

## **68 Daisy Avenue – Draft Plan of Common Elements Condominium and Part Lot Control Exemption Applications – Final Report**

Date: September 20, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

**Planning Application Numbers:** 18 265577 WET 03 CD & 18 265575 WET 03 PL

**Related Applications:** 15 168656 WET 06 OZ & 16 260247 WET 06 SA

### **SUMMARY**

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Two applications have been submitted to facilitate the proposed residential development of freehold townhouses on the lands located at 68 Daisy Avenue. The first application (18 265575 WET 03 PL) requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the division of land to allow for the development of 73, 4-storey freehold townhouses within 5 residential blocks.

This second application proposes to establish a Common Elements Condominium, to provide pedestrian and vehicular access to the 73 townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019). The lifting of Part Lot Control and the creation of the Common Elements Condominium is appropriate for the orderly development of these lands.

This report reviews and recommends approval of the Part Lot Control Exemption application. In addition, this report recommends that the owner of the subject lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the subject lands without prior consent of the Chief Planner and Executive Director, City Planning or his designate.

The approval of the Draft Plan of Common Elements Condominium application is delegated to the Chief Planner and Executive Director, City Planning.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 68 Daisy Avenue as generally illustrated on Attachments 6 to 8 of this report, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
2. 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.
3. Prior to the introduction of the Part Lot Control Exemption By-law, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning or his designate.
4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
5. 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.
6. City Council authorize the City Solicitor to release, or partially release, the Section 118 Restriction from title to all or a portion of the lands in her sole discretion after consulting with the Chief Planner and Executive Director, City Planning.
7. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium, as generally illustrated on Attachments 3 to 5 of this report, subject to:
  - a. The conditions, as generally listed in Attachment 9 which, except as otherwise noted, must be fulfilled prior to final approval and the release of the Plan of Condominium for registration;
  - 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; and
  - c. Draft Plan approval not being issued until the necessary Bill(s) for the Part Lot Control Exemption By-law are in full force and effect.

## FINANCIAL IMPACT

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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A Zoning By-law Amendment application (File No. 15 168656 WET 06 OZ) was submitted on June 4, 2015, which proposed to amend the Etobicoke Zoning Code to permit the development of 73 four-storey townhouse units. The rezoning application was approved by the Local Planning Appeal Tribunal (LPAT Case No. PL160965) on August 31, 2018. The Request for Directions Report can be found here: <https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-99385.pdf>

The existing school building on the subject property, which was being utilized as a daycare centre, would be retained as part of the site's redevelopment. The school, originally known as Daisy Avenue Public School is now known as the Vincent Massey Childcare Centre. City Council adopted a motion to state its intention to designate the property at the October 2, 2017 City Council Meeting. At the March 26, 2018 City Council meeting, City Council amended its October 2, 2017 decision, to revise the heritage attributes in the Statement of Significance and designate the building as a heritage property. The portion of the site that contains the childcare centre is not a part of the current applications. The report from City Planning with regards to the intention to designate the property at 68 Daisy under Part IV, Section 29 of the *Ontario Heritage Act* can be found here: <https://www.toronto.ca/legdocs/mmis/2017/ey/bgrd/backgroundfile-105280.pdf>

A Site Plan Control application (File No. 16 260247 WET 06 SA) was submitted on December 5, 2016 and the Statement of Approval was issued on March 6, 2019.

A Consent application (File No. B0086/17EYK) was submitted on October 4, 2017 to sever the property into three parcels, one parcel to contain the townhouse development and two parcels for the childcare centre uses, and to create right-of-way easements. The application was approved by the Committee of Adjustment on January 11, 2018. Two additional consent applications (File Nos. B0068/18EYK and B0073/18EYK) were submitted August 16, 2018 and August 23, 2018, respectively, to create easements for the purpose of stormwater drainage and for a shared parking area. The applications were approved at the October 25, 2018 Committee of Adjustment hearing.

The current applications were submitted on December 6, 2018 and were deemed complete on January 3, 2019.

## PROPOSAL

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The Draft Plan of Common Elements Condominium application proposes to establish a Common Elements Condominium for the lands at 68 Daisy Avenue, to provide

pedestrian and vehicular access to the 73 townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation. The requested exemption from Part Lot Control of the *Planning Act* is required to permit the creation of lots for the 73 freehold townhouse units.

The subject site consists of a childcare centre and a townhouse development, which is currently under construction. The portion of the site that contains the childcare centre is not a part of the current applications.

The subject site is situated within a residential neighbourhood, located north of Lake Shore Boulevard West and west of Kipling Avenue, and is bounded by Daisy Avenue to the south, Twenty Ninth Street to the west and Elder Avenue to the north. The east lot line of the subject site abuts residential dwellings.

### **Reasons for the Applications**

The applications are required to establish the conveyable lots and the ownership structure of the Common Elements Condominium. The subdivision of the townhouse lots through Part Lot Control Exemption will allow for the creation and conveyance of individual lots to purchasers as freehold lots. The Draft Plan of the Common Elements Condominium is required to establish the ownership structure of the condominium corporation and to ensure the collective ownership, shared maintenance and access of the common elements.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the applications:

- Plan of Survey;
- Part Lot Control Exemption Plan; and
- Draft Plan of Common Elements Condominium.

The current planning information for the applications can be found on the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

### **Agency Circulation Outcomes**

The applications together with the applicable plans noted above have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate conditions of Draft Plan of Common Elements Condominium approval.

## **POLICY CONSIDERATIONS**

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### **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 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 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 (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the

Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

### **Toronto Official Plan**

The subject site is designated *Neighbourhoods* on Map 15 - Land Use Map of the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower scale residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally “fit” the existing physical character.

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

## **Zoning**

The site is subject to site-specific Zoning By-law No. 673-2019(LPAT), which relates to both parcels on the subject site (Parcels 1 and 2 identified on Schedule A of the Zoning By-law). Parcel 1 contains the townhouse uses and Parcel 2 contains the Vincent Massey Child Care Centre. The Zoning By-law permits a maximum of 73 townhouse dwelling units on Parcel 1 and a maximum building height of 12.75 metres.

## **Site Plan Control**

A Site Plan Control application (File No. 16 260247 WET 06 SA) was submitted on December 5, 2016 and the Statement of Approval was issued on March 6, 2019.

## **COMMENTS**

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

The applications are consistent with the PPS. Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential uses which includes affordable housing, promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The applications also conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe (2019). The guiding principles of the Growth Plan include: to build compact, vibrant and complete communities; to protect, conserve, enhance and wisely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The exemption from Part Lot Control would allow for the orderly development of the proposed residential buildings.

### **Land Division**

The applicant is proposing a Common Elements Condominium and Part Lot Control Exemption. This is appropriate as it implements the previous approvals on the site for 73 townhouses with common elements.

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.

The proposed Part Lot Control Exemption complies with the Official Plan and Zoning By-law. The Part Lot Control Exemption application was circulated to various Divisions and agencies for comment and no issues were identified.

To ensure the Part Lot Control Exemption By-law does not lift part lot control indefinitely, it is recommended that the Part Lot Control Exemption By-law contain an expiration date. In this case, the Part Lot Control Exemption By-law would expire two years following enactment by City Council. This time frame would provide sufficient time for the completion of the 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 land. The Section 118 Restriction is used to prevent the conveyance of the parcels of tied land until the Common Elements Condominium is registered.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Draft Plan of Common Elements Condominium (Sheet 1 of 3)  
Attachment 4: Draft Plan of Common Elements Condominium (Sheet 2 of 3)  
Attachment 5: Draft Plan of Common Elements Condominium (Sheet 3 of 3)  
Attachment 6: Part Lot Control Exemption Plan (Sheet 1 of 3)  
Attachment 7: Part Lot Control Exemption Plan (Sheet 2 of 3)  
Attachment 8: Part Lot Control Exemption Plan (Sheet 3 of 3)  
Attachment 9: Draft Plan of Common Elements Condominium Approval Conditions

Attachment 1: Application Data Sheet

**Municipal Address:** 68 DAISY AVENUE **Date Received:** December 6, 2018  
**Application Number:** 18 265575 WET 03 PL & 18 265577 WET 03 CD  
**Application Type:** Part Lot Control Exemption & Common Elements Condominium  
**Project Description:** 73 4-storey freehold townhouse units, within 5 residential blocks.

**Applicant** **Agent** **Architect** **Owner**  
Dunpar 1241461 ONTARIO  
Developments Inc. LIMITED

**EXISTING PLANNING CONTROLS**

Official Plan Designation: Neighbourhoods Site Specific Provision:  
Zoning: 673-2019(LPAT) Heritage Designation: Y  
Height Limit (m): 12.75 Site Plan Control Area: Y

**PROJECT INFORMATION**

Site Area (sq m): 7,629.00 Frontage (m): 122.76 Depth (m): 75.00

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			4,108.83	4,108.83
Residential GFA (sq m):			11,957.24	11,957.24
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>			11,957.24	<b>11,957.24</b>
Height - Storeys:			4	4
Height - Metres:			12.7	12.7

Lot Coverage Ratio (%): 53.8 Floor Space Index: 1.56

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	11,957.24	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Institutional/Other GFA:	0	

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:			73	73
Condominium:				
Other:				
<b>Total Units:</b>			<b>73</b>	<b>73</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:				42	31
<b>Total Units:</b>					

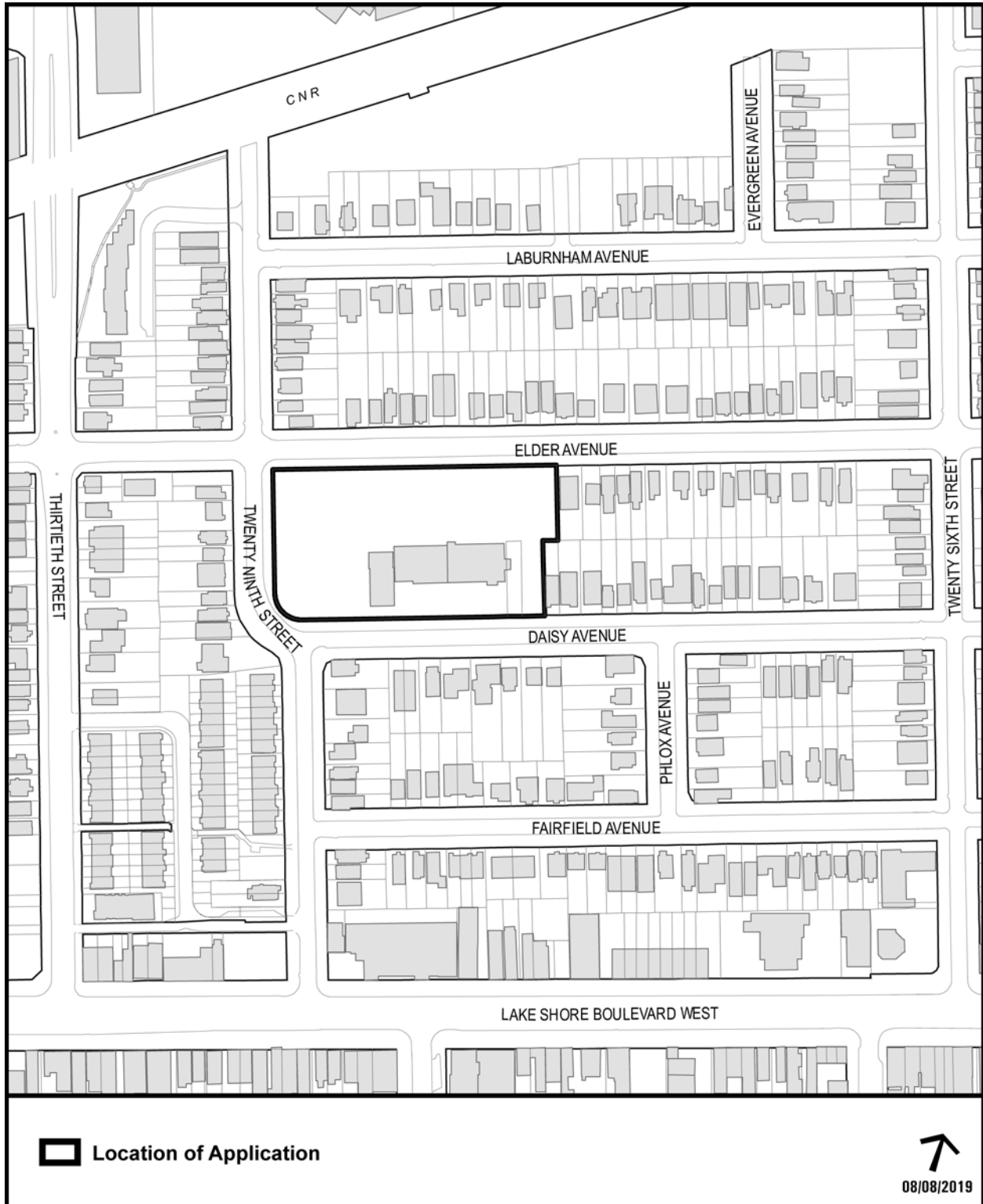
**Parking and Loading**

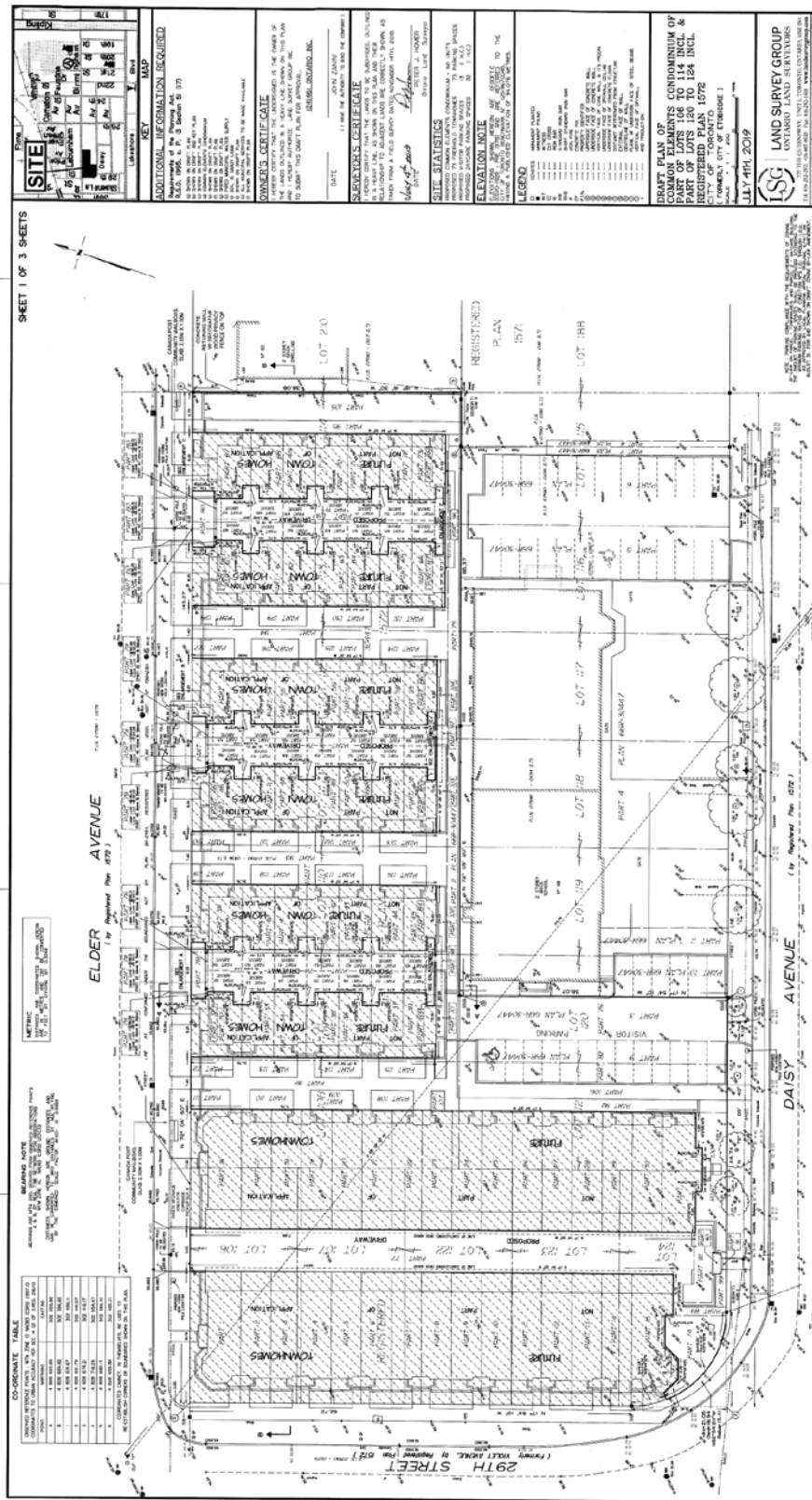
Parking Spaces:	86	Bicycle Parking Spaces:	Loading Docks:
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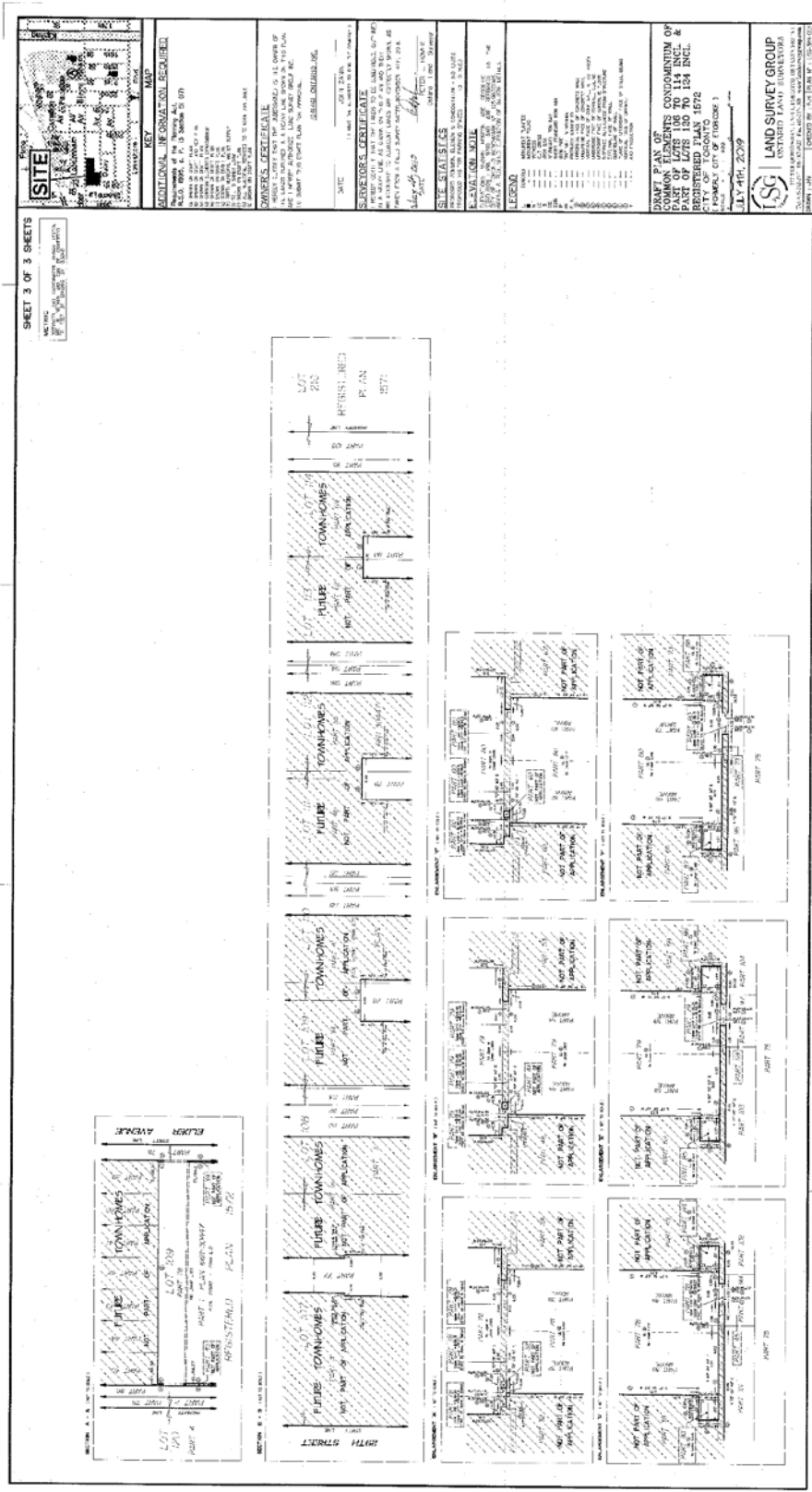
Attachment 2: Location Map





Draft Plan of Common Elements

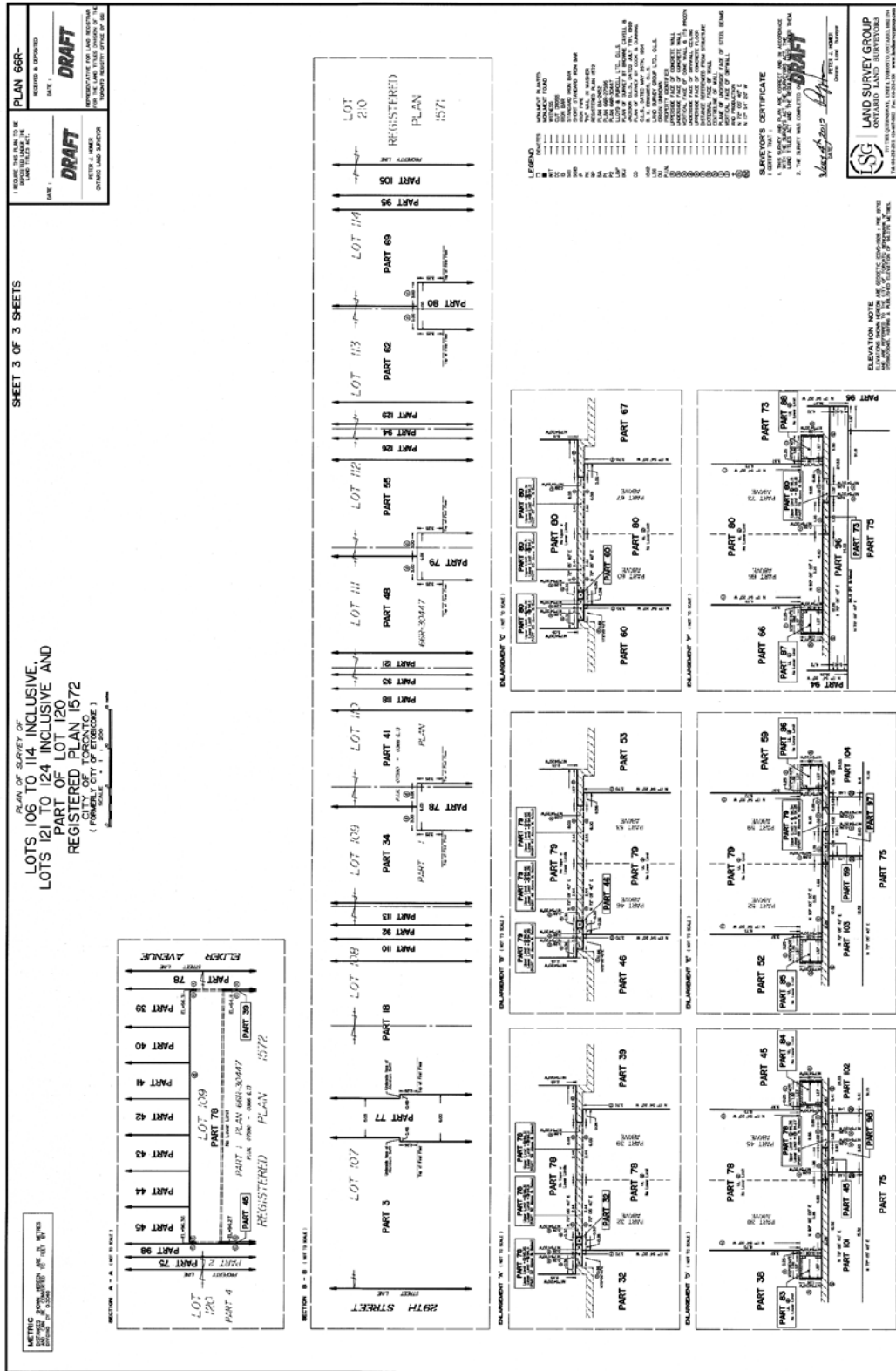




Draft Plan of Common Elements 3







## Attachment 9: Draft Plan of Common Elements Condominium Approval Conditions

(1) The plans submitted for final approval and registration must be substantially in accordance with the draft plans approved by the Chief Planner and Executive Director, City Planning. 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 the 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 to section 40 of the *Assessment Act* or the provisions of the *City of Toronto Act, 2006*. In the event 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 certifications required by the *Condominium Act* for registration.

(4) Together with the final version of the Declaration, the owner shall provide a solicitor's undertaking indicating that:

(i) The Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;

(ii) The City will be notified of any required changes prior to registration; and

(iii) Forthwith following registration of the Declaration, a copy will be provided to the City.

(5) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.

(6) If the condominium is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.

(7) The owner shall provide to the City a copy of the Declaration and Description, and shall also provide confirmation from the Owner's solicitor that the new easements have been registered on-title as per the approved Committee of Adjustment submissions. The Condominium Declaration and Description shall contain necessary wording to grant right-of-way and easements for pedestrian and vehicular accesses to the satisfaction of Transportation Services, Etobicoke York District. The owner is required to provide for access to, maintenance of and the use of the shared facilities between the townhouse units being: parking; driveways; walkways; and stairs.

(8) The shared drive aisles, driveways and parking spaces to access the shared parking lot are required to be registered on-title as common elements between townhouses units.

(9) The Declaration and Description shall include the following:

(a) The City shall provide single-family, curbside cart collection services for garbage, recycling and organics, and collection will take place curbside on 29th Street (Violet Avenue) for Block A.

(b) The City shall provide curbside, multi-residential collection services for all residents to this development for garbage, and collection will take place curbside on Elder Ave for Block B units 16 to 23 and curbside on Daisy Ave for Block B units 24 to 31. Totes (garbage containers) are to not block any sidewalks, ruin lawns or impede any vehicles or people passing by.

(c) The City shall provide curbside, multi-residential collection services for all residents to this development for garbage, recycling and organics, and collection will take place curbside on Elder Avenue for Blocks C, D & E. Totes (garbage containers) are to not block any sidewalks, ruin lawns or impede any vehicles or people passing by.