

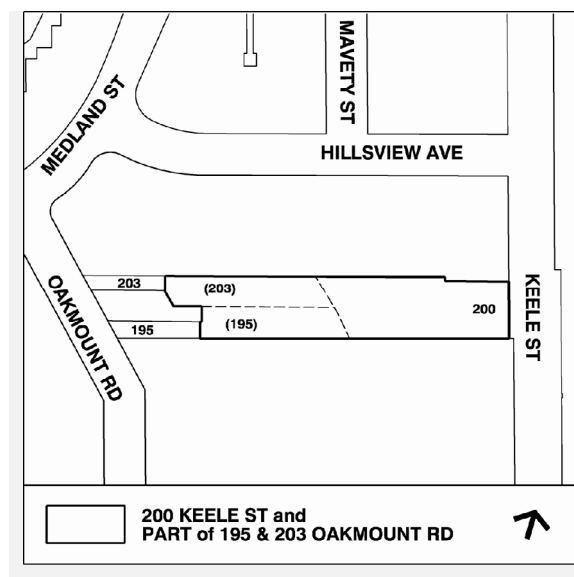
**200 Keele Street, 195 and 203 Oakmount Road – Official Plan and Zoning By-law Amendments, Consent to Sever, and Rental Housing Demolition and Conversion Applications – Request For Direction Report**

<b>Date:</b>	March 1, 2012
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 13 – Parkdale-High Park
<b>Reference Number:</b>	08 208726 WET 13 OZ and 08 208852 WET 00 RH

**SUMMARY**

At its meeting on January 26 and 27, 2010, City Council refused applications for a 2-block, 27-unit townhouse proposal on the subject lands and instructed staff to appear at the Ontario Municipal Board (OMB) in support of the decision and in support of the related decision of the Deputy Secretary-Treasurer of the Etobicoke York District Committee of Adjustment to refuse consent to sever the rear portions of 195 and 203 Oakmount Road for lot additions to 200 Keele Street. In addition, City Council refused the related application for a permit under Municipal Code Chapter 667 to demolish the existing rental housing at 200 Keele Street. In February 2010, the scheduled OMB pre-hearing and hearing were adjourned to an unspecified date at the applicant's request.

In April 2011, staff were notified of the applicant's intent to revise the application before the OMB to permit two apartment buildings on the property. In June 2011, City Council directed staff to further process the application by scheduling community and tenant consultation



meetings following receipt of all necessary revised application materials and fees.

In August 2011, complete materials for a revised application to demolish the existing 15 rental townhouse units and to permit the development of 76-units in two apartment buildings on the property were submitted for circulation. Under this scheme, the applicant proposed to provide 15 rental units within the proposed apartment building on the western end of the site.

A Rental Housing Demolition and Conversion application was also submitted to demolish the existing 15 rental townhouses pursuant to Chapter 667 of the Municipal Code. 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.

City Planning has reviewed the revised applications and are of the opinion that the applicant has not substantially addressed the issues contained in the original December 2009 Planning Report. With the increased intensity proposed through the apartment built form and land use, issues relating to density, massing, scale, compatibility with neighbourhood character, building typology, appropriate development standards and loss of open space have been further exacerbated.

This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law and the application to demolish the existing rental housing pursuant to Chapter 667 of the Municipal Code. The report further recommends the City Solicitor together with City Planning and other appropriate City staff attend 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 as represented by plans of the revised proposal dated July/August 2011, to amend the Zoning By-law 438-86 and the Official Plan.
2. City Council support the decision of the Deputy Secretary-Treasurer of the Etobicoke York District Committee of Adjustment to refuse consent to sever the rear portions of 195 and 203 Oakmount Road.
3. City Council refuse application No. 08 208852 WET 00 RH for a permit under Municipal Code Chapter 667 to demolish 15 rental housing townhouses at 200 Keele Street, as represented by plans of the revised proposal dated July/August 2011.

4. City Council direct the City Solicitor and other appropriate staff to attend, as necessary, at the Ontario Municipal Board, to support City Council's decision to refuse the revised Zoning and Official Plan Amendment applications as represented by plans of the revised proposal dated July/August 2011, and to support the decision of the Deputy Secretary-Treasurer of the Etobicoke York District 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**

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

### **PRE-APPLICATION CONSULTATION AND APPLICATIONS FILED**

Staff has had several pre-application consultation meetings with the applicant. At that time, 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 were raised.

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, City Planning 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 original application was submitted on August 27, 2009.

In July and August 2011, complete materials for a revised application to demolish the existing 15 rental townhouse units and to permit a 2-block, 76-unit apartment building proposal on the property were submitted for circulation.

### **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, City Planning identified four main areas of non-compliance as grounds for a refusal recommendation should these issues remain unresolved:

1. Development and Infrastructure Policies and Standards (DIPS)
2. Rental Housing Protection policies of the Official Plan
3. Official Plan policies related to Land Use, Neighbourhood Character, Built Form, Healthy Neighbourhoods, the Public Realm, the Natural Environment
4. Ravine and Natural Feature Protection By-law

Subsequently, in April 2009 the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board (OMB) based on City Council not having made a decision on the applications.

### **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) and 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 to Zoning By-law 438-86 was required for the resultant loss in required landscaped open space from 30% to 17.5% of the lot area.

#### **B3/09EYK (delegated consent) and 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 to Zoning By-law 438-86 was 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 Chapter 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.

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 Official Plan Amendment and rezoning appeal submitted on April 3, 2009.

On January 26 and 27, 2010, City Council refused the above Official Plan Amendment, Rezoning and Rental Housing Demolition applications to permit a 2-block, 27-unit townhouse proposal on the subject lands and instructed staff to appear at the Ontario Municipal Board (OMB) in support of the decision. City Council also directed staff to appear at the OMB to support the decision of the Deputy Secretary-Treasurer Etobicoke York District Committee of Adjustment to refuse the consent applications for the rear of 195 and 203 Oakmount Road.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EY33.2>

City Planning's Final Report dated December 16, 2009 contained a lengthy rationale for the refusal recommendations.

In February 2010, the OMB pre-hearing and hearing were adjourned at the applicant's request. Subsequently, the applicant advised of its intent to revise the application before the OMB to permit two apartment buildings.

In June 2011, Etobicoke York Community Council directed staff to further process the application by scheduling community and tenant consultation meetings following receipt of all necessary revised application materials and fees.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY8.7>

## **ISSUE BACKGROUND**

### **Proposal**

The current revised application proposes to demolish all of the 15 existing rental townhouses at 200 Keele Street and construct one new 4-storey apartment building with 52 units on the eastern end of the site fronting Keele Street, and to the rear, one 4-storey apartment building with 24 units on the western end of the site. This building does not have direct street frontage. The owner is proposing to replace the rental townhouse units with 15, 3-storey units within the proposed western building on the site. Vehicle access to the apartment site is proposed via a 6 metre wide private lane from Keele Street and a level of underground parking will be provided below each 4-storey building. The proposal involves the removal of approximately 84 protected trees, extensive regrading and disturbance over the vast majority of the west half of the proposed development site, and includes a new retaining wall system near the proposed west limit of the property. (see Attachments 1 and 2)

The intended development recommended for refusal in the December 2009 Planning Report and refused by City Council, proposed retention of 14 of the 15 existing rental townhouse units, and to the rear the construction of a new separate townhouse block containing 12 condominium townhouse units and 1 rental replacement unit. Access to the ground level integral garages was proposed to be via a private lane extending along the northern edge of the property.

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 key statistical differences between the previous and current proposals are summarized in the following chart:

	<b>December, 2009 Final Report</b>	<b>Current Revised Proposal</b>
<b>Total GFA</b>	4 656 m2	7 540 m2
<b>Total Units</b>	Retain 14 existing + 13 new	0 existing retained + 76 new
<b>Built Form</b>	2 townhouse blocks	2 apartment buildings
<b>Coverage</b>	35.5%	42.8%
<b>FSI</b>	Approx. 1.0	Approx. 1.6
<b>Rental Demolition</b>	1 townhouse unit	15 3-BR townhouse units
<b>Rental Replacement</b>	1 townhouse unit	15 3-BR 3-storey apartment units

The current revised proposal varies significantly from the proposal appealed to the OMB and refused by City Council in January 2010. The revised scheme proposes a different housing type (apartment buildings versus townhouses), and increases the unit count, gross floor area and floor space index.

A more detailed statistical summary of the proposal is set out 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 0.48 hectares with approximately 27.4 metres 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 consisting of single detached and semi-detached structures

South: open space/parkland (Lithuania Park)

East: low/medium density residential consisting of single and semi-detached structures, and a 3.5-storey apartment

West: low density residential consisting of single and semi-detached structures  
(See Attachment 5)

## **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 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 with the PPS.

The City's Official Plan 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. City Council's planning decisions are required by the Planning Act, to conform, or not conflict with the GPGGH.

## **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, Map 17-Land Use Plan. (see Attachment 3) *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. 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.

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices for the protection of rental housing in the case of redevelopment. The revised submission proposes to demolish all 15 rental townhouses. This change means that Policy 3.2.1.5 no longer applies. However, Policy 3.2.1.6 requires applicants who are proposing to demolish 6 or more residential rental units, except where all rents are above mid-range, to replace the rental units with the same number, size and type of rental housing units and maintain them with similar rents as exist on the site for a period of at least 10 years. An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, amongst other matters, is also required.

## **Zoning**

The site is zoned R2 Z0.6 in the former City of Toronto Zoning By-law 438-86 (see Attachment 4). 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 – Section 33 of the Planning Act**

The site is subject to demolition control pursuant to Section 33 of the Planning Act. In 2008, the applicant made an application for a demolition permit to demolish all of the existing 15 rental townhouse units at 200 Keele Street without a building permit for a replacement building. No appeal has been filed regarding the s. 33 application and as indicated in the December 16, 2009 report, 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.

### **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.

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. In addition, approval of related planning applications, such as a rezoning dependent on such demolition should be conditional upon the applicant receiving a Section 111 permit. Council may refuse an application, or approve the demolition with conditions. 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 are not subject to appeal to the Ontario Municipal Board.

### **Ravine and Natural Feature Protection By-law**

The entire property at 200 Keele Street and the rear portions of the properties at 195 – 203 Oakmount Road are protected under Chapter 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.

## **Reasons for Application**

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.

A rezoning is required to permit the proposed development which does not comply with the requirement for frontage on a public street or the zoning provision that does not permit a residential building behind a building on the same lot. 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.

A Residential Rental Property Demolition and Conversion application was submitted in 2008 to demolish the existing 15 rental townhouses on the site. The applicant's resubmission triggers the need for a new decision by City Council on the Section 111 permit together with the rezoning and Official Plan Amendment applications.

Related applications are a Consent to Sever that is required to add portions of the rear yards of the Oakmount properties to the proposed development site.

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

## **Community Consultation**

A community consultation meeting on the original proposal was held on April 2, 2009 with approximately 90 members of the public, the Ward Councillor, the applicant team and City Planning staff in attendance.

As directed by Etobicoke York Community Council, a second community consultation meeting on the current revised proposal was held on October 13, 2011 with approximately 45 members of the public, the Ward Councillor, the applicant team and City Planning staff in attendance.

Concerns expressed at both public meetings were similar and are related to issues that are summarized as follows:

### **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 with 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 to the above, the following new concerns were expressed at the October 13, 2011 meeting:

- a) impacts from future excavation
- b) excessive amounts of proposal revisions, ie. abuse of process
- c) unsecured shared driveway arrangement with owner of 210 Keele Street

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

## **Agency Circulation**

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

## **COMMENTS**

### **Planning Act, Provincial Policy Statement and Provincial Plans**

Regarding the matters identified under each of the three aforementioned documents and for reasons outlined elsewhere in this report, City Planning is of the opinion that this revised proposal: does not have regard to certain matters of provincial interest set forth in 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**

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.

In the pre-application consultation stage, City Planning's Preliminary Report and Planning's December 2009 report, staff raised significant concerns over the proposal's lack of compliance with the relevant Official Plan policies. A detailed examination of the revised proposal by City Planning has determined that the application still does not conform to or maintain the intent of the Official Plan. In fact, the increased intensification now proposed with the revised proposal containing the two apartment buildings further exacerbates already unacceptable areas of non-compliance previously identified, especially as it relates to issues of respecting and reinforcing neighbourhood character, built form, and compatibility.

### **Land Use/Neighbourhood Character**

Policy 4.1.5 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 are inappropriate as they serve to facilitate a deep and narrow lot configuration and size that is unlike the prevailing lot pattern in the area and a proposed development which places a building behind on a lot, contrary to the Zoning By-law which does not permit such developments.

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 is one anomaly within the vicinity which is a circa 1955 3.5-storey apartment building at 205 Keele Street. Regarding height, the proposed height of approximately 14 metres for the new apartment buildings is significantly higher than the maximum height of 8 metres for the existing townhouse block and the 10 metre height limit as per the Zoning By-law.

Further, Policy 4.1.7 provides that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of the Official Plan. Where intensification beyond zoning standards is proposed, the application will be reviewed in accordance to the above referenced Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*. The proposed apartment buildings do not represent the prevailing building type and do 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 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 providing open space at frequent intervals do exist where permitted by building type. 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 markedly 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 4.1.8 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.

<b>Zoning Standard</b>	<b>Requirement under Zoning By-law 438-86</b>	<b>Proposed*</b>
<b>Building on a Conveyable Lot With Street Frontage</b>	Each building to be located on own lot fronting public street	No public street frontage for proposed westerly apartment building
<b>Building Location on Same Lot</b>	No residential building in the rear of another building	'building behind building' proposed with new apartment buildings
<b>Height</b>	Max 10m	14m
<b>GFA</b>	Max. .6 x lot area	1.58 x lot area
<b>Landscaped Open Space</b>		
<b>200 Keele St. - total development site</b>	Min. 50% lot area	Min 26% lot area
<b>195 Oakmount Rd. (post rear severance)</b>	Min. 30% lot area	Min. 17.5% lot area (by variance)
<b>203 Oakmount Rd. (post rear severance)</b>	Min. 30% lot area	Min. 30% lot area
<b>Building Depth</b>	Max. 14m	47m-57m

\* according to figures provided by the applicant

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

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 helps define 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 multi-block apartment development 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.

## **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 a significant portion of the units in the westerly apartment block will have ground floors that appear to be below the southerly adjacent top of bank by almost 6 metres in some cases and will be further screened by dense and tall tree cover/vegetation on the side and top of the immediately adjacent slope.

Regarding landscape design, the vast majority of mature trees on the site are proposed to be removed, leaving minimal opportunity for incorporation into the landscape plans.

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 apartment building built form type, location, orientation, 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**

The current rental housing submission proposes to demolish all of the existing townhouses and replace them as 3-storey units in the proposed westerly apartment block (Building B on the submitted drawings). The existing townhouses are made up of 14 3-bedroom units and 1 4-bedroom unit, all of approximately 149 square metres in size. The applicant proposes to replace the 15, 3 and 4-bedroom townhouses with 15, 3-bedroom units ranging in size from 141-146 square metres. The new units will be located on floors 2 through 4 in Building B, configured much like back-to-back style stacked townhouse units. There are proposed to be 8 condominium units on the main floor of the building with the replacement units located above.

This proposal is a significant change from the December 2009 proposal which contemplated maintaining all but one of the existing townhouses on the site and intensifying the western portion of the site.

At the time of the application, all of the existing units had rents which were considered mid-range as per the Official Plan definition. In the intervening years, rents have gone up for some of the units and one unit is now in the high-end range according to the revised Housing Issues Report. The City seeks to look at the rents at the time of the application, notwithstanding any revisions to the application. Should City Council choose to approve the revised application as represented by the revised proposal, replacement rents for any new tenant would be secured in the mid-range category. Tenants who return to a replacement unit would have their rents set at the rent paid for their unit in 2008, plus any permitted increases from the intervening years.

The applicant has not proposed to replace the 1, 4-bedroom townhouse as a 4-bedroom unit, which is in conflict with the Official Plan Housing Policy 3.2.1.6 of replacing the same number, size and type of rental housing units. No rationale was provided by the applicant as to why they are not able to achieve replacement of the same bedroom type. Based on the revised plans, there appears to be the ability to provide 1, 4-bedroom unit as part of the rental replacement package although the applicant has not chosen to do so.

The existing townhouses all have small front yards and private balconies. While the proposed replacement units do not replace the townhouses in the same form as existed, the replacement scheme does attempt to replicate many of the townhouse attributes, including private outdoor amenity and ground related access to the units. However, the location of the replacement rental housing is not an acceptable location. The location, at the base of the naturalized open space, is not desirable due to its lack of visibility and obstructed views, as outlined in the Built Form section of the report.

The applicant has agreed to secure the replacement rental housing for a period of 20 years. Their Housing Issues Report states that they only intend to maintain rents at mid-range amounts for first tenants, after which if a unit is vacated it will be rented at market rates. The City's policy requires that the mid-range rents be maintained for a period of 10 years. This means that if a tenant leaves in year 5, the unit will continue to be provided at a prescribed rent until at least year 10. As well, sitting tenants have their rents protected until they vacate their unit or up to the end of the 20 year period. Discussion with the applicant to resolve this inconsistency has not occurred as more significant issues have been outstanding.

The rental replacement scheme is proposed as part of a development that does not meet the intent of the Official Plan policies. While the current submission more closely attempts to address the Official Plan rental housing policies, it does so at the expense of other important policies, such as the built form and character related policies. The rental replacement plan proposes to replace the same number of units and type of built form, although it does not replace the same number of units by bedroom type as it relates to one 4 bedroom existing unit. The revised scheme still does not address, in a comprehensive manner, the planning objectives.

### **Tenant Relocation and Assistance**

The proposed Tenant Relocation and Assistance Plan offers the minimum requirements under the City's policy and the provincial Residential Tenancies Act. The applicant has proposed providing tenants with 6 months notice, compensation of 3 months' rent and a moving allowance of \$1,500. A number of the units have been occupied by longer-term tenants who would face greater financial pressure of finding a 3-bedroom unit of comparable rent when temporarily relocating during construction. In these types of situations, the City seeks to secure one additional months' rent as compensation for tenants who have resided in their unit for 5 years or more and two additional months' rent for tenants who have resided in their units for 10 years or more. As well, a moving allowance is generally secured for tenants to move back to a replacement unit. The

owner also proposed a \$3,000 “bonus” to tenants should the proposal not go before the Ontario Municipal Board.

### **Tenant Consultation Meetings**

Further to the tenant consultation meetings held in 2009, a meeting with current tenants was held on September 7, 2011. Comments from the meeting included repeated concerns from past meetings on the sensitivity of building on ravine lands and removing existing trees. Tenants were also concerned that the replacement units would not adequately replace the existing townhouse attributes they currently enjoy. Further comments included concern about the maintenance of the existing townhouses and the offer of a “bonus” payment. Tenants were concerned that if they voiced opposition to the plan they may not be entitled to the “bonus” payment.

### **City of Toronto Act, Section 111**

As the revised development proposal does not conform to the Official Plan Housing policies, and since a refusal of the rezoning and Official Plan Amendment as represented by the revised submission and opposition to the consent to sever appeals for other reasons outlined in this report is recommended, staff is recommending refusal of the application for a Section 111 permit to demolish the existing 3-bedroom townhouses.

### **Proposed Severances and Associated Variances**

City Planning maintains the same significant concerns and objections regarding the requested severance and minor variance applications, as outlined in the December 2009 Planning Report.

### **Access and Parking**

As an apartment built form is proposed, the application is not subject to the City’s Development Infrastructure Policy and Standards (DIPS) as was previously the case under the proposed townhouse scheme. However, on-site traffic and related technical concerns remain. The applicant proposes a substandard parking supply: a supply of 72 resident and visitor parking spaces is recommended for the 76-unit development whereas a total of only 59 spaces are proposed. To improve the sightline for exiting drivers at the site driveway to Keele Street, the applicant is required to install a sight triangle which involves relocating the existing concrete stairs and retaining wall along the west side of Keele Street abutting both 210 and 212 Keele Street.

The applicant has not secured authorization from the north adjacent property owner to utilize a right-of-way on those lands for driveway access onto the proposed development site. Without unencumbered access over this north property, the driveway width is restricted to just 4.2 metres, which is insufficient for effective two-way traffic operation. The restricted driveway width also is insufficient for a fire access route for the proposed residential development.

## **Ravine Control and Tree Protection**

The entire application site is subject to the Ravine and Natural Feature Protection By-law.

The revised proposal would result in removal of the vast majority of on-site 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 Ravine and Natural Feature Protection Unit (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 \$599 619.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONCLUSION**

The revised proposal does not conform with or maintain the intent of a number of Official Plan policy areas, 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. In many respects, the revised proposal cannot be supported as it further exacerbates the significant planning concerns previously identified. City Planning therefore recommends that Council direct 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 as reflected in this revised proposal and that Council refuse the issuance of the Section 111 permit.

## **CONTACT**

Matthew Premru, Planner  
Tel. No. (416) 394-6004  
Fax No. (416) 394-6063  
E-mail: [mpremru@toronto.ca](mailto:mpremru@toronto.ca)

Deanna Chorney, Planner  
Tel. No. (416) 392-0421  
Fax No. (416) 397-4080  
E-mail: [dchorney@toronto.ca](mailto:dchorney@toronto.ca)

## **SIGNATURE**

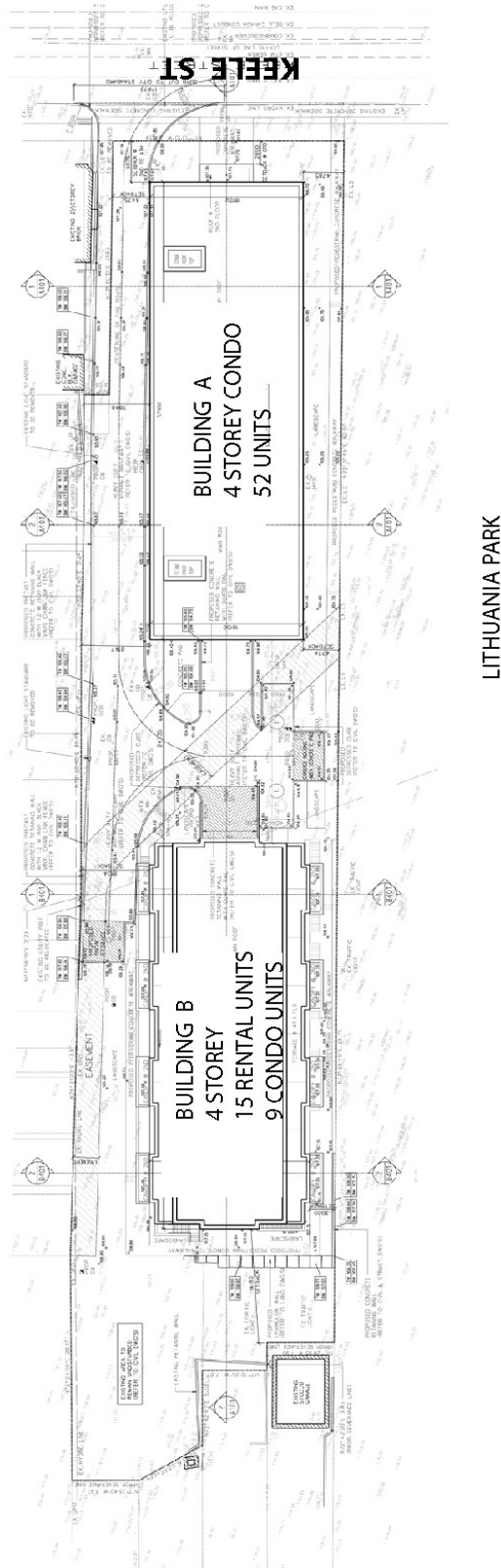
---

Thomas C. Keefe  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Official Plan  
Attachment 4: Zoning  
Attachment 5: Aerial Bird's Eye View, Site and Vicinity  
Attachment 6: Application Data Sheet

## Attachment 1: Site Plan



**Site Plan**

Applicant's Submitted Drawing

Not to Scale  
02/13/2012

File # 08 208726 WET 13 0Z

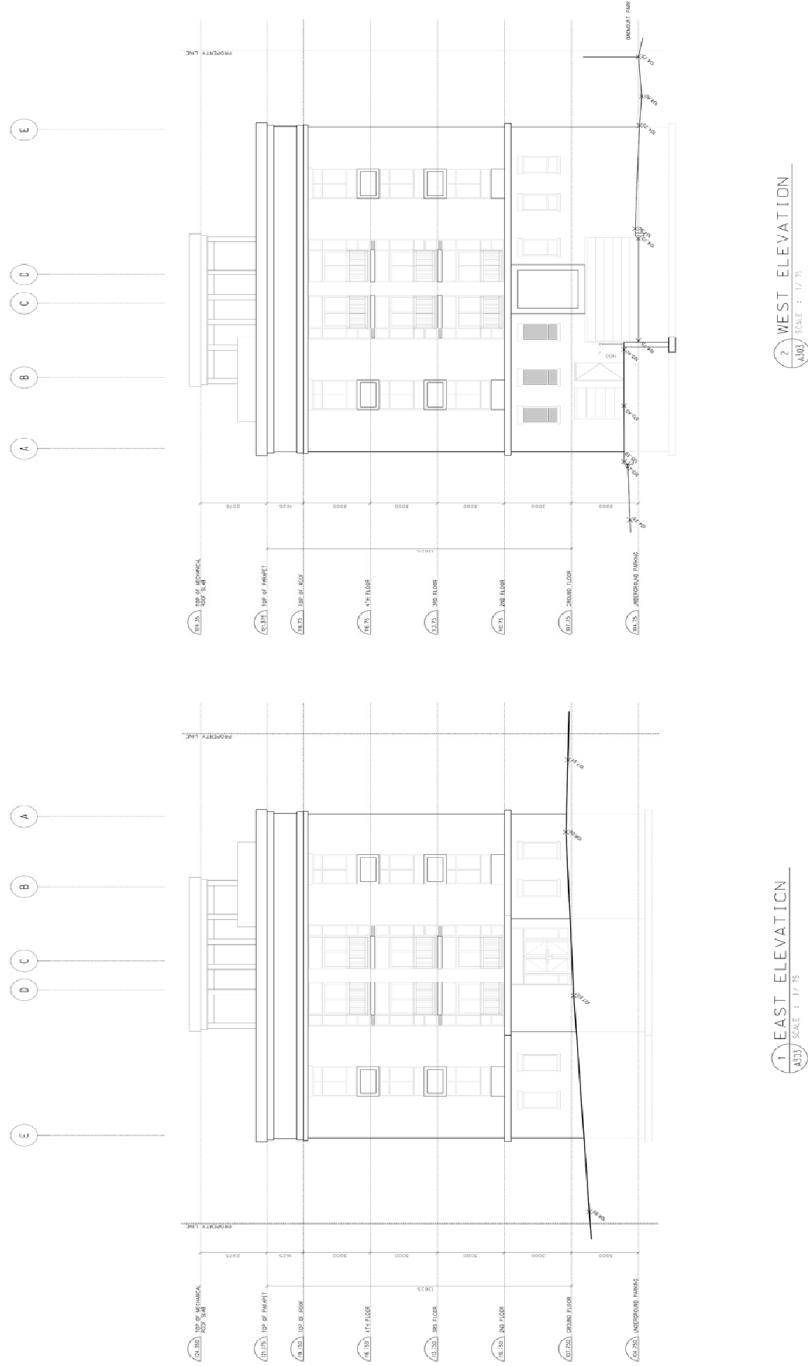
## Elevations Building A (North - South)

Not to Scale  
02/13/2012

24



# Front and Rear – Bldg A



## Elevations Building A (East-West)

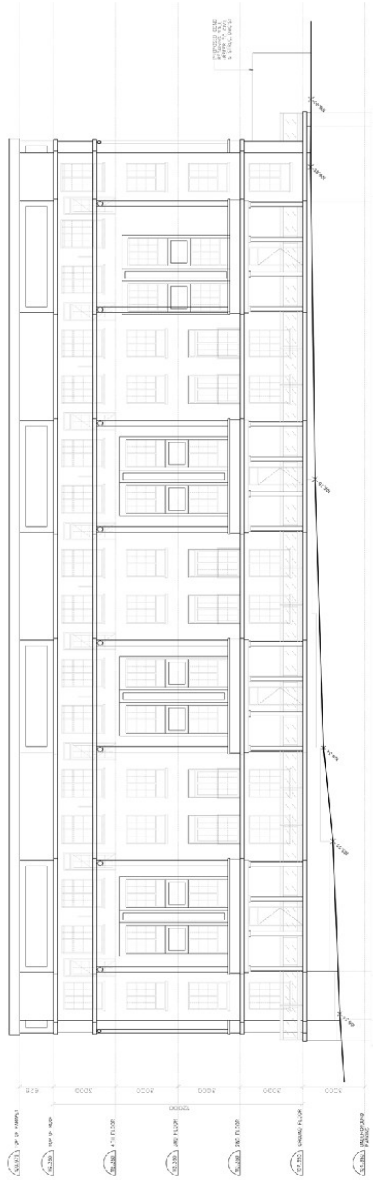
200 Keele Street, 195 & 203 Oakmount Road

Applicant's Submitted Drawing

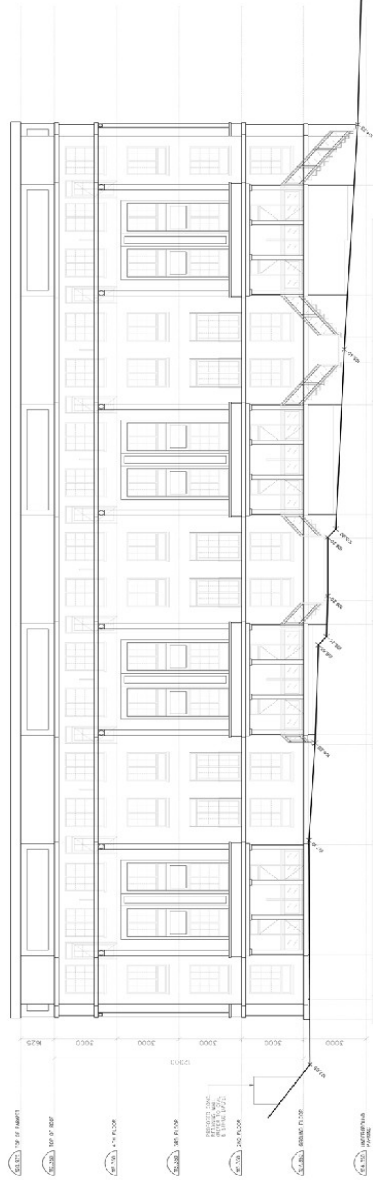
Not to Scale  
02/13/2012

File # 08 208726 WET 13 0Z

## Sides - Bldg B



1 NORTH ELEVATION  
SCALE 1/8" = 1'-0"



2 SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

## Elevations

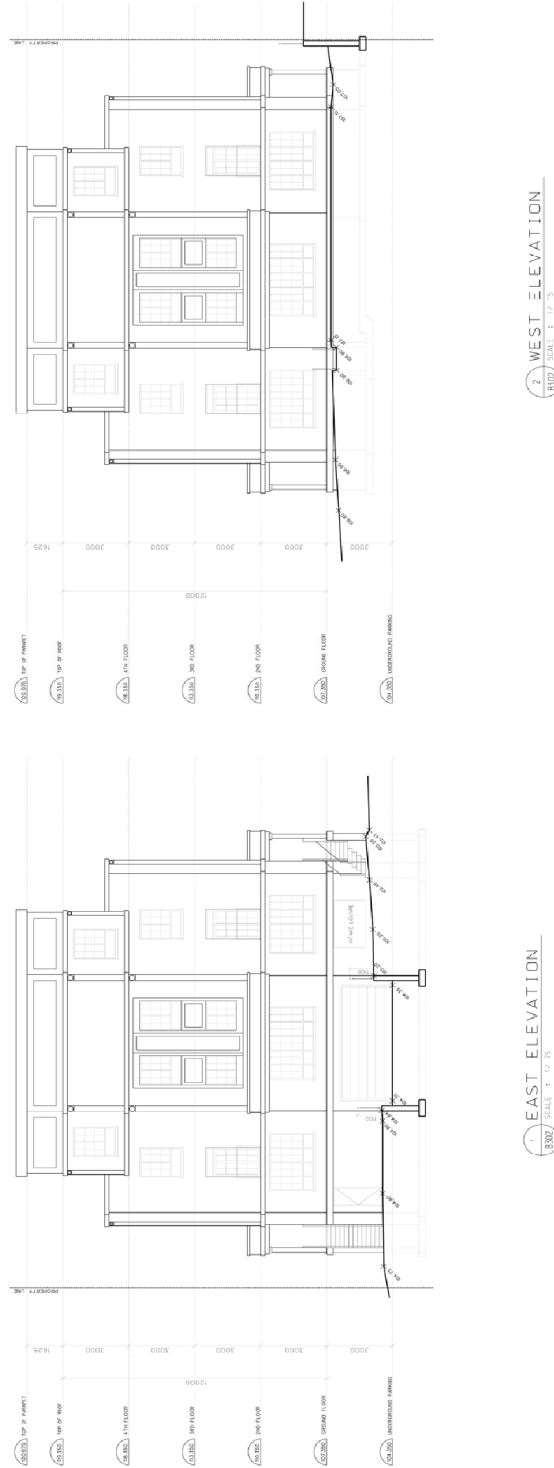
Applicant's Submitted Drawing

Not to Scale  
02/13/2012

200 Keele Street, 195 & 203 Oakmount Road

File # 08 208726 WET 13 02

# Front and Rear – Bldg B



200 Keele Street, 195 & 203 Oakmount Road

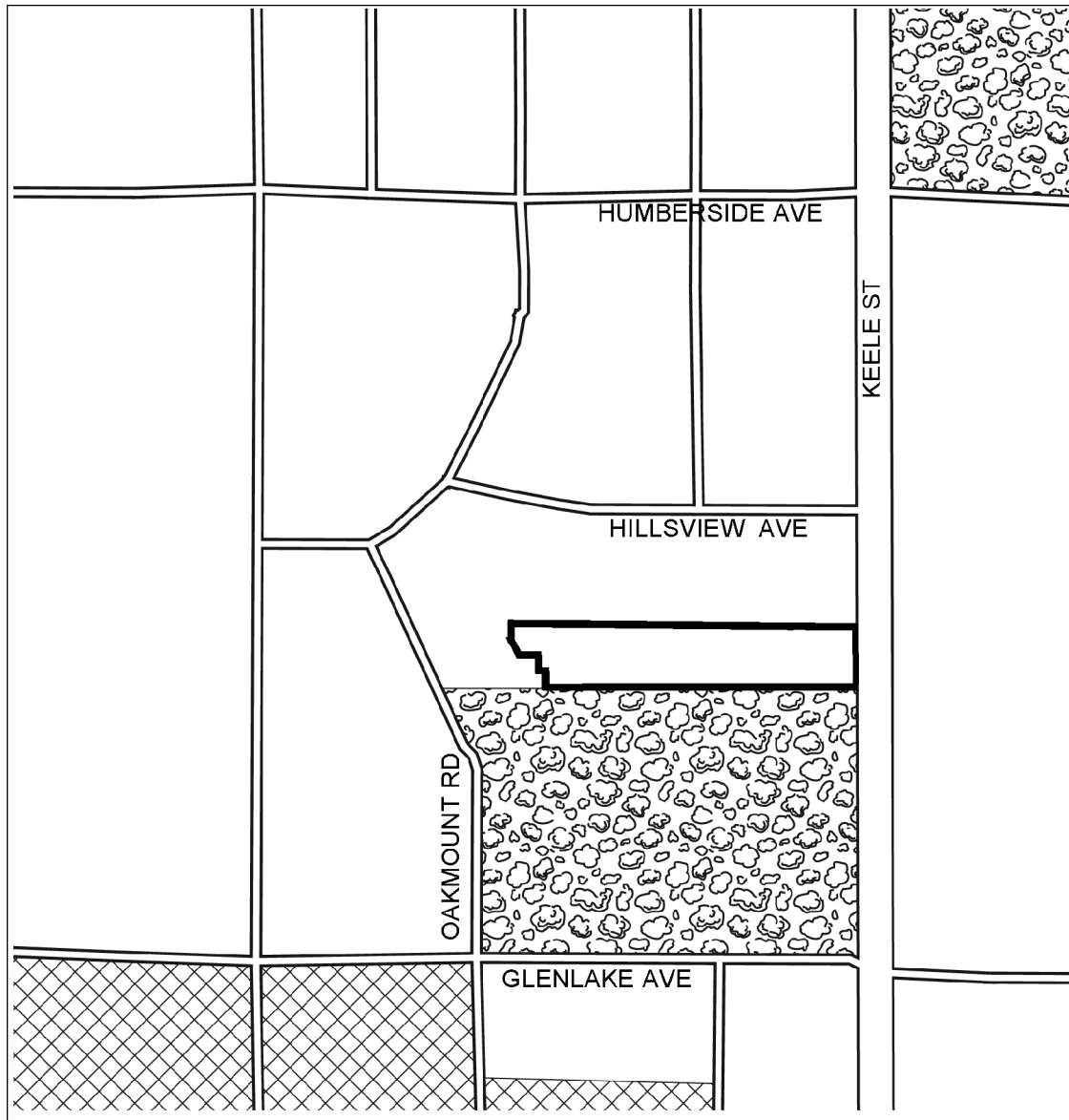
Elevations Building B (East - West)

Applicant's Submitted Drawing

Not to Scale  
02/13/2012

File # 08 208726 WET 13 0Z

### Attachment 3: Official Plan



**Toronto** City Planning  
Official Plan

200 Keele Street

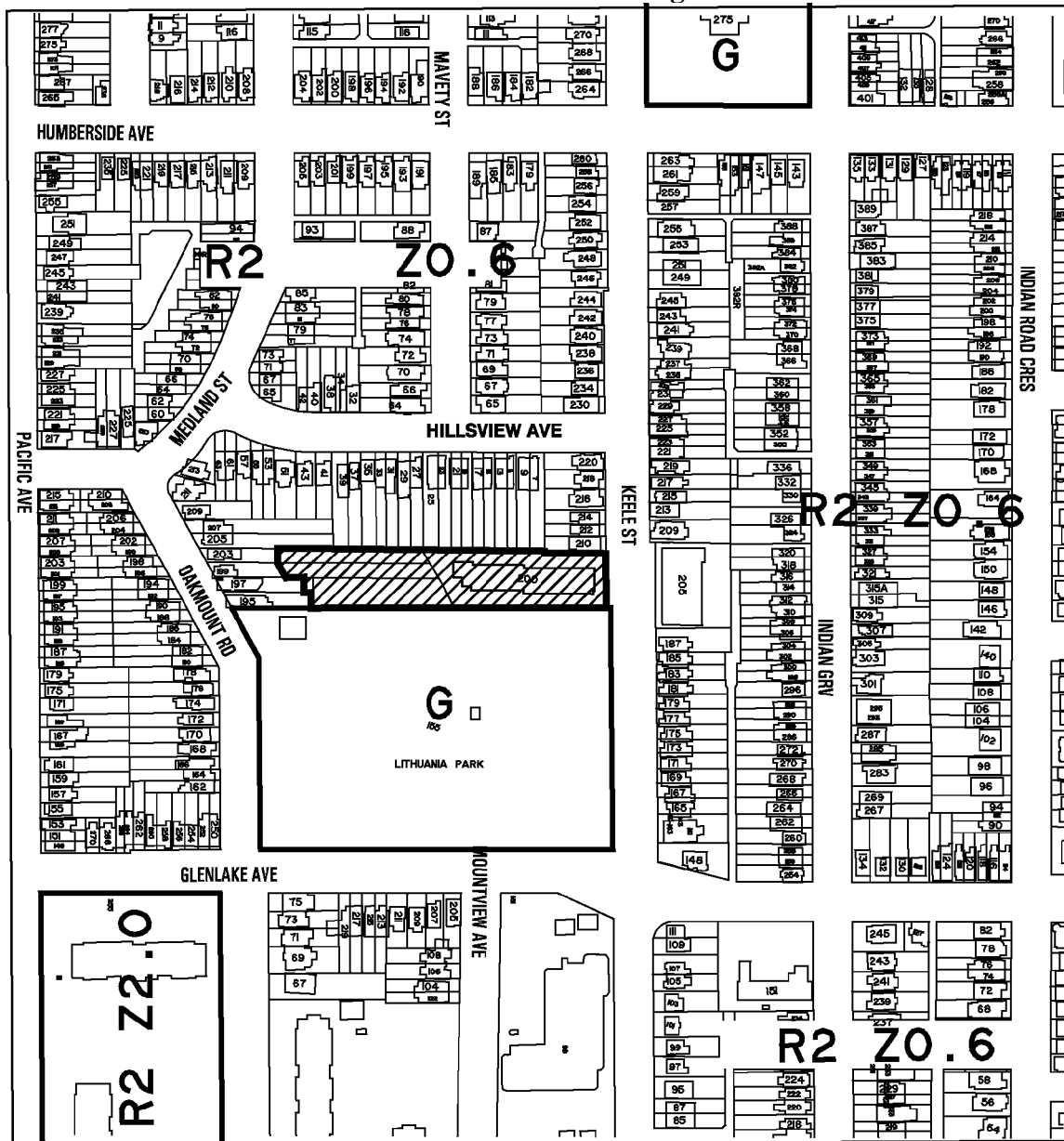
File: 08\_208726



Parks & Open Space Areas  
Parks



# Attachment 4: Zoning



**TORONTO** City Planning  
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 5: Aerial Bird's Eye View, Site and Vicinity



200 Keele Street

Aerial - Bird's eye view

File # 08\_208726

Not to Scale  
12/16/2009

## Attachment 6: 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 STREET
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 for revised proposal of two apartment buildings. Original proposal appealed to the OMB was to permit 2 townhouse blocks.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC		Arsenault Inc.	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:	14
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			<b>Total</b>
Total Residential GFA (sq. m):	7540		Parking Spaces:	59
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	7540			
Lot Coverage Ratio (%):	42.8			
Floor Space Index:	1.58			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	61
2 Bedroom:	0
3 + Bedroom:	15
Total Units:	76

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	7540	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Matthew Premru, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-6004</b>