

2995 Keele Street, Block "P", Stanley Greene District – Part Lot Control Exemption Application – Final Report

Date: February 2, 2022
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 6 - York Centre

Planning Application Number: 21 177570 NNY 06 PL

SUMMARY

This application proposes exemption from the Part Lot Control provisions of the Planning Act for a portion of the subject lands municipally known as 2995 Keele Street, Block "P", of the Stanley Greene District. The purpose of the application is to permit the creation of 38 conveyable lots to facilitate the development of 38 townhouse dwelling units in 6 buildings. This proposal would work in conjunction with a separate application for a Plan of Common Elements Condominium on another portion of the subject lands. The purpose of the Common Elements Condominium application is to allow the development of a number of common element features.

The 38 conveyable lots of the townhouse development would become Parcels of Tied Land ("POTL) to the Common Elements Condominium. In addition, the Common Elements Condominium is intended for use by Building "A", a 4-storey building on another portion of the subject lands, which is comprised of 42 stacked townhouse units; a separate application was submitted to register a Plan of Standard Condominium.

This report reviews and recommends approval of the Part Lot Control Exemption By-law to be enacted for a period of up to two (2) years on the specified portion of the subject lands. 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 specified portion of the subject lands, whereby the owner agrees not to convey or mortgage any part of the Part Lot Control exempted 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 2995 Keele Street, Block "P", as generally illustrated on Attachments 4 and 5 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 9 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 29, 2021 and deemed complete on July 7, 2021.

The subject site forms part of the Downsview Area Secondary Plan. On April 30, 2010, Parc Downsview Park Inc. (PDP) filed an Official Plan and Zoning By-law Amendment (10 167221 NNY 08 OZ) application for an updated Downsview Area Secondary Plan, which largely reflected a previously tabled staff-recommended Secondary Plan. The application proposed primarily residential development in the southeast portion of the Stanley Greene District within the Downsview Area Secondary Plan. A subsequent Draft Plan of Subdivision (10 252415 NYY 08 SB) was filed on September 3, 2010, to implement the above-noted Official Plan and Zoning Bylaw Amendment. The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision were appealed to the Ontario Municipal Board based on the City's failure to approve the applications within the timelines specified by the Planning Act. The Ontario Municipal Board issued a decision approving a negotiated settlement between the City and PDP for an updated Downsview Area Secondary Plan and Draft Plan of Subdivision on August 17, 2011, authorized through By-law No. 1632-2013 (OMB).

On February 20, 2020, an Minor Variance application (A0754/19NY) was approved at the North York Committee of Adjustment, to vary performance standards to allow the following in Block P: multiple attached dwelling stacked townhouse use with access from both outdoors and an interior corridor, and on a site abutting Downsview Park Boulevard, a ventilation shaft encroachment in the front yard on Downsview Park Boulevard, first floor elevation of 1.2 metres above established grade for multiple attached dwelling townhouses, parking spaces in townhouse ground-level garages, and visitor parking for multiple attached dwelling stacked townhouses.

The subject site received site plan approval on July 13, 2020 (file no.18 245467 NNY 06 SA) for a townhouse development, consisting of a 4-storey building containing 42 stacked townhouse units with below-grade parking garage and 6 buildings configured as three-storey townhouses containing 38 dwelling units, with associated below-grade parking garage, surface parking, walkways, landscaping, and driveway. Construction is expected to be completed in 2022.

ISSUE BACKGROUND

Proposal

This Application proposes exemption of a specified portion of the subject lands from the Part Lot Control provisions of the Planning Act, to permit the creation of 38 conveyable lots to facilitate the development of 38 townhouse dwelling units in 6 buildings. Each townhouse unit would have 1 parking space in its own rear integrated garage. The division of the specified portion of the subject lands would enable the applicant to transfer title for the conveyable lots to facilitate the implementation of the development. The specific portion of the subject lands proposed to be exempted from Part Lot Control, is depicted generally in Attachment 5. Attachment 8 sets out statistics of development that is under applications for Part Lot Control Exemption and the Standard Plan of Standard Condominium.

This proposal would also work in conjunction with a separate application for a Plan of Common Elements Condominium (21 171485 NNY 08 CD) on another portion of the subject lands, to allow the development of the following common elements: a private driveway, 2 outdoor visitor parking spaces, walkways, and landscaping. The 38 conveyable lots of the townhouse development will become Parcels of Tied Land ("POTL") to the Common Elements Condominium. In addition, the Common Elements Condominium is intended for use by Building "A", a 4-storey building on the subject lands, which is comprised of 42 stacked townhouse units, 58 vehicle parking spaces and 32 bicycle parking spaces on the surface and in an one-level underground parking garage. The Common Elements Condominium would enable access easements to be granted in favour of Building "A". The Draft Plan of Common Element Condominium is depicted generally in Attachment 6.

A separate application was submitted to register a Plan of Standard Condominium (21 177578 NNY 06 CD) for Building "A" on another portion of the subject lands; the application is currently under review by Staff. The Draft Plan of Standard Condominium is depicted generally in Attachment 7a to 7c.

Attachment 4 depicts in general how the applications will divide and treat the various portions of the subject lands.

Site and Surrounding Area

The subject lands are bounded by Downsview Park Boulevard to the north and Stanley Greene Boulevard to the east. Attachment 1 depicts generally the subject lands in context with surrounding areas.

Uses and buildings surrounding the site are as follows:

North: Downsview Park Boulevard right-of-way; and Parc Downsview Park, a federal park.

South: Residential neighbourhood comprised of detached dwellings.

East: Stanley Greene Boulevard right of way; and freehold townhouse development with common element condominium.

West: Storm management pond and open space; and a mid-rise residential development under construction.

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 *Apartment Neighbourhoods* on Map 16 - Land Use of the Official 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 are also permitted in *Apartment Neighbourhoods*.

Apartment Neighbourhoods are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. While built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated on a city-wide basis, opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing.

See Attachment 2 of this report for the Official Plan Land Use Map. The Toronto Official Plan can be found here:

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

Downsview Area Secondary Plan

The subject site is designated as *Apartment Neighbourhoods*, as generally depicted on Map 7-9 of the Downsview Area Secondary Plan, and further delineated in the Official Plan Land Use Map.

The intent of the Downsview Area Secondary Plan is to provide for the creation of a major national urban park and a balanced mix of urban land uses in a park like setting, which can be accommodated within the overall transportation network. The Secondary Plan area has been divided into seven Districts to respond to a range of physical characteristics and land uses across the entire Secondary Plan area, and to set development expectations accordingly.

The site is located within the Stanley Greene District, which is expected to develop into a residential neighbourhood. *Apartment Neighbourhoods* within the Stanley Greene District, is meant to provide for appropriate transition in building height and massing to adjacent *Neighbourhoods*.

All division of land in the Secondary Plan area will facilitate development consistent with the intent and objectives of the Secondary Plan.

See Attachment 3 of this report for the Downsview Area Secondary Plan Land Use Map. The secondary plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/902d-cp-official-plan-SP-7-Downsview.pdf>

Zoning

The site is zoned RM5(23) under site-specific By-law no. 1632-2013 (OMB), which permits different residential building types including "Multiple attached dwelling - townhouses," as shaped by various performance standards including but not limited to height limits, setbacks, number of dwelling units, amenity area, and parking spaces.

Site Plan Control

A Site Plan Control Application (18 245467 NNY 06 SA) for the subject lands was submitted on October 19, 2018. The Notice of Approval Conditions was issued on February 25, 2020 and the Statement of Approval was issued on July 13, 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

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 a specified portion of the subject lands is

considered appropriate for the orderly development of the lands and will facilitate the development, subject to the Section 118 Restriction under the Land Titles Act.

The Part Lot Control Exemption in conjunction with Common Elements Condominium, will facilitate the development of the subject lands, through the creation of conveyable lots and a common element elements parcel, and the establishment of easements, to allow for freehold ownership of townhouse units and appropriate access and use between the various parcels, relating to driveway access, parking, pedestrian walkways, and landscaping. The Common Element Condominium would ensure the shared ownership and maintenance of the common element features. The list of common element features to be shared via access and use easements will be finalized in the Common Elements Condominium and/or Standard Condominium applications.

The application for Part Lot Control Exemption 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 lifting of Part Lot Control on the specified portion of 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 specified portion of the subject lands.

CONTACT

Jason Xie, Planner
Tel. No. 416-338-3004
E-mail: Jason.Xie@toronto.ca

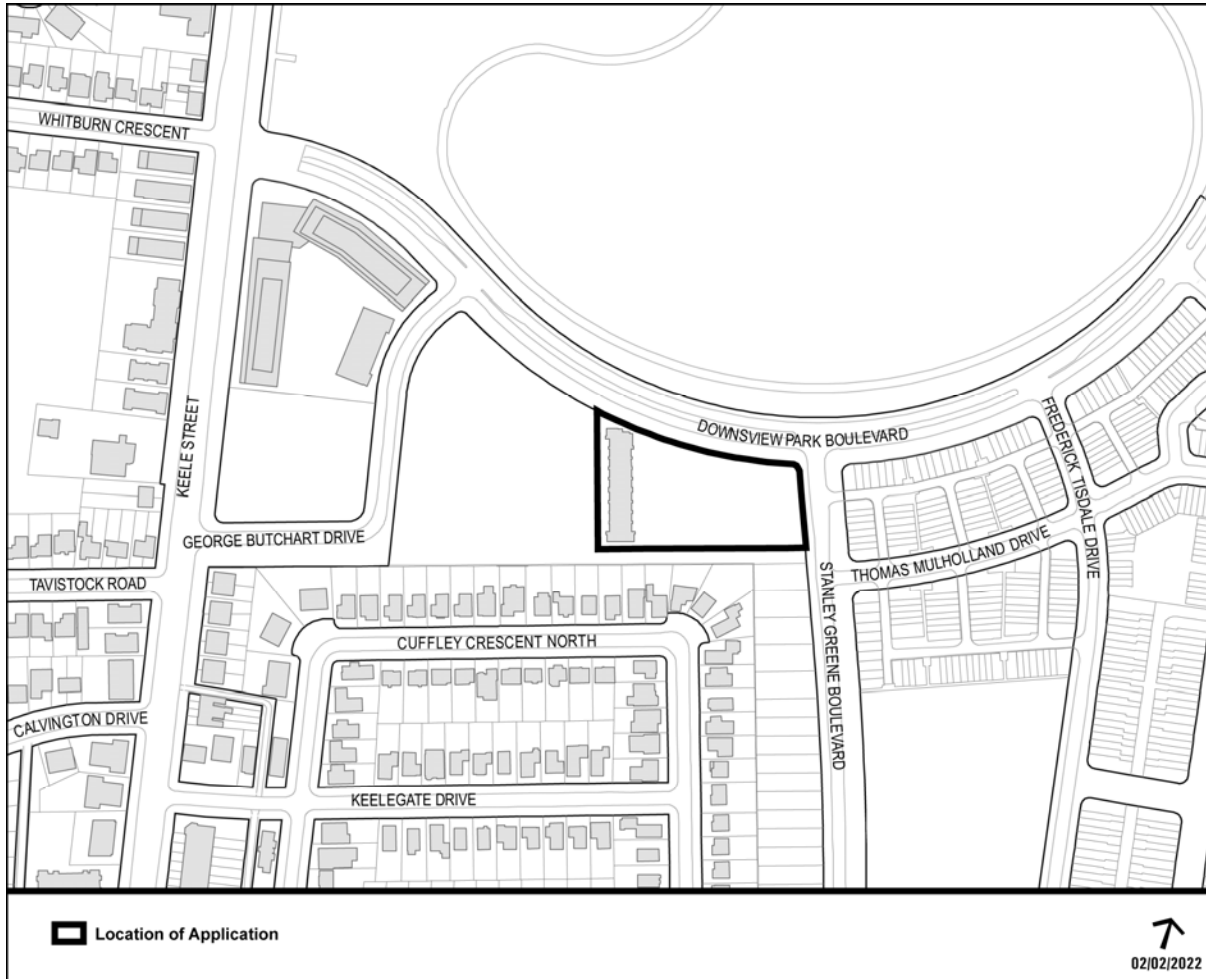
SIGNATURE

David Sit, MCIP, RPP, Director
Community Planning, North York District

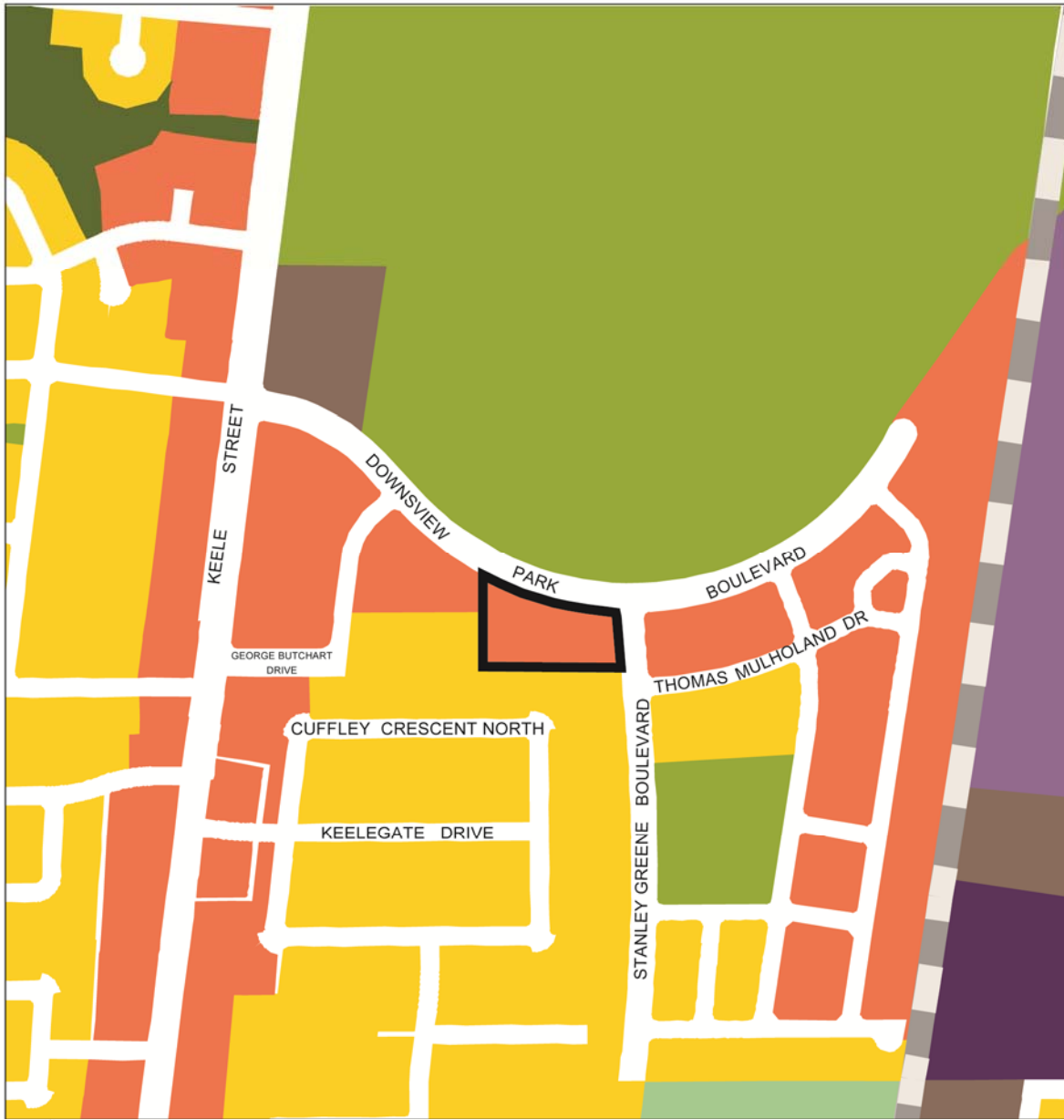
ATTACHMENTS

Attachment 1:	Location Map
Attachment 2:	Official Plan Land Use Map
Attachment 3:	Downsview Secondary Plan Land Use Map
Attachment 4:	Division Concept
Attachment 5:	Part Lot Control Exemption Plan
Attachment 6:	Draft Plan of Common Elements Condominium
Attachment 7a:	Draft Plan of Standard Condominium (level 1)
Attachment 7b:	Draft Plan of Standard Condominium (levels 1 to 2)
Attachment 7c:	Draft Plan of Standard Condominium (level A)
Attachment 8:	Application Data Sheet
Attachment 9:	Draft Part Lot Control Exemption By-law (and Schedule A)

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



2995 Keele Street

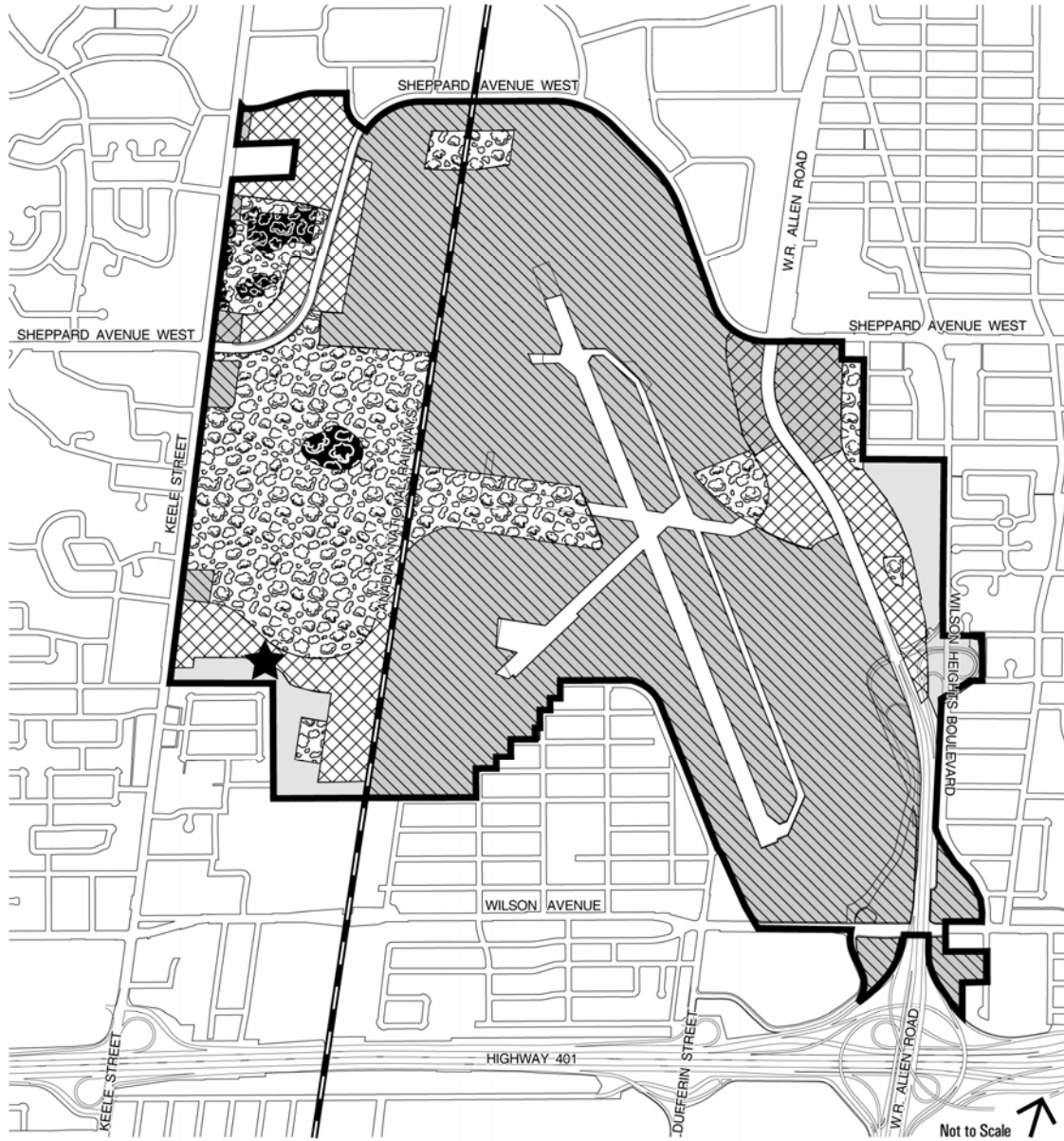
Official Plan Land Use Map #16

File # 21 177570 NNY 06 PL

Location of Application	Natural Areas	Regeneration Areas
Neighbourhoods	Parks	General Employment Areas
Apartment Neighbourhoods	Utility Corridors	Core Employment Areas
Other Open Space Areas		

↑
Not to Scale
02/03/2022

Attachment 3: Downsvie Secondary Plan Land Use Map



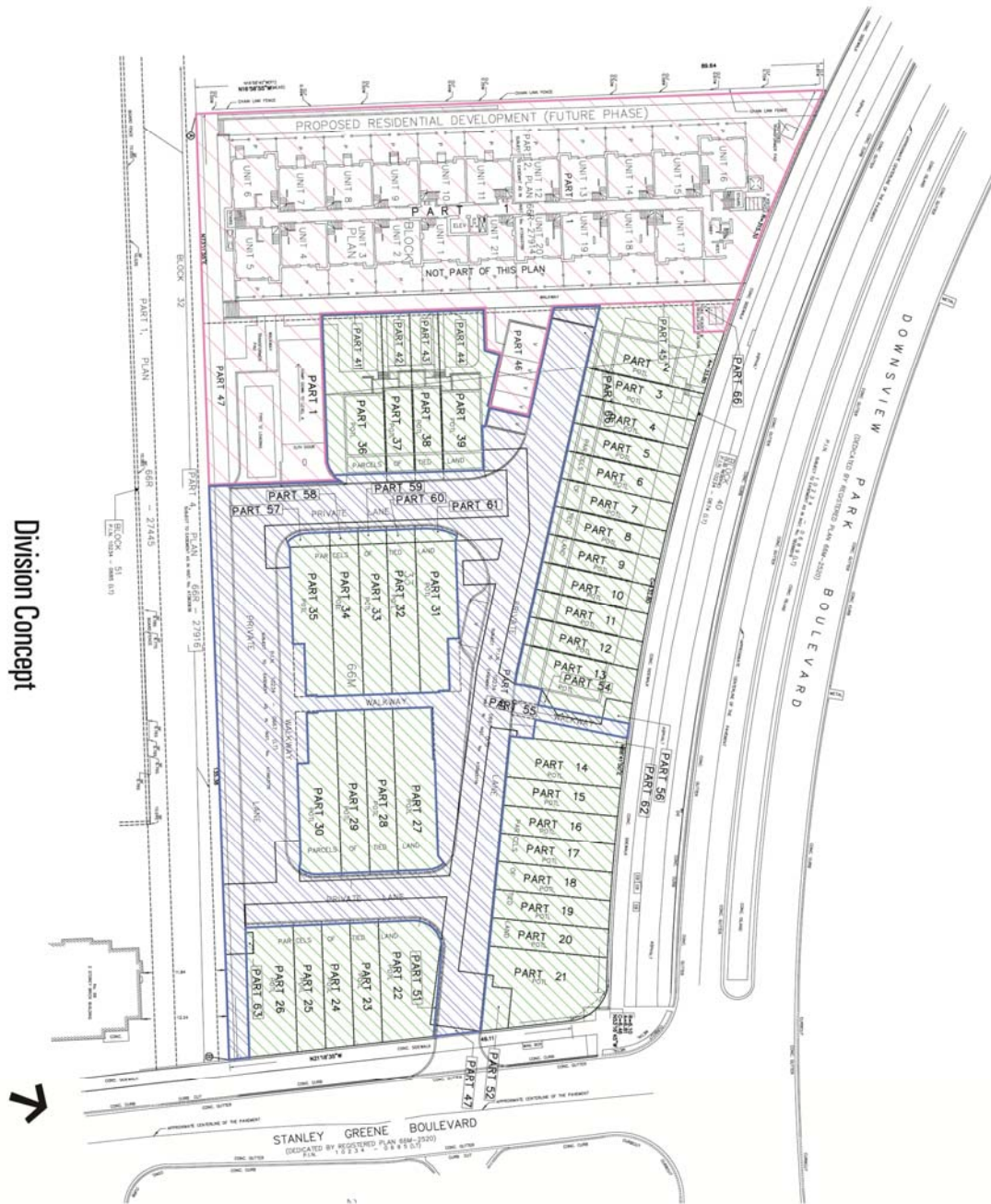
Downsvie Area Secondary Plan MAP 7-9 Land Use

- | | |
|--------------------------|-------------------------|
| Secondary Plan Boundary | Parks |
| Neighbourhoods | Natural Areas |
| Apartment Neighbourhoods | Location of Application |
| Mixed Use Areas | |
| Employment Areas | |

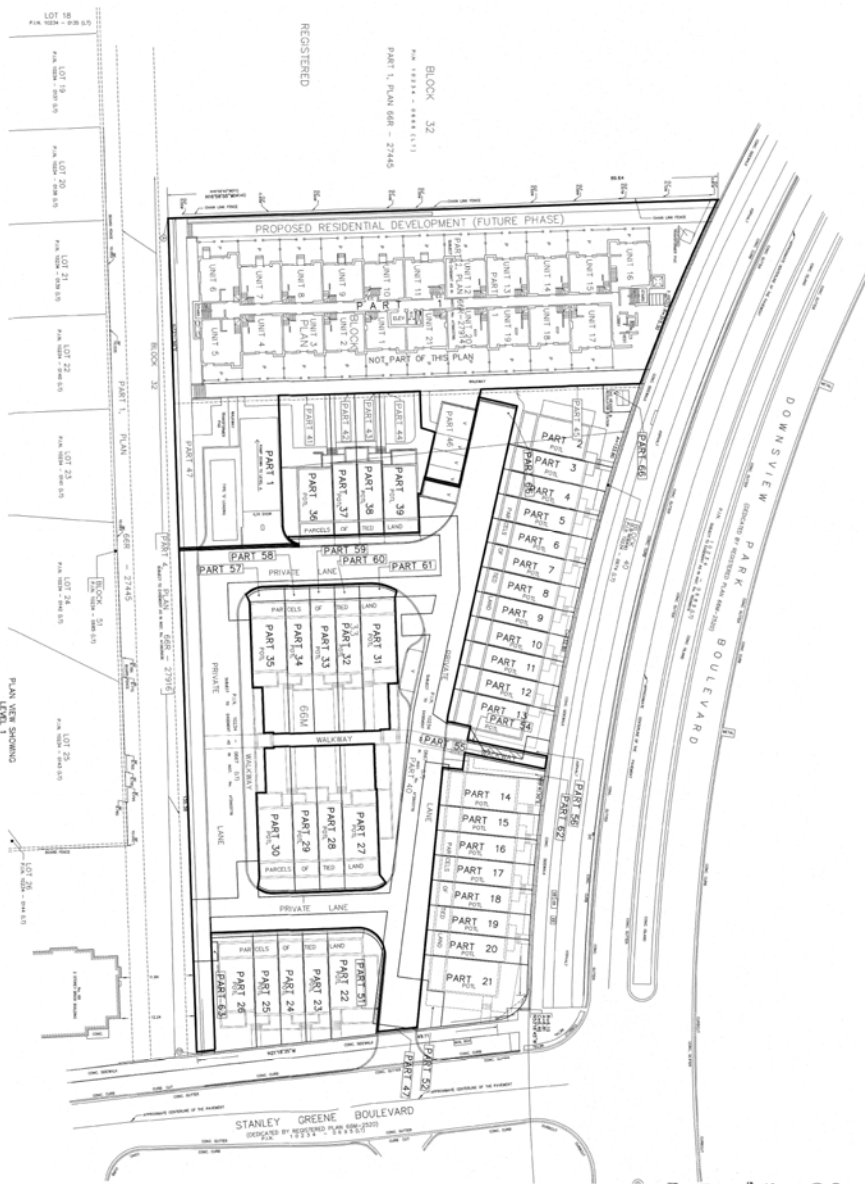
February 2010

Attachment 4: Division Concept

Note: The green denotes the Parcels of Tied Land, the blue denotes the Draft Plan of Common Element Condominium, and the pink denotes the Draft Plan of Standard Condominium.



Attachment 6: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements



DRAFT PLAN OF COMMON ELEMENTS
 CONDOMINIUM OF
 PART OF
BLOCK 33
 REGISTERED PLAN 66M-2520
 CITY OF TORONTO
 (FORMERLY CITY OF NORTH YORK)

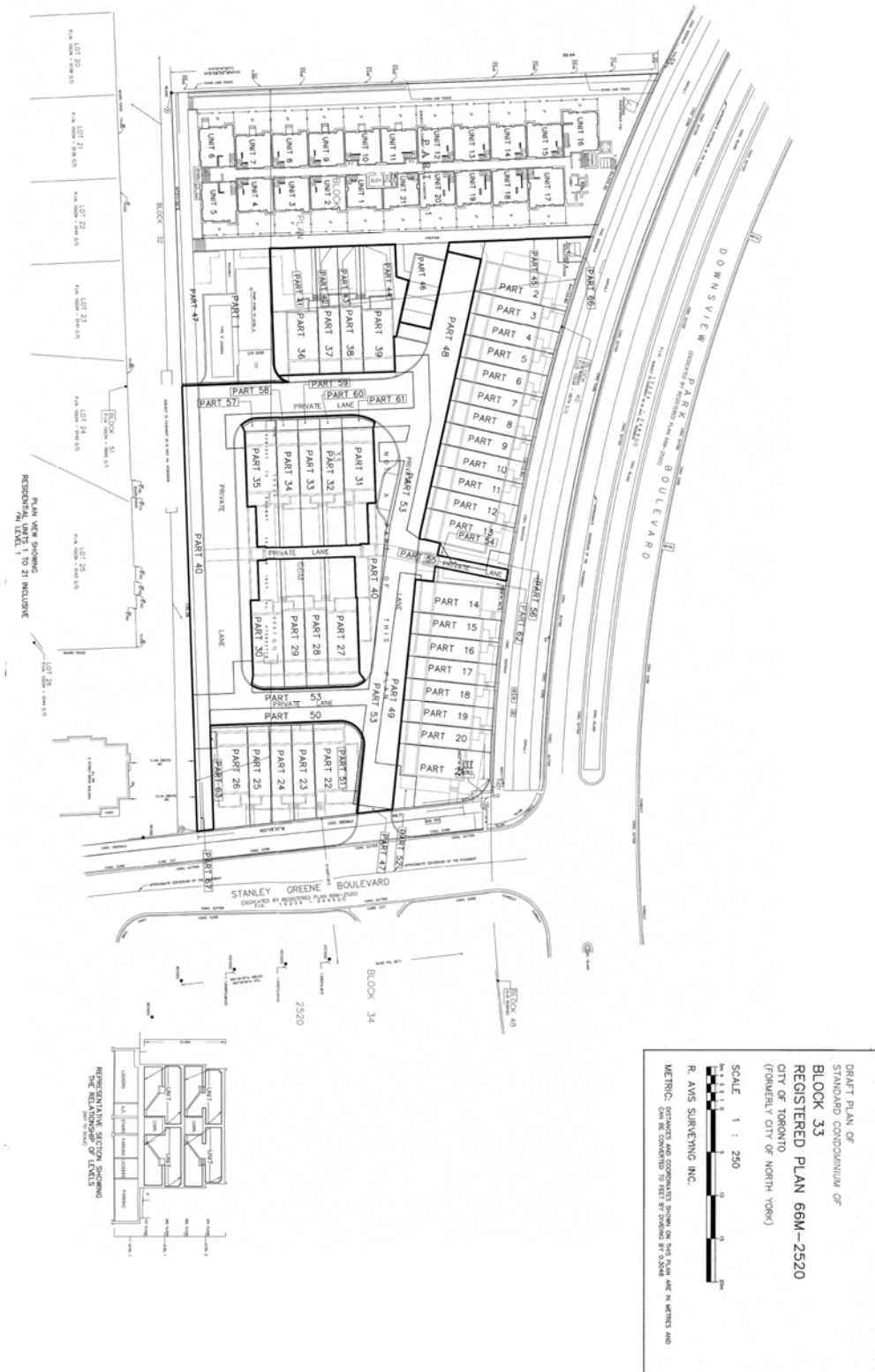
SCALE 1 : 250

R. AVIS SURVEYING INC.

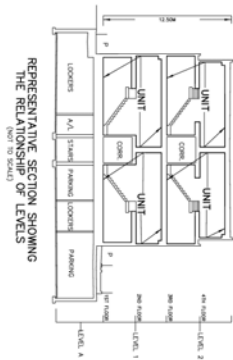
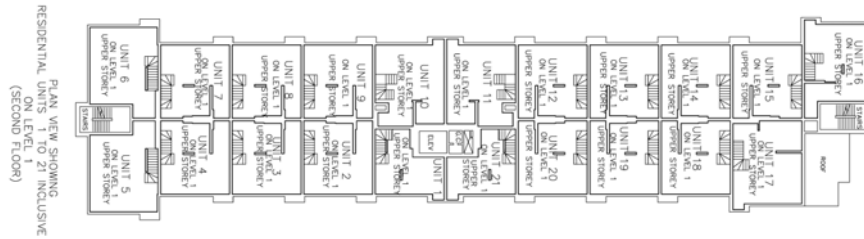
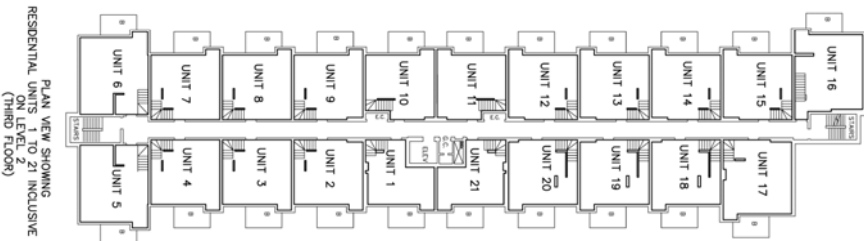
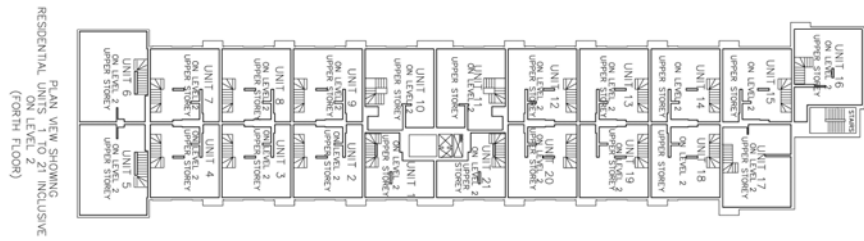
METRIC: DISTANCES AND COORDINATE GIVEN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Attachment 7a: Draft Plan of Standard Condominium (level 1)

Draft Plan of Standard Condominium (level 1)



Attachment 7b: Draft Plan of Standard Condominium (levels 1 to 2)



SCALE 1 : 200
 R. ANS SURVEYING INC.
 METRIC DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND
 DIMENSIONS SHOWN IN FEET BY DIMENSION LINE

NOTES AND LEGEND
 1. UNITS AND COMMON ELEMENTS
 2. DIMENSIONS IN METERS
 3. DIMENSIONS IN FEET

Draft Plan of Standard Condominium (level 1 to 2)



Attachment 8: Application Data Sheet

Municipal Address: 2995 KEELE ST Date Received: June 29, 2021

Application Number: 21 177570 NNY 06 PL

Application Type: Part Lot Control Exemption

Project Description: Part Lot Control Application to permit 38 townhouses as freehold Parcel of Tied Land (POTL). Each townhouse will be accessed from a common-element condominium road. The common-elements condominium will be comprised of a common driveway, two outdoor visitor parking spaces, landscaping, and interior walkways. This application is related to Draft Plan of Condominium Application #21 177574 NNY 06 CD, Draft Plan of Condominium Application #21 177578 NNY 06 CD and Draft Plan of Condominium Application #21 176279 NNY 06 CD.

Applicant	Agent	Surveyor	Owner
MERCIER ASSOCIATES INC. (DIANA MERCIER), P.O. Box 36071RPO York Mills Leslie, Toronto, ON, M3B 0A3		R. AVIS SURVEYING INC., 235 Yorkland Boulevard, Toronto, ON, M2J 4Y8	DOWNSVIEW HOMES INC., 7880 Keele Street, Vaughan, ON, L4K 4G7

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	RM5(23)	Heritage Designation:	N
Height Limit (m):	13	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 8,856.79 Frontage (m): Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,187	3,187
Residential GFA (sq m):			10,234	10,234

Non-Residential GFA (sq m):
 Total GFA (sq m): 10,234 10,234
 Height - Storeys: 4 4
 Height - Metres: 12 12

Lot Coverage Ratio 35.83 Floor Space Index: 1.15
 (%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 7,802 2,432
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			38	38
Condominium:			42	42
Other:				
Total Units:			80	80

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				14	66
Total Units:				14	66

Parking and Loading
 Parking Spaces: 98 Bicycle Parking Spaces: 32 Loading Docks: 1

CONTACT:
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 416-338-3004 Jason.Xie@toronto.ca

Attachment 9: 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, 2022

CITY OF TORONTO

Bill No. ~

BY-LAW ~-20~

To exempt a portion of lands municipally known as 2995 Keele Street, Block "P" 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 (2) years from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 2022.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

Schedule "A"

Legal Description:

In the City of Toronto, formerly in the City of North York and Province of Ontario, being composed of part of Block 33, Registered Plan 66M-2520, designated as PARTS 2 to 40 inclusive, 47 to 63 inclusive and 67, Plan 66R-_____.