

15 Poyntz Avenue – Rezoning and Site Plan Control Applications – Final Report

Date:	June 2, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 118225 NNY 23 OZ & 08 118229 NNY 23 SA

SUMMARY

These applications were made on March 11, 2008 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act*, 2006.

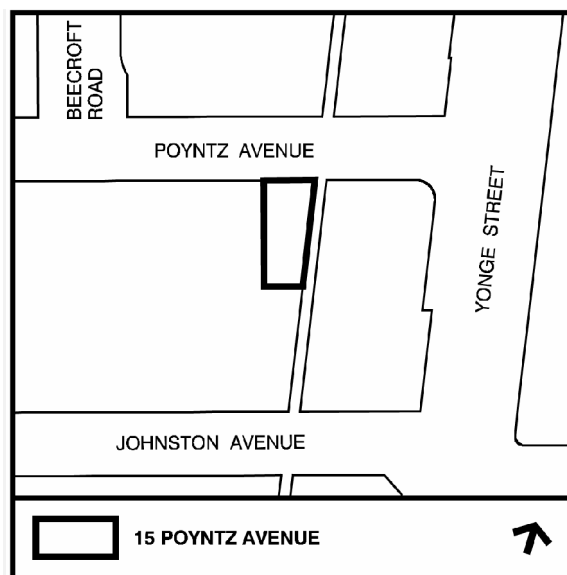
The applications propose to legalize existing professional office and accessory uses in an existing 2 storey structure located at 15 Poyntz Avenue.

This report reviews and recommends approval of the application to amend the Zoning By-law and approve in principle the Site Plan Control Application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;



3. Approve in principle the site plan as indicated on the drawings listed in Attachment 7 subject to the Conditions of Approval listed in Attachment 7;
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

As a result of complaints made to the City's Municipal Licensing and Standards Division concerning non-compliant uses operating out of the single detached building at this location, a rezoning application (04 108531 NNY 23 OZ) was submitted to the City of Toronto on February 10, 2004.

Several requests were made to the applicant and owner for revised plans and additional information required to further process the application. This information was not submitted and the file was formally closed on September 26, 2005.

On March 11, 2008 the applicant submitted rezoning and site plan applications to legalize the existing professional office use, which is the subject of this final report.

ISSUE BACKGROUND

Proposal

The applicant proposes to legalize an existing professional office use in an existing 2 storey structure. Five parking spaces are located at the rear of the site and accessed via a public laneway running along the easterly lot-line of the property.

The existing building contains non-compliant professional office uses on the first and second storey. The basement contains kitchen and lounge facilities and storage and utility areas. No additions or alterations to the existing building have been proposed nor were contemplated in the review of the proposal, which has a total gross floor area of 204 square metres and a Floor Space Index (FSI) of 0.4.

Site and Surrounding Area

The subject lands are located on the south side of Poyntz Avenue, just west of Yonge Street. A public laneway runs along the easterly length of the site and connects Poyntz Avenue with Johnston Avenue. A single detached 2 storey building is located on the site, which has a frontage of 16 metres, a depth of 34 metres and a site area of approximately 477 square metres.

Abutting uses are as follows:

North: A commercial parking lot, that is the subject of an Official Plan and Zoning By-law Amendment application proposing a comprehensive development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue to permit a mixed-use development consisting of 2 residential towers of 39 and 30 storeys respectively and a 3 storey commercial podium, known as Emerald Park (application # 08 178556 NNY 23 OZ);

South: single detached dwellings, in the adjacent residential neighbourhood;

East: a gasoline service station and associated retail uses fronting Yonge Street; and

West: single detached dwellings, within the North York Centre Secondary Plan Area.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated as *Mixed Use Area B* within the North York Centre Secondary Plan. Permitted uses include commercial, institutional, residential, public parks and recreational uses, and transit terminals. The total of all residential uses on a site in a *Mixed Use Area B* will not exceed 50 per cent of the maximum permitted gross floor area on the site or portion of the site designated *Mixed Use Area B*.

The site is on the boundary of the Secondary Plan, which permits a Floor Space Index (FSI) of 1.5 and a height limit of the lesser of 11 metres or 3 stories.

Zoning

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

Site Plan Control

A Site Plan Control Application (08 118229 NNY 23 SA) has been submitted concurrently with this rezoning application. The applicant will be required to enter into a Site Plan Control Agreement prior to enactment of the proposed Zoning By-law Amendment.

Reasons for Application

The R4 zoning does not permit the existing professional office and accessory uses on the subject lands.

Community Consultation

A community consultation meeting was held on September 17, 2008. Concerns expressed by attendees and from written submissions and verbal discussions with neighbours include minimizing traffic congestion, implementing appropriate landscape buffering, restricting over-parking on the site and the removal of encroachments onto neighbouring properties.

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

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 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 includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities and a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed professional office use located within an existing 2-storey building and having an FSI of 0.4 complies with the land use and density policies of the North York Centre Secondary Plan.

Traffic Impact, Access and Parking

When originally submitted, the proposal indicated a total of nine parking spaces, accessed via the public laneway, that were to be located at the rear of the site. Through the course of the application’s review, public consultation and on-site observations it was determined that the existing on-site parking was creating a congested and unsightly situation on the property.

The originally proposed nine parking spaces were in excess of the number of spaces required by the By-law standards as they would apply to professional office uses on this site. Given that the existing building allows for a modest gross floor area of 204 square meters for professional office use, and the property’s proximity to the Yonge-Sheppard node and the easy access to public transit and pedestrian traffic, it was determined that a reduction of the proposed on-site parking to five parking spaces would be sufficient to satisfy the parking requirements for the site.

Modifications to the proposed parking layout also provide for an improved driveway connecting to the laneway. This will allow for improved vehicular access and egress and minimize traffic conflict at the site. Parking of vehicles that presently takes place along the side and at the front of the building will no longer be possible.

Streetscape/landscaping

The revision to the proposed parking layout, as discussed above, also provided an opportunity for enhanced landscaping on site and an improved street relationship for the existing building. A reduction in the number of parking spaces and modifications to the parking access permits a significant improvement to the landscaping and aesthetic features of the property.

A 2 metre landscape strip, sufficient for the planting of additional trees, has been provided along the westerly edge of the parking area, where it abuts an existing residential property. A 1 metre landscape strip is located at the southerly edge of the site, and new landscape features and curbing will also abut the laneway and clearly define the driveway access. A privacy fence will also be provided along the westerly and south property lines.

More significantly, existing hard surfaces at the east and north side of the property will be removed and replaced with sod or other soft landscaping. This will prevent the unsightly and haphazard parking of vehicles that presently takes place at these locations.

An improved walkway along the east side of the property will also provide pedestrian access from the rear parking area to the building and to the fenced storage enclosure for waste and recycling.

Encroachments

Through the review of the application it was discovered that encroachments exist on both public and private property. As noted, the site plan indicates the existing planter boxes which encroach on the City's right-of-way along Poyntz Avenue will be removed. In addition, fence and landscaping encroachments on the neighbouring residential property to the west will be corrected through the Site Plan Agreement.

Servicing

The proposed professional office use will be provided with private waste and recycling pick-up.

Open Space/Parkland

Applicability of Parkland Dedication

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57-2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Parkland Dedication

The application to legalize the existing professional office use in the existing structure does not propose any new construction or additions to the structure. As such the application is not subject to parks levy. However, any future addition/expansion of the building will be subject to parkland dedication requirements.

Toronto Green Standard

Given that the applicant is not proposing any additions or alterations to the existing building, few opportunities exist to incorporate the Toronto Green Standard in building design. However, the redesign of the parking area provided a significant opportunity to increase the landscape area, and reduced the amount of on-site impermeable pavement.

Development Charges

As the proposal does not include any new additions or alterations to the existing building, development charges are not applicable.

CONTACT

Ben DiRaimo, Planner
Tel. No. (416) 395-7119
Fax No. (416) 395-7155
E-mail: bdiraimo@toronto.ca

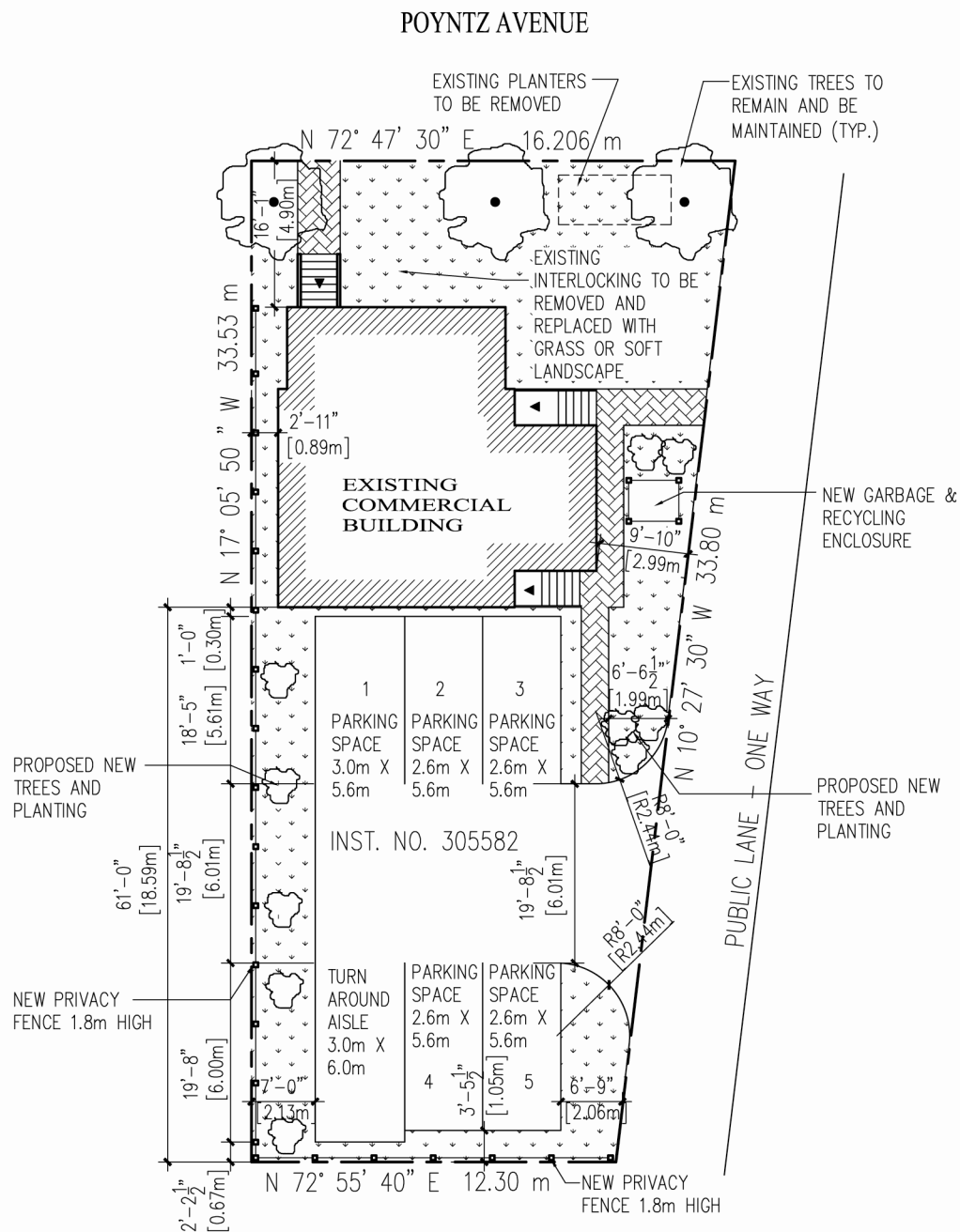
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South and North Elevations
Attachment 3: East and West Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment
Attachment 7: Conditions of Site Plan Approval

Attachment 1: Site Plan



Site Plan

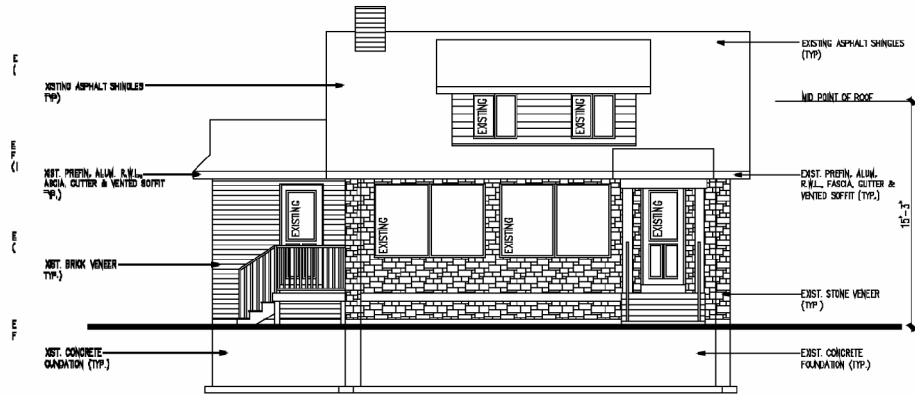
Applicant's Submitted Drawing

Not to Scale
05/28/2009

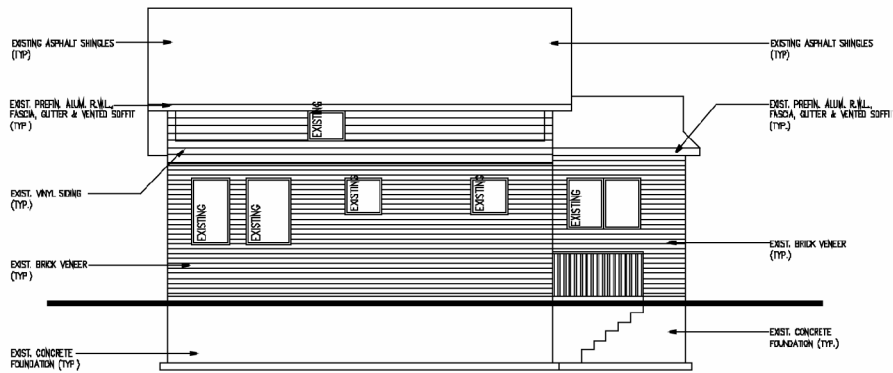
15 Poyntz Avenue

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Attachment 2: South and North Elevations



1 PROPOSED FRONT ELEVATION
AS 3/16"-1'-0"



1 PROPOSED REAR ELEVATION
AS 3/16"-1'-0"

Elevations

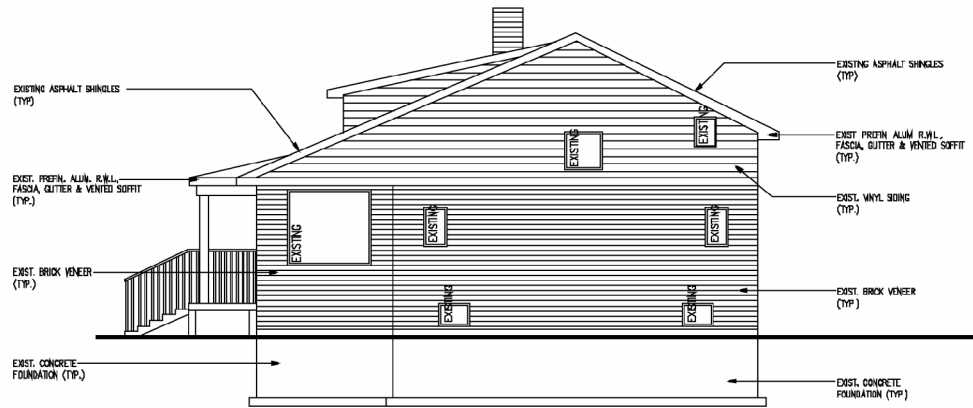
Applicant's Submitted Drawing

Not to Scale
05/06/2008

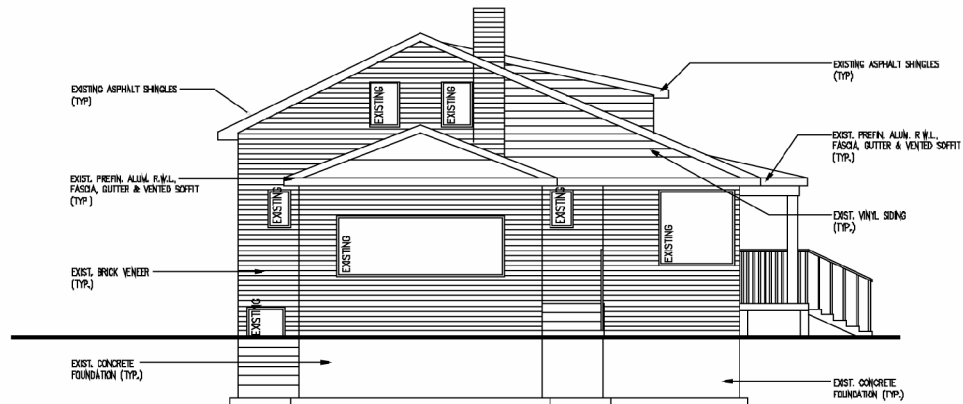
15 Poyntz Avenue

File # 08_118225_e1

Attachment 3: East and West Elevations



1 PROPOSED RIGHT ELEVATION
3/16"=1'-0"



2 PROPOSED LEFT ELEVATION
3/16"=1'-0"

Elevations

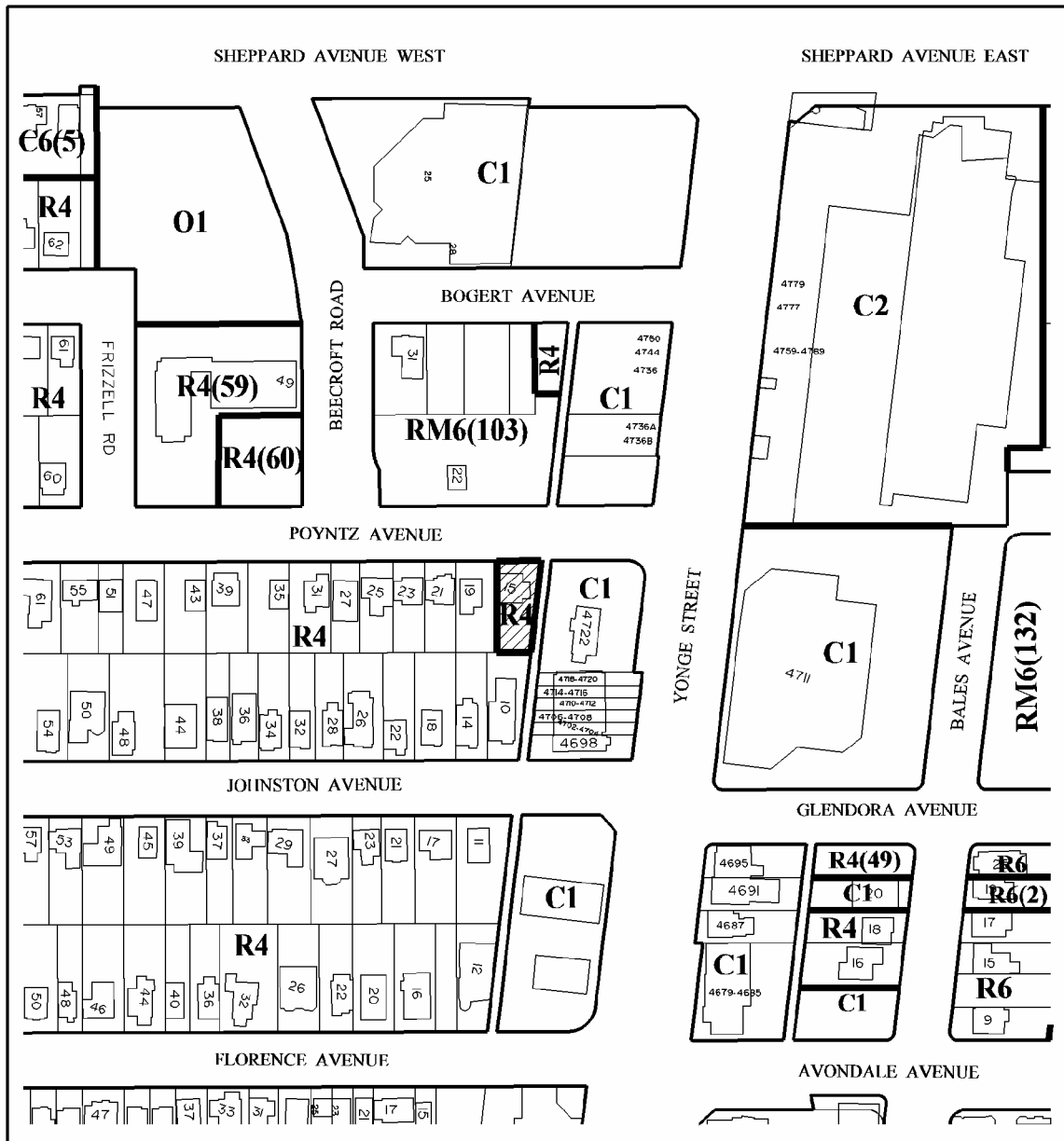
Applicant's Submitted Drawing

Not to Scale
05/06/2008

15 Poyntz Avenue

File # 08_118225_e2

Attachment 4: Zoning



Toronto City Planning
Zoning

15 Poyntz Avenue
File # 08_118225

R4 One-Family Detached Dwelling Fourth Density Zone
R6 One-Family Detached Dwelling Sixth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
O1 Open Space Zone
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone
C2 Local Shopping Centre Zone
C6 Special Commercial Area Zone



Not to Scale
Zoning By-law 7625
Extracted 05/07/2008

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 118225 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	March 11, 2008

Municipal Address:	15 POYNTZ AVENUE
Location Description:	PLAN 1743 LOT 607 **GRID N2305
Project Description:	Proposed legalization of a professional office use in an existing 2-storey dwelling with 5 parking spaces at rear. No new construction or additions proposed.

Applicant:	Agent:	Architect:	Owner:
GIANNI REGINA			SAEID ESSI ZANDI

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	476.97	Height:	Storeys:	2
Frontage (m):	16.21		Metres:	4.6
Depth (m):	33.55			
Total Ground Floor Area (sq. m):	91.46			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	203.87		Loading Docks	0
Total GFA (sq. m):	203.87			
Lot Coverage Ratio (%):	19.2			
Floor Space Index:	0.43			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	203.87	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:	Ben DiRaimo, Planner
	TELEPHONE:	(416) 395-7119

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2009

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

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 this By-law.
2. Section 64.23 of By-law No. 7625, as amended, is amended by adding the following subsection:

“64.13 (86) R4 (86)

3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PERMITTED USES

- (a) In addition to the uses permitted in the R4 Zone, professional office and accessory uses

are also permitted within the on-site building existing on or before the date of enactment of this exception.

- (b) For professional office uses, the maximum gross floor area shall be 204 square metres.

EXCEPTION REGULATIONS

LOT AREA

- (c) Minimum lot area of 550 m² shall not apply

YARD SETBACKS

- (d) The minimum yard setbacks shall be maintained as shown on Schedule R4 (86).
- (e) An existing front porch and steps are permitted as shown on Schedule R4 (86)”

LANDSCAPING

- (f) Landscaping and an enclosed waste and recycling storage area shall be maintained as shown on Schedule R4 (86).
- (g) A 1.8 metre privacy fence shall be provided along the westerly and southerly property lines as shown on Schedule R4 (86).

PARKING

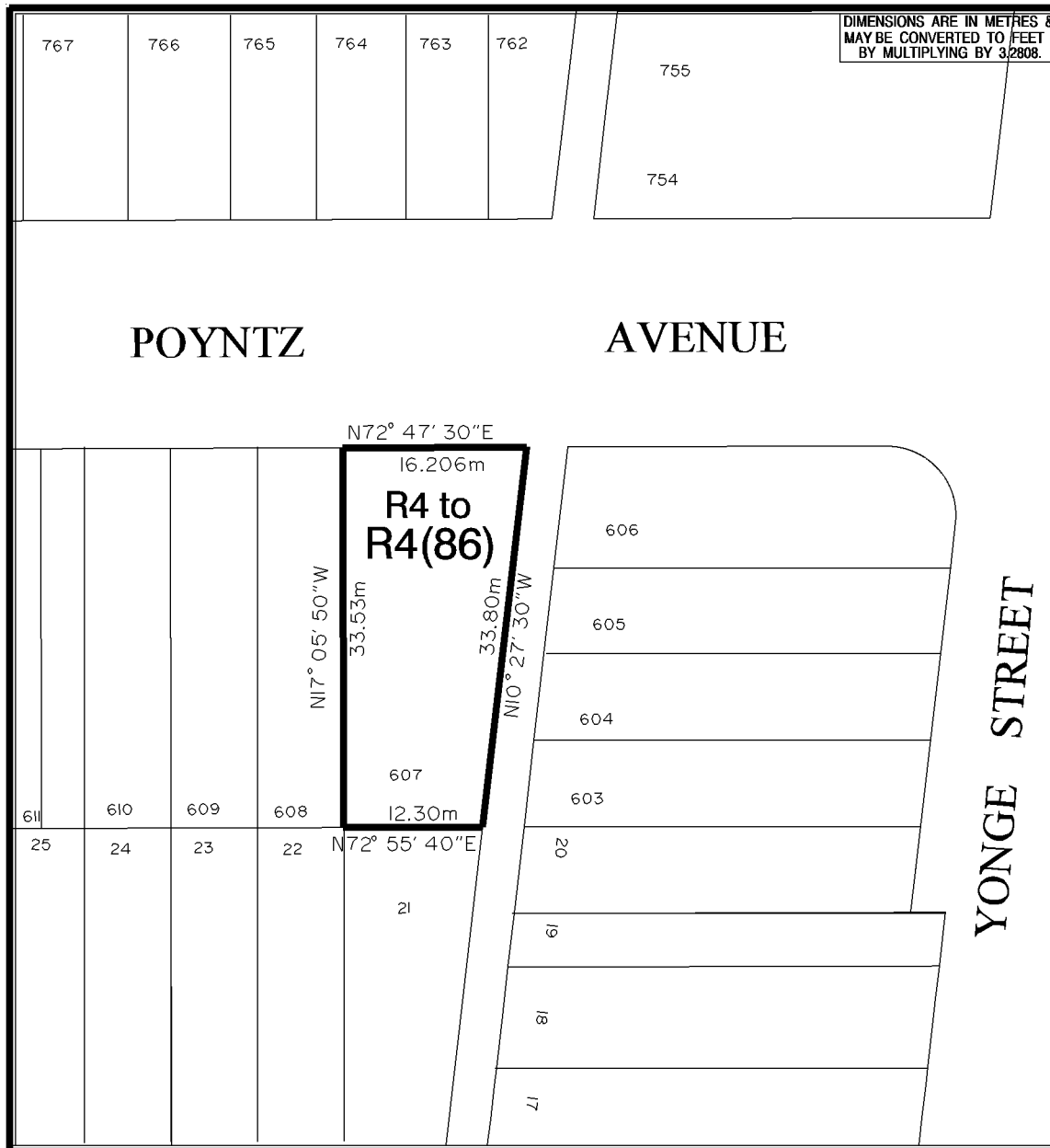
- (h) A maximum of 5 parking spaces shall be located at the rear of the property.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

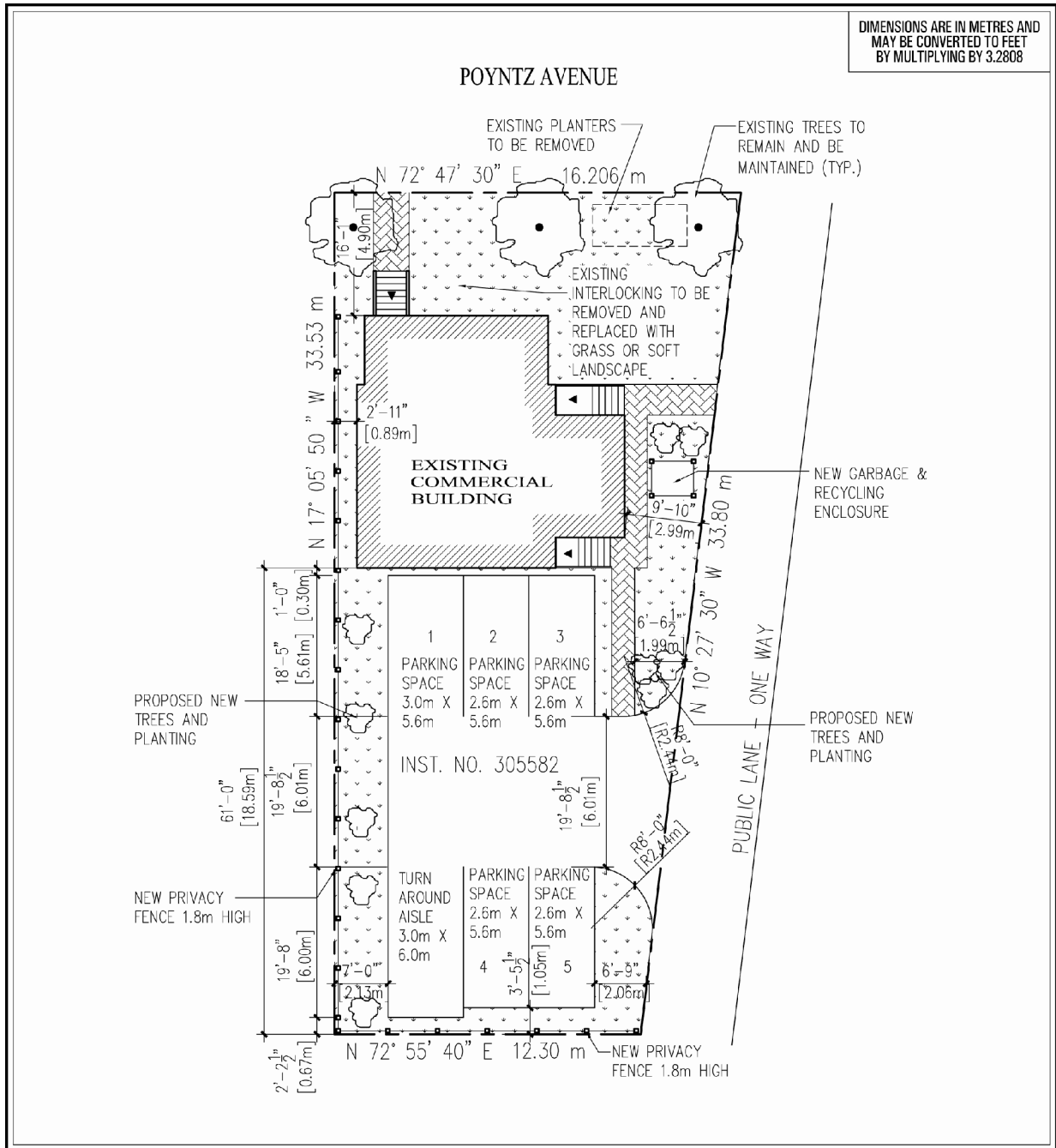
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 ____		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Lot 607 Registered Plan 1743 City Of Toronto		
File No. 08 118225	Prepared by: F.C.	Approved by: B.D.
Date: May 27, 2009		Filename: R4(86)
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		



<p>This is Schedule "R4(86)" to Bylaw _____</p> <p>passed the _____ day of _____, 20____</p>		
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Lot 607 Registered Plan 1743 City of Toronto		
File No: 08_118225	Drawn by: F.C.	Approved by: B.D.
Date: May 28, 2009		Filename: R4(86).ai

Attachment 7: Conditions of Site Plan Approval

The City Planning Division North York District has completed the review of your proposal to legalize existing professional office uses in an existing 2 storey structure as outlined in the following plans and drawings:

1. **Site Plan (A1)**, prepared by Cityscape Design Innovation Inc., revised May 15, 2009 and stamped received May 28, 2009, City of Toronto Planning, North York Civic Centre;
2. **Basement Plan (A2)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre;
3. **First Floor Plan (A3)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre;
4. **Second Floor Plan (A4)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre;
5. **Front Elevation (A5)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre;
6. **Rear Elevation (A6)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre;
7. **Right Elevation (A7)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre, and
8. **Left Elevation (A8)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received March 23, 2009, City of Toronto Planning, North York Civic Centre.

The issuance of the City's Notice of Approval Conditions letter does not constitute site plan approval. The Chief Planner's designate, the Director of Community Planning will be in a position to issue approval of the plans and drawings listed herein and to satisfy applicable law requirements of Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*, once the Owner has satisfied all of the pre-approval conditions set out herein.

It is the Owner's responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (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 Chief Planner or his designate.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stefanie Morrow, Supervisor of Law Clerks, 416-397-5379

Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

TECHNICAL SERVICES – Wayne Browne, Senior Development Engineer, 416-395-6255

1. As per the amendment to Zoning By-law 7625 passed by City Council on May 25, 2007, the minimum dimensions for a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, shall be: 5.6 metres long, 2.6 metres wide, and 2.0 metres high, except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space which is obstructed. In the case of a parking space accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, the minimum dimensions for a parking space shall be: 5.6 metres long, 3.0 metres wide, and 2.0 metres high, except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed. For the purposes of this by-law, the side of a parking space is obstructed when any part of a fixed object is situated (a) within 0.3 metres of the side of the parking space, measured at right angles, and (b) more than 1.0 metres from the front or rear of the parking space.
2. The width of the drive aisle between the building and the street must be increased to a minimum of 6.0 metres. It is recommended that the southerly parking space (Number 4) be removed to allow for a 6.0m drive aisle and to meet Zoning By-law 7625. In addition, a turnaround area for parking space number one (of approximately 3.0 metres) must be maintained south of the 6.0 metre drive aisle. This must be identified clearly on the revised site plans.
3. We require that all driveway widths (minimum of 6.0m) and curb radii (4.0m maximum) be clearly shown on the revised plans.
4. Show necessary proposed and existing grades around the perimeter of the property to ensure stormwater and snowmelt from the site does not affect adjacent properties.

**URBAN FORESTRY TREE PROTECTION & PLAN REVIEW – Bruce Gordon,
416-395-6686**

1. There are three (3) City trees all in poor condition. The applicant will not be required to submit tree security guarantee, as these trees are in poor condition. Urban Forestry will have the trees schedule for removal for sometime within the near future. Urban Forestry requires that the applicant submit a certified cheque paid to the City of Toronto, Treasurer in the amount of **\$1,749.00** for the planting of three (3) new trees which the City will plant as replacement trees once the existing trees have been removed. Please contact Bruce Gordon of Urban Forestry at 416-395-6686 or by email at bgordon@toronto.ca if you require additional information.

CITY PLANNING – Ben DiRaimo, Planner, 416-395-7119

1. The owner shall remove all encroachments on public and private lands as per the approved site plan.
2. The owner shall install a 1.8 metre privacy fence along the west and southerly boundary lines, as per the approved site plan.
3. The owner shall remove existing paving and hard surfaces at the north and easterly portions of the site and install sod or soft landscaping, and new driveway curbing as per the approved site plan.
4. The owner shall provide a plant species list and landscape cost estimate which will include all plantings and landscaping, and provide a Letter of Credit to insure their installation.

B. POST APPROVAL CONDITIONS

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

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

**TECHNICAL SERVICES – Wayne Browne, P.Eng., Senior Development Engineer,
416-395-6255**

1. 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 and all existing redundant driveways must be removed and filled with appropriate landscaping.

2. All existing redundant curb cuts must be closed and restored to the satisfaction of the Executive Director of Technical Services.
3. 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.
4. 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.
5. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies.
6. All above noted conditions must be met to the satisfaction of the Executive Director of Technical Services at no cost to the City of Toronto.

CITY PLANNING, Ben DiRaimo, Planner, 416-395-7119

1. Provide and maintain the landscaping for the lands in accordance with the approved site/landscape plan to the satisfaction of the Director of Community Planning.