



REPORT FOR ACTION

26 Ernest Avenue – Part Lot Control Exemption Application – Final Report

Date: March 2, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 9 – Davenport

Planning Application Numbers: 19 178777 STE 09 PL

SUMMARY

The Part Lot Control Exemption application proposes to create the conveyable lots for 79 townhouses at 26 Ernest Avenue which will become Parcels of Tied Land (POTLs) to a Common Elements Condominium which will provide shared access and servicing for the townhouses. A Common Elements Condominium application will be considered by Toronto and East York Community Council at a future meeting. The lifting of the Part Lot Control for a period of two years is considered appropriate for the orderly development of these lands.

The Common Elements Condominium application proposes to establish the drive aisle for the 79 townhouse units. The Common Elements Condominium will ensure shared ownership and maintenance of the common elements by the condominium corporation.

This report reviews and recommends approval of the Part Lot Control Exemption application. This report also recommends that the owner 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 / her 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 26 Ernest Avenue as generally illustrated on Attachment 2 to the report (February 20, 2020) from the 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 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 subject lands without the written consent of the Chief Planner and Executive Director, City Planning or his / her designate.

4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title to the Parcels of Tied Land at such time as confirmation is received that the Common Elements Condominium has been registered.

6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

7. 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

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

At its meeting on February 3 and 4, 2016, City Council adopted Toronto and East York Community Council Item TE13.2, which amended Zoning By-law 438-86, as amended to permit a 79-unit townhouse development at 26 Ernest Avenue. The Final Report and City Council decision can be found here:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.2>

Site-specific Zoning By-law No. 729-2016 was enacted by City Council on July 15, 2016. However, it was discovered that By-law 729-2013 contained some technical errors including defined grade, heights, setbacks, and provisions related to the timing of the construction of the private road.

At its January 31, 2018 meeting, City Council amended Site Specific Zoning By-law 729-2016, which corrected the previously identified errors, permitting a 79-

unit townhouse development at Ernest Avenue, identifying correct heights, setbacks, and proper timing of the construction of the private road. The Final Report and City Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE29.5>.

The Statement of Approval for the Site Plan Control application was issued by the Director of Community Planning, Toronto and East York District on October 30, 2018.

PROPOSAL

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 79 residential townhouses located at 26 Ernest Avenue. The Common Elements Condominium application proposes to establish the drive aisle, driveway, landscape area, and underground parking area. This would ensure shared access, ownership and maintenance of these elements by the condominium corporation.

Ernest Avenue is located north of Bloor Street West, extending from Symmington Avenue to the east to the CNR/CPR rail corridor to the west. The site is located on the north side of Ernest Avenue and has approximately 75 metres of frontage and a depth of approximately 59 metres for a total area of 7,143 square metres. For more information, refer to Attachments 1: Part Lot Control Exemption Plan and Attachment 5: Application Data Sheet.

Reasons for the Application

The subdivision of the townhouse lots through a Part Lot Control Exemption will allow for the creation and conveyance of individual lots to purchasers as freehold lots. The applications are required to establish the conveyable lots and the ownership structure of the Common Elements Condominium. The creation of the Common Elements Condominium will ensure the collective ownership, shared maintenance and access of the common elements.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Plan of Survey;
- Part Lot Control Exemption Plan; and
- Draft Plan of Common Elements Condominium.

The current planning information for the applications can be found on the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

The application, together with the applicable plans noted above, were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications, and to formulate appropriate conditions of Draft Plan of Common Elements Condominium approval.

POLICY CONSIDERATIONS

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 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 (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") 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;
- 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.

Toronto Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan on Map 18 - Land Use Plan of the Official Plan. *Neighbourhoods* are physically stable areas which can be made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys in height. Parks, low scale local institutions, home occupations, cultural and recreational facilities, and small-scale retail, service, and office uses are also provided for in *Neighbourhoods*.

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

Zoning

Site-specific Zoning By-law 729-2016 amended former City of Toronto Zoning By-law 438-86 from its Industrial (I2D2) classification to Residential (R3) to allow for 79 residential townhouses to be constructed at 26 Ernest Avenue.

Site Plan Control

A Site Plan Control application was submitted on June 5, 2014 (Application No. 14 169082 STE 18 SA). The Statement of Approval was issued on October 30, 2018.

COMMENTS

Provincial Policy Statement and Provincial Plans

The applications are 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 applications also conform to and do 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 and 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 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 the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the Part Lot Control Exemption By-law contain an expiration date. In this case, the By-law would expire two years following enactment by City Council. This time frame would provide sufficient time for the completion of the development.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions for each of the POTLs. The Section 118 Restriction is used to prevent the conveyance of the POTLs until the Common Elements Condominium is registered.

CONTACT

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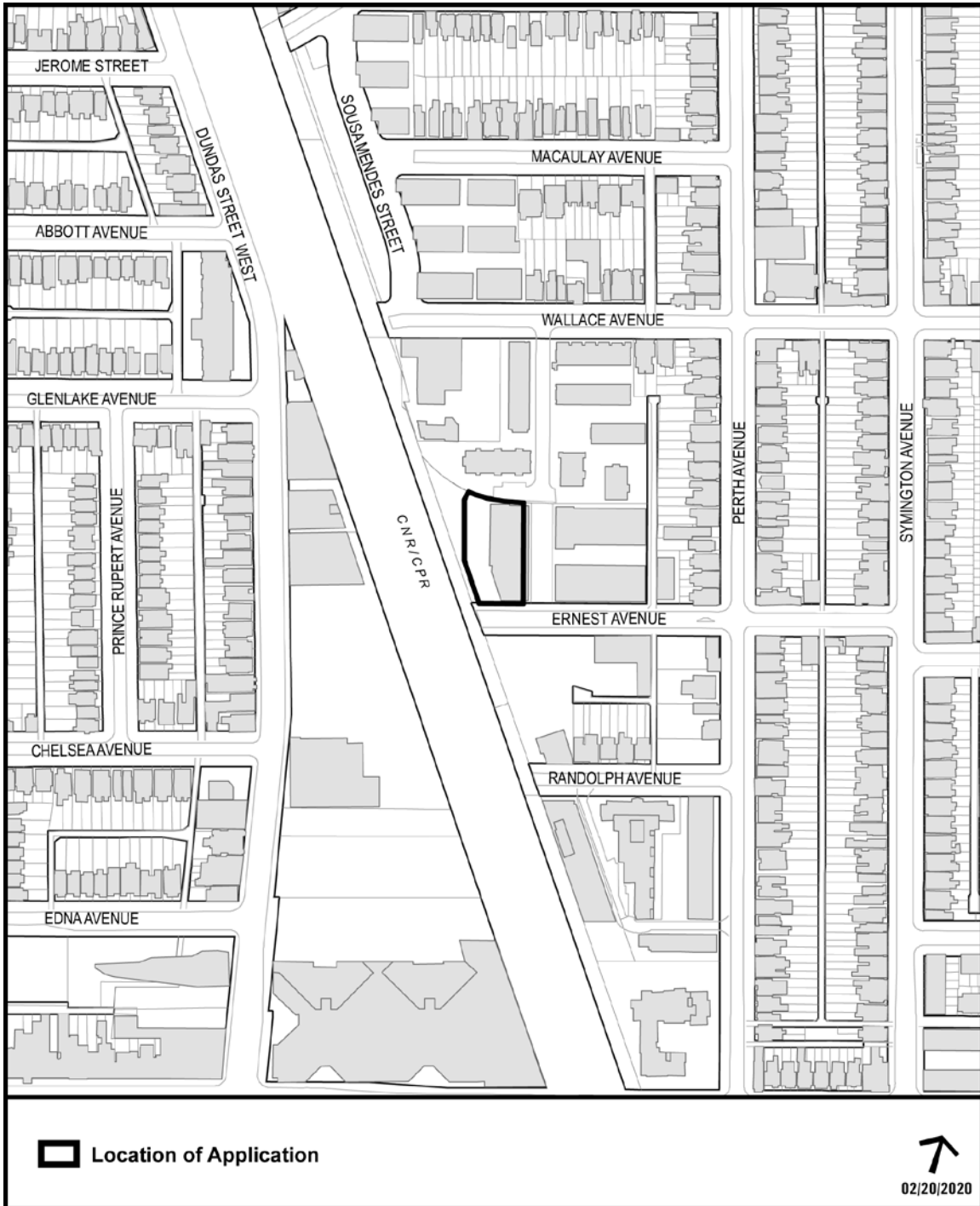
SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning,
Toronto and East York District

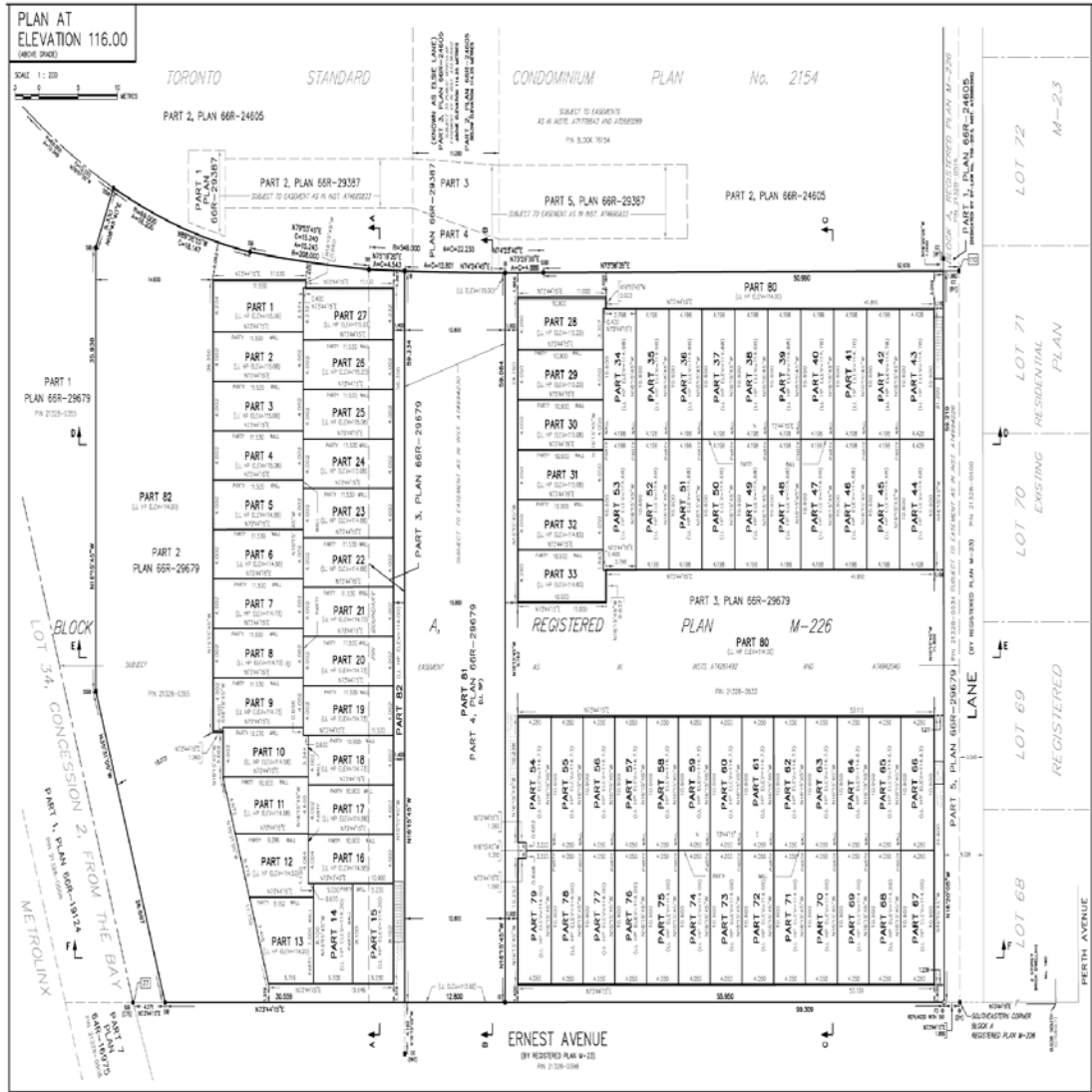
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Part Lot Control Exemption Plan
Attachment 3: Draft Part Lot Control Exemption By-law
Attachment 4: Application Data Sheet

Attachment 1: Location Map



Attachment 2: Part Lot Control Exemption Plan



Part Lot



Attachment 3: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Report No., as adopted
by City of Toronto Council on , 201-

Enacted by Council:

CITY OF TORONTO

BY-LAW No.

To exempt lands municipally known as 26 Ernest Avenue, from Part Lot Control.

WHEREAS authority is given to Council by subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 50(5) of the Planning Act does not apply to the lands described in the attached Schedule "A".
2. This By-law expires two years from the date of its enactment by Council.

ENACTED AND PASSED this day of , 201-

FRANCES NUNZIATA,
Speaker

ULLI S. WATISS,
City Clerk

(Corporate Seal)

Schedule "A"

LEGAL DESCRIPTION OF

26 Ernest Avenue from Part Lot Control.

Attachment 4: Application Data Sheet

Municipal Address: 26 ERNEST AVE **Date Received:** June 26, 2019

Application Numbers: 19 178777 STE 09 PL and 19
178810 STE 09 CD

Application Types: Part Lot Control Exemption and Draft Plan of Common Elements
Condominium

Project Description: Project description: Part Lot Control Exemption application for the creation of 79 townhouse lots, and a Draft Plan of Common Elements Condominium application for vehicular access to the 79 townhouse lots.

Applicant	Agent	Architect	Owner
DONALD ROSS MCKERRON		Barrett Architect Inc	MONTEVALLO DEVELOPMENTS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	Residential (729-2016)	Heritage Designation: N/A
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 7,143 Frontage (m): 75 Depth (m): 59

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	3,626		3,510	3,510
Residential GFA (sq m):			11,853	11,853
Non-Residential GFA (sq m):	3,626			
Total GFA (sq m):	3,626		11,853	11,853
Height - Storeys:	1		3	3
Height - Metres:			12	12
Lot Coverage Ratio (%): 49.1		Floor Space Index:	1.7	