STAFF REPORT FOR ACTION

Date:	March 13, 2012
To:	Chairman and Members of the Committee of Adjustment Toronto and East York Panel
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27, Toronto Centre-Rosedale
Reference:	A0507/11TEY 308-314 Jarvis Street, 225 Mutual Street Duration Investments Ltd. To be heard on Wednesday April 4, 2012

Background

The applicant currently operates an illegal parking lot on the site known municipally as 308-314 Jarvis Street & 225 Mutual Street and Municipal Licensing and Standards have outstanding violations in this regard. As a consequence the applicant has filed a minor variance application for the use of a parking lot to be added to this site. Although the applicant has indicated in conversations with staff their desire for this to be applied as a temporary use, a temporary use by-law must be passed by City Council for a period no greater than three years, the current application does not reflect this desire or process.

The applicant is seeking a variance from the by-law for the following:

Section 12(2) 80 and Section 12(2) 148, By-law 438-86
A commercial parking lot is not permitted.

COMMENTS

The variances requested are required for the use of the property as commercial parking lot.

ISSUES BACKGROUND

The site is located just south of the corner of Jarvis Street and Carlton Street. It is across from Allan Gardens and adjacent to the McGill Granby Neighbourhood, a designated *Neighbourhood* within the Official Plan. This property is also subject to a rezoning application (12 110573 STE 27 OZ), to permit the construction of a 50-storey residential condominium tower with podium.

Official Plan

The subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan and it is designated as *Mixed Use Areas* on Map 18 – Land Use Plan. The site is also subject to Site and Area Specific Policy 151 of the Official Plan.

Section 4.5 Mixed Use Areas

Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale.

Site and Area Specific Policy 151

This site is within the area defined by site specific policy 151 in the City of Toronto Official Plan. Site Specific Policy 151 requires that the McGill Granby Area be conserved and its stability promoted by encouraging the preservation of house-form buildings and their continued use for housing. New vehicular access routes will be designed so as not to interfere with the use of private open space in adjacent houses.

Zoning

There are three restrictive exceptions on the lot that limit or expressly forbid commercial parking, 12(2) 80, 12(2) 132 and 12(2) 148.

Conclusion

City of Toronto Planning Staff do not believe that the application meets the four tests of a Minor Variance as set out in the *Planning Act*.

The proposed variance does not meet the intent and purpose of the Official Plan. Section 2.4 of the City of Toronto Official Plan, Policy 4, requires that for sites well served by public transit, including surface transit routes, that surface parking lots be limited as a non-ancillary use. The current proposal is a non-ancillary commercial parking lot in an area well served by major surface transit and surface parking should be discouraged.

The proposal does not meet the intent and purpose of the zoning by-law. Section 12(2) 80 does not permit parking facilities except as an ancillary use and only if the parking does not exceed 125% of the allowed parking for the use. The site is currently occupied by the Sheard Mansion, the mansion is currently being used as commercial space for a non-profit company. City staff would need to confirm the GFA of the mansion and the amount of parking spaces proposed by the applicant to determine if it is less than 125% of the allowed parking for the site, but it appears from visual inspection that it would exceed the 125% figure.

Section 12(2) 148 expressly prohibits commercial parking lots on the properties known municipally as 96, 98, and 100 Granby Street as well as 225 Mutual Street. In the case of 225 Mutual Street, however, a commercial parking lot is only allowed if wholly contained below grade. The proposed parking lot is above grade and cannot be said to meet the intent and purpose of the zoning by-law.

The proposed variance is not minor. Allowing the commercial parking garage above grade represents a substantial departure from the intent of the zoning by-law which is to only permit it below grade. Staff do not consider moving the parking above grade to be minor in nature.

The proposed variance is not desirable. Surface parking lots present a number of problems in terms of environmental impacts, urban design issues and impacts on adjacent properties. The application has not gone through the City of Toronto's Site Plan Approval Process and City Staff have been advised of complaints arising from drainage and dust. The City of Toronto has produced Urban Design Guidelines for 'Greening' Surface Parking Lots and requires that the applicant take steps to reduce their urban heat island effect, enhance pedestrian safety, mitigate impacts from drainage on neighbouring properties and use permeable materials. Although the current parking lot does consist of permeable materials, it is a uniform gravel parking lot. Due to the fact it was created illegally, Staff have no knowledge of potential adverse impacts on adjacent properties or whether appropriate steps were taken to mitigate those impacts. For information on the Design Guidelines for 'Greening' Surface Parking Lots, see below.

http://www.toronto.ca/planning/urbdesign/greening_parking_lots.htm

RECOMMENDATION

Staff have undertaken a review of the requested variances and have determined that the proposed variances are not supportable, however, should the Committee approve the variances requested, Staff recommend that the variances be conditional on the following:

1. That the applicant be required to submit a site plan application and enter into a Site Plan agreement under Section 114 of the *City of Toronto Act*, so that an appropriate review of the surface parking lot can be undertaken, particularly in regards to drainage, storm water management and the applicability of the City of Toronto's Guidelines for 'Greening' Surface Parking Lots and so that appropriate conditions may be secured.

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SIGNATURE

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