

72 Church Avenue – Official Plan and Zoning By-law Amendment Application – Decision Report – Approval

Date: January 03, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 18 - Willowdale

Planning Application Number: 19 221984 NNY 23 OZ

Related Application: 14 259884 NNY SA

SUMMARY

This application proposes to permit a 4-storey rental residential building containing 14 units at a height of 13.9 metres. A total of eight parking spaces and 17 bicycle parking spaces are provided within the below grade garage. The total gross floor area ("GFA") is 1,508 square metres (Floor Space Index of 2.4 times the lot area).

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 (2020).

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law as it provides for an appropriate level of intensification on a site within the North York Centre.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council amend the Official Plan, for the lands at 72 Church Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment 6 to this report.
2. City Council amend Zoning By-law 7625 for the lands at 72 Church Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.

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

On October 17, 2013, North York Community Council received staff's preliminary report and directed staff to hold a community consultation for the proposed 22 unit, four-storey retirement residence at 72 Church Avenue.

On January 13, 2014, Planning staff together with the ward Councillor held a community consultation meeting for the proposed 22 unit, 4-storey retirement residence.

On January 7, 2019 a new applicant assumed carriage of the application and submitted a revised proposal for a 26-unit, 4-storey residential building.

On April 20, 2021, Planning staff together with the ward Councillor held a community consultation meeting to provide the community with the updated proposal, specifically, the proposed change of use to residential building from a retirement residence.

THE APPLICATION

Proposal Description: The application proposes to amend the Official Plan and Zoning By-law to permit a residential building at 72 Church Avenue. The building is proposed to be rental in tenure.

Height: The proposed building is 4-storeys, 13.9 metres in height, plus 2.7 metres in height for the mechanical penthouse.

Density: The proposed floor space index ("FSI") would be 2.4 times the area of the lot with a total gross floor area of 1,508 square metres.

Unit Count: The residential unit mix would include a total of 14 residential units, including 4 studio and one-bedroom (39%), 7 two-bedroom (50%), and 3 three-bedroom units (11%).

Parking and Loading: A total of 8 parking spaces are proposed in a one-level underground parking garage comprised of 7 resident parking spaces and 1 visitor parking spaces.

Additional Information: See Attachment 1 for the Application Data Sheet, Attachment 2 for the Location Map, Attachment 3 for the Land Use Map Official Plan, Attachment 4 for the North York Centre Secondary Plan, Attachment 5 for the Existing Zoning By-law

Map, Attachment 6 for the draft Official Plan Amendment, Attachment 7 for the Draft Zoning By-law Amendment, Attachment 8 for the Site Plan Drawing, and Attachment 9 for the Elevation Drawings.

Reasons for Application

An Official Plan amendment is required as the proposal does not conform with the North York Centre Secondary Plan's parking requirement. An amendment to the former City of North York's Zoning By-law 7625 is required as it does not meet the performance standards including the multi-unit building, gross floor area, building height, lot coverage and parking.

APPLICATION BACKGROUND

Application Requirements

The following reports/studies were submitted in support of the application, and is also available on the [Application Information Centre - 72 CHURCH AVE \(toronto.ca\)](https://www.toronto.ca/application-information-centre-72-church-ave)

- Planning Justification Report
- Traffic Impact Study
- Parking Study
- Loading Study
- Green Development Standards Checklist
- Servicing and Stormwater Management Report
- Tree Protection Plan
- Arborist Report
- Soil Volume Plan

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 Official Plan amendments and Zoning By-law standards.

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 North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

Community Consultation

City Planning hosted a virtual community consultation meeting on April 20, 2021 to update the community on the revised proposal from a 22 unit retirement residence that

was presented to the community on January 13, 2014 to the current proposal for a 14 unit residential building. There were approximately 15 residents in attendance including the ward Councillor, City staff and the applicant's team. City Planning staff presented the planning policy framework and application review process, and the applicant presented the development proposal. Comments raised at the meeting included:

- Concerns about pedestrian and student safety especially as the subject site is located across from the pickup and drop off area for McKee Elementary Public School and the Lansing Co-operative Nursery School
- Concerns surrounding traffic and parking in a high traffic area
- Overdevelopment for a small lot
- Concerns surrounding the on-site waste management

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020) (the "PPS"), and shall conform to provincial plans, including A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan").

Official Plan

The land use designation for the site is *Mixed Use Areas*. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

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

Secondary Plan

The North York Centre Secondary Plan identifies the site as *Mixed Use Area G* and is also located within the North York Centre North Buffer Area, which serves as a buffer from the surrounding neighbourhoods to the North York Centre South and North York Centre North, therefore, no commercial uses are permitted on the subject site.

The North York Centre Secondary Plan permits a maximum floor space index of 2.6 times the area of the land as identified in North York Centre North Density Limits, Map 8-7. The Secondary Plan provides for a maximum height of the lesser of 15 metres or 4 storeys identified in North York Centre Secondary Plan Maximum Height Limits, Map 8-8b.

The Secondary Plan includes parking minimums that require 1.2 spaces per dwelling unit while encouraging the use of public transit to minimize the disruption of service

vehicle access to traffic flow and pedestrians identified in Appendix 1 of the North York Centre Motor Vehicle Parking Policy.

Urban design policies in the Official Plan and Secondary Plan support buildings that are accessed directly from the street and provide for an attractive pedestrian environment. Building heights and setbacks are to limit impacts on neighbouring streets and properties.

The North York Centre Secondary Plan can be found here: [8 - North York Centre Secondary Plan \(toronto.ca\)](#)

Zoning

The subject site is zoned R4 under former City of North York Zoning By-law 7625 which permits one-family detached houses and associated development standards including setbacks, lot coverage, gross floor area and building height. An apartment house dwelling is not permitted in the R4 zone.

Toronto Green Standard

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.

Site Plan Control

The proposal is subject to the Site Plan Control By-law. An application for Site Plan Control (File No. 14 259884 NNY 23 SA) has been filed and is under review.

COMMENTS

Provincial Policy Statement and Provincial Plans

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 PPS and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan. The subject site is located within an Urban Growth Centre and the proposed intensification is appropriate given that the site is located on the remaining portion of the block that has not been redeveloped as part of the townhouse development (Northtown Plaza) to the immediate north, east and west of the subject site. The proposal provides for an efficient use of land that supports the achievement of complete communities by providing a mix of housing and housing tenure. The proposed height, storey and density are consistent with, conform to and do not conflict with provincial policies.

Land Use

The Official Plan designates the lands *Mixed Use Areas*. The lands are also designated *Mixed Use Area G* within the North York Centre Secondary Plan. This designation permits residential, commercial, and institutional uses, with commercial uses not to exceed 20% of the maximum permitted gross floor area. The lands are also within the North York Centre North Buffer Area, where no commercial uses are permitted. The subject site is surrounded by low-rise residential buildings and there is no proposed commercial use associated with this development. The proposed use is consistent with the North York Centre Secondary land use policies, and it is compatible with the residential nature of the subject block.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and the North York Centre Secondary Plan. The Secondary Plan provides for a maximum height of the lesser of 15 metres or 4 storeys with a maximum floor space index of 2.6 times the area of the lands. The proposal is within the North York Centre Secondary Plan maximum height and density permissions.

The proposed side yard and rear yard setbacks meet appropriate facing relationships between the proposed building and its neighbouring buildings. The proposal provides a minimum of a 5.5 metre facing distance from the main habitable rooms from the west neighbouring property, as well as a 5.5 metre rear yard setback. There are no windows on the neighbouring property to the west of the site. In addition, a minimum of 11 metre facing relationship is provided between the main habitable rooms on the east side of the building that overlook the outdoor courtyard as shown in Attachment 7 of the draft Zoning By-law Amendment, Schedule 2. The proposal is in keeping with the Townhouse and Low-Rise Apartment Guidelines ensuring adequate facing distance between units to allow for adequate access to sunlight, sky view and privacy and to reduce overlook conditions between the proposed building walls and neighbouring properties.

Traffic Impact, Access, Parking

The North York Centre Secondary Plan requires 17 parking spaces. The applicant submitted an updated Parking Justification Study in December 2020. The report estimates that the project will generate approximately three and three, two-way trips during the a.m. and p.m. peak hours respectively. The study concluded that traffic volumes generated by the subject development can readily be accommodated by the adjacent roads and intersections with negligible impact on roadway intersection operations. In addition, the proposal provides for 15 long-term and 2 short-term bicycle parking on-site. Transportation Services accepts the Parking Justification for the proposed reduction of parking spaces due to the subject site's proximity to transit and are satisfied that these measures meet the Toronto Green Standard requirements.

The proposed two-way driveway will be accessed from Church Avenue and will provide access to the eight parking spaces including one accessible parking space and one visitor parking space within the below-grade garage.

Indoor and Outdoor Amenity Space

The Official Plan states that all multi-unit development should have high quality, well designed amenity space and consider the needs of its residents of all ages and abilities over time and throughout the year. The proposal provides for 43 square metres of indoor amenity space co-located with the 75 square metres of outdoor amenity space at the ground level, in addition to, 115 square metres of rooftop outdoor amenity space. The proposal provides sufficient indoor and outdoor amenity space to support the building's prospective residents.

Servicing

The applicant has provided site servicing plans and Functional Servicing, Stormwater Management, and Hydrogeological reports which conclude that there are no servicing issues with respect to the proposed development.

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 Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 4 -12 square metres of parkland per person, which is below the City-wide average provision of 28 square metres of parkland per person (2022).

The value of the cash-in-lieu of parkland dedication will be appraised under the direction of the Executive Director, Corporate Real Estate Management through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit.

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). The applicant submitted a Tree Protection Plan to ensure the planting and survival of one new City trees and three new private trees. Urban Forestry staff will secure the new trees through the Site Plan Control process.

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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan and the North York Centre Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to providing a range of housing types in terms of form, tenure and affordability, and particularly encourages the construction of rental housing in all communities. Staff worked with the applicant and the community to address and resolve the proposed building's relationship with the surrounding built form context as well as to provide family-size dwelling units suitable for larger families. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: North York Centre Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment
- Attachment 8: Site Plan
- Attachment 9: Elevations

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 72 CHURCH AVE Date Received: September 16, 2019

Application Number: 19 221984 NNY 18 OZ

Application Type: OPA / Rezoning

Project Description: A 4-storey residential building containing 14 residential units. Eight parking spaces and 17 bicycle parking spaces is proposed within 1-level of underground parking accessed via Church Ave. It is proposed that this will be a purpose-built rental housing

Applicant	Agent	Architect	Owner
THE BIGLIERI GROUP	Mark Jacob	Taes Architect Inc	XIAO JING WANG

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: R4 Heritage Designation: N

Height Limit (m): 8.8 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 633 Frontage (m): 15 Depth (m): 41

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	65	0	344	344
Residential GFA (sq m):	130	0	1,508	1,508
Non-Residential GFA (sq m):				
Total GFA (sq m):	130	0	1,508	1,508
Height - Storeys:	2	0	4	4
Height - Metres:	5	0	14	14

Lot Coverage Ratio (%): 78 Floor Space Index: 2.4

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,508	
Retail GFA:	0	

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0		14	14
Freehold:	1	0		
Condominium:				
Other:				
Total Units:	1	0	14	14

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		1	2	7	3
Total Units:		1	2	7	3

Parking and Loading

Parking Spaces: 8 Bicycle Parking Spaces: 17 Loading Docks: 0

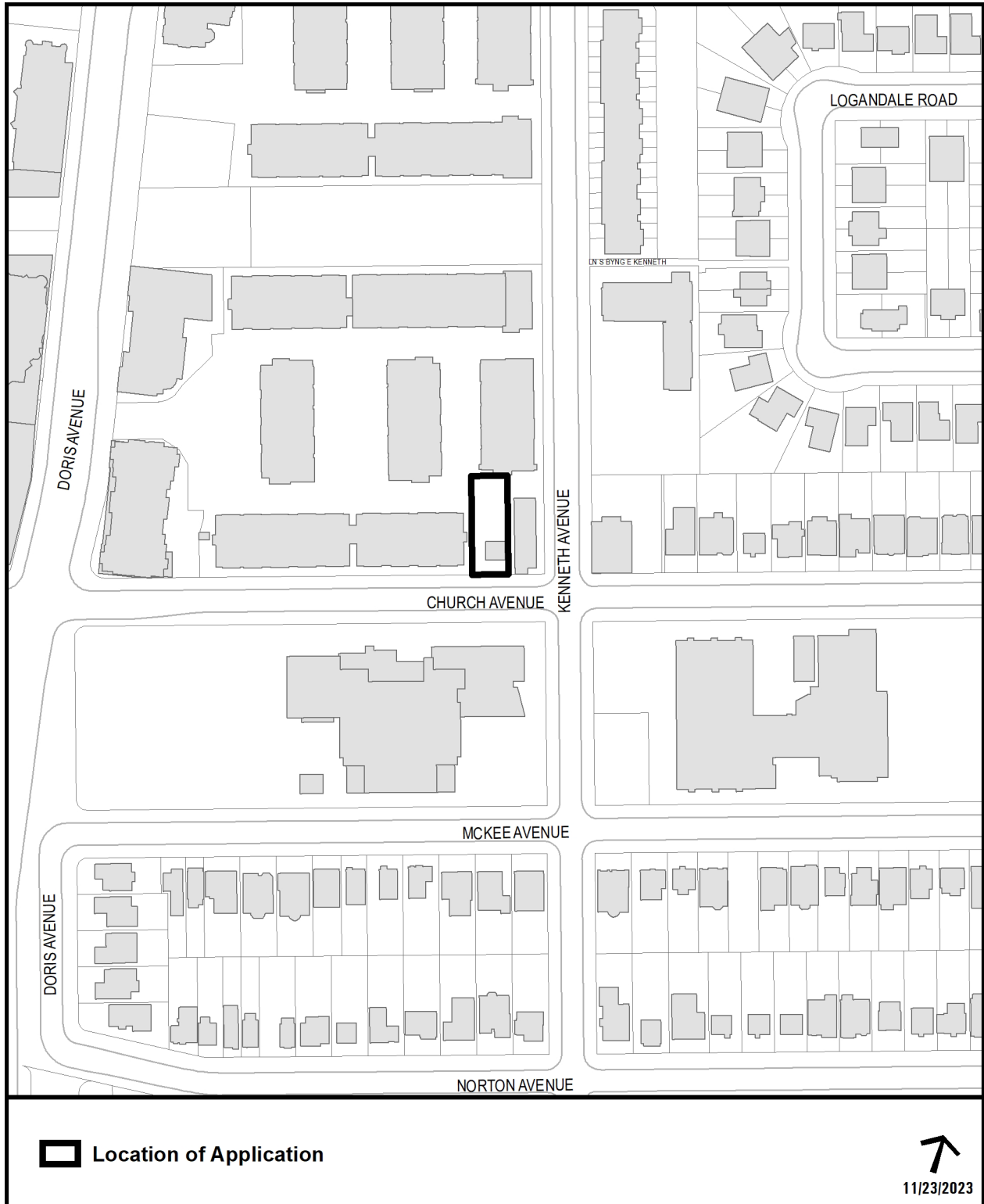
CONTACT:

Jenny Choi, Senior Planner

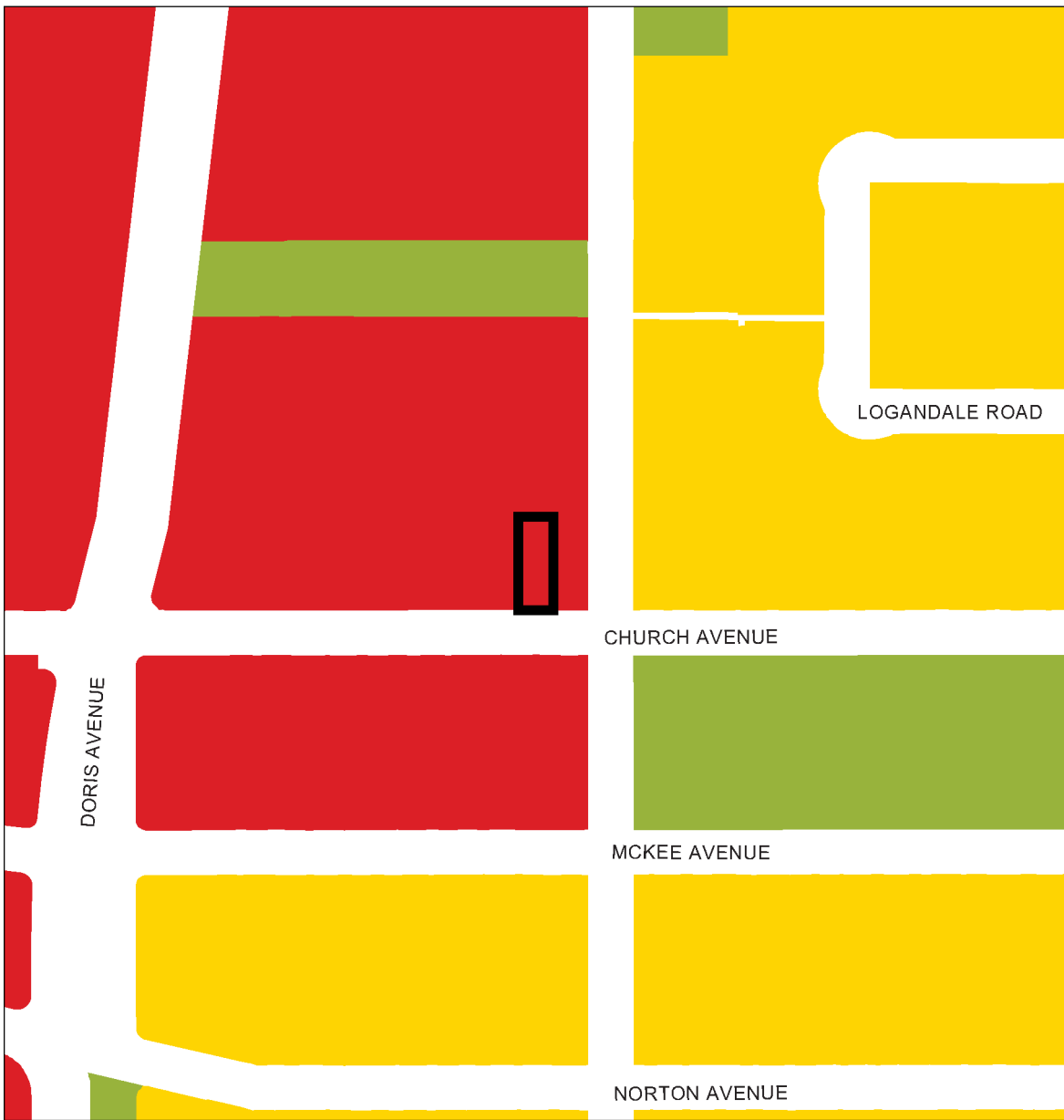
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Attachment 2: Location Map








Attachment 3: Official Plan Land Use Map



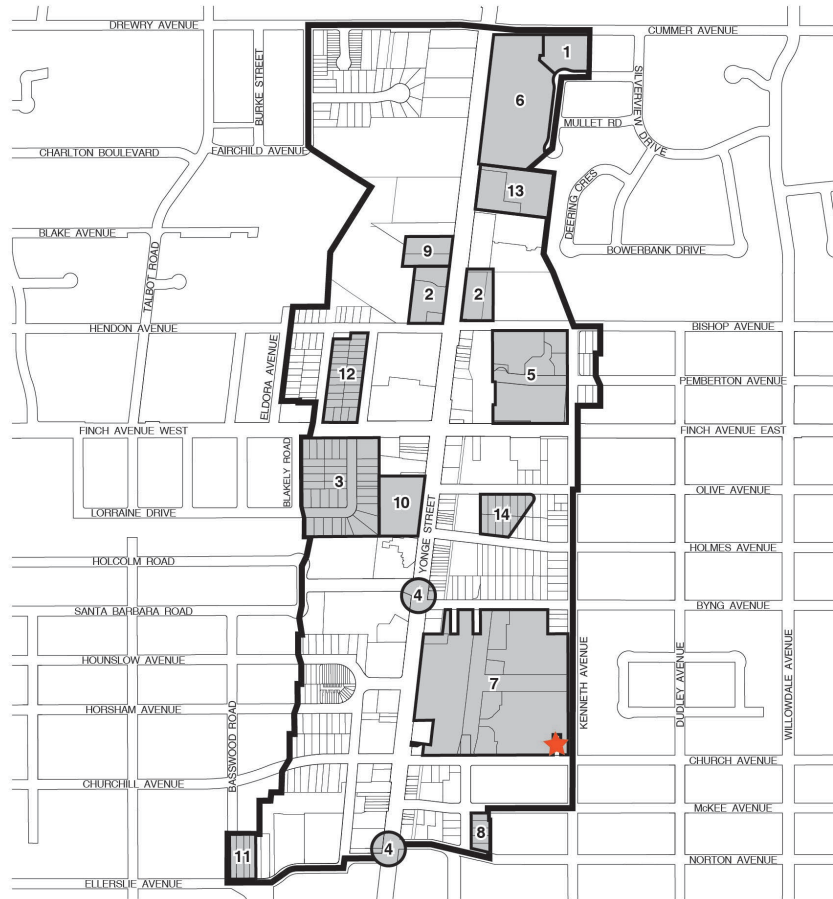
Official Plan Land Use Map #16

72 Church Avenue
File # 13 195001 NNY 23 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks





Not to Scale
Extracted: 04/15/2021

Attachment 4: North York Centre Secondary Plan



North York Centre Secondary Plan

MAP 8-13 North York Centre North Site Specific Policies

-  Secondary Plan Boundary
-  Site Specific Policy Areas*
-  Subject Site

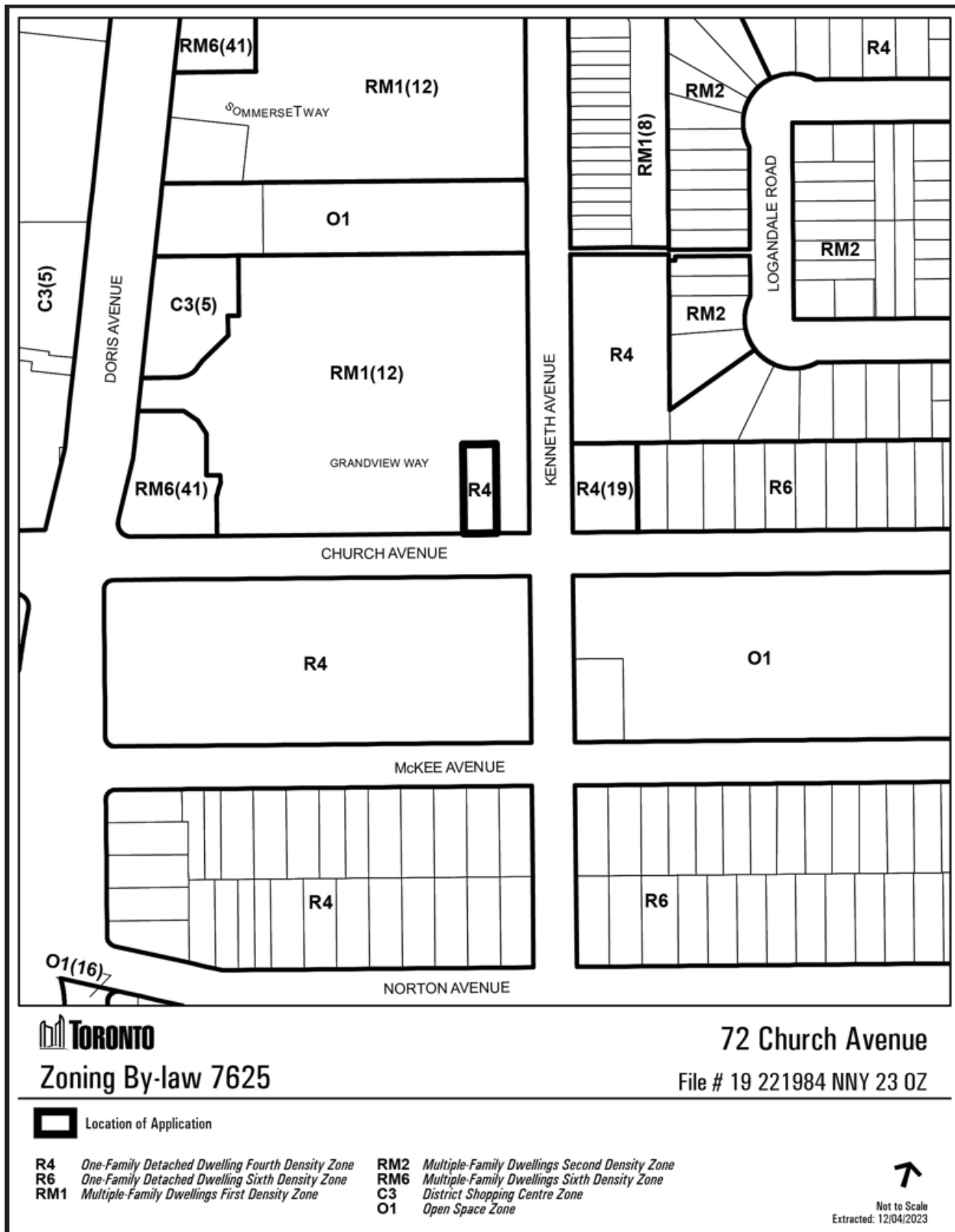
* The shaded areas on this map are subject to the specific policies set out in the North York Centre Secondary Plan, Section 13.

This map forms part of the Official Plan and should be interpreted in conjunction with the written text.



October 2009

Attachment 5: Existing Zoning By-law Map



Attachment 6: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2024

Enacted by Council: ~, 2024

CITY OF TORONTO

BY-LAW XX-2024

To adopt Official Plan Amendment 702 to the Official Plan for the City of Toronto respecting the land known municipally in the year 2024 as 72 Church Avenue

Whereas authority is given to Council under 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:

The Council of the City of Toronto enacts:

1. The attached Amendment No.702 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on xxx, 20 ~.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

AMENDMENT NO. 702 TO THE OFFICIAL PLAN

LAND MUNICIPALLY KNOWN IN THE YEAR 2024 AS 72 CHURCH AVENUE

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 8, North York Centre Secondary Plan is amended by adding the following subsection to Section 13, North York Centre North Site Specific Policies:

25. Lands located on the north side of Church Avenue, known as 72 Church Avenue (25 on Map 8-13)

a) Notwithstanding the policies of the North York Centre Secondary Plan, regarding the residential parking standards set out in Section 2.2 of Appendix 1 of this Secondary Plan, the required parking for the building on these lands shall be as follows:

i) a minimum of seven parking spaces for residents and a minimum of one parking space for visitors.

2. Map 8-13, North York Centre Secondary Plan, North York Centre North Site Specific Policies, is amended to show the land municipally known as 72 Church Avenue as Site Specific Policy Area Number 25 as shown on the attached Schedule 1

CITY OF TORONTO

BY-LAW No. ~ -20~

To amend Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2024 as 72 Church Avenue

BY-LAW No. RM5 (30) XXXX-2024

Whereas Council of the City of Toronto has the authority pursuant 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. Schedule "A" and "B" of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.29 of By-law No. 7625 is amended by adding the following subsection:

64.29 (30) RM5 (30)

PERMITTED USES

- (a) The permitted use shall be an Apartment House Dwelling.

LOT FRONTAGE

- (b) The minimum lot frontage is 15 metres.

EXCEPTION REGULATIONS

- (c) The maximum number of dwelling units shall be 14.

MAXIMUM GROSS FLOOR AREA

- (d) The maximum gross floor area is 1,508 square metres.

BUILDING HEIGHT

(e) The maximum building in storeys and metres of any portion of a building or structure shall not exceed the number of storeys and metres as shown for the portion of the building on Schedule RM5(30) attached to and forming part of this By-law.

(f) The rooftop amenity space/mechanical room and the parking level below grade are not to be considered a storey.

(g) The rooftop amenity space is restricted to a 115 square metres and is no closer than 2.7 metres from the interior face of any main wall.

PERMITTED PROJECTIONS INTO MAXIMUM HEIGHTS

(h) Notwithstanding (g) above, the following elements shall be permitted to exceed the heights as identified and set out on Schedule RM5(30):

- i) mechanical penthouse to a maximum of 2.7 metres
- ii) railing and rails to a maximum of 1.1 metres

YARD SETBACKS

(i) The minimum setbacks and distances between buildings above grade shall be shown on Schedule RM5(30) attached to and forming part of this By-law and below:

(j) The minimum setbacks and distances between buildings above grade shall be shown on Schedule RM5(30) attached to and forming part of this By-law and below:

- i) The minimum front yard setback on the south side shall be 3.87 metres
- ii) The minimum side yard setback on the west side of the ground floor shall be 1.1 metres
- iii) The minimum side yard setback on the west side levels 2 to 4 shall be 0.6 metres
- iv) The minimum side yard setback on the east side shall be 2.0 metres
- v) The minimum rear yard setback on the north side shall be 5.5 metres

PERMITTED PROJECTIONS INTO MINIMIUM YARD SETBACKS

(k) Notwithstanding (j) above, the following structures and projections are permitted to extend into the required setback and building envelope areas as identified and set out on Schedule RM5 (30)

- i) canopy to a minimum of 0.84 metres from the front lot line
- ii) platform to a minimum of 0.0 metres from the side lot line

LOT COVERAGE

(l) The permitted maximum lot coverage is 78 percent of the site.

LANDSCAPING

(m) The minimum soft landscaping shall be 85 square metres.

(n) The minimum rear yard landscape strip along the entire width of the north property line shall be 2.17 metres deep.

(o) A 1.8 metre privacy fence will be erected on the rear (north), east and west lot lines.

AMENITY SPACE

(p) The minimum outdoor amenity space will be 74 square metres at grade and 115 square metres on the roof top.

PARKING

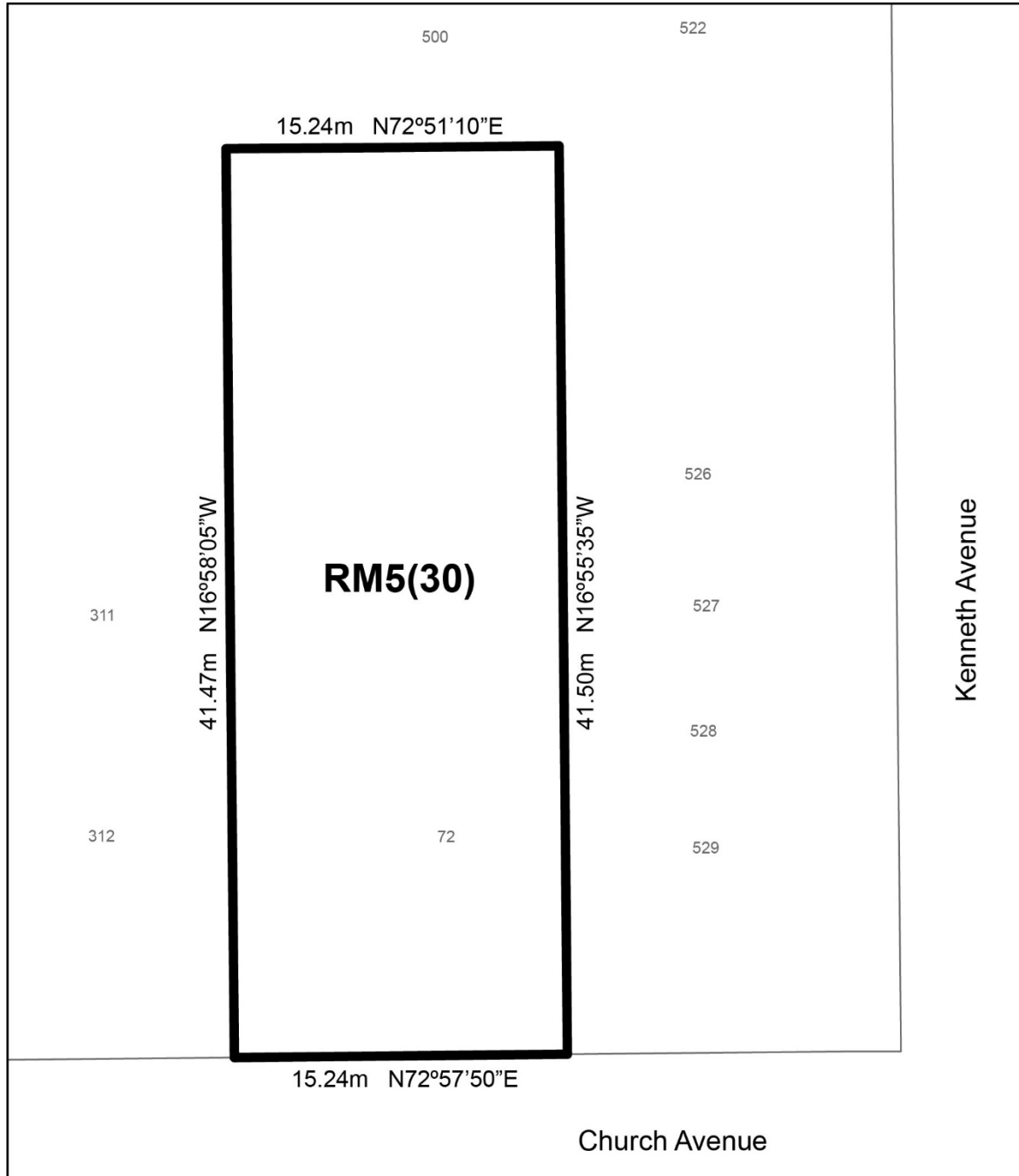
(q) The minimum number of residential parking spaces shall be 7, of which one (1) parking space is an accessible parking space, with a minimum length of 5.6 metres and a minimum width of 3.9 metres; and

(r) The minimum residential visitor parking space will be one (1).

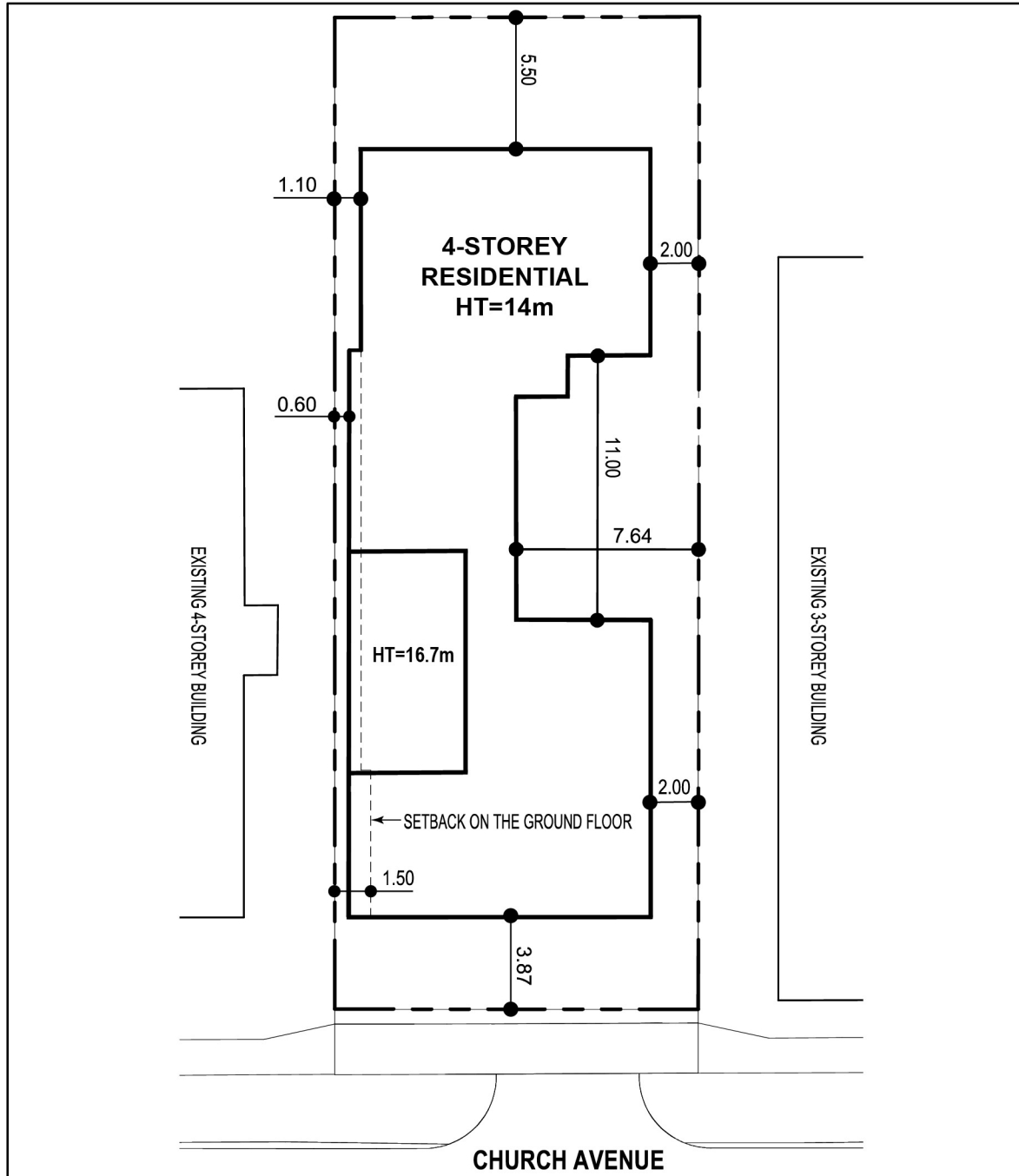
BICYCLE PARKING

(s) The minimum number of residential bicycle parking spaces located in the parking level below grade, shall be 17.

SCHEDULE 1



SCHEDULE 2



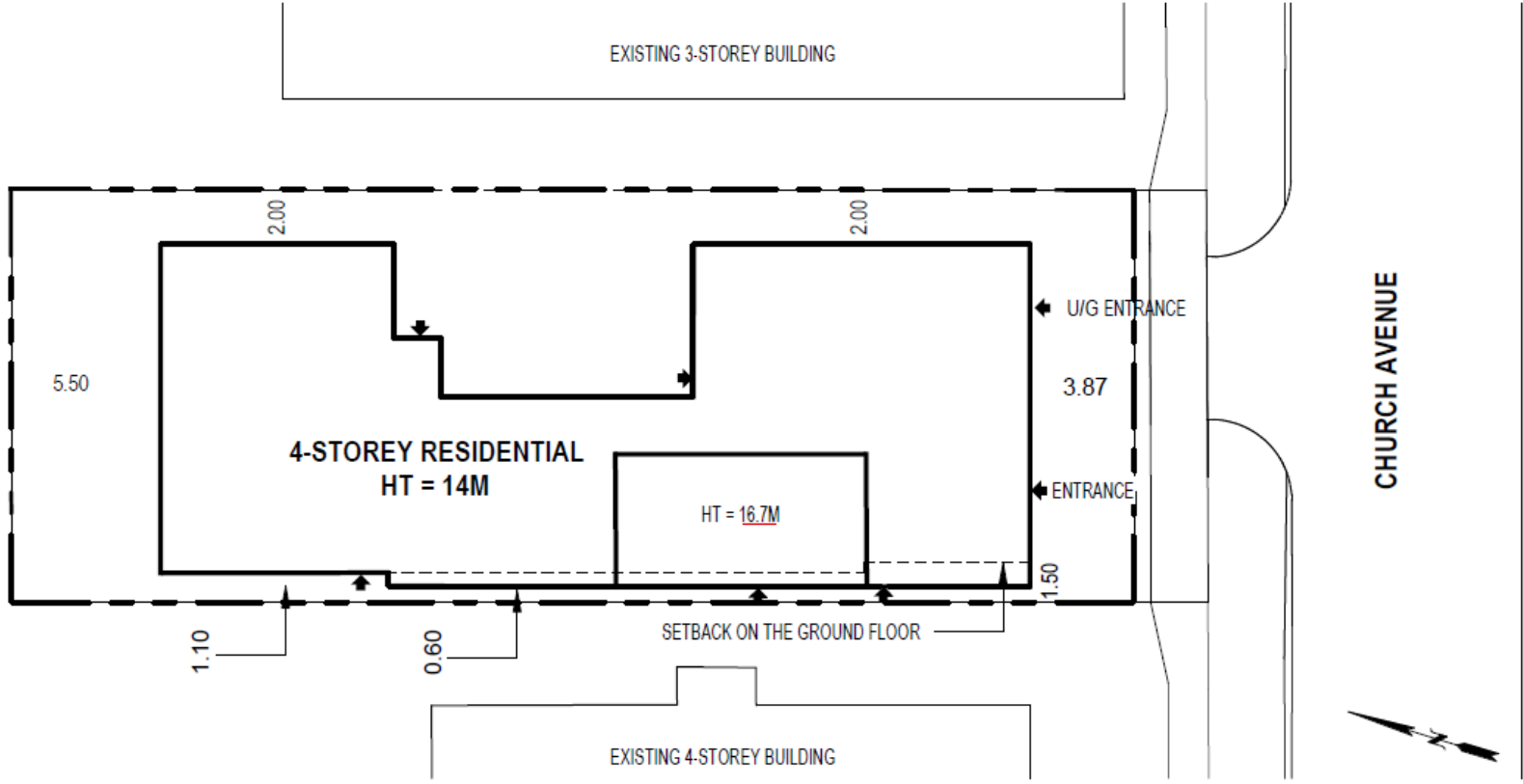
 **TORONTO**
Schedule RM5(30)

72 Church Avenue

File # 19 221984 NNY 23 OZ


Former City of North York By-law 7625
Not to Scale
12/29/2023

Attachment 8: Site Plan



Attachment 9: South and West Elevations

South Elevation



West Elevation

