



REPORT FOR ACTION

571 Dundas Street West – Alexandra Park Revitalization - Part Lot Control Exemption Application – Final Report

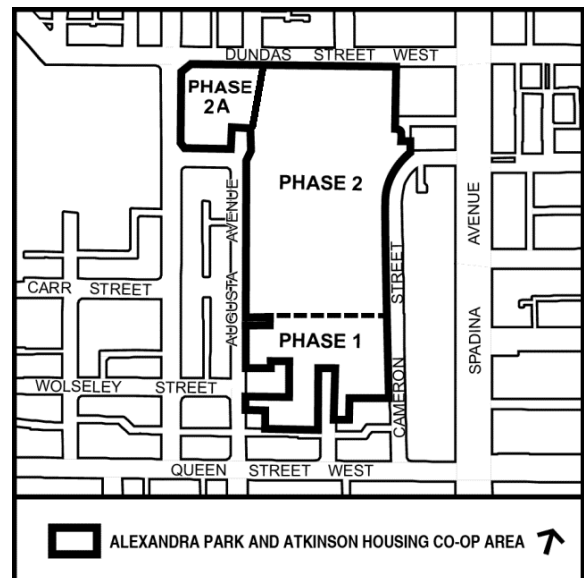
Date: June 1, 2021
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward 10 – Spadina-Fort York

Planning Application Number: 21 140889 STE 10 PL

SUMMARY

This application requests exemption from the Part Lot Control provisions of the Planning Act on the lands municipally known at 571 Dundas Street West to facilitate the development of Phase 2A (the “Subject Lands”) of the Alexandra Park Revitalization. Three (3) conveyable lots will be created through this application. A draft plan of subdivision is presently under review for Phase 2 (including the Phase 2A lands) of the Alexandra Park Revitalization and it is anticipated the plan of subdivision will be registered in August 2021.

The Subject Lands consist of an integrated 13-storey market condominium building (Site 1 of the Master Plan) and 14-storey affordable rental building (Site 2 of the Master Plan), as well as 5 affordable rental townhomes (Site 3 of the Master Plan). This application proposes to create three (3) ownership parcels: the first is a market condominium building that will be transferred to a joint venture development entity formed between Toronto Community Housing (“TCH”) and Tridel; the second is an affordable rental building and five townhouses that will remain in TCH ownership; and the third is a freehold retail space within the ground floor of the market condominium building that will be transferred to a separate entity.



The proposed exemption from the part lot control provisions of the Planning Act has been requested by the owner to permit the division of the lands into a number of parcels that will enable the applicant to transfer or mortgage title for portions of the lands along with easements to facilitate the implementation of the Master Plan.

This report reviews and recommends approval of Part Lot Control Exemption by-laws to be enacted for a period of up to 5 years on the Subject Lands. 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 charge any part of the Subject Lands without prior consent of the Chief Planner and Executive Director, City Planning or their 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 571 Dundas Street West as generally illustrated on Attachments 1 and 2 and substantially in accordance with the Draft Part Lot Control Exemption By-law attached as Attachment No. 3 to the report from the Director Community Planning, Toronto and East York District, to expire five (5) years following enactment by City Council.
2. Prior to the introduction of the Part Lot Control Exemption Bill for enactment, City Council require the owner:
 - a. to provide proof of payment of all current property taxes for the Subject Lands to the satisfaction of the City Solicitor; and
 - b. to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to convey or charge any part of the Subject Lands without the written consent of the Chief Planner or her designate.
 - c. to register the plan of subdivision for the Phase 2 lands of the Alexandra Park Revitalization.
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 authorize the City Solicitor to release, partially release, or provide consent to charge or convey under, the Section 118 Restriction from title to all or a portion of the lands in their sole discretion after consulting with the Chief Planner and Executive Director, City Planning. Notwithstanding the foregoing, City Council authorizes and directs the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning, to:

a. provide the City's consent to:

- i. the conveyance of the condominium lands (Site 1) to the declarant of the condominium being developed thereon;
- ii. the creation of a mortgage or charge against the condominium lands (Site 1) in favour of the lender providing the construction financing for the condominium being developed thereon;
- iii. the creation of a mortgage or charge against the condominium lands (Site 1) in favour of the surety providing a warranty bond and excess condominium deposit insurance for the condominium being developed on the condominium lands (Site 1); and

b. release the Section 118 Restriction from title to the condominium lands (Site 1) immediately prior to the registration of said condominium.

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.

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.

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.

PROPOSAL

Phase 2A of the Alexandra Park Revitalization proposes a 13-storey market building and a 14-storey TCH building situated atop a 3-storey base building fronting Dundas Street West, a total of 5 TCH townhouses, a central shared courtyard, and a privately-owned, publicly accessible open space connection (POPS).

The proposed development on Site 1 comprises of a 19,100 square metre, 13 storey (46.5 metre) mixed-use building. Of the total floor area, a maximum of 4,100 square metres is proposed as commercial space and a maximum of 17,100 square metres is permitted as residential space.

The proposed development on Sites 2 and 3 are comprised of the replacement social housing component for Phase 2A in the form of a 14-storey (48.5 metre) building, and five townhouses fronting onto Grange Avenue. A new daycare facility is proposed in the base of the building on Site 2 with amenity space located internal to the block. This daycare space is intended to replace the existing facility at 73-75 Augusta Square. Phase 2A also includes an extension of Augusta Avenue on the east side of the site to connect to Dundas Street West, along with the road widening of Denison Avenue.

Site and Surrounding Area

The Phase 2A site is situated at the southeast corner of Dundas Street West and Denison Avenue. The site is approximately 0.7 hectares (1.7 acres) in size. The following land uses and buildings are located adjacent to the subject site:

North: Low rise commercial main street buildings are situated on the north side of Dundas Street West. The Kensington Market neighbourhood is located north of Dundas Street West.

East: Townhouses are situated to the east. Mixed-use low and mid-rise buildings fronting onto Spadina Avenue are situated farther east.

South: A mix of low-rise residential buildings and a 14-storey apartment building at 99 Augusta are located to the south.

West: Various low-rise residential dwellings, Ryerson Public School, Scadding Court Community Centre and Alexandra Park, a city-owned park space, are situated to the west.

APPLICATION BACKGROUND

On July 13, 2012, City Council approved Official Plan Amendment No. 189, and on October 8, 2013, City Council approved Zoning By-law Amendments, and Rental Housing Demolition and Conversion applications to guide the Revitalization Plan for the Alexandra Park and Atkinson Housing Co-operative lands located, generally between Queen Street West to the south, Spadina Avenue to the east, Dundas Street West to the north and Augusta Avenue to the west.

The City Council and TEYCC decisions can be accessed at this link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.9>

Phase 1 of the Revitalization, comprised of a 14-storey and 15-storey residential building, 61 townhouse units and the refurbishment of the existing apartment building at 20 Vanauley Street is now complete and the new units occupied, south of the newly constructed Paul Lane Gardens.

For Phase 2 of the Revitalization, Toronto Community Housing (TCH) and Tridel, the development partnership for both phases of the Revitalization, proposed a number of changes to the previously approved Revitalization Plan.

At the July 23, 2018 and July 16, 2019 City Council meetings, Council adopted various changes to the Official Plan and Zoning By-law respecting Phase 2A and Phase 2 of the Revitalization. On October 2, 2020 City Council adopted OPA 429, amending Site and Area Specific Policy 383, and site-specific By-law 841-2020, to permit the Revitalization of the Subject Lands.

The City Council and TEYCC decision for Phase 2A can be accessed at this link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.10>

The City Council and TEYCC decision for the remainder of the Phase 2 lands can be accessed at this link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.7>

A plan of subdivision was submitted for review in December 2017 as part of the Phase 2 and Phase 2A rezoning process, as described above. Notice of the draft plan of subdivision with conditions was issued on April 23, 2020 and the applicant is currently in the process of fulfilling the draft conditions, with final approval and registration expected in August 2021.

Agency Circulation Outcomes

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

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 including affordable housing;
- ensuring opportunities for job creation;
- encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources;
- 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) (the "Growth Plan (2020)") came into effect on August 28, 2020. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the Planning Act.

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, recreation and green space, and better connected 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;
- Conserve cultural heritage resources in order to foster a sense of place and benefit communities, particularly in strategic growth areas;
- 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 (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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

Toronto Official Plan policies may be found here:

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

The application is located on lands within the Downtown and Central Waterfront area on Map 2, and designated Mixed Use Areas and Apartment Neighbourhoods on Map 18 of the Official Plan.

Zoning

Zoning By-Law Amendment 841-2020 amended the 'MCR' and 'R4A' zones, on the lands known as Phase 2A of the Alexandra Park Revitalization, in Zoning By-laws 438-86 and 1710-2013, to permit a mixed-use development with 19,100 square metres of market residential and non-residential uses on Site 1, in addition to TCH owned apartment units and townhouses, on Sites 2 and 3 respectively.

Site Plan Control

Three site plan applications have been submitted for the redevelopment of the Subject Lands. On July 15, 2019, a site plan application was submitted for Site 1 (file no. 19 185758 STE 10 SA); on July 25 2019, a site plan application was submitted for Site 2 (file no. 19 185764 STE 10 SA); and on September 1, 2020, a site plan application was submitted for Site 3 (file no. 20 188233 STE 10 SA). All three site plan applications are currently under review.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). 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.

These policies include: accommodating and providing for affordable housing and a mix of housing typologies (Section 1.1.1(b) of the PPS and Section 2.2.1.4(c) of the Growth Plan); and efficient use of land and infrastructure through compact form and a mix of uses and densities (Section 1.1.3.6 (a) of the PPS, and Section 2.2.1.4(e) of the Growth Plan). The development consists of both affordable rental and market housing, and provides a dwelling unit type mix with a substantial proportion of family-sized units. Furthermore, the development is a compact built form that contains residential and non-residential uses, that maximizes the use of the Subject Lands and the existing hard services. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Division

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 will be within a registered plan of subdivision, which is currently under review by City staff. It is anticipated the plan of subdivision will be registered in August 2021. The part lot control bills will be brought forward to Council after the plan of subdivision has been registered.

The lifting of Part Lot Control on the Subject Lands is considered appropriate for the orderly development of the lands, subject to the Section 118 Restriction under the Land Titles Act. The Part Lot Control Exemption will facilitate the development of the site including the creation of lots and multiple ownerships, and the establishment of easements and rights-of-ways to ensure appropriate pedestrian, servicing and vehicular access between properties.

Prior to enactment of the Part Lot Control Exemption By-law it is recommended that the owner register a Section 118 Restriction under the Land Titles Act. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner. This enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support the development.

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, given the scale of the project, it is recommended that the By-law expire 5 years following enactment by City Council. This time frame is expected to provide 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), and conforms with the Growth Plan (2020), and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands. Staff recommend that Council support approval of the application.

CONTACT

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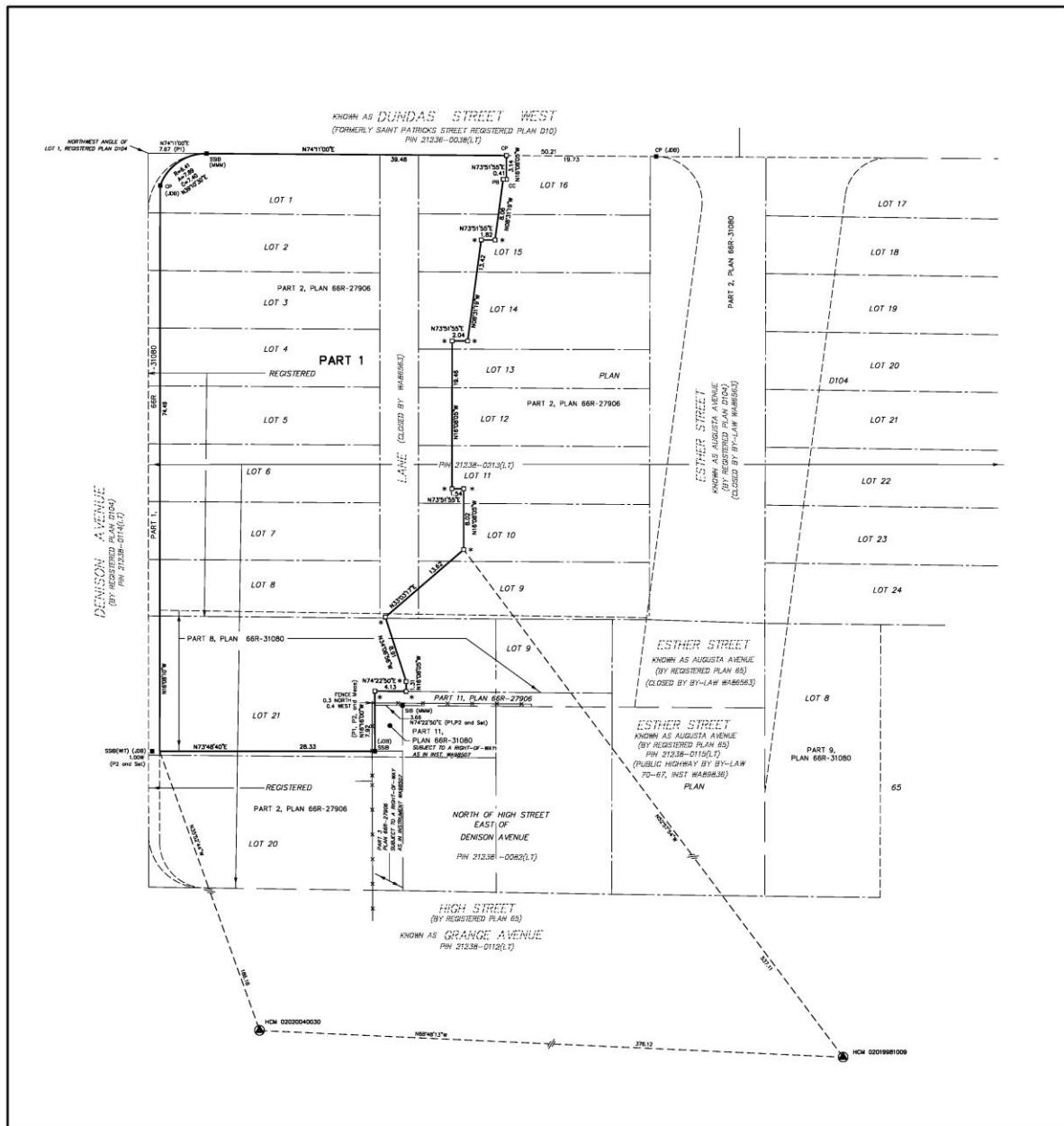
SIGNATURE

Lynda H Macdonald, Director
Community Planning, Toronto and East York District

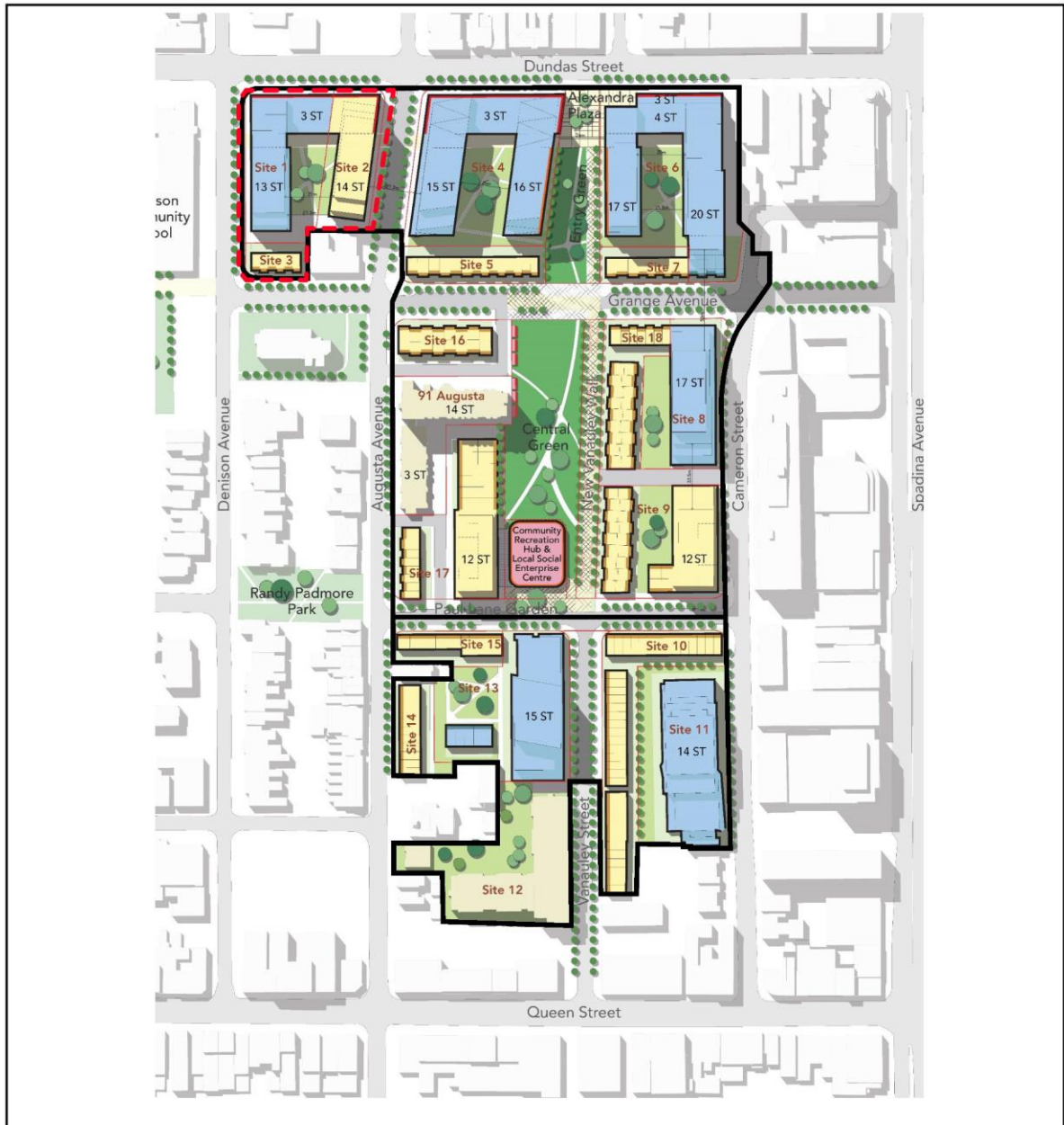
ATTACHMENTS

Attachment 1:	Survey Plan
Attachment 2:	Master Plan
Attachment 3:	Draft Part Lot Control Exemption By-law

Attachment 1: Survey Plan



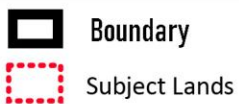
Attachment 2: Master Plan



Toronto
Master Plan

571 Dundas Street West

File # 21 140889 STE 10 PL



Not to Scale
Extracted: 05/31/2021

Attachment 3: Draft Part Lot Control Exemption By-law

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 571 Dundas Street West 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:

Subsection 50(5) of the Planning Act does not apply to the lands described in the attached Schedule "A".

This By-law expires five (5) years from the date of its enactment by Council.

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

FRANCES NUNZIATA
Speaker

JOHN D. ELVIDGE
City Clerk

(Corporate Seal)

Schedule A

Legal Description:

Draft M-Plan XX, Block 2