

1025 Dupont Street – Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

Date: April 1, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 9 - Davenport

Planning Application Numbers: 18 254683 STE 18 PL and 18 254688 STE 18 CD

SUMMARY

Two applications have been submitted to facilitate the proposed residential development of 7 townhouses at 1025 Dupont Street (the "Subject Lands"). The first application (File No. 18 254683 STE 18 PL) requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of 8 parcels, which include 7 townhouse lots and a Common Elements Condominium.

The second application (File No. 18 254688 STE 18 CD) proposes to establish a Common Elements Condominium for a shared driveway, pedestrian walkway and landscaped area. The Common Elements Condominium is required to provide vehicular access to the townhouse units and to ensure collective ownership and maintenance of the Common Element Condominium area by the condominium corporation.

The applications are consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe (2017) and the City of Toronto's Official Plan. The lifting of Part Lot Control and the creation of the Common Elements Condominium is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Part Lot Control Exemption application. The approval of the Draft Plan of Common Elements Condominium application is delegated to the Chief Planner and Executive Director, City Planning Division. In addition, this report recommends that the owner of the Subject Lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the Subject Lands without prior consent of the Chief Planner and Executive Director 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 as generally illustrated on Attachment 3 to this report, 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. Prior to the introduction of the Part Lot Control Exemption By-law, City Council require the owner to register on title to the Subject Lands and 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 without the written consent of the Chief Planner and Executive Director or his/her designate.
4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title to the Subject Lands at such time as confirmation is received that the Common Elements Condominium has been registered.
5. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the Subject Lands.
6. 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.

PROPOSAL

The Part Lot Control Exemption and Draft Plan of Common Elements Condominium applications facilitate the redevelopment of a vacant site for 7 townhouse units with frontage on Dupont Street and Westmoreland Avenue. Each townhouse contains a parking space at the ground level, which will be accessed via a shared driveway from Dupont Street.

Exemption from Part Lot Control has been requested by the applicant to permit the creation of 8 parcels, which includes 7 parcels of tied land ("POTLs") and a Common Elements Condominium. The 7 POTLs, shown as Parts 1-7 on the Part Lot Control Exemption Plan, will form the 7 conveyable townhouse lots (see Attachment 3). The remaining parcel, shown as Part 8 on the Plan, defines the area for the

Common Elements Condominium, which includes a driveway along the east side of the site and a landscaped space and pedestrian walkway at the south end (see Attachment 2). The proposed parcels on the Part Lot Control Exemption Plan are stratified, as the driveway portion of the Condominium is located beneath the townhouse units.

Reasons for Application

The applications are necessary to establish the ownership structure of the development. The subdivision of the townhouse lots through Part Lot Control Exemption will allow the conveyance of lots to individual purchasers as freehold units. The creation of the Common Elements Condominium will ensure the collective ownership, shared maintenance and access to the driveway, pedestrian pathway and landscaped areas on the site.

The purpose of this report is to recommend approval of the Part Lot Control Exemption application and request that City Council enact a by-law to lift Part Lot Control for the site, subject to the conditions in recommendations 3 and 4. This report advises City Council that the Chief Planner and Executive Director intends to approve the Draft Plan of Common Elements Condominium with conditions under delegated authority as per By-law 229-2000 and section 50 of the *Planning Act*.

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

Agency Circulation Outcomes

The application together with the documents noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist staff in evaluating the applications, formulating appropriate conditions of approval for the Draft Plan of Common Elements Condominium and drafting the Part Lot Control Exemption By-law.

POLICY CONSIDERATIONS

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 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 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."

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.

The Growth Plan for the Greater Golden Horseshoe (2017)

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 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.

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.

Toronto Official Plan

The subject site is designated as *Neighbourhoods* on Map 18 - Land Use of 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 prevailing size and configuration of lots, prevailing building type(s), prevailing 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.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 320 ("OPA 320")

The Local Planning Appeal Tribunal ("LPAT") issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the PPS and conform with the Growth Plan.

Zoning

A Zoning By-law Amendment Application (File No. 16 237355 STE 18 OZ) was submitted on October 14, 2016 for 7 four-storey townhouse units at 1025 Dupont Street. City Council approved the Zoning By-law Amendment Application on June 26, 2018. The Final Report can be found here: <https://www.toronto.ca/legdocs/mmis/2018/te/bqrd/backgroundfile-115515.pdf>

The site is subject to Site Specific By-laws 798-2018 and 799-2018, amendments to Zoning By-law 438-86 and Zoning By-law 569-2013 which permit the 7 townhouse units having a maximum permitted height of 12.3 metres and setbacks as proposed.

Site Plan Control

The Site Plan Control Application (File No. 16 237359 STE 18 SA) was approved on February 13, 2019, and the Agreement has been registered on title.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. In accordance with Policy 1.1.3.6 of the PPS, the proposed townhouse development promotes intensification through a compact urban form. Policy 1.1.3.2 of the PPS states that development shall make efficient use of land and resources, infrastructure and public service facilities. The proposal is located along a TTC bus route on Dupont Street and is within a 15 minute walk to both the Ossington and Dufferin subway stations.

The proposal is consistent with the PPS and conforms to the Growth Plan. The lifting of Part Lot Control and creation of the Common Elements Condominium would allow for the orderly development of the site.

Land Division

The applicant is proposing a Common Elements Condominium and Part Lot Control Exemption. This is appropriate as it implements the previous approvals on the site for 7 townhouses with a common elements driveway.

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.

To ensure that the Part Lot Control Exemption By-law does not lift part lot control indefinitely, it is recommended that the Part Lot Control Exemption By-law contain an expiration date. In this case, the Part Lot Control Exemption By-law will expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions 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

Staff are of the opinion that the proposal is consistent with the PPS and conforms with the Growth Plan. The applications also conform with the Official Plan and comply with the site-specific zoning by-laws in force for the property.

The proposed Draft Plan of Common Elements Condominium and exemption from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

CONTACT

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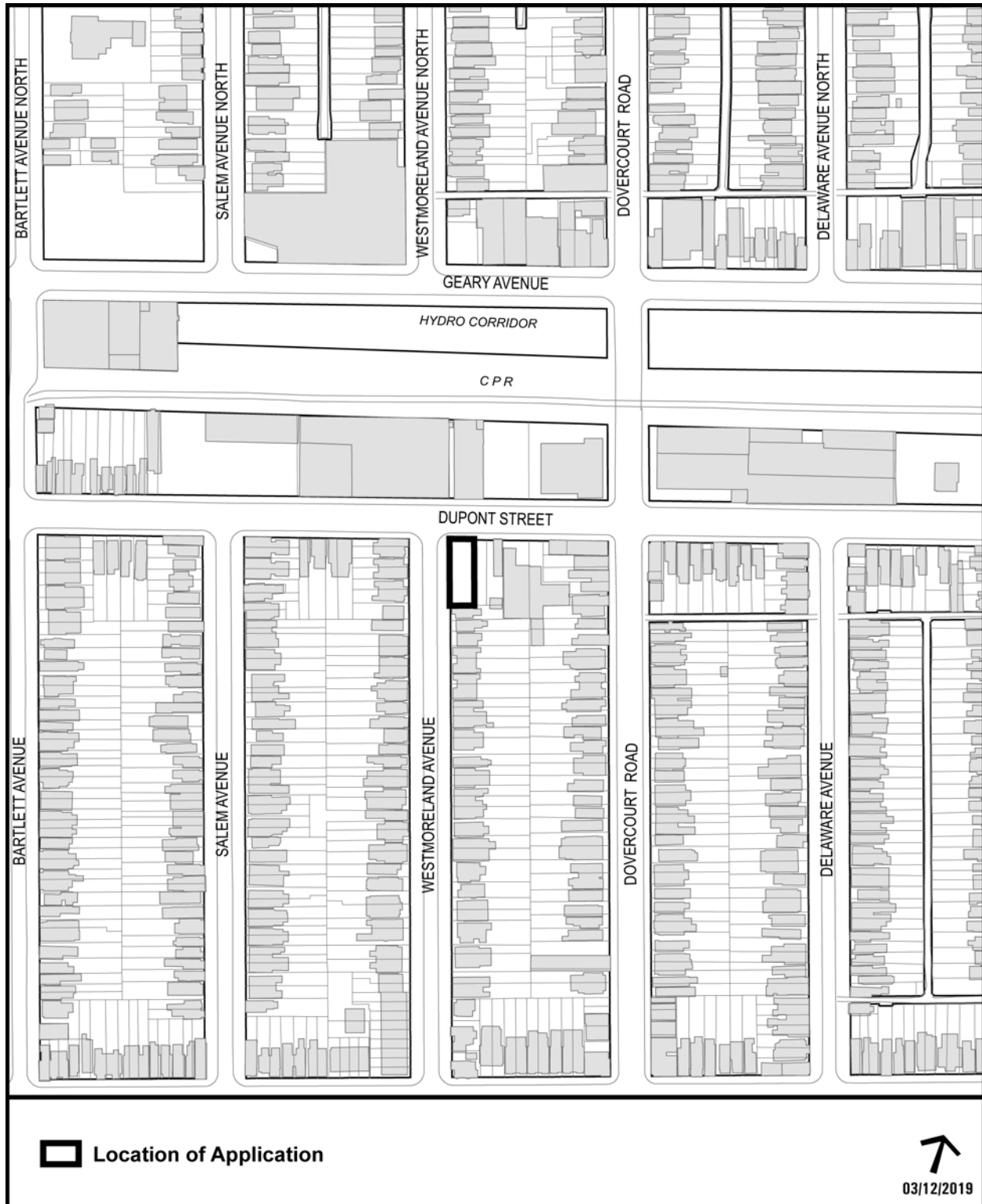
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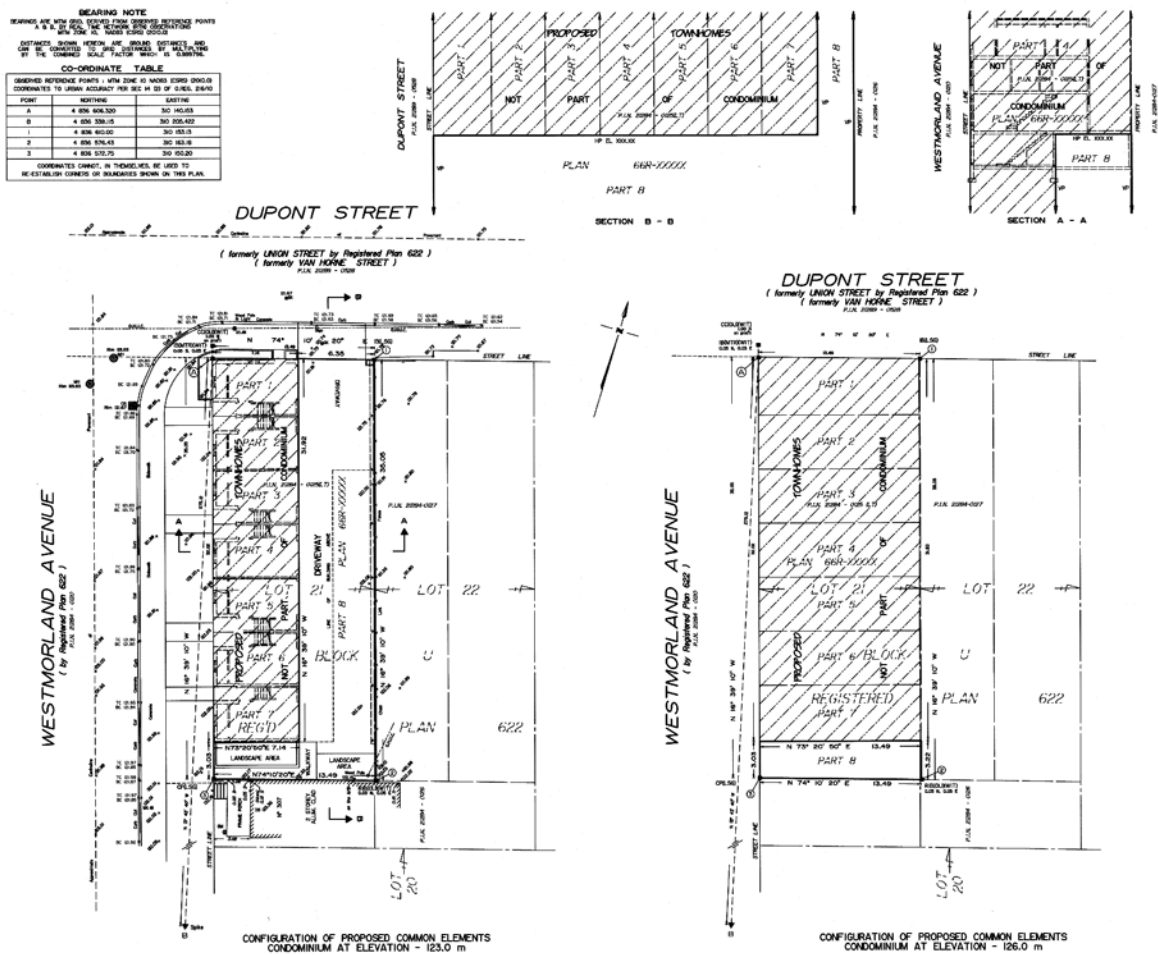
Lynda H. Macdonald, MCIP, RPP, OALA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Draft Plan of Common Elements Condominium
Attachment 3: Part Lot Control Exemption Plan
Attachment 4: Application Data Sheet

Attachment 1: Location Map





Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

Not to Scale
12/03/2019

1025 Dupont Street

File # 18 254683 STE 18 PL & 18 254688 STE 18 CD



Attachment 4: Application Data Sheet

Municipal Address: 1025 Dupont Street Date Received: November 9, 2018

Application Number: 18 254683 STE 18 PL and 18 254688 STE 18 CD

Application Types: Part Lot Control Exemption and Draft Plan of Common Elements Condominium

Project Description: Exemption from Part-Lot Control to establish 7 lots and a Common Elements Condominium within a townhouse development.

Applicant

George Popper Architect
344 Bloor Street, Suite 508
Toronto, ON M5S 3A7

Owner

Grid (Dupont) Inc.
80 Carlton Street
Toronto, ON M5B 1L6

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: No

Zoning: R (d2.1)(x50) Heritage Designation: No

Height Limit (m): 12.3 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 473 Frontage (m): 35 Depth (m): 13

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	362		343.4	343.4
Residential GFA (sq m):	119		989.3	989.3
Non-Residential GFA (sq m):	481			
Total GFA (sq m):	599		989.3	989.3
Height - Storeys:			4	4
Height - Metres:			12.3	12.3

Lot Coverage Ratio (%) 44.54 Floor Space Index: 2.1

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	989.3	
Retail GFA:	0	

Office GFA: 0
 Industrial GFA: 0
 Institutional/Other GFA: 0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			7	7
Condominium:				
Other:				
Total Units:			7	7

Total Residential Units by Size

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

Parking and Loading

Parking Spaces: 7 Bicycle Parking Spaces: 7 Loading Docks: 0

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