

**16 Kirtling Place – Official Plan Amendment, Zoning By-law Amendment and Site Plan Control – Refusal Report**

<b>Date:</b>	December 15, 2015
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	14 206084 NNY 25 OZ, 15 213903 000 00 OZ & 14 206091 NNY 25 SA

**SUMMARY**

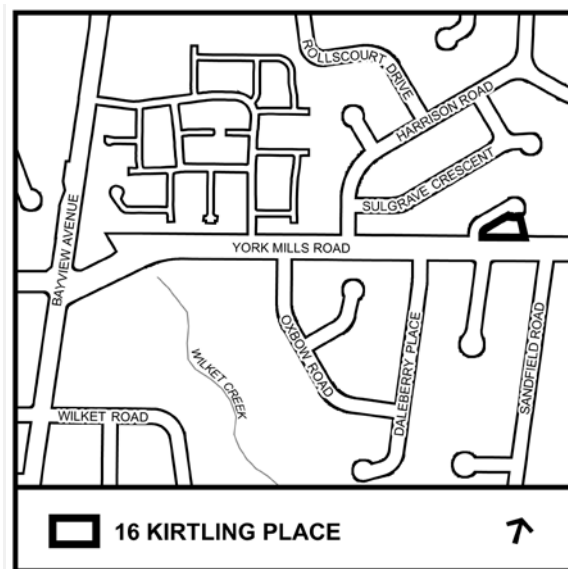
This application proposes to amend the Official Plan and Zoning By-laws to permit 6 townhouse units fronting onto York Mills Road and a detached dwelling fronting onto Kirtling Place. The existing detached dwelling would be demolished. Vehicular access would be taken from Kirtling Place.

The proposed townhouse built form is not in keeping with the policies of the Official Plan and is inappropriate for the site. As such, staff are recommending that the applications be refused.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the application to amend the Official Plan to permit a townhouse development on the site.
2. City Council refuse the application to amend the zoning by-laws to permit a townhouse development on the site.



3. Should the applications be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal of the Official Plan amendment, Zoning By-law amendments and the associated Site Plan application.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The application to amend the Zoning By-laws was received on August 13, 2014 and on January 13, 2015 North York Community Council adopted a Preliminary Report on the application through Item NY3.41. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to the regulations under the *Planning Act*.

The Preliminary Report is available at

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-74135.pdf>

The application to amend the Official Plan was received on August 27, 2015.

### **ISSUE BACKGROUND**

#### **Proposal**

This is an application to amend the Official Plan and zoning by-laws to permit six, 3-storey townhouse units and a 3 storey detached dwelling (see Attachment 1). The 6 townhouse units would front onto York Mills Road while the detached dwelling would front onto Kirtling Place. The townhouse units would have a third storey terrace at the rear along Kirtling Place while the detached dwelling would have a third storey terrace backing onto York Mills Road.

The townhouse units would be a minimum of 6 metres wide and have an overall lot coverage of approximately 40 percent. The Floor Space Index of the townhouse portion of the development would be 1.06. Each townhouse would have a rear 2 car integral garage. Two parking spaces are proposed in the rear yard within the Kirtling Place setback for visitors to the townhouse units.

The proposed detached dwelling would be located to the east of the townhouse units and front onto Kirtling Place. The proposed lot would have a frontage of 8 metres on Kirtling Place and a lot area of 480 square metres. The dwelling would have a lot coverage of approximately 26 percent and a Floor Space Index of 0.63. A 2 car integral garage in the front wall of the dwelling would provide parking for the owners while visitor parking could be accommodated on the driveway.

## Site and Surrounding Area

The site is located on the north-east corner of Kirtling Place and York Mills Road, is triangular in shape and has an area of approximately 1875 square metres. There is currently a detached dwelling on the site which would be demolished. Kirtling Place is a short cul-de-sac with a total of 8 lots, each with a detached dwelling.

This segment of York Mills Road primarily has residential dwellings along both sides of the street. These dwellings have either side or rear yard relationships to York Mills Road, fronting onto interior residential streets. There are no dwellings which front onto York Mills Road in this vicinity. There are 2 schools to the east of the site on the north side of York Mills Road: York Mills Collegiate Institute and Ecole Secondaire Etienne-Brule. At the corner of York Mills Road and Bayview Avenue, two blocks to the west, is a large townhouse complex known as "Bayview Mills" which backs onto York Mills Road and Bayview Avenue and is serviced by private streets.

## 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. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The Official Plan designates the site as *Neighbourhoods* which are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Small-scale retail, service and offices uses are also permitted. Development in *Neighbourhoods* is expected to "respect and reinforce" the existing physical character including building typology, size and configuration of lots, heights, massing and scale. Infill developments, such as the one proposed, should have building types with heights, massing and scale that are appropriate for the site and surrounding area.

York Mills Road is identified as a *major street* on Map 3 of the Official Plan. Applications for intensification along *major streets* in *Neighbourhood* designations are

not encouraged. When a more intense form of development is proposed it is expected have regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*. When a more intense form of development along a major street has been approved, this should not be considered when assessing applications in the interior of the *Neighbourhood*.

The Toronto Official Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

## **Zoning**

The site is currently zoned One-family Detached Dwelling Second Density Zone (R2) by former City of North York Zoning By-law 7625. This zone permits detached dwellings, parks and some institutional uses. Townhouses are not permitted in the R2 zone.

The site is zoned RD (f21.0; a975)(x70) by City of Toronto Zoning By-law 569-2013 which is currently under appeal. This zone permits detached dwellings, places of worship, group homes and community centres. Exception 70 details performance standards relating to height and setbacks for permitted building types and ancillary buildings. Townhouses are not permitted in the RD zone.

By-law 569-2013 is available on the City's website at <http://www.toronto.ca/zoning>.

## **Site Plan Control**

An application for Site Plan Control under Section 41 of the *Planning Act* was filed in conjunction with the applications to amend the Official Plan and Zoning By-laws (file number 14 206091 NNY25 SA).

## **Reasons for Application**

The application to amend the Official Plan is required as townhouses are not part of the existing and planned context of the neighbourhood and as such the proposal does not conform to the Official Plan.

The application to amend the zoning by-laws is required as neither By-law 7625 nor By-law 569-2013 permit townhouses on the site. The submitted draft zoning by-laws also propose to amend the minimum lot requirements and development standards for the detached dwelling.

## **Community Consultation**

A community consultation meeting was held on February 25, 2015 with approximately 40 members of the public in attendance and was chaired by Community Planning staff.

Members of the community, especially those who live on Kirtling Place, were concerned that townhouses were proposed on the site. Residents opined that the built form was inappropriate and that the proposed density was too high. It was indicated that this may cause a precedent for townhouses along York Mills like what has happened on Bayview Avenue to the west.

Residents also had concerns with respect to traffic and pedestrian safety on the street. Currently there are no sidewalks on Kirtling Place and the additional vehicular traffic interacting with pedestrians was identified as an issue. Residents on Kirtling do not want to see a new public sidewalk along Kirtling Place. The amount of visitor parking being provided is also a concern.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

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

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities are provided.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

Both of these documents are high-level and broad reaching. The City is a development area and infill is encouraged under these policies. The PPS states that the most important method of implementing the policies is a municipality's Official Plan which guides the method of intensification and where it should be focused.

### **Building Type**

The site is designated *Neighbourhoods* in the Official Plan. These areas are considered to be "physically stable" and development within these areas will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space pattern in these areas. While these areas will change over time, they are not intended to accommodate the city's growth and any change needs to reflect the existing character.

The *Neighbourhoods* policies in the Official Plan also state that development in these areas should "respect and reinforce the existing physical character of the neighbourhood". The character of a neighbourhood varies across the city and is determined by things such as dwelling type of nearby residential properties, prevailing building types and prevailing patterns of rear and side yard setbacks. The policies state that no changes will be made through amendments to the zoning by-law that are out of keeping with this character.

The applicant's proposal of 6 townhouse units is not in keeping with the prevailing building type of detached dwellings and the prevailing patterns of rear and side yard setbacks in the immediate area. There are no townhouses which front onto this section of York Mills Road and the existing townhouse development farther to the west backs onto York Mills Road, is accessed by private roads and is part of a residential enclave with vehicular access only to York Mills Road and Bayview Avenue. The private road system does not connect with the interior residential neighbourhood.

Townhouses are not part of the character of York Mills Road, nor are they part of the character of Kirtling Place. Kirtling Place is a small cul-de-sac made up of detached dwellings, primarily bungalows. Introducing this building type would be out of keeping with the policies of the Official Plan with respect to respecting and reinforcing the existing physical character.

## **Built Form**

The applicant is proposing 6 townhouse units fronting onto York Mills Road with the rear of building facing Kirtling Place. The unique corner condition of the site requires development to respect the prevailing street character of both street frontages. This section of York Mills Road is characterized by landscaped side and rear lots of detached dwellings abutting the public street. Corner lots front onto the local residential street and have a side yard relationship to York Mills Road, while mid-block lots front onto interior streets and have a rear yard relationship to York Mills Road.

There are no dwellings which front onto this stretch of York Mills Road. There is a townhouse development at the corner of York Mills Road and Bayview Avenue, this is not characteristic of the neighbourhood and has a different relationship to York Mills Road than the proposed development. The existing townhouse development has rear yard relationships to York Mills Road and Bayview Avenue and is accessed off of private streets. Other units have rear yard to rear yard relationships to the adjacent detached dwelling neighbourhoods.

The current dwelling on the site is consistent with the prevailing character of York Mills Road with a rear yard relationship to York Mills Road while the other corner lot (2 Kirtling Place) has a side yard relationship to York Mills Road. The proposed townhouse development would have a front yard relationship to York Mills Road and a rear yard relationship facing onto Kirtling Place which is an interior neighbourhood public street.

The proposal also does not respect the character of Kirtling Place. Kirtling Place is a small cul-de-sac with a total of 8 lots. Each lot contains a detached dwelling, predominantly 1 storey in height which front onto Kirtling Place. The streetscape is characterized by large landscaped front yards. The proposed townhouses would have the rear of the units facing onto Kirtling Place with a façade of garage entrances. Also proposed in the yard abutting Kirtling Place is a driveway and visitor parking spaces. This essentially creates a service area fronting onto Kirtling Place rather than a dwelling with landscaped front yards.

The proposed development does not provide appropriate building relationships to surrounding streets and does not reflect the prevailing character of York Mills Road and Kirtling Place.

### **Detached Dwelling Lot**

In addition to the proposed townhouse units, the applicant is also proposing a detached dwelling lot with a frontage on Kirtling Place of 8 metres and a lot area of 480 square metres. The current zoning requires a minimum lot frontage of 21 metres and a minimum lot area of 975 square metres. The applicant is proposing a lot which would have a lot frontage and area significantly smaller than what is required under the zoning by-law requirements.

The Official Plan requires that lots "respect and reinforce" the existing character within *Neighbourhoods*. Kirtling Place is a small cul-de-sac and the other dwellings located on it have frontages which meet the by-law requirements. Creating an 8 metre wide unit, less than half of what is required, would be out of keeping with the intent of the Official Plan.

The proposed detached dwelling would have a west side yard setback of only 1.5 metres, less than the By-law 7625 requirement of 3 metres. This is indicative of a lot which is too small and would also not be in keeping with the character of Kirtling Place. There have been no Minor Variance applications approved (or applied for) on Kirtling Place.

### **Neighbourhood Stability**

Introducing a townhouse development on the site would create a negative precedent for this stretch of York Mills Road. *Neighbourhoods* are intended to be physically stable and changes must be sensitive, gradual and generally fit with the existing character. The Official Plan requires development in *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The prevailing building types and prevailing patterns of rear and side yard setbacks are some of the elements of the physical character of the neighbourhood.

As discussed earlier in this report, no townhouses exist on Kirtling Place and no residential buildings front onto this stretch of York Mills Road. The proposal does not respect the character of either York Mills Road or Kirtling Place. Approval of townhouses on the site will likely lead to other development applications for townhouses

along this stretch of York Mills Road destabilizing the street and adjacent neighbourhood and altering the character of this area.

### **Access and Servicing**

The proposed access to the townhouse parking garages and visitor parking spaces is from a common driveway from Kirtling Place. The result is a rear yard with a large amount of hard surface to accommodate increased vehicular movements, eliminating the majority of the existing landscaped front yard. The introduction of a service area to the neighbourhood street creates negative impacts on the streetscape.

The applicant is also proposing 2 visitor parking spaces in the rear yard. The character of Kirtling Place is of front landscaped yards and driveways leading to integral garages. Locating these parking spaces in the rear yard reduces the amount of landscaping provided.

The introduction of visitor parking spaces, a common driveway and a façade dominated by garage doors is not appropriate. The development does not respond to the character of Kirtling Place. By proposing a townhouse development on the site the applicant proposes to turn the site's Kirtling Place frontage into a servicing area which does not provide an appropriate streetscape and does not reflect the character of the street.

### **Site Plan Control**

As previously mentioned, the applicant has also filed an application for Site Plan Control. Site Plan issues such as landscaping and building materials have not been addressed in this report as the proposed built form is not appropriate. As the proposed Official Plan and Zoning By-law amendments are inappropriate the Site Plan application is also inappropriate.

### **Conclusion**

The Official Plan designates the site as *Neighbourhoods* which policies state that any proposed development should respect and reinforce the existing and planned context. Townhouse units represent a new dwelling type not found along this stretch of York Mills Road and represent an intensification which is not appropriate. The application for a townhouse development is inappropriate for the subject site. The character of York Mills Road is of landscaped side and rear setbacks of detached dwellings.

Fronting units onto York Mills Road is also inappropriate. York Mills is characterized by landscaped rear and side yards. Fronting the units onto York Mills also creates a service area along the Kirtling Place streetscape. A development on this site needs to address all of the frontages and respect and reinforce the character of both York Mills Road and Kirtling Place.

The proposed detached dwelling lot is also inappropriate due to its size, especially the proposed lot frontage of 8 metres. The by-law requires a minimum frontage of 21 metres and no lots along Kirtling Place have a lot frontage this small. The detached lot is not in keeping with the lot characteristics of Kirtling Place.



Planning staff recommend the Official Plan and Zoning By-law Amendment application be refused.

## **CONTACT**

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E-mail: gmatthe2@toronto.ca

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

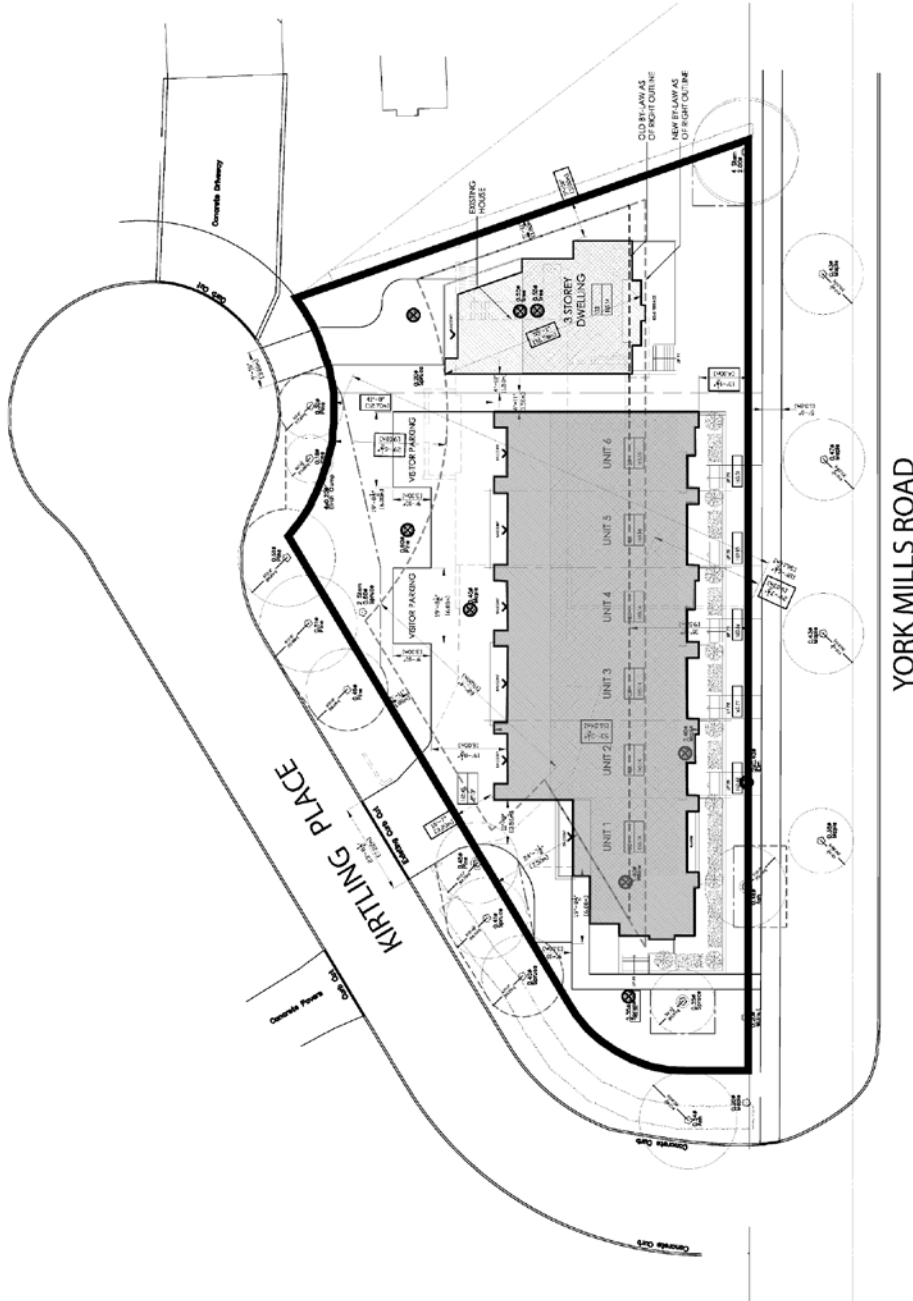
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



16 Kirtling Place

File # 14 206084 NNY 02

Site Plan

Applicant's Submitted Drawing

Not to Scale  
09/09/2014



## Attachment 2: Elevations



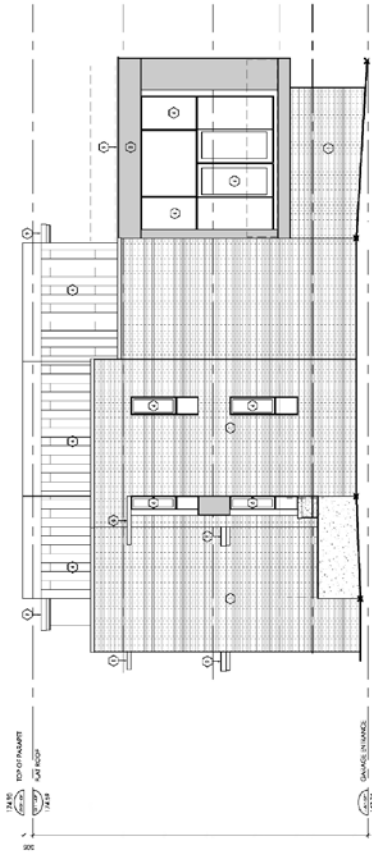
### Elevations

Applicant's Submitted Drawing

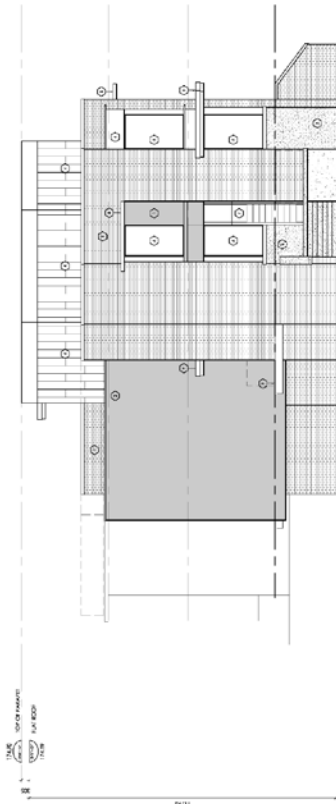
Not to Scale  
09/09/2014

16 Kirtling Place

File # 14 206084 NNY 02



EAST ELEVATION



WEST ELEVATION

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
09/09/2014

**16 Kirtling Place**

File # 14 206084 NNY 0Z

### Attachment 3: Zoning




**Zoning By-law 569-2013**

**16 Kirtling Place**

File # 14 206084 NNY 25 02

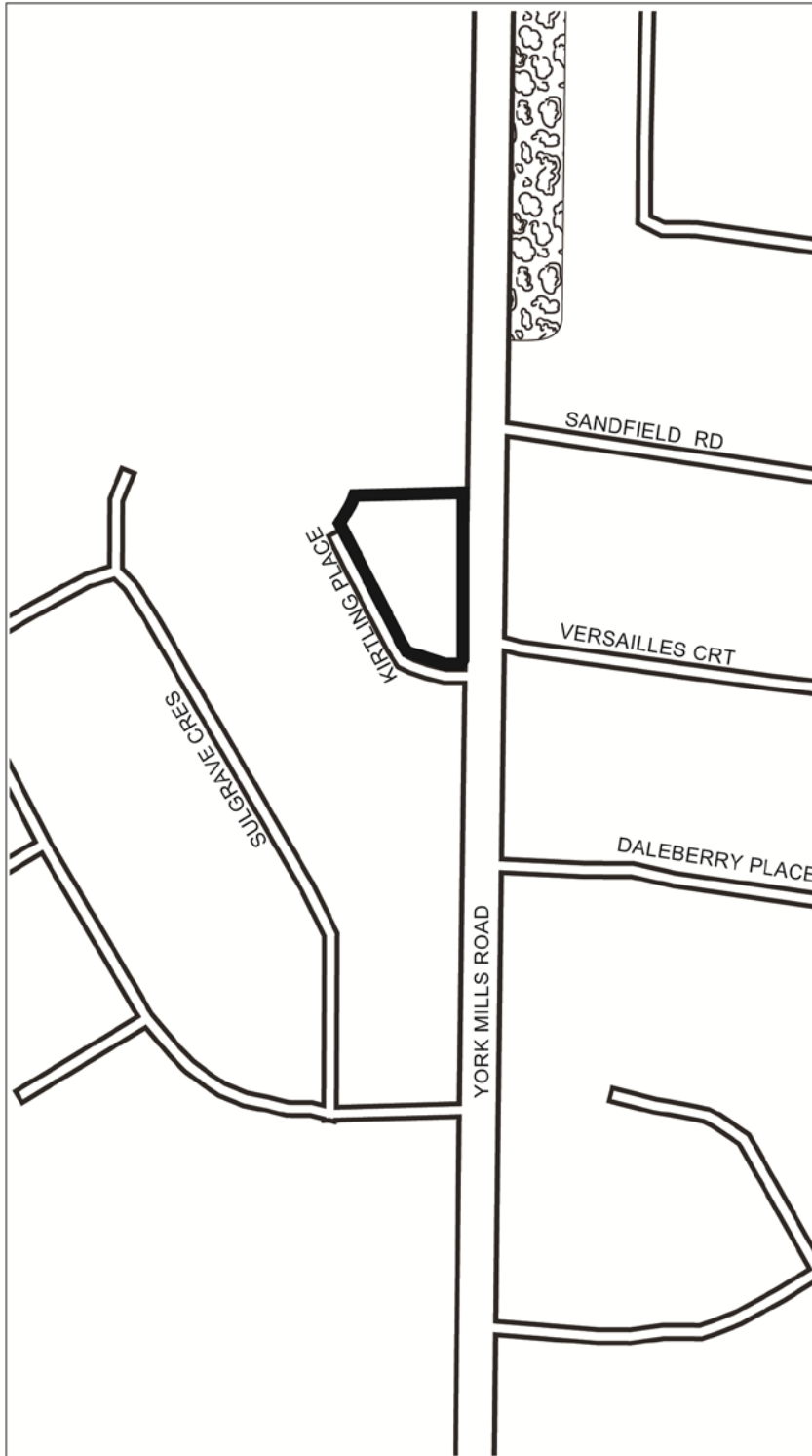
-  Location of Application
- RD** Residential Detached
-  Open Space

-  See Former City of North York Bylaw No. 7625
- R2** One-Family Detached Dwelling Second Density Zone



Not to Scale  
Extracted: 10/02/2014

Attachment 4: Official Plan



16 Kirtling Place

**Toronto** City Planning  
Extract from Official Plan

File # 14 206084 NNY 25 0Z & 15 213903 NNY 25 0Z

-  Site Location
-  Neighbourhoods
-  Parks

↑  
Not to Scale  
09/09/2014

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	14 206084 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	August 13, 2014

Municipal Address: 16 KIRTLING PLACE  
 Location Description: PLAN M707 PT LOT 61 \*\*GRID N2502  
 Project Description: The applicant is proposing to amend the zoning by-law to permit 6, three-storey townhouse units fronting onto York Mills Road and a four-storey detached dwelling fronting onto Kirtling Place. Site Plan Application 14 206091 NNY 25 SA

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
YORK-KIRTLING INC			YORK-KIRTLING INC

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R2	Historical Status:	N
Height Limit (m):	9.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1876.13	Height:	Storeys:	3	
Frontage (m):	62.43		Metres:	11.8	
Depth (m):	38.113				
Total Ground Floor Area (sq. m):	681.87				<b>Total</b>
Total Residential GFA (sq. m):	1782.64		Parking Spaces:	16	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1782.64				
Lot Coverage Ratio (%):	36.34				
Floor Space Index:	0.95				

### DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	7
Total Units:	7

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1782.64	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Guy Matthew, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7102</b>