

**42 Edgewood Ave – Part Lot Control Exemption
Application – Final Report**

Date:	March 11, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	13-135054 STE 32 PL

SUMMARY

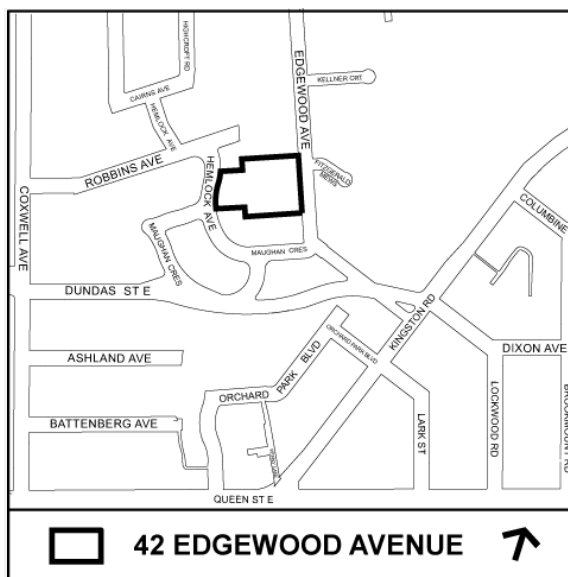
This application requests exemption from the Part Lot Control provisions of the Planning Act in order to permit the creation of conveyable lots for the 33 residential buildings previously approved by City Council, and varied by the Committee of Adjustment.

This report reviews and recommends approval of the Part Lot Control Exemption. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the Land Titles Act agreeing not to convey or mortgage any part of the lands without prior consent of the Chief Planner or her designate.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 42 Edgewood Avenue as generally illustrated on Attachment 1 to report (March 11, 2014) from the Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.



2. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.
3. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner or her designate.
4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium has been registered.
5. City Council require the owner to submit an updated Draft Reference Plan of Survey, prior to the release of the Section 118 restriction, to accurately set the as-built boundary lines between the residential lots and the new public road. The Draft Reference Plan of Survey must be in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the proposed lots and any appurtenant rights-of-way or easements to the satisfaction of the Executive Director of Engineering and Construction Services for review and approval prior to being deposited in the Land Registry Office.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In June, 2012, City Council enacted Zoning By-law 799-2012 to permit the proposed development at the site. City Council's decision and associated staff report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE16.2>

In its decision of August 20, 2013, the Committee of Adjustment allowed for additional density beyond that allowed in By-law 799-2012 to reflect the basements of the proposed units that were not exempted by the Zoning By-law because they are located above grade and to recognise the platform at the front door of the units that did not meet the general Zoning By-law restrictions relating to height from grade. These variances reflect the drawings that were submitted with the Rezoning application and were not accounted for in the By-law 799-2012.

In its decision of January 28, 2014, the Committee of Adjustment allowed variances to increase the number of residential buildings from a total of 32, as approved in by-law 799-1012, to 33.

The Committee of Adjustment also approved variances to allow for basement units in 2 of the proposed buildings.

ISSUE BACKGROUND

Proposal

The development approved by City Council in 2012, as amended by the Committee of Adjustment permits the construction of 32 semi-detached houses and 1 detached house. Two pairs of semi-detached houses will front onto Hemlock Avenue. The remainder of the houses will front onto a new public street. Each house will have parking located in an at-grade integral garage.

Site and Surrounding Area

The site is located on the west side of Edgewood Avenue, south of Eastwood Avenue. The property also has frontage on Hemlock Avenue.

The lands are surrounded on all sides by properties containing detached and semi-detached houses.

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.

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 property is designated *Neighbourhoods* in the Official Plan. *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. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan contains development criteria for assessing new development in *Neighbourhoods*. Specifically, Policy 5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

Further, Policy 5 states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The policies state that the prevailing building type will be the predominant form of development in the neighbourhood and that some *Neighbourhoods* will have more than one prevailing building type.

Zoning

The subject lands are subject to By-law No. 799-2012, as amended by the Committee of Adjustment, which permits the proposed development and sets out the specific zoning restrictions including height, density and building envelope.

Site Plan Control

The proposed development is not subject to Site Plan Approval because it involves only detached and semi-detached houses, which are exempt from Site Plan Approval.

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 draft plan approval conditions.

COMMENTS

Land Division

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 is considered appropriate for the orderly development of the lands and will facilitate the development.

The application is consistent with the PPS, conforms with the Growth Plan and is consistent with the Official Plan.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

CONTACT

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SIGNATURE

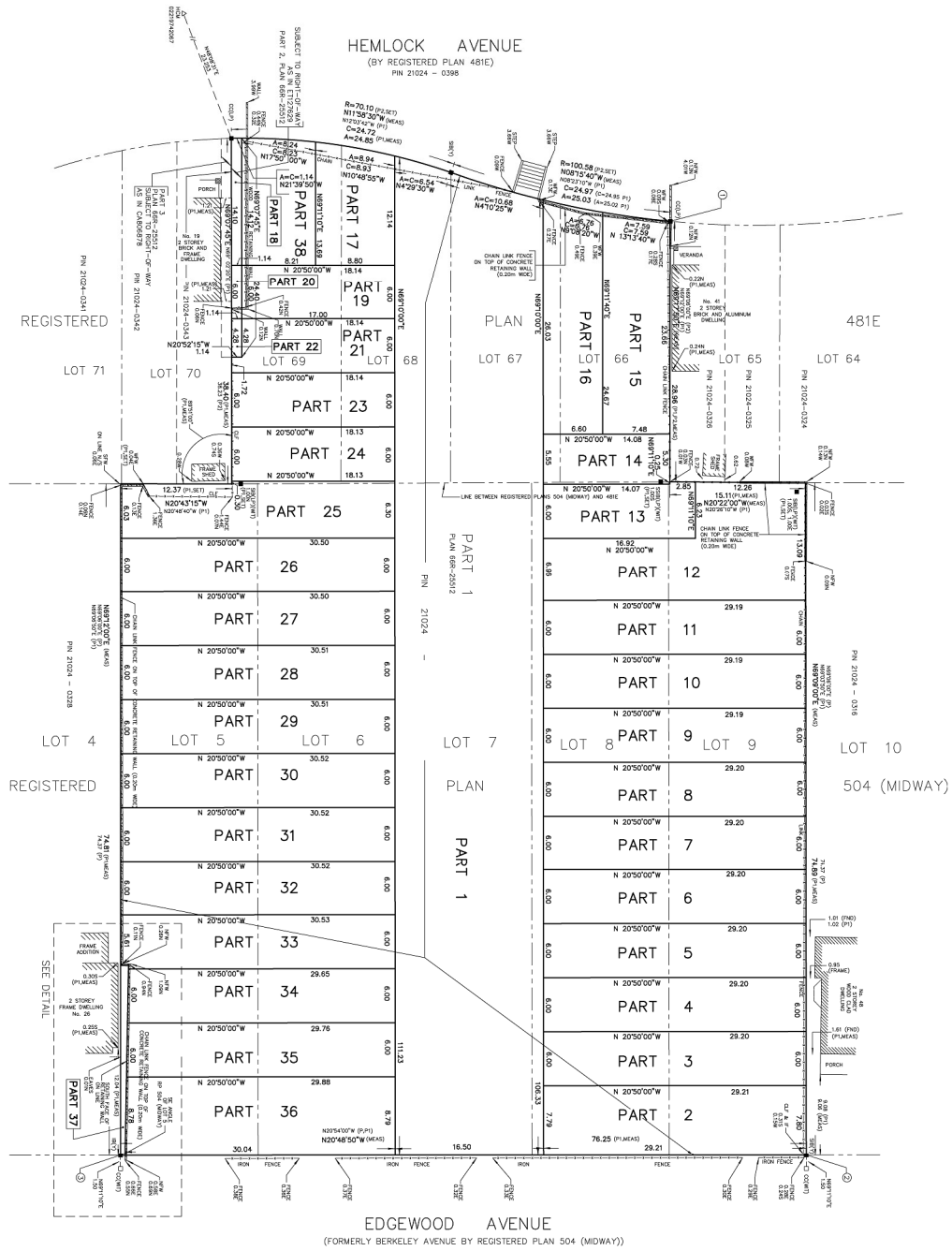
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Part Lot Control Exemption Plan

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Site Plan

Applicant's Submitted Drawing

Not to Scale
03/05/2014

42 Edgewood Avenue

File # 13 135054 OZ