

### **2-56 Cather Crescent – Part Lot Control Exemption Application – Decision Report – Approval**

**Date:** June 21, 2024  
**To:** North York Community Council  
**From:** Director, Community Planning, North York District  
**Wards:** Ward 8 - Eglinton-Lawrence

**Planning Application Number:** 23 130943 NNY 08 PL  
**Related Application Number:** 17 277713 NNY 15 SA and  
23 131471 NNY 08 CD

#### **SUMMARY**

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This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* for the lands municipally known as 2-56 Cather Crescent, also known as Phase 1Fa of the Lawrence Heights Revitalization Project (Attachment 4) (related Site Plan Application No: 17 277713 NNY 15 SA).

The exemption request is to facilitate the creation of 32 parcels, of which 26 conveyable parcels are intended to become future Parcels of Tied Land (POTLs) for 26 market townhouses and the other parts are to support a future Common Elements Condominium tenure through the approval of the Common Elements Condominium (23 131471 NNY 08 CD) application, and to facilitate the creation of various easements.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms to 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.

A related Common Elements Condominium application has been submitted to create a common element condominium tenure over the lands consisting of a private rear lane driveway, pedestrian walkways, underground services, site furnishings and landscaping. The laneway and walkway will provide access to the garages and other common elements, being Parts 27 to 32 on the draft Reference Plan.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 2-56 Cather Crescent substantially in accordance with the Draft Part-Lot Control Exemption By-law attached as Attachment 6, and as generally illustrated on the Part-Lot Control Exemption Plan on Attachment 3, to be prepared to the satisfaction of the City Solicitor and to expire two (2) years following enactment by City Council.
2. Prior to the introduction 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, 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 prior written consent of the Chief Planner or his/her designate to the satisfaction of the City Solicitor.
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.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
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**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The application for Part Lot Control Exemption was submitted on April 17, 2023, and deemed complete on April 19, 2023.

The subject lands are subject to By-law 1338-2013, as amended and within a registered Plan of Subdivision (M-Plan 3). The related Site Plan application was approved on August 28, 2023 (17 277713 NNY 15 SA). The proposed Part Lot Control Exemption (PLCE) application further implements these previous approvals.

## **PROPOSAL**

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The Application seeks exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 26 conveyable parcels intended to be future POTLs through the registration of the related draft Plan of Common Elements Condominium.

The 26 parcels are intended to support 26 market freehold townhouses with rear lane garages and are described below on the submitted draft Reference Plan (Plan 66R-) (see Attachment 3: Part Lot Control Exemption Plan).

In addition, the application also proposes to create Parts 27 to 32 which are intended to form a future Common Elements condominium for the use of the POTLs and for the benefit of Block 1, 3 and 4 (the “TCHC Lands”). These parts will be subject to various easements, including access, garbage collection, mail collection, utility, hydro meter, storm water tank installation and maintenance.

Blocks 1, 3 and 4 on 65M-2580 are the TCHC lands intended for 23 rental townhouses and associated outdoor space which are not subject to the Part Lot Control exemption application and not described in the draft reference Plan. Through the registration of the PLCE by-law and the related draft reference plan, these blocks will be created through a de facto severance.

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 Lawrence Heights Project is currently proceeding in phases, with the subject application being a part of the Phase 1 area. The Phase 1 Lands are being developed in sub-phases on blocks created through the draft Plan of Subdivisions (10 170538 NNY 15 SB and 17 112623 NNY 15 SB). The subject lands consist of Block 2 within registered Plan 66M-2580, being Phase 1Fa of the Lawrence Heights Revitalization Project. The subject lands are located on the southwest corner of Ranee Avenue and Varna Drive.

North: Low density residential dwellings

South: Phase 1E of Lawrence Heights Revitalization Project

East: Low density residential dwellings (Proposed Phase 1Fb of Lawrence Heights Revitalization Project)

West: Mixed-use mid-rise market condominium and rental housing (Phase 1B of Lawrence Heights Revitalization Project)

## **POLICY CONSIDERATIONS**

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### **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 provincewide 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)**

The 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 subject site is designated *Apartment Neighbourhood A* on Map 32-6 of the Lawrence Allen Secondary Plan and falls within the Focus Area of the Lawrence Allen Secondary Plan. *Apartment Neighbourhood A* are made up of apartment buildings and parks, schools, local institutions, and cultural and recreational facilities. Retail, service and office uses that primarily serve area residents are permitted along Primary Streets and Major Streets.

All land uses provided for in the *Apartment Neighbourhood A* designation, including townhouse dwellings are also permitted in *Apartment Neighbourhood A* designation.

### **Zoning**

The site is subject to Site Specific By-law 1338-2013 and zoned RM6(215) for multiple attached dwellings which permits townhouse units on the lot having a maximum permitted height of 12.5 metres or 11 metres within 75 metres of any Residential (R) Zone. The site is not subject to City of Toronto Zoning By-law No. 569-2013.

### **Site Plan Control**

A Site Plan Control Application (17 277713 NNY 15 SA) for the site was submitted on December 20, 2017. The Notice of Approval Conditions was issued on November 9, 2022. The Site Plan Agreement between the City of Toronto and the Owner has been registered on May 5, 2023, and final Site Plan approval has been granted on August 28, 2023.

### **Agency Circulation**

The application was 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.

## **COMMENTS**

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### **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).

Both the PPS and the Growth Plan 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 conforms to the Official Plan.

### **Land Division**

The applicant is proposing an application for Part Lot Control Exemption. The Part Lot Control exemption is to create parcels for 26 townhouses (Parts 1 to 26), a private rear lane driveway (Part 27), other future common elements (Parts 28 to 32), and creation of various easements over lands identified as Parts 27 to 32 identified on the colour coded draft R-Plan (Attachment 3).

A Common Element Condominium application (23 131471 NNY 08) has also been submitted to allow for the creation of the common element condominium for the common elements, including a private rear lane driveway, pedestrian walkways, underground services, site furnishings and landscaping. The laneway and walkway provide access to garages for the private market townhouse POTLs and rental townhouses owned by the Toronto Community Housing Corporation (TCHC).

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, 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 66M-2577. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands, subject to a Section 118 Restriction under

the Land Titles Act. The Part Lot Control exemption will facilitate the implementation of the development, including the creation of lots and multiple ownerships, and the establishment of easements and rights-of-way to ensure appropriate pedestrian, servicing and vehicular access between properties.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Prior to enactment of the Part Lot Control Exemption By-law it is recommended that the owner register a Section 118 Restriction under the Land Titles Act. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner. This 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 Section 118 Restriction is used to prevent the conveyance of the future POTLs, and the parcels intended for the back-to-back and stacked townhouses, 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. Staff recommend that Council approve the Application and enact a Part Lot Control Exemption By-law with respect to the subject lands.

## **CONTACT**

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## **SIGNATURE**

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

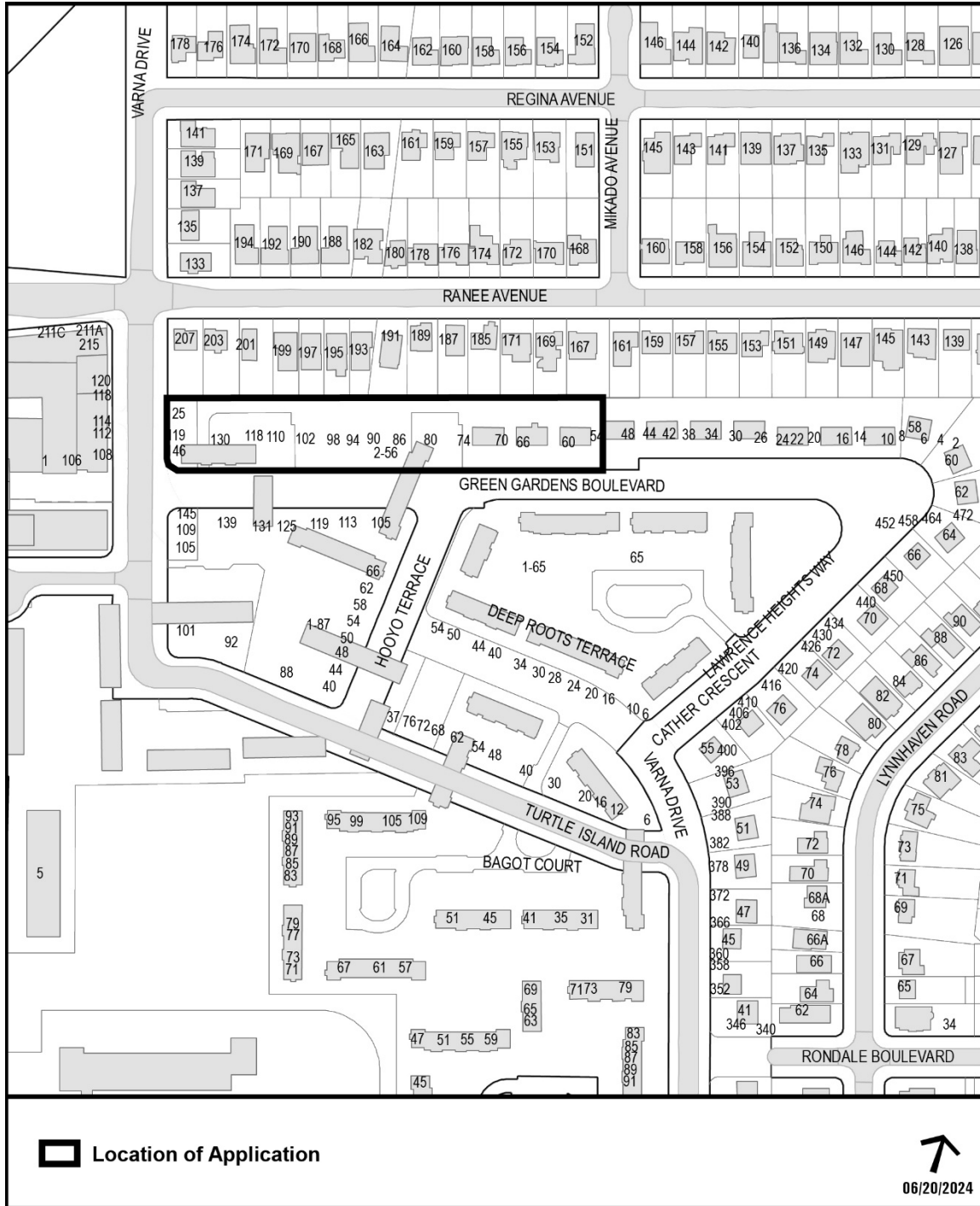
## **ATTACHMENTS**

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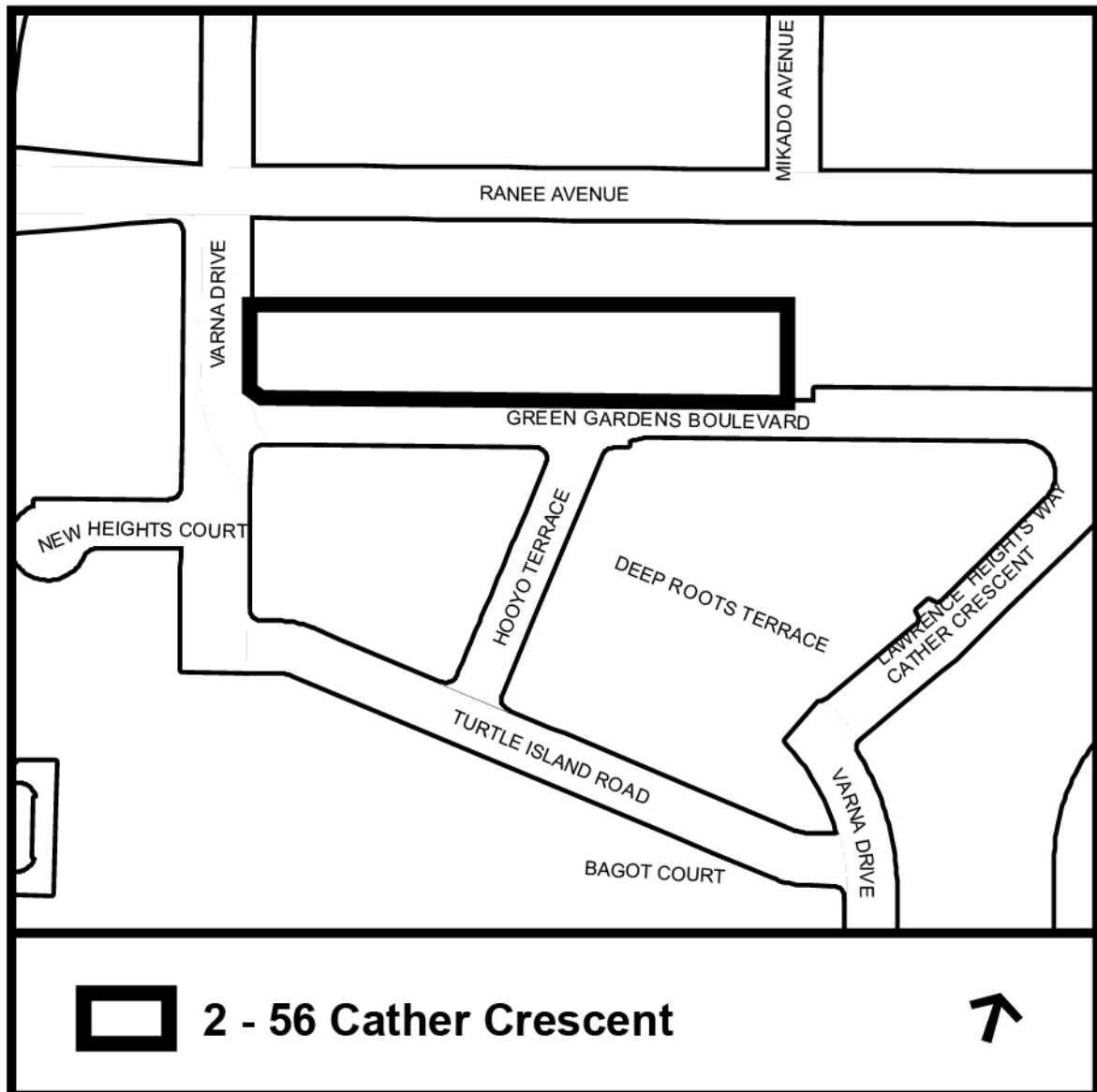
Attachment 1: Location Map  
Attachment 2: Key Map  
Attachment 3: Part Lot Control Exemption Plan  
Attachment 4: Lawrence Height Revitalization Plan (Phasing)  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Part Lot Control Exemption By-law (and Schedule A)



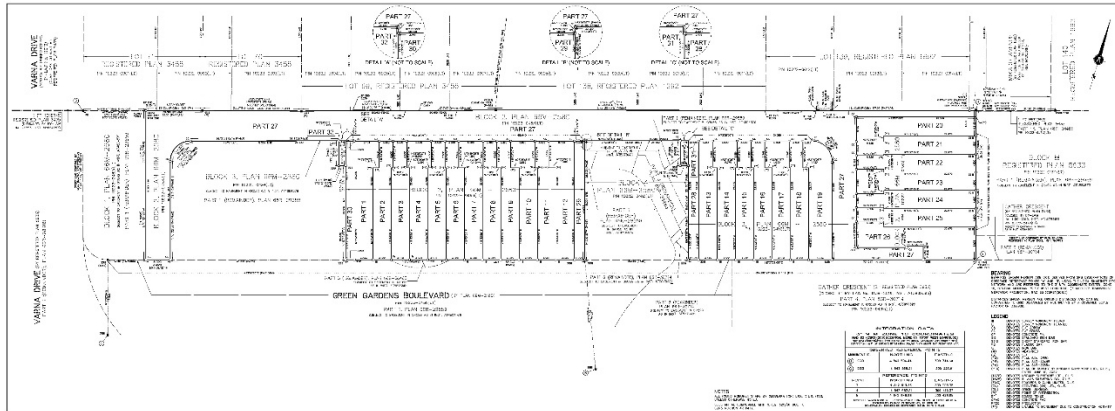
## Attachment 1: Location Map



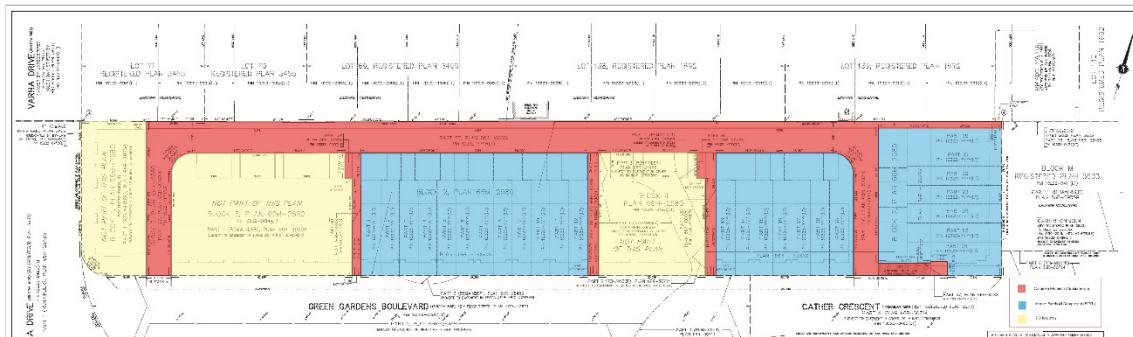
## Attachment 2: Key Map



## Attachment 3: Part Lot Control Exemption Plan

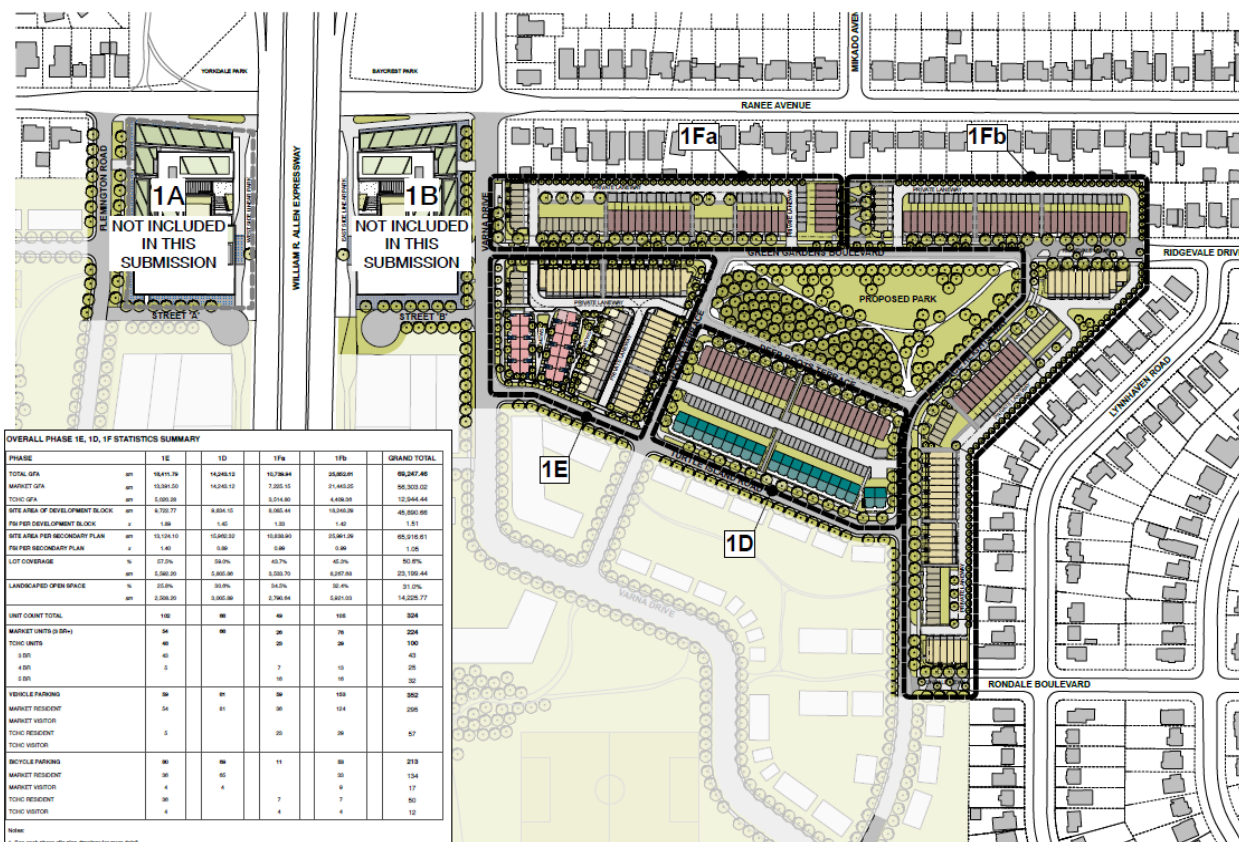
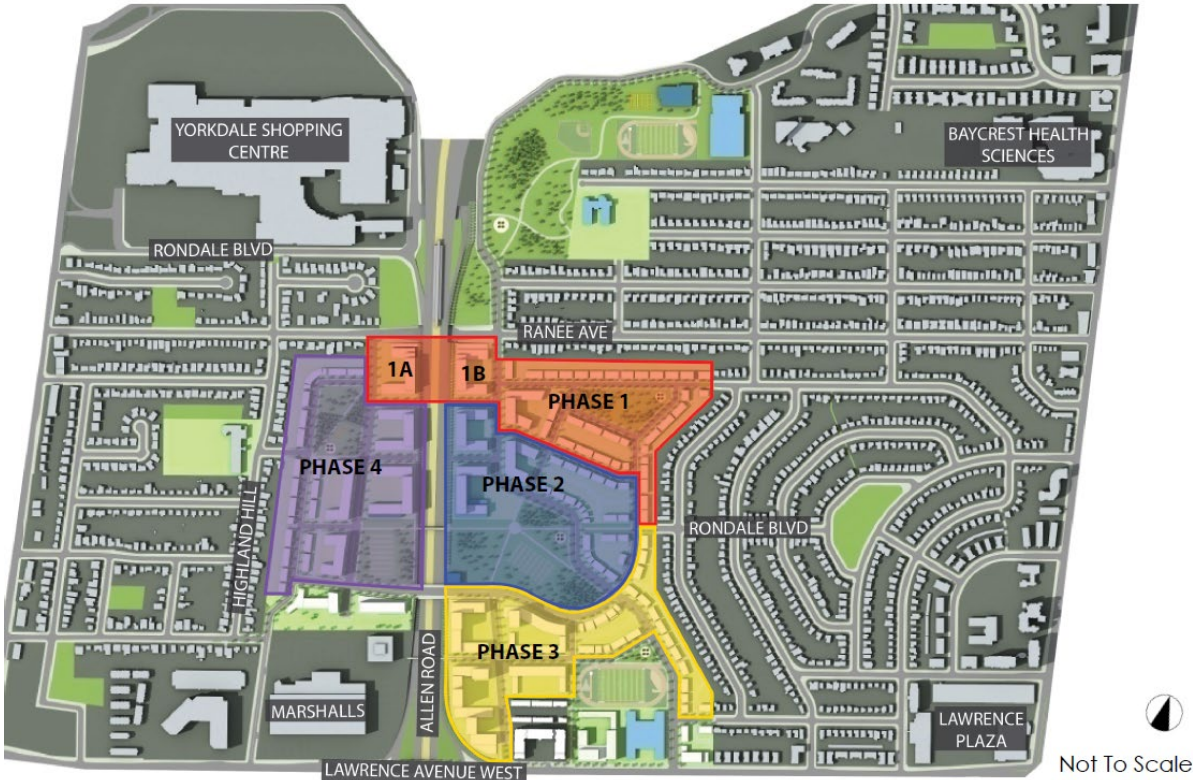


Part Lot Control Exemption Plan for Phase 1Fa, Block 2



Part Lot Control Exemption Plan for Phase 1Fa, Block 2

## Attachment 4: Lawrence Height Revitalization Plan (Phasing)



## Attachment 5: Application Data Sheet

Municipal Address: 2-56 Cather Crescent, Phase 1Fa, Block 2      Date Received: April 17, 2023

Application Numbers: 23 130943 NNY 08 PL

Application Type: Part Lot Control Exemption

Project Description: Application for Part Lot Control Exemption with respect to 26 lots for 26 freehold market townhouses.

Applicant	Agent	Architect	Owner
Metropia	N/A	N/A	Toronto Community Housing Corporation

### EXISTING PLANNING CONTROLS

Official Plan Designation: Apartment Neighbourhoods A      Site Specific Provision: 1338-2013

Zoning: RM6(215)      Heritage Designation: n/a

Height Limit (m): 12.5      Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 8,085.44      Frontage (m): 220.23      Depth (m): 36.60

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	0	0
Residential GFA (sq m):	0	0	10,739.96	10,739.96
Non-Residential GFA (sq m):	0	0	0	0
Total GFA (sq m):			10,349	10,349
Height - Storeys:			3	3
Height - Metres:			0	0

Lot Coverage Ratio (%): 41.0%      Floor Space Index: 1.43

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,739.96	10,739.96
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	23	23
Freehold:	0	0	26	26
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:			49	49

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	0	0	26
Total Units:					26

#### Parking and Loading

Parking Spaces:	36	Bicycle Parking Spaces:	0	Loading Docks:	0
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#### CONTACT:

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416-392-3098  
Andrew.Kim2@toronto.ca

## **Attachment 6: Draft Part Lot Control Exemption By-law (and Schedule A)**

Authority: North York Community Council Item NY\_\_\_\_\_, as adopted by City of Toronto Council on \_\_\_\_\_, 2024

CITY OF TORONTO  
Bill No. \_\_\_\_\_  
BY-LAW \_\_\_\_\_-2024

To exempt lands municipally known 2-56 Cather Crescent, 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, R.S.O. 1990, C. P.13, as amended, 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, \_\_\_\_\_, 2024.

Frances Nunziata, John Elvidge  
Speaker                      City Clerk

(Seal of the City)

**Schedule “A”****Municipal Address:**

2-56 Cather Crescent

**Legal Description:**

Block 2, Plan 66M-2580

City of Toronto