

117, 121, 123 and 129 Roselawn Avenue – Draft Plan of Common Elements Condominium and Part Lot Control Exemption Application – Final Report

Date: November 01, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Number: 19 195991 NNY 08 CD and 19 196011 NNY 08 PL

SUMMARY

This application proposes to establish the underground garage and related vehicular and pedestrian accesses and walkways as Common Elements Condominium at 117, 121, 123 and 129 Roselawn Avenue. The Common Elements Condominium is required to provide legal pedestrian and vehicular access to twelve townhouses and to ensure shared ownership and maintenance of the common element underground garage and at grade walkway by the Common Elements Condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the twelve residential townhouses currently under construction, which will become the Parcels of Tied Land (POTLs) to the Common Elements Condominium.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019). The lifting of Part Lot Control and the creation of the Common Elements Condominium is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and Part Lot Control Exemption By-law. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* against the subject lands, described in Schedule "A" in attachment 6 to this report, whereby the owner agrees not to convey or mortgage any part of the lands without prior consent of the Chief Planner or his designate, which may be provided following registration of the Common Elements Condominium.

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 and Executive Director, City Planning intends to approve the draft plan of Common Elements Condominium, as generally illustrated on Attachment 2 to this report, subject to:

a. the conditions, as generally listed in Attachment 3 to this report which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Plan of Condominium for registration;

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; and

2. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 117, 121, 123 and 129 Roselawn Avenue as generally illustrated on Attachment 4 to 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 subject lands described in Schedule "A" in attachment 6 to this report, without the written consent of the Chief Planner or his/her designate.

5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title to the POTLs 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.

PROPOSAL

This application proposes to establish the underground garage and related vehicular and pedestrian accesses and walkways as Common Elements Condominium at 117, 121, 123 and 129 Roselawn Avenue to ensure shared ownership and maintenance of the common element underground garage and at grade walkway by the Common Elements Condominium corporation. The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the twelve residential townhouses, currently under construction.

The 0.168 ha (1680 m²) site is located on the south side of Roselawn Avenue, west of Yonge Street. The site has a frontage of approximately 41 metres on Roselawn Avenue and a depth of approximately 41 metres. The site is generally flat with minimal tree cover. The site is comprised of 4 properties municipally known as 117, 121, 123 and 129 Roselawn Avenue. All eight dwelling units consisting of two detached dwelling units, one duplex dwelling and a four-unit rental apartment building were demolished in 2018. The twelve residential townhouses are currently under construction.

Land uses surrounding the site are as follows:

North: 2-storey detached and semi-detached dwellings.

South: 3-storey rental apartment building (118 Montgomery Avenue).

East: 3-storey rental apartment building (107 Roselawn Avenue) and 3-storey townhouses and a 34-storey apartment building beyond.

West: 2-storey detached and semi-detached dwellings.

Reasons for Application

The applications are necessary to establish the ownership structure of the Common Elements Condominium. The Part Lot Control Exemption will allow the creation and conveyance of individual lots to purchasers as freehold townhouse units which will form Parcels of Tied Land to the Common Elements Condominium. The creation of the Common Elements Condominium will ensure the collective ownership, shared maintenance and access of the common element underground garage and related vehicular and pedestrian accesses and walkways.

APPLICATION BACKGROUND

A Zoning Bylaw Amendment Application (file no. 13 133965 NNY 16 OZ) and a Site Plan Control Application (file no. 13 133970 NNY 16 SA) for the site known as 117, 121, 123 and 129 Roselawn Avenue were filed on March 15, 2013. The applications were to permit four blocks of three storey residential townhouses, each containing three dwelling units and one level of underground parking for a total of twelve dwelling units. The applicant appealed the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time frame prescribed by the *Planning Act*. A settlement for the site-specific zoning was approved in principle by the OMB in a Decision issued on May 21, 2015. The approved development comprised a revised twelve unit townhouse development with increased setbacks and lower density.

The Rental Housing Demolition and Conversion application (file no. 13 143806 NNY 16 RH) was submitted on April 3, 2013 for demolition of eight existing dwelling units consisting of two detached dwelling units, one duplex dwelling and a four-unit rental apartment building. The application was approved by City Council on November 3, 2015. All eight dwelling units were demolished in 2018.

The consent application (file no. 17 254251 NNY 16 CO) was submitted on October 27, 2017 to obtain consent to create an easement/right-of-way in favour of the property to the south at 118 Montgomery Avenue for the purpose of installing, maintaining and repairing storm and sanitary sewers . The application was approved on February 28, 2018 by the Deputy Secretary-Treasurer of the Committee of Adjustment.

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Plan of Survey
- Part Lot Control Exemption Plan
- Draft Plan of Common Elements Condominium

The planning information for the application can be found on the Application Information Centre (AIC):

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation Outcomes

The applications together with the applicable plans noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate conditions of Draft Plan of Condominium and drafting the Part Lot Control Exemption By-law.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019)

continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, and recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

The subject site is designated as *Neighbourhoods* on Map 17 - Land Use of the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Policies and development criteria aim to ensure that physical changes to

established neighbourhoods are sensitive, gradual and “fit” the existing physical character.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Yonge-Eglinton Secondary Plan

The application is located within the Yonge-Eglinton Secondary Plan Area. On June 5, 2019, the Minister of Municipal Affairs and Housing issued his decision on the Yonge-Eglinton Official Plan Amendment (OPA 405). OPA 405 establishes a comprehensively updated Yonge-Eglinton Secondary Plan as well as amendments to relevant policies and maps in the Official Plan. The Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure. The Official Plan Amendment, as modified, is now in force.

The Yonge-Eglinton Secondary Plan, as amended by OPA 405 can be found here: <https://www.toronto.ca/wp-content/uploads/2018/05/970b-2018-05-18-Final-OPA-and-YESP-combined-AODA.pdf>

Zoning

The site is subject to Site Specific By-law 1191-2017(OMB) and zoned R2 which permits twelve row house units on the lot having a maximum permitted height of 11 metres above established grade, and total residential gross floor area not exceeding 2300 square metres.

Site Plan Control

A Site Plan Control Application (file no. 13 133970 NNY 16 SA) for the site was submitted on March 15, 2013. The Notice of Approval Conditions was issued on February 27, 2017. The Site Plan Agreement between the City of Toronto and the Owner was registered on title June 19, 2017. Final Site Plan approval was granted on November 13, 2017.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2019).

Both the PPS and the Growth Plan encourage intensification and redevelopment in urban areas. In accordance with Policy 1.1.3.6 of the PPS, the proposed townhouse development promotes intensification through a compact urban form. Policy 1.1.3.2 of the PPS states that development shall make efficient use of land and resources, infrastructure and public service facilities. Policy 1.1.1 of the PPS states that "healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate."

The proposal promotes a diversity of housing stock, and is within a 10 minute walk to the Eglinton subway station. The proposal is consistent with the PPS and conforms to the Growth Plan. The lifting of Part Lot Control and creation of the Common Elements Condominium would allow for the orderly development of the lands.

Common Elements Condominium

This application proposes to establish the underground garage and related vehicular and pedestrian accesses and walkways as Common Elements Condominium at 117, 121, 123 and 129 Roselawn Avenue to ensure shared ownership and maintenance of the common element underground garage and at grade walkway by the Common Elements Condominium corporation.

The front entrances of six of the proposed dwelling units would face Roselawn Avenue while the remaining six townhouses would face an internal private walkway/courtyard. Each townhouse unit would have private amenity areas in the form of ground level patios, balconies or roof top decks. A common element driveway at the west end of the site would provide vehicular access to a below-grade underground parking structure containing seventeen resident parking spaces and two visitor parking spaces.

The site is comprised of 4 properties municipally known as 117, 121, 123 and 129 Roselawn Avenue. All eight dwelling units consisting of two detached dwelling units, one duplex dwelling and a four-unit rental apartment building were demolished in 2018. The project is currently under construction in accordance with the approved site plan application.

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 POTLs. The Section 118 Restriction is used to prevent the conveyance of the POTLs until the common elements condominium is registered.

The proposal is appropriate as it implements the previous approvals for the site for twelve townhouses with a common underground parking garage, and related vehicular and pedestrian accesses and walkways.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014), does not conflict with the Growth Plan (2019) and conforms with the Official Plan. Staff recommend that Council support approval of the applications.

CONTACT

Shirin Yazdani, Assistant Planner
Tel. No. (416) 394-8230
E-mail: Shirin.Yazdani@toronto.ca

SIGNATURE

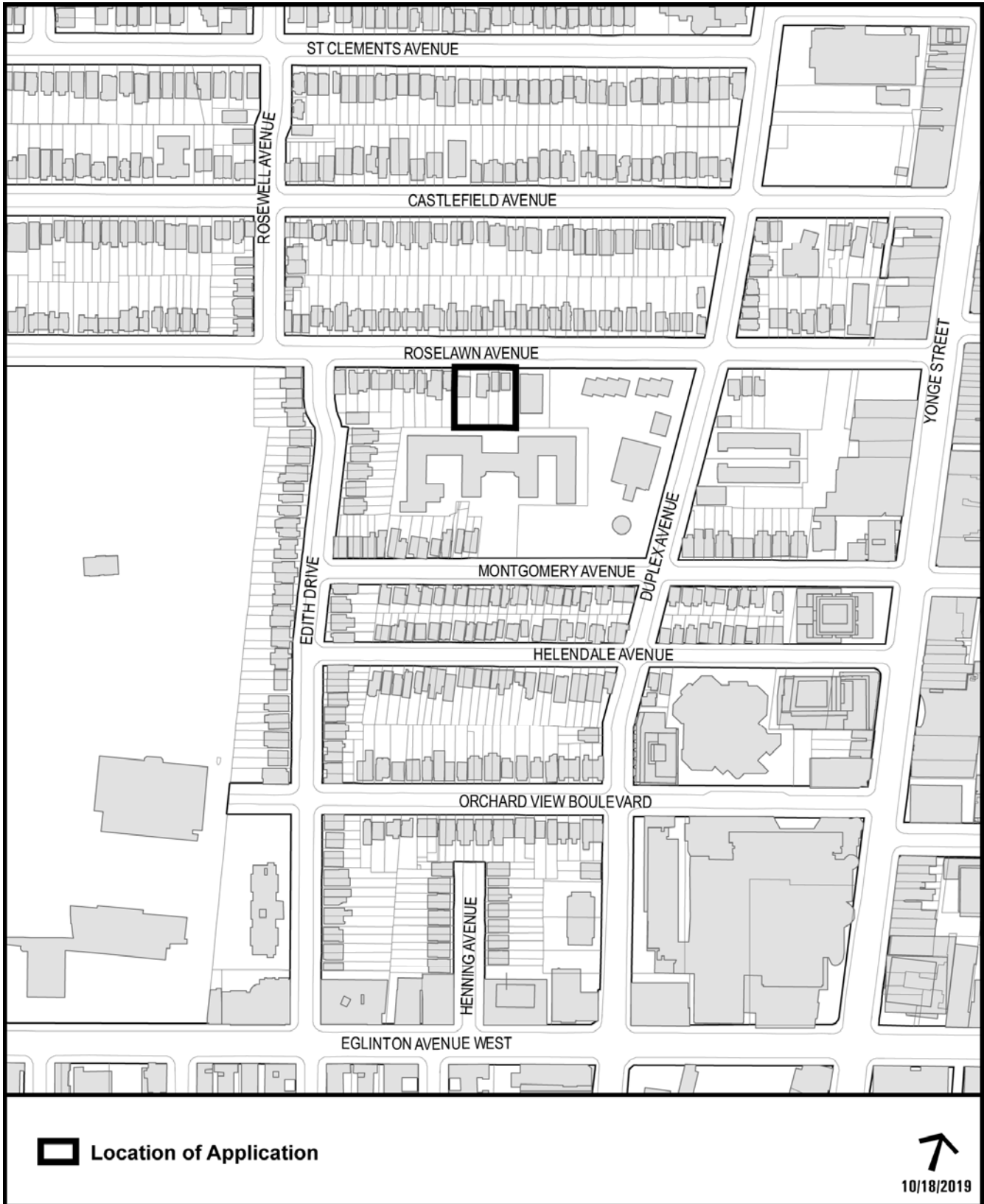
Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Draft Plan of Common Elements Condominium
- Attachment 3: Draft Plan Approval Conditions
- Attachment 4: Part Lot Control Exemption Plan
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



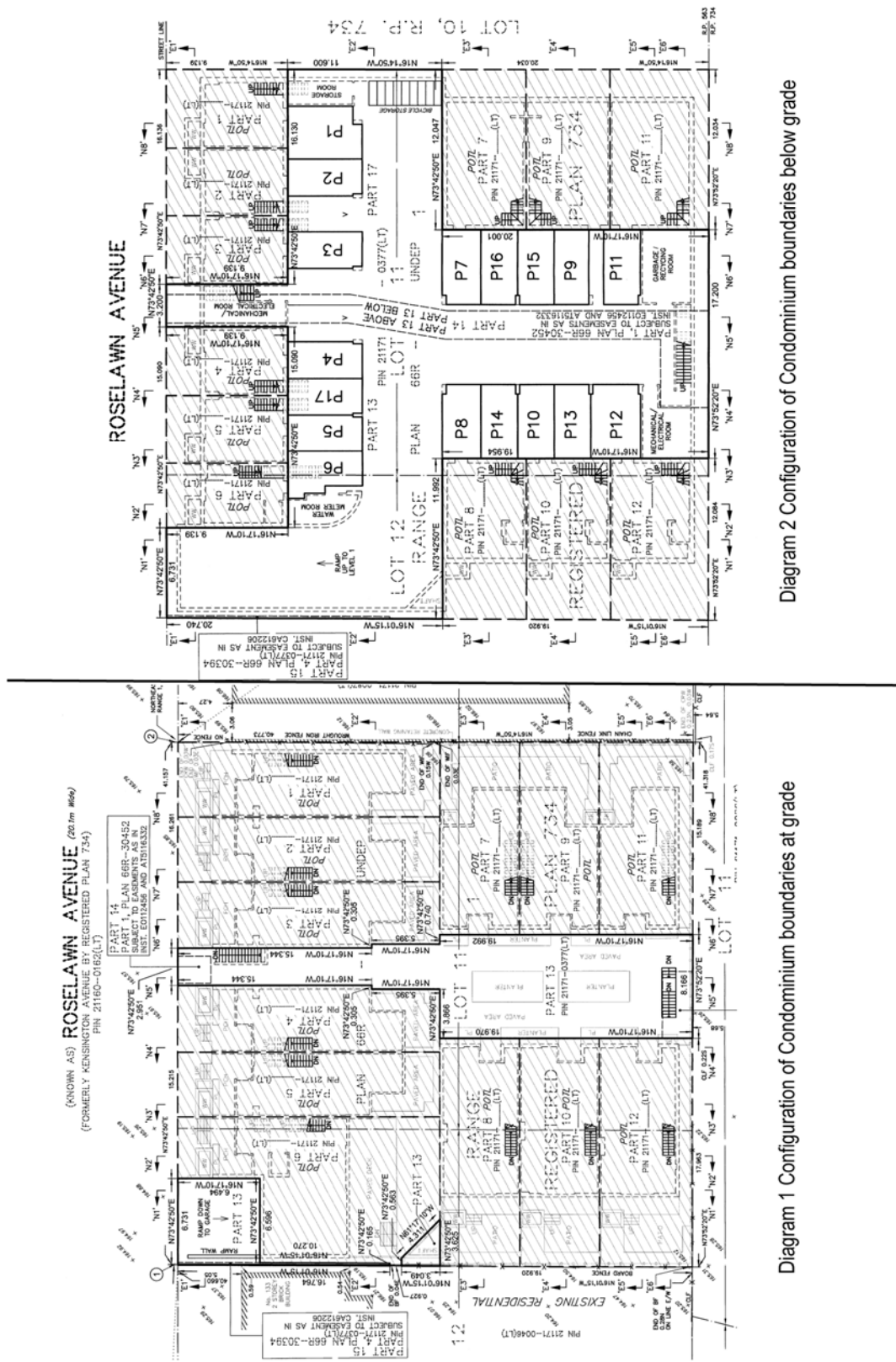


Diagram 2 Configuration of Condominium boundaries below grade

Diagram 1 Configuration of Condominium boundaries at grade

117,121,123 & 129 Roselawn Avenue

Draft Plan of Common Element - Condominium

Applicant's Submitted Drawing

Not to Scale
10/11/2019

File # 19 195991 NNY 08 CD

Attachment 3: 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.

(7) Prior to registration of the plan of condominium, the Owner shall submit an application to Toronto Water (Environmental Monitoring & Protection) for any permanent dewatering system that is required for the building, and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.

(8) Prior to registration of the plan of condominium, the Owner shall submit a copy of the relevant section(s) of the proposed condominium Declaration that disclose(s) the obligations of the Owner in respect of the discharge of groundwater ("Private Water") to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Chief Engineer & Executive Director, Engineering & Construction Services.

(9) The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

(10) The owner shall ensure that the Condominium Declaration indicates that the condo corporation is responsible for moving the bins to the curb on collection day and for returning them to the underground garbage storage area once they are emptied.

Attachment 4: Part Lot Control Exemption Plan

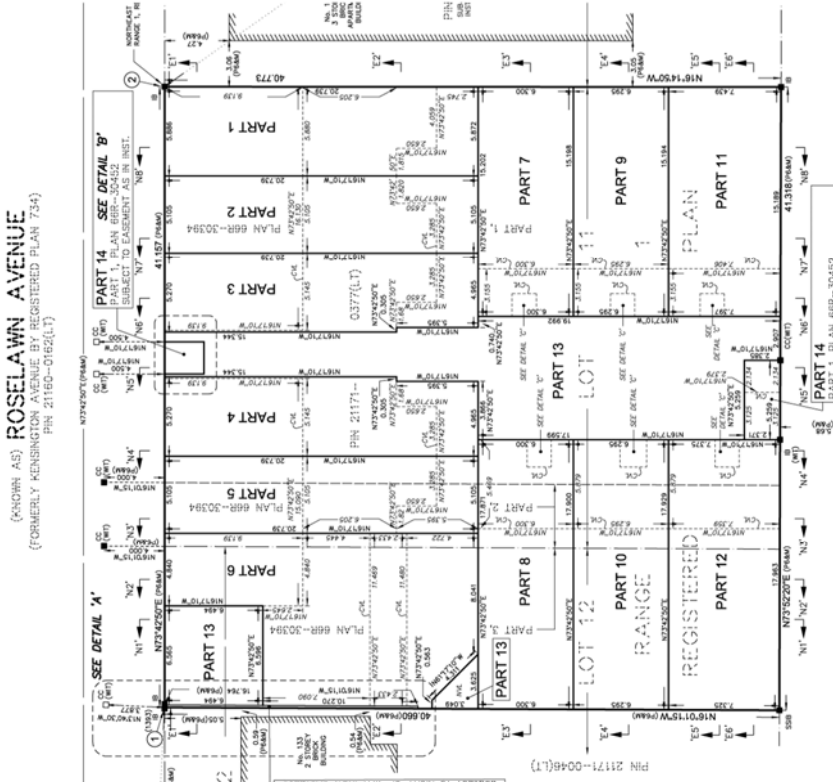


Diagram 'A' illustrating part limits below grade

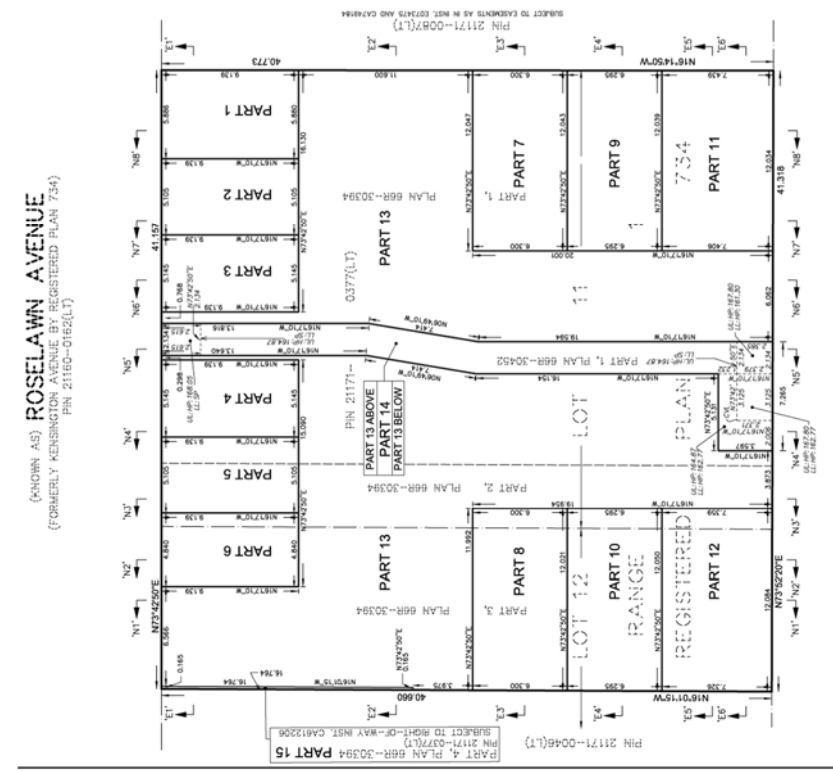


Diagram 'B' illustrating part limits at grade

117,121,123 & 129 Roselawn Avenue

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale
10/11/2019

File # 19 196011 NNY 08 PL

Attachment 5: Application Data Sheet

Municipal Address: 117, 121, 123 and 129 Roselawn Avenue
Date Received: July 26, 2019
Application Number: 19 195991 NNY 08 CD
19 196011 NNY 08 PL
Application Type: Condominium Approval, Common Elements, and Part lot Control Exemption

Project Description: The condominium application (19 195991 NNY 08 CD) proposes to establish the underground garage and related vehicular and pedestrian accesses and walkways as Common Elements Condominium to ensure shared ownership and maintenance of the common element underground garage and at grade walkway by the Common Elements Condominium corporation. The applicant has also submitted a Part Lot Control Exemption application (19 196011 NNY 08 PL) for the creation of conveyable lots for the twelve residential townhouses.

Applicant	Agent	Architect	Owner
Macaulay Shiomi Howson Limited 600 Annette Street Toronto, ON M6S 2C4	N/A	N/A	2301885 Ontario Incorporated 1 Old Park Road Toronto, ON M6C 3H2

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision: N
Zoning:	R2 as amended by Site Specific By-law 1191-2017(OMB)	Heritage Designation: N
Height Limit (m):	11	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,679 Frontage (m): 41 Depth (m): 41

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	832	832
Residential GFA (sq m):	0	0	2,189	2,189
Non-Residential GFA (sq m):				
Total GFA (sq m):	0	0	2,189	2,189
Height - Storeys:	0	0	3	3
Height - Metres:			10	10

Lot Coverage Ratio (%): 49.5 Floor Space Index: 1.3

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	2,189	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	0			
Condominium:			12	12
Other:				
Total Units:	0	0	12	12

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					12
Total Units:					12

Parking and Loading

Parking Spaces:	19	Bicycle Parking Spaces:	9	Loading Docks:	0
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CONTACT:

Shirin Yazdani, Assistant Planner

416-394-8230

Shirin.Yazdani@toronto.ca

Attachment 6: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Item NYXX.XX as adopted by City of Toronto Council on XX, 2019

CITY OF TORONTO

Bill No. ~

BY-LAW ~-20~

To exempt lands municipally known in 2019 as 117, 121, 123 and 129 Roselawn Avenue from part lot control.

WHEREAS authority is given to Council by subsection 50(7) of the Planning Act, R.S.O. 1990, C. P.13, as amended, to pass this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 50(5) of the Planning Act, R.S.O. 1990, C. P.13, as amended, does not apply to the lands described in the attached Schedule "A"
2. This By-law expires two years from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Legal Description:

Municipal Address

117, 121, 123, 129 Roselawn Avenue, Toronto

Firstly:

Part of Lot 12, Range 1 Plan 734 North Toronto as in CA612206; City of Toronto;
PIN 21171 - 0047 (LT)

Secondly:

Part of Lot 11, Range 1 Plan 734 North Toronto as in CT966486; City of Toronto;
PIN 21171 - 0048 (LT)

Thirdly:

Part of Lot 11, Range 1 Plan 734 North Toronto as in CA357638; City of Toronto; and
PIN 21171 - 0049 (LT)

Fourthly:

Part of Lot 11, Range 1 Plan 734 North Toronto as in CA146318; City of Toronto.
PIN 21171 - 0050 (LT)