

2924, 2926 and 2928 Bayview Avenue – Common Elements Condominium Application – Final Report

Date:	August 14, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	08 164088 NNY 23 CD

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

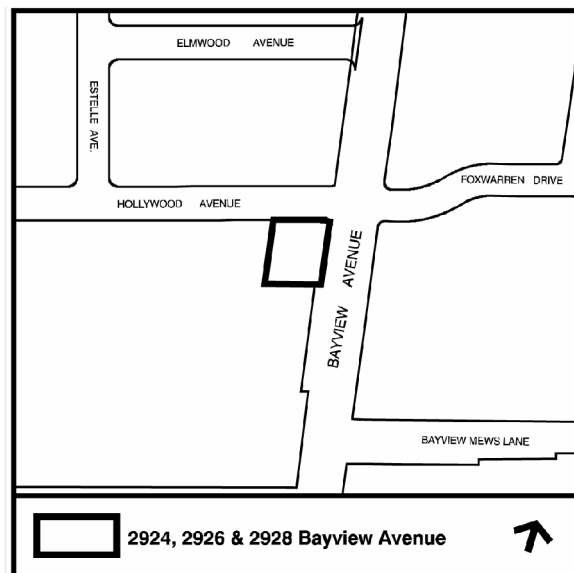
The Draft Plan of Common Elements Condominium application proposes to create a Common Elements Condominium consisting of a driveway and landscape strip for the properties known municipally as 2924, 2926 and 2928 Bayview Avenue.

The common elements condominium is required to provide legal access to the individual garages of the units and to ensure shared ownership and maintenance of the driveway and landscaping by the condominium corporation.

This report advises that the Chief Planner or designate intends, under delegated authority, to approve the Draft Plan of Common Elements Condominium for an 8 unit townhouse development located at 2924, 2926 and 2928 Bayview Avenue.

RECOMMENDATIONS

The City Planning Division recommends:



1. That in accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner may approve the draft plan of common elements condominium, as generally illustrated on Attachment 1, subject to:
 - a. the conditions as generally listed in Attachment 2, which, except as otherwise noted, must be fulfilled prior to the release of the plan of condominium for registration; and
 - b. any such revisions to the proposed condominium plan or any 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

In the March 16, 2005 Final Report, City Planning had recommended approval to permit the proposed development of 8 townhouses at 2924, 2926 and 2928 Bayview Avenue. The Report had also recommended that Site Plan Approval for this application be granted, subject to conditions. On March 30, 2005, North York Community Council referred this application back to Planning staff to ‘reconsider this proposal with specific regard to Council’s approved modifications to the Official Plan to protect neighbourhoods.’

<http://www.toronto.ca/legdocs/2005/agendas/committees/ny/ny050330/it043.pdf>

The applicant subsequently appealed Council’s lack of decision in respect of the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control application for the subject lands.

On August 16, 2006 the Ontario Municipal Board approved the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications as well as the consents for the purposes of creating the new lots.

ISSUE BACKGROUND

Proposal

The project has previously received Official Plan, Zoning and Site Plan Control approval for a redevelopment consisting of 8, 3-storey townhouses at a density of 1.60 FSI. The project has been developed in one block fronting onto Bayview Avenue. The current proposal is for a Common Elements Condominium driveway and landscape strip that would provide vehicular access to the 8 townhouses via Hollywood Avenue. The

townhouses are proposed to be freehold in nature with a total of 16 parking spaces (see the Application Data Sheet, Attachment 3, for additional details).

Site and Surrounding Area

The subject lands are located at the southwest corner of Bayview Avenue and Hollywood Avenue. The site currently contains 8 townhouse dwellings, fronting onto Bayview Avenue. Access to these homes will be provided by a common element driveway connecting with Hollywood Avenue. The portion of Bayview Avenue between Sheppard Avenue and Cummer Avenue generally consists of a mix of townhouses and single detached houses. Abutting uses are as follows:

North: single detached dwellings;

South: 3 storey townhouses fronting onto Meadow Larkway;

East: 3 storey townhouses fronting onto Bayview Avenue. Further east is Bayview Village Shopping Centre; and

West: single detached dwellings and a public lane.

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. City Council's planning decisions are required to be consistent with the PPS.

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. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated "*Neighbourhoods*" within the City of Toronto Official Plan and are located within the Sheppard East Subway Corridor Secondary Plan.

Zoning

The site-specific RM1(61) zoning (Multiple-Family Dwellings First Density Zone) permits the 8-unit townhouse dwellings.

Site Plan Control

A Site Plan Control application for the 8-unit townhouse development was approved by the Ontario Municipal Board on August 16, 2006. The current development complies with this approval.

Agency Circulation

The applications were circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate draft plan approval conditions.

COMMENTS

The proposed conditions of Draft Plan of Common Element Condominium approval for the townhouse development at 2924, 2926 and 2928 Bayview Avenue are listed in Attachment 2. The proposed conditions include the review of the as-built survey by Toronto Building to confirm zoning compliance prior to approval of the Draft Plan of Common Elements Condominium.

The development is substantially complete and new residents are expected to begin occupancy in late September. It is therefore appropriate for the Common Elements Condominium application to be brought to conditional approval so that legal access may be granted to the newly created lots after the appropriate conditions have been fulfilled.

CONTACT

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SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan of Common Elements Condominium Approval Conditions
Attachment 3: Application Data Sheet

Attachment 2: Draft Plan of Common Elements Condominium Approval Conditions

- (1) The owner shall provide to the Director, Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (3) The owner shall ensure that all common element facilities are constructed to the Satisfaction of the Manager, Development Engineering, North York District, specifically:
 - (i) loading area
 - (ii) driveway access
 - (iii) parking facilities
 - (iv) solid waste collection and storage
 - (v) stormwater control
 - (vi) site servicing facilities and grading have been constructed with approved plans and reports.
- (4) The owner shall file with the Director, Community Planning, North York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (5) Any visitors' parking spaces forming part of the common elements will be clearly delineated on the condominium plan to be registered and the Declaration shall contain a clause clearly specifying visitors' parking shall form part of the common elements and neither be used by or sold to unit owners or be considered part of the exclusive use portions of the common elements.
- (6) The owner shall file with the Director, Community Planning, North York District, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:
 - (i) Schedule "A" containing a statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and the easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (ii) Schedule "G" being the certification of the project engineer and/or architect that all buildings and structures have been constructed in accordance with the regulations made under the *Condominium Act*.

- (7) The owner shall submit an as-built survey to the satisfaction of the Manager, Plan Examination, Building Division. If any Minor Variances are required to bring the building envelope into compliance with the Zoning By-law, the owner will be required to obtain approval of any such variance(s) before approval of the Draft Plan of Common Elements Condominium is given.
- (8) 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.

Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

Application Type: Common Elements
Condominium Application
Application Number: 08 164088 NNY 23 CD
Details: Application Date: May 30, 2008

Municipal Address: 2924, 2926 AND 2928 BAYVIEW AVE, Toronto ON
Location Description: PLAN 1801 LOT 146 **GRID N2304
Project Description: Proposing a common elements road and landscape strip for 8 new 3-storey townhouses.

Applicant: FARSHAD KEHLARI
Agent: FARSHAD KEHLARI
Architect:
Owner: FARSHAD KEHLARI

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods
Zoning: RM1(61)
Height Limit (m): 9.2
Site Specific Provision: Y
Historical Status:
Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1363.6	Height: Storeys:	3
Frontage (m):	40	Metres:	9.2
Depth (m):	33		
Total Ground Floor Area (sq. m):	639.53		Total
Total Residential GFA (sq. m):	2181.76	Parking Spaces:	16
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	2181.76		
Lot Coverage Ratio (%):	46.9		
Floor Space Index:	1.6		

DWELLING UNITS

Tenure Type: Freehold
Rooms: 0
Bachelor: 0
1 Bedroom: 0
2 Bedroom: 0
3 + Bedroom: 8
Total Units: 8

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	2181.76	335.04
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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