

STAFF REPORT ACTION REQUIRED

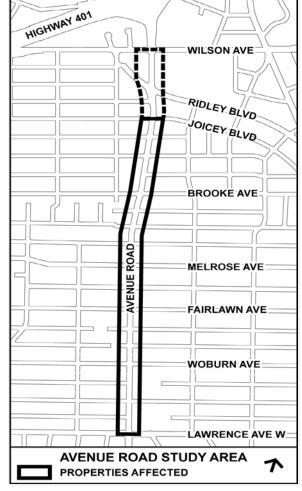
Avenue Road (all properties fronting onto Avenue Road from Joicey Boulevard to Lawrence Avenue West) – Zoning By-law Amendment - Final Report

Date:	February 16, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	15 258935 NNY 16 OZ

SUMMARY

This City initiated application proposes to amend the former City of North York Zoning By-law #7625 and the City of Toronto Zoning By-law #569-2013 to revise the zoning by-law provision relating to third floor building step-backs for all buildings or structures within a portion of the Avenue Road study area, from Joicey Boulevard to Lawrence Avenue West.

As directed by City Council on May 12, 2015, a revision is required to provide clarity on the zoning bylaw requirement that any building or structure with 3 or more storeys must have a minimum 2.0 metre step-back at the top of the second storey, from all main walls facing a lot line which abuts a street, measured from the exterior face of the main wall.



This City-initiated amendment is subject to the new provisions of the *Planning Act* and the City of Toronto Act, 2006.

The proposed amendment will clarify the wording of clause "f" in former City of North York Zoning By-law #7625 and of clause "M" in the City of Toronto Zoning By-law #569-2013.

As presently worded, clause "f' in former City of North York Zoning By-law #7625 reads as:

(f) Building Step-backs

"Any building or structure greater than 3 storeys in height shall have a minimum 2 metre step-back of the main external building wall facing a lot line abutting a street, other than a public lane, at the top of the second storey. The stepback shall be measured from the main external face of the wall of the building at the top of the second storey."

Clause "M" in the City of Toronto Zoning By-law #569-2013 is similarly worded.

The proposed change to both Zoning By-laws would read as follows:

"Any building or structure 3 storeys or greater in height must have a minimum 2.0 metre step-back at the top of the second storey, from all main walls facing a lot line which abuts a street, measured from the exterior of the main wall."

The reworded Zoning By-law clauses would clarify that a step-back is required at the top of the second storey for any building 3 storeys or greater and for all walls facing a public street if the building is on a corner lot. This will assist in avoiding any future confusion over the interpretation of those particular clauses.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of North York Zoning By-law #7625, for the lands fronting onto Avenue Road and within the Avenue Road study area, from Joicey Boulevard to Lawrence Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated February 16, 2016.

- 2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands fronting onto Avenue Road and within the Avenue Road study area, from Joicey Boulevard to Lawrence Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report dated February 16, 2016.
- 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In June of 2013, the City of Toronto, Toronto Building Division received a building permit application for interior renovations and a third storey residential addition for a property located at 2078 Avenue Road (File #13 244886 BLD 00 BA). This property is a corner lot as it is located at the south-west corner of Avenue Road and Joicey Boulevard.

The proposed addition, as interpreted by the Toronto Building Division, was not required to provide a third storey step-back of 2 metres from the building walls on either the Avenue Road or the Joicey Boulevard frontages.

Subsequently, the owner of the building applied for an additional permit for a fourth and fifth storey residential addition to the existing building (File #14 121827 BLD 00 BA).

There was significant community concern over the staging of the building's redevelopment, and particularly over the lack of a 2 metre step-back of the third floor from all lot lines facing a street.

A review of the Avenue Road Study and the subsequent implementing Zoning By-laws has indicated that the wording of the Zoning By-law section requiring the step-back requires clarification to be properly interpreted as originally intended. The Zoning By-law section indicates that the step-back is required for buildings "greater than three storeys", and is unclear as to whether a step-back is also required on flanking streets.

As a result of the concerns expressed on the matter and considering the great interest from the community that the intentions of the Avenue Road Avenue Study are maintained going forward, the Ward Councillor brought forward a motion at the Toronto City Council meeting of May 12, 2015, requesting a City initiated Zoning By-law amendment to provide clarity on the step-back requirement of the Zoning By-law and to also provide an update on the implementation status of the twenty-one recommendations that resulted from the Avenue Road study.

A link to the Ward Councillor's motion can be found here: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY6.22

ISSUE BACKGROUND

On May 12, 2015, the Ward Councillor submitted a motion to North York Community Council requesting that the Director of Community Planning for North York District report on the implementation status of the adopted recommendations within the City-initiated Avenue study for Avenue Road between Lawrence Avenue to Wilson Avenue. The motion also requested that the Director of Community Planning report back on a zoning by-law amendment to clarify the wording of section (f) of By-law #107-2010 as it amended Zoning By-law #7625 for the former City of North York. A link to the City Council decision is shown above.

Site and Surrounding Area

Avenue Road between Joicey Boulevard and Lawrence Avenue West is generally characterized by 2 to 3 storey mixed commercial-residential buildings. Recent developments have also included a 6-storey mid-rise building at 1717 Avenue Road. An application is presently also under review for a 7-storey mixed use development at 1678 Avenue Road (File # 11 330258 NNY 16SA). City Planning has also received numerous inquiries for 4 to 7 storey redevelopment opportunities along the corridor.

The area along Avenue Road between Joicey Boulevard and Wilson Avenue to the north is characterized by low-scale residential uses, some small commercial uses as well as a Place of Worship and a community centre.

The area east and west of Avenue Road is comprised of stable low density residential neighbourhoods.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of Provincial interest, which include the adequate provisions of a full range of housing, including affordable housing, and the orderly development of safe and healthy communities.

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 majority of the Avenue Road corridor between Wilson Avenue to the north and Lawrence Avenue West to the south is designated *Mixed Use Areas* by the City of Toronto Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Development criteria in *Mixed Use Areas* includes: creating a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community; and provide for new jobs and homes for Toronto's growing population on underutilized lands in the Downtown, the Central Waterfront, Centres, Avenues and other lands designated Mixed Use Areas, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians.

The west side of Avenue Road from Carmichael Avenue northerly to Wilson Avenue is designated as *Neighbourhoods* These are physically stable areas made up of residential uses in lower scale buildings, where intensification and changes to the physical character of the area will be generally discouraged.

A small portion of the west side of Avenue Road, north of Ridley Boulevard is designated as Apartment Neighbourhood and Parks (this is the site of the St. Margaret's Queen of Scotland Church and the Armour Heights Community Centre respectively).

Between Wilson Avenue and Lawrence Avenue West, Avenue Road is also identified as an *Avenues* area on Map 2 – Urban Structure. The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Reurbanizing the Avenues will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridors shown on Map 2 of the Official Plan.

The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan/introduction.htm.

Avenue Road Avenue Study

The City's Official Plan also calls for a significant proportion of future growth along the Avenues. Avenue Road between Lawrence Avenue West and Wilson Avenue was selected as one of three Avenue Studies to be undertaken in 2007. The Avenue Road

Avenue Study reviewed and assessed the two-kilometre length of Avenue Road between Lawrence Avenue West and Wilson Avenue.

City Council on November 30, December 1, 2, 4 and 7th, 2009 adopted the final staff report for the Avenue Road Avenue Study.

The key recommendations of the study focused on creating conditions for appropriately scaled, mid-rise developments up to five-storeys with limited opportunities for larger-scale developments up to seven-storeys on larger, deeper sites south of Joicey Boulevard to Lawrence Avenue West. The existing Avenue Road character is primarily of 2 storey buildings with a few 1 and 3 storey buildings. As part of creating an envelope for taller buildings that respected the existing scale, a step-back was introduced above the 2nd floor for both Avenue Road and alongside streets for properties on corner sites.

The function of Avenue Road as a primarily retail-oriented street is intended to be retained and new development or redevelopment will be required to maintain an active pedestrian scaled retail frontage.

North of Joicey Boulevard the study noted the difficulty of access and egress to and from Highway 401 and recommended that this portion of Avenue Road be limited to live/work units or wholly-residential uses.

Local area residents, business and property owners played a major role in the course of the Avenue Road study, participating in the review process through community consultation, and providing recommendations and feedback to the study team.

The Avenue Road Avenue Study is available on the City's website at: http://www1.toronto.ca/city_of_toronto/city_planning/community_planning/files/pdf/avenue_finalreport_april2008.pdf

Zoning

The majority of Avenue Road properties from Joicey Boulevard south to Lawrence Avenue West are zoned "Mixed Use Commercial Zone (C4)" in Zoning By-law #7625 of the former City of North York and Commercial Residential Zone (CR) in the City of Toronto Zoning By-law #569-2013. This zoning permits a variety of retail and commercial uses.

A small portion of Avenue Road properties, from Joicey Boulevard northerly to Wilson Avenue are currently zoned "One Family Detached Dwelling Fourth Density Zone (R4)" and "One Family Detached Dwelling Seventh Density Zone (R7)" in Zoning By-law #7625 of the former City of North York and "Residential Detached Zone (RD)" in the City of Toronto Zoning By-law #569-2013. This zoning permits single detached dwellings and accessory buildings, recreational uses, and makes special provisions for home occupation uses.

On the east side of Avenue Road, from Ridley Boulevard north to Wilson Avenue the properties are zoned "Multiple-Family Dwellings Fourth Density Zone (RM4)" in Zoning By-law #7625 for the former City of North York, and Residential Multiple Dwelling Zone (RM)" in the City of Toronto Zoning By-law #569-2013. This zoning permits a variety of dwelling types including Apartment Buildings.

Reason for the Application

This City Initiated Zoning Amendment was requested by the Ward Councillor and directed by City Council in order to amend and provide clarity on the wording of the Zoning By-law requirement that any building or structure 3 storeys or greater in height will have a minimum 2 metre step-back of the building walls facing a lot line abutting a public street at the top of the second storey for all properties within the Avenue Road study area from Joicey Boulevard to Lawrence Avenue West as shown in Attachment #1.

Community Consultation

A community consultation meeting hosted by the Ward Councillor was held on November 12, 2015 at St. Margaret's Queen of Scotland Church. Approximately 85 members of the public were in attendance, as well as the Ward Councillor and City Planning staff.

City Planning staff presented the proposed wording change to clause "f" of Zoning Bylaw #7625 for the former City of North York. Planning staff also provided a presentation on the implementation status of the 21 recommendations approved by Council as a result of the Avenue Road Avenue Study.

Discussion with residents generally covered the following issues:

- Ensuring compliance with the intent of the Zoning By-law, particularly in regards to step-back from all lot lines facing a street;
- Angular planes and building height requirements;
- The community desire to maintain the village feel and character along Avenue Road;
- How to ensure residents are notified early enough to become involved in the development review process;
- Concern over the lack of parking and increasing traffic volumes;
- Infrastructure issues such as flooding in the area;
- Ensuring that the recommendations and principles of the Avenue Road Avenue Study are respected and championed by City Divisions; and
- The wording for the clause requiring a 3-storey step-back.

Several participants followed up later with comment forms, email or telephone discussion with staff on similar issues, as well as with general questions about the development approval process. Staff have also received comments on the proposed rewording of the By-law clause, as well as on proposed development along the Avenue Road corridor from the local residents association SAHRA (South Armour Heights Residents Association).

City Planning Division was also asked to report back to Council on the implementation status of the Council adopted recommendations resultant from the Avenue Road Avenue Study.

As implementation of several of the recommendations rest with other City Divisions, discussions were held and are on-going with the City's Transportation Services Division; Parks Forestry and Recreation Division, the Public Realm Office and the City Beautiful Office. The various comments and updates received to date were also presented and discussed at the public consultation meeting in November 2015.

COMMENTS

Implementation Recommendations of the Avenue Road Study

City Council, at its meeting of December 1, 2009, adopted 21 recommendations that resulted from the Avenue Road Avenue Study.

Recommendations 1 to 6 have been achieved as amendments to the Planning framework in order to implement the vision of the Avenue Road Avenue Study into the City's Official Plan, Zoning By-laws and Urban Design guidelines.

Recommendations 7 to 21 require additional time, action or resources to implement and have been initiated or completed to varying degree. A review of the resources required to fully implement the outstanding recommendations is on-going.

As mentioned above, discussions with the various City Divisions responsible to implement the recommendations is on-going. The review has generated a broader understanding of the goals the recommendations are intended to achieve, and has created new initiative and cooperation to bring them to fruition. City Planning will report back on the implementation status of the City adopted recommendations from the Avenue Road Avenue Study to an upcoming meeting of North York Community Council.

Streetscape / Step-back

One of the fundamental objectives of the Avenue Road Avenue Study was to maintain the "local village" character of the Avenue Road corridor. The study was particularly concerned with maintaining this low scale character and that new taller development be compatible and at an appropriate relationship to existing buildings so as to not disrupt the built form harmony.

This focus would also ensure that an appropriate and comfortable pedestrian scale could be achieved along the street. Among other principles, new development would be required to:

- Maintain a pedestrian sense of scale, by balancing the width of the street and height of new buildings;
- Establish a minimum 2-storey street wall; and
- Reference the existing and historic form of buildings on Avenue Road through a step back above a 2-storey base at the street to maintain a village atmosphere.

The above principles were translated into the subsequent Zoning By-law for the majority of the Avenue but as mentioned earlier in this report, the Zoning By-law section dealing with the step-back requirement lacks full clarity on its interpretation.

At the community consultation meeting of November 12, 2015, staff presented the following suggested rewording for discussion:

"Any building or structure 3 storeys or greater in height shall have a minimum 2 metre step-back of the building wall facing a lot line abutting a public street, at the top of the second storey. The step back shall be measured from the external face of the wall of the building at the top of the second storey."

After some discussion with the local Residents Association, alternative proposed wording was put forward as following:

"Any building or structure 3 storeys or greater in height shall have a minimum 2 metre step-back of the building walls facing a lot line abutting (a) public streets, at the top of the second storey. The step back shall be measured from the external face of the walls of the building at the top of the second storey."

The amendment put forward as Zoning By-law Amendments to both the former City of North York By-law #7625 and City of Toronto Zoning By-law #569-2013, and attached to this report as Attachments (#7) and (#8) maintains the spirit of the discussions held with the community.

It has been slightly reworded as per advise received from the City's Legal Services and Building's Division staff to ensure effectiveness, clarity and conformity with the City's Zoning By-law #569-2013 and reads as follows:

"Any building or structure 3 storeys or greater in height must have a minimum 2.0 metre step-back at the top of the second storey, from all main walls facing a lot line which abuts a street, measured from the exterior face of the main wall".

Discussion and meetings with area residents and businesses and local resident associations reveals a community that is truly passionate for their neighbourhood. They cherish the unique village atmosphere of the Avenue Road corridor, and while not adverse to new development, wish to ensure that the unique attributes, such as built form and pedestrian character, are maintained and reinforced.

Staff report for action – Final Report – Avenue Road (all properties fronting onto Avenue Road from Joicey Boulevard to Lawrence Avenue West)

The proposed Zoning By-law Amendments to both the former City of North York By-law #7625 and City of Toronto Zoning By-law #569-2013 provide the clarity required to ensure that any new development between Joicey Boulevard and Lawrence Avenue West, will be required to have a 2.0 metre step-back on top of the second storey from all walls facing a public street.

CONTACT

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SIGNATURE

Joe Nanos, Director Community Planning, North York District

ATTACHMENTS

Attachment 1: Avenue Road (Joicey Boulevard to Lawrence Avenue West)

Attachment 2: Official Plan

Attachment 3: Former City of North York Zoning By-law #7625 (1 of 2 maps)

Attachment 4: Former City of North York Zoning By-law #7625 (1 of 2 maps)

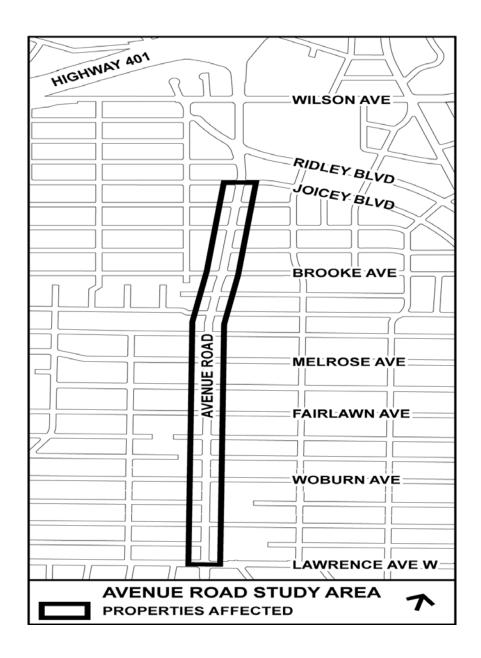
Attachment 5: City of Toronto Zoning By-law # 569-2013 (1 of 2 maps)

Attachment 6: City of Toronto Zoning By-law # 569-2013 (2 of 2 maps)

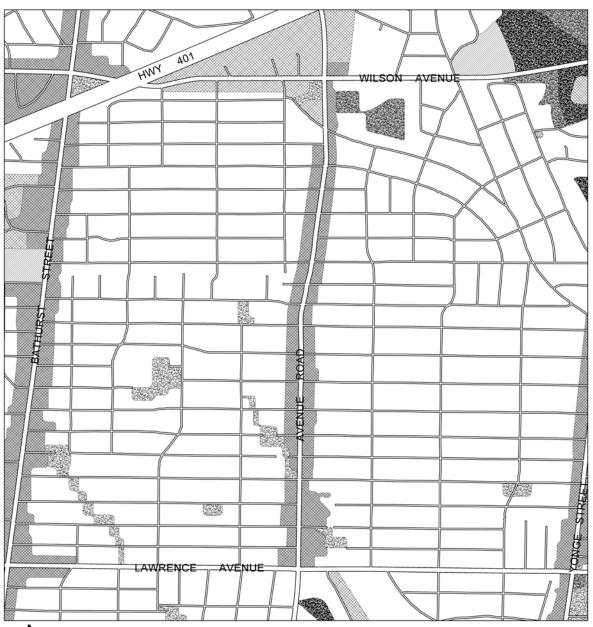
Attachment 7: Draft Zoning By-law Amendment to former City of North York Zoning By-law #7625

Attachment 8: Draft Zoning By-law Amendment to City of Toronto Zoning By-law # 569-2013

Attachment 1: Avenue Road (Joicey Boulevard to Lawrence Avenue West)



Attachment 2: Official Plan





Avenue Road

File # 15 258935 NNY 16 OZ

Site Location Parks & Open Space Areas

Neighbourhoods Apartment Neighbourhoods Parks

Apartment Neighbourhoods Parks

Mixed Use Areas Other Open Space Areas



Attachment 3: Former City of North York Zoning By-law #7625 (1 of 2 maps)



- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone

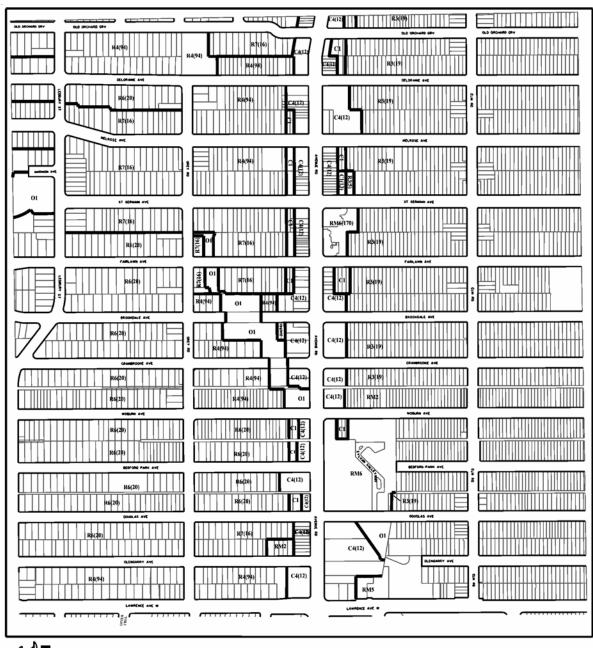
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale Zoning By-law 7625 Extracted 2/10/2016

Attachment 4: Former City of North York Zoning By-law #7625 (2 of 2 maps)



TORONTO City Planning Zoning 2

Avenue Road
File # 15 258935 NNY 16 0Z

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone

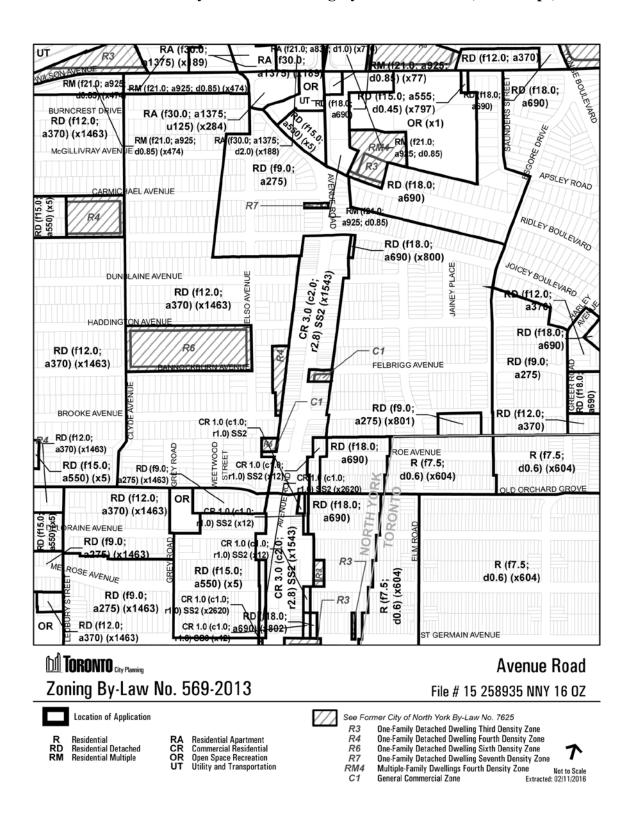
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone
- 01 Open Space Zone

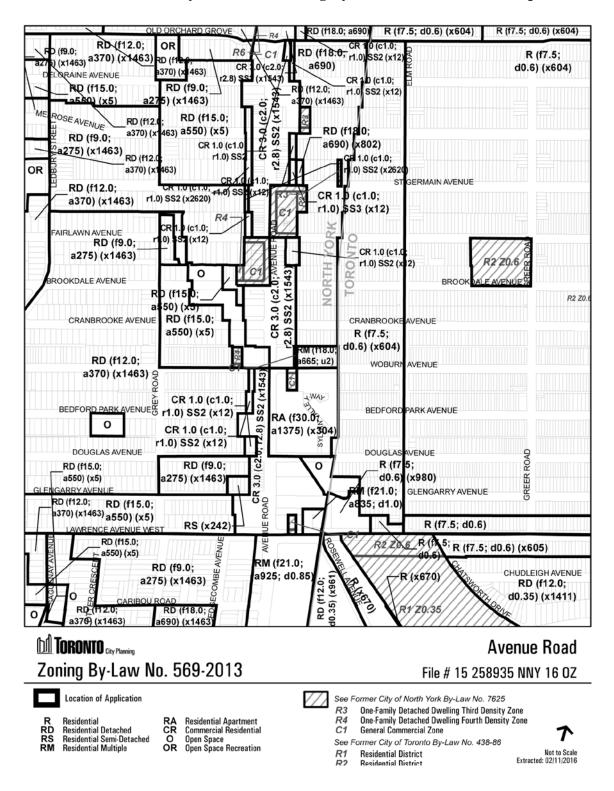


Not to Scale Zoning By-law 7625 Extracted 2/10/2016

Attachment 5: City of Toronto Zoning By-law # 569-2013 (1 of 2 maps)



Attachment 6: City of Toronto Zoning By-law # 569-2013 (2 of 2 maps)



Attachment 7: Draft Zoning By-law Amendment to former City of North York Zoning By-law #7625

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2016

To amend former City of North York Zoning By-law No. 7625, as amended, With respect to all properties fronting onto Avenue Road from Joicy Boulevard to Lawrence Avenue West

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. Schedules "B" and "C" of By-law #7625 of the former City of North York are amended in accordance with Schedule "1" of the By-law.
- 2. Section 64.26 (12) (f) of By-law #7625 is amended and replaced by the following subsection:

"64.26 (12) (f)

C4 (12) (f)

Building Step-backs

(f) Any building or structure 3 storeys or greater in height must have a minimum 2.0 metre step-back at the top of the second storey, from all main walls facing a lot line which abuts a street, measured from the exterior face of the main wall."

ENACTED AND PASSED this ~ day of ~, A.D. 2016.

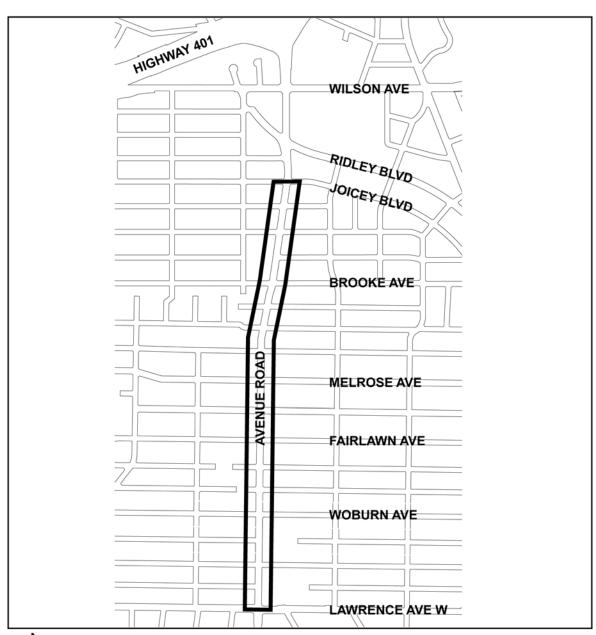
JOHN TORY,

ULLI S. WATKISS,

Mayor

City Clerk

(Corporate Seal)



TORONTO
Schedule 1

Avenue Road

File # 15 258935 NNY 16 OZ

Date: 1/26/2016 Approved by: B.D.



City of North York By-Law 7625 Not to Scale 2/16/2016

Attachment 8: Draft Zoning By-law Amendment to City of Toronto Zoning By-law # 569-2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX-2016]

To amend Zoning By-law No. 569-2013, as amended, with respect to all the lands fronting onto Avenue Road from Joicey Boulevard to Lawrence Avenue West.

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

The Council of the City of Toronto enacts:

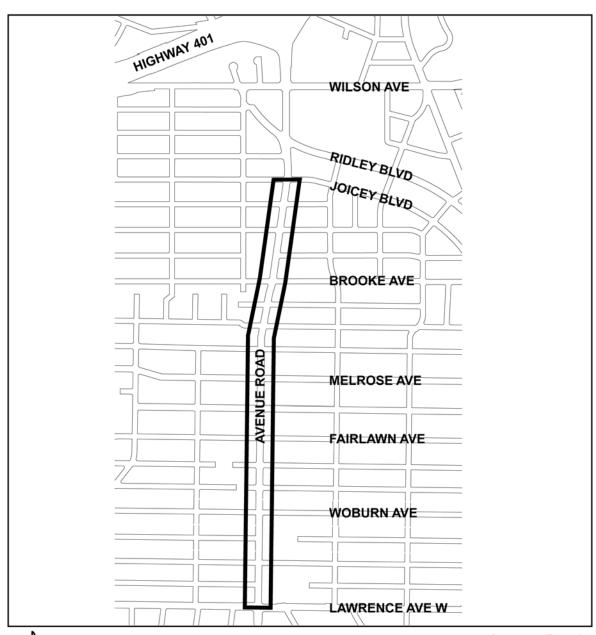
- 1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- Zoning By-law No. 569-2013, as amended, is further amended by amending Regulation 900.11.10 (1543)-(M) so that it reads:
 - (M) Any **building** or **structure** 3 **storeys** or greater in height must have a minimum 2.0 metre step-back at the top of the second **storey**, from all **main walls** facing a **lot line** which abuts a **street**, measured from the exterior of the **main wall**.

Enacted and passed on month ##, 2016.

Name,

Speaker

Ulli S. Watkiss, City Clerk



TORONTO
Diagram 1

Avenue Road

File # 15 258935 NNY 16 OZ

Date: 1/26/2016 Approved by: B.D.



City of Toronto By-Law 569-2013 Not to Scale 2/16/2016