

**210 & 212 Finch Avenue West – Common Elements
Condominium Application and Part Lot Control
Exemption Application – Final Report**

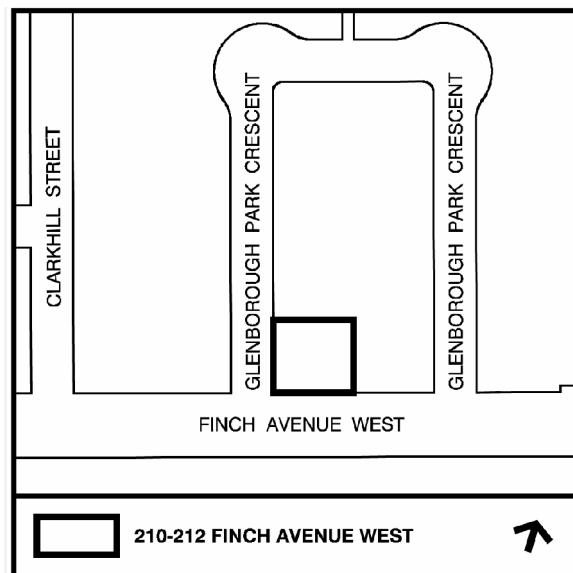
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|--------------------------|---------------------------------------------------|
| Date: | March 3, 2008 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Ward No. 23 – Willowdale |
| Reference Number: | 07 288915 NNY 23 CD & 07 288918 NNY 23 PL |

SUMMARY

These applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption were made after January 1, 2007 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*. The new provisions for Draft Plan of Common Elements Condominium now require that a public meeting be held.

The application for a common elements condominium proposes a common driveway and landscape strip on lands known municipally as 210 and 212 Finch Avenue West, and located just east of Bathurst Street. The common elements condominium is required to provide legal access to the individual units and to ensure shared ownership and maintenance of the driveway and landscaping by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required in order to permit the creation of conveyable lots for eight, 3-storey residential townhouses.



This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the application for 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 the prior consent of the Chief Planner or designate.

RECOMMENDATIONS

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 or designate 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 2, 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 or designate 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, to be prepared to the satisfaction of the City Solicitor, and that such By-law shall expire two years after it has been enacted.
3. City Council authorize the City Solicitor to introduce the necessary Bill provided that prior to the introduction of the Bill:
 - (a) the owner provides proof of payment to the satisfaction of the City Solicitor of all tax arrears and current property taxes for the subject site; and
 - (b) the owner of the subject lands has registered, satisfactory to the City Solicitor, a Section 118 restriction under the *Land Titles Act* agreeing not to transfer or mortgage any part of the lands without the prior written consent of the Chief Planner or designate.
4. City Council authorize and direct the appropriate City Officials to register the Part Lot Control Exemption By-law on title.

5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 restriction at such time as the Common Elements Condominium Plan has been registered.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 6, 2007, City Council passed Zoning By-law 240-2007, approving the application for rezoning of the subject lands to permit eight 3-storey residential townhouses on the site. (Application: 05 202688 NNY 23 OZ; <http://www.toronto.ca/legdocs/mmis/2007/ny/reports/2007-02-13-ny03-cr.pdf>).

The site plan control application for this development was approved through delegated authority and the Site Plan Agreement was registered on July 11, 2007.

ISSUE BACKGROUND

Proposal

The owner has consolidated two adjacent residential lots known municipally as 210 and 212 Finch Avenue West and received approval for a redevelopment consisting of eight, 3-storey residential townhomes. Vehicular access to the site is via a two-way common elements driveway accessed from the western arm of Glenborough Park Crescent. This driveway provides access to the two parking spaces located behind each of the residential townhouses. A common elements landscape strip is also located along the northerly boundary of the subject lands.

The lands were also subject to a 2.76 metre road widening dedication along the entire Finch Avenue West frontage.

Site and Surrounding Area

The site is located on the north side of Finch Avenue West at the intersection with the western arm of Glenborough Park Crescent. The subject lands have a frontage of 38 metres and a lot area of approximately 1,204 m² after the widening dedication.

Abutting uses are as follows:

North: single detached dwellings;

South: single detached dwellings;

East: a multi-storey commercial building and retail commercial plaza situated at the intersection of Finch Avenue West and Grantbrook Street; and

West: single detached dwellings; with a proposed four storey mixed use development immediately across Glenborough Park Crescent.

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. City Planning staff are satisfied that the proposal is consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Mixed Use Area "B"* within the Central Finch Area Secondary Plan. This designation provides for detached and multiple-unit residential buildings, retail and service commercial uses, offices, places of worship, public parks and recreational uses, and institutional uses. For sites with more than 30 metres frontage on Finch Avenue, and where the use is solely residential as in this application, the maximum density can be 2.0 times the lot area, and the maximum height 4 storeys or 13 metres, whichever is the lesser.

The Secondary Plan encourages the consolidation of lots and the reduction of the number of driveways directly accessing Finch Avenue. To buffer the abutting residential neighbourhoods from the effects of development in the Central Finch Area, the Plan requires fencing and a landscaping barrier suitable for the planting of trees. The Secondary Plan also requires that the height of any part of a building not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line, provided that the setback is not less than 9.5 metres.

The development presently under construction complies with this designation.

Zoning

The subject lands are zoned Multiple-Family Dwellings First Density Zone RM1(71) through site specific Zoning By-law 240-2007.

The development presently under construction complies with this zoning.

Site Plan Control

The site plan was approved through delegated authority and the Site Plan Agreement registered on July 11, 2007.

The development presently under construction complies with this approval.

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

Section 50(7) of the *Planning Act* authorizes City Council to adopt a By-law exempting lands within a registered plan of subdivision from Part Lot Control. The property consists of Part of Lots 27 and 28 of Registered Plan 4058. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will enable the creation of eight townhouse lots.

To ensure that the creation of the Common Elements Condominium Corporation is completed and registered before the lots are conveyed, it is recommended that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act*. The Restriction requires the owner to obtain the written consent of the Chief Planner or designate prior to conveying or mortgaging any part of the lands.

Once confirmation is received from the owner that the Common Elements Condominium Plan has been registered, the City Solicitor will take the necessary steps to delete the Section 118 restriction from the title of the lands thus allowing the lots to be conveyed.

To ensure that exemption from Part Lot Control does not remain in force indefinitely, it is recommended that the exempting By-law expire two years after being enacted. This will provide sufficient time for the completion of the project and the conveyance of the lots.

As directed by City Council on March 5, 6, 7 and 8, 2007, the Conditions of Draft Approval will require that the Common Elements Condominium Declaration contain a clause providing that in the event of redevelopment of the adjacent properties at 206 and 208 Finch Avenue West, the owners of 210 and 212 Finch Avenue West shall make best efforts to put in place reciprocal agreements with the neighbouring properties to allow the continuation of the rear driveway to the eastern arm of Glenborough Park Crescent to permit usage of the common elements driveways in either direction for all abutting landowners, and to ensure that the costs for maintenance and repair of the driveway are shared.

CONCLUSION

The development is consistent with the Provincial Policy Statement and Provincial Plans, as well as the Growth Plan for the Greater Golden Horseshoe. The proposed draft plan of Common Elements Condominium for the site is appropriate as the proposal conforms with the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Control Application. Upon review by all pertinent City Divisions and external agencies, no adverse impacts are anticipated to result from this request. As such, the exemption from Part Lot Control and the proposed draft plan of Common Elements Condominium are considered appropriate for the orderly development of the property and are recommended for approval.

CONTACT

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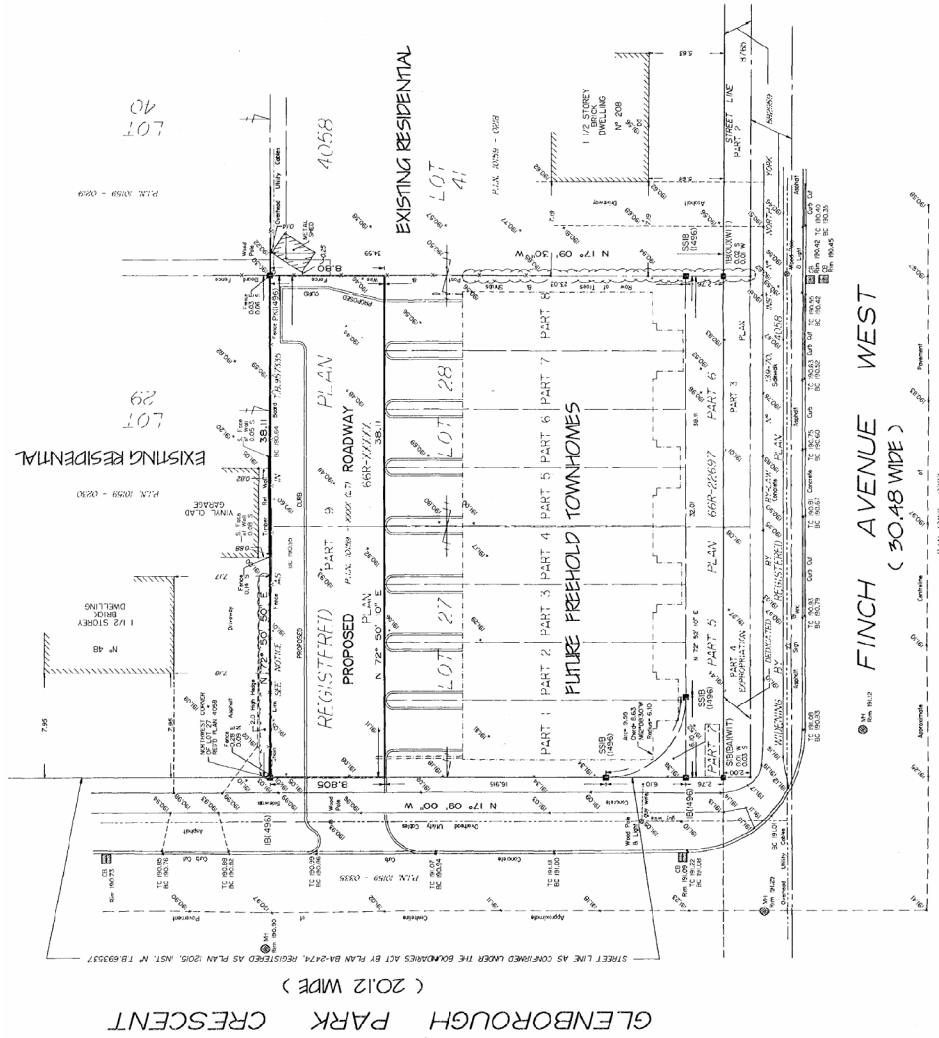
SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



210 - 212 Finch Avenue West

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

Not to Scale
02/14/2008

File # 07_288918 & 07_288915

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, Corporate Finance Division, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan Control matters and facilities shall have been completed or financially secured to the satisfaction of the City.
- (3) The owner shall file with the Director of 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) The owner shall file with the Director of Community Planning, North York District, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:
 - (i) Schedule “A” containing a statement from the declarant’s solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and the easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (ii) Schedule “G” being the certification of the project engineer and/or architect that all buildings and structures have been constructed in accordance with the regulations made under the *Condominium Act*.
- (5) The declaration shall contain a clause providing that in the event of the redevelopment of 206 and 208 Finch Avenue West, the owners of 210 and 212 Finch Avenue West shall make best efforts to put in place reciprocal agreements with the neighbouring properties to allow the continuation of the rear driveway to the eastern arm of Glenborough Park Crescent to permit usage of the driveway in either direction for all abutting landowners and to ensure that the costs for maintenance and repair of the driveway are shared.
- (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.

Attachment 3: Application Data Sheet

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|------------------|----------------------|---------------------|---------------------|
| Application Type | Condominium Approval | Application Number: | 07 288915 NNY 23 CD |
| Details | Common Elements | Application Date: | December 21, 2007 |

Municipal Address: 210 & 212 FINCH AVE W
 Location Description: PLAN 4058 LOT 28 **GRID N2301
 Project Description: 8 residential townhouse units served by a common element driveway on the north side of the site. Please note Concurrent Part-Lot Control Exemption application. (Approved Rezoning under IBMS file 05 202688 NNY 23 OZ)

| | | | |
|----------------------------|---------------|-------------------|--------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| TWIN PEAKS CONSTRUCTION | | | TWINS-PEAK CONSTRUCTION LTD |

PLANNING CONTROLS

| | | | |
|----------------------------|--------------------|--------------------------|---|
| Official Plan Designation: | Mixed Use Area "B" | Site Specific Provision: | |
| Zoning: | RM1 (71) | Historical Status: | |
| Height Limit (m): | 13 m | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | |
|------------------------------------|---------|-----------------|--------------|
| Site Area (sq. m): | 1204.88 | Height: | Storeys: 3 |
| Frontage (m): | 38.11 | Metres: | 10.59 |
| Depth (m): | 33.82 | | |
| Total Ground Floor Area (sq. m): | 510 | | Total |
| Total Residential GFA (sq. m): | 1521 | Parking Spaces: | 16 |
| Total Non-Residential GFA (sq. m): | 0 | Loading Docks | 0 |
| Total GFA (sq. m): | 1521 | | |
| Lot Coverage Ratio (%): | 42.3 | | |
| Floor Space Index: | 1.3 | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | | |
|--------------|----------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Freehold | | Above Grade | Below Grade |
| Rooms: | 0 | Residential GFA (sq. m): | 1521 | 0 |
| 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: | 8 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 8 | | | |

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