

**22 & 24 Birch Avenue  
Common Elements Condominium Application  
Final Report**

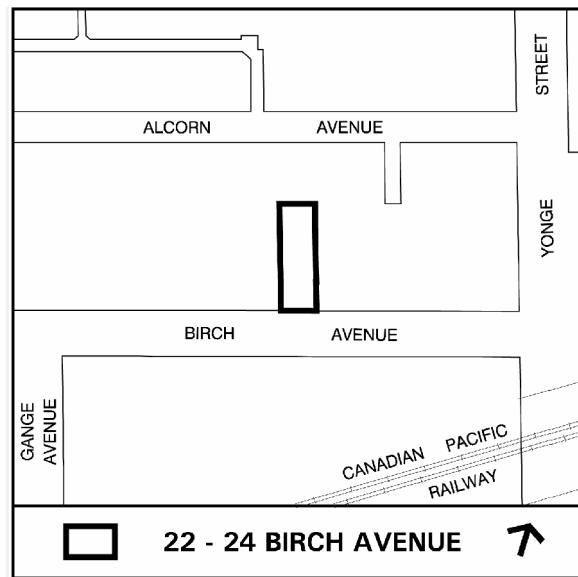
<b>Date:</b>	August 13, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul’s
<b>Reference Number:</b>	08-120189 STE 22 CD

**SUMMARY**

This Draft Plan of Common Elements Condominium application was made on March 18, 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 driveway to provide servicing and access to four townhouses on lands known municipally as 22-24 Birch Avenue.

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 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 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 December 16, 2004 the Committee of Adjustment refused an application seeking the consent to sever the subject property in order create lots for six single detached dwellings and to establish a common element driveway to serve the six proposed dwellings.

The decision was appealed to the Ontario Municipal Board (OMB), and on May 3, 2005 the OMB gave consent for the severances and authorized the variances to permit the construction of six townhouses, subject to a number of terms and conditions resulting from a settlement between the owner of the subject property and neighbouring landowners. The City was not party to this hearing.

On December 12, 2005, the OMB revised its decision to permit the addition of a deck and garage for the northern townhouse unit.

Subsequent to the OMB decisions, the owner constructed the townhouses in keeping with the approved massing and scale, but reduced the number of units from six to four. The reduction from six to four townhouses necessitated new severance and variance applications.

On June 25, 2008 the Committee of Adjustment granted the severances (Application No. B0077/08EY), and variances (Application Nos. A0581/08TEY, A0582/08TEY, A0583/08TEY, A0584/08TEY) to By-law 438-86, as amended, to permit the as-built

development. Variances to the By-law's height limits, density limits, frontage requirements and other performance standards are now final and binding.

## ISSUE BACKGROUND

### Proposal

The proposal calls for the creation of a Common Elements Condominium. The common elements condominium will consist of a driveway to provide servicing and access to four townhouses on lands known municipally as 22-24 Birch Avenue.

The four townhouses are 15 metres in height and vary in gross floor area and density.

<b>Unit</b>	<b>Gross Floor Area</b>	<b>Density</b>
1	286.77 m <sup>2</sup>	2.36
2	141.77 m <sup>2</sup>	1.58
3	141.77 m <sup>2</sup>	1.58
4	279.08 m <sup>2</sup>	1.58

Vehicular access is provided for off Birch Avenue and parking is provided in six integral garages accessed from the proposed common elements condominium driveway. Units 2 and 3 have one garage, while Units 1 and 4 contain two garages.

It is proposed that solid waste and recycling will be stored within the garages and that refuse and recyclable materials generated by this development will be wheeled to Birch Avenue on the day of collection.

## **Site and Surrounding Area**

The site is currently occupied by the development as described above. There are four townhouses fronting onto the private driveway, which is to be established as a common elements condominium.

Surrounding land uses are as follows:

North: the rear yards of townhouses fronting onto the Alcorn Ave and a parking lot serving commercial uses in the immediate area.

South: Birch Avenue; Residential townhouses.

East: townhouses with a mix of commercial uses.

West: commercial building currently occupied by Community Living Toronto.

## **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 *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings 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.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The property is zoned CR T3.0 C3.0 R1.0 with a maximum permitted height of 12 metres. The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 3.0 times the area of the lot, of which only 1.0 times the area of the lot is permitted for residential uses.

On June 25, 2008 the Committee of Adjustment granted the variances to By-law 438-86, as amended, to permit the as-built development. Variances to the By-law's height limits, density limits, frontage requirements and other performance standards are now final and binding.

## **Site Plan Control**

Site Plan Control does not apply.

## **Reasons for Application**

The Chief Planner has the authority to draft approve Common Elements Condominiums, under City of Toronto By-law 229-2000 (Chapter 415-17 of the Municipal Code), as amended by By-law 885-2007.

However, Ontario Regulation 544/06 of the *Planning Act*, states that the approval authority shall ensure that a public meeting is held for Vacant Land and Common Elements Condominiums. This hearing before the Toronto and East York Community Council constitutes the public meeting for this application.

## **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**

### **Solid Waste and Recycling**

Conditions with respect to solid waste and recycling have been included in Attachment No. 2 to ensure that the provision of storage and collection facilities meets the requirements in the "City of Toronto Requirements for Garbage and Recycling Collection from New Developments and Redevelopments".

### **Municipal Services**

Site servicing, grading and stormwater management for the 6 unit residential proposal was accepted in March, 2006. Since no substantial changes were made to the previous approval the Technical Services Division is satisfied with respect to the municipal servicing and stormwater management for this application.

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

The proposal is consistent with the PPS.

### **CONTACT**

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### **SIGNATURE**

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

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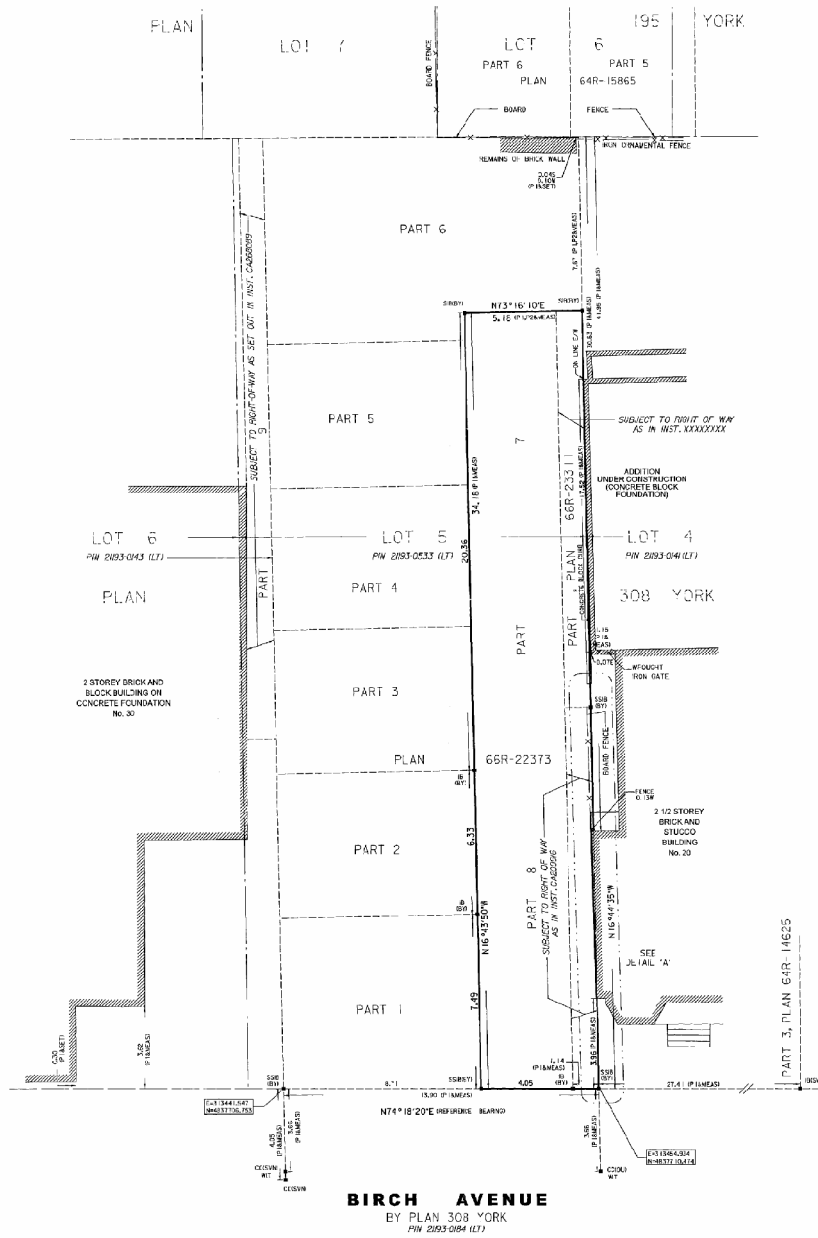
### **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet

# Attachment 1: Draft Plan of Common Elements Condominium



## Draft Plan of Common Elements Condominium

22 - 24 Birch Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 08\_120189

## 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) 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.
- (3) 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.
- (4) The owner shall provide to the Director of the Technical Services Divisions, confirmation that refuse and recyclable materials generated by this development will be wheeled to Birch Avenue on the day of collection.
- (5) The owner shall provide to the Director of the Technical Services Divisions, wording in the final Declaration and Description of the arrangements in place with respect to waste collection for this residential development, including notice that the City will only provide collection of waste and recyclable materials for this development, subject to the provision of storage and collection facilities as outlined within the “City of Toronto Requirements for Garbage and Recycling Collection from New Developments and Redevelopments”.
- (6) The owner’s solicitor shall provide to the Director of the Technical Services Divisions written confirmation and certification that Conditions 1.8 and 7.1(e), as set out in the Condominium Declaration date stamped by City Planning on April 1, 2008, have been satisfied.



### Attachment 3: Application Data Sheet

Application Type	Condominium Approval	Application Number:	08-120189 STE 22 CD
Details	Common Elements	Application Date:	March 18, 2008

Municipal Address: 22 BIRCH AVE  
 Location Description: PL 308Y PT LT5 \*\*GRID S2211  
 Project Description: Draft Plan of Common Elements Condominium application for access to four new dwelling units being erected on the property.

<b>Applicant:</b>	<b>Surveyor:</b>	<b>Owner:</b>
Keyser Mason Ball, LLP John B. Keyser	Bennett Young Ltd.	2118894 Ontario Inc.

#### PLANNING CONTROLS

Official Plan Designation: Neighbourhoods	Site Specific Provision:
Zoning: CR T3.0 C3.0 R1.0	Historical Status:
Height Limit (m): 12	Site Plan Control Area:

#### PROJECT INFORMATION

Site Area (sq. m):	0	Height:	Storeys:	0	
Frontage (m):	0		Metres:	0	
Depth (m):	0				
Total Ground Floor Area (sq. m):	0				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	0	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	0				
Lot Coverage Ratio (%):	0				
Floor Space Index:	0				

#### DWELLING UNITS

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

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

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