

**357 Birchmount Road – Zoning Amendment Application
– Final Report**

Date:	April 14, 2014
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	13 203636 ESC 36 OZ

SUMMARY

This application proposes to amend the zoning by-law to permit the development of eight (8) semi-detached dwellings and one (1) detached dwelling on the lands located at the north-east corner of Birchmount Road and Highview Avenue, known as 357 Birchmount Road.

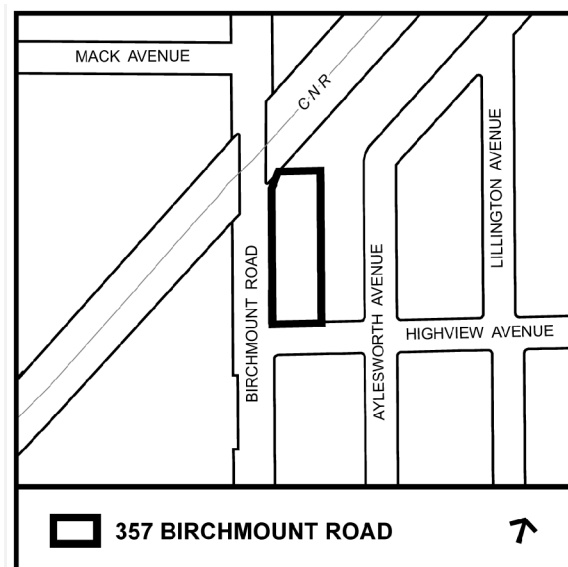
The proposed development conforms to the Official Plan, and is consistent the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe. The use is compatible with adjacent uses, and will provide an opportunity for the development of affordable housing. The proposed rezoning is considered appropriate for the use of the lands.

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 Zoning By-law 9364, as amended, for the lands at the north-east corner of Birchmount Road and Highview Avenue (357



- Birchmount Road) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to report dated April 14, 2014.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands located at the north-east corner of Birchmount Road and Highview Avenue (357 Birchmount Road) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report dated April 14, 2014.
 3. 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

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the City owned lands located at the north-east corner of Birchmount Road and Highview Avenue were declared surplus on April 30, 2008. The intended manner of disposal was by inviting an offer to purchase the property from Habitat for Humanity for the development of affordable housing. Determination that this site would be suitable for a Habitat for Humanity project was made by staff of the City's Affordable Housing Office.

The City's Affordable Housing Committee considered a report pertaining to the sale of these lands at their January 20, 2009 meeting. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.AH8.9>.

The report was subsequently considered by Executive Committee at their February 2, 2009 meeting, and by City Council at their February 23, 24 and 25, 2009 meeting. City Council adopted a recommendation that the offer to purchase City-owned lands at the northeast corner of Birchmount Road and Highview Avenue from Habitat for Humanity be accepted and also endorsed the appropriate City Staff to complete the transaction on behalf of the City. City Council's decision can be found at the following address:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX29.21>

The Preliminary Report for this application was considered by Scarborough Community Council at their meeting of September 13, 2013. Scarborough Community Council amended staff's recommendation related to the circulation range for notice of the community consultation meeting, expanding it to 200 metres. The decision, along with the Preliminary Report, can be found at the following address:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC26.21>

ISSUE BACKGROUND

Proposal

This application proposes to amend the Cliffside Community Zoning By-law and the new City-wide Zoning By-law to permit the development of 9 dwelling units, comprised of 8-semi detached dwellings and 1-detached dwelling on the subject lands. Specific development standards related to the development are also proposed. The development is intended to become a future standard condominium.

The overall number of units has not changed since the Preliminary Report, however, there have been some alterations to the proposed site design. The key changes include:

- an increase in the total number of on-site visitor parking spaces, from two spaces to four spaces;
- a slightly altered driveway design which removes the proposed offset hammerhead;
- the addition of a 16 square metre (4 m x 4 m) garbage enclosure just north of the last proposed dwelling. This modification means that City Waste Services vehicles will not have to enter the site to collect solid waste material, instead garbage will be picked up at the curb from Highview Avenue;
- the proposed building setback of the building closest to Highview Avenue has increased from 1.2 metres to 2.4 metres from Highview Avenue;
- the setbacks between buildings has increased from 2.5 metres to 3 metres;
- the building setback from the rail line has decreased from just under 30 metres to 25 metres;
- a reduction in size of the proposed building footprint of the detached dwelling and increase in its height from one-storey to two-storeys; and,
- the shared outdoor amenity space at the north end of the site has been reduced to approximately 570 square metres.

Refer to Attachment 1: Site Plan, Attachment 2: Elevations, Attachment 3: Landscape Plan and Attachment 6: Application Data Sheet.

Site and Surrounding Area

The subject lands are located at the north-east corner of Birchmount Road and Highview Avenue. The site is 0.346 hectares (0.86 acres) in size, and has 33.39 metres (109 feet) of frontage on Highview Avenue, and 92.71 metres (304 feet) along Birchmount Road. Birchmount Road extends over the GO/Metrolinx rail line immediately north of the site, and consequently the site slopes downward from (west) Birchmount Road to east. The grade is lowest at the south end of the site, and rises approximately 4 metres (13 feet) close to the north end of the site. The remainder of the site is relatively flat, and slopes gently at the south-east corner of the site towards Highview Avenue.

The site is currently vacant, and is vegetated with sod, along with several trees of various size located close to the east property line, the largest of which is a 91 cm (36 inch) calliper sugar maple tree. The site has been vacant since approximately 1959 when 5 existing dwellings were demolished to make way for an expanded Birchmount Road and four lane bridge over the railway tracks immediately to the north. The lands were used as a staging area during bridge construction which also included a temporary pedestrian bridge across the railway.

Abutting land uses include:

- North: GO/Metrolinx rail line, and employment uses north of the rail line.
- East: One and two-storey detached residential dwellings.
- West: Employment uses, several detached residential dwellings, and an automotive repair operation.
- South: Fire Hall No. 1, which is a designated heritage property, and one and two-storey detached residential dwellings.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated as *Neighbourhoods* in the Official Plan. *Neighbourhoods* consist of generally low-scale residential buildings, as well as community uses, parks, schools and small-scale stores to serve the needs of area residents. These areas are physically stable areas providing for a variety of lower-scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally “fit” the existing physical character.

Section 4.1.9 relates to policies for infill development for properties that vary from the local pattern in terms of lot size, configuration and/or orientation and requires that development will:

- have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- front onto existing or newly created public streets wherever possible, with no gates limiting public access; and,
- locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

Housing policies are contained in Section 3.2.1. Adequate and affordable housing is a basic requirement for everyone. This requirement is necessary for the City's quality of life, economic competitiveness, social cohesion, and its balance and diversity. These policies state that:

- A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. This includes affordable and mid-range rental and ownership housing;
- The existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with this plan; and,
- Where appropriate, assistance will be provided to encourage the production of affordable housing either by the City itself or in combination with senior government programs and initiatives, or by senior governments alone. Municipal assistance may include...in the case of affordable ownership housing provided on a long term basis by non-profit groups, especially affordable low rise family housing, measures such as land at or below market rate, fees exemption and other appropriate forms of assistance.

The Healthy Neighbourhoods policies of the Official Plan, contained in Section 2.3.1, state that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The Built Form policies of the Official Plan, contained in Section 3.1.2, provide a number of policies related to the form of new development, recognizing that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies include that new development will:

- be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and,
- be massed and its exterior face will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

The Official Plan is available on the City's web site at:

http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The site is subject to both the Cliffside Community Zoning By-law No. 9364 , as amended, and the new City-wide Zoning By-law No. 569-2013.

The Cliffside Community Zoning By-law zones the lands both Single Family Residential (S) and Two-Family Residential (T).

Permitted uses within the Single Family Residential Zone include Single-Family Dwellings, Group Homes and Correctional Group Homes. Ancillary uses permitted include Domestic or Household Arts and Private Home Day Care.

Permitted uses within the Two-Family Residential Zone are the same as those for the (S) zone, with the addition of Two-Family Dwellings.

The City-wide Zoning By-law No. 569-2013 zones the lands Residential Semi-Detached (RS). Permitted building types include both detached homes and semi-detached homes. Permitted uses include dwelling units and parks, along with a variety of other uses that may be permitted if the use complies with specific conditions as set out in the zoning by-law. Zoning By-law No. 569-2013 may be viewed on line at the following address:

<http://www.toronto.ca/zoning/>

Site Plan Control

The subject lands are subject to site plan control, however the form of development is not. A site plan control application is not required for the development of the proposed semi-detached and single detached dwellings. Site landscaping features will be secured by way of a draft plan of condominium, to be submitted subsequent to approval of the subject rezoning application.

Reasons for Application

The purpose of the application is to permit nine (9) dwelling units on one lot or parcel whereas the Cliffside Community zoning by-law permits only one dwelling per parcel, and Zoning By-law No. 569-2013 permits a maximum of one residential building on a lot in an RS (Residential Semi-Detached) Zone. The amendment also seeks to establish performance standards to enable the proposed use.

Community Consultation

Two community consultation meetings have taken place with respect to this proposal. The first was organized by Councillor Crawford and took place on April 22, 2013, prior to the submission of the rezoning application. The meeting was attended by approximately 20 people.

The issues that were raised at that meeting included:

- concerns regarding use of the lands for any form of development, as this represents a loss of green space for the area;
- the intensity and form of development;
- the worsening of parking and traffic safety issues which exist in the area;
- provision of appropriate landscaping and buffering of the development from adjacent detached residential homes;
- servicing; and,
- the impact on the community of the construction.

The second community consultation meeting, which was arranged by Planning staff, was held on November 7, 2013 and was attended by approximately 30 members of the public. City Planning, Transportation Services and Engineering and Construction Services staff along with the applicant, the Ward Councillor and his staff were in attendance.

There were a number of issues raised at the meeting, and by individuals who have sent in comments about this application. The key issues include:

- The City's sale of the lands to Habitat for Humanity, residents did not have an opportunity to purchase the lands;
- The loss of green space, which are considered a community feature and asset;
- Intensity of development;
- Development does not fit with the community;
- Obtrusiveness of the proposed development to existing homes backing onto the site;
- Site Design – impact of trucks and noise from driveway;
- Traffic and parking problems in the area, and the additional traffic and parking needs generated by this proposal; and,
- Existing sewage back-up problems in the area and the potential that additional development will worsen the problem.

The community has provided two separate signed petitions, the first of which was provided to staff shortly after the November 7, 2013 community consultation meeting, and the second of which was provided to staff in early April 2014. Collectively these two petitions include approximately 275 signatures. Community members have also used social media to organize and identify their opposition to the proposal, including a facebook page, and on-line petition which has received over 100 signatures, including individuals that live outside of the community. The petitions identify the following issues:

- Loss of green space, green vista and trees – in particular the large, healthy sugar maple;
- Decrease in property values and increases in property taxes;
- Construction impacts including noise, vibration, structural damage to existing homes, disruption of services, tearing up of roads, dust and mud on road;
- Parking;
- Privacy impacts on adjacent residential dwellings, including loss of natural light, and peaceful quiet enjoyment;
- Concerns regarding potential expansion of the proposal; and,
- Inappropriate size of site to accommodate proposed development, overcrowding, health and safety, increased pollution, noise and traffic issues, and unwanted burdens upon the community at large.

This report addresses planning related issues raised by the community and have been used to assist in the formulation of appropriate By-law standards.

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

Provincial Policy Statement and Provincial Plans

On April 30, 2014 a new Provincial Policy Statement will come into effect, and replaces the PPS issued March 1, 2005. The proposal is consistent with the new PPS. Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential which includes affordable housing, promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan, include among others, to build compact, vibrant and complete communities; to protect, conserve, enhance and widely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form. The Growth Plan's General Intensification Policies also require municipalities to develop and implement through their official plans and other supporting documentation, a strategy and policies to phase in and achieve intensification and intensification targets including a plan for a range and mix of housing, taking into account affordable housing needs.

Affordable Housing

Affordable housing policies exist in Provincial Policy legislation and in the Official Plan. Provision of affordable housing is considered to be an objective for the creation of healthy, liveable and safe communities. The new Provincial Policy Statement coming into effect on April 30, 2014 contains newly expanded policy statements relating to "accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)..". The City of Toronto has, since adopting the *Final Report of the Mayor's Homelessness Action Task Force* in 1999, taken action to encourage the production of new rental housing, including more affordable rental housing, including a "housing first" policy for surplus municipal lands.

The Official Plan recognizes that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. In that regard policies exist, in Section 3.2.1, to enable a full range of housing, to maintain and replenish the existing housing stock through intensification and infill. Where appropriate assistance will be provided to encourage the production of affordable housing either by the City itself or in combination with senior government programs and initiatives. In the case of affordable ownership housing measures such as the sale of land at or below market rate, fee exemptions and other appropriate forms of assistance can be considered.

This proposal is for the creation of nine such affordable housing units, by Habitat for Humanity, which on an international basis has built, rehabilitated, repaired or improved more than 600,000 dwelling units for more than 3 million people.

This proposal addresses the City's objective to create more affordable ownership housing.

Land Use

The subject lands are designated as *Neighbourhoods* in the Official Plan. Given the site's orientation and configuration it is not possible to provide the same site standards and pattern of development as exists in the neighbourhood, however the Official Plan provides specific policies for infill development.

Section 4.1.9 of the Official Plan, require that infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will: have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties; will provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed; will front onto existing or newly created public streets whenever possible, with no gates limiting public access; and, will locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

Staff has evaluated this proposal against these policies and find that the proposed land use is consistent with these policies as well as with the Healthy Neighbourhood and Built Form policies of Sections 2.3.1 and 3.1.2 respectively.

Density, Height, Massing

The proposed development is for a total number of 9 dwelling units, comprised of 8 semi-detached dwelling units and 1 single detached dwelling unit on a site having a total lot

area of 0.346 hectare (0.86 ha). This represents an overall density of 26 units per hectare. The proposed density is comparable to the existing density of the neighbourhood. The overall number of units is fewer than the number of dwelling units that directly abut the site on Aylesworth Avenue, when comparing the overall length of the site versus the same area on Aylesworth Avenue. Staff are satisfied that the number of dwelling units is appropriate for the site, and are recommending a maximum cap of 9 dwellings in the zoning by-law.

The proposed building heights, in accordance with the definition of height in both the Cliffside Community Zoning By-law and in Zoning By-law 569-2013, are 9 metres for all but the proposed single detached unit, which is proposed to have a height of 9.8 metres. Existing zoning permissions allow a maximum of 9 metres and two-storeys, excluding basements. The proposed 9.8 metre building height for the detached unit is supportable as the two-storey maximum will be maintained and all buildings, including the detached unit, will be setback 14 metres from the east property line, and a 1.7 metre landscape strip is being provided along the entire east property line.

The proposed dwelling units will front onto Birchmount Road and will maintain the existing building setback requirement from Birchmount Road, being a minimum of 22 metres from the centreline of the original road allowance.

A side yard building setback from Highview Avenue of 2.4 metres is proposed, which is consistent with existing zoning provisions for single detached dwellings in the "S" zone of the Cliffside Community by-law, and with the requirements of by-law 569-2013.

Staff recommends that a minimum 3 metre separation distance between buildings on the site be implemented as illustrated Attachment 1: Site Plan. This setback is greater than the existing requirement of 1.2 metres from a building wall to property line condition in Zoning by-law 569-2013.

A minimum 30 metre building setback is recommended to the north property line. Due to the alignment of the abutting GO/Metrolinx rail line, this will result in building setbacks of 25 metres from the rail line. GO/Metrolinx staff have reviewed this proposed setback and are satisfied that it is acceptable in this condition.

A rear yard building setback (to the east property line) of 14 metres is proposed. This exceeds the rear yard building setback that is required by both the Cliffside Community Zoning By-law and By-law 569-2013, which require 7.5 metres and 8.4 metres, respectively, and together with the 1.7 metre landscape strip along the east property line, provides an appropriate transition to the neighbourhood to the east.

The cap on the overall number of dwelling units and building heights together with the proposed building setbacks results in restrictions on building massing that are considered to be appropriate for the site and compatible with the neighbourhood.

Tree Preservation and Plantings

The applicant has submitted a Tree Inventory and Preservation Plan and an arborist report, which indicates there are three private trees that are protected under the City of Toronto's Tree Protection By-law. These include a sugar maple having a caliper of 91 cm, a norway maple having a caliper of 39 cm, and a manitoba maple having a caliper of 28-59 cm. An application to injure or destroy trees has been made to the Urban Forestry – Tree Protection and Plan Review group, they are processing the application. A permit for removal or injury has not been issued.

Urban Forestry staff are recommending a total of 16 large growing shade trees to compensate for the proposed removal of the aforementioned three trees. Their standard replacement ratio is 3:1, which will be required to replace the norway maple and manitoba maple, however, a replacement ratio of 10:1 is suggested for the sugar maple.

The applicant has submitted a landscape plan (refer to Attachment 3: Landscape Plan), which illustrates proposed replacement tree plantings. Urban Forestry staff have no objection to the proposed Zoning by-law amendment application on the understanding that prior to approval of any subsequent building applications, all tree issues must be addressed. This includes, among other things, satisfactory review of any proposed landscape plan. Further review of any landscaping plan will also be required through the future condominium application, so that tree plantings along with other landscaping including shrubbery, walkways and fencing will be formally secured.

Open Space/Amenity Area

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 0.8 + 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland. The site is not subject to the Alternative Parkland Dedication By-law, but is subject to a 5% residential parkland dedication rate through the City Wide Parkland Dedication By-law No. 1020-2010. At the parkland dedication rate of 5% as specified in By-law 1020-2010, the parkland dedication would be 0.017 hectares (170 m²).

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. 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.

As noted previously, the subject lands were formerly owned by the City of Toronto, were declared surplus by the City, and sold to Habitat for Humanity for the purpose of providing affordable housing. The fact that lands were not retained by the City and retained in their current green/open space form is one of the key concerns for the residents of the area. The lands are designated *Neighbourhoods* in the Official Plan, which permits both development of low scale residential uses as well as parkland, among other uses. The City's Official Plan contains policies which regulate disposal of City owned lands, these policies, however, do not apply to the subject lands as these lands are not designated *Parks and Open Space Areas*, nor part of the Green Space System on Map 2. Consequently, the proposed use does not conflict with the policies of the plan with regard to disposal of parkland.

The closest existing park space in the surrounding area includes Highview Park, located approximately 500 metres east of the subject lands, and Birchmount Park and Stadium, located approximately 530 metres south of the subject lands.

The proposed development includes an area of approximately 570 square metres at the north end of the site as common amenity area for future owners as well as small outdoor amenity areas at the back of each of the units, facing the common driveway. The proposed zoning by-law amendment includes a performance standard to secure the northern common amenity area for the purpose of establishing a common landscaped area.

Traffic Impact, Access, Parking

Vehicular access for this development is proposed via a 6 metre wide private driveway that is accessed from Highview Avenue. One parking space is proposed at the rear of each dwelling unit, and four visitor parking spaces are proposed at the north end of the driveway. This design was proposed after consideration of the issues relating to traffic that were raised by the community. It differs from the original proposal by removing the offset hammerhead at the northern terminus of the driveway, and by increasing the total number of proposed visitor parking spaces from 2 to 4. Refer to Attachment 1 – Site Plan.

To further reduce the impact of vehicular traffic on the proposed driveway, the applicant has proposed the addition of a 16 square metre (4 m x 4 m) garbage enclosure just north of the proposed dwellings. This modification means that City Waste Services vehicles will not have to enter the site to collect solid waste material instead garbage will be picked up at the curb from Highview Avenue. City staff from the Solid Waste Services group are satisfied with this proposal. A performance standard is recommended in the draft zoning by-law that requires all waste and recyclable material to be stored in a wholly enclosed building.

The proposed driveway access point on Highview Avenue is satisfactory to Transportation Services staff, and allows buses using the existing TTC stop along Highview Avenue sufficient stopping distance without blocking the proposed driveway access.

Transportation Services staff are satisfied a traffic study was not required as the proposed number of dwelling units did not warrant a specific study. They are also satisfied with the number of parking spaces proposed for the development.

In response to traffic concerns raised at the November 7, 2013 Community Consultation meeting and at the request of Councillor Crawford, a Pedestrian Crossover Warrant Study and Traffic Control Warrant Study was undertaken by Transportation Services Operations staff. Their study was completed in January 2014 and concluded that technical warrants for the installation of traffic control signals or a pedestrian crossover are not met and therefore not required.

Noise and Vibration

The applicant has submitted a Noise and Vibration Study in support of the application. The study reviewed road traffic data and rail traffic data to predict future traffic sound levels at the locations of the proposed building facades. The study has concluded that sound level predictions indicate that the future road and rail traffic sound levels will exceed Ministry of the Environment noise guidelines at all the residential units within the development. The study recommends that central air conditioning units and upgraded building construction and glazing construction be required for all units. It also recommends warning clauses to inform future residents of the traffic noise impacts.

The study has determined that measured ground-borne vibration levels are below Ministry of the Environment and CN guidelines for train passbys at the location of the closest residential dwelling façade and that vibration mitigation is not required for this development.

Questions and concerns regarding the potential impact of construction noise and vibration impacts have been raised by the community. The City of Toronto Municipal Code regulates noise, and in regard to construction noise regulates the hours of construction in residential areas. The City of Toronto By-law No. 514-2008 regulates vibration impacts, which among other things, includes requirements for a monitoring program to measure variances in the vibration levels before and during construction activities which shall be verified by a professional engineer, and also requires notice to landowners within zone of influence one week prior to construction, as well as a complaint process.

Servicing

The applicant has submitted a Functional Servicing Report and related Servicing Drawings in support of the proposal. The report and associated drawings have been reviewed by relevant divisions, including Engineering and Construction Services. The applicant will be required to construct the required municipal infrastructure improvements in accordance with the accepted drawings and to pay for the municipal infrastructure improvements and make necessary arrangements with Engineering and Construction Services to carry out the work.

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.

Tenure

The proposed tenure of the development is a standard condominium. An application for condominium approval has not yet been submitted. Staff will endeavour to secure landscape improvements for the through the condominium application process, including tree and shrubbery plantings, walkways and privacy fencing among other things, as generally illustrated in Attachment 3: Landscape Plan.

Conclusion

The proposed development conforms to the Official Plan, and is consistent the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe. The use is compatible with adjacent uses, and will provide an opportunity for the development of affordable housing. The proposed rezoning is considered appropriate for the use of the lands.

CONTACT

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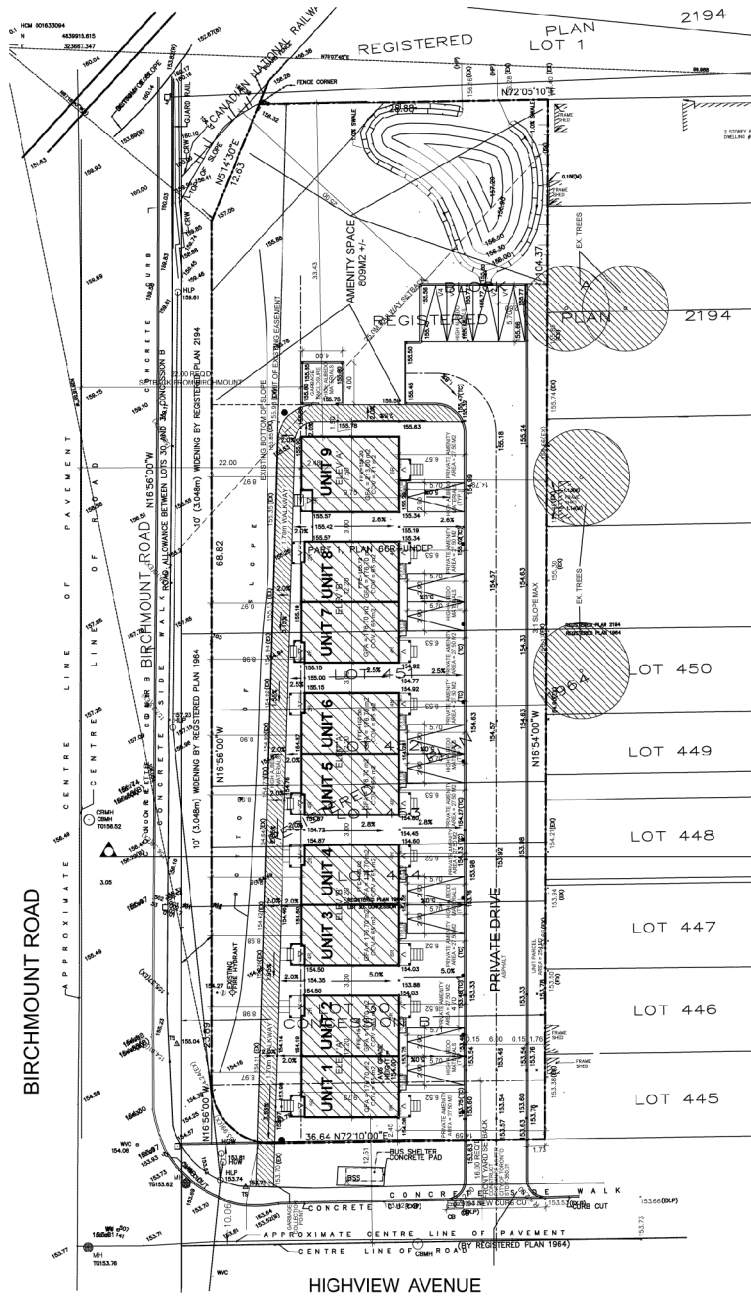
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Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Landscape Plan
Attachment 4: Zoning – Cliffside Community Zoning By-law
Attachment 5: Zoning – City wide Zoning By-law 569-2013
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment - Cliffside Community Zoning By-law No. 9364)
Attachment 8: Draft Zoning By-law Amendment – Zoning By-law No. 569-2013

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale 

357 Birchmount Road

File # 13 203636 ESC 36 OZ

Attachment 2: Elevations



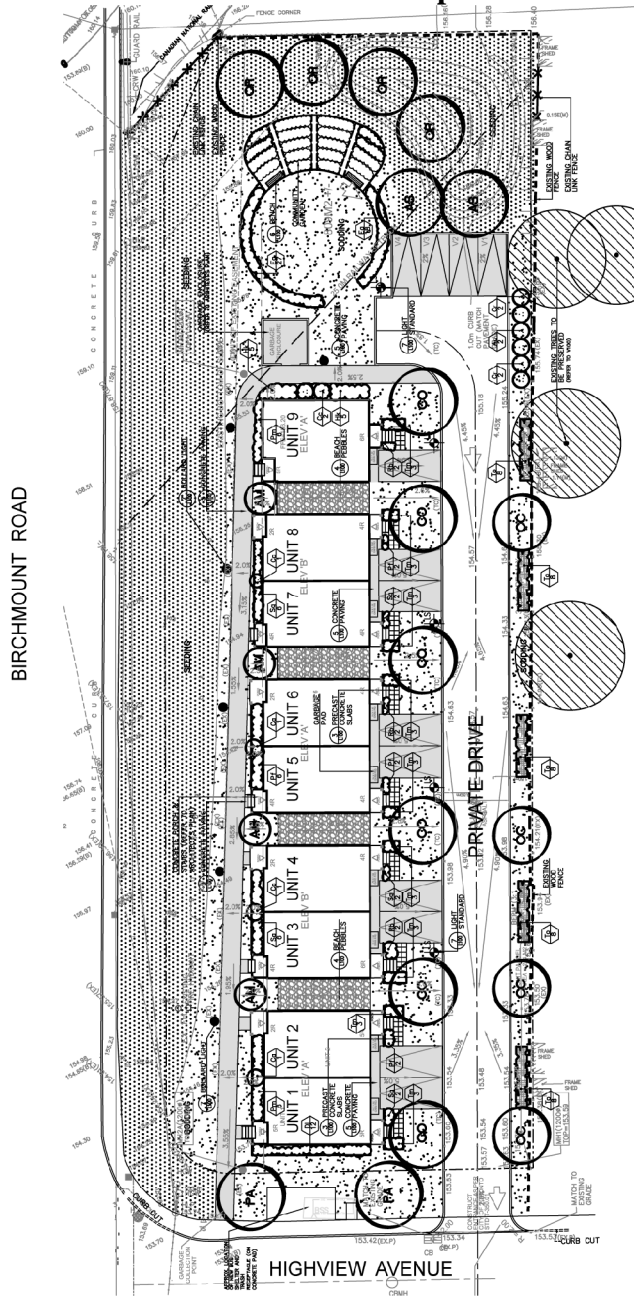
357 Birchmount Road

Elevations
 Applicant's Submitted Drawing

Not to Scale
 3/3/14

File # 13 203636 ESC 36 0Z

Attachment 3: Landscape Plan



Landscape Plan

Applicant's Submitted Drawing

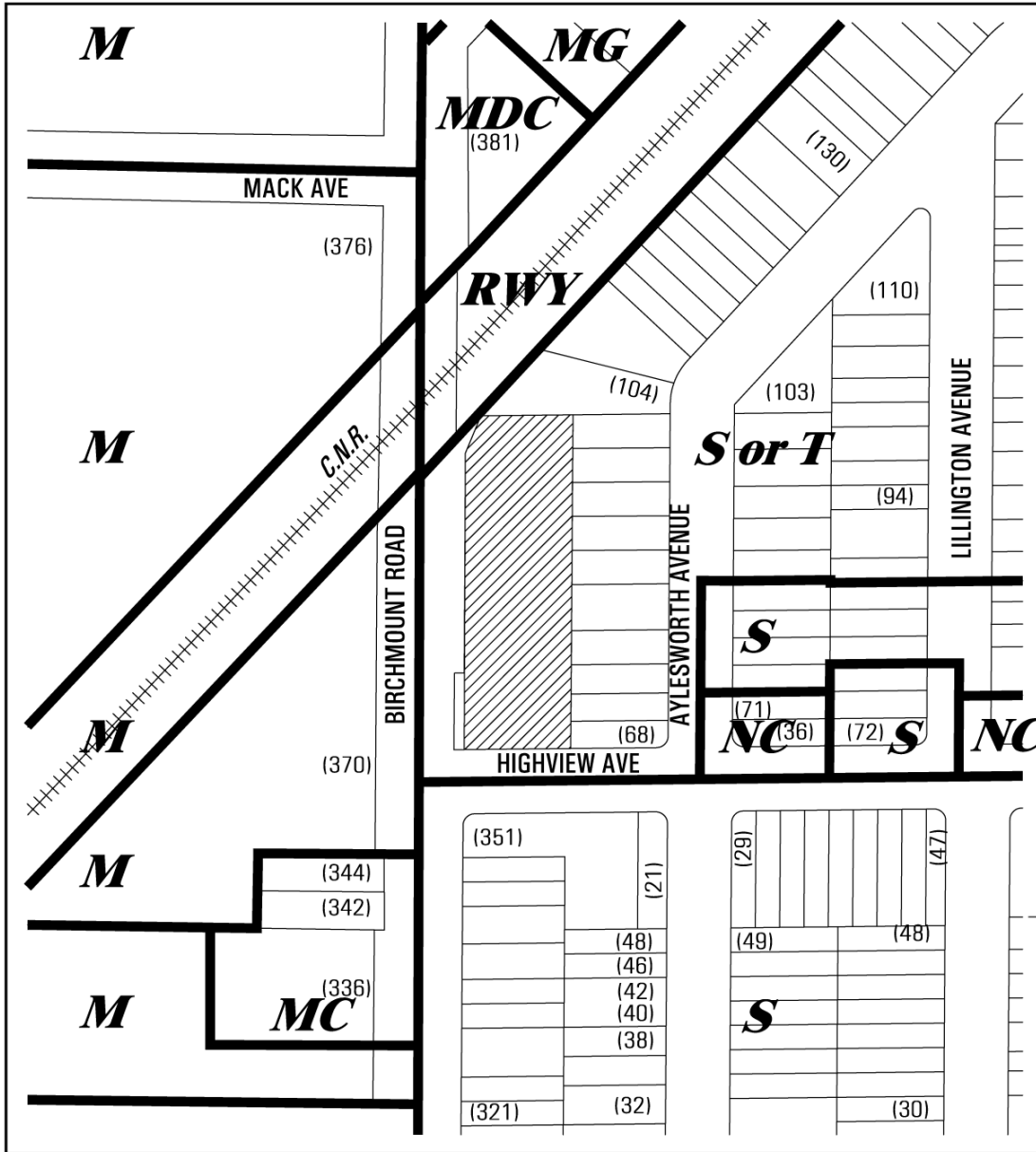
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357 Birchmount Road

File # 13 203636 ESC 36 0Z

Attachment 4: Zoning – Cliffside Community Zoning By-law



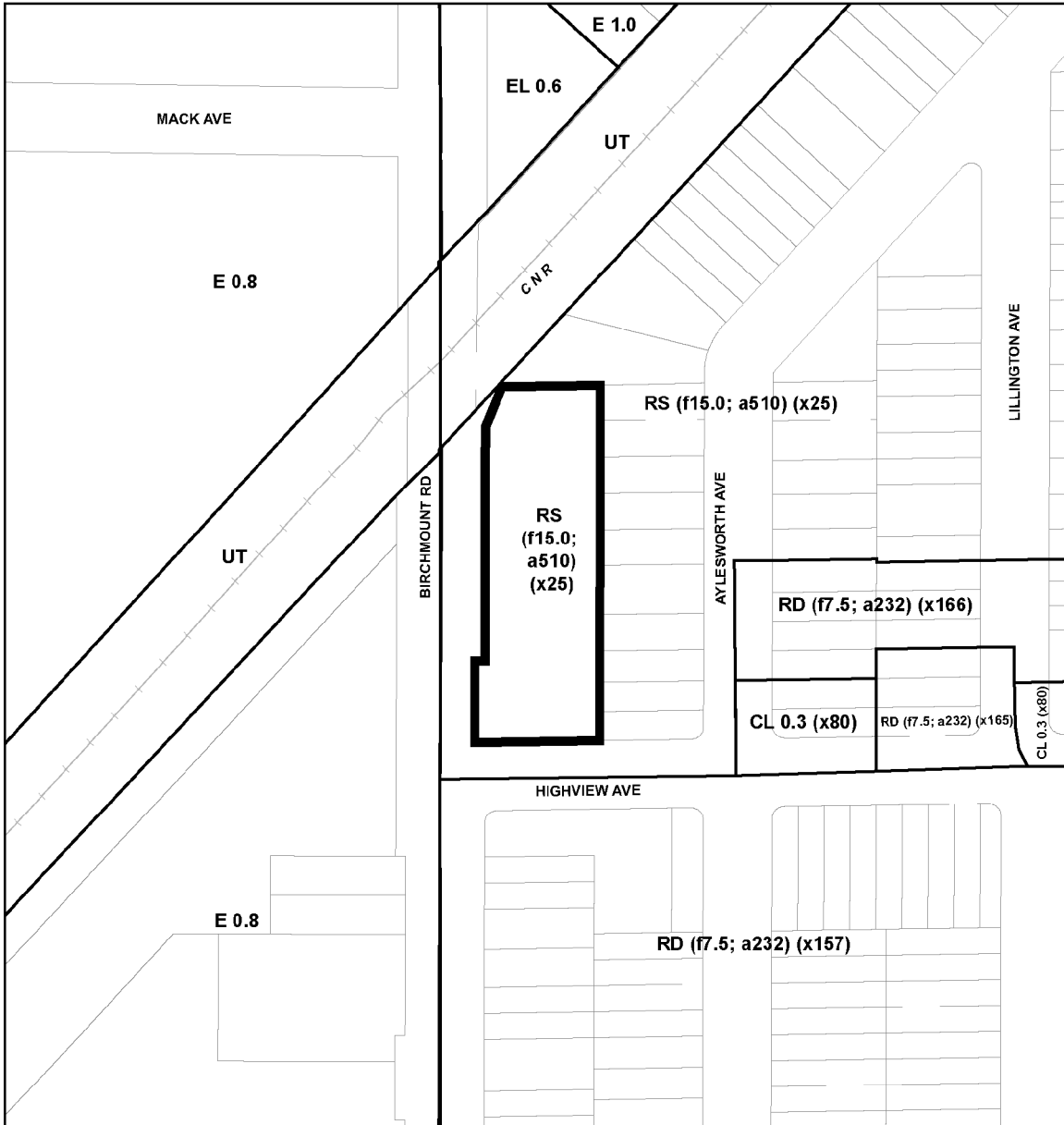
TORONTO City Planning
Zoning Cliffside Community and
 Birchmount Park & Oakridge Employment Districts

357 Birchmount Road
 File # 13 203636 ESC 36 OZ

-  Location of Application
- S** Single-family Residential
- T** Two-family Residential
- NC** Neighbourhood Commercial
- RWY** Railway Zone
- M** Industrial Zone
- MC** Industrial Commercial Zone
- MDC** Industrial District Commercial Zone
- MG** General Industrial Zone


↑ Not to Scale
 07/23/13


Attachment 5: Zoning – City Wide Zoning By-law 569-2013



Toronto City Planning
Zoning By-law 569-2013

357 Birchmount Road
 File # 13 203636 ESC 36 0Z

-  Location of Application
- RD** Residential Detached
- RS** Residential Semi-Detached
- CL** Commercial Local
- EL** Employment Light Industrial
- E** Employment Industrial
- UT** Utility and Transportation


 Not to Scale
 Extracted 07/22/2013

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	13 203636 ESC 36 OZ
Details	Rezoning, Standard	Application Date:	July 12, 2013

Municipal Address: 357 BIRCHMOUNT RD (N/E BIRCHMOUNT ROAD AND HIGHVIEW AVENUE)
 Location Description: CON B PT LOT 30 PLAN 1964 LOTS 451 TO 454 PLAN 2194 PT BLK A **GRID E3603
 Project Description: Zoning By-law amendment application to permit eight semi-detached dwellings and one detached dwelling on the subject lands, and to establish site specific performance standards for the development, which is intended to be a future standard condominium.

Applicant:	Agent:	Architect:	Owner:
HABITAT FOR HUMANITY TORONTO INC			HABITAT FOR HUMANITY TORONTO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S or T (Cliffside) and RS (City-wide)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	3461	Height:	Storeys:	2
Frontage (m):	82.49		Metres:	9, 9.8
Depth (m):	33.39			
Total Ground Floor Area (sq. m):	614.5			Total
Total Residential GFA (sq. m):	1626.6		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1626.6			
Lot Coverage Ratio (%):	17.75			
Floor Space Index:	0.47			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	9
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1626.6	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Andrea Reaney, Senior Planner**
TELEPHONE: **(416) 396-7023**

**Attachment 7: Zoning By-law Amendment –
Cliffside Community Zoning By-law No. 9364**

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Cliffside Community Zoning By-law No. 9364, as amended,
With respect to the lands located at the north-east corner of Birchmount Road and
Highview Avenue, at 357 Birchmount Road**

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"** is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule "1":

T – 23 – 118 – 181 – 182 – 183 – 184 – 185 – 186 – 187 – 188 - 189 - 214 – 250
– 251 – 300 - 301

2. **Schedule "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

PARKING

118. Minimum number of visitor **parking spaces**: 4

MISCELLANEOUS

181. **CLAUSE VI – PROVISIONS FOR ALL ZONES, Sub-Clause 14, Regulations for Single-Family and Two-Family Dwellings**, shall not apply.
182. Minimum 1.7 m wide **landscaping** strip shall be provided along the **rear lot line**.
183. Minimum 14 m building **setback** from the **rear lot line**.

184. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
185. The provisions of this By-law shall apply collectively to this land, notwithstanding its future division into two or more parcels.
186. Maximum building **height** for **single-family dwellings**: 9.8 metres and two-**storeys** excluding **basements**.
187. Maximum building **height** for **two-family dwellings**: 9.0 metres and two-**storeys** excluding **basements**.
188. Minimum separation between the side walls of adjacent buildings shall be 3.0 metres.
189. Birchmount Road lot line shall be deemed to be the **front lot line**.

INTENSITY OF USE

214. Maximum number of **dwelling units**: 9

SIDE YARD

250. Minimum 30 m building **setback** for **dwelling units** from the north lot line.
251. Minimum 2.4 metres building **setback** from Highview Avenue.

MISCELLANEOUS

300. Minimum 570 m² of outdoor **amenity space** shall be provided, which may also include **landscaping**.
301. All waste and recyclable material must be stored in a wholly enclosed building.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



**T-23-118-181-182-183-184-185-
186-187-188-189-214-250-251-300-301**

TORONTO City Planning
Division
Zoning By-Law Amendment

357 Birchmount Road
File # 13 203636 ESC 36 OZ

 Area Affected By This By-Law

Cliffside Community By-Law No. 9364
Not to Scale
4/25/14



Attachment 8: Zoning By-law Amendment – Zoning By-law No. 569-2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. [xxxx- 20xx]

To amend the Zoning By-law for the City of Toronto, being By-law No. 569-2013, as amended, with respect to the lands at 357 Birchmount Road (north-east corner of Birchmount Road and Highview Avenue)

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the same meaning as in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RS (x33) as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.4.10 Exception Number 33 so that it reads:

Exception RS 33

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions:

(A) None of the regulations of Chapters 10.5.80.10 (7), 10.40.30.10 (1), 10.40.30.20 (1), 10.40.40.1 (2) or 10.40.40.70, prevent the erection or use of a building, structure, addition or enlargement if it complies with (B) below;

(B) These standards apply to the lands as a whole:

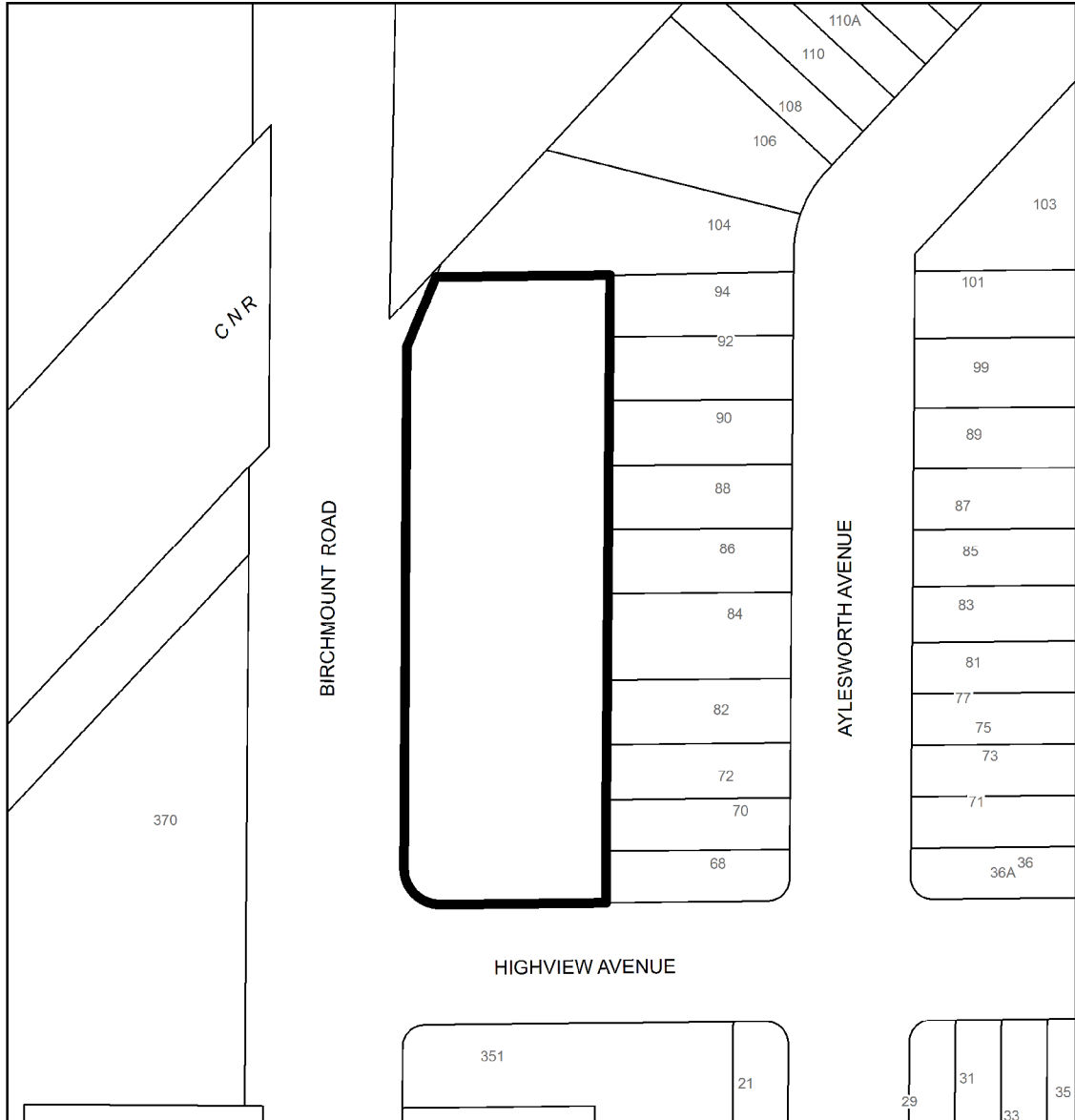
- (i) The **lot line** abutting Birchmount Road is the **front lot line**;

- (ii) the minimum **lot frontage** is 80 metres;
- (iii) the minimum **lot area** is 3,360 square metres;
- (iv) the minimum **building setback** from a **lot line** that abuts Birchmount Road is 22.0 metres measured from the original centerline of Birchmount Road;
- (v) the minimum **building setback** from a **side lot line** that abuts a **street** is 2.4 metres;
- (vi) the minimum **rear yard building setback** is 14.0 metres;
- (vii) the minimum **building setback** for **dwelling units** from the north **lot line** is 30.0 metres;
- (viii) a maximum of 4 **semi-detached houses** and 1 **detached house** are permitted on the **lot**;
- (ix) the minimum separation distance between the side **main walls** of any adjacent **building** is 3.0 metres;
- (x) despite what is shown on the Height overlay map, a **detached house** may have a maximum **building** height of 9.8 metres;
- (xi) a minimum of 570 square metres of outdoor **amenity space** must be provided and may be in the form of **landscaping**;
- (xii) a designated area with a minimum of 4 visitor **parking spaces** must be provided on the lot;
- (xiii) a **landscaping** strip having a minimum width of 1.7 metres must be provided along the entire east property line; and
- (xiv) all waste and **recyclable material** must be stored in a wholly enclosed **building**.

Prevailing By-laws and Prevailing Sections (none apply)

ENACTED AND PASSED this ~ day of ~, A.D. 20XX.

(Corporate Seal)



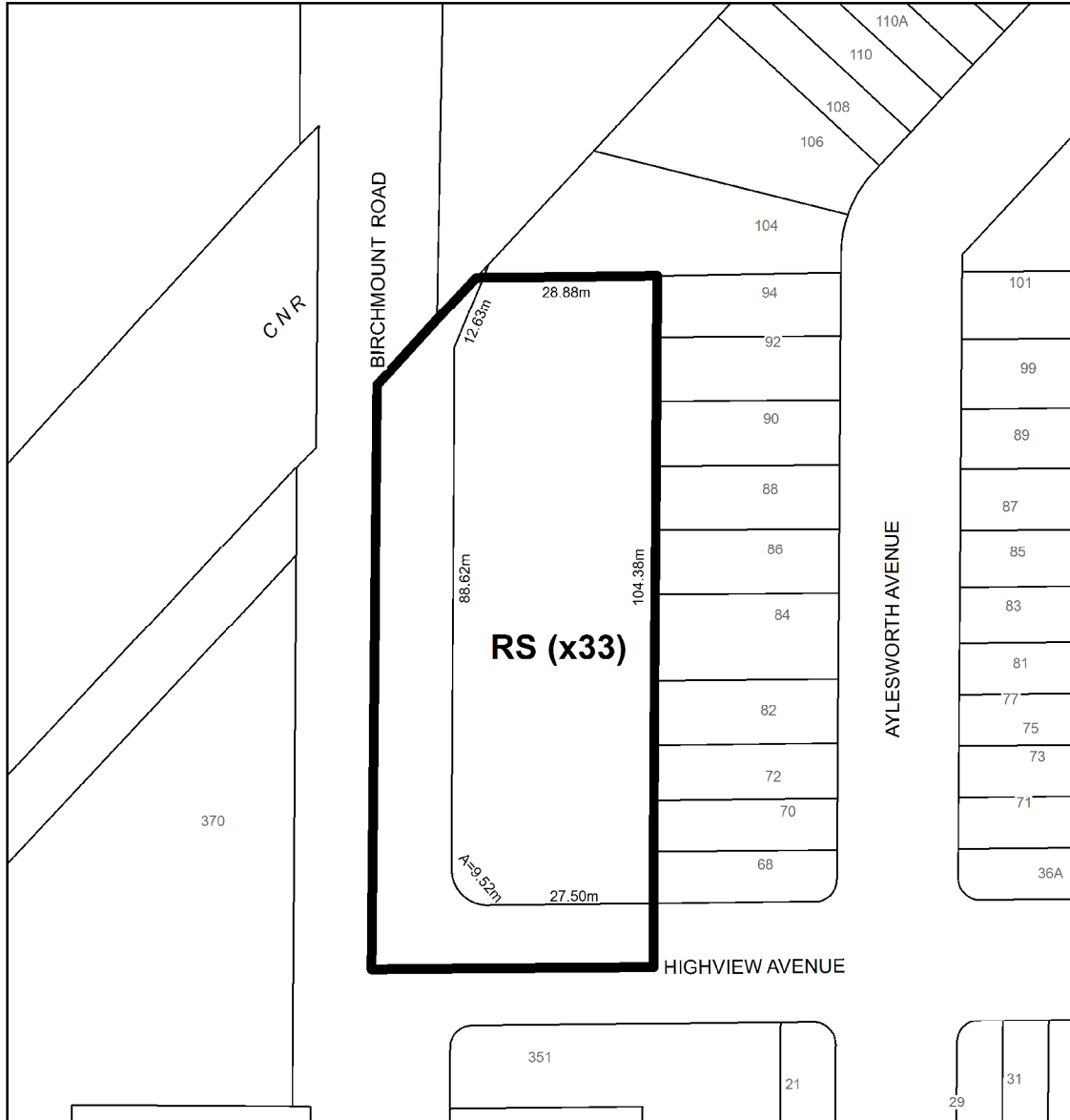
TORONTO City Planning
Diagram 1

357 Birchmount Road

File # 13 203636 ESC 36 0Z

Approved by: A. Reaney

City of Toronto By-Law 569-2013
 Not to Scale
 4/22/2014



TORONTO City Planning
Diagram 2

357 Birchmount Road

File # 13 203636 ESC 36 0Z

Approved by: A. Reaney

City of Toronto By-Law 569-2013
 Not to Scale
 4/22/2014