

16 Kirtling Place – Zoning Amendment Application – Preliminary Report

Date: January 21, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 15 - Don Valley West

Planning Application Number: 19 244284 NNY 15 OZ

Notice of Complete Application Issued: November 28, 2019

Current Use(s) on Site: The site is currently vacant. It previously accommodated a one storey detached dwelling with vehicular access from Kirtling Place.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 16 Kirtling Place. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City Divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 16 Kirtling Place together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of February 3, 2016, City Council refused Official Plan Amendment (15 213903 NNY 25 OZ), Zoning By-law Amendment (14 206084 NNY 25 OZ), and Site Plan Control (14 206091 NNY 25 SA) applications for six townhouses and one detached dwelling at 16 Kirtling Place. At the same meeting, City Council authorized the City Solicitor and appropriate City staff to appear before the Local Planning Appeal Tribunal (LPAT) in support of Council's refusal of these applications. This decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY11.34>.

In a decision dated August 17, 2018, the LPAT ordered that the Official Plan Amendment appeal be allowed, and that the submitted draft Official Plan Amendment permitting townhouses on the site be approved, subject to finalization by staff. Such finalization has not yet occurred. The decision stated that, while townhouses are to 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>.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Toronto Zoning By-law No. 569-2013 and the North York Zoning By-law No. 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 1,969 square metres, and the lot coverage is proposed to be 40.1%. The proposed building height to the top of the flat roof is 11.5 metres.

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 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 these spaces to Kirtling Place are also proposed.

Parking is proposed in an 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:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report for a three dimensional representation of the project, in context.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan (2019) came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe (2017). The Growth Plan (2019) 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 (2019) establishes policies that require implementation through a Municipal Comprehensive Review (a "MCR"), which is a requirement pursuant to Section 26 of *The Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishing of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

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 (2019) 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 (2019) 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 (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2019).

Toronto Official Plan Policies and Planning Studies

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. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Neighbourhoods* on Map 19 of the Official Plan (see Attachment 4). *Neighbourhoods* are considered physically stable areas comprised of residential uses in lower scale buildings, including detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as apartments up to four storeys. Parks, schools, local institutions and small-scale stores and shops serving the needs of area residents are also permitted in *Neighbourhoods*.

The decision of the LPAT on the previous application for townhouses on this site, referenced under Decision History, approved the Official Plan Amendment in principle, subject to finalization by staff. Such finalization would result in a site specific policy for 16 Kirtling Place, however this has not yet occurred. The draft Official Plan Amendment

referred to in the LPAT Order dated August 17, 2018, however, states that townhouse dwelling units are permitted at 16 Kirtling Place.

Zoning By-laws

The site is zoned RD (f21.0; a975) (x70) under Toronto Zoning By-law No. 569-2013. This zone requires minimum lot frontages of 21.0 metres, permits detached dwellings having a maximum building heights of 11.5 metres, 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 25% of the lot depth from the rear lot lines are also required. This 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 No. 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, 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.

Design Guidelines

The following design guidelines and standards will be used in the evaluation of this application:

1. Townhouse & Low-Rise Apartment Guidelines
2. Bird-Friendly Guidelines
3. Complete Streets Guidelines

The Townhouse & Low-Rise Apartment Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

The Bird-Friendly Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>

The Complete Streets Guidelines may be found 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, 2104 (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.

COMMENTS

Reasons for the Application

An application to amend Toronto Zoning By-law No. 569-2013 and North York Zoning By-law No. 7625 is required to permit the townhouse building type and associated performance standards, such as building height, density, setbacks, and number of vehicle parking spaces, among other performance standards.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Built Form, Planned and Built Context

Staff are reviewing the application against the policy framework of the Official Plan, particularly the Built Form policies outlined in Chapter 3 and the Neighbourhoods policies outlined in Chapter 4, as well as the Townhouse & Low-Rise Apartment Guidelines.

City Planning staff have identified concerns with the development in relation to the Official Plan policies and the Townhouse & Low-Rise Apartment Guidelines, which help to implement Official Plan policies as follows:

- The size and configuration of the proposed lots, which would front York Mills Road, with the rear yards abutting Kirtling Place, whereas the existing lots on the cul-de-sac front Kirtling Place.
- The reduced front and rear yard setbacks, as they relate to the character of the neighbourhood, particularly the existing dwellings on Kirtling Place.
- The proposed lot coverage, massing, and height, as these relate to the character of the neighbourhood.
- The proposed 3 metre separation between the upper floors of Units 3 and 4.
- The location of the proposed exposed reverse-sloped ramp access to the underground garage.
- Amount and location of soft landscaping on the site.
- Garbage and recycling pick-up location.

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). Urban Forestry staff have reviewed the first submission of this application, including the Arborist Report and Tree Preservation Plan submitted by the applicant. Staff will continue to review any revisions.

The application proposes to remove 4 City-owned trees, and injure 3 City-owned trees. Eight City-owned trees are to be retained. 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. Seven new City-owned trees are proposed within the York Mills Road and Kirtling Place boulevards. No large-canopy privately-owned trees are proposed to be replanted on the subject site.

Traffic Impact, Access, Parking

Transportation Services staff have reviewed the first submission of this application, including the Transportation Impact Assessment submitted by the applicant. Staff will continue to review any revisions. The purpose of this review is, in part, to evaluate the effects of the development on the transportation system, but also to suggest any transportation related improvements to the development site.

Infrastructure/Servicing Capacity

Engineering and Construction Services staff have reviewed the first submission of this application, including the Stormwater Management and Site Services Report submitted by the applicant. Staff will continue to review any revisions. The purpose of this review is, in part, to determine if there is sufficient infrastructure capacity to accommodate the proposed development, and identify if upgrades to existing systems are required.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

This application is subject to TGS Version 3.0 (Low-Rise Residential), which may be found at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/low-rise-residential-version-3/>

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

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

CONTACT

Michelle Corcoran, Acting Senior Planner
Tel. No.: (416) 395-7130
E-mail: Michelle.Corcoran@toronto.ca

SIGNATURE

Giulio Cescato, MCIP, RPP, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings

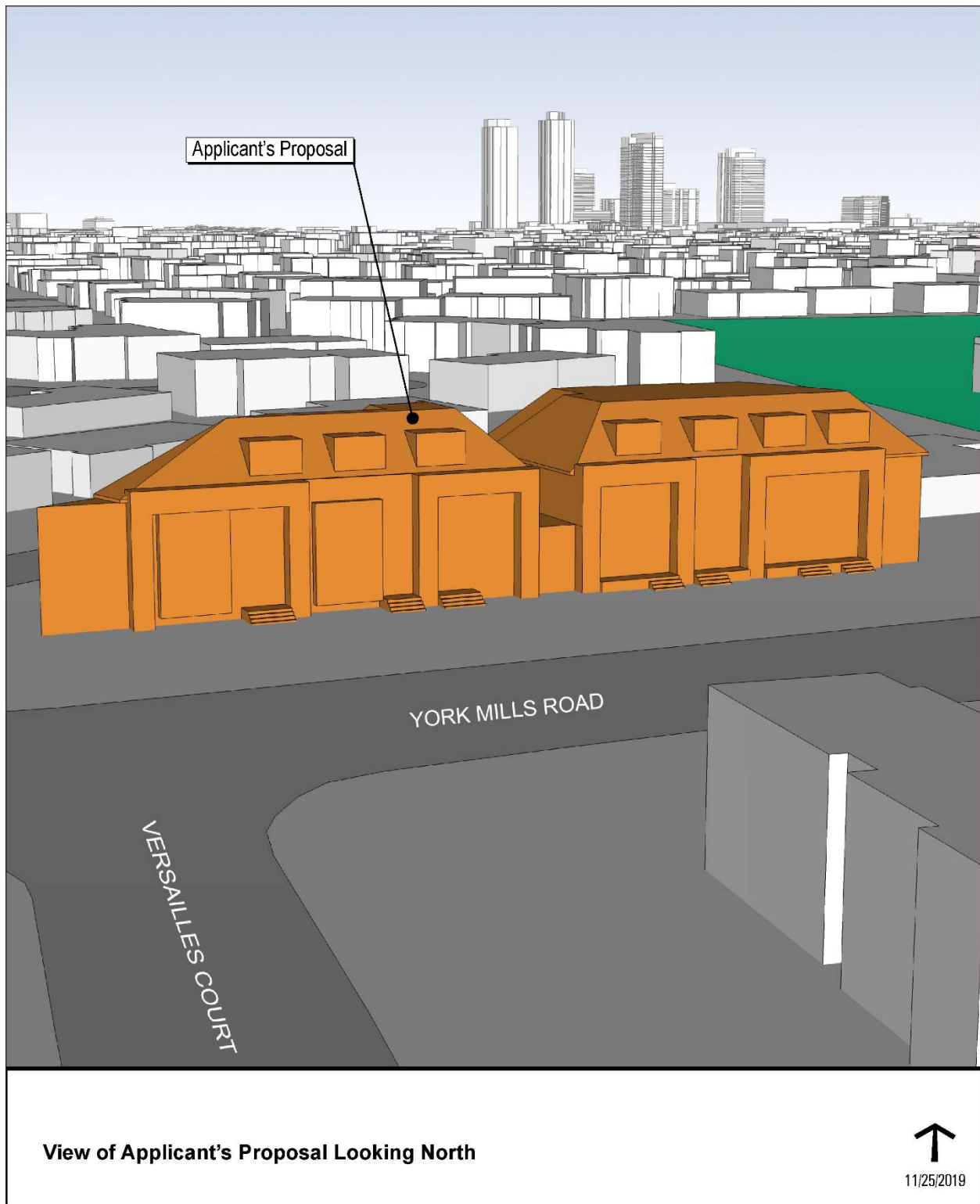
Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

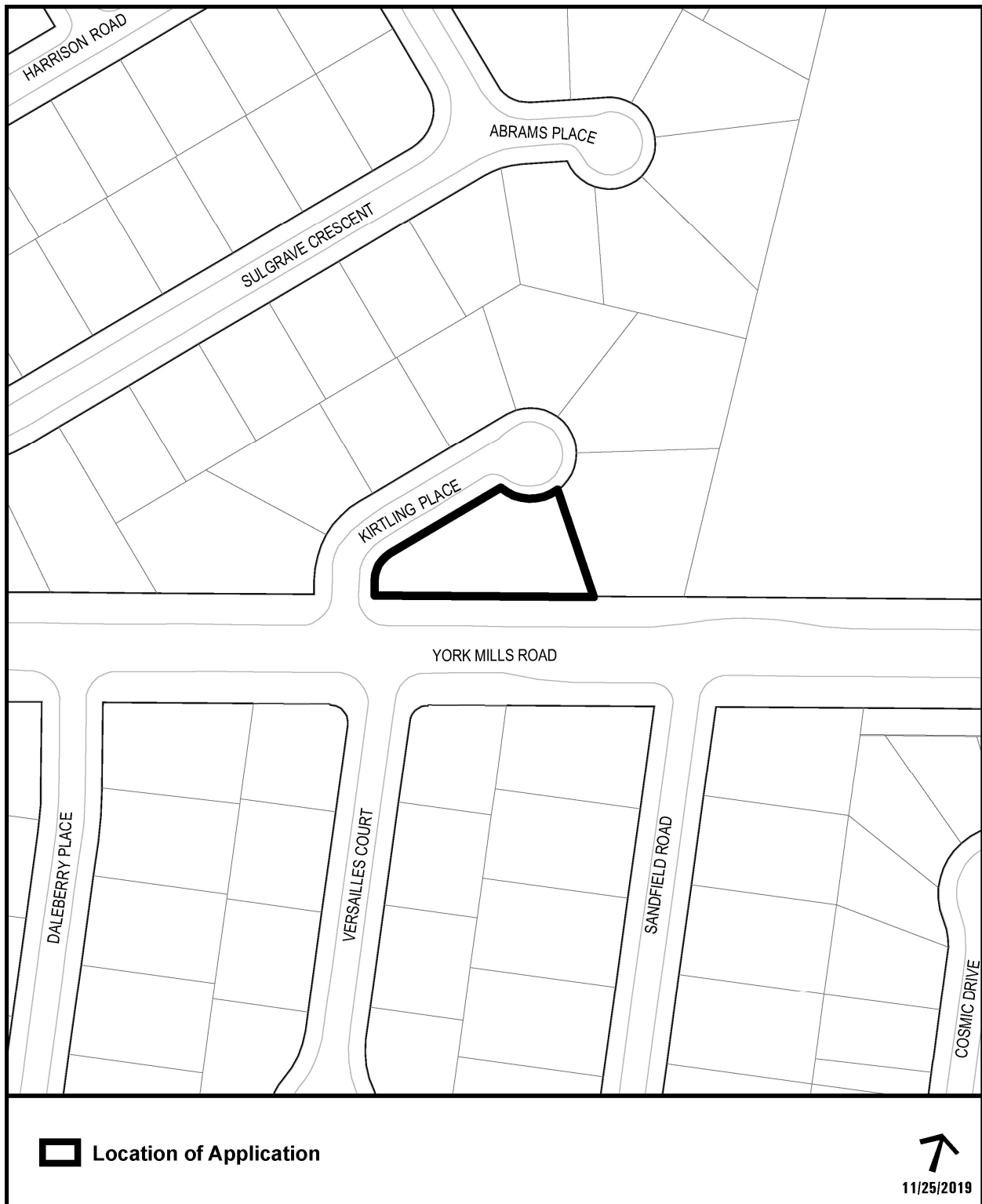
Attachment 3: Site Plan

Attachment 4: Official Plan Map

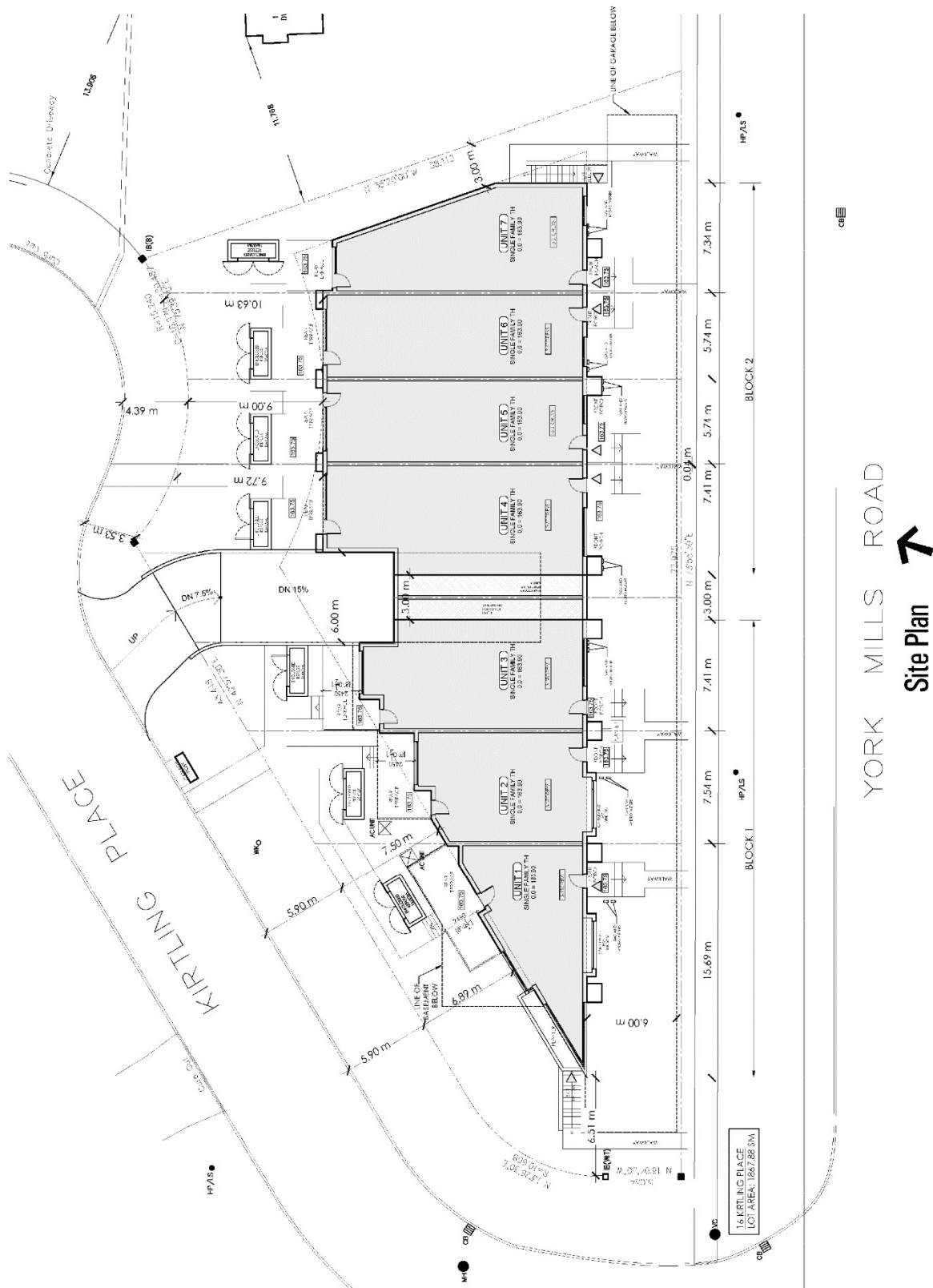
Attachment 1: 3D Model of Proposal in Context



Attachment 2: Location Map



Attachment 3: Site Plan



Attachment 4: Official Plan Map



16 Kirtling Place

Official Plan Land Use Map #16

File # 19 244284 NNY 15 0Z

