

Request for Directions - 286 Finch Avenue West – Zoning By-law Amendment Application

Date:	December 15, 2017.
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	16 108611 NNY 23 OZ

SUMMARY

On November 14th, 2017, North York Community Council deferred the Final Report (NY26.1) dated October 27, 2017 from the Director of Community Planning , North York District on the Zoning By-law Amendment application for the subject lands. Planning staff recommended approval of the application.

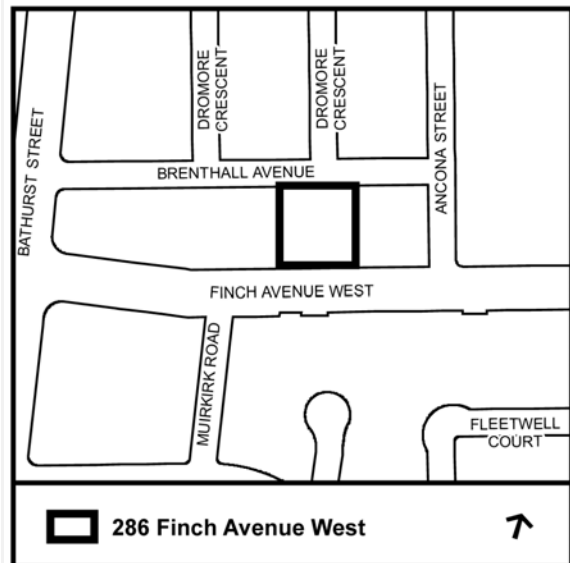
This report provides additional information and revised recommendations to those in the previously submitted Final Report from the Director, Community Planning, North York District, dated October 27, 2017. The owner appealed the Zoning By-law Amendment application on November 17, 2017 to the Ontario Municipal Board (OMB) citing City Council's lack of decision on the applications within the time frames specified in the *Planning Act*.

This report recommends the City Solicitor, together with appropriate City staff, attend the OMB hearings in support of a settlement to the appeal of the above application as outlined in the recommendations below.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the



Ontario Municipal Board (OMB) hearings in support of a settlement to the appeal of the Zoning By-law Amendment for 286 Finch Avenue West, as outlined in the Final Report (October 27, 2017) from the Director, Community Planning, North York District, and the draft Zoning By-law Amendments attached as Attachments No. 1 and No. 2 to the report dated December 15, 2017, provided the conditions outlined in this report are agreed upon by the applicant.

2. In the event the Ontario Municipal Board (OMB) allows the appeal in whole or in part, City Council direct the City Solicitor to request that the OMB withhold its Order approving the Zoning By-law Amendment until the Owner enters into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The following matters will be secured in the Section 37 Agreement as a legal convenience:
 - i. The Owner shall provide and maintain the 47 existing residential rental units at 286 Finch Avenue West as rental housing for a period of at least 20 years, from the date of the Zoning By-Law coming into full force and effect and with no applications for demolition or conversion from residential rental use made during such 20 year period, to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - ii. The Owner shall secure the following facilities, amenities and building improvements for the existing residential rental units, with no pass-through of costs to the existing tenants, to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division and the City Solicitor:
 - a. The Owner shall add outdoor amenity space in the form of a courtyard that is adjacent to the entrance of the existing building fronting Finch Avenue West, and this space shall be furnished to the satisfaction of the Acting Chief Planner and Executive Director, City Planning;
 - b. The Owner shall add an enclosed garbage collection area to the rear of the existing building;
 - c. The Owner shall add a new Type G loading area to the rear of the existing building;
 - d. The Owner shall add bicycle spaces/racks for tenants of the existing building in the proposed new underground parking lot and the tenants of the existing building shall have access to those additional bicycle spaces/racks on the same basis as residents of the new building(s);

- e. The Owner shall add landscaping in the form of green space, planters or other appropriate landscaping to the entrances of the existing ground floor units at the rear of the existing building to distinguish between the entrance to these units and the adjacent parking spaces to the satisfaction of the Acting Chief Planner and Executive Director, City Planning;
 - f. The Owner shall undertake improvements to the common doorways throughout the existing building; and
 - g. The Owner shall install and maintain security cameras in all indoor and outdoor common areas.
- iii. The Owner shall provide a Construction Mitigation Strategy to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division;
 - iv. The Owner shall provide a Tenant Communication Plan to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division;
 - v. The Owner shall, prior to the final site plan approval, submit a financial guarantee in the form of an irrevocable letter of credit, made payable to the Treasurer, City of Toronto, to guarantee the provision of watermain upgrades with servicing off of Brenthall Avenue to accommodate the development of the townhouses in the amount of \$325,000.00. In addition, the Owner shall submit an engineering and inspection fee in the amount of \$18,000.00 by certified cheque and insurance as required, to the satisfaction of the Executive Director of Engineering and Construction Services;
 - vi. The Owner shall, prior to the condominium registration enter into an agreement to provide for the shared access of and maintenance and easements with respect to the shared driveway, underground parking/bike parking, walkway, loading areas, servicing areas or any other commonly accessed areas as illustrated on any approved drawing between this condominium and the existing 4-storey rental apartment building to the satisfaction of the Acting Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - vii. The Owner shall submit to the Executive Director, Engineering & Construction Services, for review and acceptance, prior to depositing in the appropriate Land Registry Office, a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values at the main corners of the development lands, and delineating thereon, by separate PARTS, the lands to be severed and any appurtenant rights-of-way.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 5, 2016, North York Community Council adopted the Preliminary Report on the 286 Finch Avenue West development application. Planning staff were directed to hold a community consultation meeting for landowners and residents within 120 metres of the site, including an expanded notification area to all landowners and residents residing in the area bounded along the Hydro Corridor to the north, both sides of Grantbrook Street and Senlac Road to the east, Horsham Avenue to the south and the east side of Bathurst Street to the west.

The link to the preliminary report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-91250.pdf>

The Final Report was considered by North York Community Council on November 14, 2017. North York Community Council deferred consideration until the January 16, 2018 meeting. The owner appealed the Zoning By-law Amendment application on November 17, 2017 to the Ontario Municipal Board (OMB) citing City Council's lack of decision on the applications within the time frames specified in the *Planning Act*.

A copy of the final report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-108453.pdf>

COMMENTS

The application has not been revised since the November 14, 2017 North York Community Council meeting. Staff are satisfied that the Zoning By-law Amendment application, with the elements to be secured, represents an appropriate intensification of the site and represents good planning. The application remains subject to Site Plan approval, which has yet to be submitted. Issues regarding site and building design are secured at this stage.

Provided the applicant agrees to the conditions contained in this report and adheres to the proposal reported in the Final Report dated October 27, 2017, planning staff recommend the City Solicitor attend the Ontario Municipal Board hearing in support of the application.

CONTACT

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SIGNATURE

Joe Nanos, Director

Community Planning, North York District

Attachment 1: Draft Zoning By-law Amendment No. 7625

Attachment 2: Draft Zoning By-law Amendment By-law 569-2013

Attachment 1: Draft Zoning By-law Amendment By-law No. 7625

CITY OF TORONTO BY-LAW No. ____-2016

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 286 Finch Avenue West

1. 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
2. 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*;
3. The Council of the City of Toronto enacts:
 1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-law.
 2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (xxx) RM6(xxx)

DEFINITIONS BICYCLE

PARKING

- (a) For the purpose of this exception, "bicycle parking" shall mean an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use.

3. ESTABLISHED GRADE

- (a) For the purposes of this exception, "established grade" shall mean a geodectic elevation of 192.15 metres.

4. GROSS FLOOR AREA

- (a) For the purposes of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies but excluding:
 - (i) Any part of the building used for mechanical floor area;

- (ii) Any space in a parking garage at or below grade used exclusively for storage lockers, motor vehicle and bicycle parking and access thereto;
- (iii) The floor area of any unenclosed residential balconies; and
- (iv) The floor area of the enclosed loading space.

LANDSCAPING

- (b) For the purposes of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, nor any directly associated elements such as curbs or retaining walls.

5. LOT

- (a) For the purposes of this exception, lot shall mean the lands zoned RM6(xxx) on Schedule 1.

6. MECHANICAL FLOOR AREA

- (a) For the purposes of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, storm water storage, irrigation, fire protection, stair enclosures providing access to the roof of the building or structure, and elevator equipment.

7. MULTIPLE ATTACHED DWELLING - STACKED TOWNHOUSE

- (a) For the purposes of this exception, "multiple attached dwelling - stacked townhouse" shall mean a dwelling divided vertically and horizontally into a series of dwelling units each having direct access from the outside.

EXCEPTION REGULATIONS DWELLING

UNITS

- (b) A maximum of 72 dwellings units shall be permitted.

LANDSCAPING

- (c) A minimum area of 1,750 square metres of landscaping shall be provided on the lot.

YARD SETBACKS

- (d) The minimum setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(xxx).
- (e) Nothing shall be permitted outside of the building envelope as shown on Schedule RM6(xxx), except for the following:
 - (i) Parking structures at or below established grade;
 - (ii) Any portion of the building below established grade;
 - (iii) The accessory enclosed refuse/garbage room as shown on Schedule RM6(xxx);
 - (iv) The enclosed stairwell shown on Schedule RM6(xxx);
 - (v) An exterior stairway and wheelchair ramp;
 - (vi) A courtyard; and
 - (vii) A canopy may project horizontally a maximum of 1.3 metres into the north or south setbacks shown on Schedule RM6(xxx).

GROSS FLOOR AREA

- (f) A maximum gross floor area of 5,800 square metres shall be permitted.

BUILDING HEIGHT

- (g) The maximum building height for the new building shall be 3 storeys and shall not exceed the height limit in metres as shown on Schedule RM6(xxx).
- (h) The maximum building height for the existing building shall be 4 storeys and shall not exceed the height limit in metres as shown on Schedule RM6(xxx).
- (i) Despite provisions (m) and (n), the following items may exceed the maximum building height:
 - (i) Rooftop guardrails and privacy screening;
 - (ii) Parapets to a maximum height of 0.5 metres; and
 - (iii) Enclosures for rooftop mechanical and stairwells shown as 'Rooftop Mechanical/Stairwell' on Schedule RM6(xxx) to maximum height of **8.** 3.0 metres.

- (a) The maximum building height of the 'Stairwell' and 'Refuse/Garbage Room' shown on Schedule RM6(xxx) shall be 2.6 metres above established grade.
- (b) Except as provided herein, Section 2.10 of By-Law No. 7625 shall continue to apply.

BICYCLE PARKING

- (c) A minimum of 19 bicycle parking spaces are required.

PARKING

- (d) The following minimum parking ratios shall apply to the dwelling units:
 - (i) 0.53 parking spaces per dwelling unit; and
 - (ii) Visitor parking of 0.15 parking spaces per dwelling unit.
- (e) The provisions of Sections 6A(8)(b), (c) and (d) (Parking Regulations for RM Zones other than RM2 Zones) shall not apply to parking spaces within parking structures located below established grade.

LOADING

- (f) One Type G loading space having dimensions of 13.0 metres long, 4.0 metres wide and 6.1 metres vertical clearance is required.

EXCLUSIONS

- (g) Section 15 - General Provisions for Multiple-Family Dwelling Zones (RM) shall not apply.
 - (h) The provisions of Sections 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones), 20-A.2.1 (Lot Area), 20-A.2.2 (Lot Coverage), 20-A.2.3 (Lot Frontage), 20-A.2.4 (Yard Setbacks), 20-A.2.4.1 (Distance Between Buildings and/or Portions of Buildings Forming Courts), **9.** 20-A.2.5 (Gross Floor Area), and 20-A.2.6 (Building Height) of By-law No. 7625 shall not apply.
- 10.** Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(xxx) attached to this By-law.
- 11.** Except as provided herein, By-law No. 7625 of the former City of North York shall continue to apply.

12. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
13. Enacted and passed on _____.

Attachment 2: Draft Zoning By-law Amendment By-law 569-2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2016]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 286 Finch Avenue West

Whereas Council of the City of Toronto has the authority to pursuant to 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*; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section respecting the lands outlined by heavy black lines to RMx(xxx), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number RMx(xxx) so that it reads:

Exception RMxxx

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) The lot line abutting Finch Avenue West is the front lot line.
- (B) A maximum of 72 dwelling units are permitted.

- (C) The minimum lot frontage, side yard setbacks, and rear yard setbacks for the building and structure above ground are shown on Diagram 3 of By-law [## to be inserted by Clerks].
- (D) Despite regulation 10.5.80.30(1), a parking space may be permitted to be less than 3 metres from the main walls of an apartment building.
- (E) Despite regulation 10.80.40.70, the minimum building setbacks shall be as follows:
- | | | |
|------|---|--------|
| i. | Front Lot Line Setback (Finch Avenue West): | 12.0 m |
| ii. | Rear Lot Line Setback (Westerly Property Line): | 1.3m |
| iii. | Side Lot Line Setback (Easterly Property Line): | 1.3m |
| iv. | Side Lot Line Setback (Brenthall Street): | 2.7m |
- (F) Despite regulation 10.5.60.20, the minimum setbacks to ancillary structures including: garbage enclosures and staging areas, ventilation shafts, exhaust shafts, or underground access stairs shall be as follows:
- | | | |
|----|-------------------------------------|------|
| i. | Side Yard (Easterly Property Line): | 0.1m |
|----|-------------------------------------|------|
- (G) Regulation 10.5.100.1(5) regarding driveway access to Apartment Buildings shall not apply.
- (H) The maximum permitted gross floor area is 5,800 square metres, but shall not include any portion of the underground parking structure and enclosed rooftop mechanical and stairwell areas;
- (I) The maximum permitted Floor Space Index shall be 1.4 times the area of the lot.
- (J) Height is measured from the Canadian Geodetic Datum elevation of 192.15 metres, and the highest point of the building or structure.
- (K) The maximum permitted height for the new building as shown on Diagram 3 is 10.9 metres and 3 storeys.
- (L) The maximum permitted height for the existing building as shown on Diagram 3 is 11.4 metres and 4 storeys.
- (M) Despite regulation 10.5.40.1(4)(a), the enclosed rooftop mechanical areas and stairwells shall not exceed 45% of the area of the roof.
- (N) For the purpose of this By-law, the level of a building containing mechanical equipment or providing ingress/egress to a rooftop patio

shall not be considered to be a storey.

- (O) The maximum permitted lot coverage is 40%.
- (P) Parking spaces must be provided in accordance with the following requirements:
 - Resident Spaces: 0.53 spaces per unit;
 - and Visitor Spaces: 0.15 spaces per unit.
- (Q) Access to the parking spaces must be provided from Brenthall Street.
- (R) A minimum of 19 bicycle parking spaces are required.
- (S) One Type G loading space must be provided with minimum dimensions of 13.0 metres in length, 4.0 metres in width and 6.1 metres of vertical distance.
- (T) Despite regulation 10.5.50.10(4):
A minimum of 42% of the area of the lot shall be used for hard and soft landscaping.
- (U) Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on **month ##, 20##.**

John Tory,
Mayor
City Clerk

Ulli S. Watkiss,

(Seal of the City)