STAFF REPORT
ACTION REQUIRED

2952-2958 Bayview Ave – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>January 24, 2011</th>
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<tbody>
<tr>
<td>To:</td>
<td>North York Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, North York District</td>
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<tr>
<td>Ward:</td>
<td>Ward 23 – Willowdale</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>10 289837 NNY 23 CD and 10 289836 NNY 23 PL</td>
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SUMMARY

These applications were made on November 2, 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 Elements Condominium.

The application for a common elements condominium proposes to establish the rear driveway as a common element on lands known municipally as 2952, 2954, 2956 and 2958 Bayview Avenue. The common elements condominium is required to provide legal vehicular access to 11 residential townhouse units and to ensure shared ownership and maintenance of the driveway by the 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 11 residential townhouse units fronting Bayview Avenue.

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

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 2952, 2954, 2956 and 2958 Bayview Avenue, 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 at 2952, 2954, 2956 and 2958 Bayview Avenue, as generally illustrated on Attachment 1, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.

3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

4. 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.

5. 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's Revenue Services Division, prior to the enactment of the Part Lot Control Exemption By-law.

6. 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 mortgage any part of the lands without the written consent of the Chief Planner or his designate.

7. 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.
Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
On April 16, 2009 the Ontario Municipal Board (OMB) issued Decision No. 0016 approving amendments to the Zoning By-law to permit 11 three-storey residential townhouse units. Subsequently, the OMB issued Order No. 0016 on June 3, 2010 approving the Site Plan and Site Plan Agreement.

ISSUE BACKGROUND
Proposal
The applicant consolidated four single lots known municipally as 2952, 2954, 2956 and 2958 Bayview Avenue and received approval from the Ontario Municipal Board for a redevelopment consisting of 11, three-storey townhouses at a density of approximately 1.5 FSI.

The townhouses are under construction and are organized in a north-south direction fronting Bayview Avenue. Each unit will be served by a private common element driveway from Hillcrest Avenue providing vehicular access to garages located at the rear of each unit.

Site and Surrounding Area
The subject lands are located on the west side of Bayview Avenue and on the south side of Hillcrest Avenue. The lands have an area of approximately 1911m² with a combined frontage of 53.66 metres on Bayview Avenue and an average depth of 36 metres.

Land uses surrounding the site are as follows:

North: Single detached dwellings. Further north there is recently approved three-storey townhouse development totalling 16 units.
South: Single detached dwellings. Further south is a development project currently under construction consisting of eight 3-storey townhouses.
East: Bayview Village Park.
West: Single detached dwellings.

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 Planning Act to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The subject lands are designated *Neighbourhoods* by 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 state 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 properties are zoned RM1(81) in North York Zoning By-law No. 7625, a site-specific zoning designation that permits residential townhouses on the subject property.

**Site Plan Control**

The site plan control application for this development was approved by the Ontario Municipal Board and a Site Plan Agreement between Symmetry Developments Inc. and the City of Toronto was registered on title as Instrument No. AT2406554 on June 9, 2010.

**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 provided in Attachment 2.

**COMMENTS**

**Provincial Policy Statement and Provincial Plans**

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 of Lots 349-351, Registered Plan 1609 and Part of Lot 468 & Part of Lane, Registered Plan 1801 (Parts 1 and 2, 64R12053). 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 11 townhouse lots fronting Bayview Avenue.
To ensure 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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Fax No. (416) 395-7155
E-mail: cmay@toronto.ca

SIGNATURE

_______________________________
Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3: 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, 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 of 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.
Attachment 3: Application Data Sheet

<table>
<thead>
<tr>
<th>Application Types</th>
<th>Condominium &amp; Part Lot Control Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Numbers:</td>
<td>10 289837 NNY 23 CD</td>
</tr>
<tr>
<td></td>
<td>10 289836 NNY 23 PL</td>
</tr>
</tbody>
</table>

Details

| Application Date:         | November 2, 2010                       |

Municipal Address:       2952, 2954, 2956 & 2958 BAYVIEW AVE
Location Description:    Part of Lots 349-351, Registered Plan 1609 and Part of Lot 468 & Part of Lane, Registered Plan 1801 (Parts 1 and 2, 64R12053)
Project Description:     Establish rear driveway as common element and subdivide property into 11 parcels

**Applicant:** ALAN YOUNG
**Agent:** SYMMETRY DEVELOPMENTS INC

**PLANNING CONTROLS**

- Official Plan Designation: Neighbourhoods
- Zoning: RM1(81)
- Height Limit (m):
- Site Specific Provision:
- Historical Status:
- Site Plan Control Area: Y

**PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>Site Area (sq. m):</th>
<th>1911</th>
</tr>
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<tbody>
<tr>
<td>Frontage (m):</td>
<td>53.66</td>
</tr>
<tr>
<td>Depth (m):</td>
<td>36</td>
</tr>
<tr>
<td>Total Ground Floor Area (sq. m):</td>
<td>964.09</td>
</tr>
<tr>
<td>Total Residential GFA (sq. m):</td>
<td>2823.03</td>
</tr>
<tr>
<td>Total Non-Residential GFA (sq. m):</td>
<td>0</td>
</tr>
<tr>
<td>Total GFA (sq. m):</td>
<td>2823.03</td>
</tr>
<tr>
<td>Lot Coverage Ratio (%):</td>
<td>50.7</td>
</tr>
<tr>
<td>Floor Space Index:</td>
<td>1.48</td>
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| Total Storeys: 3 Metres: 11.2 |

**Dwelling Units**

<table>
<thead>
<tr>
<th>Tenure Type: Condo</th>
<th>Residential GFA (sq. m): 2823.03 Below Grade 0</th>
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<tbody>
<tr>
<td>Rooms: 0</td>
<td>Retail GFA (sq. m): 0</td>
</tr>
<tr>
<td>Bachelor: 0</td>
<td>Office GFA (sq. m): 0</td>
</tr>
<tr>
<td>1 Bedroom: 0</td>
<td>Industrial GFA (sq. m): 0</td>
</tr>
<tr>
<td>2 Bedroom: 0</td>
<td>Institutional/Other GFA (sq. m): 0</td>
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<tr>
<td>3 + Bedroom: 11</td>
<td></td>
</tr>
<tr>
<td>Total Units: 11</td>
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**Floor Area Breakdown** (upon project completion)

- Above Grade: 2823.03 Below Grade 0

**Contact:**

- Planner Name: Christopher May, Assistant Planner
- Telephone: (416) 395-7124