5 Abbotsfield Gate – Zoning Amendment Application (Temporary Use) – Final Report

<table>
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<tr>
<th>Date:</th>
<th>August 14, 2012</th>
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<td>To:</td>
<td>Scarborough Community Council</td>
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<tr>
<td>From:</td>
<td>Acting Director, Community Planning, Scarborough District</td>
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<tr>
<td>Wards:</td>
<td>Ward 40 – Scarborough-Agincourt</td>
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<tr>
<td>Reference Number:</td>
<td>11 329151 ESC 40 OZ</td>
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SUMMARY

This application proposes to permit the use of an existing single-detached residential dwelling located at 5 Abbotsfield Gate as a midwifery practice and associated office uses for a temporary, three-year period. Five on-site parking spaces are proposed. Expectant mothers will receive counselling and care on-site. No deliveries will be performed on the subject lands.

This report reviews and recommends approval of the application to amend the zoning by-law to permit the proposed uses for a temporary, three-year period.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Sullivan Community Zoning By-law No. 10717, as amended, for the lands at 5 Abbotsfield Gate substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6 to the report from the Acting Director, Community Planning, Scarborough District (August 14, 2012).
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. Before introducing the necessary Bills for enactment, City Council require the applicant to enter into a site plan agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
A number of similar rezoning applications have been considered by Council along Sheppard Avenue East as described below.

In 2005, Council refused an application to permit a flower and gift shop to operate from a 50 square metre garage of an existing single family house located at 2973 Sheppard Avenue East. An appeal by the applicant was dismissed by the Ontario Municipal Board (OMB) (PL051142) in 2006 on the basis that the property was not suited for commercial use.

The Ontario Municipal Board (OMB), in 2009, approved the permanent use of a former residential dwelling located at 3717 Sheppard Avenue East for a dental office. The dental office was first established in 2001 as a temporary use. Council approved two subsequent rezoning applications to extend the temporary use permission for two additional three-year periods. The last extension, however, was appealed to the OMB by an adjacent owner. At the hearing, the owner requested to have the site rezoned on a permanent basis. The Board dismissed the appeal and approved the dental office use on a permanent basis, in large part given the use had operated from the site for 8 years and the City had already approved three successive three-year terms.

The property at 2969 Sheppard Avenue East was rezoned in 2006 to permit the then existing single family dwelling to be used for office purposes for a temporary three-year period. That by-law expired in 2009 and Council subsequently approved the office use on a permanent basis in 2010. The related staff report can be found at http://www.toronto.ca/legdocs/2005/agendas/committees/sc/sc050705/it012.pdf.

A similar rezoning application was approved by Council in 2011 to permit a physiotherapy clinic to operate from the single-detached residential dwelling located at 2967 Sheppard Avenue East for a temporary period of three years. The rezoning application was to legalize the clinic use which existed prior to the application submission. The related staff report can be found at http://www.toronto.ca/legdocs/mmis/2011/sc/bgrd/backgroundfile-37094.pdf.
ISSUE BACKGROUND

Proposal
The purpose of the application is to rezone the lands to permit the sole operation of a midwifery practice office within the existing residential house. The dwelling is currently being rented for residential use. Five on-site parking spaces are proposed as shown on Attachment 1: Site Plan. No physical alterations are proposed to the exterior of the building (see Attachment 2 and 3: Elevations). The existing driveway off Abbotsfield Gate Lane will be widened to provide three parking spaces including one handicap space.

The proposed facility would contain three examination rooms, a waiting area, a reception area and an administration office. There would be a total of eight practitioners employed at the facility; however, only four would be on site during office hours while the remaining four visit clients off site. There would be no planned deliveries performed on site.

Site and Surrounding Area
The property is a corner lot and has an area of approximately 586 square metres (0.15 acres). The site has a frontage of 17 metres on Sheppard Avenue East and 36 metres of flankage on Abbotsfield Gate. Vehicular access to the property is off a public lane to the rear known as Abbotsfield Gate Lane. A one-and-a-half storey single-detached residential dwelling is located on the property. There are a total of six lots to the east of the subject property. All six lots are addressed on Sheppard Avenue East and have vehicular access off the rear lane (Abbotsfield Gate Lane). There is a 0.3 metre (1 foot) reserve south of the lane preventing access to the lots to the south which have frontage and vehicular access on High Hill Drive.

Abutting uses are as follows:

North: Single-detached residential dwellings on the north side of Sheppard Avenue East, zoned Single-Family Residential (S).
South: Single-detached residential dwellings on High Hill Drive, zoned Single-Family Residential (S).
East: Single-detached residential dwellings on the south side of Sheppard Avenue East, zoned Single-Family Residential (S).
West: Single-detached residential dwellings on the south side of Sheppard Avenue East, zoned Single-Family Residential (S) and a place of worship further west, zoned Place(s) of Worship (PW).

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 recommendations in this report are 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. The recommendations contained in this report conform with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The lands are designated “Neighbourhoods” on the Land Use Plan with an “Avenues” overlay on the Sheppard Avenue properties as shown on the Urban Structure Map (Map 2) in the Toronto Official Plan.

“Avenues”, generally, are areas where new, incremental growth can occur along major streets where there are major reurbanization opportunities supported by public transit.

Sheppard Avenue is identified as a Higher Order Transit Corridor on Map 4 and as Surface Transit Priority Segment on Map 5 of the official plan. It is an intensification corridor as per the Regional Transportation Plan.

“Neighbourhoods” are considered physically stable areas made up of residential uses in lower-scale buildings such as detached houses and townhouses. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in “Neighbourhoods”.

**Zoning**

The property is zoned Single Family Residential (S) in the Sullivan Community Zoning By-law No. 10717, as amended. Permitted uses include single family dwellings, correctional group homes, group homes, domestic or household arts and private home daycare.

**Site Plan Control**

The proposed conversion would be subject to site plan control approval. No application has been received to date.

**Reasons for Application**

The existing Single Family Residential (S) zoning does not permit office uses.

**Temporary Use By-laws**

Council may pass temporary use by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by the zoning by-law, for a period not exceeding three years, in keeping with the provisions of the Planning Act. Council may, by by-law, grant further extensions of not more than three years each.
This is the fourth temporary use by-law application received proposing the conversion or partial conversion of an existing single-detached residential dwelling on the south side of Sheppard Avenue East, between Victoria Park Avenue and Pharmacy Avenue. The previously mentioned application at 2969 Sheppard Avenue East was approved, initially as a temporary use, and subsequently on a permanent basis. An application for a flower shop use at 2973 Sheppard Avenue East was refused by Council and the applicant’s appeal to the Ontario Municipal Board was dismissed.

The Sheppard Corridor Study previously highlighted these applications and also identified opportunities for limited intensification involving these properties. The Sheppard Corridor Study report can be found at http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-10465.pdf

Community Consultation

A Community Consultation Meeting was held on May 30, 2012 and was attended by representatives from the Ward Councillor’s office, the applicants, their consultant, City Planning staff and approximately 25 residents. A summary of the issues raised included the following:

- Number of offices proposed
- Number of staff
- Removal of trees
- Inadequate parking
- City's parking standard
- Potential of on-street parking
- Proposal will diminish the ‘gateway’ feel to the community
- Application will set a precedent
- Increased traffic
- Property maintenance

The proposed facility would contain three examination rooms, a waiting area, a reception area and an administration office. There would be a total of eight practitioners employed at the facility; however, only four would be on site during office hours while the remaining four visit clients off site. There are no planned deliveries on site.

No trees are proposed to be removed from the subject lands. A total of five parking spaces are proposed which meet the minimum parking requirement. Issues regarding property maintenance and on-street parking will be enforced through the City's Municipal Licensing & Standards Division.

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

Provincial Policy Statement and Provincial Plans
The proposal is consistent with the PPS and represents appropriate development and use of the lands while maximizing the use of public resources and infrastructure.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Similar to the PPS, the Growth Plan supports intensification in proximity to transit services and amenities.

Proposed Use and Compatibility
The purpose of the application is to rezone the lands to permit the sole operation of a midwifery practice office within the existing residential house. There will be no residential occupancy within the building should the application be approved by Council. The draft zoning by-law amendment restricts the proposed uses to the existing house form building (see Attachment 6).

Staff have worked with the applicants to arrive at a site plan that provides adequate on-site parking. There are no changes proposed to the exterior of the building thereby maintaining the residential character of the area.

Vehicular Access and Parking
Vehicular access to the subject lands is via a service lane, just east of Abbotsfield Gate. The existing driveway is proposed to be widened to accommodate an additional accessible parking space. A total of five parking spaces are proposed, two in the garage and three in the driveway. The two parking spaces in the garage are intended for staff parking while visitors can use any of the three parking spaces in the driveway.

Staff are of the opinion that the proposed parking supply and access is acceptable.

Toronto Green Standard
On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

The applicant has indicated they will pursue Tier 2 of the TGS which includes possible refunds against development charges payable for the development.

Opportunities to secure elements of the TGS (Low-Rise Non-Residential) will be explored and secured through the site plan approval process. These include the provision of one accessible parking space, a direct pedestrian walkway connection from the...
building to the public sidewalk, the requirement for two street trees in the Sheppard Avenue East boulevard and stormwater management measures.

CONTACT
Renrick Ashby, Senior Planner
Tel. No. (416) 396-7022
Fax No. (416) 396 4265
E-mail: rashby2@toronto.ca

SIGNATURE

_______________________________
Paul Zuliani, Acting Director
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment
Attachment 1: Site Plan
Attachment 2: Elevations

Elevations

Applicant’s Submitted Drawing

Not to Scale

File #: 11329151 OZ
Attachment 3: Elevations

5 Abbotsfield Gate

Applicant’s Submitted Drawing

Not to Scale
02/08/2011

File # 11 329151 OZ
Attachment 4: Zoning
### Attachment 5: Application Data Sheet

**Application Type:** Rezoning  
**Application Number:** 11 329151 ESC 40 OZ

**Details**  
Rezoning, Standard  
**Application Date:** December 21, 2011

**Municipal Address:** 5 ABBOTSFIELD GT

**Location Description:** PLAN 5163 LOT 5 **GRID E4003

**Project Description:** The applicant is proposing to convert the use of the existing dwelling from residential to a medical office use for a midwifery practice.

**Applicant:** PMG PLANNING CONSULTANTS  
**Agent:** Randall Dickie  
**Architect:**  
**Owner:** 2214527 ONTARIO INC.

## PLANNING CONTROLS

**Official Plan Designation:** Neighbourhoods  
**Site Specific Provision:**

**Zoning:** S  
**Historical Status:**

**Height Limit (m):** Site Plan Control Area: Yes

## PROJECT INFORMATION

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<tr>
<td>Total GFA (sq. m):</td>
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<td>Lot Coverage Ratio (%):</td>
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**Total**

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## DWELLING UNITS

**Tenure Type:**

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**FLOOR AREA BREAKDOWN** (upon project completion)

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<td>Institutional/Other GFA (sq. m):</td>
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## CONTACT

**PLANNER NAME:** Renrick Ashby, Senior Planner  
**TELEPHONE:** (416) 396-7022
Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~
BY-LAW No. ~-20~

To amend the former City of Scarborough Sullivan Community Zoning By-law No. 10717, as amended, to authorize the temporary use of the land, building and structure with respect to the lands municipally known as, 5 Abbotsfield Gate

WHEREAS authority is given to Council by Section 34 and Section 39 for Temporary Use By-law 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. SCHEDULE "C", EXCEPTIONS LIST, is amended by adding the following EXCEPTIONS to the lands shown outlined on Schedule '1' to this By-law.

36 On those lands identified as Exception No. 36 on Schedule "C", the following provisions shall apply to the lands for a temporary period of three years ending (date to be inserted – three years commencing from the date of the passing of this By-law).

(a) Additional Permitted Use

Office purposes for a mid-wifery practice within the houseform building existing on the date of the passing of this by-law.

(b) Five (5) parking spaces are required to be provided, of which four (4) may be tandem parking spaces.

(c) Tandem Parking Space means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

(d) The provisions of Clause VI, Section 21.1(c) and 21.2(a) shall not apply.
(e) The provisions of Clause VII, Sections 1.1, 1.2, 2.1, 2.2 and 2.1.4(f) shall not apply.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD, 
Mayor

ULLI S. WATKISS, 
City Clerk

(Corporate Seal)
SCHEDULE '1'

Exception No. 36

5 Abbotsfield Gate
File # 11 329151 OZ

Sullivan Community Bylaw
Not to Scale
07/10/12

Area Affected By This By-Law