3640 St. Clair Avenue East - Zoning Amendment and Plan of Subdivision Applications – Final Report

Date: September 28, 2012
To: Scarborough Community Council
From: Director, Community Planning, Scarborough District
Wards: Ward 36 – Scarborough Southwest
Reference Number: 12 114256 ESC 36 OZ and 12 114268 ESC 36 SB

SUMMARY

The rezoning application proposes to permit forty eight (48), three-storey freehold townhouse dwelling units to be developed within five (5) building blocks at 3640 St. Clair Avenue East. Garage access to the townhouse dwelling units will be by way of a series of private laneways off a proposed public street (cul-de-sac) (Attachment 1). The application for a plan of subdivision will create the public street (cul-de-sac) and a development block to be further subdivided in the future for the creation of the individual residential lots.

This report reviews and recommends approval of the application to amend the zoning by-law and also advises that the Chief Planner may approve the draft plan of subdivision.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Employment Districts (Birchmount Park) Zoning By-law No. 24982, as amended, and the Midland/St. Clair Zoning By-law No. 842-2004, as amended, for the lands at 3640 St.
Clair Avenue East (northwest corner of St. Clair Avenue East and Midland Avenue) substantially in accordance with the draft zoning by-law amendment attached as Attachment 8 to the report (September 28, 2012) from the Director, Community Planning, Scarborough District.

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.

3. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 to the report (September 28, 2012) from the Director, Community Planning, Scarborough District, subject to:

   a. the conditions as generally listed in Attachment 9 to the report (September 28, 2012) from the Director, Community Planning, Scarborough District, which except as otherwise noted must be fulfilled prior to the release of the plan of subdivision for registration; and

   b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the ongoing technical review of this development.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
The subject lands were acquired by the former Regional Municipality of Metropolitan Toronto for the Scarborough Transportation Corridor (STC) in 1984. The STC project represented the easterly extension of the Gardiner Expressway into the former City of Scarborough. This transportation initiative did not proceed and a land use study (Phase 3) was undertaken to determine appropriate uses for the lands on or near the route of the former Scarborough expressway extension. The STC study was approved by Council in 2004 with amendments to the former Scarborough Official Plan, modifications to the Toronto Official Plan and a new community zoning by-law (Midland/St. Clair Community Zoning By-law No. 842-2004) to allow residential development in this area. Urban design guidelines for future development were also adopted by Council. This study did not include the subject lands.

Since the adoption of the by-laws, the development of the Midland/St. Clair Community is being implemented in phases through plans of subdivision with the conversion of industrial to residential uses to establish this new community. The latest phase of development was for a twenty-two (22) unit freehold townhouse dwelling development located at the northeast corner of Midland Avenue and St. Clair Avenue East.
City Council at its meeting on May 25, 26 and 27, 2009 (EX32.5) declared the subject property as surplus with the intended method of disposal to be by way of transfer to Build Toronto. At its meeting on May 11 and 12, 2010, City Council granted authority (GM30.17) to transfer the property to Build Toronto. In mid-December 2011, the subject site was sold by Build Toronto to the current owner.

The following links are for the aforementioned City Council decisions and associated staff reports:


ISSUE BACKGROUND

Proposal

The proposed development is for a 48-unit residential development consisting of townhouse dwellings in five (5) development blocks (Attachment 1). All townhouse dwellings would be three (3) storeys in height with integral garages (Attachments 2 to 5 inclusive). Buildings 1 and 2 front onto St. Clair Avenue East, Buildings 3 and 4 front onto Midland Avenue and Building 5 will have frontage off the new public street (cul-de-sac).

The proposed detached dwellings would be on lots having a minimum width of 4.2 metres (13.8 feet), lot depths of approximately 21 metres (69 feet) and a minimum lot area of approximately 38 square metres (950 square feet). The resulting development will have coverage of 30% of the lot area, a floor space index of 0.63 and an overall gross floor area of approximately 9,493 square metres (102,180 square feet).

The proposed townhouses will be accessed through a series of 6.0 metre (19.6 feet) wide private laneways. Seventeen (17) surface visitor parking spaces are proposed for the development and are located in various locations on the overall site. The property will be developed with the townhouses as freehold units and common element condominium components comprised of visitor parking spaces, amenity areas and walkways.

A draft plan of subdivision application (12 114268 ESC 36 SB) has also been submitted in support of the zoning by-law amendment application (12 114256 ESC 36 OZ). The subdivision plan (Attachment 2) would create a new public road aligned with Olga Street (on the east side of Midland Avenue), having a right-of-way width of 16.5 metres (54 feet), including sidewalks on both sides of the road and terminating in a cul-de-sac. A development block is being created for the balance of the property. All five (5) townhouse building blocks would be subject to further planning applications to create forty-eight (48) individual parcels under separate ownerships through part lot control.
Site and Surrounding Area

This vacant, triangular shaped site is located at the northwest corner of Midland Avenue and St. Clair Avenue East, is approximately 1.52 hectares (3.76 acres) in size, has approximately 156 metres (512 feet) of frontage on St. Clair Avenue East and 179 metres (587 feet) of frontage on Midland Avenue. The property was previously used as a lumberyard and general storage for the railway facility but is currently vacant.

The abutting land uses include the following:

North and West: GO Transit/Metrolinx/Canadian National (CN) railway right-of-way which includes a safety berm separating the rail line and the subject property. Immediately north of the railway corridor, on the west side of Midland Avenue, is a parcel of land used for the storage of school buses and automobile related uses. Further to the north of this area is the Kennedy Park residential community comprised primarily of detached and semi-detached dwellings of up to three storeys in height.

South: GO Transit station (Scarborough) and associated parking lot; a mix of residential dwellings from detached dwellings, apartments and a commercial plaza located at the southeast corner of Midland Avenue and St. Clair Avenue East.

East: Detached dwellings, semi-detached dwellings and townhouse dwellings, at varying stages of approval and construction, as well as a variety of commercial plazas.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The development represents appropriate infill and use of the lands, maximizes public resources and infrastructure while providing a built form that will assist in building a stronger community. The proposal is consistent with the PPS and conforms to the Growth Plan.
**Official Plan**

The official plan designates these lands “Neighbourhoods” as identified on Land Use Plan – Map 20 (Attachment 6). The property is not subject to a secondary plan or any site and area specific policy.

"Neighbourhoods" are physically stable areas providing for a variety of lower-detached, semi-detached and street townhouse dwellings, all of which will have lots having individual frontage on a public street.

Policies and development criteria are contained in the official plan to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including, in particular, size and configuration of lots, setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The official plan includes public realm policies which state that new streets should be public streets. Public streets will be designed to, among other matters:

- provide connections with adjacent neighbourhoods, and promote a connected grid of streets that offers travel options and extend sight lines;
- divide larger sites into smaller development blocks;
- provide access and addresses for new development;
- allow the public to freely enter without obstruction;
- create adequate space for pedestrians, bicycles and landscaping as well as transit, vehicles, utilities and utility maintenance;
- improve the visibility, access and prominence of unique natural and human-made features; and
- provide access for emergency vehicles.

The Toronto Official Plan is available on the City’s Website at: [http://www.toronto.ca/torontoplan/index.htm](http://www.toronto.ca/torontoplan/index.htm)

**Zoning**

The property is zoned Industrial-Commercial (MC) in the Employment Districts Zoning By-law (Birchmount Park Employment District) No. 24982, as amended, (Attachment 5) which permits day nurseries, dry cleaning plants, garden nurseries, lumber yards and building supply warehouses, machinery sales and service, places of worship, vehicle repair, service and garages as well as furniture warehouses and automobile car washes. By way of a site specific exception, the by-law prohibits non-accessory ground signs excluding marketplace signs and wall signs which are non-accessory.
Site Plan Control

The lands are subject to site plan control. A site plan application (12 142049 ESC 36 OZ) was filed with the City on March 23, 2012. The site plan application has been circulated to agencies and internal divisions and is currently under review by staff.

Reasons for Application

The zoning by-law amendment application is required to rezone the property from a Industrial-Commercial (MC) Zone in the Employment Districts Zoning By-law (Birchmount Park Employment District) No. 24982, as amended, to a Townhouse Residential (TH) Zone in the Midland/St. Clair Community Zoning By-law No. 842-2004, as amended, along with the necessary development standards to enable the development of the proposed forty-eight (48) townhouse units.

The plan of subdivision application proposes to create the public street (cul-de-sac) and one block for development to be further subdivided in the future for the creation of the individual residential lots.

Community Consultation

A community consultation meeting was held on June 5, 2012 with notice given to approximately 130 residents and ratepayers associations including members of the working group involved with the creation of the Midland-St. Clair Community. The meeting was attended by representatives from the Ward Councillor's office, the applicants, their planning consultant, City Planning staff and 4 (four) residents. A summary of the issues raised included the following:

- notice requirements
- design of the proposed townhouses
- inadequate parking
- school accommodation
- timing for construction of the linear community park located north of Olga Street, south of the Metrolinx railway right-of-way, east of Midland Avenue, west of Brimley Road
- access to Midland Avenue and St. Clair Avenue

Notice Requirements

Residents had concerns with the City’s practice in terms of notification of the community consultation notice and notice of the applications. The community consultation notice practice is to provide notice to landowners within 120 metres (400 feet) of the subject property. In addition to this practice, with this particular proposal, notice was also sent to each of the working group members who participated in the STC Phase 3 study. A notice of application sign was installed on the property and by way of newspaper publication. The Ward Councillor's office also put in a notice of the community consultation meeting in a newsletter.
Midland/St. Clair Linear Park
At the community consultation meeting, concerns were raised with respect to the timing of the linear park to be developed east of Midland Avenue. Parks staff confirmed that currently the City has $55,000 allocated towards base park improvements with an additional $200,000 in Section 37 monies available towards full build out. However, additional funds are required to fully program and construct the linear park, which will be secured at the time of registration of future subdivisions in the Midland/St. Clair community, including additional Section 37 contributions.

School Accommodation
Concerns were raised at the consultation meeting regarding adequacy of local school accommodations. The Toronto District School Board (TDSB) has advised that the amount of students generated from the development will not result in a significant impact on the local schools and confirmed that, at this time, there is sufficient capacity at the local schools (John A. Leslie Public School, located at 459 Midland Avenue; David & Mary Thomson Collegiate Institute, 2740 Lawrence Avenue East; and R.H. King Academy, 3800 St. Clair Avenue East) to accommodate additional students.

The Toronto Catholic School Board (TCSB) has also advised that the area schools have sufficient capacity to accommodate projected students.

Issues raised at the meeting related to design and transportation are addressed in the following sections of this report identified as: Density, Height, Massing; Streetscape; and Traffic Impact, Access, Parking.

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 for the plan of subdivision.

COMMENTS

Land Use
The subject property is located in an area evolving from industrial uses to predominantly residential uses. This is reflected in the fact that the lands are designated "Neighbourhoods" but are still zoned Industrial-Commercial (MC) in the Employment Districts Zoning By-law No. 24982.

Multiple at-grade residential uses exist within the community including townhouse developments that are immediately east of Midland Avenue (across the street from this site). The proposed townhouse development would be in keeping with the land use and built form in the area.
Density, Height, Massing

The property is not within the Midland/St. Clair residential community but is located immediately west of the Midland/St. Clair community. Council approved the Midland/St. Clair Urban Design Guidelines in 2004 which provides direction with respect to the resulting built form for the community. The guidelines contemplated enhanced treatment at the northeast corner of Midland Avenue and St. Clair Avenue East. Given the site’s close proximity to this community, staff reviewed the subject applications with these guidelines to ensure that similar urban design is applied to the proposed built form, unit orientation and lotting patterns. This should ensure that the resulting development is compatible with and enhances the existing buildings at this intersection. As well, application of these guidelines is consistent with staff’s recommendation that the lands be removed from the Employment Districts Zoning By-law No. 24982, as amended, and be included in the Midland-St. Clair Community.

The proposed townhouse development is generally consistent with these guidelines as follows:

a. the main entrances to each townhouse unit adjacent to St. Clair Avenue East and Midland Avenue are oriented in a manner that the main entrances to each unit face the street;

b. the buildings provide an adequate front yard setback in order to accommodate open space that maximizes amenity, sun and visibility conditions;

c. the buildings provide articulated elevations on the frontages of the main arterials and the new public street (Street A); and

d. enhanced landscaping on the private side supplement the site’s frontages along Midland Avenue.

The proposed height is consistent with the objectives of the urban design guidelines. Planning staff recommend that the zoning by-law be amended to permit a maximum height of 14 metres (46 feet) for the townhouses. The dwellings would remain at three (3) storeys, excluding basements, but would still allow for higher ceilings on the main floor, and steeper roof pitches to accommodate gables, dormers, ridge details and other design elements. The urban design guidelines for this area encourage a variety in the ridge orientation and massing of the roofs, including adding front and side gables. Building projections like roof extensions, cantilevered elements, and dormers are also encouraged. These details add interest and variety to the building elevation improving the overall appearance of the blocks.

Should the proposed townhouses be constructed substantially in accordance with the elevations, the development should anchor this corner in a similar fashion to the development at the northeast corner of Midland Avenue and St. Clair Avenue East. Staff will work with the applicant by way of the site plan process to frame the intersection to ensure building and streetscape features that will entail a higher quality of design.
Streetscape

Although desirable, the grades for those units fronting Midland Avenue and St. Clair Avenue East prohibit direct pedestrian connections from each of the townhouse units to the municipal sidewalk. Direct pedestrian connections would require cutting into the existing berms, providing stairs with numerous risers and pathways to the sidewalk. Staff raised safety and maintenance concerns with this alternative. The applicants are proposing individual walkways to be connected to a pathway system running parallel with the sidewalk, and where grades permit, common connections with a modest number of stairs and pathways will be established to the sidewalk. Staff will ensure that the front walkways are to be constructed with unit pavers or a similar material and the front yards of those units be delineated with decorative metal fencing. These architectural details will be secured through site plan control.

The boulevards along Midland Avenue and St. Clair Avenue East do provide for sufficient room to accommodate street trees. There are already street trees along both frontages of the property. Trees will be planted on the private side to create an attractive tree canopy along these frontages. In order to provide streetscape continuity and landscaping, the new public street and the private laneways will include trees to increase the tree canopy, providing shade, absorb carbon, provide energy savings and enhance air quality.

All five (5) buildings have been sited in a manner that respects the physical constraints of the property as well as creating a streetscape that creates an acceptable continuous main wall along the frontages of both St. Clair Avenue East and Midland Avenue, which helps to frame the street resulting in a pedestrian-friendly environment.

Traffic Impact, Access, Parking

The subdivision plan would create a new public road aligned with Olga Street (on the east side of Midland Avenue), having a right-of-way width of 16.5 metres (54 feet), including sidewalks on both sides of the road and terminating in a cul-de-sac. Olga Street currently intersects Midland Avenue as a stop controlled intersection. A traffic operations assessment was provided to staff for review. The traffic generated by the proposal is expected to add a nominal amount of incremental vehicular traffic to the existing road system and is within normal daily variation of traffic along the roads. Based on the predicted traffic conditions, lane improvements and intersection improvements are not required as part of this development.

At least one parking space has been provided per unit. In addition to these spaces, there is a 0.35 visitor parking space per unit ratio that has been applied, whereas a visitor parking space ratio of 0.2 spaces per unit is typically applied for a development proposal of this nature. As a result, staff recommend that a minimum of seventeen (17) visitor parking spaces be required for the development. In addition, 24 to 27 units have the potential to provide tandem parking spaces in the garage which means there are two parking spaces for these units. The applicant is, therefore, providing more parking than standard ratios applied to similar developments. Vehicular parking is prohibited on the
laneways as these laneways act as fire routes and are routes for refuse and recycling pick-up operations.

**Transit**
There is an existing southbound nearside bus stop on Midland Avenue approximately 15 metres (49 feet) north of St. Clair Avenue East, located adjacent to the property. As a result of discussions with Toronto Transit Commission (TTC) and City staff, this bus stop is to be relocated five (5) metres further north of its current location. The TTC is requesting a new brushed, level, concrete platform be provided by the applicant that is 2.4 metres wide and 12 metres long in order to provide a wider and more comfortable pedestrian clearway.

The applicant is required to meet all TTC requirements with the replacement and relocation of this bus stop in consultation with the City’s Technical Services staff. This will be secured as part of the subdivision approval for the subject lands. There is existing transit services along St. Clair Avenue East as well as along Brimley Road (further east from the site).

The owner is responsible for all costs associated with the re-location, removal, storage and reinstallation of the existing transit shelter. In addition, the owner is responsible for connecting sidewalks, constructing the new passenger loading platform and installing street furniture, all of which will be secured as part of the subdivision approval.

**Railway Safety Infrastructure**
The subject site directly abuts the GO Transit Lakeshore East rail corridor and is located approximately 600 metres (1,970 feet) northeast of the Scarborough GO train station. This station is one of the stops on the Lakeshore East Line that provides daily commuter service between Hamilton, Union Station and Oshawa. The applicants are seeking a reduction in terms of the required minimum distance of 30 metres (100 feet) from the property line to the rail corridor property line to 25 metres (82 feet) given the presence of a large earthen berm located on Metrolinx’s lands measuring 3.65 metres (12 feet) to 4 metres (13 feet) in height. This berm is located between the subject property and the rail corridor. Metrolinx has indicated that the reduction in the proposed building setback is appropriate. A 1.8 metre (6 feet) chain link fence is proposed to be constructed along the property line but the final location of this fence will be determined in consultation with Metrolinx staff and the applicant.

A noise and vibration feasibility study was prepared and reviewed by Metrolinx staff. The report details various mitigation measures to achieve the established Ministry of Environment (MOE) noise level guidelines. The mitigation measures identified includes the provision of a central air conditioning system for all dwelling units, upgraded window construction and that buildings be constructed of brick or masonry. Vibration mitigation is not expected to be required for the development. The report also recommends that prior to assumption of the subdivision, a professional engineer qualified to perform acoustical engineering services in the Province certify that the noise control measures have been properly installed in the proposed dwellings.
Metrolinx has also requested that a warning clause be inserted in all development agreements, offers to purchase, and agreements of purchase and sale or lease of each dwelling unit within 300 metres of the railway right-of-way.

Metrolinx has advised that the owner must enter into an agreement stipulating how Metrolinx's concerns will be resolved and will pay Metrolinx's reasonable costs in preparing and negotiating the agreement. The agreement will include an environmental easement to be registered on title for all residential units in favour of Metrolinx.

**Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto’s system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 + 2.99 hectares (3.9 acres + 7.4 acres) of local parkland per 1,000 people. The subject site is located in the second highest quintile of current provision of parkland and is subject to a 5% residential parkland dedication rate through the City-Wide Parkland Dedication By-law No. 1020-2010.

The applicant is proposing to rezone the subject site from an industrial use to residential uses to permit forty-eight (48), three (3) storey townhouse units within a site area of 1.52 hectares (3.76 acres). At the parkland dedication rate of 5% as specified in By-law 1020-2010, the parkland dedication would be 0.076 hectares (0.0187 acres). The parkland dedication for the subject site is too small to be functional.

As such, the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

**Servicing**

Technical Services staff advises that sanitary sewer from this subdivision proposal outlets to the Wirral Court pumping station which had been identified to be upgraded to improve capacity. Should such upgrades not be completed at the time of plan registration, the applicant is required to complete and pay for pumping station upgrades required as a result of this subdivision. This requirement will be secured through the subdivision agreement.

As part of the development proposal, the applicant was required to provide a report to justify how the site can be serviced. A report was submitted and reviewed by staff, which confirms that the additional sanitary flows generated by the development can be accommodated by the existing sanitary sewer system under normal operating conditions.

Storm runoff from the site will be released to the storm sewers at a reduced rate and can be handled by the existing storm sewer system under normal operating conditions. Under
large storm events, similar to the one which caused basement flooding in the Chine Drive area, runoff from the site will still be restricted and stored on-site.

The Toronto Water Division is currently reviewing improvements to the existing sewer system to mitigate basement flooding in the area caused by extreme storms.

Technical Services staff advise that warning clauses be included in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor indicating that since the right-of-way width of the proposed public street is less than 18.5 metres (61 feet), sidewalk snow clearing and driveway windrow clearing will not be carried out by the City.

There is a requirement for a peer review of lands to be conveyed to the City such as a six (6) metre (20 foot) corner rounding on both sides of the new public street (Street A) intersecting Midland Avenue and five (5) metre (16 feet) corner roundings from the new public street (Street A) and the private laneways. City staff is recommending that this be secured through a draft condition of subdivision approval.

Refuse and recycling pick up operations will be undertaken by the municipality and the owner will be required to construct and maintain all facilities necessary to permit curb-side City collection as per the City's standards. Staff recommend that parking be prohibited at all times along both sides of the private laneway and that appropriate signage be installed accordingly along the lane indicating this parking prohibition. The parking prohibition will also be secured as part of the common element condominium application.

**Archaeology**

The site has been identified as having potential archaeological resources and as such, the applicant submitted a Stage 1 and Stage 2 Archaeological Assessment. This report was reviewed by Heritage Preservation Services staff (HPS) who advised that they do not have any archaeological concerns with the property and the proposed development. HPS staff provided advisory comments that: 1) in the event buried archaeological remains are encountered during grading, construction activities or other soil disturbances that the soil disturbance cease; and 2) that the HPS and the Ministry of Tourism, Culture and Sport be notified immediately.

These advisory comments are appended to the draft conditions of approval and will also be included in the site plan agreement.

**Tree Preservation**

The arborist report indicates that the development proposes the removal of three (3) trees located on the City road allowance and ten (10) privately-owned trees. Applications to Urban Forestry staff for permission to remove both private trees and street trees will be required. Based on the standard replacement requirement of 3:1, Urban Forestry requires a minimum of thirty (30) new trees on private property to replace the ten (10) private trees proposed to be removed. The landscape plan submitted for review illustrates sixty-
eight (68) trees to be planted on private property. Urban Forestry staff advises that the proposed tree species, location and quantity are acceptable.

In addition, Urban Forestry staff has advised that a composite utility plan will be required as a condition of draft approval for the plan of subdivision.

Section 37
Section 37 of the Planning Act provides that a zoning by-law under Section 34 may permit increases in height, density or both height and density, in return for the provision of such facilities, services of matters as are set out in the zoning by-law. Agreements pursuant to Section 37 of the Planning Act may be used to secure facilities and matters relating to community benefits. Section 37 community benefits will be selected on the basis of local community needs, the nature of the development application, any implementing guidelines or plans adopted by Council and the strategic objectives and policies of the official plan.

Although the proposed development does not meet the Section 37 thresholds of having a gross floor area of more than 10,000 square metres (107,643 square feet) as set out in Policy 5.1.1.4 of the official plan, staff explored the possibility of voluntary community benefit contributions with the applicant, owner and the ward councillor.

Following negotiations with the owner and local Councillor, the community benefit recommended to be secured through the site plan is an intermediate play structure that is to be located in the common amenity space on-site to the satisfaction of Community Planning and Parks, Forestry and Recreation staff.

Toronto Green Standard
On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the subdivision approval process including matters dealing with construction activity and stormwater retention.

Other applicable TGS performance measures will be secured through the site plan approval process including ensuring that all materials used will comply with the urban heat island standard at grade and that cool roofing materials are to be used.

Conclusions
The area is transitioning from an industrial area to a stable residential neighbourhood as the existing industrial lands are being redeveloped to residential uses. There are only a few remaining parcels of land in the Midland-St. Clair Community that are currently industrial in use. The project will provide an appropriate development for the area where
a variety of residential uses already exist. Staff will secure site plan, elevation and landscape details through the site plan process and will bring forward a final report on the required future condominium and part lot control applications.

CONTACT
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SIGNATURE

________________________________________
Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision
Attachments 3 and 4: Typical Elevations
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 9: Conditions of Draft Plan of Subdivision
Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision

Plan of Subdivision

Applicant’s Submitted Drawing

File # 12 114256 ESC 36 OZ & 12 114268 ESC 36 SB
Attachment 3: Elevations
Attachment 6: Official Plan
Attachment 7: Application Data Sheet

Application Type: Rezoning  
Application Number: 12 114256 STE 22 OZ

Details: Rezoning, Standard  
Application Date: January 30, 2012

Municipal Address: 0 ST CLAIR AVE E N/S

Location Description: CON C PT LOT 27 RP 64R8665 PARTS 4 5 6 7 TRIANGULAR SOUTH OF C N R **GRID E3603

Project Description: The rezoning application is to rezone the site from Industrial Commercial Zone (MC) to Townhouse Residential (TH) to permit a 48 townhouse unit development in five building blocks and to introduce site specific provisions including setbacks, height (at 3 storeys) and visitor parking standards. The plan of subdivision is to create a public street and blocks for the townhouse development.

Applicant: MONARCH CORP

Agent: MONARCH CORP

Architect: MONARCH CORP

Owner: MONARCH CORP

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods  
Site Specific Provision:

Zoning: MC-Industrial Commercial  
Historical Status:

Height Limit (m): Site Plan Control Area: N

PROJECT INFORMATION

Site Area (sq. m): 15204.3  
Height: Storeys: 3

Frontage (m): 0  
Metres: 14

Depth (m): 0

Total Ground Floor Area (sq. m): 4569.5

Total Residential GFA (sq. m): 9492.4  
Parking Spaces: 99

Total Non-Residential GFA (sq. m): 0  
Loading Docks: 0

Total GFA (sq. m): 9492.4

Lot Coverage Ratio (%): 30.6

Floor Space Index: 0.62

Dwelling Units:

Tenure Type: Condo, Freehold  
Above Grade  
Below Grade

Rooms: 0  
Residential GFA (sq. m): 9492.4  
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: 48  
Institutional/Other GFA (sq. m): 0  
0

Total Units: 48

CONTACT: Katrien Darling, Senior Planner

TELEPHONE: (416) 396-7721
Attachment 8: Draft Zoning By-law Amendment

Enacted by Council: ~, 2012

CITY OF TORONTO

BILL NO. ~

BY-LAW No. --2011

To amend the Employment Districts Zoning By-law (Birchmount Park Employment District) No. 24982, as amended, and the former City of Scarborough Midland/St. Clair Community Zoning By-law No. 842-2004, as amended, with respect to the lands municipally known as 3640 St. Clair Avenue East located at the northwest corner of Midland Avenue and St. Clair Avenue East.

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;

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

1. SCHEDULE "A" of the Employment Districts Zoning By-law (Birchmount Park Employment District) No. 24982, as amended, is amended by deleting the lands and zoning for the lands outlined in Schedule '1'to this By-law.

2. SCHEDULE "A" of the former City of Scarborough Midland/St. Clair Community Zoning By-law No. 842-2004, as amended, is amended by adding the lands outlined in Schedule '1' to this By-law and adding the following zoning to the outlined lands as shown thereon:


3. SCHEDULE “B”, PERFORMANCE STANDARD CHART of the former City of Scarborough Midland/St. Clair Community Zoning By-law No. 842-2004, as amended, is amended by adding the following Performance Standards:

INTENSITY OF USE

56. One townhouse dwelling unit per 4.2 metres of street frontage and 100 square metres of lot area.
57. Maximum number of 48 townhouse dwellings.

SETBACKS FROM STREETS

244. Minimum building setback of 3 metres from a lot line abutting St. Clair Avenue, Midland Avenue and the new public street.

PARKING

358. Minimum of 17 visitor parking spaces

MISCELLANEOUS

404. Notwithstanding the provisions of Clause VII - General Parking Regulations for All Zones, Section 2.1.4 (e), Garages, Carports and Accessory Buildings, the maximum dimensions of a garage or carport shall be 6.1 metres by 12.2 metres.

BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LOT LINES

450. Minimum building setback of 25 metres from the property line abutting the Railway Corridor.

4. Schedule “C”, Exceptions Map and Exceptions List of the former City of Scarborough Midland/St. Clair Community Zoning By-law No. 842-2004, as amended, is amended by adding Exception Number 5 to the lands outlined in Schedule ‘2’ so that it reads:

5. On those lands identified as Exception 5 on the accompanying Schedule "C" map, the following provision shall apply:

(a) Two (2) model homes are permitted provided a model home agreement has been executed, subject to the following provisions:

i) Model Home shall mean a finished dwelling unit for temporary display to the public prior to residential occupancy.

(b) A temporary sales centre and associated parking area is permitted subject to the following provisions:

i) Minimum distance separation of 1.5 metres between the side wall of a sales centre and the side wall of a model home.
ENACTED AND PASSED this ~ day of ~, A.D. 2012.

***********,  
Mayor  

(Corporate Seal)

ULLI S. WATKISS,  
City Clerk
Exception No. 5

Attachment 9: Conditions of Draft Plan of Subdivision
1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein (required in most cases to secure the construction of the provision of municipal services, parkland, planning issues related to warning clauses etc.).

2. The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation that the taxes have been paid in full by way of a Statement of account or Tax Clearance Certificate.

3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.

4. 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 held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

5. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.

6. The owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the (respective division) in consultation with the City Solicitor.

**Technical Services**

7. The owner shall convey all necessary easements (*internal and external*) to the City to the satisfaction of the Executive Director of Technical Services.

8. The owner shall convey to the City of Toronto:

   i) the proposed public street (Street A);

   ii) all corner roundings, including: a) 5 metre corner roundings (street line radius) on all the intersecting points of proposed public road and proposed private laneways; and b) 6 metre corner roundings (street line radius) on both sides of the new public roadway intersecting Midland Avenue, and

   iii) all 0.3 metre (1 foot) reserves;

   to the satisfaction of the Executive Director of Technical Services.
9. The owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Executive Director of Technical Services in consultation with the City Solicitor.

10. The owner shall conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

11. The owner shall submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:

   (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection;

   (b) 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,

   (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

12. The owner shall pay all costs for preparation and registration of reference plan(s) to the satisfaction of the Executive Director, Technical Services.

13. The owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of the Executive Director, Technical Services.

14. The owner shall complete and pay for pumping station upgrades required as a result of this subdivision should they not be completed at the time of plan registration to the satisfaction of the Executive Director, Technical Services.

15. The owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement to the satisfaction of the Executive Director, Technical Services

16. The owner shall submit financial security in accordance with the terms of standard subdivision agreement to the satisfaction of the Executive Director, Technical Services

17. The Owner agrees to include the following warning clauses in all agreements of purchase and sale and/or lease agreements and registered on title to the satisfaction of the City Solicitor:
“Purchasers are advised that where sidewalks are located adjacent to the curbs or where the Right-of-Way width is less than 18.5 metres, sidewalk snow clearing and driveway windrow clearing will not be carried out by the City.”

“Purchasers are advised that any modification to the driveway or to the adjacent landscaping located within the City’s Right-of-Way are subject to approval by the City of Toronto.”

”There is a City by-law that prohibits the use of the public boulevard for a required parking space in this Ward. Casual parking (not required parking) is permitted within the confines of that portion of the boulevard within a private driveway, provided that no motor vehicle may be parked in the driveway less than 0.3 metres from the back edge of the sidewalk, or where no sidewalk exists, not less than 2.0 metres from the face of the curb or edge of the roadway. Additional vehicle parking that might otherwise be available on public streets will be subject to approval and regulations pursuant to applicable By-laws of the City of Toronto”.

18. The owner shall design and construct the proposed public street (Street A) in accordance with the Development Infrastructure Policy and Standards (DIPS-3A) to the satisfaction of the Executive Director, Technical Services.

19. The owner is responsible for all costs associated with the installation/alterations of municipal street signage/pavement markings required by this application to the satisfaction of the Executive Director, Technical Services.

20. The owner is responsible for all costs associated with the re-location, removal, storage and reinstallation of the existing transit shelter, connecting sidewalks and passenger loading platform, street furniture etc. The owner must provide 14 days (minimum) notice for the removal of the said shelter to the satisfaction of the Toronto Transit Commission and the Executive Director, Technical Services.

21. The owner must register all of the development's internal driveways (private lanes) as common elements of a condominium corporation. The owner shall acknowledge that City of Toronto will not agree, at any time, to own or be liable for the operation or maintenance of any of the development's privately owned common elements driveways or any other private facilities or services. The owner shall agree that it will be the responsibility of the Condominium Corporation to ensure the safe and proper operation and maintenance of all of the development's common elements and other facilities.

22. The owner shall ensure that the pedestrian sidewalk is required on both sides of the proposed road and shall be 1.7 metres in width or an appropriate width to the satisfaction of the Executive Director, Technical Services.
23. The owner shall re-grade the north side of Street A to ensure a clear sightline toward a southbound approaching vehicle based on a stopped vehicle at the future stop bar behind the existing sidewalk and driver's position at a minimum of 6.0 meters behind the Midland Avenue curb line to the satisfaction of the to the satisfaction of the Executive Director, Technical Services. The sight lines must meet or exceed the requirements noted in the Transportation Association of Canada (TAC) guidelines.

**Urban Forestry - City-Owned Trees**

24. Prior to the registration of the plan of subdivision, the owner shall provide a street tree planting plan, in conjunction with a composite utility plan that indicates the species, size, and location of all proposed street trees, as these relate to the location of any roads, sidewalks, driveways, street lines and utilities. The street tree planting plan shall be satisfactory to the General Manager of Parks, Forestry and Recreation.

25. Prior to the registration of the plan of subdivision, the owner shall agree to provide its Solicitor’s confirmation to the City advising that the above clause has been included in all agreements of purchase and sale and/or rental/lease agreements within the plan of subdivision to ensure that future occupants are aware that they may not receive a street tree in front of their property and be registered on title to the satisfaction of the City Solicitor.

26. Prior to the acceptance of engineering drawings by Technical Services, the owner agrees to provide a composite utility plan, indicating the location of all underground and above ground utilities, as well as proposed tree planting locations, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Director of Technical Services, Scarborough District.

27. Prior to the registration of the plan of subdivision, the owner shall post a Letter of Credit equal to 120% of the value of the street trees, to guarantee the planting and maintenance by the Owner of the new street trees for a period of two years after the planting date, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

28. Prior to the registration of the plan of subdivision, the owner agrees to contact the Supervisor of Urban Forestry, Tree Protection and Plan Review or his/her designate prior to commencement of street tree planting. The owner further agrees to plant the street trees as per the approved street tree planting and composite utility plans, to the satisfaction of the General Manager of Parks, Forestry and Recreation. There shall be a two-year maintenance period, with an annual inspection involving Urban Forestry and the owner (and their agents). At the end of the two-year maintenance period, if the street trees are in good condition, the General Manager of Parks, Forestry and Recreation shall accept
maintenance responsibilities, and return the Letter of Credit. The owner shall acknowledge that any trees requiring removal will be replaced, maintained and guaranteed by the owners for an additional two-year period.

29. **Prior to the registration of the plan of subdivision**, the owner agrees to prepare an information booklet outlining the tree planting strategy within the community and the ongoing responsibilities of the homeowners and the City in order to achieve a successful urban tree planting strategy within the community. This booklet will be prepared to the satisfaction of Parks, Forestry and Recreation and will be distributed to all homeowners for all dwellings within the limits of the plan of subdivision.

30. The owner shall include the following clause will be included in all agreements of purchase and sale and/or rental/lease agreements for any lands within the proposed plan of subdivision:

   “The Purchaser(s) and/or Tenant(s) are hereby advised that they may not receive a street tree in front of their property.”

**Urban Forestry - Privately-Owned Trees**

31. **Prior to the registration of the plan of subdivision**, the owner shall agree to submit an Arborist Report, Tree Preservation Plan and Tree Replacement Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation.

33. **Prior to the registration of the plan of subdivision**, the owner shall agree to protect all existing trees associated with the development for which approval to remove or injure has not been granted in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager, Parks, Forestry and Recreation.

33. **Prior to the registration of the plan of subdivision**, the owner shall agree to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner to the satisfaction of the General Manager of Parks, Forestry and Recreation.

34. The owner shall agree in the subdivision agreement, the Owner agrees to submit an application and pay the required application fees, and to provide 70 mm diameter caliper replacement trees for the removal of trees that are subject to the City’s Private Tree By-law and associated regulations in effect on the date of Draft Approval of the Plan of Subdivision. The ratio of replacement trees will be determined by Urban Forestry. Replacement trees will be planted on site in accordance with Urban Forestry Services requirements, or if no suitable location on site can be provided, the Owner may submit cash-in-lieu of planting, all to the satisfaction of the General Manager of Parks, Forestry and Recreation.
35. The owner shall agree in the subdivision agreement, to install tree protection barriers and signage in accordance with the approved Arborist Report and Tree Preservation Plan to the satisfaction of the General Manager of Parks, Forestry and Recreation, and to maintain barriers in good repair until removal has been authorized by the General Manager of Parks, Forestry and Recreation.

36. The owner shall agree in the subdivision agreement, to the satisfaction of the General Manager of Parks, Forestry and Recreation, to contact Urban Forestry Services 48 hours prior to the planting of trees on private property or within common areas, and further agrees to plant the trees in accordance with the approved planting plans.

**Toronto Transit Commission (TTC)**

37. The owner is required to meet all TTC requirements with the replacement and relocation of this bus stop in consultation with the City’s Technical Services staff.

38. The owner shall be responsible for all costs associated with the re-location, removal, storage and reinstallation of the existing transit shelter, connecting sidewalks, passenger loading platform and street furniture.

**Metrolinx**

39. The owner shall locate a 1.8 metre high chain link fencing along the railway right-of-way to the satisfaction of Metrolinx in consultation with the Director of Community Planning, Scarborough District. The location of this fencing may be related to the existing berm structure.

40. The owner shall include the following warning clause to be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the railway right-of-way:

**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.
41. The owner shall enter into an agreement to the satisfaction of Metrolinx and will pay Metrolinx’s reasonable costs in preparing and negotiating the agreement. The agreement will include, among other matter, an environmental easement, to be registered on title for all future residential lots in favour of Metrolinx. The agreement shall be to the satisfaction of Metrolinx.