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File No. 702663

June 15, 2015

By Courier and Email to nycc@toronto.ca

North York Community Council
City of Toronto
North York Civic Centre, Main Floor
5100 Yonge Street
Toronto, Ontario
M2N 5V7

Attention: Ms. Francine Adamo, Committee Secretariat

Dear Ms. Adamo:

**Re: 41 Chatsworth Drive - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications (File Nos. 13 281456 NNY 16 OZ and 13 281459 NNY 16 SA)
Agenda Item: NY7.36**

We are counsel to Parkset Developments Inc. ("Parkset"), the owner of lands municipally known as 41 Chatsworth Drive in the City of Toronto (the "Lands").

On December 27, 2013, Parkset filed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications (collectively, the "Applications") with the City to permit a six-storey apartment building on the Lands. The Applications were subsequently appealed/referred to the Ontario Municipal Board, and a hearing has been scheduled commencing February 8, 2016.

We have reviewed the Request for Direction Report regarding the Applications from the Director of Community Planning, North York District, dated May 28, 2015 (the "Staff Report"), which will be considered by North York Community Council at its meeting on June 16, 2015.

We fundamentally disagree with the analysis and overall conclusions of the Staff Report regarding the merits of the Applications. As a result, we urge Community Council to reject the staff recommendations. Instead, we request that Community Council recommend that City Council support the approval of the Applications, as revised.



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It is not our intention to respond to each of the comments in the Staff Report in the context of this submission. However, to ensure that Community Council is in a position to make a fully informed decision regarding the Applications, we wish to bring to your attention a number of significant errors and omissions in the Staff Report.

First, the Staff Report fails to mention that Parkset filed a resubmission of its plans and various supporting materials last month, which revised various aspects of the Applications.

For example, whereas the Staff Report repeatedly refers to the proposed development as containing 114 residential units, the revised development proposal contains only 75 units, representing a decrease of 39 units or approximately 34 per cent of the total units, with a greater proportion of larger units including the addition of 3-bedroom units.

The decision to significantly reduce the number of units and increase the percentage of larger units was based, in part, on comments received from various residents, including many who attended the community consultation meeting in June 2014, and initial City staff comments reflected in the preliminary report.

The substantial reduction in the number of units addresses previous comments regarding the intensity of the proposed development and the desirability of having more “family-sized” units. Likewise, the revised proposal incorporates an increased mix of unit types that will provide a more diverse mix of housing in the neighbourhood and will provide greater opportunity for existing residents who may wish to “down-size” by moving into an apartment, while at the same time remaining within the community.

The Staff Report also indicates that most, but not all, of the proposed building has been located at a minimum 10 metre setback from the staked top-of-bank. In fact, following earlier discussions with City staff and staff of the Toronto and Region Conservation Authority (TRCA), the entire building in the revised proposal is located beyond a 10 metre setback from the staked top-of-bank. Thus, we are hopeful that once TRCA has had an opportunity to fully review the revised building envelope it will be in a position to confirm that it has no outstanding concerns with the Applications.



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Further, the Staff Report indicates that there is “outstanding information” that has been requested from the applicant to address various transportation and servicing issues that were identified in the initial set of City comments. In fact, the resubmission that was filed last month includes additional material from Parkset’s transportation and engineering consultants that respond to the earlier staff comments. While we appreciate that there may have been insufficient time for staff to carry out a full technical review of the additional material prior to the completion of the Staff Report, it is incorrect to characterize the requested information as “outstanding” and to assert that the applicant has not responded to the earlier comments and requests.

Given staff’s failure to even reference the resubmission in the Staff Report, we are attaching to this submission a copy of the covering letter from Parkset’s planning consultant, Goldberg Group, dated May 15, 2015, that accompanied the resubmission. We are also providing Community Council with a CD containing the entire package of materials that were filed with the City last month to ensure that both Community Council and City Council has the current information when considering this item.

Second, the Staff Report incorrectly states that “[t]he applicant removed a number of trees on the site shortly after the building was demolished”. In fact, although some trees were removed from the Lands in February 2014, which followed the ice storm in December 2013, the applicant/owner did not remove, or authorize the removal, of the trees, and the applicant/owner learned of the tree removal only after the incident. Nonetheless, Parkset was originally charged by the City with various alleged violations in relation to the tree removal. However, in April 2015, the City withdrew all charges against Parkset. In light of these facts, it is irresponsible of staff to continue to allege that the applicant/owner removed any trees from the Lands.

Third, the Staff Report claims that the lands within the 10 metre setback from the top of bank are “required to be dedicated to a public authority”, and notes that the applicant has advised that Parkset does not intend to dedicate these lands to the City or the TRCA. In fact, although the City may “request” a conveyance of these lands, there is no “requirement” that such lands be dedicated to a public authority either by virtue of the *Planning Act* or otherwise.



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Fourth, the Staff Report references the Traffic Impact Study submitted in support of the Applications and states that it 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. To be clear, the analysis of the potential for two-way traffic operation along this portion of Chatsworth Drive was provided to reflect an alternative scenario that the City might wish to consider, and not as a formal proposal by Parkset to the City to revise the current traffic operations. Further, the conclusions of the Transportation Impact Study supporting the Applications are certainly not dependent on the City implementing two-way traffic operations on Chatsworth Drive.

We trust that Community Council will give due consideration to this submission and the revised materials when considering this matter and we look forward to receiving City Council’s support for the Applications, as revised. In the meantime, please do not hesitate to contact us if you have any outstanding questions.

Kindly ensure that we receive notice of any decision(s) made by Community Council and/or City Council regarding this matter.

Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers
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encls.

copy: Councillor Christin Carmichael Greb (by email)
Mark Crawford, City of Toronto, Legal Services (by email)
Cathie Ferguson, City of Toronto, Community Planning (by email)
Parkset Developments Inc. (by email)
Michael Goldberg, Goldberg Group (by email)

May 15, 2015

Ms. Cathie Ferguson
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COPY

Dear Ms Ferguson,

**RE: Official Plan Amendment, Zoning By-law Amendment and Site Plan
Application Nos.: 13 281456 NNY 16 OZ and 13 281459 NNY 16SA
41 Chatsworth Drive, City of Toronto
Parkset Developments Inc.
OMB File Nos.: PL141282, PL141352, PL141353**

1.0 Introduction

We are the planning consultants for Parkset Developments Inc., the owner of the lands municipally known as 41 Chatsworth Drive (the subject site). Further to the circulation comments received in February and March 2014, the Preliminary Report of April 25, 2014, meetings with staff of City Planning, Urban Design and the Toronto and Region Conservation Authority (TRCA), and comments from the Community Consultation Meeting, we are pleased to submit the following second submission drawings, addressing various comments received.

This resubmission should enable Community Planning to report on the revised plans and reports in the upcoming Directions Report, expected to be prepared for the Community Council meeting in June 2015.

2.0 Submission Documents

We include the following items in support of this resubmission:

1. One (1) copy of the Development Approval Resubmission Form and Data Sheet;
2. Twenty (20) full-size copies and one (1) 8.5 x 11 reduction of the following plans, prepared by Northgrave Architect Inc., dated May 11, 2015:
 - a) Detail Elevation & Data, Drawing SK-00;
 - b) Site Plan Massing, Drawing SK-01;
 - c) Upper Ground Floor (Main Floor), Drawing SK-02;

- d) Lower Ground Floor, Drawing SK-03;
 - e) Second & Third Floor, Drawing SK-04;
 - f) Fourth & Fifth Floor, Drawing SK-05;
 - g) Sixth Floor & Roof, Drawing SK-06;
 - h) Underground Parking P1 & P2, Drawing SK-07;
 - i) Street Elevation (Chatsworth Drive), Drawing SK-08;
 - j) South Facing Elevation, Drawing SK-09
 - k) East & West Facing Elevation, Drawing SK-10;
 - l) Cross Sections, Context Plan, Toronto Green Standards, Drawing SK-11;
3. Seven (7) full-size copies and one (1) 8.5 x 11 reduction of the following plans prepared by Terraplan Landscape Architects, dated May 11, 2015:
- a) Landscaping Site Plan, Drawing No. LS-100;
 - b) Tree Preservation Plan, Drawing No. LT-100;
 - c) Tree Preservation Plan – Tree List, Drawing No. LT-101;
 - d) Planting Plan & Plant Schedule, Drawing No. LP-100;
 - e) Green Roof Planting Plan & Plant Species, Drawing No. LP-101;
 - f) Planting Details, Drawing Nos. LD-100 and LD-101;
4. Twenty (20) full-size copies and one (1) 8.5x11 reduction of the following plans prepared by Husson Engineering and Management, dated May 19, 2015:
- a) Grading Plan, Drawing No. SW1;
 - b) Servicing Plan, Drawing No. SW2;
 - c) Erosion and Sediment Control Plan, Drawing No. SW3;
5. Twenty (20) full-size copies and one (1) 8.5x11 reduction of the following plans:
- a) Sketch Showing Elevations at Southwest Corner, prepared by ertl surveyors, dated December 17, 2014;
 - b) Existing Condition, prepared by Schollen & Company Inc., dated May 6, 2015;
 - c) Previous Condition, prepared by Schollen & Company Inc., dated May 6, 2015;
6. Five (5) copies of the following reports and letters:
- a) Functional Servicing and Stormwater Management Report and Response Letter, prepared by Husson Engineering and Management, dated May 2015;
 - b) Transportation Impact Study Update, prepared by NexTrans Engineering, dated May 15, 2015;
 - c) Draft Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for both By-law 438-86 and By-law 569-2013;
 - d) Slope Stability Study Letter, prepared by Soil Engineers Ltd., dated November 19, 2014;
7. One (1) DVD-RW with digital copies of the above plans, reports and letters.

3.0 Description of Revisions

The following outlines the key changes that have been made to the various plans:

Proposed Site Plan Statistics and Details:

1. The total proposed dwelling unit count has been reduced from the previously proposed 114 dwelling units to 75 dwelling units and the distribution of units favours the larger family-sized units;
2. The total proposed number of parking spaces has been maintained at 120 parking spaces, comprised of 12 visitor and 108 resident parking spaces, including five accessible parking spaces, and is now located on two underground levels;
3. The total proposed gross floor area has been revised from 10,954 square metres to 11,615 square metres;
4. The total Floor Space Index (FSI) has increased from 2.48 to 2.63;
5. The total green roof area has increased from 405 square metres to 636 square metres;
6. The total number of long-term bicycle parking spaces being provided has been reduced from 103 to 68 bicycle parking spaces, and the total number of short-term bicycle parking spaces has been reduced from 12 to 8 spaces. This provides for a total bicycle parking space reduction from 115 to 76 bicycle parking spaces;
7. No part of the proposed development is located within the 10 metre setback from the long term stable top of bank and the transition line, as established at a meeting with the TRCA on February 4, 2015.

Proposed Elevations

1. The private circular patios located on the south side were removed and replaced with balconies;
2. The west façade has been redesigned as a curved glass wall that tapers inward at the south-west corner of the subject site with the 10 metre setback from the top-of-bank;
3. West facing terraces are limited to the upper two floors. These terraces have the ability to accommodate raised planters and/or other landscape features at the edge of each terrace to address any potential privacy and overlook concerns, if necessary;
4. To reduce visibility from the street, the mechanical penthouse has been reoriented to a more rectangular shape and located further back on the roof from the front lot line.

Proposed Landscape Plan

1. Plans have been adjusted as per the new site plan;
2. The 10m setback along the south property line and in the south-west corner has been naturalized with native vegetation.

Proposed Site Servicing & Grading Plan and Stormwater Management Plans and Report

1. The Proposed Servicing Plan & Grading Plan and Stormwater Management Plans and Report have been revised as per the attached letter from Husson Engineering and Management, dated May 12, 2015.

Transportation Impact Study Update

1. This study has been updated to reflect the reduced number of units and to address City comments received in April 2014.

4.0 Issues Identified by the Public and the Preliminary Staff Report

The public comments and the Preliminary Report of April 25, 2014 identified issues to be resolved. While most of these issues were addressed in the original submission of the application, including the December 2013 Planning Report prepared by this firm, I will respond to these issues with the following information.

4.1 Land Use

The *Neighbourhoods* policies of the City's Official Plan (City OP) permit apartments up to 4 storeys. The Official Plan Amendment (OPA) application seeks the same apartment built form, although with 2 more storeys. The OPA technique that was employed in the original application was to request an Exception to the *Neighbourhoods* policies in order to accommodate the additional two floors. This appeared, at the time of application, to be the technique that the City had previously employed when approving buildings between 5 - 7 storeys in the *Neighbourhoods* designation.

The alternative OPA technique would be to redesignate from *Neighbourhoods* to *Apartment Neighbourhoods*. The application was analyzed in our December 2013 Planning Report in relation to Section 4.2 of the Official Plan relating to *Apartment Neighbourhoods* (Section 5.2.3 of our Planning Report). Our conclusion was/is that the subject site is suitable for the additional two floors, subject to the proposed building being appropriately designed. *Apartment Neighbourhoods* are commonly found internal to a neighbourhood setting and are not restricted only to locations that front onto a Major Street identified in the City OP. *Apartment Neighbourhoods* are also commonly located on Local Roads, next to a *Neighbourhoods* designation which contains low density, grade related housing, as is the case with the subject application.

The Preliminary Report raises issues about land use, in the context of Section 4.1.5 of the City OP. In my opinion, the subject site is properly analyzed in relation to Section 4.1.9 of the City OP, which addresses infill development on properties that vary from the local pattern, in terms of lot size, configuration and/or orientation. In such circumstances, special infill criteria are provided for dealing with the integration of new

development for these sites. The infill criteria set out in Section 4.1.9 of the City OP are distinct from the more restrictive policies of Section 4.1.5 and, in my opinion, the policies in Section 4.1.9 apply to infill sites such as the subject site.

For example, Section 4.1.5 requires that:

"Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;"

By comparison, Section 4.1.9 directs that infill developments on properties that vary from the local pattern in terms of lot size, configuration and/or orientation in established *Neighbourhoods* will:

- a) have heights, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties;
- b) provide adequate privacy, sunlight and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;
- d) locate and screen service areas and garbage storage to minimize the impact on existing and new streets and residences."

Section 5.2.2 of our December 2013 Planning Report addresses the proposal in relation to Section 4.1.9 and concludes that all of the criteria set out in this section of the City OP have been appropriately addressed by the applicant. I remain of the same opinion with respect to the current revisions to the proposal.

4.2 Built Form and Existing Context

The Preliminary Report states that "redevelopment must have regard for the existing built form context", and notes that the proposed building is "different from the prevailing physical character and patterns in the neighbourhood".

In fact, the City OP speaks to new development being designed to fit with its "existing and/or planned context" and, as noted above, contemplates that new development will be different on properties such as the subject site, albeit compatible with the surrounding context. Of course, new development must also be consistent with / conform to current provincial planning policy.

The existing and planned context, together with the application of the Section 4.1.9 criteria and other relevant policies of the City OP, support the proposed built form at this location. Among other things, the subject site and proposal are:

- In very close proximity and a convenient walk to the Lawrence subway station and the shops and services north and south along Yonge Street. In Growth Plan terms, the subject site is within a Major Transit Station Area;

- Very close to Yonge Street and at the eastern and southern edge of the lands designated *Neighbourhoods* due to the minimal separation of the subject site from the Yonge Street properties by only a narrow public walkway and next to a valley/park to the south;
- In compliance with the dimensions of the TRCA buffer requirements;
- Designed to relate to the adjacent and nearby residential dwellings using good urban design measures addressing shadow implications, angular planes, setbacks, privacy, and building separations;
- Only two storeys above the built form otherwise permitted by the City OP. This incremental increase is small, particularly when compared to other sites and developments nearby that abut single detached dwellings in the *Neighbourhoods* designation. The most recent example of this is the Lanterra building that is under construction. This 12 storey building at 3018 Yonge Street abuts the rear yards of single detached dwellings fronting onto Cortland Avenue. This development provides a small setback from the shared lot line of the single detached lots to the west to the lower and upper floors of this apartment building. Other examples of high density residential buildings next to single detached lots exist along Yonge Street and in the *Apartment Neighbourhoods* designated lands, internal to this broader neighbourhood.

The Preliminary Report also identifies as an issue to be resolved the “precedent” that could be set if the proposed form of development is approved within the immediate area. In my opinion, the subject site has a number of unique features in comparison to the existing lots within the immediate area and, accordingly, the proposed form of development has been tailored to the specific attributes of the subject site.

4.3 The Desirability of Providing Family-Sized Units

Some members of the public had expressed concern with the number of dwelling units originally proposed and the resulting intensity of the proposed development. At the same time, the Preliminary Report identified the desirability of providing family-sized units as an issue to be considered.

In response to these comments, the current proposal significantly reduces the total number of units (from 114 to 75, or a reduction of over 34%) and the distribution of the units now is orientated to larger, family-sized units. A comparison of the original and current proposal illustrates this difference, as follows:

	<u>Original Proposal</u>	<u>Current Proposal</u>	<u>Difference</u>
Studio	1	1	0
1 Bedroom	15	1	-14
1 Bedroom + Den	51	10	-41
2 Bedroom	43	19	-24
2 Bedroom + Den	4	39	+35
3 Bedroom	0	5	+5
Total Units	114	75	-39

4.4 The 10 Metre Setback and the Calculation of Density

Additional Geotechnical investigation, together with meetings with City and TRCA staff, have established a 10 m setback line from the long term stable top of bank, together with an appropriate transition line between the top of bank/valley feature and the southeast corner of the adjacent property of 57 Chatsworth Drive. The current proposal locates the entire building, below and above ground, outside of the 10 m setback/buffer line.

While the TRCA has suggested public ownership of the lands within the 10 m buffer area, together with a 1.5 m setback from the new lot line/buffer line, the applicant is proposing the alternative of maintaining this land in private ownership, with the appropriate zoning and site plan controls to ensure the ongoing maintenance of this land as a buffer. This method of land ownership is an acknowledged form of management by the TRCA document, The Living City Policies, which replaced the Valley and Stream Corridor Guideline document, as of November 28, 2014.

In terms of the method to calculate density, Section 3.4.9 of the City OP indicates that:

Land below the top of bank or other hazard lands, may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements.

The top of bank in this case travels along the south lot line of the subject site and, toward the mid-to-eastern part of the site, is located on City property just south of the subject site. The only exception to this is a very small triangular-shaped part of the subject site at its southwest corner. That triangle is created by a transition line extending from the top of bank line to the southeast corner of 57 Chatsworth Drive.

The 10 m setback line from the long term stable top of bank is a setback and buffer from the hazard lands. No part of the subject site is considered hazard lands. If the whole site is utilized to calculate density, then the currently proposed density is 2.63 FSI. If the small triangular lands are excluded from the calculation, then the density is 2.65 FSI. In my opinion, this minimal difference is insignificant. Further, far more important than the resulting "density calculation" is whether the proposed massing and scale of the development is appropriate for the site and compatible with its surroundings and, in my opinion, the revised proposal satisfies these considerations.

5.0 Conclusions


We trust that the above and enclosed are helpful and request that the revised plans be circulated to the various departments and commenting agencies for their review. We also request that this submission and its contents be acknowledged and evaluated in your upcoming Directions Report to Community Council in June.

Ms. Cathie Ferguson
City of Toronto

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May 15, 2015

If you require anything further please do not hesitate to contact me at (416) 322-6364
ext. 2100.

Yours very truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP, RPP
Principal

Cc: Parkset Developments Inc.
Mark Flowers – Davies Howe Partners LLP
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