

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:

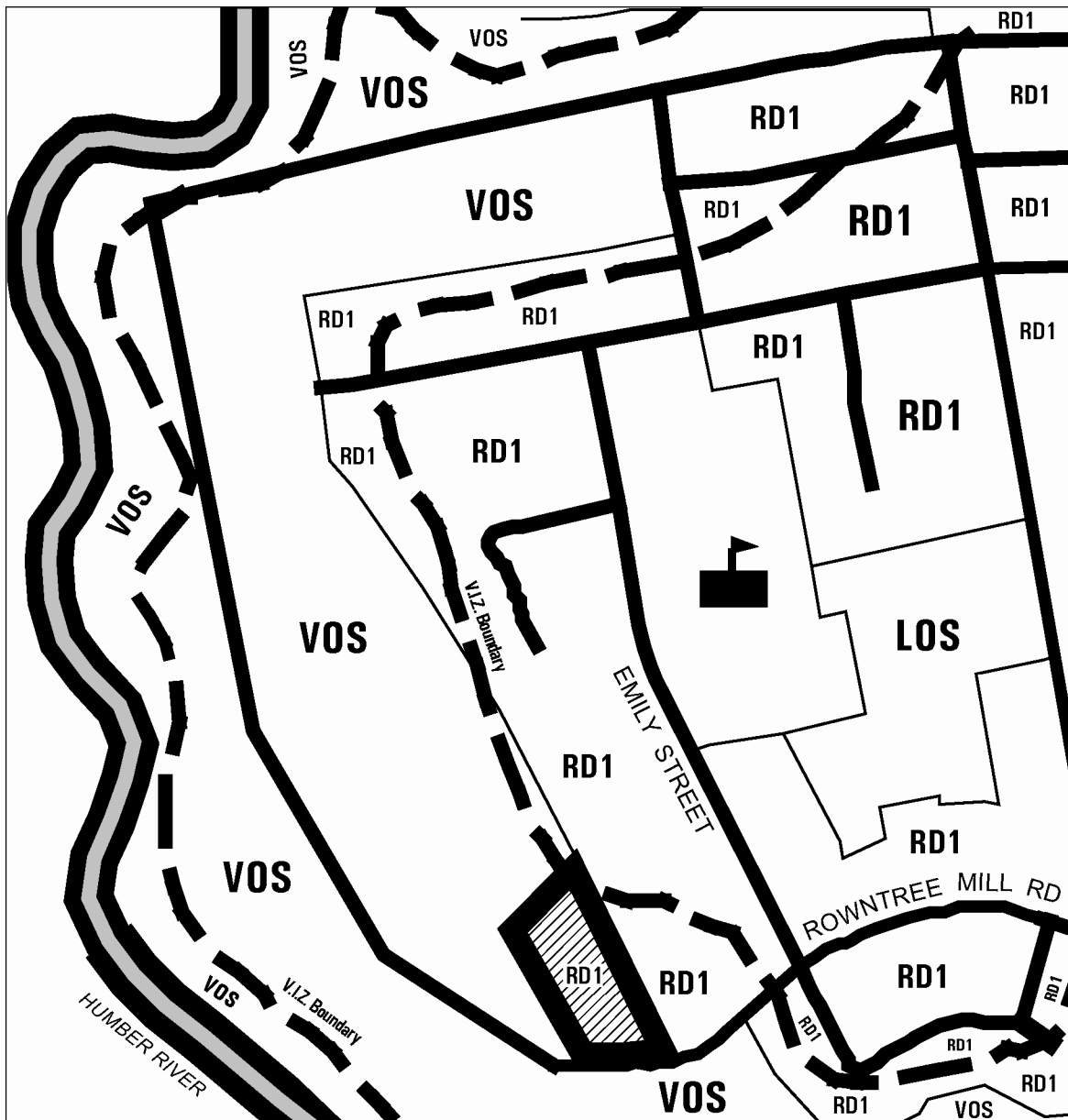
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
Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

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)



	Site		Valley Open Space		V.I.Z. Boundary
	Residential Density One		School Site		
	Local Open Space				

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

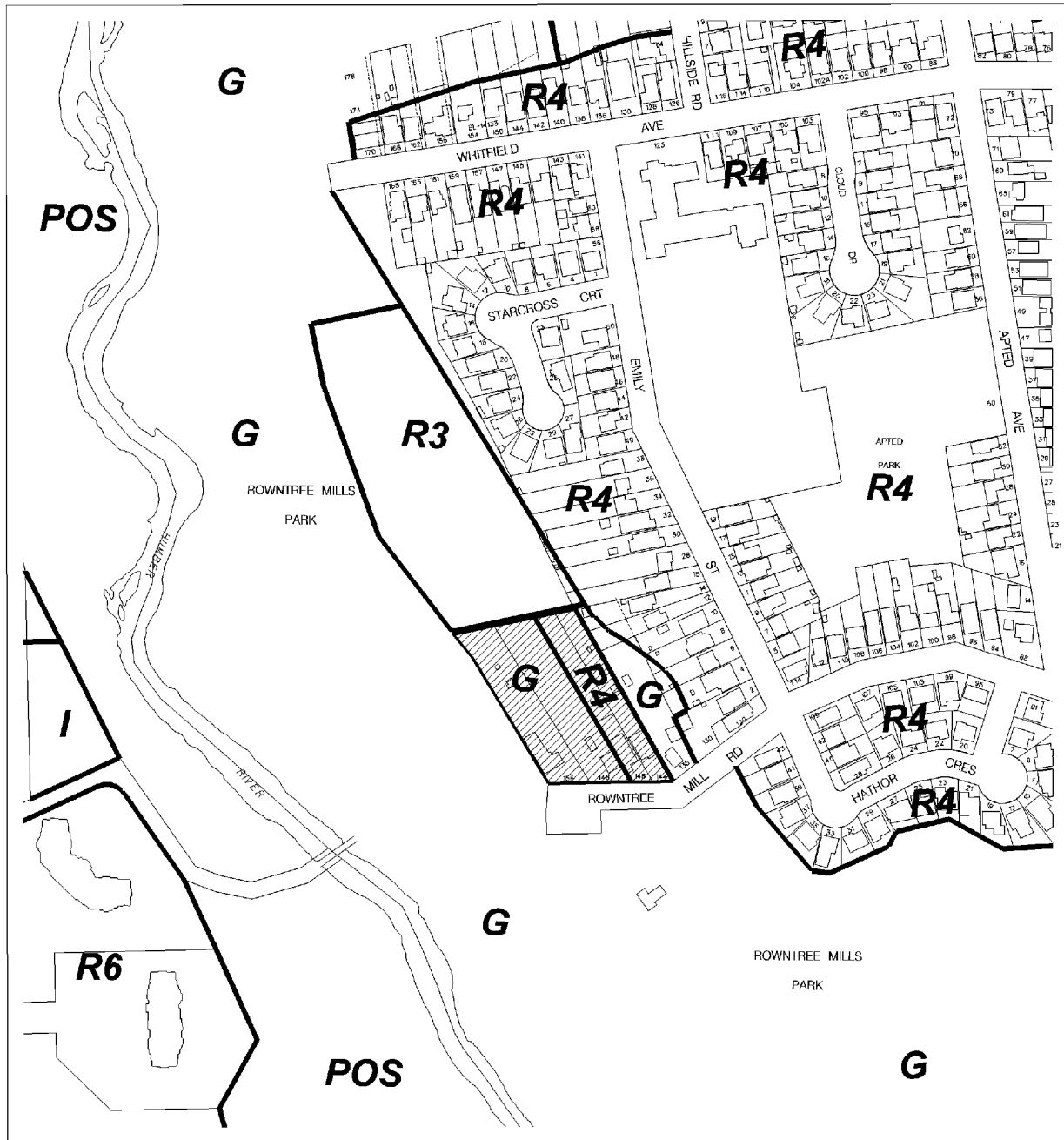
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08/24/04



144 -156 Rowntree Mill Road

File # 04_203855 & 04_203864

Attachment 2: Zoning (Map)



Toronto City
Planning
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

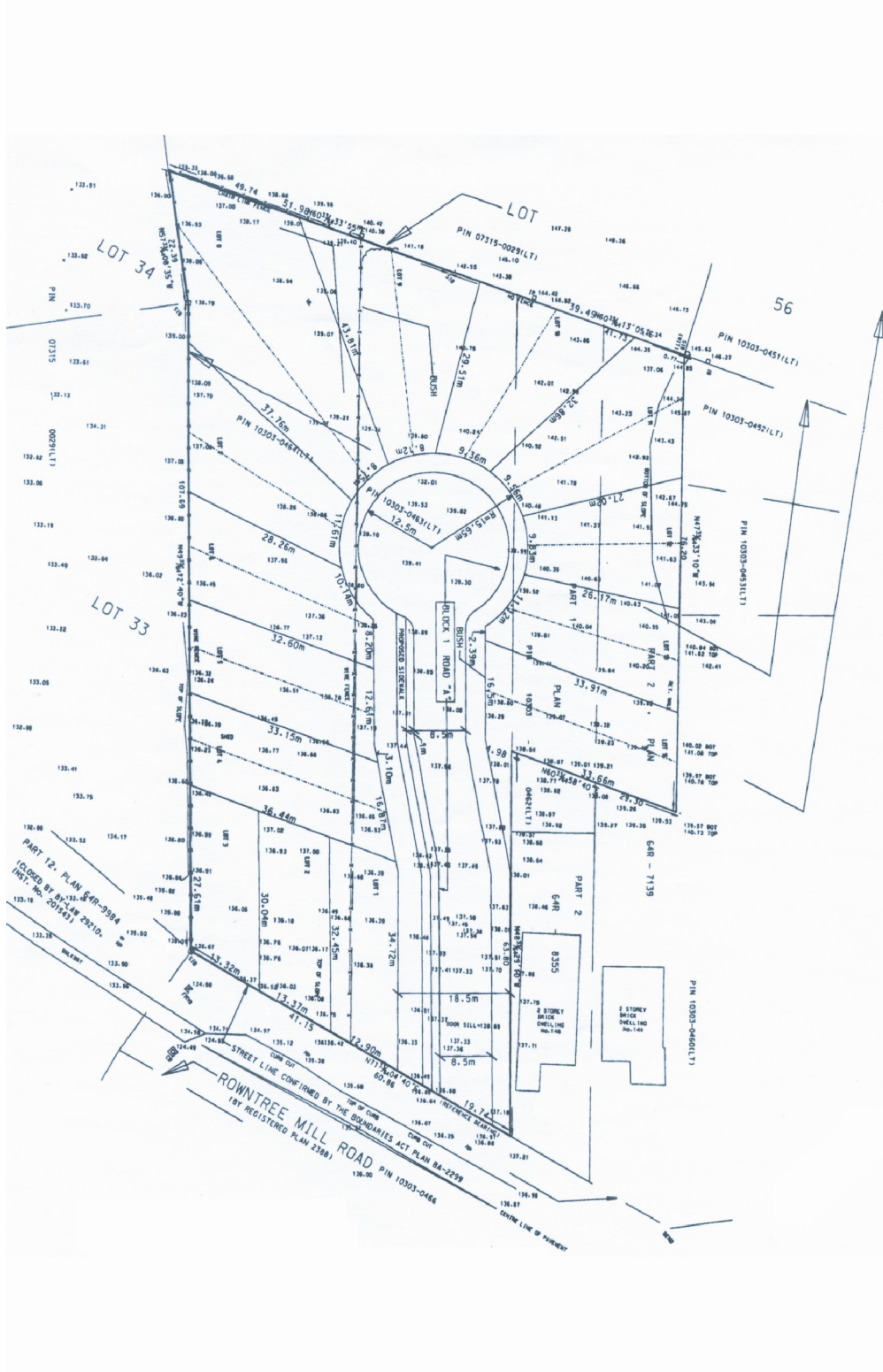
R6 Residential Sixth Density
I Institutional
POS Private Open Space



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Attachment 3: Draft Plan of Subdivision



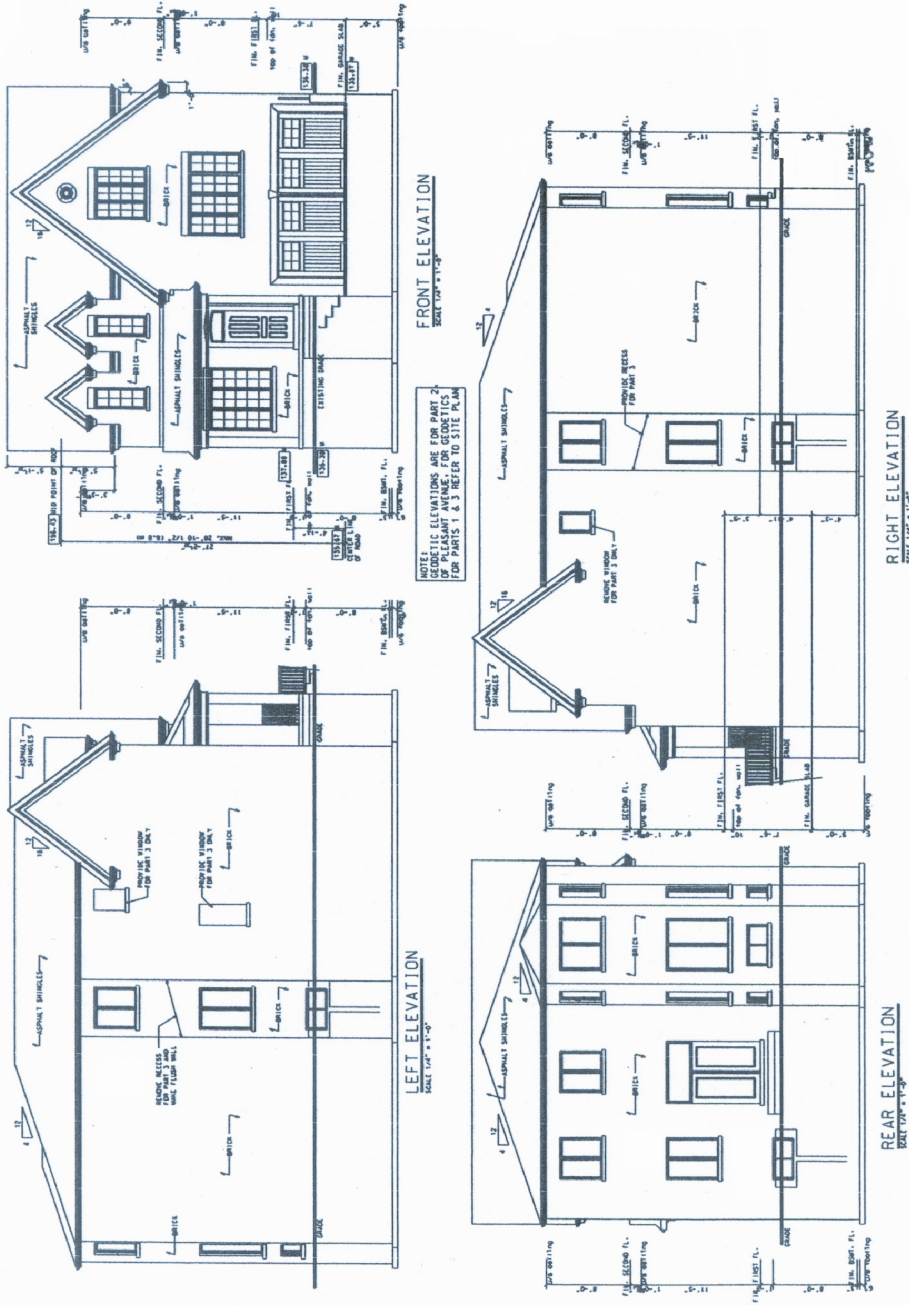
144-156 Rowntree Mill Road

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

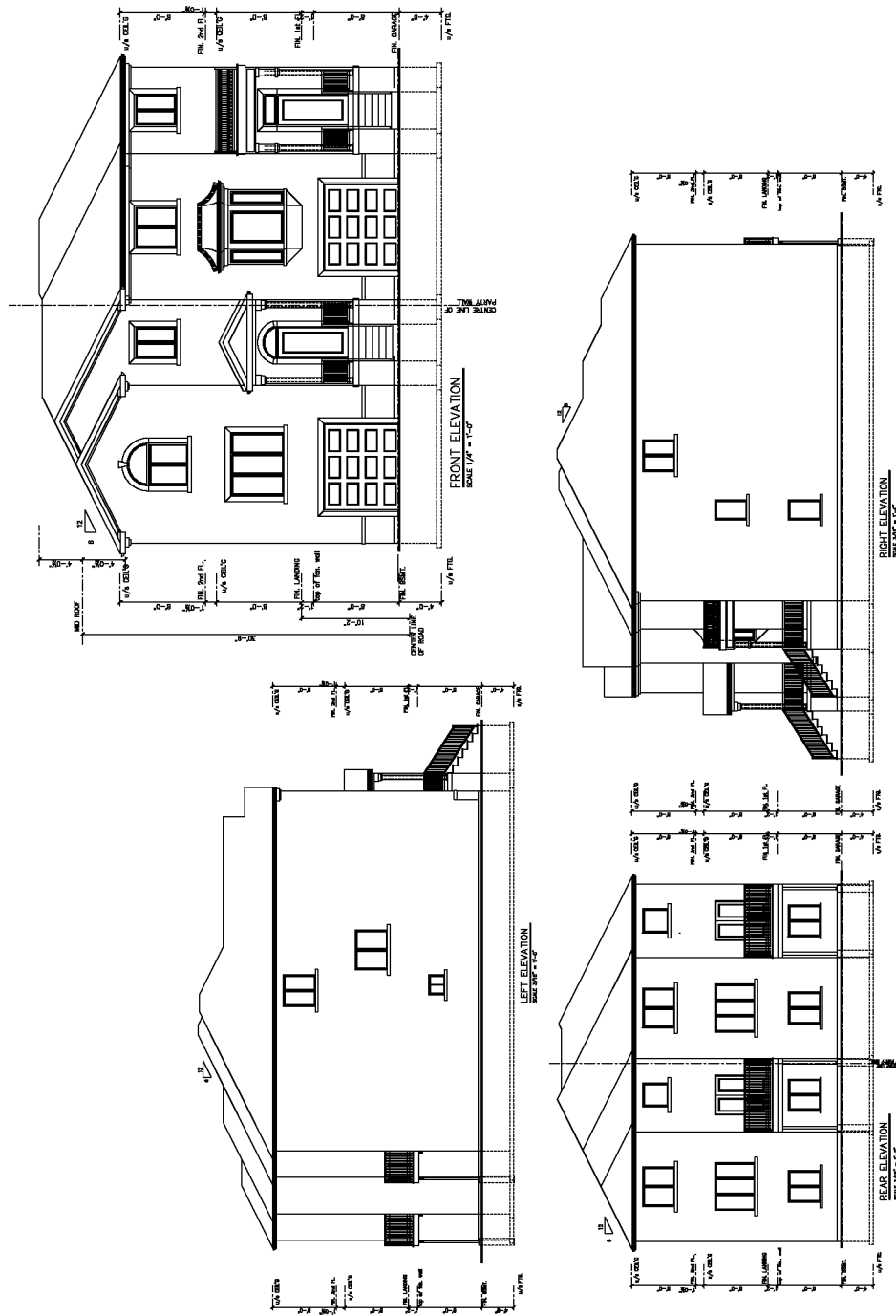
Applicant's Submitted Drawing

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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

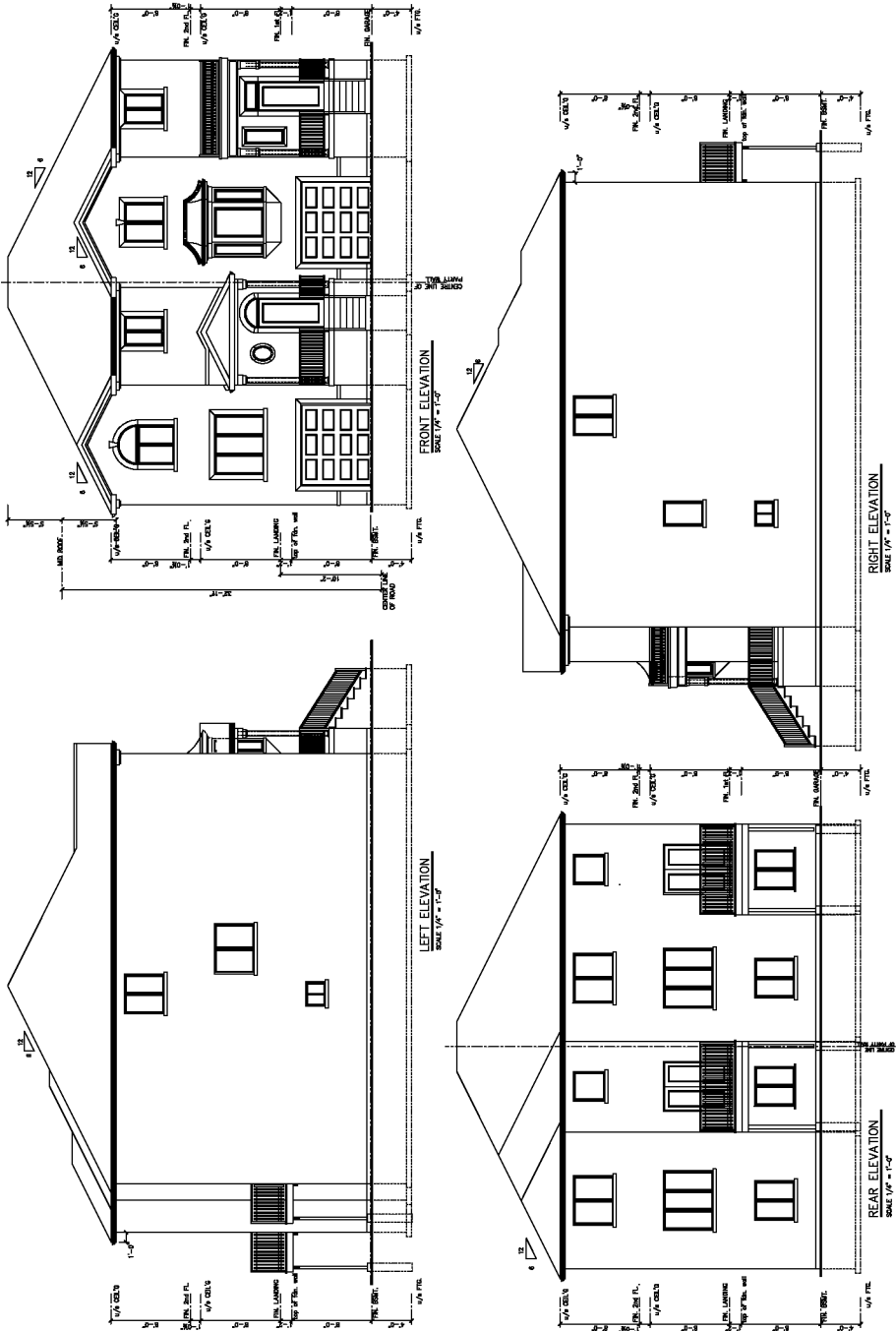
Applicant's Submitted Drawing

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144-156 Rowntree Mill Road

File # 04_203855 & 04_203864

Attachment 6: Elevation Proposed Semi-Detached Dwellings



Typical Elevation Unit B & B1

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 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

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	25
Total Units:	25

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:	Mark Chlon, Planner
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