

**103 and 108 Bayview Ridge – Common Elements
Condominium Application and Part Lot Control
Exemption Applications – Final Report**

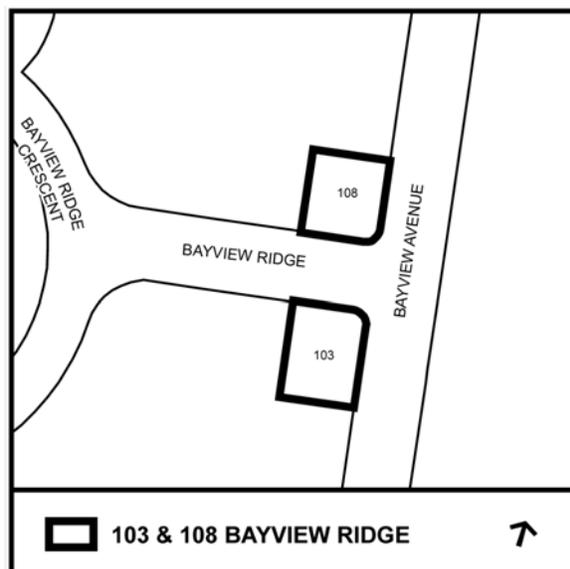
| | |
|--------------------------|--|
| Date: | August 9, 2017 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Ward 25 – Don Valley West |
| Reference Number: | 17 135261 NNY 25 CD, 17 135273 NNY 25 PL and 17 135294 NNY 25 PL |

SUMMARY

This condominium application proposes to establish the rear private driveways as a common element for the units under construction at 103 and 108 Bayview Ridge. The common elements condominium is required to provide legal pedestrian and vehicular access to eleven residential townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The requested exemptions from the Part Lot Control provisions of the *Planning Act* are required to permit the creation of conveyable lots for the eleven residential townhouse units fronting Bayview Avenue on the north and south side of Bayview Ridge.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and Part Lot Control Exemptions. 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.



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 and Executive Director, City Planning intends to approve the draft plan of common elements condominium for the lands at 103 and 108 Bayview Ridge as generally illustrated on Attachment 1 to this report, subject to:
 - (a) the conditions as generally listed in Attachment 2 to this report, 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 103 and 108 Bayview Ridge as generally illustrated on Attachments 3 and 4 to this report, 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 Bills, 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 his/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

The Official Plan and Zoning By-law Amendment (file no. 13 220385 NNY 25 OZ) and Site Plan (file no. 13 220392 NNY 25 SA) applications for 103 Bayview Ridge, as well as the Official Plan and Zoning By-law Amendment (file no. 13 220414 NNY 25 OZ) and Site Plan (file no. 13 220420 NNY 25 SA) applications for 108 Bayview Ridge, were submitted on August 14, 2013. The applications were to permit six townhouse units fronting onto Bayview Avenue and two detached dwellings fronting onto Bayview Ridge for 103 Bayview Ridge and were to permit five townhouse units and two detached dwellings fronting onto Bayview Ridge at 108 Bayview Ridge. The existing single-detached dwellings on the properties were demolished.

On October 17, 2013 North York Community Council adopted Preliminary Reports on the Official Plan Amendment and Zoning By-law Amendment applications. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to regulations under the *Planning Act*.

The Preliminary Reports for 103 and 108 Bayview Ridge are available at:
<http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-62112.pdf>
<http://www.toronto.ca/legdocs/mmis/2013/ny/bgrd/backgroundfile-62107.pdf>

On December 16, 2013, the applicant appealed the Zoning By-law Amendments, Site Plan Control and Consent applications to the Ontario Municipal Board (OMB) citing Council's and the Secretary Treasurer's failure to make a decision within the time prescribed by the *Planning Act*.

On August 25, 2014, City Council considered the Directions Reports on the applications. It was the Decision of City Council to direct City staff to continue discussions with the applicant in an attempt to address issues, but to appear before the OMB to oppose the proposal.

The Directions Reports for 103 and 108 Bayview Ridge are available at:
<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-72193.pdf>
<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-72193.pdf>

A settlement was ultimately reached between the applicant and the City for all applications at 103 and 108 Bayview Ridge. On February 4, 2015 the OMB approved the applications as revised in accordance with the settlement (file no. PL140160). The OMB issued a final Order on December 2, 2015 which was further amended on November 30th, 2016. Site Plan approval has been granted for the site and the development proposal is now nearing completion of construction.

ISSUE BACKGROUND

Proposal

The common elements condominium application proposes to establish the rear private driveways and two visitor parking spaces as common elements at 103 and 108 Bayview Ridge to ensure shared access, ownership and maintenance of the common elements by the condominium corporation. The requested exemptions from the Part Lot Control of the *Planning Act* are required to permit the creation of conveyable lots for the 11 residential townhouse units fronting onto Bayview Avenue containing 22 parking spaces with rear integral garages.

Site and Surrounding Area

The sites are located on the south-west and north-west corners of Bayview Ridge and Bayview Avenue and have a total area of approximately 4959 m², with the 11 townhouses currently under construction. Single detached lots in the surrounding area to the west of the site are large, with a minimum lot frontage requirement of eighteen metres. The single detached dwellings included in the Official Plan and Zoning By-law Amendment applications are also currently under construction to the west for the site with minimum lot frontage requirements of 18 metres.

To the north of the site are single detached dwellings which front onto Bayview Avenue and generally have large setbacks from the street. The site abuts single detached dwellings to the west and abutting to the south is a two-storey commercial school. Bayview Avenue abuts the site to the east.

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Official Plan

The Official Plan designates the site as *Neighbourhoods* which are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Development in *Neighbourhoods* is expected to “respect and reinforce” the existing physical character including building typology, size and configuration of lots, heights, massing and scale. Infill developments, should have building types with heights, massing and scale that are appropriate for the site and surrounding area.

The site is subject to Site and Area Specific Policies (SASP 491) which permit for 103 Bayview Ridge, a maximum of six, three-storey townhouse units and two, two-storey detached dwellings; and for 108 Bayview Ridge a maximum of five, three-storey townhouse units and two, two-storey detached dwellings.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Zoning

The property at 103 Bayview Ridge is subject to Site Specific By-laws 385-2016 (OMB) and 386-2016 (OMB) which permit a maximum of six, three-storey townhouses with a maximum floor space index of 1.79 and maximum height of 11 metres, as well as a maximum of two, two-storey detached dwellings.

The property at 108 Bayview Ridge is subject to Site Specific By-laws 388-2016 (OMB) and 389-2016 (OMB) which permit a maximum of five, three-storey townhouses with a maximum floor space index of 1.66 and maximum height of 11 metres, as well as a maximum of two, two-storey detached dwellings.

Site Plan Control

Site Plan Control applications for 103 and 108 Bayview Ridge were submitted on August 14, 2013 (File Nos. 13 220392 NNY 25 SA and 13 220420 NNY 25 SA). Notices of Approval Conditions with respect to 103 and 108 Bayview Ridge were issued on June 6, 2016 and Site Plan Agreements between the Owners and the City of Toronto were registered on title on July 13, 2016. Final Site Plan approval was granted on August 1, 2017.

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

Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed development applications are consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

Land Division

The applicant is proposing a Common Elements Condominium and Part Lot Control Exemptions. The Part Lot Control is to create the 11 lots for the freehold townhouses on the site, while the Common Element Condominium is to allow for shared vehicular access to the townhouses from the driveways at the rear of the site. This is appropriate as it implements the previous approvals and complies with the Official Plan and Zoning By-laws.

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 currently under construction.

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 Exemption By-laws 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.

CONCLUSIONS

The proposed Draft Plan of Common Elements Condominium and the exemptions from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

CONTACT

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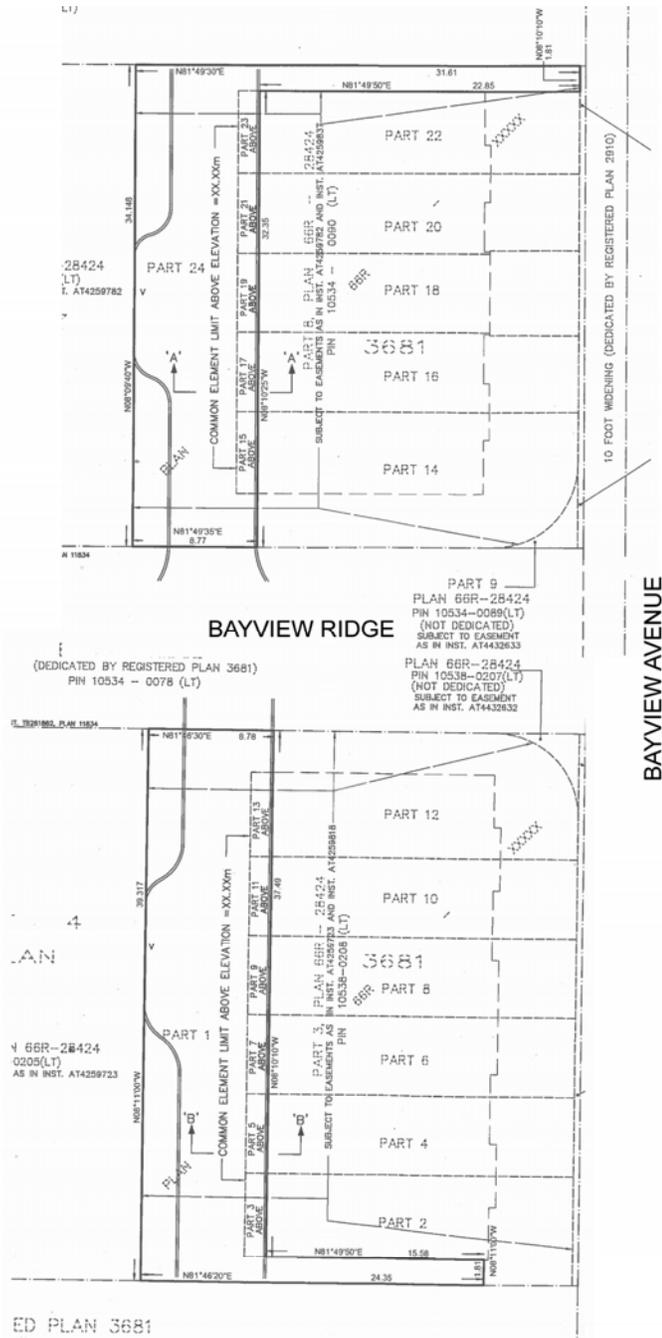
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3: Part Lot Control Exemption Plan – 103 Bayview Ridge
Attachment 4: Part Lot Control Exemption Plan – 108 Bayview Ridge
Attachment 5: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements - Condominium

103 & 108 Bayview Ridge

Applicant's Submitted Drawing

File # 135273 NNY 25 PL & 17 135294 NNY 25 PL

Not to Scale 

File # 17 135261 NNY 25 CD

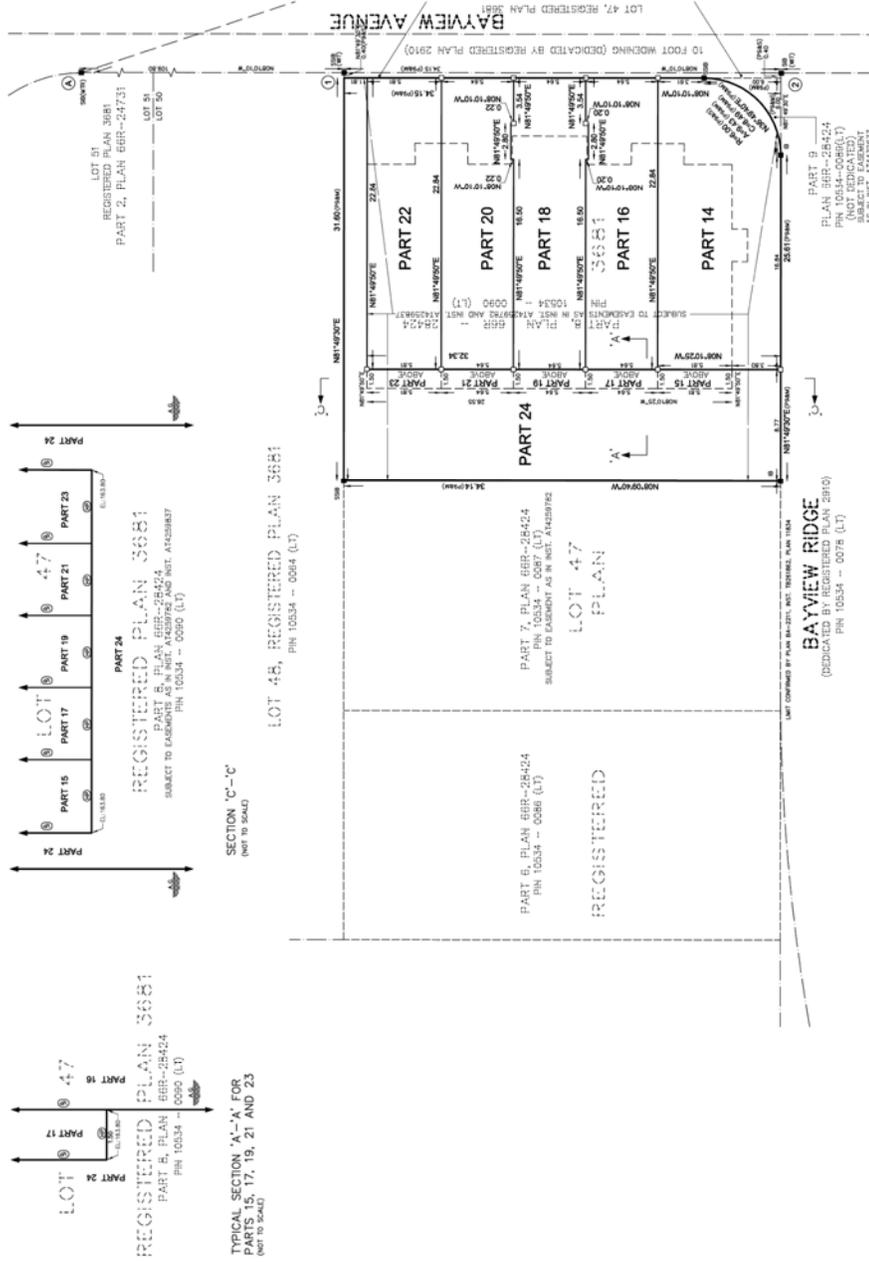
Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director 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 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.
- (7) The owner's engineer is required to certify in writing that this application has been constructed to manage any groundwater discharge on-site through the proposed basement weeping system for all the units that will pump the foundation ground water to grade, without a connection to the municipal stormwater or sanitary system, and that the on-site groundwater management system is in compliance with the City of Toronto Municipal Code Chapter 681.
- (8) The owner shall make an application to Toronto Water Division for the disconnection of existing municipal sewer connections by the City.
- (9) This application has been commented under the consideration that the proposed development is a freehold development subject to Common Elements Condominium under the Condominium Act. The Condominium Declaration shall

include a condition indicating that the unit owners and their successors in title will be responsible for the provision, construction, maintenance and repair of the common elements.

- (10) The proposed detached dwellings facing Bayview Ridge will drain their storm flow to the proposed storm system within the common element private driveway of the townhouse units. The Owner shall submit to the City of Toronto, Toronto Water, a private easement agreement, which includes maintenance provisions that clearly outline the shared stormwater management facilities and other shared facilities between the condominium and the proposed detached dwellings. Any maintenance or cost sharing agreements in connection with a private easement between landowners remain the sole responsibility of the property owners.

Attachment 4: Part Lot Control Exemption Plan – 108 Bayview Ridge



108 Bayview Ridge

Part Lot Plan
 Applicant's Submitted Drawing
 Not to Scale
 07/24/2017

File # 17 135294 NNY 25 PL
 File # 17 135261 NNY 25 CD

Attachment 5: Application Data Sheet

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|-------------------------------|--|----------------------|---|
| Application Type | Condominium Approval & Part Lot Control | Application Number: | 17 135261 NNY 25 CD 17 135273 NNY 25 PL 17 135294 NNY 25 PL |
| Details | Common Elements | Application Date: | March 28, 2017 |
| Municipal Address: | 103 and 108 BAYVIEW RIDGE | | |
| Location Description: | PLAN 3681 LOT 47 **GRID N2503 | | |
| Project Description: | Application to designate the rear private driveways as a common element for the 11 townhouses. | | |
| Applicant: | Agent: | Architect: | Owner: |
| M BEHAR PLANNING & DESIGN INC | Chris Pereira | Lorne Rose Architect | 2524255 ONTARIO INC. |

PLANNING CONTROLS

| | | | |
|----------------------------|--|--------------------------|-----|
| Official Plan Designation: | Neighbourhoods | Site Specific Provision: | 491 |
| Zoning: | By-law 7625: R3(22), RM1(101) and R3(21), RM1(100), By-law 569-2013: RD (f18,a614)(882), RT (au128)(79) and RD (f18.0,a707)(887), RT (au123)(80) | Historical Status: | N |
| Height Limit (m): | 11 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------------------|---------|-----------------|--------------|
| Site Area (sq. m): | 1220.76 and 1093.19 | Height: | Storeys: | 3 |
| Frontage (m): | 39.3 and 34.19 | | Metres: | 10.2 |
| Depth (m): | 67.06 and 68 | | | |
| Total Ground Floor Area (sq. m): | 351.5 and 301.57 | | | Total |
| Total Residential GFA (sq. m): | 3842.27 | | Parking Spaces: | 12 and 10 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 |
| Total GFA (sq. m): | 2021 and 1821.27 | | | |
| Lot Coverage Ratio (%): | 45.6% and 42.5% | | | |
| Floor Space Index: | 1.66 and 1.67 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | Freehold | | Above Grade | Below Grade |
|--------------|----------|----------------------------------|-------------|-------------|
| Tenure Type: | Freehold | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 2203.1 | 493.8 |
| 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: | 11 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 11 | | | |

| | | |
|-----------------|----------------------|--|
| CONTACT: | PLANNER NAME: | Sarah Ovens, Planner |
| | PHONE/EMAIL: | (416) 395-7129 / sarah.ovens@toronto.ca |