



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

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| <b>Date:</b>      | January 19, 2012   |
| <b>To:</b>        | <b>Chair and Committee Members of the Committee of Adjustment<br/>Toronto and East York District</b> |
| <b>From:</b>      | Gregg Lintern, Director, Community Planning<br>Toronto and East York District                        |
| <b>Wards:</b>     | Ward 28, Toronto-Rosedale  |
| <b>Reference:</b> | File No. A0792/11TEY<br>Address: 154 Front Street East<br>Application to be heard: January 25, 2012  |

**RECOMMENDATION**

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That the application be refused, as it does not meet the four tests in the *Planning Act* for minor variances.

Should the Committee deem the application appropriate for approval, planning staff respectfully request that the following conditions be tied to approval:

1. That no commercial parking be permitted until final Site Plan Approval (for file # 11-286296 STE 28 SA) has been granted; and
2. That the design of the parking lot adhere to the City's "Design Guidelines for the Greening of Surface Parking Lots", and be subject to approval from the Director of Planning, Toronto and East York District, or his designate.

**APPLICATION**

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This application seeks Committee of Adjustment approval for the establishment of a temporary surface commercial parking lot on the property 154 Front Street East. The bus depot building was demolished in November 2011 and the property is currently vacant, surrounded by perimeter fencing. This applicant has also submitted a concurrent Site Plan Approval application (file # 11-286296 STE 28 SA) for the proposed parking lot. The Committee should further be aware that the subject property is the site of larger redevelopment application (Rezoning file # 11-146719 STE 28 OZ) for two residential condominium towers, which has been appealed to the Ontario Municipal Board, as the City and the applicant have not come to an agreement on the appropriate built form for the site. This application proposes two 26-storey towers, connected by a common podium ranging in height from seven to nine storeys, 477 units, retail uses on the ground floor and five levels of below-grade parking.

**COMMENTS**

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An application for a minor variance before the Committee of Adjustment must meet each of the four tests contained within Section 45 of the *Planning Act*:

1. That it meets the general intent and purpose of the Official Plan;
2. That it meets the general intent and purpose of the zoning bylaw;
3. That it is desirable for the appropriate development or use of the land, building or structure; and
4. That it is minor in nature.

This property is within the King-Parliament area, and is therefore subject to the policies and provisions contained within the King-Parliament Secondary Plan. The Plan contains objectives encouraging growth in a broad range of land uses including commercial, institutional, industrial, light industrial, entertainment, recreational, residential and live/work. Section 5.3(a) of this Plan states, however, that "the establishment of new surface parking lots in the King-Parliament area or the expansion of existing surface parking lots is prohibited." The proposed use does not then meet the intent and purpose of the Official Plan, the first test for minor variances.

The current zoning for the property is Reinvestment Area District (RA) under the former City of Toronto Zoning Bylaw 438-86. Section 7(2)6.(iii) of Bylaw 438-86, contains a clause restricting the permitted uses in RA zones, stating that, "a commercial parking lot and a private commercial garage are not permitted." This restriction indicates that the proposed use does not meet the intent and purpose of the zoning bylaw and thus fails the second test for minor variances.

Without any discussion of the 'desirability' or extent to which this proposal is 'minor' (the third and fourth tests for minor variances), the proposed application clearly fails the first two tests for minor variances, as defined by the *Planning Act* and should not be approved. It should be noted that there have been no previous approvals for temporary surface parking lots in the King-Parliament area through Committee of Adjustment.

Should the Committee deem the application worthy of approval, staff recommend that no commercial parking be permitted until final Site Plan Approval has been issued. This application should be appropriately revised to meet the standards contained within the Design Guidelines for the Greening of Surface Parking Lots.

#### **CONTACT**

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#### **SIGNATURE**

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Toronto and East York District

Copy: Councillor Pam McConnell, Ward 28 (by inter-office mail)