

1 Garnier Court - Zoning By-law Amendment Application - Status Report

Date: April 30, 2018
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 24 – Willowdale

Planning Application Number: 18 107119 NNY 24 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit nine, three-storey townhouses with rooftop terraces on the property at 1 Garnier Court. Three are proposed to front onto Bayview Avenue and the remaining six would front onto Garnier Court. Vehicular access for all units is proposed from Garnier Court.

This report provides an update on the status of the application and seeks City Council's direction on how to proceed with the review process should the application be appealed prior to or during the period of the City Council recess. The application is still under review and a Final Report is not anticipated prior to the City Council recess. Under the new Local Planning Appeal Tribunal (LPAT) regulations, the applicant will have the ability to file an appeal on or after June 18, 2018.

The proposed development is not supportable in its current form, as the proposed built form does not respect and reinforce the existing context on Garnier Street and the impact of the proposed development on the natural heritage features on and adjacent to the subject lands have not been sufficiently demonstrated. The proposed Zoning By-law Amendment, in its current form, is not consistent with the Provincial Policy Statement, does not conform to, conflicts with the Growth Plan, and does not conform to the City's Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City Planning and appropriate City staff to continue to work with the applicant to resolve outstanding issues, set out in this report.

2. City Council direct the City Solicitor, together with City Planning and appropriate City Staff, to attend and to oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (LPAT) on the basis of Council's failure to make a decision on the application within the statutory timeframe.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of April 4, 2018, North York Community Council amended and adopted the recommendations in a Preliminary Report dated March 15, 2018, from the Director, Community Planning, North York District. These recommendations included direction that City Planning staff schedule a Community Consultation Meeting for the lands at 1 Garnier Court (amended through an expanded notification), together with the Ward Councillor. This decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.10>

The Preliminary Report from the Director, Community Planning, North York District dated March 15, 2018 can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-113375.pdf>

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on September 28, 2017 to discuss complete application submission requirements. At the meeting, staff raised concerns about the proposed number of units and proposed townhouses fronting onto Garnier Court. Issues were also raised with impacts of the development on the natural features on the subject site and adjacent ravine lands to the south and east of the property. Staff also advised the applicant to address the easements on the site in their application submission.

ISSUE BACKGROUND

Proposal

This application proposes the development of nine, three-storey townhouses with rooftop terraces fronting onto Bayview Avenue and Garnier Court. The proposed development would have a total gross floor area of approximately 2,628 square metres, a resulting floor space index of 0.96 times the area of the lot and building coverage of 31.7% (see Attachment 1: Figure 1: Application Data Sheet).

The proposed height of the townhouses would be 9.85 metres to the top of the roof and 11.95 metres to the top of the roof top stair enclosure, which would provide access to the roof top terrace for each unit (see Attachment 2: Figures 2 - 5: Renderings and Elevations). The townhouse block would be L-shaped and

front on both Bayview Avenue and Garnier Court, with the majority of the frontage being on Garnier Court (see Attachment 2: Figure 1: Site Plan). Each unit would have direct access to the corresponding public sidewalk in front of the unit. Two units would have front doors on Bayview Avenue, six would have front doors on Garnier Court and the remaining corner unit's front door would be located facing the south east corner of Bayview Avenue and Garnier Court. The portion of the townhouses fronting on Bayview Avenue would be setback approximately three metres from the front property line, while the portion of the building fronting on Garnier Court would have front setbacks ranging from 5.9 metres at the closest point to eight metres from the property line. The proposed setback along the southern property line would range from 4.1 metres to 7.8 metres. A ten metre strip of land along the entire length of the east property line is proposed to remain open space and preclude any development. This 10 metre strip is zoned Open Space (O3) in Zoning By-law No. 7625. The O3 zone permits public uses not including residential. Private amenity space is proposed in the form of a roof top terrace and ground floor raised decks for each unit.

Vehicular access to the proposed development is proposed off Garnier Court along the northeast portion of the site, leading to the ramp for the proposed underground garage. A total of 20 vehicular parking spaces are proposed for the development, including 18 resident parking spaces and two visitor parking spaces. The resident parking spaces would be located within the underground garage and the visitor parking spaces would be located outside the underground garage immediately east of the garage entrance. A pedestrian staircase to and from the garage is proposed at each end of the building in addition to an elevator proposed at the western portion of the building. Two storage rooms and a garbage room are proposed within the garage. A concrete pad for garbage pickup is proposed within the public boulevard.

Site and Surrounding Area

The subject site is irregular in shape and is located on the east side of Bayview Avenue and the south side of Garnier Court. It has a frontage of approximately 33 metres on Bayview Avenue and approximately 90 metres on Garnier Court. The site slopes from west to east with a grade change of approximately six metres. There is an existing two storey detached house and a tennis court on the site. The existing vehicular access for the site is via two driveways located off Garnier Court on the east side of the site. There are easements running through the property for sanitary and storm sewers.

The site is located within the TRCA screening area and within the City of Toronto Ravine and Natural Feature Protection (RNFP) area. The adjacent lands directly to the east slope downwards into a tributary of the Don River. The Garnier Park/Don River ravine located east of the site is considered to be a Significant Valleyland under the Provincial Policy Statement 2014 (PPS). In addition, a tributary associated with the Don River East Branch is mapped along the southern property boundary, however site observations did not identify any

watercourses. There is significant tree cover including at least 68 trees within or adjacent to the subject property.

Surrounding Uses:

- North:** Immediately to the north is Garnier Court. North of Garnier Court is a subdivision of six, two-storey detached houses. The houses front on Limoges Crescent which is located opposite the eastern driveway currently serving the subject site. Further north of the subdivision is Garnier Park, through which the east branch of the Don River runs. The park extends to Steeles Avenue East along the entire length of Bayview Avenue north of the subdivision. East of the park, on the north side of Garnier Court are three apartment buildings (Gates of Bayview) at 4001-4003 Bayview Avenue. In addition to the three apartment buildings, there is an approval for three new buildings on this site proposing building heights of three, twelve and sixteen storeys.
- South:** To the immediate south and southeast of the subject site is a large institutional property (Tyndale College) containing multiple buildings. This property has three driveway accesses from Bayview Avenue. South of this property are two storey houses fronting on Bowan Court, on the east side of Bayview Avenue. The Don River runs through the eastern limits of this property which is also within the TRCA screening area and RNFP By-law limits.
- East:** To the east of the site are the Don River ravine lands. Beyond the ravine are apartment buildings north of Garnier Court. Beyond the apartment buildings are two-storey houses north and south of Garnier Court. Further east beyond the ravine, on the south side of Garnier Avenue, are two-storey detached houses fronting Ballyconnor Court and a recent approval for 30, two-storey detached houses at 25 Ballyconnor Court (File No. 14 145467 NNY 24 OZ).
- West:** Immediately west of the site is Bayview Avenue and Newton Parkette. Immediately south of Newtown Parkette, are two-storey houses fronting on Newton Drive and a two-storey house fronting on Bayview Avenue. South of this house is an institutional building (St. Clare's Residence) which fronts on the west side of Bayview Avenue. South of this building along the west side of Bayview Avenue are one and two storey houses having access off Bayview Avenue. There is a recent approval for twenty-four, 4-storey back-to-back townhouses at 3390 – 3398 Bayview Avenue (Application No. 16 114795 NNY 24 OZ) south of St. Clare's Residence. Along the west side of Bayview Avenue, north of Newton Drive are two-

storey detached houses. There is a Zoning By-law Amendment application to permit the construction of six, three storey townhouses at the southwest corner of Clearcrest Avenue and Bayview Avenue (Application No. 17 279785 NNY 24 OZ). Further north on Clearcrest Avenue are more two-storey detached houses, some of which back on to Creekside Park which runs the entire length of Bayview Avenue north of Clearcrest Avenue and Steeles Avenue East.

Section 2 of the *Planning Act*

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the *Planning Act* requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (c) the conservation and management of natural resources and the mineral resource base;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are particularly relevant to this proposal.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) ("PPS") provides policy direction on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

With respect to Natural Heritage, the PPS includes a number of policies to protect natural features for the long term. Development and site alteration is not permitted in areas such as significant woodlands and significant valleylands unless it has been demonstrated that there will be no negative impacts on natural features or their ecological function.

Furthermore, the PPS also states that development or site alteration shall not be permitted on adjacent lands to natural heritage features and areas unless the ecological function of the adjacent lands will not be negatively impacted. In order to protect public health and safety and prevent property damage, development and site alteration shall generally be directed to areas outside of flooding hazards, erosion hazards and other hazardous lands and sites.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) ("Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe (GGH) region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan also requires that any new development or site alteration must demonstrate that there are no negative impacts on natural heritage features, and that the natural heritage systems identified in the Official Plan are to be protected in accordance with the policies of the relevant Official Plan.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff has reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Neighbourhoods* on Land Use Map 19 of the Official Plan (see Attachment 1: Figure 3: Official Plan Land Use Map).

Neighbourhoods are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

The Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space; and
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood.

No changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

Policy 4.1.5 further states that the prevailing building type will be the predominant form of development in the neighbourhood. Some Neighbourhoods will have more than one prevailing building type. In such cases, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood.

On infill sites where it is not possible to maintain the prevailing pattern of lot size, configuration/or and orientation in an established area, Policy 4.1.9 sets out the development criteria to guide the development. The criteria set out in Policy 4.1.9 requires infill development in established Neighbourhoods to:

- a) have height, massing and scale appropriate for the site and compatible with that permitted by the zoning for the adjacent and nearby residential properties;
- b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- c) front onto existing or newly created public streets, with no gates limiting public access; and
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

Section 2.3.1 - The Healthy Neighbourhoods

The Healthy Neighbourhood policies of the Official Plan (policy 2.3.1.1) state that *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.

Section 2.3.2 -The Green Space System

The subject site is located adjacent to a City *Green Space System* on Map 2 of the Official Plan. The *Green Space System* is comprised of lands within the *Parks and Open Space Areas* land use designations which are large, have significant natural heritage or recreational value and which are connected. They should be protected, improved and added to whenever feasible. Policy 2.3.2.1 requires that actions be taken to improve, preserve and enhance the *Green Space System* by:

- a) improving public access and enjoyment of lands under public ownership;
- b) maintaining and increasing public access to privately owned lands, where appropriate;
- c) restoring, creating and protecting a variety of landscapes; and
- d) establishing co-operative partnerships in the stewardship of lands and water.

Policy 2.3.2.2 further states that public agencies and Torontonians will be encouraged to support the protection, enhancement and restoration of links within and between elements of the *Green Space System*.

Section 3.1.1 – The Public Realm

The Plan recognizes the importance of good design in the creation of a great city.

The policies contained in this section emphasize the need for new development to improve the public realm (streets, sidewalks and open spaces) for pedestrians. In particular policies 3.1.1.3 and 3.1.1.4 speak to the need to protect the City's open spaces such as ravines, woodlots and valley lands and integration of these spaces into a comprehensive open space network.

Section 3.1.2 – Built Form

The Official Plan contains built form policies in Section 3.1.2 that apply to this development. These policies require new development to be massed to fit harmoniously into its existing and/or planned context, and limit its impacts on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objective of this Plan, while providing adequate light and privacy, amongst other things.

Section 3.4 - The Natural Environment

The City's significant natural heritage features and function are shown on Map 9 of the Official Plan. The natural heritage system is made up of areas where protecting, restoring and enhancing the natural features and function should have high priority in our city-building decisions. The subject site is within the natural heritage system. The Plan has policies in this section for the protection of natural heritage features. In particular, policy 3.4.8 requires that development be setback by at least 10 metres or more if warranted by the severity of existing or potential natural hazards from the top-of-bank and toe-of-slope of valleys, ravines, and bluffs and other locations where slope stability, erosion, flooding or other physical conditions present a significant risk to life or property. Policy 3.4.9 also states that "alteration of the existing slope of a valley, ravine or bluff or the shoreline for the purpose of accommodating new development will not be permitted. Policy 3.4.10 further states that development is generally not permitted in the natural heritage system illustrated on Map 9, and sets the criteria for development in or near the natural heritage system.

All other relevant Official Plan policies will be considered in the evaluation of this development proposal. The Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/>

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link:

www.toronto.ca/OPreview/neighbourhoods.

Zoning

The subject lands are zoned R4 (Fourth Density Residential) and O3 (Open Space) by the former City of North York Zoning By-law 7625 (see Attachment 1: Figure 4: Zoning By-law No. 7625). The majority of the site fronting on Bayview Avenue and Garnier Court is zoned R4. The R4 zone permits single detached dwellings up to a maximum height of two storeys, eight metres for a flat roof and 8.8 metres for any other roof type on lots having a minimum frontage of 15 metres and a lot area of 600 m². The remaining eastern portion (approximately a quarter) of the site, fronting on Garnier Court is zoned O3. The O3 zone permits public uses not including residential.

The site is not subject to City of Toronto By-law No. 569-2013.

Townhouse and Low-rise Apartment Guidelines

At its meeting of March 26, 2018, City Council amended and adopted the recommendation in the report providing a comprehensive update to the City's Infill Townhouse Guidelines. The Infill Townhouse Guidelines provided a framework for site design and built form to achieve good urban design and an appropriate scale and form of development for applications proposing low-rise, grade related residential units constructed in rows or blocks. The updated Townhouse and Low-Rise Apartment Guidelines replaces, and further clarify and expand upon the previous guidelines to reflect current trends and best practices for a broader range of multi-dwelling development up to four storeys in height.

The City Council decision on the Townhouse and Low-Rise Apartment Guidelines can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG27.5>

The Townhouse and Low-Rise Apartment Guidelines (2018) can be viewed at:

<https://www.toronto.ca/legdocs/mmis/2018/pg/bgrd/backgroundfile-112536.pdf>

Site Plan Control

The proposal is subject to Site Plan Control. An application has not yet been submitted.

Ravine Control By-law and Toronto Region and Conservation Authority

The entire subject site falls within the City of Toronto Ravine and Natural Feature Protection (RNFP) By-law limits and also within the Toronto and Region Conservation Authority (TRCA) screening area. Development within this area requires a permit from the TRCA. A permit is also required under the Ravine By-law to injure or destroy a tree, place or dump fill, or to alter the grade of the land. A Natural Heritage Impact Study submitted in support of the application has been reviewed by TRCA and RNFP staff.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist Report was submitted with the application which has been reviewed by Urban Forestry staff.

Reasons for the Application

An amendment to former North York Zoning By-law 7625, as amended, is required to permit the proposed height, density, and building type and to create development standards for the proposed development.

Community Consultation

A Community Consultation Meeting is scheduled for June 6, 2018.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 1, Policy 1.1.1 (c) and (h) of the PPS states that "healthy, livable communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns" and "promoting

development and land use patterns that conserve biodiversity and consider impacts of a changing climate" respectively.

Section 1.5, Policy 1.5.1 (d) states that "healthy, active communities should be promoted by recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas".

A Natural Heritage Impact Study (NHIS) prepared for the application has been reviewed by Ravine & Natural Feature Protection (RNFP) staff to determine if sufficient evidence exists to reasonably anticipate a net benefit to the ravine system, should the development proceed as proposed. From an ecological perspective, the proposed development would convert a relatively low impact land use into one that will further decrease the ecological function of this property, outside of the proposed 10 metre proposed buffer zone along the eastern limit of the site. The application would preclude construction within the proposed 10 metre buffer zone, however the submitted Site Grading Plan indicates some grade modification is proposed within this buffer zone. Currently, the NHIS has not sufficiently demonstrated the impact of the proposed development on the ecological function of the natural heritage features on the subject property and adjacent ravine lands to the satisfaction of RNFP staff and revisions are required.

Policy 1.1.3.2 b) states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated. Additionally, Policy 1.1.3.3 states that "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. *Intensification* and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety".

The PPS provides guidance on the need to protect Natural Heritage features in Section 2.1. Policy 2.1.1 requires that natural features and areas be protected for the long term. Likewise, Policy 2.1.5 states that "the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features". Most importantly, Policy 2.1.8 states that "development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological function".

As previously discussed, the impact of the proposed development on the ecological function of the adjacent ravine lands has not been demonstrated.

Staff are of the opinion that the proposed Zoning By-law Amendment, in its current form, is not consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe. In Section 5.2.4 Growth Forecasts, Policy 5 states that "within delineated built-up areas, municipalities may plan for development beyond the horizon of this Plan for strategic growth areas that are delineated in official plans and subject to minimum targets, provided that:

- a) integrated planning for infrastructure and public service facilities would ensure that the development does not exceed existing or planned capacity;
- b) the type and scale of built form for the development would be contextually appropriate; and
- c) the development would support the achievement of complete communities, including a diverse mix of land uses and sufficient open space.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City.

The Guiding Principles in Section 1.2.1, supports the achievement of complete communities, as defined in the Growth Plan, recognizing that communities can take different shapes and forms appropriate to their context. The Guiding Principles also acknowledge that there are different approaches to managing growth and that natural heritage features and functions are to be protected and enhanced.

With regard to policy 2.2.1.4, in achieving complete communities, amongst other aspects, there is a requirement to mitigate and adapt to climate change impacts, build resilience, reduce green house gas emissions and contribute towards the achievement of low-carbon communities.

Policy 2.2.2.4 states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will, among other things; encourage intensification generally to achieve a desired urban structure; identify appropriate type and scale of development and transition of built form to adjacent areas; identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development; and be implemented through official plan policies and designations, updated zoning and other supporting documents.

Similar to the PPS, the Growth Plan also contains policies to protect Natural Heritage features. Policy 4.2.2.2 states that "municipalities will incorporate Natural Heritage Systems as an overlay in official plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and in subsections 4.2.3 and 4.2.4". Additionally, it is a requirement that new development or site alterations demonstrate that there are no negative impacts on key natural heritage features or key hydrologic features or their functions. The City's Official Plan has policies in Chapter three for the protection of natural heritage features.

The subject site is within the natural heritage system as identified on Map 9 of the Official Plan. As such, a Natural Heritage Impact Study was submitted with the application. Upon review of the report, staff requested additional information to determine the impact of the proposed development on the natural heritage features of the site and adjacent Don River ravine lands. Details of the required revisions are discussed in this report under the RNFP section.

Arising from Policy 2.2.2.4b) which requires the identification of the appropriate type and scale of development to adjacent areas, including the natural heritage areas and surrounding neighbourhood context, the impact on the natural heritage system in particular has a direct impact on the appropriate scale of development that can be accommodated on this site.

Again, as discussed above, the full extent of the impact of the proposed development on the natural heritage features has not been demonstrated to appropriately determine conformity with the Growth Plan. The proposed application in its current form has not sufficiently demonstrated the preservation, enhancement and protection of the natural feature system, and therefore the proposed Zoning By-law Amendment, in its current form, does not conform to, and conflicts with the Growth Plan.

Official Plan

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans." Furthermore, the PPS directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The City's Official Plan directs growth to the Downtowns, Centres, Avenues and Employment Areas. *Neighbourhoods* are not designated growth areas in the Official Plan, however limited growth is permitted where it can be demonstrated

that the development would respect and reinforce the character of the area and the Plan sets out criteria for this. The shape and feel of neighbourhoods can be preserved by focusing most new residential development in the Centres, along the Avenues, and in other strategic locations.

Healthy Neighbourhoods Policy 2.3.1.1 requires that development will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in neighbourhoods.

The subject property and the surrounding lands are designated *Neighbourhoods* in the Toronto Official Plan with the exception of the lands to the east which are designated *Natural Areas*. *Neighbourhoods* are considered to be physically stable, and any development is required to be consistent with this objective by respecting and reinforcing the existing physical character of buildings, streetscapes and open space patterns.

The lands designated *Neighbourhoods* surrounding the subject site are that of an established neighbourhood characterized with mostly low rise, two-storey single detached houses. The character of Bayview Avenue south of the subject site is evolving as a result of the adoption of the Bayview Townhouse Guidelines (applicable south of Highway 401) and the Bayview Avenue Area Study which applies to the west side of Bayview Avenue from Hollywood Avenue to Finch Avenue West. A cornerstone principle of both guidelines is the framework of permitting development on appropriate lots fronting Bayview Avenue while minimizing the potential for adverse impact on the land use characteristics of the adjacent low density residential lands. The subject site is not subject to either set of guidelines, rather the guidelines can inform the evaluation of the proposed development.

Policy 4.1.5 requires that development in *Neighbourhoods* should respect and reinforce the existing physical character of the neighbourhood. The physical character of neighbourhoods vary across the city and is determined by attributes such as the prevailing building type, existing building setbacks of buildings from the street, patterns of streets, size and configuration of lots, and heights, massing and scale of nearby residential properties. Additionally, Policy 4.1.5g) specifically requires that development in *Neighbourhoods* respect and reinforce the existing physical character of the neighbourhood including in particular, the continuation of special landscape or built form features that contribute to the unique physical character of the neighbourhood.

The Development Criteria for *Neighbourhoods* provides some flexibility for development on properties that vary from the local pattern in terms of lot size, and configuration in Policy 4.1.9. However, it is still expected that new development will have heights, massing, and scale appropriate for the site and compatible with that permitted by zoning for adjacent and nearby residential properties.

While the development of townhouses is supported on appropriate sites along Bayview Avenue, it is important to note that the majority of the subject property fronts onto the local street, Garnier Court. The character of Garnier Court as well as the overall character of the low-rise neighbourhood, is defined mostly by two storey single detached houses with mature trees at the front and the rear, and generous building setbacks from the side lot lines.

Built Form policies in Section 3.1.2 of the Official Plan require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Policy 3.1.2.3a) and b) respectively requires that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context and limit its impacts on neighbouring streets, parks and open spaces by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion and by incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development.

Immediately north of Garnier Court are two-storey houses that are adequately setback from the Limoges Court street line which adds to the open space character of the area.

The proposal in its current form would introduce a continuous street wall along both street frontages which is not characteristic of the immediate or larger context. The proposal would introduce a three-storey townhouse building form on Garnier Court in an area where the character is that of two-storey buildings with breaks between them consisting of landscaped open space and a generous building setback from streets. The proposed building mass does not provide any breaks along the façade as required by the Official Plan built form policies. This results in a building mass and scale which does not respect and reinforce the existing character of the area.

The Townhouse and Low-rise Apartment Guidelines provides guidance when evaluating low-rise development. Generally, it is envisioned that breaks be provided along townhouse facades at every 36 metres to allow for open space between buildings on site. The proposed building would provide no breaks along the entire façade fronting both Bayview Avenue and Garnier Court. Additionally, the longest façade is proposed along the local street, Garnier Street where the context is that of two-storey houses. Breaking the townhouse block would facilitate a scale of development that would be compatible with the local streetscape pattern and achieve the built form objective set out in Policy 3.1.2.3.

In addition to the built form policies, the Official Plan contains policies in Section 3.4 – The Natural Environment which provides direction on the evaluation of

development. The proposal in its current form does not provide for a development that achieves the objectives of the Official Plan for the natural environment, as discussed below in the Ravine and Natural Feature Protection section of this report.

The proposal in its current form does not provide for a development that achieves the objectives of the Official Plan for *Neighbourhoods*. The proposal would result in a scale of development that does not respect and reinforce the character of the area. Therefore, the proposed Zoning By-law Amendment does not conform to the City's Official Plan.

Traffic Impact, Access, Parking

The proposed development includes 18 residential vehicular parking spaces and two visitor vehicular parking spaces. The subject property is not subject to Zoning By-law 569-2013, however the parking provisions contained in this By-law have been accepted by staff on recent development projects where appropriate, as the associated parking standards are based on more recent information when compared to the parking requirement of the former City of North York By-law No. 7625.

The parking requirements for the proposed development as per the City-wide Zoning By-law No. 569-2013 would require nine resident vehicular parking spaces and one visitor vehicular space. A total of 20 vehicular parking spaces are proposed for the development, including 18 resident parking spaces and two visitor parking spaces. Transportation Services staff accept the proposed number of parking spaces, however have requested vehicle manoeuvring diagrams to assess the functionality of the westerly visitor parking space and one resident parking space within the proposed underground garage. Staff recommend that the applicant make revisions to the proposed parking spaces, including a reduction in parking, commensurate with any built form/massing changes, to the satisfaction of the General Manager, Transportation Services.

Stormwater Management and Site Servicing

Engineering and Construction Services staff have requested revisions to the Functional Servicing and Stormwater Management Report. Revisions include the need for a post development storm drainage plan, complete sanitary sewer analysis, conceptual cross section drawings for proposed storm, water and sanitary sewer connections showing information such as surface elevations, and analysis of the proposed connections' impact on the existing easements on the property. Staff recommend the submission of a revised Functional Servicing and Stormwater Management Report, to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, prior to any further reporting on the proposed development.

Ravine and Natural Feature Protection

The entire subject site is subject to the provisions of the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection (RNFP). The City's significant natural heritage features and functions are shown on Map 9 of the Official Plan. The Official Plan contains policies in Section 3.4 – The Natural Environment, which provides direction on the evaluation of development. Official Plan Amendment 262 (OPA 262) undertaken as part of the Official Plan Five Year Review is now in full force and effect. OPA 262 strengthens existing environmental policies and addresses Council's direction on climate change.

City Council Decision Item PG7.2 adopted on November 3, 2015 regarding the “Official Plan Five Year Review: Final Recommendation Report - Amendments to the Official Plan Environmental Policies and Designation of Environmentally Significant Areas” can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG7.2>

Official Plan Amendment No 262, as adopted by By-law 1156-2015 can be found at the following link:

<https://www.toronto.ca/legdocs/bylaws/2015/law1158.pdf>

The Minister of Municipal Affairs and Housing approved OPA 262 on May 20, 2016, and it came into effect on June 10, 2016 and can be found at the following link:

<https://www.toronto.ca/legdocs/refdocs/10838.pdf>

Policy 3.4.12 states that "All proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on the natural heritage system and will identify measures to mitigate negative impacts on and/or improve the natural heritage system, taking into account the consequences for:

- a) terrestrial natural habitat features and functions including wetlands and wildlife habitat;
- b) known watercourses and hydrologic functions and features;
- c) significant physical features and land forms;
- d) riparian zones;
- e) buffer areas and functions;
- f) vegetation communities and species of concern; and
- g) aquatic features and functions including the shoreline of Lake Ontario.

The application has been reviewed by RNFP staff on behalf of the General Manager of Parks, Forestry and Recreation. RNFP staff has requested additional information in order to fully assess the proposal's impact on the natural environment (see Attachment 1: Figure 6: RNFP Memorandum dated March 16, 2018). The applicant has been requested to submit a revised Natural Heritage Impact Study, revised landscape/planting plan, revised Tree Protection Plan and

a section drawing that illustrates the spatial relationship between the proposed driveway, the new retaining wall and the slope transition including some parts of the proposed buffer. The additional information will assist RNFP staff to address the following issues:

- Comparison of pre and post development soil resources and growing space;
- Determination of how stockpiling will be managed so that soil resources (especially within the buffer) will be preserved/improved;
- Determination of the ecological value of the proposed buffer;
- Consideration of the lag time in canopy development following planting within the buffer; and
- Determination of the impact of additional human activities on the property with the additional units.

Policy 3.4.1b) requires the preservation and enhancement of the urban forest by providing suitable growing environments for trees and increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees suited to a changing climate and regulating the injury and destruction of trees.

The proposed development would increase the building footprint on the site compared to what exists today. This would necessitate the removal of trees on and off the site which contribute to the ravine features. There is a requirement to plant 87 native trees as part of the compensation associated with the required RNFP Permit for tree removal/injury. At present, staff is concerned that there is insufficient space to accommodate all of the required replacement plantings on site. Further review and analysis is required to determine the impact of the proposed development on the function of the adjacent ravine system.

The proposal in its current form does not provide for a development that achieves the objectives of the Official Plan for the natural environment. Therefore, the proposed Zoning By-law Amendment in its current form does not conform to the City's Official Plan.

Toronto and Region Conservation Authority

The entire subject site is also within the Toronto and Region Conservation Authority screening area. The east end of the property contains a portion of the valley corridor where an existing watercourse (tributary of the Don River) with contiguous vegetation is located. The contiguous vegetation continues along the south side of the property. The applicant consulted with TRCA staff prior to submitting the application. This approach provided an opportunity to respond to TRCA staff concerns. Generally, TRCA staff are satisfied with the proposed development, subject to the lands east of the 10 metre buffer from the stable top of bank and a 2.5 metre buffer along the southern portion of the building being re-zoned as "Open Space" and conveyed to the TRCA as a condition of Site Plan Approval. As proposed, the 10 metre and 2.5 buffer areas would be zoned Open

Space to prohibit development, but not conveyed to TRCA. TRCA staff has also advised that a limiting distance agreement may be required given the location of the proposed building along the southern portion of the site.

Tree Preservation

An Arborist Report submitted with the application has been reviewed by Urban Forestry staff. The report has identified the proposed removal of six trees and injury to one tree on city lands. The report also proposes the removal of 29 trees and proposes injury to 10 trees on private lands. These 39 trees are all located within the designated ravine By-law limits.

Urban Forestry staff have requested that the applicant submit applications and associated fees for the removal and injury of the six trees on city lands. Additionally, the applicant has been advised to submit an "Agreement for Private Contractor to Perform Work on City-owned Trees" prior to any removal of the six city-owned trees. The Landscape Plan shows six proposed trees within the public boulevard; three on the Garnier Street frontage and remaining three on the Bayview Avenue frontage. Urban Forestry staff is satisfied with the tree species and spacing.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the residential nature of this proposal is subject to a 5% parkland dedication. Should the application be approved, the applicant is required to satisfy the parkland dedication requirement through the payment of cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.

Toronto District School Board

Toronto District School Board (TDSB) staff have advised that a significant impact on local schools is not anticipated, and that there is sufficient space at local schools to accommodate students anticipated from the proposed development. TDSB staff have indicated that Steelesview Public School, Zion Heights Middle School and A.Y. Jackson Secondary School would be the schools expected to serve the children from this new development. The TDSB has also advised that although the local secondary school is operating at capacity, the impact from this proposed development is insufficient to require any warning clauses, which

would normally be requested. However, the Board also reserved the right to change this status at any time without notice.

There were no comments from the Toronto Catholic District School Board.

Conclusion

The proposed Zoning By-law Amendment application is not supportable in its current form as outlined in this report. The proposed Zoning By-law Amendment, in its current form, is not consistent with the Provincial Policy Statement, does not conform to, conflicts with the Growth Plan, and does not conform to the City's Official Plan. A modified proposal, which addresses the issues identified in this report, may be supported by staff as consistent with the Provincial Policy Statement, conforming to, and not conflicting with, the Growth Plan and conforming to the City's Official Plan. As such, the Recommendations in this report include direction for staff to continue to work with the applicant to resolve outstanding matters.

CONTACT

Cynthia Owusu-Gyimah, Senior Planner
Tel. No. (416) 395-7126
Fax No. (416) 394-6063
E-mail: Cynthia.Owusu-Gyimah@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Figure 1: Application Data Sheet
- Attachment 1: Figure 2: Location Map
- Attachment 1: Figure 3: Official Plan Land Use Map
- Attachment 1: Figure 4: Zoning By-law No. 7625
- Attachment 1: Figure 5: Zoning By-law No. 569-2013
- Attachment 1: Figure 6: RNFP Memorandum dated March 16, 2018

Applicant Submitted Drawings

- Attachment 2: Figure 1: Site Plan
- Attachment 2: Figure 2: Rendering 1
- Attachment 2: Figure 3: Rendering 2 (Garnier Street view)

Attachment 2: Figure 4: North Elevation
Attachment 2: Figure 5: South Elevation
Attachment 2: Figure 6: East Elevation
Attachment 2: Figure 7: West Elevation

Attachment 1: Figure 1: Application Data Sheet

Application Type	Rezoning	Application Number:	18 107119 NNY 24 OZ
Details	Rezoning, Standard	Application Date:	January 19, 2018

Municipal Address: 1 GARNIER CRT
 Location Description: PLAN M1724 BLK F
 Project Description: Zoning By-law Amendment application to permit the construction of 9 three-storey townhouses.

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP 2098 Avenue Rd, Toronto, ON M5M 4A8	GOLDBERG GROUP 2098 Avenue Rd, Toronto, ON, M5M 4A8	KIRKOR ARCHITECTS + PLANNERS 20 De Boers Dr. #400, Toronto, ON, M3J 0H1	1965020 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R4	Historical Status:	N
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2,732	Height:	Storeys:	3	
Frontage (m):	33.49		Metres:	11.95	
Depth (m):	83.32				
Total Ground Floor Area (sq. m):	866.45				Total
Total Residential GFA (sq. m):	2,628.06		Parking Spaces:	20	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	2,628.06				
Lot Coverage Ratio (%):	31.7				
Floor Space Index:	0.96				

DWELLING UNITS

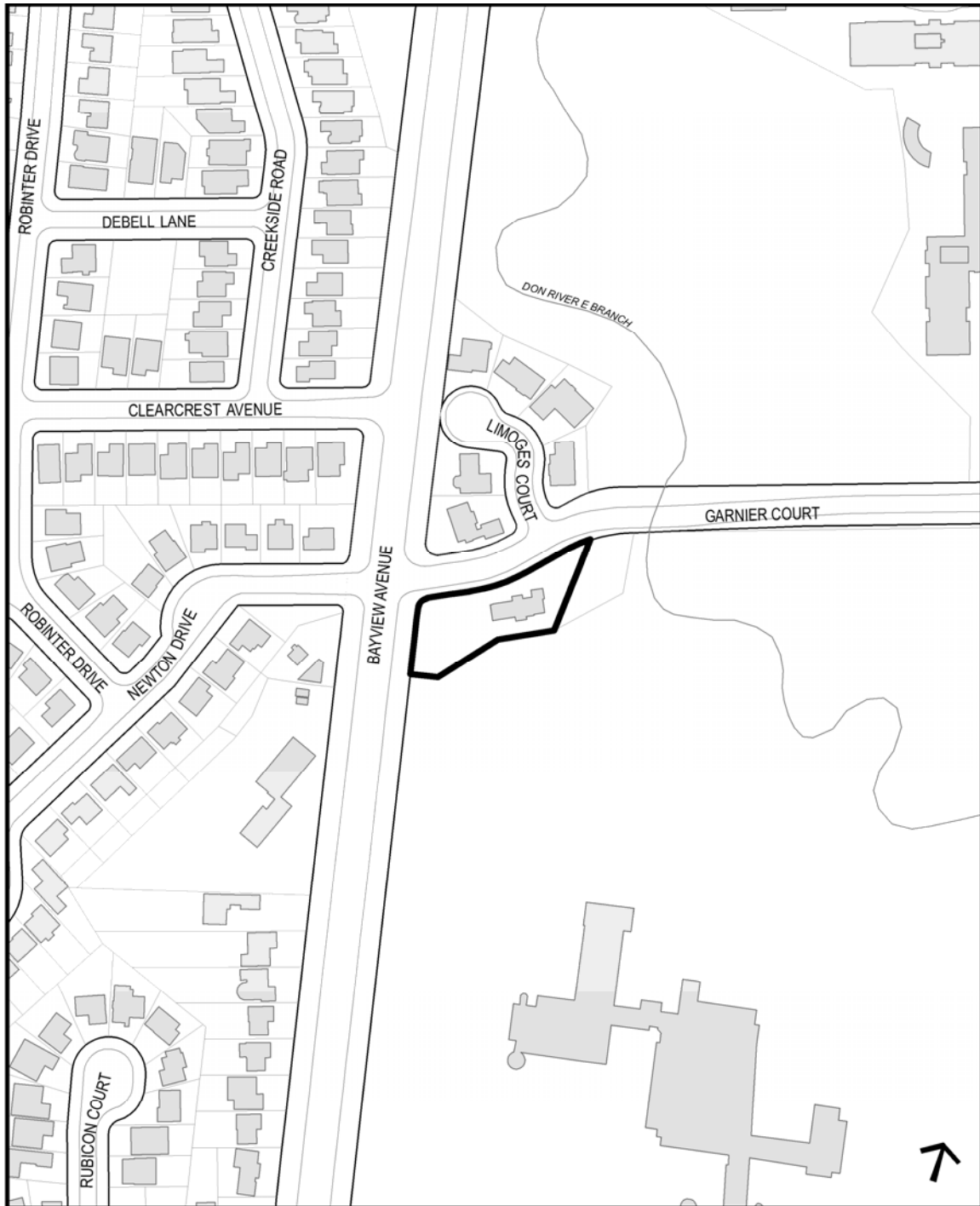
Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	9
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

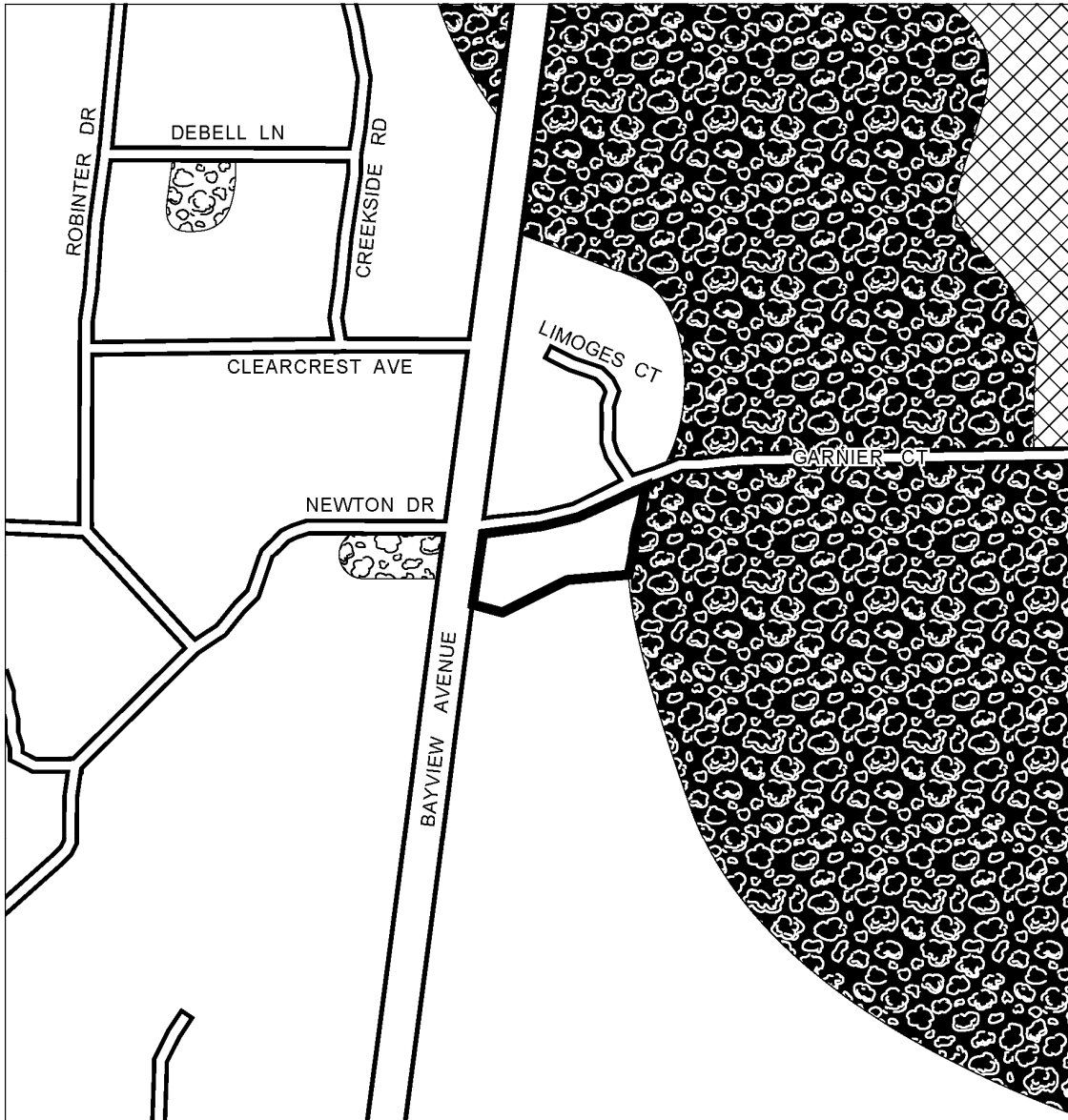
	Above Grade	Below Grade
Residential GFA (sq. m):	2,628.06	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Cynthia Owusu-Gyimah, Planner
PHONE/EMAILS: (416) 395-7126; Cynthia.Owusu-Gyimah@toronto.ca

Attachment 1: Figure 2: Location Map



Attachment 1: Figure 3: Official Plan Land Use Map



TORONTO
Extract from Official Plan

1 Garnier Court

File # 18 107119 NNY 24 02

	Site Location		Parks & Open Space Areas
	Neighbourhoods		Natural Areas
	Apartment Neighbourhoods		Parks

↑
Not to Scale
01/30/2018

Attachment 1: Figure 4: Zoning By-law No. 7625



Zoning By-Law No. 7625

1 Garnier Court

File # 18 107119 NNY 24 02



Location of Application

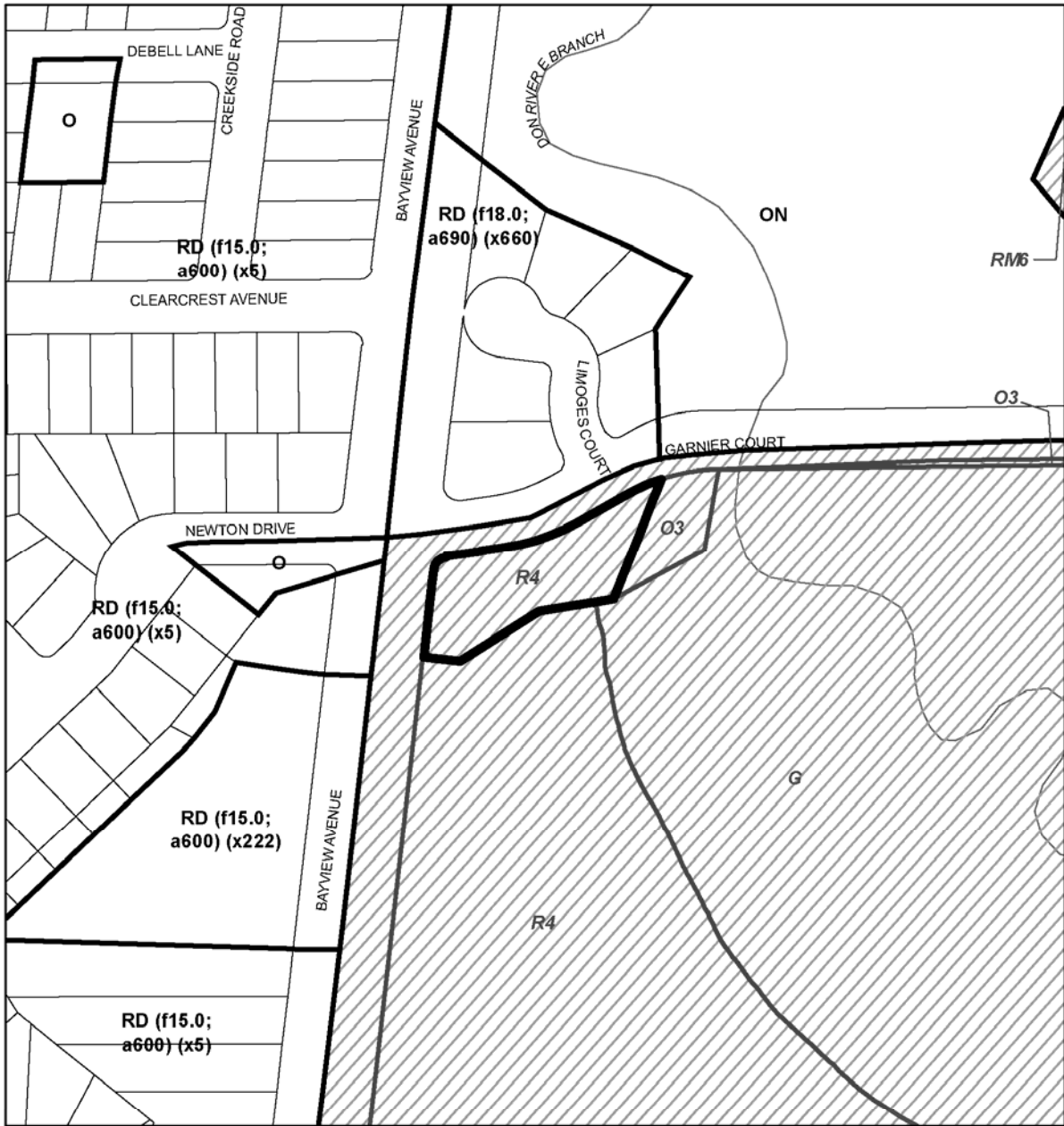
R3 One-Family Detached Dwelling Third Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone
O1 Open Space Zone
O3 Semi-Public Open Space Zone
G Greenbelt Zone



Not to Scale
 Extracted: 01/30/2018

Attachment 1: Figure 5: Zoning By-law No. 569-2013




Zoning By-Law No. 569-2013

1 Garnier Court

File # 18 107119 NNY 24 OZ

-  Location of Application
- RD Residential Detached
- O Open Space
- ON Open Space Natural

-  See Former City of North York By-Law No. 7625
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- O3 Semi-Public Open Space Zone
- G Greenbelt Zone



Not to Scale
Extracted: 01/30/2018

Attachment 1: Figure 6: RNFP Memorandum dated March 16, 2018

DATE: March, 16, 2018

TO: Joe Nanos, Director,
City Planning, 5100 Yonge Street, North York C.C. – 1st Floor
Attention: Cynthia Owusu-Gyimah, Planner
Telephone: 416-395-7126 Email: Cynthia.Owusu-Gyimah@toronto.ca

FROM: Yaroslaw Medwidsky, Supervisor, Ravines and Natural Feature Protection
18 Dyas Road, – 1st Floor
Attention: Diane Leal, RNFP Planner
Telephone: 416-392-1888 Email: diane.leal@toronto.ca

RE: **Comments from Urban Forestry Ravine & Natural Feature Protection Application for Zoning By-law Amendment 1 Garnier Crt. Application No. 18 107119NNY 24 OZ**

This memorandum acknowledges that Urban Forestry Ravine & Natural Feature Protection (RNFP) received your circulation related to the Zoning By-law Amendment application to permit the construction of a 3-storey townhouse building containing 9 dwelling units.

The entire property is subject to provisions of the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection. The application and plans have been reviewed by RNFP on behalf of the General Manager of Parks, Forestry & Recreation.

The following plans were reviewed by RNFP:

Title	Dwg. No	Prepared By	Date
Site Plan	RZ-01	Kirkor Architects + Planners	2017-12-15
Tree Preservation Plan		Kelly's Tree Care Ltd.	2017-12-09
Arborist Report		Kelly's Tree Care Ltd.	2017-12-09
NHIS		Dillon Consulting	2018 - 01
Site Grading Plan	GR-1	Schaeffers	2017 - 12
Site Servicing Plan	SS-1	Schaeffers	2017 - 12
Planting Plan	L-101	LandArtDesign	2018-01-15
Landscape Plan	L-100	LandArtDesign	2018-01-15

RNFP cannot complete the review of the application as submitted. Additional plans and/or revised information are required as detailed below:

1. ADDITIONAL/REVISED PLANS REQUIRED

Natural Heritage Impact Study

RNFP has reviewed and provides comments on Natural Heritage Impact Studies on behalf of the City's Strategic Initiatives, Policy and Analysis (SIPA) section within Planning. The purpose of NHIS review is to determine if sufficient evidence exists to reasonably anticipate a net benefit to the ravine system, should the development proceed as proposed. It is important to note that the OP aims to enhance [i.e. **improve**] the natural environment of our City.

From an ecological perspective, the proposed development will convert a relatively low impact land use into one that will further decrease the ecological function of this property, outside the proposed buffer. The focus of the proposed mitigation [i.e. "trade off"] is the creation of a 10m planted buffer on the east side of the Site, adjacent to Garnier Park.

In order to wholesomely assess the proposal's the impact on the natural environment, there are several factors that warrant further study/explanation:

- Comparison of pre and post-development **soil resources** and **growing space**. Include a discussion on the importance of altered soil conditions. How will construction stockpiling be managed so that soil resources (especially within the buffer) be preserved/improved?
- What will be the **ecological value** of the proposed buffer? How to avoid it becoming a green space of "limited ecological function"? This would not be a "net-benefit".
- Consideration of the lag time in **canopy development** following planting within the buffer (i.e. how long will it take for the "buffer" to function as a buffer? When will buffer creation take place? What are the challenges that can be anticipated (invasive species, changing micro-climate conditions, etc)?
- The **human activity or "disturbance"** on Site will increase sufficiently in the change from a single residential home to a 3-storey building comprised of 9 units. There will be more human presence, and varied noise and light pollution; additionally there will be more vehicular activity on site and contaminants such as road salt spray – currently proposed immediately adjacent to the new buffer.

ACTION: The Applicant/Owner shall submit a revised NHIS to RNFP for review and approval that addresses the concerns addressed above.

Landscape/Planting Plans

The concern is that the current plan does not provide sufficient spacing as illustrated. At present, 87 native trees will be required as part of the compensation associated with the required RNFP Permit for tree removal/injury. It is unclear if the resultant soil resources can support this number of growing trees. Provide justification.

Note that the specific species will be reviewed during the ravine permit application process however, to determine support of this application, it is necessary to evaluate the growing space resources/conditions.

ACTION: The Applicant/Owner shall submit a revised legible landscape/planting plan with an appropriate scale to RNFP for review and approval that addresses the concern addressed above.

Grading Plan/Tree Protection Plan

As noted in the Arborist Report, the "exact details are not clear within the Site Grading Plan". This comment is specific to the protected trees located near the southern property boundary. Without identifying the limit of grading in this area, it is not possible to identify the amount of encroachment into the tree protection zones of these trees– which are growing on both the subject property and the neighboring property to the south.

The Tree Protection Plan should also consider the mitigation proposal of the NHIS to ensure consistency with stockpiling locations, planting timelines, etc.

ACTION: The Applicant/Owner shall submit a revised Tree Protection Plan, produced by an arborist having clear understanding of the limit of grading associated with the proposed development.

Elevation Drawing

ACTION: The Applicant/Owner shall submit a section drawing that illustrates the spatial relationship between the proposed driveway, the new retaining wall and the slope transition including some part of the proposed buffer. This section shall be "cut" at the point where there is the greatest elevation change between the top and bottom of the new retaining wall.

2. ADVISORY COMMENTS

Butternuts

Given the endangered status of butternut (*Juglans cinerea*) RNFP will defer approvals of proposed removal or injury of butternut trees or destruction of butternut habitat to the Ontario Ministry of Natural Resources (OMNR). Prior to permit issuance RNFP will require confirmation from OMNR that all their requirements with respect to the butternut trees on this site have been satisfied. For more information and approval requirements the Applicant/Owner should contact the Ministry of Natural Resources.

Migratory Birds

Prior to site disturbance the owner shall confirm that no migratory birds are making use of the site for nesting. The owner shall ensure that the works are in conformance with the Migratory Bird Convention Act and that no migratory bird nests will be impacted by the proposed work.

RNFP Permit Application – Tree Removal/Injury

Trees on private property, protected by the Ravine & Natural Feature Protection By-law will be injured or destroyed if this site plan is approved. Trees protected by this by-law may not be removed, injured or destroyed without written authorisation from RNFP.

The applicant/owner will be required to obtain a RNFP Permit from RNFP. This permit may be subject to conditions.

Snow Storage

Snow shall be stored on site in such a manner as to not cause injury to trees or other ravine vegetation or erosion to slopes, otherwise, snow shall be removed off site.

TRCA Regulation

The subject property is regulated by the Toronto and Region Conservation Authority (TRCA) under Ontario Regulation 166/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation", as such a permit to place fill or alter the grade of land will not be issued by RNFP. Under [Ontario Regulation 166/06](#), the TRCA regulates and may prohibit work taking place within valley and stream corridors, wetlands and associated areas of interference and the Lake Ontario waterfront. A permit is required from the TRCA in order to do any of the following works:

- i. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- ii. development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Should any of the above stated activities be required as part of the Site Plan Approval, the applicant/owner shall notify RNFP that a permit or a letter of clearance from TRCA is received.

More information about the Ravine & Natural Feature Protection By-law, ravine conservation and stewardship is available from our website at www.toronto.ca/trees/ravines. For more information please contact Diane Leal, Ravine Planner, at Diane.Leal@toronto.ca or 416.392.1888.

Respectfully,

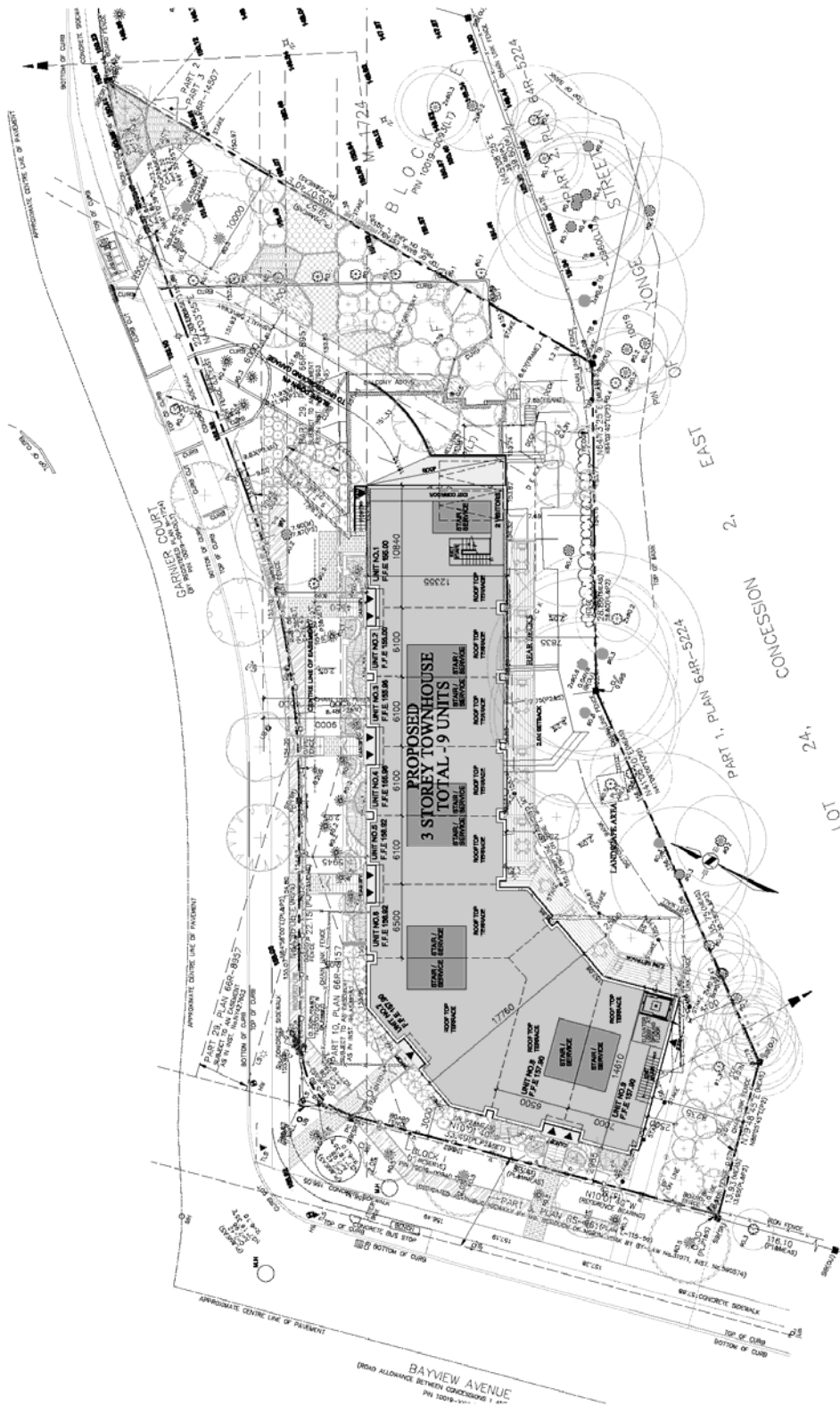
For

Yaroslav Medwidsky
Supervisor, Ravines and Natural Feature Protection

/(dl)

cc. Tara Bobie, Supervisor, Urban Forestry TPPR, North District
Mark Rapus, Planning & Development, TRCA

Attachment 2: Figure 1: Site Plan



1 Garnier Court

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 01/30/2018

File # 18 107119 NNY 24 0Z

Attachment 2: Figure 2: Rendering 1



Rendering 1

Applicant's Submitted Drawing

Not to Scale
03/01/2018

1 Garnier Court

File # 18 107119 NNY 24 0Z

Attachment 2: Figure 3: Rendering 2 (Garnier Street view)



Rendering 2

Applicant's Submitted Drawing

Not to Scale
03/01/2018

1 Garnier Court

File # 18 107119 NNY 24 02

Attachment 2: Figure 4: North Elevation



North Elevation

1 Garnier Court

Applicant's Submitted Drawing

Not to Scale
01/30/2018

File # 18 107119 NNY 24 0Z

Attachment 2: Figure 5: South Elevation



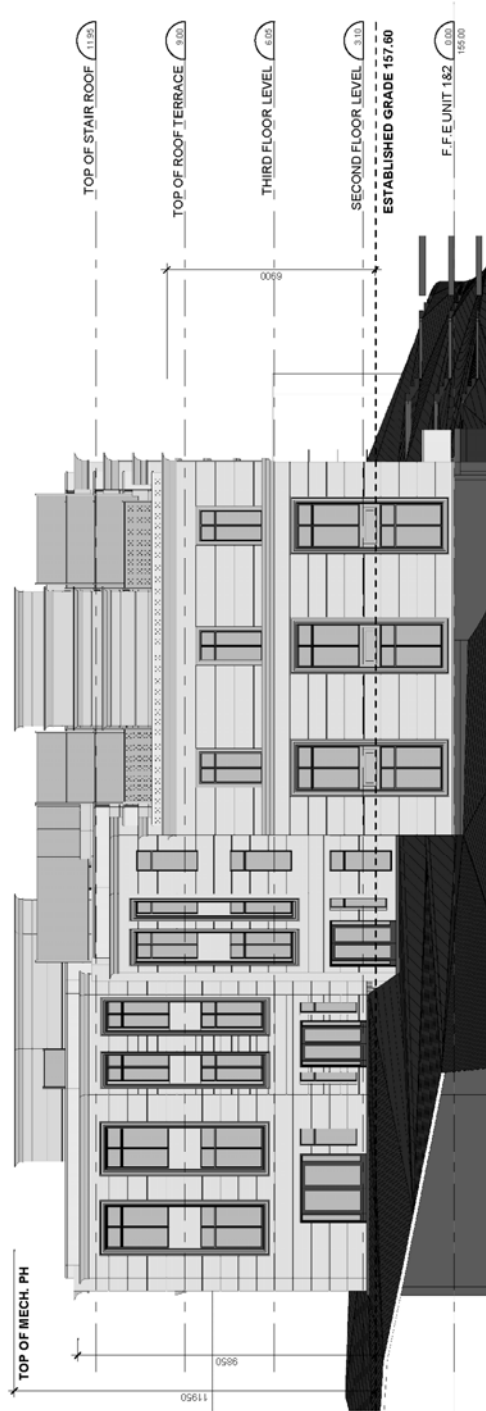
1 Garnier Court

South Elevation
Applicant's Submitted Drawing

Not to Scale
01/30/2018

File # 18 107119 NNY 24 0Z

Attachment 2: Figure 6: East Elevation



1 Garnier Court

East Elevation
 Applicant's Submitted Drawing

Not to Scale
 01/30/2018

File # 18 107119 NNY 24.0Z

Attachment 2: Figure 7: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
01/30/2018

1 Garnier Court

File # 18 107119 NNY 24.0Z