



## REPORT FOR ACTION

# 368 Jane Street – Common Elements Condominium Application – Final Report

Date: June 15, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: Ward 13 (Parkdale-High Park)

**Planning Application Number:** 18 123542 WET 13 CD

### SUMMARY

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The Draft Plan of Common Elements Condominium application proposes to establish the rear private driveway as a common element for the six (6) adjacent residential units, comprised of four semi-detached dwellings and two detached dwellings, which are proposed to be constructed on the lands at 368 Jane Street. The common elements condominium is required to provide legal pedestrian and vehicular access to parking for the six (6) residential units, and to ensure shared ownership and maintenance of the common element by the condominium corporation. The existing right-of-way along the west side of the property will be maintained to provide access to the properties to the north.

The proposal is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017) and is in keeping with the intent of the Toronto Official Plan.

This report advises that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium.

### RECOMMENDATIONS

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The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law No. 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, as generally illustrated on Attachment 4 subject to:

- a. The Conditions, as generally listed in Attachment 3 which, except as otherwise noted, must be fulfilled prior to final approval and 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 and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On November 9, 2017, the Committee of Adjustment, Etobicoke York District Panel approved on condition a consent application (File No. B0045/17EYK) to sever the subject property into six undersized residential lots with a common elements condominium lot to accommodate vehicular and pedestrian access, and to create various easements/right-of-ways. In conjunction with the consent application, the Committee of Adjustment approved on condition six related minor variance applications (File Nos. A0491/17EYK, A0492/17EYK, A0493/17EYK, A0494/17EYK, A0495/17EYK and A0496/17EYK) to permit the construction of four semi-detached dwellings and two detached dwellings on the proposed lots, with rear detached garages and a rear parking pad for the proposed corner lot. The minor variance applications requested variances under the harmonized City of Toronto Zoning By-law No. 569-2013 related to the following development standards: lot frontage, lot area, gross floor area/floor space index, exterior stairs encroachment, platform/canopy encroachment, accessory structure setbacks, building height, front exterior main wall height, front yard soft landscaping, and front, rear and side yard setbacks.

## **ISSUE BACKGROUND**

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### **Proposal**

The Draft Plan of Common Elements Condominium application proposes to establish the rear private driveway as a common element for the six (6) adjacent residential units, comprised of four semi-detached dwellings and two detached dwellings, which are proposed to be constructed on the lands at 368 Jane Street. The common elements condominium is required to provide legal pedestrian and

vehicular access to parking for the six (6) residential units, and to ensure shared ownership and maintenance of the common element by the condominium corporation. Refer to Attachment 1 for project data.

### **Site and Surrounding Area**

The subject property has an area of approximately 1,035 m<sup>2</sup> and is currently vacant. It was previously occupied by a one-storey commercial building that operated as a tire and auto centre. The property is generally flat and is bounded by Jane Street to the east and Raymond Avenue to the south. Part 12 on the Draft Plan of Common Elements Condominium (refer to Attachment 4) is subject to a right-of-way as Instrument No. CT471949. This existing right-of-way along the western rear portion of the site, in favour of the properties to the north, will be a part of the common elements condominium as a part of the shared driveway. It will be maintained to provide vehicular access to the properties to the north.

Uses surrounding the site include:

North: Detached and semi-detached residential dwellings, and a 6-storey apartment building further north.

South: Detached and semi-detached residential dwellings, and a one-storey commercial building.

East: Two and three-storey street-related commercial and mixed use buildings along Jane Street.

West: Low-rise residential neighbourhood comprised of detached dwellings.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan. The subject lands are designated *Neighbourhoods* on Map 14 of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions and infill housing. A key objective of the Plan is to ensure new development respects and reinforces the general physical patterns in a *Neighbourhood*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular: patterns of streets, blocks and lanes, parks and public building sites; size and configuration of lots; heights, massing, scale and dwelling type of nearby residential properties; prevailing building type(s); setbacks of buildings from the street or streets; prevailing patterns of rear and side yard setbacks and landscaped open space; continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and conservation of heritage buildings, structures and landscapes.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under

appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of this report.

## **Zoning**

The site is zoned Residential (R) under the harmonized City of Toronto Zoning By-law No. 569-2013 and Residential (R4 Z1.0) under the former City of Toronto Zoning By-law No. 438-86, as amended.

## **Agency Circulation**

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate conditions of Draft Plan Approval.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

Staff have determined that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017) as follows:

Policy 1.1.3 of the PPS (2014) promotes the vitality and regeneration of settlement areas, which shall be the focus of growth and development. Further, in accordance with Policy 1.1.3.2(a) of the PPS (2014), land use patterns within settlement areas shall be based on densities and a mix of land uses which, in particular, efficiently use land and resources. The proposal addresses this policy by facilitating a development that fits within its existing context.

According to Policy 1.4.3(c) of the PPS (2014), Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. Policy 4.7 of the PPS (2014) states that the most important vehicle of implementation of the PPS is a municipality's Official Plan which guides the method of intensification and where it should be focused. In this regard, the proposal provides access to parking for a residential infill development, comprised of detached and semi-detached dwellings that are appropriate for this context.

The Growth Plan (2017) contains policies related to setting minimum intensification targets throughout delineated built-up areas. Policy 2.2.2.4 states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will, in particular, identify the appropriate type and scale of development and transition of built form to adjacent areas, and be implemented through Official Plan policies and designations, updated zoning and other supporting documents.

The proposal is consistent with the PPS (2014) and conforms to the Growth Plan (2017) as it represents an appropriate type and scale of development for the area, and facilitates the orderly development of the site.

### **Official Plan**

The subject property is designated *Neighbourhoods* in the Toronto Official Plan. In accordance with Policy 4.1.5 of the Plan, the proposal respects and reinforces the existing physical character of the neighbourhood, in particular, the patterns of streets and blocks, and the size and configuration of lots.

### **Common Elements Condominium**

The application for a Draft Plan of Common Elements Condominium proposes to establish the rear private driveway as a common element for the six (6) adjacent residential units. The common elements condominium is necessary to provide legal pedestrian and vehicular access to parking for the six (6) residential units and to ensure shared ownership and maintenance of the common element by the condominium corporation.

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. A Public Meeting is required prior to Council approval of the Common Elements Condominium.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal represents an appropriate and orderly development of the site that is in keeping with the intent of the Toronto Official



Plan. As such, Planning staff intends to approve the Draft Plan of Common Elements Condominium in accordance with the delegated approval under By-law No. 229-2000, as amended.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Draft Plan Approval Conditions

### **Applicant Submitted Drawings**

Attachment 4: Draft Plan of Common Elements Condominium

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

**Municipal Address:** 368 JANE STREET      **Date Received:** March 1, 2018

**Application Number:** 18 123542 WET 13 CD

**Application Type:** Condominium Approval, Common Elements

**Project Description:** Draft Plan of Common Elements Condominium application to establish shared driveway access (Parts 11 and 12) for the adjacent six residential dwelling units.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
JAMES OKAWA			THE BABY POINT INC

### EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods      Site Specific Provision:

Zoning: R4      Heritage Designation:

Height Limit (m):      Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq m): 1,035      Frontage (m): 28      Depth (m): 33

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			255	<b>255</b>
Residential GFA (sq m):			934	<b>934</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>			<b>934</b>	<b>934</b>

Height - Storeys:

Height - Metres:

Lot Coverage Ratio (%): 24.64

Floor Space Index: 0.9

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	934	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			6	6
Other:				
<b>Total Units:</b>			<b>6</b>	<b>6</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:					6
<b>Total Units:</b>					<b>6</b>

**Parking and Loading**

Parking Spaces: 6      Bicycle Parking Spaces:      Loading Docks:

**CONTACT:**

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Olivia.Antonel@toronto.ca

## Attachment 2: Location Map

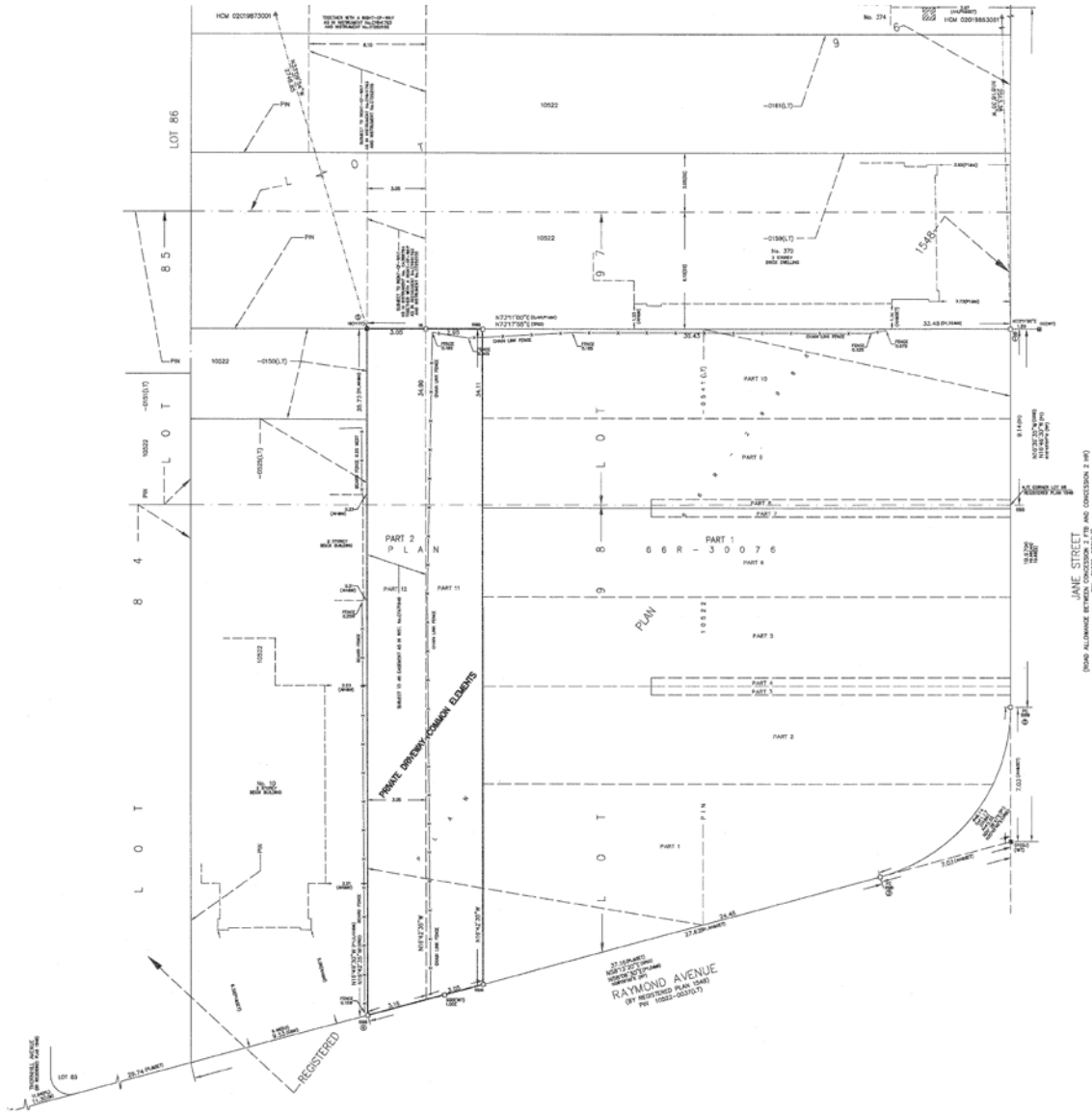


### **Attachment 3: Draft Plan Approval Conditions**

The following conditions must be satisfied by the owner prior to condominium plan registration:

1. The plans submitted for final approval and registration must be substantially in accordance with the Draft Plan of Common Elements Condominium of Part of Lots 97 and 98, Registered Plan 1548, as generally illustrated on Attachment 4. 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 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 of 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 copy of the final Declaration and Description containing all necessary schedules and certification 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.

# Attachment 4: Draft Plan of Common Elements Condominium



## Draft Plan of Condominium

368 Jane Street

Applicant's Submitted Drawing

Not to Scale  
06/15/2018

File # 18 123542 WET 13 CD