



STAFF REPORT ACTION REQUIRED

48-110 Eastdale Avenue – Part Lot Control Exemption Application – Final Report

Date: June 4, 2021

To: Toronto and East York Community Council

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

Ward: 19 – Beaches – East York

Planning Application Number: 20 219688 STE 19 PL

SUMMARY

A Part-Lot Control Exemption application has been submitted to create three conveyable parcels on the lands municipally known as 48-110 Eastdale Avenue. The application is to facilitate the separate legal ownership of three parcels created through the development of new 35-storey and 7-storey residential apartment buildings and a 612 square metre privately-owned publicly accessible space, while maintaining an existing 24-storey apartment building. The three parcels will share a driveway, amenities, certain servicing areas, ramps, and an underground parking garage.

The proposed development is consistent with the Provincial Policy Statement (2020) ("PPS"), conforms with the Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan"), and conforms to the City of Toronto Official Plan ("the Official Plan").

This report reviews and recommends approval of a Part-Lot Control Exemption By-law, lifting Part-Lot Control for a period of three years, subject to the recommendations set out below. Furthermore, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the Lands Titles Act against the subject lands. This is to ensure the owner does not convey or mortgage any part of the lands without prior consent of the Chief Planner or their designate. The applicant has been advised that consent for parcel creation under the Section 118 Restriction will be only given following certification from certified professionals that each parcel is serviced and accessible.

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 48-110 Eastdale Avenue, as generally illustrated on Attachment 1 and substantially in accordance with the Part Lot Control Exemption Plan attached as Attachment 2 and the Draft Part Lot Control Exemption By-law attached as Attachment 3 to the report dated June 4,, 2021 from the Director Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and to expire three (3) years following enactment by City Council.
2. Prior to the introduction of the Part Lot Control Exemption By-law Bill for enactment, City Council require the owner:
 - a) to provide a detailed schedule identifying all services and facilities to be shared amongst the proposed three parcels, and setting out all proposed transfers and easements, including easements for servicing and access, in favour of each of the proposed three parcels, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Chief Engineer & Executive Director, Engineering & Construction Services;
 - b) to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor; and
 - c) to 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 lands without the written consent of Chief Planner and Executive Director, City Planning.
3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the lands or any portion thereof against which the Section 118 Restriction under the Land Titles Act has been registered.
4. City Council require that, prior to any release of the Section 118 restriction, the owner shall:
 - a) submit to the Chief Engineer & Executive Director, Engineering & Construction Services a fully executed copy of Certification from the owner's engineer, stating that each of the three proposed three lots has been separately serviced for water in compliance with Chapter

851 of the City of Toronto Municipal Code and the Ontario Building Code, to the satisfaction of the Executive Director, Engineering and Construction Services;

- b) submit a Draft Reference Plan designating all proposed parcels and easements, substantially in accordance with the Part Lot Control Exemption Plan and the schedule referenced in Recommendation 2.a) above, the Draft Reference Plan of Survey to be in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the proposed lots and any appurtenant rights-of-way or easements to the satisfaction of Chief Planner and Executive Director, City Planning, in consultation with the Executive Director, Engineering and Construction Services, for review and approval prior to being deposited in the Land Registry Office;
- c) submit to the Chief Planner and Executive Director, City Planning, fully executed copies of the following certificates all substantially in accordance with the Part Lot Control Exemption Plan and the schedule of easements referenced in Recommendation 2.a) above and the approved and deposited Reference Plan referenced in Recommendation 4.a), all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - i. from the owner's solicitor with respect to the creation of necessary easements;
 - ii. from the owner's surveyor with respect to the creation of necessary easements; and
 - iii. from the owner's engineer with respect to the identification of the necessary easements;
- d) submit to the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer & Executive Director, Engineering & Construction Services, a fully executed copy of certification from the owner's solicitor that:
 - i. upon conveyance of the first of the three proposed parcels, the owners will enter into and register on title a Cost Sharing Agreement with respect to any shared services or facilities, including, but not limited to, stormwater services and sanitary discharge services; and
 - ii. the Cost Sharing Agreement shall designate an owner who will be the person responsible in the case of any issues regarding the shared stormwater and sanitary discharge services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapter 681

(the “Person of Responsibility”). The Certification shall further indicate:

- A. who the Person of Responsibility is;
 - B. the contact information for the Person of Responsibility; and;
 - C. that the Cost-Sharing Agreement shall contain a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
5. City Council authorize the City Solicitor to release, or partially release, the Section 118 Restriction from title to all or a portion of the lands in her sole discretion after consulting with the Chief Planner and Executive Director, City Planning and Chief Engineer & Executive Director, Engineering & Construction Services, including on clearance of matters identified in Recommendation 4.
6. City Council authorize City officials to take necessary steps, including the execution of agreements and documents which set out the implementation of the Part Lot Control Exemption By-law to give effect to the above-noted recommendations, including, without limitation, the steps in Recommendation 4.
7. 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

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year, or in future years.

DECISION HISTORY

The application for Part Lot Control Exemption was submitted on November 16, 2020 and deemed complete on November 18, 2020.

The lands at 2-50 Secord Avenue and 48-110 Eastdale Avenue (of which the subject lands form part) have been the subject of numerous development proposals. A 2008 development application was revised in 2010. The lands were subject to Official Plan amendment, rezoning and rental housing demolition applications that were the subject of an Ontario Municipal Board (OMB) decision in 2012. The 2012 OMB-approved proposal was subsequently abandoned, and a new development application was submitted to the City in 2015.

The 2015 Official Plan amendment and rezoning application (15 209995 STE 31 OZ) was appealed to the Local Planning Appeal Tribunal (LPAT) in March 2017 due to Council's failure to make a decision on the application within the timeframe prescribed by the Planning Act (LPAT Case No. PL170275). The associated site plan application (15 209998 STE 31 SA) was also referred to the LPAT.

A settlement was reached between the applicant and the City for the OPA/rezoning with the LPAT issuing a decision and an order October 28, 2020 approving the settlement, subject to confirmation by the City of site plan approval and all necessary agreements being secured. In 2020, the LPAT-approved amending by-laws to implement Official Plan Amendment 510 and site-specific zoning (By-laws No. 957-2020(LPAT) and 958-2020(LPAT) respectively) were enacted by Council, approving a new 7-storey apartment building and 35-storey apartment building for a total of 484 units (including 22 replacement rental units and six new secured rental units). An existing 24-storey apartment building and 31 existing townhouses will be maintained on the lands. The existing Eastdale Parkette will be relocated and replaced with a new, larger privately-owned publically accessible space located at the northwest corner of Eastdale and Second Avenues.

The request for directions report regarding the settlement is available at the following:

<https://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-114291.pdf>.

The 2012 Rental Housing Demolition application (12 269076 STE 31 RH) was approved to allow for the demolition of 22 existing rental dwelling units on the basis of the 2015 revised development scheme, subject to conditions detailed in a Section 111 agreement entered into on April 29, 2020.

PROPOSAL

This application proposes exemption from the Part Lot Control provisions of the Planning Act to allow for the creation of 3 new lots for the approved development at 48-110 Eastdale Avenue. See Attachment 1 to this report for a map of the location of the subject lands, and Attachment 4 for Map 2 of By-law 958-2020(LPAT), setting out the zoning-approved development blocks.

As illustrated on the Part Lot Control Exemption Plan (Attachment 2), the subject site will be broken into three parcels, substantially in accordance with the development blocks in Map 2 of By-law 958-2020(LPAT) (Attachment 4):

- Block A: Existing 24-storey rental apartment building and 2-storey rental brick townhomes fronting Eastdale Avenue.

- Block B: Approved 7-storey rental apartment building fronting the shared driveway to be created.
- Block C: Approved 35-storey apartment building, which may have either condominium or rental tenure, in accordance with the Section 111 agreement.

The retained 24-storey apartment building in Block A contains 383 rental units and 30 two-storey townhouse units. The project will demolish 9 townhouse units to the north to facilitate an expansion to the Eastdale Parkette and provide rental replacement in the 7-storey building. As seen on the Draft Part Lot Control Exemption Plan (Attachment 2), the 7-storey building in Block C will provide 80 units with rental replacement and secured rental units on the ground floor. The approved 35-storey tall building in Block B will provide 404 units. These units will be condominium but secured as rental tenure for a minimum of 20 years as outlined in the Section 111 agreement with the City.

The total number of parking spaces provided in this project is 464, where 450 parking spaces will be below grade parking and the remaining 14 in open surface spaces. The shared facilities between the three lots consist of the following components:

- driveway & drive aisles
- parking ramps
- bike parking
- storage lockers
- mechanical and engineering servicing areas, equipment, etc.
- outdoor amenity space
- indoor amenity space
- garage and loading area

Easements will be entered into to ensure appropriate rights to access among the various shared components that will be maintained among the parcels. A Cost Sharing Agreement will be also be entered into with respect to the shared facilities, and among other matters, will designate an owner who will be the person responsible in the case of any issues regarding the shared facilities. A Section 118 Restriction under the Land Titles Act against the subject lands will ensure the owner agrees to not convey or mortgage any part of the lands without prior consent of the Chief Planner or his designate.

Site and Surrounding Area

The site is located southwest of Eastdale Avenue and Lumsden Avenue. The existing uses on the site are a 24-storey rental building and townhomes. The site is surrounded by residential buildings ranging from single-family homes to tall buildings. The surrounding uses and buildings are as follows:

North: Across the street, is a 24-storey apartment complex at 444 Lumsden Avenue and Taylor Creek Park.

West: Abutting the lot, a number of rental apartment buildings ranging in heights from 16 to 22 stories in addition to 2-storey townhouse buildings.

South: 2-storey townhouse buildings.

East: Across the street, single-family homes and a 15-storey apartment building on Eastdale Avenue.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development.

Section 51 (24) of the Planning Act sets out criteria that City Council shall have regard to in making decisions regarding land division including: the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants; the effect of development of the proposed subdivision on matters of provincial interest; whether the plan conforms to the official plan and adjacent plans of subdivision; the dimensions and shapes of the proposed lots; the restrictions on the land proposed to be subdivided and on adjoining land; the adequacy of utilities and municipal services; and the interrelationship between the design of the proposed site plan control matters.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statement and geographically specific Provincial Plans, together 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, Site Plan Agreements, and Part-Lot Control

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides province-wide policy direction 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 including 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 interrelationships 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."

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. The Growth Plan continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which the City forms an integral part.

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. 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.

City of Toronto Official Plan

The City of Toronto Official Plan (the "Official Plan") designates the subject site as *Apartment Neighbourhoods* as shown on Map 20-Land Use. *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*.

The site is subject to a Site-specific Official Plan amendment, implemented through OPA 510.

The City of Toronto Official Plan can be found at:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is subject to Site-specific By-law 958-2020(LPAT) and is zoned RM3.6 which permit apartment and townhouse developments subject to site specific provisions. The site is not subject to City of Toronto Zoning By-law 569-2013.

Site Plan Control

A Statement of Approval for the Site Plan Control Application No. 15 209998 STE 31 SA was approved by the LPAT on October 28, 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 to formulate appropriate recommendations.

COMMENTS

City Planning recommends approval for Part-Lot Control Exemption to permit the creation of three conveyable parcels.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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 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. Policy 1.4.3 of the PPS directs an appropriate range and mix of housing options and densities, including affordable housing.

The proposed Part Lot Exemption will apply to the development post-construction, facilitating the occupancy and operation of the development, thereby furthering the conformity of the development with the policies of the PPS and the Growth Plan.

The application is consistent with the PPS and conforms with the Growth Plan. The lifting of Part-Lot Control and the proposed division of land would allow for the orderly development of the subject lands.

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. Easements and rights-of-ways will be established to ensure appropriate access and use between the stratified properties to the shared facilities and the adjacent public right-of-way.

The applicant has been advised that consent for parcel creation under the Section 118 restriction will be only given following certification from certified professionals that each parcel is serviced and accessible.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the Part Lot Control Exemption By-law contain an expiration date three (3) years following the enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

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 request for Part Lot Control Exemption and enact a Part Lot Control Exemption By-law with respect to the subject lands. Staff also recommend that the owner of the lands be required to register a Section 118 Restriction under the Lands Titles Act against the subject lands and a Cost Sharing Agreement, as noted in the Recommendation section of this report.

CONTACT

Helen Song, Planner
Tel. No. (416) 392-5606
E-mail: Helen.Song@toronto.ca

SIGNATURE

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

ATTACHMENTS

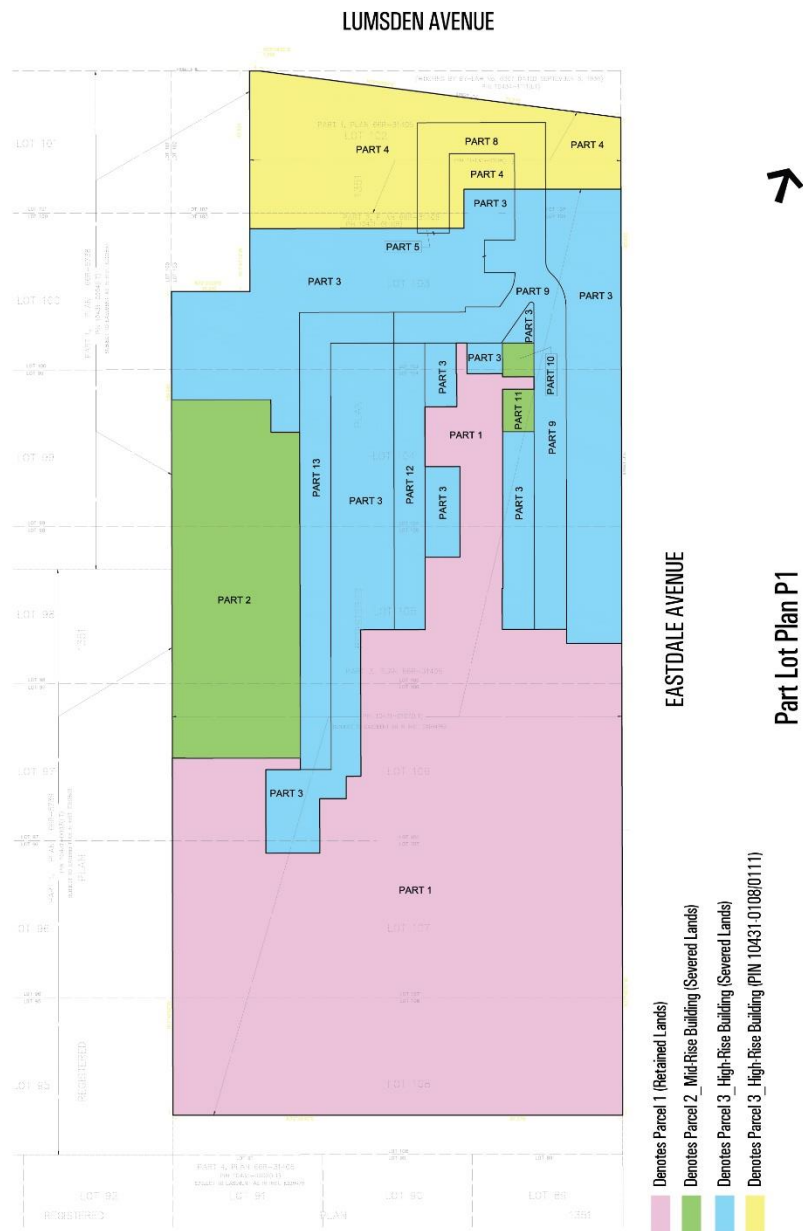
Attachment 1: Location Map
Attachment 2a: Part Lot Control Exemption Plan
Attachment 2b: Part Lot Control Exemption Plan, P1 level
Attachment 2c: Part Lot Control Exemption Plan, P2 level
Attachment 3: Draft Part Lot Control Exemption Bylaw
Attachment 4: Map 2 in By-law 958-2020(LPAT)

Attachment 1: Location Map





Attachment 2b: Part Lot Control Exemption Plan, P1 level



LUMSDEN AVENUE



Attachment 3: Draft Part Lot Control Exemption Bylaw

Authority: Toronto and East York Community Council Report No.~, as adopted by City of Toronto Council on ~, 2021

Enacted by Council: ~, 2021

CITY OF TORONTO BY-LAW No. --20~

To exempt lands municipally known as 48-110 Eastdale Avenue 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:

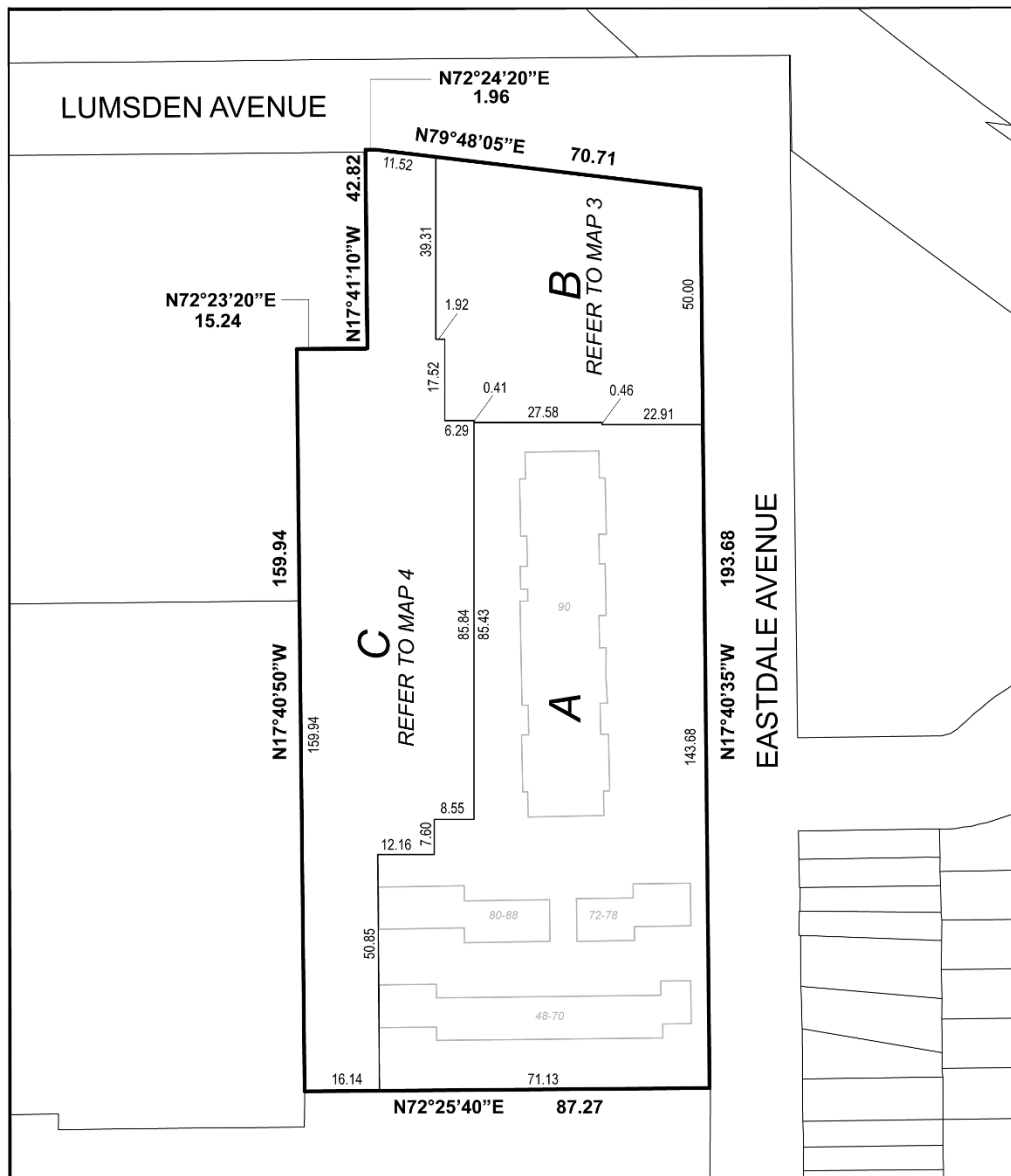
1. Subsection 50(5) of the Planning Act does not apply to the lands municipally known as 48-110 Eastdale Avenue.
2. This By-law expires three (3) years from the date of its enactment by Council.

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

XXXXXXXXXXXXXXXXX
Speaker
(Corporate Seal)

JOHN ELVIDGE,
City Clerk

Attachment 4: Map 2 in By-law 958-2020(LPAT)



TORONTO
Map 2

48-108 and 110 Eastdale Avenue

File #15 209995 STE 31 OZ

Former East York By-law 6752
Not to Scale
04/15/2020