

**458 Oakwood Ave – Zoning By-law Amendment  
Application – Final Report**

<b>Date:</b>	May 29, 2013
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 15 – Eglinton-Lawrence
<b>Reference Number:</b>	12 266906 NNY 15 OZ

**SUMMARY**

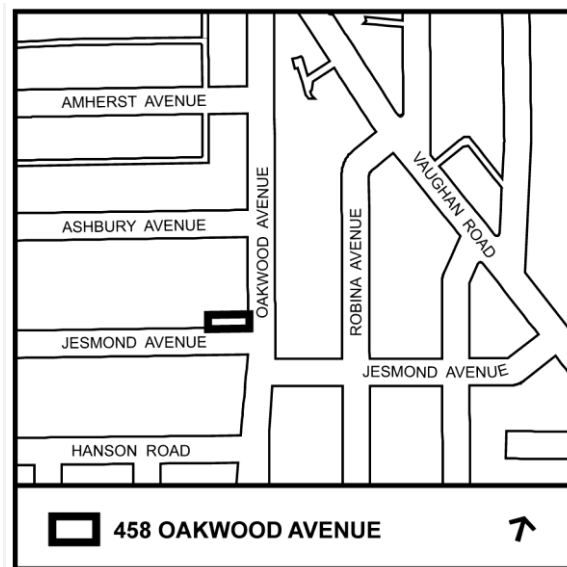
The application proposes that the By-law permit a four-storey building with eight residential or artist live-work units and four parking spaces that is currently under construction at 458 Oakwood Avenue. The current Zoning By-law permits a three-storey building having a maximum of six residential or artist live-work units. This report recommends amendments to Section 16(433) of Zoning By-law No. 1-83 which was established through By-Law 401-2009, enacted by City Council on April 6, 2009.

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 No. 1-83, for the lands at 458 Oakwood Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.7;
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**

At its meeting of October 29, 2008 City Council approved a Zoning By-law Amendment Application on the subject property to permit a three-storey building with six residential or artist live-work units and four parking spaces at 458 Oakwood Avenue. This was a revision to the original proposal for a two-storey double duplex dwelling with 4 units. The Final Report is available at:

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-15568.pdf>

Also at its meeting of October 29, 2008 City Council approved an Official Plan Amendment to add Site and Area Specific Policy No. 317 creating the Oakwood Avenue Arts District. The policy directs that lands fronting Oakwood Avenue between Rogers Road and Vaughn Road are designated as a *Neighbourhood* within which a clustering of uses relating to the production, display and sale of arts and crafts is permitted. The Final Report is available at:

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-15569.pdf>

A Preliminary Report was adopted by North York Community Council at its January 22, 2013 meeting authorizing staff to conduct a community consultation meeting. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-54007.pdf>.

## **ISSUE BACKGROUND**

### **Proposal**

In February 2012, Building Division staff performed an inspection of 458 Oakwood Avenue and determined that construction was underway for the purpose of adding a fourth storey. This was not in accordance with the building permit drawings which reflected the approved three-storey building. An Order to Comply was issued requiring the owner to complete all construction in accordance with the permit drawings or apply for revision. The owner of the property chose to apply for revision and submitted this Zoning By-Law Amendment application.

The application is therefore proposing to permit the four-storey residential building with eight residential or artist live-work units that is currently under construction. The height of the building would be 13.15 metres. A total gross floor area of 901 m<sup>2</sup> is proposed, which would result in a density of 2.32 times the area of the lot. Four parking spaces are proposed to the side of the building which would be accessed by a driveway off Jesmond Avenue.

The height of the building in metres, building setbacks, along with landscaping remain unchanged from the approved application and comply with the existing site-specific Zoning By-law. The addition of one storey has been achieved by reducing the floor to ceiling height of the units on the third storey, and by raising portions of the building within the permitted building envelope, which results in a modest increase in the mass of the building.

Minor revisions to the approved development are also proposed to the exterior façade of the building. Upper windows have been extended to span the third and fourth storey and a fourth level of balconies has been added on the south elevation. Proposed and previously approved site and elevation plans are

included as Attachments 1 to 4. The site statistics are presented on the Application Data Sheet (Attachment 6).

## **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 m<sup>2</sup> and currently contains a partially constructed four-storey building. The site previously contained a two-storey single-detached dwelling that was 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. 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 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: size and configuration of lots; heights, massing, scale and type of dwelling units; prevailing building types; and setbacks.

Site Specific Policy 317 designates the subject site as within the *Oakwood Avenue Arts District*. The lands are designated as a *Neighbourhood*, within which a clustering of uses related to the production, display and sale of art and crafts is permitted such as art schools, art centres, art supply stores, commercial galleries, public art galleries, theatre performance venues, low-impact artist studios and artist live-work units. The lands are not intended as a retail commercial strip.

## **Zoning**

The property at 458 Oakwood Avenue is subject to Section 16(433) of Zoning By-law No. 1-83, which was established by By-Law 401-2009. This zoning permits a residential building having a maximum of six dwelling units or artist live-work units and a minimum of four parking spaces. The maximum height of the building is three storeys or 13.15 metres, whichever is lower, and the maximum floor area is 1.7 times the lot area.

## **Site Plan Control**

A Site Plan Agreement was registered on the property on May 8, 2011. This agreement provides for the development of a three-storey walk-up apartment building. A revision to the existing Site Plan Agreement registered on title is required to reflect revised plans and drawings submitted through this Zoning By-law amendment application.

## **Reasons for Application**

The applicant is seeking an amendment to Section 16(433) of Zoning By-law No. 1-83 to permit an additional storey, two additional dwelling units or artist live-work units to permit a total of 8 units and increased density, while maintaining the building envelope permitted under the existing zoning. The applicant has proposed a building containing four storeys within the approved height of 13.15 metres, with eight dwelling units or artist live-work units and an FSI of 2.32 times the lot area. The number of parking spaces would not increase.

## **Community Consultation**

A community consultation meeting was held on April 9, 2013 at the Oakwood Village Library and Arts Centre. The four-storey, eight-unit building was presented at this meeting. Approximately 25 members of the public attended the meeting. Comments from the public included:

- The process through which this application was submitted, noting that the owner began to build a fourth storey within the building envelope and only submitted an application to amend the zoning by-law after residents and staff requested an inspection and Buildings Division issued an Order to Comply.
- Several of the comments presented at the meeting related to the building under construction, including:
  - o Some residents feel that the building is attractive, fits into the neighbourhood and is a valuable addition to a neighbourhood in need of development, while other residents found the architectural style unattractive and had concerns about the fit within the neighbourhood.
  - o Concerns that the building casts shadow on neighbouring properties and blocks the view of existing residents.
  - o Preference for a 2-storey, 4-unit duplex that was the subject of the original application on this site in 2006.
- Concerns that the building could be further subdivided and used as a rooming house.
- Concerns that adding a fourth storey would establish a context for higher buildings in the area.
- The building has been sitting in a state of partial construction, which is bad for the neighbourhood and construction should be completed as soon as possible.

## **Agency Circulation**

The revised proposal was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the request and to formulate revised 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.

### **Land Use, Density Height, Built Form and Massing**

The proposed four-storey walk-up apartment with artist live-units conforms with the uses provided for in the *Neighbourhoods*' designation and Site Specific Policy 317.

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 of the building in metres, building setbacks, along with landscaping remain unchanged from the approved development. There has been a modest increase in the mass of the building within the permitted building envelope, which complies with the existing site-specific Zoning By-law.

Revisions to the exterior façade are acceptable and will be secured in a revised Site Plan Agreement.

The proposed eight residential or artist live-work units exceed the six units permitted under the existing site-specific zoning by-law. A total gross floor area of 901 m<sup>2</sup> is proposed, which would result in a density of 2.32 times the area of the lot. This exceeds the permitted density of 1.7 times the lot area (661 m<sup>2</sup>) under the existing site-specific zoning by-law.

In view of the above, the proposed 4-storey height, additional two units, additional density and modest increase in massing is an appropriate form of development in its context.

## **Traffic Impact, Access, Parking**

The applicant submitted a Traffic and Parking Study in support of the application. The study reported that the household auto ownership rate in the area is relatively low and that Oakwood Avenue does not experience heavy traffic during peak hours.

The minimum parking requirement for the site under Section 16(433) of Zoning By-law No. 1-83 is 4 parking spaces for 6 units, which results in 0.67 parking spaces per unit. The units may be used as dwelling units or artist live-work units. The proposed zoning amendment is a minimum of 4 parking spaces for 8 units, which results in 0.5 spaces per dwelling unit.

If the rate of 0.67 parking spaces per unit were applied to the proposed 8 units, the site would require 5 parking spaces. The proposed parking supply of 4 spaces does not meet this requirement. The study indicates that the area is well-served by transit. The 63 Ossington and 90 Vaughan TTC buses stop in front of the site and connect to both the Yonge-University-Spadina Subway line and the Bloor-Danforth Subway Line. A Toronto Parking Authority (Green P) parking lot is located approximately 180 m south of the site. In this context, the proposed parking supply is acceptable.

Transportation Services staff concur with the findings of the study and are satisfied with the proposed parking supply on a site-specific basis.

## **Servicing**

The applicant has submitted a letter from their engineer confirming that the approved site servicing drawings and Storm Water Management report that was submitted, and accepted by the City for the previously approved 3 storey, 6 unit building remains valid for the proposed 4 storey, 8 unit building. Development Engineering staff did not object to the findings of this letter.

## **Open Space/Parkland**

The use is proposed to be residential. The site is in the lowest quintile of current provision of parkland, as per Map 8B/C of the Official Plan (0-0.42 hectares of local parkland per 1,000 people). The site is in a parkland priority area as per Alternative Parkland Dedication Rate By-law 1420-2007.

The original application proposes 8 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 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 m<sup>2</sup> site will be subject to a 39 m<sup>2</sup> parkland dedication. Although there is an increase in the number of units from 6 to 8 from the previous application of 2008, the size of the site has not increased and therefore the parkland dedication requirement remains the same.

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 Cash-in-Lieu of parkland dedication was paid in full on January 26, 2012 when the applicant applied for their first building permit. However with the increase in density/GFA of 228 m<sup>2</sup> (from 661 m<sup>2</sup>) for the current proposal, the applicant will be required to pay any difference to satisfy the Section 42 obligation for this development. This amount will be determined at the time of issuance of the building permit.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

This previously approved application was submitted in advance of the release of the Toronto Green Standard and was exempt from the TGS. However, through the review of the previous application a number of elements were incorporated to reduce the environmental impact of the building, including: light coloured roofing materials, large growing, native shade trees and light-coloured pavers are being used for the parking area and walkway.

These and related elements will be reviewed in the current proposal and secured in a revised Site Plan Agreement.

## **CONTACT**

Michael Noble, Planner  
Tel. No. 416-395-7053  
Fax No. 416-395-7155  
E-mail: mnoble@toronto.ca

## **SIGNATURE**

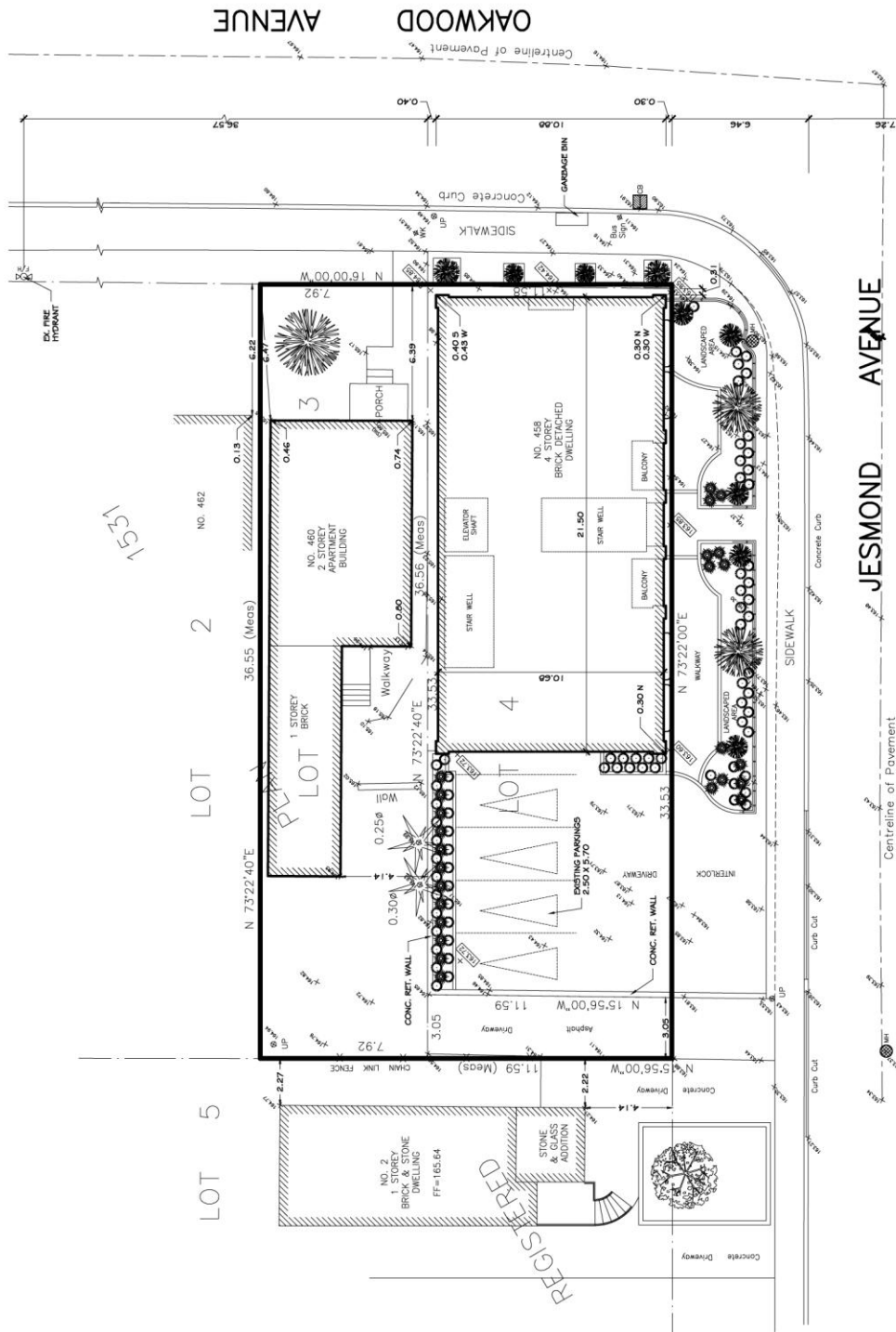
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Proposed Site Plan  
Attachment 2: Previously Approved Site Plan  
Attachment 3: Proposed Elevations  
Attachment 4: Previously Approved Elevations  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet  
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Proposed Site Plan



458 Oakwood Ave

Site Plan

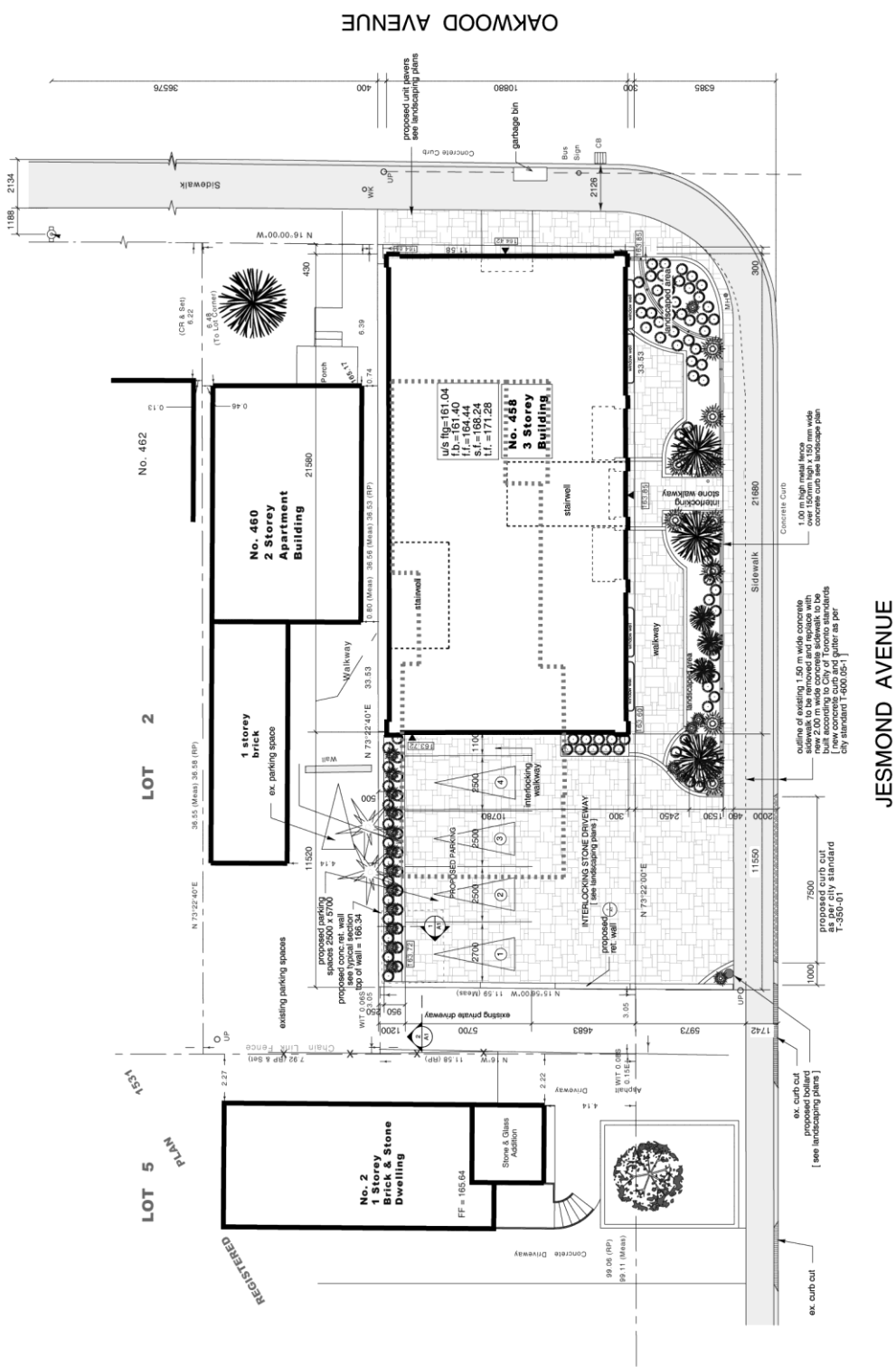
Applicant's Submitted Drawing

Not to Scale  
12/06/2012

File # 12 266906 NNY 15 0Z



### Attachment 2: Previously Approved Site Plan



458 Oakwood Avenue

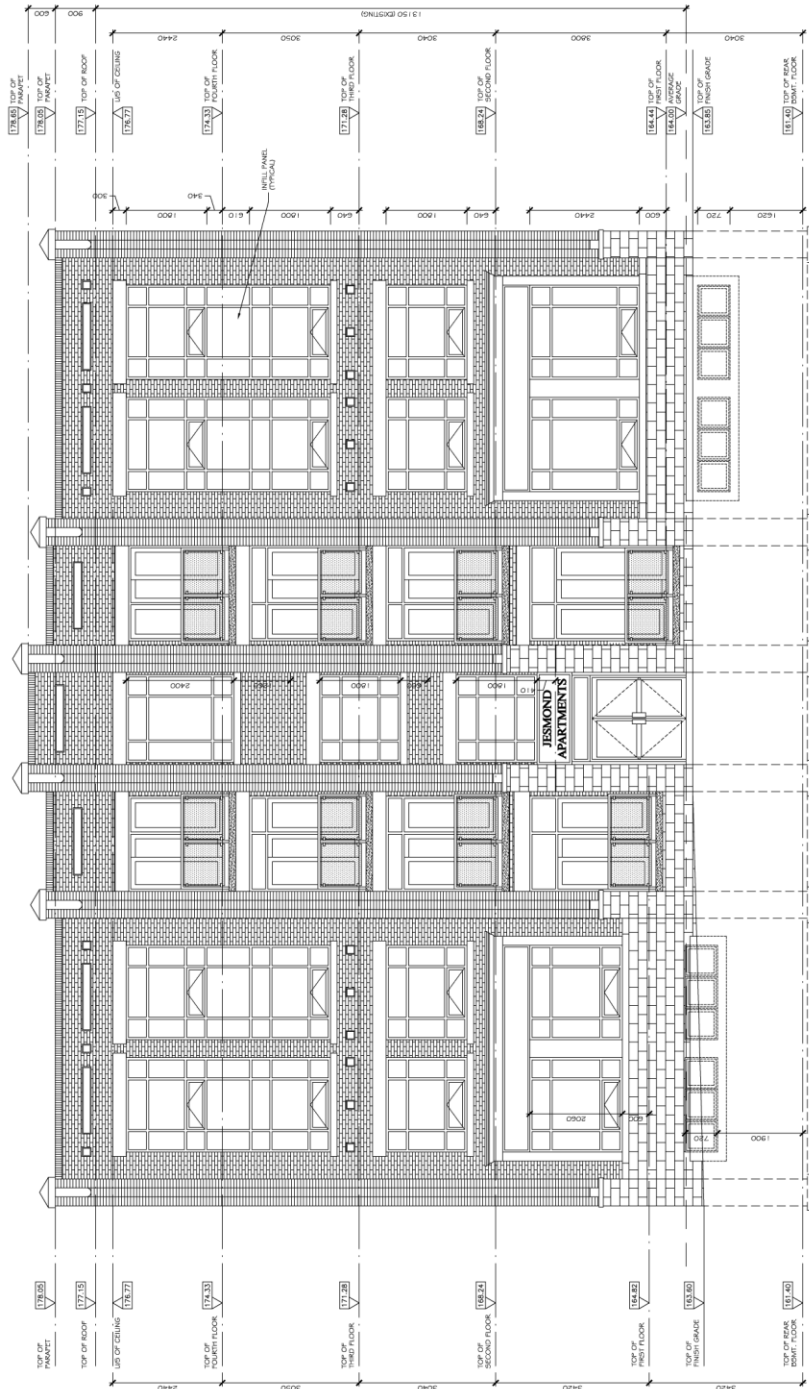
JESMOND AVENUE

File # 06\_182208

**Site Plan**  
Applicant's Submitted Drawing

Not to Scale  
08/22/2008

### Attachment 3: Proposed Elevations

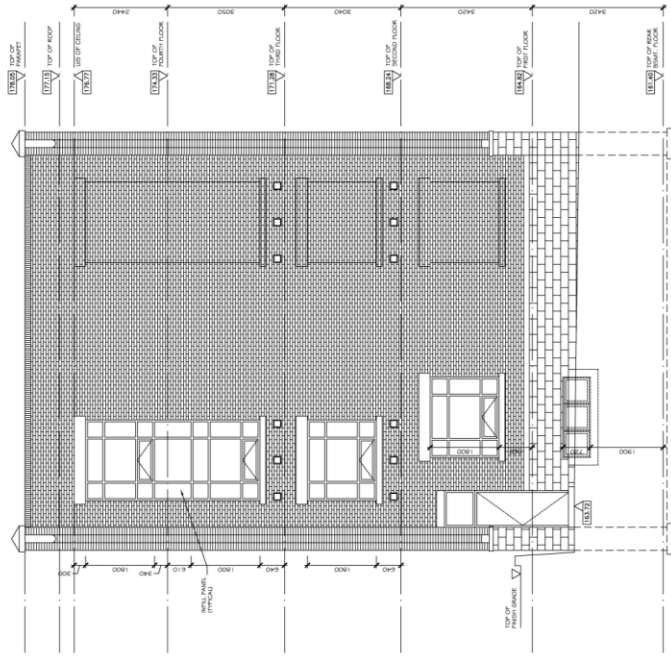


SOUTH ELEVATION

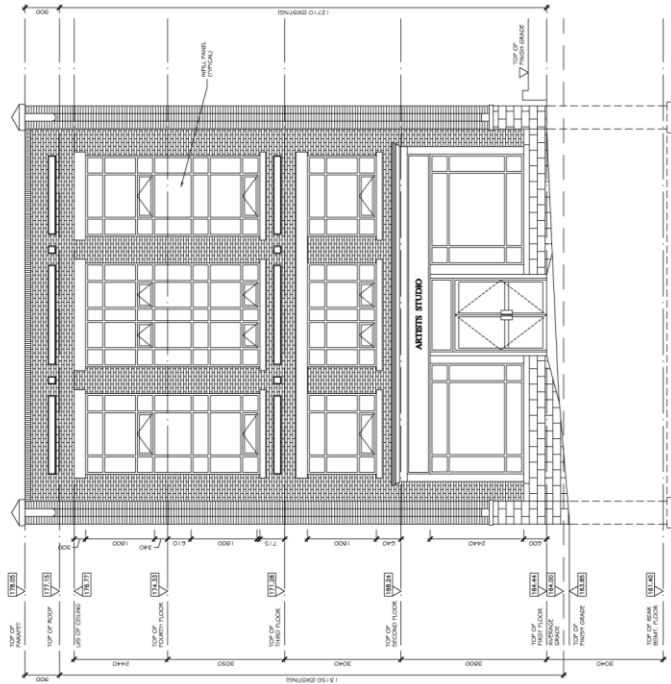
458 Oakwood Ave

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 12/06/2012

File # 12 266906 NNY 15 0Z



WEST ELEVATION



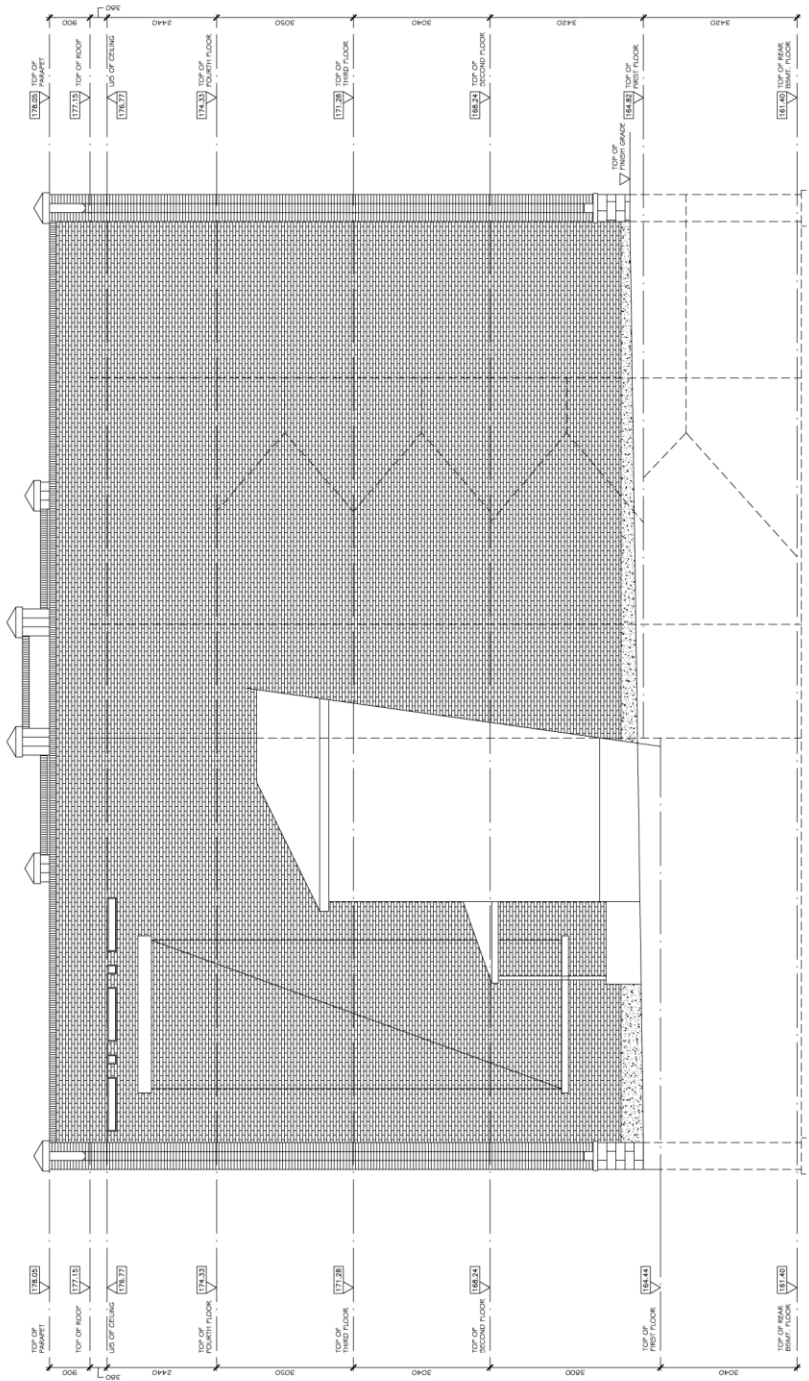
EAST ELEVATION

458 Oakwood Ave

File # 12 266906 NNY 15 0Z

Elevations  
Applicant's Submitted Drawing

Not to Scale  
12/06/2012



NORTH ELEVATION

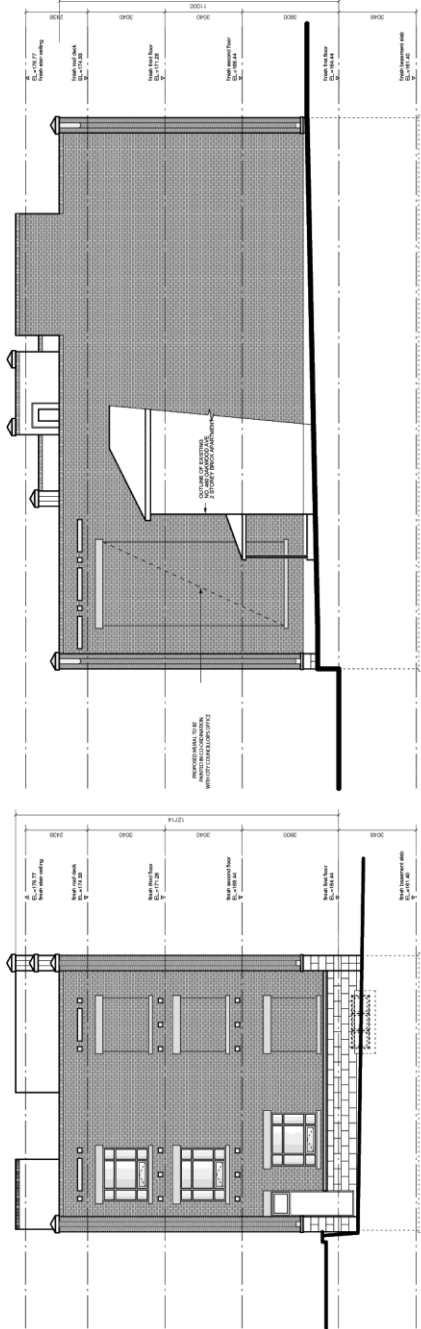
458 Oakwood Ave

Elevations  
 Applicant's Submitted Drawing

File # 12 266906 NNY 15 0Z

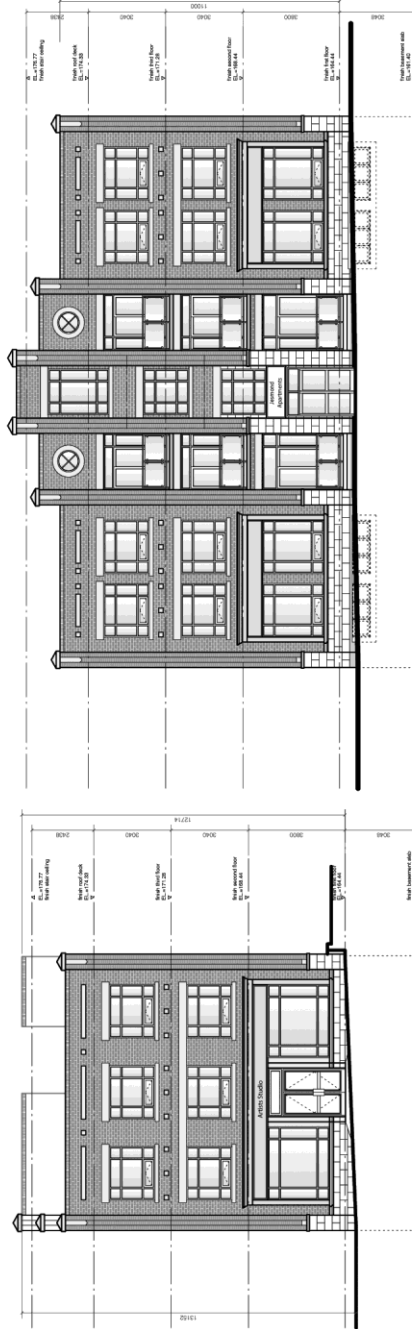
Not to Scale  
 12/06/2012

Attachment 4: Previously Approved Elevations



North Elevation

West Elevation



South Elevation

East Elevation

458 Oakwood Avenue

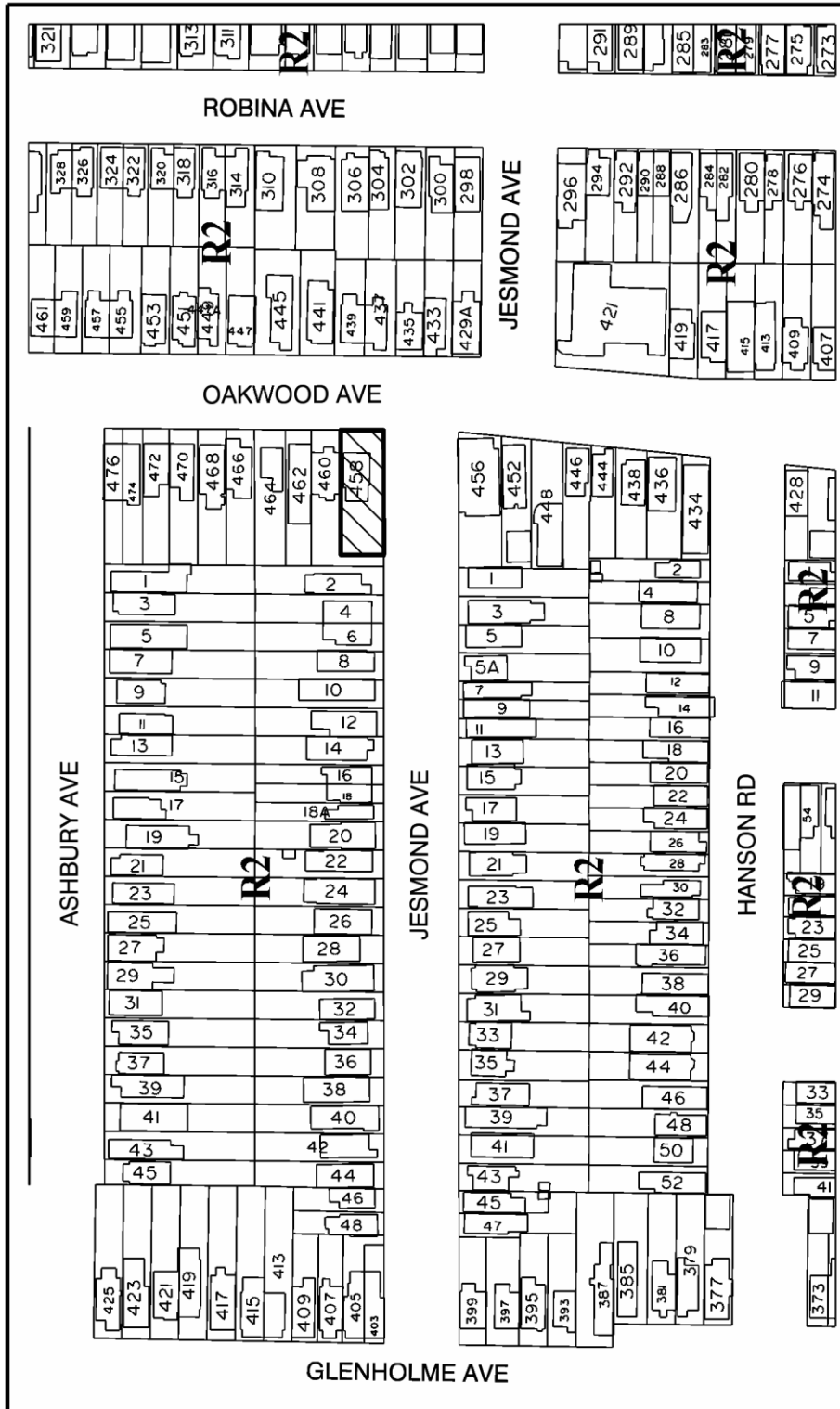
Elevations

Applicant's Submitted Drawing

Not to Scale  
08/22/2008

File # 06\_182208

# Attachment 5: Zoning



**458 Oakwood Ave**  
 File # 12 266906 NNY 15 0Z

↑  
 Not to Scale  
 York Zoning By-Law 1-83 as amended  
 Extracted 12/06/2012



R2 One-Family Detached Dwelling Second Density Zone

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	12 266906 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	October 23, 2012

Municipal Address: 458 OAKWOOD AVE  
 Location Description: PLAN 1531 E PT LOT 4 \*\*GRID N1507  
 Project Description: This application proposes to recognize a four-storey residential building with eight residential or artist live-work units and four parking spaces that is currently under construction at 458 Oakwood Avenue.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PETER CHEE			MARIA VIDAL

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	317: Oakwood Avenue Arts District
Zoning:	R2 / 16(433)	Historical Status:	
Height Limit (m):	13.15	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	388.25	Height:	Storeys:	4
Frontage (m):	11.58		Metres:	13.15
Depth (m):	33.53			
Total Ground Floor Area (sq. m):	220.49			<b>Total</b>
Total Residential GFA (sq. m):	901		Parking Spaces:	4
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	901			
Lot Coverage Ratio (%):	86.8			
Floor Space Index:	2.32			

### DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	8
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	8

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	901	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Michael Noble, Planner**  
**TELEPHONE: 416-395-7053**

**Attachment 7: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ 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 Ave**

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(433) of By-law No. 1-83 is amended as follows:
  - a. Clause 1 of Section 16(433) be amended to change "The total number of units shall not exceed six units." to "The total number of units shall not exceed eight units."
  - b. Clause 2 of Section 16(433) be amended to change "The maximum building height shall be three (3) storeys or 13.15 metres, whichever is the lesser." to "The maximum building height shall be four (4) storeys or 13.15 metres, whichever is the lesser."
  - c. Clause 5 of Section 16(433) be amended to change "The maximum floor space index shall be 1.7." to "The maximum floor space index shall be 2.32."

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

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)