

**76, 88R, 92 and 100 Yorkville Avenue and 98, 109, 115,  
119 and 121R Scollard St.  
Common Elements Condominium Application  
Final Report**

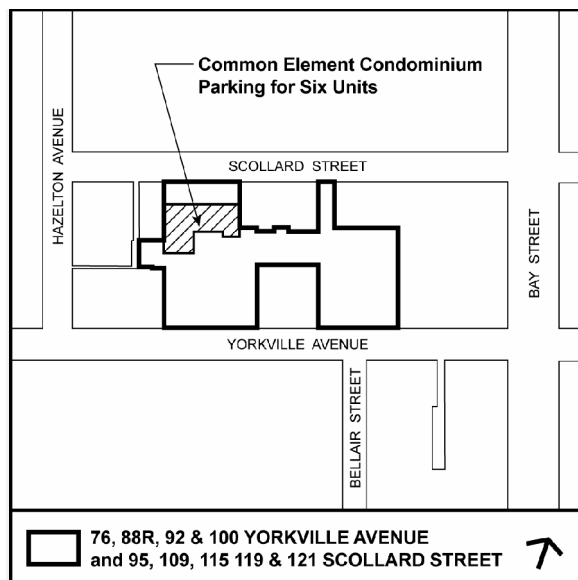
<b>Date:</b>	May 20, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	08 120855 STE 27 CD

**SUMMARY**

This Draft Plan of Common Elements Condominium was made on March 31, 2008 and is subject to the new provisions of the *Planning Act*. The *Planning Act* now requires that a Public Meeting be held for all Draft Plan of Common Elements Condominium applications.

The application proposes to create a common elements condominium consisting of a ramp, drive aisle and 6 underground parking spaces for the six townhouses located on lands municipally known as 76, 88R, 92 Yorkville Avenue 98, 109, 115, 119 and 121R Scollard St.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium, subject to conditions.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. in accordance with the delegated approval under by-law 229-2000, City Council be advised that the Chief Planner intends to approve the draft plan of common elements condominium, as generally illustrated on Attachment 1, subject to:
  - (a) the conditions as generally listed in Attachment 3, 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On April 30, 2004 the Ontario Municipal Board (OMB) approved Site Specific By-law 191-2003 and 192-2003 to allow the development of an 8 and 18 storey mixed use building with retail uses located on the ground and second floor on Yorkville Avenue and six 3-storey townhouses on Scollard Street. The OMB amended its decision on June 15, 2004 to allow the project to move ahead without the original phasing plan.

In 2005 the applicant submitted three applications to the Committee of Adjustment [files A0102/05TEY, A0971/05TEY and A0981/05TEY] to seek relief from the OMB approval Site Specific By-laws and with respect to variance concerning additional building height for the townhouses and one of the two mixed use buildings. City Planning staff supported all the requested variances and secured improved building design, materials, green roof, balcony and increased pedestrian walkway width.

In 2006, City Planning staff approved minor revisions to the previously approved Site Plan.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal calls for the creation of a Common Elements Condominium all below grade. The common elements condominium consists of a ramp, a drive aisle, and six underground garage parking spaces, for the six townhouses located on a portion of lands

known municipally as 76, 88R, 92 and 100 Yorkville Avenue and 95, 109, 115, 119 and 121R Scollard Street.

See Attachment No. 4 for the project data sheet.

## **Site and Surrounding Area**

The site is currently under construction for the proposal described above. The six approved 3-storey townhouses have underground parking spaces located below their rear yards, which is to be established as a common elements condominium. The common elements condominium application is for a small portion of the site. The future townhouse owners will gain access to their six underground parking spaces through the P1 level of the overall project's underground parking garage system. There is a Standard Condominium application for the balance of the development on the site which includes 8 and 17 storey mixed use buildings, with underground parking, including a new Toronto Parking Authority underground parking lot.

Surrounding land uses are as follows:

North: 2 and 3 storey commercial and retail buildings fronting on the north side of Scollard Street

South: the rear yard of the approved 8 storey mixed use building currently under construction

East: 2 and 3 storey commercial and retail buildings fronting on the south side of Scollard Street

West: 121 Scollard Street, 3 storey retail building.

## **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.

## **Official Plan**

The City of Toronto Official Plan designates the site as *Mixed Use Areas*. This designation permits a broad range of residential, commercial, and institutional uses in single or mixed use buildings, as well as parks/open space uses. The site is located within the Downtown area of the City in which a full range of housing opportunities is to be encouraged through residential intensification in *Mixed Use Areas*.

The lands are subject to Site Specific Policy 211. In the “Scollard –Hazelton Area”, new development will respect the existing pattern of a mix of residential and non-residential uses in low scale house form buildings and conserve heritage buildings and features.

## **Zoning**

The underlying zoning for the property is split into CR T3.0 C2.5 R3.0 and CR T2.0 C2.0 R2.0, however it is now subject to the following (OMB) approved site-specific Zoning By-laws 191-2003 and 192-2003, that allow 8 (28.4 m) and 18 storey (55.6 m) mixed use buildings fronting on the south side of the site and six 3-storey townhouses with a building and mechanical roof heights of (11.0 m and 13.4 m), fronting on the north side of the site. The Committee of Adjustment in its decision of February 3, 2006, approved an increase in building and mechanical penthouse heights for the six townhouses to 11.2 m and 13.4 m and some additional height for the 17 storey mixed use building.

## **Site Plan Control**

Currently, the Site Plan Agreement is being finalized by City Staff.

## **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**

### **Survey and Mapping**

Conditions with respect to obtaining revised municipal numbering for the portion of the site to be under the jurisdiction of the Toronto Parking Authority and for the freehold retail components.

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

The proposal is consistent with the PPS and the Growth Plan for the Greater Golden Horseshoe.

## **CONTACT**

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## **SIGNATURE**

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Raymond David, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

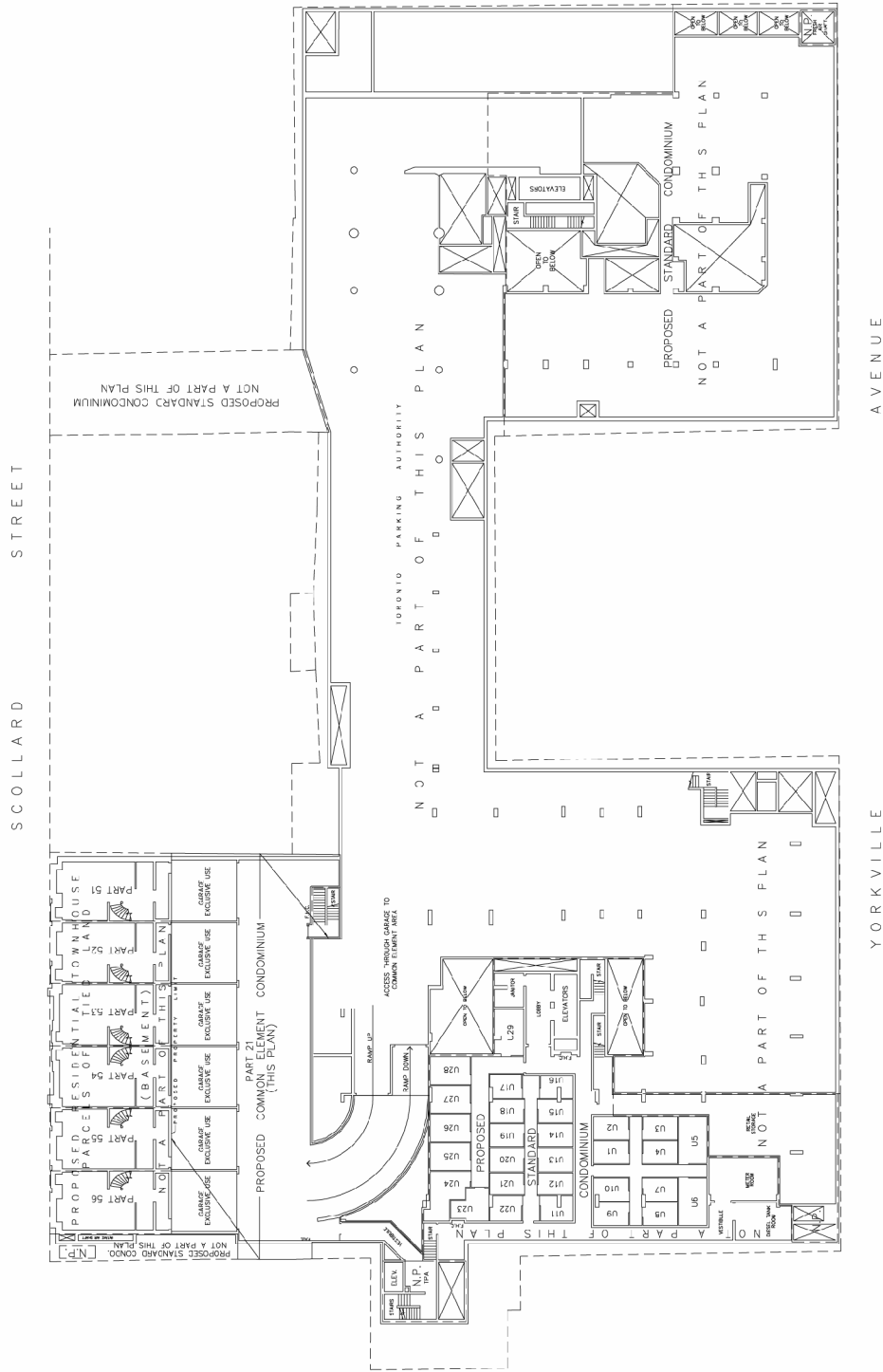
Attachment 1: Draft Plan of Common Elements Condominium (Site Plan)

Attachment 2: Draft Plan of Common Element Condominium (Detail)

Attachment 3: Draft Plan Approval Conditions

Attachment 4: Application Data Sheet

**Attachment 1: Draft Plan of Common Elements Condominium (Site Plan)**

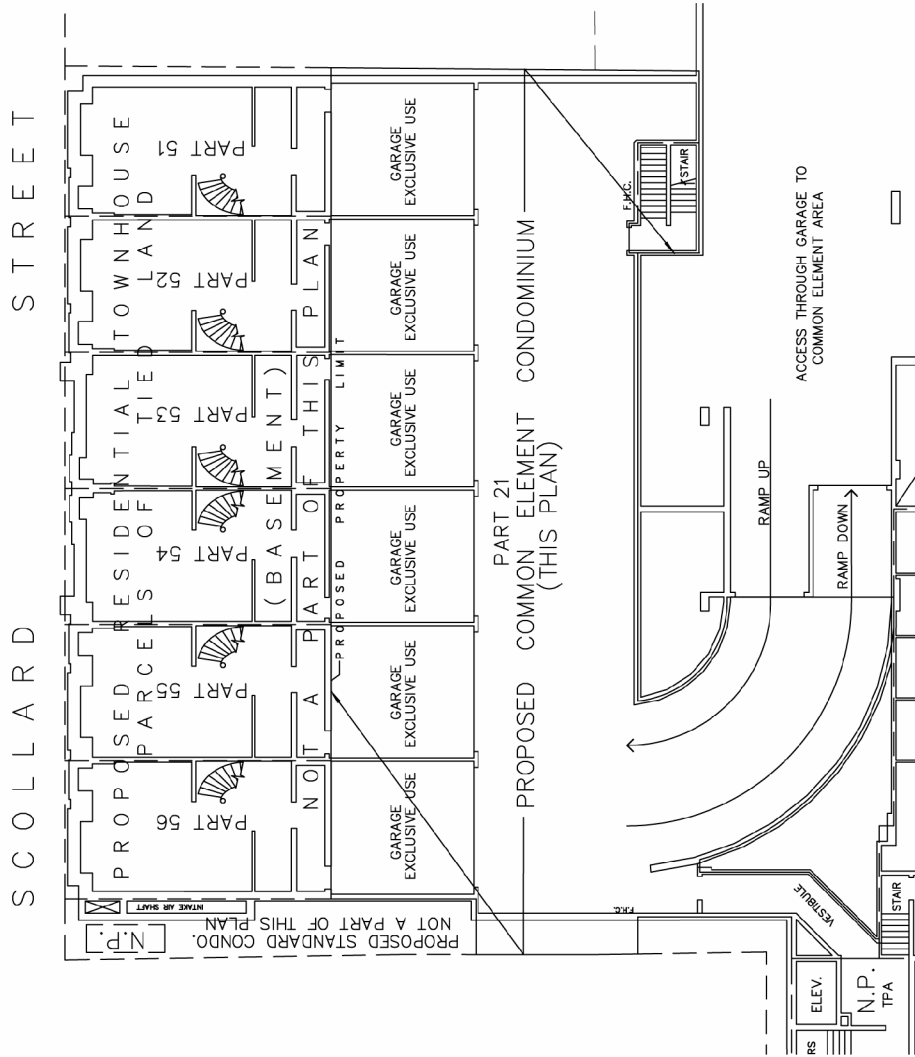


**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 06/19/2009

**76, 88R, 92 & 100 Yorkville Avenue and  
 95, 109, 115, 119 & 121R Scollard Street**

File # 09\_120855

**Attachment 2: Draft Plan of Common Elements Condominium (Detail)**



**Detail of Proposed Common Element Condominium**

**76, 88R, 92 & 100 Yorkville Avenue and  
95, 109, 115, 119 & 121R Scollard Street**

Applicant's Submitted Drawing

Not to Scale  
06/19/2009



File # 09\_120855

### **Attachment 3: Proposed 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) 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.
- (5) The owner shall be required to obtain revised municipal numbering for the portion of the site to be under the jurisdiction of the Toronto Parking Authority and for the freehold retail components to the satisfaction of the Director of the Technical Services Division.



## Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	08 120855 STE 27 CD
Details	Common Elements	Application Date:	March 20, 2008

Municipal Address: 100 YORKVILLE AVE

Location Description: PLAN 248 LOT 21 LOT 22 PT LOT 19 \*\*GRID S2703

Project Description: Proposed common element condominium to provide the necessary easements/rights of way for unobstructed access below grade to (parking garages of) the freehold units (6) of the development having frontage on Scollard Street to be constructed on the lands.

<b>Applicant:</b>	<b>Architect:</b>	<b>Owner:</b>
YORKVILLE (2001) LIMITED	R. Avis Surveying Inc.	YORKVILLE (2001) LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	382-93
Zoning:	CR T2.0 C2.0 R2.0; CR T3.0 C2.5 R3.0	Historical Status:	Y
Height Limit (m):	18, 12	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	6321.1	Height:	Storeys:	17
Frontage (m):	87		Metres:	61.6
Depth (m):	0			
Total Ground Floor Area (sq. m):	0			<b>Total</b>
Total Residential GFA (sq. m):	20924		Parking Spaces:	353
Total Non-Residential GFA (sq. m):	2712		Loading Docks	3
Total GFA (sq. m):	23636			
Lot Coverage Ratio (%):	0			
Floor Space Index:	3.74			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	20924
Bachelor:	2	Retail GFA (sq. m):	2712
1 Bedroom:	17	Office GFA (sq. m):	0
2 Bedroom:	75	Industrial GFA (sq. m):	0
3 + Bedroom:	5	Institutional/Other GFA (sq. m):	0
Total Units:	99		