

1780 Lawrence Avenue West – Draft Plan of Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

Date: June 4, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: 5 – York South-Weston

Planning Application Numbers: 21 106869 WET 05 CD and 21 106660 WET 05 PL

SUMMARY

Two applications have been submitted to facilitate the townhouse development at 1780 Lawrence Avenue West.

One application proposes a Common Elements Condominium for shared walkways, landscape areas, a private laneway, and exclusive-use driveways fronting rear garages to provide pedestrian and vehicular access to the rear of 40 townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation. An area housing water metres would also be included as a Common Element.

The other application requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for 40 townhouse units which would ultimately be held under freehold ownership and become the Parcels of Tied Land (POTLs) to the Common Elements Condominium.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium application 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 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 1780 Lawrence Avenue West, as generally illustrated on Attachment 1, subject to:
 - a) The conditions as generally listed in Attachment 2 to the report (June 4, 2021) from the Acting 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 1780 Lawrence Avenue West as generally illustrated on Attachment 3 to the report (June 4, 2021) from the Acting 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. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to:
 - a) 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.
 - b) 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.
4. 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.
5. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

6. 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 IMPACTS

The City Planning Division confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A Zoning By-law Amendment application (File No. 14 110001 WET 12 OZ) and a Draft Plan of Subdivision application (File No. 14 110017 WET 12 SB) were submitted on January 24, 2014, proposing the redevelopment of the former Hardington Public School site. City Council, at its meeting of November 7, 8 and 9, 2017 adopted Zoning By-law 1274-2017 and 1275-2017 to permit 40 townhouse units, 46 semi-detached dwellings and 2 detached dwellings, two new public roads, a parkland dedication to the City, and a ravine land dedication to the Toronto and Region Conservation Authority (TRCA) on the property municipally known as 1780 Lawrence Avenue West. The final report can be accessed at: <https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-107261.pdf>

A Minor Variance application (File No. A0479/18EYK) was submitted on May 31, 2018 to permit “secondary suites” within the proposed dwellings on the site and was approved by the Committee of Adjustment on September 13, 2018.

ISSUE BACKGROUND

Proposal

The Draft Plan of Common Elements Condominium application proposes to establish a Common Elements Condominium for the lands at 1780 Lawrence Avenue West in order to ensure shared ownership and maintenance of the common elements by the condominium corporation. The common elements would include a shared private laneway, walkways, landscape areas, and exclusive-use driveways to provide pedestrian and vehicular access to the rear garages of the townhouse units. Also included as a common element would be the area housing the groundwater meters and underground pipes located on the north side of POTL/Part 20. The requested exemption

from Part Lot Control of the *Planning Act* is required to permit the creation of lots for the 40 freehold townhouse units. Refer to Attachment 4 for project data.

The site was originally occupied by the former Hardington Public School, and is part of an approved development (1780 Lawrence Avenue West) containing 40 townhouses, 46 semi-detached dwellings, 2 detached dwellings, two new public roads, a parkland dedication to the City, and a ravine land dedication to the Toronto and Region Conservation Authority (TRCA). The proposed townhouses would be developed in four blocks at the corner of Blackstone Street and Lawrence Avenue West. Two of the blocks, with 9 and 12 units, respectively, would front Lawrence Avenue West. The other two blocks, of 9 and 10 units, respectively, would be constructed immediately north of those fronting Lawrence Avenue West and would be separated by a private lane providing vehicular access to all the townhouse units. The northern two blocks would front new public street 'A'. The townhouses would be four storeys (13.4 m) in height and each would have an exclusive-use private driveway and garage.

Site and Surrounding Area

The subject site is 3,900 square metres and is located north of Lawrence Avenue West and east of Jane Street. The approved development including the 40 townhouse units are currently under construction.

Uses surrounding the site include:

- North: The remainder of the current development containing semi-detached and detached residential dwellings, which abuts the Black Creek ravine lands further to the north.
- South: Lawrence Avenue West, with detached dwellings fronting the south side of Lawrence Avenue West.
- West: Blackstone Street, with detached dwellings fronting the west side of Blackstone Street and the north side of Lawrence Avenue West.
- East: Three and four storey apartment buildings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2020 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 (2020) 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.

The proposal is consistent with the Provincial Policy Statement (2020) and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2020).

Official Plan

The subject lands are designated *Apartment Neighbourhoods* on Map 14 – Land Use Map of the Official Plan. *Apartment Neighbourhoods* are made up 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. Significant growth is not intended within this designation, however infill development on underutilized portions of land may occur subject to certain development criteria including: building massing compatible to surrounding land uses, particularly lower-scale *Neighbourhoods*; appropriate street edge framing; maintaining an appropriate level of residential amenity on the site, including parking; preservation, replacement and enhancement of landscape features; creating benefits for existing residents on the site.

All land uses provided for by the *Neighbourhoods* designation are also allowed in *Apartment Neighbourhoods*. Townhouses and semi-detached dwellings 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.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning

The property is zoned One-Family Detached Dwelling Fourth Density (R4) under the former City of North York Zoning By-law 7625 and is subject to Site Specific Zoning By-laws 1274-2017 and 1275-2017. City-wide Zoning By-law 569-2013 does not apply to the site.

Site Plan Control

The proposed townhouse blocks are not subject to Site Plan Control. The entire application was subject to a Plan of Subdivision application, matters typically addressed and secured through the Site Plan Control process, such as landscaping, were secured through the conditions of Draft Plan of Subdivision Approval.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS (2020). Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential uses which includes affordable housing, promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2020). The guiding principles of the Growth Plan include: to build compact, vibrant and complete communities; to protect, conserve, enhance and wisely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The exemption from Part Lot Control would allow for the orderly development of the proposed residential buildings.

Common Elements Condominium

The application for a Draft Plan of Common Elements Condominium is necessary to provide legal pedestrian and vehicular access to the rear garages of the 40 townhouse units through a shared private laneway, exclusive-use driveways and walkways and to ensure shared ownership and maintenance of the common elements by the condominium corporation. The exclusive-use portions of the driveways are immediately in front of the garage doors of townhouse units and are within the proposed condominium lands.

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.

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 to the public until the common elements condominium is registered.

Conclusion

The proposed Draft Plan of Common Elements Condominium application 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

Angela Stea, MCIP, RPP
Acting Director
Community Planning, Etobicoke York District

ATTACHMENTS

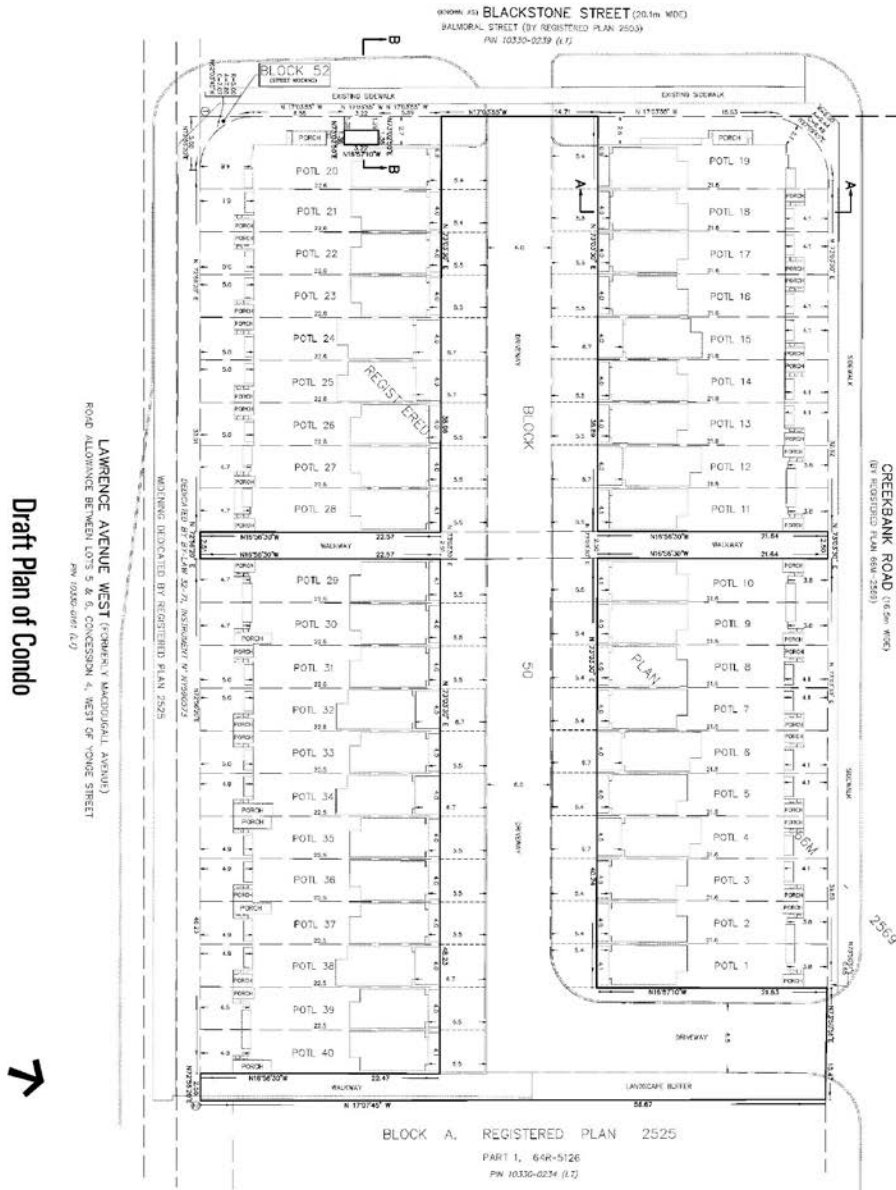
Attachment 1: Draft Plan of Common Elements Condominium

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

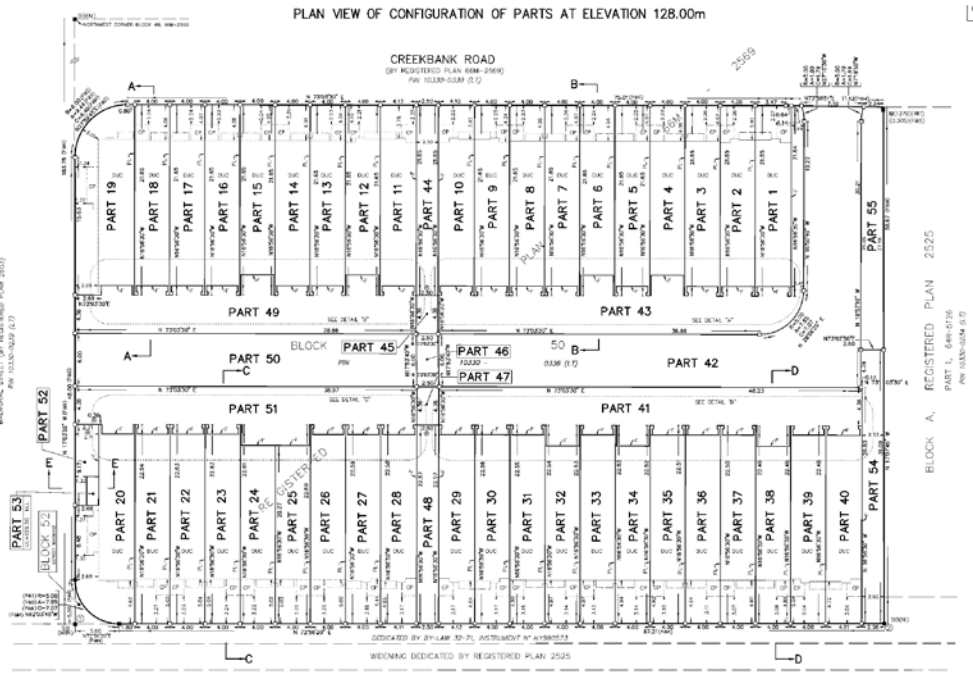


Attachment 2: Draft Plan Approval Conditions

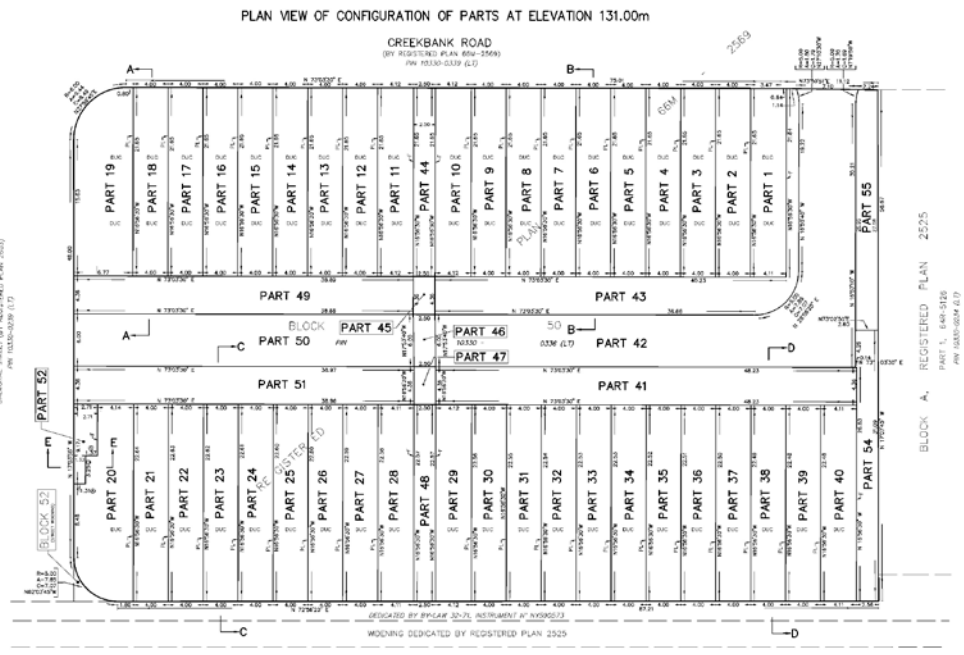
1. The owner shall provide to the Director of Community Planning, Etobicoke York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, City of Toronto (statement of account or Tax Clearance Certificate).
2. The owner shall file with the Director of Community 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.
3. Together with the final version of the Declaration and Description, the owner shall provide a solicitor's undertaking indicating that:
 - (i) The Declaration provided to the City is the final Declaration and Description 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 and Description, a copy will be provided to the City.
4. 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.
5. As per Schedule A of the Declaration, the portions of the Condominium Lands, designated as Parts 42, 44, 45, 46, 47, 48, and 54, shall be subject to an easement in favour of the City of Toronto to permit Public use as a Publicly Accessible Private Walkway. The Owner shall provide confirmation from the Owner's solicitor that such easements have been legally secured.
6. The following condition shall be included in the Declaration to be registered along with the Condominium: **"No vehicles, equipment or machinery shall be parked or left on any part of the Common Elements. Parking shall be permitted in the exclusive use portion of the driveway, as long as vehicle(s) do(es) not extend beyond the boundary of the exclusive use area and encroach on the non-exclusive Common Elements."**
7. 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. 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 Executive Director, Engineering & Construction.
9. The owner shall file with the Director of Community Planning, Etobicoke York District, a fully executed copy of Certification from the applicant's solicitor that:
 - a) the Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
 - b) The Cost Sharing Agreement designates an owner, who is not a corporation but may be referenced by their position within a corporation, who will be the person responsible in the case of any issues regarding the shared services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapters 681 and 851 (the "Person of Responsibility"). The Certification shall further indicate:
 - i. Who the Person of Responsibility is;
 - ii. The contact information for the Person of Responsibility; and
 - iii. That the Cost Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
10. The owner shall provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services, by the Professional Engineer who designed and supervised the construction on the lands that:
 - a. The stormwater management facilities and site grading within the site ; and,
 - b. All roads and storm, sanitary and watermains within the subdivision have been constructed as per city standards and as per approved drawings to the satisfaction of the Executive Director, Engineering & Construction Services.
11. The owner shall provide a copy of the Declaration that contains the necessary wording to grant rights-of-way/easements to provide for access to Part 53 over Part 52 of Registered Plan 66M-2569 and the use of the shared facilities (groundwater meter and underground pipes) between the Common Element Condo and the owner of Part 20.

Attachment 3: Part Lot Control Exemption Plan



Part Lot Plan (plan view of configuration of parts at elevation 128.00m) ↑



Part Lot Plan (plan view of configuration of parts at elevation 131.00m) ↑

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1780 LAWRENCE AVE W **Date Received:** January 20, 2021
Application Numbers: 21 106869 WET 05 CD and 21 106660 WET 05 PL
Application Type: Common Elements Condominium, and Part Lot Control Exemption
Project Description: Application for Common Elements Condominium approval and Part Lot Control Exemption with respect to 40 townhouse units

Applicant	Agent	Architect	Owner
FERNBROOK HOMES (STRACHAN) LIMITED			FERNBROOK HOMES (LAWRENCE) LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	1274-2017 and 1275-2017
Zoning:	RT 157	Heritage Designation:	n/a
Height Limit (m):	13	Site Plan Control Area:	n/a

PROJECT INFORMATION

Site Area (sq m): 3,900 Frontage (m): Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):			9,079	9,079
Non-Residential GFA (sq m):				
Total GFA (sq m):			9,079	9,079
Height - Storeys:			4	4
Height - Metres:			13	13
Lot Coverage Ratio (%): 0		Floor Space Index:	2.33	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	9,079	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			40	40
Condominium:				
Other:				
Total Units:			40	40

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					40
Total Units:					40

Parking and Loading

Parking Spaces: 80 Bicycle Parking Spaces: 0 Loading Docks: 0

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