



STAFF REPORT ACTION REQUIRED

88 Finch Avenue East – Rezoning Application – Final Report

Date:	December 10, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	08 230268 NNY 24 OZ

SUMMARY

This application was made on December 17, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

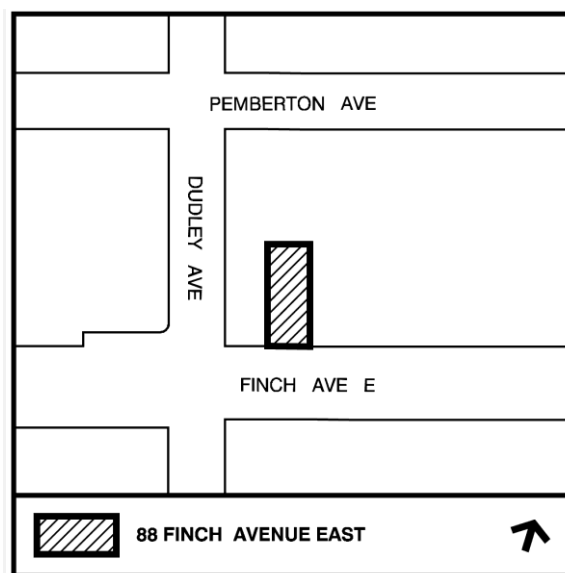
This application proposes to convert the residential second floor of an existing two storey building located at 88 Finch Avenue East for additional professional medical office use. The ground floor is an existing professional medical office. Five existing parking spaces are located at the rear of the site. No additions or alterations to the exterior of the building are proposed.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8;
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. City Council approve in principal the site plan as indicated on the drawing listed in Attachment No. 1, subject to the Notice of Approval Conditions listed in Attachment No. 9, and
4. Before introducing the necessary Bills to City Council for enactment, the owner is required to:
 - (i) Obtain site plan approval from the Director, Community Planning, North York District and enter into a Site Plan Agreement under Section 41 of the *Planning Act* and Section 114 of the *City of Toronto Act*.
 - (ii) Convey to the City, for a nominal sum and free and clear of all encumbrances, a road widening measuring approximately 4.9 metres along the Finch Avenue East frontage.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1996, the owner of the lands received building permits to construct a 2nd storey addition and a 2-storey rear addition to the existing structure. Building permits were issued based on building plans showing a home occupation on the main floor and residential uses on the upper floor. This was in accordance with uses permitted by the former City of North York Zoning By-law 7625 at that time.

ISSUE BACKGROUND

Proposal

The applicant is seeking permission to convert the existing building to professional medical office use. The building is currently used as a home-occupation with a professional medical office (dental office) located on the ground floor.

The proposal would allow the existing building to be used entirely for professional medical office purposes with a total combined gross floor area of 321 m² and a Floor Space Index (FSI) of 0.6. The proposal would be served by five existing at grade parking spaces located at the rear of the building, and accessed via an existing driveway onto Finch Avenue East.

Site and Surrounding Area

The site is located on the north side of Finch Avenue East, just east of the intersection with Dudley Avenue and west of Willowdale Avenue, and is occupied by a 2 storey single detached building. The ground floor of the building is utilized as a dentist's office.

North: The site borders onto Pemberton Parkette, the remainder of the neighbourhood consists of typical 2 storey single detached dwellings;

South: Single detached dwellings, with a three storey townhouse block immediately across the street at the south east corner of Finch and Dudley Avenues;

East: The immediately adjacent lot is the subject of a proposed redevelopment for two single detached, three storey residential dwellings which has been appealed to the Ontario Municipal Board (05 212629 NNY 24 OZ), further east are located typical 2 storey single detached dwellings; and

West: Lands towards the Finch Subway Station have been primarily redeveloped for higher density residential use, with a number of dwelling unit conversions for office/commercial uses.

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 site is designated *Mixed Use Area "C"* in the Central Finch Area Secondary Plan. This designation provides for detached and multiple-unit residential, offices, places of worship, public parks and recreational facilities, and institutional uses.

For sites with less than 30 metres of frontage on Finch Avenue, and where the proposed use is solely commercial, such as with this proposal, the maximum density (FSI) permitted is 0.75 times the lot area, and the maximum permitted height is 2 storeys or 8 metres, whichever is the lesser.

To buffer the effects of development in the Central Finch Area Secondary Plan and abutting residential neighbourhoods, the Plan also requires fencing and a landscape barrier suitable for the planting of trees. The Central Finch Area Secondary also requires that any part of a building not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line, provided that the setback is not less than 9.5 metres.

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 (08 230271 NNY 24 SA). The approval of this Site Plan Control application will be required prior to the issuance of building permits for this proposed development (Approval Conditions are attached as Attachment 9). The applicant will also be required to enter into a Site Plan Agreement prior to introduction of the By-law which will also include a requirement to convey land for future road widening purposes.

Reasons for Application

An amendment to Zoning By-law 7625 for the former City of North York is required as the R4 zoning that applies to the lands does not permit the proposed professional medical office as a principal use to the building.

Community Consultation

A community consultation meeting was held on April 6, 2009. The meeting was attended by the Ward Councillor, City Planning staff, the applicant and the owner, and approximately two members of the public.

Issues raised in discussion of the proposal, which have been considered in the review of the application, were specifically related to the following matters:

- amount of parking proposed for the site and the potential to secure additional parking spaces; and
- the encroachment of the existing front steps of the building upon City property resulting from the required road widening dedication.

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, Density and Massing

The proposed professional medical office use located within an existing 2-storey building and having an FSI of 0.6 complies with the land use and density policies of the Central Finch Area Secondary Plan, *Mixed Use Area "C"*.

No additions to the existing building are proposed. The structure will therefore retain its original house-form style and remain compatible with the residential character of the surrounding area. Maintaining the existing building also preserves the opportunity for future lot consolidation and redevelopment along Finch Avenue as envisioned by the Secondary Plan.

Road Widening and Encroachments

In the course of reviewing this proposal it has been determined that a 4.9 metre road widening dedication along the Finch Avenue frontage is required.

The stairs leading to the front porch of the existing building extend into the required road widening. Transportation staff advise that they will not support the encroachment of the existing steps into the future Finch Avenue right-of-way. An encroachment onto a future public sidewalk also creates liability issues and significantly impacts upon the City's snow clearing operations. With some modifications, the existing steps can be altered and the conflict with the future sidewalk avoided. This is one of the Conditions of Site Plan Approval (Attachment 9) and will be secured prior to enacting the By-law permitting the proposed professional medical office use.

Traffic Impact, Access, Parking

An existing driveway leads to five parking spaces located at the rear of the structure. City Transportation staff have reviewed the proposal and determined that as presented there would be a deficiency of seven parking spaces. As per Council policy, payment-in-lieu of parking will be required for the deficiency.

Open Space/Parkland

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 0.8-1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application to convert the second storey of the building to a medical use does not propose any additional gross floor area. As such the proposal is not subject to the provisions of the Alternative Parkland Dedication By-law.

Streetscape

Forestry staff have indicated that no trees are affected by the proposal. As such the existing conditions will be maintained.

Provincial Policy Statement and Provincial Plans

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 a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted.

The PPS promotes intensification and redevelopment opportunities through a more compact building form, 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 with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Development Charges

It is estimated that the development charges for this project will be \$3,000.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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

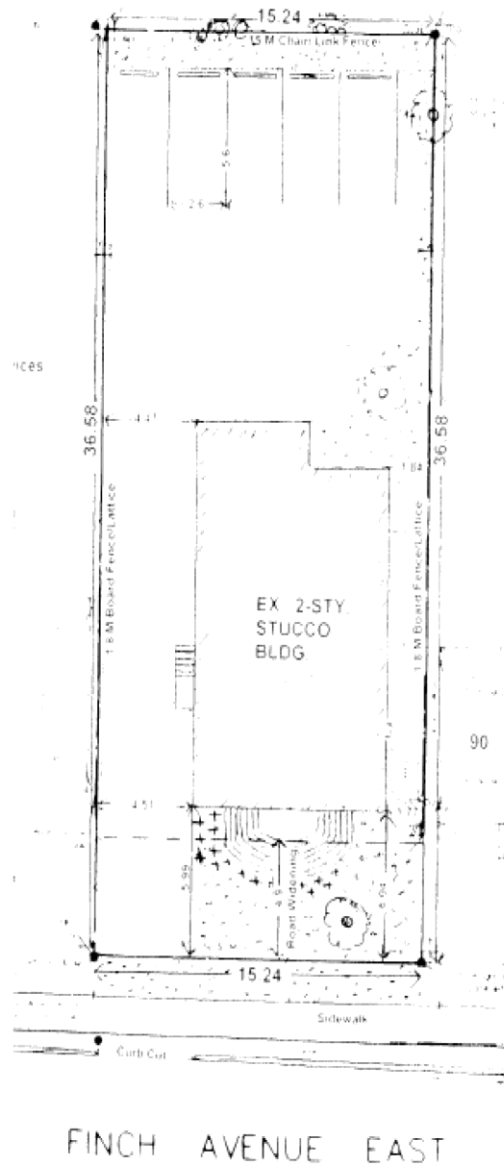
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevations
Attachment 3: North Elevations
Attachment 4: South Elevations
Attachment 5: West Elevations
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Notice of Approval Conditions

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

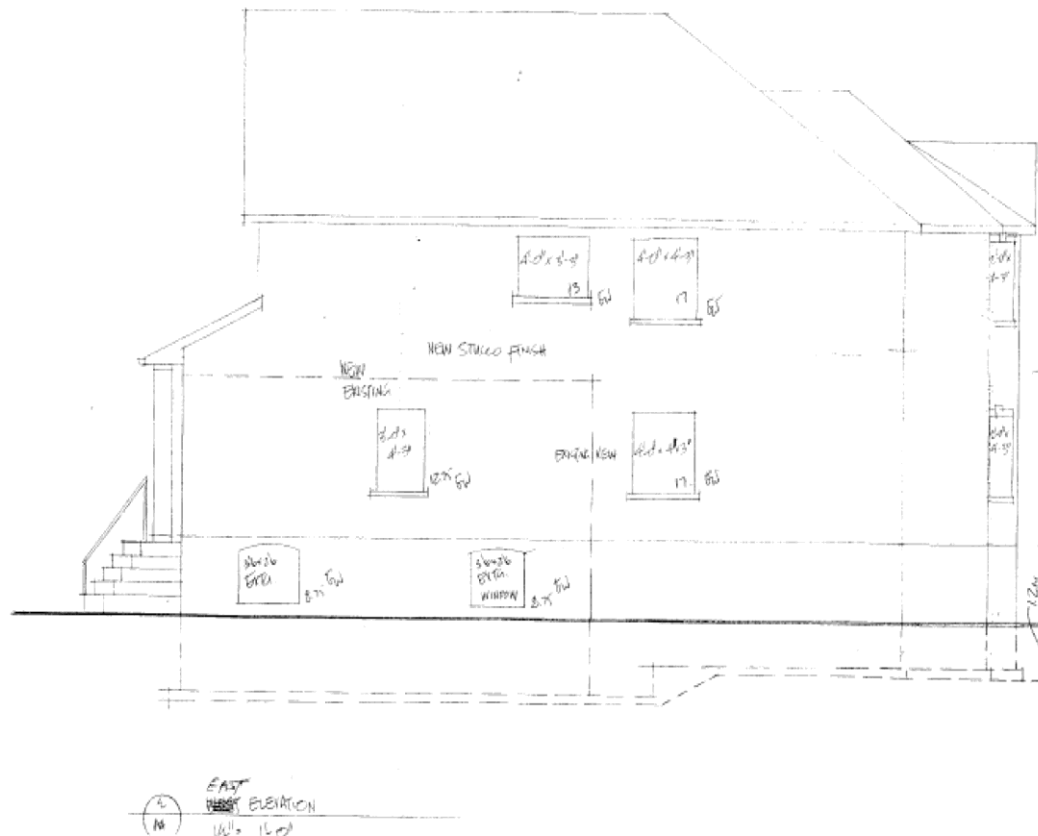
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01/19/2009



88 Finch Avenue E

File # 08_230268

Attachment 2: East Elevations



Elevation

Applicant's Submitted Drawing

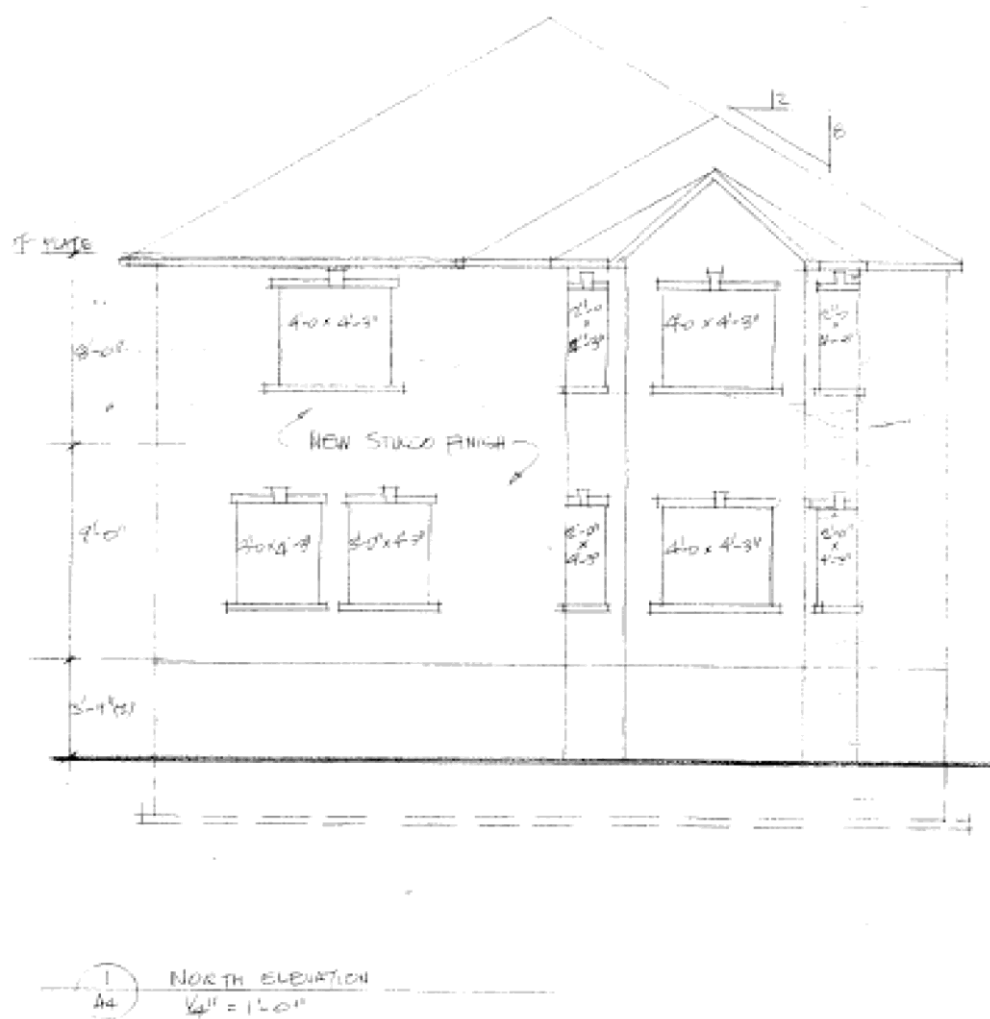
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88 Finch Avenue E

File # 08_230268

Attachment 3: North Elevations



Elevation

88 Finch Avenue E

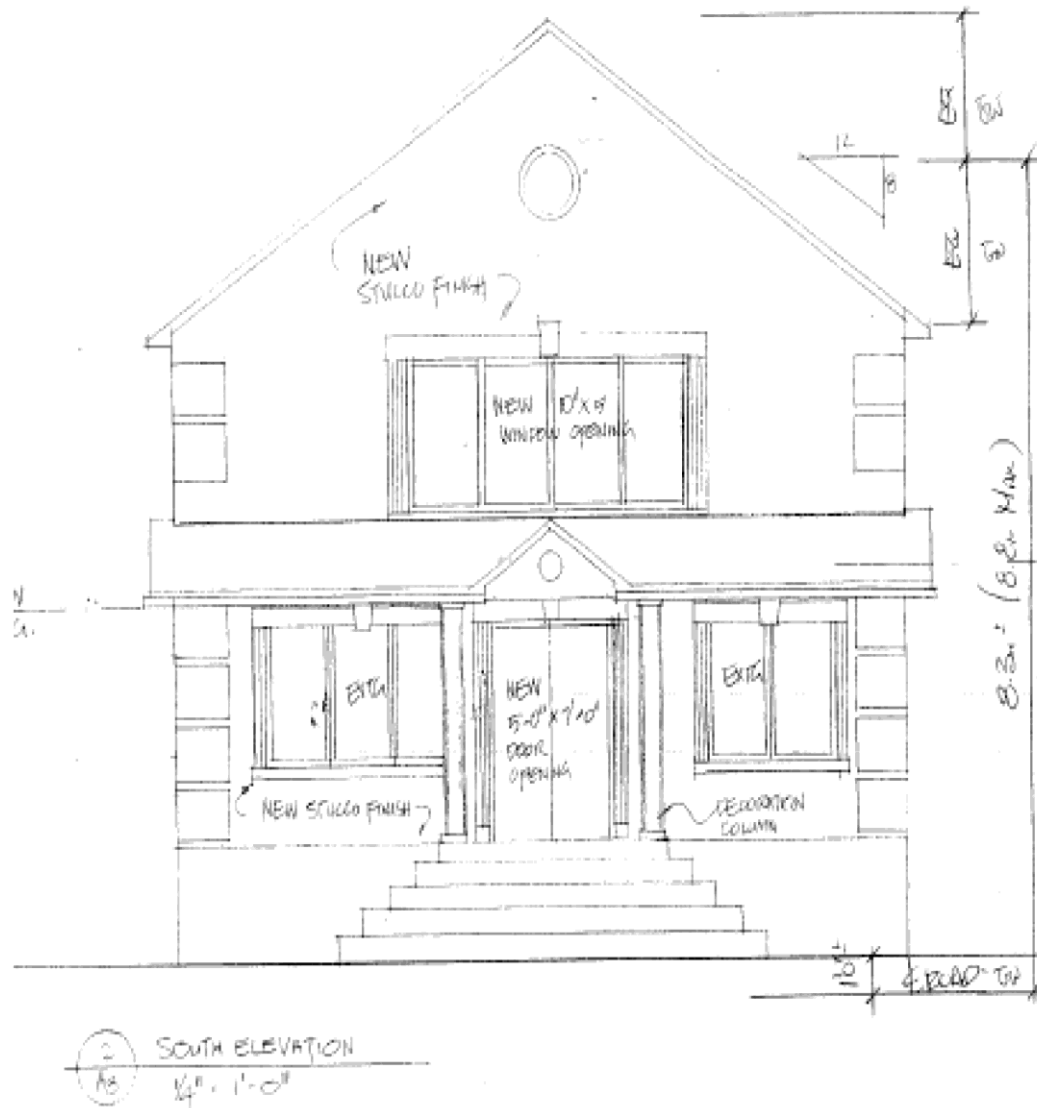
Applicant's Submitted Drawing

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File # 08_230268

Attachment 4: South Elevations:



Elevation

88 Finch Avenue E

Applicant's Submitted Drawing

Not to Scale
01/19/2009

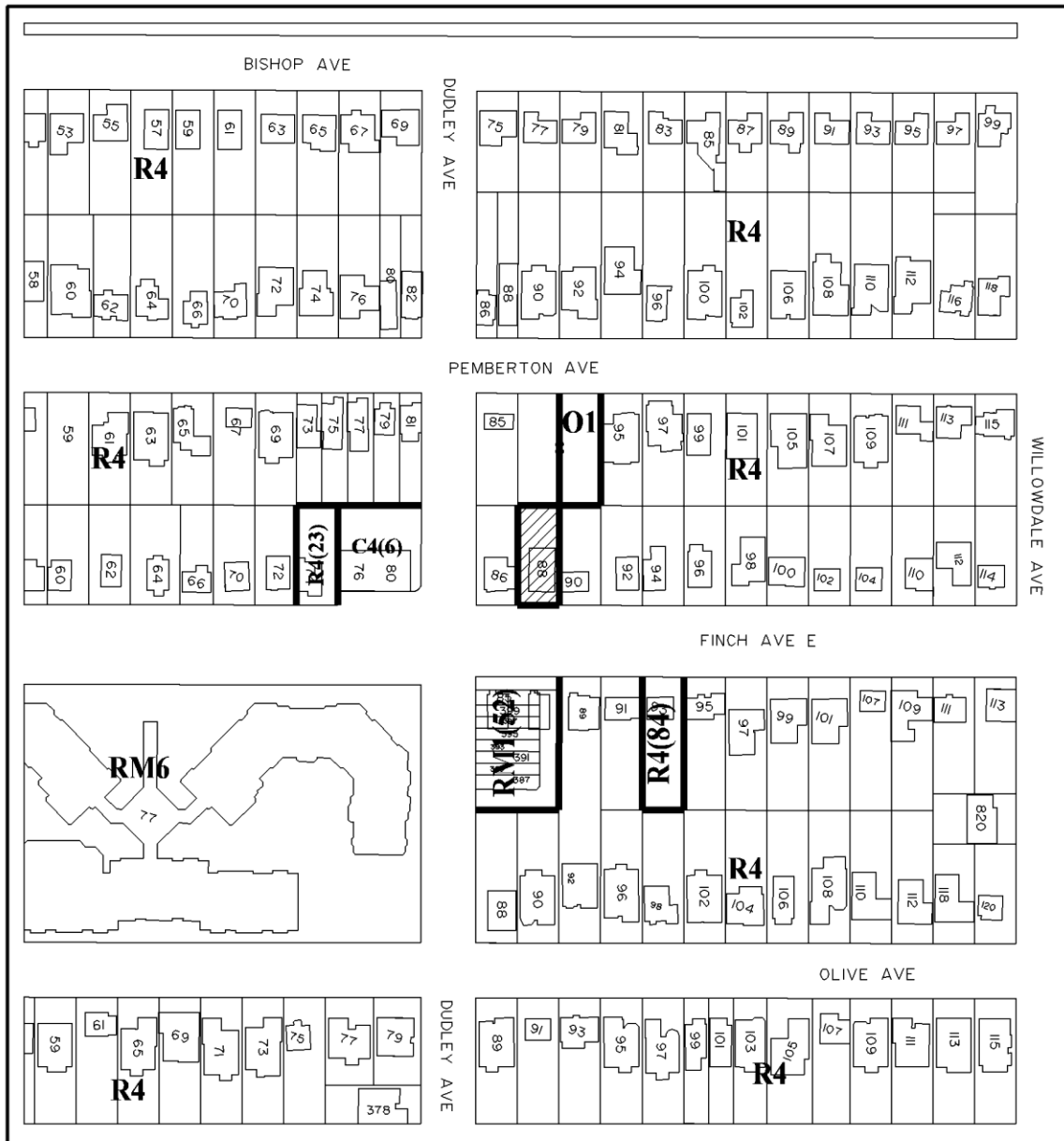


File # 08_230268

Architectural drawing of the West Elevation of a building. The drawing shows a two-story structure with a gabled roof. The left side features a large window with a "NEW 2' x 6' x 10' opening" and a "NEW 2' x 6' x 10' opening" below it. The right side has a smaller window with a "NEW 2' x 6' x 10' opening" and a "NEW 2' x 6' x 10' opening" below it. The roof is labeled "NEW STUCCO FINISH TO NEW E SIDE WALL". The foundation is labeled "SOLID CONCRETE BLOCK FOUNDATION WALL". The drawing includes various dimensions and labels for materials and construction details.

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Attachment 6: Zoning



Toronto City Planning
Zoning

88 Finch Avenue E

File # 08_230268

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

Not to Scale
Zoning By-law 7625
Extracted 01/19/2009

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 230268 NNY 24 OZ
Details	Rezoning, Standard	Application Date:	December 17, 2008
Municipal Address:	88 FINCH AVE E		
Location Description:	PLAN 2233 LOT 149 PARTIAL ASSESSMENT **GRID N2401		
Project Description:	Proposed conversion of the residential second floor to professional medical office (dentist). Ground floor is already used as a dentist office. No exterior alterations or additions to building or parking area. Existing 5 parking spaces at rear accessed via driveway from Finch Avenue. Note concurrent site plan application 08 230271 NNY 24 SA.		
Applicant:	Agent:	Architect:	Owner:
WINCH PLANNING & DEVELOPMENT SERVICES MEL WINCH			DR. MARK LIN DENTISTRY PROFESSIONAL CORPORATION

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):	557.48	Height:	Storeys:	2
Frontage (m):	15.24		Metres:	8
Depth (m):	36.58			
Total Ground Floor Area (sq. m):	127			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	321		Loading Docks	0
Total GFA (sq. m):	321			
Lot Coverage Ratio (%):	22.8			
Floor Space Index:	0.58			

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):	254	67
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 8: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as
adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To amend former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as
88 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 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.**
- 2. Section 64.13 of By-law 7625 is amended by adding the following subsection:**
“64.13 (96) R4 (96).

PERMITTED USES

- (a) In addition to the uses permitted by the R4 zone, a professional medical office use shall also be permitted within the building existing on or before the date of enactment of this exception.**

EXCEPTION REGULATIONS

- (b) The maximum gross floor area shall be 321 m².**
- (c) The minimum number of parking spaces shall be 5.**
- (d) The minimum yard setbacks shall be as shown on schedule “R4 (96)”.**
- (e) A minimum of a 1.5 metre wide landscape buffer comprised of at least lawn and hardy trees or ornamental shrubs and a 1.5 metre privacy fence shall be provided along the north property line.**

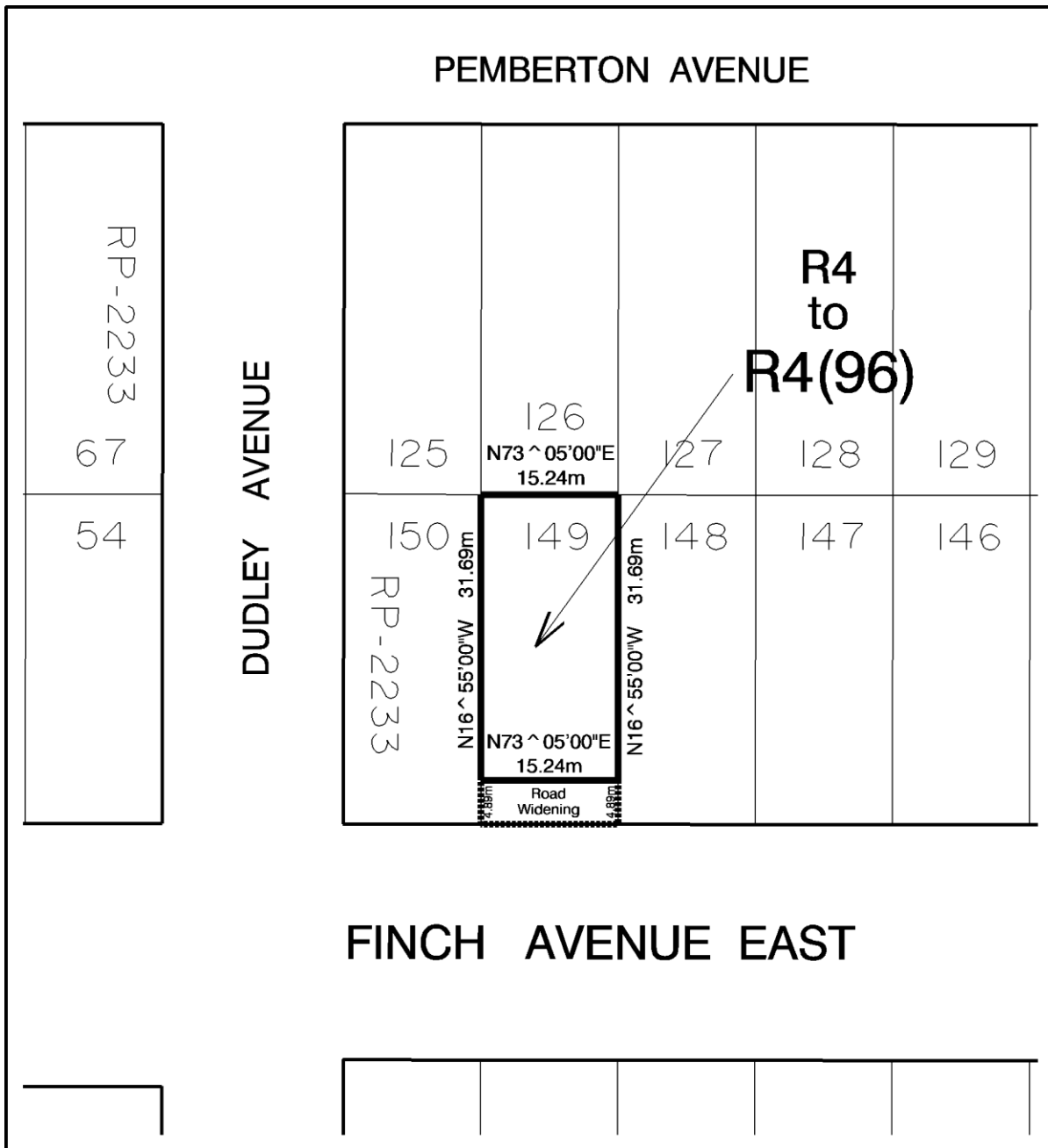
- (f) Section 7.4A and 7.4B relating to front yard landscaping and front yard soft landscaping shall not apply.**
- 3. Within the lands shown on Schedule "R4 (96)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are 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"**
- 4. Section 61.13 of By-law No. 7625 is amended by adding Schedule "R4 (96)" attached to this By-law.**

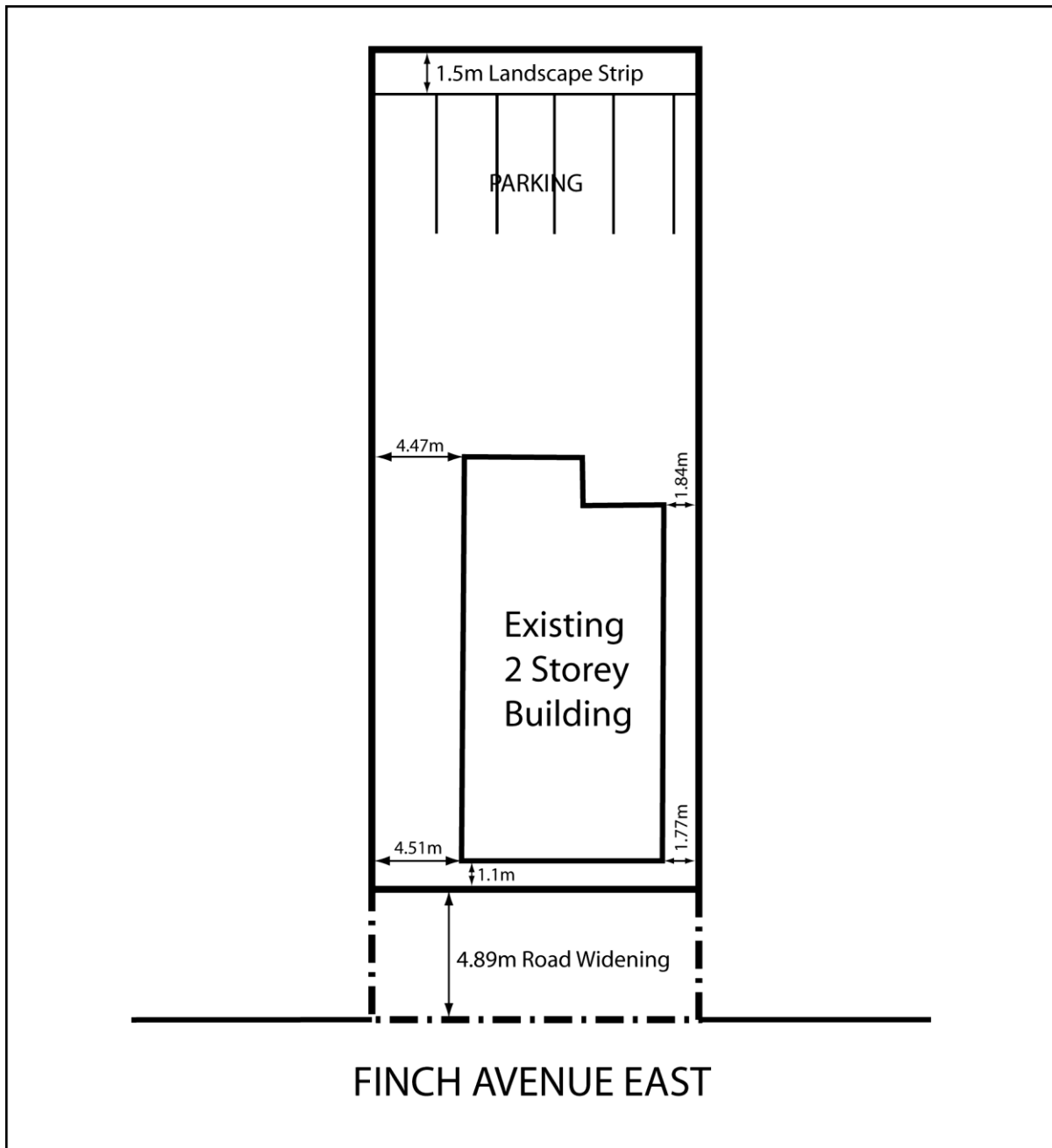
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 9: Notice of Approval Conditions

Site Plan Control Application No. 08 230271 NNY 24 SA

88 Finch Avenue East

PLAN 2233 LOT 149 PARTIAL ASSESSMENT

Ward 24 - Willowdale

The City Planning Division North York District has completed the review of your proposal to convert the residential second floor of the existing building for additional professional medical office (dentist) use, as outlined in the following plans and drawings:

- 1) Site Plan stamped received December 17, 2008.
- 2) Ground Floor, 2nd Floor and Basement Plans prepared by National Planning Team dated October 17, 2008, and stamped received December 17, 2008, 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 – Stephanie 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 – David Collins, Development Technologist, Phone # 416-395-6274

1. Widening of Highways that abut on the Land

- 1.1 Prepare all documents and convey to the City, at nominal cost, a 4.89 metre wide section the entire frontage, in fee simple, 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 dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;

- 1.2 Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
- 1.3 Pay all costs for registration and preparation of reference plan(s).

2. Off-street Vehicular Loading and Parking Facilities and Access/Driveways

- 2.1 The applicant must submit an application for Transportation Services to seek the approval of the proposed parking deficiency, prior to the approval of the Site Plan application. It noted that the currently proposed parking supply's deficient by seven (7) spaces from the Zoning By-law 7625 requirement of 12 spaces. Payment-in-Lieu of parking will be required for the proposed parking deficiency, in accordance with Council Policy. It must be noted that the currently proposed parking supply numbers may change due to our review comments; and are also subject to the interpretation of the buildings department.
- 2.2 As the applicant provides a total of five (5) parking spaces, Transportation Services will apply payment-In-lieu of parking to the parking deficiency as per council policy, which shall be undertaken as follows:
 - Applications subject to Payment-in-Lieu of Parking must go to Community Council and then City Council for final approval;
 - The applicant is required to provide a non-refundable processing fee of \$300.00 + GST to Transportation Services prior to inclusion as an Agenda item at North York Community Council;
 - Upon receipt of the processing fee Staff will prepare a Report to Community Council;
 - The applicant must be aware that Staff will require sufficient time to prepare the Report to Council to satisfy the report deadline – this will be determined by receipt of the processing fee – otherwise the Report to Council will be prepared for the following North York Community Council Meeting; and
 - Should City Council approve the said Report to Council, the applicant will be required to provide funds to cover Payment-in-Lieu of Parking, as per the Staff Report.

3. Other Conditions

- 3.1 Since the existing main entrance stairway will be encroaching on the City right of way once the conveyance is completed, the stairway will have to be reconstructed so that it will not encroach on the City property.

CITY PLANNING – Ben DiRaimo, Phone # 416-395-7119

1. Maintain the existing on-site landscaping and which will include a minimum 1.5 metre rear landscape strip and opaque privacy fencing on the west and east sides of the lot as shown on the submitted Site Plan.

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

1. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope;
2. 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;
3. All redundant existing curb cuts must be closed and restored at the owner's expense, in accordance with municipal standards;
4. All redundant existing driveway pavement must be replaced by sod at the owner's expense;
5. 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;
6. Snow must be stored on the site such that the pedestrian sidewalks are not obstructed, parking supply is not reduced and vehicular site lines area not affected. Snow that cannot be adequately stored on-site must be removed from the site by the owner/building management after each snow fall;
7. Provide and maintain a walkway on the private side from the principal entrance of the building to a sidewalk on the public street or to a driveway that provides access to a public street;
8. Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres;

9. The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
 - a) All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - b) Plant irrigation systems.
10. These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
 - a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein;
 - b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning;
 - c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street;
 - d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes;
 - e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the City. In default of the removal not occurring as requested, the City may carry out the

removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes;

- f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so;
 - g) The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways.
- 11. Advise all owners and tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm;
 - 12. 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.

CITY PLANNING

- 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.

SITE SPECIFIC CONDITIONS

ENCROACHMENT

Any encroachments, including physical or landscape within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services.

DRIVEWAY ACCESS AND SITE CIRCULATION

Access is proposed for the subject site via a driveway with access off Finch Avenue East. Parking areas shall be surfaced and maintained with asphalt, concrete, or interlocking stone, on which individual parking spaces are delineated by paint or other approved means.

PARKING

The minimum parking facilities as per Zoning By-law 7625 requires one (1) parking space for each 24m² GFA for professional medical office uses. As per Zoning By-law 7625, this site requires twelve (12) parking spaces for the existing total Gross Floor Area (GFA) approximately 309 m². The submitted site plan does not meet this requirement. There is a deficiency of seven (7) spaces out of the By-law requirement of twelve (12) spaces.

We are prepared to support the parking variance, subject to payment-in-lieu of parking being applied to the proposed parking deficiency, in accordance with Council Policy.

As the applicant provides a total of five (5) parking spaces, the City will apply payment-In-lieu of parking to the parking deficiency as per council policy, which shall be undertaken as follows:

- Applications subject to Payment-in-Lieu of Parking must go to Community Council and then City Council for final approval;
- The applicant is required to provide a non-refundable processing fee of \$300.00 + GST to Transportation Services prior to inclusion as an Agenda item at North York Community Council;
- Upon receipt of the processing fee Staff will prepare a Report to Community Council;
- The applicant must be aware that Staff will require sufficient time to prepare the Report to Council to satisfy the report deadline – this will be determined by receipt of the processing fee – otherwise the Report to Council will be prepared for the following North York Community Council Meeting; and
- Should City Council approve the said Report to Council, the applicant will be required to provide funds to cover Payment-in-Lieu of Parking, as per the Staff Report.

According to Zoning By-law 7625, 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. 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. Parking areas shall be surfaced and maintained with asphalt, concrete, or interlocking stone.