

**140, 142 & 144 Redpath Avenue
Zoning Amendment Application
Final Report**

| | |
|--------------------------|--|
| Date: | May 9, 2007 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward No. 22 – St. Paul’s |
| Reference Number: | IBMS folder no. 06 199566 |

SUMMARY

This application was made prior to January 1, 2007 and is not subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

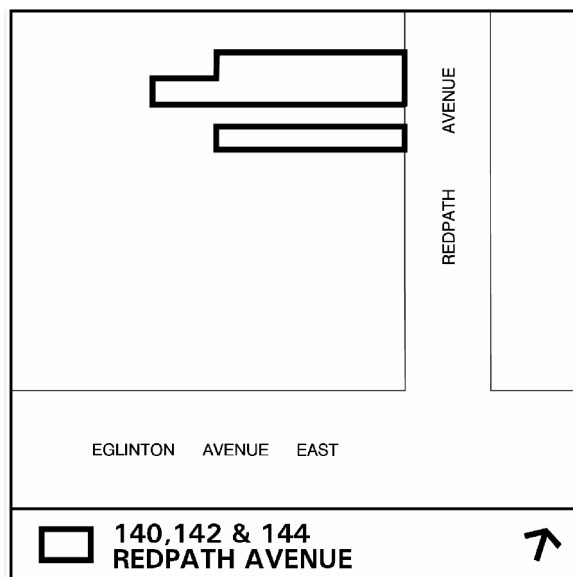
This application proposes to amend By-law 438-86 on a temporary basis (3-years) to permit an existing 42-space commercial parking lot to continue to operate at 140, 142 and 144 Redpath Avenue.

In the absence of a residential redevelopment proposal for the site, this report reviews and recommends approval of extending the temporary zoning permission to allow the continued use of the existing commercial parking lot for another 3-year term. The lot provides needed parking for Eglinton Avenue East businesses.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-



- law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2;
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. Before introducing the necessary Bills to City Council for enactment, the owner shall be required to comply with the conditions of existing undertaking No. U195043 and amended undertaking No. U195043A or submit an application to further amend those agreements to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 4. Before introducing the necessary Bills to City Council for enactment, the owner shall be required to install a litter receptacle at the ticket machine.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A commercial parking lot was first permitted on this site in 1992. By-law 322-92 was passed to permit 40 parking spaces on the site for a temporary period of three years. A Development Agreement and a Collateral Agreement were also executed for this property in 1992. These agreements require that, among other things, the owner provide and maintain landscaping on the public right-of-way as described in the plans. By-law 322-92 expired on April 14, 1995.

In 1997 it was determined that an Official Plan Amendment was required in addition to zoning amendments to permit the commercial parking lot. An OPA was approved at the same time as temporary Zoning By-law 1997-0228. A site plan undertaking was also entered into between the applicant and the City on May 12, 1997 to approve a site plan similar to the one approved in 1992 and to impose a further condition that required the owner to provide a telephone in the attendant's booth and an attendant present on site from 7:00 p.m. to 12:00 midnight on Thursdays, Fridays and Saturdays of each week.

Since that time the permission to permit a commercial parking lot has been continued by subsequent 3-year temporary by-law periods. The most recent, By-law 49-2002 expired on February 15, 2005. The owner also entered into an amended undertaking with the City on February 8, 2002 that changed the hours that an attendant is on site from 7:00 p.m. to 12:00 midnight (as required by the 1997 undertaking) to 9:00 p.m. to 3:00 a.m. on Thursday, Friday and Saturday evenings.

ISSUE BACKGROUND

Proposal

The applicant has recently purchased the site (subject to zoning approval) and has applied for zoning amendments to continue the use of the property as a commercial parking lot

on a temporary basis. The lot would continue to accommodate 42 vehicles (refer to Attachment 1 – Site Plan).

Site and Surrounding Area

The site consists primarily of two parcels of land owned by the applicant but which are separated by a third parcel owned by Metropolitan Toronto Condominium Corporation No. 631 (the Radley Condominiums at 141 Roehampton Avenue). The condominium's parcel, which is the main aisle in the parking lot, is subject to rights-of-way giving access to the applicant's parking spaces and the parking areas for the commercial/residential buildings at 150 and 160 Eglinton Avenue East as well as access to the Radley's parking lot.

Not included in this application is a strip of land on the north side of the site, owned partly by the applicant and partly by the owner of 165 Roehampton Avenue. This strip gives access to a number of the parking spaces on the lot and the backyard parking for 165 Roehampton Avenue.

Adjacent land uses are as follows:

North: to the north is the access driveway referred to above and 8 detached and semi-detached houses fronting onto Roehampton Avenue.

South: immediately south of the site on Redpath Avenue is a row of 4 retail stores with apartments above. South of the site and fronting onto Eglinton Avenue East are large commercial-residential buildings including a number of restaurants and taverns.

East: across Redpath Avenue to the east are low-rise townhouses.

West: to the west is another small commercial parking lot owned by this same applicant and are high-rise residential apartment buildings.

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.

Official Plan

This site falls within the High Density Residence Area in the Yonge-Eglinton Secondary Plan which permits residential buildings of up to 2.0 times the area of the lot.

Neither the former Part I Official Plan for the City of Toronto nor the Yonge-Eglinton Secondary Plan address(ed) the temporary use of vacant, residentially zoned land for surface commercial parking. However, the Planning Act requires that any zoning by-law, including one enacted for a temporary period, must comply with the Official Plan. City Council therefore enacted By-law 1997-0227 on May 12, 1997 to adopt Official Plan Amendment No. 90. OPA 90 specifically permits the use of the property for the purposes of a commercial parking lot for a temporary period as permitted by Section 39 of the Planning Act.

The current Official Plan designates the site as Apartment Neighbourhoods. In addition to apartment buildings, parks and recreational facilities, the Apartment Neighbourhoods designation also permits small-scale retail and service uses.

Section 5.1.5 of the current Official Plan states that Council may pass temporary use by-laws to permit a temporary use of land that may not comply with the Official Plan or the Zoning By-law. The Planning Act, which authorizes a municipality to pass temporary use by-laws, defines the duration of the use as renewable periods of not more than 3 years.

Section 5.1.5 lists a number of policy criteria to be required of temporary uses. These policies are:

1. Temporary use by-laws may be enacted to permit the temporary use of lands, buildings or structures for a purpose that is prohibited by the Zoning By-law and/or this Plan. Temporary use by-laws may allow a use on a trial basis or the temporary use of a building or property.
2. The temporary use will:
 - a) maintain the long term viability of the lands for the uses permitted in the Official Plan and Zoning By-law;
 - b) be compatible with adjacent land uses, or be made compatible through site mitigation;
 - c) not have an adverse impact on traffic, transportation or parking facilities in the area; and
 - d) be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping screening and buffering and available services.

Zoning

The property is zoned R2 Z2.0. That classification permits a variety of residential uses but does not permit a commercial parking lot.

Site Plan Control

In 1992 a site plan was approved for this parking lot that addressed landscaping, lighting, layout and other matters. The parking lot has been developed in accordance with that site plan.

As discussed above under ‘Decision History,’ site plan undertaking No. U195043 was entered into in 1997. In 2002, with the last application for renewal of the temporary zoning, it was found that conditions in that undertaking with respect to late evening supervision of the lot were inadequate. The owner applied to amend the existing undertaking to revise those conditions as they related to the hours of on site supervision. Amended undertaking No. U195043A included a revised condition as follows:

- “(2) the lot shall be operated as a supervised parking lot and, as such, shall have a telephone in the attendant’s booth and an attendant present on-site from 9:00 p.m. to 3:00 a.m. the following morning on Thursday, Friday and Saturday of each week.”

As there is no such attendant’s booth on the lot, the previous owner does not appear to have met this condition. The applicant (the new owner) will be required to comply with this condition or submit an application to amend the existing site plan approval to allow supervision to take place from the existing attendant’s booth on the adjoining parking lot on the west side of the site. The applicant also owns the adjoining parking lot which has an attendant’s booth (in view of the subject lot) and an attendant on-site to 9 p.m. six days a week (Monday – Saturday).

Reasons for Application

A zoning by-law amendment is necessary for the following reasons:

- 1). a commercial parking lot is not a permitted use in a residential district; and
- 2). the temporary by-law permitting a commercial parking lot on this site expired on February 15, 2005.

Community Consultation

A community consultation meeting was held at the Northern District Library on June 25, 2001 with the last application for renewal of the temporary by-law. The meeting was attended by approximately ten people including the owner and his consultant. No concerns were raised about the continued use of the site as a commercial parking lot. Some in attendance indicated that the lot was useful in keeping non-local vehicles from parking on the street in the neighbourhood and that the continued use of the site as a commercial parking lot was supportable.

There were complaints at that time about the lack of maintenance on the lot. Some residents commented that the landscaping required by the site plan agreement was not being adequately maintained and that the area was not kept free of litter. One similar comment with respect to litter on the site has been received with this application by planning staff.

Another concern raised by the residents at that meeting was the disturbance and property damage caused by disorderly patrons of the restaurants and taverns on Eglinton Avenue East. It was recognized that this is a problem that is not caused by the parking lot and that is not unique to this property. It was also recognized that not permitting the parking lot to continue, thereby creating a vacant lot, could potentially exacerbate the situation.

The Planning Act (1996) requires no other community consultation of a temporary zoning by-law application than the statutory public meeting which is held at Community Council. The Official Plan requires at least 1 community meeting in addition to the statutory meeting requirements of the Planning Act (Section 5.5 (c)(i)). This requirement of the Plan is deemed to have been met by the community meeting (June 25, 2001) which was previously held for the last extension of the temporary (commercial parking lot) use. No new development is proposed for the site with this most recent application and, as a result, no new information has been received for distribution to local residents and business owners.

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.

Land Use

Maintaining the lot in a litter-free manner requires more attention. Recent visits to the site by planning staff verify that maintenance (litter) remains an issue. The applicant has been advised by staff that a general clean-up of the site and installation of a litter receptacle (to be regularly emptied) at the ticket machine will be a recommended condition of approval of the extended 3-year term for the temporary zoning by-law.

The applicant amended the site plan agreement in 2002 to include a condition that on-site supervision be provided from 9:00 p.m. to 3:00 p.m. on Thursday, Friday and Saturday nights in an effort to reduce late night disturbances and property damage in the area. The applicant will be required to meet this condition of site plan approval or submit an

application to modify or otherwise amend the agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Planning staff consider that the property's long term use should be maintained for residential purposes. However, until such time as the land has been consolidated to provide a reasonable lot for residential redevelopment, the site should be allowed to continue to provide commercial parking for the businesses on Eglinton Avenue East. Planning staff are recommending approval of the extension of the temporary zoning by-law.

Development Charges

No development requiring a building permit has been proposed. No development charges will be assessed.

CONTACT

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SIGNATURE

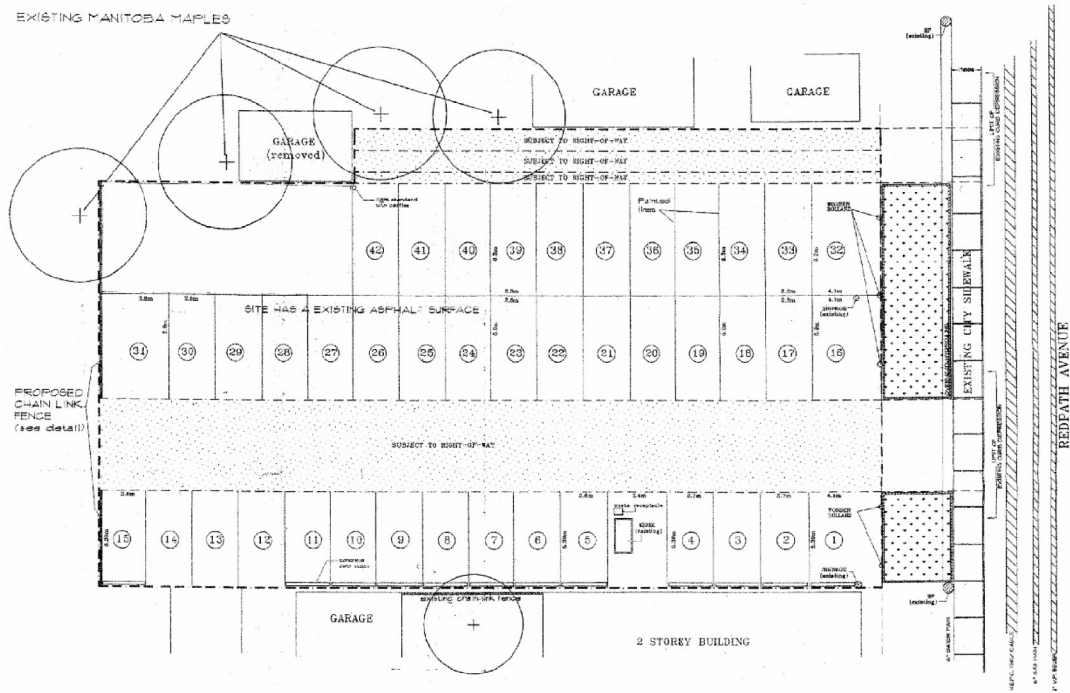
Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

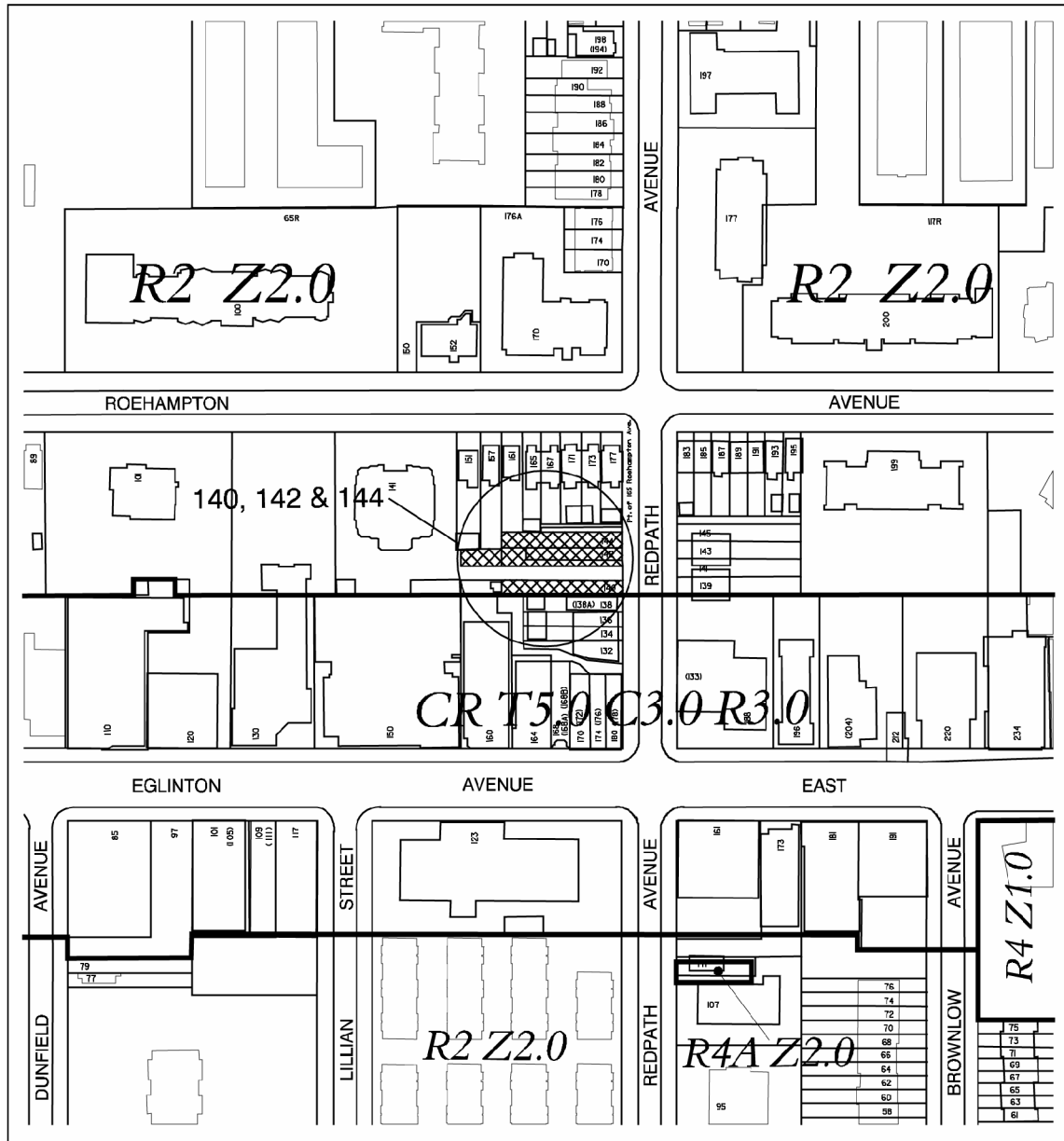
140, 142 & 144 Redpath Avenue

Applicant's Submitted Drawing

Not to Scale
04/24/YY

File # 06_199566

Attachment 2: Zoning



140, 142 & 144 Redpath Avenue

File # 06_199566

- R2 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/24/07 - DR

Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

| | | | |
|------------------|----------------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 06 199566 STE 22 OZ |
| Details | Rezoning, Temporary By-law | Application Date: | December 22, 2006 |

Municipal Address: 140,142 & 144 REDPATH AVE, TORONTO ON

Location Description: PL 639 PT LT11 **GRID S2201

Project Description: To amend the Zoning By-law on a temporary basis to permit an existing 42 space commercial parking lot at 140, 142 and 144 Redpath Avenue. Previous temporary by-law no. 49-2002 expired February 15, 2005.

| | | | |
|-------------------|---------------|-------------------|----------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| ROBERT TRUMAN | | | HERZING INSTITUTES OF CANADA LTD |

PLANNING CONTROLS

| | |
|----------------------------|--------------------------------|
| Official Plan Designation: | Site Specific Provision: 49-02 |
| Zoning: R2 Z2.0 | Historical Status: |
| Height Limit (m): 38 | Site Plan Control Area: Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-------|---------|-----------------|--------------|
| Site Area (sq. m): | 902.2 | Height: | Storeys: | 0 |
| Frontage (m): | 24.69 | | Metres: | 0 |
| Depth (m): | 44.2 | | | |
| Total Ground Floor Area (sq. m): | 0 | | | Total |
| Total Residential GFA (sq. m): | 0 | | Parking Spaces: | 42 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 |
| Total GFA (sq. m): | 0 | | | |
| Lot Coverage Ratio (%): | 0 | | | |
| Floor Space Index: | 0 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | Above Grade | Below Grade |
|--------------|---|----------------------------------|-------------|-------------|
| Tenure Type: | | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 0 | 0 |
| Bachelor: | 0 | Retail GFA (sq. m): | 0 | 0 |
| 1 Bedroom: | 0 | Office GFA (sq. m): | 0 | 0 |
| 2 Bedroom: | 0 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 0 | | | |

| | | |
|-----------------|----------------------|-------------------------------|
| CONTACT: | PLANNER NAME: | Raymond David, Manager |
| | TELEPHONE: | (416) 392-7188 |

Attachment 4: Draft Zoning By-law Amendment

To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2007 as 140, 142 and 144 Redpath Avenue.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 6(1)(a) or 6(1)(f) of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the use of the land delineated by a heavy line and shown on the map attached hereto and forming part of this By-law as a *parking lot* comprising not more than 47 *parking spaces*.
2. For the purposes of this By-law each word or expression which is italicized in this By-law has the same meaning as each such word or expression contained in By-law No. 438-86, as amended.
3. This By-law shall be in effect for a period of 3 years from the date of passing hereof.