

3052 Bayview Avenue – Draft Plan of Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

Date: December 17, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 18 – Willowdale

Planning Application Number: 18 213612 NNY 23 CD and 18 213597 NNY 23 PL

SUMMARY

This application proposes to establish a rear driveway and landscape strip as a common element condominium at 3052 Bayview Avenue. The common elements condominium is required to provide legal pedestrian and vehicular access to six residential townhouse 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 six residential townhouse units fronting Bayview Avenue.

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 his designate.

RECOMMENDATIONS

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 3052 Bayview Avenue, as generally illustrated on Attachment 2 to this report, subject to:
 - (a) the Draft Plan Approval Conditions as generally listed in Attachment 3 to 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 3052 Bayview Avenue as generally illustrated on Attachment 3 to this report, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
 3. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.
 4. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner or his/her designate.
 5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium has been registered.
 6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
 7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A Zoning By-law Amendment Application (File No. 13 163706 NNY 23 OZ) and a Site Plan Control Application (File No. 13 163745 NNY 23 SA) were submitted on May 7, 2013 for 3052 Bayview Avenue (and 351 McKee Avenue). The applications proposed 6 townhouses facing Bayview Avenue and 1 single detached dwelling fronting on McKee Avenue. City Council approved the Zoning By-law Amendment Application on August 25, 26, 27 and 28, 2014. The Final Report can be found here:

<https://www.toronto.ca/legdocs/mmis/2014/ny/bqrd/backgroundfile-71699.pdf>

An Application for Consent (File No. B0012/15NY) was submitted on March 13, 2015. The application proposed to divide the subject lands to create one lot for the single

detached dwelling and one lot for the 6 townhouses. It was approved on August 6, 2015.

The Site Plan Control Application was approved on April 11, 2016. A Site Plan Agreement is registered on title.

ISSUE BACKGROUND

Proposal

This application proposes to establish a rear driveway and landscape strip as common elements at 3052 Bayview Avenue to ensure shared access, 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 conveyable lots for the 6 residential townhouse units fronting Bayview Avenue.

Site and Surrounding Area

The subject site consists of a townhouse development, currently under construction, located at the southwest corner of Bayview Avenue and McKee Avenue, just north of Sheppard Avenue East. The total development site has a frontage of 33.4 metres on Bayview Avenue and 28.3 metres on McKee Avenue, and an area of 929.8 square metres.

Land uses surrounding the site are as follows:

North: Single detached dwellings and a synagogue on Bayview Avenue.

South: Single detached dwellings and townhouses on Bayview Avenue.

East: Single detached dwellings on Bayview Avenue.

West: Single detached dwellings on McKee Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Toronto Official Plan

The site is designated *Neighbourhoods* on Map 16, Land Use Plan of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. The *Neighbourhoods* designation is intended to protect and reinforce the existing physical character of the surrounding low scale residential area.

Zoning By-laws

The site is subject to Site Specific By-law 1015-2014 which permits the 6 townhouse units having a maximum permitted height of 12.0 metres.

Site Plan Control

The Site Plan Control application (File no. 13 163745 NNY 23 SA) for this development was approved on April 11, 2016. A Site Plan Agreement is registered on title.

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

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, as it creates a diversity of housing stock within walking distance to a transit station.

Land Division

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

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 until the common elements condominium is registered.

CONCLUSIONS

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

Doug Stiles, Planner, Tel. No. 416-395-7145, Fax No. 416-395-7155, Email: doug.stiles@toronto.ca

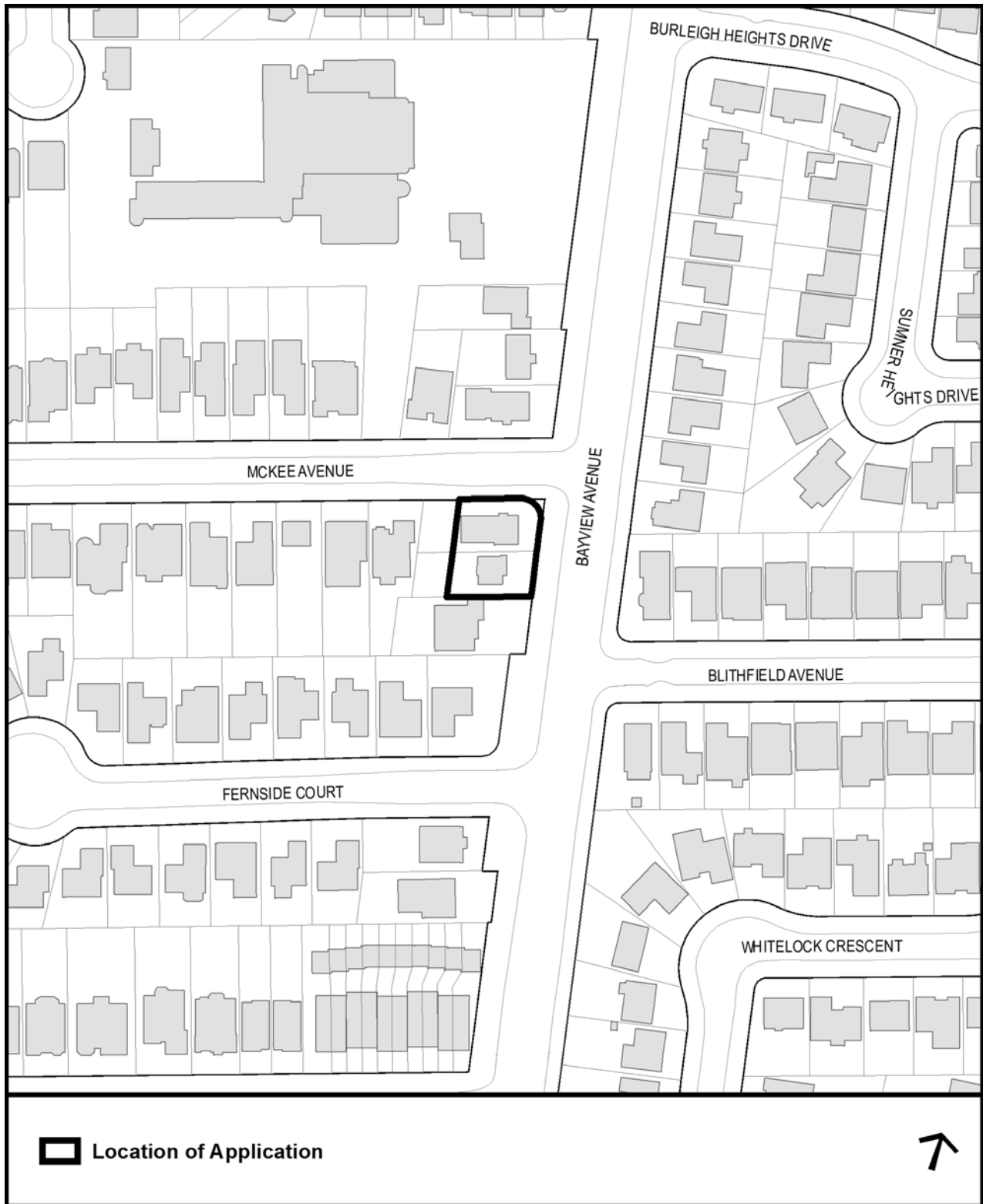
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

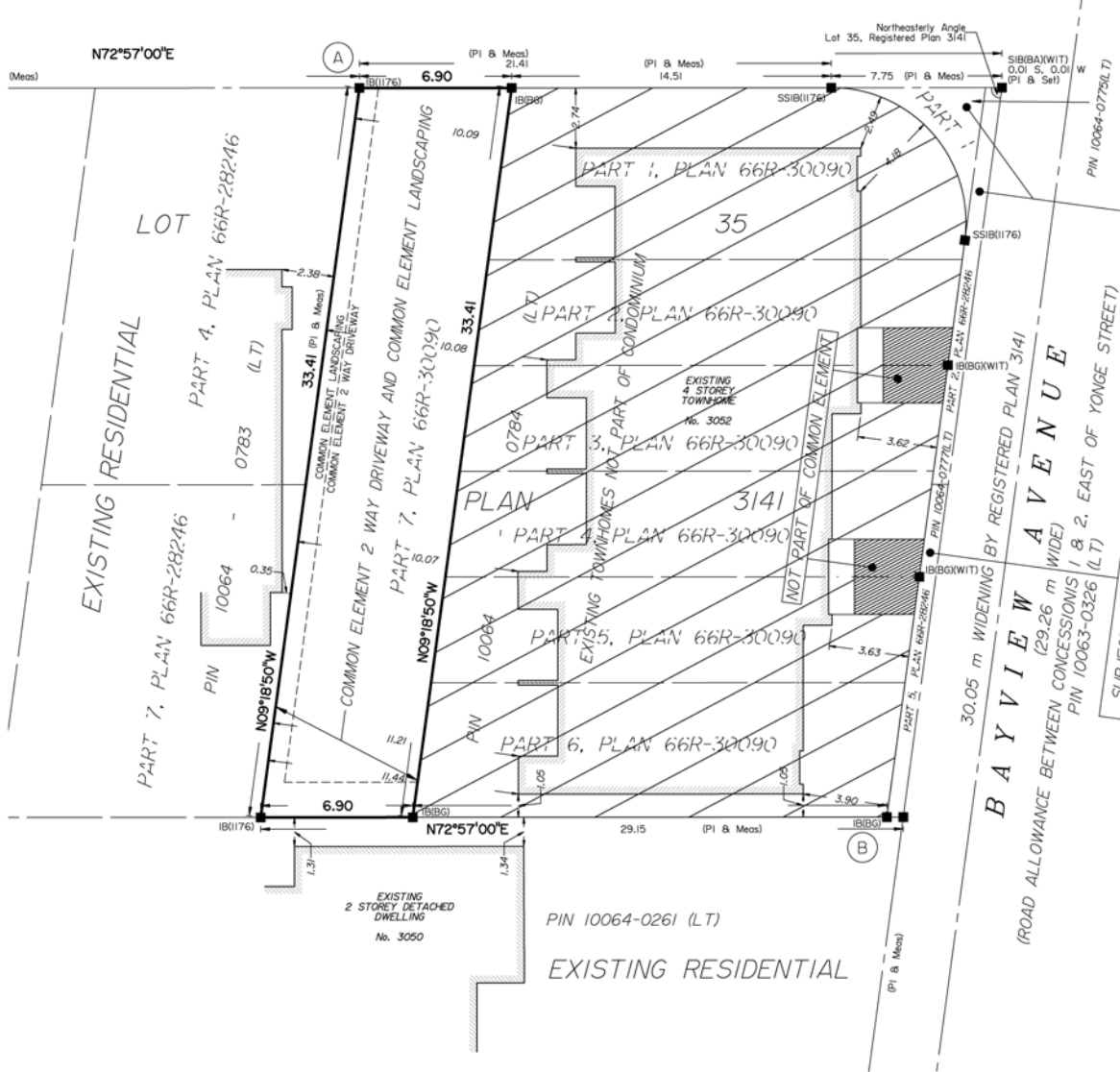
Attachment 1:	Location Map
Attachment 2:	Draft Plan of Common Elements Condominium
Attachment 3:	Draft Plan Approval Conditions
Attachment 4:	Part Lot Control Exemption Plan
Attachment 5:	Application Data Sheet
Attachment 6:	Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



Attachment 2: Draft Plan of Common Elements Condominium

(20.12 m WIDE)
MCKEE AVENUE
 (FORMERLY MCKEE BOULEVARD BY REGISTERED PLAN 1576)
 PIN 10064-0360 (LT)
 AS CONFIRMED BY PLAN BA-1801, INST. No. NY788456, PLAN No. 11379)



Condominium Plan

3052 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
 09/26/2018

File # 18 213597 NNY 23 PL & 18 213612 NNY 23 CD

Attachment 3: Draft Plan Approval Conditions

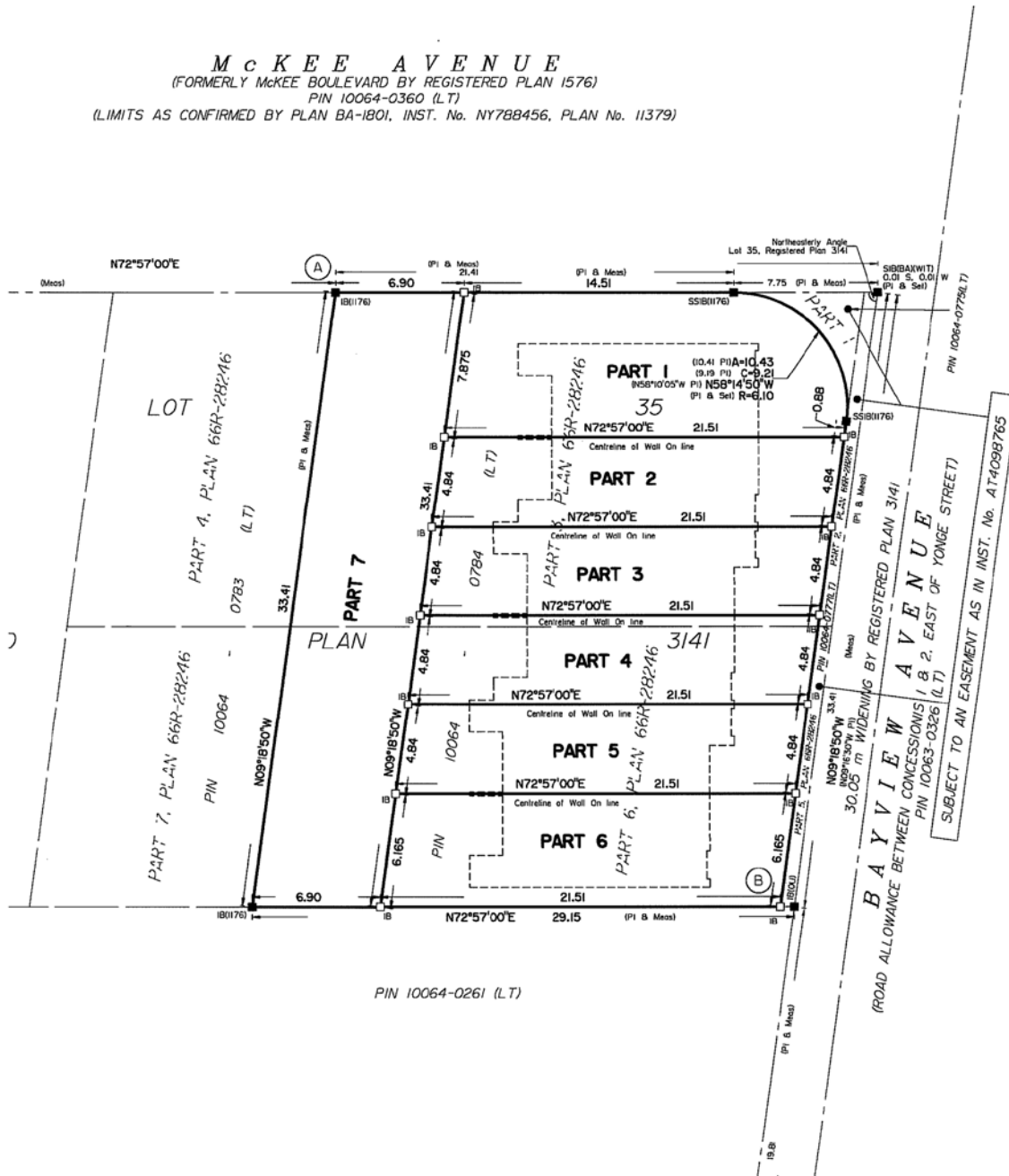
- (1) The owner shall provide to the Director Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (3) The owner shall file with the Director Community Planning, North York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the *Condominium Act* for registration.
- (4) Together with the final version of the Declaration, the Owner shall provide a solicitor's undertaking indicating that:
 - (i) the Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;
 - (ii) the City will be notified of any required changes prior to registration; and
 - (iii) forthwith following registration of the Declaration, a copy will be provided to the City.
- (5) If the condominium is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.
- (6) Prior to the release of the condominium plans for registration, the Owner agrees to provide, to the satisfaction of Engineering and Construction Services, written confirmation from the Mechanical Engineer that the detached house facing McKee Avenue within this Site Plan application has been constructed in a manner that will not discharge, directly or indirectly, any groundwater collected from foundation drains (weeping tiles, sub-floor drains), groundwater collection systems (groundwater collected from foundation sump(s), pump(s), etc.) or any other type of permanent drainage system or any direct or indirect connection to the City sewage works. All the water collected in the subdrainage collection system will be discharged to grade and managed onsite at all times. There will be no direct or indirect discharge of private water to the City's sewer(s).
- (7) Prior to the release of the condominium plans for registration, the Owner agrees to provide, to the satisfaction of Engineering and Construction Services, written confirmation from the Professional Mechanical Engineer and Structural Engineer that the townhouse block facing Bayview Avenue has been constructed as a water tight building where a subfloor drainage system or weeping system will not be installed underneath the basement floor or around the perimeter of the proposed building. Therefore, pumping of the ground water to any municipal sewers will not be required to be in compliance with the City of Toronto Municipal

Code Chapter 681. These non pumping requirements were captured in the Servicing Plan SS1, prepared by Masongsong Associates Engineering Limited, dated May 29, 2015 and Functional Servicing and Stormwater Management Report, prepared by Masongsong Associates Engineering Limited, dated May 2015 and were captured in the registered Site Plan Agreement.

- (8) The Owner acknowledges that the discharge of Private Water from the site to City sewage works is prohibited by Chapter 681, subject to any exemption and the extent of same that may be granted by the General Manager of Toronto Water in accordance with Chapter 681.
- (9) In the event, the applicant requires foundation ground water to be pumped, prior to the registration of the plan of condominium, the Owner shall submit an application to Community Planning requesting the current registered site plan agreement to be revised to allow a permanent dewatering system for the townhouse block and capture all obligations related to the permanent dewatering system. As part of this request, the applicant will have to submit the necessary revised engineering drawings and report confirming sufficient downstream sewer capacity.
- (10) Further to the condition above, prior to the registration of the plan of condominium, the owner shall submit an application to Toronto Water (Environmental Monitoring & Protection) for any permanent dewatering system that is required for the townhouse building, and enter into an agreement, and/or receive a permit to discharge groundwater as required by the General Manager, Toronto Water.

Attachment 4: Part Lot Control Exemption Plan

M c K E E A V E N U E
 (FORMERLY McKEE BOULEVARD BY REGISTERED PLAN 1576)
 PIN 10064-0360 (LT)
 (LIMITS AS CONFIRMED BY PLAN BA-1801, INST. No. NY788456, PLAN No. 11379)



Part Lot Control Plan

3052 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale
 09/26/2018

File # 18 213597 NNY 23 PL & 18 213612 NNY 23 CD

Attachment 5: Application Data Sheet

Municipal Address: 3052 BAYVIEW AVE **Date Received:** August 22, 2018

Application Number: 18 213612 NNY 23 CD &
18 213597 NNY 23 PL

Application Type: Condominium Approval, Common Elements, and Part Lot Control Exemption

Project Description: Six townhouses have been constructed on site. The condominium application (18 213612 NNY 23 CD) seeks to obtain approval of the common element portion of the development (a 190m² two-way driveway and 38m² landscape strip) located to the west of the existing townhouses. The application for exemption from part lot control (18 213597 NNY 23 PL) would legally divide the existing townhouse units for separate ownership.

Applicant	Agent	Architect	Owner
KLM Planning Partners Inc. c/o Mark Yarranton 64 Jardin Drive, Concord, ON L4K 3P3	KLM Planning Partners Inc. c/o Mark Yarranton 64 Jardin Drive, Concord, ON L4K 3P3	N/A	Prestige Residential Homes Inc. c/o Masoud Ahmadi 4 Sorrel Court Toronto, ON M2K 1T7

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R3	Heritage Designation:	N
Height Limit (m):	12.0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 929 Frontage (m): 28.3 Depth (m): 33.4

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			521	521
Residential GFA (sq m):			1,874	1,874
Non-Residential GFA (sq m):				
Total GFA (sq m):			1,874	1,874
Height - Storeys:			3	3
Height - Metres:			12	12

Lot Coverage Ratio (%): 38.28 Floor Space Index: 2.0

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,667	206
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:			6	
Condominium:				
Other:				
Total Units:			6	6

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					6
Total Units:					6

Parking and Loading

Parking Spaces: 12 Bicycle Parking Spaces: 0 Loading Docks: 0

CONTACT:

Doug Stiles, Planner
416-395-7145
Doug.Stiles@toronto.ca

Attachment 6: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Item No. NYXX.XX, as adopted by City of Toronto Council on XXX.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To exempt lands municipally known in 2018 as 3052 Bayview Avenue from part lot control.

WHEREAS authority is given to Council by subsection 50(7) of the *Planning Act*, R.S.O. 1990, C. P.13, as amended, to pass this by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 50(5) of the *Planning Act*, R.S.O. 1990, C. P.13, as amended, does not apply to the lands described in the attached Schedule "A"
2. This By-law expires two years from the date of its enactment by Council.

ENACTED AND PASSED this

Mayor

City Clerk

Schedule "A"

Legal Description:

Firstly: PT LOT 35 PL 3141, DESIGNATED AS PT 3 PL 66R28246
Secondly: PT LOT 35 PL 3141, DESIGNATED AS PT 6 PL 66R28246,
CITY OF TORONTO