

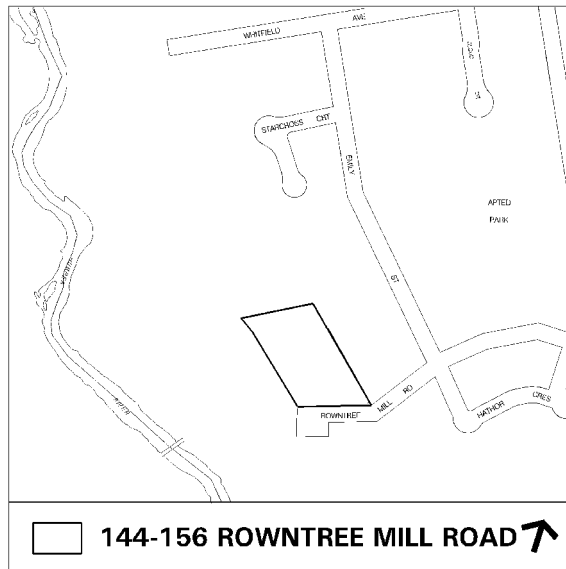
**Supplementary Report
Zoning and Plan of Subdivision Applications
144-156 Rowntree Mill Road**

Date:	December 21, 2006
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	File No: 04 203855 WET 07 OZ

SUMMARY

A revised development proposal in association with a rezoning application and plan of subdivision application to permit 12 single detached houses consisting of 8 lots with detached houses on a new 8 metre wide private street and 4 lots with detached houses fronting onto Rowntree Mill Road was deferred by Etobicoke York Community Council on June 13, 2006 until the applicant submitted additional required information and staff had time to assess the revision. City Council received a Status Report on the matter in September 2006.

This report recommends refusal of the revised proposal and original proposal in view of the applicant’s non-compliance over the last six months, with Community Council’s conditions and direction for further consideration of the application, and on the basis of an evaluation of the revised proposal with no new information available.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt Recommendation 1 of the report from the Director, Community Planning, Etobicoke York District dated April 25, 2006 to refuse the rezoning application and the Plan of Subdivision application as represented by the original proposal;
2. City Council refuse the revised proposal discussed in the report from the Director, Community Planning, Etobicoke York District dated May 31, 2006 and in this report; and
3. City Council 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 represented in the original or revised proposals.

FINANCIAL IMPACT

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

DECISION HISTORY

At its May 9, 2006 meeting, Etobicoke York Community Council deferred to its June 13, 2006 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. The applications sought approval for the development of 11 semi-detached buildings fronting onto a new public road (cul-de-sac), and three single detached dwellings fronting onto Rowntree Mill Road (Attachment 1). Furthermore, Community Council requested the applicant to revise the proposal presented to Community Council 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 on the revised proposal.

Following the May 9, 2006 Community Council meeting, the applicant submitted a revised proposal with 12 lots and single detached dwellings, 8 lots fronting on a new 8 metre wide private road connecting to Rowntree Mill Road and 4 lots fronting onto Rowntree Mill Road (Attachment 2).

At its meeting on June 13, 2006, Etobicoke York Community Council (Report 5, Clause 6) recommended that City Council adopt a report from the Director, 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.

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.

On September 13, 2006, Etobicoke York Community Council received a status report from the Director, Community Planning (August 24, 2006) on the revised proposal for 12 lots with detached dwellings and approved the Director, Community Planning recommendation to report on rezoning the City-owned parcel within Rowntree Mills Park from "R3" to "G".

ISSUE BACKGROUND

Provincial Policy Statement (1997)

As noted in the April 25, 2006 Planning report, the Provincial Policy Statement, states that it is the policy of the Province of Ontario that development and land use patterns which may cause environmental concerns will be avoided, and that Natural Heritage features and areas will be protected from incompatible development. Development and site alteration may be permitted on lands adjacent to Natural Heritage Areas if it has been demonstrated that there are no negative impacts on the natural features or on the ecological functions that are important for the area, in terms of features, functions, representation or amount, and if the development or site alteration contributes to an identifiable natural heritage system.

Toronto Official Plan

The new Official Plan is 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 policies in regard to the floodplain “Special Policy Areas”. The policies in the City of North York Official Plan and Metro Plan respecting these areas remain in effect.

The subject application is listed on Attachment 6 to the Ontario Municipal Board Order 1928, dated July 6, 2006 that approved the Toronto Official Plan. Attachment 6 identifies parcels of lands where the policies and land use designations of the Official Plan are not in effect. Accordingly, the policies and land use designations of the Toronto Official Plan are not in effect for the subject site. The policies of the Metropolitan Toronto Plan and the City of North York Official Plan remain in effect.

The Status Report from the Director, Community Planning Etobicoke York District (August 24, 2006) indicated the land use designations applicable to the site. It noted that 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 in the Toronto Official Plan. The easterly portion of the site, municipally known as 144 and 146 Rowntree Mills Road is designated Neighbourhoods, coincidental with the R4 zoning of these parcels.

Although the Toronto Official Plan does not apply to this application to the extent that the Metropolitan Toronto Plan and the City of North York Official Plan policies do, the revised proposal should also have regard for and address the policy objectives of the Toronto Official Plan.

Policies for Parks and Open Space areas state that development is generally prohibited within Parks and Open Space Areas except for recreational and cultural facilities, public transit and essential public works and utilities where supported by appropriate assessment. Policies for Parks and Open Space Areas provide that Natural Areas will be maintained primarily in a natural state, while allowing for development that protects,

enhances or restores trees, vegetation, and other natural features and respects the physical form, design, character and function of Parks and Open Space Areas. The policies state that an application to develop privately owned lands within Parks and Open Space Areas will be considered on the basis of consistency with all the policies of the Plan.

The Natural Environment policies, in particular policy 3.4.10, provides that while development is generally not permitted in the natural heritage system, where the underlying land use designation provides for development (as does the “neighbourhood” designation on the east portion of the site), the development will:

- (i) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
- (ii) minimize adverse impacts and when possible, restore and enhance the natural heritage system.

Accordingly, as provided for in policies 3.4.12 and 3.4.13, where development is in the natural heritage system, an impact study following the guidelines outlined in the policy will be undertaken to assess the development’s impact on the natural heritage system and to identify measures to mitigate negative impact and/or improve the natural heritage system in regard to the consequences for natural features and functions, physical features, flora, fauna, and aquatic species features, functions and habitats, among other matters.

Furthermore, policy 3.4.11 prohibits consent to sever land or approval of plans of subdivision with or part of the natural heritage system unless an assessment of the impacts to the natural heritage system has been completed. A modification to the Toronto Official Plan would be required if this revised proposal were to proceed to approval.

Metropolitan Toronto Official Plan

As noted in the April 25, 2006 Refusal Report from the Director of Community Planning, Etobicoke York District the site is within the Valley and Stream Corridor of the Metropolitan Green Space System.

The Metropolitan Green Space System policies require the lands to be maintained primarily in a natural state and the proponent of a development within or adjacent to the Green Space system to demonstrate that the development “shall minimize the potential impact, and protect and maintain the ecological functions, natural features or the physical extent of significant natural area”. The policies also state that, “proposed uses or activities should contribute to the rehabilitation or restoration of natural features or processes”.

North York Official Plan

The Official Plan for the former City of North York designates the site as Residential Density One (RD1). The site is also defined as being within the Valley Impact Zone (V.I.Z).

Residential Density One (RD1) allows for semi-detached dwellings up to a density of 30 units per net residential hectare, where the lot proposed for semi-detached development is on a street where other semi-detached dwellings exist. The proposed dwellings are permitted under this designation and the proposed density of 27.7 units per net residential hectare is consistent with this policy of the North York Official Plan.

However, 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, development proposals are to ensure that the conservation of natural wildlife habitat and vegetation, the protection of slopes, maintenance of suitable water table levels, surface and subsurface drainage patterns, and water quality are achieved. Furthermore, within these zones Council's policy is not to permit development or filling which is contrary to the regulations of the Toronto and Region Conservation Authority (TRCA).

The entire site is located within a TRCA Fill Regulation Area which requires a permit to facilitate regrading and construction of the development. 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.

Zoning

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 156 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. The Fourth Density Zone (R4), permits detached houses with a lot frontage of 15 metres and a minimum lot area of 550 square metres.

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 are recommending that these lands be considered for rezoning to "G" to conform with the Official Plan and the present use of the lands.

Site Plan Control

An application for Site Plan Control has not been submitted. The lands abut the ravine system, and therefore a Site Plan application is required.

Requested Supporting Information

The Status Report from the Director, Community Planning (August 24, 2006) noted that the additional supporting information that was requested of the applicant by Community Council on June 13, 2006 to properly evaluate the revised proposal was not provided.

The requested information for the revised proposal consisted of the following:

- (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.

As of the date of this report, the information still has not been provided.

COMMENTS

Although a revised proposal was presented to Community Council on May 9, 2006 the applications continue to provide for development within the valley corridor and further fragmentation of property ownership, which would be contrary to the TRCA's policies and in turn, contrary to the policies of City of North York Official Plan in support of the TRCA policies and regulations.

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) and, based on the information available to date, it does not appear to respect the requirement (policy 2.3.2(61)) 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.

There is no new information provided concerning the revised proposal to demonstrate that it has regard for or positively addresses the Provincial Policy Statement.

Community Council on June 13, 2006 requested the applicant to provide additional supporting information within six months in the form of supporting documentation or studies to demonstrate how the revised proposal addresses or has regard for the Parks and Open Space Areas policies and the Natural Environment policies of the Toronto Official Plan.

The information has not been provided. In absence of such information, the revised proposal cannot be properly evaluated and consequently cannot be supported.

CONCLUSION

The original proposal and the revised proposal are not supportable based on the information provided in support of the applications.

CONTACT

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SIGNATURE

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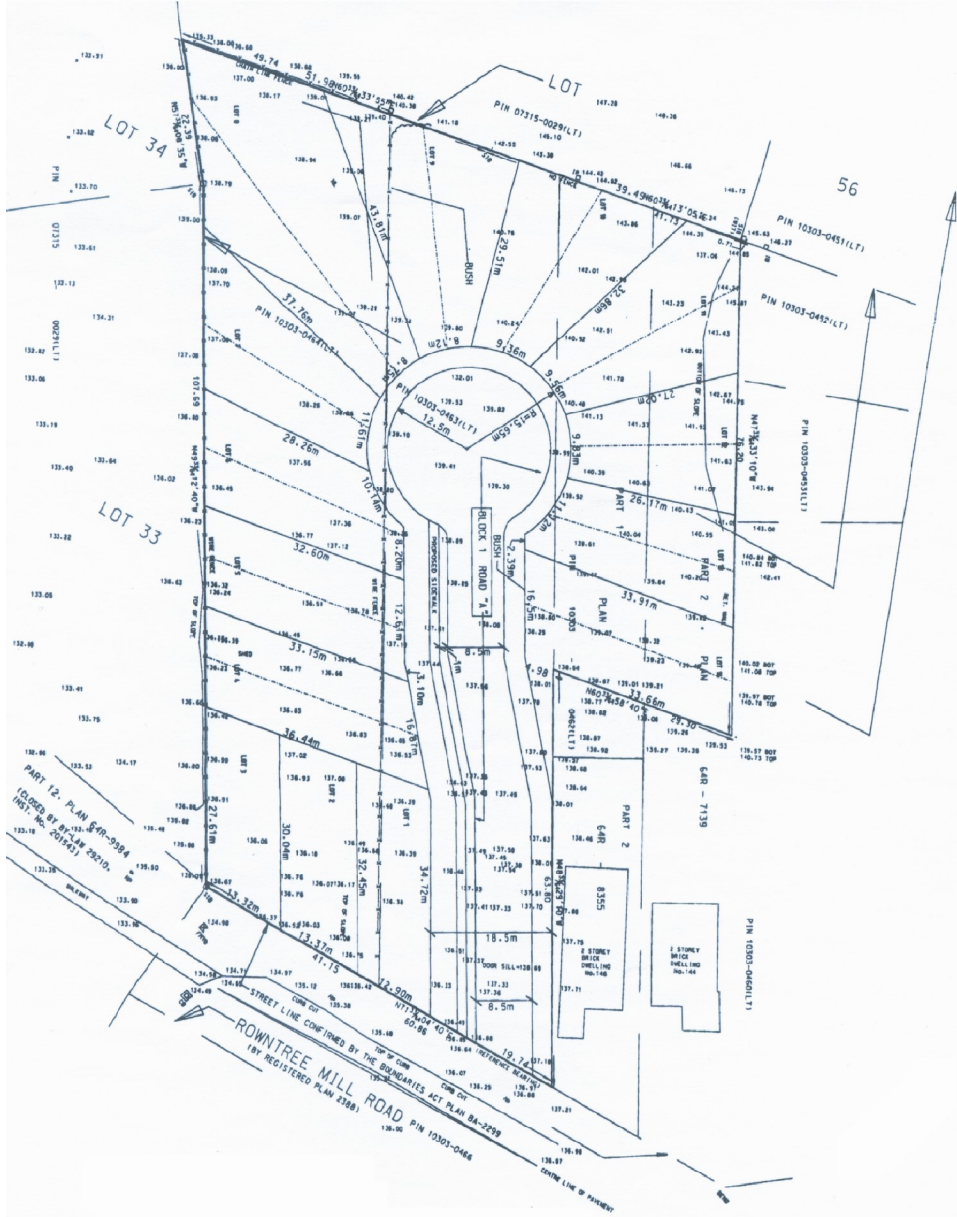
ATTACHMENTS

Attachment 1: Original Proposal

Attachment 2: Revised Proposal

Attachment 3: Zoning Map

Attachment 1: Original Proposal



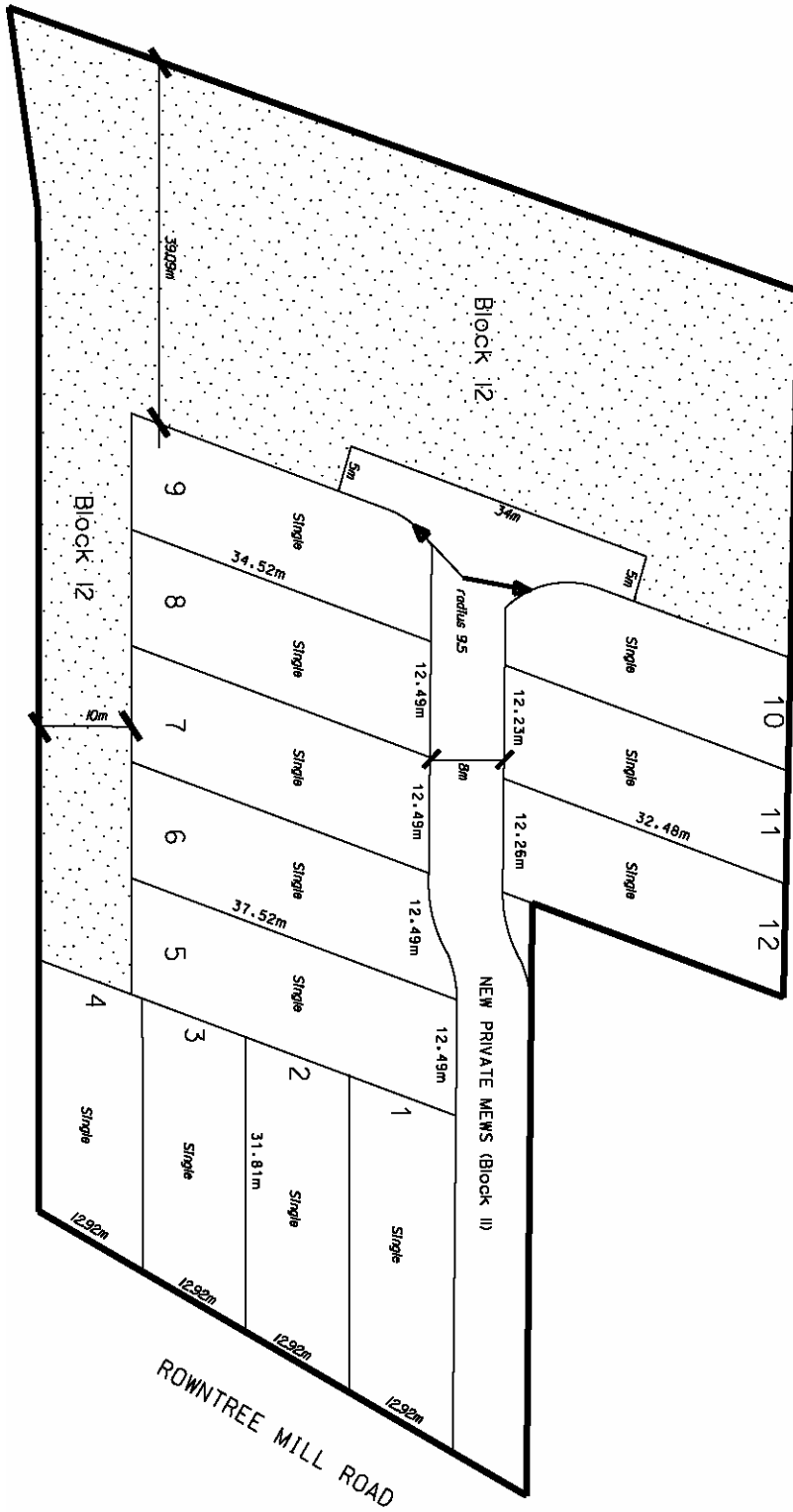
144-156 Rowntree Mill Road

Plan of Subdivision
 Applicant's Submitted Drawing

File # 04_203855 & 04_203864

Not to Scale
 02/28/06

Attachment 1: Revised Proposal



144-156 Rowntree Mill Road

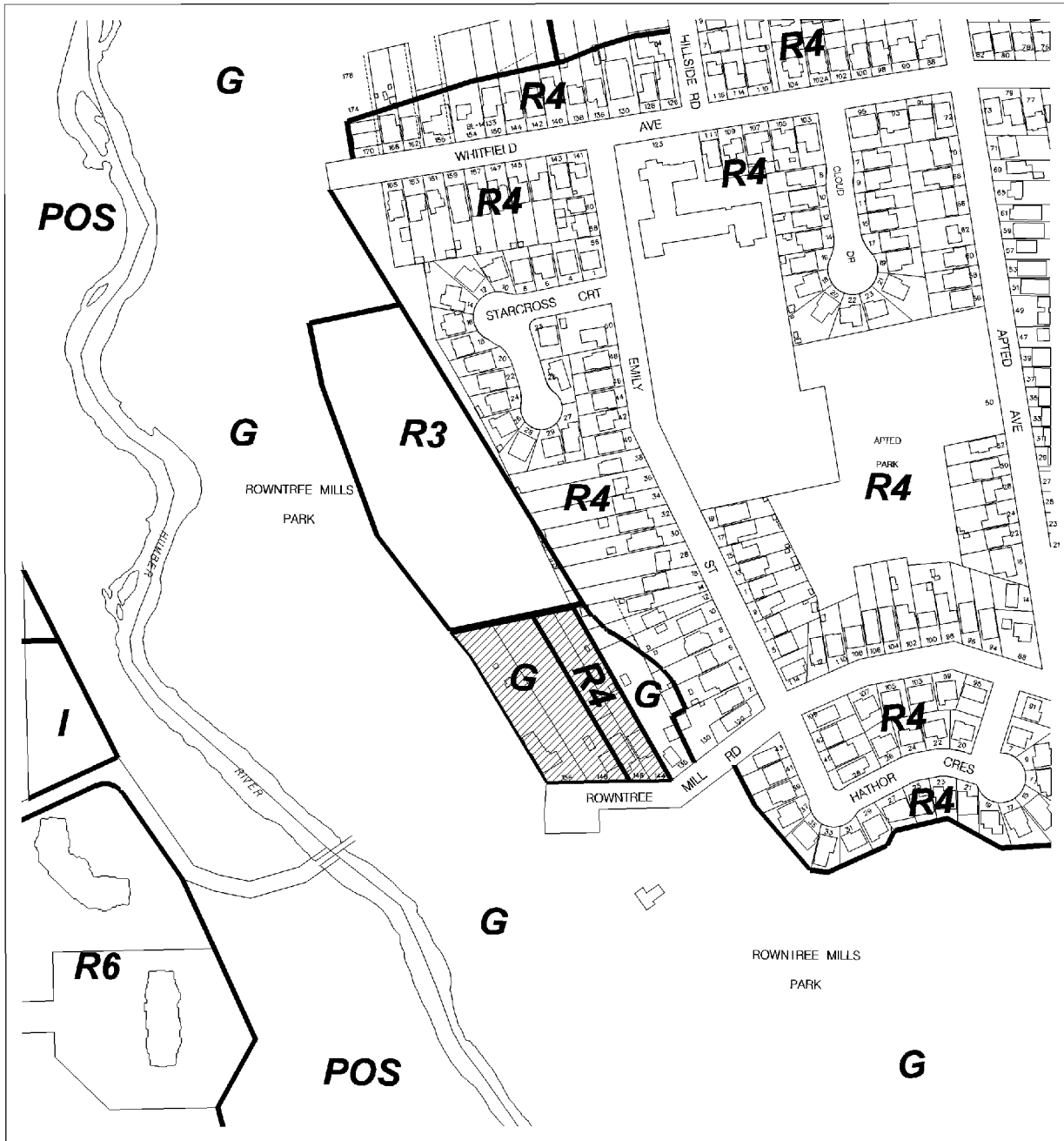
Proposed Plan
Applicant's Submitted Drawing

Not to Scale
05/24/06



File # 04_203864

Attachment 3: Zoning Map



144-156 Rowntree Mill Road

File # 04_203855 & 04_203864

Former North York Zoning By-law 7625

Former Etobicoke By-law 11,737

R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
G Greenbelt Zone

R6 Residential Sixth Density
I Institutional
POS Private Open Space



Not to Scale

Extracted 02/01/05- KP