

**Zoning By-law Amendment Application SC-Z1999022
Draft Plan of Subdivision SC-T1999005
Paradise Homes Neilson Limited
South-east of Finch Avenue East and Neilson Road
Malvern Community
Scarborough Malvern**

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Scarborough Community Council, after considering the depositions and based on the finding of fact, conclusions and recommendations contained in the report, dated November 12, 1999, from the Director of Community Planning, East District, recommends that the report of the Director of Community Planning, East District, be adopted, subject to amending the Recommendations under (A), affecting the Zoning By-law Amendment, by deleting under 1.3 and 1.4, the Recommendations Nos. (ix) and substituting in lieu thereof the following Recommendations Nos. (ix), and by adding Recommendations Nos. (x), as follows:

“1.3 For Lots 1 to 11 inclusive:

- (ix) minimum setback from the lot line for a garage wall of 3 metres from Street ‘B’;

- (x) minimum dwelling setback from a garage is 3 metres.**

1.4 For Lots 12 to 19 inclusive:

- (ix) minimum setback from the lot line for a garage wall of 3 metres from Street 'B';
- (x) **minimum dwelling setback from the garage is 3 metres.”**

The Scarborough Community Council reports having held a statutory public meeting on December 2, 1999, in accordance with Section 17 and Section 34 of The Planning Act and the regulations thereunder.

The Scarborough Community Council submits the following report (November 12, 1999) from the Director of Community Planning, East District:

Purpose:

To recommend approval of applications to amend the Zoning By-law for Malvern Community and for a draft plan of subdivision with respect to an 11.3 hectare (28 acres) property east of Neilson Road and south of Finch Avenue East owned by Paradise Homes Neilson Limited to permit 52 single detached units and 109 semi-detached residential lots (218 dwelling units).

Financial Implications:

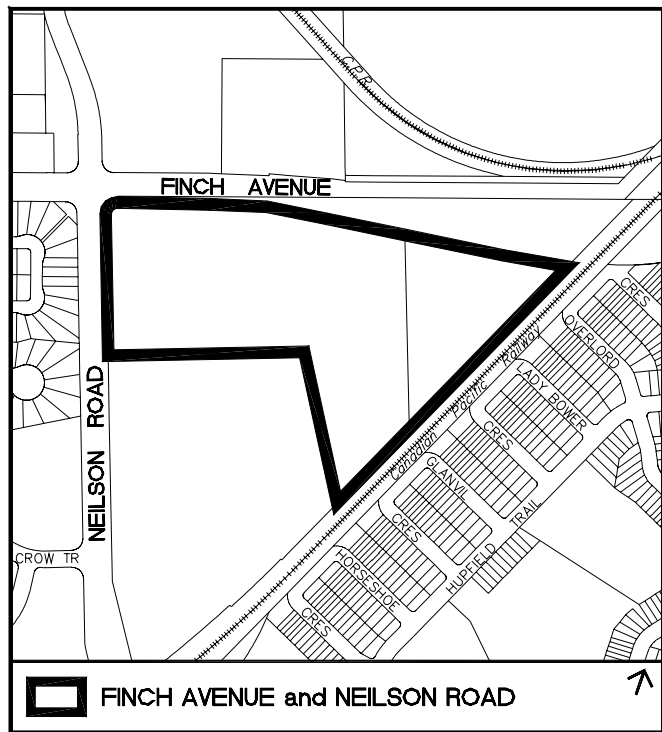
None.

Recommendations

It is recommended that City Council:

- (A) amend the Agricultural Holding By-law No. 10217, as amended to delete the subject lands south-east of Finch Avenue East and Neilson Road, being Lots 13 and 14, Concession 3 of the former City of Scarborough, now known as the City of Toronto and incorporate them into the Malvern Community Zoning By-law No. 14402, as amended, and rezone them as follows:

- 1.1 One single family dwelling per lot as shown on the Registered Plan for Lots 20 to 35 and 44 to 75 inclusive, Lots 109, 110, 137 and 154 inclusive as shown on the Registered Plan.



1.2 Maximum one semi-detached dwelling per lot as shown on the Registered Plan for Lots 1 to 19, 36 to 43, 76 to 108, 111 to 136, 138 to 153 and 155 to 161 inclusive.

1.3 For Lots 1 to 11 inclusive:

- (i) minimum lot frontage of 6.85 metres (23 feet) per dwelling unit (measured at the Neilson Road street lot lines);
- (ii) minimum lot area of 200 square metres (2,150 square feet) per dwelling unit;
- (iii) minimum side yard setback of 1.0 metres (3 feet) and 0 metres on the common lot line shared by the dwelling units;
- (iv) minimum building setback from Neilson Road of 1.5 metres (5 feet);
- (v) minimum lot frontage for a corner lot of 6.85 metres (23 ft) on the interior side yard per dwelling unit and 6.85 metres (23 feet) on the side abutting a street;
- (vi) minimum lot area for a corner lot of 450 square metres (4,840 square feet) per dwelling unit;
- (vii) minimum side yard setbacks for a corner lot of 3 metres (10 feet) from the street line and 1.0 metre (3 feet) for the other side;
- (viii) minimum dwelling setback from Street "B" of 6.5 metres (21 feet);
- (ix) minimum dwelling setback from a street line for a garage wall of 0 metres from Street "B".

1.4 For Lots 12 to 19 inclusive:

- (i) minimum lot width of 6.85 metres (23 feet) per dwelling unit (measured at the rear lot line for lots adjacent to the City owned lands fronting on Finch Avenue East);
- (ii) minimum lot area of 200 square metres (2,150 square feet) per dwelling unit;
- (iii) minimum side yard setback of 1.0 metre (3 feet) and 0 metres on the common lot line shared by the dwelling units;
- (iv) minimum rear yard setback of 1.5 metres (5 feet);

- (v) minimum lot frontage for a corner lot of 6.85 metres (23 ft) on the interior side yard per dwelling unit and 6.85 metres (23 feet) on the side abutting a street;
- (vi) minimum lot area for a corner lot of 450 square metres (4,840 square feet) per dwelling unit;
- (vii) minimum side wall building setback for a corner lot of 3 metres (10 feet) from the street line and 1.0 metre (3 feet) for the other side;
- (viii) minimum dwelling setback from Street “B” of 6.5 metres (21 feet);
- (ix) minimum dwelling setback from a street line for a garage wall of 0 metres from Street “B”;

1.5 For Lots 20 to 35 and 44 to 75 inclusive and 154:

- (i) minimum lot frontage of 9 metres (30 feet);
- (ii) minimum lot area of 260 square metres (2,800 square feet);
- (iii) minimum rear yard setback of 6.5 metres (21 feet);
- (iv) minimum front yard setback of 4.5 metres (15 feet) and 6 metres (20 feet) for the main wall containing the vehicular access;
- (v) minimum side yard setback of 1.2 metres (4 feet) for one side and 0.6 metres (2 feet) for the other side;
- (vi) minimum frontage for a corner lot of 11 metres (367 feet);
- (vii) minimum area for a corner lot of 315 square metres (3,390 square feet);
- (viii) minimum side yard setbacks for a corner lot of 3 metres (10 feet) from the street line and 0.6 metres (2 feet) for the other side

1.6 For Lots 36 to 43, 76 to 108, 111 to 136, 138 to 153 and 155 to 61 inclusive:

- (i) minimum lot frontage of 6.85 metres (23 feet) per dwelling unit;
- (ii) minimum lot area of 200 square metres (2,150 square feet) per dwelling unit;
- (iii) minimum rear yard setback of 6.5 metres (21 feet);

- (iv) minimum front yard setback of 4.5 metres (15 feet) and 6 metres (20 feet) for the main wall containing the vehicular access;
- (v) minimum side yard setback of 1.0 metres (3 feet) on both sides;
- (vi) minimum lot area for a corner lot of 450 square metres (4,840 square feet) per dwelling unit;
- (vii) minimum frontage for a corner lot of 6.85 metres (23 feet) on the interior side per dwelling unit and 8.85 metres (29 feet) on the side abutting a street;
- (viii) minimum side yard setbacks for a corner lot of 3 metres (10 feet) from the street line and 1.0 metres (3 feet) for the other side.

1.7 For Lots 109, 110 and 137:

- (i) minimum lot frontage of 7.3 metres (24 feet);
- (ii) minimum lot area of 220 square metres (2,370 square feet);
- (iii) minimum rear yard setback of 6.5 metres (21 feet);
- (iv) minimum front yard setback of 4.5 metres (15 feet) and 6 metres (20 feet) for the main wall containing the vehicular access;
- (v) minimum side yard setback of 1.2 metres (4 feet) for one side and 0.6 metres (2 feet) for the other side;
- (vi) minimum frontage for a corner lot of 9 metres (30 feet);
- (vii) minimum lot area for a corner lot of 260 square metres (2,800 square feet);
- (viii) minimum side wall building setback for a corner lot of 3 metres (10 feet) from the street line and 0.6 metres (2 feet) for the other side;

1.8 For Lots 1 to 10 and 19 to 161 inclusive: maximum building height of 2 storeys and 10 metres (33 feet);

1.9 For Lots 11 to 18 inclusive: maximum building height of 3 storeys and 12 metres (39 feet);

1.10 Maximum lot coverage of 50 percent of the lot area;

1.11 A garage shall be erected with each dwelling unit;

- 1.12 Projections shall be permitted for cantilevered bay windows by 0.6 m (2 feet) into all yards;
- 1.13 Blocks 1, 4, 5 and 6 shall be zoned, "P" Park;
- 1.14 Blocks 2 and 3 shall be zoned, "I-T" Institutional/Transportation;
- 1.15 No driveway access shall be permitted to Finch Avenue East and Neilson Road.
2. support any unsubstantive, technical, stylistic or format changes to the By-law to properly carry out these recommendations; and

(B) support approval of the Draft Plan of Subdivision SC-T1999005, by Paradise Homes Neilson Limited, for lands on the south side of Finch Avenue East and the east side of Neilson Road, subject to the following conditions:

Plan as stamped "Recommended" on this date (Figure 3).

- (1) The Owner shall enter into a subdivision agreement with the City of Toronto.
- (2) The Owner shall make satisfactory arrangements with the City of Toronto regarding:
 - (a) The conveyance to the City of Toronto of Blocks 1, 4, 5 and 6 for park or other public recreational purposes;
 - (b) The construction of a fence along the rear yards of Lots 18 to 26 and 50 to 75 inclusive, surrounding Block 1;
 - (c) A restrictive covenant on all lots abutting Block 1 (Lots 18 to 26 and 50 to 75 inclusive) prohibiting the installation of any form of screening or fencing along their abutting property lines other than the standard fencing required by the City with the exception of acoustical fencing which may be required for Lots 18, 19 and 75;
 - (d) A restrictive covenant on all lots abutting Block 1 (Lots 18 to 26 and 50 to 75 inclusive) prohibiting the construction of gates and private accesses to the woodlot; and
 - (e) The conveyance to the City of Toronto of Blocks 2 and 3 for transportation or other purposes.
- (3) The Owner shall grant such easements as may be required for utilities, drainage and servicing purposes to the appropriate authorities.

- (4) The Owner shall provide the abutting Finch Avenue road and watermain service improvements to include the extension of the existing watermain east of Neilson Road to Street "A".
- (5) Prior to grading and prior to the registration of the plan, the owner shall submit a grading plan for Block 1 satisfactory to the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism which shall be reviewed by a hydrological engineer to ensure that the moisture regime of the Block 1 is not significantly altered.
- (6) The Owner shall prepare the final plan of subdivision in metric units related to the Ontario Co-ordinate System and shall submit a digital copy of the plan to the Commissioner of Works and Emergency Services.
- (7) The Owner shall enter into an agreement with Toronto Hydro regarding the installation of an underground hydro, as well as other provisions as deemed appropriate by Toronto Hydro.
- (8) The Owner shall agree to make satisfactory arrangements, financial and otherwise, with Bell Canada including the granting of any easement that may be required for telecommunication services.
- (9) The Owner shall submit a tree planting plan, tree preservation plan and landscape plan satisfactory to the Commissioner of Economic Development, Culture and Tourism.
- (10) The Owner shall contact the Commissioner of Economic Development, Culture and Tourism regarding the requirements of the Tree Protection and Conservation By-law No. 25150 prior to the removal of trees from the development site which are over 30 centimetres (12 inches) in diameter.
- (11) The Owner shall agree to the construction of a berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, on Block 5 parallel to the railway right-of-way with construction according to the following:
 - (a) Minimum total height of 2.5 metres (8 feet) above the top-of-rail;
 - (b) Berm minimum height 2.5 metres (8 feet) and side slopes not steeper than 2.5 to 1;
 - (c) Fence, or wall, to be constructed without openings and of a durable material weighing not less than 20 kilograms/square metres (44 pounds/square feet) of surface area;
 - (d) No part of the berm/noise barrier is to be constructed on railway property.

- (12) The Owner shall bear the full construction costs of the berm, or combination berm and noise attenuation fence.
- (13) The Owner shall include in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing or vibration isolation features implemented are not to be tampered with or altered, and that the Owner shall have the sole responsibility for and shall maintain these features.
- (14) The Owner shall include in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within the 300 metres (1,000 feet) of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Canadian Pacific Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansions may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
- (15) The Owner shall ensure that any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.
- (16) The Owner shall enter into a Development Agreement with Canadian Pacific Railway Company satisfying all requirements, financial and otherwise, of the Railway.
- (17) The Owner shall implement recommendations contained in the Revised Environmental Noise and Vibration Feasibility Assessment by Jade Acoustics dated October 19, 1999.
- (18) Engineering drawings to include, configurations of intersections, introduction of separate turning lanes, turning radii, lane widths, among other items, shall be provided, at no cost to the City of Toronto, satisfactory to the Commissioner of Works and Emergency Services.
- (19) The Owner shall make satisfactory arrangements with the City of Toronto to combine or otherwise incorporate the Neilson Park entrance function with the proposed public street system serving the plan of subdivision.
- (20) The Owner shall obtain building, location, access and streetscape permits from the Works and Emergency Services Department prior to the construction of the plan of subdivision.
- (21) The Owner shall name road allowances included in this draft plan satisfactory to the Commissioner of Works and Emergency Services.

- (22) The subject land is to be zoned in accordance with the uses proposed on the draft plan prior to the registration of the plan.
- (23) Prior to final registration of the plan of subdivision, or any on-site grading. The Owner shall provide, to the satisfaction of the Toronto and Region Conservation Authority, the following reports describing:
- (a) A detailed engineering report that describes the storm drainage system for the proposed development. This report must include:
 - (i) the manner in which stormwater will be conveyed from the site, including how the subdivision ties into existing development;
 - (ii) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to ensure no negative impact on the quality and quantity of ground and surface water resources;
 - (iii) the location and description of all outlets and other facilities which may require permits under provincial regulations;
 - (iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction; an erosion sediment control strategy which includes a description and plan be prepared.
 - (b) Overall grading plans for lands within this plan.
- (24) That the Owner agrees in the subdivision agreement, in wording acceptable to the Toronto and Region Conservation Authority:
- (a) to cause to be carried out the works referred to in Condition 24 above;
 - (b) to design and implement on-site erosion and sediment control, in order to meet the requirements of the Federal Fisheries Act. Any increase in concentrations of suspended solids or sediment loading may be a violation of this Act. The Ministry of Natural Resources will monitor effectiveness and take appropriate action as required;
 - (c) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Toronto and Region Conservation Authority.
- (25) The Owner agrees in the subdivision agreement to include in all offers of purchase and sale or lease the following warning clause for a period of 10 years after registration of the subdivision plan:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area and that students may later be transferred.

The purchasers or tenants agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board, that children will not be bussed from home to school and/or from school to home, but will meet the bus at designated locations in or outside of the area.”

Background:

The property is designated for Low Density Residential uses, which provides for the proposed development.

The property is zoned, “Agricultural - Residential Uses – R” permitting one single-family unit, private home day care, group homes and correctional group homes. The site is not under site plan control.

The property borders on Neilson Park to the south and west, the CPR Belleville line to the south-east, a triangular City-owned parcel to the south, approximately 2.4 hectares (6.1 acres) in size, from Neilson Road widening along Finch Avenue East, purchased by the former City of Scarborough in 1983 for the future realignment of Finch Avenue East and associated road improvements and low density residential uses to the west of Neilson Road. The north side of Finch Avenue has two modern industrial buildings, Columbia House and Lithotech Inc.

The site contains two remnant woodlots. The north-western corner of the westerly woodlot is dominated by white cedar with some elm, yellow birch, black walnut, Manitoba maple, hawthorn and white ash. The remainder is dominated by Manitoba maple with some white elm and white ash. The easterly wooded area consists primarily of white cedar, white elm and white ash. There are three hedgerows; the most significant, located in the south part of the site, supports a number of white pine trees.

The only building on the site is a vacant one storey building located at the south-east corner of Finch Avenue East and Neilson Road.

The site is bisected by a north-south 23 metre (75 feet) City storm and sanitary easement.

A community information meeting was held at the Tom Longboat Elementary School on Tuesday, September 21, 1999. The meeting was attended by approximately 15 members of the public, the two ward councillors, City staff and the applicant and his consultants. The presentation included changes to the proposal, such as the relocation of the park to the interior of the site. Questions included the timing of construction, the price and size of the dwelling units, which schools the children would attend and the possibility of left-turn restrictions. Concerns included the impact of noise from the railway and traffic impacts particularly at the intersections.

The owner offered to include those who were interested in focus groups, to determine features to be included in the design and furnishing of the houses.

Comments:

The owner has consulted extensively with staff, as well as with other commenting agencies, prior to submission of the zoning amendment and subdivision applications and has subsequently demonstrated considerable willingness to modify the subdivision plan to meet City objectives. The major parkland dedication representing approximately 8 percent of the property, has been relocated away from the south-east corner of the Finch Avenue East and Neilson Road intersection in order to include that part of the woodlot with the best potential for long-term vegetation regeneration.

None of the various commenting agencies that were circulated the applications objected to the approval of the proposed zoning amendment and subdivision, subject to various conditions of draft approval.

The Toronto District School Board (TDSB) has expressed a concern regarding the lack of capacity to accommodate students generated from this plan of subdivision, as well as other plans of subdivision in the surrounding community. The TDSB has not requested that a school site be provided for on the subject property, but that notice signs be posted on the site advising prospective purchasers that sufficient accommodation may not exist at local schools, and as such alternative accommodations will be provided by the TDSB. As well, the TDSB has requested that a clause in all agreements of purchase and sales be included advising purchasers that children may have to attend existing school facilities outside of the immediate neighbourhood. Staff believe that notice signs are not necessary since the Owner will be required, as a condition of approval, to provide the aforementioned clause in all offers of purchase and sales, for dwelling units within the plan, informing purchasers of existing school accommodations and the possible transfer of students to future schools.

Works and Emergency Services Department's access concerns can be addressed by the creation of a 0.3 metre (1 foot) reserve along the south limit of Finch Avenue East on City owned property abutting the subject site.

The low density residential form is compatible with the existing residential character of this part of the Malvern Community. The double fronted orientation of units on Neilson Road and part of the Finch Avenue East frontages will create an attractive "face" to the development. The plan provides for the integration and future residential development of the City-owned lands to the north, should these ultimately not be required for road improvements.

A combined access from Neilson Road to Neilson Park and the proposed subdivision will provide the opportunity for homes fronting off Street "C" to enjoy an unencumbered view of the existing park. As well, this shared access will reduce potential traffic conflicts and enhance the safety of future residents.

Conclusion:

The low density character of the proposed development will fit well into the existing community fabric, with less impact on community facilities than denser forms of housing. The increased parkland contribution will permit significant parts of the existing wooded areas to be preserved. Planning staff support the Zoning By-law Amendments and the Revised Draft Plan of Subdivision dated October 12, 1999.

Contact:

David Beasley, MCIP, RPP
Principal Planner
Scarborough Civic Centre
Telephone: (416) 396-7026
Fax: (416) 396-4265
E-mail: beasley@city.scarborough.on.ca

The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Robert Dragicevic, on behalf of the applicant, and in support of the staff recommendations; and
- Ms. Lois James, expressing concerns respecting the increase in traffic which may be generated by this subdivision.

Insert Map 1

Insert Map 2

Insert Map 3

Insert Map 4