



STAFF REPORT ACTION REQUIRED

354 Harbord St – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

Date:	May 25, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	14 209062 STE 19 CD and 14 209054 000 00 PL

SUMMARY

This application proposes a common elements condominium to allow for shared use of the private driveway from Crawford Street and the private walkway from Harbord Street on the lands at 354 Harbord Street. This will provide legal access to 6 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 6 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 354 Harbord Street, as generally illustrated on Attachment 1 to the report (May 25, 2015) from Director, Community Planning, Toronto and East York District, subject to:
 - (a) the conditions as generally listed in Attachment 2 to the report (May 25, 2015) 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 354 Harbord Street as generally illustrated on Attachment 3, to the report (May 25, 2015) 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 her 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.

8. Prior to obtaining the written consent of the Chief Planner or her designate, as provided for in Recommendation No. 4, City Council require that the owner of the subject lands shall demonstrate to the satisfaction of the Chief Planner, in consultation with the City Solicitor and the Executive Director of Engineering and Construction Services, that appropriate agreements have been executed and registered on title to secure, among other things, the maintenance of the shared access driveway and walkway.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Two minor variance applications have been approved at Committee of Adjustment to allow for this development A0475/13TEY and A1114/14TEY.

ISSUE BACKGROUND

Proposal

The 6 three-storey plus mezzanine townhouses are under construction in one block, all of which will be served by a shared driveway and a pedestrian walkway.

Details of the application can be found at Attachment No. 4.

Site and Surrounding Area

The subject site is located on the northwest corner of Harbord Street and Crawford Street. The site was previously used as a gas station.

The following uses surround the site:

- | | |
|--------|--|
| North: | A residential neighbourhood consisting of semi-detached and detached houses. |
| South: | On the south side of Harbord Street there is a mix of commercial and residential buildings. Further south of Harbord is a residential neighbourhood consisting of semi-detached and detached houses. |
| East: | Mixed commercial/residential buildings. |
| West: | To the immediate west of the site is a rental car lot, currently being used for construction staging for the subject site. Further west on Harbord Street are residential houses and mixed commercial/residential buildings. |

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 land is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as walk-up apartments no taller than four storeys. Neighbourhoods may also contain parks, low-scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses.

Zoning

The subject land is zoned CR T1.5 C0.5 R1.5 under the former City of Toronto By-law 438-86, as amended. Two minor variance applications were approved to permit this development: A0475/13TEY and A1114/14TEY.

Site Plan Control

An application for Site Plan Control was filed with the City on February 15, 2013. The Notice of Approval Conditions was issued on November 25, 2014. The development is under construction.

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

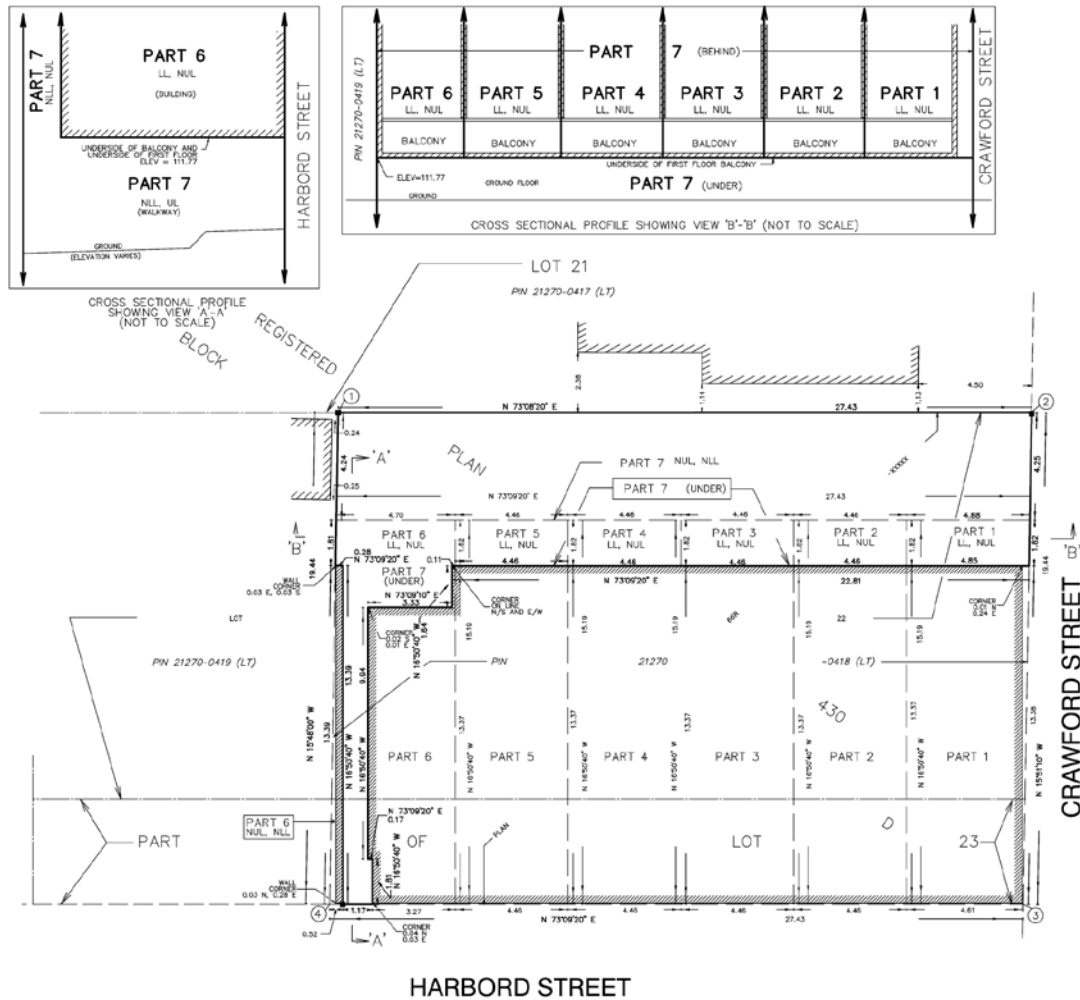
Attachment 1: Draft Plan of Common Elements Condominium

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



Draft Plan of Condominium

Applicant's Submitted Drawing

Not to Scale
05/20/2015



354 Harbord Street

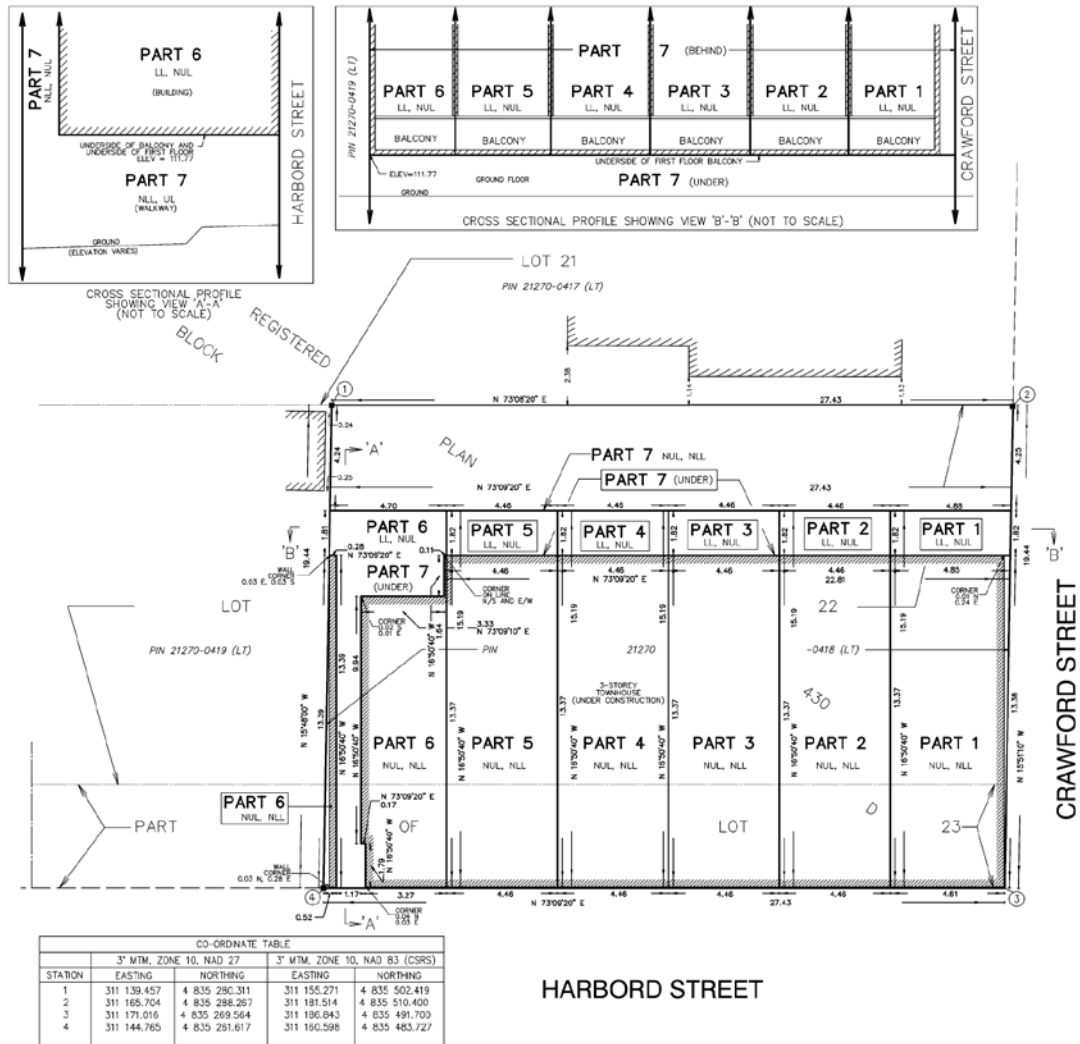
File # 14 209062 STE 19 CD

File# 14 209054 000 000 PL

Attachment 2: 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) 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, 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.
- (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) 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



Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale
05/20/2015



354 Harbord Street

File # 14 209062 STE 19 CD

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Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	14 209062 STE 19 CD
Details	Common Elements	Application Date:	August 20, 2014

Municipal Address:	354 HARBORD ST
Location Description:	PLAN 430 BLK D PT LOT 22 PT LOT 23 **GRID S1902
Project Description:	To obtain condominium approval for the construct of three-storey six unit townhouse development.

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD	Robert A. Dragicevic	SuperKul	HARBORD TOWNS GP LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	CR T1.5 C0.5 R1.5	Historical Status:	
Height Limit (m):	0, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	533.2	Height:	Storeys:	3
Frontage (m):	27.43		Metres:	12.65
Depth (m):	19.44			
Total Ground Floor Area (sq. m):	363			Total
Total Residential GFA (sq. m):	1112		Parking Spaces:	6
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1112			
Lot Coverage Ratio (%):	68.1			
Floor Space Index:	2.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1112	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:	6	Institutional/Other GFA (sq. m):	0	0
Total Units:	6			

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