

104-114 Finch Avenue East – Official Plan and Zoning By-law Amendment Applications – Supplementary Report

Date: March 19, 2025
To: City Council
From: Executive Director, Development Review
Ward: 18 - Willowdale

Planning Application Number: 24 171445 NNY 18 OZ

SUMMARY

This Supplementary Report provides an update to the report titled, 104-114 Finch Avenue East – Official Plan and Zoning Amendment – Decision – Approval, January 31, 2025, from the Director, Community Planning, North York District (Item NY21.2), which was considered by North York Community Council at the statutory public meeting on February 19, 2025. The report recommended approval of the draft Zoning By-law and Official Plan Amendment for the proposed 11-storey mixed-use building.

At the statutory public meeting on February 18, 2025, North York Community Council adopted the recommendations contained in the staff report. North York Community Council made additional recommendations, and directed the Executive Director, Development Review to work with the applicant to amend the application and related instruments to relocate the driveway access from Willowdale Avenue to Finch Avenue East, provide retail along the entire Finch Avenue East frontage and increase the amount of visitor parking spaces to 20 spaces, and report back with and recommendations to the March 26, 2025 City Council meeting.

Since then, staff have received and reviewed a revised proposal from the applicant which addresses the above noted direction from North York Community Council. This report provides an update and summary of staff's position.

The draft Zoning By-law attached to the staff report contained a Holding provision requiring an updated Functional Servicing and Stormwater Management Report, Transportation Demand Management (TDM) Plan and Transportation Impact Study. Staff are of the opinion that the materials provided by the applicant support the removal of the Holding Provision from the draft Zoning By-law.

RECOMMENDATIONS

The Executive Director, Development Review, recommends that:

1. City Council delete North York Community Council Recommendation 2 and replace it with the following:

City Council amend Zoning By-law 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (March 19, 2025) from the Executive Director, Development Review.

2. City Council determine that pursuant to Subsection 34(17) of the *Planning Act* no further notice is required.

FINANCIAL IMPACT

The Development Review 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

A Final Decision Report - Approval from the Director, Community Planning recommending approval of an eleven storey mixed-use building was considered by North York Community Council on February 19, 2025. The Final Report and North York Community Council's direction can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2025.NY21.2>

In its consideration of the Decision Report - Approval, Community Council adopted staff recommendations and directed the Executive Director, Development Review to:

- a. work with the applicant to amend the application and related instruments to relocate the driveway from Willowdale Avenue to Finch Avenue East; -
- b. provide retail along the entire Finch Avenue East frontage; and
- c. increase the amount of visitor parking to 20 spaces;

and report directly with recommendations on the above to the March 26, 27 and 28, meeting of City Council.

In addition to the above direction, North York Community Council also recommended that:

1. City Council request that the applicant, in consultation with the adjacent landowners, provide a privacy fence on the north property line to be 2.44 metres (8-feet) in height or a mutually agreeable alternative.
2. City Council request the applicant to work with the General Manager, Parks and Recreation to supplement an off-site parkland dedication through use of the Community Benefits Charge.

COMMENTS

The draft Zoning By-law attached to the staff report contained a Holding provision requiring an updated Functional Servicing and Stormwater Management Report, Transportation Demand Management (TDM) Plan and Transportation Impact Study.

On February 11, 2025, the applicant submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

A second resubmission was received by staff on March 7, 2025, to address the above noted direction from Community Council, and included the following materials:

- Site Plan, prepared by Mar Architect Inc;
- Full Moves Traffic Analysis, prepared by WPE Engineering Ltd., dated February 26, 2025;
- Right-in/Right-out Traffic Analysis, prepared by WPE Engineering Ltd., dated February 25, 2025;
- Vehicle Movement Diagrams with Flex Delineator, prepared by MAR Architect Inc., dated February 24, 2025; and
- Vehicle Movement Diagrams with Splitter Island, prepared by MAR Architect Inc., dated February 24, 2025.

The revised development illustrates access to the site from Finch Avenue East via a 6-metre-wide driveway, and retail space at-grade along the entire Finch Avenue East frontage. The revised proposal does not propose any changes to the gross floor area, number of units, building height or any other site statistics except for the number of visitor parking spaces, as discussed below.

Site Access

The original proposal reviewed by staff and described in the staff report dated January 31, 2025, proposes site access via a 6-metre wide driveway from Willowdale Avenue. Staff indicated support for this driveway location. The revised proposal received on March 7, 2025, proposes site access via a 6-metre wide driveway from Finch Avenue East. The proposed driveway is located along the west side of the property with the proposed building cantilevered above it. The ramp to the parking spaces below-grade is located at the rear of the building, at the northwest corner of the site abutting the rear property line.

Staff have reviewed revised Traffic Analysis and Vehicle Movement Diagrams and are of the opinion that vehicular access to the site should remain from Willowdale Avenue. In an effort to maintain and enhance bus service, and deliver service that is safe, accessible, seamlessly connected, frequent, reliable, and fast, Official Plan Policy 2.2.8 directs the City to reduce delays and traffic interference on transit routes across the city, through the introduction of transit priority guidelines and transit priority measures. One of these measures is to consolidate, restrict or limit driveways. Finch Avenue East is identified as a Transit Priority Segment on Official Plan Map 5 Surface Transit Priority Network.

Further, the City's Access Management Guidelines support limiting the number of direct access points to the arterial road network to reduce delay, minimize turning conflicts, and maintain an acceptable level of safety for both motorists and pedestrians. Finch Avenue East is identified as a major arterial road, Willowdale Avenue is not.

Relocating the driveway to Finch Avenue East required the applicant to modify the proposed building and reorganize the programming of the ground floor. Staff have concerns with these modifications due to the impacts on landscaping, tree planting and preservation, location of outdoor amenity area and building setbacks.

The original proposal reviewed by staff includes a 2.5 metre rear landscape buffer along the majority of the rear lot line, whereas the revised proposal eliminates the rear landscape buffer and replaces it with a larger outdoor amenity area from that originally proposed. To buffer from the effects of development or redevelopment in the Central Finch Area, the Secondary Plan encourages measures such as the provision and maintenance of suitable opaque fencing and landscape strips large enough to accommodate trees along the property lines. The revised concept introduces a larger area of amenity space, does not include a landscape buffer and does not allow for tree planting along the rear property line, as encouraged by the Central Finch Area Secondary Plan.

The revised proposal includes a reduction in the building setback to the west lot line from 5.5 metres to 1.0 metre. The reduced setback is due, in part, to the location of the enclosed driveway along the west side of the site, which is setback 1.0 metre from the west property line. The originally proposed setback of 5.5 metres provides adequate separation to the adjacent low-rise properties to the west while allowing for access to sunlight, sky views, as well as opportunities for additional landscaping at-grade. The location of the proposed driveway along the westerly side of the site results in the removal of a mature tree located in the Finch Avenue East boulevard as the tree directly interferes with the driveway on Finch Avenue East. Adequate planting space, depth and soil volume on private property has not been demonstrated for this concept, and it has not been demonstrated that tree planting can occur in the outdoor amenity area.

Staff are of the opinion that the site access from Willowdale Avenue, as proposed in the original application, should be maintained as it conforms with the Official Plan and Central Finch Area Secondary Plan. Further, the impacts of the revised proposal on landscaping, tree planting and preservation, outdoor amenity area and building setbacks are not supported by Staff.

Visitor Parking and Non-residential Component

In response to the direction of North York Community Council, this report recommends approval of a revised draft Zoning By-law (Attachment 1) which requires a minimum of 20 visitor parking spaces, whereas the original zoning by-law amendment recommended by staff required a minimum of 11 spaces.

The amount of retail gross floor area has not changed from the original proposal. The draft zoning by-law amendment requires a minimum of 439 square metres which is sufficient to provide for retail space along the Finch Avenue East frontage.

Holding Provision

A holding provision was previously recommended to ensure adequate servicing was available. The holding provision also required the applicant to submit a revised Transportation Impact Study and Transportation Demand Management (TDM) Plan to address traffic impacts.

The applicant has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, that demonstrates the existing infrastructure and any required improvements to them, have adequate capacity and supply to accommodate the proposed development.

Upon review of the revised Functional Servicing and Stormwater Management Report, and the Transportation Impact Study and transportation Demand Management (TDM) Plan previously submitted, City staff are of the opinion that the materials provided by the applicant support the removal of the Holding Provision from the draft Zoning By-law.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment