

2522 – 2542 Keele Street – Draft Plan of Standard Condominium Application - Request for Direction Report

Date:	February 2, 2018
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 12 – York South-Weston
Reference Number:	17 125471 WET 12 CD

SUMMARY

This Draft Plan of Standard Condominium application proposes to permit the registration of 128 residential units within an 8-storey mixed use building at 2522-2542 Keele Street. The proposed development also includes 1,143m² of non-residential space and a two-level underground parking garage.

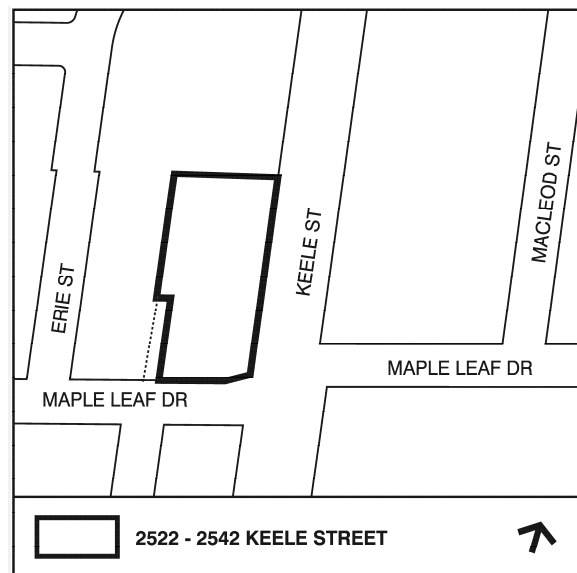
On November 10, 2017, the applicant appealed the Draft Plan of Standard Condominium application to the Ontario Municipal Board (OMB) pursuant to Subsection 51(34) of the *Planning Act*, citing the City of Toronto’s failure to render a decision. The Ontario Municipal Board has scheduled a four-day hearing, commencing June 19, 2018, to consider this appeal.

This report recommends that City Council direct the City Solicitor, together with appropriate City staff, to attend the OMB hearing in support of the Draft Plan of Standard Condominium application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and other appropriate City



staff to attend the Ontario Municipal Board hearing on June 19, 2018, or such alternate date as may be secured by the applicant, in support of the approval of the Draft Plan of Standard Condominium application (File No. 17 125471 WET 12 CD) for 2522-2542 Keele Street as generally illustrated on Attachment 1 to this report, subject to:

- a. The Draft Conditions of Approval as generally listed in Attachment 2 to this report, which except as otherwise noted must be fulfilled prior to final approval and the release of the Plan of Condominium; and
 - b. Any such revisions to the proposed Plan of Standard Condominium or any such additional modified conditions as the Acting 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 authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the Recommendations of this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Ontario Municipal Board (OMB) approved Zoning By-law Amendment and Site Plan Control applications for this property, in principle through its decision dated August 27, 2013, as amended September 16, 2013. These decisions approved the development of an 8-storey mixed use building containing 128 residential units and 1,143m² of commercial space. The OMB issued a Final Order approving the Site Specific Zoning By-law on July 22, 2015 and a Final order approving the Site Plan on March 9, 2017.

The application for Draft Plan of Standard Condominium was submitted on March 7, 2017 to permit the registration of 128 residential units within an 8-storey mixed use building. The application was circulated by Planning staff to the applicable City Divisions for review and comment.

On April 5, 2017, the Ward Councillor requested that consideration of this application be bumped-up to the June 13, 2017 Etobicoke York Community Council meeting. At that time, Planning staff were not in a position to report on the application. Staff presented a Status Report at the September 6, 2017 Etobicoke York Community Council meeting to advise on the status of the application, given the request from the Ward Councillor and the time that had elapsed since the submission of the application (Item EY24.4).

At its meeting of September 6, 2017, Etobicoke York Community Council:

1. Deferred further consideration of the draft plan of condominium registration until the Etobicoke York Community Council receives final plans and drawings that specify the approved density, the on-site parking requirements and necessary

agreements that permit shared facilities or services by the residential condominium and the remnant portion of the building.

2. Requested the City Solicitor to verify that, in accordance with the original OMB decision, there are no agreements entered into by the City and the applicant to secure public benefits under Section 37(3) of the *Planning Act* and/or Section 5.1.1.5(d)(e) of the Official Plan.
3. Requested the City Solicitor to verify that the site plan agreement between the owner of 2522 – 2542 Keele Street and the City was registered on title prior to the issuance of the unconditional building permit, as required.

The decision and staff report may be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-106044.pdf>

In response to this direction from Etobicoke York Community Council, staff provided a further update on the application for Draft Plan of Standard Condominium approval for 2522-2542 Keele Street at the October 17, 2017 Etobicoke York Community Council meeting (Item EY25.40). Etobicoke York Community Council recommended that City Council receive the report for information. City Council on November 7, 8 and 9, 2017, deferred Item EY25.40 until the January 31, February 1 and 2, 2018 meeting of City Council. <https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-107953.pdf>

City Council on December 5, 6, 7 and 8, 2017, adopted the following (Item EY26.41):

1. City Council direct the City Solicitor, in the event that an Ontario Municipal Board hearing is scheduled to hear the appeal filed under subsection 51(34) of the *Planning Act* (application for draft plan of condominium), to request an adjournment of any Ontario Municipal Board hearing until such time as Etobicoke York Community Council has had an opportunity to consider a report from the City Planning Division and to make recommendations to City Council.

On November 10, 2017, the applicant appealed the Draft Plan of Standard Condominium application to the Ontario Municipal Board (OMB) pursuant to Subsection 51(34) of the *Planning Act*, citing the City of Toronto's failure to render a decision. The Ontario Municipal Board has scheduled a four-day hearing, commencing June 19, 2018, to consider this appeal.

ISSUE BACKGROUND

Proposal

The Draft Plan of Standard Condominium application is for the proposed residential condominium component of the development at 2522-2542 Keele Street. The development as a whole encompasses an 8-storey mixed-use building with retail uses at grade, 128 residential units above and two levels of below grade parking, as well as 27

at-grade parking spaces for both the commercial component and for residential visitors. The commercial component of the site is not included in this draft plan.

Site and Surrounding Area

The site is located on the northwest corner of Keele Street and Maple Leaf Drive. It has a frontage of 94.4 metres on Keele Street and an approximate depth of 49 metres along the north lot line. The site has a lot area of approximately 4,445m².

Land uses surrounding the subject site are as follows:

North: Three-storey apartment buildings fronting the west side of Keele Street, as well as one and two-storey residential detached dwelling fronting the east side of Keele Street.

West: One and two-storey residential detached dwellings.

South: Two-storey residential semi-detached dwellings backing onto the west side of Keele Street, with one and two-storey detached dwellings on the east side of Keele Street.

East: One and two-storey residential detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 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.

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 City 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.

Staff have reviewed the proposed development and have found it 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 lands are designated *Mixed Use Areas* on Map 17 - Land Use Plan. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. It is one of four designations identified in the Official Plan as providing opportunities for intensification.

The Official Plan states that “*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.” However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Staff are of the opinion that the Draft Plan of Standard Condominium application is in keeping with the goals and objectives of the Official Plan, conforms with the Official

Plan policies, is compatible with abutting properties and is appropriate for this development.

Zoning

The site is subject to Site Specific Zoning By-law No. 889-2016(OMB) as approved by the Ontario Municipal Board through its Order dated July 22, 2015. The site specific by-law permits the development as currently constructed.

Site Plan Control

A Site Plan Control application for the lands was approved by the OMB through its Order dated March 9, 2017. The proposed Draft Plan of Standard Condominium application substantially conforms to the approved plan.

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 Conditions of Approval.

COMMENTS

Draft Plan of Condominium

The application for Draft Plan of Standard Condominium is necessary to regulate the division of land and/or buildings into parcels or units that may be sold as part of a condominium corporation. It is also used to ensure that the rights of future owners are protected and that any interests/obligations in favour of the City are transferred from the developer to the future owners. Section 9 of the *Condominium Act* states that applications for condominium approval are to follow the processes for the approval of subdivisions established in Sections 51 and 51.1 of the *Planning Act*, with necessary modifications.

The application for Draft Plan of Standard Condominium was submitted on March 7, 2017 and circulated for comment. The application was deemed complete as of April 19, 2017. Comments on the plans were provided to the applicant in a letter dated July 10, 2017. Since then, staff have been working with the applicant to assist them in addressing the comments. A resubmission was received October 10, 2017 and comments were provided to the applicant with additional discussion since that time to pursue details of the application. Attachment 1 presents the revised final version of the Draft Plan of Standard Condominium that was submitted January 30, 2018. The resubmission also included the draft R-plans illustrating the proposed shared elements and the draft wording for the proposed easements required to ensure that the shared elements of the building would be protected for both the current residential owners as well as the future commercial owners.

The residential draft plan includes: the residential components of the building at the ground level and all units on the upper levels; the required 27 spaces of shared

visitor/commercial parking at grade; the entirety of the P1 parking level except for four parking spaces for the commercial space (intended for the owners of the commercial space) and a space for storage for the commercial space; and the entirety of the P2 parking level. The applicant has provided a list of easements that are typical for mixed-use condominium buildings where there are more than one intended condominium corporation. The easements are to ensure that there will be mutual rights of use and/or access to certain elements of the development such as the loading area, garbage area, access to parking and access to the below grade garage.

Attachment 2 contains the Draft Conditions of Approval. The draft conditions include the typical conditions the City includes for all Draft Conditions of Standard Condominium, as well as additional conditions tailored for this specific development. Tailored conditions are also typical for any condominium application so that conditions specific to each development can be included where applicable. In this instance, Condition #8 includes additional detail regarding the rights-of-way and easements that are required for this site to ensure that all elements to be protected for both the residential owners and retail owners or tenants of the site are addressed. Condition #9 requires certification that a cost sharing agreement has been undertaken between the parties to clarify responsibility for the shared facilities and to ensure that shared facilities are properly maintained.

Conclusion

The Draft Plan of Standard Condominium application is for the residential component of the 8-storey, 128 unit mixed-use building as approved by the Ontario Municipal Board. The proposed Draft Plan of Standard Condominium has been reviewed in relation to the approved plans and is found to substantially conform with those plans, in compliance with the site specific zoning and is satisfactory for draft approval. This report recommends that City Council direct the City Solicitor, together with Planning staff and any other appropriate staff, to attend the OMB hearing in support of the application and that staff continue to work with the applicant to finalize any remaining details of the Draft Plan of Standard Condominium prior to the hearing date.

CONTACT

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SIGNATURE

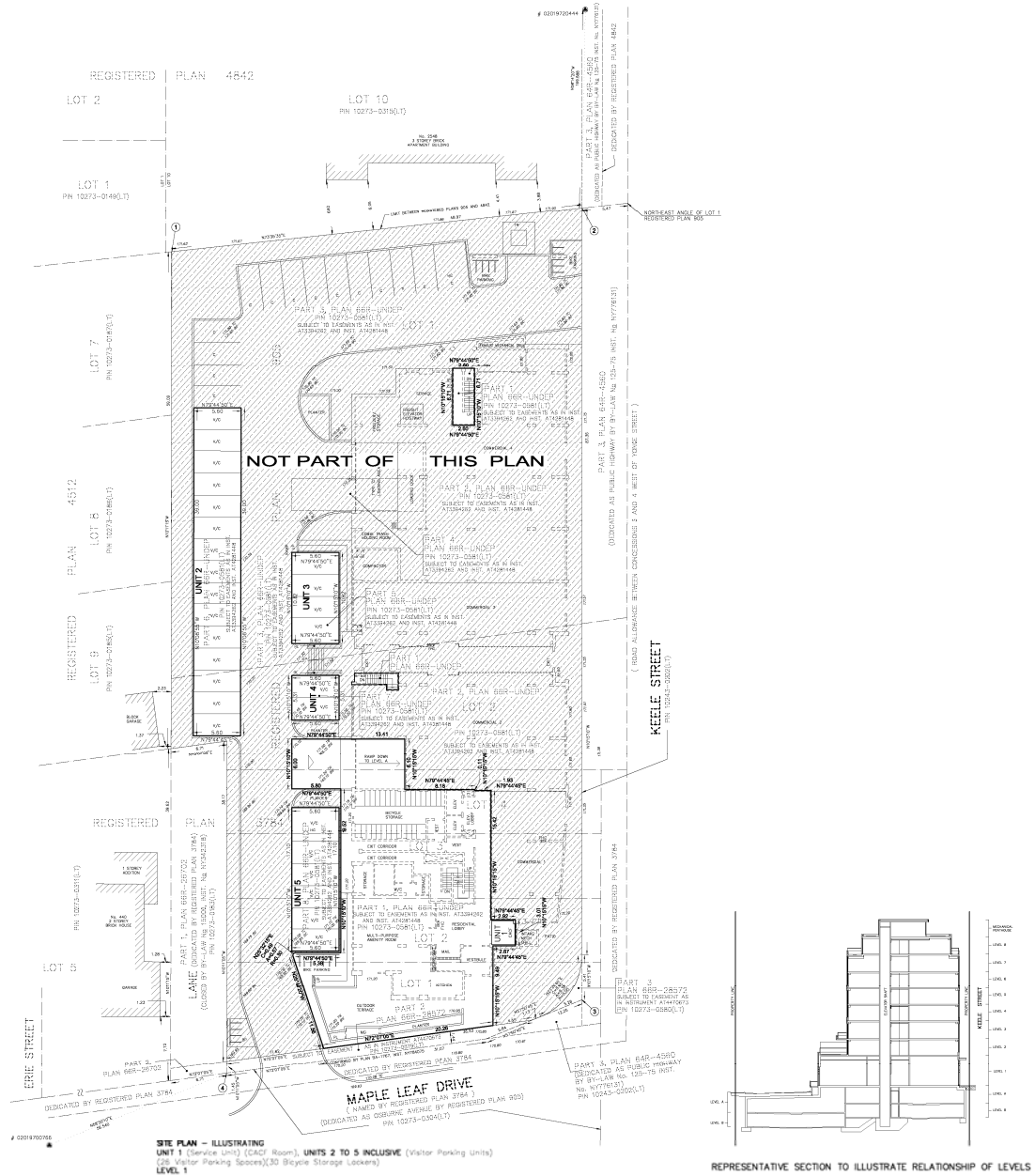
Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Draft Plan of Standard Condominium

Attachment 2: Draft Conditions of Approval

Attachment 1: Draft Plan of Standard Condominium



Draft Plan of Standard Condominium

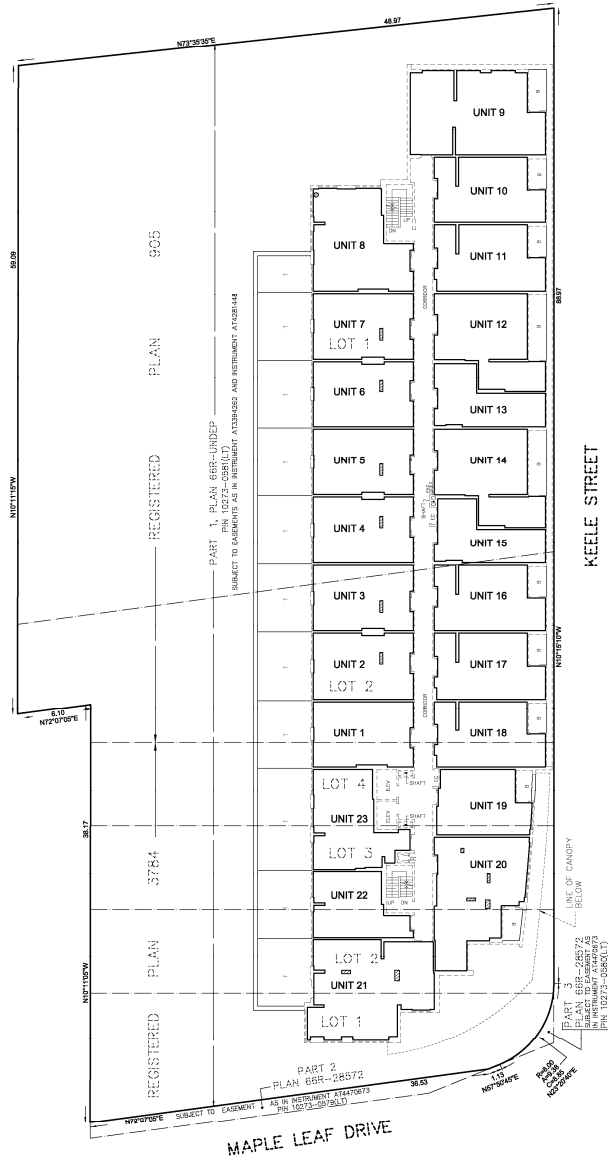
2522 - 2542 Keele Street

Applicant's Submitted Drawing

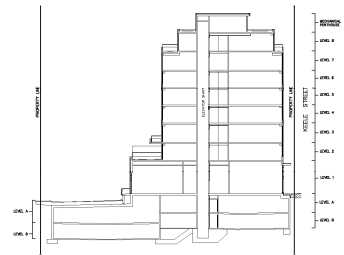
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File # 17 125471 WET 12 CD

Attachment 1: Draft Plan of Standard Condominium



PLAN VIEW ILLUSTRATING UNITS 1 TO 23 INCLUSIVE (Residential) LEVEL 2



REPRESENTATIVE SECTION TO ILLUSTRATE RELATIONSHIP OF LEVELS

Draft Plan of Standard Condominium

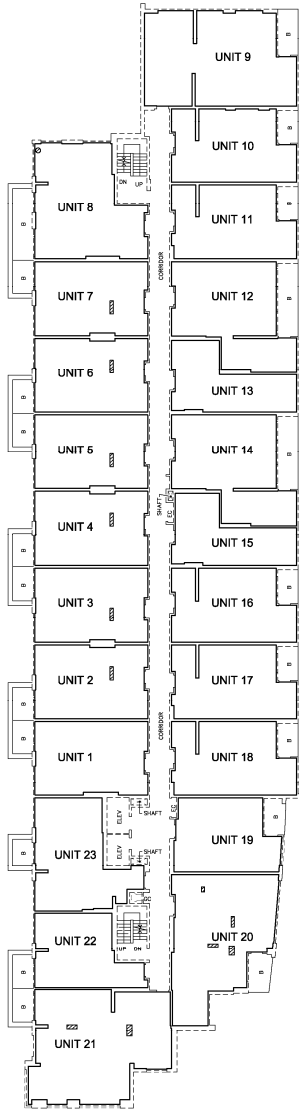
2522 - 2542 Keele Street

Applicant's Submitted Drawing

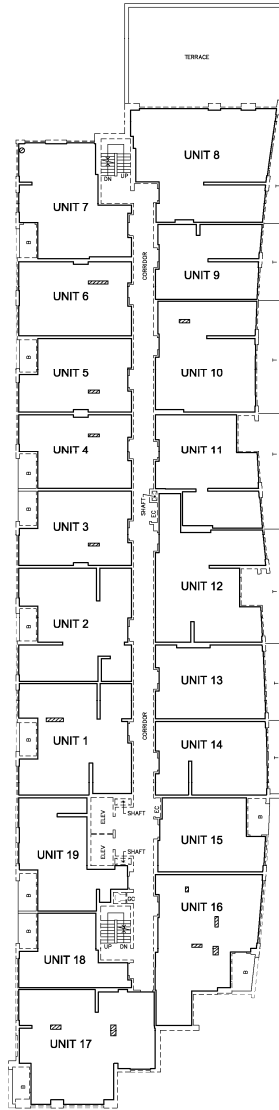
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File # 17 125471 WET 12 CD

Attachment 1: Draft Plan of Standard Condominium



PLAN VIEW ILLUSTRATING
UNITS 1 TO 23 INCLUSIVE (Residential)
LEVEL 3



PLAN VIEW ILLUSTRATING
UNITS 1 TO 19 INCLUSIVE (Residential)
LEVEL 4

Draft Plan of Standard Condominium

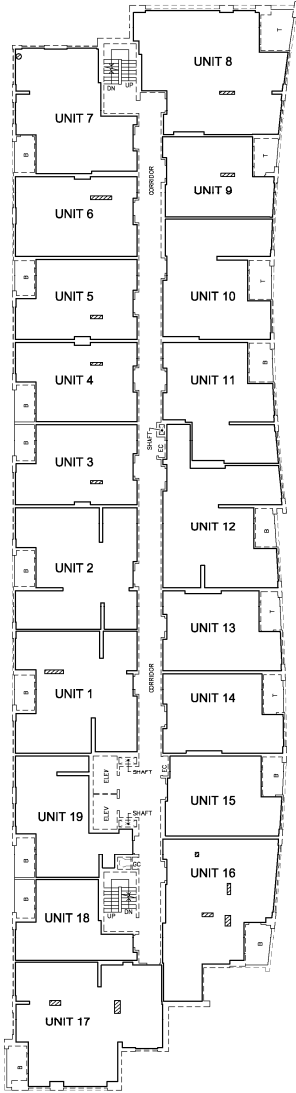
2522 - 2542 Keele Street

Applicant's Submitted Drawing

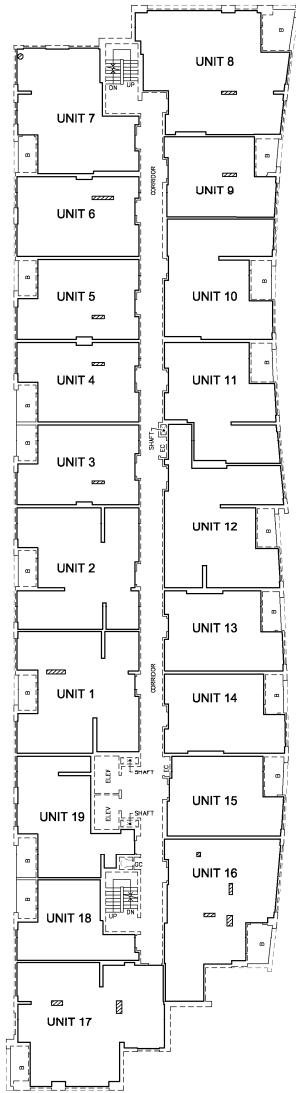
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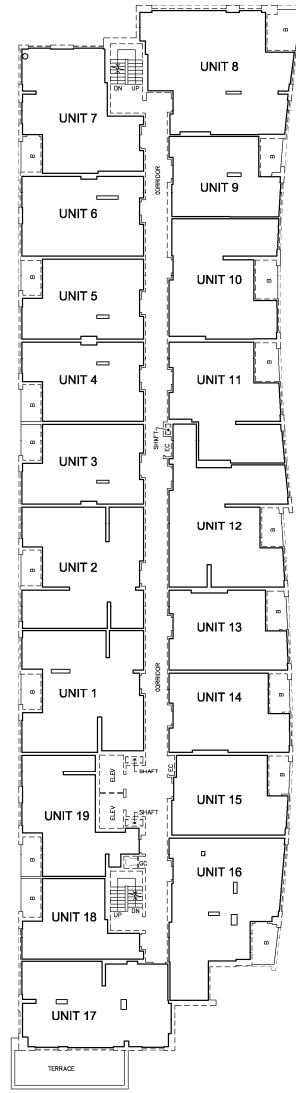
Attachment 1: Draft Plan of Standard Condominium



PLAN VIEW ILLUSTRATING
UNITS 1 TO 19 INCLUSIVE (Residential)
LEVEL 5



PLAN VIEW ILLUSTRATING
UNITS 1 TO 19 INCLUSIVE (Residential)
LEVEL 6



PLAN VIEW ILLUSTRATING
UNITS 1 TO 19 INCLUSIVE (Residential)
LEVEL 7

Draft Plan of Standard Condominium

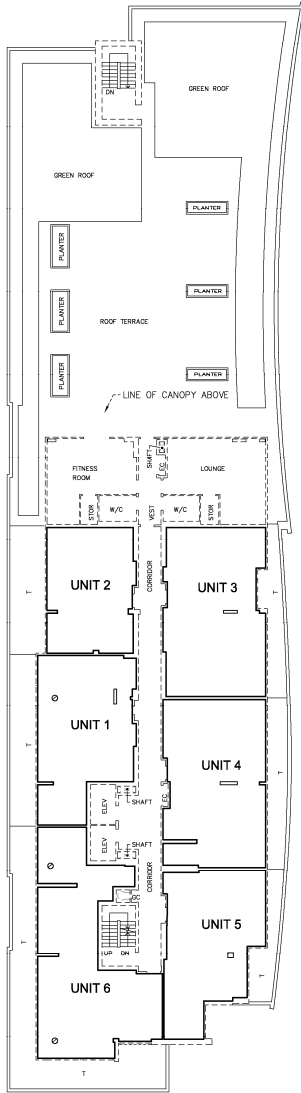
Applicant's Submitted Drawing

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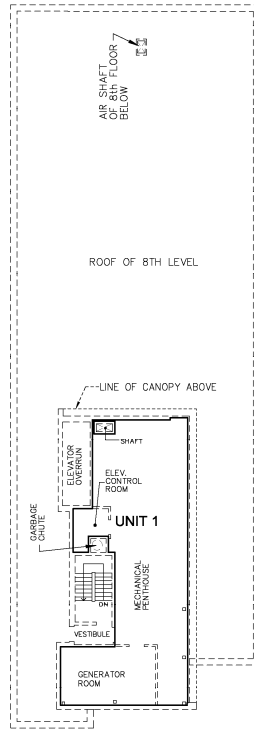
2522 - 2542 Keele Street

File # 17 125471 WET 12 CD

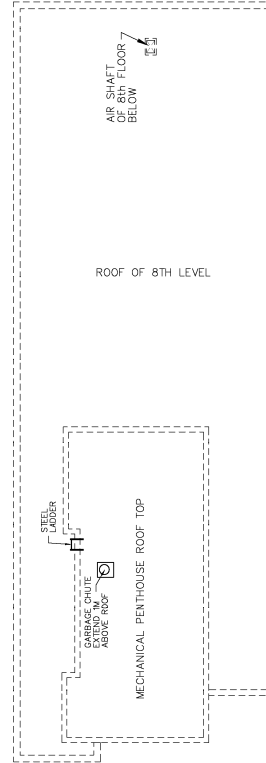
Attachment 1: Draft Plan of Standard Condominium



PLAN VIEW ILLUSTRATING
UNITS 1 TO 6 INCLUSIVE (Residential)
LEVEL 8



PLAN VIEW ILLUSTRATING
UNIT 1 (Service Unit) (Mechanical Penthouse)
LEVEL 9



PLAN VIEW ILLUSTRATING
NO UNITS (Roof)
LEVEL 10

Draft Plan of Standard Condominium

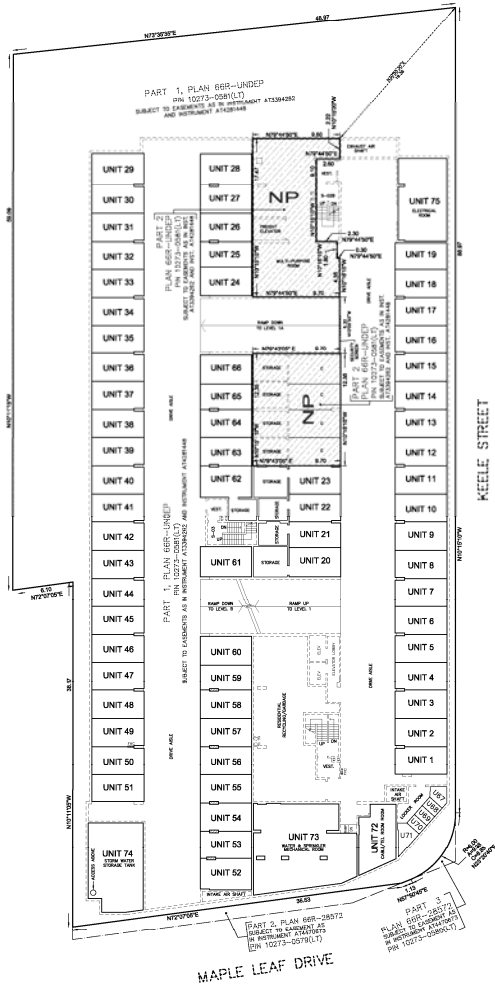
2522 - 2542 Keele Street

Applicant's Submitted Drawing

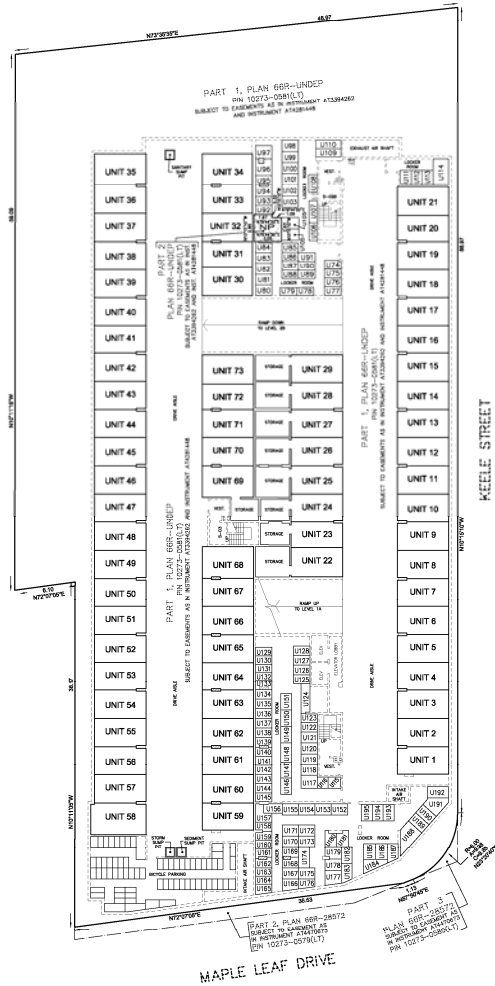
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File # 17 125471 WET 12 CD

Attachment 1: Draft Plan of Standard Condominium



PLAN VIEW ILLUSTRATING
 UNITS 1 TO 86 INCLUSIVE (Residential Parking)(5 Have Storage Attached)
 UNITS 67 TO 71 INCLUSIVE (Storage Locker)
 UNIT 72 (Service Unit) (Cable/Telephone Room), UNIT 73 (Service Unit) (Water & Sprinkler Mechanical Room), UNIT 74 (Service Unit) (Storm Water Storage Tank) AND
 UNIT 75 (Service Unit) (Electrical Room)
 LEVEL A



PLAN VIEW ILLUSTRATING
 UNITS 1 TO 73 INCLUSIVE (Residential Parking)(9 Have Storage Attached)
 UNITS 74 TO 195 INCLUSIVE (Storage Locker)
 (68 Bicycle Parking Spaces)
 LEVEL B

Draft Plan of Standard Condominium

2522 - 2542 Keele Street

Applicant's Submitted Drawing

Not to Scale 
 01/30/18

File # 17 125471 WET 12 CD

Attachment 2: Draft Conditions of Approval
Application No.: 17 125471 WET 12 CD

This approval applies to Part of Lots 1 and 2, Registered Plan 905 and Part of Lots 1, 2, 3, and 4, Registered Plan 3787, Drawing No. 11-287DC01, Sheets 1-5 prepared by J. Eduardo Linhares, Ontario Land Surveyor, and revised November 1, 2017. The following conditions must be satisfied prior to the release of the condominium for registration.

- (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, Etobicoke York District.
- (2) The owner shall provide to the Director of Community Planning, Etobicoke York District, confirmation that the taxes have been paid in full (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, Etobicoke York District, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:
 - (i) Schedule "A" containing a statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and the easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (ii) Schedule "G" being the certification of the project engineer and/or architect that all buildings have been constructed in accordance with the regulations made under the *Condominium Act*.

When the owner files a copy of the Declaration and Description with the City of Toronto, it shall be accompanied with a letter of undertaking, stating that, "This is our undertaking to register the Declaration and Description in the same form and content as was provided to you, subject to any changes the Land Registrar may require. This is also our undertaking to provide you with a registered copy of the Declaration and Description once it is registered. If the Land Registrar requires any amendments to the Declaration and Description, we will advise you."

- (4) The Owner shall ensure that visitors parking spaces will be clearly delineated on the condominium plan to be registered and the Declaration and Description shall contain a clause clearly specifying visitors parking shall form part of the common elements and neither be used by or sold to unit owners or be considered part of the exclusive use portions of the common elements.
- (5) The owner shall file with the Director of Community Planning, Etobicoke York District, a copy of the final Declaration and Description which contains a provision satisfactory to the Chief Planner or his/her designate whereby non-disabled owners and/or occupants of non-visitor handicapped parking units shall be obligated, upon notification by the condominium corporation, to exchange, at no cost to the disabled driver, the use of the handicapped parking unit with a disabled driver's non-handicapped parking unit.

Alternatively, non-visitor handicapped parking spaces can be made a common element, however all condominium documents including the Declaration and Description must state that the condominium corporation will retain control over the spaces and that they cannot be made exclusive use portions of the common element. All non-visitor handicapped parking spaces must conform to one of the alternatives identified above.

- (6) The Owner shall ensure that there are separate water meters for the different components of the building or shall include wording in the Declaration and Description that the services are to be shared and will designate who will be responsible to the local water authority (not to the City of Toronto in case of a change in the future) for payment in full of the water bill.
- (7) The owner shall file with the Director of Community Planning, Etobicoke 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.
- (8) The Condominium Declaration and Description shall contain necessary wording to grant rights-of-way/easements (pedestrian and vehicular) to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, to provide for access to, maintenance of and the use of the shared facilities between the residential units and the commercial units being: parking; driveways; walkways; loading facilities; stairs; garbage/recycling collection

- facilities; and municipal services and stormwater management tank. The Owner shall provide to the City a copy of such Declaration and Description, and shall also provide confirmation from the Owner's solicitor that such easements have been legally secured.
- (9) The Owner shall file with the Director of Community Planning, Etobicoke York District, a fully executed copy of Certification from the applicant's solicitor that:
- (i) The Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
 - (ii) The Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapters 681 and 851 (the "Person of Responsibility"). The Certification shall further indicate:
 - a. Who the Person of Responsibility is;
 - b. The contact information for the Person of Responsibility; and
 - c. That the Cost Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
- (10) 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 of Toronto for approval.