

**3879 Bloor Street West – Draft Plan of Common Elements  
Condominium and Part Lot Control Exemption Applications -  
Final Report**

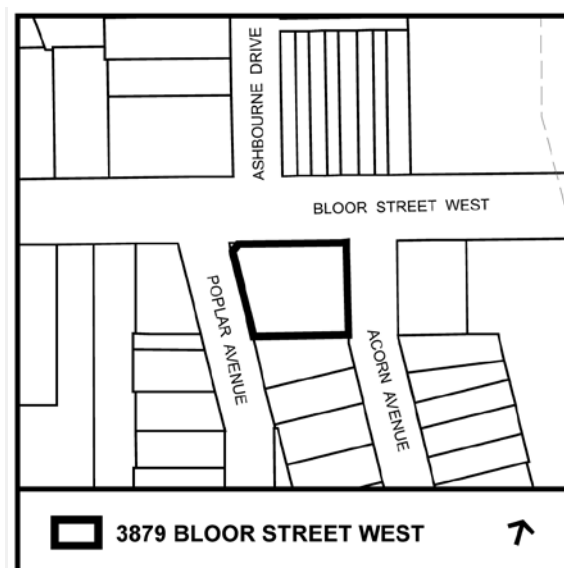
<b>Date:</b>	December 15, 2014
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke - Lakeshore
<b>Reference Number:</b>	14 173684 WET 05 CD and 14 173691 WET 05 PL

**SUMMARY**

This application proposes a common elements condominium for a shared driveway at 3879 Bloor Street West in order to provide legal access to 15 townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The requested exemption for the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 15 residential dwellings.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium subject to conditions 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 proposed development complies with the Official Plan and Zoning By-law. Lifting of the Part Lot Control is appropriate for the orderly development of the lands.

## RECOMMENDATIONS

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### 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 3879 Bloor Street West, as generally illustrated on Attachment 1, subject to:
  - (a) the conditions as generally listed in Attachment 2 to the report (December 15, 2014) from the 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 3879 Bloor Street West as generally illustrated on Attachment 3 to the report (December 15, 2014) from the 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. 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 and Executive Director, City Planning 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.

## **ISSUE BACKGROUND**

### **Proposal**

The 15 four-storey townhouses are under construction and organized into blocks. All units front onto public streets. Rear access to the units will be provided by a shared driveway.

Refer to Attachment 4 for project data.

### **Site and Surrounding Area**

The subject site is located on the south side of Bloor Street West just west of Auckland Road and has a frontage of approximately 44.5 metres and a depth of approximately 36.6 metres. The site area is approximately 1,468 square metres.

Uses surrounding the site include:

North: Three storey townhouse development and a two-storey mixed commercial-residential use;

East: One storey commercial building (auto repair business);

South: Residential uses fronting on Poplar Avenue and Acorn Avenue (detached dwellings); and

West: Three storey mixed-use development.

### **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. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The subject site is designated *Mixed Use Areas* in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The site is located within one of the City's Centres, as shown on Map 2 – Urban Structure of the Official Plan.

Centres are "places with excellent transit accessibility where jobs, housing and services will be concentrated in dynamic mixed use setting with different levels of activity and intensity", according to Section 2.2.2 of the Official Plan.

### **Zoning**

The site is zoned EC1 by the former City of Etobicoke Zoning By-law 1088-2002 which permits a wide range of commercial and residential uses with a maximum density of 3.5 times the area of the lot. The maximum permitted height is 15.0 metres.

The site is subject to a minor variance application (A213/12EYK) which sought one variance to permit residential uses at grade rather than commercial uses. This application was approved by the Committee of Adjustment on May 31, 2012.

### **Site Plan Control**

The 15 unit townhouse development was subject to Site Plan Control. A site plan agreement for the development was registered on title on July 23, 2014.

### **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 of condominium approval conditions.

### **Land Division**

Section 50(7) of the *Planning Act* authorized 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. This 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 Control Exemption By-law must be enacted 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.

## **CONTACT**

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## **SIGNATURE**

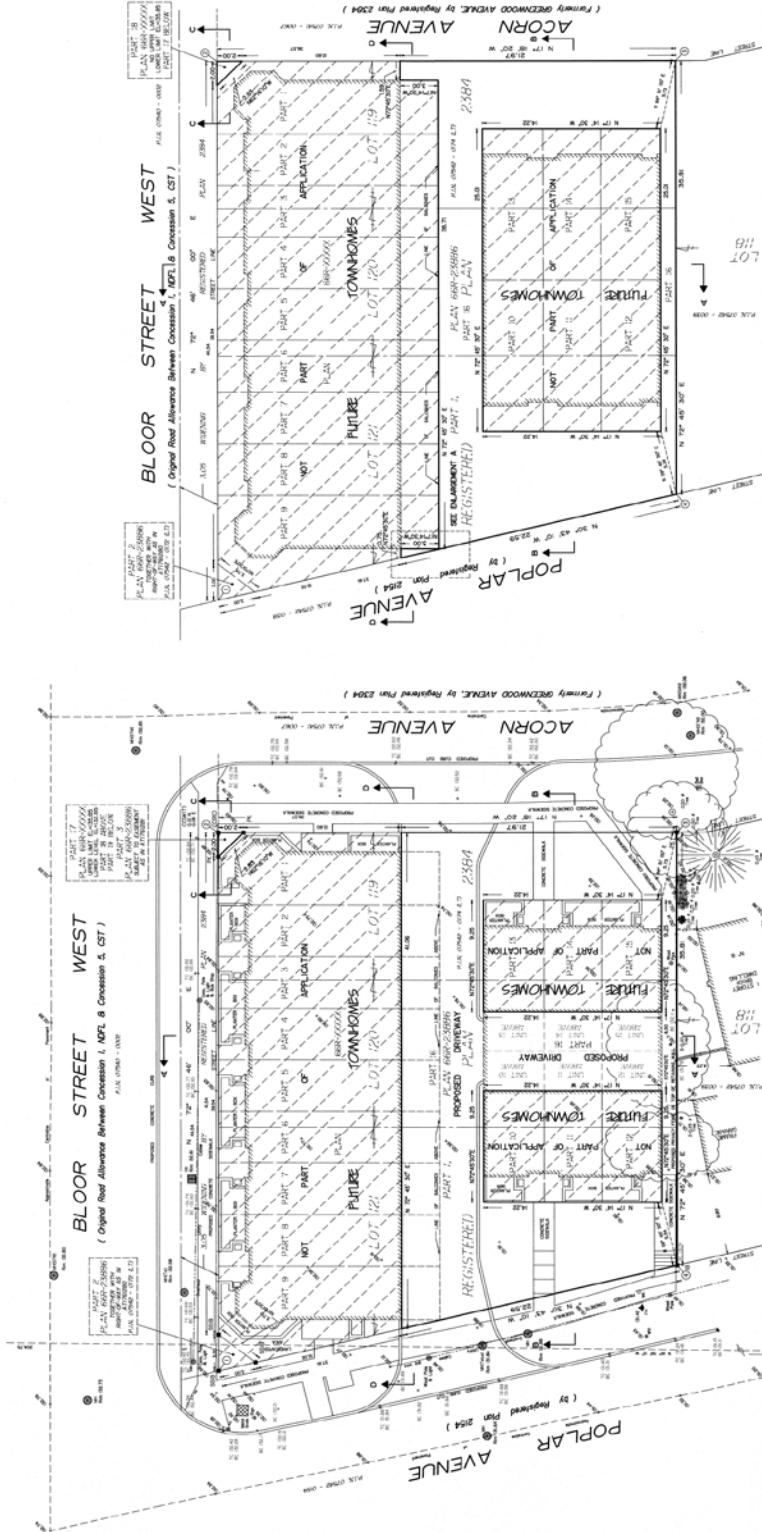
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

- Attachment 1: Draft Plan of Common Elements Condominium
- Attachment 2: Draft Plan of Condominium Approval Conditions
- Attachment 3: Part Lot Control Exemption Plan
- Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



3879 Bloor Street West

Draft Plan of Common Elements - Condominium

Applicant's Submitted Drawing

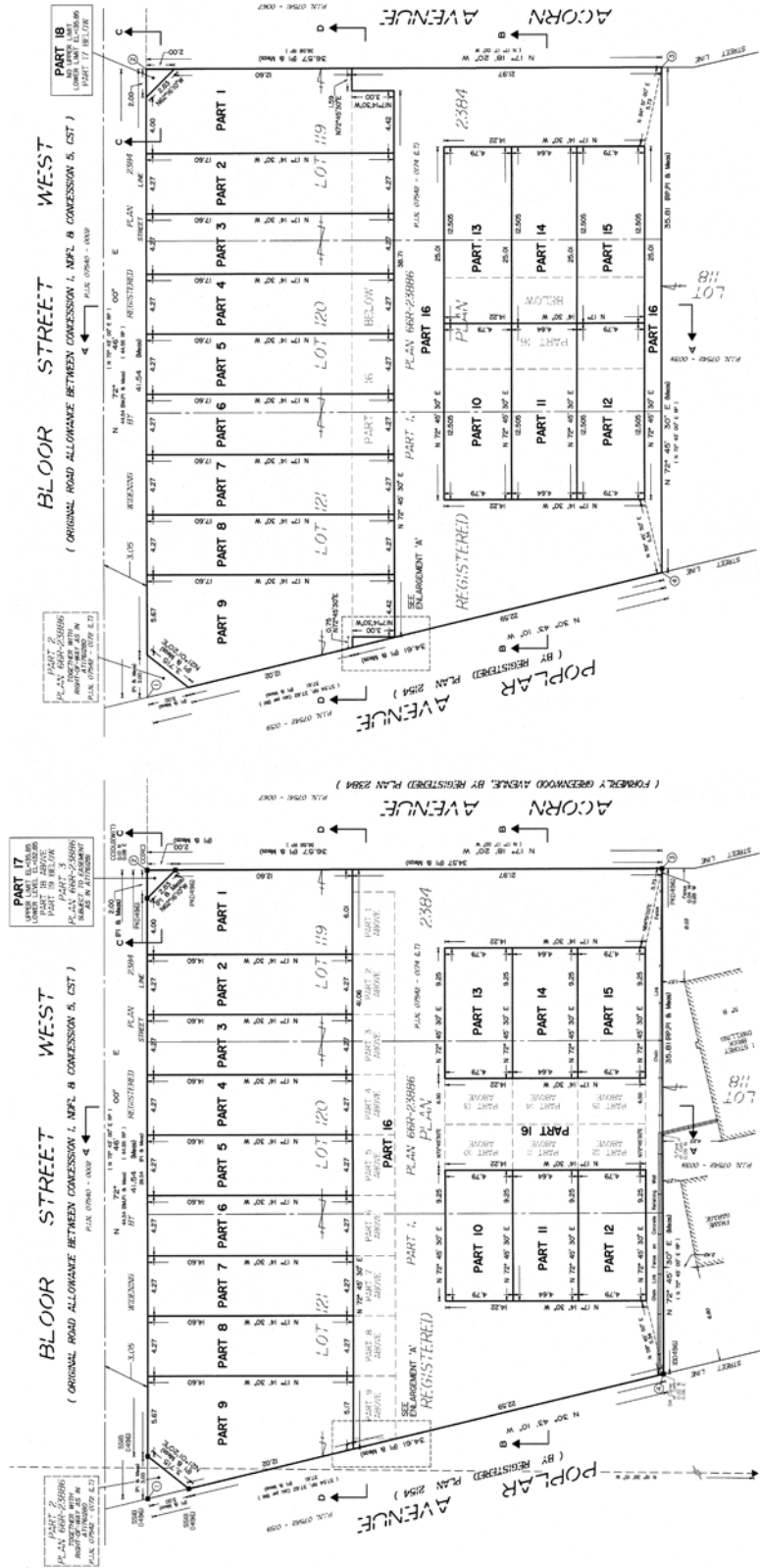
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File # 14 173684 WET 05 CD, 14 173691 WET 05 PL

## **Attachment 2: Draft Plan of Condominium 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 plans submitted for final approval and registration must be substantially in accordance with the approved draft plans specified above. Any revisions to these plans must be approved by the Chief Planner and Executive Director, City Planning's designate, the Director of Community Planning, Etobicoke York District.
- (3) 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.
- (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) 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: Part Lot Control Exemption Plan



3879 Bloor Street West

Part Lot Control - Exemption Plan

Applicant's Submitted Drawing

Not to Scale  
12/09/14

File # 14 173684 WET 05 CD, 14 173691 WET 05 PL



## Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	14 173684 WET 05 CD
	Part Lot Control Exemption		14 173691 WET 05 PL
Details	Common Elements Condominium	Application Date:	June 13, 2014

Municipal Address: 3879 BLOOR STREET WEST  
 Location Description: PLAN 2384 PT LOTS 119 TO 121 \*\*GRID W0504  
 Project Description: Proposal for Part Lot Control Exemption (14-173691) and Common Elements Condominium Approval (14-173684) to create POTLS and Parts to accommodate 15, 4-storey freehold townhouses with a proposed 2285.32m<sup>2</sup> of residential gross floor area.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ALEXANDER PUPPI			1319283 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision:	EC1
Zoning:	EC1	Historical Status:	
Height Limit (m):	15 m	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1468	Height:	Storeys:	4
Frontage (m):	44.54		Metres:	12
Depth (m):	36.57			
Total Ground Floor Area (sq. m):	782			<b>Total</b>
Total Residential GFA (sq. m):	2285.32		Parking Spaces:	24
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2285.32			
Lot Coverage Ratio (%):	53.2			
Floor Space Index:	1.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	2285.32	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	6	Industrial GFA (sq. m):	0	0
3 + Bedroom:	9	Institutional/Other GFA (sq. m):	0	0
Total Units:	15			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Travis Skelton, Assistant Planner</b>
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