

4780 Eglinton Avenue West – Draft Plan of Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

Date:	December 7, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	17 219898 WET 04 CD and 17 219909 WET 04 PL

SUMMARY

Two applications have been submitted to facilitate the townhouse development at 4780 Eglinton Avenue West. One application proposes a common elements condominium for a shared driveway to provide access to 6 units within Block 14 of the subdivision plan. The other application requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the 89 townhouse units.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium subject to conditions and approval of 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 and Executive Director, City Planning or his designate.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium for the lands at 4780 Eglinton Avenue West, as generally illustrated on Attachment 2, subject to:
 - (a) The Conditions as generally listed in Attachment 3 to the report (December 7, 2017) from the Director, Community Planning, Etobicoke 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 and Executive Director, City Planning 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 4780 Eglinton Avenue as generally illustrated on Attachment 4 to the report (December 7, 2017) from the Director, Community Planning, Etobicoke 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 By-law 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 and Executive Director, City Planning 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2014, applications for Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan Control were submitted to the City to develop previously vacant lands with an 89-unit townhouse development and a public road. Due to the City's failure to arrive at a decision on the respective applications in the time required by the *Planning Act*, an appeal was made to the Ontario Municipal Board (OMB). In April 2015, the OMB allowed the appeal, introducing By-law No. 731-2015 (OMB), approving the proposed applications.

ISSUE BACKGROUND

Proposal

The proposal is to permit a Common Elements Condominium for a shared private driveway for 6 units within Block 14 of Subdivision Plan 66M-2535, part of a 89 unit, 3-storey townhouse development at 4780 Eglinton Avenue West. The driveway is to provide access to the garages located at the rear of the townhouses. A concurrent application proposes exemption from the Part Lot Control Provisions of the *Planning Act* to create conveyable lots. Refer to Attachment 5 for project data.

Site and Surrounding Area

The site is located on the northeast corner of Widdicombe Hill Boulevard and Eglinton Avenue West. Approximately 2.0 ha in size and generally rectangular in shape, the site contains a development of 3-storey townhouses with an internal public road, Pony Farm Drive. It has a frontage of approximately 331 m on Eglinton Avenue West and approximately 51 m on Widdicombe Hill Boulevard.

Uses surrounding the site include:

- North: Two tall apartment buildings on the south side of Widdicombe Hill Boulevard with surface parking and open landscaped area, with single-detached homes beyond.
- South: Across Eglinton Avenue West is a mixed-use area containing a retail plaza, apartments and single-detached homes beyond.
- East: Mature woodlot.
- West: Across Widdicombe Hill Boulevard is a recent development containing stacked townhouses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site as *Apartment Neighbourhoods*, as identified on Map 14 – Land Use Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however, compatible infill development is provided for.

All land uses provided for by the *Neighbourhoods* designation are also allowed in *Apartment Neighbourhoods*. Townhouses are provided for in *Apartment Neighbourhoods*. Section 4.2 of the Official Plan states that in these established *Apartment Neighbourhoods*, improving amenities and accommodating sensitive infill, where it can improve the quality of life and promote environmental sustainability, are key considerations. *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* as a greater scale of building is provided for and different criteria are required to guide development.

This portion of Eglinton Avenue West is identified on Map 2 of the Official Plan as an *Avenue*. *Avenues* are corridors along major streets intended for incremental re-urbanization to create new residential, commercial and retail opportunities while improving the overall pedestrian environment, the appearance of the street and accessibility to transit for community residents. The subject lands are also designated as a Transit Priority Segment on Map 5 of the Official Plan.

Zoning

The site is zoned Fourth Density Residential – Group Area (R4G) under the Etobicoke Zoning Code. The property is also subject to site-specific zoning By-law No. 731-2015 (OMB), which permits a maximum of 89 townhouse units. This By-law also includes zoning standards to facilitate the 89-unit townhouse development.

This application is not subject to the new City-wide Zoning By-law (By-law No. 569-2013).

Site Plan Control

A Site Plan Control application for the lands was approved on December 8, 2016 (File No. 14 139508 WET 04 SA). The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the approved site plan.

Agency Circulation

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate draft plan approval conditions.

COMMENTS

Common Elements Condominium

The application for a Draft Plan of Common Elements Condominium is necessary to provide legal access to the garages at the rear of 6 townhouse units within Block 14 of Subdivision Plan 66M-2535, and to ensure shared ownership and maintenance of the driveway by the condominium corporation.

Section 9 of the *Condominium Act* states that applications for condominium approval are to follow the processes for the approval of subdivisions established in Sections 51 and 51.1 of the *Planning Act*, with necessary modifications. A Public Meeting is required prior to City Council approval of the Common Elements Condominium. Deputations may be made at the Etobicoke York Community Council Meeting on January 16, 2018.

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 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 Control 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.

Conclusion

The proposed Draft Plan of Common Elements Condominium and 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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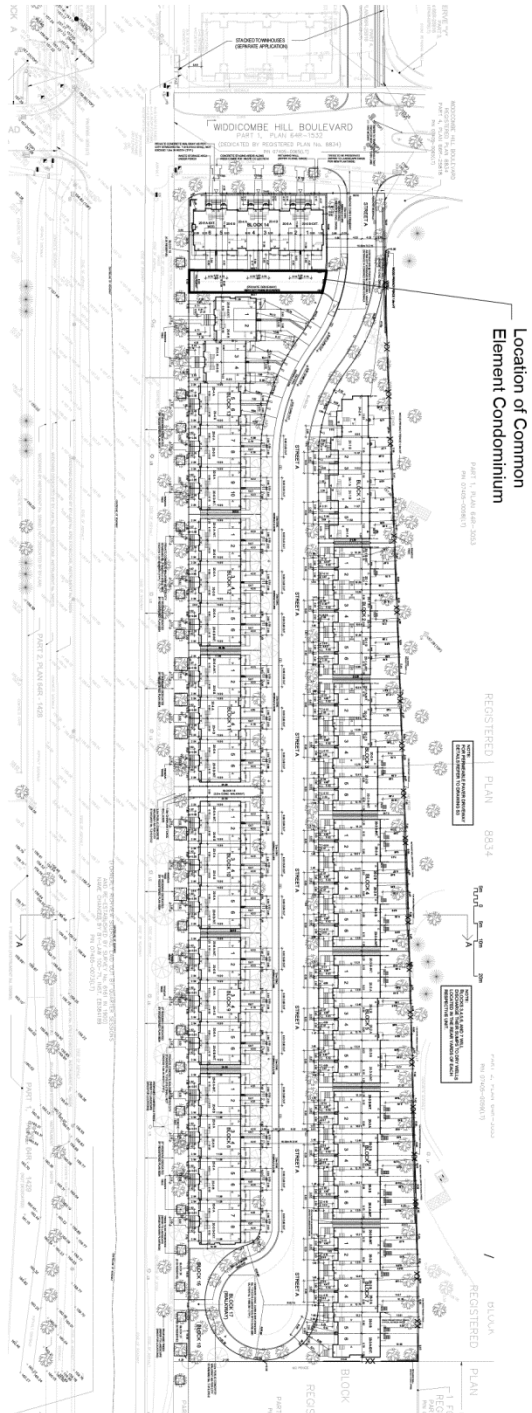
SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Draft Plan of Common Elements Condominium
Attachment 3: Draft Plan Approval Conditions
Attachment 4: Part Lot Control Exemption Plan (Blocks 1-14)
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
11/28/2017



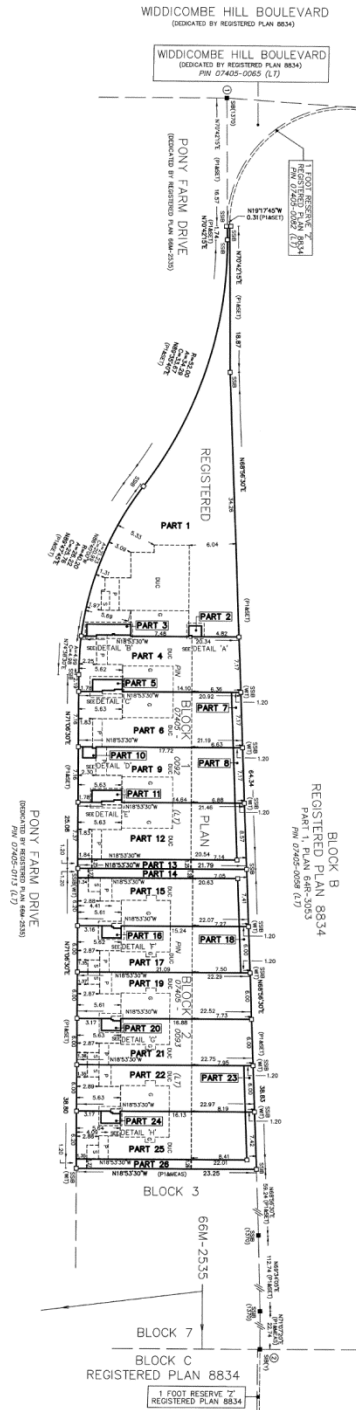
4780 Eglinton Avenue West

File # 17 219898 WET 04 CD, 17 219909 WET 04 PL

Attachment 3: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director of Community Planning, Etobicoke 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 of Community Planning, Etobicoke 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 4: Part Lot Control (Blocks 1 and 2)



Part Lot Control - Blocks 1 and 2

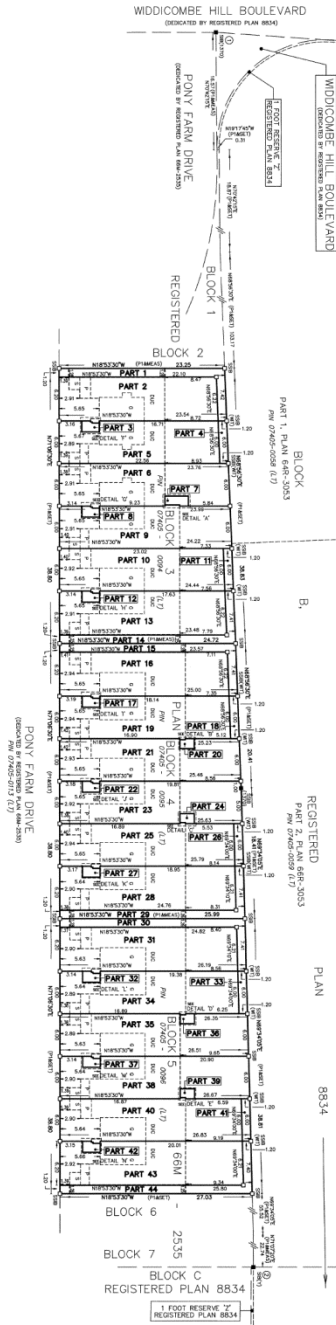
Applicant's Submitted Drawing

Not to Scale
11/28/2017

4780 Eglinton Avenue West

File # 17 219898 WET 04 CD, 17 219909 WET 04 PL

Attachment 4: Part Lot Control (Blocks 3, 4 and 5)



Part Lot Control - Blocks 3, 4 and 5

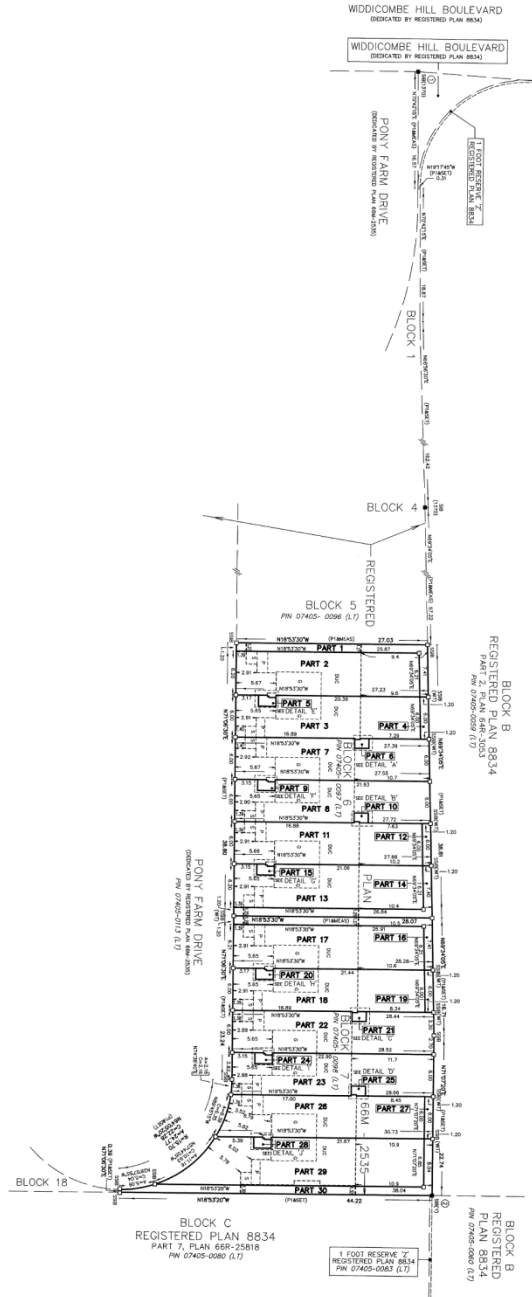
Applicant's Submitted Drawing

Not to Scale
11/28/2017

4780 Eglinton Avenue West

File # 17 219898 WET 04 CD, 17 219909 WET 04 PL

Attachment 4: Part Lot Control (Blocks 6 and 7)



Part Lot Control - Blocks 6 and 7

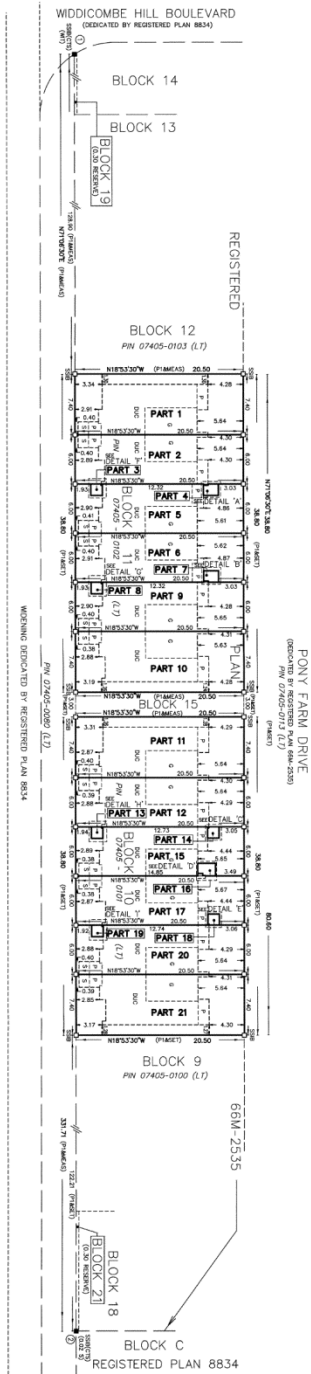
Applicant's Submitted Drawing

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11/28/2017

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4780 Eglinton Avenue West

Attachment 4: Part Lot Control (Blocks 10 and 11)



(FORMERLY REGISTERED SEVERAL LOTS OWNED BY QUARTERS SESSIONS NAME CHANGED BY BY-LAW 100-57, INST. No. E334H189)

Part Lot Control - Blocks 10 and 11

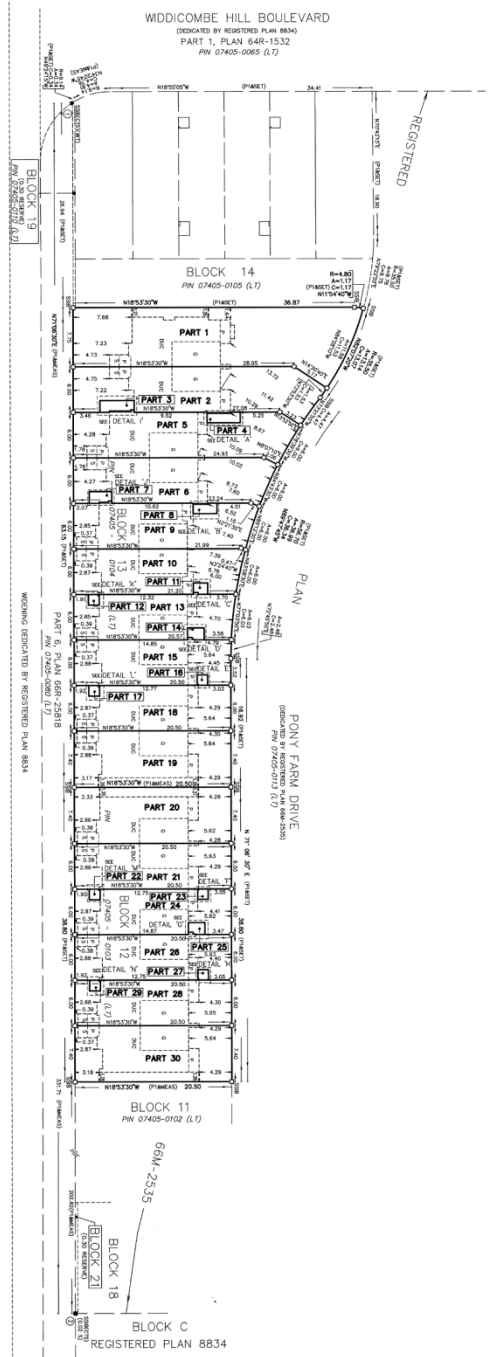
4780 Eglinton Avenue West

Applicant's Submitted Drawing

Not to Scale
11/28/2017

File # 17 219898 WET 04 CD, 17 219909 WET 04 PL

Attachment 4: Part Lot Control (Blocks 12 and 13)



Part Lot Control - Blocks 12 and 13

4780 Eglinton Avenue West

Applicant's Submitted Drawing
 Not to Scale
 1/128/2017

File # 17 219898 WET 04 CD, 17 219909 WET 04 PL

Attachment 5: Application Data Sheet

Application Type	Condominium Approval Part Lot Control	Application Number:	17 219898 WET 04 CD 17 219909 WET 04 PL
Details	Common Elements	Application Date:	August 21, 2017
Municipal Address:	4780 EGLINTON AVENUE WEST		
Location Description:	PLAN 8834 PT BLK C PT 1 FT RESERVE Z RP 66R25818 PARTS 2 AND 5 **GRID W0403		
Project Description:	Application for common elements condominium approval and exemption from the Part Lot Control Provisions of the <i>Planning Act</i> .		
Applicant:	Agent:	Architect:	Owner:
RITCHIE KETCHESON HART & BIGGART LLP bketcheson@ritchieketcheson.com Work: 416-622-6601 Fax: 416-622-4713			FERNBROOK HOMES (WIDDICOMBE) LIMITED

PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision:	By-law 731-2015 (OMB)
Zoning:	R4G	Historical Status:	N/A
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	20334	Height:	Storeys:	3	
Frontage (m):	51		Metres:	13.7	
Depth (m):	330				
Total Ground Floor Area (sq. m):	7017				Total
Total Residential GFA (sq. m):	23900		Parking Spaces:	178	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	23900				
Lot Coverage Ratio (%):	34.5				
Floor Space Index:	1.17				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	23900	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:	89	Institutional/Other GFA (sq. m):	0	0
Total Units:	89			

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