30 to 78 Alentejo Street - City Initiated Zoning Amendment - Final Report

SUMMARY

The application proposes to amend Zoning By-law 87-2000 to remove the requirement for one parking space to be provided in a private garage located in the rear yard, for all semi-detached dwelling lots (Lots 1 to 25 inclusive, Registered Plan 66M-2398) on the west side of Alentejo Street, known municipally as 30 to 78 Alentejo Street.

This report reviews and recommends approval of an amendment to the applicable Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 87-2000, for the lands at 30 to 78 Alentejo Street, substantially in accordance with the draft Zoning By-law Amendment provided as Attachment 5.

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.

DECISION HISTORY
At its meeting on February 1, 2, and 3, 2000, former City of Toronto Council enacted By-law 86-2000 to adopt an Official Plan Amendment and Zoning By-law 87-2000 (amending former City of Toronto By-law 438-86), to rezone lands on the west side of Alentejo Street, (being the severed east half of the industrial use property at 101 Union Street) from I3 (Industrial) to R2 Z1.0 (Residential) (see Attachment 3). The Zoning By-law also introduced site specific provisions to permit a residential development consisting of 24 semi-detached dwelling lots, 1 detached dwelling lot and a public lane on the lands. Council also approved conditions for the draft plan of subdivision relating to the development.

Following from the rezoning, Plan of Subdivision 66M-2398 to create the semi-detached and detached dwelling lots and a public lane extending west from Alentejo Street along the rear of the dwelling lots, was registered on January 16, 2003. Construction of the dwellings on the subdivision lands occurred in 2003 (see Attachment 1).

Plans of the residential development proposed rear yard private garages for each of the semi-detached dwellings (30-76 Alentejo Street) and an integral rear garage for the detached dwelling (78 Alentejo Street), all accessed from the public lane (see Attachment 2). Zoning By-law 87-2000 Section 3(e), reflected this proposal by including the following provision:

"each detached house and semi-detached house shall have a minimum of 1 parking space provided in a private garage located in the rear yard of the said detached house or semi-detached house with the exception of the detached house located on Lot 25 which shall have 1 parking space provided in an integral garage located in the rear area of the said detached house,"

In the course of construction several semi-detached dwellings did not have garages constructed by the developer. These dwellings have rear yard parking pads.

ISSUE BACKGROUND

Zoning Non-Compliance
A number of the semi-detached dwelling properties on the west side of Alentejo Street do not comply with the Zoning By-law because the required rear yard private garage is not provided. In all, there are 10 affected properties. Toronto Building currently has active orders to comply for these properties that have not built the required private garages.

Etobicoke York Community Council at its meeting on December 10, 2010, considered a letter from Councillor Palacio dated December 10, 2010 and requested the Director, Community Planning, Etobicoke York District to arrange a community consultation.
meeting together with the Ward Councillor; and report to the Etobicoke York Community Council on the non-compliance issue and a City-initiated approach to address the matter.

Etobicoke York Community Council at its meeting on January 18, 2011 considered another letter from Councillor Palacio dated January 17, 2011, which indicated that he facilitated community consultations and received support for removing the zoning provision that requires garages to be provided for the semi-detached dwellings on the west side of Alentejo Street.

At this meeting, Community Council further requested the Director, Community Planning, Etobicoke York District to prepare a draft Zoning By-law, to remove the requirement for the provision of a private garage for all the semi-detached dwelling lots (Lots 1 to 25 inclusive, Registered Plan 66M-2398) on the west side of Alentejo street, and arrange for a public meeting for the proposed By-law at the earliest possible meeting of the Etobicoke York Community Council.

**Surrounding Area**

The subject properties are located north of St. Clair Avenue and west of Old Weston Road. The land uses surrounding the block of semi-detached dwellings on the west side of Alentejo Street are as follows:

- **North:** Industrial Use and Turnberry North Park
- **South:** Ontario Hydro Transmission Corridor, tractor trailer storage and Sadra Park
- **East:** Semi-detached dwellings and Turnberry South Park
- **West:** Industrial Use and a 4.2 metre high corrugated metal fence abutting the west side of the mid-block public lane.

**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 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 subdivision block is designated "Neighbourhoods" in the City of Toronto Official Plan. The residential development conforms to the designation and related policies of the plan.

Zoning
On August 27, 2010, City Council enacted a new city-wide Zoning By-law 1156-2010 for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. No hearing dates have been set. While the By-law is under appeal, the provisions of both Zoning By-law 438-86 for the former City of Toronto and the new zoning by-law are in effect for the subject area consisting of the dwelling Lots 1 to 25 inclusive, and the public lane.

Under By-law 1156-2010, the area is zoned R (d1.0) (x786) which permits the existing detached house and semi-detached dwellings. The site is also subject to a site specific exception, Chapter 900 2.10 which allows the site specific provisions in By-law 87-2000. An excerpt from the zoning map in By-law 1156-2010, as it relates to the subject property, is shown on Attachment 4.

Zoning By-law 438-86 of the former City of Toronto also applies while the above-noted by-law is under appeal. In By-law 438-86 the area on the west side of Alentejo Street is zoned R2 Z1.0, which permits the detached and semi-detached dwellings. The site is also subject to a site specific zoning under By-law 87-2000 that contains provisions to regulate the residential uses including the requirement for the provision of a private rear yard garage.

Reasons for Application
The purpose of this application is to resolve the matter of non-compliance to Zoning By-law 87-2000 as it pertains to some properties on the west side of Alentejo Street by amending the by-law. This amendment will remove the requirement for the provision of 1 parking space being provided in a private garage located in the rear yard, for all semi-detached dwelling lots (Lots 1 to 25 inclusive, Registered Plan 66M-2398).

Community Consultation
City Planning staff have been advised by the local Councillor’s office that community consultations have been held by the Councillor with residents of the area. Planning staff were not in attendance at these meetings. The Councillor’s office has advised that residents support the resolution of the zoning non-compliance issue by way of an amendment to the Zoning By-law to remove the requirement for the provision of 1 parking space in a private garage in the rear yard.

COMMENTS
The zoning provision to require a minimum of one parking space to be provided in a private garage in the rear yard of the semi-detached dwelling lots on the west side of Alentejo Street at the time, reflected the development plans advanced by the subdivision
developer and in conjunction with the rear public lane. The garages provided an acceptable separation, buffer and visual screen for the semi-detached rear yard amenity area to the adjacent industrial use to the west.

With the recent construction of a 4.2 metre high corrugated metal fence supported by pile driven steel posts at the rear lot limit of the adjacent industrial use at 101 Union Street, this fence now also provides an effective buffer and screen for the semi-detached dwelling amenity areas. The construction of the fence has recently occurred as a result of Municipal Licensing and Standards issues with respect to the existing use at 101 Union Street. Municipal Licensing and Standards staff have advised that the fence has been substantially completed with the outstanding portions to be completed in early 2011.

Accordingly, with the fence substantially completed, a zoning by-law amendment to remove the zoning requirement for a private garage to be constructed in the rear yard of the semi-detached dwellings is appropriate.

As amended, Zoning By-law 87-2000 Section 3(e), shall read as follows:

"(e) each detached house and semi-detached house shall have a minimum of 1 parking space provided in the rear yard of the said detached house or semi-detached house, with the exception of the detached house located on Lot 25 which shall have 1 parking space provided in an integral garage located in the rear area of the said detached house,"

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SIGNATURE

________________________________________________________________________
Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS
Attachment 1: Plan of Subdivision 66M 2398
Attachment 2: Site Plan and Typical Lot / Building Pattern
Attachment 3: Zoning (former City of Toronto By-law 438-86)
Attachment 4: Zoning (By-law 1156-2010)
Attachment 5: Draft Zoning By-law Amendment
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Attachment 2: Site Plan and Typical Lot / Building Pattern
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Attachment 4: Zoning (By-law 1156-2010)
Attachment 5: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item No. ~ EY, as adopted by City of Toronto Council on ~, 2011
Enacted by Council: ~, 2011

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2011

To amend the general Zoning By-law No. 438-86 of the former City of Toronto, as amended and Site Specific Zoning By-law 87-2000 with respect to Lots 1 to 25 inclusive, Registered Plan 66M-2398, being the lands municipally known as 30 to 78 Alentejo Street, formerly known as No. 101 Union Street.

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. Site Specific By-law No. 87-2000, Section 3(e) is amended by removing the words "in a private garage located " so that Section 3(e) reads as follows:

"(e) each detached house and semi-detached house shall have a minimum of 1 parking space provided in the rear yard of the said detached house or semi-detached house, with the exception of the detached house located on Lot 25 which shall have 1 parking space provided in an integral garage located in the rear area of the said detached house,"

ENACTED AND PASSED this ~ day of ~ , A.D. 2011.

ROBERT FORD, ULLI S. WATKISS
Mayor City Clerk

(Corporate Seal)