



STAFF REPORT ACTION REQUIRED

90 Finch Avenue East – Rezoning and Site Plan Control Applications - Request for Direction Report

Date:	December 15, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	05 212629 NNY 24 OZ and 06 104129 NNY 24 SA

SUMMARY

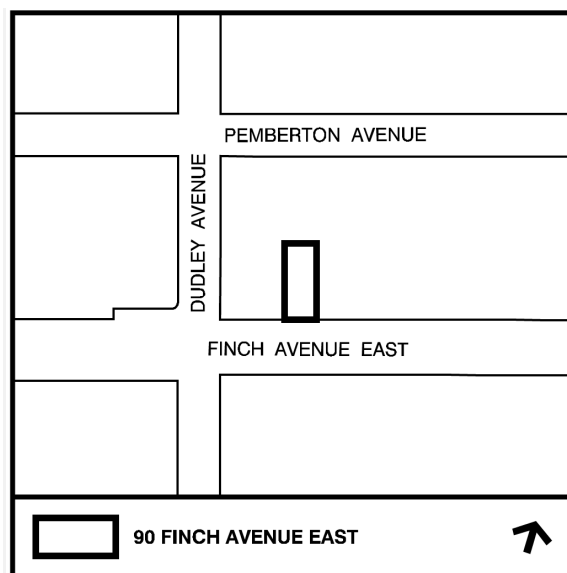
The original application proposing to amend the former City of North York Zoning By-law 7625 in order to permit two, semi-detached three-storey buildings was made on December 30, 2005, and subsequently appealed by the applicant to the Ontario Municipal Board.

At its meeting of May 1, 2007, North York Community Council recommended supporting the proposal for two, three-storey semi-detached dwellings with specific provisions. The Ontario Municipal Board hearing held on May 22, 2008 was adjourned in order to allow the applicant to make a consent application to the Committee of Adjustment to create the two proposed lots, and to continue discussions with City staff on an acceptable design. The application has been amended by the applicant and proposes the construction of two, three-storey detached dwellings, with a common driveway leading to two parking spaces respectively at the rear.

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

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council support the proposal as amended, to permit construction of two, three-storey detached dwellings, subject to the recommendations and conditions generally outlined in this report; and
2. City Council approve in principle the site plan and elevations as indicated on the drawings listed in Attachments No. 1 and 2; subject to the Notice of Approval Conditions listed in Attachment No.5; and
3. City Council authorize the City Solicitor and any other appropriate City staff to attend at the Ontario Municipal Board in support of the proposal as amended

Financial Impact

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

ISSUE BACKGROUND

The original rezoning application to permit redevelopment of 90 Finch Avenue East with two, three-storey semi-detached dwelling units was submitted on December 30, 2005. A Site Plan Control application was subsequently submitted on January 20, 2006.

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 achieve 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.

In a supplementary report to the North York Community Council meeting of July 11, 2006, planning staff advised that the owner of the subject lands did not wish to pursue purchase of additional lands, nor alter the proposal as submitted. The applicant appealed the re-zoning application to the Ontario Municipal Board (File # PL070015).

At its meeting of May 1, 2007, North York Community Council adopted the recommendations made in the request for direction staff report of April 16, 2007, which proposed supporting the proposed two, three-storey semi-detached dwellings with modifications.

At the Ontario Municipal Board Hearing held on May 22, 2008, the appeal was adjourned sine die in order to permit the appellant to apply to the Committee of Adjustment for consent to create the required two lots. The Board wished to avoid the perception that it was attempting to predetermine the severance issues. The Board also encouraged further discussion of the relevant planning issues between the appellant and the City.

Since the Board hearing, City staff has met with the applicant and owner of the lands on a number of occasions to discuss the City's urban design and streetscaping policies and various building design options. The amended proposal for two, three-storey dwellings with a common driveway leading to two parking spaces respectively at the rear was found to be an acceptable compromise.

The applicant subsequently applied to the Committee of Adjustment, North York Panel for consent to divide the property into the required two parcels and to create easements for common driveway purposes. On September 16, 2009 the Committee granted the consent subject to conditions.

Proposal

The application as amended proposes construction of two, three-storey detached dwellings, having a total density of 1.0 Floor Space Index (FSI). Two parking spaces for each dwelling are located at the rear and accessed via a shared driveway.

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. The lands have a frontage of 15.24m fronting onto the north side of Finch Avenue East, a depth of 36.58m and an area of 557.48m².

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.

The proposal is consistent with the PPS.

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.

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 is also before the Ontario Municipal Board.

Reasons for the Application

The R4 zoning that exists for the subject lands only permits single detached dwellings. A rezoning was required to accommodate the original proposal for two semi-detached dwellings. The amended proposal for two, three-storey dwellings will require variances to the Zoning By-law.

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.

Committee of Adjustment

The applicant submitted a site plan (Attachment 4) to the Committee of Adjustment proposing to divide the site into two parcels.

Parcel one is described as Parts 1 and 2 and would have 7.62m (25') fronting onto the north side of Finch Avenue East a depth of 36.58m (120') and an area of 278.74m² (3,000.33sq.ft.). Part 2 would be subject a right-of-way in favour of Parts 3 and 4 for pedestrian and vehicular ingress and egress.

Parcel two is described as Parts 3 and 4 and would have 7.62m (25') fronting onto the north side of Finch Avenue East a depth of 36.58m (120') and an area of 278.74m² (3,000.33sq.ft.). Part 4

would be subject a right-of-way in favour of Parts 1 and 2 for pedestrian and vehicular ingress and egress.

The application was approved at the hearing of September 16, 2009 with the following conditions:

1. The applicant obtain approval from the Ontario Municipal Board with respect to the amended zoning.
2. Site Plan Approval being obtained
3. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division.
4. The requirements of the Technical Services Division with respect to the road widening along the Finch Avenue frontage.
5. Payment of Parks Fund Charges - \$1000.00
6. A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4 of an in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.
7. Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
8. A copy of a letter from the Executive Directory of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services, Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
9. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.

The decision of the Committee of Adjustment was deemed final and binding on October 14, 2009, and the applicant has asked the Board to reconvene the hearing of the Zoning By-law and site plan appeal.

COMMENTS

The application as amended, proposes redevelopment of the subject site to permit two, three-storey detached dwelling units and is acceptable within the policies of the Central Finch Area Secondary Plan, *Mixed Use Area "C"*.

City planning staff had a number of discussions with the applicant and owner to encourage redesign of the originally proposed development so the building could be located closer to the front property line and street edge, and be in conformity with the Secondary Plan policies.

This proposal improves the Finch Avenue streetscape by moving the buildings closer to the street edge, utilizing a shared driveway to access parking located at the rear of the site. The shared driveway access also helps to minimize the number of driveways accessing onto Finch Avenue.

The proposal as amended also reduces the front yard setback from the front property line to 2.5 metres. This setback is similar to recently approved townhouse projects along Finch Avenue and will provide an area for landscaping at the front of each dwelling and will contribute to the attractiveness of the street and create a viable and pedestrian friendly street edge.

Accordingly, this report recommends approval of the proposed development of the site as amended to construct two, three-storey detached dwellings. This report also recommends that City Council instruct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of the proposal as amended. At the hearing, the City Solicitor should request that the Board's final order in this matter be held, pending fulfillment of the pre-conditions listed in Attachment 5 to this report. Among other things, the pre-conditions require the applicant to convey a 4.9 metre strip across the Finch Avenue frontage of the lands for road widening purposes.

CONTACT

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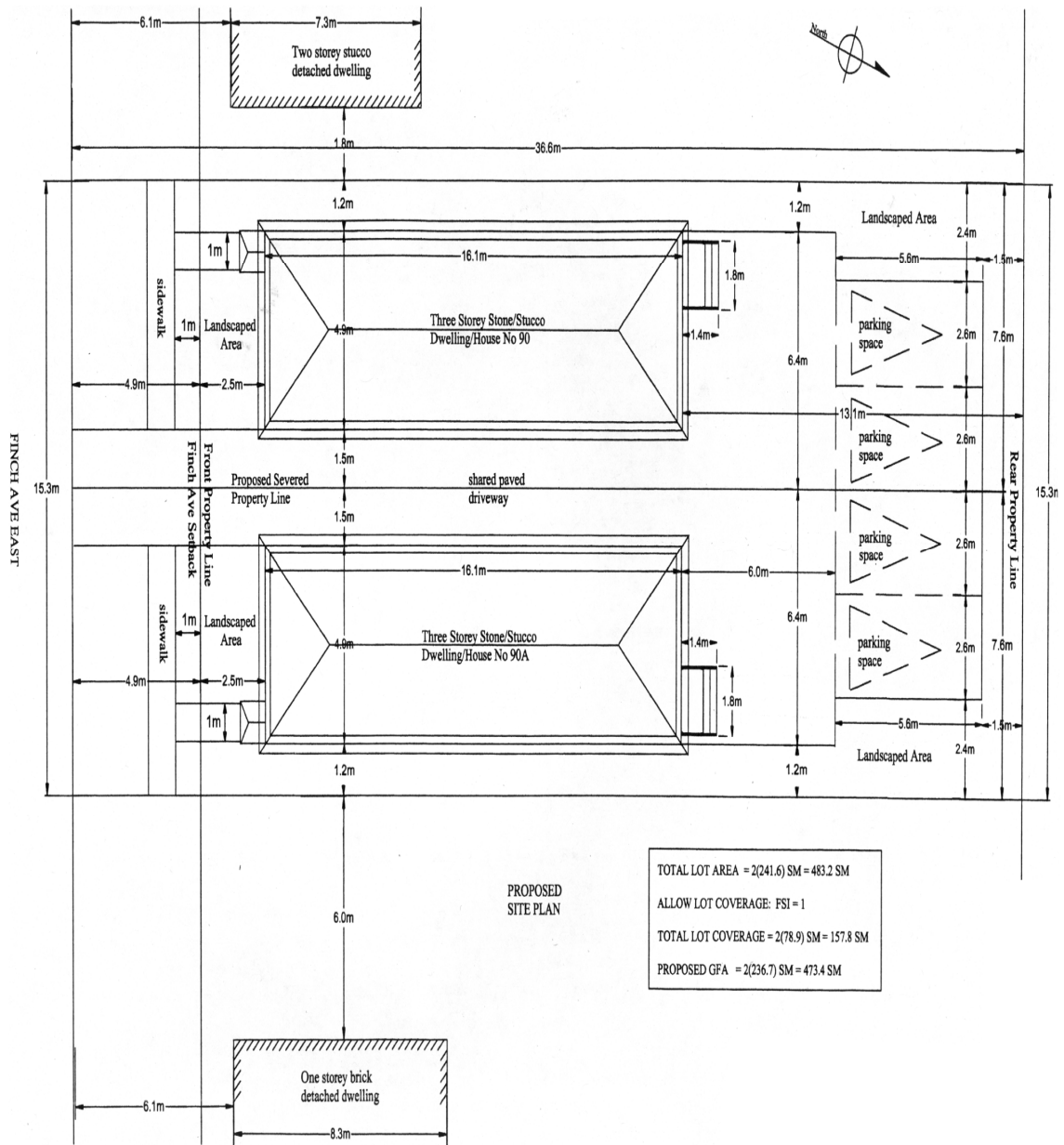
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan (as amended)
Attachment 2: Front and Rear Elevation (as amended)
Attachment 3: Zoning
Attachment 4: Committee of Adjustment: submitted plan
Attachment 5: Notice of Approval Conditions

Attachment 1: Site Plan (as amended)



Site Plan

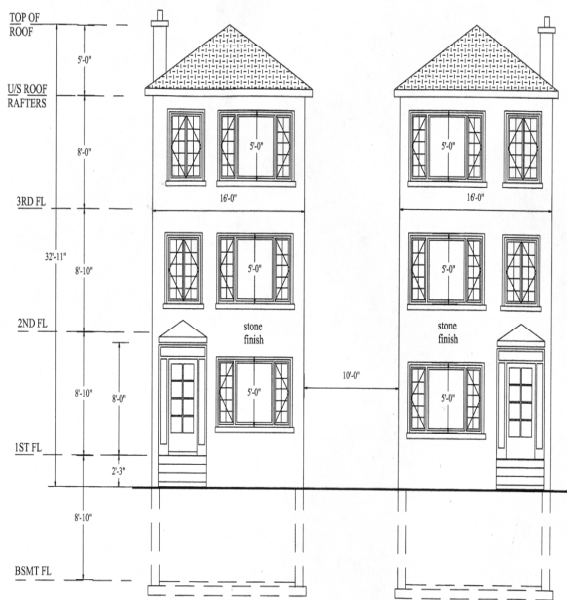
90 Finch Avenue East

Applicant's Submitted Drawing

Not to Scale
12/10/09

File # 05_212629

Attachment 2: Front and Rear Elevations (as amended)



Front Elevation



Rear Elevation

Elevations

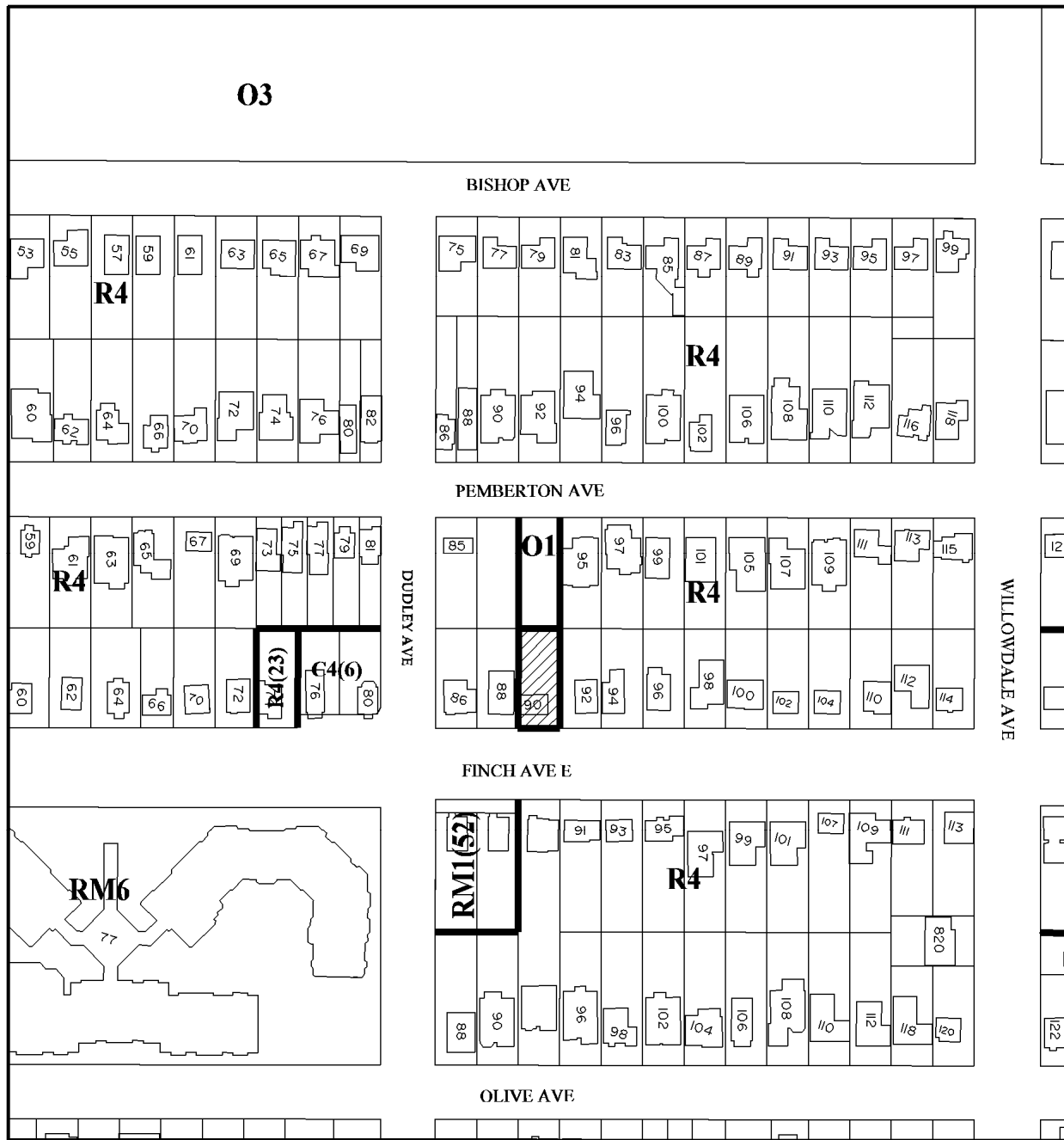
Applicant's Submitted Drawing

Not to Scale
12/10/09

90 Finch Avenue East

File # 05_212629

Attachment 3: Zoning



Toronto City Planning
Division
Zoning

90 Finch Avenue East

File # 05_212629

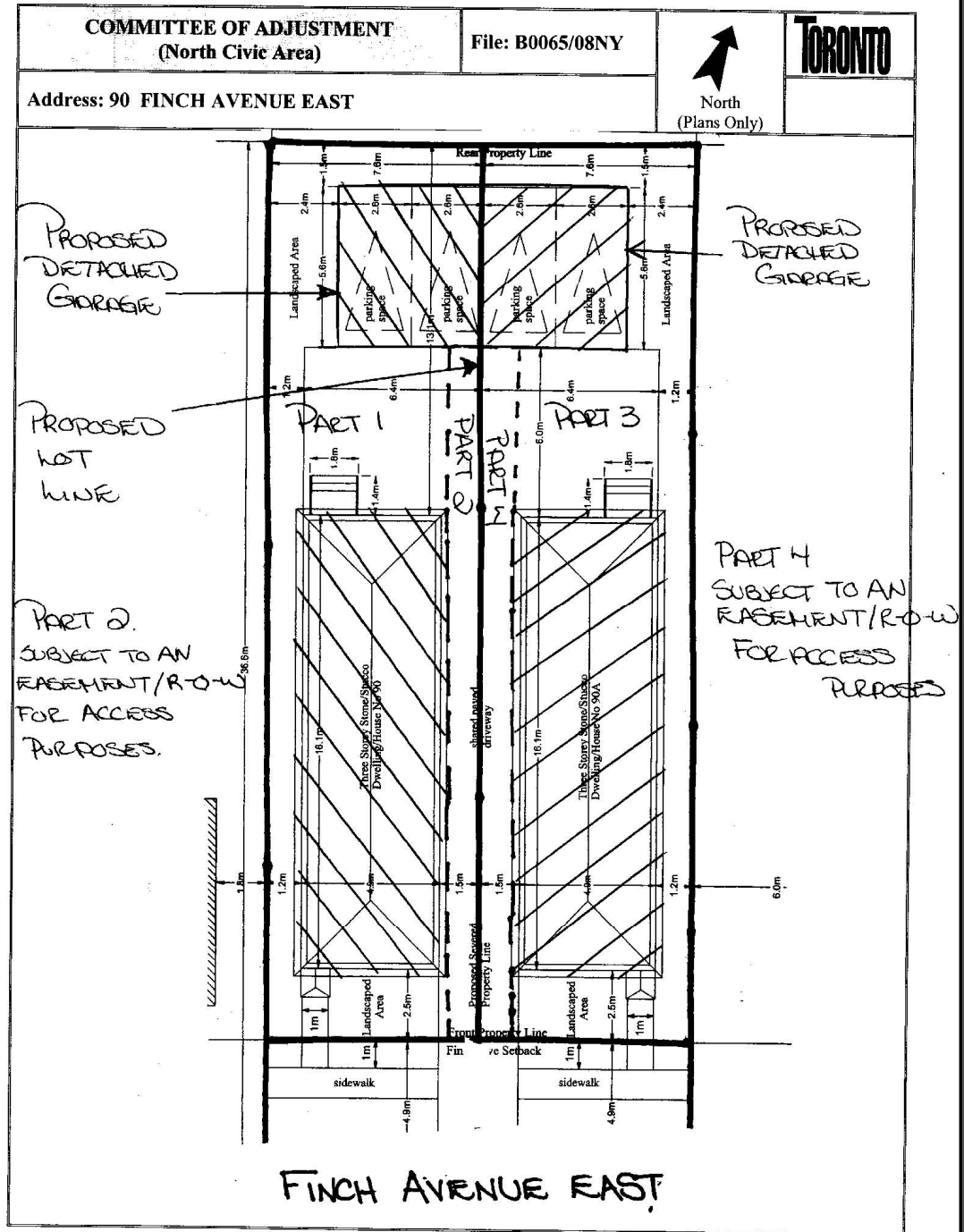
R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C4 Mixed Use Commercial Zone
O1 Open Space Zone

O3 Semi-Public Open Space Zone



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

Attachment 4: Committee of Adjustment: submitted plan



Attachment 5: Notice of Approval Conditions
Site Plan Application No.: 06 104129 NNY 24 SA

To permit two, three-storey detached dwellings located at 90 Finch Avenue East (06-104129 NNY 24 SA), as outlined in the following plans and drawings:

- 1) Site Plan, drawn by Design Consulting Services Inc Robert Stubbs, dated February 9, 2009, and stamped received April 6, 2009, City of Toronto Planning North York Civic Centre;
- 2) Proposed H1 & H2 Front Elevations, drawn by Design Consulting Services Inc Robert Stubbs, dated January 25, 2009, and stamped received April 6, 2009, City of Toronto Planning North York Civic Centre;
- 3) Proposed H1 & H2 Rear Elevations, drawn by Design Consulting Services Inc Robert Stubbs, dated January 25, 2009, and stamped received April 6, 2009, City of Toronto Planning North York Civic Centre.

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.
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. 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.
16. 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.
17. Construct and maintain site grading as recommended in the accepted Grading Plan.

18. 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.
19. Make application and receive approval from the Committee of Adjustment in order to sever the property into two individual lots.
20. 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.
21. 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.