

Authority: Scarborough Community Council Item SC31.4, as adopted by City of Toronto Council on June 26, 27 and 28, 2018

CITY OF TORONTO

Bill 829

BY-LAW -2018

To amend former City of Scarborough Wexford Community Zoning By-law 9511, as amended, with respect to the lands municipally known as 971, 973, 975, 977 and 979 Warden Avenue.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the city of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas Subsection 37 (3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 9511, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

The Council of the City of Toronto hereby enacts as follows:

1. **Schedule "A"** of the Wexford Community Zoning By-law 9511 is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

S – 122 – 135 – 140 – 141 – 142 – 143 – 144 – 145 – 146 – 147 – 216 – 280

2. **Schedule "B" PERFORMANCE STANDARDS CHART** is amended by adding the

following Performance Standard Numbers 135, 140, 141, 142, 143, 144, 145, 146, 147, 216 and 280 as follows:

MISCELLANEOUS

140. **Definitions for 45-Degree Angular Plane, Front Lot Line, Landscaping and Landscaping, Soft** are as follows:

45-Degree Angular Plane

means a plane extending at right angles to a line drawn at a 45 degree angle from the highest point of ground along the entire length of the **rear lot line** for that lot/parcel that abuts one or more residential properties zoned "S", "T" and/or "M". The resulting plane shall extend above the width, breadth and/or length of the lot.

Front Lot Line

shall mean the line which divides a lot/parcel from a street, private road or private lane. On a corner lot, the shortest of the lines which divide the lot/parcel from a street, private road or private lane shall be deemed to be the front lot line.

Landscaping

means trees, shrubs, grass, flowers, vegetables, decorative stonework, walkways, screening or other horticultural or landscape-architectural elements, or any combination of these and retaining walls in the rear yard only; but does not include driveways, loading or parking spaces, and directly associated elements such as curbs.

Landscaping, Soft

means the landscaping in a yard, including retaining walls in the rear yard only, and excluding hard-surfaced areas such as, but not limited to, decorative stonework, walkways, patios, screening, or other landscape-architectural elements.

141. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 4. Frontage on a Street**, for parcels 1-19 and parcels 24-26 the **front lot line** is the shortest lot line abutting the private road and shall be deemed to abut or front on a public **street**; and for parcels 20-23 the **front lot line** is the lot line closest to Warden Avenue as shown on Schedule '2' of by-law **[Clerks to supply by-law ##]**.
142. For the lot/parcel as shown on Schedule '2' of by-law **[Clerks to supply by-law ##]**, the minimum lot/parcel frontages and minimum lot/parcel areas shall be as shown:

Lot/Parcel	Minimum Lot/Parcel Frontage (metres)	Minimum Lot/Parcel Area (square metres)
1	11.0	245
2	10.7	235
3	10.7	240

4	10.7	240
5	5.3	250
6	4.8	390
7	4.8	370
8	6.4	240
9	10.7	235
10	8.6	235
11	6.4	345
12	4.0	290
13	5.8	195
14	8.3	195
15	8.3	195
16	8.3	195
17	8.3	195
18	6.2	190
19	7.4	250
20	8.9	170
21	8.9	180
22	8.9	180
23	9.4	185
24	8.3	195
25	8.3	200
26	7.9	205

143. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 16. Regulations for Single-Family and Two-Family Dwellings**, the height of the **Single-family dwelling** shall not exceed 10.5 metres and 3 **storeys**, excluding **basements**, and shall be measured from the established grade as shown:

Lot/Parcel	Established Grade (metres)
1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11	165.7
12, 13, 14, 15, 16, 17 and 18	165.1
19	163.7
20, 21, 22 and 23	164.3
24, 25 and 26	165.4

144. The **setbacks** from the lot/parcel line(s) to the **main wall(s)** of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule '2' of by-law **[Clerks to supply by-law ##]**.
145. No person shall use any land or erect or use any building or structure unless the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all municipal water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
146. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 21. Front Yard Landscaping and Front Yard Soft Landscaping Requirements** the space between the main front wall of a building and a **front lot line**, not covered by a permitted driveway, permitted porch or a maximum 1.2 metre wide walkway, shall be maintained as **soft landscaping**.
147. All waste and recyclable material must be stored in a wholly enclosed building.

SECTION 37

135. On the lands zoned **Single-Family Residential (S)** and shown on the accompanying **Schedule "1"** of by-law **[Clerks to supply by-law ##]**, the following shall apply:
- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development is permitted beyond that otherwise permitted on the lands zoned **Single-Family Residential (S)** and shown on the accompanying **Schedule "1"** of by-law **[Clerks to supply by-law ##]** in return for the provision by the owner, at the owner's expense of the facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title, to the satisfaction of the City Solicitor:
1. Prior to the issuance of the first above-grade building permit, other than building permit for a temporary sales office/pavilion:
 - a. The owner shall make a one-time voluntary cash contribution in the amount of \$25,000 to be directed towards improvements, including a new ventilation system, to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park at 10 Ashtonbee Road;
 - b. The owner agrees to implement and administer the approved Architectural Control Guidelines, dated October 2017 (dated stamped March 16, 2018) and prepared by Turner Fleischer Architects Inc. The owner further agrees to retain a Control Architect acceptable to the Chief Planner and Executive Director City Planning Division to certify that the building plans for each dwelling unit are consistent with the approved Guidelines;

- c. The owner shall submit, to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and acceptance:
 - (i) flow monitoring results on the existing municipal sanitary sewer in order to determine if the proposed development on the site can be adequately serviced, and whether the existing municipal infrastructure is adequate; and
 - (ii) final servicing plans and report that include the flow monitoring results in (i)1.c.(i).
- d. If the results of the flow monitoring referenced in (i)1.c.(i) indicate that the existing infrastructure cannot support the proposed development, the owner shall submit a financial security to the City in the amount of \$115,175.00 for sanitary sewer improvements, to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;

Widening of Highways that abut the Land:

- e. The owner shall prepare all documents and convey to the City, at nominal cost (a widening measuring approximately 1.89 meters along the entire frontages on Warden Avenue of the lands to satisfy the Official Plan requirement of a 30.0 metre wide right-of-way), in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Chief Engineer and Executive Director of Engineering and Construction Services and the City Solicitor;
- f. The owner shall submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (i) be in metric units and integrated with the Ontario Co-ordinate System (3 degrees MTM, Zone 10, NAD 83 CSRS);
 - (ii) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and

- (iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- g. Pay all costs for registration and preparation of reference plan(s);
- h. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
- i. The owner shall submit a Qualified Person Preliminary Statement Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's Peer Reviewer to support this conveyance; all environmental documentation shall be submitted without any limitation regarding liability, indemnity or reliance;
- j. The owner shall pay all costs associated with the City retaining a third-party Peer Reviewer including a 7 percent administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00, as an initial deposit towards the cost of the peer review to the Chief Engineer and Executive Director, Engineering and Construction Services;
- k. The owner shall submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- l. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
- m. At the completion of the site assessment/remediation process, the owner shall submit a Statement from the Qualified Person, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer

review and concurrence that based on all necessary supporting environmental documents:

- (i) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (ii) the land to be conveyed to the City meets either:
 - the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006);
 - n. The Qualified Person's (the "QP") statement, referenced in (i)1.i. above, will include a Reliance Letter, that is stamped, dated and signed by the applicant's QP, as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the condition of the site; and
 - o. The owner must provide a certified cheque, addressed to the Treasurer, City of Toronto, in the amount of \$2,000.00 for the enactment and installation of the required regulatory/enforceable traffic control signage installation at both driveway locations onto Warden Avenue to the satisfaction of the Director, Transportation Services.
2. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
 3. In the event the cash contribution(s) referred to in Section (i)1.a.

has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

4. Where Section (i)1. above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
5. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section (i)1. above are satisfied.

PARKING

216. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1, General Parking Requirements, Sub-Section 1.3.1(e) shall not apply.

COVERAGE

280. The maximum lot/parcel **coverage** shall be as shown:

Lot/Parcel	Maximum Lot/Parcel Coverage (percent)
1, 2, 3, 4, 5, and 6	39
7, 8, 9, 10, and 11	41
12, 13, 14, 15, 16, 17, and 18	46
19	35
20, 21, 22, 23	46
24, 25, 26	43

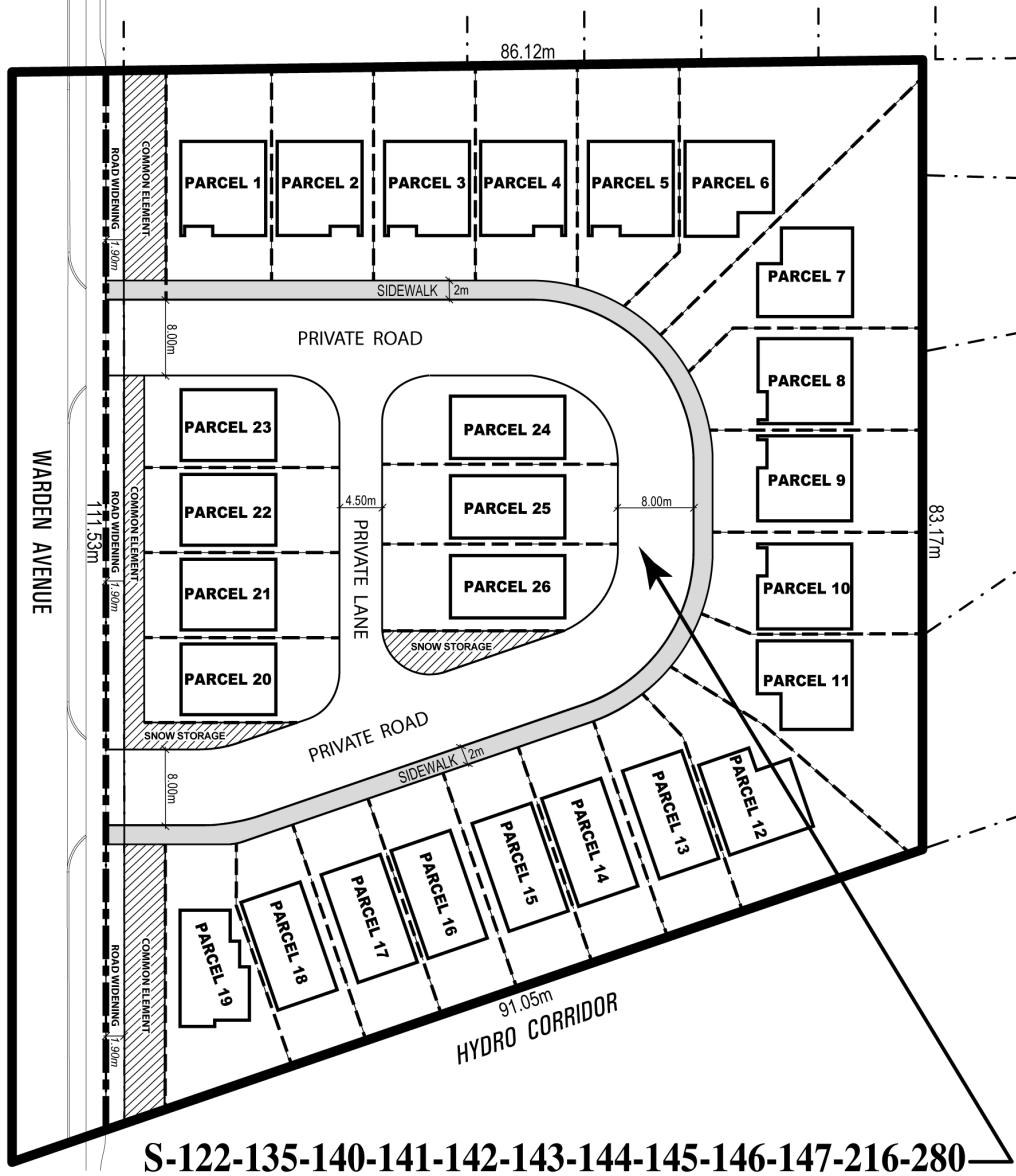
Enacted and passed on June , 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



Toronto
Zoning By-Law Amendment

971-979 Warden Avenue

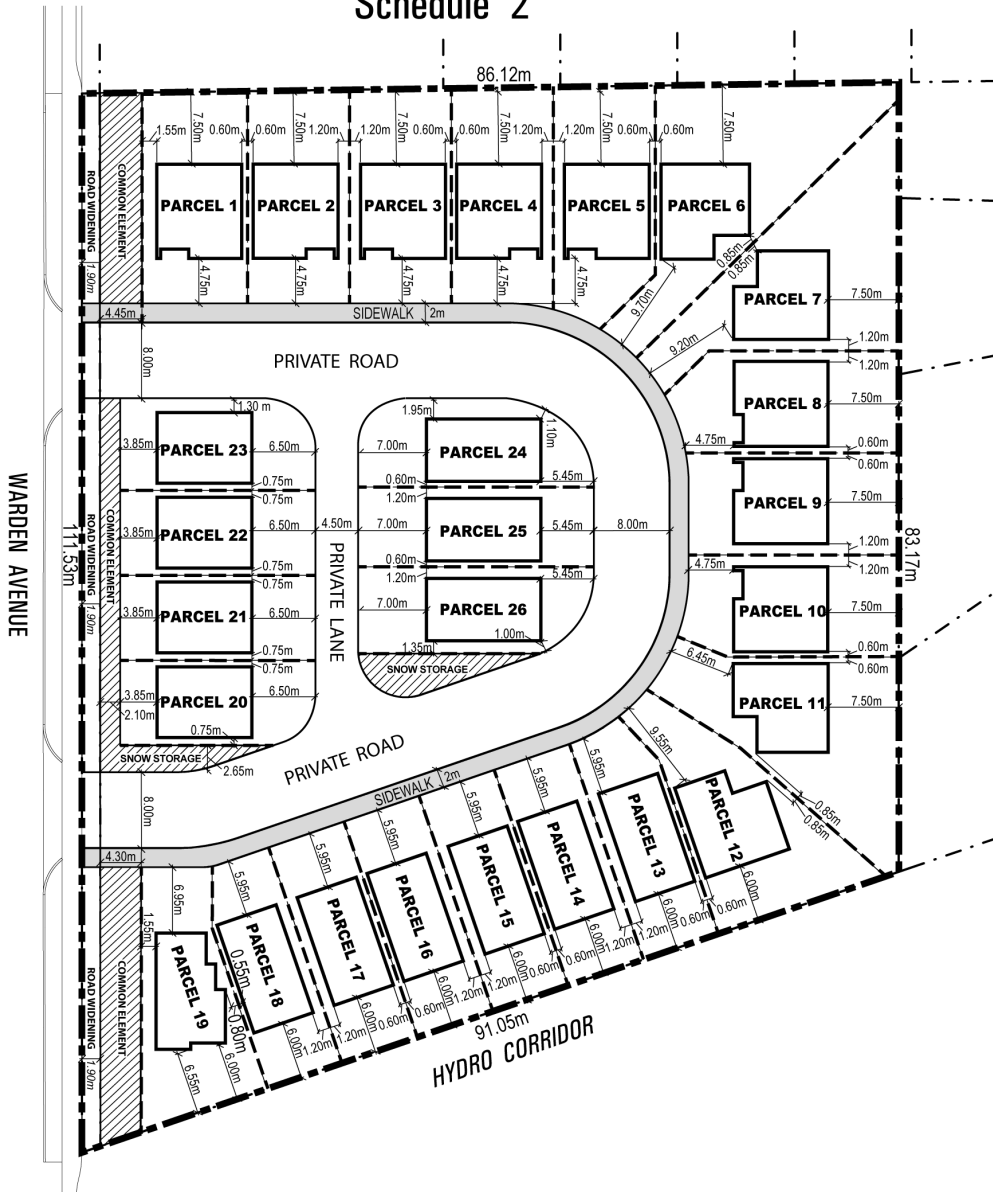
File # 16 271669 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community By-law
 Not to Scale
 06/01/2018



Schedule '2'



Toronto
 Zoning By-Law Amendment

971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community By-law
 Not to Scale
 05/10/2018

