

37 and 39 Hemlock Ave – Part Lot Control Exemption Application – Final Report

Date:	June 7, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	17 220429 STE 32 PL

SUMMARY

This application requests exemption from the Part Lot Control provisions of the *Planning Act* for lands municipally known as 37 and 39 Hemlock Avenue, to allow the creation of four lots each containing a semi-detached dwelling unit. These lands were subject to a previous application for Part Lot Control Exemption By-law which has lapsed. The previous By-law included two lots and residential buildings within this location, whereas four lots and residential buildings are now proposed. Approval for the additional homes was granted by the Committee of Adjustment.

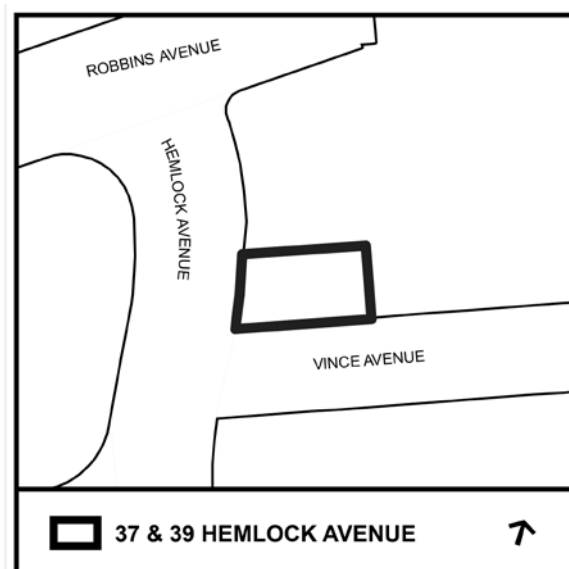
The proposal complies with the Official Plan and Zoning By-law. The lifting of Part Lot Control for a period of 2 years is considered appropriate for the orderly development of these lands.

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 37 and 39 Hemlock



Ave., as generally illustrated on Attachment 1 to the report (June 7, 2018), from the Acting 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 request the City Solicitor to withhold the introduction of the Bill until such time as the Manager, Development Engineering, Engineering & Construction Services, has indicated that the proposal is acceptable.
3. 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.
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

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 two of the proposed buildings.

In its decision of May 6, 7 and 8, 2014, City Council adopted item no. TE31.9 and enacted a Part Lot Control Exemption By-law with respect to the lands as 42 Edgewood Avenue. By-law 413-2014 expired on May 7, 2016.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE31.9>

In its decision of March 4, 2015, the Committee of Adjustment allowed variances to increase the number of residential buildings from 33 to 34. The Committee of Adjustment also granted variances for additional gross floor area and for alterations to the approved building envelope under by-law 799-2012.

ISSUE BACKGROUND

Proposal

The proposal is for the construction of two pairs of semi-detached houses on the proposed four lots. These lands were part of an overall development for the construction of 32 new houses that was approved by City Council in 2012. Since the 2012 approval, there have been numerous applications to the Committee of Adjustment, including for these four lots. The semi-detached houses will front onto Vince Avenue and each house will have parking located in an at-grade integral garage.

Site and Surrounding Area

The site is located on the north east corner of Hemlock Avenue and Vince Avenue. The lands are surrounded on all sides by properties containing detached and semi-detached houses.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan on Map 21 – Land Use Plan. *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached homes, semi-detached homes, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

The Official Plan contains development criteria for assessing new development in *Neighbourhoods* in Section 4.1. 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.

The proposal conforms with the *Neighbourhoods* policies of the Official Plan.

Zoning

The subject lands are subject to By-law No. 799-2012, as amended by the Committee of Adjustment, which permits the construction of a semi-detached house on each of the proposed lots, outlining 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 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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential which includes affordable housing, promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan are, including among others, to build compact, vibrant and complete communities; to protect, conserve, enhance and widely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The lifting of Part Lot Control would allow for the orderly development of the remaining lands within the overall development.

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 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 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

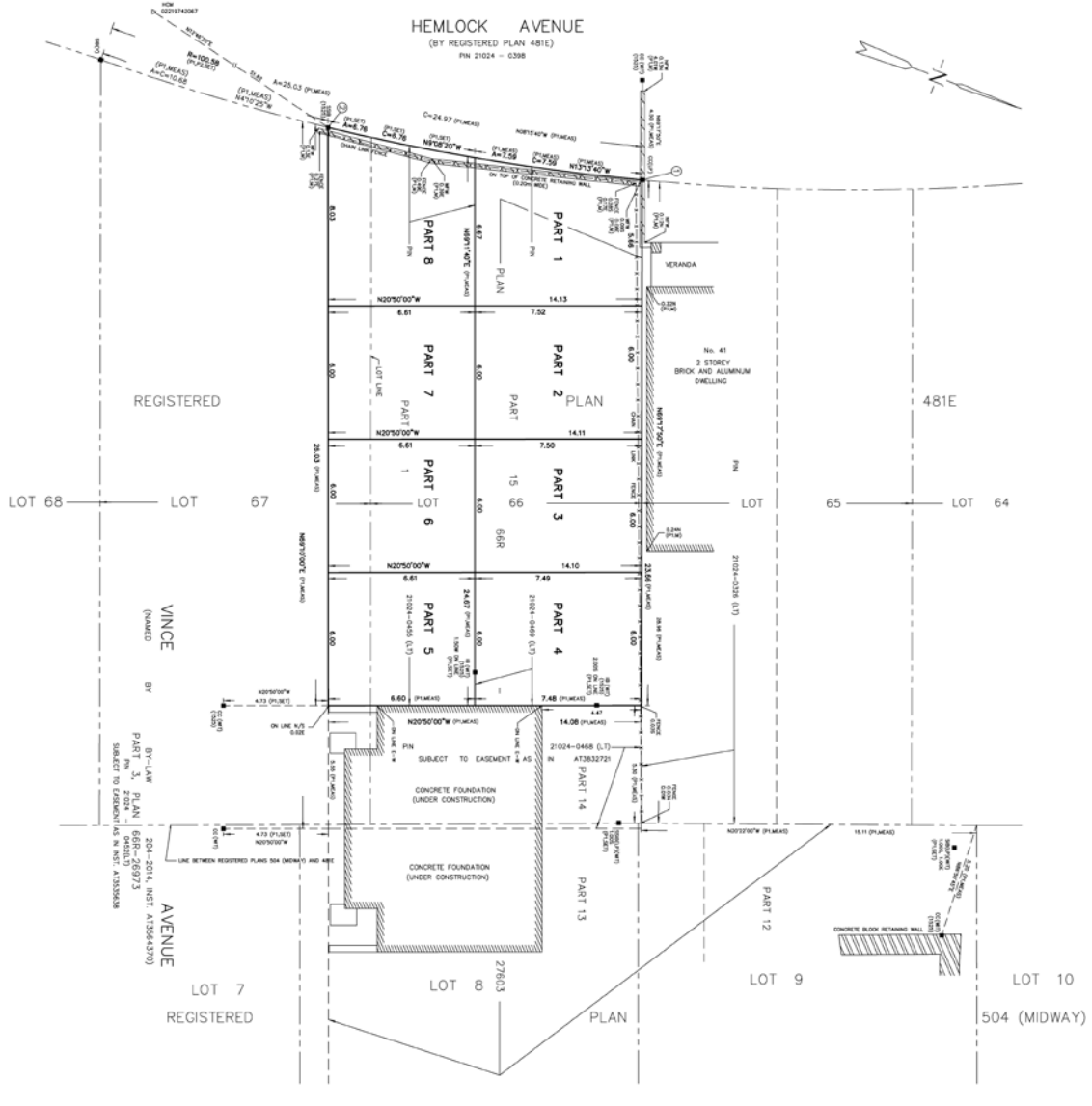
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENT

Attachment 1: Part Lot Control Exemption Plan

Attachment 1: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan

37 & 39 Hemlock Avenue

Applicant's Submitted Drawing

Not to Scale
08/30/2017

File # 17 220429 STE 32 PL