

57 Linelle Street – Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment Applications – Request for Directions Report

Date: December 17, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 18 - Willowdale

Planning Application Numbers: 13 124500 NNY 23 OZ and 14 120937 NNY 23 SB

SUMMARY

The applicant has appealed the Draft Plan of Subdivision and proposed amendments to the Official Plan and Zoning By-law to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. This appeal is filed as a "legacy" appeal that will be subject to the previous OMB provisions of the *Planning Act*. A pre-hearing conference at the LPAT took place on November 20, 2018 at which the LPAT granted the Procedural Order, agreed to defer the submission of City's Issues List until staff receive Council direction at the first Council meeting of 2019, and set the matter down for a pre-hearing conference on March 8, 2019.

The application proposes an Official Plan and Zoning By-law amendment to re-designate the lands from "Other Open Spaces" to "Neighbourhoods" to permit 23, three-storey detached dwellings with single integral garages within three residential blocks accessed by the proposed Linelle Street extension. The proposed gross floor area is 6,624 m² that would result in a Floor Space Index (FSI) of 1.11 times the lot area. A Draft Plan of Subdivision has also been submitted to delineate the public road and new park and to create separate blocks to facilitate the development.

This report recommends that the City Solicitor, together with City Planning and other appropriate staff, attend the LPAT hearing in opposition to the Draft Plan of Subdivision, Official Plan and Zoning By-law amendment applications in their current form. The proposal does not represent good planning and is not consistent with the Provincial Policies and Official Plan.

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 Local Planning Appeal Tribunal hearing to oppose the Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications in their current form for the property at 57 Linelle Street.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant in consultation with the local Councillor to address the issues outlined in this report and to report back to City Council on the outcome of discussions, if necessary.
3. City Council require the owner of the lands at 57 Linelle Street, to satisfy the parkland dedication requirement through an on-site dedication, pursuant to Section 42 of the *Planning Act*, required to be conveyed to the City as described and set out in this report. The park is to be a minimum of 466 m² in area with frontage on the proposed public road. The park is to be in a location and configuration satisfactory to the General Manager, Parks, Forestry and Recreation.
4. Should the Local Planning Appeal Tribunal approve the applications, City Council authorize the City Solicitor to request that the Tribunal withhold its Order approving the applications until such time as:
 - a. The Tribunal has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendment are in a form satisfactory to the City;
 - b. A list of draft plan of subdivision conditions have been prepared in a form satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
 - c. The Tribunal to delegate clearing of the Subdivision conditions back to the Chief Planner and Executive Director, City Planning;
 - d. The City Solicitor confirms that the owner has provided a Functional Servicing, Stormwater Management Report and a Geohydrology Report, acceptable to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e. The City Solicitor confirms that the owner has designed and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing, Stormwater Management Report and Geohydrology Report to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development;

- f. The City Solicitor confirms that the implementation of the Functional Servicing, Stormwater Management Report and Geohydrology Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending by-law or any such required changes have been made to the proposed amending by-law to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services;
- g. The owner submits a revised subdivision plan, site servicing report, Natural Heritage Impact Study, Ravine Stewardship Plan, amongst other plans noted in the Toronto and Region Conservation Authority (TRCA) memo dated November 9, 2018, to the satisfaction of TRCA including proper land compensation for lost ecosystem services in accordance with TRCA Guidelines for Determining Ecosystem Compensation; and
- h. The owner submits a revised subdivision plan, Ravine Stewardship Plan, arborist report, tree protection plan, tree planting plan, grading plan as noted in the Ravine and Natural Feature Protection memo dated October 25, 2018 to the satisfaction of the City's Ravine and Natural Feature Protection By-law Office.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In 1992, the former City of North York City Council approved Official Plan and Zoning By-law Amendments to re-designate the lands at 57 Linelle Street from Residential Density 1 (RD1) to Cemetery (CEM), and to re-zone the lands from RM4 to CEM-1(1) in order to permit a mausoleum use on the subject property. A subsequent application for Site Plan Approval to facilitate the mausoleum use was also completed in 1992. The mausoleum was never constructed and the Site Plan approval for this use has now lapsed.

Two pre-application consultation meetings were noted on file. Planning staff met with the landowner on June 8, 2011 to discuss the possibility to re-designate the south portion of the lands to residential condominium. Planning staff advised that there are major issues for the proposal as there are land challenges such as access, grading shadow and compatibility with the existing neighbourhood as well as Ravine and Natural Heritage System and Toronto and Region Conservation Authority constraints.

A subsequent pre-application meeting was held on May 23, 2012 that presented a low-density residential neighbourhood proposal, similar to the original proposal for 23 townhouses, a pair of semi-detached dwellings and one single family detached dwelling, and this proposal was presented at a community consultation meeting on April 8, 2013, held by the ward Councillor prior to the development application submission to the City.

Additional community consultation meetings were held on September 30, 2013 and February 12, 2014 facilitated by the ward Councillor, attended by the applicant and City staff to facilitate community input and discuss the revised proposals.

ISSUE BACKGROUND

Proposal

The proposal includes three blocks of residential lots flanking both sides of the public road extension (Linelle Street). Linelle Street, which currently terminates in a cul-de-sac, would be extended southward in an L-shape configuration that would extend southbound and then westbound. The north block of the proposal consists of 11 detached dwellings and the south and east blocks consist of 12 detached dwellings. The proposed lot widths range from a minimum lot width of 8.3 metres to a maximum lot width of 13.36 metres. Building heights also vary from 10.5 to 11.5 metres. Each detached dwelling will have front yard integral garages containing one parking space, for a total parking space supply of 23 for the development. The overall gross floor area of the buildings would be 6,624 m² which results in a Floor Space Index (FSI) of 1.11 times the lot area.

The new public road would be 20 metres in width on the north-south portion of the Linelle Street extension and then narrow to a 16.5 metre width on the westward portion of the road with a minimum 2.1 metre sidewalk on both sides of the new road. An on-site parkland dedication of 329 m² is located at the south-east corner of the site, although it is deficient in size. The applicant has also filed a draft Plan of Subdivision to delineate the new public road, public park and development blocks.

Currently, there is a 0.3 metre (1 foot) reserve placed at the end of the cul-de-sac on Linelle Street associated with the previous proposed mausoleum use. This restriction was placed to prevent non-residential traffic on Linelle Street. In order to facilitate legal access from the subject site onto Linelle Street, the owner would require the City to lift the 0.3 metre reserve.

Site and Surrounding Area:

The subject land is irregularly shaped and located south of where Linelle Street terminates. The site currently contains a vacant office building with an associated

parking area. The site is located west of Yonge Street and north of Highway 401. The subject land slopes downward to the southwest and measures approximately 1.18 ha (2.93 ac) in area.

The West Don River is located approximately 150 metres southwest of the property and the southern portion of the property is wooded slopes that is an extension of the West Don River Valley and forms part of the City of Toronto's Natural Heritage System. The area is protected under the provisions of the City's Ravine and Natural Feature Protection By-law (2002) and Toronto and Region Conservation Authority regulation and Living City Policies (2014). Approximately 487 m² of Natural Heritage System woodland area will be removed to accommodate the proposed development and the backyard portion of Lots 16-20. Also proposed are encroachments into TRCA's 10 metre stable top of bank setback to accommodate the backyard portion of Lots 12, 13 and 20.

Abutting uses are as follows:

North: A combination of single-detached and semi-detached residential dwellings along Linelle Street and single-detached dwellings on Stuart Crescent. East of Linelle Street, is the Forest Lawn Mausoleum and Crematorium.

South: Ravine features of the West Don Valley River lands and Highway 401.

East: Yonge Street and Highway 401 interchange. Along Yonge Street and north of Highway 401, are mixed residential and commercial building uses.

West: Saint Edward Catholic Public School is located on the adjacent land to the west and further west of the school is the Stuart Greenbelt and Gwendolen Park.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans:

Provincial Policy Statements and 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) (PPS) provides policy direction on provincial interested related to 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.

PPS, 1.2.1 also recognizes the importance that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, with other orders of government, agencies and boards.

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 the 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 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 Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

Chapter 2.2 Structuring Growth in the City: Integrating Land Use and Transportation

The Official Plan “requires 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”.

Policy 3 of the Plan states “The City’s transportation network will be maintained and developed to support the growth management objectives of this plan by:” (e) supporting the implementation of measures for the long-term protection of 400-series highways and those major roads that play a vital role in the City’s freight distribution system; and (i) maintaining and enhancing, where appropriate, inter-regional transportation connections to adjacent municipalities.

The management of water and wastewater services are also very important foundations to accommodate growth in the City as outlined in the Official Plan, Section 2.2.5. The City’s water, wastewater and stormwater management infrastructure will be maintained and developed to support the city-building objectives of this Plan by:

- a) providing adequate facilities to support new development and maintaining the infrastructure in a state of good repair; and
- b) supporting, encouraging and implementing measures and activities which reduce water consumption, wastewater and stormwater flows and improve water quality, in accordance with best management practices developed by the City for this purpose.

Chapter 3.1.1 Public Realm

The Public Realm policies recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible. Policy 3 states “the enjoyment of the valleys and ravines will be protected by ensuring that adjacent development, particularly building height and massing, will preserve harmonious views and vistas from the valley.”

The Official Plan also requires that the natural features of the City will be connected to the surrounding City by improving physical and visual access from adjacent public spaces and by designing these into a comprehensive open space network.

Chapter 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area.

Built Form policies encourage future infill development sites will respect and improve the character of the surrounding areas. Great cities are built one building at a time, with each new building making a contribution to the overall urban design of the City. Development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and/or planned context of the neighbourhood and the City.

Chapter 3.2.3 Parks and Open Spaces

Toronto's systems of parks and open spaces will continue to be a necessary element of city-building as the City grows and changes. Maintaining, enhancing and expanding the system requires the following actions:

Policy 1(b) stipulates, designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of “place”, providing experiential and educational opportunities to interact with the natural world.

Policy 8 stipulates that, “The location and configuration of land to be conveyed” should:

- a) be free of encumbrances unless approved by Council;
- b) be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park; and
- c) be of a usable shape, topography and size that reflects its intended use.

Chapter 3.4 Natural Environment

The subject site forms part of the City's Natural Heritage, identified in Map 9 of the Official Plan. The natural heritage system is made up of areas where protecting,

restoring and enhancing the natural features and functions should have high priority in our city-building decisions. 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, policy 10 states, “development in or near the natural heritage system will: a) recognize the natural heritage value 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.”

Policy 21, outlines developer’s responsibility to mitigate negative impacts when sensitive land uses are located close to major facilities such as transportation infrastructure and corridors. Sensitive land uses 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. It is the developer’s responsibility to assist in identifying impacts and mitigative measures, and prepare studies in accordance with guidelines established for this purpose.

Chapter 4 – Land Use Designations

The subject lands are designated as “Other Open Space Areas” (including Golf Courses, Cemeteries, and Public Utilities) in the City's Official Plan. Other Open Space Areas are the parks and open spaces, valleys, watercourses and ravines, portions of the waterfront, golf courses and cemeteries that comprise a green open space network in Toronto.

Development is generally prohibited within Other Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment.

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

Development in Parks and Open Space Areas will:

- a) Protect, enhance or restore trees, vegetation and other natural heritage features;
- b) Preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas or unreasonably restrict private property rights;
- c) Maintain and where possible create linkages between parks and open spaces to create continuous recreational corridors;
- d) Maintain or expand the size and improve the usability of publicly owned Parks and Open Space Areas for public parks, recreational and cultural purposes;

- e) Respect the physical form, design character and function of Parks and Open Spaces Area; and
- f) Provide comfortable and safe pedestrian conditions.

The subject lands are located outside of the North York Centre Secondary Plan.

The application proposes to re-designate the subject lands from Other Open Space Areas to Neighbourhoods. Section 4.1.8 of the Official Plan ensures that new development will be compatible with the physical character of the established residential neighbourhood for matters such as building types and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines and landscape open space. Section 4.1.9 of the Official Plan speaks to infill development in Neighbourhoods. Section 4.1.9 states that:

Infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established Neighbourhoods will:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- c) front onto existing or newly created public streets wherever possible, with no gates limiting public access; and
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/chapters-1-5/>

Official Plan Amendment 320

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

Zoning

The subject lands are zoned "General Cemetery Zone, Exception One (CEM-1(1))" in Zoning By-law No. 7625 of the former City of North York. This zoning permits cemeteries, mausoleum, crematoria, columbaria, accessory buildings and the dwelling of a caretaker only. The CEM-1(1) permits a maximum height of 10.7 metres for all permitted uses. However, uses located at the east and south of the site are permitted a maximum height of 18.3 m, as per the structural envelopes shown on By-law No. 31839, Schedule CEM-1(1). The minimum setbacks are 9.15 metres on all sides, with the exception of the setback to the northern property line which measures 21.5 metres.

The site is not subject to City of Toronto Zoning By-law 569-2013.

Plan of Subdivision

An application for a Plan of Subdivision is required under Section 51 of the Planning Act to delineate a new public road, park, lot and block patterns. A Plan of Subdivision application has been submitted on February 24, 2014 under the file: 2014 120934 NNY 23 SB and was subsequently appealed to the LPAT on July 13, 2018.

Site Plan Control

A Site Plan Control application has been submitted on February 24, 2014 under the file: 2014 120924 NNY 23 SA. However, the proposal is now exempted from Site Plan Control, as the proposal has been revised from townhouses to single detached dwellings, which are not subject to Site Plan Control.

Reason for Application

A Draft Plan of Subdivision application is required to facilitate the creation of a new public road, park and the creation of development blocks. An amendment to the Official Plan is required to designate the property to Neighbourhoods, as it is currently designated "Other Open Space Areas" (includes golf courses, cemeteries and public utilities). As per Zoning By-law No. 7625 for the former City of North York, the property is zoned "General Cemetery Zone, Exception One (CEM-1(1))". Neither of these designations permits the proposed residential development, thus the requirement for a combined Official Plan and Zoning By-law Amendment. A Zoning By-law amendment is required to establish appropriate development standards such as lot frontages, building height, setbacks, etc.

Application Submission

The following reports/studies were submitted with the application:

- Context plan and statistics;
- Boundary and topographical surveys;

- Concept site plans and floor plans;
- Site elevations and sections;
- Landscape Plans;
- Arborist Report;
- Tree Survey and Tree Preservation Plan;
- Natural Heritage Impact Study
- Geotechnical Investigation and Slope Stability Study
- Acoustic Report;
- Traffic Operations Report;
- Functional Servicing Report;
- Economic Benefits Report;
- Archaeological Report
- Toronto Green Standard Checklist, and;
- Planning Justification Report.

A Notification of Complete Application was issued on March 25, 2013. Copies of the submitted documents are available on the City's Application Information Centre (AIC) at: <https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions.

Community Consultation

Prior to the application being submitted to the City, the Councillor held a community consultation meeting on April 8, 2013 and a follow up community consultation meeting on September 30, 2013 to discuss the application. City Planning hosted a community consultation meeting on February 12, 2014, which included the newly submitted Plan of Subdivision and Site Plan Control applications. The community consultation meetings provided updates on revisions to the proposal and to solicit community feedback. The community were presented with several iterations of predominantly townhouse development. The original proposal presented on April 8, 2013 consisted of 23 townhouse dwellings, a pair of semi-detached dwellings (2 units) and one single detached dwelling for a total of 26 units fronting a new public road.

The revisions presented on September 30, 2013 and February 12, 2014 reduced the townhouse units from 26 to 25 units by removing four units abutting the north property line and existing neighbourhood and adding three units to the south and east blocks. The reconfiguration to only townhouse house form reduced the overall building area, thus, an on-site parkland dedication was provided as requested by staff and the community. An oversized on-site public park of 1,331 m² and the addition of soft landscaping adjacent to the cul-de-sac at the end of the Linelle Street extension for a previous submission were a response to community residents who preferred to have the

existing open space preserved, as well as, a response to Urban design staff comments who requested the public view from the subject site to the cultural landscape located on the adjacent Catholic public school property be preserved. Third floor balconies were also removed from dwellings abutting the existing residential neighbourhood along the north property line in response to the community's concern of overlook.

Reiterations were also a response to the applicant's agreement with the City's Ravine and Natural Feature staff and TRCA staff regarding land compensation that increased land dedication to TRCA from 2,325 m² to 2,541 m². The proposed south and east blocks generally provided a 10 metre setback from the stable top of bank with the exception of the rear portion of three lots (Lots 12, 13 and 20).

Key issues raised at the consultation meetings were traffic impacts, height and overlook onto the existing established neighbourhood, access to the adjacent Catholic public school, noise attenuation, existing site drainage issues, sufficient parkland and construction management.

Residents expressed concerns regarding the proposed Linelle Street extension and the removal of the 0.3 metre (1 foot reserve), associated with the proposed mausoleum use on the subject site. The concerns were based on additional traffic activity generated from the proposed subdivision as well as from the Saint Edward's Catholic School community. Residents were concerned that the school community would use the proposed new road and cul-de-sac as a pick up and drop off area. As a result, the community requested no pedestrian pathway connections to the school yard to the west.

The parkland was relocated to the southeast corner of the site in an attempt to provide better public access to the existing community, however, the parkland encroaches into the MTO and TRCA setbacks and is also deficient in size by 137 m².

Current drainage pattern flows from the south towards the existing neighbourhood to the north. Residents were concerned about additional water draining into their neighbourhood as a result of the proposed development.

Construction activity was also of concern to the community. It was requested the activities be carefully managed to mitigate against dust, noise and construction traffic. The community wanted to ensure that construction trucks would use the existing internal road located on the mausoleum lands.

These issues were reviewed in detail through the application review process and comments are in the below Comments Section.

COMMENTS

Provincial Policy Statement and Provincial Plans

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety.

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans."

PPS policy, 1.2.1 also recognizes the importance of a coordinated, integrated and comprehensive approach when dealing with planning matters within municipalities, with other orders of government, agencies and boards.

The PPS 1.0 promotes efficient land use and development that supports sustainability by promoting strong, livable, healthy and resilient communities, protecting the environment and the public health and safety, and facilitating economic growth. Healthy, livable and safe communities is achieved, amongst others, by: (c) avoiding development and land use patterns which may cause environmental or public health and safety concerns and (g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.

The PPS also provides policy direction on land use compatibility that specifically apply to the subject site and proposal. In section 1.2.6.1, "*Major Facilities and Sensitive Land Uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. Major facilities include Highway 401 and are defined as: facilities which may require separation from sensitive land uses, including but not limited to airport, transportation infrastructure and corridors, rail facilities, etc. Sensitive Land Uses are defined as: buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

The subject lot abuts Yonge Street to the west and is north of a major facility, Highway 401. The two transportation corridors contribute to the high sound levels in excess of the Ministry of the Environment and Climate Change's (MOECC) noise criteria. It was determined by an expert noise consultant, a third party peer review that was hired by

the City, that an acoustic assessment for the outdoor living area for the residential south and east blocks (Lots 12 to 23) and additional noise assessment for the residential northern block (Lots 1 to 11) were recommended in order to determine the appropriate noise attenuation measures. The City's noise consultant peer review also noted that should the applicant propose physical noise mitigations, this might not be enough to achieve the minimum MOECC criteria for the outdoor living areas proposed for residences on the south and east blocks. In the absence of appropriate noise assessments and appropriate noise attenuation plans, the proposal is not consistent with the PPS Policy 1.0. Healthy, livable and safe communities' policies that discourage development and land use patterns that may cause public health and safety concerns.

With respect to development adjacent to a major facility, the Growth Plan's Infrastructure Corridor policy 3.2.5 (b) compliments PPS's Managing and Directing Land Use to Achieve Efficient Development and Land Use Pattern policy section 1.1.1 (g) and Infrastructure and Public Service Facility section 1.6.1 (b) that infrastructure must be protected against development. In planning for development, municipalities will "ensure that existing and planned corridors are protected to meet current and projected needs". The proposed development, particularly the rear yards of the east and south residential lots (Lots 12-23), penetrate the Ministry of Transportation (MTO) required 14 metre right-of-way setback from the highway property line. The MTO's memo to the City states that "any proposed structure (above or below ground) or amenities which are essential to the viability of the site, must be set back a minimum of 14 metres from the highway" for future highway widening purposes. The proposal is not consistent with the PPS and the Growth Plan infrastructure corridor protection policies.

Given that the south and east portion of the proposed development is located within the MTO setback, and the applicant has not provided conclusive noise assessments or incorporated appropriate noise attenuation measures into the proposal's design and layout, the proposed development fails to demonstrate that the residential use is compatible with the abutting major facility. The proposed development has not adequately considered or mitigated adverse impacts of noise to determine the appropriate design, buffer and separation distance from Highway 401. Staff have determined that the proposal in its current form is inconsistent with the PPS and does not conform with the Growth Plan.

Land Use and Site Organization

The subject site is designated "*Other Open Space Areas*" in the City's Official Plan and development is generally not permitted under the designation. However, if an application is made to develop such lands and the City or a public agency does not wish to purchase them to extend the public open space system, the application will be considered on the basis of its consistency with the policies of this Plan. The lands were designated "*Other Open Space Areas*" to facilitate the development of a mausoleum, a project that never proceeded.

The proposal is seeking to re-designate the site from “*Other Open Space*” to the “*Neighbourhoods*” designation. However, the site is considerably constrained by its proximity to Highway 401 and the Yonge Street and Highway 401 interchange. In order to assess whether the proposed re-designation and the proposed site organization are appropriate, Staff required a completed noise assessment. Staff submitted the applicant's noise assessment for peer review and subsequently determined that the applicant's proposed mitigation is inadequate. The site requires the implementation of noise attenuation walls along the southern and eastern border of the site, and noise tests that meet noise level standards for outdoor living areas set by the MOECC. The applicant proposed that the outdoor living areas be on the front yard balconies on the second floor of the detached dwellings for the south and east blocks notwithstanding that backyards were provided as well.

The current layout and organization partially proposes four residential lots (Lots 20, 21, 22 and 23) and the park dedication (Block 1) as shown on the draft Plan of Subdivision, located within the MTO 14 metre setback. Should a future highway widening occur to meet future local and inter-regional transportation needs, the proposed backyards and park area would be significantly reduced. The public park would lose more than half of the required parkland dedication area and the proposed residential dwellings would have their noise source (Highway 401) move closer to the rear walls of their indoor living quarters and backyards. As the site organization and the buildings setbacks from the highway currently do not meet noise level standards for the outdoor living area set by the MOECC, the current site layout requires re-organization. The proposed east residential block (Lots 21, 22 and 23), Lot 20, along with the on-site parkland dedication should be relocated entirely outside the MTO setback as MTO requires.

Given that any revision of the proposal may have impacts on the surrounding ravine, natural heritage system, TRCA protected lands, MTO right-of-way, a coordinated approach is important in revising and reviewing the proposal in its context. Particularly, the review of noise mitigation walls and their impact on the water flow necessary for the health of the naturalized area. In its current form, the proposed site layout and configuration has not demonstrated that the re-designation of the site to Neighbourhood is appropriate, in particular, the east and south block portion of the site. Therefore the current subdivision configuration as proposed fails to meet MOECC noise level standards and MTO minimum setback requirements. Any re-design of the subdivision configuration will have to meet in-fill development policies 4.1.8 and 4.1.9 and Healthy Neighbourhood policies 2.3.1 to ensure appropriate compatibility with that permitted by the zoning for adjacent Neighbourhoods.

Built Form

The Growth Plan builds upon PPS Policy 1.7.1. (d) which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form. Growth Plan policy 6.3.2 (d) encourages municipalities to support development of high quality urban form and public open spaces within primary

urban areas through site design and urban design standards that create attractive and vibrant places that support walking and cycling for everyday activities.

The latest built form revisions from townhouses to single detached buildings are acceptable to staff. The applicant has provided only 'sample' conceptual elevation drawings that do not allow for a full review of this application. Staff recommend that the proposed dwellings appropriately frame and support the public street, parks and open spaces through the addition of windows to improve casual views to these spaces. Corner units should address both adjacent streets and frontages and give prominence to the corner. Furthermore, staff request that the applicant identify and provide high quality building material and finishes and landscaping that fit harmoniously with the existing neighbourhood.

At the community meetings, residents expressed concerns with the overall density of the development. The overall units have been reduced from the original proposal of 26 units of predominantly townhouse form to 23 detached buildings. Residents requested increased side yard setbacks and increased rear yard setbacks to be more compatible with the existing building separation patterns as well as increased separation distance from the proposed rear walls of the proposed building to the established neighbourhood in order to maintain privacy. Although, the northern block that abuts the existing neighbourhood maintained the proposed rear yard setback at 7.5 metres since the original proposal, the height of buildings were reduced from 12.45 metres to the current proposed height of 11.5 metres. The rear yard balconies were also removed in response to community concerns.

Infill development policy contained in 4.1.9 states that lands that vary from the local pattern in established Neighbourhoods will have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent residential properties. There are inconsistencies with the proposed heights reflected on the submitted draft zoning by-law and the 'sample' elevation plans. The applicant needs to confirm the proposed height, in order to ensure compatibility with the existing neighbourhood, which has building height limits of 8.8 metres for a comparable sloped roof. Staff also recommend the elimination of terraces, balconies or decks above the second floor that extend beyond the rear yard setback of 7.5 metres for the lots 1-11 to protect privacy and reduce overlook onto the existing neighbourhood to the north. The applicant will also be required to provide details about the appropriate boundary fencing for the plan of subdivision, as well as, along the park and the naturalized area.

The proposed side yard setbacks are predominantly 0.60 metres on both sides of the proposed detached buildings. In accordance with infill development policies contained in Section 4.1.8 to ensure new development is compatible with the physical character and zoning by-law standards of the established residential Neighbourhoods, staff recommend increases to the side yard setbacks for each lot in order to be compatible with the existing R6 side yard setback patterns existing in the neighbourhood and to provide adequate space for maintenance and soft landscaping in between buildings.

Staff are also seeking to secure a pedestrian connection from the subject site's public sidewalk to the open space located on Saint Edward Catholic Public School's property to support every day walking activity and to improve public access and open space linkages that are encouraged by the Official Plan. A pedestrian connection via the school yard can provide important connections to the Stuart Greenbelt and Gwendolen Park that are on the west side of the school property. This is supported by the Official Plan Open Space policy 4.3.6 and PPS policy 1.5.1 which seeks to create continuous recreational corridors and promote healthy active communities, respectively.

Parkland

PPS section 1.5.1 states that healthy, active communities should be promoted through planning for a full range and equitable distribution of parkland. Policies highlight the goal of planning public spaces to be safe and to meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

The Growth Plan policy 4.2.5 encourages municipalities to develop a system of publically accessible parkland and open space system within urban areas. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with .80 – 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provisions of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article 111 of the Toronto Municipal Code. Chapter 415 of the Municipal Code can be found here: http://www.toronto.ca/legdocs/municode/1184_415.pdf.

The proposal is for a residential development of 23 detached dwellings with a residential total gross floor area of 6,624 m². For sites that are not within a Parkland Priority Acquisition Area, the residential use is subject to a 5% parkland dedication. In total, the parkland dedication requirement is 466 m². The applicant is required to satisfy the parkland dedication through an on-site dedication.

Staff have requested that the applicant satisfy the parkland dedication requirement through an unencumbered on-site dedication. The parkland to be conveyed shall be free and clear, above and below grade of all physical obstructions, easements, encumbrances and encroachments, including site servicing attenuation measures. The proposed park area is 329 m². The park area is deficient by 137 m² and 266.80 m² of the park area is partially located within the MTO setback. In addition, the proposed parkland incorporates a stormwater overland flow route and acts as a bio-retention area.

Staff have requested a full size park outside of the MTO setback, unencumbered and re-located directly across the street in the inner curve of the proposed new road in order to meet the Official Plan's Parks and Open Spaces objectives contained in Section

3.2.3, that states that parkland is to be provided in a usable shape, topography and size while maximizing its frontage on the public street.

In light of the noise attenuation requirements primarily for the south and east blocks, where the park is located, the current parkland location is not acceptable. The Official Plan policies 3.2.3 promotes designing high quality parks and their amenities to promote user comfort, safety and accessibility and year round use to enhance the experience of 'place'. Staff have concerns with the park location within the MTO setback and the lack of noise attenuation measures to affectively mitigate noise impact for park users.

Transportation

A Traffic Assessment report dated January 4, 2018 by BA group was submitted in support of the proposed development. The report concluded that the site will generate in the order of 12 two-way trips during both the morning and afternoon peak hours. As such the report concludes the proposed development will not change the character or function of the street network. Transportation Services accepts the conclusion of the applicant's traffic study.

The proposed visitor parking spaces in front of the garages must be at least 0.3 metres from the public sidewalk.

Site Servicing

The PPS Sewage, Water and Stormwater policies 1.6.6.1 and 1.6.6.7 state that Planning for sewage and water service systems shall be feasible, financially viable and comply with all regulatory requirements and best practices for stormwater attenuation and re-use and low impact development.

The Growth Plan Stormwater Management policy contained in 3.2.7 and the Official Plan Structuring Growth in the City policy contained in Section 2.2.5 also recognizes that water and wastewater services are important foundations for growth in the City. The City's water, wastewater and stormwater management infrastructure will be maintained and developed to support the city-building objectives of this Plan by:

- a) providing adequate facilities to support new development and maintaining the infrastructure in a state of good repair; and
- b) supporting, encouraging and implementing measures and activities which reduce water consumption, wastewater and stormwater flows and improve water quality, in accordance with best management practices developed by the City for this purpose.

The subject site is within a City basement-flooding zone and currently acts as a natural water attenuation area as the existing natural elevation descends from Highway 401 to the ravine and natural area before flowing towards the adjacent low-density residential

neighbourhood. The proposed development interrupts the natural water attenuation and overland flood routes that includes the construction of an elevated public road that would increase stormwater flow to the existing neighbourhood to the north, and overland drainage to the south TRCA lands. The City cannot support the proposed on-site stormwater options that have been proposed by the applicant, therefore, off-site solutions are required to support the proposed development. Staff reviewed the applicant's preliminary Stormwater Management Report, dated August 2018 prepared by R.J. Burnside & Associates Limited. Currently, there are a number of unresolved matters as stormwater attenuation measures require approval not received as of yet for the following:

- A portion of the emergency overland flow route has been relocated to the adjacent St. Edwards Catholic School site. A letter of approval is required from the School Board. The Catholic School board has indicated their concerns regarding the impact and maintenance required on their property.
- Overland flow route and bio-retention cells are located within the proposed park. City Staff have indicated their objection with the stormwater management located on the proposed park. The parkland is to be conveyed free and clear, above and below grade of all physical obstructions, easements, encumbrances and encroachments.
- An approval from MTO to permit the construction of Lot 23 over MTO's existing storm easement area as well as the relocation for a new storm sewer. An approval letter from MTO accepting this arrangement has not been received to date.

In addition, City staff have reviewed the applicant's Functional Servicing Report dated August 2018, prepared by R.J. Burnside & Associates Limited and the Preliminary Hydrogeological Investigation, dated August 23, 2018 prepared by Brownfield Investment Group Inc. The previously proposed on-site sewer solutions under the public road was not accepted by the City's water staff. Thus, off-site upgrades to the sanitary sewer system downstream at Bassano Road are required to support the proposed development that is within a Basement Flood zone. Toronto Water staff will be upgrading the sanitary sewer system in 2021 as part of the Capital Works Basement Flood program, however, should the development proceed before the scheduled capital work's upgrade, the applicant will be required to construct and upgrade the off-site sanitary sewer improvement in order to respond to the City's Basement Flooding program as well as accommodate the development proposal.

Natural Heritage Protection

The southern portion of the property is identified in the Official Plan as part of the Map 9, Natural Heritage System and is subject to the provisions of the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection. The applicant shall show the exact location of the limit of the RNFP By-law on all pertinent plans and RNFP By-law area on all site and construction drawings.

The applications and plans have been reviewed by RNFP and although, staff do not object to the Official Plan and Zoning By-law Amendment, in principle, subject to the satisfaction of conditions required under the City of Toronto Municipal Code Chapter 658 – Ravine & Natural Feature Protection, RNFP staff cannot complete their review until further information and revisions are provided for the following studies as laid out in the RNFP memo dated October 25, 2018: Natural Heritage Impact Study, Tree Protection and Planting Plan, Arborist Report and a Ravine Stewardship Plan.

A tree removal and injury permit is required for trees on private property, protected by the Ravine & Natural Feature Protection By-law.

Ravine Protection

A portion of the site falls within the TRCA regulated areas boundary. The proposed development generally meets the 10 metre TRCA setback area with the exception of the rear portions of the three lots 12, 13 and 20. However, TRCA has accepted the applicant's land dedication of 2,541 m² at the south boundary of the site. TRCA requests that the compensated lands be placed in a separate "Open Space Hazard Land" zoning or the equivalent which has the effect of prohibiting structural encroachment, the placement of fill, or the removal of vegetation except for the purpose of flood or erosion control or resource management.

However, there is still additional information and clarification required to ensure that the execution and implementation of the above mentioned agreement complies with TRCA's standards and requirements as identified in the latest TRCA memo dated November 9, 2018. Therefore, additional revisions are required in the following studies and plans: Natural Heritage Impact Study, Arborist Report, Tree Preservation Plan, Water Quantity and Quality, Erosion Control.

Conclusion

The subject site presents a number of site constraint challenges that have resulted in an extended review and revision process. The numerous meetings with the applicant, community and the coordination of staff input from the City's Provincial and Municipal partners has resulted in some progress, but the proposal remains inadequate. The request for revised studies, delayed resubmission material along with a change in ownership and consultants have led to extended periods of application inactivity.

Notwithstanding the applicant has made attempts to respond to community and staff input, the proposal remains unsupportable. The site is constrained by Highway 401 that requires the Ministry of Transportation minimum highway setbacks and noise level compliance with the Ministry of Environment Climate Change standards.

Further site constraints include a protected ravine and natural area to the south that is regulated by the Ravine and Natural Feature Protection By-law and Toronto and Region Conservation Authority, as well as, establishing good built form compatibility with the

existing neighbourhood to the north. The site is also within a Basement Flooding Zone that requires substantial site-servicing requirements that cannot be fulfilled on-site. Given the numerous site constraints of the subject site, the proposal may not be able to develop for residential uses at the proposed scale.

The applications for draft Plan of Subdivision, Official Plan and Zoning By-law amendments are not supportable in their current form. The proposal is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not meet the Official Plan policies regarding land use compatibility, site-servicing requirements, and the provision of parkland. In the absence of appropriate noise attenuation plans and an acceptable Environmental Noise Feasibility Study, the proposal does not adequately demonstrate that negative impacts have been appropriately mitigated.

Staff are of the opinion that a revised proposal is necessary that includes noise attenuation plans that will meet the land use compatibility objectives of the Provincial Policies and the Official Plan that can be comprehensively reviewed in a coordinated fashion within the City, and with the City's Provincial and Municipal partners given the complex nature and challenges that exist on the site.

The proposal does not represent good planning and it is not in the public interest. Staff recommends continued discussions with the applicant in consultation with the local councillor and that Council direct the City Solicitor, together with appropriate staff, to attend the LPAT hearing in opposition to the applications in their current form.

Jenny Choi, Planner, Tel. No. (416) 395-0108, Fax No. (416) 395-7155,
E-mail: Jenny.Choi@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York

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: Front Elevation
- Attachment 7: Side Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 57 LINELLE ST **Date Received:** February 25, 2013

Application Number: 13 124500 NNY 23 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: An application to amend the Official Plan and Zoning By-law No. 7625 to permit a residential development of 23 single detached dwellings on site.

| | | | |
|-------------------|-------------------------------------|------------------|-------------------|
| Applicant | Agent | Architect | Owner |
| Mattamy Homes Ltd | Tony Volpentesta, Bousfield Inc. | | Mattamy Homes Ltd |

EXISTING PLANNING CONTROLS

| | | |
|----------------------------|-------------------|---------------------------|
| Official Plan Designation: | Other Open Spaces | Site Specific Provision: |
| Zoning: | CEM-1(1) | Heritage Designation: N |
| Height Limit (m): | 8.8 metres | Site Plan Control Area: Y |

PROJECT INFORMATION

Site Area (sq m): 5,990 Frontage (m): Depth (m):

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|-----------------|-----------------|-----------------|--------------|
| Ground Floor Area (sq m): | | | 1,863 | 1,863 |
| Residential GFA (sq m): | | | 6,624 | 6,624 |
| Non-Residential GFA (sq m): | | | | |
| Total GFA (sq m): | | | 6,624 | 6,624 |
| Height - Storeys: | | | 3 | 3 |
| Height - Metres: | | | 13 | 13 |

Lot Coverage Ratio (%): 31.1 Floor Space Index: 1.11

| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
|-----------------------------|---------------------------|---------------------------|
| Residential GFA: | 6,624 | |
| Retail GFA: | | |
| Office GFA: | | |
| Industrial GFA: | | |
| Institutional/Other GFA: | | |

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|------------------------------------|-----------------|-----------------|-----------------|--------------|
| Rental: | | | | |
| Freehold: | | | 23 | 23 |
| Condominium: | | | | |
| Other: | | | | |
| Total Units: | | | 23 | 23 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|--------------|-----------------|------------------|------------------|-------------------|
| Retained: | | | | | |
| Proposed: | | | | | |
| Total Units: | | | | | 23 |

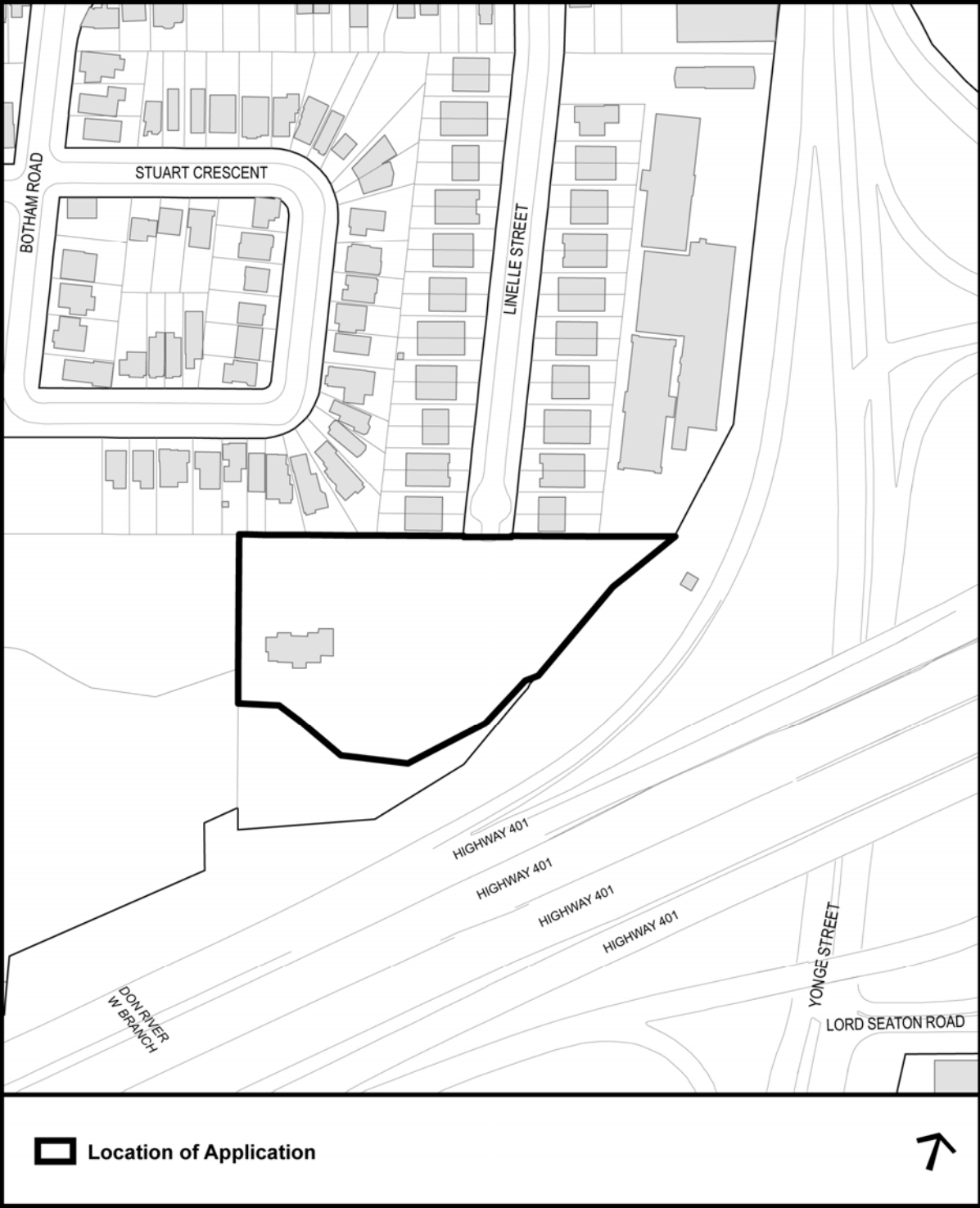
Parking and Loading

| | | |
|--------------------|-------------------------|----------------|
| Parking Spaces: 23 | Bicycle Parking Spaces: | Loading Docks: |
|--------------------|-------------------------|----------------|

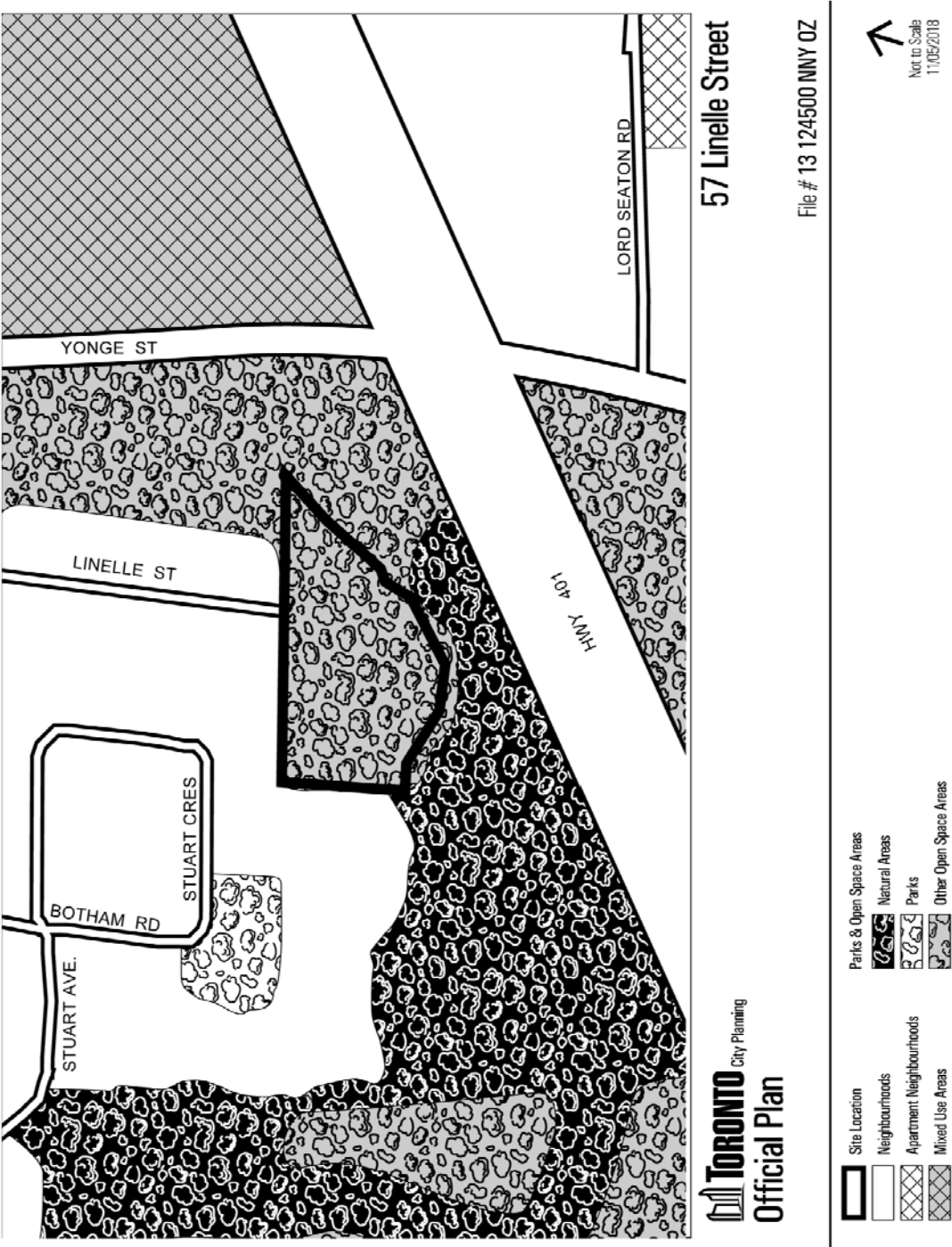
CONTACT:

Jenny Choi, Planner
(416) 395-0108
Jenny.Choi@toronto.ca

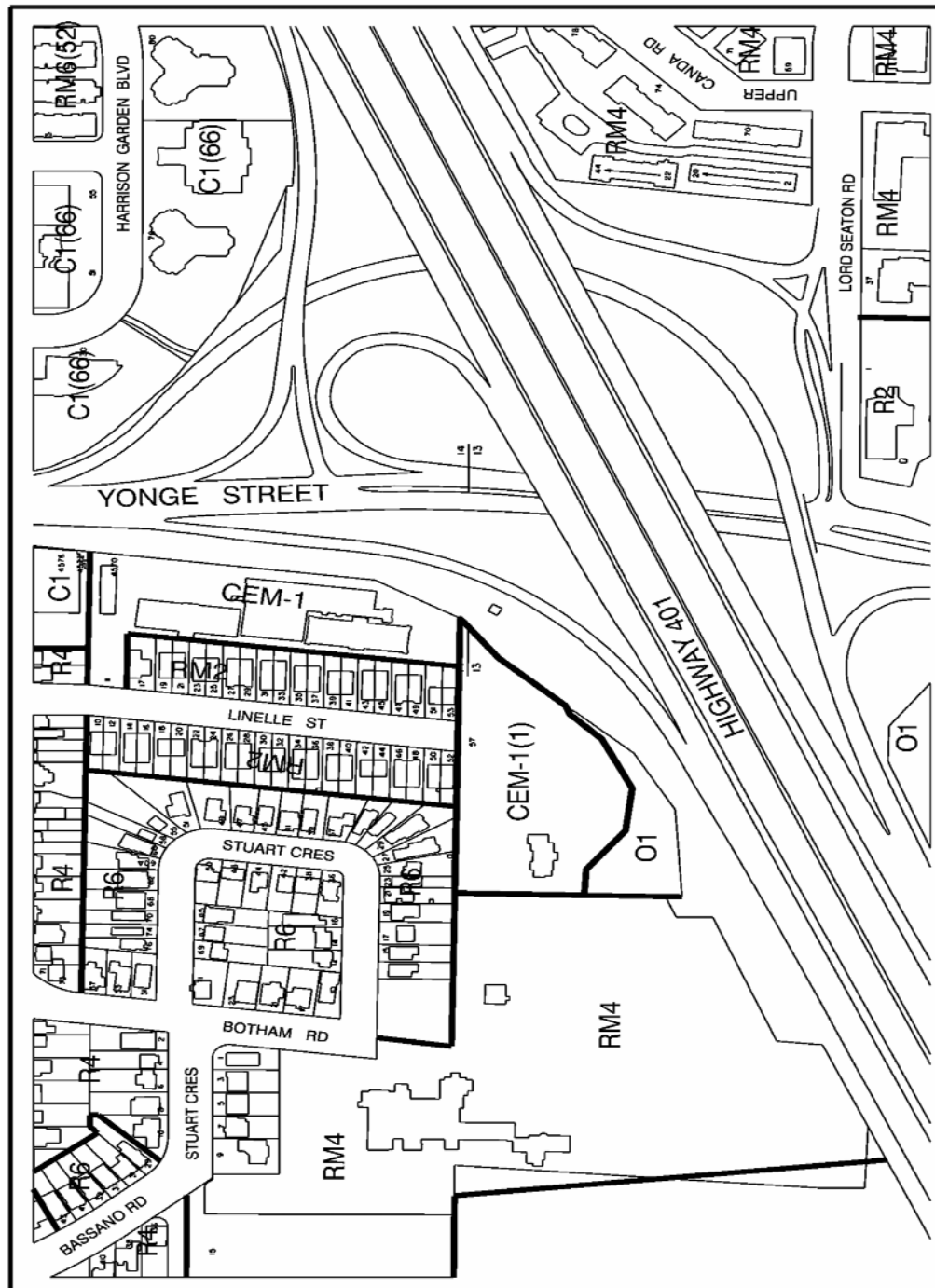
Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning By-law No. 7625



57 Linelle Street
File # 13 124500 NNY 23 0Z

Toronto City Planning
Zoning

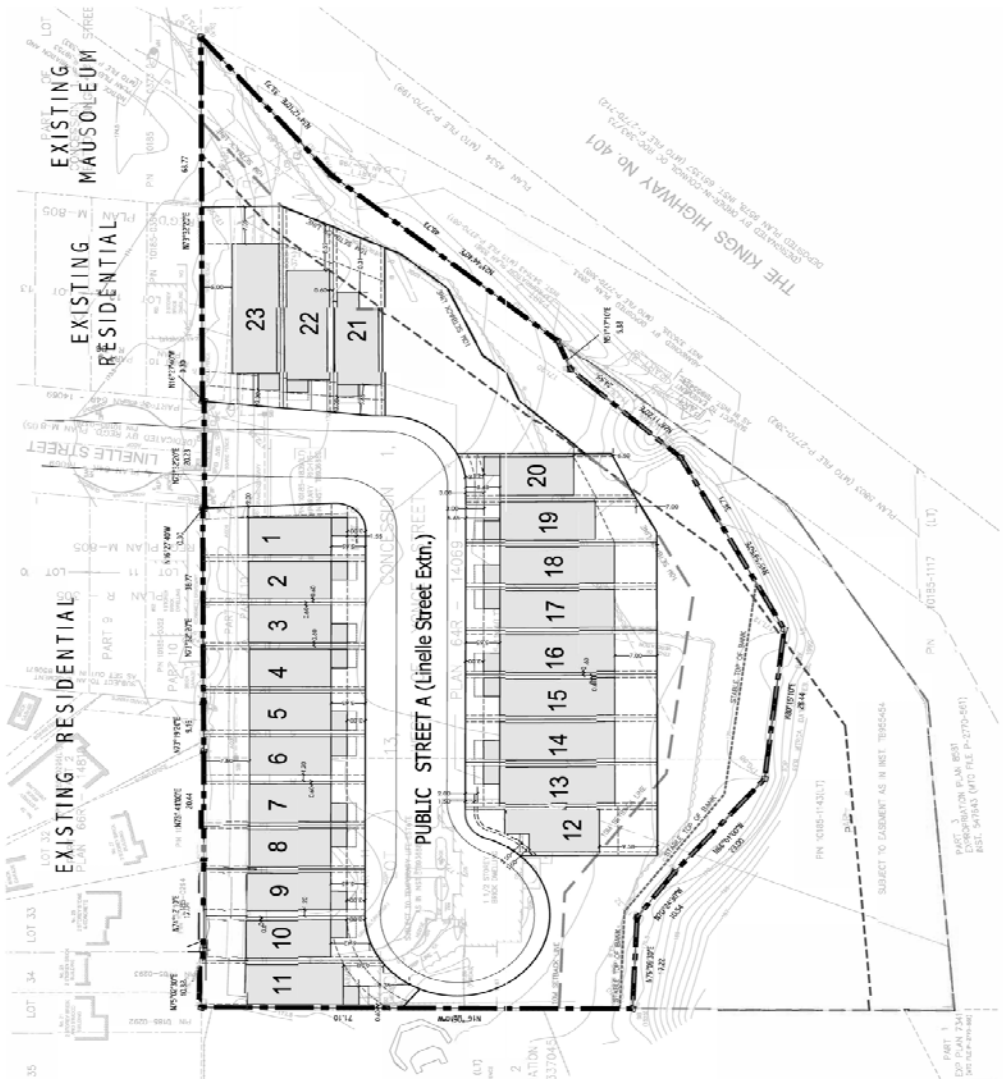
RM4 Multiple-Family Dwellings Fourth Density Zone
Cem-1 General Cemetery Zone
C1 General Commercial Zone
O1 Open Space Zone

R2 One-Family Detached Dwelling Second Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
R6 One-Family Detached Dwelling Sixth Density Zone
RM2 Multiple-Family Dwellings Second Density Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale
Zoning Bylaw 7625
Extracted 11/05/2018

Attachment 5: Site Plan



Site Plan

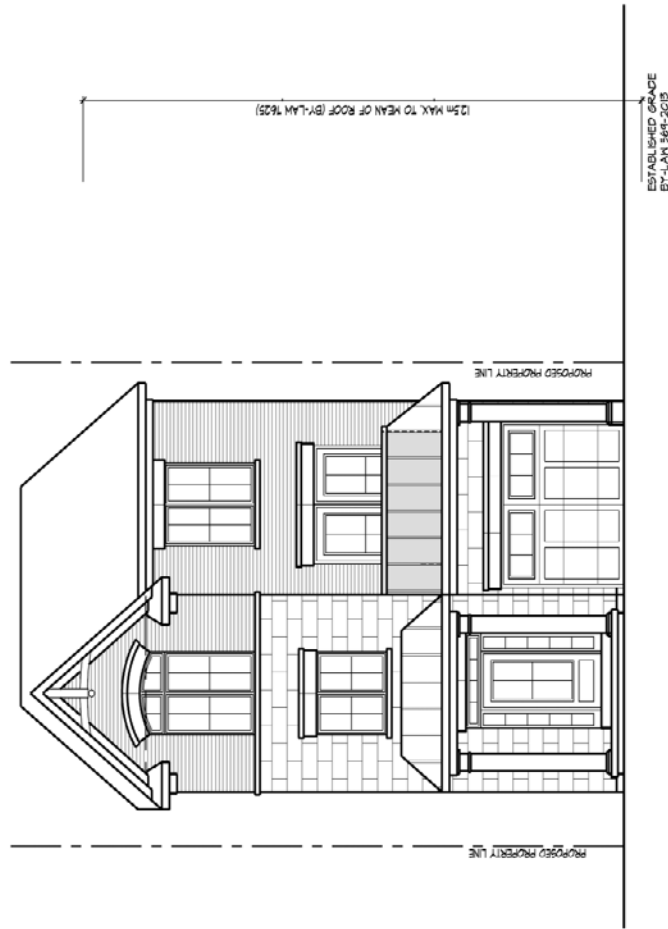
Applicant's Submitted Drawing

Not to Scale
11/05/2018

57 Linelle Street

File # 13 124500 NNY 0Z

Attachment 6: Sample Front Elevation



Front Elevation 2801

Applicant's Submitted Drawing

Not to Scale
11/05/2018

57 Linelle Street

File # 13 124500 NNY 02

[illegible]

57 Linelle Street

File # 13 124500 NNY 0Z