

416-418 Oakwood Ave – Rezoning Application - Final Report

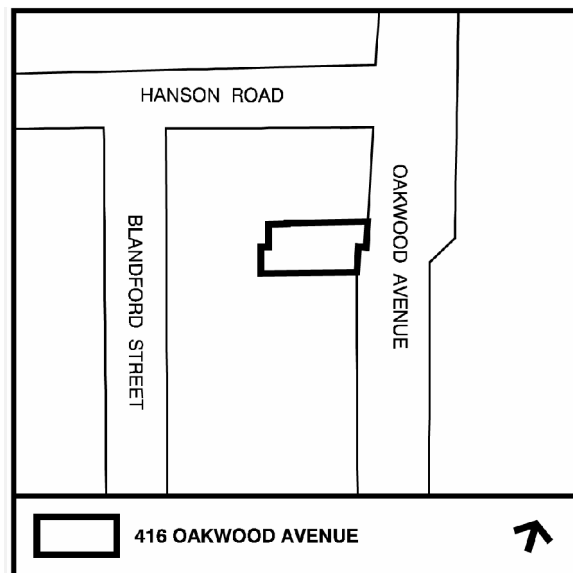
Date:	September 12, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	04 117848 NHY 15 OZ

SUMMARY

This application proposes to permit the conversion of an existing 3-storey industrial structure zoned residential, to a mixed-use building containing a retail unit and a live-work unit at grade with eight residential units on the two floors above. This application was submitted on February 20, 2004 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 Zoning By-law No. 1-83 for the former City of York. This proposal has regard for the Provincial Policy Statement and is in keeping with the policies of the Official Plan. The proposed Zoning By-law Amendment 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 proposed commercial and residential uses are compatible with the mix of commercial and residential uses along Oakwood Avenue and the surrounding low-density residential neighbourhoods to the east and west of the site. The proposal will provide a small-scale retail store that will service the needs of the local residents and



the live-work unit could contribute to the emerging “Arts District” in this area. The existing building is suitable for conversion to a mixed-use building with commercial uses at grade directly fronting Oakwood Avenue with parking provided at the rear of the site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1-83 for the former City of York for 416-418 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 May 4th, 2004 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/2004/agendas/committees/tn/tn040504/it025.pdf>

At its January 16, 2007 meeting, North York Community Council requested that in conjunction with the application to amend the Zoning By-law for 458 Oakwood Avenue, 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 concurrent report has been prepared addressing the Official Plan amendment and is before Community Council today.

The preliminary report for 458 Oakwood Avenue is available at:

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

ISSUE BACKGROUND

Proposal

This application proposes to amend the Zoning By-law for the former City of York to permit the conversion of an existing 3-storey structure to a mixed commercial and residential development containing retail uses and a live-work unit at grade with eight residential units in the two floors above.

Site and Surrounding Area

The 447 square metre site is located on the west side of Oakwood Avenue, north of Rogers Road and contains an existing 3-storey building that is currently vacant.

Development in the vicinity of the site is as follows:

North: mix of commercial and residential uses;

South: mix of commercial and residential uses;

East: residential uses; and

West: residential uses.

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. This application was submitted on February 20, 2004 and the PPS (1997) applies. City Council's planning decisions are required to have regard for the PPS.

The PPS sets the policy foundation for regulating the development and use of land. The key objectives include:

- Promoting efficient, cost-effective development and land use patterns;
- Protecting resources for their economic and environmental benefits; and
- Protecting public health and safety.

As this application was submitted on February 20, 2004, the Growth Plan for the Greater Golden Horseshoe and the PPS (2005) policies do not apply.

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 Zone by the Zoning By-law for the former City of York. The R2 Zone permits a range of residential uses such as detached dwellings, semi-detached dwellings and duplex houses.

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan Control was submitted on February 20, 2004 and review of the application is underway. The majority of issues with respect to siting, massing, design and landscaping of the site have been resolved. Minor issues with respect to stormwater management are currently being addressed. The resolution of these issues should not impact the proposed Zoning By-law amendment.

Reasons for Application

An amendment to the Zoning By-law is required because a three-storey apartment building with commercial uses at grade and arts studios are not permitted. The R2 Zone only permits residential housing such as detached dwellings, semi-detached dwellings, duplex dwellings and home occupations.

Community Consultation

A community consultation meeting was held on July 7, 2004. Four people attended the meeting. Issues raised at the meeting included:

- Quality of landscaping on the lot and the public boulevard;
- Preference for enclosed storage space for garbage; and
- Possible soil contamination from the previous industrial use.

The proposal was revised to improve the streetscape and landscaping quality along Oakwood Avenue. Revised plans also include landscaping and fencing at the rear of the building to appropriately screen the enclosed garbage area and parking area. Phase I and Phase II Environmental Site Assessment reports have been submitted to address issues of possible soil contamination. These reports have been reviewed and accepted by Technical Services staff.

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 application has regard for the PPS (1997). The application promotes employment and housing opportunities on lands that are supported by existing infrastructure along public transit routes.

While the application is not subject to the PPS (2005) and the 2006 Growth Plan for the Greater Golden Horseshoe, it should be noted that the proposal is consistent with the PPS (2005) and conforms to the Growth Plan.

Official Plan

The Official Plan is the most important vehicle for implementing 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 Official 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. This proposal is for a three storey mixed-use building within an existing structure which is consistent with the low-scale residential buildings permitted in the *Neighbourhoods* designation. Furthermore, this application proposes no new development on the property. The existing building height, density and setbacks are being maintained. This proposal respects and reinforces the physical pattern and character of this neighbourhood and is consistent with the mix of low-scale buildings in this area.

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 subject building fronts onto Oakwood Avenue, which is identified as a major street on Map 3 of the Official Plan. The small-scale retail use proposed would support the needs of the area residents and potentially reduce local automobile trips.

The mix of commercial and residential uses proposed is compatible with the surrounding neighbourhood and is considered complimentary to the locally-oriented mix of retail-residential activity on this section of Oakwood Avenue. In addition, the existing building is pedestrian-oriented and suitable for commercial use. The retail use is located on the ground floor, directly fronting Oakwood Avenue. Parking is provided at the rear of the site away from public view.

Artist Live-Work Units

Although the applicant is requesting a live-work unit, staff are proposing additional permissions for artist live-work units that can include an “artist studio” component. This would support the area as an “Arts District”. A modified definition for an “artist studio” from the existing definition has been included in the proposed By-law which would allow for the production of 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.

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 also be consistent with the proposed Official Plan Amendment, which provides for low-impact artist studios.

Parking

Two parking spaces are provided to the rear of the existing building that are accessed by an existing laneway north of the building. The laneway connects directly to Oakwood Avenue. The proposed parking supply does not meet the minimum parking requirement of the existing By-law that would apply to this proposal; being 10 parking spaces.

A parking study was submitted with this application and indicates a Toronto Parking Authority municipal carpark, located only one property away from the subject site, can readily accommodate additional retail and residential parking demands. Transportation Services Division staff reviewed the application and advised that the proposed parking supply of 2 parking spaces is acceptable conditional upon the applicant including a clause in the Site Plan Agreement indicating that future occupants of this building would not be eligible for on-street permit parking.

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 9 residential units on a site of 0.0447 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.012 hectares. However, for sites that are less than 1 hectare in size, the parkland dedication will not exceed 10 per cent of the net development site. Therefore, based on the cap, the net 447 m² site will be subject to a 45 m² parkland dedication.

Proposal for Dedication of Parkland

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as the amount of land is too small to be of a functional size for parkland purposes. The actual amount of parkland 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 \$54,680. This is an estimate. The actual charge is assessed and collected upon issuance of building permits.

CONTACT

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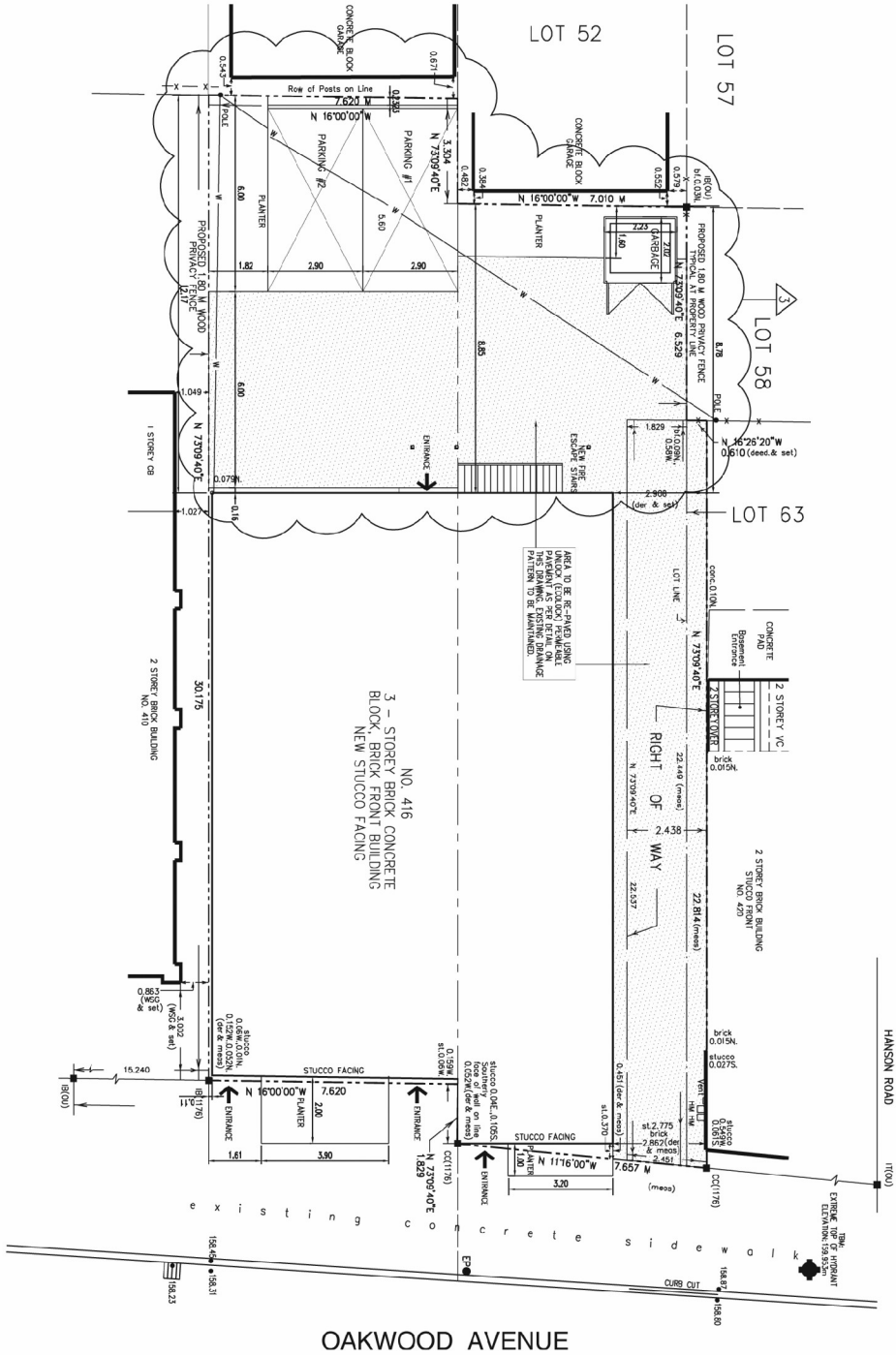
SIGNATURE

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

Attachment 1: Site Plan



Site Plan

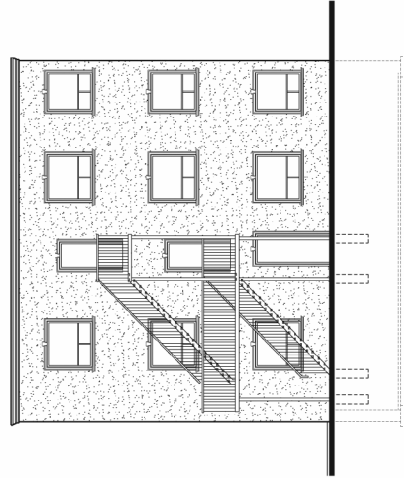
Applicant's Submitted Drawing

Not to Scale
08/25/2008

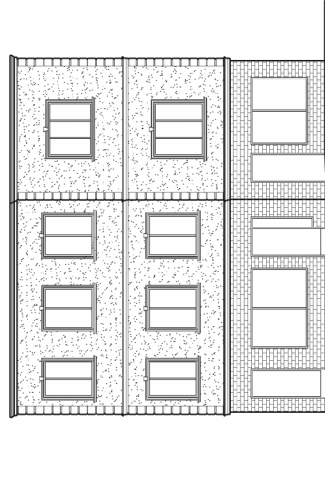
416-418 Oakwood Avenue

File # 04_117848

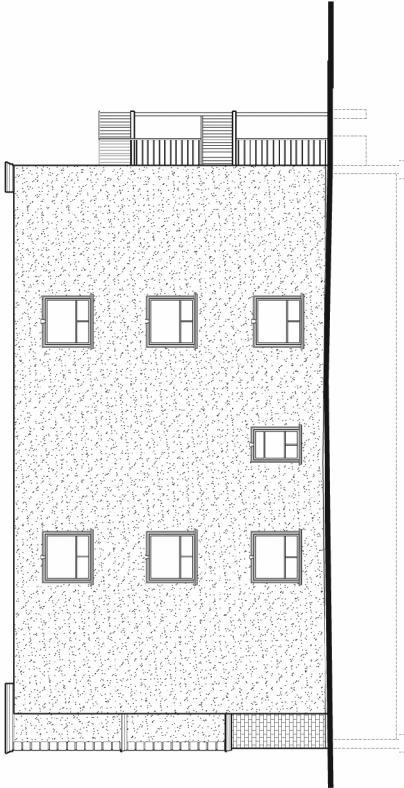
Attachment 2: Elevations



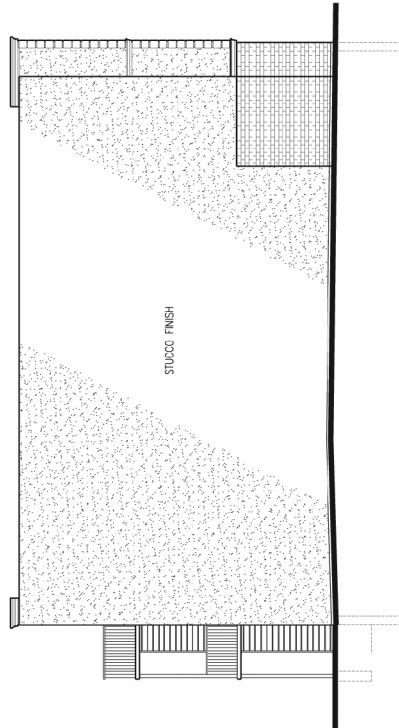
West Elevation



East Elevation



North Elevation



South Elevation

Elevations

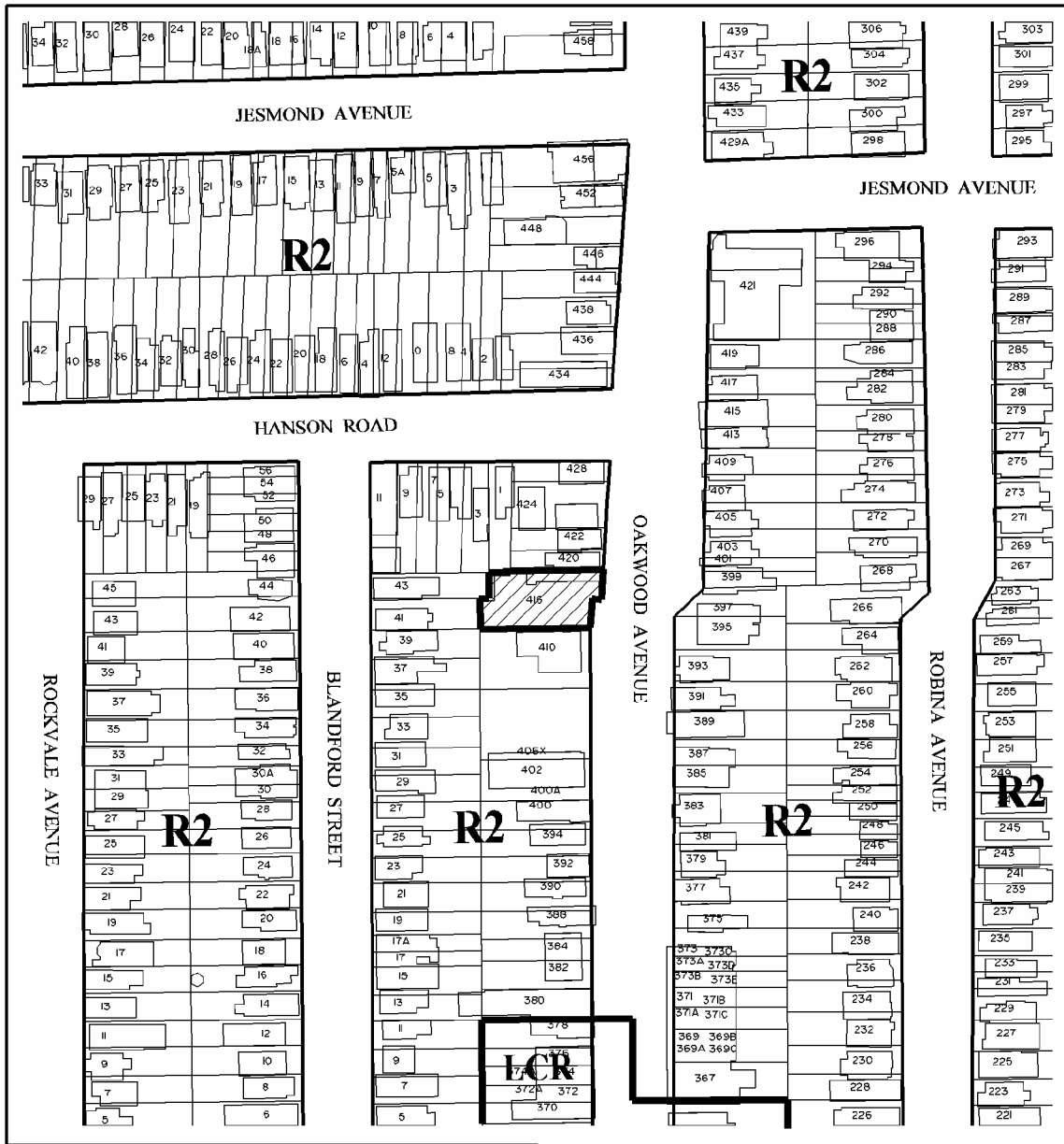
Applicant's Submitted Drawing

Not to Scale
08/25/2008

416-418 Oakwood Avenue

File # 04_117848

Attachment 3: Zoning



416 Oakwood Avenue

File # 04_117848

R2 Residential Zone
LCR Local Commercial Zone



Not to Scale
York Zoning
Extracted 04/20/04

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	04 117848 NHY 15 OZ
Details	Rezoning, Standard	Application Date:	March 19, 2004

Municipal Address: 416-418 OAKWOOD AVE
 Location Description: PL 1565 PT LT1 PL 1668 PT LT63 LT64 **GRID N1507
 Project Description: Proposed conversion from residential to mixed commercial/residential

Applicant:	Agent:	Architect:	Owner:
CARLOS MENDES			FJR INVESTMENTS

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	446.93	Height:	Storeys:	3	
Frontage (m):	15.3		Metres:	11.05	
Depth (m):	30.2				
Total Ground Floor Area (sq. m):	228.7				Total
Total Residential GFA (sq. m):	523.3		Parking Spaces:	2	
Total Non-Residential GFA (sq. m):	162.7		Loading Docks	0	
Total GFA (sq. m):	686				
Lot Coverage Ratio (%):	51.2				
Floor Space Index:	1.5				

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	9
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	523.3	0
Retail GFA (sq. m):	162.7	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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 for the former City of York, as amended,
with respect to the lands municipally known as
416-418 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(434) LANDS – 416-418 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 and commercial building with retail uses, artist live-work units and artist studios subject to the following conditions:

1. Retail uses are permitted only on the ground floor of the building.
2. The total number of residential units shall not exceed nine units.
3. The maximum building height shall be three (3) stories or 11.05 metres, whichever is lesser.
4. The minimum lot frontage shall be 15.25 metres.
5. The minimum setbacks shall be:
 - i. front yard setback = 0.0 metres;
 - ii. south side yard setback = 0.0 metres;
 - iii. north side yard setback = 2.85 metres; and
 - iv. rear yard setback = 8.75 metres.

6. The maximum floor space index shall be 1.5.
7. A minimum of two (2) parking spaces shall be provided on the site, and such parking spaces shall be used only for the retail uses provided for in this By-law. No parking spaces are required for the residential uses of this proposal.
8. Parking is prohibited in the front yard.
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 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)

