

47-51 River Street – Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

Date:	December 10, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	04 153371 STE 28 CD and 04 153380 STE 28 PL

SUMMARY

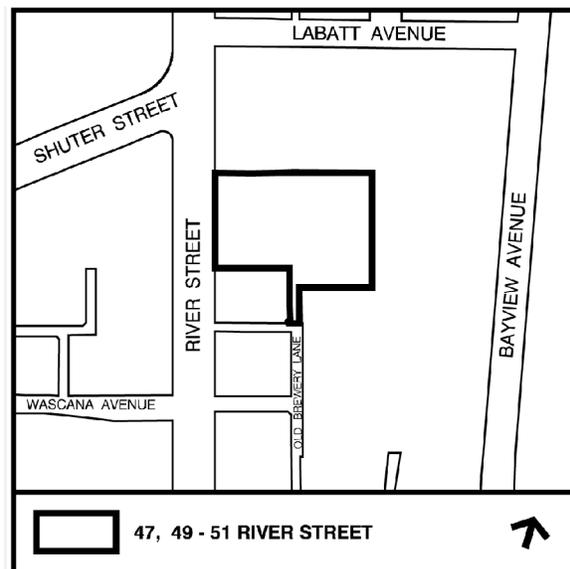
This application was made prior to January 1, 2007 and is not subject to the changes to the Planning Act that came into effect on that date or the City of Toronto Act, 2006.

The draft plan of common element condominium application is required to provide legal access to all 37 of the townhouses and to ensure shared ownership and maintenance of the private street, driveways, walkways, and landscaped areas by the condominium corporation.

The part lot control exemption application is required to create thirty seven separate, conveyable townhouse units within eight townhouse blocks on the subject site.

The development is currently under construction.

This report reviews and recommends approval of the subject applications and that a part lot control exemption by-law be enacted for a period of two years.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner intends to approve the draft plan of common elements condominium for the lands at 47-51 River Street, as generally illustrated on Attachment 1 to the report (December 10, 2012) from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally listed in Attachment 3 to the report (December 10, 2012) from the Director, Community Planning, Toronto and East York District, 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 ongoing technical review of this development.
2. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the part lot control exemption by-law.
3. 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 charge any part of the lands without the written consent of the Chief Planner or his designate.
4. City Council enact a part lot control exemption bill with respect to the subject lands at 47-51 River Street to be prepared to the satisfaction of the City Solicitor and to expire two (2) years following enactment by City Council.
5. City Council authorize and direct the City Solicitor to register the part lot control exemption bill on title.
6. 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of September 25, 2003, City Council adopted Official Plan Amendment No. 21 (through By-law No. 999-2003) which became Area Specific Policy 258 and passed site-specific Zoning By-law No. 1000-2003 to permit the development of 30

townhouse units at 49-51 River Street. Site Plan Approval (file No. 03 035064 STE 28 SA) was granted in December 2003. Development did not proceed at that time.

The owners of 49-51 River Street later purchased the adjacent property, 47 River Street, with the intention of expanding the development block and improving access through the site. To facilitate a comprehensive development framework and review of the revised development application the City's Planning Division agreed to a phased approach for the development. The site plan approval was amended in July 2008 to become Phase 1 of the proposed development which includes 24 townhouse units.

The owner filed an Official Plan Amendment application (File No. 08 211368 STE 28 OZ) to add 47 River Street to Area Specific Policy 258. The application was approved by Council at their May 25-27, 2009 meeting and the Area Specific Policy was amended to add 47 River Street and an additional 7 units for a total of 37 townhouses. The site plan application for Phase 2 of the development (file No. 08 211372 STE 28 SA) included the remaining 13 townhouse units was approved in July 2011.

ISSUE BACKGROUND

Proposal

The purpose of the common element condominium application is to provide legal access to all 37 of the townhouses and to ensure shared ownership and maintenance of the private street, driveway, walkways, and landscaped areas by the condominium corporation.

The applicant seeks exemption from part lot control in order to enable the division of land to create conveyable lots for the development of 37 townhouse dwellings (Attachment 1). This is consistent with the Site Plan application for the subject properties approved in July 2011.

Site and Surrounding Area

The subject site has an area of approximately 0.37 hectares. Construction of the 37 townhouse unit development is almost complete.

The following uses occupy surrounding properties:

North: The Salvation Army occupies the building at 77 River Street. Seven Labatt Avenue is a 2-storey industrial building which abuts the northern edge of the subject site and is occupied by a mix of commercial and light industrial tenants.

South: Two-storey townhouse and semi-detached residential buildings. Also to the south is a development of townhouses fronting on a network of public laneways and private walkways.

East: An automobile dealership. Further east is Bayview Avenue, the CN freight and GO Transit passenger rail line and the Don River.

West: The west side of River Street is occupied by house form buildings accommodating a mix of commercial and residential uses, and by a 50-unit housing co-operative.

Official Plan

The development is located within the “Downtown and Central Waterfront” area on Map 2 – Urban Structure and is designated “Regeneration Area” on Map 18 – Land Use Plan. This designation permits a range of residential, commercial and industrial uses and requires a Secondary Plan be in place prior to any development proceeding.

Site Specific Policy 258 in the Official Plan applies to this site and does not require a Secondary Plan be in place prior to development provided the number of residential units on the site is limited to 37 with a maximum cumulative gross floor area of 5,500 square metres.

Zoning

The combined site of 47-51 River Street is subject to Zoning By-law No. 438-86, as amended, and Site Specific By-law No. 1000-2003. Zoning for 47 River Street is CR T2.5 C2.0 R1.5 & I2 D3 permitting commercial uses at a density of 2.0 times the area of the lot, residential uses up to 1.5 times the area of the lot, or a mix up to a total of 2.5 times the area of the lot. The site is also subject to Site Specific By-law No. 1000-2003 which allowed for the development of 30 townhouse units at 49-51 River Street.

Variations to Zoning By-law No. 438-86, as amended were required for the development proposed at 47 River Street with respect to lot assignment, buildings behind buildings, the separation of windows of dwelling units. Variations to Site Specific By-law No. 1000-2003 for 49-51 River Street were required to allow for changes in the building locations and number of units. These zoning variations were approved by the Committee of Adjustment on December 3, 2008 (file No. A0977/08TEY).

Site Plan Control

This site is subject to site plan control. Site Plan Approval (file No. 03 035064 STE 28 SA) for Phase 1 of the development for 24 townhouse units was approved on December 3, 2003 and was later amended in July 2008 (file No. 07 285082 STE 28 SA). Site plan approval for Phase 2 for the remaining 13 townhouse units was approved in July 2011 (file No. 08 211372 STE 28 SA).

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.

Reasons for Application

A part lot control application is required in order to facilitate the creation of 37 separate lots as shown on the approved site plan.

The draft plan of common element condominium application is required to provide legal access to all 37 of the townhouses and to ensure shared ownership and maintenance of the private street, driveway, walkways, and landscaped areas by the condominium corporation.

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 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.

CONTACT

Alex Teixeira, Planner
Tel. No. 416-392-0481
Fax No. 416-392-1330
E-mail: ateixei@toronto.ca

SIGNATURE

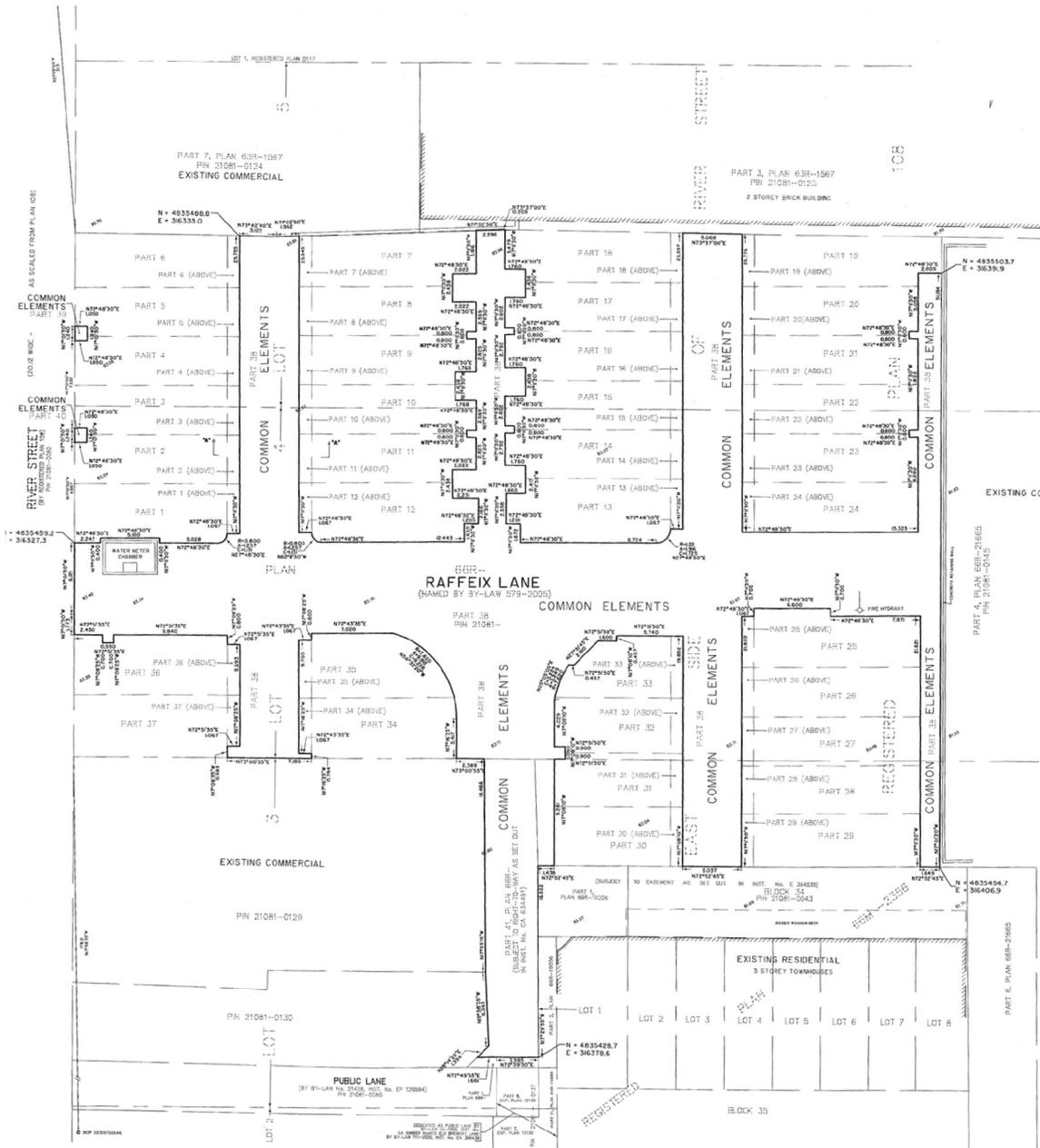
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(p:\2013\Cluster B\pln\teycc31226872056) - vc

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Part Lot Control Exemption Plan
Attachment 3: Draft Plan Approval Conditions
Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Condominium

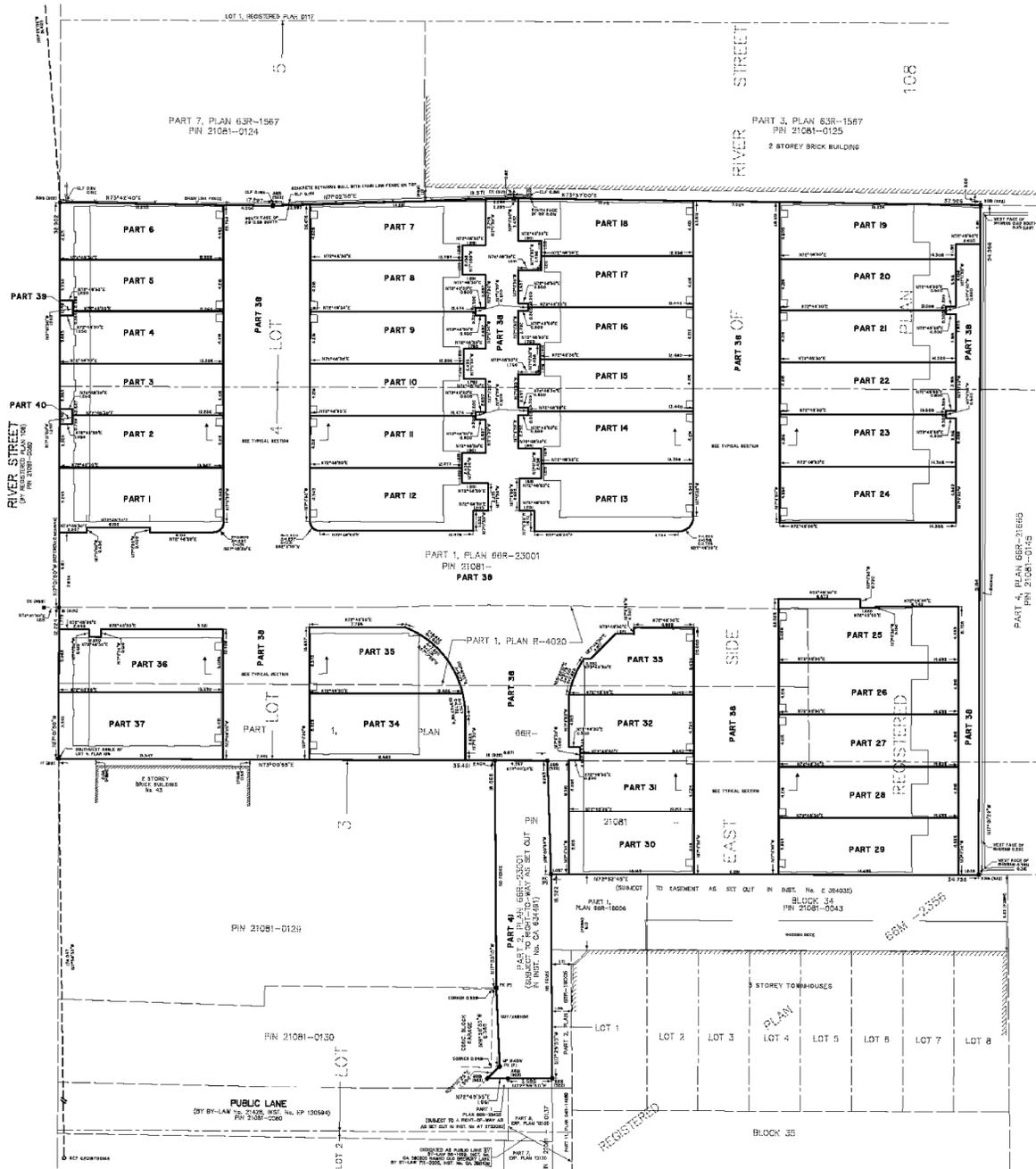
47-51 River Street

Applicant's Submitted Drawing

Not to Scale 
11/29/2012

File # 04 153371 CD

Attachment 2: Part Lot Control Exemption Plan



As Built Survey

Applicant's Submitted Drawing

Not to Scale 11/29/2012

47-51 River Street

File # 04 153371 CD

Attachment 3: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director Community Planning, Toronto and East 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) The owner shall file with the Director Community Planning, Toronto and East York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (3) The Owner agrees to notify all tenants/Owners, in writing and in the Condominium Declaration, that:
 - i) the City is not providing for pick up of refuse or recyclables from the site
 - ii) the condominium corporation shall be required, at its expense, to arrange for private pick up of refuse and recyclables from the site;
 - iii) that the condominium corporation shall be required to keep all owners and occupants informed of the times it has arranged for the pickup of refuse and recyclables.
- (4) The Declaration shall contain wording, to the satisfaction of the Director of Community Planning, Toronto and East York District, advising future owners of the requirements that:
 - (i) "All owners and future tenants/purchasers acknowledge and agree that snow removal and the ownership and maintenance of private driveways shall remain the sole responsibility of the condominium corporation and the City of Toronto will not own, operate or maintain any common element facilities including private roads and services and will retain no future liability within private driveways.
 - (ii) "All owners and future tenants/purchasers acknowledge and agree to maintain the private driveway as unobstructed at all times to ensure safe operations within this development."
 - (iii) "All owners and future tenants/purchasers acknowledge and agree that in the event of insufficient on-site snow storage, contracting for private snow removal from the site, shall remain the sole responsibility of the condominium corporation."

- (iv) "All owners and future tenants/purchasers acknowledge and agree that the maintenance of the common element areas within shall remain the sole responsibility of the condominium corporation."
 - (v) "All owners and future tenants/purchasers acknowledge and agree that outdoor storage refuse materials, recycling materials, refuse containers and recycling containers within all common element condominium areas is strictly prohibited and that enforcement of these outdoor storage restrictions shall remain the sole responsibility of the condominium corporation."
 - (vi) "All owners and future tenants/purchasers acknowledge and agree that refuse containers and recycling containers shall not be stored outside of the dwelling units/buildings."
 - (vii) "All owners and future tenants/purchasers acknowledge and agree that parking within all common element condominium areas is strictly prohibited and that enforcement of these restrictions shall remain the sole responsibility of the condominium corporation."
- (5) 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.
- (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.

Attachment 4: Application Data Sheet

Application Type	Condominium and Part Lot Approval	Application Number:	04 153371 STE 28 CD 04 153380 STE 28 PL
Details	Common Elements and Part Lot	Application Dates:	July 6, 2004
Municipal Address:	47-51 RIVER ST		
Location Description:	PLAN 108 PT LOTS 3 TO 5 RP66R20115 PARTS 2 AND 4 **GRID S2805		
Project Description:	Proposed 37 freehold residential unit common element development. All roadways and walkways are proposed to be included as common elements. Landscaped areas are also included as common elements. The lots and units are proposed to be freehold.		

Applicant:	Agent:	Architect:	Owner:
JEWEL VALLEY DEVELOPMENTS INC., 5400 YONGE ST, SUITE 501, TORONTO, ON, M2N 5R5	AIRD AND BERLIS LLP BROOKFIELD PLACE, 181 BAY ST SUITE 1800, BOX 754, TORONTO, ON M5J 2T9		JEWEL VALLEY DEVELOPMENTS INC., 5400 YONGE ST, SUITE 501, TORONTO, ON, M2N 5R5

PLANNING CONTROLS

Official Plan Designation:	Regeneration Area, Area Specific Policy 258	Site Specific Provision:	1000-2003
Zoning:	I2 D3; CR T2.5 C2.0	Historical Status:	N
Height Limit (m):	15	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3811.45	Height:	Storeys:	3
Frontage (m):	45.195		Metres:	12.7
Depth (m):	74.79			
Total Ground Floor Area (sq. m):	1736.71			Total
Total Residential GFA (sq. m):	5045.57		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	5045.57			
Lot Coverage Ratio (%):	45.57			
Floor Space Index:	1.32			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	37
Total Units:	37

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	5045.57	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Alex Teixeira, Planner
TELEPHONE/EMAIL: 416-392-0481 / ateixei@toronto.ca