

206 Russell Hill Road - Zoning By-law Amendment Application - Request for Direction Report

Date: February 26, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 – Toronto-St. Paul's

Planning Application Number: 18 161483 STE 22 OZ

SUMMARY

On September 9, 2019, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the Zoning By-law Amendment and Site Plan Control applications within the timeframe prescribed by the *Planning Act*. The case management conference was held on January 28, 2020.

The Zoning By-law Amendment application proposes a 4-unit, 3-storey (13.7 metre) townhouse building with 8 parking spaces located within a below-grade garage. The proposal includes 1,252 m² of gross floor area and a total density of 1.13 times the area of the site. The existing house would be demolished. The Zoning By-law Amendment and Site Plan Control applications were deemed complete on May 18, 2018.

On June 18, 2019 City Council stated its Intention to Designate the property at 206 Russell Hill Road under Part IV of the *Ontario Heritage Act* and include it on the Heritage Register. The applicant has filed a formal objection to the City's Notice of Intention to Designate, and this matter is currently before the Conservation Review Board.

On October 29, 2019, City Council also refused the demolition application for the property at 206 Russell Hill Road. There are pending proceedings associated with demolition application that have not yet been determined at the time of writing this report.

This report recommends that the City Solicitor, together with appropriate City staff, be directed to oppose the appeal at the LPAT. As the proposal would necessitate the demolition and loss of the existing heritage property, the

application is not supportable in its current form. As proposed, the application is not consistent with the Provincial Policy Statement (2014), does not conform to the Growth Plan (2019), and does not conform to the Official Plan. Staff are recommending that discussions continue with the applicant in an effort to find a solution that conserves the heritage house.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Local Planning Appeal Tribunal (the "LPAT") hearing to oppose the appeal respecting the Zoning By-law Amendment and Site Plan Control applications (File Nos. 18 161483 STE 22 OZ and 18 161486 STE 22 SA), as proposed at 206 Russell Hill Road.
2. City Council authorize the City Solicitor, together with appropriate staff, to continue discussions with the applicant on resolving the matters identified in the Report (February 25, 2020) from the Director, Community Planning, Toronto and East York District.
3. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:
 - a. The final form and content of the Zoning By-law Amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. the owner has provided a revised functional servicing and stormwater management report, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, including securing (and the provision of any financial securities) for any identified and/or required improvements and/or upgrades to municipal infrastructure;
 - c. the Conditions of Site Plan Approval are in a form and content acceptable to the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor, the General Manager, Solid Waste Services, the General Manager, Transportation Services, the General Manager, Parks, Forestry and Recreation and the General Manager, Toronto Water; and
 - d. a Site Plan Agreement has been entered into in a content and form satisfactory to the Chief Planner and Executive Director, City Planning and the agreement is registered on title satisfactory to the City Solicitor.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on February 14, 2019, with the direction that additional mailing costs resulting from an expanded notification area for the community consultation meeting on December 17, 2018 beyond 120 metres of the site be borne by the applicant. The feedback from the meeting is summarized in the Community Consultation section of this report. The preliminary report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-124192.pdf>

On June 18, 2019 City Council stated its Intention to Designate the property at 206 Russell Hill Road under Part IV of the *Ontario Heritage Act* and included it on the Heritage Register:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC8.13>

On October 29, 2019 City Council refused a demolition application for the property at 206 Russell Hill Road, subject to the notice of intention to designate:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM11.10>

SITE AND SURROUNDING AREA

The site is located on the west side of Russell Hill Road, south of Clarendon Avenue. It is rectangular in shape and has a frontage of 21.7 metres on Russell Hill Road and a depth of 49.7 metres. The total site area is 1,110.9 square metres. The site slopes upwards from the front of the property to the rear, with a grade difference of 2.8 metres. The site currently contains an existing single detached dwelling that is designated heritage under Part IV of the *Ontario Heritage Act*.

The surrounding area is primarily residential with a range of housing forms including single detached, semi-detached, townhouses, and multi-unit apartment buildings. More specifically, the surrounding context includes:

North: of the site is an entrance to Sir Winston Churchill Park. North of Clarendon Avenue is a 4-storey apartment building. Further north along Russell Hill Road are a mix of two and 3-storey detached dwellings. At St. Clair Avenue

West and Russell Hill Road there are two 7-storey apartment buildings and a 3-storey townhouse development.

East: of the site is an existing 5-storey apartment building and a 3-storey townhouse development. Further east on Clarendon Avenue are 2 and 3-storey detached dwellings and several 2-storey semi-detached dwellings.

South: of the site is a 5-storey apartment building currently under construction at 200 Russell Hill Road. On the east side of Russell Hill Road is a 4-storey, 18-unit apartment building. Further south on the west side of Russell Hill Road are 2 and 3-storey detached dwellings which back onto the Nordheimer Ravine.

West: is Sir Winston Churchill Park and the Nordheimer Ravine.

PROPOSAL

Application Description

This application proposes a 4-unit, 3-storey (13.7 metre) townhouse building with 8 parking spaces located within a below-grade garage. The existing house would be demolished. The proposal includes 1,252 m² of gross floor area and a total density of 1.13 times the area of the site. The townhouse units are intended to be freehold with common element areas which will include the below-grade garage and walkways around the site.

Entrances to the townhouse units would front the north side of the property and a walkway leading to Russell Hill Road, which is adjacent to the public walkway to Sir Winston Churchill Park. The entrance for the unit at the east end of the building would face Russell Hill Road. The site slopes upwards from the street to the rear of the property. Due to the grade change, there is a 2.8 metre height difference between the unit at the east end of the building and the three units to the west. The proposed height of the unit fronting Russell Hill Road is 10.9 metres, while the height of the 3 units to the west is 13.7 metres.

Revised submissions were provided in December 2018 and March 2019 and incorporate a number of changes from the original proposal submitted in May 2018. The revisions include:

- a reduced driveway width and revised garage entrance design to accommodate tree preservation;
- revised garage plan to include waste storage areas for each unit;
- revised landscape plans and plant species list incorporating native and shade tolerant plants;
- the application of bird friendly glazing to all windows; and

- revised arborist report and tree preservation plan showing revised tree protection measures.

Detailed project information is found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=%2BQXu5jq6Tn26%2FU7x9yv7ug%3D%3D>

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 5 for the site plan drawing and Attachment 10 for the Application Data Sheet.

Reasons for Application

A Zoning By-law Amendment application is required to permit townhouses and establish appropriate development standards such as, but not limited to: building height, setbacks, building length and depth, density and landscaped open space.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Survey
- Architectural Plans
- Landscape Plans
- Draft Zoning By-law 438-86
- Draft Zoning By-law 569-2013
- Planning Rationale
- Stage 1 and 2 Archaeological Assessment
- Public Consultation Strategy Report
- Arborist Report
- Tree Preservation Plan
- Scoped Natural Heritage Impact Study
- Energy Efficiency Report
- Transportation Impact Study
- Servicing Report
- Stormwater Management Report
- Hydrogeological Report
- Geotechnical Study
- Groundwater Summary
- Letter of Exemption from Toronto Green Standards

Agency Circulation Outcomes

The application, including the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including:

- the protection of ecological systems, including natural areas, features and functions;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development;
- the supply, efficient use and conservation of energy and water;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the conservation of features of significant architectural, cultural historical, archaeological or scientific interest;
- the promotion of development that is designed to be sustainable, to support public transit;
- the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
- the mitigation of greenhouse gas emissions and adaption to a changing climate.

Provincial Land-Use Policies: 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 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;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character; and
- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

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 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 Council shall also be consistent with the PPS.

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."

Provincial Plans

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies to implement a Municipal Comprehensive Review (MCR), which is a planning exercise established pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of lands in provincially significant employment zones, and other requirements.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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 (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2019).

Toronto Official Plan

The subject site is designated *Neighbourhoods* on Map 17 in the City of Toronto Official Plan. This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 3 - Building a Successful City

The policies in Chapter 3 of the Official Plan guide growth by integrating social, economic, and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. As such, this chapter contains policies to improve the everyday lives of Torontonians by ensuring high quality design, providing parks and open spaces, building liveable neighbourhoods, and ensuring clean air and a strong economy.

Section 3.1.1 - The Public Realm

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings.

Section 3.1.2 Built Form

The built form policies in the Official Plan require new development to be located and organized to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties by:

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- Providing for adequate light and privacy; and

- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Section 3.1.5 Heritage Conservation

Section 3.1.5 provides policy direction on the conservation of heritage properties on the City's Heritage Register and for development adjacent to heritage properties. The following Official Plan policies apply to the subject application:

- Policy 2 states that properties of potential cultural heritage value will be identified and evaluated to determine their cultural heritage value consistent with provincial regulations and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value.
- Policy 3 states that heritage properties of cultural heritage value or interest will be protected by being designated under the Ontario Heritage Act and/or included on the Heritage Register. Policy 4 requires that properties on the Heritage Register be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
- Policy 5 requires proposed alterations for development on, or adjacent to, a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.
- Policy 26 requires that new construction on, or adjacent to, a property on the Heritage Register be designed to conserve the cultural heritage values, attributes, and character of the property, and to mitigate the visual and physical impact on it, including consideration such as scale, massing, materials, height, building orientation, and location relative to the heritage property.

Section 3.4 The Natural Environment

The site abuts Sir Winston Churchill Park and the Nordheimer Ravine to the west. The site is located within a Natural Heritage Area as identified on Map 9 of the Official Plan. The northwest corner of the site is also identified as an environmentally sensitive area.

Section 3.4 of the Official Plan contains policies on protecting and enhancing the natural environment, including:

- Policy 8, which requires that development will be set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs.
- Policy 13 requires that proposed development in or near the natural heritage system will be evaluated to assess the development's impacts on

- the natural heritage system. Measures to mitigate negative impacts on and/or improve the natural heritage system will be identified.
- Policy 14 states that development will not occur on lands within the natural heritage system that are identified as environmentally significant and require additional protection.

Chapter 4 - Land Use Designations

Section 4.1 Neighbourhoods

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings 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. Development proposals in *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including:

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

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

Official Plan Amendment 320

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (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. In its Order that approved OPA 320, the LPAT found that the OPA 320 policies are consistent with the PPS and conform with the Growth Plan (2017), which was in force at the time.

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.

Chapter 5 - Implementation: Making Things Happen

Section 5.6 Interpretation

Section 5.6 provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 in Section 5.6 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 5 of Chapter 1 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

The Toronto Official Plan may be found here: <https://www.toronto.ca/official-plan/>

Zoning

The site is zoned RD (f15.0; d0.35)(x1247) in the City-wide Zoning By-law 569-2013, which permits single detached dwellings up to a density of 0.35 times the lot area and a maximum height of 10 metres. The Zoning By-law also requires that development on lands within the Toronto and Region Conservation Authority Regulation Limit be set back a minimum of 10 metres from stable top-of-bank.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

Townhouse and Low-rise Apartment Guidelines

On March 26, 2018, City Council adopted the Townhouse and Low-Rise Apartment Guidelines, which replace the Infill Townhouse Guidelines (2003). The Townhouse and Low-Rise Apartment Guidelines address current policy directions and best practices for a broad range of multi-dwelling developments up to four storeys in height. The Guidelines assist in the implementation of Official Plan policies with a focus on enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters

to achieve high quality urban design outcomes for low-rise buildings and grade-related residential units. The Guidelines can be accessed at the link below:

<https://www.toronto.ca/wp-content/uploads/2018/05/7f47-city-planning-townhouse-low-rise-apartment-guidelines-2018.pdf>

Sustainability Objectives

At its meeting on October 2, 2019, City Council's declaration of a climate emergency deepened a commitment to protecting the economy, ecosystems and community from climate change. This decision included direction to strengthen the scope of Transform TO and broaden its implementation strategy, including integrating innovations in building performance.

The City of Toronto's Official Plan has policies in Section 3.4 that speak to mitigating climate change and reducing building emissions. Policy 3.4.19 specifically provides direction on how new development should incorporate sustainable design practices through building performance.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was submitted (File No. 18 161486 STE 22 SA) and deemed complete on May 18, 2018. The applicant has submitted an appeal for the City's failure to make a decision within the prescribed timelines in the *Planning Act* and the application has been referred to the LPAT.

COMMUNITY CONSULTATION

City Planning held a community consultation meeting on December 17, 2018 at 255 Spadina Road (Toronto Archives). The Ward Councillor, the applicant and approximately 10 members of the public attended the meeting. City staff and the applicant's consultant team presented on the planning framework, the site and area context, and the details of the townhouse proposal. The presentations were followed by a question and answer period.

The comments and concerns raised by residents with respect to the proposal were generally related to the following matters:

- increased traffic resulting from the development and congestion on Russell Hill Road;
- destabilization and erosion of the neighbourhood's character;
- potential impacts on the Nordheimer Ravine;

- disruptions caused by the cumulative impact of construction activity in the area and the need for a construction management plan; and
- the status of the property on the City's Heritage Register.

A question about the heritage status of the property and surrounding neighbourhood was also raised during a meeting with the South Hill Homeowners Association on December 13, 2018.

COMMENTS

The subject site is designated *Neighbourhoods*, is located partially in a ravine, and contains an existing heritage property. Through the development review process, the local community raised a concern regarding the heritage status of the property at 206 Russell Hill Road. Heritage Preservation Services conducted an evaluation of the property and identified heritage attributes consistent with Ontario Regulation 9/06 and recommended the property for designation. City Council stated its Notice of Intention to Designate.

The heritage value of the property, being identified and determined through the development review process, raises additional considerations that were not known when the application was initially submitted. While staff generally found the proposed built form and massing to be satisfactory in preliminary stages of the review process, the heritage designation of the property necessitates consideration and application of the heritage policies in the Provincial Policy Statement, Growth Plan and the City's Official Plan.

The demolition of the heritage building to facilitate the proposal does not conform with the Official Plan as it relates to Heritage policies. The proposal to demolish and replace the existing heritage building does not have regard for the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan with respect to matters of heritage conservation.

However, City Planning staff are of the opinion that conservation of the heritage building does not preclude development on the site. Sensitive infill development that accommodates the conservation of the heritage building and responds to the surrounding natural and built form context will require revisions to the current proposal through the consideration of alternative development scenarios. Staff will continue to explore possible development alternatives with the applicant to address heritage conservation in an appropriate manner.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, PPS and the Growth Plan.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, as noted in section 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. Section 2(a) requires that ecological systems, including natural areas, features and functions be protected. Section 2(q) and (s) identify the promotion of sustainable design, as well as the mitigation of greenhouse gas emissions and adaptation to a changing climate, as matters of provincial interest.

Policy 2.1.2 of the PPS requires that the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved.

Policy 2.6.1 of the PPS states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained".

Furthermore, Policy 1.8(f)(1) of the PPS states that energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and climate change adaptation shall be supported through land use and development patterns which promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation.

The Growth Plan (2019) provides a strategic framework for managing growth in the Greater Golden Horseshoe region. Policy 4.2.7(1) of the Growth Plan (2019) states that cultural heritage resources, which includes built heritage resources, "will be conserved in order to foster a sense of place and benefit communities".

In this case, the proposed construction of four townhouses on the subject site would result in the demolition of the existing dwelling on the property. The dwelling has contextual value, as it contributes to and maintains the original character of the South Hill community. The demolition of the existing dwelling would result in the loss of the property's cultural heritage value and interest.

City Planning staff have determined that the proposed development involving the demolition of the existing building on the site designated under Part IV of the *Ontario Heritage Act* does not have regard to the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan with respect to matters of heritage conservation.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Official Plan as a whole.

The Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings including interspersed walk-up apartments that are no higher than four storeys. The proposed use and building type are permitted within the *Neighbourhoods* land use designation. However, Policy 4.1.5(i) of the Official Plan requires that heritage buildings, structures and landscapes be conserved in *Neighbourhoods*. Furthermore, the proposal does not conform to heritage policies in Section 3.1.5 of the Official Plan.

Heritage

The approval and construction of the current proposal would result in the demolition of the cultural heritage resource situated on the property. Following research and evaluation under Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, Heritage Preservation Services staff determined that the property at 206 Russell Hill Road merited designation under Part IV, Section 29 of the *Ontario Heritage Act* for its design, associative and contextual value. At its meeting on June 18, 2019, City Council designated the property at 206 Russell Hill Road under Part IV of the *Ontario Heritage Act* and included it on the Heritage Register.

The designated heritage property at 206 Russell Hill Road is an example of a grand Edwardian-era house-form building whose design is influenced by the Arts and Crafts movement. This is reflected in the asymmetrical form of its principal (east) facade, the arrangement of prominent brick chimneys, the complicated roof form with shed dormers, and the variety in size and shape of the window openings with the fine craftsmanship of their wood trim. The house was constructed in 1910 for William S. Hodgens by the Toronto-born architect Ewart G. Wilson. Wilson designed several original homes in the South Hill neighbourhood in the early twentieth century as well as some of the city's earliest walk-up apartment blocks.

The subject property has contextual value as it contributes to and maintains the original character of the South Hill community, which is defined by grand Edwardian-era house-form buildings constructed in the early 1900s on generous lots. The existing dwelling at 206 Russell Hill Road is the sole remaining house-form building on the west side of the street at the top of the ravine and backing onto Sir Winston Churchill Park and it is physically, functionally, visually and historically linked to its surroundings

A complete Application to Demolish a Heritage Structure under Part IV of the *Ontario Heritage Act* was received by Heritage Preservation Services on August 29, 2019. A condition assessment was submitted with the application to demolish the heritage structure, prepared by ERA Architects Inc., dated August 23, 2019. This document describes a visual assessment that was undertaken of all exterior elevations from grade to roof, and it determined that the building was found to be generally in good condition. Good condition is defined in the condition assessment as "functioning as intended; normal deterioration observed; no maintenance anticipated within the next five years." On October 29, 2019, City Council refused the issuance of a demolition permit under Section 34 of the *Ontario Heritage Act* and this decision has been appealed is subject to pending litigation.

All applicable provincial and Official Plan policies require the conservation of heritage properties. The demolition of the existing dwelling on the property does not comply with the applicable policies and would result in the irrevocable loss of the property's cultural heritage value and interest. Alternative approaches to redevelopment on the site which conserves the existing heritage property must be considered to meet policy objectives.

Built Form and Development Alternatives

The current application for four 3-storey townhouse units addresses a number of the development criteria for *Neighbourhoods* in Policy 4.1.5 of the Official Plan. The proposal, in terms of building type, height, massing, scale, density and setbacks, would not be out of character in relation to the immediate and broader built form contexts of the geographic neighbourhood. However, Policy 4.1.5(i) requires that development in *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including the conservation of heritage buildings, structures and landscapes. The application is not supportable in its current form, as it does not conform with Policy 4.1.5(i), or policies in Section 3.1.5 of the Plan.

The Official Plan is more than a set of individual policies, and should be read as a whole to understand its comprehensive and integrative intent as a policy framework for decision making. Policies are not meant to be read in isolation, or to the exclusion of other relevant policies of the Plan which may apply to an application. Policy 5.6.1.1 states when there is more than one policy that is relevant, all appropriate policies are to be considered in each situation to appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City.

Staff are of the opinion that conservation of the existing heritage building does not preclude appropriate infill development which meets the development criteria for *Neighbourhoods*. A similar number of units may be accommodated through

conversion of the existing dwelling into a multi-unit building, or through modest additions which retain the attributes of the heritage building.

The consideration of alternative development scenarios also offers the opportunity to explore approaches to intensification which address a broader range of objectives in the Official Plan, including those related to environmental sustainability, housing choice and affordability. Renovations and additions to existing buildings generally result in a smaller carbon footprint relative to new construction. A reduction in the proposed parking supply may be considered to eliminate the need for substantial excavation and construction of a below-grade garage. Policies 3.4.19 and 3.4.20 in the Plan support sustainable building design and development which reduces green house gas emissions. A multi-unit building converted from an existing single-detached home could potentially offer more choice and affordability in housing options within the neighbourhood, relative to conventional freehold townhomes. The objective of providing a full range of housing, in terms of form and affordability, is consistent with Policy 3.2.1.1 of the Plan.

Staff will continue to work with the applicant to explore alternative development scenarios which balance heritage conservation, appropriate built form, considerations for the natural environment and other pertinent policies of the Official Plan.

Traffic Impact, Parking and Access

The proposal includes 8 vehicular parking spaces within a below-grade garage. Vehicular access is provided off Russell Hill Road, with a 6-metre wide private driveway. The proposed parking exceeds the requirements of Zoning By-law 569-2013, which requires a minimum of 4 parking spaces.

In support of the application, the applicant submitted a Transportation Impact Study, dated March 2018. The study estimates that proposal would generate approximately 4 two-way vehicular trips during both the AM and PM peak hours, respectively. The study concludes that the projected site traffic would have minimal impacts on area intersections and can be accommodated on the surrounding road network. Transportation Services staff have reviewed the study and concur with its findings.

Servicing and Solid Waste

Staff have reviewed site grading and servicing plans, functional servicing and stormwater management reports prepared by Husson Ltd, dated March 2019 and a hydrological review summary and geotechnical certification, prepared by Soil Engineers Ltd, dated July 2018 and March 2019, respectively. In the event that the LPAT allows the appeal for the Zoning By-law Amendment application,

revisions are required to the site servicing and grading plans at the site plan stage to address Engineering and Construction Services comments. Toronto Water also requires certification letters to demonstrate compliance with Chapter 681, Sewers, of the Municipal Code for groundwater discharge.

In accordance with the requirements set out in Chapter 844 of the Municipal Code, "Waste Collection, Residential Properties" and "City of Toronto Requirements for Garbage, Recycle and Organics Collection Services for New Developments and Re-Developments", the City will provide single-family, curbside cart collection services for garbage, recycling and organics should the proposal be approved by the LPAT in some form.

Natural Heritage and Ravine Protection

The site abuts Sir Winston Churchill Park and the Nordheimer Ravine to the west. The site is located within a *Natural Heritage Area* as identified on Map 9 of the Official Plan. The northwest corner of the property is also partially within and adjacent to the Environmental Significant Areas on Map 12A of the Official Plan. The majority of the site is located within a Toronto and Region Conservation Authority (TRCA) Regulated Area. The same portion of the site falls within the City of Toronto Ravine and Natural Feature Protection By-law area. A Scoped Natural Heritage Impact Study, prepared by Beacon Environmental Limited, dated April 2018 was submitted in support of the application.

Policy 2.1 of the PPS (2014) contemplates that natural features and areas shall be protected for the long term. In particular, Policy 2.1.2 of the PPS requires that the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved. Policy 2.1.5(d) and 2.1.8 require that development on lands within and adjacent to environmentally sensitive areas, such as these woodlands demonstrate that there will be no negative impacts on the natural features or on their ecological functions

Policy 4.2.2.6 the Growth Plan (2019) contemplates that Beyond the Natural Heritage System for the Growth Plan, the City will continue to protect any other natural heritage features and areas in a manner consistent with the PPS.

Policies in Section 3.4 of the Official Plan requires that all proposed development be evaluated to assess impacts on the natural heritage system, including (but not limited to) buffer areas and functions and vegetative species. New development will minimize adverse impacts, while restoring and enhancing the natural heritage system. Further, the natural environment policies contemplate that Environmental Sensitive Areas in Map 12A be provided additional protection to preserve their environmentally significant qualities.

Policy 3.4.8 of the Official Plan requires that development will be set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs. Similarly, TRCA policy does not permit new development within the Natural System, identified as being a 10-metre buffer from the Long Term Stable Top of Slope, stable toe of slope, regulatory floodplain, meander belt and any contiguous natural features or areas (dripline).

The applicant has consulted with TRCA staff regarding the proposal. The Long Term Stable Top of Slope was staked in the field with TRCA staff on November 28, 2017, and is located outside the property boundaries, west of the rear property line. The proposal is set back greater than 10 metres from the Stable Top of Slope. TRCA staff also reviewed a Geotechnical Investigation, prepared by Soil Engineers Limited, dated January 2018 and determined that there are no geotechnical or slope stability concerns with the proposal. The Toronto and Region Conservation Authority (TRCA) and Urban Forestry Ravine and Natural Feature Protection (RNFP) staff are satisfied with the setback from the ravine top-of-bank and size of buffer areas from ravine features.

The proposal would require the removal of 7 trees and the injury of 20 trees on Ravine and Natural Protection By-law regulated lands. A permit is required prior to the removal and injury of trees. Revised architectural plans, submitted in December 2018, shows a reconfigured driveway to accommodate the preservation of a mature red oak at the front of the property.

In review of the application, TRCA and RNFP staff provided comments requiring the proposed development demonstrate a net ecological gain for the area. Revised landscape plans with a plant list including native species compatible with the vegetation in the adjacent woodland was submitted in December 2018 to address this issue. However, further comments provided by RNFP in February 2019 indicated that a net ecological gain on the site had not been demonstrated, due to the fact that no new trees were proposed on the site. Revised landscape plans proposing new serviceberry, eastern redbud and dogwood trees were submitted in March 2019. Planning staff will consult with RNFP to determine whether the proposed trees and revised landscaping sufficiently address requirements to restore and enhance the natural heritage system within the site, in accordance with Policy 2.1.2 of the PPS and Section 3.4 of the Official Plan.

Tree Preservation

The portion of the site where the existing dwelling is situated falls outside of the Natural Feature Protection By-law area. This portion of the site is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles III (Private Tree By-law). The applicant submitted an Arborist Report, prepared by Ferris + Associates Inc., dated December 8, 2016 and a subsequent report prepared by Kuntz Forestry Consulting Inc., dated November 2018, revised February 2019 in support of the application.

The arborist report indicates that there is one tree that meets the criteria for protection under the City of Toronto Municipal Code, Chapter 813 Articles III (Private Tree by-law). Generally, removal of a tree protected under the Private Tree By-law would require 3 replacement trees to be planted. As the applicant is not proposing replacement trees, Urban Forestry staff would require a cash-in-lieu payment for the value of 3 replacement trees.

The arborist report indicates that there is one City-owned street trees protected under the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law), which is proposed to be removed. Urban Forestry requires the approval of the local ward councillor to permit the removal of the existing City-owned street trees. If approved, the applicant would be responsible for removing the tree and for the value and replacement costs associated with the tree.

Twelve City-owned park trees which are protected under the provisions of the City's Parks By-law are located near the boundaries of the site. The development proposes the retention of these trees, however, should the LPAT allow the appeals, Urban Forestry would require confirmation from the applicant that the removal of branches from the adjacent parkland trees would not be required for construction.

Parkland

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 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal would be subject to a 5% parkland dedication.

Should the appeals be allowed by the LPAT, the value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. Payment would be required prior to the issuance of the first above grade building permit.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The Toronto Green Standard for Low-Rise Residential applies to residential development less than 4 storeys in height with a minimum of 5 dwelling units. As currently proposed, the application is not subject to the Toronto Green Standard. However, applicability of the Toronto Green Standard will be further evaluated by staff should a revised proposal be approved through the LPAT.

Conclusion

The application has been reviewed against the policies of the *Planning Act*, PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal does not have regard for matters of provincial interest in Section 2 of the *Planning Act*, is not consistent with the PPS, and does not conform with the Growth Plan with respect to heritage matters. The proposal does not conform with the Official Plan, with respect to policies on heritage conservation.

The conservation of the heritage building may be accommodated through sensitive infill development on site. Alternative approaches to intensification which balance heritage conservation with other policy objectives of the Official Plans should be considered.

City Planning staff recommend that Council direct the City Solicitor, together with appropriate City staff, to attend the LPAT hearing to oppose the applicant's appeal.

CONTACT

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Tel. No. 416-395-7137
E-mail: Carla.Tsang@toronto.ca

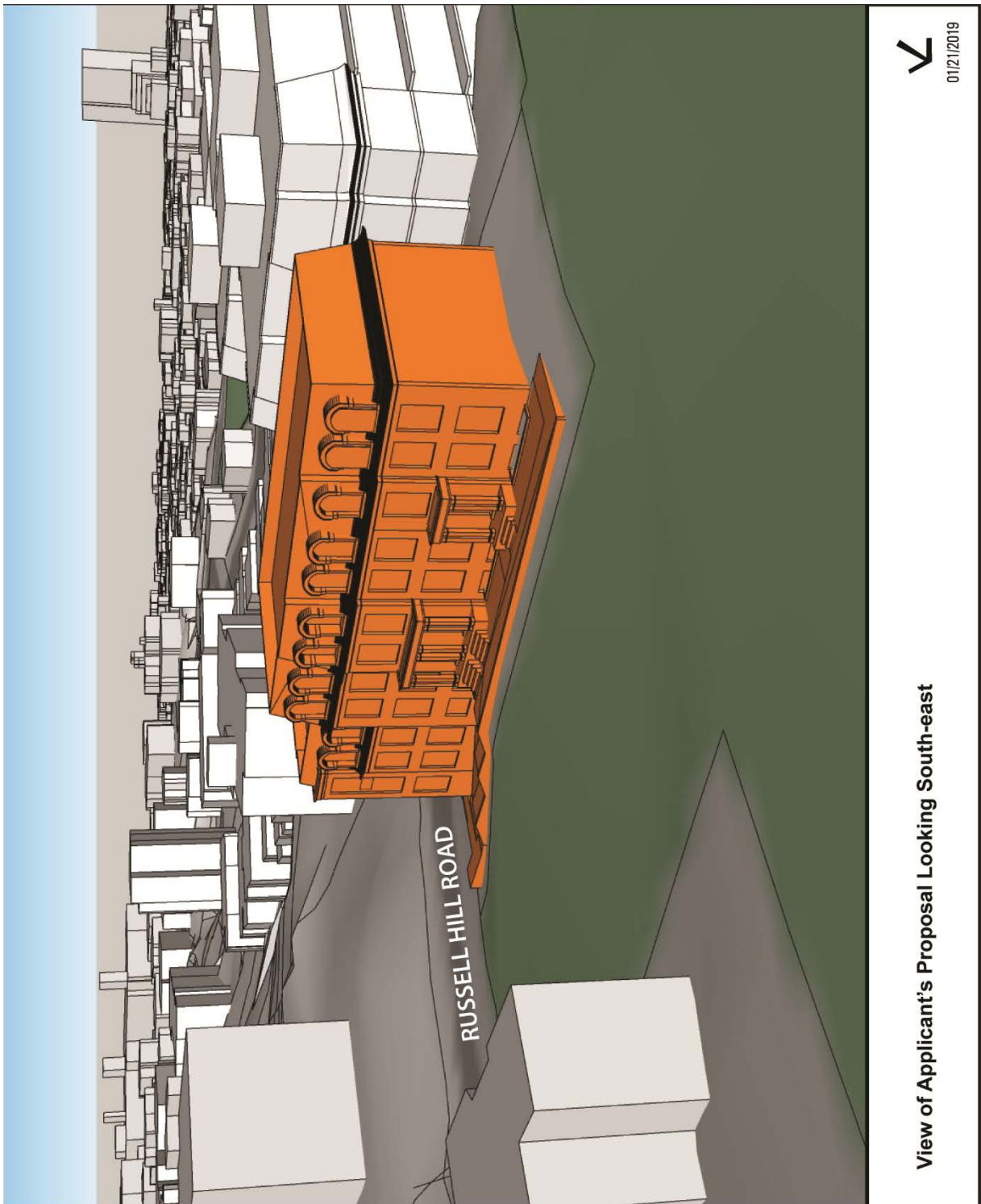
SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCCLA
Director, Community Planning
Toronto and East York District

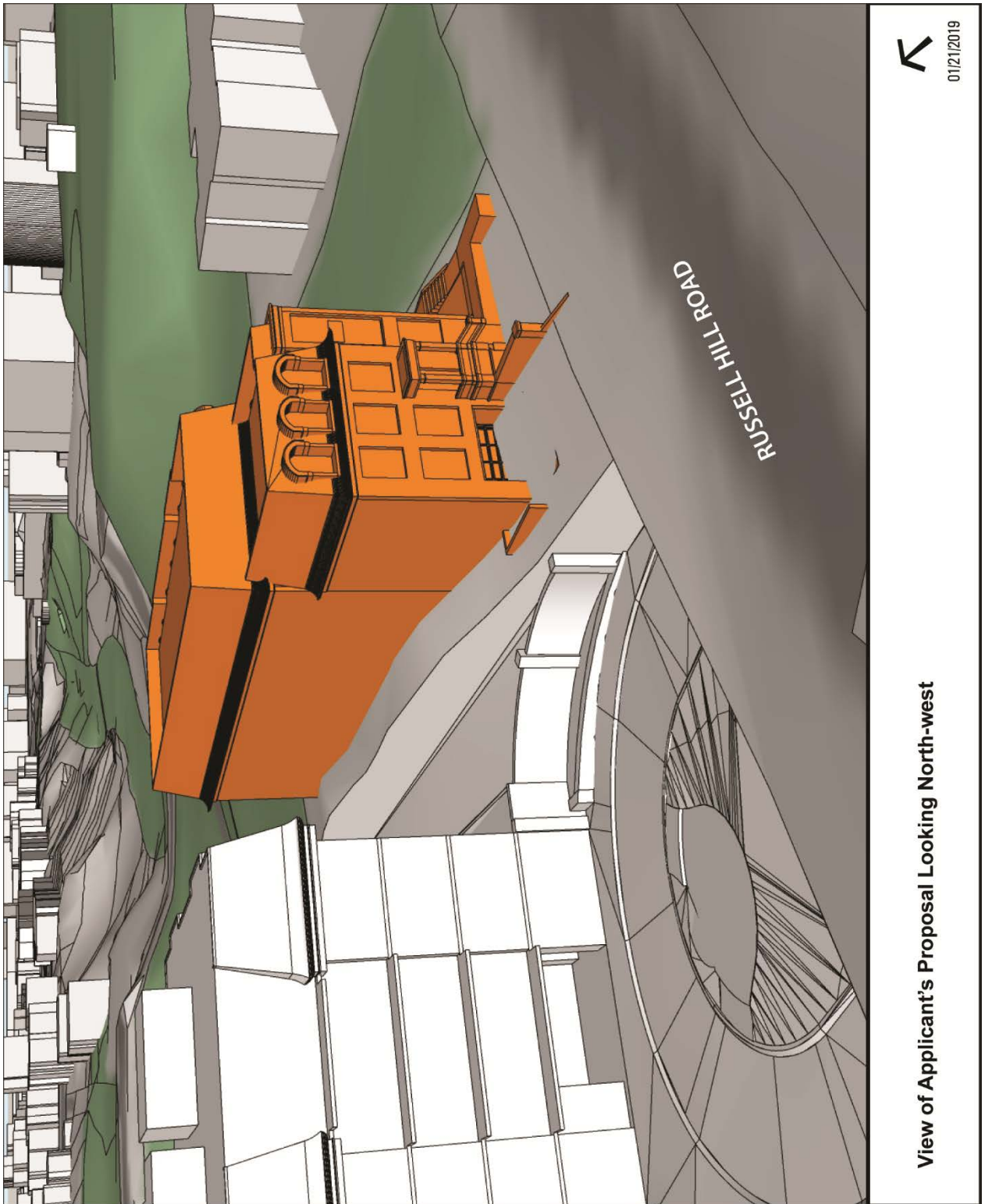
ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context – Looking Southeast
Attachment 2: 3D Model of Proposal in Context – Looking Northwest
Attachment 3: Location Map
Attachment 4: Official Plan Map
Attachment 5: Site Plan
Attachment 6: North Elevation
Attachment 7: East Elevation
Attachment 8: South Elevation
Application 9: West Elevation
Attachment 10: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context – Looking Southeast



Attachment 2: 3D Model of Proposal in Context – Looking Northwest

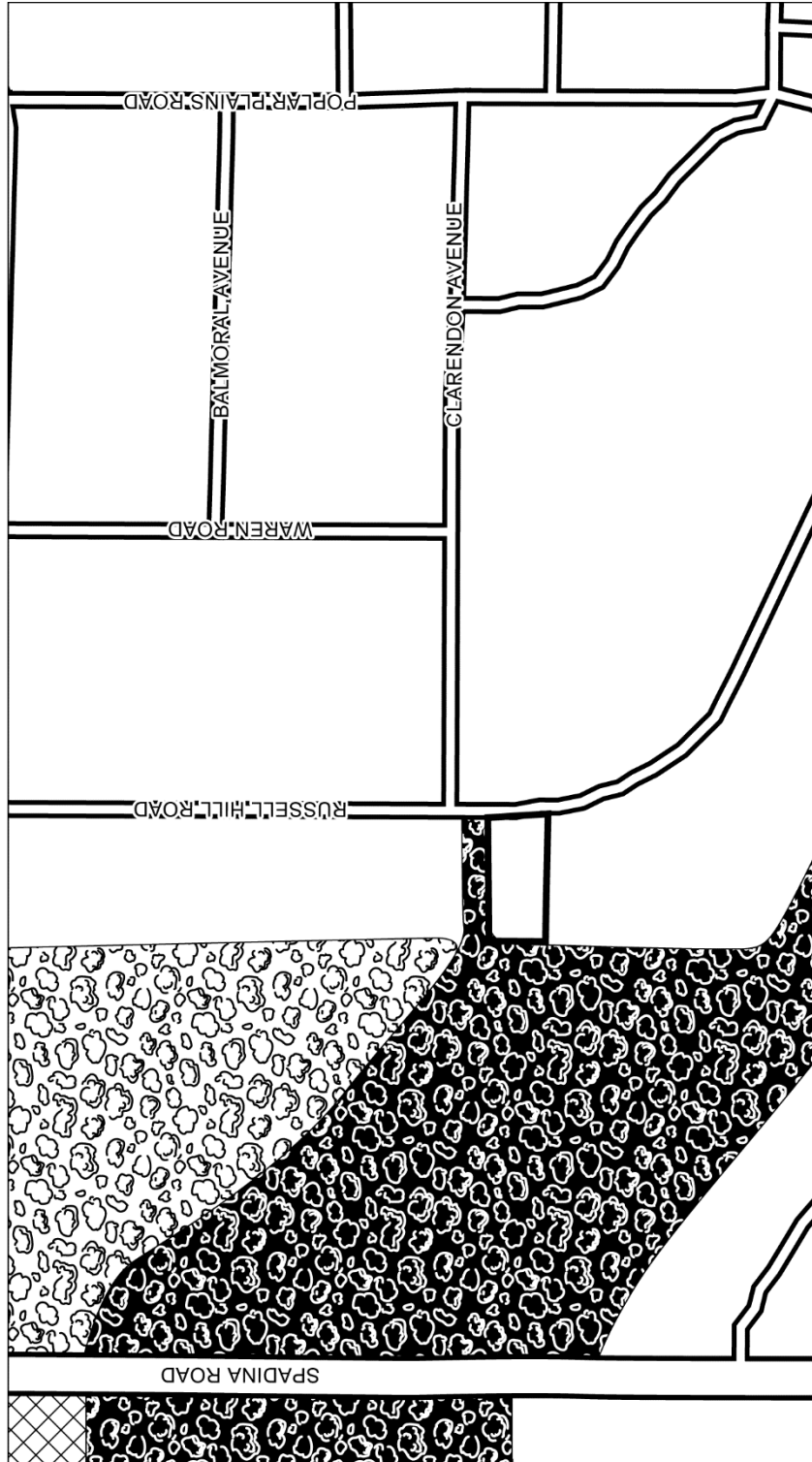


View of Applicant's Proposal Looking North-west

Attachment 3: Location Map



Attachment 4: Official Plan Map



206 Russell Hill Road

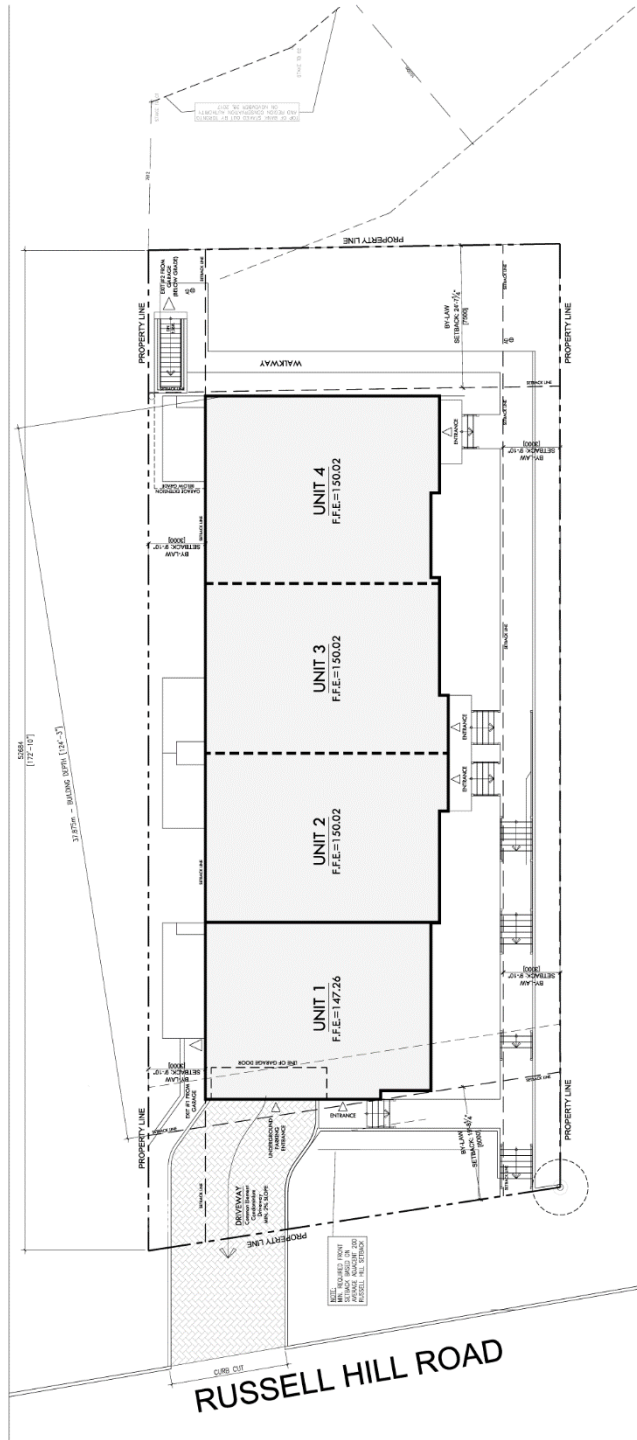
Toronto
Official Plan Land Use Map

File # 18 161483 STE 22 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Parks & Open Space Areas
-  Natural Areas
-  Parks

↑
 Not to Scale
 11/28/2018

Attachment 5: Site Plan



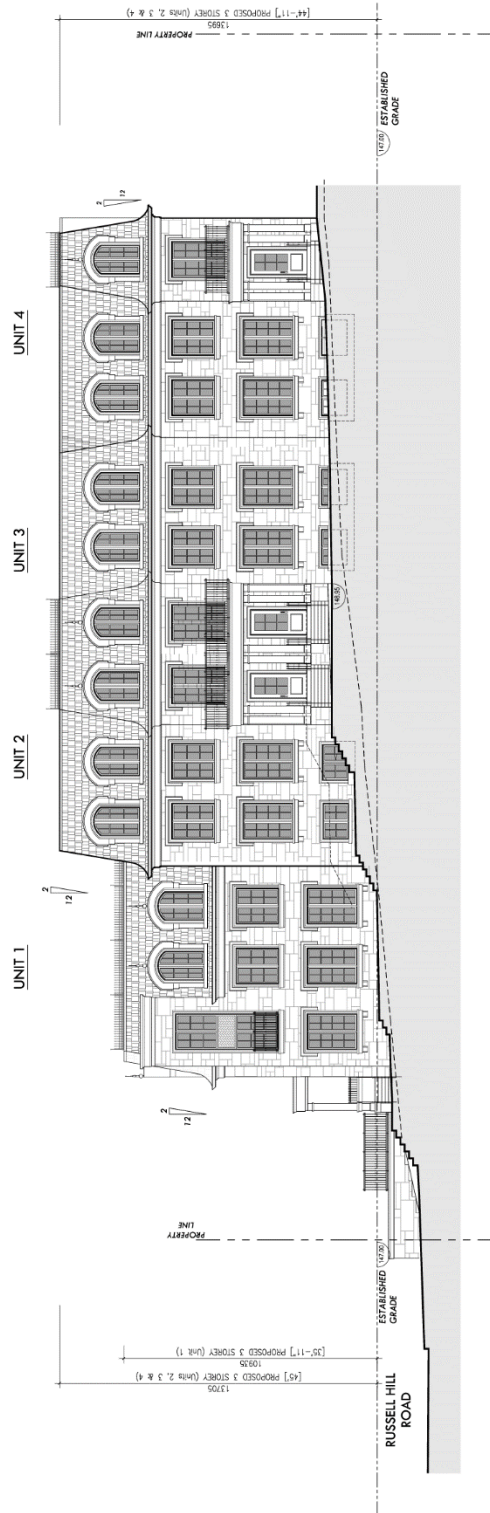
206 Russell Hill Road

File # 18 161483 STE 22 0Z

Site Plan
Applicant's Submitted Drawing

Not to Scale
12/21/2018

Attachment 6: North Elevation



North Elevation

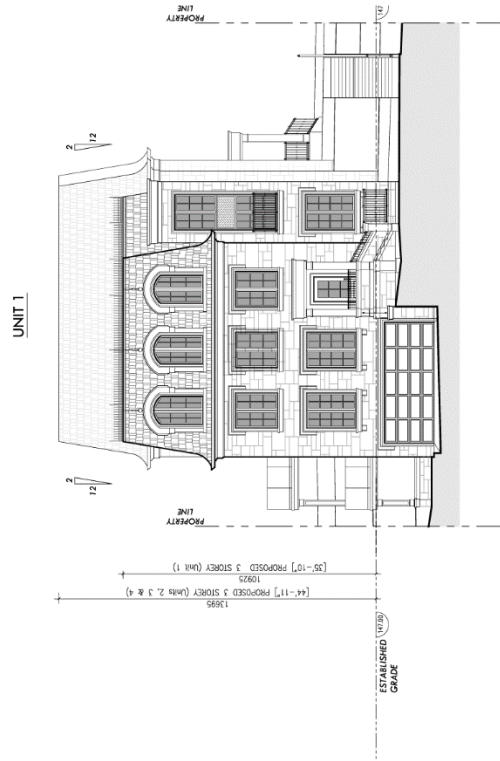
206 Russell Hill Road

Elevations
 Applicant's Submitted Drawing

Not to Scale
 12/21/2018

File # 18 161483 STE 22 0Z

Attachment 7: East Elevation



East Elevation

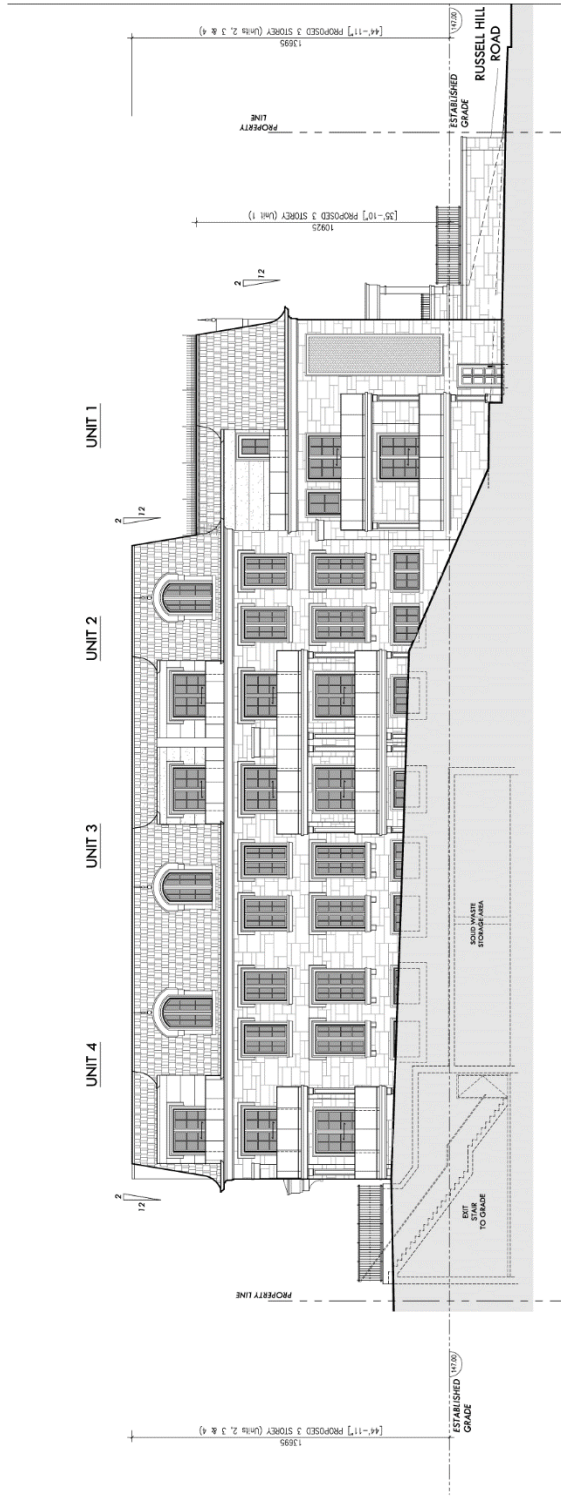
206 Russell Hill Road

File # 18 161483 STE 22 0Z

Elevations
 Applicant's Submitted Drawing

Not to Scale
 12/21/2018

Attachment 8: South Elevation



South Elevation

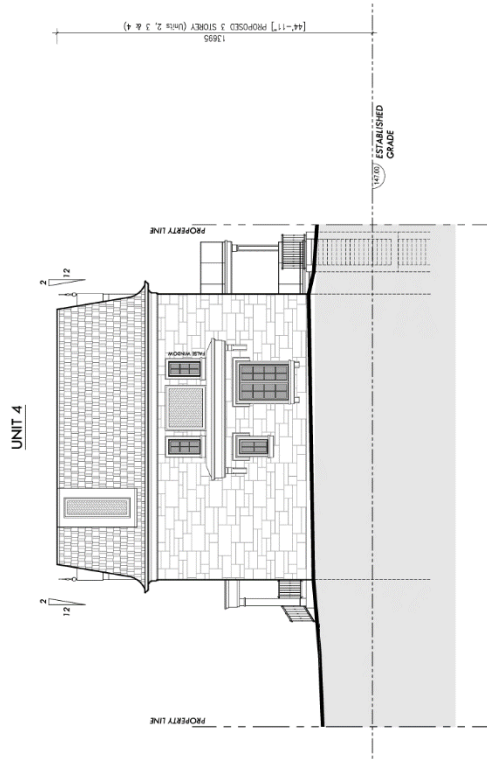
206 Russell Hill Road

Elevations
 Applicant's Submitted Drawing

File # 18 161483 STE 22 0Z

Not to Scale
 12/21/2018

Attachment 9: West Elevation



West Elevation

206 Russell Hill Road

File # 18 161483 STE 22 0Z

Elevations

Applicant's Submitted Drawing

**Not to Scale
12/21/2018**

Attachment 10: Application Data Sheet

Municipal Address: 206 RUSSELL HILL RD **Date Received:** May 18, 2018

Application Number: 18 161483 STE 22 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for four 3-storey townhouse units.

Applicant

Goldberg Group

Architect

Rafael-Bigauskas Architects

Owner

2515496 Ontario Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	No
Zoning:	RD(f15.0,d0.35)(x1247)	Heritage Designation:	Yes
Height Limit (m):	10 m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 1,111 Frontage (m): 22 Depth (m): 53

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			383	383
Residential GFA (sq m):			1,252	1,252
Non-Residential GFA (sq m):				
Total GFA (sq m):			1,252	1,252
Height - Storeys:			3	3
Height - Metres:			13.7	13.7
Lot Coverage Ratio (%): 34.5			Floor Space Index: 1.13	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,252	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			4	4
Condominium:				
Other:				
Total Units:				4

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom	
Retained:						
Proposed:						4
Total Units:						4

Parking and Loading

Parking Spaces: 8	Bicycle Parking Spaces: 0	Loading Docks: 0
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