

## **56 Finch Avenue West – Zoning Amendment - Decision Report – Approval**

Date: April 2, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

**Planning Application Number:** 19 202504 NNY 18 OZ

### **SUMMARY**

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This application proposes to amend former City of North York Zoning By-law 7625 for the property at 56 Finch Avenue West to permit an office use for the existing building. The office use has been occurring since 2018 in contravention of the zoning by-law. The existing building footprint and gross floor area (139 square metres) remain unchanged, maintaining an overall density of 0.35 times the area of the lot. Six parking spaces in the rear yard are accessed by an existing curb cut and driveway along Kensington Avenue.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed development also conforms to the City's Official Plan and the Central Finch Area Secondary Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law to accommodate the change in use and as no physical changes to the building are proposed.

### **RECOMMENDATIONS**

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The Director, Community Planning North District recommends that:

1. City Council amend Zoning By-law 7625 for the lands at 56 Finch Avenue west substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.
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**

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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. If City Council does not make a decision on this Report, there may be financial implications to the City to the current budget year and in future years.

## **DECISION HISTORY**

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A Preliminary Report on the application was adopted by North York Community Council on December 3, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Community Council decision can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2019.NY11.8>

On November 21, 2018, Toronto Building issued an Order To Comply on the subject property due to a change in use of occupancy type from the permitted use of a Group C residential to a Group D office occupancy without the benefit of a building permit. Order to Comply file no: *18 259122 OTC 00 VI*

By-law 255-2005 was enacted by City Council in 2005 for the subject lands. It permitted an apartment house dwelling with a maximum of 4 units and various site-specific performance standards. The apartment house dwelling was never built.

## **THE SITE**

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### **Description**

The site is a rectangular-shaped parcel located at the northeast corner of Finch Avenue West and Kensington Avenue, four blocks west of Yonge Street. The site area is 389 square metres with 9.37 metres of frontage on Finch Avenue West and 24.01 metres on Kensington Avenue.

### **Existing Use**

A 2-storey detached dwelling (139 square metres in area) which was converted to office space in 2018.

## THE APPLICATION

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### Description

The proposal seeks to permit the existing office use on the site. The existing building totals 139 square metres, 2-storeys, and 7 metres in height. No changes to the built form are proposed.

### Density

The proposal has a density of 0.35 times the area of the lot.

### Non-Residential Component

The proposal includes 139 square metres of office space which encompasses the entire building.

### Access, Bicycle Parking, Vehicle Parking and Loading

The proposal includes a total of 6 parking spaces to the rear of the existing office. Vehicular access to the 6 rear parking spaces is provided via a curb cut along Kensington Avenue. No bicycle parking is proposed. No loading spaces are required.

### Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, and site plan of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [Application Information Centre - 56 FINCH AVE W \(toronto.ca\)](https://www.toronto.ca/application-information-centre)

### Reasons for Application

A Zoning By-law Amendment is required as the application proposes to permit the existing office use, which is not currently a permitted use by the existing Zoning By-law.

## APPLICATION BACKGROUND

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### Application Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale Report
- Arborist Report and Tree Preservation Plan
- Functional Servicing Report
- Stormwater Management Report
- Transportation Impact Study
- Hydrogeological Review Summary
- Servicing Report
- Toronto Green Standards Checklist

The application was deemed a complete application on August 8, 2019. The reports and studies submitted by the applicant are available on the following link: [Application Information Centre - 56 FINCH AVE W \(toronto.ca\)](https://www.toronto.ca/application-information-centre-56-finch-ave-w)

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

### **Official Plan**

The Official Plan Urban Structure Map 2 identifies the site as *Avenues*. The land use designation for the site is *Mixed Use Areas*. *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. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Secondary Plan**

The Central Finch Area Secondary Plan identifies the site as *Mixed Use*, which specifies that development and redevelopment within the Central Finch Area which will form a mixed use area between Bathurst Street and Willowdale Avenue primarily accommodating small office and multiple-unit residential buildings fronting onto Finch Avenue, including street-oriented retail and service commercial uses in the area west of Yonge Street.

The site is further defined as located in *Mixed Use Area 'B'*, which permits detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational facilities, and institutional uses.

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**

The site is subject to former City of North York Zoning By-law 7625, as amended by By-law 255-2005. Under Zoning By-law 7625, as amended, the site is zoned Multiple-Family Dwellings Sixth Density Zone (RM6(148)).

By-law 255-2005 rezoned the subject lands from R4 to RM6(148) and a 2.76-metre strip of land along Finch Avenue West was conveyed to the City for road widening purposes. The zoning permits an apartment house dwelling only. An office use is not currently permitted.

The site is not currently subject to City of Toronto Zoning By-law 569-2013. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Toronto Green Standard**

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

## **COMMUNITY CONSULTATION**

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On February 12, 2020, City staff hosted a Community Consultation Meeting at Edithvale Community Centre. There was 1 member of the public, as well as the Ward Councillor and the applicant, in attendance. No significant concerns were expressed.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed use allows for a mix of uses along Finch Avenue which helps to support the creation of new jobs in the area. In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

### **Land Use**

This application has been reviewed against the official plan policies and secondary plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

Given the existing and planned context for the subject property and the surrounding area, the proposed change of use is appropriate. It reflects the Central Finch Secondary Plan's goal of encouraging street-oriented retail and service commercial uses including offices along Finch Avenue west of Yonge Street.

### **Density, Height, Massing**

This application only proposes to add a permitted use to the existing 2-storey building. No changes to the built form are proposed. The current structure complies with the in-place zoning and proposed zoning bylaw amendment.

### **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). There are three private trees on or adjacent to the site, proposed to be injured or removed. Two existing City trees would be injured, and one City tree would be protected. Three new private trees and one new City-owned tree are proposed.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Approval process.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan and the Central Finch Area Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Furthermore, the proposal conforms to the Official Plan, particularly as it relates to the Central Finch Area Secondary Plan's goal of encouraging street-oriented retail and service commercial uses including offices along Finch Avenue west of Yonge Street. Staff recommend that Council support approval of the application.

## **CONTACT**

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Kelly Snow, Planner, Community Planning, Tel. No. (416) 395-7124, E-mail: [Kelly.Snow@toronto.ca](mailto:Kelly.Snow@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

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### **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
- Attachment 5: Draft Zoning By-law Amendment - 7625

### **Applicant Submitted Drawings**

- Attachment 6: Site Plan

## Attachment 1: Application Data Sheet

Municipal Address: 56 FINCH AVE W Date Received: August 8, 2019

Application Number: 19 202504 NNY 18 OZ

Application Type: Rezoning

Project Description: Zoning By Law amendment application to convert an existing 2 storey residential building to office uses.

Applicant	Agent	Architect	Owner
ADRIAN LITAVSKI			VANDELAY I&C CORP.

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: Y

Zoning: RM6(148) Heritage Designation: N

Height Limit (m): 11 Site Plan Control Area: N

### PROJECT INFORMATION

Site Area (sq m): 389 Frontage (m): 9.37 Depth (m): 24

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	69	69	69	69
Residential GFA (sq m):	139	0	0	0
Non-Residential GFA (sq m):	0	0	139	139
Total GFA (sq m):	139		139	139
Height - Storeys:	2	2		2
Height - Metres:	7	7		7

Lot Coverage Ratio (%): 17.83 Floor Space Index: 0.36

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA: 139

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1	0	0	0
Condominium:				
Other:				
Total Units:	1	0	0	0

#### Total Residential Units by Size

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

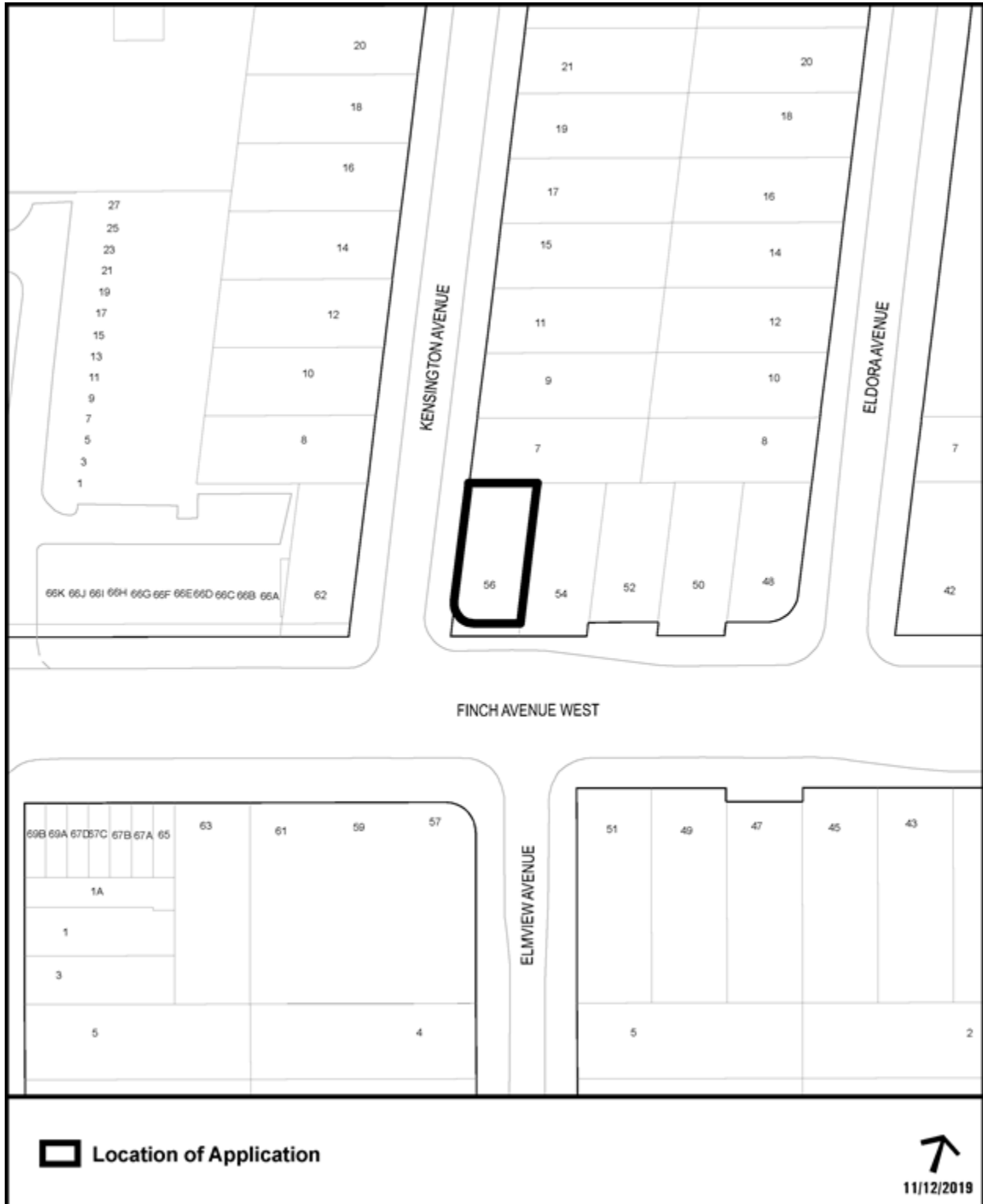
#### Parking and Loading

Parking Spaces:	6	Bicycle Parking Spaces:	0	Loading Docks:	0
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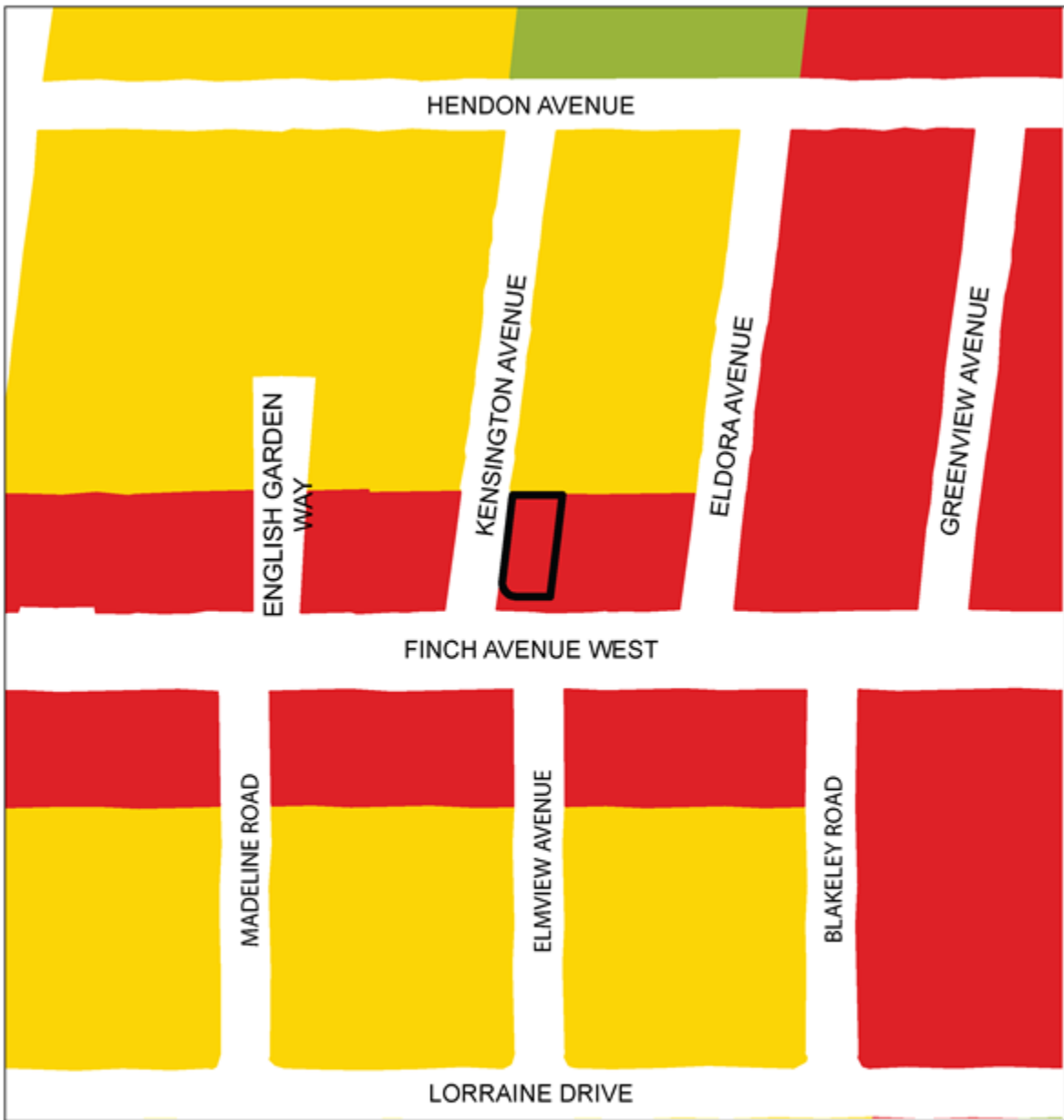
#### CONTACT:

Kelly Snow, Planner, Community Planning  
(416) 395-7124  
Kelly.Snow@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

56 Finch Avenue West

File # 19 202504 NNY 18 02

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Parks



Not to Scale  
11/12/2019


Attachment 4: Existing Zoning By-law Map



Zoning By-law 7625

56 Finch Avenue West

File # 19 202504 NNY 18 0Z

 Location of Application

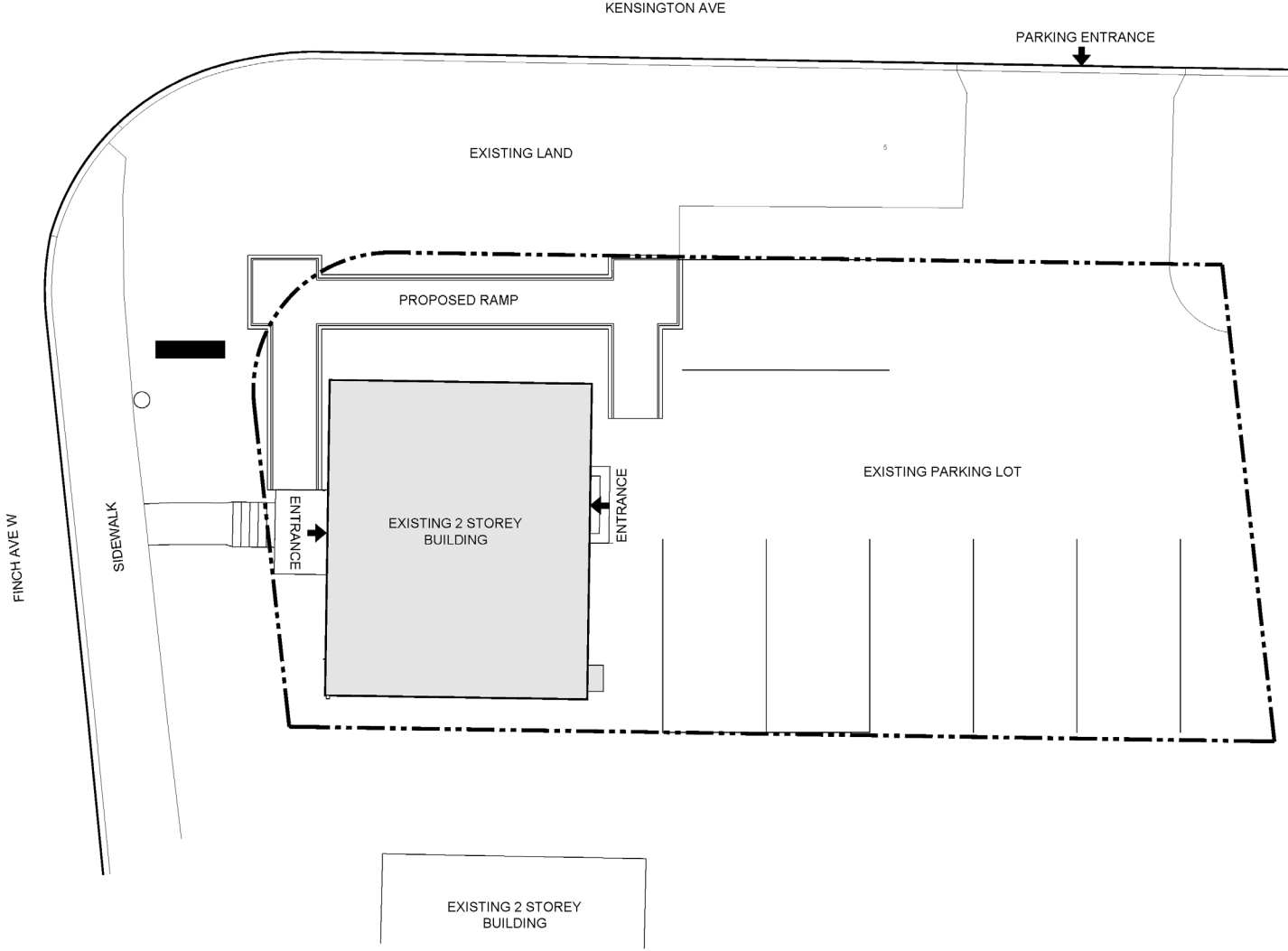
**R4** One-Family Detached Dwelling Fourth Density Zone  
**R6** One-Family Detached Dwelling Sixth Density Zone  
**RM1** Multiple-Family Dwellings First Density Zone

**RM2** Multiple-Family Dwellings Second Density Zone  
**RM4** Multiple-Family Dwellings Fourth Density Zone  
**RM6** Multiple-Family Dwellings Sixth Density Zone



Not to Scale  
 Extracted: 11/12/2019

Attachment 5: Draft Zoning By-law Amendment



Site Plan