

183 Finch Avenue West – Zoning By-law Amendment and Site Plan Control Applications – Supplementary Report

Date:	December 19, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	07 223013 NNY 23 OZ & 07 222995 NNY 23 SA

SUMMARY

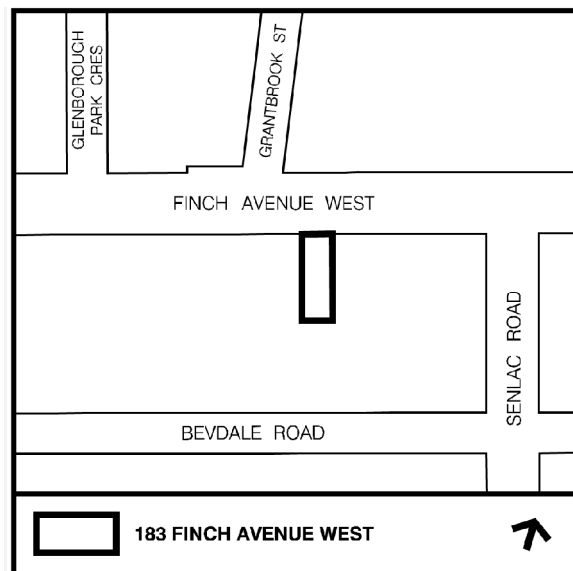
This revised application proposes to convert the existing residential dwelling at 183 Finch Avenue West to permit personal service shop, business and professional offices uses.

This report reviews and recommends approval of the application to amend the Zoning By-law, and to approve in principal the Site Plan Control application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of North York Zoning By-law 7625, for the lands at 183 Finch Avenue West, substantially in accordance with the revised draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the revised



draft Zoning By-law Amendment as may be required.

3. City Council approve in principle the Site Plan as indicated on the drawing in Attachment No. 1, subject to the Draft Conditions of Site Plan Approval listed in Attachment No. 6.
4. Before introducing the necessary Bills to City Council for enactment, 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*.
5. City Council delegate back to the Chief Planner and Executive Director, City Planning, or her designate the authority to issue final Site Plan Approval.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application to permit a re-zoning of the subject lands is a result of a complaint to the City's Municipal Licensing and Standards Division. The proposed personal service shop use (herbal, massage and acupuncture treatments) which has been in operation at this location as a home occupation is not permitted in the Residential Fourth Density Zone (R4).

At its meeting of October 10, 2012, North York Community Council deferred consideration of the Staff Report dated August 23, 2012 from the Director, Community Planning, North York District and requested that City Planning staff consider the application as a mixed use project instead of a home occupation. The decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY19.21>

Subsequently the applicant also requested that the range of permitted uses be expanded to also include business and professional offices uses.

ISSUE BACKGROUND

Proposal

The applicant's original request for a home occupation was revised and proposes to convert the ground floor of the existing 2-storey dwelling, measuring approximately 137 m² or 50% of the total gross floor area of the dwelling, in order to permit personal service shop (herbal, massage and acupuncture treatment) and business and professional offices uses.

The area of the proposed conversion represents approximately 21% of the total residential lot area. The existing dwelling has a Floor Space Index (FSI) of 0.4. Other than minor interior renovations, the application does not propose any external additions or alterations to the existing dwelling.

The applicant is proposing three additional parking spaces at the rear of the lands which would be located beside an existing two-car garage, and which would be accessed via an existing paved driveway from Finch Avenue. The resident of the dwelling intends to continue to reside on the second floor with his family.

Site Plan Control

The applicant has submitted a concurrent Site Plan Control application (File # 07 222995 NNY 23 SA).

Reason for Application

The proposed mixed use to allow personal service shop, business and professional offices uses is not permitted in the Residential Fourth Density Zone (R4).

Community Consultation

A Community Consultation meeting was held on November 6, 2007, at the Edithvale Community Centre. The meeting was attended by City planning staff, the property owner and the applicant. There were no members of the public in attendance.

City Planning staff have not received any inquiries or correspondence from the public or interested parties regarding the proposed uses.

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

Land Use

The City of Toronto Official Plan designates the subject lands as *Mixed Use Areas* which encourage a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The Plan also requires development that provides for a proper transition to adjacent lower scale residential neighbourhoods.

The Central Finch Avenue Area Secondary Plan designates the lands at 183 Finch Avenue West as *Mixed Use Area "B"*. This designation also permits a broad range of

uses including detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses.

The applicant's original proposal sought approval for a home occupation use on the ground floor with residential uses on the upper floor of the dwelling. The revised proposal for a mixed-use building, which is the subject of this report, permits the same uses but no longer requires the business operator to reside in the building. In accordance with the Secondary Plan, the commercial uses will be restricted to the ground floor of the proposed mixed use development.

The proposed personal service shop, business and professional offices uses would be limited in size and oriented towards serving the needs of the local community. The proposed uses are also similar to other small commercial and professional offices uses within existing buildings that have been previously approved in the Finch Avenue corridor. In light of the surrounding context and expanded use permissions being sought, Planning Staff is of the view that this revised proposal is appropriately considered as a mixed use, rather than a home occupation.

The application does not propose any addition or expansion of the existing building. This maintains the opportunity for future consolidation of this lot and adjacent properties, and allows for the Secondary Plan objective of comprehensive development and land utilization along the Finch Avenue corridor.

The applicant has proposed a 2.4 metre wide landscape strip, with 3 new tree plantings as well as an opaque 1.8 metre high privacy fence along the south property line of the subject lot, which abuts the adjacent residential designation. This will address the requirements of the Central Finch Area Secondary Plan to protect adjacent residential neighbourhoods from noise and visual impacts.

Traffic Impact, Access, Parking

The proposed development would have vehicular access via a driveway from Finch Avenue, providing access to 2 existing residential parking spaces, and 3 proposed visitor parking spaces at the rear of the dwelling.

City Transportation Services staff are satisfied with the proposed parking supply, access and layout.

Servicing

Technical Services staff are satisfied that the stormwater management, site servicing and grading for the lands complies with the Best Management Practices for Stormwater Management and the City of Toronto's Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow away from adjacent properties.

Open Space/Parkland

City Parks, Forestry and Recreation staff have indicated that the proposal does not trigger a Parkland Dedication requirement.

Site Plan

As noted above, the applicant has applied for Site Plan Control Approval. This report recommends approval in principle of the drawings and conditions as listed in the Draft Conditions of Site Plan approval (Attachment No. 6). The applicant will be required to enter into a Site Plan Agreement which will also include a requirement to convey land for future road widening purposes. The Site Plan Agreement will be required prior to introducing the necessary Bills to City Council for enactment.

CONTACT

Ben DiRaimo, Planner
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E-mail: bdiraimo@toronto.ca

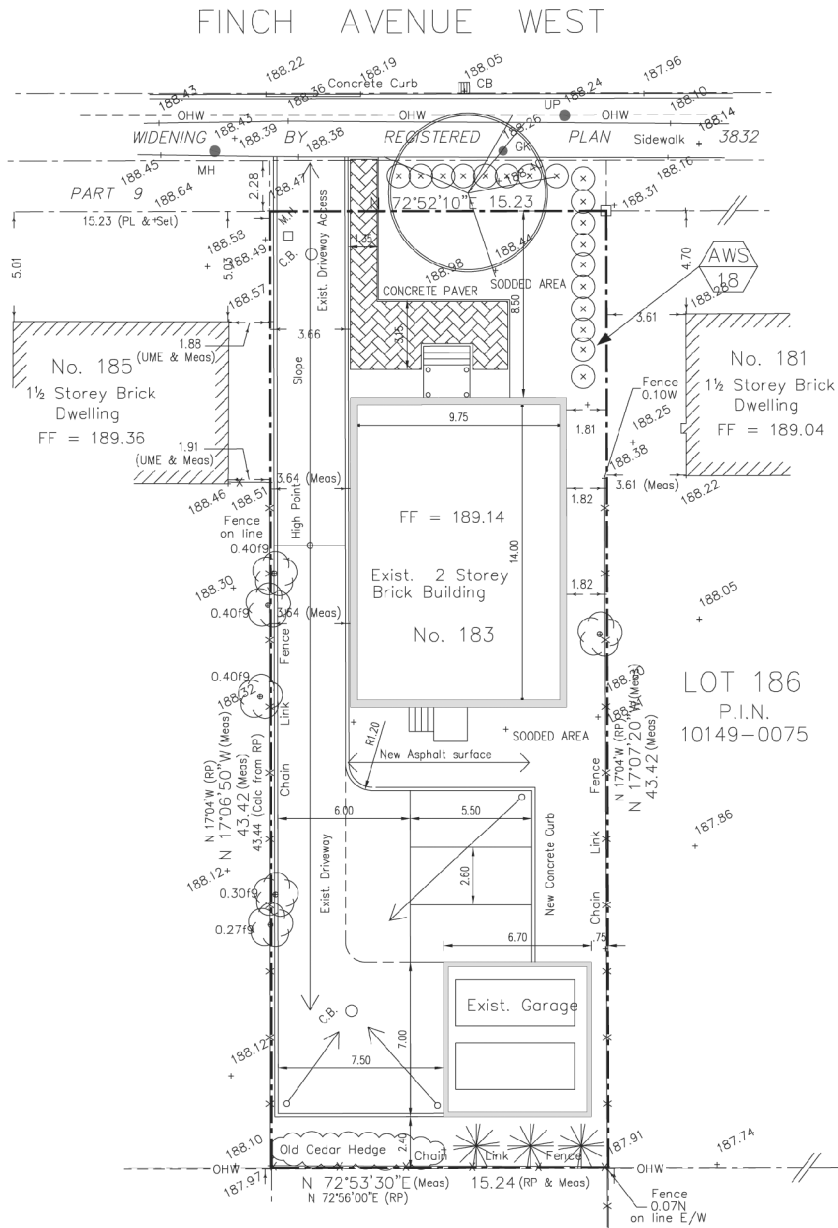
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

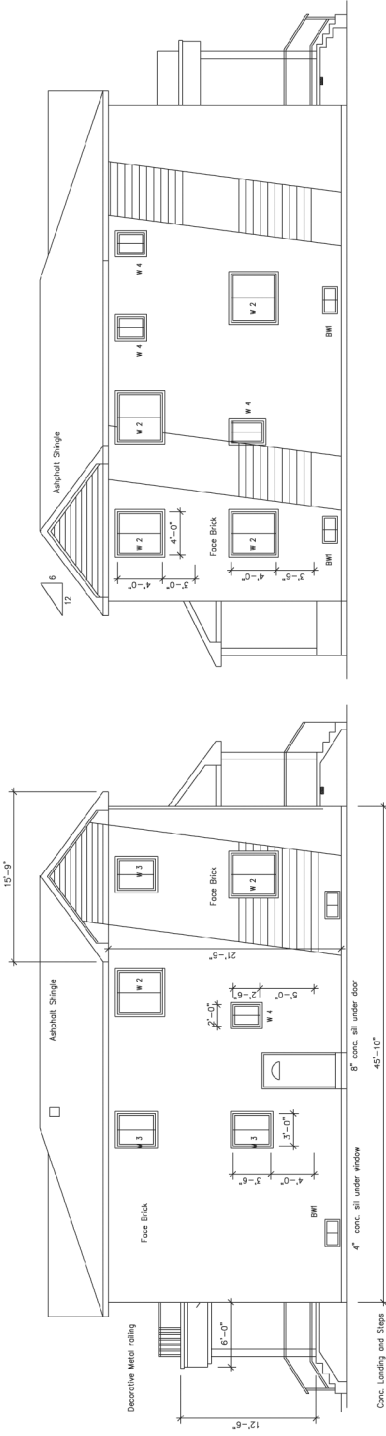
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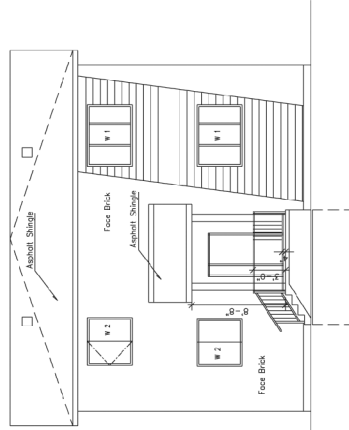
183 Finch Avenue West

File # 07_223013

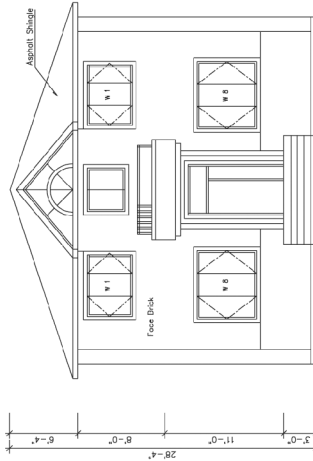
Attachment 2: Elevations



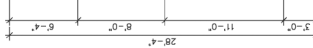
West Elevation



East Elevation



North Elevation



South Elevation

Elevations

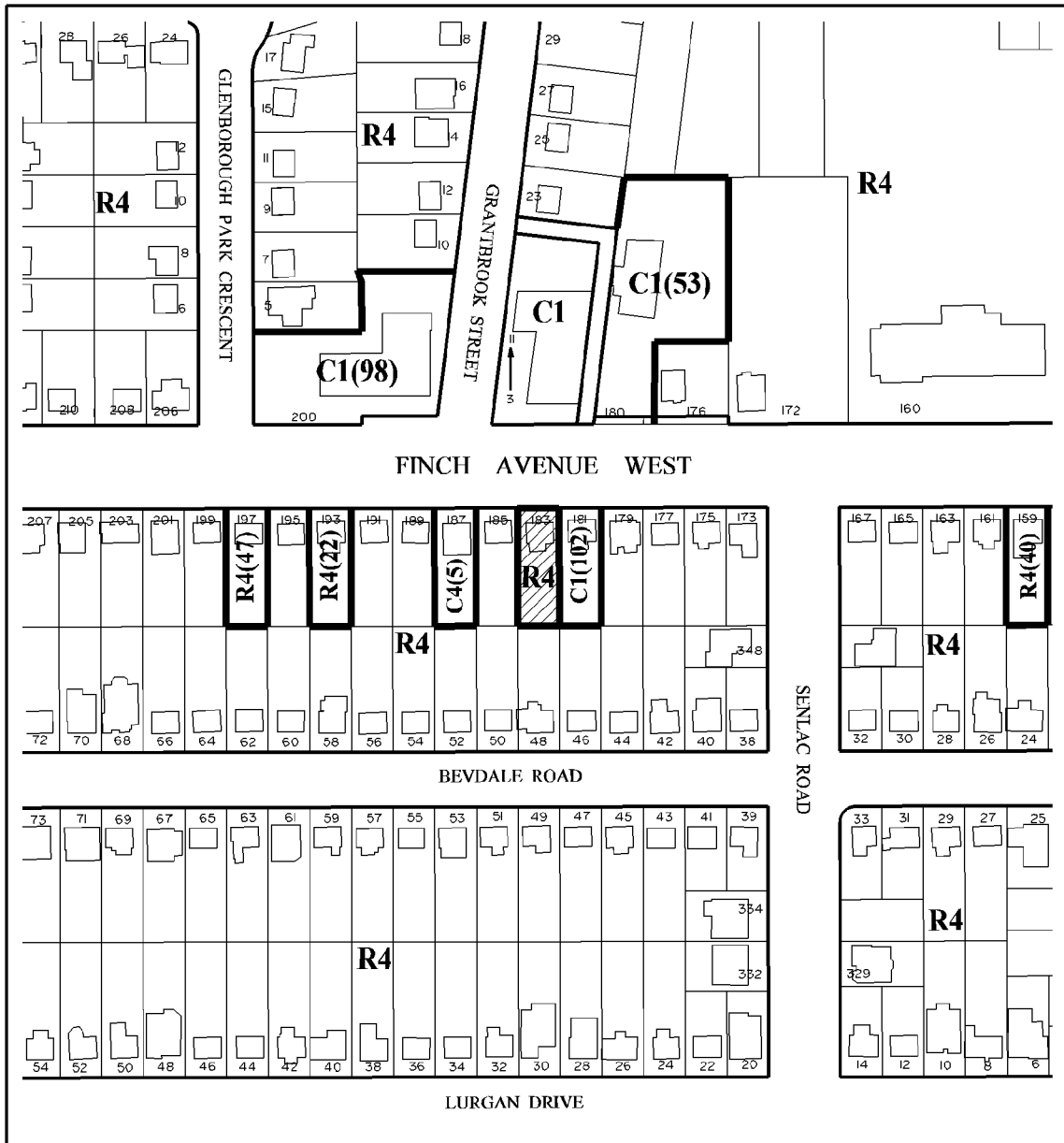
Applicant's Submitted Drawing

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07/18/07

183 Finch Avenue West

File # 07_223013

Attachment 3: Zoning



183 Finch Avenue West

File # 07_223013

- R4 One-Family Detached Dwelling Fourth Density Zone
- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 07/18/07

Attachment 4: Application Data Sheet
APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 223013 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	May 28, 2007

Municipal Address: 183 FINCH AVE W, TORONTO ON M2R 1M2
 Location Description: PLAN 2399 W PT LOT 24 << STRUCTURE ADDRESS FOR 183 FINCH AVE E
 **GRID N2302
 Project Description: Proposed conversion of portion of ground floor area of existing residential dwelling to permit personal service shop, business and professional offices uses.

Applicant:	Agent:	Architect:	Owner:
RICHARD MIN			KARDEL DEVELOPMENTS INC

PLANNING CONTROLS

Official Plan Designation:	MUA	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	661.28	Height:	Storeys:	2
Frontage (m):	15.23		Metres:	8.63
Depth (m):	43.44			
Total Ground Floor Area (sq. m):	136.54			Total
Total Residential GFA (sq. m):	136.54		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	109.3		Loading Docks	0
Total GFA (sq. m):	273.08			
Lot Coverage Ratio (%):	20.6			
Floor Space Index:	0.41			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	1
Total Units:	1

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	163.78	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	109.3	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Ben DiRaimo, Planner
TELEPHONE: (416) 395-7119

Attachment 5: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

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

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

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. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

“64.23 (137) C1 (137)
3. Within the lands shown on Schedule "C1 (137)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PERMITTED USES

In addition to the uses permitted by the R4 zone, personal service shops, business and professional offices shall also be permitted.

EXCEPTION REGULATIONS

- (a) The personal service shops, business and professional offices uses may only be located on the first floor.

(b) A 2.4 metre landscape strip and 1.8 metre high opaque fence shall be provided along the south property line of the lot.

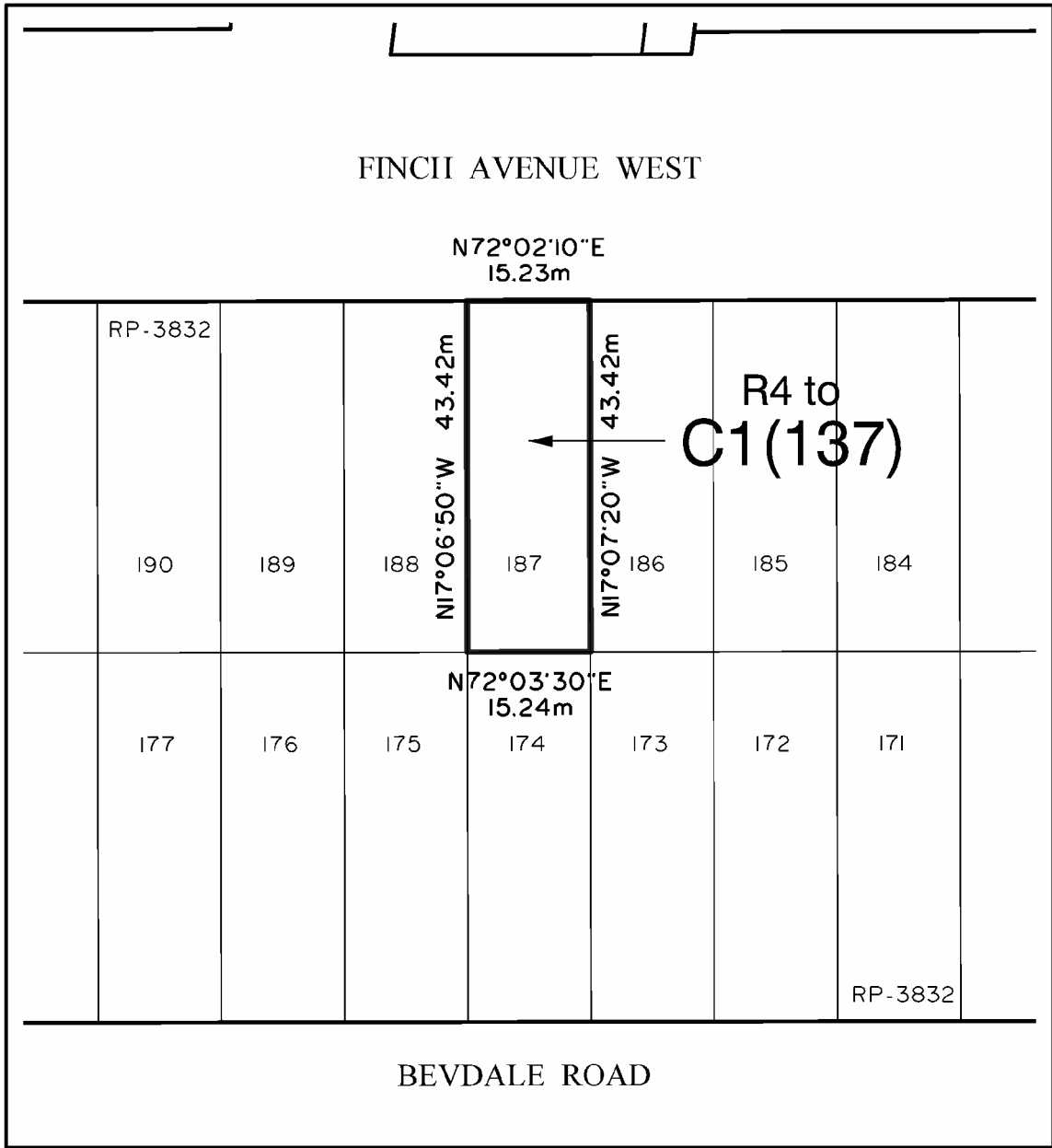
(c) 5 parking spaces shall be provided, wholly located at the rear of the lot.

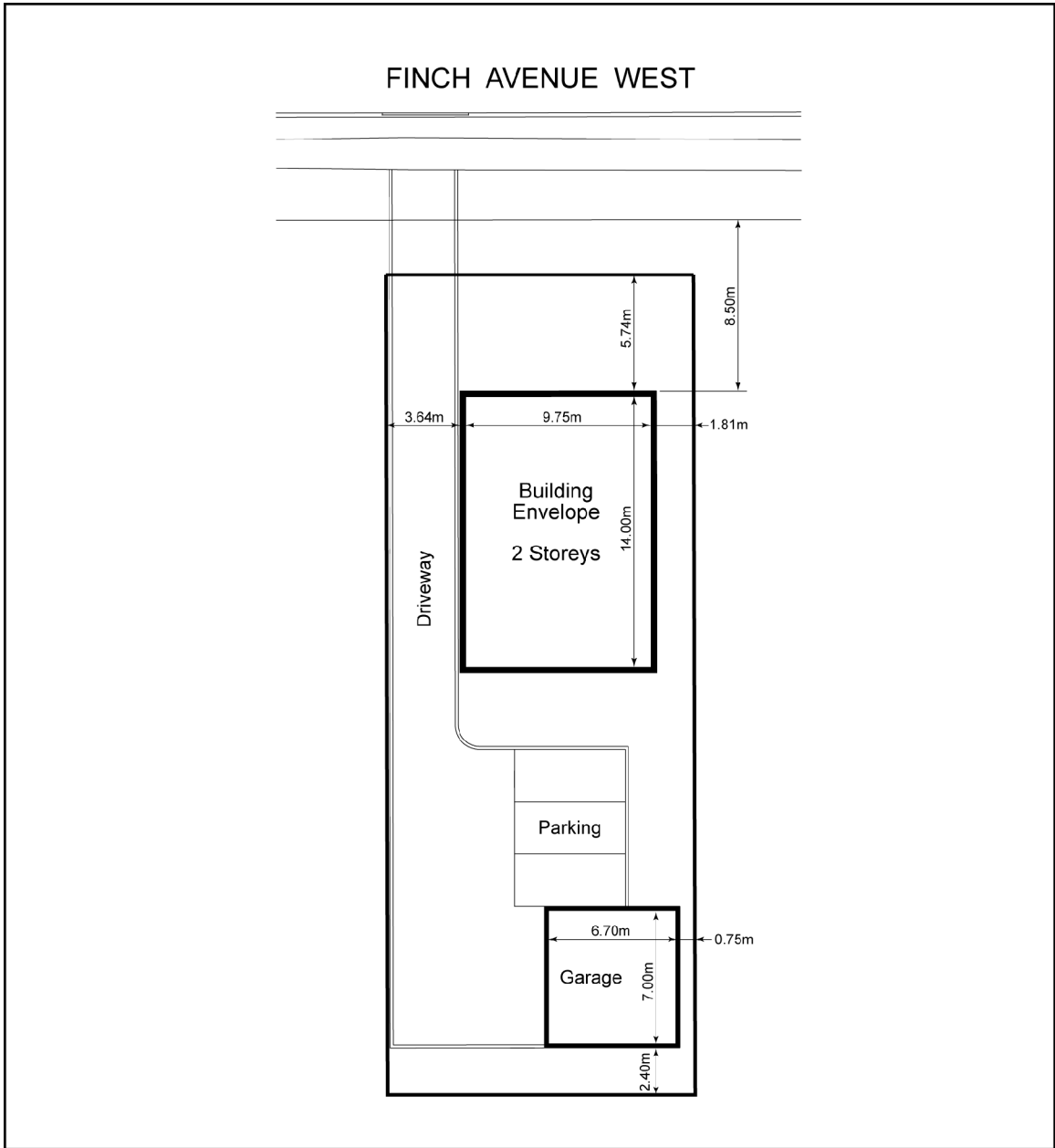
ENACTED AND PASSED this ~ day of ~, A.D. 2013.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 6: Draft Conditions of Site Plan Approval

1. Site/Landscape Plan, prepared by Min & Associate Inc. Architect, revised 2-28-12 and stamped received March 29, 2012 City of Toronto Planning North York Civic Centre;
2. Ground Floor, Second Floor and Basement Floor Plans prepared by Min & Associate Inc. Architect, dated March 10, 2007 and stamped received May 28, 2007 City of Toronto Planning North York Civic Centre; and
3. West, East North and South Elevations, prepared by Min & Associate Inc. Architect, dated March 10, 2007 and stamped received May 28, 2007 City of Toronto Planning North York Civic Centre.;

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks, Phone #416-397-5379

Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

TECHNICAL SERVICES – Eddy Bologna, Development Technologist, Phone #416-395-6328

1. Widening of Highways that abut on the Land
 - 1.1 Prepare all documents and convey to the City, at nominal cost, a 2.76 metre road allowance widening along the Finch Ave. W. frontage in fee simple, 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 dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;
 - 1.2 Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
 - 1.3 Pay all costs for registration and preparation of reference plan(s).

2. Facilities to Provide Access to and from the Land
 - 2.1 The owner shall provide, prior to site plan approval, payment with Technical Services for the following:
 - i) Future construction of 1.7m wide sidewalk across the entire Finch Ave. W. frontage of the site to the standard location of 1m from the widened property line. The cost of this work is estimated to be \$4200.00
 - ii) \$210.00 representing 5% engineering and inspection fee for the above works.

The above work shall be constructed by the City at the time of the road widening once all the necessary lands have been conveyed to the City.

CITY PLANNING – Ben DiRaimo, Phone #416-395-7119

1. The Owner shall provide a landscape cost estimate for the approved landscape plan for review and approval by the Director, Community planning, North York District.
2. The Owner shall submit a letter of credit or certified cheque representing 75% of the approved landscape cost estimate.

URBAN FORESTRY, Tree Protection and Plan Review – Harold Moffatt, Phone #416-395-6134

1. The applicant shall submit a **Tree Planting Deposit in the amount of \$583.00** for the planting of one new tree on the City road allowance. The Tree Planting Deposit must be submitted to the attention of Harold Moffatt, Supervisor of Urban Forestry (TPPR). The deposit will 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 guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period.

Please contact Jim Dobson of Urban Forestry (TPPR) at 416-395-6195 or by email at jdobson2@toronto.ca if you require additional information.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement.

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

1. Facilities to Provide Access to and from the Land
 - 1.1 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.
 - 1.2 The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
 - 1.3 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 through appropriate agreements. 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.
2. Off-Street Vehicular Loading and Parking Facilities and Access/Driveways
 - 2.1 Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services.
 - 2.2 All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone; and
3. Walkway and Walkway Ramps
 - 3.1 Driveway curbs must be flush on either side of the sidewalk for a minimum of 0.45 metres.
4. Facilities for the Storage of Garbage and Other Waste Material
 - 4.1 Construct and maintain all facilities necessary to permit City to collect solid waste and recyclable materials.

5. Grading and Provision for the Disposal of Storm, Surface and Wastewater from the Land
 - 5.1 Construct and maintain stormwater management measures/facilities and site grading and servicing as recommended in the accepted Stormwater Management Report, prepared by Cook Consulting Engineers, and dated August 4, 2011, and Grading, Servicing & Stormwater Management Plan, Drawing No. G01, prepared by Cook Consulting Engineers, revision C, and dated October 25, 2011.
 - 5.2 Provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading and servicing have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading, Servicing & Stormwater Management Plan.
 - 5.3 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.

6. Other Conditions
 - 6.1 The owner shall maintain the sod covered portion including any walkways within the City's Right-of-Way fronting and/or flanking the site in accordance with the approved plans and drawings to the satisfaction of the City.

CITY PLANNING

Provide and maintain the landscaping for the lands in accordance with the approved landscape plan to the satisfaction of the Director of Community Planning, North York District.

SITE PLAN ADVISORY COMMENTS

1. Right-of-Way Permit
 - 1.1 The owner will be required to obtain approval from the Transportation Services Division for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District at 416-395-6221. The fee schedule can be found at http://www.toronto.ca/developing-toronto/darp_otherfees.htm for information purposes.

2. Site Servicing Connections
 - 2.1 The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact District Operations, Toronto Water at 311 or 416-392-CITY (2489).

Please note that servicing on private property requires plumbing approval under the Ontario Building Code, and accordingly, application for the necessary permits should be made to the Building Division.

3. Construction Management Plan

3.1 The Owner will be required to provide the City with a Construction Management Plan outlining the following:

- a) Dust/mud control on and offsite;
- b) Location of truck loading points, trailer parking;
- c) Location of temporary material storage areas;
- d) Access/truck routing;
- e) Provision of hoarding, temporary fencing & covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades;

for any work within the public right-of-way. For further information, please contact the Right-of-Way Management Section, North York District, at 416-395-6221. The fee schedule can be found at http://www.toronto.ca/developing-toronto/darp_otherfees.htm for information purposes.

4. Streetscaping

4.1 The owner's contractor will be required to make an application for a ROW permit from the Transportation Division for any work within the public-right-of-way. For further information please contact the Right-of-Way Management Section at 416-395-6221.

5. Toronto Hydro Approval

The applicant must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.

6. If the owner requests the city to collect trade waste, the owner will be required to make an application for garbage and recycling collection and enter into an agreement with the City, under the Yellow Bag Program, for such collection services. In the event the owner is not accepted, then a private contractor must collect all solid waste from this site. Collection of wastes from the commercial sector of this site will be in accordance with Chapter 841, Solid Waste, of the City of Toronto Municipal Code. (Refer to appropriate By-Laws for Procedures associated with grease, etc.)