



STAFF REPORT ACTION REQUIRED

1033-1041 and 1068 College Street – Zoning Amendment – Final Report

Date:	March 7, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 18 – Davenport
Reference Number:	17 104273 STE 18 OZ

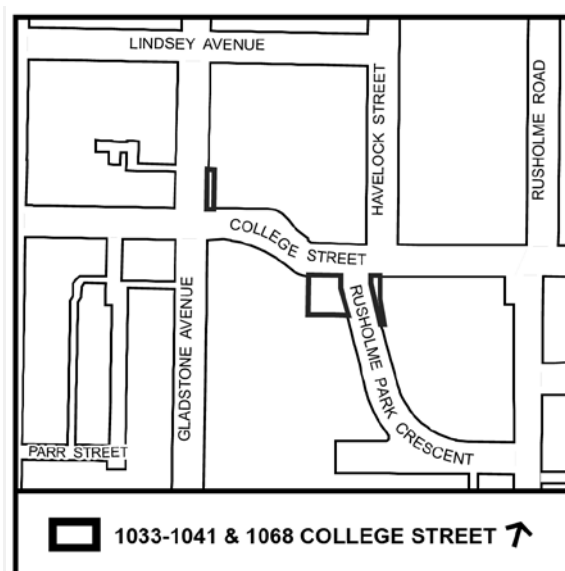
SUMMARY

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 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 1033-1041 and 1068 College Street. Retail store, eating establishment and take-out eating establishment uses would be permitted within the existing buildings, subject to certain performance criteria. Outdoor commercial patios on these properties would be prohibited.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 1033-1041 and 1068 College Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to the report (March 7, 2017) from the Director of Community Planning, Toronto and East York District;
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1033-1041 and 1068 College Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report (March 7, 2017) from the Director of Community Planning, Toronto and East York District; and,
3. City Council authorize the City Solicitor to make such stylistic and technical changes to draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

No previous development applications have been submitted at 1033-1041 and 1068 College Street.

ISSUE BACKGROUND

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 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.

The motion can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemDetails.do?function=getMinutesItemPreview&agendaItemId=43516>

Proposal

This City-initiated amendment proposes to amend Zoning By-laws 438-86 and 569-2013 to permit the existing non-residential uses at 1033-1041 and 1068 College Street. Retail store, eating establishment and take-out eating establishment uses would be permitted subject to certain performance criteria.

The non-residential uses proposed are considered to be compatible with the surrounding residential area. The permitted uses would be limited to the first floor and associated below grade portions of the buildings that currently exist on the lots. The amendments would also prohibit commercial patios on the subject properties.

Site and Surrounding Area

The subject properties front onto College Street. The existing buildings located on 1033-1041 College Street are two-storeys, while the building located on 1068 College Street is three-storeys. The ground floors and basements of the buildings on the subject properties have non-residential uses, while the upper storeys contain residential uses.

The surrounding uses are as follows:

- North: Low-rise residential units including detached and semi-detached dwellings.
- West: Low-rise mixed-use and residential buildings fronting College Street. Saint Helen's Bethel Evangelical Community Church, Saint Helen's Secondary School. Residential units fronting onto College Street are situated further west.
- South: Low-rise housing, including semi-detached and townhouse buildings, with an industrial complex fronting Gladstone Avenue on the east side.
- East: Low-rise mixed-use buildings fronting College Street, and a mid-rise mixed-use building at 998 College Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is 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 4-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 noted on Map 3 of the Official Plan.

Zoning

The site is zoned 'R4' Residential by By-law No. 438-86, as amended, and 'R' Residential by By-law No. 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 No. 569-2013 the study area is also subject to Exception R 424, which permits additional residential uses, such as nursing homes, retirement homes and religious residences. Exception R 424 also identifies By-law 113-85 as the prevailing by-law for the property at 1041 College Street, which permits non-residential uses on the first floor of the existing building.

Site Plan Control

A Site Plan Control application is not required.

Reasons for Application

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 January 26th, 2017. Councillor Bailao and representatives from her office were present at the meeting. Approximately twenty members of the public attended the meeting. The following comments were made regarding the amendment:

- General opposition to permitting additional uses beyond those properties identified by City Council as it could lead to an increase in traffic volumes, noise concerns and higher property taxes.
- Concerns that permitting additional uses beyond these properties will increase development pressure in the neighbourhood.
- Concern regarding the negative noise impacts if commercial patios were permitted.
- Support from many in attendance for permitting the existing non-residential uses within the identified buildings

A meeting with the College West Business Improvement Area (BIA) was held on February 6th, 2017. A representative from Councillor Bailao's office was present, as well as members of the BIA. The BIA was generally in support of additional uses and suggested that they be extended to include the entire length of the BIA. The BIA was advised that this was not within the scope of Council's direction.

COMMENTS

On July 16, 2013, City Council directed City Planning Staff to examine the zoning permissions for 1033-1041 and 1068 College Street and potential amendments to the Zoning By-laws to permit the existing non-residential uses.

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 in a format that is compatible with its surrounding context. The proposal complies with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe identifies the conversion of an existing structure as a form of intensification and further directs that intensification contribute to a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods. While *Neighbourhoods* are not areas where the City typically contemplates intensification, in this instance the conversion of the building is supportable within a *Neighbourhood* 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 4-storeys. Parks, schools, local institutions and small-scale stores and shops serving the needs of area residents are also permitted. The proposed non-residential uses would be limited to the existing buildings on-site to protect the physical character and stability of the *Neighbourhood*.

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. The properties subject to the proposed zoning by-law amendments are located on a Major Street, as shown on Official Plan – 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, and prohibits commercial patios, thereby mitigating potential adverse impacts on nearby residential properties.

Current Zoning By-law Permissions

The existing uses on 1033-1041 and 1068 College Street are restaurant use and retail store use. 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-law No. 438-86 and 569-2013. The exception would be at property 1041 College Street which is subject to By-law 113-85, which allows non-residential uses, and 1068 College Street, which received minor variance approval to legalize and maintain their non-residential uses in 2004.

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 and Construction Services Staff have advised that the existing servicing is considered adequate to accommodate the proposed uses.

Summary of Proposed Zoning By-law Amendments

The proposed amendments to By-law No. 438-86, as amended, and By-law No. 569-2013 (Attachments 3 and 4) include the following:

- Permitting the following non-residential uses within the existing buildings at 1033-1041 and 1068 College Street: retail store; eating establishment; and take-out eating establishment.
- 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.
- Prohibiting outdoor patios used for commercial purposes on the subject lots.

Conclusion

This City-initiated amendment, which proposes non-residential uses within the buildings located at 1033-1041 and 1068 College Street within a *Neighbourhood* 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 *Neighbourhood*.

City Planning Staff recommends approval of this City-initiated Zoning By-law amendment.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

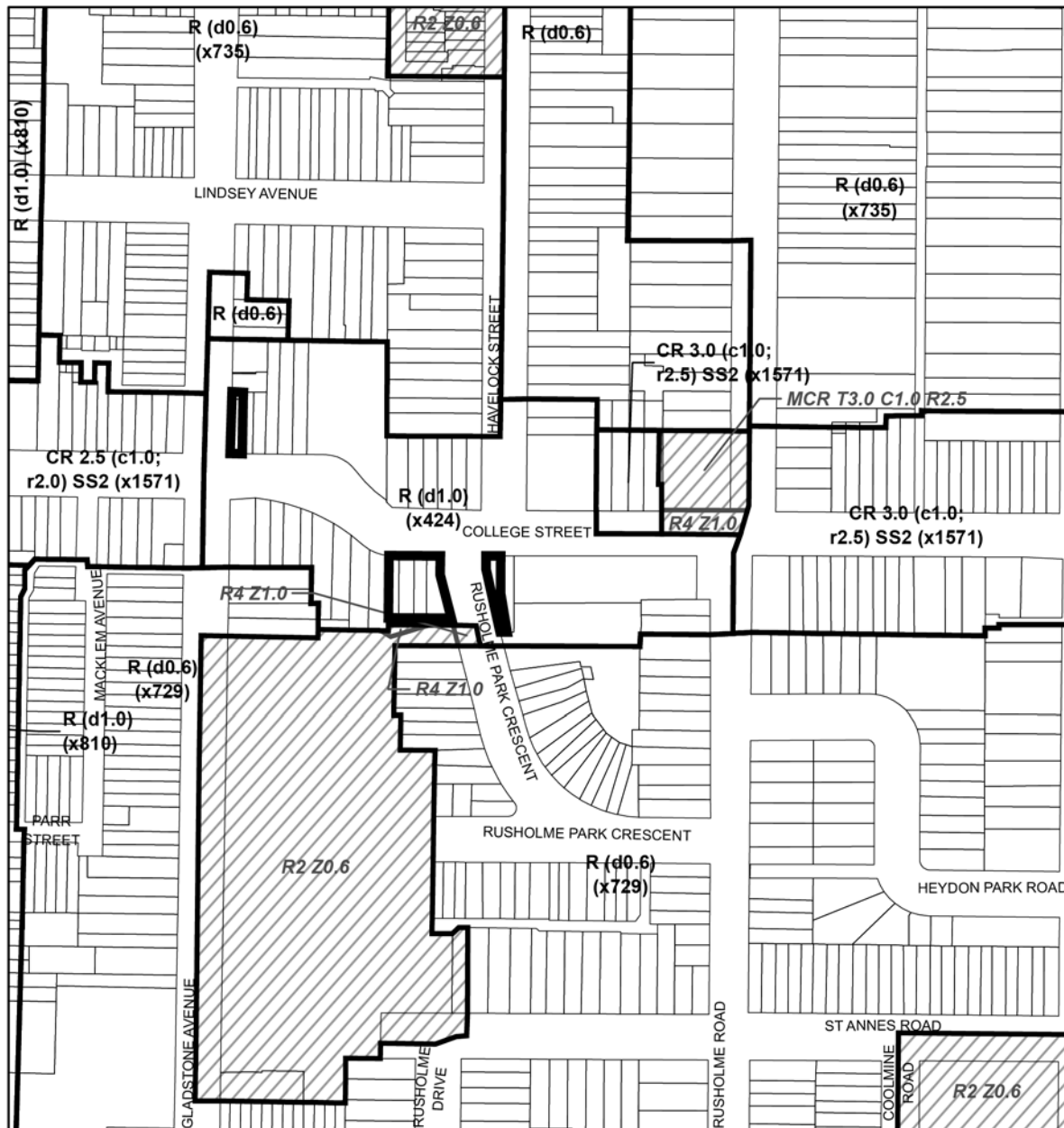
Attachment 1: Zoning

Attachment 2: Official Plan

Attachment 3: Draft Zoning By-law 438-86 Amendment

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

Attachment 1: Zoning



Zoning By-Law No. 569-2013

1033-1041 & 1068 College Street

File # 17 104273 STE 18 02



Location of Application

R Residential CR Commercial Residential



See Former City of Toronto By-Law No. 438-86

R2 Residential District
R4 Residential District
MCR Mixed-Use District



Not to Scale
Extracted: 03/03/2017

Attachment 2: Official Plan



Extract from Official Plan

1033-1041 & 1068 College Street

File # 17 104273 STE 18 02



Not to Scale
03/03/2017

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 1033-1041 and 1068 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 1033-1041 and 1068 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) *Restaurant*
 - c) *Take-out Eating Establishment*
 - 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].
 - c. An outdoor patio that is used for commercial purposes is not permitted on the *lots*.

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

Name,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk



City of Toronto By-Law 438-86
Not to Scale
3/3/2017

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

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 1033-1041 and 1068 College Street.

Whereas Council of the City of Toronto has the authority 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 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 Article 900.2.10 Exception Number 424 under the heading 'Prevailing By-laws and Prevailing Sections' by deleting "(A) On 1041 College St., former City of Toronto by-law 113-85." and replacing those words with "(None Apply)" so that it reads:

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

4. 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)(x####), as shown on Diagram 2 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number **XXXX** so that it reads:

Exception R ####

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) In addition to the uses listed in Article 10.10.20, the following uses are permitted within a **building** which existed on the lands on [the date of the enactment of the by-law]:

Retail Store;
Eating Establishment;
Take-out Eating Establishment;

- (B) An **Eating Establishment** must comply with the specific use regulations in Section 150.100;
- (C) The uses permitted in (A) above, may only be located in the first **storey** and associated **basement** portions of the **building** which existed on [the date of the enactment of the by-law];
- (D) An **outdoor patio** that is used for commercial purposes is not permitted; and
- (E) The lands must comply with exception 900.2.10(7).

Prevailing By-laws and Prevailing Sections:

- (A) On 1041 College St., former City of Toronto by-law 113-85.

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

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

