

TORONTO STAFF REPORT

August 24, 2006

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Subject: Status Report
Rezoning Application 04 203855 WET 07 OZ
Plan of Subdivision Application: 04 203864 WET 07 SB
Applicant: Franco Romano, Action Planning Consultants
Architect: Mastech Design
144 - 156 Rowntree Mill Road
Ward 7 - York West

Purpose:

This report provides a status update on the rezoning application and draft plan of subdivision application for a revised residential development proposal at 144-156 Rowntree Mill Road as requested by Etobicoke York Community Council at its meeting held on June 3, 2005 (Clause 6, Report 5).

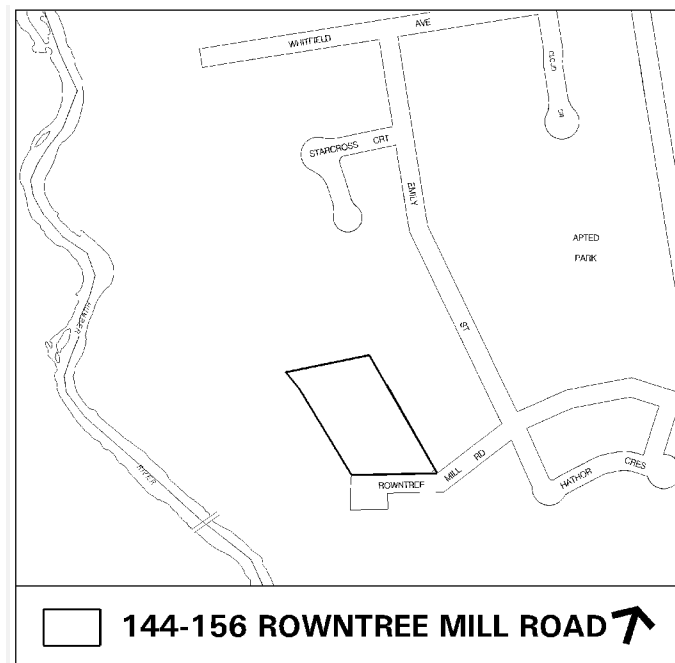
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that this report be:

- (1) received for information; and
- (2) the Director of Community Planning, Etobicoke York District be requested to report back on rezoning the City owned parcel within Rowntree Mills Park from “R3” to “G”.



Background:

At its meeting on June 13, 2006, Etobicoke York Community Council recommended that City Council adopt a report from the Director of Community Planning dated May 5, 2006 recommending that Community Council's further consideration of the revised application be deferred until:

- (1) the applicant has submitted all required information identified by City staff and appropriate agencies, including the Toronto and Region Conservation Authority, in regard to the revised proposal, within six months;
- (2) the applicant has submitted an Official Plan Amendment application to amend the new Official Plan for the City of Toronto;
- (3) City staff has completed its review of the revised proposal and supporting documentation and has reported back to Community Council; and
- (4) the applicant has withdrawn the plan of subdivision application and has confirmed in writing on the form of plan of condominium that will be sought to provide for the orderly development of the land.

City Council on June 27, 28 and 29, 2006 adopted Etobicoke York Community Council's recommendation as contained in Report 5, Clause 6.

Community Council further requested that:

- (1) the application be postponed for one month to allow staff to review the new application for single family dwellings;
- (2) the Director, Community Planning, Etobicoke York District, be requested to submit a further report to the September 13, 2006 meeting of the Etobicoke York Community Council, including the number of residential homes permitted on the site, as of right;
- (3) should the Planning report contain positive recommendations, that a statutory public meeting be held at the York Civic Centre, 2700 Eglinton Avenue West (at Keele Street) at 7:00 p.m.;
- (4) the notification area for the statutory public meeting be determined in consultation with the Ward Councillor, to ensure that the full extent of the community is notified; and
- (5) a representative from the Toronto and Region Conservation Authority be invited to all meetings.

Comments:

Revised Proposal

Following the May 9, 2006 Etobicoke York Community Council meeting, the applicant amended the application by presenting a development proposal consisting of 12 single detached houses on a new public road to replace the previous proposal consisting of 11 semi-detached buildings

fronting onto a new public cul-de-sac and 3 single detached dwellings fronting onto Rowntree Mill Road.

The revised plan proposes four single detached lots fronting onto Rowntree Mill Road and 8 lots fronting onto a new 8 metre wide private street, including a hammerhead, connecting to Rowntree Mill Road.

Since the last Community Council meeting, on June 13, 2006, the applicant has not submitted sets of the revised proposal to circulate to departments and agencies for evaluation and comment. Furthermore, as indicated in the Planning report dated May 31, 2006, in order to properly evaluate the proposal the applicant was required to provide the following additional supporting information:

- (a) a complete Natural Heritage Impact Statement relating to the revised proposal;
- (b) full size copies of the revised site plan;
- (c) grading plan;
- (d) servicing report and plan;
- (e) stormwater management report; including addressing storm water quality and quantity;
- (f) arborist report;
- (g) landscape plan and Tree Preservation Plan;
- (h) elevations and floor plan of the proposed dwellings; and
- (i) proposed development/zoning standards and project data.

The required supporting information has not been provided. Accordingly, staff have not been able to properly review the application and revised proposal .

Permitted Development under current Zoning

Community Council requested that staff provide information on the number of residential homes permitted on the site as of right.

The site is currently divided into two separate zoning categories by the former City of North York Zoning By-law. The two western properties, 148 and 156 Rowntree Mill Road, are zoned Greenbelt Zone (G), and the two eastern properties, 144 and 146 Rowntree Mill Road, are zoned Fourth Density Zone (R4). The Greenbelt Zone (G) permits agricultural uses, and one-family detached dwellings on a minimum lot frontage of 45 metres and a minimum lot area of 0.8 hectares. Within the G zone exclusively, it would appear that only one detached dwelling on one lot can be constructed in compliance with zoning.

The Fourth Density Zone (R4), permits detached houses with a lot frontage of 15 metres and a minimum lot area of 550 square metres. If proper access to the R4 zone portion of the site were provided it would appear that a maximum of 4 detached dwellings on each lot could be constructed with consent approval. If development was undertaken under this scenario, the G zoned lands could only be used for the provision of a road access to the 4 dwelling lots but this could limit the development possibly for the G zoned land. However, it is noted that in order to

conclusively determine the as of right development potential of the lands, additional information is required. This zoning information was obtained in consultation with the Building Division.

It is noted that the lands to the north of the subject site are zoned R3, although the land is owned by the City and comprises part of Rowntree Mills Park. Staff previously noted and are recommending that these lands be considered for rezoning to "G" to conform with the Official Plan and the present use of the lands.

Conclusions:

Plans and supporting documentation for the revised application and proposal have not been submitted subsequent to the matter being considered by Community Council on June 13, 2006. Consequently, staff have not been able to properly evaluate the revised proposal. In the Planning report dated May 31, 2006, it is noted that the revised proposal does not conform to the policies of the Toronto Official Plan and the policies and regulations of the Toronto and Region Conservation Authority. The submission of an Official Plan Amendment application as required in the adopted Planning report of May 31, 2006 has not been submitted.

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Gregg Lintern, MCIP RPP
Director, Community Planning
Etobicoke York District



CITY CLERK

Consolidated Clause in Etobicoke York Community Council Report 5, which was considered by City Council on June 27, 28 and 29, 2006.

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**Refusal Report - Rezoning Application; Plan of Subdivision
Applicant: Franco Romano, Action Planning Consultants
144-156 Rowntree Mill Road (Ward 7 - York West)**

City Council on June 27, 28 and 29, 2006, adopted this Clause without amendment.

The Etobicoke York Community Council recommends that City Council adopt the staff recommendations in the Recommendations Section of the Status Report (May 31, 2006) from the Director, Community Planning, Etobicoke York District.

Action taken by the Committee:

The Etobicoke York Community Council requested that:

- (1) the application be postponed for one month to allow staff to review the new application for single family dwellings;
- (2) the Director, Community Planning, Etobicoke York District, be requested to submit a further report to the September 13, 2006 meeting of the Etobicoke York Community Council, including the number of residential homes permitted on the site, as of right;
- (3) should the Planning report contain positive recommendations, that a statutory public meeting be held at the York Civic Centre, 2700 Eglinton Avenue West (at Keele Street) at 7:00 p.m.;
- (4) the notification area for the statutory public meeting be determined in consultation with the Ward Councillor, to ensure that the full extent of the community is notified; and
- (5) a representative from the Toronto and Region Conservation Authority be invited to all meetings.

The Etobicoke York Community Council submits the report (May 31, 2006) from the Director, Community Planning, Etobicoke York District:

Purpose:

This report provides a status update on the rezoning application and draft plan of subdivision application for a residential development at 144-156 Rowntree Mill Road, as directed by Etobicoke York Community Council at its meeting held on May 9, 2006.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that Community Council's further consideration of the revised application be deferred until:

- (1) the applicant has submitted all required information identified by City staff and appropriate agencies, including the Toronto and Region Conservation Authority, in regard to the revised proposal, within six months;
- (2) the applicant has submitted an Official Plan Amendment application to amend the new Official Plan for the City of Toronto;
- (3) City staff has completed its review of the revised proposal and supporting documentation and has reported back to Community Council; and
- (4) the applicant has withdrawn the plan of subdivision application and has confirmed in writing on the form of plan of condominium that will be sought to provide for the orderly development of the land.



Background:

At its May 9, 2006 meeting, Etobicoke York Community Council deferred to its June meeting, consideration of the April 25, 2006 report from the Director, Community Planning, Etobicoke York District, recommending refusal of a rezoning application and draft plan of subdivision application to permit the development of 11 semi-detached buildings fronting onto a new public road (cul-de-sac), and 3 single detached dwellings fronting onto Rowntree Mill Road. Furthermore, Community Council requested the applicant to revise the proposal in consultation

with the Ward Councillor and representatives from the Toronto and Region Conservation Authority. The Director of Community Planning was also requested to submit a further report to the June 13, 2006 Etobicoke York Community Council meeting. The applications were deferred at the request of Franco Romano, the applicant, in order to permit the opportunity to canvas and address the issues, relating to the proposed 25 unit residential development, including addressing matters identified by the Toronto and Region Conservation Authority (TRCA).

Since the May 9, 2006 Etobicoke York Community Council meeting, the applicant has amended the application by submitting a revised proposal and plan with 12 single detached houses. Semi-detached dwellings are no longer being proposed. According to the revised plan, four of the single detached lots would front onto Rowntree Mill Road, with the remaining lots fronting onto a new 8 metre wide private mews (street) ending in a hammerhead. As well, Dillon Consulting has prepared a response to the natural environment comments contained in the April 25, 2006 staff report. This response is currently being reviewed by City staff and the TRCA.

As noted in the April 25, 2006 Planning report, the site is within the Valley Impact Zone as identified by the former City of North York Official Plan. Within Valley Impact Zones Council's policy is not to permit development or filling which is contrary to the regulations of the TRCA.

The TRCA's Valley and Stream Corridor Management Program indicates that with respect to new development, no new lots or development is permitted within the valley and stream corridors and increased fragmentation of ownership shall be discouraged. The revised proposal continues to provide for further fragmentation of property ownership, which would be contrary to the TRCA's policies and in turn, contrary to Council's policy.

In addition, the revised proposal does not conform to policies of the Metropolitan Toronto Official Plan respecting lot severances or approval of land division on existing lots within the Valley and Stream Corridors of the Metropolitan Green Space System, irrespective of the exception circumstances which do not apply to the revised proposal. The revised proposal also does not appear to respect policy 2.3.2(61) requiring that proposed uses or activities contribute to the rehabilitation or restoration of natural features or processes, to promote the protection and maintenance of ecological functions, natural features or the physical extent of significant natural areas.

Notwithstanding these policies, the applicant is proceeding with a revised development proposal and Community Council has deferred consideration of the application and has requested the applicant to revise the proposal in consultation with the Councillor and the TRCA. As previously identified, the site is within the natural heritage system as identified in the new Toronto Official Plan. As with the previous proposal, the revised proposal will require an evaluation of the impact of the development on the natural heritage system to determine the appropriateness of the proposal in relation to the Natural Heritage policies and other applicable policies of the Plan.

Any further consideration of an alternative proposal can only be based on a review of proper plans and supporting information. In order to properly evaluate the revised proposal, the applicant would be required to provide the following additional supporting information:

- (a) a complete Natural Heritage Impact Statement relating to the revised proposal;
- (b) full size copies of the revised site plan;
- (c) grading plan;
- (d) servicing report and plan;
- (e) stormwater management report; including addressing storm water quality and quantity;
- (f) arborist report;
- (g) landscape plan and Tree Preservation Plan;
- (h) elevations and floor plan of the proposed dwellings; and
- (i) proposed development/zoning standards and project data.

Further to the April 25, 2006 staff report, staff has reviewed the Land Use Maps in the new Official Plan with a view to confirming the lands use designations applicable to the site. Although the site is located within the Natural Heritage System (Map 9) and the majority of the site is within a Parks and Open Space Areas – Natural Areas designation, the easterly portion of the site, municipally known as 144 and 146 Rowntree Mills Road is designated Neighbourhoods, as the designation line appears to coincide with the R4 Zoning of these parcels.

The Ontario Municipal Board is expected to issue its Order in June 2006 to approve the new Official Plan for the City. Once the new plan is approved, the applicable policies of the Plan will also have full bearing on the development of the lands. Having regard for the applicable land use designations on the site and related policies, and the approval of the new Plan, an Official Plan Amendment application will be required to be submitted for the proposed development as the revised residential proposal would not conform to the new policies. Accordingly, if an Official Plan Amendment is not approved for residential intensification of the lands, a rezoning to implement the approved amendment and to permit additional residential development beyond what currently exists today would not be supported.

Conclusions:

Should the applicant wish to proceed with the revised proposal, and based on Community Council's wish to further consider the alternative proposal, it is recommended that prior to Community Council considering a revised application, the applicant be required to submit additional information as identified by City staff and the appropriate agencies, including the Toronto and Region Conservation Authority. The applicant also be required to file an Official Plan Amendment application to amend the new City of Toronto Official Plan. Following its review of the revised application, staff will report back to Community Council on the revised proposal.

Contact

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(Attachment 1, referred to in this report, was forwarded to all Members of the Etobicoke York Community Council with the agenda for its meeting on June 13, 2006, and a copy is on file in the City Clerk's Office, Etobicoke Civic Centre.)

The Etobicoke York Community Council also considered the following communications:

- (May 19, 2006) from Franco Romano, Action Planning Consultants, advising that an amended plan showing only detached houses and supporting environmental material had been distributed to Planning staff, the Ward Councillor and the Toronto and Region Conservation Authority;
- Refusal Report (April 25, 2006) from the Director, Community Planning, Etobicoke York District, recommending refusal of a rezoning application and a draft plan of subdivision application to facilitate the construction of a new public road and three single detached dwellings and 22 semi-detached dwelling units.

Recommendations:

It is recommended that City Council:

- (1) refuse the Rezoning application 04 203855 WET 07 OZ and Draft Plan of Subdivision application 04 203864 WET 07 SB for 144-156 Rowntree Mill Road;
 - (2) request the Director of Community Planning, Etobicoke York District to report back on rezoning the City owned parcel within Rowntree Mills Park from "R3" to "G"; and
 - (3) direct the City Solicitor and appropriate City staff to attend, if necessary, the Ontario Municipal Board, to support City Council's decision to refuse the rezoning and subdivision applications, as currently proposed;
- (April 26, 2006) from Franco Romano, Principal, Action Planning Consultants, requesting a deferral of this matter;
 - (May 9, 2006) from Nino and Maria Torelli urging that the application be refused;
 - (June 12, 2006) from Mario Sergio, MPP, York West, and local resident, on behalf of the residents advising of their objections and opposition to the proposal; and
 - (June 13, 2006) from Nino and Maria Torelli.

The following addressed the Etobicoke York Community Council:

- Adam J. Brown, Sherman Brown Dryer Karol, Barristers and Solicitors, on behalf of the applicant;
- Mario Sergio; resident and MPP - York West;
- Giuseppe Lodato; and
- Anna Maria Tuzi.

Recorded vote on a motion by Councillor Holyday to refuse the application:

For: Councillor Holyday (1)

Against: Councillors Di Giorgio, Grimes, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Palacio and Saundercook (8)

Absent: Councillors Ford and Hall (2)

Motion lost.

Recorded vote on Recommendations (1) to (5) moved by Councillor Mammoliti:

For: Councillors Di Giorgio, Grimes, Lindsay Luby, Mammoliti, Milczyn, Nunziata, Palacio and Saundercook (8)

Against: Councillors Ford and Holyday (2)

Absent: Councillor Hall (1)

Carried.