

725 Warden Avenue – Zoning Application to Lift Holding Provisions (H) – Final Report

Date:	June 11, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 35 – Scarborough Southwest
Reference Number:	File No. 07 208757 ESC 35 OZ

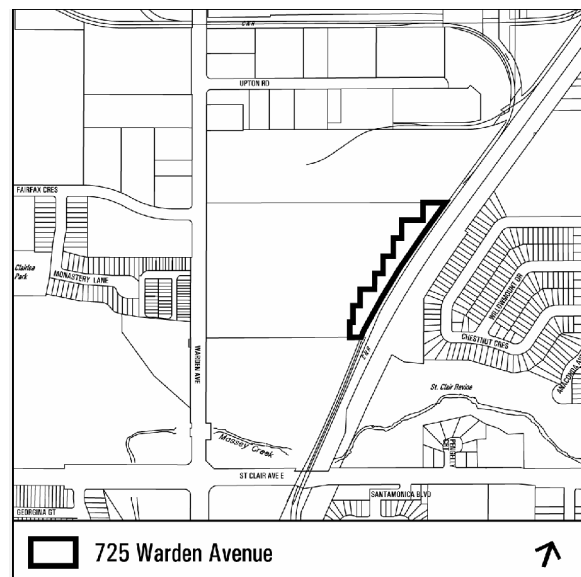
SUMMARY

A zoning amendment application has been filed which proposes the lifting of the Holding Provisions (H) from the eastern portion of the property at 725 Warden Avenue to permit the development of the lands with semi-detached and townhouse dwellings in accordance with the underlying zoning.

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The TTC, CN and Technical Services have all advised that they have no objection to the removal of the Holding Provisions (H). The Warden Woods Community Zoning By-law, along with site plan control for the proposed townhouses, and the Subdivision Agreement for 725 Warden Avenue will provide for the appropriate development of the lands in accordance with the Semi-Detached Residential (SD) and Townhouse Residential (TH) zoning.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Warden Woods Community Zoning By-law No. 950-2005 as amended by Zoning By-law No. 152-2006, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Council approved Rezoning Application 04 175530 ESC 35 OZ and enacted Zoning By-law No. 152-2006 on February 2, 2006, which rezoned 725 Warden Avenue to permit a residential development and park. At the time of the rezoning, the TTC had not yet completed its technical review of the future road proposed to be developed over and immediately adjacent to its Bloor-Danforth subway structure. Pending the results of the technical review, the zoning applied a Holding Provision (H) to the area of the future road, as well as to a number of residential lots that potentially were to be used for, or impacted by, interim roadway connections required prior to implementation of the road above the subway. CN requested a setback of 15 metres from its operating trackage located adjacent to the northeast corner of the site. This requirement was addressed by including issues pertaining to the railway in the matters to be addressed prior to lifting of the Holding Provision (H).

Draft Plan of Subdivision Application 04 175559 ESC 35 SB for the whole of 725 Warden Avenue was draft approved on July 18, 2006. A Subdivision Agreement has been executed between Mattamy and the City.

ISSUE BACKGROUND

Proposal

The applicant has submitted a zoning by-law amendment application to amend Zoning By-law No. 152-2006 to lift the Holding Provisions (H) applying to the eastern part of the lands at 725 Warden Avenue to allow the development of 4 semi-detached and 18 townhouse dwellings in accordance with the underlying zoning. Project information is provided in the Application Data Sheet – Attachment 3.

Site and Surrounding Area

The subject lands include 22 residential lots (127-133, 179-184, 218-222, 243-245, and 254), open space blocks 261 and 262, and portions of the proposed public streets

(Ferguson Street, Winkler Terrace, Yates Avenue, Pethick Street and Pidgeon Street, as shown on the Draft M-Plan of Subdivision). The surrounding uses include:

- North: industrial lands in the Golden Mile Employment District.
- South: TTC Warden North Commuter Parking Lot lands, St. Clair Ravine/Massey Creek.
- East: former CN rail spur property owned by Rexton Developments Ltd (rezoning and subdivision applications for townhouses approved in principle), Hydro Corridor, and Birchmount Park Community.
- West: remainder of 725 Warden Avenue - proposed Mattamy Homes “Summerside” residential subdivision.

Official Plan

Warden Woods Community Secondary Plan (Official Plan Amendment No.1145)

City Council adopted Official Plan Amendment (OPA) No. 1145 to the Scarborough Official Plan, the Warden Woods Community Secondary Plan, on October 28, 2005. It was subsequently appealed to the Ontario Municipal Board (OMB), but is now in effect for the subject lands and adjacent lands to the east and south.

The Warden Woods Community Secondary Plan designates the site at 725 Warden Avenue as Neighbourhoods. The Secondary Plan provides for the use of the holding provisions of Section 36 of the Planning Act to ensure the orderly sequencing of development and appropriate municipal infrastructure and services. An application to remove the holding symbol through a by-law amendment must be supported by the appropriate plans and studies, and any appropriate conditions are to be secured in agreements between the owner and the City.

Toronto Official Plan

On July 6, 2006, the OMB issued Order No. 1928 bringing the majority of the new Official Plan into force and effect (amended by Orders 2154 and 3534). Most of the policies of the 7 Official Plans of the former municipalities that were previously in effect have been repealed, except for portions related to outstanding appeals. The Toronto Official Plan is not in effect as it pertains to the Warden Woods Community Secondary Plan, which remains under appeal with respect to 685 Warden Avenue. When the OMB has dealt with all the appeals affecting the lands within the Warden Woods Community Secondary Plan, the Toronto Official Plan will be modified to include the Secondary Plan as approved.

Zoning

The subject portions of 725 Warden Avenue are zoned Semi-Detached Residential - SD (H) or Townhouse Residential - TH (H), and Townhouse Residential – TH(H) by the Warden Woods Community Zoning By-law, as amended by Zoning By-law No. 152-2006. The only uses permitted prior to the removal of the Holding Provision (H) from the zoning are public streets and Open Space uses.

All of affected lands are subject to Exception provisions which allow the Holding Provisions (H) to be removed, in whole or in part, in accordance with the Secondary Plan, and having regard to established Urban Design Guidelines, subject to the agreement of CN Rail and/or the TTC, and the City's Transportation Services Division.

The lands adjacent to the north boundary of 725 Warden Avenue (lots 127 and 128 and the north open space block) are subject to Exception No. 4 which provides for the Holding Provision (H) to be removed when both the TTC and CN Rail are satisfied that the development will not have an adverse impact on their existing or planned facilities in the vicinity, and when Transportation Services is satisfied that the necessary road improvements will be implemented.

The remainder of the lands are subject to Exception No. 5 which provides for the Holding Provision (H) to be removed when the TTC is satisfied that the development will not affect its facilities, and Transportation Services is satisfied with respect to road improvements.

Site Plan Control

The site is subject to site plan control. The applicant has submitted Site Plan Approval Applications 06 114457 ESC 35 SA and 06 128397 ESC 35 SA for the freehold townhouses to be built on the eastern half of 725 Warden Avenue. These applications are under review. The proposed semi-detached dwellings are exempt from site plan control.

Reasons for Application

The holding provisions (H) need to be removed to allow the lands to be developed in accordance with the underlying zoning.

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.

COMMENTS

The TTC has confirmed that they now have no objection to the lifting of the Holding Provisions from the zoning.

CN also has no objection to the lifting of the Holding Provisions. The Subdivision Agreement includes a requirement for a noise and vibration study, and a warning clause as requested by CN.

The Subdivision Agreement for 725 Warden Avenue secures the road improvements to serve the lands, including the future Pidgeon Street (also known as the future Street “K”). The Technical Services Division, on behalf of Transportation Services, has no objection to the lifting of the Holding Provisions.

It is appropriate for Council to amend the Warden Woods Community Zoning By-law to remove the Holding Provisions (H) from the subject lands. The text and mapping for Exceptions 4 and 5, which affect only the subject lands, can also be deleted.

CONTACT

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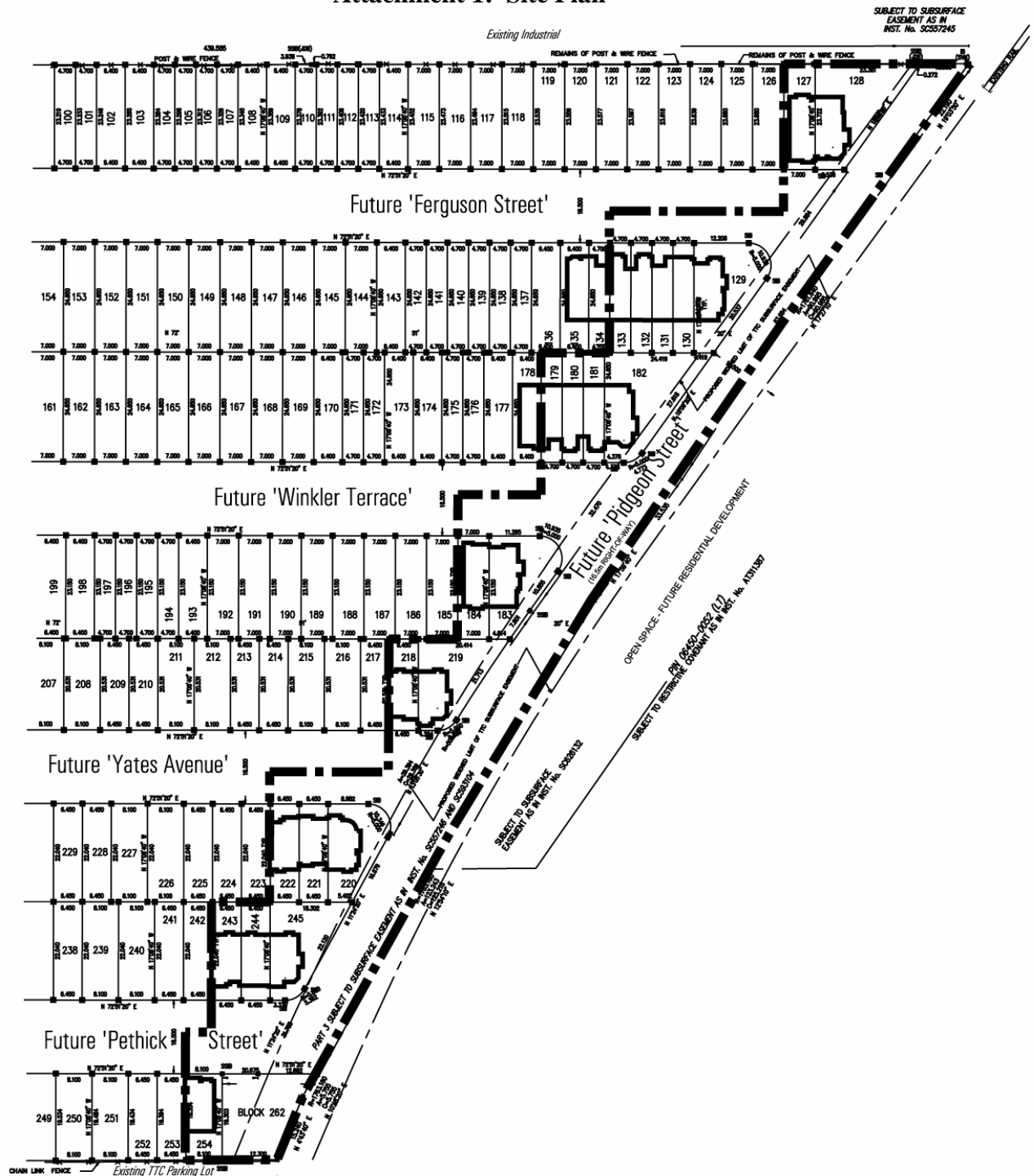
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

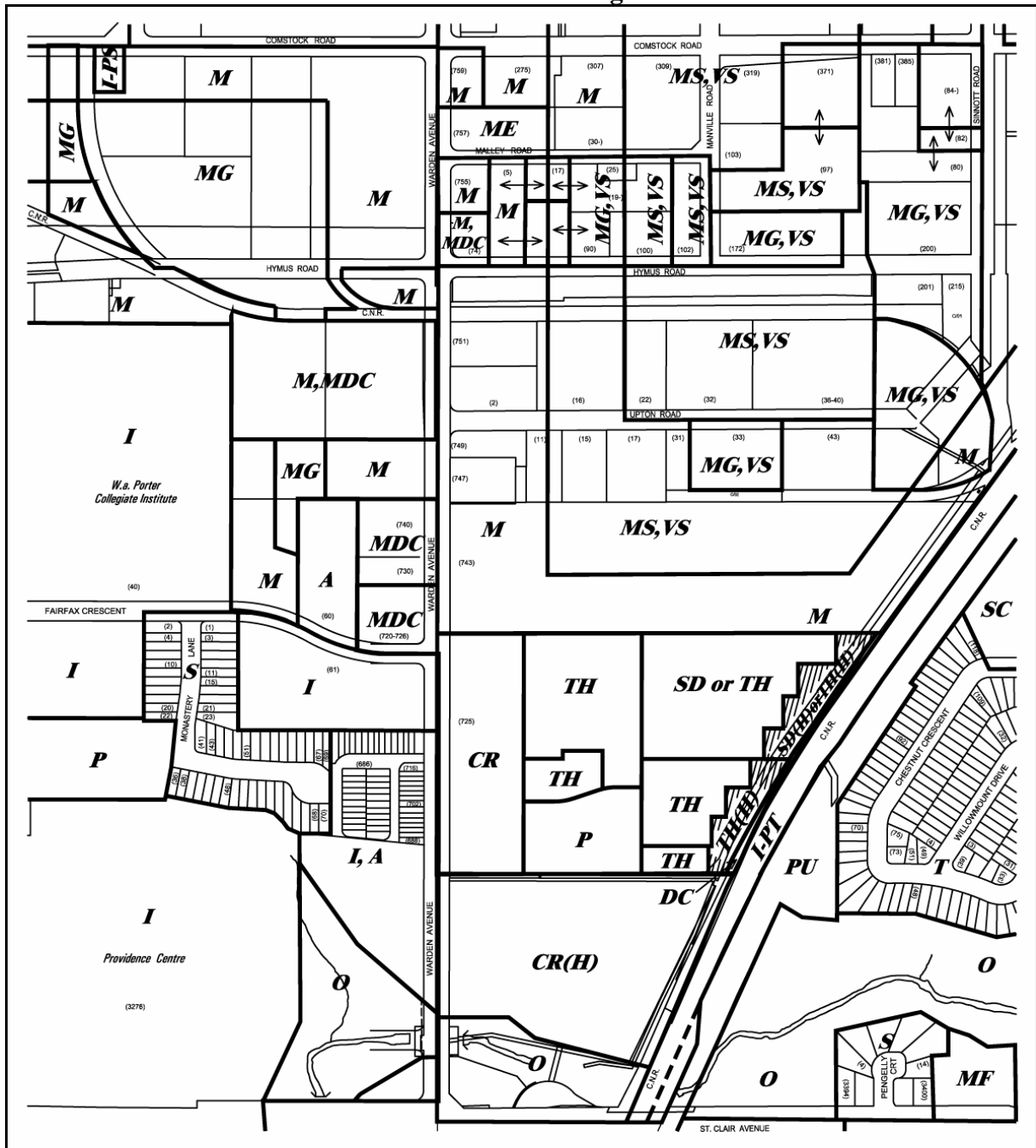
Not to Scale
05/31/07



725 Warden Avenue

File # 07-123456 XX

Attachment 2: Zoning



725 Warden Avenue
File # 07-208757 OZ

S Single Family Residential	P Park	I-PT Institutional Public Transit Zone	Golden Mile Emp.; Warden Woods,
SD Semi-Detached Residential Zone	PU Public Utilities	M Industrial Zone	Clairlea, Birchmount Park Communities
TH Townhouse Residential Zone	SC School	MG General Industrial Zone	Not to Scale
T Two-Family Residential	DC District Commercial Zone	MS Special Industrial Zone	05/29/07
A Apartment Residential	CR Commercial / Residential Zone	VS Vehicle Service Zone	
I Institutional Uses	(H) Holding Provision		
MF Multiple-Family Residential	O Open Space Zone		

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	07 208757 ESC 35 OZ
Details	Rezoning, Lifting the Hold	Application Date:	May 11, 2007

Municipal Address:	725 WARDEN AVE, TORONTO ON M1L 4R7
Location Description:	CON C PT LOT 31 PT LOT 32 RP 64R3068 PART 2 **GRID E3502
Project Description:	Amend Zoning By-law No. 152-2006 to lift Holding Provisions (H) from lots 127-133, 179-184, 218-222, 243-245, and 254 (22 lots total), open space blocks 261 & 262, and portions of proposed Ferguson Street, Winkler Terrace, Yates Avenue, Pethick Street and Pidgeon Street as shown on draft M-Plan, to permit 4 semi-detached and 18 townhouse dwellings.

Applicant:	Agent:	Architect:	Owner:
MATTAMY DEVELOPMENT CORPORATION ROY WERNER			MATTAMY (WARDEN) LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	SD & TH	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	0	Height:	Storeys:	3
Frontage (m):	0		Metres:	13
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	0			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
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:	22			

CONTACT:	PLANNER NAME:	Ruth Lambe, Senior Planner
	TELEPHONE:	(416) 396-7037

Attachment 4: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend City of Toronto Zoning By-law No. 950-2005 (Warden Woods Community Zoning By-law), as amended by Zoning By-law No. 152-2006, by the lifting of the Holding Provisions (H) with respect to lands municipally known as 725 Warden Avenue.

WHEREAS pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council has imposed Holding Provisions (H) on the lands shown outlined with a heavy black line on Schedule '1' attached hereto; and

WHEREAS Council is satisfied that the conditions relating to the lifting of the Holding Provisions (H) from the subject lands have now been satisfied and Council has given notice of its intention to lift the Holding Provisions (H);

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule "A" of the Warden Woods Community Zoning By-law No. 950-2005, as amended by Zoning By-law No. 152-2006, is amended by removing the Holding Provisions (H) from the lands shown outlined with a heavy black line on Schedule '1' attached hereto so that the lands may be developed in accordance with the underlying Semi-Detached Residential (SD) and Townhouse Residential (TH) zoning in accordance with the aforesaid By-law.
2. Schedule "C", **EXCEPTIONS LIST** and the accompanying Schedule "C" map of the Warden Woods Community Zoning By-law No. 950-2005, are amended by deleting Exception No. 4 and Exception No. 5.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

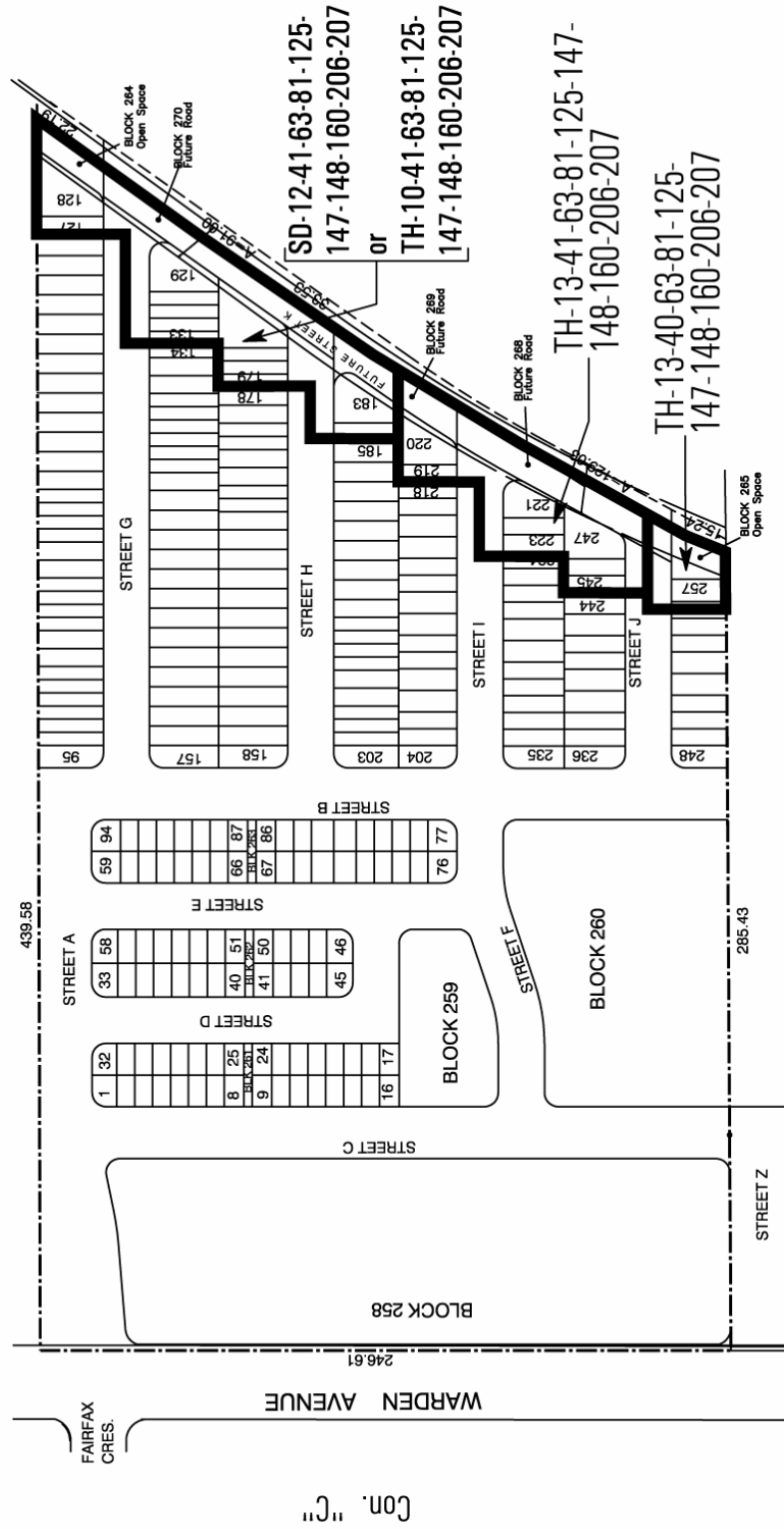
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 32



Zoning By-Law Amendment

725 Warden Avenue
File # 07-208757 OZ



Area Affected By This By-Law

Warden Woods Community By-law
Not to Scale
05/29/07