



REPORT FOR ACTION

2932, 2934, 2936, 2940 and 2942 Bayview Ave – Part Lot Control Exemption Application – Final Report

Date: June 9, 2022

To: North York Community Council

From: Director, Community Planning, North District

Wards: Ward 18 – Willowdale

Planning Application Number: 21 186690 NNY 18 PL

SUMMARY

This application requests exemption from the Part Lot Control provisions of the Planning Act on the lands municipally known at 2932, 2934, 2936, 2940 and 2942 Bayview Avenue (the "Subject Lands") to facilitate the sale of two detached dwellings and sixteen, 3-storey townhouses, arranged in two blocks and facing Bayview Avenue.

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.

This report reviews and recommends approval of a Part Lot Control Exemption by-law to be enacted for a period of up to 2 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 or their designate.

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.

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 2932, 2934, 2936, 2940 and 2942 Bayview Ave as generally illustrated on Attachment 2 to report dated June 9, 2022, 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 for enactment, 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;
 - 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" to this report, without the written consent of the Chief Planner or his/her designate, and
 - C. the Ontario Land Tribunal issues its final Order bringing the Zoning by-law Amendment into full force and effect.
3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from the two future parcels of land consisting of Parts 1, 2, 3, 4, and 5, that will contain detached dwellings as soon as the parcels are created, and to release the Section 118 from the future common element condominium 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 a Common Elements Condominium has been registered to the satisfaction of the Chief Planner and Executive Director.
4. 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.
5. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
6. 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

On August 11, 2015 applications were filed to amend the Official Plan and Zoning By-law, to permit a 4-storey apartment building in two blocks containing 48 residential units (File No. 15 205085 NNY 23 OZ). Sixty-five (65) parking spaces were proposed on 2 underground levels with vehicular access from Hollywood Avenue. The proposed gross floor area was 5,420 square metres, resulting in an FSI of 1.95.

The applications were deemed complete on August 28, 2015. A Preliminary Report on the applications was adopted by North York Community Council on October 6, 2015, authorizing staff to conduct a community consultation meeting with an expanded notification area.

The applications were appealed on March 16, 2016 as a result of Council's failure to make a decision within the time prescribed by the Planning Act. A Request for Direction Report was considered by City Council on July 12, 13, 14 and 15, 2016. This report recommended City Council authorize City Planning staff to oppose applications in their current form and continue discussions with the applicant.

A hearing before the LPAT was scheduled for August 30, 2016, but was adjourned at the request of the applicant.

A Prehearing Conference ("PHC") was held on August 6, 2019. At this prehearing, the appellant's lawyer explained that the proposed development had been amended significantly. Two apartment buildings were no longer proposed. In their place were 18 dwelling units: 16 townhouses fronting Bayview Avenue, one detached dwelling fronting on Hollywood Avenue and one detached dwelling fronting on Elmwood Avenue. City Legal staff advised that City Council had not yet provided direction or a position related to the revised proposal. A second PHC was requested to deal with procedural details for which the City lacked a position in the first PHC. A second pre-hearing occurred on January 7, 2020.

The applicant filed their first submission to reflect the current proposal (16 townhouses and 2 single detached dwellings) with the City on November 1, 2019.

At the second PHC on January 7, 2020, a 3-day hearing was scheduled for April 14-16, 2020. The Tribunal's Decision found the revised proposal is consistent with the prevailing character of the homes along Hollywood and Elmwood Avenue, the zoning permissions and meets the intent of the Bayview Avenue Study Guidelines and the Townhouse and Low Rise-Apartment Guidelines. This is subject to the finalization of the site plan which will secure buffering elements and minor design changes.

The Decision also confirmed that the development is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 and the Official Plan. The Tribunal was satisfied that the proposal represents good planning, appropriate intensification furthering the range and mix of housing types and is in the public interest.

The Ontario Land Tribunal's decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/MM160016-MAY-12-2020.pdf>

The 2015 Preliminary Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY9.20>

The 2016 Request for Direction Report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY15.44>

PROPOSAL

The application seeks exemption from the Part Lot Control provisions of the Planning Act on the lands municipally known at 2932, 2934, 2936, 2940 and 2942 Bayview Avenue to create the 2 detached dwelling lots, the driveway and walkway lot, and allow sixteen proposed 3-storey townhouses to be held in separate ownership.

This exemption from the Part Lot Control provisions of the Planning Act is to facilitate the creation of sixteen individual Parcels Of Tied Lands ("POTLs"). Each POTL is comprised of a freehold three-storey townhouse unit that faces Bayview Avenue and includes a rear integral garage accessible from the Condominium Driveway. Two additional lots will be created for two proposed detached dwellings.

The sixteen POTLs are to be comprised of the following sixteen parcels inclusive of their respective Parts as illustrated in Attachment 3: Survey Plan. They will be organized into two blocks:

- Parts 7 through 14 at Elmwood Avenue and Bayview Avenue
- Parts 8 through 23 at Hollywood Avenue and Bayview Avenue

Parts 1, 2 and 5 will create a freehold detached dwelling lot, as will Parts 3 and 4.

Parts 6 and 15 will comprise a Common Elements Condominium as part of an associated common elements condominium plan that is not part of this application and has not yet been submitted. The Condominium Plan will include the rear driveway and a walkway running between the two townhouse blocks. Part 6 will be the driveway and Part 15 will be the walkway.

Part 24 and Part 25 will be conveyed to the City for corner curb widenings at the corners of Elmwood Avenue and Bayview Avenue and Hollywood Avenue and Bayview Avenue respectively.

The exemption from the part-lot control provisions of the Planning Act would permit the creation of separately conveyable parcels and allow for financing and the registering of mortgages on the parcels.

The purpose of this report is to recommend approval of the Application and request that City Council enact a by-law to lift part-lot control for the Subject Lands, subject to the conditions recommended herein.

Site and Surrounding Area

The subject site is located on the west side of Bayview Avenue at the end of two residential streets, Hollywood Avenue and Elmwood Avenue.

Land uses surrounding the site area are as follows:

North: 2-storey detached residential dwellings facing Bayview Avenue and Elmwood Avenue and an 11-unit, 3-storey townhouse development further north on Bayview Avenue.

South: Nine, 3-storey townhouses on Bayview Avenue, 2-storey townhouses on Meadow Larkway (a private road).

West: 2-storey detached dwellings on Hollywood Avenue and Elmwood Avenue.

East: Bayview Village Park and detached dwellings on Bayview Avenue.

APPLICATION BACKGROUND

Application Submission Requirements

The following documents were submitted in support of the application:

- R-Plan
- Site Plan
- Supplementary R-Plan
- Survey Plans

The above noted documents can be found on the City of Toronto's Application Information Centre (AIC):

<http://app.toronto.ca/AIC/index.do?folderRsn=caDmPTVNrfEX%2F6Maj765OA%3D%3D>

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 subject site is designated *Neighbourhoods* in the Official Plan (Map 16 – Land Use Plan). *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings 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. The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan require that development in Neighbourhoods will respect and reinforce the existing physical character of buildings, streetscape and open space patterns in that area.

Zoning

The subject site is zoned RD (f12.0; a370) under City of Toronto Zoning By-law No. 569-2013. The RD zone only permits detached houses as a residential building type, townhouses are not permitted.

The site is also zoned R6 under former City of North York Zoning By-law No. 7625, which permits one-family detached dwellings and accessory buildings with a minimum lot area of 371 square metres; minimum frontage of 12 metres; and a maximum height of 8 metres and 2-storeys.

As discussed above, the Tribunal has approved the modifications to the zoning by-law but it is not yet in force pending the City's confirmation that the final form of the by-laws are in a satisfactory format. Staff are currently finalizing this condition with the applicant.

Site Plan Control

A Site Plan application was submitted for the redevelopment of the Subject Land dated August 11, 2015 (15 205077 NNY 23 SA). A revised Site Plan application was submitted November 15, 2019 for the proposed residential development comprised of 16 townhouse units and two detached units.

The Tribunal Decision approved in principle the site plan, subject to all Site Plan approval conditions have been finalized in a form satisfactory to the Chief Planner and Executive Director, City planning; and the Applicant has satisfied all pre-approved conditions of the Site Plan Control approval, including the execution and registration of a Site plan Agreement with the City.

The applicant has satisfied the conditions and a NOAC has been issued. Staff are in the process of preparing a Site Plan Agreement.

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 (2020) and conforms with the Growth Plan (2020).

Both the PPS (2020) and the Growth Plan (2020) encourage intensification and redevelopment in urban areas. The proposed townhouse development promotes intensification through a compact urban form and allows for the orderly development of the lands that conform to the policies of the Official Plan with respect to the built form and the *Neighbourhoods* land use designation.

Land Division

Part-Lot Control Exemption is being requested in order to facilitate the sale, creation and conveyance of sixteen lots for a residential townhouse development. The proposal is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning Bylaws.

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 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 2 years following enactment by City Council. This time frame is expected to provide sufficient time for the completion of the proposed development.

Conclusion

Staff are of the opinion that the Application is consistent with the PPS and conforms with the Growth Plan. The Application also conforms with the Official Plan, and will assist in implementing the approved townhouse development for the Subject Lands.

The exemption from part-lot control is considered appropriate for the orderly development of the Subject Lands and is recommended for approval.

CONTACT

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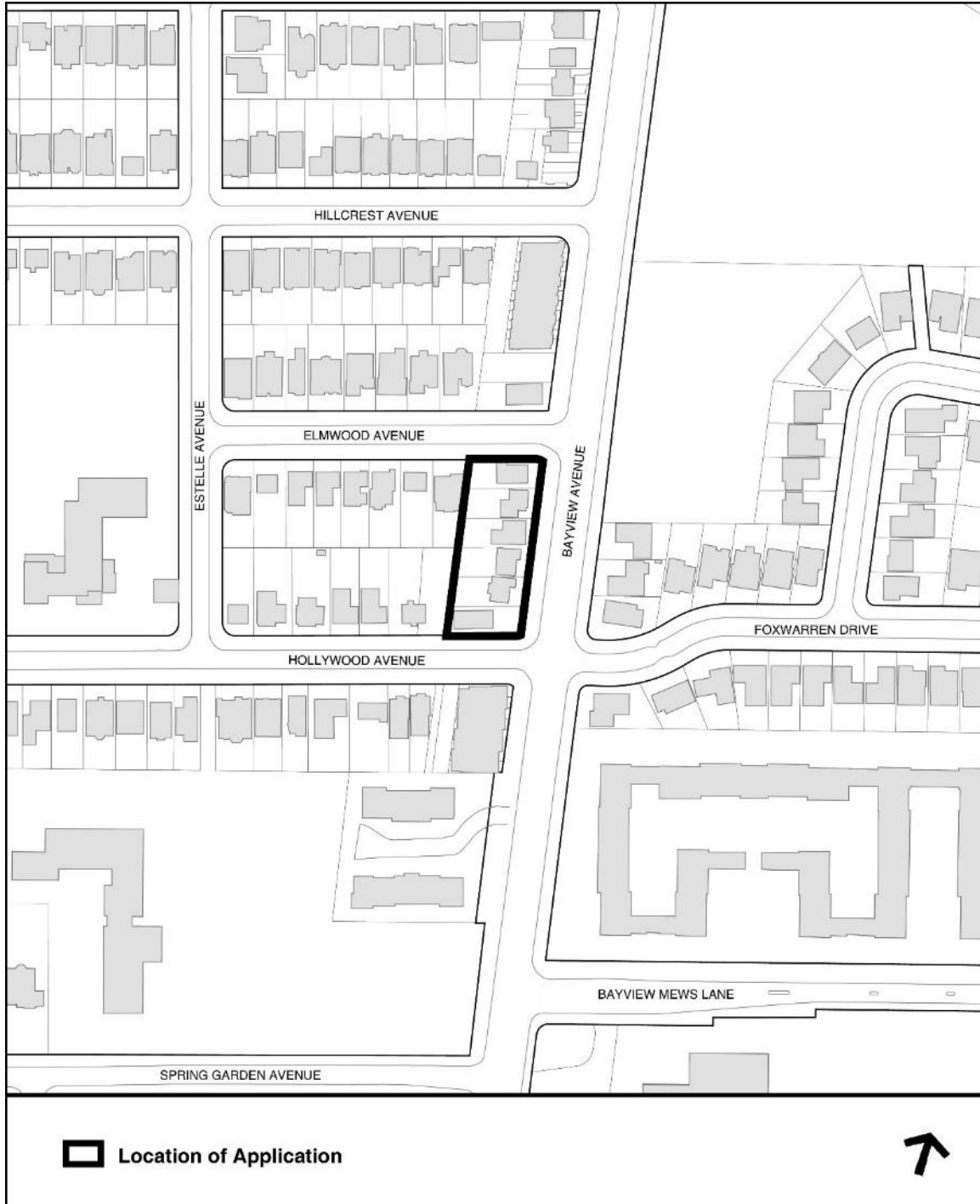
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Draft Part Lot Control Exemption By-law
Attachment 3: Part Lot Control Exemption Plan

Attachment 1: Location Map



Attachment 2: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Report No.~, as adopted by City of Toronto Council on ~, 2022

Enacted by Council: ~, 2022

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

To exempt lands municipally known as 2932, 2934, 2936, 2940 and 2942 Bayview 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:

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

This By-law expires two years from the date of its enactment by Council.

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

FRANCES NUNZIATA
Speaker

JOHN D. ELVIDGE
City Clerk

(Corporate Seal)

Schedule "A"

Municipal Address

2932, 2934, 2936, 2938, 2940 and 2942 Bayview Avenue

Legal Description

Part of Lots 149, 150, 151, 463, 464 and 465, Plan 66R-1801, City of Toronto

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