

**Draft Plan of Subdivision UDSB-1241 -
Heritage Willow Estates Limited -
94, 96, 98, 100, 138, 140, 142 and 144 Cummer Avenue -
North York Centre**

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The North York Community Council, after considering the deputations and based on the findings of fact, conclusions and recommendations contained in the following report (September 28, 1999) from the Director, Community Planning, North District, and for the reasons that the proposal is an appropriate use of lands, recommends that:

- (1) the application submitted by Heritage Willow Estates Limited, regarding Draft Plan of Subdivision Application for 94, 96, 98, 100, 138, 140, 142 and 144 Cummer Avenue, be approved, subject to the conditions outlined in the referenced report; and
- (2) subject to every possible effort being made to maintain the existing trees on Mr. Cristini's property, municipally known as 65 Wedgewood Drive; and subject to cedar hedges being planted adjacent to the north lot line of the new home on lot 11 adjacent to Mr. Cristini's property.

The North York Community Council reports having held a continuation of the statutory public meeting on November 9, 1999.

The North York Community Council submits the following report (September 28, 1999) from the Director, Community Planning, North District:

Purpose:

The purpose of this report is to recommend draft plan of subdivision approval for 94, 96, 98, 100, 138, 140, 142 and 144 Cummer Avenue. The proposal is to permit the development of this 0.9 ha (2.2 acres) site with 11 single family dwelling lots on an extension of Doverwood Court. The draft plan of subdivision is shown on Schedule C.

Recommendations:

It is recommended that:

- (1) the subdivision application shall be recommended for draft plan approval, subject to the following conditions:
 - (i) that this approval applies to the draft plan of subdivision prepared by Vladimir Kromar, Ontario Land Surveyor, for Weston Consulting Group, dated July 28, 1999 (file number 2158)
 - (ii) that all new lots and remnant lots created shall comply with the R4 zone regulations of By-law No. 7625, as amended;
 - (iii) that Street A shall be dedicated as a public highway on the final plan;
 - (iv) that Block 12 shall be dedicated and shown on the final plan as a municipal 0.3 metre reserve;
 - (v) that prior to final approval and registration of this plan, Committee of Adjustment approval be obtained and finalized for any rear yard setbacks on the existing dwellings at No. 138 and No. 140 Cummer Avenue;
 - (vi) that the subdivision agreement between the owner and the City provide for Urban Design Guidelines prepared in consultation with the Local Councillors which include design features and elevations to the satisfaction of the Director, Community Planning, North District;
 - (vii) that the appropriate standard conditions of approval for subdivisions (Schedule J) shall apply;
 - (viii) that the Owner agree in the subdivision agreement between the Owner and the City to carry out or to cause to be carried out the conditions of the Technical Services Division and Transportation Services Division, Works and Emergency Services Department (Schedule E, F1 and F2);
 - (ix) that the Owner agree in the subdivision agreement between the Owner and the City to carry out or to cause to be carried out the conditions of the Policy and Development Division, Economic Development, Culture and Tourism Department (Schedules D1,2,3);

Notes to Draft Approval:

- (x) that the Owner is advised that satisfactory arrangements be made with Bell Canada, financial and otherwise for any Bell Canada facilities servicing this draft

plan of subdivision which are required by the City to be installed underground; a copy of such confirmation shall be forwarded to the City (Schedule H);

- (xi) that the Owner is advised the Toronto Hydro requires the Owner to enter into an “Underground Supply Agreement” with Toronto Hydro (Schedule G);
- (xii) that the Owner is advised to grant any easements to Rogers Cable that may be required; and
- (xiii) the Owner is advised that standard clearances of 0.3 m minimum vertically and 0.6 m minimum horizontally be maintained for Enbridge (Consumers Gas) (Schedule I).

Background:

Proposal:

The applicant proposes a draft plan of subdivision for 11 building lots in order to permit the construction of 11 single family detached dwellings, as shown on Schedule C. The subject lands consist of the rear yards of the existing single dwelling properties located at 94, 96, 98 100, 138, 140, 142 & 144 Cummer Avenue. The site would create an eastward extension of Doverwood Court.

The pertinent statistics are as follows:

SUBDIVISION SITE STATISTICS	
Site Area	.99 hectares (2.46 acres)
Lots	11 single detached dwellings
Lot Areas	from 550m ² to 652m ²
Lot Frontages	15m to 19.1m

Locations and Existing Site:

The site is located in the area north of Finch Avenue East and west of Willowdale Avenue. The site consists of the rear yards of 8 properties along the north side of Cummer Avenue and would form an eastward extension of Doverwood Court.

Planning Controls:

Official Plan:

The site is designated RD1 B Residential Density One in the Official Plan permitting single detached dwellings and semi-detached dwellings. The intent of the Official Plan is that the existing low density of the area shall be maintained and that no new lots are created by severance which have lots sizes substantially smaller than the general lot sizes in the surrounding area.

Particular regard shall also be given to the character of the existing development in the surrounding area to avoid development incompatible with existing development and to maintain appropriate land use performance standards and maintain compatible built form.

Zoning:

The site is zoned R4 B One-Family Detached Dwelling Fourth Density Zone permitting single detached dwellings. The proposed dwellings would conform to the requirements of the R4 zoning which include a minimum front yard setback of 6.5m, a rear yard setback of 9.5m, side yard setbacks of 1.8m and lot coverage of 30%. The zoning requirements for dwelling height, dwelling length and first floor elevation would also be in conformity.

The Official Plan designation and the current zoning of this site and surrounding lands are shown on Schedules A and B.

Comments:

Other Department and Agency Comments:

The Economic Development, Culture and Tourism Department, Policy and Development Division advises that the development be subject to a 5 percent cash-in-lieu of parkland dedication payment payable at the time of building permit. The Departments comments are attached as Schedules D1,D2 and D3.

The Technical Services Division of the Works and Emergency Services Department has provided several requirements and has indicated that a reduced road allowance of 18.5m is acceptable for a road connecting or ending in a cul-de-sac subject to approval from the Commissioner of Works and Emergency Services. The Division's comments are attached as Schedule E.

The Transportation Services Division of the Works and Emergency Services Department cites requirements of parking, the provision of a 0.3m reserve on the north side of Street A and the provision of sidewalks. The Division's comments are attached as Schedules F1 and F2.

Comments from Toronto Hydro, Bell Canada and Enbridge Consumers Gas, are attached as Schedules G, H and I.

Community Consultation:

A community meeting was held on July 21, 1999 with the applicant and a number of land owners from the area. At the time of the meeting, the proposal before the community was for a subdivision of 13 building lots ranging in lot areas of 441m² to 595m². The main issues discussed at that time were related to the conformity of the lots to the R4 zoning regulations and the dwellings and lots maintaining the character of the existing neighbourhood.

Discussion:

Official Plan

It is the intent of the Official Plan that the existing low density of this area shall be maintained and that no new lots be created by severance which have lot sizes substantially smaller than the general lot sizes in the surrounding area. Particular regard shall be given to the character of the existing development in the area to avoid development incompatible with the existing development of the area and to maintain appropriate land use performance standards and maintain compatible built form.

The plan of subdivision for these lots fit the criteria of appropriate housing intensification as they are created from the rear yards of very large properties facing Cummer Avenue. This intensification fits with the overall zoning, lot size and is comparable with housing in the immediate vicinity. The single sided road, with the one foot reserve, removes some of the development pressure for rear yard severances of those lots facing Wedgewood Drive as no access is permitted without the Council approval for lifting the one foot reserve.

Zoning Compliance

The applicant has revised the draft plan of subdivision to reflect the recommendations, as stated in the Preliminary Evaluation Report dated May 11, 1999, as approved by North York Community Council on May 26, 1999 and to address concerns raised by the area residents and ratepayers. The plan of subdivision has been reduced to 11 building lots which allows for each lot and dwelling to meet the requirements of the R4 zoning. As the lots would maintain the requirements of the existing R4 zoning, the need for the rezoning of the lands is no longer required. The remaining existing lots, known municipally as 94, 96, 98, 100, 138, 140 and 144 Cummer Avenue, would continue to maintain compliance to the R4 zoning with the exception of the rear yard setbacks of the existing dwellings at 138 and 140 Cummer Avenue. These are deficient by approximately one to two metres. An application for minor variance to the Committee of Adjustment would be necessary in order to address the non-conformity.

Road Allowance

The applicant has also revised the plan to reflect a 20m road allowance at the west end of Street A decreasing to 18.5m eastward and having a road allowance radii of 15.25m. Concern has been raised that the road allowance was to be maintained at 20m, however, the Technical Service Division of the Works and Emergency Department, has indicated that for public streets ending in a cul-de-sac, the reduced road allowances are permitted. (refer to Schedule E). A 0.3m reserve (Block 12) has been provided along the north side of Street A.

Easements

The applicant, through the execution of a subdivision agreement, will be required to grant any necessary easements for all required utilities and services to the authority having jurisdiction.

Standard Conditions of Approval

The applicant, through the execution of a subdivision agreement, will be required to satisfy the standard conditions of approval as set out in Schedule J.

Utilities

Conditions relating to the utilities such as Bell Canada, Consumers Gas and Toronto Hydro have been highlighted as notes to the draft plan approval and will be settled concurrent with the plan of subdivision conditions.

Conclusions:

This report recommends the approval of this plan of subdivision and the creation of 11 single detached dwelling lots subject to the conditions discussed in the report. The lots comply with the R4 residential zoning.

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(A copy of the Schedules referred to in the foregoing report is on file in the office of the City Clerk, North York Civic Centre.)

The North York Community Council also had before it a communication (October 29, 1999) from Ms. Ellen Standret, Planner, Community Planning, North District, outlining various issues and concerns raised at the October 27, 1999 community consultation meeting.