

**1245 Dupont Street – Part Lot Control Exemption  
Application – Final Report**

<b>Date:</b>	June 22, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	18 152282 STE 18 PL

**SUMMARY**

This application requests exemption from the Part Lot Control provisions of the *Planning Act* for a period of four years for a portion of 1245 Dupont Street.

The proposed Part Lot Control Exemption has been requested by the owner to permit the creation of conveyable lots for the first phase of the development at 1245 Dupont Street, including the required parkland dedication and other lands to be conveyed to the City as part of a Land Exchange Agreement.

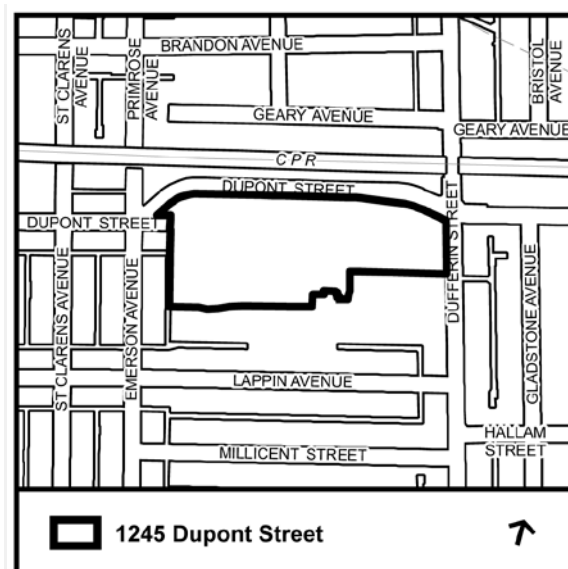
This report reviews and recommends approval of Part Lot Control Exemption.

This application will facilitate the orderly development of land which is consistent with the Provincial Policy Statement (2014) (PPS) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan).

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council approve a Part Lot Control Exemption By-law with



respect to certain lands located at 1245 Dupont Street shown as Parts 1-3, 23, 26, 28, 30, 38-46, 53-55 on the draft reference plan attached as Attachment 3 to this report (June 22, 2018) from the Acting Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and to expire four years following enactment by City Council.

2. Prior to the introduction of the Part Lot Control Exemption Bill, 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;
  - b. provide the City Solicitor with a copy of the consent certificate issued pursuant to Section 53(42) of the *Planning Act* to confirm that a consent has been given to sever Parts 1-3, 23-26, 28, 30, 38-46, 53-55 on the draft reference plan attached to this report from the remainder of the lands municipally known as 1245 Dupont Street, and that all conditions of the consent have been fulfilled; and
  - c. register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act*, with priority, agreeing not to transfer or charge any part of the lands subject to the Part Lot Control Exemption By-law without the written consent of the Chief Planner and Executive Director, City Planning or their designate.
3. City Council authorize and direct the City Solicitor to register the 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 Part Lot Control Exemption By-law as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On June 6, 2018 Toronto and East York Community Council adopted the recommendations in the report (May 18, 2018) from the Acting Director, Community Planning, Toronto and East York, titled: "1245 Dupont Street, 1260 Dufferin Street, 213 Emerson Avenue – Official Plan Amendment and Zoning By-law Amendment Applications – Final Report". The report recommends, among other matters, approval of a draft Official Plan Amendment and Draft Zoning By-law Amendment to permit a mixed-use development containing 8 tall buildings, 2,846 residential units, and 29,464 square metres of commercial space, a Privately-Owned Publicly-Accessible Space, new streets, and an enlarged and reconfigured park and community centre.

On June 5, 2018 Government Management Committee adopted the recommendations in the report (June 1, 2018) from the Director, Real Estate Services, titled: "Land Exchange with 2470347 Ontario Inc. (Galleria Developments) for City Land Forming Part of Wallace Emerson Park and Community Centre at 1260 Dufferin Street". The report recommends entering into an agreement to exchange lands owned by the City of Toronto and lands owned by the applicant at 1245 Dupont Street.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed exemption from the Part Lot Control provisions of the *Planning Act* has been requested by the owner to permit flexibility for financing and construction purposes for the first phase of the development at 1245 Dupont Street, which includes the lands where the parkland dedication, lands to be conveyed to the City as part of a Land Exchange Agreement, the new Community Centre, and the first mixed-use building are to be located.

A mixed-use development will be located on Parts 1, 45, and 54, with a private road associated with the development on Parts 2, 46, and 55.

The required parkland dedication and lands to be conveyed to the City as part of the Land Exchange Agreement will be located on Parts 23, 24, 30, 38, and 39.

A portion of a new public road, running diagonally across 1245 Dupont Street, will be located on Parts 3, 44, and 53. A road widening for Dupont Street will be located on Parts 25, 26, 40, 41, 42, and 43. As well, a required widening to an existing public lane will be located on Part 28.

### **Site**

The Part Lot Control Exemption will apply to a portion of 1245 Dupont Street. The property is located at the southwest corner of Dufferin Street and Dupont Street and is currently occupied by the Galleria Mall, a stand-alone drive-through restaurant (McDonalds), and a large surface parking lot.

### **Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place;

- (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant

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 "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 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 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."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan 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.

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.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Official Plan**

The application site is designated *Mixed Use Areas* and is adjacent *Parks and Open Space* to the south, and *Neighbourhoods* designated properties to the east and west. The Galleria Mall site is designated *Mixed Use Areas* (see Attachment 2 – Official Plan).

## **Zoning**

The site is zoned CR (Commercial Residential) in Zoning By-law 569-2013. Zoning By-law 724-04 also applies to the subject site which permits a maximum of 1600 residential units, 131,400 square metres of residential gross floor area, and 3,600 square metres of non-residential gross floor area. City Council will consider a draft Zoning By-law Amendment on June 26, 2018 to permit a mixed-use development containing 8 tall buildings, 2,846 residential units, and 29,464 square metres of commercial space, a Privately-Owned Publicly-Accessible Space, new streets, and an enlarged and reconfigured park and community centre.

## **Site Plan Control**

A Site Plan Control Application is required, and it has not been submitted to date.

## **Plan of Subdivision/Consent Applications**

A Plan of Subdivision and/or Consent Application will be required in order to divide the subject site into the various development blocks and to secure the new public streets. The subject lands must be severed from the remainder of 1245 Dupont Street through either a subdivision or consent application prior to the introduction of the Part Lot Control bill to City Council.

## **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 conditions.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan for the following reasons:

Policy 1.6.7.4 of the PPS promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with the PPS in this regard. The proposed Part Lot Control By-law will permit the orderly development of the site to allow a built form that supports an efficient use of land and existing transit infrastructure.

Policy 2.2.1.4 of the Growth Plan states that applying the policies of the plan will support the achievement of complete communities that, among other matters, will: feature a diverse mix of land uses, including residential uses and convenient access to local stores, services, and *public service facilities*; provide a diverse range of housing options; expand convenient access to an appropriate supply of safe, publicly-accessible open space, parks, trails, and other recreational facilities; and ensure an attractive and vibrant *public realm*.

The Part Lot Control By-law will permit the orderly development of the site to allow the proposed development creating a complete community that comprises a range and mix of residential and commercial intensification in a compact form which transitions appropriately to the surrounding areas. It will have a range of housing sizes and affordability; a mix of commercial uses including office space and convenient local stores; a reconfigured and enlarged public park; a new community centre with increased capacity; large publicly-accessible open spaces; and a public realm with wide sidewalks, trees, and active building facades; and is located near multiple forms of transit.

## **Land Division**

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.

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 four years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

## **CONTACT**

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E-mail: David.Driedger@toronto.ca

## **SIGNATURE**

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Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

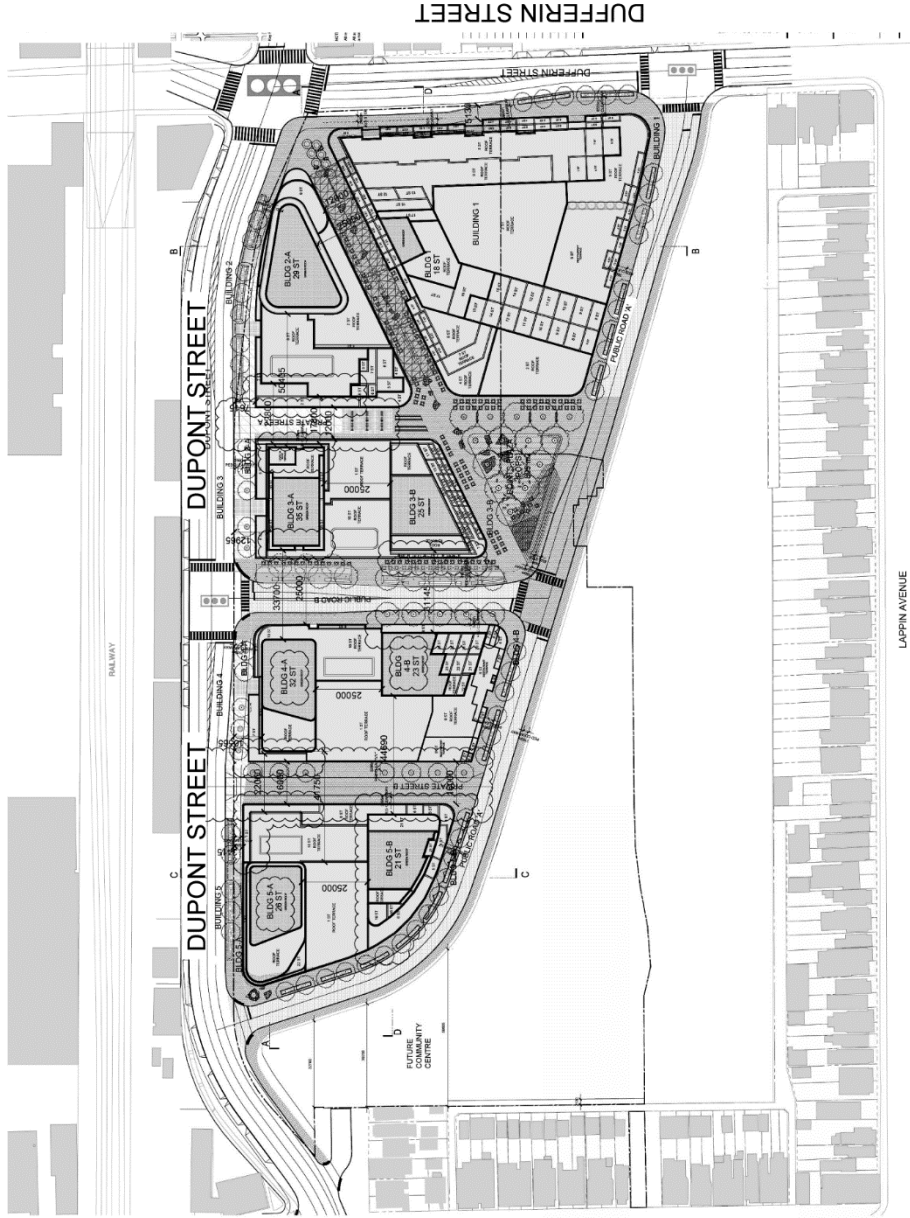
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Official Plan  
Attachment 3: Draft R Plan  
Attachment 4: Draft Part Lot Control Exemption By-law



Attachment 1: Site Plan



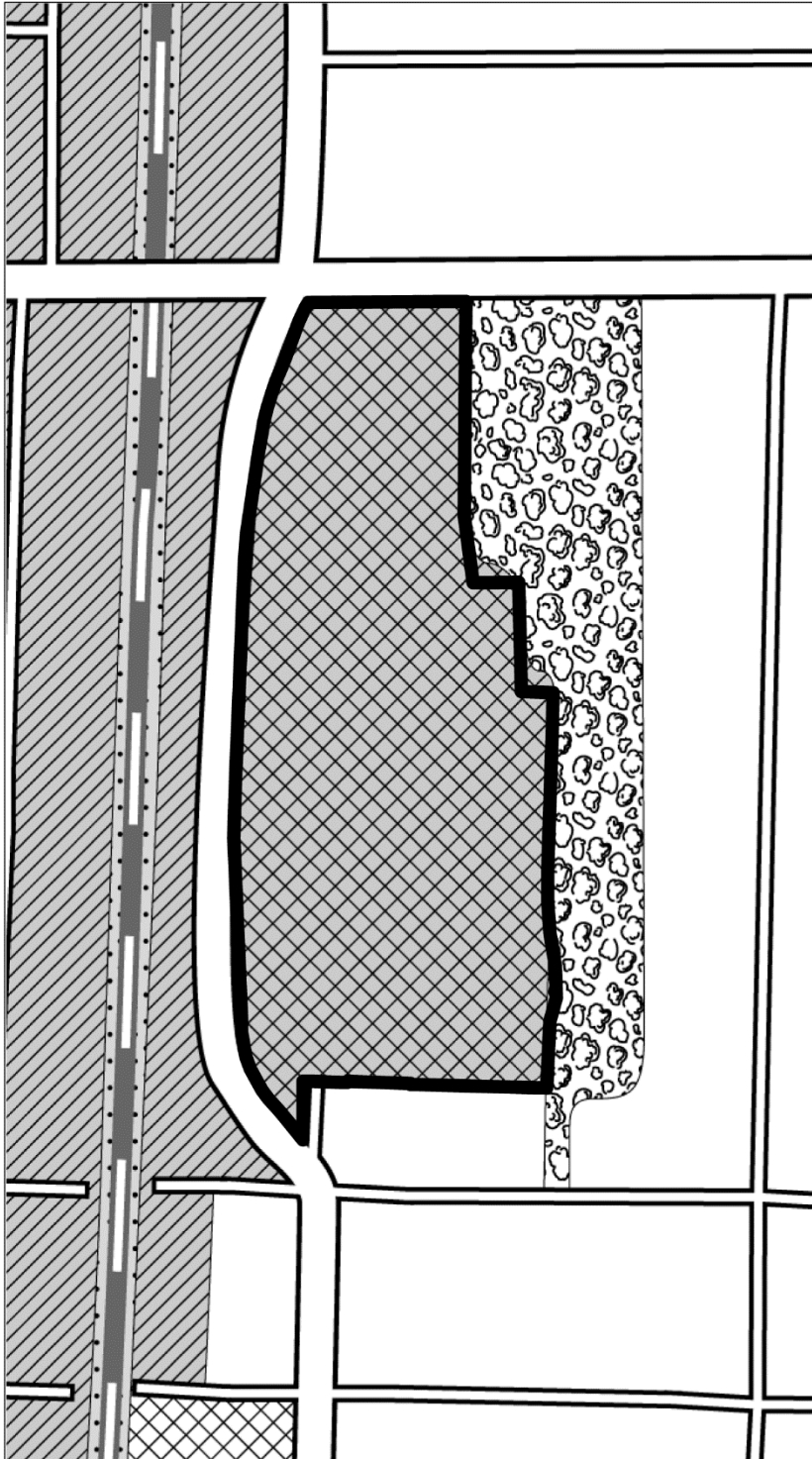
1245 Dupont Street

Site Plan  
Applicant's Submitted Drawing

Not to Scale  
04/30/2018

File # 16 231334 STE 18 0Z

Attachment 2: Official Plan



1245 Dupont Street

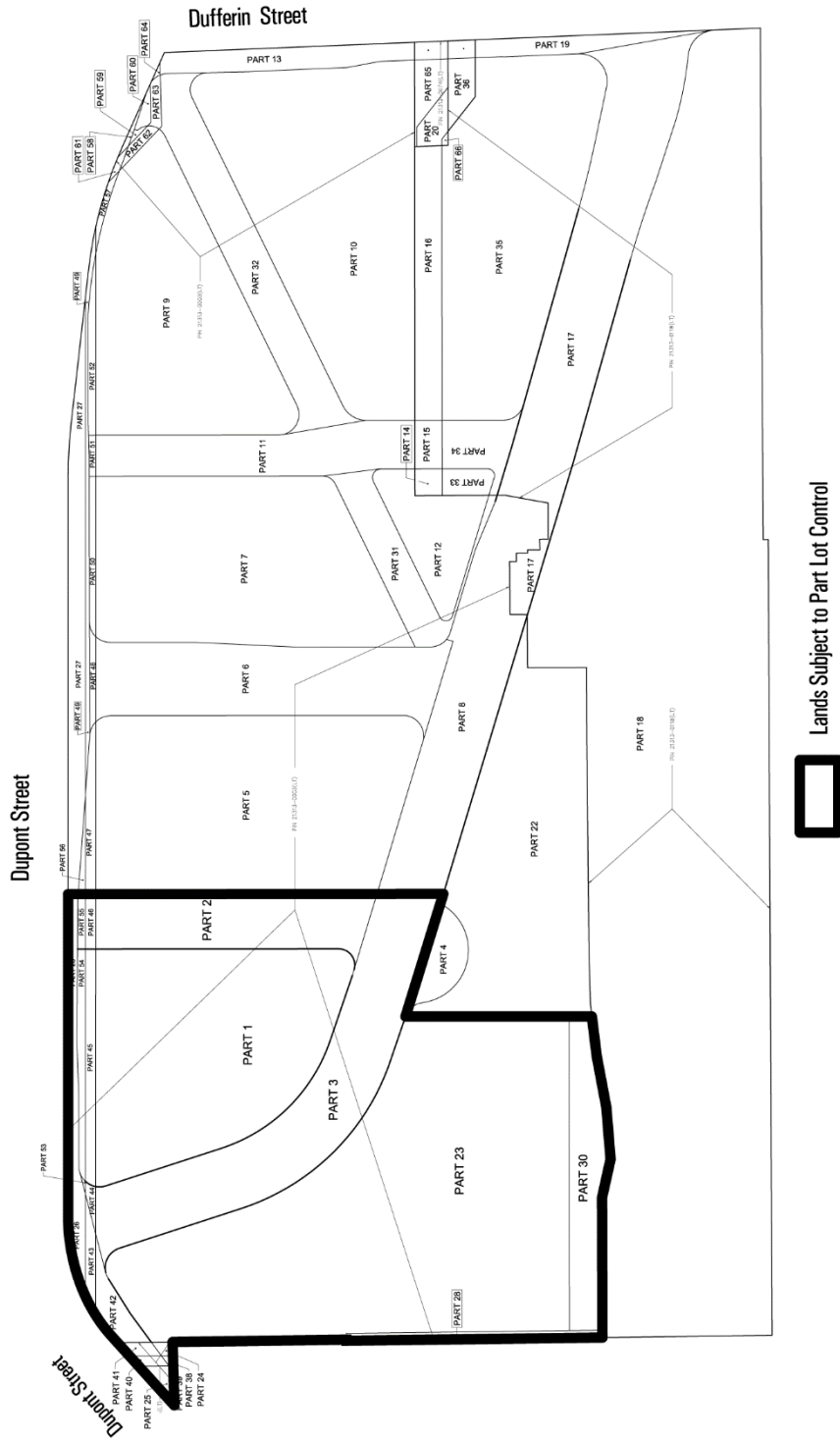
**Toronto** City Planning  
Extract from Official Plan

File # 16 231334 STE 18 0Z



↑  
Not to Scale  
03/06/2017

# Attachment 3: Draft R Plan



1245 Dupont Street

File # 18 152282 STE 18 PL

**Part Lot Control**  
 Applicant's Submitted Drawing

Not to Scale  
 06/22/2018

**Attachment 4: Draft Part Lot Control Exemption By-law**

Authority: Toronto and East York Community Council Item ~, as adopted by City of Toronto Council on ~, 2018

**CITY OF TORONTO**

**BY-LAW No. ~~-2018**

**To exempt lands municipally known as 1245 Dupont Street 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 enacts:

1. Subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, does not apply to the lands described in the attached Schedule “A”.
2. This By-law expires four (4) years from the date of its enactment by Council.

Enacted and passed on ~, 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Schedule “A” – Legal Description**

**PART OF PIN 21313-0003 (LT)** BEING PART OF LOT 10, PLAN 61 AND PART OF LOTS 3 AND 4, PLAN M-567, TORONTO DESIGNATED AS PARTS 1, 2, 3, 23, 26, 28, 30, 42, 43, 44, 45, 46, 53, 54 AND 55 ON PLAN 66R- \_\_\_\_\_  
(Draft Reference Plan dated April 27, 2018 17-243RP01 prepared by Sasa Krcmar, O.L.S.)

**PIN 21313-0001 (LT)** BEING PART OF LOTS 1, 2 AND 3, BLOCK L, PLAN M58, TORONTO DESIGNATED AS PARTS 24, 25, 38, 39, 40 AND 41 ON PLAN 66R- \_\_\_\_\_  
(Draft Reference Plan dated April 27, 2018 17-243RP01 prepared by Sasa Krcmar, O.L.S.)