STAFF REPORT
ACTION REQUIRED

102 to 106 Curzon Street - Zoning Amendment – Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>March 18, 2013</th>
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<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>Ward 30 – Toronto-Danforth</td>
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<tr>
<td>Reference Number:</td>
<td>11-332270 STE 30 OZ</td>
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SUMMARY

This report reviews and recommends approval of an application to amend the Zoning By-law to permit the re-development of the rear portion of the lands at 102 to 106 Curzon Street with four 3-storey townhouses fronting onto a private driveway that provides access to Curzon Street.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 102 – 106 Curzon Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report dated March 18, 2013 from the Director, Community Planning, Toronto and East York District.

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.
3. Prior to the introduction of Bills, City Council require the owner of the lands to provide legal documentation, to the satisfaction of the City Solicitor, indicating that the new lots will have legal access to a public street and servicing.

5. Prior to the introduction of Bills, City Council require confirmation from the Executive Director of Engineering and Construction Services that a) there is adequate infrastructure to support this development or, b) if there is not currently adequate servicing in connection with the Functional Servicing Report, the owner can provide adequate servicing and has provided a letter of credit to secure the required improvements to the existing municipal infrastructure to the satisfaction of the Executive Director of Engineering and Construction Services.

6. Prior to the introduction of Bills, City Council require the owner of the lands to satisfy Toronto Fire Services, in consultation with the City Solicitor, that an access route for Fire Services' use, compliant with the applicable provisions of Ontario Regulation 350/06 (the "Ontario Building Code") shall be provided and maintained on the right-of-way servicing the site.

7. Prior to the introduction of Bills, City Council require the owner of the lands to provide a Tree Protection Plan and Site Plan showing the Tree Protection Zones to the satisfaction of the Director of Urban Forestry.

8. City Council request that the General Manager, Transportation Services examine and report back to Toronto and East York Community Council on whether to exclude the site from Permit Parking Area 8D.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
There are no previous applications or decisions on these subject properties which may have relevance to the decision on this application.

In 1986, City of Toronto Land Use Committee approved an infill housing application directly south of the site that permitted 8 townhouses in 2 blocks (4 units in each block) at 98 Curzon Street and 115 Jones Avenue. In 1989, an additional infill townhouse project consisting of 4 units was approved at 86 & 90 Curzon Street, which is located to the immediate west of the site.

ISSUE BACKGROUND

Proposal
The application proposes an infill development consisting of four 3-storey townhouse units on vacant land to the rear of the dwelling units at 102-106 Curzon Street.

The units will front onto a private driveway which provides access to Curzon Street. A total of 4 parking spaces will be provided in integral garages. Additional project information and details
Site and Surrounding Area
The site is located south of Dundas Street East, west of Curzon Street. The property is being assembled from the rear lands of 102, 104 and 106 Curzon Street with an existing access right-of-way to the south of 100 Curzon Street. 102 Curzon Street has a wider internal composition that fronts on to an existing right-of-way. The rear yards of 104 and 106 Curzon Street provide additional lands to create the remainder of the development property. The proposed assembled property would have an area of approximately 1058 m² with a frontage of 39 metres and a lot depth of 49 metres.

Land uses surrounding the site are as follows:

North: Low density residential uses fronting on Dundas Street East including single and semi-detached dwellings, and a 3-storey townhouse building;

South: Low density residential uses fronting on Curzon Street (primarily semi-detached). Directly south are 2 townhouses blocks each containing 4 units that have access to Curzon via the private driveway;

East: Low density residential uses fronting onto Curzon Street. Further east is St. Joseph’s elementary school;

West: To the immediate west of the site is a block of 4 townhouses. Further west are residential (primarily single and semi-detached) uses fronting onto Jones Avenue.

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 the 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan
The property is designated Neighbourhoods in the Official Plan. 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, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

A key objective of the Official Plan is to guide new development to respect and reinforce the general physical patterns in a Neighbourhood. Scattered throughout many Neighbourhoods are properties that differ from the prevailing patterns of lot size, configuration and orientation where infill development may occur. The Official Plan sets out development criteria in section 4.1.9 to ensure that infill development on such lots is compatible in terms of height, massing and scale for the site, and compatible with uses permitted within the surrounding neighbourhood.

Zoning
The site is currently zoned R2 Z0.6, which permits a variety of residential uses on the lot to a maximum density of 0.6 times the area of the lot. The height limit is 10 metres.

Land Division
The applicant is assembling the property through the Committee of Adjustment by conveying lands from the rear portion of the properties at 102, 104 and 106 Curzon to create the subject site for the proposed townhouses. The assembled lands will then be subdivided to create the townhouse parcels with right-of-way and easement requirements. Among other matters, the consent applications will be an opportunity to secure municipal services, legal access and fire routes for the proposed development.

Site Plan Control
A Site Plan Control application (12 146745 STE 30 SA) was submitted and is currently under review by City Staff.

Reasons for Application
The proposed density of 1.3 times the area of the lot exceeds the permitted 0.6 times the lot area. A site specific by-law is required as the residential standards cannot be met with the proposed configuration.

Community Consultation
A community consultation meeting was held on May 11, 2012. The meeting was attended by City Planning staff, staff from Councillor Fletcher's office, the applicant and approximately 25 members of the public. Area residents also provided written comments to City Planning staff. The concerns raised by residents with respect to the proposed development were generally related to:

- Lack of appropriate rear yard setbacks to the adjacent properties to the rear of the site;
- The overall increase in density along Curzon Street resulting in increased traffic within the neighbourhood;
- Potential conflict with drop-off and pick-up at adjacent school;
- Loss of mature trees on the site;
- Additional on-street parking required for visitors;
- Proposed landscaping and fencing;
- Stormwater management on the site; and
- Noise and dust related to demolition and construction.

**Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

**COMMENTS**

**Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

**Land Use and Existing Physical Character**

The Official Plan designates the subject lands as *Neighbourhoods*. The Plan states that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. It also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

The proposed development is located adjacent to two previously approved infill housing projects. South of the site are 8 townhouses in 2 blocks (4 units in each block) at 98 Curzon Street and 115 Jones Avenue. An additional infill townhouse project consisting of 4 units was approved at 86 & 90 Curzon Street, which is located immediately west of the site. The proposed townhouse use is appropriate as it is an extension of the previously approved infill projects and has a similar physical design and building footprint. The proposed development would reinforce the existing physical patterns and character of the established neighbourhood.

**Built Form**

The proposed development exceeds the permitted density for this zoning category but does not exceed the height limit of 10 metres. It is in keeping with the established context of the surrounding neighbourhood and complies with *Neighbourhoods* Policy 4.1.9 in the Official Plan.

Several residents, who were in attendance at the community meeting, expressed concerns with respect to the possibility of overlook from the proposed houses into their rear yards. The privacy and overlook concerns have been addressed by increasing the rear yard setback from 5 metres to 7.5 metres. The townhouse units have been designed so that blank walls abut the existing residences to the east and west. In addition, the heights of the units have been reduced to comply with the Zoning By-law height limit of 10 metres. The applicant will also be required to provide privacy fencing and landscaping that will be secured through the Site Plan Control process.
The lot frontages, which range from 4.8 to 5.6 metres, are appropriate and consistent with the lot frontages of the surrounding properties. The proposed layout is sensitive to the proximity of the existing uses and compatible with the immediate area. The applicant has made several revisions to improve the massing of the proposed development to provide for better integration with the existing neighbourhood.

**Traffic Impact, Access, Parking**

Each townhouse will have one parking space in an internal garage. This is consistent with the parking requirement of the Zoning By-law.

The site will be accessed by means of an existing mutual driveway from Curzon Street, which is owned by the applicant. A maintenance agreement with the existing homeowners has been provided. As a condition of approval, Design and Construction Services requires that the applicant provide legal documentation, to the satisfaction of the City Solicitor, that the newly created lots/units will have legal access to the existing mutual driveway.

The area surrounding the site, because of the lack of driveways in the older housing stock, has a high demand for on-street permit parking. Although the proposed townhouses will have dedicated on-site parking spaces which meet the Zoning By-law requirements, the local residents and Ward Councillor are concerned that owners and tenants of the new townhouses will increase demand for the existing on-street permit parking spaces. The Councillor has requested that the development site be excluded from permit parking Area 8D so that future owners and tenants will not be eligible for permits. This report contains a recommendation that Transportation Services examine this request and report back to Community Council.

At the community consultation meetings, issues relating to existing traffic associated with drop-off and pick-up and school buses for the adjacent St Joseph's elementary school were raised. Transportation Services staff have been working closely with staff from the School Board and the Board's transportation consultant to put in place a traffic mitigation plan for the school.

**Forestry**

The proposal includes the retention of two trees on the townhouse property and two trees on the 106 Curzon Street property. Staff recommends that applicant be required to provide a Tree Protection Plan and Site Plan showing the Tree Protection Zones to the satisfaction of the Director of Urban Forestry prior to the Bills being introduced at Council.

**Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people, which is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 4 residential units on a site with a net area of 542.98m2. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland
The dedication requirement is 0.00533 hectares or 9.82% of the site area. In total, the parkland dedication requirement is 53.3m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a parkland dedication of 53.3m² would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

**Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS and this will be secured through Site Plan Approval.

**CONTACT**

Kelly Jones, Community Planner  
Tel. No. (416) 392-7574  
Fax No. (416)392-1330  
E-mail: kjones2@toronto.ca

**SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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**ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Elevations  
Attachment 4: Elevations  
Attachment 5: Elevations  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet  
Attachment 8: Draft Zoning By-law Amendment
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Elevations
Attachment 6: Zoning
Attachment 7: Application Data Sheet

Application Type: Rezoning
Application Number: 11 332270 STE 30 OZ
Details: Rezoning, Standard
Application Date: December 30, 2011

Municipal Address: 102 CURZON ST
Location Description: PLAN 391 PT LOT 5 PT LOT 6 **GRID S3011
Project Description: Rezoning application to permit the redevelopment of a rear portion of the lands municipally known 102-106 Curzon Street for four new 3-storey infill townhouses fronting onto the existing established right of way located on the lands municipally known as 98E Curzon Street providing access to Curzon Street.

Applicant: REMON TOMA
Agent: LEMCAD CONSULTANTS LEO MASTRANDREA
Owner: 2302613 ONTARIO INC

PLANNING CONTROLS
Official Plan Designation: Neighbourhoods
Zoning: R2 Z0.6
Height Limit (m): 10
Site Specific Provision:
Historical Status:
Site Plan Control Area: Y

PROJECT INFORMATION
Site Area (sq. m): 542.98
Frontage (m): 0
Depth (m): 0
Total Ground Floor Area (sq. m): 265.05
Total Residential GFA (sq. m): 727.67
Total Non-Residential GFA (sq. m): 0
Total GFA (sq. m): 727.67
Lot Coverage Ratio (%): 48.8
Floor Space Index: 1.3

Total
Height: Storeys: 3
Metres: 10

FLOOR AREA BREAKDOWN (upon project completion)

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<td>Office GFA (sq. m): 0</td>
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CONTACT: PLANNER NAME: Kelly Jones, Community Planner
TELEPHONE: (416) 392-7574
Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2013

Enacted by Council: ~, 2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. --2013

To amend the former City of Toronto Zoning By-law No.438-86, as amended,
With respect to the lands municipally known as
102, 104 and 106 Curzon 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. None of the provisions of Sections 4(11) (a & b), 4(17)(b), 6(3) Part I, 6(3) Part III, 6(3) Part IV 3 & 4, and 6(3) Part IX 1(a) & (b) of Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of, parking, and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of 4 row houses and accessory structures provided:

   (a) the lot consists of those lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;

   (b) no portion of any above grade building or structure to be erected or used shall extend beyond the building envelope delineated by the heavy lines on Map 2 attached to and forming part of this by-law; except any other type of structure identified as a permitted projection in Section 6(3) Part II 8. of By-law No. 438-86, provided that the restrictions and qualifications in that Section are complied with;

   (c) Notwithstanding the above, decks at the rear of each unit on the second floor will be permitted to a maximum area of 48.24 m² and to project a maximum of 2.39 metres;

   (d) Notwithstanding the above, balconies at the rear of each unit on the third floor will be permitted to a maximum area of 24.12 m² and to project a maximum of 1.22 metres;

   (e) Notwithstanding the above, a landing and stairs from the 1st floor to grade attached to the south wall may project a maximum of 1.5 metres;
(f) the maximum permitted *residential gross floor area* shall not exceed 760 m² (includes basement);

(g) A minimum of 104 m² landscaping shall be provided on the entire site.

(h) the maximum number of *row houses* on the *lot* is 4 and the minimum width of a *row house* is 4.5 metres;

(i) at least 4 motor vehicle parking spaces shall be provided and maintained on the *lot* and located within a *private garage*; and

(j) the size of the parking space within a *private garage* in a *row house* shall have a minimum of 2.9 metres and a minimum length of 5.7 metres.

2. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole lands identified on Map 1, as if no severance, partition or division occurred.

3. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless underground municipal services, being storm and sanitary sewers and the watermain, have been installed (but not necessarily connected) in accordance with plans approved by the Executive Director, Technical Services.

4. For the purposes of this by-law: all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided:

(a) "*grade*" shall mean an elevation of 84.94 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment).

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD, 
Mayor 

ULLI S. WATKISS, 
City Clerk 

(Corporate Seal)
NOTE: Survey information from a Plan of Survey by William J. Paxton Limited, Project No. 1109rp dated June 28, 2011. All dimensions in metres.
NOTE: H denotes height above established grade. All dimensions in metres.