

168, 170, 172, 174, 176, 178, 180, 182 and 184 Clonmore Drive - Official Plan Amendment and Zoning Amendment Applications - Request for Direction Report

Date:	June 29, 2018
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	15 106475 ESC 36 OZ

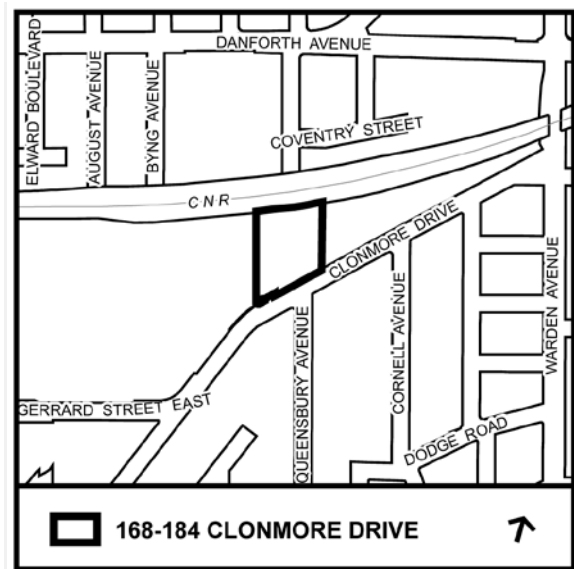
SUMMARY

Core CMCC Clonmore LP has appealed its Official Plan Amendment and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal (LPAT) pursuant to Sections 22(7) and 34(11) of the *Planning Act* due to the City not making a decision within 180 and 120 days of the Official Plan amendment and Zoning By-law amendment submission respectively.

The applications seek to amend the Official Plan and Zoning By-laws to allow for the development of a total of 118 stacked and stacked back-to-back townhouse units at 168 to 184 Clonmore Drive.

The purpose of this report is to request direction from City Council on the pending LPAT hearing on the revised application.

The application represents an improvement from the original submission that was filed in January 2015, however there are several outstanding issues pertaining to safety, functional servicing and stormwater management. These matters must be satisfactorily addressed to enable staff to determine that the proposed development is



consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

It is recommended that the City support the application in its revised form at the LPAT subject to the matters pertaining to revised servicing reports and plans being satisfactorily resolved and an updated and acceptable Risk Management Plan being received. It is also recommended that staff continue discussions with the applicant to achieve revisions to the proposal that address the issues identified in this report.

A prehearing conference has been scheduled for October 30, 2018.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal Hearings in support of a settlement to the appeal of the Official Plan amendment and Zoning By-law Amendment application for 168, 170, 172, 174, 176, 178, 180, 182 and 184 Clonmore Drive (file no. 15 106475 ESC 36 OZ), substantially in accordance with the revised plans dated March 9, 2018, provided that the following matters have been adequately resolved:
 - i. The owner has provided a revised Functional Servicing and Stormwater Management Report, an updated Hydrogeological Investigation Report and other required studies and drawings which are required to determine the storm water runoff, sanitary flow, groundwater and water supply demand resulting from this development and external drainage areas to demonstrate how the site can be serviced, and whether the existing infrastructure is adequate and has no negative impact on adjacent properties, and these studies and drawings have been submitted for review and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services;
 - ii. The owner provides an updated Risk Management Plan which reflects the accepted site servicing scheme;
2. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Orders approving the Official Plan and Zoning By-law Amendments until:
 - i. The final form of the amendments to the Official Plan and zoning by-laws are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

- ii. The owner enters into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services;
 - iii. Community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - iii. The community benefits to be secured in the Section 37 Agreement are as follows:
 - a) \$500,000., which is to be indexed upwardly in accordance with the Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date of payment;
 - iv. The following matters are also to be secured for the development in the Section 37 Agreement as a legal convenience:
 - a) Provision of a Record of Site Condition and a Certificate of Property use that address matters of site condition as set out in Ontario Regulation 153/05 as well as methane, which may include future maintenance, assessment, monitoring and reporting obligations as applicable;
 - b) Any recommendations as may be required by the Derailment Protection Report to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - c) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
 - v. The Derailment Protection Report is satisfactory to Metrolinx.
3. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff, to oppose the Official Plan Amendment and Zoning By-law Amendment application for 168, 170, 172, 174, 176, 178, 180, 182 and 184 Clonmore Drive (file no. 15 106475 ESC 36 OZ), and attend any Local Planning

Appeal Tribunal hearings in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate, if the matters in recommendation 1 cannot be resolved.

4. City Council authorize City Staff to continue discussions with the applicant to address the issues set out in this report.
5. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Preliminary Report for this application was considered by Scarborough Community Council at their April 14, 2015 meeting. Scarborough Community Council amended staff's recommendation related to the circulation range for notice of the community consultation meeting, expanding the area to a specifically defined area within the Birchcliff Community. The decision, along with the Preliminary Report, can be found at the following address:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC5.24>

LPAT Appeal

The applications for Official Plan Amendment and Zoning By-law Amendment were filed on January 20, 2015. On March 29, 2018 the City Clerk's office received an appeal to the Local Planning Appeal Tribunal (LPAT) citing the City's failure to make a decision on the application within the time prescribed under the *Planning Act*.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the Official Plan to permit the proposed stacked and stacked back to back townhouse built form, and to rezone the lands from Single Family Residential (S) Zone and Residential Detached (RD) zone to permit the development of 118 stacked townhouses. The proposed density of the development is 1.18 times the lot area or 118 units per hectare, including the lands that are intended to be conveyed to the City for a future road widening. If the lands which constitute the road widening are deducted from the total lot area, the resulting FSI is 1.22, or 122 units per hectare. A total of 11,767.6 square metres (126,669.5 square feet) of gross floor area are proposed, including a 59.6 square metre shared indoor amenity space building. The development proposal has been revised on four occasions since the initial submission in 2015. Key modifications to the design and layout of the site include the reduction in the overall number of proposed dwelling units, the merger of several buildings to reduce the overall

number of townhouse blocks from 9 buildings to 7 buildings, the introduction of a separate common amenity building, the redesign of the block at the north-west corner of the site to enable tree protection, the redesign of Blocks A and B to remove the back to back unit configuration of these buildings, and a slight shift in the location of the proposed driveway to align with Queensbury Avenue on the south side of Clonmore Drive.

The following table provides a comparison of the original and current (revised) proposal.

	Original Proposal (January 2015)	Revised Proposal (March 2018)
No. of Units	138	118
Residential Gross Floor Area	13,774 square metres	11,708 square metres
Floor Space Index (FSI)	1.38	1.18 (pre-road widening) 1.22 (post road widening)
Building Height	14.3 m (4-levels)	14.3 m (4-levels)
No. Vehicular Parking Spaces	151	144
No. Bicycle Parking Spaces	104	88
Shared Outdoor Amenity Area	458 square metres	519.7 square metres
Shared Indoor Amenity Area	0	59.6 square metres
No. of 1-Bedroom Units (% total no. units)	52 (38%)	21 (18%)
No. of 2-Bedroom Units (% total no. units)	76 (55%)	92 (78%)
No. of 3-Bedroom Units (% total no. units)	10 (7%)	5 (4%)

A total of 7 townhouse blocks are proposed, each containing 4-levels of residential floor space plus a mechanical penthouse with access to rooftop terraces with an overall height of 14.3 metres (47 feet). A separate indoor amenity area building is also proposed having a total floor area of 59.6 square metres (640 square feet). The development proposes a 6.0 metre (20 foot) wide private driveway connecting to Clonmore Drive intersecting with Queensbury Avenue.

Two blocks of townhouses are proposed along and parallel with Clonmore Drive (Blocks F and G), while the remainder are arranged within the site. Three of the proposed townhouse blocks (Blocks A, B and F) and the indoor amenity building are situated east of the proposed driveway, and four blocks (Blocks C, D, E and G) are situated west of the driveway. Sidewalks with widths of 1.5 metres (5 feet) and 1.7 metres (5.6 feet) are proposed on both sides of the driveway. Refer to Attachment 4: Site Plan.

All of the townhouse blocks are designed to include four levels of living space plus a mechanical penthouse level that includes utilities for the unit along with an enclosed area leading to a private rooftop terrace. The first level of residential floor space is located half below grade, and as a result the buildings appear to have three-and-a-half storeys, plus the roof level enclosures and amenity areas. Blocks A, B (internal to the site) and

Blocks F and G (which face Clonmore Drive) are proposed to be single loaded or contain 'through' units, most of which contain two levels of living space, and all of which are configured in a stacked formation. Blocks C, D and E include units that are both stacked and back to back. There are no through units proposed within these blocks.

Private outdoor amenity areas in the form of patios, balconies and terraces are proposed for most of the units. For the stacked units in Blocks A, B, F and G, units on the lower level of these buildings are proposed to include private patios, and units which occupy the upper two floors have access to rooftop terraces. Units within Blocks C, D and E, arranged in both a stacked and back to back configuration, have front outdoor patios, and similar to the other Blocks, units on the upper levels of all blocks are proposed to have access to individual rooftop terraces. Balconies are also proposed in various locations. In all buildings units which occupy a single floor level and are located on the floor level above ground will not have private outdoor amenity areas. A common outdoor amenity area approximately 218 square metres in size is proposed between Block B and F. Children's play equipment is proposed for this area. Other open spaces include the areas between Blocks E and G, the area north of Block C which includes a protected stand of trees and the area outside of the indoor amenity building. Overall the total area allocated for landscaping is 5,713 square metres, including 3,350 square metres (36,060 square feet) of soft landscaping.

A total of 144 parking spaces are proposed on the site, including 142 spaces within a single-level underground parking structure (115 resident, 22 visitor, 5 barrier free), and 2 visitor parking spaces at grade. The underground parking level is accessible by stairwells located at opposite ends of Block A, and by both a stairwell and elevator located within Block B. The driveway terminates in a T-shape at the north end of the site, the entrance ramp to the parking level is at the east side and is located just north of Block A and west of the proposed amenity building. The garbage pick-up area is at the west side of the T. Garbage storage is located within the underground parking garage, and a garbage chute is located near the south-west corner of Block B at grade level.

A total of 88 bicycle parking spaces are proposed, 80 spaces for residents are located within the underground parking area, and 8 surface spaces are proposed for visitor use adjacent to Blocks B and G.

The proposed development is illustrated in Attachment 4: Site Plan, Attachment 5-9: Elevations. Specific details for the subject proposal are contained in Attachment 6: Application Data Sheet.

Site and Surrounding Area

The site is approximately one hectare in size (2.46 acres), and has approximately 100 metres (330 feet) of frontage on the north side of Clonmore Drive. The site is an assembly of nine contiguous lots. Seven of the nine lots included in this application are currently developed with single family dwellings. The remaining two lots at the western end of the site at 168 and 170 Clonmore Drive are vacant and heavily treed. The site is bordered to the north by the Lakeshore East Rail Corridor where the tracks are set at a

higher elevation than the abutting lands, and as such lands within the corridor slope down towards the north property line of the subject lands. There is also a slight grade down toward the rear of the site at its northwest corner.

Surrounding land uses:

North: GO Transit/Metrolinx Lakeshore East Rail Corridor, which rises several metres at a significant grade above the properties on Clonmore Drive, with single detached residential uses and Oakridge Park beyond in the Oakridge Community.

East: Single detached dwellings.

South: Single detached dwellings.

West: Lands known locally as the Birchcliff Quarry Lands. Immediately adjacent to and including the westerly portion of the site is a woodland feature. Some of the lands west of the site are zoned for high rise, high density development. Other uses to the west include a carwash business and a small two-storey commercial plaza which front onto Clonmore Drive and Gerrard Street East respectively.

Provincial Land Use Policies: Planning Act, Provincial Policy Statement and Growth Plan

Section 2 of the *Planning Act* sets out matters of Provincial Interest, which City Council shall have regard to in carrying out its responsibilities. The matters include (f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; (h) The orderly development of safe and healthy communities; (j) The adequate provision of a full range of housing, including affordable housing; (o) The protection of health and safety; and, (p) The appropriate location of growth and development.

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 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.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

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 this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 – Shaping the City

In Section 2.3.1, Healthy Neighbourhoods, policies seek to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the existing physical character of the area, reinforcing the stability of the neighbourhood. The policies consider Neighbourhoods to be physically stable areas, and that

development within these areas will be consistent with this objective and will respect and reinforce the existing physical character of the buildings, streetscapes and open space patterns in these areas.

Environmental sustainability will be promoted in Neighbourhoods by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency and programs for reducing waste and conserving water and energy.

Policies also state that community and neighbourhood amenities will be enhanced where needed by improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and other community services; and by creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

Chapter 3 – Building a Successful City

Section 3.1.1., The Public Realm, contains policies pertaining to the public spaces such as streets, parks and open spaces. Natural features of the city, including woodlots, will be connected to the surrounding city by improving physical and visual access from adjacent public spaces and by designing these into a comprehensive open space network. Policies also state that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by various means including tree-planting and landscaping, lighting, street furnishings and decorative paving as part of street improvement and locating and designing utilities so that they will minimize negative impacts on the natural pedestrian and visual environment and enable the planting and growth of trees to maturity.

The Built Form policies in section 3.1.2.1 of the Official Plan direct that new development in the City fit harmoniously within the existing and/or planned context of the area. This includes that new development to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policies in section 3.1.2.2 state that new development will 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. This can be achieved a number of different

ways, including integrating services and utility functions within buildings where possible and providing underground parking where appropriate.

Policy 3.1.2.3 requires that new development be massed and its exterior façade 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 by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;
- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

As detailed in Policy 3.1.2.5, new development is to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies, and awnings; and
- d) landscaped open space within the development site.

Policy 3.1.2.6 requires that every significant new multi-unit residential development provide indoor and outdoor amenity space for residents of the new development. It also specifies that each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

Housing policies are found in Section 3.2.1, and state that a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods will be provided and maintained to meet the current and future needs of residents; and further, that new housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Natural Heritage policies are contained in Section 3.4. Among these policies is the need for public and private city-building activities to be environmentally friendly in order to

support strong communities and a competitive economy and a high quality of life. This includes, among other things, protecting and improving the health of the natural ecosystem by managing the quantity and improving the quality of stormwater and ground water infiltration and flows, cleaning-up contaminated soils, sediment, and groundwater; sustaining, restoring and enhancing the health and integrity of the natural ecosystem , paying particular attention to water and sediment quality; preserving and enhancing the urban forest by providing suitable growing environments for trees; increasing the tree canopy coverage and diversity, especially of long-lived native and large shade trees; and, regulating the injury and destruction of trees. It also includes protecting, improving or restoring the quality and quantity of water sources. Policies also require that new development include stormwater management in accordance with best management practices.

Policies of Section 3.4.21 require that major facilities, including transportation/rail infrastructure, and sensitive land uses such as residences be appropriately designed buffered and/or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies in accordance with guidelines established for this purpose. The proponent will be responsible for implementing any required mitigative measures.

Policy 3.4.23 requires that prior to development occurring on known or potentially contaminated sites, or on sites within 500 metres (or within a previously determined area of influence) of a known or suspected former waste disposal site, potential adverse impacts will be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented.

Chapter 4 – Land Use Designations

The subject lands are designated as *Neighbourhoods* on Map 21 – Land Use Plan of the Official Plan. *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. A key objective of the Official Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*.

Development policies are outlined in Policy 4.1.5 – *Neighbourhoods*. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building types;
- setbacks of buildings from the street or streets; and,
- prevailing patterns of rear and side yard setbacks and landscaped open space.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The policies of 4.1.7 indicate that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of this Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard for both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Refer to Attachment 2: Official Plan Land Use Map.

Chapter 5 – Implementation: Making Things Happen

Section 5.6 Interpretation: The Official Plan provides guidance on the understanding and interpretation of the Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of staff analysis and review of relevant Official Plan policies are summarized in the Comments section of the Report.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and to implement the City's Tower Renewal Program.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas* that are adjacent and close to *Neighbourhoods*. The new criteria address components in new development such as amenity and service areas, lighting and parking.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, which decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain

under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link: www.toronto.ca/OPreview/neighbourhoods.

Zoning

The lands are zoned Single Family Residential (S) Zone in the Birchcliff Community Zoning By-law No. 8786, as amended. Permitted uses include single family dwellings, group homes, and correctional group homes. A private home day care is considered an ancillary use.

The lands are zoned Residential Detached (RD) Zone in the City-wide Zoning By-law 569-2013, as amended. Permitted uses are limited to detached dwellings. Uses with conditions include day nursery, group home, private home daycare, secondary suite, and senior's community house.

Refer to Attachment 3: Existing Zoning By-law Map.

Design Guidelines

Townhouse and Low Rise Apartment Guidelines

On March 26 and 27, 2018 City Council approved the Townhouse and Low-Rise Apartment Guidelines for use in the evaluation of current and new townhouse and low-rise apartment development applications, effectively replacing the 2003 Infill Townhouse Guidelines.

The development application was submitted prior to the development of the Townhouse and Low Rise Apartment Guidelines and achieves some of the guidelines including locating the access to the garage and site servicing at the rear of the site and buildings. The proposal also includes a shared indoor amenity building, which was an objective of an earlier version of the draft guidelines, but no longer forms part of the current guidelines. The proposal also does not establish a new public street, as a private garage cannot be situated below public streets and the development is largely built over an underground parking garage which enables all but two parking spaces to be located below ground. The development also provides walkway widths slightly smaller than the 2.1 metres set out in the guidelines. The walkways have been reviewed by Urban Design staff who find them acceptable. Separation distances between facing buildings (Blocks A and B) are 12.7 metres, which is close to the separation distance of 13 metres as set out in the guidelines.

Site Plan Control

A Site Plan Control application (File No. 15 269073 ESC 36 SA) has been submitted and is being reviewed concurrently with the Official Plan Amendment and Zoning By-law Amendment application. Additional revisions pertaining to the site plan control application have been requested, and will continue to be reviewed when received.

Reasons for Application

The purpose of the applications is to permit the stacked townhouse form on the subject lands by amending the Official Plan to permit the form at the density proposed, and to amend both the Birchcliff Community Zoning By-law and the City wide Zoning By-law to permit the proposed use and apply associated performance standards.

Application Submission

The following reports/studies were submitted in support of the application:

- Planning Rationale and updates
- Natural Heritage Assessment and Arborist Report and updates
- Stage 1 - 2 Archaeological Assessment
- Energy Efficiency Design Summary
- Environmental Noise Feasibility Study and updates
- Railway Vibration Analysis and addenda
- Derailment Protection Report and revisions
- Phase 1 Environmental Site Assessment – 168 and 170 Clonmore Drive
- Phase 1 Environmental Site Assessment – 172 to 184 Clonmore Drive
- Updated Phase 1 Environmental Site Assessment – 168 to 184 Clonmore Drive
- Phase 2 Environmental Site Assessment – 168 to 184 Clonmore Drive
- Phase 2 Environmental Site Assessment – 172 to 184 Clonmore Drive
- Updated Phase 2 Conceptual Site Model
- Risk Management Plan & Updated Risk Management Plan
- Site Services and Stormwater Management Report and updates
- Functional Servicing and Stormwater Management Report
- Geotechnical Investigation Report and addendum
- Hydrogeological Investigation and updates
- Transportation Impact Study and updates

The current planning information for the application available at the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre>.

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.

Community Consultation

A community consultation meeting was held on September 24, 2015. The meeting was attended by approximately 45 members of the public, the Ward Councillor, Planning staff, the applicant and their traffic consultant.

Issues raised and comments received at the meeting included the following:

- **Traffic volumes on Clonmore Drive**
This concern was raised by many of the people in attendance, and was also raised by individuals who called in and wrote in prior to the meeting. Heavy traffic volumes make accessing Clonmore Drive difficult particularly during rush-hour. There is a concern about the traffic impacts of the proposed development along with the cumulative impact of development applications within the area, including a number of mid-rise buildings proposed along Kingston Road. Concerns were also raised about heavy truck traffic using Clonmore Drive and about the proposed driveway for the development being offset with Queensbury Avenue. Speed of traffic was also a concern, exacerbated by the fact that there are no signalized intersections along either Gerrard Street East or Clonmore Drive between Victoria Park Avenue and Warden Avenue. Suggestions for improvements for the area included adding traffic signals, adding no left turn signs at Cornell Avenue and Queensbury Avenue off Clonmore Drive and widening the roadway.
- **Bicycle lanes and opportunities**
One resident noted that bicycling in this area is dangerous, as bicycle lanes are only partial lanes. Bicycle safety was raised prior to the meeting by a caller who indicated that without dedicated lay-bys buses stop in traffic where both motorists and cyclists attempt to overtake them, which creates an unsafe condition.
- **Built Form, Character of Design, Overlook and edge treatment**
Comments included reducing the height of buildings along Clonmore Drive, and adding stepbacks for the upper stories along Clonmore Drive. The modern character of the proposed design was thought to be out of character with the built character of the Birchcliff area. Concerns were also raised about overlook to the east property line, which abut single storey detached dwellings.
- **Impact of development on neighbourhood**
Concerns were raised about power outages and servicing capacity that occur in the area, and how additional development might worsen this problem. Protection from vibration impacts during construction impacts were also raised by residents.
- **Proposed Apartment Neighbourhoods land use designation**
The original proposal by the applicant was to redesignate the lands from *Neighbourhoods* to *Apartment Neighbourhoods* to permit the proposed development. This was of concern to several in attendance.

Comments received through written and verbal correspondence include the following:

- **Counsel to the adjacent landowner immediately west of the subject lands, GCD Trustee Limited, has provided written correspondence in regard to the application twice, first in October 2015 and again in August 2016. The letters indicate support for the proposed form of development but express concerns with the**

placement of townhouse buildings due to potential for shadowing of their apartment tower permissions on GCD's lands, and the lack of a naturalized area adjacent to GCD's lands. Their August 2016 letter also includes input from GCD's ecologist as it pertains to the lack of buffer from the vegetated area, and indicates that the western townhouse units should be relocated to provide space to enhance the woodland area and to create an appropriate setback from the apartment tower on the GCD lands.

- The introduction of stacked townhouse was seen as a concern for potential lowering property values in the area.
- The loss of trees was a concern noted, as was the suggestion that replacement trees be required to supplement the loss.
- The increase of population density was a concern from the standpoint of climate change, overall impacts to the neighbourhood, and school capacity.
- The impacts of the development on wildlife was also raised as a concern.

COMMENTS

Planning Act, Provincial Policy Statement and Growth Plan

The proposal has been reviewed and evaluated against Section 2 of the *Planning Act*, 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.

Section 2 of the *Planning Act* sets out matters of Provincial Interest which are further reinforced in the policies of the PPS and the Growth Plan. Among others, the matters of Provincial Interest include the following:

- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The orderly development of safe and healthy communities
- The adequate provision of a full range of housing, including affordable housing
- The protection of health and safety and
- The appropriate location of growth and development.

The PPS and the Growth Plan are high-level and broad reaching documents. The City is a settlement area as defined in both the PPS and the Growth Plan, and is also a Built-Up Area as identified in the Growth Plan. Among other things, the PPS encourages healthy, liveable and safe communities by promoting efficient land use patterns, accommodating an appropriate range and mix of residential, and promoting cost effective development patterns to minimize land consumption and servicing costs

Staff have determined that additional material is required in order to be in a position to determine if the proposal is consistent with the PPS and conforms with the Growth Plan, including having regard to the relevant provisions under Section 2 of the Planning Act. The reasons are discussed in the sections which follow.

Critical policies for considerations for the proposed development pertain to land use compatibility and health and safety for several reasons. First, the site is located immediately adjacent to the Lakeshore East Rail Corridor and a sensitive land use is proposed. Second, Environmental Site Assessments undertaken for the development indicate contaminants of concern in both soil samples and groundwater and methane have been detected on site at various locations and in varying concentrations. Relevant safety related policies from the PPS include:

1.1.1 Healthy, liveable and safe communities are sustained by (c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

Policy 1.1.3.4 indicates that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Relevant policies from the Growth Plan include:

Policy 2.2.1.4 applying the policies of the (Growth Plan) will support the achievement of complete communities that improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes.

Policy 3.2.2 addresses human-made hazards and directs that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Matters of health and safety relating to contamination are discussed in the Environmental Conditions section of this report.

In regard to proximity of the rail corridor and land use compatibility, policies in 1.2.6.1 specify that major facilities (which include rail corridors) and sensitive land uses (such as residences) should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long term viability of major facilities. Additional policies pertaining to Airports, Rail and Marine Facilities are found in 1.6.9, which further details that planning for land uses in the vicinity of such facilities shall be undertaken so that these facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other.

Matters of land use compatibility, including building setbacks, derailment protection measures, noise and vibration are discussed in the Land Use, Density Height and Massing, and Noise and Vibration sections of this report.

Consideration must also be had to policies of the PPS regarding the provision of servicing, sewage, water and stormwater, which includes:

Policy 1.6.1 which indicates that infrastructure be provided in a coordinated, efficient and cost effective manner that considers impacts from climate change while accommodating projected needs. Further, sewage and water systems shall be provided in a manner that is feasible, financially viable and complies with all regulatory requirements and which protects human health and the natural environment.

Servicing is discussed in the Servicing section of this report.

Land Use

This application has been reviewed against the official plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The proposed development represents intensification of the lands which will provide more housing options and opportunities within the neighbourhood. Townhouses are identified as a residential form of lower scale building that comprise *Neighbourhoods*. The stacked and stacked back to back townhouse form is one for which planning permissions have recently been granted on other sites in this community. This includes the lands at 411 Victoria Park Avenue and 2510 and 2530 Gerrard Street East located west of the subject lands, which received approval for both amendments to the Official Plan and Zoning By-law for a new mixed-use neighbourhood that is intended to include stacked townhouses. In addition, the lands at 2535 Gerrard Street East, which are located south and west of the subject lands also received approval for the development of stacked and stacked back to back townhouses.

The proposed land use is appropriate given the existing and planned context for the subject property and surrounding area.

Density, Height, Massing

This application has been reviewed against the official plan policies and design guidelines described in the Issue Background Section of the Report.

The density proposed for the development is 118 units per hectare (pre-road widening conveyance) or 128 units per hectare (post-road widening conveyance). This is a decrease from the original proposal which proposed 138 units per hectare (pre-road widening conveyance). This density is lower than the existing zoning permissions for the lands immediately adjacent to the west, which permits high rise residential buildings, and

is greater than the existing permissions for the lands to the east which permit detached dwellings.

The buildings are massed to provide adequate separation distances both from each other on site, and to the adjacent lands. The east side yard setback has been increased to 5.1 metres for the south-east corner of Block F, and 7.6 metres for the end walls of both Blocks A and B. Within the setback area the proposal includes additional landscaping including tree plantings, shrubs and a pedestrian pathway which connects to the municipal sidewalk on Clonmore Drive. The design of the east walls of Blocks A and B include a several narrow windows to limit glazing on these facades. Screens at the ends of the rooftop terraces will also help to reduce overlook. Building setbacks to Clonmore Drive are proposed to be 3 metres, and include within them landscaping bays, light wells for lower level units and stairways to the entrances of units in Blocks F and G. Building setbacks to the west property line vary for each building and range from 4.1 metres to 9.5 metres.

Blocks A and B face one another and are accessed from a pedestrian mews connected to the private driveway. Entranceways in these buildings are located opposite one another and buildings are separated by a distance of 12.7 metres, reduced to 5.9 metres at the western ends of the buildings. Blocks A and B have sunken patios measuring 0.6 metres deep and at-grade rear patios with light wells measuring 0.6 metres deep to provide natural light to the lower level.

Blocks C, D and E are separated from one another by a distance of 3.0 metres. Between these buildings are 1.5 metre wide walkways and space for hardscaping. Planting areas are proposed in these areas where they abut patios. Windows along the facing walls are limited to the first three levels.

Proposed building heights are 14.3 metres for all buildings. This height includes the enclosed areas on the rooftop level which provides both some indoor space and rooftop terraces for the upper level units. The first level of living space is 1.5 metres below grade, and consequently the buildings will appear to be 3.5 storeys rather than 4 storeys plus rooftop. This height is greater than the permissions for abutting lands to the east and to the south which contain single storey and two-storey residential detached dwellings. The zoning permissions for which allow a maximum height of 9 metres and two-storeys. The proposed heights of 14.3 metres are considered compatible with existing permissions.

The development can serve as a transition in built form between the higher density permission on the lands to the west, and the exiting low rise residential dwellings on adjacent lands to the east. The changes which have been made to the design of the buildings including a decrease in the number of units from 138 units as originally proposed to 118 units, improved massing and setbacks have addressed some of the concerns raised by the community through the consultation process. The density, massing and height are considered appropriate in the context of the existing and planned

context for the surrounding area and in consideration of the overall development which provides adequate open space and parking on site.

Sun, Shadow

This application has been reviewed against the official plan policies and design guidelines described in the Issue Background Section of the Report.

The applicant has prepared sun/shadow studies to demonstrate the impact of the development upon itself and upon the neighbouring context. Through the review of this application building placement has been revised, and setbacks to the east property line have increased as discussed in the Density, Height and Massing section of this report. The sun/shadow studies have been revised accordingly and have been reviewed by staff who find that the impacts are limited and acceptable in the existing and planned context.

Environmental Conditions

The applicant has undertaken various environmental assessments for the site, including Phase One Environmental Site Assessments (ESA) and updates, Phase Two ESA and Updated Phase Two Conceptual Site Model as well as a Risk Management Plan and Updated Risk Management Plan. The results of the Updated Phase Two ESA undertaken at the site and on the lands to be conveyed to the City for road widening purposes revealed soil samples with concentrations of volatile organic compounds (VOC's) exceeding the regulatory standards. Most groundwater samples collected in the first (shallow) aquifer also exceeded the regulatory standards for specific contaminants, as did all groundwater samples collected in five monitoring wells completed into the second (deeper) encountered aquifer. The applicant has chosen to seek a Record of Site Condition (RSC) from the Ministry of the Environment and Climate Change (MOECC) through the Risk Assessment (RA) process. This involves the evaluation of the contaminants present, determining the risk to both human health and the environment, and subsequently developing Risk Management Measures (RMMs) for the development of the site. The RA process and proposed RMMs will require approval by the MOECC, and it is anticipated that this will result in a Certificate of Property Use (CPU) which will detail ongoing inspection and monitoring requirements as well as potential limitations on construction and land use and a Record of Site Condition (RSC).

The proposed RMM's also address methane, which is not regulated by Ontario Regulation 153/04 Records of Site Condition. The RMM's proposed include mitigation measures that would be applicable during construction for workers on-site, and include specific methods of managing risk for future inhabitants that will require maintenance obligations on the future condominium and for the City for the lands to be conveyed.

The Updated Risk Management Plan will need to be further revised to reflect the proposed servicing and stormwater management reports. The servicing and stormwater management plans remain a work in progress, and until they can be satisfactorily

completed and reviewed by City staff, this aspect of the proposed development cannot be considered satisfactory.

The Risk Assessment and proposed RMM's require approval of the MOECC, their installation and future operational performance are dependent on the construction of the development. In order for the policies of the PPS and the Official Plan, as described in the Issue Background Section of the Report, to be met, further work is required. There will also be a need to include risk management measures and future obligations of maintenance into relevant Planning documents. This will be further considered once servicing and stormwater management reports are revised and evaluated and deemed satisfactory by Engineering and Construction Services Division staff.

Rail Corridor

As noted earlier in the report, the subject site is bordered to the north by the Lakeshore East Rail Corridor. This section of rail corridor is classified as a principal main line. In order to protect from possible derailment of trains a 3.0 metre tall berm, together with building setbacks of 25 metres and 26.1 metres are proposed for Blocks A and C respectively. The amenity building is proposed with a 15.7 metre setback from the north property line.

A Derailment Protection Report and associated drawings were submitted to support the proposed development. This material has been reviewed by a peer reviewer retained by the City of Toronto for this purpose. The peer review process has been an iterative one, and several iterations of the report have been produced in response to comments from the peer reviewer. The proposed protective measures for this development include a 3.0 metre high berm that extends along the length of the rear property line and wraps (returns) at the northwest corner providing additional protection for the west side of the development. The berm is intended to include both native soils and soil cement. The study finds that the proposed 3.0 metre high berm with soil cement and setback distances of not less than 25 metres will prevent a derailed car from penetrating to the residential units.

City staff have received confirmation from the City's Peer Reviewer that they are in general agreement with the most recent Derailment Protection Study dated March 2018 in combination with a clarification letter from the applicant's structural Engineering firm dated May 2, 2018 and have no further comments to the derailment protection measures proposed for the proposed development. Future maintenance requirements to ensure the continued viability of the berm will need to form part of any future Section 37 agreements and may also be required as part of post-approval conditions of site plan approval and condominium approval.

The Derailment Protection Report is also under review by Metrolinx. They have not provided comments to the City in this regard. Approvals from Metrolinx may also be required as part of any future development of the lands, including but not limited to sub-surface works if proposed at the property line.

Noise and Vibration

The applicant has provided a Railway Vibration Analysis and subsequent addenda that includes measurements of railway induced ground borne vibration from the adjacent rail corridor in order to determine if vibration isolation of the proposed building foundation is warranted. Measurements taken at three points on the site indicated that vibration velocities are within CN/GO guidelines, but one measurement which corresponds to the closest point of the underground parking structure, found levels in excess of these guidelines. Isolation can be achieved through the use of foundation isolation concepts and or expansion/construction joints to decouple the residential blocks. This analysis concludes that the below grade parking structure should be isolated from the residential blocks to prevent transmission of railway induced vibration to the residential blocks. The addenda to the report address changes to the site design that have occurred since the initial submission, and also take into consideration the proposed derailment protection berm. Through the analysis the structural drawings for the proposed derailment berm, which propose the use of expansion joints at the P1 and ground levels are proposed. The analysis finds that the proposed vibration isolation mitigation is considered acceptable and meets the minimum requirements of the vibration reports.

An Environmental Noise Feasibility Study and subsequent updates have also been provided by the applicant in support of the proposed development. The updates to the original study have addressed changes to the site design as it has evolved throughout the review process. The study takes into consideration the primary noise sources of road traffic from Clonmore Drive and rail traffic on the adjacent Lakeshore East Rail Corridor. It has estimated future noise based on Metrolinx' most recent work related to electrification of the rail corridor, and an increase in service as part of its Regional Express Rail service.

The study has analysed its findings against the applicable Ministry of the Environment and Climate Change (MOECC) NPC-300 noise guidelines. The study recommends the following measures to meet applicable transportation noise source guidelines limits:

- Mandatory air conditioning for Blocks A to F;
- Provision for adding air conditioning at a later date for Block G;
- Brick veneer or masonry equivalent exterior wall construction for all Blocks;
- Expected (subject to final design) upgraded windows up to Sound Transmission Class (STC) as follows:
 - Block A: STC 41
 - Blocks B to E: STC 33;
 - Block C: STC 40;
 - Block D: STC 36

The study also finds that outdoor noise mitigation measures are not required. This is because the rooftop terraces and balconies are less than 4 metres in depth, which does not qualify them as outdoor living areas under MOECC definitions. Derailment protection measures are not acoustical requirements and are not part of the noise study.

Metrolinx has also requested that warning clauses be used in all development agreements and offers of purchase and sale or lease for any dwelling unit within 300 metres of the railway in regard to the rail operations of Metrolinx and possible alterations or expansions to the rail line and other possibilities that may affect the living environment of the residents in the vicinity. A Development Agreement will be required between the developer and Metrolinx and will include an environmental easement to be registered on title for all residential units in favour of Metrolinx.

Traffic Impact, Access, Parking

The proposed development includes a 6.0 metre wide private driveway accessed from Clonmore Drive. The driveway has been revised from the original proposal to align with the northern terminus of Queensbury Avenue south of Clonmore Drive. The driveway will provide two surface visitor parking spaces in a lay-by on the west side of the driveway, all other parking is proposed in a one-storey underground parking garage. The access ramp for the underground garage is located north of Block A and just west of the proposed amenity building.

A total of 144 parking spaces are proposed on the site, including 142 spaces within a single-level underground parking structure (115 resident, 22 visitor, 5 barrier free), and 2 visitor parking spaces at grade. The proposed vehicular parking supply is in accordance with the parking rates for Apartment Buildings in Zoning By-law 569-2013, which are based on unit type. Transportation Services staff find this approach to be acceptable.

The underground parking level is accessible by stairwells located at opposite ends of Block A, and by both a stairwell and elevator located within Block B. The driveway is T-shaped at the north end of the site, with the entrance ramp to the parking level at the east side of the T, and the Type "G" loading space for garbage pick-up is at the west side of the T. Garbage storage is located within the underground parking garage.

A total of 88 bicycle parking spaces are proposed, including 80 resident spaces located in secured areas of the underground parking garage, and 8 spaces for visitor use located adjacent to internal walkways on the south side of Block B near the elevator access, and at the west side of Block G, close to the municipal sidewalk on Clonmore Drive.

A Traffic Impact Study and subsequent updates have been submitted in support of this application. The study finds that the proposed development can be adequately accommodated by the existing transportation network with relatively minor impacts to the adjacent intersections. This report has been reviewed by Transportation Services staff who have, through the evaluation of the related site plan control application, specified the need for a letter of credit for the future installation of traffic signals at the intersection of Clonmore Drive and Queensbury Avenue/proposed site driveway. The security will be held for a maximum of 5 years after the full build-out of the proposed development, after which time, the funds will be refunded if the signals are not installed.

With regard to concerns about traffic speeds along Clonmore Drive, Transportation Services staff reviewed the roadway to determine if a reduction of the speed limit from 50 km/h to 40 km/h was justified. The review determined that a reduction was justified, and the speed limit was reduced to 40 km/h on Clonmore Drive between a point 80 metres northeast of Queensbury Avenue and Warden Avenue. This reduction was enacted by By-law in May of 2016. The speed limit between Blantyre Avenue and Warden Avenue along Clonmore Drive is now 40 km/h.

Road Widening

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Clonmore Drive a 0.4 metre road widening along the frontages of Nos. 168 and 170 Clonmore Drive, and a 3.44 metre road widening dedication along the remaining portion of the Clonmore Drive frontage is required and is proposed to be conveyed to the City through the related site plan control application. This land conveyance is subject to the City's third party environmental site review process.

Servicing and Stormwater Management

The applicant has not yet demonstrated appropriate servicing capacity nor on site servicing, stormwater management and groundwater techniques to support the proposed development. This is an issue that the applicant continues to work towards resolving, and must be addressed to the satisfaction of the City's Chief Engineer and Executive Director of Engineering and Construction Services, and Toronto Water (as may be required) in order to consider that development application has met with the policies of the PPS and the Official Plan.

Metrolinx will also review the Stormwater Management report to ensure that the proposed design does not undermine the rail corridor.

Natural Heritage Protection and Tree Preservation

A small portion of the property supports a woodland feature that is considered a part of the Gerrard Prairie, but is not within, nor do they abut, the Natural Heritage System as identified on Map 9 of the Official Plan, nor are they subject to the City of Toronto Municipal Code Chapter 658 - Ravine & Natural Feature Protection. This woodland feature extends into the property to the west of the site, and was found to be a rare community in the City of Toronto. A Natural Heritage Assessment was requested and prepared as part of the supporting studies for this development, as there are concerns about the impacts to the woodland feature resulting from the proposed development. This study has been reviewed by staff in Parks, Forestry and Recreation's Urban Forestry Group, both by the Ravine and Natural Feature Protection group and Tree Protection and Plan Review group, as well as by the Toronto and Region Conservation Authority (TRCA).

Tree Protection and Plan Review staff have worked with the applicant to protect the significant woodlot to the west of the property and the two significant trees affected by the proposal. The proposed tree removals (4 City trees and 33 private trees) do not represent significant trees requiring protection over the densification requirements of the Official Plan. Staff find that the proposed tree planting plan appropriately compensates for the removals with the majority of the trees being large growing long lived shade trees.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the third highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The parkland dedication is based on a site area of 0.995 hectares (9,950 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.1706 hectares (1,573 square metres) which equates to 15.8% of the site. However, a cap of 10% applies and hence the parkland dedication would be 995 square metres.

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

The applicant has proposed open space areas in several locations on the site, together comprising 3,350 square metres (34.6 % of the site area) of soft landscaping and 2,363 square metres (24.4 % of the site area) of hard landscaping. An outdoor amenity area of 218.3 square metres is situated between Blocks F and B, to the east of the private driveway. This space will provide shade structure and outdoor play equipment for children. An open space area is also located opposite this space on the west side of the driveway in front of Block E. An outdoor gathering space 67.8 square metres in size is proposed in conjunction with the indoor amenity building. The area at the north-west corner of the site is also open and preserves existing trees in this area associated with the Gerrard Prairie feature.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and

demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings.

The TGS has proven to be an effective tool to ensure new development is more sustainable and resilient and on target to achieve the City's greenhouse gas emission reduction targets.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning by-law amendment, if approved, include automobile infrastructure, cycling infrastructure, storage and collection of waste.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. \$250,000 to Parks, Forestry and Recreation for improvements to the Golf Club Parkette at 100 Ferncroft Drive.
2. \$250,000 for public realm enhancements in Birch Cliff such as street furnishings, parkette enhancements such as chess tables, and gateway adornments for the Kingston and Warden intersection such as unique pedestrian lighting at the four corners of Warden and Kingston Road.

These values are to be indexed upwardly in accordance with the Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date the payment is made.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- a) Provision of a Record of Site Condition and a Certificate of Property use that address matters of site condition as set out in Ontario Regulation 153/05 as well as methane, which may include future maintenance, assessment, monitoring and reporting obligations as applicable;
- b) Any recommendations as may be required by the Derailment Protection Report to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

- c) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that additional information is required in order for the development application to be considered to be consistent with the PPS (2014), in conformity with the Growth Plan and in keeping with the intent of the Toronto Official Plan, particularly as it relates to provision of servicing and safety considerations where contamination has been identified on the site.

Staff recommends that City Council direct City Staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report. City Council direct the City Solicitor, and appropriate City Staff, to attend and support the application at the Local Planning Appeal Tribunal (the "LPAT") if these matters can be satisfactorily resolved. However, if these matters cannot be satisfactorily resolved, appropriate City Staff are directed to attend and oppose the application at the Local Planning Appeal Tribunal (the "LPAT").

CONTACT

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SIGNATURE

Paul Zuliani, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Official Plan Land Use Map

Attachment 3: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 4: Site Plan

Attachment 5: Elevations Blocks A and B

Attachment 6: Elevations Blocks A, B and C

Attachment 7: Elevations Blocks C, D and E

Attachment 8: Elevations Blocks C, D, E, F and G

Attachment 9: Elevations Blocks F and G

Attachment 1: Application Data Sheet

Municipal Address: 168-184 CLONMORE DR **Date Received:** January 20, 2015

Application Number: 15 106475 ESC 36 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposed Official Plan Amendment and Rezoning Application to permit the development of 118 stacked townhouse units within seven (7) buildings.

Applicant	Agent	Architect	Owner
CORE CMCC CLONMORE (GP) INC			CORE CMCC CLONMORE (GP) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	S (Birchcliff), RD (City-wide)	Heritage Designation:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 9,951 Frontage (m): 103 Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,908	2,908
Residential GFA (sq m):			11,708	11,708
Non-Residential GFA (sq m):			60	60
Total GFA (sq m):			11,768	11,768
Height - Storeys:			3	3
Height - Metres:			14	14

Lot Coverage Ratio (%): 29.22 Floor Space Index: 1.2

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	11,708	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	60	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			118	118
Other:				
Total Units:			118	118

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			21	92	5
Total Units:			21	92	5

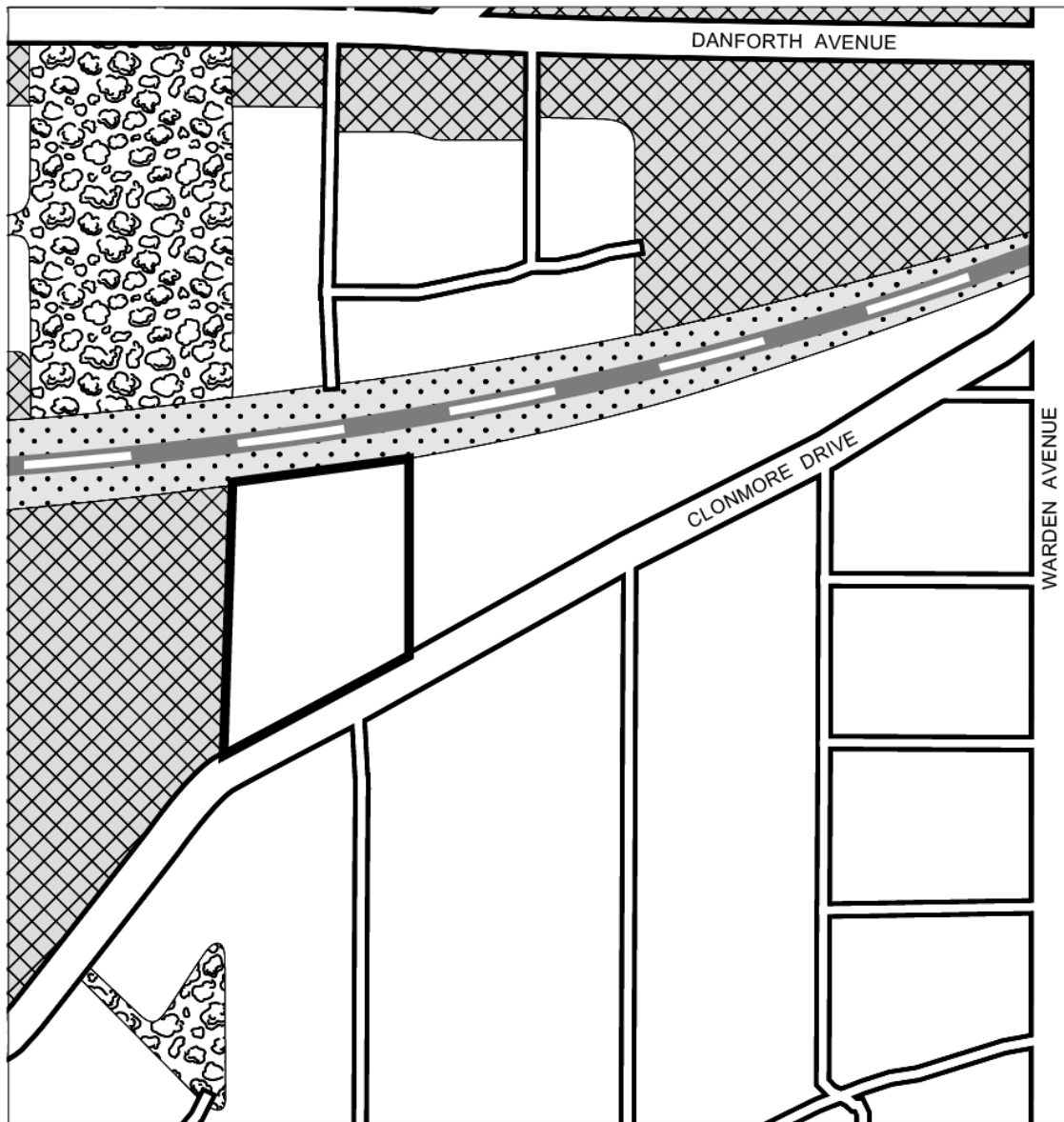
Parking and Loading

Parking Spaces: 145 Bicycle Parking Spaces: 88 Loading Docks:

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Attachment 2: Official Plan Land Use Map



Toronto City Planning
Extract from Official Plan

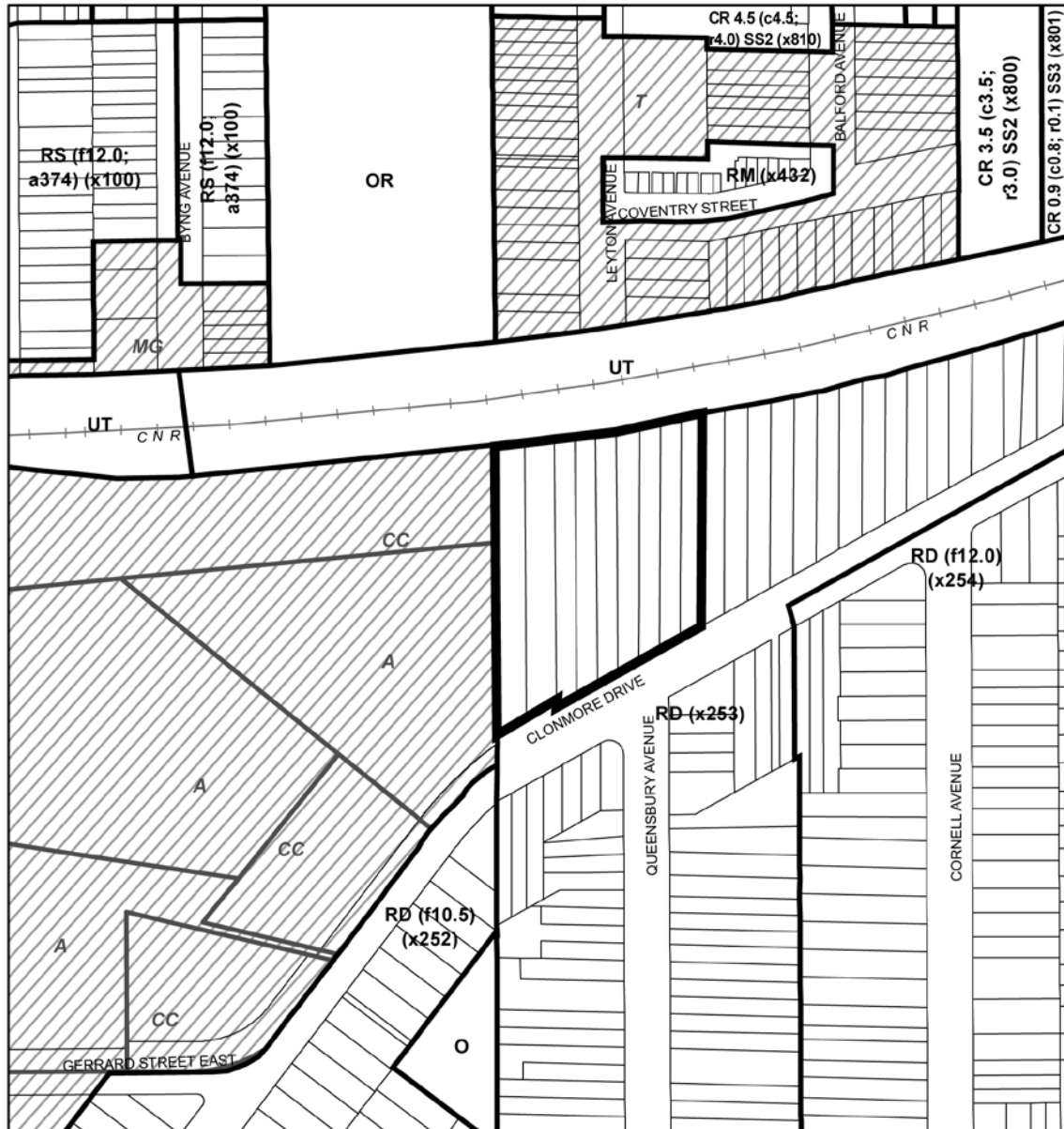
168-184 Clonmore Drive

File # 15 106475 ESC 36 02

- | | |
|---|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Mixed Use Areas | |
|  Utility Corridors | |


 Not to Scale
 02/18/2015

Attachment 3: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

168 - 184 Clonmore Drive

File # 15 106475 ESC 36 02

Location of Application

- RD Residential Detached
- RS Residential Semi-Detached
- CR Commercial Residential
- O Open Space
- OR Open Space Recreation
- UT Utility and Transportation



See Former City of Scarborough Oakridge Community By-Law No. 9812

- T Two-Family Residential
- MG General Industrial Uses
- M Multiple-Family Residential

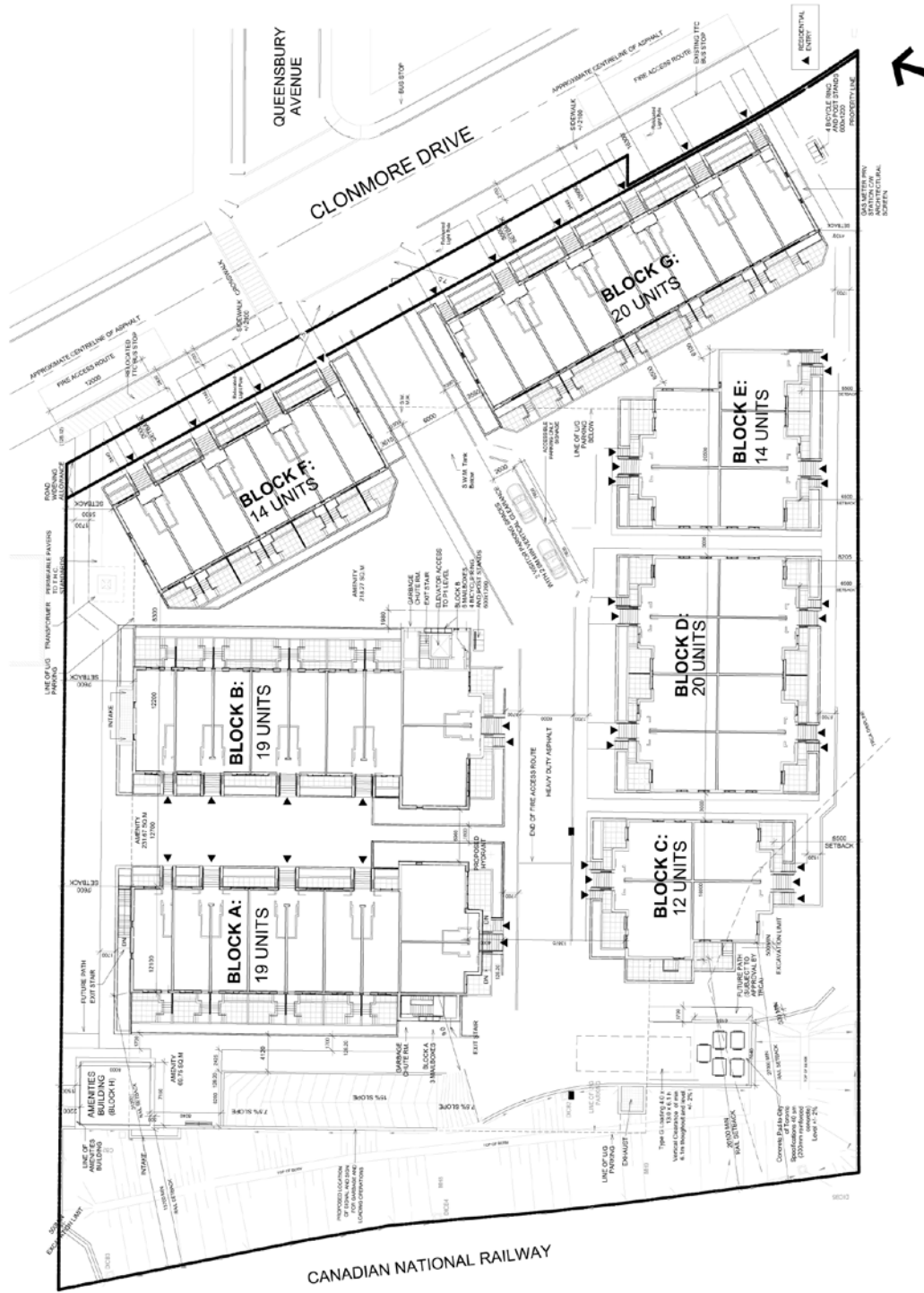
See Former City of Scarborough Birchcliff Community By-Law No. 8786

- A Apartment Residential
- S Single-Family Residential
- CC Community Commercial



Not to Scale
Extracted: 02/23/2015

Attachment 4: Site Plan



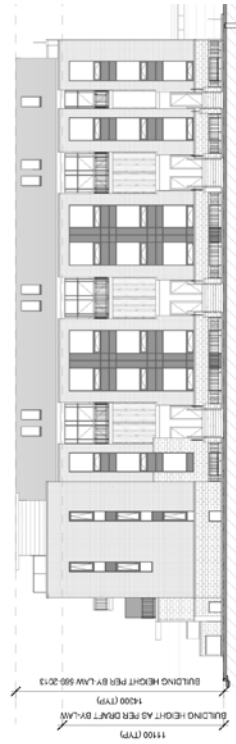
Attachment 5: Elevations Blocks A and B



Blocks A and B West Elevation

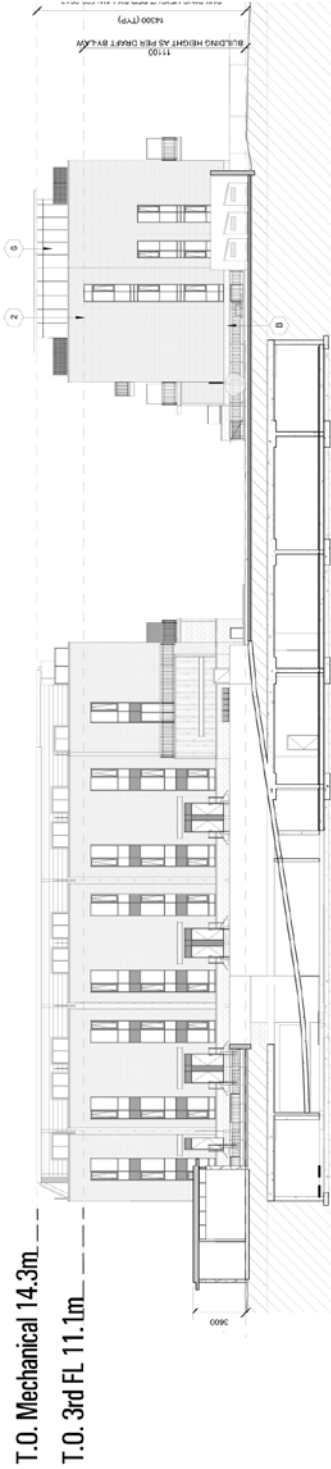


Block B South Elevation



Block A South Elevation

Attachment 6: Elevations Blocks A, B and C

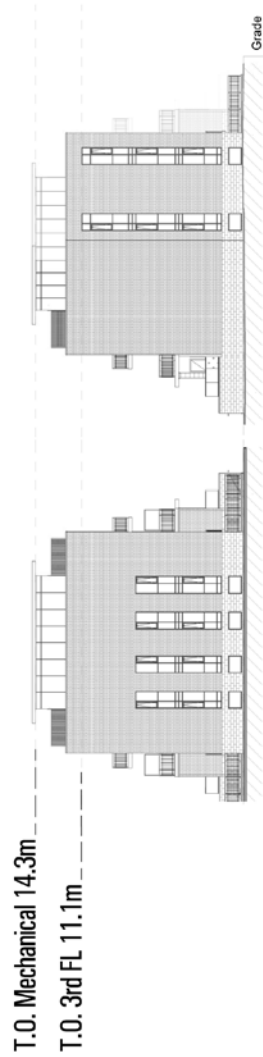


North Elevation Blocks A and C



North Elevation Block B and Cross Section C

Attachment 7: Elevations Blocks C, D and E



Block E South Elevation

Block E North Elevation



Block C, D and E East Elevation

Attachment 8: Elevations Blocks C, D, E, F and G



West Elevation Blocks C, D and E



North Elevation Blocks F and G

Attachment 9: Elevations Blocks F and G



South Elevation



Block F

Block G