

702 Weston Road and 11 Avon Avenue – Zoning By-law Amendment Application – Final Report

Date:	April 22, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	13 264497 WET 11 OZ

SUMMARY

This application proposes to amend the Zoning By-law for the 11 Avon Avenue portion, being the southwestern portion, of the property at 702 Weston Road to permit the conversion of an office building into a single detached residential building. The office building is presently being used as a residence. No new buildings are proposed through this application.

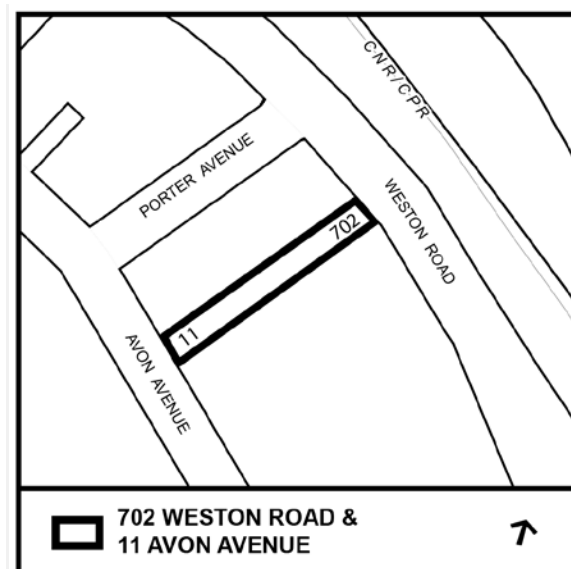
The application would legalize the existing residential use of the building in a form and scale that is appropriate for the area.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of York Zoning By-law No. 1-83, for the lands at 11 Avon Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 6 to the report of the Director, Community



Planning, Etobicoke York District, dated April 22, 2015.

2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 11 Avon Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 7 to the report of the Director, Community Planning, Etobicoke York District, dated April 22, 2015.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. Prior to introducing the necessary Bills to City Council for enactment, require the owner to receive provisional consent approval to sever the property as per the Draft R-Plan, attached as Attachment 2 to the report of the Director, Community Planning, Etobicoke York District, dated April 22, 2015, along with requisite easements and/or right-of-ways, to the satisfaction of the City Solicitor, Director of Engineering and Construction Services, and the Director, Community Planning, Etobicoke York District.
5. Prior to introducing the necessary Bills to City Council for enactment, require the applicant to install the proposed grassed area and fencing at the rear of 11 Avon Avenue as per Site Plan A1, dated August 12, 2014, to the satisfaction of the Director, Community Planning, Etobicoke York District.
6. Prior to introducing the necessary Bills to City Council for enactment, require the applicant to fulfill the pre-approval conditions from Urban Forestry staff concerning an *Application to Injure or Destroy Trees* to the satisfaction of the General Manager, Parks, Forestry and Recreation.
7. Should the matters outlined in Recommendations 5 and 6 not be fulfilled prior to December 31, 2015, City Council rescind its approval of Recommendations 1, 2 and 3 and authorize the Director, Municipal Licensing and Standards to take the necessary action to issue an Order to Comply with the applicable Zoning By-laws.
8. Should the matters outlined in Recommendations 5 and 6 not be fulfilled prior to December 31, 2015, the Director, Community Planning, Etobicoke York District shall report back to City Council that Recommendations 1, 2 and 3 have been revoked pursuant to Recommendation 7.
9. The City Clerk forward a copy of City Council's decision to the Director, Municipal Licensing and Standards.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In December 2002, the Committee of Adjustment approved a Minor Variance application to reduce the required width of the driveway on the subject property (File Number A359/02HY). In September 2005, the Committee of Adjustment approved a Minor Variance application to reduce both the required number of parking spaces and the minimum capacity of a licensed restaurant on the ground floor of the mixed use building fronting Weston Road (File Number A391/05EYK).

In September 2009, a Site Plan Control application was approved to permit a two-storey office building on the portion of the property fronting Avon Avenue (File Number 06 108372 WET 11 SA). On June 19, 2012 an Order to Comply was issued by Building Division staff as the office building was being used for residential purposes in contravention of the approved Zoning. The office building is currently being used as a residential dwelling.

A Preliminary Report on the subject application was considered by Etobicoke York Community Council at its meeting of February 25, 2014 recommending that Planning staff hold a community consultation meeting. This Preliminary Report can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY31.11>

ISSUE BACKGROUND

Proposal

The subject site has two buildings and two municipal addresses. The southwestern portion, being 11 Avon Avenue, contains a two storey office building; the northeastern portion, being 702 Weston Road, has contains a three-storey mixed commercial-residential building. The office building at 11 Avon Avenue is presently being used as a residence. The development proposal is to amend the zoning to allow the conversion of the office building at 11 Avon Avenue into a single detached residential building. Commercial and residential uses will continue to be permitted on the northeastern portion of the property. A future application will be submitted to sever the subject property into two parcels to separate 11 Avon Avenue from 702 Weston Road. No new buildings are proposed through this application.

Vehicular access to both buildings would continue to be provided by a shared driveway from Avon Avenue located along the north property line. The single detached residential building would have 2 surface parking spaces behind a proposed new back yard. The existing mixed use building would have 12 surface parking spaces.

For additional details, see Attachment 1: Site Plan, Attachment 3: Elevations and Attachment 5: Application Data Sheet.

Site and Surrounding Area

This rectangular site is located northwest of the intersection of Weston Road and Rogers Road. It is a through lot, having 12 m frontage on both Weston Road and Avon Avenue. The site is approximately 1,058 m² (see Attachment 5) in area and has a depth of approximately 101 m.

The subject property contains two separate buildings. An approximately 200 m² two-storey office building fronts Avon Avenue (this building is presently being used as a residence).

An approximately 653 m², three-storey building fronts Weston Road and contains a restaurant and double-car garage at grade and eight dwelling units on the upper two floors. Vehicular access to the site is provided via a driveway abutting 11 Avon Avenue. Nineteen parking spaces are provided in a surface parking lot between the two buildings and two additional spaces are provided within the integral garage at the rear of the three-storey mixed-use building.

Surrounding uses include:

- North: Weston Road, Metrolinx Railway corridor and employment uses beyond.
- East: Low-rise commercial buildings, Santa Maria Catholic School, Our Lady of Guadeloupe Roman Catholic Church and detached and semi-detached dwellings beyond.
- South: Archbishop Romero Catholic School, high-rise apartment buildings and townhouses.
- West: Walk-up apartment buildings and detached and semi-detached dwellings.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces and utilities. In *Mixed Use Areas*, development will create a balance of high quality uses that reduce automobile dependency and meet the needs of the local community. *Mixed Use Areas* are to provide an attractive, comfortable and safe pedestrian environment, take advantage of nearby transit services and provide good site access, circulation and an adequate supply of parking for residents and visitors.

Zoning

The subject site is zoned Commercial Residential (CR 2.0 (c2.0; r2.0) SS2 in City of Toronto Zoning By-law No. 569-2013, enacted by City Council on May 9, 2013 (see Attachment 4: Zoning). Permitted uses include offices, retail stores, community centres, townhouses, apartment buildings, retirement homes and student residences. A maximum combined density of 2.0 times the area of the lot is permitted, with a maximum commercial density of 2 times the area of the lot and a maximum residential density of 2 times the area of the lot. The site is subject to Development Standard Set 2, which outlines a range of performance standards for development on the City's *Avenues* and main streets, including building setbacks and angular plane requirements. The maximum permitted building height is 15 m and 5 storeys. Zoning By-law 569-2013 is currently under appeal to the Ontario Municipal Board.

The site is in a Local Commercial/Residential Zone (LCR) in former City of York Zoning By-law No. 1-83. Permitted uses include offices, restaurants, retail stores, street townhouses, apartment houses and nursing homes. The maximum density permitted is 2.0 times the lot area. The maximum permitted height is 5 storeys or 15 m whichever is lower. Detached dwellings are not permitted in either zone category.

Site Plan Control

The proposal is not subject to Site Plan Control under City of Toronto By-law No. 774-2012, as amended.

Reasons for Application

Detached dwellings are not permitted in either the Commercial Residential Zone (CR) in City of Toronto Zoning By-law No. 569-2013 or the Local Commercial/Residential Zone (LCR) in former City of York Zoning By-law No. 1-83. Amendments to both Zoning By-laws are required to allow the detached dwelling on the site to remain and establish appropriate performance standards.

Community Consultation

A Community Consultation Meeting was held on March 31, 2014 attended by 4 people. There were no issues raised concerning the proposed residential use. However, concerns were raised over the existing fence which had been damaged by vehicles exiting parking spaces on the property.

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 2014 PPS in that it allows for intensification and redevelopment by efficiently using land in an area where there is existing infrastructure and public service facilities.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe in that conversion of the existing building is occurring within an established settlement area.

Land Use

The subject lands are designated *Mixed Use Areas* on Land Use Map 15 of the Official Plan. This designation allows for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Allowing the office building to remain being used for residential purposes is provided for in *Mixed Use Areas*. From a land use perspective, the proposal conforms to the Official Plan.

Traffic Impact, Access and Parking

The proposed development would provide 14 parking spaces, of which 2 would be allocated to the 11 Avon Avenue building and 12 to the 702 Weston Road building. The existing driveway along the north property line would be retained and separated from the adjacent properties fronting Porter Avenue with a wire mesh/wooden fence installed on top of a precast concrete barrier. As the existing driveway serves both existing buildings, easements and/or right-of-ways will need to be secured through a future severance application process, across the Avon Avenue portion of the site in favour of the 702 Weston Road portion, to access the public parking spaces and loading facilities.

Servicing

A Functional Servicing Brief was submitted in support of the application. The brief indicated there is sufficient servicing capacity to service the proposed development. The brief was reviewed and accepted by Engineering and Construction Services staff.

Landscaping

The applicant is proposing to install an approximate 65 m² landscaped rear yard behind the 11 Avon Avenue building which would function as a private amenity space for the single detached residence. The landscaped area will be fenced and covered with sod to separate it from the existing driveway. Urban Forestry staff advise that due to the replacement of some of the asphalt with new sod that an *Application to Injure or Destroy Trees* is required for one of the existing trees. Three proposed replacement trees are satisfactory to Urban Forestry staff. The owner will be required to make satisfactory arrangements with Urban Forestry for the installation of the replacement trees as well as provide new sod and appropriate fencing prior to the introduction to Council of the Bills for the Zoning By-law Amendment.

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 green house gas emissions and enhance the natural environment.

TGS Tier 1 is applied as a voluntary standard to additions, building retrofits or renovations and conversions and any other development type that is exempt from Site Plan Control. This application is for a conversion and is exempt from Site Plan Control.

The applicant will be installing fencing and grass in the rear yard of the detached house, provide tree protection measures and plant additional trees in the rear yards of both buildings. These proposed landscape improvements meet the intent of the TGS.

Conclusion

The site is designated *Mixed Use Areas* which provides for the conversion of the existing office building into a single detached residential building. It is noted the building has been used as a residence for over two years with no known impacts. The proposed development would result in the repurposing of an existing building that is consistent

with the policies of the Official Plan and is appropriate for the surrounding context. Staff are therefore recommending that the application to amend the Zoning By-law be approved by City Council.

To ensure an appropriate living environment for the residents of 11 Avon Avenue, it is recommended this approval be conditional on the installation of fencing and sod and on satisfactory arrangements being made with Urban Forestry staff for the replacement tree planting as noted in this report. It is further recommended these works be required to be implemented by the end of the year or Council's approval of the rezoning would be rescinded. Should the required actions not be fulfilled by the end of the year, a report to City Council would be provided to inform that City Council's approval has been rescinded.

CONTACT

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E-mail: dwaltho@toronto.ca

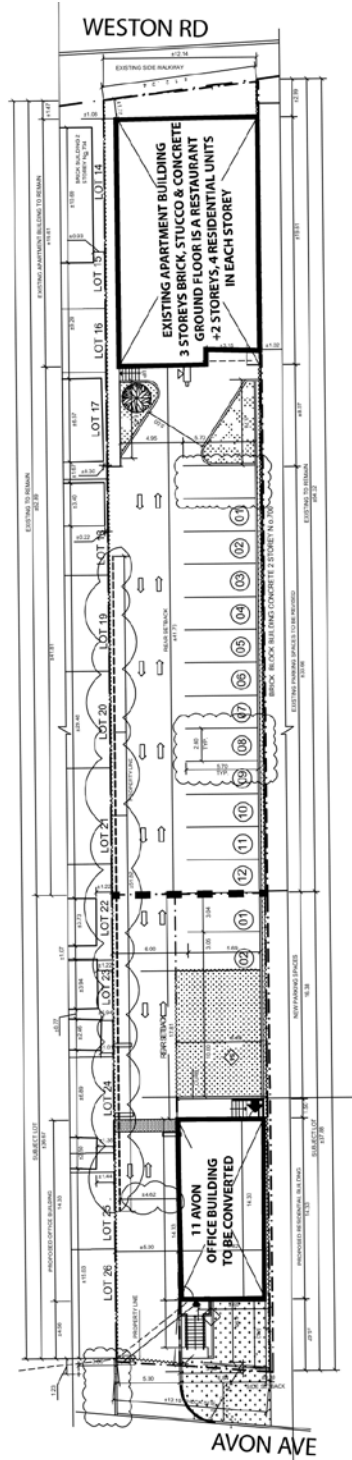
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft R-Plan
Attachment 3: Elevations for 11 Avon Avenue
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment to former City of York
Zoning By-law No. 1-83
Attachment 7: Draft Zoning By-law Amendment to City of Toronto
Zoning By-law No. 569-2013

Attachment 1: Site Plan



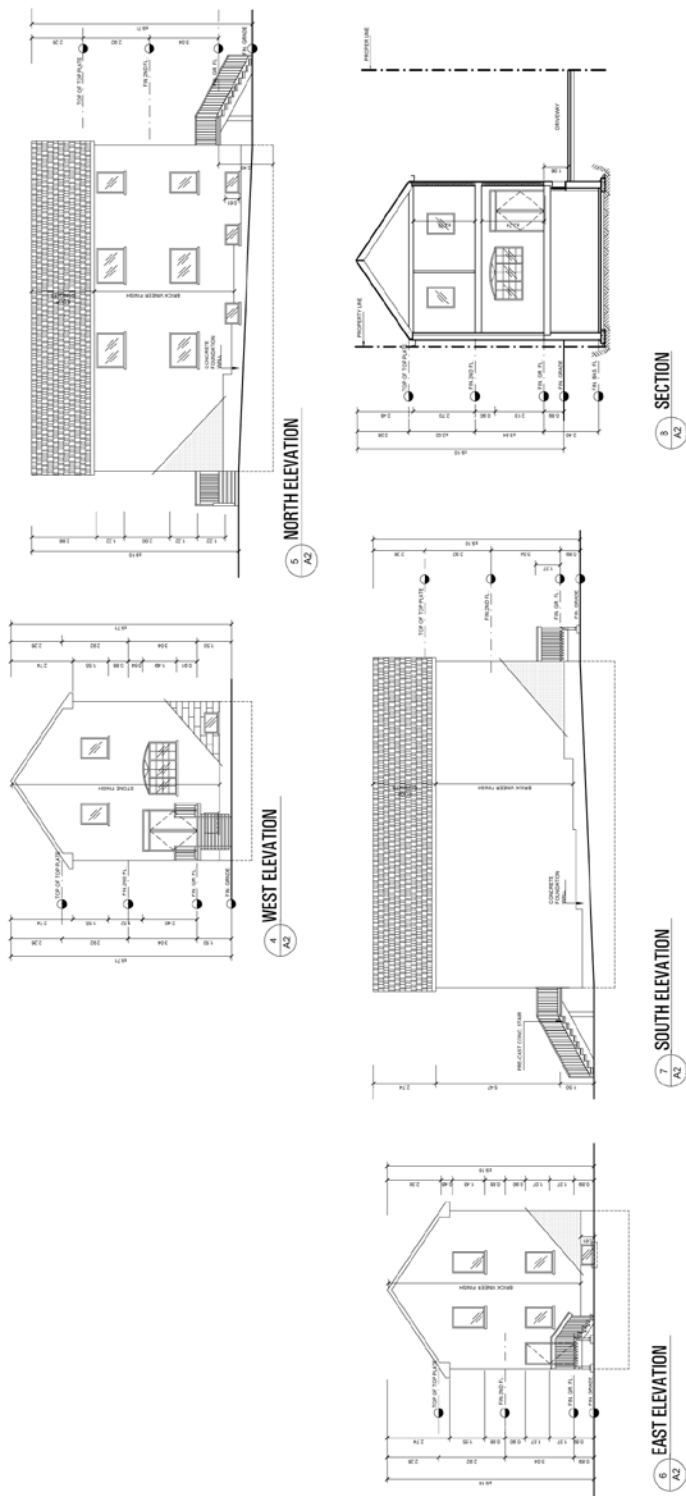
702 Weston Road
& 11 Avon Avenue
File # 13 264497 WET 11 02

Site Plan
Applicant's Submitted Drawing
Not to Scale
01/27/2015

Draft R Plan
Applicant's Submitted Drawing
Not to Scale
01/27/2015



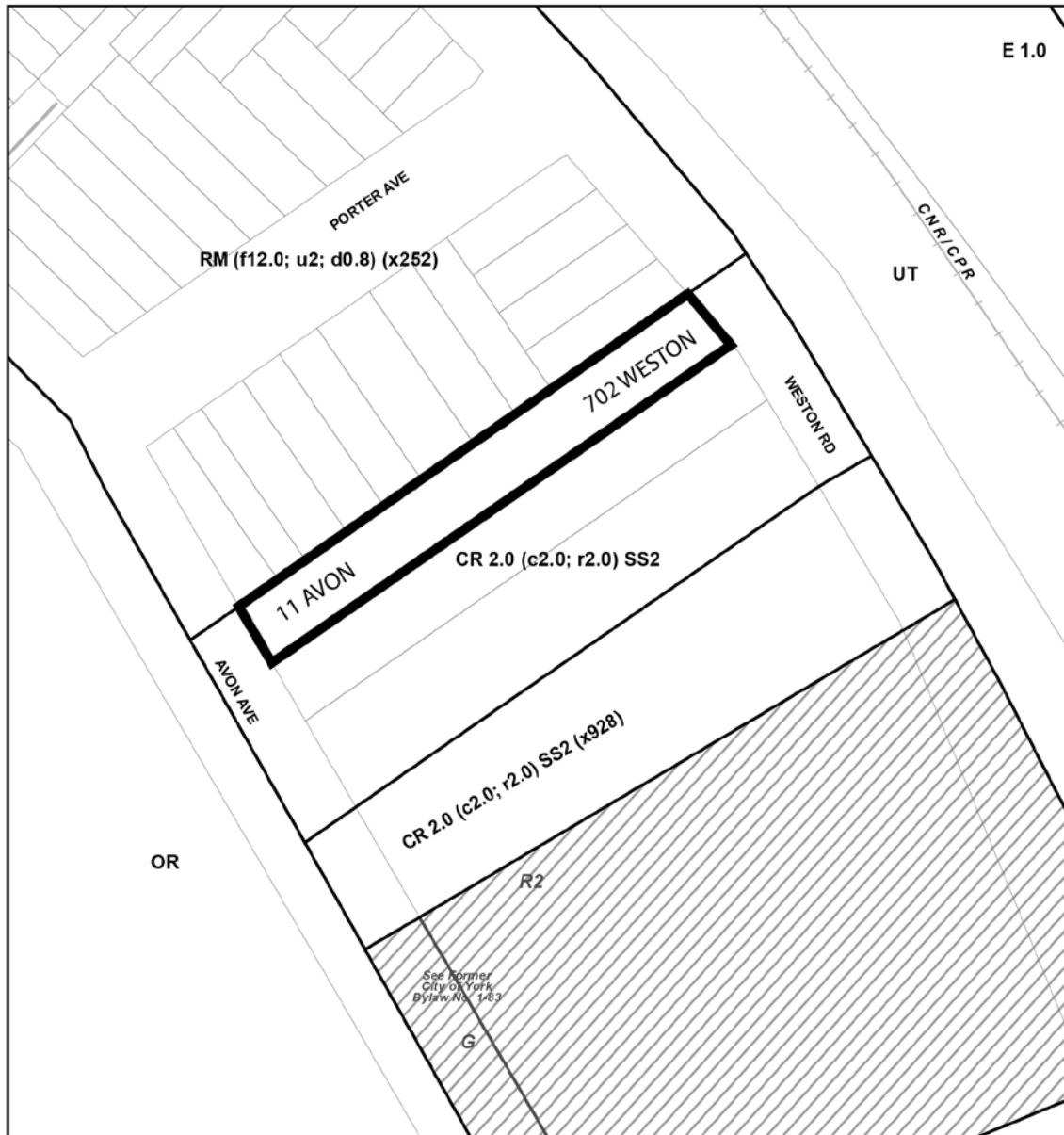
Attachment 3: Elevations for 11 Avon Avenue



702 Weston Road
& 11 Avon Avenue
File # 13 264497 WET 11 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
01/17/14

Attachment 4: Zoning



TORONTO City Planning
Zoning By-law 569-2013

702 Weston Road & 11 Avon Avenue
File # 13 264497 WET 11 0Z

Location of Application
RM Residential Multiple
CR Commercial Residential
E Employment Industrial
OR Open Space Recreation

UT Utility and Transportation

See Former City of York By-law No. 1-83
R2 Residential 1, 2, & 3 Family
G Greenbelt

↑
Not to Scale
Extracted 01/20/2014

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	13 264497 WET 11 OZ
Details	Rezoning, Standard	Application Date:	November 13, 2013
Municipal Address:	702 WESTON ROAD AND 11 AVON AVENUE		
Location Description:	CON 3 FB PT LOT 39 LYING S OF PLAN 2363 **GRID W1109		
Project Description:	Proposal to rezone the southwestern portion of the property that contains an office building presently being used as a residence (11 Avon Avenue) to permit a single detached residential use. Commercial and residential uses will continue to be permitted on the northeastern portion of the property that contains an existing three-storey mixed-use building (702 Weston Road). No new buildings are proposed.		

Applicant:	Agent:	Architect:	Owner:
JKO Planning Services Inc.			1278061 Ontario Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 2.0 (c2.0; r2.0) SS2	Historical Status:	
Height Limit (m):	15	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	277 (Avon), 781 (Weston)	Height:	Storeys:	2 (Avon), 3 (Weston)
Frontage (m):	12.2 (Avon), 12.1 (Weston)		Metres:	9.1 (Avon), 12 (Weston)
Depth (m):	37.9 (Avon), 64.3 (Weston)			
Total Ground Floor Area (sq. m):	100 (Avon), 217.7 (Weston)			Total
Total Residential GFA (sq. m):	200 (Avon), 435.5 (Weston)		Parking Spaces:	2 (Avon), 12 (Weston)
Total Non-Residential GFA (sq. m):	217.7 (Weston)		Loading Docks	
Total GFA (sq. m):	200 (Avon), 653 (Weston)			
Lot Coverage Ratio (%):	36 (Avon), 28 (Weston)			
Floor Space Index:				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	200 (Avon) 435.5 (Weston)	0
Bachelor:	2 (Weston)	Retail GFA (sq. m):	217.7 (Weston)	0
1 Bedroom:	4 (Weston)	Office GFA (sq. m):	0	0
2 Bedroom:	2 (Weston)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1 (Avon)	Institutional/Other GFA (sq. m):	0	0
Total Units:	9			

CONTACT:	PLANNER NAME:	Derek Waltho, Planner
	TELEPHONE:	416-394-8206

**Attachment 6: Draft Zoning By-law Amendment
Former City of York Zoning By-law No. 1-83**

Authority: Etobicoke 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 former City of York Zoning By-law No. 1-83, as amended, with respect to
the lands municipally known as 11 Avon Avenue**

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:

SECTION 6 AMENDED

1. That Section 6 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended by adding the following as new Subsection (93):

"(93) MAP 17

By changing the area shown on District Map 17 municipally known as 11 Avon Avenue and more particularly shown on Schedule "A" attached hereto from a LCR Local Commercial Residential Zone to a R2 Residential Zone and Section 16(452) and by changing District Map 17 accordingly"

SECTION 16 AMENDED

2. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is further amended by adding the following as a new Subsection (452):

"(452) LANDS – 11 Avon Avenue

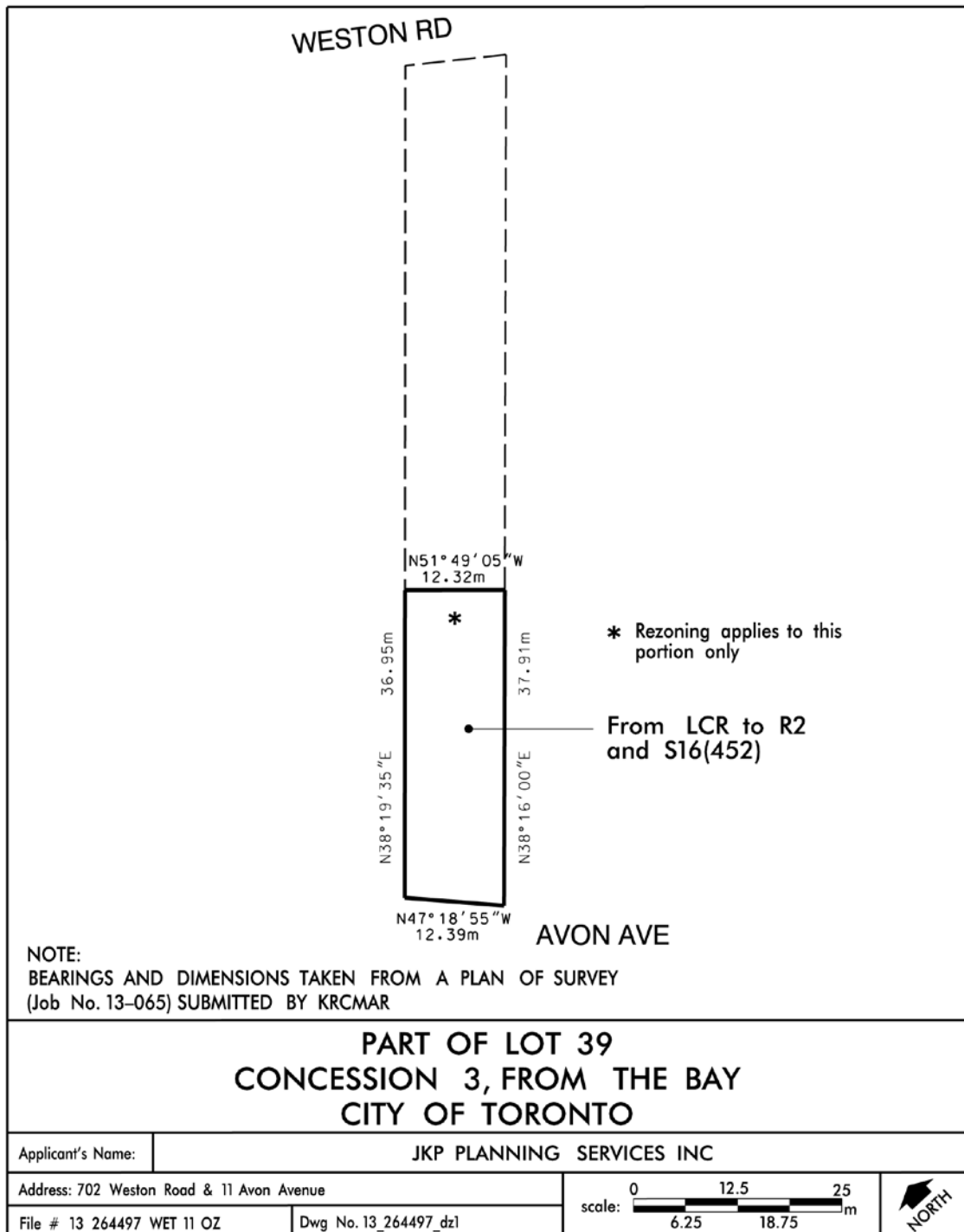
Notwithstanding the regulations of Section 3.4.7 and Section 8 Subsection 3, of this By-law relating to the lands known as 11 Avon Avenue and more particularly shown on Schedule "A" attached hereto, any Detached House on these lands shall comply with the following regulations:

1. The maximum Lot Area shall be 465 m²
 2. The minimum Lot Frontage shall be 12.0m
 3. The minimum Side Yard Width shall be 0.3m on the south side and shall be 4.9 m on the north side
 4. The minimum Rear Yard Depth shall be 17.0m
 5. The minimum required front yard setback shall be 4.8m
 6. The minimum front yard green landscaped open space shall be 25m²
 7. The maximum projection of a unenclosed porch from this main front wall shall be 1.6m
 8. The minimum rear yard landscaping shall be 65m²
3. All other provisions of former City of York Zoning By-law No. 1-83, as amended, shall continue to apply to the Lands shown on Schedule 'A' attached hereto, except in the cases where provisions of this Subsection are in conflict with former City of York Zoning By-law No. 1-83, as amended, the provisions of this subsection shall prevail.
4. Within the lands shown on Schedule A attached hereto, 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~

JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



**Attachment 7: Draft Zoning By-law Amendment
City of Toronto Zoning By-law No. 569-2013**

Authority: Etobicoke 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 City of Toronto Zoning By-law No. 569-2013, as amended,
With respect to the lands municipally known as
11 Avon Avenue**

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. 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 990.10 respecting the lands outlined by heavy black lines to "RD (f12.0; a276) (x176)", as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from height and storey label of "HT 15, ST 5", to "HT 11, ST 3",
5. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 176 so that it reads:

"(176) Exception RD 176

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 minimum **building setback** from the **front lot line** is 4.8 metres;
- (B) The minimum **building setback** from the south-east **side lot line** is 0.3 metres; and
- (C) The minimum **building setback** from the north-west **side lot line** is 4.9 metres; and
- (D) The maximum **building length** for a **house** is 15.00 metres.
- (E) The maximum front yard platform projection from the main front wall shall be 1.6 metres.

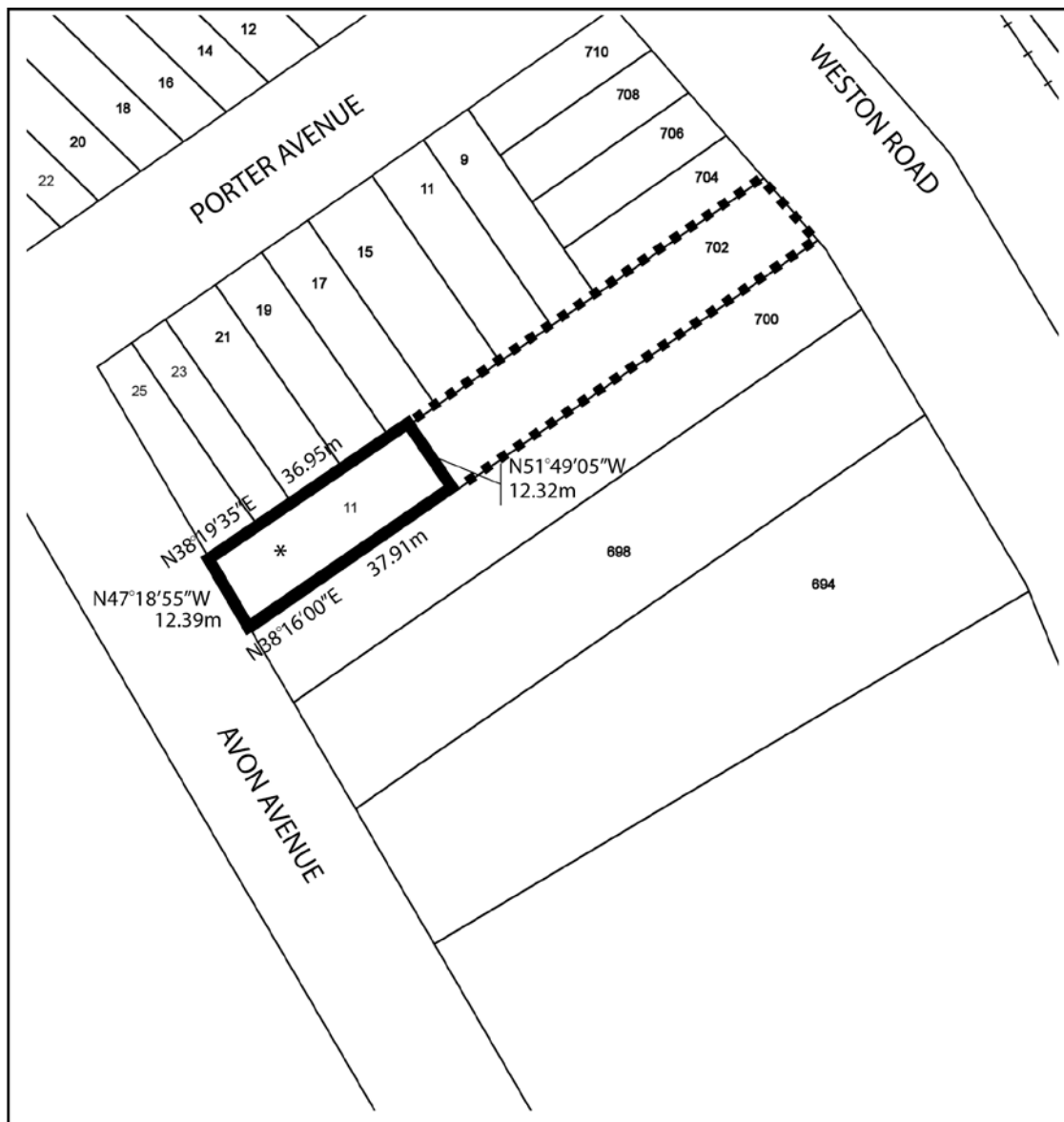
Prevailing By-laws and Prevailing Sections: (None Apply)"

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Toronto City Planning
Diagram 1

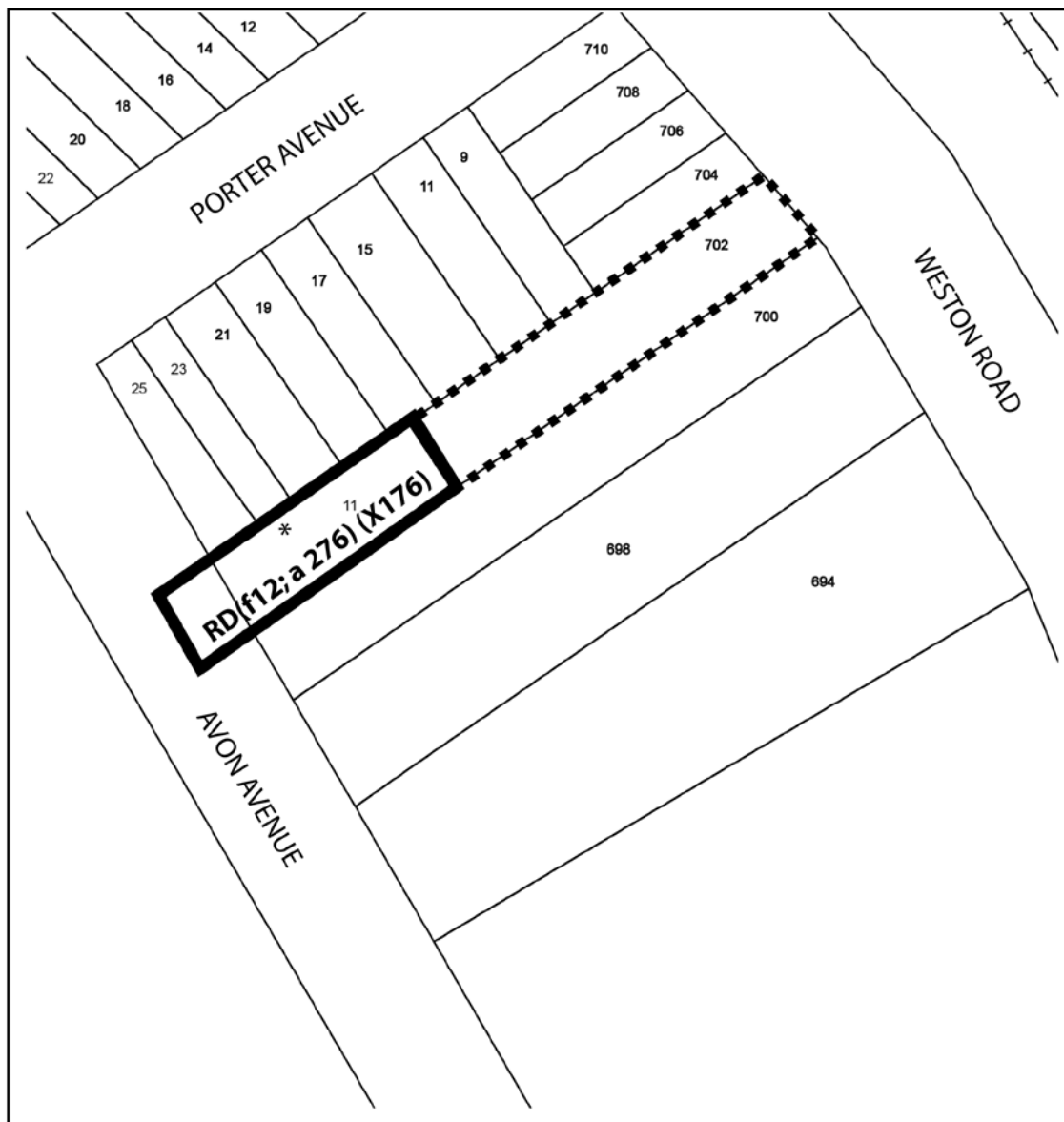
702 Weston Road & 11 Avon Avenue

File # 13 264497 WET 11 02

* Rezoning applies to this portion only



City of Toronto By-Law 569-2013
Not to Scale
11-27/2014



Toronto City Planning
Diagram 2

702 Weston Road & 11 Avon Avenue

File # 13 264497 WET 11 02

* Rezoning applies to this portion only



City of Toronto By-Law 569-2013
Not to Scale
11-27/2014