

**Lands at the Northwest Corner of Buttonwood Avenue and Charlton Settlement Boulevard – Part of Lots 7 and 8, Registered Plan 652 – Official Plan, Zoning, Applications – Request for Direction**

<b>Date:</b>	January 30, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 11 – York South-Weston
<b>Reference Number:</b>	File Nos. 03 177295 WHY 11 OZ & 03 035428 WHY 11 OZ

**SUMMARY**

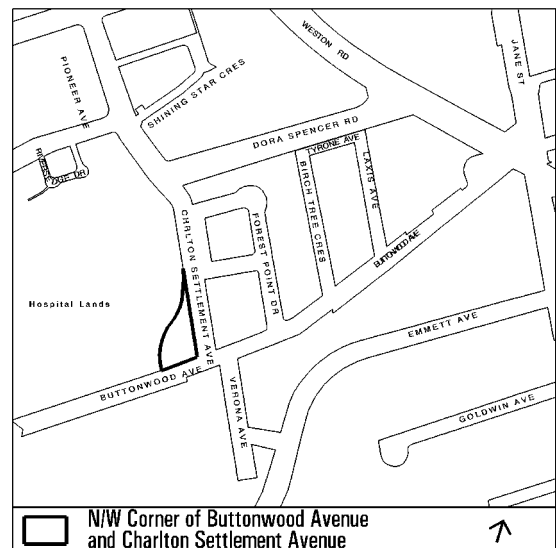
An application has been submitted to permit the redevelopment of the lands at the northwest corner of Buttonwood Avenue and Charlton Settlement Boulevard with seven (7) single detached dwellings.

The purpose of this report is to recommend the direction that the City Solicitor and appropriate City staff undertake on the appeal to the Ontario Municipal Board of the rezoning application by the owner of the lands, including direction in regard to opposition to any subsequent appeal of the Official Plan Amendment application.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the Official Plan Amendment application;
2. City Council direct the City Solicitor and appropriate staff to:



- (a) request the Ontario Municipal Board to refuse the Zoning By-law Amendment application appeal on the basis that it is incomplete and is premature because it does not comply with the Official Plan; and
- (b) in the event that the matter proceeds to an Ontario Municipal Board hearing, attend a future Ontario Municipal Board hearing to oppose the Zoning By-law Amendment application and any appeal of the Official Plan Amendment application, subject to the City offering to participate in mediation of the matter by the Ontario Municipal Board, such mediation to be between the City, the applicant and any other party which the OMB may add as parties to the proceedings should they request party status from the OMB.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On September 19, 1988, the former City of York adopted Official Plan Amendment No.86 by passing By-law 1471-88, for the application site and the lands known as 1400 Weston Road, which abut on the north. Amendment No. 86 was approved by the Minister of Municipal Affairs on December 8, 1988.

Zoning By-law No. 1472-88 adopted on September 19, 1988, implements the policies of Official Plan Amendment 86 and permits a predominantly residential development containing up to 2150 units at 1400 Weston road. By-law approval was issued by the Ontario Municipal Board on February 5, 1990.

Plan of Subdivision 66M-2265 to provide for the orderly development of the lands at 1400 Weston road in accordance with the zoning permissions afforded by By-law No. 1472-88 was registered on June 6, 1990.

The owner entered into a Subdivision Agreement with the former City of York, as a condition of Draft Plan of Subdivision Approval, to provide for municipal servicing, landscape and streetscape development works, environmental remediation work, a grading and drainage works in the Subdivision lands. The Agreement also required specific streetscape development and tree preservation works to be provided and maintained on the application site. The works are detailed in a Streetscape Development Plan and Tree Preservation Plan contained as Schedule I to the original Subdivision Agreement.

The subdivision has not been assumed by the City. The Tree Preservation Plan requirements and the completed boulevard development works continue to be required in relation to the application site and the abutting boulevard, even though other amendments have been made to the agreement over time.

In addition, bonusing provisions were included in the original site specific Zoning By-law for 1400 Weston Road, in order to increase the overall permitted density (unit count) within the subdivision development. In return for the increased density, the Owner agreed to provide certain extra public amenities, which included, among other works, enhanced streetscaping with boulevard pavers, bollards, decorative street lighting, street tree planting and passive amenity space at selected locations. The preservation of the existing trees and the construction of an entrance feature and passive amenity area on the application site were part of the improved streetscape plan approved during this process.

As part of the overall development plan for the Subdivision a necessary road connection between the subdivision and Eglinton Avenue was facilitated by the conveyance of lands from the easterly part of the Staff report for action – Request for Direction – N/W Corner Buttonwood & Charlton Settlement 2

West Park Healthcare Centre. The original Official Plan Amendment No. 86 retained the institutional designation of the lands but identified them for road connection purposes. Following completion of the road, a remnant parcel remained vacant open space for several years. In mid 2003, the owner of the remnant parcel filed the current Zoning Amendment application followed by an Official Plan Amendment application to permit the development of seven detached dwellings.

A Preliminary Report dated December 11, 2003 from the Director of Community Planning, West District on the Official Plan Amendment and Zoning By-law Amendment Applications was considered by the then Toronto West Community Council on January 5, 2004. Community Council adopted the report's recommendation to schedule and give notice for a Community meeting that was subsequently held on March 11, 2004.

Subsequent to the Community Consultation meeting West Park Hospital, the abutting landowner to the west, entered into negotiations with the applicant to acquire the application site. Those negotiations spanned a two year period to fall 2006. During that period little activity was undertaken by Planning staff due to the ongoing discussion between the parties.

On October 3, 2006 the Owner, B.G. Schickedanz Central Inc. appealed the Zoning By-law Amendment application to the Ontario Municipal Board on the basis that City Council has not made a decision on the application. An appeal of the application to amend the Official Plan has not been made.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to redevelop the site with seven (7) single detached dwellings. According to the information provided by the applicant, the proposed 3 storey dwellings range in floor area from 181 square metres to 318 square metres and are situated on lots with frontages generally ranging from 6.57 metres to 13.14 metres. The northerly lot has an increased frontage of 47.61 metres resulting from the triangular taper of the northern portion of the site. (See attachments 1, 5, 6 & 7)

The subject lands are irregular in shape with a rounded rear lot line as shown on the attached plans. As a result, the configuration of the proposed new lots vary in size, including the lot line alignment and lot depths.

Five of the proposed dwellings will gain access from Charlton Settlement Avenue, while two dwellings will access from Buttonwood Avenue.

It should be noted that as part of the subject application, the owner proposes to deed 274.31 square metres of the subject site to the City for parkland purposes. The area to be dedicated is located directly at the northwest corner of Charlton Settlement Avenue and Buttonwood Avenue and presently is improved with a landscaped passive amenity area and entrance feature for the subdivision as previously noted.

### **Site and Surrounding Area**

The subject lands are a landscaped open space area at the northwest corner of Charlton Settlement Avenue and Buttonwood Avenue in the former City of York. The site is bounded by Charlton Settlement Avenue, Buttonwood Avenue and the West Park Health Care Centre lands.

The surrounding uses include:

North: street townhouses

South: single and semi-detached dwellings/York Humber High School

West: West Park Health Care Centre

East: single detached dwellings  
(See attachment 2)

## **Provincial Policy**

The 1997 Provincial Policy Statement applies since the application was filed prior to the new Policy Statement coming into effect in March 2005. In general, the Policy Statement encourages the development of strong communities with cost-effective development patterns based on a land use mix that promotes employment opportunities and growth, at densities that efficiently use land and existing infrastructure.

## **Official Plan**

The new Official Plan is now in effect, with the exception of two housing policies (Policies 3.2.1.5 (b) and 3.2.1.9), the definitions of affordable rental housing and affordable ownership housing, Policy 3.1.2.5(Built Form), Policy 4.2.3(c) (Apartment Neighbourhoods), as well as the floodplain “Special Policy Areas” policies. Policies in the former Official Plans and Metro Plan respecting these policy areas remain in effect. The Plan applies to all lands within the City other than those that are listed on Schedules to the Board Order approving the Plan. The former Official Plans and Metro Plan continue to apply to those lands listed in the Schedule. This application site is not listed in the Schedule. An appeal of the Toronto Official Plan designation of these lands was not filed with the OMB. Accordingly, the policies of the Toronto Official Plan apply.

The subject property is designated Institutional Areas (Section 4.8). (See attachment 3) Institutional Areas are made up of major educational, health and governmental uses with their ancillary uses, cultural, parks and recreational, religious, commercial and institutional residence facilities, including the full range of housing and housing associated with a health institution. The residential uses proposed are not permitted.

The Toronto Official Plan continues the Institutional designation of the lands consistent with the previous Institutional designation contained in the former City of York Official Plan.

## **Zoning**

The subject site is zoned “G – Green Open Space District” which permits the following uses:

- (a) a public park, playfield, playground, including all accessory uses;
- (b) a golf course and cemetery;
- (c) any agricultural use; provided that one one-family dwelling house only shall be permitted for each 2 hectares of land; and,
- (d) any use accessory to any of the foregoing uses.

The surrounding residential area to the east and south is zoned R2-District Zone and contains predominantly detached dwellings similar in type to those of the proposal. The R2 zoning permits detached, semi-detached and duplex dwellings. (See attachment 4)

### **Site Plan Control**

The proposed development is subject to site plan control. A site plan application has not been submitted at this time.

### **Reasons for Application**

In order to permit the proposed residential development, amendments are required to the Toronto Official Plan and former City of York Zoning By-law 1-83, as amended.

### **Community Consultation**

A community consultation meeting was held on March 11, 2004 that was attended by a few residents of the surrounding area. The primary concerns expressed were the loss of visual and passive open space that would result from the development of the lands. In addition, prior to the community meeting, West Park Healthcare Centre submitted a letter expressing concerns with development of the site.

The concerns cited included additional traffic impediments and congestion; noise and traffic congestion from construction activity; the loss of trees and green open space and complaints about hospital operations and opposition to future development on the hospital lands from future residents of the developments.

### **Comments**

#### **Land Use and Compatibility**

In general, the detached dwelling house proposal is reflective of the predominant dwelling type in the residential area on adjacent streets to the south and east. In particular, it is similar in character to the abutting infill subdivision development to the east that was constructed in the late 1980s with 3 storey detached dwellings with an integral at grade garage. This infill development contains site specific zoning standards that vary to a minor degree from the R2 District zoning provision that applies in the area.

Many of the proposed dwellings have reduced front yard and side yard widths that are less than the requirements of the R2 zoning designation that prevails in the residential area and less than the minimum frontages found in the adjacent development to the east. A reduction in the number of units proposed could result with lots that would comply in this regard. The lot configuration is not similar to

that of the surrounding area due to the shape of the site. Several lots are less than the average size of lots in the adjacent infill subdivision. As a result, rear yard setbacks are less than the minimum 7.5 metres rear yard set back required by the R2 zoning. While most of the dwellings provide slightly less than a 6 metre minimum front yard setback as required by the R2 zoning provision, the end units have unacceptable setbacks of less than 3 metres. Overall, the proposal, in its current form is not an appropriate or desirable development that is in keeping with the scale, massing and lot size of similar development in the area and provided for under the R2 Zoning regulations.

### **Parkland Dedication**

The applicant proposes to convey a 274 square metre open space area at the northwest corner of Buttonwood Avenue and Charlton Settlement Boulevard to the City for parkland dedication purposes. This area is approximately 15% of the entire application site. Parks, Forestry and Recreation has indicated that it is not interested in acquiring the small parkette for parkland dedication. Rather, it requires a 5% cash-in-lieu of parkland payment. Given this position, the future of the parkette and its ownership relationship to the proposed development should be clarified. In whatever ownership form it remains, the City will require that an easement over the lands be conveyed to the City for public access to ensure that the community continues to benefit from this open space amenity.

### **Tree Preservation**

As previously mentioned, the landscape development of these lands was required and secured by the subdivision agreement for the Charlton Settlement subdivision. The agreement requires that a number of trees be preserved. Although a concentration of trees and landscape plant material is located in the corner parkette, many of the existing trees are situated where the proposed dwellings are to be constructed. In total six private trees will require removal. A few trees appear to require a permit for removal under the City's Tree Protection By-law. Consideration of any application to remove any protected trees would be premature until a request is filed by the owner and approved by City Council to amend the Subdivision Agreement and the Tree Preservation Plan. Further more, some existing street trees will be impacted by proposed driveway locations and City approval will be required for their removal and relocation or replacement

### **Municipal Infrastructure and Services**

Technical Services has not identified any issue with the availability of municipal sewer and water capacity to service the development. Transportation Services similarly has no concerns with access driveways as proposed nor with the ability of the existing roads to accommodate traffic generated from this development. Other matters raised in the comments provided could be addressed through subsequent approval processes such as consent or site plan approval.

### **Archaeological Impact Potential**

The site is located within an area identified as having archaeological potential. Although areas of archaeological potential and the application screening were not in place at the time of application, the protocol is now in place and an Archaeological Assessment Study of the Site should be undertaken identified and evaluate the presence of archaeological resources. Following the protocol this assessment will be requested in the subsequent site plan approval or consent approval processes.

## **Appropriateness of Redevelopment**

Historically, the site is a residual parcel of land that once was owned by West Park Healthcare Centre, severed and sold to the original owner of the Charlton Settlement Subdivision to provide land for a necessary road connection from the subdivision south to Eglinton Avenue West, by way of Emmett Avenue.

An oversized parcel of land was conveyed by West Park to accommodate possible road alignment options with the understanding by West Park that once the road was constructed, the remnant portion would be retained as landscaped open space. As indicated by West Park Healthcare Centre, its understanding at the time of conveyance was that any remnant portion would remain designated institutional and zoned G- Green Open Space. Consistent with this intent, the land was designated by the former City of York for road alignment purposes in Official Amendment No. 86 while retaining an underlying Institutional designation. Once the southerly connecting roadway was determined in the Subdivision Plan, the residual parcel that is the application site retained the Institutional designation and was zoned G-Green Open Space to maintain a vacant open space use on the lands.

In addition, consistent with and to reinforce this understanding, as part of the subdivision approval process, a streetscape plan and a tree preservation plan was prepared for the parcel as a required off-site improvement that was incorporated into the registered Subdivision Agreement for the lands.

The landscaped amenity space entry feature including subdivision signage, planting, decorative light standards, a bench and boulevard paver inlays as well as the provision of the paver inlays, decorative light standards and street trees along Charlton Settlement Boulevard approaching the subdivision were completed in accordance with the subdivision agreement. Similarly, a tree preservation plan identifying and providing for the preservation of existing trees within the application site was completed as required by the Subdivision Agreement.

The Subdivision Agreement continues to apply to the land and the matters secured by the agreement in relation to the site and abutting streetscape are to continue to be provided.

An amendment to the agreement to redevelop the site with dwellings will eliminate the open space and streetscape amenity that has been provided by the site as a whole for the benefit of the subdivision and the surrounding residential community. An amendment to the agreement should not be considered unless there is willingness by City Council to amend the agreement and unless an acceptable community benefit is provided in return. Any consideration to amend the agreement should only be entertained by the City following City Council direction for the local Councillor with City Planning staff to consult with the community and interested City Divisions to determine the degree of consensus to amend the agreement and the community benefits to be sought in return.

At this time, given the concerns expressed at the community consultation meeting and by West Park Health Care Centre, it would appear that there would not be a consensus to amend the subdivision agreement. In addition to the issues of neighbourhood character outlined above, the applications are premature and should not be approved.

## **Ontario Municipal Board**

Over the course of the last two years shortly following the Community Consultation meeting, West Park Healthcare Centre initiated discussions with the owner to negotiate the acquisition of the lands. Staff understood that discussions were ongoing through to the fall of 2006. Staff had not undertaken discussions with the applicant in light of the negotiations and was hopeful that they would result in an agreement. As of the date of this report, staff has been advised by West Park Healthcare Centre that an acquisition agreement has not been reached by that negotiation discussion have not ended.

On October 3, 2006, the City received notice of an appeal to the Ontario Municipal Board from the applicant in regard to the rezoning application. The appeal was filed on the basis that the City has not made a decision on the application within the required timeframe. An appeal of the Official Plan Amendment application has not been filed.

It is noted that the rezoning application appeal appears incomplete in that all of the necessary documentation required to be filed has not been submitted.

In the absence of a favourable decision on the Official Plan Amendment application and the submission of a complete rezoning application appeal, the consideration of the rezoning appeal is premature and the Ontario Municipal Board should be requested to refuse the appeal.

## **Development Charges**

It is estimated that the development charges for this project will be \$72,905. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **Conclusions**

The proposal is not an appropriate form of development in keeping with the scale, massing and lot size of similar development in the area and the R2 zoning standards applicable in those areas. The application is the subject of a Tree Preservation Plan and Streetscape Plan that are required by the provision of the Charlton Settlement Subdivision Agreement. The agreement and its provisions continue to apply and therefore consideration of the applications is premature until such time as the Subdivision Agreement provisions relating to the site are amended. Although an appeal of the rezoning application has been filed with the Ontario Municipal Board, it is incomplete and premature in the absence of a favourable decision on the Official Plan Amendment. For these reasons, the Official Plan Amendment application should be refused and the Ontario Municipal Board should be requested to refuse the appeal of the Zoning By-law Amendment application. Furthermore, in the event that the Zoning By-law Amendment application appeal and any appeal of the Official Plan Amendment application proceeds to an Ontario Municipal Board hearing, the City Solicitor and City staff should be authorized to attend the Ontario Municipal Board in opposition, subject to the City offering to



participate in a mediation of the matter by the Ontario Municipal Board. Should the OMB proceed with mediation of the appeals, the City Solicitor and Chief Planner should report directly to City Council for further directions if the need arise.

## **CONTACT**

Lou Moretto, Manager, Community Planning, Etobicoke York District  
Tel. No. 416-394-2610  
Fax No. 416-394-6063  
E-mail: lmore@toronto.ca

## **SIGNATURE**

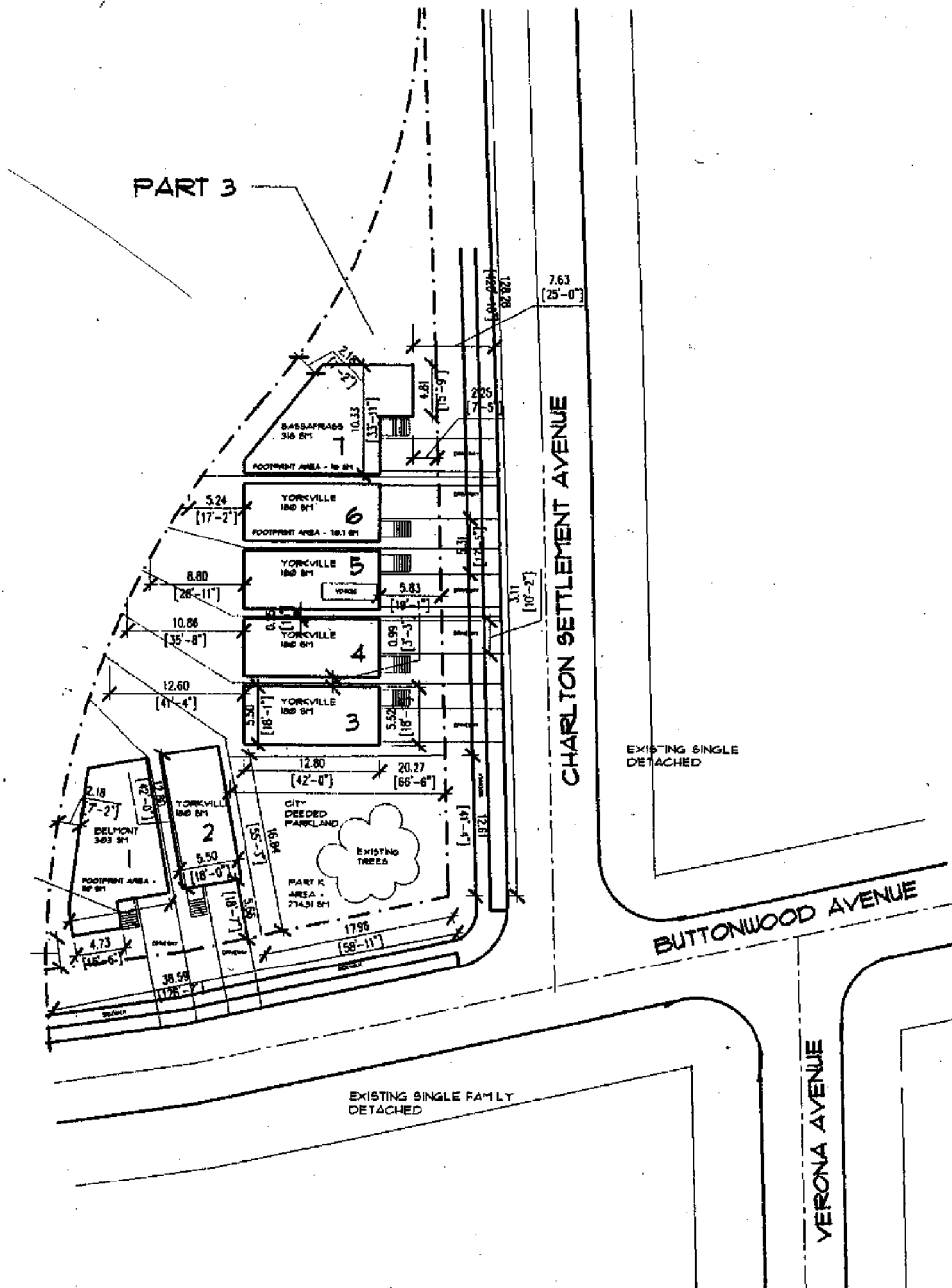
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Gregg Lintern, MCIP RPP  
Director, Community Planning, Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Proposal and Surrounding Area  
Attachment 3: Official Plan  
Attachment 4: Zoning  
Attachment 5: Elevations  
Attachment 6: Application Data Sheet  
Attachment 7: Landscape Plan

Attachment 1: Site Plan



Site Plan

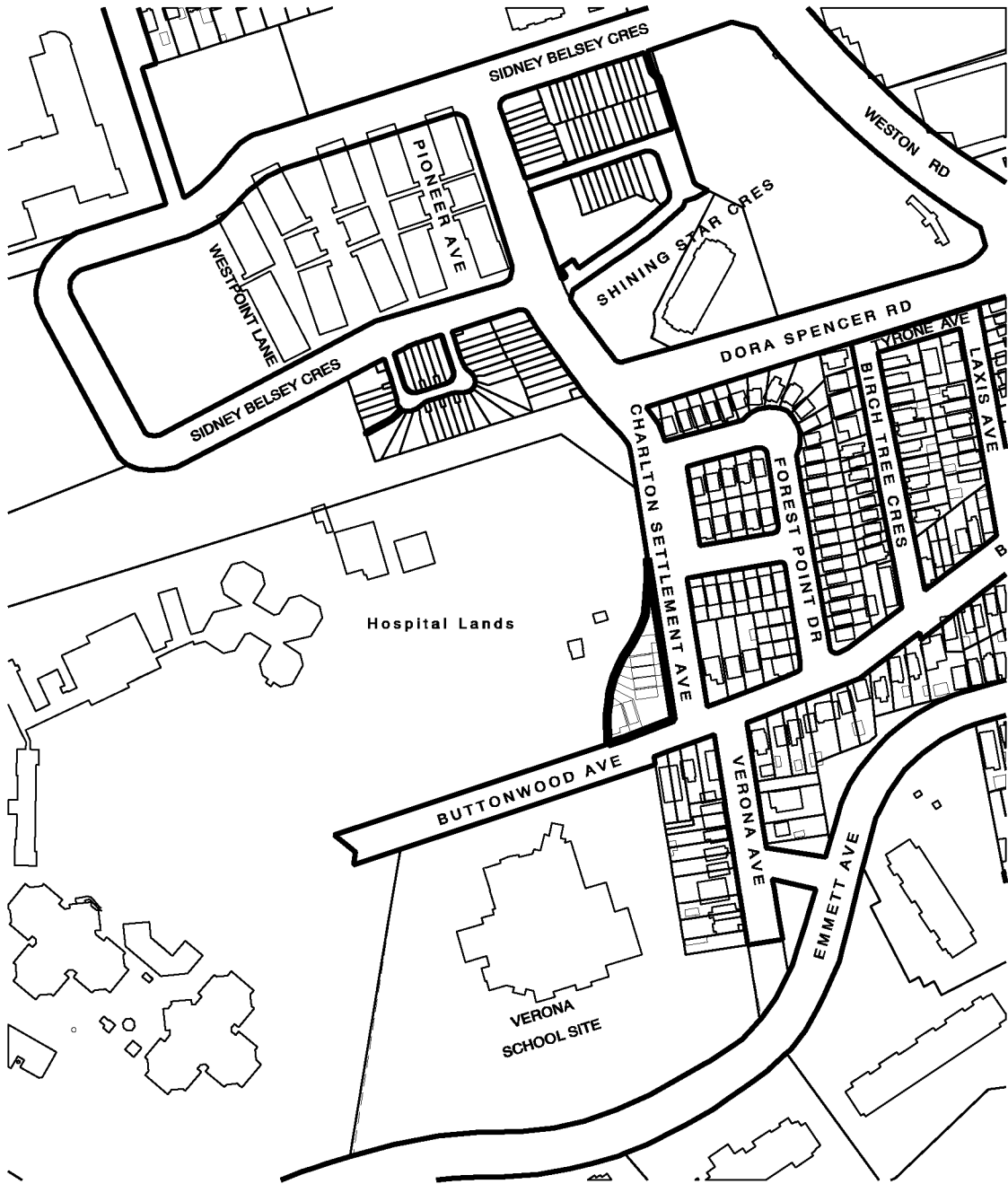
Applicant's Submitted Drawing

N/W Corner of Buttonwood and  
Charlton Settlement Avenue

File # 03\_1777295\_s

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12/09/03

**Attachment 2: Proposal and Surrounding Area**



**Proposal and Surrounding Area**

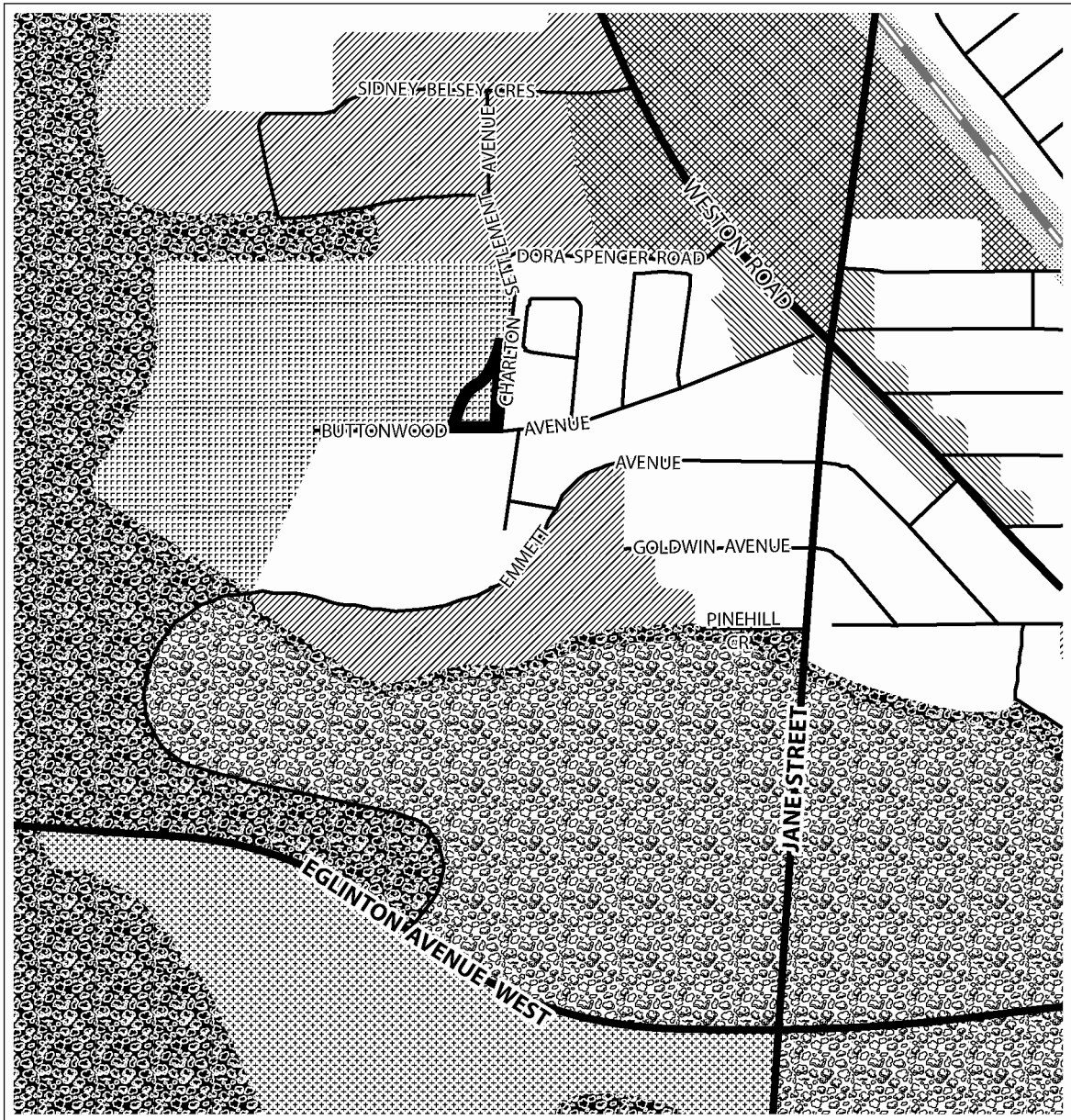
**N/W Corner of Buttonwood Avenue  
and Charlton Settlement Avenue**

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### Attachment 3: Official Plan



Site	Mixed Use Areas	Other Open Space Areas	Utility Corridors
Neighbourhoods	Natural Areas	Institutional Areas	
Apartment Neighbourhoods	Parks	Employment Areas	

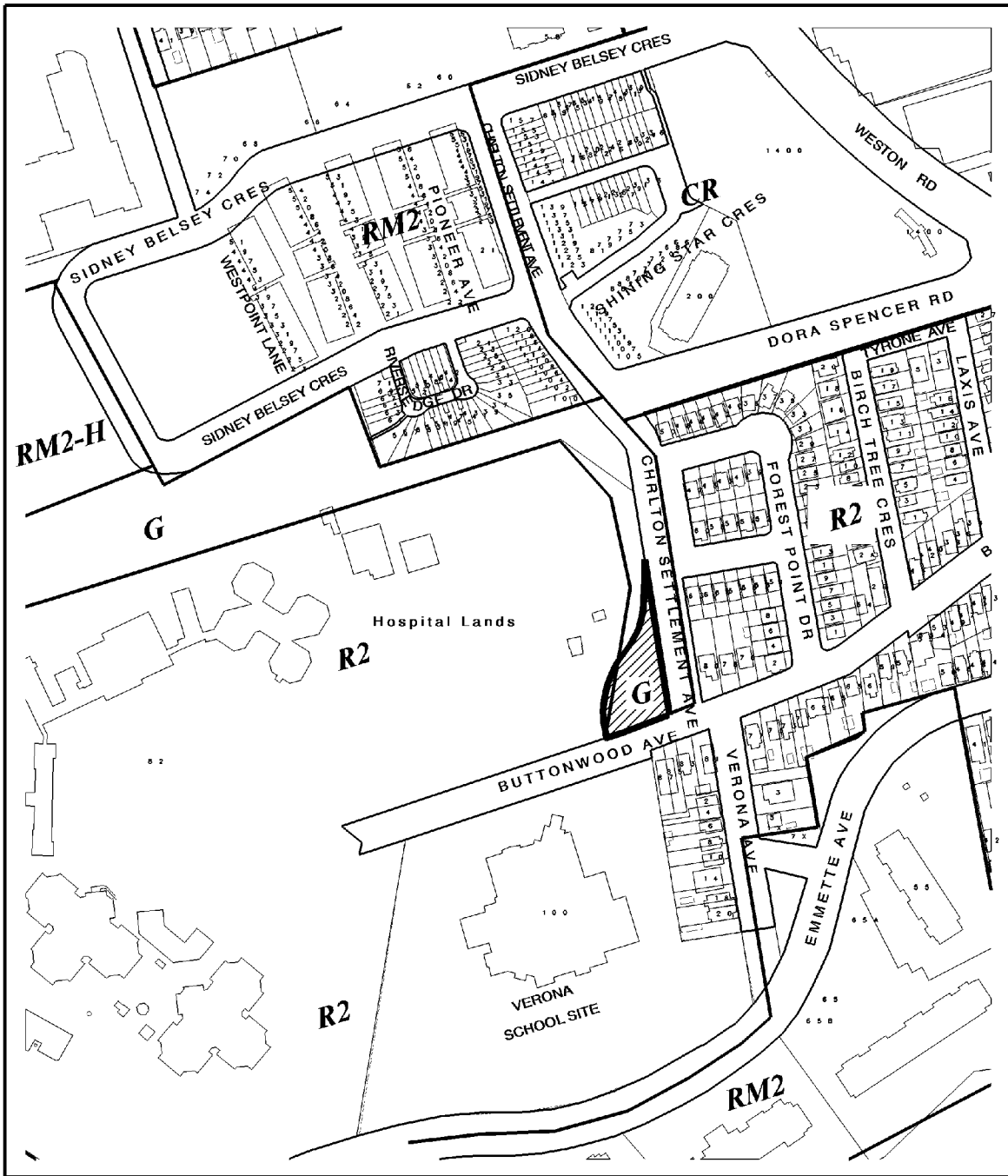
**Toronto** City Planning  
**Official Plan**

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 01/29/07

N/W corner of Buttonwood Avenue  
 and Charlton Settlement Avenue

File # 03\_177295

### Attachment 4: Zoning



**TORONTO** Urban Development Services  
**Zoning**

**N/W Corner of Buttonwood Avenue  
 and Charlton Settlement Avenue**  
 File 03 177295

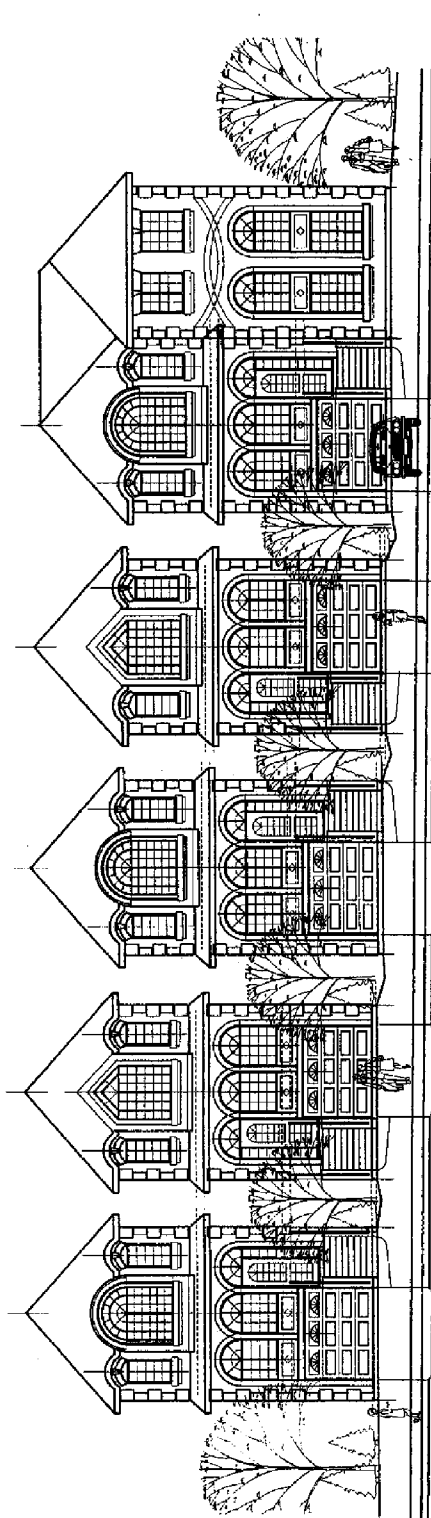
R2	Residential	G	Green Open Space
RM2	Residential Multiple Zone	CR	Commercial Residential



Not to Scale  
 Zoning By-law 1-83 as amended  
 Extracted 12/08/03. JM

Attachment 5a: Elevations

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STREETSCAPE  
CHARLTON SETTLEMENT AVENUE LOOKING WEST



TALWOOD ARCHITECT INC.  
MAY 21, 2003

B.G. SCHICKEDANZ CENTRAL INC.

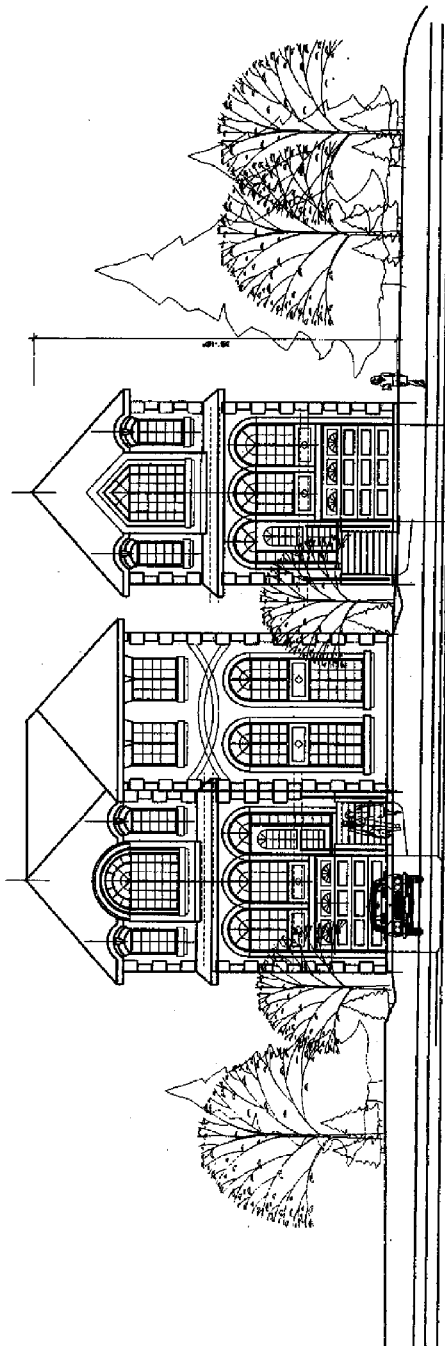
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Elevations  
Applicant's Submitted Drawing

Attachment 5b - Elevations

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STREETSCAPE  
BUTTONWOOD AVENUE LOOKING NORTH

B.G. SCHICKEDANZ CENTRAL INC.

ONTARIO ASSOCIATION  
OF ARCHITECTS

ALEX V. TALWOOD  
LICENCE  
4812

TALWOOD ARCHITECT INC.  
MAY 21, 2003

Elevations

Applicant's Submitted Drawing

N/W Corner of Buttonwood and  
Charlton Settlement Avenue  
File # 03\_1777295

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12/09/03

**Attachment 6: Application Data Sheet  
APPLICATION DATA SHEET**

Application Type	Official Plan Amendment	Application Number:	03 177295 WHY 11 OZ
Details	OPA, Standard	Application Date:	September 22, 2003
Municipal Address:	1 IBMS YORK, TORONTO ON		
Location Description:	CHARLTON SETTLEMENT AVE **GRID W8201		
Project Description:	Official Plan and Zoning By-law Amendment applications to permit 7 single family detached lots at the northwest corner of Charlton Settlement Avenue and Buttonwood Avenue. The subject parcel is legally described as Part 3, Reference Plan 64R-12674. It should be noted that a Park block is proposed to be conveyed to the Municipality as part of the proposed development. The subject lands are presently identified in OPA 86 (Site Specific Official Plan Policy 21.6) as lands to be used for road alignment purposes to connect to Buttonwood Avenue. The OPA request is to redesignate the parcel from "Buttonwood Connecting Lands" to "Low Density Residential" to permit the proposed 7 single family detached lots. The Zoning By-law Amendment request is to rezone the subject lands from "Green Open Space District" to "Residential" with site specific development standards to permit the proposed single detached lots/dwellings as shown on the submitted plans.		

**PLANNING CONTROLS**

Official Plan Designation:	Buttonwood Lands	Site Specific Provision:	21.6, 1472-88, OPA 86
Zoning:	G	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	1776	Height:	Storeys:	3
Frontage (m):	128.3		Metres:	11
Depth (m):	0			
Total Ground Floor Area (sq. m):	578.5			<b>Total</b>
Total Residential GFA (sq. m):	1525		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1525			
Lot Coverage Ratio (%):	32.6			
Floor Space Index:	0.86			

**DWELLING UNITS**

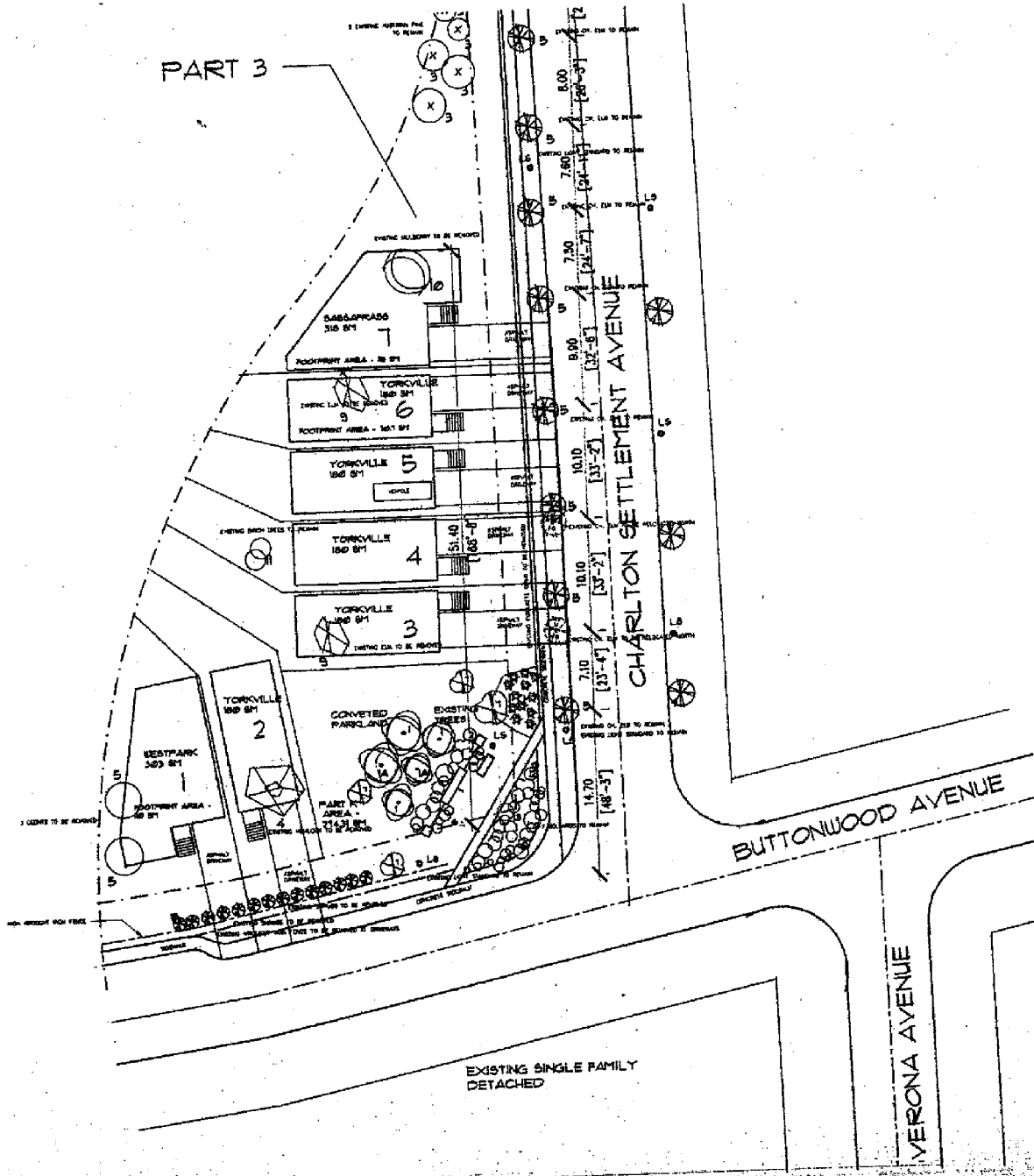
**FLOOR AREA BREAKDOWN** (upon project completion)

Tenure Type:	, Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	1525	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	5	Industrial GFA (sq. m):	0	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

**CONTACT: PLANNER NAME: Shelly Tulloch, Assistant Planner**  
**TELEPHONE: (416) 394-8208**



Attachment 7: Landscape Plan



Landscape Plan

Applicant's Submitted Drawing

N/W Corner of Buttonwood and  
Charlton Settlement Avenue

File # 03\_1777295

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