

**21 Oak Street - Subdivision Application and Common Elements Condominium Application – Final Report**

<b>Date:</b>	June 12, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward No. 11 - York South-Weston
<b>Reference Number:</b>	File Nos. 06 199458 WET 11 SB and 07 104896 WET 11 CD

**SUMMARY**

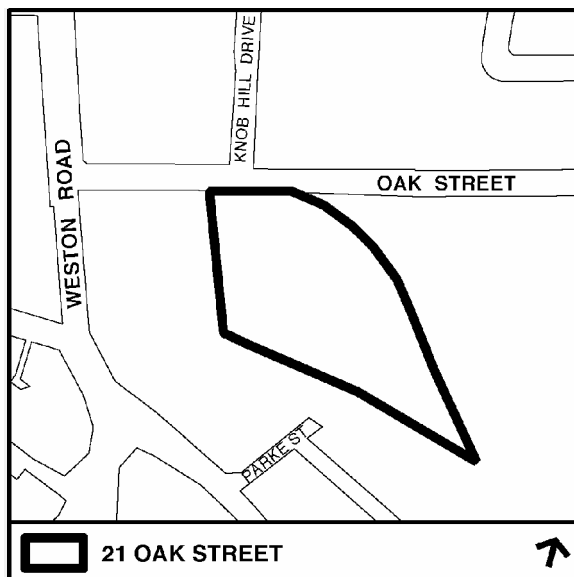
This report reviews and recommends approval of a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for a townhouse development at 21 Oak Street. The application for Draft Plan of Common Elements Condominium was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the City of Toronto Act, 2006. This report also advises that the Chief Planner intends to approve the Draft Plan of Subdivision and the Draft Plan of Common Elements Condominium under delegated authority pursuant to By-law No. 229-2000.

The proposal complies with the amended Official Plan and Zoning By-laws. Prior to final approval and registration of the Plans the applicant will be required to fulfill the conditions listed in Attachment Nos. 2 and 3 which include entering into a subdivision agreement.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. in accordance with the delegated approval under By-law No. 229-2000, City Council be advised that the Chief Planner intends to



approve the draft plan of subdivision, as generally illustrated on Attachment No. 1, subject to:

- (a) the conditions as generally listed in Attachment No. 2, which except as otherwise noted must be satisfied or secured through the subdivision agreement prior to the release of the plan of subdivision for registration; and
  - (b) such revisions to the proposed subdivision plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the ongoing technical review of this development.
2. in accordance with the delegated approval under By-law No. 229-2000, City Council be advised that, on the basis of the approval of the above draft Plan of Subdivision, the Chief Planner intends to approve the draft plan of Common Element Condominium for Block 100 on the Plan of Subdivision, subject to:
- (a) the conditions as generally listed in Attachment No. 3, which except as otherwise noted must be must be fulfilled prior to the release of the plan of condominium for registration; and
  - (b) such revisions to the proposed condominium plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On April 14, 2003, City Council refused an Official Plan Amendment and Zoning By-law Amendment application to permit a maximum 105-unit townhouse development on lands municipally known as 21 Oak Street and designated Employment in the former City of York Official Plan. The decision of Council was appealed by the applicant to the Ontario Municipal Board (OMB).

The proposed townhouse development and the corresponding site plan application were approved by the OMB pursuant to its Order No. 0052 dated January 6, 2006 and Order No. 1784 dated June 21, 2006 under File No. PL030399.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant proposes to construct a 99-lot, three-storey townhouse development

consisting of 13 buildings. Three of the buildings will front onto Oak Street. The remaining buildings will be located within the interior of the site and will be setback a minimum of 30 metres from the Canadian Pacific and Canadian National railway lines on the east and south boundary of the site, respectively.

The townhouse lots have been designed with integral garages and driveways, all of which lead to a private condominium road which connects to Oak Street at one location. Each dwelling will be approximately 130 square metres (1,400 square feet) in size and will contain two bedrooms with either a den or a third bedroom. The townhouse lots with frontage onto Oak Street each have private amenity space provided on a second storey rear deck. The remaining townhouse lots have ground related amenity space at the rear of the buildings.

Two common outdoor amenity areas forming part of the Common Elements Condominium are provided as part of the development. One is located at the southeast corner of the property and the other is a programmed space located in the central northern area of the site. Berming and visitor parking is located along the east and south boundary of the site adjacent to the railway lines.

A summary of the project data is provided in Attachment No. 4 and copy of the proposed draft plan of subdivision is shown in Attachment No. 1.

### **Site and Surrounding Area**

The 2.6 hectare site is irregular in shape and is bounded by Oak Street on the north, Canadian Pacific Railway line (CP) on the east, employment uses on the west and the Canadian National Railway line (CN) on the south. The subject property is located just east of Weston Road and has a 144 metre wide frontage on the south side of Oak Street.

Surrounding land uses include:

North: on the north side of Oak Street is Satin Finish Hardwood Flooring Ltd. and the Great Canadian Superstore site.

South: across the CN railway track, a residential neighbourhood consisting of single detached dwellings.

East: across the CP railway track, on the south side of Oak Street is Visioneering Limited and on the north side of Oak Street is a new residential subdivision.

West: Small scale employment uses such as a furniture store and auto body shop.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: 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 proposal is consistent with both the Provincial Policy Statement and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The site is designated Employment Areas and is located within an Employment District on Map 2 of the Official Plan. However, the property is also subject to Site and Area Specific Policy 266 which allows for the proposed 99-lot, 3 storey townhouse development.

### **Zoning**

By-law No. 604-2006(OMB) amended the former City of York Zoning By-law No. 1-83 by adding a site specific zoning provision. The site has been rezoned PE – 16(422) which permits the proposed 99 lot townhouse development.

### **Site Plan Control**

Site Plan Approval was granted by the OMB pursuant to its Order No. 0052 dated January 6, 2006 and Order No. 1784 dated June 21, 2006. As a condition to approval the owner entered into a site plan agreement with the City.

### **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 to formulate appropriate draft plan approval conditions.

### **COMMENTS**

Section 51 of the *Planning Act* grants the City the authority to regulate the division of land through Plans of Subdivision. Plans of Subdivision are used to divide larger parcels of land into a significant number of smaller lots and/or blocks. They are a legal document that shows: the exact surveyed boundaries and dimensions of lots; the location, width and names of streets and the sites of any schools or parks. Currently the subject site is not part of a block or lot on a registered plan of subdivision. A registered plan will facilitate the proposed development by allowing for the creation of new, separate parcels of land that can be legally used for the sale of individual lots. The proposed Draft Plan of Subdivision will create a 99 new lots and one Block which will form part of a Common Elements Condominium.

Section 9(2) of the *Condominium Act* grants the City the authority to regulate the division of land and/or buildings into parcels of lots that may be sold as part of a condominium corporation. The proposed Draft Plan of Common Elements Condominium will identify

that part of the site (Block 100 of the Subdivision), such as the private road, outdoor landscaped areas and amenity spaces, which will be for the common use and ownership through the Condominium Corporation by all associated townhouse lot owners. It will also provide legal access to the individual townhouse lots and will ensure the ongoing shared ownership and maintenance of the private road, visitor parking spaces and other shared aspects of the development.

The proposal complies with the amended Official Plan and Zoning By-laws and has received site plan approval. Both applications were circulated to various Departments and Agencies for comment. The conditions to approval will be addressed and secured by a subdivision agreement and will be required to be fulfilled prior to the registration of the plan of subdivision and the plan common element condominium.

## **CONTACT**

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## **SIGNATURE**

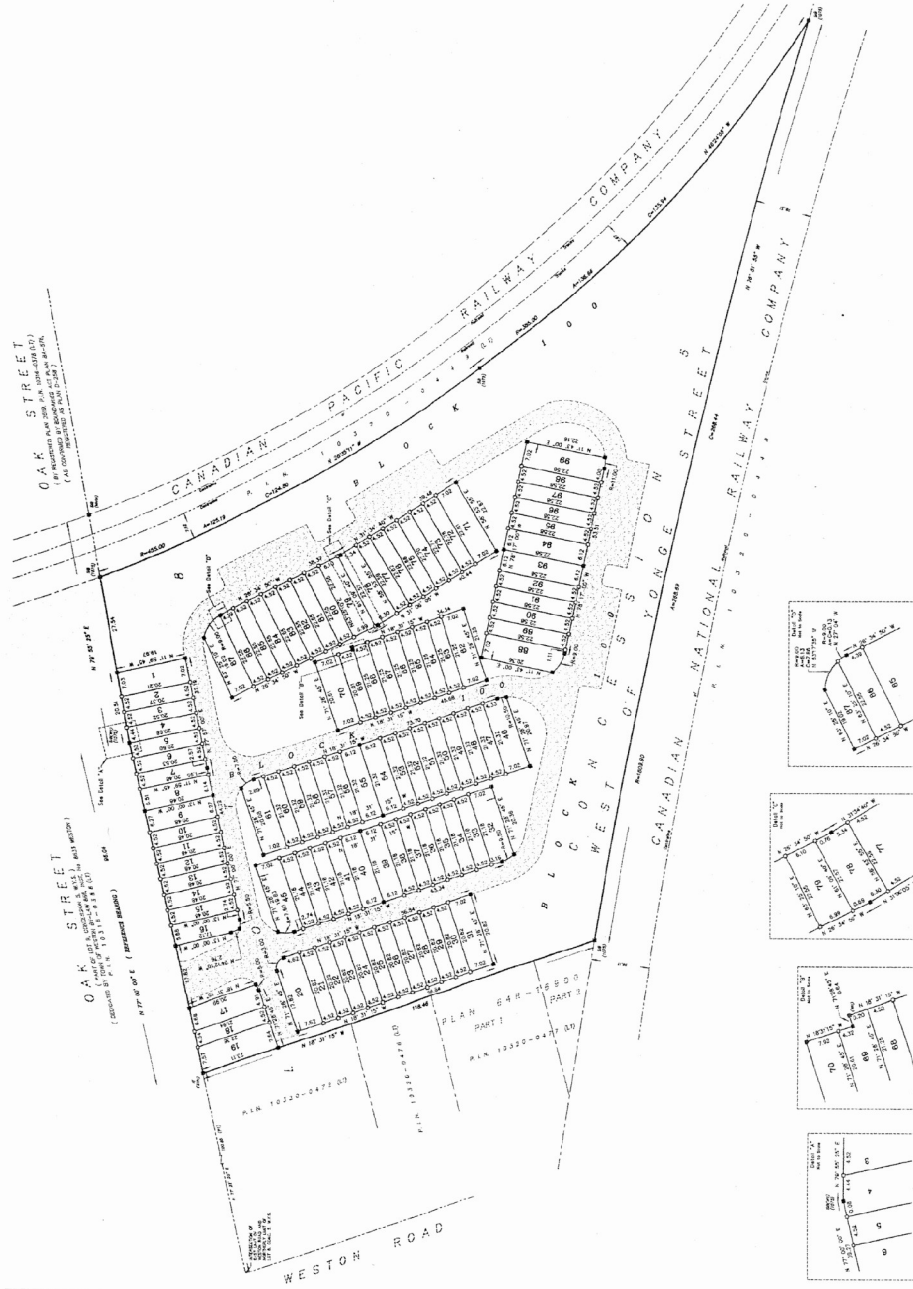
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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Subdivision  
Attachment 2: Draft Plan of Subdivision Approval Conditions  
Attachment 3: Draft Plan of Common Element Condominium Approval Conditions  
Attachment 4: Application Data Sheet

# Attachment 1: Draft Plan of Subdivision



21 Oak Street

File # 06\_199458

Plan of Subdivision

Applicant's Submitted Drawing

Not to Scale  
05/3/07



## **Attachment 2: Draft Plan of Subdivision Approval Conditions**

### **Draft Plan of Subdivision 21 Oak Street, York-South Weston, Ward 11 Part of Lot 8, Concession 5 (West of Yonge Street), City of Toronto**

#### GENERAL

1. This approval applies to the draft plan of subdivision for Part of Lot 8, Concession 5, prepared by Bryan Jacobs, Ontario Land Surveyor dated December 8, 2006.
2. The Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions contained therein.
3. The Owner shall forward a copy of the executed subdivision agreement to CN Rail and the Toronto District School Board for reference and information and shall provide written confirmation to the Director Community Planning, Etobicoke York District that this has been completed.
4. The Owner shall provide to the Director Community Planning, Etobicoke York District, confirmation that the taxes have been paid in full.
5. The Official Plan land use designations and Zoning By-law implementing the Official Plan are in full force and effect.
6. The approval of this Draft Plan of Subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
7. The Owner's shall make satisfactory arrangements with the City Solicitor for the registration of a Section 118 restriction on the lands.
8. The Owner shall submit a revised Noise Impact Study and any required addendum prepared by a qualified noise consultant identifying recommended warning clauses and noise mitigation measures for the development and individual buildings, if applicable, together with cost estimate for the completion of mitigation measures for the development all to the satisfaction of the Director Community Planning, Etobicoke York District.
9. The owner shall submit a financial security to the satisfaction of the Director Community Planning, Etobicoke York District in the amount of \$\_\_\_\_\_ (to be determined) in the form of a Letter of Credit acceptable to the City treasurer or a certified cheque to guarantee provision of the Noise Control measures and details recommended in the Noise Impact Study.
10. The Owner shall erect and maintain signs, at the points of egress and ingress of the development of the site advising:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation might not be locally available for all students anticipated from the development area. Students may be accommodated in facilities outside the area, and may later be transferred.

For information regarding designated school(s), please call (416) 397-2833.”

and shall provide written confirmation to the Director Community Planning, Etobicoke York District that this has been completed.

11. The Owner shall provide written confirmation to the Director Community Planning, Etobicoke York District from Canada Post Corporation that the owner has made satisfactory arrangements, financial and otherwise with Canada Post Corporation for provision of mail services to the subdivision.
12. The subdivision agreement shall include, among other matters the following provisions worded to the satisfaction of the City Solicitor:

#### VISITOR PARKING

- (A) The Owner acknowledges and shall prohibit the use of the visitor and disabled parking stalls for resident parking purposes.

#### HERITAGE RESOURCES

- (B) In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Owner shall notify the Heritage Operations Unit of the Ministry of Culture immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
- (C) In the event that human remains are encountered during construction, the Owner shall immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8404.

#### NOISE ABATEMENT

- (D) The Owner shall carry out or cause to be carried out and shall maintain the noise abatement measures recommended in the report entitled “Noise Control Study, Proposed Residential Townhouse Development 21 Oak Street”, prepared by \_\_\_\_\_, dated \_\_\_\_\_ and any addendum to this study as may be required by the City for the abatement of noise.



- (E) Prior to the first occupancy of any buildings and/or units within the development the Owner shall provide to the Deputy Chief Building Official Etobicoke York District and the to the Director Community Planning, Etobicoke York District certification from the Noise Control Consulting Engineer that the noise abatement measures for the development and any such measures associated with the buildings and/or units to be occupied have been implemented and completed in accordance with the accepted Noise Impact Study and any addendum to the study.
- (F) Upon receipt of certification from the Noise Control Consulting Engineer satisfactory to the Director Community Planning, Etobicoke York District that the noise abatement measures for the development have been completed, the financial security to guarantee the provision of the Noise abatement measures shall be returned.
- (G) The Owner acknowledges that the property is subject to warning clauses.
- (H) The Owner shall insert the following clauses and any other warning clauses contained in the accepted Noise Control Study or any addendum to this study, in any Condominium Declarations associated with the lands and in all Offers to Purchase, and agreements of Purchase and Sale or Lease and such clauses shall remain on title for each dwelling:

“Warning: Canadian National Railway Company and Canadian Pacific Railways or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR and CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

“Purchasers/Tenants are advised that due to the proximity of adjacent industry and businesses the property may be subject to noise, odour, dust, vibrations and other nuisance impacts arising from the operation of these uses.”

“Purchasers/Tenants are advised that they acknowledge and accept the existence of these rail lines and industrial uses, and accept that owners and/or operators of these uses will not be responsible for any complaints of claims arising from the continued legal operation and/or expansion of the same.”

Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road, rail and air traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the Ministry of the Environment's noise criteria. This dwelling has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of the MOE Publication NPC-216, residential Air Conditioning Devices and thus minimize the noise impacts on and in the immediate vicinity of the subject property.)"

## SCHOOLS

- (I) The owner acknowledges that the property is subject to the following warning clauses and the owner shall insert the following clauses in all offers of purchase and sale or lease of residential units for a period of ten years following registration of the plan that:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation might not be locally available for all students anticipated from the development area. Students may be accommodated in facilities outside the area, and may later be transferred.

"Purchasers agree for the purpose of transportation to school, if busing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

## ADVISORY NOTES

1. Hydro One Networks Inc. advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can arise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted in the wood poles supporting the conductors stating **DANGER – Overhead Electrical Wires** in all locations where

personnel and construction vehicles might come in close proximity to the conductors.

**Attachment 3: Draft Plan of Common Elements Condominium Approval  
Conditions**

**Draft Plan of Proposed Condominium  
21 Oak Street, York-South Weston, Ward 11  
Part of Lot 8, Concession 5 (West of Yonge Street), City of Toronto**

1. This approval applies to the Draft Plan of Condominium for Block 100 on the proposed Subdivision Plan, for Part of Lot 8, Concession 5, prepared by Bryan Jacobs, Ontario Land Surveyor dated January 19, 2007
2. The owner shall provide to the Director Community Planning, Etobicoke York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate).
3. All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
4. The owner shall file with the Director, Community Planning Etobicoke York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
5. Visitor parking spaces will be clearly delineated on the condominium plan to be registered.
6. If the condominium is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.
7. The owner shall provide a copy of the Declaration and Description for the review and comment of the Executive Director of Technical Services and the Declaration and Description shall include:
  - (a) a provision which states that visitor parking stalls are for the exclusive use of residential visitors. The visitor parking stalls must be individually signed for the exclusive use of the residential visitors; and
  - (b) a provision which states that the private street system must be registered for mutual use under common-elements condominium status.
  - (c) a provision which states that using the visitor and disabled parking stalls for resident parking purposes is prohibited and the internal streets and alleys are privately owned and the municipality neither maintains them nor clears them of snow and ice.

- (d) a provision which states that the owner shall maintain private policing to ensure that the residents do not park in the visitor parking stalls.
  - (e) a provision which states that the proposed private road has been signed and the pavement markings have been installed in accordance with the approved Site Plan.
  - (f) a provision which indicates that the Corporation shall be responsible for maintaining the on-site oil/grit separator in accordance with the manufacture's maintenance guidelines. The Corporation shall, on an annual basis, ensure that the oil/grit separator is inspected and all debris and sediment removed therefrom.
8. The owner shall provide a copy of the Declaration and Description for the review and comment to the Director Community Planning Etobicoke York District and the Declaration and Description shall include the following warning clauses:
- (a) any warning clauses contained in the accepted Noise Control Study or any addendum to this study:
  - (b) "Warning: Canadian National Railway Company and Canadian Pacific Railways or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR and CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."
  - (c) "Purchasers/Tenants are advised that due to the proximity of adjacent industry and businesses the property may be subject to noise, odour, dust, vibrations and other nuisance impacts arising from the operation of these uses."
  - (d) "Purchasers/Tenants are advised that they acknowledge and accept the existence of these rail lines and industrial uses, and accept that owners and/or operators of these uses will not be responsible for any complaints of claims arising from the continued legal operation and/or expansion of the same."
  - (e) Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road, rail and air traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the Ministry of

the Environment's noise criteria. This dwelling has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of the MOE Publication NPC-216, residential Air Conditioning Devices and thus minimize the noise impacts on and in the immediate vicinity of the subject property.)”

## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	SubDivision Approval and Common Element Condominium	Application Number:	06 199458 WET 11 SB 07 104896 WET 11 CD
Details		Application Date:	December 21, 2006 and January 25, 2007
Municipal Address:	21 OAK ST, TORONTO ON M9N 1R7		
Location Description:	CON 5 PT LT8 **GRID W1101		
Project Description:	Draft Plan of Subdivision to create 99 individual dwelling unit lots ( 1 to 99, parcels of tied land) and a future common element condominium (block 100, condominium road, buffer, park/amenity areas).		

#### PLANNING CONTROLS

Official Plan Designation:	Employment Area/District	Site Specific Provision:	Policy 266
Zoning:	PE - 16(422)	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	25954.25	Height:	Storeys:	3
Frontage (m):	144.084		Metres:	8.46
Depth (m):	260.744			
Total Ground Floor Area (sq. m):	5105.58			<b>Total</b>
Total Residential GFA (sq. m):	13046.86		Parking Spaces:	237
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	13046.86			
Lot Coverage Ratio (%):	20			
Floor Space Index:	0.5			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo, Freehold		
Rooms:	0	Residential GFA (sq. m):	13046.86
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	99	Institutional/Other GFA (sq. m):	0
Total Units:	99		

**CONTACT:      PLANNER NAME:      Luisa Galli, Planner**  
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