

**99 Finch Avenue East – Zoning By-law Amendment
Application – Final Report**

Date:	May 26, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	12 223967 NNY 23 OZ

SUMMARY

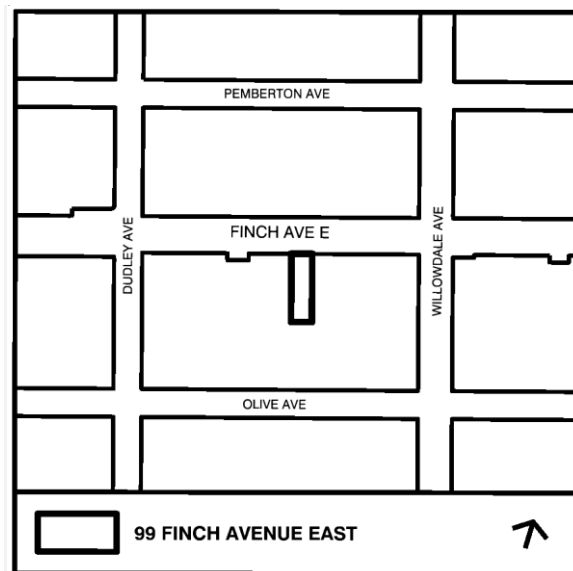
This application proposes to amend former City of North York Zoning By-law No. 7625 to legalize the conversion of a 1.5 storey residential dwelling to a business and professional office use. Eight at-grade parking spaces are proposed at the rear of the property.

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 North York Zoning By-law No. 7625, for the lands at 99 Finch Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated May 26, 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 and Section 114 of the City of Toronto 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 the former City of North York Zoning By-law No. 7625 to legalize the conversion of a 1.5 storey residential dwelling to a business and professional office use. The entire building would be used as office space. Eight at-grade parking spaces are proposed at the rear of the property. Access to parking would be provided from a driveway through the existing garage along the east side of the property from Finch Avenue East. Refer to Attachment No. 4 for project data.

Site and Surrounding Area

The site is located on the south side of Finch Avenue East, in the block between Dudley Avenue and Willowdale Avenue. The subject property has a frontage of 15.24 metres (50 feet) and a lot area of 742.43 square metres (7,991.45 square feet). A detached 1.5 storey residential dwelling is located on the subject lands. The subject site slopes downward from the north to the south end of the site.

This portion of Finch Avenue East is transitioning from lots containing single detached dwellings to lots containing office or commercial uses.

Surrounding uses are as follows:

North: On the north side of Finch Avenue East there are detached residential dwellings and medical and professional office uses.

South: The area to the south is made up of detached residential dwellings.

East: The area to the east along the Finch Avenue East frontage there are detached residential dwellings.

West: The area to the west along the Finch Avenue East frontage there are detached residential dwellings, townhouses and professional office uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does 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 "C". For sites with less than 30 metres of frontage on Finch Avenue, the Secondary Plan permits a maximum permitted density of 1.0 times the lot area, and a maximum permitted height for a solely commercial project of 3 storeys or 11 metres, whichever is lesser.

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 1.5m landscaped area suitable for the planting of trees that appropriately defines the individual site. Exterior lighting 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 creating a strong attractive street edge with emphasis on good design and an abundance of landscaping and tree features.

Zoning

The subject lands at 99 Finch Avenue East 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 3, 2012 and is currently being reviewed (File No. 12 223972 NNY 23 SA).

Reasons for Application

The proposed business and professional office 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 December 13, 2012. No residents attended the meeting. No concerns were raised by residents during the process of this application.

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 "C" 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 business and professional office use is consistent with both the Mixed Use Areas designation of the Official Plan and the Central Finch Area Secondary Plan. The proposed business and professional office use 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 residential building.

Density, Height, Massing

The proposed business and professional office use in the residential building would have a Floor Space Index (FSI) of 0.36 after the required road widening is given to the city, which meets the maximum permitted FSI for sites with a frontage of less than 30 metres

on Finch Avenue of 1.0 in Mixed Use Area "C" in the Central Finch Area Secondary Plan.

The proposed use will be located in the residential building. There are no exterior changes or additions to the 1.5 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 business and professional office use would have vehicular access via a 5.0m driveway from Finch Avenue East through the existing garage, the doors are 2.44m wide, providing access to 8 at grade parking spaces at the rear of the dwelling. Transportation Services is satisfied with the access and parking arrangement. The Site Plan indicates that the site will have a front yard setback of 5.06m.

Road Widening and Encroachments

In the course of reviewing this proposal it has been determined that a 4.89 metre road widening dedication along Finch Avenue is required. This will be secured in the Site Plan Approval for the development.

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 maintain consistency between materials submitted. These plans will be secured through the Site Plan Approval 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 residential dwelling to a professional office use is not subject to parkland levies since the conversion does not propose any additional Gross Floor Area. Any future addition/expansion of the building will be subject to parkland dedication requirements.

Streetscape

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 is recommended to contain landscaped areas that enrich the pedestrian environment. Parking areas will not be permitted in the front yard of the subject site.

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

Site Plan Approval

There are several matters that will be secured through the Site Plan Approval process which include landscaping requirements, on-site stormwater management and a 4.89m road widening along Finch Avenue West.

Toronto Green Standard

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

Conclusion

This report recommends a draft by-law that permits a change in use from a residential dwelling to a business and professional office use with 8 parking spaces provided in the rear yard. The proposal is in keeping with policies in the Central Finch Area Secondary Plan.

CONTACT

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E-mail: vcovell@toronto.ca

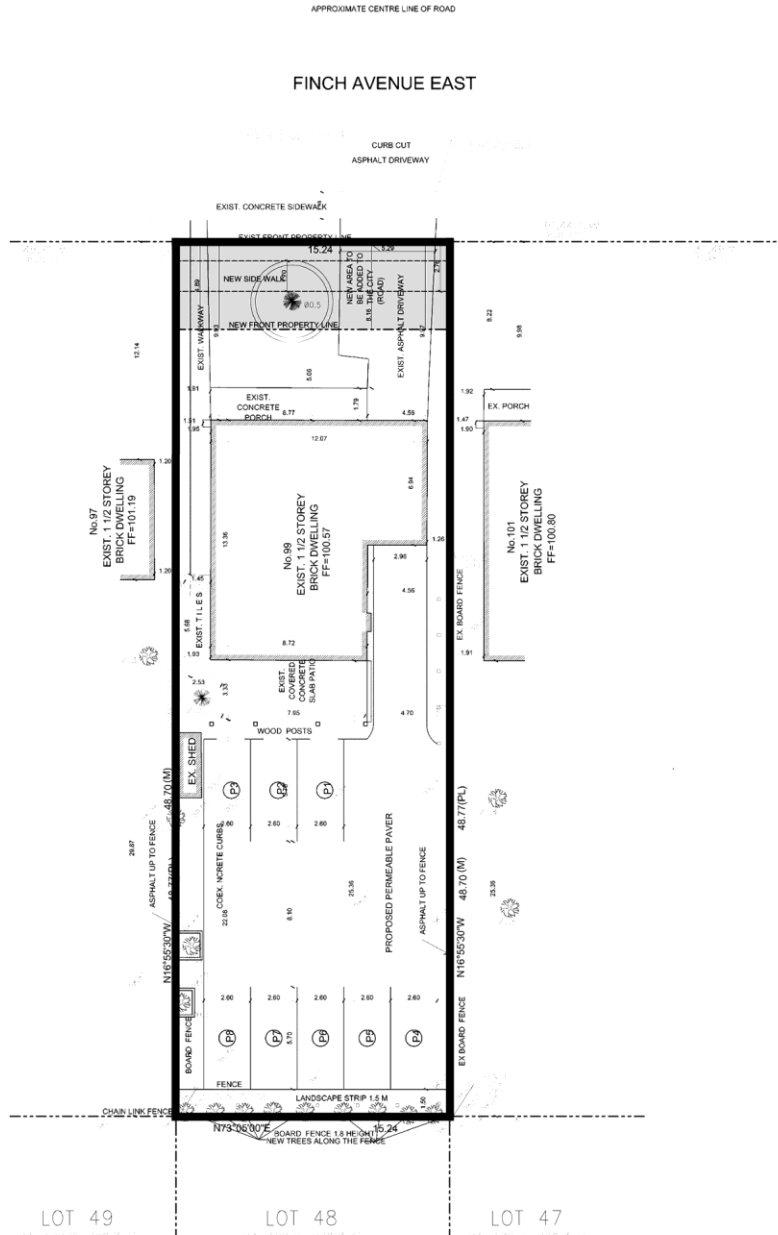
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: East and West Elevations
Attachment 2b: North and South Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

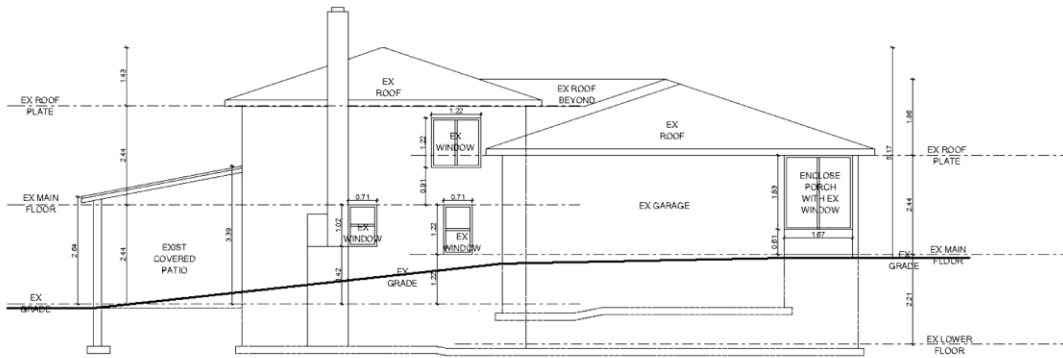
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08/28/2012



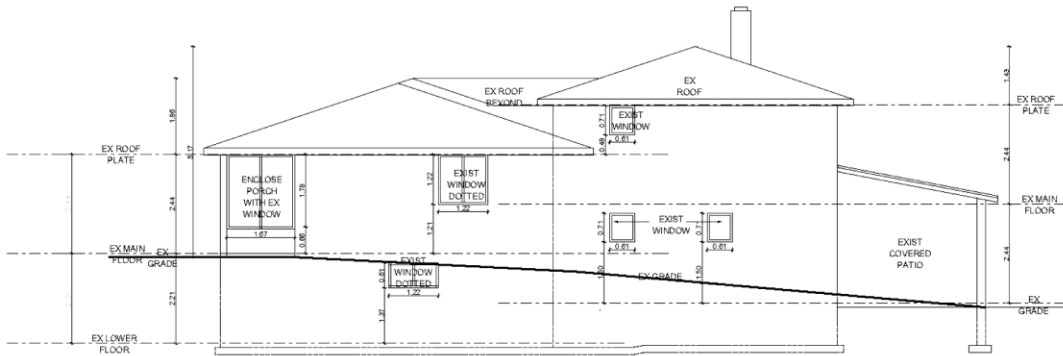
99 Finch Avenue East

File # 12 223967 NNY 23 0Z

Attachment 2a: East and West Elevations



EAST ELEVATION



WEST ELEVATION

Elevations 2a

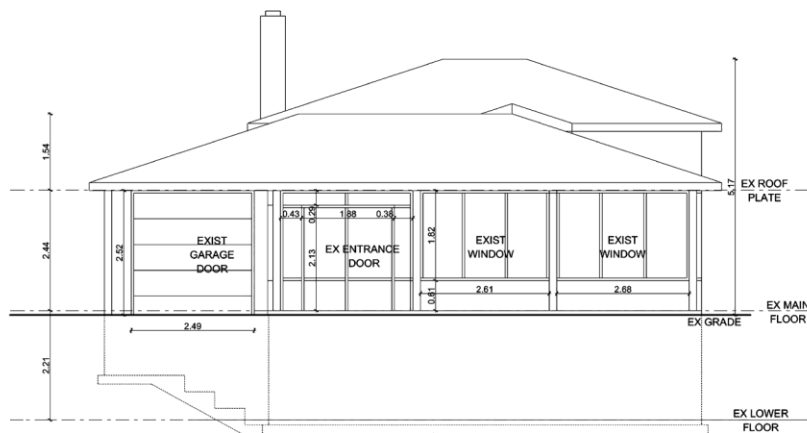
Applicant's Submitted Drawing

Not to Scale
08/28/2012

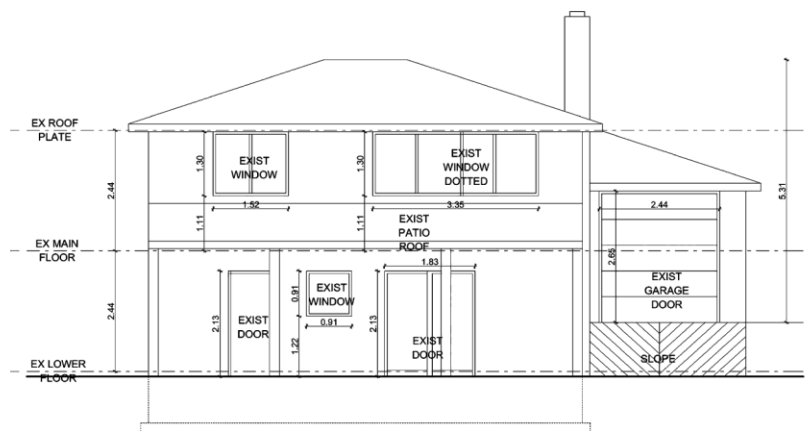
99 Finch Avenue East

File # 12 223967 NNY 23 0Z

Attachment 2b: North and South Elevations



NORTH ELEVATION



SOUTH ELEVATION

Elevations 2b

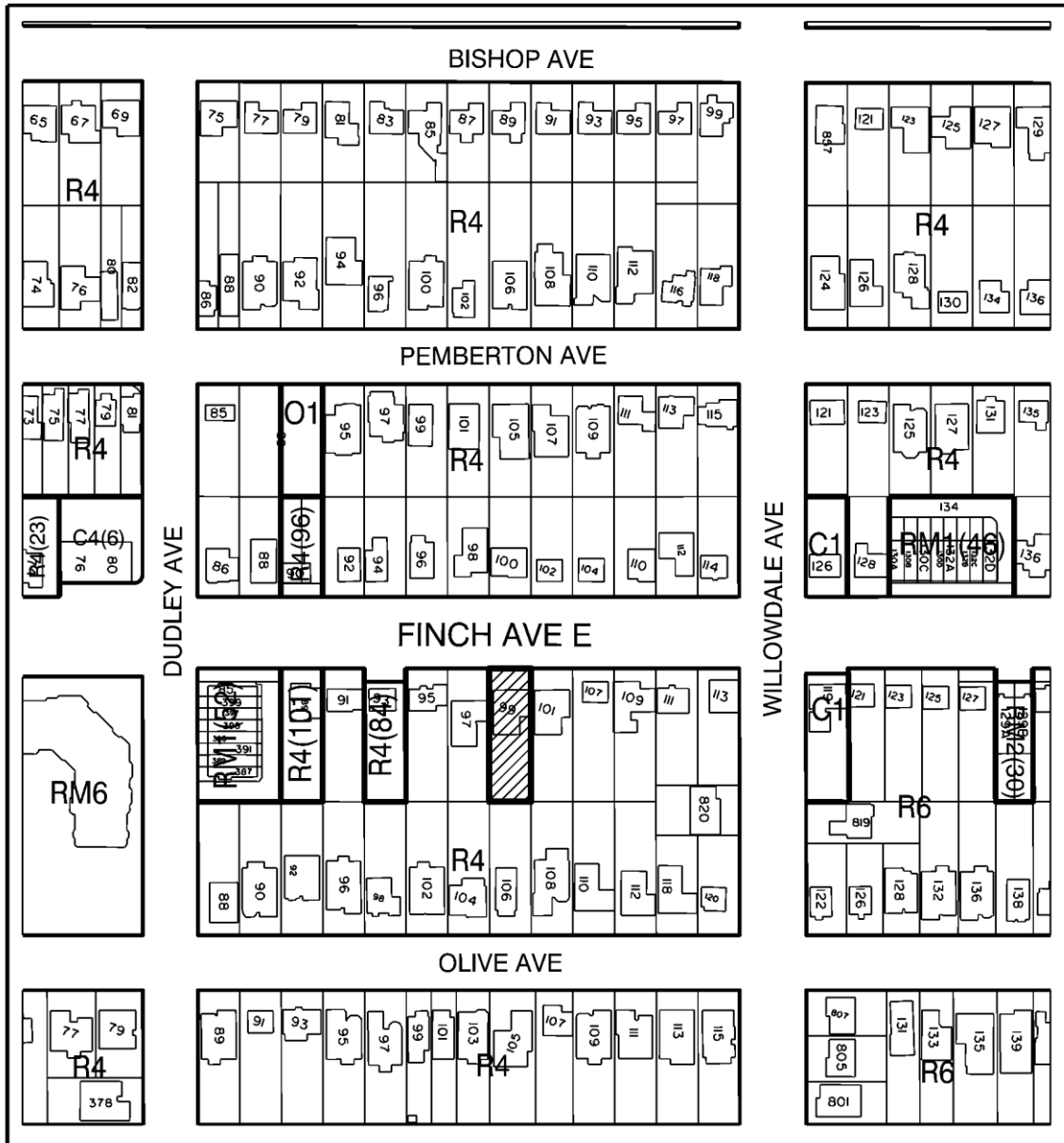
Applicant's Submitted Drawing

Not to Scale
08/28/2012

99 Finch Avenue East

File # 12 223967 NNY 23 0Z

Attachment 3: Zoning



99 Finch Avenue East
File # 12 223967 NNY 23 0Z

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 09/12/2012

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 223967 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	August 3, 2012

Municipal Address: 99 FINCH AVENUE EAST
 Location Description: PLAN 2399 LOT 9 **GRID N2303
 Project Description: Proposed conversion of the 1.5 storey residential dwelling to a business and professional office.

Applicant:	Agent:	Architect:	Owner:
KHALID IBRAHIM Memar Consultants 2323 Yonge Street, Suite 503 Toronto, ON M4P 2C9		KHALID IBRAHIM	INARA TOTROV

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	742.43	Height:	Storeys:	1.5
Frontage (m):	15.24		Metres:	6.31
Depth (m):	48.7			
Total Ground Floor Area (sq. m):	118.6			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	8
Total Non-Residential GFA (sq. m):	237.17		Loading Docks	0
Total GFA (sq. m):	237.17			
Lot Coverage Ratio (%):	25.38			
Floor Space Index:	0.32			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	179.99
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT: PLANNER NAME: Vanessa Covello, Planner
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E-MAIL: vcovell@toronto.ca

Attachment 5: 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,
99 Finch Avenue East**

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 (XX) R4 (XX)"

DEFINITIONS

Net Site For the purposes of this exception, Net Site means the gross site area (as defined by the survey for Part of Lot 11, R.P 3912, City of Toronto, prepared by LSG Land Survey Group, dated July 21, 2010) minus any lands conveyed to the City of Toronto for road widening purposes.

PERMITTED USES

- a) In addition to the uses permitted in the R4 zone, business and professional offices shall be permitted within the existing building, existing on the date of enactment of this By-law.

EXCEPTION REGULATIONS

- b) The maximum total gross floor area on the Net Site shall be 237.17m².
 - c) Eight parking spaces shall be provided at the rear of the lot as shown on Schedule R4(XX), parking is not permitted in the front yard.
 - d) A 1.5m landscape strip and 1.8 metre high opaque fence shall be provided along the south property line of the lot.
 - e) The two-way driveway shall have a minimum width of 2.4m.
3. Within the lands shown on Schedule "R4(XX)" 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)

