

**90 Finch Avenue East –
Zoning By-law Amendment and Site Plan Control
Applications
Request for Direction**

Date:	April 16, 2007
To:	North York District Community Council
From:	Director, Community Planning, North York District
Wards:	Ward No. 24 – Willowdale
Reference Number:	File No. 05-212629 NNY 24 OZ & 06-104129 NNY 24 SA

SUMMARY

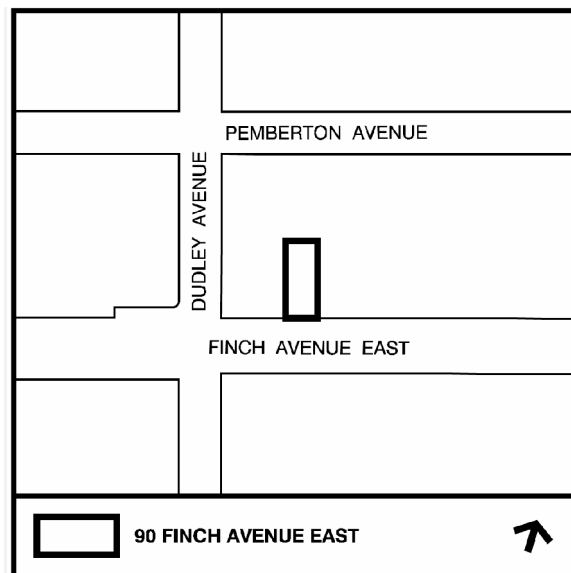
An application has been submitted to amend the Zoning By-law to permit construction of two, 3-storey semi-detached dwelling units on lands know municipally as 90 Finch Avenue East.

This purpose of this report is to seek Council direction regarding the further processing of this application and its appeal to the Ontario Municipal Board by the applicant.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council not support the application proposing to construct two, 3-storey semi-detached dwellings in its current form; and



2. City Council support the recommended modifications to the proposed Zoning By-law amendment to permit construction of two, 3-storey semi-detached dwellings, subject to the recommendations and conditions generally outlined in this report; and
3. City Council support in principle a site-specific amendment to Zoning By-law 7625, to include, among other matters, the following provisions to be specified in the implementing zoning by-law to the satisfaction of the City Solicitor and the Director, Community Planning, North York District:
 - (a) The only permitted use shall be a semi-detached dwelling as identified on Schedule “RM2 (43)”.
 - (b) The maximum number of dwellings shall be 2.
 - (c) The minimum gross floor area of each semi-detached unit shall be 97 m².
 - (d) The minimum lot frontage shall be 7.6 metres for each semi detached dwelling unit and 15.3 metres for each semi-detached dwelling.
 - (e) The maximum front yard setback shall be 3.0 metres.
 - (f) The minimum side yard setback shall be 1.8 metres for each semi-detached dwelling unit.
 - (g) The minimum rear yard setback shall be 9.5 metres.
 - (h) The maximum lot coverage for each semi-detached dwelling unit shall be 40%.
 - (i) The maximum building height shall be 9.8 metres.
 - (j) The maximum front yard hard surfacing for each semi-detached dwelling unit shall be 70%.
 - (k) An uncovered third storey rear deck measuring 6.5m² in area is permitted for each semi-detached dwelling unit.
 - (l) The provisions of this exception shall apply collectively to the lands zoned RM2 (43) notwithstanding their future severance, partition or division for any purpose.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Background

This rezoning application to permit redevelopment of 90 Finch Avenue East with two, 3-storey semi-detached dwelling units was submitted on December 30, 2005.

At its meeting of April 4, 2006, North York Community Council deferred consideration of the preliminary report from the Director, Community Planning, North York District, and requested that the applicant acquire additional property in order to submit an application for a more comprehensive development. In this manner, Council's stated desire to achieve a consistent and defining street-edge along Finch Avenue could be met. This would also be consistent with the City's Urban Design policies as they apply to the City's main streets and major arterial roads, such as Finch Avenue.

City Planning staff subsequently had a number of discussions with the applicant and owner of the subject lands and the applicant in an effort to encourage the redesign of the proposed semi-detached dwelling so it could be located closer to the front property line and street edge. In one scenario, the building could be moved forward toward the property line and the required 2 parking spaces located in tandem within the enclosed garage. In another option, the proposed semi-detached dwelling could be redesigned with an extended parking garage at the front of the building and improved building façade. Unfortunately after having arrived at an apparent consensus, the owner of the lands reversed his decision and returned to the originally proposed design, which is the applicant's proposal reviewed for this report.

In a supplementary report to the North York Community Council meeting of July 11, 2006, planning staff subsequently advised that the owner of the subject lands in this application had indicated he did not wish to pursue the purchase of additional lands, nor alter the proposal as submitted.

The applicant has since appealed the re-zoning application to the Ontario Municipal Board. The Ontario Municipal Board has not scheduled a hearing date.

Proposal

The applicant is proposing an amendment to the Zoning By-law to permit redevelopment of the site with two, 3-storey semi-detached dwelling units. This proposal represents a density of 1.0 Floor Space Index (FSI) based on the gross site area.

Site and Surrounding Area

The property is located on the north side of Finch Avenue East between Dudley Avenue and Willowdale Avenue and is occupied by a 2 storey single detached dwelling.

North: The site borders onto Pemberton Parkette, the remainder of the neighbourhood consists of typical single detached dwellings;
South: Single detached dwellings and a 3-storey townhouse block immediately across the street;
East: Single detached dwellings;
West: Lands towards the Finch Subway Station have been redeveloped for higher density residential use, with a number of dwelling unit conversions for office/commercial uses.

Provincial Policy

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

The PPS encourages residential intensification that allows for the provision of an appropriate range of housing types and densities to meet the needs of current and future residents, particularly where such development supports the use of alternative transportation modes and public transit.

Official Plan

The subject site is designated as *Mixed Use Area “C”* in the Central Finch Area Secondary Plan. The Secondary Plan encourages redevelopment that is compatible with the surrounding residential uses while contributing to the animation and regeneration of Finch Avenue. Generally the built form anticipated in this designation would result in ground floor commercial with residential uses above.

The Secondary Plan encourages redevelopment and intensification of permitted uses in order to achieve a mixed use area between Bathurst Street and Willowdale Avenue, primarily accommodating small and multiple-unit residential buildings fronting onto Finch Avenue. A key element for redevelopment throughout the Central Finch Area is to provide for a pedestrian-friendly environment along the street-edge which contributes to the attractiveness of the area.

The Central Finch Area Secondary Plan encourages the consolidation of lots and the reduction of driveways directly accessing Finch Avenue by permitting maximum densities only where a consolidation of lots along Finch Avenue has been achieved.

For sites with less than 30 metres frontage along Finch Avenue East such as this proposal, the Secondary Plan policies permit a maximum density of 1.0 and a maximum height of 3 stories or 11 metres, whichever is the lesser. Furthermore, the height of any part of a building (except accessory structures for residential uses), shall not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line coinciding with the Secondary Plan Area, provided that the horizontal setback is not less than 9.5 metres.

The Central Finch Area Secondary Plan also requires that development or redevelopment contributes to the definition of the street edge and that buildings are sited abutting the sidewalk or open spaces that serve as an extension of the pedestrian environment. The Plan seeks to ensure

that where a portion of the ground level of a building is set aside for parking, that it shall be kept to a minimum and not become the predominant ground level activity of the site.

Zoning

The property is zoned One-Family Detached Dwelling Fourth Density Zone (R4) which permits single detached dwellings and accessory uses.

Site Plan Control

The applicant has submitted a concurrent application for Site Plan Control approval (06-104129 NNY 24 SA). The Site Plan Control application has not been appealed to the Ontario Municipal Board by the applicant.

Reasons for the Application

The present R4 zoning that exists for the subject lands only permits single detached dwellings. A rezoning is required to accommodate the proposed semi-detached dwelling.

Community Consultation

A Community meeting to discuss the proposal was held on February 19, 2007. No members of the community or others interested in the proposal attended the meeting.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

In its present form, the proposed redevelopment of the subject site to permit two, 3-storey semi-detached dwelling units is not consistent with the policies of the Central Finch Area Secondary Plan nor in keeping with recent City Council approval for developments in the area.

The subject site is located two properties east of the intersection of Dudley Avenue and Finch Avenue East. Consolidation of these lots would create an opportunity to achieve the intent of the Central Finch Area Secondary Plan and as such the application in its present form constitutes a missed opportunity. Nonetheless, staff recognizes that consolidation of one or more properties may not be achievable and that the wish of the applicant not to pursue a consolidated redevelopment proposal is entirely within his rights as a landowner.

City Planning staff is of the opinion however, that the applicant does have the opportunity to bring the development into conformity with the City's policies for development along major arterial streets and with the City's Built Form policies as expressed in Chapter 3 of the City's Official Plan, as well as the City's Urban Design guidelines.

In this regard, redevelopment will be massed to fit harmoniously into its planned context by “*massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; to define the edges of streets; and make these areas attractive, interesting, comfortable and functional for pedestrians*”.

On major arterial streets the City of Toronto Urban Design Guidelines encourage new buildings to fit into or to help create an urban streetwall pattern that will provide a seamless edge rather than a street with jagged building setbacks with inevitable blank side walls and lost vitality to the street.

The attached Zoning By-law seeks to achieve the City’s Official Plan policies by proposing a building which has been brought closer to the street edge through the introduction of tandem parking within the at-grade garage. A 3 metre front yard setback is similar to recently approved townhouse projects along Finch Avenue and also provides an area for landscaping at the front of the dwelling which will contribute to the attractiveness of the street and create a viable and pedestrian friendly street edge.

The attached Zoning By-law also permits a third storey rear deck measuring 6.5 metres in area for each of the semi detached dwellings. As this property backs onto a public park, there will be no impact on the privacy or enjoyment of the low-density residential neighbours to the north.

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application. For road widening purposes the applicant will be required to convey a 4.9 metre strip across the Finch Avenue East frontage of the lands.

This report recommends approval of an alternative plan for the site in which the building is located closer to Finch Avenue and the parking spaces are located within the building. This report also recommends that City Council instruct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of this report.

Development Charges

It is estimated that the development charges for this project will be \$10,415.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: Bdiraimo@toronto.ca

SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan [as supplied by applicant]

Attachment 2: Elevations [as supplied by applicant]

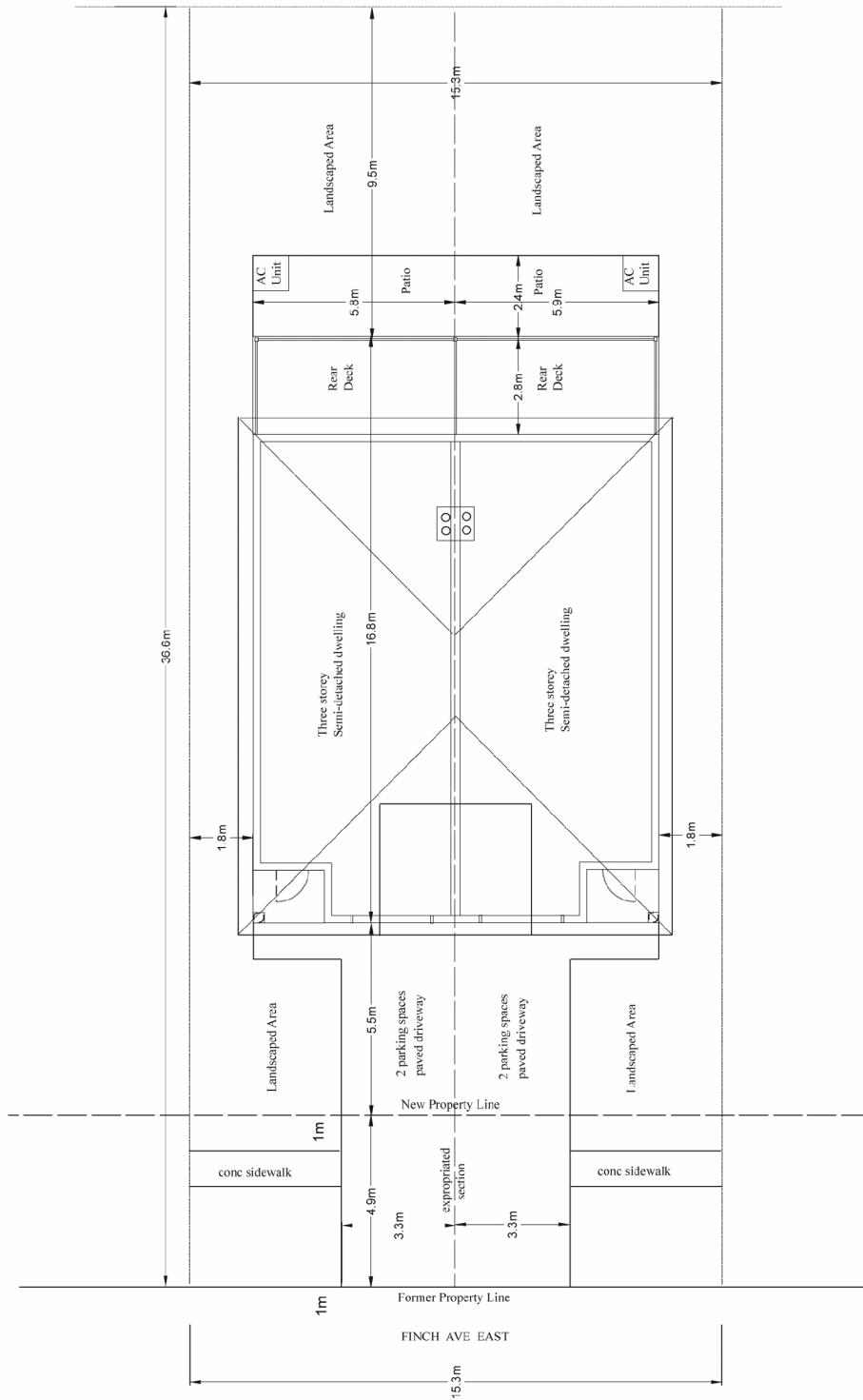
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Proposed Site Plan

Attachment 6: Conditions of Site Plan Approval

Attachment 1: Site Plan



90 Finch Avenue East

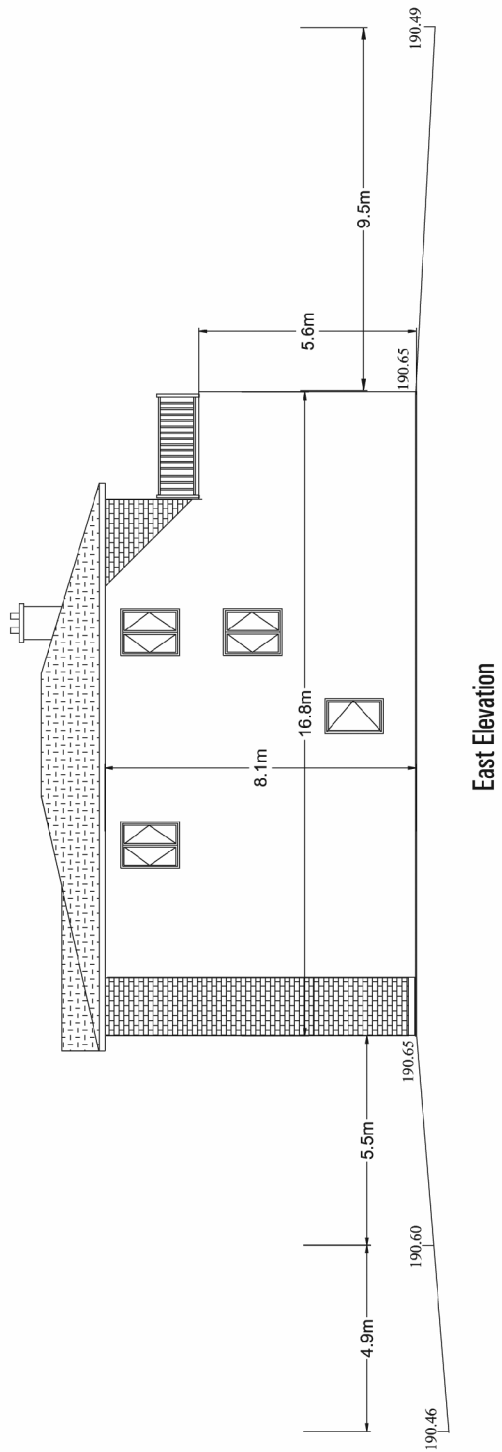
Site Plan
Applicant's Submitted Drawing



Not to Scale
03/20/07

File # 05_212629

Attachment 2: Elevations



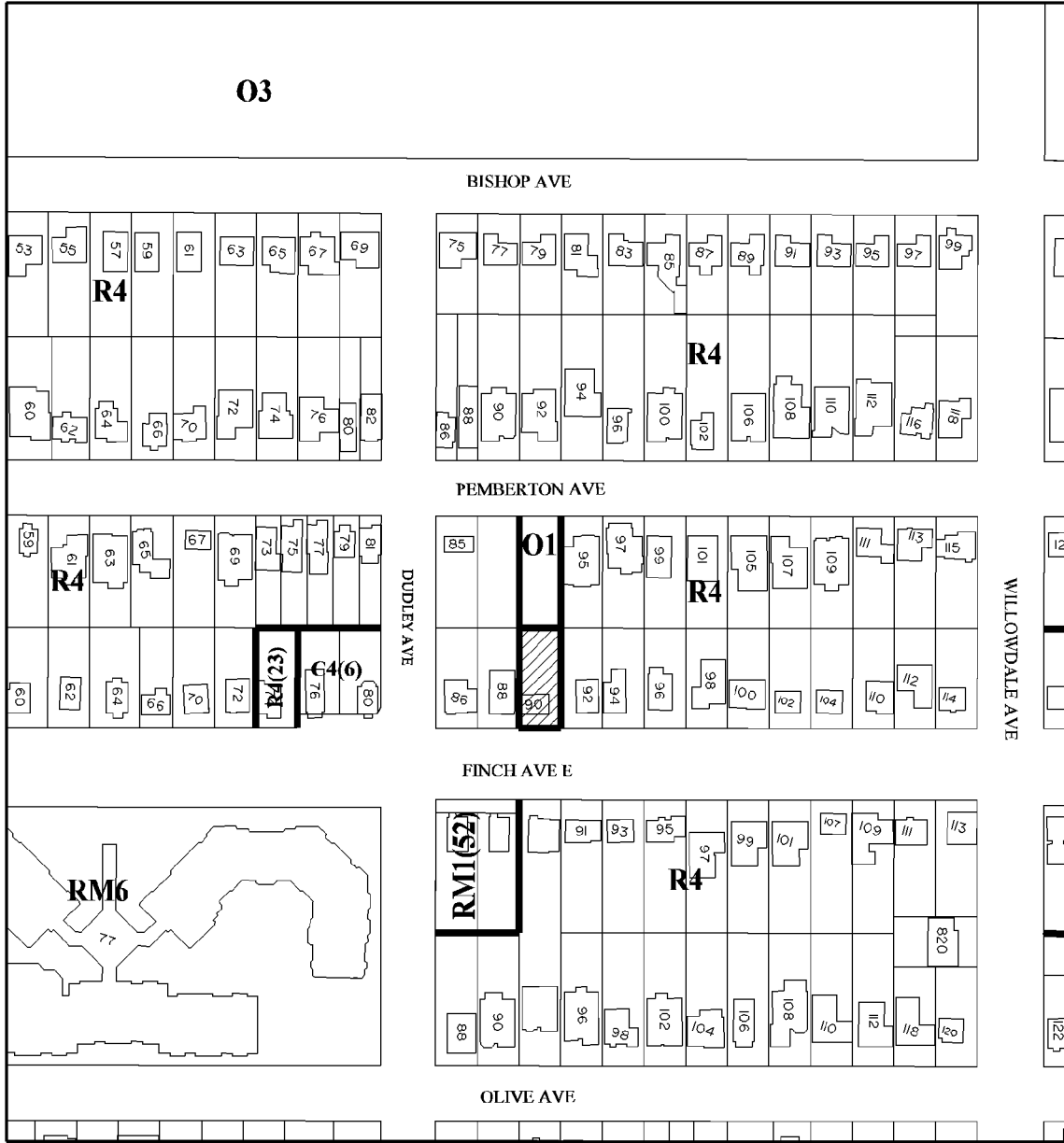
90 Finch Avenue East

Elevations
Applicant's Submitted Drawing

Not to Scale
04/03/07

File # 05_212629

Attachment 3: Zoning



Toronto City Planning Division
Zoning

90 Finch Avenue East

File # 05_212629

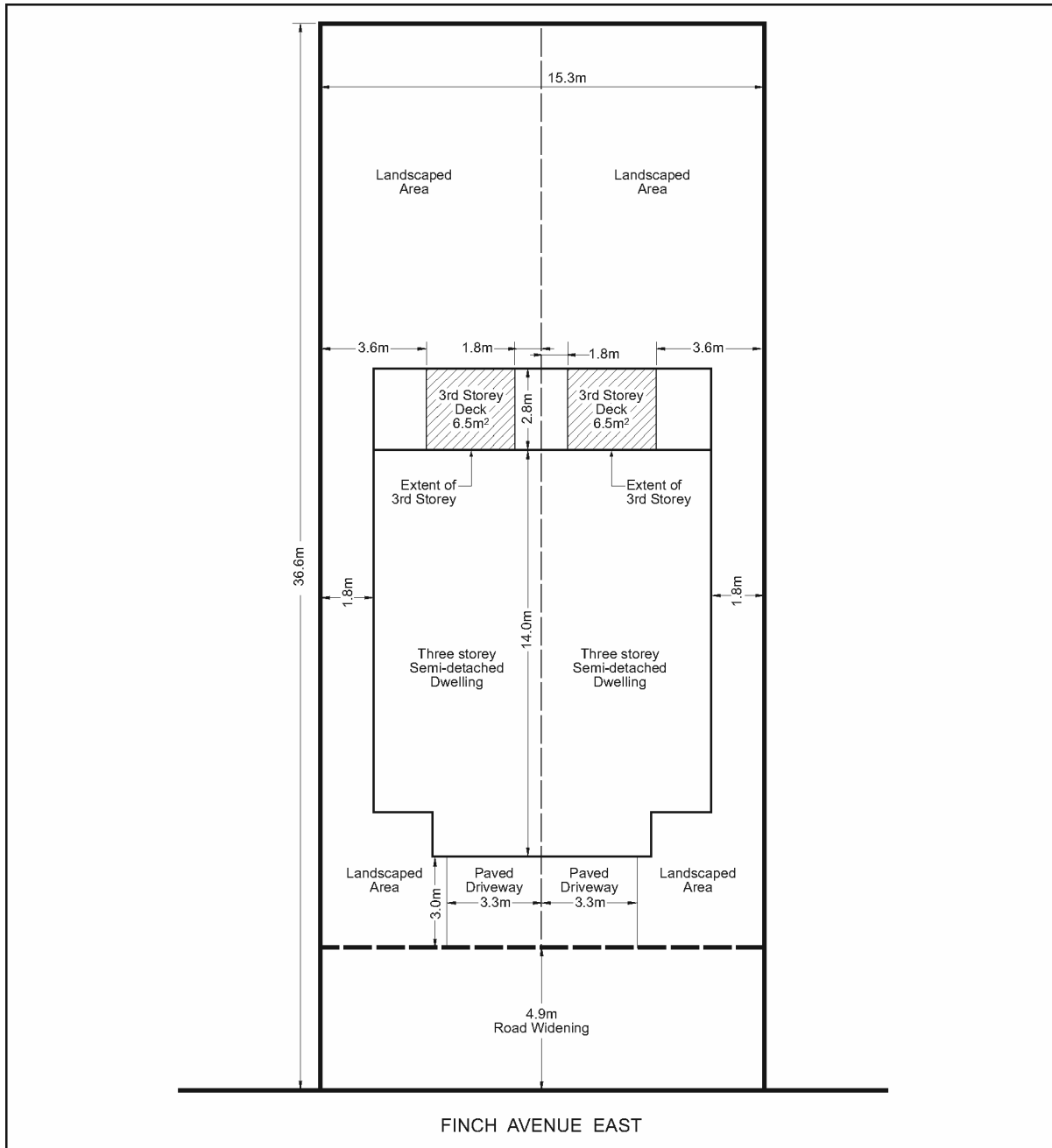
- R4 One Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C4 Mixed Use Commercial Zone
- O1 Open Space Zone

O3 Semi-Public Open Space Zone



Not to Scale
 Zoning By-law 7625
 Extracted 2/2/06

Attachment 5: Proposed Site Plan



Lot 148 Registered Plan 2233, City of Toronto

File # 05_212629

Approved by:
Date: 04/16/07



Attachment 6: Conditions of Site Plan Approval

Notice of Approval Conditions – Site Plan Application No.: 06 104129 NNY 24 SA

To permit two, 3-storey semi-detached dwellings located at 90 Finch Avenue East (06-104129 NNY 24 SA). Prior to approval we require that the following conditions be fulfilled:

1. The execution of a site plan agreement.
2. The Owner shall submit two cost estimates for 100% of the value of the landscaping to be located at the front and rear of the subject lands, and as detailed in the approved landscape plan. Upon verification, the Owner shall provide a Letter of Credit or certified Cheque satisfactory to the City Treasurer, for a period of two years and which shall provide for automatic renewal rights at the end of the term, for 120% of the accepted value of the landscaping.
3. A revised site plan showing and labelling a continuous future relocated 1.7 metre wide concrete sidewalk across the entire frontage of the site.
4. A site plan establishing the site grading (existing and proposed elevations), including a sufficient area of the adjacent lands must be submitted for approval prior to site plan approval.
5. Prepare all documents and agree to convey to the City, at nominal cost, a 4.9 metre widening across the entire Finch Avenue East frontage, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been laid out and dedicated for public highway purposes, all to the satisfaction to the Executive Director of Technical Services in consultation with the City Solicitor;
6. Submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the lands to be conveyed to the City to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. For further information please contact John House, Supervisor Property records at 416-392-8338.
7. Pay all costs for registration and preparation of reference plan(s);
8. The owner shall deposit with the Technical Services Division prior to site plan approval, a letter of credit or certified cheque for the following works:
 - a) Relocation of the existing 1.5 metre wide sidewalk across the entire Finch East frontage of the site with a future 1.7 metre wide sidewalk to the standard location of 1.0 metre from the widened property line. The cost of this work is estimated to be \$2,250.00.
 - b) \$112.50 representing the 5% Engineering review fee of the above construction works.
 - c) The above work shall be constructed by the City at the time of the road widening of Finch Avenue East once all the necessary lands across Finch Avenue east frontages have been conveyed to the City.

9. The minimum driveway entrance width must be maintained at 3.0m and the maximum width must be maintained at 6.0m. As per the Driveway Entrance Policy, for Lots with less than 15.2m frontage, the maximum driveway entrance width is the width of the garage or carport.
10. The driveway entrance must be constructed at a 90-degree angle to the street line with a minimum side yard setback of 1.0 metre.
11. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services. The applicant is required to contact the Right-of-Way management section of Transportation Services through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-way management Section, Toronto North York District at (416) 395-7112.
12. All accesses must be at least 1.0 metre from existing utilities and must be explicitly shown on the site plan drawings. If required, the relocation of any public utilities (utility poles and their guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies.
13. Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the executive Director of Technical Services.
14. As per By-law 7625, 2-parking spaces must be provided for the development.
15. Each parking space within the interior of the proposed garage area must maintain a minimum width of 3.0m.
16. Snow must be stored on site such that the driving aisle widths are not reduced and vehicular sightlines are not affected. Snow which cannot be adequately stored on site must be cleared and removed from the site by the owner/building management after each snowfall.
17. In accordance with Zoning By-law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete or interlocking stone.
18. Construct and maintain site grading as recommended in the accepted Grading Plan.
19. Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the site grading has been constructed in accordance with the accepted Grading Plans.
20. Make application and receive approval from the Committee of Adjustment in order to sever the property into two individual lots.
21. The owner shall provide a tree planting financial security for tree planting in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$580.00 per tree (subject to change) for each new tree planting within the City Road allowance to guarantee the healthy growth of the tree(s) for a period of two years. The

tree planting financial security must be submitted to the attention of Harold Moffatt, Supervisor of Tree Protection & Plan Review. The financial security may be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year maintenance period.

22. The owner shall install protective measures and install tree Protection Zone signage to protect privately owned trees in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees and to the satisfaction of the General manager of Parks, Forestry and Recreation. The owner shall contact Kristjan Vitols at 416-392-0966 in order to inspect the protective measures following installation.

Please note that if these conditions are not fulfilled within 2 years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Director of Community Planning.

In addition to the above, the following conditions are to be fulfilled following site plan approval and will be incorporated into a site plan agreement:

1. This approval is valid for a period of two years from the date of the approval.
2. The lands shall be developed and maintained in accordance with the approved Site plan drawings and conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law(s) to the satisfaction of the Chief Building Official.
3. Above-grade electrical transformers, gas regulators and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director, or his successor.
4. The municipal address is to be well-illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.
5. All site illumination shall be designed to prevent the spread of light onto adjacent properties.
6. Existing drainage patterns on adjacent properties shall not be altered and stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.
7. The owner shall plant two new trees within the City road allowance as shown on the proposed grading plan, dated April 1, 2006, to the satisfaction of the General Manager of Parks, Forestry and Recreation and in accordance with Planting Detail No. 101 for balled and Burlapped Trees in Turf Areas, dated June 2002.
8. The owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).
9. The owner shall be responsible for the maintenance and/or replacement of all new tree plantings within the City road allowance during the 2 year maintenance period. In the event that the trees are not in good condition, require maintenance or require replacement,

following the 2 year maintenance period, the owner will be responsible for rectifying the problem as determined and to the satisfaction of the General Manager of Parks, Forestry and Recreation.

10. The owner shall ensure that the new trees to be planted on private property as shown are planted to the satisfaction of the General Manager of Parks, Forestry and Recreation and in accordance with Planting Detail No. 101 for balled and Burlapped Trees in Turf Areas, dated June 2002.
11. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
12. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.
13. Solid waste and recycling will be collected in accordance with By-law No. 235-2001, Waste Collection, residential Properties, of the City of Toronto, Municipal Code, as amended. The owner shall be required to meet the guidelines of the 'City of Toronto Requirements for Garbage and Recycling Collection from Developments and Redevelopments.' The revised requirements can be found at www.toronto.ca/garbage.

The site plan agreement will be prepared by our Legal Division. They will forward it to you for your execution and return to the City.