Residential Demolition Application - 287 Rushton Road

Date: April 12, 2017
To: Toronto and East York Community Council
From: Deputy Chief Building Official and Director,
      Toronto Building, Toronto and East York District

Wards: Ward 21 (St. Paul's)

SUMMARY

In accordance with city-wide residential demolition control under Article II, Demolition Control, of Municipal Code Ch. 363, as amended by By-law No. 1009-2006, enacted by City Council on September 27, 2006 under the authority of Section 33 of the Planning Act, I refer the following demolition application for 287 Rushton Road (17-142903) to you, to decide whether to grant or refuse the application, including any conditions to be attached to the permits.

This staff report is regarding a matter for which Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Toronto Building recommends that the Toronto and East York Community Council:

1. Refuse the application to demolish the subject residential single detached dwelling at 287 Rushton Road because there is no building permit for a replacement building on this site;

Or in the alternative:

2. Approve the application to demolish the subject residential single detached dwelling at 287 Rushton Road, notwithstanding that there is no building permit for a replacement building on the site, with the following conditions:
a) That all debris and rubble be removed from the site immediately after demolition;

b) That any holes on the property resulting from the demolition of the buildings or resulting from the proposed investigation of soil conditions and environmental site remediation are backfilled with clean fill; and any further condition(s), that in the opinion of the Toronto and East York Community Council is reasonable, having regard to the nature of the residential property to be demolished.

FINANCIAL IMPACT

Not applicable.

DECISION HISTORY

In its Decision of May 5, 2015, City Council authorized the acquisition of the residential property located 287 Rushton Road in order that the lands may be repurposed for its use as a surface commercial parking facility to supply parking needs for the surrounding St. Clair Hillcrest Village BIA neighbourhood.

The decision of Council included the requirement that upon acquisition, the property be designated for municipal parking purposes and to be managed by the Toronto Parking Authority. The existing dwelling would be demolished and the lands acquired and redeveloped by the Toronto Parking Authority where details of the design and construction would be secured through a Site Plan Approval agreement.

COMMENTS

Site Plan Control Application 16 220184 STE 21 SA to establish the municipal surface parking facility for the Toronto Parking Authority was submitted on September 9, 2016. A site plan submitted in connection with the application demonstrates that 16 surface parking spaces would be provided on the lot with access to each space provided via the existing east-west public lane abutting the south side of the property at 287 Rushton Road.

On April 11, 2017, an application to demolish the existing single detached dwelling on the lands was received from the current registered owner of the property, care of Andrew Dales, consultant on behalf of the Toronto Parking Authority. In support of the application for demolition, a letter of explanation has been provided by the applicant. Please find attached a copy of the correspondence submitted by the applicant as well as a site plan demonstrating the proposed development.

As the existing residential dwelling is proposed to be demolished to make way for the
municipal parking facility and there is no plan to construct a replacement residential building on this site, the application(s) for demolition is being referred to the Toronto and East York Community Council for consideration.

The application for demolition has been circulated for comment to Urban Forestry - Tree Protection and Protection Review, and the Ward Councillor. Additionally, upon receipt of the application, a Notice of Demolition posting was delivered to the applicant to be posted on the premises in order to notify the public of the intended demolition.

The application for demolition is being referred to the Toronto and East York Community Council because the site contains a residential building that is proposed to be demolished and a permit to replace the building on the site will not be sought.

In accordance with Section 2 of the City of Toronto Act, 1991 (No.4), C.Pr24, S.O.1991, Toronto and East York Community Council may impose any reasonable conditions which have regard to the nature of the residential properties, including the preservation of significant natural features and requiring the erection and maintenance of structures and enclosures.

CONTACT

Tony D'Arpino, Manager, Plan Review, Toronto Building, Toronto and East York District, Tel: 416-392-7632; E-mail: Tony.DArpino@toronto.ca

SIGNATURE

Mario Angelucci
Deputy Chief Building Official and Director
Toronto Building, Toronto and East York District

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ATTACHMENTS

1. Existing Plan of Survey
2. Letter from Applicant
3. Proposed Site Plan
Attachment 1: Existing Plan of Survey
Delivered by Email
April 7, 2017

Dales Consulting
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Toronto Buildings
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Tony D’Arpino

Dear Mr. D’Arpino,

Re: Demolition Permit Application
287 Rushton Road, City of Toronto
Concurrent Site Plan Approval Application No. 16.220184 STE 21 SA

On behalf of the Matthew Carnovale, Dales Consulting is pleased to submit an application for a demolition permit in respect of the single-detached dwelling at 287 Rushton Road in the City of Toronto (the "subject property"). Although Matthew Carnovale is the registered owner of the subject property, the Toronto Parking Authority has an agreement with Mr. Carnovale to purchase the subject property to permit the construction of a 16-stall, municipally-owned and operated surface parking lot.

The demolition permit application for the subject property is being made pursuant to Section 363-12(D) of the Toronto Municipal Code for the demolition of property with less than six dwelling units where no building permit has been issued. We understand that demolition permit applications under the foregoing section of the Municipal Code are considered by Community Council. It is our hope that Toronto and East York Community Council will deal with this matter as it meeting on May 2, 2017.

Background

287 Rushton Road is located just north of St. Clair Avenue West, the first property north of the lane that separates the mature residential community comprised of single- and semi-detached homes from the mixed commercial-residential uses that exist along the main street.

The proposal is to demolish the existing single-detached dwelling and develop a 16-stall, municipally-owned surface parking lot. The subject property was acquired by the City of Toronto to satisfy a demand for parking in the area. The purpose of this project is "to service the short-term parking needs of the surrounding St. Clair Hillcrest Village BIA neighbourhood" (Staff Report, GM3 13, from TPA to Government Management Committees, March 23, 2015).

The 16 parking spaces at 287 Rushton Road will provide additional parking supply that is needed to replace some of the on-street parking along St. Clair Avenue West that was lost when the St. Clair Right-of-Way was built.
A Site Plan application in respect of the proposed surface parking lot was submitted to City Planning on September 9, 2016. Following receipt of an initial round of comments from circulated departments and agencies, revisions were made to the plans to address concerns regarding the proposal. We expect to file a resubmission regarding the Site Plan application within the next couple of weeks.

**Application Materials**

We are submitting the following materials, in addition to this covering letter, for the demolition permit application regarding 287 Rushton Road.

1. Demolition Permit Application Checklist, dated March 30, 2017,
2. Application for a Permit to Construct or Demolish, dated March 30, 2017,
3. Owner’s Acknowledgement of Demolition Control Conditions, dated March 30, 2017,
4. Surveyor’s Real Property Report – Part 1, prepared by Avanti Surveying, dated February 17, 2016,
5. Removal and Demolition Plan, prepared by Marton Smith Landscape Architects, dated August 30, 2016,
6. Report on Designated Substance Survey, completed by Toronto Inspection Ltd., dated March 17, 2016,
7. Tree Declaration, dated March 30, 2017

Should you have any question or require additional information, please contact the undersigned.

Yours very truly,

**DALES CONSULTING**

Andrew Daies, MScPI MCIP RPP