

939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West – Part Lot Control Exemption Application – Decision Report – Approval

Date: April 18, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 16 – Don Valley East

Planning Application Number: 23 239083 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 939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West. The exemption request is to facilitate the continued orderly and integrated development of the subject lands and adjoining lands at Shops at Don Mills.

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 939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West, substantially in accordance with the Draft Part Lot Control Exemption By-law attached as Attachment 3, and as generally illustrated on the Part Lot Control Exemption Plan on Attachment 4, to be prepared to the satisfaction of the City Solicitor and to expire five (5) years following enactment by City Council.

2. Prior to enactment of the Part Lot Control Exemption By-law, 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 a Section 118 Restriction under the *Land Titles Act*, agreeing not to transfer or charge any part of the lands without prior written consent of the Chief Planner or their designate, to the satisfaction of the City Solicitor.
3. Prior to depositing a draft Reference Plan of Survey in the appropriate Land Registry Office to revise any parts of the Part Lot Control Exemption Plan on Attachment 4, the Owner shall submit the revised draft plan to the Chief Engineer and Executive Director of Engineering and Construction Services, for review, with acceptance at the discretion of the Chief Engineer.
4. The revised draft plan in Recommendation 3 above shall be in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values at the main corners of the development lands, and delineating thereon, by separate PARTS, the lands to be divided, the required easement lands, Part Lot Control Exemption lands, and any appurtenant rights-of-way. The plan should:
 - a. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator projection;
 - b. Delineate by separate PARTS the Part Lot Control Exemption lands, easements, the remainder of the site and any appurtenant rights-of-way;
 - c. Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan; and,
 - d. The plan must be signed and dated by an OLS.
5. The Owner shall pay all costs for registration and preparation of Reference Plan(s).
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.
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
8. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction under the *Land Titles Act*, from title upon the expiry or repeal of the Part Lot Control Exemption By-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On November 14, 2001, an Official Plan Amendment application and a Zoning By-law Amendment application (01 036318 NMI 25 OZ) were submitted for a mixed-use development in the southerly and westerly portions of Don Mills Centre (now Shops at Don Mills). The Ontario Municipal Board (now the Ontario Land Tribunal) approved a settlement between the Owner and the City in an Order issued on March 2, 2011 (Case No. PL070673). This Order permitted the Official Plan and Zoning By-law Amendments of the subject lands. The City Council decision and Staff Report are available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2010.CC46.2>.

On May 25, 2010, a Part Lot Control Exemption application (10 181588 NNY 25 PL) was submitted for lands at 939 Lawrence Avenue East, and 49 and 75 The Donway West. At its meeting on August 25, 26, and 27, 2010, City Council approved the exemption from Part Lot Control. On August 27, 2010, City Council enacted By-law No. 1050-2010, exempting the lands from Part Lot Control for a period of four (4) years after its enactment. By-law No. 1050-2010 expired on August 27, 2014. The City Council decision, Staff Report, and associated By-law are available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2010.NY36.90>.

At its meeting on August 25, 26, 27, and 28, 2014, City Council approved the extension of exemption from Part Lot Control for lands at 939 Lawrence Avenue East, and 49 and 75 The Donway West. On August 28, 2014, City Council enacted By-law No. 998-2014, exempting the lands from Part Lot Control for an additional period of six (6) years from the expiry date of By-law No. 1050-2010. By-law No. 998-2014 expired on August 27, 2020. The City Council decision, Staff Report, and associated By-law are available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2014.NY34.74>.

At its meeting on July 28 and 29, 2020, City Council approved the extension of exemption from Part Lot Control for lands at 939 Lawrence Avenue East, 49 The Donway West, and 966 Don Mills Road. On July 29, 2020, City Council enacted By-law No. 663-2020, exempting the lands from Part Lot Control for an additional period of three (3) years from the expiry date of By-law No. 998-2014. By-law No. 663-2020 expired on August 27, 2023. The City Council decision, Staff Report, and associated By-law are available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.23>.

PROPOSAL

On December 29, 2023, this Part Lot Control Exemption application was submitted for 939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West, requesting the exemption of Part Lot Control for a period of five (5) years.

The purpose of the application is to permit the continued orderly and integrated development of the subject lands and adjoining lands at Shops at Don Mills. The exemption would allow the Applicant to transfer necessary easements over the internal private road network in favour of blocks, for purposes of access, servicing, and other matters, as determined through future development application processes and to separately finance and charge portions of the lands, as necessary.

The application seeks exemption from Part Lot Control for the lands described below based on the submitted Reference Plans (Attachment 4: Part Lot Control Exemption Plans):

- 1stly: Part of PIN 10136-0576(LT)
Part of block D Plan 4545, designated as parts 8, 9, 11, 12, 13, 14, and 15 on Plan 66R-_____
- 2ndly: Part of PIN 10136-0543(LT)
Part of block D Plan 4545, designated as parts 17 and 18 on Plan 66R-_____
- 3rdly: Part of PIN 10136-0541(LT)
Part of blocks A and D Plan 4545, designated as parts 19, 20, 21, 22, and 23 on Plan 66R-_____
- 4thly: Part of PIN 10136-0584(LT)
Part of block F Plan 4545, designated as part 18, 43, 50, 51, and 52 on Plan 66R-25039
- 5thly: Part of PIN 10136-0585(LT)
Part of blocks A, D, and F Plan 4545, designated as parts 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 on Plan 66R-_____ and Parts 4, 8, 9, 10, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 37, 54, and 55 on 66R-25039

As noted by the Applicant, since the enactment of By-law No. 663-2020, the scope of the Part Lot Control Exemption has been revised as follows:

- Blocks B2 and D (49 The Donway West) are removed from the Part Lot Control Exemption as the registration of a Plan of Condominium on these lands is expected in Spring 2024; and,
- Portions of Marie Labatte Road and the east-west private street abutting the lands at 169 The Donway West are added to the Part Lot Control Exemption to facilitate the establishment of encroachments and vehicular and pedestrian access easements over such private streets in favour of the lands at 169 The Donway West.

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.

Link to Application Details

<http://app.toronto.ca/AIC/index.do?folderRsn=tc7OnxGuY1dwGC%2FX6EuWsw%3D%3D>.

Site and Surrounding Area

The subject lands are located on the southwest corner of Lawrence Avenue East and Don Mills Road.

- North: Lawrence Avenue East;
- South: The Donway West;
- East: Don Mills Road; and,
- West: The Donway West.

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 and 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 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.”

The Growth Plan for the Greater Golden Horseshoe (2020)

Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan (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. This includes: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

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 Official Plan Amendment of the subject lands was approved by the Ontario Municipal Board in an Order issued on March 2, 2011 (Case No. PL070673).

Zoning

The Zoning By-law Amendment of the subject lands was approved by the Ontario Municipal Board in an Order issued on March 2, 2011 (Case No. PL070673).

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 and conforms with the Growth Plan (2020).

Land Division

Part Lot Control Exemption is being requested in order to facilitate the continued orderly and integrated development of the subject lands and adjoining lands at Shops at Don Mills. The proposal is appropriate as it implements the previous approvals, conforms with the Official Plan, and complies with the 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 a registered Plan of Subdivision (Blocks A, D, and F of Plan 4545). The lifting of Part Lot Control on the subject lands is considered appropriate for the continued orderly and integrated development of the subject lands and adjoining lands at Shops at Don Mills.

To ensure that the Part Lot Control Exemption does not remain in effect indefinitely, it is recommended that the By-law expire in five (5) years following enactment by City Council, as requested by the Applicant. This time frame provides sufficient time for the completion of the proposed development.

It is recommended that a Section 118 Restriction under the *Land Titles Act*, be registered on title for the subject lands. In accordance with the Land Titles Act, a Section 118 Restriction prohibits the transfer or charge of any part of the lands without prior written consent of the Chief Planner or their designate. This restriction enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support the development. The restriction will only be released upon the expiry or repeal of the Part Lot Control Exemption By-law.

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. Staff recommend that City Council approve the application and enact a Part Lot Control Exemption By-law with respect to the subject lands, subject to the recommendations contained herein.

CONTACT

Leila Mirriahi, MCIP, RPP – Planner, Community Planning
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Email: Leila.Mirriahi@toronto.ca

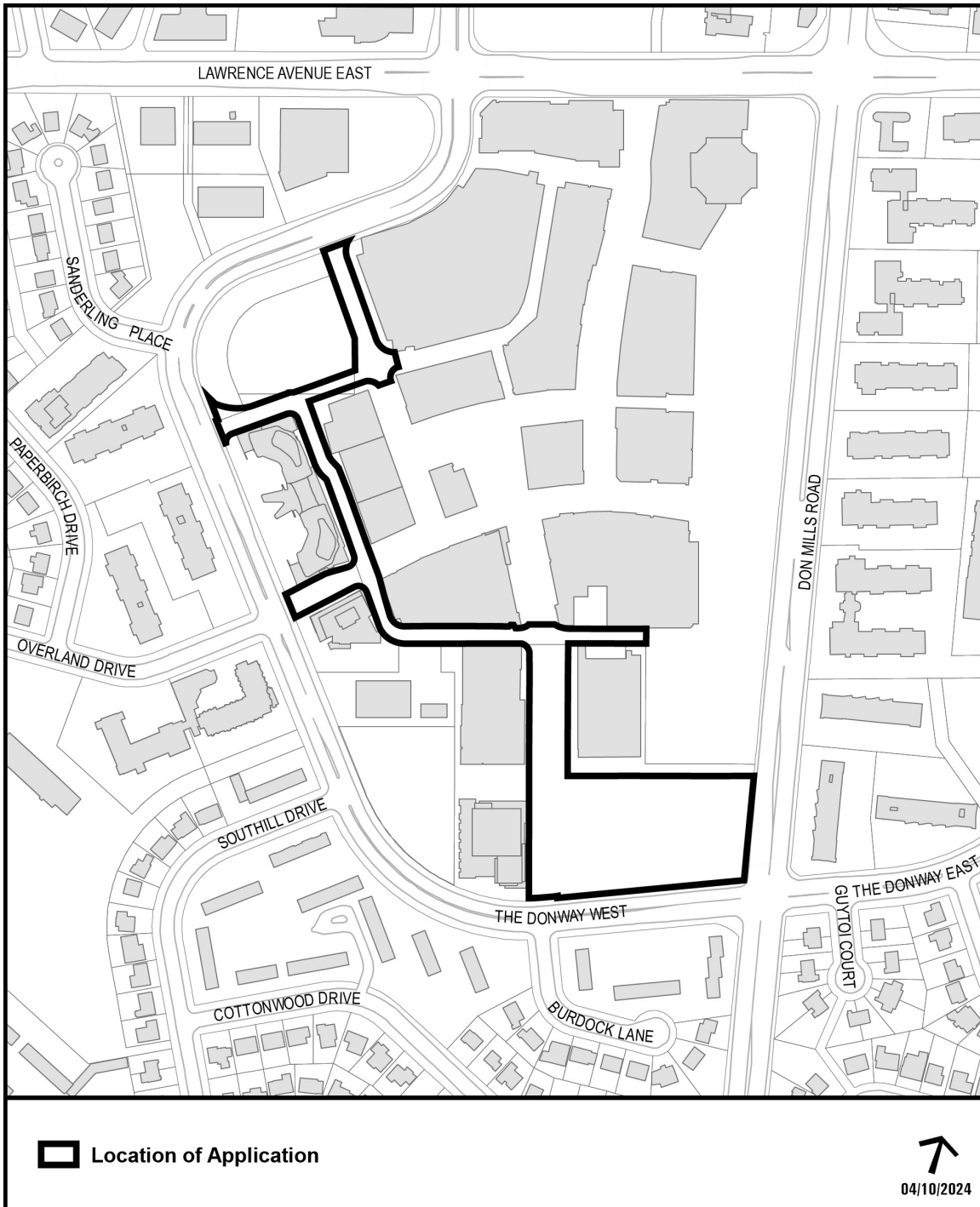
SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Concept Plan
Attachment 3: Draft Part Lot Control Exemption By-law
Attachment 4: Part Lot Control Exemption Plans

Attachment 1: Location Map



Attachment 2: Concept Plan

REVISED 10.03.31

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NOT FOR CONSTRUCTION

PRELIMINARY

WITHOUT PREJUDICE



DATE	DESCRIPTION
10.03.31	REVISED FOR REVIEW
10.03.31	REVISED FOR REVIEW
10.03.31	REVISED FOR REVIEW

Don Mills Centre Phase Two
939 Lawrence Avenue East
Toronto, Ontario

DEVELOPMENT CONCEPT PLAN

Project No.	06136
Scale	1:5000
Date	07.01.04
Drawn by	SM
Checked by	SM

A-1.0



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 _____, 2024

CITY OF TORONTO
Bill _____
BY-LAW _____-2024

To exempt portions of lands municipally known as 939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West 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"; and,
2. This By-law expires five (5) years from the date of its enactment by Council.

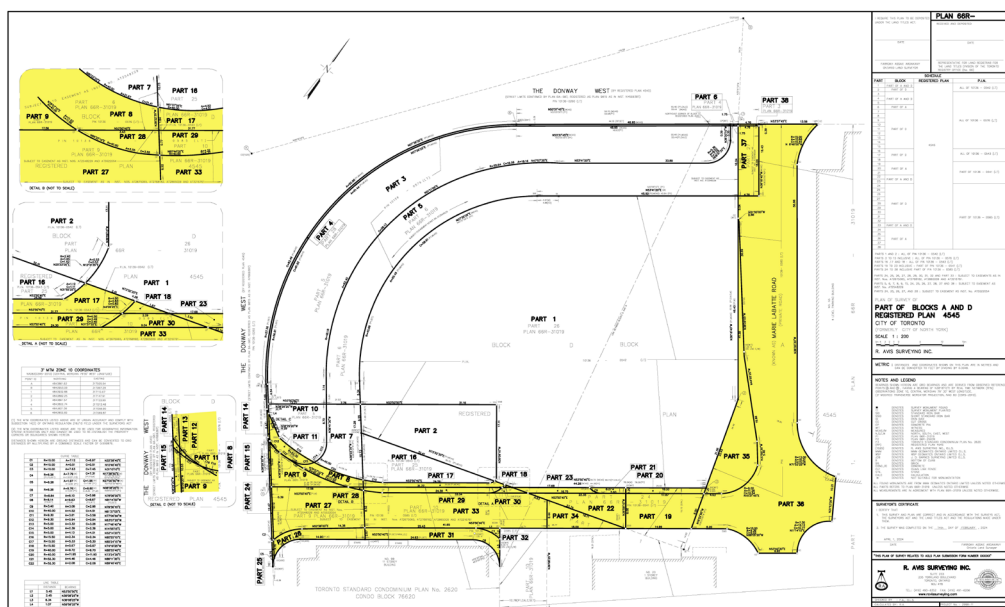
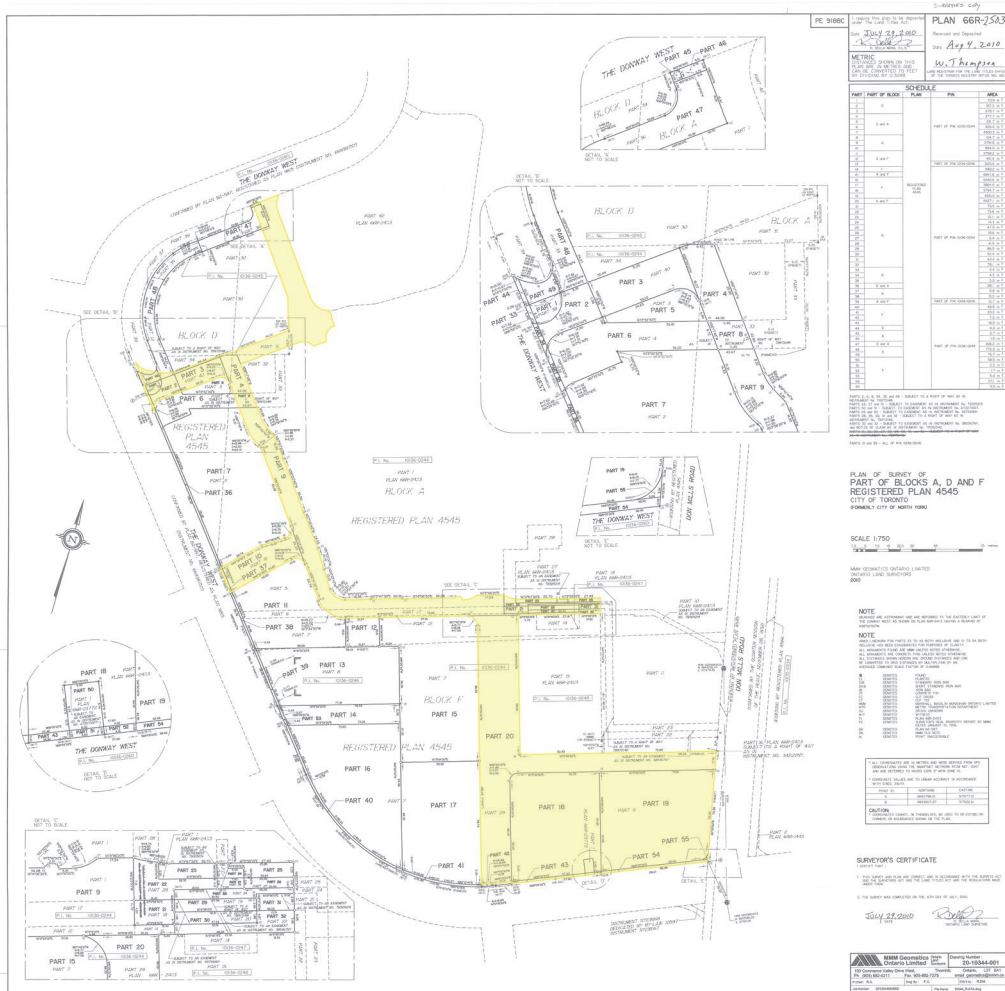
Enacted and passed on _____, 2024.

Frances Nunziata,
Speaker

John Elvidge,
City Clerk

(Seal of the City)

Attachment 4: Part Lot Control Exemption Plans



Schedule “A”

Municipal Address

Portions of 939 Lawrence Avenue East, 966 Don Mills Road, and 169 The Donway West

Legal Description

- 1stly: Part of PIN 10136-0576(LT)
Part of block D Plan 4545, designated as parts 8, 9, 11, 12, 13, 14, and 15 on Plan 66R-_____
- 2ndly: Part of PIN 10136-0543(LT)
Part of block D Plan 4545, designated as parts 17 and 18 on Plan 66R-_____
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