# M TORONTO

# STAFF REPORT ACTION REQUIRED

# 41 Chatsworth Drive - Official Plan and Zoning By-law Amendment Applications - Preliminary Report

Date:	April 25, 2014
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	13 281456 NNY 16 OZ

# SUMMARY

This report reviews an application to amend 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 at 41 Chatsworth Drive. The proposed building would have a height of 22.0 metres along Chatsworth Drive and a density of 2.5 times the lot area.

This preliminary report provides above-noted information on the identifies a number applications, of planning issues and seeks Community Council's directions on further processing of the applications and on the community consultation process. As staff have identified significant concerns with the proposal in its present form the applicant should consider revising the proposal to create a development which addresses the issues in this report.



## RECOMMENDATIONS

#### The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 41 Chatsworth Drive together with the representative Councillor;
- 2. Notice for the Community Consultation meeting be given to landowners and residents within 120 metres of the site; and
- 3. Notice for the Public Meeting under the Planning Act be given according to the regulations of the Planning Act.

#### Financial Impact

The recommendations in this report have no financial impact.

#### **Pre-Application Consultation**

A pre-application community consultation meeting was held on November 16, 2012. The proposal was for a 7-storey retirement residence fronting Chatsworth Drive which contained 120 dwelling units and one level of underground parking with 45 parking spaces. An 8<sup>th</sup> floor facing Duplex Park and the Chatsworth Ravine accommodated amenities such as the kitchen and common dining areas, a chapel, library, spa and swimming pool.

The applicant was encouraged to revise the development to conform to the Official Plan policies in terms of height, built-form and scale.

The currently proposal is for a condominium apartment building 6 storeys high fronting Chatsworth Drive and 7 storeys high facing Duplex Parkette and the Chatsworth Ravine.

#### **ISSUE BACKGROUND**

#### Proposal

This application proposes a 6-7 storey residential condominium building containing 114 units and 10,954.0  $m^2$  of gross residential floor area resulting in an overall site density of 2.5 FSI times the site area. The building is 6 storeys facing Chatsworth Drive and 7 storeys facing Duplex Parkette and the Chatsworth Ravine. This lowest floor contains 5 residential units and indoor amenity area overlooking private and public open space as well as the garbage/recycling room.

The proposed building has a height of 22.0 metres along the Chatsworth Drive elevation and a height of 25.75 metres facing Duplex Parkette and the Chatsworth Ravine, both heights being exclusive of the mechanical penthouse component. The Chatsworth Drive elevation has a 4-storey base with stepbacks at the 5<sup>th</sup> and 6<sup>th</sup> floors.

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

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

The applicant proposes 148m<sup>2</sup> of indoor amenity area on the lower ground floor at the west end of the building and an additional 80m<sup>2</sup> of indoor space in the form of a lounge area on the upper ground floor in the northwest portion of the building. Both indoor amenity areas have direct access to outdoor landscaped areas which include patios, seating areas and access to walkways which encircle the building to the west, south and east. Private amenity space is provided for individual units by terraces and balconies.

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

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

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

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

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

The site statistics are presented on the Application Data Sheet (Attachment 6).

#### Site and Surrounding Area

The site is located on the south side of Chatsworth Drive approximately 35 metres west of Yonge Street. The site is separated from Yonge Street by a small 6.4 metre wide Cityowned pedestrian access into the adjacent Duplex Parkette, which park abuts the subject site to the east and south. A gas station is located at the southwest corner of Chatsworth Drive and Yonge Street.

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

The property is the former site of the Fifth Church of Christ Scientist, which was recently demolished.

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

Land uses surrounding the site are as follows:

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

#### **Provincial Policy Statement and Provincial Plans**

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

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

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

#### **Official Plan**

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, semidetached 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*.

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. It is recognized that *Neighbourhoods* will undergo some physical change over time as enhancements, additions and infill housing occurs. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood. Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods*" are considered to be physically stable areas.

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 5 further 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.

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. Built form policies in the Official Plan (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, Section 3.1.2 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.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and 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.

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

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

Section 3.4 of the Official Plan includes policies on protection of the natural environment. The lands which are located below the top of bank as determined by the Toronto and Region Conservation are identified in the Official Plan as being part of the Natural Heritage System. The Plan's objective is to protect, restore and enhance natural

features and to reduce impacts of development on the natural environment. Development is generally not permitted in the natural heritage system and is to be set back at least 10 metres from the top-of-bank of valleys. This setback applies in a situation where an existing building location does not meet the required setback from the staked top-of-bank – regardless of an existing situation, any new development must respect the 10 metre setback from the top of bank as per Policy 3.4.8. Land below the top of bank or other hazard land may not be used to calculate density in the zoning by-law or used to satisfy parkland dedication as per Policy 3.4.9. The Plan's policies also require that a study be provided to assess the proposed development's impact on the natural environment.

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

#### Zoning

#### 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 Bylaw 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.

#### 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 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.

### Site Plan Control

A Site Plan Control Application has been filed with the City (file no. 13 281459 NNY 16 SA) and will be reviewed concurrently with the applications for Official Plan and Zoning By-law Amendment.

## **Ravine Control**

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

#### **Tree Preservation**

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

#### **Toronto and Region Conservation Authority**

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

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

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

- Physical top of bank of the valley feature;
- Predicted long term stable top of bank, where geotechnical concerns exist (must be confirmed through an appropriate geotechnical slope stability analysis);
- Limits of flooding on the property during a Regional Storm Event; and /or
- Limits of significant vegetation (drip line) which is contiguous with the valley corridor.

#### **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 6-7 storey residential building.

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

#### COMMENTS

#### **Application Submission**

The following reports/studies were submitted with the application:

- Architectural Plans
- Landscaping Plans
- Planning Report
- Scoped Environmental Impact Study
- Toronto Green Standard Checklist
- Functional Servicing and Stormwater Management Report
- Transportation Impact Study
- Soil Investigation Report
- Tree Inventory and Preservation Plan

A Notification of Incomplete Application issued on January 22, 2014 identified the outstanding material required for a complete application submission as follows:

- Stage 1 Archaeological Assessment
- Massing Model
- Natural Heritage Impact Study

It was determined by City staff that the submitted Environmental Impact Study addressed the required content of the Natural Heritage Impact Study and the applicant was advised accordingly by email on March 10, 2014.

The Stage 1 Archaeological Assessment was submitted on February 27, 2014.

Copies of the Massing Model required for circulation were submitted on March 18, 2014 and a Notification of Complete Application was issued on March 19, 2014.

#### Issues to be Resolved

#### Land Use

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

The proposed apartment building is a residential use and is permitted in a *Neighbourhoods* designation. The applicant's proposal for a 6-7 storey apartment in a *Neighbourhoods* area does not meet the intent of the Official Plan and raises a number of concerns as discussed below.

#### **Proposed Height and Density**

The proposed building is 6-storeys (22.0 metres) fronting Chatsworth Drive and 7-storeys (25.75 metres) facing Duplex Parkette and the Chatsworth Ravine, the lowest floor containing 5 residential units and indoor amenity area overlooking private and public open space as well as the garbage room. The proposed heights are exclusive of the mechanical penthouse component. The proposed height is not consistent with the *Neighbourhoods* policies of the Official Plan.

The proposed density of 2.5 times the lot area is substantially higher than the adjacent development. There is also a question of how the site density has been calculated. Any lands to be conveyed to a public agency should not be used to calculated density including the lands below the defined top-of-bank. These lands would normally be conveyed to the Toronto and Region Conservation and would not remain in the possession of the land owner. Staff will work with the applicant to clarify the proposed density.

#### **Built Form and Existing Context**

Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of the neighbourhood and its planned context. Elements that are important to the character of the neighbourhood are set out in Policy 4.1.5 and include: the patterns of streets, blocks and lanes; the size and configuration of lots; and the pattern of prevailing setbacks and landscaped open spaces.

Redevelopment must have regard for the existing built form context. A determination of whether this proposal respects the physical character of the buildings, streetscapes and open space patterns of the neighbourhood and the precedent which could be set if this form of development is approved within the immediate area will be evaluated as part of

the detailed review of this application. On a preliminary basis, the proposed building is different from the prevailing physical character and patterns in the neighbourhood.

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

The City of Toronto's Official Plan requires that new buildings be sited, massed and scaled to fit harmoniously into the existing context and development must limit its impact on neighbouring streets and properties. The massing of new buildings should respect the existing street proportions. In this regard, the applicant's proposal does not respect the built form and *Neighbourhoods* policies of the Official Plan.

In addition, on a preliminary basis, the following issues have been identified:

- The appropriateness of the proposed 6-7 storey apartment building use on this site;
- The appropriateness of an Official Plan Amendment to permit a 6-7 storey apartment building;
- Impact and fit of the proposed building on Chatsworth Drive;
- Impact of the proposed building envelope on the site and surrounding neighbourhood;
- The appropriateness of the encroachment of the proposed building envelope into the minimum 10-metre set-back from the top-of-bank;
- The appropriateness of the site density and the methodology by which it was calculated;
- The desirability of providing family-sized units;
- Traffic impacts and parking assessment, including the appropriateness of converting Chatsworth Drive which is currently a one-way street into a two-way operation between Yonge Street and the intersection of the proposed vehicular access with Chatsworth Drive; and
- Impacts on the valley/ravine lands and natural environment.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

#### CONCLUSIONS

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

Therefore, the applicant should be requested to revise the proposal to address the issues identified in this report. A Community Consultation meeting should be scheduled to receive neighbourhood commentary on the proposal.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

#### CONTACT

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#### SIGNATURE

Allen Appleby, Director Community Planning, North York District

#### ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Context Plan
Attachment 3a: North Elevation (Chatsworth Drive) [as provided by applicant]
Attachment 3b: South Elevation (view from Duplex Parkette [as provided by applicant]
Attachment 3c: East and West Elevations [as provided by applicant]
Attachment 4a: Former City of Toronto Zoning By-law 438-86
Attachment 4b: City of Toronto Zoning By-law 569-2013
Attachment 5: Official Plan
Attachment 6: Application Data Sheet



Attachment 1: Site Plan







**Attachment 3b:** South Elevation (view from Duplex Parkette)



Attachment 3c: East and West Elevations



#### Attachment 4a: Former City of Toronto Zoning By-law 438-86

MCR Mixed-Use District

G Parks District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

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



Attachment 5: Official Plan



# Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment &		Application Number:			13 281456 NNY 16 OZ				
Details	Rezoning OPA & Rezoning, Standard		Appli	Application Date:		December 27, 2013				
Municipal Address:	41 CHATSWORTH DR									
Location Description: PLAN 605E PT LOTS 190 TO 193 PT BLK A **GRID N1605										
Project Description:	Proposal to permit a 6-7 storey residential building with a total of 114 units (10,954m2) and three levels of below grade parking.									
Applicant:	Agent:		Architect:			Owner:				
GOLDBERG GROUP 2098 Avenue Road, Toronto M5M 3G9						ARKSE EVELO	Г PMENTS INC			
PLANNING CONTROLS										
Official Plan Designation:	Neighbourhoods		Site Specific Provision:		n: N	Ν				
Zoning:	R10.35 & G (438-86)		Historical Status:		N	Ν				
Height Limit (m):	12.2 metres		Site Plan Control Area:		ı: Y					
PROJECT INFORMATION										
Site Area (sq. m):	4417	7	Height:	Storeys:	6					
Frontage (m):	150.	150.0 metres approx.		Metres:	0					
Depth (m):	irreg	irregular								
Total Ground Floor Area (sq. 1	m): 2010	a): 2010				Total				
Total Residential GFA (sq. m)	10954			Parking S	king Spaces:		120			
Total Non-Residential GFA (s	q. m): 0			Loading D	Docks	0				
Total GFA (sq. m):	1095	54								
Lot Coverage Ratio (%):	45.5									
Floor Space Index:	2.48									
DWELLING UNITS         FLOOR AREA BREAKDOWN (upon project completion)										
Tenure Type:	Condo				Above (	Grade	<b>Below Grade</b>			
Rooms:	0	Residential GI	FA (sq. m):		10954		0			
Bachelor:	1	Retail GFA (sq. m):			0		0			
1 Bedroom:	66 (58%)	Office GFA (sq. m):			)		0			
2 Bedroom:	47 (42%)	Industrial GFA (sq. m):			0		0			
3 + Bedroom:	0	Institutional/Other GFA (sq. m):		ą. m):	0		0			
Total Units:	114									
	R NAME: ONE/EMAIL:	Cathie Ferguse (416) 395-7117								