

City-Initiated Study for the West Side of Roncesvalles Avenue, Between Marmaduke Street and Marion Street – Proposals Report

Date:	May 22, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale – High Park
Reference Number:	12 138877 SPS 00 OZ

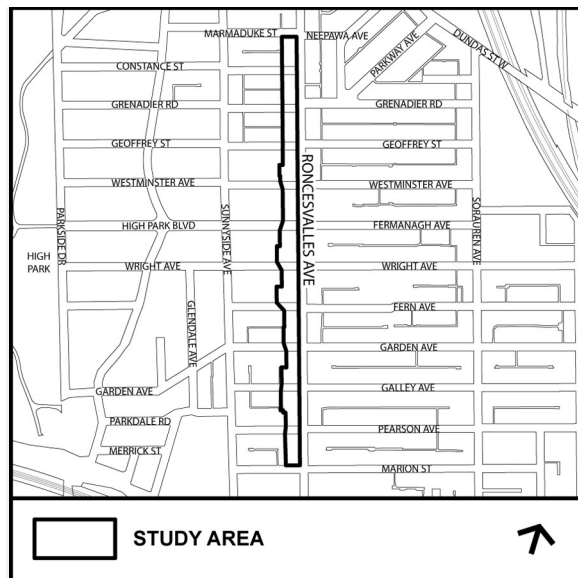
SUMMARY

City Planning staff have completed the land use study on the suitability of certain non-residential uses on the west side of Roncesvalles Avenue, between Marmaduke Street and Marion Street (the study area) as directed by Toronto and East York Community Council on June 22, 2011. Based on the study results, City Planning staff recommends maintaining the existing Zoning By-law provisions and establishing a set of performance standards for the consideration of future non-residential use proposals in the study area, once the draft performance standards are subject to consultation with area landowners and the community.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council receive for information the draft performance standards for the review of applications for small-scale retail, service and office uses on the west side of Roncesvalles Avenue, between Marmaduke Street and Marion Street as attached as



Attachment 5 to the report (May 22, 2013) from the Director, Community Planning, Toronto and East York District.

2. Staff be directed to schedule a community consultation meeting together with the Ward Councillor to present the draft performance standards and refine them as necessary.
3. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the study area.
4. The Director, Community Planning, Toronto and East York District report back to the Toronto and East York Community Council in the fourth quarter of 2013 on the final form of the performance standards.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

City Planning staff was requested by Toronto and East York Community Council at its meeting on June 22, 2011 to undertake a review of the west side of Roncesvalles Avenue from Marmaduke Street to Marion Street to determine the suitability of permitting certain non-residential uses and establishing performance criteria for such uses. The area is currently designated *Neighbourhoods* in the City's Official Plan and zoned R for residential uses. Generally, only limited non-residential uses are permitted, such as home occupations in which case the occupant of a property uses part of the residence for a non-residential use, provided the use is limited in scale and gross floor area.

The motion can be accessed online here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE8.77>

ISSUE BACKGROUND

Purpose of Study

The purpose of the study is to review the development history of properties within the study area, and to determine, in consultation with landowners and the broader community, if certain non-residential uses should be permitted. Within the last 10 years, the City received several *Planning Act* applications to permit non-residential uses which are otherwise prohibited by the residential zoning designation. In anticipation of future demand to convert the residential properties to commercial or mixed use, this study establishes a comprehensive approach in identifying the suitability of non-residential uses, and provides a framework for future considerations of such proposals.

Area Context

Roncesvalles Avenue is a unique main street in the City. The study area is primarily residential in character with buildings set back from the street. The buildings on the west side of Roncesvalles Avenue are a mix of single family homes, walk-up apartments and some institutional uses. Refer to Attachment 1 for photographs of the study area. Across

Roncesvalles Avenue, the east side functions as a more traditional main street with a mixture of eating establishments, retail stores, residential uses and service uses with smaller setbacks, and places of worship.

Official Plan

The study area is designated *Neighbourhoods* on Map 18 - Land Use Plan. *Neighbourhoods* are considered 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 apartments of up to 4-stories. Refer to Attachment 2.

The Plan identifies these established areas as physically stable, with new development needing to respect and reinforce the existing physical character of the neighbourhood. Pertaining to small-scale retail, service and office uses, policy 4.1.3 of states:

"...New small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required, on major streets with the exception of portions of streets which have reversed lot frontages. To maintain the residential amenity of *Neighbourhoods*, new small-scale retail, service and office uses will:

- 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*."

The Official Plan identifies the study area as an *Avenue* on Map 2 – Urban Structure. Lands within *Avenue* corridors are to be incrementally reurbanized to accommodate growth. However, policy 2.2.3.4 indicates where *Neighbourhoods* is the underlying designation on lands within an *Avenue*, the *Neighbourhoods* policies prevail.

Land use designations surrounding the study area includes *Neighbourhoods*, with pockets of *Apartment Neighbourhoods*, *Parks* and *Institutional* to the west, and *Mixed Use Areas* fronting Roncesvalles Avenue to the east, north and south. As the study area is adjacent to the *Mixed Use Areas* designation across Roncesvalles Avenue to the east, policy 4.5.2 c) directs development within such areas to locate and mass buildings to provide a transition towards the lower scale *Neighbourhoods*.

Zoning By-law 438-86

The study area is zoned R2 (Residential) under City of Toronto Zoning By-law 438-86. This designation permits a range of residential building types with a maximum height of 10 metres that is reflected in the current buildings in the study area. Refer to Attachment 3.

A “home/work use”, as referenced in the By-law, provides opportunities for commercial uses, but is restricted to an accessory component to the principal residential use of a dwelling unit. Examples of “home/work uses” include:

- Office (e.g. doctor’s office, realty brokerage office)
- Studio (e.g. music studio, dance studio)
- Caterer
- Barber
- Hairdresser
- Beautician
- Dressmaker
- Seamstress
- Tailor

Further, “home/work” uses are limited to size and operational requirements, namely: the operator must be a resident of the dwelling; the use cannot exceed the lesser of 30 square metres or 30 percent of the residential GFA of a dwelling unit; selling of goods is not permitted; and the number of employees is restricted to 2. For certain “home/work” uses such as a music studio, additional restrictions are applicable.

Zoning provisions surrounding the study area includes R (Residential) to the west and south, and MCR (Mixed Use Districts) to the north, east and south, generally along the frontage of Roncesvalles Avenue.

Zoning By-law 569-2013

On May 9, 2013, City Council enacted Zoning By-law 569-2013, the City-wide Zoning By-law that replaces Zoning By-law 438-86. Under the new by-law, the study area is zoned R (Residential). The residential and accessory use (defined as “home occupation”) permissions are generally consistent with that of Zoning By-law 438-86, except for the deletion of certain accessory uses and revision of the space allowed for accessory uses to the lesser of 100 square metres or 25 percent of the residential GFA. Refer to Attachment 4a and 4b for the study area's zoning designation and excerpt of the relevant zoning provisions.

Roncesvalles Avenue Streetscape Improvements

In 2003, the Roncesvalles Village Streetscape Strategy was completed by the Roncesvalles Village Business Improvement Area (RVBIA) to prioritize streetscape improvements for Roncesvalles Avenue. The Strategy identified the different built form between the west and east side of Roncesvalles Avenue, and encouraged the gradual increase of businesses on the west side of Roncesvalles Avenue as an impetus to improving the streetscape. The Strategy also indicated the built form of the buildings within Roncesvalles Village shall be addressed through the existing policy framework and urban design guidelines. At the first community consultation meeting for this study on April 19, 2012, the RVBIA identified no concerns with maintaining the west side of Roncesvalles Avenue as a *Neighbourhoods* designation in the Official Plan.

In 2009, the City completed an Environmental Assessment (EA) Study to examine the streetscape improvements on Roncesvalles Avenue. The recommended option included parking lay-bys and increased boulevard/sidewalk widths on the west side of Roncesvalles Avenue to accommodate parking demands, bicycle, and pedestrian activity. Improvements have been made to Roncesvalles as a result of the EA study including parking lay-bys and significant sidewalk improvements.

Recent Planning Activity in Study Area

Although there have been a limited number of applications for non-residential uses in the study area, there has been significant interest along this eleven block strip. A number of landowners/tenants have approached City Planning enquiring about new uses. Of these many have chosen not to pursue zoning changes, some withdrew applications and some went ahead without filing applications. Examples of non-residential uses established in the last 10 years include:

- A holistic centre within a Place of Worship;
- A spa in a single detached dwelling;
- A music instruction facility in a detached dwelling;
- An office on the ground floor of a fourplex;
- An office in the basement and ground floor of a detached dwelling;
- An insurance brokerage firm in a detached dwelling;
- A medical clinic in a detached dwelling; and
- An optometrist clinic in a semi-detached dwelling.

Although there have been a limited number of formal applications, City Planning staff believe it is useful to have a more structured and consistent way of assessing applications to give more certainty to the process for any future applications.

City records indicate several non-residential uses established within residential properties in the study area that did not undergo a *Planning Act* application process. Despite the documented non-residential uses in the study area, City Planning staff acknowledges there may be additional undocumented commercial uses established in the study area.

Community Consultation

Staff held community consultation meetings on April 19, 2012 and March 19, 2013 with an attendance of approximately 50 individuals at each meeting. The consultations discussed the existing built form and land use pattern in the study area, and gauged whether amendments to the residential zoning designation is desirable. There was no clear consensus on the suitability of permitting non-residential uses in the study area. However, the following commonalities emerged from the discussions:

- The recognition of the divergent land use pattern between the west and east side of Roncesvalles Avenue;
- Minimal concerns with the existing non-residential uses introduced in the study area;
- Concerns with increased parking demands; and
- A strong desire to maintain the existing built form of the study area and surrounding area.

COMMENTS

Proposals

Based on research, community input and analysis to date, City Planning Staff have identified 2 different planning options for the street. The first option maintains the current zoning permissions and suggests a set of guidelines to be adopted by City Council against which any new proposals would be reviewed. The second option amends the Zoning By-law to introduce limited non-residential uses.

Option A – Status Quo with Performance Standards: The existing Zoning By-law does not permit stand alone non-residential uses on the west side of Roncesvalles. Under this scenario certain non-residential uses, being small-scale retail, service and office uses would be permitted by way of a *Planning Act* application provided it meets a set of performance standards, based on the current Official Plan policies for *Neighbourhoods*. If the rezoning application does not meet the performance standards, and in turn the policies of the Official Plan, City Planning would be unlikely to support the application. Refer to Attachment 5 for the set of performance standards.

The establishment of the draft performance standards does not preclude the permission for certain non-residential proposals by way of a minor variance application, provided it meets the criteria for "live/work" uses in Zoning By-law 438-86 and "home occupation" uses as in Zoning By-law 569-2013. The key criteria in determining whether a proposal may proceed as a minor variance are outlined in Attachment 5.

Option B - Site Specific Zoning By-law Amendment: Change the current zoning permissions for non-residential uses in both scale and types of use in the study area which comply with the intent of the Official Plan, with the following provisions:

- i) Retail uses, services and office uses that are small-scale and incidental to the neighbourhood such as convenience stores, and realty brokerage firms are permitted;
- ii) All non-residential uses as described in i) are only permitted on the ground level of a building and must have frontage onto Roncesvalles Avenue;
- iii) No additional parking spaces are required to support the non-residential uses as described in i); and
- iv) Eating establishments and similar uses are not permitted.

Any non-residential proposal that does not adhere to the site specific Zoning By-law provisions will require an amendment to the Zoning By-law. Also, similar to Option A, the establishment of the site specific Zoning By-law does not preclude the permission for certain non-residential proposals by way of a minor variance application, provided it meets the criteria for "live/work" uses in Zoning By-law 438-86 and "home occupation" uses as in Zoning By-law 569-2013.

Recommended Option

City Planning staff prefer Option A - Status Quo with Performance Standards for the study area. First, the Official Plan *Neighbourhoods* land use designation provides policy direction and vision for the study area to be maintained as a stable, mature neighbourhood. Flexibility for landowners within the study area is provided in policy 4.1.3 of the Official Plan to establish a non-residential use within the permissions of the Zoning By-Law, or to apply for an application under the *Planning Act* to vary from existing permissions.

Second, the existing built form and lot fabric of the study area does not support a significant increase in commercial uses without redevelopment. The physical characteristic of the study area consists of lower scale buildings made up of single detached homes, semi-detached homes, duplexes, triplexes, and townhouses, interspersed with 4–storeys walk-up apartments generally with a deeper setback from Roncesvalles Avenue compared to the east side. The lack of a connected rear laneway also hinders the allotment of additional parking spaces. Amending the Zoning By-law to permit certain commercial uses may further encourage applicants to request commercial uses. As such, maintaining the existing zoning will help maintain the built form of the study area.

Third, the volume and nature of the *Planning Act* applications submitted within the last 10 years does not appear to indicate a clear trend for commercial development in the study area. Although there are commercial uses established that did not go through the *Planning Act* process (notwithstanding whether the use is in conformity with the zoning by-law), there appears to be no significant conflicts as a result of the minor established commercial uses in the study area.

Finally, the results of the community consultation meetings were considered in the analysis. Of significance was the lack of a clear consensus favouring non-residential development. Instead, there was a clear consensus on maintaining the mass, scale, and building typology of the study area *Neighbourhood* land use designation. In order to maintain the existing built form in the study area, a more conservative approach is required to ensure a standard is set for evaluation of future redevelopment and to maintain the unique character of the area.

Procedure for Reviewing Future Applications

Any proponent considering a non-residential use in the study area should consult with City Planning staff, to determine the feasibility of the proposal, and to determine the appropriate approval stream of a minor variance or an amendment to the Zoning By-law.

The consideration of a rezoning application for a small-scale retail, service or office use will be reviewed by City Planning staff based on the policies of the Official Plan, provisions of the Zoning By-law, and the draft performance standards, to the satisfaction of the Chief Planner and Executive Director of City Planning.

CONCLUSION

City Planning staff have undertaken a study to determine the suitability of permitting certain non-residential uses and establishing development criteria for such uses in the study area. City Planning Staff recommends no site specific Zoning By-law amendment be introduced for the study area. The need to keep the existing character and built form of the study area is better served by maintaining the existing provisions of the Zoning By-law. A set of draft performance standards, referenced as Attachment 5 to this report is recommended for the review of future non-residential proposals. The performance standards may be refined through a further community consultation process, with City Planning staff reporting back to Toronto and East York Community Council in the fourth quarter of 2013.

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SIGNATURE

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ATTACHMENTS

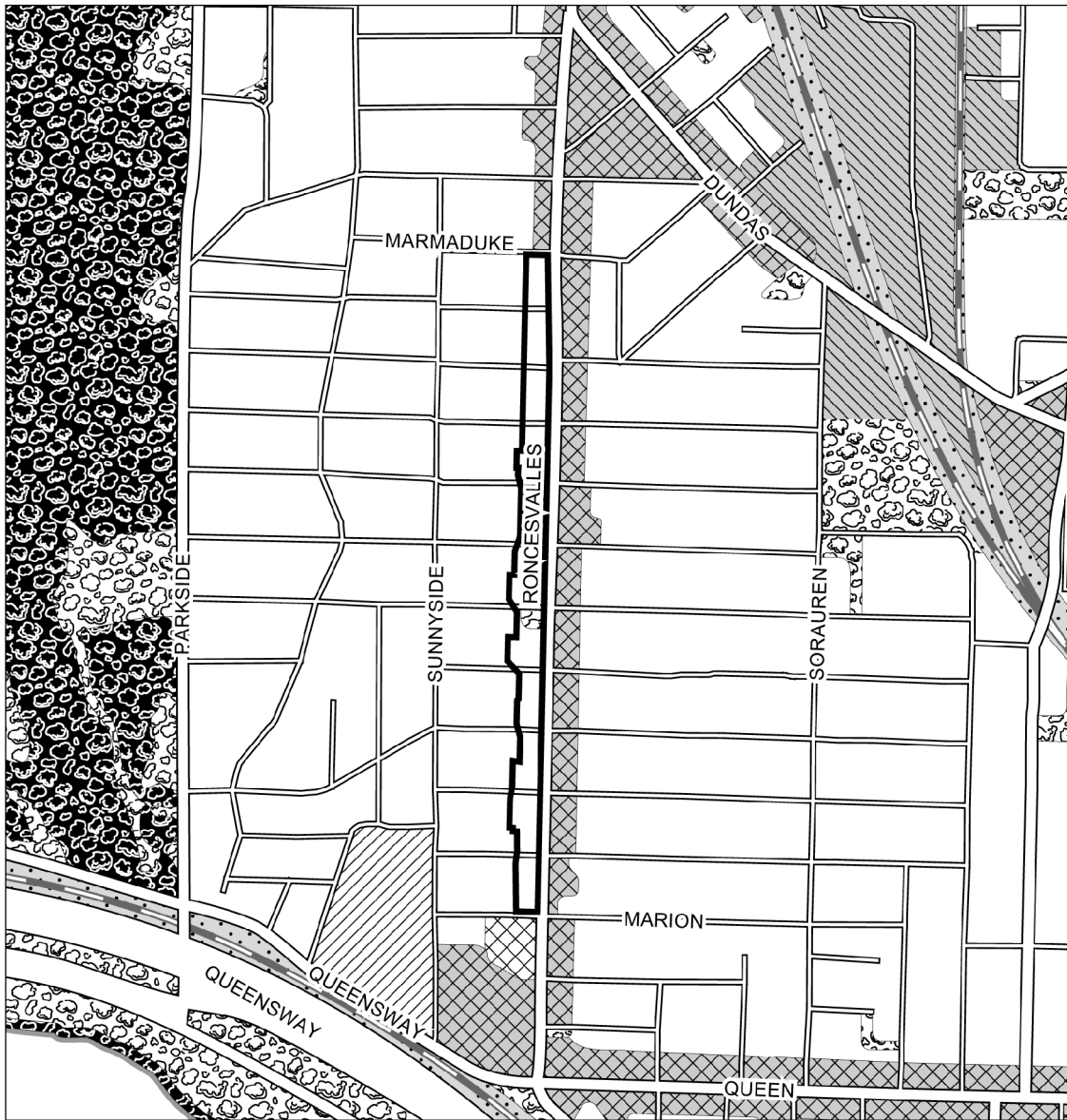
Attachment 1: Photographs of the Study Area's Built Form
Attachment 2: Official Plan
Attachment 3: Zoning By-law 438-86
Attachment 4a: Zoning By-law 569-2013
Attachment 4b: Zoning By-law 569-2013 Excerpt
Attachment 5: Performance Standards for the Study Area

Attachment 1: Photographs of the Study Area's Built Form



(Courtesy of Google Images)

Attachment 2: Official Plan



Toronto City Planning
Official Plan

Study Area

File # 12 138877




 Not to Scale
 04/10/2012

Attachment 3: Zoning By-law 438-86



Zoning By-law 438-86 (as amended)

Study Area

File # 12 138877

- R2 Residential District
- R4 Residential District
- MCR Mixed-Use District
- G Parks District
- I1 Industrial District



Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 05/31/2013

Attachment 4b: Zoning By-law 569-2013 Excerpt

Chapter 10 Residential

10.10 Residential Zone (R)

10.10.1 General

10.10.1.10 Interpretation

(1) Application of This Section

The regulations in Section 10.10 apply to all lands, uses, **buildings** and **structures** in the R zone.

10.10.20 Permitted Uses

10.10.20.10 Permitted Use

(1) Use - R Zone

The following uses are permitted in the R zone:

Dwelling Unit in a permitted **residential building** type in Clause 10.10.20.40.
Park

10.10.20.20 Permitted Use - with Conditions

(1) Use with Conditions - R Zone

The following uses are permitted in the R zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.10.20.100:

Ambulance Depot (1)

Cogeneration Energy (2)

Community Centre (3)

Day Nursery (4)

Fire Hall (1)

Group Home (5)

Home Occupation (6)

Library (3)

Municipal Shelter (7)

Place of Worship (8)

Police Station (1)

Private Home Daycare (9)

Public Utility (10, 11)

Renewable Energy (2)

Retail Store (12)

Rooming House (13)

Secondary Suite (14)

Seniors Community House (15)

Tourist Home (16)

Transportation Use (17)

10.10.20.40 Permitted Building Types

(1) Permitted Residential Building Types - R Zone

In the R zone, a **dwelling unit** is permitted in the following **residential building** types:

(A) **Detached House**;

(B) **Semi-Detached House**;

(C) **Townhouse**;

(D) **Duplex**;

(E) **Triplex**;

(F) **Fourplex**; and

(G) **Apartment Building**.

10.10.20.100 Conditions

(1) Ambulance Depot, Fire Hall or Police Station

In the R zone, an ambulance depot, a fire hall or a police station must be on a **lot** that:

- (A) fronts on a major **street** on the Policy Areas Overlay Map; or
- (B) fronts on a **street** which intersects a major **street** on the Policy Areas Overlay Map, and is no more than 250 metres from that intersection.

(2) Cogeneration Energy Production or Renewable Energy Production

In the R Zone, **cogeneration energy** production or **renewable energy** production must be in combination with another permitted use on the **lot**, and comply with all Municipal, Provincial and Federal by-laws, statutes and regulations.

(3) Community Centre or Library

In the R zone, a **community centre** or a library must be operated by, or on behalf of, the City of Toronto.

(4) Day Nursery

A **day nursery** in the R zone must comply with the specific use regulations in Section 150.45.

(5) Group Home

A **group home** in the R zone must comply with the specific use regulations in Section 150.15.

(6) Home Occupation

A **home occupation** in the R zone must comply with the specific use regulations in Section 150.5.

(7) Municipal Shelter

A **municipal shelter** in the R zone must comply with the specific use regulations in Section 150.22.

(8) Place of Worship

In the R zone, a **place of worship** must:

- (A) comply with the specific use regulations in Section 150.50;
- (B) be on a **lot** with a **lot frontage** of at least 30 metres; and
- (C) be in a **building** that is or was originally constructed as a **place of worship**.

(9) Private Home Daycare

A children's play area for a **private home daycare** in the R zone:

- (A) must be fenced; and
- (B) may not be located in the **front yard** or a **side yard** abutting a **street**.

(10) Public Utility

In the R zone, a **public utility** may not be:

- (A) a sewage treatment plant;
- (B) a water filtration plant; or
- (C) an above-ground water reservoir.

(11) Public Utility

In the R zone, a **public utility** must be enclosed by walls and comply with the permitted maximum **lot coverage**, required minimum **building setbacks** and permitted maximum height for a **building** in the R zone if it is:

- (A) an electrical transformer station; or
- (B) a natural gas regulator station.

(12) Retail Stores in Apartment Buildings

In the R zone, a **retail store** may be in an **apartment building** with 100 or more **dwelling units**, subject to the following:

- (A) there may be only one **retail store** in the **apartment building**;
- (B) it may not be above the first **storey** of the **apartment building**;
- (C) access to the **retail store** must be from within the **apartment building**, unless it is on a **lot** that has a **front lot line** or a **side lot line** abutting a major **street** on the Policy Areas Overlay Map;
- (D) there may be no outside display of goods; and
- (E) the **interior floor area** of the **retail store** may not exceed 25.0 square metres for the first 100 **dwelling units**, which may be increased by 5.0 square metres for each additional 100 **dwelling units** in excess of 100, to a maximum of 70.0 square metres.

(13) Rooming House

A rooming house in the R zone must comply with the specific use regulations in Section 150.25.

(14) Secondary Suite

A **secondary suite** in the R zone must comply with the specific use regulations in Section 150.10.

(15) Seniors Community House

A **seniors community house** in the R zone must comply with the specific use regulations in Section 150.30.

(16) Tourist Home

In the R zone, a **tourist home**:

- (A) must be in a **detached house**, a **semi-detached house** or a **townhouse**;
- (B) may have a maximum of 2 **bed-sitting rooms** available for tourist accommodation; and
- (C) must not have **vehicle** access by a mutual **driveway**.

(17) Transportation Use

A **building** or **structure** on a **lot** in the R zone and used as a **transportation use** must comply with all requirements for a **building** on that **lot**.

Chapter 150 Specific Use Regulations

150.5 Home Occupation

150.5.1 General

(1) Application of this Section

The regulations in Section 150.5 apply to **home occupations**.

150.5.20 Use Requirements

150.5.20.1 General

(1) Home Occupation - Uses Not Permitted

A **home occupation** may not:

- (A) sell, rent or lease physical goods directly from the **dwelling unit**;
- (B) be a **personal service shop**;
- (C) be an office or medical office for a professional regulated under the College of

- Physicians and Surgeons of Ontario;
- (D) be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;
- (E) be an **animal shelter** or **kennel**;
- (F) be a **vehicle repair shop**, a **vehicle service shop**, or a **vehicle washing establishment**; or
- (G) be a **manufacturing use**.
- (2) Home Occupation - No Customer or Client Attending the Premises for Specified Reasons
 A **home occupation**, other than one for an **education use**, may not have clients or customers attending the **premises** for:
- (A) consultations;
- (B) receiving services; or
- (C) obtaining physical goods.
- (3) Home Occupation - No Outdoor Activities, Services, Display or Storage
 A **home occupation** may not have outdoor activities, services, display or **open storage**.
- (4) Home Occupation - Music or Dance Instruction Permitted in a Detached House Only
 A **home occupation** for music or dance instruction and training may only be in a **detached house**.
- (5) Home Occupation - Not Permitted with a Group Home or Residential Care Home
 A **home occupation** is not permitted with a **group home** or a **residential care home**.
- (6) Home Occupation - No Employee Other than the Business Operator
 A **home occupation** may not have an employee working in the **dwelling unit** who is not the business operator.
- (7) Home Occupation - Personal Services Permitted in the R Zone
 Despite regulations 150.5.20(1) and (2), a **home occupation** in the R zone may be a **personal service shop**, limited to the following types of services:
- (A) barber;
- (B) hairdresser;
- (C) beautician;
- (D) dressmaker;
- (E) seamstress; and
- (F) tailor.
- (8) Home Occupation - Health Related Professionals Office Permitted in the R Zone
- (A) Despite regulations 150.5.20.1(1) and (2), a **home occupation** in the R zone may be:
- (i) an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario; and
- (ii) an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended; and
- (B) Despite regulation 150.5.20.1(6), a **home occupation** in the R zone described in (A), above, may have one employee working in the **dwelling unit** in addition to the business operator.

150.5.40 Building Requirements

150.5.40.1 General

(1) Home Occupation - No Exterior Alteration to Building

There may be no exterior alteration to a **building** to accommodate a **home occupation**.

(2) Home Occupation - Health Related Professionals Office in an Apartment Building in the R Zone

In the R zone, if a **dwelling unit** in an **apartment building** has a **home occupation** that is a service provided by a professional regulated under the College of Physicians and Surgeons of Ontario or under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended, the **dwelling unit** must be located on the **first floor** or in the **basement**.

150.5.40.40 Floor Area

(1) Home Occupation - Maximum Interior Floor Area

The floor area for a **home occupation** may not exceed the lesser of:

(A) 25% of total **interior floor area** of the **dwelling unit** the **home occupation** is located in; or

(B) 100 square metres.

150.5.60 Ancillary Buildings and Structures

150.5.60.1 General

(1) Home Occupation - Not Permitted in an Ancillary Building

A **home occupation** is not permitted in an **ancillary building** or **structure**.

Attachment 5: Performance Standards for *Planning Act* Applications to Permit Small-scale Retail, Service or Office Uses in the Area West of Roncesvalles Avenue, Between Marmaduke Street and Marion Street

Consistent with policy 4.1.3 of the Official Plan, whereby new small-scale retail, service or office uses may be considered within the *Neighbourhood* designation, the following set of performance standards is to guide the review of such proposals for the area west of Roncesvalles Avenue, between Marmaduke Street and Marion Street. The set of performance standards is complementary to the *Neighbourhood* designation policies in the Official Plan.

Nature of Operation

- 1) The proposal is incidental to the neighbourhood, i.e., the use provides a service need to the immediate neighbourhood, and does not exclusively rely on customers from outside of the neighbourhood;
- 2) The proposal does not create adverse parking and traffic impacts in the neighbourhood;
- 3) The proposal does not create adverse noise, air and/or light emission impacts in the neighbourhood;
- 4) The proposed use does not extend outside the building envelope;
- 5) The public pedestrian access of the proposed use is limited to the frontage of Roncesvalles Avenue;
- 6) Eating establishments, and similar uses are not permitted

Built Form

- 7) The proposal respects the physical character of the study area, i.e.:
 - size and configuration of the lots
 - height, massing, scale and dwelling type of nearby residential properties
 - prevailing building types
 - setback of buildings from Roncesvalles Avenue
 - conservation of heritage buildings, structures and landscapes; and
- 8) The proposal occupies only the first floor and/or the first below grade level of the building.

Certain accessory uses to a residential building may be permitted through a minor variance application, provided it conforms to the criteria of a "live/work" use under Zoning By-law 438-86 or a "home occupation" use under Zoning By-law 569-2013, at the discretion of the Chief Planner and Executive Director, City Planning Division. The criteria for determining if an accessory use may be considered as a minor variance are:

- i. The gross floor area of the accessory use does not deviate significantly from the Zoning By-law permission;
- ii. The main operator of the accessory use resides in the same residential building;
and
- iii. The sale of goods may be acceptable provided it has minimal impact on the residential building and is incidental to the proposed use.