

**484 Lytton Boulevard – Common Elements
Condominium Application and Part Lot Control
Exemption Application – Final Report**

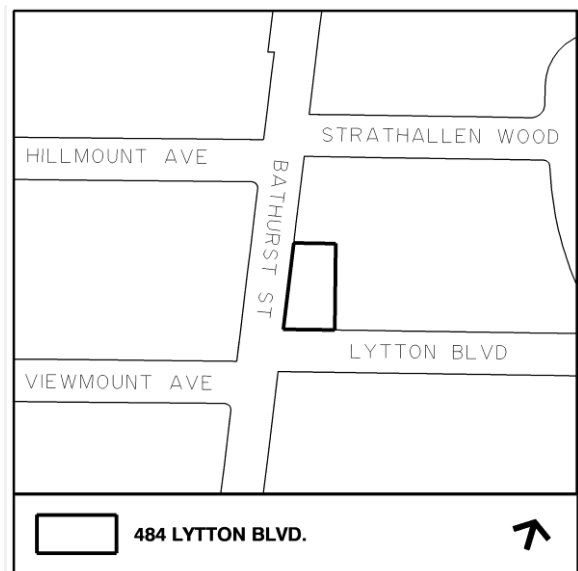
Date:	August 18, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Ward:	Ward 16 – Eglinton-Lawrence
Reference Number:	11 183760 NNY 16 CD and 11 183754 NNY 16 PL

SUMMARY

The condominium application proposes to establish the rear driveway at 484 Lytton Boulevard as a common element. The common elements condominium is required to provide legal vehicular access to nine residential townhouse units and to ensure shared ownership and maintenance of the driveway by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the nine residential townhouse units fronting Bathurst Street.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the application for Part Lot Control Exemption. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the lands without prior consent of the Chief Planner or his designate.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the Draft Plan of Common Elements Condominium for the lands at 484 Lytton Boulevard, 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 appropriate to address matters arising from the on-going technical review of this development.
2. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 484 Lytton Boulevard as generally illustrated on Attachment 3, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
3. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of Revenue Services, City of Toronto, prior to the enactment of the Part Lot Control Exemption By-law.
4. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or mortgage any part of the lands without the written consent of the Chief Planner or his designate.
5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium has been registered.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The owner of the subject property acquired the neighbouring properties at 482 Lytton Boulevard and 285, 287 and 289 Strathallan Wood to facilitate a comprehensive development with higher density residential uses along Bathurst Street and more modest

single family and semi-detached dwellings closer to the interior of the neighbourhood. Applications for consent and minor variance were approved by the Committee of Adjustment on November 25, 2009, and Site Plan Approval for the townhouse development on the subject property was issued on February 17, 2011.

ISSUE BACKGROUND

Proposal

The applicant received Site Plan Approval for a development consisting of 9, three-storey townhouses at a density of approximately 1.15 FSI.

The townhouses are under construction and front Bathurst Street. Each unit will be served by the proposed common element driveway running north from Lytton Boulevard providing vehicular access to garages located at the rear of each unit.

Site and Surrounding Area

The subject lands are located on the northeast corner of the intersection of Bathurst Street and Lytton Boulevard. The lands have an area of approximately 1381m² with a frontage of 50.43 metres on Bathurst Street and an average depth of 28 metres.

Land uses surrounding the site are as follows:

North: Single detached dwellings directly north and a commercial office building north of the subject property on the west side of Bathurst Street.

South: Single detached and semi-detached dwellings.

East: Single detached dwellings.

West: Bialik Hebrew Day School and Torah Emeth Jewish Centre.

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* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan policies state that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

Zoning

The property is zoned RM3 in the former City of North York Zoning By-law No. 7625, which permits residential townhouses on the subject property.

Site Plan Control

The Site Plan Control application for this development was approved by the Director of Community Planning, North York District on February 17, 2011. A Site Plan Agreement between New Century Homes Ltd. and the City of Toronto is registered on title.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Division

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 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 that the Part Lot Control Exemption does not remain in place 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.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal description for each of the parcels of tied lands (the “POTLS”). The Section 118 Restriction is used to prevent the conveyance of the POTLS to the public until the Common Elements Condominium is registered.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

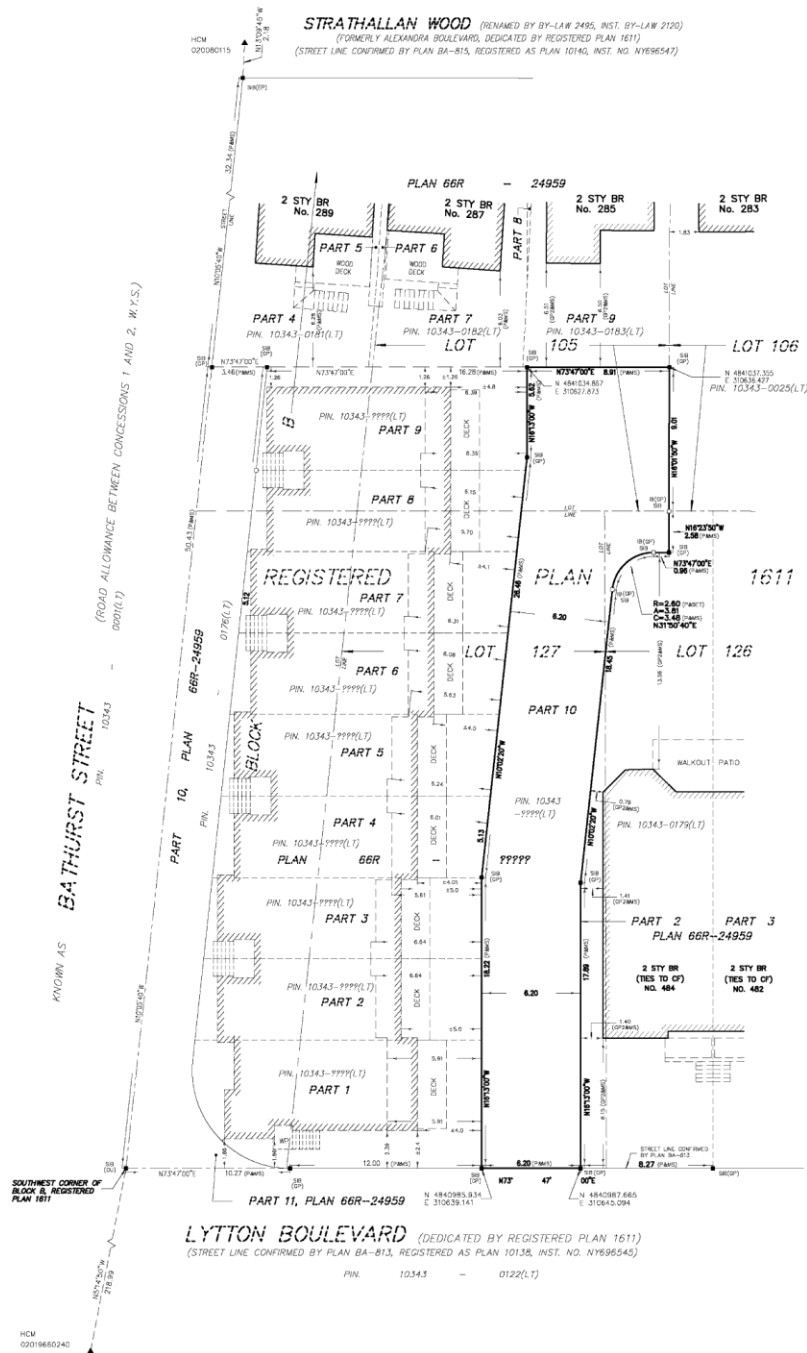
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Part Lot Control Exemption Plan

Attachment 4: Application Data Sheet


Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements Condominium

484 Lytton Blvd.

Applicant's Submitted Drawing

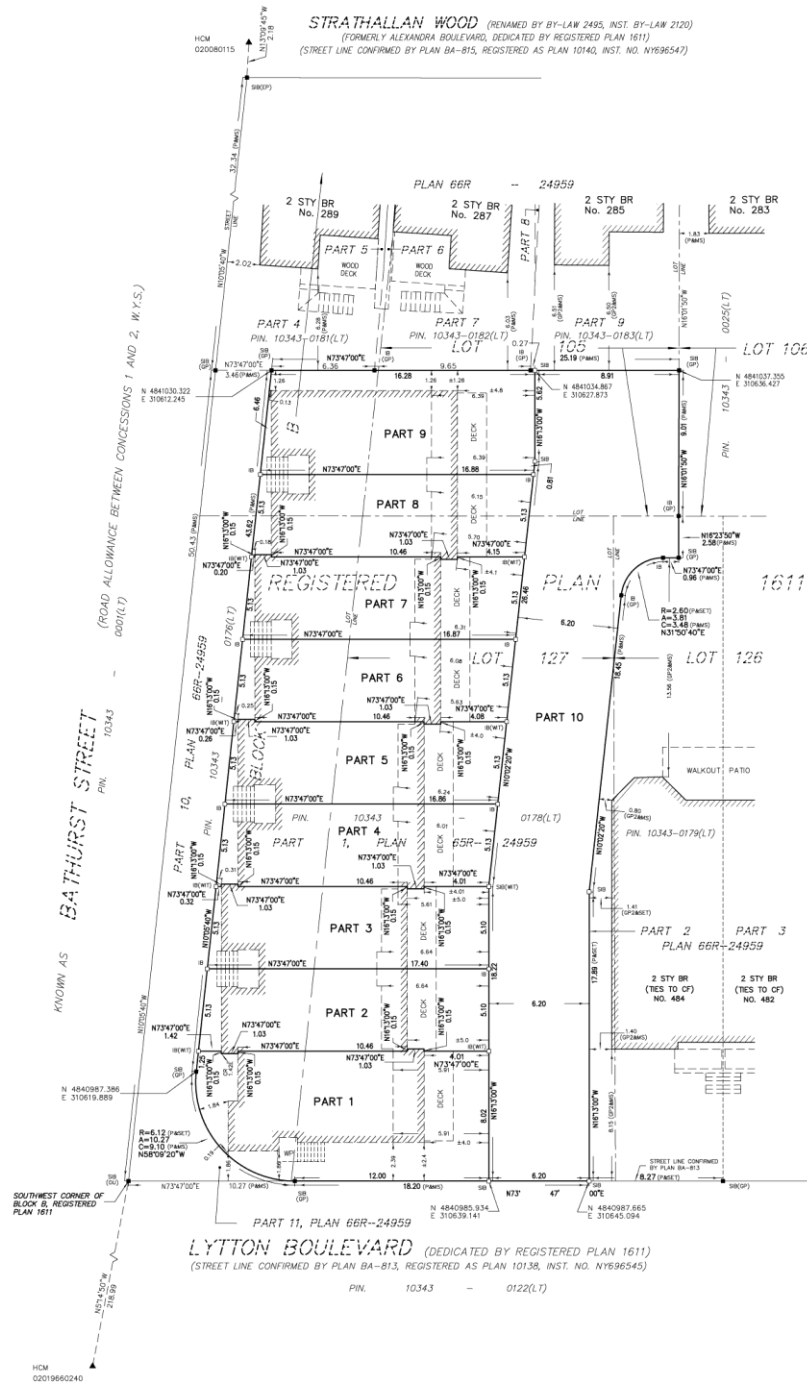
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08/03/2011

File # 11 183760 NNY 16 CD & 11 183754 NNY 16 PL

Attachment 2: Draft Plan 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 Revenue Services, 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 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.
- (4) Together with the final version of the Declaration, the Owner shall provide a solicitor's undertaking indicating that:
 - (i) the Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;
 - (ii) the City will be notified of any required changes prior to registration; and
 - (iii) forthwith following registration of the Declaration, a copy will be provided to the City.
- (5) Visitors 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 new plans and drawings must be resubmitted to the City for approval.

Attachment 3: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan

484 Lytton Blvd.

Applicant's Submitted Drawing

Not to Scale
08/03/2011

File # 11 183760 NNY 16 CD & 11 183754 NNY 16 PL

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Common Elements Condominium & Part Lot Control	Application Number:	11 183760 NNY 16 CD & 11 183754 NNY 16 PL
Details		Application Date:	April 28, 2011

Municipal Address: 484 LYTTON BLVD
 Location Description: PLAN 1611 PT LOT 127 PT BLK B **GRID N1604
 Project Description: Proposal for nine, three-storey townhouses at the north east corner of Lytton boulevard and Bathurst Street.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL GOLD LEBOW ADAM BROWN			2032293 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RM3	Historical Status:	
Height Limit (m):	9.2	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1381	Height:	Storeys:	3	
Frontage (m):	28.36		Metres:	10.84	
Depth (m):	50.43				
Total Ground Floor Area (sq. m):	537.95				Total
Total Residential GFA (sq. m):	1592.09		Parking Spaces:	18	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1592.09				
Lot Coverage Ratio (%):	63.2				
Floor Space Index:	1.15				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Freehold		Above Grade	Below Grade
Tenure Type:	Freehold			
Rooms:	0	Residential GFA (sq. m):	1592.09	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m):	0	0
Total Units:	9			

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