

289 & 291 The Kingsway and 1, 3, 5 & 7 St. Stevens Court – Part Lot Control Exemption Application – Final Report

Date: June 7, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 2 – Etobicoke Centre

Planning Application Number: 18 271052 WET 02 PL

Related Applications: 13 164210 WET 04 OZ & 18 126601 WET 04 SA

SUMMARY

This application requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of land to create 5 residential lots for four proposed residential apartment buildings and 1 existing residential apartment building on the lands located at 289 & 291 The Kingsway and 1, 3, 5 & 7 St. Stevens Court. The exemption from the Part Lot Control provisions of the *Planning Act* would also establish easements for shared access and servicing between the proposed buildings.

The proposal complies with the existing Official Plan and Local Planning Appeal Tribunal (LPAT) approved Zoning By-law. The lifting of Part Lot Control for a period of three years is considered appropriate for the orderly development of these lands.

This report reviews and recommends approval of 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 and Executive Director, City Planning or his 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 289 & 291 The Kingsway and 1, 3, 5 & 7 St. Stevens

Court as generally illustrated on Attachment 2 of this report, to be prepared to the satisfaction of the City Solicitor and to expire three 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 By-law, 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 and Executive Director, City Planning or his designate.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
5. City Council direct the Chief Planner and Executive Director, City Planning or his designate to withhold his consent under paragraph 118(1) 2 of the *Land Titles Act* until the site specific Zoning By-law for the four new residential apartment buildings approved in principle by the Local Planning Appeal Tribunal in its decision dated April 24, 2018 has come into full force and effect.
6. 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.
7. City Council authorize the City Solicitor to release, or partially release, the Section 118 Restriction from title to all or a portion of the lands in her sole discretion after consulting with the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 10, 2013, Etobicoke York Community Council (EYCC) adopted the Preliminary Report dated August 23, 2013 on the Zoning By-law Amendment and Rental Housing Demolition applications seeking to replace five existing rental apartment buildings with six new residential buildings and maintaining the

existing 17-storey rental apartment building on the subject lands. The report can be accessed at:

<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-61104.pdf>

On July 23, 2015, the owner appealed the Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) the former Ontario Municipal Board (OMB) citing City Council's failure to make a decision within the prescribed time frame set out in the *Planning Act*.

On February 3, 2016, City Council adopted the Request for Directions Report dated December 16, 2015, to authorize the City Solicitor, together with appropriate staff to attend any LPAT hearings in opposition to the appeal. City Council also directed City staff to continue discussions with the applicant on a revised proposal. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY11.2>

On April 24, 2017, the LPAT approved in principal the site specific zoning appeal, in part, for four new residential apartment buildings containing 523 dwelling units (including 156 replacement rental dwelling units). The LPAT withheld its Final Order until a number of conditions have been satisfied. At the time of writing this report, the Local Planning Appeal Tribunal had not issued its Final Order.

On April 24, 2018, City Council approved the Rental Housing Demolition permit in accordance with Toronto Municipal Code Chapter 667 to allow the demolition of 156 existing rental dwelling units. The report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY29.1>

ISSUE BACKGROUND

Proposal

This application requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of land to create 5 residential lots for four proposed residential apartment buildings and 1 existing residential apartment building for the lands located at 289 & 291 The Kingsway and 1, 3, 5 & 7 St. Stevens Court. The exemption from the Part Lot Control provisions of the *Planning Act* would permit the creation of conveyable lots for the development of the approved buildings, establish easements for shared access and servicing between the proposed buildings and allow for construction financing and the registering of mortgages on the parcels.

For more information, refer to Attachment No. 2 Part Lot Control Exemption Plan.

Provincial Land-Use Policies: 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 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 City 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 City 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."

Provincial Plans

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. City 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 City 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 City Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;

- 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 (2019) 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 (2019) 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 City 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 City Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

The subject lands are designated *Apartment Neighbourhoods* in the Official Plan on Map 14 - Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Official Plan includes criteria that direct the form and quality of development in this land use designation.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Site and Areas Specific Policy 500 (SASP)

In 2016, City Council adopted Official Plan Amendment No. 298 (OPA 298), which implemented Site and Area Specific Policy 500 (SASP) for the *Apartment Neighbourhoods* designated lands located to the north of the Humbertown Shopping Centre. The SASP was the result of an extensive city initiated study to examine future potential redevelopment of these lands arising from community

concerns that the scale of the Humbertown Shopping Centre redevelopment could be replicated on the stable *Apartment Neighbourhoods* lands. The SASP envisions maximum building heights of 6 storeys where appropriate subject to transition mechanisms such as setbacks, step-backs and angular planes to limit impact on the surrounding houses. Supplementary to the SASP are the *Edenbridge-Humber Valley Apartment Neighbourhood Design Guidelines* which set out the design principles that implement the SASP.

The only appeal submitted to the Local Planning Appeal Tribunal on the SASP was the site specific appeal related to the subject lands.

Zoning

The subject lands are zoned Fourth Density Residential Zone (R4) in the former City of Etobicoke Zoning Code. The LPAT has approved in principle site specific provisions for the subject lands to permit four additional residential apartment buildings in its decision dated April 24, 2018. At the time of writing this report, the site specific Zoning By-law had not come into full force and effect.

Site Plan Control

A Site Plan Control application has been submitted and is currently under review (Application No. 18 126601 WET 04 SA).

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

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 uses 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 (2019). The guiding principles of the Growth Plan include: to build compact, vibrant and complete communities; to protect, conserve, enhance and wisely 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 exemption from Part Lot Control would allow for the orderly development of the proposed residential buildings.

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 LPAT approved development.

The proposed Part Lot Control Exemption complies with the Official Plan and Zoning By-law. The Part Lot Control Exemption application was circulated to various Divisions and agencies for comment and no issues were identified.

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

At the time of writing this report, the site specific Zoning By-law for the four new residential apartment buildings approved in principle by the Local Planning Appeal Tribunal in its decision dated April 24, 2018 had not come into full force and effect. As a result, the applicant has been advised that the Chief Planner and Executive Director, City Planning will not provide his consent under paragraph 118(1) 2 of the *Land Titles Act* unless the site specific Zoning By-law comes into full force and effect. The Chief Planner and Executive Director, City Planning will also consider, among other matters, whether easements for shared access and servicing between the proposed buildings has been established to the City's satisfaction prior to providing his consent.

CONTACT

Tony Lieu, Assistant Planner, Tel. No. (416) 394-8223, Fax No. 416-394-6063,
E-mail: Tony.lieu@toronto.ca

SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

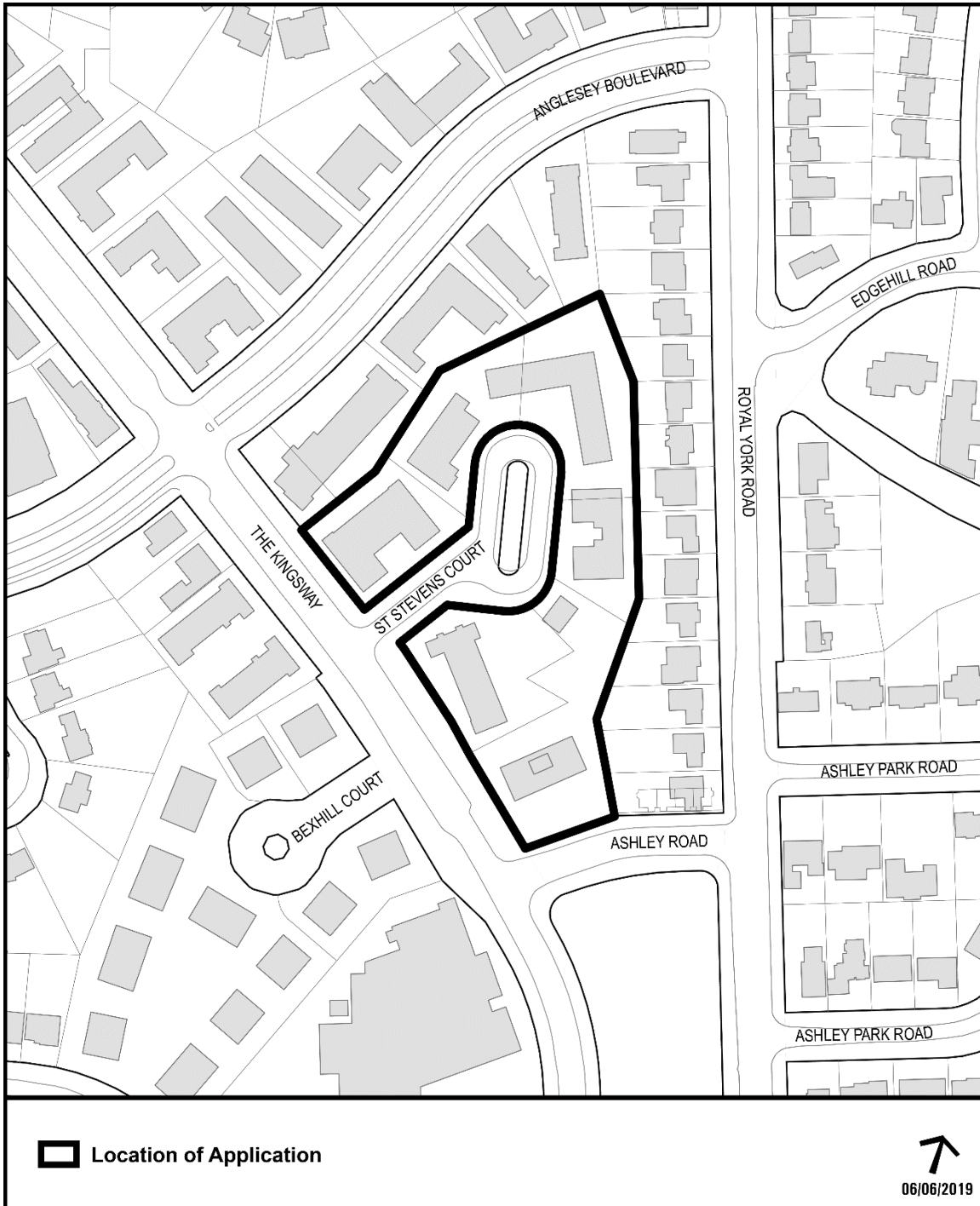
Attachment 1: Location of Application

Attachment 2: Part Lot Control Exemption Plan (Part 1 of 3)

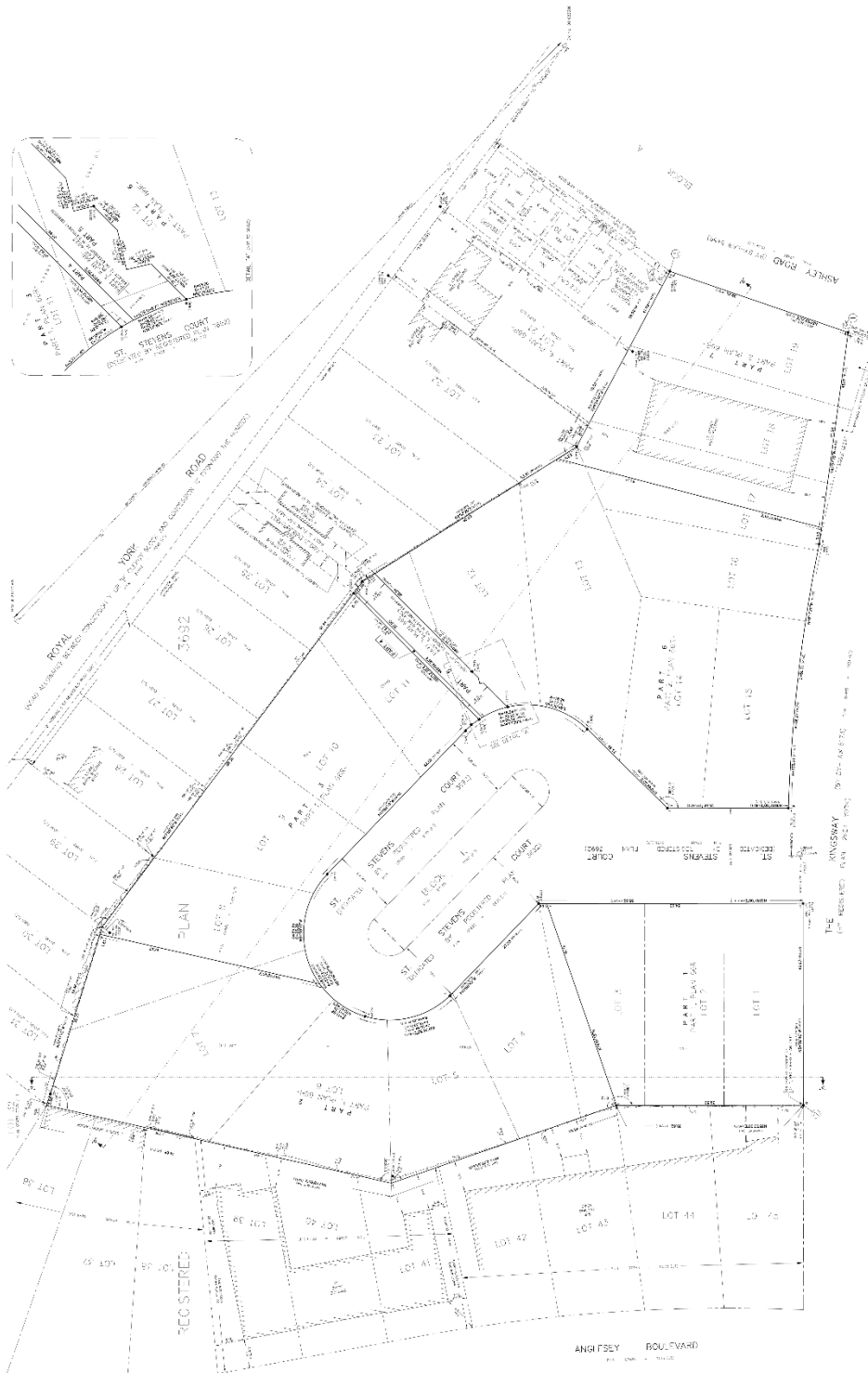
Attachment 3: Part Lot Control Exemption Plan (Part 2 of 3)

Attachment 4: Part Lot Control Exemption Plan (Part 3 of 3)

Attachment 1: Location of Application



Attachment 2: Part Lot Control Exemption Plan (Part 1 of 3)



Part Lot Control Exemption Plan

Attachment 4: Part Lot Control Exemption Plan (Part 3 of 3)

