

774, 776, 778, 780 and 782 Marlee Avenue – Official Plan Amendment and Zoning By-Law Amendment Application – Appeal Report

Date: April 19, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Number: 21 251194 NNY 08 OZ

Related Planning Application Number: 22 138718 NNY 08 SA

SUMMARY

On December 23, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a 12 storey (40.7 metres including mechanical penthouse) residential building with 301 residential units. The application was deemed complete on February 11, 2022.

On October 18, 2022, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act. The first Case Management Conference was held on February 10, 2023.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 774, 776, 778, 780 and 782 Marlee Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - i. provisions for a holding by-law pursuant to Section 36 of the Planning Act regarding the provision of an acceptable sanitary system solution constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site;
- b) the owner has satisfactorily addressed the Transportation Services and Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated May 31, 2022, and any outstanding issues arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the Official Plan and Zoning By-law Amendment application to the satisfaction of the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services;
- c) Submit to the Chief Engineer and Executive Director of Engineering and Construction Services for review and acceptance, prior to approval of the rezoning application, a Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;
- d) Make satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing Report accepted by the Chief Engineer and Executive Director of Engineering and Construction Services;
- e) the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure

upgrades, the owner is to make satisfactory arrangements with Engineering & Construction Services for Work on the City's Right-of-Way.

- f) Provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.
- g) the owner has submitted a Housing Issues Report and tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor in accordance with Official Plan Policy 3.2.1.12; and
- h) the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- i) the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
- j) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application consultation meeting was held on May 4, 2021. The application was submitted on December 23, 2021 and deemed complete on February 11, 2022. The application was circulated to relevant departments and agencies for comments and the issues raised have been summarized in this report.

A Preliminary Report was adopted by North York Community Council on May 24, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY32.11>

Our Plan Toronto – Protected Major Transit Station Area Delineations

At its meeting on July 19-22, 2022, City Council adopted a staff report and recommended Official Plan Amendments (“OPA”), as part of the Municipal Comprehensive Review (“MCR”) to conform with the Growth Plan (2020). The Growth Plan (2020) requires municipalities to delineate areas around higher order transit stations or Major Transit Station Areas (“MTSA”), and implement policies to achieve minimum population and job density targets for each MTSA. The City’s conformity exercise has delineated 115 MTSAs, of which a subset has been designated to allow inclusionary zoning; this subset of MTSAs are known as Protected Major Transit Station Areas (“PMTSA”).

The Site is located approximately 350 metres west of Lawrence West subway station and, therefore, falls within the Lawrence West PMTSA (SASP 714).

In addition, the final report advises that a total of seven MTSA and PMTSA Station Areas require additional study before staff can bring forward policies that would set out appropriate densities and other MTSA or PMTSA related policies. In this regards, Glencairn subway station area was identified as being below the minimum requirement of 200 people and jobs per hectare as prescribed by the Growth Plan (2020) and requiring additional study.

On July 19, 2022, City Council adopted Official Plan Amendments (OPA) 540, OPA 544, and OPA 570 with 115 MTSA/PMTSAs as part of Growth Plan Conformity and MCR. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH35.16>.

These OPAs have been submitted to the Province for approval. On September 12, 2022, the Minister of Municipal Affairs and Housing notified the City that the time period for the Minister to make a decision on OPA 540, OPA 544, and OPA 570 had been suspended.

Glencairn Planning Study

At its meeting on June 28, 2022, North York Community Council adopted a staff report and recommendations for the Glencairn Subway Station planning study. This study will be for an area bounded by the south side of Lawrence Avenue West, Dalemount Avenue to the east, the York-Kay Gardner Beltline Trail to the south and Capitol Avenue/Corona/Times Street to the west. The purpose of the study is to develop a planning framework in order to meet the density targets specified in the Growth Plan (2020).

The recommendations directed staff to engage a consultant team to undertake the planning study, and upon conclusion of the study bring forward planning instruments, where appropriate, to implement the findings. Furthermore, City Planning staff are directed to coordinate active development applications with the study, and if such applications are appealed to the OLT and staff have been directed to appear before the

OLT to oppose the application, that staff inform the City's position with any study findings at the time.

The decision of the Community Council meeting and the staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY33.25>

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located at 774, 776, 778, 780, 782 Marlee Avenue. The rectangular sized site is an assembly of 5 properties and is 3,626 square metres in area with approximately 79 metres frontage on Marlee Avenue. The site has a depth of approximately 46 metres.

Existing Use: The subject site is currently occupied by 4 single-storey and 1 two-storey single detached dwellings fronting onto Marlee Avenue with individual driveways and vehicular access from Marlee Avenue. These dwellings are proposed to be demolished.

Surrounding uses include:

North: a 3-storey commercial building, municipally known as 788 Marlee Avenue. Further north at the northwest corner of Marlee Avenue and Lawrence Avenue West is a gas station.

East: on the east side of Marlee Avenue are one and two storey residential dwellings flanking onto Marlee Avenue.

South: a pedestrian walkway connecting Marlee Avenue to Claver Avenue and the neighbourhood to the west. South of the walkway continue low rise (one and two storey) detached dwellings fronting onto Marlee Avenue.

West: a paved surface parking area associated with and forming part of the property at 788 Marlee Avenue. West of the parking area, there are the rear yards of detached dwellings fronting Claver Avenue that are part of a low rise residential neighbourhood.

THE APPLICATION

Description

Height: 12-storey (40.68 metres, including 4.2 metre mechanical penthouse) residential building containing 301 residential dwelling units, 267 vehicular parking spaces and 301 bicycle parking spaces.

Density (Floor Space Index): 5.26 times the area of the lot.

Unit count: 301 dwelling units (175 one-bedroom units (58%), 95 two-bedroom units (31%) and 31 three-bedroom units (10%)).

Additional Information

See Attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Reasons for Application

The Official Plan Amendment Application is proposed redesignate the site from *Neighbourhoods* to *Mixed Use Areas* in order to permit the building type and height whereas *Neighbourhoods* direct for low scale residential uses up to a maximum of four storeys.

The Zoning By-law Amendment Application proposes to amend Zoning By-law 7625 and 569-2013 to permit an apartment building and to vary performance standards including: building height; building setbacks; floor space index; amenity space and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted on April 26, 2022 and was deemed complete on June 5, 2022. This application has not been appealed and is held in abeyance pending the outcome of this appeal.

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Neighbourhoods* in the Official Plan. Marlee Avenue is identified as a Major Street on Map 3 of the Official Plan and has a planned right-of-way width of 27 metres. See Attachment 6 for the Official Plan Land Use Map.

Zoning: The site is subject to City-wide Zoning By-law 569-2013. It is zoned Residential Detached (RD (f15.0; a550)(x5)), with a maximum permitted lot coverage of 35% of the area of the lot and a height limit of 10 metres (2 storeys). Exception 5 states that the

minimum side yard setback is 1.8 metres and that the site is subject to the Former City of North York Zoning By-law 7625, Schedule 'D' Airport Hazard Map. This schedule restricts the overall height to 60.96 metres.

Under Former City of North York Zoning By-law 7625, the site is zoned One-Family Detached Dwelling Fifth Density Zone (R5), which generally permits single detached dwellings. See Attachment 7 for the Zoning By-law Map.

COMMUNITY CONSULTATION

The application was appealed prior to a Community Consultation Meeting being held. This staff report is being brought forward at this time in response to the Case Management Conference which occurred on February 10, 2023.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan. 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 to provincial plans.

Land Use

City Planning staff have reviewed the proposed land use re-designation from *Neighbourhoods* to *Mixed Use Areas*, against the policies of the Official Plan, as well as the relevant design guidelines. *Neighbourhoods* are considered physically stable and development within this designation is to respect and reinforce the existing character of buildings, streetscapes and open space patterns in the area. Furthermore, growth is generally directed to the Downtown, Centres and Avenues, all of which are subject to further planning studies to consider growth in a comprehensive manner. Staff notes that the subject site is located both within *Neighbourhoods* and within the planning study area for the Glencairn Subway Station whereupon staff will be undertaking the required work to comprehensively consider growth in the area commencing in 2023. The expectation of the study will be to set the planned context for the study area, through the preparation and approval of planning instruments. This application precedes such work.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines.

Height, Transition, and Massing

The proposal has been evaluated in the context of the proposed redesignation to *Mixed Use Areas*. It is envisioned that development will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Planning Staff have concerns with the proposed building height, transition, massing and setbacks. Regarding height, the proposal's height is greater than Marlee Avenue which has a planned right of way of 27 metres. The proposed transition to the *Neighbourhood* to the west of the site is not sufficient, including setback and stepbacks to transition in scale. The proposed setbacks along Marlee Avenue may not be sufficient after the proposed widening of 3.44 metres and further information is required to assess the appropriateness of this setback. Additional setbacks are also needed along the south of the site adjacent to the 3.8 metre wide public walkway that provides access from Marlee Avenue to the interior of the neighbourhood on Claver Avenue in order to provide adequate space for landscaping, amenity and windows to provide active uses along the public walkway. Additional setback, stepback and the pushing back of balconies should also be provided along the north portion of the building which cantilevers over the proposed driveway, to ensure appropriate separation.

Site Layout and Context

As described above, the property to the north of the site, municipally known as 788 Marlee Avenue, includes a rectangular 20 metre wide strip of land that spans from the portion of the property that fronts onto Marlee to the west of the properties of the subject site and all the way south to 768 Marlee Avenue. This portion is currently used as a surface parking lot however it is designated *Neighbourhoods* and zoned Residential Detached. Staff are concerned about the impact the proposed development may have on these lands as well as how the proposed development would interface with any potential development that could happen on these lands. Furthermore, as noted above, the proposal's transition to these lands does not take into account the designation of these lands as *Neighbourhoods*. Revisions to the applicant's Block Context Plan were requested in order for staff to assess how development on this site could proceed on a more comprehensive basis that has regard for the surrounding lands, including this portion of 788 Marlee Avenue. The development is highly encouraged to explore the opportunity of consolidating with this portion of the property to the west in order to ensure the orderly development of these lands. Alternatively, the proposed development is to be revised accordingly to address the comments raised herein.

Furthermore, the current proposal is introducing a significant grade difference between the development and the properties to the south and west, thereby creating greater constraint that would limit the ability for a more integrated development amongst the various land holdings. The proposal should integrate the existing grades wherever possible to eliminate or minimize the need for the retaining wall.

Wind

A Pedestrian Level Wind Study was requested as part of the planning comments provided on the application so that staff may assess the proposed wind conditions resulting from the development on the surrounding streets as well as the proposed outdoor amenity areas. As of the time of writing this report the pedestrian level wind study has not been provided.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit, of which at least 2.0 square metres for each dwelling unit is for indoor amenity space. The application is proposing a total of 1,204 square metres of amenity space, comprised of 602 square metres of indoor amenity space and 602 square metres of outdoor amenity space, which meets the zoning requirement.

The majority of the indoor amenity space is proposed to be located on the ground floor, in the form of a 52 square metre amenity room off of the residential lobby, a 387 square metre amenity room along the Marlee Avenue frontage and existing onto a 147 square metre outdoor amenity space on the Marlee Avenue Frontage. A third indoor amenity space of 112 square metres is proposed at the western side of the building, exiting onto a 355 square metre outdoor amenity space that is the rear yard of the building. Additional outdoor amenity is proposed in the form of second floor rooftop gardening plots.

The site is heavily paved with limited soft landscaping particularly on the west and south. Trees, shrubs and other planting should be intergrated into the proposal to mitigate climate change and provide a buffer to the adjacent properties. The proposed outdoor amenity on the east is directly adjacent a major street and provides limited privacy and staff are concerned with its functionality. The proposed "Productive Garden Lots" on the second floor are directly adjacent to "amenity storage" with limited access from the building.

Further indoor and outdoor amenity is located on the mechanical penthouse level, being the roof of the twelfth floor. The indoor amenity next to the mechanical penthouse appears narrow, ranging from 1.5 metres to approximately 3 metres in depth, and it is unclear what could be programmed in this space. It should be located adjoining the outdoor amenity to improve functionality and enjoyment.

Toronto Green Standards / Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Protection Plan were submitted by the Applicant. Urban Forestry has reviewed the Arborist Report, Tree Preservation Plan and Site Servicing Plan and have requested revisions and additional information. A soil volume plan was not provided with the rezoning application. Insufficient information has been provided to determine whether the application meets the Toronto Green Standard Version 3. The accommodation for sufficient soil volume may impact the proposed setbacks and building footprint of the development.

With respect to tree preservation, Urban Forestry staff are of the opinion that the proposed Zoning By-law Amendment does not satisfy the sections of the Official Plan regarding the direction to preserve existing trees wherever possible and incorporating them into the development, in order to preserve and enhance the urban forestry and the City of Toronto's goal to increase tree canopy cover to 40%. Urban Forestry staff would like to see revisions to the proposed development to try to preserve some of the trees on the site which would require the applicant to reduce their underground parking structure and maintain the sidewalk in its existing location.

Servicing

A Functional Servicing Report, a Hydrogeological Review Summary Form and Hydrogeological Assessment Report, a Servicing Report Groundwater Summary Form, a Transportation Impact Study and associated engineering plans have been submitted for the application. These reports allow City staff to evaluate the effects of the development on the City's municipal servicing and transportation infrastructure. They also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development. Engineering and Construction Services Staff have reviewed the submitted materials in support of the official plan and zoning by-law amendment applications and have requested a number of revisions and additional information. Furthermore, Engineering and Construction services staff have advised that the preliminary sanitary analysis review provided by the applicant has identified downstream deficiencies and as such downstream improvements will need to be proposed. The sanitary sewer system located downstream of this site is currently at capacity. Due to the outstanding servicing issues, should this application be approved in some form by the OLT, staff would recommend that the site be zoned with a holding provision ("H") until such time as an acceptable sanitary system solution is constructed and operational as determined by the Chief Engineer & Executive Director, Engineering and Construction Services which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity issues being resolved to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services and/or the inclusion of a holding ("H") provision as outlined above is included in the Zoning By-law amendment.

Parkland

At the alternative rate of 0.4 hectares per 300 units specified in [Chapter 415, Article III of the Toronto Municipal Code](#), the parkland dedication requirement is 4,013 square metres or 118% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 340.4 square metres.

In this instance and as per the [Toronto Municipal Code Chapter 415-26](#), Parks, Forestry & Recreation would accept the conveyance of lands off-site that would expand an existing park or create a new park as the required parkland dedication. The off-site dedication is to comply with Policy 3.2.3.8 of the Toronto Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation, with conveyance of parkland required prior to the issuance of the First Above Grade Building Permit.

The Owner shall provide confirmation to Parks Department whether they would be agreeable to pursuing an off-site parkland dedication. If the pursuit of an off-site parkland dedication is not successful, payment of cash-in-lieu of parkland will be required. The appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management, with payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Housing

The Official Plan prevents new development that would have the effect of removing all or part of a private building or related group of buildings that would result in the loss of one or more rental units or dwelling rooms unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

The applicant has submitted a Rental Housing Demolition and Conversion Declaration of Use and Screening Form confirming that the lands contain one or more rental dwelling units. Accordingly, the applicant is required to develop an acceptable tenant relocation and assistance plan to mitigate hardship for any existing tenants. The tenant relocation and assistance plan will need to be secured through one or more agreements with the City, to the satisfaction of the City Solicitor and Chief Planner. Further information in the form of a Housing Issues Letter/Report confirming the number of existing rental units by bedroom type, the rent paid for each existing rental unit, and the

names of all tenancy agreement holders is also required and has not been provided to date.

The Council-adopted *Growing Up: Planning for Children in New Vertical Communities* urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments.

The proposed provision of 95 (31.6%) of the new residential units as two-bedroom units and 31 (10.3%) of the new residential units as three-bedroom units supports the unit mix objectives of the Growing Up guidelines. However only 11 of the proposed three-bedroom units (representing 3.7% of all residential units) approximate 100 square metres in size (≥ 93 square metres), and none of the proposed two-bedroom units approximate 87 square metres in size. These unit sizes do not adequately support the unit size objectives of the Growing Up guidelines.

Road Widening

Staff have determined that in order to meet the planned right-of-way width of 27 metres for Marlee Avenue, a road widening conveyance of a 3.44 metre wide strip of land adjacent to Marlee Avenue is required. The applicant's plans submitted in support of the Official Plan and Zoning By-law Amendment Application only show a 2.8 metre wide strip of land proposed to be conveyed, which will need to be increased, be clearly shown on the site plans and must be free of any above and below grade obstructions.

Access, Traffic Impact, Parking and Loading

The proposed development includes one vehicular access driveway from Marlee Avenue. The type and location of the driveway are generally acceptable, however the width of the driveway in the boulevard is to be reduced to a maximum of 6.0 metres and have a minimum 1.0 metre setback from the property line. Additional requirements related to the proposed access driveways and general site circulation matters will be provided through the future Site Plan application.

The applicant's Transportation Impact Study report by LEA Consulting, dated November 24, 2021 estimates that the proposed development will generate approximately 63 and 62 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services generally accepts the conclusions of the TIS report.

A total of 180 vehicle parking spaces including 30 visitor parking spaces are proposed in a 2-level below-grade parking garage, accessed from Marlee Avenue. One type-G loading space is proposed on the ground level of the building.

In addition to the preceding, there are other site circulation and design matters identified in the Engineering and Construction Services (ECS) memo, dated May 31, 2022, which may impact the proposed site and underground organization, and the resulting performance standards. To date, the applicant has not satisfactorily addressed same.

Transportation Demand Management (TDM)

A TDM plan was included as part of the applicant's Transportation Impact Study. As required by the Toronto Green Standard, a variety of multimodal infrastructure strategies and Transportation Demand Management (TDM) measures are to be used to reduce the number of single-occupancy auto vehicle trips generated by the proposed development. The TDM plan specified considerations such as pre-loaded Transit Passes and unbundling the cost of parking from the unit price. However additional details are required prior to staff being able to accept the TDM plan as proposed and ensure the application meets the requirements of the Toronto Green Standard.

Schools

The Toronto Lands Corporation (TLC)/Toronto District School Board has advised that there may be insufficient capacity at the local elementary school (Glen Park Public School) to accommodate students anticipated from this development. Although there are currently limited pupil places available in the local elementary school, sufficient accommodation may not be available when this development is realized due to the cumulative impact of development in the area. This application is located in a community experiencing residential intensification and population growth that is presenting accommodation challenges at local schools. The TLC and TDSB staff will continue to monitor residential development in this community to understand the cumulative impact on local schools and to determine where prospective students will attend school.

The status of local elementary school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools. As such, the TDSB has requested conditions as part of the site plan agreement including the installation of a notice sign on the development site and warning clauses in all agreements of purchase and sale/lease/rental/tenancy agreements.

The Toronto Catholic District School Board has advised that at this time, sufficient space exists within the local elementary school to accommodate additional students from the development as proposed. The local secondary school is operating at capacity, however as per as per the TCDSB Capital Plan Dante Alighieri Academy has been approved for a 1,300 pupil place replacement school with occupancy anticipated for 2024. The TCDSB will continue to monitor development growth in this area as it relates to cumulative impact on local schools.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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SIGNATURE

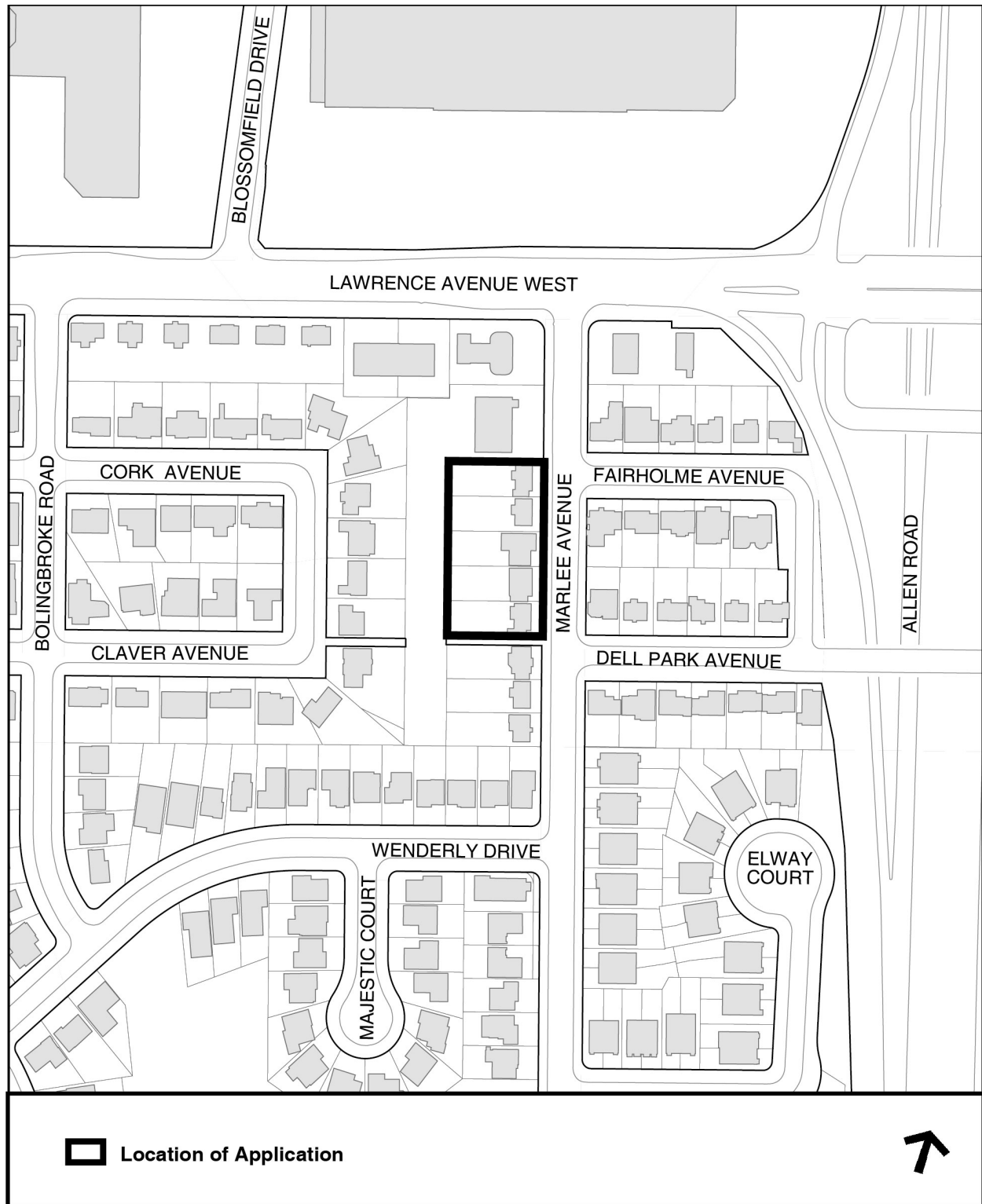
A handwritten signature in blue ink, appearing to read 'David Sit', with a stylized flourish at the end.

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 782 MARLEE AVE **Date Received:** December 23, 2021

Application Number: 21 251194 NNY 08 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan and Zoning by-law amendment application to facilitate the redevelopment of the site for a proposed 12-storey residential building containing 301 dwelling units, with 179 vehicular and 285 bicycle parking spaces in a 2-level below grade garage. The proposal would have a residential gross floor area of 19,085 square metres (Floor Space Index of 5.26 x the area of the lot).

Applicant	Agent	Architect	Owner
SHERRY LARJANI			URBAN CAPITAL- HARBOUR (MARLEE) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	RD (f15.0; a550) (x5)	Heritage Designation:
Height Limit (m):	10	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m):	3,626	Frontage (m):	79	Depth (m):	46
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,737	2,737
Residential GFA (sq m):	554		19,056	19,056
Non-Residential GFA (sq m):				
Total GFA (sq m):	554		19,056	19,056
Height - Storeys:	2		12	12
Height - Metres:			38	38

Lot Coverage Ratio (%):	75.48	Floor Space Index:	5.26
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	19,056	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	5			
Condominium:			301	301
Other:				
Total Units:	5		301	301

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			175	95	31
Total Units:			175	95	31

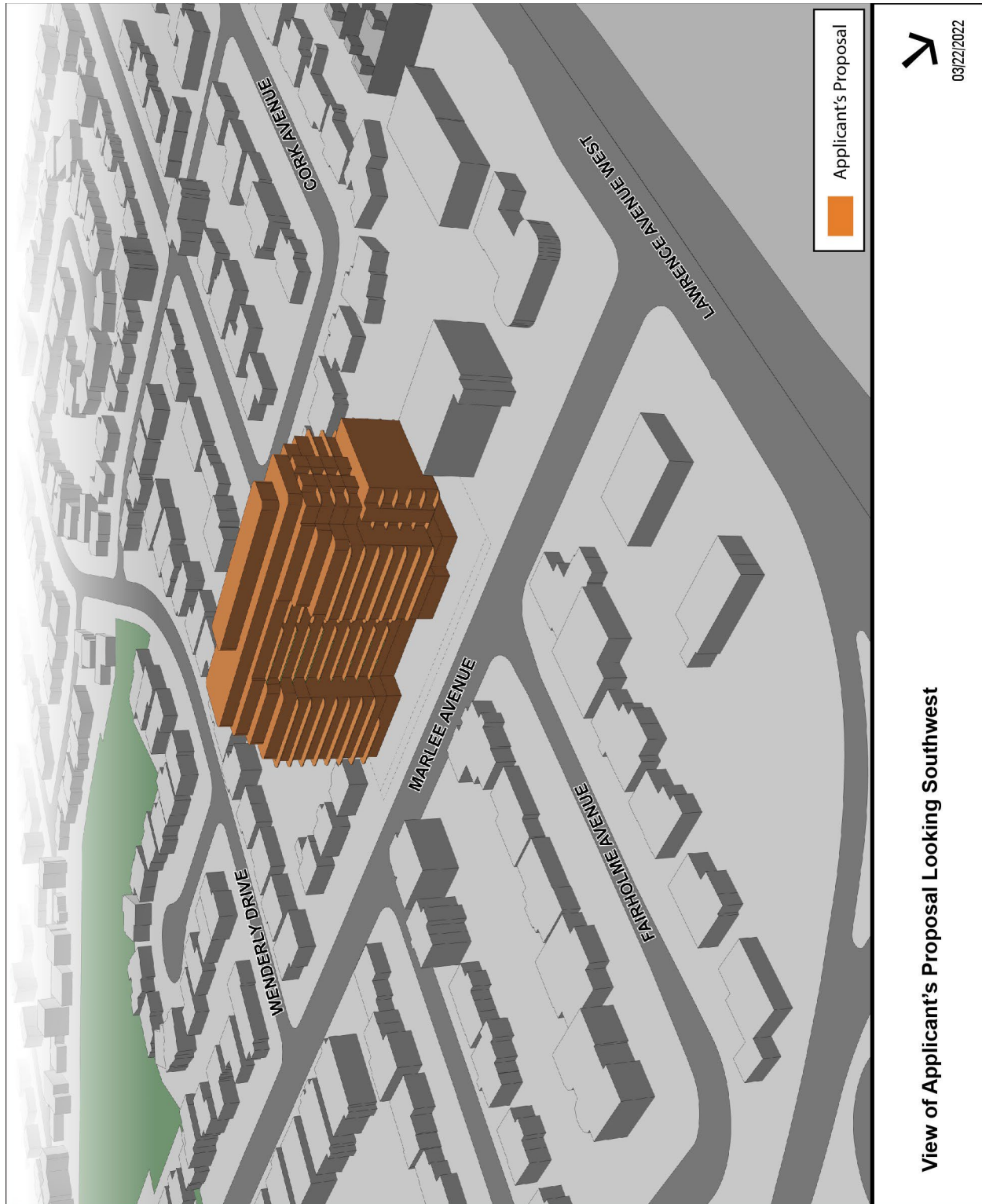
Parking and Loading

Parking Spaces: 159 Bicycle Parking Spaces: 302 Loading Docks: 1

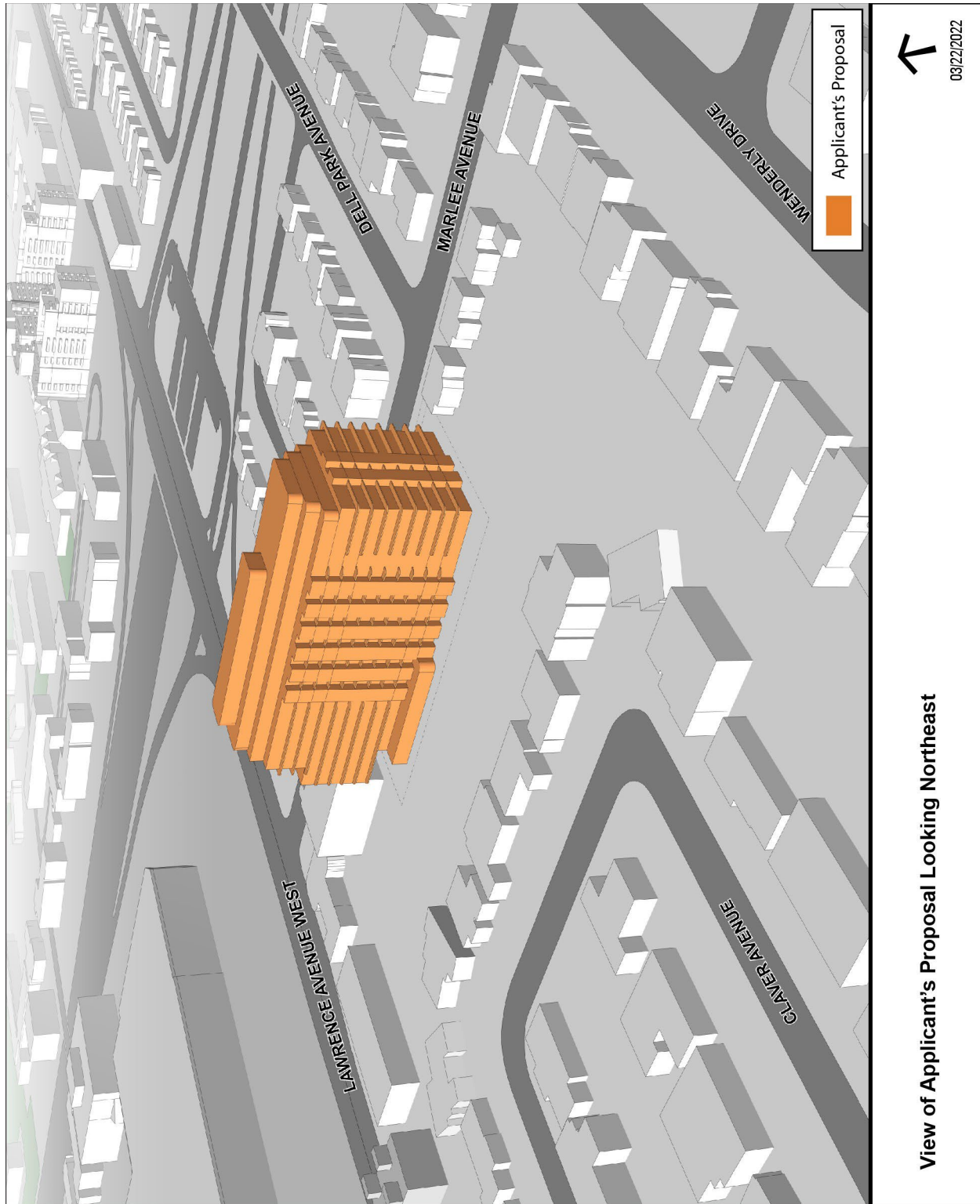
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Attachment 3: 3D Model of Proposal in Context Looking Southwest

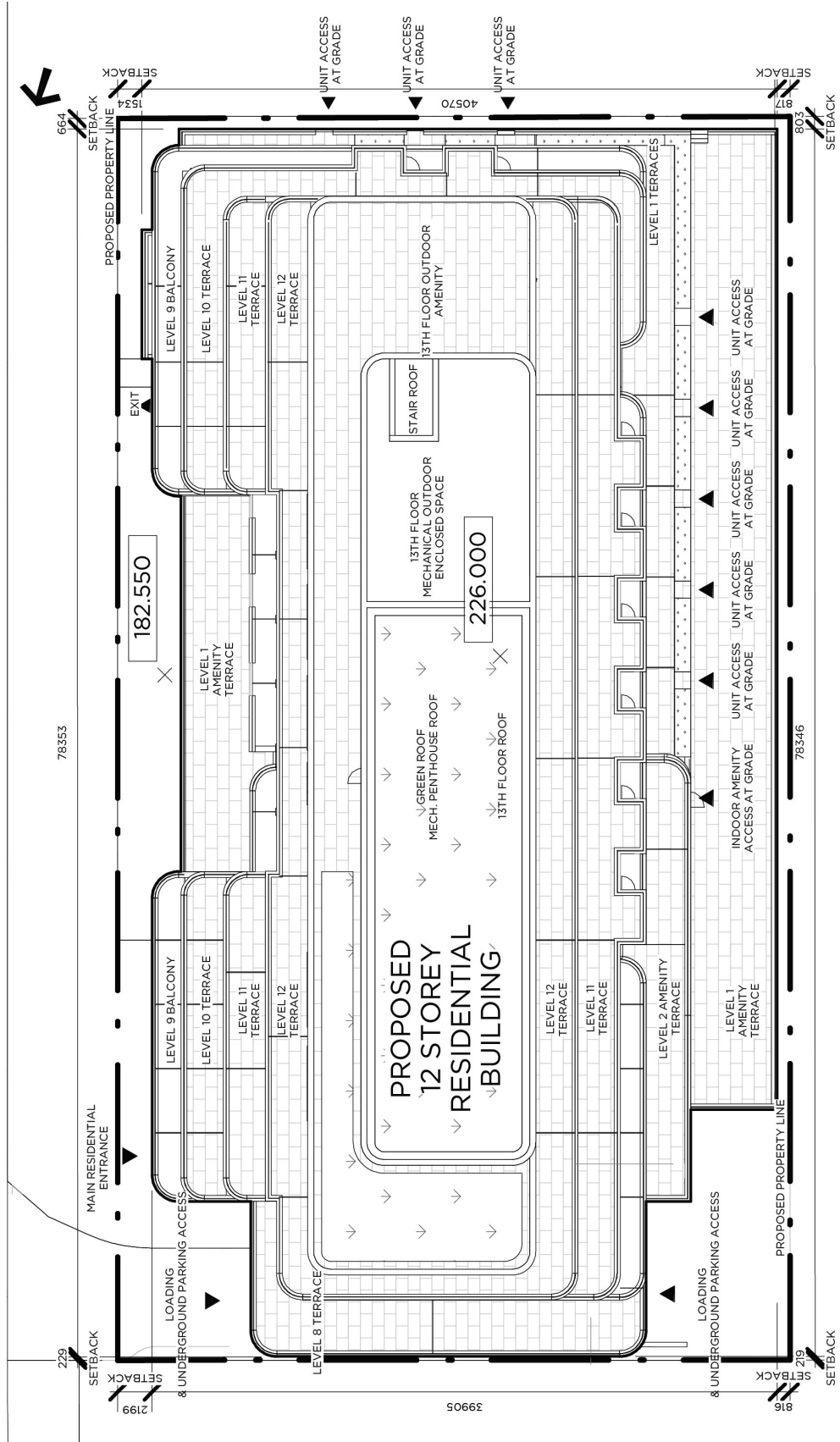


Attachment 4: 3D Model of Proposal in Context Looking Northeast

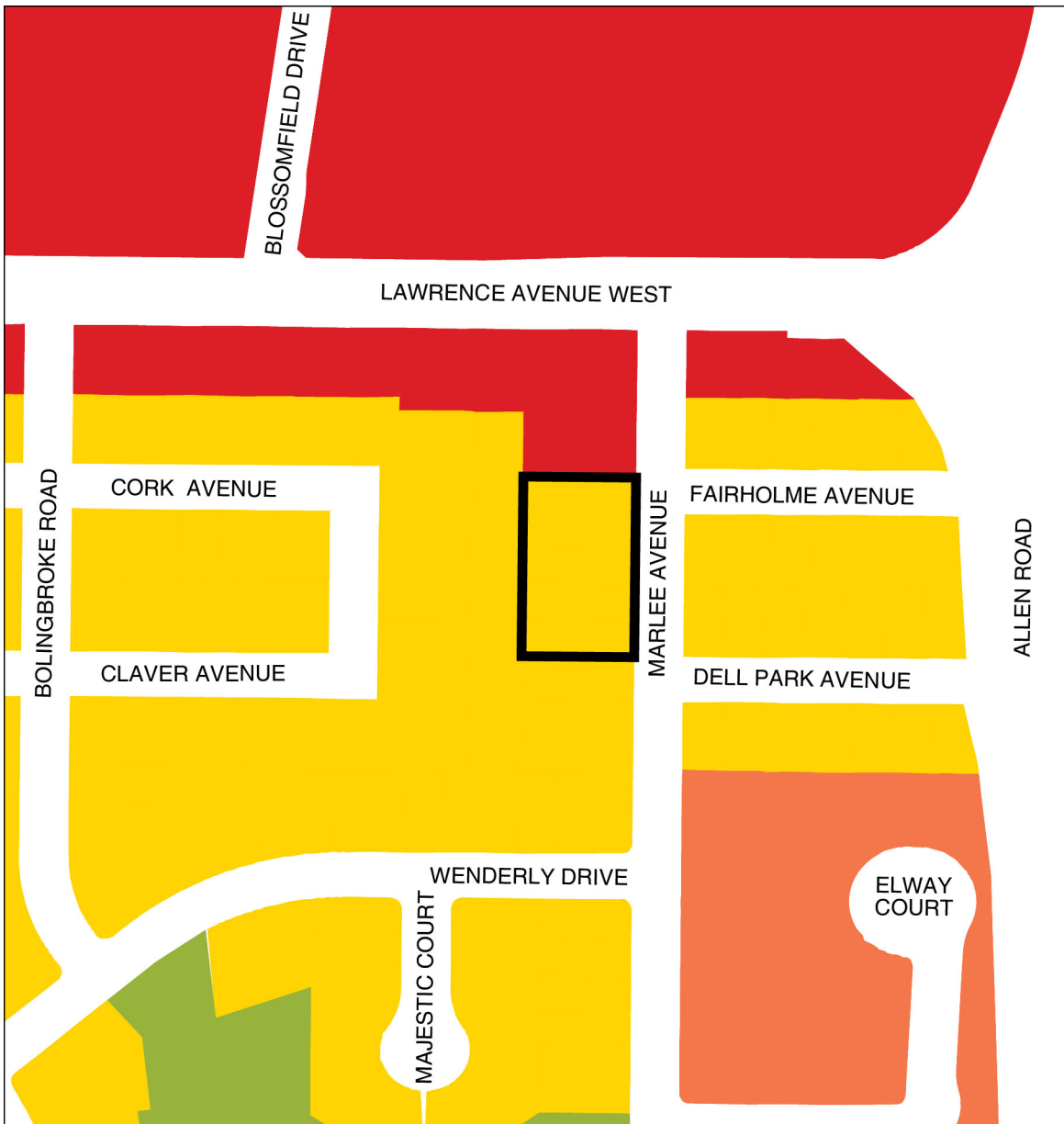


Attachment 5: Site Plan

MARLEE AVENUE



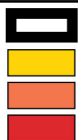
Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map 17

774-782 Marlee Avenue

File # 21 251194 NNY 08 0Z



Location of Application

Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

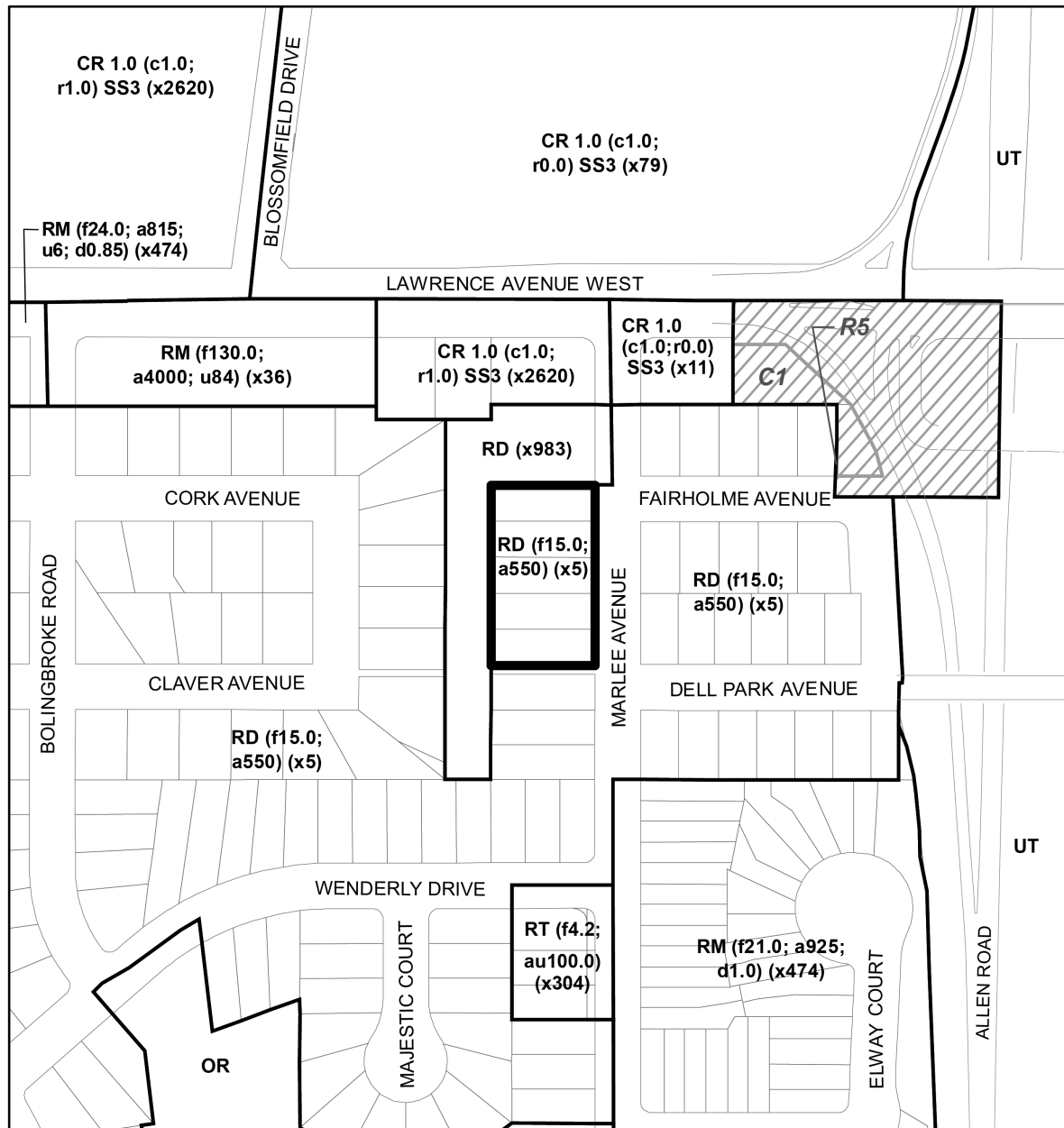


Parks



Not to Scale
Extracted: 01/04/2022

Attachment 7: Zoning By-law Map



Zoning By-law 569-2013

774-782 Marlee Avenue

File # 21 251194 NNY 08 02



Location of Application

RD
RT
RM

Residential Detached
Residential Townhouse
Residential Multiple

CR
OR
UT

Commercial Residential
Open Space Recreation
Utility and Transportation



See Former City of North York By-law No. 7625

R5
C1

One-Family Detached Dwelling Fifth Density Zone
General Commercial Zone



Not to Scale
Extracted: 03/21/2023