



Report to: Development Services Committee

Meeting Date: February 22, 2021

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**SUBJECT:**

**RECOMMENDATION REPORT**

10-20 Fincham Inc. Proposed Official Plan and Zoning By-law Amendment applications to permit seven townhouses and ten semi-detached dwelling units at 10 and 20 Fincham Avenue (Southeast corner of 16th Avenue and Fincham Avenue) (Ward 4) File No. 18 108216 ZA/OP

**PREPARED BY:**

Aqsa Malik, Planner I, East District Ext. 2230

**REVIEWED BY:**

Stacia Muradali , R.P.P., Manager, East District, ext. 2008

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**RECOMMENDATION:**

- 1) THAT the report dated February 22, 2021 titled “RECOMMENDATION REPORT, 10-20 Fincham Inc. Proposed Official Plan and Zoning By-law Amendment applications to permit seven townhouses and ten semi-detached dwelling units at 10 and 20 Fincham Avenue (Southeast corner of 16th Avenue and Fincham Avenue) (Ward 4) File No. 18 108216 ZA/OP”, be received;
- 2) THAT the Official Plan Amendment application (File No. 18 108216 OP) submitted by 10-20 Fincham Inc. be approved and the draft Official Plan Amendment, attached as Appendix ‘A’, be finalized and brought forward to a future Council meeting to be adopted without further notice;
- 3) THAT the Zoning By-law Amendment application (File No. 18 108216 ZA) submitted by 10-20 Fincham Inc. to amend By-law 163-78, as amended and 61-92, be approved and the draft Zoning By-law Amendment, attached as Appendix ‘B’, be finalized and brought forward to a future Council meeting to be enacted without further notice;
- 4) That Council permit applications for minor variances within two (2) years of the proposed amending by-law coming into force, attached as Appendix ‘B’, in accordance with Section 45 (1.4) of the Planning Act;
- 5) THAT Council grant servicing allocation for up to 17 residential units for the proposed development;
- 6) THAT the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and
- 7) THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

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## **EXECUTIVE SUMMARY**

This report recommends approval of the Official Plan Amendment and Zoning By-law amendment applications submitted by 10-20 Fincham Inc (the ‘Applicant’) to facilitate the development of 7 townhouse dwelling units and 10 semi-detached dwelling units at the southeast corner of 16<sup>th</sup> Avenue and Fincham Avenue municipally known as 10 and 20 Fincham Avenue (See Figures 1, 2 and 3). The conceptual site plan and elevations are shown in Figures 4 and 5.

The Official Plan Amendment seeks to re-designate the subject site from ‘Mixed Use Low Rise’ to ‘Residential Low Rise’ to provide for exclusively residential development, which is not provided for in the ‘Mixed Use Low Rise’ designation in the City’s 2014 Official Plan (partially approved on November 24, 2017 and further updated on April 9, 2018). The Zoning By-law amendment seeks to rezone the subject site from ‘Local Commercial’ (LC) to ‘Residential Two’ (R2) under By-law 1229, as amended, and includes site-specific development standards to facilitate the proposed development. The proposal contemplates removal of the two (2) existing multi-unit commercial buildings

Staff consider the proposal to be an appropriate development that is compatible with the surrounding area context. Staff are of the opinion that the removal of the existing commercial development will not have adverse impacts on the surrounding neighbourhood and that the exclusively residential development is compatible with existing residential developments. The Official Plan Amendment and implementing Zoning By-law amendment is consistent with City policy, Regional and Provincial Policy and therefore Staff recommend approval of the applications.

## **PURPOSE:**

To recommend approval of the Official Plan Amendment and Zoning By-law Amendment applications submitted by 10-20 Fincham Inc. to permit seven (7) townhouse dwelling units and ten (10) semi-detached dwelling units at the southeast corner of Fincham Avenue and 16<sup>th</sup> Avenue.

## **BACKGROUND:**

### **Subject site and area context**

The 0.4 ha (1.0 ac) subject site (10 and 20 Fincham Avenue) is located at the southeast corner of Fincham Avenue and 16<sup>th</sup> Avenue, east of Markham Road (see Figures 1 and 3). The subject property contains two one-story multi-tenant commercial buildings. Vehicular access is via driveways onto 16<sup>th</sup> Avenue and Fincham Avenue. Access to 16<sup>th</sup> Avenue is limited to right-in and right-out movements. Redevelopment of the site will result in the removal of the existing multi-unit commercial buildings on the property. There is a pedestrian connection at the southeast corner of the site, which connects to Bryant Road. There is an existing landscape strip of approximately 3 m (9.84 ft) abutting the existing residential properties to the south and east and a minimum setback of 15 m (50 ft) from the east property line for the building fronting 16<sup>th</sup> Avenue within the commercial plaza.

The south side of 16<sup>th</sup> Avenue consists of a stable established low-density residential development comprised primarily of single detached dwellings. Brother Andre Catholic High School is on the north side of 16<sup>th</sup> Avenue across from the subject land. There is also a stormwater management pond and recently approved townhouse development fronting onto 16<sup>th</sup> Avenue to the east of

Brother Andre Catholic High School. Mount Joy Community Centre and Mount Joy Lake are located to the west of the high school as well as commercial development along Markham Road.

**Process To Date:**

October 23, 2018: Staff deemed the applications for Official Plan Amendment and Zoning By-law Amendment complete

February 25, 2019: DSC received the Preliminary Report

February 28, 2019: the Local Ward Council held the Community Information Meeting

March 5, 2019: the City held the statutory Public Meeting

**If Committee chooses to support the Applications, the planning process will include the following next steps:**

- Site-specific Official Plan Amendment adoption and Zoning By-Law Amendment enactment by Council;
- Applications for Draft Plan of Subdivision, Part Lot Control, and Site Plan Control; and
- Application for Condominium to establish the common element condominium.

**Proposal:**

10-20 Fincham Inc. is proposing a residential development consisting of 15 units comprised of seven (7) townhouse dwelling units that will front onto 16<sup>th</sup> Avenue and eight (8) semi-detached dwellings that will abut the existing residential dwellings to the south (Figure 4). The proposed development will be served by a private driveway with access on Fincham Avenue and 16<sup>th</sup> Avenue. In addition to the 15 units, the applicant is also proposing two (2) freehold semi-detached dwelling units, which will front onto Fincham Avenue with independent driveways on Fincham Avenue.

The interior of the development is proposed to be accessed by a private driveway. Townhouse dwellings are proposed to be developed with gross floor areas ranging from approximately 200.30 m<sup>2</sup> (2,156.01 ft<sup>2</sup>) to 214.70 m<sup>2</sup> (2,311 ft<sup>2</sup>), heights of approximately 10.72 m (35.17 ft) and unit widths of approximately 5.5 m (18.04 ft) (Figure 5). The semi-detached dwellings fronting on the private driveway are proposed with gross floor areas ranging from 203.64 m<sup>2</sup> (2,192 ft<sup>2</sup>) to 207.36 m<sup>2</sup> (2,232 ft<sup>2</sup>), heights of approximately 10.51 m (34.46 ft), and unit widths of approximately 5.38 m (17.65 ft) (Figure 5). The proposed semi-detached dwellings fronting Fincham Avenue will be developed with a gross floor area of 207.36 m<sup>2</sup> (2,232 ft<sup>2</sup>), and a height of 10.33 m (33.9 ft). Generally, the townhouse and semi-detached dwelling units will be three storeys with outdoor amenity space provided by rear yards and balconies for semi-detached dwelling units and balconies for townhouses. The proposed dwelling units will each have one parking space on the driveway and one in the garage. The common-element condominium will provide four (4) visitor parking spaces, designated space for snow storage along the east property line and, will maintain the boulevard space along 16<sup>th</sup> Avenue and Fincham in front of this development.

**Proposal complies with Provincial and Regional Planning Policies**

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development, and promotes growth in settlement areas away from significant or sensitive resources. The Provincial Growth Plan for the Greater Golden

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Horseshoe, 2019 (the “Growth Plan”) outlines Provincial policies for managing and directing where and how growth should occur within the Greater Golden Horseshoe to the year 2041.

Staff are of the opinion that the Proposed Development conforms to the PPS and the Growth Plan as it is a compact urban form located in the City of Markham built boundary, provides for intensification and diversity to the overall housing stock.

The subject lands are designated ‘Urban Area’ in the Region of York Official Plan, 2010 which permits residential, commercial, industrial and institutional uses. The proposed lands uses conform to the Region of York Official Plan 2010.

### **The City’s 2014 Official Plan**

The subject lands are designated ‘Mixed Use Low Rise’ in the 2014 Official Plan (partially approved on November 24, 2017 and further updated on April 9, 2018 ) (the “City’s 2014 Official Plan”). This designation provides for a range of commercial and residential uses, within small scale non-residential or mixed use buildings not exceeding 3-storeys in height. The Official Plan does not provide for exclusively residential uses as proposed on the subject land. The proposed Official Plan Amendment (the “OPA”) attached as Appendix ‘A’ will redesignate the subject land from “Mixed Use Low Rise” to “Residential Low Rise” to allow the proposed residential development.

Residential development within established neighbourhoods are to comply with the Infill Development Criteria policies of the 2014 Official Plan, to ensure that new development is compatible with existing development. This matter is addressed later in this report.

### **Zoning**

The subject lands are zoned Local Commercial (LC) in By-Law 163-78, as amended and 6-9 which permits a range of commercial, retail and service uses. The current Zoning By-Law does not permit the proposed residential development. A Zoning By-Law Amendment is required to rezone the subject lands to Residential Two (R2) zone in By-Law 177-96, as amended, to permit exclusively residential uses. The site-specific by-law amendment attached as Appendix ‘B’ will also include site-specific development standards to implement the proposed residential uses and built form. The proposed development complies with the maximum permitted height and minimum parking requirements of By-law 28-97.

### **Community Information and Statutory Public Meetings**

A Community Information Meeting arranged through the local Ward Councillor’s office was held on February 28, 2019 and approximately 60 residents attended. The statutory Public Meeting was held on March 5, 2019. Four (4) written submissions were received regarding the proposal and eight (8) members of the public made deputations about the proposed development. Comments made by residents at both meetings are summarized below. The Options/Discussion subsection of this report addresses how these comments have been addressed or considered.

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**Community Information and Statutory Public Meeting Comments**

- Concerns with the compatibility of the proposed development as it relates to the proposed three-storey height and the proposed townhouses and semi-detached dwellings;
- Concerns with the number of units and density of proposed development;
- Concerns with traffic congestion and safety on Fincham and 16<sup>th</sup> Avenue;
- Concerns with the availability of sufficient visitor parking;
- Concerns with the loss of commercial development ; and
- Concerns about the walkway from 16<sup>th</sup> Avenue to Bryant Road.

**OPTIONS/DISCUSSION:****The proposal complies with the Official Plan's infill compatibility requirements**

The proposed Official Plan amendment will redesignate the subject land from "Mixed Use Low Rise" to "Residential Low Rise" to allow exclusively residential development on the subject land. Under the "Residential Low Rise" designation, the City's 2014 Official Plan provides for building types including detached dwellings, semi-detached dwellings and townhouse dwellings with a building height of up to a maximum of three (3) storeys. Residential development within established neighbourhoods are to comply with the Infill Development Criteria policies of the 2014 Official Plan.

The proposed development is compatible with the surrounding area and provides for rear yard setbacks of 7 m (23 ft) to the existing homes to the south, which is acceptable. Staff will ensure through a future site plan application for the proposed development that additional on-site landscaping and tree planting is provided to enhance the buffering between the proposed homes with surrounding development. The proposed townhouses and semi-detached dwellings are provided for in the Official Plan as well as the three (3) storey maximum heights. The proposed development provides for reduced setbacks, which are appropriate for the subject site. The proposed development conforms to policies, which limit the heights of townhouses and semi-detached dwellings to three (3) stories. The proposed development is respectful of existing development and does not impact the street network within the established neighbourhood. The proposed semi-detached dwellings on Fincham Avenue provide an appropriate transition between the proposed townhouses fronting 16<sup>th</sup> Avenue and the established neighbourhood to the south of the proposed development.

**Density and number of units**

Some members of Council and neighbouring residents expressed concerns with the number of units and density of the proposed development. While Staff are of the opinion that the proposed development is compatible with the existing neighbourhood, opportunities to reduce the number of units have been explored with the applicant and the applicant has proposed no reduction to the number of units.

**Loss of Commercial Development is not significant**

The removal of the commercial/retail uses currently on the subject property will not have an adverse impact upon the ability of the local residents to access commercial/retail opportunities. The local neighbourhood is in close proximity to a range of commercial developments along Markham Road that serve the needs of the local community. The applicant submitted a

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Commercial/Retail Assessment Study, which evaluated the current and potential future retail market conditions and concluded no major impact is anticipated from the removal of the commercial space from a community amenity perspective.

**Traffic impacts will be minimal**

The applicant submitted a Transportation Study, which concluded that the traffic generated by the proposed development would have minimal impacts on the existing road network. The study has been reviewed by both Region of York and the City's Transportation staff who have expressed no objections to the consultant's conclusion. To facilitate traffic flows in the area, Transportation staff have collaborated with the Region to establish a signal-timing plan at the Fincham Avenue and 16<sup>th</sup> Avenue intersection for the morning and afternoon school peak period. The plan provides additional time for traffic moving north bound to complete the left and/or right turns at the 16<sup>th</sup> Avenue and Fincham Avenue intersection. This plan has been in effect since April 4, 2019. No requirements for additional measures have been identified by Transportation staff.

**Resident and visitor parking supply meets By-law requirements**

Sufficient parking is provided in accordance with the City's Parking Standards By-law 28-97. The proposed dwellings provide for two parking spaces per unit (one internal and one external). While the proposal provides the required number of parking spaces including visitor parking spaces (4) the applicant has requested a reduction in the width of visitor parking spaces from 2.75 m (9.02 ft) to 2.60 m (8.53 ft). The visitor spaces are located as layby spaces along the side of the internal driveway. The reduced visitor parking space widths would still allow vehicles to safely move in and out of the site. Transportation staff has no concerns with the proposed reduction of parking space widths.

**Walkway between 16<sup>th</sup> Avenue to Bryant Road**

The 2014 Official Plan encourages enhancement of the pedestrian experience and access to transit services. There is an existing pedestrian connection at the southeast corner of the plaza, which provides access from Bryant Road to the existing plaza. Staff will explore the opportunity to secure a full conveyance of a pedestrian connection from Bryant Road to 16<sup>th</sup> Avenue through a future subdivision or site plan approval process. As future minor variances may be needed to accommodate a walkway block Staff have included a resolution permitting minor variances within two (2) years of the approval of the Zoning By-law. If the pedestrian walkway is not conveyed, then Staff will work with the applicant to increase the widths of the semi-detached dwellings or to enhance the relationship between the proposed semi-detached dwellings and the adjacent existing homes.

**The proposed Zoning By-law amendment is appropriate**

The proposed development and development standards are appropriate and compatible with existing development.

*Height*

The proposed 3-storey townhouses on 16<sup>th</sup> Avenue will have a maximum height of 11 m (36 ft) which is consistent with other recently developed townhouse development fronting onto 16<sup>th</sup> Avenue on the north side of 16<sup>th</sup> Avenue. An amendment to the Zoning By-law is required to permit the additional height.

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The proposed semi-detached dwellings will have a maximum height of 10.7 m (35.1 ft) which is consistent with the maximum permitted height of 10.7 m (35.1 ft) in zoning by-law 163-78, as amended, which applies to the abutting houses.

*Setbacks to the existing homes*

The semi-detached dwellings internal to the proposed development will have 7 m (23 ft) rear yards which will provide adequate setbacks and buffers to the existing homes to the south. The 2.5 m (8.2 ft) setback to the existing home to the east also provides sufficient buffering. There will be a 1.2 m (4 ft) side yard setback from the proposed semi-detached dwellings fronting onto Fincham Avenue and the existing home to the south, which is consistent with the 1.2 m (4 ft) side yard setbacks on the street.

*Built form on Fincham Avenue*

Two (2) free hold semi-detached dwellings units will have a combined width of approximately 10.76 m (35.3 ft) which is similar to the widths of the adjacent homes on Fincham Ave which have dwelling widths of approximately 9.5 m (31.16 ft) to 11.41 m (37.43 ft). The proposed semi-detached dwellings on Fincham Avenue will also visually appear to be similar to the single detached dwellings on Fincham Avenue with similar massing.

Holding Provision

The existing plaza is located on two existing plans of subdivision (M-1908 & Plan 65M-2436). The registration of a new plan of subdivision is required to allow the two properties to merge into a single plan of subdivision. A Hold (H) provision is included in the draft Zoning By-law Amendment requiring registration of a new plan of subdivision before the Hold provision can be lifted to ensure that the properties merge and that zoning standards regarding building setbacks can be satisfied.

Snow storage is sufficient

Snow removal will be the responsibility of a future condominium corporation. The conceptual site plan shows adequate areas for the temporary storage of snow onsite, including an approximately 3 m (9.84 ft) wide landscaped area on the east side of the private driveway and on both sides of the private driveways on each lot.

**CONCLUSION:**

Based on the discussion above, Planning staff recommend approval of the Official Plan and Zoning By-law amendments attached as Appendix 'A' and Appendix 'B' to permit the proposed residential development comprised of townhouses and semi-detached dwellings.

**FINANCIAL CONSIDERATIONS**

Not Applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable.

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**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The proposal has been reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This application was circulated to various departments within the City and applicable agencies and their comments have been taken into consideration in this report.

**RECOMMENDED BY:**

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Biju Karumanchery, M.C.I.P., R.P.P.  
Director, Planning and Urban Design

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Arvin Prasad, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Area Context/Zoning  
Figure 3 – Aerial Photo  
Figure 4 – Conceptual Site Plan  
Figure 5 – Conceptual Elevations Blocks 1-3

Appendix A – Proposed Official Plan Amendment  
Appendix B – Proposed Zoning By-law Amendment

**AGENT CONTACT INFORMATION:**

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