

315 – 325 Dalesford Road - Part Lot Control Exemption Report

Date:	May 22, 2008
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	08 117017 WET 05 PL

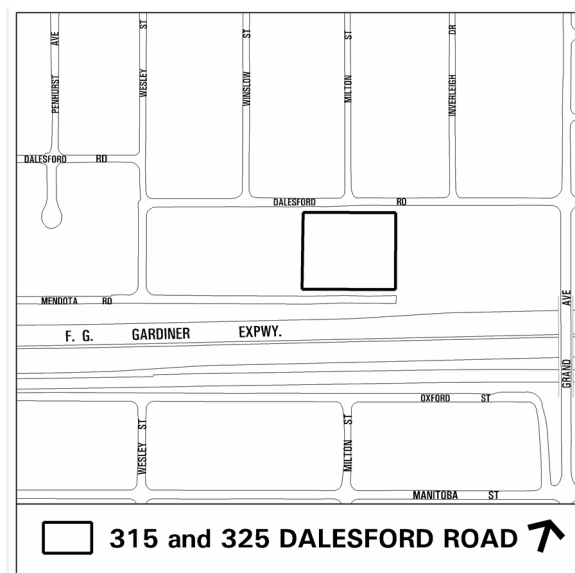
SUMMARY

This application was made on March 6, 2008 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application has been submitted to permit the lifting of Part Lot Control at the municipal address known in 2008 as 315 – 325 Dalesford Road. This report reviews and recommends approval of the application to lift Part Lot Control to permit the division of the subject lands as an alternative to a plan of subdivision.

The lands have been the subject of a Consent application. The applicant has entered into a Consent Agreement with the City and is now in the process of fulfilling certain conditions under the agreement regarding the dedication of a public road to the City. The owner has applied for an exemption to Part Lot Control so that the individual freehold townhouse lots can be created and sold.

An exemption from Part Lot Control is appropriate as the recommendations contained herein provide the Director of Community Planning, Etobicoke York District, with the authority and discretion to determine whether or not the land division



will be permitted based on his evaluation of the proposed lots and of whether there are any outstanding concerns to the City which may have to be secured. In order to retain control in the hands of the Director, this report recommends that the owner of the lands register a Section 118 Restriction under the Lands Titles Act agreeing not to convey or mortgage any part of the lands without the prior consent of the Chief Planner or his designate. Matters to be secured to the Director's satisfaction would include the conveyance of the public road to the City, its construction and construction of required services at the applicant's expense, in the same manner as set in the Consent Agreement.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law, with respect to the subject lands, to be prepared to the satisfaction of the City Solicitor.
2. City Council authorize the City Solicitor to introduce the necessary Bill in Council for a Part Lot Control Exemption By-law.
3. City Council require the owner to provide proof of payment to the satisfaction of the City Solicitor of all current property taxes for the subject site prior to the introduction of the Bill in Council.
4. City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Lands Titles Act agreeing not to convey or mortgage any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of the Bill in Council.
5. City Council authorize and direct the appropriate City officials to register the by-law on title.
6. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title upon expiry of the Part Lot Control Exemption By-law.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the Part Lot Control Exemption By-law as may be required.
8. City Council authorize the entering into of an agreement between the City and the owner if such agreement is determined to be necessary by the Director of Community Planning, Etobicoke York District, in consultation with the City Solicitor, for the purpose of securing outstanding matters of concern to the City prior to the Director consenting under the Section 118 Restriction to any mortgaging or conveyance of the lands.

9. The appropriate City officials be authorized and directed to take the necessary action to give effect hereto.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council has enacted By-law No. 862-2207 to permit a residential development with 39 townhouse units.

ISSUE BACKGROUND

Proposal

The proposal is to allow the lifting of Part Lot Control to permit 39 townhouse freehold units on site. The units are proposed to be 3 1/2 storeys in height. Thirteen townhouses have frontage on Dalesford Road, thirteen have frontage on Mendota Road and the remaining will have frontage on a new public road that has been secured through a Consent Agreement, as part of the consent application referred to above.

All units have enclosed parking spaces. The units with frontage on Mendota Road have integral garages accessed from the new public street to the north and provide 2 tandem parking spaces inside of the garage. The units with frontage on Dalesford Road and the new public street provide for a parking space in the garage and one space in the driveway leading up to the garage.

The size of the units will range from approximately 170 square metres to 230 square metres.

Site and Surrounding Area

The subject site is located on the south side of Dalesford Road and north of the F.G. Gardiner Expressway, west of Grand Avenue. The site is rectangular in shape and approximately 0.70 hectares (1.7 acres) in size. The site has frontage on Dalesford Road, Mendota Road and a new future public street.

The surrounding uses are as follows:

North: single-detached dwellings

South: Mendota Road and the F.G. Gardiner Expressway

East: light industrial uses (self-storage facility)

West: townhouse dwelling units

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 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 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. This application implements the Official Plan Neighbourhoods designation and is 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. The proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated as Neighbourhoods in the Official Plan. Townhouses are permitted within the Neighbourhoods designation.

Zoning

The site is zoned Group Area Fourth Density Residential (R4G) subject to site-specific By-law No. 862-2007 within the Etobicoke Zoning Code. The site-specific by-law permits a maximum of 39 townhouse units.

Reasons for Application

This site was the subject of a Consent application in September 2007 (Application No. B78/07EYK). The applicant obtained consent to sever the site into 3 lots: one lot fronting on Mendota Road to the south and one lot fronting on Dalesford Road to the north. The third lot created was the new future public road that is to be conveyed to the City in the future. The Consent was conditional on a number of requirements, including entering into a Consent Agreement with the City to secure matters such as road construction requirements and details, installation of municipal services, distribution of public utilities. The applicant has entered into a Consent Agreement with the City.

Agency Circulation

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

COMMENTS

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision.

The lifting of Part Lot Control on the subject lands may be used if considered appropriate by the Director of Community Planning, Etobicoke York District, based on his review of any outstanding subdivision matters closer to the date for the closing of the transaction.

To ensure that no portion of the lands are conveyed in a manner not contemplated by the proposed development, it is recommended that the owner of the lands be required to first register a Section 118 Restriction under the Lands Titles Act. The Restriction requires the consent of the Chief Planner or his designate. Once the part lot control exemption by-law expires, the City Solicitor will take the necessary steps to delete the Section 118 Restriction from the title of the lands.

To ensure that Part Lot Exemption does not remain open indefinitely for the subject lands, it is recommended that the exemption by-law contain an expiration date of June 1, 2009. That time frame should provide sufficient time for the completion of the transfer.

CONTACT

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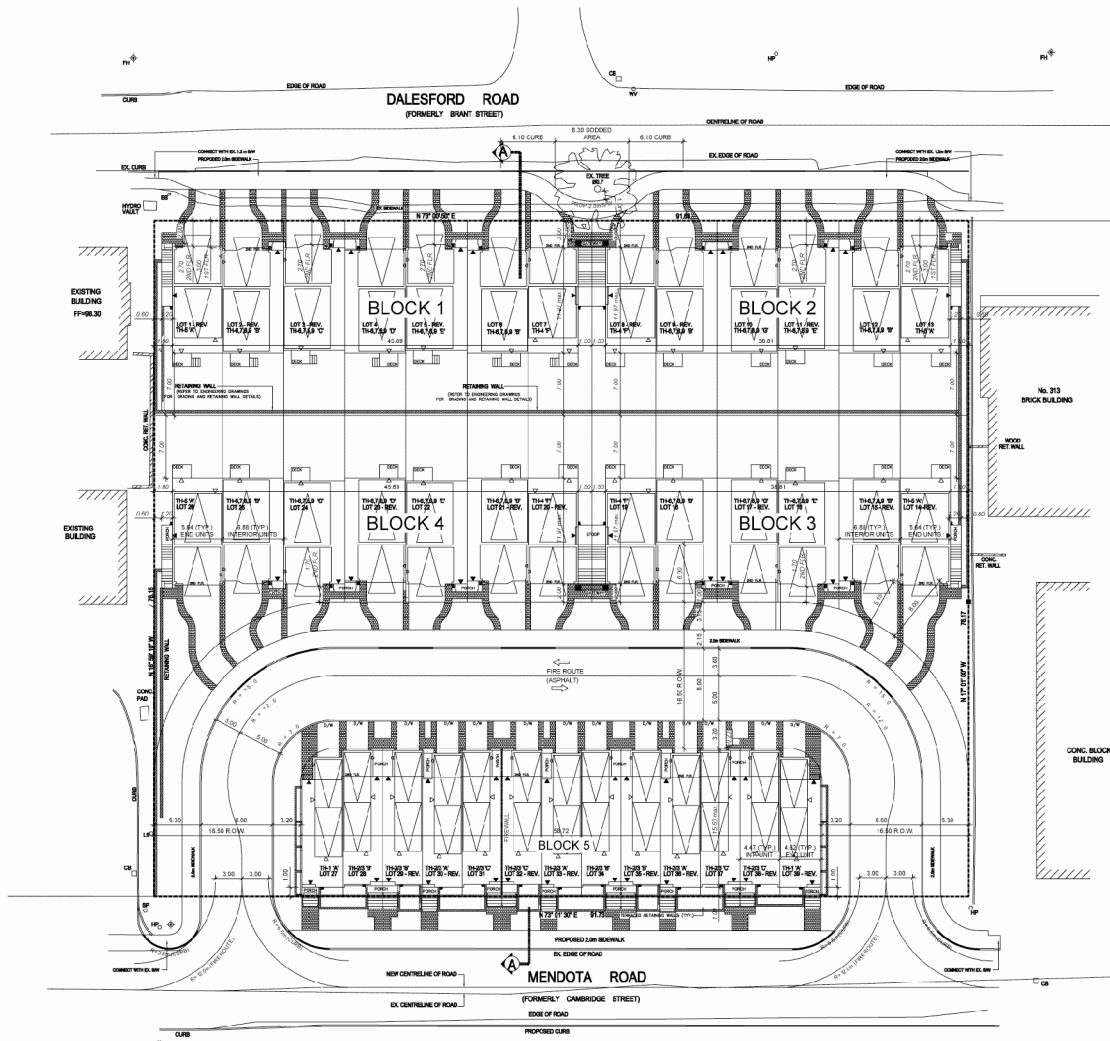
SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
04/23/07



315-325 Dalesford Road

File # 06_127508