

**40 Danforth Road – Part Lot Control Exemption
Application – Final Report**

Date:	April 22, 2013
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 35 – Scarborough Southwest
Reference Number:	13 100408 ESC 35 PL

SUMMARY

This application proposes to permit exemption from part lot control for the lands known as 40 Danforth Road, to allow the division of land to create conveyable parcels for 8 townhouse dwelling units. This report recommends that a part lot control exemption by-law be enacted for a period of two (2) years.

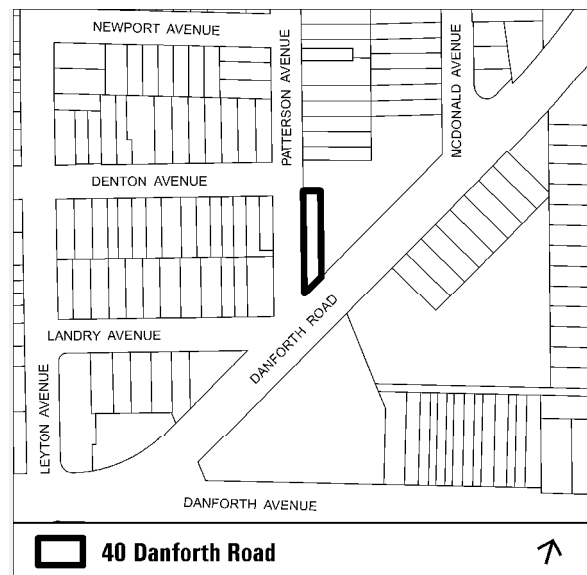
The proposal complies with the official plan and zoning by-law. The lifting of part lot control for a period of two (2) years is considered appropriate for the orderly development of these lands.

This report reviews and recommends approval of Part Lot Control Exemption.

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 **40 Danforth Road** as generally illustrated on Attachment 1 to report dated April 22, 2013, to be prepared to the satisfaction of the City Solicitor and to expire two (2) 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 and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
5. 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

City Council enacted By-law No 220-2013 on February 21, 2013. This zoning by-law provides the development framework for 8 townhouse dwelling units at 40 Danforth Road. On March 25, 2013, the Notice of Approval Conditions were issued respecting the site plan control application for the townhouse development.

ISSUE BACKGROUND

Proposal

The applicant is requesting exemption from part lot control to create separate, conveyable lots of each of the 8 proposed townhouses at 40 Danforth Road. A Shared Access and Maintenance Agreement for a shared fire corridor is proposed and will be registered on title. Refer to Attachment No. 2 to report dated April 22, 2013 for project data.

Site and Surrounding Area

The site is on the north side of Danforth Road and the east side of Patterson Avenue. It is 572.38 square metres in area, and is configured in a relatively narrow rectangular shape, with the majority of site frontage along Patterson Avenue. The site was previously tenanted by the Encore Music Exchange, which is no longer operating, although the single-storey retail building it occupied remains.

Northeast of the site is a retail plaza fronting on Danforth Road zoned Neighbourhood Commercial. Customers of the plaza are also able to access it via a driveway to the parking lot off of Patterson Avenue, located immediately north of the proposed townhouse development. Beyond the plaza's driveway to the north, on both sides of Patterson Avenue is a residential community of primarily single family homes zoned Single-Family Residential. Northwest of Danforth Road and on the west side of Patterson Avenue is residential, again with primarily single-family homes zoned Single-

Family Residential. South and southeast of the site, on the opposite side of Danforth Avenue, are commercial plazas zoned Community Commercial and Commercial Residential.

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 site is designated Mixed Use Areas by the Toronto Official Plan. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks, open spaces and utilities. Within Mixed Use Areas, the Official Plan policies indicate that new buildings should be located and massed to frame streets and to provide a comfortable, safe pedestrian environment; that new development should take advantage of nearby transit services; and that new development should provide good access, parking and circulation, among other matters.

Where development in Mixed Use Areas is to occur adjacent to lands designated Neighbourhoods, new buildings are to be located and massed to provide for an appropriate transition between areas of different intensity and scale through measures such as appropriate setbacks and stepping down of heights. New buildings in Mixed Use Areas are also to be located and massed to limit shadow impacts on adjacent Neighbourhoods.

Zoning

The Oakridge Community Zoning By-law No. 9812, as amended, zones the site Commercial Residential (CR) Zone. This zone permits 8 townhouses with associated appropriate performance standards.

Site Plan Control

This site is subject to site plan control. The Notice of Approval Conditions were issued on March 25, 2013.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It is a modest, appropriate redevelopment under appropriate development standards which facilitates intensification, and therefore the efficient use of land and infrastructure.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan under section 2.2.2(1a) directs growth to built-up areas through intensification.

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.

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 (2) years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

The owner is required to register 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, prior to the Part Lot Control Exempting By-law bill's introduction to Council. The Chief Planner or her designate will not consent to the transfer of any parcel, as contemplated by the Part Lot Control Exemption Plan at Attachment 1 to this report, without finalization of site plan approval. Final site plan approval is necessary prior to the conveyance of any parcel to ensure the obligations articulated therein, including provision of securities, conveyance of the required corner rounding and registration on title of the Site Plan Agreement, are fulfilled.

In addition, the Chief Planner or her designate will not consent to the transfer of any parcel without the registration on title of a reciprocal easement over the fire corridor right of way. The applicant proposes to establish this through a Shared Access and

Maintenance Agreement for a shared fire corridor, to be registered on title. This Agreement provides for the shared use and maintenance of the second-storey fire corridor by all owners. The Chief Planner or her designate will require a solicitor's written undertaking prior to consenting to the transfer of any parcel, that this agreement will be registered on title of each resulting unit.

CONTACT

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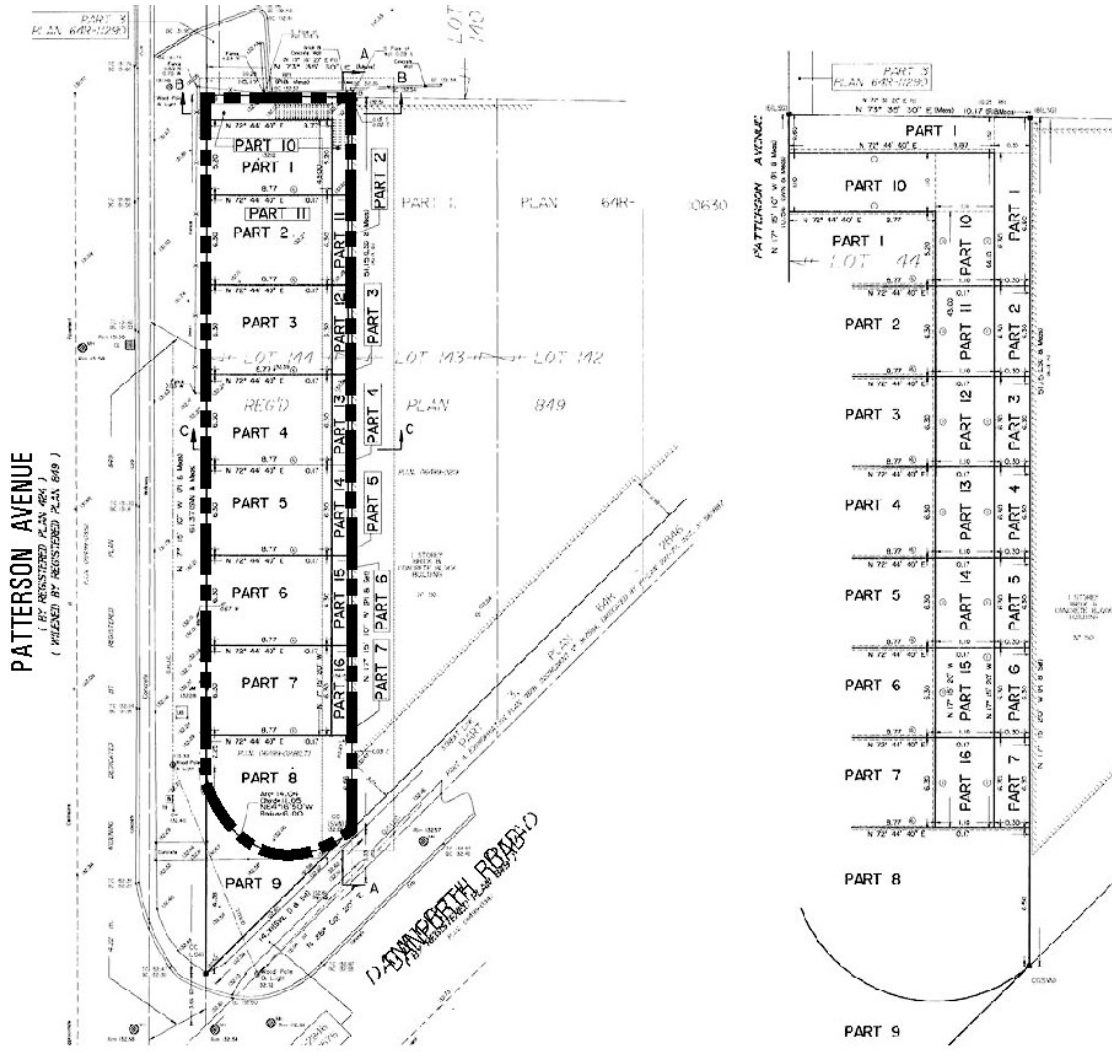
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Part Lot Control Exemption Plan
Attachment 2: Application Data Sheet

Attachment 1: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan

40 Danforth Road

Applicant's Submitted Drawing

Not to Scale 

File# 13 100408 ESC 35 PL

Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Part Lot Control Exemption	Application Number:	13 100408 ESC 35 PL
Details		Application Date:	January 2, 2013

Municipal Address:	40 DANFORTH ROAD
Location Description:	PLAN 849 PT LOT 144 RESOLUTION 100% SEPARATE **GRID E3506
Project Description:	Part lot control application to create 8 townhouse lots with shared mutual fire corridor at rear of building.

Applicant:	Agent:	Architect:	Owner:
MICHAEL VAUGHAN			2286357 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	Highway Commercial	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	572.38	Height:	Storeys:	4
Frontage (m):	14.31		Metres:	11.5
Depth (m):	61.31			
Total Ground Floor Area (sq. m):	183.1			Total
Total Residential GFA (sq. m):	1032.3		Parking Spaces:	8
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1032.3			
Lot Coverage Ratio (%):				
Floor Space Index:	1.8			

DEVELOPING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Unit Type:	Freehold		
Units:	0	Residential GFA (sq. m):	1032.3
Single:	0	Retail GFA (sq. m):	0
Bedroom:	0	Office GFA (sq. m):	0
Bedroom:	0	Industrial GFA (sq. m):	0
+ Bedroom:	8	Institutional/Other GFA (sq. m):	0
Total Units:	8		

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