

3706 Bathurst Street and 3 Stadocona Drive – Draft Plan of Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

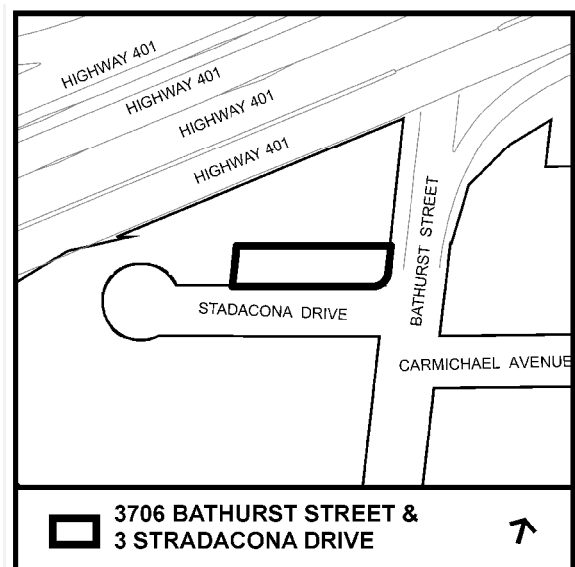
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| Date: | July 18, 2014 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Ward 15 – Eglinton-Lawrence |
| Reference Number: | 13 230453 NNY 15 CD and 13 230472 NNY 15 PL |

SUMMARY

This application proposes to establish a driveway as a common element at 3706 Bathurst Street and 3 Stadacona Drive. The common elements condominium is required to provide legal vehicular access to eleven 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 of the *Planning Act* is required to permit the creation of conveyable lots for the eleven residential townhouse units fronting Stadacona Drive.

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 3706 Bathurst Street and 3 Stadacona Drive, as generally illustrated on Attachment 1 this report, subject to:
 - (a) the conditions as generally listed in Attachment 2 this report, 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 3706 Bathurst Street and 3 Stadacona Drive as generally illustrated on Attachment 3 this report, 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 her designate.
5. Prior to registration of the Condominium provide certification to the Executive Director, Engineering and Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report by John Towle Associates Ltd, dated November 2009, with a supplementary letter dated June 27, 2014 by John Towle Associates Ltd. and the accepted Grading Plans titled Site Grading Plan drawing C-2, by John Towle Associates Ltd, dated Nov, 16, 2014.
6. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to ensure compliance with the Site Plan Agreement, in particular the clearance to the parking areas, all to the satisfaction of the Chief Planner, or her designate.

7. 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.
8. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
9. 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject site was originally a single lot with a single dwelling unit. A Zoning By-law Amendment Application for 11 3.5 storey townhouses was submitted on November 14, 2008 and approved by City Council on September 30, 2009 (File No. 08 221691 NNY 15 OZ), a copy of this report can be found at <http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-21891.pdf>

A Site Plan Control Application for 11 3.5 storey townhouses with shared access and frontage onto Stadacona Drive and Bathurst Street was submitted on November 14, 2008 and approved on February 22, 2013 (File No. 08 221699 NNY 15 SA).

ISSUE BACKGROUND

Proposal

This application proposes to establish a driveway as a common element at 3706 Bathurst Street and 3 Stadacona Drive to ensure shared ownership and maintenance of the driveway by the condominium corporation. The requested exemption from the Part Lot Control of the *Planning Act* is required to permit the creation of conveyable lots for the 11 residential townhouse units fronting Stadacona Drive.

Site and Surrounding Area

The site is located at the northwest corner of the intersection of Stadacona Drive and Bathurst Street. The site has an overall area of 1,054m².

Land uses in the surrounding area are as follows:

- North: Highway 401;
- South: A mix of 1 to 2 storey commercial and retail uses;
- East: Residential uses in the form of a retirement community;
- West: Residential uses in the form of detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Mixed Use Areas*. *Mixed Use Areas* consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Development in these areas is intended to create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community.

New development in *Mixed Use Areas* should provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down in height towards lower scale *Neighbourhoods*.

Zoning

The subject site is zoned Multiple-Family Dwellings Fifth Density Zone (RM5). The 'RM5' zoning permits multiple attached dwellings.

Site Plan Control

The Site Plan Control application for this development was approved by the Director of Community Planning, North York District on February 22, 2013 (File No. 08 221699 NNY 15 SA). A Site Plan Agreement between 1825451 Ontario Inc. 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

Outstanding stormwater management and servicing work will be secured through a Section 118 Restriction under the *Land Titles Act* whereby the owner agrees not to convey or mortgage any part of the lands without prior consent.

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

The proposed common elements condominium would allow shared ownership and responsibility for maintenance of the common driveway, walkway and storm and sanitary sewers serving the eleven unit townhouse development. The proposed Draft Plan of Common Elements Condominium complies with the Zoning By-law.

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 outstanding issues have been resolved.

CONCLUSIONS

The proposed Draft Plan of Common Elements Condominium and the exemption from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

CONTACT

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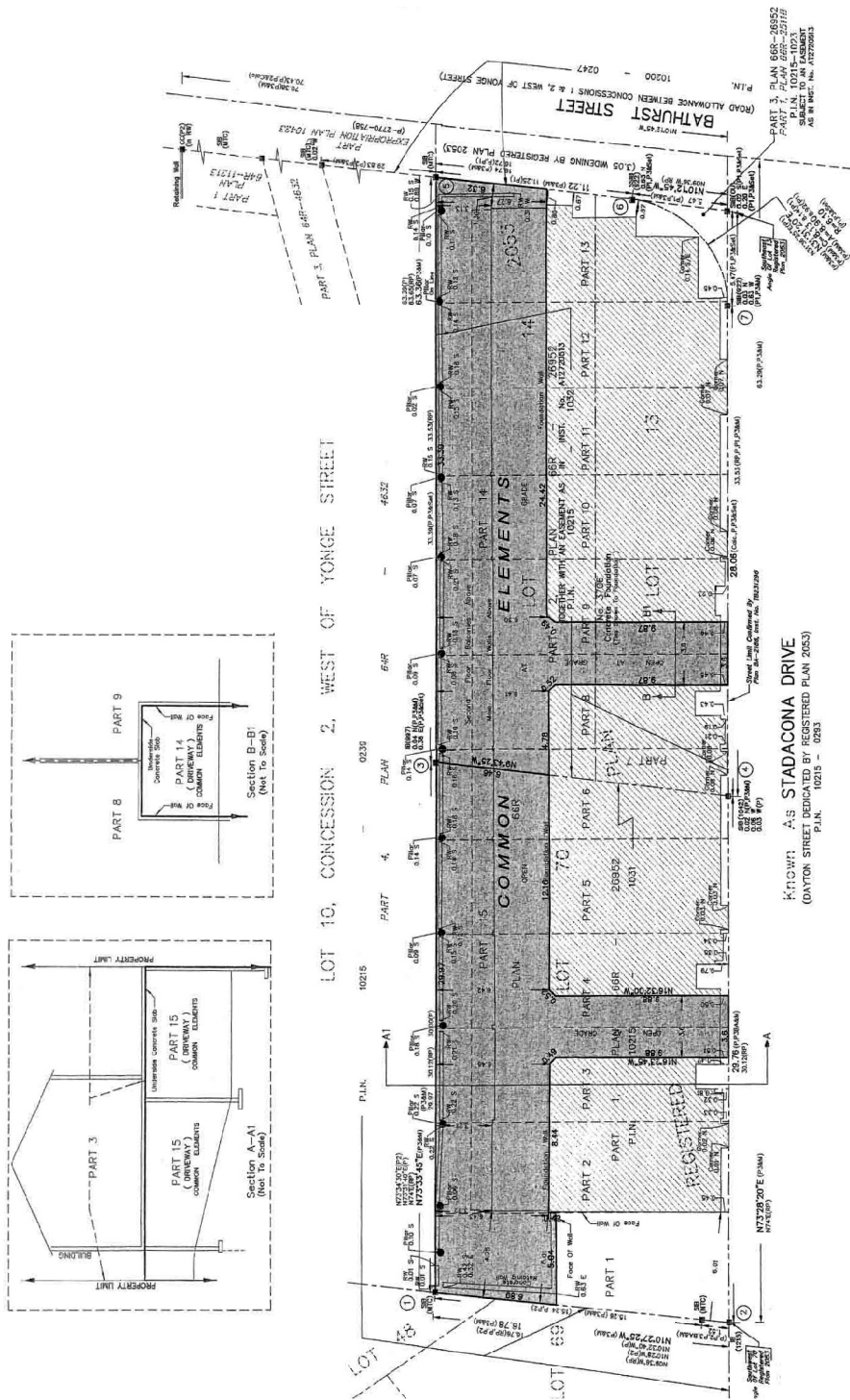
SIGNATURE

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 Condominium

Applicant's Submitted Drawing

Not to Scale
11/15/2013

3706 Bathurst Street & 3 Stradacona Drive

File # 13 230453 NNY 15 CD
13 230472 NNY 15 PL

Attachment 2: Draft Plan Approval Conditions

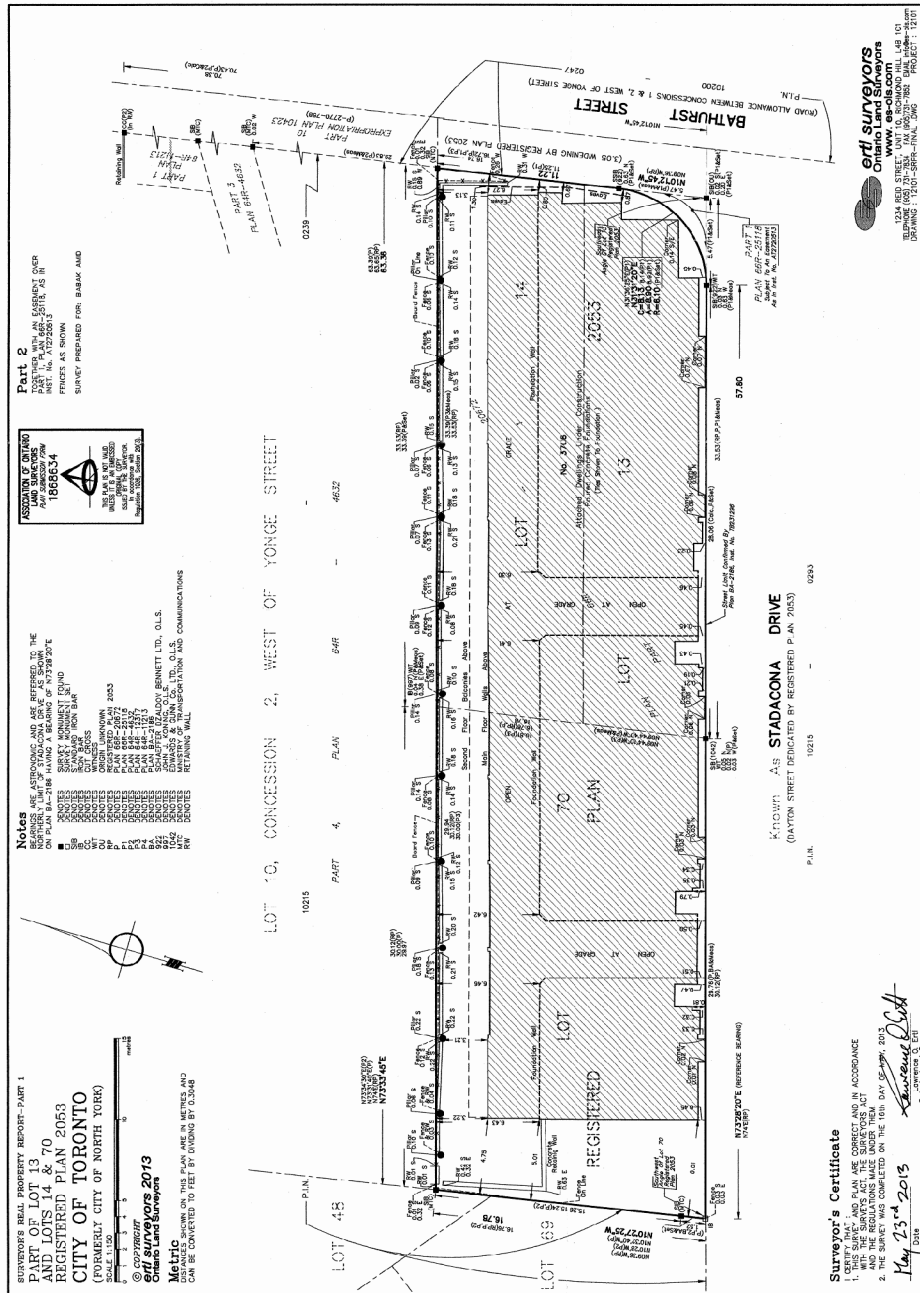
- (1) The owner shall provide to the Director Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan matters and facilities have been completed 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 the plans and drawings must be resubmitted to the City for approval.

ENGINEERING AND CONSTRUCTION SERVICES – Wayne Browne, 416-395-6255

- (7) Provide a copy of the Declaration that contains the necessary wording to grant rights-of-way/easements to provide for access to, and the use of, the shared facilities including the Storm and Sanitary Sewers between the condo and the freehold unit owners shown as Part-9 on the R-Plan.
- (8) The Owner is required to certify that the unit owners and their successors in title will be responsible for the provision, construction, maintenance, and repair of the common elements through the provisions of the Common Elements Condominium Act.

- (9) Provide a copy of the Declaration that contains the necessary wording to grant access along the common element driveway to access the driveways with provisions for maintenance.

Attachment 3: Part Lot Control Exemption Plan



Survey
 Applicant's Submitted Drawing
 Not to Scale
 11/15/2013

3706 Bathurst Street & 3 Stadacona Drive
 File # 13 230453 NNY 15 CD
 13 230472 NNY 15 PL

Attachment 4: Application Data Sheet

| | | | |
|------------------|----------------------|---------------------|---------------------|
| Application Type | Condominium Approval | Application Number: | 13 230453 NNY 15 CD |
| | Part Lot Control | Application Number: | 13 230472 NNY 15 PL |

Municipal Address: 3706 BATHURST ST & 3 STADOCONA DR
 Location Description: **GRID N1502
 Project Description: The creation of 11 townhouse units with a common element driveway.

| | | | |
|--|---------------|-------------------|--|
| Applicant: | Agent: | Architect: | Owner: |
| Richard Arblaster 7100 Woodbine Avenue, Suite 200 Markham, ON L3R 5J2 | | | 1825451 ONTARIO INC 436 Empress Avenue Toronto, ON M2N 3V8 |

PLANNING CONTROLS

| | | | |
|----------------------------|-----------------|--------------------------|---|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | N |
| Zoning: | RM5 | Historical Status: | N |
| Height Limit (m): | 11.5, 0, 0 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|------|---------|-----------------|--------------|
| Site Area (sq. m): | 1054 | Height: | Storeys: | 3 |
| Frontage (m): | 16.7 | | Metres: | 13.9 |
| Depth (m): | 63.3 | | | |
| Total Ground Floor Area (sq. m): | 885 | | | Total |
| Total Residential GFA (sq. m): | 2455 | | Parking Spaces: | 13 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 |
| Total GFA (sq. m): | 2455 | | | |
| Lot Coverage Ratio (%): | 84 | | | |
| Floor Space Index: | 2.3 | | | |

DWELLING UNITS

| | |
|--------------|-------|
| Tenure Type: | Condo |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 0 |
| 2 Bedroom: | 0 |
| 3 + Bedroom: | 11 |
| Total Units: | 11 |

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|----------------------------------|------|-------------|-------------|
| Residential GFA (sq. m): | 2455 | | 0 |
| 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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| CONTACT: | PLANNER NAME: | Emily Rossini, Planner |
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