



STAFF REPORT ACTION REQUIRED

65 and 67 Finch Avenue West – Common Elements Condominium Application and Part Lot Control Exemption Applications – Final Report

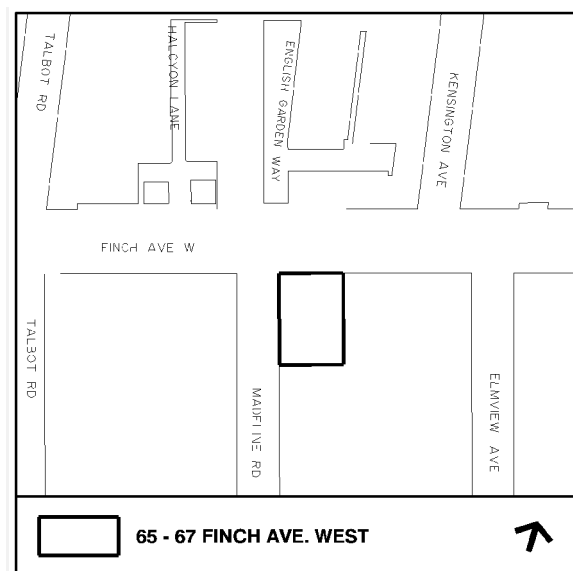
Date:	March 2, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	09 106796 NNY 23 CD & 09 106804 NNY 23 PL

SUMMARY

These applications were made on February 4, 2009 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 require that a public meeting be held.

The application for a common elements condominium proposes a common driveway on lands known municipally as 65 and 67 Finch Avenue West, located at the southeast corner of the intersection with Madeline Road. The common elements condominium is required to provide legal vehicular access to seven, 4-storey residential townhouse units and to ensure shared ownership and maintenance of the driveway 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 the seven, 4-storey residential townhouses along Finch Avenue West and two 3-storey single family dwellings along Madeline Road.



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 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 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.
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 September 27, 2007, Toronto City Council enacted Official Plan Amendment No. 12 (By-law No. 1057-2007) and Zoning By-law 1058-2007, approving the application for Official Plan Amendment and Rezoning of the subject lands to permit seven 4-storey residential townhouses and two 3-storey single family dwellings on the site. (File # 06 124318 NNY 23 OZ; <http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-483.pdf>).

ISSUE BACKGROUND

Proposal

The owner consolidated two adjacent residential lots known municipally as 65 and 67 Finch Avenue West and received approval for a redevelopment consisting of seven 4-storey residential townhouses fronting onto Finch Avenue West and two 3-storey single detached family dwellings fronting onto Madeline Road.

The townhouse units will be served by a private common element driveway providing vehicular access to two-car garages located at the rear of each unit. The single family dwellings have a single car garage and a parking space accessed directly from Madeline Road. The two single family dwellings will not form part of the common elements condominium.

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 south-east corner of Finch Avenue West and Madeleine Road. The property has a frontage of just over 30 metres on Finch Avenue and 40.8 metres on Madeline Road. Combined, the two lots have a lot area of approximately 1,242 square metres, after the road widening dedication. The subject lands are located three blocks west of Yonge Street.

Abutting uses are as follows:

North: residential townhouses;

South: single detached residential dwellings;

East: single detached residential dwellings of which two lots are the subject of a recent application for a proposed development of nine 3-storey townhouses fronting onto Finch Avenue West and one 3-storey detached dwelling and one 3-storey semi-detached dwelling fronting onto Elmview Avenue (57, 59 and 61 Finch Avenue West, File # 08 220953 NNY 23 OZ), (<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-17807.pdf>); and

West: seven, 4-storey townhouses fronting Finch Avenue and a pair of 3-storey semi-detached dwellings fronting the west side of Madeline Road.

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

As noted above, Toronto City Council enacted Official Plan Amendment No. 12 (By-law No. 1057-2007) at its meeting of September 27, 2007. This Official Plan Amendment amended the height and setback provisions of the Central Finch Area Secondary Plan.

The development presently under construction complies with the Official Plan as amended.

Zoning

The subject lands are zoned Multiple-Family Dwellings First Density Zone RM1 (70) through site specific Zoning By-law 1058-2007.

The development presently under construction complies with this zoning.

Site Plan Control

The site plan control application for this development was approved through delegated authority and the Site Plan Agreement was registered on July 13, 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 20 and 21 of Registered Plan 3705. 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 seven townhouse lots and two single detached building 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.

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

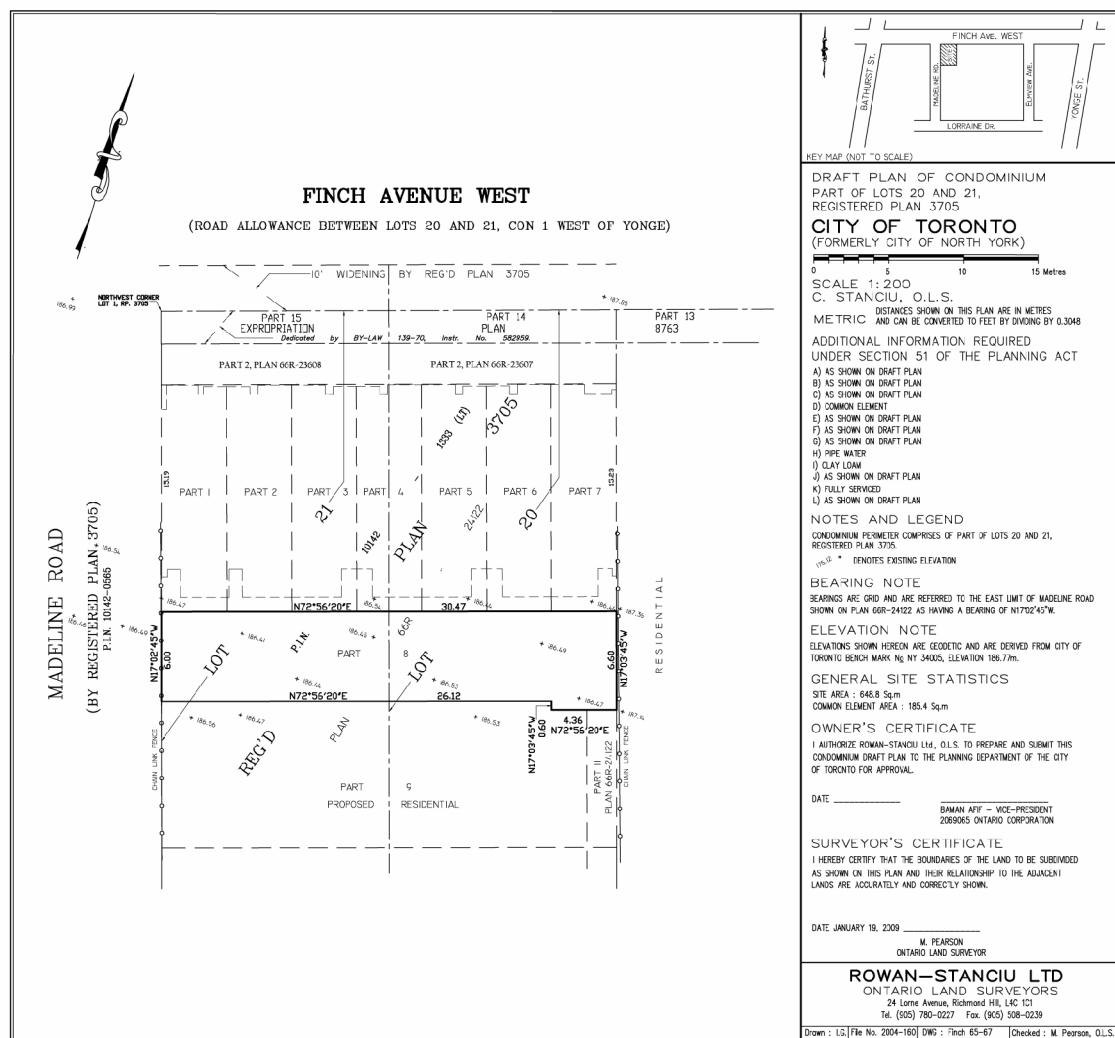
Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet



Attachment 2: 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) 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 DATA SHEET

Application Type: Draft Plan of Common Element Condominium Application Number: 09 106796 NNY 23 CD
Details: Application Date: February 4, 2009

Municipal Address: 65 & 67 FINCH AVENUE WEST, TORONTO ON
Location Description: PLAN 3705 LOTS 20 & 21 **GRID N2302
Project Description: Seven, 4-storey residential townhouses along Finch Avenue West served by a common element driveway providing vehicular access at the rear.

Applicant: Bernard Feintuch, LL.B. **Agent:** **Architect:** **Owner:** 2069065 ONT. CORP.

PLANNING CONTROLS

Official Plan Designation: Central Finch Area Site Specific Provision:
Secondary Plan, Mixed Use
Area "B"
Zoning: RM1 (70) Historical Status:
Height Limit (m): 12 Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1,242.46	Height:	Storeys:	4
Frontage (m):	30.46		Metres:	12
Depth (m):	40.79			
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	1,126		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1,126			
Lot Coverage Ratio (%):				
Floor Space Index:				

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	7
Total Units:	7

FLOOR AREA BREAKDOWN (upon project completion)

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

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