

177 Caledonia Road and 19 Innes Avenue – Part Lot Control Exemption Application – Final Report

Date: May 2, 2022
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 9 - Davenport

Planning Application Number: 13 281015 000 00 PL

SUMMARY

This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of 41 lots for the residential dwellings currently under construction at 177 Caledonia Road and 19 Innes Avenue. The 41 lots will become the parcels of tied land (POTLs) associated with a common element condominium. The common element portions include a private laneway and a pedestrian walkway.

This report reviews and recommends approval of the Part Lot Control Exemption application. In addition, 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, as described in Schedule "A" in Attachment 3 of this report. This is to ensure that no part of the lands can be conveyed or mortgaged 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 177 Caledonia Road and 19 Innes Avenue, as generally illustrated on Attachment 2 to the report dated May 2, 2022, from the Director, Community Planning, Toronto and East York District, 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, prior to the enactment of the Part Lot Control Exemption By-law; 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 3 to this report, without the written consent of the Chief Planner and Executive Director 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 to the satisfaction of the Chief Planner and Executive Director, City Planning.

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 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 recommendations in this report have no financial impact.

DECISION HISTORY

The site was subject to a Zoning By-law Amendment application (13 281025 WET 17 OZ) with the site-specific By-Law No. 790-2015 enacted on July 9, 2015.

The final report is available at the following:

<https://www.toronto.ca/legdocs/mmis/2014/ey/bgrd/backgroundfile-72130.pdf>

A Consent application was approved on July 10, 2014 to create three development blocks, establish the parts for the private laneway, create a parcel for the conveyance of a public park to the City, and provide lands for a widening of the existing public laneway abutting the lands to the south (B14/14EYK).

Minor Variance applications to modify gross floor area, side yard setbacks, and the terrace height were approved on April 26, 2018 (A0204/18EYK, A0205/18EYK, A0206/18EYK).

A Minor Variance application to permit a temporary sales office on a portion of the lot was approved on October 11, 2018 (A0631/18EYK).

A Minor Variance application to permit roof top terraces on dwelling units fronting Innes Avenue was refused on September 1, 2021 (A0648/21TEY). The applicant appealed the Committee of Adjustment decision to the Toronto Local Appeal Body and a decision is pending.

The application for Part Lot Control Exemption was submitted on December 13, 2013 and deemed complete on February 7, 2014. A Common Element Condominium application (21 180098 STE 09 CD) was submitted on July 6, 2021 and deemed complete on October 1, 2021.

BACKGROUND

The requested Part Lot Control Exemption is required to permit the creation of 41 conveyable lots for the residential dwellings currently under construction, which will become the Parcels of Tied Land (POTLs) to the Common Element Condominium. The lots are comprised of 14 lots fronting Caledonia Road (semi-detached dwellings), 14 lots fronting McRoberts Avenue (semi-detached dwellings), and 13 lots fronting Innes Avenue (10 semi-detached dwellings and 3 row houses).

An application for Draft Plan of Common Element Condominium (21 180098 STE 09 CD) has also been submitted for approval in conjunction with Part Lot Control application. The common element portions include a private laneway and a pedestrian walkway. The Common Element Condominium to be established will ensure vehicular and pedestrian access and the maintenance of these shared spaces. The Common Element Condominium application is currently under review, and approval is delegated to the Chief Planner.

Site and Surrounding Area

The site is located on the east side of Caledonia Road, south of Rogers Road. The site is a former public school property, and has an approximate frontage of 99 m on Caledonia Road and McRoberts Avenue, and an approximate frontage of 83 m on Innes Avenue. Vehicular access to the site will be from a new private laneway from McRoberts Avenue and a widened existing public laneway that

abuts the site to the south. A new public park of approximately 425 square metres will be located at the southeast corner of Caledonia Road and Innes Avenue.

Land uses surrounding the site include:

North: a place of worship, two-storey detached dwellings, semi-detached dwellings, and a converted two-storey mixed use building;

South: a public laneway and two-storey semi-detached dwellings;

East: three-storey row houses, and two-storey detached dwellings and semi-detached dwellings; and

West: two-storey detached and semi-detached dwellings.

POLICY CONSIDERATIONS

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

The Provincial Policy Statement 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. 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.

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

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

Toronto Official Plan

The subject site is designated *Neighbourhoods* on Map 17 – Land Use Map of the Official 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. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

A key objective of the Official Plan is to guide new development to respect and reinforce the general physical patterns in a Neighbourhood. Scattered throughout many *Neighbourhoods* are properties that differ from the prevailing patterns of lot size, configuration and orientation. Typically, these lots are sites of former non-residential uses such as industry, institutions and retail stores. In converting these sites to residential uses, there is a genuine opportunity to add to the quality of Neighbourhood life by filling in these “gaps” and extending streets and paths, in accordance with Policy 4.1.9, which cites criteria for infill development on such sites.

Zoning

The lands are not subject to City-wide Zoning By-law No. 569-2013, as all school sites were exempted from the By-law. The site is subject to Former City of

Toronto By-law No. 438-86 and Site-specific By-law No. 790-2015. The lands are zoned R2 and the site-specific by-law outlines the performance standards for the site including density, building heights and setbacks.

Site Plan Control

The development was not subject to Site Plan Control, as semi-detached dwellings and row houses that are less than four units and part of a zoning by-law amendment application are exempted by Site Plan Control By-law 774-2012.

Agency Circulation

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

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 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.

Both the PPS (2020) and the Growth Plan (2020) 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 conform to the policies of the Official Plan with respect to the built form and *Neighbourhoods* land use designation.

Land Division

Part Lot Control Exemption is being requested in order to facilitate the creation and conveyance of 41 residential lots. The proposal is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning Bylaws.

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 currently under construction.

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 two years following the enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

The associated Common Element Condominium application is currently under review and draft approval is delegated to the Chief Planner. Before the common element condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal description for each of the POTLs. The Section 118 Restriction is used to prevent the conveyance of the POTLs 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), does not conflict 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, as noted in the Recommendation section of this report.

CONTACT

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SIGNATURE

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

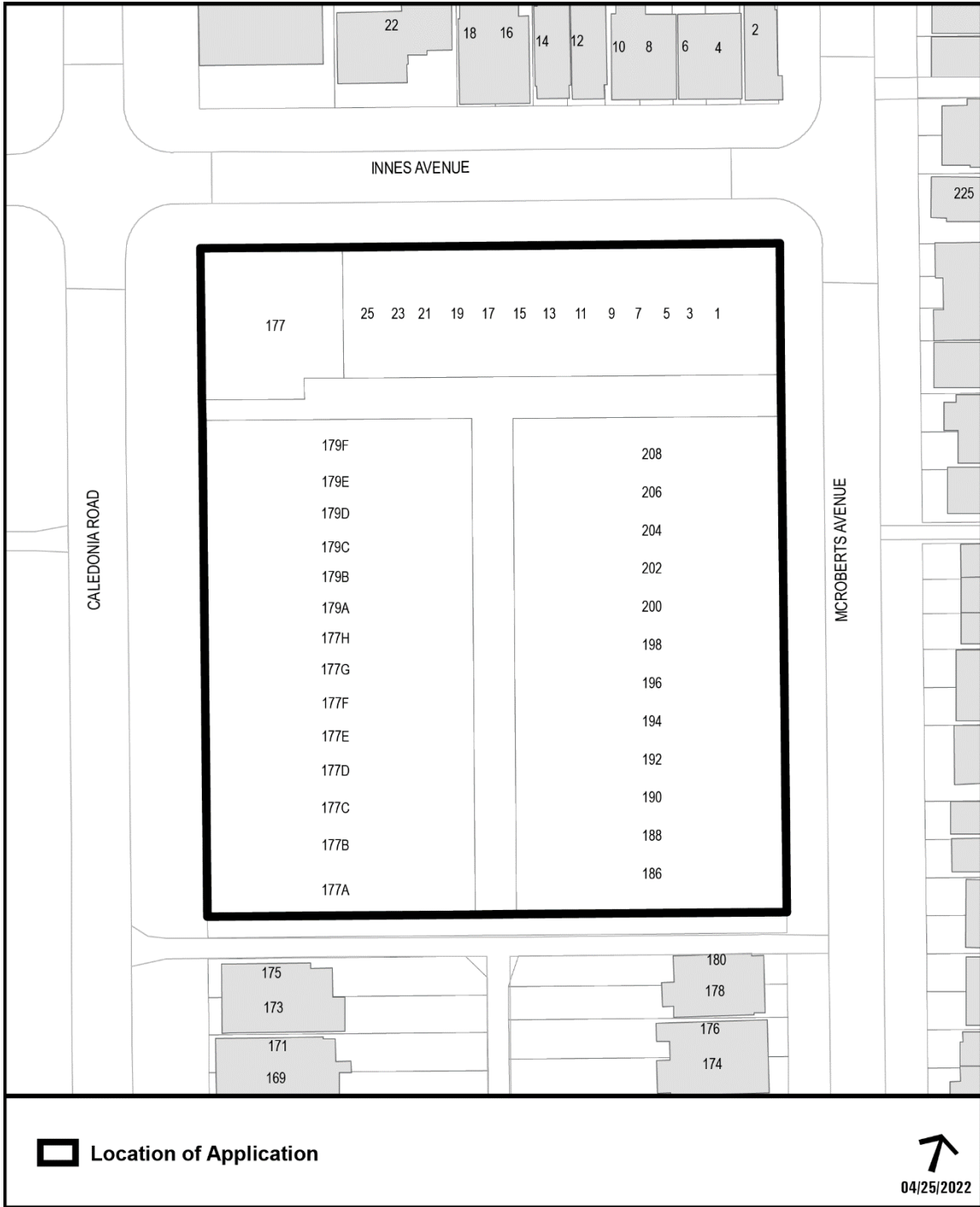
ATTACHMENTS

Attachment 1: Location Map

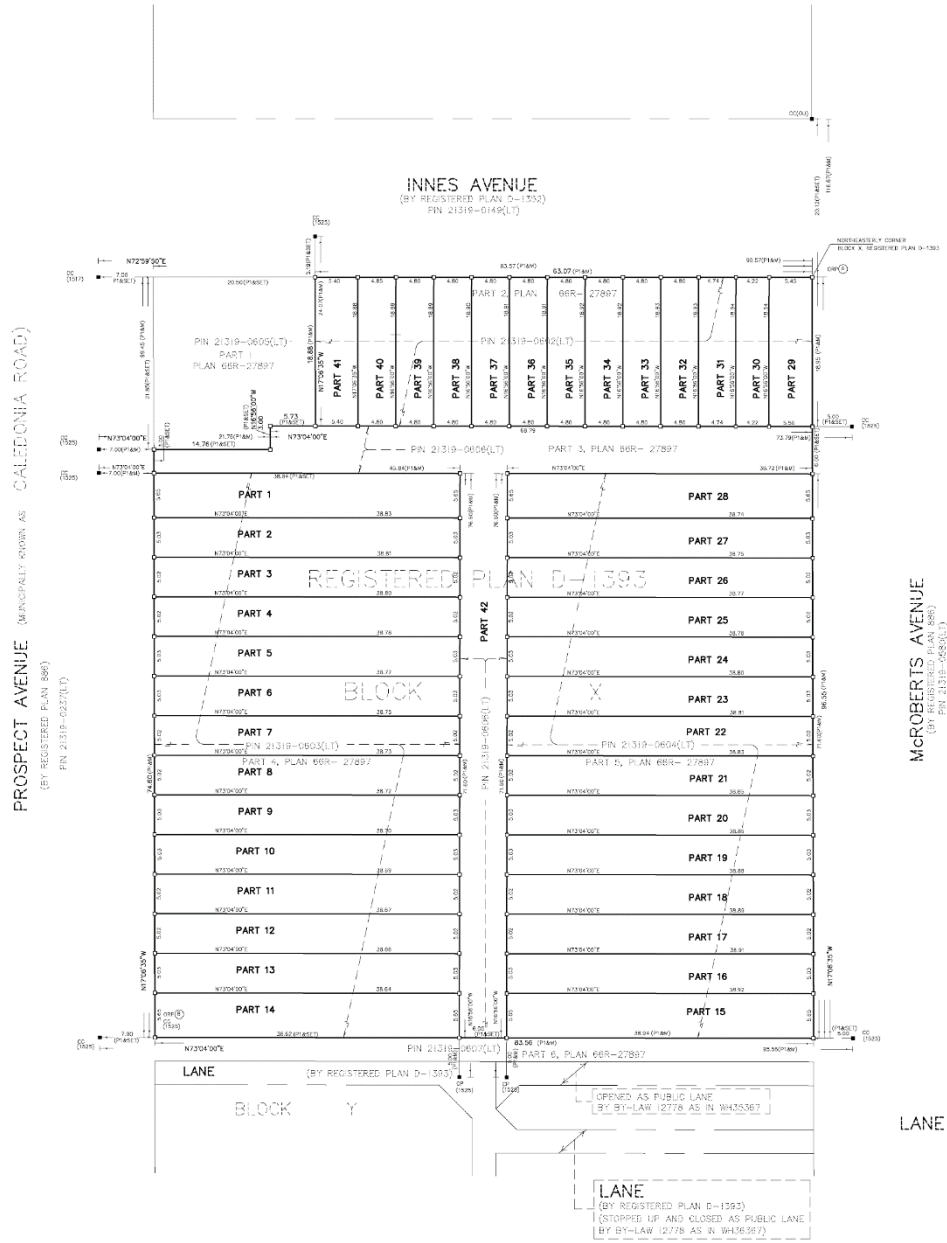
Attachment 2: Part Lot Control Exemption Plan

Attachment 3: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



Attachment 2: Part Lot Control Exemption Plan



Part Lot Plan



Attachment 3: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Community Council Item No. ____, as adopted by City of Toronto Council on _____, 2022

CITY OF TORONTO

Bill _____

BY-LAW _____-2022

To exempt a portion of lands municipally known as 177 Caledonia Road and 19 Innes 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 described in the attached Schedule "A".
2. This By-law expires two years from the date of its enactment by Council.

Enacted and passed on, _____, 2022.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Municipal Address

177 Caledonia Road and 19 Innes Avenue

Legal Description

Part of Block X Registered Plan D-1393, City of Toronto