

3125-3389 Steeles Avenue East and 4000 Victoria Park Avenue – Part Lot Control Exemption – Decision Report – Approval

Date: June 2, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 17 - Don Valley North

Planning Application Number: 21 224739 NNY 17 PL

SUMMARY

This application is requesting exemption from the Part-Lot Control provisions of the *Planning Act* for the lands municipally known as 3125-3389 Steeles Avenue East and 4000 Victoria Park Avenue. The purpose of this application is to facilitate the conveyance of a portion of land on the western side of the subject site for the purpose of a hotel. In order to do so, the applicant has registered one subdivision block for the entirety of the lands at 3125-3389 Steeles Avenue East and 4000 Victoria Park Avenue, and has proposed a Common Element Condominium which would apply to the existing services and private roads within the site. Six Parcels of Tied Land (POTLs) are proposed to be associated with the Common Element Condominium, one of which would accommodate the proposed hotel.

The requested Part-Lot Control Exemption is required to permit the creation of the six conveyable development blocks. The Common Element Condominium Corporation will be established to ensure vehicular access and maintenance of the shared private driveways comprising the common elements portion of the Plan of 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 to 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. 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 Director, Community Planning North York District recommends that:

1. City Council enact a Part-Lot Control Exemption By-law with respect to the subject lands at 3125-3389 Steeles Avenue East and 4000 Victoria Park Avenue, substantially in accordance with the Draft Part-Lot Control Exemption By-law attached as Attachment 3, and as generally illustrated on the Site Plan as Attachment 2, to the report dated June 2, 2023, 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) provide a final Zoning Notice issued by the Toronto Building Division confirming that the existing buildings within the proposed Parcels of Tied Land and the proposed Parcels of Tied Land comply with the applicable zoning-law, to the satisfaction of the Chief Planner and Executive Director, City Planning.
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 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 Chief Planner and Executive Director issued approval for plan of subdivision (Application No. 20 218450 NNY 17 SB) showing the entirety of the site as one block on April 5, 2023.

PROPOSAL

The application seeks exemption from the part-lot control provisions of the Planning Act to facilitate the creation of six individual POTLs. The six POTLs are to be comprised of the following six parcels inclusive of their respective Parts as illustrated in Attachment 2: Site Plan:

Part Of Tied Land	Parts	Existing Building(s) GFA
POTL A	Parts 1 to 12	Building C; 756 sq.m.
POTL B	Parts 13 to 18	Hotel site (currently vacant); Site area is 31,766.9 sq.m.
POTL C	Parts 19 to 24	4000 Victoria Park Ave.; 5,085 sq.m.
POTL D	Part 25	3381-3389 Steeles Ave E; 54,369 sq.m.
POTL E	Parts 26 to Part 41	Building B; 936 sq.m.
POTL F	Parts 42 and Part 43	Surface parking; Site area is 37,626.2 sq.m.

The Condominium Driveway is to be comprised of Parts 25 to 39, and 57 as part of the associated common elements condominium plan that is not part of this application (File No. 20 218449 NNY 17 CD).

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 approval of the Part-Lot Control Exemption application will facilitate the creation of the POTL B which is currently the subject of a purchase and sale agreement and is proposed to developed for a hotel use by the future owner.

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 site is located on the southwest corner Steeles Avenue East and Victoria Park Avenue.

North: The City of Markham is located on the north side of Steeles Avenue East. Uses include business office buildings, an automobile dealership, and retail commercial businesses;

South: One-storey industrial buildings fronting onto Gordon Baker Road;

East: BMO campus on the east side of Victoria Park Avenue; and

West: Highway 404 is on the westerly boundary of the site.

Reasons for Application

Part-Lot Control Exemption is being requested to facilitate the creation and conveyance of six lots. A separate Common Element Condominium application is to allow for the proposed condominium driveway.

APPLICATION BACKGROUND

Application Requirements

The following documents were submitted in support of the application:

- Plan of Survey
- Topographical Survey
- POTL Plan

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=geFedc7hc5y%2Fr4eV3I2dxA%3D%3D>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate conditions prior to Bills proceeding to City Council.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

Official Plan

Toronto Official Plan

The subject site is designated *General Employment Areas* in the City of Toronto Official Plan. *General Employment Areas* are generally located on the periphery of Employment Areas on major roads where retail, service and restaurant uses can serve workers in the Employment Area and would also benefit from visibility and transit access to draw the broader public. Retail uses on the periphery of Employment Areas frequently serve as a buffer between industries in the interior of Employment Areas and nearby residential areas.

Zoning

The subject site is zoned Industrial-Office Business Park MO and MO(3) under the former City of North York Zoning By-law No. 7625, as amended. The MO and MO(3) zones permit commercial and industrial uses including hotel, office uses, financial institution, and manufacturing. The site-specific exceptions outline the performance standards for the site which include no minimum lot area; no minimum frontage; no maximum building height; and a maximum gross floor area of 150% of the area of the lot.

No new construction is proposed on the subject lands and all of the existing structures and parking areas are to remain. The proposed POTLS will establish freehold parcels that do not comply with the Zoning By-law. A minor variance application has been filed at the Committee of Adjustment (File No. 23 145947 NNY 17 MV) to regularize the existing structures and parking areas within the newly established freehold parcels and is currently under review by staff. In the event Council approves the Part-Lot Control Exemption application staff recommend that the implementing bill be withheld pending confirmation that the new freehold parcels (the POTLS) comply with the Zoning By-law.

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

Site Plan Control

Site Plan Control approval has been issued for the existing buildings on proposed POTLs A, C, D, and E (File No. 16 196569 NNY 24 SA) but is still required for the planned but unbuilt buildings on the same POTLs. Site Plan Control approval is also required for the hotel site POTL B and will be the responsibility of the future owner.

Common Element Condominium

An application for Draft Plan of Common Element Condominium (File No. 20 218449 NNY 17 CD) has also been submitted for approval in conjunction with the Part-Lot Control Exemption application. The Common Element Condominium application is currently under review by the Chief Planner, pursuant to delegated approval under By-law 229-2000.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan. The proposed Part Lot Control Exemption will make more efficient use of the existing *Employment Area* and contribute to increasing employment density.

Land Division

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. 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 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 Official Plan. Staff are of the opinion that the proposal is consistent

with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to providing and contributing to a broad range of stable employment opportunities. Staff worked with the applicant to ensure that the proposed network of private driveways is appropriate. The exemption from part-lot control is considered appropriate for the orderly development of the subject lands and is recommended for approval. Staff recommend that Council support approval of the application.

CONTACT

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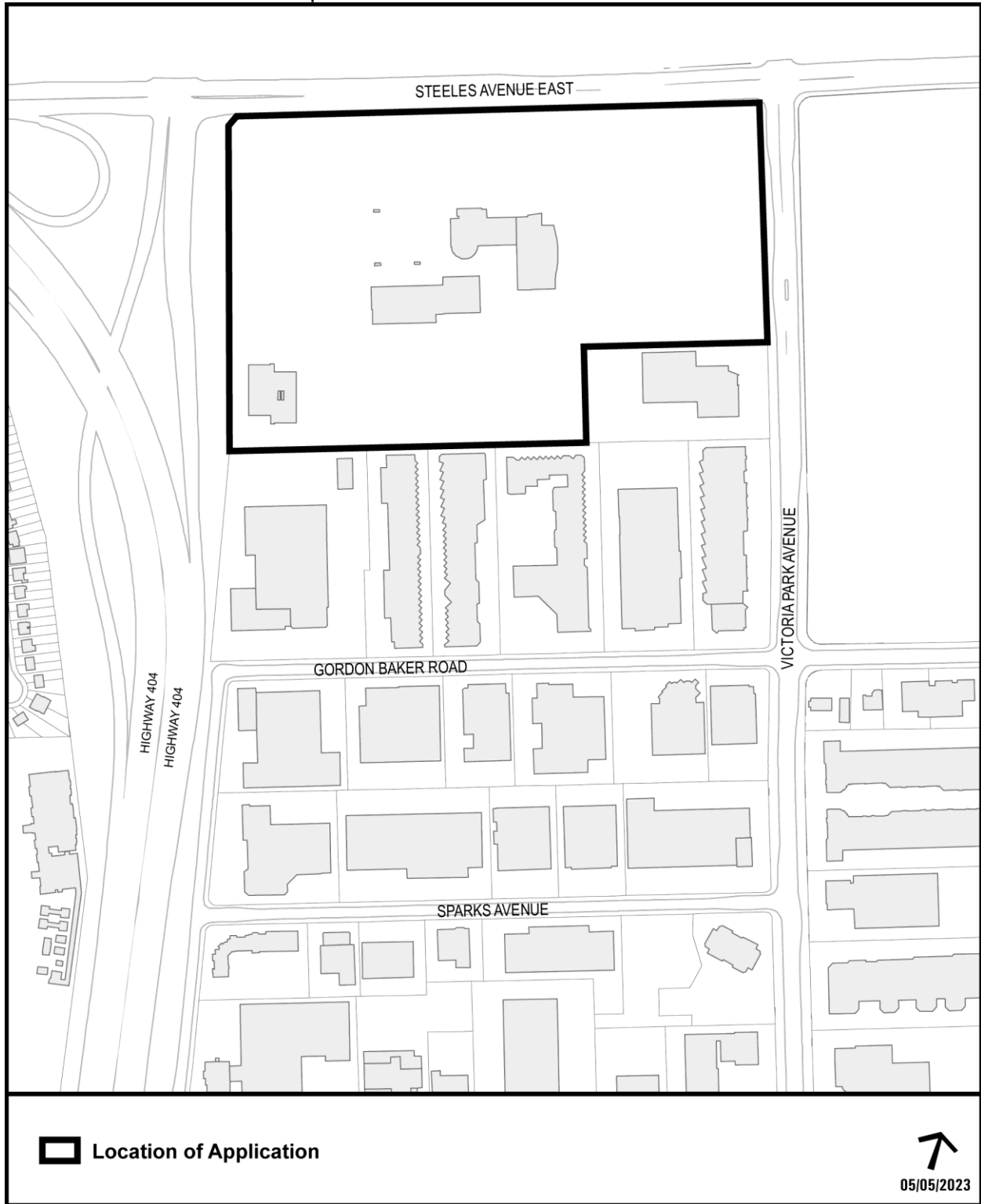
SIGNATURE

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

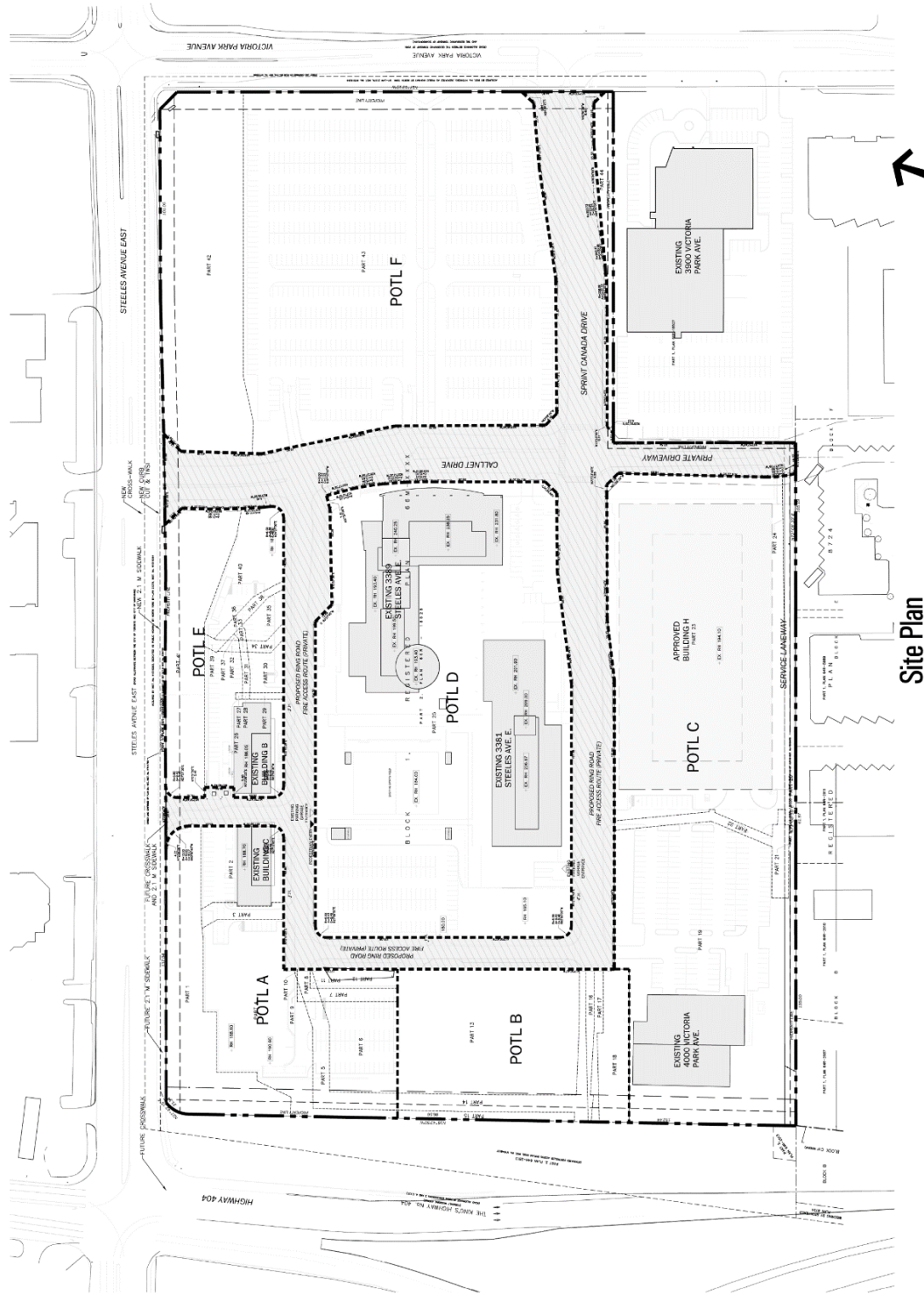
ATTACHMENTS

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

Attachment 1: Location Map



Attachment 2: Site Plan



Site Plan

Attachment 3: Draft Part-Lot Control Exemption By-law

Authority: North York Community Council Item No. NY, as adopted by City of Toronto Council on _____, 2023

CITY OF TORONTO

Bill _____

BY-LAW ____-2023

To exempt a portion of lands municipally known as 3125-3389 Steeles Avenue East and 4000 Victoria Park 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, _____, 2023.

Frances Nunziata, John Elvidge
Speaker City Clerk

(Seal of the City)

Schedule "A"

