

1970 Victoria Park Avenue and 9 Clintwood Gate – Part Lot Control Exemption Application – Final Report

Date: October 22, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 16 - Don Valley East

Planning Application Number: 20 233432 NNY 16 PL

SUMMARY

This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* for the lands municipally known as 1970 Victoria Park Avenue and 9 Clintwood Gate. The exemption request is to facilitate the creation and conveyance of 67 lots for a three-storey residential townhouse development. An application for Draft Plan of Common Element Condominium (20 233440 NNY 16 CD) has also been submitted for approval in conjunction with this application. The Common Element Condominium application is currently under review by the Chief Planner, pursuant to the delegated approval under By-law 229-2000, which proposes to establish a private north-south vehicular driveway that connects Clintwood Gate and Curlew Drive, a common below grade parking garage, a private open space block, and pedestrian walkways in between the townhouse blocks.

The requested Part Lot Control Exemption is required to permit the creation of the 67 conveyable lots for the townhouses currently under construction, which will become the Parcels of Tied Land (POTLs) to the Common Element Condominium. The Common Element Condominium Corporation to be established will ensure pedestrian and vehicular access and the maintenance of these shared spaces.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2020), and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Part Lot Control Exemption By-law that would be in effect for a maximum of two years. Furthermore, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the Lands Titles Act against the subject lands, as described in

"Schedule A" in Attachment 4 of this report. This is to ensure that no part of the lands can be conveyed or mortgaged without prior consent of the Chief Planner 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 1970 Victoria Park Avenue and 9 Clintwood Gate, as generally illustrated on Attachment 3 to the report dated October 22, 2021, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
2. Prior to the introduction of the Part Lot Control Exemption Bill for enactment, City Council require the owner to:
 - A. 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; and
 - B. 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 described in Schedule "A" in Attachment 4 to this report, without the written consent of the Chief Planner or his/her designate.
3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Chief Planner and Executive Director, City Planning at such a time as confirmation is received that the Common Elements Condominium has been registered to the satisfaction of the Chief Planner and Executive Director.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the lands or any portion thereof against which the Section 118 Restriction under the Land Titles Act has been registered.
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

The application for Part Lot Control Exemption was submitted on December 24, 2020 and deemed complete on April 26, 2021. The Common Element Condominium application (20 168572 NNY 16 CD) was submitted on December 23, 2020 and deemed complete on April 26, 2021.

The site has been subject to rezoning application (13 172109 NNY 34 OZ) with the site-specific by-laws enacted on August 28, 2014. The final report is available at the following: <https://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-71626.pdf>.

The site plan control application (13 172935 NNY 34 SA) was referred to North York Community Council for a decision and was issued final approval on February 26, 2018. The final report is available at the following: <https://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-79306.pdf>.

The 67 townhouse dwellings are currently under construction.

PROPOSAL

This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation and conveyance of the 67 lots for the three-storey townhouses currently under construction at 1970 Victoria Park Avenue and 9 Clintwood Gate. The townhouses are divided into five blocks. A common below grade parking garage with 91 parking spaces will be access by a ramp located on the south side of the site from Curlew Drive.

A Common Element Condominium application has been submitted in conjunction with the Part Lot Control exemption request. The common element portions include the common below grade parking garage, the north-south private driveway that connects Clintwood Gate and Curlew Drive, the private landscaped open space block located in the interior of the site and the pedestrian walkways throughout the site.

Site and Surrounding Area

The site is located on the west side of Victoria Park Avenue, north of Lawrence Avenue East.

Land uses surrounding the site include:

North: two-storey townhouse dwellings.

South: a one-storey commercial plaza currently occupied by multiple vehicle repair and service businesses.

East: a one-storey retail store. Southeast of the site are multi-storey apartment buildings.

West: residential detached dwellings that front on Broadlands Boulevard and back onto Curlew Drive. A pedestrian walkway connects Broadlands Boulevard and Curlew Drive.

APPLICATION BACKGROUND

Application Submission Requirements

The following documents were submitted in support of the application:

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

The above noted documents can be found on the City of Toronto's Application Information Centre (AIC):

- Part Lot Control Exemption application:
<http://app.toronto.ca/AIC/index.do?folderRsn=ixGineSxHUQ%2BMcnhTVs0OA%3D%3D>
- Common Elements Condominium application:
<http://app.toronto.ca/AIC/index.do?folderRsn=%2F12Blpi4jOUTYsRfaaF36A%3D%3D>

Agency Circulation Outcomes

The application together with the applicable information noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and drafting the Part Lot Control Exemption By-law.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statement 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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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. 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The Growth Plan (2020) 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 (2020) 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 (2020), 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 a 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 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, and better connected 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 (2020) 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 (2020) 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.

Toronto Official Plan

The subject site is designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are considered a land use designation for growth. It is anticipated that *Mixed Use Areas* will absorb most of the City's new housing, retail, office, and service employment within the coming decades. These areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The proportion of commercial and residential uses will vary widely among different *Mixed Use Areas*, and not all *Mixed Use Areas* will experience the same scale or intensity of development.

Zoning

The site is subject to the City of Toronto Zoning By-law No. 569-2013 and is zoned *CR 1.2 (c1.0; r.1.2) SS3 (x99)*. The site is also subject to Site-specific By-laws 1013-2014 and 1014-2014. Site-specific exception 99 together with the site-specific by-laws outline the performance standards for the site which include the permitted maximum of 67 dwellings units; the maximum permitted building height of 11.3 metres at three storeys; the maximum permitted lot coverage of 48% of the lot area; and a minimum of 300 square metres of outdoor amenity space.

Site Plan Control

A Site Plan Control application for the proposed townhouses was submitted on May 23, 2013. The Notice of Approval Conditions was issued on June 12, 2015, and final site plan approval issued on June 26, 2018.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

Both the PPS (2020) and the Growth Plan (2020) encourage intensification and redevelopment in urban areas. The proposed townhouse development promotes intensification through a compact urban form and allows for the orderly development of the lands that conform to the policies of the Official Plan with respect to the built form and *Mixed Use Areas* land use designation.

Land Division

Part Lot Control Exemption is being requested in order to facilitate the creation and conveyance of 67 lots for a residential townhouse development currently under construction. A Common Element Condominium application is to allow the proposed private driveway, pedestrian walkways, landscaped open space and common below grade parking garage. The proposal is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning Bylaws.

Section 50(7) of the *Planning Act* 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 currently under construction.

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

The Common Element Condominium application is currently under review and draft approval is delegated to the Chief Planner. Before the common element condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal description 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.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), does not conflict with the Growth Plan (2020), and conforms with the Official Plan.

Staff recommend that Council approve the request for Part Lot Control Exemption and enact a Part Lot Control Exemption By-law with respect to the subject lands. Staff also recommend that the owner of the lands be required to register a Section 118 Restriction under the Lands Titles Act against the subject lands, as noted in the Recommendation section of this report.

CONTACT

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SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

ATTACHMENTS

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

Attachment 1: Application Data Sheet

Municipal Address: 1970 VICTORIA PARK AVE & 9 CLINTWOOD GT **Date Received:** December 23, 2020

Application Number: 20 233432 NNY 16 PL

Application Type: Part Lot Control Exemption

Project Description: Part Lot Control Exemption application to create and convey 67 townhouse lots. Related applications include rezoning 13 172109 NNY 34 OZ, site plan control 13 172935 NNY 34 SA, and minor variance approval A0928/15NY. Associated Common Element Condominium application 20 233440 NNY 16 CD has also been submitted.

Applicant	Agent	Architect	Owner
CURLEW GARDENS DEVELOPMENT 2167 Victoria Park Avenue		ROBIN CLARKE ARCHITECT A8-142 Pears Avenue	401704 ONTARIO LIMITED 2167 Victoria Park Avenue
		PARADIGM ARCHITECTURE & DESIGN 2198 Gerrard Street East	

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-laws 1013-2013 & 1014-2014
Zoning:	CR 1.2 (c1.0; r1.2) SS3 (x99)	Heritage Designation:	N
Height Limit (m):	11.3 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 7,128 **Frontage (m):** 43 **Depth (m):** 89

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,234	3,234
Residential GFA (sq m):			8,556	8,556
Non-Residential GFA (sq m):				
Total GFA (sq m):			8,556	8,556
Height - Storeys:			3	3
Height - Metres:			11	11

Lot Coverage Ratio (%): 45.37 **Floor Space Index:** 1.2

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	8,556	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			67	67
Condominium:				
Other:				
Total Units:			67	67

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				7	60
Total Units:				7	60

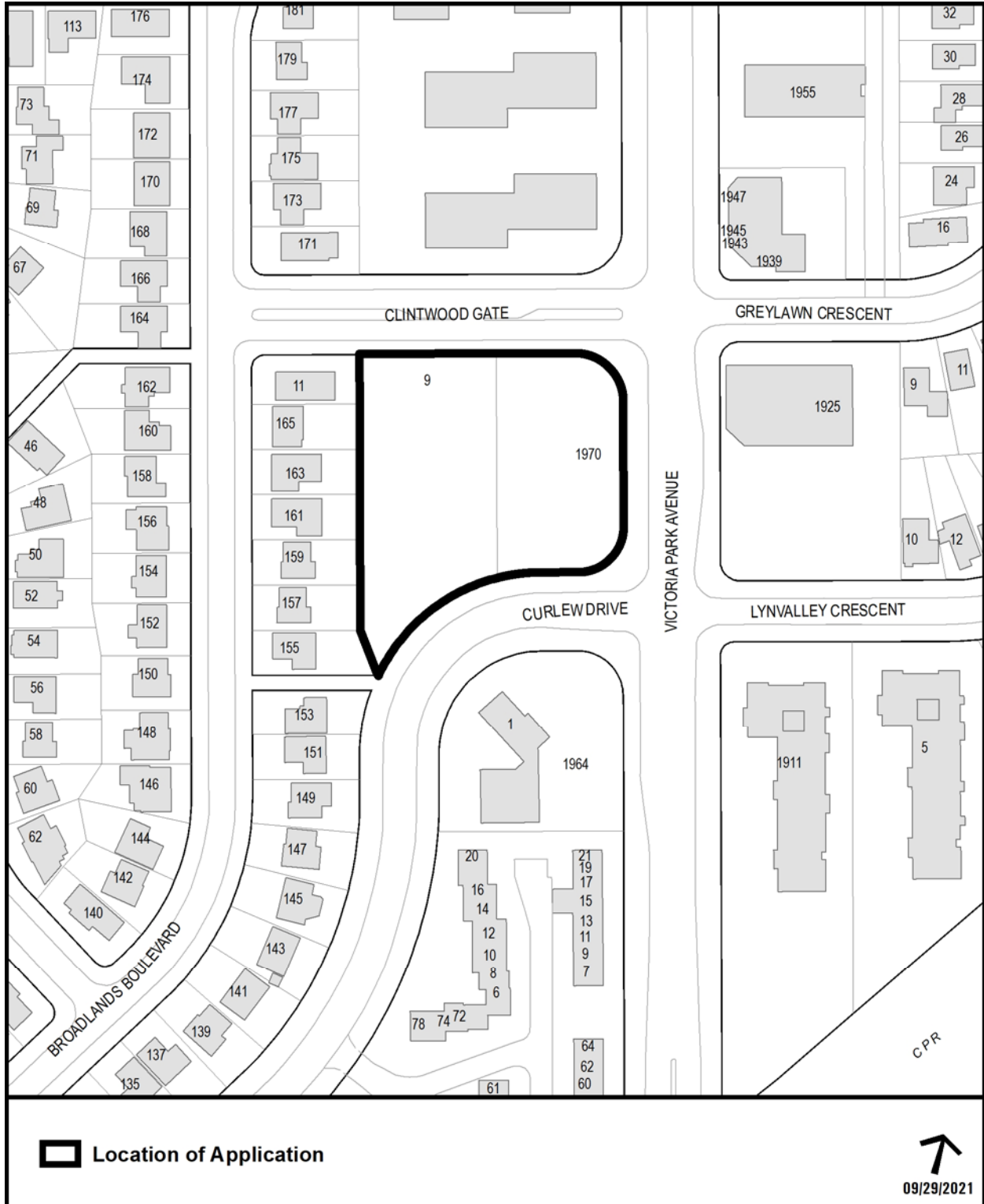
Parking and Loading

Parking Spaces: 91 Bicycle Parking Spaces: 0 Loading Docks: 0

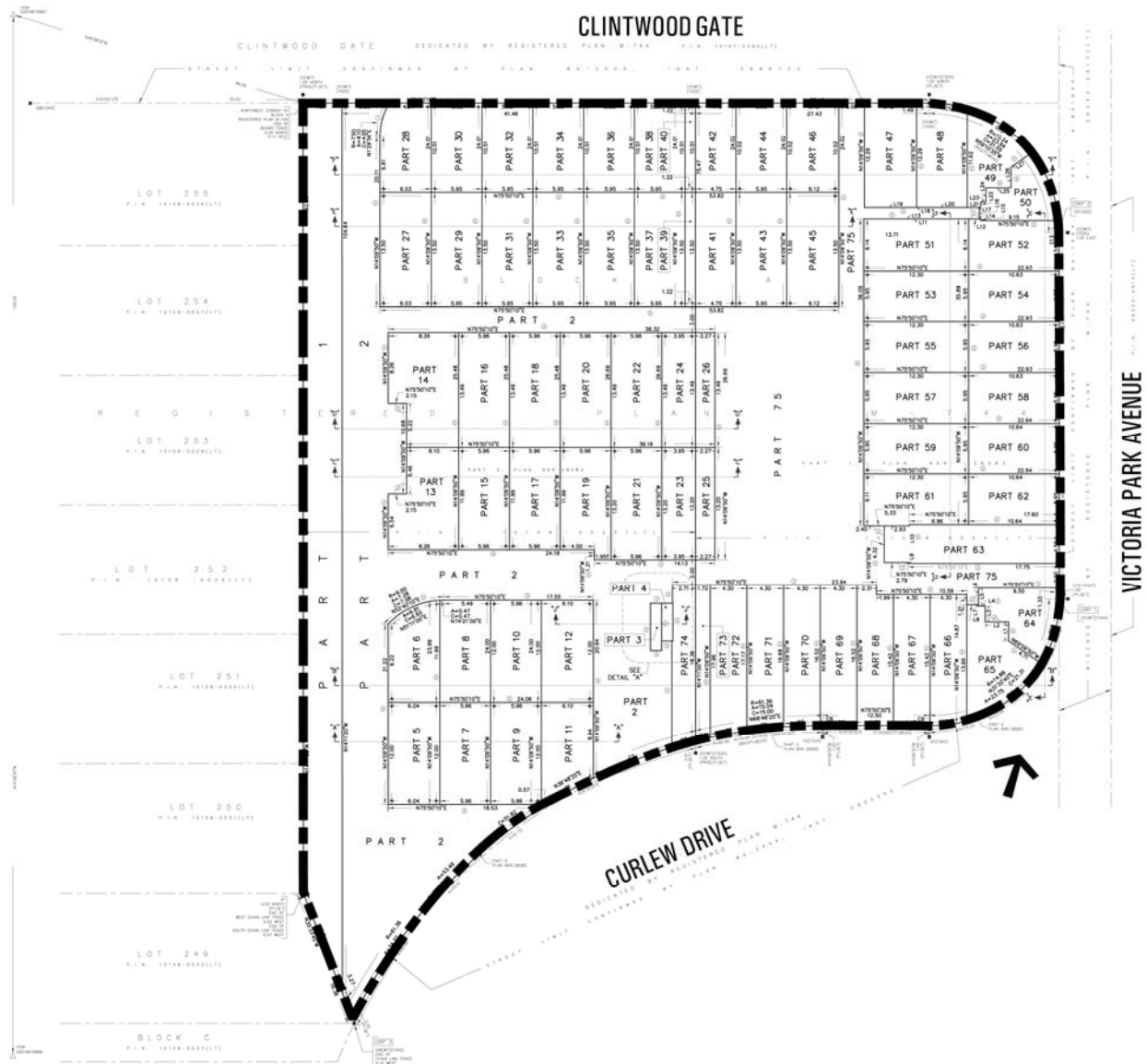
CONTACT:

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Attachment 2: Location Map



Attachment 3: Part Lot Control Exemption Plan



Attachment 4: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Item No. NY, as adopted by City of Toronto Council on _____, 2021

CITY OF TORONTO

Bill _____
BY-LAW _____-2021

To exempt a portion of lands municipally known as 1970 Victoria Park Avenue and 9 Clintwood Gate 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 on, _____, 2021.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Municipal Address

1970 Victoria Park Avenue and 9 Clintwood Gate

Legal Description

Firstly:

Part of Block A, Plan 66M744, Parts 1, Plan 66R-28283

Secondly:

Part of Block A, Plan 66M744, Parts 3 and 5, Plan 66R-28283