

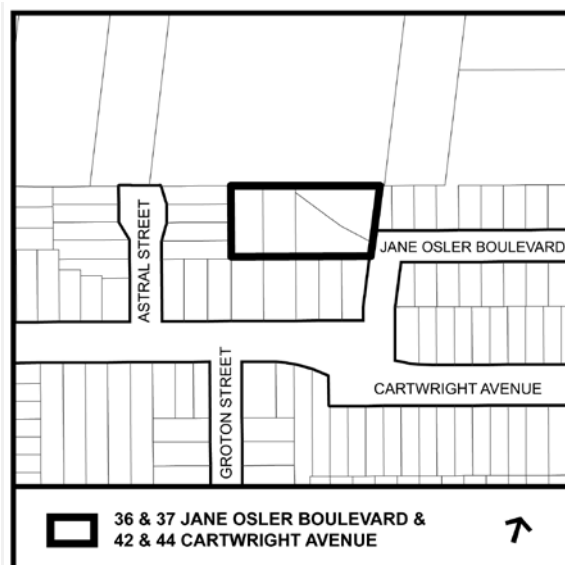
**36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue – Zoning By-law Amendments and Draft Plan of Subdivision Approval Applications – Final Report and Class 4 Noise Area Classification (NPC-300) - Noise and Vibration Attenuation Measures and Residential Area Lot Study**

<b>Date:</b>	January 30, 2018
<b>To:</b>	City Council
<b>From:</b>	Acting Chief Planner & Executive Director, City Planning Division
<b>Wards:</b>	Ward 15 – Eglinton-Lawrence
<b>Reference Number:</b>	12 144920 NNY 15 OZ 12 144928 NNY 15 SB

**SUMMARY**

At the January 16, 2018, North York Community Council meeting a report dated December 15, 2017 from the Director, Community Planning, North York District, was considered by North York Community Council that recommended approval of Zoning By-law Amendments and Draft Plan of Subdivision applications to subdivide the lands at 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue to permit 8 detached dwellings on 8 residential lots on a public street terminating in a cul-de-sac.

The report also recommended that City Council designate the proposed lots as a Class 4 Area under relevant provincial noise



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guidelines administered by the Ministry of Environment and Climate Change (MOECC).

A Class 4 noise area classification allows for higher daytime and night-time sound level limits than would otherwise be permitted in relation to a noise sensitive land use such as residential dwellings and associated outdoor living areas. The impact of such higher levels is mitigated by specified noise control measures.

North York Community Council forwarded the report and item (NY27.1) to City Council's meeting of January 31, 2018, without recommendations and adopted a motion requesting additional information from Planning Staff with regard to identifying potential land assemblies and severances in the residential area in the vicinity of the subject site and to review noise and vibration attenuation measures and report to the January 31, 2018 City Council meeting.

This report responds to the direction of North York Community Council on January 16, 2018 and recommends refinements to two of the Draft Plan of Subdivision Conditions, and the addition of one condition to address concerns raised by an adjacent employment landowner following discussions between City Staff, the applicant, the adjacent employment landowner, and the local Councillor's office.

## **RECOMMENDATIONS**

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

1. City Council adopt the recommendations contained within the Planning Staff report entitled "36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue – Zoning By-law Amendments and Draft Plan of Subdivision Approval Applications – Final Report and Class 4 Noise Area Classification (NPC-300)", dated December 15, 2017, subject to:
  - a) Amending condition #6 in Attachment #8, Draft Plan of Subdivision Conditions of the December 15, 2017 staff report to read as follows:

"The owner shall provide a 3 metre high acoustic fence along the entire north property line and the north portion of the east property line of the site as well as a 2 metre high acoustic fence on top of the proposed retaining wall along the west property line of the site to provide attenuation of both the Highway 401 noise and that from adjacent commercial/industrial operations. The existing fence at the south (rear) of 95 Bridgeland Avenue shall remain and not be disturbed by the proposed acoustical fence.
  - b) Amending condition #11 in Attachment #8, Draft Plan of Subdivision Conditions of the December 15, 2017 staff report to read as follows:

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"The owner shall provide all proposed units with a proximity warning clause in the Subdivision Agreement advising owners and future owners of the proposed units that the activities and/or equipment associated with adjacent commercial/industrial facilities may at times be audible or cause vibration and exhaust from vehicles servicing the commercial/industrial facilities in the loading and unloading areas. Adjacent commercial/industrial operations may operate on a 24 hour basis, 7 days a week."

- c) Amending Attachment #8, Draft Plan of Subdivision Conditions, of the December 15, 2017, staff report to add a new Condition #36 to read as per below and re-number subsequent conditions:

"The owner shall replace boundary tree #892 with three native tree species in a similar location at the rear of proposed Lot #5, wholly on subject site and south of the proposed acoustic fence."

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 16, 2018, North York Community Council considered a Planning Staff report dated December 15, 2017, from the Director of Community Planning, North York District, with regard to the applications at 36 and 37 Jane Osler Boulevard and 42 and 44 Cartwright Avenue. North York Community Council forwarded the report and item (NY27.1) to City Council on January 31, 2018, without recommendations and adopted the following motion:

1. Direct Planning Staff to conduct a lot study on the residential streets bounded by Highway 401, Dufferin Street, Caledonia Road and Orfus Road to identify and discourage lot severances and assembly in the area.
2. Direct City Planning to review noise and vibration attenuation measures and report to City Council at its next meeting on January 31, 2018.

A link to the North York Community Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY27.1>

### **COMMENTS**

#### **Review of Noise and Vibration Attenuation Measures**

On January 22, 2018, Planning staff met with the applicant and their Arborist and Acoustical Engineer, Councillor Colle's Executive Assistant and the owner of 95

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Bridgeland Avenue (Tyco Security Products) to review noise attenuation measures to be provided on the subject site which the City previously had peer reviewed.

It was agreed between all parties that in addition to the secured attenuation measures described in Attachment 8, Draft Plan of Subdivision Conditions, in the Planning Report dated December 15, 2017, the wording of Condition #6 in the Draft Plan of Subdivision Conditions in Attachment 8 of the report would be revised to read as follows:

"The owner shall provide a 3 metre high acoustic fence along the entire north property line and the north portion of the east property line of the site as well as a 2 metre high acoustic fence on top of the proposed retaining wall along the west property line of the site to provide attenuation of both the Highway 401 noise and that from the commercial/industrial operations. The existing fence at the south (rear) of 95 Bridgeland Avenue shall remain and not be disturbed by the proposed acoustical fence.

This condition has been revised to include reference to the existing fence at the south (rear) of 95 Bridgeland Avenue remaining on the property and not being disturbed by the proposed acoustical fence.

With regard to the warning clause secured in the Draft Plan of Subdivision Condition #11, it was also agreed between all parties to revise the wording of Condition #11 to read as follows:

"The owner shall provide all proposed units with a proximity warning clause in the Subdivision Agreement advising owners and future owners of the proposed units that the activities and/or equipment associated with adjacent commercial/industrial facilities may at times be audible or cause vibration and exhaust from vehicles servicing the commercial/industrial facilities in the loading and unloading areas. Adjacent commercial/industrial operations may operate on a 24 hour basis, 7 days a week."

This condition has been revised to include reference to advising owners and future owners of the proposed dwelling units that in addition to noise, adjacent commercial/industrial facilities may cause vibration and exhaust from vehicles servicing these facilities in the loading and unloading areas on a 24 hour basis, 7 days a week.

#### **Private Tree Located at the Rear of the Subject Site**

The Arborist Report dated January 23, 2012, identifies two trees (#891 and #892) which are to be removed on the subject site and are of interest to the adjacent property owner of 95 Bridgeland Avenue (Tyco Security Products). In the report, tree #891 was identified as in fair condition and tree #892 was identified as in poor condition. Both trees are Chinese Elm species which are not a native tree species. The owner at 95 Bridgeland Avenue would like these trees to remain as they provide shade at the rear of the property at 95 Bridgeland Avenue.

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The arborist visited the site on January 23, 2018 to determine the condition of both trees. Upon further review tree #891 is a multi-stem tree with no one trunk large enough to qualify for protection under the Tree By-law 813. Therefore, this tree would not require a permit to be removed. Tree #891 is located on the subject site.

Tree #892 is governed under By-law 813 due to its trunk size. This tree would qualify for removal under the Tree By-law 813 based upon its present condition that is poor both botanically and structurally. Tree #892 is a boundary tree therefore, both adjacent properties have rights in the future of the tree. Any removal would require both owners support.

In lieu of the removal of tree #892, Urban Forestry staff recommend the applicant propose the planting of three large growing native shade trees in the rear yard of proposed residential Lot #5 in the area where tree #892 is currently located. A fast growing native tree species should be considered along with placement that would allow for the shading of the adjacent property at 95 Bridgeland Avenue.

The owner at 95 Bridgeland Avenue and applicant are in agreement with replacing tree #892 with three native tree species on the subject site in the rear yard of proposed Lot #5 in a similar location. This will be secured as a new Draft Plan of Subdivision Condition #36 which will read:

"The owner shall replace boundary tree #892 with three native tree species in a similar location at the rear of proposed Lot #5, wholly on the subject site and south of the proposed acoustic fence."

### **Area Lot Study Findings**

Staff have reviewed the residential area within the area bounded by Highway 401 to the north, Dufferin Street to the east, Caledonia Road to the west and Orfus Road to the south (See Attachment 1). The area contains approximately of 212 residential lots.

The residential lots in this area are zoned R5 and R6 in the former North York Zoning By-law and RD (f15; a550)(x5) and RD (f12.0; a370)(x1463) in the City of Toronto Zoning By-law 569-2013 which require a lot frontage of 15 metres and 12 metres, respectively. The cited exceptions in zones within the City of Toronto 569-2013 By-law refer to Schedule 'D' Airport Hazard Map from City of North York By-law 7625.

Upon review, the residential area is considered stable and there is no recent history of residential severances in this identified residential area. Staff also reviewed the residential lots to determine potential lot assemblies and severances in areas zoned R5 in the former North York Zoning By-law and RD (f15; a550)(x5) in the City of Toronto Zoning By-law 569-2013. There were no potential lot assemblies or severances identified in areas zoned R6 in the former North York Zoning By-law and RD (f12.0; a370) (x1463).

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Of the 212 residential lots, 103 meet the By-law standard in an R5 zone in the former North York By-law 7625 and RD (f15; a550)(x5) zone in the City of Toronto By-law for frontage of 15 metres, 15 lots contain a lot frontage between 15.5 metres to 16.9 metres and 5 lots have a frontage greater than 18.3 metres. Of the total lots, there are 89 lots that do not meet the Zoning By-law standards for 15 metre frontage, 1 lot that contains a lot frontage of 9.9 metres, 2 lots contain a lot frontage of 11.4 metres and 86 lots contain a lot frontage which ranges between 12.2 metres and 14.9 metres.

Planning staff have identified 3 possible scenarios for potential lot assemblies and severances in the R5 and RD (f15; a550)(x5) zones as outlined below:

1. There is potential for assembly of the rear yards for lots at 59-67 Cartwright Avenue and 130-134 Gordon Street which could result in a similar severance and infill subdivision to that at 36 and 37 Jane Osler Boulevard. These sites are zoned R5 in the former North York 7625 By-law and RD (f15; a550)(x5) in the City of Toronto By-law that permits single family dwellings with a minimum lot frontage of 15 metres. This would require the assembly of 8 single family dwelling lots and the submission of Rezoning and Subdivision applications.
2. There is potential to sever 22 McAdam Avenue that currently contains the Bethany Chapel (Yorkdale). This site has a 30 metre frontage on McAdam Avenue and therefore, could be severed into two single family dwelling lots. This site is zoned R5 in the former North York 7625 By-law and RD (f15; a550)(x5) in the City of Toronto By-law that permits single family dwellings with a minimum lot frontage of 15 metres. This would require the submission of a Consent application.
3. Another site for potential severance is identified as 42 and 44 Cartwright Avenue. The rear of this site was severed to accommodate the proposed subdivision at 36 and 37 Jane Osler Boulevard. These sites are zoned R5 in the former North York Zoning By-law permits single family dwelling with a minimum lot frontage of 15 metres. These lots are not subject to City of Toronto By-law 569-2013 but will be brought into this By-law as a result of the Jane Osler application. The lot at 42 Cartwright Avenue contains a frontage of 21.1 metres and the lot at 44 Cartwright Avenue contains a lot frontage of 23.1 metres. If these lots were assembled together there is the a possibility to create a third lot, each lot containing a frontage of 14.73 metres by way of a Consent and Minor Variance application.

There is in theory the potential to assemble any two lots and propose three lots but this would necessitate the approval of minor variances for lot frontages well below the By-law standard and there is no recent Committee approvals in this regard.

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As described above, there is very limited potential for severance and land assembly in the area.

## **CONTACT**

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## **SIGNATURE**

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