

**3035 Weston Road - Official Plan and Zoning
Amendment and Draft Plan of Subdivision Applications
– Supplementary Request for Directions Report**

Date:	June 6, 2008
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 7 – York West
Reference Number:	05 211708 WET 07 OZ, 06 143750 WET 07 OZ and 06 143743 WET 07 SB

SUMMARY

The Final Report from the Director of Community Planning, Etobicoke York District (December 18, 2007) recommended refusal of the proposed subdivision containing 166 dwelling units at 3035 Weston Road. City Council directed the Director of Community Planning Etobicoke York District to report back to the February 12, 2008 Etobicoke York Community Council meeting on any revisions made to the applications. The applicant submitted a revised draft plan of subdivision and additional information pertaining to the proposed development on February 4, 2008 and May 21, 2008.

The purpose of this report is to update City Council on the proposed application and provide directions for the upcoming Ontario Municipal Board Hearing. It is recommended that City Council oppose the revised applications in their current form and request staff to continue discussions with the applicant with the view to arriving at an appropriate development proposal.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council authorize the City Solicitor, City staff and any other necessary consultants to attend the Ontario Municipal Board hearing to oppose the Rezoning Application 06 143750 WET 07 OZ and Draft Plan of Subdivision Application 06 143743 WET 07 SB in their current form.
2. City Council request the applicant to submit revised applications with supporting information and studies in a manner that addresses the issues identified in this report, the December 18, 2007 Request for Directions Report and February 11, 2008 Supplementary Report.
3. City Council request the applicant to submit the following revised studies specific to the current proposal under consideration to assist staff's review of the applications: arborist report/tree preservation plan; Stormwater Management Report; and noise and vibration study.

Financial Impact

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

DECISION HISTORY

City Council at its meeting on January 29 and 30, 2008, adopted the following motions (Clause EY13.24 of Etobicoke York Community Council):

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-01-29-cc16-dd.pdf>

1. City Council authorize the City Solicitor, City staff and any other necessary consultants to attend the Ontario Municipal Board hearing to oppose the Rezoning Application 06 143750 WET 07 OZ and Draft Plan of Subdivision Application 06 143743 WET 07 SB in their current form.
2. City Council request the City Solicitor and City staff to continue discussions with the applicant, with the view to arriving at an appropriate development proposal.
3. City Council request the applicant to submit revised applications with supporting information and studies in a manner that addresses the issues identified in this report (December 18, 2007 Final Report from the Director, Community Planning Etobicoke York District).
4. City Council request the applicant to submit the following studies specific to the proposal under consideration to assist staff's review of the applications: environmental assessment reports; archaeological assessment; survey; a phasing plan (if development is to be phased); arborist report/tree preservation plan; a preliminary design of the railway safety barrier and a noise and vibration study.

5. City Council direct the Director of Community Planning Etobicoke York District to report back to the next Etobicoke York Community Council meeting on February 12, 2008, on any revisions to the applications, including any further recommendation on the direction to be taken by the City at the Ontario Municipal Board, if substantive changes are made to the proposal or if substantive new information is received.
6. City Council direct City staff to make this application a priority.

Etobicoke York Community Council at its meeting February 12, 2008 received the Supplementary Report dated February 11, 2008 (EY14.32). This report noted that the applicant had submitted a revised application on February 4, 2008.

<http://www.toronto.ca/legdocs/mmis/2008/ey/decisions/2008-02-12-ey14-dd.pdf>

COMMENTS

Revision to Application

The owner has recently retained a new planning consultant to advance their planning applications. PMG Planning Consultants, acting as applicant on behalf of the owners, has recently submitted (May 21, 2008) a revised draft of subdivision and additional information pertaining to the proposed development plan. The additional information included a revised draft zoning by-law and correspondence from the applicant regarding the provision of affordable housing and the provision of Section 37 benefits. The revised application is for 165 residential dwellings consisting of 18 detached, 120 semi-detached and 27 townhouse dwellings. The revised plan includes a park block of 0.22 hectares in the southeast portion of the site abutting the St. Basil the Great Catholic High School lands. The revised plan also eliminates the Street A connection to Weston Road and now proposes to extend Street A north to a realigned Street H on the draft plan of subdivision for the property owned by Lindvest Properties (Westshep) Limited.

The applicant noted in their covering letter that they were not committing to the provision of affordable housing nor were they proposing any community benefits/Section 37 as part of the development.

The revised draft plan of subdivision and the additional information submitted have been circulated to the various Divisions for their review and comments. As additional information is submitted by the applicant it will also be circulated for review and comments. In addition staff will continue to meet with the applicant in an attempt to resolve the issues identified. Once the review of the revised draft plan of subdivision and supporting material has been completed staff will report further to Community Council on any further recommendations on the direction to be taken by the City at the Ontario Municipal Board.

Revision to Transportation Network

The revised draft plan of subdivision submitted by the applicant contemplates a connection of their Street A to Street H in the Lindvest Properties (Westshep) Limited subdivision to the north. This change would provide for additional connections between the two development sites. The additional connection between the sites is a positive change and is supported by staff. The two owners are currently discussing this connection and have advised that discussions have been positive and are hopeful that an agreement will be reached. They will advise the City in the near future of the outcome.

However, as of the date of this report no agreement has been reached. Therefore, it is premature to consider the current proposal that would have a road dead end into the rear yards of the development to the north. Street A as shown does not connect with the current and approved (by the City) street pattern proposed for the lands to the north. Dead end streets must be constructed with cul-de-sacs designed to City Standards to accommodate turning movements for larger vehicles such as maintenance vehicles and garbage collection vehicles and emergency service vehicles.

As part of this modification to the structure of the subdivision, the applicant is also proposing to eliminate the access to Weston Road. Although the Weston Road connection is not required from a vehicle capacity perspective, the development should be designed to promote pedestrian and transit connections. The location of the Weston Road access provides a direct connection to bus stops on the 165 Weston Road bus route. If this connection is lost, residents wishing to travel by transit will be required to walk an additional and circuitous distance to the Mainshep Road access in the Lindvest subdivision. Staff do not support the elimination of this connection. The applicant should revise the plan to show a connection from Street A to Weston Road.

In addition the removal of the Weston Road access essentially land locks the development parcel, making the development of the site entirely dependent on the development of the lands to the north or south proceeding in advance of this site. A holding symbol (H) would be required on the entire lands, only to be lifted when public road access is available from the lands to the south or north.

The applicant proposes to replace the Weston Road connection with two detached dwelling lots fronting Weston Road and two detached dwelling lots fronting Street A. Further analysis would be required to determine the potential impact of permitting the proposed lots with 10 metre frontages along this portion of Weston Road, which has current zoning by-law requirement of a minimum frontage of 15 metres.

The applicant is also proposing to connect the proposed public lane servicing the townhouse units in the south east corner of the site to the proposed private lane system on Block 153 in the Lindvest subdivision. The appropriateness of having a public lane connecting into a private lane needs to be reviewed, together with the legal mechanisms for doing so.

If an agreement is reached between the two owners on the road connection, Lindvest will be required to make red lined revisions to the draft plan approved by the City (which is subject to an OMB appeal) and possible changes to the Official Plan and Zoning By-law.

Rail Safety

The applicant is required to demonstrate how the requirements of CP Rail will be met. The standard CP Rail requirements for residential development adjacent to the rail corridor include warning clauses, a 30 metre setback from the right-of-way and a berm and an acoustic fence combination to mitigate the impact of the railway operation. The applicant is proposing a 20 metre setback from the right-of way. CP Rail has provided the applicant with written commentary indicating that CP Rail would allow a reduction in their standard setback of 30 metres on the understanding that an alternative safety barrier be implemented substantiating the requested setback. Prior to final approval of the subdivision the owner will be required to provide written confirmation that CP Rail is satisfied with the alternative setback and safety barrier. The applicant will also be required to submit to the City the information regarding the alternative safety barrier that would be required in order to achieve a reduced set back of 20 metres.

Noise and Vibration

The proposed residential development is located adjacent to employment uses and adjacent to the CP rail corridor. The applicant is required to demonstrate that future residential uses can be developed on the site in terms of Ministry of the Environment guidelines for acceptable levels of noise and vibration. The owners of 2233 Sheppard Avenue West have expressed concerns regarding the proposed residential development adjacent to their employment uses on their property and have appealed OPA No. 573 which redesignated the lands west of the rail corridor for residential uses.

The applicant submitted a noise impact study and vibration impact study in February 25, 2008 in support of the previous proposal. The report indicated the requirement for noise mitigation walls along the eastern and southern property limits would be required. The consultant has indicated that the noise mitigation required to address the noise from in the southern portion of the subdivision could be addressed either by a wall along the southern properties line, resulting in a wall along the in the height of 4.7 to 7 metres, or by a wall along the eastern property line of the school property to the south. Any noise mitigation measures proposed on adjacent school lands will require the approval of the school board.

As changes have been made to the application, the applicant is required to submit a revised noise and vibration studies specific to the current proposal under consideration by staff. Special consideration needs to be given to the concerns raised by the adjacent land owner to the east and addressing the noise mitigation through building design, such as with the garages now proposed along the eastern property limit.

Parkland

The owner is proposing a park block of 0.22 hectares in the southeast quadrant, adjacent to the existing St. Basils Catholic High School site. The proposed location is not acceptable to this Division. The owner's consultants advised that a noise attenuation wall would be required at the south limit of the proposed conveyance. Further, the owner's consultant advised of a significant grading change from the proposed parkland conveyance to the school site. As such, the proposed park has limited visibility and programming opportunities at this location. Therefore, Park, Forestry and Recreation recommend that the proposed park be relocated further west, closer to Street A and that a connection to the school site be maintained.

Further discussions are required with the applicant in consultation with the local Councillor, regarding the requirements for the provision and/or development of a public park.

Storm Water Management Pond

The applicant has indicated that they are in discussions with the owner of the proposed development at 2277 Sheppard Avenue West regarding the possibility of coordinating the stormwater management infrastructure for the two sites. At present, the development to the north proposes a stormwater management pond to address stormwater management for that site. The applicant is proposing to also use the stormwater management pond at 2277 Sheppard Avenue West. A coordinated approach to the stormwater management for the two sites is encouraged by staff. However, if a joint stormwater management facility is pursued, a revised stormwater management report for the review and approval of staff is required. The applicant will be required to submit confirmation to the satisfaction of the City that the adjacent owner is willing to providing a joint storm water management pond. If a joint stormwater management pond is not provided the current draft plan of subdivision and Stormwater Management Report will need to be revised to incorporate a separate stormwater management pond.

Grading

Staff have raised a concern with the grading differential between the proposed lots in the southeast portion of the subdivision and high school site. The applicant's consultant identified an approximate grade differential of 2.2 metres between the centre line of the proposed road and the existing school board property. The consultant indicated that a transition between the different grades could be achieved by the use of rear walkout homes in the area of concern. The front of the house would be accessed through the main floor and the rear of the house is accessed at the elevation of the basement. The revised plan recently submitted shows a proposed park in this location, which may mean a retaining wall will be required to address the grade differential.

Phasing of the Development

The applicant has not confirmed whether or not the proposed development is to be phased. A detailed phasing plan will be required for any phasing of the development.

Housing

The housing policies in the Toronto Official Plan were approved by the OMB on April 3, 2007. For large sites such as this, the Toronto Official Plan has policies related to the provision of affordable housing and a mix of housing types. Although the new housing policies only came into effect in April of 2007, the requirement for large sites to provide affordable housing as well as a mix of housing types has been in the Official Plan since Council's adoption of the document in November of 2002. The Toronto Official Plan represents Council's current policies on the provision of affordable housing and mix of housing types.

Section 2.4.1 of the former North York Official Plan and Policy 3.2.1.9 a) of the Toronto Official Plan encourage a range of housing types. The Official Plan which represents Council's current policies requires a minimum of 30 percent of all new housing will be in forms other than single-detached and semi-detached houses. The current proposal totalling 165 units, consists of 27 townhouse units (16%), 120 semi-detached houses (73%) and 18 single detached houses (11%). The applicant should submit revised plans that provide for a great number of townhouse units or multi-unit residential unit buildings within the development; similar to what was shown on the previous proposal submitted on February 4, 2008, which did included an appropriate mix of unit types.

Policy 3.2.1 (9) of the Toronto Official Plan requires that on larger residential developments, generally greater than 5 hectares in size, that a minimum of 20 percent of the new housing units must be affordable. It is the applicant's position that under the applicable Official Plan policies (the former City of North York Official Plan), the current proposal would not trigger any affordable housing requirements. As such, the applicant has indicated they are not committing to the provision of any affordable housing units. Although the former North York Official Plan may be the applicable Official Plan, the Toronto Official Plan represents Council's current policies on the provision of affordable housing. Staff will continue discussions with the applicant with the goal of achieving affordable housing units within the development.

Community Benefits/Section 37

At its meeting of November 26, 2007 the Executive Committee requested Parks, Forestry and Recreation staff to meet with the local Councillor to discuss the Section 37 money received from the developers of the King Koil site to discuss the potential ice rink at Strathburn Park and the replacement of two playgrounds at the Strathburn Park and the other at Louise Russo Park. Staff have requested a Section 37 contribution of \$400,000 to be used towards playground improvements to Louise Russo and Strathburn Parks. These

improvements will benefit the new residents of the community. City staff will continue discussions with the applicant and local Councillor in order to achieve community benefits.

Heritage

The applicant has recently submitted a Stage 1 & 2 Archaeological Assessment for the property (May 16, 2008). Staff are currently reviewing the study.

Tree Preservation

At the community meeting the adjacent residents expressed a concern about the loss of the trees along the western property line. This application is subject to the provisions of By-law No. 780-2004, regarding tree protection. The applicant submitted an arborist report/tree preservation plan on February 29, 2008 in support of the previous proposal. That plan noted 39 of the existing 77 trees can be preserved. As changes have been made to the application, the applicant is required to submit a revised arborist report/tree preservation plan specific to the current proposal under consideration by staff. Special consideration needs to be given to the concerns raised by the adjacent residents regarding the trees along the western property line.

Zoning By-law Standards

The applicant has recently submitted a revised draft zoning by-law (May 21, 2008) which identifies the zoning standards being requested for this development. Generally, the requested zoning standards are consistent with those recently approved by City Council for the development to the north at 2277 Sheppard Avenue West (By-law No. 481-2006). However, there are zoning provisions which differ from the general standards contained in the North York Zoning By-law and the site specific standards for the development to the north. Some of the differences requested by the applicant are reduced rear yard, side yard and flankage yard setbacks, a reduced parking standard for townhouse units and increased coverage. The applicant has also requested to delete the overview provision (Section 14B (10) which limits the size of balconies on the second and third storeys. Staff have requested on several occasions a meeting with the applicant and their consultant to discuss and get clarification on the draft by-law. Staff will continue try and meet with the applicant in attempt at resolving any issues or seeking clarification on the draft zoning by-law. It should be noted that additional comments or issues may be raised once staff have undertaken a detailed review of the applicant's draft zoning by-law.

Green Development Standard

The applicant has submitted the Toronto Green Development Standard Checklist for the proposed subdivision and staff will secure measures to address green standards, where appropriate through the subdivision application and any future site plan applications.

Summary of Additional Information and Studies

Additional or revised information, not submitted to date, is required from the applicant in order to complete the application and enable a thorough evaluation of the proposal. The applicant is required to submit the following studies to assist staff's review of the current proposal: a revised stormwater management report; grading plan; a phasing plan (if development is to be phased); revised arborist report/tree preservation plan; and revised noise and vibration study and a railway safety barrier design. Additional issues may arise from the review of these studies.

Next Steps

City Council's authorization is required for the City Solicitor and City Staff to attend at a future Ontario Municipal Board hearing to oppose the revised applications in their current form. Following from discussions with staff, the applicant is requested to submit a revised application and proposal together with supporting information and studies in a manner that addresses the issues identified in this report. Staff will continue to meet with the applicant to review required revisions to the proposed development and supporting information. Staff will report back to Community Council on the status of the City's review of the application, including any further recommendation on the direction to be taken by the City at the Ontario Municipal Board, if changes are made to the application and proposal or if substantive new information is received.

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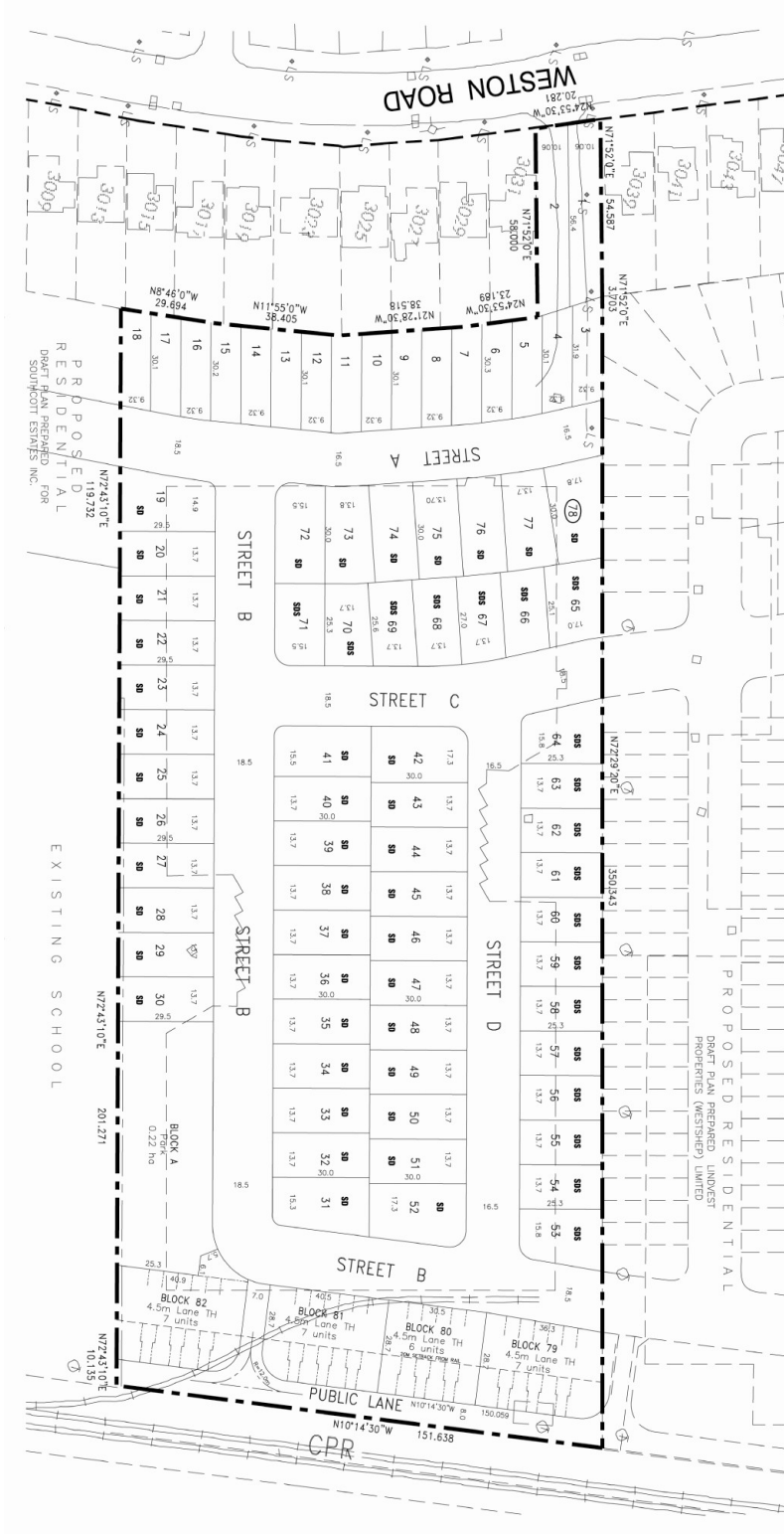
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Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Draft Plan of Subdivision

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3035 Weston Road

Draft Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale
06/03/08

File # 05_211708

