

**238 Finch Avenue East - Zoning Application to Lift Holding Provision ('H') – Final Report**

<b>Date:</b>	March 23, 2015
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Ward:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	15 117113 NNY 24 OZ

**SUMMARY**

A zoning by-law amendment application has been received proposing the removal of the holding symbol ('H') from the RM1(96) zoning lands comprising Block 1 and relating to 238 Finch Avenue East as set out on Schedule "1" in Zoning By-law No. 440-2014. By-law No. 440-2014 applies collectively to those lands municipally known as 238, 240, 242, 244, 250, 252, 254, 256, and 258 Finch Avenue East.

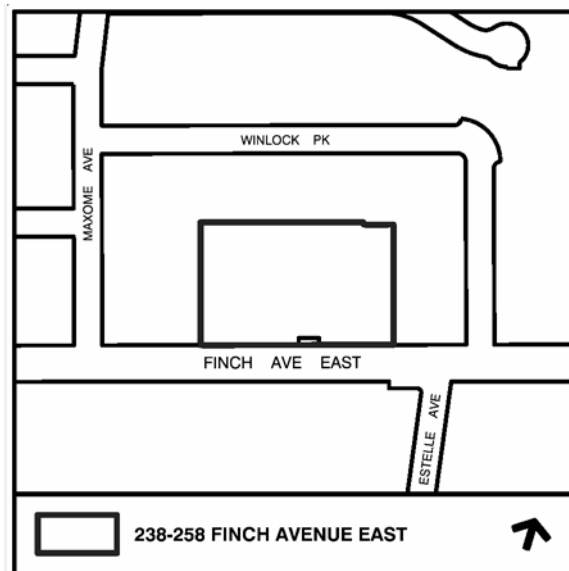
The Holding Provision in Zoning By-law No. 440-2014 provides that the "H" shall be lifted at such a time as a final storm water drainage plan on Block 1 is acceptable to the General Manager, Toronto Water. This condition has now been satisfied.

This report reviews and recommends approval of the application to amend the Zoning By-law and remove the holding symbol from the subject lands.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law No. 440-2014 substantially in accordance with the draft Zoning By-law Amendment attached as



Attachment No. 1 to report of the Director, Community Planning, North York District, dated March 23, 2015, to remove the holding symbol ('H') from Block 1, being part of lands municipally known as 238 Finch Avenue East.

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.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

A Preliminary Report on the Official Plan and Zoning By-law Amendments related to lands municipally known as 238-258 Finch Avenue East was considered by North York Community Council at its meeting on October 19, 2012. The decision of Community Council and the Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY20.29>

Subsequent applications for Plan of Subdivision (March 2013) and Site Plan Control (July 2013) were submitted and reviewed concurrently with the Official Plan and Zoning By-law applications.

A Final Report on the Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment was approved by City Council on December 16, 17, and 18, 2013. The decision of City Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY28.30>

A Supplementary Report was considered by City Council at the May 6-7, 2014 meeting. City Council adopted the draft Zoning By-law Amendment as previously approved on December 16, 17, and 18, 2013 and added a Holding Symbol ('H') to the westerly portion of the site within lands municipally known as 238 Finch Avenue East. The decision of City Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM51.54>

The Chief Planner granted Draft Plan of Subdivision approval on May 26, 2014.

On August 12, 2014, North York Community Council approved permit applications to demolish the 9 existing single family dwellings, located at 238, 240, 242, 244, 250, 252, 254, 256, and 258 Finch Avenue East. The decision of Community Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.18>

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development at 238, 240, 242, 244, 250, 252, 254, 256, and 258 Finch Avenue East consists of a 58-unit townhouse development made up of 8 blocks. Six of the blocks front on to a new proposed public road having two access points from Finch Avenue East. The remaining two blocks front on to Finch Avenue East. The townhouses are proposed to be approximately 10 metres and 4-storeys in height. A total of 58 residential parking spaces (1 per residential unit) are proposed with visitor parking accommodated on the proposed new street (Attachment No 2).

As part of the servicing requirements for the Plan of Subdivision, in the westerly quadrant of the development site, a public stormwater pipe is proposed to accommodate overland drainage from that part of the site and surrounding lands. The pipe is to be located within Block 1 on the draft plan of subdivision. At the time of approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications, the design of the storm sewer pipe had not yet been finalized. As a result, a Holding Symbol ('H') was incorporated into the zoning by-law until such time as a drainage plan co-inciding with the affected area of the site was completed to the satisfaction of the General Manager, Toronto Water.

### **Site and Surrounding Area**

The subject lands at 238 Finch Avenue is part of an assembly of 9 lots on the north side of Finch Avenue East between Maxome Avenue and Winlock Park which have a total frontage of 137.8 metres and a depth of 87 metres, and a total combined net site area of approximately 11,993 square metres including a 603.9 square metre road widening which will be conveyed to the City along Finch Avenue East.

This portion of Finch Avenue, east of Willowdale Avenue has seen a number of recently built townhouse developments.

Abutting uses are as follows:

North: Single detached residential dwellings in a residential neighbourhood designation;

South: Single detached residential dwellings along the south side of Finch Avenue;

East: Single detached residential dwellings and a seniors' residence (Carefree Lodge) east of Winlock Park, and;

West: The Willowdale Evangelical Church and single detached residential 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The Official Plan designates the subject lands as *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas consisting of residential uses in lower scale buildings such as detached and semi-detached houses, duplexes, triplexes and townhouses, as well as apartments that are no higher than four storeys. Parks, low scale locally oriented institutions, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in the *Neighbourhoods* designation.

The subject property is also located within the Central Finch Area Secondary Plan, and has dual designations within the Secondary Plan. The southerly portion of the lands fronting on the north side of Finch Avenue East, are designated *Neighbourhood 'A'* and the northerly portion of the lands are designated *Neighbourhood 'B'*.

Site-specific Official Plan Amendment No. 233 was enacted in May 2014 for the subject properties. Official Plan Amendment No. 233 carries forward the *Neighbourhood 'A'* and *Neighbourhood 'B'* policies of the Central Finch Area Secondary Plan and also provides exceptions to permit a height limit of 4-storeys; a minimum 7.5 metre setback to the main rear wall from a multiple attached dwelling to the easterly 21.3 metre portion of the northerly property line in Block 3, and; an angular plane that will not exceed 45 degrees.

Section 5.1.2 of the City's Official Plan speaks to the use of Holding By-laws. Under the Planning Act, Council can pass a "holding" zoning by-law that places an "H" symbol over the zoning and spells out the conditions that must be met before the "H" symbol is removed and the lands can be developed. These "holding" zoning by-laws go through the same full public process as other zoning by-laws, but once the conditions for removal of the "H" symbol are met and the owner applies to lift the "H" symbol, there is no requirement for public meetings or opportunity to appeal to the Ontario Municipal Board except by the owner. Pursuant to Section 5.1.2.2(a) of the Official Plan, transportation or

servicing improvements are acceptable conditions to require prior to the removal of a hold.

## **Zoning**

As per amending Zoning By-law No. 440-2014, the overall development at 238, 240, 242, 244, 250, 252 254, 256, and 258 Finch Avenue East are zoned Residential Multiple Dwelling Zone - RM1(96). The most westerly Block, being part of 238 Finch Avenue East and known as Block 1, is zoned RM1(96)(H).

The RM1(96) zoning permits only multiple attached dwellings, configured in Blocks as identified on Schedule RM1(96).

## **Plan of Subdivision**

A Plan of Subdivision application was submitted (File No. 13 211148 NNY 24 SB). Staff reported on the Plan of Subdivision application concurrently with the Official Plan and Zoning By-law Amendment applications in October 2013 (File No. 12 243614 NNY 24 OZ).

The Chief Planner granted Draft Plan of Subdivision approval on May 26, 2014. Draft Plan of Subdivision conditions to address and secure the public street, lane, and all municipal services, including those in Block 1 was included in the draft approval and will be financially secured through the subdivision agreement.

At such time as the draft conditions are fulfilled and financial securities are received, the Plan of Subdivision can proceed to registration.

## **Site Plan Control**

A Site Plan Control Application has been submitted and is being reviewed concurrently with the subject application (File No. 13 132390 NNY 24 SA).

At such time as the subdivision is registered, the site plan application can proceed to Notice of Approval Conditions (NOAC).

## **Reasons for Application**

A holding symbol ('H') was appended to part of the development site within 238 Finch Avenue East which is referred to as Block 1 of the draft plan of subdivision, to limit the use of those lands until such time as the condition for removing the 'H' relating to the storm drainage plan over Block 1 had been fulfilled to the satisfaction of Toronto Water.

## **Community Consultation**

Community Consultation was not required for the proposed application to remove the holding provision.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

### **Lifting of the 'H'**

In accordance with Section 5.1.2 of the Official Plan and the underlying RM1(96) zoning provisions, the holding designation must be removed in order to permit development on the westerly portion of the site (Block 1). In order to remove the 'H', the applicant was required to provide a final storm water drainage system solution for the proposed Block 1 to the satisfaction of the General Manager of Toronto Water.

Since May 2014, the applicant has been in discussions with City Staff and the owners of the Willowdale Evangelical Church to the west of the property to determine the nature of shared servicing between the two properties. The applicant has submitted a drainage plan that addresses interim and final drainage requirements, dated March 9, 2015, prepared by Fabian Papa & Partners. Water flow that was previously discharging through a stonewall between the two properties will now be captured through a private easement shared between the two properties which will connect to the future municipally owned system on site and discharge to the public storm sewer.

This has been reviewed by Development Engineering staff and they have advised that the final plan adequately addresses the interim and post development stormwater drainage conditions and is acceptable to Toronto Water. The final drainage plan will be secured through the subdivision process including financial securities and a subdivision agreement. This report recommends that the 'H' be removed.

The revisions to By-law 440-2014 contemplated to remove the holding provisions include replacement of Schedules 1 and RM1(96) of the by-law together with applicable text changes. For clarity, the block and unit references, as well as original dimensions have been reintroduced into the Schedules and legibility of the underlying information has been enhanced.

## **Conclusion**

This application seeks to amend the Zoning By-law to remove the holding symbol from the lands to facilitate the development of Block 1 of the proposed plan of subdivision in

accordance with the underlying RM1(96) zoning. The condition for removal of the “H” has been fulfilled.

It is appropriate to enact the amending by-law attached as Attachment 1.

## **CONTACT**

Jason Brander, Planner  
Tel. No. (416) 395-7124  
Fax No. (416) 395-7155  
E-mail: jbrande@toronto.ca

## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment  
Attachment 2: Application Data Sheet

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: ~ Community Council Item No. ~,  
as adopted by City of Toronto Council on ~, 2015

Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

### **BY-LAW No. ~-2015**

**To amend North York Zoning By-law No. 7625 , as amended by City of Toronto  
By-law No. 440-2014  
to remove the holding symbol (H)  
with respect to the lands known municipally in the year 2014 as  
238 Finch Avenue East**

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas Council is satisfied that the conditions relating to the removal of the holding symbol (H) from the subject lands have now been satisfied and Council has given notice of its intention to remove the holding symbol (H) in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. City of Toronto By-law No. 440-2014, being a by-law “To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 238, 240, 242, 244, 252, 254, 256 and 258 Finch Avenue East” is amended to remove the holding symbol (‘H’) from part of the said lands by:
  - (a) deleting Schedule “1” and replacing it with revised Schedule “1” attached hereto which no longer includes the holding symbol (‘H’);
  - (b) deleting Schedule RM1(96) and replacing it with revised Schedule RM1(96) attached hereto which no longer includes the holding symbol (‘H’); and
  - (c) deleting the subtitle “HOLDING PROVISIONS” and sections 2 (p), (q), (r), (s) and (t) in their entirety.

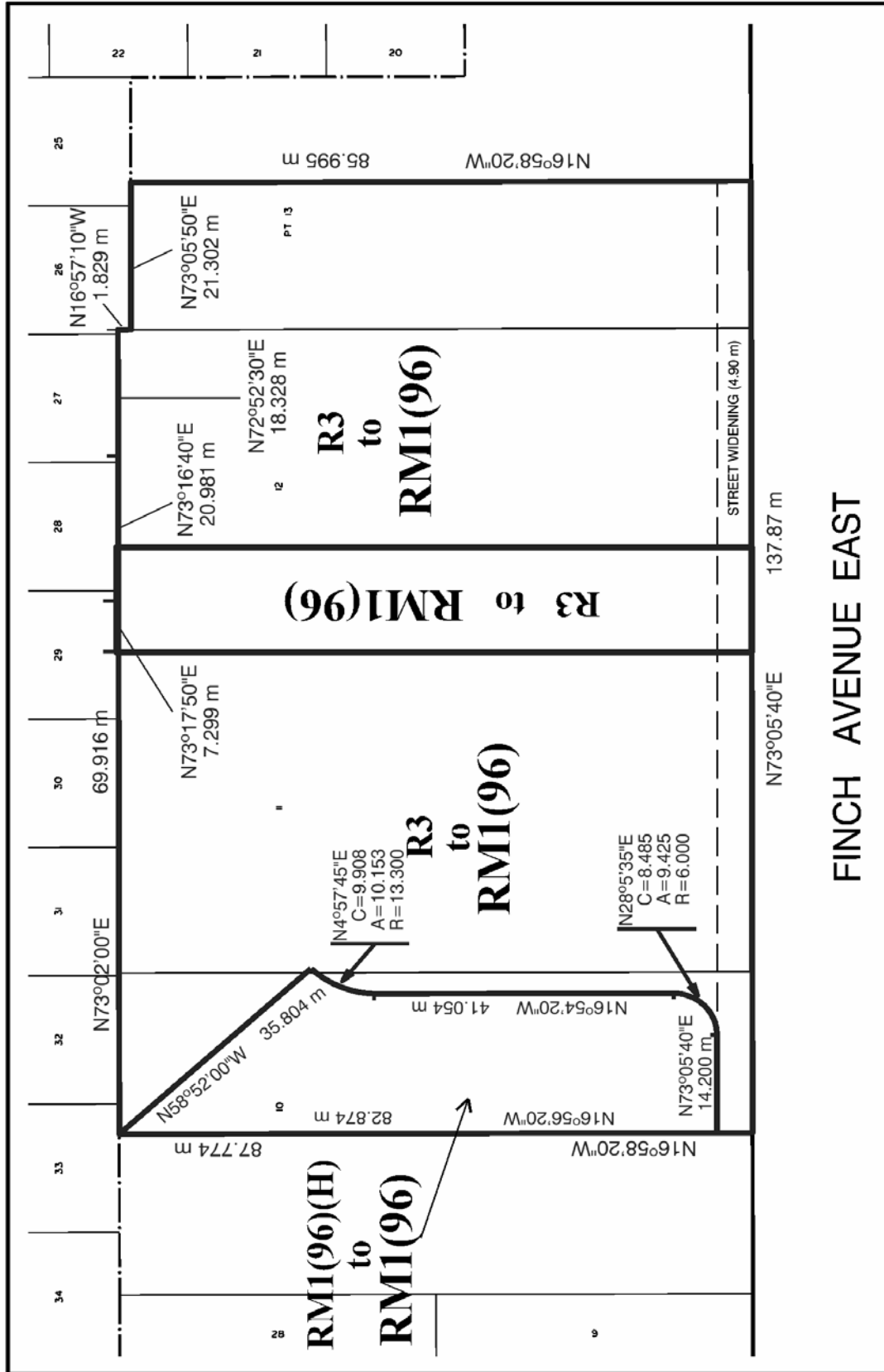


ENACTED AND PASSED this ~ day of ~ , A.D. 2015.

JOHN TORY,  
Mayor

(Corporate Seal)

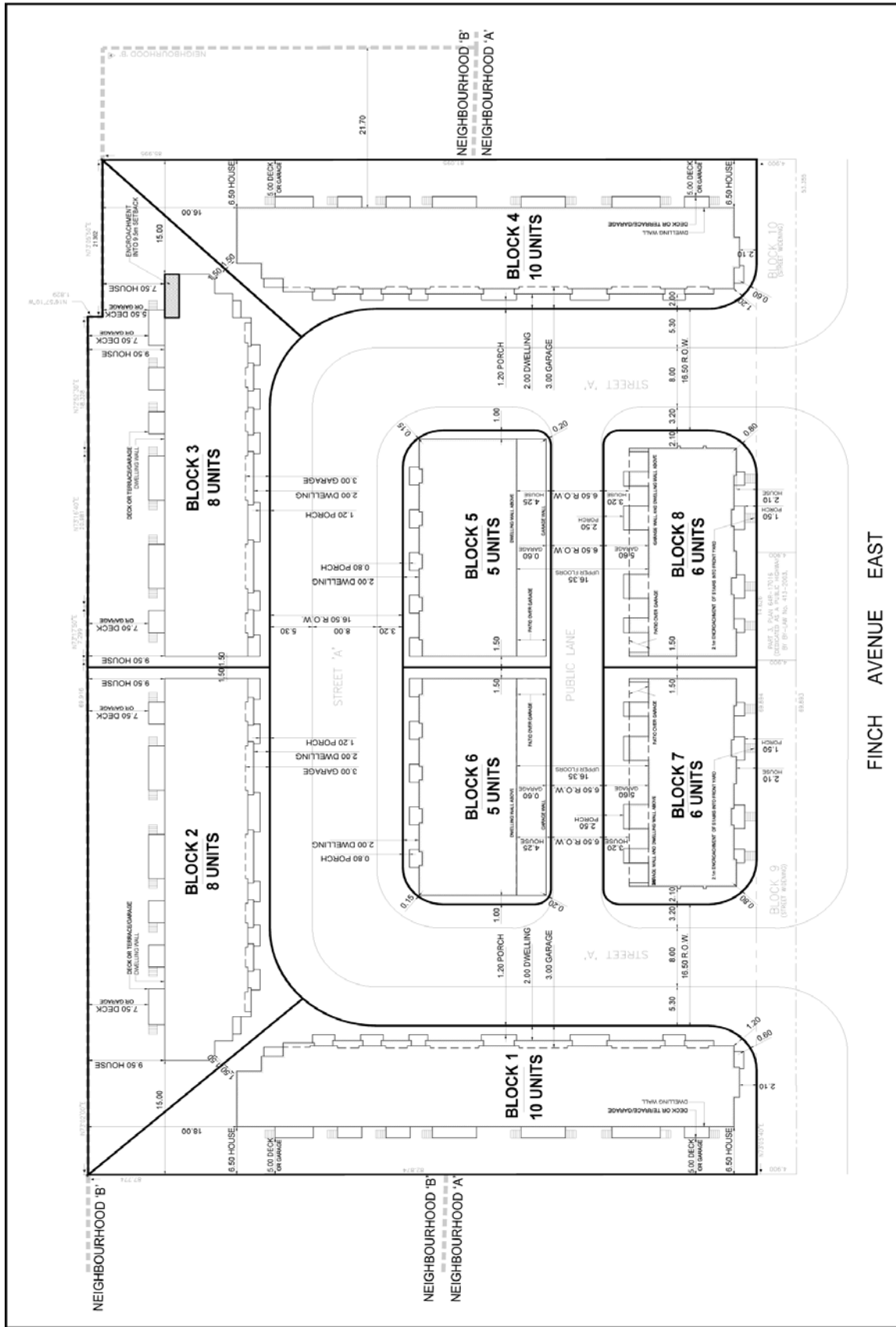
ULLI S. WATKISS  
City Clerk



**Toronto** City Planning  
**Schedule 1**

All of Lot 11 & Part of Lots 10, 12 & 13. R.P. 2277  
 Schaeffer Dzalidov Bennett Ltd.  
 Date: 03/18/2015  
 Approved by: J.B.

File # 15 117113 NNY 24 02  
 Not to Scale



**Schedule RM1(96)**

File # 15 117113 NNY 24 0Z

Applicant's Supplied Drawing

Date: 03/18/2015  
 Approved by: J.B.



## Attachment 2: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 243614 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 10, 2012
Municipal Address:	238, 240, 242, 244, 250, 252, 254, 256 & 258 FINCH AVE E		

Location Description:

Project Description: The applicant has submitted an official plan amendment, zoning by-law amendment, plan of subdivision and site plan application for a 58 unit townhouse development consisting of 8 blocks. Six of the blocks would front on to a new proposed public road having two access points from Finch Avenue East. The remaining two blocks would front on to Finch Avenue East. The townhouses would be approximately 10 metres and 4-storeys in height. Proposed are a total of 58 residential parking spaces (1 per residential unit) with visitor parking on the proposed new street.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
NORTH 88 DEV INC			ABDAN CORPORATION

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R3/RM2(32) to RM	Historical Status:
Height Limit (m):	0, 0, 0	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	11993	Height:	Storeys:	4	
Frontage (m):	137.81		Metres:	10	
Depth (m):	87				
Total Ground Floor Area (sq. m):	5101				<b>Total</b>
Total Residential GFA (sq. m):	12502		Parking Spaces:	58	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	12502				
Lot Coverage Ratio (%):	42.29				
Floor Space Index:	1.042				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	12502
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	58	Institutional/Other GFA (sq. m):	0
Total Units:	58		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Jason Brander, Planner</b>
	<b>TELEPHONE:</b>	<b>416-395-7124</b>