



Ben Wong
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April 26, 2022

**City of Toronto
Clerk's Office
Planning and Housing Committee
10th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2**

**Re: CITY OF TORONTO REQUEST TO AMEND THE ZONING BY-LAW
MODULAR HOUSING PROPOSAL
175 CUMMER AVENUE
No. 22 109344 NNY 18 OZ**

Dear Sirs and Madams:

This letter is further to our letters to the City dated March 9, 2021 and March 10, 2021 wherein we commented upon the City's proposal for a Modular Housing development at 175 Cummer Avenue (copies attached).

We are the landowner and builder of 14 new infill single detached residential lots situated on the north side of Cummer Avenue directly north of this proposed Modular Housing proposal. Zoning for our development was detailed in a Final Report dated May 26, 2017.

The addresses of our properties are 162, 166, 168 and 170 Cummer Avenue, and also 5, 6, 7, 8, 9, 10, 11, 12, 15 and 16 Becky Cheung Court.

We continue to express our concern with this City modular housing proposal in terms of compatibility of land use, design, density and built form.

We have been involved with many infill and redevelopment proposals within the City of Toronto and find that City staff are supportive of the City's own proposal in this case in a way that is not consistent with staff's planning positions on other private infill proposals, and not consistent with staff's previous interpretations of the City's own Official Plan.

It is our position that the proposed development is too dense and is not in keeping with the building type and built form character of the neighbourhood, nor with the policies of the Official Plan. The proposal does not respect nor reinforce the existing physical character of the neighbourhood and should not be approved as proposed. The proposal would create a negative and unprecedented condition and context which would undermine the stable geographic neighbourhood character.

Our opinion of this proposal is informed by City staff's positions taken relative to our own development applications, as detailed in the staff reports on our development from August 10, 2016 and May 26, 2017 (attached for reference). Our application was for the creation of 14 lots and City staff applied very specific requirements upon front yard setbacks, height, massing, etc. resulting in, for example, an increase to the front yard of our 4 lots facing Cummer Avenue from our proposed **6 metres** to staff recommended **12 metres**. This is in contrast to the proposed 6 metre front yard with permitted encroachments being proposed for 175 Cummer Avenue.

Some of our concerns with the City's application are as follows:

1. A front yard setback of 6 metres is less than the established standard in the area and is insufficient in our view for such a long and taller building and large mass of built form. This is inconsistent with established front yard setbacks in the area and in direct contrast to the city requirement for our single detached lots situated directly across the street where staff required a 12 metre front yard setback to Cummer Avenue for four single detached lots.
2. Further, the proposed by-law permits encroachments into this front yard space with an ancillary building or structure permitted in the proposed front yard setback of 6 metres.
3. No parking spaces are required for the building in the proposed zoning by-law. We question where staff or visitors will be parking and how this will impact Cummer Avenue.
4. No loading spaces are required in the proposed zoning by-law. We question how loading and unloading for the building will be handled and how this will impact Cummer Avenue.
5. There is no maximum number of units included in the proposed zoning by-law. A maximum number of units should be included in the by-law.
6. As noted in our letter of March 9, 2021 we continue to object to the City's position that this particular proposal for **126 units per hectare** meets the NEIGHBOURHOODS land use designation in terms of compatibility, density, built form and nature of development. This is a precedent-setting interpretation of the City's Official Plan for a development of an apartment building which is not low density and whose size and density is not compatible with the designation. Further, this site is interior to the block, not near or on an arterial road with all the benefits and services available to lands adjacent to an arterial road to support this density.

In conclusion, we continue to oppose this proposal for modular housing in its current proposed design and form in this location.

We wish to be notified of the decision of the City of Toronto on or the refusal of the proposed application.

Sincerely,

LIVANTE HOLDINGS (CUMMER) INC.



Ben Wong, J.D.
Chief Development Officer



Elio Valente
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March 9, 2021

City of Toronto
Community Liaison Office, Leah Snowden, LURA Consulting

and to

City of Toronto
Councillor John Filion, Ward 18, Willowdale

and to

City of Toronto
City Planning, Gregg Lintern, Chief Planner

and to

City of Toronto
City Planning, Giulio Cescato, Manager Central Section, North York District

Regarding: MODULAR HOUSING PROPOSED AT 175 CUMMER AVENUE

Dear Sirs and Madams:

We are the developers and builders of 14 single detached residential lots situated on the north side of Cummer Avenue, directly across the street from this proposed Modular Housing proposal.

We wish to register our objection to this proposal specifically as we understand it to be for 64 single occupant housing units with communal services in a 3 storey building, for several reasons listed below.

LAND USE PLANNING

First, the lands upon which the proposal is situated, like the lands upon which our development is situated, is designated 'NEIGHBOURHOODS' in the Official Plan, similar to much of the areas of the City which are interior to arterial roads. This is in contrast to areas along arterial roads which are designated 'MIXED USE AREAS' or 'APARTMENT NEIGHBOURHOODS'.

A proposal for 64 single occupancy communal units on a parcel of land approximately 0.5 hectares in size results in a density of 128 units per hectare. This is not a low density proposal.

It has been the City's policy to only support development in the Neighbourhoods designation which respects and reinforces the existing physical character of the geographic neighbourhood, and which proposes building types and orientations, lot patterns and zoning provisions which are in keeping with the character of the neighbourhood and the policies of the Official Plan.

We point to our own experience in seeking the City's approval for our single detached lots on the north side of Cummer right across the street. We initially sought permission for 16 single detached lots, but were told by the City that our setbacks and design did not meet the character of the area and with the City's requested increase in setbacks our development lost 2 lots – from 16 to 14 lots. The density for our development is 0.877 ha for 14 units = 16 units per hectare.

We cannot understand how the City can suggest that on the north side of Cummer Avenue there must be 14 single detached lots at 16 units per hectare, not 16 lots, due to the need to reinforce the character of the neighbourhood, but on the south side of Cummer Avenue a development which houses 64 single occupant units, not family units, at a density of 128 units per hectare is appropriate.

We also point to many examples in this area and across the City has refused even townhouse development proposals within the Neighbourhood designation on the basis of incompatibility with the surrounding area. Many of these refusals are for lands which are adjacent to an arterial road – not interior to a community such as 175 Cummer Avenue is.

For many years now the City has imposed upon dozens of development proposals its view of the principle of compatible development in the Neighbourhoods, and in fact the City has, on many occasions, refused to approve even single detached dwelling proposals in the Neighbourhoods designation which its feels are out of character with surrounding single detached dwellings.

One may agree or disagree with the City having set up its Neighbourhoods as such homogeneous and strictly controlled areas – as you all know this is the subject of much debate in the City in the last several years. But one thing is clear – the City has enforced a homogeneousness within the Neighbourhoods that clearly does not support the City's own development proposed at 175 Cummer Avenue. The City cannot and should not, in our opinion, force all other development proponents to play by one set of rules, and now totally contradict its own planning policies. This is a complete undermining of what has been established, confirmed and applied planning policy in the city's neighbourhoods.

COMPATIBILITY

The surrounding neighbourhood is comprised of single detached dwellings with a base minimum frontage of 15m (49 feet). This has been established and we submit protected and enforced by the City to be a neighbourhood of large single detached dwellings.

175 Cummer Avenue is interior to the neighbourhood, not adjacent to or in close proximity to the surrounding arterial road network.

The proposal for 64 single occupant units with communal facilities is not compatible with the existing area context which contains housing for families – even the units for seniors at Willowdale Manor contain single and double occupancies.

A proposal for FAMILY units with a resultant much lower density could be considered more appropriate and potentially more compatible with this area.

HOUSING ACCESS AND SUPPORT

Information from the City on how residents of city housing are selected, screened and the support offered to them, to the employees of the facility and to the community is required to fully understand this proposal.

MZO TO BY-PASS PLANNING ACT REQUIREMENTS

It is our opinion that it is highly inappropriate for the City to embrace the use of a MZO to by-pass Planning Act requirements and community engagement, and, to do so under the guise of 'Covid relief'. We note that the City has in the past opposed and resented provincial interference in its local decision-making for land use, evidenced by the City's long-standing opposition to the OMB / LPAT and to its opposition to the province's use of MZO's in other contexts. To embrace the use of an MZO in this case to implement a proposal which is out of keeping with the City's planning regime and a proposal which circumvents public participation goes against everything this City has said and done for many years now.

It is our opinion that if the City were to propose a housing project of a nature, form, density and type that is appropriate to the site it selects, that it would not face the resident opposition that it has caused, and, it would not require the extra-ordinary step of asking the Province to step in and apply a MZO to force a situation which clearly does not fit.

ADDITIONAL INFORMATION

We request the following information be provided to the community for its review ASAP:

1. Site plan of the proposed housing project, including unit sizes, lot size, building details and typical statistics found on a site plan
2. Resident selection, screening and support information as detailed above.

And finally, we ask that we be added to all community consultation lists for this proposed development.

LIVANTE HOLDINGS (CUMMER) INC.

Per: 

Name: Elio Valente

Title: Principal



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March 10, 2021

City of Toronto
Community Liaison Office, Leah Snowden, LURA Consulting

and to

City of Toronto
Councillor John Filion, Ward 18, Willowdale

and to

City of Toronto
City Planning, Gregg Lintern, Chief Planner

and to

City of Toronto
City Planning, Giulio Cescato, Manager Central Section, North York District

**Regarding: PROPOSED SITE PLAN, ZONING AND OFFICIAL PLAN ISSUES
MODULAR HOUSING PROPOSED AT 175 CUMMER AVENUE**

Dear Sirs and Madams:

This letter is in addition to our letter to you dated March 9, 2021 on this matter and serves to clarify our objections to the DENSITY and SIZE of this development.

We are the developers and builders of 14 single detached residential lots situated on the north side of Cummer Avenue, directly across the street from this proposed Modular Housing proposal.

COMMENTS ON THE SITE PLAN PACKAGE

Our questions / comments on the Plans found on the City's website as of this morning:

1. A front yard setback of 6 metres is well below the established standard in the area. Further, the entranceway porch area is within 3.1 metres of the property line, and the steps further encroach into this space. This is insufficient in our opinion and entirely inconsistent with the area, regardless of which site or which building in the area is analyzed.
2. A 'waste storage' structure is shown within 6m of Cummer Avenue, on the northeast corner of the property, immediately south of the bus shelter and adjacent to the walkway from Willowdale Manor to Cummer Avenue. This location for waste storage is inappropriate in our opinion and inconsistent with the City's own design standards.

COMMENTS ON PROPOSED ZONING

When will the City provide the proposed zoning by-law or at least a list of proposed changes to the standards which apply to the property right now?

COMMENTS ON LACK OF OFFICIAL PLAN CONFORMITY

As noted in our letter of March 9, 2021 we continue to object to the City's position that this particular proposal for 64 units on a site 0.375 hectares in size, which equals **170 units per hectare** meets the NEIGHBOURHOODS land use designation in terms of compatibility, density, built form and nature of development. This is a precedent-setting interpretation of the City's Official Plan for a development of 64 very small, bachelor apartments at a site density of over 170 units per hectare – this is not low density and this size and density is not compatible with the designation in our experience with the City's own previous interpretations on many, many previous proposals. Further, this site is interior to the block, not near or on an arterial road with all the benefits and services available to lands adjacent to an arterial road.

LIVANTE HOLDINGS (CUMMER) INC.

Per: 

Name: Elio Valente

Title: Principal



STAFF REPORT ACTION REQUIRED

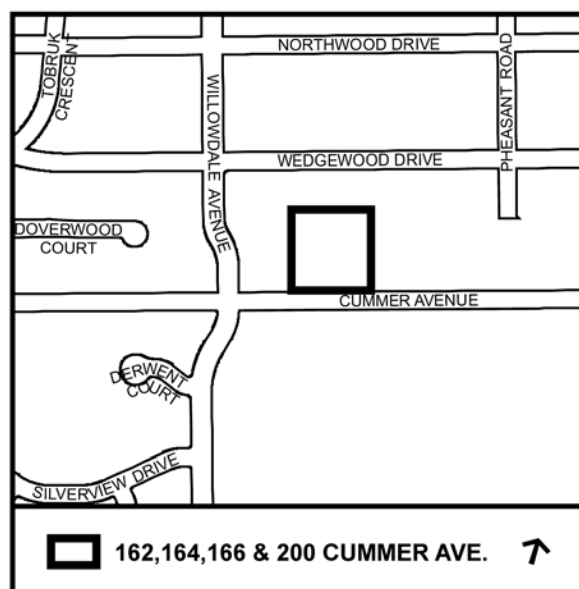
162, 164, 166 and 200 Cummer Avenue – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Preliminary Report

Date:	August 10, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

SUMMARY

These applications for Zoning By-law Amendment and Draft Plan of Subdivision propose to amend the zoning and subdivide the lands at 162, 164, 166 and 200 Cummer Avenue to permit fourteen (14) detached dwellings on 14 residential lots on a public street terminating in a cul-de-sac.

An application for Zoning By-law Amendment is proposed to allow for the size of the proposed lots, as well as the zoning standards required for the proposed dwellings. An application for Draft Plan of Subdivision is required to allow for the creation of the proposed lots and a public street.



This report provides preliminary information on the above-noted applications, and seeks Community Council's direction on further processing of the applications and on the community consultation process.

A Final Report and a Public Meeting under the *Planning Act* will be scheduled provided issues identified in this report are satisfactorily addressed and the applicant submits all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 162, 164, 166 and 200 Cummer Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on January 25, 2016 to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

This application proposes to amend the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 for the lands at 162, 164, 166 and 200 Cummer Avenue. The proposed development would be located on the north side of Cummer Avenue just east of Willowdale Avenue and consists of 14 lots each with a single detached dwelling. A new public street is also proposed.

The new public street identified as "Proposed Street" in Attachment 1 to this report measures 16.5 metres (m) in width and is proposed to terminate in a cul-de-sac. The access point to the new street is located in the middle of the site. Four (4) of the proposed lots (Lots 1, 2, 13, and 14) would front onto and take their access off of Cummer Avenue, while the remaining lots would front onto and take their access off the proposed public street.

The proposed lot frontages range between approximately 14 m and 18.61 m; while the proposed lot areas range between approximately 420 and 541 square metres (m²). The single detached dwellings would be 2 storeys and 9.8 m in height under North York Zoning

By-law No. 7625 and 2 storeys and 11 m in height under the new City of Toronto Zoning By-law No. 569-2013. A building length of 21 m is proposed. Minimum front setbacks of 6 m, rear yard setbacks of 7.5 m, and interior side yard setbacks of 1.2 m are proposed. Maximum lot coverage of 40 percent is proposed. The proposed single detached dwellings would have 3 bedrooms. Each detached dwelling would have 2 parking spaces located in a double car garage.

The proposed site plan and building elevations are included in Attachments 1 and 2.

The project statistics are included in the Application Data Sheet in Attachment 5.

Site and Surrounding Area

The subject lands are generally rectangular in shape and consist of a consolidation of 4 lots that front onto Cummer Avenue and are located just east of Willowdale Avenue. The subject lands measure approximately 8,770 m² (2.167 ac) in area. The subject lands have approximately 87.32 m (286 ft) of frontage on Cummer Avenue and a depth of 99.34 m (326 ft). The property is generally flat with a number of mature trees on site.

The site is currently occupied by 4 existing single detached dwellings that would be demolished to facilitate the proposed development. Vehicular access will be taken from Cummer Avenue.

The subject lands are located 700 m east of Yonge Street.

Abutting uses are as follows:

North: One and two storey single detached residential dwellings.

South: One and two storey single detached residential dwellings and Cummer Lodge Long-Term Care Facility.

East: One and two storey single detached residential dwellings.

West: To the immediate west are one and two storey single detached residential dwellings. Avondale Secondary Alternative School is located to the southwest of the subject lands. Further west is the North York Centre corridor, which consists of a mixture of commercial and residential uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies

are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

Map 16 of the Toronto Official Plan designates the subject site as *Neighbourhoods*. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*.

Neighbourhoods are made up of a variety of lower scale buildings including detached houses, semi-detached houses, townhouses, as well as walk-up apartments. The Plan identifies these established areas as “physically stable” in which development “will respect and reinforce the existing physical character of the neighbourhood”.

Section 4.1.5 of the Official Plan speaks to development criteria for *Neighbourhoods*. Section 4.1.5 states that:

"Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

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 Official Plan is available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Zoning

The subject lands are currently zoned "One Family Detached Dwelling Fourth Density Zone (R4)" in Zoning By-law No. 7625 of the former City of North York and "Residential Detached Zone (RD(f15.0; a550)(x873))" in the new City of Toronto Zoning By-law No. 569-2013. This zoning permits single detached dwellings and accessory buildings.

The RD zoning exception requires a minimum front yard setback of 18 m and a minimum side yard setback of 1.8 m, which is reflective of the existing single detached dwellings on site. Otherwise, the provisions of the RD (f15.0; a550) zone apply.

Site Plan Control

This proposal is not subject to Site Plan Control. However, Architectural Control Guidelines are proposed to ensure the quality design of the dwellings.

Tree Preservation

The application is subject to the City of Toronto Private Tree By-law. Tree Preservation and Landscape Plans have been submitted with the application and circulated to the City's Urban Forestry staff for their review. Opportunities for tree preservation and planting of replacement private and street trees will form part of their review.

Reasons for the Applications

An application for Zoning By-law Amendment is required to modify the performance standards for the proposed lots. Modifications to lot frontage, area, setbacks, building

height, building length, and lot coverage are required. The lots are proposed to be re-zoned to R4 and RD with exceptions.

An application for Draft Plan of Subdivision is required to allow for the creation of the 14 lots and a public street. The proposed street would provide access to 10 of the proposed lots, while 4 of the lots would front onto Cummer Avenue. It is required that the public street comply with the City's Development Infrastructure Policy and Standards.

COMMENTS

Application Submission

The following was submitted with the application:

- Arborist Report and Tree Preservation Plan;
- Architectural Control Guidelines;
- Building Elevations;
- Draft Zoning By-laws;
- Functional Servicing and Stormwater Management Report;
- Landscape Plan;
- Planning Rationale Report;
- Site Plans and Survey;
- Stage 1 and 2 Archeological Assessment; and
- Toronto Green Standard Checklist

A Notification of Complete Application was issued on July 5, 2016.

Issues to be Resolved

The following issues have been identified on a preliminary basis:

- Appropriateness of the proposed configuration of lots;
- Appropriateness of the proposed lot frontages, areas, setbacks, lot coverage, building length and height;
- Appropriateness of the proposal's scale and massing in terms of the built form arrangement on the site, and compatibility with the surrounding context;
- Appropriateness of the Architectural Control Guidelines;
- Appropriateness of the width and configuration of the new public street;
- Appropriateness of a revised public road configuration which could be extended eastward to accommodate future development on lands to the east;
- Assessment of site servicing including stormwater management;
- Compliance with the City's Development Infrastructure Policy and Standards;
- Fit of the proposed plan of subdivision with the character of the existing neighbourhood;

- Preservation of any mature or significant trees; and
- Accuracy of the information and dimensions on the proposed plans.

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

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

CONTACT

Jason Brander, Planner
 Tel. No. (416) 395-7124
 Fax No. (416) 395-7155
 E-mail: jbrande@toronto.ca

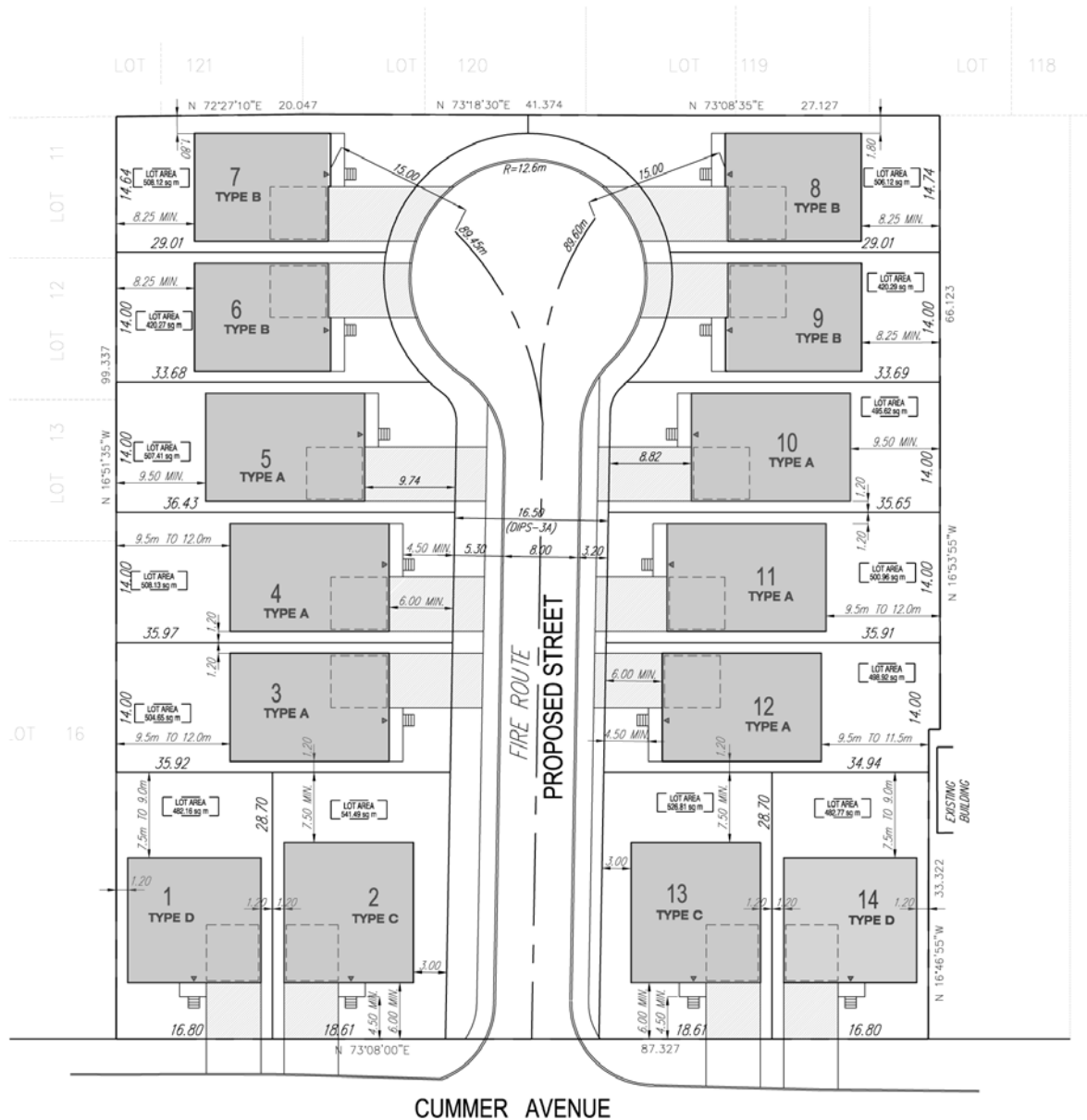
SIGNATURE

Joe Nanos, Director
 Community Planning, North York District

ATTACHMENTS

Attachment 1:	Site Plan/Subdivision Plan
Attachment 2:	Front Elevations
Attachment 3:	Official Plan
Attachment 4:	Zoning
	a. City of Toronto Zoning By-law No. 569-2013
	b. North York Zoning By-law No. 7625
Attachment 5:	Application Data Sheet

Attachment 1: Site Plan/Subdivision Plan



Site Plan

162, 164, 166 & 200 Cummer Ave.

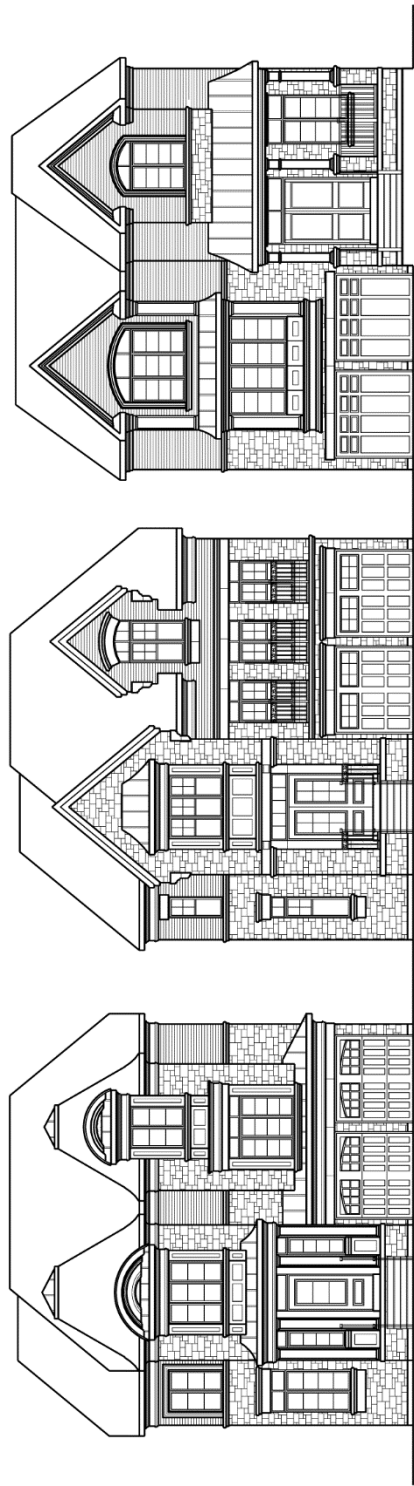
Applicant's Submitted Drawing

Not to Scale
07/12/2016



File # 16 163292 NNY 24 02
16 163295 NNY 24 SB

Attachment 2: Front Elevations



Front Elevations

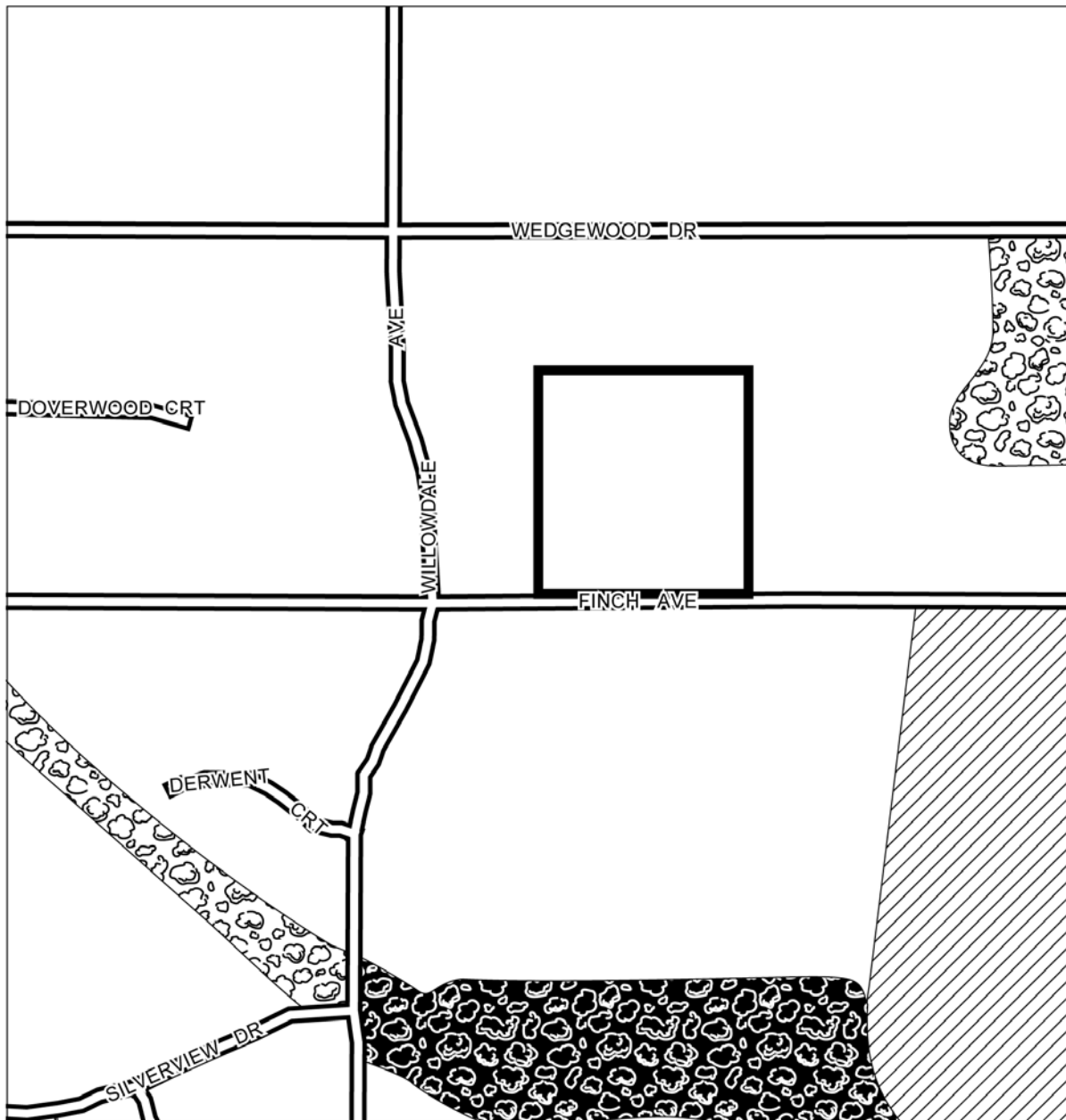
162, 164, 166 & 200 Cummer Ave.

Applicant's Submitted Drawing

Not to Scale
07/12/2016

File # 16 163292 NNY 24 0Z
16 163295 NNY 24 SB

Attachment 3: Official Plan



Extract from Official Plan

162, 164, 166 & 200 Cummer Ave.

File # 16 163292 NNY 24 0Z

16 163295 NNY 24 SB

	Site Location		Natural Areas
	Neighbourhoods		Parks
	Institutional Areas		



Not to Scale
07/12/2016

Attachment 4a: City of Toronto Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

162, 164, 166 & 200 Cummer Ave.

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB



Location of Application

RD
RM

Residential Detached
Residential Multiple

IH
OR

Institutional Hospital
Open Space Recreation



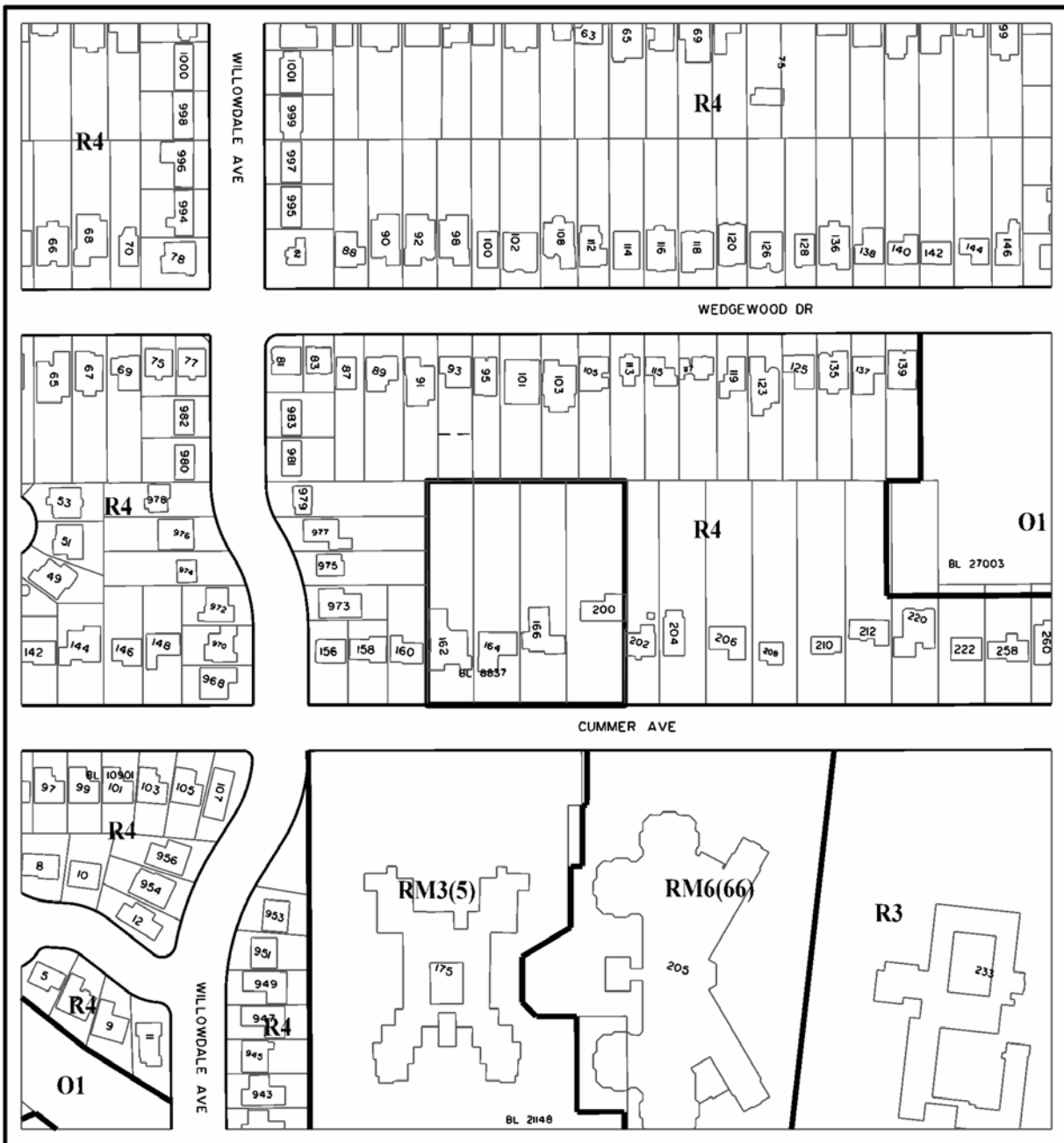
See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone
O1 Open Space Zone



Not to Scale
Extracted: 07/12/2016

Attachment 4b: North York Zoning By-law No. 7625



Zoning By-Law No. 7625

162, 164, 166, & 200 Cummer Ave.

File # 16 163292 NNY 24 0Z & 16 163295 NNY 24 SB

Location of Application

R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RM3 Multiple-Family Dwellings Third Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone
O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 07/12/2016

Attachment 5: Application Data Sheet

Application Type	Plan of Subdivision & Rezoning	Application Number:	16 163292 NNY 24 OZ
Details	Standard	Application Date:	May 27, 2016

Municipal Address:	162, 164, 166, and 200 CUMMER AVE
Location Description:	CON 1 EY LOT 23 **GRID N2401
Project Description:	Proposed 14-lot plan of subdivision (single detached dwellings). Plan of Subdivision also submitted (16 163295 NNY 24 SB).

Applicant:	Address:	Owner:	Address:
M BEHAR PLANNING AND DESIGN INC	25 VALLEYWOOD DRIVE MARKHAM, ON, L3R 5L9	LIVANTE HOLDINGS (CUMMER) INC.	1 STEELCASE ROAD, UNIT 4, MARKHAM, ON, L3R 0T3

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RD (f15.0; a550)(x873)	Historical Status:	N
Height Limit (m):	10	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	8770.2	Height:	Storeys:	2
Frontage (m):	87.32		M:	11
Depth (m):	99.34			
Total Ground Floor Area (sq. m):	2669.1			Total
Total Residential GFA (sq. m):	5291.76		Parking Spaces:	28
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	5291.76			
Lot Coverage Ratio (%):	30.4			
Floor Space Index:	0.68			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	5291.76
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	14	Institutional/Other GFA (sq. m):	0
Total Units:	14		

CONTACT:	PLANNER NAME:	Jason Brander, Planner
	TELEPHONE:	(416) 395-7124
	E-MAIL:	jbrande@toronto.ca



STAFF REPORT ACTION REQUIRED

162, 164, 166 and 200 Cummer Avenue – Zoning Amendment and Draft Plan of Subdivision Applications – Final Report

Date:	May 26, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

SUMMARY

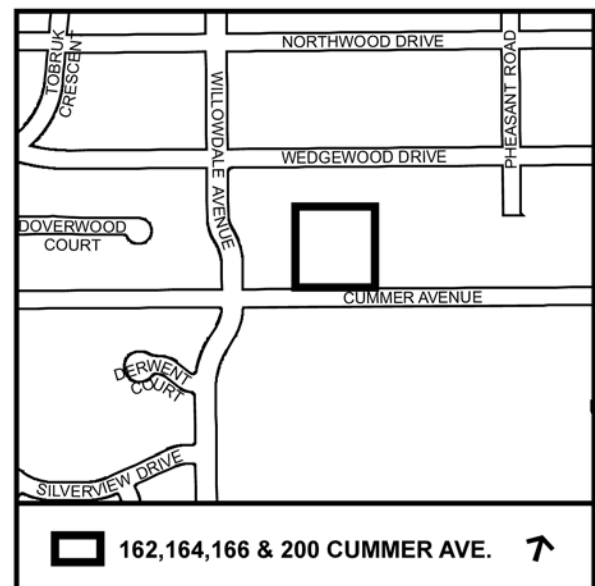
These applications for Zoning By-law Amendment and Draft Plan of Subdivision propose to amend the zoning and subdivide the lands at 162, 164, 166 and 200 Cummer Avenue to permit fourteen detached dwellings on fourteen residential lots on a public street terminating in a cul-de-sac.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 and former City of North York Zoning By-law No. 7625, for the lands at 162, 164, 166, and 200 Cummer Avenue, substantially in accordance with the draft Zoning By-law Amendments attached as Attachment 5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.



3. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 subject to:
 - a. the conditions as generally listed in Attachment 6 to this report which, as otherwise noted, must be fulfilled prior to final approval and the release of the plan of subdivision for registration; and
 - b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the ongoing technical review of this development.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation was held with the applicant on January 25, 2006 to discuss the proposed development and complete application submission requirements.

Applications for Draft Plan of Subdivision and Zoning By-law Amendment were submitted by the applicant on May 27, 2016.

A Preliminary Report related to the current Zoning By-law and Subdivision applications was considered by North York Community Council on August 10, 2016:

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-95243.pdf>

ISSUE BACKGROUND

Proposal

The proposal is to divide the subject properties into fourteen lots for single detached dwellings, of which ten would front on a new public road (cul-de-sac). Proposed lot areas range from 392 square metres to 635 square metres and the proposed lot frontages range from 13.2 metres to 18.75 metres. The subdivision includes a new north-south public road accessed from Cummer Avenue with a right-of-way width of 16.5 metres. The single detached dwellings are two-storeys with a maximum height of 9.8 metres as measured under Zoning By-law No. 7625 and a maximum height of 11 metres as measured under Zoning By-law No. 569-2013. The proposed dwellings range in size between 329.81 square metres and 427.35 square metres. Two of the fourteen lots have a coverage of 42 percent, while all other lots have a maximum coverage of 40 percent. Each dwelling has an integral garage and twelve of the fourteen lots take access from the new public road. The applicant is also requesting a temporary sales office in combination with a model home on the site in order to market the proposed dwellings.

Site and Surrounding Area

The subject lands are generally rectangular in shape and consist of a consolidation of four lots that front onto Cummer Avenue and are located just east of Willowdale Avenue. The subject lands measure approximately 8,770 m² (2.167 ac) in area. The subject lands have approximately 87.32 m (286 ft) of

Staff report for action – Final Report – 162, 164, 166 & 200 Cummer Ave 2

frontage on Cummer Avenue and a depth of 99.34 m (326 ft). The property is generally flat with a number of mature trees on site.

The site is currently occupied by four existing single detached dwellings that would be demolished to facilitate the proposed development.

The subject lands are located 700 metres east of Yonge Street.

Abutting uses are as follows:

North: One and two storey single detached residential dwellings.

South: One and two storey single detached residential dwellings and the four storey Cummer Lodge Long-Term Care Facility.

East: One and two storey single detached residential dwellings.

West: To the immediate west are one and two storey single detached residential dwellings. Avondale Secondary Alternative School is located to the southwest of the subject lands. Further west is the North York Centre corridor, which consists of a mixture of commercial and residential uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 16 of the Toronto Official Plan designates the subject site as *Neighbourhoods*. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*.

Neighbourhoods are made up of a variety of lower scale buildings including detached houses, semi-detached houses, townhouses, as well as walk-up apartments. The Plan identifies these established areas as “physically stable” in which development “will respect and reinforce the existing physical character of the neighbourhood”.

Section 4.1.5 of the Official Plan speaks to development criteria for *Neighbourhoods*. Section 4.1.5 states that:

"Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

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 Public Realm policies of the Official Plan promote high quality architectural design, landscaping, and urban design in order to create comfortable, safe, and accessible streets, parks, and open spaces. Policies 14, 16, and 17 of Section 3.1.1 promote pedestrian safety and security with respect to streetscapes, parks, and other open spaces. These policies also state that new streets should be public streets, and that they be designed to promote a connected grid of streets that offer safe and convenient travel options, provide connections with adjacent neighbourhoods, extend sightlines and view corridors, provide access and addresses for new developments, provide access for emergency vehicles, and generally create a network that balances the needs and priorities of the various users and uses.

The Built Form policies of the Official Plan seek to ensure that new development is located and organized to fit with its existing and/or planned context, by framing and supporting adjacent streets, parks, and open spaces to improve safety, pedestrian interest, and casual view from these places into new developments. New development will be designed to fit harmoniously with the existing/planned context in terms of massing, scale, and building facades. On corner sites, the development should be located along both adjacent street frontages and give prominence to the corner.

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

<http://www1.toronto.ca/planning/chapters1-5.pdf>

OPA 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the *Healthy Neighbourhoods*, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Zoning

The subject lands are currently zoned "One Family Detached Dwelling Fourth Density Zone (R4)" in the former City of North York Zoning By-law No. 7625. This zone permits single detached dwellings and accessory buildings. The minimum lot frontage in the R4 zone is 15 metres and the minimum lot area is 550 square metres. Other zoning provisions include, but are not limited to, maximum building height of 2-storeys and 8.8 metres, minimum front yard setback of 7.5 metres, minimum rear yard setback of 9.5 metres, and maximum dwelling length of 16.8 metres.

The subject lands are currently zoned "Residential Detached Zone RD(f15.0; a550)(x873)" in the new City of Toronto Zoning By-law No. 569-2013. This zone permits single detached dwellings and accessory buildings. The subject lands are subject to a site specific exception under Zoning By-law No. 569-2013. Exception No. 873 requires a minimum front yard setback of 18.0 metres and minimum side yard setbacks of 1.8 metres. The minimum lot frontage in the RD zone is 15 metres and the minimum lot area is 550 square metres. Other zoning provisions include, but are not limited to, a maximum building height of 2-storeys and 10.0 metres, minimum rear yard setback of 7.5 metres or 25% of the lot depth, whichever is the greater, and maximum building length of 17.0 metres. Both zoning by-laws permit a maximum lot coverage of 30%.

Plan of Subdivision

An application for Draft Plan of Subdivision was submitted to the City to establish the public road and create lots for the single detached dwellings shown as Attachment 1. The Chief Planner has delegated approval authority for Plans of Subdivision under By-law 229-2000.

Site Plan Control

This proposal is not subject to Site Plan Control. However, Architectural Control Guidelines are proposed to ensure the quality design of the dwellings.

Reasons for Application

An Amendment to the Zoning By-laws is required to establish site-specific performance standards for the proposed single detached dwellings, including lot coverage, building height, and setbacks. The Plan of Subdivision is required to create fourteen lots and a new public road.

Community Consultation

A Community Consultation meeting was held on October 25, 2016 to present the proposed development and obtain community feedback. Approximately 25 members of the community were in attendance. Following presentations from City staff and the applicant, a number of comments and issues were raised, including:

- The proposed front yard setbacks;
- Increase in traffic; and
- Pre and post-development stormwater flow and drainage and the impact on neighbouring properties.

COMMENTS

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards and conditions of Draft Plan Approval.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS states that healthy and active communities should be promoted by planning streets, spaces, and facilities to be safe, meet the needs of pedestrians, create community connectivity, foster social interaction, by providing publicly-accessible built and natural settings for recreation, and facilitate active transportation, which is defined as "human-powered travel, including but not limited to, walking, cycling, inline skating, and the use of mobility aid, such as motorized wheel chairs." The development of a public street having sidewalks on both sides would provide safe travel options for pedestrians, cyclists, those utilizing mobility devices, and vehicles, while promoting community connectivity and social interaction. The proposal is consistent with the mix of land uses promoted by the PPS, and efficiently uses the existing infrastructure and public services. Further, the proposed development does not pose any risk to public health and safety. The proposal is consistent with the PPS, as required by Section 3 of the *Planning Act*.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. The Plan encourages intensification and redevelopment in urban areas which provide a healthy, liveable, and safe community. While the Growth Plan expects the majority of growth to occur in growth centres, such as the Centres and Downtown areas identified in the Official Plan, a certain amount of intensification is expected to occur in other areas of the city. This proposal provides reasonable intensification through infill development that is compatible with the existing neighbourhood in terms of lot size, and dwelling size and type, while utilizing existing infrastructure, as contemplated by the Growth Plan. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Built Form

The Toronto Official Plan identifies the subject property as *Neighbourhoods*. *Neighbourhoods* are considered to be stable areas, where new development will maintain the existing physical character. *Neighbourhoods* include a full range of residential uses in lower scale buildings, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, and townhouses. Parks, schools, and local institutions are also found in *Neighbourhoods*.

Policy 4.1.5 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, "physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally fit the existing physical character of the neighbourhood." This includes but is not limited to street patterns, size and configuration of lots, prevailing building types, and height, massing, and scale of nearby residential properties.

The proposed development builds upon the lot and road configuration established in the adjacent residential neighbourhood. The lots are generally consistent with the existing zoning, which permits single detached dwellings with 15-metre frontages on lots having 550 square metres in area. The lots for the proposed single detached dwellings have frontages that range from 13.2 metres to 18.75 metres, with the lots around the bulb of the cul-de-sac have the most narrow frontages at the street line. The lot area for each lot ranges from 392 square metres to 635 square metres. Five of the fourteen lots are larger in area than 550 square metres.

The R4 zone under Zoning By-law No. 7625 requires a front yard setback of 7.5 metres, side yard setbacks of 1.8 metres, and a rear yard setback of 9.5 metres. The RD zone under Zoning By-law No. 569-2013 requires a front yard setback of 18 metres and side yard setbacks of 1.8 metres as per the site specific exception, and a rear yard setback of 7.5 metres or 25 percent of the lot depth, whichever is greater. This development proposes front yard setbacks of 12 metres for the four lots fronting onto Cummer Avenue and 6 metres for the remaining lots that front the proposed public road, side yard setbacks of 1.2 metres, and rear yard setbacks ranging between 7.5 metres and 9.5 metres. The proposed setbacks provide adequate separation distance from the public street and between the proposed dwellings. Specifically, the proposed front yard setbacks for the lots fronting onto Cummer Avenue maintain the generous front yard setback patterns of the adjacent residential neighbourhood and are consistent with the Built Form and *Neighbourhoods* policies of the Official Plan.

The adjacent neighbourhood is comprised of one and two-storey dwellings. There are newer, larger scale two-storey detached dwellings that are replacing the original housing stock. The proposed two-storey dwellings with building heights of 9.8 metres as measured under Zoning By-law No. 7625 and 11 metres as measured under Zoning By-law No. 569-2013 are consistent with other new home construction in the area.

The proposed dwellings conform to the Built Form policies of the Official Plan. Policy 3.1.2.1 seeks to ensure that new development is located and organized to fit within the existing and/or planned context, by framing and supporting adjacent streets to improve safety. The proposed dwelling units on the northernmost lots have been configured to frame the bulb of the new public road to improve the view terminus. Further, the Built Form policies state when developing a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. The two dwelling units that corner the new public road have been designed to give prominence to the corner, while taking their vehicular access off the new public road.

The proposal conforms to the *Neighbourhoods* policies of the Official Plan, specifically the development criteria of Policy 4.1.5, detailed above. The proposed dwellings respect and reinforce the character of the adjacent residential neighbourhood. The proposed height, massing, scale, and the setbacks of buildings from the street are appropriate and compatible. Further, the proposal is consistent with the zoning by-law amendment that was enacted on December 2, 2004 for the lands at 292-298 Cummer Avenue which permitted the development of 12 single detached dwellings and a new public road.

Architectural Control Guidelines

The applicant has prepared Architectural Control Guidelines which direct the detailed design of the proposed dwellings and to ensure appropriate relationships between the public and private realms. The Guidelines speak specifically to the design criteria for residential development, including site design, building typology, residential streetscapes, built form and massing, building articulation, architectural treatment, garages and driveways, sustainability, lighting, and signage. The Guidelines provide specific design criteria for priority lots, which include, corner lots and view terminus lots.

The Guidelines encourage variety in terms of architectural expression through the use of alternative façade treatments, roof form, exterior materials and colours, and architectural detailing, while maintaining similar built form and massing to that of the existing neighbourhood. Several criteria exist with respect to garages and driveways and the location of utilities and service elements to ensure these features do not dominate the streetscape, while also providing for the needs of residents and neighbours. The Guidelines also speak to the relationship between buildings and the street, site grading conditions, and corner lot fencing. The Guidelines will be secured as a condition of draft plan of subdivision approval.

Traffic Impact, Access, Parking

Given the scale of the proposed development, Transportation Services staff did not require a Traffic Impact Study (TIS). Transportation Services have no concerns with the traffic impacts of the proposal given its scale. The new public road complies with the Development Infrastructure Policy & Standards (DIPS). It will be 16.5 metres in width, with a 12.6 metre radii at the turning circle at the north end. The new road will intersect Cummer Avenue. Each dwelling is proposed to have an integral garage, driveway, and two parking spaces. A stop control is proposed at the proposed public road and Cummer Avenue. A concrete sidewalk is proposed along both sides of the proposed public road and along the four properties fronting Cummer Avenue. Of the four properties that front Cummer Avenue, only two properties take access off Cummer Avenue, improving the streetscape and limiting the access points to Cummer Avenue.

Servicing

The applicant has submitted Stormwater Management and Functional Servicing reports for the City's review and approval. The applicant's stormwater solution must comply with the City's Wet Weather Flow Management Guidelines. The Guidelines require that the development must retain stormwater on-site, to the extent practicable, to achieve the same level of annual volume of overland runoff allowable from the development site under pre-development conditions. The concerns of residents related to the stormwater flow and drainage will be addresses through the review of the Stormwater Management report. Municipal infrastructure improvements are intended to be secured through the subdivision process.

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 local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application is proposing fourteen single detached dwellings and a 1,718 square metre public road on a total site area of 8,770 square metres. The public road is exempt from parkland dedication requirements. The net site area subject to parkland dedication is 7,052.2 square metres.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 186.7 square metres or 2.65% of the net site area. However, the minimum parkland dedication requirement for residential uses is 5% of the net site area, which is equivalent to 352.6 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 352.6 square metres is not of a suitable size to develop a programmable park within the existing context of this development site.

The site is also in close proximity to City parkland. The site is 300 metres from Newtonbrook Park, a 19.8 hectare park which features a naturalized ravine and trails; 435 metres from Silverview Park, a 1.67 hectare park which features a baseball diamond and playground; and 530 metres from Wedgewood Park, a 1.05 hectare park which features a basketball court, two tennis courts and two playgrounds.

Trees

The applicant is proposing to remove 33 trees protected under the provisions of the Private Tree By-law, which would require the planting of 99 replacement trees (under the 3:1 replacement ratio). The Landscape Plan indicates 4 new trees will be planted on private property and 6 of the existing trees on private property will be protected. The applicant is required to pay in lieu of planting for the remaining 95 replacement trees on private property.

There are no City trees impacted as part of this application. A total of 16 new street trees will also be planted along the public boulevard of the new public road.

Subdivision

The draft conditions of approval, as outlined in Attachment 6, will ensure the road is constructed in accordance with the City of Toronto Development Infrastructure Policy & Standards (DIPS) and emergency service standards, and that the land transfer of the new street into public ownership will be completed in accordance with City policies.

The applicant must file a Record of Site Condition (RSC) on Ontario's Environmental Site Registry for all lands to be conveyed to the City, prior to the registration of the Plan of Subdivision.

A Construction Management Plan and Transportation Management Plan will be required prior to the registration of the Plan of Subdivision, to minimize the impacts on neighbours during the time of construction.

Section 51(24) of the *Planning Act* outlines the criteria for determining whether or not a proposed subdivision is appropriate. These criteria include conformity to provincial plans, whether the plan conforms to the Official Plan and adjacent plans of subdivision, the appropriateness of the proposed land use, the dimensions and shapes of the proposed lots and blocks, and the adequacy of utilities and municipal services. As detailed through this report, the proposed plan conforms to the policies of the Staff report for action – Final Report – 162, 164, 166 & 200 Cummer Ave

Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It complies with the policies of the Toronto Official Plan, the proposed lots are consistent with those existing in the neighbourhood, and the proposed public road will meet the needs of the development. The Chief Planner has delegated approval authority for Draft Plan of Subdivision under By-law 229-2000.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Subdivision Agreement.

Conclusion

The proposal has been reviewed against the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS as required by Section 3 of the *Planning Act* and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Further, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the *Neighbourhoods* policies. Staff worked with the applicant to address concerns, specifically related to the front yard setbacks of the dwelling units fronting onto Cummer Avenue. Dwelling units were designed to both frame the bulb of the new public road and give prominence to the corner which conforms to the *Neighbourhoods* and Built Form policies of the Official Plan. Staff also secured a DIPS compliant public road. The proposal would provide much needed family-sized dwelling units compatible with the surrounding context. The proposal represents good planning and is in the public interest.

As set out in pages 1 and 2 of this report, staff recommend City Council amend Zoning By-law Nos. 7625 and 569-2013, for the lands at 162, 164, 166 and 200 Cummer Avenue, substantially in accordance with the draft Zoning By-law Amendments attached as Attachment 5 to this report, and City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 2 to this report.

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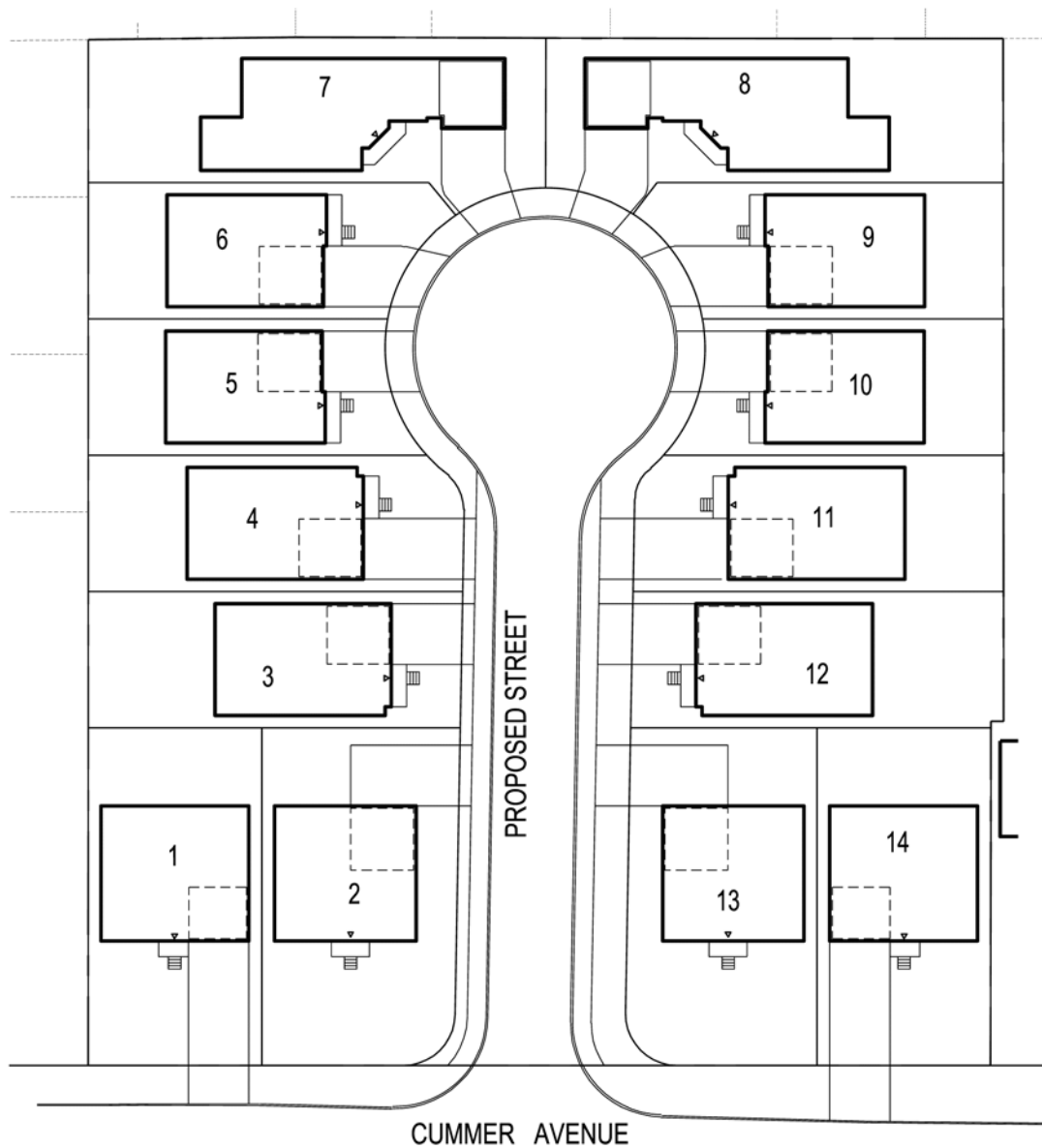
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft Plan of Subdivision
Attachment 3a: Zoning By-law No. 7625 Map
Attachment 3b: Zoning By-law No. 569-2013 Map
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendments
Attachment 6: Conditions of Draft Plan of Subdivision

Attachment 1: Site Plan



Site Plan

162, 164, 166 & 200 Cummer Ave.

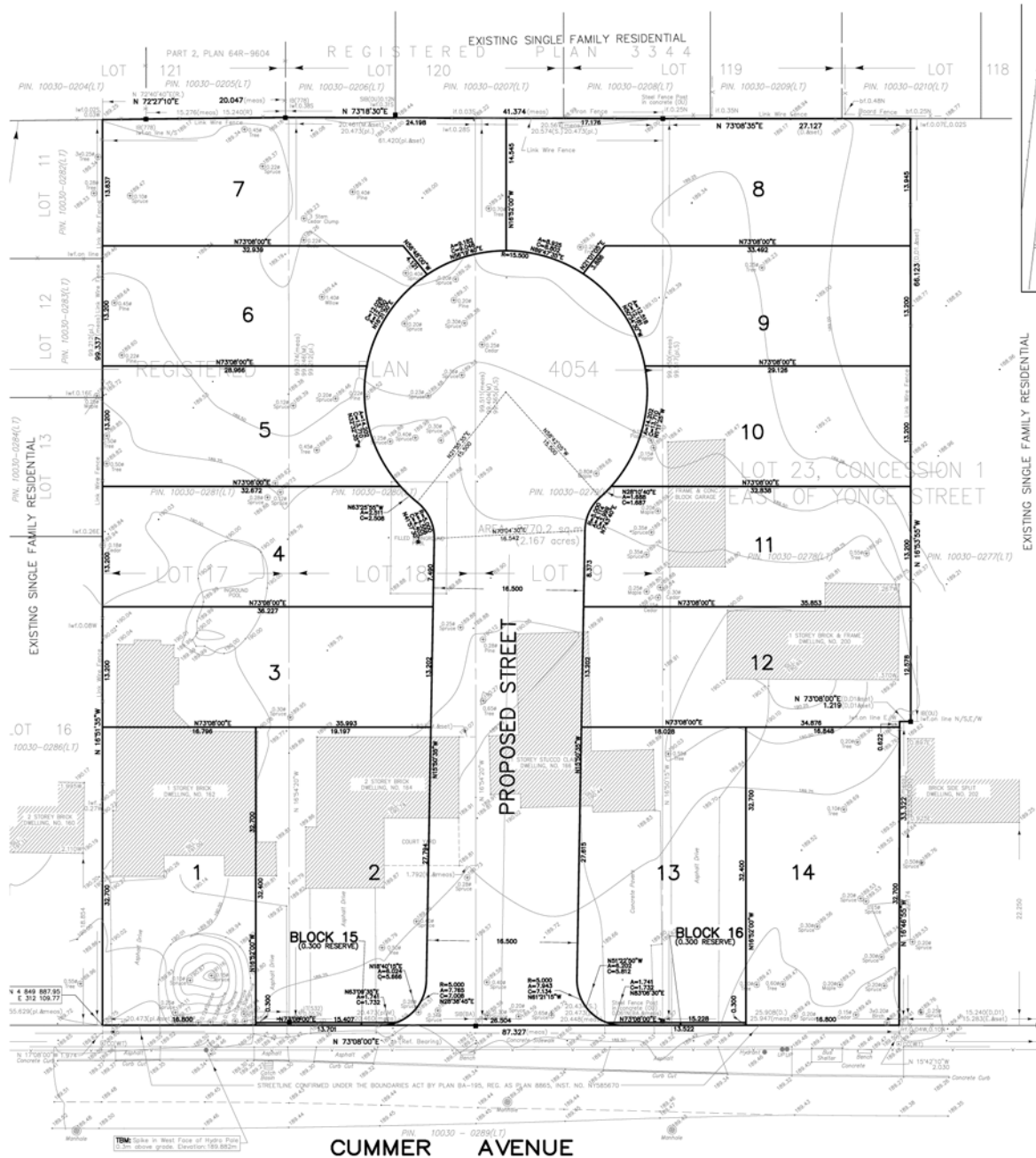
Applicant's Submitted Drawing

Not to Scale
05/19/2017



File # 16 163292 NNY 24 0Z
16 163295 NNY 24 SB

Attachment 2: Draft Plan of Subdivision



Draft Plan of Subdivision

162, 164, 166 & 200 Cummer Ave.

Applicant's Submitted Drawing

Not to Scale
05/19/2017



File # 16 163292 NNY 24 0Z
16 163295 NNY 24 SB

The map displays a residential neighborhood with the following features:

- Streets:** Willowdale Ave runs vertically on the left. Wedgewood Dr runs horizontally across the middle. Cummer Ave runs horizontally at the bottom.
- Zoning Designations:**
 - R4:** Residential Single-Family, covering most of the upper and middle sections.
 - RM3(5):** Residential Medium-Density, located in the bottom left.
 - RM6(66):** Residential Medium-Density, located in the bottom center.
 - R3:** Residential Single-Family, located in the bottom right.
- Lot Numbers:** Numerous individual lots are numbered throughout the map, including 66, 68, 70, 78, 994, 996, 998, 1000, 1001, 1002, 100, 90, 92, 98, 100, 102, 108, 112, 114, 116, 118, 120, 126, 128, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506



162, 164, 166, & 200 Cummer Ave.

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB



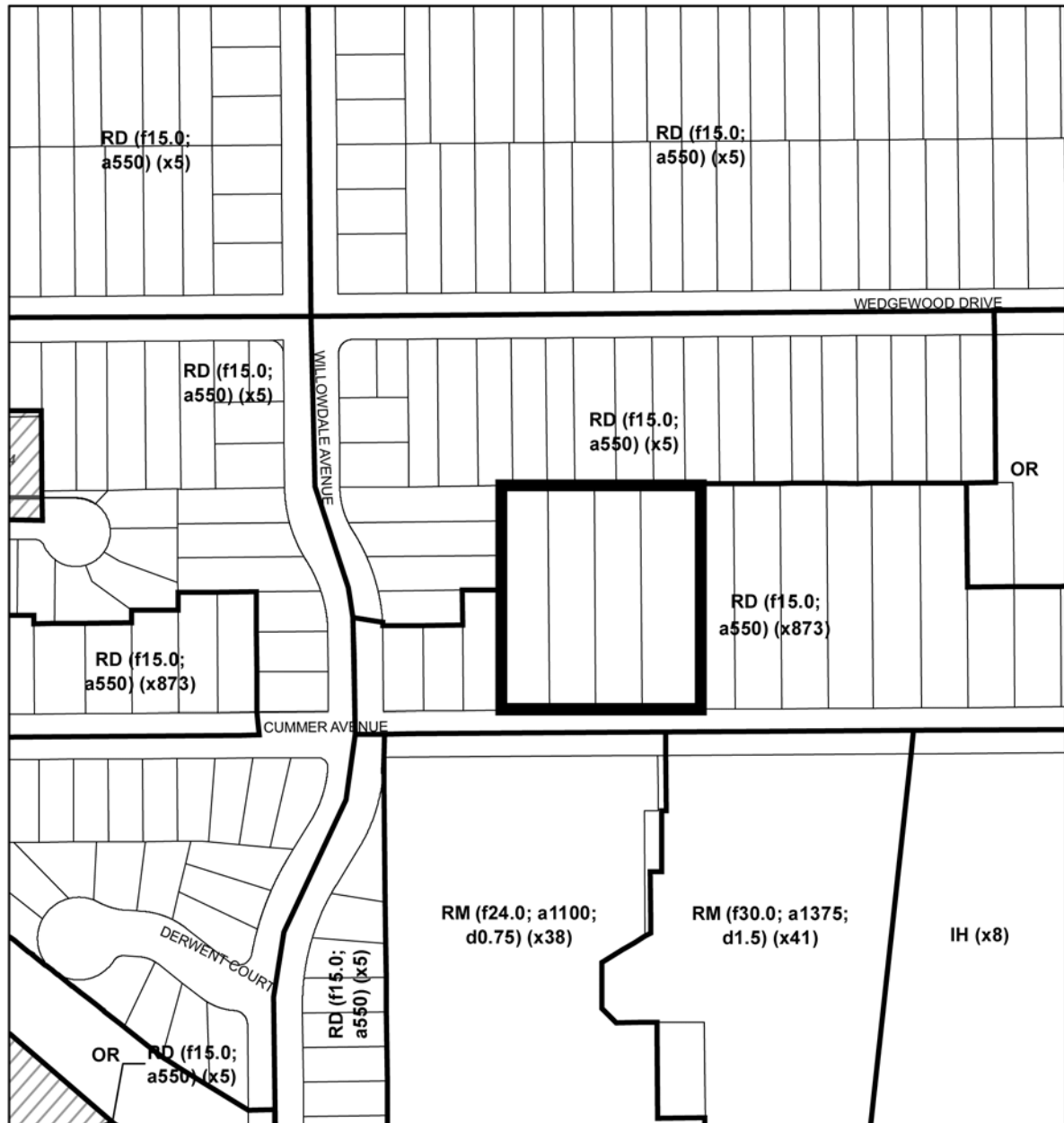
RM6 Multiple-Family Dwellings Sixth Density Zone
01 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 07/12/2016

Attachment 3b: Zoning By-law No. 569-2013 Map



Zoning By-Law No. 569-2013

162, 164, 166 & 200 Cummer Ave.

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB



Location of Application

RD
RM

Residential Detached
Residential Multiple

IH
OR

Institutional Hospital
Open Space Recreation



See Former City of North York By-Law No. 7625

R4

One-Family Detached Dwelling Fourth Density Zone

O1

Open Space Zone



Not to Scale
Extracted: 07/12/2016

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning and Draft Plan of Subdivision	Application Number:	16 163292 NNY 24 OZ
Details	Rezoning, Standard	Application Date:	16 163295 NNY 24 SB May 27, 2016

Municipal Address: 200 CUMMER AVE

Location Description: CON 1 EY LOT 23 **GRID N2401

Project Description: Proposed 14-lot plan of subdivision (single detached dwellings). Plan of Subdivision also submitted (16 163295 NNY 24 SB).

Applicant:	Agent:	Architect:	Owner:
M BEHAR PLANNING AND DESIGN INC			LIVANTE HOLDINGS (CUMMER) INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RD (f15.0; a550)(x873)	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	8770.2	Height:	Storeys:	2	
Frontage (m):	87.32		Metres:	11	
Depth (m):	99.34				
Total Ground Floor Area (sq. m):	2669.1				Total
Total Residential GFA (sq. m):	5291.76		Parking Spaces:	28	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	5291.76				
Lot Coverage Ratio (%):	30.4				
Floor Space Index:	0.68				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	5291.76	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	14	Institutional/Other GFA (sq. m):	0	0
Total Units:	14			

CONTACT:	PLANNER NAME:	Victoria Fusz, Assistant Planner
	TELEPHONE:	(416) 395-7172

Attachment 5: Draft Zoning By-law Amendments

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
162, 164, 166 & 200 Cummer Ave**

WHEREAS authority is given to Council by Section 34 [Section 39 for Temporary Use By-law] of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.13 of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

"64.13-(118) R4 (118)

TEMPORARY USE

(a) Sales Office

A sales office in combination with a model home shall be permitted on the lands shown on Schedule 1 to this by-law. The temporary sales office shall be limited to selling homes only on the lands shown on Schedule 1 to this by-law and shall only be located on Lot 1 or 2, as shown on Schedule R4 (118).

GENERAL PROVISIONS

(b) Permitted Projections into Minimum Yard Setbacks

Exterior stairways, porches, terraces and decks shall be permitted to project into the minimum front yard setback or minimum rear yard setback not more than 3 metres.

(c) Unexcavated Porches and Decks in R and RM Zones

Unexcavated porches or decks, attached to the main building, shall not exceed the height of the first floor.

EXCEPTION REGULATIONS

(d) Permitted Uses

Single detached dwellings and uses accessory thereto shall be permitted.

(e) Dwelling Units

(i) A maximum of 14 single detached dwelling units will be permitted on the lands shown on Schedule 1.

(ii) There shall be one single family dwelling per lot on the registered plan of subdivision.

(f) Lot Frontage and Lot Area

The minimum lot frontage and lot area shall be as listed below, for each lot as shown on R4(118):

Lot Number	Lot Frontage (m)	Lot Area (m ²)
1	16	540
2	18	600
3	13	420
4	13	420
5	13	390
6	13	420
7	18	600
8	16	600
9	13	420
10	13	390
11	13	420
12	13	420
13	18	540
14	16	540

(g) Front Yard Setback

The minimum front yard setbacks shall be as shown on Schedule R4 (118).

(h) Side Yard Setbacks

The minimum side yard setbacks shall be as shown on Schedule R4 (118).

(i) Rear Yard Setbacks

The minimum rear yard setbacks shall be as shown on Schedule R4 (118).

(j) Lot Coverage

The maximum lot coverage for Lots 5 and 10 shall be 42%, and the maximum lot coverage for Lots 1-4, 6-9, and 11-14 shall be 40%.

(k) Length of Dwelling

The maximum length of a dwelling shall be 21 metres measured from the front wall of the dwelling.

(l) Building Height

The maximum height shall be 2 storeys and 9.8 metres.

(m) Division of Lands

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

(n) Exclusions

The provisions of Sections 6(9), 6(24), and 7.4A, 7.4B of By-law No. 7625 shall not apply.

3. Within the lands shown on Schedule "~" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

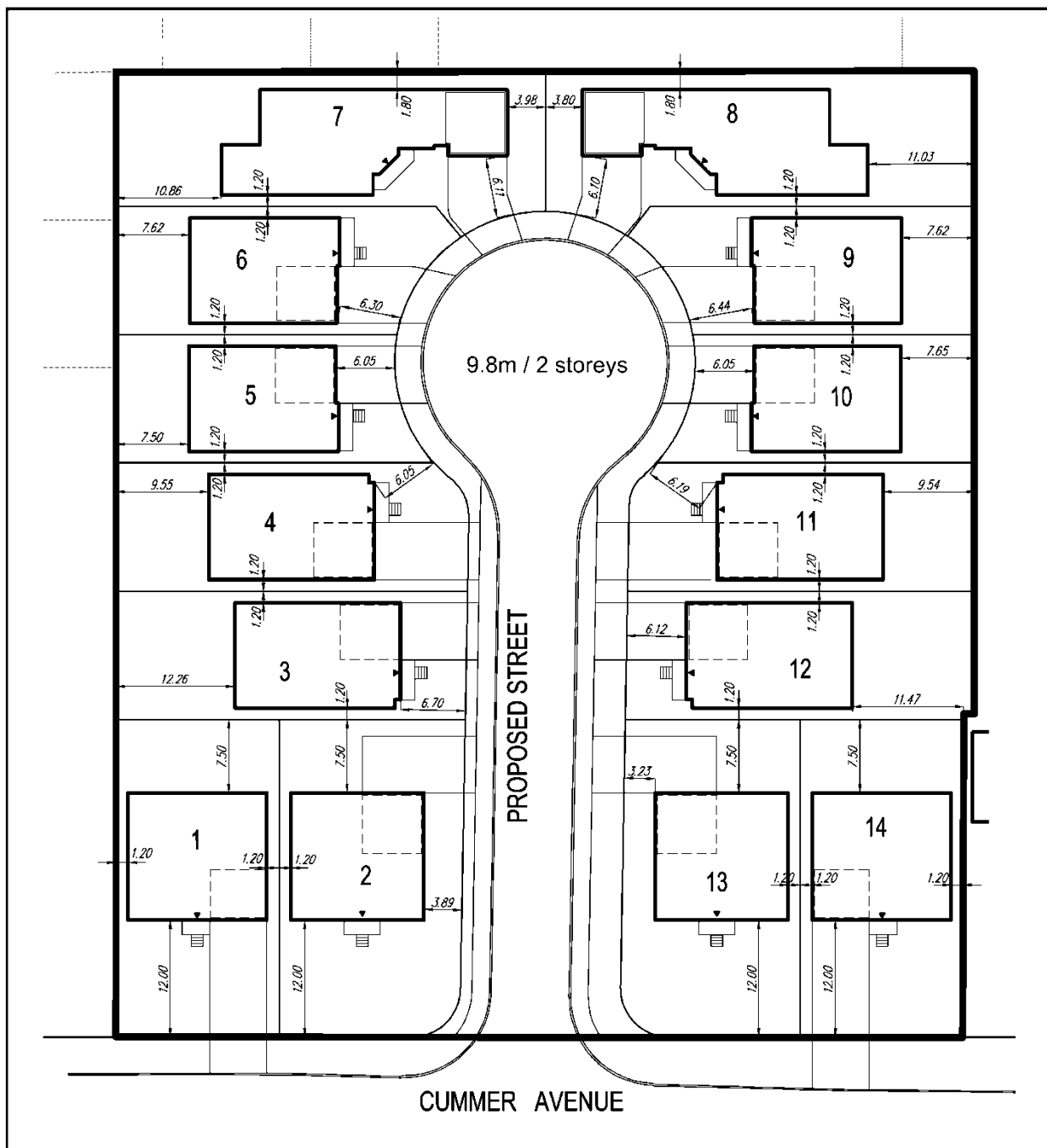
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule R4(118)

Applicant's submitted drawing

File # 16 163292 NNY 24 02 & 16 163295 NNY 24 SB

Date: 05/16/2017

Approved by: V.F.



Not to Scale

Authority: North York Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2017]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 162, 164, 166 & 200 Cummer Ave

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

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RD (x480), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from a height and storey label of HT 10.0, ST 2, to HT 11.0, ST 2, as shown on Diagram 3 attached to this By-law;
5. Zoning By-law No. 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1, for the lands subject to this By-law, from a lot coverage label of 30% to 40%, as shown on Diagram 4 attached to this By-law;
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 480 so that it reads:

Exception RD 480

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

Site Specific Provisions:

- (A) Regulation 10.5.40.70(1), "Front Yard Setback- Averaging", does not apply;

- (B) Despite Clause 10.5.40.60, a porch, deck, exterior stairs, balcony, or similar **structure** may encroach into the required **front yard setback** and **rear yard setback** a maximum of 3 metres;
- (C) Despite Clause 10.20.30.10, for each of the **lots** shown as parts on Diagram 5 of By-law No. **XXXX**-2017, the required minimum **lot area** is:
- (i) 390 square metres for Lots 5 and 10;
 - (ii) 420 square metres for Lots 3, 4, 6, 9, 11, and 12;
 - (iii) 540 square metres for Lots 1, 13, and 14;
 - (iv) 600 square metres for Lots 2, 7, and 8;
- (D) Despite Clause 10.20.30.20, for each of the **lots** shown as parts on Diagram 5 of By-law No. **XXXX**-2017, the required minimum **lot frontage** is:
- (i) 12.5 metres for Lot 8;
 - (ii) 13 metres for Lots 3, 4, 5, 6, 7, 9, 10, 11, and 12;
 - (iii) 16 metres for Lots 1 and 14;
 - (iv) 18 metres for Lots 2 and 13;
- (E) Despite Clause 10.20.30.40, the permitted maximum **lot coverage** for Lots 5 and 10 shown on Diagram 5 of By-law No. **XXXX**- 2017 is 42%;
- (F) Despite Regulation 10.20.40.10(6), the permitted maximum height of the **first floor** above **established grade** is 1.5 metres;
- (G) Despite Clause 10.20.40.20, the permitted maximum **building length** is 21 metres;
- (H) Despite Clause 10.20.40.30, the permitted maximum **building depth** is 21 metres; and
- (I) Despite Clause 10.20.40.70, the required minimum **building setbacks** are shown on Diagram 5 of By-law No. **XXXX**- 2017.

Prevailing By-laws and Prevailing Sections: (None Apply)

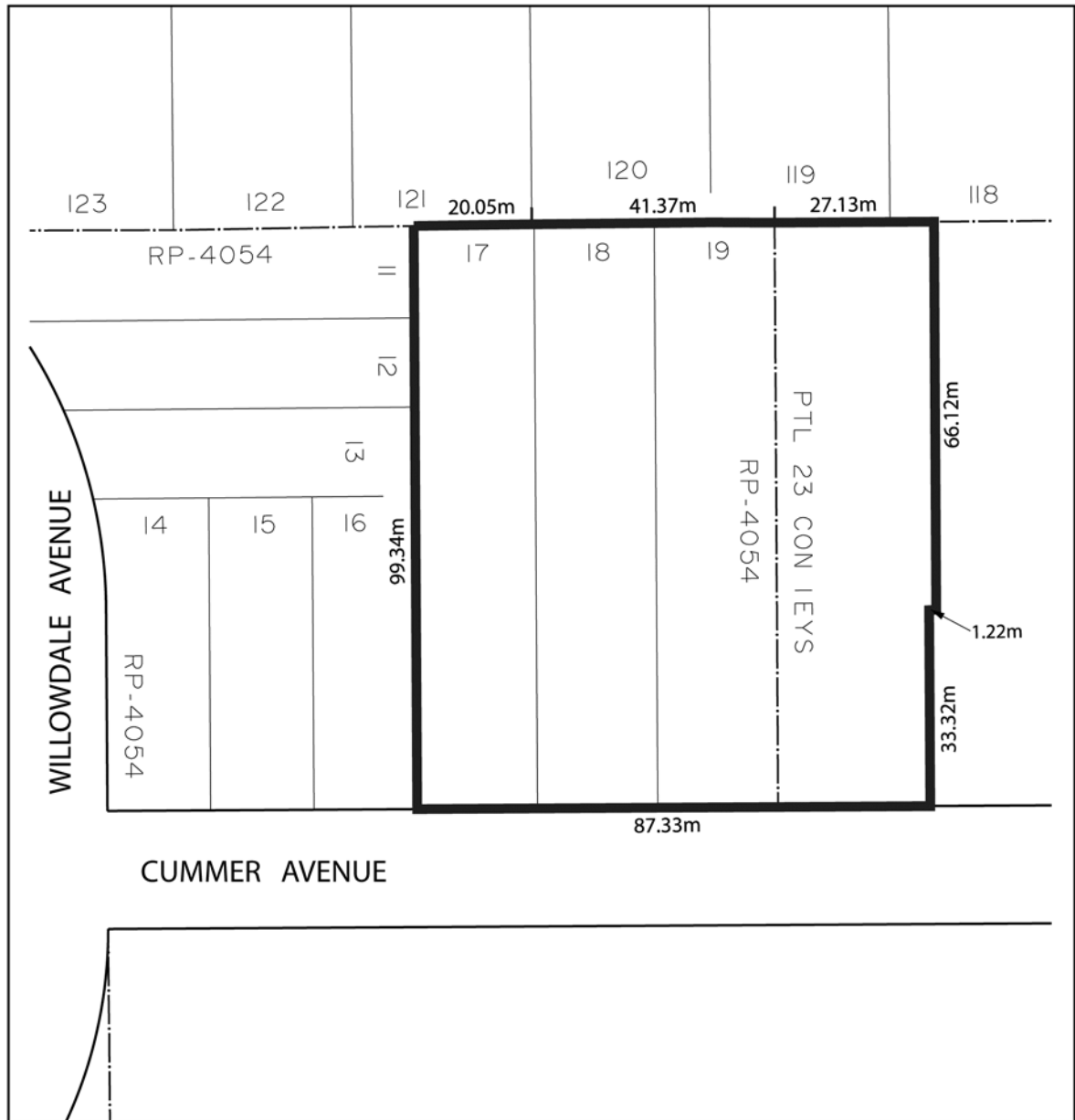
Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

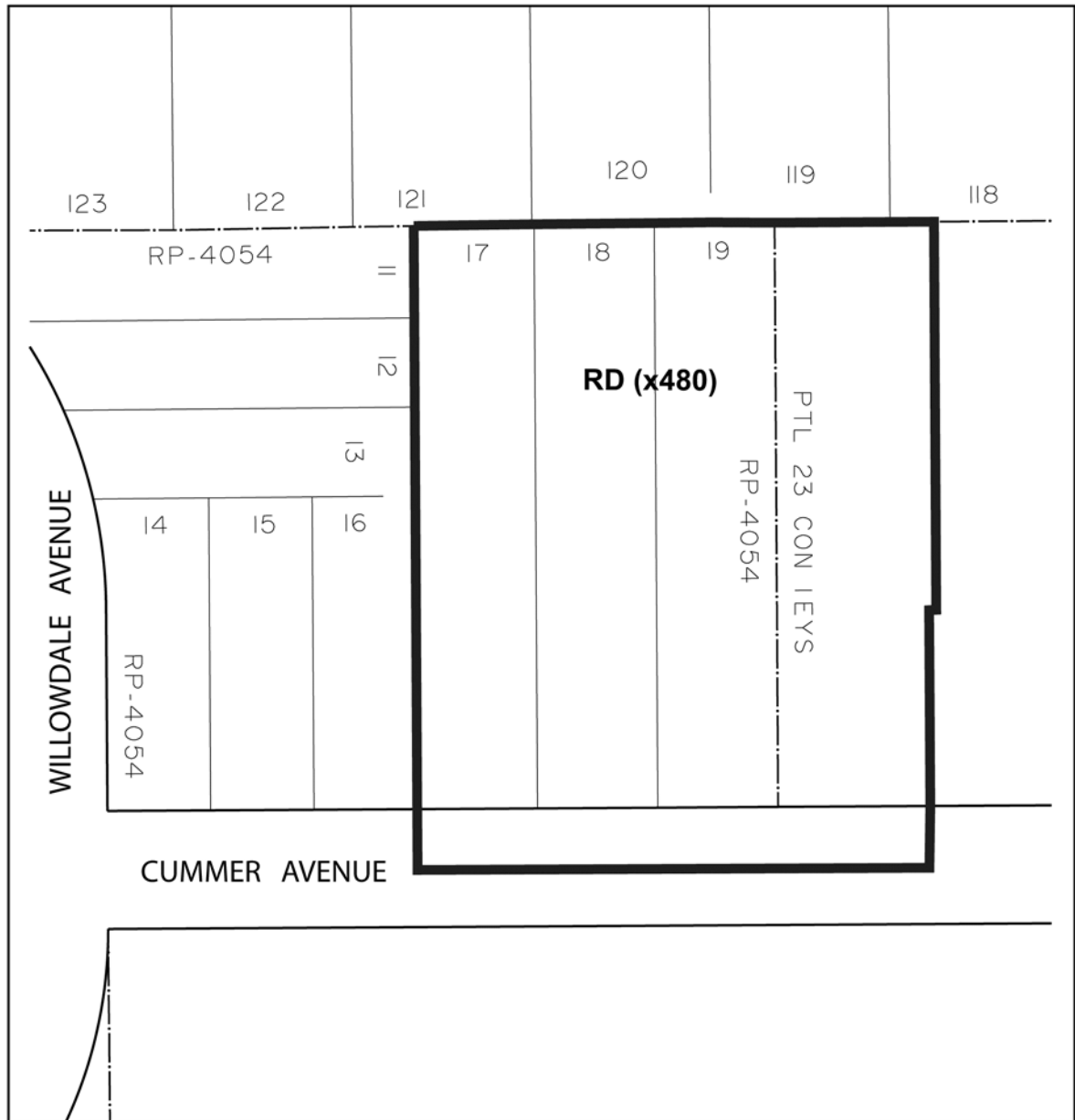


Toronto
Diagram 1

162, 164, 166 & 200 Cummer Avenue

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

City of Toronto By-Law 569-2013
Not to Scale
05/15/2017



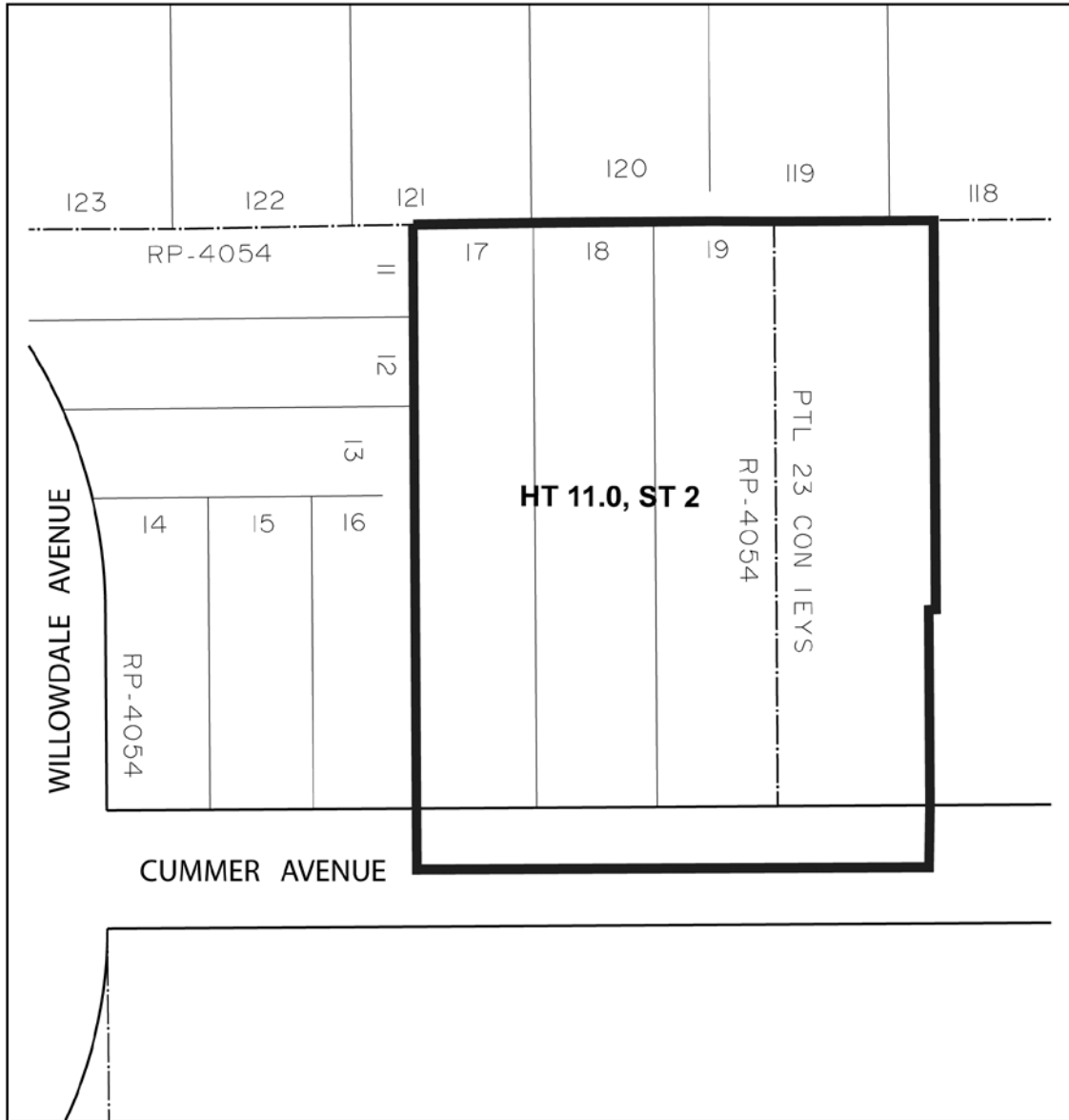
Toronto
Diagram 2

162, 164, 166 & 200 Cummer Avenue

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

City of Toronto By-Law 569-2013
Not to Scale
05/15/2017



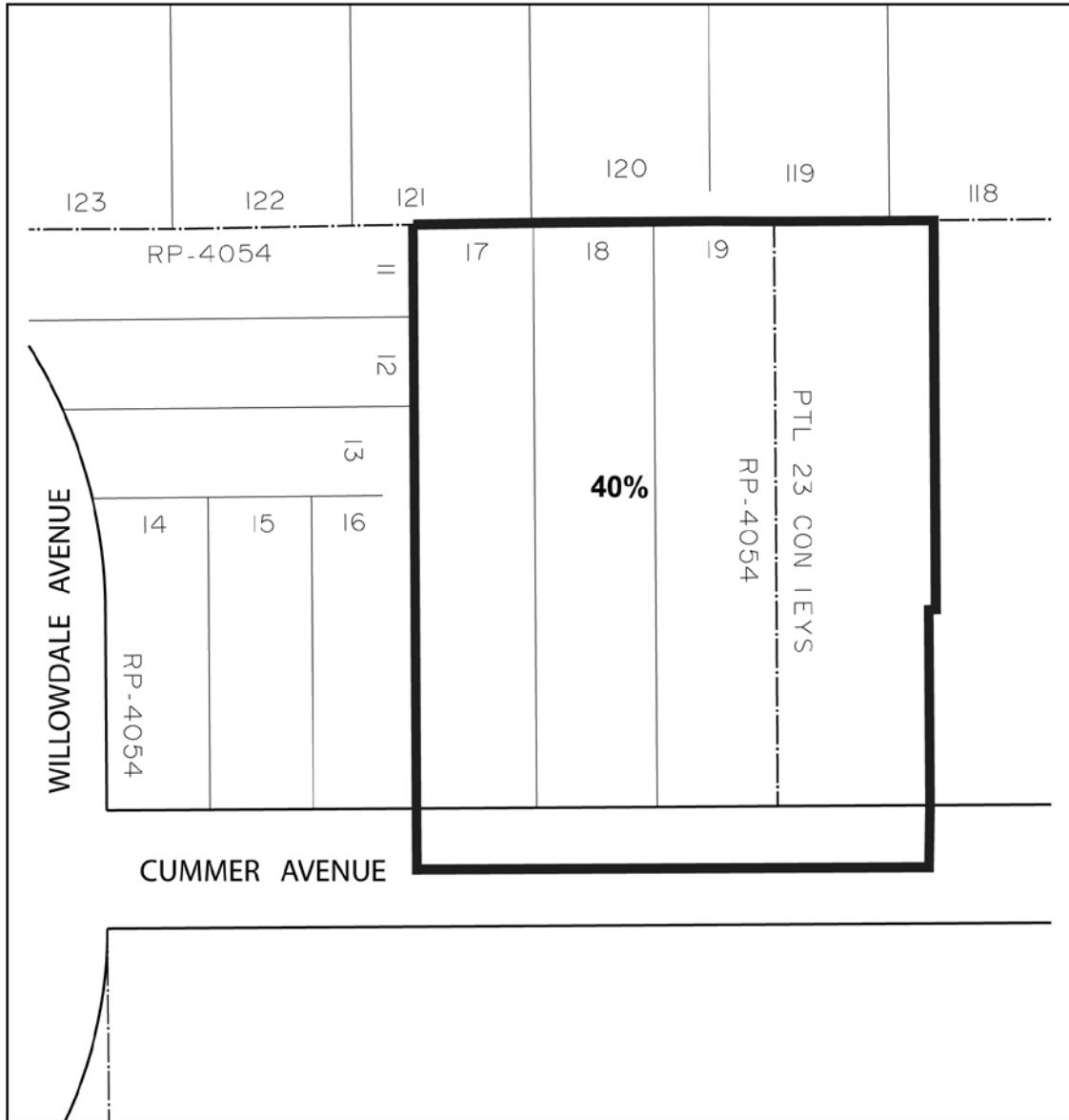


Toronto
Diagram 3

162, 164, 166 & 200 Cummer Avenue

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

City of Toronto By-Law 569-2013
Not to Scale
05/15/2017



Toronto
Diagram 4

162, 164, 166 & 200 Cummer Avenue

File # 16 163292 NNY 24 OZ & 16 163295 NNY 24 SB

City of Toronto By-Law 569-2013
Not to Scale
05/15/2017

Attachment 6: Conditions of Draft Plan of Subdivision

Standard Conditions

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
2. The Owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.
4. 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 PG32.3 of the Planning and Growth Committee.
5. Prior to the registration of the Plan of Subdivision, the owner shall, at their expense, prepare Architectural Control Guidelines to the satisfaction of the Chief Planner, City Planning Division. Upon approval by the Chief Planner, these guidelines will form part of the Subdivision Agreement.

Community Planning

6. Prior to final subdivision approval, the owner shall submit a Construction Management Plan and a Transportation Management Plan, to the satisfaction of the Director of Engineering and Construction Services and the General Manager, Transportation Services, North District.

Engineering and Construction Services

7. The owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.
8. The owner shall pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey.

9. The owner shall dedicate all roads and corner roundings shown on the plan.
10. The owner shall convey to the City all 0.3 metre (one foot) reserves shown on the plan.
11. The owner shall convey all necessary easements to the City.
12. The owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.
13. The owner shall submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a. be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
 - b. delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c. show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
14. The owner shall pay all costs for preparation and registration of reference plan(s).
15. The owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
16. The owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
17. The owner shall submit financial security in accordance with the terms of the standard subdivision agreement and the prevailing City of Toronto policy.
18. The owner shall apply stormwater management techniques in the development of this subdivision to the satisfaction of Engineering and Construction Services.
19. The owner shall submit a certified cheque for pavement markings and signage

(amount to be determined).

20. The owner shall submit a financial guarantee (amount to be determined) for the relocation of the bus stop.
21. The owner shall provide all necessary reports, including a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report together with supporting documents and materials, satisfactory to the Executive Director, Engineering and Construction Services.
22. Design and provide financial securities for, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Study, accepted by the Executive Director of Engineering and Construction Services.
23. The owner shall at no cost to the City, design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor.

Urban Forestry

24. The owner must submit a completed permit application along with a permit fee of \$10,631.67 involving 33 private trees.
25. Payment of \$55,385.00 in lieu of planting the required 96 replacement trees on private property.
26. The owner must submit a revised Tree Protection Plan TP1 showing protective hoarding for Trees 154 and 196.

Toronto District School Board

27. The Owner shall erect and maintain signs, at points of egress and ingress of the development site, advising that:

The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient

accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526.

28. The Owner shall agree, in the Subdivision Agreement, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan, and for a period of 10 years following registration of the agreement), that:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred. Purchasers agree for the purpose of transportation to school, if busing is provided by the Toronto District School Board, in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at a designated locations in or outside of the area."