

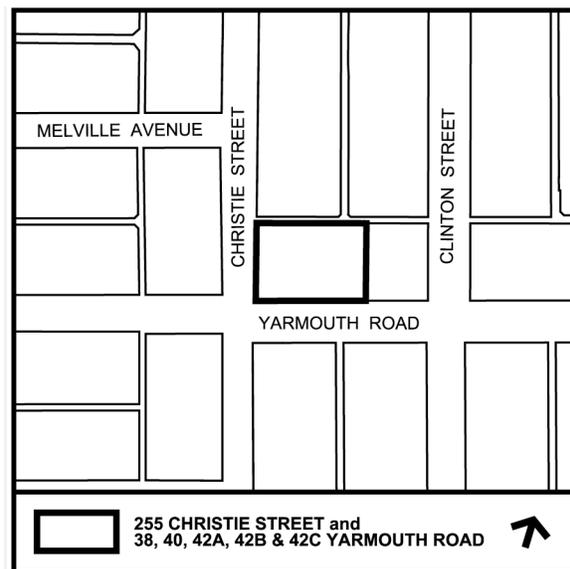
**255 Christie St. and 38, 40, 42A, 42B and 42C Yarmouth Rd. – Official Plan and Rezoning Amendment Applications – Final Report**

<b>Date:</b>	May 15, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	11 241010 STE 20 OZ and 11 225334 STE 20 OZ

**SUMMARY**

This application proposes to amend the Official Plan and repeal Site Specific By-law No. 630-2006 to permit the construction of a 3 1/2 storey mixed-use building, which includes a partial top floor containing separate mechanical and residential penthouse areas as well as to recognize the existing detached and semi-detached duplex houses that form part of the site. The Official Plan Amendment is to permit a mixed-use development in a section of Christie Street designated *Neighbourhoods*.

The City Planning Division recommends approval of the proposed mixed-use apartment building containing two neighbourhood-serving retail uses to both provide for the local demand for rental apartment units as well as reinforcing the existing adjacent neighbourhood-serving retail uses. In addition, the proposal is substantially in keeping with the relevant built form and other Official Plan policies and urban design guidelines.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the Official Plan for the lands at 255 Christie Street substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7 to the staff report dated May 15, 2012 from the Director, Community Planning, Toronto and East York District.
2. City Council repeal Site Specific By-law No. 630-2006 for the lands at 255 Christie Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the staff report dated May 15, 2012 from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council require the owner of the lands at 255 Christie Street, to pay for and construct any necessary improvements to the municipal infrastructure in connection with the Functional Servicing Report as submitted to the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On October 18, 2005 an Official Plan Amendment, Rezoning and Site Plan Approval applications were submitted for 13 residential units on the site, consisting of 2 semi-detached units and 11 row townhouses. Parking for 15 vehicles was also to be provided. In addition, a lane widening was required. City Council approved the two applications on July 27, 2006 in the form of an Official Plan Amendment, which was not given a by-law number but was incorporated into the new Official Plan and a Site Specific Zoning (By-law No. 630-2006) which permitted the proposed residential development.

After receiving City Council approval, the applicant decided not to build the 11 row townhouses but instead applied to the Committee of Adjustment for a severance to permit the construction of one pair of semi-detached duplex houses and a detached duplex house. The Committee approved the request on October 13, 2009.

The applicant then amended his proposal for a three phased development. The first phase included a pair of semi-detached houses designed as duplexes. The second phase included a detached duplex house and a second pair of semi-detached duplex houses. The proposed third phase is for a three and half storey mixed-use apartment building. Planning staff did not object to the first two phases, but advised the applicant that the

third phase would require an amendment to the Official Plan for a mixed-use building and a Rezoning application because of the proposed changes to Site Specific By-law No. 630-2006.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to amend the proposal for 11 row townhouses by constructing a 3 1/2 storey (12.7 m) mixed-use building, consisting of two ground floor retail units of (195 and 70 m<sup>2</sup>) and 16 rental apartments above. The application would maintain the previously approved semi-detached duplex buildings and a detached duplex. The mixed-use building is proposed to have 9 parking spaces, 1 of which is for visitors. The applicant is proposing four, double vehicle stackers for 8 of the parking spaces to be located at-grade, inside the building. One visitor parking space is proposed to be located at the rear of the proposed building. No loading space is being proposed.

See Attachment No. 6 for project data.

### **Site and Surrounding Area**

The site is located on the north-east corner of Christie Street and Yarmouth Road, generally surrounded by a low rise residential neighbourhood. The site is currently vacant and was previously the site of a church that has been demolished.

North: an east-west public laneway, further north is 263 Christie Street, a detached 2 1/2 storey house.

South: Yarmouth Road, further south is 249 Christie Street, a dental clinic located in a detached house.

East: Phase 1 and 2 of this project, consists of a recently built detached duplex house and 2 pairs of recently built semi-detached duplex houses.

West: Christie Street, three buildings on the west side which include: 226 Christie Street, a two storey building with an office at-grade and a residential unit above; 228 Christie Street, a laundromat with a residential unit above; and 230 Christie Street, a corner variety store at grade with a residential unit above. Other mixed-use buildings are located further north and south on Christie Street

### **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 by the Planning Act to conform or, not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated *Neighbourhoods* in the Official Plan's Land Use Plan (Map 18).

Policies pertaining to *Neighbourhoods* are described in Chapter 4, Section 4.1 of the City of Toronto Official Plan. The *Neighbourhoods* designation permits a full range of residential uses with lower scale buildings as well as parks, schools, local institutions and small scale stores and shops handling the needs of area residents.

Policy 5 of the *Neighbourhoods* Section 4.1 of the Official Plan states that new developments in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. This infill project should have regard for the following specific policies: patterns of streets, blocks and lanes; parks and public building sites; heights; massing; scale; and dwelling type of nearby residential properties; prevailing patterns of rear and side yard setbacks; and landscape open space.

Policy 7 of the *Neighbourhoods* section 4.1 states that where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the neighbourhood.

Policy of the Neighbourhoods section 4.1 states that, "small-scale retail, service and office uses are permitted on the properties in *Neighbourhoods* that legally contained such uses prior to the approval date of this Official Plan. New small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required on major streets shown on Map 3, with the exception of portions of streets which have reversed lot frontages. To maintain the residential amenity of Neighbourhoods, new small-scale retail, service and office uses will:

- a. Serve the needs of area residents and potentially reduce local automobile trips;
- b. Have minimal noise, parking or adverse impacts upon adjacent or nearby residents;  
and
- c. Have a physical form that is compatible with and integrated into Neighbourhoods."

## **Zoning**

The site is zoned under Site Specific By-law No. 630-2006 which allows for 11 row townhouses and two semi-detached houses. Site Specific By-law No. 630-2006 allows for a maximum of 2,258 square metres of residential floor area as well as restricting the location of the buildings on the site. The height limit of 10 metres applies to the entire site. The redevelopment of this site would also be subject to various development standards established by the Zoning By-law respecting setbacks, parking, loading and amenity space. (refer to Attachment No. 5 Zoning Map)

## **Site Plan Control**

The application is subject to Site Plan Approval. A revised Site Plan Approval application for the third phase of the project has not yet been submitted.

## **Reasons for Application**

The proposed mixed use apartment building requires an Official Plan Amendment to be permitted in this *Neighbourhoods* area.

The proposed construction of the mixed-use building is not permitted on the subject site either by the Site Specific By-law No. 630-2006 or Zoning By-law 438-86, as amended as the original site was approved for a mix of row townhouses and a pair of semi-detached houses. Also, the proposed height of the mixed-use building exceeds the 10 metre maximum permitted by 2.7 metres in two areas of the third floor roof to allow for a partial fourth floor containing residential and mechanical floor space. Additional areas of non-compliance with the Site Specific Zoning By-law such as setbacks, gross floor area and number of dwelling units have been identified through the review process.

The applicant also wishes to have the detached duplex and semi-detached duplex houses, three of which were approved and severed by the Committee of Adjustment, to be recognized in the zoning by-law.

## **Community Consultation**

A community meeting was held at St. Alban's Boys and Girls Club, on October 19, 2011. Approximately 23 members of the public attended the meeting. At the meeting, the applicant presented the proposal to the public. Local residents had questions regarding: the building height; the shadow impact on 263 Christie Street, the parking provided on site; the tenure of the building; and the retail uses proposed for the site.

The Ward Councillor asked the members of the public at the meeting to advise his office on any un-acceptable non-residential uses for the site. A final list of proposed uses was sent out on May 8, 2012 to the residents who attended the community meeting, which included representatives of the Seaton Village Residents Association and who signed the City Councillor's contact list. The Councillor's office was advised by the residents and the association that the proposed neighbourhood-serving retail uses are acceptable, provided that there is a prohibition of an entertainment facility and a massage establishment.

## **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 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality, while making efficient use of existing infrastructure. The application complies with policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and support the use of public transit.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing a low scale mixed-use building located on a residential corridor which has a mix of retail and residential uses and is within walking distance to a major transit system.

### **Land Use**

The proposal is to be located on Christie Street, which is designated a major street on Map 3 of the Official Plan. As a result, the proposal has been reviewed in accordance with the Official Plan's *Neighbourhoods* Section 4.1 Policy 5, having regard for both form and relationship of the proposed building to adjacent development in the *Neighbourhood*. The building is generally in keeping with the established block pattern and front setbacks along Christie Street. The character of the neighbourhood is predominantly a mix of house form residential buildings within a few blocks of the site. However, the demolition of the former church building provides the opportunity to introduce a larger apartment type building, which allows the opportunity for the introduction of intensification of rental units in this area.

The proposed building height at 3 ½ storeys is only slightly above what is permitted by the Zoning By-law. The building has parking at the rear, which is accessed off a public laneway, and this is in keeping with the rear access pattern of the surrounding neighbourhood.

The context for this development is that there are many mixed-use buildings located on this section of Christie Street, which serve the local neighbourhood with a variety of retail sales and services. Directly, adjacent to the subject site is a dental clinic, a

laundromat, an office and a corner variety store, in a mixed-use form. Therefore, a mixed-use building is generally in keeping with the context of Christie Street even though it is larger in scale than what is expected to be located on a neighbourhood major street. It is also only one storey taller than most of the nearby existing mixed-use buildings.

Based on the proposed list of smaller commercial uses, developed by the applicant and City Planning staff, the proposed mixed commercial-residential development will now conform more closely to the intent of the Official Plan Policy 4.1.3 of "New small-scale retail service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences that may be permitted through an amendment to the Zoning By-law, where required on major streets shown on Map 3, with the exception of portions of streets which have reversed lot frontages.

The applicant's proposal as amended is now in closer conformity with Policy 4.1.3 of the Official Plan by the subdividing of the proposed commercial space into two retail units with a list of supportable uses that will serve the needs of the area residents and reduce local automobile trips. The proposed retail uses will front onto Christie Street. The entrances of the retail components will be integrated into the façade of the proposed apartment building and is compatible with other grade related retail on Christie Street.

The lands are currently underutilized as a vacant site of a former church building. The site is suitable for and capable of accommodating increased density, as the result of its setback from adjacent properties, available infrastructure and local facilities.

The following is a list of the applicant's proposed neighbourhood –serving commercial uses recommended for approval:

- Offices
- Government Offices
- Community Health Centre
- Art Gallery
- Public Library
- Post Office
- Fitness centre
- Take-out Restaurant with a maximum size of 70 m<sup>2</sup>
- Retail stores with a maximum of 200m<sup>2</sup>

Following community input staff recommends that the following two uses be explicitly prohibited in the by-law:

- Entertainment facility
- Massage establishment

## **Density, Height, Massing**

This mid-rise mixed-use proposal is an important form of development that can create new housing and local shopping opportunities which can help with meeting rental housing targets and residential intensification. It is also consistent with the Mid-Rise Guidelines regarding rear setback and angular planes.

The proposed building's height is consistent with the City's Mid-Rise Guidelines. The proposed building is only one storey higher than the prevailing character of this portion of Christie Street which includes a mix of predominantly 2 and 2 1/2 storey detached mixed-use buildings.

## **Sun, Shadow, Wind**

Shadow impacts are minimal and acceptable with respect to the adjacent properties. This proposal would have no greater shadow impact on 263 Christie Street than would an as-of-right three storey apartment building under the underlying zoning By-law 438-86, as amended, but a bit more impact than the originally approved 11 row-townhouses. There is limited shadow duration on the sidewall of 263 Christie Street and no rear yard shadow impact because of the low height of the proposed mixed-use apartment building.

## **Traffic Impact, Access, Parking**

The applicant proposes to provide a total of 8 resident parking spaces on four double parking stackers that are enclosed and can be accessed from the rear of the building. One surface parking space is also to be provided for residential visitors to the building.

Technical Services Division has indicated that the proposed parking supply for the building is acceptable. This is based on a Parking Review letter from the applicant's transportation consultant, Dillon Consulting, prepared on November 11, 2011. The letter concludes that the proposed parking supply will not have a negative impact on the surrounding area.

Access to the parking stackers and one visitor parking space is proposed via a one-way southbound driveway extending between the public lane and Yarmouth Road along the east side of the site.

## **Functional Servicing**

The Executive Director, Technical Services has advised via memorandum of August 11, 2011 that a Functional Servicing Study is required to identify if the water main in the areas and the downstream storm and sanitary infrastructure will require improvements in order to support this development. The applicant submitted the required Functional Servicing Study on December 14, 2011 for review by Technical Services engineering staff.

City Planning recommends that the owner be required to provide any necessary improvements to the municipal infrastructure in connection with the site servicing review. Those improvements would only be necessary if it is determined that upgrades

are required to the infrastructure to support this development, once the Functional Servicing Study is determined to be acceptable to the Executive Director of Technical Services.

According to Technical Services staff the Functional Servicing Plan appears to work in concept, but its final review and approval will be determined as part of the Site Plan Approval process.

### **Solid Waste and Recycling**

Based on the information provided by the applicant, Technical Services has advised that the City will provide multi-residential, curbside, cart collection services for garbage, recycling and organics provided that the building is built in accordance with City standards for garbage storage and recycling in new developments. The applicant has been advised that the retail component is ineligible for City collection and the owner or tenants must make arrangements for on-site storage and private collection.

### **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 provisions 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. The site is in the second lowest quintile of current provisions of parkland. The site is in a parkland priority area, as per City Wide Parkland Dedication By-law 1020-2010.

The application purposes 16 residential units and 263 m<sup>2</sup> of non-residential uses on a site with a net area of 825 m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.0213 hectares or 25.8% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 72 m<sup>2</sup>.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 72 m<sup>2</sup> 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 first building permit.

### **Streetscape**

All landscaping and streetscaping for this application will be dealt with through the Site Plan Approval process.

## **Environment**

### **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 green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Some TGS performance measures that will be secured through the site plan approval process are listed below:

- Provide opportunities for shade, reduced ultraviolet exposure and protection from inclement weather;
- Landscaped area plantings of water efficient plants, six on-site trees planted, fifty per cent of species planted are native;
- Shade covering on the roof will be 19% cool roofing material as a result of the portions of mechanical and residential units that extend beyond the third floor, the balance will be a green roof; and
- Shade covering at grade will be 25% in terms of non-roof hardscape area.

### **Tenure**

The 3 ½ storey building as proposed will provide at total of 16 purpose built rental dwelling units with a proposed mix of 5 family sized units and 11 one bedroom units. The unit mix is not being secured in the proposed site specific by-law. The introduction of a mixed-use rental apartment building will provide for a greater mix of housing opportunities in this neighbourhood.

## **Development Charges**

It is estimated that the development charges for this project will be \$167,002.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Barry Brooks, Senior Planner

Tel. No. (416) 392-1316

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E-mail: [bbrooks@toronto.ca](mailto:bbrooks@toronto.ca)

## **SIGNATURE**

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Raymond David, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations - North and South

Attachment 3: Elevations - West and East

Attachment 4: Official Plan

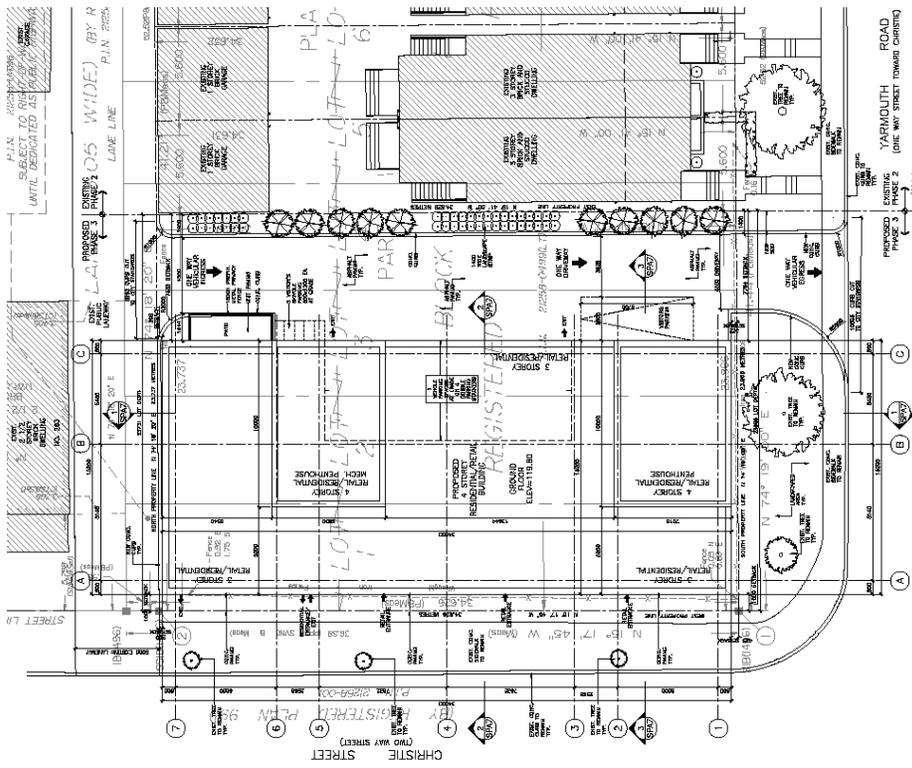
Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 7: Draft Official Plan Amendment

Attachment 8: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



255 Christie Street

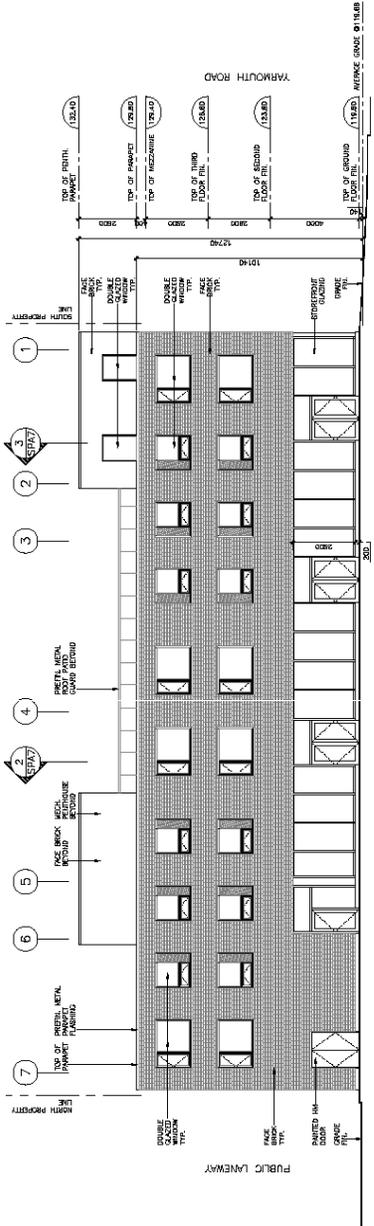
File # 11 2253340Z, 11 241010 STE

Site Plan  
 Applicant's Submitted Drawing

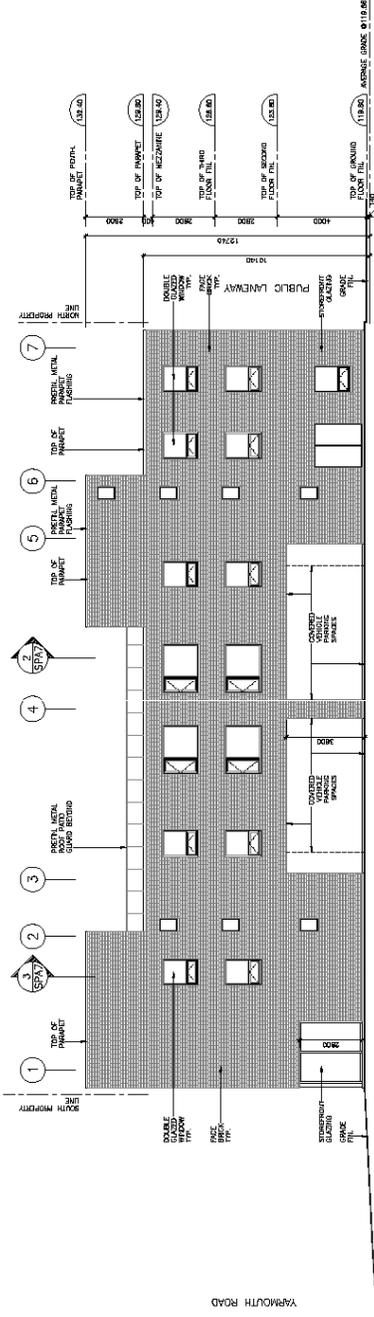
Not to Scale  
 07/21/2011



### Attachment 3: Elevations – West and East



West

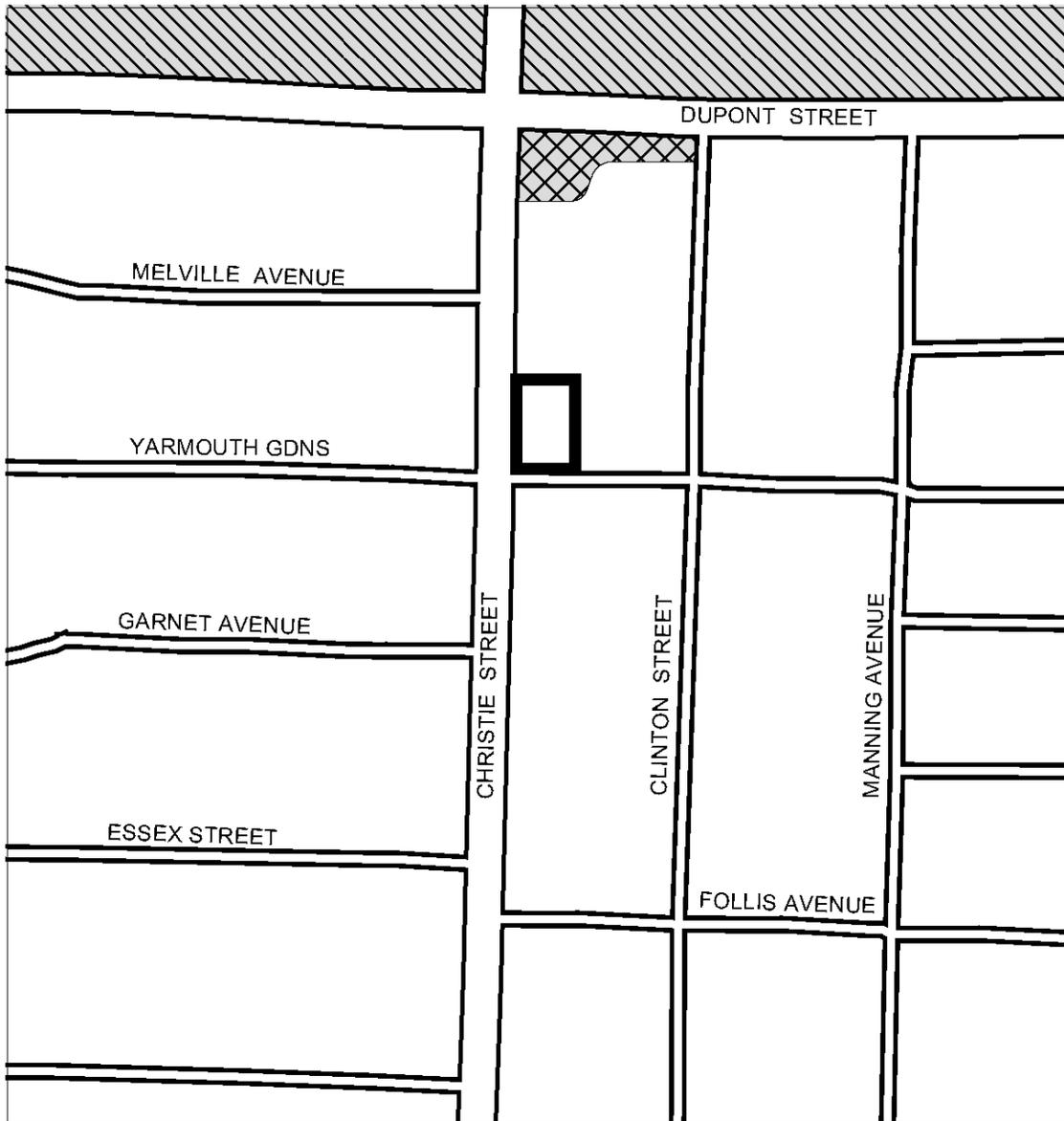


East

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 07/21/2011

**255 Christie Street**  
 File # 11 225334 0Z, 11 241010 STE

## Attachment 4: Official Plan



**Toronto** City Planning  
**Official Plan**

255 Christie Street

File # 11 225334 OZ, 11 241010 STE

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Employment Areas

  
 Not to Scale  
 07/22/2011

# Attachment 5: Zoning



255 Christie Street

File # 11\_225334\_02

- R2 Residential District
- R4 Residential District
- MCR Mixed-Use District
- IC Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/10/11

## Attachment 6: Application Data Sheet

Application Type	OPA/Rezoning	Application Number:	11 225334 STE 20 OZ
Details	Rezoning, Standard	Application Date:	June 23, 2011

Municipal Address: 255 CHRISTIE ST  
 Location Description: PLAN 991 BLK 1 PT LOTS 1 TO 7 RP 66R23967 PART 1 \*\*GRID S2001  
 Project Description: official plan amendment and rezoning application to construct new 3 1/2 storey mixed use building with retail at ground floor and residential above - 16 residential units - 9 parking space at grade - Building to be constructed on the North East Corner of Christie and Yarmouth.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ROBERT CHANG			1405868 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	By-law No. 630-2006
Zoning:	R4 Z1.0/R2 Z0.6	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	825.8	Height:	Storeys:	4
Frontage (m):	34.626		Metres:	12.74
Depth (m):	23.966			
Total Ground Floor Area (sq. m):	429.6			<b>Total</b>
Total Residential GFA (sq. m):	1338.6		Parking Spaces:	9
Total Non-Residential GFA (sq. m):	262.8		Loading Docks	0
Total GFA (sq. m):	1601.4			
Lot Coverage Ratio (%):	52			
Floor Space Index:	1.94			

### DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	11
2 Bedroom:	4
3 + Bedroom:	1
Total Units:	16

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1338.6	0
Retail GFA (sq. m):	262.8	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Barry Brooks, Senior Planner
	<b>TELEPHONE:</b>	(416) 392-1316

## Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item \_\_\_\_ (or Report No. \_\_\_\_ C; Clause No. \_\_\_\_ ) as adopted by City of Toronto Council on\_\_\_\_, 2012

Enacted by Council: \_\_\_\_\_, 2012

### CITY OF TORONTO

Bill No. ~

### BY-LAW No. ~-2012

**To adopt an amendment to the Official Plan  
for the City of Toronto  
respecting the lands known municipally in the year 2012, as  
255 Christie Street**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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. The attached Amendment No. 174 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

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**AMENDMENT NO. 174 TO THE OFFICIAL PLAN**  
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS**  
**255 CHRISTIE STREET**

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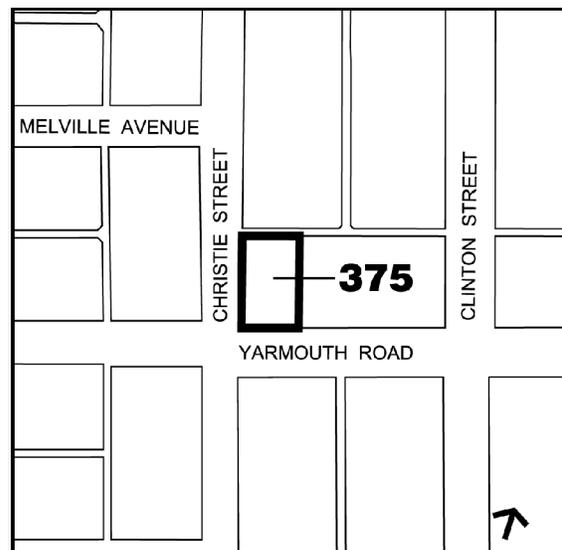
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 375 for lands known municipally in 2012 as 255 Christie Street, as follows:

**375. 255 Christie Street**

A 3.5 storey building consisting of a mix of 2 or more retail units, institutional and/or office uses on the ground floor and 2 storeys of rental apartment units above is permitted.

2. Chapter 7, Map 28, Site and Area Specific Policies, is revised to add the lands known municipally in 2012 as 255 Christie Street shown on the map above as Site and Area Specific Policy No. 375.



## **Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 2012  
Enacted by Council: ~, 2012

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2012**

**To amend City of Toronto General Zoning By-law No. 438-86, as amended,  
With respect to the lands municipally known as,  
255 Christie Street, 38, 40, 42A, 42B and 42C Yarmouth Road**

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*;

WHEREAS Council of the City of Toronto on July 27, 2006 adopted By-law No. 630-2006 being a By-law "to amend the General Zoning By-law No. 438-86 with respect to lands known as 255 Christie Street: and

WHEREAS pursuant to a decision of the Land Division Committee of the City of Toronto, whereby severances were granted to create 38, 40, 42A, 42B and 42C Yarmouth Road from the lands which comprised 255 Christie Street as of the date of By-law No. 630-2006;

WHEREAS pursuant to a decision of the City of Toronto Committee of Adjustment, minor variances were granted under file number A0714/10TEY to permit the construction of a *duplex* and 1 pair of *semi-detached duplex* dwelling houses at 42A, 42B and 42C Yarmouth Road;

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

1. Zoning By-law No. 630-2006 being a by-law "to amend By-law 438-86 of the former City of Toronto, as amended, respecting lands known as No. 255 Christie Street" is hereby repealed.
2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to all lands outlined by the heavy lines on Map 1.

#### **Block A – Map 2**

3. None of the provisions of Section 2(1) – *duplex* definition, Section 4 (2)(a), with

respect to height, Section 4(4)(b) with respect to parking, Section 4.(17)(a) & (e), with respect to minimum width of parking spaces within the garage, Section 6.(3), Part I.1 with respect to permitted gross floor area, and Section 6.(3), Part II., 2., 3., 3.(B), (C), and (E), with respect to setbacks, Section 6(3), 5(I), with respect to maximum permitted building depth, Section 6(3) Part III 1. (a) and 6 (3) Part 3., with respect to landscaping 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 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", shall apply to prevent the erection or use of one detached *duplex* being 42A Yarmouth Road and two pair of *semi-detached duplex* dwellings being 38-40 and 42B-42C Yarmouth Road within the area described on Map 2 as Block A in accordance with the following provisions.

4. With respect to the lands and structures described as Block A, the following specific provisions shall apply:

(a) Block A shall consist of 5 lots as delineated by the lines on Map 2 attached to and forming part of this By-law;

(b) Within the lots consisting of Block A, the following structures shall be permitted:

- a. 42A Yarmouth Road, one detached *duplex* with a *gross floor area* of 302.3 m<sup>2</sup>;
- b. 38 and 40 Yarmouth Road, one pair of *semi-detached duplex* dwellings with a *gross floor area* of each *semi-detached duplex* of 297.1m<sup>2</sup>;
- c. 42B and 42C Yarmouth Road, one pair of *semi-detached duplex* dwellings with a *gross floor area* of each *semi-detached duplex* of 297.1m<sup>2</sup>;
- d. each lot shall also be permitted a one storey detached garage with a minimum interior width of 5.16 m, and which shall not be included in the calculation of *gross floor area* as noted above; and,
- e. each lot shall provide a minimum of 2 *parking spaces*, with dimensions of 2.58 m, by 5.9 m.

(c) no portion of the buildings and structures within Block A shall extend beyond the building footprints on Map 2 attached;

(d) notwithstanding (c), the following projections are permitted;

STRUCUTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves or cornices	required setback area from any lot line	0.6 metres	none
fences	required setback area from any lot line		Height of fence not to exceed 2.0 metres
Exterior insulation and facing material, including any supporting foundation	required setback area from any lot line	0.16 metres	none

- (e) the height of the buildings shall not exceed those heights, in metres, following the symbol "H" shown on Map 2 attached hereto exclusive of rooftop facilities elements and structures otherwise permitted in Section 4 (2) (a) of By-law No. 438-86, as amended;
5. Despite any existing or future severance, partition or division of Block A, the provisions of this by-law and By-law 438-86 as amended, shall continue to apply to the whole of Block A as if no severance, partition or division had occurred.

### **Block B – Map 2**

6. None of the provisions of Section 2 (1), *parking stacker* definition, Section 4 (2) (a), with respect to height, Section 4(4) (b), with respect to parking, Section 6 (1)(a), with respect to the chart of uses and qualifications of uses, Section 6.(3), Part I.1., with respect to permitted gross floor area, Section 6.(3), Part II. 2., with respect to front yard setbacks, Section 6 (3)Part II 3.(G), with respect to side yard setbacks, Section 6(3) Part II 4., with respect to rear yard setbacks, and Section 6(3) 5., with respect to maximum permitted building depth, 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 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", shall apply to prevent the erection or use of a *mixed-use building* within the area described on Map 2 as Block B in accordance with the following provisions.
7. With respect to the lands and building described as Block B, the following provisions shall apply:

- (a) a *mixed-use building* shall be permitted;

- (b) the non-residential uses within the *mixed-use building* will be restricted to only an office, a government office, a *community health centre*, a *private art gallery*, a *public library*, a *post office*, a fitness centre, one *take-out restaurant* with a maximum size of 70 m<sup>2</sup>, and a *retail store* with a maximum size of 200 m<sup>2</sup>, however, *entertainment facilities* and *massage establishments* shall not be permitted;
  - (c) the aggregate of the *residential gross floor area* located within Block B shall not exceed 1,340m<sup>2</sup> square metres;
  - (d) the aggregate of the *non-residential gross floor area* located within the *mixed-use building* shall not exceed 270 square metres;
  - (e) save and except for any tie back systems which may be required as part of any construction, no portion of the buildings shall extend beyond the lines delineating the building footprints shown on Map 2 attached hereto;
  - (f) the height of the building to be erected shall not exceed those heights, in metres, following the symbol "H" shown on Map 2 attached hereto exclusive of rooftop facilities elements and structures otherwise permitted in Section 4 (2) (a) of By-law No. 438-86, as amended;
  - (g) a total of nine (9) *parking spaces* shall be provided for all residential uses in Block B, inclusive of one (1) surface *parking space* dedicated for visitor parking and eight (8) *parking spaces* to be located in four (4) two-car *parking stackers*, with dimensions of 2.5 m by 4.11 m; and,
  - (h) no on-site parking shall be required for the non-residential uses permitted within Block B.
8. Despite any existing or future severance, partition or division of Block B, the provisions of this by-law and By-law 438-86 as amended, shall continue to apply to the whole of Block B as if no severance, partition or division had occurred.
9. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:
- "*duplex*" means the whole of a building constructed so as to provide by horizontal division two *dwelling units* each of which has an independent entrance.
10. Within the lands shown on Map 2 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

