

**225, 227, 229, 233, 235, 237 and 239 Finch Avenue East –
Common Elements Condominium Application and Part
Lot Control Exemption Application – Final Report**

Date:	May 3, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	10 132019 NNY 23 CD and 10 132025 NNY 23 PL

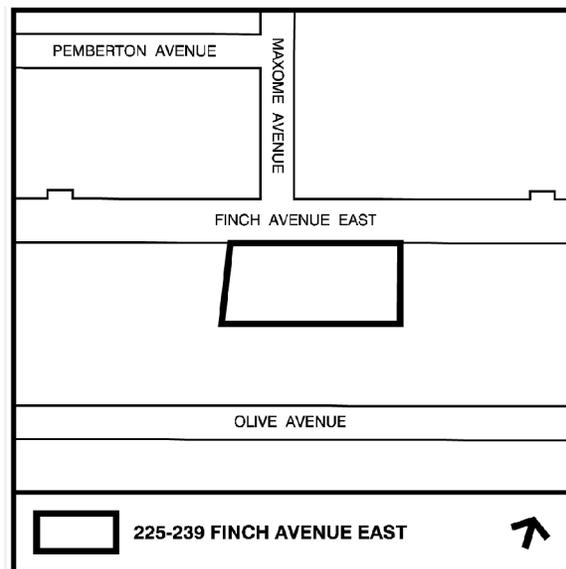
SUMMARY

These applications were made on March 15, 2010 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 two internal roadways on lands known municipally as 225, 227, 229, 233, 235, 237 and 239 Finch Avenue East, located east of Yonge Street, on the south side of Finch Avenue at the juncture with Maxome Avenue. The Common Elements Condominium is required to provide legal vehicular access to 28, four storey residential townhouse units and to provide shared ownership and maintenance of the roadways 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 28, four storey residential townhouses on these lands.

This report reviews and recommends approval of the applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, 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 at 225, 227, 229, 233, 235, 237 and 239 Finch Avenue East as generally illustrated on Attachment 3, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
3. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.
4. Prior to the introduction of the Part Lot Control Exemption Bill, 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 or charge any part of the lands without the written consent of the Chief Planner or his designate.
5. City Council authorize 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 has been registered.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 24, 2008, City Council enacted Official Plan Amendment No. 22 (By-law 597-2008) and Zoning By-law 598-2008, to permit the subject lands to be developed with 28, four storey residential townhouses divided into four blocks with two internal roadways having access from Finch Avenue East (File # 05 120022 NNY 23 OZ; (<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-13112.pdf>) Staff report for action – Final Report Common Elements Condominium and Part Lot Control Exemption; 225, 227, 229, 233, 235, 237 and 239 Finch Avenue East 2

ISSUE BACKGROUND

Proposal

The owner consolidated seven residential lots known municipally as 225, 227, 229, 233, 235, 237 and 239 Finch Avenue East and received approval for a development consisting of 28, four storey residential townhouses divided into four blocks of seven townhouses respectively.

The development will be served by two internal common element roadways providing both pedestrian and vehicular access to the units. The residential units will have an integral at grade garage for tandem parking of two vehicles. Parking for the four most southerly residential units is similarly at grade and in tandem for two vehicles, but located in a detached garage at the south side of the building.

The internal roadways are both designed to terminate in hammer-heads at the southend, to allow service and utility vehicles to enter and exit the site in a forward direction. The most westerly roadway has also been designed to align with Maxome Avenue, which is a signalized intersection.

The lands were also subject to a 4.9 metre road widening dedication along the entire Finch Avenue East frontage.

Site and Surrounding Area

The subject lands are located on the south side of Finch Avenue East between Wilfred Avenue to the west and Estelle Avenue to the east. The lands have a total frontage of 101 metres on Finch Avenue, and a depth of approximately 44 metres. Combined, the seven lots have an area of approximately 4,567 m², after the road widening dedication.

The area along this portion of Finch Avenue East is undergoing transition, with single detached dwelling lots changing to either semi-detached dwellings or townhouses. Abutting uses are as follows:

North: single detached dwellings;

South: single detached dwellings;

East: a semi-detached dwelling; and

West: a semi-detached dwelling immediately adjacent, and an 18 unit townhouse development further to the west.

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

As noted above, City Council enacted Official Plan Amendment No. 22 (By-law 597-2008) at its meeting of June 24, 2008, which amends the Central Finch Area Secondary Plan for this subject site.

The development presently under construction complies with the site specific Official Plan amendment.

Zoning

The subject lands are zoned Multiple-Family Dwellings First Density Zone RM1 (72) through site specific Zoning By-law 598-2008.

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 August 26, 2009.

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 draft plan approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be "consistent with" the PPS. The PPS requires that a range of housing types and densities be provided to meet the social, health and well-being of residents.

This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

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

Common Elements Condominium / Land Division

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 and consist of Part of Lot 28, Registered Plan 2399 and Lots 1

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and 2 of Registered Plan 3691. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the creation of 28 residential townhouse lots.

To ensure that the Part Lot Control Exemption does not remain indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development and the conveyance of the lots.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions for each of the parcels of tied lands (the "POTLS"). The Section 118 Restriction is used to prevent the conveyance of the POTLS to the public until the Common Elements Condominium is registered.

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.

The proposed draft plan of Common Elements Condominium for the site is appropriate as the proposal conforms to the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Control Application. 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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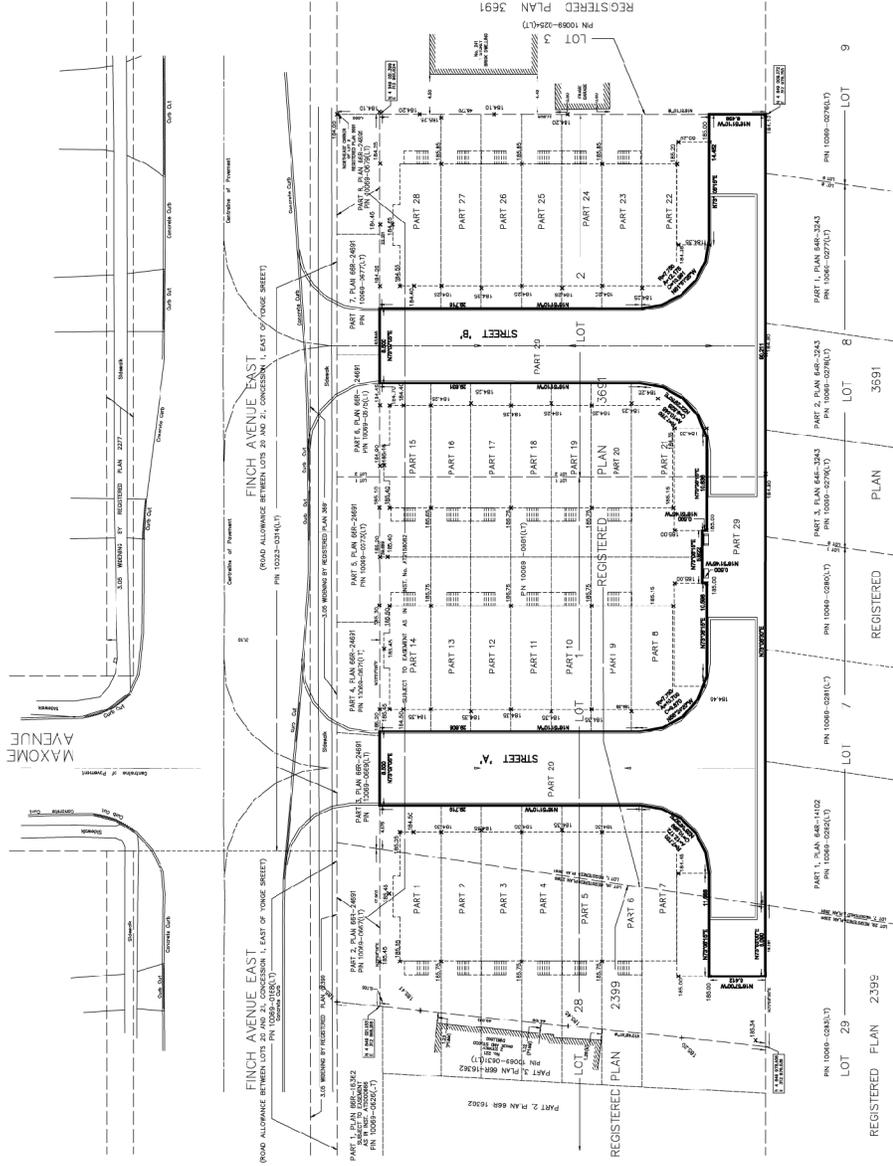
SIGNATURE

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: Part Lot Control Exemption Plan
Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



225 - 239 Finch Ave. E.

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

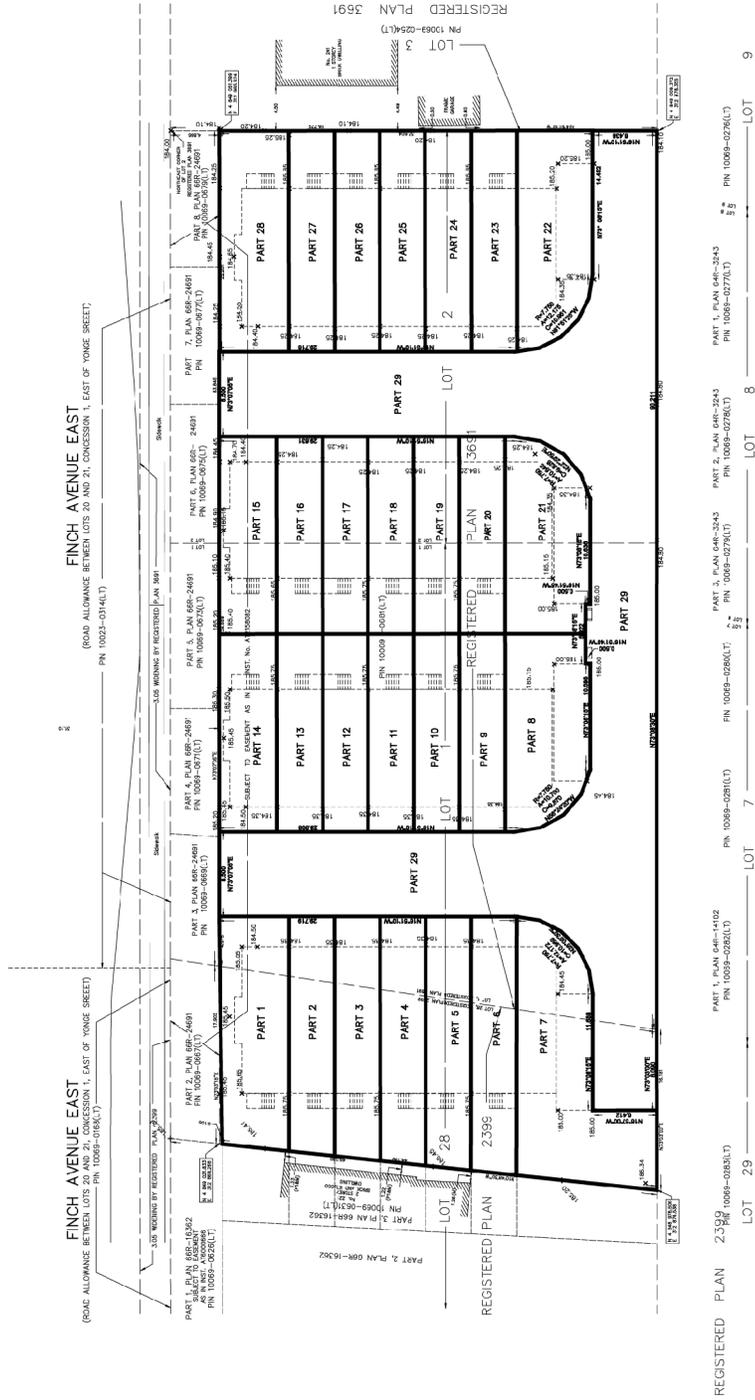
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04/26/2010

File # 10_132019

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, 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, 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) Together with the final version of the Declaration, the Owner shall provide a solicitor's undertaking indicating that:
 - (i) the Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;
 - (ii) the City will be notified of any required changes prior to registration; and
 - (iii) forthwith following registration of the Declaration, a copy will be provided to the City.
- (5) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (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: Part Lot Control Exemption Plan



225 - 239 Finch Ave. E.

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale
04/26/2010

File # 10_132019

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Condominium Approval	Application Number:	10 132019 NNY 23 CD
Details	Common Elements	Application Date:	March 15, 2010

Municipal Address: 225, 227, 229, 233, 235, 237 & 239 FINCH AVENUE EAST

Location Description: PART LOT 28, R.P. 2399 AND LOT 1 AND 2 PLAN 3691 **GRID N2303

Project Description: Creation of two Common Element Condominium roadways for 28 residential townhouse units (Previous OPA/Rezoning File # 05 120022 NNY 23 OZ - By-law 598-2008). Concurrent Part-Lot exemption application will allow creation of the 28 townhouses units.

Applicant:	Agent:	Architect:	Owner:
RIVERMILL SITELINE INC			RIVERMILL SITELINE INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhood "A"	Site Specific Provision:	
Zoning:	RM1 (72)	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4,567	Height:	Storeys:	4	
Frontage (m):	101.26		Metres:	10	
Depth (m):	44				
Total Ground Floor Area (sq. m):	1956				Total
Total Residential GFA (sq. m):	5606		Parking Spaces:	56	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	5606				
Lot Coverage Ratio (%):	38.6				
Floor Space Index:	1.11				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo, Freehold			
Rooms:	0	Residential GFA (sq. m):	5606	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:	28	Institutional/Other GFA (sq. m):	0	0
Total Units:	28			

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