

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

Date: November 16, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Number: 17 277580 NNY 16 OZ

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law to permit a 4 storey, 43-unit residential condominium building with 89 parking spaces on two and a half levels of a below-grade parking structure at 41 Chatsworth Drive. The 8,667 square metre building would have a height of 17.56 metres (exclusive of the mechanical penthouse) along Chatsworth Drive and a gross density of 1.96 times the lot area.

The applicant has appealed the Official Plan and Zoning By-law Amendments to the Local Planning Appeal Tribunal (LPAT). The appeal was made citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. A Case Management Conference was held on October 6, 2020. A further Case Management Conference is scheduled for January 12, 2021. A Hearing date has not been scheduled.

In its current form, the proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the City of Toronto Official Plan and the Townhouse and Low-Rise Apartment Guidelines.

This report reviews and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the LPAT. This report also recommends that despite the applicant's appeal of the Official Plan and Zoning By-law Amendment application to the LPAT, City Planning staff continue to work with the applicant to address the issues raised in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Official Plan and Zoning By-law Amendment applications in their current form for reasons as set out in this report (November 16, 2020) for 41 Chatsworth Drive.

2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant and to seek revisions to the applications in an attempt to resolve the issues outlined in this report (November 16, 2020).

3. In the event the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeal for the subject lands until such time as:

a. The final form and content of the draft Official Plan and Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The Local Planning Appeal Tribunal has received confirmation from the City Solicitor that:

i. The Owner has at his sole expense provided a revised Functional Servicing Plan and Report and Stormwater Management Report, Hydrogeological Assessment Review, including the Foundation Drainage Report, and a Functional Road Plan and Pavement Marking and Signage Plan, all to be satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;

ii. The Owner has submitted revised architectural plans and an updated shadow study reflecting the proposal, such plans and shadow study to be to the satisfaction of the Chief Planner and Executive Director, City Planning;

iii. The Owner has provided specific transportation demand management measures to meet the Toronto Green Standard v3 requirements AQ1.1, to reduce single occupancy auto vehicle trips generated by the proposed development by 15%;

iv. The Owner has provided a revised Arborist Report which accurately details the proposed effect of the project on the City owned trees and accurately details present conditions and size of the subject trees, to the satisfaction of General Manager, Parks, Forestry and Recreation;

v. The Owner has provided a revised Landscaping Plan showing soil volumes, species and planting details for the proposed trees to be planted on the City owned right of way to the satisfaction of General Manager, Parks, Forestry and Recreation;

- vi. The Owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template;
- vii. The Owner has addressed the requirements of the Toronto and Region Conservation Authority as per their memo dated March 7, 2018; and
- viii. All other required plans and reports have been submitted and accepted by relevant City Divisions and external agencies to enable the City to complete the review of the Official Plan and Zoning By-law Amendment applications.

FINANCIAL IMPACT

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

DECISION HISTORY

Previous Application for a 6/7 storey apartment building

A previous application (13 281456 NNY 16 OZ) submitted on December 27, 2013 proposed amendments to the Official Plan and Zoning By-law for a 6/7 storey, 114-unit, residential condominium building with 120 car parking spaces on 3 levels of a below-grade structure on the site. The proposed building would have a height of 22.0 metres along Chatsworth Drive (exclusive of the mechanical component) and a density of 2.5 times the lot area.

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. 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:

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

A Community Consultation Meeting was held on June 24, 2014.

The applicant appealed the Official Plan Amendment 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 prescribed by the *Planning Act*. The applicant also appealed the associated Site Plan Control Application to the OMB.

A May 28, 2015 Request for Directions Report recommended that staff oppose the applications at the Ontario Municipal Board hearing and City Council concurred at its meeting of July 7, 2015. The report can be found here:

<https://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-80968.pdf>

Preliminary Hearings before the OMB were held on April 22, 2015 and August 5, 2015 and a Hearing commenced on February 8, 2016.

A decision refusing the applications was issued by the Ontario Municipal Board on April 14, 2016. The reasons provided by the Ontario Municipal Board included the recognition that "the site and building type (at its planned height and density) fails to respond positively to the policies of the City's OP and if approved, would represent over-intensification within a physically stable neighbourhood".

Current Application

Pre-application consultation meetings were held with the applicant to discuss a new proposal and complete application submission requirements on April 28, 2017 and June 30, 2017.

Issues that were discussed at the pre-application meetings included, among others, the appropriateness of the built form, the height of the building, the character of the existing neighbourhood and designing the building to address this character, transition to the neighbourhood, the location of and configuration of private and common amenity areas, parkland dedication, and the need to update the delineation of the stable top of bank.

The current application was submitted on December 20, 2017 and deemed complete on January 18, 2018. A Preliminary Report on the application was adopted by North York Community Council on February 21, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. The report can be found here: <https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-112437.pdf>

Community consultation is summarized in the Comments section of this Report.

The applicant appealed the Official Plan and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal (LPAT) on October 21, 2019. A Case Management Conference was held on October 6, 2020 and a further Case Management Conference is scheduled for January 12, 2021. A full Hearing has not been scheduled.

PROPOSAL

This application proposes a 4 storey residential condominium building containing 43 units and 8,667 square metres of gross floor area resulting in an overall site density of 1.96 times the site area. The proposed building would be 4-storeys facing Chatsworth Drive and 5-storeys facing Duplex Parkette. The lowest residential floor, which the applicant has labelled a 'basement level' overlooks Duplex Parkette, and would contain 6 residential units and indoor amenity area overlooking private and public open space

as well as storage areas and an electrical room. Four floors of residential units would be located above this lowest level topped by a mechanical penthouse.

The applicant's submitted plans identify the proposed building as having a height of 17.56 metres along the Chatsworth Drive elevation and facing Duplex Parkette, from the applicant's determination of established grade, this proposed height being exclusive of the mechanical penthouse component (5.0 metres high). The elevation facing Duplex Parkette reads as a 5-storey building. The Chatsworth Drive elevation has a proposed 2-storey base with stepbacks at the 3th floor at the west end of the building and stepbacks at the 4th floor at the east end of the building, all in the form of private amenity terraces and/or a green roof.

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

Unit Type	Number	Percentage
1 bedroom	7 units	16%.
2 bedroom	30 units	70%
3 bedroom	6 units	14%
Total	43 units	100%

The proposed building setbacks and stepbacks as shown on the Applicant's submitted Site Plan/Roof Plan are as follows (See Attachment 5):

Building Setbacks	<p>North (Chatsworth Drive): ranges from 2.9 to 3.1 metres at east end and 4.3 to 5.2 metres at west end of building.</p> <p>South (from TRCA 10-metre setback from the top-of-bank delineation): dimensions have not been provided but appear to be 0 metres in places.</p> <p>West: 1.9 metres</p> <p>East: more than 25.0 metres due to irregular shape of lot</p>
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<p>Building Stepbacks</p>	<p>The first and second floors along Chatsworth Drive are generally in line with each other.</p> <p>North (Chatsworth Drive): 3.0 metre stepbacks provided at 3rd floor along Chatsworth Drive at east end of building and 2.0 metre stepbacks provided at 3rd floor along Chatsworth Drive at west end of building. 2.0 metre stepbacks provided at 4th floor at the west end of building.</p> <p>South (Chatsworth Ravine and Duplex Parkette): the building face is generally unbroken except until the 4th floor where stepbacks of 2-3 metre depths are provided.</p> <p>East: 3.49 metre stepback provided at 3rd floor, with a further 12.0 metre stepback provided at 4th floor.</p> <p>West: 3.0 metre stepback provided at 3rd floor with a 2.0 metre stepback at 4th floor.</p>
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The applicant proposes 80.45 square metres of indoor amenity area on the lowest residential floor in the central portion of the building. Common outdoor amenity space would be provided on the 4th floor totalling 125.44 square metres that would have direct access to a 124.94 square metre indoor amenity space. Private amenity space would be provided for individual units by terraces, balconies and patios.

All parking would be provided below-grade in a two and a half level parking structure. A total of 89 parking spaces are proposed, including 9 visitor spaces. One visitor accessible space and 2 resident accessible spaces are proposed in the total parking space count. The 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. One type 'G' loading space would be provided in the P1 level. Chatsworth Drive is currently a one-way street from its signalized intersection with Yonge Street westward to Duplex Avenue and the applicant is not proposing that this be changed. A lay-by on the south side of Chatsworth Drive is proposed to accommodate resident/visitor drop-off and pick-up and on-street parking.

While two bicycle parking rooms have been provided at the P1 parking level, the applicant has not indicated how many bicycle parking spaces will be accommodated in the room. The applicant has also not indicated how many, or where, short term bicycle parking for visitors will be accommodated on-site.

The table below provides some key development highlights of changes to the application over time:

Submissions			
	December 20, 2017	March 12, 2020.	November 13, 2020
Lot Area	4420 square metres	4420 square metres	4420 square metres
Parkland Dedication	None indicated	181.84 square metres	19.53 square metres
Total Gross Floor Area	8560 square metres	7152 square metres	8667 square metres
Floor Space Index - gross	1.94 fsi	1.62 fsi	1.96 fsi
Building Height (Storeys/Metres) exclusive of mechanical penthouse	17.16 metres above established grade plus 3.6 metre mechanical penthouse	17.16 metres above established grade plus 3.6 metre mechanical penthouse	17.56 metres plus 5 metre mechanical penthouse
Total Number Dwelling Units	51	49	43
Indoor Amenity Space (square metres) provided	394 square metres	214 square metres	227.48 square metres
Outdoor Amenity Space (square metres) provided	150 square metres	271 square metres	125.44 square metres
Parking Spaces (required/proposed)	61/70	58/69	54/89
Bicycle Parking Spaces (required/provided)	51/52	49/64	Not indicated
Loading Space Provided	1 Type 'G' space proposed	No on-site loading	1 type 'G' space proposed

Site and Surrounding Area

The 0.44 hectare site is located on the south side of Chatsworth Drive approximately 35 metres west of Yonge Street. The triangular-shaped piece of land has a frontage of approximately 150 metres on Chatsworth Drive. The site gently slopes upwardly from the southeast to the northwest. A number of trees on the site and abutting lands are described and detailed in the submitted Arborist Report.

The property is a former place of worship (Fifth Church of Christ Scientist), which was demolished a number of years ago.

The site is separated from a Yonge Street fronting-property to the east by a small 6.4 metre wide City-owned pedestrian access into the adjacent Duplex Parkette, which abuts the subject site to the east and south. The lot at the southwest corner of Chatsworth Drive and Yonge Street (2908 Yonge Street) was a former gas station which has since been demolished.

Chatsworth Drive functions as a collector road and currently operates 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 are located a complex of apartment buildings known as Chatsworth Manor (2926, 2928 and 2932 Yonge Street). These buildings are in the 5-6 storey range.

South: Duplex Parkette and detached dwellings beyond.

East: walkway access to Duplex Parkette and a vacant lot beyond fronting Yonge Street (2908 Yonge Street) at the corner of Chatsworth Drive. The gas station site is subject to an application to amend the Zoning By-law to permit a 13-storey mixed-use building containing 421 square metres of retail space, 85 residential units and 87 underground parking spaces (file number 17 277147 NNY 16 OZ). The application was received by the City on December 19, 2017 and has been appealed to the LPAT.

West: detached dwellings and Duplex Avenue beyond.

POLICY CONSIDERATIONS

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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;

- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH region"), of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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 a 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, and better connected 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities. The subject site is within 550 metres of the Lawrence subway station.

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the city, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from *The Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation.

Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review pursuant to Section 26 and Subsection 17(34) of the *Planning Act*. On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs

replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types.

The policies reflect the continuous evolution of the application of urban design principles to achieve critical city building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. The new policies are in force and in effect for all lands as of September 11, 2020.

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

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The site is designated *Neighbourhoods* on Map 17, Land Use Plan of the City of Toronto Official Plan. 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*. (See Attachment 3: Official Plan Land Use Map).

Chapter 2 - Shaping the City

Section 2.3.1 Healthy Neighbourhoods

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, where significant growth is not encouraged and new development is to respect and reinforce the general physical patterns of the neighbourhood. It is recognized that *Neighbourhoods* will undergo some physical change over time as enhancements, additions and infill housing occurs. Policy 1 of Section 2.3.1 is a cornerstone policy, intended to ensure that new development in *Neighbourhoods* respects the existing physical character of the area and reinforces the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City of Toronto

Section 3.1.1 Public Realm

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets and lanes, including sidewalks and parks and open spaces) for pedestrians. Section 3.1.1, read in conjunction with Section 3.1.2 described below, 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, and comfortable and

function 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.

Section 3.1.2 Built Form

Built form policies in the Official Plan (Section 3.1.2) provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. More specifically, the section provides 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.

Section 3.1.3 Built Form - Building Types

Toronto is a complex city built over many decades with a diversity of uses, block, lot and building type patterns. These patterns vary street by street, block by block and neighbourhood by neighbourhood. Three scales of building types - Townhouse and Low Rise Apartments, Mid-Rise and Tall - buildings have emerged in the recent period of development. These building types are defined by their scale and physical characteristics including site and building organization, relationship to the public street, and building massing and height. The built form and relationships and design of these building types is informed by city wide guidelines that help to ensure the proper form and fit with the existing and planned context. For this particular application, the Townhouse and Low-Rise Apartment Guidelines are relevant.

Section 3.2.3 Parks and Open Spaces

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.

Section 3.4 The Natural Environment

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 Authority 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 established top-of-bank of valleys.

This setback still 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 be 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 4 Land Use Designations

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 *Neighbourhoods*, 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 *Neighbourhoods*.

Policy 4.1.9 further recognizes that there are some properties in *Neighbourhoods* 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 has heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties. The policy also requires that new development 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; and that service areas and garbage storage be located and screened to minimize the impact on existing and new streets and residences.

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 is 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.

Chapter 5 Implementation Plans and Strategies

Section 5.1.1 of 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.

Policy 1 in Section 5.3.2 in Implementation Plans and Strategies for City-Building states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Relevant design guidelines are discussed below in more detail.

The Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The outcome of staff analysis and review of relevant Official Plan policies and are summarized in the Comments section of the Report.

Design Guidelines

Policy 5.3.2.1 of the Official Plan states guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines are specifically intended to provide a more detailed framework for built form and public realm improvements in growth areas. Policy 5.2.5.6 of the Growth Plan (2020) acknowledges that municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in achieving the minimum intensification and density targets of the plan.

Townhouse and Low-rise Apartment Guidelines (2018)

In March 2018 City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios.

Townhouse and low-rise apartment buildings provide desirable, grade related housing in a form that is more intensive than detached and semi-detached houses. They assist in providing a mix of housing options, defining and supporting streets, parks, and open spaces, at a lower scale - generally no taller than 4-storeys in height - and can be designed to be compatible with, and provide transition to, existing streetscapes of lower-scaled areas.

The updated Guidelines assist with implementing and evaluating proposals in relation to the intent of the Official Plan by detailing how new development should be organized and structured. Relevant concerns are the provision of private outdoor amenity spaces that are sunlit, comfortable, afford a level of privacy and stress the need for private outdoor amenity areas for families with children and accommodating pets. Also relevant

is providing sufficient setback distances between primary living spaces (living rooms and dining rooms) and sides of adjacent buildings to ensure adequate sunlight and sky views, and to reduce overlook between buildings and neighbouring properties.

The link to the Guidelines is here:

[https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/.](https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/)

Planning for Children in New Vertical Communities - Growing Up Urban Design Guidelines

In July 2020, Toronto City Council adopted the Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future City-wide and area based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Guidelines are available here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

Pet-Friendly Guidelines

The City of Toronto has completed the Pet-Friendly Guidelines, the purpose of which is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for multi-unit residential communities.

These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments. The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information with a purpose of reducing the impact of pets on our parks, open spaces and the environment. The Guidelines focus on three scales: The Neighbourhood Scale, The Building Scale as well as the Unit Scale.

The Guidelines can be found here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Zoning

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. The R1 zone is a residential zone permitting detached houses, a public park, a public playground, and a parking area accessory to a 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. See Attachment 4a: City of Toronto Zoning By-law 438-86.

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). 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 place of worship, 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. See Attachment 4b: City of Toronto Zoning By-law 569-2013.

Site Plan Control

A development proposal on this site is subject to the Site Plan Control By-law and an application for Site Plan Control Approval has not been filed.

Toronto and Region Conservation Authority

The property is located within a TRCA regulated area of the Don River Watershed. As the subject site contains a portion of the valley corridor associated with Burke Brook, a tributary of the Don River, development is regulated by the Toronto and Region Conservation Authority (TRCA). A permit would be required from the TRCA prior to any development taking place. As per TRCA Policy, new development is not permitted within the Natural System identified as being a 10-metre buffer from the greater of the long term stable top of slope/bank, stable toe of slope, regulatory floodplain, meander belt and any contiguous natural features or areas (dripline).

Ravine Control

The portion of the site which is located below the top-of-bank line as determined by the Toronto and Region Conservation Authority is 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, place or dump fill, or to alter the grade of the land.

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.

Reasons for the Application

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 multi-level residential apartment building facing Chatsworth Drive.

The zoning by-law permits detached dwellings as the main permitted residential building type. Apartment buildings are not a permitted building type. An amendment to the Zoning By-law is required to permit the 4-storey residential apartment building, increase the permitted building height and density of development on the site, and to establish appropriate performance standards for the proposed condominium building.

Agency Circulation

The original application comprising architectural and landscaping plans together with the submitted supporting reports (received December 20, 2017) and the revised submission comprising conceptual architectural plans only (received March 12, 2020) have been circulated to all appropriate agencies and City divisions. Responses received to date have been used to assist in evaluating the application. The most recent submission, received on November 13, 2020 comprises a set of conceptual architectural plans only. No landscaping information or supporting studies were submitted with the revised plans. These plans have been used for the purposes of this report.

Community Consultation

Staff held a community consultation meeting on June 11, 2018 at Glenview Presbyterian Church to provide the applicant with an opportunity to present the details of the application to the community and afford the community an opportunity to ask questions and provide their thoughts on the proposal. Approximately 110 residents attended the meeting along with City staff, the applicant and their consultants, and the local Councillor and their staff.

Issues raised at the meeting included:

- The appropriateness of an apartment building on this site;
- The appropriateness of the site density, massing and height of the building;
- The impact and fit of the proposed building on Chatsworth Drive and the surrounding neighbourhood;
- The neighbourhood's desirability for a built-form such as townhouses on the site instead of an apartment building;

- The materiality and treatment of building facades;
- Increased traffic and parking impacts on Chatsworth Drive;
- Demonstration that servicing capacity exists to accommodate the proposed development; and
- The impact of the development on the valley/ravine lands and the natural environment.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2020), particularly with regard to ensuring that the development respects the local context in terms of appropriate intensification, the promotion of well-designed built form, providing for a variety of housing options and whether the proposal complies with the municipal direction for growth.

Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan (2020) as outlined below.

The Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2020) are high level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the direction 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.

While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS, Policy 4.6, indicates that the Official Plan is the most important vehicle for implementing the PPS and planning authorities shall identify appropriate locations for intensification and redevelopment.

The Growth Plan (2020) provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding objectives of the Growth Plan. One of the guiding principles of the Growth Plan (2020) is that the types and scale of built form be contextually appropriate and that development support the achievement of complete communities, including a diverse mix of land uses and sufficient open space.

The City of Toronto Official Plan is based upon projected needs and identifies a land use structure of areas where intensification is appropriate. The Official Plan directs redevelopment to areas that take the existing building stock into account and where infrastructure and services exist and will be provided.

The Growth Plan (2020) emphasizes the importance of communities where a range and mix of housing options are to be provided and that new development should provide high quality compact built form and an attractive and vibrant public realm.

Through the Official Plan, the City has identified appropriate locations and opportunities for intensification. The site is located in a *Neighbourhoods* designation and growth opportunities must be considered within the local context of this designation. Development may be permitted subject to ensuring that development is contextually appropriate. While some change is generally anticipated over time in stable *Neighbourhoods*, the key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood.

Under Section 5.3.2 of the Official Plan the city is enabled to create Design Guidelines for the purposes of assisting the evaluation of development applications. The Townhouse and Low-Rise Apartment Guidelines (2018) is one such guideline. Others include Planning for Children in New Vertical Communities and Pet Friendly Guidelines and Best Practices for New Multi-Unit Buildings.

The appropriate intensification for the site must reflect the existing and planned context as established by Official Plan policies and applicable zoning by-laws. The zoning by-laws governing the site only permit detached dwellings as the main residential building type. The area is characterized by detached dwellings on large lots in a *Neighbourhoods* designation. This is not an area where the proposed scale of intensification and built form may be anticipated or appropriate.

The proposed development is not appropriate. The submitted plans disregard Official Plan policies and city design guidelines (inappropriate massing and shadowing on Chatsworth Drive) and it is unclear whether others are being respected (consideration for pet ownership on site, for example) due to the lack of information provided by the applicant. The application in its current form represents an inappropriate scale of intensification at a location established for low-scale height, massing and density. These issues are discussed in greater detail below.

The current proposal does not conform with the municipally-established policies and guidelines, and, therefore, is not consistent with the PPS or conform to the Growth Plan.

Neighbourhoods

This application has been reviewed against the official plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole. The site is designated *Neighbourhoods* in the Official Plan which are low rise and low density areas that are considered to be physically stable. As per Policy 2.3.1.1, development within *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of the buildings, streetscape and open space patterns in these areas. 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.

This site is a former place of worship site and as per Policy 4.1.9 is a property that varies from the local pattern in terms of lot size, configuration and orientation. The application proposes what would appear to be a 4-storey apartment building from Chatsworth Drive as the proposed building is built into the grade as one travels westerly along Chatsworth Drive. A 4-storey residential apartment building is a building type which is permitted within a *Neighbourhoods* designation provided it respects and reinforces the existing physical character of the area as per Policy 4.1.9. The proposed building, however, in its current form does not address these policy objectives, including matters related to height, massing, scale and setbacks as detailed in this report.

Height, Massing and Density

Given the existing and the planned context for the subject property and the surrounding area, the height, massing and density proposed by the application is not appropriate and cannot be supported by staff in its current form. Investment in *Neighbourhoods* is encouraged but new development must respect the character of the neighbourhood and serve to reinforce the stability of the neighbourhood.

Height

Due to the sloping topography of the site, the lower level (basement) would be constructed below grade in the northwest but would remain above grade in the east end. Hence, the proposed building is 4 storeys at the west end and 4 storeys at the east end fronting Chatsworth Drive with no apparent overlapping 5-storey portion in the middle that would be visible from Chatsworth Drive. The applicant's plans indicate that the proposed height of the building facing Chatsworth Drive would be 17.6 metres above established grade. The proposed building would be 5 storeys facing Duplex Parkette with a proposed height of 17.56 metres, also above established grade. The proposed height is exclusive of the mechanical penthouse, which is 5.0 metres in height.

While the proposed building is of a height that is less than the abutting right of way for Chatsworth Drive, the building is tall for a 4-storey building. The floor to ceiling heights in excess of 3 metres high are greater than a typical detached dwelling. City planning staff recognize that this is a reflection of the market that the applicant is catering to. However, that does not provide a reason for the applicant to ignore a design which sensitively addresses other nearby properties. Moreover, as will be discussed below, the height of the building is casting shadows onto the Chatsworth Drive sidewalk for more hours during the day than is appropriate. Lowering the height of the building is one way to resolve this matter.

Massing

Buildings in this neighbourhood are generally massed in a low-rise detached dwelling form of 2 storeys. The neighbourhood generally has a consistent character and pattern of large lots with detached dwellings having similar setbacks and abundantly treed

frontages and rear yards. In contrast, the proposed development would have building massing, building articulation, heights and roof forms that are unique to the area. The applicant has made an attempt to mimic the built form of dwellings in this neighbourhood. This can be seen in the stepping of the footprint and the provision of "bays" along Chatsworth Drive, which are intended to reflect the regularity and rhythm of the detached dwellings across the street. Still, the proposed development does not appropriately respect and reinforce the existing physical character of the neighborhood nor does it represent sensitive development that "fits" with the neighbourhood.

The proposed building's transition to its neighbours, in particular the detached dwelling immediately to the west, at 57 Chatsworth Drive, results in a poor relationship based upon a narrow setback. The applicant has proposed a building setback of 1.9 metres from the west lot line for approximately the same or a similar depth as the neighbouring dwelling. The submitted survey plan illustrates that the dwelling at 57 Chatsworth Drive is located between 0.10 and 0.23 metre from the existing lot line. The height of the proposed building is 2 storeys above grade in this location and a window is proposed on each of the two floors mid-wall. City Planning staff would like to see this setback increased to provide more breathing room between the existing dwelling and the proposed development.

The proposed building face along Chatsworth Drive is long at more than 85 metres. The site topography is such that the building is proposed to be built into the hill as one travels west on Chatsworth Drive. The proposed building massing, including inadequate stepbacks, combined with the tall floor to ceiling heights result in shadow impacts on the Chatsworth Drive nearside sidewalk in front of the development during the spring equinox, as discussed in more detail below in the section on shadows. The shadows on the sidewalk, occurring for more than five consecutive hours during the spring and fall equinoxes, would be remedied by increasing the building setback from Chatsworth Drive or providing additional or greater stepbacks at upper levels of the building.

Density

Density is an outcome, in part, of height and massing, and ultimately design. The gross floor area of the proposed building is 8,667 square metres, resulting in a gross density of 1.96 times the lot area and a net density of 2.4 times the lot area, when the lands dedicated to the city are taken into account. This is relatively high for a low-rise apartment building in this existing low density neighbourhood with a maximum of 0.35 density permitted by the zoning by-law. The proposed density is symptomatic of the inappropriate building setbacks to the north, west and south lot lines in this neighbourhood context and the general lack of stepbacks and articulation. City Planning staff recommend that the applicant look at the proposed building setbacks and stepbacks in particular, to address the issues of shadowing on Chatsworth Drive and transition to the neighbouring property at 57 Chatsworth Drive as described in this section.

This application has been reviewed against the official plan policies and design guidelines described in the Policy Consideration Section of the Report. Given the existing and the planned context for the subject property and the surrounding area, the

proposed built form cannot be supported in its current form. Staff recommend continuing discussions with the applicant to resolve outstanding issues including improving the overall building height and massing that is more respectful of those permitted by zoning for nearby residential properties through lower floor to ceiling heights, increased stepbacks and setbacks, which would also result in a more appropriate density. The proposed scale of development on the subject site must fit in, improve, respect and reinforce the existing and planned low scale character of the established *Neighbourhoods* designation.

Sun, Shadow, Wind

Toronto's climate is one of extremes, characterized by hot, humid summers, and cold, grey damp winters. In shoulder seasons, spring and fall, access to direct sunlight and shelter from the wind becomes very important to improve the comfort, usability and enjoyment of outdoor spaces.

The applicant has not submitted a shadow study which reflects the current proposal. The original submission made in December 2017 was accompanied by the shadow study which illustrates the impact of the original building for the March (spring equinox) and June (summer solstice) and December (winter solstice). The city's practice is to request a shadow study for the fall equinox as well as the spring equinox; however, the results of the spring equinox shadow study will likely be very similar to the results of the fall equinox. In the absence of a shadow study for the current proposal, and the similarity of the original proposal to the current proposal, the original 2017 shadow study has been reviewed.

Official Plan Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by the following (among other matters):

- Providing for adequate light and privacy;
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The Townhouse and Low-Rise Apartment Guidelines provide direction on protecting streetscapes and providing building heights and setbacks that are consistent with neighbouring properties and the surrounding context. The Guidelines seek to produce a high quality living environment for all residents, minimize shadow and overlook onto existing residential buildings and their open space. The Guidelines provide direction for development relative to streets and open spaces by encouraging existing public streets to be used for address, providing clear sight lines and easily accessible pedestrian links to public sidewalks, incorporating on-site common open space and designing buildings so sunlight can reach walkways and open space areas.

The 2017 shadow study illustrates that segments of the Chatsworth Drive sidewalk and public realm abutting the development site will be in shadow during the day, beginning at 9:18am through to 6:18pm. An updated shadow study which reflects the current proposal may illustrate better results but on the basis of the information that City Planning staff have, the proposed development is not supportable in terms of built form.

Planning staff are of the opinion that revisions should be made to the proposal's built form, setbacks, stepbacks and massing to reduce its shadowing impacts, on the Chatsworth Drive sidewalk and public realm during the spring and fall equinoxes. Additionally, City Planning requests the applicant to submit an up-to-date shadow study to reflect changes to the proposal.

Design Guidelines

The Planning for Children in New Vertical Communities (Growing Up) Design Guidelines recommends that a building should provide a mix of unit sizes within a building to accommodate a variety of household types. The recommendations include that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units. Of the 43 units that the applicant is proposing, 30 of the units or 70% would be 2-bedroom units and 6 units or 14% would be 3-bedroom units. In this regard, the applicant is meeting the recommendations of the Growing Up Design Guidelines. The proposed unit sizes, varying from 80 square metres and up for 1-bedroom units, 96.34 square metres and up for 2-bedroom units and 178 square metres and up for a 3-bedroom units, meet the recommended ideal unit size set out in the Growing Up Design Guidelines.

However, it is not clear from the November 13, 2020 submission that the applicant will be able to address other recommended provisions of the design guidelines. For example, the Growing Up Guidelines recommend that a portion of the required amenity space be designed for children, both indoors and outdoors. It is also unclear whether the applicant will be able to provide pet amenity areas inside and outside of the building as per the Pet Friendly Guidelines. The applicant has not provided details in this regard. The applicant would be encouraged to describe how they propose to address the guidelines with respect to the provision of indoor and outdoor amenity spaces to support a variety of age groups and activities.

Toronto and Region Conservation Authority (TRCA)

The TRCA have met with the applicant's consulting team throughout the application process. In formal comments, the TRCA requested that the staked 'drip' line' and 'top of bank' line were to be properly labelled on all applicable drawings. The applicant was also requested to identify a minimum 10-metre setback (above and below grade) from the 'stable top of bank'. Dimensions to the various lines described above were to be clearly illustrated on the submitted drawings. The TRCA also requires adequate space from the south side of the proposed building towards the top-of-bank lands to allow for proper building maintenance such as window washing, and foundation repair works within that setback area. Finally, the TRCA has requested that setback dimensions from the proposed building (above and below grade) to the new southern property boundary be clearly indicated on all appropriate plans. Buffer plantings within the

proposed lands to be conveyed to the city are to be selected in a manner that future on-going maintenance is not required.

The applicant is required to address the comments from the TRCA in their memo from March 7, 2018 and any additional comments that may result from the further review of their current resubmission.

Traffic Impact, Access, Parking

The applicant submitted a Transportation Impact Study (TIS) dated September 2017 and prepared by nextrans Consulting Engineers. The study, submitted in support of the original December 2017 application with 51 units and 70 vehicular parking spaces, indicates that the proposal would generate approximately 19 two-way trips during the a.m. peak and 13 two-way trips during the p.m. peak hours. The consultant concludes that the development proposal can be adequately accommodated by the existing transportation network with manageable traffic impacts to the adjacent public roadways. The Yonge Street/Chatsworth Drive intersection and the proposed site access are expected to continue to operate with good levels of service. Transportation Services staff concur with the findings and conclusions that the traffic impact of the proposal would have a minor impact on the adjacent road network. Transportation Services staff advise that the Traffic Impact Study for the proposed development is acceptable.

Access to Chatsworth Drive is proposed at the east end of the site via a driveway to accommodate access to the below-grade parking and the loading area/garbage room. The proposed driveway would be approximately 120 metres west of Yonge Street which is acceptable to Transportation Services staff.

All parking would be provided below-grade in a two and a half level parking structure. A total of 89 parking spaces are proposed including 9 visitor spaces. One visitor accessible space and 2 resident accessible spaces are proposed in the total parking space count. The required number of parking spaces for the proposed development is 45 spaces for residents and 9 visitor parking spaces for a total of 54 parking spaces. The application is, therefore, proposing 35 parking spaces over and above what would be required.

City Planning staff encourage the applicant to provide parking at the minimum required rates in the zoning by-law given the site's proximity to the Lawrence subway station of approximately 500 metres. Any parking spaces provided above the minimum must be priority parking spaces for low-emissions vehicles, carshare, or carpool. Proposed parking spaces intended to be supplied with electric vehicle supply equipment (EVSE) are to be identified on the site plan. City Planning requests that the applicant provide specific transportation demand management measures to comply with the Toronto Green Standard v3 requirement AQ1.1 to reduce single occupancy and auto vehicle trips generated by the proposed development by 15%.

Two bicycle parking rooms are proposed on the P1 level of the parking garage but the applicant has not indicated how many bicycle parking spaces would be accommodated in the rooms or the manner in which they would be accommodated. The applicant has

also not indicated on the site plan where short term visitor bicycle parking would occur on the site. This information needs to be provided.

Loading

One type 'G' loading space is proposed within the building near the southeast corner of the site. The loading space dimensions on the Level P1 floor plan indicate that the size of the loading space satisfies By-law 569-2013 with the following dimensions: 13 metres in length and 4 metres in width with a vertical height of 6.1 metres. The applicant has also provided an auto-turn analysis on the P1 diagram to demonstrate that a truck can leave the garage in a forward manner. The applicant has proposed a 48.02 square metre garbage room which meets the city requirements. Transportation Services staff will determine whether the proposed loading space location and/or configuration is satisfactory when further details are provided by the applicant at the site plan stage should the proposal be approved.

Narrowing of Chatsworth Drive/Streetscape

Chatsworth Drive is currently a one-way westbound street from its signalized intersection with Yonge Street to Duplex Avenue. The pavement is wide and traffic travels quickly. City Transportation staff requested that the applicant demonstrate a narrowing of the travelled portion of Chatsworth Drive to 6.0 metres with parking lay-bys of 1.9 to 2.0 metres in width. The applicant was also requested to provide a new sidewalk along the Chatsworth Drive site frontage of 2.1 metres clearway (clear of utility poles, fire hydrant, street furniture, etc.). A benefit of narrowing Chatsworth Drive is to slow traffic down and provide additional space for streetscape along with additional on-street parking.

The applicant has illustrated a narrowing of Chatsworth Drive by the provision of a layby along the Chatsworth Drive frontage of the site which could be used for on-street parking or passenger drop-off and pickup. The applicant has not provided dimensions of the narrowed travelled portion of Chatsworth Drive or of the lay-by. The applicant will be required to provide a functional plan and a pavement marking and signage plan illustrating the proposed curb bump-outs, parking lay-bys, and narrowed travel lane along Chatsworth Drive. The applicant will also have to illustrate the transition of the new sidewalk with the existing sidewalk beyond the site to the city's satisfaction.

Servicing

The applicant submitted various engineering studies including a Hydrogeological Assessment Report dated September 20, 2017 by Soil Engineers Ltd. and a Functional Servicing and Stormwater Management Report dated December 2017 by Husson.

Engineering and Construction Services staff has reviewed the submitted reports and advise that further analysis is required to determine the storm water run-off, sanitary flow, and water supply demand and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development or if upgrades/improvements to the existing municipal infrastructure are required. The applicant is required to make satisfactory arrangements with Engineering and

Construction Services and enter into the appropriate agreement with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development according to the Functional Servicing Report accepted. The applicant is also required to provide space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10. A revised Functional Servicing Report and a revised Hydrogeological Assessment Report must be submitted to Engineering and Construction Services staff for review and acceptance by the Chief Engineer and Executive Director of Engineering and Construction Services prior to approval of the Zoning By-law Amendment application.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the LPAT withhold its Order until these matters are resolved to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectare of local 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 Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 653.33 square metres or 14.78% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 442 square metres.

The applicant was requested to satisfy the parkland dedication requirement through an on-site dedication in the east corner of the development site, with frontage on Chatsworth Drive, and comply with Policy 3.2.3.8 of the Toronto Official Plan.

As outlined in Section 415-26 of Chapter 415, Article III, of the Toronto Municipal Code, Environmental Lands will not be considered a conveyance for parkland dedication purposes. Environmental Lands include lands which are located within any TRCA-required buffer and areas identified in Chapter 658, Ravine and Natural Feature Protection. The portion of the site which abuts the existing City-owned parkland (Duplex Parkette) is located within the TRCA buffer and within the Ravines and Natural Features Protection areas. As a result, the lands are not eligible to be considered as a contribution towards an on-site parkland dedication.

With the understanding that there are constraints with the development site, the applicant was requested to revise the proposal to provide for at least 50% of the parkland dedication on-site, which equates to 221 square metres, with a minimum 3-metre setback between the park boundary and any building face. The applicant was required to ensure that any window/door openings on the east side of the building are properly secured to meet the Ontario Building Code requirements for fire separation, as the City will not be entering into a limiting distance agreement. The remaining 221 square metre parkland dedication requirement was to be fulfilled through cash-in-lieu, with payment required prior to the issuance of the first above grade building permit.

Drawing A1-01 (dated by the Architect October 14, 2020) demonstrates that the applicant is proposing a 19.53 square metre on-site parkland dedication, with at least a 24 metre setback between the park boundary and the east building face.

Parks, Forestry & Recreation have advised City Planning that the 19.53 square metre parkland dedication proposed by the applicant is not an appropriate size. Given the constraints of the development site, should an appropriate balance of an on-site parkland dedication and residual cash in lieu not be possible, a request will be made for the entire parkland dedication requirement to be fulfilled through the provision of cash-in-lieu. Staff will continue to work with the applicant and prioritize maximizing the on-site dedication.

Ravine Protection

The site is within a TRCA Regulated Area and a permit will be required from the TRCA prior to any development taking place. The southern portion of the property is subject to provisions of the City of Toronto Municipal Code Chapter 658 - Ravine & Natural Feature Protection. Application material submitted with the original 2017 application and some material that was updated for the March 2020 resubmission was reviewed by Ravine and Natural Feature Protection staff on behalf of the General Manager of Parks, Forestry & Recreation. Ravine Protection staff provided comments that are to be addressed at the site plan stage including the submission of a 2-year stewardship plan for specific areas identified immediately south of the proposed property line, and obtaining a permit from RNFP prior to development.

Natural Heritage Protection

The applicant submitted a Natural Heritage Impact Study dated October 2017 prepared by Azimuth Environmental Consulting Inc. for the purposes of determining the impact of the proposed development on the lands to the south which are designated *Natural Heritage* under the City of Toronto Official Plan, Map 9 and as lands regulated by the Toronto Region Conservation Authority (TRCA) under Ontario Regulation 166/06 (Regulation of Development, interference with Wetlands and Alterations to Shorelines and Watercourses). The conclusion of the consultant's report is that the proposed development will not negatively impact natural heritage features or functions attributable to the remnant valley system of Duplex Parkette. City staff accept this report.

Tree Preservation

The applicant submitted an Arborist Report with the original 2017 submission and this report was reviewed by Urban Forestry staff. The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

The applicant is proposing the removal of 8 private trees and the removal of 3 City-owned trees to accommodate the proposed development. Six City owned trees would be retained. Urban Forestry would like to see the retention of 2 of the 3 city-owned trees to be removed as they appear healthy and retainable.

The applicant is to submit a revised Arborist Report which accurately details the proposed effect of the project on the City owned trees and accurately details the present conditions and size of the subject trees. The applicant is also required to submit a revised Landscape Plan showing soil volumes and species for the proposed trees to be planted on the City owned right of way and to submit the planting details for the proposed new City owned trees.

In the event the Local Planning Appeal Tribunal allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request the LPAT withhold its Order until a revised Arborist Report and a revised Landscape Plan are submitted, and all requirements of the City's Tree By-laws have been completed and all tree preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry and Recreation.

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 secured through the zoning by-law process are automobile and cycling infrastructure. Other Tier 1 performance measures such as storage/collection of recycling and organic waste, construction activity and stormwater retention are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The applicant is required to submit an updated complete TGS Checklist and Statistics Template.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. Policy 5.1.1.4 of the Official Plan states that Section 37 may be used for developments with more than 10,000 square metres of gross floor area. The applicant is proposing a gross floor area of 8,667 square metres. As such, a Section 37 contribution is not required as the proposal does not meet the criteria set out in the Official Plan.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform with the Growth Plan (2020) in its current form. Further, the proposal does not conform with the Toronto Official Plan, particularly as it relates to Section 3.1.2 Built Form and Section 4.1 Neighbourhoods as well as the Townhouse and Low-Rise Apartment Guidelines.

The subject site is located in a *Neighbourhoods* designation where significant growth is not anticipated. The proposal in its current form does not conform with the Official Plan policies and does not respect or reinforce the existing physical character of the established neighbourhood. The proposed multi-unit residential building, in particular, its height, massing, scale, setbacks and setbacks are not consistent with the local low scale low density context of the area, which has a prevailing built form of 2 storey detached houses on large landscaped lots.

The applicant has not provided revised consultant's studies including engineering studies and an arborist report, an updated shadow study, acceptable architectural and landscape plans, proposed transportation demand management measures, and a complete TGS checklist and Statistics Template, among others.

City Planning staff recommend that staff continue to work with the applicant to resolve the issues identified in the report to specifically address the following:

- Reduce the building massing to minimize the shadows on Chatsworth Drive during the spring and fall equinoxes;
- Increase the building setback from the north, west and south lot lines to minimize the impact upon the neighbour to the west and provide an appropriate building setback along the public street, and sufficient room for maintenance of the building abutting the ravine;
- Demonstrate that there will be sufficient amenity areas on-site for children and pets in keeping with the Growing Up Guidelines and the Pet-Friendly Guidelines;
- Reduce the amount of resident parking in keeping with the Zoning By-law and recognizing the proximity to the Lawrence subway station;
- Retain healthy city-owned street trees to the extent possible; and
- Provide on-site parkland satisfactory to the city.

The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application in its current form. This report recommends that staff attend the Local Planning Appeal Tribunal in opposition to the

proposal; staff continue discussion with the applicant to address the issues outlined in this report; and staff request the Board to withhold any Order until the items outlined in the staff recommendations have been addressed.

CONTACT

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E-mail: Cathie.Ferguson@toronto.ca

SIGNATURE

John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4a: City of Toronto Zoning By-law 438-86
Attachment 4b: City of Toronto Zoning By-law 569-2013

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6a: North Elevation (from Chatsworth Drive)
Attachment 6b: South Elevation (from Duplex Parkette)
Attachment 6c: East Elevation
Attachment 6d: West Elevation
Attachment 7a: 3D Model looking southeast from Chatsworth Drive
Attachment 7b: 3D Model looking northwest from Duplex Parkette

Attachment 1: Application Data Sheet

Municipal Address: 41 Chatsworth Drive Date Received: December 20, 2017

Application Number: 17 277580 NNY 16 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan Amendment and Zoning Bylaw Amendment application to permit a 4 storey residential building, with 43 residential units and two and a half levels of below grade parking.

Applicant	Agent	Architect	Owner
Bousfields Inc., 3 Church Street, Suite 200, Toronto, ON M5E 1M2	Bousfields Inc., 3 Church Street, Suite 200, Toronto, ON M5E 1M2	Kirshenblatt Urban Architecture Inc. 20 De Boers Drive Toronto, ON M3J 0H1	41 CHATSWORTH GP INC 3985 Highway 7 East, Suite 202 Markham, ON L3R 2A2

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RD (f12.0; d0.35) (x1411)	Heritage Designation:	N
Height Limit (m):	10.0 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4,419	Frontage (m):	150	Depth (m):	45
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			1,885.81	1,885.81
Residential GFA (sq. m):			6,781.04	6,781.04
Non-Residential GFA (sq. m):				
Total GFA (sq. m):			7,152	8,666.85
Height - Storeys:			4	4
Height - Metres:			17	17

Lot Coverage Ratio (%):	43.62	Floor Space Index:	1.96
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Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	6,846.51	1,820.34
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			43	43
Other:				
Total Units:			43	43

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			7	30	6
Total Units:			7	30	6

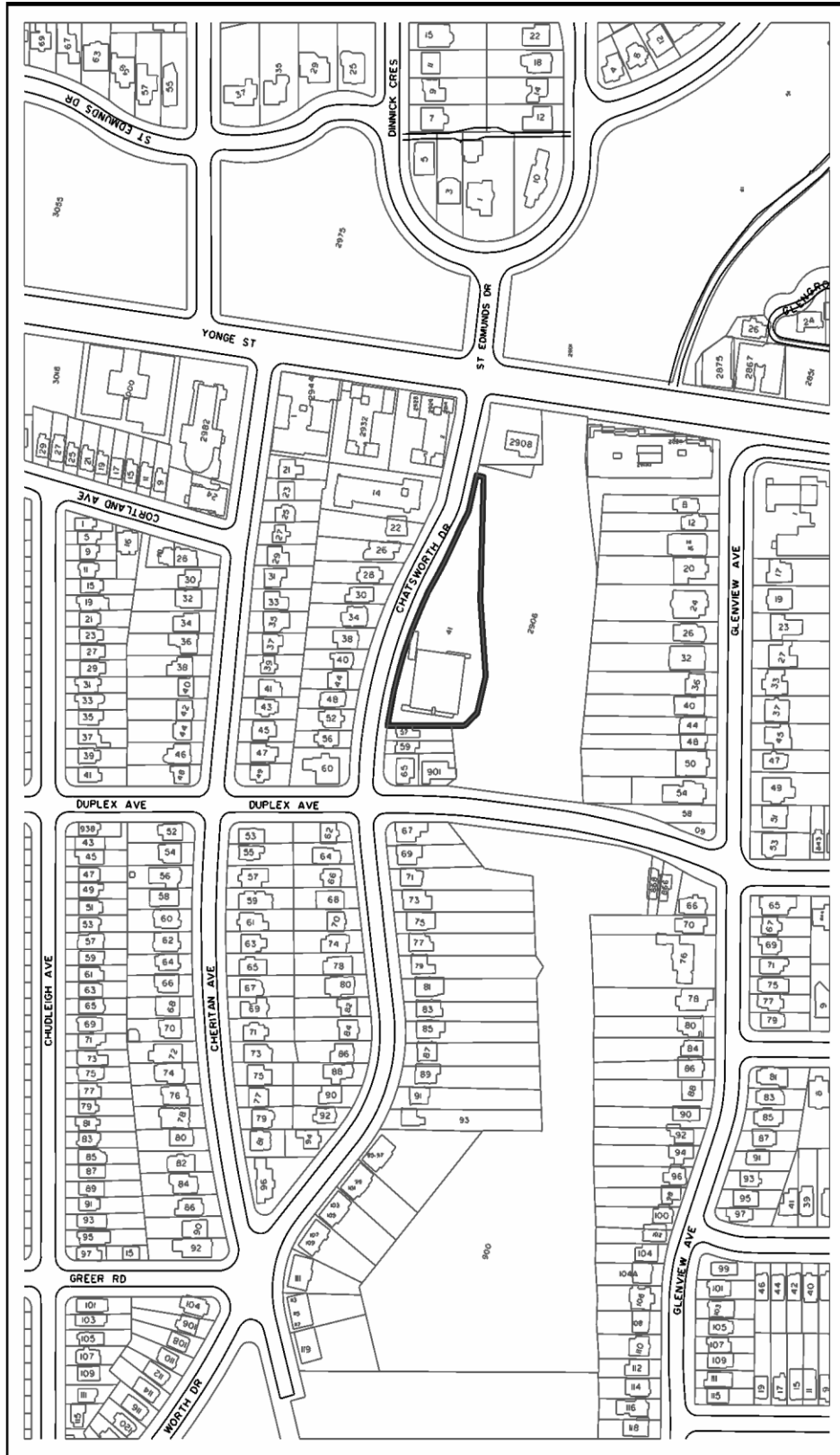
Parking and Loading

Parking Spaces:	89	Bicycle Parking Spaces: TBD	Loading Docks:	1
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CONTACT:

Cathie Ferguson, Senior Planner
(416) 395-7117
Cathie.Ferguson@toronto.ca

Attachment 2: Location Map



41 Chatsworth Drive

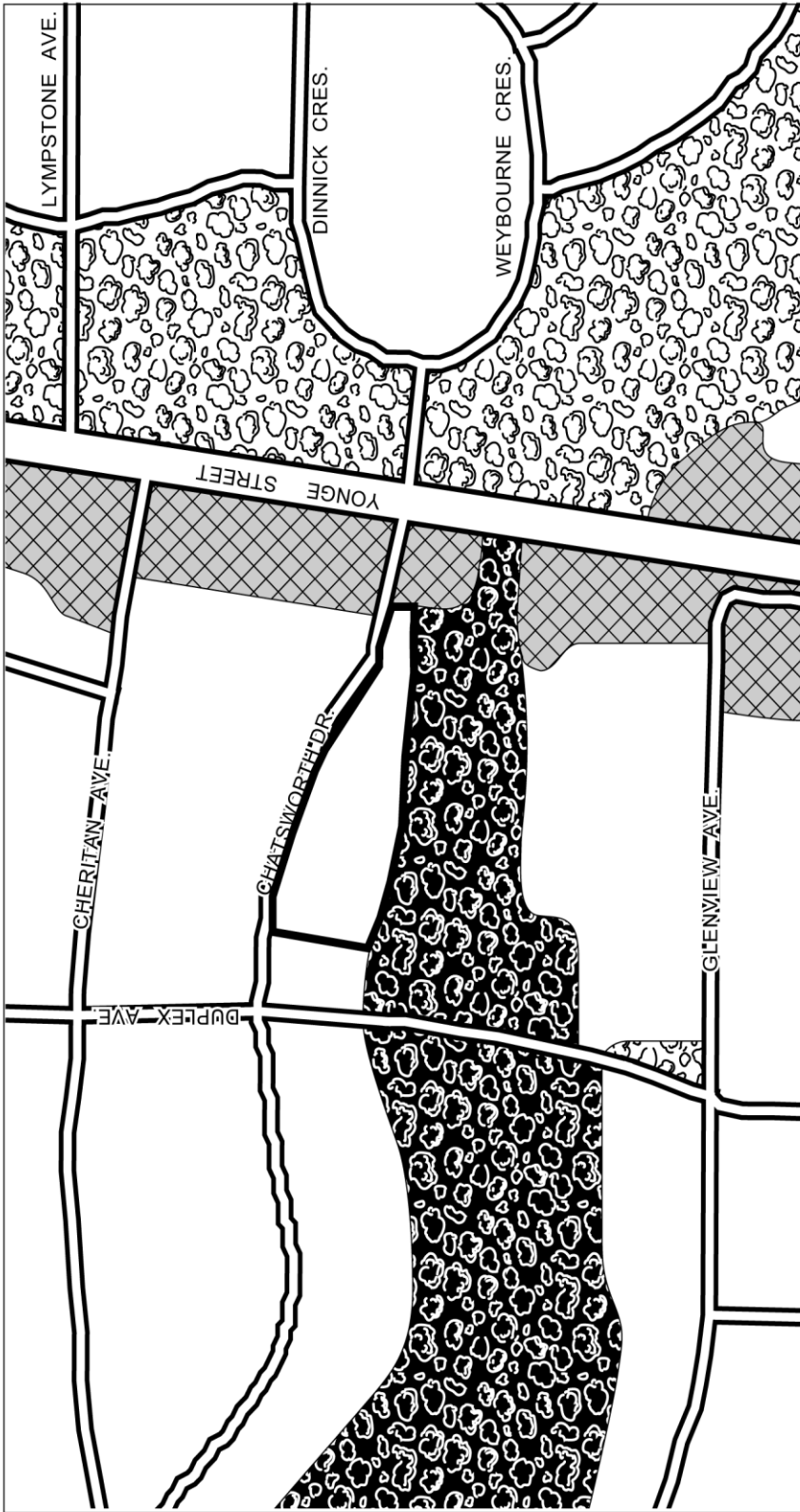
Context Plan

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Not to Scale

File # 17 277580 NNY 16 02

Date: 01/16/2018



Attachment 3: Official Plan Land Use Map



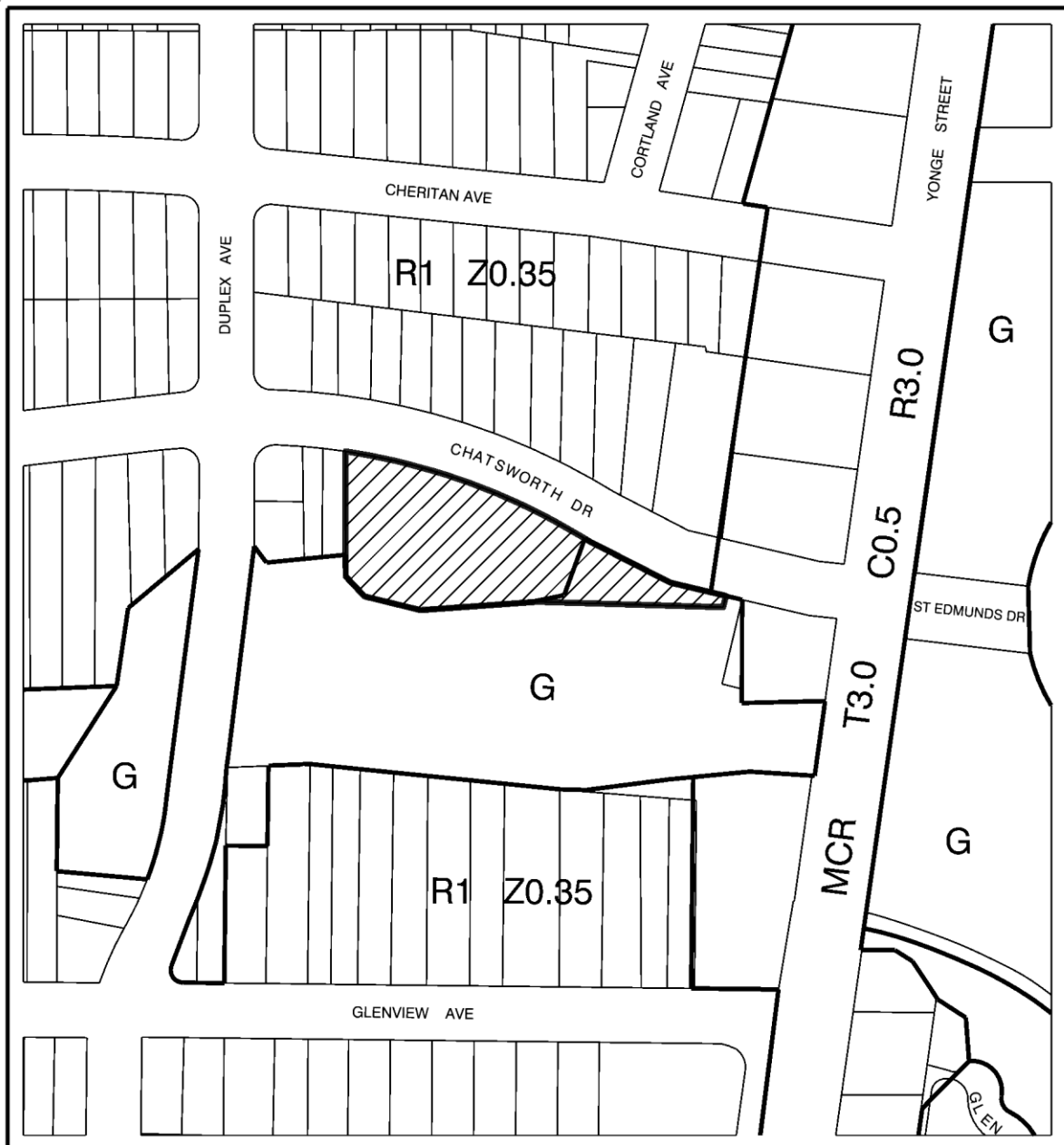
41 Chatsworth Drive

Toronto City Planning
 Extract from Official Plan

File # 17 277580 NMY 16 0Z

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

↑
 Not to Scale
 01/16/2018



TORONTO
 Zoning By-Law No. 438-86

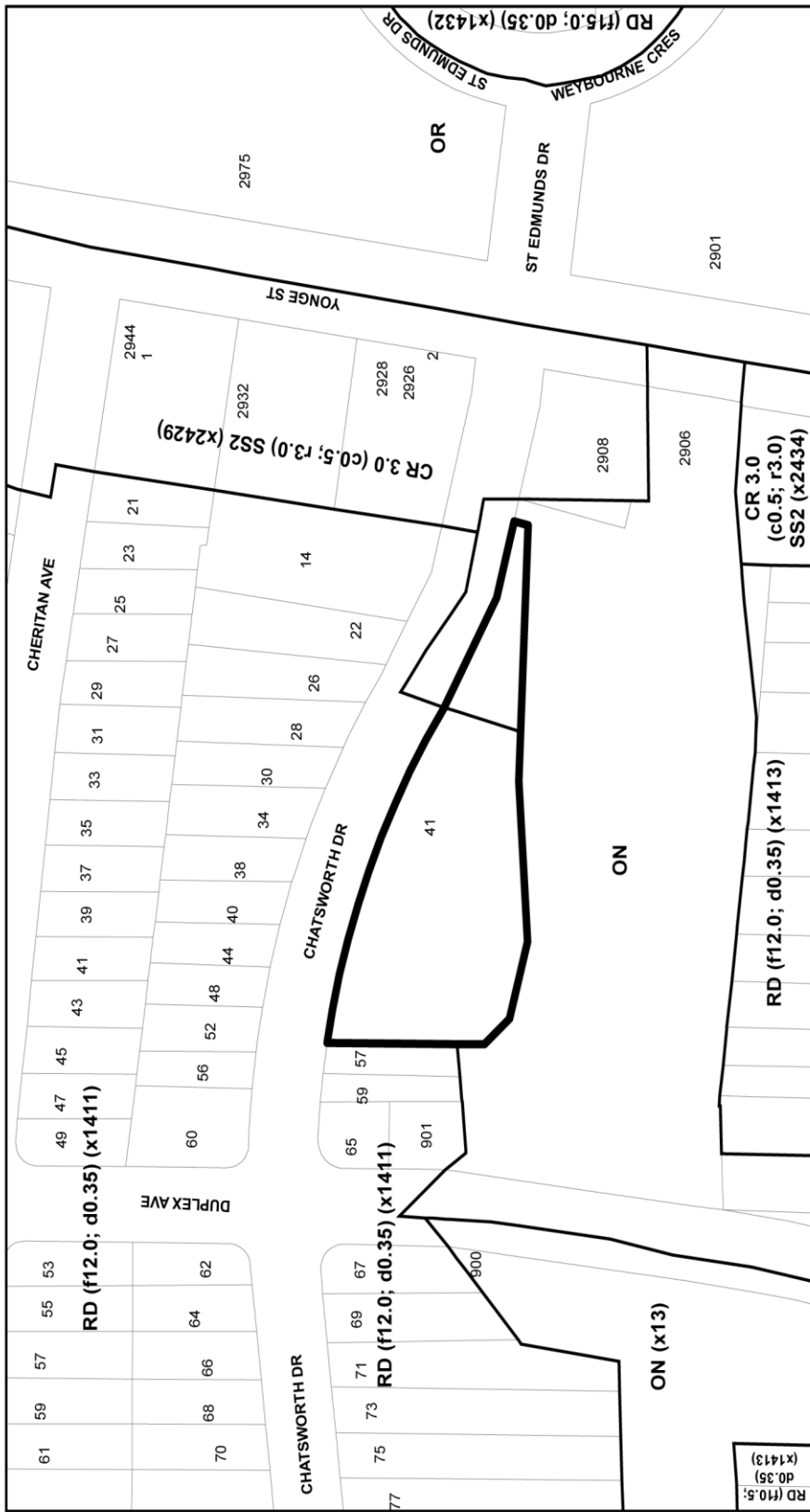
41 Chatsworth Drive
 File # 17 277580 NNY 16 02

 Location of Application

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








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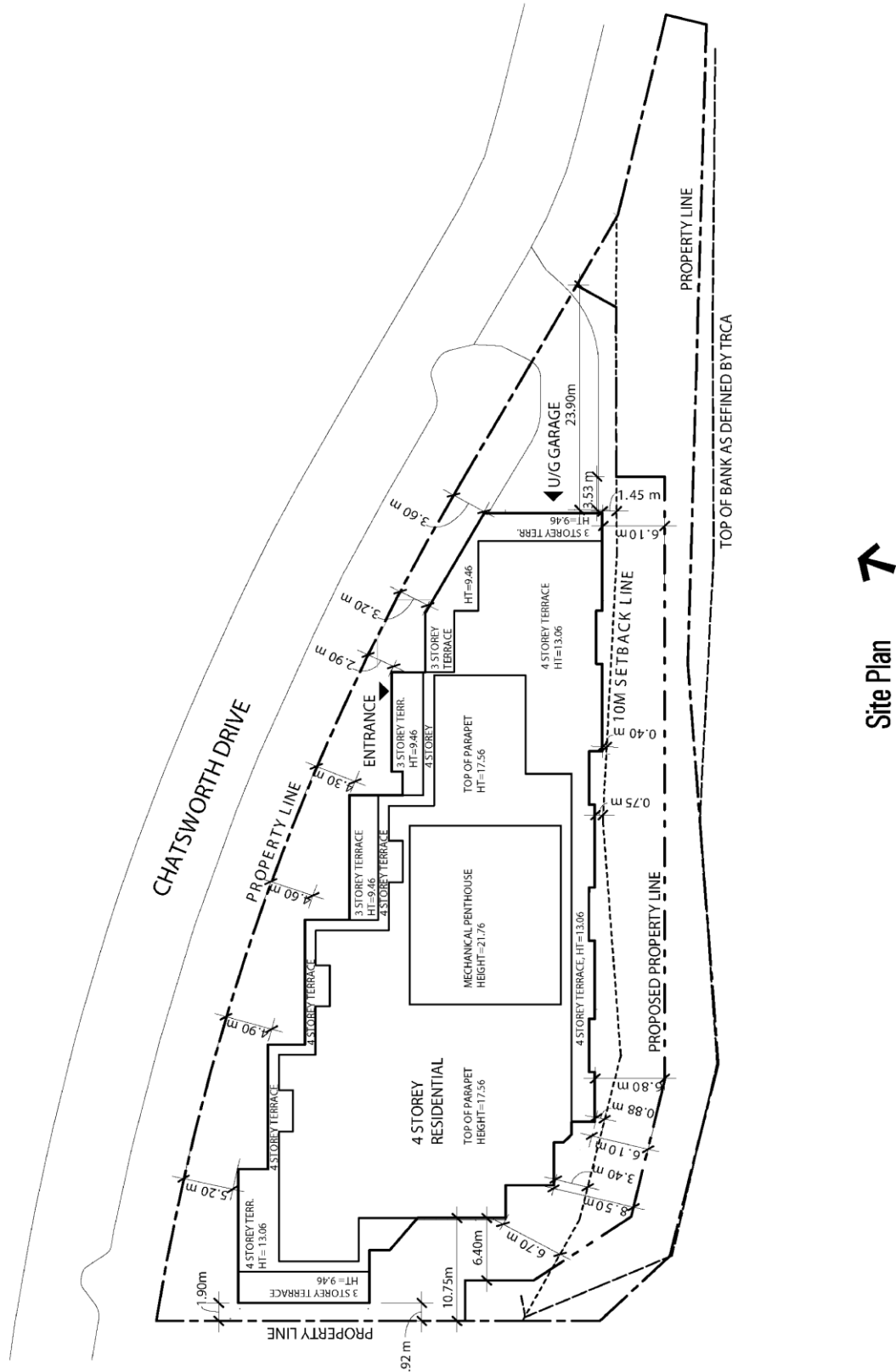



Toronto
 41 Chatsworth Drive
 File # 17 277580 NNY 16 0Z

Toronto
 Zoning By-law No. 569-2013

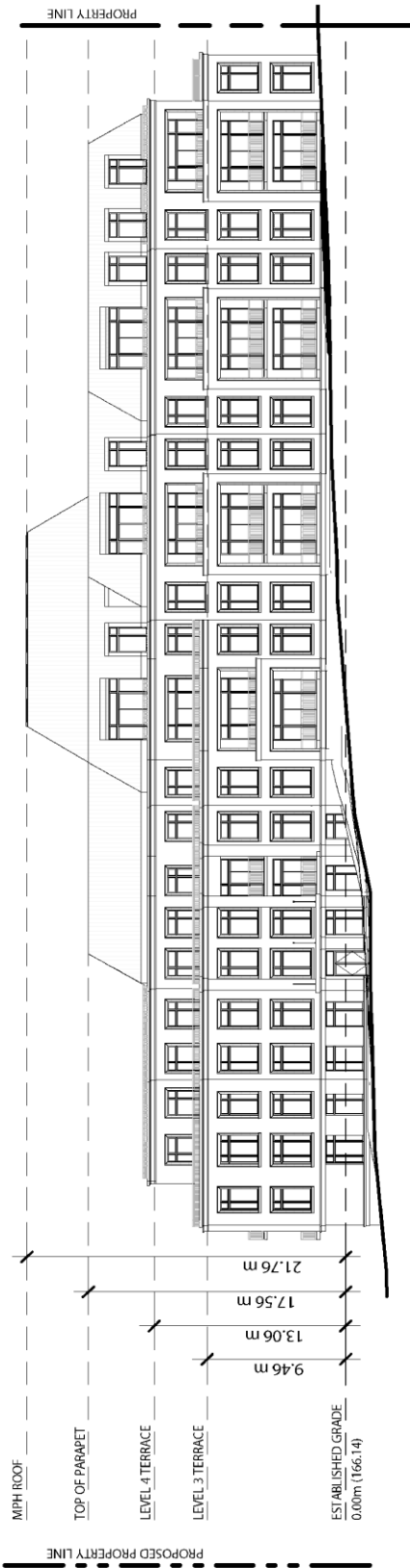
-  Location of Application
-  RD Residential Detached
-  CR Commercial Residential
-  OR Open Space - Recreation
-  ON Open Space Natural

 Not to Scale
 Extracted 01/16/2018



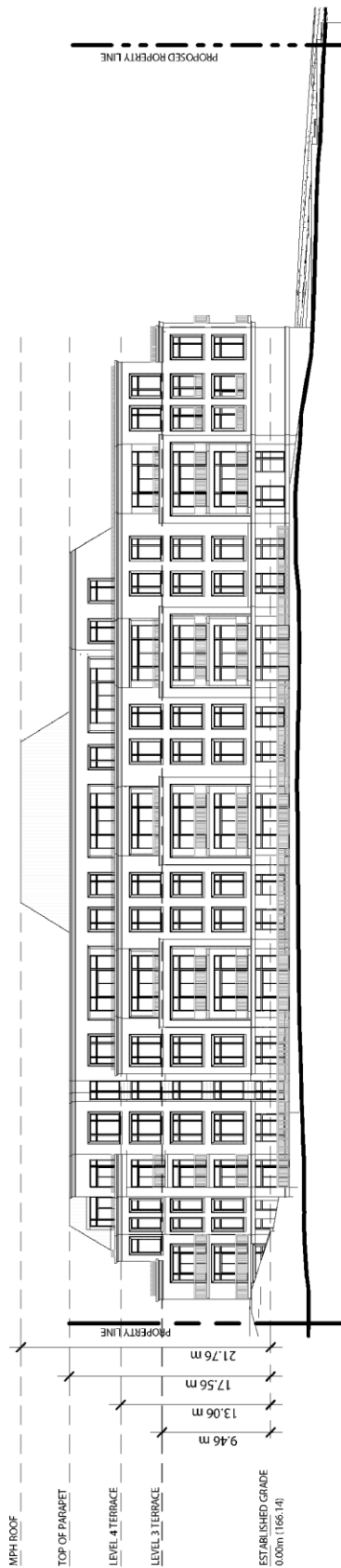
Site Plan 

Attachment 6: North Elevation (from Chatsworth Drive)



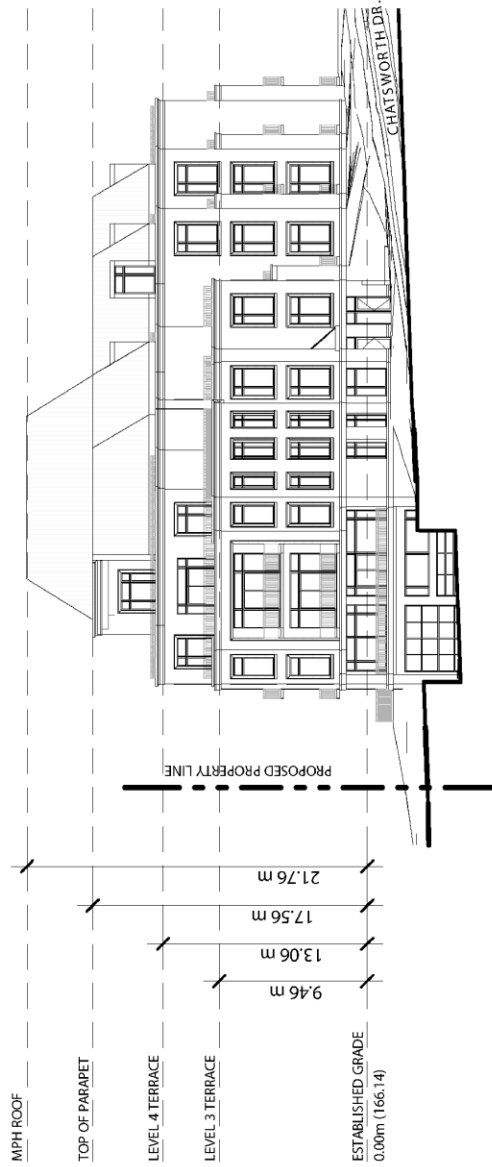
North Elevation

Attachment 6b: South Elevation (from Duplex Parkette)



South Elevation

Attachment 6c: East Elevation



East Elevation

Attachment 6d: West Elevation



West Elevation

Attachment 7a: 3D Model looking southeast from Chatsworth Drive

