

## **104-114 Finch Ave East – Official Plan Amendment, Zoning By-law Amendment, Applications – Decision Report – Approval**

Date: January 31, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

**Planning Application Number: 24 171445 NNY 18 OZ**

### **SUMMARY**

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This application proposes to amend the zoning by-law and the Official Plan to permit an 11-storey (36 metres excluding a 5.0 metre mechanical penthouse) mixed-use building with 201 residential units at 104 -114 Finch Avenue East. A total of 138 vehicular parking spaces and 158 bicycle parking spaces, including 20 short-term spaces at grade is provided. The application proposes a total gross floor area of 12,751 square metres, including 438 square metres of retail gross floor area (GFA), resulting in an overall density of 5.72 times the lot area. Vehicular access to the subject site is proposed along Willowdale Avenue via a 6 metres wide, two-way driveway.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law with a Holding provision. The recommended zoning by-law amendment and Official Plan amendment are consistent with the Provincial Policy Statement (2024). The zoning by-law amendment and Official Plan amendment also conform to the City's Official Plan, subject to addressing the issues that are the subject of the Holding (H) provision further described in this report.

The proposal conforms to the Official Plan, particularly as it relates to policies that support new housing supply through intensification within the *Avenues* and *Mixed Use Areas* designations. The development is transit-supportive and provides local economic opportunities and services through the addition of retail units at-grade.

The proposed mid-rise building aligns with the updated Mid-Rise Building Design Guidelines (2024) and is massed to fit within the existing context and mitigate impacts on adjacent neighbourhoods.

## RECOMMENDATIONS

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The Director, Community Planning North York District recommends that:

1. City Council amend the Official Plan for the lands municipally known 104-114 Finch Avenue East substantially in accordance with the draft Official Plan Amendment included as Attachment 5 to this Report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands municipally known as 104-114 Finch Avenue East substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this Report.
4. 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.
5. City Council request that the Owner make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the *Planning Act*, with the off-site parkland dedication to be acceptable to the General Manager, Parks and Recreation, to be conveyed prior to the issuance of the first above grade building permit and;
  - a. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;
  - b. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and
  - c. the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.
6. City Council approve the acceptance of an off-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition.
7. City Council direct that should the cost of acquiring the land for the off-site dedication, including the purchase price, less reasonable real estate commissions of up to 5 percent, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks and Recreation, be less than the value of the parks levy calculated upon the submission of an application for the first above-grade building permit, the difference will be paid as cash in lieu to the City prior to the issuance of the first above-grade building permit for the development.

8. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks and Recreation (PR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

## **FINANCIAL IMPACT**

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The Development Review 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**

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The site was previously the subject of an Official Plan amendment and Zoning By-law amendment applications along with the properties to the west at 100 and 102 Finch Avenue East (File No. 12 243511 NNY 24 OZ). The applications were submitted on September 10, 2012 to permit a 6-storey, 82-unit residential building with ground floor commercial uses, resulting in a density of 2.6 times the area of the lot. Staff wrote a preliminary report dated October 17, 2012. The preliminary report can be found here: [Agenda Item History - 2012.NY20.28](#)

The development site was expanded in May 2013 to include 98 Finch Avenue East, and the proposal was revised to a 4-storey, 75-unit residential and commercial development, with a density of 1.92. A final staff report dated May 27, 2015 recommended approval of the revised application and OPA 259 and By-law 808-2015 were enacted on July 9, 2015. The final report can read here: [Agenda Item History - 2015.NY7.8](#). The official plan amendment resulted in Site and Area Specific Policy 15, which is discussed further in the Policy & Regulatory Considerations of this report.

A separate Official Plan Amendment and rezoning application was submitted for the subject site on its own (File No. 22 240816 NNY 18 OZ) to permit a 4-storey mixed-use building with 67 residential units and 10 live-work units, resulting in a density of 2.0. At the request of the applicant, it was closed on May 2, 2024.

A pre-application consultation (PAC) meeting for the current application was held on December 18, 2023. The Official Plan amendment and zoning by-law amendment application was submitted on July 30, 2024, and deemed complete on October 8, 2024. A Preliminary Summary of the application is available here: [www.toronto.ca/104-114FinchAveE](http://www.toronto.ca/104-114FinchAveE)

The site is located within the Finch PMTSA (SASP 727) as delineated within OPA 570. On July 19-22, 2022, City Council adopted four OPAs: OPAs 540, 544, 570 and 575, that include a total of 115 Major Transit Station Areas (MTSAs)/Protected Major Transit Station Areas (PMTSAs). SASP 727 proposes a minimum target of 350 people and jobs per hectare for the Finch PMTSA. The OPAs were forwarded to the Minister of Municipal Affairs and Housing for approval. As of the date of this Report, the Minister has not yet made a decision on OPA 570. A copy of the report and Council's decision can be found here: [Agenda Item History - 2022.PH35.16](#)

On January 23, 2025, the Planning and Housing Committee adopted the recommendations contained in the staff report titled Housing Action Plan: Avenues Policy Review Report. The report presented the results of the Avenues Policy Review which was initiated through the Housing Action Plan (HAP) 2022-2026, through which Council directed City Planning to review the Official Plan policies to ensure alignment with housing demands in areas that can accommodate residential growth. The report recommends an Official Plan Amendment to update the *Avenues* policies in Section 2.2.3 of the Official Plan and proposes changes to Map 2 to expand the *Avenues*, necessary to implement the new vision and policy framework.

Updates to the policy framework intend to leverage *Avenues* as a growth management tool and create a more streamlined policy framework with clear direction. The most significant changes include but are not limited to the designation of 283 kilometres of new *Avenues*, directing growth along *Avenues* to be up to the height and scale of mid-rise buildings, directing more growth near subway, light rail transit, and GO transit stations, providing uses that activate the ground floor in developments along *Avenues* in *Mixed Use Areas* and removing requirements for Avenue Studies and Segment Reviews.

The report will be considered at the City Council meeting on February 5, 2025. A link to the final report including the proposed Official Plan Amendment is here: [Agenda Item History - 2025.PH18.5](#)

## THE SITE AND SURROUNDING LANDS

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### Description

The subject site is comprised of four parcels of land on the north side of Finch Avenue East. The site is located at the northwest corner of Finch Avenue East and Willowdale Avenue and is 650 metres east of Yonge Street. The site is rectangular in shape and has a gross lot area of approximately 2,228 square metres, a lot frontage of 60 metres along Finch Avenue East and 36 metres along Willowdale Avenue, and a lot depth of 37 metres. See Attachment 2 for the Location Map.

### Existing Use

The four properties at 104-114 Finch Avenue East each contain a detached dwelling. Each property, with the exception of 114 Finch Avenue East, has a driveway access from Finch Avenue East.

## **Surrounding Uses**

The following uses surround the subject property:

North: Established low-rise residential neighbourhood, containing one- and two-storey detached dwellings. The Finch subway commuter parking lot is approximately 215 metres north of the site.

South: Established low-rise residential neighbourhood, with one- and two-storey detached dwellings fronting the south side of Finch Avenue East.

East: Low-rise residential neighborhood east of Willowdale Avenue.

West: Low-rise one-storey detached dwellings and one walk-up apartment with professional offices at-grade.

## **THE APPLICATIONS**

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### **Description**

The application proposes to redevelop the site with an 11-storey mixed-use building, measuring 36 metres from established grade (41 metres including the mechanical penthouse), with 12,312 square metres of residential GFA and 438 square metres of non-residential GFA, including 256 square metres of retail space fronting Finch Avenue East at-grade and 182 square metres on the mezzanine level. Access to the underground parking structure is provided at the rear of the building via a new 6 metre wide driveway from Willowdale Avenue.

The proposal has a density of 5.72 times the area of the lot.

### **Residential Component**

The proposal includes 201 condominium dwelling units, 5 studio (2.49%), 114 one-bedroom (56.74%), 54 two-bedroom (26.87%), and 28 three-bedroom units (13.93%).

### **Non-Residential Component**

The proposal includes a total of 438 square metres of non-residential gross floor area. There is 256 square metres of retail space at-grade and 182.83 square metres of retail space on the mezzanine level.

### **Amenity**

The proposal includes a total indoor amenity area of 420 square metres (2.08 square metres per unit) and an outdoor amenity area of 444 square metres (2.21 square metres per unit), which exceeds the requirements of Zoning By-law 569-2013. The outdoor amenity is provided in 97 square metres of at-grade amenity space in the rear

yard and 347 square metres of roof-top amenity space. The indoor amenity area is provided at-grade adjacent to the outdoor amenity area.

### **Access, Parking and Loading**

The proposal includes a total of 138 vehicular residential parking spaces, including 11 visitor spaces, and 7 accessible parking spaces provided in all 3 levels of the underground parking. There are 138 long-term bicycle parking spaces provided in the underground parking structure, and 20 short-term bicycle parking spaces are provided at-grade. One Type 'G' loading space and one pick-up/drop-off space is located at the rear of the building. Access to the parking and loading spaces is provided from Willowdale Avenue via a new 6 metre wide driveway. The proposal meets the parking and loading requirements in the zoning by-law.

### **Additional Information**

See the attachments 1, 3, 8, 9 and 10 of this Report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/104FinchAveE](http://www.toronto.ca/104FinchAveE)

### **Reasons for Application**

An amendment to the Finch Central Area Secondary Plan is required in order to permit the proposed height and density. The subject lands are not currently zoned under City of Toronto Zoning By-law 569- 2013. The Zoning By-law Amendment proposes to bring the site into the City-wide Zoning By-law 569-2013 and create site specific standards to permit the development.

The draft Official Plan Amendment is also required to remove the lands from the existing Site and Area Specific Policy 15 (SASP 15), which currently applies to the lands municipally known as 98, 100, 102, 104, 110, 112 and 114 Finch Avenue East. The SASP and related Official Plan Amendment are discussed in further detail in the Policy and Regulation Considerations section of this report.

## **APPLICATION BACKGROUND**

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A pre-application consultation (PAC) meeting was held on December 18, 2023. The current application was submitted on July 30, 2024 and deemed incomplete with notice to the applicant sent on August 27, 2024. Additional application materials were received, satisfying the City's minimum application requirements, and the application was deemed complete as of October 8, 2024. A Preliminary Summary of the application and the reports and studies submitted in support of this application are available on the Application Information Centre: [www.toronto.ca/104FinchAveE](http://www.toronto.ca/104FinchAveE).

## 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 amendments.

## POLICY & REGULATION CONSIDERATIONS

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### 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 Planning Statement (2024), and shall conform to provincial plans, including the Greenbelt Plan, and others.

### Official Plan

The Official Plan Urban Structure Map 2 locates the site along an *Avenue* and Land Use Map 16 designates the site as *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 directs growth to the *Centres, Avenues, Employment Areas* and the *Downtown* as shown on Urban Structure Map 2 to achieve an array of planning objectives including a mix of uses, efficient use of land, infrastructure, and services, and to concentrate jobs and people in areas well served by surface transit and higher-order transit stations. Surface Transit Priority Network Official Plan Map 5, identifies Finch Avenue as a Transit Priority Segment.

The *Mixed Use Areas* designation combines a broad range of residential uses, institutional uses, offices, retail and services, entertainment, recreation, and parks and open space. The Official Plan anticipates *Mixed Use Areas* to absorb the majority of growth within the city. The mix of uses is expected to vary widely among areas, and designated *Avenues* are anticipated to have a residential emphasis.

### Secondary Plan

The site is located within the area covered by the Central Finch Area Secondary Plan ("Secondary Plan") which was adopted by the former City of North York in the early 1990's, is designated Mixed Use Area 'C' as shown on Land Use Areas Map 22-1, which permits detached and multiple-unit residential, offices, places of worship, public parks and recreational facilities, and institutional uses. The objective of the Secondary Plan is to form a mixed use area between Bathurst Street and Willowdale Avenue, primarily accommodating small office and multiple-unit residential buildings fronting onto Finch Avenue. A vibrant, interesting and active street frontage is to be achieved through the provision of a mix of commercial and residential uses addressing the street.

The Secondary Plan envisions this segment of Finch Avenue developing in a manner that minimizes the impact of new development on the abutting low density residential lands. To buffer from the effects of development or redevelopment in the Central Finch Area, the Secondary Plan encourages measures such as the provision and maintenance of suitable opaque fencing and landscape strips large enough to accommodate trees along the property lines.

A maximum height of 3 storeys or 11 metres is permitted for mixed-use residential and commercial buildings in areas designated *Mixed Use Area 'C'*. A maximum density of 1.5 times the lot area is permitted, provided that the maximum gross floor area devoted to commercial uses will not exceed 0.75 times the lot area. Additional policies include that the height of any new building will not exceed 70 percent of the horizontal distance separating the building from lands designated *Neighbourhoods*, provided that the horizontal setback is not less than 9.5 metres.

The Secondary Plan encourages the consolidation of lots, the reduction of the number of driveways directly accessing Finch Avenue, and the sharing of access and access routes through surface parking areas.

A copy of the Central Finch Area Secondary Plan can be found at this link: [22 - Central Finch Area Secondary Plan](#)

### **Site and Area Specific Policy**

The site is subject to SASP 15, as shown on Map 22-1 of the Central Finch Area Secondary Plan. SASP 15 was introduced through OPA 259 in 2015 and is applicable to the lands municipally known as 98, 100, 102, 104, 110, 112 and 114 Finch Avenue East. It permits a building height of up to 4 storeys and 13.39 metres, as well as a density of 1.92 times the lot area, for a mixed-use building with residential and commercial uses. Despite the *Mixed Use Area 'C'* designation, retail uses are identified as a permitted use in SASP 15. A copy of the Final Staff Report dated May 27, 2015 recommended approval of the application. The related site specific zoning by-law no. 808-2015, OPA 259 and by-law 807-2015 were enacted on July 9, 2015. A copy of the final staff report, OPA and zoning by-law can be found at the following link: [Agenda Item History - 2015.NY7.8](#)

### **Zoning**

The subject site is zoned C4(15) (Mixed Use Commercial) under the former City of North York Zoning By-law No. 7625, and is subject to Exception 15 through site specific zoning by-law 808-2015. The C4, Mixed Use Commercial zoning category permits a variety of uses including apartment house dwellings, business and professional offices, Public Library, Places of Worship, retail stores, restaurants and personal service shops. Exception 15 permits a maximum gross floor area of 7,473 square metres, 75 residential units, 87 vehicle parking spaces, 64 bicycle parking spaces, a maximum building height of 13.39 metres (17.16 metres including the mechanical penthouse). The zone also has standards for minimum buildings setbacks and minimum vehicle and bicycle parking spaces. See Attachment 4 of this Report for the existing Zoning By-law Map.



## Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Mid-Rise Building Performance Standards (2010)
- Updated Mid-Rise Building Design Guidelines (2024)
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Retail Design Manual
- Toronto Accessibility Design Guidelines

## Toronto Green Standard

The Toronto Green Standard (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 TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

## Mid-Rise Building Design Guidelines

On December 4, 2024, Planning and Housing Committee adopted the recommendations in the staff report titled Housing Action Plan: Mid-Rise Building Design Guidelines. The report presented updated Mid-Rise Building Design Guidelines and recommended that the updated guidelines be applied by staff in the evaluation of mid-rise development applications. The updated guidelines are the result of an initiative by City Planning to review the Mid-Rise Building Performance Standards (2010), to remove barriers and facilitate mid-rise developments across the city, and in particular along *Avenues*, in a manner that is compatible with the adjacent neighborhoods through appropriately scaled and massed mid-rise buildings.

The updated guidelines presented to the Planning and Housing Committee include key changes to the performance standards for mid-rise buildings including height increases of up to 14 storeys (45 metres) in height proportional to the adjacent right-of-way width, removing the front and rear angular plane requirements, new setback/step-back requirements, to result in a simplified built form that facilitates increased gross floor area and additional residential units.

A copy of the report, including the updated guidelines, can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH17.10>

## **PUBLIC ENGAGEMENT**

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### **Community Consultation**

On November 18, a virtual community consultation meeting took place. Approximately 58 participants registered and the meeting was attended by the Ward Councillor, City staff and the applicant. City staff and the applicant gave presentations, answered questions and heard feedback from the participants. Staff received written comments from 9 participants/residents both prior to and after the meeting.

A second Community Consultation Meeting on January 30, 2025 was hosted by the Ward Councillor in-person at the Edithvale Community Centre to provide participants with an additional opportunity to consult with City staff and the applicant. Approximately 35 participants attended the second Community Consultation Meeting on January 30th. The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

A summary of the feedback received over the course of the Study is included in this report. Refer to Attachment 8 - Public Consultation Summary.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have an opportunity to hear 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.

## **COMMENTS**

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### **Provincial Planning 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 Provincial Planning Statement ("PPS") (2024). Staff find the proposal consistent with the PPS (2024).

The PPS (2024) supports the creation of complete communities with an appropriate range and mix of housing by introducing new housing options and densities within previously developed areas. Housing policy 2.2.1 supports development which results in a net increase in residential units and optimizes proximity to existing public services, infrastructure and transit networks. Intensification is prioritized in areas in proximity to existing transit including corridors and stations. The PPS directs that the majority of growth will be focused to the strategic growth areas, including major transit station areas.

The site is located in an area that is served by the existing surface transit networks along Finch Avenue and Willowdale Avenue, and is approximately 600 metres east of

the Yonge-Finch subway. The site is within the Council-adopted Finch PMTSA, which has a minimum planned density of 350 residents and jobs combined per hectare. The proposal adds to the range and mix of housing options in the area in accordance with Provincial policy and supports the densities for the proposed PMTSA target established by the City of a minimum of 350 people and jobs per hectare. In the opinion of Staff, the amended proposal is consistent with the PPS (2024).

The proposed zoning bylaw includes a Holding (H) provision to ensure that the existing infrastructure can adequately support the development or whether any municipal infrastructure upgrades are required, as well as to ensure that any mitigation strategies, if required, are provided.

### **Official Plan Policies and Design Guidelines**

This application has been reviewed against the Official Plan policies, Secondary Plan policies, [and](#) design guidelines described in the Policy and Regulation Considerations Section of this Report.

Official Plan Urban Structure Map 2 locates the site along an *Avenue*, and the land use designation for the site is *Mixed Use Areas* as identified on Land Use Map 16. The site is also subject to the Central Finch Area Secondary Plan adopted by the former City of North York in the early 1990's. The objective of the Secondary Plan is to permit and encourage development and redevelopment within the Central Finch Area to form a mixed use area and enhance the function of Finch Avenue as a major arterial road. The Secondary Plan permits a maximum height of 3 storeys and density of 1.5 times the area of the lot for the site.

Although the application exceeds the planned height and density prescribed in the Central Finch Area Secondary Plan, staff are of the opinion that the level of intensification is appropriate given the site's location in a *Mixed Use Area* and along an *Avenue*, where Provincial and City policies intend reurbanization and growth to be focused due to being well-served by the existing and planned transit network. Further, the proposal conforms to Provincial and City policies that support new housing supply through intensification in proximity to higher order transit within Major Transit Station areas. This is also consistent with the emerging policy direction for *Avenues* recently considered by the Planning and Housing Committee.

Chapter 2, Shaping the City, states that future growth within Toronto will be steered to areas that are well served by transit and the existing road network. Designated *Avenues* are one such area, and *Mixed Use Areas* are one of four major Official Plan land use designations that are intended to accommodate the majority of the increase in jobs and population anticipated by the Official Plan's growth strategy over the coming decade. Further, Map 5 of the Official Plan identifies Finch Avenue as a Transit Priority Segment within the City's Surface Transit Priority Network.

*Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open

spaces and utilities. The Official Plan promotes flexibility for future development in these areas to accommodate increases in population and jobs along transit lines.

While the proposal exceeds the level of intensification contemplated in the Central Finch Area Secondary Plan, the proposal is consistent with recent Provincial and City policies as they relate to promoting intensification along transit corridors. The application proposes to redevelop the site in a transit-supportive manner that maximizes the number of potential transit users as required by the Provincial Policy Statement (2024), and adds to the range and mix of housing options in the area in accordance with Official Plan policies that support new housing supply through intensification within the *Mixed-Use Areas* and *Avenues* designations. Further, the proposed development meets the intent of the updated Mid-Rise Design Guidelines (2024) to encourage a mid-rise form that supports intensification through flexible massing, while allowing for access to sunlight, sky views and pedestrian comfort along adjacent sidewalks and public spaces.

Chapter 3, Building a Successful City, contains policy direction with respect to the public realm and built form. Sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for users through coordinated tree planting and landscape improvements in setbacks, and direct pedestrian routes. New development will be massed to fit within the existing and planned context, creating appropriate transitions in scale to neighboring buildings and to the public realm, provide adequate light and privacy, and limit shadowing on streets, properties and open space. 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 following sections detail how the proposal further conforms to relevant Official Plan policies as outlined above.

## **Land Use**

The site is located in a *Mixed Use Areas* designation in the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Central Finch Area Secondary Plan designates the site as *Mixed Use Area 'C'* which permits detached and multiple-unit residential uses, offices, places of worship, public parks and recreational facilities, and institutional uses. Retail uses are permitted through SASP 15, as discussed in the Policy & Regulatory Considerations Section of this report.

The proposal provides new housing and retail opportunities that are appropriate for the area given the *Mixed Use* designation. The proposal is supported by a Provincial and City policy framework that seeks to direct growth and mixed-use development to existing built-up areas through infill and intensification in proximity to higher-order public transit.

## **Housing**

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This

proposal would result in a mid-rise mixed-use condominium building, with a unit mix that does meet the Growing Up Guidelines.

A total of 201 units are proposed, including 5 bachelor units (2.49%), 114 one-bedroom (56.74%), 54 two-bedroom (26.87%), and 28 three-bedroom units (13.93%). The proposed unit mix meets the policy direction of the Official Plan to provide a full range of housing and achieves the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two bedroom units and a minimum of 10% three bedroom units in new developments. The proposal provides a diverse unit mix in a mid-rise form along Finch Avenue East. The Zoning By-law Amendment will include an appropriate provision to capture the unit mix.

Community Planning staff will continue to work with the applicant through the Site Plan Control process to ensure applicable provisions of the Growing Up Guidelines are met.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan and Secondary Plan policies and design guidelines described in the Policy and Regulation Considerations Section of this report.

Although the height and density of the proposed application does not meet the Central Finch Area Secondary Plan as discussed above, Planning staff find the proposal is consistent with the most recent Provincial and City policy direction, is compatible with the surrounding context, and meets the intent of the Mid-Rise Building Performance Standards (2010) and the updated draft Mid-Rise Building Design Guidelines (2024).

The Official Plan development criteria for *Mixed Use Areas* is that development will locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The building height of 36 metres (11 storeys) is the equal to the width of the Finch Avenue East right-of-way, as permitted by the built form policies in the Official Plan for mid-rise building types. The height of 36 metres also aligns with the updated Mid-Rise Building Design Guidelines which establishes the maximum allowable height of a mid-rise building as no taller than the planned width of the *Avenue* right-of-way. The mechanical penthouse extends 5 metres above the height of the 36 metre building and is incorporated into the massing of the building to limit the visibility of the structure from the street and neighbouring properties.

The proposed development is comprised of a six storey base building, with additional setbacks occurring at the 7th storey along all four building faces.

A 6 storey streetwall is provided along the Finch Avenue East and Willowdale Avenue frontages. The first six storeys are setback 1.0 metre from the future front property line along Finch Avenue East and 2.5 metres from Willowdale Avenue. The building steps-back from the 6 storey base at the 7th storey by 1.5 metres along both frontages. By

stepping back the upper floors above the 6th storey, the building achieves a scale of development that is comfortable to pedestrians. These setbacks meet the intent of the updated Mid-Rise Building Design Guidelines, which recommend stepping back building massing above a base building along the front building faces to mitigate the perception of height on the *Avenue*, create a comfortable pedestrian-scaled massing along the street, and to reduce shadow impacts on the public realm.

The application originally proposed a 0 metre side yard setback from the west property line for the first 6 storeys. Through discussions with the City, the applicant revised the side yard setback to 5.5 metres to provide greater separation to the adjacent low-rise properties abutting the site to the west. The larger setback will allow for access to sunlight, sky views, appropriate separation between existing and proposed facing windows, as well as opportunities for additional landscaping. The building steps back an additional 2.0 metres from the west at the 7th storey.

Four low-rise *Neighbourhood* designated properties abut the subject site to the north. The Mid-Rise Building Performance Standards (2010) and the updated design guidelines identify a minimum building setback of 7.5 metres to abutting low-rise neighborhoods. The building is setback 7.5 metres for levels 1 to 6. The building steps back by 2.5 metres at the 7th storey, providing a 10 metre setback for levels 7 to 11. This meets the rear transition policies of the Mid-Rise Guidelines.

A 2.5 metre landscaped buffer is provided along the majority of the rear property line to accommodate soft landscaping and tree planting. The building provides for a transition toward the low-rise residential neighbourhood to the north through a combination of setbacks at grade, step-back above the base building, landscaping and opaque fencing at the rear. Details on the fencing and landscaping will be secured through the Site Plan Control process.

Staff find that the proposed building height and massing conforms to the applicable policies of the Official Plan and are in keeping with the Performance Standards for Mid-rise Buildings and meets the intent of the updated Mid-rise Building Design Guidelines. While the application proposes a height greater than what the Secondary Plan contemplates, the proposal provides appropriate transition to adjacent streets, the low-rise *Neighbourhoods* to the north, and the existing property to the west have been achieved through measures recommended in the Official Plan and guidelines such as setbacks, step-backs and landscaped buffers. The application proposes a development that supports existing transit infrastructure and is located in an area where Provincial and City policies have planned for intensification and growth. Further, the proposal is transit-supportive by providing for a mix of uses and higher densities along a designated *Avenue*, where housing, jobs and services will be concentrated due to their key location on the rapid transit system and proximity to higher order transit.

## **Public Realm & Streetscape**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. The Official Plan states that development in *Mixed Use Areas* is to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain

sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The six storey base building is setback 1.0 metre from Finch Avenue East, which is generally consistent with the established building line of the ground related dwellings to the west. There are no projecting balconies for the first 6 storeys of the building along Finch Avenue East. The building stepbacks above the 6th storey along all building faces allowing for appropriate transition between the building and adjacent streets and properties and create a comfortable scale for pedestrians and mitigate shadow impacts on the public realm.

The base building setback of 2.5 metres from Willowdale Avenue provides space for a landscaped strip between the building face and the public sidewalk.

Ground related retail units are proposed along Finch Avenue East. The retail spaces are directly accessible from multiple entrances on Finch Avenue East, activating the public realm, establish an active street-front. The proposal encourages an active street frontage along Finch Avenue East by providing retail space and the indoor amenity area for the residential building at-grade which are accessed directly from entrances on Finch Avenue East by pedestrian footpaths connected to the 2.1-metre-wide public sidewalk. The residential lobby and retail units are connected via a shared corridor on the first floor. The City encourages introducing retail on the ground floor, especially facing Finch Avenue East given the *Mixed-Use Areas* land use designation prescribed by the Official Plan and the prominent location at a key intersection.

The applicant is proposing to reconstruct the sidewalk along the property to be 2.1 metres wide and is maintaining the grassed boulevard south of the sidewalk between the sidewalk and the curb on Finch Avenue East. Tree planting is anticipated along Finch Avenue East, contributing to required soil volume as per the Toronto Green Standard. Detailed streetscaping elements and soil volume will be determined and secured through the Site Plan Control process.

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

Shadow impacts affect thermal comfort and the enjoyment of being outside as well as the provision of adequate light. Shadows are impacted by the size and shape of building footprints, building height, building setbacks, as well as the time of year and angle of the sun. The Official Plan contains a number of policies related to appropriate sun and shadow impacts, which seek to secure adequate light and limited shadows on public streets, adjacent properties, and open spaces. The Official Plan requires buildings in *Mixed Use Areas* to be located and massed to limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The applicant submitted a revised shadow study which demonstrates that there is some net new shadowing on the properties directly north of the site between the hours of 9:18 a.m. and 2:18 p.m. during the fall and spring equinoxes. The study also demonstrates new shadowing on the Willowdale Avenue public realm in the afternoon hours, impacting the public sidewalk and right-of-way on both side of Willowdale Avenue. The revised shadow study demonstrates limited shadow impacts on the Finch Avenue East public realm, with minimal shadowing occurring at 6:18 p.m.

The shadow impacts resulting from the proposed development maintain the intent of the Official Plan and policies and of the Mid-Rise Urban Design Guidelines with respect to limiting shadowing impacts on public boulevards.

A Pedestrian Wind Assessment was submitted in support of the application. The study indicates that the proposed wind conditions on sidewalks, and other at-grade areas on and around the proposed building are expected to be acceptable for most of the at-grade space surrounding the subject site. Specifically, conditions surrounding sidewalks, transit stops, the neighbouring existing surface parking lot to the east, the proposed driveway, walkways, and pick-up/drop-off area, and in the vicinity of building access points, are considered acceptable.

The assessment indicates that the proposed wind conditions on the northwest corner of the outdoor amenity area at-grade will be comfortable for standing for the months of May to October. The assessment also indicates conditions suitable for standing on the northwest corner of the outdoor amenity area on the mechanical penthouse level.

The Pedestrian Wind Assessment provides recommendations for wind screens, landscaping, strategically placed seating, canopies and fencing to further mitigate wind impacts on the northwest portion of the at-grade outdoor amenity area and the mechanical penthouse level amenity terrace, which should be addressed through the Site Plan Control process. An appropriate mitigation strategy for both areas will be developed to support the future Site Plan Control application.

## **Amenity Space**

The Built Form policies of the Official Plan state that new indoor and outdoor amenity spaces are to be provided as part of multi-unit residential developments and are to consider the needs of residents of all ages and abilities over time and through the year. The development proposes 424 square metres of indoor amenity space (2.10 square metres per unit) and 414 square metres of outdoor amenity space (2.05 square metres per unit) within the new building, which exceeds the requirements of Zoning By-law 569-2013.

## **Servicing**

Solid Waste Management will provide on-site collection services with shared bins for all residents to this development for garbage, recycling and organics in the Type 'G' loading space, provided that the development is built in accordance with the "Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Redevelopments" and Chapter 844, Solid Waste of the Municipal Code.

As set out in the site-specific zoning by-law, the site will be made subject a Holding (H) provision to ensure the site may be adequately serviced. The Holding (H) symbol may be removed once a revised Functional Servicing and Stormwater Management Report is submitted by the applicant which demonstrates that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.



If the revised Functional Servicing and Stormwater Management Report identifies new municipal infrastructure or upgrades to existing municipal infrastructure are needed to support the development, the Holding (H) symbol may be removed once those upgrades or required improvements to municipal infrastructure identified in the revised Functional Servicing and Stormwater Management Report are constructed and operational, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services. The Holding (H) Symbol must be removed in order to proceed with the development of the site.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 36 metre right-of-way for this segment of Finch Avenue East, a 4.89 metre road widening dedication along the Finch Avenue East frontage of the site is required and is proposed to be conveyed to the City.

## **Traffic Impact**

A Transportation Impact Study dated May, 2024, by WPE Engineering, was submitted in support of the proposed development. The consultant estimates in this study that the proposed development will generate approximately 83 and 117 two-way auto trips during the weekday AM and PM peak hours, respectively. The consultant concludes that it is projected that the future road network in the vicinity of the development will have satisfactory operational characteristics and provide adequate capacity for the proposed development and that the development will not cause significant traffic concern. Transportation Review staff are satisfied with the number of vehicular parking spaces proposed by the development. The spaces provided meets the minimum parking requirement of Zoning By-law No. 569-2013 while below the maximum permitted number of parking spaces. Traffic mitigation measures will be identified in an updated Transportation Impact Study, as a condition to lift the Holding (H) provision,

To reduce traffic impacts and encourage other modes of travel, the Toronto Green Standard (TGS) requires quantifiable measures to reduce single-occupancy auto vehicle trips by 25 percent through a variety of multi-modal infrastructure strategies and Transportation Demand Management measures (performance measure AQ 1.1). A stronger TDM plan will be needed to better address the TGS requirements and encourage the use of sustainable transportation options to and from the site.

Prior to accepting the traffic impacts of the proposal, the Transportation Impact Study from WPE Engineering must be revised to address the above-noted issues. These issues will be addressed by the conditions for lifting the Holding (H) Provision on the zoning. The proponent is advised that additional comments may be provided with respect to the traffic impacts of the proposal once a revised Transportation study is submitted for review and approval.

## **Access, Vehicular and Bicycle Parking and Loading**

The proposal would have access from Willowdale Avenue via the 6-metre wide driveway to the rear of the site, providing access to the 3-level underground parking

garage, one at-grade Type 'G' loading space and the temporary pick-up and drop-off spaces. The underground parking garage provides 138 vehicle parking spaces, including 127 resident parking spaces and 11 visitor spaces. A total of 7 accessible parking spaces are provided, meeting the accessible parking requirements of Zoning By-law No. 569-2013. The underground parking also contains 138 long-term bicycle parking spaces. A total of 20 short-term bicycle parking spaces are provided at-grade.

## **Parkland**

In accordance with Section 42 of the *Planning Act*, the applicable alternative rate for onsite parkland dedication is 1 hectare per 600 residential units to a cap of 10% of the development site as the site is less than five (5) hectares, with the non-residential uses subject to a 2% parkland dedication rate. The total parkland dedication requirement is 187 square metres.

In this instance and as per the Toronto Municipal Code Chapter 415-26, Parks and 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 shall 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 and Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the First Above Grade Building Permit.

Should the parkland dedication requirement not be able to be satisfied through a suitable off-site parkland dedication, payment of cash-in-lieu would be accepted. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first Above Grade Building Permit and payment would be required prior to the issuance of said permit.

This report seeks direction from City Council on authorizing a credit of the Parks and Recreation component of the Development Charges in exchange for Above Base Park Improvement to be provided by the Owner upon agreement with the City. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, PR, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time. The Owner will be required to enter into an agreement with the City to provide for the design and construction of the improvements and will be required to provide financial security to ensure completion of the works.

## **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 Official Plan, Chapter 3 provides direction for how developments should preserve, incorporate,

and plan for trees on site. There are 14 trees within and adjacent to the subject site that qualify under the City of Toronto Tree Protection By-laws.

The Arborist Report and Tree Preservation Plan submitted by the applicant identifies the removal of eight (8) trees in total, including one (1) City street tree and seven (7) private trees. As a requirement listed in the applicable tree by-law(s), compensation via tree planting, or cash-in-lieu payment is required for the removal for any tree regulated by MCC 813. Although Urban Forestry may accept cash-in-lieu of planting, the intent of tree removal compensation is to replace tree canopy loss on site.

The setbacks proposed by the application allow for access to soil volume to facilitate tree planting opportunities on-site, particularly along the Finch Avenue East boulevard, the outdoor amenity area and along the rear landscape buffer. The application proposes to plant a total of 6 new City street trees and 5 new private trees as compensation for the proposed tree removals. These new trees will be secured through the Site Plan Control process.

Where it is not possible to retain a tree that qualifies for protection under the City of Toronto's Tree By-laws, or where construction activity will encroach upon a regulated tree's minimum tree protection zone causing injury, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the tree(s) in question to Urban Forestry.

### **Holding Provision**

This Report recommends the adoption of a Zoning By-law Amendment that is subject to a holding provision under Section 36 of the *Planning Act*, restricting the proposed use of the lands until the conditions to lifting the holding provision, as set out in the By-law, are satisfied. Section 5.1.2 of the Official Plan contemplates the use of a holding provision and outlines the types of conditions that may have to be satisfied prior to the removal of a holding provision. The specific conditions to be met prior to the removal of the proposed holding provisions in the proposed By-law include:

- (i) the owner or applicant, at their sole cost and expense has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- (ii) if the Functional Servicing and Stormwater Management Report accepted and satisfactory from (i) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
  - (a) the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a

financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or,

- (b) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services; and
- (iii) all necessary approvals or permits arising from (ii)(a) or (ii)(b) above are obtained, where required all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services.
- (iv) the City has received, reviewed and accepted the updated Transportation Impact Study and the Transportation Demand Management (TDM) Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;

The Executive Director, Development Review and their designate have the authority to make decisions on applications to remove holding provisions, which do not contain financial implications not previously authorized by Council.

### **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 Version 4. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The development achieves a minimum 30 m<sup>3</sup> of soil per tree, as required by the performance measures of Tier 1 of the Toronto Green Standard. Adequate soil volume levels are needed to support the growth and health of tree canopy on-site. Tier 1 performance measures such as cycling infrastructure and electric vehicle parking infrastructure are to be secured through the applicable zoning by-law standards. Additional applicable TGS performance measures will be secured through the Site Plan Approval process.

### **CONTACT**

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Diana Steinberg, Planner, Tel. No. 416-338-3455, E-mail: [Diana.Steinberg@toronto.ca](mailto:Diana.Steinberg@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Information/Drawings**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Secondary Plan Land Use Map  
Attachment 5: Existing Zoning By-law Map  
Attachment 6: Draft Official Plan Amendment  
Attachment 7: Draft Zoning By-law Amendment  
Attachment 8: Summary of Public Engagement

### **Applicant Submitted Drawings**

Attachment 9: Site Plan  
Attachments 10: East (Side) Elevation  
Attachment 11: West (Side) Elevation  
Attachment 12: South (Front) Elevation  
Attachment 13: 3D Massing Model

Attachment 1: Application Data Sheet

## APPLICATION DATA SHEET

Municipal Address: 104-114 Finch Avenue East Date Received: July 30, 2024

Application Number: 24 171445 NNY 18 OZ

Application Type: Rezoning & OPA

Project Description: A Zoning By-law Amendment and Official Plan Amendment to allow for the construction of a 11-storey mixed-use building containing a total of 201 residential dwelling units. A total of 158 parking spaces are proposed, including 11 visitor parking spaces, in a 3-level underground parking structure.

Applicant	Agent	Architect	Owner
Joe Tang Regency Property Inc.		Mar Architect Inc.	Zhuyun Wang

## EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Site Specific Provision: Y

Zoning: C4(15) Heritage Designation: N

Height Limit (m): 13.39 Site Plan Control Area: Y

## PROJECT INFORMATION

Site Area (sq m): 2,228.97 Frontage (m): 60 and 36 Depth (m): 37

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,111.71	1,111.71
Residential GFA (sq m):			12,312.17	12,312.17
Non-Residential GFA (sq m):			438.83	438.83
Total GFA (sq m):			12,751	12,751
Height - Storeys:			11	11
Height - Metres:			36	36

Lot Coverage Ratio (%):	63.72%	Floor Space Index:	5.72
Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)	
Residential GFA:	6,835.71	5,476.46	
Retail GFA:	438.83		
Office GFA:			
Industrial GFA:			
Institutional/Other GFA:			

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			201	201
Other:				
Total Units:			201	201

#### Parking and Loading

Parking Spaces:	138	Bicycle Parking Spaces:	158	Loading Docks:	1 Type 'G' space
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#### CONTACT:

Diana Steinberg, Planner, Community Planning  
416 338 3455  
Diana.Steinberg@toronto.ca

## Attachment 2: Location Map





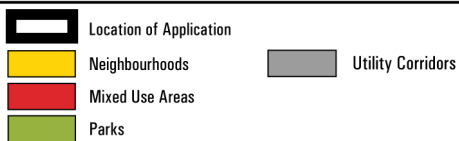
## Attachment 3: Official Plan Land Use Map




### Official Plan Land Use Map 16

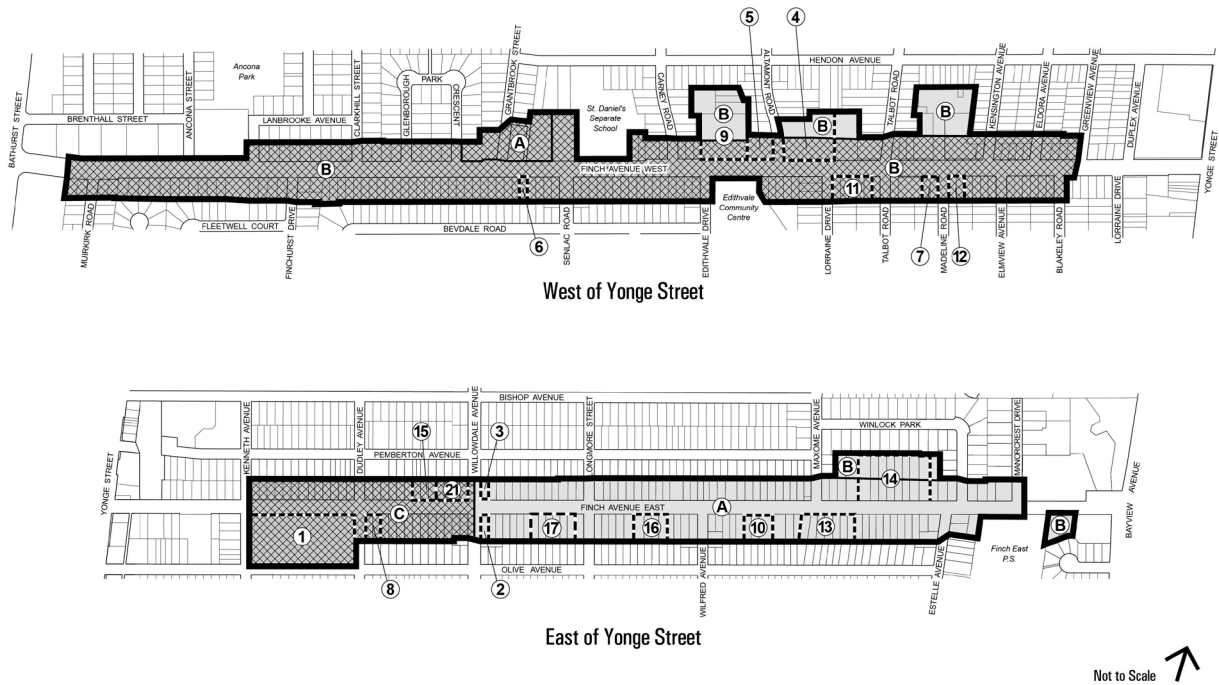
104-114 Finch Avenue East

File # 24 171445 NNY 18 02



  
 Not to Scale  
 Extracted: 07/02/2024

## Attachment 4: Secondary Plan Land Use Map



Official Plan Amendment #793

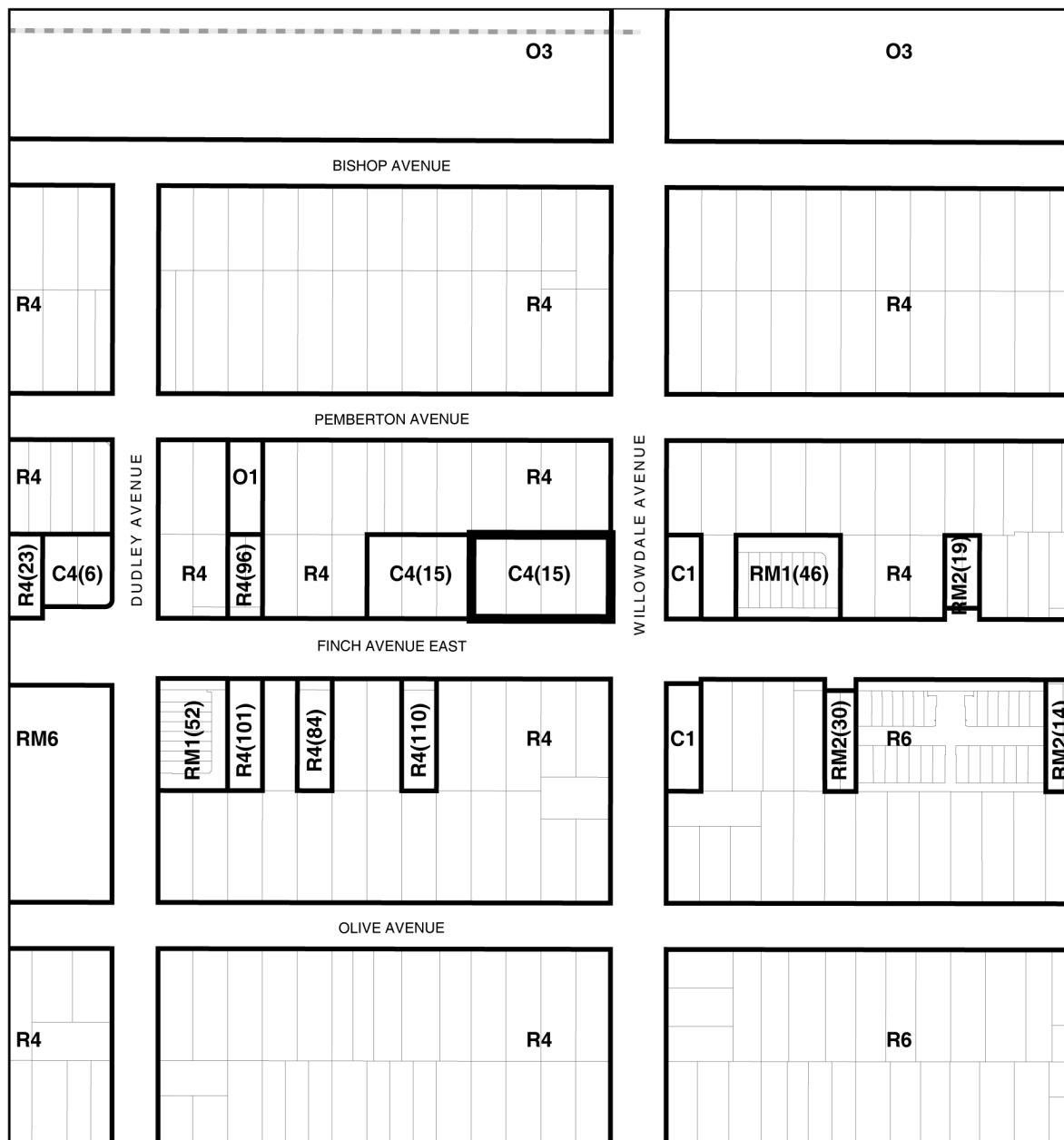
Central Finch Area Secondary Plan

MAP 22-1 Land Use Areas

- Secondary Plan Boundary
- Neighbourhoods
- Mixed Use Areas
- ② Site and Area Specific Policy Areas

November 2015

Attachment 5: Existing Zoning By-law Map - Former City of North York Zoning Bylaw No. 7625



Zoning By-law 7625

104-114 Finch Avenue East

File # 24 171445 NNY 18 02



Location of Application

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

- C4 Mixed Use Commercial Zone
- O1 Open Space Zone
- O3 Semi-Public Open Space Zone

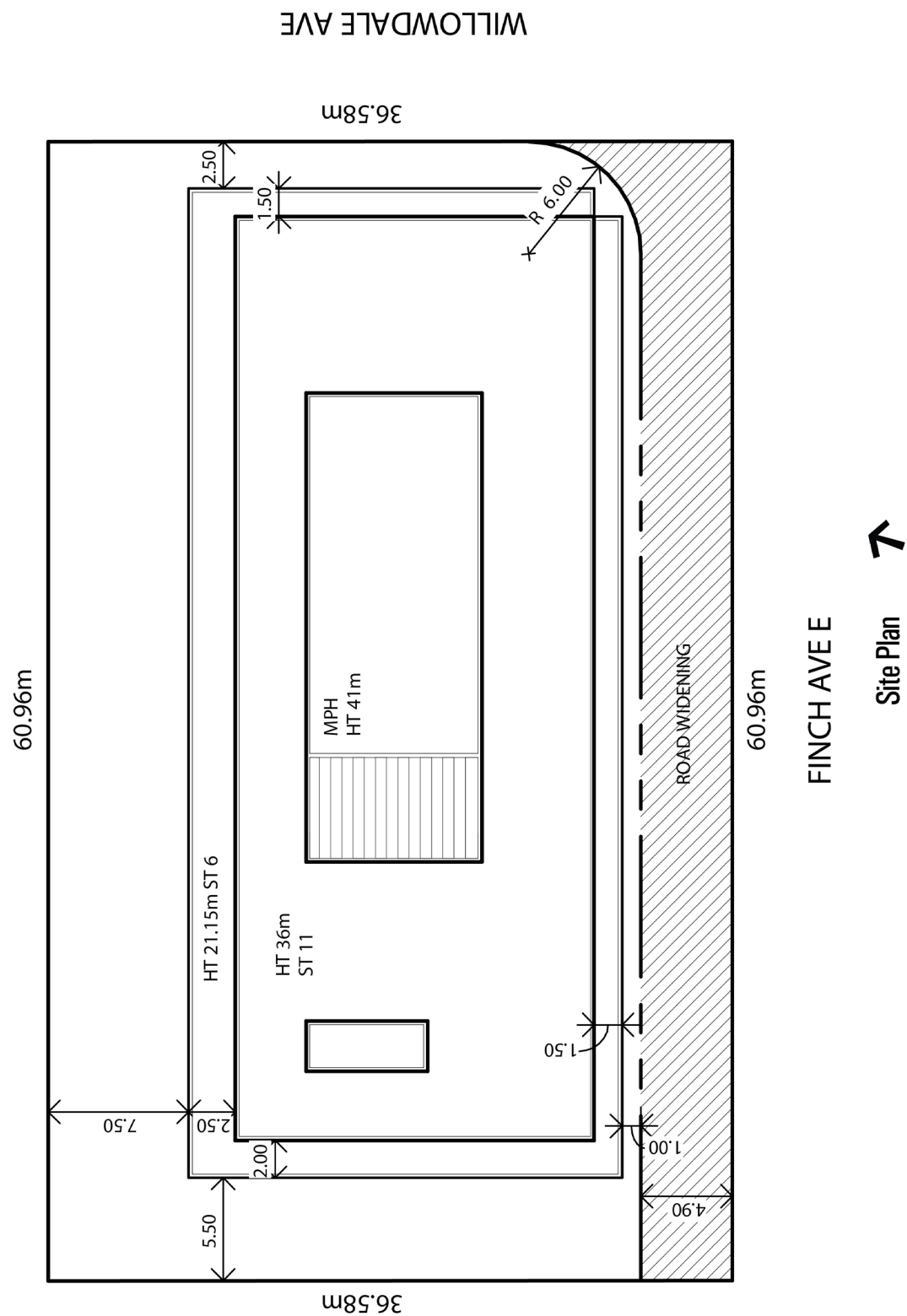


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Extracted: 07/02/2024

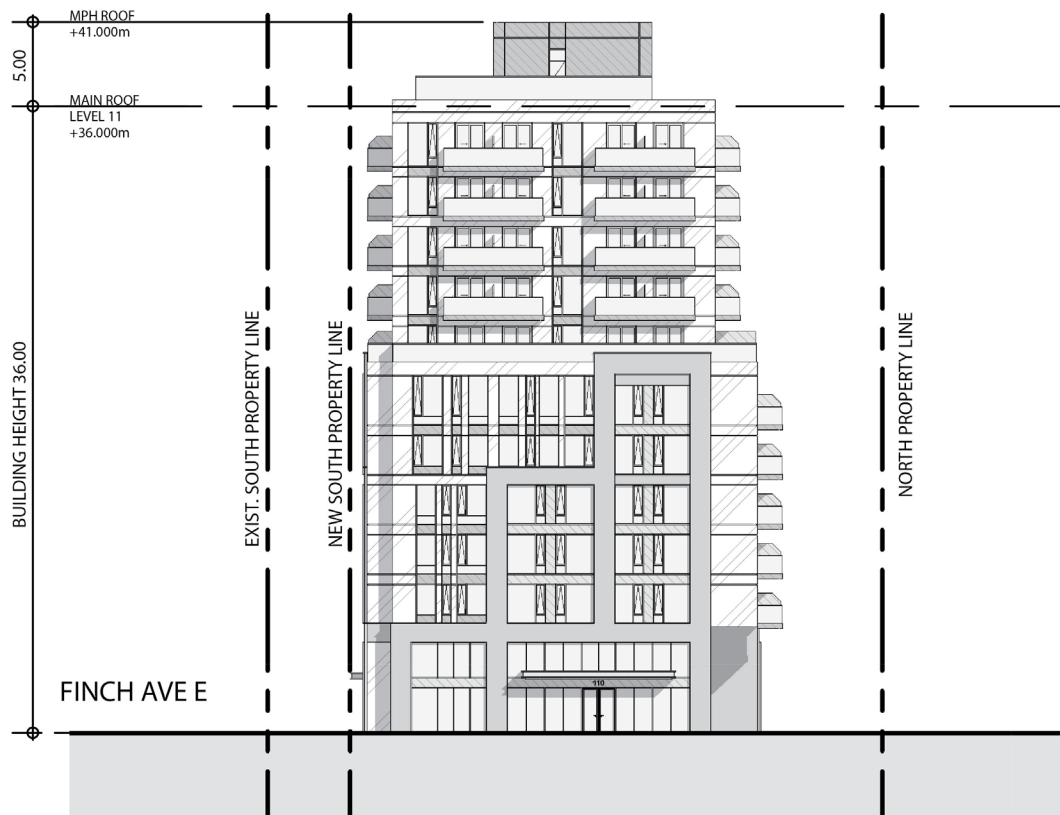
Attachment 6: Draft Official Plan Amendment  
(under separate cover)

Attachment 7: Draft Zoning By-law Amendment  
(under separate cover)

Attachment 8: Summary of Public Consultation  
(under separate cover)



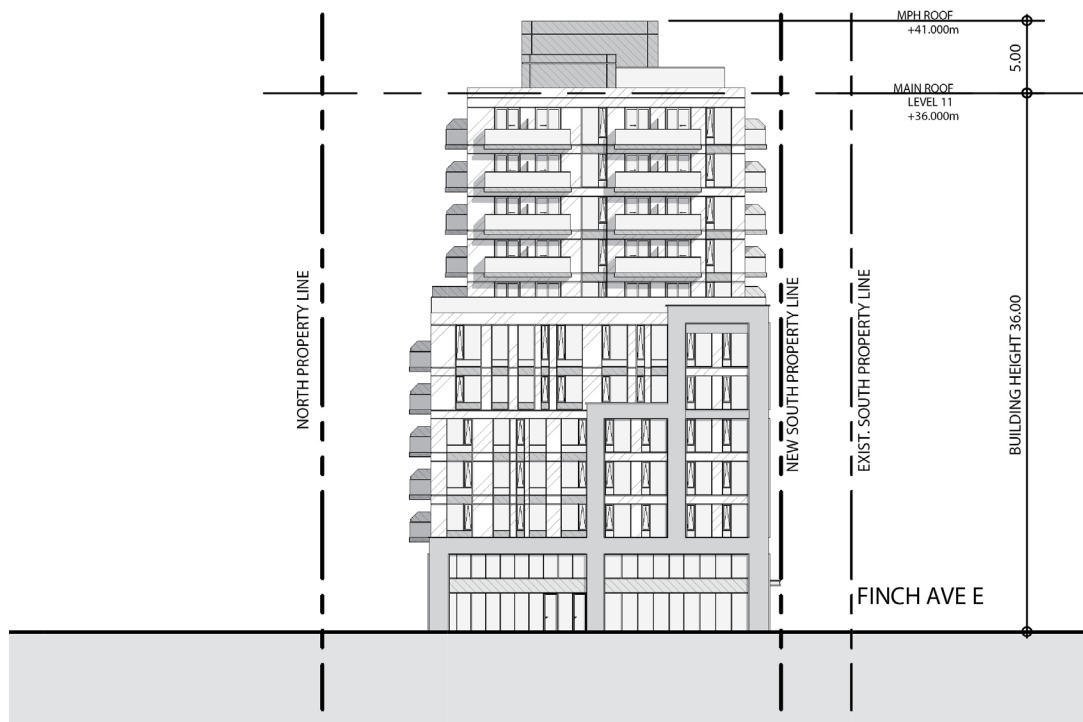
## Attachment 10: East (Side) Elevation



East Elevation



## Attachment 11: West (Side) Elevation



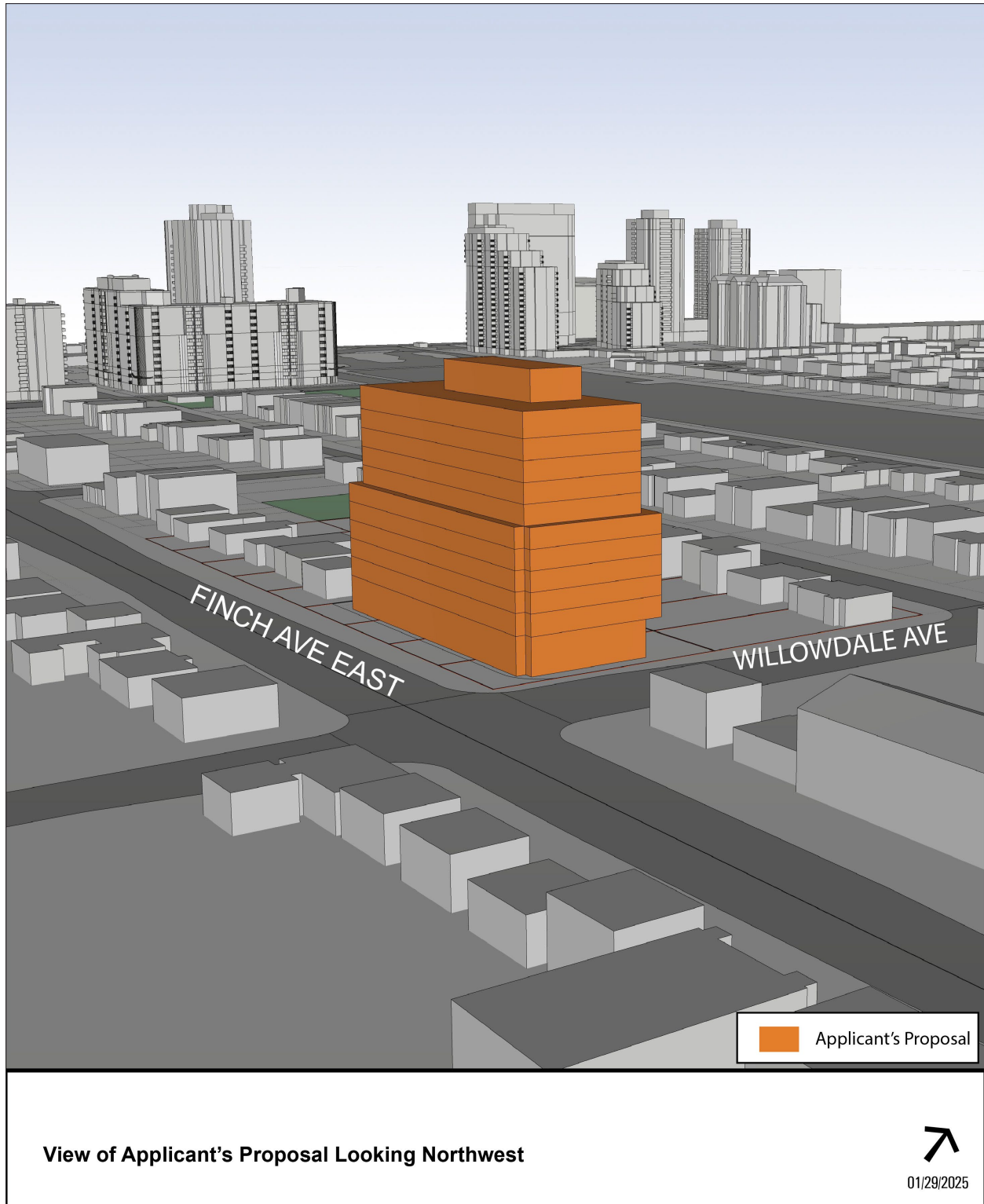
**West Elevation**

## Attachment 12: South (Front) Elevation



South Elevation

## Attachment 13: 3D Massing Model





**View of Applicant's Proposal Looking Southeast**

  
 01/29/2025