

Ossington Avenue – Interim Control By-law – Final Report

Date:	May 25, 2009
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	09 138900 STE 19 TM

SUMMARY

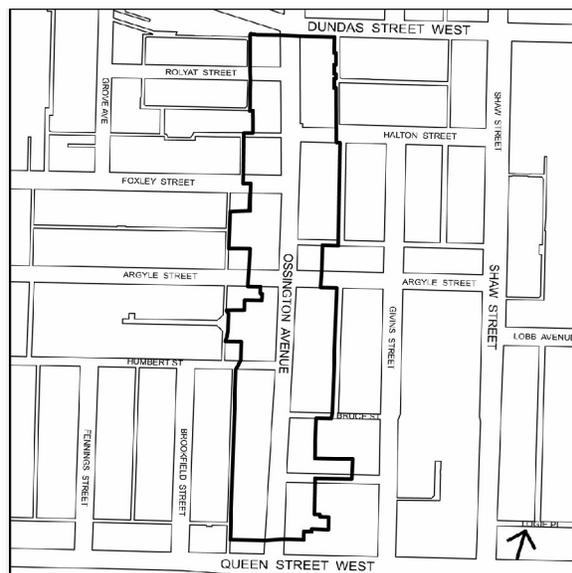
This proposed Interim Control By-law is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report proposes that a planning study be undertaken by the Chief Planner & Executive Director, City Planning Division, to review the impact of restaurants (and similar uses) for the lands on and flanking Ossington Avenue, between Queen Street West and Dundas Street West. It also recommends that an Interim Control By-law be adopted to prohibit restaurants (and similar uses) for a period of one year.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Direct the Chief Planner & Executive Director, City Planning Division, to undertake a review of land use policies related to restaurants and similar uses for lands on and flanking Ossington Avenue between Queen Street West and Dundas Street West, shown on Attachment 1.



2. Pursuant to Section 38 of the Planning Act, enact the Interim Control By-law, shown on Attachment 2, for a period of one year to prohibit the following uses within the area of study: restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club for a period of one year.
3. Authorize the City Solicitor to make such stylistic and technical changes to the draft Interim Control By-law Amendment, as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous applications or decisions related to the subject property.

ISSUE BACKGROUND

Ossington Avenue, between Queen Street West and Dundas Street West, has emerged as a successful commercial area and continues to grow as a popular draw for restaurants and similar uses. As a result, conflicts between the restaurants and adjacent commercial and residential uses are developing. Residents and business owners have raised concerns that the restaurants are operating like lounges and bars which has generated complaints to the City related to noise, vandalism, garbage and congestion problems, amongst other concerns.

Context

Ossington Avenue is a significant arterial road that begins at Queen Street West and terminates at Davenport Road. The portion of Ossington Avenue between Queen Street West and Dundas Street West is a traditional Main Street with a mix of residential, commercial and retail uses, including restaurants. To the east and west of Ossington Avenue are typical low density residential neighbourhoods.

Official Plan

The City of Toronto Official Plan designates the stretch of Ossington Avenue between Queen Street West and Dundas Street West as *Mixed Use Areas*, which provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria.

The areas adjacent to Ossington Avenue to the east and west are designated as *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings.

Zoning

Under former City of Toronto Zoning By-law 438-86 the portion of Ossington Avenue between Queen Street West and Rolyat Street (just south of Dundas Street) is zoned CR T2.5 C2.0 R1.5. The CR zoning classification permits a mix of commercial and residential uses up to a total density of 2.5 times the area of any lot, of which a maximum

of 2.0 times the area of a lot is permitted to be commercial and 1.5 times the area of a lot residential. An Entertainment Facility (nightclub) is not a permitted use in this area. The maximum permitted height for this portion of Ossington Avenue is 14.0 metres.

The small portion of Ossington Avenue between Rolyat Street and Dundas Street West is designated MCR T2.5 C1.0 R2.0, which permits a total density of 2.5 times the area of any lot, of which a maximum of 1.0 times the area of a lot is permitted to be commercial and 2.0 times the area of a lot residential. The maximum permitted height for this portion of Ossington Avenue is 16.0 metres.

The neighbourhoods to the east and west of Ossington Avenue are zoned R4 Z1.0 which permits for a wide range of residential uses up to a total density of 1.0 times the area of a lot, with a maximum height of 10.0 metres.

COMMENTS

In 2004 City Council directed Planning staff to undertake a planning analysis of Ossington Avenue between Queen Street West and Dundas Street and a small portion of the north side of Queen Street West. The study identified that the subject portion of Ossington Avenue was an area in transition from a street that was once primarily industrial to one that is more commercial and residential in nature.

The analysis identified two types of land use conflicts emerging as a result of this transition. The first conflict revolved around the remaining industrial operations using Ossington Avenue for loading and unloading of raw materials and goods, which posed safety concerns to the increasing number of pedestrians using the street. The second conflict stemmed from the introduction of restaurants to the street which have an entertainment function. These 'restaurants', mainly karaoke bars and nightclubs, were generating community concerns with respect to noise, vandalism, disruptive behaviour, late night activity and parking congestion.

The former City of Toronto Zoning By-law 438-86 defines restaurants as a "building or a portion of a building used for the preparation and cooking of meals and the sale of food and beverages to the public while they are seated, for consumption on the premises". The By-law also limits floor area (above or below grade) that may be used for entertainment type purposes in conjunction with a restaurant (dance floor, disc jockey, stage etc.) to a maximum of 47m² (506 sq.ft.) or 6% of the non-residential gross floor area, whichever is less. While the By-law does restrict restaurants on properties that abut a residential zone to a maximum size of 400m² (4,306 sq.ft.) the By-law does not restrict how many restaurants are permitted on one site or which floor of a building they are to be located.

Since 2004, the transition of Ossington Avenue has continued, with most of the remaining industrial uses relocating out of the area and a new influx of restaurants moving in. As a result, land use conflicts between the restaurants and adjacent commercial and residential properties have continued and become more frequent.

Given the pressures from more restaurants seeking to locate in the area, local residents have also expressed concerns that these establishments may locate on the flanking residential street. The boundary line for the CR zone tends to follow the existing system of rear lanes parallel to Ossington Avenue, as the separation provided by the lane provides a clear boundary between the CR zone and the residential (R) zone. Given the inconsistent lot depths along Ossington Avenue, some flanking properties in the CR zone infiltrate into adjacent residential zones.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass resolutions directing that a review or study be undertaken in respect of land use policies within a municipality or a defined area therein. Interim Control By-laws enable Council to temporarily restrict a land use for a period of time not exceeding one year while the City reviews the land use policies for the affected properties.

Given the development pressures generated by restaurants and the growing popularity of Ossington Avenue as a regional draw, there is merit in reviewing the collective impact of restaurants and similar uses on the area. A study can review:

- the precise type of conflicts and their source;
- whether current zoning provisions are sufficient to address these conflicts;
- whether the applicable zoning by-law should be amended to address these conflicts; and
- new enforcement strategies.

The establishment of restaurants and similar uses should be prohibited for a period of one year within the study area, which should provide City Planning sufficient time to conduct a study of these uses.

Planning staff will work with Municipal Licensing and Standards, Toronto Police Services, Toronto Building, area residents, businesses and the local councillor to review these issues.

Conclusion

Ossington Avenue has emerged and continues to grow as a popular draw for restaurants and similar uses. This has resulted in land use conflicts with the adjacent residential area and other business owners on Ossington Avenue. It is appropriate to review the land use

policies for the area and to determine whether current development standards and other regulations remain appropriate.

CONTACT

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SIGNATURE

Gary Wright, Chief Planner & Executive Director
City Planning Division

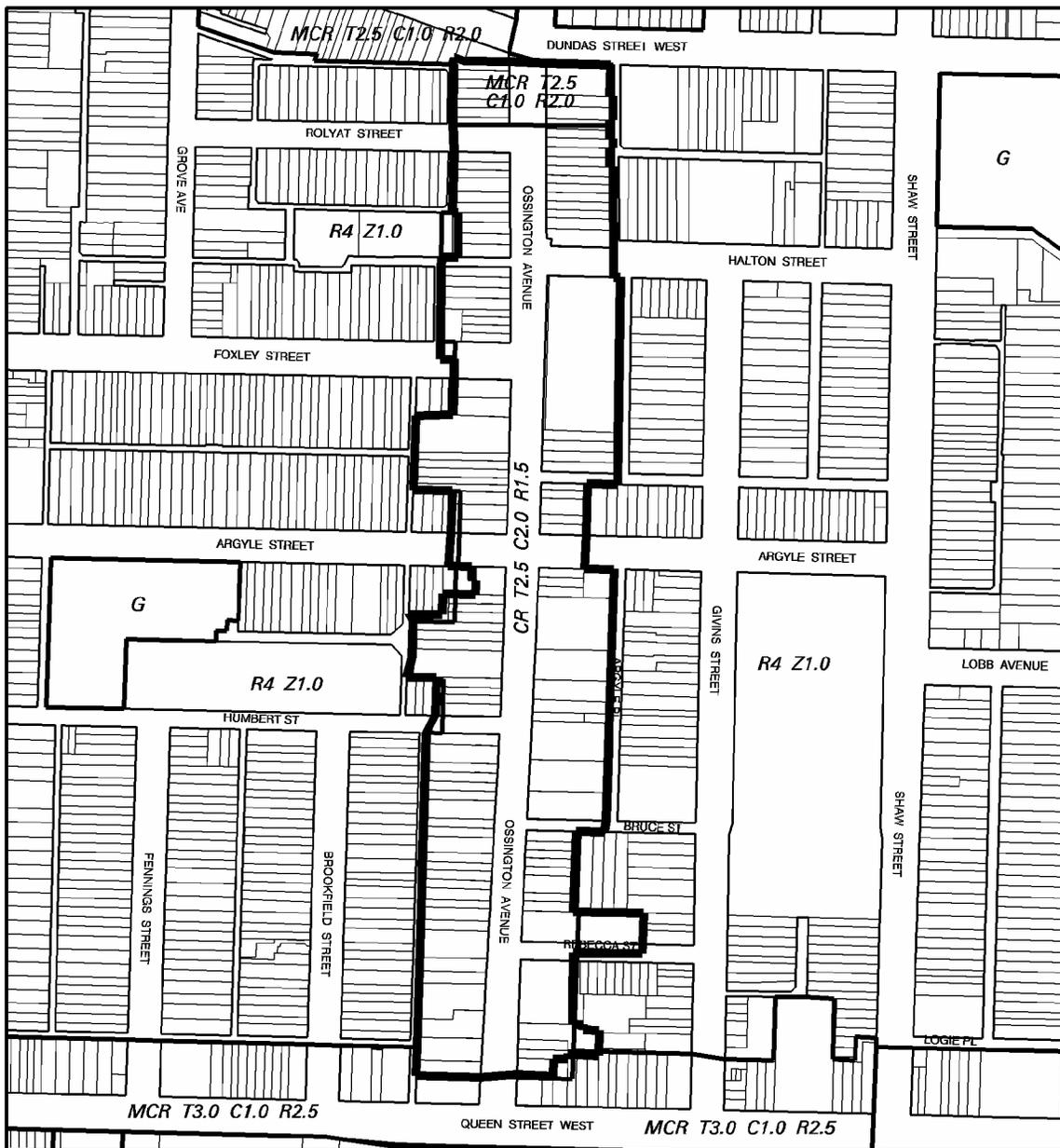
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ATTACHMENTS

Attachment 1: Interim Control By-law Study Area

Attachment 2: Interim Control Zoning By-law

Attachment 1: Interim Control By-law Study Area



Attachment 2: Interim Control Zoning By-law

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on May 25 and 26, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

To effect interim control on those lands on Ossington Avenue between Queen Street West and Dundas Street West

WHEREAS City of Toronto Council directed the Chief Planner & Executive Director, City Planning Division to conduct a study in respect of land use policies for those lands on and flanking Ossington Avenue between Queen Street West and Dundas Street West; and

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this interim control by-law, for a period of time which shall not exceed one year from the date of its passage, for such purposes as are set out in the by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. No person shall use any land, building or structure within the area delineated by heavy dark lines on Schedule “A”, attached to and forming part of this by-law, for a *restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club*.
2. For the purposes of this by-law the terms “*bake shop*”, “*club*”, “*patio*”, “*place of amusement*”, “*place of assembly*”, “*restaurant*”, and “*take-out restaurant*” shall have the same meanings as such terms have for the purposes of By-law No. 438-86, of the former City of Toronto, being “A By-law to regulate the use of lands 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 of certain buildings and structures in various area of the City of Toronto”, as amended.
3. This by-law expires one year from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule "A"

