

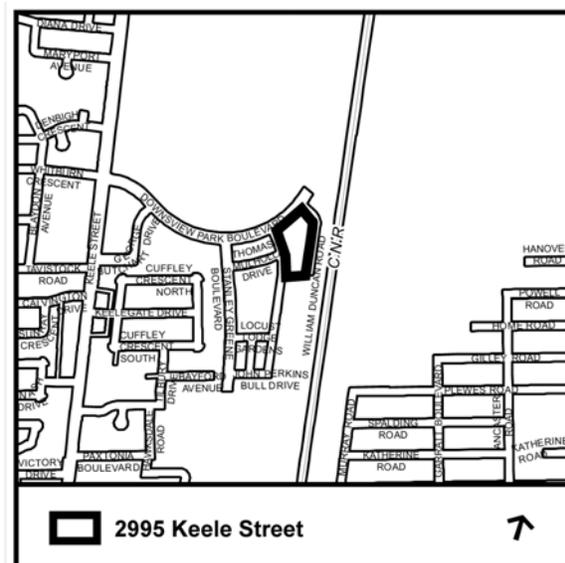
**2995 Keele Street – Blocks B1, B2, B3, and B4 - Stanley Greene District -Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report**

<b>Date:</b>	August 18, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 9 – York Centre
<b>Reference Number:</b>	17 127699 NNY 09 CD and 17 144266 NNY 09 PL

**SUMMARY**

This application for Draft Plan of Condominium proposes the creation of a common elements condominium comprised of driveways, landscaping, and interior sidewalks to facilitate the development of Blocks B1, B2, B3, and B4 of the Stanley Greene District at 2995 Keele Street. The development blocks will contain 101 townhouse dwellings. A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of the conveyable lots.

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.



## **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 intends to approve the draft plan of common elements condominium for the lands at 2995 Keele Street, as generally illustrated on Attachment 1 to report dated August 18, 2017, 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.
2. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 2995 Keele Street as generally illustrated on Attachment 3 to report dated August 18, 2017, 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 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 subject site forms part of the Downsview Area Secondary Plan. The intent of the Downsview Area Secondary Plan is to provide for the creation of a major national urban park and a balanced mix of urban land uses in a park like setting, which can be accommodated within the overall transportation network.

On April 30, 2010, Parc Downsview Park Inc. (PDP) filed an Official Plan and Zoning By-law Amendment (10 167221 NNY 08 OZ) application for an updated Downsview Area Secondary Plan, which largely reflected a previously tabled staff-recommended Secondary Plan. The application proposed primarily residential development in the southeast portion of the Stanley Greene District within the Downsview Area Secondary Plan. A subsequent Draft Plan of Subdivision (10 252415 NYY 08 SB) was filed on September 3, 2010, to implement the above-noted Official Plan and Zoning Bylaw Amendment. The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision were appealed to the Ontario Municipal Board based on the City's failure to approve the applications within the timelines specified by the Planning Act. The Ontario Municipal Board issued a decision approving a negotiated settlement between the City and PDP for an updated Downsview Area Secondary Plan and Draft Plan of Subdivision on August 17, 2011, authorized through By-law No. 1632-2013 (OMB).

On October 1, 2014, applications were approved at the North York Committee of Adjustment for Minor Variances (A0746/15NY, A0748/15NY, A0749/15NY, A0750/15NY, and A0751/15NY) to reduce required separation distances between the proposed dwellings, roof top terrace setbacks from front lot line and rear walls, and rear yard setbacks required from the southern property line.

The Statement of Approval for the Site Plan Control application for Blocks B1 and B4 was issued on November 21, 2016.

The Statement of Approval for the Site Plan Control application for Block B2 was issued on January 30, 2017.

The Statement of Approval for the Site Plan Control application for Block B3 was issued on March 16, 2017.

## **ISSUE BACKGROUND**

### **Proposal**

This application for Draft Plan of Condominium proposes the creation of a common elements condominium comprised of driveways, landscaping and interior sidewalks (leading to front yards and entrances to dwellings within Block B1) to facilitate the development of Blocks B1, B2, B3, and B4 of the Stanley Greene District at 2995 Keele Street. The development blocks will contain 101 townhouse dwellings. A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of the conveyable lots. The Draft Plan of Condominium will also

ensure shared ownership and maintenance of the driveways and visitor parking spaces by the condominium corporation.

These applications are associated with the second phase of residential construction within the Downsview Area Secondary Plan.

### **Site and Surrounding Area**

The subject lands are located in the southeast portion of the Stanley Greene District of the Downsview Area Secondary Plan. The site is bounded by Downsview Park Boulevard running east from Keele Street along the north edge of the site, Frederick Tisdale Drive on the west and William Duncan Road on the east. The townhouse development proposed herein is currently under construction on the subject site with some dwellings newly completed and occupied. The proposed Common Elements Condominium will create several driveways and sidewalks to provide interior access for the townhouses. Refer to Attachment No. 4 for project data.

Land uses surrounding the site are as follows:

North: Downsview Park Boulevard and beyond is Downsview Park;

South: New dwellings in the Stanley Greene neighbourhood and the Mount Sinai Memorial Park beyond;

East: The Barrie Railway line, the Bombardier airplane factory, City of Toronto Transportation Services Yards and the Ancaster community; and

West: New dwellings in the Stanley Greene neighbourhood and existing detached dwellings 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 (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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The proposal is consistent with the 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 *Neighbourhoods* in the Official Plan and the Downsview Area Secondary Plan, which is described as physically stable areas made up of residential uses in lower scale buildings. The proposed townhouse dwellings are permitted by the Downsview Area Secondary Plan.

### **Zoning**

The subject property is zoned RM5(24), RM5(25) and RM5(26) under former North York Zoning By-law 7625. The subject site has been excluded from the new City-wide Zoning By-law 569-2013. The zoning of the subject properties permit the proposed townhouse dwellings on the site.

## **Site Plan Control**

The proposed townhouse dwellings for Blocks B1 and B4 are subject to Site Plan Control application 14 121340 NNY 09 SA. Statement of approval for the site plan was issued on November 21, 2016.

The proposed townhouse dwellings for Block B2 are subject to Site Plan Control application 14 117666 NNY 09 SA. Statement of approval for the site plan was issued on November 21, 2016.

The proposed townhouse dwellings for Block B3 are subject to Site Plan Control application 14 131286 NNY 09 SA. Statement of approval for the site plan was issued on January 30, 2017.

## **Agency Circulation**

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Draft Plan of Common Elements Condominium and Part Lot Control conditions and recommendations.

## **COMMENTS**

### **Land Division**

The proposed common elements condominium will allow shared access, ownership and responsibility for maintenance of the proposed driveways leading to parking for the proposed dwellings, landscaping, and interior sidewalks (leading to front yards and entrances to dwellings within Block B1) associated with the 101 townhouse dwellings. Townhouse dwellings within Block B1, B2, and B4 front onto a public street or common element sidewalk with access to rear integral garages from a common element driveway. The townhouse dwellings within Block B3 front onto a public street with below grade parking spaces. The Owner will also provide certification by their solicitor that any required easements are in place to ensure that visitor parking spaces within nearby blocks contained within the Stanley Greene District are accessible by all residents. The proposed Draft Plan of Common Elements Condominium and Part Lot Control Exemption Application comply with the Zoning By-law and Official Plan.

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 Registered Plan of Subdivision (10 252415 NYY 08 SB) registered on March 13, 2015. 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 provides sufficient time for the completion of the proposed development currently under construction. Currently the proposed townhouses under construction have

outstanding zoning violations with regards to interior garage dimensions. The proposed conditions of approval includes a clause that the Owner shall resolve any outstanding violations with Zoning, MLS, Toronto Building and/or Legal Services respecting the proposed development prior to the registration of any condominium.

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.

## **CONTACT**

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E-mail: Adam.Pressick@toronto.ca

## **SIGNATURE**

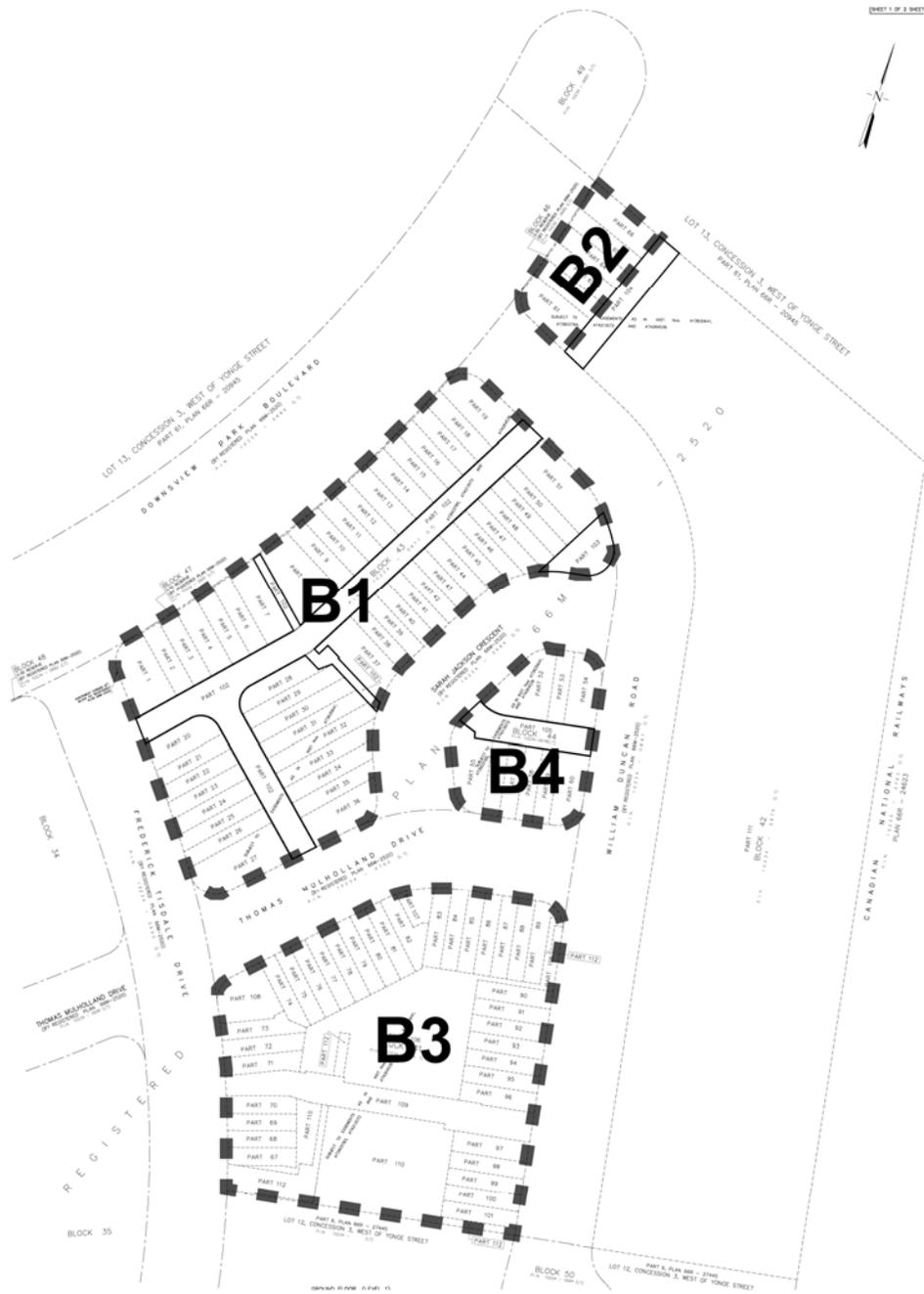
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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

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

**Attachment 1: Draft Plan of Condominium – Blocks B1, B2, B3, and B4**



**Draft Plan of Condominium**

**2995 Keele Street**

**Applicant's Submitted Drawing**

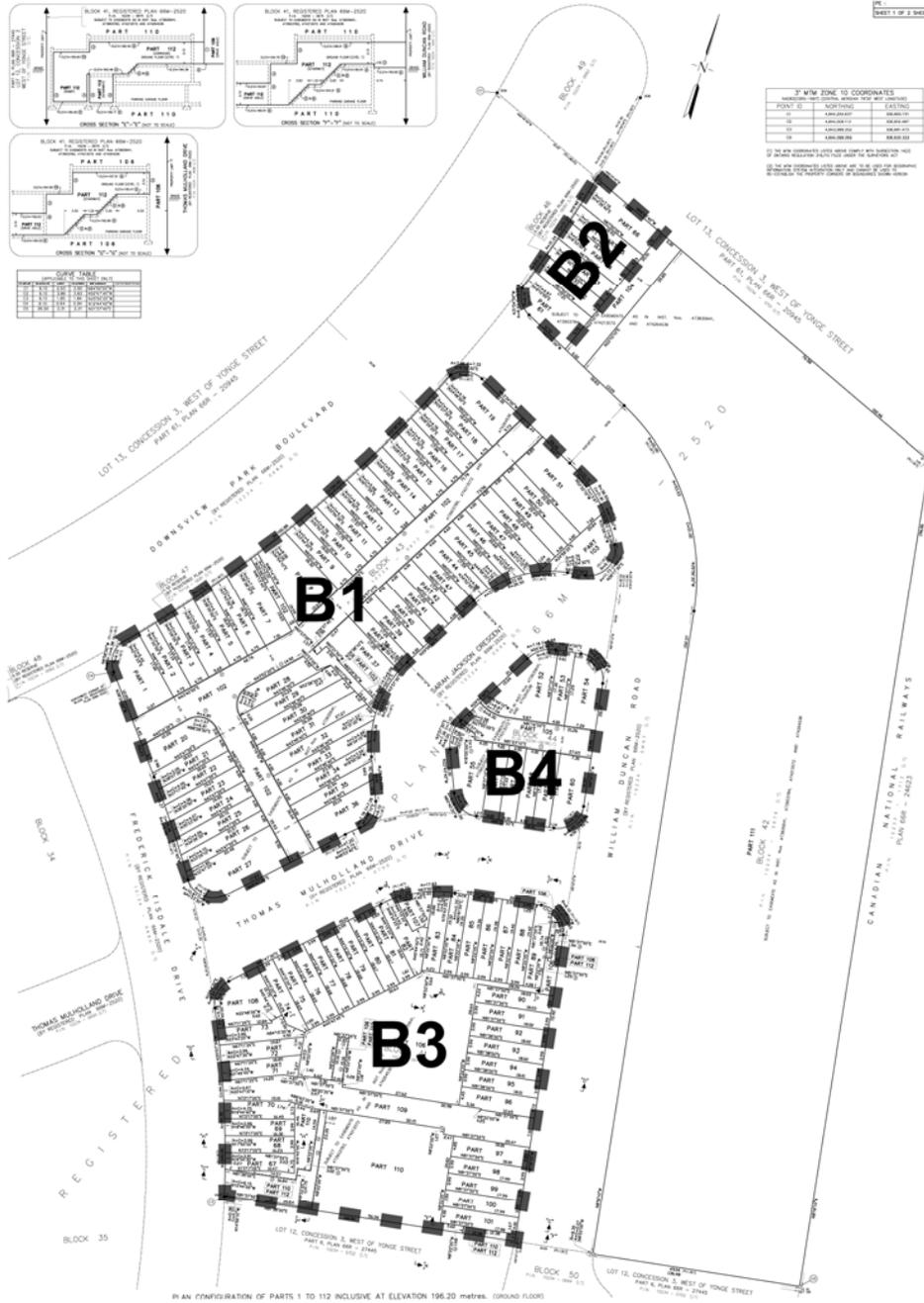
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07/20/2017

File # 17 127699 NNY 09 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) 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.
- (6) The Owner shall file with the Director, Community Planning North York District, fully executed copies of the following certificates satisfactory to the said Director:
  - (i) certification from the applicant's solicitor with respect to the creation of necessary easements;
  - (ii) certification from the applicant's surveyor with respect to the identification of necessary easements; and
  - (iii) certification from the applicant's engineer with respect to the identification of necessary easements.
- (7) The Owner shall resolve any outstanding violations with Zoning, MLS, Toronto Building and/or Legal Services respecting the proposed development prior to the registration of any condominium.

# Attachment 3: Part Lot Control Exemption Plan - Blocks B1, B2, B3, and B4



**Part Lot Plan**

**2995 Keele Street**

Applicant's Submitted Drawing

Not to Scale  
07/20/2017

File # 17 144266 NNY 09 PL

## Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	17 127699 NNY 09 CD
Details	Common Elements	Application Date:	March 10, 2017
	Part Lot Control Exemption	Application Number:	17 144266 NNY 09 PL
		Application Date:	April 13, 2017

Municipal Address: 2995 KEELE ST

Location Description: \*\*GRID N0904, Blocks B1, B2, B3 and B4

Project Description: This is an application for a Common Elements Condominium to establish private driveways landscaping, and sidewalks to facilitate the development of blocks B1, B2, B3 and B4 of the Stanley Greene District at 2995 Keele Street. The development blocks will contain 101 townhouse dwellings. The concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of the conveyable lots.

**Applicant:**

Downsview Homes Inc.  
7880 Keele Street Suite 500,  
Toronto, Ontario L4K 4G7

**Agent:**

**Architect:**

**Owner:**

Downsview Homes Inc.  
7880 Keele Street Suite 500,  
Toronto, Ontario L4K 4G7

**PLANNING CONTROLS**

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	24, 25, 26
Zoning:	RM5	Historical Status:	N
Height Limit (m):	13m	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m): 12,757.7	Height:	Storeys:	3	
Frontage (m): 4 m to 5.5 m		Metres:	13	
Depth (m): Varies				
Total Ground Floor Area (sq. m): 7,654				<b>Total</b>
Total Residential GFA (sq. m): 24,240		Parking Spaces:	101	
Total Non-Residential GFA (sq. m): 0		Loading Docks:	0	
Total GFA (sq. m): 24,240				
Lot Coverage Ratio (%): 60%				
Floor Space Index: 1.9				

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN**

Tenure Type:	Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	24,240	0
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:	101	Institutional/Other GFA (sq. m):	0	0
Total Units:	101			

**CONTACT:**

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