

104-110 Bartley Drive – Part Lot Control Exemption Application – Final Report

Date: October 28, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 16 - Don Valley East

Planning Application Number: 22 127615 NNY 16 PL

SUMMARY

This application is requesting exemption from the part lot control provisions of the *Planning Act* for the lands municipally known as 104-110 Bartley Drive. The exemption request is to facilitate the creation and conveyance of 84 lots for a four-storey residential townhouse development within 14 blocks. An application for draft plan of common element condominium (22 163020 NNY 16 CD) has also been submitted for approval in conjunction with this application. The common element condominium application is currently under review by the Chief Planner, pursuant to the delegated approval under By-law 229-2000, which proposes to create a condominium corporation to facilitate the sharing and maintenance of the private drive aisles for vehicular access and circulation within the townhouse blocks, pedestrian walkways, visitor parking spaces, and landscaped open space area. The requested part lot control exemption is required to permit the creation of the 84 conveyable lots for the townhouses currently under construction, which will become the parcels of tied land (POTLs) to the common element condominium.

The proposed development is consistent with the *Provincial Policy Statement (2020)*, conforms with the *Growth Plan for the Greater Golden Horseshoe (2020)*, and conforms with the *Official Plan*. The lifting of part lot control is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Part Lot Control Exemption By-law that would be in effect for a maximum of two years. 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, as described in "Schedule A" in Attachment 4 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 104-110 Bartley Drive, as generally illustrated on Attachment 3 to the 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 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; 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 4 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 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 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 application for part lot control exemption was submitted on April 6, 2022 and deemed complete on May 4, 2022. The associated common element condominium application (22 163020 NNY 16 CD) was submitted on June 30, 2022 and deemed complete on July 29, 2022.

The site has been subject to zoning by-law amendment and plan of subdivision applications with site-specific by-laws enacted on October 30, 2019, and the plan of subdivision registered on March 7, 2022. The final reports and Council decision on both applications are available at the following:

Zoning by-law amendment:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.1>

Plan of subdivision:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY9.3>

Site plan control approval was issued on August 19, 2022.

The 84 townhouse dwellings are currently under construction.

PROPOSAL

This application is requesting exemption from the part lot control provisions of the *Planning Act* to allow for the creation and conveyance of the 84 lots for the four-storey townhouses with integral garages currently under construction at 104-110 Bartley Drive. The townhouses are divided into 14 blocks:

Block A: 12 townhouses that front onto and are located on the west side of Case Ootes Drive. A private common element drive aisle will provide vehicular access off of Case Ootes Drive to the rear of the townhouses where there are integral garages for each of the dwellings.

Block B: 4 townhouses that front onto and are located on the east side of Case Ootes Drive. Vehicular access will be provided by private streets that will be common element.

Block C: 10 townhouses that front onto and are located on the east side of Case Ootes Drive. Vehicular access will be provided by private streets that will be common element.

Block D: 8 townhouses that front onto Case Ootes Drive, and are located at the northeast of the intersection of Case Ootes Drive and Bartley Drive. Vehicular access will be provided by private streets off of Case Ootes Drive that will be common element.

Block E: 7 townhouses that front onto Bartley Drive. Vehicular access will be provided by private streets off of Case Ootes Drive that will be common element.

Block F: 4 townhouses that front onto Tisdale Avenue, and are located at the intersection of Tisdale Avenue and Bartley Drive. Vehicular access will be provided by private streets off of Case Ootes Drive that will be common element

Block G: 6 townhouses, Block H: 5 townhouses, Block I: 6 townhouses, and Block J: 5 townhouses. All these blocks front onto Tisdale Avenue with vehicular access provided by private streets off of Case Ootes Drive that will be common element.

Block K: 4 townhouses, Block L: 4 townhouses, Block M: 4 townhouses, and Block N: 5 townhouses. All these Blocks are located internally and front a private street that will be common element.

A common element condominium application has been submitted in conjunction with the part lot control exemption request. The application will establish the condominium corporation to which the 84 townhouses will be tied to in order to facilitate the sharing and maintenance of the drive aisles, pedestrian walkways, visitor parking spaces and landscaped open space.

Site and Surrounding Area

The site is located southwest of Eglinton Avenue East and Victoria Park Avenue.

Land uses surrounding the site include:

North: Vacant land at 78 Tisdale Avenue that was approved in 2017 for 35 three-storey townhouses with a new public street (10 320047 NNY 34 OZ) running west from Tisdale Drive that will connect with Case Ootes Drive, the new north-south public street as part of the redevelopment of 104-110 Bartley Drive . A recent minor variance application (A0205/22NY) that has been appealed to the Toronto Local Appeal Body proposes to make revisions to the 2017 approval. Further north of the subject site are three-storey townhouses that front onto Tisdale Avenue.

South: Directly across the street on Bartley Drive are primarily townhouse dwellings of two and three storeys along Tisdale Avenue and Jinnah Court. Further south are four-storey townhouses to the south and west. Southwest of the site is a one-storey place of worship at 149-151 Bartley Drive.

East: Directly across the street on Tisdale Avenue are one to two-storey semi-detached dwellings. Three-storey apartment buildings front onto Bartley Drive, just east of Tisdale Avenue.

West: There are three-storey townhouses that front onto Sufi Crescent. A city owned park (Bartley Park) abuts the site to the west at the northeast corner of Sufi Crescent and Bartley Drive. A new public park as part of the redevelopment of the subject site will connect and expand the existing park and open space.

APPLICATION BACKGROUND

Application Submission Requirements

The following documents were submitted in support of the application:

- Plan of Survey
- Topographical Survey
- Registered Plan of Subdivision
- Part Lot Control Exemption Plan

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

- Part lot control exemption application:
<http://app.toronto.ca/AIC/index.do?folderRsn=NsTNzfJpHCyj%2FmRCAfO59g%3D%3D>
- Common elements condominium application:
<https://secure.toronto.ca/AIC/index.do?folderRsn=31uFDaUMwqJvDF2wEywqLg%3D%3D>

Agency Circulation Outcomes

The application together with the applicable information noted above, have been 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.

POLICY CONSIDERATIONS

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

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. 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 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."

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 May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)* (the "Growth Plan (2020)"). The Growth Plan (2020) continues to provide 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) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act, that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others. 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 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;
- 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. 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 lands are designated *Neighbourhoods* on Land Use Map 20 of the Official Plan. *Neighbourhoods* are 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.

Zoning

The site is zoned Residential Townhouse RT(X189) under City of Toronto Zoning By-law No. 569-2013 and Multiple Family Dwellings RM1 (115) under the former City of North York Zoning By-law No. 7625. The site is subject to Site-specific By-law Nos. 1518-2019 and 1519-2019 that were approved in 2019 which amend the provisions of the two parent by-laws to allow for the redevelopment in its current form.

Site Plan Control

A site plan control application for the proposed townhouses was submitted on October 25, 2018. The notice of approval conditions was issued on April 12, 2022 with final approval issued on August 19, 2022.

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 policies and *Neighbourhoods* land use designation.

Land Division

Part lot control exemption is being requested in order to facilitate the creation and conveyance of 84 lots for a residential townhouse development currently under construction. A common element condominium application has also been submitted to allow for the shared ownership and maintenance of the drive aisles, pedestrian walkways, visitor parking and landscaped open space. The proposal is appropriate as it implements the previous approvals and conforms with the Official Plan and zoning by-laws.

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 registered plan of subdivision 66M-2581. 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 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 control exemption by-law must be enacted in order to create the legal description for each of the POTLs which are tied to the common elements. 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), conforms with the Growth Plan (2020), and conforms with the Official Plan. The proposal also implements the approved site specific zoning by-laws for these lands.

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

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

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Part Lot Control Exemption Plan
Attachment 4: Draft Part Lot Control Exemption By-law

Attachment 1: Application Data Sheet

Municipal Address: 104-110 BARTLEY DR
Date Received: March 28, 2022
Application Number: 22 127615 NNY 16 PL
Application Type: Part Lot Control Exemption
Project Description: Part lot control exemption to permit the creation of 84, four-storey townhouse lots within 14 blocks. Related planning applications include rezoning 17 209538 NNY 34 OZ, plan of subdivision 18 193113 NNY 34 SB, and site plan control 18 247708 NNY 34 SA.

Applicant	Agent	Architect	Owner
Bazis Inc.	-	S&C Architects Inc.	Bartley TH Fund Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provisions:	1518-2019 and 1519-2019
Zoning:	RT (569-2013) and M1 (7625)	Heritage Designation:	N
Height Limit (m):	13.5 to 14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	12,230	Frontage (m):	100	Depth (m):	128
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	-	-	2,684	2,684
Residential GFA (sq m):	-	-	13,216	13,217
Non-Residential GFA (sq m):	5,827	-	-	-
Total GFA (sq m):	5,827		13,216	13,217
Height - Storeys:	1		4	4
Height – Metres:	5		13.5 to 14	13.5 to 14

Lot Coverage Ratio (%):	34.03	Floor Space Index:	1.47
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Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	-	-	-	-
Proposed:	84	-	-	-	84
Total Units:					84

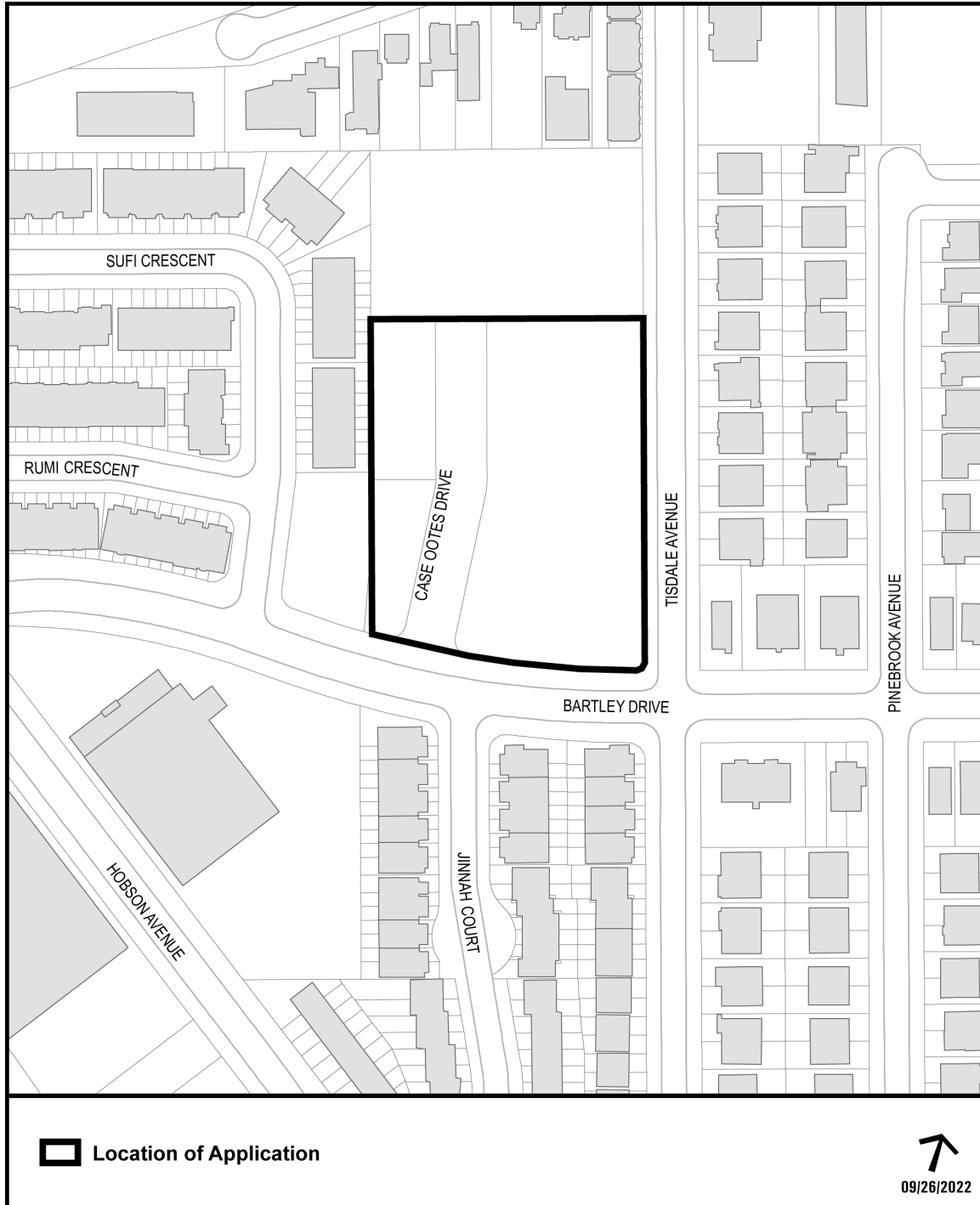
Parking and Loading

Parking Spaces: 88 Bicycle Parking Spaces: 0 Loading Docks: 0

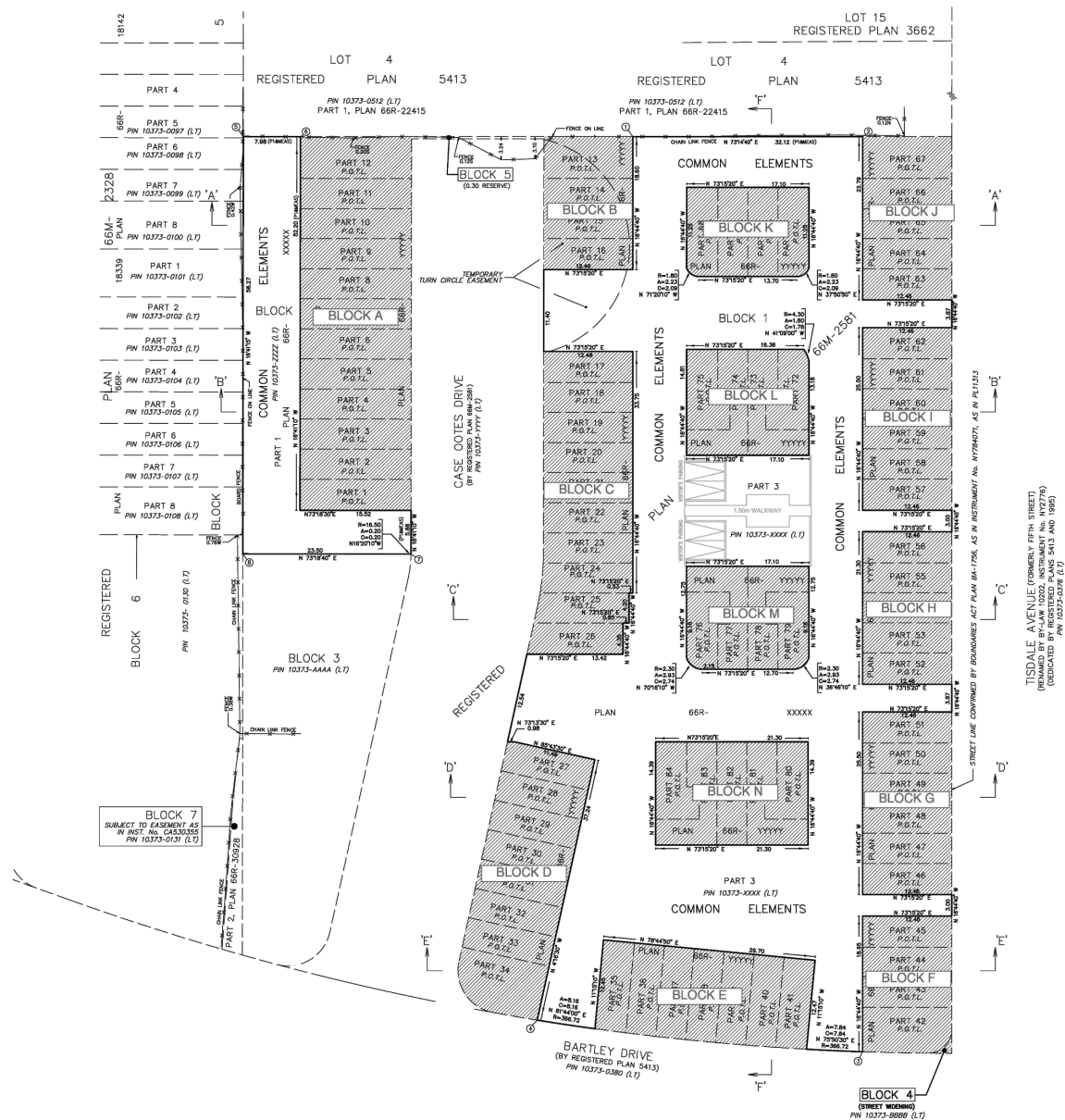
CONTACT:

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Attachment 2: Location Map



Attachment 3: Part Lot Control Exemption Plan



Part Lot Plan



Attachment 4: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Item No. NY, 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 104-110 Bartley Drive 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, John D. Elvidge,
 Speaker City Clerk

(Seal of the City)

Schedule “A”**Municipal Address**

104-110 Bartley Drive

Legal Description

Blocks 1 and 2, Registered Plan 66M-2581.

Block 1 – PIN 10373-0617

Block 2 – PIN 10373-0618