

## A Portion of the Lands Formerly Known as 115 Torbarrie Road (Block 152 on Plan 66M-2436) – Extension of Part Lot Control Exemption – Final Report

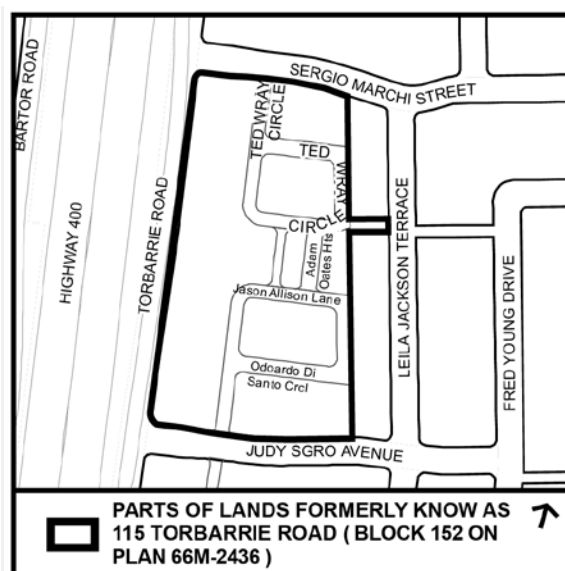
<b>Date:</b>	May 17, 2017
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 7 – York West
<b>Reference Number:</b>	17 157299 WET 07 PL

### SUMMARY

This application requests an amendment to By-law No. 821-2015 as amended by By-law 568-2016 to provide for an extension of Part Lot Control Exemption for an additional year with respect to a portion of the lands formerly known as 115 Torbarrie Road (Parts 1-10, 13-20, 37-39, 109-114, 155-161, 163-178, 221-224, 231 and 239 of Block 152 on Plan 66M-2436). The extension would only apply to lots which are still under construction or have not yet been conveyed to the individual purchasers. The exemption from the Part Lot Control provisions of the *Planning Act* would permit the creation of conveyable lots for the development of the remaining 50 townhouse dwelling units.

The proposal complies with the Official Plan and Zoning By-law. The extension of the expiry of the Part Lot Control Exemption for an additional year is considered appropriate for the orderly development of these lands.

This report reviews and recommends approval of the extension to the expiry of the Part Lot Control Exemption.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend By-law No. 821-2015 as amended by By-law No. 568-2016 to extend the expiration of Part Lot Control Exemption until July 9, 2018 with respect to the lands formerly known as 115 Torbarrie Road (Parts 1-10, 13-20, 37-39, 109-114, 155-161, 163-178, 221-224, 231 and 239 of Block 152 on Plan 66M-2436).
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 extended Part Lot Control Exemption By-law.
3. City Council authorize and direct the City Solicitor to register the extended Part Lot Control Exemption By-law on title.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft extended Part Lot Control Exemption By-law as may be required.

### Financial Impact

The recommendations in this report have no financial impact.

## DECISION HISTORY

On April 14, 15 and 16, 2003, City Council authorized amendments to the Official Plan and Zoning By-law No. 7625 of the former City of North York and approved a Draft Plan of Subdivision to permit the proposed residential development of the property municipally known as 115 Torbarrie Road. By-law No. 415-2003, adopting OPA No. 537 and Zoning By-law 416-2003 governs development on this site. The Plan of Subdivision was registered at the Land Registry Office on April 12, 2007 as Plan 66M-2436.

City Council at its meeting of December 5, 6 and 7, 2005 adopted Clause 29 of Etobicoke York Community Council Report 9 and granted site plan approval in principle, for the townhouse development on Blocks 151 and 152 and issued the Notice of Approval Conditions for the site plan application. The Statement of Approval was issued May 4, 2010.

The Draft Plan of Common Element Condominium application was approved for Block 152 and the Condominium was registered on November 8, 2012.

On March 7, 2012, City Council enacted By-law No. 337-2012 exempting a portion of the lands formerly known as 115 Torbarrie Road (Block 152 on Plan 66M-2436) from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the development of 224 townhouse dwelling units. Part Lot Control Exemption was granted for a one year period and expired on March 7, 2014.

On July 9, 2015 City Council enacted By-law No. 821-2015 to exempt the lands formerly known as 115 Torbarrie Road (Parts 1-24, 26, 28-42, 48-50, 60, 109-114, 145-193, 214-219 and 220-224 of Block 152 on Plan 66M-2436) from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the development of 110 townhouse dwelling units. Part Lot Control Exemption was granted for a one year period ending on July 9, 2016.

On June 9, 2016, City Council enacted By-law No. 568-2016 to extend the exemption of the lands formerly known as 115 Torbarrie Road (Parts 1-20, 29-30, 32-34, 36-42, 49-50, 60, 109-114, 150-151, 155-183, 185-188, 191-193, 221-224, 230-232, 234, 237 and 239 on Plan 66M-2436) from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the development of 110 townhouse dwelling units. Part Lot Control Exemption was granted for a one year period ending on July 9, 2017.

Due to delays in conveying some of the lots to the public, the owner requires a further extension to the Part Lot Control Exemption in order to transfer title of the remaining individual lots to members of the public.

## **ISSUE BACKGROUND**

### **Proposal**

This application proposes a one year extension to Part Lot Control Exemption By-law No. 821-2015 as amended by By-law 568-2016 with respect to the lands formerly known as 115 Torbarrie Road (Parts 1-10, 13-20, 37-39, 109-114, 155-161, 163-178, 221-224, 231 and 239 of Block 152 on Plan 66M-2436). The extension would only apply to lots which are still under construction or have not yet been conveyed to the individual purchasers. The exemption from the Part Lot Control provisions of the *Planning Act* would permit the creation of conveyable lots for the development of the remaining 50 townhouse dwelling units.

For more information, refer to Attachment 1: Part Lot Control Exemption Plan.

### **Site and Surrounding Area**

The property is located on the east side of Torbarrie Road, adjacent to Highway 400 and midway between Wilson Avenue and Sheppard Avenue West. The site was formerly the location of the Workplace Safety Insurance Board (WSIB) rehabilitation facility. The development block (Block 152) which is the subject of this application is located on the western boundary of the subdivision between Sergio Marchi Street and Judy Sgro Avenue and fronts onto Torbarrie Road.

### **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 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.

## **Official Plan**

The subject lands are designated *Neighbourhoods* in the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, 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.

Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including patterns of streets, blocks and lanes, parks and public building sites, the size and configuration of lots, prevailing building type(s), setbacks of buildings from the street, prevailing patterns of rear and side yard setbacks and landscaped open space. No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

## **Zoning**

The subject lands are zoned RT(x166) Residential Townhouse Zone in City-Wide Zoning By-law No. 569-2013 and RM1(51) by the former City of North York Zoning By-law No. 7625. Townhouses are a permitted use in both zoning categories.

## **Site Plan Control**

Site Plan approval was issued for the development of 224 townhouse dwelling units on Block 152 on Plan 66M-2436 (Application No. 04 187559 WET 07 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. 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 lots and blocks allows for the orderly development of lands within this new neighbourhood.

## **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 Registered Plan of Subdivision 66M-2436. 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.

The proposal to extend 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 extended 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 one year following enactment by City Council. This time frame should provide sufficient time for the completion of the proposed development.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Part Lot Control Exemption Plan

## Attachment 1: Part Lot Control Exemption Plan



Part of Lands formerly known as 115 Torbarrie Road  
(Block 152 on Plan 66M-2436)

File # 172 157299 WET 07 PL

Plan of Subdivision  
Applicant's Submitted Drawing

Not to Scale  
05/16/17