

52 Finch Avenue West - Zoning By-law Amendment Application – Preliminary Report

Date: December 6, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Wards: 18 - Willowdale

Planning Application Number: 21 149986 NNY 18 OZ

Related Applications: 21 149989 NNY 18 SA

Current Use(s) on Site: Two-storey detached dwelling with office uses.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a three-storey, mixed-use building located at 52 Finch Avenue West. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 52 Finch Avenue West together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

In 1997, the site was rezoned from One Family Detached Dwelling Fourth Density Zone R4 to R4(21), by By-law 33074 (File No. NY ZBL 19960033), to permit additional uses on-site, including business and professional offices. The exception in the By-law sets out performance standards for the site for the driveway width, parking space width, and front and east yard setbacks. A portion of the front yard with an area of 38.1 square metres was conveyed as part of a Site Plan Control application related to the previous rezoning.

ISSUE BACKGROUND

Application Description

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a mixed-use building. The building would measure 11-metres (plus mechanical penthouse) and be three-storeys in height. The application proposes a total of 551.57 square metres of gross floor area ("GFA"), which equates to a floor space index ("FSI") of 1.27 times the lot area, inclusive of the area fronting Finch Avenue West that was previously conveyed. The FSI without the area previously conveyed is 1.39 times the lot area. A total of 317.37 square metres of GFA is proposed as office space between the first and second floors, and a total of 234.02 square metres of GFA is proposed as residential space on the third floor containing two units with two bedrooms. The east side yard setback proposed would be 0 metres, west side yard setback would be 0.9 metres, and rear side yard setback would be 8.7 metres. Four parking spaces are proposed in the rear yard and are accessed by an existing curb cut and driveway along Finch Avenue West.

Detailed project information can be found on the City's Application Information Centre:

<http://app.toronto.ca/AIC/index.do?folderRsn=YjyjbNsQoBFkXwhO2pw8eg%3D%3D>

See Attachment 1 of this report for detailed statistics of the project, Attachment 2 of this report for a three dimensional representation of the project in context, Attachment 3 for a location map, Attachment 4 for a site plan, Attachment 5 for the land use map, Attachment 6 for the zoning by-law 7625 map, and Attachment 7 for the zoning by-law 569-2013 map.

Application Submission Requirements

The following reports were submitted as part of the complete application:

- Planning Rationale;
- Arborist Report and Tree Preservation Plan;
- Parking Study;
- Functional Servicing Report;
- Stormwater Management Report;
- Toronto Green Standard Checklist.

The application was deemed incomplete on June 2, 2021, due to failing to provide a landscaping and lighting plan.

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;

- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) 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 in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities. While the boundary for the Finch MTSA has not yet been identified, the subject land is located within 800 metres west of Finch Station on the TTC's Yonge subway line and the bus stop for the GO Transit.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The application is located on lands shown as *Avenues* on Map 2 of the Official Plan and *Mixed Use Areas* on Land Use Plan Map 16. *Avenues* are considered important corridors where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, public realm, shopping opportunities and transit service for community residents. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings, as well as parks and open spaces and utilities.

The application is also located within Mixed Use Area B in the Central Finch Area Secondary Plan which permits a maximum number of three storeys that is up to 11.0 metres in height. The maximum permitted density is 1.0 times the lot area where the amount of gross floor area devoted to commercial uses does not exceed 0.75 times the lot area. Retail uses are only permitted on the ground floor for mixed use buildings.

The objective of the Secondary Plan is to permit and encourage development and redevelopment within the Central Finch Area, including a mixed use area between Bathurst Street and Willowdale Avenue accommodating small office and multiple-unit residential buildings with street-oriented retail and service commercial uses west of Yonge Street.

The Central Finch Area Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/8840-cp-official-plan-SP-22-CentralFinch.pdf>

Zoning By-laws

The site is subject to the former City of North York Zoning By-law No. 7625, as amended by By-law 33074. Under Zoning By-law 7625, as amended, the site is zoned One-Family Detached Dwelling Fourth Density Zone - R4(21). The site is not currently subject to City of Toronto Zoning By-law No. 569-2013.

By-law 33074 rezoned the subject lands from R4 to R4(21). A 2.76 metre strip of land, accounting for an area of 38.1 square metres, along Finch Avenue West was previously conveyed to the City for road widening, through a related Site Plan Control (File No. NY SPC 19970086) application. The current zoning permits business and professional offices, maximum length of 5.5 metres for a parking space, minimum driveway width of 3.7 metres, 0.9 metre east side yard setback and a minimum front yard setback of 3.8 metres.

The current zoning also permits a maximum height of 8.8 metres and 2 storeys for a pitched roof building and 8.0 metres and 2 storeys for a flat roof building. A maximum lot coverage of 30% is permitted, however, there are no maximum density provisions set out in the current zoning.

Currently, the site is not subject to City of Toronto Zoning By-law 569-2013. Zoning By-law 569-2013 can be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline will be used in the evaluation of this application:

- Townhouse & Low-rise apartment Guidelines;
- Bird Friendly Development Guidelines; and
- Accessible Design Guidelines.

The City's Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application (21 149989 NNY 18 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.

COMMENTS

Reasons for the Application

A Zoning By-law Amendment is required to permit the proposed height and density which are in excess of that permitted by the existing Zoning By-law, as well as to define performance standards such as parking and setbacks for the proposed building. The application would also require an amendment to Zoning By-law No. 569-2013 in order to bring the site into the current City-wide Zoning By-law.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Planning Staff are evaluating this planning application against the PPS (2020) and the applicable Provincial Plans to establish the application's consistency with the PPS and

conformity with the Growth Plan (2020), highlighting only those provincial policies relevant in the context of this particular application.

Central Finch Area Secondary Plan

Staff are of the opinion that the proposed zoning by-law amendment is not consistent with the policies of the Secondary Plan.

Planning Staff will evaluate the application to determine its conformity with the intent of the Central Finch Area Secondary Plan. The applicant is to confirm that the proposed GFA was calculated correctly in compliance with the Secondary Plan's definition for density calculation for mixed use development within Mixed Use Area B.

The site is permitted a maximum gross floor area of 1.0 times the lot area. Currently the area above grade exceeds this maximum permission of the Secondary Plan. A portion of the basement is shown as an office space area, which would further bring the total GFA greater than what is currently permitted under the Secondary Plan. Policy 3.1.2 of the Secondary Plan outlines that the gross floor area of below grade spaces designed and intended solely for storage and mechanical purposes within a commercial building, or within a mixed use building the ground floor of which is primarily commercial, may be exempted from the density limits. This Policy is contingent on development meeting three criteria in the Secondary Plan, including:

- (a) gross floor area above grade complies with the density limits of the Secondary Plan;
- (b) the built form complies with both the height and angular plane limits,
- (c) and the City's urban design objectives are satisfied.

Policy 3 of the Secondary Plan requires that the height of any part of a building not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line that coincides with the boundaries of the Secondary Plan, provided that the horizontal setback is not less than 9.5 metres. This policy is interpreted as to require a 35 degree angular plane measured from the rear property line. The drawings currently fail to demonstrate its compliance with the angular plane requirement.

Built Form, Planned and Built Context

The site abuts two properties at its rear that are also designated Mixed Use Area B under the Secondary Plan. There are currently no active development applications for these properties. Staff will assess the suitability of the proposed public realm and built form, including setbacks or stepbacks required in order to achieve the rear angular plane requirement of the Secondary Plan and to limit overlook and privacy concerns.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and it is currently under review by Staff to evaluate the retention and/or removal of existing trees, or the proposal of new trees. However, City Staff are unable to provide further comments at this time until a landscaping plan and lighting plan are submitted.

Infrastructure/Servicing Capacity

Engineering and Construction Services staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed development through a review of the submitted Functional Servicing and Hydrological Report. This review 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 upgrade to existing infrastructure necessary to provide for adequate servicing to the proposed change in land use or development.

Staff will review the Transportation Operations Assessment submitted by the applicant, the purpose of which is to evaluate the proposed parking supply and the impact of the development on the transportation system and to suggest any transportation improvements that may be necessary to accommodate travel demands and impacts generated by the development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (the "TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

Various departments are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. The applicant is also required to provide a landscaping and lighting plan in order to determine compliance with the Tier 1 performance standards.

Other Matters

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

CONTACT

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SIGNATURE

David Sit, MCIP, RPP
Director, Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings
Attachment 1: Application Data Sheet
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Zoning By-law 7625 Map
Attachment 7: Zoning By-law 569-2013 Map

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 52 FINCH AVENUE WEST Date Received: May 4, 2021

Application Number: 21 149986 NNY 18 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning Bylaw Amendment Application to permit the proposal for a 3-storey mixed use building that includes 2 residential units and 2 levels of commercial units with 4 proposed parking spaces.

Applicant	Agent	Architect	Owner
ACECON GENERAL CONTRACTING			2724153 ONTARIO INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	R4(21)	Heritage Designation:
Height Limit (m):	8.8	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m):	395	Frontage (m):	14	Depth (m):	29
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	70		234	234
Residential GFA (sq m):			234	234
Non-Residential GFA (sq m):	140		317	317
Total GFA (sq m):	140		551	551
Height - Storeys:	2		3	3
Height - Metres:	8		11	11

Lot Coverage Ratio (%)	59.32	Floor Space Index:	1.4
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	234	
Retail GFA:		
Office GFA:	317	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			2	2
Freehold:				
Condominium:				
Other:				
Total Units:			2	2

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				2	
Total Units:				2	

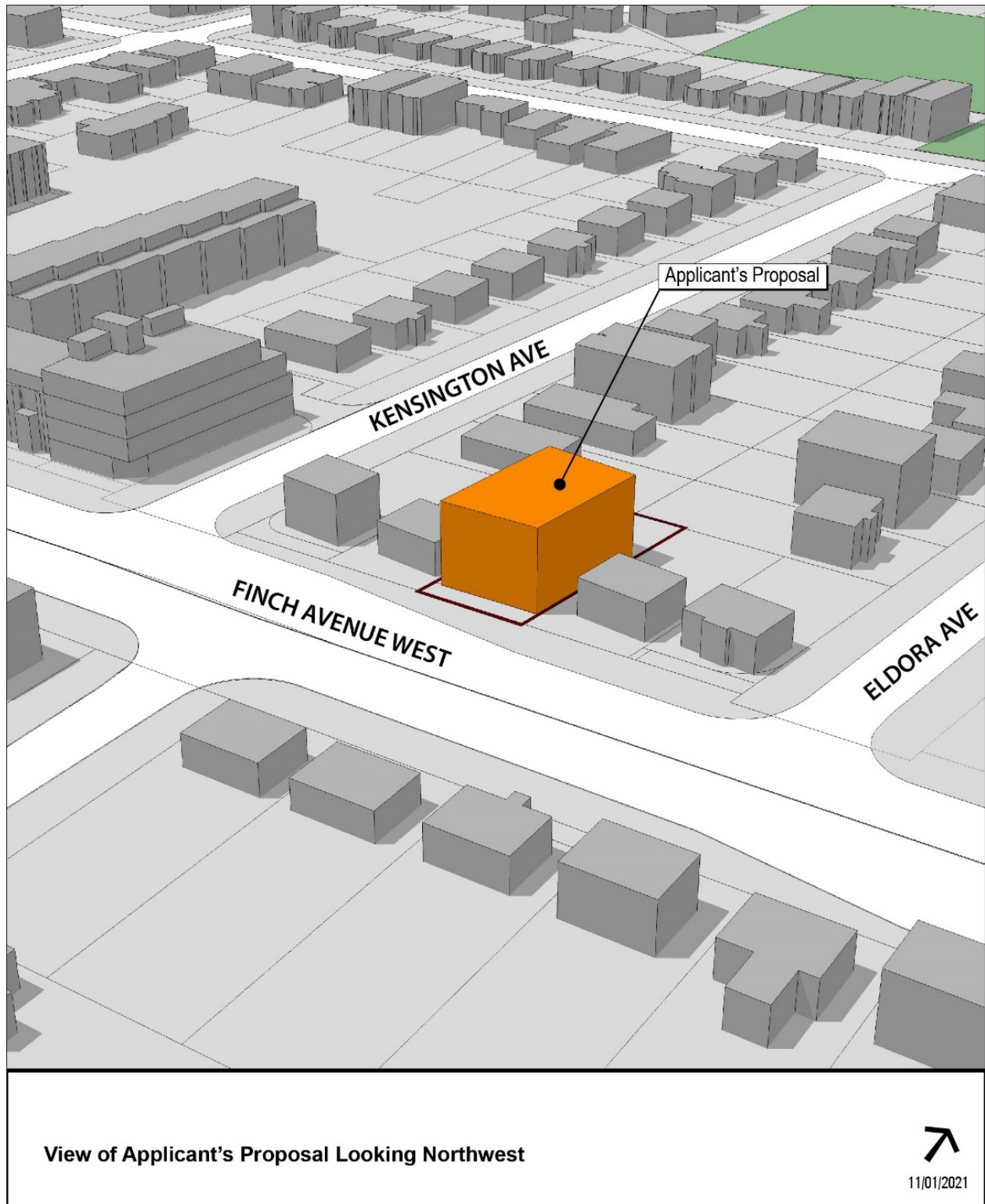
Parking and Loading

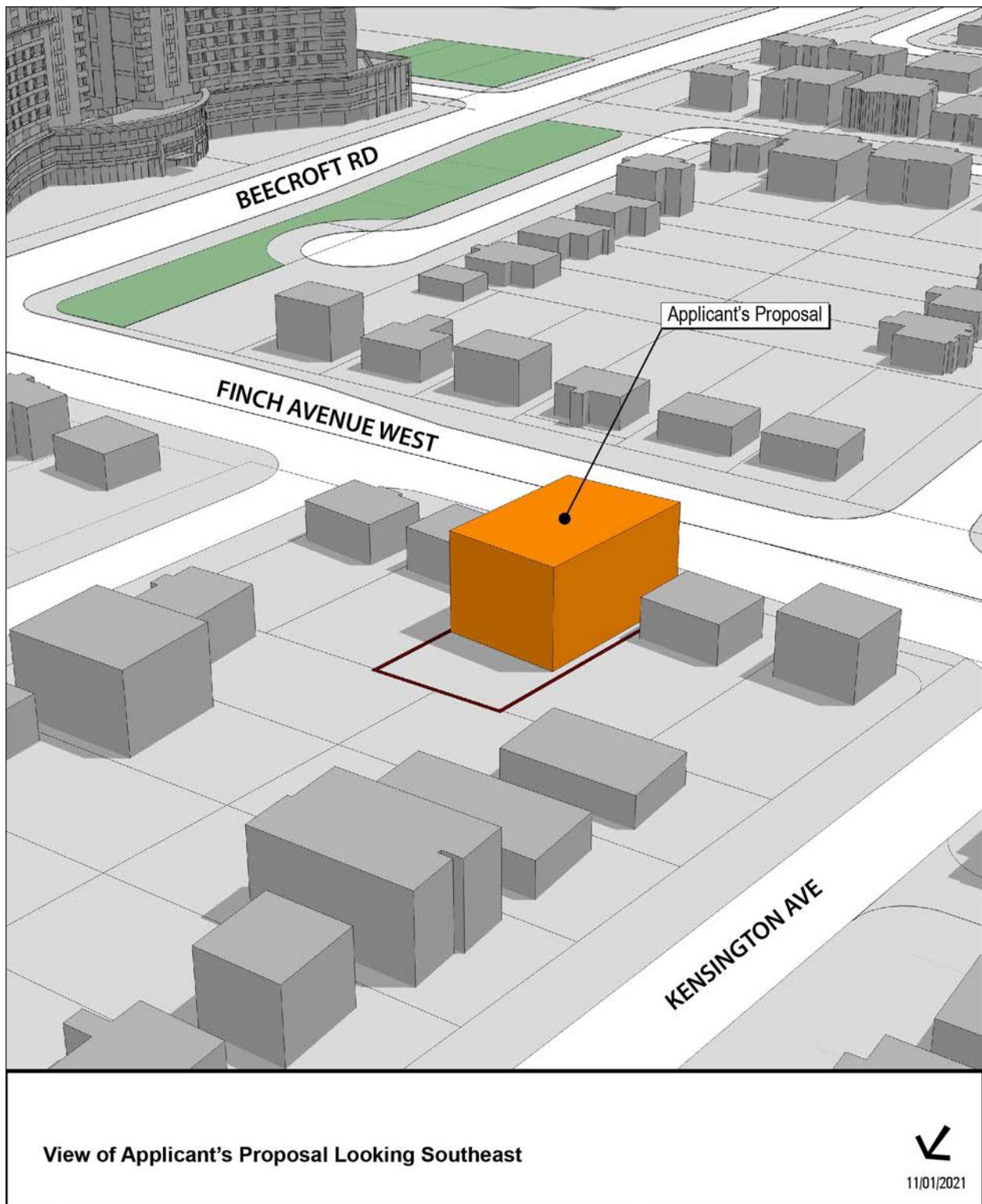
Parking Spaces:	4	Bicycle Parking Spaces:	Loading Docks:
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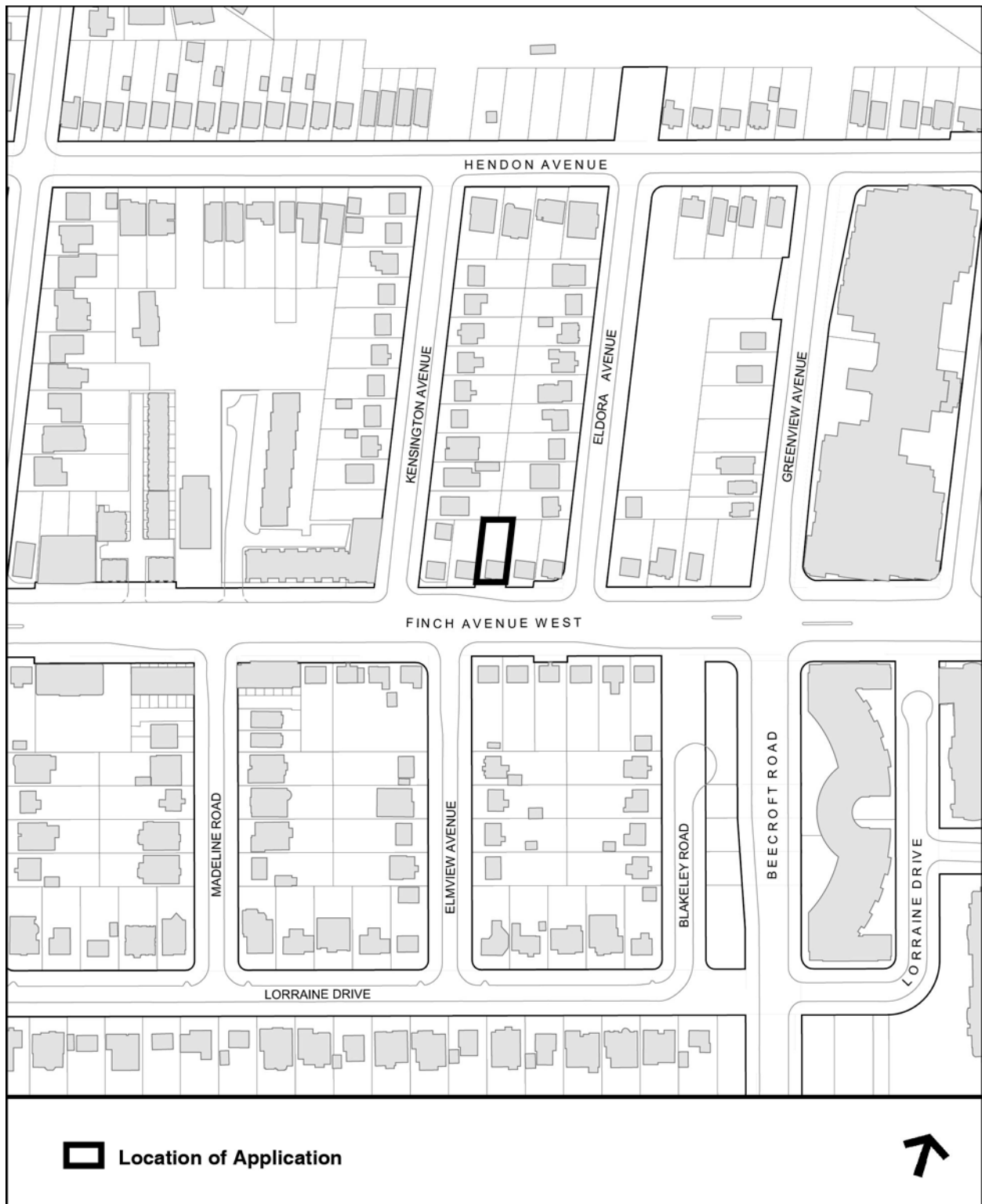
CONTACT:

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416-395-6747
Michael.Romero@toronto.ca

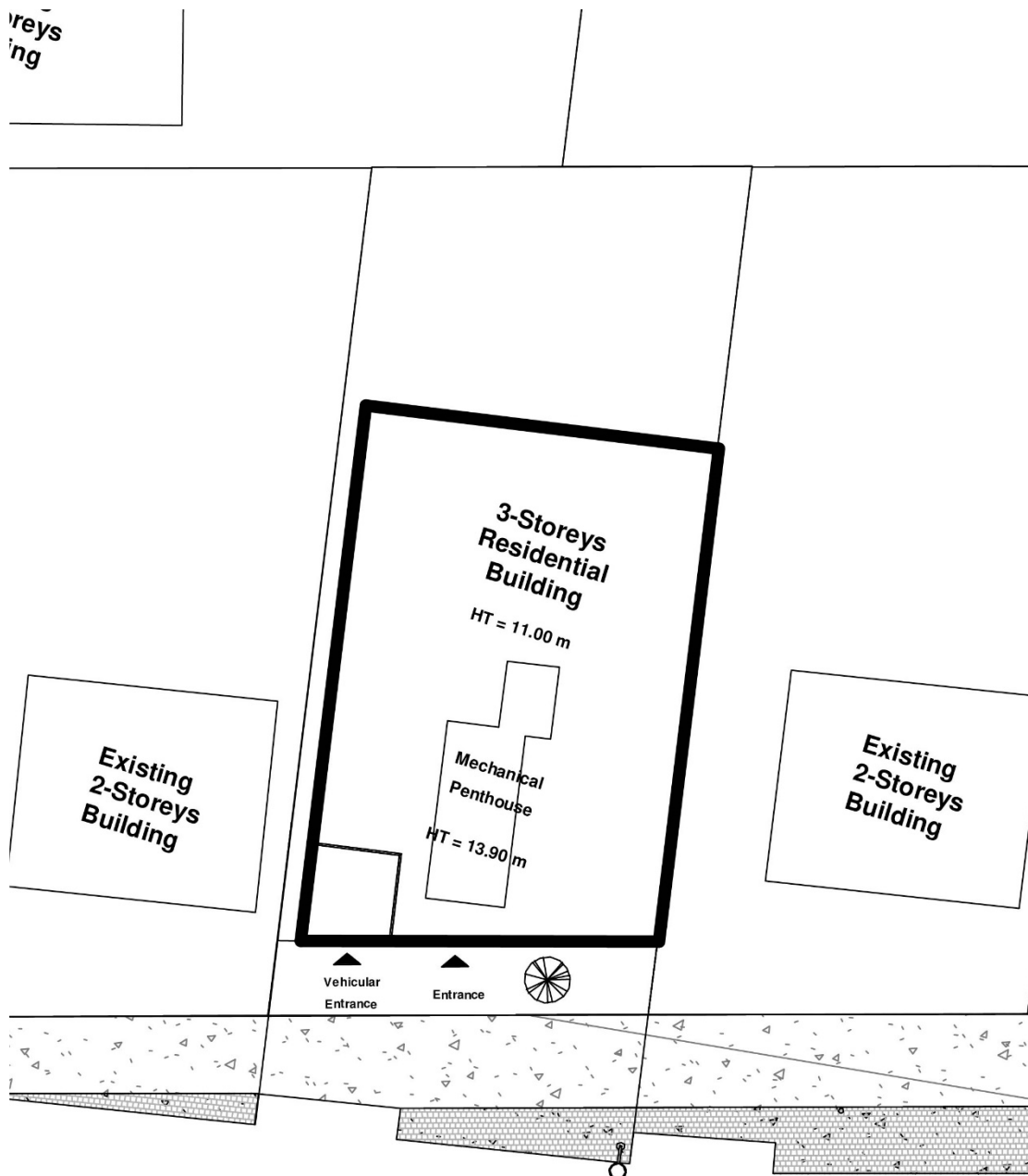
Attachment 2: 3D Model of Proposal in Context







Attachment 4: Site Plan

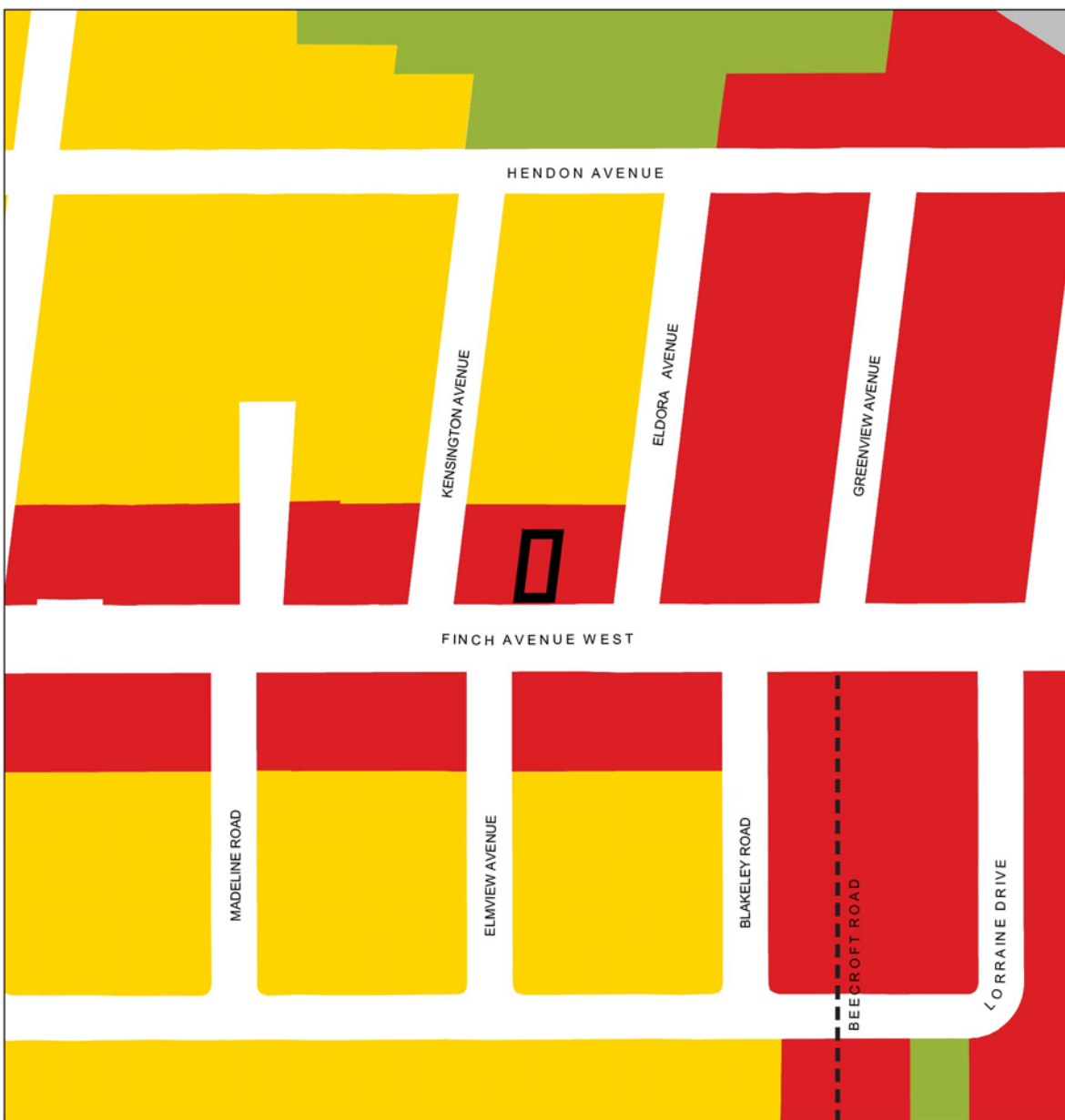


FINCH AVENUE WEST

Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #16

52 Finch Avenue West

File # 21 149986 NNY 18 02



Location of Application

Neighbourhoods

Mixed Use Areas

Parks

Utility Corridors

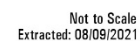
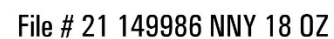
--- Roads not currently
shown on Land Use Map



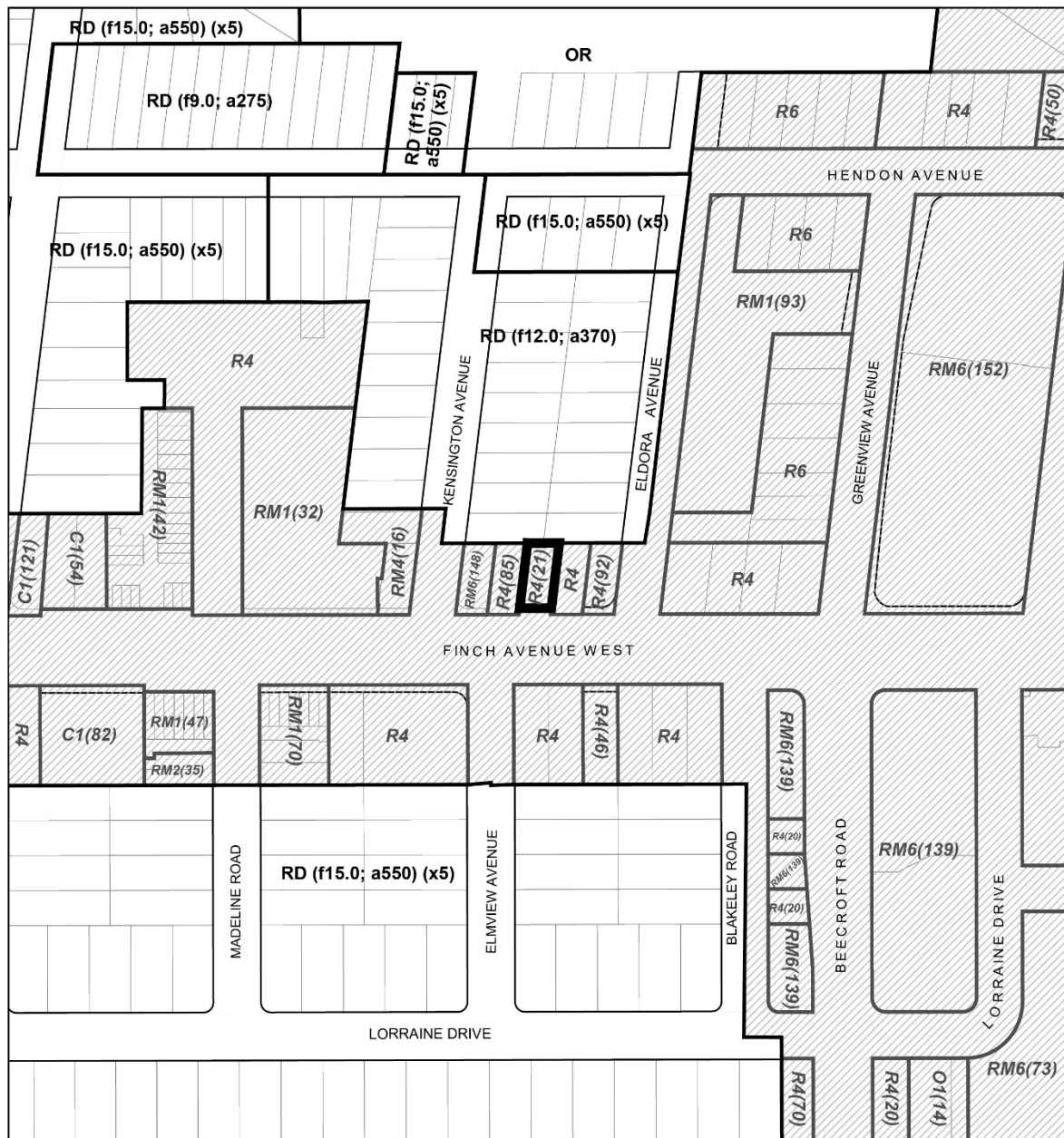
Not to Scale
Extracted: 08/09/2021

The map displays the following zoning designations and lot numbers:

- Hendon Avenue North:** O1, R7, R4, R6, R4.
- Along Kensington Avenue:** R4, R6, R4(121), C1(54), RM1(42), RM1(32), RM4(16), RM6(148), R4(85), R4(21), R4, R4(92).
- Along Eldora Avenue:** R6, RM1(93), R6, R4.
- Along Greenview Avenue:** RM6(152).
- Along Madeline Road:** C1(82), RM1(47), RM2(35), R4.
- Along Elmview Avenue:** RM1(70), R4.
- Along Blakeley Road:** R4(46), R4.
- Along Beecroft Road:** RM6(139), R4(20), RM6(139), R4(20), RM6(139), R4(20).
- Along Lorraine Drive:** R4, R4(70), R4(20), O1(14).



Attachment 7: Zoning By-law 569-2013



Zoning By-law 569-2013

52 Finch Avenue West

File # 21 149986 NNY 18 02

	Location of Application
RD	Residential Detached
RM	Residential Multiple
OR	Open Space Recreation

	See Former City of North York By-law No. 7625
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
RM4	Multiple-Family Dwellings Fourth Density Zone
RM6	Multiple-Family Dwellings Sixth Density Zone
C1	General Commercial Zone
O1	Open Space Zone
O3	Semi-Public Open Space Zone

Not to Scale
 Extracted: 08/09/2021