

743 Warden Avenue (Blocks 1-5, 9-18 and 26) – Part Lot Control Exemption Application – Final Report

Date: June 26, 2018
To: Scarborough Community Council
From: Director, Community Planning, Scarborough District
Wards: Ward 35 – Scarborough Southwest

Planning Application Number: 17 276963 ESC 35 PL

SUMMARY

This application requests exemption from the Part Lot Control provision of the *Planning Act* for lands municipally known as 743 Warden Avenue, to allow the creation of 145 standard and back-to-back freehold townhouse lots on Blocks 1-5, 9-18 and 26. The subject lands are within a registered plan of subdivision that was registered on June 25, 2018 as Plan 66M-2549.

This report reviews and recommends approval of the Part Lot Control Exemption. The proposal complies with the Official Plan and Zoning By-law, is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horsehoe (2017). The lifting of the Part Lot Control for a period of two years is considered appropriate for the orderly development of the lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to 743 Warden Avenue, Blocks 1-5, 9-18 & 26 on Plan of Subdivision 66M-2549, as generally illustrated on Attachments 4-10, to the report of the Director, Community Planning, Scarborough District, dated June 26, 2018, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
2. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.

3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of August 5, 2009, City Council amended the former City of Scarborough Employment Districts Zoning By-law 24982, as amended, to rezone the subject lands at 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:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.SC27.26>

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

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 designates the lands 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 was the subject of a separate hearing process.

In November and December, 2013, Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control applications were submitted for the subject lands at 743 Warden Avenue. The applications sought permission for 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>

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; 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>

September 1, 2015 OMB Hearing

The OMB 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, 8 and 9, 2015. The decision and background information can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC8.2>

The development concept was revised to include: 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. As part of the settlement a revised pattern of public streets was approved that included a new public street entering the site directly off Warden Avenue and four new internal streets that extended existing streets in the subdivision to the south; and the elimination of all but one rear lane.

The Plan of Subdivision that created the development blocks, public roads, public park and stormwater management pond was registered on June 25, 2018 as Registered Plan 66M-2549. Refer to Attachment 3, Plan of Subdivision.

ISSUE BACKGROUND

Proposal

This application requests exemption from the Part Lot Control provisions of the *Planning Act* to create separate, conveyable lots for 145 standard and back-to-back freehold townhouse lots on Blocks 1-5, 9-18 and 26. Blocks 1-5 front onto Fusilier Drive; Blocks 9, 10, 11, 12 and 26 have frontage on Cleanside Road and Fusilier Drive; Blocks 13 and 14 have frontage on Gerigs Street and Howe Avenue; Blocks 15 and 16 have frontage

on Gerigs Street and Ayers Crescent; and Blocks 17 and 18 have frontage on Ayers Crescent and Mendelssohn Street. Blocks 1-5 (townhouses) have average lot areas of 153.14 square metres and average lot frontages of 6.04 metres. Blocks 9-18 and 26 (back-to-back units) have average lot areas of 101.03 square metres and average lot frontages of 7.21 metres. Refer to Attachment 1, Application Data Sheet and Attachment 3, Plan of Subdivision.

The plans identifying the proposed part lot control exemption lands are included as Attachments 4-10.

Site and Surrounding Area

The subject lands are located on the east side of Warden Avenue, north of St. Clair Avenue East. The site is roughly rectangular in shape and is approximately 6.5 hectares in size in total, of which approximately 1.65 hectares comprise this application. The remainder of the lands are comprised of residential blocks (blocks 6, 7, 8, 19 and 25), a stormwater management pond (Block 23), a public park (block 24), a mixed use block (block 20) and two commercial blocks (blocks 21 and 22). It has a frontage of approximately 132 metres on Warden Avenue and a varying depth of approximately 439 metres on the southern boundary and 537 metres on the northern boundary. The property was formerly occupied by Samuel Strapping Systems, an industrial operation that processed and painted metal, which has consolidated its operations elsewhere in the Toronto area. The Samuel Strapping building has been demolished and the site is currently being prepared to accommodate the proposed development.

Surrounding uses include:

North: Industrial lots fronting on Upton Road, Youth Link and other service agencies at 747 Warden and the Institute of Technical Trades is located at 749 Warden Avenue.

South: Warden Woods Community including the Mattamy "Summerside" residential subdivision at 725 Warden Avenue; Community Centre, TTC commuter parking and subway line.

East: 95 Pidgeon Street (former CNR rail corridor) that has approval for 26, three-storey townhouses; Hydro Corridor and Birchmount Park Community further east.

West: Tim Horton's restaurant at the northwest corner of Warden Avenue and Fairfax Crescent, automotive supply and repair shops at 730 and 740 Warden Avenue.

Provincial Policy Statement and Provincial 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 City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "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 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 region, of which the City forms an integral part, including:

- Setting minimum density targets within settlement 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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS (2014) 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. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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.

Toronto Official Plan

The lands subject to this application are designated *Neighbourhoods* in the Official Plan. The Healthy Neighbourhoods policies of the Official Plan contained in Section 2.3.1, state that *Neighbourhoods* are considered 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 houses, semi-detached houses, duplexes, triplexes and townhouses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods must be 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.

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and their 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.

Zoning

The subject lands are zoned Townhouse (TH) with associated performance standards under the Warden Woods Community Zoning By-law No. 950-2005, as amended. These lands are not subject to the City-wide Zoning By-law 569-2013, as amended.

Site Plan Control

The lands are subject to site plan control. A site plan agreement for the development has been registered on title and the final Statement of Approval respecting the site plan control application filed with the City for the development will be issued shortly.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential housing,

promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs.

The proposal conforms with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan are, including among others, to build compact, vibrant and complete communities and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Land Division

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes City Council to adopt a new by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development.

The proposal complies with the Official Plan and the land use and performance standards established by Site Specific Zoning By-law No. 528-2016 (OMB). The Part Lot Control Exemption application was circulated to various Divisions and agencies for comment and no issues were identified. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate development.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Plan of Subdivision
- Attachment 4: Part Lot Control Exemption Plan – Blocks 1, 2 and 3
- Attachment 5: Part Lot Control Exemption Plan – Blocks 4 and 5
- Attachment 6: Part Lot Control Exemption Plan – Blocks 9 and 10
- Attachment 7: Part Lot Control Exemption Plan – Blocks 11, 12 and 26
- Attachment 8: Part Lot Control Exemption Plan – Blocks 13 and 14
- Attachment 9: Part Lot Control Exemption Plan – Blocks 15 and 16
- Attachment 10: Part Lot Control Exemption Plan – Blocks 17 and 18

Attachment 1: Application Data Sheet

Municipal Address: 743 WARDEN AVE **Date Received:** December 18, 2017
Application Number: 17 276963 ESC 35 PL
Application Type: Part Lot Control Exemption
Project Description: Part Lot Control Exemption application for the creation of 145 standard and back-to-back freehold townhouse lots on Blocks 1-5, 9-18 and 26. This application is related to Site Plan Application No. 13 275737 ESC 35 SA and Draft Plan of Subdivision Application No. 13 268270 ESC 35 SB.

Applicant	Agent	Architect	Owner
RANDY PANTEK AND EDWARD SURVEYING LTD			ZAHAVISH DOWNTOWN DEVELOPMENTS LTD

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	Townhouse (TH)	Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 65,497 Frontage (m): 132 Depth (m): 439 to 537

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			32,427	32,427
Residential GFA (sq m):			211,087	211,087
Non-Residential GFA (sq m):			0	0
Total GFA (sq m):			211,087	211,087

Lot Coverage Ratio (%): 29 Floor Space Index: 0.59

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	211,087	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Institutional/Other GFA:	0	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Freehold:			145	145
Condominium:				
Total Units:			145	145

Total Residential Units by Size

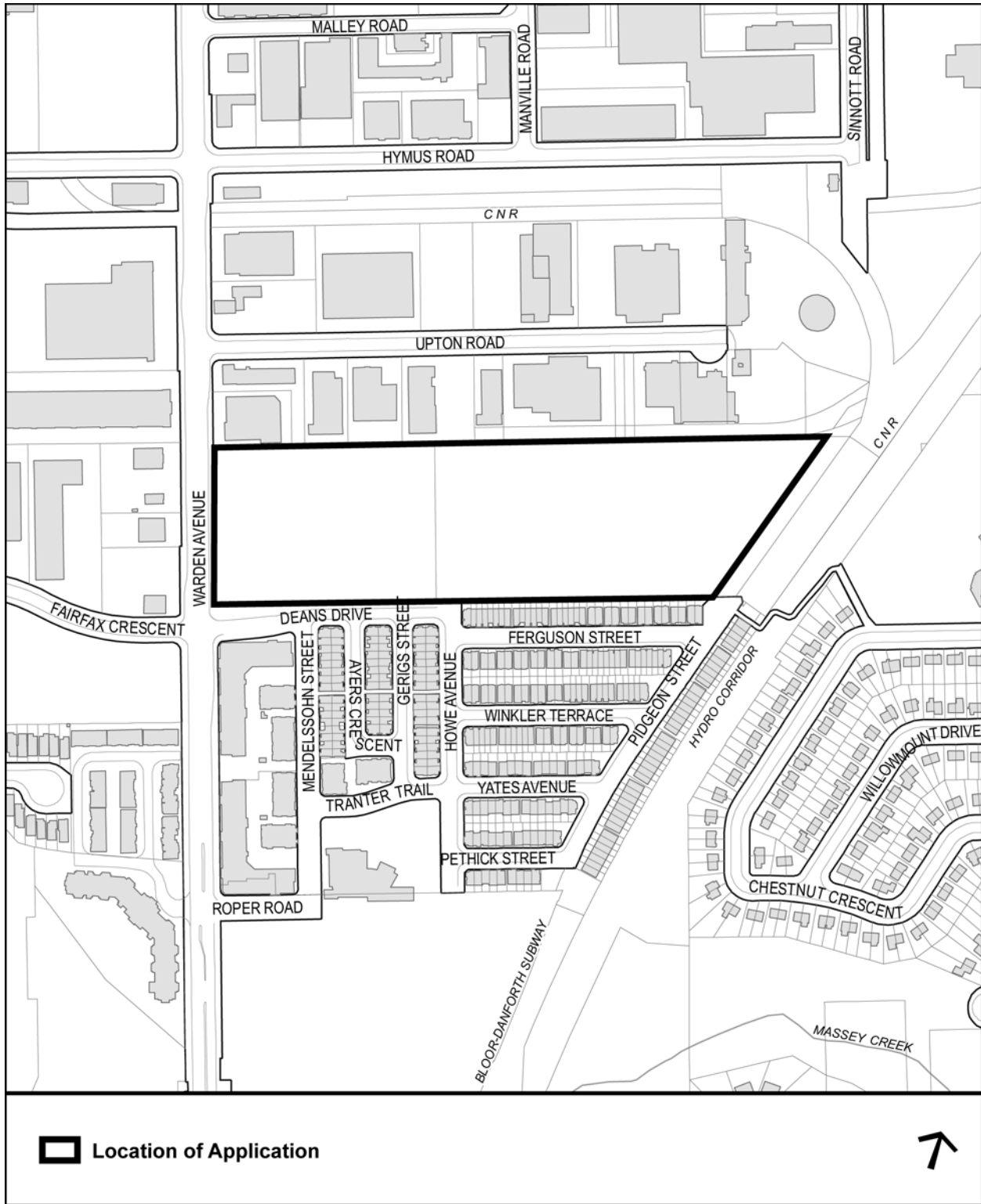
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Proposed:				35	110
Total Units:				35	110

Parking and Loading

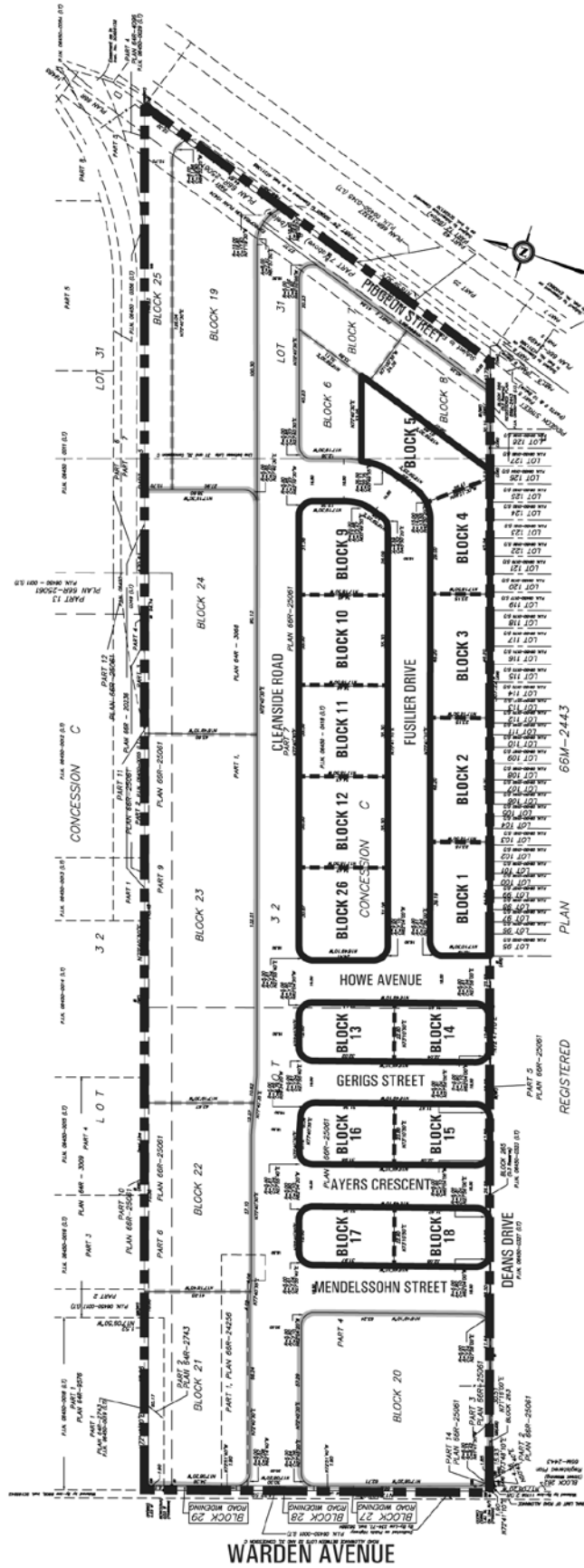
Parking Spaces: 145 Bicycle Parking Spaces: Loading Docks:

CONTACT: Planner Name: Bruna Nigro, Assistant Planner
Telephone: (416) 396-7037

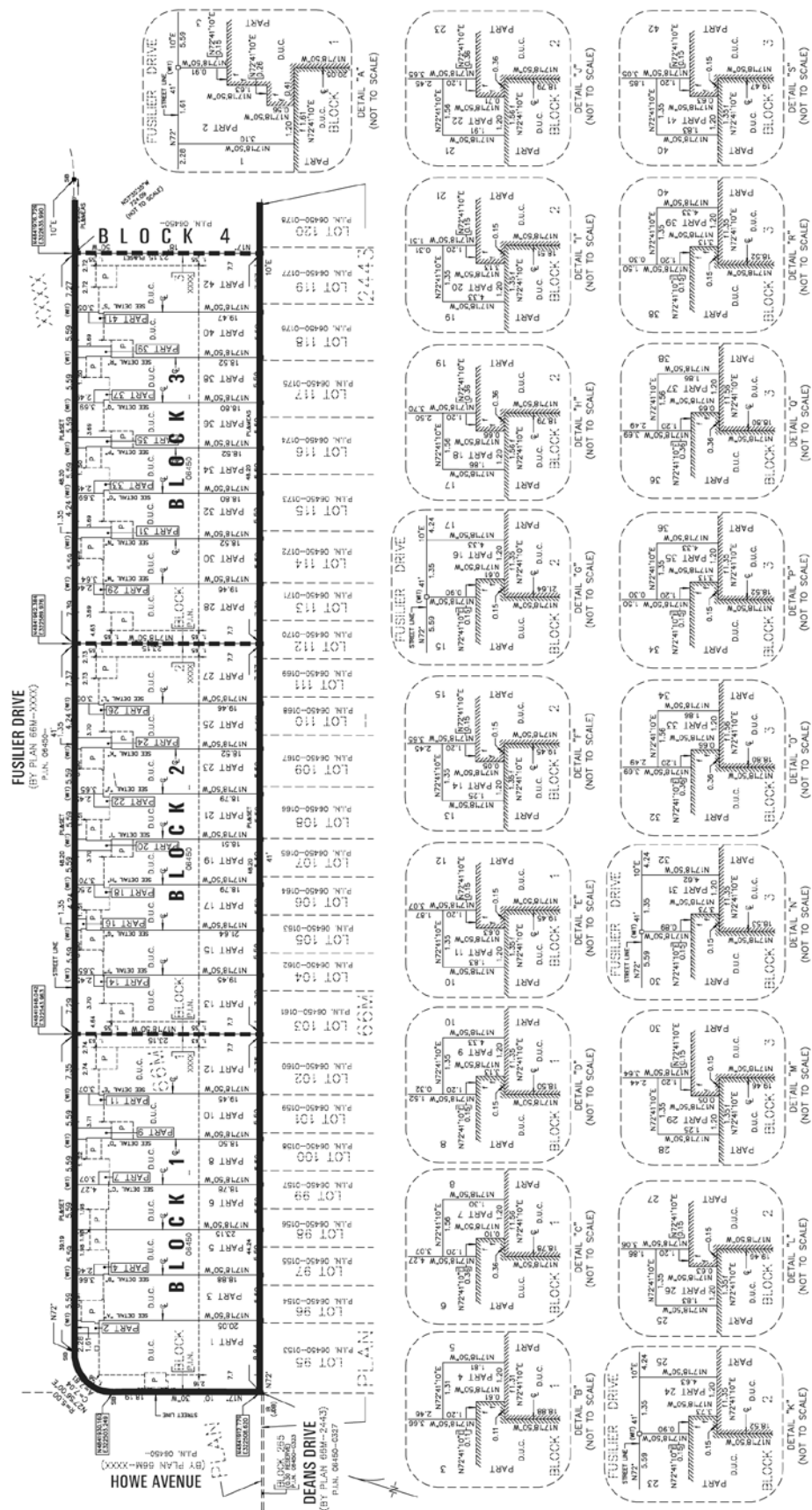
Attachment 2: Location Map



Attachment 3: Plan of Subdivision

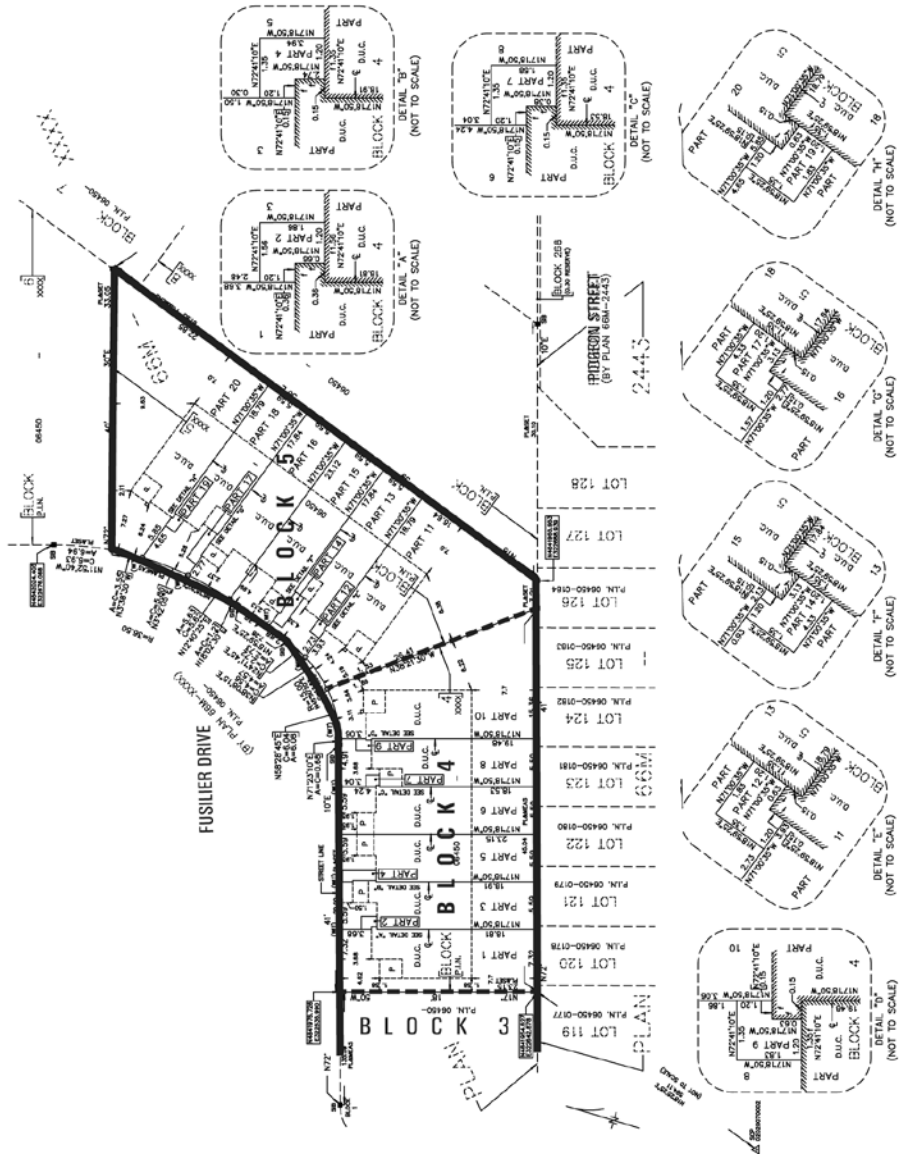


Attachment 4: Part Lot Control Exemption Plan – Blocks 1, 2 and 3



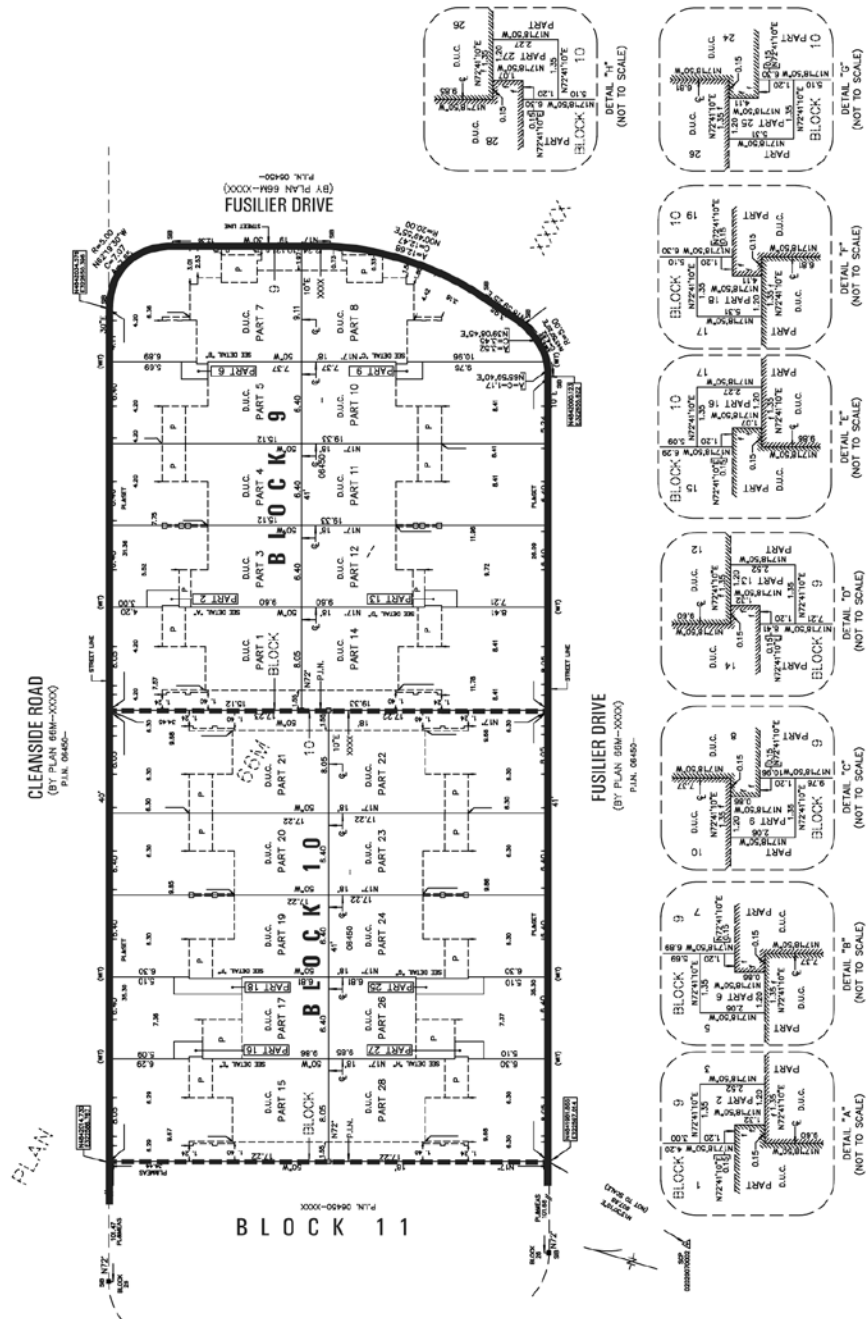
Blocks 1, 2 and 3

Attachment 5: Part Lot Control Exemption Plan – Blocks 4 and 5



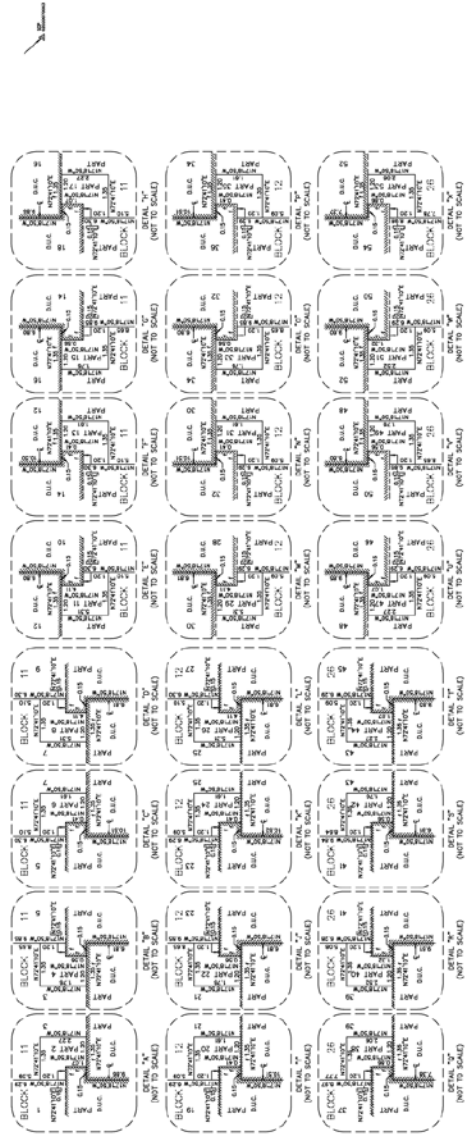
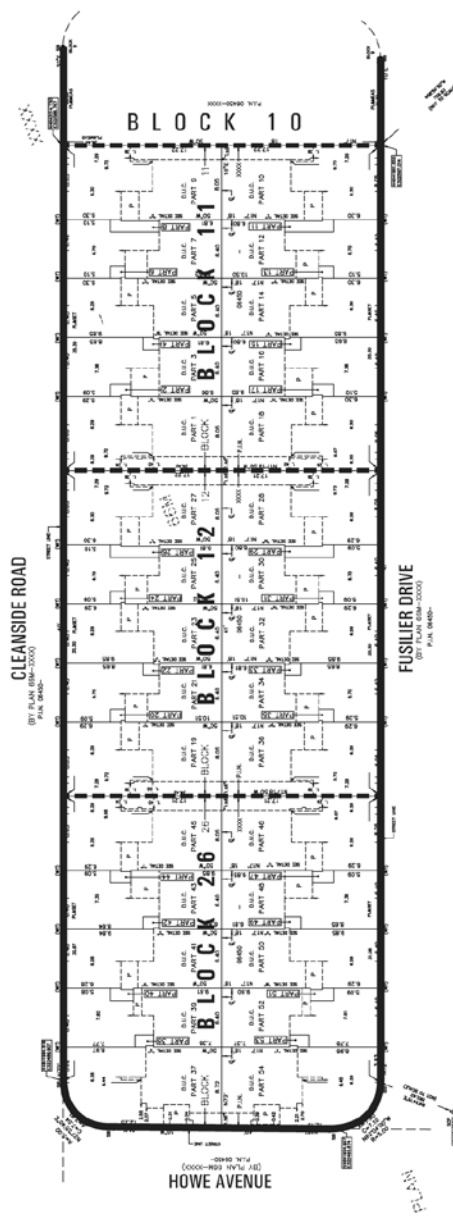
Blocks 4 and 5

Attachment 6: Part Lot Control Exemption Plan – Blocks 9 and 10



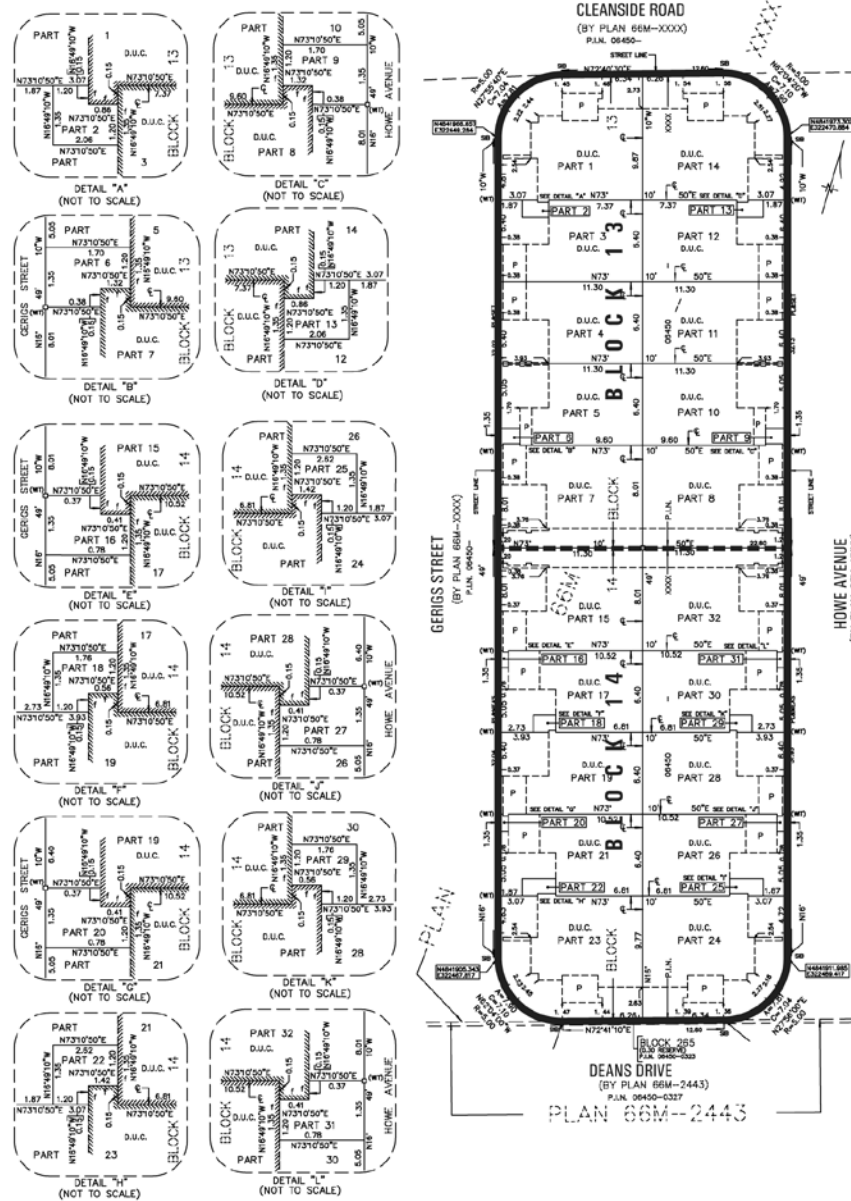
Blocks 9 and 10

Attachment 7: Part Lot Control Exemption Plan – Blocks 11, 12 and 26



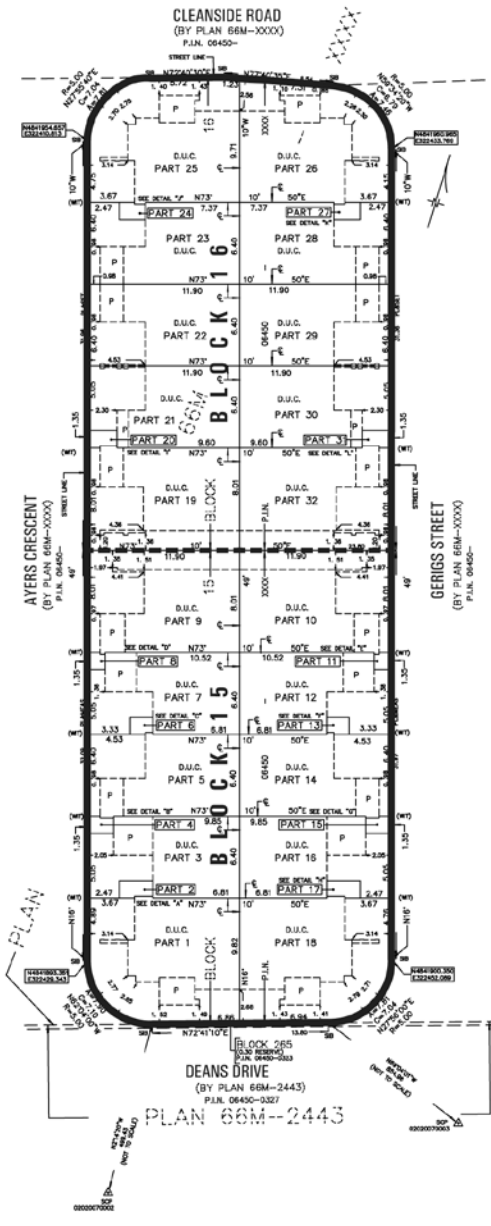
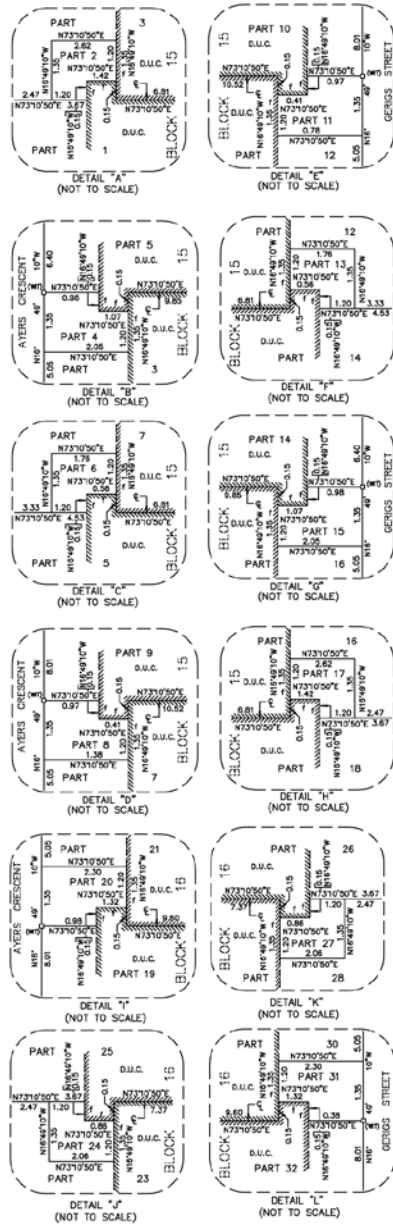
Blocks 11, 12 and 26

Attachment 8: Part Lot Control Exemption Plan – Blocks 13 and 14



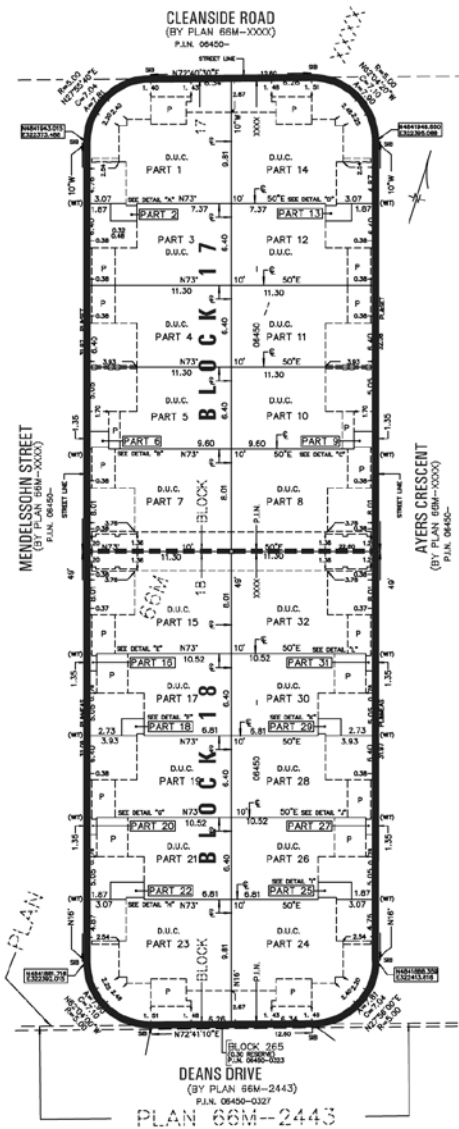
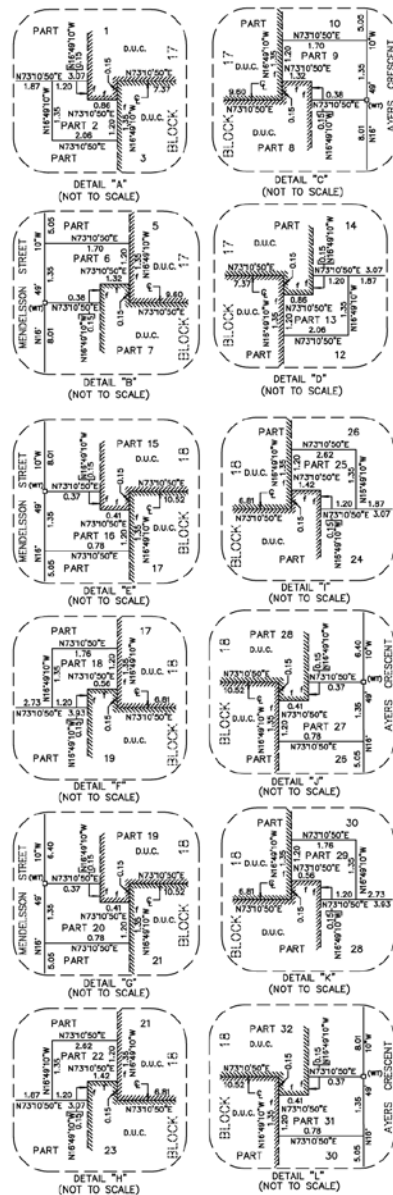
Blocks 13 and 14

Attachment 9: Part Lot Control Exemption Plan – Blocks 15 and 16



Blocks 15 and 16

Attachment 10: Part Lot Control Exemption Plan – Blocks 17 and 18



Blocks 17 and 18