

Zoning Amendment Application UDZ-99-24 - Jeniwin Limited - 1549 Avenue Road - North York Centre South

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The North York Community Council, after considering the deputations and based on the findings of fact, conclusions and recommendations contained in the following report (November 11, 1999) from the Director, Community Planning, North District, and for the reasons that the proposal is an appropriate use of lands, recommends that the application submitted by Jeniwin Limited regarding Zoning Amendment Application UDZ-99-24, be approved, subject to the conditions outlined in the referenced report.

The North York Community Council, also reports, for the information of Council, having referred the communication (November 17, 1999) from Ms. Jeanette deLevie and the communication (December 1, 1999) from S. Chykaliuk, to the Director, Transportation Services, District 3, since the concerns outlined therein deal primarily with transportation issues.

Purpose:

This is a final report on an application to amend the Zoning By-law in order to permit parking to be located on the rear portion of the site in conjunction with a proposed one-storey building addition to the existing retail building at 1549 Avenue Road.

Financial Implications and Impact Statement:

All of costs associated with the processing of this application are included within the 1999 Operating Budget.

Recommendations:

It is recommended that the rezoning application be approved subject to the following conditions:

1. The current R3 Zoning of the rear portion of the property be amended to C1.
2. Prior to the enactment of the zoning by-law the Director, Community Planning, North District shall have granted site plan approval.
3. The conditions of the Transportation Services Division, Works and Emergency Services Department, attached as Schedule "D" be met;
4. The conditions of the Technical Services Division, Works and Emergency Services Department, attached as Schedule "E" be met;
5. The conditions of the Policy and Development Division, Economic Development Culture and Tourism Department, attached as Schedule "F" be met;

6. The conditions of the Healthy Environments Division, Public Health Department, attached as Schedule “G” be met; and
7. The conditions of the Toronto Region and Conservation Authority attached as Schedule “H” be met.

Background:

Proposal:

The site is located on the south-east corner of Douglas Avenue and Avenue Road. The applicant is proposing to construct a one-storey addition to the rear of the existing retail building (lighting store) and is providing a new parking area at the rear of the site. He is requesting an amendment to rezone the rear portion of the site from R3 to C1 so that parking for the lighting store and proposed addition may be located on the rear portion of the property. The applicant has also applied for site plan approval which is being processed concurrently with this rezoning application.

The rear portion of the site, which is zoned R3, was purchased by the applicant many years ago and abuts ravine lands at the rear of the site. This portion of the site has no direct access onto Douglas Avenue and has commercial uses located immediately to the west and south. The proposal is for a phased development that consists of two separate building additions. The first phase, which has already been constructed, was for a one- storey addition to the front of the existing retail building and required only a building permit. Phase II is for a one storey addition to the rear of the existing building and the laying out of a new parking area which will require rezoning and site plan approval. Pertinent site statistics are outlined below.

Site area	1,922.1 m ² (C1)	363 m ² (R3)	2,285.1 m ² Total Site Area
Gross Floor Area	Existing G.F.A. (including front addition): 635.2 m ²	Proposed G.F.A.: 223 m ²	Total G.F.A. 858.2 m ²
Coverage	Existing: 27.2%	Proposed: 5.6%	Total coverage: 32.8%
Parking			Total: 31 spaces

Official Plan:

The site is designated Arterial Corridor Area (ACA) which permits all those residential uses permitted in the Residential Density Five (RD-5) land use district, institutional uses, retail, service-commercial and office uses.; public parks and recreational uses; and post secondary and commercial schools. The maximum density for commercial uses on lands designated ACA is 1.0 F.S.I.

Zoning:

The front portion of the site is currently zoned C1 (commercial) and the rear portion is zoned R3 (One Family Detached Dwelling Third Density Zone). The applicant intends to provide parking on the R3 portion of the site in order to satisfy the parking requirements of By-law #7625 for both the existing building and the proposed addition. This requires the provision of 30 parking spaces.

The Zoning By-law does not permit commercial parking to be located on the lands zoned residential (R3) and as such the applicant is seeking to rezone the rear portion of the site to C1.

Community Consultation:

A Community Consultation meeting with the two area ward Councillors was held on November 8, 1999. Representatives of the two local condominium corporations, whose buildings are located immediately north of the subject property on the north-east corner of Avenue Road and Douglas Drive, were in attendance and there were not any community concerns identified with this proposed re-zoning application.

Site Plan

Site plan approval is required for this proposed development. Prior to the enactment of the zoning by-law, the Director, Community Planning, North District, shall have granted site plan approval.

Comments from Other Departments:

The Transportation Services Division, Works and Emergency Services Department advises that they have no objections to the proposal subject to a number of conditions. These include meeting the standard requirements for a turnaround and the provision of an area to facilitate pick up and drop off. Both areas are to be marked with cross-hatched pavement markings for delineation. The dimensions of the proposed disabled parking space must meet the required standard. In addition, streetscape requirements along the Avenue Road boulevard must be satisfied and the applicant is required to obtain building location, access and streetscape permits prior to the construction of the project (Schedule "D").

The Technical Services Division, Works and Emergency Services Department advises that they have specific requirements relating to storm sewers. The applicant must restrict post-development run-off to the pre-development rate for the minor 2 year design storm period. Any resulting post-development run-off in excess of this permissible discharge rate is to be controlled and detained on site. The maximum allowable storm discharge rate from the development into the City's intercepting storm sewers on Avenue Road shall be limited.

The applicant will be responsible to provide flood protection for the proposed development without causing damage to the adjacent public and private properties. There are other requirements with respect to service connections that must be satisfied also. The applicant is required to make an application to the Works and Emergency Services Department, Sewer and Water Section after the zoning amendment by-law is in effect and pay for the installation of City service connection for each building and any necessary storm service connection.

They also note that the east side of the site is adjacent to a ravine and part of the site is within the TRCA Fill Regulations Line and as such a number of conditions are required to preserve vegetation and prevent erosion. These conditions will be subject to those requirements of the Conservation Authority (TRCA) and that agency's final approval. (Schedule "E")

The Policy and Development Division, Economic Culture and Tourism Department advises that they have no parkland dedication requirements under Section 42 of the *Planning Act*, R.S.O. 1990, c.P.13 as the proposed building addition is less than 464.5 sq. metres (5,000. sq. ft.). They

do note, however, that a new parkland dedication by-law will be forthcoming and if the application is approved subsequent to the new parkland dedication by-law for the City of Toronto, the new by-law requirements shall prevail. (Schedule "F").

The Public Health Department, Healthy Environments Division has no objections to the proposed application provided that an environmental site assessment (ESA) is completed in accordance with the current MOE Guidelines for use at Contaminated Sites in Ontario. (Schedule "G")

A Phase I Environmental Site Assessment was completed by the Hazcon Group Ltd. In September, 1997 and revealed that the site was used as a former fuel service station, an automotive oiling facility from 1932 to 1972 and a muffler shop from 1973 to 1977. The study identified that there is some environmental impact of petroleum products on the subsurface soils on the site, however, the subsurface conditions were deemed suitable for the existing land use. Trow Consulting Engineering Ltd. has been retained by the applicant to conduct a further limited subsurface soils investigation on the property. A peer review of the latest Soils Report submitted by Trow Consulting Engineering Ltd. is being completed by Angus Environmental Limited. Their findings and recommendations are still pending. Any conditions resulting from the peer review can be addressed at Site Plan Control.

The Toronto and Region Conservation Authority (TRCA) advises that that the existing valley slope adjacent to the site is well vegetated and appears to be stable and the top-of-bank limits are coincident with the existing chain link fence along the rear property line.

In accordance with the Valley and Stream Corridor Management Program, the limits of the valley corridor require that a minimum of 10 metres setback from the top-of-bank be provided and therefore no new development would be permitted within the valley corridor limits. However, existing development including this property along this reach encroaches within the valley corridor limits. The existing unpaved parking extends to the rear property limits and the proposed addition will be adequately set back from the top-of-bank limits. Therefore they have no objections to the application as submitted (Schedule "H").

Conclusions:

The application conforms to the Official Plan policies with respect to the permitted use and density limits and the rezoning would be consistent with other commercial properties in the vicinity. This report recommends approval of the rezoning application subject to the applicant obtaining site plan approval prior to the enactment of the zoning by-law and satisfying the requirements of the commenting City departments.

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(A copy of Schedules A to J referred to the foregoing report is on file in the office of the City Clerk, North York Civic Centre.)

The North York Community Council also reports having had before it the following communications:

- (i) November 17, 1999) from Jeanette deLevie, in opposition to the application; and
- (ii) (December 1, 1999) from S. Chykaliuk, outlining his concerns with the application.**

No individuals appeared before the North York Community Council in connection with the foregoing matter.

