

STAFF REPORT ACTION REQUIRED

85 Galloway Road, Zoning Amendment Application - Request for Direction Report

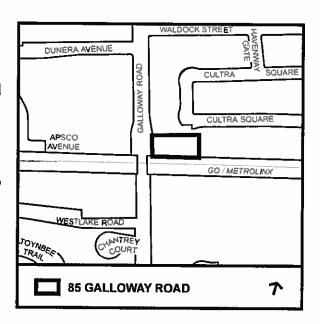
Date:	August 18, 2017
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 43 – Scarborough East
Reference Number:	15 250438 ESC 43 OZ

SUMMARY

Highland Creek Lofts Inc. has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*. This application proposes to amend the Zoning By-law to allow for the development of two semi-detached dwellings fronting onto Galloway Road along with five detached dwellings on a private driveway at 85 Galloway Road which would be processed as a future common element condominium.

The purpose of this report is to seek City Council's direction with respect to the position of the City at the Ontario Municipal Board hearing, for which a second pre-hearing date has been scheduled for November 22, 2017.

It is recommended that the City Solicitor, together with Planning staff and other appropriate staff attend the OMB hearing to oppose the Zoning By-law Amendment application in its current form.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council direct the City Solicitor, together with City Planning Staff and other appropriate staff, to attend the OMB hearing to oppose the Zoning By-law Amendment application at 85 Galloway Road in its current form.
- 2. City Council direct City Planning staff, in the event that the OMB allows the appeal in whole or in part, to request that the OMB withholds its Order(s) approving the applications until such time as the OMB has been advised by the City Solicitor that the Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor.

Financial Impact

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

DECISION HISTORY

On February 23, 2016 Scarborough Community Council did not make a decision on the Preliminary Report dated February 3, 2016 that was considered at the meeting, but instead referred the item back to Planning Staff for further consultation.

The Preliminary Report identified a number of issues with the proposal including:

- Potential access and safety considerations of the proposed driveway in relation to the Metrolinx rail expansion under the Regional Express Rail (RER) program,
- assessment of the proposed development in regard to policies of the Official Plan, including but not limited to Neighbourhoods, Natural Heritage and Transportation;
- the size and configuration of lots within the context of the surrounding neighbourhood,
- consideration of whether these lands would be better considered as part of a larger comprehensive redevelopment in conjunction with abutting lands,
- future tenure and maintenance of the private driveway, berm and fencing,
- adequacy of proposed outdoor amenity space,
- provision of landscaping,
- visitor parking.
- compliance with Development Infrastructure Policy and Standards (DIPS),
- adequacy of proposed building setbacks and protection barriers from the rail corridor, and;
- consideration of noise and vibration impacts on the proposed development along with the evaluation of any proposed mitigation measures.

The report can be accessed at:

http://www.toronto.ca/legdocs/mmis/2016/sc/bgrd/backgroundfile-90242.pdf

Metrolinx Lakeshore East Rail Corridor Expansion

Metrolinx has undertaken a Regional Express Rail (RER) program for the Lakeshore East Rail Corridor (which extends from Oshawa to Toronto's Union Station). The subject land abuts the rail corridor and required grade separation of Galloway Road. This program would enable electrification of the line to allow electric trains providing two-way train service every 15 minutes on the corridor.

This work involves the expansion of the rail corridor between the Guildwood GO Station (located approximately 500 metres west of the subject lands) and the Pickering GO Station to add a third track. An Environmental Project Report (EPR) was completed for this segment of the corridor and a Notice of Completion was issued on November 3, 2016: http://www.metrolinx.com/en/regionalplanning/rer/2016-11_Guildwood-Pickering_Notice_of_Completion.pdf. The Ministry of Environment and Climate Change Notice to Proceed for this project was issued on January 11, 2017: http://www.metrolinx.com/en/regionalplanning/rer/20170111_LSE_Guildwood_Stateme_ntofCompletion_-EN.PDF. The Notice to Proceed was the completion of the environmental assessment, which was completed through the streamlined Transit Project Assessment Process (TPAP). More information regarding this project, including the main report, can be found on the Metrolinx Guildwood to Pickering Project TPAP web page.

The main elements of the preferred design include several grade separations for public roads that currently cross the railway tracks, including one at Galloway Road. This particular grade separation proposes an underpass for Galloway Road to extend below the railway tracks. In order to achieve this underpass, there will be grading impacts in the vicinity of the subject lands that may make access to Galloway Road from the subject lands technically unfeasible. Detailed design work is currently underway by Metrolinx. The detailed design work identifying a final gradient profile must reach a level of completion that allows the applicant to demonstrate whether or not the driveway can operate safely to the satisfaction of Transportation Services staff. Until this is completed, the future site impacts cannot be fully addressed, and consequently the application cannot be fully assessed.

OMB Appeal

The application for Zoning By-law Amendment was filed on November 12, 2015. On October 26, 2016 the City Clerk's office received an appeal to the Ontario Municipal Board citing City Council's failure to make a decision on the application within the time prescribed under Section 34(11) of the *Planning Act*.

The OMB convened the first pre-hearing conference for this application on June 12, 2017. At the pre-hearing conference parties and participants were identified, and a second pre-hearing has been scheduled for November 22, 2017. A hearing date has not yet been scheduled.

ISSUE BACKGROUND

Proposal

The proposal for development remains the same as was originally proposed and as was described in the Preliminary Report dated February 3, 2016.

The proposed zoning by-law amendment seeks to permit the development of seven residential dwelling units, comprised of two-semi detached dwelling units fronting onto Galloway Road, along with five detached dwellings fronting onto a private driveway internal to the site. Future common element condominium tenure is envisioned, however a condominium application has not yet been filed. Vehicular access for all dwellings is proposed from a private driveway, approximately 90 metres in length, accessed from Galloway Road at the north-west corner of the site. A concrete retaining wall is proposed along the north property line beginning at the west property line extending 20 metres. The width of the driveway is 6.0 metres for the majority of its length, with the exception of the segment behind the proposed semi-detached dwellings which widens to 7.0 metres. A 1.5 metre wide sidewalk is proposed along the north side of the driveway, and extends along the south and west sides of the semi-detached dwellings to connect with the municipal sidewalk along Galloway Road. The 5 proposed detached dwellings are located on the north side of the driveway, and face south toward the abutting rail corridor. The detached dwellings are proposed to have 7.5 metre deep rear yards and associated private grade related patios and projecting balconies at the second floor level. Due to the site design the shared driveway is in close proximity to the rear of the proposed semidetached dwellings and as such there is no private rear yard space proposed. Instead balconies are proposed on the second floor level at both the front and rear of the dwelling. Refer to Attachment 1: Site Plan.

The total gross floor area proposed for the entire site is approximately 1,612 square metres (17,351 square feet), which results in an overall Floor Space Index (FSI) of 0.50. All proposed dwellings are proposed to be 3-storeys and 9 metres in height. The semi-detached dwellings are proposed to be 4.5 metres in width, and approximately 151 square metres (1,625 square feet) in size. The detached dwellings are proposed to be approximately 8 metres in width, and approximately 262 square metres (2,820 square feet) in size. Refer to Attachment 2: Elevations.

The proposed building setbacks from adjacent property lines are as follows:

West: 6.0 m (Galloway Road - front yards of semi-detached dwellings);

East: 6.0 m (abutting the side and rear yard of detached dwelling on Cultra Square);

South: 20 m (abutting the GO/Metrolinx rail corridor);

North: 7.5 m (forming the rear yards of the detached dwellings).

A 20 metre building setback is proposed from the south property line which abuts the rail corridor. The garages of the single detached dwellings, along with the decks which extending from the second floor above the garages, will encroach into this setback by

approximately 1.8 metres. The minimum setback from the garages to the south property line is approximately 18.2 metres. A combination berm and noise fence comprised of a berm structure having a height of 3.5 metres and base width of 10 metres along with a 2.4 metre tall noise attenuation fence is proposed along the south property line within the subject lands. The overall height of the berm/fence structure is 5.9 metres. Refer to Attachment 3: Cross Section – Berm.

Refer to Attachment 8: Application Data Sheet, for additional details pertaining to the proposed development.

Site and Surrounding Area

The subject lands have approximately 37.5 metres of frontage on the east side of Galloway Road, and have a total area of approximately 0.32 hectares (0.8 acres). The right-of-way width of Galloway Road was widened by approximately 8 metres along the entire frontage of this site, separating the travelled portion of Galloway Road from the subject lands. The site is rectangular in shape, and is located immediately north of the GO/Metrolinx rail corridor, where Galloway Road crosses the rail corridor at a level crossing. Both Galloway Road and the railway tracks are at a slightly higher elevation (approximately 3 metres) than the subject lands. The lands are vacant and are vegetated with both scrub grasses and trees, and the majority of trees are located through the central and east portion of the property. The area in the centre of the property contains a swamp and woodland feature. This is identified in the Natural Heritage Impact Study (NHIS) prepared by Dillon Consulting. Toronto and Region Conservation Authority (TRCA) staff generally agree with its limits as identified in the NHIS. The site abuts a portion of the side and rear yards of a detached residential dwelling at 63 Cultra Square to the east, and the side and rear yard of 87 Galloway Road, immediately north of the site. A vacant City-owned block of land exists to the north at the east end of the site, with frontage on Cultra Square.

The subject lands are located within the West Hill Neighbourhood Improvement Area (NIA), as identified by the City of Toronto in March 2014 through the Strong Neighbourhoods Strategy 2020. More information regarding this and all identified NIA's here:

https://www1.toronto.ca/wps/portal/contentonly?vgnextoid=e0bc186e20ee0410VgnVCM 10000071d60f89RCRD

North: Detached and semi-detached dwellings fronting onto Galloway Road, and

Cultra Square.

East: Detached dwellings fronting onto Cultra Square. A strip of land

approximately 10.5 meters in depth separates the abutting lots on the south

side of Cultra Square from the fence line adjacent to the rail corridor.

West: Galloway Park and the Scarborough Boys and Girls Club. A pedestrian

walkway runs westward through the south end of Galloway Park,

connecting to Apsco Avenue west of the park leading to the Guildwood GO Station. Open space is located south of the rail corridor north of Westlake Road.

South: GO/Metrolinx Rail corridor, and Poplar Park south of the rail corridor.

Refer to Attachment 4: Area Context with Proposed Development.

Provincial Policy Statement and Provincial Plans

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

- Protection of the natural and built environment:
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.
- Policies also address land use compatibility between major facilities, including rail lines, and sensitive land uses such as residences; and for the protection of rail facilities to ensure that these facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other.

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

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

- Setting minimum density targets within settlement areas and related policies
 directing municipalities to make more efficient use of land, resources and
 infrastructure to reduce sprawl, cultivate a culture of conservation and promote
 compact built form and better-designed communities with high quality built form
 and an attractive and vibrant public realm established through site design and
 urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

Official Plan

The subject lands are designated as *Neighbourhoods* on Map 23 – Land Use Plan. Galloway Road is identified in Schedule 1: Existing minor streets with right-of-way widths greater than 20 metres, as having a planned right-of-way width of 27 metres. There are various relevant Official Plan policies have been used to evaluate the proposed Zoning By-law amendment application including, but not limited to, the following:

The Natural Environment

Chapter 3.4 includes policies pertaining to the natural environment, which includes both the natural heritage system and environmental considerations.

Portions of the southern and central area of the site are located within the Natural Heritage System on Map 9 of the Official Plan which identifies the City's significant natural heritage features and functions, which may include ravines, watercourses, and tablelands. Refer to Attachment 6: Site Plan with Natural Heritage System Overlay.

The Official Plan notes that human settlement has dramatically changed the landscape of Toronto, and that our remaining natural heritage features and functions require special attention. The natural heritage system is important to the City and beyond our boundaries, and needs to be protected for the long term. 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 importance of being careful to assess the impacts of new development in areas near the natural heritage system recognizes that the size of the adjacent impact zone will vary across the City depending on the local characteristics of the system and adjacent areas. Policies recognize that the system shown on Map 9 is an evolving natural system that may grow

beyond these boundaries, and that there are other areas with natural heritage value that are not shown on the map. Policies in Section 3.4, The Natural Environment, specify, among other things, that:

- A study will be required, when appropriate, to assess a proposed development's impact on the natural environment and measures to reduce negative impacts on and where possible, improve the natural heritage system;
- Development will be set back from identified locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards, including locations where flooding or other physical conditions present a significant risk to life or property
- Development is generally not permitted in the natural heritage system. 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.
- Consents to sever land or approval of plans of subdivision will not be permitted for any parcel of land that is entirely within or part of the natural heritage system unless:
 - the land is being conveyed to the Toronto and Region Conservation Authority or other public agencies;
 - an assessment of the impacts to the natural heritage system has been satisfactorily completed
- 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 specified matters including, among others:
 - terrestrial natural habitat features and functions including wetlands and wildlife habitat;
 - known watercourses and hydrologic functions and features;
 - significant natural features and land forms;
 - buffer areas and functions:
 - aquatic features and functions.

Policy 3.4.21 addresses proximity of sensitive land uses to major facilities. Policies state that major facilities such as transportation/rail infrastructure and corridors and sensitive land uses, such as residences, will be appropriately designed, buffered and or separated from each other to prevent adverse effects from noise, vibration, odour and other contaminants, and to promote safety. To assist in identifying impacts and mitigative measures, the proponent may be required to prepare studies in accordance with guidelines established for this purpose. The proponent will be responsible for implementing any required mitigative measures.

Transportation Corridors

The Structuring Growth in the City: Integrating Land Use and Transportation policies of the Official Plan, contained in Section 2.2, include policies which relate to the maintenance and development of the City's transportation network to support the growth management objectives of the Official Plan. This includes in Section 2.2.3(k) and 2.2.4:

- supporting the increased use of existing rail corridors within the City for enhanced local and inter-regional passenger service; and,
- requiring new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

Neighbourhood Policies

The subject lands are designated *Neighbourhoods* within the Official Plan on Map 23 – Land Use Plan. *Neighbourhoods* are described as physically stable areas providing for a variety of lower-scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods be sensitive, gradual and generally "fit" the existing physical character.

Policy 5 of Section 4.1 (*Neighbourhoods*) states that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

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

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

The Healthy Neighbourhoods policies of the Official Plan, which are contained in Section 2.3.1, state that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

New Neighbourhood Policies - OPA 320

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 Neighbourhoods, *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 underutilised apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Public Realm Policies

Public Realm policies are contained in Section 3.1.1 of the Official Plan. These policies recognize the importance of good design in creating a great city. This section includes policies relating the promotion of quality architectural, landscape and urban design and construction, the recognition of city streets as significant public open spaces that serve as connectors for people and places and the design elements that should be incorporated into them to ensure, among other things, that they provide for the safe and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles and motorists across the network. They also speak to the provision of sidewalks and boulevards that are designed to be safe, attractive, interesting and comfortable spaces for pedestrians. The policies also specify that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. Among other things this includes, providing connections with adjacent neighbourhoods, providing access and addresses for new development, providing access for emergency vehicles.

Built Form Policies

The Built Form policies of the Official Plan are contained in Section 3.1.2. These policies relate to the form of the new development, and recognize that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies stipulate that new development will:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior face will be designed to fit harmoniously into its
 existing and/or planned context, and will limit its impact on neighbouring streets,
 parks, open spaces and properties; and

 preserve existing mature trees wherever possible and incorporate them into landscaping designs.

Utility Corridors

Policies pertaining to *Utility Corridors* are contained in Section 4.4, and among to the things include policies for development or redevelopment on lands nearby or adjacent to *Utility Corridors*. In such cases the policies require that development will screen and secure the property edge through such measures as setbacks, fencing, site grading, berms, landscaping, building treatment and construction techniques.

The Official Plan is available on the City's web site at: http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The subject lands are subject to both the West Hill Community Zoning By-law, No. 10372, and the City-wide Zoning By-law No. 569-2013, as amended.

The West Hill Community Zoning By-law zones the land Single-Family Residential (S) or Two-Family Residential (T) Zone.

Permitted uses within the Single-Family Residential (S) Zone include Single-family dwellings, Group Homes, and Correctional Group Homes. Ancillary Uses permitted include Domestic or Household Arts and Private Home Day Care.

Permitted uses within the Two-Family Residential (T) Zone are the same as those for the (S) zone with the addition of Two-Family Dwellings. Two-Family Dwellings are buildings divided vertically into two single family dwellings.

The City-wide Zoning By-law No. 569-2013 zones the lands Residential Semi-Detached (RS). Permitted building types include both detached homes and semi-detached homes. Permitted uses include dwelling units and parks, along with a variety of other uses that may be permitted if the use complies with specific conditions as set out in the Zoning By-law. Refer to Attachment 4: Zoning. City-wide Zoning By-law 569-2013 is available on the City's web site at:

http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=2a8a036318061410VgnVCM 10000071d60f89RCRD

Site Plan Control

The subject lands are subject to site plan control; however the form of development proposed is exempt. A site plan control application is not required for the development of the proposed semi-detached and single detached dwellings.

Reasons for the Application

The application has been submitted to amend the existing Zoning By-laws to allow for the proposed development of 2 semi-detached dwellings and 5 single-detached dwellings on a private driveway, without a specific lot frontage or area requirements for individual units and with appropriate performance standards. The proposed residential uses, single detached and semi-detached dwellings, are permitted.

Community Consultation

A community consultation meeting was not held for this application.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Reponses received have been used to assist in providing an initial evaluation this application based on the information that is presently available.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

The following discussion includes consideration of matters of Provincial Interest as set out in the *Planning Act*, the criteria which must be considered for plans of subdivision in accordance with Section 51(24) of the *Planning Act*, the Provincial Policy Statement (2014) and the Growth Plan (2017) for the Greater Golden Horseshoe.

The *Planning Act* sets out matters of Provincial Interest to which a municipality and the Municipal Board shall have regard to in carrying out their responsibilities under the Act. These matters are further detailed and articulated in the PPS and Growth Plan. Among others, the following matters of Provincial Interest are identified in Section 2 of the *Planning Act*:

- the protection of ecological systems, including natural areas, features and functions:
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the appropriate location of growth and development;
- the accessibility for persons with disabilities to all facilities, services and matters to which the Act applies;
- the protection of public health and safety; and
- the promotion of built form that is well designed, and encourages a sense of place.

The Planning Act sets out criteria for which regard shall be had for the subdivision of land in Section 51(24). These criteria would also apply to proposed condominium applications, and while an application has not yet been filed, it is appropriate to give consideration to these criteria at this time as the proposed Zoning By-law Amendment

application seeks to determine land use and intensity of development. Among others, these criteria include the following:

- the effect of the development of the proposed subdivision on matters of provincial interest as referred to in Section 2 (of the *Planning Act*);
- whether the subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- the dimension and shapes of the proposed lots;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. As noted previously, it includes policies on key issues that affect communities, such as the efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources, as well as the protection of the natural and built environment.

The Growth Plan (2017) prevails over the PPS, except where there is conflict between policies relating to either the natural environment or human health, in which case the direction that provides more protection prevails.

Among the guiding principles of the Growth Plan (2017) are to plan and manage growth to support a strong and competitive economy, to protect, conserve and enhance and wisely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact efficient form.

Natural Heritage

Natural Heritage policies are contained in Section 2.1 of the PPS. These policies seek to protect natural features and areas for the long term and provide direction for the identification of natural heritage systems. The policies also stipulate 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.

Section 2.1.3 of the PPS specifically indicates that natural heritage systems shall be identified in Ecoregions 6E and 7E. The City of Toronto is located within these

Ecoregions. The City's Natural Heritage System is identified on Map 9 of the Official Plan.

In regard to protecting what is valuable, the Growth Plan (2017) also contains policies related to Natural Systems which state that planning authorities are encouraged to identify natural heritage features and areas that complement, link, or enhance natural systems.

The proposed development will have negative impacts on the identified wetland that is located within the natural heritage system on the subject lands. As currently proposed, the development application would result in the entire removal of the feature on the subject lands to enable the proposed development without any restoration or buffering. Staff are of the opinion that as a result of this action and the current development scheme, the proposed application is not consistent with the Provincial Policy Statement (2014) nor does it have satisfactory regard to the Provincial Interest expressed in the *Planning Act* pertaining to the protection of ecological systems, including natural areas, features and functions and to the appropriate location of growth and development, and does not conform to the Growth Plan (2017) for the Greater Golden Horseshoe.

Land Use Compatibility between Major Facilities and Sensitive Land Uses
With regard to the overall health and safety of the population, Section 1.2.6 of the PPS
includes policies regarding land use compatibility. These policies address the need for
appropriate design and buffering of major facilities such as rail corridors, and sensitive
land uses, such as residential uses, to prevent or mitigate adverse effects from odour,
noise and other contaminants, to minimize risk to public health and safety and to ensure
the long-term viability of major facilities.

The PPS also contains policies pertaining to the protection of rail facilities in Section 1.6.9, which include that rail corridors and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with the Land Use Compatibility policies of Section 1.2.6.

The applicant has provided a Derailment Protection Study and Plan, which proposes a reduced setback of 20 metres and an increased berm height. This study has not been determined to be satisfactory by the City's Peer Reviewer as the applicant has failed to pay for the requisite peer review fee. This study must also be satisfactorily reviewed by Metrolinx (AECOM).

Until this review is completed and an opinion as to the safety of the proposed derailment protection and the proposed 20 metre building setback (18.2 metres for garage/deck projections) from the property line abutting the rail corridor, staff are unable to determine whether or not this component of the proposed development application is consistent with the Provincial Policy Statement (2014), nor whether it gives satisfactory regard to the matter of Provincial Interest expressed in the Planning Act pertaining to the protection of public health and safety, the appropriate location for growth and development.

A Noise and Vibration Feasibility Study was prepared in support of the application. The study predicts that future rail and road traffic sound levels will exceed both Ministry of the Environment and Climate Change (MOECC) and GO Transit Guidelines, and makes recommendations pertaining to mitigation measures to mitigate sound to achieve the MOEE guidelines and GO Transit's guidelines. This includes both a berm and sound wall and the provision of warning clauses in all offers of purchase and sale and tenancy agreements to inform future residents of sound level excesses and the proximity to the rail corridor. It recommends the following features to mitigate sound:

- central air conditioning systems for all units;
- upgraded building construction including brick exterior veneer and upgraded glazing for all windows.

Metrolinx has requested further information from the application to support the conclusion related to noise attenuation. Until this information is satisfactorily addressed, staff cannot determine if this component of the proposed development application is consistent with the Provincial Policy Statement (2014), nor whether it gives satisfactory regard to the matter of Provincial Interest expressed in the Planning Act pertaining to the protection of public health and safety, and the orderly development of safe and healthy communities.

Official Plan

Natural Heritage System

The centre portion of the subject lands is part of the Natural Heritage System (NHS) as identified on Map 9 of the Official Plan. Refer to Attachment 6: Site Plan with Natural Heritage Overlay.

A Natural Heritage Impact Study (NHIS) was prepared by Dillon Consulting in support of the application. The NHIS identifies that the subject lands are comprised of a Mineral Deciduous Swamp (comprising 0.18 hectares or 54.5% of the overall site) and a Fresh Moist Mixed Meadows (comprising 0.15 hectares or 45.5% of the overall site). In order to facilitate the development of the lands, both features are proposed to be removed. The NHIS has been reviewed by staff in the Urban Forestry Ravine and Natural Feature Protection group, as well as by the TRCA.

Urban Forestry RNFP staff advises that while the property is not subject to the City of Toronto Municipal Code Chapter 658 – Ravine and Natural Feature Protection, a portion of the subject property supports a swamp/woodland feature that is in the City's Natural Heritage System, where development is generally not permitted. Wetlands are regulated by the TRCA, and in accordance with Ontario Regulation 166/06 permits are required from TRCA prior to any development or changes to a watercourse or wetland can take place. TRCA will have to determine whether or not the feature can be destroyed.

TRCA agrees that the feature on the subject lands qualifies as a wetland, as it was identified as a Mineral Deciduous Swamp (SWDM4) by Dillon Consulting in their Natural Heritage Impact Study, and generally agree with the limits of the wetland feature as identified in the NHIS report. TRCA has determined that interference associated with the full removal of a wetland is not acceptable from a policy perspective, and recommend that the wetland remain in situ with a 10 metre buffer applied to any new development.

Allowing this development to proceed as proposed would result in the removal of the identified wetland feature in its entirety. In this regard the proposal does not comply with the policies of the Official Plan. Planning staff are in support of the position taken by TRCA.

Refer to Attachment 7: Natural Heritage Impact Study.

Compatibility of Sensitive Land Uses

The Official Plan contains policies which address proximity of land uses to rail corridors, both from a land use compatibility standpoint, and from the perspective of the protection of the transportation and economic function of the corridor. This further implements policies of the PPS and the Growth Plan. These policies include the following:

OP Policy 2.2(4) Structuring Growth in the City: Integrating Land Use and Transportation requires that new development on lands adjacent to existing or planned transportation corridors and facilities be compatible with, and supportive of, the long-term purpose of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities.

Policies which assist in implementing the land use compatibility of the PPS are contained in the Natural Environment section 3.4.21. This policy speaks to the need for appropriate design, buffering and separation of sensitive land uses such as residences and educational and health facilities from major facilities, including rail corridors. In this regard, the applicant has provided both a Derailment Protection Report and a Noise and Vibration Feasibility Study, to support the proposed development.

The Derailment Protection Report discusses a proposed 3.5 metres tall berm, 10 m wide at its base, comprised of engineered granular material and a reinforced wall system, along with building setbacks of 20 metres as protection against train derailments. Refer to Attachment 3: Cross Section – Berm. The report finds that the proposed setbacks and berm provide equivalent protection as typical berm required by the rail companies. In order for City Planning to be able to accept these findings and ensure that the referenced policies of the PPS and Official Plan have been met, a Peer Review has been requested but cannot be started without the applicant's concurrence and payment of the peer reviewer's fee. To date, concurrence to undertake this review and fee payment has not been given by the applicant and as such, City staff are unable to determine if the proposed application including the Derailment Protection Report can be meet the policy

objectives in the PPS and the Official Plan. This study will also need to be reviewed and be found satisfactory to Metrolinx, as part of the development review process.

As referenced in the Planning Act, Provincial Policy Statement and Provincial Plans section of this report, the Noise and Vibration Feasibility Study prepared in support of the application predicts that future rail and road traffic sound levels will exceed both Ministry of the Environment and Climate Change (MOECC) and GO Transit Guidelines. It recommends the use of noise warning clauses and proposes a combination berm and noise fence in order to address general policies of Metrolinx for new residential developments along principle main lines.

Metrolinx has requested further information from the application to support the conclusion related to noise attenuation. Until this information is satisfactorily addressed, staff cannot determine if the proposed mitigation measures meet policy 3.4.21 of the Official Plan.

Public Realm

Public Realm policies recognize that city streets are significant open spaces which connect people and places, and that they should be complete streets which balance, among other things, the safe and efficient movement of people from pedestrians to motorists. The City's Development Infrastructure and Policy Standards (DIPS) provide standards for the development of both public and private streets. A discussion regarding how the proposed development addresses DIPS is contained in a later section of this report.

The applicant must also demonstrate to the satisfaction of the City's Transportation Services Division that the proposed driveway access to Galloway Road will operate in a safe and efficient manner for two-way traffic in terms of sightlines, adequate stopping sight distances etc. To do this, the applicant must first revise their driveway grading to reflect the future elevation of the underpass, confirmed by Metrolinx. They must illustrate both the interim condition and the future condition of the driveway grading, and must illustrate how the proposed access will be maintained during the construction of the underpass. The safety of the driveway access onto Galloway Road is also an issue identified by Metrolinx through their review of the development application, both in terms of ensuring it can remain operational when the grade separation work is being done, and upon its completion. The preferred design of Galloway Road discussed in the main report for the Pickering to Guildwood TPAP indicates that the future underpass shows a 6.55% grade profile from the current 6% with a reduced road speed from 50 km/h to 40 km/h to minimize overall effects to adjacent landowners and improve safety. Metrolinx' detailed design work is currently ongoing. Until the detailed design work identifying a final gradient profile has reached a level of completion that allows the applicant to demonstrate whether or not the driveway can operate safely to the satisfaction of the City's Transportation Services staff, the future site impacts cannot be fully addressed, and consequently the application cannot be fully assessed.

Without this level of analysis, City Staff are not able to confirm if the application meets these policies of the Official Plan.

Healthy Neighbourhoods and Neighbourhood policies

The Official Plan recognizes that some neighbourhoods will not stay frozen in time, and that some physical change will occur as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in neighbourhoods respects and reinforces the existing physical character of buildings, streetscapes and open space patterns in these areas, thereby effectively reinforcing the stability of the neighbourhood.

Healthy Neighbourhood policies also speak to the promotion of environmental sustainability in *Neighbourhoods* by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for storm water management and energy efficiency and programs for reducing waste and conserving water and energy.

The subject lands are designated as *Neighbourhoods*, which are considered physically stable areas made up of residential uses in lower scale buildings. The Official Plan recognizes that physical changes to established Neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character. This proposal has been evaluated under the policies of Section 4.1.5, which specify that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular the following:

- patterns of streets, blocks and lanes, parks and public building sites
- size and configuration of lots
- heights, massing, scale and dwelling type of nearby residential properties
- prevailing building type(s)
- setback of buildings from street or streets
- prevailing patterns of rear and side yard setbacks and landscaped open space
- conservation of heritage buildings, structures and landscapes.

The proposed development includes both single detached and semi-detached dwellings. These building types are permitted in the existing zoning by-laws and are found within the existing neighbourhood.

The proposed development, however, does not propose individual lots with frontage on a public street, but proposes a private driveway (common element) that will provide vehicular access to all dwellings, including the semi-detached units which will face Galloway Road. The common element driveway will have direct access onto the public highway (Galloway Road).

Aside from the application proposing semi-detached and detached houses, other performance standards that are used to determine a "fit" for the neighbourhood and the

existing physical character are not being met. These include lot frontages, lot area, maximum gross floor area, building height, front yard landscaping, setbacks from a private road versus a public road, rear yards for the semi-detached units, and orientation of the dwellings including facing versus backing onto the rail corridor.

A few examples of how the proposed development differs from the context of the existing neighbourhood includes the following:

- Lot areas in both the case of the detached and semi-detached dwellings would be smaller than those in the existing neighbourhood, and below the minimum sizes set out in the zoning by-law.
- The proposed building height of 9 metres and 3-storeys. The third storey is not consistent with the neighbourhood, where a maximum of two-storeys is permitted.
- The semi-detached dwellings are proposed without any private rear yard amenity space. This is not characteristic of the neighbourhood and is considered an undesirable precedent.

Staff are of the opinion that the proposed development does not meet all of the *Neighbourhoods* policies of section 4.1.5.

Built Form

The Built Form policies of the Official Plan relate to the form of the new development, and recognize that for the most part future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies stipulate that new development will:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior face will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties; and
- preserve existing mature trees wherever possible and incorporate them into landscaping designs.

With regard to organization of the development to fit with its existing and/or planned context, as compared to the existing lots within the neighbourhood, the proposed lots do not front onto a public road, and have smaller lot areas and shallower depths. The proposed development proposes the use of a private driveway to access 7 dwelling units, which is not characteristic of other development in the neighbourhood. While the built

form of detached and semi-detached dwellings is present in the immediate neighbourhood, they are freehold with frontage on a public street. There are no condominium developments, nor any developments with either a private mews or public lane, within the immediate area.

The proposed single detached homes are configured to face toward the rail corridor and do not front onto a public street. This is not consistent with the existing and planned context of the area as all of the other existing homes are oriented away from the rail corridor with their front entrances facing towards a public street rather than a private street and do not face towards a 5.9 metre high combination berm/noise fence. As such, the proposed configuration of the homes do not support the policies which speak to development framing adjacent streets, creating pedestrian interest and creating casual views to these areas. In addition, the rear yards of the detached dwellings will be in the side yards of the adjacent dwellings on 63 Cultra Square (immediately to the east) and 87 Galloway Road (immediately to the north), and one of the proposed driveways also abut a portion of the existing rear yard of the abutting dwelling on 63 Cultra Square. These together will cause greater impact on the surrounding properties. Refer to Attachment 1: Site Plan.

Further, the removal of the wetland feature and associated vegetation on this site does not achieve the policy pertaining to the preservation of existing mature trees wherever possible and incorporating them into landscaping design.

Staff are of the opinion that the proposed development does not meet all of the Built Form policies of the Official Plan.

Development Infrastructure Policy and Standards (DIPS)

The proposal has been evaluated against DIPS standards, which provide direction for the design of public local streets and includes criteria for when private streets may be considered appropriate, as well as supporting design standards. Among other things, these standards help to implement Official Plan transportation related policies including creating an urban environment and infrastructure that encourages and supports pedestrian movement for people of all ages and abilities. The table below summarizes the DIPS standards for developments on private streets (mews) and if the proposed development either complies or conflicts with these standards:

	DIPS standard	Proposal	Complies/Conflicts
Pavement	A minimum width of 8.0m for two way traffic with parking permitted on one side.	6.0 to 7.0m.	Conflicts
Length of Street	A maximum 45m from the curb of an existing public street.	Approximately 90m.	Conflicts

Number of	A maximum 10 units (not	7 units.	Complies
Units	counting units that front onto an existing public street).		
Sidewalk	One 1.7m sidewalk or no sidewalk if paved with upgraded paving materials, with appropriate drainage and appropriate safe refuge areas for pedestrians provided.	1.5 m on one side of the private driveway.	Conflicts
Tree Planting	An average of one tree per eight metres of unit frontage for the development. Provide 15 m³ of soil per tree and allow for "sharing" of soil between trees.	Landscape concept plan indicates that deciduous and coniferous trees are proposed on the berm, in the rear yards of the detached units and along the west property line and in the Galloway Road right of way.	Cannot be determined.
Lighting	Appropriate levels of lighting to provide safe year round use of the space by cars and pedestrians. Light fixtures can be integrated into the landscape and/or the buildings. Use of light triggered photo cells or other technologies are encouraged.	Lighting details have not been provided.	Cannot be determined.
Solid Waste and Recyclables Collection	Adequate space for setting out waste and recyclables for City curbside collection with a hammerhead turning arrangement where applicable.	A sufficiently sized hammerhead turning area has not been provided (34 metres).	Conflicts
Setback	To achieve appropriate space for tree planting, buildings will be set back	Building setbacks vary and are in the range of 1 – 2.5 metres, with	Some conflict, some comply

	from the private street. This setback will vary but should not be less than 2 metres.	driveways occupying much of the space between the sidewalk and the front main wall of the dwellings.	
Municipal Services	No municipal services are provided for Mews (Private Streets) with the exception of City solid waste and recyclables collection.	Private service connections and private waste collection proposed along private street. Solid Waste collection on the private driveway is contingent upon the provision of sufficient hammerhead turning area and street construction in accordance with DIPS standards.	Conflicts

Other issues

Servicing

Engineering and Construction Services staff have requested that prior to moving forward with a Zoning By-law Amendment, the applicant must provide a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development, and whether the existing municipal infrastructure is sufficient. If there is insufficient capacity, the applicant must enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure. To date the applicant has not provided updated servicing information to address these comments.

Hydrogeological Assessment

A hydro-geological assessment has been requested by both the Engineering and Construction Services Division and the Toronto and Region Conservation Authority. This study has not yet been submitted.

Tree Protection and Landscaping

The applicant must revise their landscape plans for satisfactory review by Urban Forestry Tree Protection and Plan Review staff. Because site plan control is not applicable to this form of development, landscaping issues must be satisfactorily addressed prior to a Zoning By-law amendment moving forward. To date the applicant has not revised their plans to address concerns raised by Urban Forestry staff.

Additional landscaping should be provided to achieve 50% soft landscaping per unit front yard. A 1.5 metre landscape strip should be provided along the proposed retaining wall along a portion the north property line, this should also involve an adjustment to the alignment of the proposed driveway to enable a continuous 1.5 metre landscape strip. High branching deciduous trees should be provided at 8 metre intervals with appropriate soil volumes.

Site Design

The current site design includes access to garages for the semi-detached units that are accessed adjacent to the proposed curve in the proposed private road, where sight-lines may be restricted. This should be avoided to increase visibility and safety.

Several steps are proposed along the pedestrian walkway south of the semi-detached dwellings. Steps should be avoided in walkways. The walkway width should be increased from 1.5 metres to 1.7 metres.

Garages for the detached units should be recessed approximately 1 metre from the front wall of the building, and should not occupy more than 50% of the ground floor façade of the dwelling.

Conclusion

On the basis of a natural heritage evaluation, staff are not in support of the land use as it would result in the full removal of a wetland and does not have satisfactory regard to matters of Provincial Interest as set out in the Planning Act, is not consistent with the Provincial Policy Statement, conflicts with the Growth Plan for the Greater Golden Horseshoe and does not conform to the Official Plan. By virtue of these considerations, the application also does not have regard for the criteria of Section 51(24) of the *Planning Act*.

The proposal must also be evaluated against safety and transportation policies pertaining both to the rail corridor expansion work that is currently being undertaken by Metrolinx in regard to the Lakeshore East corridor, and as it relates to setback and derailment protection from the rail corridor. Metrolinx' work includes the addition of a third track between the Guildwood GO station and the Pickering GO station for the future electrification of the line and provision of improved GO train service on this corridor. In this respect, consideration must be given to safety matters for the proposed driveway access onto Galloway Road in relation to the future grade separation at Galloway Road and the railway. For this consideration to be made, the applicant must demonstrate to the City's Transportation Services staff that the proposed driveway can function safely both during the underpass construction, and upon its completion. In order to be able to make this determination design drawings must be sufficiently developed by Metrolinx. Supporting studies pertaining to derailment protection must be satisfactorily reviewed to determine if the proposed combination berm/noise fence and building setbacks are sufficient. Until these matters are completed, further evaluation of the application to

detennine consistency with the PPS, confornity with the Official Plan, and satisfactory regard to the criteria of Section 51(24) of the *Planning Act*, is considered premature.

Land Use planning matters have been identified on the basis of the infonnation provided and on the basis of the scope of infonnation available at the time of review. Staff are of the opinion that the proposed development does not meet all of the Healthy Neighbourhoods, Public Realm, *Neighbourhood* and Built Form policies of the Official Plan, nor the criteria of Section 51(24) of the *Planning Act*.

In addition, matters such as addressing DIPS, servicing, hydrogeological assessment, tree protection and landscaping are still inconclusive as the applicant has not addressed the comments from all applicable divisions. If further changes are made to the application as the result of consideration of the matters identified above, land use planning considerations will need to be re-evaluated on the basis of a revised proposal.

It is recommended that Planning staff and other appropriate staff attend the OMB hearing to oppose the Zoning By-law Amendment application in its current fonn.

CONTACT

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SIGNATURE

Paul Zuliani, Director Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Elevations

Attachment 3: Cross Section - Benn

Attachment 4: Area Context with Proposed Development

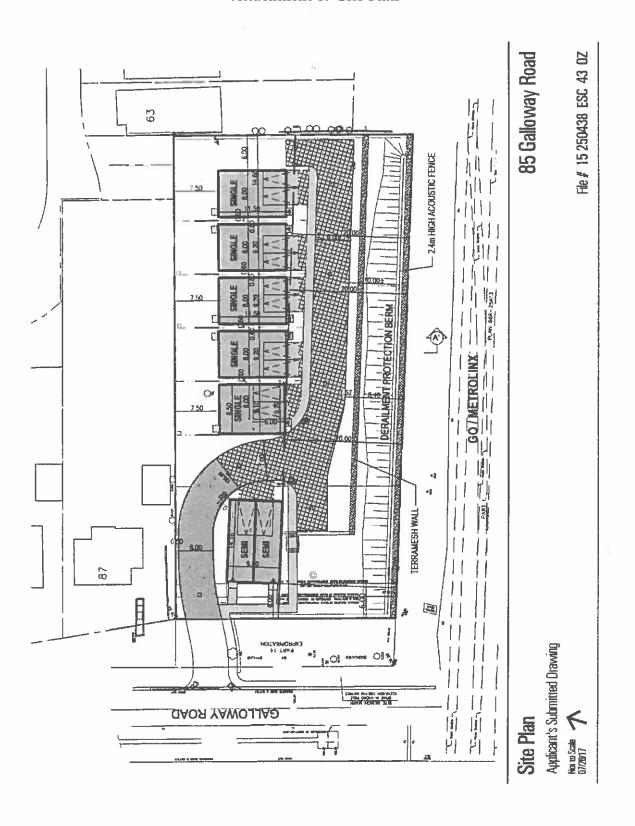
Attachment 5: Zoning

Attachment 6: Site Plan with Natural Heritage System Overlay

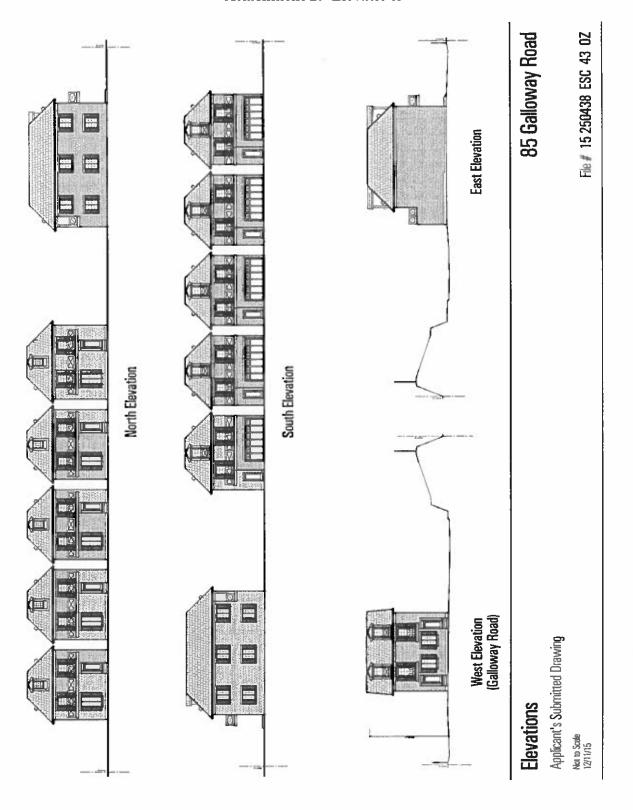
Attachment 7: Natural Heritage Impact Study

Attachment 8: Application Data Sheet

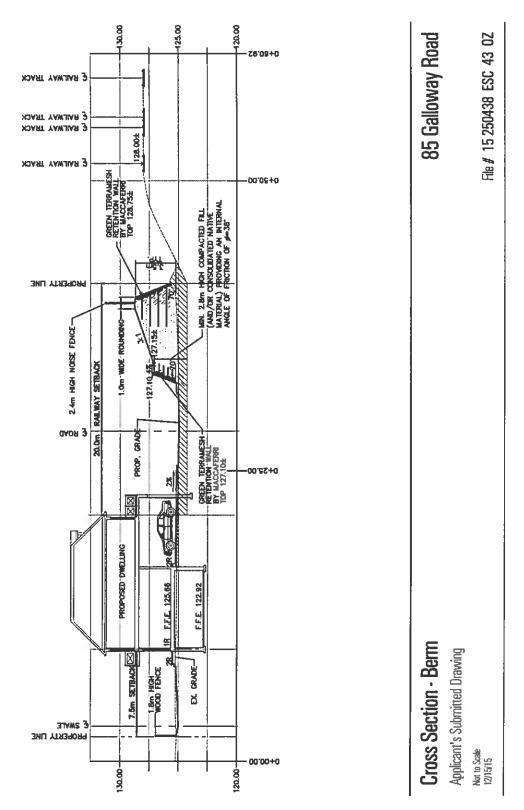
Attachment 1: Site Plan



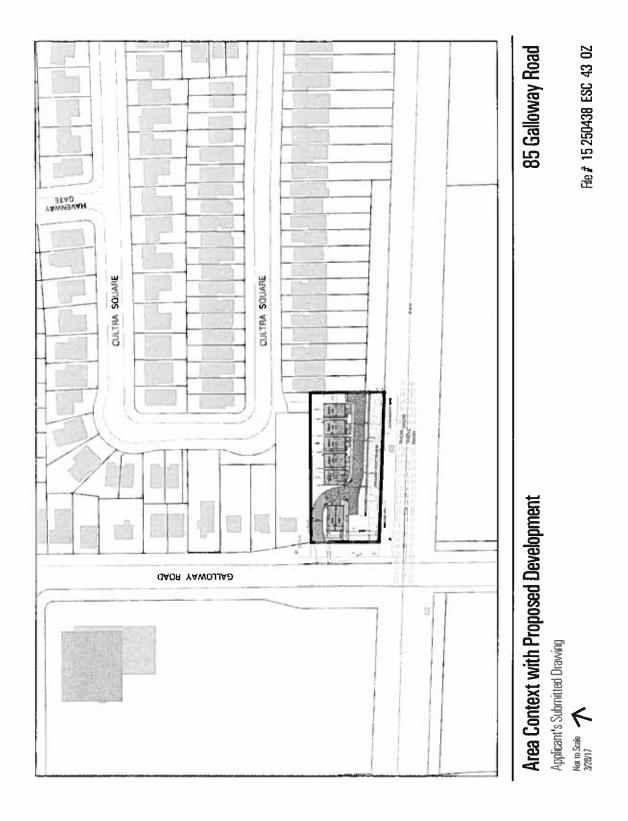
Attachment 2: Elevations



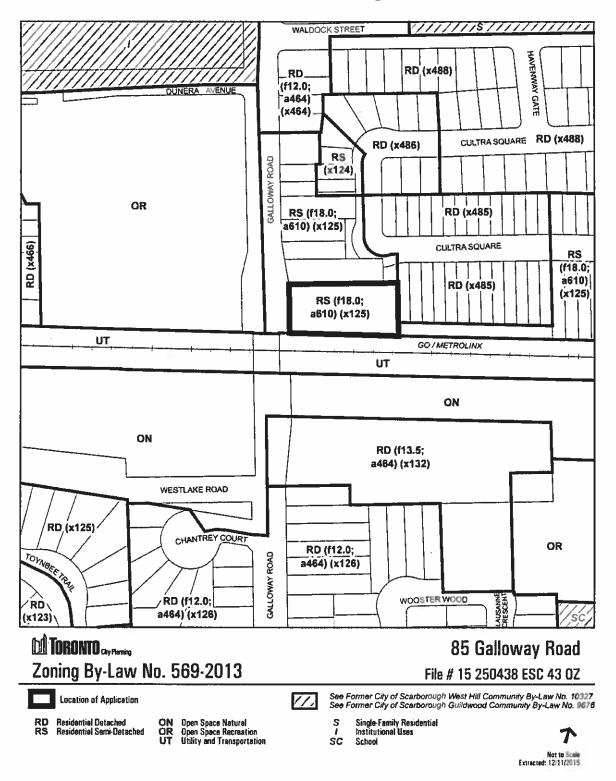
Attachment 3: Cross Section - Berm



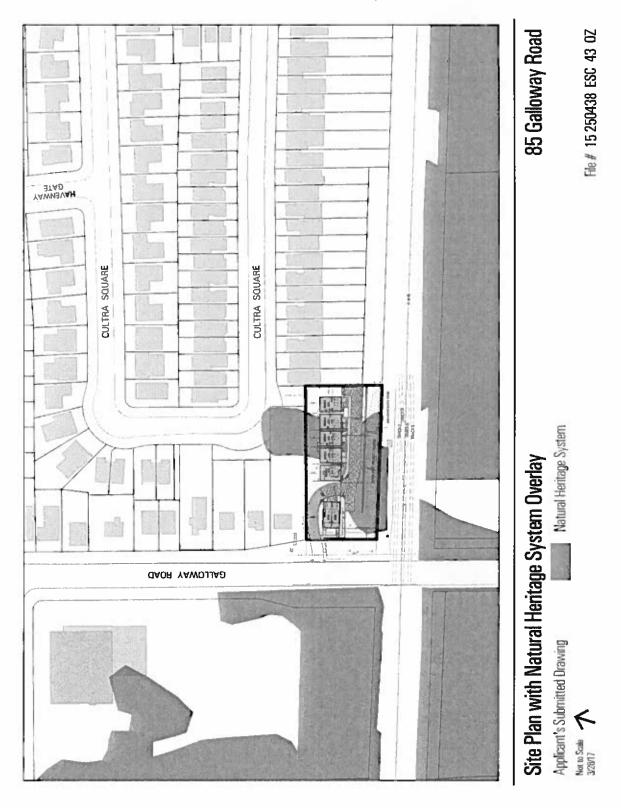
Attachment 4: Area Context with Proposed Development



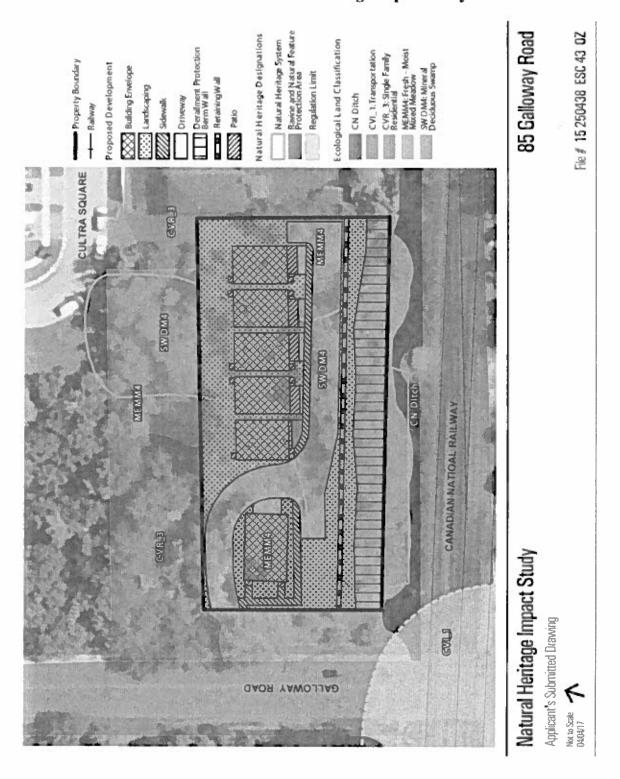
Attachment 5: Zoning



Attachment 6: Site Plan with Heritage System Overlay



Attachment 7: Natural Heritage Impact Study



Attachment 8: Application Data Sheet

Application Type

Rezoning

Application Number:

15 250438 ESC 43 OZ

Details

Rezoning, Standard

Application Date:

November 12, 2015

Municipal Address:

85 GALLOWAY RD

Location Description:

CON D PT LOT 12 **GRID E4306

Project Description:

Proposal to construct one two family dwelling and five new single detached dwellings

Applicant:

Agent:

Architect:

Owner:

HIGHLAND CREEK

LOFTS INC

HIGHLAND CREEK

LOFTS INC

PLANNING CONTROLS

Official Plan Designation:

Neighbourhoods

Site Specific Provision:

Zoning:

S & T

Historical Status:

Height Limit (m):

Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):

3251

Height:

Storeys:

3

Frontage (m):

0

.....

Metres:

9

Depth (m):

0

633.28

Total

Total Residential GFA (sq. m):

Total Ground Floor Area (sq. m):

1612.23

Parking Spaces:

12

Total Non-Residential GFA (sq. m):

n -

Loading Docks

0

Total GFA (sq. m):

1612.23

Lot Coverage Ratio (%):

19.5

Floor Space Index:

0.50

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1494.95	117.28
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

CONTACT:

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