

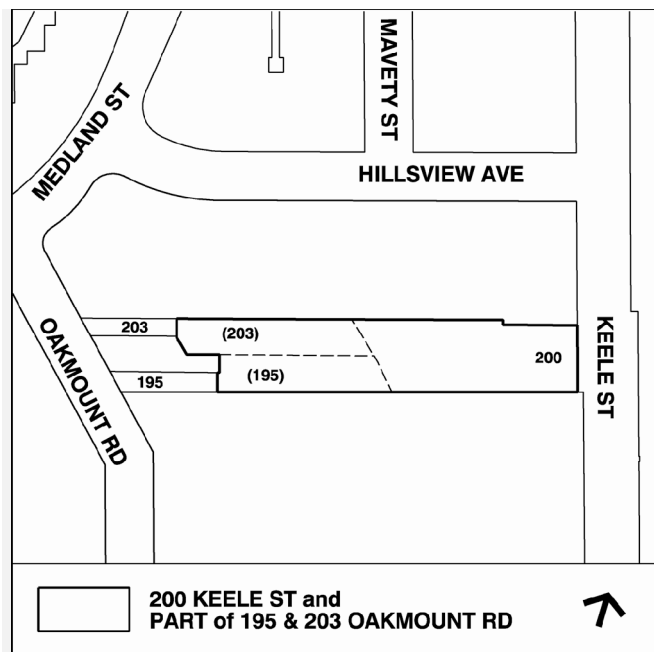
200 Keele Street, 195 & 203 Oakmount Road – Official Plan and Zoning By-law Amendments, Consent to Sever, Minor Variances and Rental Housing Demolition and Conversion Applications – Request For Direction/Final Report

Date:	December 16, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	08 208726 WET 13 OZ and 08 208852 WET 00 RH

SUMMARY

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant’s proposal is to retain 14 of the 15 existing, 3-bedroom rental townhouses at 200 Keele Street, to demolish one such unit and to construct a new townhouse block containing 12 condominium townhouse units plus one rental townhouse unit on the lands comprising all of 200 Keele Street together with the rear portions of 195 and 203 Oakmount Road. The Oakmount lands are proposed to be added through consent applications that were refused and are now under appeal at the Ontario Municipal Board. Vehicle access to both existing and new townhouses is proposed via a non-DIPS compliant private lane from Keele Street. Further, the new



townhouse block is proposed to be constructed over lands subject to the City of Toronto Ravine Protection By-law.

As all the appeals are related, the OMB has consolidated the appeals relating to the rezoning, OPA and two consent applications into one hearing. The OMB has set a hearing date commencing April 12, 2010.

A Rental Housing Demolition and Conversion application has also been submitted pursuant to c. 667 of the Municipal Code for a permit to demolish 1 of the existing 15 rental townhouses. The City's decision on the Rental Housing Demolition and Conversion application is not subject to appeal to the Ontario Municipal Board. As well, a Residential Demolition application pursuant to Section 33 of the Planning Act was submitted.

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law and to demolish the existing rental housing pursuant to c. 667 of the Municipal Code and recommends the City Solicitor together with Planning and other appropriate City staff attend the hearing before the OMB in opposition to the appeals regarding the Official Plan and Zoning By-law Amendments and the consents to sever.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse application No. 08 208726 WET 13 OZ to amend the Zoning By-law and Official Plan and support the decision of the Deputy Secretary-Treasurer of the Etobicoke York District panel Committee of Adjustment to refuse consent to sever the rear portions of 195 and 203 Oakmount Road.
2. City Council refuse application No. 08 208852 WET 00 RH for a permit under Municipal Code Chapter 667 to demolish rental housing at 200 Keele Street.
3. City Council direct the City Solicitor and other appropriate staff to attend, if necessary, at the Ontario Municipal Board, to support City Council's decision to refuse the Zoning and Official Plan Amendment applications and to support the decision of the Deputy Secretary-Treasurer of the Etobicoke York District panel Committee of Adjustment to refuse consent to sever the rear portions of 195 and 203 Oakmount Road, as represented by the proposal and appeals outlined in this report.

Financial Impact

The recommendations in this report have no financial impact.

PRE-APPLICATION CONSULTATION AND APPLICATIONS FILED

Staff has had several pre-application consultation meetings with the applicant. During the pre-consultation stage, staff has indicated major concerns regarding the proposal's compliance with Development Infrastructure Policy & Standards (DIPS), the relevant *Neighbourhoods* and rental housing Official Plan policies, and the Ravine By-law.

In March 2008, the applicant submitted a consent application to sever the rear portion of 195 Oakmount Road. In a memorandum to the Committee of Adjustment Deputy Secretary-Treasurer dated April 30, 2008, Planning staff recommended deferral of the consent application, pending resolution of the above noted planning issues through a comprehensive planning application and review process.

Subsequently, the applicant filed a rezoning application on October 1, 2008 followed by a revision to include an Official Plan amendment on December 12, 2008. The final revision to the application was submitted on August 27, 2009.

DECISION HISTORY

On January 13, 2009, a Preliminary Report was considered by Etobicoke York Community Council.

<http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-17784.pdf>

Within that report and among other matters, Planning staff identified four main areas of non-compliance as sufficient grounds for a refusal recommendation should these issues remain unresolved:

1. DIPS
2. Rental Housing Protection policies
3. Official Plan policies
4. Ravine Protection By-law

Committee of Adjustment Decisions

In order to facilitate the land assembly required for the proposed development, the following Committee of Adjustment applications were submitted by the applicant:

B27/08EYK (delegated consent) + A43/09EYK – 195 Oakmount Road

Application to sever the rear 1,006 square metre portion of 195 Oakmount Road to be added to 200 Keele Street. A variance is required for the resultant loss in required landscaped open space from 30% to 17.5% of the lot area.

B3/09EYK (delegated consent) + A42/09EYK – 203 Oakmount Road

Application to sever the rear 1,146 square metre portion of 203 Oakmount Road to be added to 200 Keele Street. A variance is required to permit no on-site parking, whereas the Zoning By-law requires a minimum of 1 on-site parking space in connection with the existing single family dwelling on the property.

On April 23, 2009 the Committee of Adjustment approved the above variances conditionally in part upon the coming into force of the associated Official Plan

Amendment and Zoning By-law amendment, and the owner obtaining a permit from the City pursuant to s. 667 of the Municipal Code (re rental demolition) for 200 Keele Street.

Under delegated authority for consent decisions, on April 23, 2009 the Deputy Secretary-Treasurer refused the above consent applications for the reason that the proposal does not satisfy the matters that the Secretary Treasurer has to have regard to under subsection 51(24) of the Planning Act.

By letter dated May 4, 2009, the applicant appealed the refusal of the above consent applications to the OMB and requested that the hearing for such be combined with the rezoning appeal submitted on April 3, 2009.

ISSUE BACKGROUND

Proposal

The applicant is proposing to sever the rear portions of 195 and 203 Oakmount Road in order to add these lands to the property at 200 Keele Street to facilitate the proposed development.

The original application submitted on October 1, 2008 proposed the demolition of the existing 15 rental townhouse units, and the construction of 24 freehold condominium townhouse units over 2 blocks with no rental unit replacements. The application was subsequently revised to propose the demolition of the existing rental townhouse block and to construct 2 new townhouse blocks containing 22 condominium townhouse units and 4 non-townhouse rental replacement apartment units.

Following the applicant's appeal to the OMB, the application was further revised in August 2009 to propose retention of 14 of the 15 existing rental townhouse units, and the construction of a new townhouse block containing 12 condominium townhouse units and 1 rental replacement unit. The applicant has agreed to enter into a rental protection agreement with the City to cover only the single proposed rental replacement unit.

Access to the ground level integral garages is proposed to be via a private lane extending along the northern edge of the property. Pedestrian access from Keele Street to the fronts of the units would be from a private sidewalk extending near the southern edge of the property.

The proposal involves the removal of 111 trees, extensive regrading and disturbance over the vast majority of the west half of the proposed development site, and includes a new multi-tiered retaining wall system near the proposed west limit of the property. The applicant proposes to replant 68 new trees on-site and provide for new trees or cash in lieu to the City for off-site tree planting. The applicants also propose to employ other environmental measures on the proposed new development lands such as utilizing green roof technology, 'green wall' planting on the retaining wall system and use of permeable paving.

A statistical summary of the proposal is detailed in Attachment 6 of this report.

Site and Surrounding Area

The development site (including the consent lands under appeal) has a total lot area of .48 hectares (1.18 acres) with approximately 27.4 metres (90 feet) of frontage on the west side of Keele Street, and abuts Lithuania Park to the south. The property at 200 Keele Street contains a 15-unit block of 3-bedroom, rental townhouses built in 1978. The lands proposed to be added by way of consent to sever currently serve as part of the rear yards of 195 and 203 Oakmount Road and lie in an open, natural vegetated state.

Approximately 14 properties back or side onto the lands proposed to be added by way of consent to sever, and a total of 24 parcels abut the entire proposed development site.

Surrounding land uses include:

North: low density residential

South: open space/parkland

East: low/medium density residential

West: low density residential

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the Planning Act sets forth the matters of provincial interest which municipal councils shall have regard to in making decisions under the Act. These include (a) the protection of ecological systems, (h) the orderly development of safe and healthy communities, (j) the adequate provision of a full range of housing, (o) the protection of public health and safety and (p) the appropriate location of growth and development.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. It's objectives include: building strong communities, providing for an appropriate range of housing types and densities, carefully managing land use to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns, and, protecting public health and safety. Section 3(5) of the Planning Act requires City Council's planning decisions to be consistent with the objectives of the PPS.

The PPS and the City's Official Plan are inter-connected. One of the stated purposes of the *Planning Act* at Section 1.1(f), is to recognize the decision-making authority of municipal councils in planning. Section 4.5 of the PPS provides that the official plan is the most important vehicle for implementation of the PPS.

In addition, the PPS provides that: comprehensive, integrated and long-term planning is best achieved through municipal official plans, that official plans are to identify provincial interests and set out appropriate land use designations and policies, and that official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The PPS provides minimum standards and states that it does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict.

The City's new Official Plan is current, designates the lands and sets out policies under that designation as discussed under the heading Official Plan below.

The Growth Plan for the Greater Golden Horseshoe (GPGGH) provides a framework for managing growth in the Greater Golden Horseshoe. The GPGGH states that population growth will be accommodated by focusing intensification in intensification areas. Intensification Areas are defined as lands identified by municipalities that are to be the focus for accommodating intensification. The subject property is designated *Neighbourhoods* under the City of Toronto Official Plan, which is not one of the designations targeted for significant growth or the focus for accommodating intensification. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Regarding the matters identified under each of the three aforementioned documents above and for reasons outlined elsewhere in this report, Planning staff is of the opinion that this proposal: fails to meet certain matters of provincial interest according to Section 2 of the Planning Act; is not consistent with the PPS; and does not conform with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Section 2.2 of the Official Plan relates to management of future growth within the City. According to the Plan, almost three-quarters of the City's land area is taken up by residential neighbourhoods, watercourses, ravines and parks. These areas can expect to see little physical change. Policy 2 however directs growth to the *Centres, Avenues, Employment Districts* and the *Downtown* to in part, protect neighbourhoods and green spaces from the effects of nearby development.

The subject property is designated *Neighbourhoods* under the Official Plan. Neighbourhoods are considered physically stable areas primarily made up of low density type residential uses, where significant growth is not anticipated. The Plan requires new development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood, including among others: pattern of streets, blocks and lanes; size and configuration of lots; heights, massing, scale, and dwelling type of nearby residential properties; prevailing building types; street, side and rear yard building setbacks; landscaped open space; and the continuation of special landscape features that contribute to the unique physical character of a neighbourhood. The Plan further states no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The Plan also includes several other major pertinent policy areas applicable to this proposal. The Healthy Neighbourhoods policies state in part *Neighbourhoods* are considered to be physically stable areas with development reinforcing the existing

physical character of buildings, streetscapes and open spaces. As well, environmental sustainability will be promoted through such measures including investments in naturalization, landscaping improvements, tree planting and preservation. The Public Realm policies in part provide for the enjoyment of valleys and ravines including harmonious views and vistas by preservation and protection, and that new streets should be public streets. The Plan's Built Form policies require new development to be located and organized to fit with its existing and/or planned context. The Natural Environment policies provide for environmentally friendly city-building activities that consider protecting, restoring and enhancing the health and integrity of the natural ecosystem. This includes preserving and enhancing the urban forest by providing suitable growing environments for trees, increasing tree canopy coverage and regulating the injury and destruction of trees.

Official Plan Housing policy 3.2.1.5 provides for securing existing affordable and mid-range rents and any needed housing improvements without pass-through costs to the tenants for significant new development on sites where 6 or more existing rental units will be kept in the new development. The preservation of affordable and mid-range rental housing is a key priority for the City.

In the pre-application consultation stage and in Planning's Preliminary Report, staff raised significant concerns over the proposal's lack of compliance with the relevant Official Plan policies. A detailed examination of the proposal by Planning staff has determined that the application does not conform to or maintain the intent of the Official Plan. The issues are outlined below.

Zoning

The site is zoned R2 Z0.6 in the former City of Toronto Zoning By-law 438-86 (see Attachment 3). The By-law in this instance permits a residential building to a maximum gross floor area of 0.6 times the area of the lot, and a height of 10 metres. Further, the By-law requires each lot on which a residential building is located to front onto or abut a public roadway and does not permit the erection or use of a residential building in the rear of another building. A minimum landscaped open space requirement of 50% of the lot area applies to the existing development at 200 Keele Street.

Site Plan Control

The property is subject to Site Plan Control, for which the applicant has not yet submitted an application.

Residential Demolition Control - s. 33 of the Planning Act

The site is subject to demolition control pursuant to s. 33 of the Planning Act, for which the applicant has made application for demolition without a building permit for a replacement building. This application has not been revised and reflects the original request to demolish all of the existing 15 rental townhouse units at 200 Keele Street. No appeal has been filed regarding the s. 33 application and pursuant to the City of Toronto

Act, 1985, the time limit within which an applicant may appeal the lack of a decision regarding the s. 33 permit has passed.

Residential Rental Property Demolition Control - c. 667 of the Municipal Code

The site is subject to demolition control pursuant to c. 667 of the Municipal Code, enacted pursuant to Section 111 of the City of Toronto Act, 2006. The applicant has made application to demolish 1 of the existing townhouse units pursuant to these provisions and to sever.

Reasons for Application

A rezoning is required to permit the proposed development which does not comply with the requirement for frontage on a public street or the residential building behind a building provision. In addition the proposed development does not comply with other Zoning By-law provisions including building height, gross floor area, landscaped open space and setbacks.

An Official Plan amendment is required as the proposal does not conform to a number of relevant sections of the Official Plan outlined in this report.

Consent to Sever is required to add portions of the rear yards of the Oakmount properties to the proposed development site.

Minor Variances are required by the proposed severances, for a reduction in landscaped open space at 195 Oakmount, and to permit no on-site parking at 203 Oakmount Road.

A Residential Rental Property Demolition and Conversion application pursuant to c. 667 of the Municipal Code has been submitted as the property currently contains 6 or more dwelling units of which at least 1 comprises a rental unit.

Community Consultation

A community consultation meeting on the earlier proposal involving the demolition of the 15 existing rental townhouse units was held on April 2, 2009 with approximately 90 members of the public, the Ward Councillor, the applicant team and Planning staff in attendance. Concerns expressed by the public regarding that proposal included:

Built Form:

- a) impacted views to the ravine and park
- b) proposed changes along Oakmount Road
- c) usability of rooftops
- d) maintenance of neighbourhood character
- e) excessive proposed heights
- f) excessive building footprints
- g) excessive density

Transportation:

- a) adequate on-site resident/visitor parking provision
- b) added traffic onto local streets
- c) safe driveway ingress/egress
- d) emergency and servicing vehicle access

Environmental:

- a) excessive tree removal
- b) loss of ravine area and its ecological function
- c) compliance to Ravine By-law
- d) plant and wildlife habitat loss
- e) groundwater quality
- f) protection and impact of underground water flows (historical creek)
- g) tree damage on surrounding properties including park
- h) drainage/water run-off impacts, flooding etc.
- i) adequacy of the environmental assessment performed
- j) current soil conditions and quality

Rental Housing:

- a) adequacy of rental replacement and tenant assistance
- b) displacement of community residents
- c) maintenance of a mixed community
- d) maintenance of affordable housing
- e) placement of replacement rental units next to waste pick-up area

Approval Process

- a) excessive amount of exemptions from City regulations requested
- b) concern with prematurity of severance applications and piecemeal approach to approvals

Miscellaneous:

- a) clarification of current and proposed property boundaries and ownership
- b) unwanted development precedent
- c) impacts on property values
- d) geotechnical suitability for development

In addition, several letters of opposition to the applications from area residents have been submitted on file.

There has been no community consultation meeting regarding the latest application revision.

Agency Circulation

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

COMMENTS

Proposed Severances and Associated Variances

Applications were submitted to sever the rear portions of 195 and 203 Oakmount Road and create a land consolidation with 200 Keele Street to facilitate the proposed development scheme. The Deputy Secretary-Treasurer refused the applications as failing to satisfy the matters under section 51(24) of the Planning Act, which decisions the owner appealed. Planning staff objected to the applications, as outlined in a Staff Report dated April 21, 2009 (see Attachment 6). In regards to compliance to Section 51(24) of the Planning Act, the reasons for objection include the following:

(a) the effect of development of the proposed subdivision (severance) on matters of provincial interest as referred to in section 2

The proposed applications do not have sufficient regard to matters of provincial interest outlined in Section 2 of the Planning Act as discussed in more detail elsewhere in this report, including:

- (a) the protection of ecological systems
- (h) the orderly development of safe and healthy communities
- (j) the adequate provision of a full range of housing
- (n) the resolution of planning conflicts involving public and private interests
- (p) the appropriate location of growth and development

(b) whether the proposed subdivision is premature or in the public interest

It has been Planning staff's position that the consent applications were considered premature, pending resolution of the identified outstanding rezoning/OPA issues. An orderly process would involve a resolution of the redevelopment proposal for 200 Keele Street on a comprehensive basis, which will inherently involve a consideration of the amount and reconfiguration, if any, of the lands to be added to that site. As the outstanding planning concerns/objections outlined elsewhere in this report have not been addressed, the proposed land subdivision does not represent good planning and is not in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision

The proposal fails to conform with a number of policies of the Official Plan as discussed elsewhere in this report, including policies related to *Neighbourhoods*, *The Public Realm*, *Built Form*, *Housing*, *The Natural Environment*, and *Healthy Neighbourhoods*. The proposed severances do not conform to the Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided

The property is subject to the City of Toronto Ravine Protection By-law. 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. The proposal to eliminate approximately 1,900 square metres of an area that currently contains ravine features and functions is not in keeping with the purpose of the Ravine Protection By-law. In addition, the proposed development will sever the existing open and green link of contiguous Ravine Protection By-law lands extending from Lithuania Park to the rear yards of properties fronting onto Hillsview Avenue. The land is therefore not suitable for the applicant's intended purposes.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them

The proposed road/lane network for the related development proposal does not comply with the City's Development Infrastructure Policy and Standards (DIPS) adopted by City Council. Developments on substandard private streets have the potential to create concerns at both the policy and operational levels.

(f) the dimensions and shapes of the proposed lots

The proposed lot configuration does not respect and reinforce the existing physical character of the neighbourhood. The shape and dimension of the lots at 195 to 207 Oakmount Road and elsewhere within the vicinity are now such that a generous rear yard buffer to the nearest adjacent development is maintained. Furthermore, the proposed severance at 195 Oakmount Road would result in an unjustifiably and uncharacteristically low provision for landscaped open space on the proposed retained lot. The dimensions and shapes of the lots being created are not appropriate.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land

As discussed above under 51(24)(d) the rear of the properties at 195 and 203 Oakmount Road are the subject of the City of Toronto Ravine Protection By-law which is intended to promote conservation of natural areas and trees. The proposal is not in keeping with the intent and purpose of this By-law. The proposed severances also require variances to the City of Toronto Zoning By-law which were issued conditional on a number of matters listed below, including the coming into force of the associated Official Plan and Zoning By-law amendments for the lands comprising 200 Keele Street and the portions of the Oakmount properties and the owner obtaining a permit pursuant to s. 667 of the Municipal Code.

In addition, c. 667 of the Municipal Code, enacted pursuant to s. 111 of the City of Toronto Act requires Council approval for a demolition permit to issue respecting the existing building on the site as the proposal is to demolish one townhouse unit on the site. Any severance would need to be conditional on obtaining that approval, as otherwise the existing rental dwelling unit proposed for demolition is required to be retained.

In summary, we are recommending the decision of the Deputy Secretary Treasurer dismissing the applications for consent to sever should be supported by City Council.

Minor Variances

The consents to sever require 2 minor variances, as discussed below. The Committee of Adjustment granted the requested variances which were opposed by staff in their written comments. City staff did not seek authority to appeal these variances as the conditions imposed by the Committee of Adjustment tie the variances to the other Planning Act and c. 667 of the Municipal Code approvals. The decisions were made conditional upon the following being fulfilled to the satisfaction of Community Planning:

1. The coming into effect of the respective consents and variances for 195 and 203 Oakmount Road.
2. The coming into force of the associated Official Plan Amendment and Zoning By-law amendment for 200 Keele Street
3. The owner obtaining a permit from the City pursuant to s. 667 of the Municipal Code (re rental demolition) for 200 Keele Street.
4. The lands being severed forming part of the redevelopment of the lands at 200 Keele Street, in the event such redevelopment proceeds.
5. That the parking variance for 203 Oakmount Road be subject to the further condition that it be permitted for the existing building located on the lands in 2008 and provided only one dwelling unit is located on such property.

The applicant did not appeal the conditions, thus the minor variances are not before the Ontario Municipal Board at the hearing but are discussed here for information and completeness.

An application for minor variance must meet the 4 part test mandated by Section 45 (1) of the Planning Act which requires that the variance must:

- 1) be minor;
- 2) be desirable for the appropriate development or use of the land , building or structure;
- 3) maintain the general intent and purpose of the City's Zoning By-law; and
- 4) maintain the general intent and purpose of the City's Official Plan.

A43/09EYK – 195 Oakmount Road

Following the proposed severance of the rear 1,006 square metres portion of the property which lies primarily in a wooded, natural open space, the proposed retained lot will maintain a total of 17.5% of the lot area in landscaped open space, whereas the Zoning By-law requires a minimum landscaped open space of 30% of the lot area.

The reduction in open landscaped space is significant and would not meet any of the 4 tests. It is not minor, is out of keeping with the properties in the area of the affected lot, is not desirable for the appropriate development or use of the property at 195 Oakmount Road, nor 200 Keele Street and would have a destabilizing effect on the neighbourhood, contrary to the intent of the Official Plan. The variance does not maintain the intent and purpose of the Zoning By-law in terms of the generous open space required and which currently exists on the lot. The resulting development at 200 Keele Street which these lands would be used for is also not desirable for the appropriate development or use of the land, as discussed throughout this report.

A42/09EYK – 203 Oakmount Road

The intent and purpose of the Zoning By-law is for the provision of adequate self-sufficient on-site parking. While Planning staff note that there is currently no on-site parking for the existing single family dwelling, the addition of a second dwelling unit on the property as originally contemplated without providing any parking does not maintain the general intent and purpose of the Zoning By-law, and is not desirable for the appropriate use or the development of the property.

The purpose of the variance is to facilitate the severance of the rear portion of the lot to consolidate with the lands at 200 Keele Street which is not desirable for the appropriate development or use of the proposed consolidated parcel of land. The resulting proposed development which this application would facilitate is not desirable and does not conform to or maintain the intent of the City's Official Plan as discussed elsewhere.

Land Use/Neighbourhood Character

Policy 5, Chapter 4 of the Official Plan states no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The proposed development does not respect and reinforce the existing physical character of the neighbourhood as it relates to the following matters contained in the above policy:

Patterns of Streets, blocks and lanes, parks and building sites

The surrounding neighbourhood is comprised of a conventional block pattern with building sites displaying prominent frontages onto public streets. Lanes, where present in the neighbourhood, are public and for rear vehicle access to properties otherwise containing full frontage onto public streets. Laneways are not used to facilitate infill development by means of rear yard lot severances and reconfigurations.

Lot Size and Configuration

Currently the shape and dimension of the lots at 195 to 203 Oakmount Road are such that a generous rear yard buffer to the nearest rear adjacent dwelling is maintained. This is the prevailing character of rear yards in the area. The proposed severance at 195 Oakmount Road would result in an unjustifiably and uncharacteristically low provision for landscaped open space on the proposed retained lot, that does not reflect the prevailing area character.

The proposed lot size and configuration for the property at 200 Keele will result in a lot size that is far more out of character with the surrounding properties than as it currently exists today. The consolidation of historically established rear yard open space for development purposes, especially where protected under the Ravine Protection By-law and without street frontage, does not reflect the predominant development pattern of the area, and is not consistent with the existing and planned context of the neighbourhood.

The proposed lot additions will facilitate a development on a lot size that is inappropriate for its intended density. Also, the proposed long and narrow configuration for 200 Keele Street is inappropriate for its intended use as it necessitates an uncharacteristic and undesirable 'building behind a building' orientation.

The proposed lot sizes and configurations do not respect and reinforce the existing physical character of the neighbourhood.

Heights, Massing, Scale and Nearby Prevailing Dwelling Types

The Official Plan provides in Policy 4.1.5 that the prevailing building type will be the predominant form of development in the neighbourhood and that development in established neighbourhoods, which this is, will respect and reinforce the existing physical character of the neighbourhood including in particular, amongst other matters (d) prevailing building types. The surrounding neighbourhood consists primarily of 2-storey single or semi-detached dwellings having clear frontages onto a public roadway. There are no other townhouse examples within the vicinity beyond the subject property. Regarding height, the proposed maximum height of 13.5 metres for the new townhouses is significantly higher than the maximum height of 8 metres for the existing building and the 10m height limit as per the Zoning By-law. Overall, the proposed 3.5 storey townhouse block does not represent the prevailing building type and does not respect and reinforce the existing physical character of the neighbourhood.

Setback of Buildings from Street(s)

The predominant pattern of front setbacks in the vicinity is such that residential buildings along with their entrances maintain strong visual prominence along the public road frontage. There is no precedent within the vicinity for new development creating a 'residential building behind a building' condition, and there are no examples of laneway frontages, such as is being proposed.

Prevailing Patterns of Rear and Side Yard Setbacks and Landscaped Open Space

The neighbourhood is mainly comprised of single and semi-detached dwellings, therefore distinct side yards do exist where permitted by building type. The proposed townhouse building type does not provide for side yard separations between dwellings, and results in an uncharacteristically long and continuous built form. Further, the area is characterized by generous rear yard setbacks providing for ample rear yard landscaped open space, particularly within the neighbourhood block containing the subject lands. The proposed development will result in reductions to the required landscaped open space requirements that do not respect and reinforce the existing physical character of the neighbourhood.

Rear yard consolidation for infill development purposes does not reflect the predominant development pattern or physical character of the area and is not consistent with the existing and planned context of the neighbourhood. This is additionally the case over Ravine By-law lands. The proposed redevelopment is not in keeping with the physical character of the neighbourhood and amongst other things, the manner of creation of the development site, the reduced landscaped open space on the retained parcel at 195 Oakmount Road. would be destabilizing.

Continuation of Special Landscape Features

The prevailing development pattern on this neighbourhood block is such that the main buildings are located towards the front of lots, leaving the rear yards largely in a continuously open state as they slope down pronouncedly towards the public open space system. This has lent to the continuation of the ravine and its associated environmental qualities which has been identified as a locally prominent and valued natural feature. Besides a significant loss in growing area, the proposed development will effectively sever the interconnectedness of the current ravine/open space system between the adjacent naturalized areas of the park to the south and rear yards of the northerly adjacent properties, thereby compromising its overall value, function and integrity.

Zoning By-law Standards and Compatibility

Policy 8 in Chapter 4 of the Official Plan states that Zoning By-laws shall contain the numerical site standards to ensure that new development will be compatible with the physical character of the established residential *Neighbourhood*. The below table compares some of the key established Zoning By-law standards to the new ones proposed.

Zoning Standard	Requirement under Zoning By-law 438-86	Proposed*
Use	For 'row house' each dwelling unit to be located on own lot fronting public street	No public street frontage for proposed new row (town) houses
Building location on same lot	No residential building in the rear of another building	New townhouse block located in the rear of existing building
Height	Max 10m	13.5m
GFA	Max. .6 x lot area	.98 x lot area
Landscaped Open Space		
200 Keele St.	Min. 50% lot area applies to existing Development**	Min 28.6% lot area
195 Oakmount Rd. (post rear severance)	Min. 30% lot area	Min. 17.5% lot area (by variance)
203 Oakmount Rd. (post rear severance)	Min. 30% lot area	Min. 30% lot area
Rear setback	Min. 7.5m	5.85m

- * according to figures provided by the applicant
- ** existing development at 200 Keele Street defined as apartment building as per Zoning By-law

In this case, the proposed development requires a significant Zoning By-law deviation relating to building orientation (ie. Residential building behind a building), lack of street frontage and sets new and uncharacteristic use, height, density, setbacks and open space standards.

Overall, the proposed zoning standards would result in development which is not compatible with the established physical character of the neighbourhood. Further, the proposed zoning standard amendments are not compatible with the intent of the Ravine By-law which serves to protect an important feature that defines the existing physical character of this neighbourhood.

Healthy Neighbourhoods

The proposed development does not conform with or maintain the intent of the following Healthy Neighbourhoods Policies under Section 2.3.1 of the Official Plan as follows:

Policy 1. *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The subject property is located within a mature, established and stable neighbourhood. Development activity within the vicinity appears to be limited to minor residential projects with no impact on the area's character, development pattern or stability.

The proposed development's form, scale and location however varies significantly from the existing predominant physical character of the area. Rear yard consolidation of Ravine By-law lands for infill townhouse development on private lanes does not respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in the area.

Policy 5. Environmental sustainability will be promoted in *Neighbourhoods* by investing in naturalization and landscaping improvements, tree planting and preservation.

This proposal will result in a profound alteration to a significant existing *Neighbourhood* natural area through the permanent loss of open space and removal of trees on lands that are reasonably expected to be protected under the City's Ravine By-law.

The Public Realm

The proposed development does not conform with or maintain the intent of the following Public Realm Policies under Section 3.1.1 of the Official Plan as follows:

Policy 3. The enjoyment of valleys and ravines will be protected by ensuring that adjacent development, particularly building height and massing, will preserve harmonious views and vistas from the valley.

The proposed development intends to urbanize lands presently subject to the Ravine By-law, resulting in views other than that of the expected and currently predominant naturalized ravine.

Policy 4. Natural features of the City , such as...ravines ...will be connected to the surrounding city by improving physical and visual access from adjacent public spaces and by designing these into a comprehensive open space network.

In this case, the proposal will result in a permanent loss in ravine area and visual connection/continuity from both public and private open spaces. This will also eliminate the potential of incorporating these lands into a comprehensive open space network.

Policy 15. New streets should be public streets.

In this case, a private lane that does not comply with the City's Development Infrastructure Policy and Standards (DIPS) is proposed. Developments on substandard private streets have the potential to create concerns at both the policy and operational levels. Within this vicinity, there is no precedent for a private road network. This Neighbourhood is comprised of public streets and laneways, with some examples of public residential streets having similar lengths and serving a similar number of residential frontages to the private road proposed.

Built Form

The proposed development does not conform with or maintain the intent of the following Built Form Policies under Section 3.1.2 of the Official Plan as follows:

Policy 1. New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

By creating a ‘building behind a building’ scenario on a proposed narrow elongated lot, there is limited opportunity for building fronts to be parallel to the street, or to be clearly visible and directly accessible from the public sidewalk.

This proposal will have little to offer in terms of enhanced visual safety to the adjacent park as most of the proposed new townhouse ground floor elevations are below the southerly adjacent top of bank by almost 3 metres in some cases and will be further screened by dense and tall tree cover/vegetation on side and top of the immediately adjacent slope.

Regarding landscape design, there will be no retention of existing mature trees according to the drawings submitted on file.

Policy 3. New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties.

The existing context of any given area refers to what is there now, and the planned context refers to what is intended in the future. In stable areas such as *Neighbourhoods*, the planned context typically reinforces the existing context. *Neighbourhoods* are not considered growth areas and therefore, the planned context does not anticipate significant change such as is proposed by these applications.

If development is to be permitted on lands intended for long term protection from significant change, it may set an unwanted precedent on how the planned context is regarded in terms of appropriate means of infill development. In this case, the proposed type, location, and extent of building massing represents significant change that is uncharacteristic of the surrounding development pattern. The proposed development will not fit harmoniously into its existing and planned context, leaving undesirable impacts on adjacent open spaces and properties described elsewhere in this report.

The Natural Environment

The proposed development does not conform to or maintain the intent of the Natural Environment policies under Section 3.4 of the Official Plan as follows:

Policy 1. To support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on measures including:

- b) protecting, restoring and enhancing the health and integrity of the natural ecosystem, supporting bio-diversity in the City and targeting ecological improvement, paying particular attention to ... habitat ... ravines
- d) preserving and enhancing the urban forest by
 - i) providing suitable growing environment for trees;
 - ii) increasing tree canopy coverage and diversity; and
 - iii) regulating the injury and destruction of trees

The proposed significant and permanent loss of growing space and tree removal to facilitate the proposed development is not in keeping with this policy, as it does not preserve or enhance the existing Ravine area and associated urban forest.

Rental Housing

Official Plan

The preservation of affordable and mid-range rental housing is a key priority for the City. The Official Plan identifies rental housing as a resource that needs to be preserved, in part, due to the lack of new supply in the market to meet the current and future demand for rental housing in the City.

The applicant has proposed to demolish one 3-bedroom rental townhouse and replace it as part of the new block of townhouses. They do not intend to secure the other 14 existing rental townhouses as rental housing.

The applicant's original proposal to demolish all of the existing townhouses and not provide full replacement did not meet the Official Plan housing policy on rental demolition. The applicant's current proposal, while no longer proposing the demolition without replacement of rental housing, continues to not meet housing policies on the preservation of rental housing.

In particular, housing policy 3.2.1.5 of the Official Plan states:

“Significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- (a) will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- (b) may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this Plan, without pass-through of such costs in the rents to tenants.

The existing 15 rental townhouses are all considered mid-range units as per the City's Official Plan rent thresholds for 2008, the year the application was made. Mid-range means rents which exceed the average City of Toronto rent by unit type but fall below 1.5 times the average rent. Mid-range rent for a 3-bedroom townhouse is between \$1,309 and \$1,961. All of the townhouses fall within that range, with many of the rents in the lower-end of mid -range values.

The proposed development of 13 new condominium townhouses (including one rental replacement unit) nearly doubles the total number of units on the site. The current development proposal utilizes both the ravine area and the portion of the site with the existing rental townhouses to accommodate development of the new condominium townhouses. Currently, the western portion of the townhouse site is a combination of green space, containing a patio swing, patio furniture and garden planters, and an area for visitor parking. This existing open space will be lost as part of the development and replaced with a driveway and garbage shelter and pick-up area. Additionally, vehicular and pedestrian access to the new condominium townhouses will be shared with the existing driveway and walkways, meaning that existing tenants will face increased traffic on the site from the shared driveway. As well, garbage pick-up for the condominium townhouses will be located in the middle of the site, adjacent to the existing townhouses, creating increased traffic on the site.

The existing townhouse residents will clearly face increased activity on the property due to the new development. As this is to be expected in intensification applications, the City has a number of established policies and practices in place in order to guide intensification proposals and mitigate its impacts. The City's Section 37 Guidelines provide details on preserving rental housing as part of intensification applications. The Guidelines identify that at least the following be included in an agreement, none of which are addressed in the current proposal:

- secure rental tenure for the existing rental units for at least 20 years, with no application permitted during that period for demolition or conversion to ownership tenure;
- secure capital improvements to the existing rental building and related facilities beyond those which may be required in any event for repairs and maintenance or for non-durable landscaping, with no pass-through of related costs to the tenants in their rents; and
- secure the submission and implementation of a Construction Mitigation and Tenant Communication Strategy.

Official Plan policy 5 requires that existing affordable and mid-range rental housing be secured as rental tenure in order to ensure that the on-going viability of the rental housing is not compromised. Where new development is proposed on a site where existing rental housing will be retained, there is the potential that the existing units will be at increased risk of being demolished or converted. Rents might be raised by the fact of the renewal

of the site in order to accommodate the new development and often work is carried out on or within the existing building and lands to facilitate the sale of the new development. This often has little relationship to improving the long-term viability of the building or benefiting existing tenants. Not only do these expenditures and the new development have the potential to increase rents making units less affordable, but they also may have the effect of making the rental building or complex more vulnerable or desirable from an owner's point of view, to be converted to condominium or demolished. One of the City's objectives is to ensure that new infill development is not a catalyst to extraneously raise rents or encourage the demolition or conversion of the existing rental housing on the site. As such, securing the rental tenure of the existing affordable and mid-range units helps to ensure the ongoing and long-term viability of the rental housing. Policy 5 (a) uses mandatory language in this regard stating "will secure as rental housing, the existing rental housing units which have affordable or mid-range rents".

In addition, good planning requires that if permitting a redevelopment of a site, that we consider whether improvements and renovations to a more current planning standard are appropriate and should be required for the whole of the site, not just the portion the owner intends to redevelop. Official Plan Policy 5(b) addresses this issue and no such improvements are proposed. In fact, the amount of open amenity space currently available to the existing units is proposed to be reduced, and will result in a rate lower than required by current standards.

The replacement of the one rental townhouse would ordinarily be secured through the provisions of the site specific zoning amendment and through the entering into and registration of an agreement with the City. Securing the tenure of the proposed replacement rental unit would be additionally important as the City's policies and by-laws do not protect rental units on sites where the total number of rental units in a complex is less than 6. Thus the proposal to provide the replacement unit on lands which in future are proposed for condominium and as a separate lot from the remaining existing townhouses could open the replacement unit to demolition or conversion in the future without triggering the City's Official Plan policies or By-law. As such, any proposed redevelopment involving the demolition and replacement of one rental unit on this site would additionally need to ensure the one replacement townhouse would be tied with the existing townhouses in order to secure its ongoing rental use. The existing proposal does not address this issue.

To date, the applicant has not provided a revised Housing Issues Report outlining how they plan to secure the existing rental townhouses that will remain, secure the replacement rental townhouse and mitigate the effects of the new development on the site, both during construction and once the new townhouses are complete and occupied. Of particular concern is their intention expressed to date to not secure the tenure of the existing rental townhouses. This position does not conform to or maintain the intent of housing policy 5 which directly addresses the circumstance of the proposed application. The applicant has not applied for an Official Plan Amendment to Housing policy 3.2.1.5.

Preservation of Rental Housing Suitable for Households with Children

In addition to comprising needed mid-range rental housing, the preservation of the existing rental townhouses is also important due to their characteristic as comprising 3-bedroom grade-related rental dwelling units. While the supply of rental housing across the City has not improved in the past number of years, of additional concern is the lack of supply of rental townhouses suitable for larger households or households with children.

As reported in the August 2008 staff report on the Development of Units for Households with Children, the challenge of maintaining the City's relatively small supply of private rental townhouses is of special concern. Since 1991, there has been a decrease in the number of rental townhouses. The stock has generally stabilized since the late 1990's, however there continues to be increased pressure to demolish and redevelop rental townhouse sites across the city. There has been an increase in recent years in the number of owners of rental townhouse properties interested in applying to demolish or convert these units. As this built form and tenure is generally not being replaced in the market, the loss of rental townhouses represents a permanent loss of this type of stock, and as such it is important to preserve this type of housing.

The townhouses on the subject property are tenanted by a range of households, including many families with children. The maintenance of housing stock suitable for households with children provides the opportunity for the stock to continue to be used by households with children, ensuring that this form of relatively affordable rental housing is maintained in the High Park neighbourhood and in the City.

City of Toronto Act, Section 111

Section 111 of the new City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007, implementing this provision. For most related applications under the Planning Act, the By-law is retroactive to January 1, 2007. The applications which are the subject of this report were filed commencing October 1, 2008 and as such the City's by-law pursuant to Section 111 is applicable.

The By-law makes it an offence amongst other things, to demolish, or cause to be demolished, the whole or any part of a residential rental property unless approval has been granted for a Section 111 permit for the demolition of the residential rental property. Conditions such as replacement of rental housing and tenant assistance may be imposed on the approval of a Section 111 permit. These conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. The City's decisions to refuse or approve a Section 111 permit and any conditions which may be imposed on such an approval are not subject to appeal to the Ontario Municipal Board.

A Section 111 permit is required when there are more than six existing dwelling units and at least one rental unit will be demolished as part of the application, as is the case with

the proposed development. The applicant has proposed to replace the one townhouse to be demolished with one 3-bedroom 'back-to-back' style townhouse as part of the new development. Given that City Council is also considering its instruction to staff on the related official plan and zoning amendments and consent appeals, a decision by City Council on the related matter of the Section 111 permit should occur together. This ensures that the applications are addressed comprehensively and a consistent recommendation is provided to City Council for decision.

If permitted, the demolition and replacement of one rental townhouse would need to be secured, amongst other means, through a s. 111 agreement with the City and, where applicable, a Sec 118 Land Titles Act restriction. As discussed above, the replacement of one rental unit must be secured as part of the remaining existing rental housing complex, and not on its own, as the City policies may not protect the rental replacement unit in the future were the total number of rental units in the complex to be less than 6. The housing policy framework would not be met by locating the replacement rental unit in a manner which opened it to conversion or demolition. If fewer than six rental units are secured, those units may be demolished or converted from residential rental to non-residential or non-rental purposes in the future without triggering the City's Official Plan policies or By-law. As such, if the proposal were allowed the one replacement townhouse would need to be tied with the existing townhouses in order to secure its ongoing rental use.

As the development proposal does not conform to the Official Plan Housing policies, and staff is also recommending refusal of the rezoning and consent to sever applications for other reasons outlined in this report, staff is recommending refusal of the application for a Section 111 permit to demolish the existing 3-bedroom townhouse.

Tenant Consultation Meetings

Staff held two meetings with tenants to discuss the proposal. The first meeting was held on March 9, 2009 and dealt with the initial application to demolish all of the existing townhouses. A second meeting was held on November 25, 2009 with the purpose of explaining the changes to the original proposal which are the subject of this report and how the City's rental intensification policies relate to the application. Tenants raised a number of issues at the meetings, including:

- Concerned that landlord may try and raise rents in order to make units unaffordable and get long-time tenants to move out;
- Worried that construction of new condominium townhouses would disrupt the enjoyment of their home;
- How will tenant and visitor parking be dealt with during construction?;
- Questioned viability that existing driveway could accommodate construction vehicles;

- Appreciated family-sized units located in an area that offers local amenities (good schools, parks, community centers) with good pedestrian access;
- Worried that landlord will not continue to maintain their rental units;
- Concerned about the loss of trees in any redevelopment proposal – complex is currently covered by an attractive tree canopy;
- Concerned that development will disrupt existing ravine area and stream.

Development Infrastructure Policy and Standards (DIPS)

The proposed road/lane network does not comply with the City’s policy and standards adopted by City Council. On December 5, 6 and 7, 2005, City Council adopted the recommendations of the “Development Infrastructure Policy and Standards – Phase 2 Report”. The report establishes criteria that govern when public streets are required and the standard cross-sections to be used for public local residential streets. It also defines where private streets can be considered and the minimum requirements for private streets.

The Technical Services Division recommends that the proposed development be revised to comply with the City’s Development Infrastructure Policy and Standards. The current proposal falls short of meeting the DIPS requirements for a private road. The table below summarizes the specific elements where the DIPS requirements are not met:

Standards for Private Streets or Mews:

Design Standards	Required	Provided	Comment
Pavement	Min. width of 8.0m	Varies approximately 6.5m. to 8m.	Does not comply with DIPS.
Length of Street	Max. 45m	Approximately 144m.	Does not comply with DIPS.
Number of Units	Max. 10 units	13 units new, 14 existing	Does not comply with DIPS.
Sidewalk	One 1.7m sidewalk or no sidewalk with upgraded paving materials and safe refuge area for pedestrians.	1.5m sidewalk fronting on the park.	Does not comply with DIPS.
Solid Waste and Recyclables Collection	Provide adequate space for setting out waste and recyclables for City curbside collection with a hammerhead turning arrangement where applicable.	Internal Garbage Shelter at Unit 12, Hammerhead located at mid property.	Does not comply with DIPS.

In addition to supporting public safety and operational requirements for delivery of public services, DIPS standards are also intended to create a public realm that is pedestrian friendly, supports tree growth and provides for natural storm water absorption and runoff.

Ravine Control and Tree Protection

The entire property at 200 Keele Street and the rear portions of the properties at 195 – 203 Oakmount Road are protected under the c. 658 of the Toronto Municipal Code - Ravine and Natural Feature Protection Bylaw (the Ravine Protection By-law). The purpose of the Ravine Protection 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.

The revised proposal would result in removal of at least 111 trees, injury to at least three other trees and the loss of approximately 1,900 square metres of available growing space in an area protected under the Ravine Protection Bylaw. The vegetation cover in this area is functioning as a natural area and is contributing to the overall canopy cover in the city. With stewardship, this area could be improved.

Urban Forestry RNFP does not support the application to allow the consolidation of the portions of the properties at 195 and 203 Oakmount Road with the property at 200 Keele Street as the proposal to develop the consolidated land would result in the loss of tree canopy and growing area that is not in keeping with the purpose of the Ravine Protection Bylaw.

Development Charges

It is estimated that the development charges for this project, if permitted would be \$127,933.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONCLUSION

The proposal as submitted does not conform with or maintain the intent of a number of Official Plan policy areas, is not DIPS compliant, does not meet the intent of the Ravine By-law, does not have sufficient regard to certain matters of provincial interest in Section 2 of the Planning Act and is not consistent with certain policies of the Provincial Policy Statement and does not conform with and conflicts with the Growth Plan for the Greater Golden Horseshoe. The proposal is not supportable by staff, does not represent good planning and is not in the public interest. We are therefore recommending that Council instruct the City Solicitor together with appropriate staff to attend before the Ontario Municipal Board in opposition to the appeals dealing with the applications for consent to sever, Official Plan Amendment and Rezoning and that Council refuse the issuance of the s. 111 permit.

Planning staff is prepared to attend at the OMB in opposition to these appeals.

CONTACT

Matthew Premru, Planner

Tel. No. (416) 394-6004

Fax No. (416) 394-6063

E-mail: mpremru@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

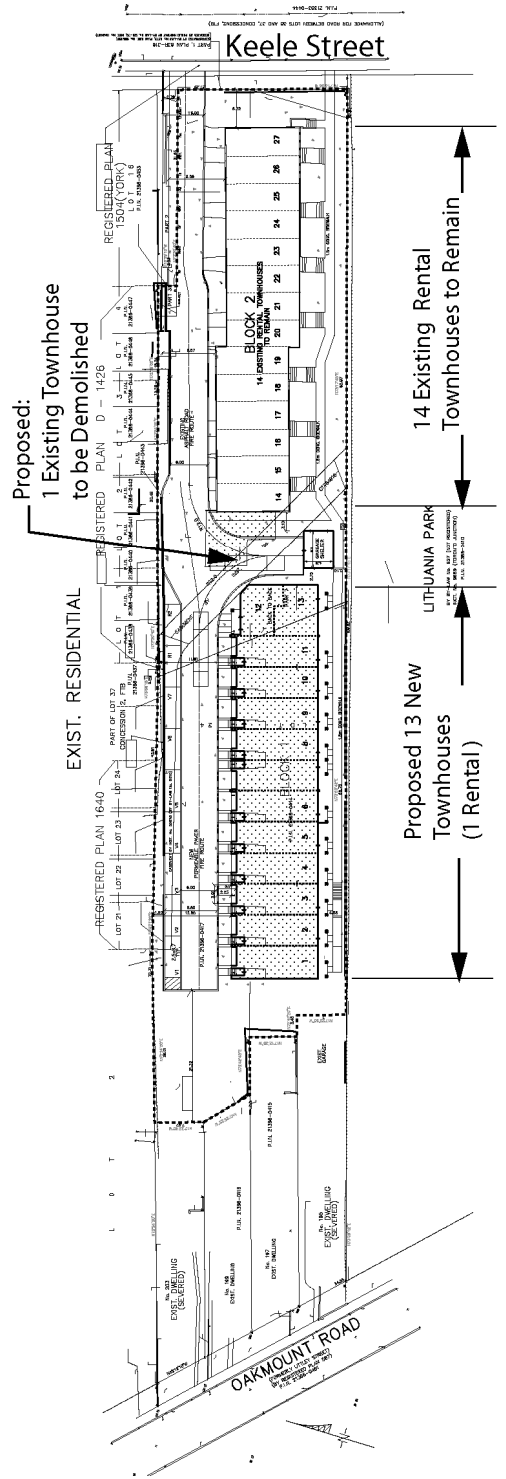
Attachment 4: Official Plan

Attachment 5: Aerial Bird's Eye View, Site and Vicinity

Attachment 6: Application Data Sheet

Attachment 7: Planning Staff Report - Committee of Adjustment Applications

Attachment 1: Site Plan

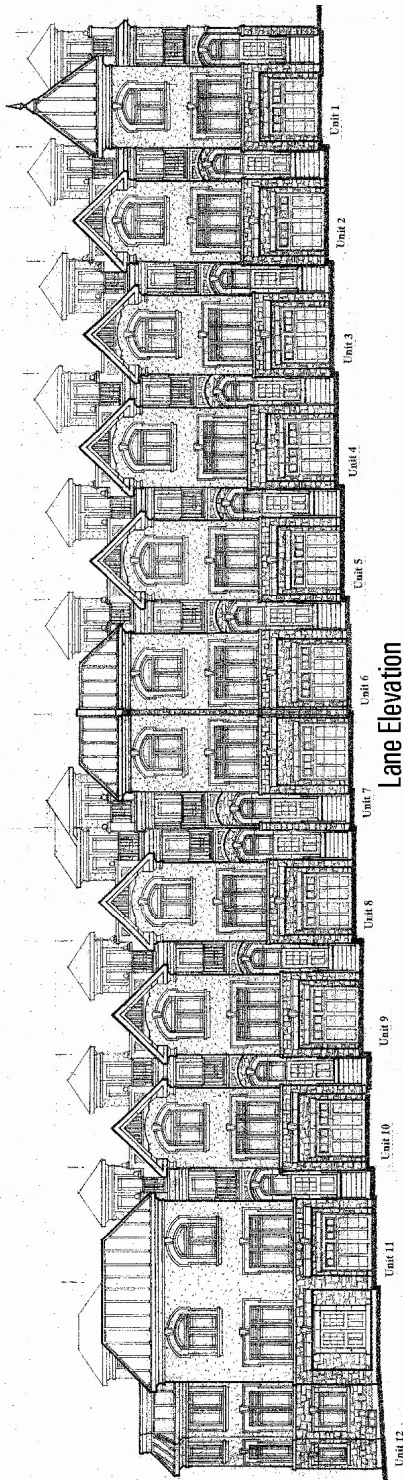


200 Keele Street

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 11/27/2009

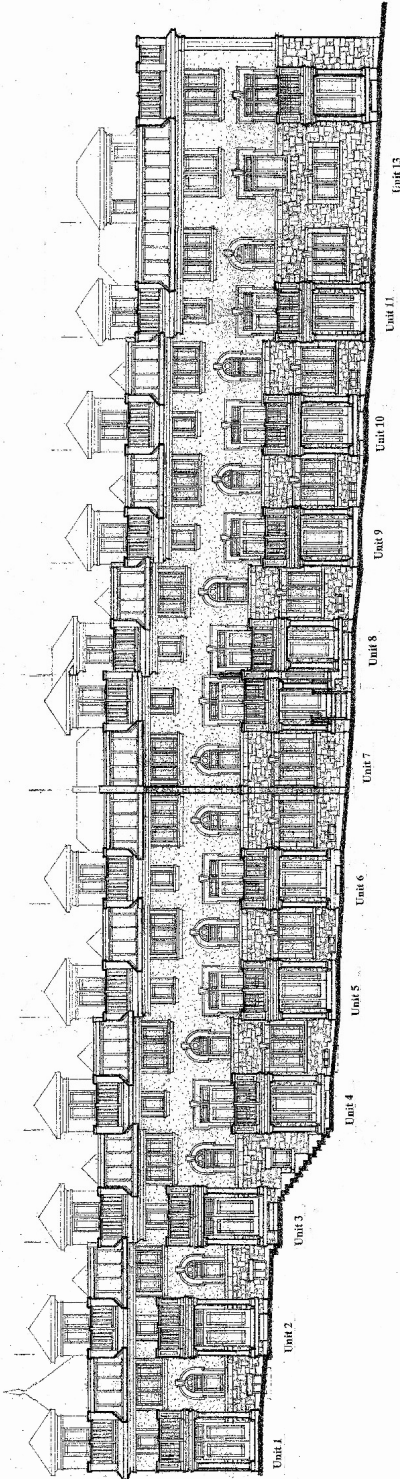
File # 08_208726

Attachment 2: Elevations



Lane Elevation

LANE ELEVATION



PARK ELEVATION

Park Elevation

200 Keele Street

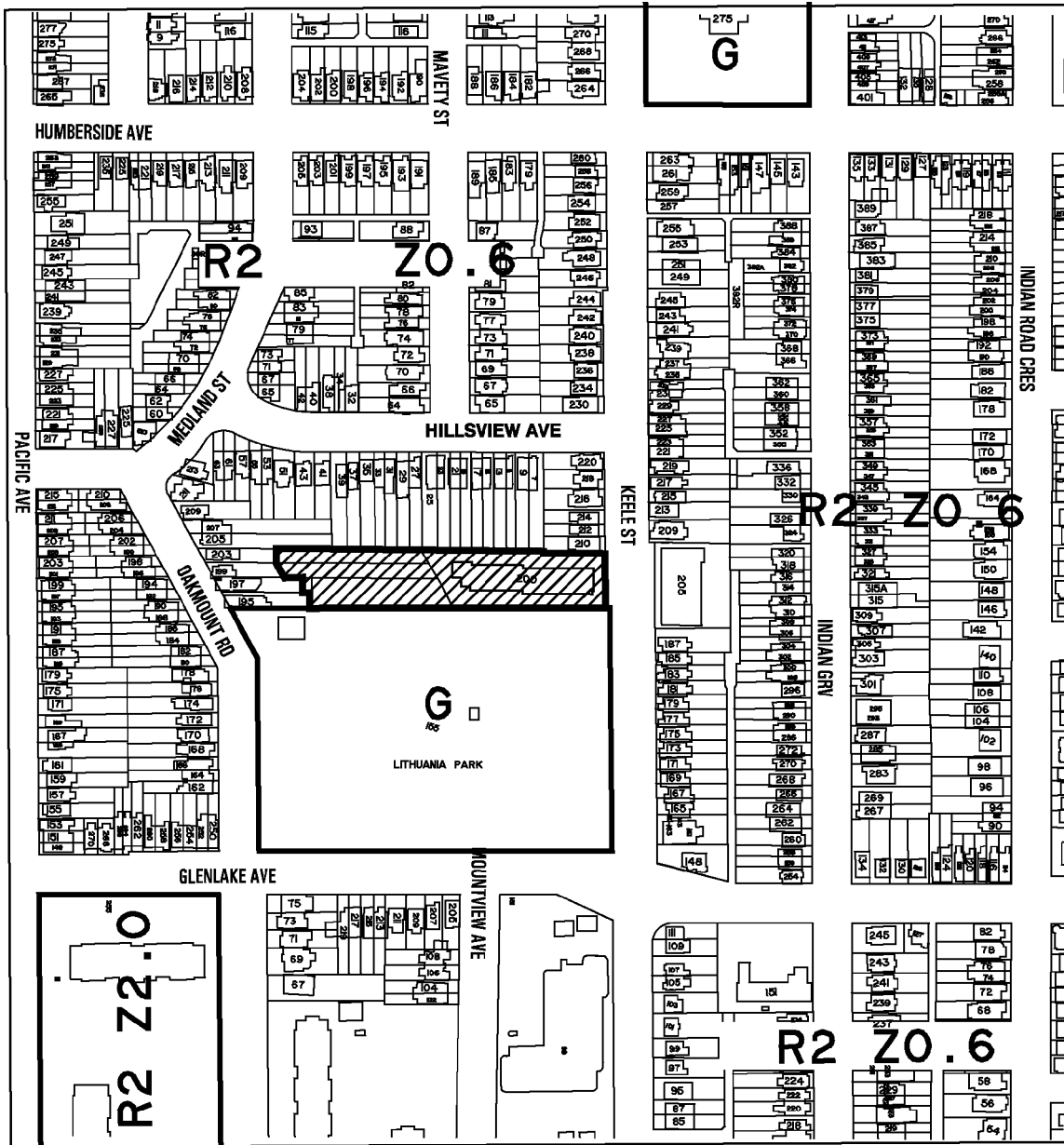
Elevations

Applicant's Submitted Drawing

Not to Scale
11/27/2009

File # 08_208726

Attachment 3: Zoning



**200 KEELE ST and
PART of 195 & 203 OAKMOUNT RD**
File # 08_208726

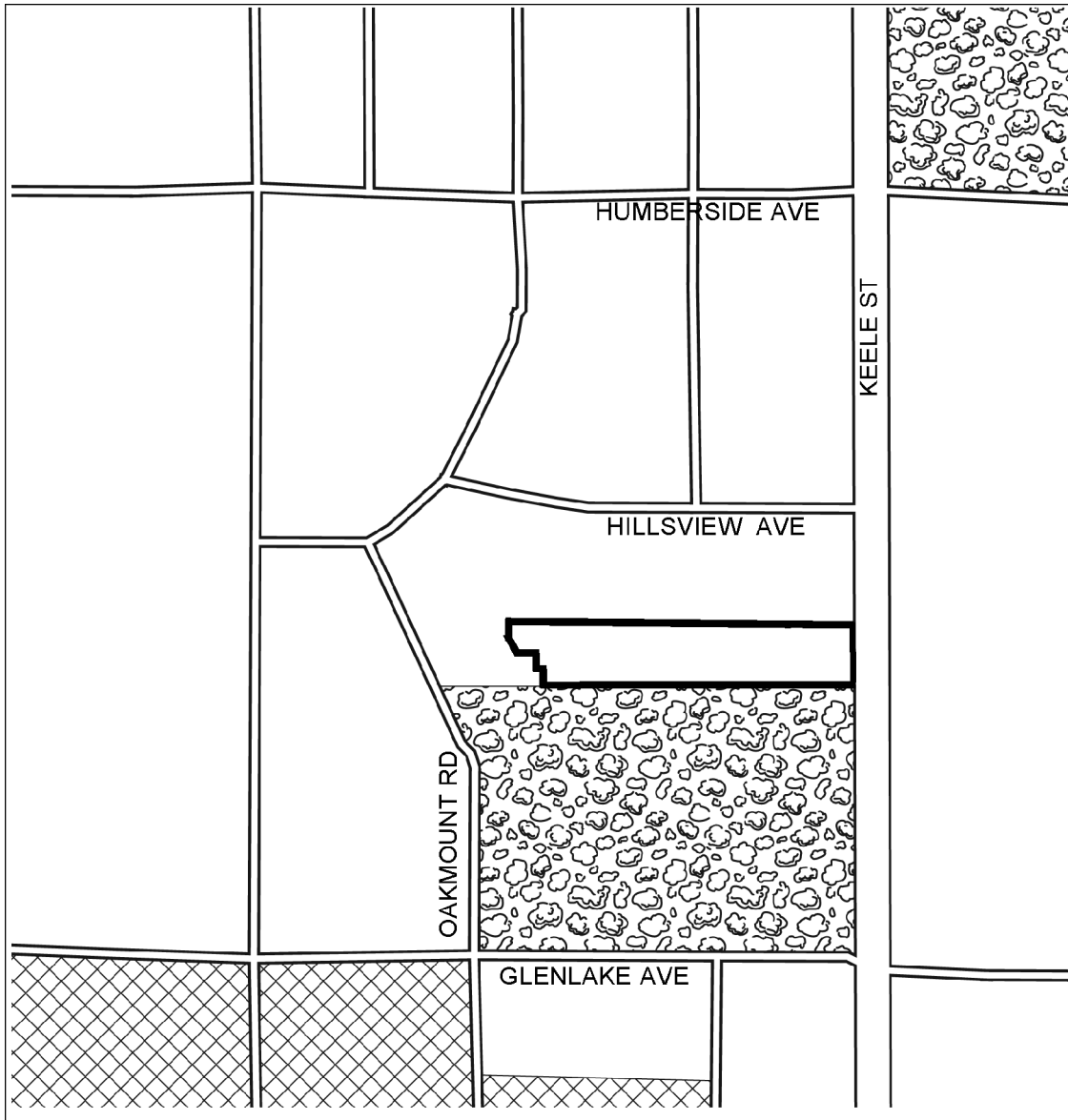
R2 Residential District

G Parks District



Not to Scale
Former Toronto Zoning By-law 438-86
Extracted 12/15/2008/JM

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

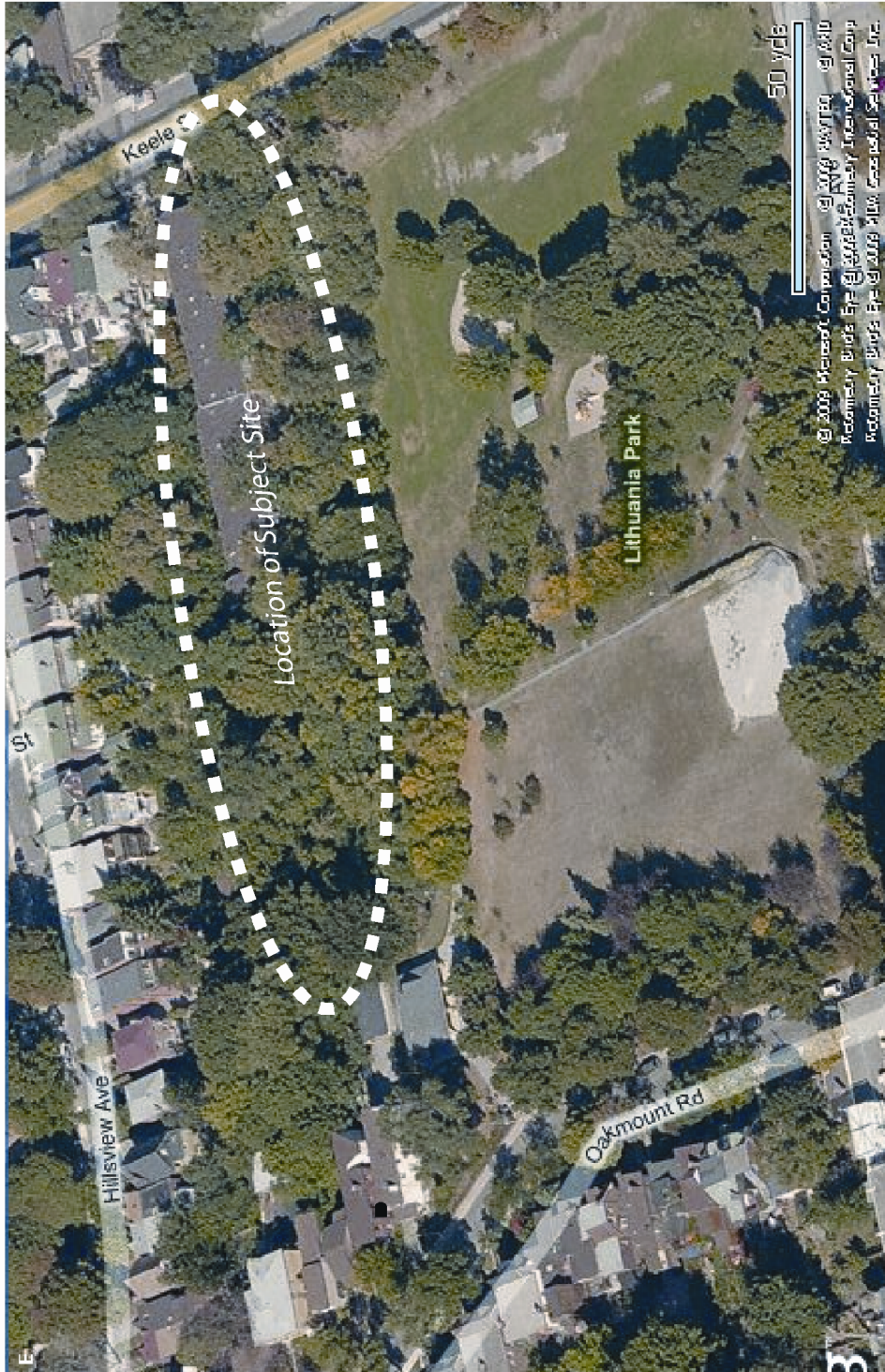
200 Keele Street

File: 08_208726

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |


 Not to Scale
 12/15/08

Attachment 5: Aerial Bird's Eye View, Site and Vicinity



200 Keele Street

Aerial - Bird's eye view



Not to Scale
12/16/2009

File # 08_208726

Attachment 6: Application Data Sheet
APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 208726 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	October 1, 2008
Municipal Address:	200 KEELE ST & portions of 195 + 203 Oakmount Rd		
Location Description:	PL 587 PT LT26 RP 66R12905 PTS 1 & 3 TO 7 **GRID W1308		
Project Description:	Proposed consolidation of the subject property with the rear (severed) portion of 195 + 203 Oakmount Road to provide for the development of a new 13-unit townhouse block (12 condo, 1 rental replacement) and to demolish 1 of the existing 15 rental townhouses.		

Applicant:	Agent:	Architect:	Owner:
KORSIAK & COMPANY LTD.	JIM LEVAC	JOHN BERESFORD	SEDONA DEVELOPMENT GROUP (HIGH PARK) INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2	Historical Status:	
Height Limit (m):	10m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	4765.82	Height:	Storeys:	4
Frontage (m):	27.43		Metres:	13.5
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	4656.4		Parking Spaces:	34
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	4656			
Lot Coverage Ratio (%):	0			
Floor Space Index:	0.98			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	12 Condo/15 Rental	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	4656.4
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	27	Institutional/Other GFA (sq. m):	0
Total Units:	27		

CONTACT: PLANNER NAME: Matthew Premru, Planner
TELEPHONE: (416) 394-6004

Attachment 7: Planning Staff Report - Committee of Adjustment Applications



STAFF REPORT Committee of Adjustment Applications

Date:	April 21, 2009
To:	Deputy Secretary Treasurer, Chair and Committee Members of the Committee of Adjustment, Etobicoke York Panel
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13, Parkdale-High Park
Reference:	File Nos. B27/08EYK + A43/09EYK, B3/09EYK + A42/09EYK Address: 195 Oakmount Road, 203 Oakmount Road Application to be heard: April 23, 2009

APPLICATIONS

B27/08EYK (delegated consent) + A43/09EYK – 195 Oakmount Road

The applicant proposes to sever the rear 1,006 m² portion of 195 Oakmount Road and add it to the easterly abutting property at 200 Keele Street for the purpose of facilitating a proposed 26 unit townhouse development. A variance is required for the resultant loss in required landscaped open space from 30% to 17.5% of the lot area.

It is noted the above figure is based on the applicant's calculations. Further clarification on the extent of driveway areas not provided by the applicant was required in order to complete the Zoning Examiner's review.

B3/09EYK (delegated consent) + A42/09EYK – 203 Oakmount Road

The applicant proposes to sever the rear 1,146 m² portion of 203 Oakmount Road and add it to the easterly abutting property at 200 Keele Street for the purpose of facilitating a proposed 26 unit townhouse development. A variance is requested to permit no on-site parking, whereas the Zoning By-law requires a minimum of 1 on-site parking space in connection with the existing single family dwelling on the property.

It is noted that under Rezoning and Official Plan Amendment application No. 08 208726 WET 13 OZ, the applicant proposes to convert the dwelling at 203 Oakmount Road into a duplex structure.

BACKGROUND

On April 30, 2008, Planning staff submitted a Report (attached) to the Committee of Adjustment with respect to the first filed consent application No. B27/08EYK for 195 Oakmount Road. The Report had identified several areas of preliminary concern relating to the appropriateness of the lands for their intended purpose. As such, staff recommended that the application be deferred pending resolution of the outstanding issues through a comprehensive planning application and review process.

On October 1, 2008, a rezoning application followed by an Official Plan Amendment application on December 12, 2008 was submitted by the applicant to permit the proposed townhouse development. On January 2009, a Preliminary Report <http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-17784.pdf> was considered by Etobicoke York Community Council. Within that report and among other matters, Planning staff identified four main areas of concern relating to lack of compliance with:

1. DIPS
2. Rental Housing Protection policies
3. Official Plan policies
4. Ravine Protection By-law

The report had identified these issues as significant, with enough grounds for a report recommending refusal of the application should these issues remain unresolved.

To date, Planning is not satisfied that the above mentioned issues have been adequately addressed.

COMMENTS

Proposed Severances

The purpose of the applications is to sever the rear portions of 195 and 203 Oakmount Road and create a land consolidation with 200 Keele Street to facilitate a 2-block, 26 unit townhouse development (22 condominium, 4 rental).

Section 53(12) of the Planning Act states in part that regard shall be given to the matters under subsection 51(24) in determining whether a provisional consent is to be given. In the opinion of Planning staff, the proposed consent applications do not have sufficient regard to the following provisions of the aforementioned subsection:

(a) the effect of development of the proposed subdivision (severance) on matters of provincial interest as referred to in section 2

The proposed applications do not have sufficient regard to matters of provincial interest outlined in Section 2 of the Planning Act, including:

- (b) the protection of ecological systems
- (i) the orderly development of safe and healthy communities
- (k) the adequate provision of a full range of housing
- (n) the resolution of planning conflicts involving public and private interests
- (p) the appropriate location of growth and development

Further, Planning staff are not satisfied that the proposed applications have sufficient regard to Section 3 of the Planning Act with respect to the Provincial Policy Statement (PPS) and The Growth Plan for the Greater Golden Horseshoe (GPGGH).

According to the Planning Act, City Council's planning decisions are required to be consistent with the objectives of the PPS. This includes building strong communities and providing for an appropriate range of housing types, the wise use and management of resources which in part provides for the protection of natural features and areas for the long term.

Similarly, Planning staff are not satisfied that approval of these applications conform, or do not conflict with The Growth Plan for the Greater Golden Horseshoe (GPGGH). The GPGGH provides a framework for managing growth in The Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The Rezoning and OPA applications involve a more rigorous and wider planning review, including a more extensive public consultation process for the overall development to which these applications relate. That process has not been completed and significant issues with the Rezoning and OPA applications remain unresolved at this time. Therefore Planning staff is of the opinion that the proposed Committee of Adjustment applications are premature.

(b) whether the proposed subdivision is premature or in the public interest

As Planning staff stated in the original Committee of Adjustment Report of April 2008, and December 2008 Preliminary Report, the applications are considered premature, pending resolution of the identified outstanding issues. The purpose of the consent applications is to facilitate the redevelopment of the property at 200 Keele Street, which is the subject of rezoning and official plan applications which are not yet resolved nor have they been reported on to City Council. The consents are inherently tied to the rezoning and official plan amendment and the manner of resolution of these latter applications. If the rezoning and official plan amendment are not permitted, the severances and variances serve no purpose but, if granted, will have added land mass and therefore additional development pressure and/or potential will be added to 200 Keele St.

without any resolution of the fundamental planning issues for such lands. An orderly process would involve a resolution of the redevelopment proposal for 200 Keele Street on a comprehensive basis, which will inherently involve a consideration of whether or not any lands should be added to that site and, if so, the amount and configuration of such together with any implications for the associated lands on Oakmount Road and a consideration of what if any conditions should be required.

Proceeding with the variances and severances first, which involves a lesser public process and without resolution of the wider planning issues for 200 Keele, is not orderly and is premature. It limits the ability to deal with the full array of planning issues which these applications raise. Once and if the proposed severances occur, they would result in a permanent addition to 200 Keele St. The possible ramifications stemming from future as-of-right development on the newly formed site may also have undesirable effects on the overall stability and character of the abutting neighbourhood lands. Therefore, proceeding with the severance and associated variance applications at this time in the absence of a resolution to the overall redevelopment on a comprehensive basis, is not in the public interest and does not represent good planning.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision

The proposal fails to comply with a number of policies of the Official Plan, including the following areas:

The *Neighbourhoods* policies in the Official Plan state in part that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The Plan also includes direction and policies aimed at preserving the natural environment, urban forest and unique natural features of areas or neighbourhoods.

The Plan also includes Public Realm policies, which in part state that new streets should be public streets and Built Form policies which include stating that new development will be located and organized to fit with its existing and/or planned context.

Official Plan housing policy 6 sets out the approval criteria for new development that would have the effect of removing six or more rental housing units in all or part of a private building or related group of buildings. In part, this requires the replacement of at least the same number, size and type of rental housing units at rents similar to those at the time the redevelopment application is made. At this time, the applicant's rental replacement proposal, including tenant relocation strategy falls significantly short of the Official Plan policy requirements.

Official Plan Policy 3.4.1 relating to The Natural Environment states in part: To support strong communities, a competitive economy and a high quality of life, public and private city –building activities and changes to the built environment, including public works, will be environmentally friendly, based on:

- d) Preserving and enhancing the urban forest by:
- I. providing suitable growing environments for trees;
 - II. Increasing tree canopy coverage and diversity, especially of long lived native and large shade trees; and
 - III. Regulating the injury and destruction of trees.

The proposed tree removal to facilitate the proposed development is not in keeping with this policy, as the protection of the natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment or neglect.

To date, the applicant's proposal which the consents and variances are intended to implement (the rezoning and official plan amendment applications), fails to comply with a number of the policies of the Official Plan, including the key Official Plan policy areas set out above and as such does not conform to the Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided

The property is subject to the City of Toronto Ravine Protection By-law. 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. The proposal to eliminate approximately 1 900 square metres of an area that currently contains ravine features and functions is not in keeping with the purpose of the Ravine Protection By-law. The land is therefore not suitable for the applicant's intended purposes.

Further, the as-of-right development which may occur as a result of the severance/lot addition approval alone may compromise the integrity and intended purpose and function of the ravine lands, depending on the location of future buildings and related services. Again, it is premature to consider a severance that in part may facilitate the permanent loss or compromise of otherwise contiguous Ravine Protection By-law lands.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them...

The proposed road/lane network for the related development proposal does not comply with the City's Development Infrastructure Policy and Standards (DIPS) adopted by City Council. Developments on substandard private streets have the potential to create concerns at both the policy and operational levels.

(f) the dimensions and shapes of the proposed lots

The proposed lot configuration does not respect and reinforce the existing physical character of the neighbourhood. The acquisition of historically established rear yard open space, especially where protected under the Ravine Protection By-law, for the future creation of much smaller townhouse lots does not reflect the predominant development pattern or physical character of the area, and is not consistent with the existing and

planned context of the neighbourhood. The shape and dimension of the lots at 195 to 207 Oakmount Road and elsewhere within the vicinity are now such that a generous rear yard buffer to the nearest adjacent development is maintained.

Furthermore, the proposed severance at 195 Oakmount Road would result in an unjustifiably and uncharacteristically low provision for landscaped open space on the proposed retained lot.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land

As discussed under 51(24)(d) the rear of the properties at 195 and 203 Oakmount Road are the subject of the City of Toronto Ravine Protection By-law which is intended to promote conservation of natural areas and trees. The proposal is not in keeping with the intent and purpose of this By-law. The proposed severances will also result in variances to the City of Toronto Zoning By-law, which are discussed below.

Determination of all of the appropriate proposed restrictions on the lands need to be evaluated in wider context and comprehensively as part of the rezoning and official plan amendment application process for 200 Keele Street, and in advance of any proposed severance or rearrangement of land parcels. At this point, this application is also too premature to determine all of the restrictions on the adjoining lands.

Proposed Variances

In order for a minor variance to be approved, it must satisfactorily meet the following four tests pursuant to Section 45 (1) of the Planning Act:

- 1) the variance requested must be minor;
- 2) the proposal must be appropriate for the development of the land and/or building;
- 3) the general intent and purpose of the City's Zoning Code and/or By-law must be maintained; and
- 4) the general intent and purpose of the Official Plan must be maintained.

A43/09EYK – 195 Oakmount Road

Following the proposed severance of the rear 1,006 m² portion of the property which lies primarily in a wooded, natural open space, the proposed retained lot will maintain a total of 17.5% of the lot area in landscaped open space, whereas the Zoning By-law requires a minimum landscaped open space of 30% of the lot area. Planning staff note no substantial justification as to why it was not possible to comply with the provisions of the Zoning By-law was provided by the applicant.

Planning staff note that the surrounding properties including the current lot configuration at 195 Oakmount Road, are mainly characterized by ample rear yard and open landscaped

areas, reflecting the intent and purpose of this section of the Zoning By-law. The reduction of open landscaped area by almost half represents a significant departure from the established character and standard within the vicinity. The reduction in open landscaped area in the absence of any justification by the applicant sets an inappropriate and unwarranted precedent with the area and is therefore not considered desirable or appropriate development for the lands. Further, the variance does not meet the intent and purpose of the Zoning By-law and is not minor in nature.

A42/09EYK – 203 Oakmount Road

The intent and purpose of the Zoning By-law is for the provision of adequate self-sufficient on-site parking. While Planning staff note that there is currently no on-site parking for the existing single family dwelling, the addition of a second dwelling unit on the property as proposed by the applicant under the associated rezoning and official plan amendment application No. 08 208726 without providing any parking does not maintain the general intent and purpose of the Zoning By-law, and is not appropriate for the development of the property.

RECOMMENDATION

It is noted that it is upon the applicant's insistence that the Committee of Adjustment applications relating to these properties are being brought forward at this time, despite Planning's repeated recommendation to proceed in a logical and comprehensive manner once the outstanding issues related to the proposed redevelopment at 200 Keele Street are resolved.

The owner has recently submitted an OMB appeal for the rezoning of the adjoining redevelopment lands at 200 Keele Street, and has indicated an imminent OMB appeal for the related Official Plan amendment application. The proposed redevelopment at 200 Keele Street in its current format remains unacceptable to City Planning. In addition, City Council has not yet dealt with the rental demolition application pursuant to c. 667 of the Municipal Code and therefore it is not known if such will be approved and, if permitted, what conditions, if any, might be imposed again demonstrating prematurity of the applications before the Committee of Adjustment.

Accordingly, Planning staff recommend that the consent and minor variance applications before the Committee of Adjustment should be refused.

Should the Committee of Adjustment decide to approve the proposed severance and minor variance applications, Planning staff recommend that the approvals be made subject to the following conditions:

1. The coming into effect of the respective consents and variances for 195 and 203 Oakmount Road.

2. The coming into force of the associated Official Plan Amendment and Zoning By-law amendment for 200 Keele Street requiring such consent and variances.
3. The owner obtaining a permit from the City pursuant to s. 667 of the Municipal Code (re rental demolition) for 200 Keele Street.
4. The lands being severed form part of the redevelopment of the lands at 200 Keele Street, in the event such redevelopment proceeds.
5. That the parking variance for 203 Oakmount Road be subject to the further condition that it be permitted for the existing building located on the lands in 2008 and provided only one dwelling unit is located on such property.

CONTACT

Matthew Premru

Tel: 416-394-6004

Fax: 416-394-6063

E-mail: mpremru@toronto.ca

SIGNATURE

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

Attachment: April 30, 2008 Planning Staff Report to C of A

TORONTO STAFF REPORT

April 30, 2008

To: Chairman and Members of the Committee of Adjustment
Etobicoke York Panel

From: Director, Community Planning, Etobicoke York District

Subject: File Number B27/08EYK
Sedona Development Group
195 Oakmount Road
Ward 13 – Parkdale – High Park

Application:

The applicant requests consent approval to sever the rear 1,006m² (.25 acre) portion of the property and add it to the easterly adjacent parcel known as 200 Keele Street to in part, facilitate a new 24-unit townhouse development.

It is noted that this is only one of several possible Consents required to complete the land assembly for the proposed townhouse development as indicated in the application submission package. Planning staff has been advised by the proponent that the remaining Consent application(s) will be made at a future date (undetermined).

Comments:

Planning staff has reviewed the proposal and identified a number of preliminary concerns which may affect the appropriateness of the lands for the stated intended purpose, including but not limited to: Zoning By-law compliance; applicability of DIPS standards and other site specific technical constraints; Ravine By-law compliance; tree protection; adherence to Official Plan policies including those related to the proposed use and protection of rental housing; Site Plan approval; and applicability of Infill Townhouse Design Guidelines. Further issues may be identified by other Divisions.

Planning staff recommend that this complex proposal be dealt with in a comprehensive manner through the submission of a development application in advance of consideration of the requested Consent. Therefore, Planning staff is of the opinion that the requested Consent application is premature.

Recommendation:

Planning recommends that the application be deferred, pending resolution of the outstanding planning issues described in the preceding section through a comprehensive planning application and review process.

Contact:

Matthew Premru, Planner
Tel. No. 416-394-6004
Fax No. 416-394-6063
mpremru@toronto.ca

Gregg Lintern, Director
Community Planning
Etobicoke York District