

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

Date:	November 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

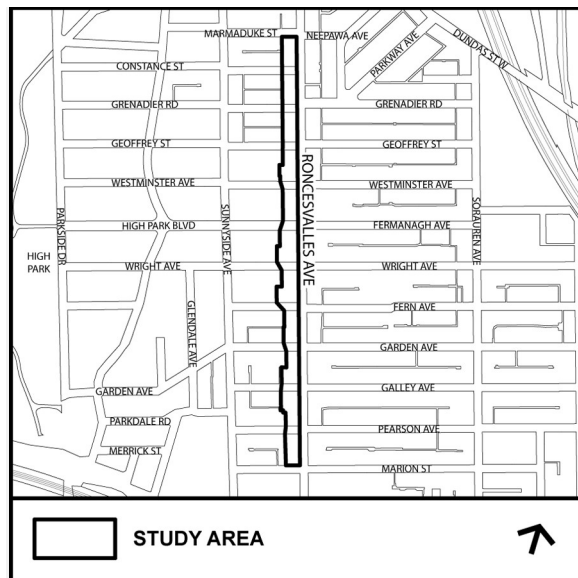
City Planning staff is recommending the adoption of guidelines for the assessment of all small-scale retail, service or office use proposals on the west side of Roncesvalles Avenue, between Marmaduke Street and Marion Street (the study area). A draft set of guidelines (formerly referred to as performance standards) were established and considered by Community Council on June 18, 2013, and were further refined based on feedback from the community consultation meeting on October 28, 2013.

The set of guidelines is the result of the land use study directed by Toronto and East Community Council on June 22, 2011 to determine the suitability of permitting non-residential uses within the study area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt the “Roncesvalles Avenue West Side Guidelines”, attached as Attachment 1 to the report (November 22, 2013) from the Director, Community



Planning, Toronto and East York District, and request staff to use these Guidelines in the evaluation of all new proposals for small-scale retail, service or office uses within the study area.

Financial Impact

The recommendations in this report have no financial impact.

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 motion of Community Council can be accessed online here:

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

On July 16, 2013, Council adopted a "Proposals Report" with a set of draft guidelines developed through the study review process, and directed City Planning staff to report back to Council on the final form of the guidelines upon further consultation with the community. The Proposals Report dated May 22, 2013, which includes the study background and the draft set of guidelines, can be accessed online here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE25.26>

ISSUE BACKGROUND

A comprehensive explanation of the issue background, policy context, current zoning provisions, existing built form and analysis of planning activity within the study area are detailed in the Proposals Report dated May 22, 2013.

Official Plan

The study area is designated *Neighbourhoods* on Map 18 - Land Use Plan. The set of guidelines were formulated based on the policy direction of the Official Plan, which permits new-scale retail, service and office uses within the *Neighbourhoods* designation through an amendment to the Zoning By-law. The consideration for new small-scale retail, service and office uses shall be incidental to the neighbourhood, support the neighbourhood and not adversely impact adjacent residences. Further, such uses shall:

- 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. Although the Avenue policies direct lands within *Avenue* corridors to be incrementally reurbanized to accommodate growth, policy 2.2.3.4 indicates that when *Neighbourhoods*

is the underlying designation on lands within an *Avenue*, the *Neighbourhoods* policies prevail.

Zoning By-law

The study area is zoned R2 (Residential) under the former City of Toronto Zoning By-law 438-86, and R (Residential) in the newly enacted City-wide Zoning By-law 569-2013. Both the R2 and R designations permit a range of residential building types. Small-scale retail, service and office uses are generally not permitted, except as a home occupation within the principle residential use, and other limited zone specific permissions.

Community Consultation

The local Councillor, in consultation with staff, held community consultation meetings on April 19, 2012, March 19, 2013 and October 28, 2013. Approximately 50 individuals participated in each of the community consultation meetings. The first meeting gathered information on the existing conditions of the study area. The second meeting gauged the community's opinions on two preferred scenarios: maintaining the existing Zoning By-law provisions with a set of guidelines; and establishing a site-specific Zoning By-law that permits certain non-residential uses. After Council's adoption of maintaining the existing Zoning By-law provisions with a set of guidelines, the final meeting gathered feedback on the draft guidelines. Comments received during this meeting remained consistent with previous consultations in recognizing the unique nature of Roncesvalles Avenue, and identifying the importance of protecting the existing built form of the study area.

COMMENTS

Guidelines

The overall intent of the guidelines is to provide direction for reviewing both Zoning By-law amendment and minor variance applications proposals for small-scale retail, service and office uses, working with the existing *Neighbourhoods* and Residential designations of the Official Plan and Zoning By-law respectively. The eight guidelines are divided into two categories: nature of operation; and built form. Comments received from the community consultation on October 28, 2013 further refined the draft guidelines for potential small-scale retail, service and office uses to better fit within the study area. Please refer to Attachment 1 for the final set of guidelines. Below are the descriptions and rationale for each guideline. Please refer to Attachment 2 for the tally of responses on the draft guidelines presented at the October 28, 2013 consultation meeting.

Nature of Operation

1. The proposal is incidental to the neighbourhood, providing a service to the neighbourhood and mainly relies on patrons that reside in the neighbourhood

This guideline encourage the proposal to serve predominately the neighbourhood, are small-scale in nature, and are not impacted by market forces that would create a regional draw. The draft guideline originally presented to Council on July 16, 2013 required the

incidental use to not exclusively rely on patrons residing outside the neighbourhood. The guideline is now revised to indicate the proposal shall mainly rely on patrons residing within the neighbourhood. This revision was necessitated based on comments from the community concerned that the draft wording may unintentionally allow uses that are not incidental to and serve a need in the neighbourhood.

2. The proposal have minimal vehicular parking and traffic impacts to the neighbourhood

This guideline directs that vehicular parking space demands be limited, as Roncesvalles Avenue already lacks sufficient commercial parking spaces. The draft standard required the proposal to not have any adverse vehicular parking and traffic impacts, and is now revised to indicate the proposal shall have minimal impacts. This revision was necessitated based on further analysis that it may be overly restrictive to assume all non-residential uses will not require parking spaces from time to time.

3. The proposal does not create adverse noise, air and/or light emission impacts in the neighbourhood

This guideline directs that no additional noise, air and light pollution conflicts with residential uses adjacent and within proximity of the proposal. This is particularly important given the established mixed-use area across from Roncesvalles Avenue to the east where noise, air and light emission may already be intruding onto the study area. There was general agreement from the community during the consultation meeting, and as such this guideline remains unchanged.

4. Eating establishments are not permitted

This guideline directs that 'eating establishments', defined in Zoning By-law 569-2013 as:

“premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service”

are not permitted. Eating establishments do not meet the intent of the Official Plan for small-scale retail and service uses within the *Neighbourhood* designation, and are not compatible with the residential uses in the study area, potentially creating adverse impacts identified in guidelines no. 2 and 3. The draft guideline included the words 'uses similar to eating establishments' not be permitted, and is now revised and deleted to reduce ambiguity, based on feedback from the community.

Built Form

- 5. The proposal respects the physical character of the area, which includes the consideration of:**
- a) the size and configuration of the lot(s);**

- b) the height, massing, scale and dwelling type of the adjacent and nearby residential properties;**
- c) the prevailing building types;**
- d) the setback of buildings from Roncesvalles Avenue; and**
- e) the conservation of heritage buildings, structures and landscapes**

This guideline directs that the existing typology, massing and heritage components of the buildings within the study area are maintained. Further, staff recognize there are various buildings within the study area with a deep setback from Roncesvalles Avenue, and that it is important to respect and maintain this condition as part of the character of the street.

This guideline also encourage the lot configuration of the study area be maintained. There were many comments from community members expressing concern that potential developers would consolidate properties, and alter the existing built form of the study area. This standard solidifies the community’s concerns in directing that the built form is respected through future proposals within the study area.

6. The proposal does not extend onto the front, rear or side yard of a lot

Uses that extend onto the yards or the public realm along Roncesvalles Avenue will not be in keeping with the small-scale nature of non-residential uses and are not encouraged. The draft guideline required the proposal 'not to extend beyond the building’s envelope, which may unintentionally limit building extensions to the rear of a dwelling for a non-residential use. The guideline is now revised to indicate the proposal shall not extend onto the yards of a lot.

7. The proposal occupies only the first floor and/or the first below grade level of the building

This guideline directs that the proposal be limited to the floors that are more street-related and front Roncesvalles Avenue. This will limit the area available to non-residential uses, and prevent conflicts arising from overlook to residential areas. There was general agreement from the community during the consultation meeting, and as such this standard remains unchanged.

8. The access to the proposed use is limited to the Roncesvalles Avenue frontage

This standard is to protect the residential properties on the east-west streets along the study area to be maintained as residential properties, and to reinforce the intent that small-scale retail, service and office uses be limited to properties fronting on Roncesvalles Avenue. There was general agreement from the community during the consultation meeting, and as such this standard remains unchanged.

Review of Future Applications

As part of establishing the set of guidelines, City Planning staff also considered the issue of a rezoning versus a minor variance application in the context of Official Plan policies

and Zoning By-law provisions in the study area. 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. 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 guidelines identified in this report, to the satisfaction of the Chief Planner and Executive Director of City Planning. The consideration of a minor variance application for a home occupation use that does not fully meet Zoning By-law provisions will continue to be assessed as a minor variance application. Such matters as the size of the accessory use, the number of employees, and whether sale of goods is minor will be considered. While any applicant has the right to apply to the Committee of Adjustment for a minor variance, applicants are strongly encouraged to have regard for the guidelines as they will form the basis of City Planning staff's review of the application.

Conclusion

The land use study to consider permitting non-residential uses in the study area is complete. After consultation with the community, City Planning staff are recommending the existing Official Plan and Zoning By-law provisions be maintained, and a set of guidelines be introduced to assist in the review of future development applications on all small-scale retail, service or office uses to ensure consistency in assessing non-residential uses within the study area.

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SIGNATURE

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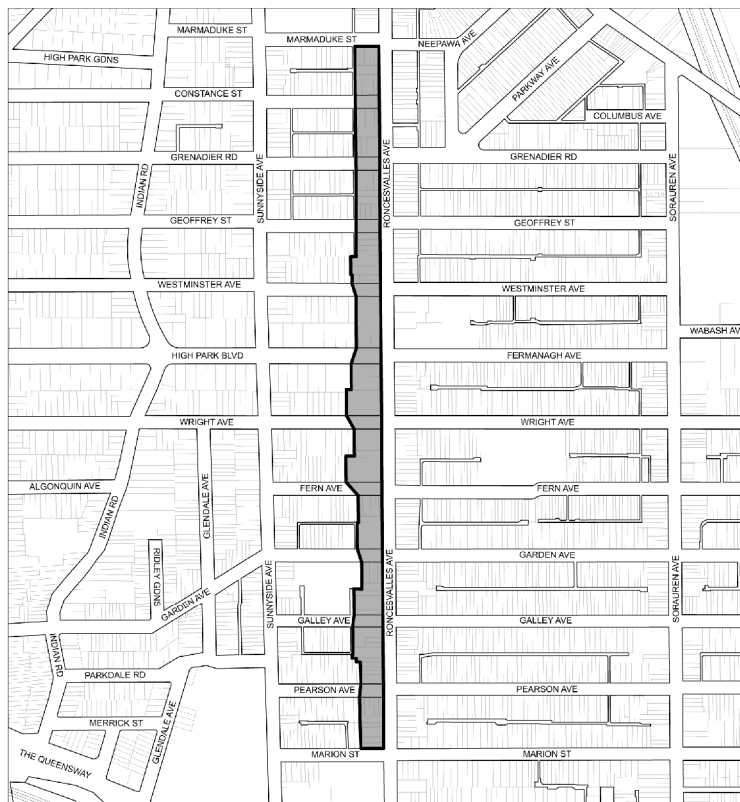
ATTACHMENT

Attachment 1: Roncesvalles Avenue West Side Guidelines
Attachment 2: Tally of Responses on the Draft Guidelines

Attachment 1: Roncesvalles Avenue West Side Guidelines

Guidelines 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 guidelines is to guide the review of such proposals for the area on the west side of Roncesvalles Avenue, between Marmaduke Street and Marion Street, as identified in the location map below. The set of guidelines is complementary to the *Neighbourhood* designation policies in the Official Plan.



Area Subject to Guidelines

Nature of Operation

1. The proposal is incidental to the neighbourhood, providing a service to the neighbourhood and mainly relies on patrons that reside in the neighbourhood.
2. The proposal have minimal vehicular parking and traffic impacts to the neighbourhood.

3. The proposal does not create adverse noise, air and/or light emission impacts in the neighbourhood.
4. Eating establishments are not permitted.

Built Form

5. The proposal respects the physical character of the area, which includes the consideration of:
 - a) the size and configuration of the lot(s);
 - b) the height, massing, scale and dwelling type of the adjacent and nearby residential properties;
 - c) the prevailing building types;
 - d) the setback of buildings from Roncesvalles Avenue; and
 - e) the conservation of heritage buildings, structures and landscapes.
6. The proposal does not extend onto the front, rear or side yard of a lot.
7. The proposal occupies only the first floor and/or the first below grade level of the building.
8. The access to the proposed use is limited to the Roncesvalles Avenue frontage.

Determination of the Appropriate Type of Planning Act Application

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 guidelines identified above, to the satisfaction of the Chief Planner and Executive Director of City Planning.

The consideration of a minor variance application for a home occupation use that does not fully meet Zoning By-law provisions will continue to be assessed as a minor variance taking into account such matters as the size of the accessory use, the number of employees, and permission to sell goods.

Attachment 2: Tally of Responses on the Draft Guidelines

	Agree	Disagree	Needs Revision
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	15	4	25
2. The proposal have minimal adverse parking and traffic impacts in the neighbourhood	38	2	6
3. The proposal does not create adverse noise, air and/or light emission impacts in the neighbourhood	37	1	3
4. Eating establishments, and similar uses are not permitted	35	3	4
Built Form			
5. The proposal respects the physical character of the study area, i.e.: <ul style="list-style-type: none"> - 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 	41	0	8
6. The proposal occupies only the first floor and/or the first below grade level of the building.	27	3	9
7. The proposed use does not extend outside the building envelop	29	1	0
8. The public pedestrian access of the proposed use is limited to the frontage of Roncesvalles Avenue	37	1	1