

57, 59, 61, and 63 Finch Avenue West – OMB Appeal – Request for Direction Report

Date: June 27, 2017

To: City Council

From: City Solicitor

Wards: Ward 23 - Willowdale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

A previous owner submitted a zoning by-law amendment and site plan application on March 30, 2012. The applications sought permission for a four-storey, 72-unit (later reduced to 70 units) residential apartment building on the subject lands. Following a period of City review and public consultation, a Final Report from the Director of Community Planning, North York District recommended approval of the applications, subject to conditions. At its meeting on August 25-28, 2014, City Council supported the proposed zoning by-law amendment, subject to conditions, including that the owner obtain final site plan approval and submit a letter of credit in order to secure improvements to the existing sanitary sewer prior to the zoning by-law being enacted. These pre-conditions remain outstanding at this time.

At the statutory public meeting, written communications and deputations were received from over 30 members of the public expressing opposition to the proposed development. The applicant felt that if they were to pursue the clearing of conditions, and if City Council then passed the Zoning By-law Amendment, that decision would have been appealed to the Ontario Municipal Board and subjected to a contested hearing.

In March 2016, the site was acquired by a new owner and the rezoning and site plan applications were assumed. Consideration was given to possible revisions to the proposed development that might avoid a contested hearing at the Ontario Municipal Board. As a result, considerable consultation has taken place with City staff as well as

abutting neighbours and members of the local ratepayer organization, the Edithvale Yonge Community Association. In response to feedback received, the current owner has considered a number of changes to the original proposal and revised drawings were prepared to reduce the number of units from 70 to 42 and shift from a midrise building form to back-to-back townhouses units. Additional changes to the original proposal include a decrease in the proposed building coverage, the addition of a communal outdoor landscaped amenity area, a shortened driveway due to a proposed car lift, an increase in the setbacks, removal of the previously proposed rooftop mechanical units, and better integration of the waste management facilities.

On September 21, 2016, the new owner appealed the zoning by-law amendment to the Ontario Municipal Board, and on May 10, 2017 the owner appealed the associated site plan application. An Ontario Municipal Board hearing has been scheduled for August 30 to September 1, 2017.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1; and
2. City Council authorize the public release of the recommendations contained in the Confidential Attachment 1, if adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting of August 25, 26, 27 and 28, 2014 City Council adopted the recommendations set out in the Final Report (July 18, 2014) prepared by City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.82>

COMMENTS

Site Background

The subject site is made up of an assembly of 4 residential lots at 57, 59, 61 and 63 Finch Avenue West, and is located at the southwest corner of Finch Avenue West and Elmview Avenue, approximately 390 metres west of Yonge Street. Each lot currently contains a 1.5 storey single detached dwelling which would be demolished to facilitate the proposal. The site is generally rectangular in shape and has a combined site area of approximately 2,656 square metres, with approximately 61 metres of frontage along Finch Avenue West and 44 metres along Elmview Avenue. The subject site is designated Mixed Use Areas on Land Use Plan Map 16. The site is also located within the Central Finch Area Secondary Plan, and is designated Mixed Use Area B on Map 22-1.

Amendments to former City of North York Zoning By-law No. 7625

The subject lands are currently zoned "One-Family Detached Dwelling Fourth Density Zone (R4)" in Zoning By-law No. 7625 of the former City of North York. The R4 zoning limits residential building types to single detached dwellings with a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres. The minimum side yard setback is 1.8 metres on each side and the minimum rear yard setback is 9.5 metres. The maximum building height permitted by the zoning by-law for this site is 10 metres.

The subject lands are excluded from City of Toronto Zoning By-law 569-2013.

An amendment to the former City of North York Zoning By-law No. 7625 is required as the R4 zoning designation does not permit stacked townhouses. The zoning by-law amendment is also required to increase the maximum permitted height as well as establish appropriate development standards.

Original Proposal

The original proposal was to amend the Zoning By-law to permit the redevelopment of the subject lands with a 4-storey, 70-unit residential apartment building. The units were comprised of the following: 3 studios, 55 one-bedroom and 12 two-bedroom units.

The proposed four-storey residential building would have had a height of 13 metres (17.31 metres including the mechanical penthouse) along the Finch Avenue West frontage and a ground floor height of 3.60 metres. The building was proposed with a green roof measuring approximately 81.7 percent (1,021.8 square metres) of the roof area. The building was designed with terracing that "steps-down" at the rear of the building to provide a 35 degree angular plane transition to the lower scale residential dwellings to the south.

Access to the below grade parking garage would have been via a driveway and ramp accessed from Elmview Avenue. A total of 70 bicycle parking and 68 vehicular parking

spaces were proposed, of which 11 were for visitor parking. The driveway would also have provided access for service and loading vehicles located at the rear of the building. One Type G loading space was to be provided.

The proposed building would have had a gross floor area of 5,312 square metres and a Floor Space Index (FSI) of 2.0. The proposed building had a proposed indoor amenity area of 183.5 square metres and outdoor amenity area of 108.3 square metres plus 112.5 square metres of soft landscaped area totalling 220.8 square metres of soft landscaping.

Revised Proposal

The current proposal has been redesigned from the original proposed midrise building form to a back-to-back stacked townhouse form, reducing the total number of units by 40 percent, from 70 to 42. Specifically, the revised application includes the development of 42 back-to-back stacked townhouse dwelling units in a single development block with a maximum height of 4 storeys (12.9 metres), fronting onto Finch Avenue West and Elmview Avenue. A stepback of approximately 3.8 metres is proposed at the rear of the building, above the second storey. An additional 2.5 metre stepback is proposed for the portion of the rear of the building facing Elmview Avenue, above the first storey (a stair enclosure), resulting in a building that transitions from four to two storeys to one storey towards the rear.

The proposal includes 35 two-bedroom units and 7 three-bedroom units. Eighteen of the units are accessed directly from Finch Avenue West, with between zero and five steps connecting shared front porches with the public sidewalk. An additional two units are accessed from Elmview Avenue, with five steps leading up a shared porch. Finally, 22 units are accessed from the rear of the building, with between seven and eight steps connecting to individual or shared porches, all of which are connected to Elmview Avenue via a 1.7 metre wide walkway.

A 2.76 metre road widening is also being proposed along Finch Avenue West, with a new 2.1 metre sidewalk that will replace the existing sidewalk. A new 2.1 metre sidewalk is also proposed along Elmview Avenue, where currently there is none.

The revised design proposes a minimum rear yard setback of 18.8 metres for the majority of the building. The minimum rear yard setback to the one storey stair enclosure is 16.0 metres.

Vehicular access is proposed to be provided from Elmview Avenue. However, instead of a car ramp, a car lift is proposed to provide access to the underground parking garage, allowing for a significantly shortened driveway and additional soft landscaping in the rear yard, including an approximately 147 square metre shared outdoor amenity area. Attached to the car lift will be an enclosed long-term bicycle parking structure with storage for 32 bicycle parking spaces.

One partially covered Type G loading space has been integrated into the eastern portion of the building.

The key changes to the original development proposal include the following:

- a reduction in the number of units from 70 to 42 and a shift from a midrise building form to back-to-back townhouse units;
- a decrease in the proposed building coverage;
- an increase in the amount of communal outdoor amenity area, and doubling the overall amount of soft landscaping on the site;
- a shortened driveway due to a proposed car lift in replacement of the previously proposed car ramp;
- an increase in the setback along Finch Avenue West and the Elmview Avenue frontages and rear yard;
- removal of the previously proposed rooftop mechanical units; and
- better integration of waste management facilities.

Please see the revised Site/Landscape Plan drawing attached as Attachment 1 through 3. Further details and site statistics can be found in Table 1 below.

Table 1: Comparison Table of Original Submission and Revised Submission

	Original Proposal	Revised Proposal
Built Form	Midrise Building	Back-to-Back Stacked Townhouses
Gross Site Area	2,656 square metres	2,656 square metres
Building Coverage	1,327.3 square metres	1,282.5 square metres (1,199.16 m ² - residential building + 83.32 m ² - accessory structures)
Gross Floor Area	5,312.8 square metres	5,312.0 square metres
Floor Space Index (FSI)	2.0 FSI	2.0 FSI
Height/Storeys	13.0 metres/4 storeys (plus 4.31 metres for mechanical penthouse)	12.9 metres/4 storeys

	Original Proposal	Revised Proposal
Building Setbacks from:		
Finch Ave West -	0.5 - 1.5 metres	1.0 to 2.4 metres
Elmview Avenue -	0.9 - 2.83 metres	1.5 to 2.8 metres
Rear Property Line -	9.71 - 18.15 metres	16.0 to 18.8 metres
Total Dwelling Units	70	42
- Bachelor Units	- 3 units	- 0 units
- One-Bedroom Units	- 55 units	- 0 units
- Two-Bedroom Units	- 12 units	- 0 units
- Two-Bedroom Plus Den	- 0 units	- 35 units
- Three-Bedroom Units	- 0 units	- 7 units
Vehicular Parking Spaces	68 (0.97 spaces/unit)	52 (1.24 spaces/unit)
Bicycle Parking Spaces	54 spaces (0.77 spaces/unit)	35 spaces (0.83 spaces/unit)
Total landscaping	631.3 square metres	660.98 square metres
- Soft Landscaping	- 220.8 square metres	- 490.85 square metres
- Hard Landscaping	- 411.65 square metres	- 170.13 square metres

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

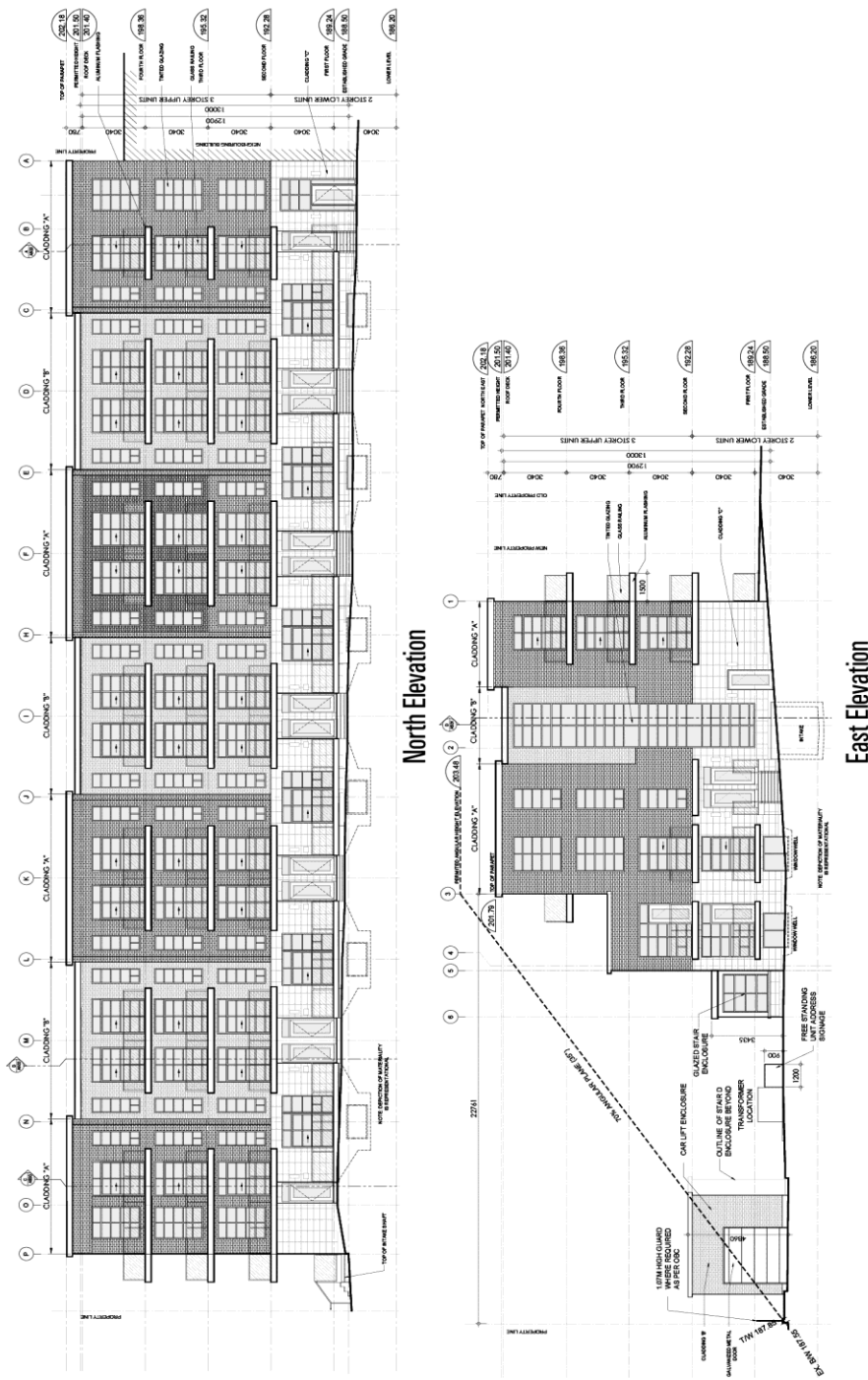
Attachment 1 - Revised Proposal Site and Landscape Plan

Attachment 2 - Revised Proposal North and East Elevations

Attachment 3 - Revised Proposal South and West Elevations

Confidential Attachment 1 - Confidential Recommendations

Attachment 2 - Revised Proposal North and East Elevations



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 06/23/2017

57 - 63 Finch Avenue West
 File # 12 146486 NNY 23 0Z
 File # 12 146492 NNY 23 SA

