

TORONTO STAFF REPORT

August 25, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Final Report
Rezoning Application 06 124672 NNY 23 OZ
Site Plan Control Application 06 127184 NNY 23 SA
Applicant: Saeed Joshaghani
93 Finch Avenue East
Ward 23 – Willowdale

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-Law and approve in principle the Site Plan Control Application for the conversion of a single detached dwelling to a professional office at 93 Finch Avenue East.

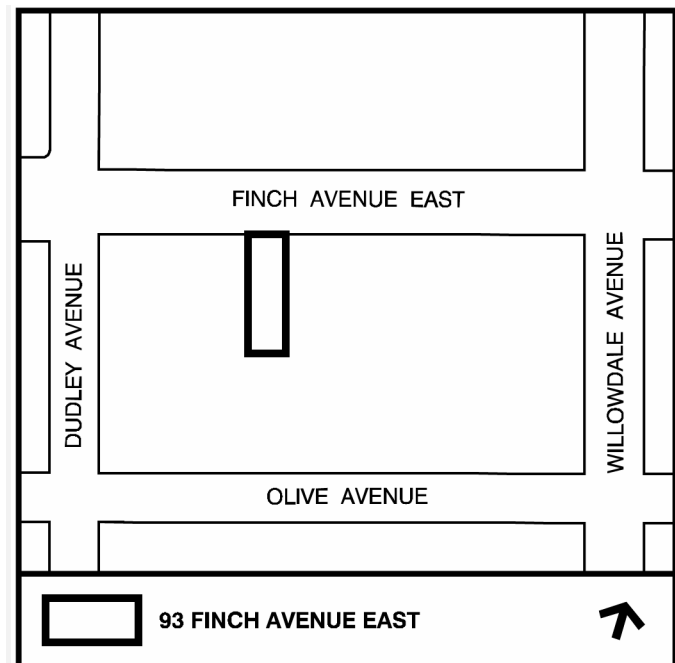
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend former City of North York Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment in Attachment 5;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) authorize the City Solicitor to introduce the necessary Bills to City Council for enactment;



- (4) approve in principle the site plan as indicated in drawings listed in Attachment 6 subject to the conditions of approval as listed in Attachment 6;
- (5) prior to final site plan approval require the owner to convey to the City a 4.89m widening across the entire frontage of the site at a nominal cost and free of all encumbrances for dedication as a public highway; and
- (6) authorize the Chief Planner, or his designate, to grant final approval to the site plan when the conditions of site plan approval listed in Attachment 6 are fulfilled.

Background:

Proposal

The applicant proposes to convert an existing two storey single detached dwelling into a professional office. No building addition or alteration is being proposed. The applicant has also proposed 7 parking spaces in the rear yard to be accessed by an extension of the existing driveway from Finch Avenue East. Two new street trees on the Finch Avenue East frontage, a rear landscaped area, and new privacy fencing on the east and west side of the site are also part of the applicant's proposal. The proposal would have a density of 0.25 times the lot area.

Site and Surrounding Area

The site is located on the south side of Finch Avenue East between Dudley Avenue to the west and Willowdale Avenue to the east. It has a 15.25m frontage and an area of 743.22m². The site is located two blocks east of Yonge Street. A single detached dwelling exists on the site. Adjacent uses are as follows:

- North: across Finch Avenue East are single detached dwellings; directly across from this site is a two storey dwelling converted for professional office use;
- South: single-detached dwellings;
- East: single-detached dwellings; and
- West: two single-detached dwellings and a recently constructed townhouse development at the intersection of Dudley Avenue and Finch Avenue East.

New Toronto Official Plan

On July 6, 2006, the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new Official Plan into force and effect. The Order did not bring into force the new Plan policies related to housing, Section 37 and floodplain 'Special Policy Areas' which remain under appeal. Until the appeal of these sections is resolved the policies of the predecessor plans are still applicable. All other policy maps and schedules contained within the former Official Plans are repealed.

The new City of Toronto Official Plan designates the property as Mixed Use Area 'C' as part of the Central Finch Area Secondary Plan. This designation permits a range of residential, commercial and institutional uses intended to form a mixed use area between Bathurst Street and Willowdale Avenue to enhance the function of Finch Avenue as a major arterial road. Redevelopment in the Central Finch Area shall be compatible with the surrounding residential area and minimize the potential for adverse impact on the adjacent low-density residential uses.

For sites within the Central Finch Secondary Plan with a frontage of less than 30 meters on Finch Avenue, the maximum gross floor area for commercial uses cannot exceed 0.75 times the lot area. The maximum height permitted for commercial projects is 2 storeys or 11 metres, whichever is lesser.

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 Site Plan Control Application (06 127184 NNY 23 SA). It is recommended that the Site Plan Control Application be approved in principle subject to the conditions listed in Attachment 6.

Reasons for the Application

An amendment to the Zoning By-Law 7625 for the Former City of North York is required as the R4 zoning that applies to the site does not permit the proposed professional office use.

Community Consultation

A Community Consultation meeting was held on June 21, 2006 attended by the Ward Councillor's assistant, City staff and the applicant. One member of the public attended seeking information on the number of employees the proposed professional office would have.

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:

Land Use and Density

The proposed professional office use is permitted and encouraged by the Central Finch Area Secondary Plan. One of the objectives of the Secondary Plan is to develop a mixed use area between Bathurst Street and Willowdale Avenue that primarily accommodates small office and multiple-unit residential buildings fronting onto Finch Avenue.

The proposed density is 0.25 times the area of the lot. This is well below the permitted maximum density of 0.75 for commercial development on lots along Finch Avenue with less than 30 meters of frontage.

Access and Parking

The By-law requirement for professional offices is one parking space for every 48m² of gross floor area. For the proposed 189.51m² of professional office, a minimum of three spaces is required.

The proposal satisfies this requirement by providing 7 surface parking spaces to be located behind the existing structure in accordance with the policies of the Secondary Plan. These surface parking spaces would be accessed by an extension to the existing driveway into the rear yard.

Landscaping and Open Space

The Central Finch Area Secondary Plan encourages landscaping along the Finch Avenue frontage of sites. Two street trees are proposed to be planted on the land to be conveyed to the City.

The Secondary Plan also requires the provision of landscaping and suitable opaque fencing to buffer the neighbouring residential properties. The applicant is proposing an opaque privacy fence to screen out the parking area along the east, west, and south property lines. The applicant is also proposing additional landscaping to the south of the parking area to further screen the parking area from neighbouring residential properties.

Conclusions:

The proposed development is in keeping with the land use, density and design policies of the Central Finch Area Secondary Plan. It is recommended that the proposed Zoning By-Law Amendment be approved. It is also recommended that the Site Plan, as indicated in the attached drawings and conditions of approval listed in Attachment 6 be approved in principle, with the

Chief Planner or his designate authorized to grant final approval when these conditions are fulfilled.

Contact:

Christian Ventresca, Assistant Planner

Ph: (416) 395-7129

Fax: (416) 395-7155

Email: cventre@toronto.ca

Thomas C. Keefe

Director, Community Planning, North York District

List of Attachments:

Attachment 1: Site Plan

Attachment 2: Elevations

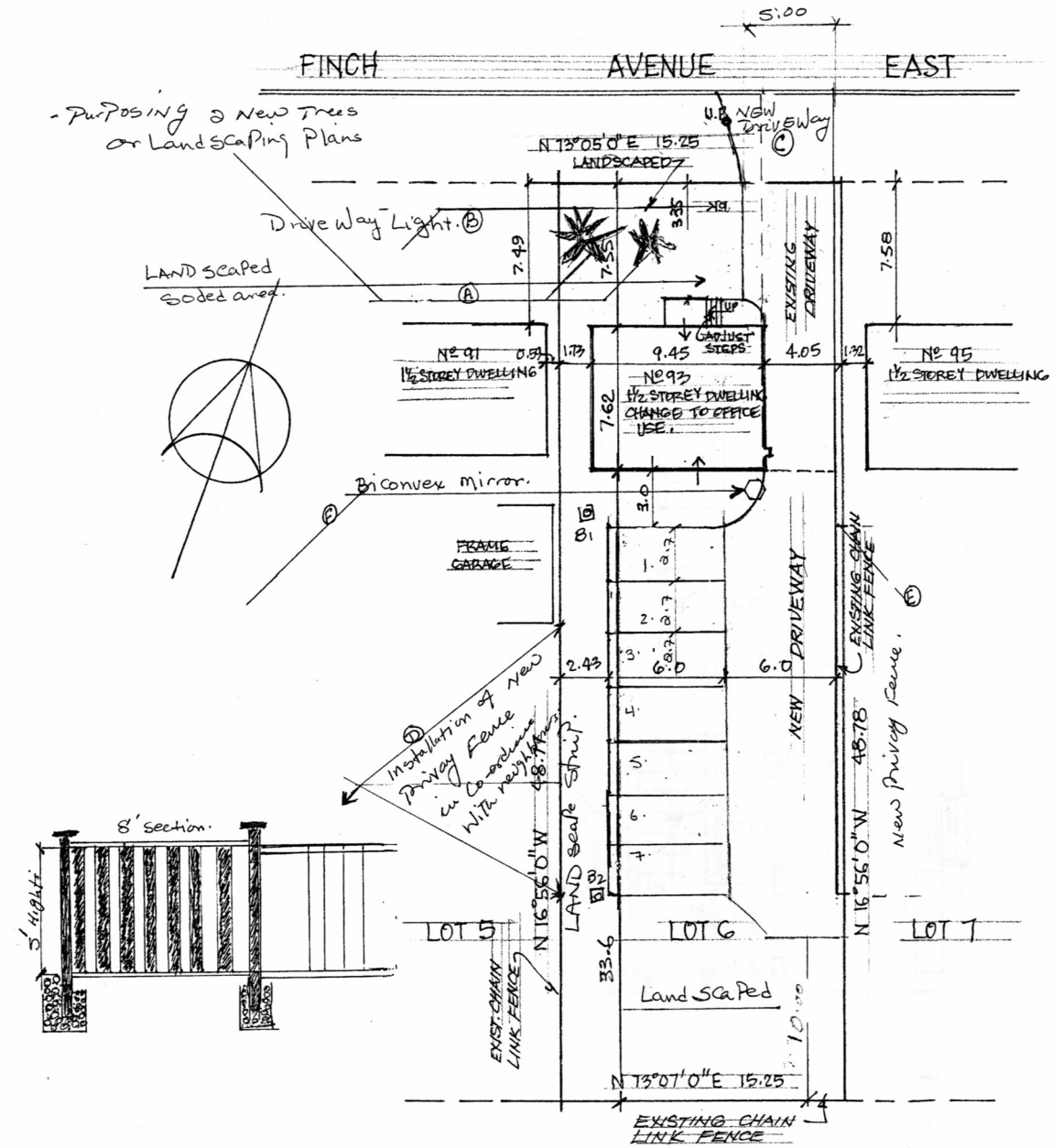
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 6: Preliminary Conditions of Site Plan Approval

Attachment 1: Site Plan



Site Plan

93 Finch Avenue East

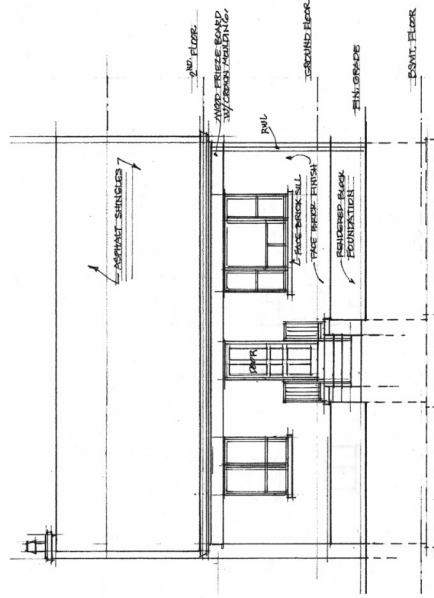
Applicant's Submitted Drawing

Not to Scale
05/16/06

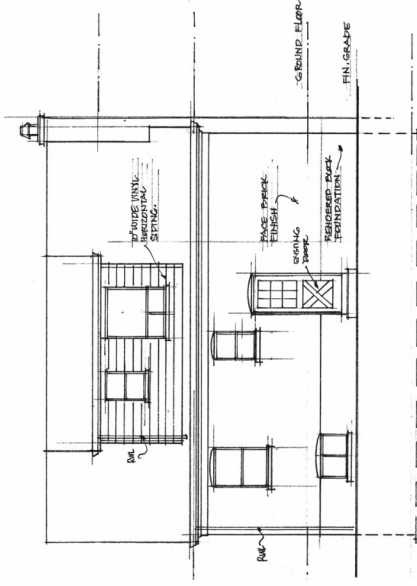


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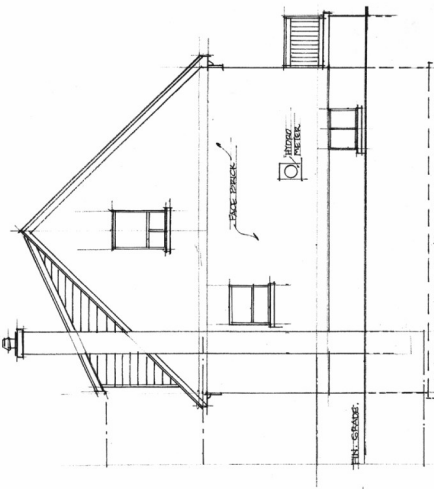
Attachment 2: Elevation 1



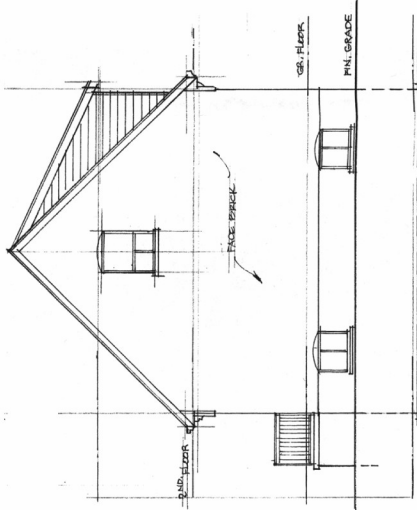
Existing Front (North) Elevation



Existing Rear (South) Elevation



Left Side (East) Elevation



Right Side (West) Elevation

Elevations

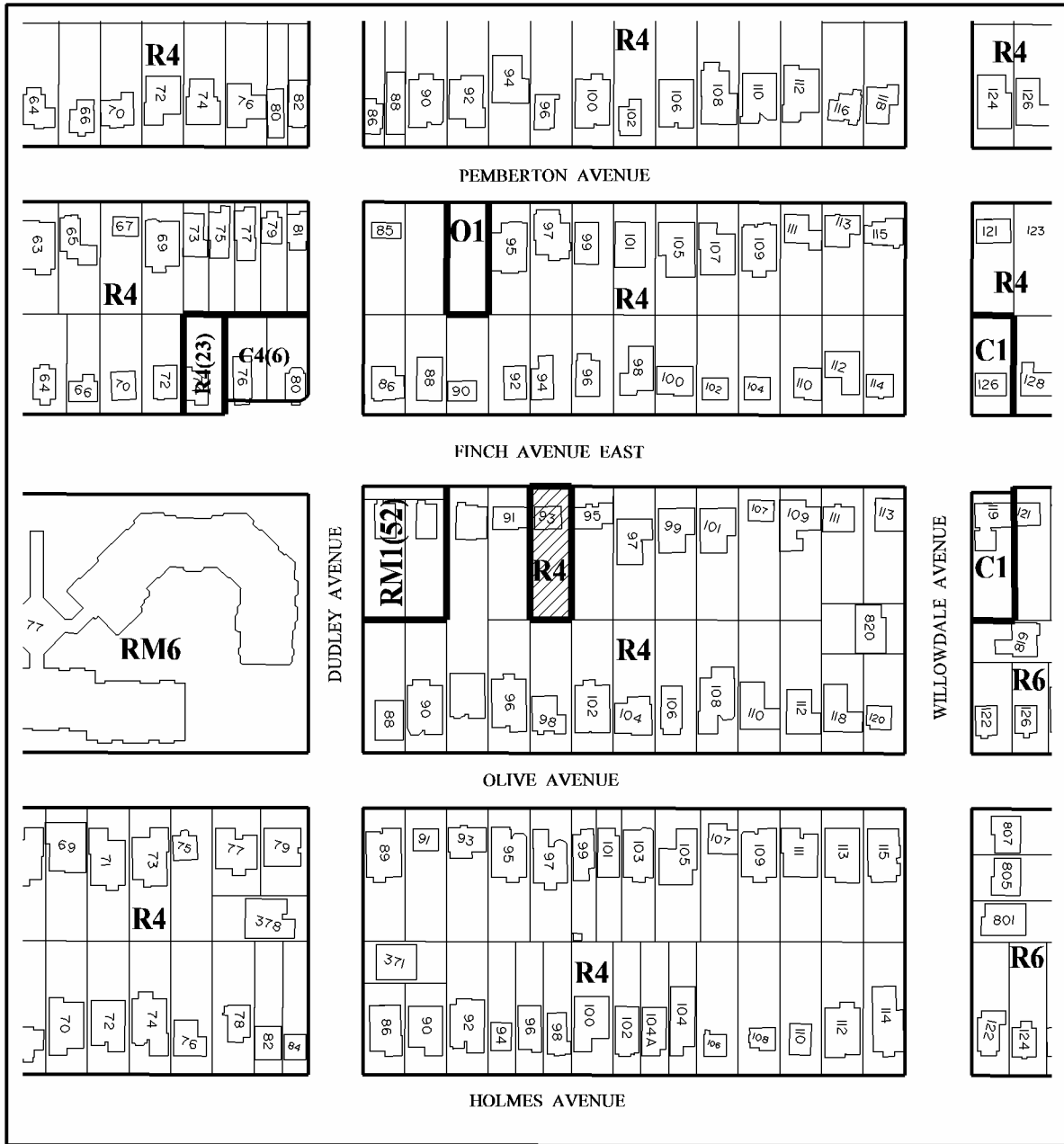
Applicant's Submitted Drawing

Not to Scale
05/16/06

93 Finch Avenue East

File # 06_124672

Attachment 3: Zoning (Map)



93 Finch Avenue East

File # 06_124672

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 05/16/06

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 124672 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	April 10, 2006

Municipal Address: 93 FINCH AVE E, TORONTO ON
Location Description: PLAN 2399 LOT 6 **GRID N2303
Project Description: Proposed conversion of existing single family dwelling to permit a professional office. No exterior addition or construction is proposed. Note concurrent Rezoning & Site Plan applications have been made.

Applicant:	Agent:	Architect:	Owner:
PERRY BAKHSHI			HANIF JOSHAGHANI

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area "C"	Site Specific Provision:
Zoning:	R4	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	743.74	Height:	Storeys:	1.5
Frontage (m):	15.25		Metres:	7.31
Depth (m):	48.78			
Total Ground Floor Area (sq. m):	74.32			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	7
Total Non-Residential GFA (sq. m):	189.51		Loading Docks	0
Total GFA (sq. m):	189.51			
Lot Coverage Ratio (%):	10			
Floor Space Index:	0.41			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	304.7	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Christian Ventresca, Assistant Planner
	TELEPHONE:	(416) 395-7129

Attachment 5: Draft Zoning By-Law Amendment

Authority: North York Community Council Report No. ____, Clause No. ____,
as adopted by City of Toronto Council on _____, 2006
Enacted by Council: _____.

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2006

**To amend the former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as, 93 Finch Avenue East**

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 No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this by-law.
2. Section 64.19 of this By-Law No. 7625, as amended, is amended by adding the following subsection:

“64.19(84) R4(84)

PERMITTED USES

- (a) In addition to the uses permitted in the R4 zone, professional offices uses are also permitted within the building existing on or before the date of enactment of this exception.

EXCEPTION REGULATIONS

- (b) For professional office uses, the maximum gross floor area shall be 189.51m².
- (c) Drive aisles existing on or before the date of enactment of this exception shall be maintained at their existing dimension.
- (d) A 1.5m wide landscape buffer and 1.5m high opaque fence shall be provided along the east and west lot lines but not beyond the front façade of the building existing on or before the date of enactment of this exception.

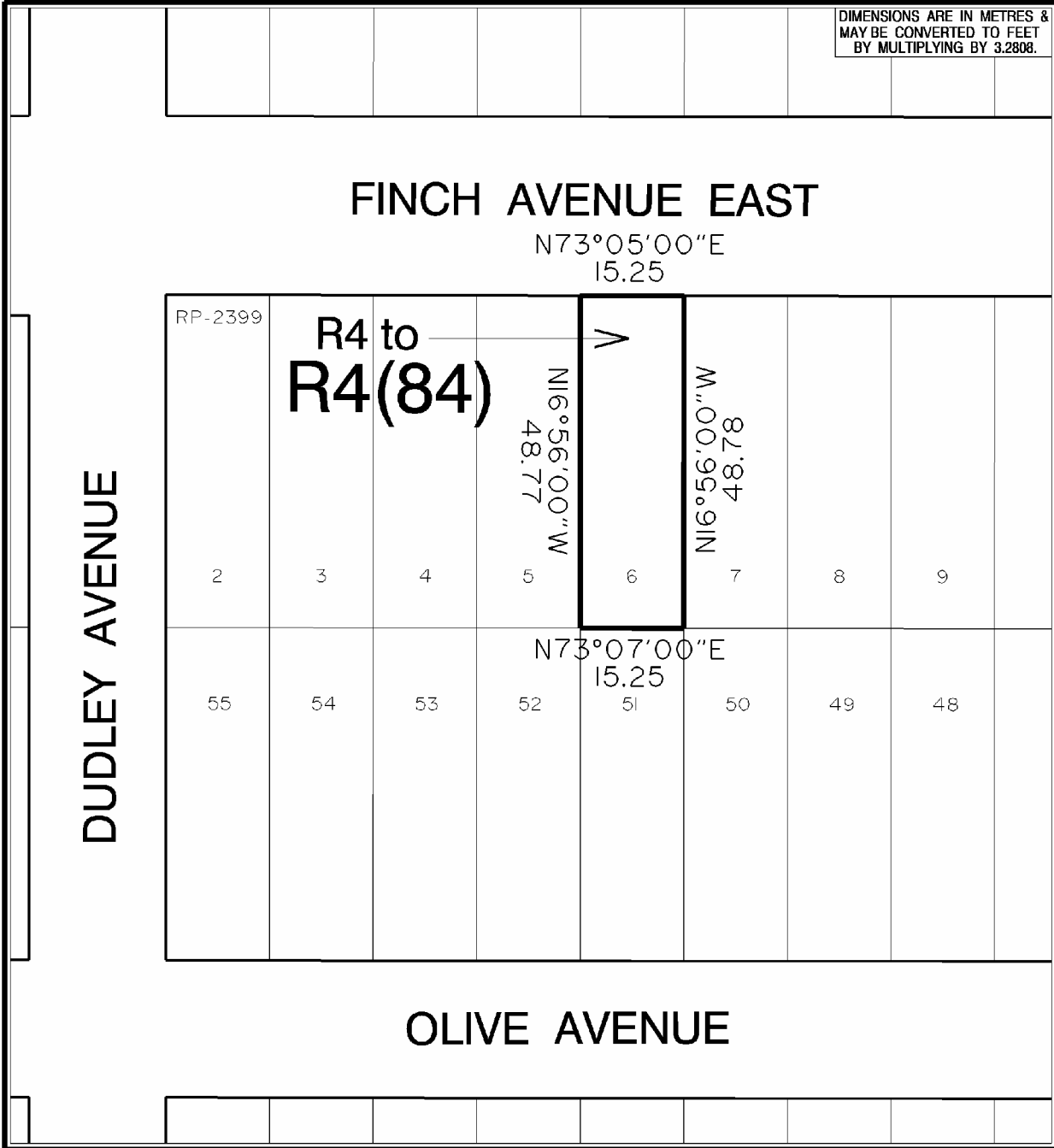
- (e) Landscaped areas shall be provided to screen the southern-most parking space provided for the professional office use.

ENACTED AND PASSED this ~ day of ~, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)




This is Schedule " 1 " to By-Law _____
passed the _____ day of _____, 20 _____

(Sgd.) _____ (Sgd.) _____
CLERK MAYOR


Location: Lot 6 Registered Plan 2399, City of Toronto

File: 06_124672	Prepared by: A.K.	Approved by: C.V.	Date: August 1, 2006	Filename: R4(84)_1
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Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

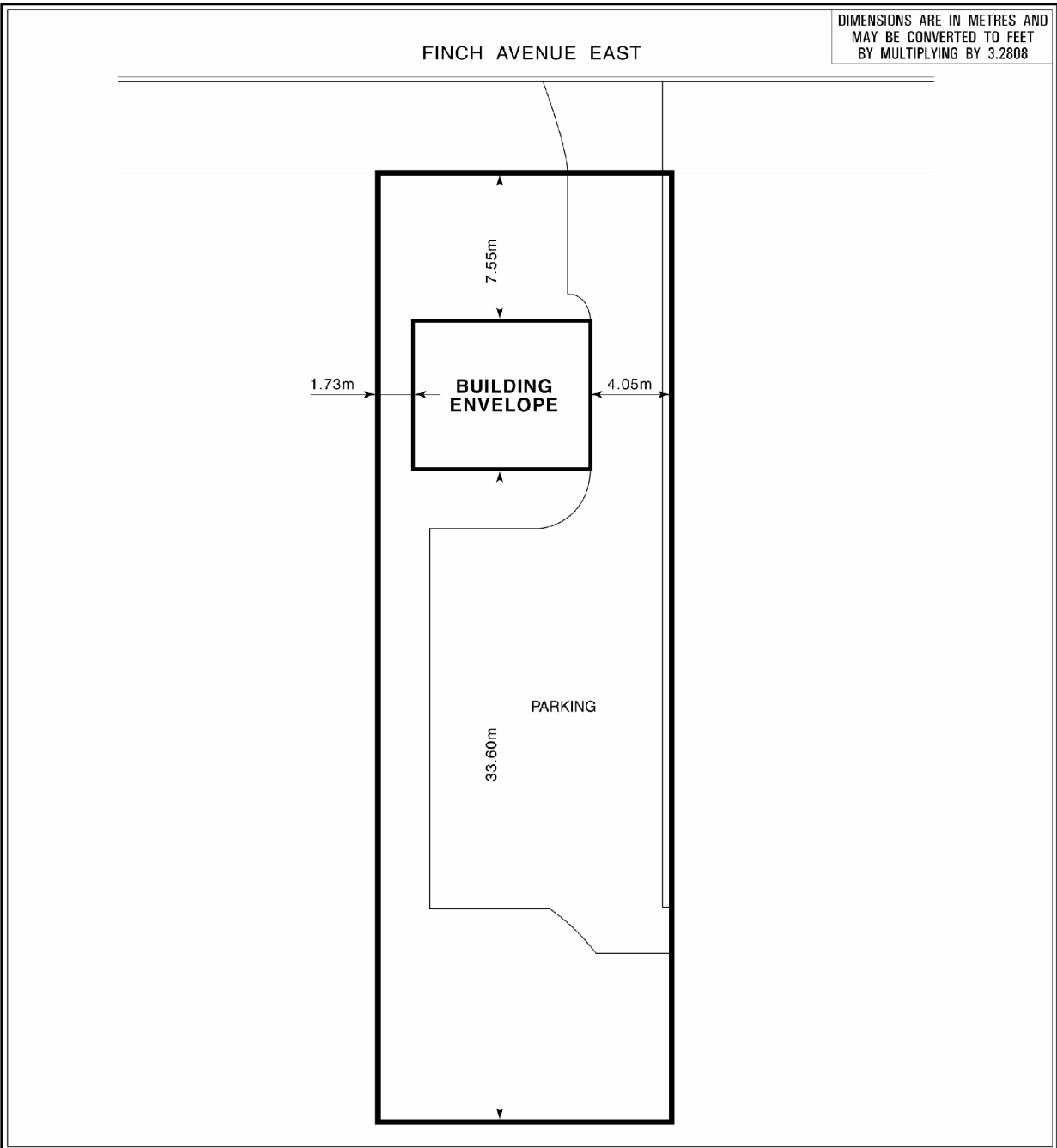


City Planning Division
North District



SUBJECT
PROPERTY





<p>This is Schedule " R4(84) " to By-Law _____ passed the _____ day of _____, 20 ____</p>		 City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Lot 6, Registered Plan 2399, City of Toronto		
File No. 06_124672	Prepared by: A.K.	Approved by: C.V.
Date: August 1, 2006		Filename: R4(84).ai
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		

Attachment 6: Preliminary Conditions of Site Plan Approval

Conditions of Site Plan Approval

We require the following conditions be fulfilled *prior to site plan approval*:

1. The owner shall prepare all documents and agree to convey to the City, at nominal cost, a 4.89 metre widening across the entire frontage of the site, 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 of the Executive Director of Technical Services in consultation with the City Solicitor.
2. The owner shall submit a draft Reference Plan of Survey in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof 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.
3. The owner shall pay all costs for registration and preparation of reference plan(s).
4. The owner shall deposit, prior to site plan approval, a letter of credit or certified cheque with the Technical Services Division for the estimated cost of construction and a certified cheque for the 5% engineering review fee of the following works:
 - a. \$2,250 representing the cost of relocating the existing sidewalk to the standard location of 1.0m from the widened property line.
 - b. \$112.50 representing the 5% engineering review fee of the above construction works.

The above work shall be constructed by the City at the time of the road widening of Finch Avenue East in the future.

5. A turnaround area of 2.7m south of the south edge of the southern most parking space must be provided and identified on the ultimately approved site plan drawing.
6. A convex mirror shall be installed on the east edge of the driveway opposite parking space #1. This shall be clearly identified on the ultimately approved site plan drawing.
7. The owner shall provide a tree planting financial security in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$583.00 per 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 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.

The following conditions are to be fulfilled *after site plan approval* and will be incorporated into a site plan agreement:

1. Widening of the Highways that abut on the Land
 - a. Convey to the City, at a nominal cost, a 4.89 metre widening across the entire Finch Avenue East frontage, such lands to be free and clear of all physical and title encumbrances, subject to a right-of-way for access in favour of the Grantor until such times as said lands have been laid out and dedicated for public highway purposes.
 - b. The proposed driveway on City-owned property must be graded downward towards the roadway and have a 2% to 6% slope.
 - c. Solid waste and recycling will be collected in accordance with By-Law 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.
 - d. Construct and maintain stormwater management measures and site grading as recommended in the accepted Stormwater Management Report and Grading Plan.
 - e. Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plan.
 - f. Any proposed access must be at least 1.0 metre from existing utilities. 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.
 - g. Any encroachments within the City of Toronto 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 said section through the permit approval process to obtain the exact particulars of these requirements.
2. The owner shall plant two new trees within the City road allowance to the satisfaction of the General Manager of Parks, Forestry & Recreation and in accordance with Planting

Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.

3. The owner shall ensure a clearance of 1.2 meters from the edge of a tree's root ball to the edge of the underground utility(s). For clearance of less than 1.2 meters but greater than or equal to 0.6 meters, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s).
4. The owner shall be responsible for the maintenance and/or replacement of all new tree plantings within the City road allowance during the two year maintenance period. In the event that the trees are not in good condition, require maintenance, or require replacement following the two year maintenance period, the owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.