

# 4620 Finch Avenue East – Zoning Amendment – Final Report

Date: August 24, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 23 - Scarborough North

**Planning Application Number:** 19 243786 ESC 23 OZ

## SUMMARY

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This application proposes to amend the Zoning By-law to permit the development of a student residence building at the rear of an existing private school site at 4620 Finch Avenue East.

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 (2019). It conforms with relevant provisions of the Toronto Official Plan.

The proposed use is provided for on lands designated *Institutional Areas* and compatible with the adjacent land uses. The development is appropriately integrated with the existing buildings and fits within the area context. It improves the site condition adjacent to the natural feature to the north of the site resulting in no adverse impacts. The new building will provide additional amenity to the existing private school by providing student study space, improves site circulation and removes a number of vehicle trips from the area road network by housing students on campus.

This report reviews and recommends approval of the application to amend the Zoning By-law.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 12797, as amended, for the lands at 4620 Finch Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 4620 Finch Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to:

a. Submit a revised Site Servicing and Stormwater Management report which demonstrates the watermain has adequate pressure and flows to meet the domestic water and fire flow demand and that sanitary sewers have adequate capacity up to the trunk with the level of flow as per City Standards for the proposed development, to the satisfaction of the Chief Engineer and Executive Director of Engineering Construction Services; and

b. Submit to the Chief Engineer and Executive Director of Engineering and Construction Services and Toronto Water for review and acceptance, a revised Foundation Drainage Report and any associated letters related to groundwater discharge to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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A number of pre-application meetings were held with the applicant in the fall of 2018 and spring of 2019 to discuss the proposal, complete application submission requirements, and identify preliminary issues with the proposal.

The current application was submitted on October 31, 2019 and deemed complete on December 11, 2019. A Preliminary Report on the application was adopted by Scarborough Community Council on February 5, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of Community Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC13.6>

## **PROPOSAL**

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The proposed 10-storey student residence building is situated to the rear of a rectangular shaped lot containing an existing private school situated in the centre of the site at 4620 Finch Avenue East. The proposed building would accommodate 225 rooms and will have a gross floor area of 9,705 square metres. The retained private school has a gross floor area of 6,304 square metres. The proposed development of the subject

property results in an overall floor space index (FSI) of 1.61. The proposed residence building is connected to the existing private school building through an enclosed 1 storey link on the west side and a cafeteria on the east. The proposed building is 32 metres in height plus a 5 metre mechanical penthouse. The proposed 225 rooms consist of 108 one-bedroom suites, 108 two-bedroom suites, and 9 three-bedroom suites. Each suite have individual washrooms and only 2 of the rooms will have kitchenettes.

Ancillary uses proposed on the ground floor support the student residence function and include a cafeteria and server, lounge and game rooms, fitness rooms, laundry rooms, study space, VR room and a multipurpose room. The reception area, lounge space, and the storey-link looks out onto a new courtyard between the student residence and the existing school.

There are two existing vehicular accesses from Finch Avenue East to service the site that would be retained by the proposal. Vehicles would enter from the eastern access and exit from the western access along Finch Avenue East. The primary building entrance is at the southwest corner of the proposed student residence where a covered drop-off is provided. This is separate from the primary entrance to the private school which would remain unchanged off Finch Avenue East. A total of 50 surface parking spaces are proposed around the site to serve both the existing school and the proposed student residence. One loading space is proposed to serve the student residence development and is located immediately north of the proposed building in the rear yard.

The residence building is setback approximately 9 metres from the north property line abutting the adjacent woodlot. The building is also setback approximately 9 metres from the east and west property lines.

Additional details for the proposal may also be found in Attachment 1 (Application Data Sheet). Applicant submitted drawings can be found on Attachment 8 (Site Plan), Attachments 9 to 12 (Elevations) and Attachment 13 (Perspective).

## **Site and Surrounding Area**

The subject site is located north of Finch Avenue East and east of Brimley Road in the Agincourt North community (see Attachment 2 - Location Map). The rectangular-shaped site is approximately 2.45 acres (9,900 square metres) in size, has a frontage of 82 metres on Finch Avenue East and slopes slightly up from south to north.

The property currently contains a two storey private school. The existing structure was built originally in 1977 as Charles O. Bick Police College and is comprised of an approximate gross floor area of 6,304 square metres.

The site is surrounded by the following uses:

**North:** Immediately to the north of the site is Brimley Woods Park, a 3.2 hectare park with trails through a retained woodlot. Further north is a residential neighbourhood made up of townhomes.

**East:** The eastern property line abuts the soccer field for Francis Libermann Catholic High school. Further east is a mix of institutional, commercial, and residential uses including the Forest Manor residential neighbourhood with two 20-storey residential buildings, Albert Campbell Collegiate Institute, and the Woodside Square mall. Woodside Square is subject to a Zoning By-law Amendment application for mixed use mixed use intensification for the site to be reviewed in context of a City-initiated Planning Review.

**South:** On the south side of Finch Avenue East, across from the subject site, is a residential neighbourhood with single detached dwellings. The dwellings are interior facing and back onto Finch Avenue East.

**West:** Located west of the site, at the northeast corner of Finch Avenue East and Brimley Road, are two city-owned sites consisting of a building used by the Toronto Police Service and Toronto Fire Station 242. Further west of Brimley Road is a gas station and a residential neighbourhood with semi-detached dwellings and single detached dwellings.

### **Reasons for Application**

An amendment to the Zoning By-law is required to permit the student residence use and establish appropriate performance standards, including, but not limited to, height and maximum gross floor area.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Planning Rationale
- Arborist Report
- Public Consultation Strategy
- Environmental Site Assessment Phase I & II and updates
- Natural Heritage Impact Study
- Transportation Impact Study
- Functional Servicing Report
- Stormwater Management Report
- Hydrogeological Assessment
- Geotechnical Study
- Energy Strategy
- Energy Modeling Report
- Toronto Green Standards (TGS) Checklist
- 3D Massing Model

## **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 and conditions of Site Plan Control approval.

## **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 Scarborough Community for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) 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, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

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 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 that better connect 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 (2019) 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 (2019) 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. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

#### **Chapter 3 - Building a Successful City**

Built Form policies in Section 3.1.2 of the Official Plan require that new development be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties. In addition, new development should incorporate exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development. The objectives of the Plan is achieved through development creating appropriate transitions in scale to neighbouring existing and/or planned buildings and providing for adequate light and privacy. Development should also adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such area and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Housing policies in Section 3.2.1 of the Official Plan support the provision and maintenance of a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods to meet the current and future needs of residents.

The Natural Environment policies in Section 3.4 of the Official Plan provide that in order to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment will be environmentally friendly in a variety of ways, including by addressing environmental stress caused by consumption of natural resources by, amongst other things, reducing energy consumption and greenhouse gas emissions.

Policies also require that a study be completed, where appropriate, to assess a proposed development's impact on the natural environment and propose measures to reduce negative impacts on and where possible, improve, the natural environment.

Innovative energy producing options, sustainable design and construction practices and green industry are also supported and encouraged in new development and building renovation through the use of green roofs, advanced energy conservation and efficiency technologies, like active and passive design measures.

## Chapter 4 - Land Use Designations

The subject lands are designated *Institutional Areas* on Map 19 of the Official Plan, an extract of which is illustrated in Attachment 3. These areas are made up of major educational, health and governmental uses with their ancillary uses, cultural, parks and recreational, religious, commercial and institutional residence facilities.

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

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

## Zoning

The site is zoned Institutional-Public Service Zone (I-PS) in the Agincourt North Community Zoning By-law Number 12797, as amended (See Attachment 4: Existing Agincourt North Zoning By-law Map). This zone permits ambulance depots, fire halls, police stations or associated training facilities, public utilities, and public works yards. The performance standards include minimum setbacks of 36 metres from the centre line of the original road allowance of Finch Avenue East and minimum side and rear yard setbacks are 7.5 metres. Exception number 21 applies to this site requiring the front yard to be used for landscaping only, except that 8 visitor parking spaces and necessary driveways may be permitted.

The site is zoned Institutional (I) in the City of Toronto Zoning By-law 569-2013, as amended (See Attachment 5: Existing Zoning By-law 569-2013 Map). This zone category typically permits uses including art gallery, club, community centre, hospice care home, library, massage therapy, medical office, municipal shelter, museum, nursing home, park, recreation use, religious education use, religious residence, respite care facility, retirement home and wellness centre. Additional uses are permitted under certain conditions including private school and student residence.

Exception 76 and 77 of the Institutional category both that apply to the site. These exceptions narrow the list of permitted uses to ambulance depots, fire halls, police stations, police training facilities, public utilities, and public works yard, consistent with the uses permitted under the Agincourt North Community Zoning By-law. The existing private school use was permitted through minor variance application number A275/12SC. The maximum height of a building permitted on the lot is 15 metres and the maximum permitted floor space index is 1 times the lot area. The site specific building setbacks and front yard visitor parking permissions are also consistent with the Agincourt North Community Zoning By-law.



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/>

### **Site Plan Control**

A Site Plan Control application *has been* submitted on December 18, 2019 as file number 19 262864 ESC 23 SA and is currently under review by various City divisions and external agencies.

## **COMMUNITY CONSULTATION**

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A community consultation meeting was held on February 20, 2020. The meeting was attended by the Ward Councillor, the Owner, Owner's consultants, school administrators and approximately 30 members of the public. Notice was provided to landowners and residents within an expanded notification area of 300 metres of the site in accordance with directions of Scarborough Community Council.

Comments made by members of the public who attended included:

- Concerns that the proposed building height is too tall and the proposed 10-storey building appeared to be 12 storeys due to the mechanical penthouse having architectural treatment to resemble windows. The building elevations were subsequently revised to remove the glazing on the mechanical penthouse so eliminate the confusion.
- There were concerns with the proposed density and coverage of the proposed building being too high for the site and that the residence proposal would allow the school to increase enrollment. The applicant clarified that number of students on site is not anticipated to change.
- Concerns were raised about impact on the trees and wildlife in Brimley Wood Park to the north.
- Some residents were concerned about potential increase in vehicle traffic and insufficient vehicle parking spaces being provided.

These issues were reviewed by staff and are addressed in the Comments section of this report.

## COMMENTS

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### Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS. The proposed student residence building is consistent with Policy 1.1.1 (b) as it represents a housing type that is part of a broad range of housing types provided within a complete community, and as such contributes to the sustainability of healthy, liveable and safe communities. It is also consistent with the direction of Policy 1.1.1 (e) as it integrates land use planning, transit-supportive development, intensification and infrastructure planning to achieve a cost-effective development that optimizes transit investments, minimizes land consumption and servicing costs.

The proposal also supports the protection of health and safety as demonstrated through the various supporting studies including the Natural Heritage Impact Study and Hydrogeology Report while ensuring methods are in place to mitigate any potential impacts. The proposal is also consistent with Policy 1.6.7.4 by providing a housing type and density that promotes and supports minimizing length and number of vehicle trips and supports current and future use of transit and active transportation.

Staff have determined that the proposal conforms with the Growth Plan (2019). The proposal conforms with Policy 2.2.2.3, as the site is located within the delineated built-up area of a settlement area where growth is intended to be focussed, and represents intensification that will contribute to the achievement of complete communities. It also conforms with Policy 3.3.3.4 (c) which prioritizes active transportation, and transit over single-occupant automobiles by providing the opportunity for a greater number of students to reside on the campus with access to local transit and active transportation including bicycle infrastructure and pedestrian connections throughout the site and to the retail amenity in the area.

### Land Use

This application has been reviewed against the official plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole. The student residence is provided for by the *Institutional Areas* land use designation in that it is supporting and ancillary to an existing private school. It would fit well with the existing institutional functions along this portion of Finch Avenue East. The proposed residence building is consistent with and appropriate within *Institutional Areas* land use designation.

### Density, Height, Massing

The existing context features a mix of institutional uses immediately adjacent to the site. In the broader area, a wide range of built form exists including single detached dwellings, semi-detached dwellings and tall buildings.

The 10-storey student residence is approximately 32 metres in height with a mechanical penthouse of 5 metres projecting from the west portion of the building. The building is located at the rear which has a low visual impact and perceptible height at grade along Finch Avenue East. The building is generally rectangular in shape with the western portion oriented closer to the existing school and the eastern portion oriented closer to the north property line. This design element, along with incorporating different architectural treatment on the exterior of the building, provides an articulation which helps to break up the form of the building.

The proposed student residence fits in well in its immediate context and does not have any impact on any of the adjacent institutional uses. A sufficient 9-metre setback has been provided as a buffer to the woodlot north of the site ensuring appropriate separation distance from this natural feature. Given the existing and planned context for the subject property and the surrounding area, the proposed density, height and massing is appropriate.

### **Sun, Shadow, Wind**

Sun-shadow diagrams were evaluated to determine what impacts the building will have on the surrounding context. The studies indicate that for required test times (March 21 and September 21 for the hours between 9:18 am and 6:18 pm). The Sun and Shadow Study submitted in support of the application indicated there would be some new shadow on Brimley Woods park, with most shadowing limited to morning hours, and very little impact on the Francis Libermann Catholic School ground during school hours.

The Wind Study prepared in support of this application has evaluated the predicted wind conditions for the proposed building, and finds that wind speeds are anticipated to meet wind safety criterion for both the existing and proposed configurations. The submitted study indicated conditions are expected to be suitable for the intended use on and around the development site throughout the year at grade and that appropriate wind comfort conditions are predicated at the podium terrace during the summer.

Given the existing and the planned and existing context for the subject property in the planned context and the surrounding area, staff have determined that the sun, shadow and wind impacts are acceptable.

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

The applicant's traffic engineering consultant submitted a Urban Transportation Considerations report dated October 31, 2019, which was subsequently revised in response to comments provided by staff and resubmitted for review. The report suggests that student residence will lower the trip generating potential of the entire site as pick-up and drop-off activity is expected to decrease with students no longer needing to travel to and from an off-campus residence. Transportation Services staff concur with the consultant's findings that the proposed student residence will have little or no vehicle impact on the area road network.

The site currently has two driveways onto Finch Avenue East where vehicles enter from the westerly driveway and exit from the easterly driveway. The accesses would be

retained but the site circulation is proposed to be reversed to prevent vehicles from being blocked from entering the site and allows for improved movements for egressing vehicles to access Finch Avenue. Transportation Services staff have reviewed the plans and the report submitted in support of the application, and have not identified any potential traffic concerns with the proposed student residence addition.

Transportation Services has also accepted the parking rates, and the parking space locations, proposed to serve both the existing private school and the proposed student residence. As such, the 50 surface parking spaces are acceptable and are secured in the recommended Zoning By-law amendments.

The main pedestrian entrance to the student residence building is oriented at the southwest corner of the building and it is visible from the public street. Pedestrians can safely access the student residence from either the pedestrian walkway that connects the main entrance to the public sidewalk along Finch Avenue East or through the existing private school through the cafeteria and the storey-link.

## **Servicing**

The applicant has submitted a Functional Servicing and Stormwater Management Report, prepared by Lithos Group Inc. on October 31, 2019, revised to April 16, 2020 in support of the proposed development. These documents have been reviewed by Engineering and Construction Services staff. The Stormwater Management section of the Functional Servicing and Stormwater Management Report, Site servicing Plan and Grading Plan will be further reviewed in detail during the Site Plan Control application process.

Prior to the enactment of bills, technical revisions are required to the submitted documents as stated in the memorandum from Engineering and Construction Services dated March 29, 2020. The provision of any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development, will be at the cost of the applicant. Detailed functional servicing and stormwater management plans, and agreements, as necessary, will be entered into as part of the Site Plan Control application.

## **Housing Issues**

The provision of additional student housing on the private school site is important planning objective that among other things, contributes to complete communities. This project will serve to provide accommodation for approximately 415 students. The Official Plan and Zoning By-law both consider, this use as an ancillary use forming part of an educational use within the *Institutional Area* land use designation, and would be permitted within a typical Institutional zoning.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official

Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

### **Ravine and Natural Heritage Protection**

The small portion of the of the site in the northwest corner is within the City of Toronto Ravine and Natural Feature Protection By-law area. Urban Forestry Ravine and Natural Feature Protection (RNFP) team was on site to review the staking of the dripline on September 5, 2019. The proposed student residence would be setback 10 metres from the dripline and this design has been accepted by RNFP staff.

The subject lands are also near a Natural Heritage area identified on Map 9 of the Official Plan. A Natural Heritage Impact Study (NHIS) was submitted for review in support of the development application. The proposal and NHIS were reviewed by both RNFP staff and the Toronto and Region Conservation Authority (TRCA). The feature, which forms part of the Natural Heritage area, is a woodlot comprised of a 34 species of vascular plants and wildlife habitat. It is situated immediately north of the subject lands.

The NHIS includes a detailed botanical and wildlife survey. The study indicates that the significance of impacts to these areas is considered minor and no direct displacement of vegetation within the woodlot is anticipated. However, indirect impacts of the addition of a student residence at this location has the potential to result in additional disturbance to the feature through increased pedestrian traffic and shading on the woodlot.

The study details a range of mitigative measures to prevent disturbance to wildlife from noise, light and visual intrusion, including considerations for potential impacts to migratory birds. It outlines mitigation measures of impacts to the natural environment including measures to prevent increased encroachment into the woodlot, such as the introduction of fencing as a barrier to human encroachment, as well as a implementation of the Erosion and Sediment Control Plan.

RNFP staff and TRCA staff have reviewed this material and have no objections to the Zoning By-law Amendment application. Official Plan policy 3.4.13 provides direction for all development in or near the natural heritage system including measures to mitigate negative impacts on and/or improve the natural heritage system.

To address this requirement, the applicant will be required to provide a ravine stewardship plan and further explore impact of invasive species. This improvement will be secured through the review and approval of the Site Plan Control Application.

## **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). An Arborist Report and Tree Preservation Plan has been submitted in support of the application. There are both private and City-owned trees which will be protected, and others which will be removed. An application to remove and injure trees is required. A Tree Loss Payment will be required where an existing street tree is approved for removal, and a Tree Guarantee Deposit will be required where City-owned trees are to be retained on site. The value of these payments and deposits will be determined through the review of required material through the Urban Forestry Tree Protection and Plan Review group. In addition, tree planting requirements will be secured both through the Toronto Green Standard (TGS) and those required as a result of the removal of protected trees under the City's Tree By-law.

The development proposes the retention of all 8 City trees and would require the removal of 9 by-law protected privately owned trees. As a result, 27 replacement private trees are required to be planted. The submitted tree preservation plan indicates that the remaining 28 trees on site would be protected. The replacement planting and tree protection matters will be secured through the review of the submitted site plan control application.

## **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. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features such as Cycling Infrastructures are secured in the zoning by-law which is appended to this report as Attachment 6 and 7: Draft Zoning By-law Amendments. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. Staff have determined that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to built form and land use compatibility. Staff worked with the applicant and the community to address and resolve several key concerns including establishing sufficient setback from the dripline and limiting net new shadows on the woodlot to the north and the Francis Libermann Catholic School yard.

The proposal is an efficient use of underutilized surface to provide for a complete community within an Institutional zone. The built form and massing is appropriate and fits within the surrounding context.

Staff recommend City Council approve of the application but withhold enactment of the bills until final details of the Functional Servicing Report are addressed to the satisfaction of the Chief Engineer and Executive Director of Engineering Construction Services.

## **CONTACT**

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## **SIGNATURE**

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Paul Zuliani, MBA, RPP, Director  
Community Planning, Scarborough 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 Agincourt North Zoning By-law Map
- Attachment 5: Existing Zoning By-law 569-2013 Map
- Attachment 6: Draft Agincourt North Zoning By-law Amendment
- Attachment 7: Draft Zoning By-law 569-2013 Amendment

### **Applicant Submitted Drawings**

- Attachment 8: Site Plan
- Attachment 9: North Elevation
- Attachment 10: East Elevation
- Attachment 11: West Elevation
- Attachment 12: South Elevation
- Attachment 13: Perspective

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 4620 FINCH AVE E Date Received: October 31, 2019

Application Number: 19 243786 ESC 23 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Application to amend the zoning by-law to permit a 10 storey student residence building on the rear of an existing private school site. The proposed building will accommodate for 225 units and will have a gross floor area of 9,703.85 square metres. A total of 50 surface parking spaces will remain on site. The combined floor space index for the entire site (including the existing school) proposed is 1.61.

Applicant	Agent	Architect	Owner
ARK Inc.	ARK Inc.	ARK Inc.	2637969 ONTARIO INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Institutional Areas	Site Specific Provision:	N/A
Zoning:	I (x77)	Heritage Designation:	N/A
Height Limit (m):	15 metres	Site Plan Control Area:	N/A

### PROJECT INFORMATION

Site Area (sq m):	9,924	Frontage (m):	82	Depth (m):	124
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	3,086	3,086	1,275	4,361
Residential GFA (sq m):				
Non-Residential GFA (sq m):	6,305	6,305	9,704	16,008
Total GFA (sq m):	6,305	6,305	9,704	16,008
Height - Storeys:	3	3	10	10
Height - Metres:	13	13	31	31

Lot Coverage Ratio (%)	43.94	Floor Space Index:	1.61
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Floor Area Breakdown      Above Grade (sq m)      Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:    16,008

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:

Other:

Total Units:

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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Retained:

Proposed:

Total Units:

Parking and Loading

Parking Spaces:	50	Bicycle Parking Spaces:	57	Loading Docks:	2
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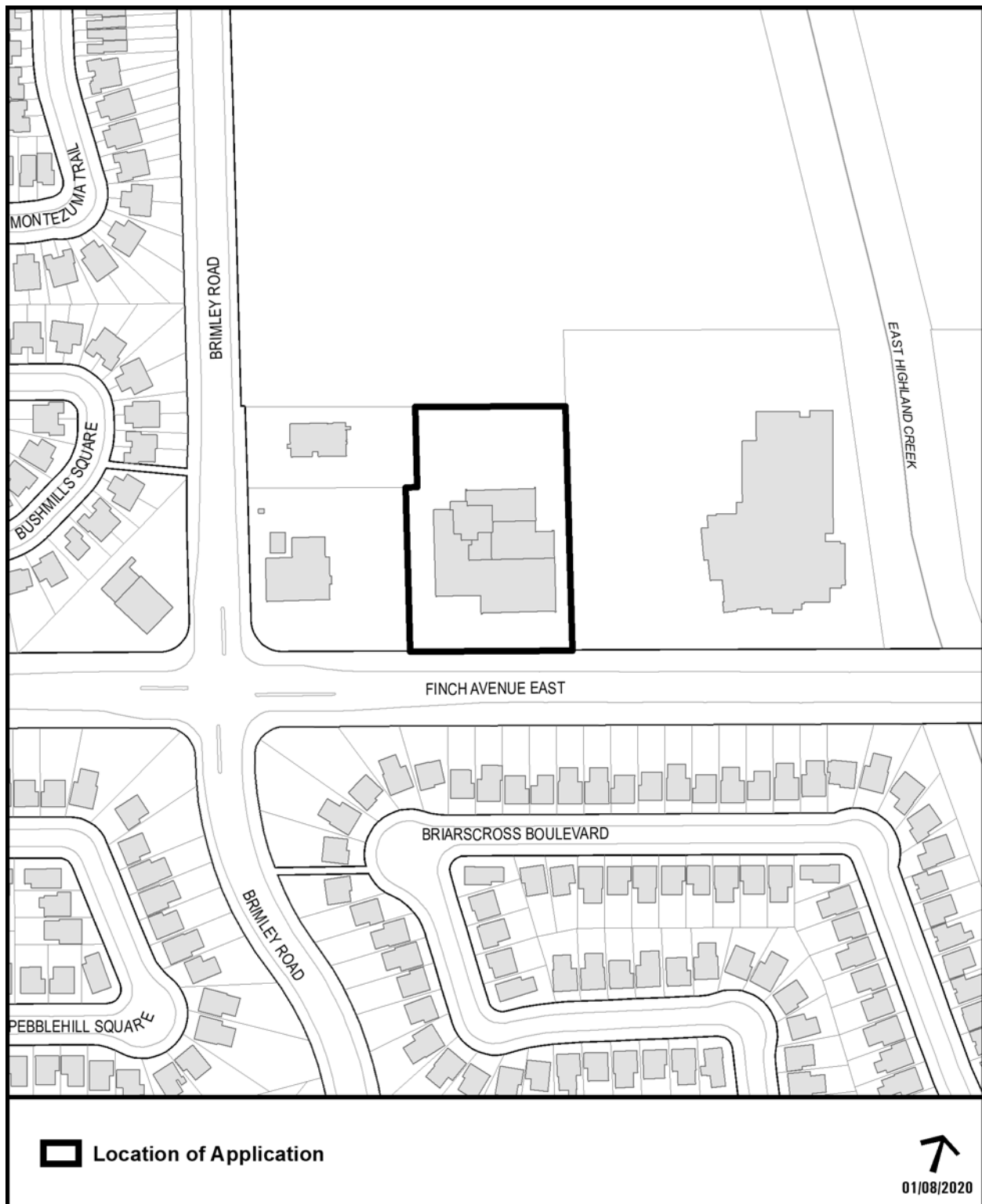
CONTACT:

Desiree Liu, Assistant Planner

(416) 396-5004

[Desiree.Liu@toronto.ca](mailto:Desiree.Liu@toronto.ca)

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



4620 Finch Avenue East

### Official Plan Land Use Map #19

File # 19 243786 STE 23 0Z



↑  
Not to Scale  
01/08/2020

## Attachment 4: Existing Agincourt North Zoning By-law Map



Agincourt North Community By-law No. 12797

4620 Finch Avenue East

File # 19 243786 ESC 23 02



Location of Application

S  
T  
ST

Single-Family Residential  
Two-Family Residential  
Street Townhouse Residential

A  
HC  
SC

Apartment Residential  
Highway Commercial  
School

O

Major Open Spaces



Not to Scale  
Extracted: 07/29/2020

## Attachment 5: Existing Zoning By-law 569-2013 Map



Zoning By-law 569-2013

4620 Finch Avenue East

File # 19 243786 ESC 23 02



Location of Application

RD Residential Detached  
RS Residential Semi-Detached  
RAC Residential Apartment Commercial

I Institutional  
ON Open Space Natural



See Former City of Scarborough  
Agincourt North Community By-law No. 12797

HC Highway Commercial  
SC School  
O Major Open Spaces



Not to Scale  
Extracted: 01/09/2020

## Attachment 6: Draft Agincourt North Zoning By-law Amendment

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 2020  
Enacted by Council: ~, 20~

### CITY OF TORONTO Bill No. ~ BY-LAW No. -2020

To amend former City of Scarborough Agincourt North Community Zoning By-law 12797, as amended, with respect to the lands municipally known as 4620 Finch Avenue East.

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. SCHEDULE 'A' of the Agincourt North Community Zoning By-law 12797, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule '1':

SC – 27-217-218-219-219A-219B-224-225-235-300-301-302

2. PERFORMANCE STANDARDS CHART - Schedule 'B', of the Agincourt North Community By-law No. 12797, as amended, is amended by adding the following Performance Standards:

### **INTENSITY OF USE**

217. The gross floor area of buildings and structures on the lot shall not exceed 16,500 square metres comprised of the following:

- (i) A student residence shall not exceed 10,000 square metres; and
- (ii) A private school shall not exceed 6,500 square metres.

218. The maximum lot coverage for all buildings and structures is 45%.

219. The maximum height of a student residence is the lesser of 10 storeys or 33 metres measured from established grade to the top of the roof.

219 a. CLAUSE V – INTERPRETATION, Sub-Clause (f) Definitions: The definitions of Height shall not apply. Height shall mean the vertical distance measured from the

established grade of 186.5 metres Canadian Geodetic Datum to the highest point on the building, excluding the following:

- i) Mechanical penthouses to a maximum of 5 metres in height;
- ii) parapets, retaining walls, exterior stairways, roof structures used only as ornaments (including eaves, cornices, balustrades and mullions), railings, stairwells to access the roof, window washing equipment, screen walls, roof-mounted mechanical equipment and elevator and stair enclosures each to a maximum height of 2.5 metres.

219 b. The maximum height of a private school is the height of the building or structure that lawfully existed on the date of the enactment of this By-law [clerks to insert by-law number]

## **MINIMUM BUILDING SETBACKS**

224. The minimum building setback from a side lot line and rear lot line is 9 metres.

225. Notwithstanding CLAUSE V – INTERPRETATION, Sub-Clause (f) Definitions, the following projections shall not be considered part of the main wall:

- i) shall not apply to awnings, canopies, box windows or bay windows, window sills, railings, lighting fixtures, ornamental elements, transformer vaults, signs, retaining walls, covered bicycle parking, exterior stairways and stairway enclosures, wheelchair ramps and decks, ramps, pergolas and gazebos.

## **MISCELLANEOUS**

235. Landscaping must be provided on the lot in accordance with the following:

- i) A minimum of 10% of the lot area shall be soft landscaping; and,
- ii) A minimum of 20% of the front yard landscaping shall be soft landscaping.

## **PARKING**

300. Bicycle parking spaces must be provided on the lot in accordance with the following:

- i) A minimum of 37 bicycle parking spaces for long term bicycle parking;
- ii) A minimum of 20 bicycle parking spaces for short term bicycle parking; and,
- iii) Bicycle parking space means an area equipped with bicycle racks that is used for the purpose of parking and securing a bicycle, and long-term bicycle parking space and short-term bicycle parking space have the following meaning:

- a) Long-term bicycle parking spaces are bicycle parking spaces for use by the occupants or tenants of a building, and shall be located in a building, or secure and weather protected bicycle parking area; and,
- b) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building and shall be located in an at grade bicycle parking area.

301. Vehicle parking spaces shall be provided in accordance with the following:

- i) 50 parking spaces shall be required for a private school; and,
- ii) No parking spaces shall be required for a student residence.
- iii) Of the required parking spaces provided, a minimum of 2 accessible parking spaces shall be provided as follows:
  - a) minimum length of 5.6 metres;
  - b) minimum width of 3.4 metres; and,
  - c) an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.

302. One loading space shall be provided as follows:

- i) Minimum length: 11 metres
- ii) Minimum width: 3.5 metres

3. SCHEDULE "C", EXCEPTION MAP, is amended as shown outlined on the attached Schedule '2'.

4. SCHEDULE "C", EXCEPTION LIST is amended by amending Exception Number 21 as follows:

21. On those lands identified as Exception 21 on the accompanying Schedule "C" map, the following provisions shall apply:

- i) The following uses are also permitted:
  - a) Private school
  - b) Student residence
- ii) Student residence means premises owned and operated by a public school, private school, post-secondary school or educational facility, consisting of dwelling units, amenity and cafeteria areas, bed-sitting rooms or rooms, used for student accommodation.



iii) Private school means premises used for elementary or secondary education regulated under the Education Act, R.S.O. 1990, c. E.2, as amended, but not publicly funded under the Act.

iv) Gross floor area means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, excluding:

- parking, loading and bicycle parking below-ground;
- required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
- storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- shower and change facilities required by this By-law for required bicycle parking spaces;
- elevator shafts;
- mechanical penthouse; and
- exit stairwells in the building.

ENACTED AND PASSED this      day of      , 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

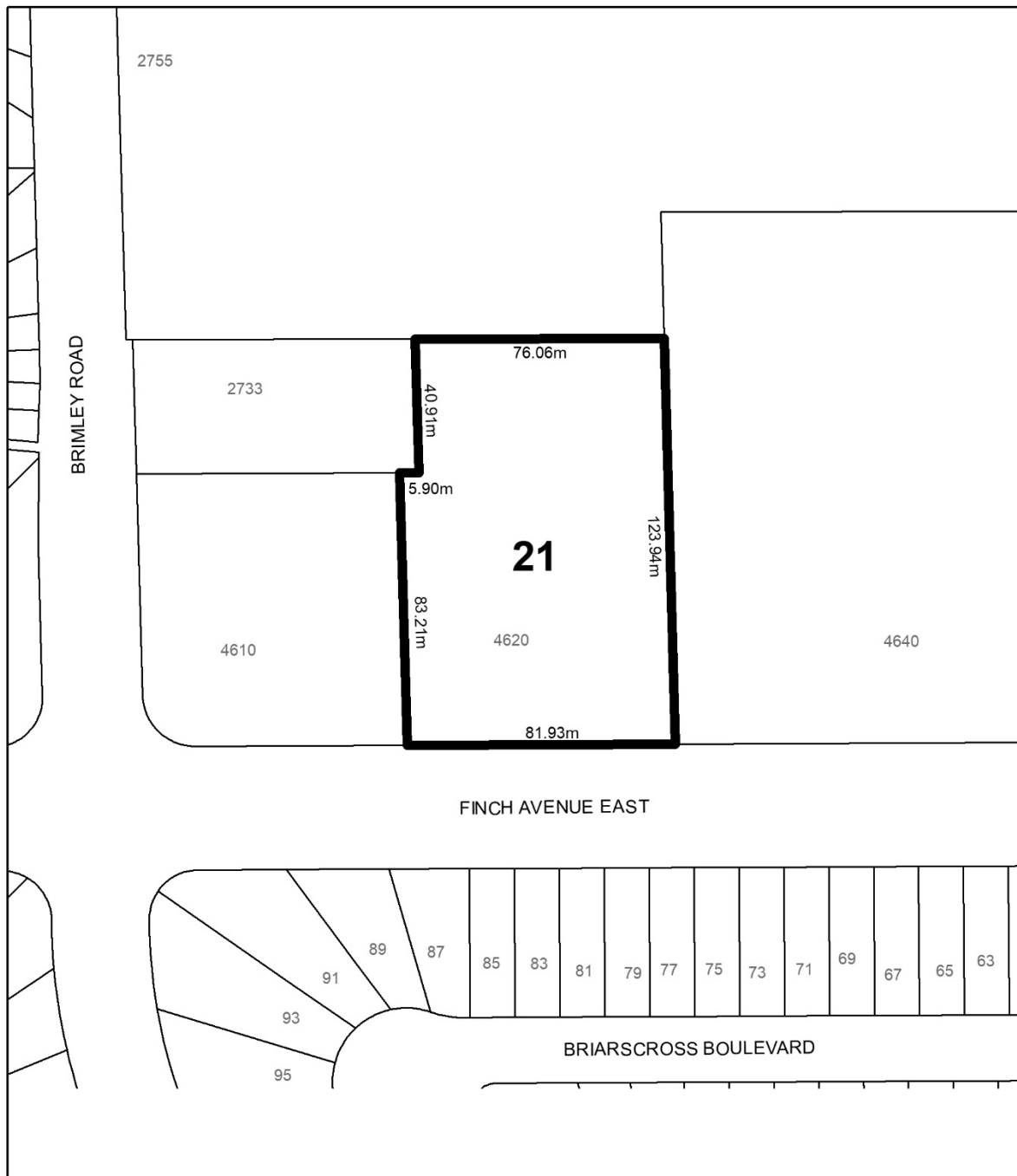


**Toronto**  
Schedule 1

**4620 Finch Avenue East**

File # 19 243786 ESC 23 02

↑  
Agincourt North Community By-law  
Not to Scale  
07/14/2020



**Toronto**  
Schedule 2

**4620 Finch Avenue East**

File # 19 243786 ESC 23 02

↑  
Agincourt North Community By-law  
Not to Scale  
07/14/2020

## Attachment 7: Draft Zoning By-law 569-2013 Amendment

Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 2020

CITY OF TORONTO  
Bill No. ~~  
BY-LAW No. [XXXX-2020]

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 4620 Finch Avenue East.

Whereas Council of the City of Toronto has the authority pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to I (x77) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception Number I (77), so that it reads:

### **(77) Exception I 77**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 4620 Finch Avenue East, a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (O) below;
- (B) For the purposes of this exception, the **lot** comprises of the lands outlined by heavy lines on Diagram 1 of By-law [clerks to provide by-law number];
- (C) Despite regulation 80.5.40.10(1), height is measured from 186.5 Canadian Geodetic Datum to the highest point of the **building**.

(D) Despite regulation 80.10.40.40 (1), the permitted maximum floor space index is 1.65 and the permitted maximum **gross floor area** of **buildings** and **structures** on the **lot** is 16,500 square metres of which:

(i) the permitted maximum **gross floor area** used for a **student residence** is 10,000 square metres; and

(ii) the permitted maximum **gross floor area** used for a **private school** is 6,500 square metres.

(E) Despite regulation 80.10.30.40(1), the permitted maximum **lot coverage** is 45%.

(F) A minimum of 10% of the **lot area** must be **soft landscaping**.

(G) Despite regulation 80.10.50.10, a minimum of 35% of the **front yard** must be **landscaping**, of which a minimum of 50% must be **soft landscaping**.

(H) Despite regulation 80.10.40.10(1), the permitted maximum height of a **building** containing a **student residence** is the lesser of 33 metres or 10 **storeys**.

(I) Notwithstanding (H), the permitted maximum height of a **building** containing a **private school** is the height of the **building** or **structure** that lawfully existed on the date of the enactment of By-law XXXX-2020 [Clerk's to insert].

(J) Despite (H) and (I) above, as well as regulations 80.5.40.10(3) and 80.5.40.10(4), the following **building** elements may project above the permitted maximum height:

(i) Mechanical penthouses to a maximum of 5 metres in height;

(ii) parapets, retaining walls, exterior stairways, roof structures used only as ornaments (including eaves, cornices, balustrades and mullions), railings, stairwells to access the roof, window washing equipment, screen walls, roof-mounted mechanical equipment and elevator and stair enclosures each to a maximum height of 2.5 metres;

(K) Despite regulation 80.10.40.70 (2), the required minimum **building setbacks** are:

(i) 36.0 metres from the original centerline of Finch Avenue; and

(ii) 9.0 metres from a **side lot line** or **rear lot line**

(L) Despite the encroachments permitted in clause 80.10.40.60, the following **building** elements are permitted to encroach into the required minimum **building setbacks**:

(i) awnings, canopies, box windows or bay windows, window sills, railings, lighting fixtures, ornamental elements, transformer vaults, signs, retaining walls, covered bicycle parking, exterior stairways and stairway enclosures, wheelchair ramps and decks, ramps, pergolas and gazebos.

(M) Despite regulation 200.5.10.1(1), **parking spaces** must be provided on the **lot** in accordance with the following:

(i) a minimum of 50 **parking spaces** are required for a **private school**;

(ii) No parking spaces are required for a **student residence**; and

(iii) despite regulation 200.15.10(1), of the required **parking spaces** provided, a minimum of 2 must be **accessible parking spaces**.

(N) Despite regulation 230.5.10.1(1), **bicycle parking spaces** must be provided on the lot in accordance with the following:

(i) A minimum of 37 "long term" **bicycle parking spaces**; and

(ii) A minimum of 20 "short term" **bicycle parking spaces**.

(iii) despite regulations 230.5.1.10(6) and (9), "long-term" **bicycle parking spaces** must be located in a building or a secure and weather protected bicycle parking area.

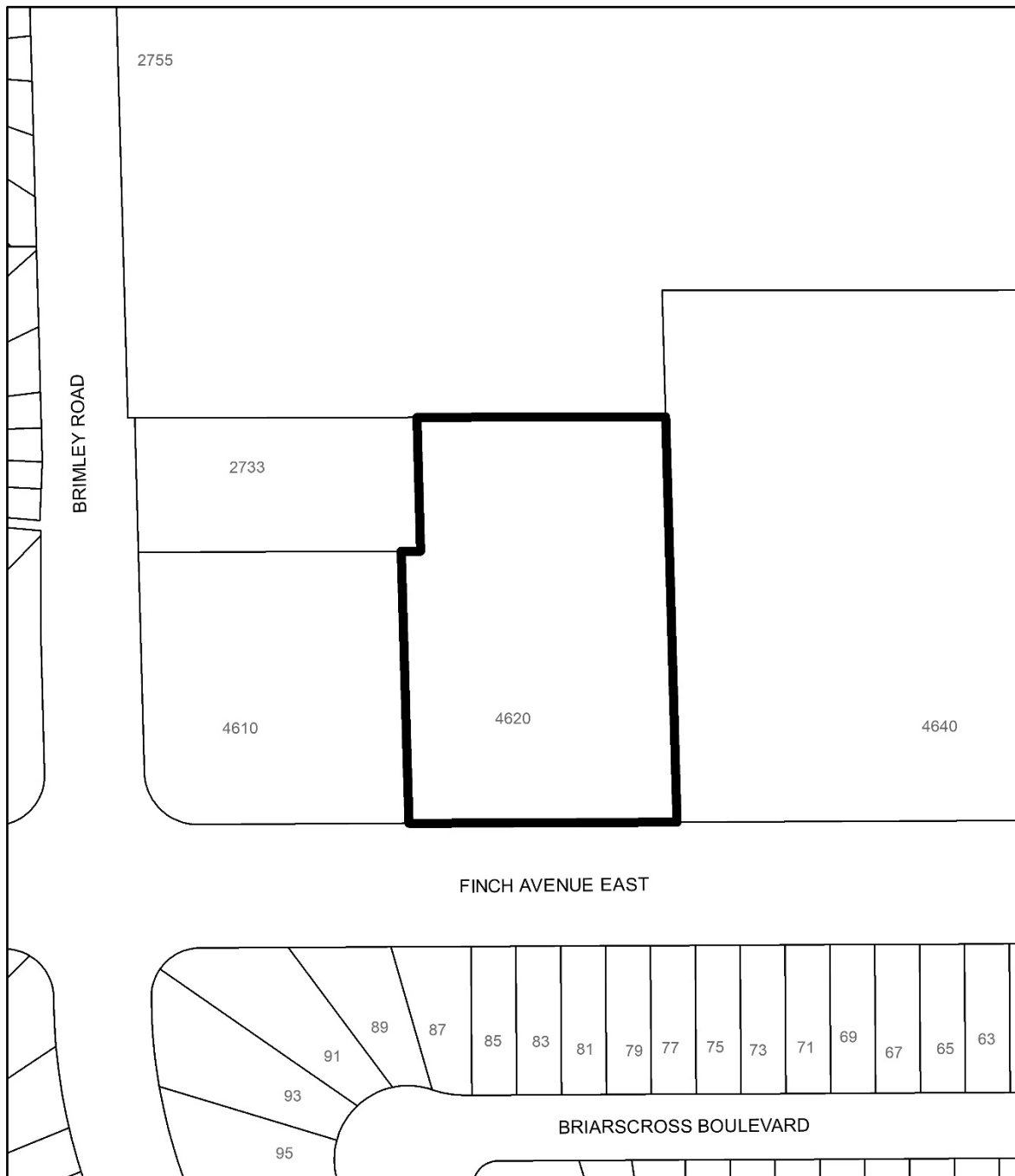
(O) Despite regulation 150.48.50.10(1), a minimum 1.0 metre wide strip of **soft landscaping** along the **rear lot line** must be provided.

Prevailing By-laws and Prevailing Sections: (None Apply)

4. Despite any existing or future consent, partition or division of the lot, or determination of the existence of one of more separate structures, these site specific provisions shall apply to the lot as if no consent, partition or division occurred.

ENACTED AND PASSED this      day of      , 2020.


Frances Nunziata, Speaker      Ulli S. Watkiss, City Clerk (Seal of the City)

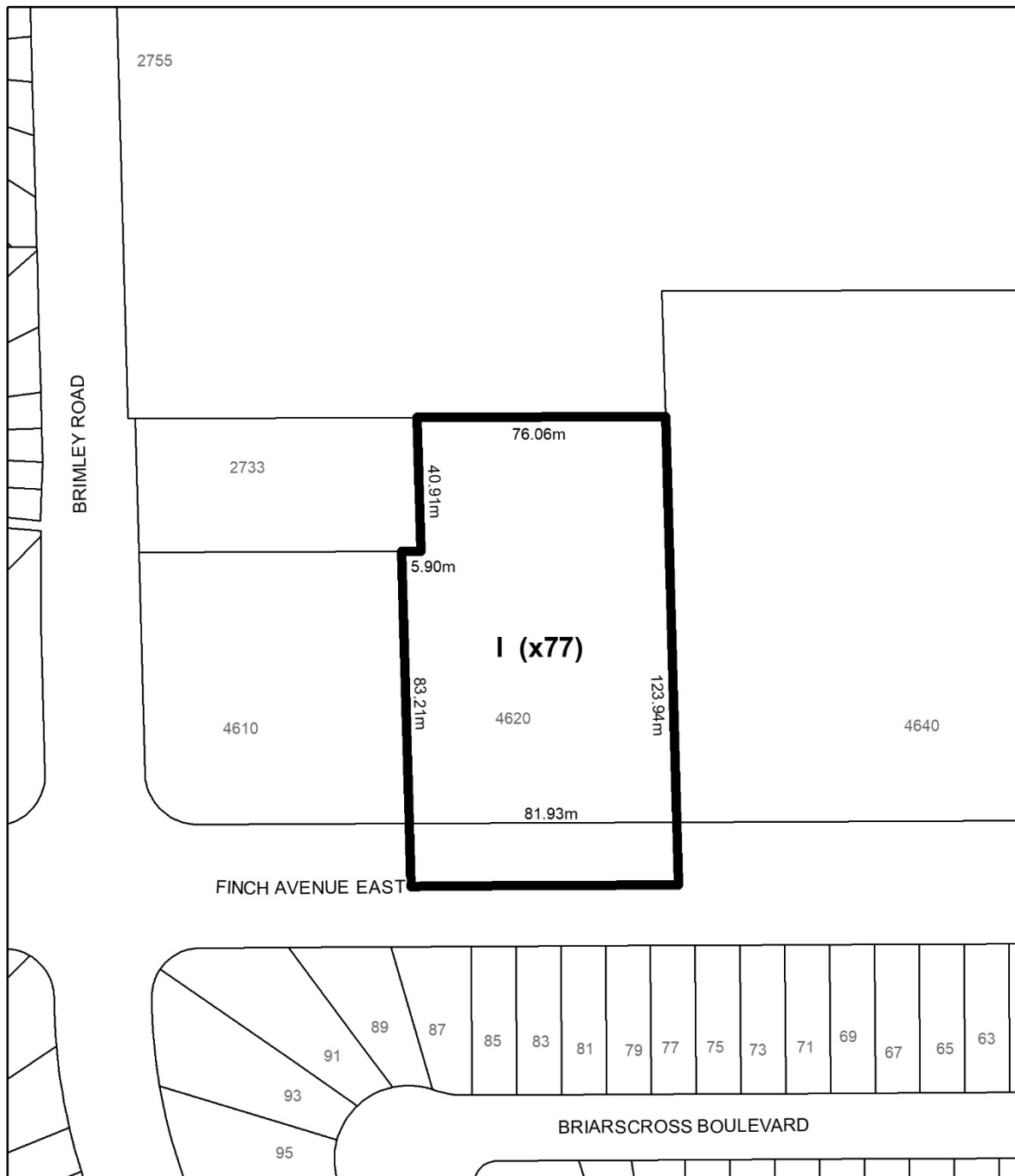


**Toronto**  
Diagram 1

**4620 Finch Avenue East**

File # 19 243786 ESC 23 0Z


  
 City of Toronto By-law 569-2013  
 Not to Scale  
 07/03/2020



**Toronto**  
Diagram 2

**4620 Finch Avenue East**

File # 19 243786 ESC 23 0Z

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 07/14/2020



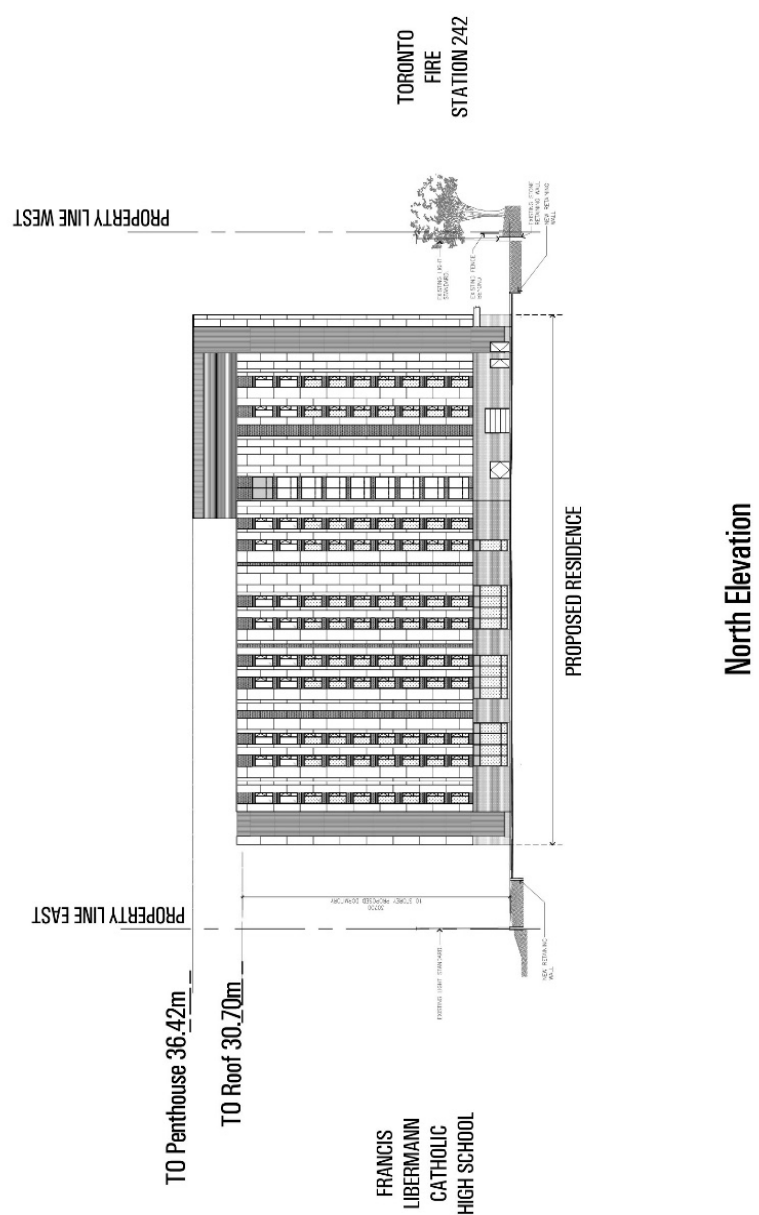
**PROPOSED 10 STOREY BUILDING**

**EXISTING 3 STOREY PRIVATE SCHOOL**

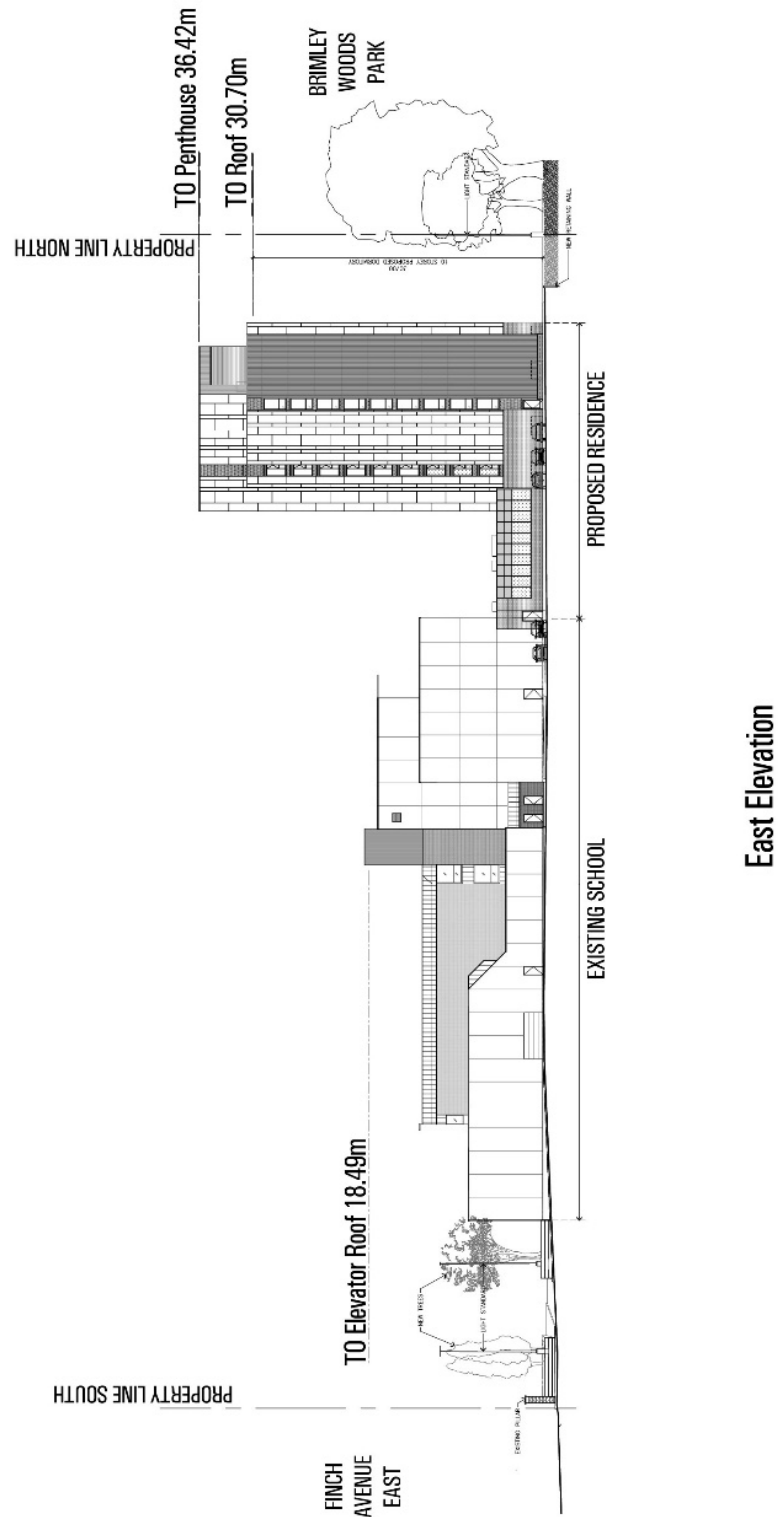
**FINCH AVENUE EAST**

7

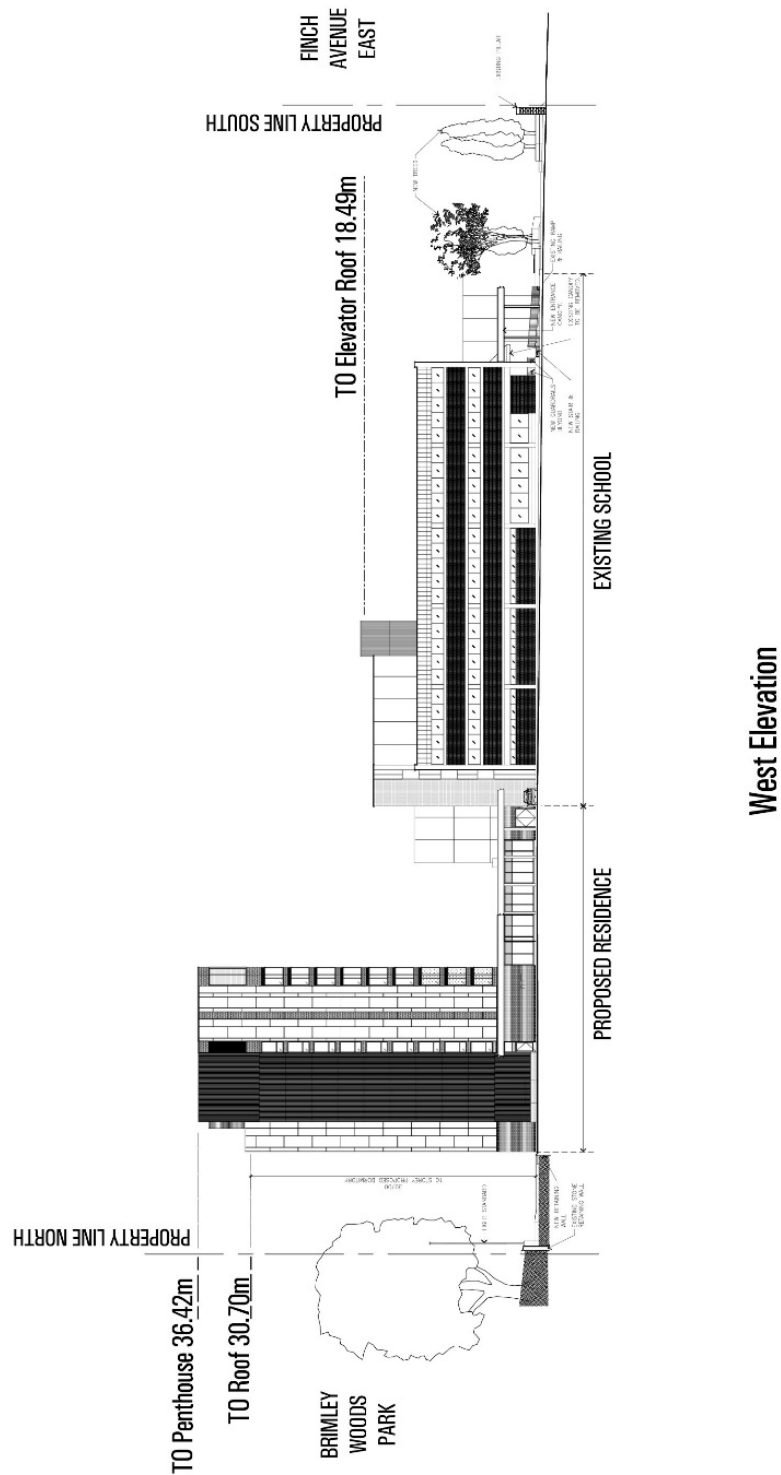
Attachment 9: North Elevation



Attachment 10: East Elevation



Attachment 11: West Elevation





## Attachment 13: Perspective



Perspective  
(View from Finch Avenue East)