

**Supplementary Report
Official Plan and Zoning By-law Amendment
Wilson Avenue, between Keele Street and Bathurst Street**

Date:	April 17, 2007
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Wards No. 9 & 10 – York Centre
Reference Number:	File No. IBMS folder no. 03 194996 NNY 10 TM

SUMMARY

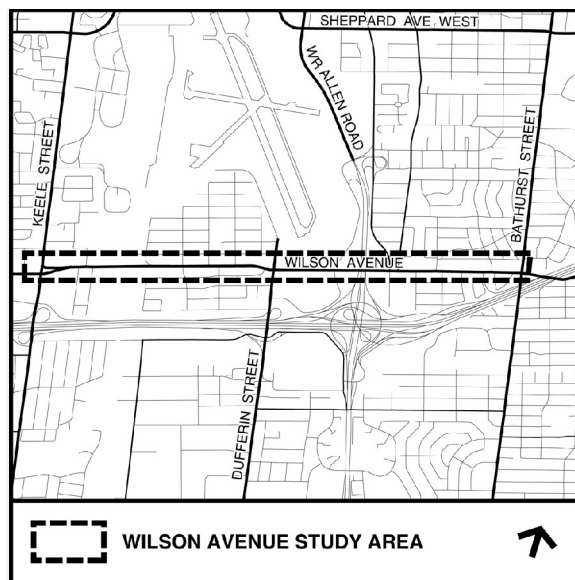
The purpose of this report is to provide additional information on this study as directed by North York Community Council at its meeting of January 16, 2007.

The attached draft Official Plan Amendment and Zoning By-law are appropriate and should be approved as presented in the attached documents.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 1;
2. City Council amend the Zoning By-law for the former City of North York Zoning By-law 7625 substantially in accordance with the



draft Zoning By-law Amendment attached as Attachment 2; and

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

BACKGROUND

At its January 16, 2007 meeting, Community Council deferred consideration of the Final Report dated December 22, 2006 from the Director, Community Planning, North York District, and further directed that:

- Additional community consultation occur on the study;
- The Director, Community Planning, North York District, submit a further report on the concerns raised by the speakers who addressed the Community Council meeting on January 16, 2007 and on the concerns raised by the community stakeholders including, but not limited to:
 - i The deletion of some unacceptable uses (i.e. adult entertainment parlours, video arcades, places of worship and industrial services); and
 - ii The feasibility of eliminating the requirement of the 45 degree angular plane for planning purposes.
- The December 22, 2006 report on the study be referred to the Toronto Transit Commission for their comments.

COMMENTS

Community Consultation

The Wilson Avenue *Avenue* Study area spans two Wards (9 and 10) and both Ward Councillors were invited to hold additional community consultation on the study. Councillor Feldman (Ward 10) declined. A meeting was scheduled for the Ward 9 portion of Wilson Avenue for the evening of March 1, 2007. Unfortunately, inclement weather caused the closure of the Public Library where the meeting was to be held and a subsequent meeting was held on March 15, 2007 in the Downsview Public Library.

The only attendees were the owner of 2737 Keele Street, the Westmount condominium project, and his planning consultant. They expressed concern that this property had not been included in the Wilson Avenue *Avenue* Study area and the proposed Avenue (AV-MU) zone. This property fronts on Keele Street south of Wilson Avenue but does have a 6 metre wide driveway, which is restricted to service vehicles only, that extends northward to Wilson Avenue. The existing converted hotel development on the site is presently oriented to Keele Street and a new road running parallel to Keele Street behind the converted hotel will provide a direct connection to Wilson Avenue. Subsequent development proposals on this site will front on and be oriented to the new road.

It would be inconsistent with the work undertaken to date on this *Avenue* Study, and the approach taken in other *Avenue* Studies throughout the City to include properties which do not front the arterial road which is being studied. The property does not front on Wilson Avenue in a manner similar to other properties included in the Wilson Avenue study area and the property has not been included in the work undertaken for the Wilson Avenue *Avenue* study. Staff are of the opinion the lands at 2737 Keele Street should not be included in the Wilson Avenue *Avenue* Study. Any further development on these lands should be reviewed on its own merits through appropriate applications to Council.

Written Communications

At the meeting of January 16, 2007, North York Community Council received a letter from Bousfields Inc., on behalf of Malibu Investments Inc., and a letter from Brown Sherman Dryer Karol, on behalf of Wise Management Inc., regarding properties at the southeast and southwest corners of Tippet Road and Wilson Avenue respectively. The draft Wilson Avenue *Avenue* Zoning By-law proposes a maximum height of 8 storeys and 24 metres and a maximum density of 2.0 FSI on the Wilson Avenue frontage of both sites. Each letter suggests that the respective parcels could be subject to additional height and density given their close proximity to the Wilson Subway Station. In November of 2006 an application was received to amend the Zoning By-law for the Malibu lands (southeast corner of Tippet and Wilson) and is in process. While an application has not been received for the Wise lands at the southwest corner, staff have been advised an application will be submitted shortly.

These letters also suggest that in the absence of having the individual applications before Council, the findings of the *Avenue* Study should not be applied to these properties and the By-law for the lands not be amended. The authors believe their applications could be prejudiced if new land use permissions are applied to these lands through the *Avenue* Study which they would seek to amend shortly thereafter. While staff acknowledges this concern, the results of the study should be implemented in their entirety. The lands should remain in the proposed Zoning By-law and it should be applied in the appropriate locations on the entire Avenue, consistent with the other *Avenue* Studies. As above, the request for additional permissions on the lands will be reviewed by Council on the merits of the proposals.

The third letter received at the meeting of January 16, 2007 was from Tony Di Santo, President of the Ancaster Ratepayers Association, requesting additional community consultation. While a representative of the Ancaster Ratepayers Association was invited to the recent community consultation meeting held on March 15, 2007, that person did not attend. Staff would also note that aspects of the study have been proceeding since 2003 under the *Avenue* study program and for a number of years before that through other land use studies in the area. More than 17 formal public meetings have been held throughout the various Wilson Avenue study processes and numerous informal meetings were also undertaken.

Deletion of Certain Uses

As directed by Community Council, staff have reviewed the appropriateness of deleting Adult Entertainment Parlours, Video Arcades, Places of Worship and Industrial Sales and Service uses from the list of permitted uses in the draft Zoning By-law. The draft Zoning By-law does not contain Adult Entertainment Parlours as a permitted use.

Much of the Wilson Avenue *Avenue* study area is zoned either “C1” or “C2” by former City of North York Zoning By-law 7625. Industrial Sales and Service and Place of Worship uses are permitted in both those zones. It was intended that the draft Zoning By-law and the proposed Avenue zone carry forward the nature of the commercial uses permitted by the existing zoning.

The intention of including Industrial Sales and Service was to provide an opportunity for small repair shops such as vacuum cleaner repair shop to be established along Wilson Avenue to serve nearby residents. These types of uses should be accommodated and are permitted as a Service Shop in the draft Zoning By-law. Industrial Sales and Services uses are typically found in industrial areas rather than arterial roads and such uses are not conducive to pedestrian traffic as they serve other businesses rather than the public. This use will be removed from the draft Zoning By-law.

The other specified uses, particularly Places of Worship, exist along Wilson Avenue. The elimination of these uses from the draft Zoning By-law would cause these existing operations to become legal non-conforming. Any new establishments will have to comply with all the requirements of the Zoning By-law, including parking. There is no planning rationale for deleting these uses at this time draft By-law and their inclusion is consistent with the permitted uses in other Avenue zones. The following uses should remain in the draft Zoning By-law: Pinball and Video Arcade; and Place of Worship.

Elimination of Angular Plane

Council has directed that this report examine the feasibility of eliminating the requirement for a 45 degree angular plane in the draft Zoning By-law.

The draft Zoning By-law limits the heights of buildings and structures adjacent to low density residential zones and further requires that for every one metre in height, new buildings must be set back an equal distance from lot lines abutting lower scale residential development. This creates a 45 degree angular plane from the lot line through which buildings may not intrude. The 45 degree angular plane requirement effectively locates height away from lower scale residential areas and restricts high buildings to larger, deeper lots. Heights will range from 2 to 8 storeys for buildings close to existing low scale residential areas while at the major intersections of Bathurst Street and Keele Street with Wilson Avenue, where the lots are larger, 10 storey buildings would be permitted.

Staff have evaluated the elimination of the 45 degree angular plane requirement from the proposed “AV-MU” zoning and maintain this is an appropriate mechanism to ensure an adequate transition in scale between the existing low density residential uses and new development along Wilson Avenue. It is a well-tested mechanism to minimize the impacts of development on existing low density residential neighbourhoods in the former City of North York and has been incorporated as a fundamental principle in *Avenue Studies* throughout the City of Toronto. The incorporation of a 45 degree angular plane requirement along with the requirement for the stepping of buildings and providing effective corner treatments is an important underlying principle in determining building heights and setbacks in the draft Zoning By-law. These provisions serve to minimize the impact of a higher building form and ensure the protection of the abutting low density residential neighbourhoods.

For these reasons, the requirement for a 45 degree angular plane in the draft Zoning By-law for Wilson Avenue should remain.

TTC comments

As directed by City Council, City Planning staff circulated the report from the Director, Community Planning, North York District, to the Toronto Transit Commission (TTC) for their comment on February 5, 2007. No response has been received to date.

It should be noted that the TTC has been advised of the Wilson Avenue *Avenue* Study from the beginning and has been consulted throughout the process, both formally (circulations) and informally (e-mails and telephone conversations). Further, site specific development applications for properties that front on Wilson Avenue within the study area have been circulated to the TTC for their comment and information.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment