

A Portion of the Lands Formerly Known as 115 Torbarrie Road (Parts 109-113 of Block 152 and Lot 1 on Plan 66M-2436) - Part Lot Control Exemption Application – Final Report

Date: December 12, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 7 - Humber River-Black Creek

Planning Application Number: 18 202246 WET 07 PL

SUMMARY

This application requests a Part Lot Control Exemption for a portion of the lands formerly known as 115 Torbarrie Road (Parts 109-113 of Block 152 and Lot 1 on Plan 66M-2436). The site was subject to previous Part Lot Control Exemptions for the creation of conveyable lots for the development of 224 townhouse dwelling and 24 pairs of semi-detached dwelling units which have expired. This Part Lot Control Exemption would only apply to the six remaining lots that have not yet been conveyed to 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 dwelling units.

The proposal complies with the existing Official Plan and Zoning By-law. The lifting of Part Lot Control for a period of two years is considered appropriate for the orderly development of these lands.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law for the lands formerly known as 115 Torbarrie Road (Parts 109-113 of Block 152 and Lot 1 on Plan 66M-2436) as illustrated on Attachment 2, 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. 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 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 No. 416-2003 govern 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 two 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.

On July 4, 2017, City Council enacted By-law No. 819-2017 which further extended the exemption 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) for an additional year. The extension only applied to the 50 remaining lots which were still under construction or were not conveyed to the individual purchasers. By-law No. 819-2017 expired on July 9, 2018.

Due to delays in conveying some of the lots to the public, the owner requires another Part Lot Control Exemption By-law in order to transfer title of the six remaining lots to individual purchasers.

ISSUE BACKGROUND

Proposal

The proposal is to grant Part Lot Control Exemption to allow the remaining six dwelling units on Plan 66M-2436 to be transferred 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 dwelling units.

For more information, refer to Attachment 2: 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. Five of the lots which are the subject of this application are located on the western boundary of the site between Sergio Marchi Street and Judy Sgro Avenue and fronts onto Torbarrie Road. The remaining lot is located south of Judy Sgro Avenue, and fronts onto Fred Young Drive.

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 "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 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 GGH 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 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.

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. City 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 City 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 City 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 this report.

Toronto 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.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent City Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

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. 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 proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan are, including among others: 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, efficient form.

The lifting of Part Lot Control would allow for the orderly development of the remaining lands within the overall development.

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 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 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.

Conclusion

The proposed Part Lot Control Exemption is considered appropriate for the orderly development of the lands and is recommended for approval.

CONTACT

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SIGNATURE

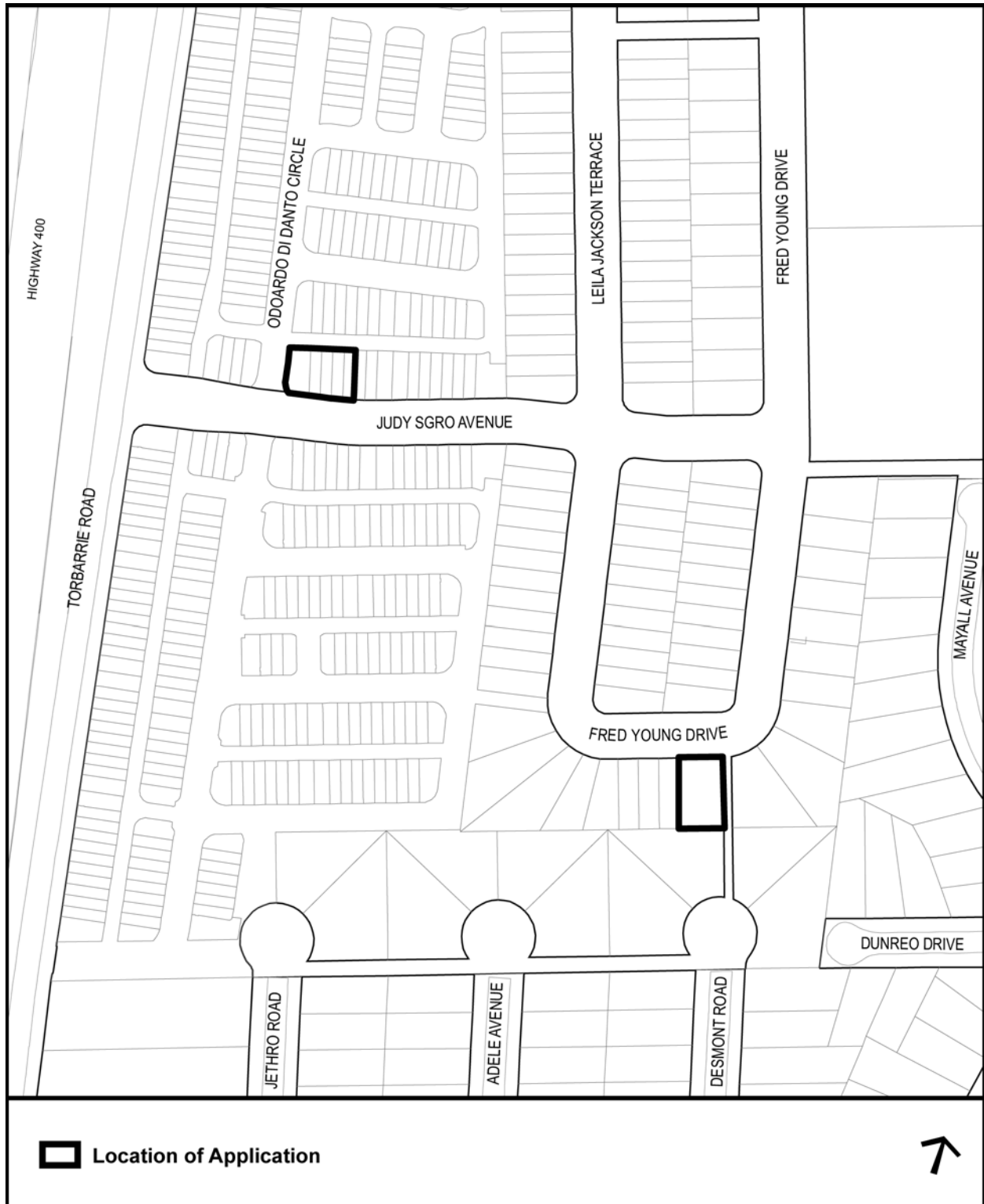
Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

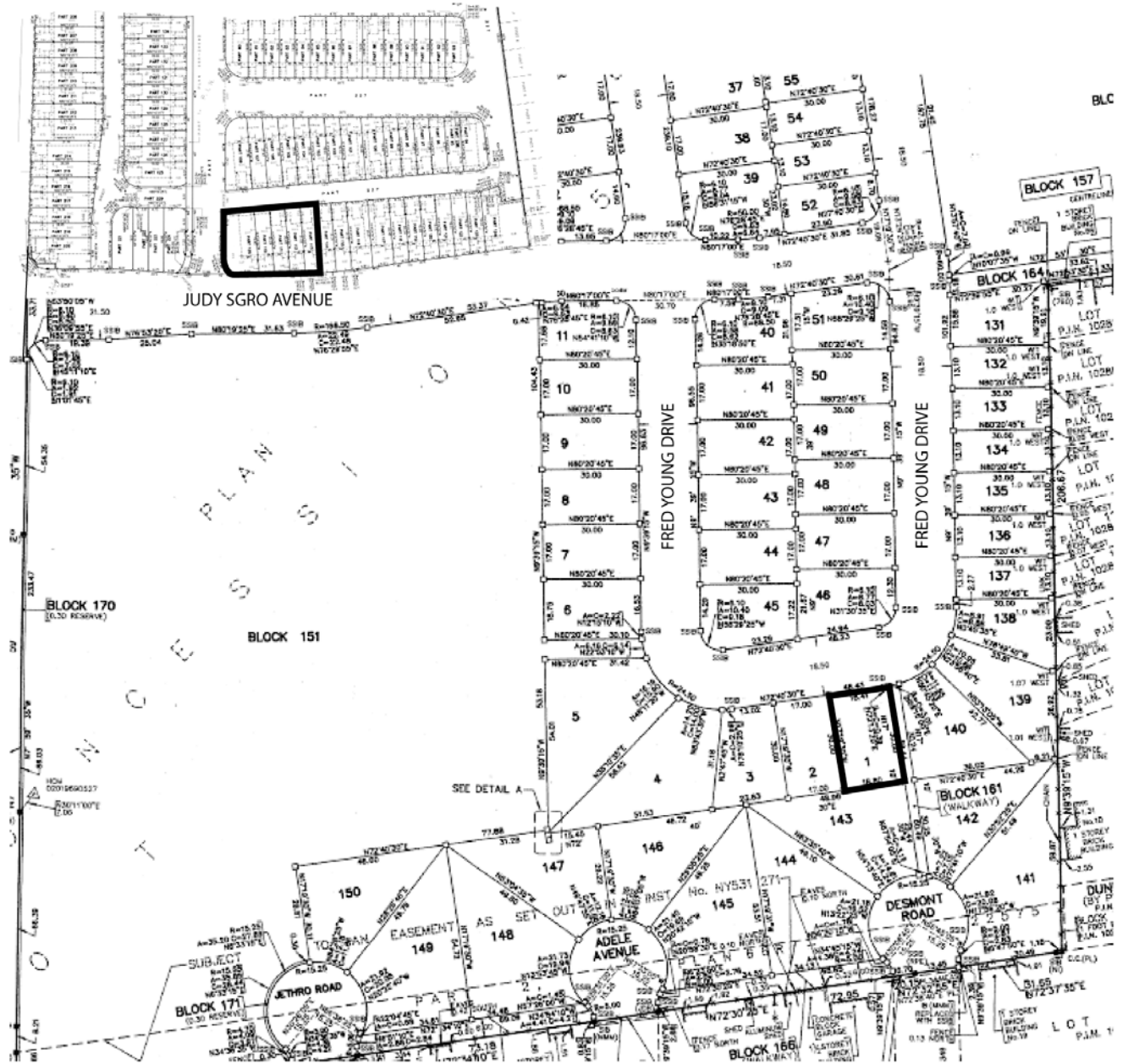
Attachment 1: Location of Application

Attachment 2: Part Lot Control Exemption Plan

Attachment 1: Location of Application



Attachment 2: Part Lot Control Exemption Plan



Part Lot

115 Torbarrie Road

Plans taken from Applicant's Submitted Drawing

Not to Scale
12/11/2018

File # 18 202246 WET 07 PL