

**1705, 1717, 1719, 1743 & 1745 Avenue Road
Part Lot Control Exemption Application
Final Report**

Date:	July 27, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	10 194539 NNY 16 PL

SUMMARY

This application was made on June 11, 2010 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

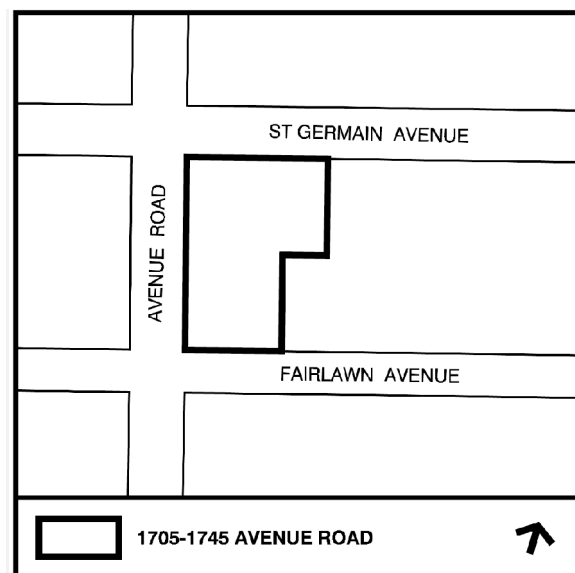
This application proposes to lift Part Lot Control for the lands at 1705, 1717, 1719, 1743 & 1745 Avenue Road to facilitate the division of the mixed used development currently under construction into separate commercial and residential components. The lifting of Part Lot Control will allow the registration of related cross easements between the two components to allow for the orderly development and proper operation of the site.

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 1705, 1717, 1719, 1743 & 1745 Avenue Road as generally illustrated on



Attachment 1, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.

2. City Council authorize the City Solicitor to introduce the necessary Bill after such time that:
 - a) the owner provides proof of payment of all current property taxes for the subject lands; and
 - b) the owner has registered, satisfactory to the City Solicitor, a Section 118 restriction under the *Land Titles Act* agreeing not to transfer or mortgage any part of the subject lands without the prior written consent of the Chief Planner or his designate.
3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction at such time as the Draft Plan of Condominium has been registered.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Applications to amend the former City of North York Official Plan and Zoning By-law 7625 were submitted in November 2004, and an implementing Site Plan Control application was submitted in 2005. The applicant appealed Council's failure to render a decision on the Official Plan and Rezoning applications and referred the Site Plan to the Ontario Municipal Board in May 2006. City Council refused the applications at its meeting of September 25, 26 and 27, 2006 and directed the City Solicitor to advise the Municipal Board of its desire for a lower building, subject to an appropriate contribution pursuant to Section 37 of the *Planning Act*. City Council's decision can be found at the following link:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/ny7rpt/cl078.pdf>

Prior to the commencement of a full hearing before the Municipal Board, the applicant and the City reached a settlement on the outstanding issues of height and density. The settlement was authorized by City Council at its meeting of February 5, 6, 7 and 8, 2007. The effect of the settlement reduced the height of the building to a 6 storey envelope and authorized the City Solicitor to secure a cash contribution secured with an Agreement registered on title pursuant to Section 37 of the *Planning Act*.

On July 3, 2007, the Ontario Municipal Board issued Order 1841 allowing the Official Plan and Zoning By-law appeals and settled matters of the site plan referral to implement

the settlement between the applicant and the City, and a separate settlement between the applicant and surrounding ratepayer groups. However, the Board withheld its final order on the Official Plan and Zoning By-law Amendments until it received revisions requested by the Order. On July 25, 2007, the Board issued an order enacting the Official Plan and Zoning By-law Amendments. The Zoning By-law Amendment was enacted as City of Toronto By-law 1107-2008(OMB).

At its meeting of May 11 and 12, 2010, City Council approved a City-initiated zoning amendment to reallocate a portion of the cash contribution secured in a Section 37 Agreement not required for the original capital improvement towards implementing the street signage branding with “The Upper Avenue” as well as open space or streetscape improvements. City Council’s Decision on can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2010/ny/reports/2010-04-27-ny33-cr.htm#NY33.48>

ISSUE BACKGROUND

Proposal

The applicant is requesting an exemption from Part Lot Control in order to create separate parcels for the commercial portion of the building mostly contained on the first floor, and the residential condominium (five storeys).

The mixed use development will be legally divided into two separate entities. The commercial segments of the building to be held by RioCan REIT and subsequently leased to commercial tenants and the residential components will be held by Tribute (Avenue) Limited as the condominium declarant. A separate condominium application has been submitted to the City for approval to divide the residential component into units. A number of conditions will be required by the City as part of the approval of any condominium plan.

For the mixed use building to be developed in an orderly manner and operate after construction is completed, a number of leasing arrangements, financial transactions and cross easements will be necessary. The requested Part Lot Control exemption allows for the requisite transactions to occur. It does not affect the appearance of the building or alter the performance standards put in place by the Zoning By-law.

Refer to Attachment No. 2 for project data.

Site and Surrounding Area

The 0.5 hectare site is located on the east side of Avenue Road between St. Germain Avenue and Fairlawn Avenue. The site has a frontage of approximately 92m on Avenue Road with a depth of 45m on the Fairlawn Avenue frontage and 67m on the St. Germain frontage. The approved mixed use mid-rise building is currently under construction on the site.

Surrounding land uses are as follows:

North: 1 and 2 storey commercial and retail uses, with limited commercial and residential uses on the second floors along the east side of Avenue Road, north of St. Germain Avenue.

East: Single detached residential dwellings along St. Germain Avenue and Fairlawn Avenue.

South: 1 and 2 storey commercial and retail uses, with limited commercial and residential uses on the second floors along the east side of Avenue Road, south of Fairlawn Avenue.

West: across Avenue Road, 1 and 2 storey commercial and retail uses with limited commercial and residential uses on the second floors.

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.

Official Plan

The lands fall within an identified Avenue on Map 2 of the Official Plan and are designated *Mixed Use Areas*. An Avenue study was conducted for Avenue Road between Lawrence Avenue West and Wilson Avenue as provided for by Policies in Chapter 2.2 of the Plan. A zoning by-law was passed in accordance with these policies which identify areas for intensification in a mid-rise form which appropriately transitions to surrounding lands designated *Neighbourhoods*.

Zoning

The subject site is zoned RM6(170) by Site Specific Zoning By-law 1107-2008(OMB). This exception to the RM6 zone permits the construction of a 6 storey mixed use building with non-residential uses on the ground floor and residential uses above. The exception permits a maximum of 85 units and the building may not exceed 22m in height provided the applicant entered into a Section 37 Agreement.

Site Plan Control

An amendment to the Site Plan Control agreement is not required to implement the requested Part Lot Control exemption.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The lifting of Part Lot Control from the subject site allows for the orderly development of lands along an identified intensification corridor.

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

CONTACT

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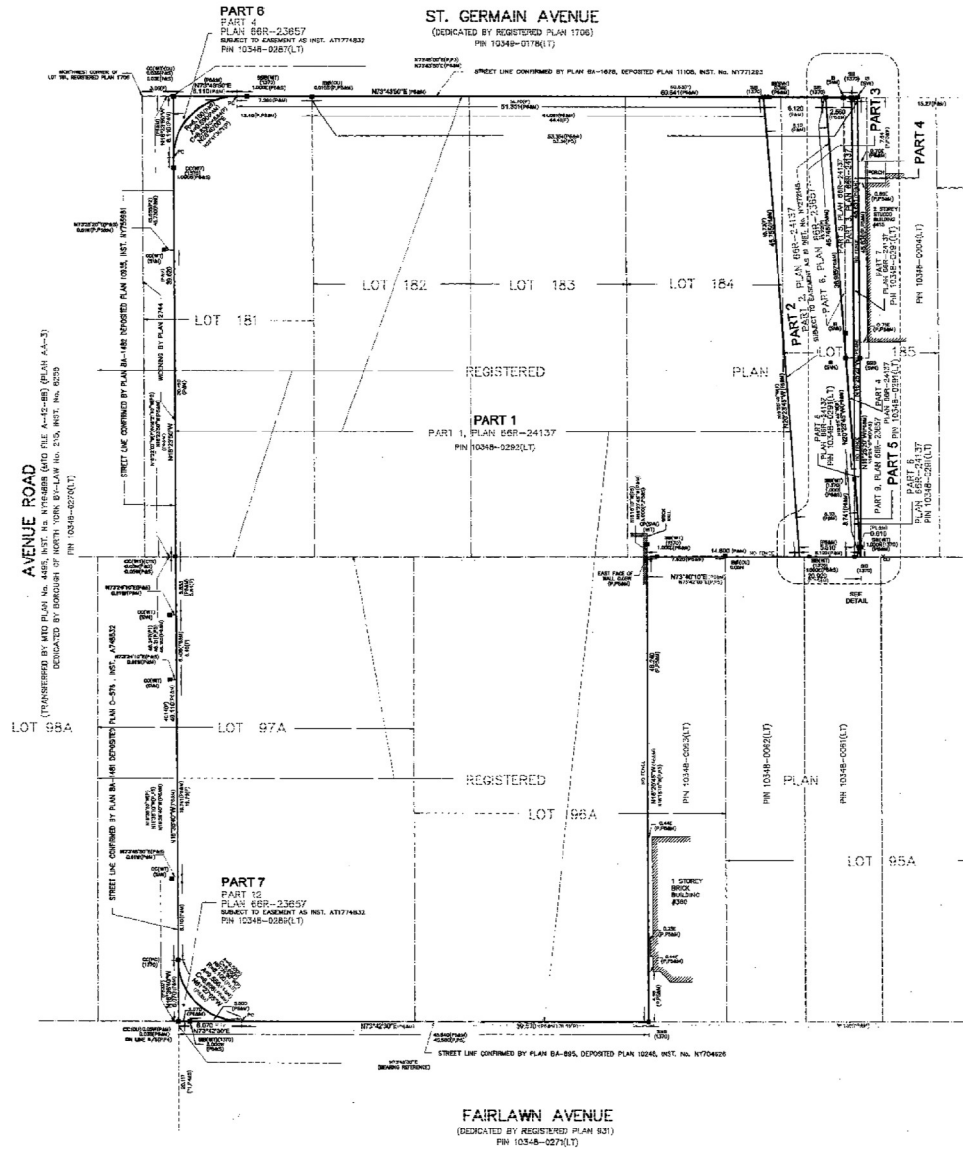
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York 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

Applicant's Submitted Drawing

Not to Scale
07/27/2010



1705, 1717, 1719, 1743
& 1745 Avenue Road

File # 10_194539

Attachment 2: Application Data Sheet

Application Type	Part Lot Control Exemption	Application Number:	10 194539 NNY 16 PL
Details		Application Date:	June 11, 2010

Municipal Address:	1705 AVENUE RD
Location Description:	PLAN 2247 PT LOTS 96A AND 97A **GRID N1602
Project Description:	Six storey mixed use development

Applicant:	Agent:	Architect:	Owner:
GOODMANS LLP			

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM6(170)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5158	Height:	Storeys:	6
Frontage (m):	92.4		Metres:	22.8
Depth (m):	67			
Total Ground Floor Area (sq. m):	2,500			Total
Total Residential GFA (sq. m):	14,283		Parking Spaces:	231
Total Non-Residential GFA (sq. m):	2,077		Loading Docks	1
Total GFA (sq. m):	16,360			
Lot Coverage Ratio (%):	465			
Floor Space Index:	3.17			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	14,283	0
Bachelor:		Retail GFA (sq. m):	2,077	0
1 Bedroom:		Office GFA (sq. m):	0	0
2 Bedroom:		Industrial GFA (sq. m):	0	0
3 + Bedroom:		Institutional/Other GFA (sq. m):	0	0
Total Units:	83			

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