

**71-73 Saulter Street – Common Elements Condominium Application – Final Report**

<b>Date:</b>	December 4, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	15-115050 STE 30 CD

**SUMMARY**

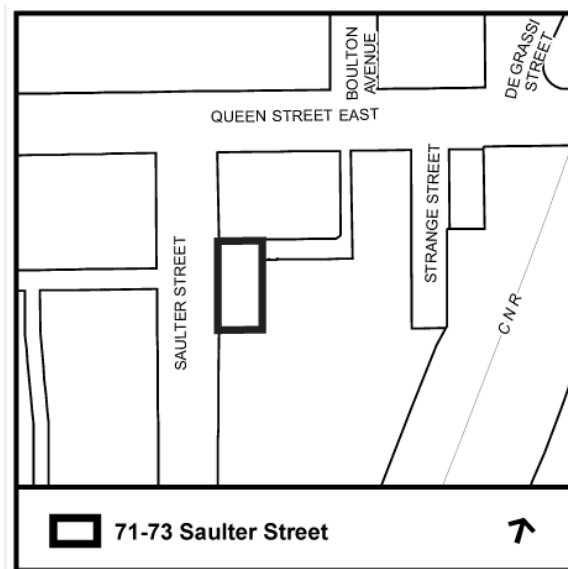
This application proposes to create a common elements condominium consisting of a private driveway to provide access to five freehold townhouse units for the lands municipally known as 71-73 Saulter Street. It would also ensure shared ownership and maintenance of the driveway by the condominium corporation.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium.

**RECOMMENDATIONS**

**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 71-73 Saulter Street, as generally illustrated on Attachment 1 to the report (December 4 2015) from the Director, Community Planning, Toronto and East York District,



subject to:

- a. the conditions as generally listed in Attachment 2 to the report (December 4, 2015) from the Director, Community Planning, Toronto and East 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 may deem to be appropriate to address matters arising from the on-going technical review of this development

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On April 29, 2015, the Committee of Adjustment refused a severance application (Application Numbers B0011/TEY15 and B0012/TEY15) with associated minor variance applications (Application Numbers A0144/15TEY, A0145/15TEY, A0146/15TEY, A0147/15TEY and A0148/15TEY) to create five new lots to facilitate the development of five three-storey townhouse units. Planning staff did not comment on these applications.

The applicant appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. In an Order dated August 25, 2015, the Ontario Municipal Board allowed the appeal, ordering provisional consent be given and authorizing requested minor variances.

As part of the severance proposal, six additional parts were created for a future common element condominium to be used for the shared private driveway access.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is to permit the creation of a Common Elements Condominium. The Common Elements Condominium would consist of a private driveway to provide access to five freehold townhouse units on lands known municipally as 71-73 Saulters Avenue. It would also ensure shared ownership and maintenance of the driveway by the condominium corporation.

The proposal would have a density of 1.59 times the area of the lot and a building height of 13.3 metres. The five townhouse units would face Saulters Avenue.

Vehicular access would be provided via a one-way private driveway from Woodgreen Place in the rear, terminating at Saulter Avenue.

### **Site and Surrounding Area**

The site is located south of Queen Street East on the west side of Saulter Avenue. The site is rectangular in shape. The lot frontage is approximately 30.48 metres and the lot depth is approximate 15.2 metres for a total area of 463 square metres.

Uses surrounding the site include:

- North: Queen Street East, 2- and 3-storey buildings that have a mix of residential and retail uses. There is also a commercial parking lot at the southeast corner of Queen Street East and Saulter Street, and institutional uses at the southwest corner of Queen Street East and Saulter Street;
- East: 3-storey row/townhouse residential uses on Woodgreen Place, light industrial uses off the foot of Strange Street and an elevated CN rail track;
- South: A range of 2 to 3-storey single detached and row/townhouse residential uses and the Saulter Street Parkette; and,
- West: 2-storey single detached and row-type residential uses.

### **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.

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 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 City of Toronto Official Plan is available on the City's website at [http://www.toronto.ca/planning/official\\_plan/](http://www.toronto.ca/planning/official_plan/)

## **Zoning**

The site is zoned MCR T2.5 C2.0 R2.0 by the former City of Toronto Zoning By-law 438-86 and CR 2.5(c2.0; r2.0) SS2 (x2294) which permits a wide range of commercial and residential uses with a maximum density of 2.5 times the area of the lot, of which a maximum of 2.0 times may be non-residential and a maximum of 2.0 times may be residential. The maximum permitted height is 14.0 metres.

The site is subject to minor variance applications (Application Numbers A0144/15TEY, A0145/15TEY, A0146/15TEY, A0147/15TEY and A0148/15TEY) which were approved by the Ontario Municipal Board.

The proposed development complies with the Zoning By-laws as varied.

## **Site Plan Control**

The subject site is in a Site Plan Control Area. A site plan control application is under review for this application (13 259561 STE 30 SA). Planning staff expect that the Notice of Approval Conditions will be issued prior to the January 2016 Toronto East York Community Council meeting.

## **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**

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

Engineering and Construction Services staff have advised that a Site Plan Agreement, currently being developed through site plan control application 13 259561 STE 30 SA, would need to be signed and registered on title prior to the Plan of Condominium being registered.

City Planning Staff are recommending approval of the common elements condominium application for 71-73 Saulters Street, subject to the conditions set out in Attachment 2 to

report dated November 26, 2015 from the Director, Community Planning, Toronto and East York District.

## **CONTACT**

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## **SIGNATURE**

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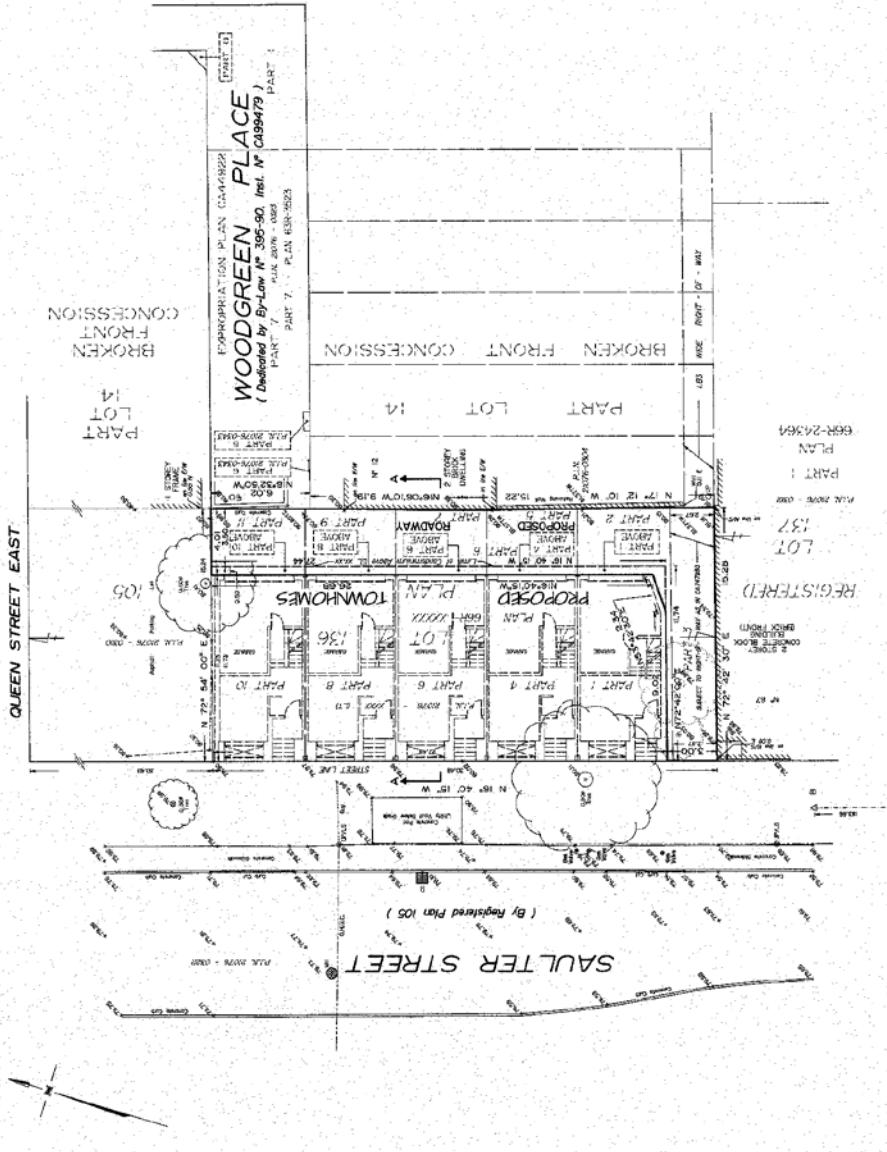
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **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



71 - 73 Saulter Street

File # 15\_115050\_STE 30 CD

Site Plan

Applicant's Submitted Drawing

Not to Scale  
06/15/2014



## **Attachment 2: Draft Plan Approval Conditions**

1. 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's designate, the Director of Community Planning, Toronto and East York District.
2. The owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (Statement of Account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to Section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. The owner shall file with the Director of Community Planning Toronto and East 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. The owner shall enter into a site plan agreement for the proposed five townhouse units, which will be freehold, to be signed and registered on title. [Engineering and Construction Services]
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

Application Type: Condominium Approval      Application Number: 15 115050 STE 30 CD  
Details: Common Elements      Application Date: February 12, 2015  
Municipal Address: 71 SAULTER ST  
Location Description: PLAN 105 PT LOT 136 RP 66R24364 PARTS 4 AND 5 \*\*GRID S3012  
Project Description: Condominium application for 5 units.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Gowling Lafleur Henderson LLP - Brian Parker			940412 Ontario Ltd.

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	MCR T2.5 C2.0 R2.0 (438-86) CR 2.5 (c2.0; r2.0) SS2 (x2294) (569-2013)	Historical Status:	N/A
Height Limit (m):	14	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	463	Height:	Storeys:	3
Frontage (m):	30.48		Metres:	13.3
Depth (m):	15.2			
Total Ground Floor Area (sq. m):	258.5			<b>Total</b>
Total Residential GFA (sq. m):	735		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	735			
Lot Coverage Ratio (%):	55.8			
Floor Space Index:	1.59			

#### DWELLING UNITS

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

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	735	158
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:	5	Institutional/Other GFA (sq. m):	0	0
Total Units:	5			

**CONTACT: PLANNER NAME: Jason Tsang, Assistant Planner**  
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