STAFF REPORT
ACTION REQUIRED

Lands on North Side of Sheppard Ave E, adjacent to Boydwood Lane – Removing Lands from Site Plan Control – Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 26, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Scarborough Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, Scarborough District City Solicitor, Legal Services</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 44 – Scarborough East</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>08 152515 ESC 44 OZ and 08 152520 ESC 44 SB</td>
</tr>
</tbody>
</table>

SUMMARY

This request proposes to remove certain residential lands from the provisions of site plan control. The lands were the subject of an Ontario Municipal Board (OMB) hearing for subdivision and rezoning applications which began in May 2010. The hearing focussed on setback requirements from the development to the slope of the Rouge Valley. The resulting OMB Decision established building and lot line setback requirements. The decision also required the applicant to dedicate their non-developable lands to the Toronto and Region Conservation Authority (TRCA) which will act as a further buffer to the Rouge Valley.

A subsequent hearing took place in November 2010 to finalize zoning and subdivision conditions. A settlement was reached at the hearing. The settlement included subdivision conditions that would normally be required in a site plan agreement which further protect the Rouge Valley lands. As part of the settlement, City Planning, TRCA and Legal Services staff agreed to bring forward this request to remove the residential lots from the provisions of site plan control.
This report reviews and recommends that City Council amend Site Plan Control By-law No. 21319 to delete the proposed residential lot portion of the subject lands from site plan control.

RECOMMENDATIONS

The City Planning and Legal Services Divisions recommend that:

1. City Council amend Site Plan Control By-law No. 21319 to delete a portion of the subject lands on the north side of Sheppard Avenue East, adjacent to Boydwood Lane, substantially in accordance with the draft by-law attached as Attachment 1.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law as may be required.

Financial Impact
The recommendations in this report have no financial impact.

ISSUE BACKGROUND
Zoning by-law amendment and subdivision applications were made in 2008 to create a subdivision of single detached residential lots on a new single loaded public road. These applications were appealed to the Ontario Municipal Board with a number of outstanding issues, including the agreed upon location of the top-of-bank and the required setbacks from the long-term stable slope line. An OMB hearing took place in May 2010 where the setback requirements were the subject of the hearing, with other issues to be resolved between the parties or at a subsequent hearing.

In its Decision issued on June 28, 2010, the OMB decided in favour of a 10 metre minimum development setback from the long-term stable slope for lots 4 & 5 (lots shown in Attachment 1, Schedule 1) and required the applicant to dedicate the lands to the east to the TRCA in order to provide a buffer to the Rouge Valley. In addition, the applicant was required to provide a buffer restoration planting plan, an edge management plan, silt fencing and rear yard fencing to protect the buffer lands and provide further protection to the valley lands, all of which have been included in the subdivision agreement. The resulting building setback from the Rouge Valley top-of-bank ranges from 20 to 35 metres.

A subsequent hearing date was scheduled for November 2010 to finalize the zoning and the draft plan of subdivision. At the hearing, a settlement was reached between the City, the TRCA and the applicant. As part of the settlement, additional protection of the Rouge Valley that would normally be provided for in site plan review was included in the subdivision conditions which do not permit structures or swimming pools on lots 4 and 5.

City Planning and Legal Services staff are bringing forward this request to remove the residential lots from site plan control as part of the settlement.
COMMENTS
The OMB’s decision requires a minimum 10 metre setback from the development to the long-term stable slope line for lots 4 and 5 and provides for approximately 20 to 35 metre setbacks from the top-of-bank. The applicant is also required to dedicate lands to the east to the TRCA which provides for a buffer to the Rouge Valley. The decision also requires additional measures including buffer planting restoration work, silt fencing and rear yard fencing. Subdivision conditions were agreed to as part of a settlement that provide for additional protection of the Rouge Valley that would normally be provided for as part of site plan review.

It is the City's practice to exempt certain land uses from site plan control such as single and semi-detached dwellings when they do not abut a valley. Since lands are being dedicated to the TRCA and they form a permanent buffer area to the Rouge Valley, the residential lots are no longer directly adjacent to the Rouge Valley lands. Further TRCA provisions for Rouge Valley protection have been provided for in the subdivision conditions and it is City staff and the TRCA's position that no further protections can be achieved through the site plan control process. As part of the OMB settlement, City Planning and Legal Services staff are bringing forward this request to remove the proposed single detached residential lots from site plan control.

CONTACTS
Heather Inglis Baron, Planner
Tel. No. (416) 396-5004
Fax No. (416) 396-4265
E-mail: hinglis@toronto.ca

Gary McKay, Solicitor
Tel. No. (416) 397-5422
Fax No. (416) 397-4420
E-mail: gmckay@toronto.ca

SIGNATURES

__________________________________________
Raymond David, Director
Community Planning, Scarborough District

__________________________________________
Anna Kinastowski, City Solicitor
Legal Services

ATTACHMENTS
Attachment 1: Draft Site Plan Control By-law
Attachment 1: Draft Site Plan Control By-law

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To remove a Site Plan Control Area (Rouge Community)
With respect to the lands on the east side of Sheppard Avenue East, adjacent to 33 Boydwood Lane

WHEREAS authority is given to Council by Section 41 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to designate the whole or any part of the area covered by an Official Plan as a Site Plan Control Area; and

WHEREAS Council of the City of Toronto deems it expedient to remove the lands set out in Schedule "1" from site plan control;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 21319 is amended by deleting the lands shown outlined by a heavy black line on Schedule "1" attached.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROBERT FORD, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)