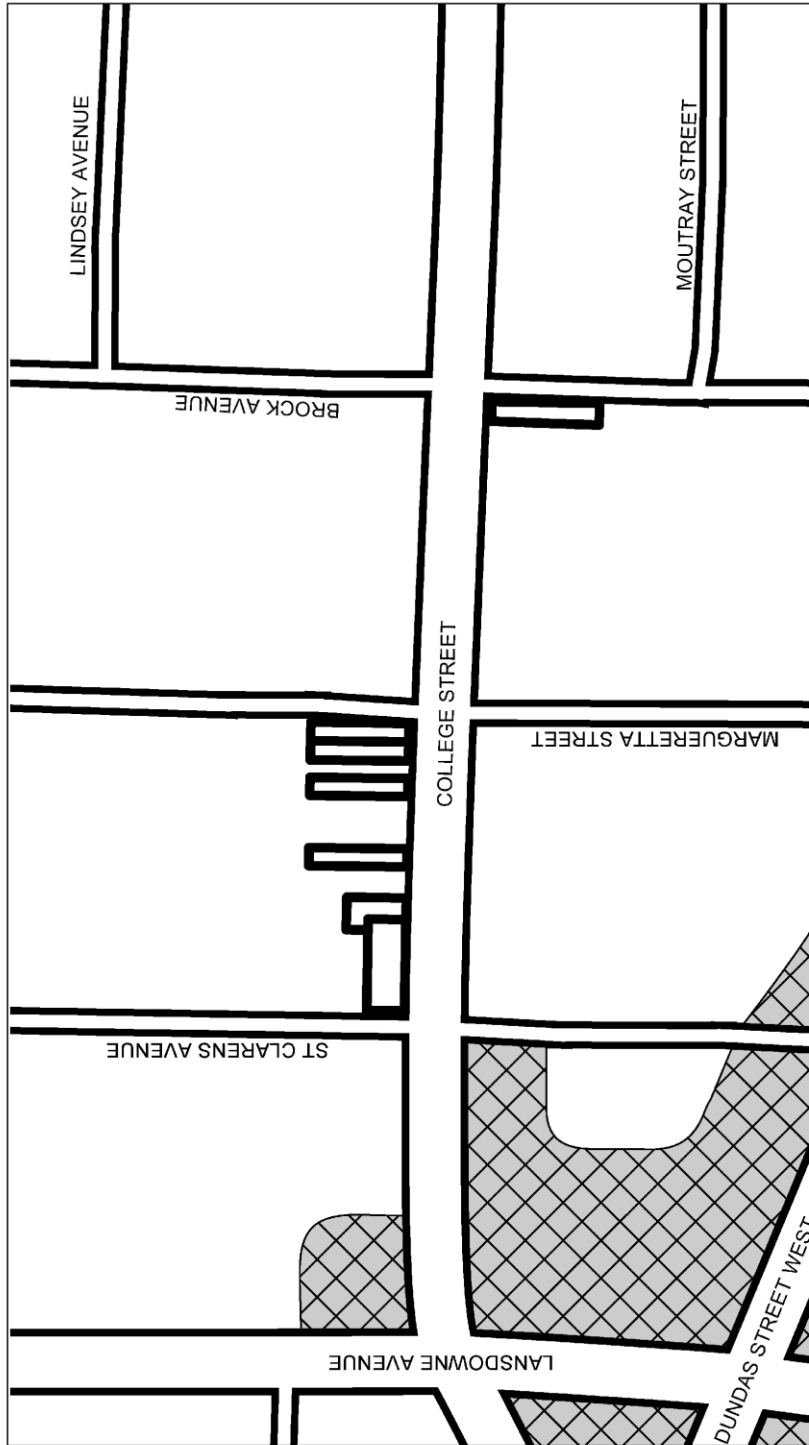
R2 Residential District

R4 Residential District



Not to Scale  
Extracted: 02/27/2018

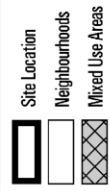
Attachment 2: Official Plan Map



Extract from Official Plan

1264, 1250, 1246, 1238, 1234, 1232 & 1209 College Street

File # 17 238449 STE 18 0Z



Not to Scale  
02/27/2018

### Attachment 3: Draft Zoning By-law 438-86 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. XXXX-2017

**To amend Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2017 as 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street.**

Whereas Council of the City of Toronto has the authority to pursuant to 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. For the purpose of this By-law, “lot” shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law and known in the year 2017 as 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street;
2. The lots are comprised of those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - a. In addition to the uses permitted by Section 6(1), the following additional uses are permitted within the buildings which existed on the lot on [the date of the enactment of the by-law]:
    - a) *Retail Store*
    - b) *Personal Grooming Establishment*
    - c) *Massage Establishment*
    - d) *Laundry Shop*
  - b. The uses permitted in 2.(a) will be limited to the first floor and associated below grade portions of the building which existed on the lots on [the date of the enactment of the by-law].

Enacted and passed on month ##, 20##.

Name,  
Speaker  
(Seal of the City)

Ulli S. Watkiss,  
City Clerk



1264, 1250, 1246, 1238, 1234, 1232 & 1209 College Street

File # 07 238449 STE 18 0Z



City of Toronto By-Law 438-86  
Not to Scale  
02/27/2018

## Attachment 4: Draft Zoning By-law 569-2013 Amendment

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

### CITY OF TORONTO Lands in 569-2013 with no Section 37 Provisions

Bill No. ~

BY-LAW No. ~-2017

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 1209, 1232, 1234, 1238, 1246, 1250 and 1264 College Street.**

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R(d1.0)(x47), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception 47 so that it reads:

#### **Exception R 47**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) The lands must comply with exception 900.2.10(7)
- (B) In addition to the uses listed in Article 10.10.20, the following uses are permitted within the **building** which existed on the lands on [the date of the enactment of the by-law]:

**Retail Store;  
Personal Service Shop;  
Massage Therapy;**

- (C) The uses permitted in (A) will be limited to the **first floor** and associated **basement** portions of the **building** which existed on [the date of the enactment of the by-law].

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

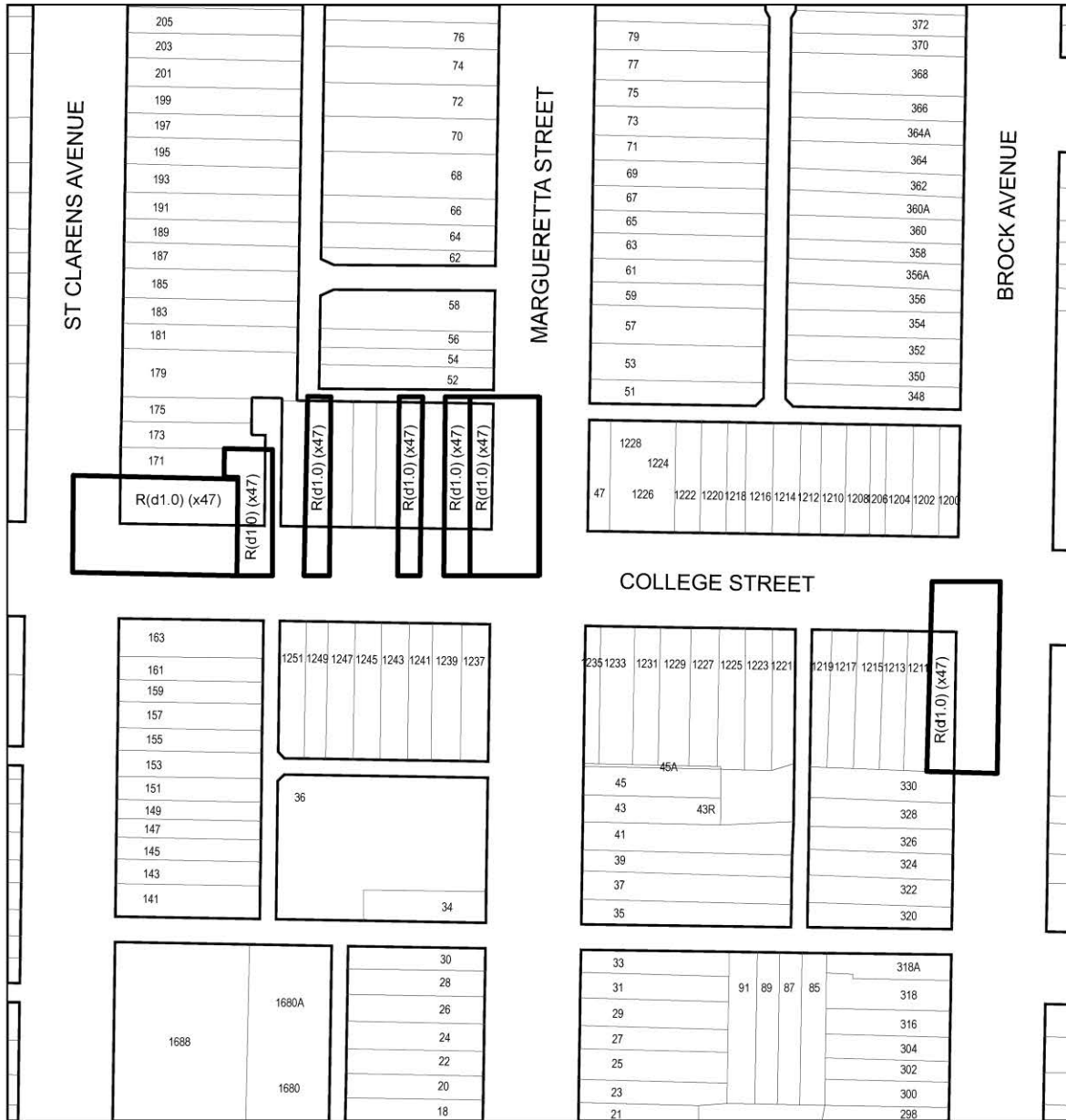


1264, 1250, 1246, 1238, 1234, 1232 & 1209 College Street

File # 07 238449 STE 18 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
02/27/2018



**TORONTO**  
Diagram 2

1264, 1250, 1246, 1238, 1234, 1232 & 1209 College Street

File # 07 238449 STE 18 OZ



City of Toronto By-Law 569-2013  
Not to Scale  
02/27/2018