

2996 Weston Road – Zoning By-law Amendment Application – Preliminary Report

Date: December 12, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 7 - Humber River-Black Creek

Planning Application Number: 18 156670 WET 07 OZ

SUMMARY

This report provides preliminary information and an early opportunity to raise issues for follow-up with regard to the application. It seeks Community Council's direction on the community consultation process and indicates the expected timing for a Final Report to City Council. The application has been circulated to all appropriate agencies and City divisions for comment and a staff review of the application is underway.

This application proposes to amend the former City of North York Zoning By-law and the City-Wide Zoning By-law to permit six 3-storey single-detached dwellings on lands municipally known as 2996 Weston Road. Four of the dwellings are proposed to have frontages on George McKenzie Court, while the remaining dwellings would front onto Weston Road. The subject property is partially located on lands that are regulated by the Toronto and Region Conservation Authority (TRCA) and the Ravine and Natural Features Protection By-law.

The applicant requested a pre-application consultation meeting for assistance in defining the requirements for application submission. Staff held the meeting with the applicant on October 25, 2017. A notice of complete application with regard to the application was issued on May 23, 2018.

A community consultation meeting is anticipated to be held in the first quarter of 2019. A Final Report will be submitted for Council's consideration following community consultation; the resolution of outstanding issues related to this application; and the holding of a statutory Public Meeting under the *Planning Act*. The target timeline for the Final Report is anticipated to be during the second quarter of 2019.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 2996 Weston Road together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the statutory Public Meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

FINANCIAL IMPACT

The Recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application was submitted on May 10, 2018 and proposes to amend the former City of North York Zoning By-law No. 7625 and the City-Wide Zoning By-law No. 569-2013 to permit six 3-storey single-detached dwellings at 2996 Weston Road. Four of the dwellings are proposed to have frontages on George McKenzie Court, while the remaining dwellings would front onto Weston Road. The six dwelling units would range in width from 7.02 meters to 8.9 metres, and in length from 9.7 metres to 11.8 metres. Each dwelling would have an integral garage and a driveway.

On November 14, 2018, the application was resubmitted with revised plans to address initial comments provided to the applicant. Revisions to the plans include an increase of 1.25 metres for the side yard setback for the westernmost proposed building along George McKenzie Court, as well as increased plantings within the 10 metre buffer area between the proposed buildings and the TRCA regulated area to the west.

Site and Surrounding Area

The subject property is located on the west side of Weston Road, south of George McKenzie Court. It is irregularly shaped with a lot area of approximately 3,800 m². The subject property has approximately 45 metres of frontage along Weston Road, and approximately 47 metres of frontage along George McKenzie Court. The Humber River and associated natural area abut the subject property to the west. The site is currently occupied by a one-storey single-detached dwelling.

The surrounding development and land uses are as follows:

North: Immediately north of the subject property, flanking the north property line is George McKenzie Court, which is a cul-de-sac occupied with single-detached residential dwellings. North of George McKenzie Court is Burgundy Court, which is another cul-de-sac surrounded by single-detached dwellings. Further north at Weston Road and Sheppard Avenue West, there are two high-rise residential apartment buildings.

South: To the south of the subject property are single-detached residential dwellings.

East: To the east of the subject property, across Weston Road, are single-detached dwellings. St. Basil-the-Great College School is located further east of the single-detached dwellings.

West: Immediately west of the subject property is the Humber River Valley which is a densely vegetated natural area. The Humber Valley Golf Course is located further west across the Humber River.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; 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.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

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

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are

provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff will review the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The preliminary findings of the staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

This application will be reviewed against the policies of the City of Toronto Official Plan as follows:

The subject lands are designated *Neighbourhoods* in the Official Plan (see Attachment 3). *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally “fit” the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including patterns of streets, blocks and lanes, parks and public building sites, the size and configuration of lots, prevailing building type(s), setbacks of buildings from the street, prevailing patterns of rear and side yard setbacks and landscaped open space. 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 majority of the subject property is within the Natural Heritage System shown on Map 9 of the Official Plan. The Official Plan describes natural heritage areas as an evolving mosaic of natural habitats that supports the variety of nature in the City. Natural heritage systems are also areas where protecting, restoring and enhancing the natural features and functions have a high priority in city-building decisions.

Policy 3.4.12 of the Official Plan states that when development is proposed on or near lands shown as part of the natural heritage system, the proposed development’s impact on the system is to be evaluated and an impact study may be required. Other policies that are of particular relevance to this application are as follows:

Policy 3.4.8 states that 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;
- b) Other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property; and
- c) Other locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes.

Policy 3.4.9 states that 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.

Policy 3.4.10 states that 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.

The applicant has provided a Natural Heritage Impact Study together with other materials/plans in support of the application. Planning, Urban Forestry (both Tree Protection and Plan Review and Ravine and Natural Feature Protection) and TRCA staff will evaluate the application to determine conformity with applicable natural heritage policies and other regulations.

Official Plan Amendment 320

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

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent City Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

Toronto and Region Conservation Authority (TRCA)

All portions of the subject property located within 15 metres of the stable top of bank are within a TRCA Regulated Area of the Humber River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from the TRCA prior to any development taking place. TRCA's permitting process is mandated under Section 28 of the *Conservation Authorities Act*. Pursuant to this Regulation, a permit is required from TRCA prior to any of the following works taking place:

- a) Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland; and
- b) Development, if in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development. Where development is defined in Section 28 of the *Conservation Authorities Act* as:
 - (i) the construction, reconstruction, erection or placing of a building or structure of any kind;
 - (ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
 - (iii) site grading; and
 - (iv) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The applicant submitted a Natural Heritage Impact Study to the City and the TRCA which will be evaluated prior to the issuance of any permit.

Ravine Control

The property is subject to the provisions of the City of Toronto Municipal Code, Chapter 658 – Ravine and Natural Features Protection. The Ravine and Natural Features Protection By-law is applicable throughout the City and regulates 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. A permit is required to conduct any of the above activities on ravine protected lands.

The issuance of permits may be subject to conditions. The application in its current form has implications with respect to tree removal, tree planting, soil volumes, a watering program and providing a buffer from the ravine and natural areas.

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes to preserve two City-owned trees and two protected privately owned trees. The application also proposes to remove two City-owned trees and one protected privately owned tree. The proposed landscape plans also include two new trees to be planted on the City right-of-way and ten new trees on private property. The applicant has submitted an Arborist Report/Tree Preservation Plan, which is currently under review by staff.

Archaeological Assessment

The site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City. The applicant has submitted a Stage 1-2 Archaeological Assessment for review.

Zoning By-laws

The site is zoned 'R3' Residential by North York Zoning By-law No. 7625 and 'RD' Residential Detached by the City-Wide Zoning By-law No. 569-2013 (see Attachment 4). The 'R3' and 'RD' zones generally permit low-rise residential uses and a range of non-residential uses such as schools, places of worship, community centres and other community facilities.

Site Plan Control

A Site Plan Control application is not required.

COMMENTS

Reasons for the Application

Amendments to both the former City of North York Zoning By-law No. 7625 and the City-Wide Zoning By-law No. 569-2013 are required to implement the required performance standards to regulate the development, such as building height, setbacks and lot coverage, amongst other matters.

Complete Application Submission

A complete application was submitted on May 10, 2018 and a Notification of Complete Application was issued on May 23, 2018. The following reports/studies were submitted with the application:

- Planning Rationale
- Draft Zoning By-law Amendments
- Architectural and Landscape Plans
- Civil and Utilities Plans
- Concept Site Plan

- Geotechnical Study
- Lighting Plan
- Servicing Report
- Stormwater Management Report
- Toronto Green Standard Checklist
- Traffic Operations Assessment
- Arborist/Tree Preservation Report
- Tree Preservation Plan
- Natural Heritage Impact Study
- Archaeological Assessment

The reports and studies can be accessed by visiting the Application Information Centre (AIC) website (<https://www.toronto.ca/city-government/planning-development/application-information-centre>).

Community Consultation

As part of the complete application submission requirements, the applicant has submitted a Public Consultation Strategy, which is embedded within the Planning Rationale document. The Public Consultation Strategy involves participation by the applicant in all public consultation and statutory public meetings, as well as support any informal residents' open house meetings the Ward Councillor may want to initiate.

Community consultation helps to inform City Council in respect of the exercise of its authority to make a decision with regard to the planning application. This report seeks Community Council's direction on the community consultation process.

ISSUES TO BE RESOLVED

The following issues, identified through the review of the application to date, will need to be addressed:

Provincial Policies and Plans Consistency/Conformity

Evaluating this planning application to establish its consistency with the PPS (2014) and conformity with the Growth Plan (2017).

Official Plan Conformity

Conformity with the Natural Environment and *Neighbourhoods* policies of the Official Plan and OPA 320, including the requirement that development will result in a built form and massing that respects and reinforces the existing character of the neighbourhood.

Ravine Protection

The subject property is partially located on lands that are regulated by the Toronto and Region Conservation Authority (TRCA) and the Ravine and Natural Features Protection

By-law. TRCA and City staff will review the proposal to determine the appropriate setbacks from the established top-of-bank and its impact on the ravine system.

Natural Heritage Protection

The subject lands are in a Natural Heritage Area as identified on Map 9 of the Official Plan and it will have to be determined if the environmental features on the site require protection. The Natural Heritage Impact Study that has been submitted will need to be reviewed by TRCA and City staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The application proposes to preserve two City-owned trees and two protected privately owned trees and to remove two City-owned trees and one protected privately owned tree. The applicant's Arborist Report/Tree Preservation Report will need to be reviewed by staff.

Archaeological Assessment

As the site is within the Interim Screening Areas for Archaeological Potential identified in the Archaeological Master Plan of the City, staff will need to review the applicant's archaeological assessment to determine if the site has archaeological potential.

Infrastructure/Servicing Capacity

Staff will review the site servicing, stormwater management and geotechnical reports to evaluate the effects of the proposal on the City's municipal servicing infrastructure and watercourses and determine whether there is adequate servicing on the site for the proposed development. Staff will also review the Traffic Operations Assessment submitted by the applicant to evaluate the effects of the proposed development on the transportation system.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as 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 TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 5: Site Plan
- Attachment 6: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 2996 WESTON ROAD **Date Received:** May 10, 2018

Application Number: 18 156670 WET 07 OZ

Application Type: Rezoning

Project Description: The proposal is to permit 6 new detached dwellings. The existing single detached dwelling would be demolished. The property is within the Natural Heritage System, TRCA Regulation Limit and Ravine and Natural Features Protection By-law.

Applicant	Agent	Architect	Owner
Sterling Homes	Sterling Homes	Vulcan Design Inc.	Sterling Homes

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Neighbourhoods</i>	Site Specific Provision:	N
Zoning:	R3 and RD	Heritage Designation:	N
Height Limit (m):	10 metre	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq m): 3,800 Frontage (m): 45 Depth (m): 86

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			378	378
Residential GFA (sq m):			1,532	1,532
Non-Residential GFA (sq m):				
Total GFA (sq m):			1,532	1,532
Height - Storeys:			3	3
Height - Metres:			12	12

Lot Coverage Ratio (%): 39 Floor Space Index: 0.4

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,532	

Retail GFA:	0
Office GFA:	0
Industrial GFA:	0
Institutional/Other GFA:	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	6	6
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	0	0	6	6

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Proposed:	0	0	0	0	6
Total Units:	0	0	0	0	6

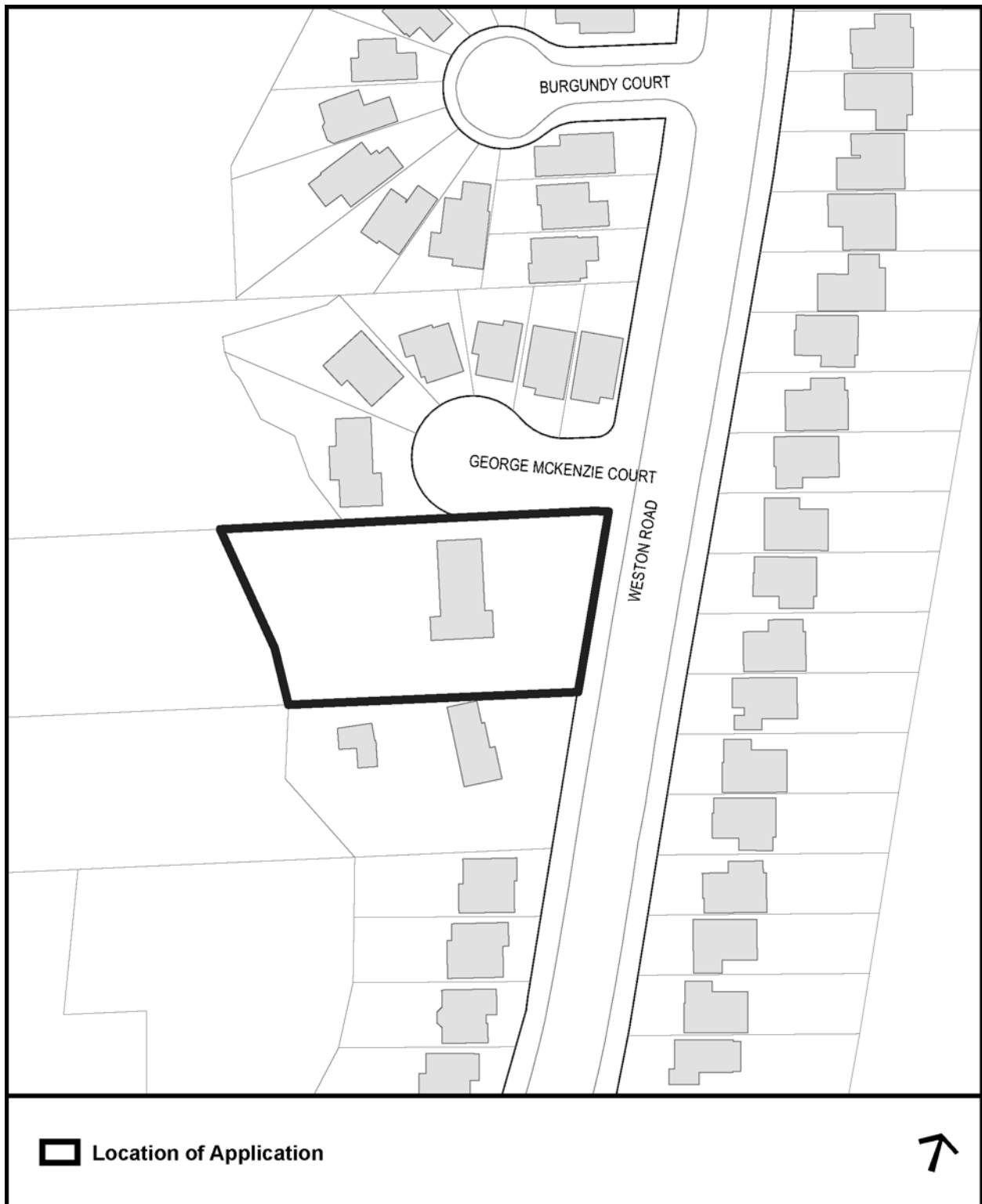
Parking and Loading

Parking Spaces:	10	Bicycle Parking Spaces:	0	Loading Docks:	0
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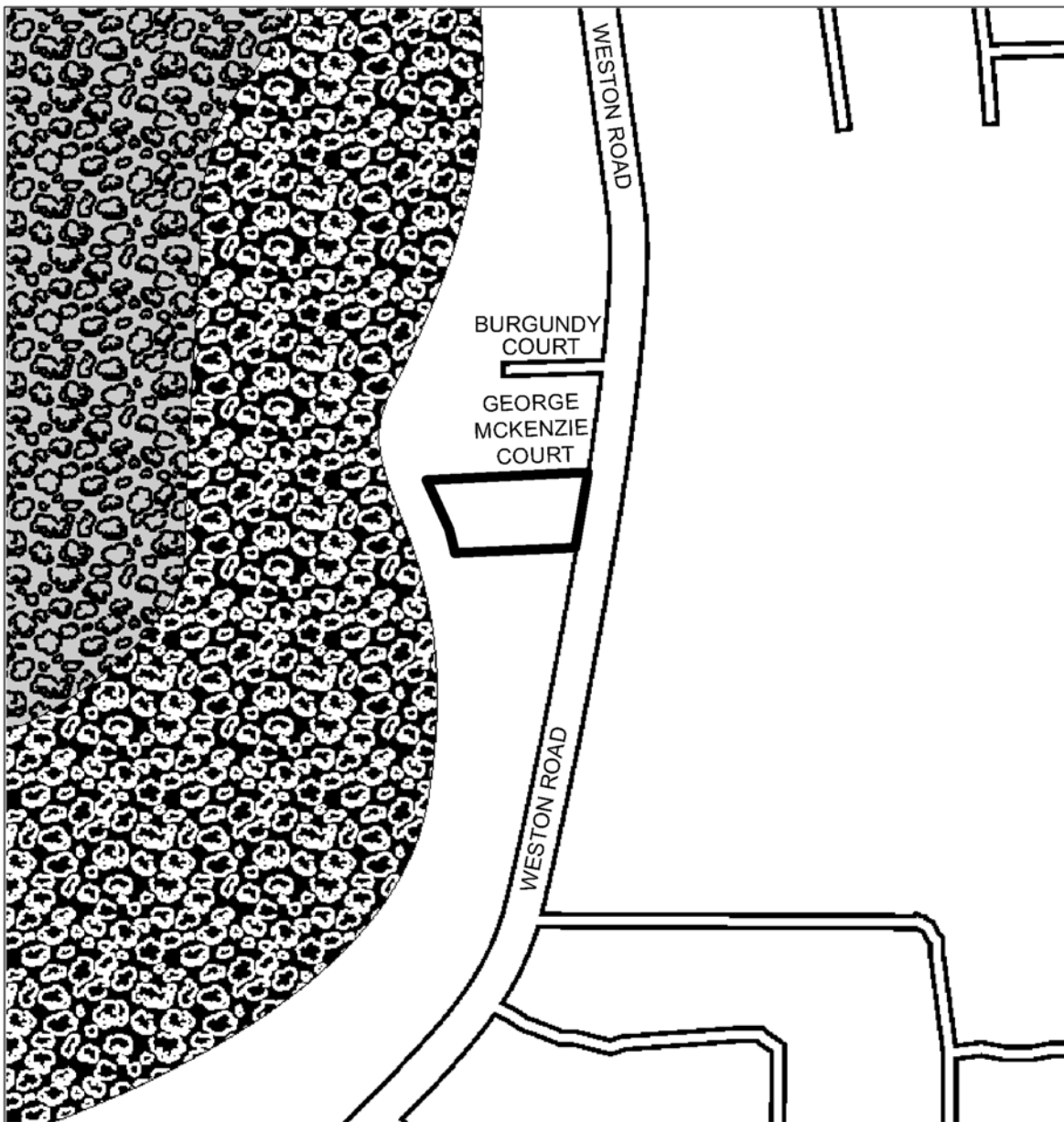
CONTACT:

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Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map 13

2996 Weston Road

File # 18 156670 WET 07 0Z



↑
Not to Scale
11/26/2018

Attachment 4: Existing Zoning By-law Map



Zoning By-law No. 569-2013

2996 Weston Road

File # 18 156670 WET 07 02



Location of Application

RD Residential Detached ON Open Space Natural



See Former City of North York By-Law No. 7625

R4 One-Family Detached Dwelling Fourth Density Zone

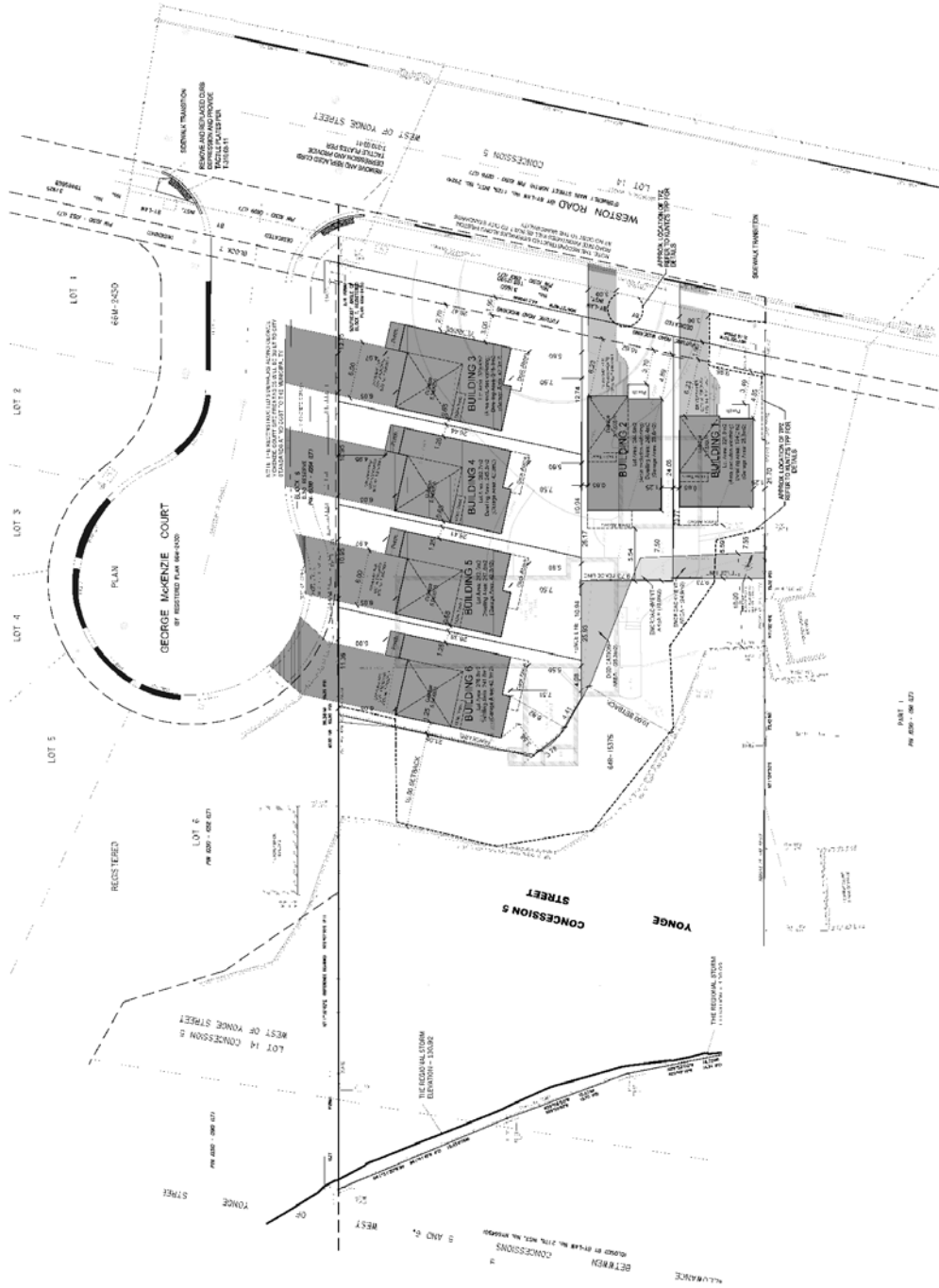
R7 One-Family Detached Dwelling Seventh Density Zone

M1 Industrial Zone One



Not to Scale
Extracted: 11/23/2018

Attachment 5: Site Plan



2996 Weston Road

File # 18 156670 WET 07 02

Site Plan

Applicant's Submitted Drawing

Not to Scale
11/26/2018

Attachment 6: Elevations



Front Elevation Building 1 (facing Weston Road)

2996 Weston road

Applicant's Submitted Drawing

Not to Scale
11/27/2018

File # 18 156670 WET 07 02



Front Elevation Building 2 (facing Weston Road)

2996 Weston Road

Applicant's Submitted Drawing

Not to Scale
11/27/2018

File # 18 156670 WET 07 02



Building 3 Corner



Building 4

Front Elevation Buildings 3 and 4
 (facing George McKenzie Court)
 Applicant's Submitted Drawing
 Not to Scale
 11/27/2018

2996 Weston Road

File # 18 156670 WET 07 0Z



Lot 5



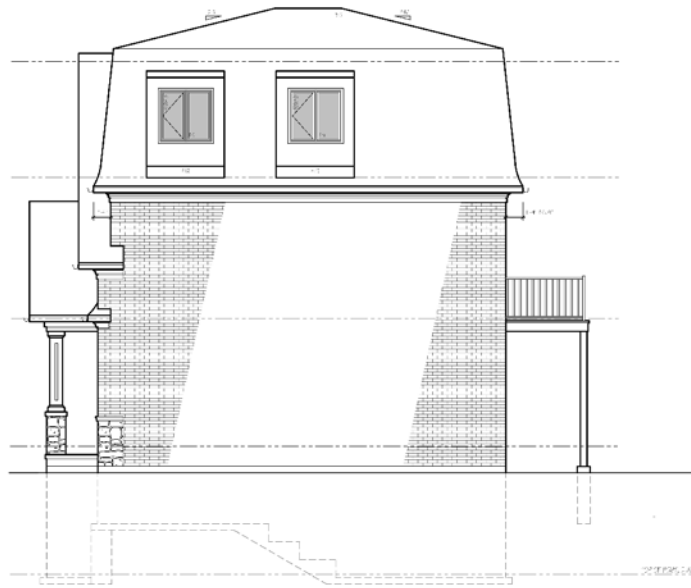
Lot 6

Front Elevation Buildings 5 and 6 (facing George McKenzie Court)

Applicant's Submitted Drawing
Not to Scale
11/27/2018

2996 Weston Road

File # 18 156670 WET 07 0Z



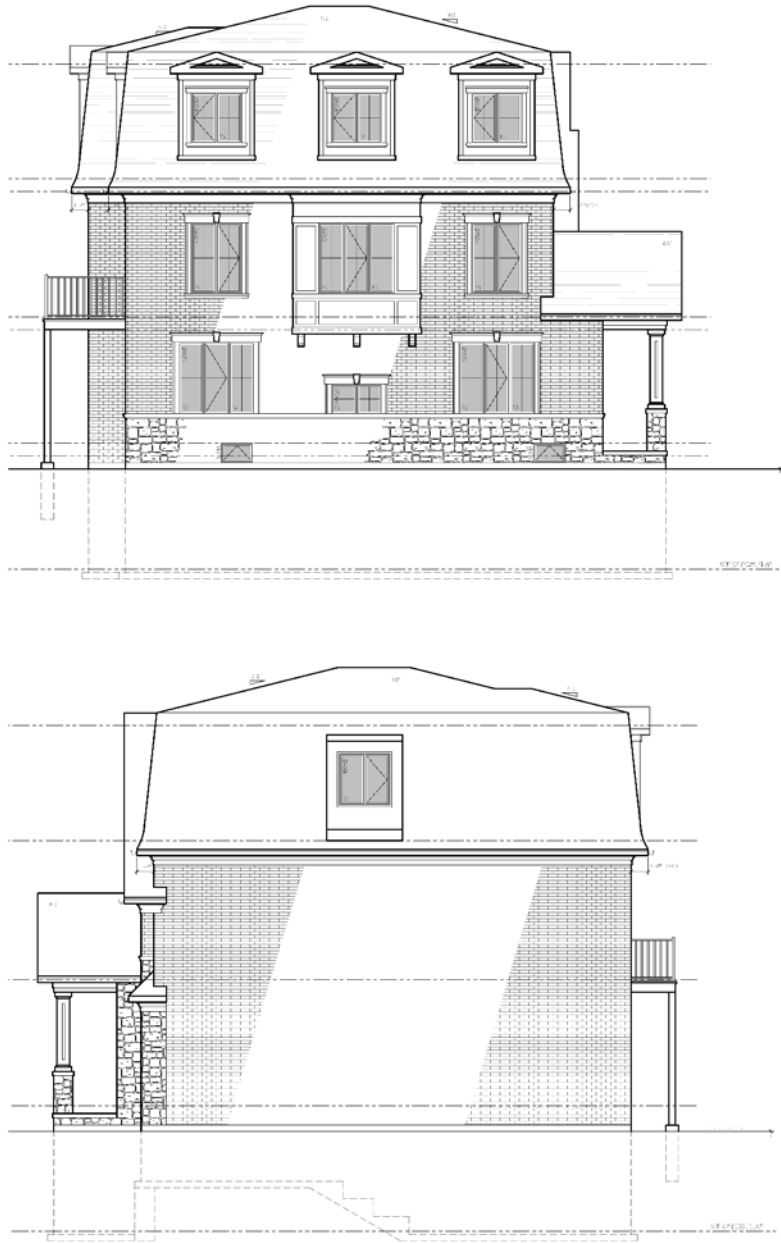
Side Elevations Building 1

Applicant's Submitted Drawing

Not to Scale
11/27/2018

2996 Weston Road

File # 18 156670 WET 07 0Z



Side Elevations Building 3

Applicant's Submitted Drawing

Not to Scale
11/27/2018

2996 Weston Road

File # 18 156670 WET 07 0Z