



## STAFF REPORT ACTION REQUIRED

### 456 Shaw St – Common Elements Condominium Application – Final Report

<b>Date:</b>	February 2, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	07 271631 STE 19 CD

## SUMMARY

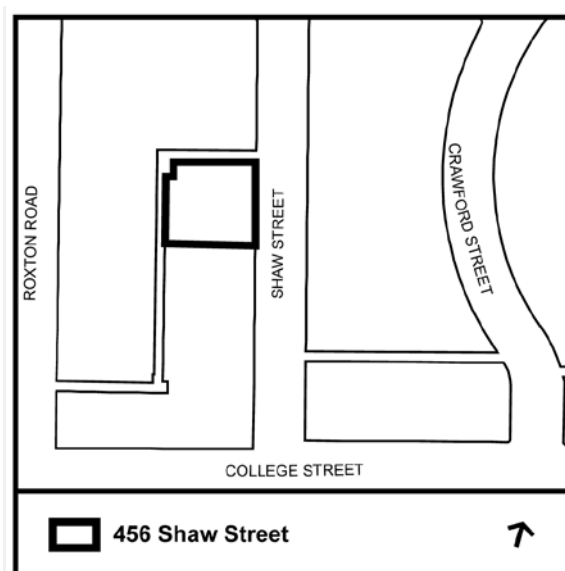
The Draft Plan of Common Elements Condominium application proposes to allow vehicle access over a shared private driveway providing access to an approved 13-unit townhouse development for the property at 456 Shaw Street.

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 456 Shaw Street, as generally illustrated on Attachment 1 to the report (February 2, 2016) from the Director of Community Planning, Toronto and East York District, 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

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting of May 18, 19 and 20, 2004, City Council adopted Official Plan Amendment No. 296: and enacted Zoning By-law 444-2004: to permit the construction of 13 townhouses at 456-460 Shaw Street.

The Council decision is available at the following

link:<http://www.toronto.ca/legdocs/2004/agendas/council/cc040518/ts4rpt/cl004.pdf>.

Link to the By-law for the Official Plan Amendment:

<http://www.toronto.ca/legdocs/bylaws/2004/law0443.pdf>.

Link to the By-law for the Zoning Amendment:

<http://www.toronto.ca/legdocs/bylaws/2004/law0444.pdf>

The development was also subject to a Site Plan Approval application and the Site Plan Agreement was registered on September 19, 2014 (03 170600 STE 19 SA).

The part lot exemption was considered by City Council in February, 2005. However, the part lot exemption has not been enacted because conditions had not been fulfilled yet.

Link to the part lot exemption:

(<http://www.toronto.ca/legdocs/2005/agendas/council/cc050216/te2rpt/cl015.pdf>).

### **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 thirteen townhouse units on lands known municipally as 456 Shaw Street. It would also ensure shared ownership and maintenance of the driveway by the condominium corporation.

#### **Site and Surrounding Area**

The site has an area of 1287 m<sup>2</sup> (0.32 acres) and is located on the west side of Shaw Street, north of College Street. It was formerly occupied by the British Methodist Church, which was

destroyed by a fire. The site is bounded by a public lane along the north and western edges of the site. Thirteen townhouses with seven units fronting on Shaw Street and six townhouses fronting on the public lane currently occupy the site. The proposed Common Elements Condominium driveway would provide access to the parking spaces at the rear of the thirteen townhouses. Refer to Attachment No. 3 for project data.

North: Immediately to the north are three storey townhouse buildings. Further north is Central Commerce Collegiate on the west side of Shaw Street and three storey residential houseform buildings including townhouses on the east side of Shaw Street.

South: Two and three storey residential houseform buildings and further south in the next block is the College Street commercial residential strip

East: Three storey residential houseform buildings including townhouses

West: Three storey townhouse buildings.

## **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.

## **Official Plan**

The subject site is designated *Neighbourhoods* in the Toronto Official Plan, which are considered physically stable areas made up of residential uses in lower scale buildings. The following Official Plan *Neighbourhoods* Policies are of relevance to this application:

- Policy 4.1.5(c) states that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood regarding heights, massing, scale, and dwelling type of nearby residential properties, and;
- Policy 4.1.5(g) states that development in established neighbourhoods will respect and reinforce the continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood.

The heights, massing, scale and dwelling type of the townhouses and the proposed access arrangement respect the existing physical character and landscape features of the surrounding neighbourhood.

## **Zoning**

The site is zoned Residential (R) in City-Wide Zoning By-law 569-2013. The purpose of the Residential zone category in these respective By-laws is generally to maintain a stable built form and to limit the impact of new development on adjacent residential properties.

## **Site Plan Control**

The subject site and development is subject to Site Plan Control. A Site Plan Agreement was registered on September 19, 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 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. The registration of the driveway as a common elements condominium will provide shared access to the townhouse units at 456 Shaw Street. City Planning Staff are recommending approval of the common elements condominium application for 456 Shaw Street, subject to the conditions set out in Attachment 2.

## **CONTACT**

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## **SIGNATURE**

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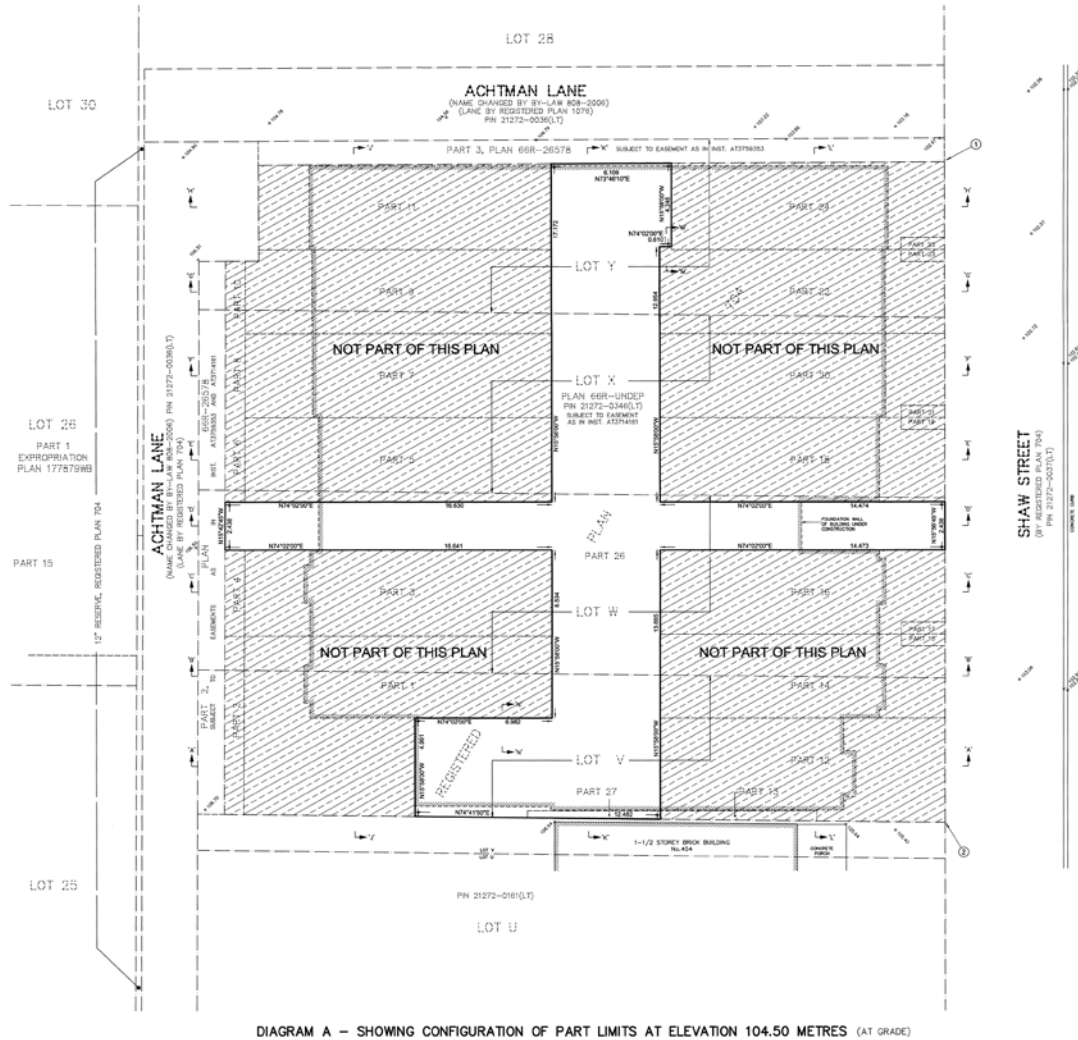
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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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



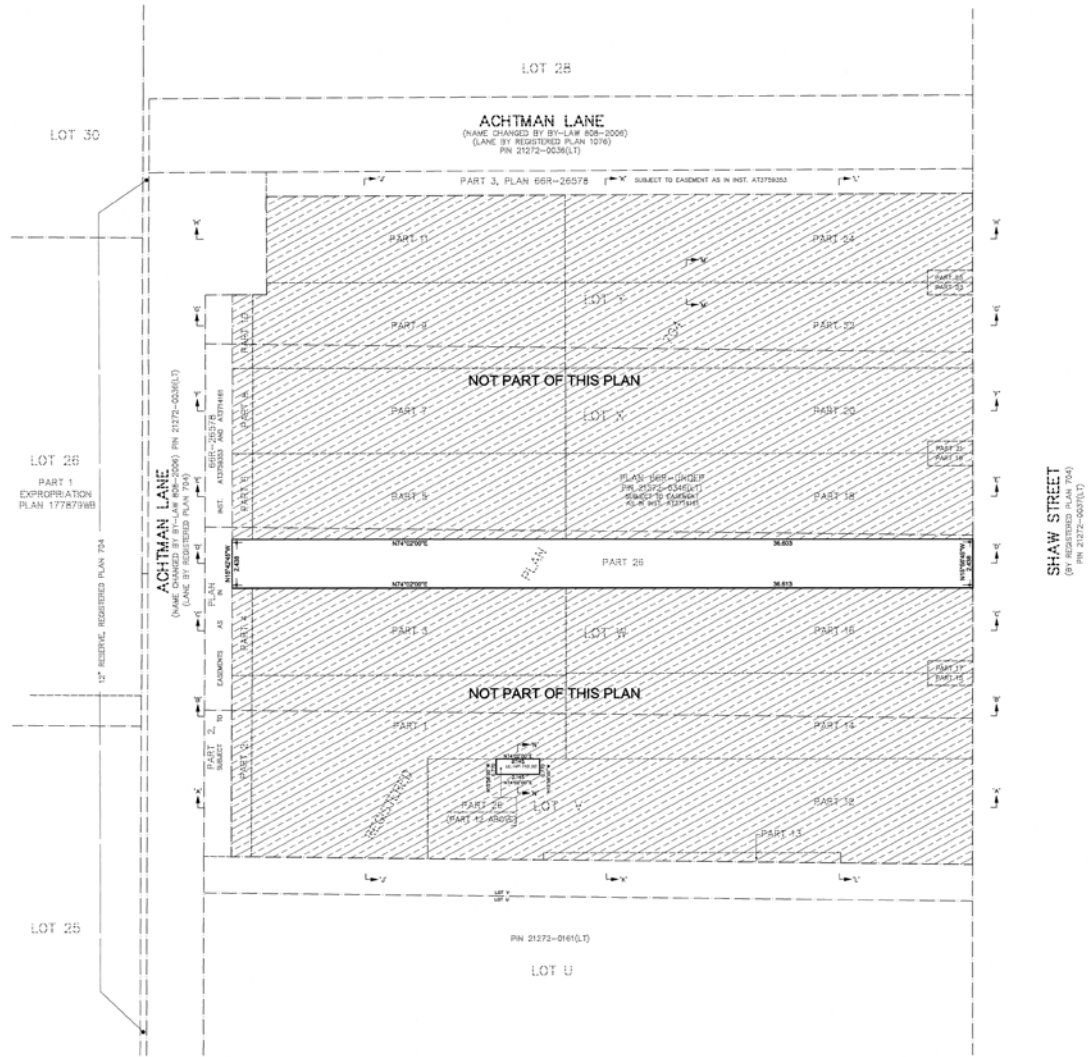
### Draft Plan of Condominium - Diagram A

456 Shaw Street

Applicant's Submitted Drawing

Not to Scale  
01/12/2016

File # 07\_271631 STE 19 CD



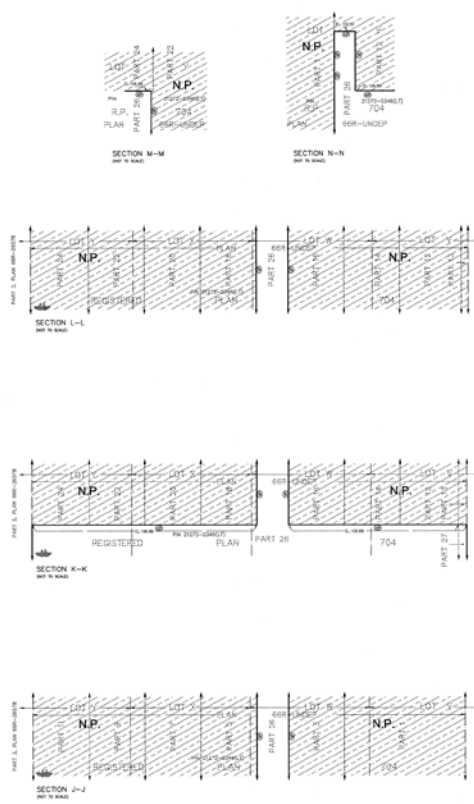
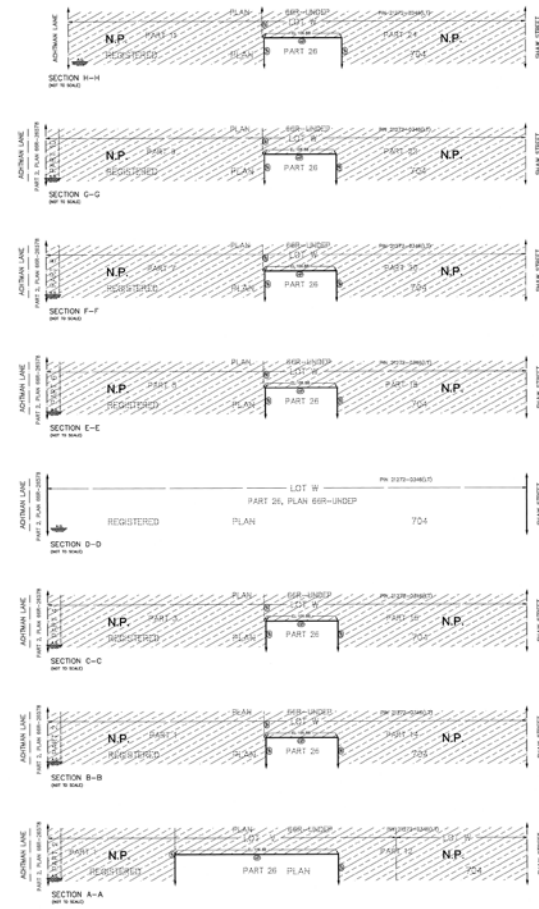
## Draft Plan of Condominium - Diagram B

**456 Shaw Street**

### Applicant's Submitted Drawing

Not to Scale  
01/12/2016

File # 07\_271631 STE 19 CD



**Draft Plan of Condominium - Diagram C**  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/12/2016

**456 Shaw Street**  
 File # 07\_271631 STE 19 CD

## **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 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.
- (3) 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.
- (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	Condominium Approval	Application Number:	07 271631 STE 19 CD
Details	Common Elements	Application Date:	October 19, 2007
Municipal Address:	456 SHAW ST		
Location Description:	PL 704 LTS W, X & Y PT LT V **GRID S1902		
Project Description:	COMMON ELEMENTS CONDOMINIUM FOR THIRTEEN ROW HOUSES		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
URBANQUEST INCORPORATED		ARCH DWG	URBANQUEST INCORPORATED

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	444-2004
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	14, 0, 0	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	1287.04	Height:	Storeys:	3
Frontage (m):	34.75		Metres:	12.19
Depth (m):	38.03			
Total Ground Floor Area (sq. m):	737			<b>Total</b>
Total Residential GFA (sq. m):	1178		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1178			
Lot Coverage Ratio (%):	57			
Floor Space Index:	0.92			

#### DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	13
3 + Bedroom:	0
Total Units:	13

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

	Above Grade	Below Grade
Residential GFA (sq. m):	1178	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Mladen Kukic, Assistant Planner</b>
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