

# TORONTO STAFF REPORT

---

August 23, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Refusal Report  
OPA & Rezoning Application 06 134823 NNY 23 OZ  
Applicant: Adam J. Brown, Sherman-Brown-Dryer-Karol  
Architect: Rafael+Bigauskas  
169, 177 and 181 Maplehurst Ave.  
Ward 23 - Willowdale

Purpose:

This report recommends refusal of an application to develop 9 3-storey townhouses at the southwest corner of Maplehurst Avenue and Dudley Avenue and seek Council's direction for staff to attend the Ontario Municipal Board in opposition to the development should the application be appealed.

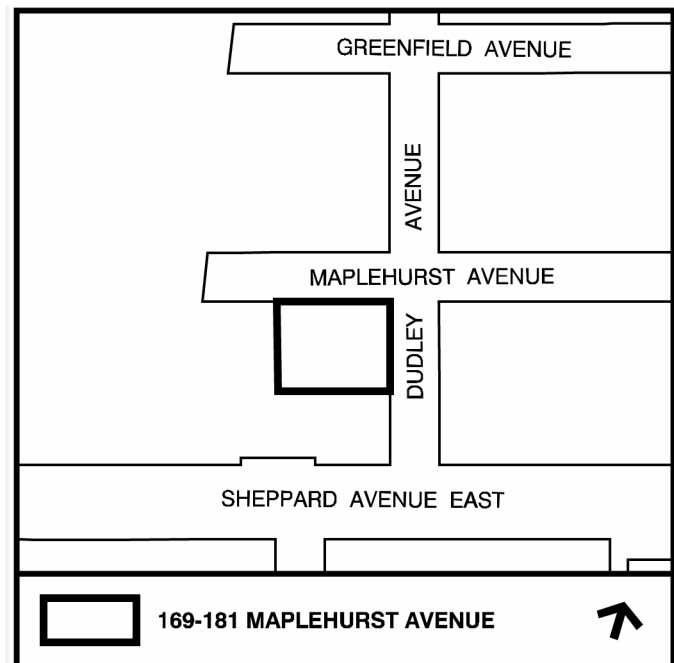
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council refuse the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan applications; and,
- (2) should the applications be appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal.



### Background:

Located at the southwest corner of Maplehurst Avenue and Dudley Avenue, the proposal is to demolish the three existing single detached dwellings on the site and construct nine townhouse units. The applications were submitted on May 12, 2006 with a supporting Stormwater Management Report and landscape/tree inventory.

### Proposal

The proposed development consists of one building with 9 grade-related townhouse units facing onto Maplehurst Avenue. The building is 3 storeys and approximately 10 metres high. Each unit has two parking spaces accessible from a shared driveway entering at the south end of the site off of Dudley Avenue. The Site Plan and Elevations are included in Attachments 1 and 2.

Each of the 3 bedroom units are approximately 200 square metres (2,100 square feet) in size. The building has a total floor area of approximately 1,800 square metres, which is similar in size to the 1,673 square metre area of the lot (1.05 FSI). The building covers 50% of the total site area, with the remaining site area consisting of driveway (29%) and landscaping (21%). Each unit has private outdoor amenity space provided by a deck located on the 2<sup>nd</sup> floor above the parking garage. Additional statistics are provided in on the Application Data Sheet in Attachment 4.

### Site Description

The rectangular site has dimensions of 45 metres fronting onto Maplehurst Avenue and a depth of 37 metres on Dudley Avenue.

The uses of surrounding properties are:

North:	across Maplehurst Avenue are single detached dwellings
South:	commercial properties that front onto Sheppard Avenue
East:	across Dudley Avenue are single detached dwellings
West:	a single detached dwelling, a vacant lot, and low rise apartments

### The *Planning Act*, Provincial Policy Statement (PPS)

The *Planning Act* requires decisions under the Act to be consistent with the Provincial Policy Statement. The Provincial Policy Statement (2005) includes policies to manage and direct land use to achieve efficient development and land use patterns. This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. Intensification opportunities are to take into account existing building stock or areas, and additional housing is to be directed towards locations where appropriate levels of infrastructure and public service facilities are or will be available. The Provincial Policy

Statement indicates that municipal official plans are to provide policies directing development to suitable areas.

#### Official Plan

The application was submitted prior to the full approval of the new City of Toronto Official Plan by the Ontario Municipal Board and as such the North York Official Plan is the in-force Official Plan for the purposes of reviewing this proposal. Both the North York Official Plan and the new City of Toronto Official Plan provide direction to oppose these applications.

#### City of North York Official Plan

The City of North York Official Plan is based upon providing more intensified land uses in centres and along corridors which are well served by transit. The Plan identifies potential reurbanization areas to accommodate future growth through adoption of Secondary Plans. This achieves one of the Plan's key objectives to "enhance the function of residential areas as viable residential neighbourhoods by identifying areas of the City where major redevelopment is not desired or needed." The site is not located in a reurbanization area. Reurbanization areas that are in proximity to the site are addressed by the North York Centre and Sheppard Avenue Commercial Area Secondary Plans that permit a variety of land uses, and provide maximum density, floor space, and height limits that achieve a transition to the stable low density areas in the interior of the block and on the site of this proposed redevelopment.

The North York Official Plan recognizes stable residential neighbourhoods as areas where: "major redevelopment is not anticipated", "substantial changes to the amount and type of housing is [not] contemplated; and any regeneration will occur through new lots that are "compatible in scale and physical character with the existing residential neighbourhood". The Plan includes development criteria to guide intensification and redevelopment within stable residential neighbourhoods, and the redesignation of residential land to a higher density.

The site is located in the Residential Density One (RD-1) designation which permits single detached dwellings. The RD-1 designation does not permit townhouse units. Semi-detached dwellings may be permitted to a maximum density of approximately 12 units per hectare and where particular conditions apply including: on streets where other semi-detached dwellings exist; on arterial roads that form the edge of residential neighbourhoods; on lots flanking higher density lots or commercial, industrial or mixed uses; and, where the bulk, height and massing of proposed semi-detached dwellings is compatible with the zoning provisions for any abutting single detached dwellings. The policies state that "particular regard shall be given to the character of existing or approved development in the surrounding area to avoid development incompatible with the existing development and to maintain appropriate land use performance standards and maintain or create compatible built form relationships."

#### City of Toronto Official Plan

On July 6, 2006 the Ontario Municipal Board issued an order that brought the majority of the new City of Toronto Official Plan into full force and effect, thereby replacing the major elements

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

The site is located in the Official Plan's *Neighbourhood* designation. *Neighbourhoods* are made up of a variety of lower scale buildings including detached houses, semi-detached houses, townhouses, as well as interspersed walk-up apartments. The Plan identifies these established areas as "physically stable" in which development "will respect and reinforce the existing physical character of the neighbourhood". Particular aspects of physical character are identified including: patterns of streets, blocks and lanes; lot size; heights, massing, scale and dwelling type of nearby residential properties; prevailing building types, or predominant forms of development in the neighbourhood; and, prevailing patterns of rear and side yard setbacks and landscaped open space.

Much like the City of North York Official Plan, the new Official Plan identifies North York Centre as one of the City's four Centres, and Sheppard Avenue as part of the City's structure of Avenues. The Official Plan identifies the Centres and Avenues as key areas for future growth in the City. The Plan then designates the lands at the western end of Maplehurst Avenue (in the North York Centre) and fronting onto Sheppard Avenue East (on the Avenue) as a *Mixed Use Area*. This designation permits a broad range of commercial, residential and institutional uses and includes policies to guide development and its transition towards adjacent low scale *Neighbourhoods*.

### Zoning

The site is zoned One-Family Detached Dwelling Fourth Density Zone (R4). In this neighbourhood, this zone permits detached dwellings and standards associated with a minimum 15 metre lot frontage including a maximum height of 8.8 metres and 2 storeys.

### Site Plan Control

The applicant has submitted a proposal for Site Plan Control approval with the Official Plan and Zoning By-law amendment applications. The proposed Site Plan and elevations are included in Attachments 1 and 2.

### Reasons for the Application

An amendment to the Zoning By-law is required as the existing R4 zoning does not permit the proposed townhouses and related standards.

An application was made for an amendment to the former City of North York Official Plan as the proposed density and building type (townhouses) are not permitted in the RD-1 designation.

An amendment to the new Official Plan would also be required as the proposal would change the existing physical character of the neighbourhood as further discussed below.

## Comments

The proposed development is not acceptable and should be refused for three main reasons as outlined in more detail below: the site is not in an area of the City planned to accommodate the physical changes necessary to accommodate future population growth; any appropriate transition between high and low density areas is to be provided through the redevelopment outside of the stable residential area; and, the proposed development is not compatible with the physical character of the existing lower density neighbourhood.

### 1) Not in an Area Designated for Growth

The Provincial Policy Statement indicates that the municipal Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. Although they pre-date the 2005 Provincial Policy Statement, the North York and new City of Toronto Official Plans both include policies which support many of the objectives of the PPS.

The in-force North York Official Plan, newly approved City of Toronto Official Plan, and associated Secondary Plans were all created based on projected needs, and identify a land use structure of areas where intensification is appropriate. The Official Plans direct redevelopment to areas that take the existing building stock into account and where infrastructure and services exist and will be provided. The proposed development is not in one of those areas. As well, the applicant's submission indicates that the site is located within an "Avenue" of the new City of Toronto Official Plan's urban structure. However the site is not located on Sheppard Avenue East and has not been identified as part of the City's Avenue structure.

### 2) Transition is to be provided in Areas Designated for Growth

The identification of areas suitable for intensification is contingent upon providing a suitable form of redevelopment. Official Plan policies direct how redevelopment is to fit into the community, in particular where it is located at the edge of stable low density residential areas. The Plans provide for compatibility between redeveloping areas and stable low density residential areas by having redeveloping areas include a built form transition to adjacent stable residential areas. The fit and transition is not to be provided through redevelopment of sites adjacent to intensification areas as is proposed by this application.

### 3) Proposal is not compatible with the Physical Character of Surrounding Neighbourhood

Policies throughout both the North York Official Plan and new City of Toronto Official Plan are to protect stable residential neighbourhood areas from incompatible physical change. The surrounding neighbourhood context is made up of three main elements:

- the retail, office, and institutional uses fronting along the Sheppard Avenue East corridor with built forms ranging in height from one to four stories and located to the immediate south of the site.
- the higher density development and broad range of uses within the North York Centre Secondary Plan at the west end of Maplehurst Avenue.
- the relatively homogeneous low density residential area that includes and extends to the north, east and west of the site and first two components.

Given the existing and planned context noted above and the role of this site in the low density residential area of the surrounding neighbourhood, the application has been assessed for compatibility with, and impacts on, the adjacent low density area. The proposal will adversely impact the stability of the area because it does not respect the following elements of physical character:

a) Lot Size and Density

The proposal is to expand from three individual lots of approximately 15.24 metres (50 feet) each, to a single consolidated lot of 45.75 metres (150 feet). It would also not be uncommon for such a 9-unit townhouse block to be subsequently subdivided into 9 individual lots of approximately 5 metres (16 feet) each in width.

The existing lot frontages in the area are very homogeneous and the proposed consolidation (or subsequent) subdivision of the three lots could be readily replicated on many other similar sites in the neighbourhood. If all lots of similar characteristics in the area were to also consolidate into a 9-unit townhouse block, or subdivide into 9 individual townhouse lots, the physical character of the neighbourhood would be fundamentally changed and destabilized.

The proposed 9 townhouse units exceeds the permitted density of between 20 and 30 units per hectare. The proposed 9 townhouse would result in a density of approximately twice that amount or 53 units per hectare. Consolidation and redevelopment of this magnitude over an even small portion of the low density residential area could have a major impact on the City's ability to plan for growth and deliver necessary infrastructure and public service facility improvements in suitable areas.

b) Building Type

The proposal is to introduce townhouse building types into an area where they are neither permitted by the North York Official Plan, nor found in the existing low density neighbourhood. The area permits detached dwellings. Semi-detached dwellings are permitted subject to meeting the tests noted above, but as proposed fronting onto Maplehurst Avenue, the site would not even meet the Official Plan tests for semi-detached dwellings. The predominant building type in the neighbourhood is the single detached dwelling type that forms the basis for this application, and changing the 3 detached dwellings to 9 townhouses could easily be replicated at many locations throughout the neighbourhood. The application would change the character of the area and potentially initiate long term structural changes and instability to the physical character of building types in the neighbourhood.

c) Building Heights

In terms of height, all buildings in the immediately adjacent low density area reflect the Zoning By-law height limit of 8.8 metres and 2 storeys. The proposed 3-storey and 9.9 metre building height would have a negative impact on the scale of the streetscape and amenity of nearby stable residential properties.

d) Lane Access to the Block

The proposal is for a townhouse block with shared vehicular access from a private rear lane. The character of the area consists largely of single lots with each having a dwelling unit and individual front yard driveway access. The proposed rear vehicular access creates a new block and lane pattern not found elsewhere in the low density area. This lane and block structure enables a more urban land use structure for smaller lots and higher densities, and if initiated and replicated on other similar lots in the neighbourhood, would result in incompatible forms of development that destabilize the physical character of the existing neighbourhood.

Conclusions:

The proposed 9-unit townhouse development is not appropriate for this site. The policies of both the former City of North York Official Plan and the new City of Toronto Official Plan provide the basis for refusing this proposal because it does not meet the intent of the Plans for development within stable residential neighbourhoods. The proposed lot size and density, building type, and building height do not reinforce or respect the physical character of the existing neighbourhood. The proposal would destabilize the existing building stock and result in land uses in an area not identified as suitable for redevelopment.

Staff recommend that City Council refuse the proposal, and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

Contact:

Rob Gibson, Senior Planner  
Ph: (416) 395-7059  
Fax: (416) 395-7155  
Email: rgibson@toronto.ca

---

Thomas C. Keefe  
Director, Community Planning, North York District

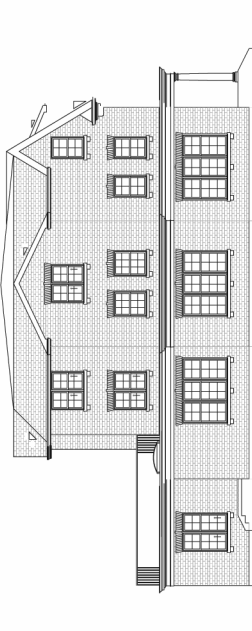
List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: City of North York Official Plan
- Attachment 4: City of Toronto Official Plan
- Attachment 5: Zoning
- Application 6: Application Data Sheet

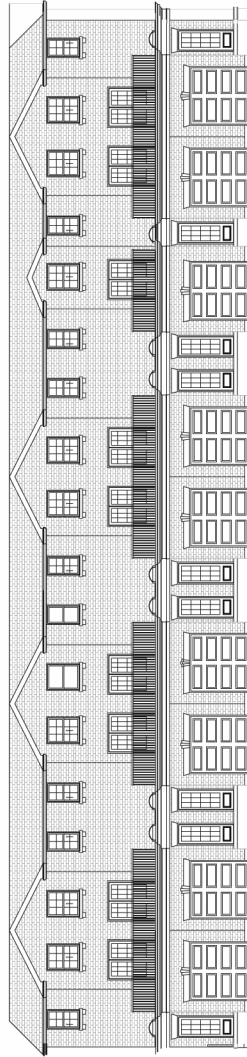




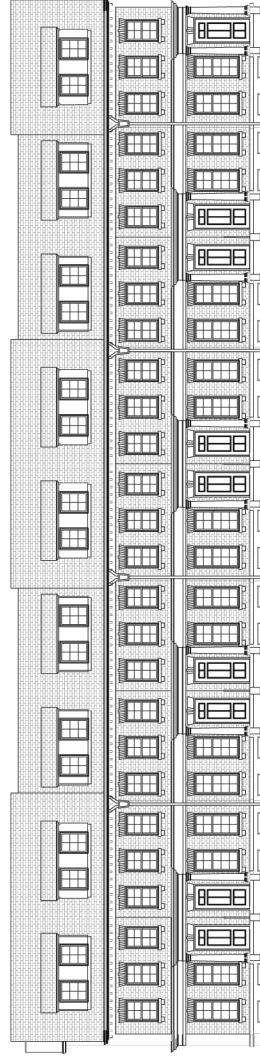
Attachment 2: Elevations



Dudley Avenue Elevation



Rear Elevation



Maplehurst Avenue Elevation

**Elevations**

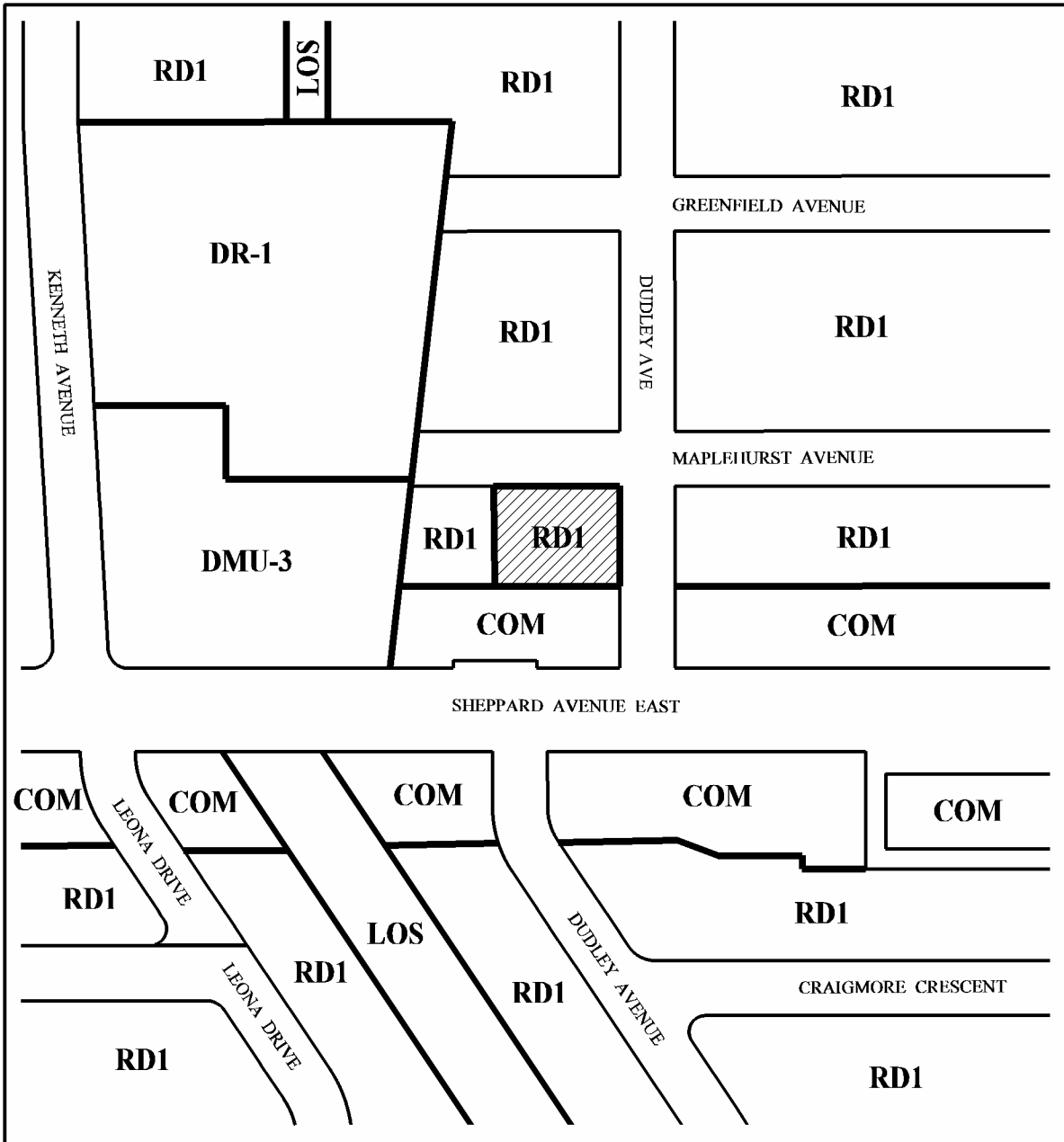
Applicant's Submitted Drawing

Not to Scale  
06/09/06


**169 -181 Maplehurst Avenue**

File # 06\_134823

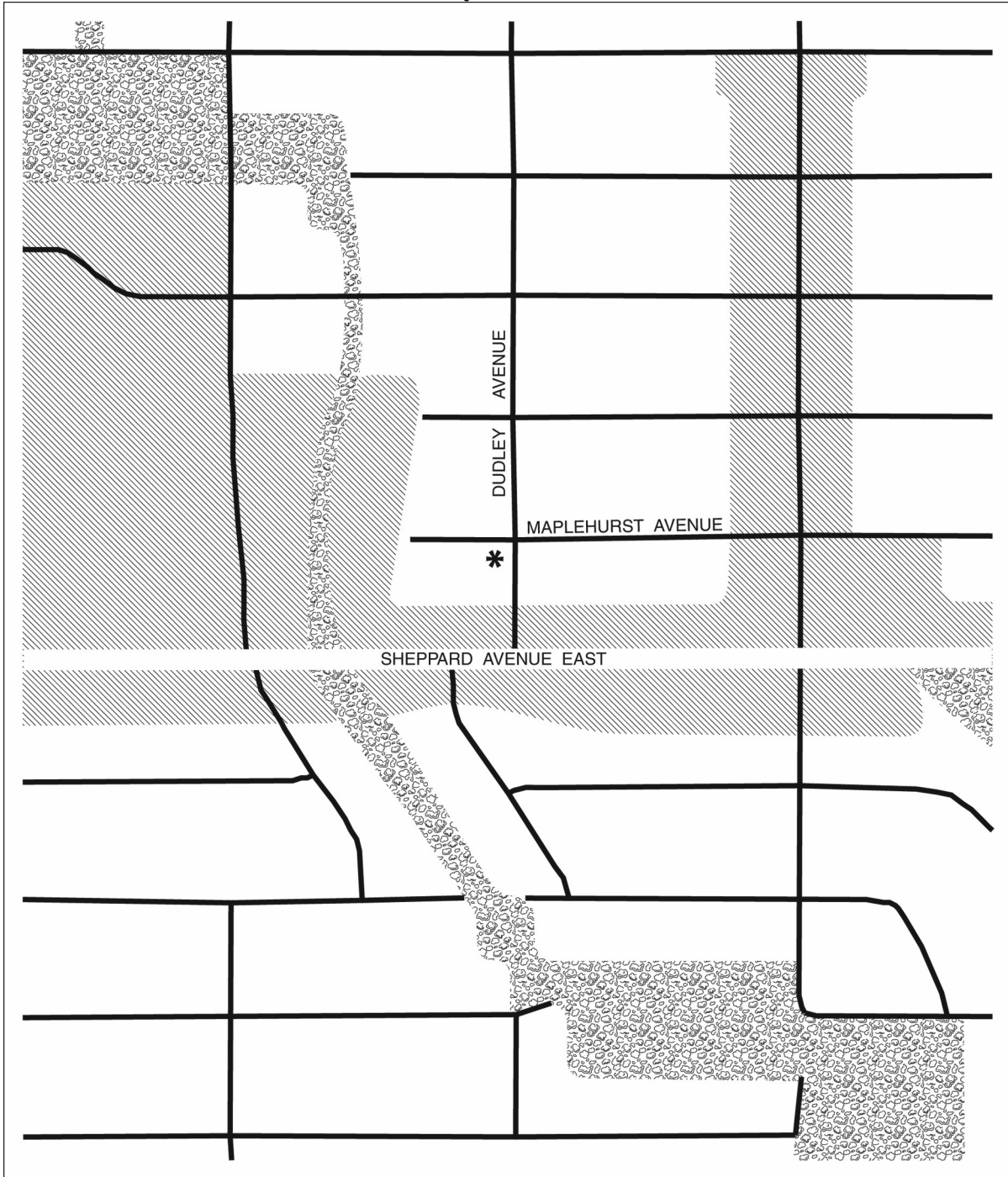
Attachment 3: City of North York Official Plan



- RD1 Residential Density One
- COM Commercial
- LOS Local Open Space
- DR-1 Downtown Residential - 1
- DMU-3 Downtown Mixed Use - 3

  
Not to Scale  
North York Official Plan  
Extracted 08/02/06

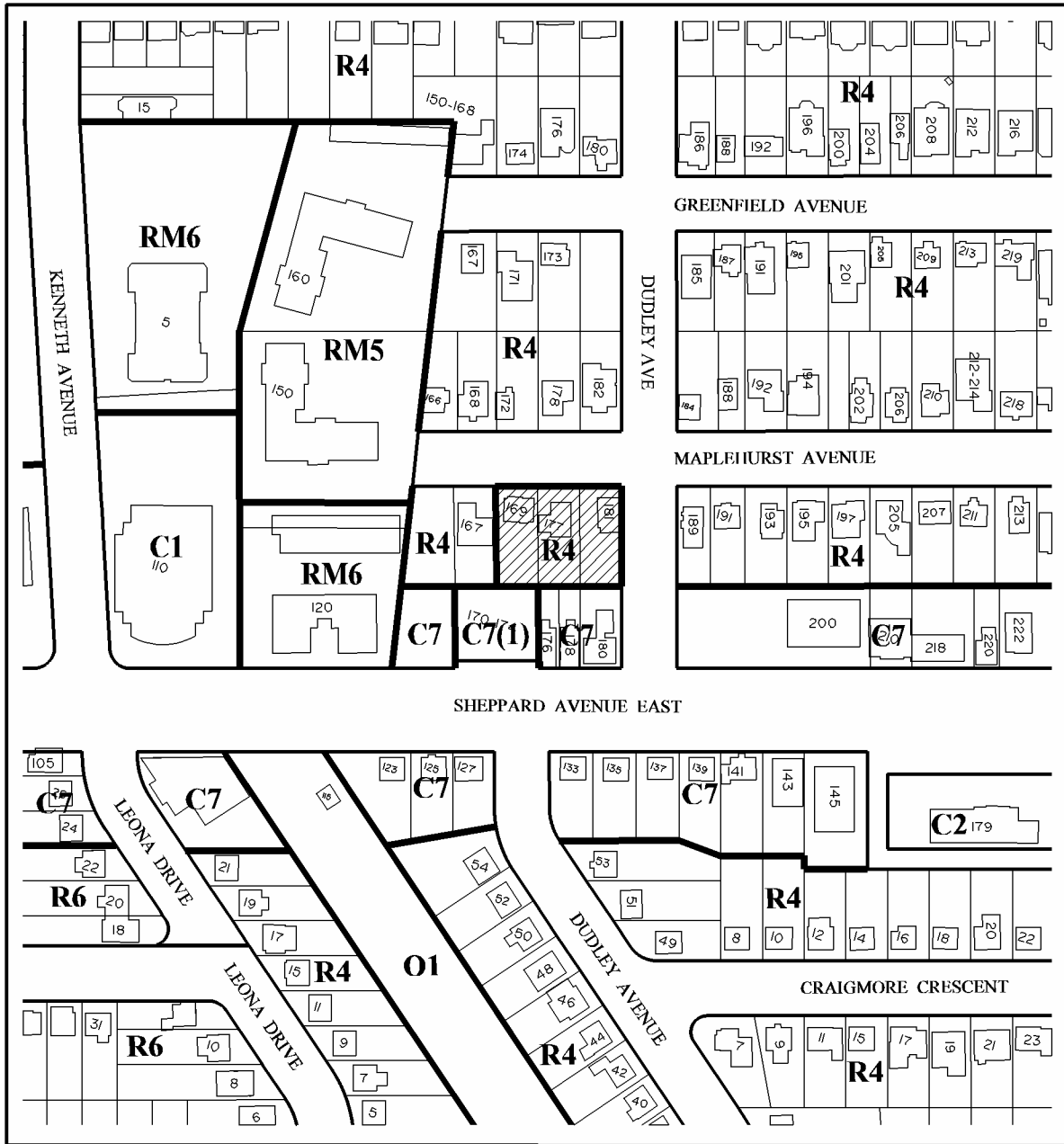
### Attachment 4: City of Toronto Official Plan



-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Parks



Attachment 5: Zoning (Map)



169-181 Maplehurst Avenue

File # 06\_134823

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- C2 Local Shopping Centre Zone
- C7 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale  
Zoning By-law 7625  
Extracted 06/09/06



