

**61, 65, 69, 71 Churchill Avenue & 2, 4, 6 Basswood Road  
– Condominium and Part Lot Control Exemption  
Applications – Final Report**

<b>Date:</b>	July 27, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	10 133285 NNY 23 PL and 10 133514 NNY 23 CD

**SUMMARY**

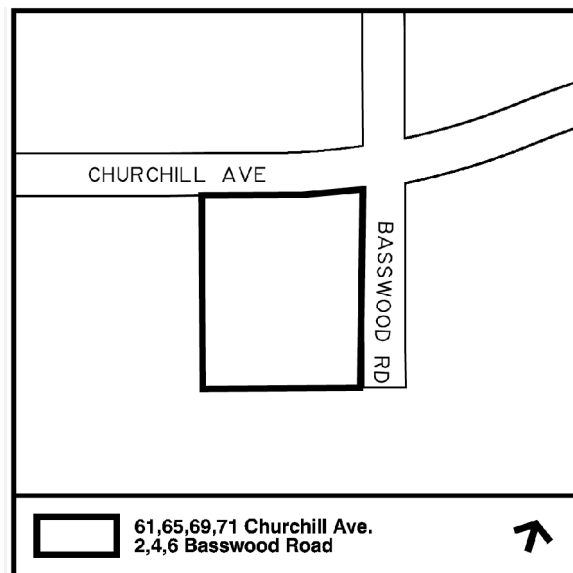
These applications were made on March 17, 2010 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*, which requires that a statutory public meeting be held for a Draft Plan of Common Element Condominium.

The application for a common elements condominium proposes a common driveway and a private parkette on lands known municipally as 61, 65, 69 and 71 Churchill Avenue and 2, 4 and 6 Basswood Road.

The common elements condominium is required to provide legal vehicular access to 30 three-storey residential townhouse units and to ensure shared ownership and maintenance of both the driveway and the parkette 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 townhouses along Basswood Road and the 30 residential lots fronting onto the common driveway.

This report reviews and recommends



approval of the Draft Plan of Common Elements Condominium and approval of the application for 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 designate.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner intends to approve the Draft Plan of Common Elements Condominium, as generally illustrated on Attachment 1, subject to:
  - (a) the conditions as generally listed in Attachment 2, 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, to be prepared to the satisfaction of the City Solicitor, and that such By-law shall expire two years after it has been enacted.
3. City Council authorize the City Solicitor to introduce the necessary Bill provided that prior to the introduction of the Bill:
  - (a) the owner provides proof of payment to the satisfaction of the City Solicitor of all tax arrears and current property taxes for the subject site; and
  - (b) the owner of the subject lands has registered, satisfactory to the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or mortgage any part of the lands without the prior written consent of the Chief Planner or designate.
4. City Council authorize and direct the appropriate City Officials to register the Part Lot Control Exemption By-law on title.
5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction at such time as the Common Elements Condominium Plan has been registered.

## **Financial impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On August 18, 2006 the Ontario Municipal Board (OMB) issued Decision No. 2348 approving amendments to the Official Plan and Zoning By-law to permit 36 3-storey residential townhouse units. Subsequently, the OMB issued order no. 2348 on January 10, 2007 approving the Site Plan and Site Plan Agreement.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant consolidated 7 single lots known municipally as 61, 65, 69 and 71 Churchill Avenue and 2, 4 and 6 Basswood Road and received approval from the Ontario Municipal Board for a redevelopment consisting of 36, 3-storey townhouses at a density of 1.1 FSI.

The townhouses are under construction and will be organized in six blocks, with three of the blocks oriented in a north-south direction and three of the blocks oriented in an east-west direction. Six of the townhouse units will have direct access via Basswood Road. The remaining 30 units will be served by a private common element driveway providing vehicular access to garages located at the rear of each unit. A common private amenity will be provided central to the site and will form part of the common elements condominium.

### **Site and Surrounding Area**

The site is located at the southwest corner of Churchill Avenue and Basswood Road, west of Yonge Street. The site wraps around the property known as 67 Churchill Avenue, which is a residential building with a dental office as a home occupation. 67 Churchill Avenue is not included in the development application.

Abutting uses are as follows:

North: single detached dwellings;

South: townhouse development with access to Beecroft Road abuts the south side of the site;

East: single detached dwellings; and

West: St. Edward Church.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 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 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 *Places to Grow Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject lands are designated as *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan policies states that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

## **Zoning**

The subject lands are zoned Multiple-Family Dwellings First Density Zone RM1(66) through site specific Zoning By-law 882-2009.

## **Site Plan Control**

The site plan control application for this development was approved by the Ontario Municipal Board and the Site Plan Agreement was registered on November 12, 2008.

## **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 provided in Attachment 2.

## **COMMENTS**

Section 50(7) of the *Planning Act* authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The property consists of Part Lots 49 and 50, Registered Plan 3163. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and

will enable the creation of six townhouse lots on Basswood Road and thirty residential lots fronting onto the common driveway.

To ensure that the creation of the Common Elements Condominium Corporation is completed and registered before the lots are conveyed, it is recommended the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act*. The Restriction requires the owner to obtain the written consent of the Chief Planner or designate prior to conveying or mortgaging any part of the lands.

Once confirmation is received from the owner that the Common Elements Condominium Plan has been registered, the City Solicitor will take the necessary steps to delete the Section 118 Restriction from the title of the lands thus allowing the lots to be conveyed.

To ensure that exemption from Part Lot Control does not remain in force indefinitely, it is recommended the exempting By-law expire two years after being enacted. This will provide sufficient time for the completion of the project and the conveyance of the lots.

The proposed draft plan of Common Elements Condominium for the site is appropriate as the proposal conforms with the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Control Application. As such, the exemption from Part Lot Control and the proposed draft plan of Common Elements Condominium are considered appropriate for the orderly development of the property and are recommended for approval.

## **CONTACT**

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## **SIGNATURE**

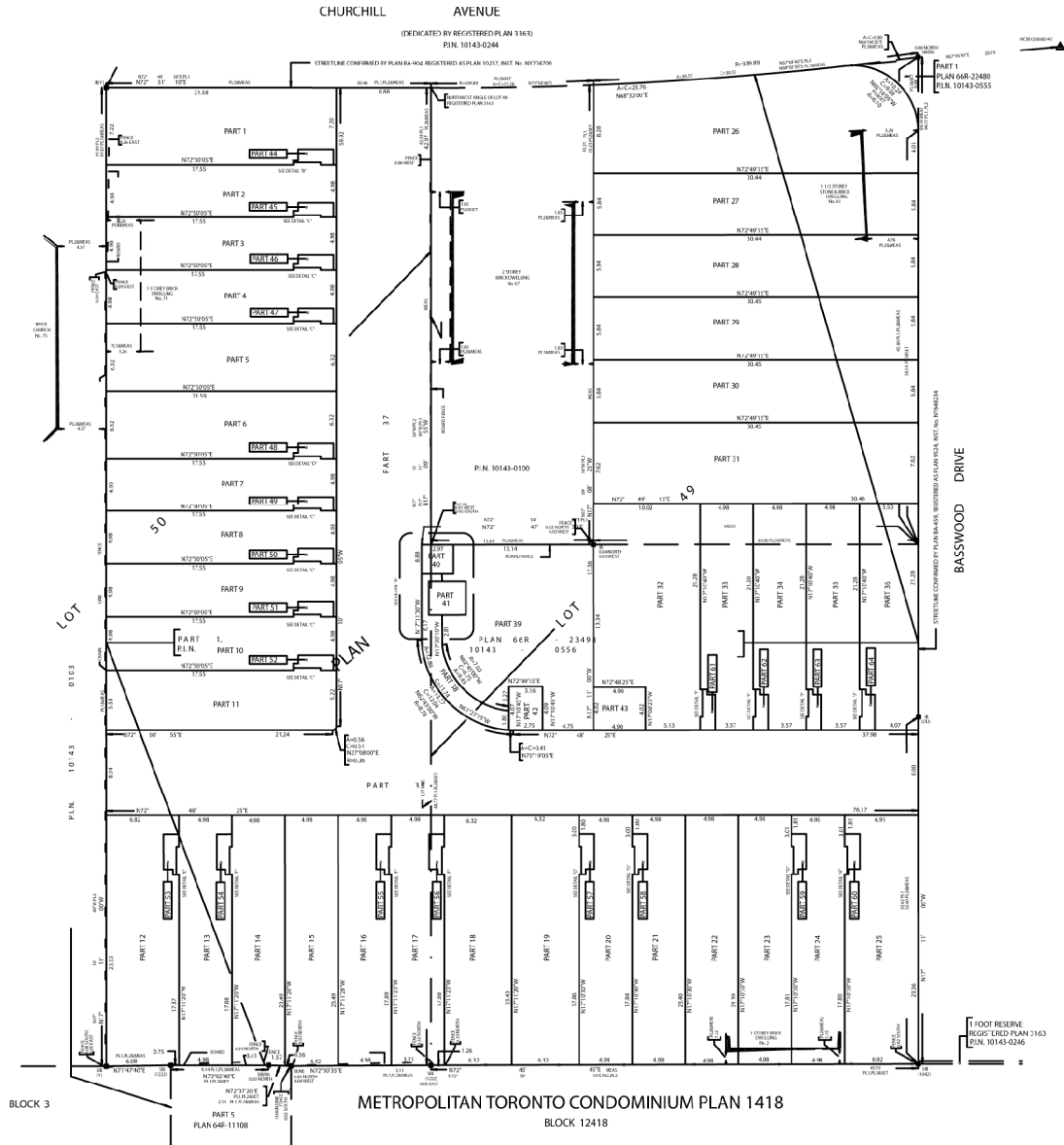
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Part Lot Control Exemption Plan  
Attachment 2: Draft Approval Conditions  
Attachment 3: Application Data Sheet

# Attachment 1: Part Lot Control Exemption Plan



## Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale  
07/14/2010



61, 65, 69, 71 Churchill Ave.  
2, 4 & 6 Basswood

File # 10\_133514

## **Attachment 2: Draft 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) 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: Application Data Sheet

Application Type	Part Lot Control Exemption	Application Number:	10 133285 NNY 23 PL
Details		Application Date:	March 16, 2010

Municipal Address: 61 CHURCHILL AVE  
 Location Description: PLAN 3163 PT LOT 49 \*\*GRID N2302  
 Project Description: 38 3-storey townhouses that includes the following addresses 61, 65, 69, 71 Churchill Ave. and 2, 4, 6 Basswood Rd.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
RADY-PENTEK & EDWARD SURVEYING LTD. GEORGE PIETRACCI			CHURCHILL/YONGE DEVELOPMENT LTD

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	N

#### PROJECT INFORMATION

Site Area (sq. m):	6375.83	Height:	Storeys:	3
Frontage (m):	0		Metres:	10
Depth (m):	0			
Total Ground Floor Area (sq. m):	2522.68			<b>Total</b>
Total Residential GFA (sq. m):	7285.15		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	7285.15			
Lot Coverage Ratio (%):	39.57			
Floor Space Index:	1.14			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

	Freehold		Above Grade	Below Grade
Tenure Type:	Freehold			
Rooms:	0	Residential GFA (sq. m):	7285.15	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:	37	Institutional/Other GFA (sq. m):	0	0
Total Units:	37			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kelly Jones, Planner</b>
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