

**148-156 Rowntree Mill Road – Zoning and Plan of Subdivision Applications – Final Report**

<b>Date:</b>	March 13, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward No. 7 – York West
<b>Reference Number:</b>	File Nos: 04 203855 WET 07 OZ and 04 203864 WET 07 SB

**SUMMARY**

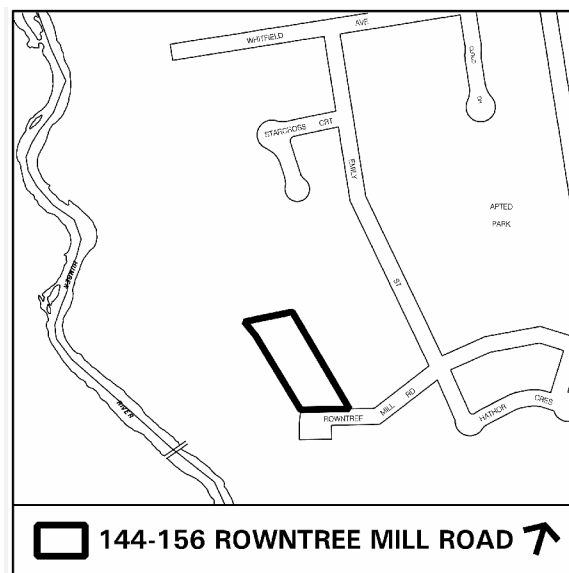
Action Planning Consultants has submitted applications to permit a revised residential development proposal on the properties at 148-156 Rowntree Mill Road.

This report provides information on the direction provided by Etobicoke York Community Council at its meeting on February 13, 2007 and recommends adoption of the refusal recommendations in various outstanding reports and contained in the Supplementary Report (Addendum) dated January 5, 2007 from the Director, Community Planning, Etobicoke York District.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the applications as presented in this report;
2. City Council adopt the refusal recommendations of the Supplementary Report (Addendum), dated January 5, 2007, the Supplementary Report dated December 21, 2006, and Recommendation 1 of the Final Report dated April 25, 2006, all from the Director, Community Planning,



Etobicoke York District; and

3. In the event of an appeal to the Ontario Municipal Board or approval of the applications, City Council require that the statutory parkland dedication requirement be secured.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

Etobicoke Community Council at its meeting on February 13, 2007 in relation to the applications and revised proposal:

1. deferred consideration of the reports (January 5, 2007, December 21, 2006 and April 25, 2006) from the Director, Community Planning, Etobicoke York District to its March 27, 2007 meeting;
2. requested appropriate staff from the Toronto and Region Conservation Authority and the owner and applicant to commence discussions regarding the acquisition, in whole or in part, of the lands at 148-156 Rowntree Mill Road, by the Toronto and Region Conservation Authority;
3. requested the applicant to provide to Community Planning staff all requested supporting information, as detailed in the report (December 21, 2006) from the Director, Community Planning, Etobicoke York District; and
4. directed the Director, Community Planning, Etobicoke York District, to report to the March 27, 2007 meeting of the Etobicoke York Community Council, including any outstanding requested information not yet received by Community Planning staff.

The other reports that Community Council has considered regarding these applications and the various proposals for development, but has not made a decision, are as follows:

1. A January 5, 2007 Supplementary Report (Addendum) from the Director, Community Planning, Etobicoke York District recommended adoption of the refusal recommendation contained in the December 21, 2006 Supplementary Report and refusal of the revised proposal (submitted December 29, 2006). The revised proposal outlined in the report consisted of redevelopment of the lands at 148 and 156 Rowntree Mill Road (currently occupied by two dwelling houses) with 12 detach dwelling lots and houses, a new public road and an open space block extending across the northerly part of the site. The report was deferred to the February 13, 2007 Etobicoke York Community Council meeting for consultation with the public.  
(<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-1241.pdf>)
2. A December 21, 2006 Supplementary Report from the Director of Community Planning, Etobicoke York District recommended refusal of the revised proposed development consisting of 12 single detached houses, two open space blocks and a private road as

presented in the report from the Director, Community Planning, Etobicoke York District, dated May 31, 2006. The report was deferred to the February 13, 2006 Etobicoke York Community Council meeting. In addition, the report recommended refusal of a previous proposal consisting of 22 semi-detached dwelling lots fronting on a new public road and 3 detached dwelling lots front onto Rowntree Mill Road at 144-156 Rowntree Mill Road as reported by the Director of Community Planning, Etobicoke York District in the Final Report dated April 25, 2006.

<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-1242.pdf>

3. An April 25, 2006 Final Report from the Director, Community Planning, Etobicoke York District recommended refusal of the rezoning application and a draft plan of subdivision application to permit 3 single detached dwellings and 22 semi-detached dwelling units on a new public road. The refusal was deferred by Community Council to its June 2006 meeting. A decision on the recommendation has not been made.

<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-1244.pdf>

## **ISSUE BACKGROUND**

### **Proposal**

The current revised application is to permit the redevelopment of the lands at 148-156 Rowntree Mill Road with 12 lots for 12 detached 3-storey houses fronting onto new 16.5 metre wide public road with a 15.5 metre wide turning circle. A 10 metre wide open space block is also proposed across the site abutting the northerly limit. The Site Plan and the Context Plan in relation to the land use context of the surrounding residential and open space areas are shown on Attachment 1 and Attachment 2, respectively. Elevations are on Attachment 3. Project data is contained in Attachment 4 – Application Data Sheet.

### **Site and Surrounding Area**

The subject property is located on the north side of Rowntree Mill Road, just west of Rowntree Mills Park. The revised site has an approximate area of 7 235 square metres (0.72 hectares), with an approximate frontage of 61 metres along Rowntree Mill Road. The site is situated within the Humber River Valley system. Currently the lands are occupied by two single detached dwellings fronting onto Rowntree Mill Road. The rear portions of the lands are vegetated with a large number of trees and shrubs that form part of the natural forest and vegetation community that extends to the north and west.

Surrounding land uses include:

North: Rowntree Mills Park and Humber River Valley System

South: Rowntree Mills Park and Humber River Valley System

East: single detached dwellings are adjacent to 148 Rowntree Mill Road

West: Rowntree Mills Park and the Humber River Valley System

## **Policy and Regulation**

The commentary provided in the December 21, 2006 Supplementary Report from the Director of Community Planning in relation to the Provincial Policy Statement, the Official Plan Policies, the Zoning of the lands and the applicability of Site Plan Control continues to apply.

## **Ravine Control**

The subject site is located within the area identified as the City of Toronto Natural Heritage System and in an area protected under the City of Toronto Ravine Protection By-law.

## **Tree Preservation**

The grade alteration necessary for the redevelopment will require the removal of existing vegetation cover within the development area, including the removal of 64 trees with – greater than 10 cm resulting in a permanent loss from the natural heritage and/or vegetation cover. A total of 80 private trees have been listed in the arborist report. Urban Forestry has commented that the proposal will result in a loss of an area identified in the City of Toronto Natural Heritage System and the removal of a least 44 trees and injury to at least 13 trees protected under the Ravine Protection By-law.

## **Reasons for the Application**

An amendment to the Zoning By-law is necessary because the proposed residential development is not permitted in the G zone (see Attachment 5). A modification to the Toronto Official Plan is also required as noted in the December 21, 2006 Supplementary Report.

## **COMMENTS**

### **Toronto and Region Conservation Authority**

The Toronto and Region Conservation Authority (TRCA) and the owner were requested by Community Council to discuss the potential acquisition of part or all of the lands by the Conservation Authority. Staff of the Conservation Authority has advised that as of the date of this report the owner and the authority have not started discussions.

### **Supporting Information to Evaluate Application**

The Supplementary Report Addendum dated January 5, 2007 from the Director, Community Planning, Etobicoke York District outlined deficiencies in some of the supporting information and studies submitted with the current revised proposal on December 29, 2006. Notwithstanding these deficiencies, the revised proposal was circulated with the understanding that the deficiencies would be addressed and corrected in the course of further discussion and processing of the application.

However, as noted in the January 2007 report a Natural Heritage Impact Statement was not submitted when the revised proposal was filed. The absence of the study at the time limited staff from evaluating the impact of the proposal on the natural environment and open space and the extent to which it addressed the related planning policies.

## Natural Heritage Impact Statement Evaluation

A Natural Heritage Impact Statement was received on January 25, 2007 along with a revised Arborist Report and Tree Inventory dated November 20, 2006 (see Attachments 6 and 7).

The Urban Forestry, Ravine Protection Unit comments that:

- The site area is significant at the local level because it is within the City of Toronto Natural Heritage System, is in an area protected by the City of Toronto Ravine Protection By-law and is regulated by the TRCA under Provincial regulation 166/06.
- The proposed 10 metre buffer would not provide sufficient compensation for the loss of trees, growing space and infiltration area that would be lost by development
- The edge of the remaining natural area would be increased and exposed to long term negative impact of the new development
- Off-site compensation is not satisfactory and cannot provide compensation for the loss in total natural heritage area and potential negative impact on the existing significant valley and parkland
- The Natural Heritage Statement did not demonstrate that the proposed development would contribute to promoting the protection and conservation of the City's natural heritage, ravines and associated natural and woodland areas
- The revised proposal is not in keeping with the purpose of the Ravine Protection By-law that is to promote the management, protection and conservation of ravines and natural woodland areas and to prohibit and regulate the injury and destruction of trees
- The existing G zoning provides the best interface between existing residential area and City parkland and should not be changed

Urban Forestry does not support the proposed revised development.

City Planning is of the opinion that the proposed development will:

- Alter the physical land form/grade of the valley slope and remove contiguous vegetation
- Not maintain hydrologic features and functions
- Result in loss of wildlife habitat
- Reduce connectivity of the Humber Valley corridor
- Contribute to enhanced degradation of the ecological function of the natural heritage system through uncontrollable potential adverse impacts such as runoff of lawn chemicals, predation of local and migratory birds by pets, dumping of yard waste and light pollution.

The development would need to protect/conservate natural heritage features and junctions and/or restore and enhance the natural heritage system in order to satisfactorily be consistent with the natural heritage policies of the applicable Official Plans. Off site restoration is not considered to be an acceptable approach to mitigation because of the site's location within the Valley and Stream Corridor, within the Valley Impact Zone and within the natural heritage system.

The Impact Statement does not demonstrate that the application can meet those objectives and the applications should be refused.

The Planning, Design and Development Unit of Parks, Forestry and Recreation comments that the application is not in keeping with the purpose of the former North York Official Plan and the new Toronto Official Plan. The development application cannot be supported. It is recommended that if the City Council approves this application or if the owner appeals the matter to the Ontario Municipal Board, a statutory parkland dedication requirement be imposed.

The TRCA advises that their comments dated January 24, 2006 and January 31, 2007 remain applicable to the current Natural Heritage Impact Study.

In the most recent comment, the TRCA advises:

- The lands area entirely located within a regulated area and a permit is required from the TRCA prior to any development occurring
- No new lots or development is permitted within the valley and stream corridors
- The proposal does not meet the intent of the Valley and Stream Corridor Management Program because it would increase fragmentation of ownership which is to be discouraged within the corridor
- This development will result in lost habitat, impacts to the surrounding natural heritage system and intensification of development in the valley corridor
- The Impact Statement does not place the site in context with the surrounding natural heritage system and dismisses existing habitat as poor quality.

The TRCA cannot support the development application as represented by the revised proposal.

The comments of City Parks, Forestry and Recreation and the TRCA are contained in Attachments 8 and 9, respectively.

### **Other Division and Agency Comments**

Comments received from other City divisions and agencies generally indicate no concern with the revised proposal or alternatively, have identified issues that would be addressed through Site Plan approval or Plan of Subdivision approval.

Technical Services, however, has identified conditions for both the zoning approval and subdivision approval that would be satisfied through further consideration of the application.

The City Planning Division has previously identified issues with the revised proposal that would affect the preparation of by-law standards and regulations if this proposal were to be approved. The resolution of these issues would need to be subject of a further report if approval of the revised proposal or any alternative were to be considered.

Comments on the revised proposal have not been received from Toronto Building, Canada Post Corporation, Bell Canada, Enbridge Gas, the Toronto District Catholic School Board, and the Toronto District School Board.

The comments of City divisions and agencies are contained in Attachment 10.

## **Conclusion**

Following a review of the Natural Heritage Impact Statement, the revised proposal does not satisfactorily meet the environmental and natural heritage policy objectives of the relevant Official Plans as outlined and discussed in previous reports for this application. Accordingly, the applications should be refused.

## **CONTACT**

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## **SIGNATURE**

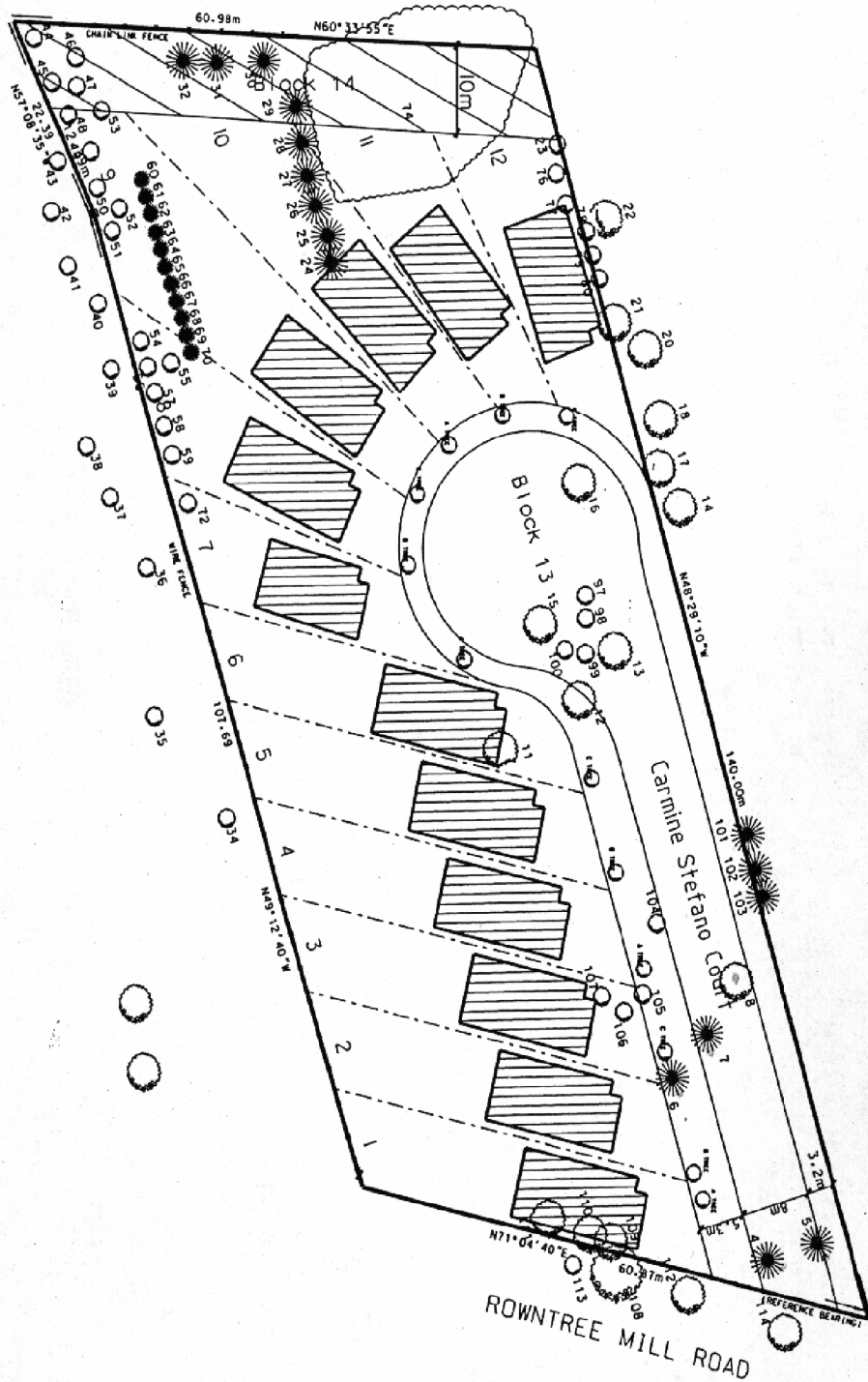
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

- Attachment 1: Revised Site Plan and Draft Plan of Subdivision (December 29, 2006)  
Illustrated by Landscape, Tree Preservation and Inventory Plan
- Attachment 2: Context Plan
- Attachment 3: Elevations
- Attachment 4: Application Data Sheet
- Attachment 5: Zoning
- Attachment 6: Natural Heritage Impact Statement, January 2007
- Attachment 7: Arborist Report and Tree Inventory, November 2006
- Attachment 8: City of Toronto Parks, Forestry and Recreation Comments
- Attachment 9: Toronto and Region Conservation Authority Comments
- Attachment 10: City Department and Agency Comments for Revised Proposal  
(December 2006)

**Attachment 1: Revised Site Plan and Draft Plan of Subdivision (December 29, 2006)  
Illustrated by Landscape, Tree Preservation and Inventory Plan**



148 - 156 Rowntree Mill Road

Site Plan - Landscape, Tree Preservation and Inventory Plan

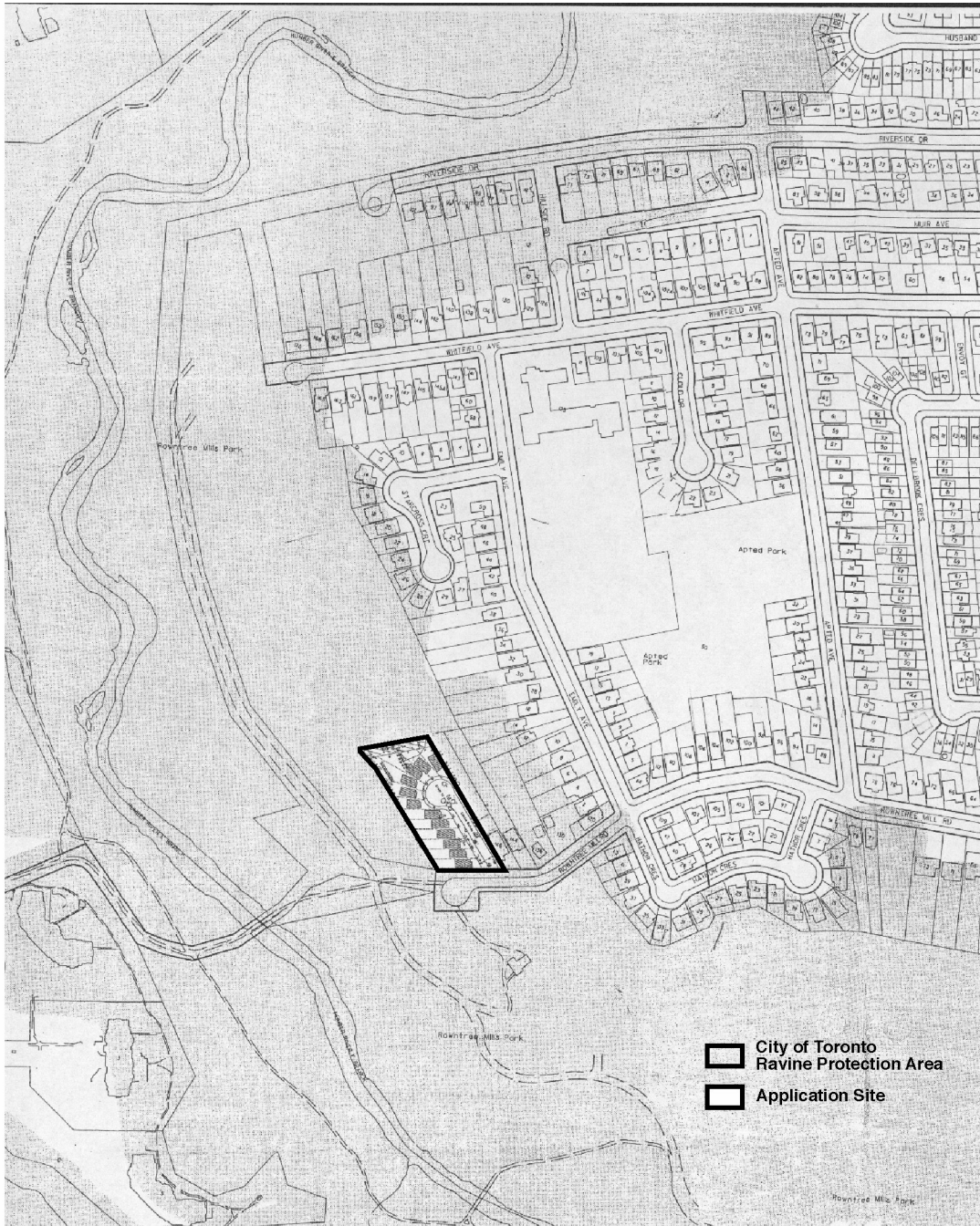
Applicant's Submitted Drawing

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## Attachment 2: Context Plan



### Site Plan and Landuse Context

148 -156 Rowntree Mill Road

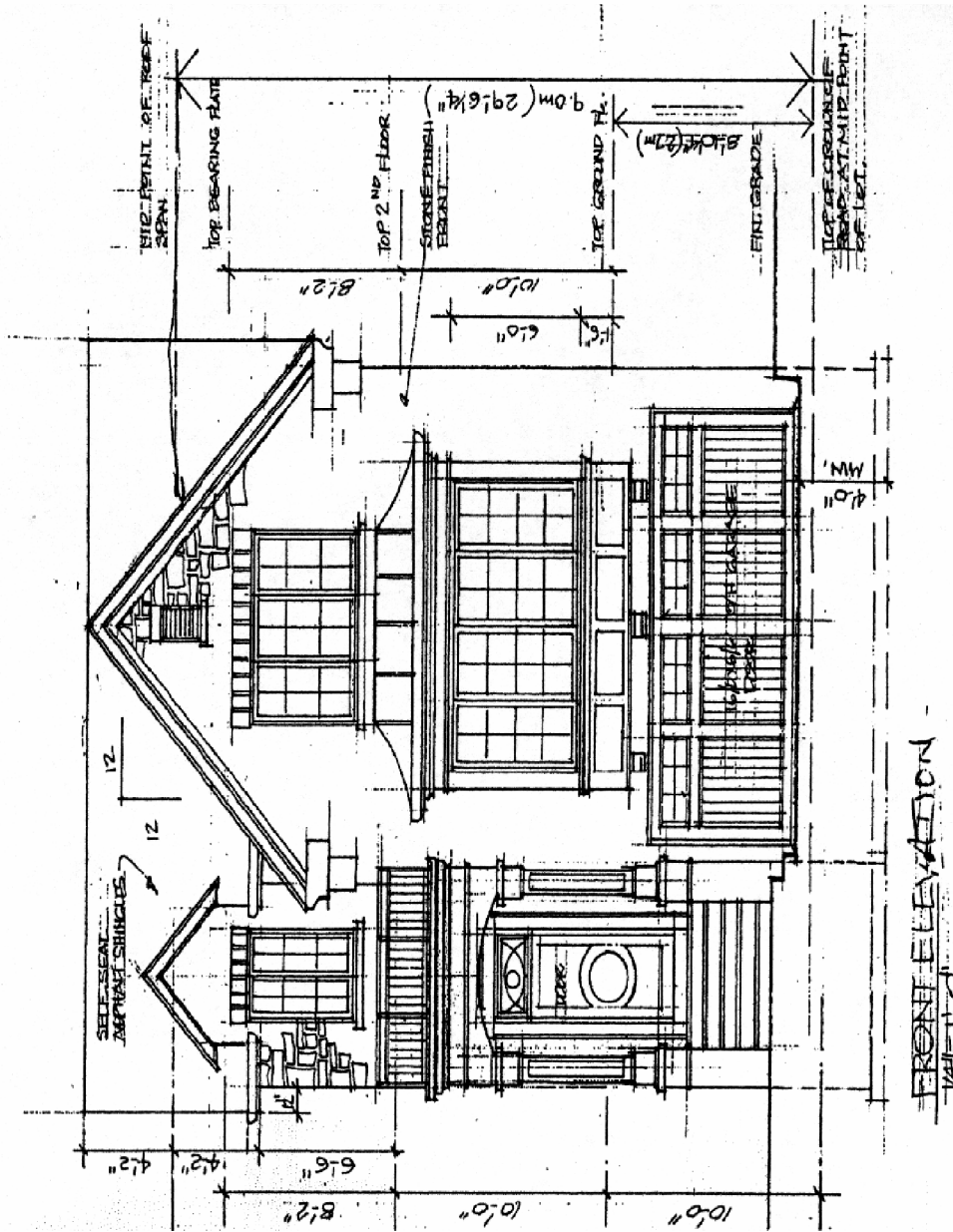
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Attachment 3: Elevations



148 -156 Rowntree Mill Road

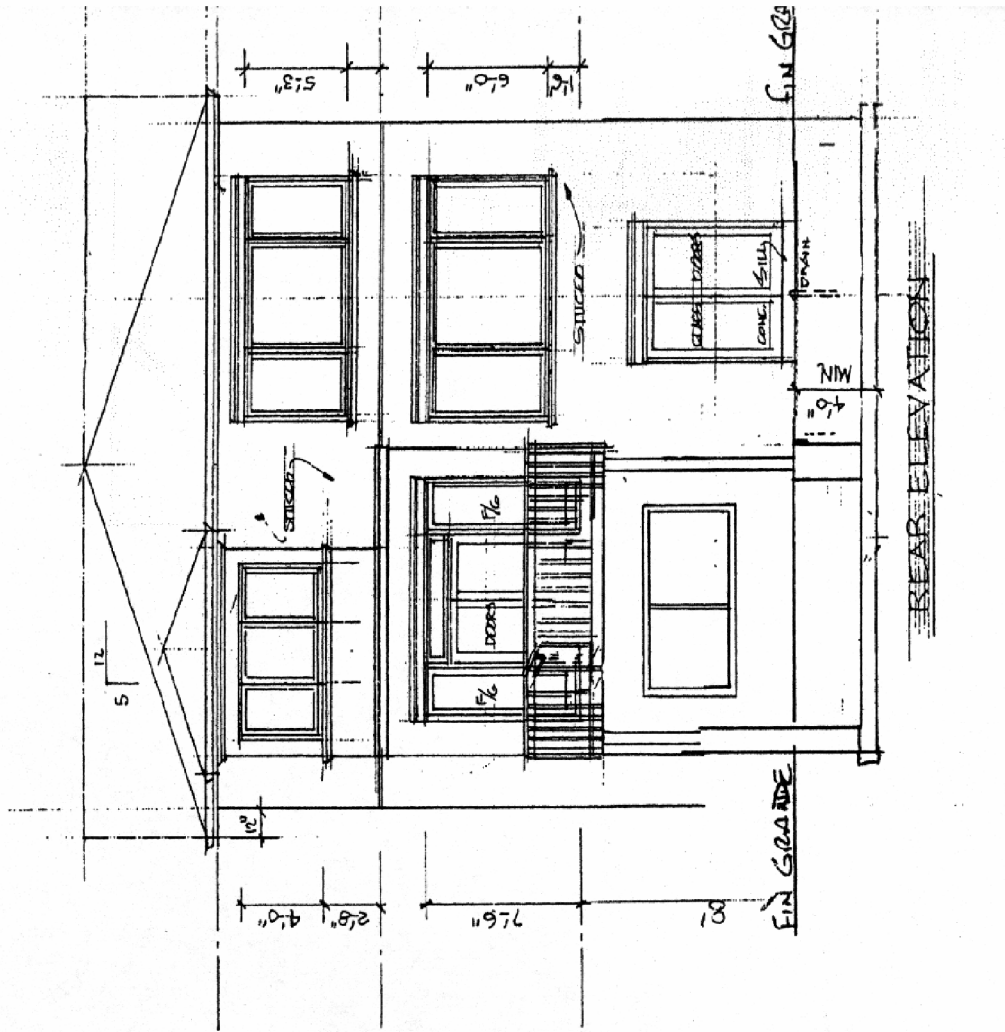
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Elevations

Applicant's Submitted Drawing

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Attachment 3: Elevations



148 - 156 Rowntree Mill Road

Elevations  
 Applicant's Submitted Drawing

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## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	04 203855 WET 07 OZ
	Draft Plan of Subdivision		04 203864 WET 07 SB
Details	Rezoning, Standard	Application Date:	December 29, 2004, revised submission submitted December 29 2006
Municipal Address:	148-156 ROWNTREE MILL RD, Toronto ON		
Location Description:			
Project Description:	Proposed re-zoning of lands to subdivide and construct a new public roadway and 12 single detached dwellings.		

#### PLANNING CONTROLS

Official Plan Designation:	Residential Density One	Site Specific Provision:	No
Zoning:	Greenbelt Zone G	Historical Status:	No
		Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	7 235	Height:	Storeys:	3	
Frontage (m):	61		Metres:	9	
Depth (m):	140				
Total Ground Floor Area (sq. m):	1 384.5				<b>Total</b>
Total Residential GFA (sq. m):	2717		Parking Spaces:	24	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	2 717				
Lot Coverage Ratio (%):	19				
Floor Space Index:	0.38				

#### DWELLING UNITS

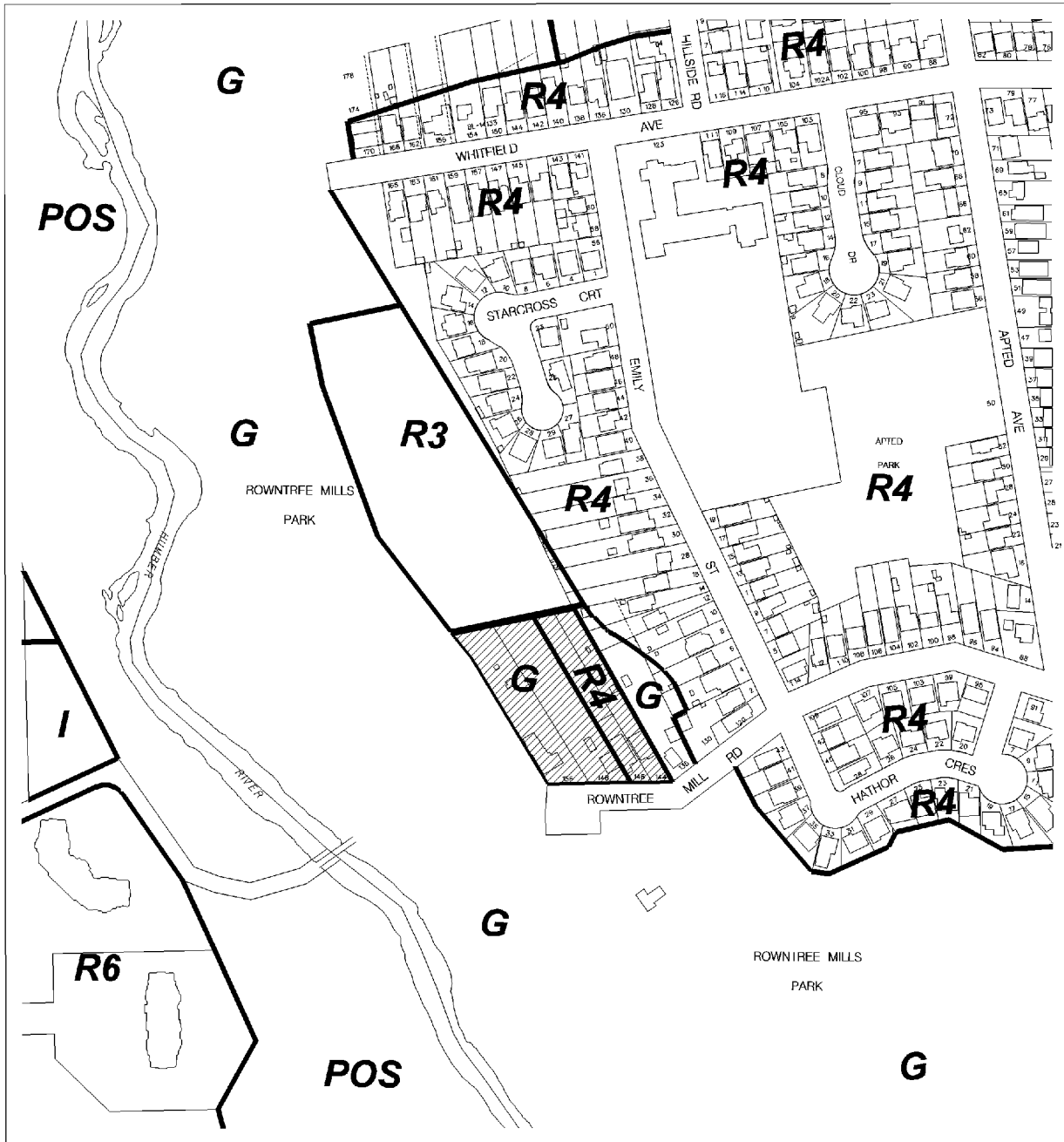
Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	12
Total Units:	12

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

	Above Grade	Below Grade
Residential GFA (sq. m):		0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Lou Moretto, Manager**  
**TELEPHONE: (416) 394-2610**

Attachment 5: Zoning



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

**Supplementary Report (Addendum)  
Zoning and Plan of Subdivision Applications  
148-156 Rowntree Mill Road**

<b>Date:</b>	January 5, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	File Nos. 04 203855 WET 07 OZ and 04 203864 WET 07 SB

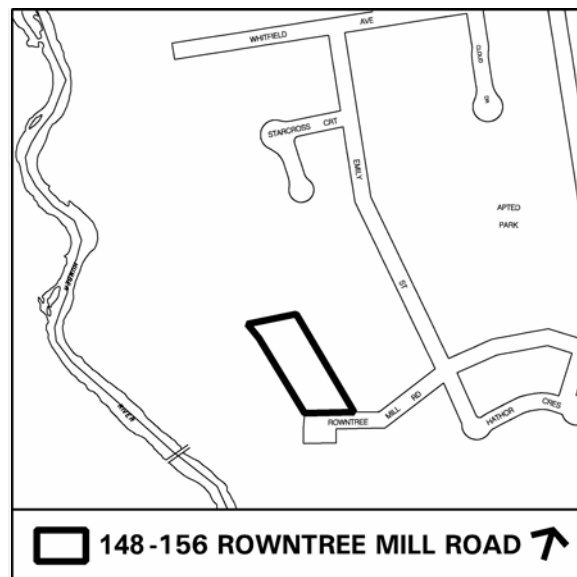
**SUMMARY**

A Supplementary Report from the Director of Community Planning, Etobicoke York District (December 21, 2006) recommending refusal of a proposed development consisting of 12 single detached houses, two open space blocks and a private road is before Community Council for consideration. Following the submission of the report to the Community Council Clerk, a further revised development proposal was received on December 29, 2006 along with supporting reports and documentation. The current revised development proposes 12 detached lots and homes, a new public road and one open space block on a reduced site comprising the properties at 148 and 156 Rowntree Mill Road. This report recommends refusal of the current revised proposal.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council adopt the recommendations of the Supplementary Report from the Director, Community Planning, Etobicoke York District dated December 21, 2006; and



2. City Council refuse the current revised proposal (submitted December 29, 2006) for the rezoning and subdivision of the lands at 148-156 Rowntree Mill Road.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

The decision history relating to these applications is outlined in the Supplementary Report from the Director, Community Planning, Etobicoke York District dated December 21, 2006.

There have been three previous proposals associated with these applications. The original proposal dated December 29, 2004 proposed 13 pairs of semi-detached dwellings on a new public road (see attachment 1). The first revised proposal received in late November 2005 and consisting of 11 pairs of semi-detached dwellings fronting onto a new public road and 3 detached dwellings fronting onto Rowntree Mill Road was the subject of the refusal report dated April 25, 2006 from the Director Community Planning Etobicoke York District (See attachment 2). The second and third revised proposals are discussed below.

## **ISSUE BACKGROUND**

### **Revised Proposal (May 9, 2006)**

A Supplementary Report dated December 21, 2006 from the Director, Community Planning, Etobicoke York District is before Community Council regarding a Rezoning application and Plan of Subdivision application represented by a revised development proposal received in May 2006 and subsequently reported to Community Council. The proposal consisted of 12 lots with single detached houses, open space blocks along the northerly and westerly edge of the site, and a new private road. Eight of the lots with detached houses front onto a new 8 metre wide dead end private street connecting to Rowntree Mills Road and back onto an open space block. The remaining 4 lots and detached dwellings front onto Rowntree Mills Road. (See attachment 3).

The Supplementary Report advises that the applicant has not complied with Community Council's June 13, 2006 request of the applicant to provide additional information within six months in support of the revised proposal (May 9, 2006) presented to Community Council at that time. The requested information consisting of studies, full size plans and other documentation is necessary to demonstrate how applicable Official Plan policies are addressed and for staff to properly evaluate the revised proposal.

Accordingly, in absence of the requested information, the Supplementary Report recommends refusal of the applications.

## **New Revised Proposal – December 29, 2006**

Recently, on December 29, 2006, two years after the original rezoning and subdivision applications were filed, the applicant has submitted another revised proposal.

The current revised proposal (See attachment 4):

- excludes the site area at the rear of the easterly most properties at 144 and 146 Rowntree Mill Road;
- includes a new public road connecting to Rowntree Mill Road with a 16.5 metre wide right-of-way and 15.25 metre diameter cul-de-sac;
- contains 12 lots for detached dwellings all oriented to the new public road; and,
- provides a 10 metre wide “open space” block across the northerly limit of the site.

Full sized copies of the revised site plan and proposed zoning standards were submitted with the following supporting information:

- Revised grading plan
- Revised servicing report and plan
- Revised stormwater management report
- Revised arborist report
- Revised landscape plan and tree preservation plan
- Elevations and floor plans for the proposed detached dwellings

A Natural Heritage Impact Statement was not submitted and is to follow under separate cover. Copies of the Dillon Consulting response dated May 17, 2006 to the natural environment comments provided in the City staff report dated April 25, 2006 were provided. However, this response applied to a previous proposal (May 9, 2006) and does not directly comment on the new proposal.

A revised draft plan of subdivision has also been submitted reflecting the reduction to the site area.

## **COMMENTS**

The new revised proposal establishes a development arrangement that differs from the proposal (May 9, 2006) reported to Community Council in June 2006 by providing significantly less open space area. The reduction in open space area reduces its function as a buffer to the natural areas abutting to the north and west of the site and as an area where existing natural features will remain protected and undisturbed from development.

The open space block along the west property limit has been eliminated, and the block along the northerly edge has been reduced by approximately 70% of its previous size.

In addition, the site area has been reduced with the elimination of the portion of the site at the rear of 144 and 146 Rowntree Mill Road. The applications now apply only to 148 and 156 Rowntree Mill Road. As noted in the Supplementary Planning Report dated December 21, 2006 the site is within a Parks and Open Space Areas – Natural Areas designation in the Toronto Official Plan and is zoned G – Greenbelt Zone but the policies



and land use designations of the plan as approved by the Ontario Municipal Board are not yet in effect for this site. However, they remain City Council approved policies and accordingly should be considered. The policies and designations of the Metropolitan Toronto Official Plan and the City of North York Official Plan continue to apply to the site.

The draft plan of subdivision has been modified to reflect the reduced site area and new subdivision limits. Technically, however, the draft plan of subdivision submission has not been signed by the owner, and has not been properly certified by the Ontario Land Surveyor as required by the Planning Act. Furthermore, the draft plan of subdivision identifies that the proposed lots are to be used for semi-detached dwellings and this is inconsistent with the new revised proposal. The subdivision application should not be given further consideration owing to these discrepancies.

In reviewing the current revised proposal, the provision of a 16.5 metre wide public road for the development would appear to comply with the Development Infrastructure Policy and Standards (DIPS) approved by Council in 2006. Full compliance would be determined following circulation and review of the proposal. Compliance with DIPS for the May 2006 proposal could not be determined as full size plans and supporting documentation was not provided.

In undertaking an initial review of the Arborist Report and Landscape, Tree Preservation and Inventory Plan, it is noted that not all existing trees are identified on Plan. Several trees identified for removal would require approvals and permits pursuant to the Tree Protection By-law. In addition, certain larger diameter trees listed for preservation would require removal because they would be directly impacted by construction. The legend on the Plan incorrectly denotes the symbols for coniferous and deciduous trees.

Furthermore, the arborist report does not reference or correlate the Landscape, Tree Preservation and Inventory Plan to the revised Grading Plan. It appears that the Landscape, Tree Preservation and Inventory Plan was not based on the revised Grading Plan, notwithstanding its availability. As such, the amount of potential tree preservation that has been indicated may be overstated.

An initial review of the plans of the proposed dwellings and project data was also undertaken in relation to the proposed lot configuration. The applicant has provided plans of only one of the two dwelling types proposed for development. Plans for the other dwelling type have not been included. Moreover, it appears that the dwelling type for which plans have been provided will not fit on those lots on which they are to be placed within the proposed side yard setbacks. It is noted that there are discrepancies between the floor area data provided for the dwelling types and the ground floor area data presented on the site plan. These inconsistencies would appear to render the lot coverage data incorrect.

As noted previously, the applicant has not submitted a Natural Heritage Impact Study for the recently revised proposal. The absence of such a key study for the revised proposal

once again limits the ability of staff to undertake a review and evaluation of the proposal to determine its impact on the natural environment and open space, and the extent to which it addresses and satisfies the applicable planning policies related to those matters. The Natural Heritage Impact Study should have already been prepared to assess the natural heritage features in order to appropriately direct and arrange any proposed development so as to minimize potential impacts and protect and enhance natural heritage features.

It is noted that the revised proposal does not vary greatly from the combined semi-detached and single detached dwelling and public road development recommended for refusal in the Planning Report dated April 25, 2007 when the same reduced development area is considered.

Having regard for the environmental conservation and protection policies, it would appear that this recent proposal does not attempt to protect, enhance or restore trees, vegetation, and other natural features such as wildlife habitats and vegetation. No information is provided in this regard. Nor does it appear to minimize the potential impact on, or contribute to the rehabilitation or restoration of natural features or processes to the extent that the May 9, 2006 proposal for 12 detached houses attempted to achieve. As an example, the Landscape, Tree Preservation and Inventory Plan proposes the removal of 53 private trees of the 98 trees listed in the inventory. A total of 12 street trees are to be introduced resulting in a net loss of 41 private trees on site.

The current revised proposal continues to propose landscape alteration of grades, placement of fill and new lot development which is not in keeping with the objectives of the Toronto and Region Conservation Authority and applicable policies.

## **CONCLUSION**

In light of the similarity between the revised proposal and a previous proposal that was recommended for refusal (April 25, 2006 Planning Report), based on a comparable site area, the incompleteness, deficiency and inconsistency of aspects of the information that has been provided in support of the current revised proposal; and the lack of submission of a Natural Heritage Impact Statement, the revised proposal cannot be properly evaluated based on the information made available to date. Given the degree of development proposed, it should not be supported based on its similarity with the previous proposal recommended for refusal and the absence of studies to address natural environment and open space issues.

City Council should make a decision on the applications as represented in the original submission and revised proposal presented on June 13, 2006 as referred to in the report from the Director of Community Planning Etobicoke York District dated December 21, 2006.

In addition, City Council should refuse the December 29, 2006 revised proposal in association with the applications based on the information made available to date.

**CONTACT**

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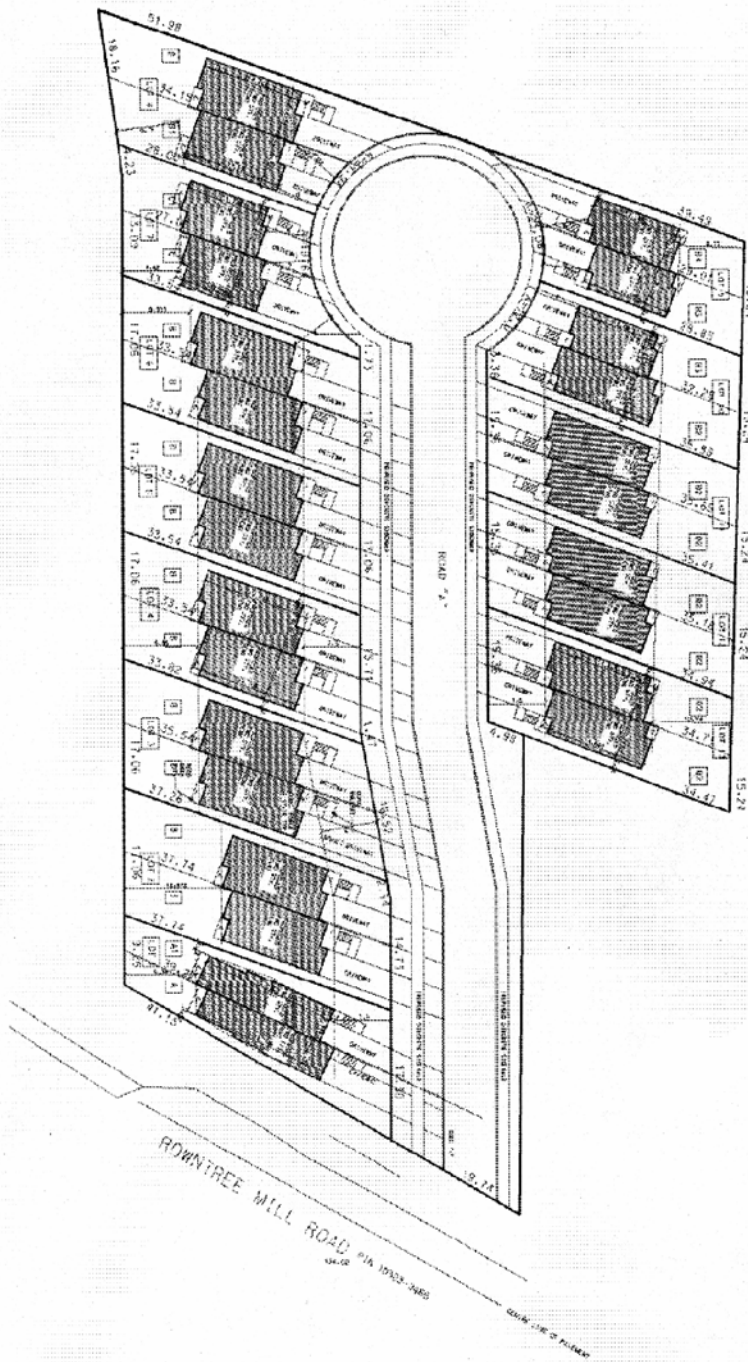
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Gregg Lintern, MCIP RPP  
Director, Community Planning, Etobicoke York District

**ATTACHMENTS**

Attachment 1: Original Proposal (December 29, 2004)  
Attachment 2: Revised Proposal (November 24, 2005)  
Attachment 3: Revised Proposal (May 9, 2006)  
Attachment 4: Revised Proposal and Revised Draft Plan of Subdivision (December 29, 2006), Illustrated by the Landscape, Tree Preservation and Inventory Plan

Attachment 1: Original Proposal (December 29, 2004)



144 - 156 Rowntree Mill Road

Site Plan

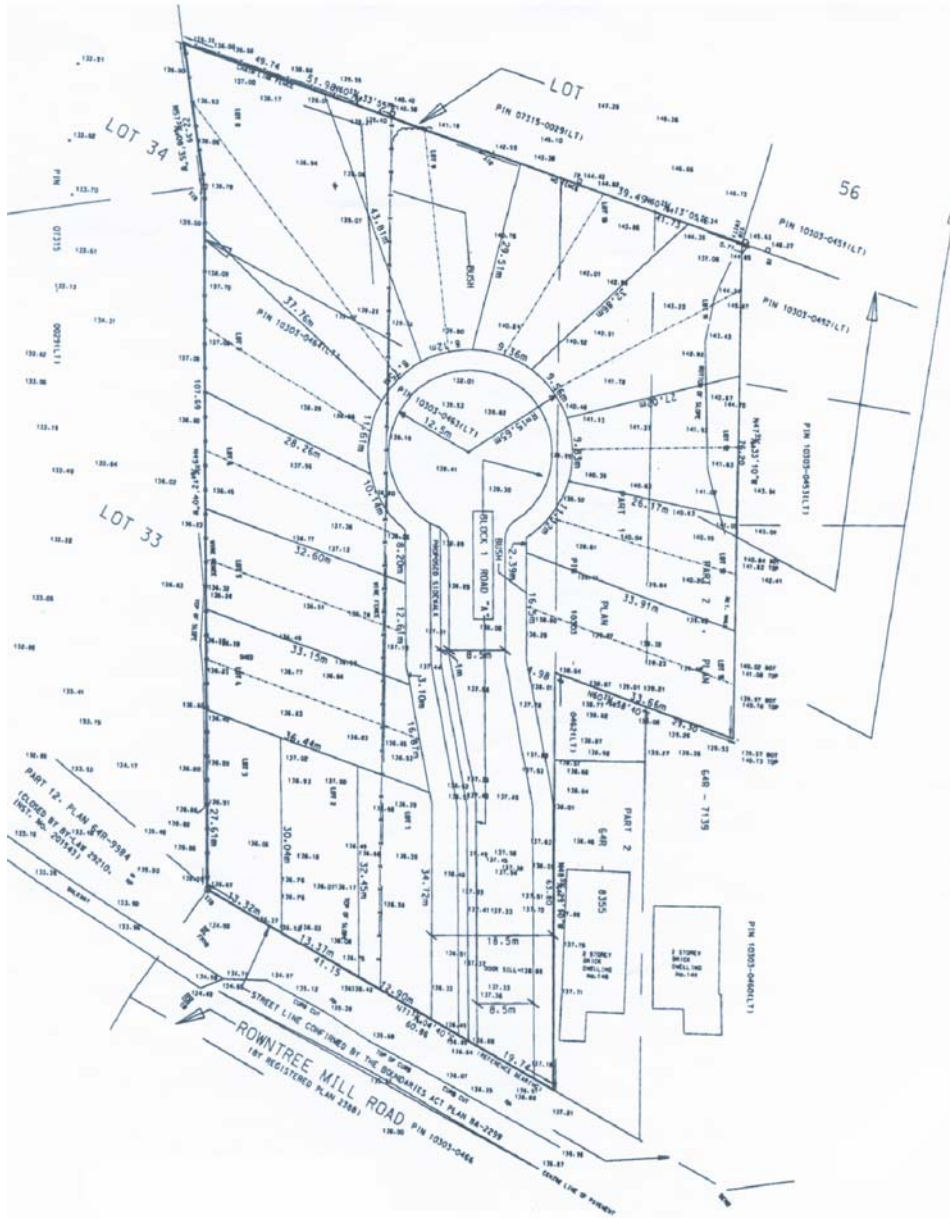
Applicant's Submitted Drawing

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File # 04\_203864

Attachment 2: Revised Proposal (November 24, 2005)



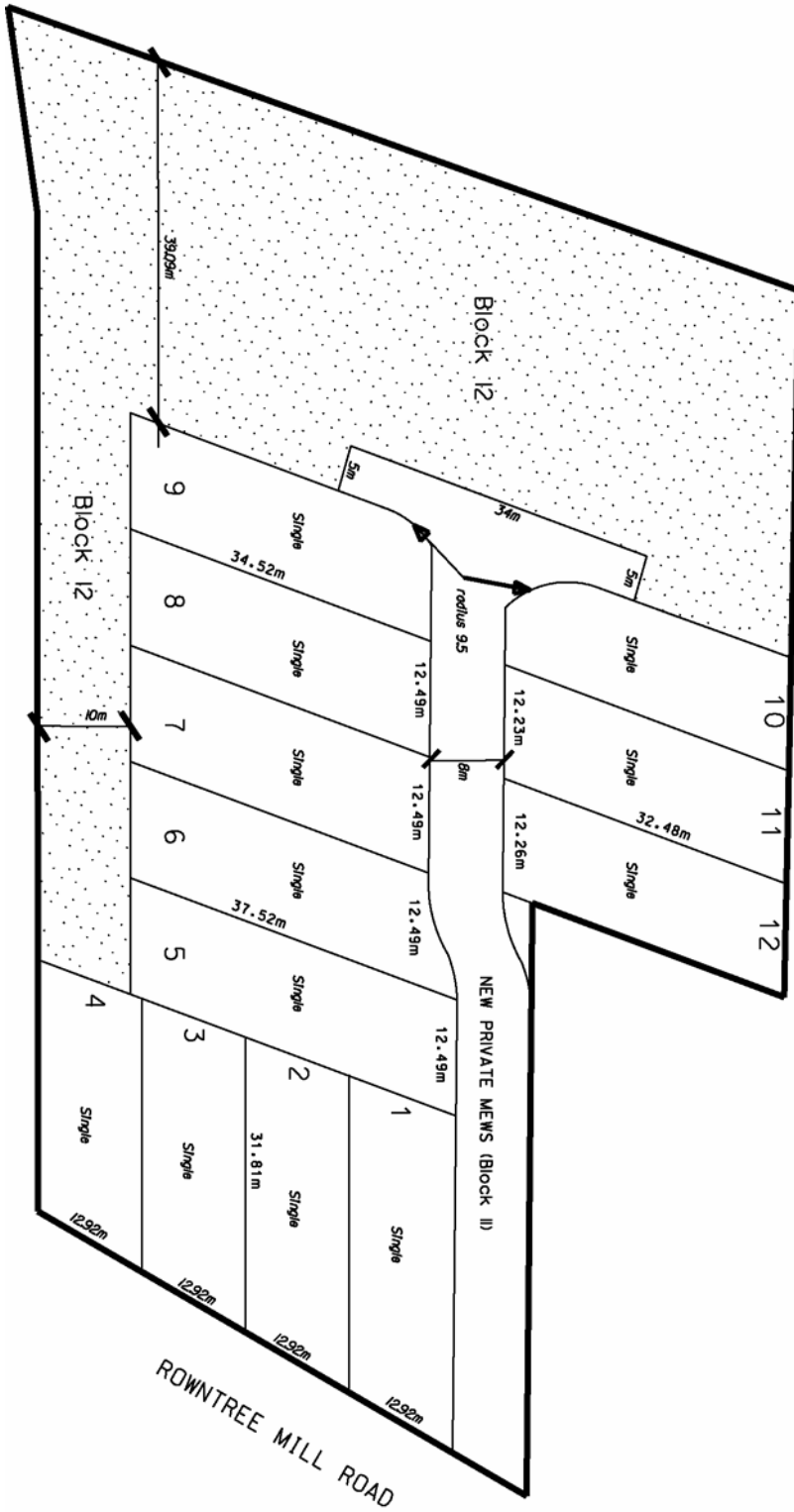
144-156 Rowntree Mill Road

Plan of Subdivision  
Applicant's Submitted Drawing

Not to Scale  
02/28/06

File # 04\_203855 & 04\_203864

Attachment 3: : Revised Proposal (May 9, 2006)



144-156 Rowntree Mill Road

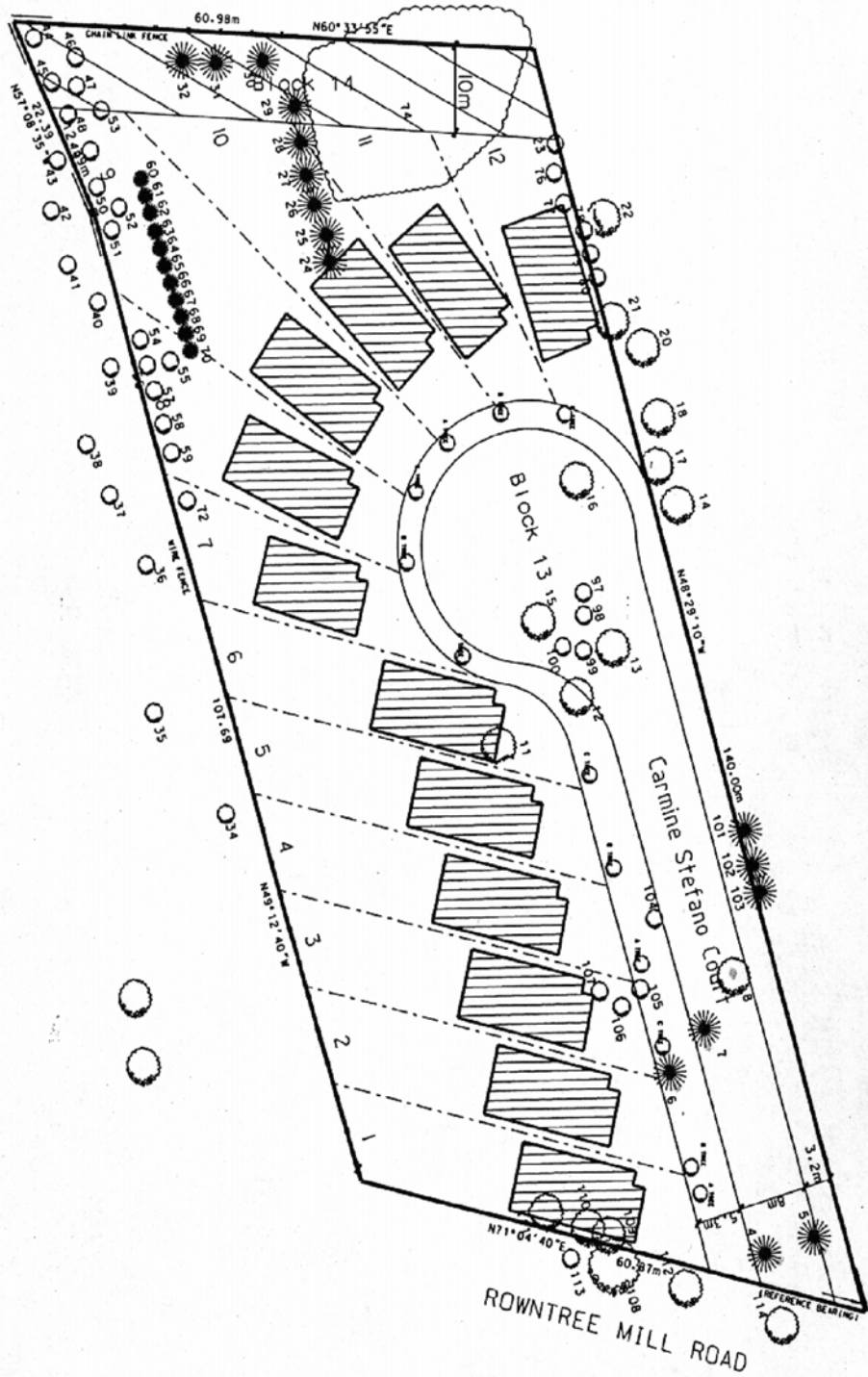
Proposed Plan

Applicant's Submitted Drawing

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05/24/06

File # 04\_203864

**Attachment 4: Revised Proposal and Revised Draft Plan of Subdivision (December 29, 2006) Illustrated by Landscape, Tree Preservation and Inventory Plan**



148 - 156 Rowntree Mill Road

Site Plan - Landscape, Tree Preservation and Inventory Plan

Applicant's Submitted Drawing

Not to Scale  
02/28/06

File # 04\_203855 & 04\_203864

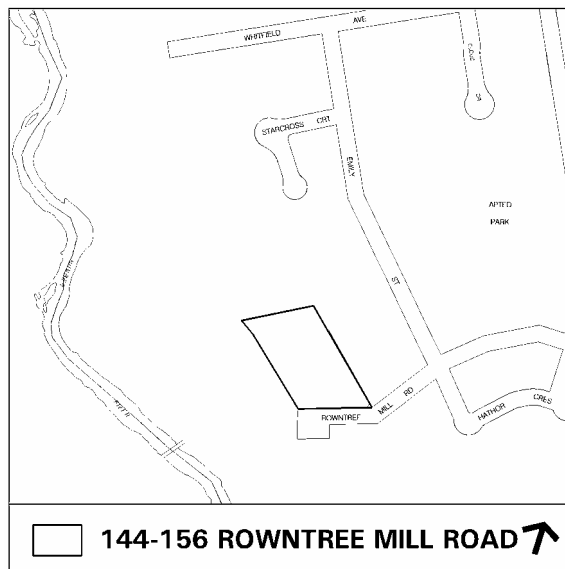
**Supplementary Report  
Zoning and Plan of Subdivision Applications  
144-156 Rowntree Mill Road**

<b>Date:</b>	December 21, 2006
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	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**

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### **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**

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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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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

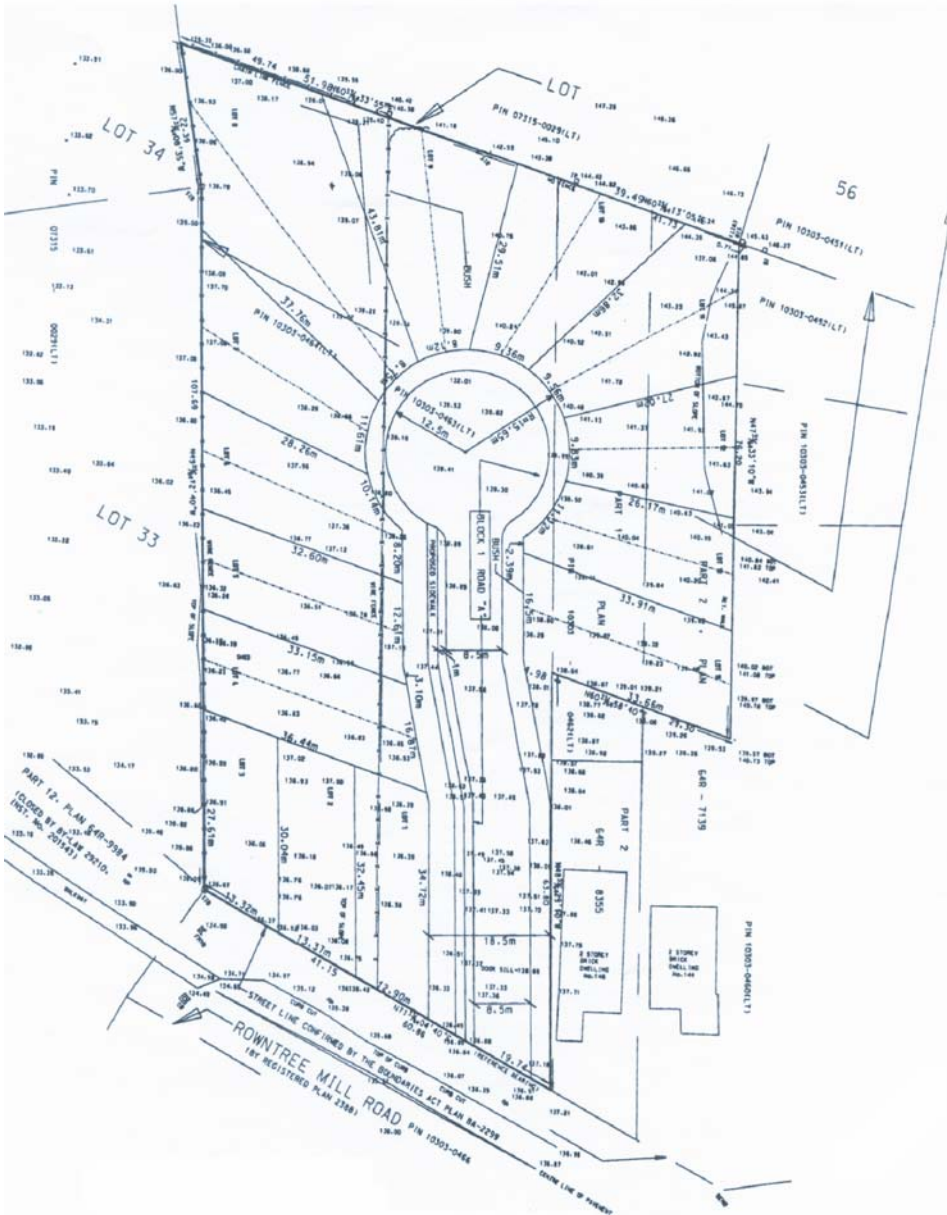
## **ATTACHMENTS**

Attachment 1: Original Proposal

Attachment 2: Revised Proposal

Attachment 3: Zoning Map

# Attachment 1: Original Proposal



144-156 Rowntree Mill Road

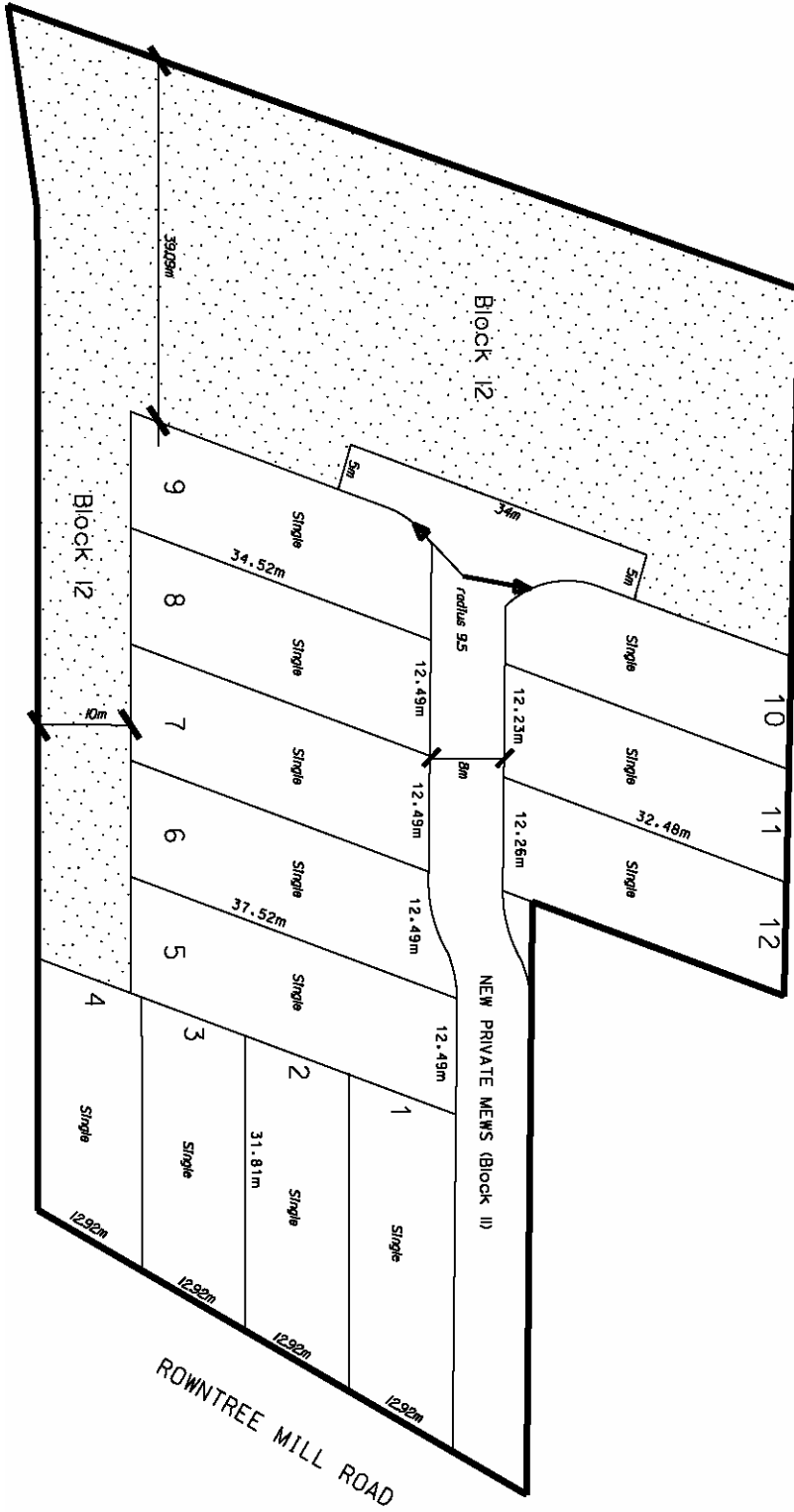
Plan of Subdivision  
Applicant's Submitted Drawing

Not to Scale  
02/28/06

File # 04\_203855 & 04\_203864



Attachment 1: Revised Proposal



144-156 Rowntree Mill Road

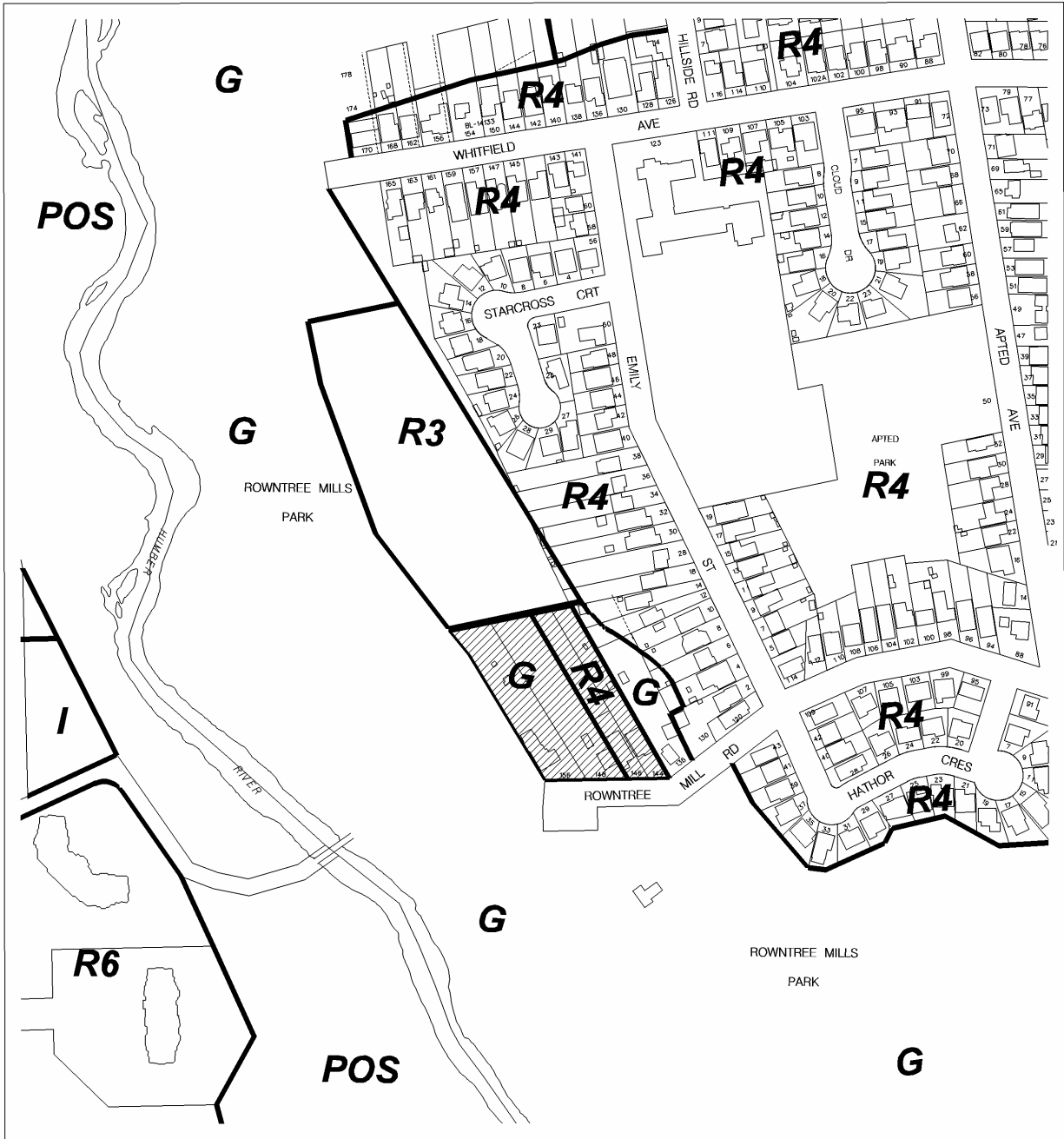
Proposed Plan

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

# **TORONTO** STAFF REPORT

April 25, 2006

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

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

## Purpose:

This report reviews and recommends refusal of a rezoning application and a draft plan of subdivision application to facilitate the construction of a new public road and 3 single detached dwellings and 22 semi-detached dwelling units.

## 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) 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.

Background:

Proposal

The applicant is proposing amendments to the North York Zoning By-law 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, for a total of 25 dwelling units. The development is proposed on lands which are municipally known as 144, 146, 148 and 156 Rowntree Mill Road. The single detached dwellings located at 156 and 148 Rowntree Mill Road are proposed to be demolished, while the single detached dwellings located at 144 and 146 Rowntree Mill Road are to remain.

The proposed zoning standards for the development are as follows:

R4 – Specific (Single Detached Dwellings)

Minimum Lot Frontage and Width	12.5 metres
Minimum Lot Area	320 square metres
Maximum Lot Coverage	35%
Minimum Yards	
Front	4.5 metres
Rear	8.0 metres
Side	1.2 metres
Maximum Building Length	16.8 metres for 2 storeys
Maximum Building Height	2 storeys and 9.5 metres
Maximum Finished First Floor Height:	3 metres
Maximum Front Yard Hard Surface Area:	60%

RM2 – Specific (Semi-Detached Dwellings)

Minimum Lot Frontage and Width	12 metres
Minimum Lot Area	400 square metres
Maximum Lot Coverage	35%
Minimum Yards	
Front	6.5 metres
Rear	7.5 metres
Side	0.9 metres
Maximum Building Length	16.8 metres for 2 storeys
Maximum Building Height	2 storeys and 9.5 metres
Maximum Finished First Floor Height:	3.1 metres
Maximum Front Yard Hard Surface Area:	70%

## Original Submission

The above noted submission is a revision to the original December 29, 2004 application that proposed 13 semi-detached buildings (26 semi-detached units) all fronting onto a new public road.

## Site and Surrounding Area

The subject property is located on the north side of Rowntree Mill Road, just west of Rowntree Mills Park. The site has an approximate area of 9 392 square metres (0.93 hectares), with an approximate frontage of 61 metres along Rowntree Mill Road. The west and north portion of the site are situated within the Humber River Valley system. Currently the lands are occupied by two single detached dwellings fronting onto Rowntree Mill Road. The rear portions of the lands are vegetated with a large number of trees and shrubs that form part of the natural forest and vegetation community that extends to the north and west.

Surrounding land uses include:

North: Rowntree Mills Park

South: Rowntree Mills Park

East: single detached dwellings are adjacent to 144 Rowntree Mill Road

West: Rowntree Mills Park and the Humber River Valley system

## Provincial Policy Statement

The 1997 Provincial Policy Statement, under which the subject applications are to be reviewed due to their submission date, outlines key provincial interests related to land use planning matters that planning authorities shall have regard to in making decisions. 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.

## Official Plan

### Metropolitan Toronto Official Plan

The Metropolitan Toronto Official Plan remains the in-force upper-tier Official Plan. The proposal 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”.

#### Former City of North York

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.

Within the Valley Impact Zone (V.I.Z.), 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. It is also the policy of Council not to permit development or filling which is contrary to the regulations of the Toronto and Region Conservation Authority

#### 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.

The site is located within the Natural Area under the Parks and Open Space Area designation under the new Toronto Official Plan. 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 of the Plan 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 state that consents to sever land or approval of plans of subdivision will not be permitted for any parcels of land that are entirely within or part of the natural heritage system unless an assessment of the impact to the natural heritage system has been satisfactorily completed. All proposed development in or near the natural heritage system will be evaluated to assess the development's impacts, and identify measures to mitigate negative

impacts on and/or improve the natural heritage system, taking into account consequences for features, form and function.

A modification to the New Toronto Official Plan is required, should this proposal or any form of development proceed.

### 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.

### Reasons for the Application

An amendment to the Zoning By-law is necessary because the proposed residential development is not permitted in the G and R4 zone. The applicant has indicated that the lands be rezoned to R4 and RM2 with site specific development standards as summarized on page 2 of this staff report.

### 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.

### Heritage Preservation Services

Heritage Preservation Services (HPS) has received and reviewed the archaeological assessment report completed by Archaeological Services Inc., entitled "Stage 1 and 2 Archaeological Assessment of 148 and 156 Rowntree Mill Road and the Rear Portions of 144 and 146 Rowntree Mill Road, City of Toronto, Ontario" dated June 2005. HPS have also received correspondence from Malcolm Horne, Heritage Planner/Archaeologist at the Ministry of Culture dated July 11, 2005 recommending clearance of archaeological concerns for the above-noted properties.

HPS concurs with the recommendation that the property be considered free of archaeological concern, however it provides the following advisory to the owner and applicant:

- (1) In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Culture be notified immediately as well as the City of Toronto, Heritage Preservation Services Unit;
- (2) In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services; and
- (3) If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.

#### Ravine Control

The subject area is protected under the City of Toronto Municipal Code, Chapter 658 – Ravine Protection. 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. The issuance of permits may be subject to conditions.

The extent of the proposed development is not in keeping with the general goal of the City of Toronto Municipal Code, Chapter 658 – Ravine Protection, to promote the management, protection and conservation of ravines and associated natural and woodland areas. Urban Forestry Services are concerned that the proposed intensification of development in the subject area will have negative impact on the natural environment of the subject site and the adjacent Humber River valley. The submitted development proposal does not show any intention to protect and/or enhance the existing ravine and natural heritage system.

#### Toronto and Region Conservation Authority Fill Regulations

Under the Conservation Authorities Act, the Toronto and Region Conservation Authority (TRCA) has the power to regulate the placement of fill and the altering of grade in certain designated areas. The areas under the TRCA's control are identified in Ontario Regulation 158 established under the authority of the Act.

The entire property is located within a TRCA Fill Regulated Area. In accordance with Ontario Regulation 158, a permit is required from the Authority prior to placement of fill or regrading in the regulated area. A permit will be required to facilitate the construction and necessary regrading for the development.

The TRCA's Valley and Stream Corridor Management Program (VSCMP) sets out development guidelines for properties affected by valleys and streams. The limits of a valley corridor are determined to be a minimum of 10 metres inland from the stable top of valley bank, while the limits of a stream corridor (for a watercourse draining an area greater than 125 hectares) are a



minimum of 10 metres inland from the Regulatory Floodplain. No new lots or development is permitted within the boundaries of valley and stream corridors.

The applicant has plotted the Regulatory Flood line on a topographical plan of survey prepared by Tom A. Senkus dated December 7, 2004. As illustrated on the plan of survey, the Regulatory Flood line is situated between 1.5 metres and 12 metres from the westerly boundary of the subject property. A small portion of the Regulatory Flood line crosses into the northwest corner of the property. The entire site is within the valley corridor.

Furthermore, VSCMP clearly indicates that with respect to new urban development, “increased fragmentation of ownership shall be discouraged.” This proposal would result in substantial fragmentation of property ownership with the valley and stream corridor. It is TRCA staff’s opinion that the proposal does not meet the intent of the Valley and Stream Corridor Management Program (VSCMP).

#### Community Consultation

A community meeting was held on August 3, 2005. The purpose of the meeting was to explain the application to the residents and hear their comments on the proposal. Staff was unable to proceed with the meeting due to disruptions from some of the public that were in attendance and consequently the meeting was cancelled shortly thereafter. However, it was clear that those in attendance were not in support of the proposal.

#### Agency Circulation

In the applicant’s revised submission, some additional information, including a Natural Heritage Impact Statement and Archeological Assessment Report, were provided in support of the applications.

The application was circulated to the applicable departments and agencies for comment, including the Toronto and Region Conservation Authority, Urban Forestry – Ravine Planning and Technical Services.

#### Comments:

The subject applications have been reviewed in context of the policies of the Provincial Policy Statement, new Toronto Official Plan, former City of North York Official Plan and the Metropolitan Toronto Official Plan, specifically as it relates to the protection of the natural environment and natural heritage system.

As well, the Natural Heritage Impact Statement (NHIS) submitted by the applicant was reviewed by the Toronto and Region Conversation Authority, Urban Forestry Ravine Planning and City Planning staff to asses the development’s impact on the natural heritage system and evaluate measures to mitigate negative impact on and/or improve the natural heritage system.

TRCA discovered that the NHIS did not delineate the limits of all natural features present on site nor established appropriate setbacks beyond the outer perimeter of these features for the proposed development on site, which should have been the overarching study objective. Rather, the NHIS, proposed to remove all natural cover on the subject property. In addition, the proposal establishes new building lots over the entire property without any discussion of buffers to the adjacent woodland and wetland.

The following three major concerns identified by TRCA in their previous March 22, 2005 comments had not been adequately addressed in the NHIS:

- (a) direct loss of natural cover;
- (b) indirect degradation of remaining natural cover and its ecological function; and
- (c) degradation of ecological function from landform alteration, soil erosion and sedimentation, and surface and ground water impairment.

Urban Forestry Ravine Planning concur with TRCA's concerns. The submitted Natural Heritage Impact Study identified that the proposed development would result in a one time negative impact on the existing natural area of the subject properties and the adjacent parkland.

The report failed to identify that the proposed development will also result in:

- (i) creation of new edge conditions along the property line shared with the public natural area;
- (ii) disconnecting the existing publicly owned natural areas currently connected by the natural areas of the properties in question; and
- (iii) elimination of a significant infiltration area.

Once constructed, the proposed development would continue to have negative impacts to the remaining public natural area through excessive lighting impacts, presence of pets, creation of trails and private access points to the parkland, threat of illegal littering and dumping of garden debris in the adjacent natural area and potential for encroachment with grade alteration, gardening and unauthorized trimming of trees adjacent to the property line.

The proposed compensation plan proposes to replace the lost cover on adjacent Humber Valley lands. The off site compensation should be considered only if all options for an on-site compensation have been exhausted. An off-site compensation only technically replaces the numbers lost; however, it does not compensate the negative impacts of the development on the natural heritage features and functions of the subject property and adjacent ravine communities. In determining what would be permissible in a development application, the concept of 'net benefit' is usually the standard measure. In accommodating a development, proposed negative

impacts should be compensated by creating a new habitat, equal or better in size and quality to the habitat being lost to development.

In Urban Forestry's opinion the submitted NHIS did not adequately demonstrate that the proposed development will not have negative impact on the existing valley lands and is not in keeping with certain provisions of Section 4 (Valley Lands) of the former City of North York Official Plan and the Natural Environment policies 3.4.9; 3.4.10 and 3.4.11 of the new City of Toronto Official Plan.

Based on City Planning staff's review of the NHIS, the NHIS was incomplete and did not satisfactorily address impacts to the Natural Heritage System or cumulative impacts. The applicant argues that this is efficient use of an underutilized site with sufficient regard for the environmental issues. There are many opportunities to build housing in the City, but few remnants of the City's natural heritage system are left. Once they are gone they cannot be replaced.

The proposal also ignores the objective of the Metropolitan Toronto Official Plan to plan and manage the Metropolitan Green Space System in a way that protects and rehabilitates the integrity of the natural features and ecological functions. It does not meet the objective of Section 3.5 of the Metro Official Plan, 'to conserve, protect and enhance the integrity of the natural systems so that they may benefit the health and well-being of current and future generations.'

In addition, the proposal does not respect Policy 3.5.2, Policy 2.3.2 (52) or Policy 2.3.2 (61) of the Metropolitan Toronto Official Plan.

Policy 3.5.2 requires Council to undertake and encourage public agencies, the development sector and the community to undertake habitat protection, rehabilitation and creation programs aimed at achieving and sustaining a healthy system of terrestrial and aquatic habitats."

Policy 2.3.2 (52) states that municipalities should not permit severances of, nor shall the Metropolitan Corporation approve plans of subdivision on, existing lots entirely with the Valley Stream and Waterfront Corridors of the Metropolitan Green Space System or those parts of lots partly within these corridors..", except for certain circumstances as outlined in the section. The exceptions do not apply to this proposal. The exceptions relate to conveyances to the TRCA or other public agencies, with an approved Special Policy Area or two zone concept area, where the Valley, Stream or Waterfront Corridor extends into developed communities and it can be demonstrated to the Area Municipality, after consultation with TRCA that the severance would not detract from objectives of the Plan and the severance is in accordance with Policy 2.3.2 (61) of the Metropolitan Official Plan.

Policy 2.3.2 (61), "requires municipalities to protect and maintain the ecological functions, natural features or the physical extent of significant natural areas. Proposed uses or activities should contribute to the rehabilitation or restoration of natural features or processes."

As previously mentioned in this 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 contributes to an identifiable natural heritage system. There appears to be negative environmental impacts that would result from the proposed development. Accordingly, it is not in keeping with the policy objectives of the Provincial Policy Statement.

Conclusions:

Environmental policies are an overlay of policies that an application must meet in addition to applying the underlying land use policies. Based on the preceding discussion, the proposal does not respect the environmental policies of the applicable Official Plans or the Provincial Policy Statement and therefore cannot be supported. Even if the environmental policies were adequately addressed, staff still has a number of issues with the proposal, such as appropriate development standards, among other matters. It is recommended that the Rezoning application and Draft Plan of Subdivision application be refused.

Contact:

Mark Chlon, MCIP, RPP  
Planner  
Ph: (416) 394-8246; Fax: (416) 394-6063  
Email: mchlون@toronto.ca

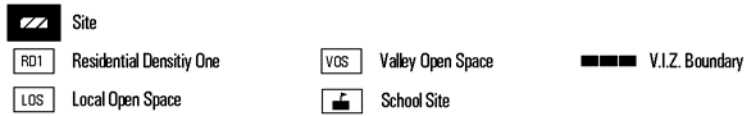
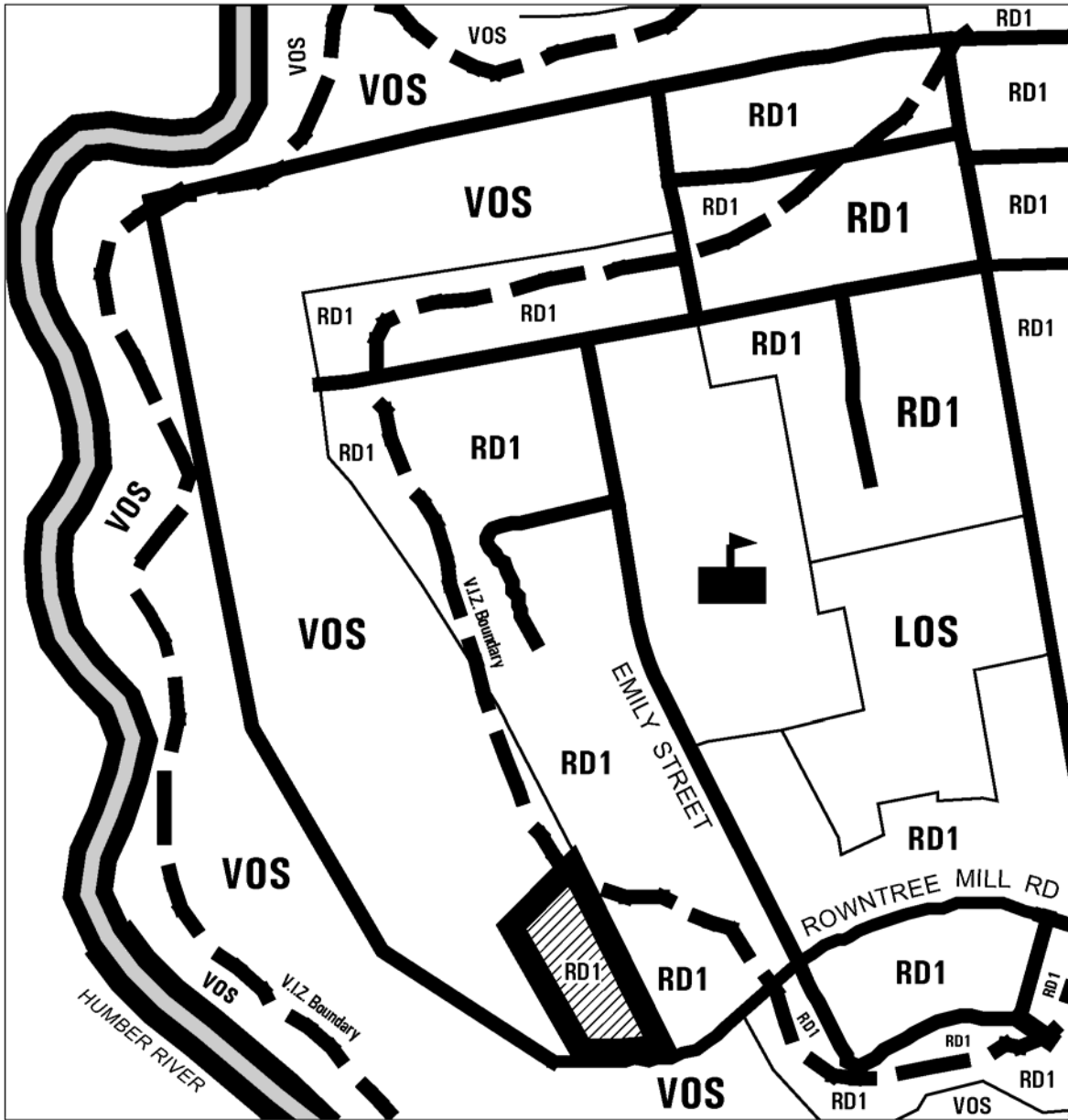
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

List of Attachments:

Attachment 1: Official Plan  
Attachment 2: Zoning  
Attachment 3: Plan of Subdivision  
Attachment 4: Elevations – Typical Elevation Single Detached Dwelling  
Attachment 5: Elevations – Typical Elevation Semi-detached Dwelling  
Attachment 6: Elevations – Typical Elevation Semi-detached Dwelling  
Attachment 7: Application Data Sheet

Attachment 1: Official Plan (Map)



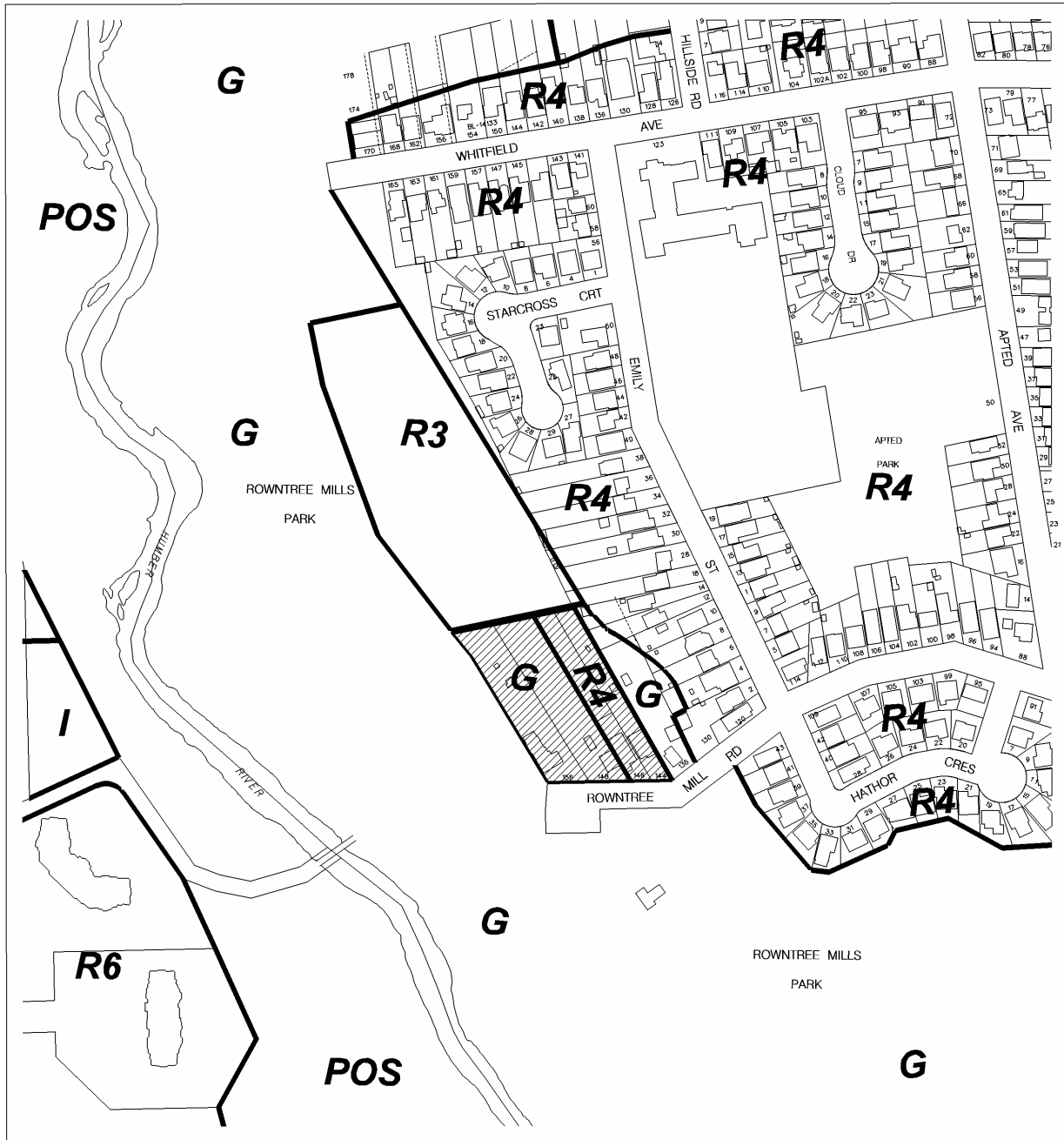
**TORONTO** City Planning  
Official Plan - Former North York

144 -156 Rowntree Mill Road

Not to Scale  
08/24/04

File # 04\_203855 & 04\_203864

Attachment 2: 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

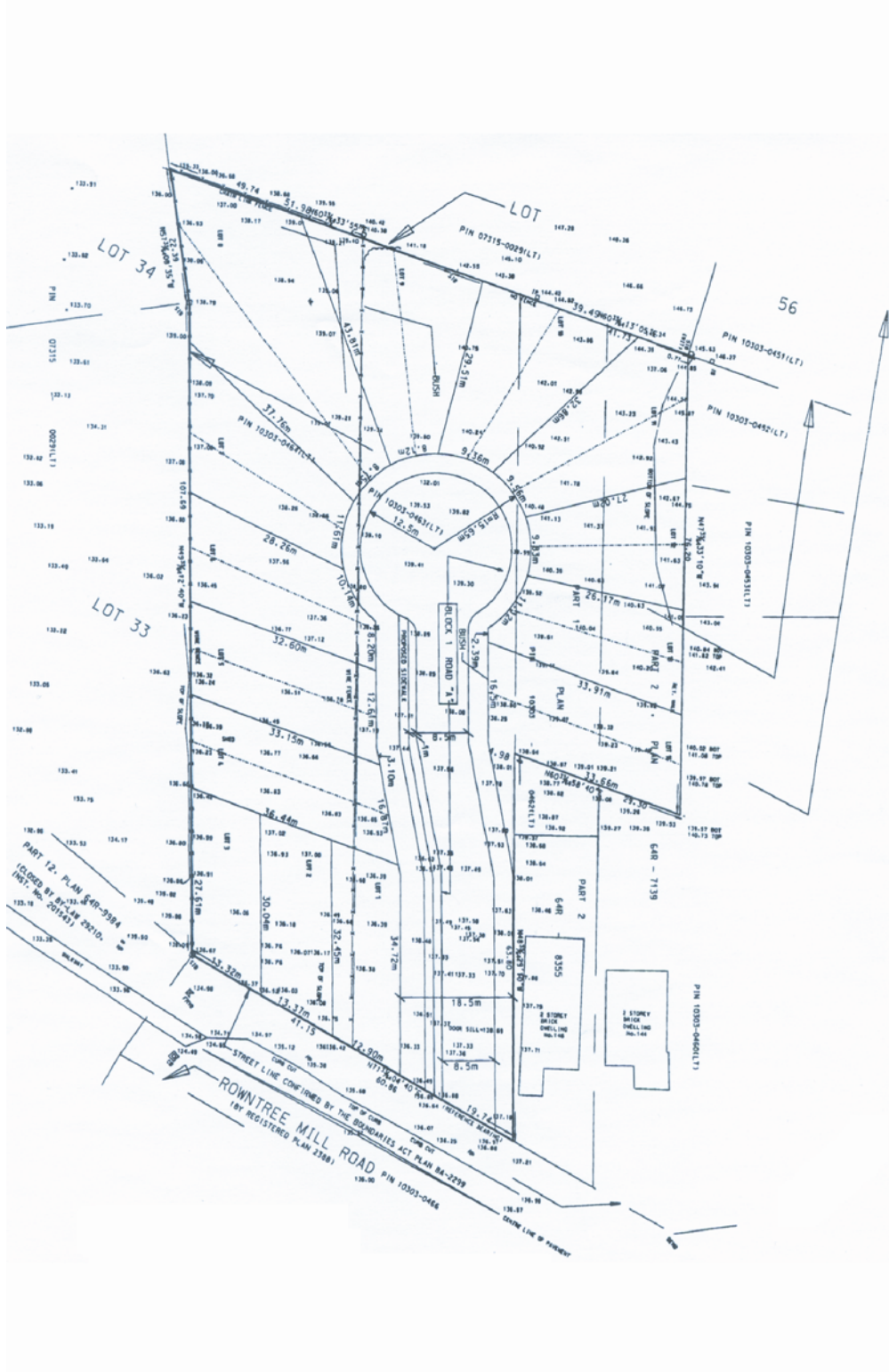
- R6 Residential Sixth Density
- I Institutional
- POS Private Open Space



Not to Scale

Extracted 02/01/05- KP

### Attachment 3: Draft Plan of Subdivision



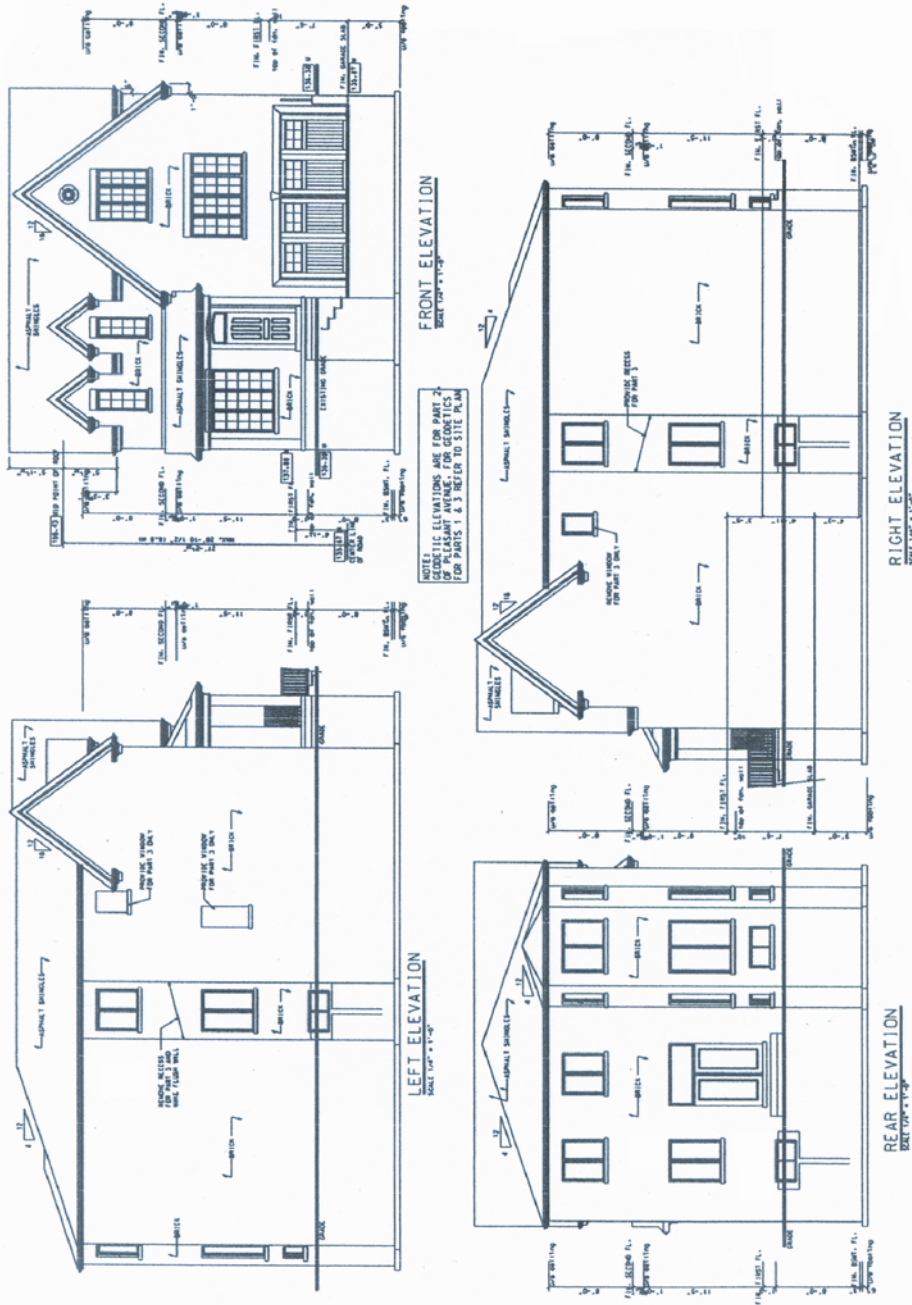
144-156 Rowntree Mill Road

Plan of Subdivision  
Applicant's Submitted Drawing

File # 04\_203855 & 04\_203864

Not to Scale  
02/28/06

Attachment 4: Elevation Proposed Single Detached Dwellings



Typical Elevation

Elevations - Proposed Single Detached Drawing

Applicant's Submitted Drawing

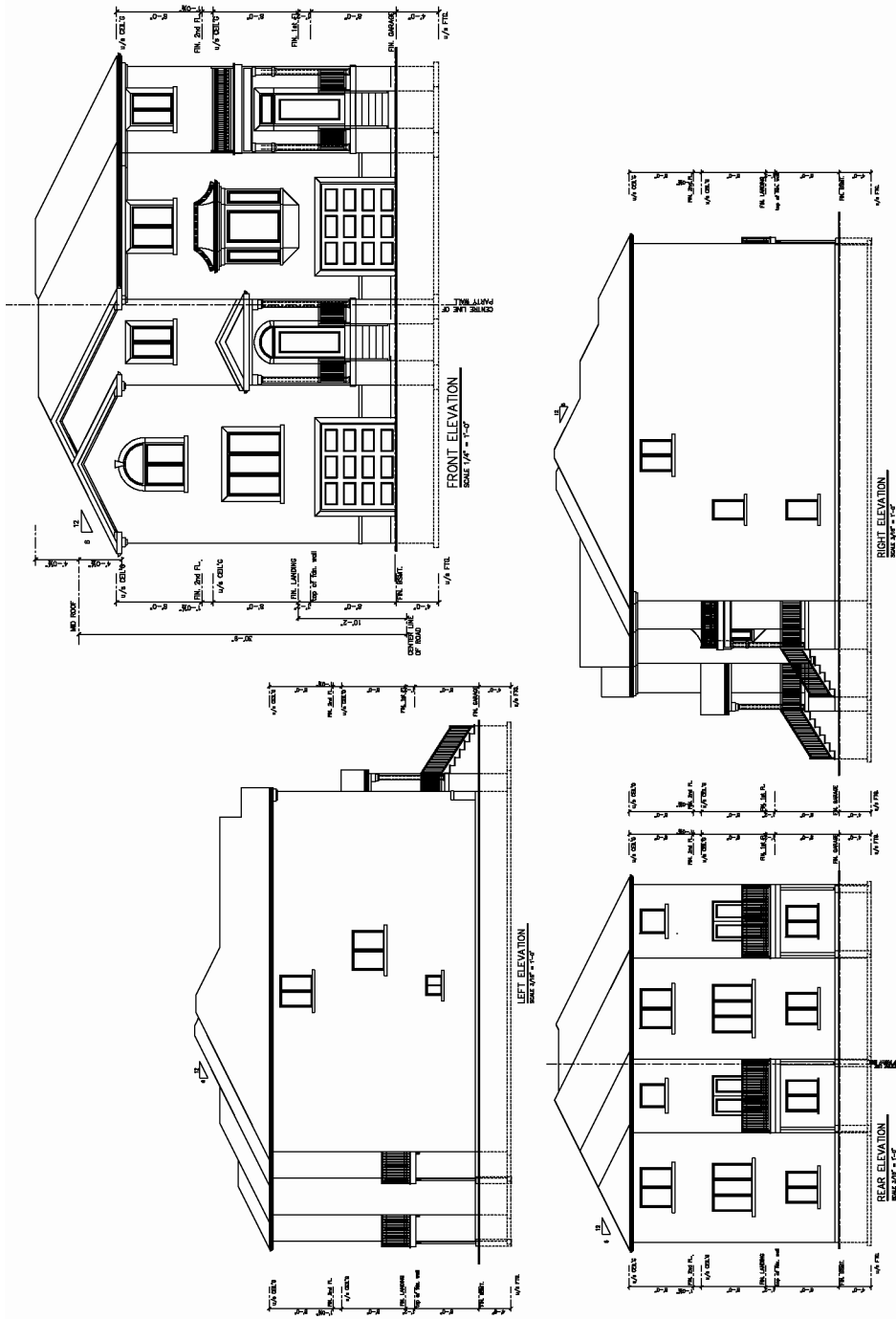
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144-156 Rowntree Mill Road

File # 04\_203855 & 04\_203864



Attachment 5: Elevation Proposed Semi-Detached Dwellings



Typical Elevation Unit c & C1

Elevations - Proposed Semi Detached Drawings

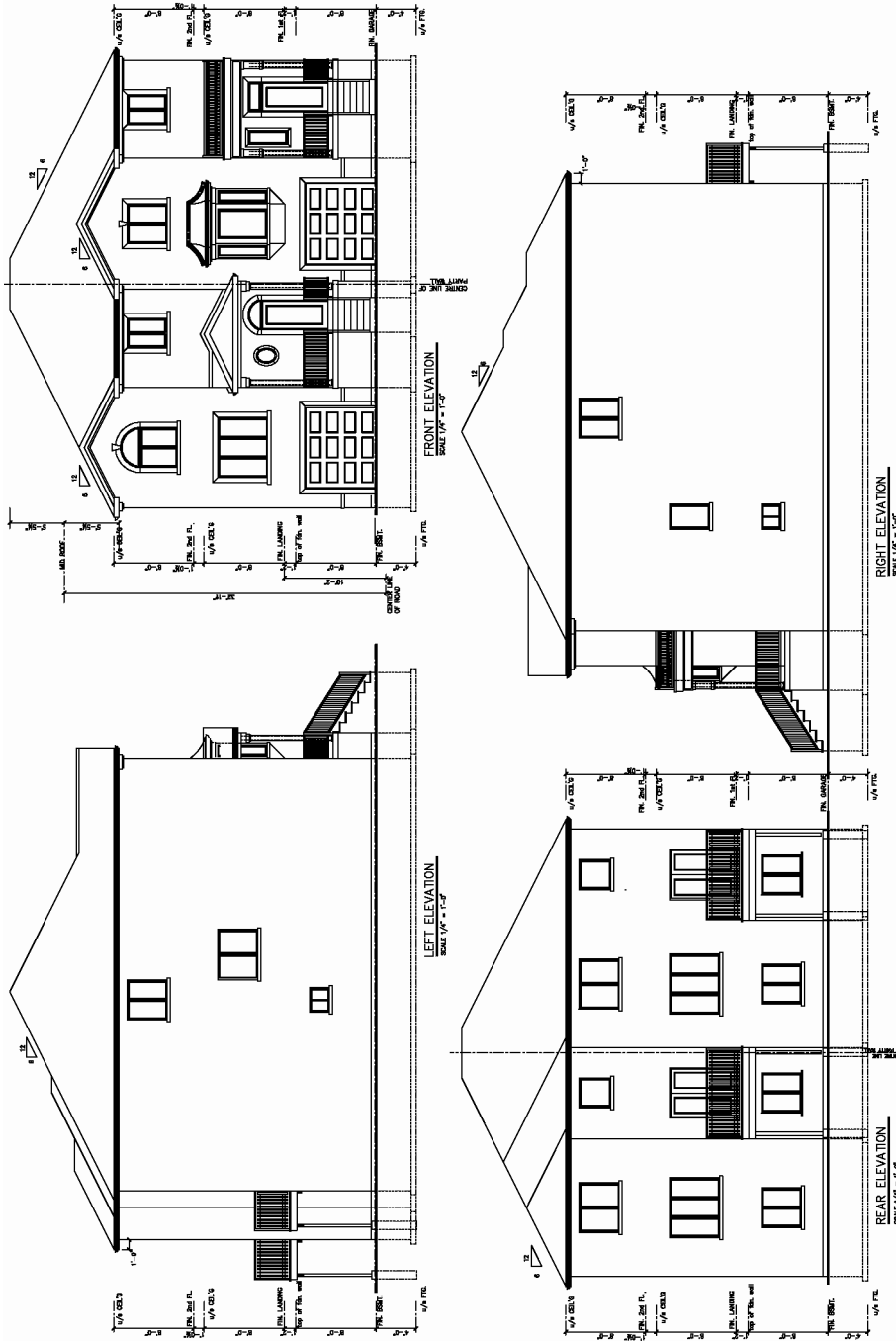
Applicant's Submitted Drawing

Not to Scale  
02/01/05

144-156 Rowntree Mill Road

File # 04\_203855 & 04\_203864

Attachment 6: Elevation Proposed Semi-Detached Dwellings



Typical Elevation Unit B & B1

144-156 Rowntree Mill Road

Elevations - Proposed Semi Detached Drawings

Applicant's Submitted Drawing

Not to Scale  
02/01/05

File # 04\_203855 & 04\_203864

## Attachment 7: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	04 203855 WET 07 OZ
Details	Rezoning, Standard	Application Date:	December 29, 2004, revised submission submitted November 2005

Municipal Address: 144-156 ROWNTREE MILL RD, Toronto ON

Location Description:

Project Description: Proposed re-zoning of lands to subdivide and construct a new public roadway and 11 semi-detached buildings (22 units) and 3 single detached dwellings..

#### PLANNING CONTROLS

Official Plan Designation:	Residential Density One	Site Specific Provision:	Yes, for dwellings located at 144 & 146 Rowntree Mill Road
Zoning:	Residential Density 4 (RD-4) and Greenbelt Zone G	Historical Status:	No
		Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	9392	Height: Storeys:	2
Frontage (m):	61	Metres:	9.5
Depth (m):	varies		
Total Ground Floor Area (sq. m):	0		Total
Total Residential GFA (sq. m):		Parking Spaces:	25
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):			
Lot Coverage Ratio (%):	0		
Floor Space Index:			

#### DWELLING UNITS

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

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):		0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	25	Institutional/Other GFA (sq. m):	0	0
Total Units:	25			

**CONTACT: PLANNER NAME: Mark Chlon, Planner**  
**TELEPHONE: (416) 394-8246**

# **TORONTO** STAFF REPORT

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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).

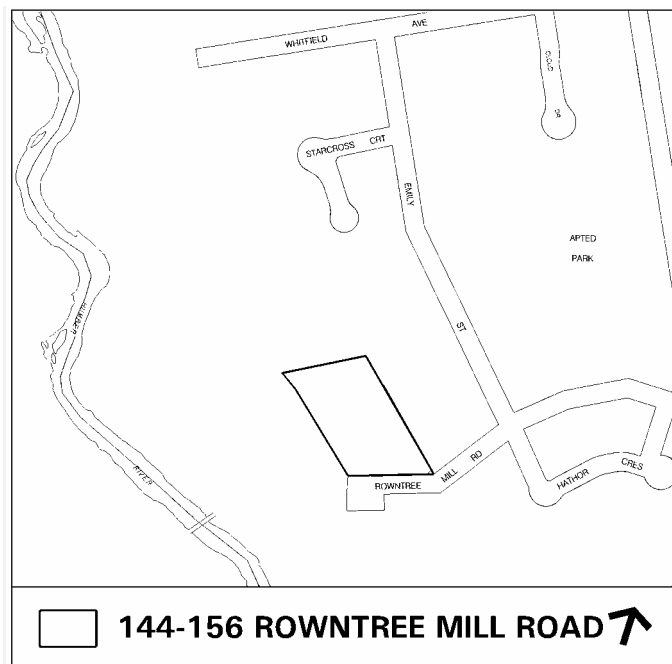
Financial Implications and Impact Statement:

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.

Contact:

L. Moretto, Manager, Community Planning  
Tel: (416)394-2610; Fax (416) 394-6063  
Email: lmore@toronto.ca

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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.**

### 6

**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.*

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**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.

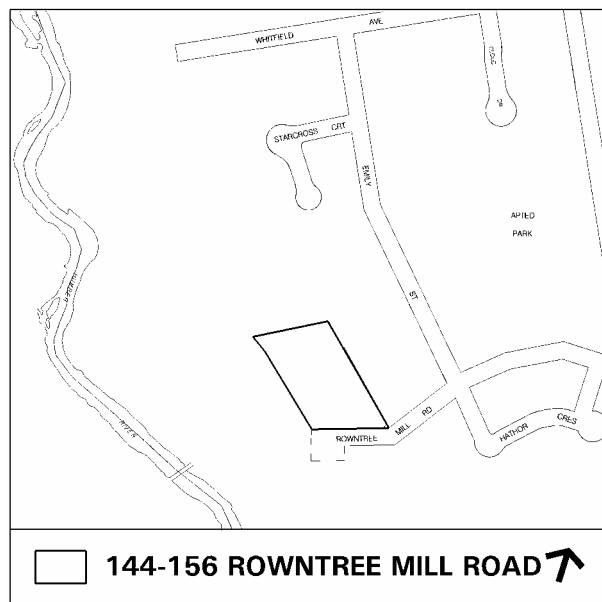
Financial Implications and Impact Statement:

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

Mark Chlon, MCIP, RPP, Planner  
Phone: (416) 394-8246; Fax: (416) 394-6063

Email: mchlton@toronto.ca

(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.

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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.