

**314 Roncesvalles Avenue – Rezoning Application –
Final Report**

Date:	March 30, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	09 118194 STE 14 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant proposes to amend the Zoning By-law to permit a music school within the existing building located at 314 Roncesvalles Avenue.

The proposed land use is consistent with the *Neighbourhoods* policies within the Toronto Official Plan. This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for 314 Roncesvalles Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4.
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 was considered by the Toronto and East York Community Council on September 15, 2009. Council directed staff to hold a community consultation meeting with notice of the meeting sent to landowners within 120 metres of the subject property.

ISSUE BACKGROUND

Proposal

The applicant proposes to permit music instruction within the existing residential building. According to the submitted floor plans, there will be a maximum of nine rehearsal studios on the first, second, and third floors. Two parking spaces will be provided in the rear yard with access from Roncesvalles Avenue. There will be no physical changes to the exterior of the existing building.

Site and Surrounding Area

The site is regular in shape with a 9.1 metre frontage onto Constance Street, a depth of 30.4 metres, and area of 278.71 square metres. The side yard of the property fronts onto Roncesvalles Avenue. The existing 2.5 storey brick dwelling is to be maintained.

The site is surrounded by the following uses:

North: An apartment building fronting onto Roncesvalles Avenue.

South: Single and semi-detached dwellings fronting onto Constance Street.

East: Ground level retail and upper level apartments fronting onto the east side of Roncesvalles Avenue.

West: Single and semi-detached dwellings fronting onto Constance Street.

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 Official Plan for the City of Toronto designates the subject site *Neighbourhoods* and is located on an *Avenue*, as shown on Map 2 of the Official Plan's Urban Structure map. The subject site is located on Roncesvalles Avenue, a major street on Map 3.

Neighbourhoods

The subject lands are designated *Neighbourhoods* within the Toronto Official plan on Map 18 – Land Use Plan. These neighbourhoods are considered stable areas made up of a variety of lower-scale dwelling types. Policies 4.1.1 and 4.1.2 of the Official Plan allow for low-scale local institutions such as schools provided they are designed and operated to limit noise, privacy and traffic impacts on neighbouring residents.

Avenues

Avenues are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities. A framework for change will be tailored for each of the *Avenues* through a local *Avenue* Study. The growth and redevelopment of the *Avenues* should be supported by high quality transit services, urban design and traffic engineering practices that promote a street that is safe, comfortable and attractive for pedestrians and cyclists.

The *Avenues* will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each *Avenue* will be established through an *Avenue* Study, resulting in appropriate zoning and design guidelines created in consultation with the local community.

An *Avenue* Study has not been completed for Roncesvalles Avenue. The Official Plan policy requirement for an applicant to undertake an *Avenue* segment review applies only in situations where the land use designation of the development site is *Mixed Use Areas*, which is not the case with the subject application.

Zoning

Under the Former City of Toronto Zoning By-law 438-86, the subject lands are zoned R2 Z0.6 (Attachment 2). The R2 zoning classification permits a wide range of residential uses up to a total density of 0.6 times the area of the lot. Music instruction as a primary use is not permitted under the Zoning By-law.

Site Plan Control

The proposal does not require site plan approval.

Reasons for Application

The proposed music instruction school is not permitted under the Zoning By-law and as such, requires a zoning amendment.

Community Consultation

A community consultation meeting on the rezoning application was held on September 22, 2009 at the High Park Library and was attended by the Ward Councillor, Community Planning staff, the owners and their representatives, and about 30 members of the public.

Questions and comments from the public included:

- Concerns about soundproofing of the building and how the full range of sound (bass and treble) would be contained within the building.
- How additional commercial uses would be prevented on the west side of Roncesvalles Avenue if this use is allowed.
- Should the music school's hours of operation be limited to ensure that neighbouring residential properties are not disturbed?
- What happens if the school moved out of the property and another commercial use moves in? Will they be restricted from operating?
- Should the school be required to hire a sound engineer to ensure that noise does not extend beyond the confines of the building?
- Will the operator be subject to the City of Toronto Noise By-law?

Parents of students who attend the school also attended and were generally supportive of relocating the school to the proposed location.

On November 25, 2009 and February 3, 2010, staff received a petition with approximately 30 signatures in total expressing concerns about the proposed music school. The petitions stated that the signatories were concerned that the rezoning application would allow other business uses at this location which would erode the character of Roncesvalles Avenue and that noise and traffic from the music school will impact the adjacent residential properties.

On March 17, 2010 an additional community meeting was held with residents who expressed concerns about the music school in order to allow them to ask questions of the applicant and their sound engineer.

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

Issued under Section 3 of the Planning Act, the Provincial Policy Statement establishes the policy foundation for regulating the development and use of land. Municipal planning decisions are required to be "consistent with" the PPS. The PPS includes policies which promote efficient development and land use patterns, redevelopment and compact form; and encourage transit and pedestrian supportive land uses. The proposed music school at 314 Roncesvalles Avenue is consistent with the PPS.

In addition, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The subject property is designated as *Neighbourhoods* in the Toronto Official Plan. These neighbourhoods are considered stable areas made up of a variety of lower-scale dwelling types.

Policies 4.1.1 and 4.1.2 of the Official Plan allow for low-scale local institutions such as schools provided they are designed and operated to limit noise, privacy and traffic impacts on neighbouring residents. The proposed music instruction school will operate within an existing detached house-form building. No alterations are proposed to the exterior of the building. The proposed use of the lands is compatible with the adjacent land uses and conforms to the policies of the Official Plan.

The subject property is located on an *Avenue*, as shown on Map 2 of the Official Plan's Urban Structure map. An *Avenue* Study has not been completed for Roncesvalles Avenue. The community has expressed strong concern regarding the protection of the residential character of the west side of Roncesvalles Avenue south of Marmaduke Avenue. The character of this area consists of house-form buildings fronting onto the side streets and interspersed with low-rise apartment buildings. Although no *Avenue* Study is targeted for Roncesvalles Avenue at this time, further analysis of the appropriate land uses for the west side of Roncesvalles Avenue may be required in order to address the community's concerns about the potential proliferation of commercial uses within an established residential character area. In the interim, this area should be monitored for any future non-residential proposals on the west side of Roncesvalles Avenue.

Traffic Impact, Access, Parking

The primary entrance to the music school is located on Roncesvalles Avenue. The existing building does not have an entrance on the Constance Street frontage. Two parking spaces are provided in the rear yard of the property with access from a curb-cut on Roncesvalles Avenue.

The community has expressed strong concerns about the impact that the proposed music school will have on traffic and parking in the immediate vicinity of the subject property. The existing main entrance to the building is located adjacent to the sidewalk along Roncesvalles Avenue. Staff has included a condition in the draft zoning by-law that this entrance be retained as the only entrance to the music school. A TTC Streetcar stop is located adjacent to the property along Roncesvalles Avenue which limits the vehicular drop-off zone. Since this is a local neighbourhood school, staff anticipates that students will walk or take transit to and from the school location. This has been confirmed through discussions with the owners and clients of the school's existing location at 421 Roncesvalles Avenue.

In the event that parking and loading has a greater than anticipated impact on residential streets, parking enforcement action can resolve this concern.

Compatibility with the Adjacent Residential Uses

Sound and Noise:

The subject property is adjacent to existing residential uses west and north of the property. Since the music school will generate noise that may impact adjacent properties, staff has reviewed the operation of the school to determine whether disturbances to neighbouring properties can be managed.

The applicant retained a sound engineer to measure that potential sound levels emanating from the music school. The sound engineer used a Sound Pressure Level Meter (SPL Meter) and took a measurement of the ambient noise along Constance Street. The ambient noise readings ranged from 53dBA to 68dBA (passing vehicle). The same test was conducted with a piano and violin playing on the south-west room of the proposed music school (room adjacent to closest residential property), this test indicated that there was a 2dBA increase over the ambient test readings. The sound engineer recommended that the existing door to the south-west room be replaced with a modern thermal efficient model to better contain the sound emanating from that room. The engineer also tested sound levels from the south side of Constance Street and determined that although music could be heard, it was negligible and the source was indeterminate.

Character:

The subject property's front yard faces Constance Street with a side-yard that faces Roncesvalles Avenue. The existing building is a house-form building with a main entrance on Roncesvalles Avenue. The Constance Street elevation retains its house-form character consistent with the streetscape along Constance Street. The community has expressed strong concern regarding the preservation of the residential character along Constance and do not want to see a commercial character introduced at this location. The draft by-law only permits the new use within the existing building and the existing performance standards relating to such things as landscaping will continue to apply to this property in the same manner that they apply to the nearby residential properties. This will assist in maintaining the property's residential character.

Conclusion

The proposed music school conforms with polices contained within the Toronto Official Plan and represents a local institution that will have a minimal impact on the residential neighbourhood.

CONTACT

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SIGNATURE

Raymond David, Director

Community Planning, Toronto and East York District

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ATTACHMENTS

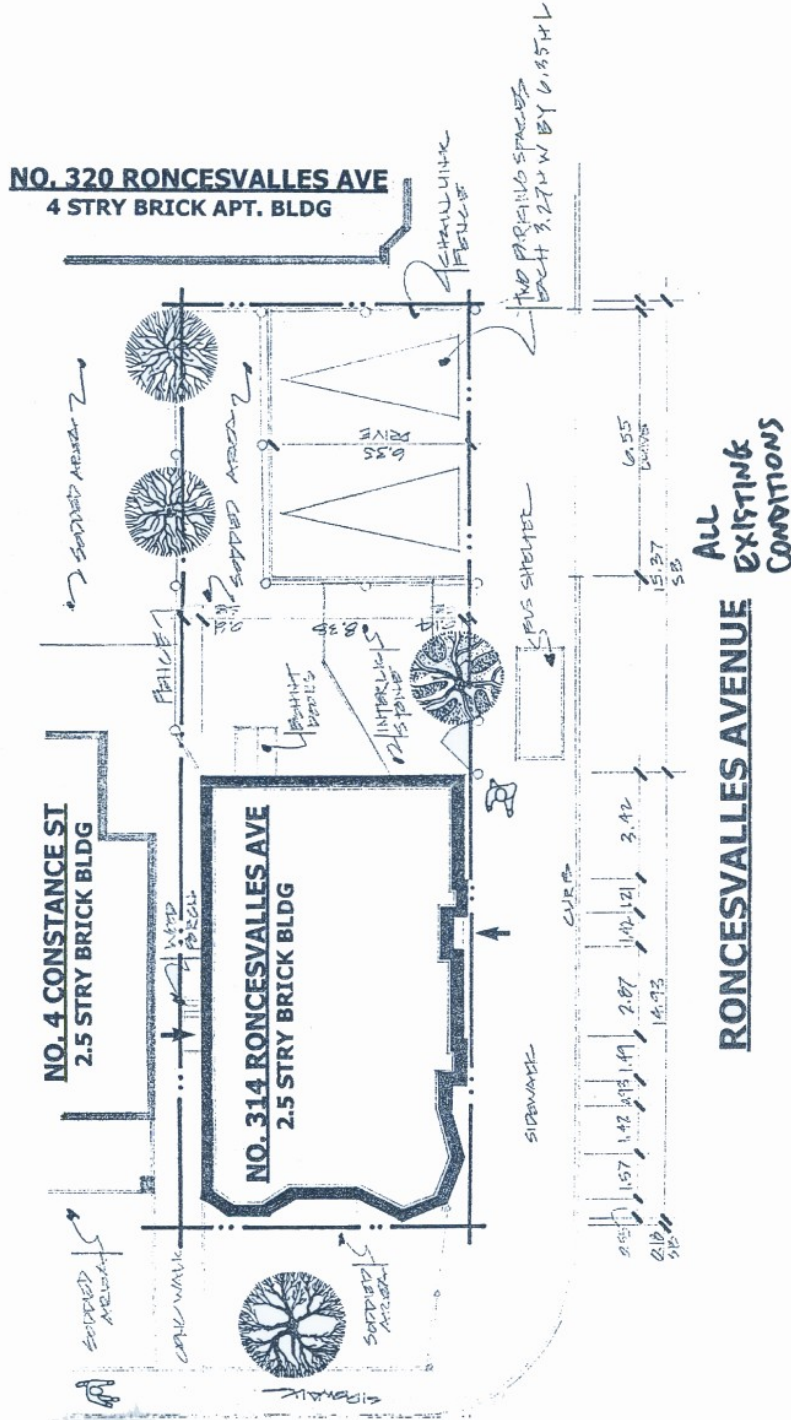
Attachment 1: Site Plan

Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

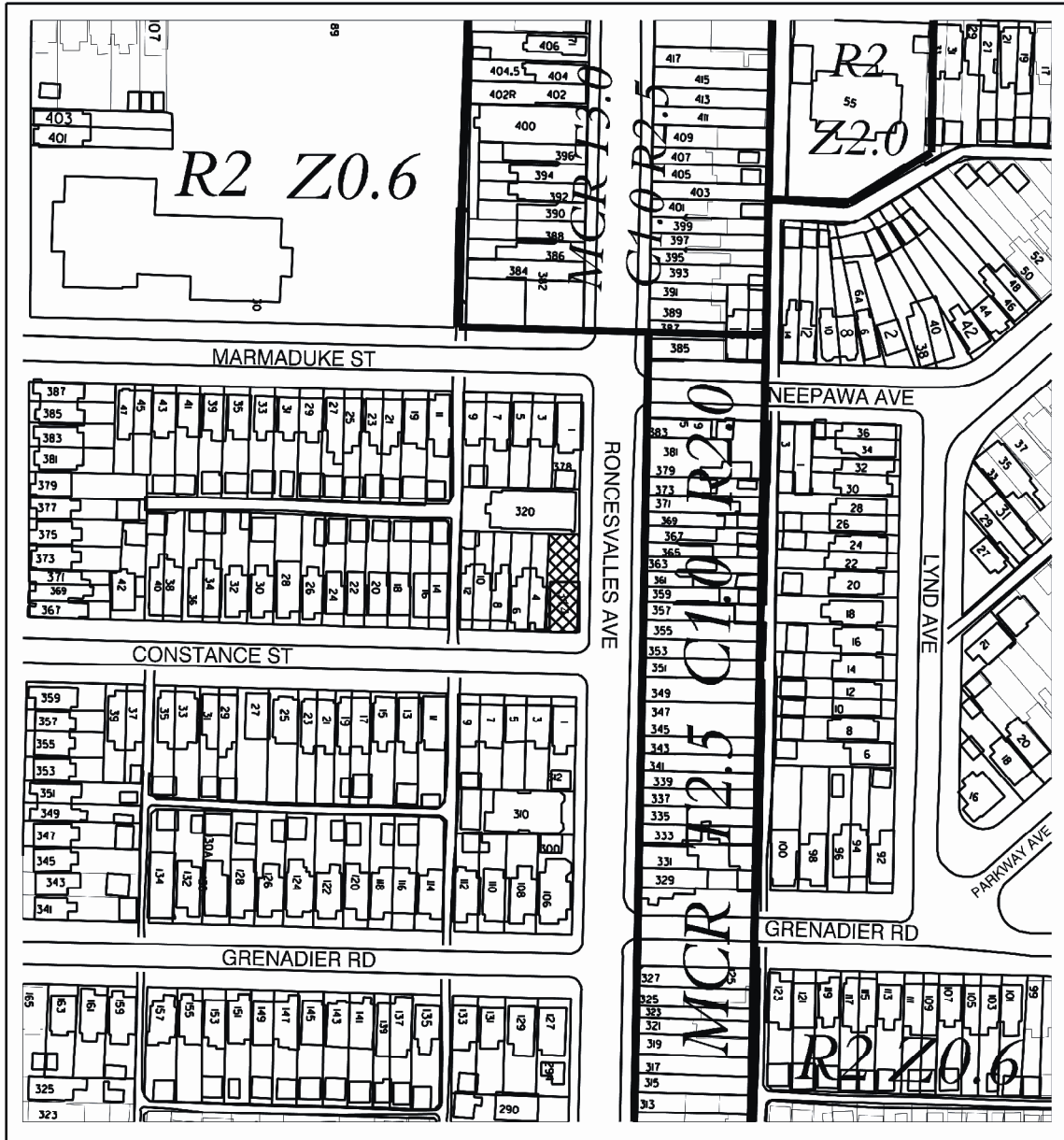
Not to Scale
04/29/09



314 Roncesvalles Avenue

File # 09_118194

Attachment 2: Zoning



314 Roncesvalles Avenue

File # 09_118194

R2 Residential District
MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/27/09 - MH

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	09 118194 STE 14 OZ
Details	Rezoning, Standard	Application Date:	March 19, 2009

Municipal Address: 314 RONCESVALLES AVE
 Location Description: PL 590 PT LTS 24 TO 26 **GRID S1402
 Project Description: Rezoning application to permit a music instruction school within an existing house-form building.

Applicant:	Agent:	Architect:	Owner:
ACTION PLANNING CONSULTANTS			LUSIANA LUKMAN

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	N
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	278.7	Height:	Storeys:	2.5
Frontage (m):	9.14		Metres:	
Depth (m):	30.48			
Total Ground Floor Area (sq. m):	123			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	2
Total Non-Residential GFA (sq. m):	305.23		Loading Docks	0
Total GFA (sq. m):	305.23			
Lot Coverage Ratio (%):	44.1			
Floor Space Index:	1.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	305.23	0
Total Units:	0			

CONTACT: PLANNER NAME: Christopher Dunn, Community Planner
TELEPHONE: 416 397-4077

Attachment 4: Draft Zoning By-law

Authority: Toronto and East 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 General Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 314 Roncesvalles 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 12(1) of Zoning By-law No. 438-86 of the former City of Toronto, being “A Bylaw 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 of certain buildings and structures in various areas of the City of Toronto”, as amended, is amended by adding the following exception:
 - (1) Notwithstanding anything hereinbefore contained, none of the provisions of this by-law or of any *restrictive by-law* applies to prevent the use of the existing structure as a private *Music Instruction School*, including uses *accessory* thereto, on the *lot* provided:
 - a. the *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law; and
 - b. the above grade floor area devoted to music instruction shall not exceed 165 square metres; and
 - c. the above grade floor area devoted to uses accessory to music instruction shall not exceed 140 square metres; and
 - d. the enrolment shall not exceed 35 music instruction students that may be in attendance at the school at any one time; and
 - e. the *Music Instruction School* shall be contained fully within the house-form building existing on the *lot* on the date of passage of this By-law; and

- f. the primary entrance of the *Music Instruction School* shall be located on Ronesvalles Avenue; and
 - g. two (2) parking spaces shall be provided in the rear yard.
- (2) For the purposes of this by-law, the following definition shall apply:

Music Instruction School means a school, other than any school classified or defined in By-law 438-86, where music instruction is provided, but shall not include instruction for amplified musical instruments, unless the amplified musical instruments are played in east-facing rooms or studios, with no westerly exposure. A *Music Instruction School* may include the studio of a music teacher.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)