

27 - 137 Frederick Tisdale Drive, 18 - 120 William Duncan Road and 25 - 133 William Duncan Road, Block 1, 2, 3 and 6, Stanley Greene Block G – Part Lot Control Exemption Application – Final Report

Date: June 22, 2020

To: North York Community Council

From: Acting Director Community Planning, North York District

Wards: Ward 6 – York Centre

Planning Application Number: 20 143007 NNY 06 PL

SUMMARY

The application has been submitted to permit an exemption from part lot control for 155 townhouses on Blocks 1, 2, 3 and 6 within the Stanley Greene Block G District Plan at 27 - 137 Frederick Tisdale Drive, 18 - 120 William Duncan Road and 25 - 133 William Duncan Road, formerly known as 80 Carl Hall Road (the "Application"). The applicant submitted a concurrent application for approval of a draft plan of Common Elements Condominium (20 143006 NNY 06 CD) which is under review by the Chief Planner pursuant to the delegated approval under By-law 229-2000, which proposes to establish the vehicular and pedestrian accesses as common elements of the condominium.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 155 residential townhouses currently under construction, which will become the Parcels of Tied Land ("POTLs") to the Common Elements Condominium.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2019) and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Part Lot Control Exemption By-law. In addition, this report recommends that the owner of the lands be

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required to register a Section 118 Restriction under the *Land Titles Act* against the subject lands, described in Schedule "A" in attachment 5 to this report, whereby the owner agrees not to convey or mortgage any part of the lands without prior consent of the Chief Planner 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 at 27 - 137 Frederick Tisdale Drive, 18 - 120 William Duncan Road and 25 - 133 William Duncan Road, formerly known as 80 Carl Hall Road, 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. 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; and
 - B. register, 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 described in Schedule "A" in attachment 5 to this report, without the written consent of the Chief Planner or his/her designate.
3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Chief Planner and Executive Director, City Planning at such a time as confirmation is received that the Common Elements Condominium has been registered.
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.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The application for Part Lot Control Exemption was submitted on May 6, 2020 and deemed complete on May 27, 2020. The Common Elements Condominium application was submitted concurrently (20 143006 NNY 06 CD).

The subject land and surrounding sites have been rezoned (PL110098), draft plan approved through Subdivision process (15 172297 NNY 09 SB) and are site plan approved (16 268887 NNY 09 SA). The 155 town house units are currently under construction.

PROPOSAL

This Application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of the conveyable lots for the proposed 155 townhouse units.

A Common Elements Condominium application proposes the creation of common elements comprised of shared laneways for vehicular and pedestrian access to facilitate the development of Blocks 1, 2, 3 and 6 of Stanley Greene District Block G at 27 - 137 Frederick Tisdale Drive, 18 - 120 William Duncan Road and 25 - 133 William Duncan Road, formerly known as 80 Carl Hall Road. The development blocks would consist of 41 townhouse dwellings in Block 1, 26 in Block 2, 35 in Block 3 and 53 in Block 6. The Common Elements Condominium application will also ensure shared ownership and maintenance of the common element laneways located at the rear of the townhouses by the condominium corporation.

Site and Surrounding Area

The subject lands consist of Blocks 1, 2, 3 and 6 within the Stanley Greene District (Block G) of the Downsview Area Secondary Plan. Block G is the last Phase of the overall Stanley Greene District Plan and is located in the south-east quadrant of the district plan. The subject blocks are bounded by Frederick Tisdale Drive on the west, John Perkins Bull Drive on the south, Canadian National Railways on the east and Downsview Park Boulevard on the north. The townhouse development proposed herein is currently under construction and consists of 4 blocks with frontages on multiple streets as shown on Attachment 1.

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Land uses surrounding the site are as follows:

North: Downsview Park Boulevard and beyond is Downsview Park;

South: New dwellings in the Stanley Greene Block G neighbourhood (Building 22 and 23, rental and market stacked townhouses) and the Mount Sinai Memorial Park beyond;

East: Canadian National Railways;

West: New detached and townhouse dwellings in the Stanley Greene neighbourhood and existing detached dwellings beyond.

Reasons for Application

The Part Lot Control Exemption will allow the creation and conveyance of individual lots to purchasers as freehold townhouse units which will form Parcels of Tied Land to the Common Elements Condominium. The associate Common Elements Condominium application will establish the vehicular and pedestrian access and ownership structure of the laneways.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Plan of Survey
- Part Lot Control Exemption Plan
- Draft Plan of Common Elements Condominium.

The planning information for the application can be found on the Application Information Centre (AIC):

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation

The application together with the applicable plans noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications 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 (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs and affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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."

The Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, and recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

Official Plan

The subject site is designated as Apartment Neighbourhoods on Map 16 - Land Use of the Official Plan and is part of the Downsview Area Secondary Plan. Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the Neighbourhoods designation, including semi-detached and townhouse dwellings are also permitted in Apartment Neighbourhoods.

Zoning

The site is subject to Site Specific By-law 855-2017(OMB) and zoned RM1(108) which permits townhouse units on the lot having a maximum permitted height of 4 storeys or 12 metres, whichever is the lesser. The site is not subject to City of Toronto Zoning By-law No. 569-2013.

Site Plan Control

A Site Plan Control Application (16 268887 NNY 09 SA) for the site was submitted on December 20, 2016. The Notice of Approval Conditions was issued on November 2, 2018. The Site Plan Agreement between the City of Toronto and the Owner was registered on title May 22, 2019. Final Site Plan approval was granted on May 23, 2019.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2019).

Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. The proposed townhouse development promotes intensification through a compact urban form and allows for the orderly development of the lands that conforms to the Official Plan.

Land Division

The applicant is proposing applications for Part Lot Control Exemptions and Common Elements Condominium. The Part Lot Control is to create the 155 lots for the freehold townhouses on the site, while the Common Element Condominium is to allow for pedestrian and shared vehicular access to the townhouses. Each townhouse has a single or double car garage that is accessed via a common element 8 metre wide laneway located at the rear of the units. Garbage storage and pickup will occur in the common element laneway. This is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning Bylaws.

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 currently under construction.

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.

The Common Elements Condominium application is under review and draft approval is delegated to the Chief Planner. 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

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), does not conflict with the Growth Plan (2019) and conforms with the Official Plan. Staff recommend that Council approve the Application and enact a Part Lot Control Exemption By-law with respect to the subject lands.

CONTACT

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Fax No. (416) 395-7155
E-mail: Shirin.Yazdani@toronto.ca

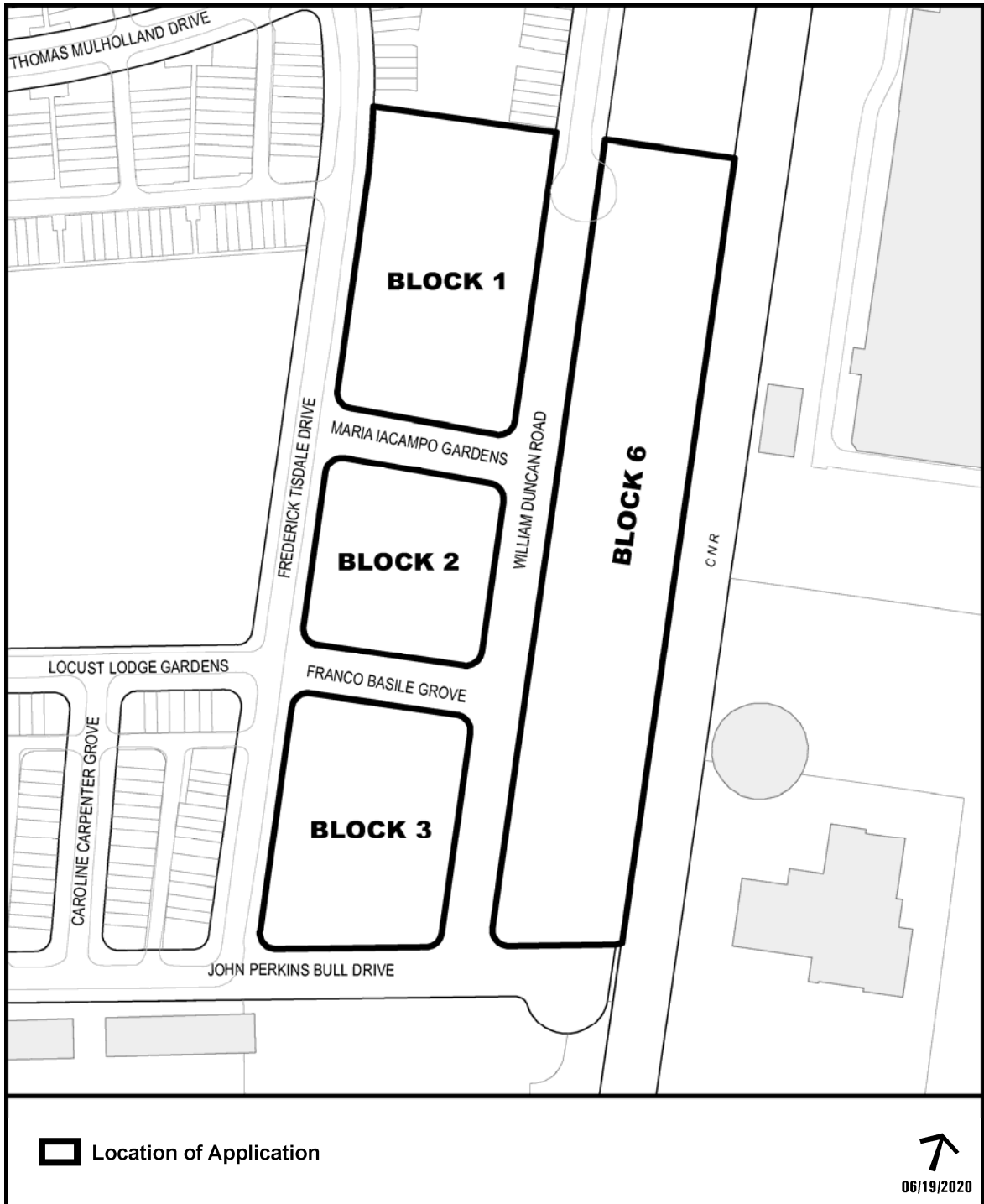
SIGNATURE

John Andreevski, Acting Director Community Planning,
North York District

ATTACHMENTS

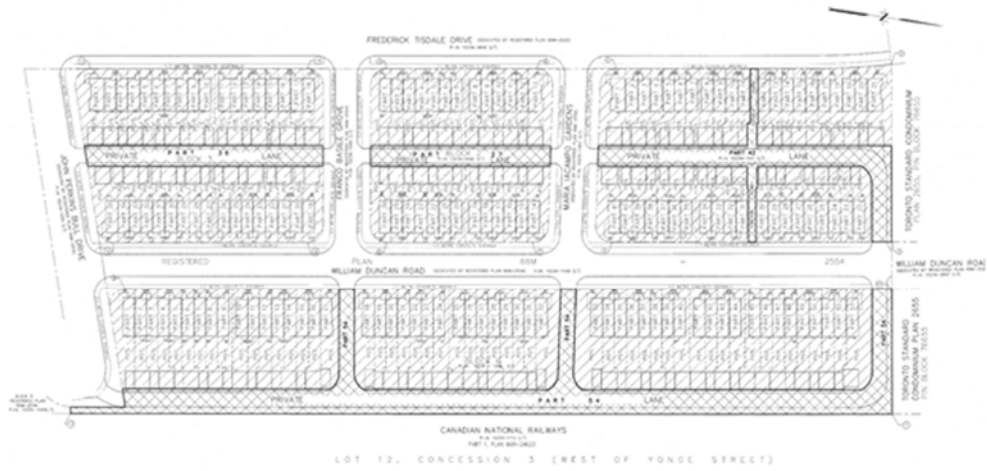
Attachment 1: Location Map
Attachment 2: Draft Plan of Common Elements Condominium
Attachment 3: Part Lot Control Exemption Plans
Attachment 4: Application Data Sheet
Attachment 5: Draft Part Lot Control Exemption By-law (and Schedule A)

Attachment 1: Location Map

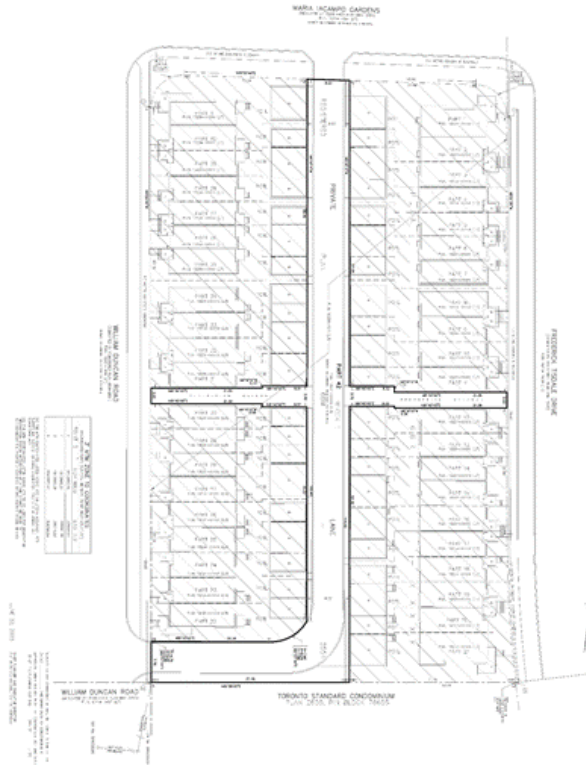


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Attachment 2: Draft Plan of Common Elements Condominium

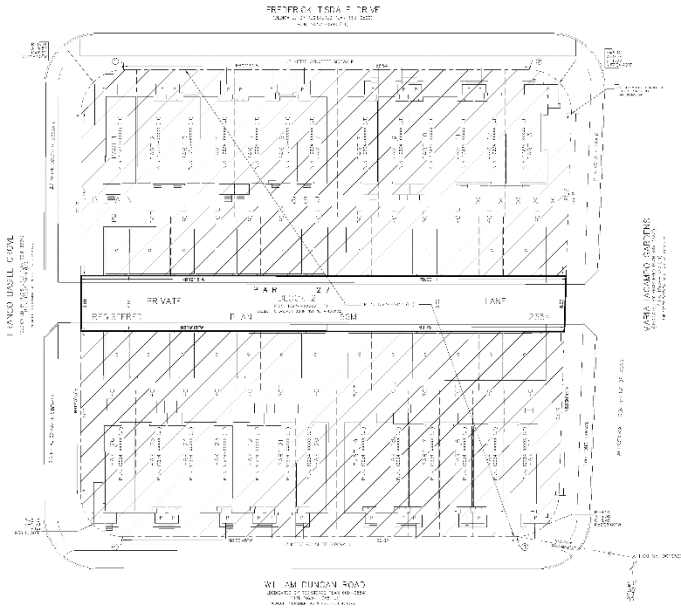


Draft Plan of Common Element Condominiums, Block 1, 2, 3 and 6 →

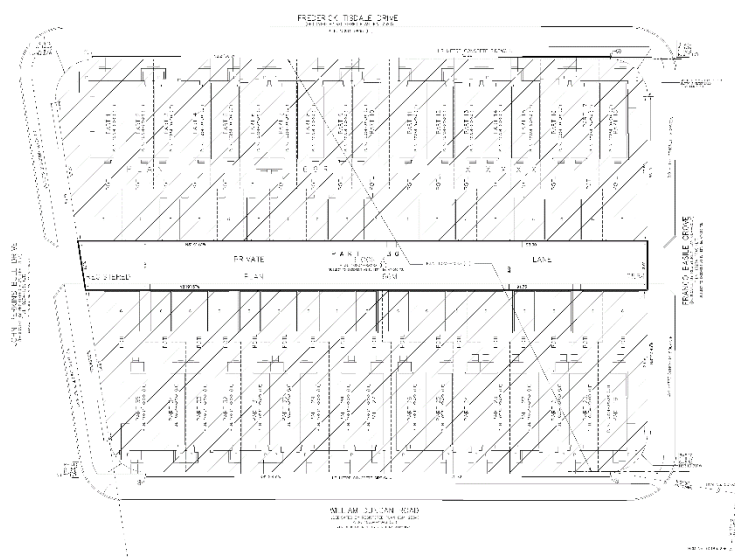


Draft Plan of Common Element Condominiums, Block 1 ↙

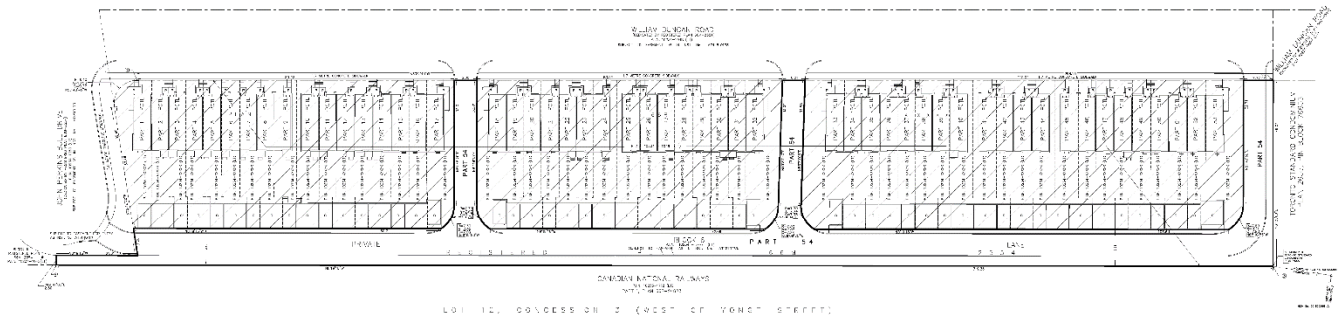
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Draft Plan of Common Element Condominiums Block 2 →



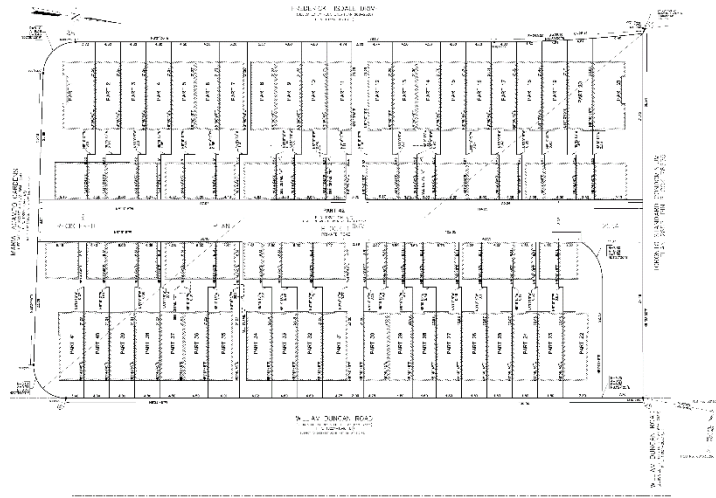
Draft Plan of Common Element Condominiums Block 3 →



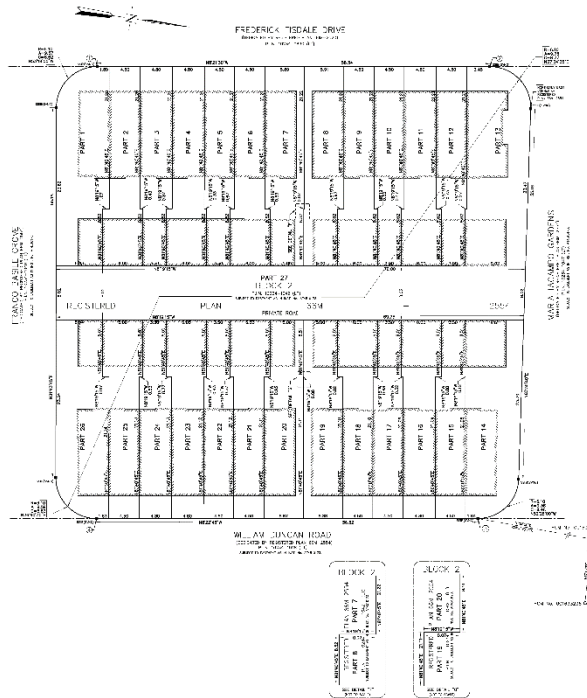
Draft Plan of Common Element Condominiums Block 6 ➔

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Attachment 3: Part Lot Control Exemption Plans

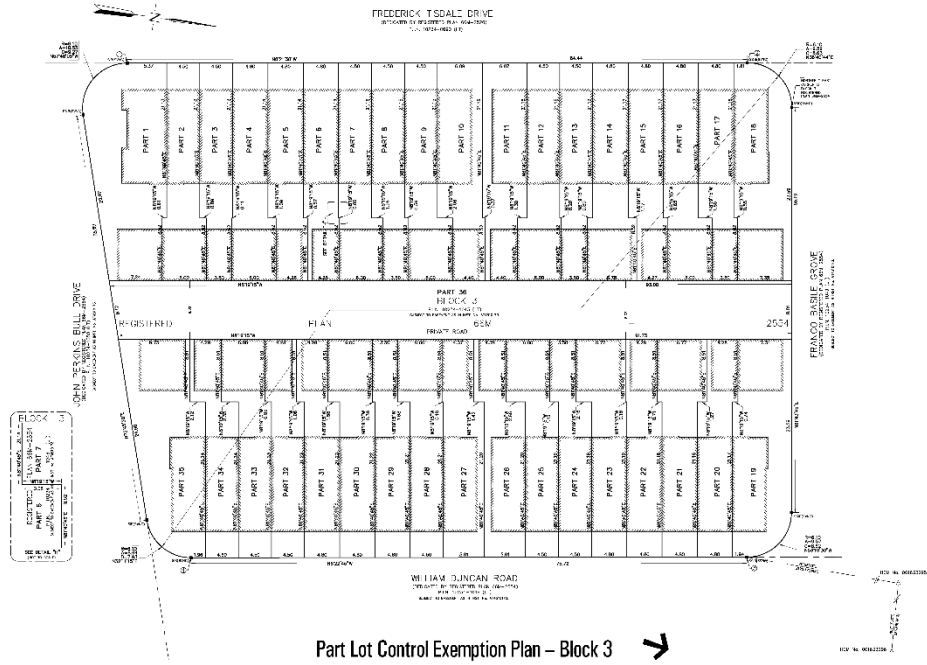


Part Lot Control Exemption Plan – Block 1 →

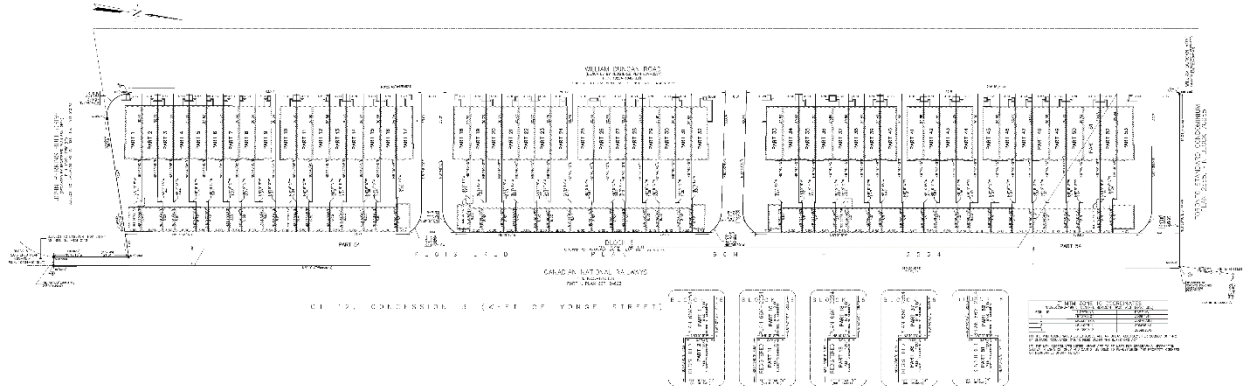


Part Lot Control Exemption Plan – Block 2 →

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Part Lot Control Exemption Plan – Block 3 →



Part Lot Control Exemption Plan – Block 6 →

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**Attachment 4: Application Data Sheet
APPLICATION DATA SHEET**

Municipal Address: 27 - 137 Frederick Tisdale Dr, 18 - 120 and 25 - 133 William Duncan Road **Date Received:** May 6, 2020

Application Number: 20 143007 NNY 06 PL

Application Type: Part Lot Control Exemption

Project Description: Part Lot Exemption Application to permit 155 freehold townhouses on Blocks 1, 2, 3 and 6 within the Stanley Greene Block G District Plan. Each townhouse has a single or double car garage that is accessed via an 8 metre wide common element laneway located at the rear of the townhouses. Garbage storage and pickup will occur in the common element laneway. This application is related to Common Element Condominium Application #20 143006 NNY 06 CD (parent Sub-division Approval File #15 172297 NNY 09 SB, and related Site Plan Application Files 16 268887 NNY 09 SA and 16 268941 NNY 09 SA).

Applicant	Agent	Architect	Owner
Melissa Mckay 55 St Clair Avenue West Suite 200, Toronto, ON M4V 2Y7	N/A	N/A	Stafford/Goldman Downsview LTD 55 St Clair Avenue West Suite 200, Toronto, ON M4V 2Y7

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods RM1(108) as amended by Site Specific By-law 855-2017(OMB)	Site Specific Provision:	N
Zoning:	4 storeys or 12 metres, whichever is the lesser	Heritage Designation:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 44,410 Frontage (m): 338 Depth (m): 136

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	15,444	15,444
Residential GFA (sq m):	0	0	46,106	46,106
Non-Residential GFA (sq m):	0	0		
Total GFA (sq m):	0	0	46,106	46,106
Height - Storeys:	0	0	4	4
Height - Metres:	0	0	14	14
Lot Coverage Ratio (%): 34.78		Floor Space Index:	1.04	

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Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 46,106

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

**Residential Units
by Tenure**

	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	155	155
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	0	0	155	155

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	0	155
Total Units:	0	0	0	0	155

Parking and Loading

Parking Spaces: 228 Bicycle Parking Spaces: 0 Loading Docks: 0

CONTACT:

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Shirin.Yazdani@toronto.ca

Attachment 5: Draft Part Lot Control Exemption By-law (and Schedule A)

Authority: North York Community Council Item NYXX.XX as adopted by City of Toronto Council on XX, 2020

CITY OF TORONTO

Bill No. ~

BY-LAW ~-20~

To exempt lands municipally known in 2019 as 27 - 137 Frederick Tisdale Drive, 18 - 120 William Duncan Road and 25 - 133 William Duncan Road, formerly known as 80 Carl Hall Road, 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 HEREBY ENACTS as follows:

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 two years from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Legal Description:

Municipal Address: 80 Carl Hall Road

Legal Description:
Blocks 1, 2, 3 and 6, Registered Plan 66M-2554
City of Toronto