

## 3670 Victoria Park Avenue – Standard Condominium Application

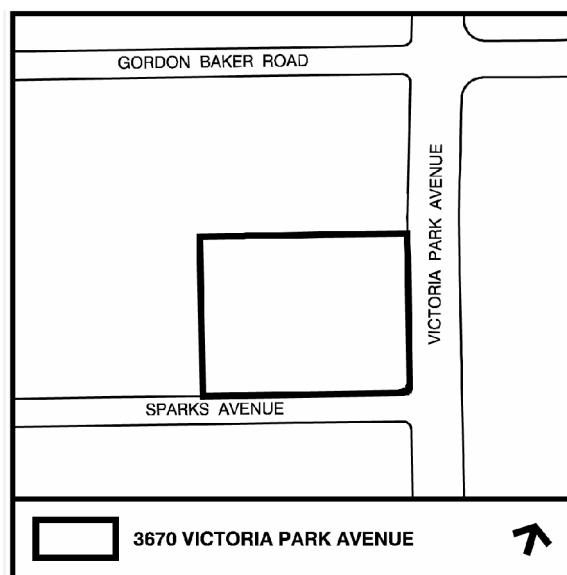
<b>Date:</b>	March 31, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward No. 24, Willowdale
<b>Reference Number:</b>	File No. 08 232432 NNY 24 CD and 08 106663 NNY 24 SA

### SUMMARY

This report has been prepared in response to a request for a report on an application for a standard plan of condominium at 3670 Victoria Park Avenue. The draft plan of condominium provides for the creation of 10 separate industrial units in an existing warehouse. Proposed changes to the site, including minor exterior alterations and changes to parking and landscaping were reviewed through a site plan control application approved on November 17, 2008.

At its meeting on February 24, 2009 City Council directed that staff report to the April 21, 2009 meeting of North York Community Council (and prior to approving the condominium application) on the following matters:

- a. the history of the application;
- b. whether the previous approval takes into account the impacts of this building being converted to condominium ownership; and
- c. ways that North York Community Council may review similar condominium applications.



These issues are addressed below.

## **RECOMMENDATIONS**

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

This report be received for information.

### **Financial Impact**

There are no financial implications.

## **DECISION HISTORY**

### **a. The history of the application.**

On March 30, 2006 the Committee of Adjustment approved the use of the existing warehouse building at 3670 Victoria Park Avenue for the purpose of a public self storage warehouse. A public self storage warehouse is not a permitted use within the Industrial-Office Business Park Zone (MO) which applies to the property. The decision of the Committee of Adjustment was conditional upon site plan approval being obtained.

On January 31, 2008 an application was filed for site plan control approval for changes to an existing industrial warehouse facility at 3670 Victoria Park Avenue to permit an industrial mall. The application was for minor exterior alterations to the existing warehouse building and changes to parking layout, loading, vehicle circulation and landscaping.

The site plan control application was filed to facilitate the conversion of the warehouse to an industrial mall with ten units. Two units are to be used for self storage and the remaining units will be occupied by a variety of uses including industrial, light industrial, office and commercial uses permitted by former North York Zoning By-law No. 7625 in the Industrial-Office Business Park Zone (MO).

An application for a parking variance for the industrial mall as proposed in the site plan application was made on January 24, 2008. A decision by the Committee of Adjustment was issued August 13, 2008 to reduce the parking requirement from 164 parking spaces to 145 spaces as provided in the site plan. Transportation Services staff supported the proposed parking variance based on the review of the site plan application and supporting information.

The applicant also applied for a consent for an access easement over adjacent lands to provide access from Sparks Avenue to parking and loading on the north side of the property. The Committee of Adjustment granted the easement on June 17, 2008.

Notice of Approval Conditions for the site plan control application for an industrial mall were issued on October 14, 2008 and site plan approval was granted on November 17, 2008.

An application for a standard plan of condominium was filed on December 31, 2008. The draft plan of condominium provides for the creation of ten separate industrial condominium units. (See applicants submitted draft plan of condominium attached as Attachment 1.)

The applicant has been advised that the parking and loading facilities shown on the condominium plan are not consistent with the approved site plan and that the condominium plan must be amended.

## ISSUE BACKGROUND

- b. Whether the previous approval takes into account the impacts of this building being converted to condominium ownership.

When the site plan control application was filed on January 31, 2008, the applicant advised staff that he intended to file an application for a plan of condominium to allow the existing warehouse building to be divided into units which would be sold separately. The site plan application described the use of the property as “industrial” and the proposed use was described as “industrial multiples”. The applicant also advised that he planned to convert the existing warehouse into an “industrial mall”. These terms are consistent with the applicant’s proposed use of the property.

The applicant further advised that the variance application for parking requirements for the site was based on two of the units being used as self storage facilities and the remaining eight units being used for other uses permitted in the Zoning By-law.

The draft plan of condominium application will be reviewed to ensure that the site will function properly for the multiple industrial uses as proposed. The application was circulated for comments to Technical Services Division, Transportation Services Division, Toronto Building and Toronto Hydro.

- c. Ways that North York Community Council may review similar condominium applications.

The *Condominium Act* provides for the division of land and/or buildings into parcels or units through plans of condominium. The *Act* also provides the City the authority to regulate the division of land through condominiums under the *Planning Act*, which treats plans of condominiums in a manner similar to plans of subdivision.

The statutory requirements for the review and approval of draft plan of condominium applications under the *Planning Act* and the City’s processing of these types of

applications recognize that the processing of condominium approvals is normally a straight forward technical review and a largely administrative process. Most condominium approvals are for buildings under construction where site plan approval has been granted.

In 2000 City Council enacted a City-wide Delegation By-law (By-law No. 229-2000) which granted authority for issuing draft plan of condominium approvals under Section 50 of the *Condominium Act* (except for applications involving the conversion of rental housing) to the Chief Planner and his/her designate. Recommendations regarding appropriate planning practices which were reflected in the Delegation By-law were based upon statutory requirements, the practices of the former municipalities and the objectives of the development review process as it relates to concerns of applicants, the public and Council. The need for Council to focus on key governance issues and for staff to undertake necessary administrative and technical approvals was one of the recommendations which came out of the review of planning practices.

Applications for draft plan of condominium are provided to the local Councillor. Staff are available to meet with Councillors to discuss questions or concerns they may have regarding draft plans of condominium or other plans circulated as part of the review process.

If Council wishes to make any changes to the current practice for the approval of draft plans of condominium, such changes would need to be reviewed on a City-wide basis and would require a report through Planning and Growth Management Committee.

## **CONTACT**

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## **SIGNATURE**

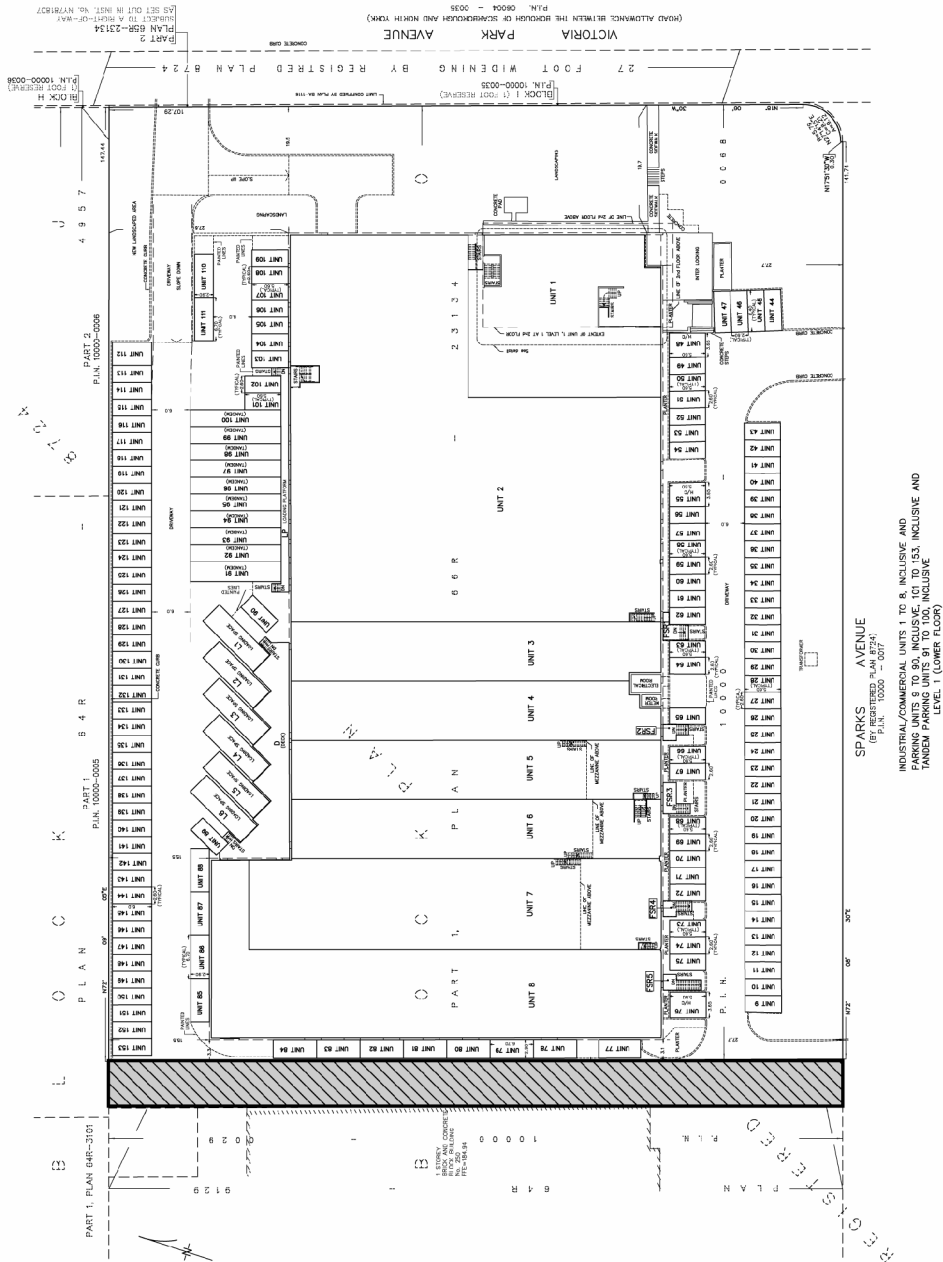
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Applicants Submitted Draft Plan of Condominium

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**Draft Plan of Condominium**

**3670 Victoria Park Avenue**

**Applicant's Submitted Drawing**

File # 08\_232432