

289 Finch Avenue West - Zoning By-Law Amendment Application – Final Report

Date:	April 23, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	11 262805 NNY 23 OZ

SUMMARY

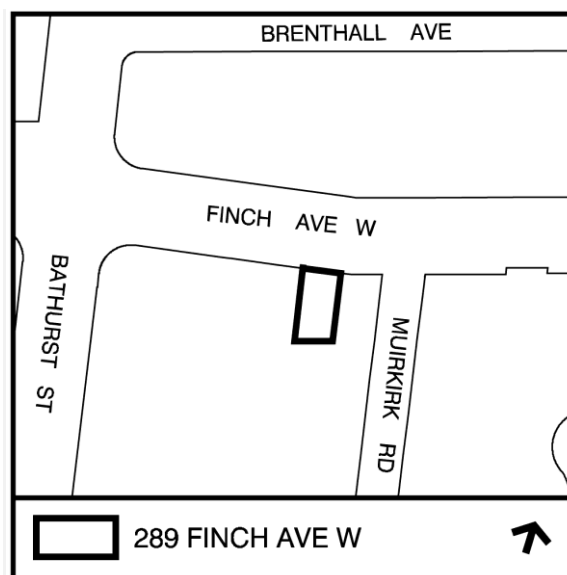
This application proposes to amend former City of North York Zoning By-law No. 7625 to convert the ground floor of the existing one-storey dwelling to a commercial use with a dwelling unit in the basement level.

This report reviews and recommends approval of the draft by-law attached to this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 7625, for the lands at 289 Finch Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated April 23, 2014.
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 to the City Council for enactment, the applicant will be required to obtain Notice of Approval Conditions under Section 41(16) of the Planning Act, to the satisfaction of the Director of Community Planning, North York District.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

This application proposes to amend former City of North York Zoning By-law No. 7625 to convert the 112.88 m² ground floor of the existing detached dwelling with a height of 7.5m to a commercial use as a photography retail establishment with a dwelling unit in the basement. The total floor space index (FSI) of the commercial uses on the ground floor are 0.18 times the lot area. Five at-grade parking spaces are proposed at the rear of the property. Access to parking would be provided along the west of the property from Finch Avenue West.

Site and Surrounding Area

The site is located on the south side of Finch Avenue West, east of Bathurst Street. The subject property has a frontage of approximately 18m (60ft) and a lot area of 611m² (6,575 ft²). A one-storey detached residential dwelling with detached garage is located on the lands. Abutting uses are as follows:

North: on the north side of Finch Avenue there are residential apartment buildings and a commercial plaza;

South: to the south of the subject site there are detached residential dwellings;

East: to the east of the subject site there are detached residential dwellings; and

West: to the west of the subject site is Finchurst commercial plaza.

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 Province of Ontario has recently issued an updated PPS which is effective April 30, 2014 and applies to any planning decisions made on or after that date. As the Community Council date is May 13, 2014, the application needs to be reviewed for consistency with the new 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.

Official Plan

The site is designated Mixed Use Areas in the Official Plan. This designation provides for detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses.

The site is also subject to the policies of the Central Finch Area Secondary Plan, which designates these lands as Mixed Use Area "B". The Secondary plan policies permit a density of 1.0 times the lot area for sites with less than 30 metre frontage. The maximum permitted height of a solely commercial project is 2 storeys or 8 metres, whichever is lesser, provided that the amount of gross floor area devoted to commercial uses, does not exceed 0.75 times the lot area.

To buffer the effects of development in the Central Finch Secondary Plan Area on adjacent residential properties, the Secondary Plan also requires fencing and a landscaped barrier suitable for the planting of trees that appropriately defines the individual site. Exterior lighting and sign illumination must be located so as to avoid any impact upon the adjacent residential neighbourhood. New development must also provide for a quality street environment by locating primary pedestrian access at grade facing the street, and create a strong attractive street edge with emphasis on good design and an abundance of landscaping and tree features.

Zoning

The subject lands at 289 Finch Avenue West were excluded from the new City of Toronto Zoning By-law 569-2013. As such, the former City of North York Zoning By-law 7625 continues to apply.

The property is zoned One-Family Detached Dwelling Fourth Density Zone (R4) which permits single detached dwellings and accessory uses.

Site Plan Control

An application for Site Plan Control Approval was submitted on August 24, 2011 and is currently being reviewed (File No. 11 262808 NNY 23 SA).

Reasons for Application

The proposed ground floor commercial use is not a permitted use in the R4 zone category of the Zoning By-law.

Community Consultation

A community consultation meeting was held by City Planning on September 23, 2013. No residents attended the meeting and therefore no concerns were raised.

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 intensification in designated growth areas as outlined in the 2014 PPS. The site is designated Mixed Use Areas within the Official Plan and is within Mixed Use Area "B" in the Central Finch Area Secondary Plan which permits and encourages development and redevelopment including street-oriented retail and service commercial uses.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It introduces a ground floor commercial use within a Built-Up Area, which can appropriately accommodate this change in use.

Land Use

The proposed ground floor commercial use and basement residential dwelling unit are consistent with both the Mixed Use Areas designation of the Official Plan and the Central Finch Area Secondary Plan. The proposed ground floor commercial use and basement residential unit is similar to other commercial, professional office uses and residential uses that have been previously approved on this portion of the Finch Avenue corridor and will be limited to the existing building.

Density, Height, Massing

The proposed ground floor commercial use in the existing building would have an FSI of 0.18 which meets the permitted FSI for commercial uses (0.75) in Mixed Use Area "B" in the Central Finch Area Secondary Plan.

The proposed use will be located in the existing residential building. There are no exterior changes or additions to the existing one storey building. Through the application review process, impacts on adjacent buildings, or to the privacy and view of residential dwellings in the residential designation to the east, west and south have been mitigated through additional landscaping and addressing any stormwater management issues which will be secured through the Site Plan process.

Traffic Impact, Access, Parking

The proposed ground floor commercial use would have vehicular access via a driveway from Finch Avenue West, providing access to 5 at grade parking spaces at the rear of the dwelling.

Servicing

Development Engineering has reviewed the application and indicated further revisions that will be required to the stormwater management, site servicing and grading plans to outline how additional flow will be controlled on site due to the increased impervious area. The garbage and recycling collection from the existing building must also be revised. These will all be secured through the Site Plan process.

Open Space/Parkland

City Parks, Forestry and Recreation staff have indicated that the proposal is exempt from parkland dedication as the conversion of the ground floor to a commercial use is not subject to parkland levies.

Streetscape and Other Issues

The Central Finch Area Secondary Plan speaks to built form and streetscapes and outlines that redevelopments on Finch Avenue West should contribute to the definition of the street edge, while maintaining an attractive pedestrian environment along sidewalks and open spaces. Lands in the front yard of properties along Finch Avenue should be landscaped in a manner that defines them as an extension of the pedestrian environment associated with the street. The front yard of the subject property should contain landscaped areas that enrich the pedestrian environment. Parking areas will not be permitted in the front yard of the subject site. Signage should also be appropriately integrated with the surrounding residential uses. A rear 1.5m landscaped buffer to neighbours to the south is also required along with a 1.8m privacy fence at the rear of the property.

Staff in discussions with the applicant will work together to develop a landscape plan for the front of the proposed building which will be secured in the Site Plan process.

Site Plan Control

There are several matters that will be secured through the Site Plan process. Matters to be secured through Site Plan include landscaping requirements in the front yard, a 1.5m landscape strip in the rear yard of the proposed commercial use and stormwater management on site.

Staff recommend before introducing the necessary Bills to City Council for enactment that the applicant will be required to obtain Notice of Approval Conditions under Section 41(16) of the Planning Act to ensure all Site Plan matters are secured.

Toronto Green Standard

As the ground floor commercial use is proposed in an existing residential building, the Toronto Green Standard does not apply.

CONTACT

Vanessa Covello, Planner

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Fax No. 416-395-7155

E-mail: vcovell@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North and South Elevations

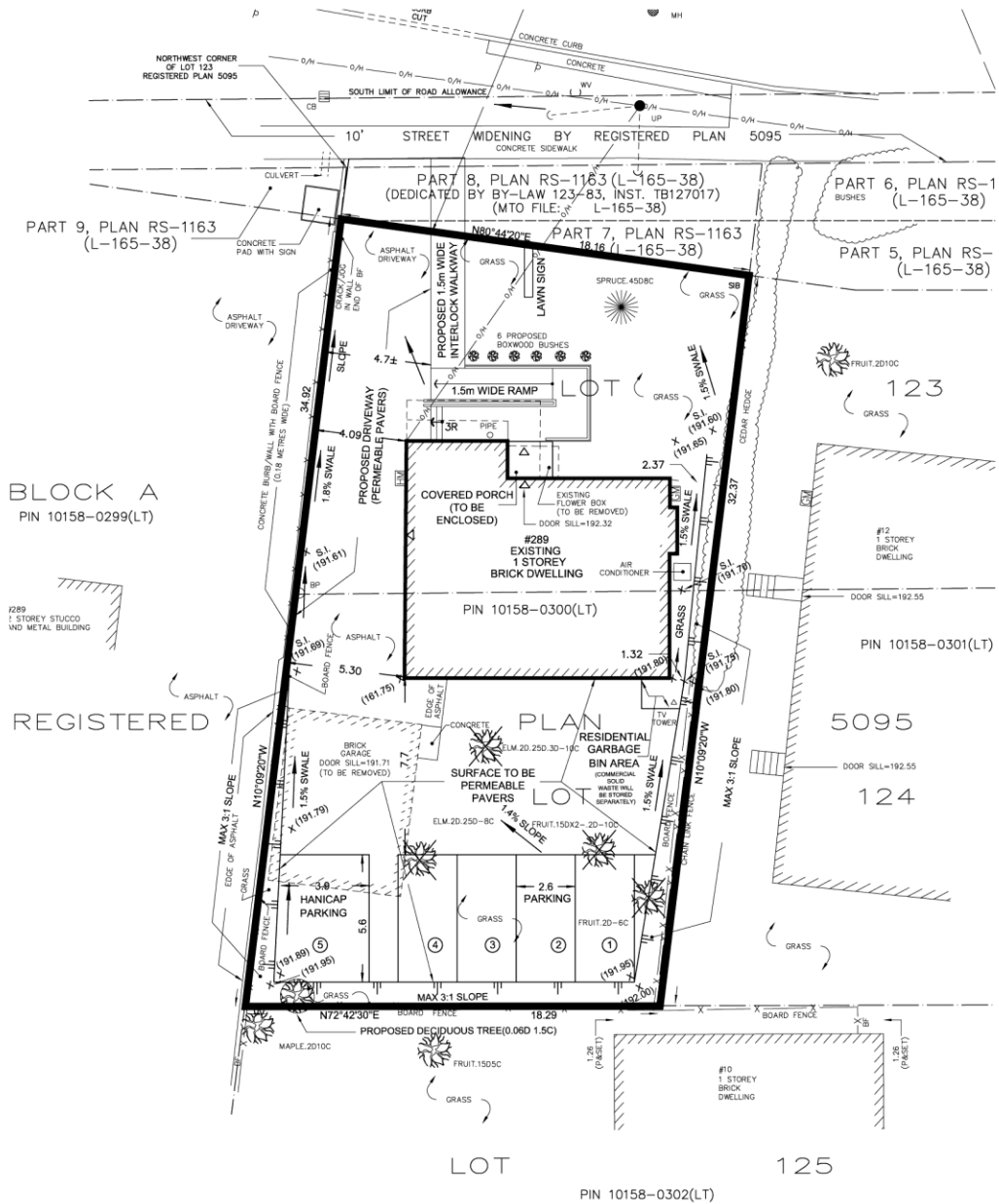
Attachment 3: West and East Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
04/09/2014

289 Finch Avenue West

File # 11 262805 NNY 23 02

North Elevation

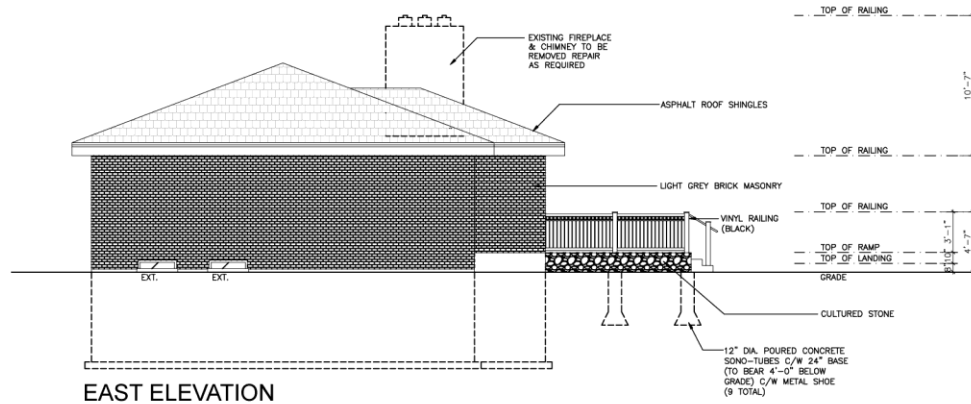
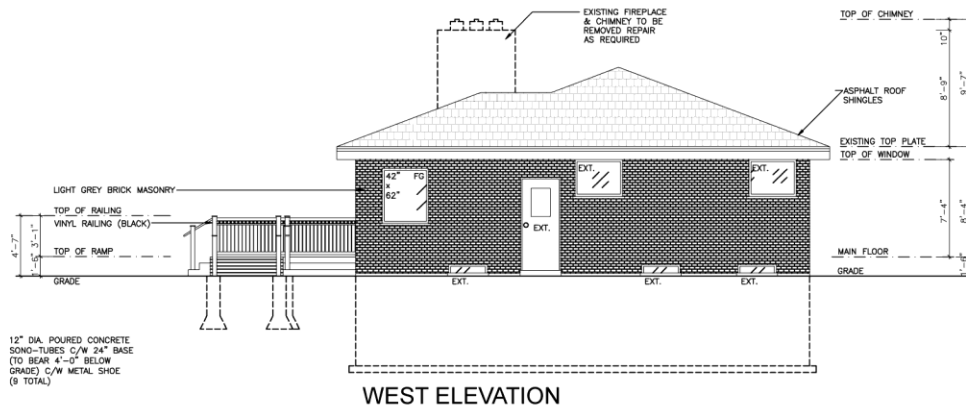
Architectural drawing of the North Elevation of a building. The drawing shows a side view of a structure with a gabled roof. The roof is labeled "ASPHALT ROOF SHINGLES". The main floor is labeled "MAIN FLOOR" and "GRADE". A ramp is shown on the right side, labeled "RAMP". The drawing includes dimensions for the roof, main floor, and ramp. A note indicates "LIGHT GREY BRICK MASONRY TO BE REMOVED".

South Elevation

Architectural drawing of the South Elevation of a building. The drawing shows a front view of a structure with a gabled roof. The roof is labeled "ASPHALT ROOF SHINGLES". The main floor is labeled "MAIN FLOOR" and "GRADE". The drawing includes dimensions for the roof, main floor, and ramp. A note indicates "LIGHT GREY BRICK MASONRY TO BE REMOVED".

File # 11 262805 NNY 23 0Z

Attachment 3: West and East Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
04/08/2014

289 Finch Avenue West

File # 11 262805 NNY 23 02

Attachment 4: Zoning



Toronto City Planning
Zoning

289 Finch Ave. West

File # 11 262805 NNY 23

R4 One-Family Detached Dwelling Fourth Density Zone

RM3 Multiple-Family Dwellings Third Density Zone

RM4 Multiple-Family Dwellings Fourth Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone

C2 Local Shopping Centre Zone



Not to Scale
Zoning By-law 7625
Extracted 09/26/2011

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 262805 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	August 24, 2011

Municipal Address:	289 FINCH AVE W
Location Description:	PLAN 5095 W PT LOT 123 TO 124 **GRID N2302
Project Description:	Proposal to convert the ground floor of the existing one-storey dwelling to commercial uses, with one residential unit in the basement.

Applicant:	Agent:	Architect:	Owner:
DILIP CHHANIYARA			NAVDEEP JUNEJA

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	R4	Historical Status:	N
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	611	Height:	Storeys:	1
Frontage (m):	8.16		Metres:	7.5
Depth (m):	32.92			
Total Ground Floor Area (sq. m):	112.88			Total
Total Residential GFA (sq. m):	112.88		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	112.88		Loading Docks	0
Total GFA (sq. m):	225.75			
Lot Coverage Ratio (%):				
Floor Space Index:	0.36			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	112.88	0
Bachelor:	0	Retail GFA (sq. m):	112.88	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	1			

CONTACT:	PLANNER NAME:	Vanessa Covello, Planner
	TELEPHONE:	(416) 395-7104

Attachment 6: Draft Zoning By-law Amendment

Authority: North York 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 ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
289 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 the By-law 7625 of the former City of North York are amended in accordance with Schedule "1" of the By-law.
2. Section 64.13 of the By-law 7625 is amended by adding the following subsection:

"64.13 (109) R4(109)"

PERMITTED USES

- a) In addition to the uses permitted in the R4 zone, a photography shop shall be permitted on the ground floor only within the existing One-Family Detached Dwelling, existing on the date of enactment of this By-law.

EXCEPTION REGULATIONS

- b) The maximum total floor area on site dedicated to commercial uses shall be 112.88 m².
- c) One residential unit with a total gross floor area of 112.88 m² is permitted in the basement level.
- d) The driveway on site is permitted to operate as a two-way access driveway with a minimum width of 4.09m.

- e) Five parking spaces shall be provided at the rear of the lot as shown on Schedule R4(109), parking is not permitted in the front yard.
 - f) A 1.5 metre landscape strip and 1.8 metre high opaque fence shall be provided along the south property line of the lot.
 - g) The minimum front, rear and side yard setbacks on the lands as shown on Schedule "R4(109)" attached hereto shall be maintained.
- 3.** Within the lands shown on Schedule "R4(109)" 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.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

