

**486 Lytton Boulevard and 2675 – 2681 Bathurst Street –
Part Lot Control Exemption Application – Final Report**

Date:	June 30, 2014
To:	Toronto City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	P:\2014\Cluster B\PLN\City Council\CC14109 (14 130675 NNY 16 PL)

SUMMARY

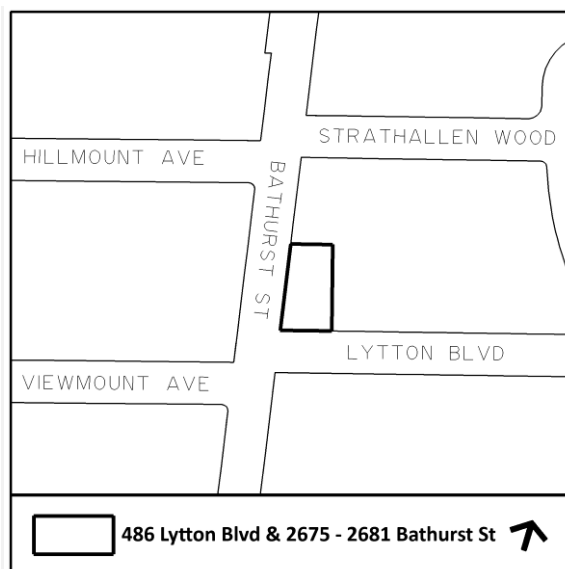
The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for seven of the original nine residential townhouse units fronting Bathurst Street that were subject to a previous approval by Council that has lapsed.

This report reviews and recommends approval of the application for 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 or 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 486 Lytton Blvd and 2675 – 2681 Bathurst St as generally illustrated on Attachment 1 to report dated June 30, 2014, to be prepared to the satisfaction of the City Solicitor and



- to expire two years following enactment by City Council.
2. The seven lots that will be subject to Part Lot Control are part of Lots 105 and 127, and part of Block B on Plan 1611 designated as Parts 2 through 8 on Plan 66R-26203.
 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.
 6. Prior to the introduction of the Part Lot Control Exemption Bill, 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 mortgage any part of the lands without the written consent of the Chief Planner or her designate.
 7. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title after confirmation that an easement over a portion of the lot described as Part of Lot 127 and Part of Block B, Plan 1611, designated as Part 1 on Plan 66R-26203, for purposes of the maintenance of the storm water sewer running from the common elements roadway across these lands to connect into the storm water outflow on Bathurst Street, is transferred to the common element condominium corporation.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The owner of the subject property acquired the neighbouring properties at 482 Lytton Boulevard and 285, 287 and 289 Strathallan Wood to facilitate a comprehensive development with higher density residential uses along Bathurst Street and single and semi-detached dwellings closer to the interior of the neighbourhood. Applications for consent and minor variance were approved by the Committee of Adjustment on November 25, 2009, and Site Plan Approval for the townhouse development on the subject property was issued on February 17, 2011. Subsequent Condominium/Common Elements and Part Lot Exemptions applications were enacted by Council on January 17, 2012. The Part Lot Exemption (By-law No. 97-2012) has since lapsed as of January 17, 2014, and 7 of the 9 lots within the development have not been transferred to purchasers.

ISSUE BACKGROUND

Proposal

The applicant received Site Plan Approval for a development consisting of 9, three-storey townhouses at a density of approximately 1.15 FSI. Each unit will be served by the common element driveway running north from Lytton Boulevard providing vehicular access to garages located at the rear of each unit. The lifting of part lot control exemption is required to permit the transfer of the remaining seven lots to the public.

Site and Surrounding Area

The subject lands are located on the northeast corner of the intersection of Bathurst Street and Lytton Boulevard. The lands have an area of approximately 1381m² with a frontage of 50.43 metres on Bathurst Street and an average depth of 28 metres.

Land uses surrounding the site are as follows:

- North: Single detached dwellings directly north and a commercial office building north of the subject property on the west side of Bathurst Street.
- South: Lytton Boulevard beyond which are single detached and semi-detached dwellings.
- East: Single detached dwellings.
- West: Bathurst Street beyond which are Bialik Hebrew Day School and Torah Emeth Jewish Centre.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan policies state that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

Zoning

The property is zoned RM3 in the former City of North York Zoning By-law No. 7625, which permits residential townhouses on the subject property.

Site Plan Control

The Site Plan Control application (09 145794 NNY 16 SA) for this development was approved by the Director of Community Planning, North York District on February 17, 2011. A Site Plan Agreement between New Century Homes Ltd. and the City of Toronto is registered on title.

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

Servicing

The applicant is requested as part of approval of this application, to facilitate the transfer of an easement over a section of the lot legally described as Part of Lot 127 and Part of Block B, Plan 1611, designated as Part 1 on Plan 66R-26203, (municipally known as 486 Lytton Avenue) to the common element condominium corporation in order to ensure that the storm sewer relied upon by all units in the condominium corporation for stormwater drainage is unencumbered, and to ensure that maintenance costs for the sewer rest with the corporation. Development Engineering staff have concurred with the proposed easement.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

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 re-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 two of the lots that will be conveyed to the public are being tenanted by the future owners.

In order to ensure that the easement is transferred to the common element condominium corporation it is recommended that the owner of the lands register a Section 118 Restriction under the Land Titles Act. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner or her designate. Once confirmation is received that the easement has been transferred, the City Solicitor will take the necessary steps to allow for the removal of the Section 118 Restriction from title to the subject lands.

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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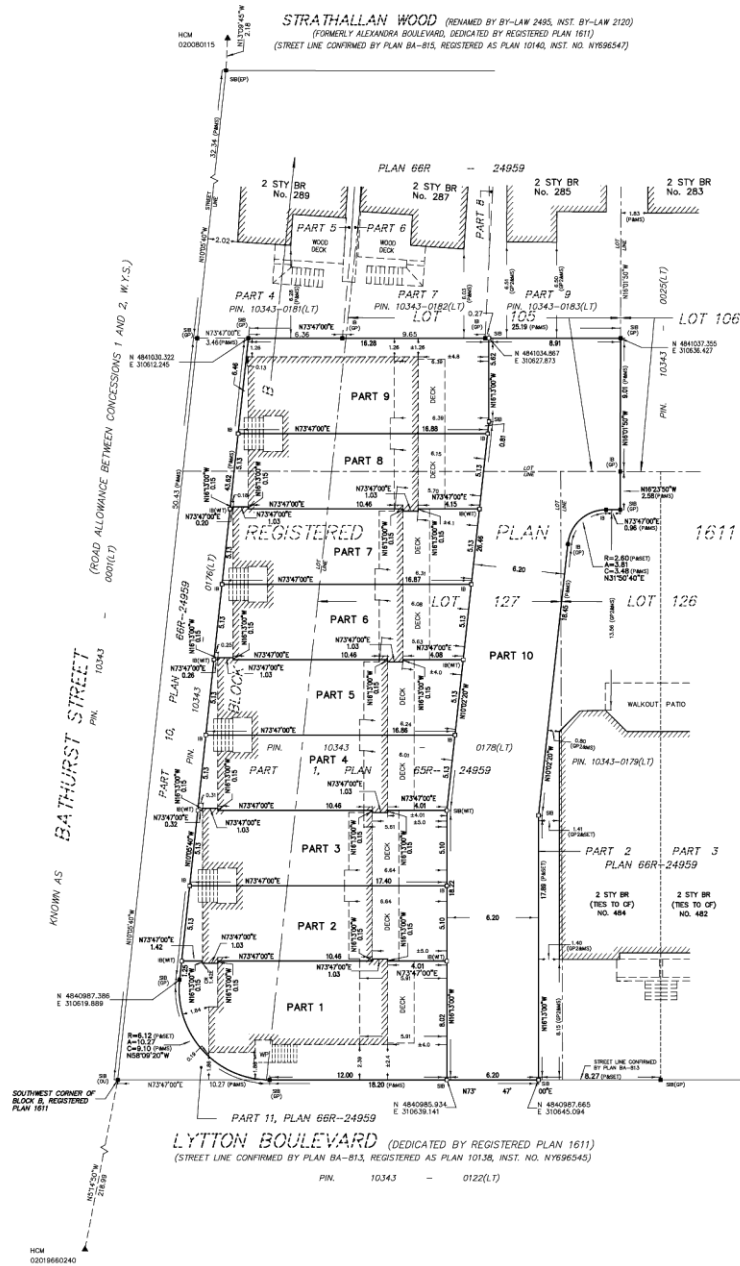
SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Part Lot Control Exemption Plan
Attachment 2: Application Data Sheet
tel: 416-395-7121
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Attachment 1: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale 

06/26/2014

486 Lytton Boulevard &
2675-2681 Bathurst Street

File # 14 130675 NNY 16 PL

Attachment 2: Application Data Sheet

Application Type	Part Lot Control Exemption	Application Number:	14 130675 NNY 16 PL
Details		Application Date:	March 19, 2014

Municipal Address: 486 LYTTON BLVD AND 2675 – 2681 BATHURST ST
 Location Description: PLAN 1611 PT LOT 127 AND PT BLK B RP 66R26203 PART 1 **GRID N1604
 Project Description: Proposal to subdivide the subject property into 9 parcels so that each townhouse may be held in separate ownership.

Applicant:	Agent:	Architect:	Owner:
FRANCO ROMANO 2095 AUTUMN BREEZE DR, MISSISSAUGA, ON L5B 1R3			NEW CENTURY HOMES LIMITED 401 BOWES RD, CONCORD, ON L4K 1J1

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RM3	Historical Status:	N
Height Limit (m):	9.2, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1197	Height:	Storeys:	3
Frontage (m):	50.43		Metres:	10.84
Depth (m):	28			
Total Ground Floor Area (sq. m):	537.95			Total
Total Residential GFA (sq. m):	1592.09		Parking Spaces:	18
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1592.09			
Lot Coverage Ratio (%):	44.94			
Floor Space Index:	1.3			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	9
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1592.09	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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