

17, 23 and 25 Lascelles Boulevard – Part Lot Control Exemption Application – Decision Report - Approval

Date: February 6, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12, Toronto-St. Paul's

Planning Application Numbers: 21 223911 STE 12 PL

Related Applications: 21 180098 STE 09 CD

SUMMARY

This reports reviews and recommends approval of the Part Lot Control Exemption application to permit the creation of one block of 6 townhouse and another block of 4 townhouses, separated by a walkway. The part lot plan also delineate the boundary of 12 below-grade parking spaces, and the associated Common Elements Condominium currently under review.

The Part Lot Control Exemption application implements the site specific Zoning By-law and Site Plan approval for the site. The report also recommends that the owner of the lands be required to register a Section 118 Restriction under the Lands Titles Act against the subject lands to ensure that no part of the lands can be conveyed or mortgaged without prior consent of the Chief Planner and Executive Director, City Planning.

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 17, 23 and 25 Lascelles Boulevard, as generally illustrated on Attachment 2 to the report, 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: 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, 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, 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.

6. City Council authorize City staff to take necessary steps, including the execution of agreements and documents which set out the implementation of the Part Lot Control Exemption By-law to give effect to the above-noted recommendations.

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 site was subject to a Zoning By-law Amendment application (12 169750 STE 22 OZ). The application was appealed to the Local Planning Appeal Tribunal (LPAT) due to the City's failure to make a decision within the prescribed Planning Act timeline. The LPAT issued its final order on September 6, 2018 allowing the appeal and approving the amendments to Zoning By-law 438-86 (LPAT Case No. PL150396).

THE APPLICATION

Description: The creation of 10 conveyable lots for townhouse-form dwellings and 12 below-grade parking spaces, which will become the Parcels of Tied Land (POTLs) to a Common Element Condominium. The lots will be comprised of 3-storey townhouses, separated into two townhouse blocks fronting Lascelles Boulevard, one block will contain 6 townhouses (north block) and the other with 4 townhouses (south block). The blocks will be separated by a walkway that leads to a newly formed landscaped area. The walkway and landscaped area will remain under the current ownership.

A number of easements are also proposed to facilitate site access and mechanical equipment. These easements will include access in favour of the City of Toronto, to allow access to the walkway and newly formed landscaped area. There will also be a Common Elements Condominium in the form of a below-grade driveway leading to 12 vehicular parking spaces accessed off the private-shared driveway that forms a ring road around the new townhouse blocks and landscaped area. The three existing apartment buildings front onto the private-shared driveway.

A concurrent application for Common Element Condominium Approval has also been submitted to establish elements of the development that will be shared by the townhouse owners, including the common parking facilities, amenity areas and various infrastructure elements.

See Attachment 1 to this report for a map of the location of the subject lands. See Attachment 2 to this report for an illustration of the Part-Lot Control Exemption Plan.

Common Element Condominium

A Common Element Condominium application (21 180098 STE 09 CD) was submitted on October 8, 2021 and deemed complete on December 3, 2021.

Site Plan Control

A Site Plan Agreement was registered on title to the properties on October 25, 2018. A revised Site Plan Agreement was registered on title to the properties on November 30, 2022 to amend certain Engineering Drawings and Reports and incorporate new and revised conditions. Statement of approval was issued on December 2, 2022.

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, and shall conform to provincial plans.

Official Plan: Apartment Neighbourhoods in the Official Plan's Land Use Plan (Map 17), and is subject to the Yonge-St. Clair Secondary Plan

Yonge-St. Clair Secondary Plan: The purpose of the Yonge-St. Clair Secondary Plan is to (among a number of things): promote and enhance the existing type and quality of the Neighbourhoods and Apartment Neighbourhoods and maintain their stability; and ensure new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.

Zoning: The site are subject to a site-specific Zoning By-law approved by the LPAT with various development standards respecting density, setbacks and amenity space. The site is not subject to the new Zoning By-law 569-2013.

COMMENTS

Provincial Framework

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, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Land Division

The proposal to create 10 residential lots and 12 vehicular parking spaces is appropriate as it implements the previous approvals and conforms with the Official Plan and Zoning By-law.

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.

To ensure the Part Lot Control Exemption does not remain open indefinitely, staff recommended that the Part Lot Control Exemption By-law expire two years after its 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. Before the Common Element Condominium is released for registration, the Part Lot

Exemption By-law must be enacted 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 Element Condominium is registered.

CONTACT

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SIGNATURE

Alex Teixeira, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

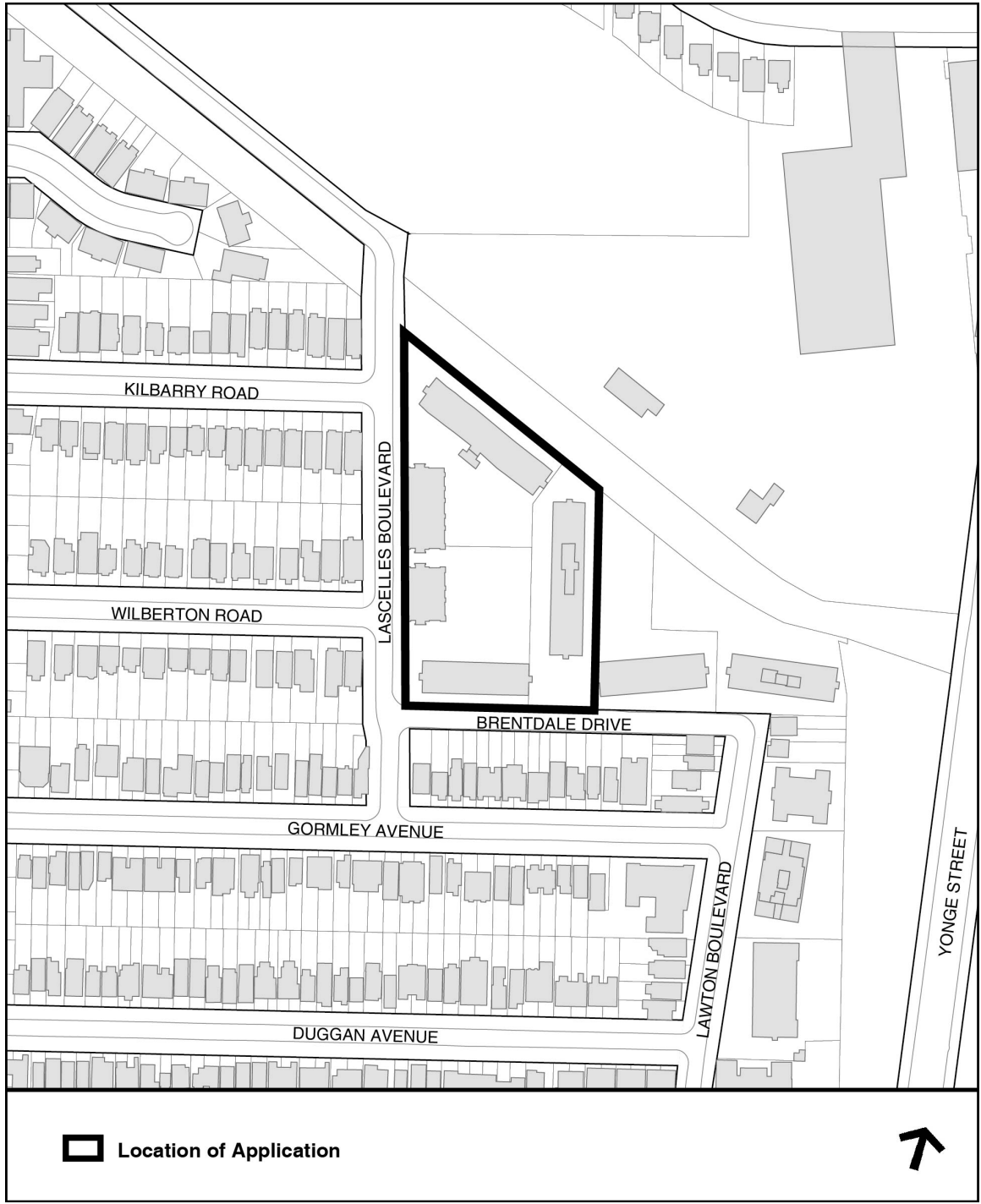
ATTACHMENTS

Attachment 1: Location Map

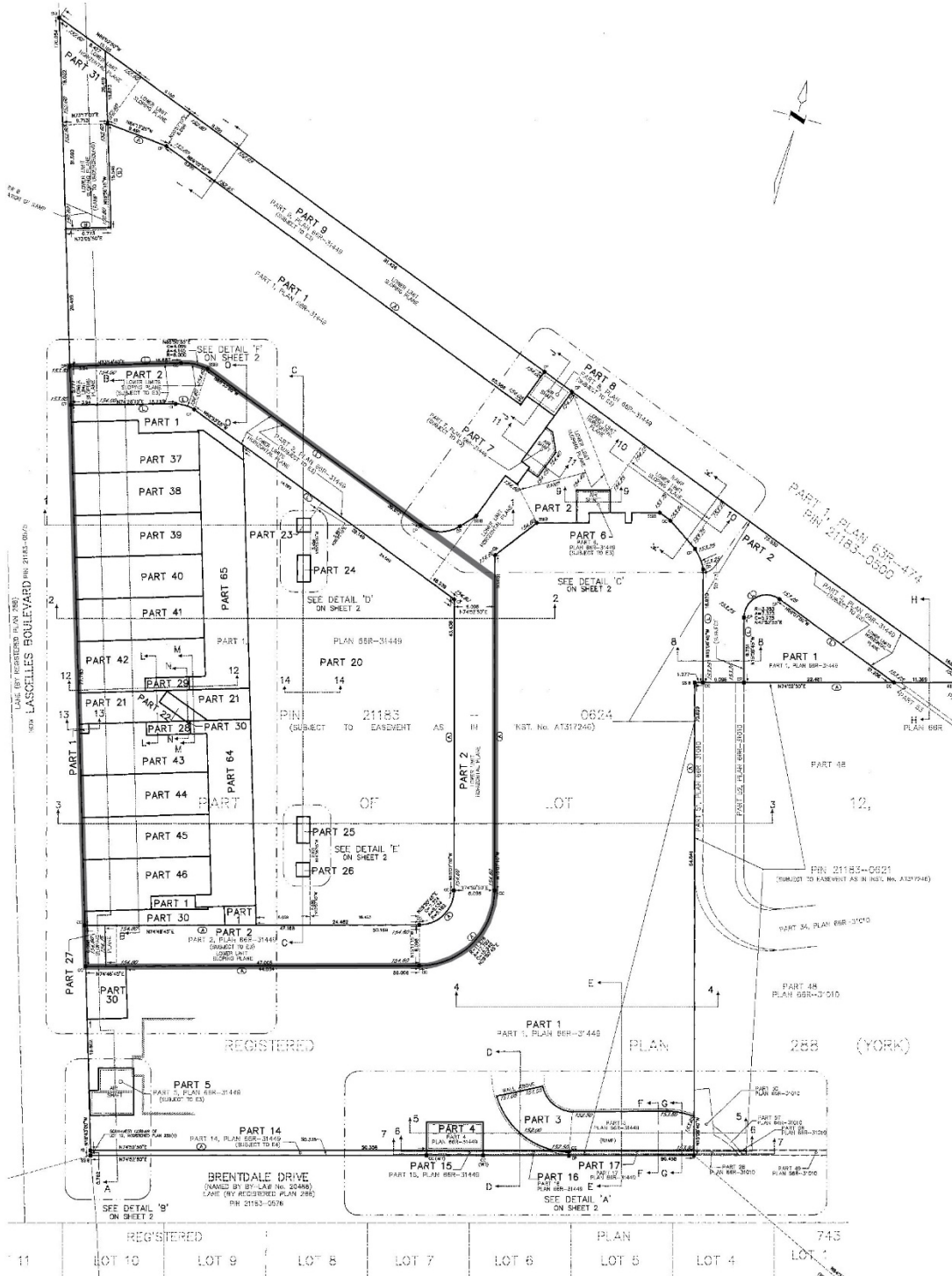
Attachment 2: Part Lot Control Exemption Plan

Attachment 3: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map

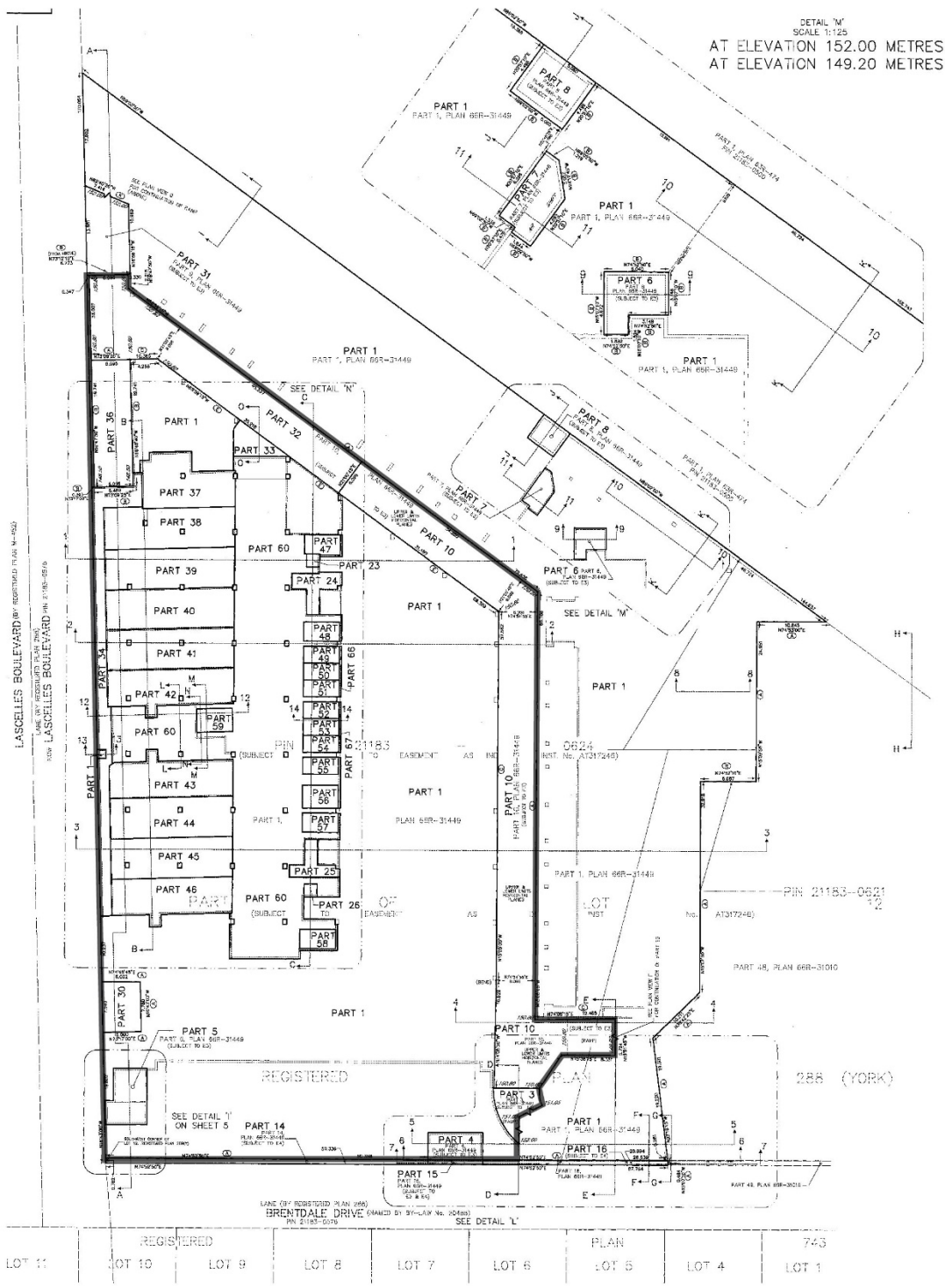


Attachment 2: Part Lot Control Exemption Plan



Draft Part Lot Control Exemption Plan





DETAIL 'N'
SCALE 1:125
AT ELEVATION 152.00 METRES
AT ELEVATION 149.20 METRES

Draft Part Lot Control Exemption 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 _____, 2023.

CITY OF TORONTO

Bill _____

By-law _____-2023

To exempt a portion of the lands municipally known as 17, 23, and 25 Lascelles Boulevard 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, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule "A"

Municipal Address

17, 23 and 25 Lascelles Boulevard

Legal Description

PART LOT 12, PLAN 288, NORTH TORONTO, PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 PLAN 66R31449; SUBJECT TO AN EASEMENT OVER PARTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18 & 19 PLAN 66R31449 IN FAVOUR OF PARTS 28 TO 71 PLAN 66R31010 AS IN CA80006 & CA305686 (AMENDED BY CA656755, CA706530 & AT5389810); TOGETHER WITH AN EASEMENT OVER PARTS 28, 30, 33, 34, 36, 52, 53, 54, 55, 56, 57, 58, 59, 60, 67, 69 & 70 PLAN 66R31010 AS IN CA80006 & CA305686 (AMENDED BY CA656755, CA706530 & AT5389810); SUBJECT TO AN EASEMENT OVER PARTS 14, 15, 16, 17, 18 & 19 PLAN 66R31449 IN FAVOUR OF THE TORONTO HYDRO-ELECTRIC SYSTEM LIMITED AS IN EN89233 & CA641320; SUBJECT TO AN EASEMENT OVER PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 PLAN 66R31449 IN FAVOUR OF ROGERS CABLE INC. AS IN AT317246; CITY OF TORONTO