



STAFF REPORT ACTION REQUIRED

11 Newton Drive – Official Plan and Zoning Amendment Applications - Preliminary Report

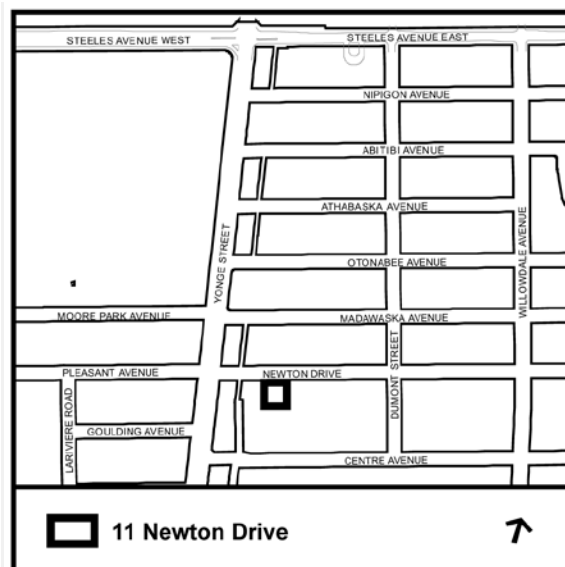
Date:	May 19, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	15 140421 NNY 24 OZ

SUMMARY

This application proposes to amend the Official Plan and the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 to legalize an existing newly constructed two-storey building to commercial use to be used as a medical office at 11 Newton Drive.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

It is intended that a community consultation meeting be scheduled in consultation with the Ward Councillor. A Final Report and Public Meeting under the *Planning Act* to consider this application is targeted for the first quarter of 2016 provided any required information is submitted by the applicant in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 11 Newton Drive together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on March 22, 2013 to discuss the proposal and complete application submission requirements.

Decision History

On October 22, 2009, a building permit was issued for a single family detached dwelling on two assembled residential lots at 11 Newton Drive and 15 Newton Drive.

On February 6, 2012, Municipal Licensing and Standard issued a notice of violation for use of the property at 11 Newton Drive for a non-permitted use, namely, commercial use

As 11 Newton Drive and 15 Newton Drive are adjoining lots in the same ownership, they have automatically merged in title and are now known as 11 Newton Drive.

ISSUE BACKGROUND

Proposal

The application proposes to legalize the existing two-storey building to a commercial use to be used as a medical office. The total gross floor area of the proposed medical office is 579.58m² and the lot coverage is 28.57%. Ten parking spaces are provided at the rear of the building and access to the parking area is provided from a six metre wide driveway located along the west side of the property from Newton Drive. The site is currently being used for a medical office. No new construction is proposed as part of this application as the building has been in existence for a number of years.

Additional Site Statistics can be found in Attachment 6: Application Data Sheet.

Site and Surrounding Area

The subject lands are located on the south side of Newton Drive, east of Yonge Street and north of Finch Avenue. The site has an area of 1017.07 m². The frontage on Newton Drive is 27.37 metres and has an average lot depth of 37.07 metres. The existing building is located on a combined lot (11 Newton Drive and formerly 15 Newton Drive), that previously contained two residential detached dwellings each on their own lot. The building is currently being used as a medical office and contains space for physicians and staff who offer a wide variety of medical and pharmaceutical services.

Abutting uses are as follows:

North: residential one-storey and two-storey detached dwellings on Newton Drive and a Mazda dealership on Yonge Street.

South: residential one-storey and two-storey detached dwellings with the exception of 10 Centre Avenue being used as a commercial office.

West: commercial uses including a Mazda dealership parking lot on Yonge Street.

East: residential one-storey and two-storey detached dwellings on Newton Drive.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that Provincial interests are upheld. 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 to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This site is designated *Neighbourhoods* in the Official Plan (Map 16). *Neighbourhoods* are considered physically stable areas made up of low scale residential uses along with parks, schools, local institutions and small-scale stores and shops serving the needs of area residents.

Policy 4.1.3 of the Official Plan states that new small-scale retail, service and office uses that are incidental to and support *Neighbourhoods* and that are compatible with the area and do not adversely impact adjacent residences may be permitted through an amendment to the Zoning By-law, where required, on major streets shown on Map 3, with the exception of portions of streets which have reversed lot frontages. To maintain the residential amenity of *Neighbourhoods*, new small-scale retail, service and office uses will:

- a) serve the needs of the area residents and potentially reduce local automobile trips;
- b) have minimal noise, parking or other adverse impacts upon adjacent or nearby residents; and
- c) have a physical form that is compatible with and integrated into the *Neighbourhood*.

A key objective of building healthy neighbourhoods is to ensure that new development respects and reinforces the existing physical character of the area, reinforcing the stability of the neighbourhood.

Official Plan Policy 4.1.5. states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

The policy states that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

Yonge Street North Planning Study

The subject site is outside of the North York Centre Secondary Plan area but within the area being studied as part of the "Yonge Street North Planning Study". The objective of this planning study is to develop a vision for the future of the Yonge Street corridor between Finch Avenue and Steeles Avenue in response to existing and anticipated development pressures, and includes some areas that are not expected to undergo significant change. Map X-2 of the *draft* Secondary Plan that was presented at a public consultation meeting on May 28, 2014, identifies the north side of Newton Drive as "Mixed Use Area C". *Draft* policy 3.1.3.3 of the Secondary Plan indicates that "Mixed Use Area C" on Map X-2 provides for residential, office uses ancillary to a residential use (maximum of 50% of the gross floor area), institutional and community uses that are not predominantly offices, and open space, including public parks, community facilities and recreational uses. No land use designation changes are proposed for the south side of Newton Drive where the subject site is located.

In November 2015, City Council received the consultant's final report on the Yonge Street North Study for information and directed staff to conduct additional work and consultations. A final report and recommendations to North York Community Council is to be prepared for the fourth quarter of 2015.

Zoning

The subject site is currently zoned "One Family Detached Dwelling Sixth Density Zone (R6)" in Zoning By-law No. 7625 of the former City of North York and "Residential Detached Zone (RD f12; a370)" in the new City of Toronto Zoning By-law No. 569-2013. The zoning permits single detached dwellings and accessory buildings.

Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 15 140428 NNY 24 SA) and is being reviewed concurrently with the subject application.

Tree Preservation

The applications are subject to the City of Toronto Private Tree By-law. A permit is required to remove, cut down or injure a tree with a diameter of 30 centimetres or more on private property. A Tree Preservation Plan has been submitted, however, the applicant will be required to submit an Arborist Report for review by the City's Urban Forestry.

Reasons for the Application

An amendment to the Official Plan is required to permit the proposed medical office use.

An amendment to the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 is required to permit the commercial use of a medical office and to establish appropriate performance standards. The current zoning on the site only permit single detached dwellings and accessory buildings.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale;
- Tree Preservation Report;
- Functional Servicing Report;
- Stormwater Management Report; and
- Parking and Loading Study.

A Notification of Incomplete Application was issued on May 12, 2015 that identifies the outstanding material required for a complete application submission as follows:

- An Arborist Report; and
- Archaeological Assessment – Stage 1.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment.

On a preliminary basis, the following issues have been identified:

- appropriateness of the proposed Official Plan amendment;
- appropriateness of the proposed medical office use at this location;
- clarification of the gross floor area calculation in particular the basement gross floor area;
- conformity with the new vision being developed for the area as part of the Yonge Street North Planning Study;
- compatibility and fit with the existing and planned physical character of the surrounding residential neighbourhood;
- assessment of the impact of commercial activity on surrounding residential properties to the south, north and east;

- review of the Parking and Loading Study to determine any impacts including appropriate parking standards and the sufficient supply of parking and loading spaces;
- assessment of sufficient servicing infrastructure including stormwater management to support the proposed development;
- review and investigation of the archeological potential on the site; and
- review of the TGS checklist and compliance with Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

Jenny Choi, Planner

Tel. No. (416) 395-7176

Fax No. (416) 395-7155

E-mail: jchoi@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North and East Elevations

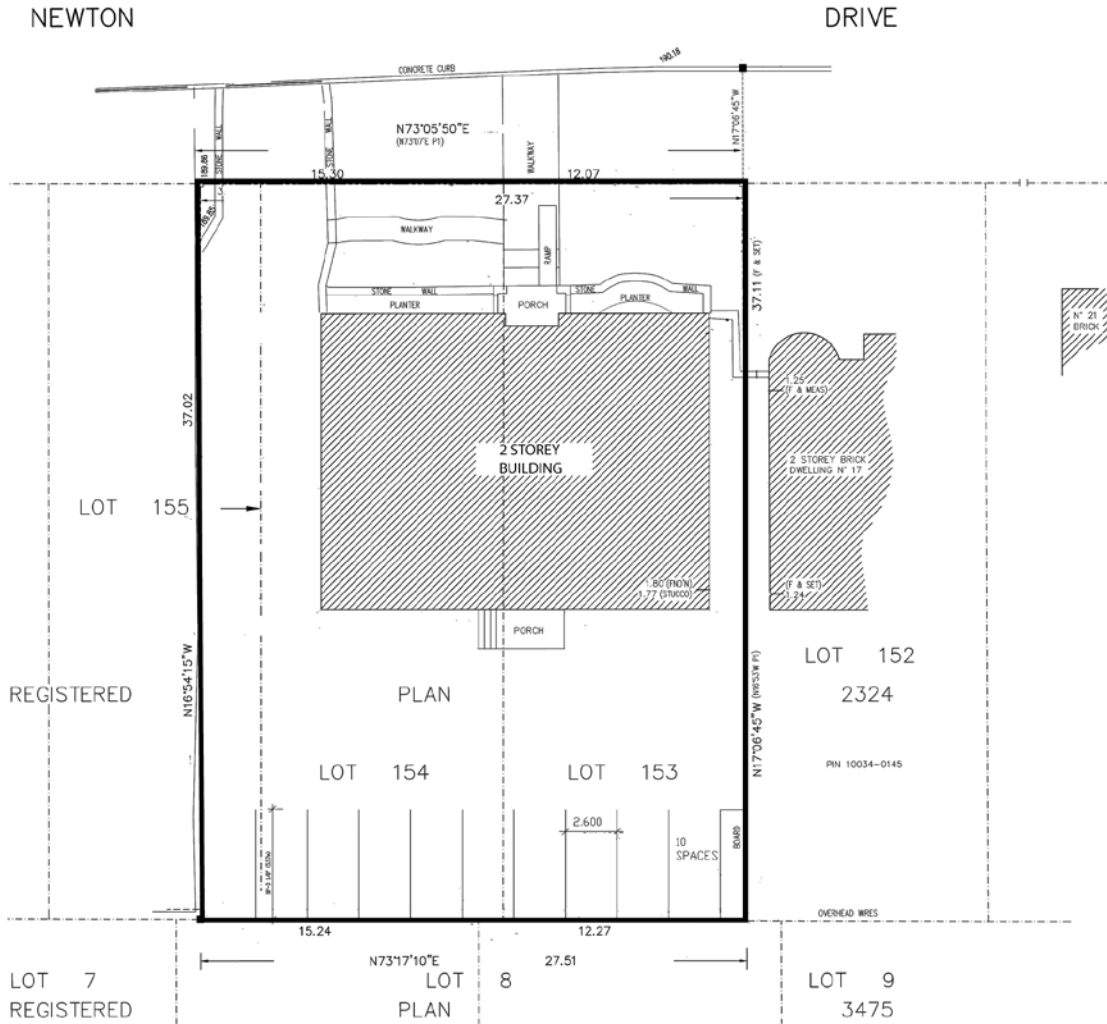
Attachment 3: Official Plan

Attachment 4: Zoning By-law No. 7625

Attachment 5: Zoning By-law No. 569-2013

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

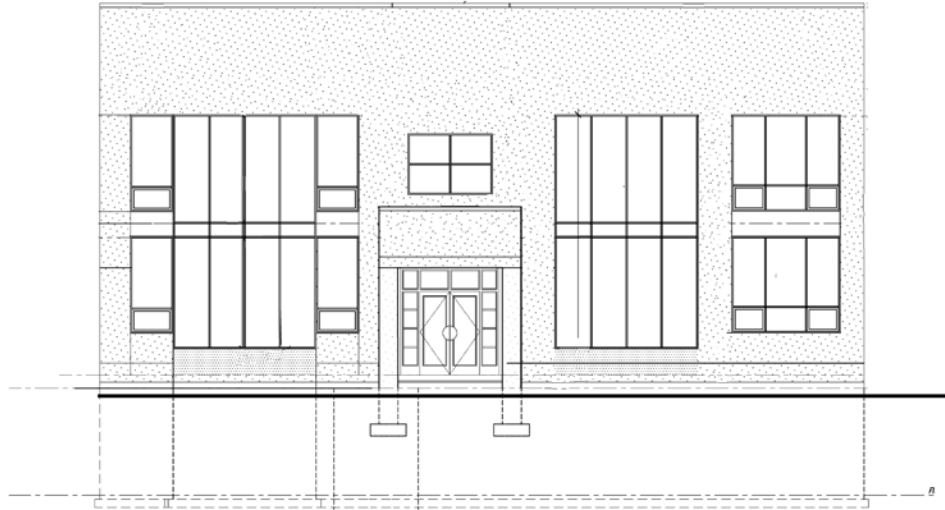
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04/29/2015



11 Newton Drive

File # 15 140421 NNY 24 OZ

Attachment 2: North and East Elevations



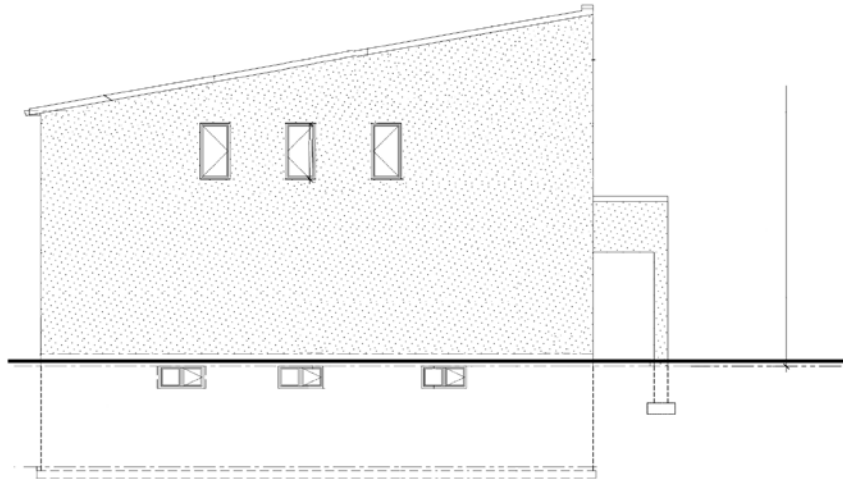
North Elevation

Applicant's Submitted Drawing

Not to Scale
04/29/2015

11 Newton Drive

File # 15 140421 NNY 24 02



East Elevation

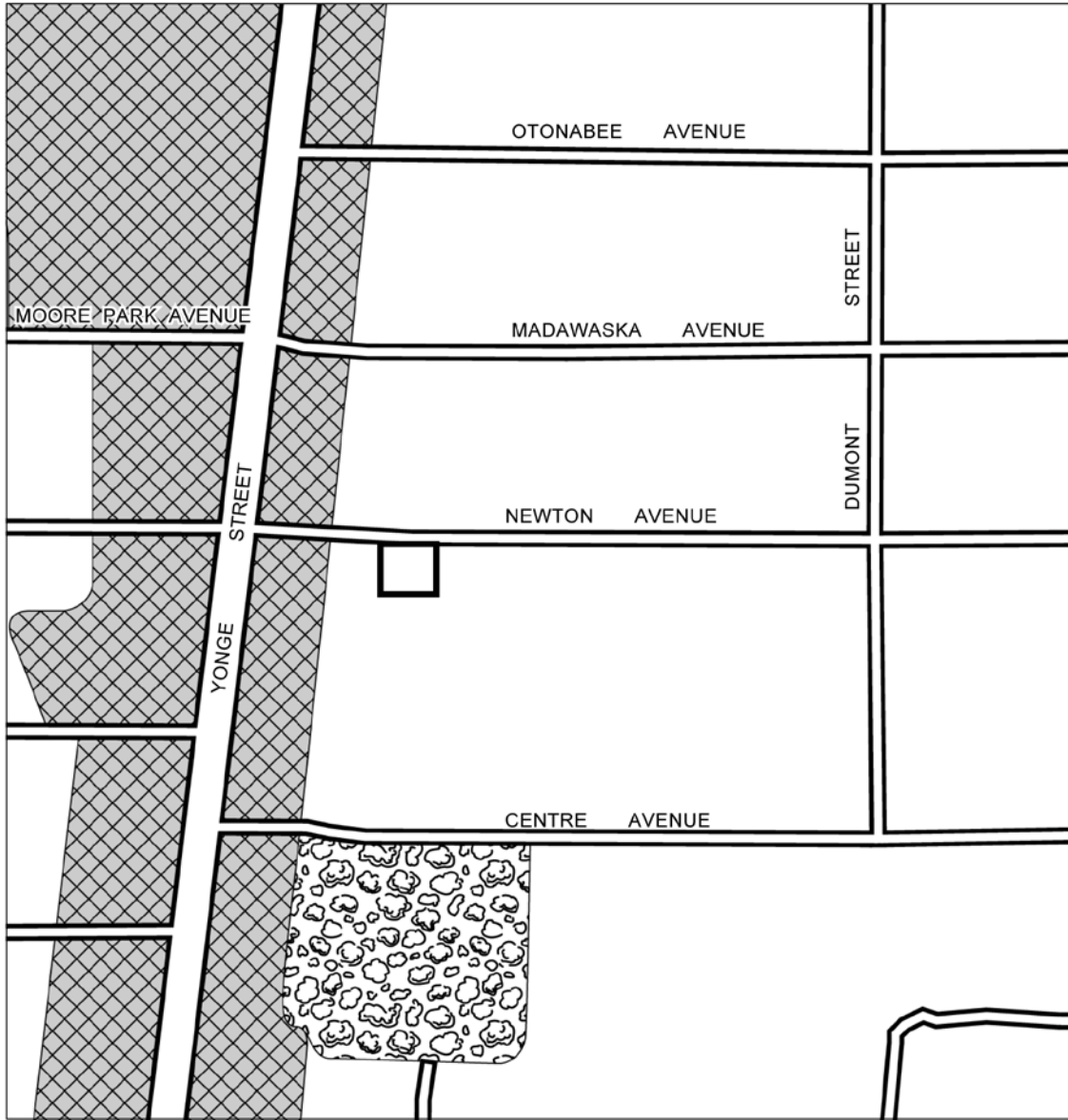
Applicant's Submitted Drawing

Not to Scale
04/29/2015

11 Newton Drive

File # 15 140421 NNY 24 02

Attachment 3: Official Plan



TORONTO City Planning
Extract from Official Plan

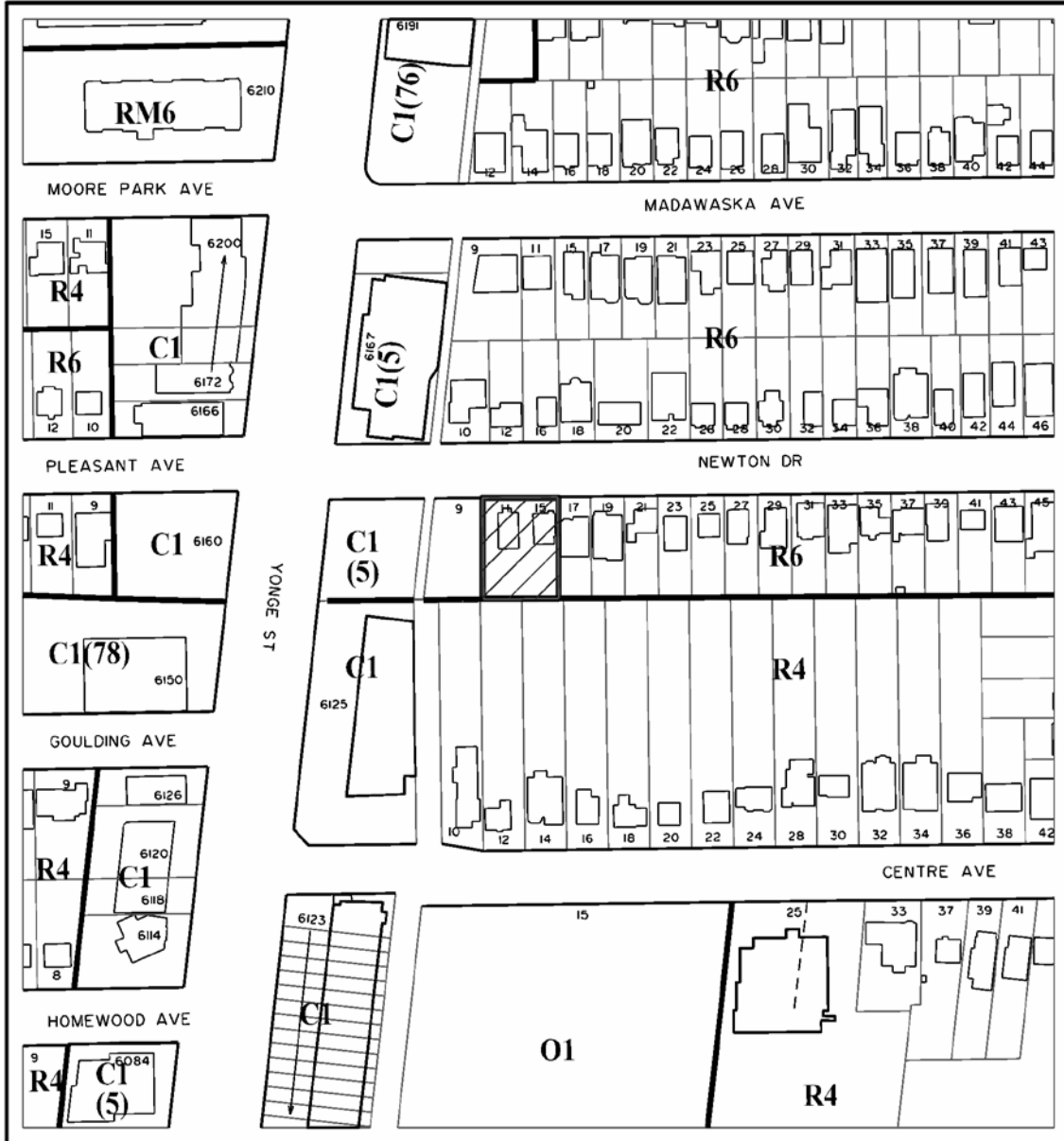
11 Newton Avenue

File # 15 140421 NNY 24 02

- | | |
|-----------------|--------------------------|
| Site Location | Parks & Open Space Areas |
| Neighbourhoods | Parks |
| Mixed Use Areas | |

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Attachment 4: Zoning Bylaw No. 7625



TORONTO City Planning
Zoning

11 Newton Drive
File # 15 140421 NNY 24 02

R6 One-Family Detached Dwelling Sixth Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
C1 General Commercial Zone
O1 Open Space Zone
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625 as amended
Extracted 04/29/2015

Attachment 5: Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

11 Newton Drive

File # 15 140421 NNY 24 0Z

Location of Application

See Former City of North York By-Law No. 7625
C1 General Commercial Zone

RD Residential Detached CR Commercial Residential
RA Residential Apartment OR Open Space Recreation



Not to Scale
Extracted: 04/29/2015

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 140421 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 14, 2015

Municipal Address: 11 NEWTON DR
 Location Description: PLAN 2324 LOTS 153 AND 154 PT LOT 155 **GRID N2401
 Project Description: To legalize the existing two-storey building into a commercial medical office use.

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP 2098 Avenue Road, Toronto, ON M5M 4A8			1673288 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R6	Historical Status:	N
Height Limit (m):	8.8 or 2-storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1017.07	Height:	Storeys:	2	
Frontage (m):	27.37		Metres:	8.33	
Depth (m):	37.02				
Total Ground Floor Area (sq. m):	290.61				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	10	
Total Non-Residential GFA (sq. m):	579.6		Loading Docks	0	
Total GFA (sq. m):	579.6				
Lot Coverage Ratio (%):	28.57				
Floor Space Index:	0.57				

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):	579.6	290.61
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:** **Jenny Choi, Planner**
 TELEPHONE/EMAIL: **(416) 395-7176/jchoi@toronto.ca**