

41 Chatsworth Drive - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications - Request for Direction Report

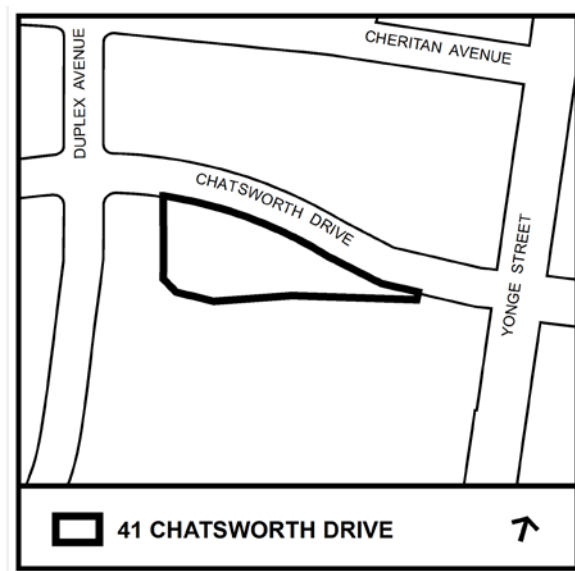
Date:	May 28, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	13 281456 NNY 16 OZ & 13 281459 NNY 16 SA

SUMMARY

The applicant has appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board (OMB) citing City Council's lack of decision on the applications within the time frame specified by the Planning Act. The applicant has also appealed the associated Site Plan Control Application to the Ontario Municipal Board. A Preliminary Hearing before the OMB was held on April 22, 2015. A second Pre-Hearing date has been set for August 5, 2015 and a 14-day hearing has been scheduled commencing February 8, 2016.

This application proposes to amend the Official Plan and Zoning By-law to permit a 6- and 7-storey, 114-unit, residential condominium building with 120 car parking spaces on 3 levels of a below-grade structure at 41 Chatsworth Drive. The proposed building would have a height of 6 storeys (22.0 metres) along Chatsworth Drive, a height of 7 storeys on the south elevation facing Duplex Parkette and the Chatsworth Ravine and a density of 2.5 times the lot area.

This report seeks Council's direction to oppose the proposed development at the Ontario Municipal Board for 41



Chatsworth Drive. The proposed development is not in an area intended for growth. The proposal is not consistent with the existing and planned context of the neighbourhood and the proposal does not conform to the Official Plan.

There are a significant number of issues related to the Site Plan Application. Staff are of the opinion that given the level of intensification proposed for this site, the outstanding issues may not be resolved in an acceptable manner should the Ontario Municipal Board approve the application for Official Plan and Zoning By-law Amendment.

This report also recommends continuing discussions with the applicant in an attempt to address the issues set out in this report with a revised application that meets the intent of the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and other City staff as appropriate to oppose the applicant's appeal respecting Official Plan and Zoning By-law Amendment application No. 13 281456 NNY 16 OZ and Site Plan Control Application No. 13 281459 NNY 16 SA for the lands at 41 Chatsworth Drive and attend any Ontario Municipal Board hearing in opposition to such appeal, for the reasons discussed in this report including:
 - a. The proposed development is not in an area designated for growth;
 - b. City Planning does not support an Official Plan Amendment for a 6- to 7-storey apartment building on this lot in a *Neighbourhood*;
 - c. The development proposal does not conform to the Official Plan including but not limited to policies related to Neighbourhoods, Built Form, Public Realm and Healthy Neighbourhoods;
 - d. The proposal is in an over-intensification of development on the site; and
 - e. The development does not meet the intent of the Ravine and Natural Heritage policies of the Official Plan.
2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report.
3. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve an Official Plan or Zoning By-law Amendment for the subject lands until

such time as the City and the owner have presented a draft by-law to the Board that secures community benefits through a Section 37 Agreement.

4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve an Official Plan or Zoning By-law Amendment for the subject lands until such time as the owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor.
5. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve an Official Plan or Zoning By-law Amendment for the subject lands until such time as the owner had has entered into and registered a site plan agreement between the City and the owner and any preconditions to site plan approval are fulfilled.

DECISION HISTORY

These applications were received on December 27, 2013. On May 13, 2014 North York Community Council adopted a Preliminary Report on the Official Plan and Zoning By-law Amendment applications. The Preliminary Report identified a number of concerns with the proposal and suggested the applicant consider revising the proposal to create a development which addresses the issues identified in the report. Community Council directed that City Planning staff schedule a community consultation meeting with the representative local Councillor with an expanded notification area and that notice for the public meeting be given according to regulations under the Planning Act.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-68784.pdf>

A Community Consultation Meeting was held on June 24, 2014. The applications were subsequently appealed to the Ontario Municipal Board on November 27, 2014.

ISSUE BACKGROUND

Proposal

This application proposes a 6-7 storey residential condominium building containing 114 units and 10,954.0 m² of gross residential floor area resulting in an overall site density of 2.5 FSI times the site area. The building is 6-storeys facing Chatsworth Drive and 7-storeys facing Duplex Parkette and the Chatsworth Ravine.

The proposed building has a height of 22.0 metres along the Chatsworth Drive elevation and a height of 25.75 metres facing Duplex Parkette and the Chatsworth Ravine, both heights being exclusive of the mechanical penthouse component. The lowest floor facing

south contains 5 residential units and indoor amenity area overlooking private and public open space as well as the garbage/recycling room. The Chatsworth Drive elevation has a 4-storey base with stepbacks at the 5th and 6th floors.

The building is proposed to contain a variety of condominium residential units as follows:

Unit Type	Number
Studio	1 unit
1 bedroom	15 units
1 bedroom and den	51 units
2 bedroom	43 units
2 bedroom and den	4 units
Total	114 units

The applicant proposes 148m² of indoor amenity area on the lower ground floor at the west end of the building and an additional 80m² of indoor space in the form of a lounge area on the upper ground floor in the northwest portion of the building. Both indoor amenity areas have direct access to outdoor landscaped areas which include patios, seating areas and access to walkways which encircle the building to the west, south and east. The combined area of the outdoor amenity space is 228m². Private amenity space is provided for individual units by terraces and balconies.

In December of 2011 the top-of-bank line and drip-line associated with the valley were surveyed and staked by TRCA staff. The proposed building has been located at a minimum 10 metre setback from the staked top-of-bank line for all below- and above-grade building elements with the exception of the southwest corner where the location of the proposed structure generally coincides with the previously-located place of worship foundation with a reduced setback of approximately 5 metres.

All parking is to be provided below-grade in a 3-level structure. A total of 120 parking spaces are proposed including 12 visitor spaces. One visitor accessible and 2 resident accessible spaces are included in the total parking space count. A circular driveway is proposed at the eastern end of the site from Chatsworth Drive to accommodate access to the below-grade parking and the loading area/garbage room.

Chatsworth Drive is currently a one-way westbound street from its signalized intersection with Yonge Street to Duplex Avenue. The submitted Traffic Impact Study includes a proposal to convert Chatsworth Drive from a one-way street to a two-way operation from Yonge Street through to the site's access driveway.

A total of 115 bicycle parking spaces are provided on the site for both visitors and residents. Seven (7) spaces are provided at grade and five (5) spaces are provided at the P1 level for a total of twelve (12) short-term visitor bicycle parking spaces. Fifty-four (54) long-term bicycle parking spaces are provided in the lower ground level storage

rooms, and forty-nine (49) spaces are provided in the P1 level storage rooms for resident's long-term bicycle parking.

The site statistics are presented on the Application Data Sheet (Attachment 9).

Site and Surrounding Area

The site is located on the south side of Chatsworth Drive approximately 35 metres west of Yonge Street. The site is a triangular-shaped piece of land approximately 0.44 ha in size and has a frontage of approximately 150 metres on the south side of Chatsworth Drive. The site gently slopes upwardly from the southeast to the northwest.

A gas station is located at the southwest corner of Chatsworth Drive and Yonge Street. The site is separated from the gas station site by a small 6.4 metre wide City-owned pedestrian access into the adjacent Duplex Parkette, which park abuts the subject site to the east and south.

The property is the former site of the Fifth Church of Christ Scientist, which was demolished in 2014. The applicant removed a number of trees on the site shortly after the building was demolished.

Chatsworth Drive is a local street currently operating as a one-way street travelling westward from its signalized intersection with Yonge Street to Duplex Avenue.

Land uses surrounding the site are as follows:

- North: Detached dwellings on the north side of Chatsworth Drive and a 4-storey apartment building (14 Chatsworth Drive). At the northwest corner of Chatsworth Drive and Yonge Street is located a complex of apartment buildings known as Chatsworth Manor (2926, 2928 and 2932 Yonge Street). These buildings are in the 5- to 6-storey range.
- South: Duplex Parkette and Chatsworth Ravine with detached dwellings beyond.
- East: walkway access to Duplex Parkette and a gas station beyond fronting Yonge Street (2908 Yonge Street).
- West: detached dwellings and Duplex Avenue beyond.

Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate, and, areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure and provide a transition in scale and density that protects stable neighbourhood areas from the effects of nearby development. The Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues*, and *Employment Districts*.

The site is designated *Neighbourhoods* on Map 17, Land Use Plan of the City of Toronto Official Plan (Attachment 6). Unlike the designated growth areas, *Neighbourhoods* are stable areas which should see little change.

***Neighbourhoods* Policies**

The Official Plan identifies *Neighbourhoods* as being 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. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical patterns and character of the neighbourhood, with particular regard to, among other things:

- Heights, massing, scale and type of dwelling unit of nearby residential properties;
- Size and configuration of lot;
- Prevailing building type;
- Setback of buildings from the street; and
- Prevailing patterns of rear and side yard setback and landscaped open space.

Policy 4.1.5 states that no changes will be made through rezoning, minor variance, consent or other public action that is out of keeping with the physical character of the neighbourhood.

Policy 4.1.9 relates to policies for infill development for properties that vary from the local pattern in terms of lot size, configuration and/or orientation. Typically, these lots

are sites of former non-residential uses as is the case for the subject lands. In such instances, the policy allows for infill development that will:

- Have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- 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;
- Front onto existing or newly created public streets wherever possible; and
- Locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences.

Healthy Neighbourhoods Policies

Chapter 2 of the Official Plan entitled *Shaping the City* contains principles for steering growth and change to some parts of the city, while protecting our neighbourhoods and green spaces from development pressures. *Neighbourhoods* are seen as being stable but not static. Section 2.3.1 recognizes that Neighbourhoods will not stay frozen and that some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites over time. A policy is to ensure that new development in Neighbourhoods respects the existing physical character of the areas, reinforcing the stability of the neighbourhood. Policy 1 of Section 2.3.1 of the Official Plan states that development within Neighbourhoods will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policy 5 encourages that environmental sustainability be promoted in Neighbourhoods by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency.

Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

Public Realm Policies

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. Built form policies in the Official Plan provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. Policy 3.1.1 3 encourages the enjoyment of the valleys and ravines by ensuring that adjacent development, particularly building height and massing, will preserve harmonious views and vistas from the valley.

Built Form Policies

Section 3.1.2 Built Form stresses that infill and redevelopment sites will need to fit in, respecting and improving the character of the surrounding area. Developments 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 facades fit within the existing and/or planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Plan. The Policies of Section 3.1.2 provide guidance pertaining to the massing of new buildings to frame adjacent streets 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 the Official Plan, providing for adequate light and privacy, and adequately limiting any resulting shadowing of neighbouring streets and properties.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself, among others. The intention is to enable new developments to 'fit' within the context of the immediate neighbourhood, while also improving the character of the surrounding area.

Parks and Open Spaces Policies

The lands to the south of the subject site are designated *Parks and Open Space Areas - Natural Areas* by Map 17, Land Use Plan of the Official Plan. Duplex Parkette and the Chatsworth Ravine are identified as Green Space Systems on the Urban Structure Map 2 of the Official Plan. The Plan seeks to improve, preserve and enhance the Green Space System. Land designated Natural Areas is to be maintained primarily in a natural state while also allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features.

Policy 3.2.3 Parks and Open Space states that the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks will be minimized as necessary to preserve their utility.

Natural Environment Policies

Section 3.4 of the Official Plan includes policies on protection of the natural environment. The lands which are located below the top of bank as determined by the Toronto and Region Conservation are identified in the Official Plan as being part of the Natural Heritage System. The Plan's objective is to protect, restore and enhance natural features and to reduce impacts of development on the natural environment. Development is generally not permitted in the natural heritage system and is to be set back at least 10 metres from the top-of-bank of valleys. This setback applies in a situation where an existing building location does not meet the required setback from the staked top-of-bank

– regardless of an existing situation, any new development must respect the 10 metre setback from the top of bank as per Policy 3.4.8. Land below the top of bank or other hazard land may not be used to calculate density in the zoning by-law or used to satisfy parkland dedication as per Policy 3.4.9. The Plan's policies also require that a study be provided to assess the proposed development's impact on the natural environment.

Section 37

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the applicant to enter into an agreement to secure these matters.

Zoning

City of Toronto Zoning By-law 569-2013

Under City of Toronto Zoning By-law 569-2013 (See Attachment 7) , the west portion of the site where the former place of worship building was located is zoned RD(f12.0;d0.35)(x1411). Permitted uses include detached dwellings and parks. There are a number of additional uses permitted so long as they comply with specific conditions outlined in the zoning by-law. These uses include a day nursery, fire hall, group home, library and public utility among others. The minimum lot frontage in the RD zone is 12.0 metres and the maximum lot coverage is 0.35 as a percentage of the lot area. The maximum permitted building height is 10.0 metres. The exception pertains to rear yard or front yard platforms with a floor higher than the first floor of the building above established grade not encroaching into the required yard setbacks.

The eastern portion of the site is zoned ON under City of Toronto Zoning By-law 569-2013. This is the Open Space – Natural Zone and permitted uses include an Ambulance Depot, Agricultural Use, Fire Hall, Park, Police Station, Public Utility and Transportation Use. There are a number of additional uses that are permitted subject to specific conditions being met.

Former City of Toronto Zoning By-law 438-86

The west portion of the site is zoned R1 Z0.35 by the former City of Toronto Zoning By-law Number 438-86 (See Attachment 8). The R1 zone is a residential zone permitting detached houses, public park, public playground, and parking area accessory to the main permitted use. The maximum permitted height is 10.0 metres and the minimum required frontage for a detached dwelling is 12.2 metres.

The east portion of the site is zoned G by the former City of Toronto Zoning By-law Number 438-86. The G zone is a Parks District zoning and no residential uses are permitted. Permitted non-residential uses in the G zone include a public park, public playground, conservation lands, a golf course, and a bathing station.

Site Plan Control

A Site Plan Control Application has been filed with the City (file no. 13 281459 NNY 16 SA) and is being reviewed concurrently with the applications for Official Plan and

Zoning By-law Amendment. The applicant has appealed the associated Site Plan Control Application to the Ontario Municipal Board.

Tree Preservation

The application is subject to the City of Toronto Private Tree By-law. A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on private property.

Toronto and Region Conservation Authority

The site is regulated by the Toronto and Region Conservation Authority (TRCA). Under the *Conservation Authorities Act*, the TRCA has the power to regulate development in certain designated areas. A permit would be required from the TRCA.

The site lands which are located below the top-of-bank line as determined by the Toronto and Region Conservation are within the limits of the Ravine and Natural Feature Protection By-law and within the Toronto and Region Conservation Authority (TRCA) Regulation Area. Development within this area requires a permit from the TRCA. Under the Ravine By-law, a permit is required to injure or destroy a tree, to place or dump fill, or to alter the grade of the land.

The southern portion of the site is also subject to the Valley and Stream Corridor Management Program (VSMP) development guidelines for properties affected by valley and stream corridors.

Limits of development are guided by the policies of TRCA's VSCMP and are defined for new development as 10 metres inland from the greater of the following:

- Physical top of bank of the valley feature;
- Predicted long term stable top of bank, where geotechnical concerns exist (must be confirmed through an appropriate geotechnical slope stability analysis);
- Limits of significant vegetation (drip line) which is contiguous with the valley corridor.

Reasons for the Application

An amendment to the Official Plan is required as the proposal does not comply with the policies of the Official Plan including the *Neighbourhoods* policies. The Official Plan sets out that new development in *Neighbourhoods* will be low-scale limited to buildings of 4 storeys or less. The applicant has requested an amendment to the *Neighbourhoods* designation to permit a 6-7 storey residential building.

City of Toronto Zoning By-law 569-2013

Under City of Toronto Zoning By-law 569-2013, the west portion of the site where the former place of worship building was located is zoned RD(f12.0;d0.35)(x1411) and detached dwellings are the main permitted use in this zone. The eastern portion of the

site is zoned ON - Open Space – Natural Zone under City of Toronto Zoning By-law 569-2013. Residential uses area not permitted in the ON Zone.

The applicant proposes to amend both the RD(f12.0;d0.35)(x1411) and the ON – Open Space – Natural Zone of Zoning By-law 569-2013 to permit the apartment use, increase the permitted building height and density of development on the site and to establish appropriate performance standards for the proposed condominium building. The applicant also proposes to rezone the 10-metre setback zone from the top-of-bank along the south limit of the subject site to the ON - Open Space - Natural Zone in the former City of Toronto Zoning By-law 569-2013.

Former City of Toronto Zoning By-law 438-86

The west portion of the site is zoned R1 Z0.35 by the former City of Toronto Zoning By-law Number 438-86. This zone permits single detached dwellings as the main permitted residential use and apartment buildings are not a permitted use. The east portion of the site is zoned G by the former City of Toronto Zoning By-law Number 438-86. The G zone is a Parks District zoning and no residential uses are permitted.

The applicant proposes to amend both the R1 Z0.35 Zone and the G Zone of Zoning By-law 438-86 on the site to permit the apartment use, increase the permitted building height and density of development and to establish appropriate performance standards for the proposed condominium building. The applicant proposes to rezone the 10-metre setback zone from the top-of-bank along the south limit of the subject site to G-Parks District zone in the former City of Toronto Zoning By-law 438-86.

The applicant has advised the City that they do not intend to dedicate the 10-metre setback lands from the top-of-bank to the City or the Toronto Region Conservation Authority (TRCA) but will retain these lands in private ownership. This is contrary to TRCA policy and City practice.

Community Consultation

Staff held a community consultation meeting on June 24, 2014 to present the proposal to the community and receive their feedback. The meeting was attended by the representative Councillor, City Planning staff, Urban Forestry (Ravine) staff, the applicant, owner and approximately 50 members of the public.

Issues raised by area residents in discussion of the proposal, which have been considered in the review of the application, are generally related to the following matters:

- Appropriateness of an Official Plan Amendment for lands in a stable Neighbourhoods designated area;
- The appropriateness of a six/seven storey residential building on Chatsworth Avenue;
- The proposed height and density;
- The proposed building type and built-form;
- Removal of protected trees without permits;

- The proposed traffic; and
- The impact of the development on the valley/ravine lands and natural environment.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS.

The proposal does not conform to the Official Plan designation of *Neighbourhoods* among others and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement. The proposal, therefore, is not consistent with the PPS and can not be supported.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth. The Growth Plan also directs growth to *urban growth centres, intensification corridors, major transit station areas, brownfield sites* and *greyfields* to provide as a key focus for transit and infrastructure investments to support future growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

Areas Designated for Growth

The Provincial Policy Statement indicates that the municipal Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or areas, and availability of infrastructure and public services facilities that meet projected needs. The City of Toronto Official Plan includes policies which support many of the objectives of the PPS.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown, Centres, Avenues and Employment Districts*. The proposed development is not in one of those areas.

The subject site is located in a *Neighbourhoods* designation where growth is not anticipated. The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive, gradual and generally fit the existing physical character.

The applicant's proposal for a mid-rise building in a *Neighbourhood* designation is not in an area intended for growth and is not supported by staff.

Land Use

The site is designated *Neighbourhoods* in the Official Plan. Toronto's *Neighbourhoods* contain a range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of local residents. Low scale residential buildings consist of detached and semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartment buildings generally 4 storeys or less. The application proposes a 6-7 storey residential condominium building containing 114 units.

The 7-storey apartment building is a residential use and may be permitted in a *Neighbourhoods* designation subject to a height limit of up to 4-storeys. The site is internal to the neighbourhood and not on a major road. While investment in *Neighbourhood Areas* is encouraged, new development must respect the character of the neighbourhood and serve to reinforce the stability of the neighbourhood. The applicant's proposal for a 6-7 storey apartment building in a *Neighbourhoods* area, and in this stable neighbourhood does not respect the character of this *Neighbourhoods* area, and is not supported.

Height and Density

The proposed building is 6-storeys (22.0 metres) fronting Chatsworth Drive and 7-storeys (25.75 metres) facing Duplex Parkette and the Chatsworth Ravine. The proposed heights are exclusive of the mechanical penthouse component. The *Neighbourhoods* designation specifies that residential development should not exceed 4 storeys. The proposed building height, at 6 – 7 storeys, is not consistent with the *Neighbourhoods* policies of the Official Plan.

The former City of Toronto Zoning By-law 438-86 zones the property R1 Z0.35 which permits detached dwellings to a maximum height of 10.0 metres. The new City of Toronto Zoning By-law 569-2013 also permits a maximum building height of 10.0 metres for detached dwellings in the RD zone. At 22.0 metres in height along Chatsworth Drive frontage the proposed development does not comply with the Official Plan and staff does not support the application for Official Plan amendment to permit the increase in height proposed by the applicant.

There is an apartment building located within the Neighbourhoods designation further east of the site at 14 Chatsworth Drive that complies with the *Neighbourhoods* designation in terms of height. This apartment building is part of a grouping of apartment buildings located at the northwest corner of Chatsworth Drive and Yonge Street. The other apartment buildings in this grouping are in the 5 and 6 storey range and are located in a *Mixed Use Areas* designation where taller apartment buildings are permitted.

Both the former City of Toronto Zoning By-law 438-86 and the City of Toronto Zoning By-law 569-2013 permit detached dwellings at a maximum density of 0.35 times the lot area. The applicant is proposing a gross floor area of 10,954 square metres resulting in a proposed density of 2.5 times the lot area. This proposed density is substantially higher than the zoning would allow on the lot or in the adjacent neighbourhood.

New development on this site must fit into the context of the existing neighbourhood. A residential development with a height and density closer in scale to other residential buildings in the neighbourhood would be more in keeping with the Official Plan goal of encouraging intensification to take advantage of existing infrastructure and services but would ensure compatibility with the existing neighbourhood context.

Should the applicants be prepared to revise their proposal it should include a reduction to the proposed height and density. A revised proposal should be considered by the applicant which does not require an Official Plan Amendment.

Built Form and Existing Context

Policy 2.3.1.1 states that *Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of the neighbourhood and its planned context. Elements that are important to the character of the neighbourhood are set out in Policy 4.1.5 and include: the height, massing, scale and dwelling type of nearby residential properties, prevailing building types(s), setbacks of buildings from the street and the pattern of prevailing setbacks and landscaped open spaces, among others.

Policy 4.1.9 recognizes that there may be properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established Neighbourhoods that will be subject to infill development. Proposals on these sites will have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for

adjacent and nearby residential properties. Redevelopment must have regard for the existing built form context.

A determination of whether this proposal respects the physical character of the buildings, streetscapes and open space patterns of the neighbourhood has been evaluated as part of the review of this application. With the exception of existing development on Yonge Street and some institutional uses in the neighbourhood, the area surrounding the subject site is comprised predominantly of detached homes on large lots. There is a series of semi-detached dwellings at the west end of Chatsworth Drive near the intersection of Cheritan Avenue. The determination is that the proposed building is not in keeping with the prevailing physical character of single detached dwellings without underground parking in the neighbourhood.

The applicant's proposal does not respect the prevailing building type or the pattern of prevailing setbacks and landscaped open spaces in the neighbourhood. In this regard, the proposal does not comply with the policies of the Official Plan and an amendment is not supported. A proposal can be developed for this site which meets the intent of the Official Plan.

Traffic Impact, Access and Loading

A Traffic Impact Study prepared by NexTrans Engineering and dated December 2013 was submitted with the proposal. The consultant concludes that the adjacent road network has the capacity to accommodate the increase in site traffic volume. City Transportation staff has reviewed the report and require further information, clarification and correction to the report in the area of existing traffic volumes, the classification of data inputs, the site traffic assignment and the sensitivity analysis conducted by the consultant for two way operation on Chatsworth Drive. The submitted Traffic Impact Study can not be accepted by city staff.

Access to the site is proposed on Chatsworth Drive. A circular driveway is proposed at the eastern end of the site from Chatsworth Drive to accommodate access to the below-grade parking and the loading area/garbage room. The west driveway provides ingress and egress while the east driveway provides ingress movements only.

Chatsworth Drive is currently a one-way westbound street from its signalized intersection with Yonge Street to Duplex Avenue. The submitted Traffic Impact Study includes an analysis of a proposal to convert Chatsworth Drive from a one-way street to a two-way operation from Yonge Street through to the site's access driveway. The applicant proposed this alternative traffic solution to the existing situation of requiring all site-generated traffic to travel west to leave the neighbourhood. The analysis of the proposed operation for a two-way road operation between Yonge Street and the development driveway has not been accepted by City Transportation staff.

One type 'G' loading space is proposed near the southeast corner of the proposed building. The loading space dimension satisfies the by-law requirement. There is a

second loading space located adjacent to the ramp entrance on the lower ground floor. This space can not be safely accessed and must be removed.

The outstanding information related to traffic impact, access and loading must be addressed in the form of updated studies submitted for review by staff.

Parking

According to the site statistics, a total of 120 parking spaces will be provided for this project with 108 spaces being for residents and 12 parking spaces being reserved for visitors.

The parking requirements for the project are governed by the applicable parking provisions contained in both the former City of Toronto Zoning By-law and the City of Toronto Zoning By-law 569-2013. This By-law was adopted by City Council in April 2013 and are based on more recent information when compared to the former City of Toronto general Zoning By-law. As a result, the parking requirements under Zoning By-law 569-2013 are 128 spaces with 106 parking spaces being required for residents and 22 spaces being required for visitors. In order to satisfy the requirements of By-law 569-2013, an additional 10 visitor spaces must be provided.

Additionally, the development requires the provision of 5 accessible parking spaces under the Toronto Green Standard while 3 have been provided.

The applicant has proposed a total of 12 short term visitor bicycle parking spaces with 7 of those spaces being provided at grade adjacent to the loading area at the rear of the property. The remaining 5 spaces will be provided at the P1 level of the underground parking garage, adjacent to the visitor parking. A total of 103 long term resident bicycle parking spaces are proposed on site. Fifty-four (54) spaces will be provided in a storage room on the Lower Ground Floor and the remaining 49 spaces will be provided in two storage rooms on the P1 Level of the parking structure. The provision of bicycle parking meets the requirements of the Toronto Green Standard and City staff are satisfied with this.

Servicing

The Functional Servicing and Stormwater Management Report prepared by Husson Engineering and Management and dated December 2013 was reviewed by Engineering and Construction Services staff. To date the applicant has not addressed the outstanding information including a sanitary sewer analysis (drainage plans, flow sheets and hydraulic analysis as necessary) to identify required improvements to the existing sanitary sewer system to provide for peak sanitary flows generated by this development and a flow test and water distribution analysis to verify that water pressures and flows are adequate to service this development. A determination as to whether required fire flows can be met for this development is also required as is information on the City's Wet Weather Flow Management Guidelines. To date, the applicant has not demonstrated that the servicing exists to support the proposed development.

Amenity Area

The applicant has proposed indoor amenity space in two areas of the building: 80m² on the ground floor and 148m² on the Lower Ground Floor. In total, 228m² is proposed of indoor amenity space.

In terms of outdoor amenity space, a total of 228m² is proposed with 100m² being provided at the Ground Floor level in the northwest corner of the site and 128m² located at the Lower Ground Floor level outside the south and southwest area of the building. It is not clear whether the ravine lands are being used to satisfy a portion of the proposed amenity area.

The applicant's proposed ratio of 2 square metres each of indoor and outdoor amenity space per residential unit meets the City of Toronto's minimum expectation. Clarification is required as to whether any of the amenity area is proposed within the 10 metre setback from the top of bank, which lands are required to be dedicated to a public authority and can not be used for private amenity area purposes.

Open Space/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 0.8 – 1.56 hectares of parkland per 1,000 people. The site is in the third lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.15 hectares (1 500m²) or 32% of the net site area. For sites that are less than 1 hectare in size, a cap of 10% is applied to the residential portion, therefore parkland dedication would equal 442m².

Parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process. This can be met either through cash in lieu of parkland or the provision of land.

An on-site park contribution of 442 m² could be secured which would allow for enhanced park access and increased street frontage in keeping with the City of Toronto Official Plan for Duplex Parkette and Chatsworth Ravine. Staff are considering this approach of an on-site contribution as an alternative to cash in lieu of parkland and will be advising the applicant of their position.

Site Plan

Staff have identified a number of issues with both the proposal throughout this report and as identified below, that require further revisions to plans and reports before site plan approval shall be approved. Outstanding site plan matters include, but are not limited to, the following:

- A determination of appropriate setbacks from the lots lines, including the future lot line which will be at the 10 metre setback from the existing top-of-bank;
- A determination of the size and location of amenity areas to support the development;
- Type, location and amount of landscaping and planting materials;
- Streetscape design;
- Materiality and treatment of building facades;
- A determination of compliance with the Toronto Green Standard;
- The provision of further details with respect to site lighting, which should be coordinated with internal tree planting, landscaping, utilities, screening fences; other landscaping features proposed on the site;
- Location and treatment of bicycle parking;
- A shortage of visitor parking;
- The resolution of converting a portion of Chatsworth Drive to a 2-way street;
- Demonstration that the servicing capacity exists to accommodate the development;
- Site grading;
- Garbage collection and loading area; and
- A determination of housing mix for the development.

As there are a number of site plan issues to be resolved, this report recommends that the City Solicitor be directed to request the Ontario Municipal Board to withhold the final order pending finalization of the site plan application to the satisfaction of the Director of Community Planning, North York District, should the Ontario Municipal Board approve the application.

Section 37

Section 37 of the Planning Act enables the approval authority to authorize increases in height and/or density, over and above that permitted by the Zoning By-law, in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvement above and beyond the parkland dedication; public art; streetscape improvements; and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including an appropriate geographic relationship and address any planning issues associated with the development.

City Planning staff does not support the requested Official Plan Amendment. This application is not considered to be good planning and discussions about the nature and quantum of the community benefits have not taken place with the applicant. However, should the Ontario Municipal Board approve the application, the City would request an opportunity be given to conduct discussions concerning Section 37 benefits with the applicant.

CONCLUSIONS

The application proposes amendments to the City of Toronto Official Plan and Zoning By-law 438-86 to permit a 6-7 storey , 114-unit, residential condominium building with 120 car parking spaces on 3 levels of a below grade structure at 41 Chatsworth Drive. The proposed building would have a height of 6 storeys (22.0 metres) along Chatsworth Drive, a height of 7 storeys on the south elevation facing Duplex Parkette and the Chatsworth Ravine and a density of 2.5 times the lot area.

The applicant has appealed the Official Plan and Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the prescribed period under the Planning Act. A prehearing was held on April 22, 2015 and a second Pre-Hearing is scheduled for August 5, 2015. A 14-day hearing is scheduled commencing February 8, 2016.

This proposal is not consistent with the way in which the Official Plan implements the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. It fails to comply with the planning framework for this area of the City established by the Official Plan.

While a residential development is a permissible use for these lands, the desire to achieve residential intensification through redevelopment on the site must be balanced with a respect for the existing site condition and the built form and character of the community abutting Chatsworth Drive and in the surrounding area.

These applications do not represent an appropriate redevelopment of the site and do not represent good planning for the reasons discussed in this report including:

- The proposed development is not in an area designated for growth;
- City Planning does not support an Official Plan Amendment for a 6 to7 storey apartment building on this lot and in a Neighbourhood; and
- The development proposal does not conform to the Official Plan including but not limited to policies related to Neighbourhoods, Built Form, Public Realm and Healthy Neighbourhoods.

This report recommends that staff attend the Ontario Municipal Board hearing in opposition of the proposal; staff continue discussion with the applicant to address the issues outlined in this report; staff request the Board to withhold any Order until a site plan agreement has been entered into; and staff withhold any Order until a Section 37 Agreement has been entered into.

The proposed development can not be supported by City Planning staff. The site is not in an area of the City identified to accommodate future population growth. Growth areas in the Official Plan include the *Downtown*, the *Centres, Avenues*, and *Employment Districts*.

The proposed development is in a *Neighbourhoods* area and established *Neighbourhoods* are intended to benefit from directing growth to the strategic locations noted previously.

The redevelopment of lands in an established urban setting requires consideration of the immediate context and larger neighbourhood. New development must relate, enhance and contribute to its surroundings. The proposed development does not reflect the physical character of the existing lower density neighbourhood.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Context Plan

Attachment 2: Site Plan

Attachment 3: North Elevation (Chatsworth Drive)

Attachment 4: South Elevation (View from Duplex Parkette)

Attachment 5: East and West Elevations

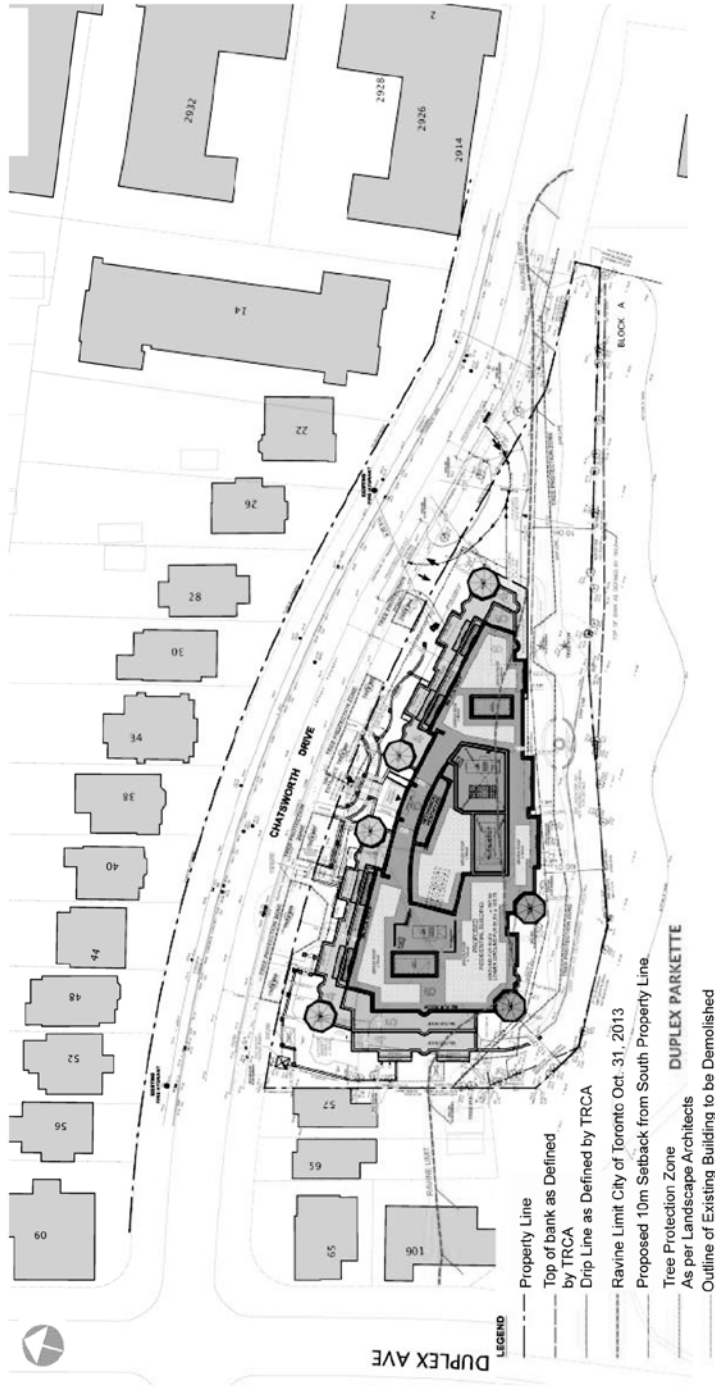
Attachment 6: Official Plan

Attachment 7: City of Toronto Zoning By-law 569-2013

Attachment 8: Former City of Toronto Zoning By-law 438-86

Attachment 9: Application Data Sheet

Attachment 1: Context Plan



41 Chatsworth Drive

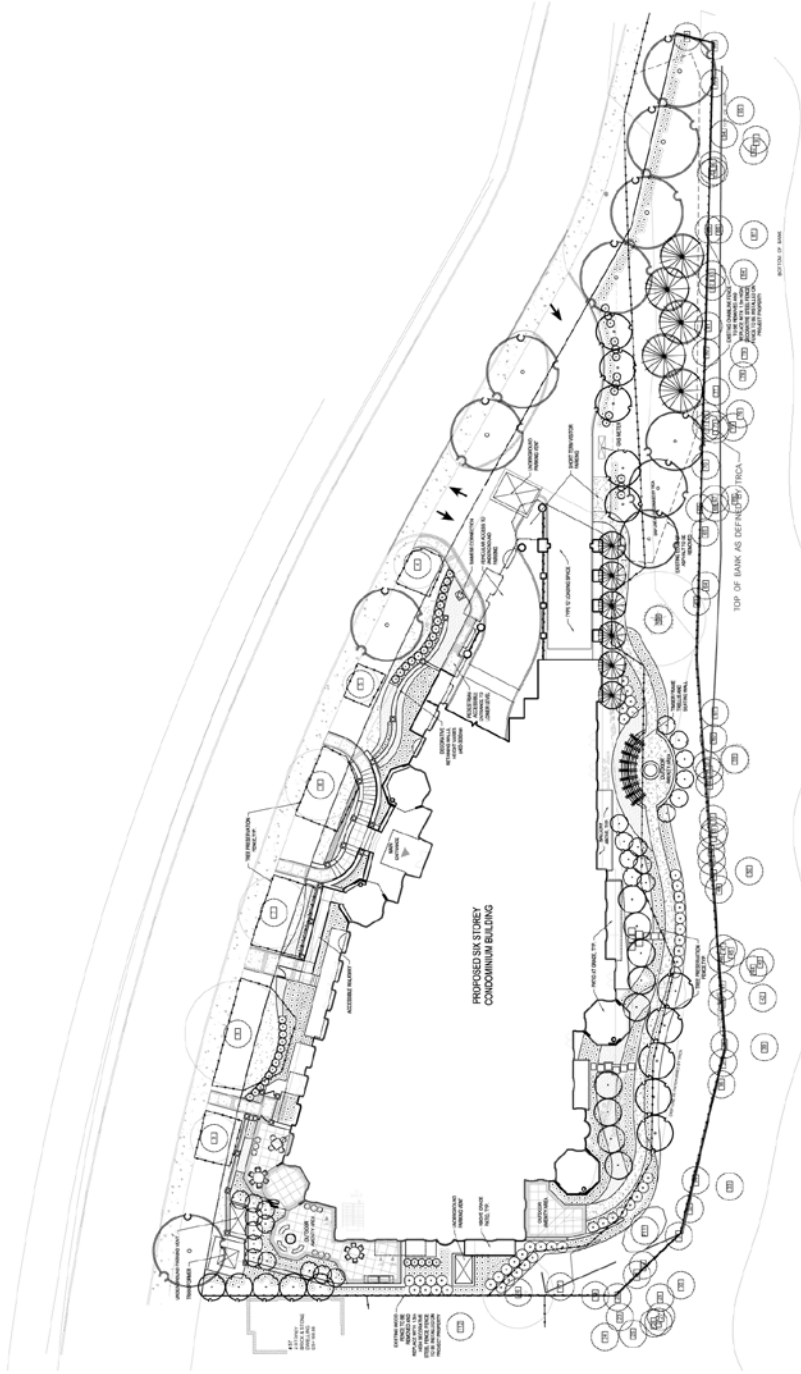
Context Plan

Applicant's Submitted Drawing

Not to Scale
02/24/2014

File # 13 281456 NNY OZ

Attachment 2: Site Plan



41 Chatsworth Drive

Site Plan

Applicant's Submitted Drawing

Not to Scale
02/24/2014

File # 13 281456 NNY 0Z

Attachment 3: North Elevation (Chatsworth Drive)



41 Chatsworth Drive

Elevations

Applicant's Submitted Drawing

Not to Scale
02/24/2014

File # 13 281456 NNY 0Z

Attachment 4: South Elevation (View from Duplex Parkette)



South Elevation

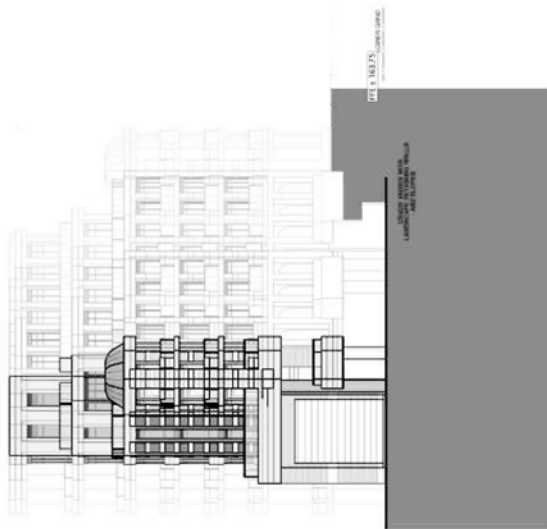
Elevations
Applicant's Submitted Drawing
Not to Scale
02/24/2014

41 Chatsworth Drive
File # 13 281456 NNY 0Z

Attachment 5: East and West Elevations



East & West Elevation



41 Chatsworth Drive

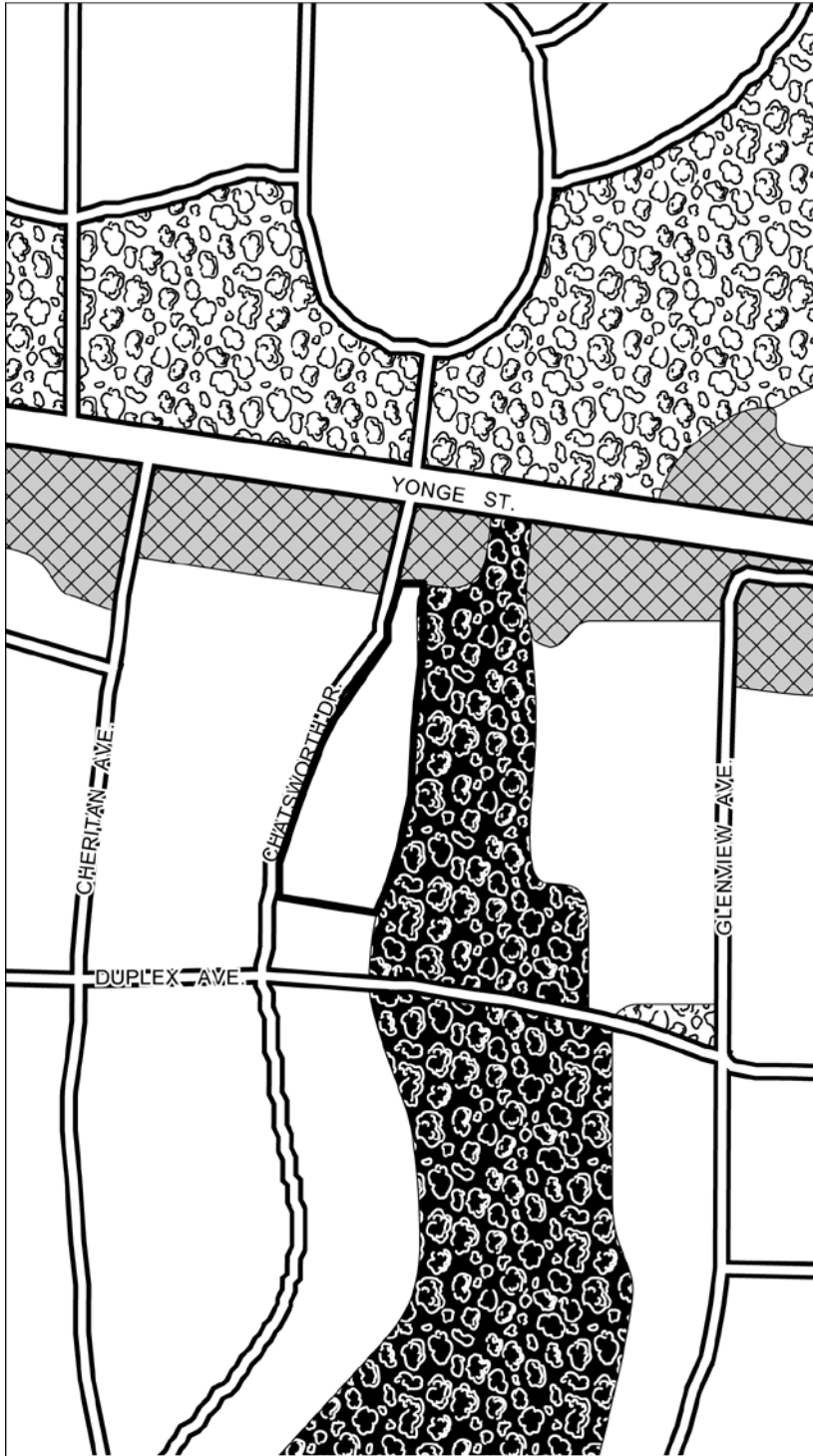
Elevations

Applicant's Submitted Drawing

Not to Scale
02/24/2014

File # 13 281456 NNY 0Z

Attachment 6: Official Plan



Address

Toronto City Planning
Extract from Official Plan

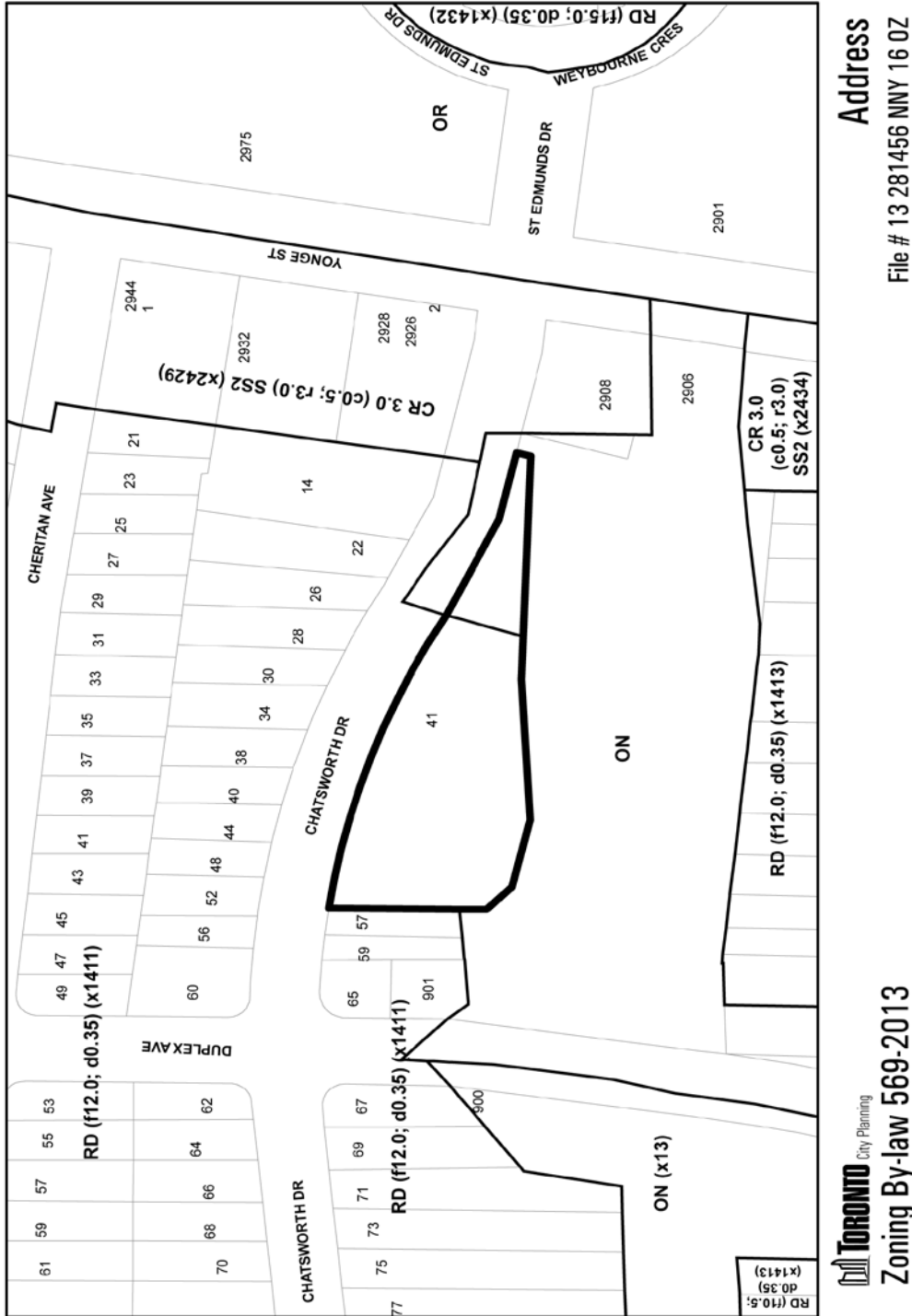
File # 13 281456 NMY 16 0Z

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



Not to Scale
 02/24/2014

Attachment 7: City of Toronto Zoning By-law 569-2013



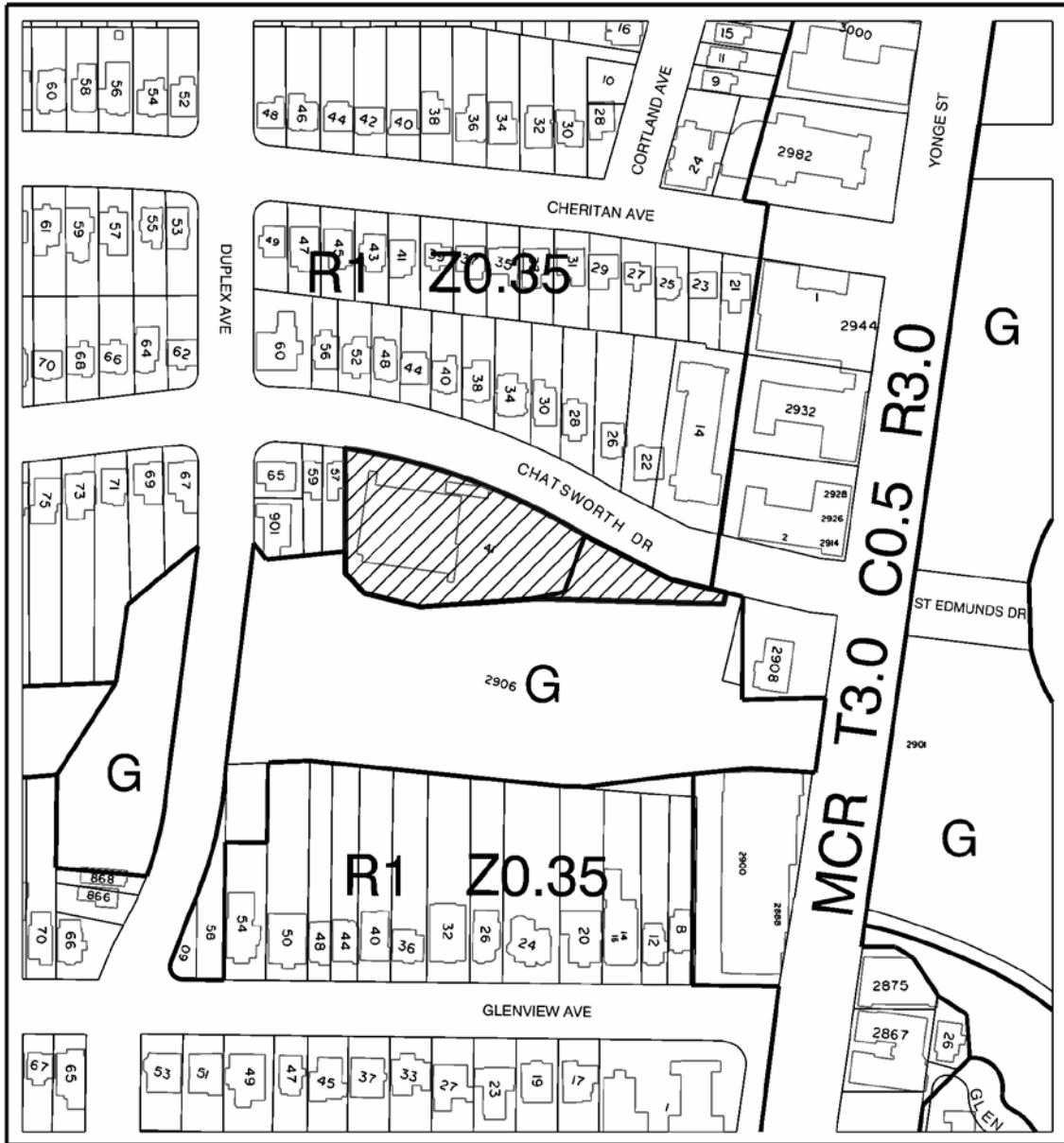
Address
File # 13 281456 NNY 16 0Z

Toronto City Planning
Zoning By-law 569-2013

-  Location of Application
-  RD Residential Detached
-  CR Commercial Residential
-  ON Open Space Natural

↑
Not to Scale
Extracted 02/24/2014

Attachment 8: Former City of Toronto Zoning By-law 438-86



41 Chatsworth Drive
File # 13 281456 NNY OZ

- R1 Residential District
- MCR Mixed-Use District
- G Parks District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 438-86
Extracted 04/24/2014

Attachment 9: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 281456 NNY 16 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 27, 2013

Municipal Address: 41 CHATSWORTH DR
 Location Description: PLAN 605E PT LOTS 190 TO 193 PT BLK A **GRID N1605
 Project Description: Proposal to permit a 6-7 storey residential building with a total of 114 units (10,954m²) and three levels of below grade parking.

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP 2098 Avenue Road, Toronto, ON, M5M 3G9	Michael Goldberg	Northgrave Architect Inc. 66 Gloucester St., Toronto, ON, M4Y 1L5	Parkset Developments Inc., 5140 Yonge Street, Toronto, ON M2N 6L7

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R10.35 & G (438-86)	Historical Status:	N
Height Limit (m):	10.0 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4417	Height:	Storeys:	6-7
Frontage (m):	150.0 metres approx.		Metres:	22.0 – 25.750
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	2010			Total
Total Residential GFA (sq. m):	10954		Parking Spaces:	120
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	10954			
Lot Coverage Ratio (%):	45.5			
Floor Space Index:	2.48			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	1
1 Bedroom:	66 (58%)
2 Bedroom:	47 (42%)
3 + Bedroom:	0
Total Units:	114

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	10954	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Cathie Ferguson, Senior Planner**
TELEPHONE/EMAIL: **(416) 395-7117/cfergus@toronto.ca**