

TORONTO STAFF REPORT

September 29, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Subject: Refusal Report
Official Plan Amendment and Rezoning Application 05 104781 STE 22 OZ
Site Plan Approval 05 104786 STE 22 SA
Owner: Russell Hill Investments Limited
Architect: Page + Steele
70 - 200 Russell Hill Rd
St. Paul's, Ward 22

Purpose:

This report recommends refusal of an application to amend the Official Plan and the Zoning By-law to permit a 4 and 5-storey apartment building at 70 - 200 Russell Hill Road.

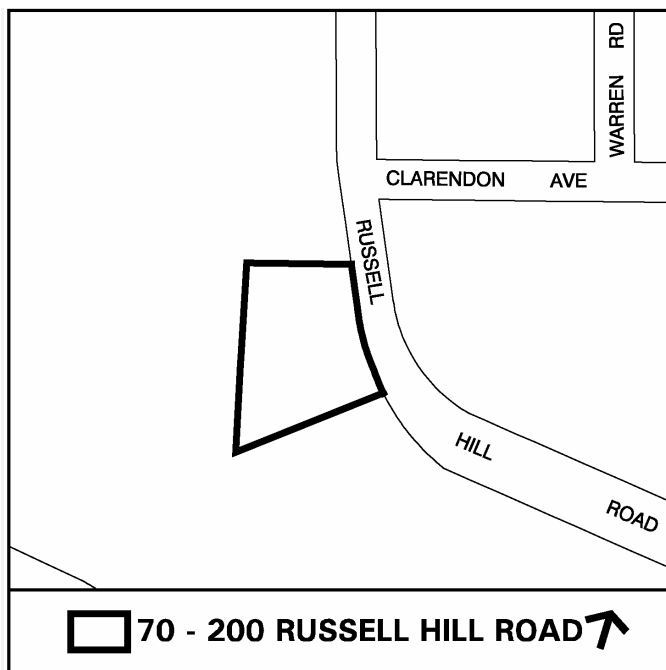
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) City Council refuse Official Plan and Zoning By-law Amendment No. 05 104781 STE 22 OZ;
- (2) the City Solicitor, the Chief Planner and Executive Director and any other appropriate staff be authorized and directed to oppose any appeal of Council's refusal of the application to the Ontario Municipal Board;
- (3) if the applicant appeals Council's refusal of the applications to the Ontario Municipal Board, the



Chief Planner and Executive Director be requested to hold an information meeting in the community to discuss the application and to notify owners and tenants within 120 metres of the site and the Ward Councillor; and

- (4) City Officials be authorized and directed to take the necessary actions to give effect thereto.

Background:

Proposal

On January 26th, 2005, Russell Hill Investments Limited applied for Official Plan and Zoning By-law Amendments and Site Plan Approval for 70-200 Russell Hill Road to permit the construction of two 5-storey residential condominiums containing 18 units. The proposal would have a density of 1.2 times the area of the lot and a building height of 32.28 metres. A total of 37 parking spaces were proposed underground.

The applicant has formally submitted revised drawings in order to address concerns raised during previous meetings. Changes to the proposal include a reduction in density from 1.2 times the area of the lot to 1.05 times the area of the lot, and an increase in the rear yard setback. The total number of suite has also been modified, increasing from 18 to 22 units, and a parking increase from 37 to 44 spaces.

Site and Surrounding Area

North: low density, detached single family residences

South: low density, detached single family residences

East: 4 and 5 storey residential apartment

West: Nordheimer Ravine, Sir Winston Churchill Park

Provincial Policy Statement

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement (P.P.S.) provides direction on matters of provincial interests related to land use planning and development. Staff have assessed the application on the existing P.P.S. at the time of the application, as well as the current in force Policy Statements. On March 1, 2005, a new P.P.S. came into effect and replaces the policies that had been issued on May 22, 1996 and amended in 1997.

Section 2.1 Natural Heritage states natural features and areas should be protected for the long term. Natural heritage systems should be maintained, restored and where possible improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. Policy 2.1.6 states development and site alteration shall not be permitted on adjacent lands to the natural heritage features, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The P.P.S. Implementation and Interpretation Section 4.5 states: “The official plan is the most important vehicle for implementation of this Provincial Policy Statement”. Council is required to make decisions on planning matters that are consistent with Provincial Policy Statements.

Metro Plan

The site is located within the Valley and Stream Corridor under the in-force Metro Plan. It is a policy of Metro Plan (Section 2.3) to plan and manage the Metropolitan Green Space system and abutting lands in a way that protects and rehabilitates the integrity of the natural features and ecological functions. Council shall not permit severances of, or approve plans of subdivision on existing lots entirely within the Valley or Stream or those parts of lots partly within these corridors, except for:

- a) conveyances to the TRCA
- b) where the Valley or Stream corridor extends into developed communities and it can be demonstrated to the satisfaction of the Municipality, after consultation with the TRCA that:
 - i) the severance would not detract from the objectives of the Plan; and
 - ii) the severance is in accordance with Policy 61

In order to implement the applicant's proposal, should the application be approved, a further subdivision of the lot would be required and the above policies would apply.

Policy 61 (Metro Plan):

The municipality may require the applicant to demonstrate that the development shall minimize the potential for loss of life or damage to property by avoiding increased susceptibility of a slope to erosion on or beyond the affected site and shall, protect and maintain the ecological functions, natural features or physical extent of significant nature areas. Proposed uses or activities should contribute to the rehabilitation or restoration of natural features or processes. Conservation of archaeological resources must be demonstrated by the applicant.

It is an objective of Metro Plan to conserve, protect and enhance the integrity of natural systems so that they may benefit the health and well being of current and future generations.

Policy 169 (Metro Plan):

It is the policy of Council to undertake and encourage habitat protection, rehabilitation of terrestrial and aquatic habitats and will: re-establish a variety of natural landscapes, increasing habitats which are viable in an urban environment; maintain and enhance a healthy urban forest along roads, other public rights-of-way and on privately-owned properties; conserving and enhancing terrestrial habitats on unstable slopes.

Official Plan

The site is currently designated as Low Density Residence Area by the former City of Toronto Official Plan. This designation permits residential buildings having a gross floor area of up to 1.0 times the area of the lot. These areas are regarded as stable. No change will be made which is not in keeping with the physical character of the area. Council shall have regard for maintaining the following elements of neighbourhood structure and character: location and pattern of private open spaces and topographical features; scale of development with respect to height and massing of buildings; siting of buildings in relation to the size and configuration of lots; relationship between the public street, the front yards and the primary entrance to buildings; relationship between the rear wall of buildings and rear open spaces; and the presence of historic buildings and districts. Measures to protect and enhance these areas include restrictions on height.

The site is located adjacent to the Nordheimer Ravine which is designated in the Official Plan as Open Space and as Natural Area. The Official Plan and City Council treat such areas with particular attention and recognizes that they are particularly sensitive to development on or adjacent to these areas.

Policies of the Official Plan seek to encourage only development which has minimal adverse environmental impacts and is sensitive to the environmental qualities of the adjacent Ravine. It also encourages a buffer zone of at least 10 metres adjacent to Ravine, and Natural Area within which all development is to be discouraged.

Council shall encourage the preservation of existing trees on public and private property in the City, and shall seek to regulate the cutting of trees on private land.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and the hearing is now in progress

The new Official Plan designates this site as Neighbourhoods. This designation permits a range of lower scale buildings such as detached and semi-detached houses. Apartments legally constructed prior to November 2002 are permitted in Neighbourhoods.

The policies of the Neighbourhoods designation include development criteria, which provide direction for new development to have regard for :

- a) size and configuration of lot;
- b) height, massing, scale, and type of dwelling;
- c) prevailing building type;
- d) setbacks of buildings from street;
- e) prevailing patterns of rear and side yard setbacks; and

- f) continuation of special landscape features that contribute to unique character of neighbourhood.

The site is located within the Natural Heritage System under the new Official Plan. It sets out specific policies regarding development within and adjacent to environmentally significant areas, and other green spaces (Section 3.4). City Council seeks to protect, restore and enhance the health and integrity of the natural ecosystem, paying particular attention to habitat for native flora and fauna, landforms, ravines, watercourses, and wetlands. Development shall preserve and enhance the urban forest by:

- a) providing suitable growing environments for trees;
- b) increasing tree canopy coverage and diversity, especially of long lived native trees; and
- c) regulating the injury and destruction of trees.

Development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards: the top of bank of valleys, ravines, bluffs; other locations where slope instability, erosion or other physical conditions present a significant risk. Land below the top of bank, or other hazard lands may not be used to calculate permissible density.

All proposed development in or near the natural heritage system will be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system, taking into account:

- a) Terrestrial natural habitat features;
- b) Significant physical feature and land forms; and
- c) Vegetation communities and species of concern.

To assist this evaluation, a natural heritage impact study may be required.

Zoning

The site is zoned R1 Z0.35 with a height limit of 10.0 metres. This zone only permits single family detached homes to a maximum density of 0.35 times the area of the lot.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has been submitted concurrently with the Official Plan and Zoning By-law amendment applications.

Ravine Control

The site is subject to the City of Toronto Ravine By-law which states that no person shall, injure or destroy any trees of any size, place or dump fill or refuse or alter the grade of the land unless authorized by permit to do so.

Tree Preservation

The site is subject to the Private Tree By-law which regulates injury or removal of privately owned trees which measure 30 cm in diameter or more as measured at 1.4 m above ground level.

Reasons for the Application

Official Plan Amendment

An amendment to the former City of Toronto Official Plan is required to permit the development because the proposed density exceeds permitted Official Plan maximums. The proposed development would have a density of 1.05 times the area of the lot which exceeds the permitted maximum of 1.0 times in a Low Density Residence Area.

Zoning By-law Amendment

An amendment to the City of Toronto Zoning By-law 438-86 would be necessary because:

- (i) the proposed use, an apartment building, is not permitted in a R1 zoned district;
- (ii) the proposed density of 1.05 times the area of the lot exceeds the permitted density of 0.35 times;
- (iii) the proposed height of 32.28 metres exceeds the maximum permitted height of 10.0 metres;
- (iv) the proposed building will not meet the minimum setback from the Ravine area of 10.0 metres; the applicant proposes 7.0 metres;
- (v) the proposed front and rear yard setbacks are inadequate;
- (vi) facing distances and building depth requirements are not met; and
- (vii) additional areas of non compliance to the Zoning By-law may be found with further review.

Community Consultation

A community consultation meeting was held on April 19, 2005, with approximately 100 residents attending including the Ward Councillor. Concerns expressed at the meeting included:

- concerns over the allowance of an apartment type building within low density neighbourhood;
- height, scale and massing of the proposed building is too great ;
- compatibility of proposal with the neighbourhood;
- concern that the proposed building would set a precedent in the area and across the city;
- environmental concerns relating to the significant loss of mature trees and ground cover, impacts on existing hawk habitat, and slope stability;
- impacts on the Nordheimer Ravine system and adjacent Sir Winston Churchill park;
- historical significance of existing building; and
- concerns with potential increase in amount of traffic.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

Neighbourhood Context

The surrounding neighbourhood is comprised of low density residential housing consisting of 2 to 3 storey detached and semi-detached homes. Two residential apartment buildings at 4 and 5 storeys respectively are located on the east side of Russell Hill Road, and exist as the only apartment style buildings in the neighbourhood. As a result of these apartment buildings being approved and constructed in the late 1950's and early 1960's a review of the existing zoning By-law was completed, and placed further restrictions on development, allowing only detached single family units. The By-law amendment restricting development has been successful for the past 40 years in preserving the character of the neighbourhood.

Land Use

The site is currently designated as a low density residence area, and zoned as R1 Z0.35 permitting only single family detached dwelling units, while the applicant's proposal includes the construction of a 4 and 5 storey residential apartment building. The proposed land use change to permit an apartment use with 2 buildings and 22 units is not desirable or in keeping with the predominant character of the stable low rise residential neighbourhood.

Density

The Zoning By-law limits the residential floor area for the site to a maximum of 1,806 square metres or 0.35 times the area of the lot, whereas the applicant's revised proposal is 5,437 square metres or 1.05 times the area of the lot. This proposal does not meet the policies under the existing Official Plan which seeks to protect and enhance Low Density Residence Areas generally limiting density to 1.0 times the area of the lot.

Height and Massing

The Zoning By-law for the surrounding area sets the maximum height at 10 metres or approximately 3 storeys. The built form surrounding the site is almost entirely 2 and 3 stories in height respecting the existing lower scale context. The proposed 4 and 5 storey apartment buildings would have a maximum height of 32.28 metres (as defined by the Zoning By-law) which significantly exceeds the permitted height limit. Any development on the subject site should be in keeping with the heights of the neighbouring low rise residential homes.

The massing of the proposal shows inadequate regard for the character of the immediate area north and south along Russell Hill Road which ranges between 2 and 3 storeys in height and floorplates averaging 195 square metres. The applicant is proposing a floorplate for the north and south tower of 668 square metres to 528 square metres respectively, which far exceeds any existing buildings in the area.

Siting

The proposed building does not provide adequate setbacks as required by the Zoning By-law. In particular, the minimum front yard setback of 16.75 metres is required whereas 8.4 metres is proposed and, the minimum required rear yard setback is 10.0 metres, whereas 7 metres is proposed. Sir Winston Churchill park, which abuts the subject site at the rear, contains many healthy mature trees that are in close proximity to the property line, and would likely be negatively affected by construction of the proposed apartments.

Light, View and Privacy

The siting of the proposed two buildings on site does not meet the minimum separation distance of 11.0 metres, whereas the applicant proposes 9.0 metres. This has the potential to create a negative impact on overlook and privacy between the two proposed buildings.

Adequate privacy, natural light and views depend upon such things as the building type, dwelling units' location in a building, built form context, setbacks and landscaping. The height and siting of the proposed buildings and lack of appropriate setbacks will further impact the views and privacy currently enjoyed by the area residents and visitors to the adjacent park.

Trees

The site currently contains over 150 trees of various native and non-native species. The applicant is proposing to remove a significant number of these trees, 86 in total, with 22 trees measuring 30 cm in diameter scheduled to be removed. Urban Forestry Services do not concur with the removal of significant number of trees for two reasons: either they are native species in good condition which Urban Forestry Services require to be preserved, or, they are invasive species proposed for removal within the natural forested portion of the site and no formal submission of a ravine management plan has been submitted to describe the management or proposed compensation planting.

Ravine Issues

The Ravine Protection By-law, Chapter 658 of the City of Toronto Municipal Code is applicable throughout the City of Toronto and regulates certain activities within protected areas as defined in Schedule A of the By-law. Specifically, the purpose of the By-law is to promote the management, protection and conservation of ravines and associated natural and woodland areas and to prohibit and regulate the injury and destruction of trees, filling, grading and dumping in defined areas.

A permit is required to conduct any of the above activities on ravine protected lands.

Almost the entire subject property falls within the City of Toronto's Ravine Protection By-law. Under the provisions of Section 658-6, the General Manager of Parks, Forestry & Recreation is authorized to issue permits to injure or destroy trees, alter grade and place fill. The site is subject to both the City's Private Tree By-law; which regulates trees having a diameter of 30cm or greater, and the Ravine Protection By-law which regulates all private trees regardless of size. The issuance of permits may be subject to conditions. This area also falls within Toronto and Region Conservation Authority's (TRCA) Fill Extension Policy Area.

Urban Forestry Service require that the area that is ravine protected, with existing ravine features or natural forest conditions, including existing slopes, under-storey and multi-aged trees with primarily native species assemblages, be preserved and be designated open space through the rezoning process.

The applicant has not provided a site plan and ravine management plan which demonstrates how this proposal will preserve and enhance the natural forest areas. The intent of the Ravine Protection By-law, in protecting, conserving and enhancing this natural ravine setting has not been met.

Natural Heritage

To understand better the nature of the natural heritage resources on the site Urban Forestry Services requested a Natural Heritage Impact Study during a pre-application meeting. The submittal from the applicant, dated September 27, 2005, provides an overview of the natural features and wildlife use of the site but does not appear to have influenced the site plan and architectural plans submittals as a significant portion of the natural forest south slopes described in the Natural Heritage Report are proposed for construction impact based on the current site plan submittal.

The policies of Toronto Official Plan that relate to Natural Heritage protection Chapter 3.4, Policies No. 9, 10 and 11, must be considered in relation to potential impacts proposed as a result of the proposed development.

The applicant's proposed grading and stormwater management plan do not address concerns of the Urban Forestry Services, and the decreased infiltration proposed for this site has the potential to create ponding to the south and southwest of the site, where poor drainage and seasonal water

flow has already been observed. Changing existing conditions for established trees has typically negative impacts as mature trees cannot tolerate changes to their established conditions, and ponding can lead to trees dying due to inadequate oxygen supply.

The applicant has been made aware of the City's requirement to setback all development a minimum of 10 metres from the top of bank, however only a 7 metre setback has been proposed by the applicant. The applicant's proposal does not address concerns raised by both Forestry and Planning staff, and does not preserve or enhance the natural environment.

Heritage

Staff of the Heritage Preservation Services unit have reviewed the application and are of the opinion that the area should be studied for a possible Heritage Conservation District and that this property would be considered as contributing to the heritage character of a District in this area. Consequently, City Council, at its meeting of July 19-21, 2005 requested staff to report on the suitability of the area bounded by Russell Hill Road, St. Clair Avenue West, Bathurst Street and the top of the Escarpment for a Heritage Conservation District Study. Staff will report to the October 18, 2005 meeting of TEY Community Council. The subject property is included in this study area.

City Council, at its meeting of June 14-16, 2005 did state its Intention to Designate the subject property under Part IV of the Ontario Heritage Act. Notice has been given and Council will pass a by-law to designate the property at its September 28-30, 2005 meeting unless the owner objects, in which case the Conservation Review Board will hold a hearing into the matter and will advise Council of its findings.

Regardless of any objection, the provisions of the Ontario Heritage Act regarding demolition and alteration of the building on the property are now in effect. If the owner wishes to demolish the property he is required to make an application to Council. If Council refuses the matter will be referred to the Ontario Municipal Board for a decision.

Traffic Impact and Parking

Through consultation with Works and Emergency Services, the applicant has not been required to submit a Traffic Impact and Parking Study.

Conclusions:

The use, scale, density and height of the proposed development significantly exceed current permission, and do not represent good planning. The revised proposal, while an improvement from the original proposal, represents over-development of the site, is not an appropriate form of infill, and is not in keeping with the context of the surrounding neighbourhood, comprised almost entirely of grade related 2 and 3 storey residential homes. This proposal is also inconsistent with specific policies outlined in the current in-force and new Official Plan, which require that new development fit their context and do not negatively impact lower scale neighbourhoods. The natural heritage features of the site protected by the Ravine By-law have not been preserved with the applicant's proposal.

The Ravine By-law requirement of maintaining the natural forest features of the site and preparing a ravine management plan for the site to enhance the forest diversity and structure has not been satisfied by the applicant. Staff therefore recommends that City Council refuse the application.

Contact:

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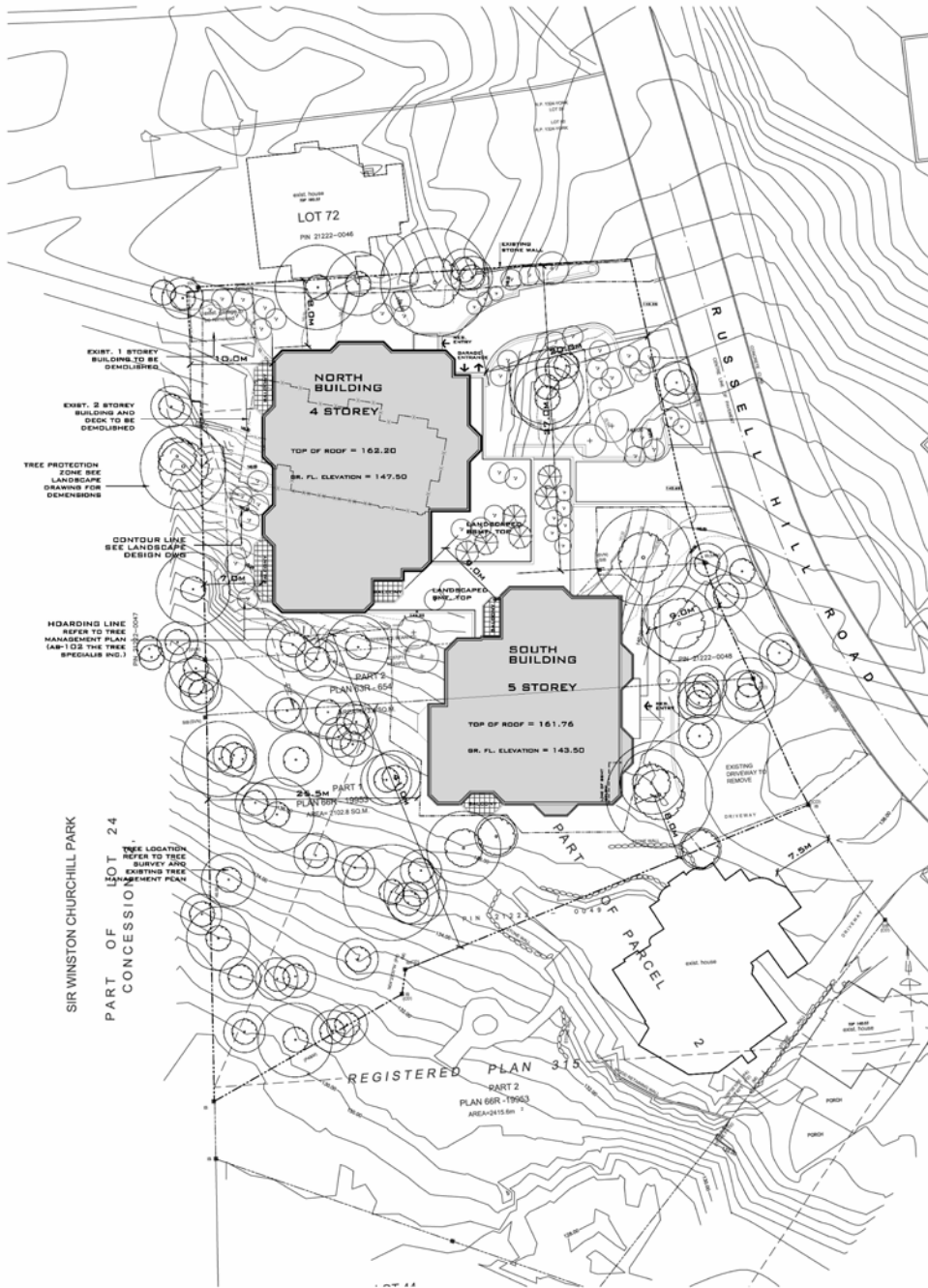
Gary Wright
Director, Community Planning, South District

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List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Elevations
Attachment 6: Zoning
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan / Roof Plan

Applicant's Submitted Drawing

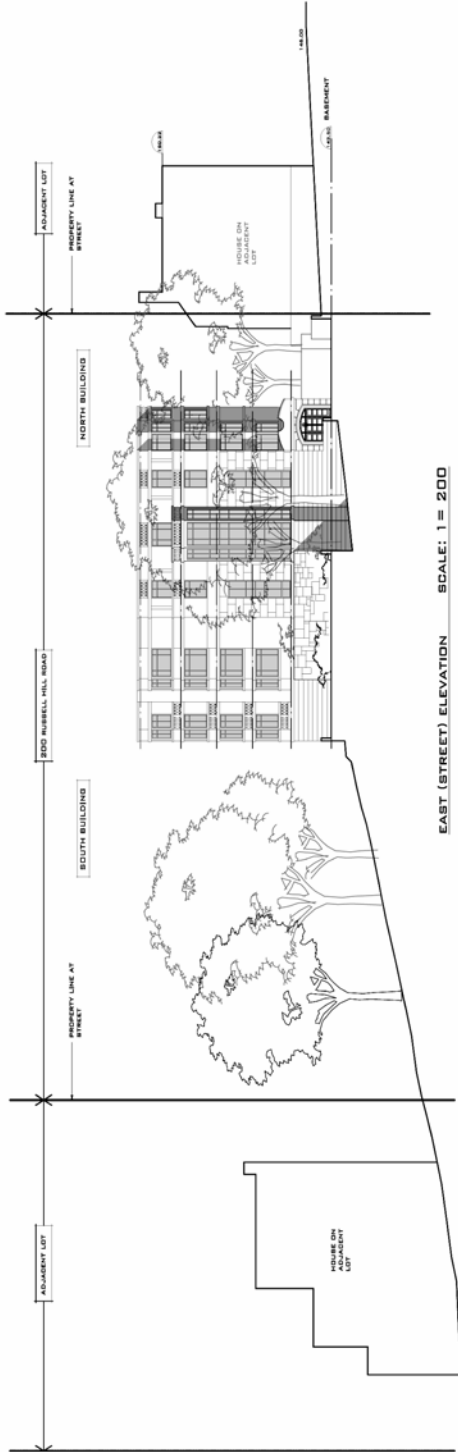
Not to Scale
09/29/05



70 - 200 Russell Hill Road

File # 05_104781 & 05_104786

Attachment 2: Elevation 1



North Building East & South Elevations

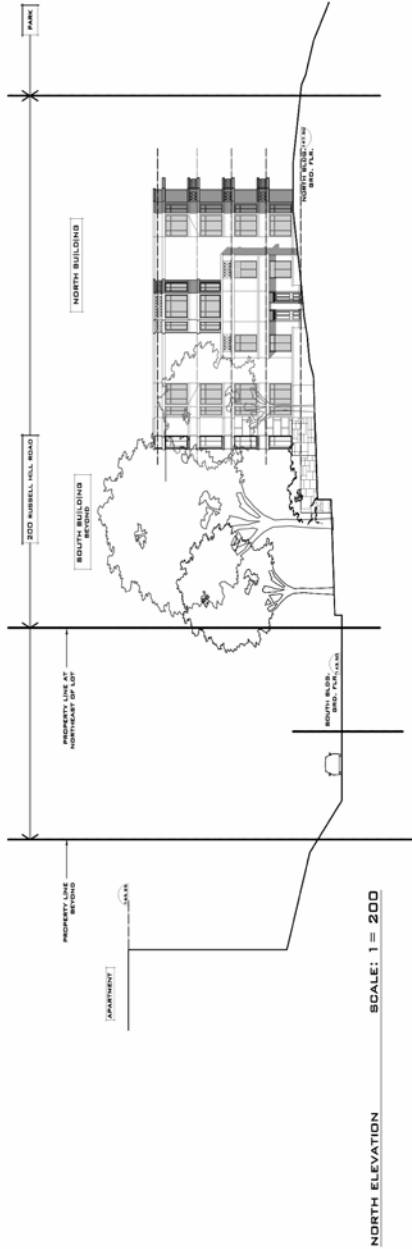
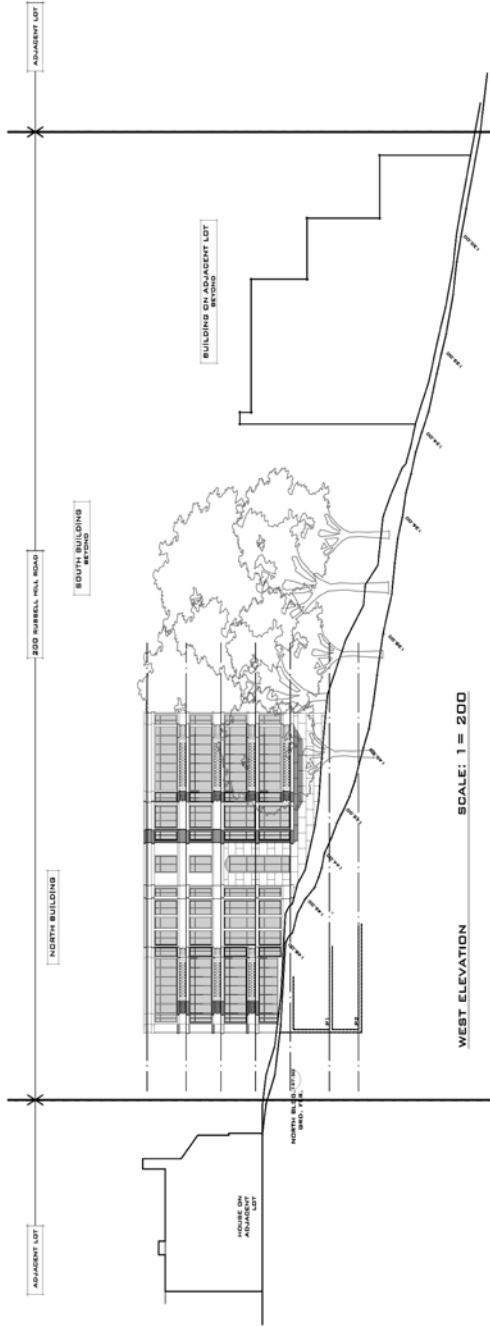
Applicant's Submitted Drawing

Not to Scale
08/29/05

70 - 200 Russell Hill Road

File # 05_104781 & 05_104786

Attachment 3: Elevation 2



North Building West & North Elevations

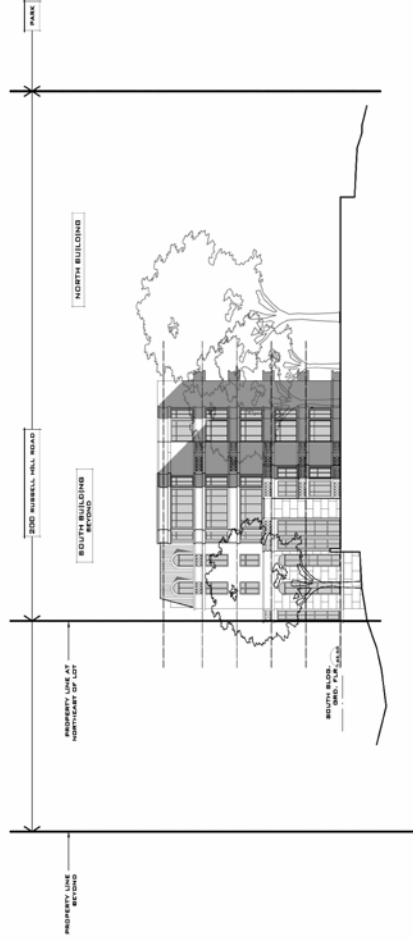
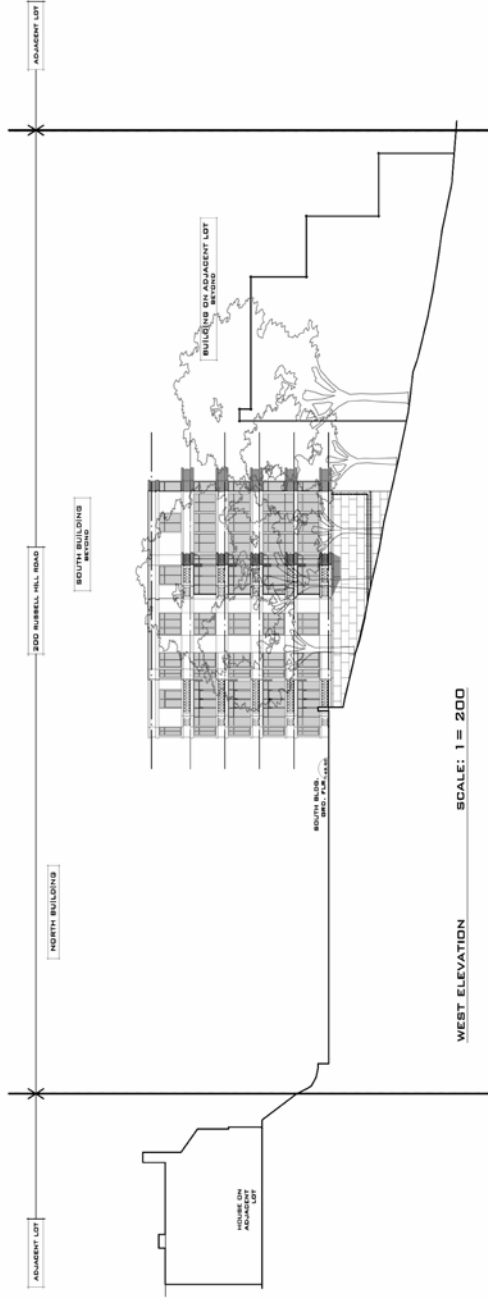
Applicant's Submitted Drawing

Not to Scale
08/29/05

70 - 200 Russell Hill Road

File # 05_104781 & 05_104786

Attachment 4: Elevation 3



South Building West & North Elevations

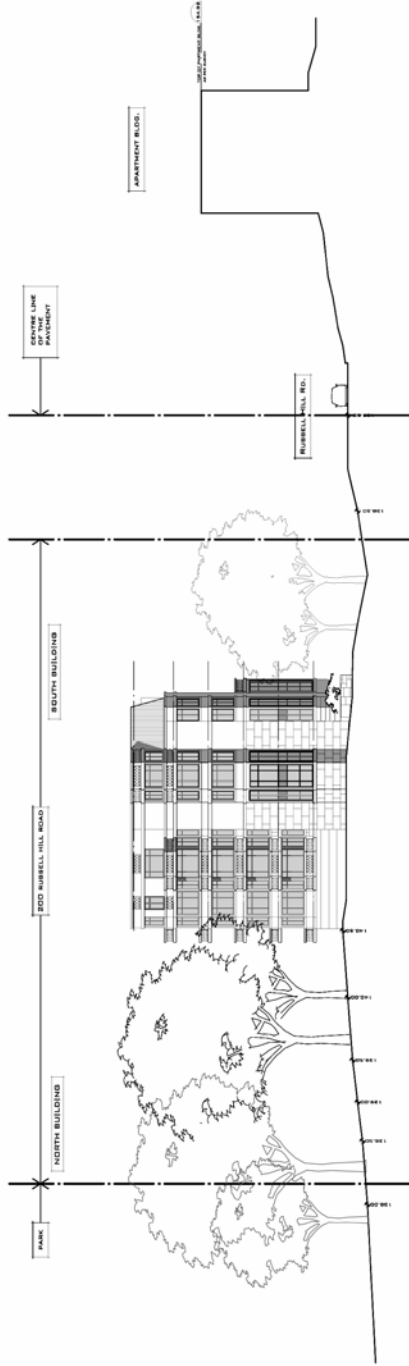
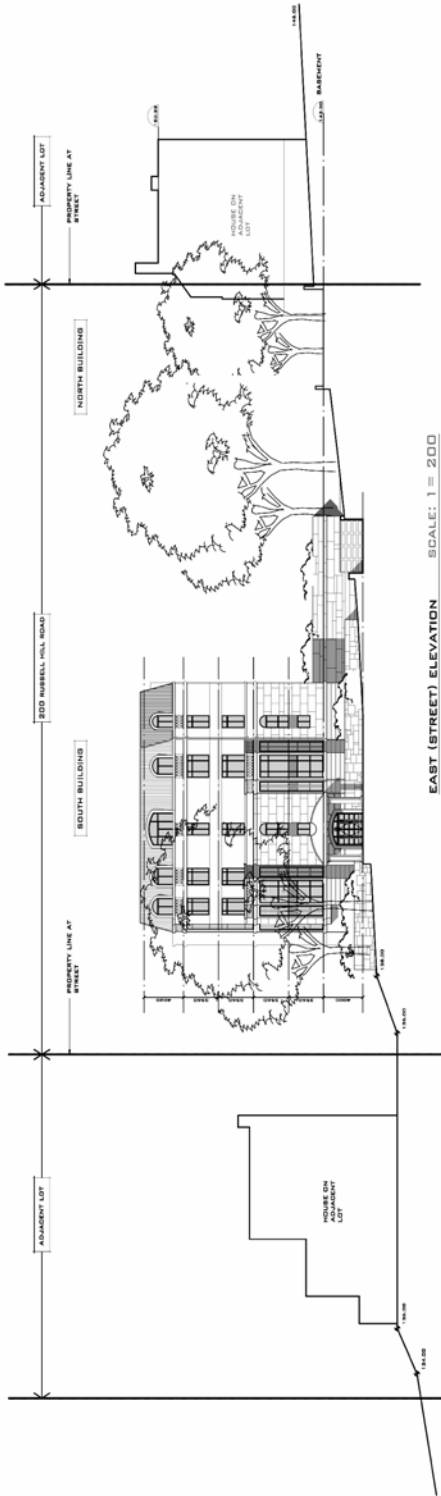
Applicant's Submitted Drawing

Not to Scale
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70 - 200 Russell Hill Road

File # 05_104781 & 05_104786

Attachment 5: Elevation 4



South Building East & South Elevations

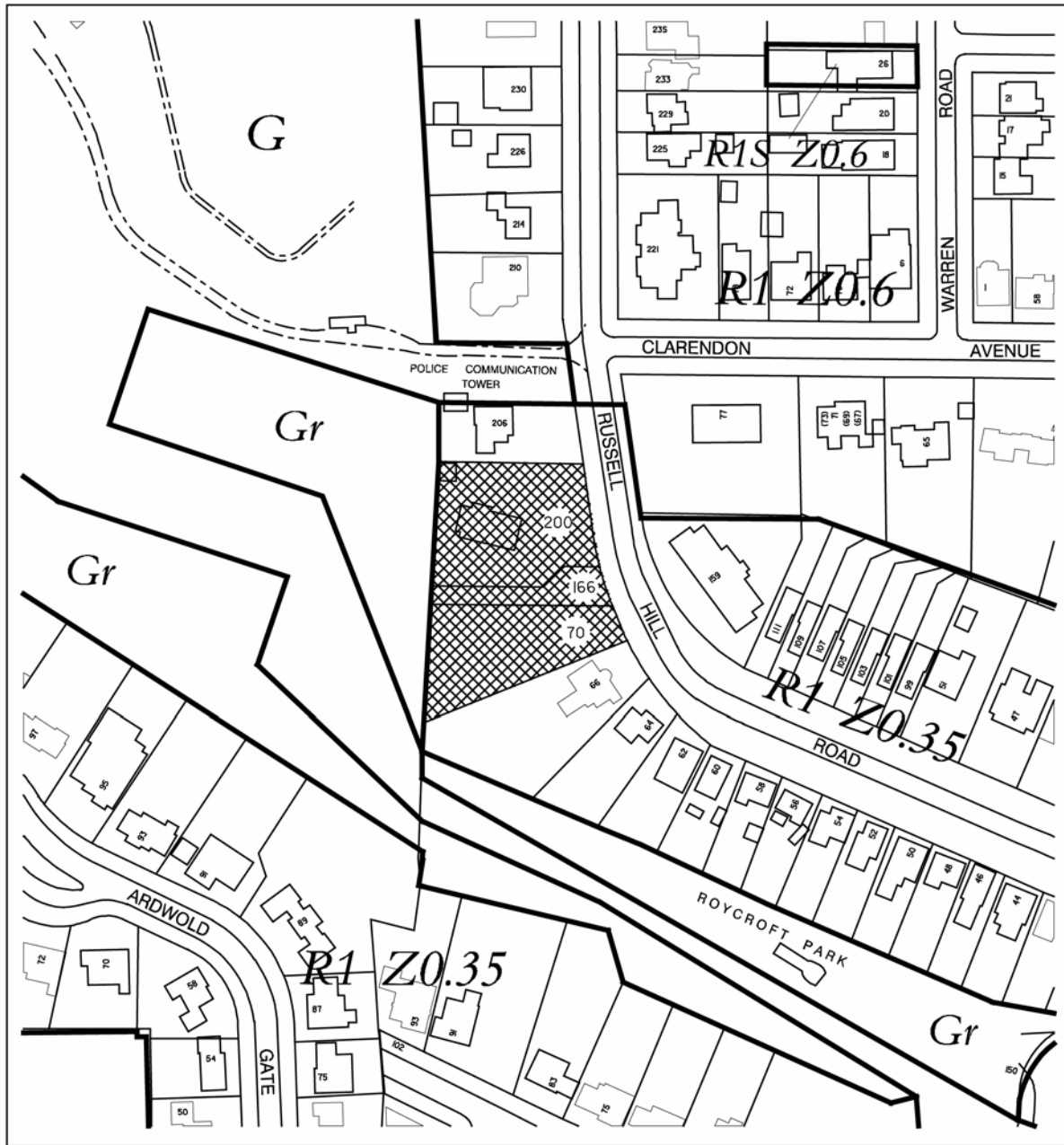
Applicant's Submitted Drawing

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08/29/05

70 - 200 Russell Hill Road

File # 05_104781 & 05_104786

Attachment 6: Zoning (Map)



 **TORONTO** City Planning Division
Zoning

70 - 200 Russell Hill Road
File # 05_104781 & 05_104786

- G Parks District
- Gr Parks District
- R1 Residential District
- R1S Residential District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 06/03/05 - DR

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 104781 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 26, 2005

Municipal Address: 70 RUSSELL HILL RD, TORONTO ON
 Location Description: PL 315Y PCL 2 PT **GRID S2210
 Project Description: Proposed multiple building development to create 22 residential units. Please note concurrent site plan application. Please note application is not streamed.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN ADAM BROWN			RUSSELL HILL INVESTMENTS

PLANNING CONTROLS

Official Plan Designation:	Low Density Residence Area	Site Specific Provision:	
Zoning:	R1 Z0.35	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5160.1	Height:	Storeys:	5
Frontage (m):	70		Metres:	32.28
Depth (m):	0			
Total Ground Floor Area (sq. m):	1196			Total
Total Residential GFA (sq. m):	5437		Parking Spaces:	44
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	5437			
Lot Coverage Ratio (%):	23.2			
Floor Space Index:	1.05			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	5437	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	22	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	22			

CONTACT: **PLANNER NAME:** Michael Mestyan, Planner
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