

16 Kirtling Place – Zoning By-law Amendment Application – Request for Direction Report

Date: November 16, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 15 - Don Valley West

Planning Application Number: 19 244284 NNY 15 OZ

SUMMARY

On November 1, 2019, an application to amend the Zoning By-law was submitted to the City of Toronto for 16 Kirtling Place (the "Site"), which proposes to amend City of Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625 to permit one block of townhouses having seven units, fronting York Mills Road (the "Zoning By-law Amendment Application").

On March 3, 2020, the applicant appealed the Zoning By-law Amendment Application to the Local Planning Appeal Tribunal (the "LPAT"). The appeal was made without revisions to the original proposal and citing City Council's failure to make a decision on the application within the timeframe prescribed by the Planning Act. A pre-hearing conference has not yet been scheduled.

This report recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application, in its current form, at the LPAT. This report also recommends that despite the applicant's appeal of the Zoning By-law Amendment Application to the LPAT, City Planning staff continue to work with the applicant to resolve the issues detailed in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment Application for 16 Kirtling Place in its current form.
2. City Council direct the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve issues outlined in this report.
3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Local Planning Appeal

Tribunal withhold its Order until such time as the Tribunal has been advised by the City Solicitor that:

a. The final form and content of the draft zoning by-law amendments are satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning; and

b. The owner has addressed the comments in the Engineering and Construction Services memo dated December 24, 2019, as applicable, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

4. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

Current Application

The Zoning By-law Amendment application was submitted on November 1, 2019, and deemed complete on November 28, 2019. A Preliminary Report on the application was adopted by North York Community Council on February 5, 2020, authorizing staff to conduct a community consultation meeting with an expanded notice area. This decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY13.6>. Community consultation is summarized in the Comments section of this Report.

Previous Applications on the Site

At its meeting of February 3, 2016, City Council refused Official Plan Amendment (File 15 213903 NNY 25 OZ), Zoning By-law Amendment (File 14 206084 NNY 25 OZ), and Site Plan Control (File 14 206091 NNY 25 SA) Applications for six townhouses and one detached dwelling on the Site. This decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY11.34>. The owner appealed the decision of City Council to the Ontario Municipal Board (OMB), now known as the Local Planning Appeal Tribunal (LPAT), on February 11, 2016 (Case Number MM160009).

In a decision dated August 17, 2018, the LPAT approved the requested Official Plan Amendment, which was applied for to clarify that townhouses were a permitted building type on the site. However, the decision went on to find that while townhouses would be

permitted on the site in principle, the proposed development did not respect or reinforce the key physical characteristics of the neighbourhood surrounding the site, specifically the height, massing, and scale of the buildings, setbacks from the street, prevailing patterns of rear and side yard setbacks and landscape open space, and the form of development along York Mills Road. Accordingly, the LPAT ordered that the Zoning By-law Amendment appeal be dismissed, and the Site Plan Control appeal be adjourned indefinitely. This decision can be found at: <http://www.omb.gov.on.ca/e-decisions/mm160009-Aug-17-2018.pdf>.

Other Area Applications

On November 1, 2019, an application for Official Plan and Zoning By-law Amendment (File 19 244276 NNY 15 OZ) was received for 2 Sandfield Road to permit seven townhouse units fronting York Mills Road. A staff report dated February 24, 2020, recommending refusal of the application, was submitted to North York Community Council (NYCC) at its meeting of March 12, 2020. On March 3, 2020, prior to NYCC's consideration of this report, the owner appealed the applications to the LPAT (Case Number PL200155). On June 29 and 30, 2020, City Council refused the application. City Council's refusal of the application included direction for staff to attend the LPAT hearing, subsequently scheduled for March 22, 2021. This decision can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY14.2>.

On March 16, 2016, an application for Zoning By-law Amendment (File 16 127406 NNY 25 OZ) was received for 2 Harrison Road to permit six townhouse units fronting York Mills Road. On January 31, 2017, City Council refused the application. This decision can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.37>. The owner appealed the decision of City Council to the OMB, now known as the LPAT (Case Number PL170187). In a decision dated August 20, 2020, the LPAT ordered that the Zoning By-law Amendment appeals be allowed, pending confirmation from the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor. A final order has not been issued. This decision can be found at: <http://www.omb.gov.on.ca/e-decisions/pl170187-Aug-20-2020.pdf>.

ISSUE BACKGROUND

Proposal

This application proposes to amend Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625 for the property at 16 Kirtling Place to permit seven three storey townhouse units fronting York Mills Road. The proposed lot frontages would range from 7.5 metres to 22.3 metres. The gross floor area of the development is proposed to be 2,395 square metres, of which 426 square metres is below grade floor area, and the lot coverage is proposed to be 40.1%. The proposed building height is 11.5 metres to the peak of the roof.

The block of townhouses would have a front yard setback of 6 metres from York Mills Road, a rear yard setback ranging from 7.5 metres to 10.6 metres from Kirtling Place, and side yard setbacks of 6.5 metres from the west property line along Kirtling Place and 3.0 metres to the east from 14 Kirtling Place. Private terraces and ground floor patios with landscaping and garbage storage are proposed in the rear yards, along Kirtling Place. Pedestrian connections from the rear yards to Kirtling Place are also proposed.

Parking is proposed in a single level underground garage which would be accessed by a 6.0 metre wide ramp off Kirtling Place. Two dedicated parking spaces are proposed for each unit, which would be provided for in enclosed individual garages underground, as well two visitor parking spaces for the block, which would also be provided for underground.

Detailed project information is found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=B90zalppsqq83DZIV4vO%2FA%3D%3D>

Subject Site

The Site is located on the north side of York Mills Road, east of Bayview Avenue, at the northeast corner of York Mills Road and Kirtling Place. The Site is irregular in shape with an area of approximately 1,868 square metres and frontages of 78.4 metres on Kirtling Place and 73.9 metres along York Mills Road. While the site is currently vacant, it previously accommodated a detached dwelling with vehicular access from Kirtling Place.

Surrounding Area

York Mills Road, generally between Bayview Avenue and Leslie Street, accommodates several community uses including four public parks, two public secondary schools, the York Mills Arena, and a Toronto Fire Services station, all of which front York Mills Road. The rear yards and side yards of dwellings backing onto or having side relationships with York Mills Road, and fronting onto local residential streets are generally visible for the majority of the York Mills Road frontages on the north and south sides, however separated by fencing and landscaping. Some are also separated from York Mills Road by parkland.

North: Low-density residential neighbourhood characterized by detached dwellings, of which the Site forms a part.

South: York Mills Road and a low-density residential neighbourhood characterized by detached dwellings.

East: North of York Mills Road is the continuation of the low-density residential neighbourhood characterized by detached dwellings, as well as the public secondary schools referenced above, known as York Mills Collegiate Institute and School Secondary Étienne-Brûlé. South of York Mills Road is a low-density residential neighbourhood characterized by detached dwellings.

West: North of York Mills Road is the continuation of the low-density residential neighbourhood characterized by detached dwellings. Beyond this neighbourhood, northeast of Bayview Avenue and York Mills Road is the Toronto Fire Services Station 122, Bayview-York Mills Parkette, and a condominium townhouse development consisting of approximately 340 units fronting a series of internal private streets. South of York Mills Road is a low-density residential neighbourhood characterized by detached dwellings. Beyond this neighbourhood, southeast of Bayview Avenue and York Mills Road is the York Mills Arena and Irving Paisley Park.

APPLICATION BACKGROUND

Reasons for Application

An application to amend Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625 is required to permit the townhouse building type, lot coverage, setbacks for the front and rear yards, and other zoning performance standards as appropriate.

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale Report
- Draft Zoning By-law Amendments
- Public Consultation Plan
- Arborist Report
- Tree Preservation Plan
- Stormwater Management and Site Servicing Report
- Geotechnical Investigation
- Preliminary Hydrogeological Investigation
- Transportation Impact Assessment
- Toronto Green Standard Checklist

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Statutory Public Meeting Comments

In making their decision with regard to this application, City Council members will have had an opportunity to view oral submissions at the public meeting held by North York Community Council, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities,

including heritage preservation and environmental stewardship may be applicable to any application.

Chapter 2 - Shaping the City

The Healthy *Neighbourhoods* policies in Section 2.3.1 of the Official Plan state that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the exiting physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the City can fit harmoniously within the existing and/or planned context of the neighbourhood. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. This includes:

- Generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- Locating and organizing vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- Massing new development and its exterior façade to fit harmoniously into its existing and/or planned context;
- Massing new development to define the edges of streets, parks and open spaces at good proportion; and
- Providing for amenity for adjacent streets and open spaces.

Chapter 4 - Land Use Designations

The Toronto Official Plan (Map 16) designates the Site as *Neighbourhoods* (see Attachment 3). *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. New development within this designation will maintain the existing physical character. Parks, low scale institutions, home occupations, cultural and recreational facilities, and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan states that physical changes to established *Neighbourhoods* must be sensitive, gradual and "fit" the existing physical character. A key objective is that new development respect and reinforce the general physical patterns in a *Neighbourhood*.

Neighbourhoods Official Plan policies in Chapter 4.1 provide that development in established *Neighbourhoods* will respect and reinforce the existing physical character of

each geographic neighbourhood, and identify a set of development criteria in order to assess this in Policy 4.1.5.

The geographic neighbourhood is delineated by considering the context within the *Neighbourhood* in proximity to a proposed development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features.

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance. The determination of material consistency for the purposes of this policy will be limited to consideration of the physical characteristics listed in this policy.

In determining whether a proposed development in a *Neighbourhood* is materially consistent with the physical character of nearby properties, only the physical character of properties within the geographic neighbourhood in which the proposed development is to be located will be considered. Any impacts (such as overview, shadowing, traffic generation, etc.) of adjacent, more intensive development in another land use designation, but not merely its presence or physical characteristics, may also be considered when assessing the appropriateness of the proposed development.

The prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type or physical character. The prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood.

While prevailing will mean most frequently occurring, the Official Plan recognizes that some geographic neighbourhoods contain a mix of physical characters. In such cases, the direction to respect and reinforce the prevailing physical character will not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers within the geographic neighbourhood, provided that the physical characteristics of the proposed development are materially consistent with the physical character of the geographic neighbourhood and already have a significant presence on properties located in the immediate context or abutting the same street in the immediately adjacent block(s) within the geographic neighbourhood.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the overall physical character of the entire *Neighbourhood*.

Policy 4.7 states that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. However, where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

The Site is subject to Site and Area Specific Policy (SASP) 590. SASP 590 states that townhouse dwelling units are permitted at 16 Kirtling Place.

The outcome of staff's analysis and review of relevant Official Plan policies, designations and the Site and Area Specific Policy for the Site are summarized in the Comments section of the Report.

The Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is zoned RD (f21.0; a975) (x70) under Toronto Zoning By-law 569-2013. This zone requires minimum lot frontages of 21.0 metres, permits detached dwellings having a maximum building heights of 11.5 metres measured to the top of a peaked roof, maximum lot coverages of 30%, and minimum setbacks of 9.0 metres from the front lot line. Setbacks of 3.0 metres from the side lot lines, and the greater of 7.5 metres or 25% of the lot depth from the rear lot lines are also required. The zoning by-law can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

The site is also subject to North York Zoning By-law 7625, under which it is zoned R2 (One-Family Detached Dwelling Second Density Zone). This zone requires minimum lot frontages of 21.0 metres, permits detached residential dwellings having a maximum building heights of 9.5 metres measured to the midpoint of a peaked roof, maximum lot coverages of 30%, and minimum setbacks of 9.0 metres from the front lot line. Setbacks of 3.0 metres from the side lot lines, and 9.5 metres from the rear lot line are also required. Accessory buildings incidental to the detached dwellings are also permitted.

Townhouses are not permitted under either zoning by-law.

Townhouse and Low-rise Apartment Design Guidelines

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

Complete Streets Design Guidelines

The Complete Streets Guidelines outline a refined approach for street design — a complete streets approach which considers different and competing roles. This complete streets approach reinforces that streets should safely accommodate all users – pedestrians, cyclists, transit services and motor vehicles – and also support and enhance local neighbourhood context and character. It's about making streets that are safe, beautiful and vibrant places with efficient links in a multi-modal transportation network. The link to the Guidelines is here: <https://www.toronto.ca/services-payments/streets-parking-transportation/enhancing-our-streets-and-public-realm/complete-streets/complete-streets-guidelines/>.

Site Plan Control

The application is subject to Site Plan Control. An application for Site Plan Control was submitted August 13, 2014 (14 206091 NNY 25 SA), associated with the previous applications for Official Plan Amendment and Zoning By-law Amendment. The application for Site Plan Control was deferred indefinitely by the LPAT through its decision of August 17, 2018. The application has remained inactive.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the Provincial Policy Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the Growth Plan). Both the PPS and the Growth Plan are high-level and broad in their approach, identifying official plans as the key tool for implementing the policy goals of these documents.

Part I of the PPS states that its policies may be complemented by locally-generated policies, such as official plans. Section 1.1.3 speaks to settlement areas, stating that the vitality of these areas is critical to the long-term economic prosperity of communities, and that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, and promote green spaces, among other matters. Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form.

Policy 4.6 states that the official plan is the most important vehicle for implementation of the PPS, and that comprehensive, integrated and long-term planning is best achieved through official plans.

The PPS is to be read in conjunction with provincial plans, such as the Growth Plan. The Growth Plan 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.

Section 1.2.1 outlines the guiding principles for how land is to be developed, stating among other matters, a range and mix of housing options including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households will be supported.

Policy 5.2.5.6 states that in planning to achieve the minimum intensification targets of the Growth Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

Policy 5.2.5.8 states that the identification of delineated built-up areas are not a land use designation, and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

In following the direction of the PPS and the Growth Plan, Toronto's Official Plan identifies areas where growth and intensification are to be directed, and provides policies to ensure developments are well design in terms of built form, site design and public realm, among other matters. These directions are provided in the form of policies within the Official Plan, as well as applicable urban design guidelines.

As will be explored in the next section of this report, Official Plan SASP 590 allows for the townhouse building type proposed for the Site, and therefore supports the form of intensification. However, the massing and siting of the building, as well as its setbacks and landscaping do not conform to the policies of the official plan.

In order for this proposal to fully satisfy provincial level policy, the townhouse intensification must be proposed in a manner that conforms to the urban design and site design policies of the Official Plan. As described through the following sections, the proposal does not align with the development policies of the OP, and therefore is not consistent with the PPS and does not conform with the Growth Plan.

Toronto Official Plan

Geographic Neighbourhood

The Site is designated *Neighbourhoods* in the Toronto Official Plan. Chapter 2.3 of the Official Plan, *Stable But Not Static, Enhancing Our Neighbourhoods and Greenspaces* states, by focussing new residential development in the Downtown, the Centres, along the Avenues, and in other strategic locations, the shape and feel of neighbourhoods will be preserved. It goes on to acknowledge that some physical changes will occur over time, however 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.

Chapter 4.1, the land use policies of the *Neighbourhoods* designation, introduces the geographic neighbourhood. Policy 4.1.5 states the geographic neighbourhood is to be delineated by considering the context within the lands designated *Neighbourhoods* in proximity to the development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. This policy also states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the geographic neighbourhood, including:

- prevailing size and configuration of lots;
- prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
- prevailing building type(s);
- prevailing setbacks of buildings from the street or streets; and
- prevailing patterns of rear and side yard setbacks and landscaped open space;

Kirtling Place is a short cul-de-sac of eight lots, accessible to vehicles and pedestrians by York Mills Road only. Given the isolated nature of the street within the *Neighbourhood*, the character of Kirtling Place is of primary importance. Additionally, the character of York Mills Road has also been assessed, as the application proposes to front the development on York Mills Road.

It is staff's opinion that the current form of the proposal does not respect and reinforce the existing physical character of the geographic neighbourhood, as detailed in this report.

Building Type

In 2015 and 2016, Official Plan and Zoning By-law Amendment applications were submitted for the Site. The applications proposed six townhouse units fronting York Mills Road and one detached dwelling fronting Kirtling Place. As outlined in the Decision History section of this report, City Council refused these applications. The owner appealed the decision of City Council to the Ontario Municipal Board (OMB) now known as the Local Planning Appeal Tribunal (LPAT). A hearing took place before the OMB in February and March 2017. In a decision issued August 17, 2018, the LPAT allowed the appeal of the Official Plan Amendment Application, thus permitting townhouses on the site. However, in the same decision, the LPAT dismissed the appeal of the Zoning By-law Amendment Application, stating "the proposed development does not respect or reinforce key physical characteristics of the neighbourhood surrounding the site, specifically the height, massing, and scale of the buildings, setbacks of buildings from the street, prevailing patterns of rear and side yard setbacks and landscaped open space...".

The LPAT approved Official Plan Amendment for the Site has been finalized by City staff through Official Plan Amendment (OPA) 512, as Site and Area Specific Policy (SASP) 590. SASP 590 states that townhouse dwelling units are permitted at 16 Kirtling Place.

Accordingly, the proposed townhouse building type conforms to the Toronto Official Plan. However, as detailed in the following sections, the proposed building orientation, massing and setbacks, as well as other related matters, do not conform to the Development Criteria policies within Section 4.1.5 of the Toronto Official Plan.

Configuration of Lots and Building Orientation

Official Plan Policy 4.1.5.b states that development must respect and reinforce the existing physical character of the geographic neighbourhood, including in particular size and configuration of lots. Official Plan Policy 3.1.2.1.a states that new development will be located and organized to fit with its existing and/or planned context, framing and supporting adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback.

Eight properties, including the Site, are located on Kirtling Place, all of which front onto Kirtling Place with generous setbacks and landscaping. In addition to the public uses outlined in the Issue Background section of this report, approximately 90 existing dwellings line York Mills Road, between Bayview Avenue and the lands designated *Apartment Neighbourhoods* at Leslie Street. Of these dwellings, 14 have a side yard relationship with York Mills Road, all of which have fencing and/or planting along all or most of the side property line. The remaining dwellings have rear yard relationships with York Mills Road, all of which have fencing and/or plantings, along the entirety of the rear property line. There are no existing detached or townhouse dwellings fronting onto York Mills Road.

This application proposes lots which are arranged to front York Mills Road with rear yard terraces and enclosed garbage storage along Kirtling Place. This is neither characteristic of Kirtling Place, nor is it characteristic of York Mills Road or any geographic neighbourhood which it abuts. Rather, existing dwellings front onto local residential streets within the interior of their respective geographic neighbourhoods, and in some instances, have rear or side relationships with York Mills Road. The proposed lot configuration would disrupt the lotting pattern of Kirtling Place, as well as those of the established *Neighbourhoods* along York Mills Road, and therefore does not fit with the existing context. Accordingly, staff are of the opinion that the proposal does not conform to Official Plan Policies 3.1.2.1.a or 4.1.5.b. This proposal should be revised to orient the townhouse units to front Kirtling Place, with the rear yards along York Mills Road, in order to in part, respect and reinforce the existing physical character of Kirtling Place and York Mills Road.

Built Form and Landscaping

Official Plan Policy 4.1.5.c, f, and g state that development must respect and reinforce the existing physical character of the geographic neighbourhood, including in particular prevailing height, massing, scale, density and dwelling type of nearby residential properties, prevailing setbacks of buildings from the street or streets, and prevailing patterns of rear and side yard setbacks and landscaped open space.

Toronto Zoning By-law 569-2013 and North York Zoning By-law 7625 regulate building massing through maximum permissions for lot coverage and building height, together with minimum requirements for building setbacks. Toronto Zoning By-law 569-2013, which zones the site RD (f21; a975)(x70), permits a maximum building height of three storeys and 11.5 metres to the top of a peaked roof, maximum lot coverage of 30%, minimum setbacks of 9.0 metres from the front and rear lot lines, and minimum setbacks of 3.0 metres from the side lot lines. The provisions of North York Zoning By-law 7625 are largely the same, however the maximum permitted building height is 9.5 metres measured to the midpoint of a peaked roof, and the minimum rear yard setbacks is 9.5 metres.

The dwellings on Kirtling Place have generous front yard setbacks of 10 metres to 16 metres, and rear yard setbacks of 8.5 metres to 23 metres, resulting in lot coverages below the permitted 30%. Whereas, the proposed development would have reduced setbacks between 7.5 metres and 10.6 metres along Kirtling Place and of 6 metres along York Mills Road, resulting in a building with a lot coverage of 40.1%. While the proposal conforms to both zoning by-laws in terms of building height and side yard setbacks, the reduction to front and rear yard setbacks and increase in lot coverage would create a massing that is out of character of nearby residential properties, and a pattern of landscaped open space that does not fit with the existing or planned context. Accordingly, staff are of the opinion that the proposed massing, setbacks and pattern of landscaped open space do not conform to Official Plan Policies 3.1.2.1.a, 4.1.5.c, f or g. This proposal should be revised to increase the front and rear yard setbacks, increase the amount of landscaping, and reduce the lot coverage of the townhouse block, in order to respect and reinforce the existing physical character of the geographic neighbourhood.

Site Servicing and Transportation

Engineering and Construction Services and Transportation Services have reviewed the submitted Stormwater Management and Site Services Report and Transportation Impact Assessment. Requested revisions include updates to the submitted Stormwater Management and Site Services Report, the inclusion of a new 2.1 metre sidewalk on Kirtling Place and York Mills Road, and the conveyance of a corner rounding at the northeast corner of York Mills Road and Kirtling Place. These comments have not been addressed by the applicant.

Should this application ultimately be approved by the LPAT, staff recommend that a condition requiring the owner to address the comments in the Engineering and Construction Services memo dated December 24, 2019, as applicable, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, be included.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The application proposes to remove 4 regulated City-owned trees on Kirtling Place, and injure 3 regulated City-owned trees on Kirtling Place. Eight City-owned trees are to be

retained on Kirtling Place and York Mills Road combined. Ten privately-owned trees on the subject property are proposed to be removed. No privately-owned trees on the subject site are proposed to be retained. Four large-canopy trees are proposed on the Kirtling Place boulevard, and three large canopy trees are proposed on the York Mills Road boulevard. No large canopy trees are proposed to be replanted on the Site. Increased setbacks would increase opportunities for tree planting on the Site, and be more in keeping with the character of the neighbourhood.

Urban Forestry staff have reviewed the submitted Arborist Report and Tree Preservation Plan. Requested revisions include the retention of a healthy City-owned tree on Kirtling Place, as well as the planting of large growing trees on private property. These comments have not been addressed by the applicant.

Should this application ultimately be approved by the LPAT, these matters could be addressed through the required Site Plan Control Application.

Community Consultation

A virtual community consultation meeting was held by City Planning on September 14, 2020 which was attended by 15 members of the public, City Staff, the applicant and their team and staff from the Ward Councillors office. The following issues/comments were raised at the community consultation meeting:

- Additional traffic resulting in potential for conflicts between vehicles and pedestrians or cyclists on Kirtling Place and at the intersection of Kirtling Place and York Mills Road.
- The need for sidewalks along Kirtling Place.
- Adequacy of the setbacks from Kirtling Place as it relates to sightlines at the intersection of Kirtling Place and York Mills Road.
- Adequacy of the proposed parking supply.
- Adequacy of the proposed visitor parking supply.
- Negative impacts to the existing character of York Mills Road.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020), particularly as the current form of the proposal does not conform with the Toronto Official Plan as it relates to respecting and reinforcing the existing physical character of the geographic neighbourhood. The current plan does not address the following staff concerns: the configuration of the lots and building orientation, which currently front York Mills Road, the setbacks from Kirtling Place and York Mills Road and resulting patterns of landscaped open space, and the lot coverage of the building. The proposal does not represent good planning and is not in the public interest.

Staff recommend that City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Zoning By-law

Amendment application for 16 Kirtling Place in its current form. Staff should continue to work with the applicant in an attempt to resolve the issues outlined in this report.

CONTACT

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E-mail: Michelle.Corcoran@toronto.ca

SIGNATURE

John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map: North York Zoning By-law 7625
- Attachment 5: Existing Zoning By-law Map: Toronto Zoning By-law 569-2013

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: South (York Mills) Elevation
- Attachment 8: North (Kirtling Place) Elevation
- Attachment 9: West (Kirtling Place) Elevation
- Attachment 10: East Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 16 KIRTLING PL Date Received: November 1, 2019

Application Number: 19 244284 NNY 15 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application to permit one block of seven townhouse units fronting onto York Mills Road, with a gross floor area 2,395 square metres. The proposal includes 14 residential parking spaces and two visitor parking spaces.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP		RICHARD WENGLER ARCHITECT INC.	2462529 ONTARIO INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	SASP 590
Zoning:	RD (f21.0; a975) (x70)	Heritage Designation:	N
Height Limit (m):	11.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,868 Frontage (m): 74 Depth (m): 35.16

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			752	752
Residential GFA (sq m):			2,395	2,395
Non-Residential GFA (sq m):				
Total GFA (sq m):			2,395	2,395
Height - Storeys:			3	3
Height - Metres:			12	12

Lot Coverage Ratio (%): 40.14 Floor Space Index: 1.28

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,969	426

Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1		7	7
Condominium:				
Other:				
Total Units:	1		7	7

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					7
Total Units:					7

Parking and Loading

Parking Spaces:	16	Bicycle Parking Spaces:	Loading Docks:
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CONTACT:

Michelle Corcoran, Senior Planner
 (416) 395-7130
 Michelle.Corcoran@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



16 Kirtling Place

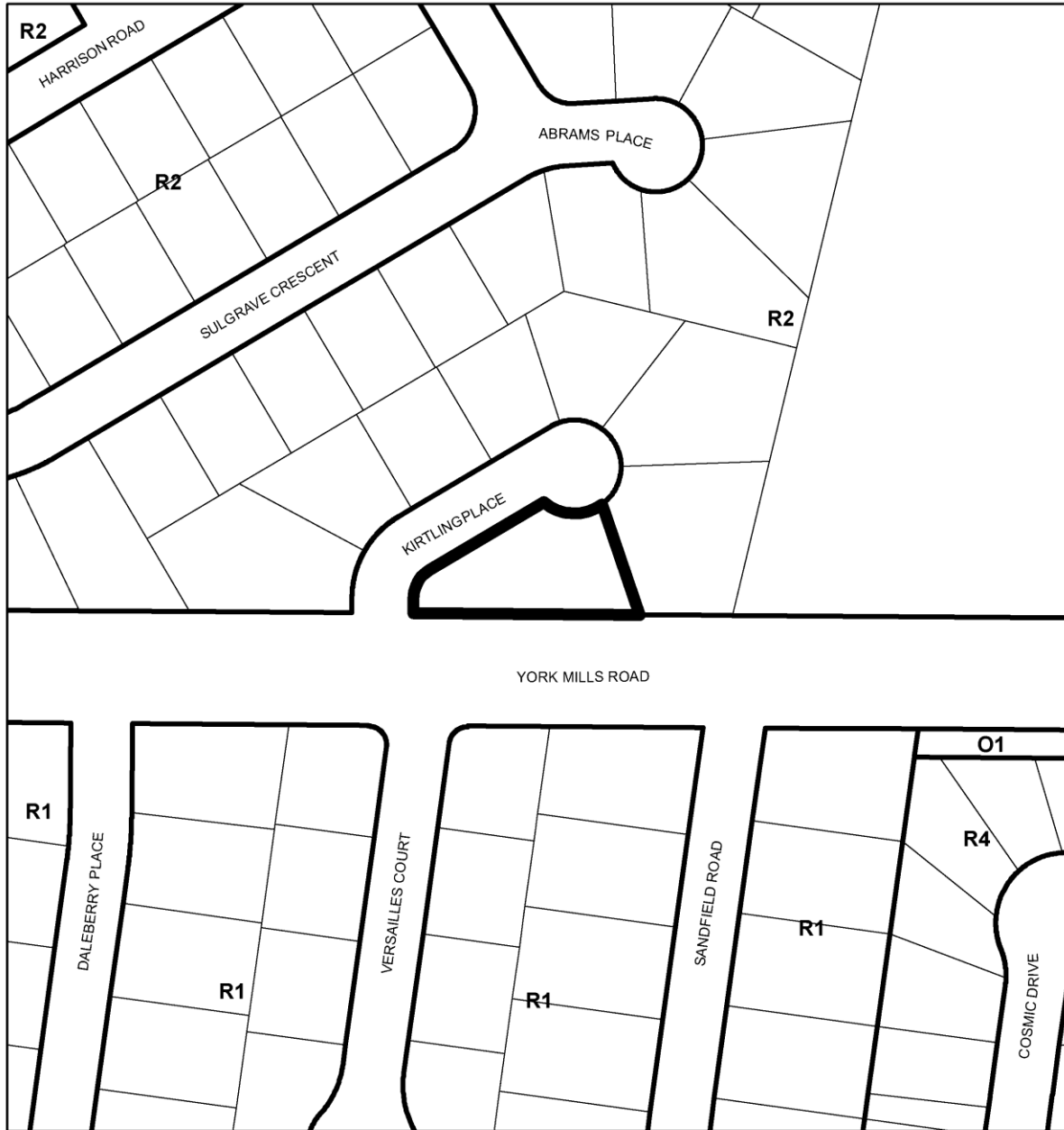
Official Plan Land Use Map #16

File # 19 244284 NNY 15 0Z

-  Location of Application
-  Neighbourhoods
-  Parks & Open Space Areas
-  Parks


Not to Scale
11/25/2019


Attachment 4: Existing Zoning By-law Map: North York Zoning By-law 7625



Zoning By-law 7625

16 Kirtling Place

File # 19 244284 NNY 15 0Z

 Location of Application

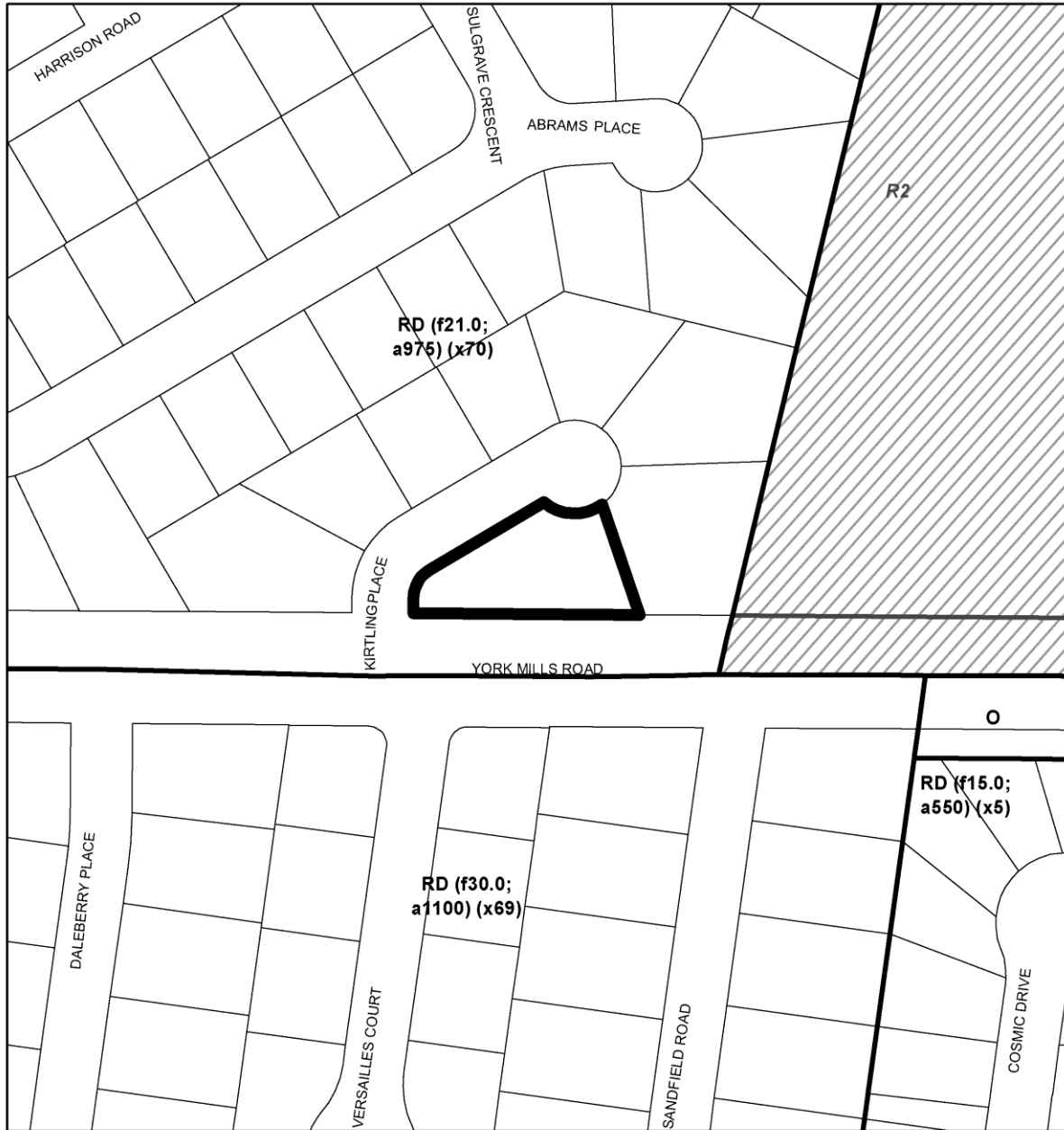
R1 One-Family Detached Dwelling First Density Zone
R2 One-Family Detached Dwelling Second Density Zone

R4 One-Family Detached Dwelling Fourth Density Zone
O1 Open Space Zone



Not to Scale
 Extracted: 11/25/2019

Attachment 5: Existing Zoning By-law Map: Toronto Zoning By-law 569-2013



Zoning By-law 569-2013

16 Kirtling Place

File # 19 244284 NNY 15 0Z



Location of Application

RD Residential Detached

O Open Space



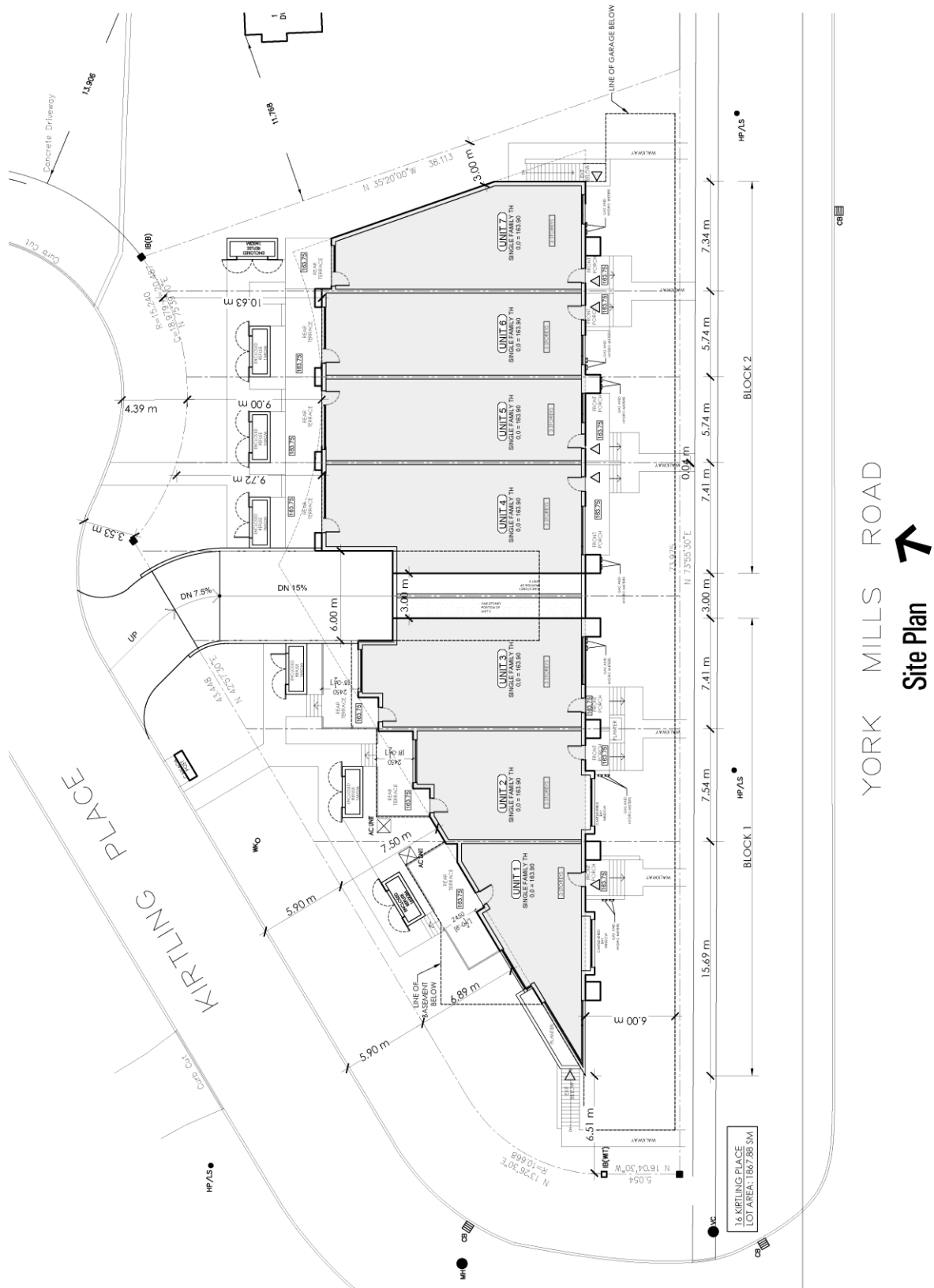
See Former City of North York By-law No. 7625

R2 One-Family Detached Dwelling Second Density Zone

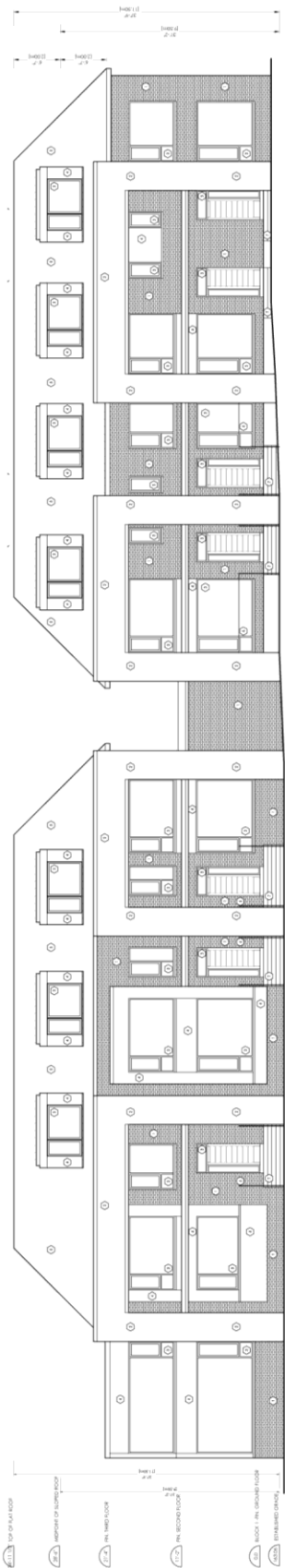


Not to Scale
Extracted: 11/25/2019

Attachment 6: Site Plan

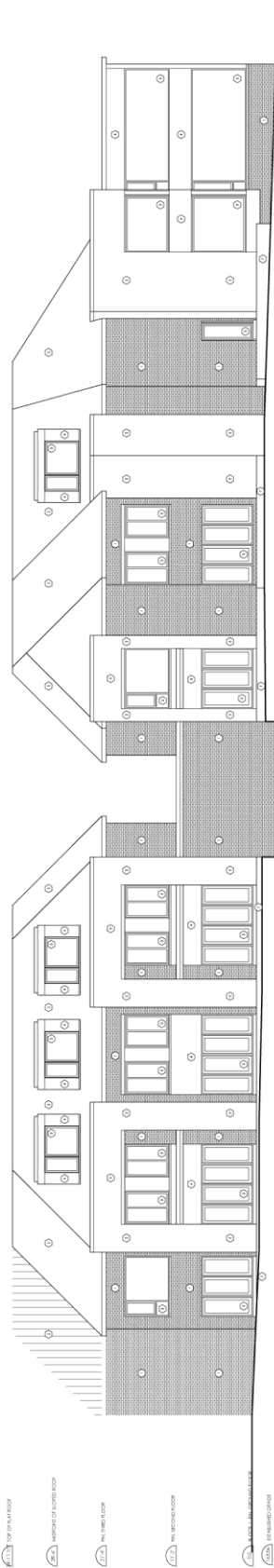


Attachment 7: South (York Mills Road) Elevation



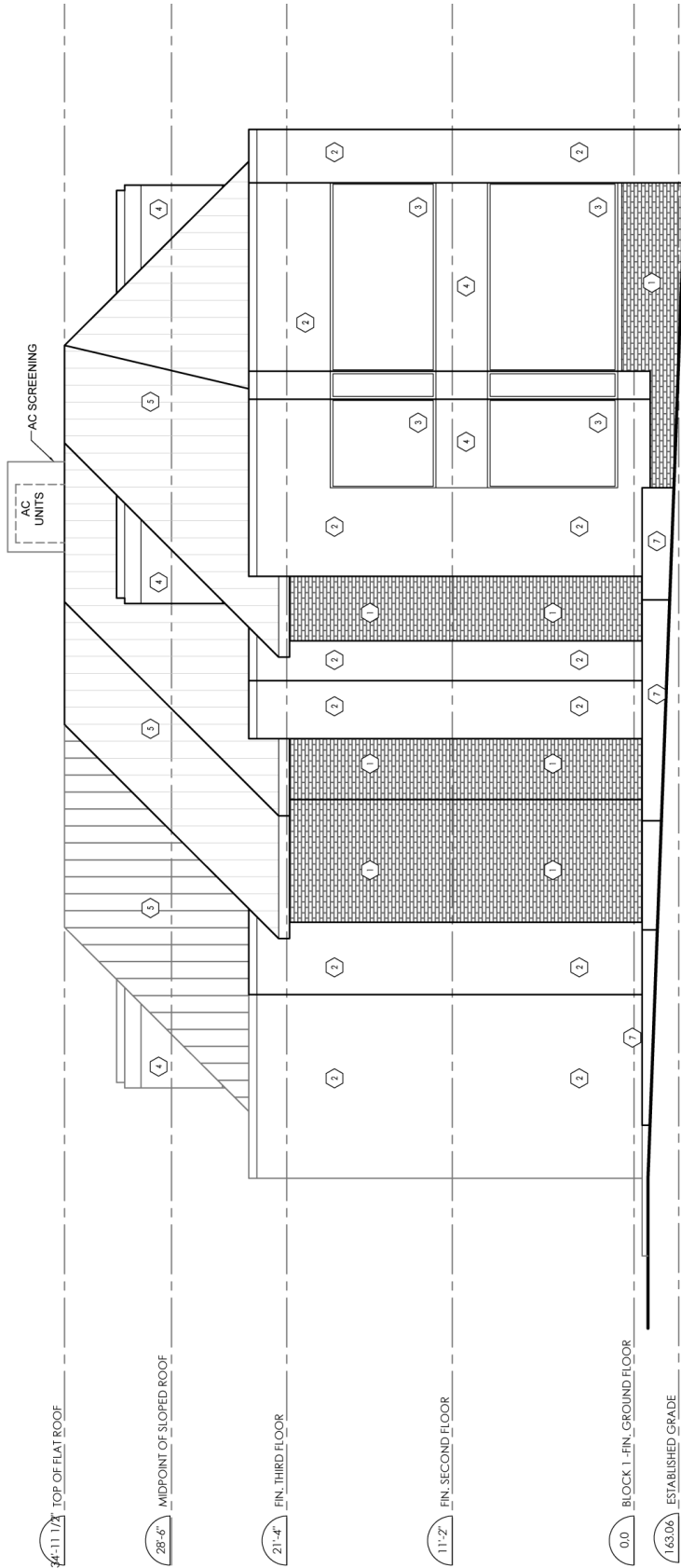
South Elevation

Attachment 8: North (Kirtling Place) Elevation



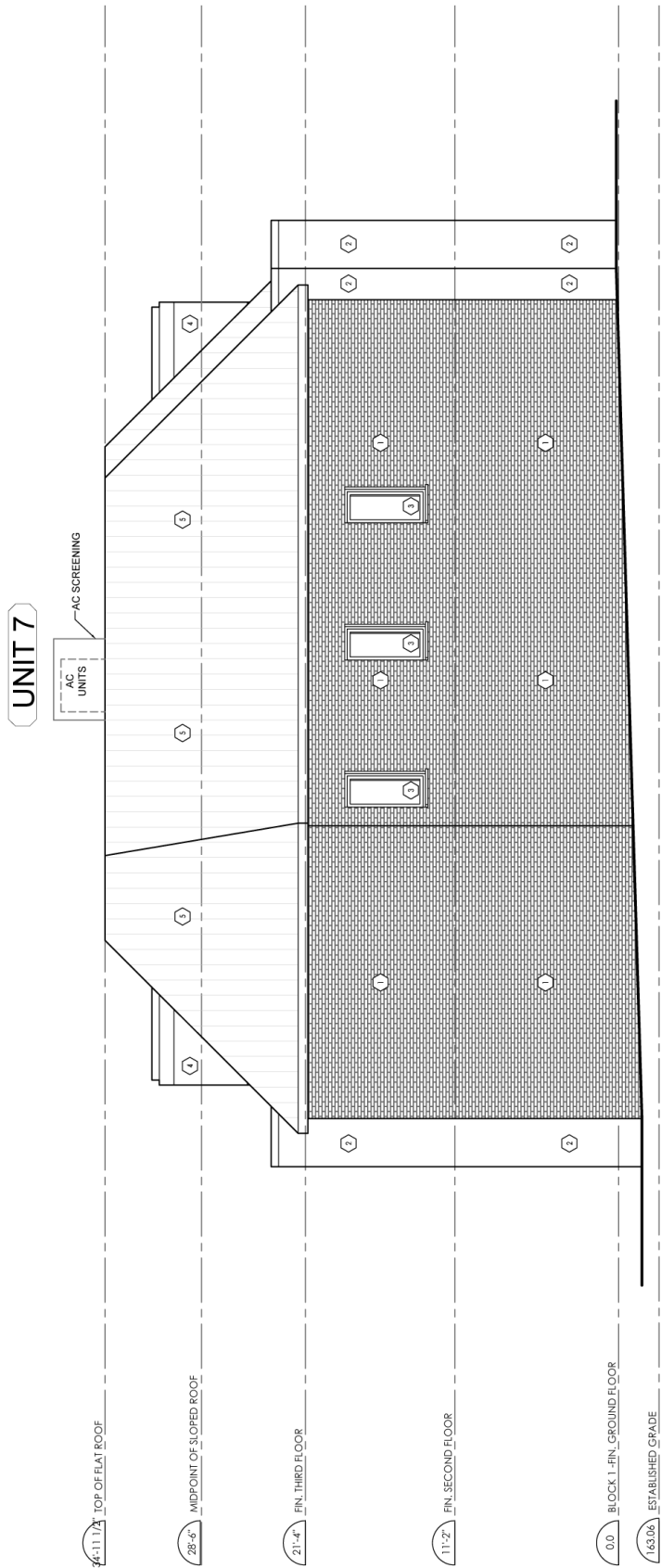
North Elevation

Attachment 9: West (Kirtling Place) Elevation



West Elevation

Attachment 10: East Elevation



East Elevation