

1202 to 1204 Avenue Road – Part Lot Control Exemption Application – Final Report

Date: September 7, 2021
To: North York Community Council
From: Acting Director, Community Planning, North York District
Wards: 8- Eglinton-Lawrence
Planning Application Number: 21 171489 NNY 08 PL

SUMMARY

The Part Lot Control Exemption Application proposes to permit the creation of seven conveyable lots for the residential townhouses (related Site Plan Application No.: 16 254041 NNY 16 SA) at 1202 to 1204 Avenue Road. Each townhouse is to have a rear integrated garage that is accessed from a private common-element condominium road. The applicant submitted a concurrent application for approval of a draft plan of Common Elements Condominium (21 171485 NNY 08 CD) that is currently under review by the Staff pursuant to the delegated approval under Bylaw 229-2000, which proposes to establish the walkway, private driveway, and a servicing meter room 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 seven conveyable lots for residential townhouses currently under construction, which will become the Parcels of Tied Land ("POTL") 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 (2020) 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 required to register a Section 118 Restriction under the Land Titles Act against the subject lands, 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 1202 to 1204 Avenue Road as generally illustrated on Attachment 1 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; 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 City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

The application for Part Lot Control Exemption was submitted on June 16, 2021 and deemed complete on July 8, 2021.

The Zoning By-law Amendment Application for a seven unit townhouse development was approved by Council on June 18, 2019 and site specific zoning by-laws 1159-2019, 1160-2019 were enacted July 18, 2019.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY6.1>

The subject site received site plan approval on August 14, 2021 (file no. 16 254041 NNY 16 SA). The seven townhouse units are currently under construction.

ISSUE BACKGROUND

Proposal

This Application proposes exemption from the Part Lot Control provisions of the Planning Act to allow for the creation of seven conveyable lots for the proposed seven townhouses.

A Common Elements Condominium application proposes the creation of common elements comprised of a shared walkway, driveway and a servicing meter room to facilitate the townhouse development.

Site and Surrounding Area

The subject land is bounded by Hillhurst Boulevard on the south and Avenue Road on the east. The townhouse development proposed herein is currently under construction and consists of seven residential townhouse units that are to be erected as freehold Parcel of Tied Land. Each dwelling unit is to have a rear integrated garage that is accessed from a private common-element condominium road.

Land uses surrounding the site are as follows:

North: detached dwellings with some semis and multiplex dwellings along Avenue Road; and beyond is Cortleigh Boulevard;

South: Hillhurst Boulevard and detached dwellings beyond with some semis and multiplex dwellings along Avenue Road;

East: Avenue Road and some semis and multiplex dwellings along Avenue Road and detached dwellings beyond; and

West: detached dwellings.

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 4.6 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 (2020)

Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. This includes: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

The Growth Plan (2020) 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 (2020) 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 Neighbourhoods on Map 17 - 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 “fit” the existing physical character.

Zoning

The site is zoned R (f15.0; d0.6) (x62) under Zoning By-law 569-2013, as amended, which permits different residential building types such as townhouse units on the lot having a maximum permitted height of 13 metres with a maximum of seven dwelling units and one secondary suite.

Site Plan Control

A Site Plan Control Application (16 254041 NNY 16 SA) for the site was submitted on November 21, 2016. The Notice of Approval Conditions was issued on January 17, 2020 and the Statement of Approval was issued on August 14, 2020.

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 drafting the Part Lot Control Exemption By-law.

COMMENTS

Provincial Policy Statement and Provincial Plans

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

Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. The proposed 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 seven conveyable lots for seven residential townhouses on the site, while the Common Element Condominium is to allow for a shared walkway, laneway access to the townhouses and a servicing meter room. Each townhouse has a rear integrated garage that is accessed via a private common element laneway located at the rear of the units. This is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning By-laws.

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 POTL. The Section 118 Restriction is used to prevent the conveyance of the POTL until the common elements condominium is registered.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), conforms with the Growth Plan (2020) 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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E-mail: Shirin.Yazdani@toronto.ca

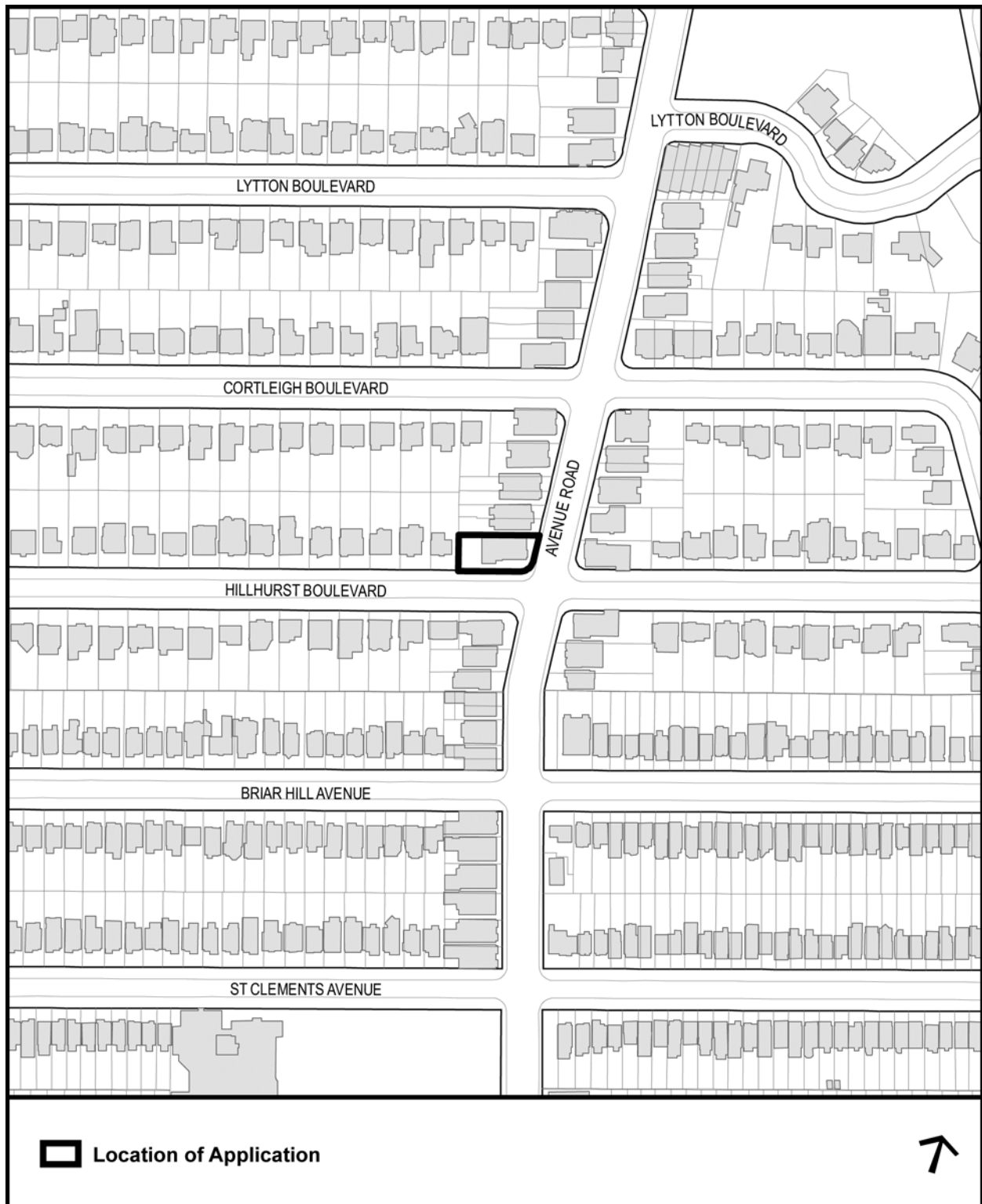
SIGNATURE

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 Plan
Attachment 4:	Application Data Sheet
Attachment 5:	Draft Part Lot Control Exemption By-law (and Schedule A)

Attachment 1: Location Map



Attachment 2: Draft Plan of Common Elements Condominium

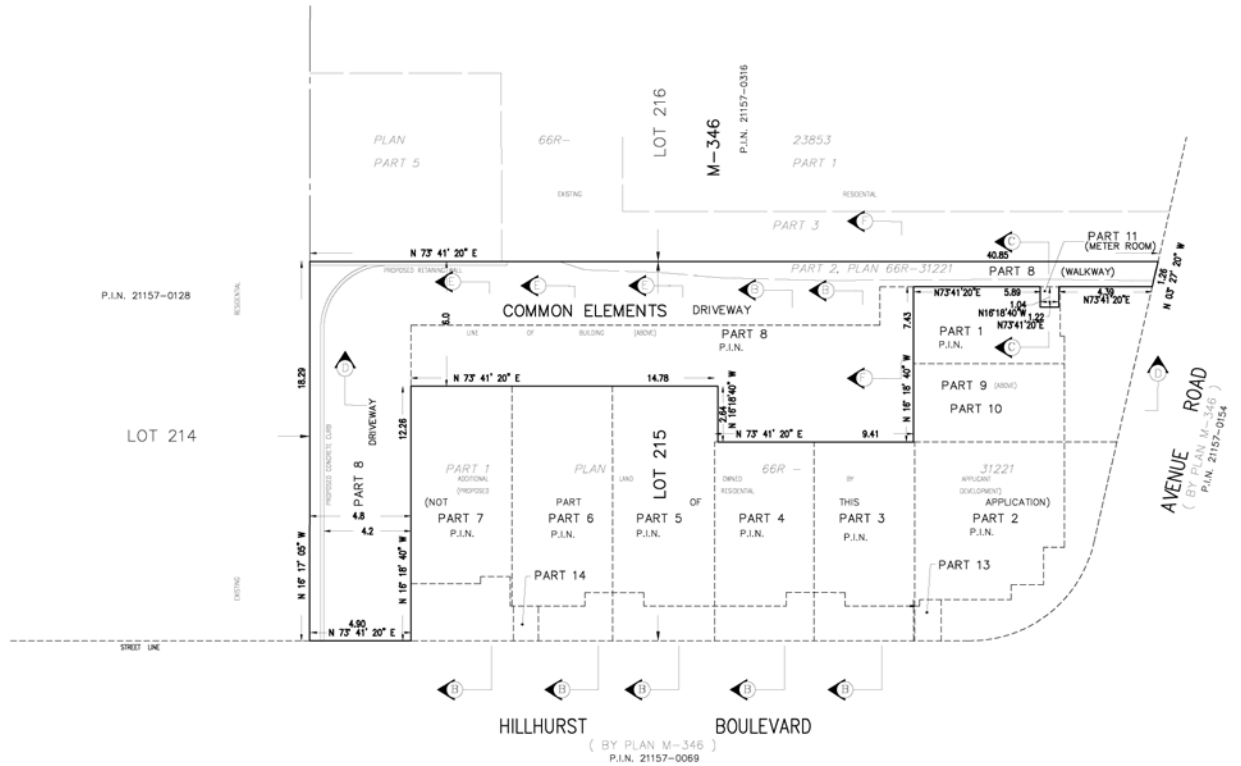
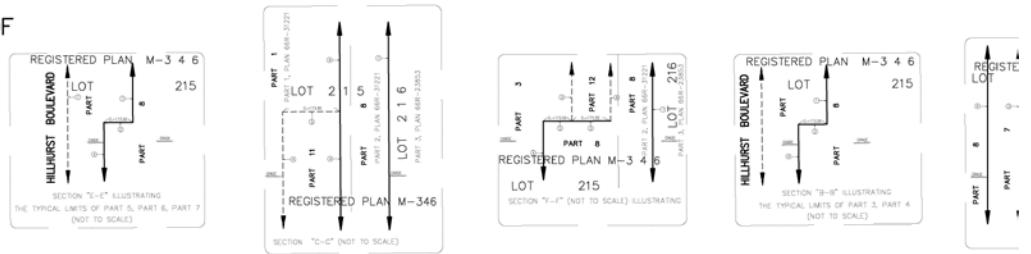
DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM OF PART OF LOT 215 PLAN M-346 CITY OF TORONTO

SCALE 1:150

C. WAHBA SURVEYING LTD.

METRIC

DISTANCES AS SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



PLAN CONFIGURATION OF PARTS 1 TO 11, INCLUSIVE AND PARTS 13, 14 AT ELEVATION 171.50 METRES

Draft Condominium Plan

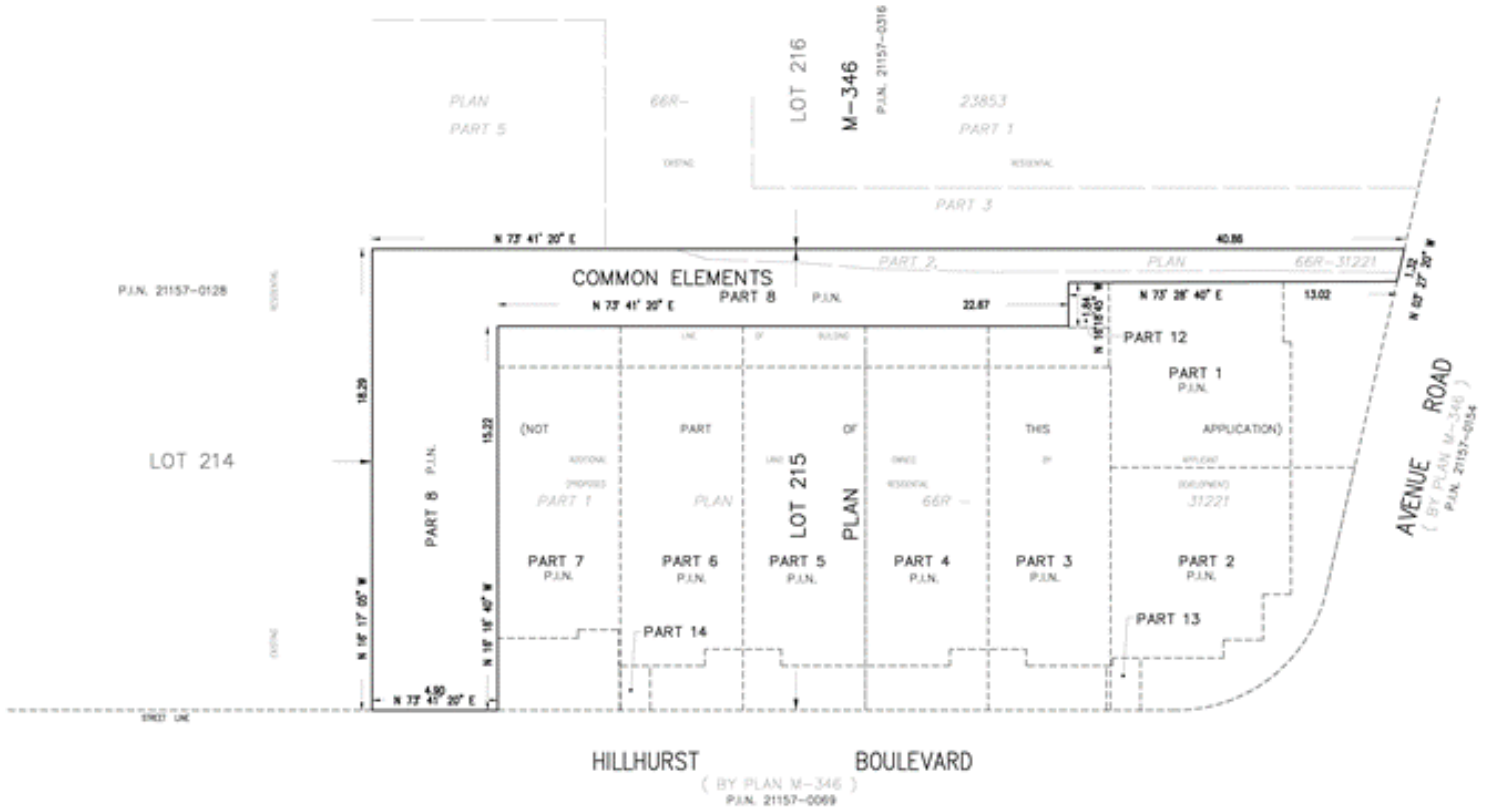
DRAFT PLAN OF
COMMON ELEMENTS CONDOMINIUM OF
PART OF LOT 215
PLAN M-346
CITY OF TORONTO

SCALE 1:150

C. WAHBA SURVEYING LTD.

METRIC

DISTANCES AS SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



PLAN CONFIGURATION THE LIMITS OF PARTS 1 TO 8, INCLUSIVE AND PARTS 12 TO 14, INCLUSIVE ABOVE ELEVATION 175.00 METRES

Draft Condominium Plan

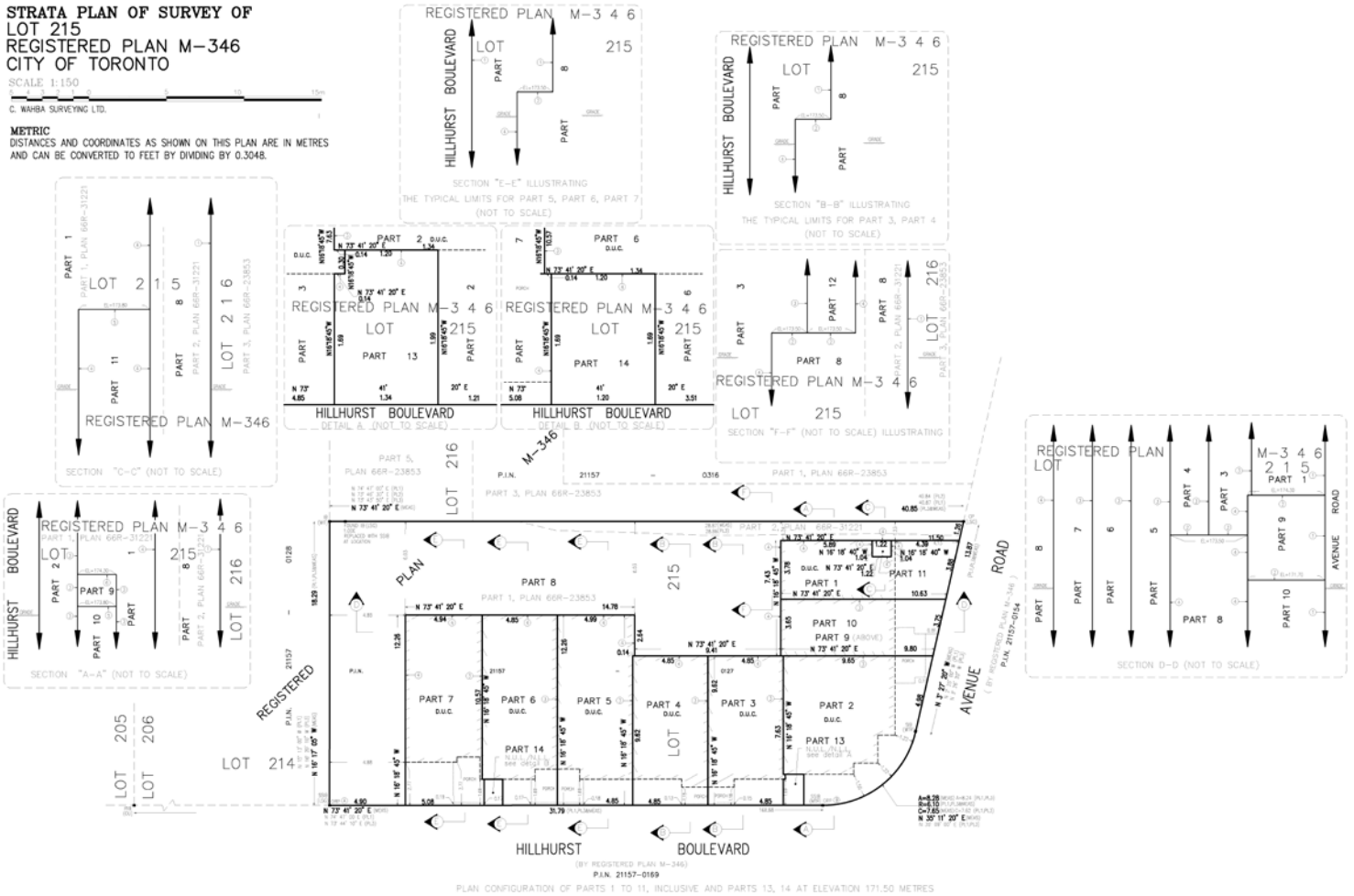


Attachment 3: Part Lot Control Exemption Plan

STRATA PLAN OF SURVEY OF LOT 215 REGISTERED PLAN M-346 CITY OF TORONTO

SCALE 1:150
C. WAHBA SURVEYING LTD.

METRIC
DISTANCES AND COORDINATES AS SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



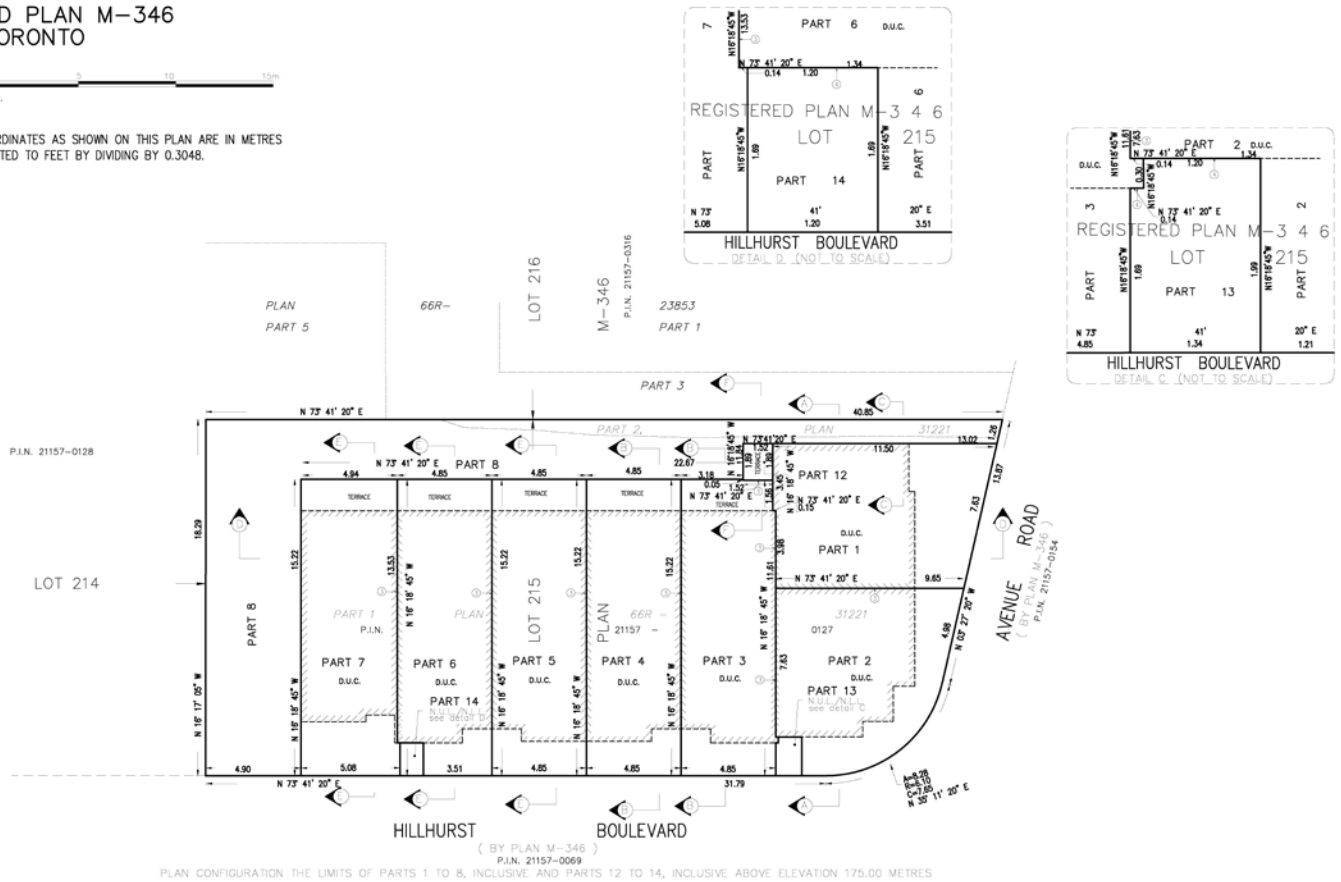
Part Lot Control Exemption Plan



**STRATA PLAN OF SURVEY OF
LOT 215
REGISTERED PLAN M-346
CITY OF TORONTO**

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C. WAHBA SURVEYING LTD.

METRIC
DISTANCES AND COORDINATES AS SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



Part Lot Control Exemption Plan

Attachment 4: Application Data Sheet

Municipal Address: 1202 - 1204 Avenue Road Date Received: June 16, 2021

Application Numbers: 21 171489 NNY 08 PL

Application Type: Part Lot Control Exemption

Project Description: Application for Part Lot Control Exemption to permit the creation of seven conveyable lots for seven townhouse units

Applicant	Agent	Architect	Owner
Glen Schnarr & Associates 10 Kingsbridge Garden Cir Mississauga, ON L5R 3K6	N/A	N/A	3arc Development Inc 2741 Yonge Street Toronto, ON M4N 2H8

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: 1159-2019, 1160-2019

Zoning: R (f15.0; d0.6) (x62)

Heritage Designation: n/a

Height Limit (m): 13

Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 704 Frontage (m): Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	335	335
Residential GFA (sq m):	0	0	1,169	1,169
Non-Residential GFA (sq m):	0	0	0	0
Total GFA (sq m):			1,169	1,169
Height - Storeys:			3	3
Height - Metres:			12.80	12.80

Lot Coverage Ratio (%) 47.6 Floor Space Index: 1.9

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,169	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	7	7
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:			7	7

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	0	7
Total Units:					7

Parking and Loading

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

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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, 2021

CITY OF TORONTO

Bill No. ~

BY-LAW --20~

To exempt lands municipally known in 2021 as 1202 - 1204 Avenue 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. 2021.

Frances Nunziata,
Elvidge,
Speaker
(Seal of the City)

John D.

City Clerk

Schedule “A”

Legal Description:

Municipal Address: 1202 - 1204 Avenue Road

Legal Description:

1202-1204 AVENUE ROAD

PCL 21 5- SEC M346; LT 215 WS AVENUE RD PL M346 TORONTO; CITY OF TORONTO.

forming all of PIN 21157-0127(LT)