

**250 Manning Ave – Common Elements Condominium
and Part Lot Control Exemption Applications
– Final Report**

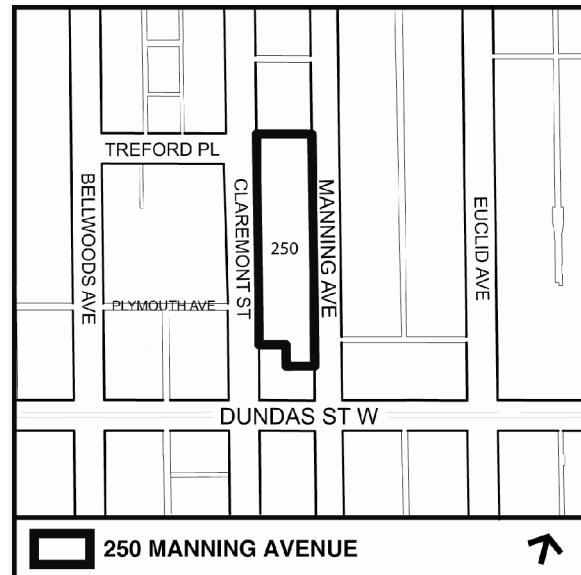
Date:	September 26, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	11 181921 STE 19 CD and 11 181913 STE 19 PL

SUMMARY

This application for a common elements condominium proposes shared ownership and continued access to the common underground parking facility and all common areas on the lands municipally known as 250 Manning Avenue.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required in order to permit the creation of 45 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 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 for the lands at 250 Manning Avenue, as generally illustrated on Attachment 1 to the report dated September 26, 2011, from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally listed in Attachment 2 to the report dated September 26, 2011, from the Director, Community Planning, Toronto and East York District, 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 250 Manning Avenue, as generally illustrated on Attachment 3 to the report dated September 26, 2011, from the Director, Community Planning, Toronto and East York District, 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

The development was subject to a Rezoning application that was approved by City Council on June 15, 2011, and a Site Plan Approval application that was approved through delegated authority. The Notice of Approval Conditions was issued on August 15, 2011.

ISSUE BACKGROUND

Proposal

The applicant proposes the redevelopment of the currently vacant St. Francis of Assisi Catholic Elementary School site for 45 three-storey townhouses that would have frontage onto Manning Avenue and Claremont Street. Parking would be provided by means of a below grade common element driveway accessed via Manning Avenue. Each townhouse unit would contain a parking space in the basement level of the respective unit. Refer to Attachment No. 4 for project data.

Site and Surrounding Area

The subject site is located on the west side of Manning Avenue, north of Dundas Street West. The site also abuts Claremont Street to the west.

The site is surrounded by the following uses:

North: One and two-storey townhouses, semi-detached and single detached houses fronting onto Manning Avenue and Claremont Street.

East: Townhouses and semi-detached dwellings fronting onto Manning Avenue.

South: Vacant lot to be used by the Toronto Parking Authority as a 43-space parking lot.

West: Townhouses, semi-detached and detached houses fronting onto Claremont Street.

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.

Official Plan

The site is designated “Neighbourhoods” in the Official Plan, which are considered physically stable areas containing a variety of residential uses in lower scale buildings.

Zoning

The subject lands are zoned R2 0.6 under the former City of Toronto By-law 438-86, as amended by Site Specific By-law 811-2011, that permits the development of the 45 townhouse units proposed for 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 draft plan approval conditions.

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. 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 Part Lot Control Exemption does not remain open 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.

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.

CONTACT

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SIGNATURE

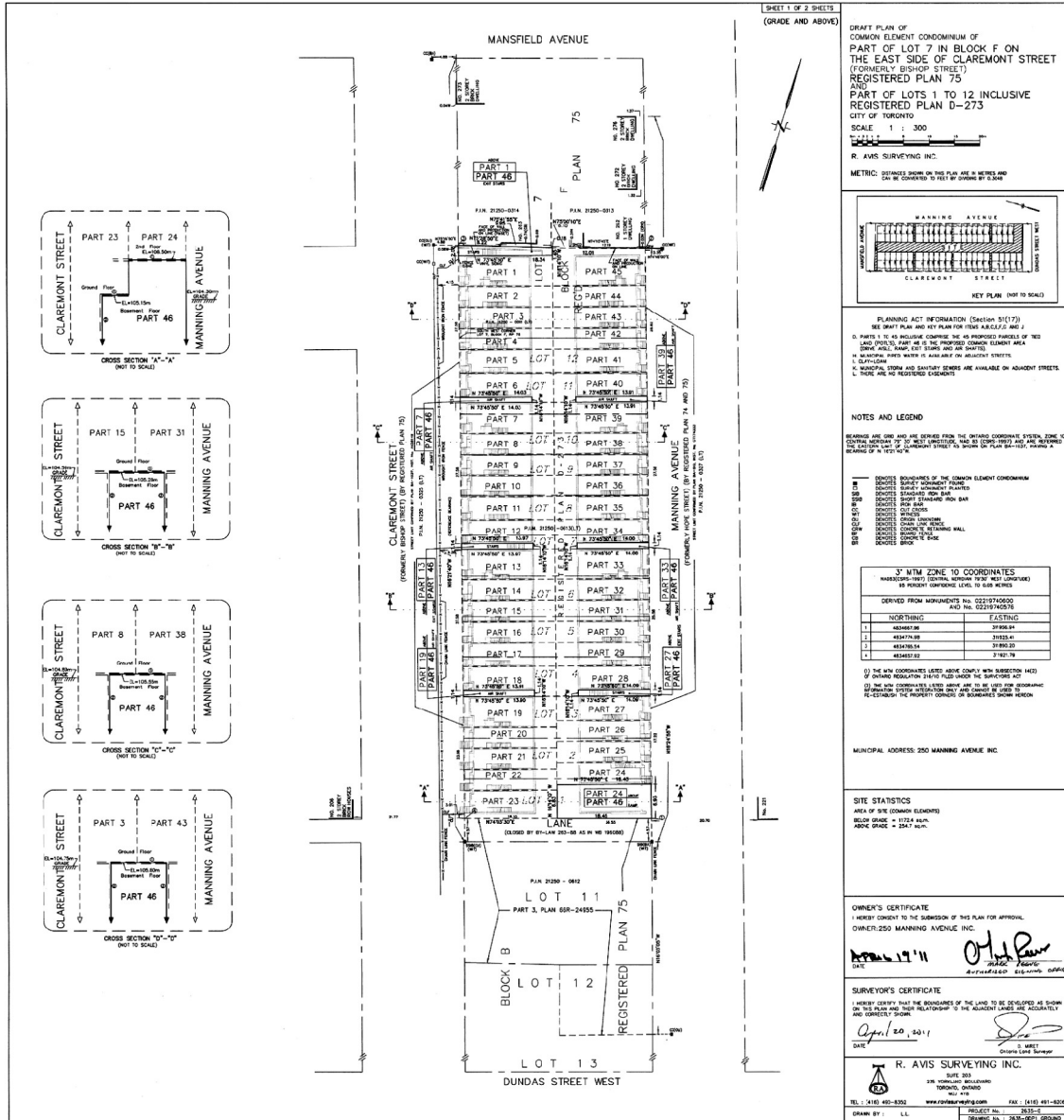
Gregg Lintern, Director, MCIP, RPP
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1 A and 1 B: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3A and 3 B: Part Lot Control Exemption Plan
Attachment 4: Application Data Sheet

Attachment 1 A: Draft Plan of Common Elements Condominium (Sheet 1 of 2)



Grade and Above

Draft Plan of Condominium

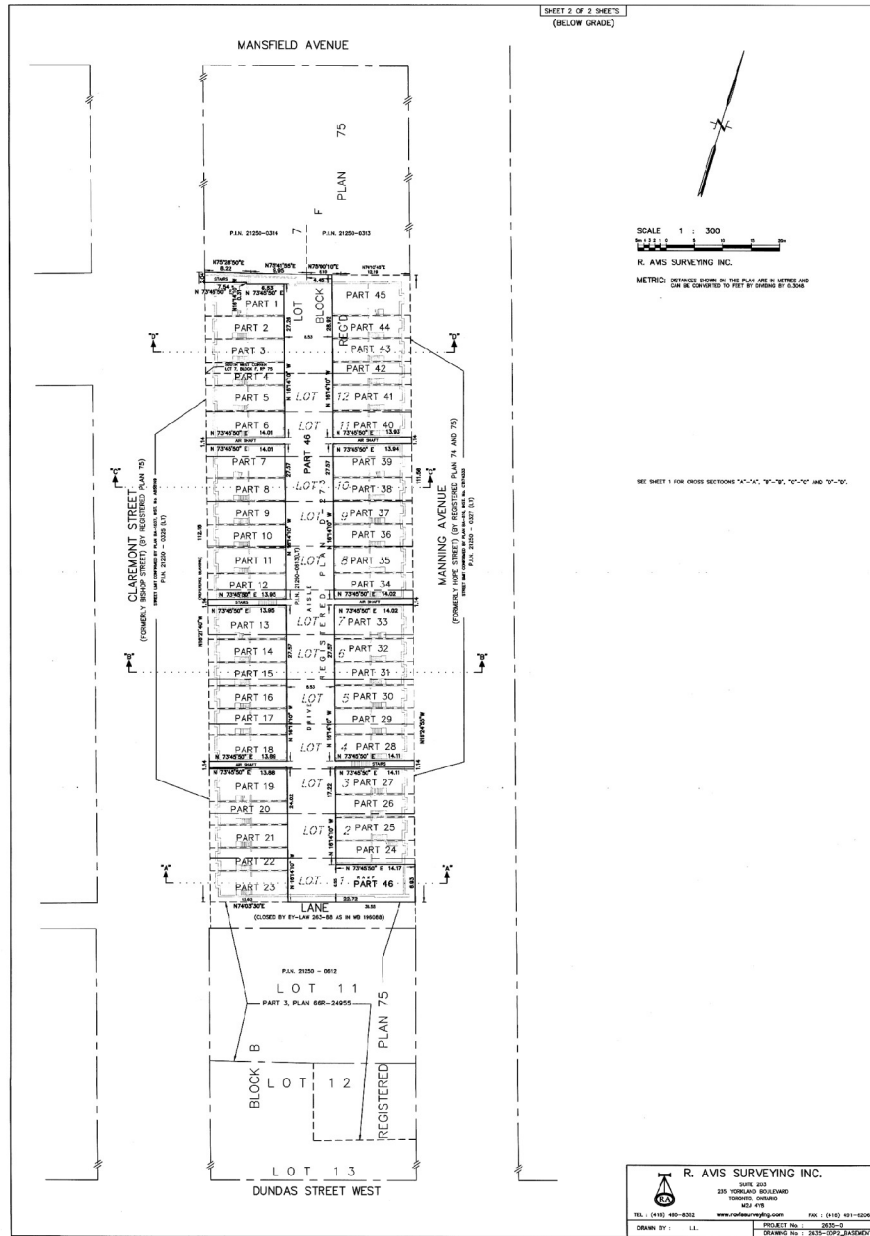
250 Manning Avenue

Applicant's Submitted Drawing

Not to Scale 09/22/2011

File # 11 181921 CD and 11 181913 PL

Attachment 1 B: Draft Plan of Common Elements Condominium (Sheet 2 of 2)



Below Grade

Draft Plan of Condominium

250 Manning Avenue

Applicant's Submitted Drawing

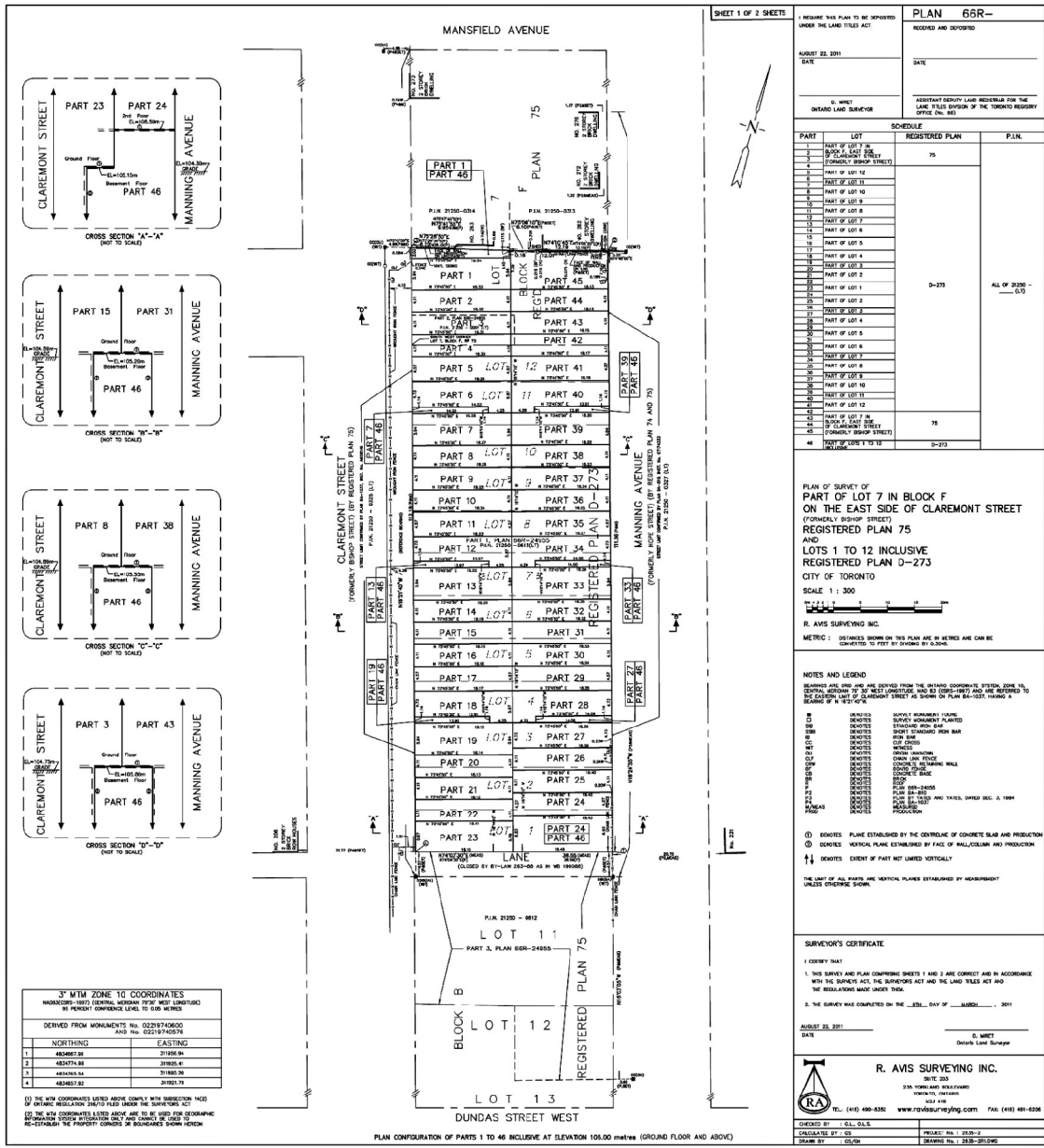
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Attachment 2: Draft Plan Approval Conditions

- (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) 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, 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) 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 Chief Planner and Executive Director, City Planning , as well as a copy to the Executive Director, Technical Services.
- (5) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (6) The owner shall include wording in the Declaration and Description that makes reference to the installation and on-going maintenance of the culvert within the common elements driveway required to service the freehold townhouse units.
- (7) The owner shall submit certification from the owner's solicitor confirming that the installation and on-going maintenance of the culvert within the common element driveway has been included in the declaration of condominium that is the registered on title.
- (8) 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 A: Part Lot Control Exemption Plan (Sheet 1 of 2)



Ground Floor and Above

Draft Reference Plan

Applicant's Submitted Drawing

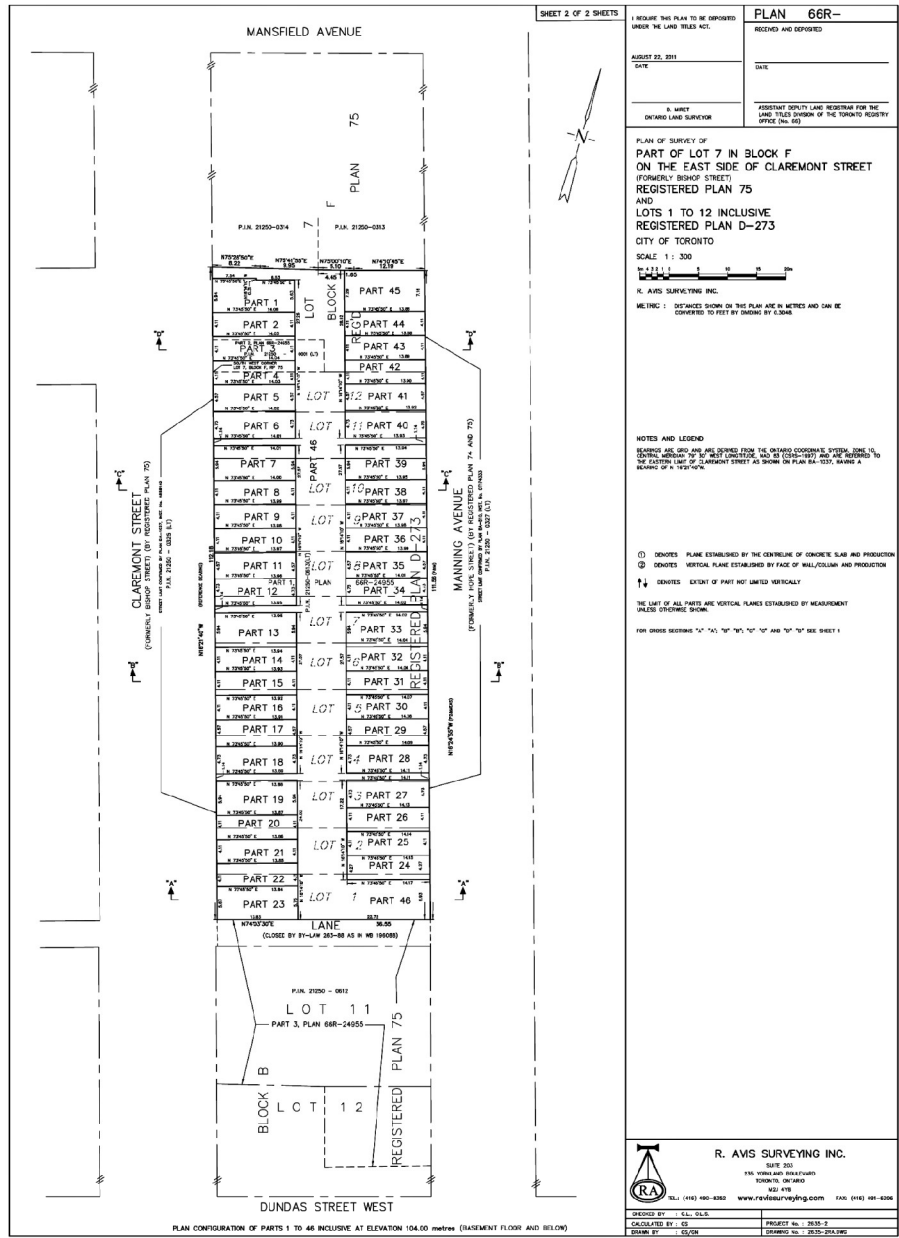
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250 Manning Avenue

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Attachment 3 B: Part Lot Control Exemption Plan (Sheet 2 of 2)




Basement Floor and Below

Draft Plan of Condominium

250 Manning Avenue

Applicant's Submitted Drawing

Not to Scale 
09/22/2011

File # 11 181921 CD and 11 181913 PL

Attachment 4: Application Data Sheet

Application Types	Condominium & Part Lot Control	Application Numbers:	11 181921 STE 19 CD 11 181913 STE 19 PL
Details	Common Elements	Application Date:	April 26, 2011
Municipal Address:	250 MANNING AVE		
Location Description:	PLAN D273 LOTS 1 TO 12 PLAN 75 BLK B LOT 11 PT LOT 12 AND LANE BLK F PT LOT 7 RP 66R24955 PARTS 1 TO 3 **GRID S1905		
Project Description:	Common Elements Condominium and Part Lot Control applications for the redevelopment of the lands for 45 townhouses fronting onto Manning Avenue and Claremont Street, and a common below grade driveway accessed via Manning Avenue that would lead to private parking below each unit.		

Applicant:	Agent:	Architect:	Owner:
Goldberg Group		Richard Wengle Architects Inc.	250 Manning Avenue Inc

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	10	Site Plan Control Area:	N

PROJECT INFORMATION

Site Area (sq. m):	4,028.94	Height: Storeys:	3
Frontage (m):	112.18	Metres:	11.96
Depth (m):	36.59		
Total Ground Floor Area (sq. m):	2,798.35		Total
Total Residential GFA (sq. m):	7,781.96	Parking Spaces:	45
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	7,781.96		
Lot Coverage Ratio (%):	68.5		
Floor Space Index:	1.91		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	7,781.96	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:	45	Institutional/Other GFA (sq. m):	0	0
Total Units:	45			

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