

458 Oakwood Avenue – Rezoning Application – Final Report

Date:	September 12, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	06 182208 NNY 15 OZ

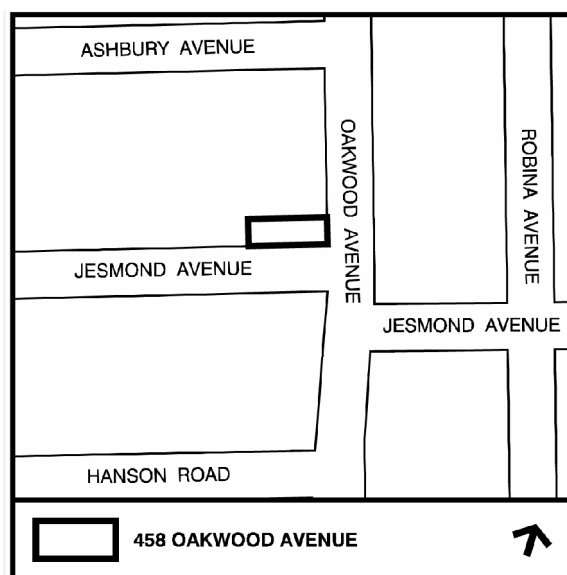
SUMMARY

This application proposes to amend the Zoning By-law to allow for a three-storey walk-up apartment building with five rental units and one artist live-work unit. This application was made on October 6, 2006 and is not 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 the Growth Plan for the Greater Golden Horseshoe. The proposed development is also in keeping with the policies of the City's Official Plan.

The proposal is compatible with the surrounding neighbourhood and is consistent with the *Neighbourhoods'* policies of the Official Plan. The proposal also supports a proposed area specific Official Plan Amendment to develop an "Arts District" in this area, which is the subject of a concurrent report before Community Council today.

The proposal represents a scale and character of development that is consistent with the traditional low-scale, main street which has developed in this area and in adjacent sections of Oakwood Avenue. The proposal is provided with adequate parking.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1-83 for the former City of York, as amended, for 458 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 North York Community Council at its January 16, 2007 meeting. The report provided background information on the proposal and recommended that a community consultation meeting be held.

At this meeting, North York Community Council requested that in conjunction with this application, consideration be given to amending the Official Plan related to this and adjacent residential properties to provide for additional uses that would support an “Arts District”. A report recommending appropriate amendments to the Official Plan to implement this direction is also before Community Council.

The preliminary report on the subject application is available at:

<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-463.pdf>.

At its June 27, 2006 meeting, City Council approved a Zoning By-law Amendment for lands in the vicinity of the intersections of Vaughan Road and Oakwood Avenue and Rogers Road and Oakwood Avenue to add additional permissions for arts-related uses.

The final report is available at:

<http://www.toronto.ca/legdocs/2006/agendas/committees/plt/plt060905/it001.pdf>.

ISSUE BACKGROUND

Proposal

This application proposes to amend the Zoning By-law for 458 Oakwood Avenue to permit a three-storey walk-up apartment building with five rental units and one artist live-work unit which could be used as an artist studio. The proposal was revised from the original submission which was for a double duplex building with four rental units. The proposal has a lot coverage of 57 per cent and a floor space index of 1.7. Four parking

spaces are proposed to the rear of the building accessed from a driveway off Jesmond Avenue.

Site and Surrounding Area

The site is located on the northwest corner of Oakwood Avenue and Jesmond Avenue. The site has an overall area of 388 square meters. The site currently contains a two-storey single-detached dwelling that is to be demolished.

Development in the vicinity of the site is as follows:

North: mix of low-density residential uses;
South: mix of commercial and residential uses ranging in height from one to three storeys;
East: single detached dwellings; and
West: single detached dwellings.

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.

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 *Neighbourhoods* 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 Zoning By-law for the former City of York. 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

The development is subject to Site Plan Control and an application in this respect has been submitted. The review of the application is underway. The majority of issues with respect to the siting, massing, design and landscaping of the site have been resolved. Issues with respect to stormwater management and site serving are currently being addressed. The resolution of these issues would not impact the proposed Zoning By-law amendments.

Reasons for Application

An amendment to the Zoning By-law is required because three-storey walk-up apartments and arts studios are not permitted uses in the R2 Zone. The artist live-work unit could include an “artist studio” component.

Community Consultation

A community consultation meeting was held on April 11, 2007 at the Oakwood Village Library and Arts Centre. The three-storey walk-up apartment building was presented at this meeting. Approximately 30 members of the public attended the meeting. Comments from the public included:

- Concerns regarding the number of proposed parking spaces. Underground parking was suggested;
- There were concerns over how snow storage/removal and stormwater drainage would be handled;
- Some attendees expressed their preference for the original 2-storey, 4-unit duplex. Specifically, there was a concern about the extra storey and there was a preference

from some of the attendees for only 4 units. Other attendees indicated they supported the current 3 storey proposal with 6 units;

- A suggestion was made to include 3 bedroom units in the building to accommodate families;
- Attendees inquired about the proposed artist live-work unit and the type of artist that would be targeted and whether the artist's studio would be a commercial use;
- A question was raised regarding whether the building would be accessible for individuals with disabilities; and
- Some attendees inquired about whether the rooftop patio would affect the privacy of adjacent properties and concerns were raised about the lack of green space in the neighbourhood.

In addition to comments received at the community meeting, additional written comments were received following the meeting. The written comments supported the proposal and noted that the proposal reflected and suited the neighbourhood. Some suggestions on how to improve the proposal included:

- Providing ventilation for the artist's studio;
- Planting two large trees on Jesmond Avenue to provide shade and to cool the building; and
- Introducing appropriate roofing material to cool the building in the summer months.

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 providing a range of housing types, 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.

Land Use

Neighbourhoods contain a full range of residential uses within lower-scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Lower-scale buildings consist of detached houses, semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartments that are four storeys or less. This proposal is for a three-storey walk-up apartment which is consistent with the uses provided for in the *Neighbourhoods*' designation.

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 property fronts onto Oakwood Avenue, which is identified as a major street in the Official Plan.

The artist studio component that may be included within an artist live-work unit would not be considered as a small-scale retail, service or office use that supports the area. The proposed artist studio use would provide an artist with the ability to produce arts and crafts and display and sell the products produced within the artist live-work unit, provided that the production process is low-impact and does not consist of an offensive use.

A modified definition for an “artist studio” from the existing definition has been included in the proposed By-law which reflects this. The layout of the proposed artist live-work unit is conducive to this type of activity. The area specific Official Plan Amendment that is being recommended to Council under a separate report provides for a full-range of arts-related uses, including low-impact artist studios and artist live-work units while still maintaining the built form and height provisions of the *Neighbourhoods* designation.

The proposed definitions are the same definitions as those adopted by Council at its June 27, 2006 meeting for the Zoning By-law Amendment for the lands in the vicinity of the intersections of Vaughan Road and Oakwood Avenue and Rogers Road and Oakwood Avenue to add additional permissions for arts-related uses. The proposed definitions would be consistent with the proposed Official Plan Amendment, which provides for low-impact artist studios.

The applicant is proposing five dwelling units and one artist live-work unit. However, the proposed Zoning By-law amendment would allow the owner the flexibility to provide more artist live-work units in the future provided that the total number of dwelling and artist live-work units within the building does not exceed six units.

Prevailing Building Types

The Official Plan provides that if within a *Neighbourhood* there is a dominant building type, such as single-detached dwellings, then the Plan's policies are to be interpreted to allow only single-detached dwellings in order to respect and reinforce the established physical character of the neighbourhood. In some instances, a neighbourhood may have more than one prevailing building type.

There is more than one prevailing building type within the vicinity of the subject site. On the west side of Oakwood Avenue south of the subject site there are mixed-use commercial/residential uses, low-density residential and commercial uses. To the north of the site on the west side of Oakwood Avenue are a range of low density residential uses such as low-scale apartment buildings, semi-detached dwellings and single detached dwellings. On the east side of Oakwood Avenue, there is a mix of low-density residential uses. The proposed three-storey walk-up apartment building, therefore, represents an appropriate building type in this neighbourhood.

Height, Scale, Massing and Setbacks

New residential developments within *Neighbourhoods* must provide an appropriate transition in height to the existing neighbourhood, and the height, scale and built form of the new development should not create a significant adverse impact in terms of overview, shadowing or loss of privacy on adjacent properties.

The height, massing and siting of the proposed building is appropriate. The building will be three-storeys or 13 metres in height. The R2 zoning permits 11 metres or 3 storeys for residential uses and 14 metres and 3 storeys for non-residential uses.

The site is a corner lot and the building is sited to frame the edges of Oakwood Avenue and Jesmond Avenue which will assist in providing prominence to that corner. Locating the building directly on Oakwood Avenue also provides the benefit of having direct pedestrian connections to the artist live-work unit. Moreover, the proposal represents a scale and character of development that is consistent with the traditional low-scale, main street which has developed in this area and in other locations along Oakwood Avenue between Rogers Road and Vaughan Road.

The front yard setback differs from the front yard setback of the properties to the north. However, the north elevation includes space for a mural which will be painted in coordination with the local Councillor's office. This will aid in lessening the impact of the difference in setbacks from the buildings to the north. The proposed building has a consistent front yard setback to the buildings on the south side of Jesmond Avenue. The building is maintaining the existing north side yard setback. The parking area and the existing private driveway on the west side of the site provides sufficient buffers to the low-density residential properties along Jesmond Avenue.

Parking

Four parking spaces are provided to the rear of the proposed building. The parking spaces are accessed by a driveway off Jesmond Avenue. The proposed parking supply does not meet the minimum parking requirement of the By-law that would otherwise apply to this proposal; being 6 parking spaces. The parking space dimensions also do not comply with the Zoning By-law. The Transportation Services Division reviewed the application and advises that the proposed parking provisions are acceptable provided a condition is included within the Site Plan Agreement indicating there is no on-street permit parking on Jesmond Avenue and the availability of permit parking is not assured elsewhere.

The area is well-served by transit, with a bus stop directly in front of the building. There are also Toronto Parking Authority parking lots within the area. The application was submitted in advance of the new parking space dimension By-law adopted by Council. The parking space dimensions comply with the parking space dimension requirements of the Zoning By-law for the former City of York that existed prior to Council's adoption of the new parking standards on May 23, 24 and 25, 2006.

Snow Storage and Removal

One of the issues raised at the community consultation meeting concerned how snow would be stored and removed. The site plan now includes a landscaped area along the northern edge of the property that will allow for snow storage in the winter.

Toronto Green Development Standard

This application was submitted in advance of the release of the Toronto Green Development Standard. However, through the review of the application a number of elements have been included to reduce the environmental impact of the building. The building will have light coloured roofing materials, large growing, native shade trees are proposed to be planted within the City boulevard and light-coloured pavers are being used for the parking area and walkway.

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Calculation of Parkland Dedication

The application proposes 6 residential units on a site of 0.03882 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.008 hectares. However for sites that are less than 1 hectare in size,

the parkland dedication will not exceed 10% of the net development site. Therefore, based on the cap, the net 388.25 m2 site will be subject to a 39m2 parkland dedication.

Proposal for Dedication of Parkland

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as the amount of land is too small to be of a functional size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of building permits.

Development Charges

It is estimated that the development charges for this project will be \$40,400. This is an estimate. The actual charge is assessed and collected upon issuance of building permits.

CONTACT

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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

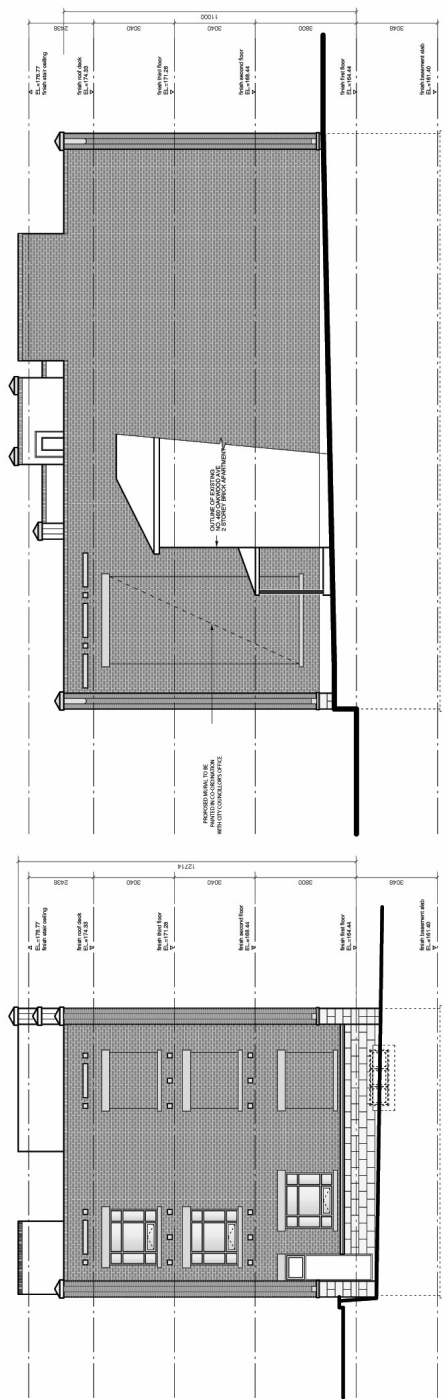
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JESMOND AVENUE

Applicant's Submitted Drawing

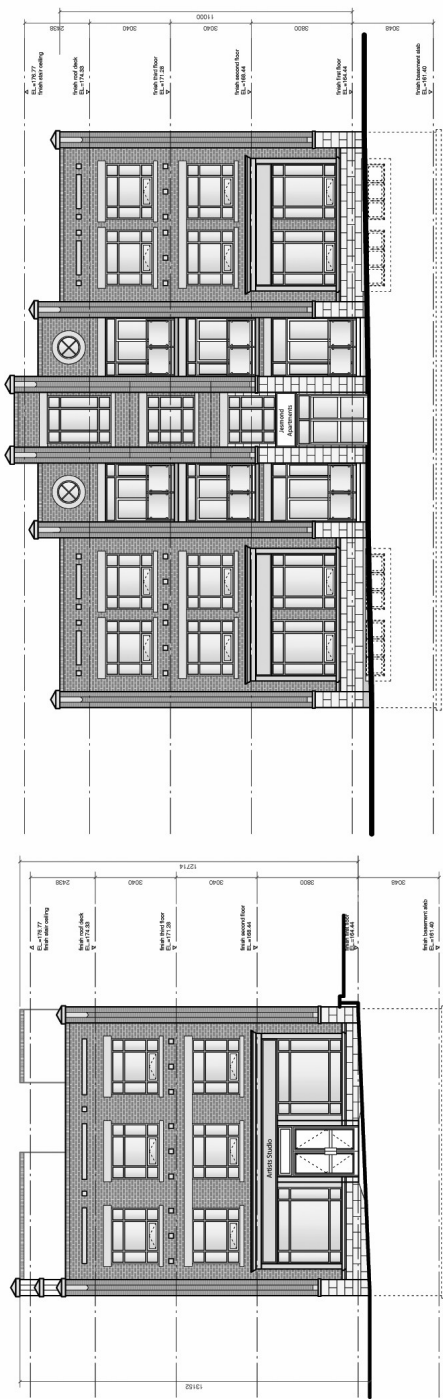
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Attachment 2: Elevations



West Elevation

North Elevation



East Elevation

South Elevation

458 Oakwood Avenue

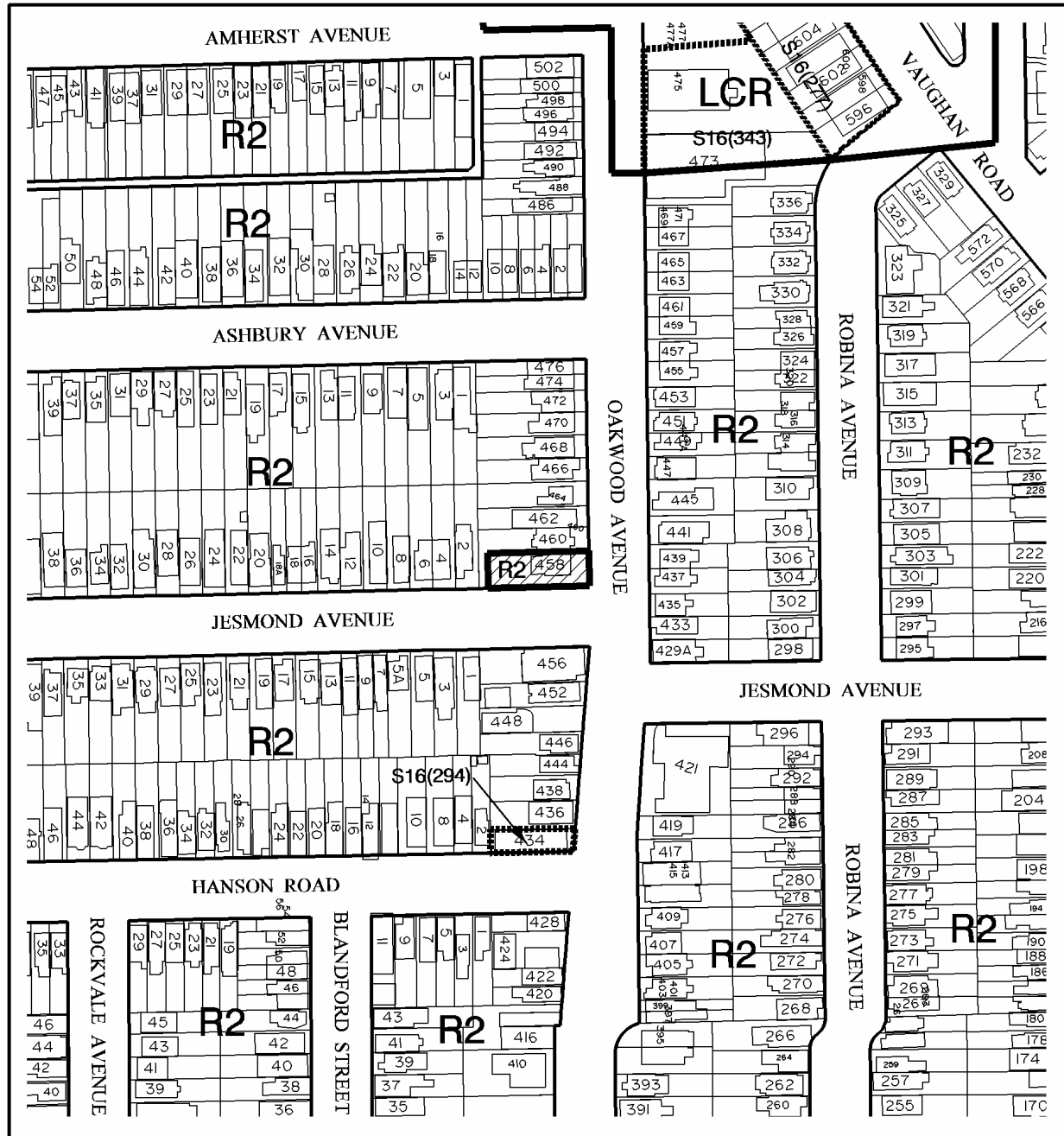
Elevations

Applicant's Submitted Drawing

Not to Scale
08/22/2008

File # 06_182208

Attachment 3: Zoning



Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	06 182208 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	October 6, 2006

Municipal Address:	458 OAKWOOD AVE
Location Description:	PL 1531 E PT LT4 **GRID N1507
Project Description:	Proposed 3 storey walk-up apartment with a live-work studio at grade and five residential units.

Applicant:	Agent:	Architect:	Owner:
AMBIENT DESIGNS LTD. VICTOR HIPOLITO			ADOLFO VIDAL

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	388.25	Height:	Storeys:	3
Frontage (m):	11.58		Metres:	13.15
Depth (m):	33.53			
Total Ground Floor Area (sq. m):	220.37			Total
Total Residential GFA (sq. m):	661.11		Parking Spaces:	4
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	661.11			
Lot Coverage Ratio (%):	56.7			
Floor Space Index:	1.71			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	661.11	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	5	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 Zoning By-law No. 1-83 of the former City of York, as amended, with respect to the lands municipally known as 458 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(433) LANDS – 458 OAKWOOD AVENUE

Notwithstanding the provisions of Paragraph (i) of Subsection 3.2.1 of Section 3 and the provisions of Section 8 of this By-law, the lands as described in Schedule “1” hereto, may be used for a residential building with dwelling units or artist live-work units subject to the following conditions:

1. The total number of units shall not exceed six units.
2. The maximum building height shall be three (3) storeys or 13.15 metres, whichever is the lesser.
3. The minimum lot frontage shall be 11.0 metres.
4. The minimum building setbacks shall be:
 - i. front yard setback = 0.0 metres
 - ii. side yard setbacks = 0.0 metres
 - iii. rear yard setback = 11.0 metres

5. The maximum floor space index shall be 1.7.
6. 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.
7. The minimum dimensions of a parking space will be:
 - length 5.6 metres
 - height 2.0 metres
 - width 2.5 metres

except that the minimum required width of a parking space shall be increased by 0.2 metres for each side of the parking space which is obstructed by a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe.
8. No front yard landscaping is required if the building is at a 0.0 metre front yard setback.
9. For the purposes of this Subsection, the following definitions shall apply:

“ARTIST LIVE-WORK UNIT” means a dwelling unit that is also used for work purposes, provided only the resident or residents of such accommodation work in the dwelling unit, and provided the work component is restricted to an artist studio.

“ARTIST STUDIO” means a building or portion of a building used for producing art or craft provided it does not comprise an offensive use, and which may include an area for displaying or selling goods produced in the studio provided such area is ancillary to the production process.

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 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)

