

673 Warden Avenue - Zoning Amendment Application and Site Plan Control Application – Appeal Report

Date: October 2, 2023

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 20 – Scarborough Southwest

Planning Application Numbers: 22 203398 ESC 20 OZ and 22 203397 ESC 20 SA

SUMMARY

On September 14, 2022, applications for Zoning By-law Amendment and Site Plan Control approval were submitted to permit the construction of a mixed-use building of 15-storeys plus rooftop amenity space and mechanical penthouse at 673 Warden Avenue. The proposed building would have retail space on the ground floor and 274 residential dwelling units. The total gross floor area (“GFA”) of the proposed development is 18,965 square metres, comprised of 18,759 square metres of residential GFA and 206 square metres of commercial GFA, resulting in a Floor Space Index (FSI) of 6.9 times the area of lot.

On May 1, the applicant appealed the applications to the Ontario Land Tribunal (the “OLT”) due to City Council failing to make decisions on them within the time frames prescribed under the *Planning Act*.

This report recommends that the City Solicitor together with appropriate City staff attend the OLT hearing to oppose the applications in their current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff, to attend the Ontario Land Tribunal in opposition to the subject Zoning By-law Amendment and Site Plan Control applications in their current form, for the lands at 673 Warden Avenue.

2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues, including but not limited to those outlined in this report.

3. In the event that the Ontario Land Tribunal allows the subject appeals in part, City Council instruct the City Solicitor to request that the issuance of any final Orders be withheld until such time as the Ontario Land Tribunal has been advised by the City Solicitor that:

a. the proposed Zoning By-law Amendment is of a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. the Owner has:

1. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

2. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

3. submitted a revised Arborist Report or addendum and Tree Protection Plan to address compliance with the Toronto Green Standard, including the parts of the ecology section, which pertain to existing and proposed trees and soil volume requirements, acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation; and

4. submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study or that mitigation is required per the Subsurface Investigation, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the

Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services.

5. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

SITE AND SURROUNDING AREA

Site Description

The subject site is located on the northeast corner of Warden Avenue and Bell Estate Road, approximately 760 metres south of St. Clair Avenue East and approximately 650 metres south of the entrance to Warden Subway Station on the Bloor-Danforth Line. The subject site is rectangular in shape with a total area of approximately 2,753 square metre (0.68 acre), with frontages of approximately 70 metres on Warden Avenue and 38 metres on Bell Estate Road, and a depth of approximately 40 metres.

Existing Uses:

A currently vacant single-storey former financial institution with associated ATM drive-through aisle and parking lot. The southern portion of the site contains two easements that are proposed to remain. The first easement contains a City stormwater sewer on the south portion of the property, with a small portion of the easement currently inoperable and proposed to be removed. The second easement is used for the purposes of vehicular and pedestrian passage shared with the property to the east.

Surrounding uses include:

North: Immediately north of the subject site is a one-storey self-storage warehouse with vacant and industrial uses beyond.

East: To the immediate east is the Ina Grafton Gage Nursing Home, with a stable, low density residential neighbourhood beyond.

South: To the south of the subject site is a residential townhouse development, with an industrial bakery beyond.

West: On the west side of Warden Avenue is a range of Toronto Community Housing apartment buildings, open spaces (Firvalley Woods Park), and low-rise commercial and retail uses.

THE APPLICATION

Height: 15-storeys (50.24 metres) plus 7 metre mechanical penthouse and indoor/outdoor amenity space) are proposed.

Density (Floor Space Index): Gross density would be 6.9 times the area of the lot, with a lot coverage of 60.2%.

Land Use: 18,759 square metres of residential uses and 206 square metres of retail uses on the ground floor are proposed.

Unit count: A total of 274 dwelling units are proposed (10 studio units, 72 one-bedroom units, 41 one-bedroom plus den units, 80 two-bedroom units, 44 two-bedroom plus den, and 27 three-bedroom units).

Access, Parking and Loading: Vehicular access would be provided from a single driveway from Bell Estate Road. Parking for 148 vehicles (which includes two short-term surface visitor parking spaces) would be provided on three and partial lower third underground levels. One Type 'G' loading space is proposed, shared by the residential and commercial uses. A total of 208 bicycle spaces are proposed (including 20 short-term bicycle spaces and 188 resident long-term bicycle spaces).

Additional Information

For more information see Attachments 1 and 4 to 7 of this report for the Location Map, Site Plan, Artist's Perspective drawing and Building Elevation plans.

Detailed project information is found on the City's Application Information Centre at: [Application Information Centre - 673 WARDEN AVE \(toronto.ca\)](https://www.toronto.ca/application-information-centre)

Site Plan Control

The proposal is subject to Site Plan Control approval. Site Plan Control application no. 22 203397 ESC 20 SA for the development described in this report was submitted concurrently with the subject rezoning application on September 14, 2022. This application was also appealed by the applicant to OLT for failing to make a decision within the time frames prescribed under the *Planning Act*.

Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed residential use, number of storeys, the floor space index/density, number of dwelling units proposed, and to establish appropriate performance standards relating to building heights, building setbacks, coverage and parking requirements to facilitate the development as proposed.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan Designation

The site is designated *Mixed Use Areas* on Map 20 of the Official Plan (see Attachment 2: Official Plan).

Warden Woods Secondary Plan

The subject lands are located within the Warden Woods Secondary Plan area. City Council adopted the Warden Woods Secondary Plan as Official Plan Amendment No. 1145 to the former City of Scarborough Official Plan on October 28, 2005. The approval also included Zoning By-law Nos. 950-2005, 951-2005 and Urban Design Guidelines for the area. The Secondary Plan was subsequently appealed by some property owners to what was formerly known as the Ontario Municipal Board (“OMB”), now constituted as the OLT.

On May 26, 2008, the former OMB approved a modification to the Toronto Official Plan, to add the Warden Woods Community Secondary Plan. The Secondary Plan provides a comprehensive framework to guide the coordinated development of a new residential and mixed-use neighbourhood with adequate community facilities, excellence in urban design, and a balanced transportation system.

As part of its vision for a vibrant, healthy and liveable Warden Woods Community, the Secondary Plan encourages development and linkages that are supportive of the Warden Subway station and its network of feeder bus routes, in terms of design, connections, intensity and reduced parking standards.

The Secondary Plan also encourages a mix of uses that support a healthy community including community facilities, health services, parks and a range of employment uses compatible with residential uses such as retail, live-work and offices on the lands designated as *Mixed Use Areas*. Existing viable industrial uses in Warden Woods will also be accommodated, with appropriate buffer areas, screening and attenuation measures provided by developers of new residential uses near employment uses.

The creation of a coherent and inter-connected public realm will be planned for and promoted, comprised of existing and new public streets, sidewalks, public open spaces and publicly accessible areas within private developments.

In support of achieving housing diversity, a full range of housing to accommodate a broad range of household incomes and sizes, under varied forms of tenure and with a

range of building forms are encouraged. Higher density residential uses are promoted adjacent to the subway station to enhance opportunities for transit use to place of work.

The Secondary Plan encourages green technologies such as green roof development and environmentally advanced stormwater management practices. Opportunities for significant tree planting on public lands will also be pursued.

The Secondary Plan provides that the lowest densities will be permitted in low-rise residential areas, further away from the arterial roads and the Warden subway station, especially in areas near the existing low density residential neighbourhoods. Most relevant to the subject site, mixed use development with mid-range densities and heights will be permitted and encouraged along the arterial road frontage of Warden Avenue and Danforth Road. The highest densities and heights will be permitted in the *Mixed Use Areas* and *Apartment Neighbourhoods* designations closest to the subway station. The tallest buildings will also be located at the southeast corner of the Warden/St. Clair intersection.

Urban design policies and guidelines are also established to guide further development and redevelopment of this community, support mixed use developments, and promote a vibrant street frontage. Upgraded streetscape treatments such as pedestrian scale lighting, decorative paving, street furniture, gateway features, and enhanced landscaping are also encouraged along key streets.

Zoning

The City of Toronto Zoning By-law 569-2013, as amended, does not currently apply to the subject lands, which remain subject to the former City of Scarborough Warden Woods Community Zoning By-law No. 950-2005, as amended (see Attachment 3: Zoning By-law Map). The property is zoned Commercial Residential (CR) which, pursuant to a site-specific Exception established in 2006, permits only the following limited range of uses: Day Nurseries, Financial Institutions, Offices, Personal Service Shops, Restaurants and Retail Stores. Residential uses are not currently permitted due to this Exception.

In comparison to the details of proposed development described above, the current zoning in part applies a maximum 2 storey building height limit, maximum 18% building coverage, and a maximum gross floor area limit of 1,000 square metres only.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

Warden Woods Urban Design Guidelines (2005)

[Complete Streets Guidelines](#)

[Mid-rise Building Performance Standards \(2010\) and Addendum \(2016\)](#)

[Toronto Green Standard V4 \(2022\)](#)

[Growing Up: Planning for Children in New Vertical Communities Guidelines \(2020\)](#)

[Green Street Technical Guidelines](#)

[Green Infrastructure Standards](#)
[Streetscape Manual](#)
[Design Options for Tree Planting in Hard Surfaces](#)
[Retail Design Manual \(2020\)](#)
[Pet Friendly Design Guidelines and Best Practices for New Multi-unit Buildings \(2019\)](#)
[Bird Friendly Best Practices Glass \(2016\)](#)
Best Practices for Effective Lighting (2017)

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Community Consultation meeting to discuss the proposal at 673 Warden Avenue was conducted virtually on March 28, 2023. Presentations were made by staff and the Applicant. Approximately 10 local residents participated, as well as the Ward Councillor.

Residents attending the meeting, or subsequently, provided comments related to the following concerns:

- Noise dust and fumes from the potential construction.
- Increased traffic generated from the development and potential over-flow parking impacts on adjacent properties.
- Height and shadow impact.
- Density and scale.
- Adequate vehicular and bicycle parking.
- The need for affordable housing and rental units.
- Concerns around school capacity.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines,

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. 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 to provincial plans. The proposal is not consistent with provincial policy as it

relates to promoting a well-designed built form and the implementation of provincial policy through official plans.

Toronto Official Plan

The subject site is designated as *Mixed Use Areas* on Land Use Map 20 of the Official Plan. An excerpt from Land Use Map 20 can be found in Attachment 2. This portion of Warden Avenue is identified as a Major Street on Map 3 with a planned right-of-way width of 27. Lands to the north and east of the site are also designated as *Mixed Use Areas*.

On July 22, 2022, City Council adopted Official Plan Amendment No. 570 (OPA 570) which included the delineation of the Warden Protected Major Transit Station Area (PMTSA). The Warden PMTSA has a minimum population and employment target of 200 residents and jobs combined per hectare. The minimum density identified on Map 2 of Site and Area Specific Policy 648 for the subject site is 3.0 FSI. OPA 570 is currently pending approval by the Minister of Municipal Affairs and Housing. The subject site is located at the south limit of the Warden PMTSA.

Land Use

The proposed residential and retail uses are provided for and supported by the land use components of the *Mixed Use Areas* policies in the Official Plan.

Height, Density, Built Form and Site Organization

The current application provides for a building height of 15 storeys, which constitutes a tall building utilizing a mid-rise (i.e., 'non-tower') built form and massing. The current proposal does not achieve an appropriate relationship with the existing and planned context for this site and is one City Planning staff cannot support in its current form.

In addition to other agency responses to initial circulation of the subject applications provided to the applicant, Urban Design prepared comprehensive comments on the current proposal in December 2022. These comments, in addition to reemphasizing the above building height and massing concerns, advised that substantial additional information is also required together with various suggested design modifications to further address, in part:

- appropriate building setbacks and separation from adjacent properties; and,
- reduction of the podium base building height from 6 storeys to 3 or 4 storeys only.

Angular Planes and Shadowing

The subject proposal does not meet front angular plane requirements for either a mid-rise or tall building and requires revisions to mitigate issues identified in the Pedestrian Level Wind Study.

Parks

In accordance with Chapter 415, Article III of the Toronto Municipal Code (available at [Parkland Dedication – City of Toronto](#)), the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Urban Forestry

Urban Forestry is not opposed in principle to development of this site, however at this time they do not support the zoning bylaw amendment proposal because they are unable to confirm through the application submissions that the proposed planting of on-site and street trees, together with adequate soil volumes under the TGS will be achieved.

Unit Mix and Sizes

The proposed provision of 124 (45%) of the new dwelling units as two-bedroom units and 27 (10%) of the new dwelling units as three-bedroom units satisfies the unit mix objectives of Guideline 2.1 of the Growing Up Guidelines. However, none of the two-bedroom units as currently designed meet or exceed the size objective under the guidelines of 87 square metres per unit, averaging just 65 square meters per unit, or approximately 75% of that target size for two-bedroom units. Similarly, none of the three-bedroom units as currently designed meet or exceed the size objective under the guidelines of 100 square metres per unit, averaging approximately 85 square meters per unit only, or approximately 85% of that target for those larger units.

Staff do not support the current mix of unit types. To better meet the Growing Up Guidelines, the number of predominant two-bedroom units at 45% of all units, could be significantly reduced and the floor area redeployed so as to achieve at least 15% of the total residential units as two-bedroom units having an area of at least 87 square metres, and at least 10% of all residential units as three-bedroom units with an area of at least 100 square metres. Such revisions would permit the applicant to better accommodate a broader range of households, including families with children, within the proposed development.

Affordable Housing

Given the location of the proposed development and its proximity to the Warden Subway Station, there is a significant public interest in including affordable housing units within the proposed development. In the event that the OLT allows the appeal in whole or in part, the applicant is encouraged to enter into discussions with City Planning staff regarding the possibility of directing the Community Benefits Charge toward in-kind affordable housing within the proposed development.

Community Services and Facilities

Community Services and Facilities (“CS&F”) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Based on the foregoing, City Planning staff in Community Services and Facilities Policy recommend that the following CS&F priorities be considered in review of the subject application:

Contribution towards new or expand on existing non-profit childcare facilities where feasible:

- Contribution towards a community agency space; and/or
- Contributions towards capital projects for area recreation facilities as identified through implementation of PFR's Facilities Master Plan.

Infrastructure and Servicing Capacity

A Functional Servicing and Stormwater Management Report, Hydrogeological Review Report and associated plans were submitted with the application. Engineering and Construction Services staff have requested a number of revisions to the submitted documentation and additional information in order to complete their technical review of the application.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, this report recommends that the City Solicitor request the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law Amendment.

Economic Development

Economic Development and Culture staff note the site is subject to Warden Woods Secondary Plan Area which protects existing industrial uses both within and outside the Warden Woods Community. Industrial uses are important assets to this community providing jobs within walking distance of area residents, and tax assessment for the City. New land uses within the Warden Woods Community should be planned to provide a comfortable interface with existing employment uses.

Secondary Plan policy 2.1.11, states, where industrial uses in the neighbouring employment areas or in the Warden Woods Community, will be in close proximity to new sensitive uses such as residential, mixed use or community facilities, that buffers, screening, berming and/or other attenuation measures will be implemented based on studies and analysis to be conducted by the developers of the sensitive uses, to the satisfaction of the City.

Policy 2.1.12 for sensitive uses developed in proximity to industry further states that warning clauses may be required to be included in any agreements imposed as a condition of approval, such as subdivision or site plan agreements, and in agreements of purchase and sale.

Economic Development recommends that, at a minimum, fully replacing the approximately 530 square metres of currently vacant non-residential GFA on the subject property would allow for a more complete community, continuing to provide economic and employment opportunities benefiting current and future generations.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-law at a minimum and others through the Site Plan Control application.

School Boards

The Toronto District School Board ("TDSB") advised that the projected accommodation levels at the local schools serving the site (Taylor Creek Public School and Birchmount Collegiate Institute) are currently sufficient to accommodate students generated by this development. The Board requests further notification of any modifications to the applications.

The Toronto Catholic District School Board (TCDSB) has similarly advised that the projected accommodation levels at the local schools serving the site (St. Joachim Catholic School, St. John Henry Newman Catholic High School and St. Joan of Arc Catholic Academy) are currently sufficient to accommodate students generated by this development. The TCDSB has requested further notification of any modifications to the applications as well.

Conclusion

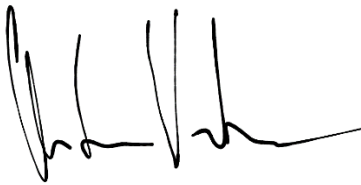
The applications have been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan and applicable City guidelines intended to implement Official Plan policies. The Application in its current form is not consistent with the PPS and does not conform to the Growth Plan. As currently proposed, the application does not conform to the Official Plan, and does not have appropriate regard for either the Tall Building or Mid-Rise Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

A handwritten signature in black ink, appearing to read 'C. Ventresca', with a stylized, cursive style.

Christian Ventresca, MScPL, MCIP, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: Official Plan Map

Attachment 3: Zoning By-law Map

Applicant Submitted Drawings

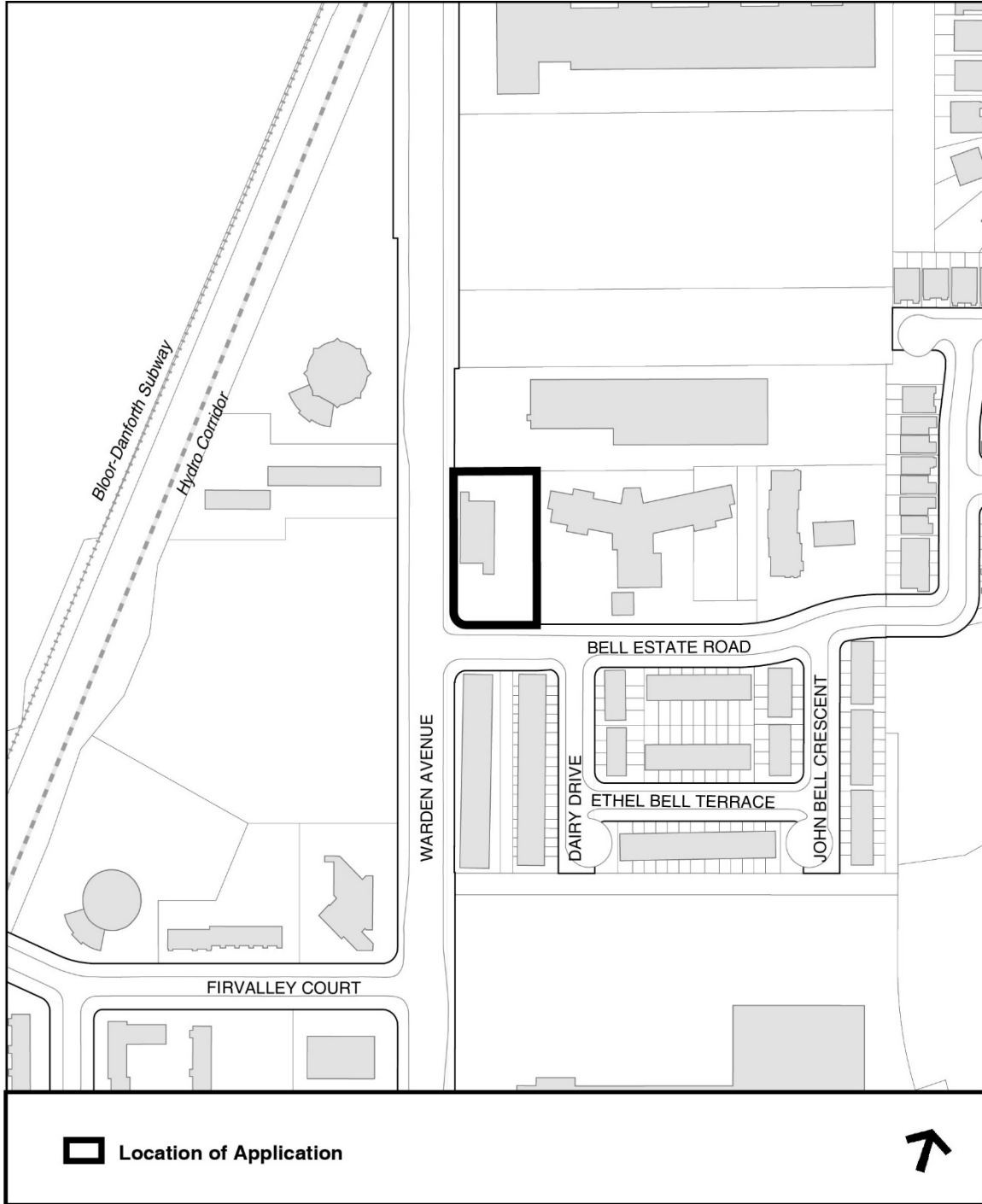
Attachment 4: Site Plan

Attachment 5: Perspective Drawing (Artist's Rendering, looking northeast)

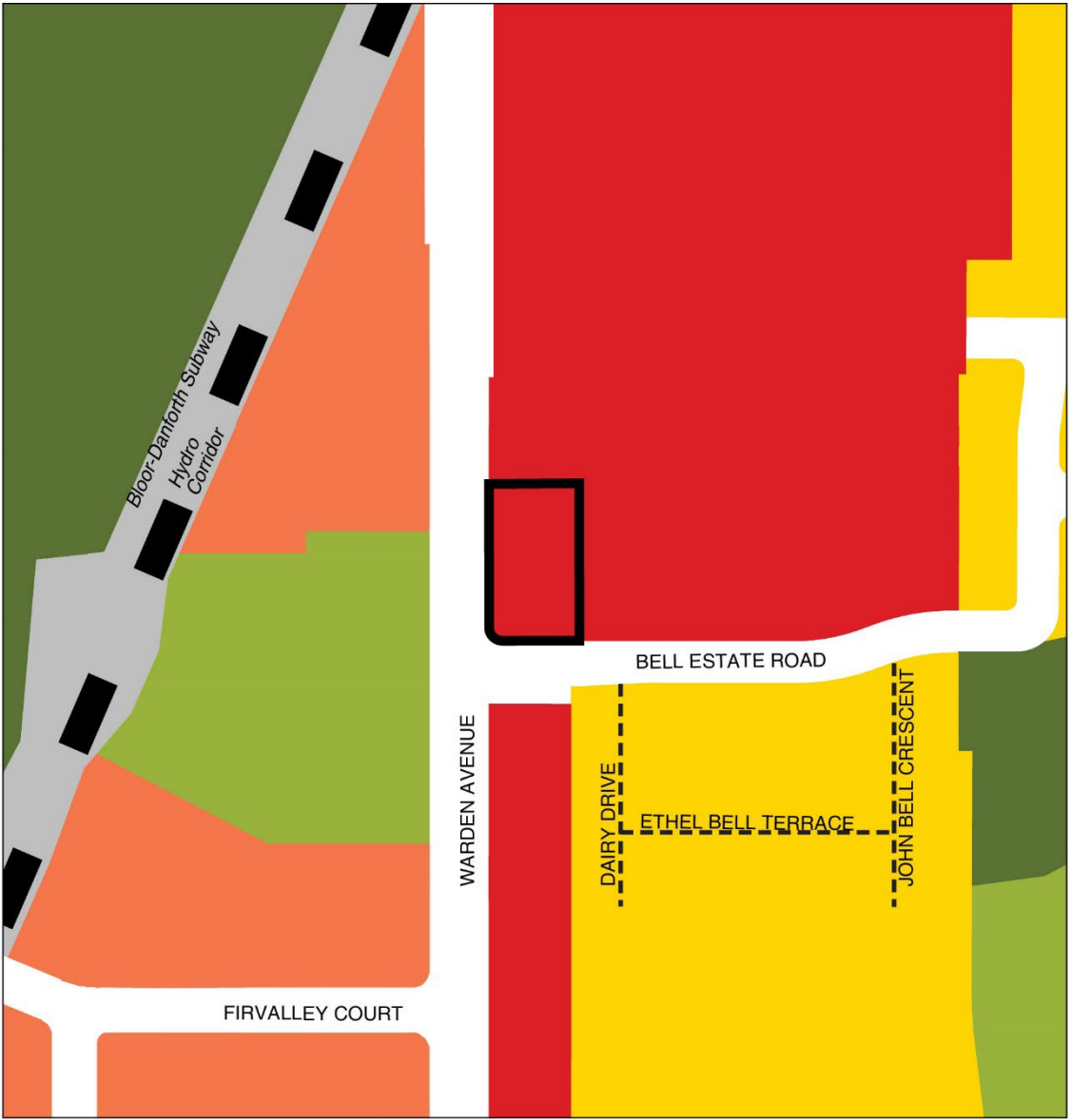
Attachment 6: North Elevation

Attachment 7: West Elevation

Attachment 1: Location Map



Attachment 2: Official Plan Map



Official Plan Land Use Map 20

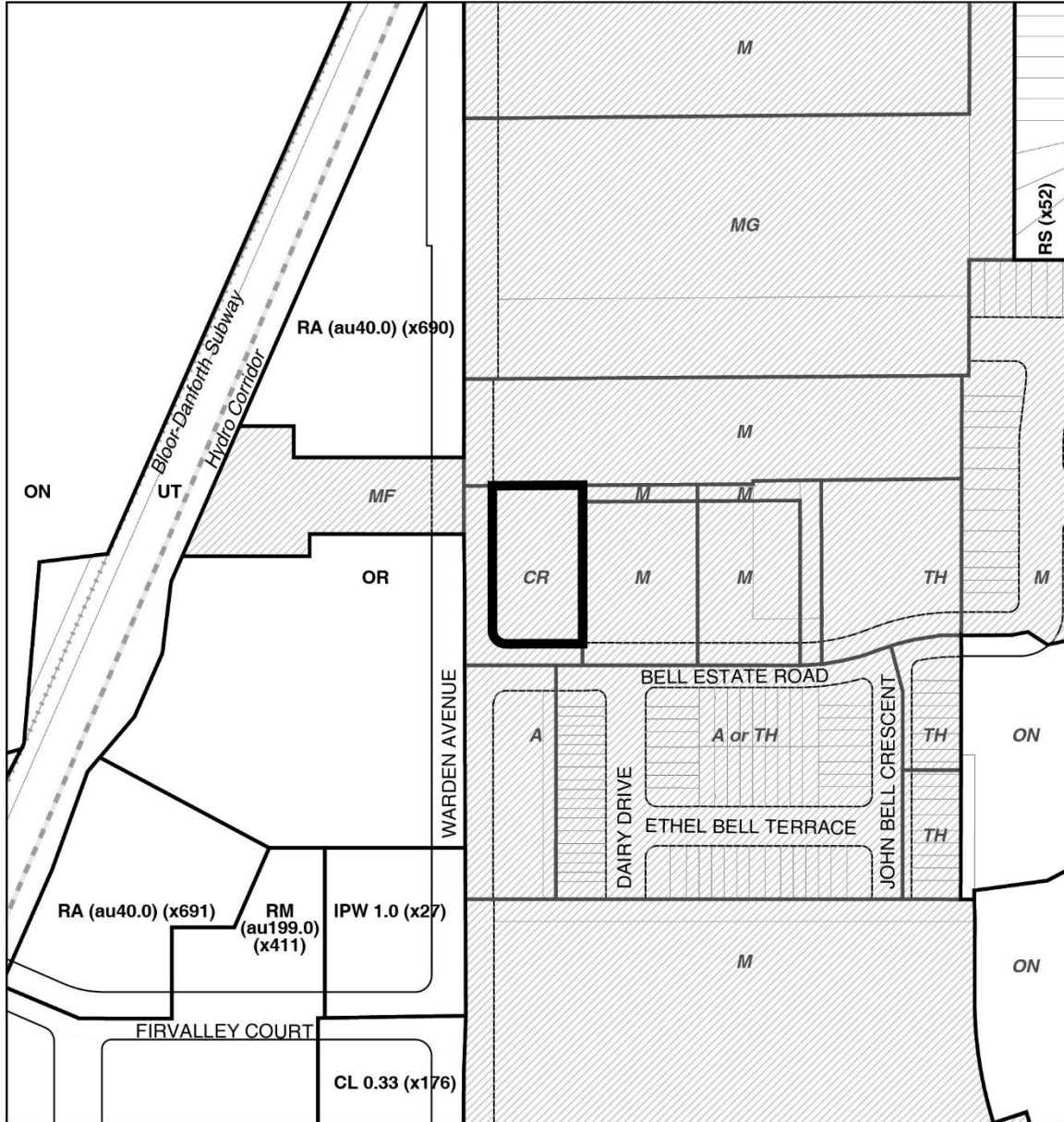
673 Warden Avenue

File # 22 203398 ESC 20 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks
- Utility Corridors
- Roads not currently shown on Land Use Map

Not to Scale
 Extracted: 09/19/2022

Attachment 3: Zoning By-law Map



Zoning By-law 569-2013

673 Warden Avenue

File # 22 203398 ESC 20 0Z



Location of Application

- | | |
|---|--------------------------------------|
| RS Residential Semi-Detached | OR Open Space Recreation |
| RM Residential Multiple | UT Utility and Transportation |
| RA Residential Apartment | |
| CL Commercial Local | |
| IPW Institutional Place of Worship | |
| ON Open Space Natural | |

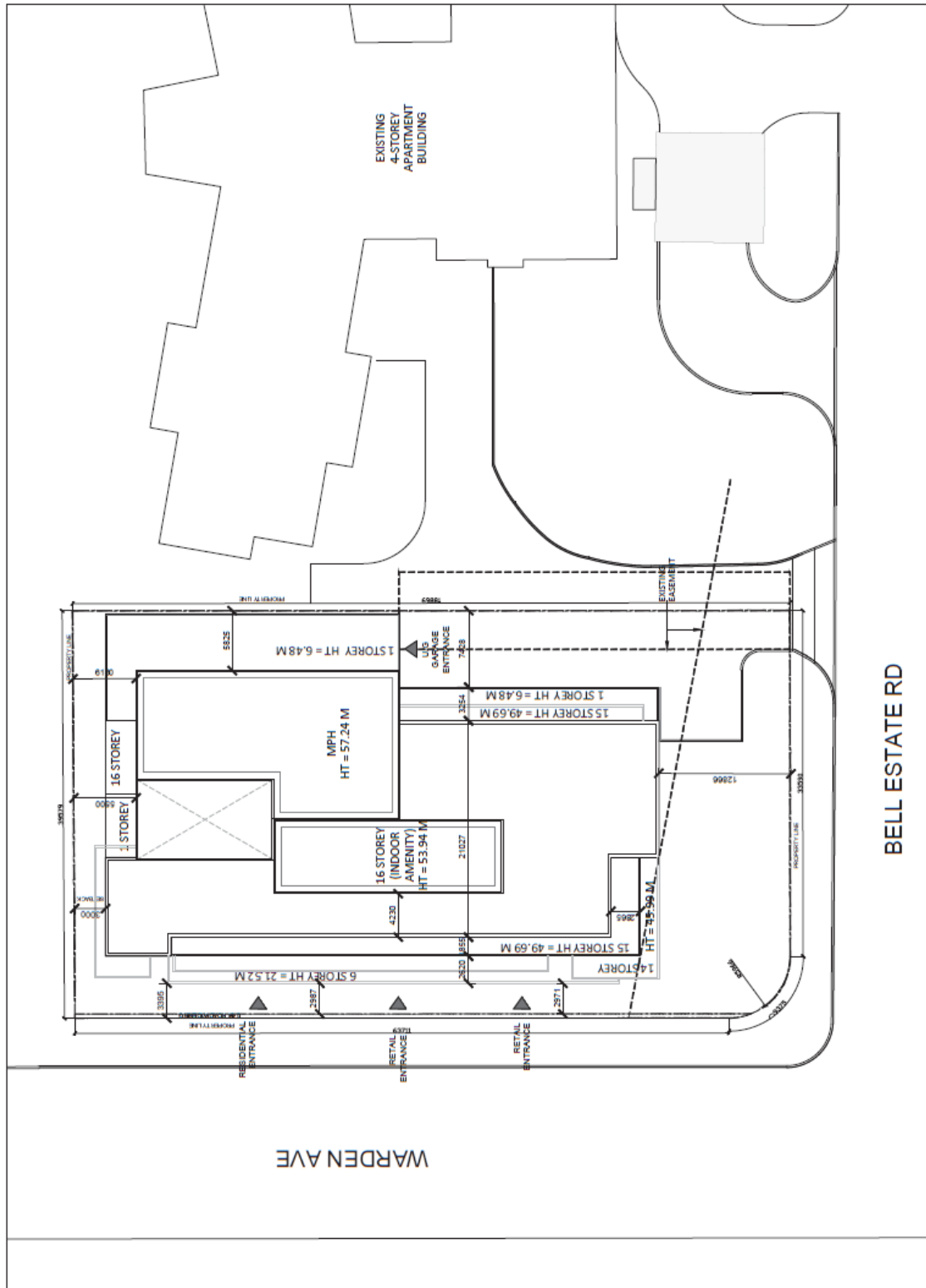


See Former City of Scarborough Warden Woods 950-2005, Oakridge 9812 Community and Oakridge Employment District 24986 By-laws

- | | |
|---------------------------------------|---|
| TH Townhouse Residential | MG General Industrial Zone |
| MF Multiple-Family Residential | PU Public Utilities Zone |
| A Apartment Residential | I-PT Institutional - Public Transit Zone |
| CR Commercial-Residential | |
| A Apartment Residential | |
| M Industrial Zone | |

Not to Scale
Extracted: 09/19/2022

Attachment 4: Site Plan

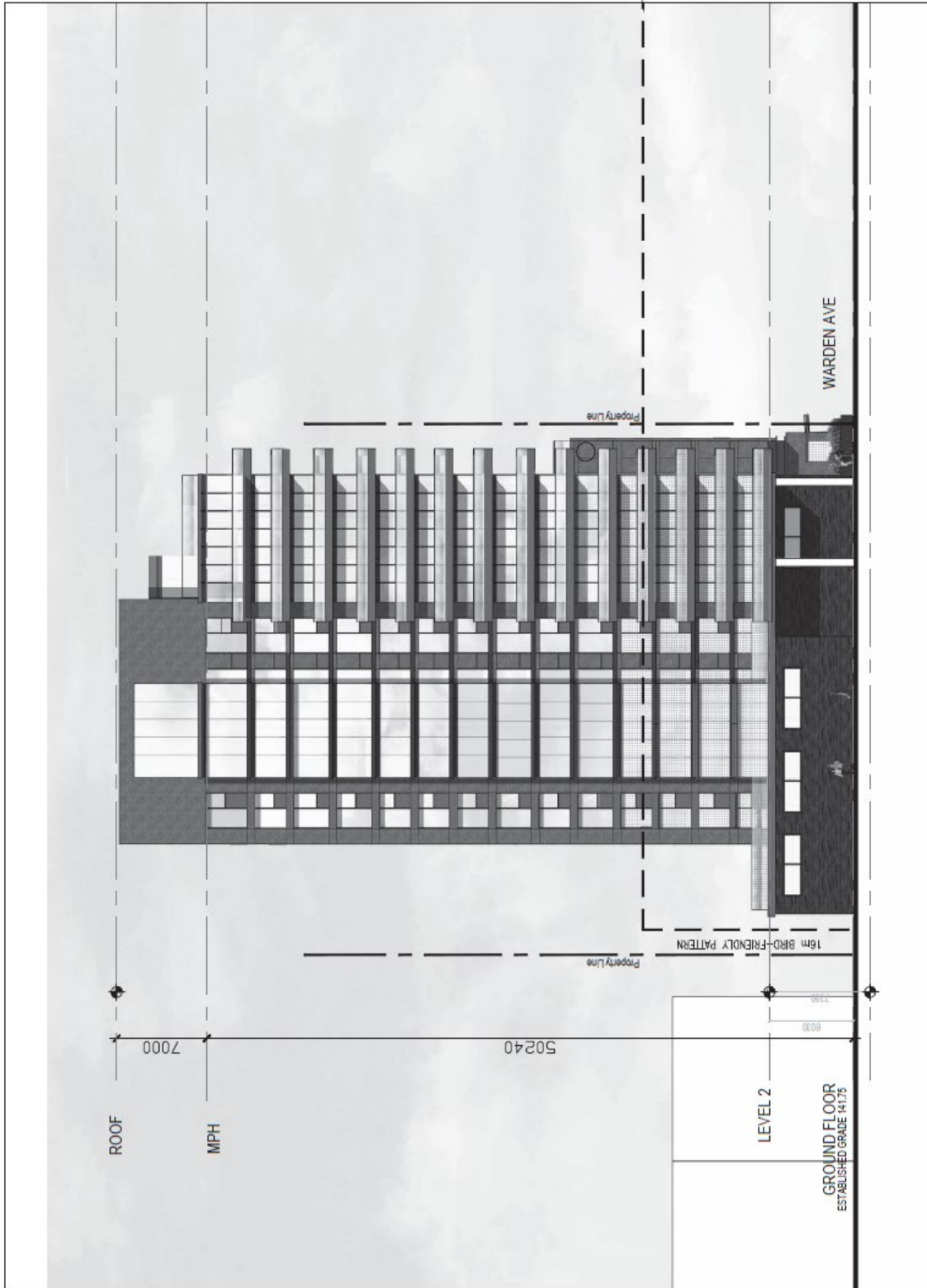


SIMPLIFIED SITE PLAN SCALE 1:500

Attachment 5: Perspective Drawing - (Artist's Rendering, looking northeast)



Attachment 6: North Elevation



SCALE 1:400

NORTH ELEVATION

Attachment 7: West Elevation

