

Supplementary Report: Final Report on Areas for Proposed Residential Apartment Commercial (RAC) Zone

Date:	June 9, 2014
To:	Toronto City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2014\Cluster B\PLN\City Council\CC14085

SUMMARY

This report responds to the request of Planning and Growth Management Committee at its meeting May 29th to review the requirement limiting the location of arts studios to a separate building. When Council adopted the RAC zone at its meeting April 3 and 4, 2013, a performing arts studio and production studio were permitted within an apartment building in the first storey or basement. The report to May 29th Planning and Growth Management Committee proposed a draft condition requiring that it be located in a separate non-residential building due to concerns with noise. Given that other similar uses such as dance and music classes would be allowed within an apartment building, and the ability of the Noise By-law to address noise impacts between 11:00 P.M and 7 A.M, it is proposed that a 'performing arts studio' and 'production studio' continue to be permitted in an apartment building in the first storey or basement.

The report to May 29th Planning and Growth Management Committee also proposed a draft condition requiring an artist studio and custom workshop be located in a separate non-residential building. The materials and processes involved in the production of art or custom-made goods is relatively benign in most cases, however, some production may involve material or solvents that produce odours. In such circumstances, a building permit under the Ontario Building Code will require proper ventilation and fire separation. For these reasons, it is proposed that an 'artist studio' and 'custom workshop' continue to be permitted within an apartment building, located in the first storey or basement.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council revise the draft zoning by-law amendments to City of Toronto Zoning By-law No. 569-2013 included in Attachment 2 of the report from the Chief Planner and Executive Director, City Planning dated May 2, 2014 (PG33.6) by deleting the words "**performing arts studio**", "**production studio**", "**artist studio**", and "**custom workshop**" from part (B) in Section 2 of the amending by-law so that part (B) will read: "A **service shop**, or a **veterinary hospital** are located in non-residential buildings on the **lot**;".
2. City Council determine that no further notice is required pursuant to Section 34(17) of the Planning Act with respect to the amendments to City of Toronto Zoning By-law No. 569-2013 referred to in recommendation 1 of this report.

Financial Impact

There is no financial impact beyond what has already been approved in the current year's Budget.

DECISION HISTORY

At its meeting on May 29, 2014 Planning and Growth Management Committee requested that the Chief Planner and Executive Director, City Planning, review the requirements that limits the location of arts studios to a separate building, in consultation with the Toronto Arts Council, and report directly to City Council.

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=7883>

COMMENTS

At the May 29th meeting of Planning and Growth Management Committee, the Toronto Arts Council raised a concern regarding the proposed condition that a performing arts studio and artist studio be located in a separate non-residential building on an apartment site in the RAC zone. The Arts Council cited examples where performing arts groups have been successfully located within Toronto Community Housing (TCH) apartment buildings and spoke to the benefits this opportunity provided to the residents. They also noted examples of art galleries located on the ground floor of TCH apartments, which have on occasion included producing community art.

Performing Arts Studio

A 'performing arts studio' is defined in the RAC zone as premises used for the rehearsal of performing arts, such as music, dance, or theatre. When the RAC zone was adopted by

Council at its meeting April 3 and 4, 2013 a performing arts studio was permitted within an apartment building in the first storey or basement. The report before Planning and Growth Management Committee on May 29th, 2014 proposed amendments to the text of the RAC zone including a new condition that a performing arts studio would have to be located in a separate non-residential building on the same lot as the RAC apartment building. This was to mitigate potential noise impacts.

The RAC zone does include permission for a 'community centre' and 'education use' within an apartment building, either of which may include instruction in arts, music, dance or theatre. While a performing arts studio may have a greater intensity of use than these type of instructional classes, the impacts will be similar enough it could be argued that restricting a performing arts studio from locating in an apartment building is inconsistent with other land use permissions in the zone. In addition, the Noise By-law (Municipal Code Chapter 591) addresses day to day activity of noise impacts by restricting the playing of music, loudspeakers or amplification between the hours of 11:00 P.M. to 7:00 A.M. Based on the fact that there are similar uses permitted in the RAC zone, and the capacity of the Noise By-law to address potential noise impacts, it is proposed that the performing arts studio continue to be permitted within an apartment building, located in the first storey or basement.

A 'production studio' is defined as premises used for producing live broadcasts, motion picture, or audio or video recordings or transmissions. Similar to a 'performing arts studio', it had also been proposed to be located in a separate non-residential building to mitigate potential noise impacts. Given that these impacts can be addressed by the Noise By-law as described above, it is proposed that a 'production studio' continue to be permitted within an apartment building, located in the first storey or basement in the RAC zone.

Artist Studio

The RAC zone permissions include a 'community centre', which means the provision of community activities such as arts, crafts, recreation, social, charitable and educational activities provided by a non-profit organization or government. It also includes 'education use' meaning the use of premises for instructional or training purposes. These permitted uses provide opportunities for children or adult programming, which may include arts and crafts programs, within the apartment building. The RAC zone also includes 'art gallery' which is the exhibition, collection or preservation of works of art for public viewing.

An artist studio is defined as premises for creating art or craft which may include the production of paintings, drawings, pottery or sculpture. The majority of this production involves processes and materials which are relatively benign, however, some art production may involve material or solvents that produce odours. In such circumstances, a building permit under the Ontario Building Code will require proper ventilation and fire separation. For these reasons, it is proposed that an 'artist studio' continue to be permitted within an apartment building, located in the first storey or basement.

'Custom workshop' means premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass production. Similar to an artist

studio, the majority of this production involves processes and materials which are relatively benign. For reasons as cited above, it is proposed that a 'custom workshop' continue to be permitted within an apartment building, located in the first storey or basement.

Notice under Planning Act

Under the Planning Act Section 34(17) where a change is made in a proposed by-law after the holding of the public meeting, City Council can determine whether any further notice is to be given. This report recommends that the proposed amendment to the text of the RAC zone to locate a performing arts studio within a separate non-residential building not be made. As this preserves the status quo, no further notice is required.

Conclusion

It is proposed that in the RAC zone a performing arts studio and production studio continue to be permitted in an apartment building in the first storey or basement. This change to the draft amendments is suggested given other similar uses such as dance and music classes are permitted within an apartment building, and the Noise By-law would address noise impacts resulting from the more intense use associated with performing arts or production studio.

Similarly, it is proposed that in the RAC zone an artist studio and custom workshop continue to be permitted in an apartment building in the first storey or basement. The materials and processes involved in the production of art or custom-made goods is relatively benign in most cases, however, some production may involve material or solvents that produce odours. In such circumstances, a building permit under the Ontario Building Code will require proper ventilation and fire separation.

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SIGNATURE

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