

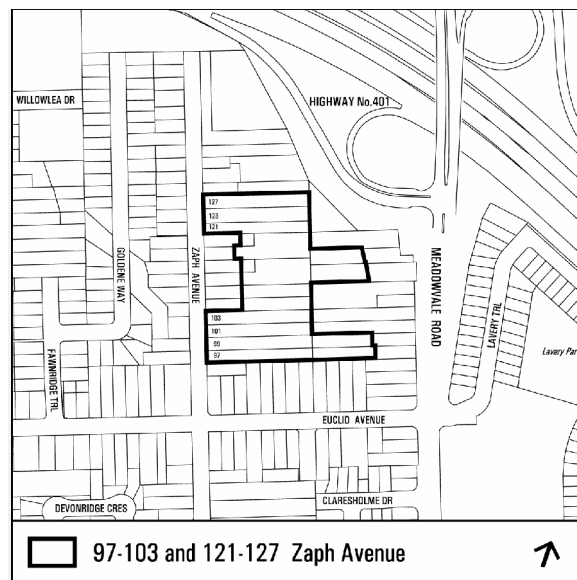
**97-103 and 121-127 Zaph Avenue – Zoning and Draft Plan of Subdivision Applications - Request for Direction**

<b>Date:</b>	March 5, 2007
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 44 – Scarborough East
<b>Reference Number:</b>	File Nos. 05 190490 ESC 44 OZ and 05 190494 ESC 44 SB

**SUMMARY**

The purpose of this report is to seek City Council’s direction for the May 9, 2007 Ontario Municipal Board hearing on appealed zoning by-law amendment and draft plan of subdivision applications for a proposed 35-lot residential plan of subdivision on consolidated lands located north of Euclid Avenue between Zaph Avenue and Meadowvale Road in Highland Creek Community.

Planning staff do not support the proposal in its current form. The development does not adequately address the issues that were previously raised in the Preliminary Report, and at the community consultation meeting. Staff is willing to work with the applicant to resolve the outstanding issues, including increasing lot frontages by eliminating one proposed lot, ensuring that the proposal represents an orderly development of the lands, and developing a tree protection plan to protect as many trees as possible.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. the City Solicitor and the appropriate staff attend the Ontario Municipal Board hearing to oppose the applications as currently proposed; and
2. staff continue to negotiate with the applicant in an attempt to resolve any outstanding matters, including increasing lot frontages by eliminating one proposed lot, ensuring that the proposal represents an orderly development of the lands, and developing a tree protection plan to protect as many trees as possible.
3. in the event the applicant revises the proposal to address the issues raised in this report, the City Solicitor be authorized to settle the appeal in consultation with the Director of Community Planning, Scarborough District.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

The site consists of an assembly of lands with frontage along Zaph Avenue. Consent applications were filed in order to assemble the lands for the creation of a residential plan of subdivision. These applications were approved by the Committee of Adjustment on October 17, 2006.

Scarborough Community Council adopted the staff recommendations in the Preliminary Report for the subject applications on February 7, 2006. In addition, Council directed that Planning staff work with the applicant towards creating frontages of every lot to be within the 15m (49 feet) zoning requirement; develop a layout that will not have a negative impact on future development opportunities; ensure that every effort be made by the developer to protect the existing trees on the site; and that the Environmental Protection Zone be fully protected throughout the construction process.

## **ISSUE BACKGROUND**

### **Proposal**

The original proposal illustrated 3 lots fronting onto Zaph Avenue and 18 lots fronting onto an internal public street system accessed from Zaph Avenue. Frontages of the lots that were on the proposed public street were, for the most part, 15m (49 feet) or greater.

The original proposal submitted in October of 2005 did not include 97, 99, and 123 Zaph Avenue. Following consideration of the Preliminary Report, the applicant revised their applications in April of 2006 to include these three properties to create a contiguous consolidated parcel of land that now incorporates a draft subdivision plan containing 35

lots, of which 29 lots front onto a public street accessed from Zaph Avenue, and 6 lots front onto Zaph Avenue.

The proposed lots would have frontages ranging from 12.8 metres (42 feet) to 17.9 metres (59 feet), and lot areas ranging from 450 square metres (4,844 square feet) to 761 square metres (8,192 square feet). The proposal also includes 7 blocks to be consolidated with other lands in the future for the potential of extending the proposed new internal public street to accommodate further infill development to the north and east.

The applicant appealed the zoning by-law amendment and draft plan of subdivision applications to the Ontario Municipal Board on November 10, 2006, on the basis that Council failed to make a decision within the required statutory time period. The Ontario Municipal Board has scheduled a hearing date of May 9, 2007 for a 3-day hearing.

Relevant project data is outlined on the Application Data Sheet (Attachment 5).

### **Site and Surrounding Area**

The 2.74 hectare (6.8 acre) site is located north of Euclid Avenue between Zaph Avenue and Meadowvale Road in the Highland Creek Community. The site is an assembly of lands comprising of seven single-family dwelling properties as well as the rear portions of several other properties along Zaph Avenue and Meadowvale Road. The subject site is surrounded by single-family residential dwellings and contains numerous trees on site and within close proximity of the subject lands.

### **Official Plan**

The property is designated Neighbourhoods in the Official Plan. Neighbourhoods are considered physically stable areas made up of a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to established Neighbourhoods must be sensitive, gradual and generally “fit” the existing physical character. New development will respect and reinforce the general physical patterns in a Neighbourhood, with particular regard to the size and configuration of lots, heights, prevailing building types and patterns of front, side, and rear yard setbacks, and landscaped open space.

The lands are also located within the Highland Creek Community Secondary Plan. The Highland Creek Community encompasses residential areas characterized by detached dwellings on spacious treed lots. The Neighbourhoods designation within Highland Creek permits only single detached dwellings, on lots having a minimum lot area of 450 square metres (4,844 square feet). The Tertiary Plan illustrates potential residential infill development to ensure continuity of roads and to provide for a compatible lotting pattern.

## **Zoning**

The subject properties are zoned Single-Family Residential (S) (Attachment 2), permitting one single-family dwelling per parcel of land with a minimum frontage of 15 metres (49 feet) and a minimum lot area of 696 square metres (7,492 square feet).

## **Reasons for Application**

Single-family dwellings are permitted. This is an infill development and the rezoning application is required in order to implement the necessary zoning standards that will regulate the new development. The plan of subdivision application is necessary to create the proposed new lots and public streets.

## **Community Consultation**

A Community Consultation Meeting was held on May 3, 2006. There were approximately 20 residents that attended the meeting along with the Ward Councillor, City staff and members of the applicant's team. There was a presentation made by the applicant's planning consultant.

Residents wanted to know who would be financially responsible for fencing, and more specifically, acoustic fencing to mitigate the noise coming from the nearby Highway 401.

Concerns were raised regarding increase of traffic, the need for a traffic signal at Zaph and Euclid Avenue, and sidewalks for increasing pedestrian traffic.

Residents were also concerned with the developer changing the grading causing water runoff onto neighbouring lots.

Residents expressed a desire to retain existing trees for added privacy and continued greenery of the area.

The subdivision plan that the applicant presented to the community differs from the current proposal. The previous plan contained the same 2.74 hectare (6.8 acre) site; however the lands illustrated a 34-lot plan of subdivision with frontages ranging from 13.8 metres (45 feet) to 18.5 metres (61 feet) (Attachment 4).

The proposal was subsequently revised on November 20, 2006, after the applicant appealed the applications to the Ontario Municipal Board, to include an additional lot and lots with smaller frontages (Attachment 1).

## **Agency Circulation**

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and conditions of draft plan approval.

## COMMENTS

### Plan Configuration and Compatibility

In the Preliminary Report adopted by Community Council, staff identified a number of issues to be addressed including that the proposed lots, streets, and dwellings be compatible and integrate well with the existing single-family neighbourhood surrounding the proposed development.

Prior to submitting a revised plan, the applicant appealed the applications on November 10, 2006 and on a later date submitted a revised plan which illustrated some revisions. The revised proposal created lots with smaller frontages by adding a lot to the proposed draft plan of subdivision.

Although the proposed lot areas would meet the minimum Official Plan requirement of 450 square metres (4,844 square feet), the proposed frontages on several of the lots would not be in keeping with the surrounding neighbourhood. Specifically the proposed frontages of Lots 15-19 at 12.8 metres (42 feet) would be the smallest frontages found within the immediate neighbourhood. A large majority of the lots in the immediate area have frontages of 15m (49 feet) or greater. For lots that were created with a frontage of less than 15m (49 feet) it was due to land limitations due to the existing surrounding context. The applicant does not face any physical limitations in providing frontages of 15 metres (49 feet) on Lots 15-20. The creation of lots with frontages of 12.8 metres (42 feet) would result in the smallest frontage in the immediate area, and is not in keeping with the established community character. The Official Plan states that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. Planning staff are of the opinion that the reduced lot frontages would result in a development that does not reinforce the established neighbourhood character. If the applicant were to eliminate one of these proposed lots, as Planning staff has previously requested, Lots 15-20 would achieve 15 metre (49 feet) frontages as recommended by Scarborough Community Council.

There would still remain other lots in the plan of subdivision with frontages less than 15 metres, contrary to Council's recommendation, in particular Lots 23 to 26 and Lots 30 to 35. These lots cannot achieve a 15 metre (49 feet) frontage due to the surrounding context and land limitations as a result of the proposed subdivision configuration. However, their frontages range from 13.6 metres (44.5 feet) to 14.4 metres (47 feet) which is closer to the 15 metres (49 foot) neighbourhood standard. In addition, the frontage of one of the corner lots that will be created on Zaph Avenue as a result of the new public street would be undersized. Planning staff have worked with the applicant to increase the lot frontage on this property to 14.3 metres (47 feet), by decreasing the new public street right-of-way to 17 metres (56 feet) along the flankage of this proposed lot. The remainder of the proposed lots in the subdivision plan would exceed the 15 metres (49 foot) neighbourhood standard.

## **Zoning Standards**

A new set of performance standards will be required in order to implement the proposed subdivision. The applicant is proposing similar zoning standards in terms of front, rear, and side yard setbacks as those applied to the recently registered plan of subdivisions to the west of the subject lands. However, the applicant has not submitted any house siting plans to demonstrate how appropriately sized dwellings could be sited on the proposed lots. Planning staff would like to see one of the proposed 12.8 metre (42 feet) lots eliminated so that all dwellings can be sited on larger lots consistent with neighbourhood zoning standards.

## **Tertiary Plan and Orderly Development**

The infill development of lands between Zaph Avenue and Meadowvale Road is anticipated as part of the Tertiary Plan (Attachment 3) for the area. The Tertiary Plan adopted by Council in the Highland Creek Secondary Plan illustrates potential residential infill development to ensure continuity of roads and to provide for a compatible lotting pattern. The proposal illustrates a cul-de-sac with two turning circles. Both cul-de-sacs could be extended to allow for future residential development. The Tertiary Plan for this area illustrates the subject lands to be developed with two access points off of Zaph Avenue, creating a crescent street pattern, and to the north a third access point off of Zaph Avenue with lots fronting onto a cul-de-sac. The proposal should not hinder nor create any hardship on surrounding lands for future development, specifically for the lands to the north of the proposed subdivision municipally known as 139 Zaph Avenue. The Tertiary Plan illustrates the southern boundary of 139 Zaph Avenue to be developed with 1 full lot, and 3 partial lots.

The Ministry of Transportation (MTO) commented on the applications in a memorandum dated December 23, 2005. The Ministry requires that any new building/structure, above and below ground, be setback a minimum of 14 metres (46 feet) from the highway property line. Further, no driveway (aisle), building amenity, or operational arrangement vital to the viability of the proposal shall be located within the 14 metre (46 feet) setback.

The applicant has illustrated the potential for proposed lots on the adjacent lands to the north. Potential building envelopes illustrate 4.5 metre front yard building setbacks, whereas the neighbourhood standard for front yard setbacks is 6 metres (20 feet). These lands would have limited building envelopes as a result of the applicant's proposed plan of subdivision configuration and MTO minimum setback. The applicant's proposal has not demonstrated that these lands as well as the lands further north at 139 Zaph Avenue can be developed in an orderly fashion in the future according to the Tertiary Plan.

## **838 Meadowvale Road**

A resident, who has an interest in the lands municipally known as 838 Meadowvale Road located northeast of the subject lands, objects to the current draft plan of subdivision. He feels that adding blocks adjacent to the rear lands of 838 Meadowvale Road will hinder the ability to develop these lands. The resident prefers the proposed public street that

runs perpendicular to his side lot line to be directly adjacent to his property line allowing development to occur without any consolidation of lands with the applicant. The resident has indicated interest in buying the MTO lands to the north to provide for a greater lot depth for future development. However, MTO has indicated the lands in question are not declared surplus at this time.

Planning staff met with the above-noted resident, most recently on February 23, 2007 to express our concerns with a proposed street positioned directly adjacent to the property line of 838 Meadowvale Road. Development of these lands with the public street positioned directly adjacent to the property line would create a lot depth limited to approximately 21 metres (70 feet) which is an undesirable standard for this area. Further, taking into account MTO's 14-metre (46 feet) setback requirement, any development potential would be lost and the lands would possibly remain undeveloped. Planning staff previously requested that the applicant shift the street in question southerly to allow for the rear of 838 Meadowvale Road together with blocks on the plan of subdivision to be developed in the future with sufficient lot area and depth. As a result, there is potential for three future lots once Blocks 40 to 42 are consolidated with the rear of 838 Meadowvale Road. Although two of these irregular shaped lots would have deficient frontages, the lot widths continue to increase towards the rear lot lines.

## **Trees**

An Arborist Report was submitted in October of 2005. The current proposed draft plan of subdivision includes more lands in the subdivision than the plan submitted with the Arborist Report. As the certified arborist notes in the report, until the tree locations are accurately surveyed and compared to the proposed road and dwelling placement, it cannot be determined which trees must be removed or which trees can be preserved for the development. Trees on private property having a diameter of 30 centimetres or greater are protected under the City's Tree Preservation By-law. By-laws to protect and preserve trees on City and private property have been established in order to attempt to retain as much crown cover as possible. Council recommended that every effort be made by the developer to protect the existing trees on the site. As first noted in a memorandum from Urban Forestry, dated March 31, 2006 the applicant needs to submit house siting plans and the existing trees need to be surveyed and accurately plotted on plans which will also be needed to develop a tree preservation plan. Staff will pursue opportunities to preserve and replace trees, however the applicant has not provided the outstanding submissions to Urban Forestry.

## **Noise**

An Environmental Noise Analysis was submitted in October of 2005. The main noise sources, external to the project and of potential impact on the proposed development will be road traffic on Meadowvale Road, Highway 401 and the Highway 401 eastbound off-ramp to Meadowvale Road. Road traffic on Euclid Avenue and Zaph Avenue, as well as on the internal streets, is minor and therefore is not expected to create adverse noise impact.

Sound barriers along portions of the north and east boundary of the subject lands will mitigate the sound exposures to within the maximum allowable excess of the MOE noise guidelines. By appropriate acoustical design of the development, a suitable acoustical environment can be provided for the occupants. Future occupants will be made aware of the potential noise situation through warning clauses, as per MOE guidelines. Should the development be approved at the Board, Planning staff will request conditions of draft plan approval to ensure recommended noise mitigations are met.

## **Servicing**

Technical Services have reviewed the development proposal to ensure that appropriate municipal services, sanitary and storm sewers, and storm water management can be provided to accommodate the proposed and ultimate development. The proposed lots will be designed so the majority of the runoff is directed to the proposed road right-of-way. Grading is to conform to the City of Toronto lot grading design criteria and to match the existing grades at the perimeter of the site and adjacent properties.

The appropriate municipal servicing for the proposed development can be constructed and can be effectively serviced from the existing municipal infrastructure that complies with the latest City of Toronto design criteria and standards.

Should the application be approved at the Board, Planning staff will request standard draft plan of subdivision approval conditions be included with regards to required municipal infrastructure.

## **Traffic**

Transportation Planning and Transportation Services have reviewed the submitted Traffic Impact Study. The study assessed the traffic impacts of the proposal and potential of 44 single-family residential detached dwellings located in the northeast quadrant of Zaph Avenue and Euclid Avenue. The traffic impact of the proposed site development is minimal at the Euclid Avenue and Zaph Avenue intersection which is expected to continue to operate with little or no delays for all movements during the peak hours. The study concluded that the proposed residential development will have minimal traffic impact on the surrounding intersection operations. The access will also operate satisfactorily given the low level of traffic on the abutting roadway. City staff are in agreement with the Traffic Impact Study.

## **Privacy & Separation**

The relationship of the proposed new dwellings to that of the adjacent existing dwellings is predominately backyard to backyard relationship. All of the proposed new dwellings will be situated a minimum distance of 7.5 metres (25 feet) from their rear lot lines allowing for adequate separation and rear yard amenity areas. Planning staff will pursue as a condition of subdivision approval, that the applicant construct a 1.8 metre (6 foot) high wood privacy fence along the perimeter of the subdivision where it abuts existing residential dwellings.



## **Sidewalks**

There are no sidewalks illustrated on the proposed right-of-way. This will limit safe pedestrian movement within the site and will not integrate the development into the surrounding community, as per the Official Plan policies. Should the application be approved at the Board staff will request that sidewalks be provided on both sides of the proposed 18.5 metre (61 feet) right-of-way as a condition of subdivision approval.

## **Archaeological Assessment**

Heritage Preservation Services received the requested archaeological report in January of 2007. No archaeological resources were identified during the study on the subject lands. Should the application be approved at the Board, Planning staff will request standard draft plan of subdivision approval conditions be included with regards to any archaeological findings.

## **Draft Plan of Subdivision Approval**

In the event that the Board approves the applications, Planning staff will request standard draft plan of subdivision conditions be included that address the technical requirements of the development including among other matters, the construction of the street and services, tree protection and planting, and urban design.

## **Development Charges**

It is estimated that the development charges for this project will be \$302,035. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Subdivision Plan

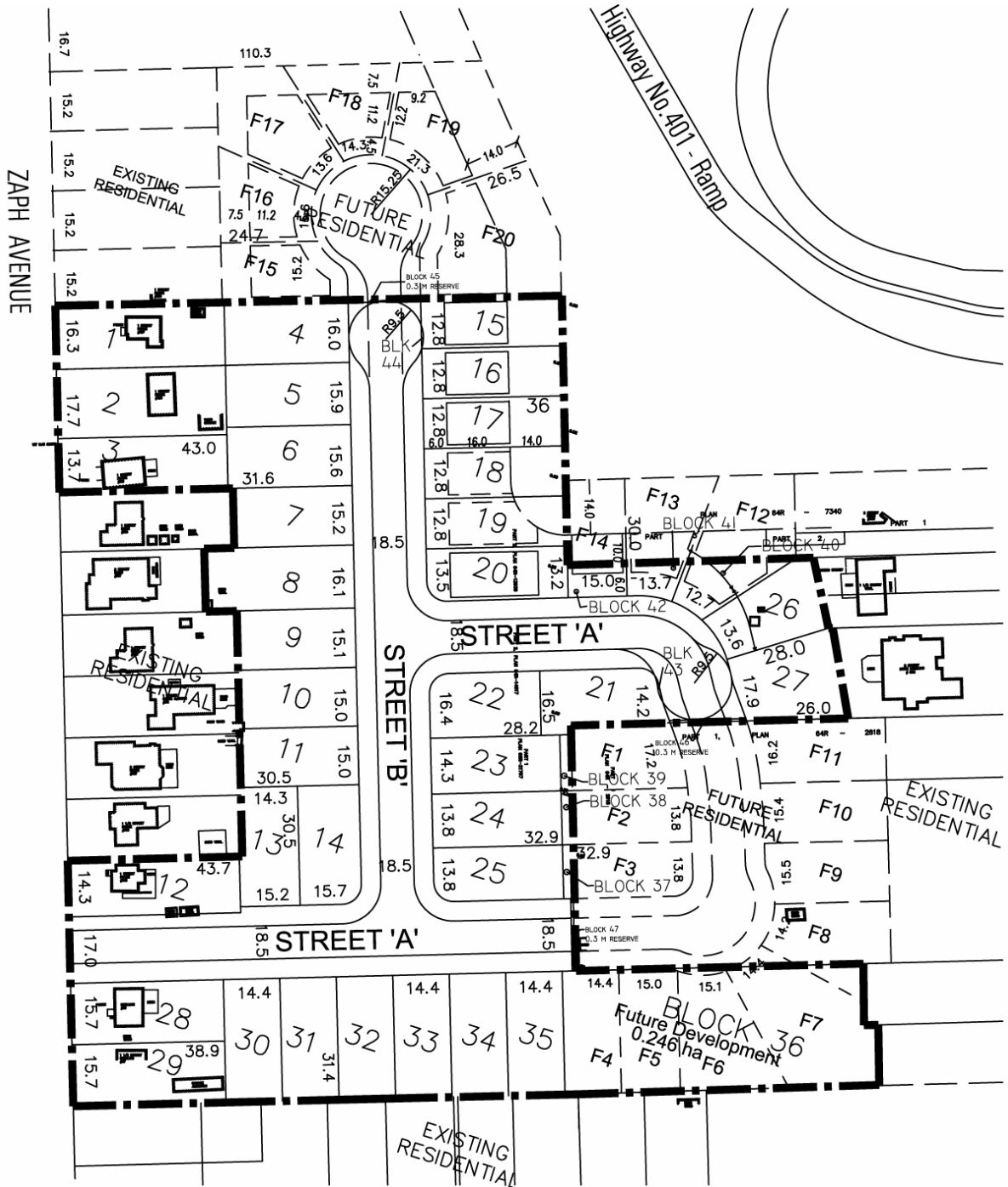
Attachment 2: Zoning Map

Attachment 3: Tertiary Plan

Attachment 4: Previous Subdivision Plan

Attachment 5: Application Data Sheet

Attachment 1: Subdivision Plan



**Subdivision Plan**

97-103 and 121-127 Zaph Avenue

Applicant's Submitted Drawing

Not to Scale  
03/09/07

File # 05-190490 OZ, 05-190494 SB

## Attachment 2: Zoning Map



**Toronto** City Planning  
Division  
**Zoning**

**97-103 and 121-127 Zaph Avenue**  
File # 05-190494 SB; 05-190490 OZ

- |                                    |                            |
|------------------------------------|----------------------------|
| <b>S</b> Single-family Residential | <b>SC</b> School           |
| <b>I</b> Institutional             | <b>P</b> Park              |
| <b>HWY</b> Highway                 | <b>O</b> Major Open Spaces |

Highland Creek Community Bylaw  
Not to Scale  
03/06/07



Attachment 3: Tertiary Plan



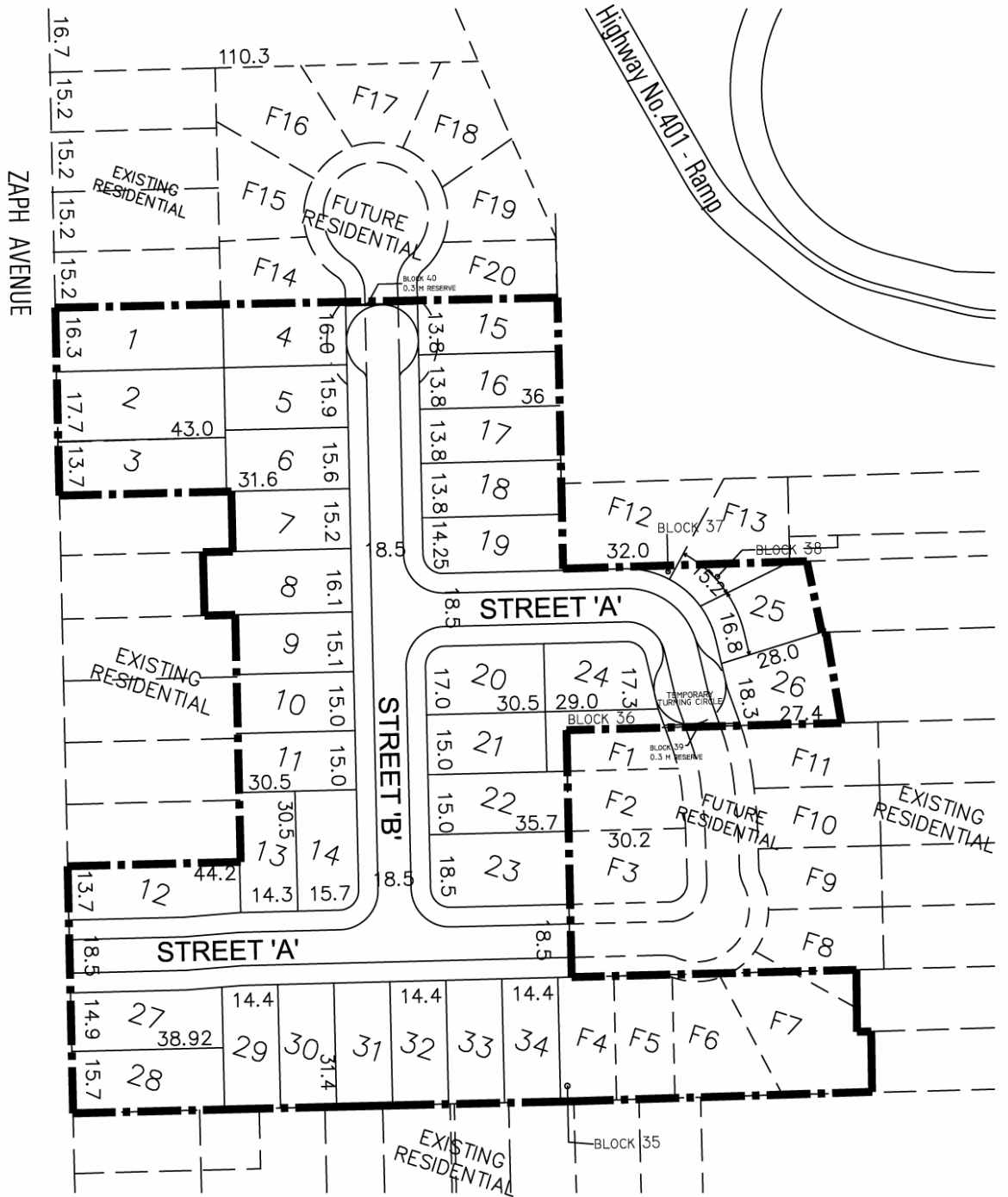
Highland Creek Secondary Plan -  
Tertiary Plan

97-103 and 121,127 Zaph Avenue

Not to Scale  
03/06/07

File # 05-190494 SB; 05-190490 OZ

**Attachment 4: Previous Subdivision Plan**



**Previous Subdivision Plan**

97-103 and 121-127 Zaph Avenue

Applicant's Submitted Drawing

Not to Scale  
03/08/07 

File # 05-190490 OZ, 05-190494 SB

## Attachment 5: Application Data Sheet

Application Type	Rezoning; Draft Plan of Subdivision	Application Number:	05 190490 ESC 44 OZ; 05 190494 ESC 44 OZ
Details		Application Date:	October 4, 2005

Municipal Address: 97 - 103 Zaph; 121-127 Zaph Avenue  
 Location Description: East Side of Zaph Avenue, North of Euclid Avenue  
 Project Description: A draft plan of subdivision is proposed containing 35 lots each to be developed with a single-family detached dwelling.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Weston Consulting Group Incorporated	Weston Consulting Group Incorporated		Vanguard Sheet Metal Contractors Ltd; Honeywood Properties

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S- Single-Family Zone	Historical Status:
Height Limit (m):		Site Plan Control Area: No

### PROJECT INFORMATION

Site Area (sq. m):	27410	Height:	Storeys:	2	
Frontage (m):	110		Metres:	0	
Depth (m):	200				
Total Ground Floor Area (sq. m):	not available				<b>Total</b>
Total Residential GFA (sq. m):	not available		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):			Loading Docks	0	
Total GFA (sq. m):	not available				
Lot Coverage Ratio (%):	not available				
Floor Space Index:	not available				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	35			

**CONTACT: PLANNER NAME: Frank Stirpe, Planner**  
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