

88 Finch Avenue East – Minor Amendments to Draft Zoning By-law

Date:	January 23, 2017
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 24 – Willowdale
Reference Number:	08 230268 NNY 24 OZ

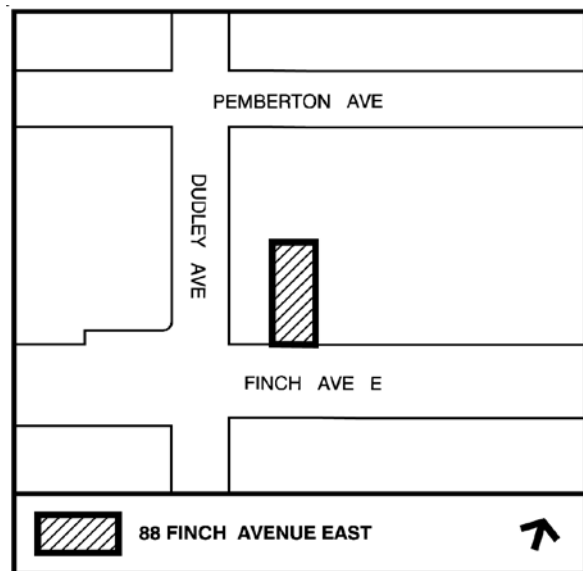
SUMMARY

The final report for the proposed development with the draft Zoning By-law Amendment was adopted by City Council at its meeting on January 26 and 27, 2010 (Item NY30.46). As originally approved, the application is to convert the residential second floor of an existing two storey building located at 88 Finch Avenue East for additional professional medical office use. The ground floor is an existing professional medical office. Five existing parking spaces are located at the rear of the site.

The purpose of this report is to update City Council on proposed revisions to the Zoning By-law for the originally approved application for a professional medical office use. The report also recommends the introduction of the Zoning Bill for adoption by City Council.

Refinements have been made to the site plan drawings requiring minor revisions to the Zoning By-law relating to gross floor area and permitted encroachments. Revisions to the Zoning By-law schedules are also required to include a new exception number.

This report recommends approval of the revised draft Zoning By-law Amendment,



shown as Attachment 1 to this report, which reflect the modified proposal, and that no further public notice be required pursuant to Section 34 (17) of the *Planning Act* given the minor nature of the revisions.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend its decision on Item NY30.46 adopted on January 26 and 27, 2010 by deleting Parts 1, 3, 4a and 4b and replacing them with the following:

1. City Council amend Zoning By-law No. 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this report.
2. City Council authorizes the City Solicitor to introduce the necessary Bill to reflect Recommendation 1 above.
3. City Council determine that the revisions made to the proposed Zoning By-law are minor in nature and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed zoning by-law.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 12, 2010, a Final Report on this item, dated December 10, 2009, went to North York Community Council and was adopted without amendment. On January 26 and 27, 2010, City Council adopted Item NY30.46 without amendments, as follows:

1. City Council amend Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report (December 10, 2009) from the Director, Community Planning, North York District.
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. City Council approve in principal the site plan as indicated on the drawing listed in Attachment No. 1, subject to the Notice of Approval Conditions listed in Attachment No. 9 to the report (December 10, 2009) from the Director, Community Planning, North York District.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

- a. obtain site plan approval from the Director, Community Planning, North York District and enter into a Site Plan Agreement under Section 41 of the *Planning Act* and Section 114 of the City of Toronto Act; and
- b. convey to the City, for a nominal sum and free and clear of all encumbrances, a road widening measuring approximately 4.9 metres along the Finch Avenue East frontage.

A link to that decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY30.46>

The enacting Bill for the Zoning By-law Amendment, as drafted and presented in the staff report for the proposal was not brought forward to City Council for enactment at that time, as the applicant was required to first enter into a Site Plan Agreement.

COMMENTS

In January 2010, City Council approved an application to convert the residential second floor of an existing two storey building located at 88 Finch Avenue East for additional professional medical office use. The ground floor is an existing professional medical office.

In Parts 4a and 4b of its decision, City Council directed that before introducing the necessary Bills to City Council for enactment, the owner was required to obtain site plan approval and convey a road widening to the City.

The applicant has now obtained site plan approval and entered into a Site Plan Agreement. As part of site plan approval, the required 4.89 metre road widening along Finch Avenue East has been secured by the City.

Changes made to the site plan drawings since 2010 require minor technical revisions to the Draft Zoning By-law in Attachment 8 of Item NY30.46. These include the removal of the existing front steps which encroach onto City property as a result of the required road widening. The revised drawings include a 13 m² (140 ft²) expansion to the existing reception area to incorporate an elevator shaft to enhance accessibility for patients and to ensure compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA). In addition, the revised site plan incorporates a covered porch with stairs oriented parallel with the front wall to remove encroachments into the City's right-of-way.

To reflect these technical revisions, the following changes have been made to the Draft Zoning By-law in Attachment 8 of Item NY30.46:

- The gross floor area has increased slightly from 321 square metres (m²) to 334 m² as a result of the expansion to the existing reception area and incorporation of the elevator shaft;
- A provision has been added to permit a covered porch, stairs, and elevator shaft to project into a required front yard setback; and
- The Zoning By-law and Schedules have been updated with a new exception number.

The changes required to the Zoning By-law have been circulated to City Staff and relevant agencies and no concerns were raised.

The revised draft Zoning By-law Amendment allows for the appropriate development of a professional medical office use in conformity with the policies and objectives of the Central Finch Area Secondary Plan with respect to permitted land use, gross floor area, angular plane, height, and setbacks.

CONTACT

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

SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

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Authority: North York Community Council Item NY 30.46, as adopted by City of Toronto Council on January 26 and 27, 2010 and City Council Item ~ as adopted by City of Toronto Council on ~, 2017

Enacted by Council: ~, 2017

CITY OF TORONTO

Bill No.

BY-LAW No. ~2017

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 88 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 enacts:

1. Schedules "B" and "C" of By-law 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 7625 is amended by adding the following subsection:

"64.13 (114) R4(114)

PERMITTED USES

- (a) In addition to the uses permitted by the R4 zone, a professional medical office use shall also be permitted within the building existing on or before the date of enactment of this exception.

EXCEPTION REGULATIONS

- (b) The maximum gross floor area shall be 334 square metres;
- (c) The minimum number of parking spaces shall be 5;
- (d) The minimum yard setbacks shall be as shown on Schedule R4(114);
- (e) A minimum 1.5 metre wide landscape buffer comprised of at least lawn and hardy trees or ornamental shrubs and a 1.5 metre privacy fence shall be provided along the north property line;

- (f) Section 7.4A and 7.4B relating to front yard landscaping and front yard soft landscaping shall not apply; and
 - (g) A covered porch, stairs, and elevator shaft shall be permitted to project into the required front yard setback.
- 3.** Within the lands shown on Schedule R4(114) 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."
- 4.** Section 61.13 of By-law No. 7625 is amended by adding Schedule R4(114) attached to this By-law.

Enacted and passed on , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

