



Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Scarborough substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6;
- (2) amend the Zoning By-law 14402 for the Malvern Community substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required; and
- (4) recommend approval of the proposed draft plan of subdivision by the Chief Planner, substantially as shown on Attachment No. 1, subject to the following conditions:
  - (a) the owner is to make satisfactory arrangements with the City regarding matters such as: all services and easements; payment of Development Charges; street tree planting; five percent cash in lieu of parkland; dedication of all streets, public walkways, and corner roundings to the City at no charge and free and clear of all encumbrances; lifting of 0.3 metre (one foot) reserves on Registered Plan M-2277 and the plan to be registered for draft plan SC SUB 1994 0005 (High Glen Developments Phase III); and contribution to the City for the costs of geodetic and aerial surveys; maintenance of installed hydrants; construction of sidewalks; and payment for engineering costs and inspection fees performed by the City;
  - (b) the owner to provide a temporary turning circle in front of the street frontage of Lots 15 to 17, should the City not have the abutting Misty Hills Trail within the High Glen Developments Phase III under a financially secured Development Agreement;
  - (c) the owner to agree to implement the noise attenuation measures identified in the Noise Impact Feasibility Study prepared by Jade Acoustics Inc. dated January 17, 2001, to the satisfaction of the City and Canadian Pacific Railway (CPR);
  - (d) the owner to convey Blocks 33 to 37 inclusive to the City without charge and free and clear of all encumbrances;
  - (e) prior to the registration of the plan or any site grading the owner is to submit a Servicing Design Brief, satisfactory to the Commissioner of Works and Emergency Services, which takes into account the servicing of adjacent lands to the east, the Morningside Heights Community, and the potential impact of the realignment of Morningside Avenue;

- (f) the owner shall provide tree planting generally in accordance with the Conceptual Streetscape and Open Space Plan by the MBTW Group, dated July 6, 2001 to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the Commissioner of Economic Development, Tourism and Culture;
- (g) the owner is to make satisfactory arrangements with the Commissioner of Works and Emergency Services regarding the supply of underground electric and water distribution and street lighting systems;
- (h) the owner to make satisfactory arrangements with the appropriate telecommunication provider regarding services and required easements;
- (i) prior to final registration of the plan of subdivision, or any site grading, a Stormwater Management Design Brief report satisfactory to the Toronto and Region Conservation Authority (TRCA), shall be submitted demonstrating how the proposed development ties into adjacent lands, including:
  - (i) the location and description of all outlets and other facilities which may require permits under provincial regulation;
  - (ii) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction including an erosion sediment control strategy which includes a description and plan;
  - (iii) the draft plan shall be red-line revised to accommodate the requirements of the Stormwater Management report required above;
- (j) the applicant to prepare a detailed landscaping plan to the satisfaction of the Toronto and Region Conservation Authority identifying how the stream corridor will be regenerated;
- (k) the applicant to obtain any necessary permits under Ontario Regulation 158 from the Toronto and Region Conservation Authority prior to the registration of each/any phase of the plan;
- (l) the applicant to forward a copy of the executed subdivision agreement for each phase of the development to the Toronto and Region Conservation Authority;
- (m) the owner to agree in the subdivision agreement, in wording acceptable to the Toronto and Region Conservation Authority:
  - (i) to cause to be carried out the works referred to in the conditions above;

- (ii) 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; and,
- (iii) 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;
- (n) the owners to erect permanent fencing abutting the stream corridor to the satisfaction of the Commissioner of Economic Development, Tourism and Culture in consultation with the Commissioner of Works and Emergency Services and the Toronto and Region Conservation Authority;
- (o) prior to release for construction of services, the owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements. The owner further agrees to provide confirmation satisfactory to the City that the provisions of this clause have been met;
- (p) the final plan of subdivision shall show the location of the south limit of the Canadian Pacific Railway right-of-way as it existed on July 15, 1998.

Notes:

- (1) The City of Toronto will not issue building permits until such time as modifications to the upstream diversion structure have been completed to the satisfaction of the Toronto and Region Conservation Authority.
- (2) Stormwater will not be permitted to enter the watercourse untreated, both during and after development.

Background:

Proposal

This is a revised residential development proposal for 8 full lots and 6 part lots for single detached dwelling units and 22 semi-detached lots (44 units). (See Attachment No. 1). The single detached lots are 9.1 metres (30 feet) in width and the semi-detached lots 15 metres (50 feet), measured at a setback of 8 metres (27 feet).

The proposed development extends Misty Hills Trail as a 20 metres (66 feet) right-of-way which reduces to 16.5 metres (54 feet) adjacent the Open Space area.

The proposal completes 6 part lots established by the adjacent High Glen subdivision (T94005) which was approved in 1998.

Approximately half of the site is proposed as open space dedication, including the Morningside Tributary corridor, which is part of the Rouge Park.

### Site History

This 1987 application was delayed in processing by several factors including the alignment of the Finch Avenue – Rossland Road connection through the site. This impediment was removed when the Province deleted this connection from Metro Plan in 1990 and the City of Scarborough's Road Plan was amended in 1997.

In addition, the Toronto and Region Conservation Authority deemed the development to be premature prior to the completion of Phase 2 of the Morningside Tributary Subwatershed Study in 1997.

The site is 5.9 hectares (14.5 acres) in area. The area proposed for development slopes gradually downward from the existing High Glen subdivision to the Morningside Tributary. This section of the valley is very shallow, widening southward to the Old Finch Avenue right-of-way, where there is a pronounced bank.

The berm of the disused CPR line is 4 to 5 metres (13 to 16 feet) high relative to the existing grade of the property south of it.

The site was previously farmed. It has no buildings. There is a cluster of Trembling Aspen in the north-west corner of the property and scattered Scots Pine that are less than 20 centimetres (8 inches) throughout the old field. The Scots Pine are of a suitable size for transplanting. The Morningside Creek corridor is wet and flooded due to the presence of two beaver dams. The creek corridor is dominated by shrubs and conifers, as most of the softwoods are being eaten by the beavers. There are a few larger Red Maple and Green Ash in the floodplain.

### Site and Surrounding Area

North: The main CPR Belleville line is located to the north. It runs along a berm paralleling the disused rail line now within the property.

South: Old Finch Avenue forms the south boundary.

East: The recently- built High Glen subdivision forms the east boundary. Misty Hills Trail stub-ends at two locations.

West: The decommissioned rail spur connecting the McAsphalt property to the CPR forms the west boundary. There is a small remnant triangle between the spur line and Morningside Avenue.

### Official Plan

The Malvern Community Secondary Plan shows the area bounded by the CPR line and Finch Avenue as Special Uses Area, which allows non-residential uses, and may accommodate automobile-oriented and service uses. A portion of the Finch Avenue Realignment is shown within the subject lands. The Morningside Tributary corridor is shown as a narrow band of open space.

The Secondary Plan does not show certain reference features, particularly the rail spur line, the top of bank and Old Finch Avenue, in correct relationship to each other. The proposed Official Plan Amendment seeks to correct and clarify this by deleting the curved section of the rail spur and the top of bank references and realigning that section of Old Finch abutting the subject lands. This will allow a more realistic indication of the boundaries of the land use designations in this section of the Malvern Community.

### Zoning By-law

The property is zoned Agricultural Uses in the Agricultural Holding By-law No. 10217, permitting field and tree crops, raising of livestock, kennels and commercial greenhouses.

### Site Plan Control

No application for site plan control approval has been submitted. As all of the lots to be created would be a minimum of 10 m (30 feet) beyond the top of bank (or in this instance the Toronto and Region Conservation Authority determined development limit). In accordance with former City of Scarborough practice which will be followed until a new city-wide Site Plan Control Exception By-law is enacted by Council, no lots would be subject to Site Plan Control.

### Reasons for Application

The proposed residential uses are not provided for in the existing Official Plan designations or permitted in the zoning by-law.

### Community Consultation

The first community information meeting was held in 1994. It was attended by 9 residents who raised issues relating to traffic, the environment and noise from the rail line.

The next meeting, focussing on the abutting High Glen proposal, was held in 1998 with 16 persons attending. Issues raised included lack of parkland, a preference for single and semi-detached housing instead of townhouses, traffic, trails, unsightliness of the noise berm and fence, and rail noise.

The most recent community information meeting was held at the Sacred Heart Elementary School on Thursday, April 5, 2001. Notice was given to the 175 properties within 120 metres (400 feet) of the property as well as to others who had attended the 1998 meeting. A total of five members of the public attended, in addition to the Ward Councillor, the owners and their consultants, and City planning staff.

There was interest in how the corridor width for the stream was to be determined, relocation of the pedestrian crossing of the stream and preservation of the trees within or abutting the property and in the road improvements contemplated by the Morningside-Finch Environmental Assessment. There were no concerns expressed regarding the proposed street alignment or lotting.

The owners agreed to commission an arborist's plan of trees affected by the development and to preserve trees to the extent possible. Residents were invited to attend the May 23 open house on the Morningside-Finch Environmental Assessment.

A letter was received from Ursula Franklin, property manager of the Grace Hartman Housing Co-operative, supporting the applicant's proposed neighbourhood park. Staff advised Ms. Franklin that this part of the site is likely to remain undeveloped.

Mr. Gordon McGregor, who attended the April 5 meeting, wrote requesting retention of the concrete abutments for the former CPR bridge and saving of as many trees as possible. He supports keeping Block 33 in its natural state rather than using it for a neighbourhood park or for commercial development. Finally he is concerned about the aesthetic and safety issues related to the informal pedestrian trail created by the residents from Misty Hills Trail to the bus loop at Old Finch and Morningside Avenue, which includes stepping stones crossing the Tributary.

As a follow-up to the meeting a site walk was conducted on May 28, 2001, led by Cam Kitchen of Ecoplans, the firm which prepared the Tree Management Plan. Councillor Cho, Mr. McGregor, Planning and Urban Forestry staff and a representative of the owner attended.

#### Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

#### Comments:

#### Land Use

There are no issues related to the proposed street and lot layout. Parks staff are prepared to recommend acceptance of Blocks 33-37 as satisfying the 5 percent parkland requirement, but not to offer compensation for lands in excess of the 5 percent dedication.

## Environment

The Morningside Tributary corridor is the most significant natural feature of the site. However, there is no well-defined top of bank on the east side of the creek to which to apply a 10 or 30 metre setback for residential development.

The Toronto and Region Conservation Authority recently approved a permit for the alteration to the Morningside Tributary upstream of this property. The details of this permit confirm the new limits of the floodline and stream works to be undertaken. The limits of development proposed within the Silvercore plan are consistent with development limits within the existing community and with the proposed development upstream.

Another feature of the site is tree cover, particularly the cluster of Trembling Aspen and scattered Scots Pine. There are, however, no trees within the proposed development area that meet the criteria of the City's Tree Protection and Conservation By-law No. 25150.

However, in response to the concern raised at the community meeting with respect to the removal of the trees, the owner commissioned a tree planting plan (Attachment No. 5.) and is prepared to plant approximately 40 indigenous deciduous trees on the Misty Hills Trail road allowance and another 20 trees at the rear of lots.

The Morningside corridor is to be dedicated to the City; Parks staff are not recommending any additional dedication to meet the 5 percent parks requirement.

## Trails

Parks staff have examined the possibility of reserving land along the rail corridor for a trail link to the Rouge. It was determined not feasible because of the lack of space between the berm and the railway right-of-way near the Rouge Valley and the difficulty of access down into the valley from the side of the railway bridge.

Parks staff's preference is to ensure that there is a connection beside the Morningside Tributary under the railway bridge and along the north side of the railway right-of-way next to the new street. There is no present plan to build a walking bridge across the Morningside Tributary. This may be re-examined when the trailhead facilities are developed. There is also no plan to remove the disused bridge abutments.

## Noise Abatement

The principal sources of noise are the CP Rail main line and Morningside Avenue road traffic. CP requires a minimum safety berm of 2.5 metres (8.2 feet) and a sound barrier of 5.5 metres (18 feet) above the grade of the rail line.

The owner's acoustical consultant's report concludes that a sound barrier of 5.5 metres consisting of a berm and acoustical fence be erected at the rear of all lots backing onto the rail line and that this barrier be extended along the rear half of the west side lot line of the western-most of these lots, tapering down to 4.0 metres (13 feet).

Other recommendations include installation of, or provision for, air conditioning, warning clauses and specification of sound-mitigating building materials.

### Servicing

The sanitary drainage outlet for the subject lands is to the Meadowvale Sanitary Trunk Sewer located along the Morningside Avenue road allowance. A stub sanitary sewer pipe presently exists on Old Finch Avenue just to the east of Morningside Avenue which had been constructed to service the subject lands. The connection to this sanitary sewer outlet will have to cross the valley floor of the Morningside Tributary of the Rouge River to service the subject lands.

The storm drainage outlet for the subject lands is the Morningside Tributary which traverses the site.

Adequate watermains exist in the neighbourhood to service the subject site.

### Roads

The Transportation Services Division, Infrastructure Planning Unit of Works & Emergency Services is currently undertaking a Class Environmental Assessment (EA) Study for a new grade separation and related road improvements at Morningside Avenue/Finch Avenue and the CPR. This study is proposed to be completed in 2001, and will include a recommended design concept for improvements to Morningside Avenue adjacent to the subject property.

The recommended concept may result in modifications to the Morningside Avenue alignment north of Sewells Road, and relocation of the grade separation structure. These modifications may impact the subject property, notably Block 33 and 34 as shown on the draft plan of proposed subdivision. Works staff recommend that development not be approved on these blocks until the Class Environmental Assessment is completed and property requirements are identified.

Implementation of the Morningside-Finch grade separation improvements may, result in a change in the location of the bus stop, which may make less desirable the alignment of the informal trail across the valley. Works staff recommend that a financial provision for the relocation of this pathway linkage be made a condition of approval of the subdivision.

### Zoning of Abutting Lands.

The rezoning of the abutting High Glen subdivision to the east (Registered Plan 66M-2277) left six parcels for future development in conjunction with the Silvercore subdivision. These part lots remain under the Agricultural Zoning By-law. They will be rezoned for Single-Family Residential Zone uses as part of the present application.

### Conclusions:

The proposed residential development is compatible with existing residential development in this part of the Malvern Community. Approval will result in the public dedication of an important section of the Morningside Tributary corridor.

Contact:

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(Attachments referred to in the foregoing report were forwarded to all Members of the Scarborough Community Council with the agenda for its meeting on October 23, 2001, and copies thereof are on file in the office of the City Clerk, Scarborough Civic Centre.)

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Bob Cutler, Bousfield Dale-Harris Cutler and Smith, Planning Consultants, appeared before the Community Council in connection with the foregoing matter and in support of the staff recommendations.