

**15 Poyntz Avenue – Rezoning and Site Plan Control Applications – Final Report**

<b>Date:</b>	May 31, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	File Nos. 08 118225 NNY 23 OZ & 08 118229 NNY 23 SA

**SUMMARY**

These applications were originally made on March 11, 2008 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

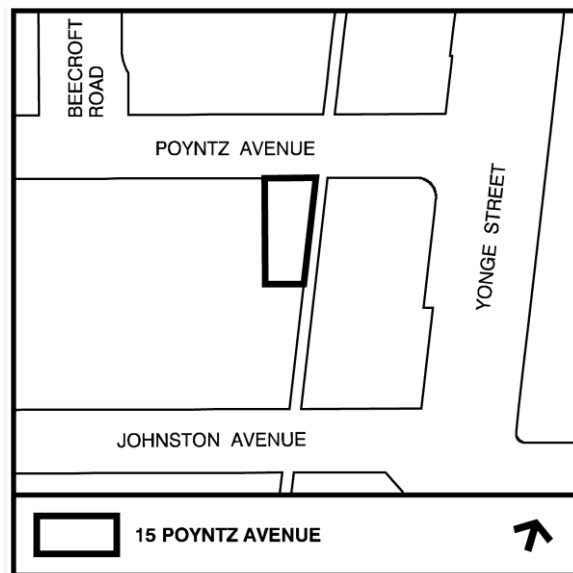
The applications as amended, propose to legalize existing professional office and commercial music school uses in an existing two storey structure located at 15 Poyntz Avenue.

This report reviews and recommends approval of the applications to amend the Zoning By-law and approve in principle the Site Plan Control Application.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
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. Approve in principle the site plan as indicated on the drawings listed in Attachment 7 subject to the Draft Conditions of Approval listed in Attachment 7;
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to obtain site plan approval from the Director, Community Planning under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

As a result of complaints made to the City's Municipal Licensing and Standards Division concerning non-compliant uses operating out of the building at this location, a rezoning application (04 108531 NNY 23 OZ) was submitted on February 10, 2004.

Several requests were made to the applicant and owner for revised plans and additional information required to further process the application. This information was not submitted and the file was formally closed on September 26, 2005.

On March 11, 2008 the original applicant submitted rezoning and site plan applications to legalize the existing professional office use. These applications were originally scheduled for the June 23, 2009 North York Community Council meeting, which was subsequently cancelled due to labour disruption. The applications were subsequently rescheduled for the September 15, 2009 North York Community Council meeting.

In the supplementary staff report dated August 26, 2009 it was recommended that the final report dated June 2, 2009 be withdrawn as the notice required to be posted on the property to indicate the date of the Public Meeting had not been erected. As such, the statutory requirement under the *Planning Act* had not been met.

On November 13, 2009, City Planning staff was notified that the property had been sold with consent for the new owners to continue with the submitted Rezoning and Site Plan Control applications, with the inclusion of an additional permission for a commercial music school.

### **ISSUE BACKGROUND**

#### **Proposal**

The application, as amended, proposes to legalize existing professional office uses and also permit a commercial music school use in an existing two storey structure. Five parking spaces are located at the rear of the site and accessed via a public laneway running along the easterly side of the property.

The existing building contains non-compliant professional office uses on the first and second storey, a portion of which would also be used for a commercial music school. The basement contains kitchen and lounge facilities and storage and utility areas. No additions or alterations to the existing building have

been proposed nor were contemplated in the review of the proposal, which has a total gross floor area of 204 m<sup>2</sup> and a Floor Space Index (FSI) of 0.4.

## Site and Surrounding Area

The subject property is located on the south side of Poyntz Avenue, just west of Yonge Street. A public laneway runs along the easterly length of the site and connects Poyntz Avenue with Johnston Avenue. A single detached two storey building is located on the site, which has a frontage of 16 metres, a depth of 34 metres and a site area of approximately 477 m<sup>2</sup>.

Abutting uses are as follows:

North: A commercial parking lot, that is the subject of a recently approved Official Plan and Zoning By-law Amendment application proposing a comprehensive development of the block bounded by Yonge Street, Poyntz Avenue, Beecroft Road and Bogert Avenue to permit a mixed-use development consisting of 2 residential towers of 39 and 30 storeys respectively and a 3 storey commercial podium, known as Emerald Park (application # 08 178556 NNY 23 OZ);

South: single detached dwellings, in the adjacent residential neighbourhood;

East: a gasoline service station and associated retail uses fronting Yonge Street; and

West: single detached dwellings, within the North York Centre Secondary Plan Area.

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The subject property is designated as *Mixed Use Area B* within the North York Centre Secondary Plan. Permitted uses include commercial, institutional, residential, public parks and recreational uses, and transit terminals. The total of all residential uses on a site in a *Mixed Use Area B* will not exceed 50 per cent of the maximum permitted gross floor area on the site or portion of the site designated *Mixed Use Area B*.

The site is on the boundary of the Secondary Plan, which permits a Floor Space Index (FSI) of 1.5 and a height limit of the lesser of 11 metres or 3 stories.

## Zoning

The subject property is zoned One-Family Detached Dwelling Fourth Density Zone (R4) which permits single detached dwellings and accessory uses.

## **Site Plan Control**

A Site Plan Control Application (08 118229 NNY 23 SA) was submitted concurrently with the rezoning application.

## **Reasons for Application**

The R4 zoning does not permit the existing professional office or commercial music school uses on the subject property.

## **Community Consultation**

A community consultation meeting was held on September 17, 2008 to discuss the proposal as originally submitted. Concerns expressed by attendees and from written submissions and verbal discussions with neighbours include minimizing traffic congestion, implementing appropriate landscape buffering, restricting over-parking on the site and the removal of encroachments onto neighbouring properties.

These concerns have been addressed as conditions of Draft Site Plan Approval (Attachment 7). The new owner has also proceeded to address the landscape buffering and encroachment issues.

## **Agency Circulation**

The application as amended has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

## **COMMENTS**

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

The Provincial Policy Statement includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities and a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The proposed professional office and commercial music school uses located within an existing two storey building and having an FSI of 0.4 complies with the land use and density policies of the North York Centre Secondary Plan.

### **Traffic Impact, Access and Parking**

When originally submitted, the proposal indicated a total of nine parking spaces, accessed via the public laneway, that were to be located at the rear of the site. Through the course of the application’s review, public consultation and on-site observations it was determined the existing on-site parking was creating a congested and unsightly situation on the property.

The originally proposed nine parking spaces were in excess of the number of spaces required by the By-law for professional office uses on this site. The amended application to also permit a commercial music school was re-evaluated by Transportation Services. Given that the existing building has a modest gross floor area of 204 m<sup>2</sup> for professional office and/or commercial music school use, and the property's proximity to the Yonge-Sheppard subway, the reduction in on-site parking to five parking spaces is sufficient.

Modifications to the proposed parking layout also provide for an improved driveway connecting to the laneway. This provides for improved vehicular access and egress and minimizes traffic conflict at the site. Parking of vehicles that presently takes place along the side and at the front of the building will no longer be possible.

### **Streetscape/Landscaping**

The revision to the proposed parking layout, as discussed above, also provides an opportunity for enhanced landscaping on site and an improved street and lane relationship for the existing building. A reduction in the number of parking spaces and modifications to the parking access permits a significant improvement to the landscaping of the property.

A two metre landscape strip, sufficient for the planting of additional trees, has been provided along the western edge of the parking area, where it abuts an existing residential property. A 1 metre landscape strip is located at the southern limit of the site to buffer the existing residential uses to the south, and new landscape features and curbing will also abut the laneway and clearly define the driveway access. A privacy fence has been provided along the west and south property lines.

More significantly, existing hard surfaces at the east and north side of the property will be removed and replaced with sod and other soft landscaping. This will prevent the unsightly and haphazard parking of vehicles that has taken place in the past.

An improved walkway along the east side of the property will also provide pedestrian access from the rear parking area to the building and to the fenced storage enclosure for waste and recycling.

### **Encroachments**

Through the review of the original application it was discovered that encroachments exist on both public and private property. As noted, the site plan indicates the existing planter boxes which encroach on the Poyntz Avenue right-of-way will be removed. Fence and landscaping encroachments on the neighbouring residential property to the west have been corrected by the new owner.

### **Servicing**

The proposed professional office and commercial music school use will be provided with private waste and recycling pick-up.

### **Open Space/Parkland**

#### **Applicability of Parkland Dedication**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57-2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current

provision of parkland. The site is not in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application to legalize the existing professional office and commercial music school use in the existing structure does not propose any new construction or additions to the structure. As such the application is not subject to parks levy. However, any future addition/expansion of the building will be subject to parkland dedication requirements.

### **Toronto Green Standard**

Given that the applicant is not proposing any additions or alterations to the existing building, few opportunities exist to incorporate the Toronto Green Standard in building design. However, the redesign of the parking area provided a significant opportunity to increase the landscape area, and reduce the amount of on-site impermeable pavement.

### **Development Charges**

As the proposal does not include any new additions or alterations to the existing building, development charges are not applicable.

### **CONTACT**

Ben DiRaimo, Planner  
Tel. No. (416) 395-7119  
Fax No. (416) 395-7155  
E-mail: bdiraimo@toronto.ca

### **SIGNATURE**

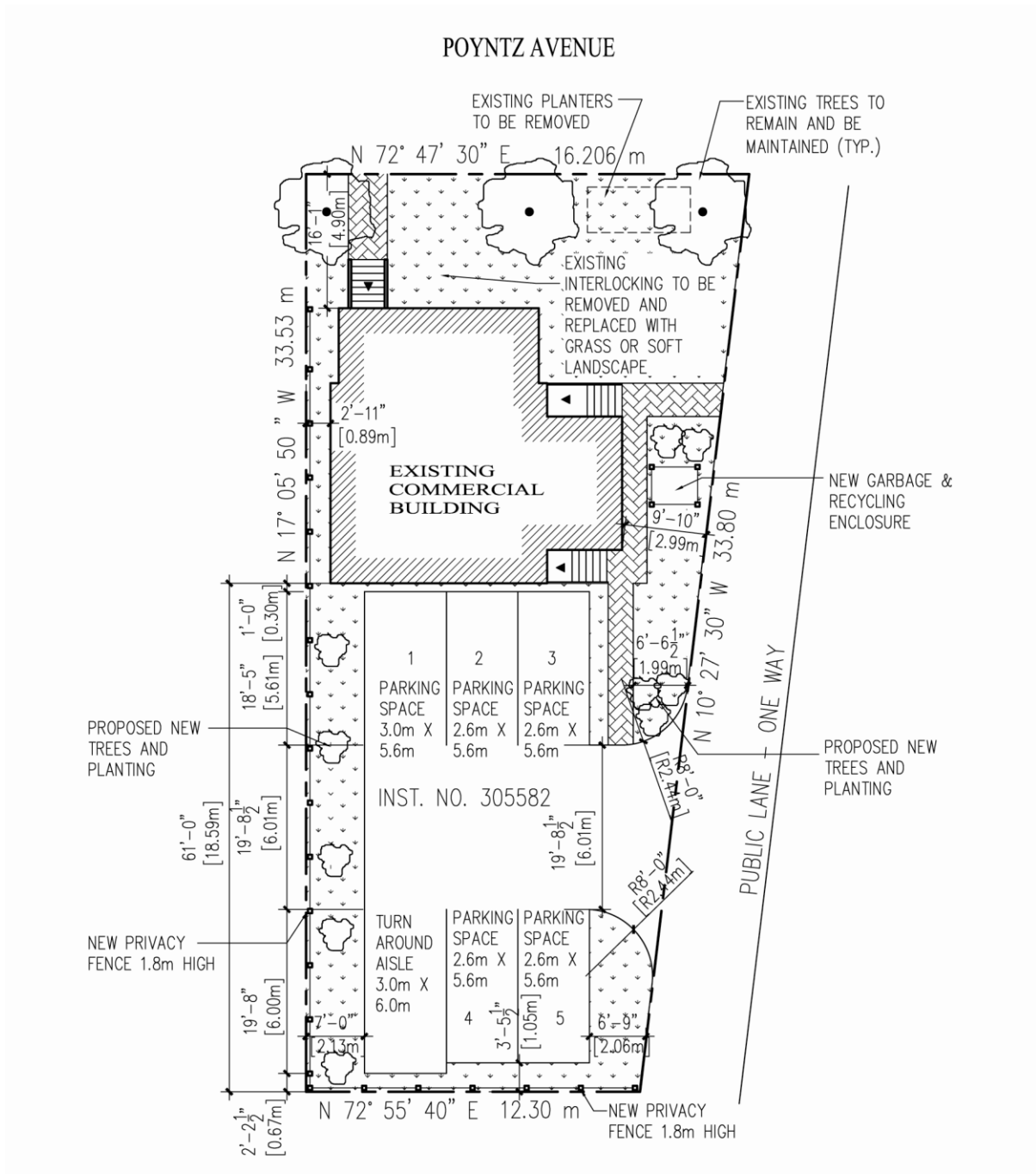
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Thomas C. Keefe, Director  
Community Planning, North York District

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: South and North Elevations  
Attachment 3: East and West Elevations  
Attachment 4: Zoning  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment  
Attachment 7: Draft Conditions of Site Plan Approval

Attachment 1: Site Plan



Site Plan

15 Poyntz Avenue

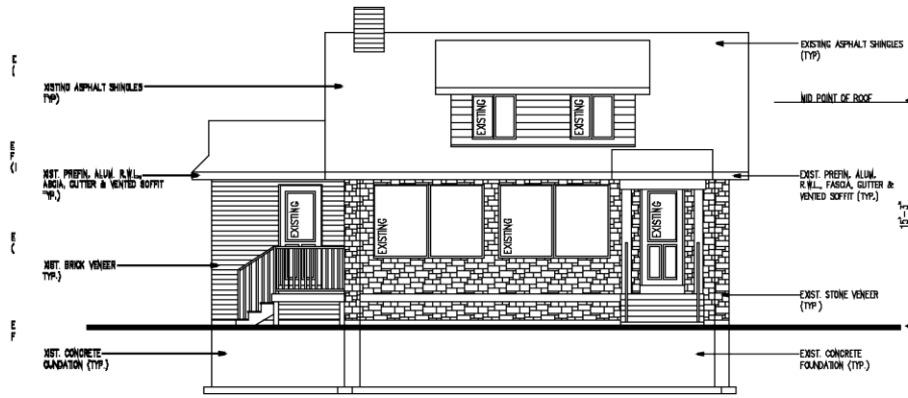
Applicant's Submitted Drawing

Not to Scale  
05/28/2009

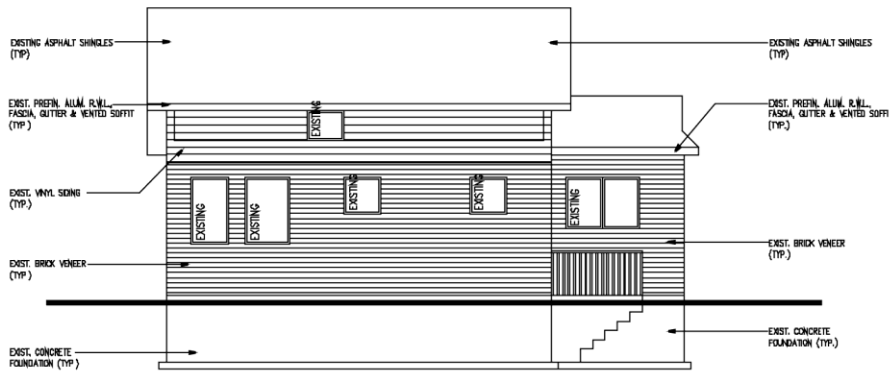


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## Attachment 2: South and North Elevations



(1) PROPOSED FRONT ELEVATION  
A-B 3/16"=1'-0"



(1) PROPOSED REAR ELEVATION  
A-B 3/16"=1'-0"

### Elevations

Applicant's Submitted Drawing

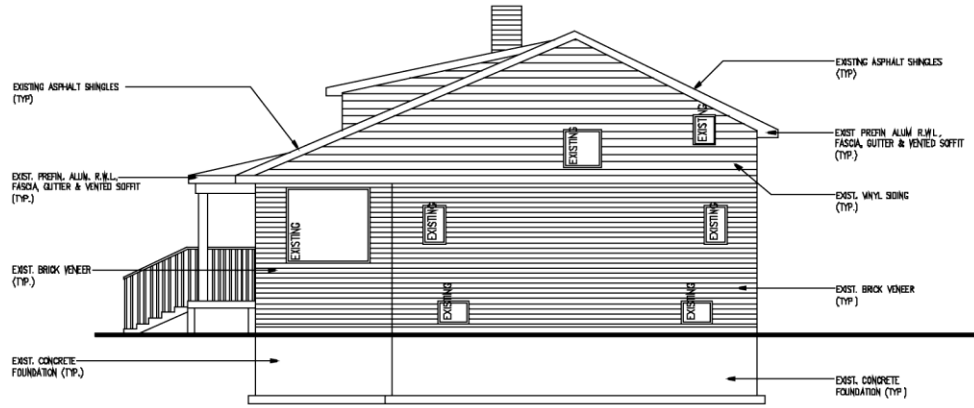
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15 Poyntz Avenue

File # 08\_118225\_e1



### Attachment 3: East and West Elevations



1 PROPOSED RIGHT ELEVATION  
3/16"=1'-0"



2 PROPOSED LEFT ELEVATION  
3/16"=1'-0"

## Elevations

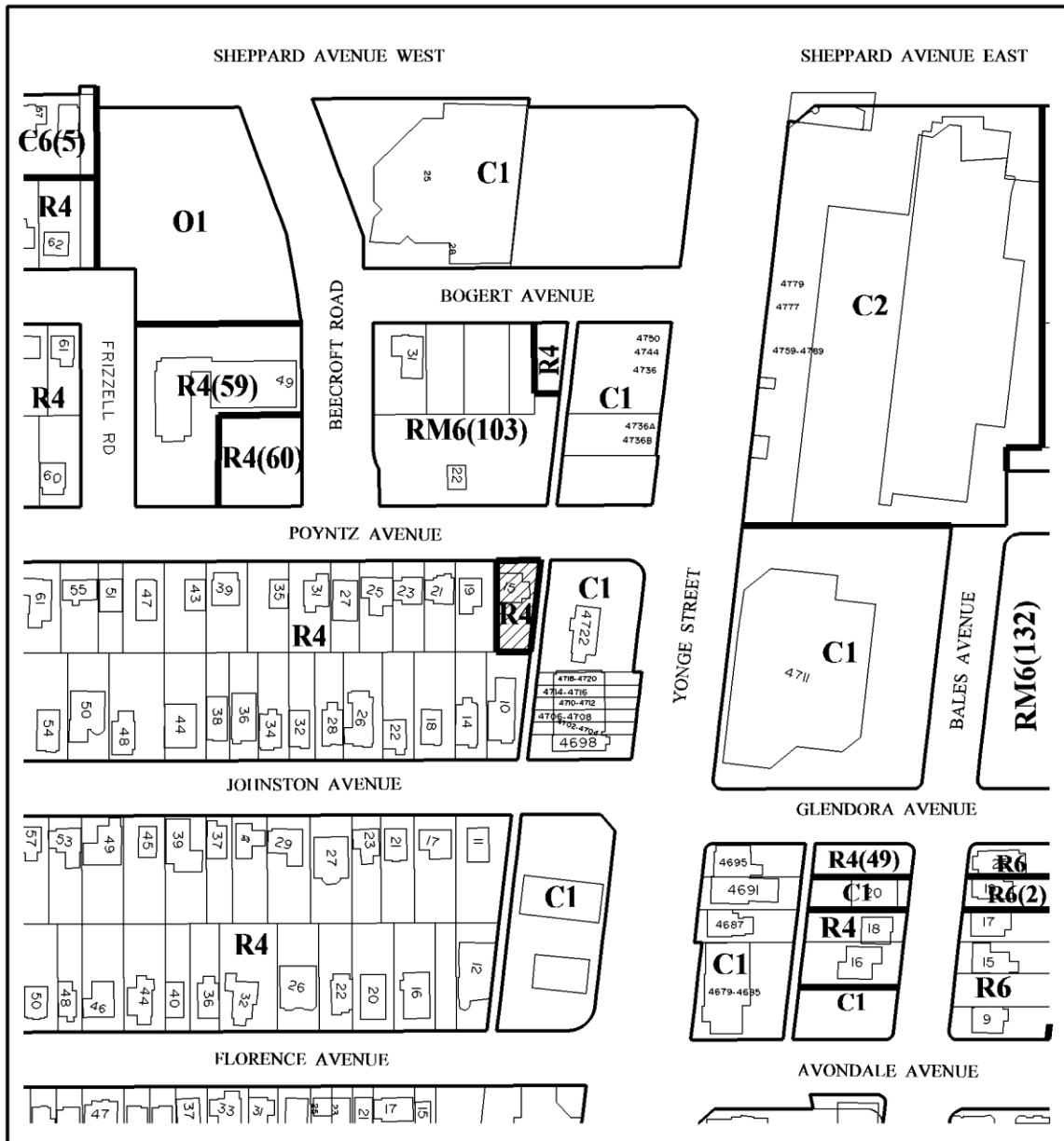
Applicant's Submitted Drawing

Not to Scale  
05/08/2008

15 Poyntz Avenue

File # 08\_118225\_e2

## Attachment 4: Zoning



**Toronto** City Planning  
**Zoning**

**15 Poyntz Avenue**  
 File # 08\_118225

R4 One-Family Detached Dwelling Fourth Density Zone  
 R6 One-Family Detached Dwelling Sixth Density Zone  
 RM6 Multiple-Family Dwellings Sixth Density Zone  
 O1 Open Space Zone  
 NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone  
 C2 Local Shopping Centre Zone  
 C6 Special Commercial Area Zone



Not to Scale  
 Zoning By-law 7625  
 Extracted 05/07/2008

## Attachment 5: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 118225 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	March 11, 2008

Municipal Address: 15 POYNTZ AVENUE  
 Location Description: PLAN 1743 LOT 607 \*\*GRID N2305  
 Project Description: Proposed legalization of a professional office and commercial music school use in an existing 2-storey dwelling with 5 parking spaces at rear. No new construction or additions proposed.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GIANNI REGINA			Yu-Ko Cheng

#### PLANNING CONTROLS

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

#### PROJECT INFORMATION

Site Area (sq. m):	476.97	Height:	Storeys:	2	
Frontage (m):	16.21		Metres:	4.6	
Depth (m):	33.55				
Total Ground Floor Area (sq. m):	91.46				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	5	
Total Non-Residential GFA (sq. m):	203.87		Loading Docks	0	
Total GFA (sq. m):	203.87				
Lot Coverage Ratio (%):	19.2				
Floor Space Index:	0.43				

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	203.87	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Ben DiRaimo, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7119</b>

## **Attachment 6: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010  
Enacted by Council: ~, 2010

### **CITY OF TORONTO**

**Bill No. ~**

### **BY-LAW No. ~-2010**

#### **To amend former City of North York Zoning By-law No. 7625, as amended, With respect to the lands municipally known as 15 Poyntz Avenue**

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 HEREBY ENACTS as follows:

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 No. 7625, as amended, is amended by adding the following subsection:

**“64.13 (86) R4 (86)**

#### **PERMITTED USES**

- (a) In addition to the uses permitted in the R4 Zone, professional office and accessory uses and a commercial music school are also permitted within the building existing on the site on or before the date of enactment of this exception.
- (b) For professional office or commercial music school uses, the maximum gross floor area shall be 204 m<sup>2</sup>.

## **EXCEPTION REGULATIONS**

### **LOT AREA**

- (c) Minimum lot area of 550 m<sup>2</sup> shall not apply.

### **YARD SETBACKS**

- (d) The minimum yard setbacks shall be maintained as shown on Schedule “R4 (86)”.
- (e) An existing front porch and steps are permitted as shown on Schedule “R4 (86)”.

### **LANDSCAPING**

- (f) Landscaping and an enclosed waste and recycling storage area shall be maintained as shown on Schedule “R4 (86)”.
- (g) A 1.8 metre privacy fence shall be provided along the western and southern property lines as shown on Schedule “R4 (86)”.

### **PARKING**

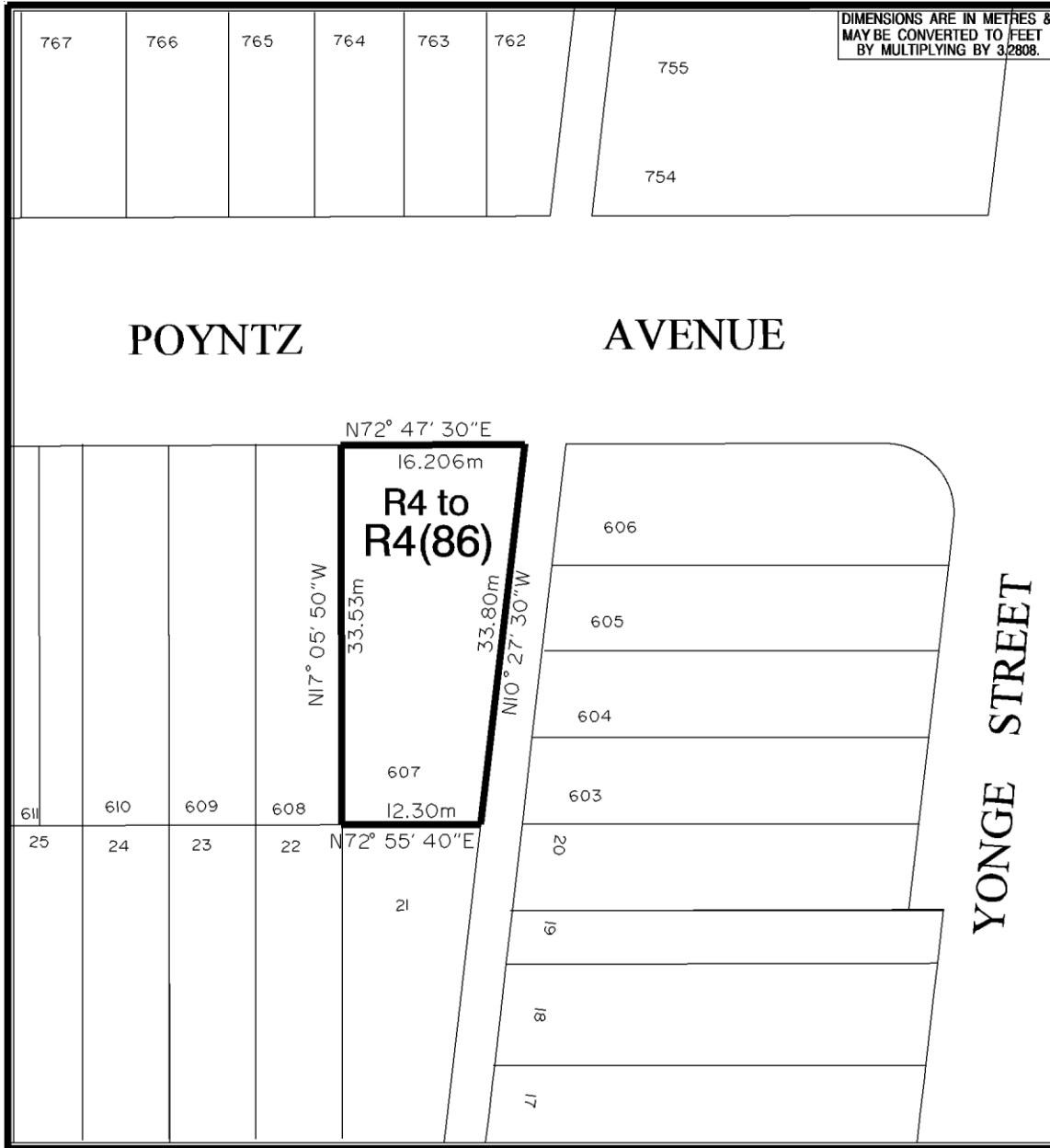
- (h) A maximum of 5 parking spaces shall be located at the rear of the property.
- 3.** Within the lands shown on Schedule “R4(86)” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and 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 64.13 of By-law No. 7625, is amended by adding Schedule “R4 (86)”.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



**This is Schedule " 1 " to By-Law \_\_\_\_\_**  
**passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_**

(Sgd.) \_\_\_\_\_ (Sgd.) \_\_\_\_\_  
**CLERK MAYOR**

**Location: Lot 607 Registered Plan 1743 City Of Toronto**

**File No. 08 118225 Prepared by: F.C. Approved by: B.D. Date: May 27, 2009 Filename: R4(86)**

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.  
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



## **Attachment 7: Draft Conditions of Site Plan Approval**

1. **Site Plan (A1)**, prepared by Cityscape Design Innovation Inc., revised May 15, 2009 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
2. **Basement Plan (A2)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
3. **First Floor Plan (A3)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
4. **Second Floor Plan (A4)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
5. **Front Elevation (A5)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
6. **Rear Elevation (A6)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre;
7. **Right Elevation (A7)**, prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre, and
8. **Left Elevation (A8)** prepared by Cityscape Design Innovation Inc., dated January 2008 and stamped received **May 10, 2010**, City of Toronto Planning, North York Civic Centre.

### **A. PRE-APPROVAL CONDITIONS**

#### **TECHNICAL SERVICES – Wayne Browne, Senior Development Engineer, 416-395-6255**

1. As per the amendment to Zoning By-law 7625 passed by City Council on May 25, 2007, the minimum dimensions for a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space, shall be: 5.6 metres long, 2.6 metres wide, and 2.0 metres high, except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space which is obstructed. In the case of a parking space accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, the minimum dimensions for a parking space shall be: 5.6 metres long, 3.0 metres wide, and 2.0 metres high, except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed. For the purposes of this by-law, the side of a parking space is obstructed when any part of a fixed object is situated (a) within 0.3



- metres of the side of the parking space, measured at right angles, and (b) more than 1.0 metres from the front or rear of the parking space.
2. The width of the drive aisle between the building and the street must be increased to a minimum of 6.0 metres. It is recommended that the southerly parking space (Number 4) be removed to allow for a 6.0m drive aisle and to meet Zoning By-law 7625. In addition, a turnaround area for parking space number one (of approximately 3.0 metres) must be maintained south of the 6.0 metre drive aisle. This must be identified clearly on the revised site plans.
  3. We require that all driveway widths (minimum of 6.0m) and curb radii (4.0m maximum) be clearly shown on the revised plans.
  4. Show necessary proposed and existing grades around the perimeter of the property to ensure stormwater and snowmelt from the site do not affect adjacent properties.

**URBAN FORESTRY TREE PROTECTION & PLAN REVIEW – Bruce Gordon,  
416-395-6686**

1. There are three (3) City trees all in poor condition. The applicant will not be required to submit tree security guarantee, as these trees are in poor condition. Urban Forestry will have the trees schedule for removal for sometime within the near future. Urban Forestry requires that the applicant submit a certified cheque paid to the City of Toronto, Treasurer in the amount of **\$1,749.00** for the planting of three (3) new trees which the City will plant as replacement trees once the existing trees have been removed. Please contact Bruce Gordon of Urban Forestry at 416-395-6686 or by email at [bgordon@toronto.ca](mailto:bgordon@toronto.ca) if you require additional information.

**CITY PLANNING – Ben DiRaimo, Planner, 416-395-7119**

1. The owner shall remove all encroachments on public and private lands as per the approved site plan.
2. The owner shall install a 1.8 metre privacy fence along the western and southern boundary lines, as per the approved site plan.
3. The owner shall remove existing paving and hard surfaces at the north and easterly portions of the site and install sod or soft landscaping, and new driveway curbing as per the approved site plan.
4. The owner shall provide a plant species list and landscape cost estimate which will include all plantings and landscaping, and provide a Letter of Credit to insure their installation.

## **B. POST APPROVAL CONDITIONS**

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

### **TECHNICAL SERVICES – Wayne Browne, P.Eng., Senior Development Engineer, 416-395-6255**

1. In accordance with Zoning By-Law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone and all existing redundant driveways must be removed and filled with appropriate landscaping.
2. All existing redundant curb cuts must be closed and restored to the satisfaction of the Executive Director of Technical Services.
3. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services.
4. Snow must be stored on site such that the driving aisle widths are not reduced and vehicular sightlines are not affected. Snow which cannot be adequately stored on site must be cleared and removed from the site by the owner/building management after each snowfall.
5. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies.
6. All above noted conditions must be met to the satisfaction of the Executive Director of Technical Services at no cost to the City of Toronto.

### **CITY PLANNING, Ben DiRaimo, Planner, 416-395-7119**

1. Provide and maintain the landscaping for the lands in accordance with the approved site/landscape plan to the satisfaction of the Director of Community Planning.