

**971 – 979 Warden Avenue – Zoning Amendment
Application – Final Report**

Date:	May 16, 2018
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	16 271669 ESC 37 OZ

SUMMARY

This application proposes to amend the Zoning By-law to allow for the development of 26 residential lots, each with a detached dwelling accessed from an 8.0 metre wide private road on lands municipally known as 971-979 Warden Avenue.

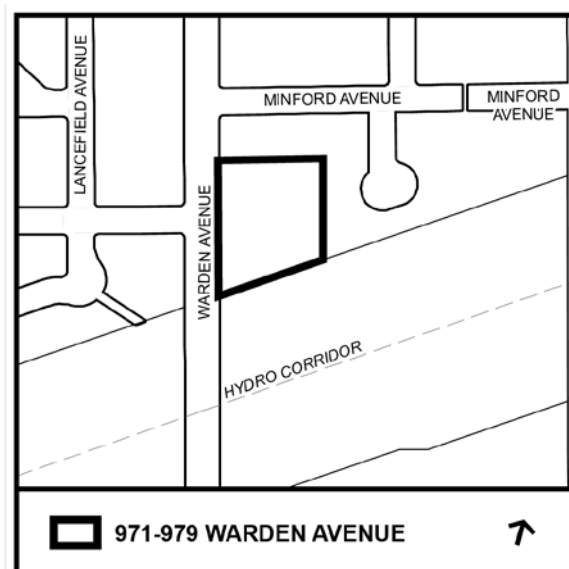
The proposal represents residential infill on five residential lots with a combined area of 8,382 square metres. The proposed building type and lot orientation is compatible with that which currently exists throughout the neighbourhood. The proposal is consistent with the Provincial Policy Statement and conforms to the Official Plan and the Growth Plan for the Greater Golden Horseshoe. The proposed rezoning is considered appropriate for the use and development of the lands.

This report reviews and recommends approval of the application to amend the relevant Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Wexford Community Zoning By-law No. 9511, as amended, for the land at 971-979 Warden Avenue substantially in accordance with



the draft Zoning By-law Amendment attached as Attachment No. 10 to report dated May 9, 2018.

2. City Council amend City of Toronto Zoning By-law No. 569-2013, as amended, for the lands at 971-979 Warden Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated May 9, 2018.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands to secure the following matters:
 - (i) Prior to the issuance of the first above-grade building permit, other than building permit for a temporary sales office/pavilion:
 - a. The owner shall make a one-time voluntary cash contribution in the amount of \$25,000 to be directed towards improvements, including a new ventilation system, to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park at 10 Ashtonbee Road;
 - b. The owner agrees to implement and administer the approved Architectural Control Guidelines, dated October 2017 (dated stamped march 16, 2018) and prepared by Turner Fleischer Architects Inc. The owner further agrees to retain a Control Architect acceptable to the Chief Planner and Executive Director City Planning Division to certify that the building plans for each dwelling unit are consistent with the approved Guidelines;
 - c. The owner shall submit, to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and acceptance:
 - (i) flow monitoring results on the existing municipal sanitary sewer in order to determine if the proposed development on the site can be adequately serviced, and whether the existing municipal infrastructure is adequate; and
 - (ii) final servicing plans and report that include the flow monitoring results in 4. (i) c. (i).
 - d. If the results of the flow monitoring referenced in 4. (i) c. (i) indicate that the existing infrastructure cannot support the proposed development, the owner shall submit a financial security to the City in the amount of \$115,175.00 for sanitary sewer improvements, to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;

Widening of Highways that abut the Land:

- e. The owner shall prepare all documents and convey to the City, at nominal cost (a widening measuring approximately 1.89 meters along the entire frontages on Warden Avenue of the site to satisfy the Official Plan requirement of a 30.0 metre wide right-of-way), in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Chief Engineer and Executive Director of Engineering and Construction Services and the City Solicitor;
- f. The owner shall submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (i) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);
 - (ii) 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
 - (iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- g. Pay all costs for registration and preparation of reference plan(s);
- h. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
- i. The owner shall submit a Qualified Person Preliminary Statement Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's Peer Reviewer to support this conveyance; all environmental documentation shall be submitted without any limitation regarding liability, indemnity or reliance;
- j. The owner shall pay all costs associated with the City retaining a third-party Peer Reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00, as an initial deposit towards the cost of the peer review to the Chief Engineer and Executive Director, Engineering and Construction Services;
- k. The owner shall submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- l. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action

Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;

- m. At the completion of the site assessment/remediation process, the owner shall submit a Statement from the Qualified Person, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer review and concurrence that based on all necessary supporting environmental documents:
- (i) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (ii) the land to be conveyed to the City meets either:
 - the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006);
- n. The QP's statement, referenced in 4. (i) i. above, will include a Reliance Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the condition of the site; and
- o. The owner must provide a certified cheque, addressed to the Treasurer, City of Toronto, in the amount of \$2,000.00 for the enactment and installation of the required regulatory/enforceable traffic control signage installation of for two way operation at both driveway locations onto Warden Avenue.
- (ii) 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 of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
 - (iii) In the event the cash contribution(s) referred to in Section 4. (i) a. has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Preliminary Report for this application was considered by Scarborough Community Council (SCC) at its meeting on February 22, 2017. The Preliminary Report and the decision of SCC can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC20.13>

ISSUE BACKGROUND

Proposal

The proposed rezoning is intended to permit the development of 26 residential lots, each with a detached dwelling and to create specific performance standards for the development of the lands at 971-979 Warden Avenue. Future Part Lot Control Exemption (to create the lots) and a Draft Plan of Condominium application (to create common elements, including the private road) will be required.

Vehicular access is from an eight metre wide crescent shaped private road, which has two access/egress points onto Warden Avenue. A two metre sidewalk running along one side of the private road is also provided. Of the 26 residential lots, 22 lots front directly onto the private road with the other four lots fronting onto Warden Avenue. Each residential lot has a driveway leading directly to an integral garage and each can accommodate two parking spaces (one in the garage and one in the private driveway). Driveway access for seven of the lots is from a 4.5 metre one-way northbound laneway that connects to the private road.

The total gross floor area proposed is 5,422.8 square metres (58,371 square feet), which results in an overall Floor Space Index (FSI) of 0.65 times the lot area. All dwellings are three-storeys in height and range between 9.7 metres and 10.5 metres in height. Average lot widths around the private road range from approximately 8.3 metres to 10.7 metres (frontages vary due to the curved nature of the private road). Lot frontages for the four lots fronting onto Warden Avenue range from 8.9 metres to 9.4 metres. The average gross floor area of each dwelling unit is approximately 208.5 square metres (excluding garage and basement). For additional details, refer to Attachment No. 1: Site Plan, Attachments 3-5: Elevations and Attachment No. 8: Application Data Sheet.

Site and Surrounding Area

The subject lands are comprised of five residential lots, each with a detached dwelling and various accessory buildings. The five lots were built between 1950 and 1953 when the surrounding area was occupied by farmland. As such, the site is distinct from the rest of the neighbourhood and the lots are wider and much longer in size. Four of the lots (973-979) are rectangular in shape and the fifth lot (971) is triangular in shape. Each lot has a private driveway with access on to Warden Avenue. Combined, the lands have approximately 112 metres of frontage on the east side of Warden Avenue, an approximate depth of 86 metres and an area of 8,382 square metres.

The lands are located on the east side of Warden Avenue, just south of Minford Avenue and abut the Gatineau Hydro Corridor to the south. The lands are vegetated with a number of mature trees. The lowest point on the site is at the southwest corner and results in a grade change of

approximately three metres northward along Warden Avenue and approximately four metres eastward along the hydro corridor.

Surrounding land uses include:

North: Detached dwellings fronting onto Warden Avenue and Minford Avenue.

South: Gatineau Hydro Corridor and trail; Golden Mile Employment District with a variety of large, single storey industrial buildings.

East: Detached dwellings that front around Kilpatrick Place cul-de-sac; further east is the Wexford Employment District.

West: Detached dwellings.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable

planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

The subject lands are designated *Neighbourhoods* within the Official Plan on Map 20 – Land Use Plan. Refer to Attachment No. 6: Official Plan.

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.

Neighbourhoods are physically stable areas made up of residential uses in lower scale buildings such as detached homes semi-detached houses, duplexes, triplexes and townhouses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character.

Section 4.1.9 *Neighbourhoods* provides 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.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilised apartment sites in *Apartment Neighbourhoods*. In December 2015 the City submitted OPA 320 to the Minister of Municipal Affairs and Housing for approval. While OPA 320 is City Council's adopted policy, it is not yet in force.

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture to ensure that the public realm is beautiful, comfortable, safe and accessible. These

policies also recognize that new streets should be public streets and that private streets, where appropriate, should be designed to integrate in the public realm and meet the design objectives for new streets.

The Built Form policies of the Official Plan are contained in Section 3.1.2. These policies relate to the form of the new development, and recognize 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 stipulate that new development will:

- be located and organized to fit with its existing and/or planned context;
- development 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;
- 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; and
- preserve existing mature trees wherever possible and incorporate them into landscaping designs.

This proposal will be reviewed against the policies described above as well as the policies of the City's Official Plan as a whole.

The Official Plan is available on the City's web site at:
http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The lands are subject to both the Wexford Community Zoning By-law No. 9511, as amended and the City-wide Zoning By-law No. 569-2013, as amended.

The Wexford Community Zoning By-law, as amended, zones the land Single-Family Residential (S), which permits Single-family dwellings, Group Homes and Correctional Group Homes, and Ancillary Uses, which include Domestic or Household Arts and Private Home Day Care.

The City-wide Zoning By-law 569-2013, as amended, zones the lands Residential Detached (RD). Permitted uses include dwelling units (detached dwelling) 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.

Refer to Attachment No. 7: Zoning. The City-wide Zoning By-law 569-2013, as amended is available on the City's website at:
<http://www1.toronto.ca/wps/portal/contentonly?vnextoid=2a8a036318061410VgnVCM10000071d60f89RCRD>

Site Plan Control

The lands are subject to site plan control. However, the form of development (detached dwellings) is not subject to site plan control as outlined in the City of Toronto By-law No. 774-2012, as amended.

Reasons for Application

The application has been submitted to amend the existing Zoning By-laws to allow for the proposed development of 26 detached dwellings on a private road and to establish appropriate performance standards to enable the proposed development.

Community Consultation

A community consultation meeting was held on April 14, 2017. As directed by Scarborough Community Council, staff gave notice of the community consultation meeting to all landowners and residents within 120 metres of the subject properties, and the area generally bounded by Walbon Road, Castille Avenue and Lancefield Avenue. Planning staff, the local Ward Councillor, the owner and approximately 28 members of the public were in attendance.

Planning related concerns expressed by those in attendance included:

- Potential traffic impacts of the additional residents generated by the proposed development;
- The proposed size of dwellings and the proposed materials for the exterior elevations were considered too large and out of character with the neighbourhood;
- The number of trees to be removed to accommodate the proposed development;
- Grading concerns related to the site and the occasional flooding of properties in the neighbourhood;
- Adequacy of the existing local servicing infrastructure to manage the increased demand from the development;
- Concerns over who will maintain the proposed private road (including snow removal) and how the private road will be accessed; and
- Desire of residents to ensure an adequate construction management plan is secured.

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Policy 1.1.3.2 of the PPS (2014) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which are planned or available; are transit supportive and support active transportation. Furthermore, Policy 1.1.3.3 states that planning authorities identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs. The proposal is consistent with the PPS in this regard.

Policy 1.4.3 of the PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit. The proposal is consistent with the PPS in this regard.

Policy 1.6.6.1 of the PPS (2014) directs that expected growth or development shall be accommodated in a manner that promotes the efficient use and optimization of existing infrastructure, including municipal sewage services and municipal water services. The proposal is consistent with the PPS in this regard.

The Growth Plan contains policies about how land is developed, resources are managed and protected and public dollars are invested. It directs municipalities to support the creation of complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; to develop mixed-use, transit-supportive, pedestrian-friendly urban environments; and to plan for more resilient, low-carbon communities (Sections 1.2.1 and 2.2.1). The proposal conforms to the Growth Plan by directing growth to appropriate settlement areas, and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The proposal supports the achievement of complete communities through a more compact built form, with dwellings units that are high quality, attractive and contribute to the vitality and character of the neighbourhood. The City has implemented these objectives through the implementing policies of the Official Plan, including Public Realm policies in Section 3.1.1 and Built Form policies in Section 3.1.2, as well as by securing Architectural Control Guidelines prepared by the applicant for the proposal.

Land Use

The Official Plan recognizes that the subject properties, which are designated *Neighbourhoods*, are appropriate for residential uses. The proposed building type, detached houses, conforms to the low scale building form permitted in the *Neighbourhoods* designation.

Section 4.1.9 of the Official Plan, requires 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; and, will locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

While the majority of the proposed lots will front onto a private road, the private road has been designed to integrate with the public realm and meet the design objectives for new streets. The majority of the proposed lots will include rear yard building setbacks that respect and reinforce existing setbacks of abutting dwellings; and front and side yard building setbacks are compatible with abutting dwellings. The proposed overall height of 10.5 metres is considered appropriate and will allow for greater building articulation through roof pitches and detailing.

Staff has evaluated this proposal against these policies and finds that the proposed land use is consistent with these policies as well as with the Healthy Neighbourhood, Public Realm and Built Form policies of Sections 2.3.1, 3.1.1 and 3.1.2 respectively.

Density, Height, Massing

Infill residential development is expected to respect and reinforce the character of the surrounding area. In the community consultation meeting, area residents expressed the desire to ensure that the proposed development was compatible with the lot sizes and building heights in the surrounding area.

The total gross floor area proposed is 5,422.8 square metres (58,371 square feet), which results in an overall Floor Space Index (FSI) of 0.65. All dwellings are proposed at three-storeys and range between 9.7 and 10.5 metres in height, which represents a very minor increase compared to the Wexford Community Zoning By-law which permits a maximum of 9 metres and the City-wide Zoning By-law 569-2013 which permits 10 metres. Average lot widths around the private road range from 8.3 metres to 10.7 metres (frontages vary due to the curved nature of the private road); lot frontages for the four lots fronting onto Warden Avenue range from 8.9 metres to 9.4 metres; and the three internal lots have frontages of 7.9 metres and 8.4 metres as compared to the current zoning which requires a minimum lot frontage of 12 metres.

For the majority of the lots (lots 1 to 18), minimum side yard building setbacks range from a minimum of 0.6 metres for one side of the dwelling and a minimum of 1.2 metres for the other side of the dwelling. The 0.6 metres setbacks must be paired with one another and the 1.2 metre setbacks must be paired with one another. For the remainder of the lots, minimum side yard building setbacks range from a minimum of 0.6 metres to 1.30 metres.

Minimum rear yard building setbacks are generally 7.5 metres. Smaller rear yard building setbacks of 6 metres are proposed along the hydro corridor.

The maximum permitted lot coverage for the neighbourhood is generally 33% of the lot area. The maximum permitted lot coverage permissions recommended range between 32% to 43%.

Planning staff are of the opinion the proposed development is generally consistent with the intent of the *Neighbourhoods* designation of the Official Plan and the Official Plan *Neighbourhoods* Development Criteria in Section 4.1.9. In particular, the application is consistent in terms of building type, size and configuration of lots, heights, massing and scale of nearby residential properties, setbacks from the street and from abutting residential properties and is compatible with the existing surrounding neighbourhood. The proposed development would respect and reinforce the existing physical character of buildings and streetscapes in the neighbourhood.

Urban Design

In order to ensure the proposed dwellings are complementary to and compatible with the neighbourhood and to ensure a high standard of architecture, the applicant prepared and submitted Architectural Control Guidelines. These guidelines have been reviewed and deemed satisfactory by Urban Design staff within City Planning. The guidelines serve as a guide and outline the overall architectural, as well as landscape, strategies to be used in the proposed development and are recommended to be secured through a Section 37 Agreement.

The proposed development respects the built form of the surrounding neighbourhood (detached dwellings) and while three-storeys in height the pitched roofs are designed to ensure each dwelling unit is located under the 45-degree angular plane from all adjacent residential properties. The pitched roof also minimizes the appearance of the third storey, maintaining the appearance of two-storeys. Windows to the third storey are made possible through the use of dormers along the front and back of the units, which have been joined to the second floor window below and read as one vertical form, again minimizing the appearance of the third floor.

A combination of exterior colour palettes are implemented to animate the development and utilize a combination of brick and accent panelling that are characteristic of the surrounding neighbourhood. Upgraded side and rear elevations at key locations were requested by planning staff and have been provided by the applicant.

The proposed development has been designed to achieve a safe, attractive and comfortable streetscape with street tree planting and a 2.0 metre sidewalk on one side of the private street.

Road Widening

In order to satisfy the Official Plan requirement of a 30 metre right-of-way for this segment of Warden Avenue, a 1.9 metre road widening dedication along the Warden Avenue frontage of the subject site is required and is proposed to be conveyed to the City with this application. These requirements are recommended to be secured through a S37 Agreement.

Traffic Impact, Access, Parking

Transportation Services staff have determined that the projected volume of vehicle traffic generated by the proposed 26 dwelling units can be accommodated on the existing road network and no significant impacts on local traffic are anticipated. The proposed 8.0 metre wide private road, with a 2.0 metre wide sidewalk on one side has been designed to integrate with the public realm and meet the design objectives for new streets. The private road varies from the City's Development Infrastructure Policy Standards (DIPS) in two areas: it exceeds the maximum length of 45 metres from the curb of an existing public street by approximately 23 metres; and it exceeds the 10-unit threshold by 16 units.

A minimum of one parking space will be provided for each dwelling unit in a front integral garage and a second parking space can be accommodated on the driveway leading to the garage without protruding or encroaching onto or over the property line. The proposed parking provision would comply with the parking standards under the current Zoning By-laws.

Transportation Services staff have reviewed the proposal and advise that the proposed site access, parking and traffic impacts of this proposal would be acceptable.

Servicing

A Functional Servicing Report and Stormwater Management Report were submitted with the application, along with additional supplementary materials and emails, which were reviewed by Engineering and Construction Services staff. The reports indicate that no groundwater will enter the municipal sanitary sewer from the development, as it will be discharged and treated onsite. Engineering and Construction Services staff recommend that the applicant provide flow monitoring data to confirm that there will be no adverse impacts to the current conditions of the sanitary sewer system. These requirements are recommended to be secured through a Section 37 Agreement. As part of the Section 37 Agreement, the applicant will also be required to pay for any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report and flow monitoring data, should it be determined that improvements to such infrastructure is required to support this development.

Tree Preservation

The applicant has provided an Arborist Report in support of the application. The revised report, dated February 15, 2018, includes a Tree Inventory, which identifies trees within the subject properties, as well as those immediately adjacent to the site. The report indicates that there are 38 private trees subject to the City's Private Tree By-law that will require removal and 10 private trees that require a permit to injure in order to facilitate construction of the proposed development. These trees include a variety of Maple, Elm and Spruce species, Scott's Pine, Crab Apple, Cherry, Ash, Willow, Walnut and Tree of Heaven. All of these trees are in fair to poor condition.

As previously noted, to protect existing grades on the adjacent properties to the north, a retaining wall will be constructed along the north property line behind lots one (1) through five (5). In order to protect two Siberian Elm trees, the footprint of the retaining wall has been adjusted behind lots three (3) and four (4).

The applicant is proposing to plant 52 trees on the subject property and will be providing cash in lieu for the remaining 62 replacement trees (a replacement ratio of 3:1), which is acceptable to Urban Forestry staff.

A total of 11 new street trees will be planted with the City's road allowance adjacent to Warden Avenue.

The owner will be required to obtain the necessary permits prior to removing any trees pursuant to the City's Tree Preservation By-law Number 388-2000, as amended. In addition, prior to any permit being issued, the owner will be required to:

- Sign an Undertaking & Release form regarding the removal and injury of privately owned trees;
- Payment of \$36,146.00 for cash-in-lieu of replacement tree planting;
- Payment of a Tree Guarantee Deposit in the amount of \$3,066.00 to cover the appraised tree value, removal and replacement costs of one City owned tree; and
- Payment of a Tree Planting Security deposit in the amount of \$6,413.00 to guarantee the satisfactory planting and maintenance of eleven (11) new trees proposed on the City road allowance adjacent to Warden Avenue.

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 Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0-0.42 hectares of local parkland per 1,000 people. The subject site is located in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu at a parkland payment rate of .4 hectares for each 300 dwelling units proposed. For sites less than 1 hectare in size, the parkland dedication requirement will not exceed 10% of the development site, net of any conveyances for public road purposes. The minimum payable is not to be less than 5%. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. As such, a Stage 1 Archaeological Assessment was submitted and it was determined that a Stage 2 Archaeological Resource Assessment was required for portions of the property. The applicant submitted a Stage 2 Archaeological Resource Assessment for the site, which included recommendations for a Stage 3-4 assessment to be carried out. A Stage 4 Archaeological Mitigation of the "Copse Site" dated September 2017 prepared by Bluestone Research Inc. was submitted and determined that there are no further archaeological concerns regarding the subject property. Heritage and Preservation Services staff concur with the consultant's conclusions.

School Capacity

The Toronto District School Board (TDSB) advises that a significant impact on local schools is not anticipated. At the present time, there is sufficient space at the local schools to accommodate students from the proposed development.

No comments were received from the other circulated school boards.

Electromagnet Field Study (EMF)

When applications are received for Official Plan and/or Zoning Amendments or Plan of Subdivision for residential, school or day nursery uses on properties that abut a hydro corridor,

applicants are required to undertake an EMF Management Plan to outline low or no-cost measures to minimize the increase in yearly average exposure to EMF for young children.

The Gatineau Hydro Corridor abuts the subject site to the south, as such the applicant submitted an EMF Management Plan dated April 24, 2017 prepared by Intrinsik, which was reviewed by the Healthy Environments Technical and Support Team in Toronto Public Health. Based on the submitted data, Toronto Public Health agrees that no low-cost/no-cost recommendations are required and no on site mitigation measures are required.

Community Concerns

In other sections of this report, staff have addressed the issues raised by the community including concerns related to traffic impacts, tree preservation, architectural compatibility, grading concerns, flooding and the associated matter of the adequacy of existing local servicing infrastructure to manage the increased demand from the development. Planning staff are of the opinion that the issues raised by the community have been adequately addressed.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. It permits zoning by-laws to be passed to permit more height and/or density in return for the provision of community benefits to be set out in the zoning by-law.

While the proposed development represents a modest increase in both height and density, it does not exceed the 10,000 square metres of gross floor area threshold noted in Policy 4 of Section 5.1.1 of the Official Plan. Policy 5 b) of Section 5.1.1 of the Official Plan states that irrespective of the size of the project or the increase in height and/or density, Section 37 may be used as a mechanism to secure other matters required to support development.

As such, a voluntary cash contribution of \$25,000 for improvements to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park, Architectural Control Guidelines, along with servicing matters, which are detailed in Recommendation 4. of this Report, are recommended to be secured pursuant to Section 37 of the *Planning Act*.

Conclusion

The proposal represents residential infill and redevelopment of five oversized residential lots for detached dwellings. The proposed private road and lot orientation will continue the pattern of development that currently exists throughout this neighbourhood. The proposed development would be in conformity and would be consistent with the Provincial and City policies, including

the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and the City's Official Plan. Staff recommend that the application to amend the Zoning By-laws be approved by City Council.

CONTACT

Kelly Dynes, Senior Planner
Tel. No. 416-396-4250
Fax No. 416-396-4265
E-mail: Kelly.Dynes@toronto.ca

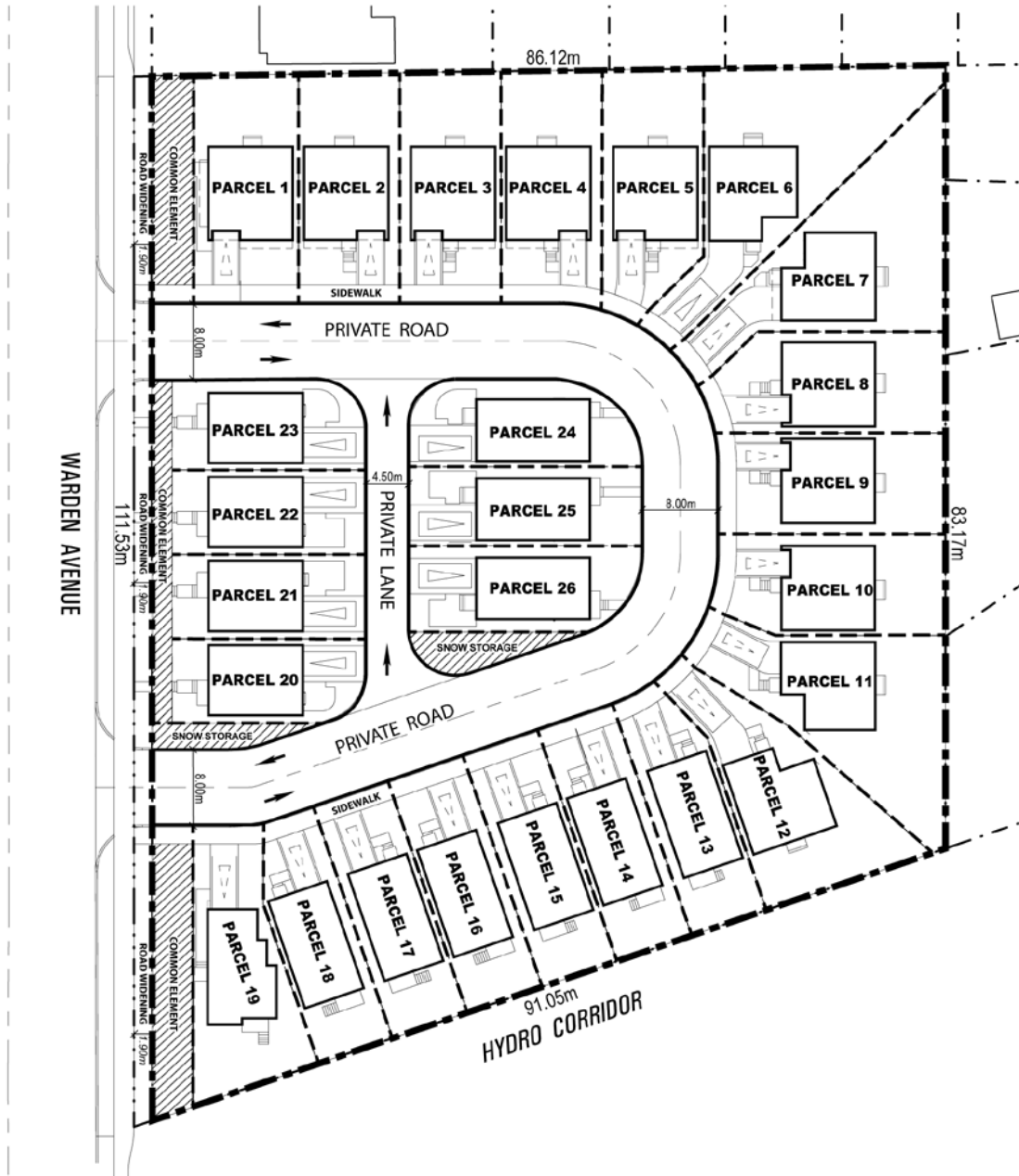
SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Perspective
Attachment 3: Elevations (Unit Type 1)
Attachment 4: Elevations (Unit Type 2)
Attachment 5: Elevations (Unit Type 3)
Attachment 6: Official Plan
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning By-law Amendment to City of Toronto Zoning By-law
No. 569-2013
Attachment 10: Draft Zoning By-law Amendment to the Wexford Community Zoning By-law
No. 9511

Attachment 1: Site Plan



Site Plan

971-979 Warden Avenue

Applicant's Submitted Drawing

Not to Scale
05/16/2018



File # 16 271669 ESC 37 02

Attachment 2: Perspective



Perspective

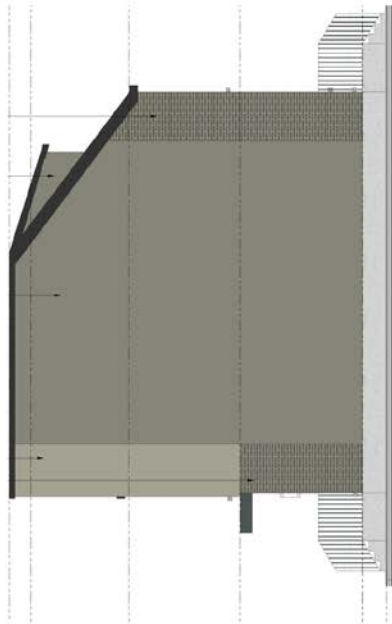
Applicant's Submitted Drawing

Not to Scale
04/19/2018

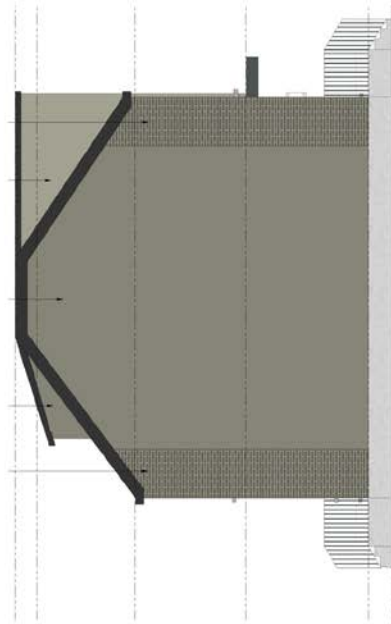
971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

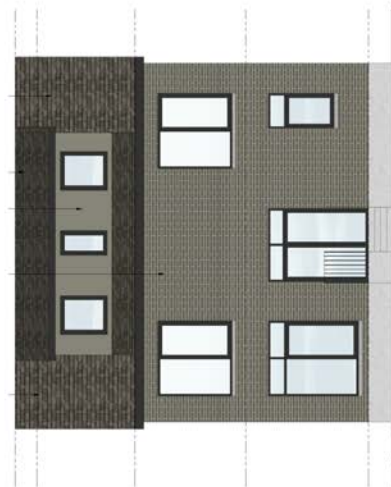
Attachment 3: Elevations (Unit Type 1)



3 FLOORS
8.78m HEIGHT



3 FLOORS
8.78m HEIGHT



971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

Elevations - Unit Type 1

Applicant's Submitted Drawing

Not to Scale
04/30/2018

Attachment 4: Elevations (Unit Type 2)



971-979 Warden Avenue

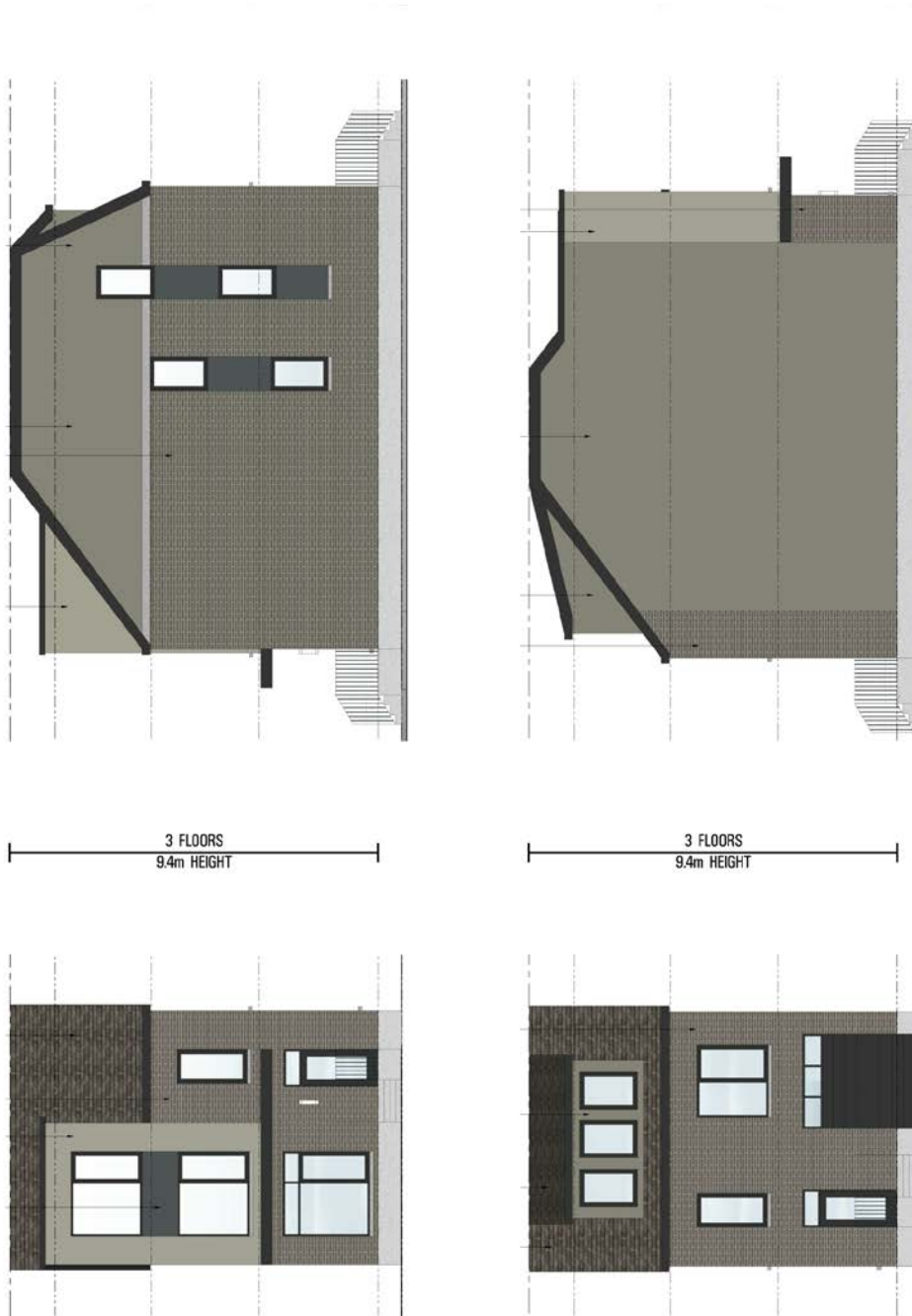
File # 16 271669 ESC 37 0Z

Elevations - Unit Type 2

Applicant's Submitted Drawing

Not to Scale
04/30/2018

Attachment 5: Elevations (Unit Type 3)



971-979 Warden Avenue

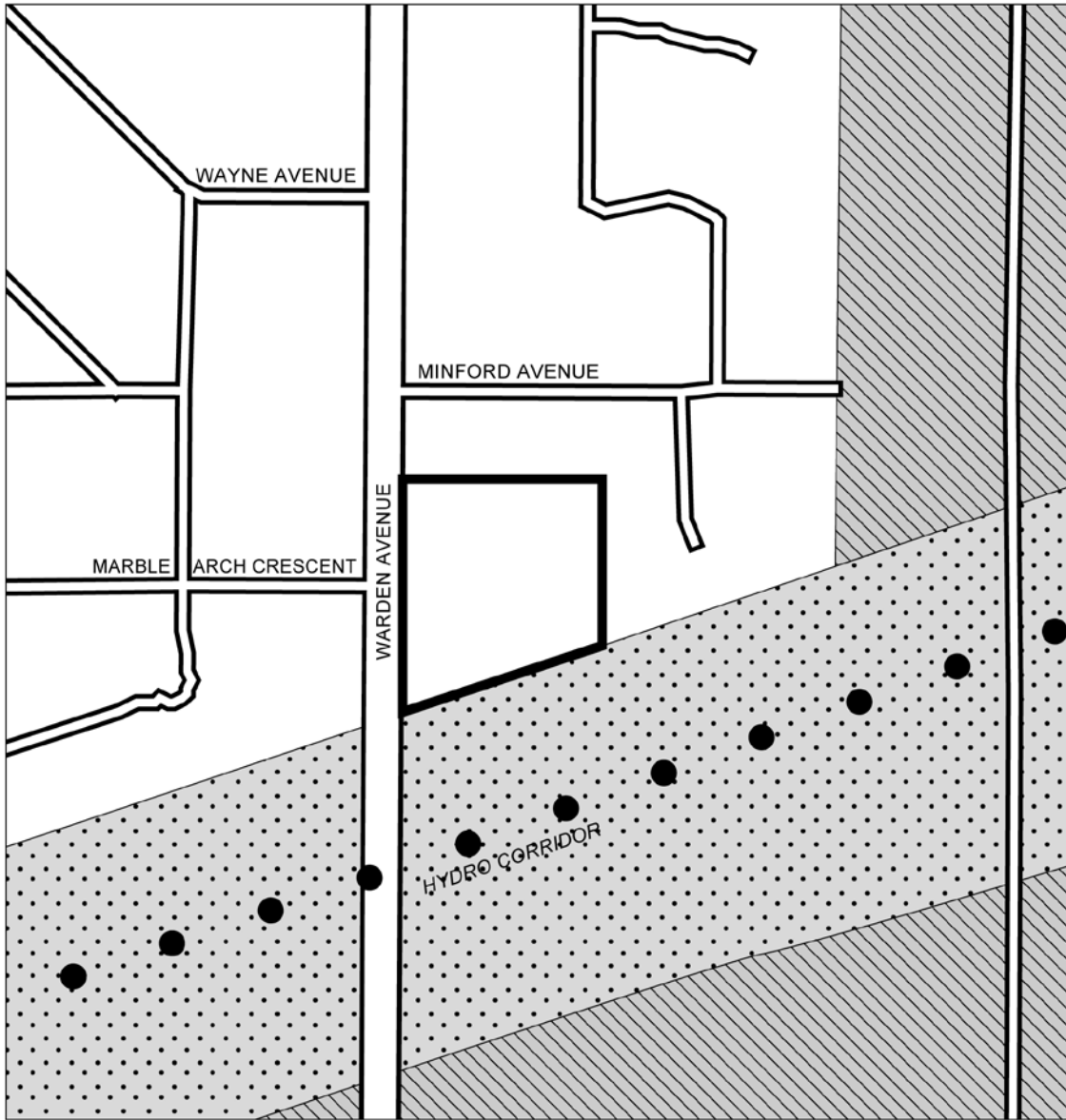
File # 16 271669 ESC 37 0Z

Elevations - Unit Type 3

Applicant's Submitted Drawing

Not to Scale
04/30/2018

Attachment 6: Official Plan



Official Plan Land Use Map #20

971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

-  Location of Application
-  Neighbourhoods
-  Utility Corridors
-  Employment Areas


Not to Scale
04/19/2018

Attachment 7: Zoning



Zoning By-Law No. 569-2013

971-979 Warden Avenue

File # 16 271669 ESC 37 02

- Location of Application
- RD** Residential Detached
- E** Employment Industrial
- UT** Utility and Transportation

- See Former City of Scarborough Wexford Community By-Law No. 9511
SC School
- See Former City of Scarborough Employment District By-Law No. 24982 (Golden Mile)
- I-PT** Institutional - Public Transit Zone

Not to Scale
 Extracted: 04/20/2018

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	16 271669 ESC 37 OZ
Details	Rezoning, Standard	Application Date:	December 29, 2016
Municipal Address:	971, 973, 975, 977 and 979 WARDEN AVENUE		
Location Description:	**GRID E3707		
Project Description:	Application to rezone the subject properties to allow for the development of 26 residential lots, each with a detached dwelling accessed from an 8.0 metre private road.		

Applicant:	Agent:	Architect:	Owner:
BIANCA BARRETT		TURNER FLEISCHER ARCHITECTS INC.	WARDEN BIRCH PROPERTIES INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	Wexford Community Zoning By-law No. 9511: Single-Family Residential (S) City-wide Zoning By-law No. 569-2013: Residential Detached Zone (RD)	Historical Status:	
Height Limit (m):	9 (Wexford) 10 (City-wide)	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	8382.3	Height:	Storeys: 3
Frontage (m):	112		Metres: 10.5
Depth (m):	86		
Total Ground Floor Area (sq. m):	2107.8		Total
Total Residential GFA (sq. m):	5422.8		Parking Spaces: 52
Total Non-Residential GFA (sq. m):	0		Loading Docks 0
Total GFA (sq. m):	5422.8		
Lot Coverage Ratio (%):	25		
Floor Space Index:	0.65		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Freehold with Common Element Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	5422.8	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:	26	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

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

**Attachment 9: Draft Zoning By-law Amendment to
City of Toronto Zoning By-law No. 569-2013**

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2018

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 971, 973, 975, 977 and 979 Warden 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; 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

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 meaning provided 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 RD (x595), as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 595 so that it reads:

Exception RD 595

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

Site Specific Provisions:

- (A) On 971, 973, 975, 977 and 979 Warden Avenue, if the requirements of Section 5 and Schedule 'A' of By-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** is permitted if it complies with the following regulations;
- (B) For the purpose of this exception, for parcels 1-19 and parcels 24-26 the **front lot line** is the shortest **lot line** abutting the Private Road and for parcels 20-23 the **front lot line** is the **lot line** closest to Warden Avenue as identified on Diagram 3 of By-law [Clerks to supply by-law ##];
- (C) For the purpose of this exception, **established grade** for a **lot/parcel** as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is as follows:
 - (i) 165.7 meters for lot/parcel 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
 - (ii) 165.1 metres for lot/parcel 12, 13, 14, 15, 16, 17 and 18;
 - (iii) 163.7 metres for lot/parcel 19;
 - (iv) 164.3 metres for lot/parcel 20, 21, 22 and 23; and
 - (v) 165.4 metres for lot/parcel 24, 25 and 26
- (D) The permitted maximum height of a **building** or **structure** is 10.5 metres and 3 **storeys**, excluding **basements**, and shall be measured from **established grade**;
- (E) For **lot/parcel** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 no part of a **building** or **structure** may penetrate a 45 degree **angular plane** projected over the **lot/parcel** from the highest point of ground along the entire length of the **rear lot line** for that **lot/parcel**;
- (F) For the purpose of this exception, for a **detached house**, all waste and **recyclable material** must be stored in a wholly enclosed **building**.
- (G) Despite regulation 5.10.30.1(1)(B), all Municipal water mains and Municipal sewers, and their appurtenances are installed and operational.

(H) Despite regulation 10.5.50.10(1), the space between the front **main wall** of a **building** and a **front lot line**, not covered by a permitted **driveway**, permitted platform and a maximum 1.2 metre wide walkway, must be maintained as **soft landscaping**;

(I) Despite regulations 10.20.30.10(1) the minimum **lot area** for each **lot/parcel**, as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is:

(i)	Lot/Parcel 1,	245 square metres;
(ii)	Lot/Parcel 2,	235 square metres;
(iii)	Lot/Parcel 3,	240 square metres;
(iv)	Lot/Parcel 4,	240 square metres;
(v)	Lot/Parcel 5,	250 square metres;
(vi)	Lot /Parcel 6,	390 square metres;
(vii)	Lot /Parcel 7,	370 square metres;
(viii)	Lot /Parcel 8,	240 square metres;
(ix)	Lot /Parcel 9,	235 square metres;
(x)	Lot /Parcel 10,	235 square metres;
(xi)	Lot /Parcel 11,	345 square metres;
(xii)	Lot /Parcel 12,	290 square metres;
(xiii)	Lot /Parcel 13,	195 square metres;
(xiv)	Lot /Parcel 14, 15, 16 and 17,	195 square metres;
(xv)	Lot /Parcel 18,	190 square metres;
(xvi)	Lot /Parcel 19,	250 square metres;
(xvii)	Lot /Parcel 20,	170 square metres;
(xviii)	Lot /Parcel 21 and 22,	180 square metres;
(xix)	Lot /Parcel 23,	185 square metres;
(xx)	Lot/Parcel 24,	195 square metres;
(xxi)	Lot /Parcel 25,	200 square metres; and
(xxii)	Lot /Parcel 26,	205 square metres;

(J) Despite regulations 10.20.30.20(1) the minimum **lot frontage** for each **lot/parcel**, as identified on Diagram 3 of By-law [Clerks to supply by-law ##], is:

(i)	Lot/Parcel 1,	11.0 metres;
(ii)	Lot/Parcel 2, 3 and 4,	10.7 metres;
(iii)	Lot/Parcel 5,	5.3 metres;
(iv)	Lot/Parcel 6 and 7,	4.8 metres;
(v)	Lot /Parcel 8,	6.4 metres;
(vi)	Lot /Parcel 9,	10.7 metres;
(vii)	Lot /Parcel 10,	8.6 metres;
(viii)	Lot/Parcel 11,	6.4 metres;
(ix)	Lot /Parcel 12,	4.0 metres;
(x)	Lot /Parcel 13,	5.8 metres;
(xi)	Lot /Parcel 14, 15, 16 and 17,	8.3 metres;
(xii)	Lot /Parcel 18,	6.2 metres;
(xiii)	Lot /Parcel 19,	7.4 metres;
(xiv)	Lot /Parcel 20, 21 and 22,	8.9 metres;

- (xv) **Lot** /Parcel 23, 9.4 metres;
- (xvi) **Lot** /Parcel 24 and 25, 8.3 metres; and
- (xvii) **Lot** /Parcel 26, 7.9 metres;

(K) Despite regulation 10.20.30.40(1), the maximum **lot coverage** for each **lot**/parcel, as identified on Diagram 3 of by-law [Clerks to supply by-law ##], is:

- (i) **Lot**/Parcel 1, 2, 3, 4, 5, and 6, 39%
- (ii) **Lot**/Parcel 7, 8, 9, 10, and 11, 41%
- (iii) **Lot**/Parcel 12, 13, 14, 15, 16, 17, and 18, 46%
- (iv) **Lot**/Parcel 19, 35%
- (v) **Lot**/Parcel 20, 21, 22, 23, 46%
- (vi) **Lot**/Parcel 24, 25, 26, 43%

(L) Despite clause 10.20.40.70, the minimum required **building setbacks** are shown on Diagram 3 of By-law [Clerks to supply by-law ##]

Prevailing By-laws and Prevailing Sections (None Apply)

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on **month ##, 20##.**

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion, the owner shall:
 - a. The owner shall make a one-time voluntary cash contribution in the amount of \$25,000 to be directed towards improvements, including a new ventilation system, to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park at 10 Ashtonbee Road;
 - b. The owner agrees to implement and administer the approved Architectural Control Guidelines, dated October 2017 (dated stamped march 16, 2018) and prepared by Turner Fleischer Architects Inc. The owner further agrees to retain a Control Architect acceptable to the Chief Planner and Executive Director City Planning Division to certify that the building plans for each dwelling unit are consistent with the approved Guidelines;
 - c. The owner shall submit, to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and acceptance:
 - (i) flow monitoring results on the existing municipal sanitary sewer in order to determine if the proposed development on the site can be adequately serviced, and whether the existing municipal infrastructure is adequate; and
 - (ii) final servicing plans and report that include the flow monitoring results in (1) c. (i) above.
 - d. If the results of the flow monitoring referenced in (1) c. (i) indicate that the existing infrastructure cannot support the proposed development, the owner shall submit a financial security to the City in the amount of \$115,175.00 for sanitary sewer improvements, to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;

Widening of Highways that abut the Land:

- e. The owner shall prepare all documents and convey to the City, at nominal cost (a widening measuring approximately 1.89 meters along the entire frontages on Warden Avenue of the lands to satisfy the Official Plan requirement of a 30.0 metre wide right-of-way), in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Chief Engineer and Executive Director of Engineering and Construction Services and the City Solicitor;

- f. The owner shall submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (i) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);
 - (ii) 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
 - (iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- g. Pay all costs for registration and preparation of reference plan(s);
- h. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
- i. The owner shall submit a Qualified Person Preliminary Statement Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's Peer Reviewer to support this conveyance; all environmental documentation shall be submitted without any limitation regarding liability, indemnity or reliance;
- j. The owner shall pay all costs associated with the City retaining a third-party Peer Reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00, as an initial deposit towards the cost of the peer review to the Chief Engineer and Executive Director, Engineering and Construction Services;
- k. The owner shall submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- l. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
- m. At the completion of the site assessment/remediation process, the owner shall submit a Statement from the Qualified Person, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer review and concurrence that based on all necessary supporting environmental documents:
 - (i) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards; and

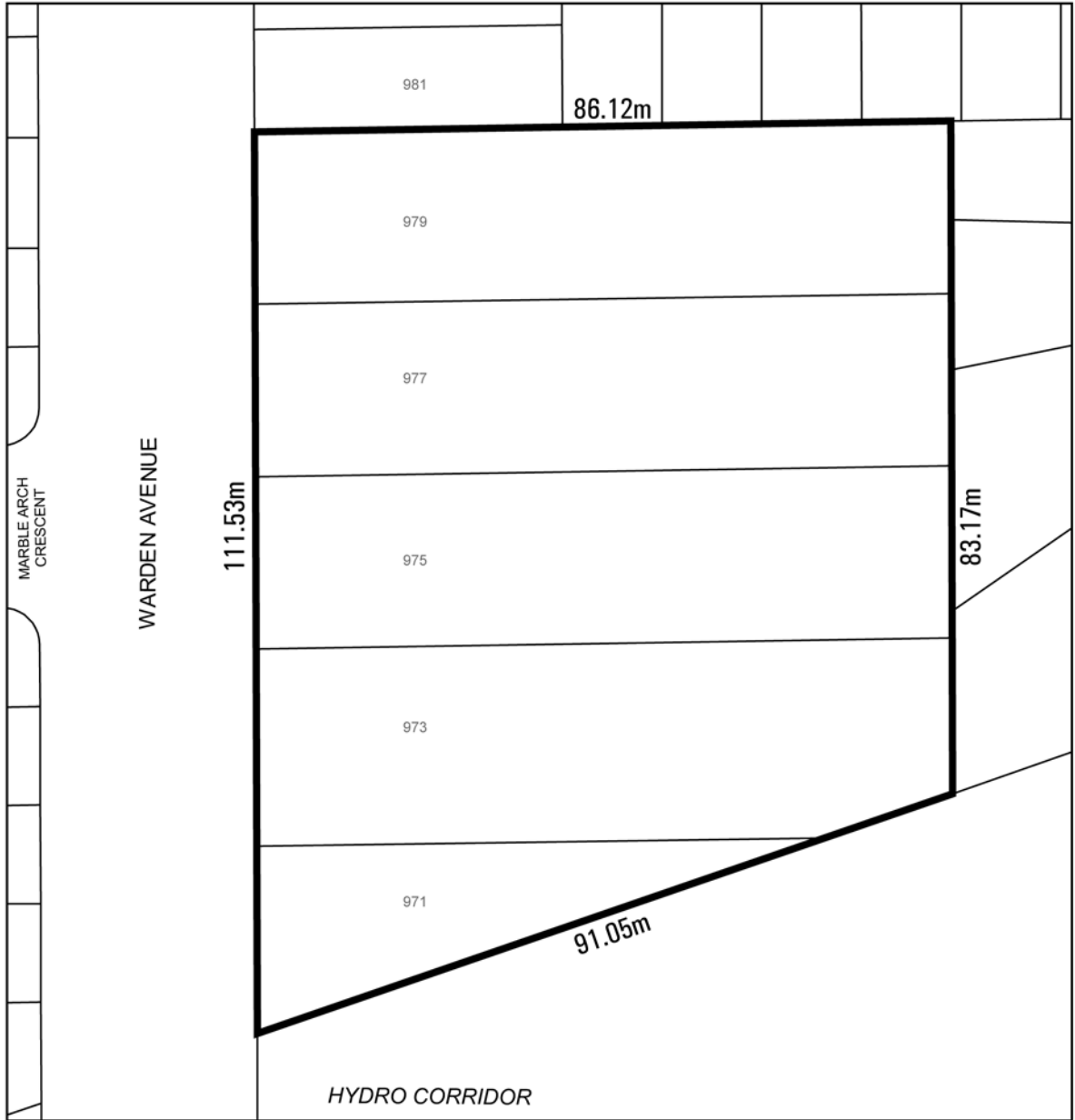
- (ii) the land to be conveyed to the City meets either:
 - the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006);

- n. The QP's statement, referenced in (1) i. above, will include a Reliance Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the condition of the site; and

- o. The owner must provide a certified cheque, addressed to the Treasurer, City of Toronto, in the amount of \$2,000.00 for the enactment and installation of the required regulatory/enforceable traffic control signage installation at both driveway locations onto Warden Avenue to the satisfaction of the Director, Transportation Services.

- (2) 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 of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.

- (3) In the event the cash contribution(s) referred to in (1) a. has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

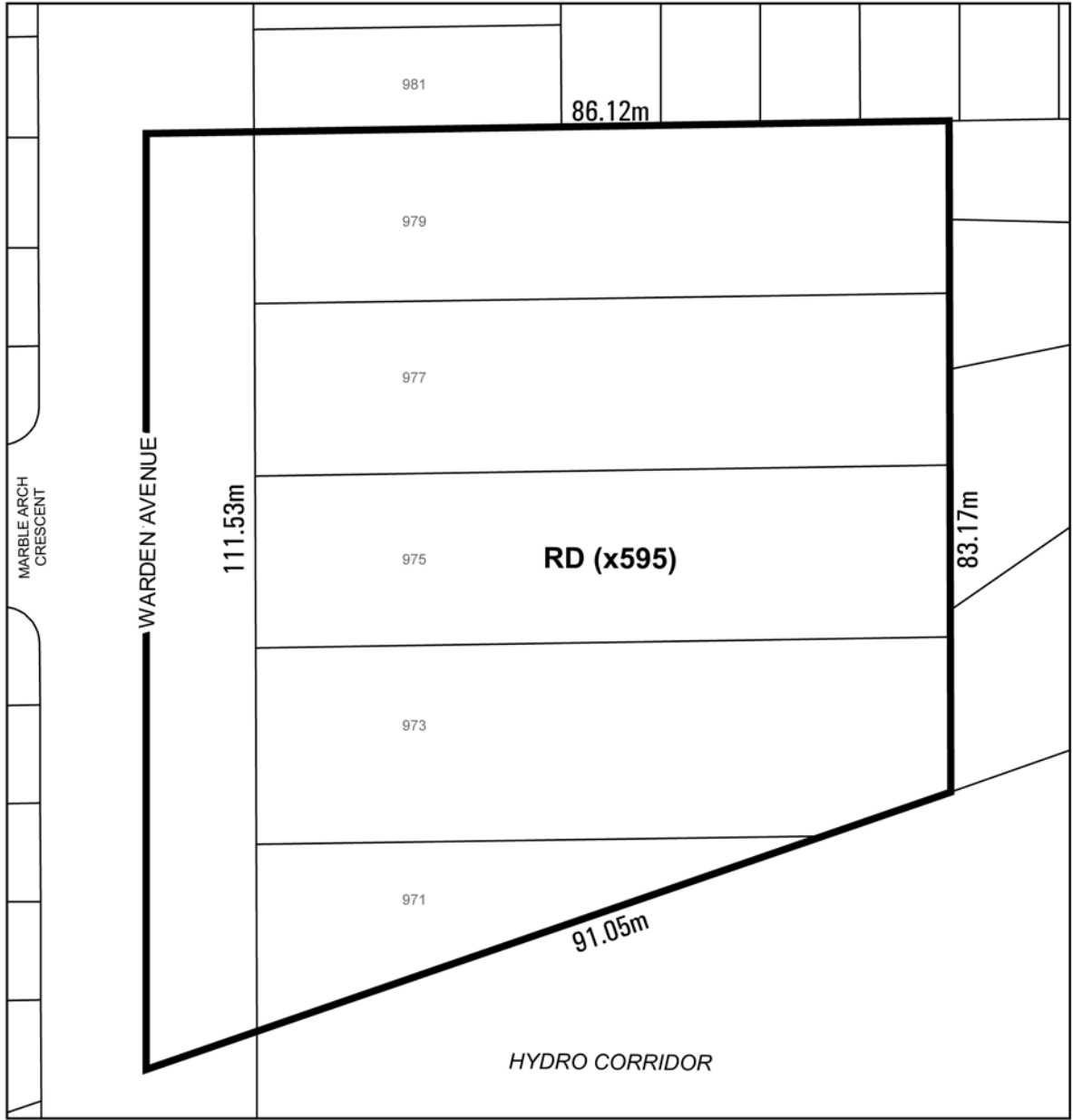


Toronto
 Diagram 1

971-979 Warden Avenue

File # 16 271669 ESC 37 OZZ

City of Toronto By-Law 569-2013
 Not to Scale
 5/07/2018

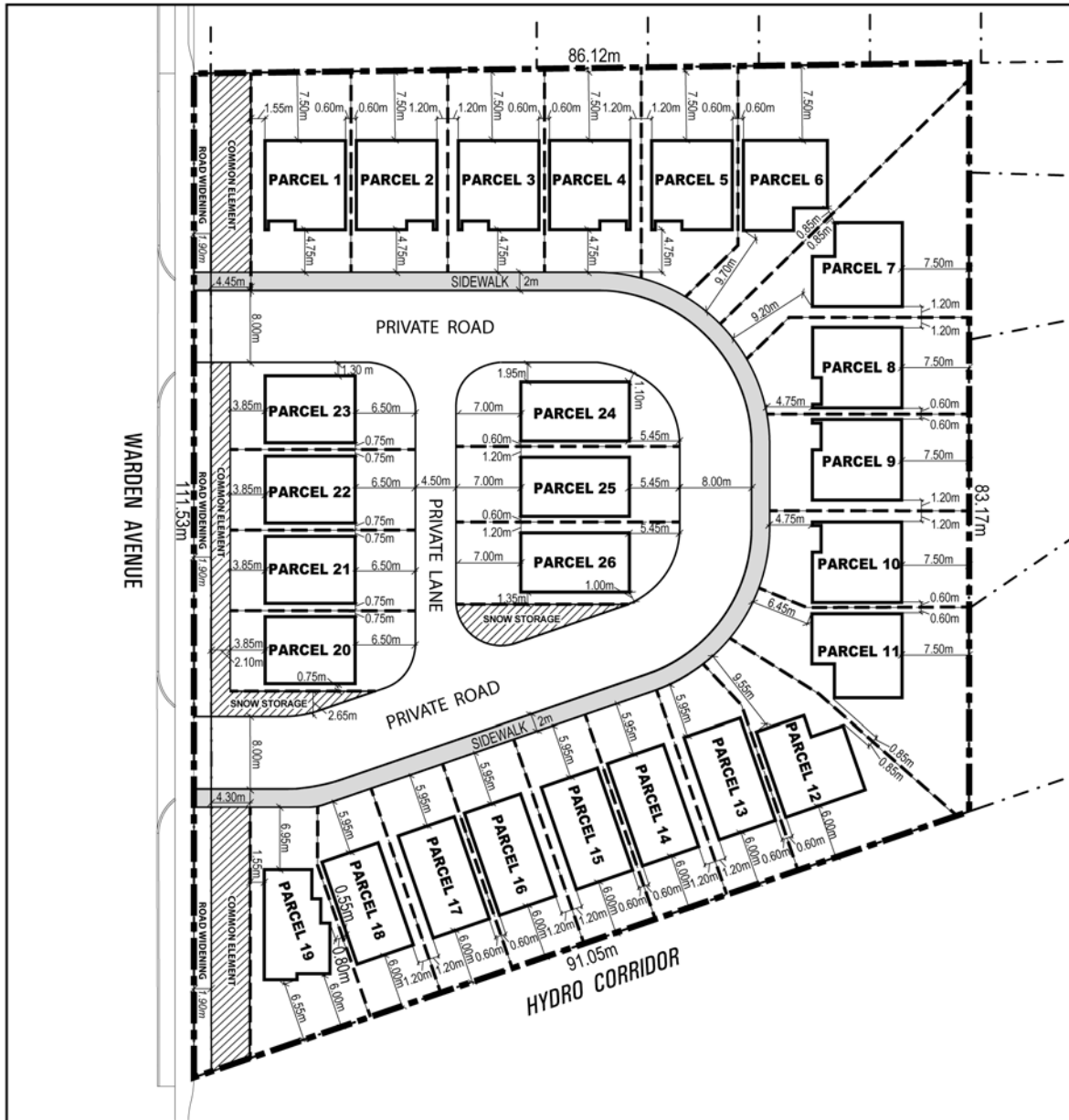


TORONTO
Diagram 2

971-979 Warden Avenue

File # 16 271669 ESC 37 OZZ

↑
City of Toronto By-Law 569-2013
Not to Scale
5/07/2018



TORONTO
Diagram 3

971-979 Warden Avenue

File # 16 271669 ESC 37 OZ

City of Toronto By-Law 569-2013
Not to Scale
05/10/2018

**Attachment 10: Draft Zoning By-law Amendment to
the Wexford Community Zoning By-law No. 9511**

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 former City of Scarborough Wexford Community Zoning By-law No.
9511, as amended, with respect to the lands municipally known as
971, 973, 975, 977 and 979 Warden Avenue**

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*; and

WHEREAS the Official Plan for the city of Toronto contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37 (3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9511, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

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

1. **Schedule "A"** of the Wexford Community Zoning By-law No. 9511 is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

S – 122 – 135 – 140 – 141 – 142 – 143 – 144 – 145 – 146 – 147 – 216 – 280

2. **Schedule "B" PERFORMANCE STANDARDS CHART** is amended by adding the following Performance Standard Nos. 135, 140, 141, 142, 143, 144, 145, 146, 147, 216 and 280 as follows:

MISCELLANEOUS

140. **Definitions for 45-Degree Angular Plane, Front Lot Line, Landscaping and Landscaping, Soft** are as follows:

45-Degree Angular Plane

means a plane extending at right angles to a line drawn at a 45 degree angle from the highest point of ground along the entire length of the **rear lot line** for that lot/parcel that abuts one or more residential properties zoned "S", "T" and/or "M". The resulting plane shall extend above the width, breadth and/or length of the lot.

Front Lot Line

shall mean the line which divides a lot/parcel from a street, private road or private lane. On a corner lot, the shortest of the lines which divide the lot/parcel from a street, private road or private lane shall be deemed to be the front lot line.

Landscaping

means trees, shrubs, grass, flowers, vegetables, decorative stonework, walkways, screening or other horticultural or landscape-architectural elements, or any combination of these and retaining walls in the **rear yard** only; but does not include driveways, loading or parking spaces, and directly associated elements such as curbs.

Landscaping, Soft

means the landscaping in a yard, including retaining walls in the **rear yard** only, and excluding hard-surfaced areas such as, but not limited to,

decorative stonework, walkways, patios, screening, or other landscape-architectural elements.

141. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 4. Frontage on a Street**, for parcels 1-19 and parcels 24-26 the **front lot line** is the shortest lot line abutting the private road and shall be deemed to abut or front on a public **street**; and for parcels 20-23 the **front lot line** is the lot line closest to Warden Avenue as shown on Schedule '2' of by-law **[Clerks to supply by-law ##]**.
142. For the lot/parcel as shown on Schedule '2' of by-law **[Clerks to supply by-law ##]**, the minimum lot/parcel frontages and minimum lot/parcel areas shall be as shown:

Lot/Parcel	Minimum Lot/Parcel Frontage (metres)	Minimum Lot/Parcel Area (square metres)
1	11.0	245
2	10.7	235
3	10.7	240
4	10.7	240
5	5.3	250
6	4.8	390
7	4.8	370
8	6.4	240
9	10.7	235
10	8.6	235
11	6.4	345
12	4.0	290
13	5.8	195
14	8.3	195
15	8.3	195
16	8.3	195
17	8.3	195
18	6.2	190
19	7.4	250
20	8.9	170
21	8.9	180
22	8.9	180
23	9.4	185
24	8.3	195
25	8.3	200
26	7.9	205

143. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 16. Regulations for Single-Family and Two-Family Dwellings**, the **height** of the **Single-family dwelling** shall not exceed 10.5 metres and 3 **storeys**, excluding **basements**, and shall be measured from the established grade as shown:

Lot/Parcel	Established Grade (metres)
1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11	165.7
12, 13, 14, 15, 16, 17 and 18	165.1
19	163.7
20, 21, 22 and 23	164.3
24, 25 and 26	165.4

144. The **setbacks** from the lot/parcel line(s) to the **main wall(s)** of any building(s) shall be the minimum distance in metres specified by the numbers on Schedule '2' of by-law **[Clerks to supply by-law ##]**.

145. No person shall use any land or erect or use any building or structure unless 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 municipal water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

146. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, Sub-section 21. Front Yard Landscaping and Front Yard Soft Landscaping Requirements** the space between the main front wall of a building and a **front lot line**, not covered by a permitted driveway, permitted porch or a maximum 1.2 metre wide walkway, shall be maintained as **soft landscaping**.

147. All waste and recyclable material must be stored in a wholly enclosed building.

SECTION 37

135. On the lands zoned **Single-Family Residential (S)** and shown on the accompanying **Schedule "1"** of by-law **[Clerks to supply by-law ##]**, the following shall apply:
- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development

is permitted beyond that otherwise permitted on the lands zoned **Single-Family Residential (S)** and shown on the accompanying **Schedule "1"** of by-law [Clerks to supply by-law ##] in return for the provision by the owner, at the owner's expense of the facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title, to the satisfaction of the City Solicitor:

1. Prior to the issuance of the first above-grade building permit, other than building permit for a temporary sales office/pavilion:
 - a. The owner shall make a one-time voluntary cash contribution in the amount of \$25,000 to be directed towards improvements, including a new ventilation system, to the washroom facilities at the Ashtonbee Fieldhouse, located in Ashtonbee Reservoir Park at 10 Ashtonbee Road;
 - b. The owner agrees to implement and administer the approved Architectural Control Guidelines, dated October 2017 (dated stamped March 16, 2018) and prepared by Turner Fleischer Architects Inc. The owner further agrees to retain a Control Architect acceptable to the Chief Planner and Executive Director City Planning Division to certify that the building plans for each dwelling unit are consistent with the approved Guidelines;
 - c. The owner shall submit, to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and acceptance:
 - (i) flow monitoring results on the existing municipal sanitary sewer in order to determine if the proposed development on the site can be adequately serviced, and whether the existing municipal infrastructure is adequate; and
 - (ii) final servicing plans and report that include the flow monitoring results in (i) 1. c. (i).
 - d. If the results of the flow monitoring referenced in (i) 1. c. (i) indicate that the existing infrastructure cannot support the proposed development, the owner shall submit a financial security to the City in the amount of \$115,175.00 for sanitary sewer improvements, to the satisfaction and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;

Widening of Highways that abut the Land:

- e. The owner shall prepare all documents and convey to the City, at nominal cost (a widening measuring approximately 1.89 meters along the entire frontages on Warden Avenue of the lands to satisfy the Official Plan requirement of a 30.0 metre wide right-of-way), in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have dedicated as a public highway, all to the satisfaction to the Chief Engineer and Executive Director of Engineering and Construction Services and the City Solicitor;
- f. The owner shall submit a draft Reference Plan of Survey to the Chief Engineer and Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - (i) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 83 CSRS);
 - (ii) 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
 - (iii) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
- g. Pay all costs for registration and preparation of reference plan(s);
- h. The owner shall retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City;
- i. The owner shall submit a Qualified Person Preliminary Statement Letter, that is stamped, dated and signed by the applicant's Qualified Person (the "QP"), as defined in O. Reg. 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's Peer Reviewer to support this conveyance; all environmental documentation shall be submitted without any limitation regarding liability, indemnity or reliance;
- j. The owner shall pay all costs associated with the City retaining a third-party Peer Reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$8,000.00, as an initial deposit

towards the cost of the peer review to the Chief Engineer and Executive Director, Engineering and Construction Services;

- k. The owner shall submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City);
- l. The owner shall submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering and Construction Services;
- m. At the completion of the site assessment/remediation process, the owner shall submit a Statement from the Qualified Person, to the Chief Engineer and Executive Director, Engineering and Construction Services, for peer review and concurrence that based on all necessary supporting environmental documents:
 - (i) it is unlikely that there is any off-site contamination resulting from past land uses on the development site that has migrated on to adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (ii) the land to be conveyed to the City meets either:
 - the applicable MOE Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9) for the most environmentally sensitive adjacent land use; or
 - the Property Specific Standards (PSSs) as approved by the MOE for a Risk Assessment/Risk Management Plan which was conducted in accordance with the City Policies and Conditions for the Acceptance of Risk Assessed Lands (Clause 18, of Works Committee Report 2, April 25, 26 and 27, 2006);
- n. The Qualified Person's (the "QP") statement, referenced in (i) 1. i. above, will include a Reliance Letter, that is stamped, dated and signed by the applicant's QP, as defined in O. Reg. 153/04, as amended confirming that both the City and the City's Peer Reviewer can rely on the environmental documentation submitted and the QP's opinion as to the condition of the site; and
- o. The owner must provide a certified cheque, addressed to the Treasurer, City of Toronto, in the amount of \$2,000.00 for the

enactment and installation of the required regulatory/enforceable traffic control signage installation at both driveway locations onto Warden Avenue to the satisfaction of the Director, Transportation Services.

2. 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 of October 26 and 27, 2009 and updated through the adoption of item PG32.3 of the Planning and Growth Management Committee in 2013.
3. In the event the cash contribution(s) referred to in Section (i) 1. a. has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. Where Section (i) 1. above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
5. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section (i) 1. above are satisfied.

PARKING

216. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Section 1, General Parking Requirements, Sub-Section 1.3.1 (e) shall not apply.

COVERAGE

280. The maximum lot/parcel **coverage** shall be as shown:

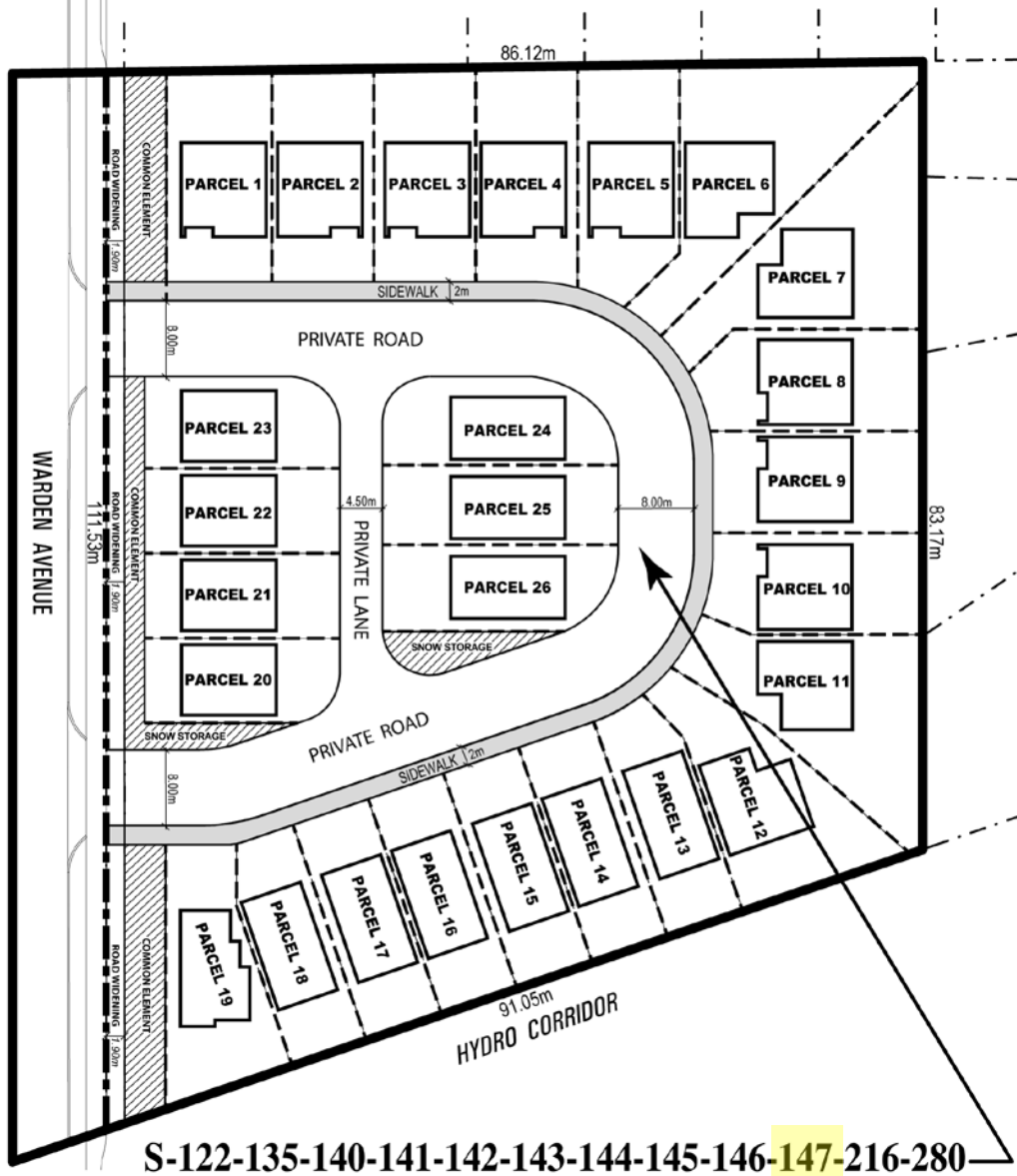
Lot/Parcel	Maximum Lot/Parcel Coverage (%)
1, 2, 3, 4, 5, and 6	39
7, 8, 9, 10, and 11	41
12, 13, 14, 15, 16, 17, and 18	46
19	35
20, 21, 22, 23	46
24, 25, 26	43

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

JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule '1'



S-122-135-140-141-142-143-144-145-146-147-216-280



Zoning By-Law Amendment

971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

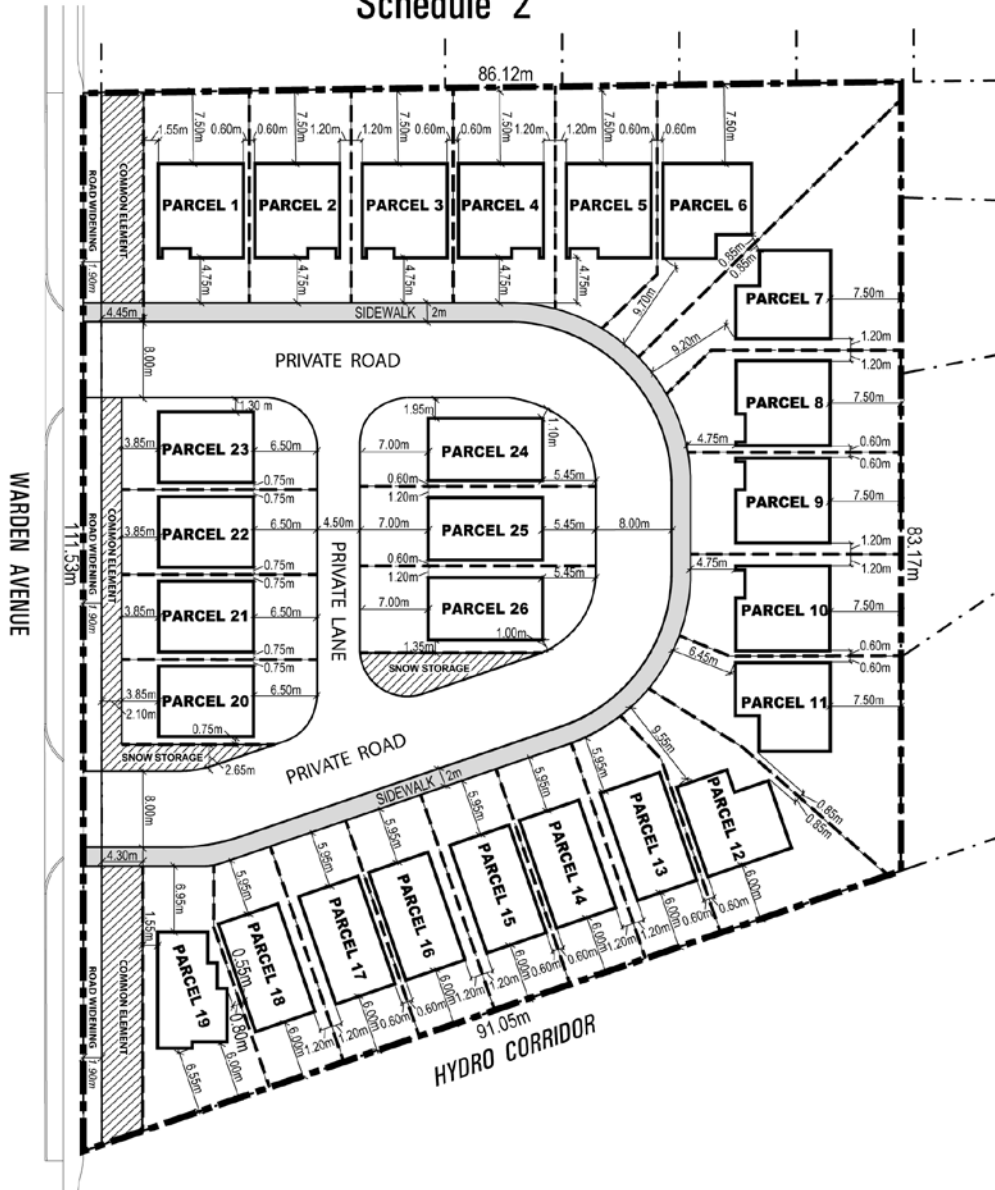


Area Affected By This By-Law

Wexford Community By-law
Not to Scale
06/01/2018



Schedule '2'



TORONTO
Zoning By-Law Amendment

971-979 Warden Avenue

File # 16 271669 ESC 37 0Z

 Area Affected By This By-Law

Wexford Community By-law
 Not to Scale
 05/10/2018

