

**601, 603 and 605 Oakwood Avenue – Rezoning
Application – Final Report**

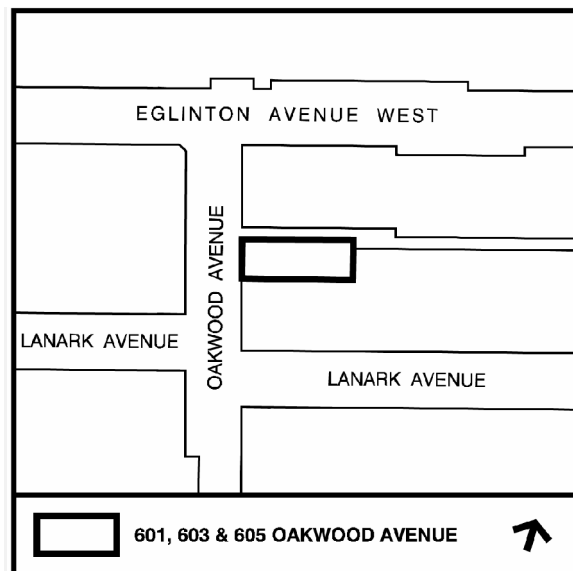
Date:	May 20, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	07 266058 NNY 15 OZ

SUMMARY

This application proposes to permit commercial, office and service uses at grade and six residential units above in the existing two-storey building at 601, 603 and 605 Oakwood Avenue. This application was made on September 28, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposal is consistent with the Provincial Policy Statement and Provincial Plans, as well as the Growth Plan for the Greater Golden Horseshoe. The proposed development is in keeping with the policies of the Official Plan.

The existing building has contained commercial uses at grade with residential units above since the building was constructed in the 1950s. The proposed range of commercial-retail uses are compatible with the surrounding neighbourhood as well as being pedestrian oriented and supportive of the needs of the adjacent residential neighbourhood. The existing building is suitable for commercial uses as the building fronts directly on Oakwood Avenue with parking provided at the rear of the site.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of York Zoning By-law No 1-83, as amended, for 601, 603 and 605 Oakwood Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A preliminary report for this application was approved by the North York Community Council at its November 27, 2007 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*.

The preliminary report is available at:

<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-8344.pdf>.

ISSUE BACKGROUND

Proposal

This application proposes to amend the former City of York Zoning By-law to permit commercial, office and service uses at grade and six rental residential units above in the existing two-storey building at 601, 603 and 605 Oakwood Avenue. Commercial uses at grade and rental residential units on the second floor have occupied the building since the 1950s. The existing building has a floor space index of 1.2 and a lot coverage of 65.3%. The site has four parking spaces accessed via a public lane to the north of the site.

Site and Surrounding Area

The site is located on the east side of Oakwood Avenue, immediately south of Eglinton Avenue West. The site has an overall area of 555 square meters. The site currently contains a two storey mixed-use building with commercial uses at grade and six rental residential units above. The existing building will remain in its current form.

Development in the vicinity of the site is as follows:

North: mixed-use buildings fronting Eglinton Avenue West and a public lane;

South: low-density residential;

East: low-density residential; and

West: commercial uses and low-density residential further south.

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. City Council's planning decisions are required to be consistent with the PPS.

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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth 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. Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site *Neighbourhoods*. *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartment buildings of a maximum of four storeys.

Small-scale retail, service and office uses located on a major street that are incidental to and support the area can be considered within *Neighbourhoods* if the use is compatible with the area and if the use will not adversely impact adjacent residential uses. The Official Plan also identifies development criteria for new small-scale retail, service and offices uses within *Neighbourhoods*.

Policy 4.1.5 states that development in the *Neighbourhoods* designation will respect and reinforce the physical patterns and character of established neighbourhoods with particular regard to a number of matters including: size and configuration of lots, heights, massing, scale and type of dwelling units, prevailing building types and setbacks.

Zoning

The site is currently zoned R2 Residential by the former City of York Zoning By-law. The R2 Zone permits single detached dwellings, semi-detached dwellings and duplex houses. Frontage, height, setbacks and density requirements vary depending on the type of dwelling.

Site Plan Control

An application for Site Plan Control approval is not required for this proposal since the applicant is not proposing any alterations or improvements to the existing building.

Reasons for Application

Although this building has existed in its current form since the 1950s and the ground floor is presently being used for commercial purposes with six rental residential units on the second floor, the current zoning does not permit two-storey mixed-use buildings.

Community Consultation

A community consultation meeting was organized for February 13, 2008 at the Maria Shchuka Library. No members of the public attended the meeting.

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. In particular, the application supports the PPS's objective of supporting long-term economic prosperity by requiring planning authorities to provide for an appropriate mix and range of employment, providing opportunities for a diversified economic base which supports a wide range of economic activity and maintaining and enhancing the vitality and viability of main streets.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan is the most important vehicle for implementation of Council's long-term vision for the City. Land use designations are among the Official Plan's key implementation tools for achieving the vision established in the Plan. The development criteria for the various land use designations are critical considerations that apply when development proposals are evaluated but they do not constitute the only considerations. All of the policies of the Plan apply when evaluating development proposals.

The Official Plan designates the subject site *Neighbourhoods*. *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartment buildings of a maximum of four storeys.

Small-scale retail, service and office uses located on a major street that are incidental to and support the area can be considered within *Neighbourhoods* if the use is compatible with the area and if the use will not adversely impact adjacent residential uses.

The existing building is a lower scale building that has occupied the site since the 1950s. The property fronts onto Oakwood Avenue, which is identified as a major street in the Official Plan. Moreover, the proposal is to permit small-scale retail, service and office uses on the ground floor with residential units above. The small-scale retail, office and service uses proposed for this site would support area residents. The proposed uses include:

- Office, excluding a professional medical office;
- Retail store;
- Restaurant, excluding a licensed restaurant;
- Take-out eating establishment;
- Day nursery;
- Veterinary clinic;
- Pet shop;
- Dry-cleaning and laundry collecting establishments;
- Self-service laundry;
- Service or repair establishment, class A; and
- Financial institution.

These commercial uses are considered compatible with the surrounding neighbourhood as well as being pedestrian oriented and supportive of the needs of the neighbourhood. These uses are also considered complimentary to the locally-oriented mix of commercial-retail activity that exists along Eglinton Avenue West, on the west side of Oakwood Avenue and in the vicinity of the Oakwood Avenue and Vaughan Road intersection. The existing building is suitable for commercial uses as the building fronts directly onto Oakwood Avenue with parking provided at the rear of the site.

While a key objective of the Official Plan is that development respect and reinforce the general physical patterns in a *Neighbourhood*, the Official Plan acknowledges that scattered throughout many established *Neighbourhoods* are lots that differ from the prevailing patterns of lot size, configuration and orientation. The subject property differs from the pattern of lot sizes and lot configurations of the residential uses to the south of the site and the site is more suitable for a low-scale, mixed-use building.

Parking

Four parking spaces are provided to the rear of the existing building that are accessed by a public lane to the north of the site which connects with Oakwood Avenue. The existing parking supply on site does not meet the minimum parking requirement of the Zoning By-law.

The parking requirements vary for each proposed use, including one parking space for every 14 m² of gross floor area for a licensed restaurant. A parking utilization study prepared by Mark Engineering was submitted which identified there is sufficient parking

available in the area, including on-street parking and through two public pay parking lots located within 200 metres of the site that are operated by the Toronto Parking Authority, to support the proposed uses.

The Transportation Services Division reviewed the application and the parking utilization study and advises that it is acceptable subject to the Zoning By-law prohibiting licensed restaurants and professional medical offices. Both of these uses require significantly more parking than is available on the site and through other parking available in the area.

Development Charges and Open Space/Parkland

This proposal recognizes an existing condition. No development is proposed at this time. Development charges would be assessed and collected upon issuance of a building permit. Similarly, an appropriate parkland dedication would be determined should redevelopment occur on the site.

CONTACT

Cassidy Ritz, Planner
Tel. No. (416) 395-7053
Fax No. (416) 395-7155
E-mail: critz@toronto.ca

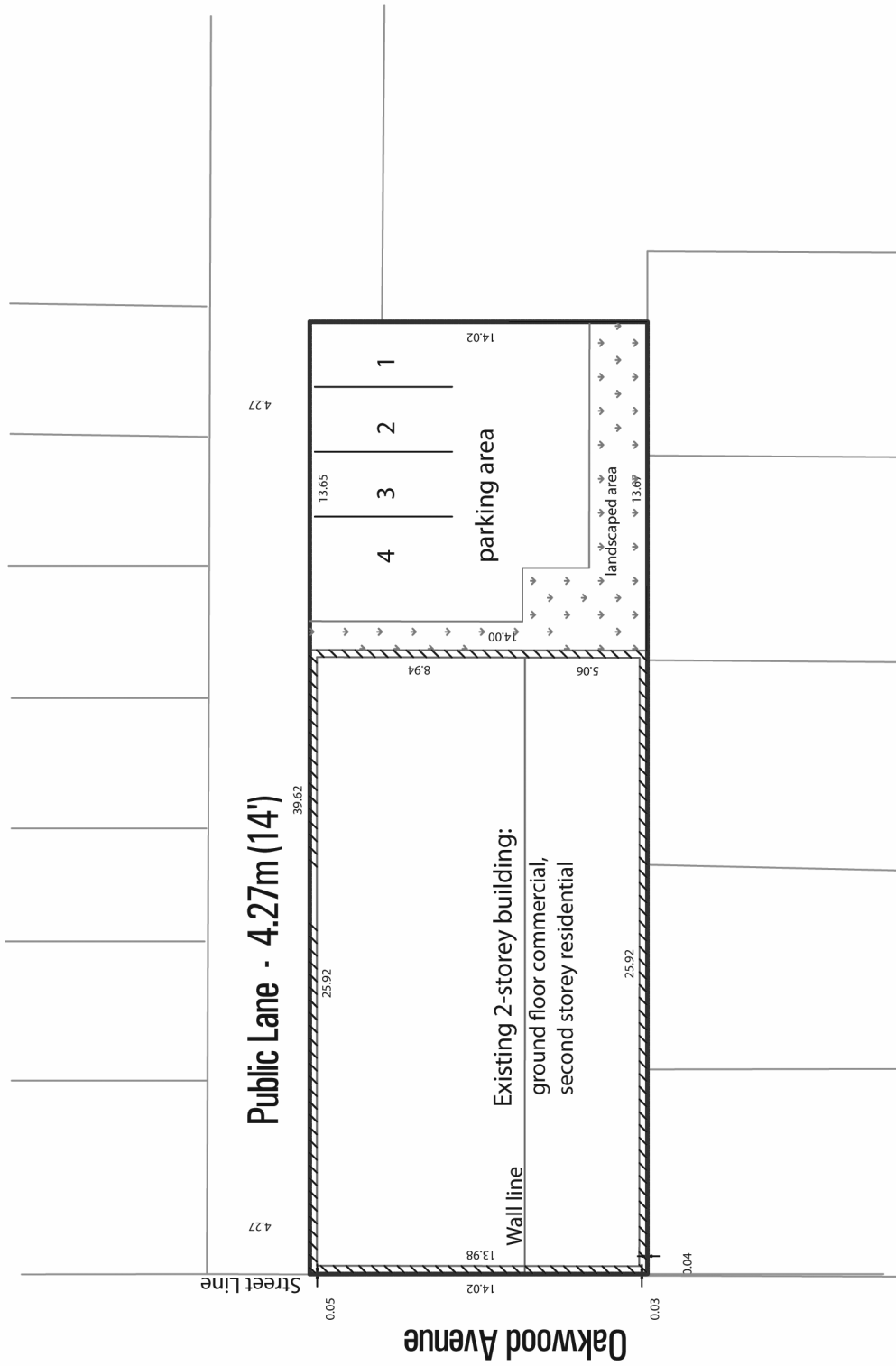
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

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

Attachment 1: Site Plan



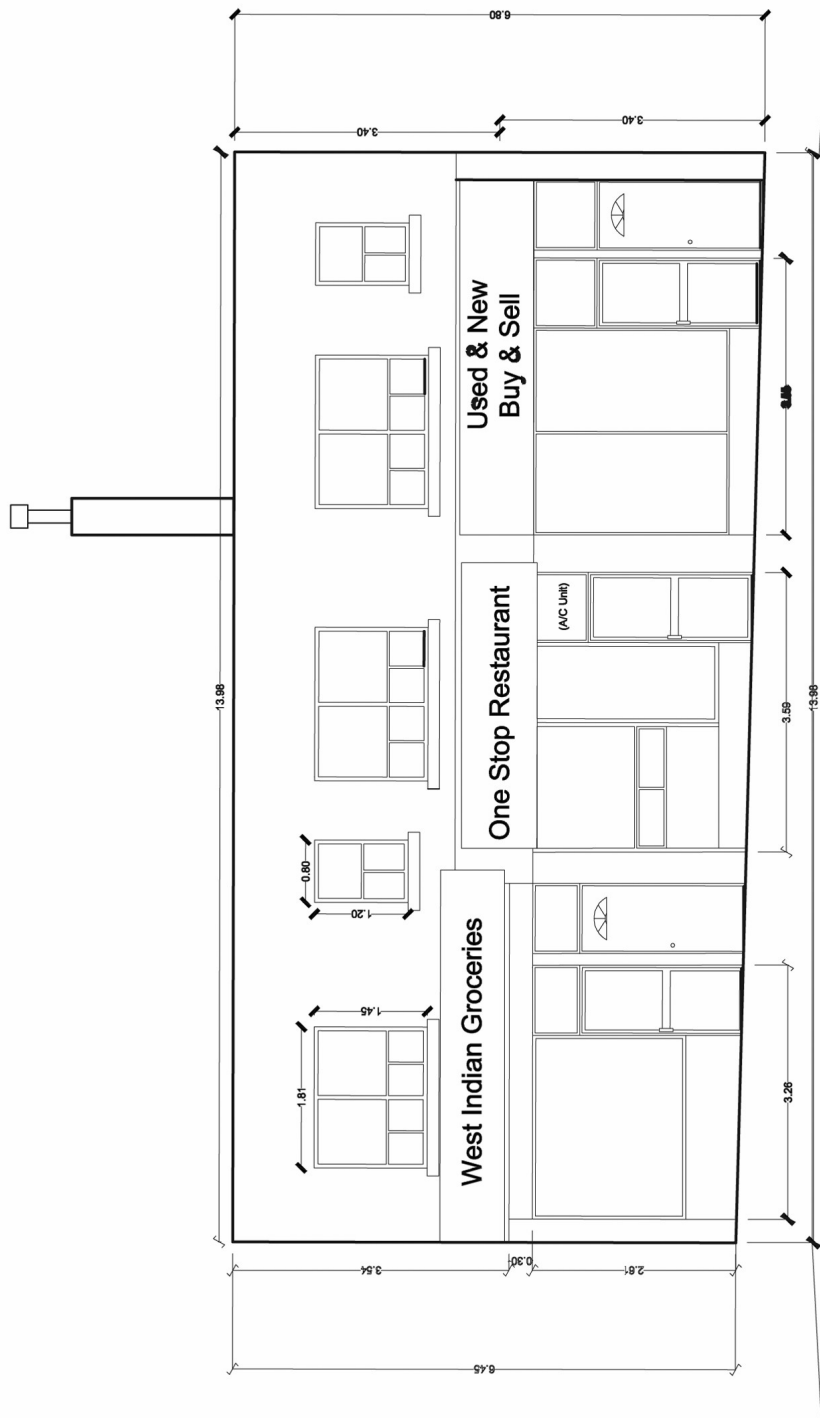
Site Plan 601, 603 & 605 Oakwood Avenue

Applicant's Submitted Drawing

Not to Scale
10/31/2007

File # 07_266058

Attachment 2: Elevations



Existing West Elevation

Elevations

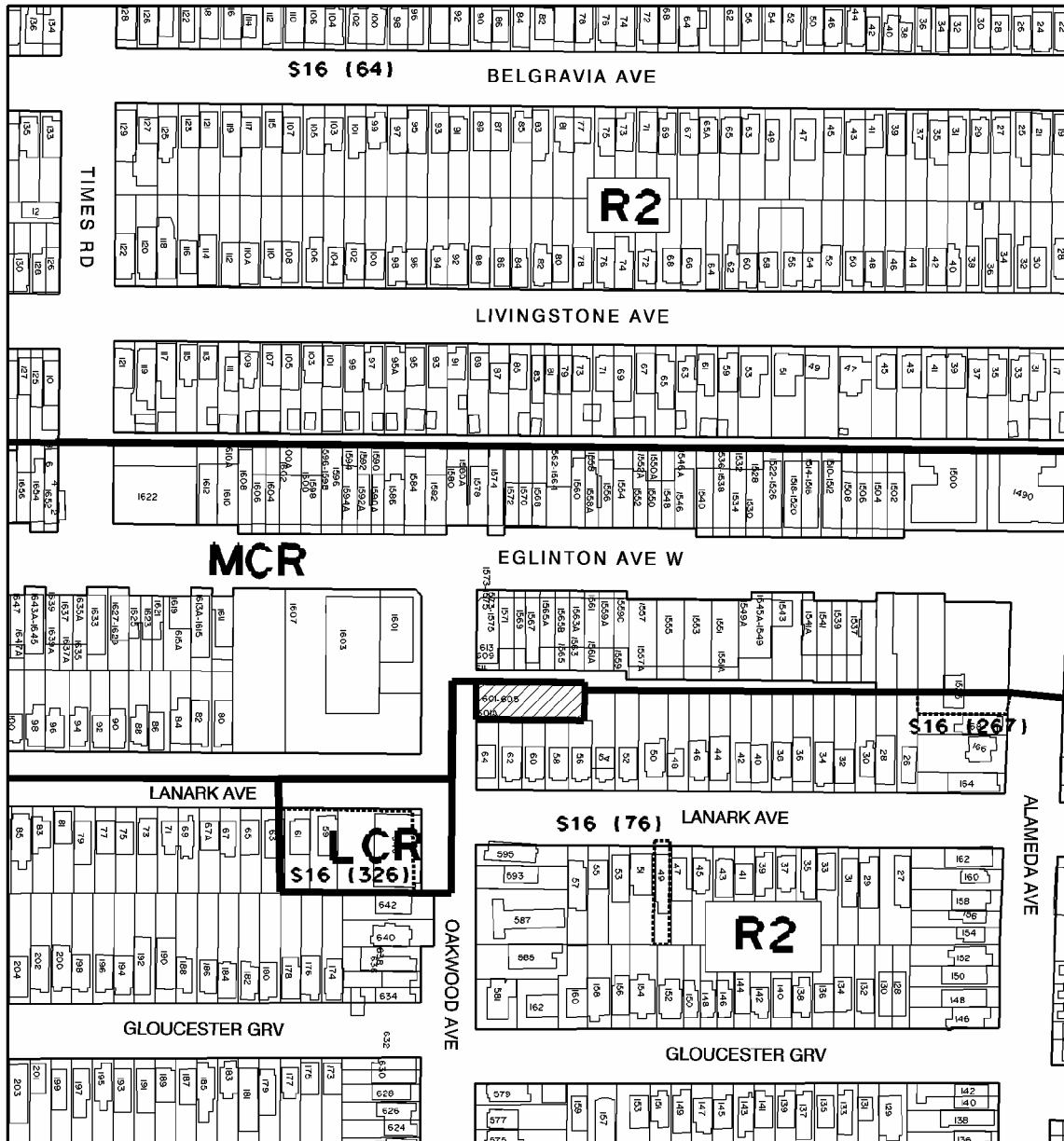
Applicant's Submitted Drawing

Not to Scale
10/31/2007

601, 603 & 605 Oakwood Avenue

File # 07_266058

Attachment 3: Zoning



601, 603 & 605 Oakwood Avenue

File # 07_266058

- West District Zone
- R2 Residential Zone
- LCR Local Commercial Residential
- MCR Mixed Commercial Residential



Not to Scale
Former York Zoning By-law 1-83
Extracted 10/31/2007

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 266058 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	September 28, 2007

Municipal Address: 601-605 OAKWOOD AVE
 Location Description: PL 1687 BLK D **GRID N1507
 Project Description: To diversify the ground floor uses to retail and maintain the second floor residential uses.

Applicant:	Agent:	Architect:	Owner:
THE BIGLIERI GROUP LTD			POTENZA INVESTMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	NEIGH	Site Specific Provision:
Zoning:	R2	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	555.3	Height:	Storeys:	2	
Frontage (m):	14.02		Metres:	6.6	
Depth (m):	39.62				
Total Ground Floor Area (sq. m):	362.6				Total
Total Residential GFA (sq. m):	362.6		Parking Spaces:	4	
Total Non-Residential GFA (sq. m):	315.34		Loading Docks	0	
Total GFA (sq. m):	677.94				
Lot Coverage Ratio (%):	65.3				
Floor Space Index:	1.2				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	362.6	0
Bachelor:	0	Retail GFA (sq. m):	315.34	0
1 Bedroom:	4	Office GFA (sq. m):	0	0
2 Bedroom:	2	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	6			

CONTACT: PLANNER NAME: Cassidy Ritz, Planner
TELEPHONE: (416)395-7053

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as
adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the former City of York Zoning By-law No. 1-83, as amended,
With respect to the lands municipally known as,
601, 603 and 605 Oakwood Avenue**

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. Section 16 of By-law No. 1-83 is amended by adding the following subsection:

16(432) LANDS – 601, 603 AND 605 OAKWOOD AVENUE

Notwithstanding the provisions of Section 8 of this By-law, the existing building and lands as described in Schedule “1” hereto, may be used for six dwelling units within a commercial building provided that the commercial uses are located on the ground floor of the building, at the grade level of the public sidewalk, and subject to the following conditions:

1. Only the following commercial uses shall be permitted:
 - (a) Bake-shop;
 - (b) Office, excluding a professional medical office;
 - (c) Retail store;
 - (d) Restaurant, excluding a licensed restaurant;
 - (e) Take-out eating establishment;
 - (f) Day nursery;
 - (g) Veterinary clinic;
 - (h) Pet shop;
 - (i) Dry-cleaning and laundry collecting establishments;
 - (j) Self-service laundry;
 - (k) Service or repair establishment, class A; and
 - (l) Financial institution.

2. The following regulations apply to a Restaurant:
 - (a) Accessory uses shall be limited to recreational and entertainment uses;
 - (b) Accessory uses shall not occupy an area greater than 20% of the Restaurant gross floor area, within the building; and
 - (c) Accessory uses shall be contained within the building or portion thereof where the Restaurant is situated.
3. The maximum building height shall be three (3) stories or 11 metres, whichever is the lesser.
4. The minimum lot frontage shall be 14.0 metres.
5. The minimum side yard setbacks shall be 0.0 metres
6. The minimum rear yard setback shall be 9.0 metres
7. The minimum front yard setback shall be 0.0 metres.
8. The maximum floor space index shall be 1.2.
9. A minimum of four (4) parking spaces shall be provided on the site, and such parking spaces shall be used only in conjunction with the uses provided for in this By-law.
10. Parking and loading facilities are prohibited in the front yard.
11. Access for all vehicles shall be from the public laneway.
12. For the purposes of this Subsection, the following definitions shall apply:

“FINANCIAL INSTITUTION” means the use of a building to provide banking and financial services directly to the public, and includes a bank, a trust company, credit union or finance company.

“DRY-CLEANING AND LAUNDRY COLLECTING ESTABLISHMENTS” are personal service shops where clothing, textiles, cloth and similar materials are delivered to and from a laundry which is in a different location.

“VETERINARY CLINIC” means a professional office providing medical care to animals, operated by a person licensed under the Veterinarian Act; but does not include a boarding kennel.

“PET SHOP” means a shop or place where animals or birds for use as pets are sold or kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets”

2. Notwithstanding any defined terms to the extent modified by this By-law and the provisions noted herein, all other provisions and defined terms of the former City of York By-law No. 1-83, as amended, continue to apply.

3. Within the lands shown on Schedule "1" 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. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

