0 Birchmount Road - Official Plan Amendment, Zoning Amendment and Draft Plan of Subdivision Applications - Preliminary Report

Date: September 15, 2015
To: Scarborough Community Council
From: Director, Community Planning, Scarborough District
Wards: Ward 35 – Scarborough Southwest
Reference Number: 15 183193 ESC 35 OZ and 15 183205 ESC 35 SB

SUMMARY

Official Plan and Zoning by-law amendments and draft plan of subdivision applications have been submitted to permit the redevelopment of 0 Birchmount Road, also known as the Rexton lands, a former rail spur east of 743 Warden Avenue and north of Pidgeon Street, with 26, three-storey townhouse units and an extension of Pidgeon Street.

On September 1, 2015, the Ontario Municipal Board (OMB) approved, in principle, the re-designation of the Rexton lands from Utility Corridors to Neighbourhoods; as well as amendments to the Warden Woods Community Secondary Plan. The Board decision will be issued on or soon after October 22, 2015.

This report provides preliminary information on the Rexton applications and seeks Community Council's directions on further processing of the rezoning and draft plan of subdivision applications and on the community consultation process.

This report recommends that the remaining Rexton rezoning and draft plan of subdivision applications should proceed through the planning review process.
including the scheduling of a community consultation meeting. A final report will be prepared and a public meeting will be scheduled once all identified issues have been satisfactorily resolved and all required information provided.

RECOMMENDATIONS

As it relates to the Rezoning and Draft Plan of Subdivision applications, the City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 0 Birchmount Road together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

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

DECISION HISTORY
The Rexton Developments Ltd. (Rexton) applications, while standalone, were submitted as part of a negotiated settlement for the adjacent lands at 743 Warden Avenue. As part of the negotiated settlement between the City and 743 Warden Avenue, the OMB approved, in principle, the re-designation of the Rexton lands from Utility Corridors to Neighbourhoods and amendments to the Warden Woods Community Secondary Plan. The Board decision will be issued on or soon after October 22, 2015.

As the Rexton lands were part of the negotiated settlement for the adjacent lands at 743 Warden Avenue, a brief chronology of 743 Warden Avenue is provided below. See also Attachment 1: Context Plan.

743 Warden Avenue (Goldman)
At its meeting of August 5, 2009, City Council amended the former City of Scarborough Employment Districts Zoning By-law 24982 to rezone 743 Warden Avenue from Industrial (M) and Special Industrial (MS) to Community Commercial (CC) along the Warden Avenue frontage and Industrial (M) in the interior, with site-specific provisions. This was intended to permit retail/commercial uses along Warden Avenue, with the interior portion to retain employment uses. The staff report and Council's decision can be found at the following link:

On April 13, 2011, the applicant at 743 Warden requested that 743 Warden Avenue be re-designated from Employment Areas to Mixed Use Areas as part of the City's Municipal Comprehensive Review (MCR).

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At its meeting of December 16, 17 and 18, 2013, City Council considered the request to convert these employment lands for non-employment purposes as part of the MCR. City Council adopted staff's recommendations pertaining to the conversion request that the lands be maintained for employment purposes. At the same meeting City Council adopted OPA 231. Among other things, OPA 231 retains the lands at 743 Warden Avenue as Employment Areas, and designates them as General Employment Areas. The decision of City Council and OPA 231 can be found at the following links: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2 http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf

In January 2014, the City submitted OPA 231 to the Minister of Municipal Affairs and Housing (MMAH) for approval. On July 9, 2014, the Minister confirmed Council's action in not re-designating the subject lands for non-employment purposes. The owner appealed this decision to the OMB, which is the subject of a separate hearing process that has not been consolidated with the appeals of the current subject applications.

In November and December, 2013, the applicant for 743 Warden submitted Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications. The applications would permit 202 residential townhouse units, three commercial buildings, a network of public roads and lanes, and a storm water management pond.

On June 17, 2014 the applicant appealed the applications to the OMB due to the City's lack of decision within the statutory timeframe.

At its meeting of August 25, 26, 27 and 28, 2014, City Council directed the City Solicitor, together with other staff, to attend at the OMB in opposition to the proposed application. That decision and background information can be found at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.10

A prehearing conference was held at the OMB on November 24, 2014 and March 31, 2015. At the last prehearing, a one week hearing on the subject applications was scheduled to commence on Tuesday, September 1, 2015.

At its meeting of July 7, 8 and 9, 2015, City Council adopted the Request for Directions Report with Confidential Attachment, which recommended acceptance of a settlement offer substantially as set out in Confidential Attachments 1, 2, 3, 4, 5, 6 and 7; and that the City Solicitor and other appropriate staff be instructed to implement Confidential Recommendation 1 at the upcoming September OMB hearing. That decision and background information can be found at: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC8.2

**Rexton Lands (0 Birchmount Road)**

Rexton owns vacant lands immediately to the east of 743 Warden Avenue within the former CNR rail corridor. At the time of the 743 Warden Avenue applications, the...
Rexton lands were designated *Utility Corridors* in the Official Plan. Rexton sought and received party status at the September 1, 2015 OMB hearing with the intention of expanding the scope of the hearing to re-designate their lands to permit residential development on their site.

**September 1, 2015 OMB Hearing**

743 Warden Avenue (Goldman): The Board approved, in principle, the draft Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision to re-designate the lands from *Employment Areas* to *Mixed Use Areas and Neighbourhoods*, as per the Request for Directions Report with Confidential Attachment adopted by City Council at its meeting of July 7 and 8, 2015. The development concept was revised and now includes: 314 dwelling units consisting of 184 townhouses and 130 apartment units in a new 5-8 storey mixed use building; an increase in the commercial uses from 1,894 m² to a minimum of 4,645 m²; revised pattern of public streets that include a new public street entering the site directly off Warden Avenue and four new internal streets that will extend existing streets in the subdivision to the south; the relocation of the storm water management pond further north into the site; and the elimination of all but one rear lane.

0 Birchmount Road (Rexton): The Board approved, in principle, the draft Official Plan Amendments to re-designate the Rexton lands from *Utility Corridors* to *Neighbourhoods* and to add the lands to the Warden Woods Community Secondary Plan.

The Board decision will be issued on or soon after October 22, 2015 for both 743 Warden Avenue and Rexton.

**Pre-Application Consultation**

On April 23, 2015, a pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

**ISSUE BACKGROUND**

**Proposal**

The proposal is for the construction of 26, 3-storey street townhouses with integral garages fronting along the extension of Pidgeon Street and along a new private lane.

**Official Plan Amendments**

As a result of the Official Plan amendments that the OMB approved on September 1, 2015, further amendments are not required, pending final approval by the OMB.

**Zoning By-law Amendments**

Amendments to the Institutional-Public Transit Zone in the Scarborough Employment Districts Zoning By-law 24982 (Golden Mile), as amended, and to the Utility and Transportation Zone in the City-wide Zoning By-law 569-2013, as amended are required to permit townhouses, and further amendments to the Zoning By-laws are proposed to create specific performance standards for the development of the lands.
**Subdivision**
The draft plan of subdivision proposes three blocks to be further divided into 26 lots. The townhouse units in Blocks 1 and 2 (18 units) will front onto the proposed extension of Pidgeon Street and will be freehold units with public garbage pick-up. The townhouse units in Block 3 (8 units) will front onto the proposed private lane and will be freehold on a common element private lane with private garbage pick-up.

**Amenity Space**
Outdoor amenity space is being proposed for each townhouse unit at-grade in the rear yards. At the northern end of Block 3, adjacent to the employment uses to the north, a 0.06 ha landscaped area is proposed to serve as a visual barrier to the employment uses.

**Pidgeon Street Extension**
The proposed extension of Pidgeon Street will have a right-of-way of 16.5 metres, 10.25 metres is being provided by 743 Warden Avenue and 6.25 metres from the subject lands. A 2.0 metre wide sidewalk is proposed on the east side of the Pidgeon Street extension.

**Private Lane**
The proposed private lane will have a right-of-way of 8.0 metres, 6.0 metres is being provided by 743 Warden Avenue and 2.0 metres from the subject lands, which will serve as a continuation of the Pidgeon Street extension sidewalk.

**Parking**
All townhouse units will have one parking space located in an integral garage.

For additional details, please see Attachment 1: Context Plan, Attachment 2: Site Plan, Attachment 3: Plan of Subdivision, Attachments 4-6: Elevations, and Attachment 9: Application Data Sheet.

**Site and Surrounding Area**
The site is located between the easterly property limit of 743 Warden Avenue, and the westerly limit of the hydro corridor. The relatively flat, rectangular-shaped, 0.56 hectares site is a former CN rail spur that previously serviced the industrial area to the north. The railway tracks have been removed. Frontage for the proposed development will be provided through the extension of Pidgeon Street and private laneway. The Toronto Transit Commission (TTC) Bloor-Danforth subway line runs underneath a portion of the site.

Surrounding uses include:

- **North:** Six industrial lots that front onto Upton Road.
- **East:** Hydro corridor. East of the hydro corridor is General Brock Public School and an established residential neighbourhood.
- **South:** Residential uses (Warden Woods community).
West: 743 Warden Avenue, which has applications before the Ontario Municipal Board, in part for an extension to the Warden Woods Community Secondary Plan.

**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.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

On September 1, 2015, the Ontario Municipal Board (OMB) approved, in principle, the re-designation of the Rexton lands, 0 Birchmount Road, from *Utility Corridors* to *Neighbourhoods*. The Board also approved amendments to the Warden Woods Community Secondary Plan to add the Rexton lands to the Warden Woods Community Secondary Plan (Map 30-1 Urban Structure Plan); and to add the lands to Map 30-2 Potential Linkages and Connections Urban Structure Plan. The Board decision will be issued on or soon after October 22, 2015.

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Refer to Attachment 8: Official Plan.

**Zoning**

The subject site is zoned Institutional-Public Transit Zone in the Scarborough Employment Districts Zoning By-law 24982 (Golden Mile), as amended, and Utility and Transportation Zone in the City-wide Zoning By-law 569-2013, as amended. Townhouses are not permitted in either zone.

Refer to Attachment 6: Zoning.
Site Plan Control
The property is subject to site plan control. A site plan control application has been submitted (File No. 15 183202 ESC 35 SA), and is currently under review.

Refer to Attachment 2: Site Plan.

Reasons for the Application
A zoning By-law amendment is required in order to rezone the lands to an appropriate residential zoning category to permit townhouses, as well as to establish appropriate performance standards to enable the proposed development. The subdivision application is required to create the proposed townhouse blocks, to create a new public road and a new laneway.

COMMENTS

Application Submission
The following reports/studies were submitted with the applications:

- Planning Justification Letter
- Toronto Green Standard (TGS Checklist)
- Arborist Report for Development Applications
- Phase 1 Environmental Site Assessment
- Transportation Impact Study Addendum 1
- Functional Servicing and Stormwater Management Report
- Environment Noise Feasibility Study
- Subway Vibration Analysis
- Odour Assessment

In addition, copies of the following reports/studies for 743 Warden Avenue were submitted with the applications:

- Urban Transportation Study
- Environmental Noise Feasibility Study
- Environmental Air Quality Assessment
- Functional Servicing and Stormwater Management Report
- Subway Vibration Analysis

A Notification of Complete Application was issued on July 30, 2015.

While not a requirement of a complete application submission requirement, in order to complete our review of the applications, the applicant is required to submit an Electromagnetic Field (EMF) Management Plan as per the City's "A Development Guide – Building Toronto Together". This study has been requested by Planning Staff but to date has not been submitted.
Issues to be Resolved
The application has been circulated to City Divisions and Public Agencies for comments prior to presenting this report to Scarborough Community council. Preliminary issues include the following:

- Compatibility with the surrounding neighbourhood context;
- Appropriateness of proposed frontages, building setbacks, lot configuration and lot sizes for the proposed townhouse lots;
- Conformity with the City's Urban Design Guidelines for Infill Townhouses;
- Conformity with the City's Development Infrastructure Policy and Standards (DIPS), including appropriateness of the proposed private 8.0 metre laneway, and the location of the proposed sidewalks;
- Garbage collection and storage;
- Appropriate interface with adjacent employment areas; and compatibility with the Ontario Ministry of the Environment and Climate Change (MOECC) D-6 Guidelines "Compatibility between Industrial Facilities and Sensitive Land Uses" with respect to noise, odour and vibration;
- Submission and review of an Electromagnetic Field (EMF) Management Plan; and
- Toronto Transit Commission (TTC) Technical Review requirements to determine impact on TTC structures, operations and/or facilities.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT
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Tel. No. 416-396-4250
Fax No. 416-396-4265
E-mail: kdynes@toronto.ca

SIGNATURE

_______________________________
Lorna Day, Director
Community Planning, Scarborough District
ATTACHMENTS
Attachment 1: Context Plan
Attachment 2: Site Plan
Attachment 3: Plan of Subdivision
Attachment 4: Front Elevations – North West (as provided by applicant)
Attachment 5: Rear Elevations – South East (as provided by applicant)
Attachment 6: Side Elevations (as provided by applicant)
Attachment 7: Zoning
Attachment 8: Official Plan
Attachment 9: Application Data Sheet
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Attachment 1: Context Plan

Context Plan

0 Birchmount Road
(former rail spur east of 743 Warden Avenue)

File #:s 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB
Attachment 2: Site Plan
Attachment 3: Plan of Subdivision

0 Birchmount Road
(former rail spur east of 743 Warden Avenue)

File #: 15183193 ESC 35 POI, 15183205 ESC 35 SB

Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale

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Attachment 4: Front Elevations – North West
Side Elevations
Applicant's Submitted Drawing
Not to Scale
0 Birchmount Road
(former rail spur east of 743 Warden Avenue)

File #: 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB
Attachment 7: Zoning

Zoning By-Law No. 569-2013

(former rail spur east of 743 Warden Avenue)

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

Location of Application

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See Former City of Scarborough Warden Woods Community Bylaw No. 950-2005

See Former City of Scarborough Birchmount Park Community Bylaw No. 9174

See Former City of Scarborough Employment District Bylaw No. 24982 (Golden Mile)
Attachment 9: Application Data Sheet

Application Type: Rezoning & Draft Plan of Subdivision
Details: Rezoning, Standard Subdivision

Application Numbers: 15 183193 ESC 35 OZ
Application Date: June 30, 2015

Municipal Address: 0 BIRCHMOUNT RD
Location Description: SCARBOROUGH CON C PT LOT 31 RP 66R19327 PARTS 2 TO 4 6 TO 9 11 TO 24 26 TO 52 PT PARTS 1 AND 25 RP 66R19866 PARTS 1 TO 4 **GRID E3502

Project Description: Re-zoning and subdivision applications to permit 26 grade-related townhouses, fronting on an extension of Pidgeon Street and on a new private lane.

Applicant: THE GOLDMAN GROUP
Agent: REXTON DEVELOPMENTS LTD
Architect: PLANNING CONTROLS
Owner: 

PLANNING CONTROLS
Official Plan Designation: Utility Corridors
Zoning: I-PT, UT
Height Limit (m): Site Specific Provision:

PROJECT INFORMATION
Site Area (sq. m): 5260
Frontage (m): 0
Depth (m): 0
Total Ground Floor Area (sq. m): 0
Total Residential GFA (sq. m): 4588.5
Total Non-Residential GFA (sq. m): 0
Total GFA (sq. m): 4588.5
Lot Coverage Ratio (%): 0
Floor Space Index: 0.87

Total
Parking Spaces: 26
Loading Docks: 0

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

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CONTACT:
PLANNER NAME: Kelly Dynes, Senior Planner
TELEPHONE: 416-396-4250

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