

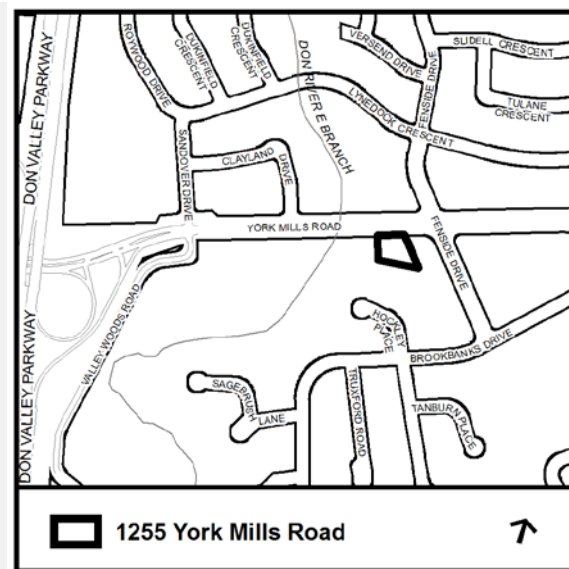
1255 York Mills Road – Official Plan Amendment and Zoning Amendment Application – Refusal Report

Date:	May 27, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 34 – Don Valley East
Reference Number:	16 123417 NNY 34 OZ

SUMMARY

This application proposes to amend the Official Plan designation and Zoning By-law provisions applicable to the lands at 1255 York Mills Road to permit eleven residential units, consisting of two blocks of townhouses having three units each, one block of townhouses having four units, and one detached dwelling. Each of the units are proposed to be three storeys in height. Access to the site is proposed by way of a six metre private driveway from York Mills Road.

In order to construct the proposed buildings, the existing natural woodland feature on the property would need to be removed in its entirety. Further, several of the buildings are proposed to be constructed below the top-of-bank. The development is not consistent with the policies of the Provincial Policy Statement, and it does not conform to the Growth Plan for the Greater Golden Horseshoe. Further, the proposal is inconsistent with the policies of the Official Plan which speak to *Parks and Open Space Areas: Natural Areas*, and the Natural Environment. Additionally, the proposal does not meet the purpose and intent of the Ravine and Natural Feature By-law or the Parks By-law. Finally, the proposal is inconsistent with The Living City Policies



for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application to Amend the Official Plan and Zoning By-laws at 1255 York Mills Road for the following reasons:
 - a) The proposal is not consistent with the Provincial Policy Statement;
 - b) The proposal does not conform to the Growth Plan for the Greater Golden Horseshoe;
 - c) The proposal does not conform to the *Parks and Open Space: Natural Areas* policies or the Natural Environment policies of the City of Toronto Official Plan; and
 - d) The proposal is inconsistent with the purpose and intent of the Ravine and Natural Features Protection By-law and Parks By-law.
2. Should the application be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal of the Official Plan and Zoning By-law Amendments.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Pre-Application Consultation

Toronto Hydro, the former owner of these lands, decommissioned the on-site substation in or around 2013. At that time, Toronto Hydro circulated the sale of the lands to the Parkland Acquisition Unit of the City of Toronto however, among other reasons, the funds were not available in the North District Parkland Acquisition account to purchase the property. The site was subsequently sold to a third party.

On August 8, 2013, the applicant and the property owner met with City Planning and Toronto and Region Conservation Authority (TRCA) staff. At that time, the applicant was proposing the creation of two lots, each accommodating a detached dwelling. Both

City Planning and TRCA staff had concerns with the proposal, however it was noted that, should the owner choose to move forward, applications for Official Plan Amendment, Zoning By-law Amendment, and Consent to Sever would be required. Additionally, permits from Ravine and Natural Feature Protection and the Toronto and Region Conservation Authority would be required.

On November 18, 2014, the applicant and the property owner met with City Planning, Ravine and Natural Feature Protection, and Toronto and Region Conservation Authority staff. The plan had been revised, proposing a six-storey mixed use building with two levels of underground parking. City staff and TRCA staff noted concerns with the application, which included the proposed location of the building relative to the TRCA staked top-of-bank, the proposed height and setbacks, and the proposed use. It was again noted that Applications for Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control would be required. Additionally, permits from Ravine and Natural Feature Protection and the Toronto and Region Conservation Authority would be required.

Proposal

The applicant proposes to construct three blocks of townhouses, and one detached dwelling accessed by a six metre driveway. Two of the blocks would be comprised of three units, and one block would be comprised of four units, for a total of eleven units, including the detached dwelling. The site plan can be found at Attachment 1. Each of the units would be three-storeys in height, with Unit 5 being the tallest at 14.4 metres measured to the peak of the roof. The elevations can be found at Attachment 5. The proposed gross floor area (GFA) of the development is 2,694 square metres, and the proposed floor space index (FSI) is 0.97 times the area of the lot. The calculation of FSI, provided by the applicant, has utilized the area of the entire site. The Natural Environment polices of the Official Plan state that land below the top-of-bank may not be used in the calculation of permissible density. The applicant was made aware of this policy during pre-applications meetings. This figure will need to be recalculated, which will result in a higher FSI.

The proposed lot areas, unit widths, and unit areas (including basements) are detailed in the following chart:

Lot No.	Unit Type	Unit Area	Unit Width	Lot Area
1	Townhouse	240 m ²	6.5 m	114 m ²
2	Townhouse	240 m ²	6.5 m	117 m ²
3	Townhouse	240 m ²	6.5 m	117 m ²
4	Townhouse	240 m ²	6.5 m	111 m ²
5	Townhouse	240 m ²	6.5 m	111 m ²
6	Townhouse	240 m ²	6.5 m	111 m ²
7	Townhouse	240 m ²	6.5 m	113 m ²
8	Townhouse	253 m ²	6.5 m	179 m ²
9	Townhouse	266 m ²	6.0 m	165 m ²

10	Townhouse	258 m ²	6.5 m	163 m ²
11	Detached	237 m ²	6.5 m	129 m ²

Units 1 and 11 would be situated closest to the front lot line. Unit 1 has a proposed front yard setback of 0.9 of a metre to the east corner of the building. Unit 11 has a proposed front yard setback of 1.7 metres to the east corner of the building. Units 1 to 3 would be situated closest to the east side lot line, with each unit having a proposed setback of 5 metres. Units 4 to 7 would be situated closest to the rear lot line, with each unit having a proposed setback of 1.5 metres. Units 8 to 11 would be situated closest to the west side lot line, with the narrowest setback being 3 metres. A landscaped strip with a width of 1.5 metres is proposed along the south and west lot lines; a landscaped strip of 3 metres is proposed along the east lot line.

Each unit would have a garage, which would accommodate one parking space. Units 4 to 8 and 11 would have a second parking space in front of the garage, in a private driveway. Three visitor parking spaces are proposed at the east side of the site. A loading space is proposed adjacent to the visitor parking spaces, beside Unit 3. Twenty parking spaces are proposed, including visitor parking spaces.

Site and Surrounding Area

The subject property is located on the south side of York Mills Road, east of the Don Valley Parkway. The site has an area of 2,790 square metres, a frontage of 45.7 metres, and a depth of approximately 61.9 metres. The site currently accommodates a vacant, one-storey structure, which was previously used as a hydro sub-station. The structure is proposed to be demolished. There is woodland on the western half of the site, which is part of the City of Toronto Natural Heritage System, and subject to the City of Toronto Ravine and Natural Feature Protection By-law. This woodland extends into the adjacent Brookbanks Park. An aerial photograph depicting the woodland can be found at Attachment 4. The property falls partially within a Toronto and Region Conservation Authority (TRCA) regulated area. TRCA staff have staked the top-of-bank and the dripline of the woodland as one line. The Tree Preservation Plan, Attachment 3, shows where this line falls in relation to the proposed buildings.

Land uses surrounding the site are as follows:

North: The north side of York Mills Road is characterized by apartment buildings, increasing in height westward, toward the Don Valley Parkway. Across York Mills Road from the subject property, between Clayland Drive and Fenside Drive, are three apartment buildings, two of which are four-storeys in height, and one which is five-storeys in height. These lands are designated *Apartment Neighbourhoods*. Further north is a low-density residential neighbourhood, characterized by detached and semi-detached dwellings. This area is designated *Neighbourhoods*.

South: Brookbanks Park, designated *Natural Areas*, abuts the site to the south. Further south is a low-density residential neighbourhood, characterized by

detached dwellings. This area is designated *Neighbourhoods*.

East: Semi-detached dwellings, primarily two-storeys in height, abut the site to the east. Further east, at the southeast corner of Fenside Drive and York Mills Road, is a predominantly one-storey commercial plaza. Three additional stand alone commercial buildings are currently under construction on this site. The semi-detached dwellings and the plaza are designated *Mixed Use Areas*.

West: Brookbanks Park abuts the site to the west, through which runs Deerlick Creek, a tributary of the East Don River. Further west, also on the south side of York Mills Road, is a townhouse development. A new development has been approved on the site of the existing townhouses, for five buildings ranging from 12-storeys to 27-storeys in height, a public street, and a public park. Brookbanks Park is designated *Natural Areas*, and the existing townhouse development (future apartment building development) is designated *Apartment Neighbourhoods*.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

Official Plan

Parks and Open Spaces Areas: Natural Areas

The Toronto Official Plan identifies the subject lands as being designated *Natural Areas*. *Natural Areas* fall under the category of *Parks and Open Space Areas*, which include parks, open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses, cemeteries, natural habitat areas, recreation trails, stormwater management facilities, and some privately owned lands which adjoin a ravine or the waterfront. *Natural Areas* are to be maintained, primarily, in a natural state, while allowing for compatible recreational, cultural, and educational uses and facilities, as well as

conservation projects, public transit, public works, and utilities for which no reasonable alternatives are available. Any development will be designed to have minimal adverse impacts on natural features and functions.

Section 4.3 outlines the development criteria for *Parks and Open Spaces Areas*. Any development provided for in *Parks and Open Space Areas* will:

- a) protect, enhance or restore trees, vegetation and other natural heritage features;
- b) preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas, or unreasonably restrict private property rights;
- c) maintain, and where possible create linkages between parks and open spaces to create continuous recreational corridors;
- d) maintain or expand the size and improve the usability of publicly owned *Parks and Open Space Areas* for public parks, recreational and cultural purposes;
- e) respect the physical form, design, character and function of *Parks and Open Space Areas*; and
- f) provide comfortable and safe pedestrian conditions.

Parks and Open Space Areas that are privately owned are not necessarily open to the general public nor intended to be purchased by the City. If an application is made to develop such lands and the City or a public agency does not wish to purchase the lands to extend the public open space system, the application will be considered on the basis of its consistency with the policies of the Official Plan.

Natural Heritage System

Although not statutory, Map 9 of the Official Plan identifies the western portion of the subject property as forming part of the Natural Heritage System. The Natural Heritage System is made up of areas where protecting, restoring, and enhancing the natural features and functions should have high priority in city-building decisions. The Plan states that the urban forest is essential to the City's character, providing shade and habitat, helping to clean the air, contributing to the green links between streets, neighbourhoods, employment areas, and parks, and supporting ecosystem diversity. The urban forest must not only be protected, but enhanced, particularly by planting native trees and trees that increase canopy coverage and diversity. Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect.

Section 3.4 of the Official Plans outlines development policies for the natural environment. These policies include:

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

- iii) landforms, ravines, watercourses, wetlands and the shoreline and associated biophysical processes; and
 - iv) natural linkages between the Natural Heritage System and other green spaces.
 - d) preserving and enhancing the urban forest by:
 - i) providing suitable growing environments for trees;
 - ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
 - iii) regulating the injury and destruction of trees.
- 3. A study will be required, when appropriate, to assess a proposed development's impact on the natural environment and propose measures to reduce negative impacts on and where possible improve, the natural environment;
- 8. Development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards:
 - a) the top-of-bank of valleys, ravines and bluffs.
- 9. Land below the top-of-bank, or other hazard lands, may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements.
- 10. Development is generally not permitted in the Natural Heritage System illustrated on Map 9. Where the underlying land use designation provides for development in or near the Natural Heritage System, development will:
 - a) recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
 - b) minimize adverse impacts and when possible, restore and enhance the Natural Heritage System.
- 12. 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, 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 or buffer areas and functions;
 - e) vegetation communities and species of concern; and
 - f) significant aquatic features and functions including the shoreline of Lake Ontario.

To assist this evaluation, an impact study may be required in accordance with guidelines established for this purpose.

Green Space System

Lands designated *Parks and Open Space Areas* comprise part of the Green Space System. The Plan states that these areas should be protected, improved, and added to whenever feasible. The Green Space System performs many roles in the life of the City, which are strengthened through land use designations, planning policies, and public and private

undertakings. The TRCA plays an important role in the protection, enhancement, and management of these lands.

Neighbourhoods

The applicant proposes to re-designate the subject lands to *Neighbourhoods*. *Neighbourhoods* are considered to be stable areas, where new development will maintain the existing physical character. The Plan anticipates lower scale residential uses, such as detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses, and some walk-up apartments. Low scale institutions are also provided for in *Neighbourhoods*. Section 4.1 outlines the development policies for *Neighbourhoods*. The preamble to the development criteria states that, physical changes to our established *Neighbourhoods* must be sensitive, gradual, and generally ‘fit’ the existing physical character of the neighbourhood. This includes, but is not limited to, building type, street patterns, size and configuration of lots, setbacks, height, massing and scale.

As part of the City’s ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhood, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council’s goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. In December 2015 the City submitted OPA 320 to the Minister of Municipal Affairs and Housing for approval. While OPA 320 is City Council’s adopted policy, it is not yet in force.

Ravine and Natural Features Protection By-law

The southern portion of the subject property is regulated under the Ravine and Natural Feature Protection (RNFP) By-law. The RNFP By-law protects all trees, regardless of size or species, woodland vegetation, and slopes within the regulated area. Approval is required from Urban Forestry, Ravine and Natural Feature Protection prior to any work or disturbance within the regulated area. A permit is required to injure or remove any protected tree or, in some cases, place fill or alter grades.

The applicant has submitted a Natural Heritage Impact Study, a Geotechnical Investigation, a Functional Servicing and Stormwater Management Report, and an Arborist Report and associated drawings. The submission was circulated to RNFP staff for review and comment.

Tree Preservation By-laws

City of Toronto Tree by-laws, which protect and preserve trees on City and private property, have been established in order to attempt to retain as much crown cover as possible, particularly where development is concerned. It is expected that retention and appropriate protection of existing trees will be considered when developing properties, and whenever possible, buildings and driveways are to be diverted around trees.

The applicant has submitted an Arborist Report and associated drawings. The submission was circulated to Urban Forestry staff for review and comment.

Toronto and Region Conservation Authority

The TRCA is the City's partner in managing the natural environment. It plays an important role in managing Toronto's natural environment. The Authority:

- Safeguards, manages and restores rivers, lakes, woodlands, wetlands and natural habitat;
- Protects life and property from flooding erosion; and
- Provides educational and recreational opportunities for the public.

TRCA's policy document, *The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP)*, 2014 guides TRCA's role as an approval authority under Ontario Regulation 166/06, and as an advisor to municipalities under the *Planning Act* with respect to natural heritage and natural hazards. For the latter role, TRCA has a provincially delegated responsibility to uphold the provincial interest in protecting life and property from natural hazards such as flooding and erosion. Because the subject property contains part of a valley corridor associated with the Don River watershed, the LCP apply to this application.

The LCP focuses on four strategic objectives; Healthy Rivers and Shorelines, Green Space Biodiversity, Sustainable Communities, and Business Excellence. The TRCA was a partner in the Natural Heritage Study which identified the Natural Heritage System for the Official Plan, as well as advancing the Living City vision. The Plan sets the stage for the City and the TRCA to continue its partnership to create the healthy sustainable co-existence and integration of natural ecosystems with human communities in the City and the region beyond.

Section 7.3.1 of the LCP speaks to environmental protection policies related to the *Natural System*. The *Natural System* is made up of natural features and areas, water resources, natural hazards, and areas of potential natural cover or buffers. It is a goal of the LCP to protect, restore, and enhance the *Natural System* for the long term. Section 8.4 speaks to the general regulation policies which apply to all activities within areas regulated by TRCA. Policies are in place related to development setbacks, and include the following:

- 8.4.8 Notwithstanding supplementary policies or stand-alone policies as specified in Sections 8.5 through to 8.12, development within a regulated area shall be set back from the greater of the following:
 - a) Valley and Stream Corridors: 10 metres from the long term stable top of slope, stable toe of slope, Regulatory flood plain, meander belt and any contiguous natural features and areas that contribute to the conservation of land;

The applicant has submitted a Natural Heritage Impact Study, a Geotechnical Investigation, and a Functional Servicing and Stormwater Management Report. The submission was circulated to TRCA staff for review and comment.

Zoning

The subject lands are zoned O1 (Open Space Zone) under former City of North York Zoning By-law No. 7625, as amended. The O1 zone permits limited recreational, institutional, and commercial uses. These uses include public parks, including athletic fields, field houses, community centres, bleachers, open and closed swimming and wading pools, greenhouses, botanical gardens, zoological gardens, band stands, skating rinks, tennis courts, bowling greens, as well as playgrounds, and golf courses. Schools and day nurseries are also permitted, as well as refreshment pavilions that are public owned and operated. No building or structure shall be located close to any lot line than a distance equal to the height of said building or structure. The proposed townhouses and detached dwelling are not permitted uses.

The subject lands are zoned ON (Open Space - Natural Zone) under City of Toronto Zoning By-law No. 569-2013. The permitted uses include Parks, Agricultural Uses, Ambulance Depots, Fire Halls, Police Stations, Public Utilities, and Transportation Uses. Other uses permitted with conditions include Recreation Uses, Education Uses, Clubs, Renewable Energy Uses, Entertainment and Place of Assembly Uses, Retail Stores, and Stables. The proposed townhouses and detached dwelling are not permitted uses.

Site Plan Control

This proposal is subject to Site Plan Control, however an application has not been submitted.

Reasons for the Application

An application for Official Plan Amendment has been submitted to re-designate the lands from *Parks and Open Space: Natural Areas* to *Neighbourhoods*, to allow for the proposed residential use. An application for Zoning By-law Amendment has been submitted to allow for the proposed residential use, the proposed building types, and to create an appropriate list of associated performance standards.

Agency Circulation

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

COMMENTS

Site and Area Context

The subject property is located on the south side of York Mills Road, east of the Don Valley Parkway, and currently accommodates a decommissioned hydro substation which is proposed to be demolished. The southern portion of the property is subject to the City of Toronto Ravine and Natural Feature Protection By-law, and falls within the Toronto and Region Conservation Authority (TRCA) regulated area. On the western half of the subject property and subject to the RNFP By-law, is a woodlot that extends into

Brookbanks Park, a City-owned park which adjoins the subject property to the west and south. Semi-detached dwellings back onto the subject property to the east.

TRCA staff have determined the stable top-of-bank and the dripline of the woodland. The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) define the stable-top-of bank as *the physical top-of-slope where the existing slope is stable and not impacted by toe erosion, or the landward limit of the toe erosion allowance plus the stable slope allowance where the existing slope is unstable and/or impacted by erosion*. The same document defines the dripline as *the downward vertical projection of the outer most extent of tree branches*.

As staked by TRCA on September 16, 2013, the stable top-of-bank runs roughly parallel to the south property line from the southeast portion of the property toward the west side of the property into the existing woodland. The dripline of the portion of the woodland on the subject property begins at the northwest corner of the property, extending to the east and south through the middle of the property. The dripline intersects with the top-of-bank toward the south end of the property. TRCA staked the greatest extent of the two features as one line, the location of which is shown on Attachments 2 and 3. The approximate location of the line has been shown on the site plan, Attachment 1.

This application proposes the construction of three blocks of townhouses, totalling ten dwelling units, and one detached dwelling. Eight of the proposed units would fall within the dripline of the woodland, or below the top-of-bank.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

Part V, Section 2.0 of the PPS speaks to the Wise Use and Management of Resources, stating that Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Section 2.1 of the PPS speaks to Natural Heritage. Policy 2.1 states that natural features and areas shall be protected for the long term. Policy 2.1.2 goes on to state 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. Policy 2.1.3

requires the identification of Natural Heritage Systems in Ecoregions 5E, 6E and 7E, within which the City of Toronto falls. Policy 2.1.5 states that development and site alteration shall not occur within various features of such Natural Heritage Systems, including significant woodlands. Policy 2.1.8 states that development and site alteration shall not be permitted on lands adjacent to natural heritage features and areas, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts.

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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Section 4 of the Growth Plan speaks to the protection and wise management of natural heritage features and areas, cultural heritage sites, and renewable and non-renewable resources that are essential to the long-term economic prosperity, quality of life, and environmental health of the region. Section 4.2.1 details policies for protecting *Natural Systems*. The policies encourage planning authorities to identify natural heritage features and areas that complement, link, or enhance natural systems. Many of these features, areas, and sites are already protected through legislation such as the Ontario Heritage Act, the PPS, and various provincial plans. This Plan supports and builds on these initiatives, and promotes a balanced approach to the wise use and management of all resources, including natural heritage, agriculture, and mineral aggregates.

The policies of the PPS and the Growth Plan which relate to the protection and management of natural features, areas, and resources are echoed in the City of Toronto Official Plan Natural Environment policies. As such, a Natural Heritage Impact Study (NHIS) was required as part of this application. The NHIS has been reviewed by City of Toronto staff and TRCA staff, and it is the opinion of staff that the NHIS does not satisfactorily address the potential impacts of the proposed development on the Natural Heritage System, or provide for satisfactory improvements that would result in an overall benefit to the portion of the Natural Heritage System on the property. Detailed comments can be found in the Toronto and Region Conservation Authority section of this report.

This proposal is not consistent with the Provincial Policy Statement, and does not conform to the Growth Plan for the Greater Golden Horseshoe.

Land Use

The subject property is designated *Parks and Open Space Areas: Natural Areas* by the Official Plan. Policy 4.3.1 states that *Parks and Open Space Areas* are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto. The subject property contains a natural space, accommodating a portion of a large woodland, and open grass area. Further, the south end of the property links to the adjacent Brookbanks

Park. A decommission one-storey hydro substation, which is in poor condition, exists on the site. The applicant proposes to demolish the existing building, and construct three blocks of townhouses, and one detached dwelling accessed by a six metre driveway.

The proposed residential development is contrary to the above mention Policy 4.3.1, as well as Policy 4.3.2 which states that development is generally prohibited in *Parks and Open Spaces Areas*, except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. Policy 4.3.3 goes on to state that *Natural Areas* will be maintained primarily in a natural state, while allowing for compatible recreational, cultural, and educational uses and facilities that minimize adverse impacts on natural features and functions. This proposal would not be consistent with Policy 4.3.6(a) and (c), which states that development provided for in *Parks and Open Spaces Areas* will protect, enhance or restore trees, vegetation and other natural heritage features, and maintain or create linkages between parks and open spaces to create continuous recreational corridors. This application proposes the removal of all but one tree on the subject property, which includes the entirety of the woodland on the site, which is part of the Natural Heritage System. Further, it would create a barrier between York Mills Road and Brookbanks Park to the south and west.

This application proposes to re-designate the subject property to *Neighbourhoods*. Doing so would undermine the intent of the *Natural Areas* designation, which seeks to ensure that these areas and their features are maintained in a natural state. A appropriate form of development may be considered for the northeastern portion of the subject property, if such development were to maintain a 10 metre setback from the dripline and top-of-bank, staked by TRCA at an appropriate time, and the lands within and below said dripline and top-of-bank, plus a 10 metre setback, were conveyed into public ownership.

Staff do not support the redesignation of the subject property in its entirety to a *Neighbourhoods* designation, which would result in the destruction of part of a woodland and significantly encroach into the staked top-of-bank.

Density

Policy 3.4.9 of the Official Plan states that land below the top-of-bank may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements. The calculation of density (FSI) provided by the applicant has utilized the area of the entire site, and results in an FSI of 0.97. This calculation will need to be revised so that the area of the lands that sit above the top-of-bank only are utilized, which will result in an increased FSI.

Ravine and Natural Feature Protection

Policy 3.4.1(d)(iii) of the Official Plan, preserving and enhancing the urban forest by regulating the injury and destruction of trees, provides direction for the Ravine and Natural Feature Protection By-law. The RNFP By-law, Chapter 658 of the City of Toronto Municipal Code is applicable throughout the City of Toronto, and regulates certain activities within protected areas. Specifically, the purpose of the by-law is to

promote the management, protection, and conservation of ravines, and associated natural and woodland areas, and to prohibit and regulate the injury and destruction of trees, filling, grading, and dumping in defined areas.

The southern half of the subject property, which includes the majority of the woodland on the site is subject to this by-law. The 0.1 hectare woodland is a densely treed deciduous forest, consisting primarily of Sugar Maple, White Ash, and Choke Cherry tree species of various diameter classes. There are some pockets of ash mortality but generally the trees in the woodland are in a healthy and vigorous condition.

Map 9 of the Official Plan identifies the woodland as also being part of the Natural Heritage System. In order to accommodate the proposed development, the woodland is proposed to be removed in its entirety. Similar to what was stated above, this would be contrary to Official Plan Policy 4.3.6, the development criteria for *Parks and Open Space Areas*, which states that, in part, any development provided for in *Parks and Open Space Areas* will protect, enhance, or restore trees, vegetation and other natural heritage features. It would also be contrary to Policies 3.4.1 and 3.4.10 of the Natural Environment section of the Official Plan.

Policy 3.4.1 states that public and private city-building activities, and changes to the built environment will be environmentally friendly, particularly as it relates to the protection, restoration, and enhancement of the health and integrity of the natural ecosystem, and the preservation of the urban forest by providing suitable growing environments for trees, increasing tree canopy coverage and diversity, and regulating the injury and destruction of trees. Policy 3.4.10 states that development is generally not permitted in the Natural Heritage System, however where the underlying land use designation provides for development in or near the Natural Heritage System, development will recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area, and minimize adverse impacts and when possible, restore and enhance the Natural Heritage System. The underlying land use designation is *Parks and Open Spaces: Natural Areas* which, as detailed above, generally does not permit development. Policy 3.4.12 also speaks to development in or near the Natural Heritage System, stating that any development must be evaluated to assess any impacts and identify any mitigative measures. A Natural Heritage Impact Study (NHIS) was submitted with this application. Staff are not in agreement with the conclusions of the NHIS, the details of which are explored in the Toronto and Region Conservation Authority section of this report. Policy 3.4.8(a) states that development will be setback from the top-of-bank at least 10 metres. As stated in the Site and Area Context section of this report, the top-of-bank, which delineates the top of the valley from its surrounding landscape, runs roughly parallel to the south property line from the southeast portion of the property toward the west side of the property into the existing woodland. At least four of the proposed dwellings would be situated below the top-of-bank, and within the required 10 metre setback.

Policy 3.4.1(d)(iii) also provides direction for the Parks By-law. The Parks By-law, Chapter 608 of the City of Toronto Municipal Code is applicable throughout the City of

Toronto and regulates certain activities within parks. Specifically, the purpose of the by-law is to regulate, protect, and govern public parks. Brookbanks Park, which abuts the subject property to the west and south, is subject to this by-law.

The woodland on the subject property, described as a deciduous forest, is part of a greater woodland which extends to the south and west, into the adjacent Brookbanks Park. All parks trees are additionally protected by the Parks By-law. The proposal would require the removal and injury of at least three protected trees in the park adjacent to the subject property.

The proposed development would result in the removal of all but one of the numerous trees on the subject property. It is expected that at least three publicly owned trees, located in the adjacent Brookbanks Park, would be impacted by the development to such an extent that it is not anticipated that these trees would survive. The purpose of the RNFP By-law is to manage, protect and conserve ravines and associated natural and woodland areas, and to prohibit and regulate the injury and destruction of trees, filling, grading and dumping in defined areas. The purpose of the Parks By-law is to regulate, protect, and govern public parks. The purpose of the Natural Environment policies of the Official Plan is to protect, restore, and enhance natural features and their functions. Destruction of the protected woodland, construction below, and within the 10 metre buffer of the top-of-bank, and removal and injury to City-owned trees on the adjacent property does not conform to the Official Plan, the RNFP By-law, or the Parks By-law.

Toronto and Region Conservation Authority

The subject property contains part of a valley corridor associated with the Don River watershed, and as such, the southern half of the subject property is regulated by the Toronto and Region Conservation Authority. This development is therefore subject to The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP), 2014. The LCP describes a Natural System as being made up of natural features and areas, water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System, rather it be conveyed into public ownership to ensure long term protection and enhancement.

The south and west portion of the property falls within the valley corridor of the East Don River valley system. The top-of-bank, which was staked on September 16, 2013 and extends along the rear of the property. The contiguous valley vegetation (the woodland) extends onto and covers almost the entire west half of the property. TRCA policy states that new development is not permitted within the Natural System, which includes the long term stable top-of-bank and any contiguous natural features or areas, plus a 10 metre setback. In the case of this property, the woodland qualifies as a "contiguous natural feature". Therefore, the policies of the LCP do not allow for development within a 10 metre setback of the top-of-bank or the dripline of the woodland. At least eight of the proposed dwelling units are proposed within the dripline of the woodland, below the top-of-bank, or within the 10 metre setback of each.

The submitted Natural Heritage Impact Study (NHIS) opines that the proposed development would not significantly impact the natural heritage features or functions attributable to the woodland itself, or any species habitat, stating that the health of the woodland has already been compromised by the invasion of non-native species, such as Emerald Ash Borer, and that the development would allow for the continuation of urban wildlife use within the remainder of the woodland habitat west and south of the property.

The NHIS fails to recognize that the woodland on the western half of the property forms part of a larger woodland within the Natural Heritage System. The portion of the larger woodland which falls on the subject property is 0.1 of a hectare. Based on size alone, it can be considered a Significant Woodland under the PPS, and the supporting Natural Heritage Reference Manual. The NHIS also fails to recognize that both the Official Plan and the LCP include policies which require buffers from natural features to ensure that the features and their associated functions are maintained, restored and where possible, enhanced. As stated earlier, though there are some pockets of ash mortality in the woodland, the trees are generally in a healthy and vigorous condition.

City and TRCA staff disagree with the conclusion that the proposed development would not negatively impact natural heritage features or functions attributable to the woodland habitat, under the reasoning that the development allows for the continuation of urban wildlife use within the remainder of the woodland habitat to the west and south of the subject property. Rather, City and TRCA staff are of the opinion that the incremental and cumulative losses of natural features results in significant impacts and measurable losses at all levels, particularly at the site level. Further, the proposal does maintain or enhance the ecological integrity of the area. The proposed development would result in the loss of at least 0.1 of a hectare of woodland that currently supports regionally rare species and species of conservation concern. Loss of this land base cannot be replaced and the features and functions currently provided are not easily restored to an equivalent level of form or function in either the short term or long term.

The NHIS does not demonstrate that the development would respect the limits of the Natural System, in terms of the policies of the Natural Environment and *Parks and Open Space: Natural Areas* policies of the Official Plan, or those of the LCP.

Tree Preservation By-laws

No street trees are proposed to be impacted by this application. All trees proposed to be affected by the proposed development are protected under the Private Tree By-law, Ravine and Natural Feature Protection By-law, Parks By-law, and the policies of the Natural Heritage System.

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. The TGS is a tool which implements the broader environmental policies of the Official Plan; several polices of the Natural Environment section promote

green development. These policies are intended to reduce the negative impacts of development on the natural environment through practices such as tree preservation, improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The applicant has not submitted a Toronto Green Standards Checklist.

Summary

This application proposes to amend both the Official Plan designation and Zoning By-law provisions in order to permit ten townhouse units and one detached dwelling. In order to construct the proposed buildings, the existing natural woodland feature on the property would need to be removed in its entirety. Further, several of the buildings are proposed to be constructed below the top-of-bank. The development is not consistent with the policies of the Provincial Policy Statement, and it does not conform to the Growth Plan for the Greater Golden Horseshoe. Further, the proposal is inconsistent with the policies of the Official Plan with regards to *Parks and Open Space Areas: Natural Areas*, and the Natural Environment. Additionally, the proposal does not conform to the Ravine and Natural Feature By-law or the Parks By-law. Finally, the proposal is inconsistent with The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority.

Staff do not support the proposed redesignation, and thus rezoning, of the entirety of the subject property to Neighbourhoods, as it would not be sound planning. Staff recommend this application be refused.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Survey

Attachment 3: Tree Preservation Zone

Attachment 4: Aerial

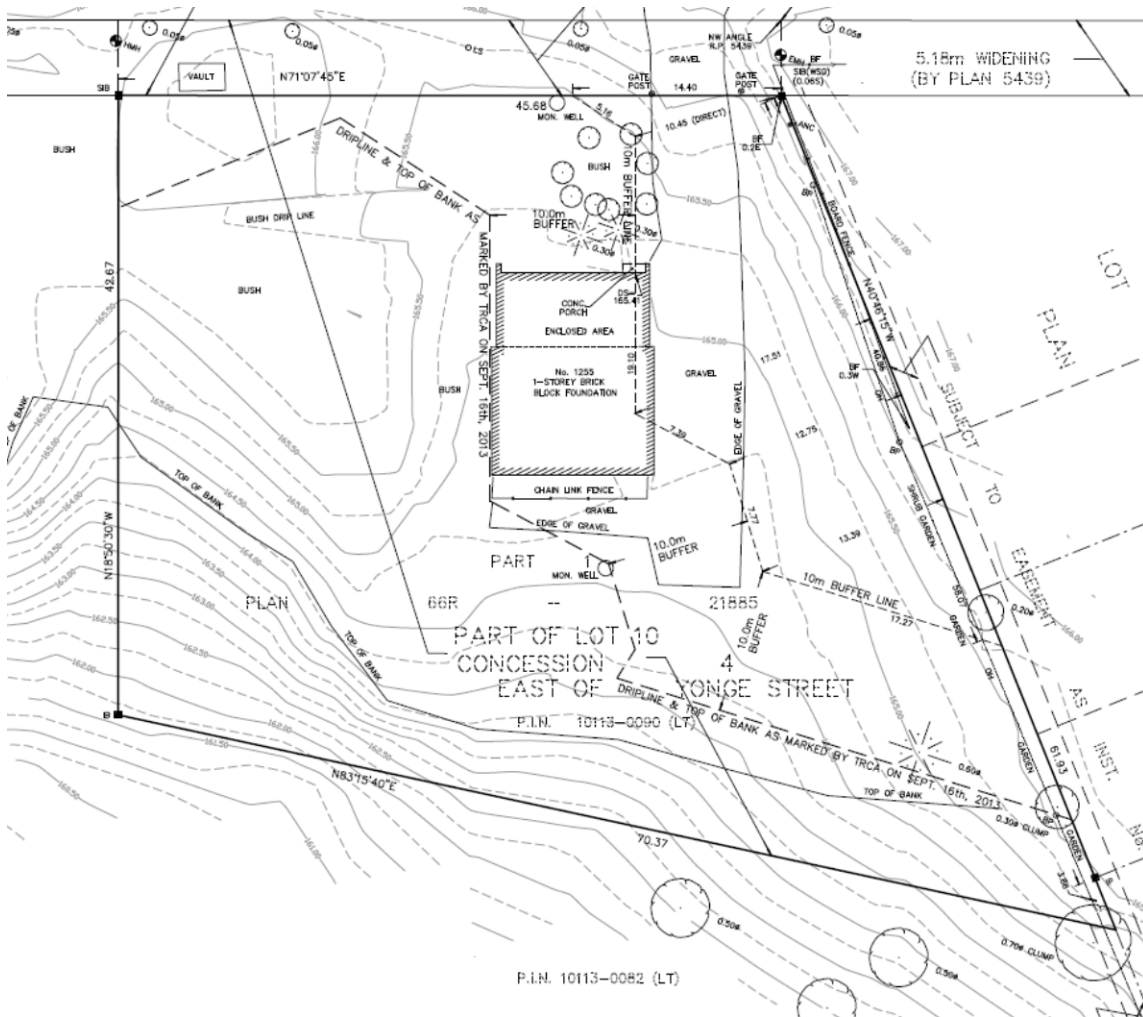
Attachment 5: Elevations

Attachment 6: Zoning Maps

Attachment 7: Official Plan Land Use Designation Map

Attachment 8: Application Data Sheet

Attachment 2: Survey



Survey

Applicant's Submitted Drawing

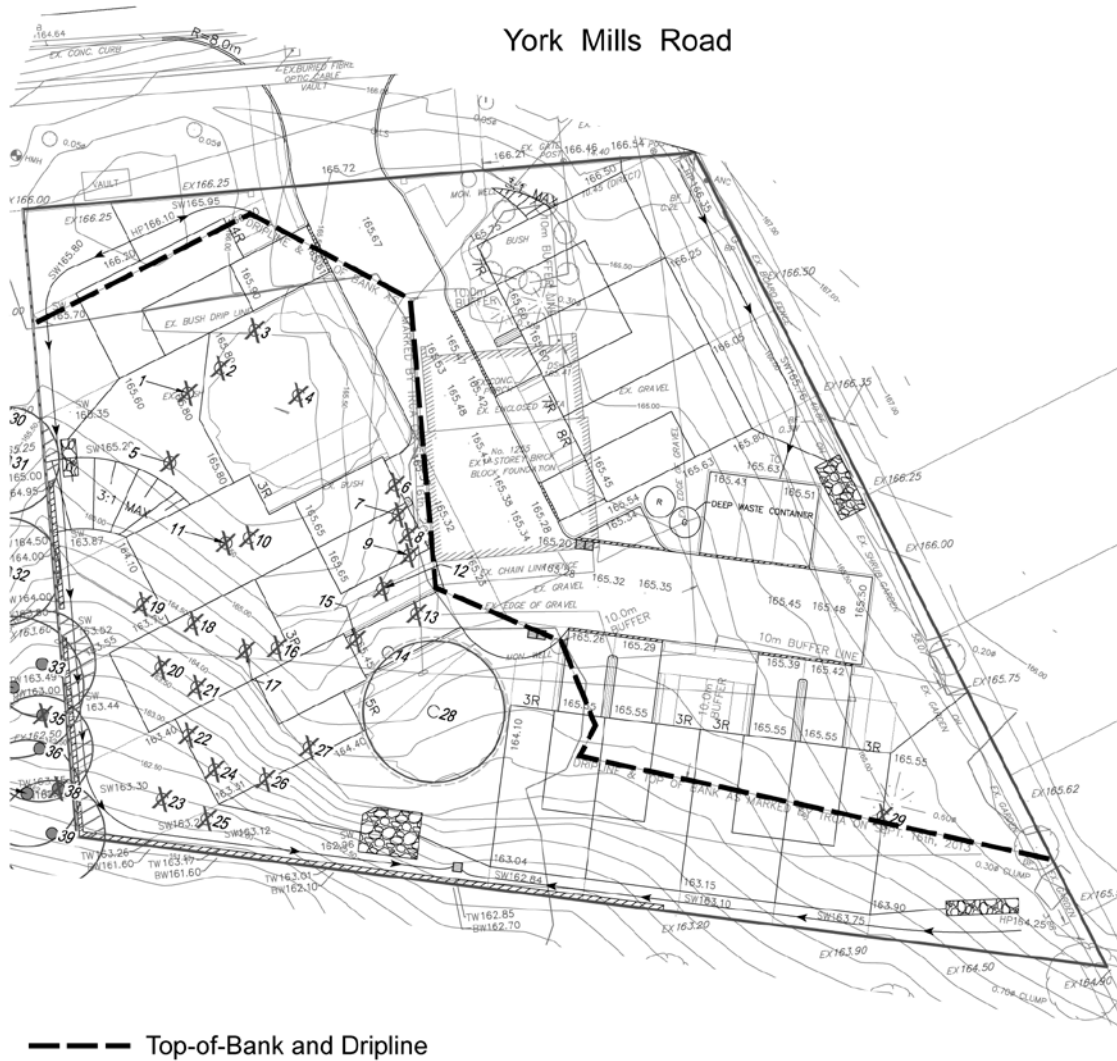
Not to Scale

05/11/2016

1255 York Mills Road

File # 16 123417 NNY 34 0Z

Attachment 3: Tree Protection Zone



Tree Preservation Plan

Applicant's Submitted Drawing

Not to Scale
04/08/2016

1255 York Mills Road

File # 16 123417 NNY 34 OZ

Attachment 4: Aerial Photograph



Aerial Photograph

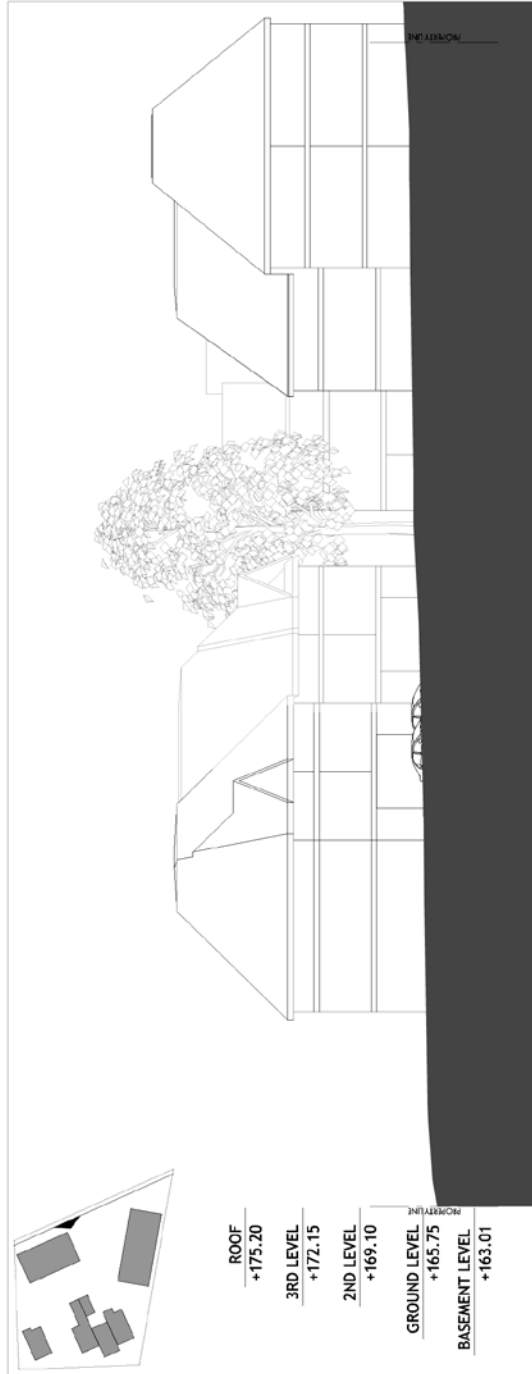
1255 York Mills Road

Not to Scale
04/08/2016



File # 16 123417 NNY 34 OZ

Attachment 5b: East Elevations



1255 York Mills Road

File # 16 123417 NNY 34 0Z

East Elevation

Applicant's Submitted Drawing

Not to Scale
03/08/2016

Attachment 5c: South Elevations



1255 York Mills Road

File # 16 123417 NNY 34 0Z

South Elevation

Applicant's Submitted Drawing

Not to Scale
03/08/2016

Attachment 5d: West Elevations



1255 York Mills Road

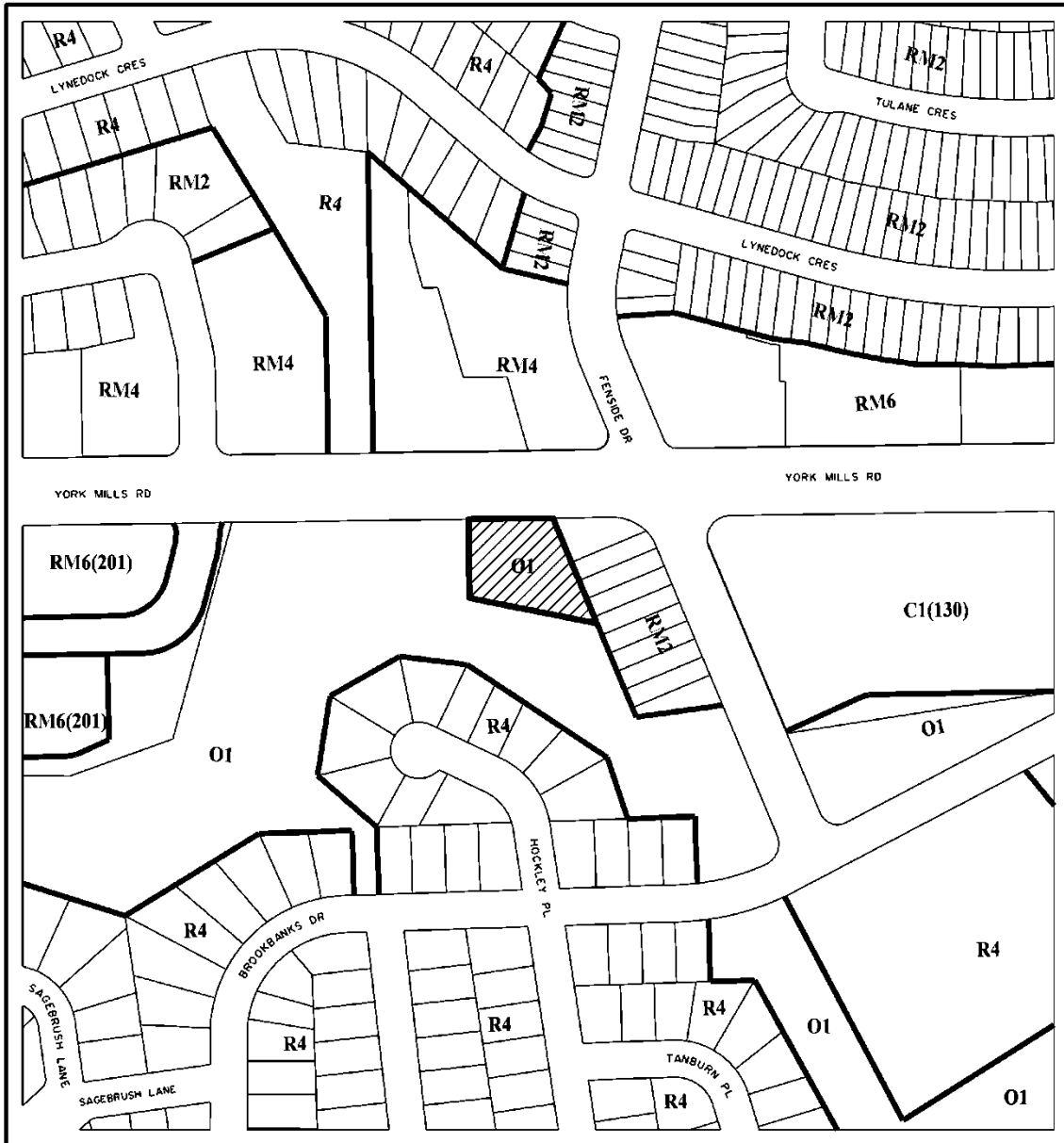
File # 16 123417 NNY 34 0Z

South Elevation

Applicant's Submitted Drawing

Not to Scale
03/09/2016

Attachment 6a: North York Zoning By-law No. 7625 Map



Zoning By-Law No. 7625

1255 York Mills Road

File # 16 123417 NNY 34 0Z

Location of Application

R4 One-Family Detached Dwelling Fourth Density Zone

RM2 Multiple-Family Dwellings Second Density Zone

RM4 Multiple-Family Dwellings Fourth Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone

O1 Open Space Zone

C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 03/07/2016

Attachment 6b: Toronto Zoning By-law No. 569-2013 Map



Zoning By-Law No. 569-2013

1255 York Mills Road

File # 16 123417 NNY 34 02

Location of Application

- | | |
|---------------------------------|---------------------------------|
| RD Residential Detached | O Open Space |
| RM Residential Multiple | ON Open Space Natural |
| RA Residential Apartment | OR Open Space Recreation |



- 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 |
| C1 General Commercial Zone |
| 01 Open Space Zone |



Not to Scale
Extracted: 03/07/2016

Attachment 7: Official Plan Land Use Designation Map



TORONTO City Planning
Extract from Official Plan

1255 York Mills Road

File # 16 123417 NNY 34 0Z

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


 Not to Scale
 03/08/2016

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 123417 NNY 34 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 3, 2016

Municipal Address: 1255 YORK MILLS RD
 Location Description: CON 4 EY PT LOT 10 **GRID N3404
 Project Description: Two blocks of townhouses having three units each, one block of townhouses have four units, and one detached dwelling.

Applicant:	Agent:	Architect:	Owner:
MICHAEL S. MANETT PLANNING SERVICES LTD.		PSA ARCHITECT	ADVENT PATH VENTURES INC.

PLANNING CONTROLS

Official Plan Designation:	Natural Areas	Site Specific Provision:	No
Zoning:	ON	Historical Status:	No
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	2,790m ²	Height:	Storeys: 3
Frontage (m):	45.7m		Metres: 14.4
Depth (m):	61.9m		
Total Ground Floor Area (sq. m):	573m ²		Total
Total Residential GFA (sq. m):	2,694m ²	Parking Spaces:	20
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	2,695m ²		
Lot Coverage Ratio (%):	20.6		
Floor Space Index:	0.97		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Standard Condominium		Above Grade	Below Grade
Tenure Type:		Residential GFA (sq. m):	2,123m ²	572m ²
Rooms:	0	Retail GFA (sq. m):	0	0
Bachelor:	0	Office GFA (sq. m):	0	0
1 Bedroom:	0	Industrial GFA (sq. m):	0	0
2 Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
3 + Bedroom:	11			
Total Units:	11			

CONTACT: PLANNER: Michelle Corcoran, Planner, (416) 395-7130

