2 to 28 Coventry Street (formerly known as 27 Leyton Avenue) – Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

Date: July 8, 2014
To: Scarborough Community Council
From: Director, Community Planning, Scarborough District
Wards: Ward 35 – Scarborough Southwest
Reference Number: 14 145510 ESC 35 CD and 14 145505 ESC 35 PL

SUMMARY

The Common Elements Condominium application proposes to establish a driveway, walkways, visitor parking spaces and landscaping as common elements at the recently constructed residential development at 2 to 28 Coventry Street. The application is required to provide legal access to eight semi-detached dwelling units and six townhouse dwelling units and to ensure shared ownership and maintenance of the common elements 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 14 dwelling units.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and 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 her designate.
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 for the lands at 2 to 28 Coventry Street, as generally illustrated on Attachment 1 to this report dated July 8, 2014, subject to:
   
   (a) the conditions as generally listed in Attachment 2 to this report dated July 8, 2014, 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 2 to 28 Coventry Street as generally illustrated on Attachment 3 to this report dated July 8, 2014, 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 lands without the written consent of the Chief Planner or her 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
Amendments to the former City of Scarborough Official Plan and the City of Toronto Official Plan to permit the residential redevelopment of the lands formerly known as 27 Leyton Avenue were approved by City Council on April 14, 2005 (OPA No. 1109 to the former City of Scarborough Official Plan and OPA No. 1 to the City of Toronto Official Plan).

An amendment to former City of Scarborough Zoning By-law No. 9812 was approved by City Council on April 14, 2005 (By-law No. 268-2005) providing for the redevelopment of the subject property for residential uses.

A Site Plan Control Application for eight semi-detached dwelling units and six townhouse dwelling units was approved by the Director of Community Planning, Scarborough District, on December 8, 2009.

ISSUE BACKGROUND
Proposal
The Common Elements Condominium application proposes to establish a driveway, walkways, visitor parking spaces and landscaping as common elements on the subject property. The Part Lot Control Exemption application requests exemption from the Part Lot Control provisions of the Planning Act to permit the creation of conveyable lots for the 14 dwelling units on the subject property.

The recently-constructed 14-unit development consists of eight semi-detached dwelling units and six townhouse dwelling units served by a shared driveway.

For more information, refer to Attachment 1: Draft Plan of Common Elements Condominium, Attachment 3: Part Lot Control Exemption Plan and Attachment 4: Application Data Sheet.

Site and Surrounding Area
The site is located in the Oakridge community, southwest of Danforth Avenue and Warden Avenue, on the north side of Coventry Street. The site is an irregularly shaped rectangle that slopes down from east to west. The site has an area of approximately 1,360 square metres and a frontage of approximately 15 metres on Leyton Avenue, 83 metres on Coventry Street and 12 metres on Balford Avenue.

The site currently contains eight semi-detached dwelling units and six townhouse dwelling units served by a shared driveway.
Surrounding uses include:

North: one-storey commercial building and detached dwellings
East: detached dwellings
South: detached dwellings and the Canadian Pacific Railway corridor beyond
West: detached dwellings and Oakridge Park beyond

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

The proposal is consistent with the PPS. The proposal also conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

**Official Plan**

The subject property is designated Neighbourhoods in the Official Plan. Neighbourhoods are physically stable areas providing for a variety of lower scale residential uses. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual, and generally “fit” the existing physical character. Development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular: size and configuration of lots; setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; and continuation of special landscape or built form features that contribute to the unique physical character of a neighbourhood. No changes will be made through rezoning, minor variance, consent, or other public action that are out of keeping with the physical character of the neighbourhood.

The lands are also subject to Site and Area Specific Policy 251, which states that the lands may be developed for a low-scale residential development of semi-detached dwellings and townhouses, to a maximum of 4 storeys in height and a maximum density of 103 units per hectare.

**Zoning**

The subject property is zoned Residential Multiple Dwelling (RM (x432)) in City of Toronto Zoning By-law No. 569-2013. This zoning category permits residential uses in a
variety of building types. Site Specific Exception 432 to the By-law regulates the maximum number of units, minimum building setbacks, maximum lot coverage, maximum building height and the provision of parking on the site.

The subject property is zoned Multiple-Family Residential (M) in the former City of Scarborough Zoning By-law No. 9812, which permits residential uses.

Site Plan Control
The proposed development was subject to Site Plan Control. A site plan agreement for the development was registered on title on December 11, 2008.

Agency Circulation
The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

COMMENTS

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 would provide 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 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.
The proposed Draft Plan of Common Elements Condominium and the 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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E-mail: pjohnso3@toronto.ca

SIGNATURE

____________________________________
Raymond David, Director
Community Planning, Scarborough 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 Community Planning, Scarborough 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, Scarborough 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 4: Application Data Sheet

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Application Number: 14 145510 ESC 35 CD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details</td>
<td>Application Date: April 22, 2014</td>
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| Municipal Address:               | 2-28 COVENTRY STREET (FORMERLY KNOW AS 27 LEYTON AVENUE) |
| Location Description:           | PLAN 1954 LOT 37 PT LOT 36 RP 66R23107 PT PART 2 **GRID E3506 |
| Project Description:            | Common Elements Condominium and Part Lot Control applications to create 14 lots on a common element driveway for a residential development consisting of 6 townhouses and 8 semi-detached dwellings. |

<table>
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<tr>
<th>Applicant:</th>
<th>Agent:</th>
<th>Architect:</th>
<th>Owner:</th>
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<tbody>
<tr>
<td>GOLDBERG GROUP</td>
<td></td>
<td></td>
<td>COVENTRY HOMES</td>
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## PLANNING CONTROLS

<table>
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<tr>
<th>Official Plan Designation:</th>
<th>Neighbourhoods</th>
<th>Site Specific Provision:</th>
<th>251</th>
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<tr>
<td>Zoning:</td>
<td>Multiple Family Residential</td>
<td>Historical Status:</td>
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<td>Height Limit (m):</td>
<td>10.5</td>
<td>Site Plan Control Area:</td>
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## PROJECT INFORMATION

| Site Area (sq. m):              | 1360.6                      |
| Frontage (m):                   | 82.53                       |
| Depth (m):                      | 12.75                       |
| Total Ground Floor Area (sq. m):| 602.47                      |
| Total Residential GFA (sq. m):  | 1707.31                     |
| Total Non-Residential GFA (sq. m):| 0                           |
| Total GFA (sq. m):              | 1707.31                     |
| Lot Coverage Ratio (%):         | 44                          |
| Floor Space Index:              | 1.25                        |

## DWELLING UNITS

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<th>Tenure Type:</th>
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<th>Residential GFA (sq. m):</th>
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<th>Below Grade</th>
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<td>Bachelor:</td>
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<tr>
<td>1 Bedroom:</td>
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<td>0</td>
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<td>2 Bedroom:</td>
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<td>3 + Bedroom:</td>
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<tr>
<td>Total Units:</td>
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## FLOOR AREA BREAKDOWN (upon project completion)

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<th>Tenure Type:</th>
<th>Retail GFA (sq. m):</th>
<th>Industrial GFA (sq. m):</th>
<th>Office GFA (sq. m):</th>
<th>Institutional/Other GFA (sq. m):</th>
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<td>0</td>
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<td>0</td>
</tr>
</tbody>
</table>

## CONTACT:

| PLANNER NAME:        | Paul Johnson, Planner |
| TELEPHONE:           | 416-396-7658          |