

**Study of the North Side of Davenport Road between
Alberta Avenue and Winona Drive - Zoning By-law
Amendments – Final Report**

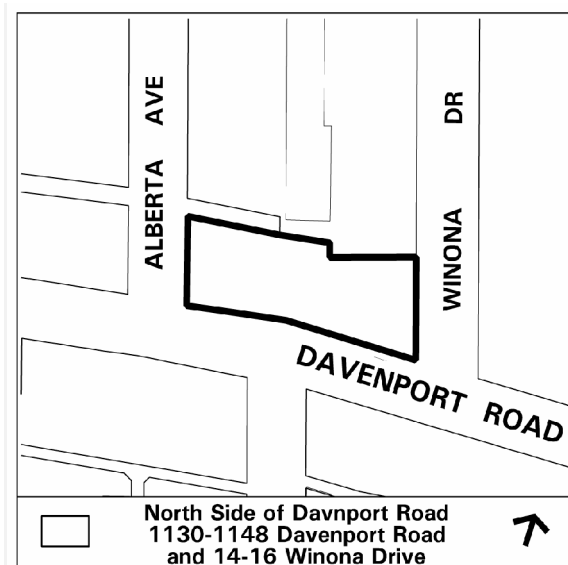
Date:	January 22, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 17 - Davenport
Reference Number:	07 109694 WPS 00 TM

SUMMARY

This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report presents the findings of a City-initiated study and recommends amendments to the former City of Toronto Zoning By-law No. 438-86 for the properties located in the area north of Davenport Road between Alberta Avenue and Winona Drive.

At the direction of City Council, community planning staff conducted a study of the properties zoned Mixed Use District (MCR) on the north side of Davenport Road between Alberta Avenue and Winona Drive. The purpose of the study was to assess the compatibility of the uses permitted within the MCR zone with the adjacent residential neighbourhood so as to limit nuisances associated with traffic, parking, safety or other adverse impacts.



This study recommends amendments to the boundary of the MCR zone and the range of permitted uses.

RECOMMENDATIONS

The City Planning Division recommends that:

1. A public meeting be arranged and notice be given for the March 26, 2009 Etobicoke York Community Council meeting to consider the proposed Zoning By-law amendment attached as Attachment 5.
2. That this report be brought forward to the public meeting.
3. That the following recommendations be presented at the public meeting for adoption:
 - a. City Council amend Zoning By-law No. 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5; and
 - b. 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

At its meeting of March 6, 2007 Council passed By-law No. 160-2007 to designate the area zoned Mixed Use District (MCR) on the north side of Davenport Road between Alberta Avenue and Winona Drive as an Interim Control Area. The By-law will soon expire.

The purpose of the By-law was to provide staff with an opportunity to study this area to determine the appropriateness of the existing permitted uses and zoning provisions.

ISSUE BACKGROUND

Study Proposal

The purpose of the city initiated study was to review the existing permitted uses and zoning provisions for the properties zoned MCR on the north side of Davenport Road between Alberta Avenue and Winona Drive. Specifically the study assessed:

- (a) The site, situation, topography and configuration of the properties within the study area and their ability and appropriateness to accommodate permitted uses under the current zoning; and
- (b) The appropriateness of the permitted MCR uses having regard to the proximity of the Residential District R1 and R2- Zoning area and existing residential dwelling house uses adjacent to the study area.

Site and Surrounding Area

The study area is comprised of properties located on the north side of Davenport Road between Alberta Avenue and Winona Drive that are zoned Mixed-Use District (MCR). These properties are comprised of a semi-detached dwelling with frontage on Winona Drive, a series of two-storey mixed residential- commercial buildings with frontage on Davenport Road and Alberta Avenue and a vacant lot on the northwest corner of Davenport Road and Winona Drive. The vacant lot was formerly occupied by a motor vehicle repair shop which was destroyed by fire in 2005. See Attachment 4 for a full description of the existing uses by municipal address.

Surrounding land uses include:

North: detached and semi-detached dwellings

South: 2-storey residential dwellings and mix of one and two-storey residential-commercial buildings fronting onto Davenport Road. Low rise residential neighbourhoods are located south of Davenport Road.

East: Senior's retirement apartment building and elementary schools on the east side of Winona Avenue.

West: Low rise residential dwellings and a mix of one and two-storey residential-commercial buildings fronting onto Davenport Road.

The topography of the area is such that there is a downward slope from Winona Drive to Alberta Avenue and from the northern properties to Davenport Road. As a result, the northeast corner of Davenport Road and Alberta Avenue has the lowest elevation point and the northern most dwelling unit on Winona Drive, in the study area, has the highest elevation point.

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 properties in the area along the north side of Davenport Road are designated "Neighbourhoods" in the Toronto Official Plan.

Section 4.1.1.3 of the Plan permits small scale retail, service and office uses on properties in "Neighbourhoods" that legally contained such uses prior to the approval of the Plan. Although, the existing MCR zoning permits a range of commercial uses, a key objective of the policies of the Plan is to maintain the residential amenity of the "Neighbourhoods" and to require that new small scale retail, service and uses:

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

Zoning

The properties in the study area are zoned Mixed-Use Districts (MCR). This zoning allows for a maximum residential gross floor area of 2.5 times the area of the lot and a maximum non-residential gross floor area of one times the area of the lot. The combined total permitted gross floor area is 3 times the area of the lot. The maximum permitted height is 16 metres.

Permitted uses include a broad range of low rise residential and commercial uses which include but are not limited to the following: apartment buildings, detached and semi-detached houses, duplexes, row houses, crisis care facility, hotel, nursing home, university residence, park, various community services, cultural and art facilities, institutional uses, studios, retail uses and offices.

A number of automobile related uses such as service and repair shops, service stations, car washing establishments, commercial parking lots and parking areas are also permitted in a Mixed-Use District zone.

Site Plan Control

Should a new development be proposed for any of the properties in the study area site plan approval will be required. Currently no development applications have been submitted for these properties.

Reasons for Study

Residents in the area have expressed concern about the uses permitted in the MCR zone for the properties in the study area and their compatibility with the existing low rise residential dwellings in the abutting neighbourhood. Until recently, a motor vehicle repair shop existed on the northwest corner of Davenport Road and Winona Drive. This use was destroyed by fire and the property has remained vacant over the last few years. During its existence, this use gave rise to neighbourhood complaints about pedestrian safety and resulted in adverse impacts to adjacent residential properties arising from noise, parking and traffic conflicts. Prior to the initiation of the study, enquires had been made to re-establish this use but were not pursued.

Community Consultation

A community consultation meeting was held on January 19, 2009 to discuss the review of the existing zoning provisions and to respond to community comments and questions. In addition to planning staff, the meeting was also attended by the local councillor and approximately 28 members of the public.

As part of the meeting, Staff presented the findings of the study and a potential course of action which would require changes to the existing boundary of the MCR zone and limiting the range of permitted uses to generally remove automobile related uses such as service and repair shops, service stations, car washing establishments, and motor vehicle repair shops. No one spoke in opposition to this proposal and several individuals voiced their approval of the proposed direction that was presented by Staff.

The following comments and issues were raised:

- (a) former motor vehicle repair shop was a nuisance in the area;
- (b) the topography and lot configuration may make redevelopment on the northwest corner of Davenport Road and Winona Drive difficult;
- (c) permitted uses should be restricted to those uses that will assist in creating a vibrant street and neighbourhood;
- (d) in addition to restricting automobile related uses, consideration should be given to restricting a rooming house, parking uses, pawnbroker's shop, and a massage establishment;
- (e) on street parking in the area, particularly during the winter is problematic;
- (f) local streets are used for parking by patrons of the businesses along Davenport which have limited on-site parking;
- (g) the city should investigate opportunities for increasing parking in the area including the possibility of establishing City managed parking lots;
- (h) 1130 Davenport and 1136 Davenport have been vacant and in a state of disrepair following the fire that destroyed the former motor vehicle repair shop;
- (i) there is a desire to see the vacant buildings and land at the northwest corner of the study area redeveloped; and

- (j) Winona Drive has a traffic and speeding problem which should be investigated by the City.

Staff also received a letter and a number of telephone calls from area residents, business and property owners in regard to the study and generally offered similar comments and concerns as listed above.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposed zoning changes are consistent with the Provincial Policy Statement (PPS). The PPS contains a number of policies related to promoting efficient land use and development patterns which support strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Specially, Section 1.1.3.2 of the PPS states that “land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for and efficiently use infrastructure and public service facilities and minimize negative impacts.” The purpose of this planning study is to review the uses permitted within a Mixed-Use District zone so as to minimize conflicts or compatibility issues with the surrounding residential neighbourhood.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. One of the main principle of this Plan is that cities build compact and vibrant complete communities that meet people’s need for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, housing, public transit, community infrastructure including affordable housing, schools, recreation and open space and options for safe, non-motorized travel. This study is recommending a number of amendments to the existing MCR zoning such as restricting uses that do not contribute greatly to the vibrancy of the street of the area so as to ensure that uses permitted in the MCR zone will allow residents to enjoy a high standard of living and quality of life by minimizing nuisances associated with parking, traffic, safety and noise.

Land Use

The properties in the study area are located in an area designated Neighbourhoods in the Official Plan. Neighbourhoods are made up of residential uses in lower scale buildings such as detached and semi-detached houses. New small-scale, service and offices uses that are incidental to and support Neighbourhoods and that are compatible with the area and do not adversely impact adjacent residences are also permitted.

The properties in the study area are zoned MCR which permit a broad range of small scale commercial uses. Currently, existing uses are comprised of a semi-detached dwelling and a series of two-storey mixed residential- commercial buildings containing local small scale retail, service and restaurant uses on the ground floor. The small-scale retail, service, and office uses that have legally existed in the MCR zone since the approval of the Official Plan designating the study area Neighbourhoods, are permitted

by the policies of the Plan. These uses are located on small sized lots that have limited or no capacity to accommodate on-site parking. Residential uses such as detached dwellings, semi-detached dwellings and low rise apartments abut and surround the study area.

As part of the study process, staff examined the list of permitted uses in the MCR zone to determine if they were compatible with the adjacent residential uses and would maintain the residential amenity of the Neighbourhood area as outlined in Section 4.1.1.3 of the Official Plan. Also taken into consideration was a former motor vehicle repair shop use that existed at 1130 Davenport Road. Residents indicated at the community meeting that this use was a nuisance in the area resulting in parking and traffic issues, noise and pedestrian safety conflicts.

Given the lot characteristics of the properties in the study area and their proximity to residential uses, staff have concluded that the following uses should no longer be permitted as they do not: contribute to creating a vibrant residential neighbourhood; serve the needs of area residents; assist in reducing local automobile trips; or minimize noise, disorderly unregulated parking, or other adverse impacts upon adjacent or nearby residents:

- (a) Automobile related uses;
- (b) Warehousing and storage uses;
- (c) Non-residential parking; and
- (d) Specific uses such as massage establishments and pawnbroker's shop as identified by area residents.

Accordingly, staff's proposal to amend the zoning to prohibit these uses in the MCR zone would be more in keeping with the intent of the Neighbourhood policies of the Plan and an Official Plan Amendment would not be required.

Existing Topography

The existing topography and lot configuration of properties in the area imposes additional constraints to development. As discussed previously in this report the land slopes upward in a northerly direction from Davenport Road and in easterly direction from Alberta Avenue. This results in significant grade changes between some of the properties in the study area, particularly, between 14 Winona Drive and 1130 Davenport Road.

Currently, both these properties are zoned Mixed Use District (MCR). No building setbacks are required between buildings on properties zoned MCR that are adjacent to one another. Building setbacks are only required when a property zoned MCR is adjacent to a property zoned as either a Residential District or Park District. As a result, the former building that occupied 1130 Davenport Road was built to the rear property line abutting 14 Winona Drive. Given the topography of these properties, this resulted in the entire rear wall of the former use at 1130 Davenport Road acting as a retaining wall for the higher elevation residential property at 14 Winona Drive.

Requiring building setbacks between buildings containing different uses and adjacent to a more sensitive residential uses will assist in mitigating conflicts that may arise due to nuisances associated with noise, safety, privacy, odour and parking.

Lot Configuration

As part of the study, staff reviewed the lotting patterns of properties fronting onto Davenport Road between Oakwood Avenue and Brancondale Hill Road. With the exception a few (i.e. 1130 Davenport Road), the majority of the properties fronting onto Davenport have rear lanes. These lanes provide access to rear parking facilities or spaces and also act to physically separate uses.

Within the study area, 1130 Davenport Road is the only property fronting onto Davenport Road that does not have access to a rear lane. All other properties in the block fronting on Davenport Road have access via a lane and an apparent private right-of-way to Alberta Avenue. The lane and private right-of-way separates the residential and commercial uses fronting on Davenport Road from the residential uses to the north in the R2 Residential Zone. The only exception is the residential property to the north at 14 Winona Drive which is occupied by a semi-detached dwelling unit. This property is immediately adjacent to the property at 1130 Davenport Road and is also in the MCR zone. Within the MCR zone there are no required setbacks to separate or maintain distances between buildings on these properties.

Currently, 14 and 16 Winona Drive are occupied by a semi-detached dwelling and are located on the north side of the street containing similar dwelling types and uses. As the properties are zoned MCR the potential exists that these properties could be redeveloped to a non-residential use that is permitted under the MCR zoning category. Such a change could adversely impact the residential character of Winona Drive. The potential exists under the current MCR zoning that a new non-residential use could be proposed that would not conform to the “Neighbourhood” policies of the Plan that only would permit non-residential uses that serve the needs of area residents, have minimal noise, parking or other adverse impacts on nearby residents, and have a form that is compatible with and integrated into the neighbourhood.

In order to improve conformity to the “Neighbourhood” policies and to avoid other potential adverse impacts to nearby residential uses, it is proposed that the properties at 14 and 16 Winona Drive be rezoned to be in the same residential zoning category as the other residential properties on the west side of Winona Drive. The proposed rezoning of these properties to a residential district would also secure their conformity with the “Neighbourhood” policies of the Official Plan.

Such a zoning change would also have the added benefit of requiring any future building on either 1136 or 1130 Davenport, which would remain in the MCR zone, to be set back approximately 7.5 metres from the property line adjacent to 14 or 16 Winona Drive. This would provide a physical separation distance between buildings and uses in the MCR zone to uses in the abutting residential zone. This separation would also assist to

minimize potential impacts due to noise, odour and others associated with uses permitted in the MCR zone.

Properties located in the block are within a Site Plan Control Area and any development would be subject to the site plan approval pursuant to the applicable Site Plan Control By-law.

Development Charges

There are no development charges associated with this study.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Study Area

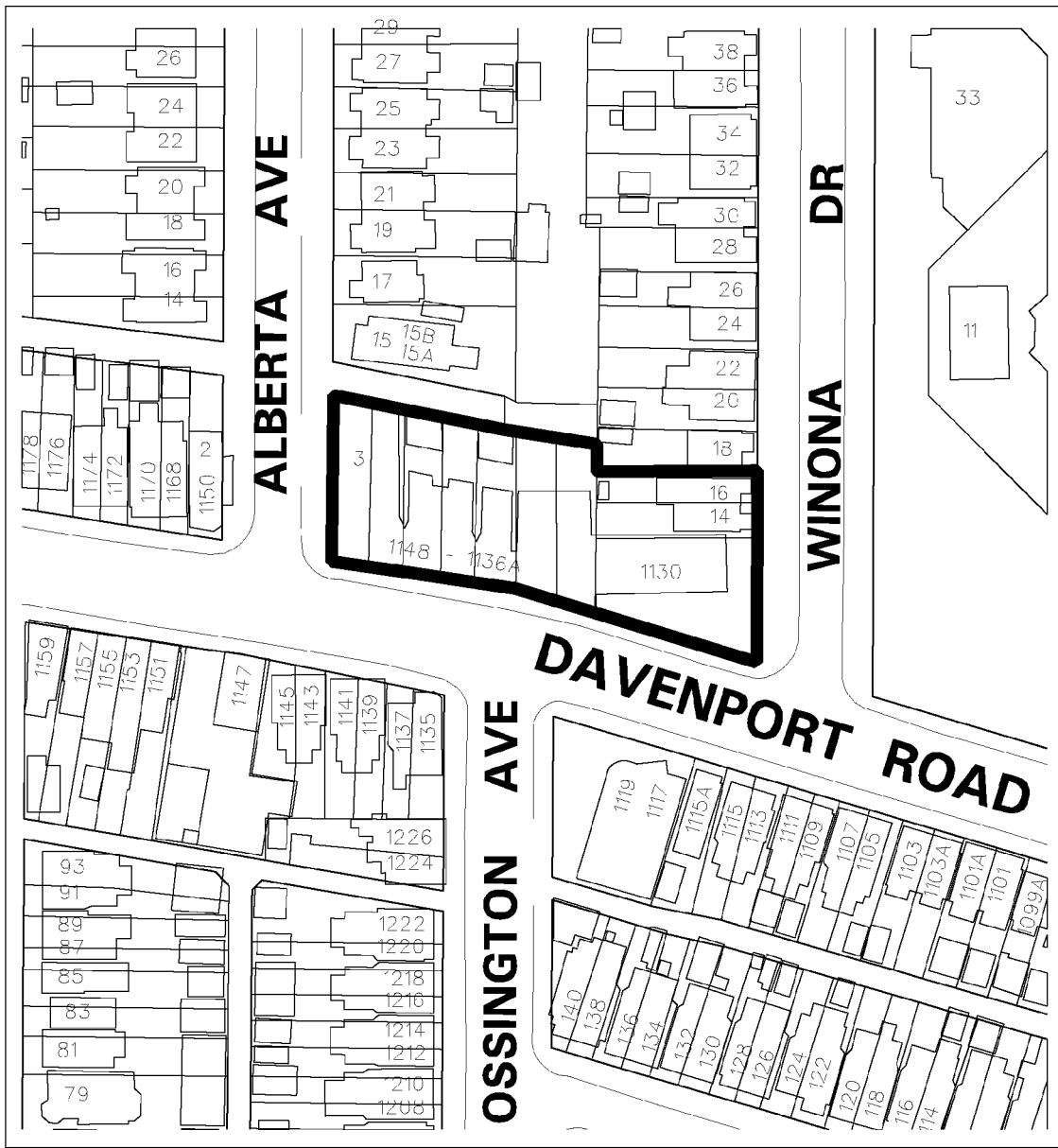
Attachment 2: Area Photos

Attachment 3: Zoning

Attachment 4: Description of Existing Uses

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Study Area



 Site


TORONTO City Planning
 Location Map

Not to Scale 
 03/01/07

North Side of Davenport

File # 07_109694

Attachment 2: Area Photos
North side of Davenport Road between Alberta Avenue and Winona Drive



**Attachment 2: Area Photos
Alberta Avenue and Winona Drive**

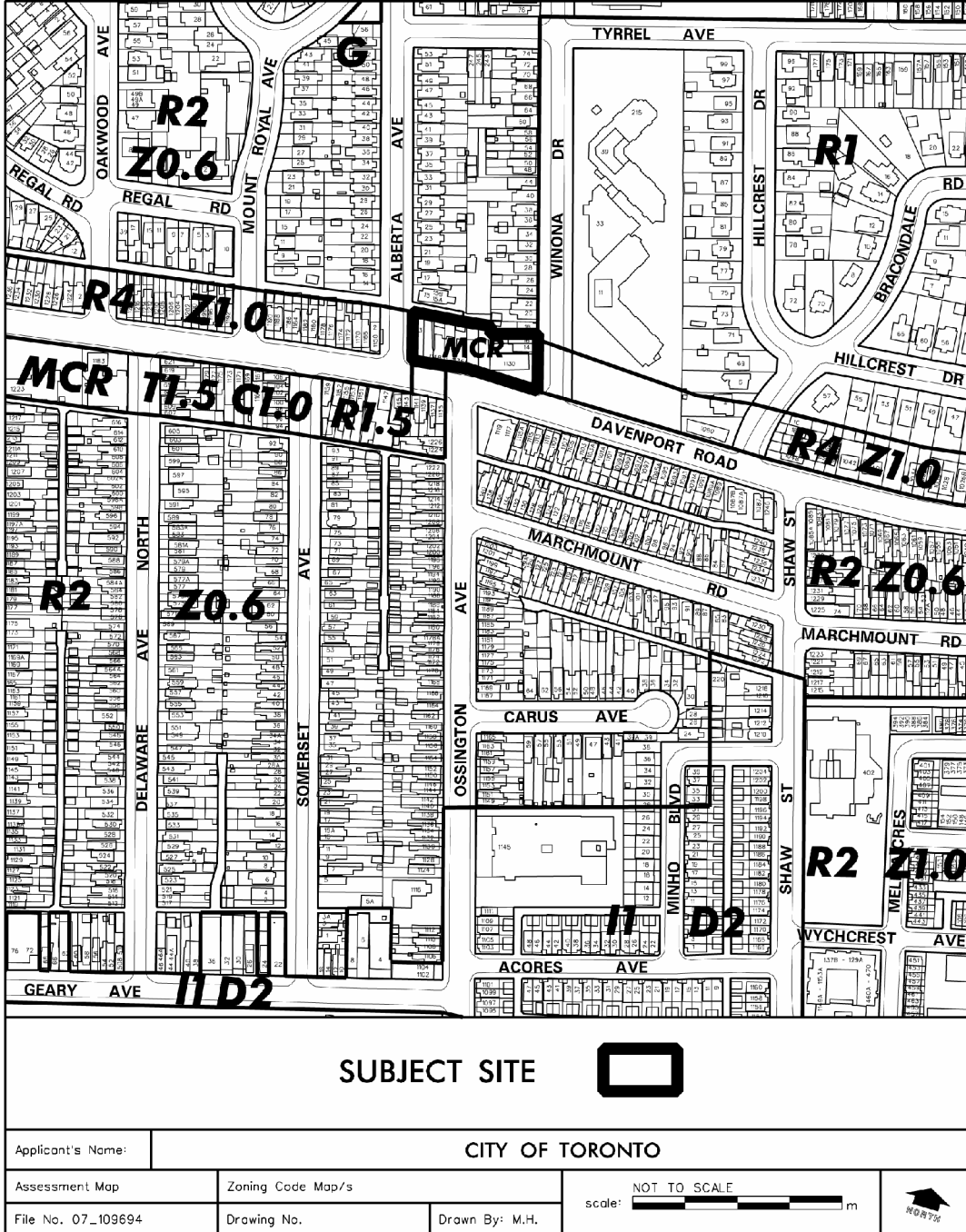


Alberta Avenue



Winona Drive

Attachment 3: Zoning



Attachment 4: Description of Existing Uses

The following is a brief description of the existing uses on the properties in the study areas. Beginning from the northeast corner of Alberta Avenue and Davenport Road the existing uses are as followings

- (a) 1 and 3 Alberta Ave Alberta Veterinary Clinic
- (b) 1148 Davenport Dox Xing Market, Variety Store with residential above
- (c) 1146 Davenport Tom's Café & Sports Bar with residential above
- (d) 1144 Davenport L and J Cycle with residential above
- (e) 1142 Davenport Fallone's Boutique with residential above
- (f) 1140 Davenport Willer's Pharmarcy with residential above
- (g) 1138 Davenport Salto Restaurant with residential above
- (h) 1136 Davenport Former bakery (building vacant)
- (i) 1130 Davenport Vacant site, formerly occupied by an auto repair shop
- (j) 14 Winona Avenue semi-detached dwelling unit
- (k) 16 Winona Avenue semi-detached dwelling unit

Surrounding properties as follows:

- (a) North Side of Davenport
 - 1150 Davenport (northwest corner of Alberta Ave and Davenport) – O Abrigo Churrasqueira Bar and Grill (vacant)
- (b) South Side of Davenport
 - 1119 Davenport (northeast corner of Davenport and Ossington) – Faema Espresso Bar
 - 1135 Davenport (southeast corner of Davenport and Ossington) – Photo Studio with residential above
 - 1137 Davenport – New Age Tattoo with residential above
 - 1139-1141 Davenport – mixed commercial residential building
 - 1147 Davenport – Alcona Bakery

Attachment 5: Draft Zoning By-law Amendment

Authority: Etobicoke 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. ~-2009

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended,
With respect to the lands on the north side of Davenport Road between Alberta
Avenue and Winona Drive**

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. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, 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 certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the lands outlined by heavy lines shown on Map 1, attached hereto.
2. District No. Map 49J-322 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines from “MCR T1.5 C1.0 R1.5” to “R2 Z0.6” as shown on Map 1, attached hereto;
3. Height and Minimum Lot Frontage Maps No. 49J-322 contained in Appendix “B” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Map 2 attached to and forming part of this By-law to “H10.0” as shown on Map 2, attached hereto;
4. Section 12(2) of By-law No. 438-86, as amended is further amended by adding a new exception as follows:

No person shall on lands zoned MCR and located within the heavy lines on Map 3 use land or erect to use a building or structure for any of the following uses:
pawnbroker’s shop; automobile service and repair shop; automobile service station; car washing establishment; commercial parking lot; motor vehicle

repair shop Class A; sales or hire garage; taxicab stand or station; cold storage locker plant and massage establishment.

5. Within the lands shown on Map 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.
6. For the purposes of this By-law:
 - (a) each other word or expression which is italicized or underlined herein shall have the same meaning for the purposes of this by-law as each word or expression has for the purposes of By-law No. 438-86, as amended, or any section thereof.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



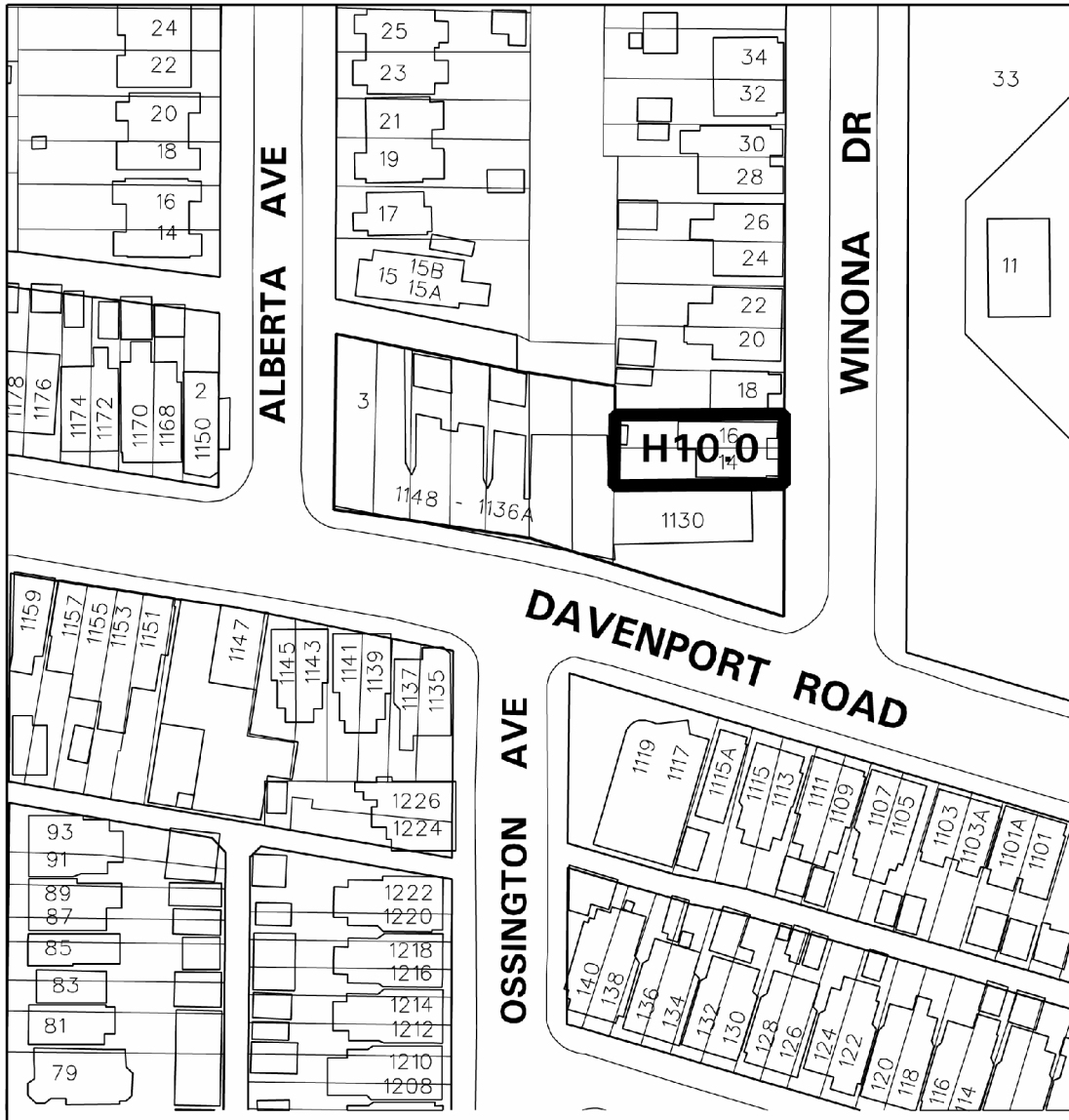
MCR to R2 ZO.6



SUBJECT SITE

Applicant's Name:		CITY OF TORONTO	
Assessment Map	Zoning Code Map/s	NOT TO SCALE	
File No. 07_109694	Drawing No.		





SUBJECT SITE

Applicant's Name:		CITY OF TORONTO	
Assessment Map	Zoning Code Map/s	NOT TO SCALE	
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