



# STAFF REPORT ACTION REQUIRED

## 378-388 Shuter Street, 47-63 Sutton Avenue and 150-160 Sackville Street – Common Elements Condominium and Part Lot Control Exemption Applications – Final Report

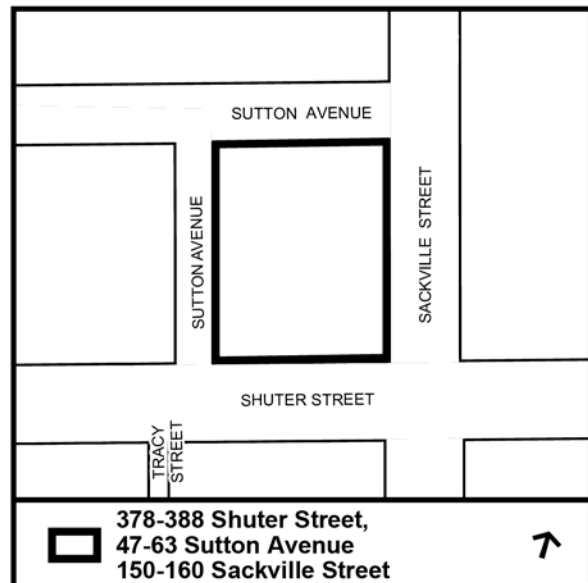
<b>Date:</b>	December 15, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	17 228396 STE 28 CD and 17 228405 STE 28 PL

### SUMMARY

This application proposes to establish a driveway as a common element at 378-388 Shuter St, 47-63 Sutton St and 150-160 Sackville St. The common elements condominium is required to provide legal vehicular access to eighteen (18) residential units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the eighteen (18) residential units: 7 townhouses fronting Shuter Street, 7 townhouses fronting Sutton Avenue, 2 semi-detached dwellings fronting Sutton Avenue and 2 semi-detached dwellings fronting Sackville Street.

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 their 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 378-388 Shuter Street, 47-63 Sutton Avenue and 150-160 Sackville Street, as generally illustrated on Attachment 1 to this report, subject to:
  - (a) the conditions as generally listed in Attachment 2 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 378-388 Shuter Street, 47-63 Sutton Avenue and 150-160 Sackville Street, 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 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**

An application for Site Plan Control (File No. 13 280900 STE 28 SA) was submitted to the City on December 23, 2013, to permit the redevelopment of the properties at 378-388 Shuter Street, 47-63 Sutton Avenue and 150-160 Sackville Street. Notice of Approval Conditions for Site Plan Control was issued on December 5, 2016 and a site plan agreement for the lands was registered on November 16, 2017.

The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the plans contained within the Site Plan Agreement.

## **ISSUE BACKGROUND**

### **Proposal**

This application proposes to establish an above-grade driveway as a common element at 378-388 Shuter Street, 47-63 Sutton Avenue and 150-160 Sackville Street to ensure shared access, ownership and maintenance by the condominium corporation.

The requested exemption from Part Lot Control of the *Planning Act* is required to permit the creation of conveyable lots for the 18 residential units fronting Shuter Street, Sutton Avenue and Sackville Street.

### **Site and Surrounding Area**

The subject site is a through site, located on the north side of Shuter Street bounded by Sutton Avenue to the west and north and Sackville Street to the East.

The subject site is a residential development currently under construction consisting of 14 townhouses and 4 semi-detached dwellings all fronting onto public streets. The lands are known as Block 23 in Phase 2 of the Regent Park development. The site was formerly occupied by townhouses.

Abutting uses are as follows:

**North:** Three buildings including 16, three-storey townhomes and an 11-storey apartment building with 86 dwelling units owned by Toronto Community Housing;

**South:** A mixture of 1 to 3 storey residential buildings and a retail convenience store on the southwest corner of Shuter Street and Sackville Street;

**East:** Regent Park Community Centre and Nelson Mandela Park Public School; and

**West:** Single detached, semi-detached, and townhouse dwellings.

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

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 types and affordability to meet projected requirements of current and future residents;
- 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 Greater Golden Horseshoe 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.

### **Official Plan**

The Official Plan designates the subject lands as *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation, including semi-detached and townhouse dwellings are also permitted in *Apartment Neighbourhoods*.

### **Regent Park Secondary Plan**

The subject property is also located within the Regent Park Secondary Plan. The Regent Park Secondary Plan establishes a framework to guide the phased redevelopment of Regent Park. The intent of the Plan is to support and build upon the strong community that exists in Regent Park as the neighbourhood undergoes significant physical change.

Redevelopment will achieve a revitalized mixed income, mixed use and residential neighbourhood. The neighbourhood will be integrated with the surrounding area, exhibit high quality design, and accommodate a population that is socially and economically diverse in a healthy and sustainable environment.

Redevelopment will involve the phased demolition and reconstruction of all of the social housing in Regent Park. The subject lands are part of a block where permitted uses are implemented via a site-specific Zoning By-law.

## **Zoning**

City of Toronto Zoning By-law No. 438-86, as amended by Zoning By-laws No. 141-2005 and No. 275-2014 zones the site Residential District (R4A) which permits detached dwellings, semi-detached dwellings, townhouses, duplexes, triplexes, apartment buildings, parks, schools, places of worship and home occupations.

The development of 14 townhouses and 4 semi-detached dwellings on the site complies with the zoning provisions of the R4A District.

## **Site Plan Control**

Notice of Approval Conditions for Site Plan Control was issued on December 5, 2016. A Site Plan Agreement between the applicant and the City of Toronto was registered on title on November 16, 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**

### **Common Elements Condominium**

The application for a Common Elements Condominium is necessary to provide legal vehicular access, maintenance services and utilities to the 18 residential dwellings and to ensure shared ownership and maintenance of the driveway by a condominium corporation. The subject application provides for satisfactory access to all the dwellings and ensures the common element will be equally owned and maintained by the 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. A public meeting is required prior to Council approval of the Common Elements Condominium.

### **Land Division**

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.

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-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.

## **CONCLUSION**

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

## **CONTACT**

Jason Brander, Planner  
Tel. No. (416) 338-2577  
E-mail: [Jason.Brande@toronto.ca](mailto:Jason.Brande@toronto.ca)

## **SIGNATURE**

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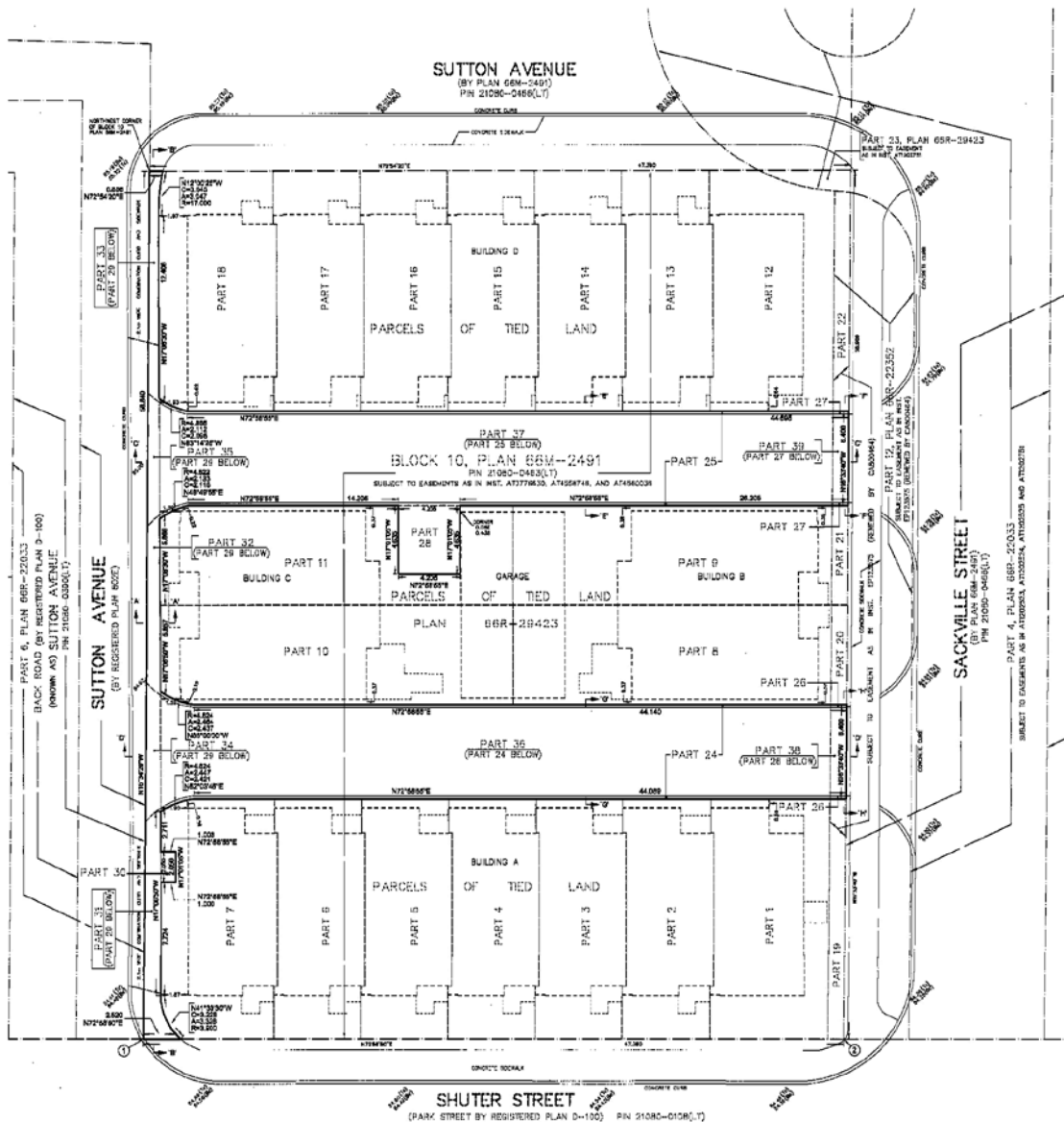
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

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

**Attachment 1: Draft Plan of Common Elements Condominium**



**Common Elements**

Applicant's Submitted Drawing

Not to Scale

**378-388 Shuter Street**

**47-63 Sutton Avenue & 150-160 Sackville Avenue**

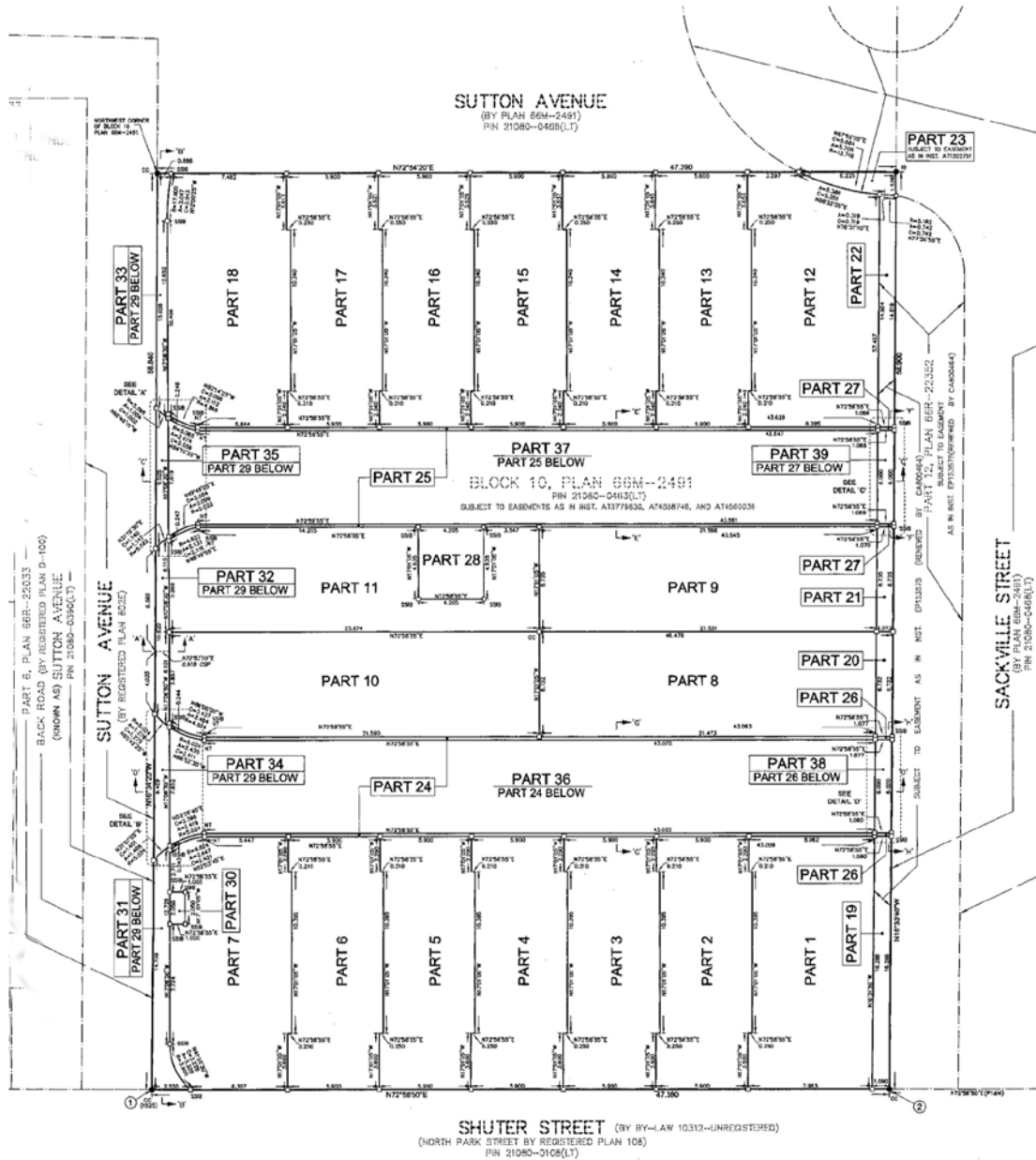
File # 17\_228396\_STE 28 CD & 17\_228405\_STE 28 PL



## **Attachment 2: Draft Plan Approval Conditions**

- (1) The owner shall provide to the Director, Community Planning, Toronto and East 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, Toronto and East York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (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 3: Part Lot Control Exemption Plan



## Part Lot Plan

Applicant's Submitted Drawing

Not to Scale  
12/01/2017

378-388 Shuter Street

47-63 Sutton Avenue & 150-160 Sackville Avenue

File # 17\_228396\_STE 28 CD & 17\_228405\_STE 28 PL

### Attachment 4: Application Data Sheet

Application Type	Common Elements Condominium and Part Lot Control Exemption Applications	Application Number:	17 228396 STE 28 CD and 17 228405 STE 28 PL
Details		Application Date:	September 6, 2017
Municipal Address:	378-388 Shuter Street, 47-63 Sutton Avenue & 150-160 Sackville Street		
Location Description:	PLAN 802E BLKS E O T W P PT BLKS D N X3 PT BLEVINS PLACE WHITESIDE PLACE RP 66R22033 PART 2 RP 66R22352 PARTS 1 2 AND 13 PT PARTS 5 AND 8 RP **GRID S2805		
Project Description:	Applications for Common Element Condominium and exemption from Part Lot Control to create 18 freehold lots and provide driveway access.		

<b>Applicant:</b>	<b>Architect (Site Plan):</b>	<b>Owner:</b>
Daniels CM Corporation 20 Queen St W Toronto, ON, M5H 3R3	Kirkor Architects + Planners 20 Martin Ross Ave Toronto, ON, M3J 2K8	Parliament & Gerrard Development Corp. 20 Queen St W Toronto, ON, M5H 3R3

**PLANNING CONTROLS**

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	438-86; 141-2005
Zoning:	R4A (h)	Historical Status:	N
Height Limit (m):	15	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	2789	Height:	Storeys:	4
Frontage (m):	47.38		Metres:	13.6
Depth (m):	58.9			
Total Ground Floor Area (sq. m):	998.4			<b>Total</b>
Total Residential GFA (sq. m):	4488		Parking Spaces:	18
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	4488			
Lot Coverage Ratio (%):	35.8			
Floor Space Index:	1.6			

**DWELLING UNITS**

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

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3602	886
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:	18	Institutional/Other GFA (sq. m):	0	0
Total Units:	18			

**CONTACT:      PLANNER NAME:      Jason Brander, Planner**  
**TELEPHONE:      (416) 338-2577**