REPORT FOR ACTION

35 Poyntz Avenue – Zoning By-law Amendment Application – Preliminary Report

Date: June 15, 2018
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 23- Willowdale

Planning Application Number: 18 149077 NNY 23 OZ

SUMMARY provides preliminary information and a preliminary set of issues for follow-up with regard to the application. It seeks Community Council’s direction on the community consultation process and indicates the expected timing for a Final Report to City Council. The application has been circulated to all appropriate agencies and City divisions for comment, a staff review of the application is underway.

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit the redevelopment of 35 Poyntz Avenue. The application proposes a commercial building measuring 3-storeys (10.97 metres) in height with a floor space index (FSI) of 1.57 times the lot area. The proposed development would have a gross floor area (GFA) of approximately 804 square metres and would be served by 4 parking spaces located at the rear of the property.

The applicant requested a pre-application consultation meeting for assistance in defining the requirements for application submission. Staff held the meeting with the applicant on October 18, 2016. Issues raised included conformity to the North York Centre Secondary Plan permissions for height and density.

A notice of complete application has not been issued with regard to the application because the applicant has failed to provide a Stage 1 Archaeological Resource Assessment, Toronto Green Standards Version 2 Checklist for Non-Residential Uses, Functional Servicing Report, Hydrogeological Report, and an Official Plan Amendment in order to permit an FSI of 1.57 times the lot area whereas the North York Centre Secondary Plan permits a maximum FSI of 1.5 times the lot area.

A Community Consultation Meeting is anticipated to be held in the Fall of 2018. A Final Report will be submitted for Council’s consideration following community consultation, the resolution of outstanding issues related to this application and the holding of a statutory Public Meeting under the Planning Act. The approval target timeline for the Final Report is anticipated to be the second quarter of 2019.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 35 Poyntz Avenue together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the statutory public meeting under the Planning Act be given according to the regulations of the Planning Act.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend the former City of North York Zoning By-law No. 7625 for the property at 35 Poyntz Avenue to permit a commercial building measuring 3-storeys and 10.97 metres in height with an FSI of 1.57 times the lot area. The application proposes approximately 804 square metres of commercial GFA.

Vehicular access to the site would be provided via a 6.1 metre wide driveway at the west end of the property leading to 4 parking spaces located at the rear of the site and one Type C loading space. A total of 4 bicycle parking spaces would be provided at the front of the proposed building. The application also proposes a rear open terrace that is accessed from the third floor.

Site and Surrounding Area

The subject site is located on the south side of Poyntz Avenue, approximately 150 metres west of Yonge Street. The site is rectangular in shape with a frontage of 15.24 metres, a lot depth of 33.53 metres, and an area of 510.95 square metres. The site is currently occupied by a two-storey single detached dwelling. See Attachment 2: Location Map.

North: A place of worship is currently under construction immediately north of the subject site and 33 and 42-storey mixed-use towers with a connected 2-storey base building are located northwest of the subject site.

South: 1 to 2-storey single detached dwellings within the Neighbourhoods designation.

East: 1 to 2-storey single detached dwellings in the Mixed Use Areas designation and City Council has recently approved a 3-storey mixed-use building at 23, 25, 27
Poyntz Avenue at its meeting on May 22, 2018 (Application No.: 16 270109 NNY 23 OZ).

West: 1 to 2-storey single detached dwellings within the Neighbourhoods designation.

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement, along with the City of Toronto's Official Plan provides a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."
The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe (GGH) region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must
still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff will be evaluating this planning application against the PPS (2014) and the applicable Provincial Plans (2017) noted above as part of the City's development approval process.

**Toronto Official Plan**
The Official Plan contains numerous policies that apply to the proposed development.

**Chapter 2- Shaping the City**
**Section 2.2.2 Centres: Vital Mixed Use Communities**

The proposed development is located within North York Centre. North York Centre, focused on three subway stations along its Yonge Street spine, is served by both the Yonge and Sheppard subway lines and is also a terminus for regional transit for communities to the north. It has a major concentration of commercial office space where businesses benefit from access to transit service to the Downtown core as well as from good highway access. It should continue to grow as an important commercial office location, as well as a vibrant residential and cultural centre.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each Centre in the Official Plan will have a Secondary Plan which will, among other things, provide a supportive environment for residential and employment growth, including new commercial office space, and transit oriented development. The Plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking), and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

**Chapter 3- Building a Successful City**
**Section 3.1.2 Built Form**
The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants, and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible, and provide ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties
and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

**Chapter 4- Land Use Designations**

**Section 4.5 Mixed Use Areas**

The subject site is designated *Mixed Use Areas* on Map 16 of the Official Plan, see Attachment 3: Official Plan Land Use Map. *Mixed Use Areas* are intended to provide a broad range of commercial, residential, and institutional uses in single-use or mixed-use buildings. Not all *Mixed Use Areas* will experience the same scale or intensity of development. The *Centres* will develop at differing scales and densities, set out in their respective Secondary Plans and zoning by-laws, reflecting the context of their surroundings and transportation infrastructure. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

This application will be reviewed against the official plan policies and/or planning studies described above as well as the policies of the Toronto Official Plan as a whole.

The Official Plan is available on the City's website at: 

**North York Centre Secondary Plan**

The subject site is located within the North York Centre Secondary Plan which forms the general basis for the redevelopment of the North York Centre. The North York Centre is an important focus of transit-based employment and residential growth. While redevelopment is encouraged in the North York Centre, existing *Neighbourhoods* outside the North York Centre will be protected, preserved, and enhanced.

The subject site is designated *Mixed Use Area ‘B’* on Map 8-3 of the Secondary Plan. The permitted uses in *Mixed Use Area ‘B’* include commercial, institutional, residential, public parks and recreational uses, and transit terminals.

The Secondary Plan provides for a density of 1.5 times the lot area, plus additional incentives for the provision of specific uses and facilities. The Secondary Plan limits the height of the site to the lesser of 11 metres or 3-storeys.

The North York Centre Secondary Plan is available on the City's website at: 
Zoning

The subject lands are excluded from the City of Toronto Zoning By-law No. 569-2013. As such, the former City of North York Zoning By-law No. 7625 continues to apply.

The site currently zoned One-Family Detached Dwelling Fourth Density Zone (R4) under Zoning By-law No. 7625, as amended. The R4 zone permits single detached dwellings and accessory buildings with a maximum height of 8.8 metres. See Attachment 4: Existing Zoning By-law Map.

Site Plan Control

A Site Plan Control application (Application No. 18 149081 NNY 23 SA) has been submitted with the re-zoning application to reflect the current proposal. Staff are reviewing the Site Plan Control application concurrently with this Zoning By-law Amendment application. See Attachment 5: Site Plan.

COMMENTS

Reasons for the Application

An amendment to Zoning By-law No. 7625, as amended, is required as the in-force zoning does not permit the proposed commercial building and to implement the necessary zoning standards to regulate the proposed development.

Complete Application Submission

A Notification of Incomplete Application was issued on May 24, 2018 identifying the outstanding material required for a complete application submission as follows:

- Official Plan Amendment to permit the proposed density;
- Stage 1 Archaeological Resource Assessment;
- Functional Servicing Report;
- Hydrogeological Report; and

To date, the following reports/studies have been submitted with the application:

- Public Consultation Strategy;
- Traffic Operations Assessment;
- Stormwater Management Report;
- Planning Rationale;
- Geotechnical Study; and

The aforementioned reports/studies in addition to all other submission materials are available at the City’s Application Information Centre (AIC):
http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4360580&isCofA$earch=false&isTlabSearch=false
Community Consultation

The applicant has submitted a Public Consultation Strategy Report as part of the complete application submission requirements. The applicant's public consultation strategy identifies posting notice of the proposed development application at the subject site and holding a community consultation meeting as the next steps in engaging the public.

Community consultation helps to inform Council in respect of the exercise of its authority to make a decision with regard to the planning application. This Report seeks Community Council's direction on the community consultation process.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. On a preliminary basis, the following issues have been identified:

Official Plan Conformity Exercise Issue:

- The application currently does not comply with the North York Centre Secondary Plan density permissions. The applicant is to confirm that the proposed gross floor area was calculated correctly otherwise, an application to amend the Official Plan is required.

Tree Preservation Issue:

- The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Article III (Private Tree by-law).
- Staff are reviewing the Arborist Report/Tree Preservation Plans submitted by the applicant to evaluate the proposed injury and removal of private trees.

Archaeological Assessment Issue:

- The applicant is to submit a Stage 1 Archaeological Resource Assessment to evaluate if the subject site has archaeological resource potential.

Infrastructure/Servicing Capacity to Support Application Issue:

- Staff will review the application to determine if there is sufficient infrastructure (roads, transit, water, sewage, hydro, community services and facilities, etc.) capacity to accommodate the proposed development once a Functional Servicing and Hydrogeological Report are submitted by the applicant.
- Reviewing Engineering reports provided by the applicant, the purpose of which is intended to evaluate the effects of a proposed change in land use or development on the City’s municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing to the proposed change in land use or development.
- Reviewing the Transportation Operations Assessment submitted by the applicant, the purpose of which is to evaluate the effects of a development or re-development
on the transportation system, but also to suggest any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

**Toronto Green Standard Issue:**

- The applicant is to submit the TGS Checklist in order to determine compliance with the Tier 1 performance measures.

**Built Form Impacts Issue:**

- The proposed density exceeds the density permissions of the Secondary Plan.
- Staff will be working with the applicant to improve site circulation, pedestrian access and entrances, and landscaping.
- Quality of the proposed architecture and streetscaping treatment.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

**CONTACT**

Victoria Fusz, Assistant Planner Tel. No. 416-395-7172, Fax No. 416-395-7155, E-mail: Victoria.Fusz@toronto.ca

**SIGNATURE**

Joe Nanos, Director
Community Planning, North York District

**ATTACHMENTS**

**City of Toronto Data/Drawings**
Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map

**Applicant Submitted Drawings**
Attachment 5: Site Plan   
Attachment 6: North Elevation  
Attachment 7: South Elevation  
Attachment 8: East Elevation  
Attachment 9: West Elevation
**Attachment 1: Application Data Sheet**

**Municipal Address:** 35 POYNTZ AVE    **Date Received:** April 26, 2018

**Application Number:** 18 149077 NNY 23 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** Proposal for 3 storey commercial building. The existing single detached dwelling will be demolished.

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**EXISTING PLANNING CONTROLS**

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

**PROJECT INFORMATION**

- **Site Area (sq m):** 511
- **Frontage (m):** 15
- **Depth (m):** 36

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- **Lot Coverage Ratio (%):** 31.37
- **Floor Space Index:** 1.57

**Floor Area Breakdown**

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**Parking and Loading**

- Parking Spaces: 4
- Bicycle Parking Spaces: 4
- Loading Docks: 1

**CONTACT:**

Victoria Fusz, Assistant Planner
416-395-7172
Victoria.Fusz@toronto.ca
Attachment 5: Site Plan

Site Plan
Applicant’s Submitted Drawing

35 Poyntz Avenue

File # 18 149077 NNY 23 OZ

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Attachment 6: South Elevation