CC23.9 - Confidential Attachment 2 - made public on August 6, 2020

Goodmans

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July 14, 2020

Our File No.: 200476

Without Prejudice

Planning & Administrative Tribunal Law City of Toronto Legal Services 55 John Street, 26th Floor, Metro Hall Toronto, ON M5V 3C6

Attention: Alexander Suriano

Dear Sirs/Mesdames:

Re: LPAT Case No. PL170431 – 20 Sandringham Drive Without Prejudice Settlement Offer

As you know, we are the new solicitors for the Appellants in the above-noted matter. We are writing to provide a without prejudice settlement offer regarding the appeals of an application for consent to sever the property known municipally in the City of Toronto as 20 Sandringham Drive (the "**Property**") and an associated appeal of a variance application (the "**Appeals**").

This settlement offer is intended to be presented to City Council at its meeting scheduled to commence on July 28, 2020, and should be considered as withdrawn at the conclusion of that meeting if it is not accepted.

Background

The Property is located on the east side of Sandringham Drive, north of Wilson Avenue. In 2017, our client filed a consent to sever application to create two new lots. At that time, City planning staff expressed concerns with the configuration of the two proposed lots, including that the newly proposed lot would be situated in the front yard of the existing site. As we understand this concern, City staff objected to the potential for a "house behind a house" and its precedent for the balance of Sandringham Drive.

On this basis, City staff indicated its opposition and the Committee of Adjustment refused the application. At its meeting commencing on July 4, 2017, City Council directed the City Solicitor to attend at any hearing and oppose the application as requested. Subsequently, as our client investigated other approaches to the proposed severance of the Property, City Council authorized the City solicitor to attempt to negotiate a resolution of the Appeals.

Goodmans

As the new solicitors on this file, we have continued negotiations with City staff and proposed a new draft R-Plan for the Property that would eliminate the potential for a 'house behind a house". Further, the only variance now required is for the rear yard for the retained lot. Our client has also resolved matters with the Toronto and Region Conservation Authority ("**TRCA**"). We appreciate the ability to work through these issues with City and TRCA staff.

Without Prejudice Settlement Offer

Our client is prepared to settle this matter based on the following:

- The City would no longer oppose approval by the Local Planning Appeal Tribunal ("LPAT") of the consent to sever the Property based on the Draft R-Plan attached to this letter and authorization of a rear yard variance for the retained lot of 6.12 metres, as identified on the Draft R-Plan.
- As part of requesting that LPAT allow the Appeals, in part, the Appellants would confirm that no variances are required for the severed lot and no further variances are required for the retained lot.
- As further background and clarification, the Draft R-Plan shows Part 1 with a lot area of 2457.15 square metres and Part 2 with a lot area of 906.66 square metres. The Draft R-Plan also shows Part 3 with a lot area of 1607.37 square metres. Part 3 is intended to be conveyed to the TRCA, as a condition of approval of the consent to sever. As noted above, the TRCA has approved the Draft R-Plan and site plan and requested a conveyance of 1625.50m, copies of which are attached for the convenience of City Council.
- The Appellants and the City would also request the City's standard conditions of approval to be applied to approval of the consent to sever by LPAT.

Please find attached the Draft R-Plan, the TRCA sign-off letter, and an updated site plan. Thank you in advance for considering our client's without prejudice settlement offer.

Yours truly,

Goodmans LLP

David Bronskill DJB/ 7074122



5100 Yonge Street 1st Floor Toronto, ON M2N 5V7 Alessandro Valente Zoning Examiner Phone: (416) 395-7554 Fax: Email: alessandro.valente@toronto.ca

WALKER NOTT DRAGICEVIC ASSOCIATES LIMITED C.O. BRANDON KASHIN 90 EGLINTON AVE E 970 TORONTO ON M4P 2Y3

Examiner's Notice

Date: Tuesday, April 30, 2019 Preliminary Project Review No: 19 131668 ZPR 00 ZR FolderRSN: 4544347 House - Other Proposal Proposed Use: sfd at 20 SANDRINGHAM DR -- PLAN REVIEW COMPLETE Ward: Eglinton-Lawrence (08)

Examination of your Request for a Preliminary Project Review has revealed that certain requirements of the Zoning Bylaw Municipal Applicable law have not been satisfied. The attached Zoning Municipal Applicable law Notice provides the details of the review.

Should compliance with the City's Zoning By-law not be possible, you may apply to amend the Zoning By-law by way of a Zoning Amendment or Committee of Adjustment application. For more information on the Planning process or which application may be more appropriate, you may visit the City of Toronto Web site @ www.toronto.ca/developing-toronto or discuss the matter with City staff by calling (416)395-7000.

Subsequent reviews will require the submission of a new Project Review Request along with payment of the applicable fees.

The Notice is based on plans and documents submitted and the Zoning By-Law in force at the time.

The plans and documents will be held on file for one year from the date of the Notice after which time they be discarded and the Notice becomes invalid.

Should there be changes to the Zoning By-Law or other applicable law prior to the issuance of a building permit you will be required to comply with those changes.

Please refer to your PPR number when you phone in, submit subsequent reviews or submit your building permit application.

Alessandro Valente Zoning Examiner



5100 Yonge Street 1st Floor Toronto, ON M2N 5V7 Alessandro Valente Zoning Examiner Phone: (416) 395-7554 Fax: Email: alessandro.valente@toronto.ca

Folder Name: 20 SANDRINGHAM DR -- PLAN REVIEW COMPLETE Application Number: 19 131668 ZPR 00 ZR

Zoning bylaw Notice

ITEM DESCRIPTION

City-wide Zoning By-law

. A zoning by-law review could not be completed as there is missing required information. In order to complete this zoning by-law review the following missing information must be provided. This notice cannot be relied upon for a minor variance application to the Committee of Adjustment nor any other zoning by-law relief such as a rezoning. The information provided in this notice is for reference only.

missing elevations for the portion of the building being removed.

Your property is subject to the City-wide Zoning By-law No. 569-2013, as amended. Based on By-law No. 569-2013, your property is zoned RD (f18.0; a690)

1.The required minimum rear yard setback is 20.74 metres. The proposed rear yard setback is 8.66 metres.[10.20.40.70.(2) Minimum Rear Yard Setback]

Note: 2.1.1(4): Reduction of land to a public authority, will not apply- land is also being reduced by a severance.



5100 Yonge Street 1st Floor Toronto, ON M2N 5V7 Alessandro Valente Zoning Examiner Phone: (416) 395-7554 Fax: Email: alessandro.valente@toronto.ca

ANDREW DEANE

C/O RICHARD WENGLE ARCHITECT INC 102 AVENUE RD TORONTO ON M5R 2H3

Examiner's Notice

Date: Tuesday, May 21, 2019 Preliminary Project Review No: 19 143265 ZPR 00 ZR FolderRSN: 4558149 House - New Building Proposed Use: sfd at 20 SANDRINGHAM DR Ward: Eglinton-Lawrence (08)

Examination of your Request for a Preliminary Project Review has revealed that certain requirements of the Zoning Bylaw Municipal Applicable law have not been satisfied. The attached Zoning Municipal Applicable law Notice provides the details of the review.

Should compliance with the City's Zoning By-law not be possible, you may apply to amend the Zoning By-law by way of a Zoning Amendment or Committee of Adjustment application. For more information on the Planning process or which application may be more appropriate, you may visit the City of Toronto Web site @ www.toronto.ca/developing-toronto or discuss the matter with City staff by calling (416)395-7000.

Subsequent reviews will require the submission of a new Project Review Request along with payment of the applicable fees.

The Notice is based on plans and documents submitted and the Zoning By-Law in force at the time.

The plans and documents will be held on file for one year from the date of the Notice after which time they be discarded and the Notice becomes invalid.

Should there be changes to the Zoning By-Law or other applicable law prior to the issuance of a building permit you will be required to comply with those changes.

Please refer to your PPR number when you phone in, submit subsequent reviews or submit your building permit application.

Alessandro Valente Zoning Examiner



5100 Yonge Street 1st Floor Toronto, ON M2N 5V7 Alessandro Valente Zoning Examiner Phone: (416) 395-7554 Fax: Email: alessandro.valente@toronto.ca

Folder Name: 20 SANDRINGHAM DR Application Number: 19 143265 ZPR 00 ZR

Municipal Applicable Law Notice

ITEM DESCRIPTION

Applicable Fees

| 1. | DC(Development Charges) |
|----|----------------------------------|
| 2. | EDC(TCDSB Education Dev. Charge) |
| 3. | Parkland Dedication/Park Levy |



5100 Yonge Street 1st Floor Toronto, ON M2N 5V7 Alessandro Valente Zoning Examiner Phone: (416) 395-7554 Fax: Email: alessandro.valente@toronto.ca

Folder Name: 20 SANDRINGHAM DR Application Number: 19 143265 ZPR 00 ZR

Zoning bylaw Notice

ITEM DESCRIPTION

| | General Requirements |
|----|--|
| 4. | The certificate of the committee of adjustment must be issued for the consent application |
| 5. | TRCA Lots: a survey showing the location of the stable top-of-bank as determined by the Toronto and Region Conservation Authority (TRCA).Note: the Site Plan does indicate a stable top-of-bank, but is not signed by TRCA. This may affect the by-law requirements if the top of bank is closer to the proposed building than 10m as determined by TRCA. |
| 6. | Applicable Law: Conservation Authorities |







PRIVATE RESIDENCE

20 SANDRINGHAM DRIVE TORONTO, ONTARIO JUNE 04, 2019 1804







December 5, 2018

CFN 55120.02

BY EMAIL ONLY (amber@amberstewartlaw.com)

Ms. Amber Stewart Amber Stewart Law 1570 Kipling Avenue Suite 200 Toronto, Ontario M9R 2Y1

Dear Ms. Stewart,

RE: Consent Application No. B0060/16NY 20 Sandringham Drive Part of Block A, Plan 2395 City of Toronto (North York Community Council Area) Victor Minas Agent: Amber Stewart Law

The purpose of this letter is to provide our comments on the requested consent application and confirm **we have no objections to approval subject to conditions** based on a site visit and our evaluation of a revised proposal. We have reviewed the following documents:

- Drawing Unnumbered, Site Plan, prepared by Applicant, dated October 23, 2018, received on October 23, 2018;
- Natural Heritage Impact Study, prepared by Beacon Environmental, dated May 2018, received on May 29, 2018;
- Drawing No. L1, Buffer Restoration Planting Plan, prepared by Beacon Environmental, dated October 18, 2018, received on October 18, 2018;
- Drawing No. L2, Notes and Details, prepared by Beacon Environmental, dated October 18, 2018, received on October 18, 2018;
- Revised Letter Report on Development Setbacks and Long Term Stable Top of Slope Assessment, prepared by GHD, dated June 27, 2018, received on June 29, 2018.

Our Understanding of the Proposal

We understand that the application is to sever the existing lot at 20 Sandringham Drive and create an additional lot fronting onto Sandringham Drive. A portion of the existing dwelling is to be demolished and a new two storey dwelling with a pool will be built on the new lot - Lot 2. As the existing dwelling has a pool that is being removed to facilitate the creation of Lot 2, a new pool will be built to the rear of the existing dwelling on Lot 1. We understand that the application has been appealed to the Local Planning Appeal Tribunal and this letter responds to a <u>revised</u> application that we understand will be presented to the Tribunal for approval. This revised application is shown in Attachment A.

TRCA Regulation

The property is partially within a TRCA Regulated Area of the Don River watershed as it is adjacent to the valley slope. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shoreline and Watercourse Regulation), a permit is required from the TRCA prior to any new development taking place within this property.

In addition, the TRCA's Living City Policies (LCP) sets out development guidelines for properties influenced by valley and stream corridors. The overall objective of the LCP is to prevent new development from occurring within areas that may introduce risk to life and property associated with natural hazards, in this case, erosion.

Applicable Policy

1. Provincial Policy – Provincial Policy Statement (PPS), 2014

The TRCA is responsible for implementing the Natural Hazard policies and for providing advice to the City with regard to the Natural Heritage policies of the Ontario Provincial Policy Statement (PPS), 2014.

The property contains an *erosion hazard* which is considered a natural hazard as defined in the PPS. Section 3.1.1b) of the PPS requires that development generally be directed to areas outside of hazardous lands impacted by an erosion hazard.

The rear of the property also contains contiguous vegetation which is part of the Natural Heritage System as shown in Map 9 of the City of Toronto's Official Plan (OP), 2002. The proposal is to sever the existing parcel to create an additional lot. The PPS includes, "the creation of new lots" within its definition of development. Furthermore, Section 2.1.5 and 2.1.8 of the PPS provides that *development* shall not be permitted within or adjacent to a *significant valleyland* or *significant woodland* unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions

2. Municipal Policy – City of Toronto Official Plan (OP), 2002

The TRCA is the City of Toronto's partner in managing the natural environment. Section 3.4 of the City's OP provides policies for development within or near natural hazards and lands containing the natural heritage system.

The rear of the site contains a natural slope feature of the valley. Policy 8 states that development will be set back at least 10 metres from the stable top of bank. The property is also partially within the natural heritage system as shown in the OP. Policy 10 states that development is generally not permitted within the natural heritage system. Policies 3 and 12 require that a study be provided to assess a development's impact on the system, and provide measures to reduce negative impacts on and/or improve the system.

3. TRCA Policy – The Living City (LCP), 2014

TRCA's policy document, The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority (LCP) guides TRCA's role as an approval authority under the above noted Ontario Regulation 166/06, and as an advisor to municipalities under the *Planning Act* with respect to natural heritage and natural hazards. For the latter role, TRCA has a provincially delegated responsibility to uphold the provincial interest in protecting life and property from natural hazards such as flooding and erosion. Because the subject property contains a wooded slope associated with the Don Valley, the LCP applies to this application.

The LCP describes a "Natural System" as being made up of natural features and areas. Water resources, natural hazards, potential natural cover and/or buffers. The LCP recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement.

2

Site Specific Comments

TRCA staff carried out a site visit and staked the top of slope and dripline of contiguous valley vegetation on January 19, 2017. The slope is part of a valley feature that extends down to the Don Valley Golf Course. The rear of the property contains a mature deciduous forest which is part of the City's Natural Heritage System (NHS) as defined in Map 9 of the OP. The contiguous vegetation associated with the valley extends onto the subject site. Given the depth and steepness of the valley slope, TRCA also requested a geotechnical slope stability assessment prepared by a qualified geotechnical engineer. Based on our review of the Revised Letter Report, prepared by GHD, dated June 27, 2018, we agree with the analysis and determination of the long term stable top of slope (LTSTS) line which is 2.4 metres inland from the existing top of bank.

As per TRCA Policy, new development is not permitted within the Natural System identified as being a 10-meter 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).

The new lot line at the rear of Lot 1 coincides with the LTSTS and although this lot line is within the 10 metre buffer, the hazard is not being fragmented through this consent application. The creation of Lot 2 has the rear lot line adequately setback from both the LTSTS and dripline. TRCA policy requires that the valleylands, including buffer area be restored, re-naturalized and gratuitously dedicated into public ownership, free and clear of all encumbrances as part of the severance application.

Conclusion

TRCA has **no objections** to the approval of Consent Application B0060/16NY subject to the following conditions being fulfilled to TRCA satisfaction prior to final approval:

- 1. The owner shall convey to TRCA for a nominal sum the ± 1,620.5 sq. m. area as shown on the applicant's preliminary site plan dated October 23, 2018 as shown in Attachment A;
- 2. The owner shall install fencing along the east property line of Lot 1 and 2 to the satisfaction of the City of Toronto, Parks, Forestry and Recreation Division;
- 3. The owner shall remove any hardscaping, fencing and any other debris in the \pm 1,620.5 sq. m. area that is being conveyed into public ownership;
- 4. The owner shall provide an access easement along either or both of Lot 1 and Lot 2 for access to the ± 1,620.5 sq. m. area being conveyed into public ownership, if required;
- 5. The owner shall submit, secure and implement a planting plan and submit and secure a two year monitoring plan including a brief annual report for the ± 1,620.5 sq. m. area being conveyed to the satisfaction of City of Toronto Ravine and Natural Feature Protection and the TRCA prior to the conveyance into public ownership.

The applicant is advised that fulfilling the above conditions will take some time, and they are advised to begin the process as soon as possible after conditional approval is granted so that the approval does not lapse.

Local Planning Appeal Tribunal (LPAT)

The application has been appealed to the LPAT (Case No. PL170431). TRCA will request Party Status to any hearing in order to identify a process to secure the above conditions through the LPAT process.

We trust this is satisfactory and we request participation in any further discussions between the applicant's agent and the City. Please feel free to contact me if you have any questions

Sincerely,

ale

Anna Lim, Planner Toronto & Region Conservation Authority Planning and Development ext. 5284

SH/al

 cc. Will Zhou, City of Toronto, RNFP Urban Forestry Ravine Protection (via email) Brandon Hester, TRCA, Property Services (via email) Matt Schuman, City of Toronto, Legal Services, Planning & Administrative Tribunal Law (via email)

Appendix A





PRIVATE RESIDENCE

20 SANDRINGHAM DRIVE TORONTO, ONTARIO JULY 8, 2019 1804





From: Andrew Ferancik <aferancik@wndplan.com>
Date: Monday, April 13, 2020 at 2:59 PM
To: David Bronskill <dbronskill@goodmans.ca>, Victor Minas <vmjm22@gmail.com>
Cc: "mlakatoshayward@goodmans.ca" <mlakatoshayward@goodmans.ca>, Julianna
MacDonald <jmacdonald@beaconenviro.com>, Richard Wengle <richard@rwainc.ca>, Andrew
Deane <andrew@rwainc.ca>, Georgina Myers <georgina@rwainc.ca>, Anthony Hogan
<anthony@rwainc.ca>

Subject: PRIVILEGED AND CONFIDENTIAL FW: TRCA Comments: Minor Variance Application No. A0246/19NY - 20 Sandringham Drive

PRIVILEGED AND CONFIDENTIAL

David, Victor, please see the below and attached confirmation that TRCA is satisfied with the dedication, as well as the list of conditions.

David please let me know what else you require.

Thanks

Andrew

From: Anna Lim <<u>Anna.Lim@trca.ca</u>>
Sent: Wednesday, July 17, 2019 4:39 PM
To: Brandon Kashin <<u>bkashin@wndplan.com</u>>
Subject: RE: TRCA Comments: Minor Variance Application No. A0246/19NY - 20 Sandringham Drive

Hi Brandon,

Apologies in the delay in getting back to you. I had an opportunity to review the revised site plan for 20 Sandringham Drive and it looks like this matches what TRCA previously signed off on. You can move forward with this plan at the Committee of Adjustment.

Any further questions, please do not hesitate to contact me.

Regards,

Anna Lim Planner Development Planning and Permits | Development and Engineering Services

T: (416) 661-6600 ext. 5284 E: anna.lim@trca.ca A: 101 Exchange Avenue, Vaughan, ON, L4K 5R6 | trca.ca



From: Brandon Kashin <<u>bkashin@wndplan.com</u>>
Sent: Tuesday, July 9, 2019 5:38 PM
To: Anna Lim <<u>Anna.Lim@trca.ca</u>>
Subject: RE: TRCA Comments: Minor Variance Application No. A0246/19NY - 20 Sandringham Drive

Good afternoon Anna,

We've revised our site plan to reflect all of the TRCA setbacks and allowance that were indicated on the original December 2018 clearance letter. I've attached for your review – are you able to provide us with a formal acknowledgement that this site plan reflects everything required by TRCA?

Best,

Brandon Kashin, M.Pl. Intermediate Planner



Walker, Nott, Dragicevic Associates Limited

90 Eglinton Avenue East, Suite 970 Toronto ON M4P 2Y3 t: 416-968-3511 ext. 124 e-mail:bkashin@wndplan.com web: www.wndplan.com

NOTE: This e-mail message is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message.

From: Anna Lim <<u>Anna.Lim@trca.ca</u>>
Sent: Tuesday, June 4, 2019 9:16 AM
To: jenny.kottas@toronto.ca
Cc: Brandon Kashin <<u>bkashin@wndplan.com</u>>
Subject: TRCA Comments: Minor Variance Application No. A0246/19NY - 20 Sandringham Drive

Hi Jenny,

Apologies for the late response for this variance application. TRCA staff is requesting *deferral* of this variance application. The proposed rear lot line does not match the drawings that TRCA has previously signed off on. The proposed variance will be incorrect as the proposed rear lot line should be closer to the dwelling. TRCA recommends that this variance application is deferred until the site plan can be revised to reflect the plans that TRCA has reviewed.

Any further questions, please do not hesitate to contact me.

Regards,

Anna Lim Planner Development Planning and Permits | Development and Engineering Services

T: <u>(416) 661-6600</u> ext. 5284 E: <u>anna.lim@trca.ca</u> A: <u>101 Exchange Avenue, Vaughan, ON, L4K 5R6 | trca.ca</u>

