

837 Broadview Ave – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

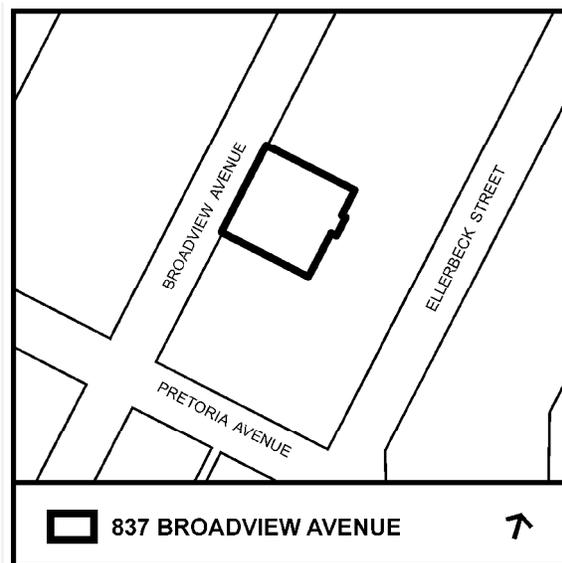
Date:	September 23, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 29 – Toronto-Danforth
Reference Number:	13 234974 STE 29 PL and 13 234977 STE 29 CD

SUMMARY

This application proposes a common elements condominium for a shared driveway and below grade drive aisle; pedestrian doorways to the garage and vehicular entranceway; a structure supporting terrace; vehicular and bicycle visitor parking and landscaping at 837 Broadview Avenue in order to provide legal access to 14 residential townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the Planning Act is required in order to permit the creation of conveyable lots for the 14 residential dwellings.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and 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 her 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 837 Broadview Avenue, as generally illustrated on Attachment 1 to the report (September 23, 2013) from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally listed in Attachment 2 to the report (September 23, 2013) 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 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 837 Broadview Avenue as generally illustrated on Attachment 3 to the report (September 23, 2013) from the Director, Community Planning, Toronto and East York District, 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 the City Solicitor, 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 charge 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.
7. 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.

ISSUE BACKGROUND

Proposal

The 14 three-storey townhouses are under construction and are organized in two blocks, all of which will be served by a shared driveway and below grade drive aisle; pedestrian doorways to the garage and vehicular entranceway; a structure supporting terrace; vehicular and bicycle visitor parking; and landscaping.

Refer to Attachment No. 4 to the report (September 20, 2013) from the Director, Community Planning, Toronto and East York District for project data.

Site and Surrounding Area

The subject site is located on the east side of Broadview Avenue just north of Danforth Avenue and has a frontage of approximately 40.38 metres and a depth of approximately 40.32 metres. The site area is approximately 1611.4 square metres.

Uses surrounding the site include:

North: Residential and non-residential uses (four-storey residential apartment building and a five-storey non-residential building);

East: Residential uses fronting on Ellerbeck Street (primarily detached and semi-detached dwellings);

South: Mix of residential and non-residential uses (institutional, mixed commercial-residential and residential uses); and,

West: Broadview Avenue and residential uses (primarily four-storey apartment dwellings).

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 site is designated "*Mixed Use Areas*" in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are "important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents", according to Section 2.2.3 of the Official Plan.

Zoning

The site is zoned MCR T2.5 C0.5 R2.5 by the former City of Toronto Zoning By-law 438-86 which permits a wide range of commercial and residential uses with a maximum density of 2.5 times the area of the lot, of which a maximum of 0.5 times may be non-residential and a maximum of 2.5 times may be residential. The maximum permitted height is 14.0 metres.

The site is subject to a minor variance application (A0544/13TEY) which sought three variances for setbacks. This application was approved by the Committee of Adjustment on August 28, 2013.

The development presently under construction complies with this zoning.

Site Plan Control

The subject site is in a Site Plan Control Area. A site plan agreement for this development was registered on title on June 20, 2012.

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.

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.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions 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

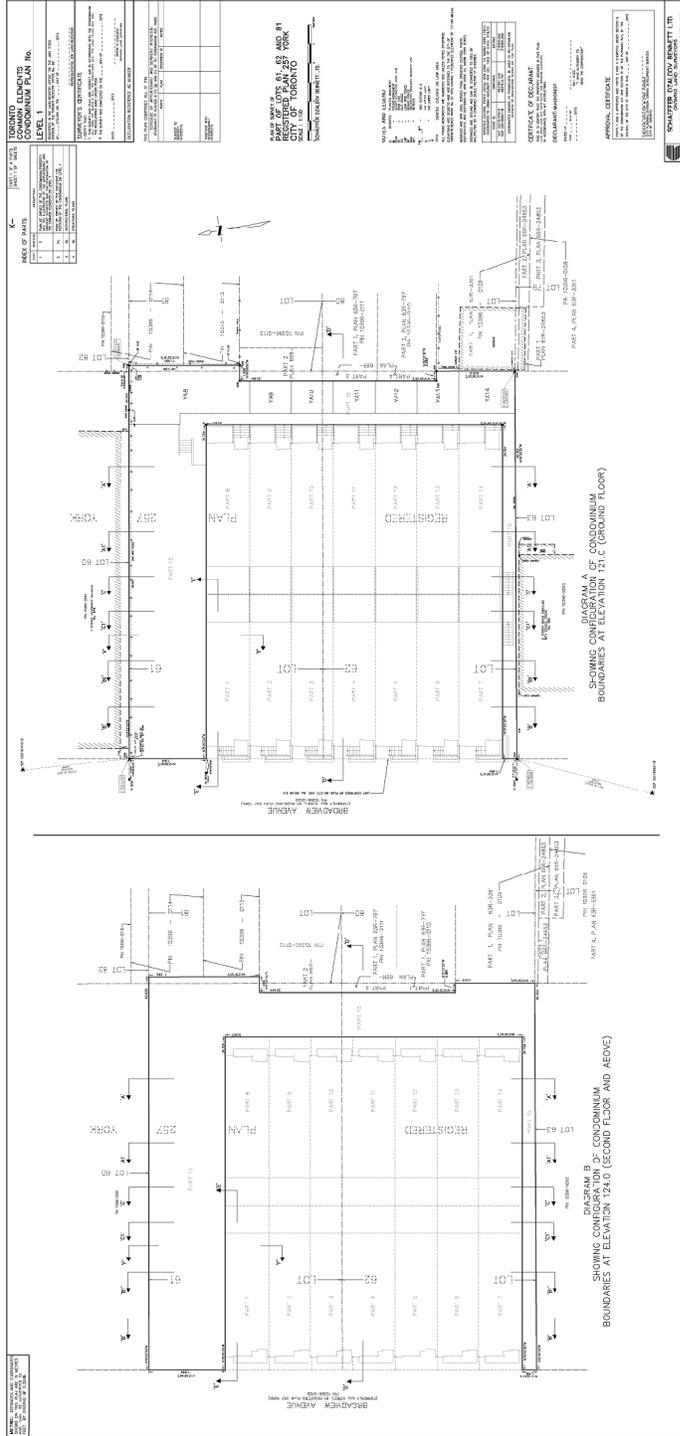
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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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

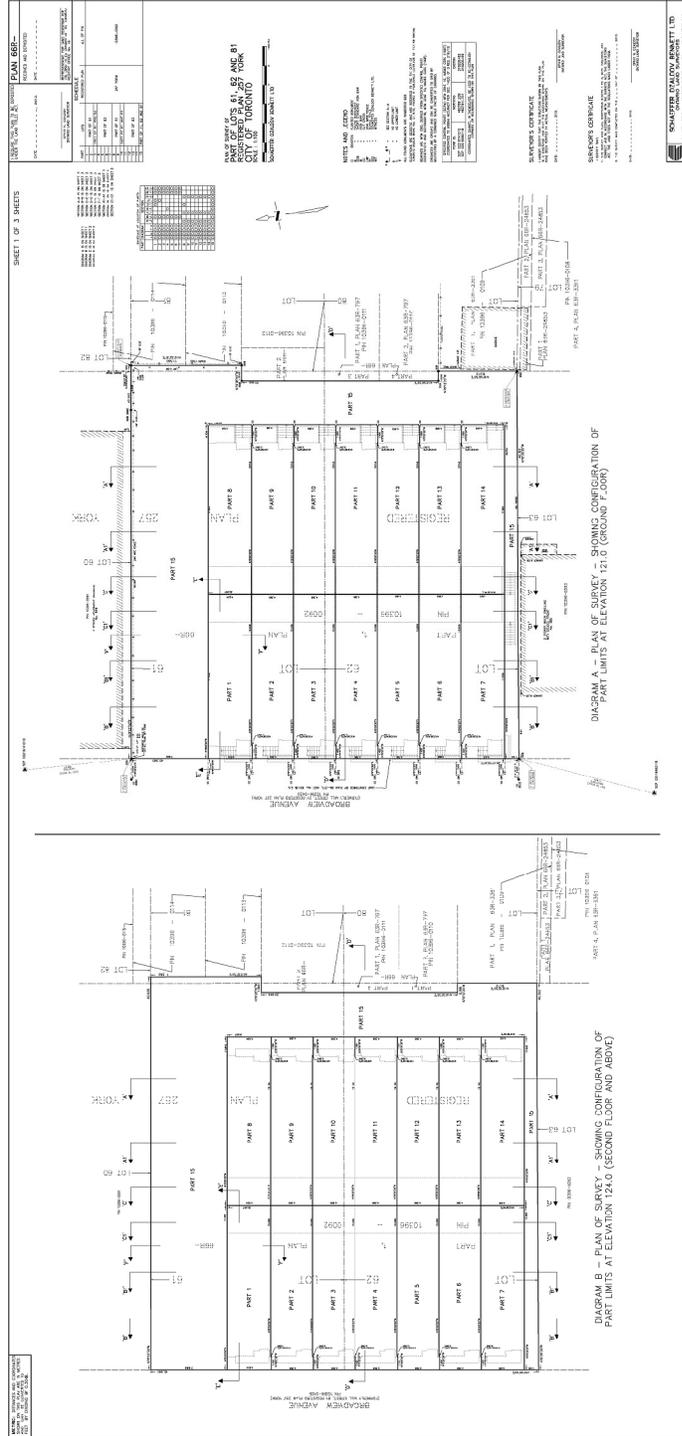
Attachment 1: Draft Plan of Common Elements Condominium



Attachment 2: Draft Plan Approval Conditions

- (1) The Owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation that the taxes have been paid in full. (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to Section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
- (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) 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.
- (4) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (5) 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: Part Lot Control Exemption Plan



837 Broadview Avenue

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale

07/04/2013

Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application	13 234977 STE 29 CD
	Part Lot Control Exemption	Number:	13 234974 STE 29 PL
Details	Common Elements	Application Date:	September 12, 2013
	Condominium		
Municipal Address:	837 BROADVIEW AVE		
Location Description:	PLAN 257 LOTS 61 & 62 PT LOT 81 **GRID S2905		
Project Description:	Proposal for Part Lot Control (13-234974) and Common Elements (13-234997) for 14 freehold townhouse units (3 storeys) with a proposed 2,259.54m ² of residential gross floor area, 502m ² of landscape open space, 157m ² of paved surface and 14 below grade parking spots.		

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd			Broadview Living Ltd.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	MCRT2.5 C0.5 R2.5	Historical Status:	
Height Limit (m):	14, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1611.4	Height:	Storeys:	3
Frontage (m):	40.38		Metres:	12.02
Depth (m):	40.93			
Total Ground Floor Area (sq. m):	780.98			Total
Total Residential GFA (sq. m):	2259.54		Parking Spaces:	15
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2259.54			
Lot Coverage Ratio (%):	48.5			
Floor Space Index:	1.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2259.54	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:	14	Institutional/Other GFA (sq. m):	0	0
Total Units:	14			

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