

**449 Logan Ave – Common Elements Condominium Application and Part Lot Control Application – Final Report**

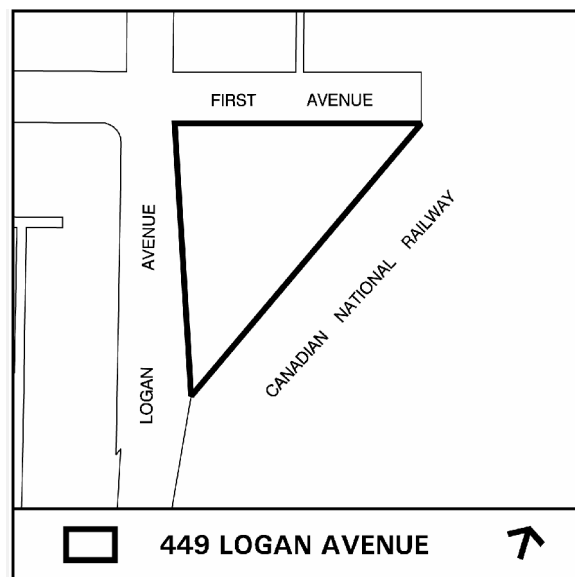
<b>Date:</b>	October 24, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	File No. 08-111080 STE 30 CD and File No. 08 202216 STE 30 PL

**SUMMARY**

The applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption were made on or after January 1, 2007 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application for a common elements condominium proposes a common driveway, visitor parking spaces and a landscaped noise berm plus retaining wall on lands known municipally as 449 Logan Avenue. The application is required to provide legal access to the individual townhouse units and to ensure shared ownership and maintenance of the driveway, visitor parking spaces, noise berm and other shared aspects of the development.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required in order to permit the creation of 20 separate conveyable townhouse lots. 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 his designate.



This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the application to lift Part Lot Control.

## **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, unless 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, to be prepared to the satisfaction of the City Solicitor;
3. City Council authorize the City Solicitor to introduce the necessary Bills in Council for a Part Lot Control Exemption By-law to expire (2) years from the date of enactment;
4. City Council require the owner to provide proof of payment to the satisfaction of the City Solicitor that all current property taxes for the subject site have been paid, prior to the enactment of the Part Lot Control Exemption By-law;
5. 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 and charge any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of Bills in Council;
6. City Council authorize and direct 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 Plan has been registered;
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title; and
8. Prior to introduction of the Part Lot Control Exemption By-law, the owner shall submit a revised Draft Reference Plan, to the satisfaction of the Executive Director of Technical Services, to show:

- a. Grid bearings and distances;
- b. the co-ordinate values of the main corners of the subject lands, integrated with the Ontario co-ordinate system; and
- c. a list of the referenced horizontal control monuments with their respective values.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The development was subject to a Rezoning application that was approved in 2006 and a Site Plan Approval application that was approved through delegated authority. The Site Plan Agreement was registered on June 26, 2006.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is to permit the lifting of Part Lot Control to allow for 20 townhouses currently being constructed on the site to be sold separately, and to allow for the registration of a common elements condominium to accommodate the shared ownership and maintenance of the driveway, visitor parking spaces, noise berm and other common elements. Refer to Attachment No. 3 for project data.

#### **Site and Surrounding Area**

The site is bounded by Logan Avenue to the west, First Avenue to the north and the Canadian National railway (CNR) corridor to the southeast, creating a triangular property.

The property is surrounded by a variety of residential uses to the north and west, and is separated by the CNR tracks from light industrial live/work uses to the south.

#### **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. In the opinion of City Planning Staff, the proposal is consistent with the Provincial Policy Statement.

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. The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

This site is designated “Employment Areas” in the City of Toronto Official Plan, and is also subject to Site and Area Specific Policy No 154 which permits a mix of employment and residential uses provided that the building(s) will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent area. This proposal therefore complies with the intent of the Official Plan.

### **Zoning**

The site is subject to site specific zoning by-law 338-2006 that permits the development of the 20 townhouses currently under construction on the site.

### **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 conditions of approval.

### **COMMENTS**

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 creation of the Common Elements Condominium Corporation is completed and registered before lots are sold, it is recommended that the owner of the lands be required to first register a Section 118 Restriction under the Land Titles Act. The Restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner or his designate. 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.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the exempting By-law contain an expiration date. In this instance, the By-law should expire two years after being enacted. The two year time frame normally provides sufficient time for the completion of the project.

## **CONTACT**

Joanna Kimont, Assistant Planner

Tel. No. 416-392-7216

Fax No. 416-392-1330

E-mail: jkimont@toronto.ca

## **SIGNATURE**

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

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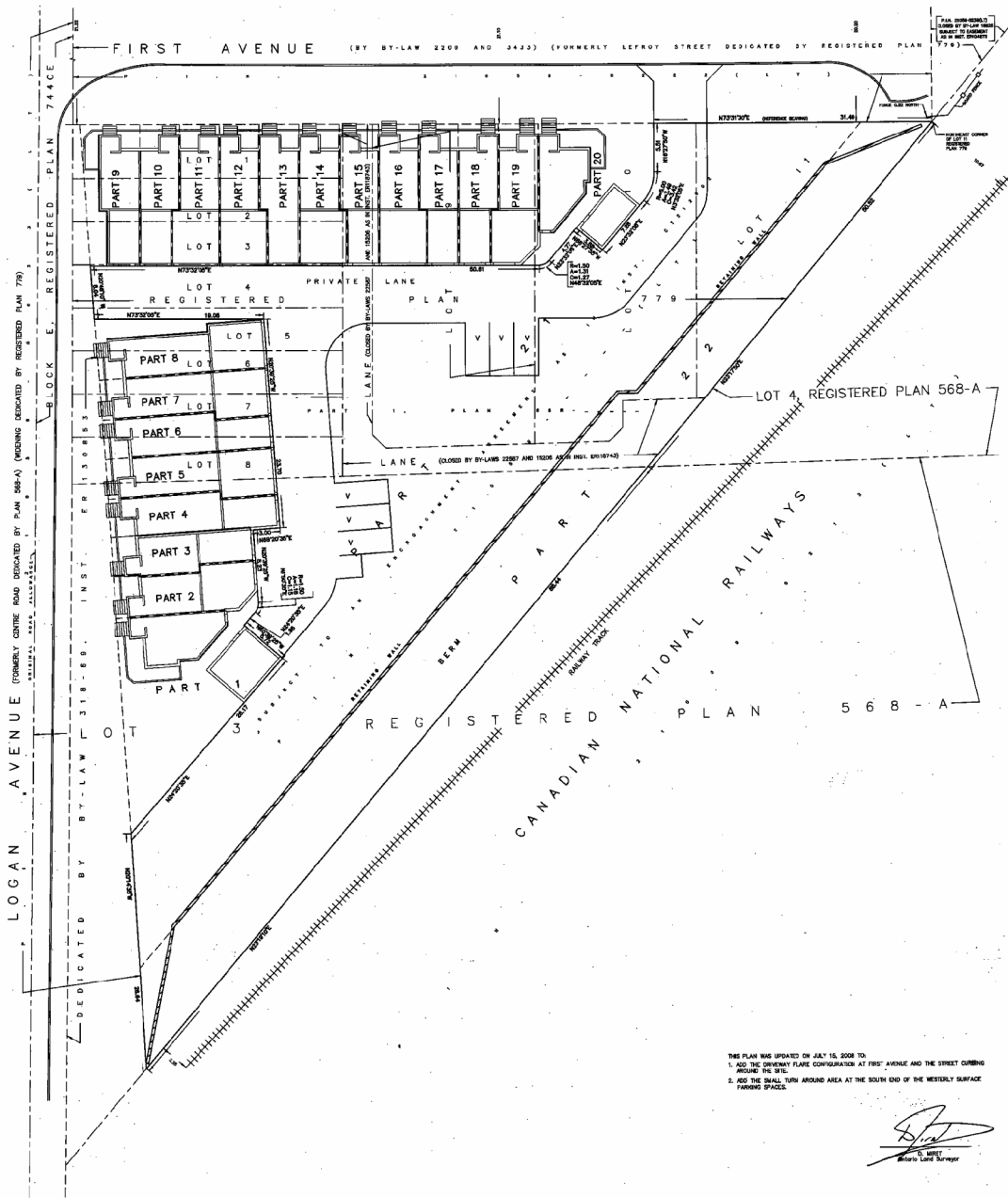
## **ATTACHMENTS**

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



THIS PLAN WAS UPDATED ON JULY 16, 2008 TO:  
 1. ADD THE DRIVEWAY FLARE CONFIGURATION AT FIRST AVENUE AND THE STREET CURBING AROUND THE SITE;  
 2. ADD THE SMALL TURN AROUND AREA AT THE SOUTH END OF THE WESTERLY SURFACE PARKING SPACES.

*Marie Land*  
 Marie Land Surveyor

## Draft Plan of Common Elements Condominium

449 Logan Avenue

Applicant's Submitted Drawing

Not to Scale   
 08/28/08

File # 08\_111080

## **Attachment 2: Draft Plan Approval Conditions**

- (1) The owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, 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 of 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) Visitors parking spaces will be clearly delineated on the condominium plan to be registered and the declaration shall contain a clause clearly specifying visitors parking shall form part of the common elements and neither be used by or sold to the Parcels of Tied Land (POTL) owners or be considered part of the exclusive use portions of the common elements.
- (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.

### Attachment 3: Application Data Sheet

Application Type	Condominium Approval	Application Number:	08 111080 STE 30 CD
Details	Common Elements	Application Date:	February 13, 2008

Municipal Address: 449 LOGAN AVE  
 Location Description: PL 779 LTS 9 & 11 PT LTS 1 TO 8 & 10 RP 63R-4049 PT 1 \*\*GRID S3002  
 Project Description: Common elements condominium for the private driveway portion of the development consisting of 20 freehold townhouse dwelling units on 2 blocks which are currently under construction

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
The Goldman Group			Construct Building Centres Inc

#### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision: 338-2006
Zoning:	I2 D2	Historical Status:
Height Limit (m):	12	Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq. m):	5136	Height:	Storeys:	3
Frontage (m):	96		Metres:	11.85
Depth (m):	106			
Total Ground Floor Area (sq. m):	1228.88			<b>Total</b>
Total Residential GFA (sq. m):	2992.89		Parking Spaces:	34
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2992.89			
Lot Coverage Ratio (%):	23.9			
Floor Space Index:	5.8			

#### DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	20
Total Units:	20

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

		Above Grade	Below Grade
Residential GFA (sq. m):	2992.89	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

**CONTACT: PLANNER NAME: Joanna Kimont, Assistant Planner**  
**TELEPHONE: 416-392-7216**