

**3010 McCowan Road – Official Plan Amendment,
Rezoning and Draft Plan of Subdivision Applications –
Refusal Report**

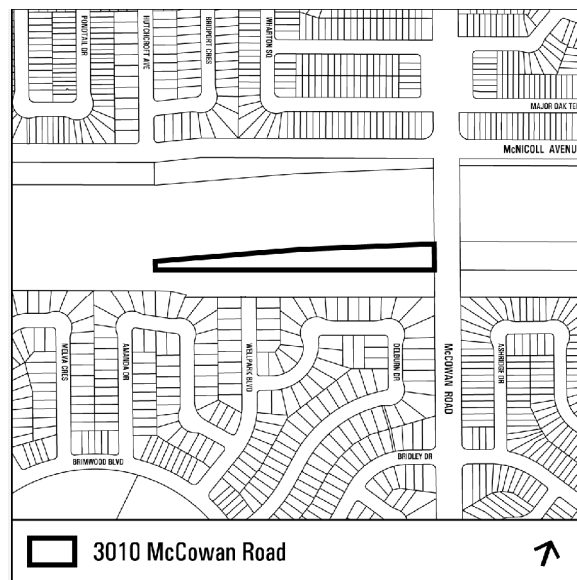
Date:	November 22, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 41 – Scarborough-Rouge River
Reference Number:	10 183954 ESC 41 OZ & 10 186017 ESC 41 SB

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

These applications propose an affordable housing development consisting of 25 townhouses with frontage on a proposed public street that would extend westward from McCowan Road. The development scheme proposes a public park at the westerly portion of the lands. The subject lands are vacant and privately owned. These lands are situated between the transmission lines contained within the Finch Hydro Corridor that extends throughout most of the northern portion of the City. The subject lands are known municipally as 3010 McCowan Road.

The proposed residential development is located on lands designated in the Official Plan for utility corridor purposes, with site specific uses which are considered compatible within the context of the Hydro Corridor. These lands are not located within an area contemplated for residential redevelopment or intensification by the Official Plan, Provincial Policy Statement



(PPS), or the Growth Plan for the Greater Golden Horseshoe. The proposal represents a development scheme that does not conform to Official Plan policies or City policies and guidelines for infill residential development.

While details of these applications are in a preliminary stage, planning staff consider the proposal inappropriate given the nature of the proposed residential and park uses, and the location and context of the subject lands. This report reviews and recommends refusal of the applications to amend the Official Plan and Zoning By-law and to refuse the draft plan of subdivision application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications for the following reasons:
 - a. the proposal conflicts with the Growth Plan for the Greater Golden Horseshoe;
 - b. the proposal is inconsistent with the PPS;
 - c. the proposal does not conform to the Official Plan and the proposed redesignation does not represent good planning;
 - d. the proposal is inconsistent with Council-approved guidelines/policies such as: the policy of prudent avoidance to reduce childhood exposure to electromagnetic fields in and adjacent to hydro corridors, and the Urban Design Guidelines for Infill Townhouses; and
 - e. the proposal does not provide for appropriate development.
2. City Council authorize the City Solicitor and City staff to appear before the Ontario Municipal Board (OMB) in support of City Council's decision to refuse these applications, in the event that the applications are appealed to the OMB.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been 2 previous proposals submitted for the subject lands by different land owners. The first proposal, submitted in 1986, sought planning approvals to permit a funeral home with parking on the adjacent hydro lands. Planning staff supported the proposed use, in part, due to its specialized nature and its unlikelihood for locating within a "planned commercial centre" such as Woodside Square. The application was refused by the former City of Scarborough Council. Council's decision was appealed to the OMB by the applicant. The OMB supported Council's decision and refused the application. The main reasons for dismissal were the applicant's failure to demonstrate a need for the use, community opposition, visual intrusion into what otherwise appeared to be vacant hydro corridor land, and inappropriateness of the site in terms of easy accessibility and location.

The second proposal, submitted in 1991, sought approvals for an official plan amendment, rezoning and site plan control to permit a 2-storey commercial development and a public park at the western portion of the property. The proposed commercial uses included retail, personal service, offices and restaurants. These applications were also refused by the former City of Scarborough Council and were appealed to the OMB. In refusing the applications, Scarborough Council directed Planning staff to determine an appropriate land use designation in the Scarborough Official Plan that would allow for uses in addition to those provided by the existing hydro corridor designation. In determining a designation and uses, consideration was given to the community context and compatibility with the residential neighbourhood, the potential effects of extended exposure to electro-magnetic radiation on individuals (employees, residents or users), site constraints given the size and configuration of the property, and current demand or municipal need for a particular use. In 1992, Scarborough Council redesignated the subject lands from “Ontario Hydro Corridor” to “Community Facilities” which allowed for churches and related uses, fraternal organizations excluding banquet halls, sports facilities, demonstration facilities for household composting and waste management centres. In 1994, the OMB dismissed the appeals on the commercial use applications. The OMB approved the new designation and expanded on the permitted land use permissions to also include a veterinary clinic (without outside kennels), a garden centre and a health and fitness centre. These uses are contained in the Toronto Official Plan as Site and Area Specific Policy No. 105 that applies to the subject lands.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements. Planning staff indicated at that time that a residential development on the subject lands would not be supported.

ISSUE BACKGROUND

Proposal

The applications propose a development of 25, 3-storey townhouses on a new public street. The townhouses are proposed as affordable home ownership and contemplate dwelling units consisting of 12, 2-bedroom units and 13, 3-bedroom units. The proposed lot frontages would generally range between approximately 5.0 to 6.0 metres and the minimum lot depths would generally range between approximately 17.0 to 24.0 metres. Each townhouse would contain an integral single-car garage. For the townhouses located on the south side of the public street, the driveways in front of the garages would accommodate a parked vehicle within the property limits, except for six townhouses which would have insufficient driveway length to accommodate a parked vehicle without encroaching into the road right-of-way. The applicant indicates that the proposed vehicle encroachment would not extend over the proposed public sidewalk.

Private amenity space would be accommodated by rear patios and yards, and decks over a portion of the garages. For the 5 westerly most townhouses, the rear amenity space would be provided by more conventional rear yards of approximately 7.7 metre depths.

The development would be accessed by a 14.5 metre public street from McCowan Road that would terminate with a cul-de-sac midway through the subject lands. A 0.47 hectare triangular-shaped public park is planned on the westerly portion of the lands, accessed by a 1.8 metre walkway located on the north side of the westerly townhouse block.

The proposed development is illustrated by the site plan, subdivision plan and building elevations contained on Attachments 1, 2, 3 and 4. Specific details for the subject proposal are contained in Attachment 8, Application Data Sheet.

Site and Surrounding Area

The subject 1.04 hectares (2.6 acres) are vacant and are located on the west side of McCowan Road, south of McNicoll Avenue. The lands are elongated, triangular-shaped and surrounded by the Finch Hydro Corridor. Ontario Hydro established the transmission corridor in around the 1940's and had initially acquired the subject lands. Due to a transmission line realignment, the subject lands were conveyed back to the then landowner. The subject lands have remained in private ownership since that time. Hydro One has recently confirmed that these lands are not required for hydro transmission purposes.

The subject lands have a 36.7 metre frontage on McCowan Road and a lot depth of approximately 393.4 metres. The property tapers from McCowan Road to a 12 metre width at its westerly limits. McCowan Road in this location is a 4-lane arterial road that does not allow on-street parking. The subject lands are relatively flat and are undistinguishable from the surrounding hydro corridor lands. A City easement containing a trail traverses through the westerly portion of the lands. This trail extends through the width of the corridor from the terminus of Wellpark Boulevard located on the south side of the corridor to McNicoll Avenue. The trail is maintained by Transportation Operations. A trail also extends westward along the south side of McNicoll Avenue within the corridor to Brimley Road and beyond.

Hydro transmission towers are immediately adjacent to the north and south sides of the subject property. There are three transmission lines on the north side and one transmission line on the south side of the subject lands. Located on the east side of McCowan Road, immediately across from the subject property, is a vacant property owned by the City (3001 McCowan Road). This property, like the subject property, had not been acquired by Ontario Hydro and remained in private ownership until it was acquired by the former City of Scarborough. The rear portion of these lands is used as a stormwater detention pond. Two pipelines traverse the hydro corridor north of the subject property. Beyond the hydro corridor to the north and south, are residential communities. The context of the subject lands is shown by Attachment 5, Aerial Context Map.

The residential area south of the Finch Hydro Corridor developed from the late 1960's and is within the area known as the Agincourt North Community. The area north of the Hydro Corridor developed from the late 1970's and is within the area known as the

Milliken Community. The intervening hydro corridor existed prior to the establishment of these communities and provides a visually open spatial separation between the two planned and built communities. Development within these communities was generally planned with a central area or node consisting of community commercial shopping and higher density residential developments that are located at the intersection of 2 major arterial roads. This node was separated from the surrounding lower density residential neighbourhoods by a collector ring road. Within the Agincourt North Community, this node is located at the intersection of McCowan Road and Finch Avenue East where the Woodside Square, apartment buildings, multiple family dwellings and townhouses are located.

As part of the Toronto Bike Plan adopted by City Council in July 2001, the City has received funding from the Federal and Provincial governments for the construction several new bike trails within the City. One of the bike trails proposed will extend from L'Amoureux Park to Middlefield Road through the Finch Hydro Corridor, and would be located north of the subject lands. Construction of the trail is anticipated for completion by March 2011.

Provincial Policy Statement and Provincial Plans

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. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Utility Corridors* in the Official Plan. Policy 4.4 states that *Utility Corridors* are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods. Hydro corridors are used primarily for the transmission of energy. Hydro corridors may also be used for secondary uses such as parks, pedestrian and bicycle trails, agriculture, parking lots, open storage, essential public services, stormwater management ponds, public transit facilities and garden centres with temporary buildings. Secondary Uses will be compatible with the primary use of the corridor and the existing and proposed use of adjacent lands in terms of environmental hazard, visual impacts, grading and site drainage as well as protect for potential road and public transit corridors and for an open space corridor link to develop or extend pedestrian or bicycle trails, where appropriate. Development or redevelopment

on lands nearby or adjacent to *Utility Corridors* will protect for access to any potential bicycle and pedestrian trail or park and open space, provide access where such a recreation facility exists and will screen and secure the property edge through measures such as setbacks, fencing, site grading, berms, landscaping, building treatment and construction techniques.

Site and Area Specific Policy No. 105 applies to the subject lands and provides additional uses which include places of worship and related uses, fraternal organizations excluding banquet halls, sports facilities, health and fitness centres, garden centres, veterinary clinics (without outside kennels), demonstration facilities for household composting, and, waste management information centres.

Public Realm policies indicate that new parks and other public open spaces should front onto a street for good visibility, access and safety. New parks and open spaces will be located and designed to connect and extend where possible, to existing parks, natural areas and other open spaces such as school yards; provide a comfortable setting for community events as well as individual uses; provide space and layout for recreation needs, including forms of productive recreation such as community gardening; and emphasize and improve unique aspects of the community's natural and human-made heritage.

The Built Form policies specify that new development be located and organized to fit with its context, and frame, support and improve adjacent streets, parks and open spaces to improve the safety, attractiveness, pedestrian interest and casual views to these spaces from the development. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

There are also specific policies in the Plan regarding assistance to encourage the production of affordable housing either by the City or in combination with senior government programs and initiatives, or by senior governments alone. Municipal assistance may include: in the case of affordable ownership housing provided on a long term basis by non-profit groups, measures such as land at or below market rate, fee exemption and other appropriate forms of assistance; and, with priority given to non-profit and non-profit co-operative housing providers.

The Natural Environment policies support strong communities, competitive economy and a high quality of life, public and private city-building activities and changes to the built environment including public works that will be environmentally friendly. This includes protecting and improving the health of the natural ecosystem, and protecting, restoring and enhancing the health and integrity of the natural ecosystem, supporting bio-diversity in the City and targeting ecological improvements, paying particular attention to habitat

for native flora and fauna and natural linkages between the natural heritage system and other green spaces.

There are also specific policies in the Plan regarding development generally not being permitted in the natural heritage system on Map 9. 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 identify measures to mitigate negative impact on and/or improve the natural heritage system. Policy 4.4.6 states that within *Utility Corridors*, protection, enhancement or restoration of the natural heritage system will be pursued wherever possible.

The Transportation policies support the development of a transportation network to support the growth management objectives of the Plan by implementing transit services in exclusive rights-of-way in the corridors identified on Map 4, Higher Order Transit Corridor. One of these identified transit corridors is within the Finch Hydro Corridor.

Zoning

The subject lands are currently zoned Agricultural (AG) in the Agincourt North Community Zoning By-law which permits agriculture uses and day nurseries. Agricultural uses, in this case, are defined as interim uses and include only the following: berry crops, field crops, flower gardening, grazing of livestock, orchards and tree crops.

On August 27, 2010, City Council enacted the City of Toronto Zoning By-law No. 1156-2010. This By-law has been appealed in its entirety and is now before the OMB. No hearing date has been set as yet. The subject lands are excluded from the new By-law and therefore the applicable zoning provisions remain in the Agincourt North Community Zoning By-law. The lands immediately surrounding the subject lands are zoned Utility Zone (UT). This zone permits as its principle uses: public utilities, transportation uses, parks, market gardens and under certain conditions, outdoor recreation uses, public parking and public works yards.

Site Plan Control

The lands are not subject to site plan control.

Reasons for Application

The Official Plan and applicable zoning by-law do not permit residential on the subject lands. The applicant is requesting a redesignation of the subject lands in the Official Plan from *Utility Corridors* to *Neighbourhoods*, and a rezoning of the subject lands in the Agincourt North Community Zoning By-law from Agricultural (AG) to Street Townhouse Residential Zone (ST) and Parks (P). The draft plan of subdivision would create the townhouse blocks, the public road, a park block and provide for the necessary services to accommodate the proposed development.

Agency Circulation

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

COMMENTS

Application Submission

The following reports/studies were submitted with the applications: a planning rationale, the Toronto Green Development Checklist, a natural heritage impact study, an archaeological assessment acceptance letter from the Ministry of Culture, a traffic operations assessment study, a stormwater management report, a functional servicing report, and a magnetic field survey.

A Notification of Incomplete Application, issued on June 25, 2010, identified the outstanding material required for a complete application submission as follows: an arborist report/declaration, detailed and scaled engineering drawings for the stormwater management report and whether any easements or restrictive covenants affected the subject lands.

The outstanding material was submitted on August 16, 2010 and a Notification of Complete Application was subsequently issued on August 24, 2010.

Provincial Policy Statement and Provincial Plans

The PPS contains policies related to managing and directing land use to achieve efficient development and land use patterns. The PPS indicates that the Official Plan is the most important vehicle for implementing the PPS requirements. Planning authorities are required to manage and direct land use to achieve efficient development and land use patterns which create healthy, liveable and safe communities which promote efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account the existing building stock or areas, establish and implement minimum targets for intensification and redevelopment within built up areas, and to provide an appropriate range of housing types and densities, including housing that is affordable. Planning authorities are to plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purposes for which it was identified.

The Toronto Official Plan implements the PPS. The Official Plan is current, having been approved by the Ontario Municipal Board in 2006. The Official Plan directs growth to certain areas but does not direct or promote opportunities for residential intensification or residential redevelopment within lands designated as *Utility Corridors*. The subject lands are not within an area identified to satisfy minimum targets for residential development or intensification in the Official Plan nor are the subject lands identified to accommodate affordable housing. The Official Plan identifies *Utility Corridors* as being primarily used

for the movement and transmission of energy, information, people and goods. Residential development is not identified as a planned use for *Utility Corridors*. The proposal is not consistent with the PPS.

The Growth Plan contains policies for managing growth and development and includes directions for where and how to grow by directing appropriate growth to built-up areas where the capacity exists to best accommodate the expected population. The Growth Plan encourages intensification in built-up areas and is implemented through the Official Plan by providing a strategy and policies to achieve intensification and the intensification targets. The focus of intensification and intensification targets, as contemplated by the Growth Plan, are described in the Official Plan as being directed to the Centres, Avenues, Employment Districts and the Downtown as shown on Map 2, Urban Structure, in order to protect neighbourhoods, green spaces and natural heritage features and function from the effects of nearby development. In addition, lands designated in the Official Plan as *Regeneration Areas* and *Mixed Use Areas* have opportunity for appropriate intensification, while the *Apartment Neighbourhoods* and *Neighbourhoods* may provide for infill development utilizing the applicable development criteria to protect and reinforce the existing physical character of the neighbourhood.

The Growth Plan also provides policies for public infrastructure to support growth such as expanding and improving the transportation systems to ensure that transportation corridors are identified and protected to meet current and projected needs for various travel modes.

The Official Plan conforms to the Growth Plan's planning strategy for residential intensification, intensification targets and in providing transportation corridors to support growth. The subject lands are not located within an area contemplated to achieve residential intensification and intensification targets to accommodate expected population growth in the City. The Official Plan does not direct residential uses or intensification to lands designated as *Utility Corridors*. *Utility Corridors* are primarily used for the movement of transmission of energy, information, people and goods, but they also support the growth management objectives of the Official Plan by enabling the development of a transportation network that includes transit services in exclusive rights-of-way within the corridors. Residential development in this location may not enable the development of the contemplated transportation network. The proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The fundamental issue raised by these applications to permit residential development is whether the subject lands should be redesignated in the Official Plan to *Neighbourhoods* and whether such redesignation would comply and be consistent with the policies of the Official Plan, Council policies and guidelines.

An aerial review of the Finch Hydro Corridor across the City does not reveal the occurrence of a residential infill development within the Corridor. Secondary uses found include parking lots, parks, sports fields, allotment gardens, the Finch subway station

** Revised page submitted to Scarborough Community Council on December 10, 2010.*

with commuter parking lot, and a dedicated busway between Keele Avenue and Dufferin Street serving York University. The dedicated busway is located through the middle of the corridor, between the two parallel lines of transmission towers. A review of the Official Plan's various Land Use Plans in Chapter 4 shows that the Finch Hydro Corridor is designated as *Utility Corridors*, with no intervening lands within the Finch Corridor being designated as *Neighbourhoods*. The applicant's proposal would create a "new" residential community within a hydro corridor through the redesignation to *Neighbourhoods*. Such a redesignation would be undesirable and not represent good planning.

The Official Plan indicates that hydro corridors are primarily used for energy transmission and certain secondary uses which are considered to be compatible with the primary function of energy transmission. The non-residential uses provided by Site and Area Specific Policy No. 105 are limited in range, low in scale, and are considered compatible uses within the Corridor. The subject corridor is also identified as a Higher Order Transit Corridor in the Official Plan. To this end, the dedicated busway within the Corridor that opened in fall 2009 between Keele Avenue and Dufferin Street and the proposed bike trail from L'Amoreaux Park to Middlefield Road, are recent examples of the Finch Corridor being utilized for secondary uses within the Corridor. The introduction of a residential plan of subdivision, containing multiple ownerships in the mid-section of the Corridor between parallel lines of transmission towers, could impede or restrict future uses within the Corridor and may cause undesirable impacts for residents residing within the subdivision lands. Maintaining the subject lands as a single parcel, with a limited range of uses would be less of an encumbrance to providing the public uses allowed within *Utility Corridors* or those uses contained in the Site and Area Specific Policy No. 105. These corridors should not be restricted in a manner to potentially preclude future functions such as providing public transit routes and pedestrian and bike trails. The proposal does ***not** adequately protect the future public interest through a redesignation from *Utility Corridors* to *Neighbourhoods*.

The proposed location of the park within the development scheme does not meet the Official Plan's Public Realm policies in its design, location or function. The Public Realm policies indicate that new parks should front onto a street in order to provide good visibility, access and safety, that they be located and designed to connect and extend where possible, to existing parks, natural areas and other open spaces such as school yards and provide space and a layout for recreation needs including community gardening. The proposed park does not front onto a street to ensure good access, visibility or safety. Access to the park would be limited and would only be provided by a proposed 1.8 metre walkway from the proposed new street and from the existing City easement from Wellpark Boulevard. The proposed park would not be suitable for active recreational purposes and would be relatively isolated from the proposed development and existing communities.

Parks, Forestry and Recreation staff have indicated that the proposed park is too small to be functional. The applicant has indicated that if these lands are not suitable as a public park, the lands would remain as private open space. To this end, the lands would be

essentially landlocked with the exception of two walkways connecting the space to a public street. It is unclear how these lands would be utilized or who would maintain the lands. The creation of a relatively isolated private open space block within the plan of subdivision would not be considered to provide for the orderly division of land.

Built Form

The Official Plan's Built Form Policy 3.1.2.1 indicates that new development will be located and organized to fit within its existing or planned context. Lands north and south of the hydro corridor in proximity to the subject lands, consists mainly of two-storey single detached dwellings within established stable neighbourhoods. The intervening hydro corridor does not have a strong connection to either neighbourhood as the hydro corridor is visually a large open space. The subject lands are closer in proximity to the neighbourhood to the south which was planned and designed to provide residential lots that front onto "interior" local streets and rear yards that back onto the hydro corridor or, in some cases, an arterial road such as McCowan Road. There is no real connection or association between this neighbourhood and the subject lands within the hydro corridor other than by the trail that passes through the property to McNicoll Avenue. The subject lands are isolated and remote within the open context of the hydro corridor, having transmission towers on the north and south sides of the subject lands. The proposed residential development does not fit within the hydro corridor's open character. The proposed linear development scheme presents a visual intrusion of 3 blocks of 3-storey townhouses. Hydro One advises that the subject lands would require fencing around the perimeter of the property to prevent future residents from trespassing into the hydro corridor. The resulting residential development would be fenced and confined within the hydro corridor, having no association or connection with its immediate surroundings. The existing neighbourhood to the south was not organized or planned to include future residential development within the pre-existing hydro corridor or to the subject lands contained therein. The proposal is not considered in keeping with this Built Form Policy of the Official Plan.

Built Form Policy 3.1.2.5 indicates that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The proposed development would consist of a 14.5 metre single-loaded public street and 3 blocks of townhouses, with the townhouses being approximately 5.3 metres wide. The townhouses along the south side of the property would have lot depths ranging between approximately 17.0 metres to 22.0 metres, with the remaining townhouses on the westerly side of the cul-de-sac having lot depths of approximately 24.0 metres. Limited at-grade amenity space would be provided for the townhouses on the south side of the proposed street. This amenity space would be provided by rear yards or areas that range in approximately 3 and 4 metre depths. No details have been submitted regarding the yards adjacent the street to assess the conformity with this Policy. As well, six of these townhouses located on the south side of the street would have insufficient driveway depth in front of the garages to accommodate a parked vehicle without encroaching into the road right-of-way. The applicant indicates however that these parked vehicles would not extend over the

proposed public sidewalk. The proposal is not considered in keeping with this Built Form Policy of the Official Plan.

The proposal is not consistent with the Urban Design Guidelines for Infill Townhouses. The proposal does not provide: grade-related townhouses with the first floor raised approximately 3 to 5 steps above grade; living space on the ground floor, front entrances and facades that frame and support the public street, appropriate unit frontages of 6 metre widths, attractive landscaped streetscapes and amenity spaces; and, pedestrian comfort and safety by an adequately sized and landscaped walkway to provide access to the proposed park.

The *Neighbourhoods* Policy 4.1.9 applies to infill development that varies from the local pattern of development in terms of lot size, configuration and orientation in established *Neighbourhoods*. This Policy applies to lands that were passed over in the first wave of urbanization in *Neighbourhoods* and provides criteria to integrate infill development with different site standards than that of the surrounding neighbourhood. In this case, the subject lands are not considered to be part of the established and planned residential neighbourhoods as there is an intervening hydro corridor. If residential development were approved, the subject lands would remain isolated as there is no opportunity to integrate the lands to the existing neighbourhood fabric. The subject privately-owned lands may have been passed over for hydro utility purposes, however, they were subject to a previous review that resulted in land use permissions in the Official Plan that are considered appropriate given the open context of the hydro corridor and which did not include residential uses. Since that time, the owner has not rezoned or developed the subject lands in accordance with Site and Area Specific Policy No. 105.

Electromagnetic Fields (EMF)

On July 15, 16 and 17, 2008, City Council adopted a policy of prudent avoidance to reduce childhood exposure of EMF's in and adjacent to hydro corridors with transmission lines. The City's EMF policy requires that an EMF management plan be undertaken when applications are submitted for official plan amendments, rezonings and plan of subdivisions for residential, school or day nursery uses. The purpose of the EMF management plan is to outline low or no-cost measures that minimize the yearly average exposure of EMF's to young children.

The EMF report/survey submitted by the applicant and reviewed by Toronto Public Health does not address any mitigation strategies designed to reduce the likelihood of EMF exposure to children. The report provides a magnetic field survey which provides the magnetic field measurements along the north and south property boundaries. The survey does not provide opinions on health related matters. The survey indicates that the magnetic field increases towards the proposed public park and is stronger on the south side of the subject lands than on the north side. The survey indicates that the magnetic field strength increases with elevation towards the transmission lines and that there would be some decrease in magnetic field strength indoors, depending on the building construction material used. The submitted report is not an EMF management plan and, therefore, is deficient in terms of providing any mitigation strategies to minimize EMF

exposure to children. No determination can be made at this time as to whether Council's policy on EMF exposure to young children is achieved or can be accommodated.

Affordable Housing

Affordable housing opportunities may be accommodated on lands that appropriately provide for residential uses in keeping with Official Plan policies. The intent to provide affordable housing on lands that are unsuitable for residential uses or intensification does not make the proposal appropriate. If the subject lands are not considered appropriate for residential purposes, they are not appropriate for affordable housing.

The applicant has indicated that the housing proposed would be affordable home ownership. In their submission, the applicant indicated that the intended developer would be Habitat for Humanity. Habitat for Humanity, however, has disassociated themselves from the development of the subject lands. An alternate affordable housing provider has not been identified.

Affordable ownership housing is defined in the Official Plan as:

“housing which is priced at or below an amount where the total monthly shelter cost (mortgage principal and interest – based on a 25-year amortization, 10 per cent down payment and the chartered bank administration mortgage rate for a conventional 5-year mortgage as reported by the Bank of Canada at the time of application – plus property taxes calculated on a monthly basis) equals the average City of Toronto rent, by unit type, as reported annually by the Canada Mortgage and Housing Corporation. Affordable ownership price includes GST and any other mandatory costs associated with purchasing the unit.”

The applicant has not indicated whether the proposal meets the definition of affordability or indicated how the proposed housing would remain affordable in the future. Based on the October 2009 affordable price limit for two and three bedroom townhouses, the maximum asking price would be \$169,531.00 and \$205,072.00, respectively. These affordable price limits are calculated annually.

Servicing

Development of the subject lands would require verification of the capacity of the existing water supply and storm sewers in order to ensure that they can support the proposed development. As well, options for the provision of sanitary sewers would also be required to be provided for the City's review as the subject lands are not serviced by sanitary sewers.

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 Official Plan shows the local parkland provisions across the City. The subject lands are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The subject site is in the second lowest

quintile of current provision of parkland. The subject site is also in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The owner has applied to rezone the subject lands to permit 25, 3-storey townhouses on a new public street within a net site area of 0.789 hectares (7,890 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.0333 hectares (333.3 square metres), which equates to 4.2% of the site. However, all residential development is subject to a minimum parkland dedication of 5% hence the parkland dedication would be 0.0394 hectares (394 square metres).

The parkland dedication for the subject lands is too small to be functional. The applicant would be required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Natural Heritage

A natural heritage study was submitted to address the Natural Heritage policies of the Official Plan. While the study concludes that the subject lands do not provide a specialized wildlife habitat or that there would be negative impacts to wildlife, the study references the Breeding Bird Atlas of Canada having identified the occurrence of 86 bird species near the subject lands. Accordingly, Natural Heritage staff have requested that a breeding bird field survey and a vegetation communities survey be undertaken. An assessment of any potential impacts and improvements to the natural heritage features and functions would also be required.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The applicant has submitted a TGS checklist and incorporated the TGS statistics template on the site plan. As the proposal is in a preliminary stage, the applicant has indicated that the performance measures are “to be determined” and would be secured in conditions of subdivision approval or site plan approval. However, as Planning staff are recommending refusal of the applications, an assessment of the proposal’s compliance with the TGS, Tier 1 development features is not required.

Conclusion

The subject lands are not located within an area contemplated for residential redevelopment or residential intensification as indicated by the PPS, Growth Plan for the Greater Golden Horseshoe or the Official Plan. These Plans and the PPS do not direct residential uses or intensification to lands designated as Utility Corridors. The Official

Plan currently provides the applicant with a limited range of uses that are low in scale so as to maintain the primary function of the utility corridor. The residential townhouse proposal is not considered to be in keeping with Official Plan policies, Council policy or guidelines. Planning staff recommend that the applications be refused.

CONTACT

Sylvia Mullaste, Planner

Tel. No. (416) 396-5244

Fax No. (416) 396-4265

E-mail: Mullaste@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Draft Plan of Subdivision

Attachment 3: Street A Elevation

Attachment 4: South Elevation

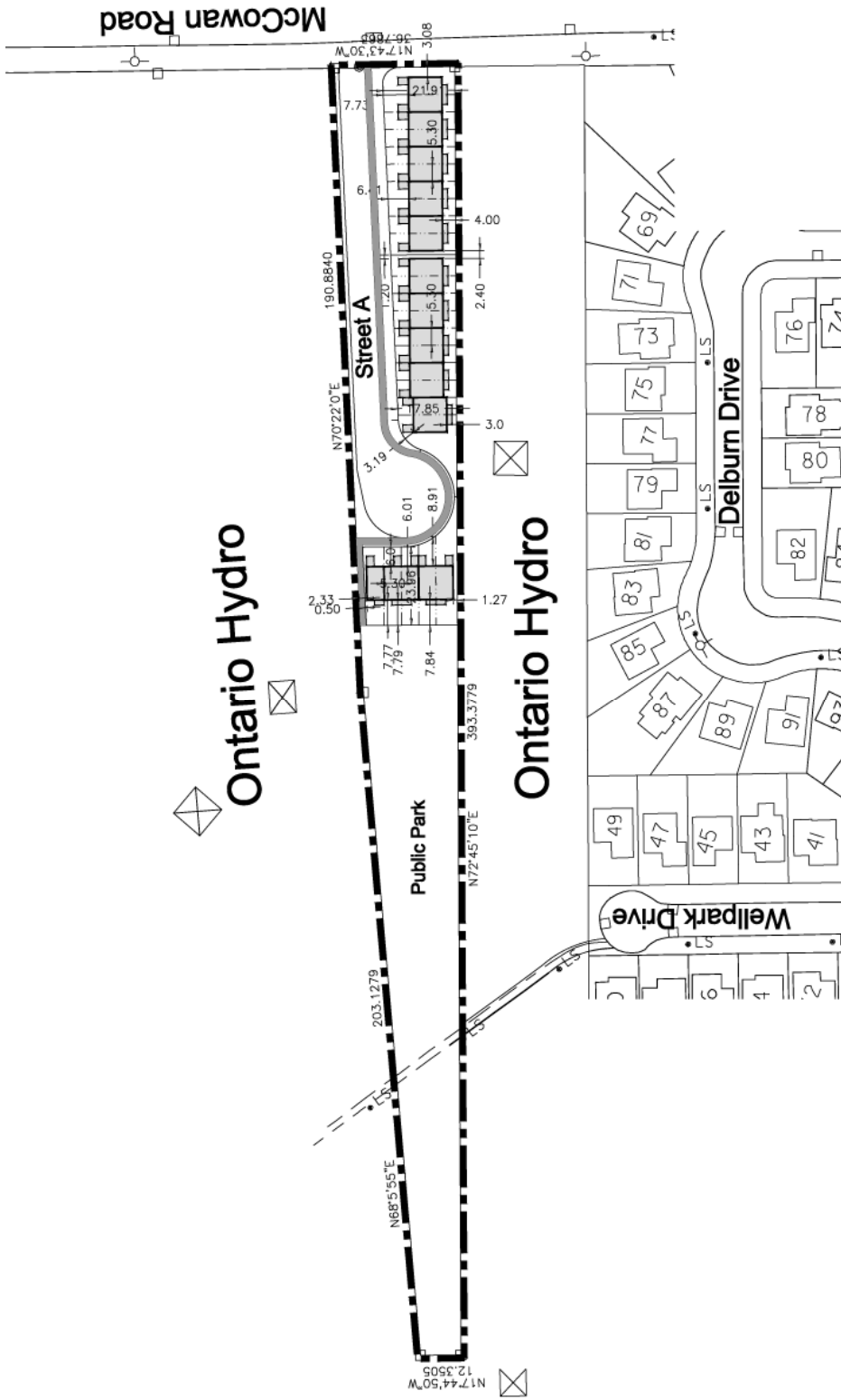
Attachment 5: Aerial Context Map

Attachment 6: Zoning

Attachment 7: Official Plan

Attachment 8: Application Data Sheet

Attachment 1: Site Plan



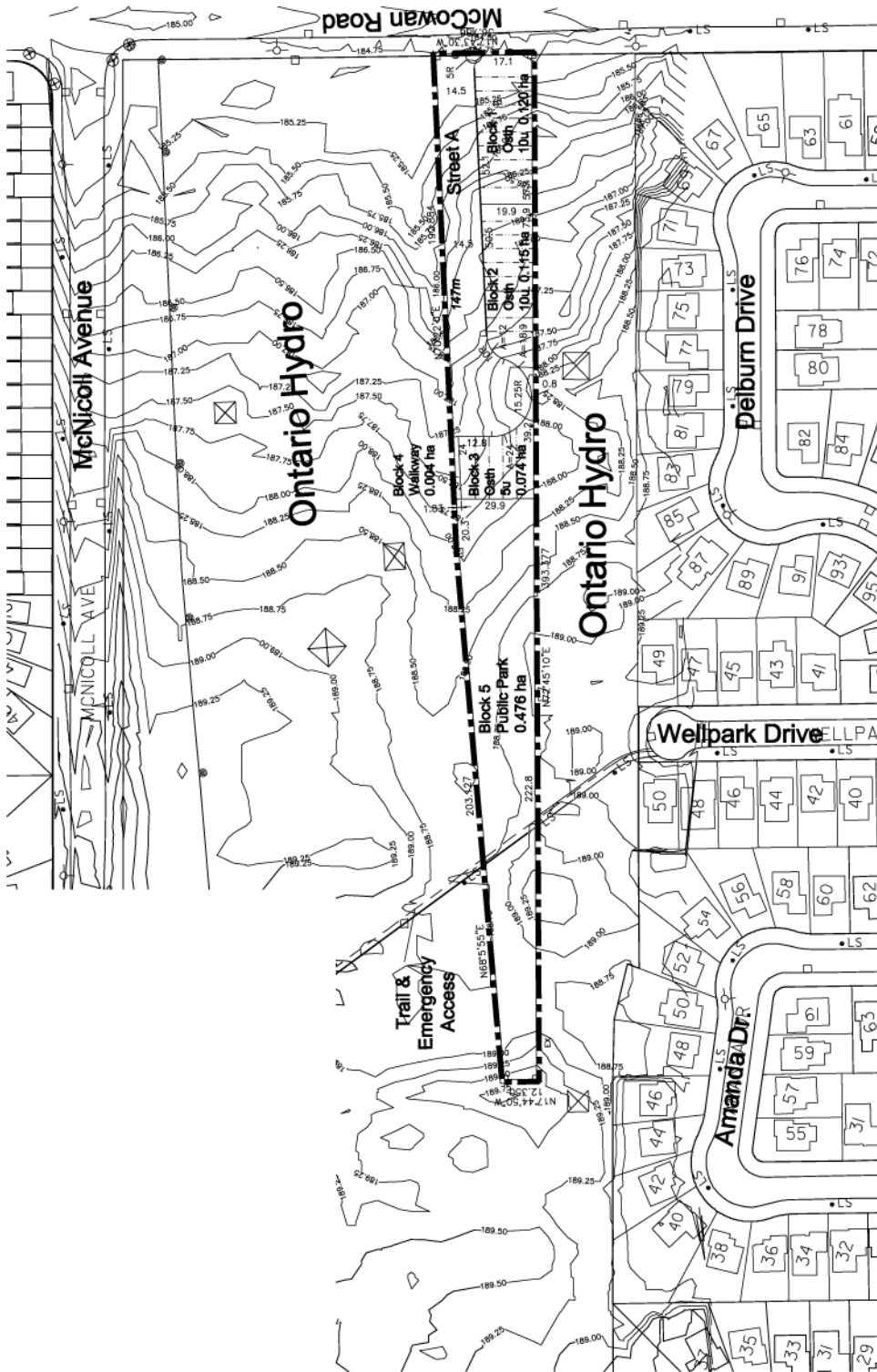
3010 McCowan Road

Site Plan
Applicant's Submitted Drawing

Not to Scale
06/14/10

File # 10-183954 OZ & 10-186017 SB

Attachment 2: Draft Plan of Subdivision



3010 McCowan Road

Plan of Subdivision

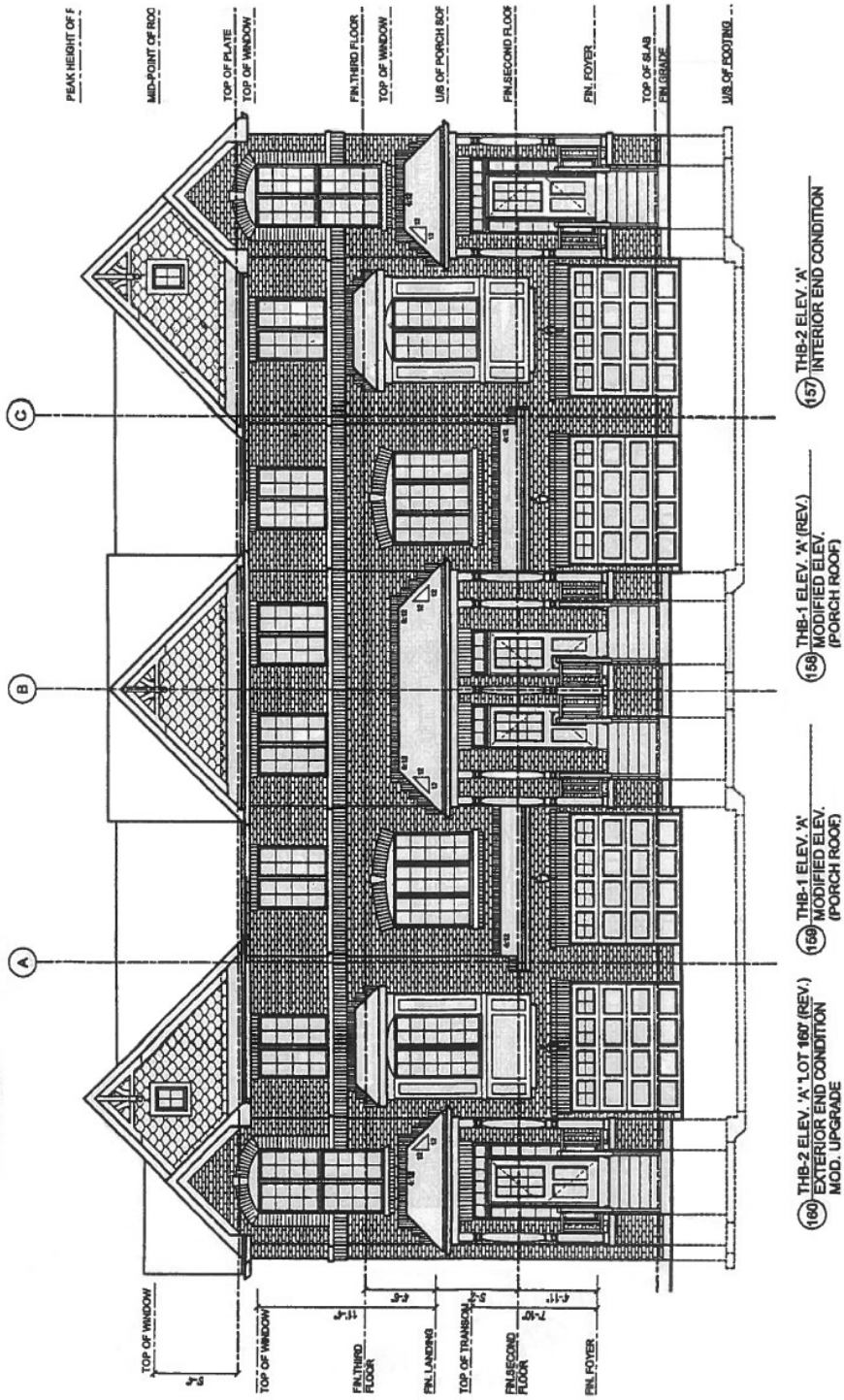
Applicant's Submitted Drawing

Not to Scale
06/14/10



File # 10-183954 OZ & 10-186017 SB

Attachment 3: Street A Elevation



3010 McCowan Road

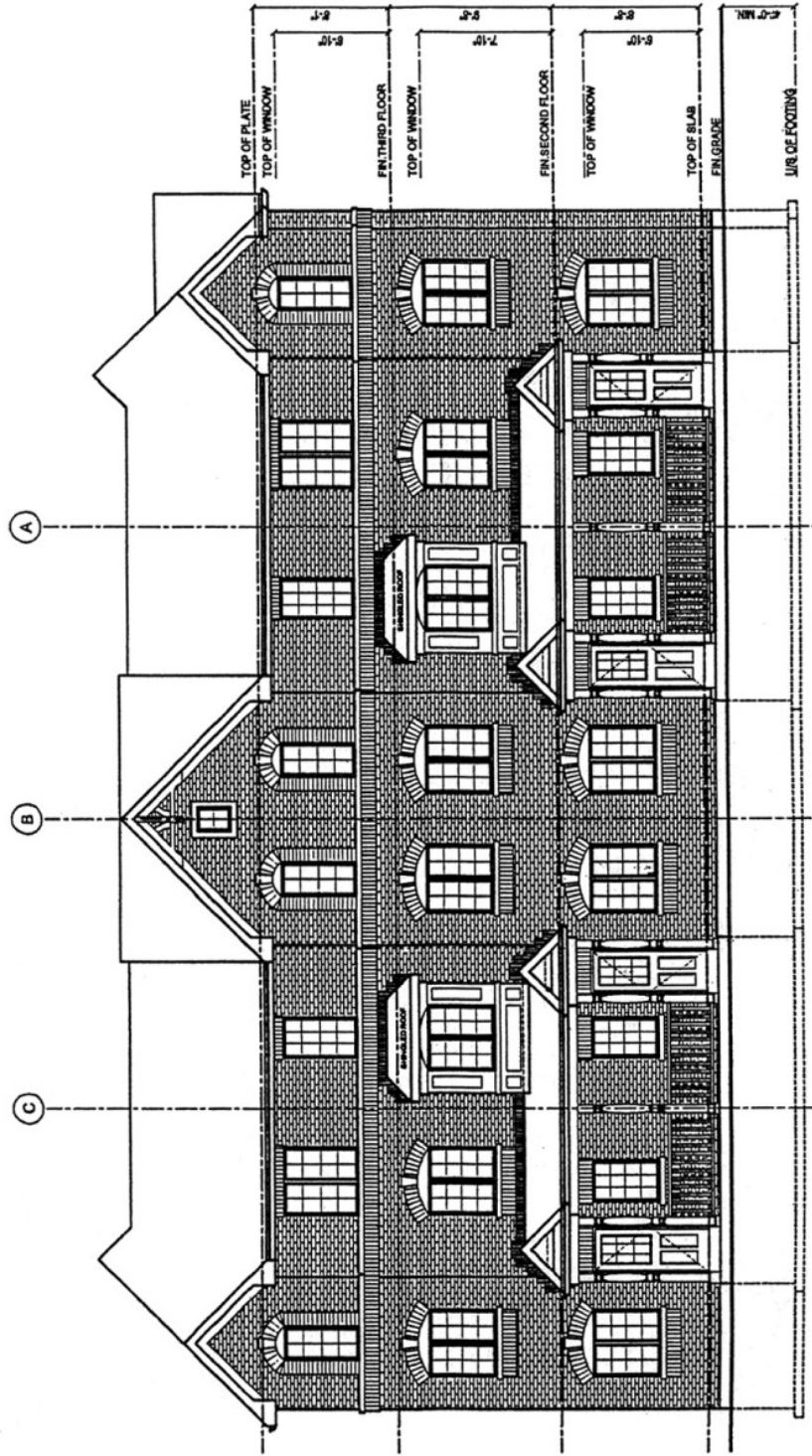
North Elevation

Applicant's Submitted Drawing

Not to Scale
06/22/10

File # 10-183954 OZ & 10-186017 SB

Attachment 4: South Elevation



3010 McCowan Road

South Elevation

Applicant's Submitted Drawing

Not to Scale
06/14/10

File # 10-183954 OZ & 10-186017 SB

Attachment 5: Aerial Context Map



Aerial Context

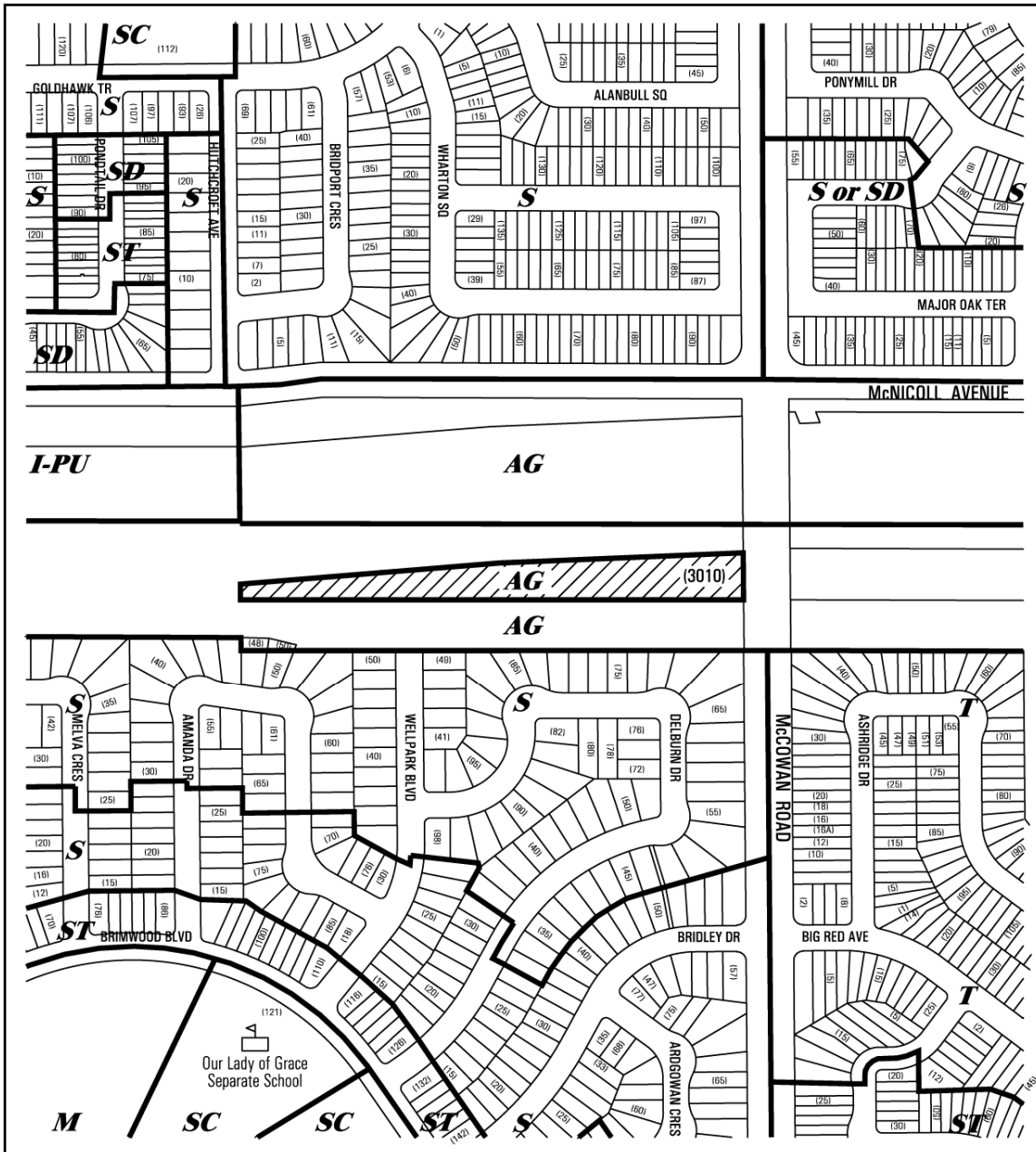
3010 McCowan Road

Not to Scale
11/22/10



File #10 183954 OZ, 10 186017 SB

Attachment 6: Zoning



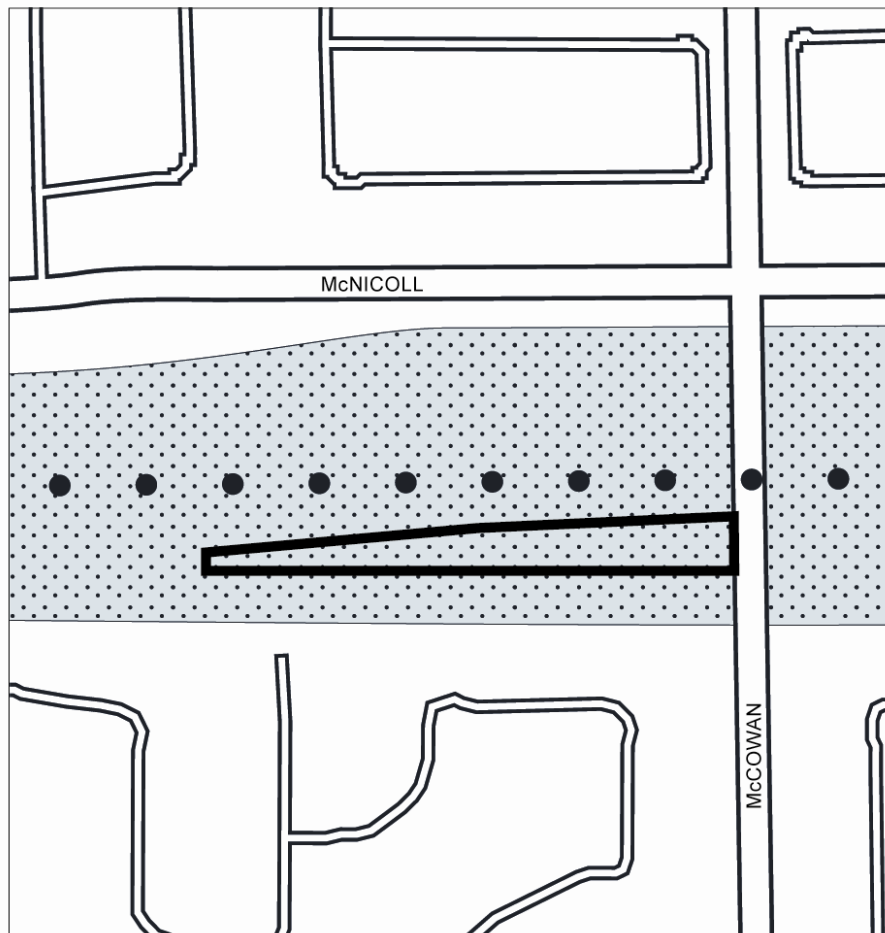
TORONTO City Planning
Division
Zoning

3010 McCowan Road
File # 10-183954 OZ, 10-186017 SB

- | | |
|---|--|
| S Single-Family Residential | I-PU Institutional-Public Utilities |
| T Two-Family Residential | SC School |
| SD Semi-Detached Residential | AG Agricultural Uses |
| ST Street-Town House Residential | |
| M Multiple-Family Residential | |

Milliken, Agincourt North
Community Bylaws
Not to Scale
↑
06/16/10

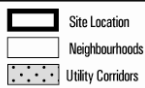
Attachment 7: Official Plan



 **TORONTO** City Planning
Official Plan

3010 McCowan Road

File # 10-183954 OZ, 10-186017 SB




Not to Scale
06/17/10

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning Draft Plan of Subdivision	Application Numbers:	10 183954 ESC 41 OZ 10 186017 ESC 41 SB
Details	OPA & Rezoning, Standard	Application Date:	May 28, 2010
Municipal Address:	3010 MCCOWAN RD		
Location Description:	CON 4 PT LOT 23 RP66R13117 PART 5 **GRID E4106		
Project Description:	A development of 25, 3-storey townhouses on a new public road on vacant 1.4 hectares. The development is contemplated for affordable home ownership. The land has a 36.78 m frontage on the west side of McCowan Road and is between hydro transmission lines. A 0.47 ha parkland dedication from the westerly limits of the lands is also proposed.		

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC			The Wolf Lebovic Charitable Foundation & The Joseph Lebovic Charitable Foundation

PLANNING CONTROLS

Official Plan Designation:	Utility Corridors	Site Specific Provision:	Site Specific Policy 105
Zoning:	AG- Agricultural	Historical Status:	
Height Limit (m):		Site Plan Control Area:	N/A

PROJECT INFORMATION

Site Area (sq. m):	10430	Height:	Storeys:	3	
Frontage (m):	36.8		Metres:	0	
Depth (m):	393.4				
Total Ground Floor Area (sq. m):	0				Total
Total Residential GFA (sq. m):	3,050		Parking Spaces:	25	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	0				
Lot Coverage Ratio (%):	0				
Floor Space Index:	0.29				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Freehold		
Rooms:	0	Residential GFA (sq. m):	3,050
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	12	Industrial GFA (sq. m):	0
3 + Bedroom:	13	Institutional/Other GFA (sq. m):	0
Total Units:	25		

CONTACT:	PLANNER NAME:	Sylvia Mullaste, Planner
	TELEPHONE:	(416) 396-5244