

221A – 227B Glen Park Avenue and 607-609 Marlee Avenue – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

Date:	January 25, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	11 192062 NNY 15 CD and 11 182495 NNY 15 PL

SUMMARY

The common elements condominium application proposes to establish the driveway and visitor parking at 221A – 227B Glen Park Avenue and 607-607 Marlee Avenue as a common element. The common elements condominium is required to provide legal vehicular access to seven residential townhouse units and a three storey building containing live/work 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 to permit the creation of conveyable lots for the seven residential townhouse units fronting Glen Park Avenue and three live/work units fronting Marlee Avenue.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and 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 his designate.

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 221A – 227B Glen Park Avenue, as generally illustrated on Attachment 1 to this report, subject to:
 - (a) the conditions as generally listed in Attachment 2 to this report, 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 lands at 221A – 227B Glen Park Avenue as generally illustrated on Attachment 3 to this report, 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 and Revenue Services, 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 subject site originally contained three lots, each with a detached dwelling. The three lots were assembled and a Zoning By-law Amendment Application was submitted in February 2006 and approved by City Council on October 30, 2007. A Site Plan Control Application was submitted in December 2006 and approved on May 15, 2010.

ISSUE BACKGROUND

Proposal

The applicant received Site Plan Control Approval for seven townhouses with frontage on Glen Park Avenue and parking in the building accessed from the rear and 3 retail-live/work units with frontage on Marlee Avenue with parking at the rear. The buildings are currently under construction.

Site and Surrounding Area

The site is located at the southeast corner of the intersection of Marlee Avenue and Glen Park Avenue. The site has an overall area of approximately 1,328m².

Land uses surrounding the site are as follows:

- North: Residential uses in the form of single detached and multi-family dwelling units;
- South: A mix of commercial and retail uses;
- East: Residential uses in the form of single detached dwellings; and
- West: A mix of residential and commercial uses.

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

The subject site is designated *Mixed Use Areas*. *Mixed Use Areas* consist of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Development in these areas is intended to create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community.

New development in *Mixed Use Areas* should provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down in height towards lower scale *Neighbourhoods*.

Zoning

The site is zoned C1(126) in the former City of North York Zoning By-law No. 7625, which permits townhouses and live/work units.

Site Plan Control

The Site Plan Control application for this development was approved by the Director of Community Planning, North York District on May 15, 2010. A Site Plan Agreement between Siesto Developments and the City of Toronto is registered on title.

Agency Circulation

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate draft plan approval conditions.

COMMENTS

Provincial Policy Statement and Provincial Plans

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

Land Division

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 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 the Part Lot Control Exemption does not remain indefinitely, it is recommended 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 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

Emily Rossini, Assistant Planner

Tel. No. 416-395-7172

Fax No. 416-395-7155

E-mail: erossin@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

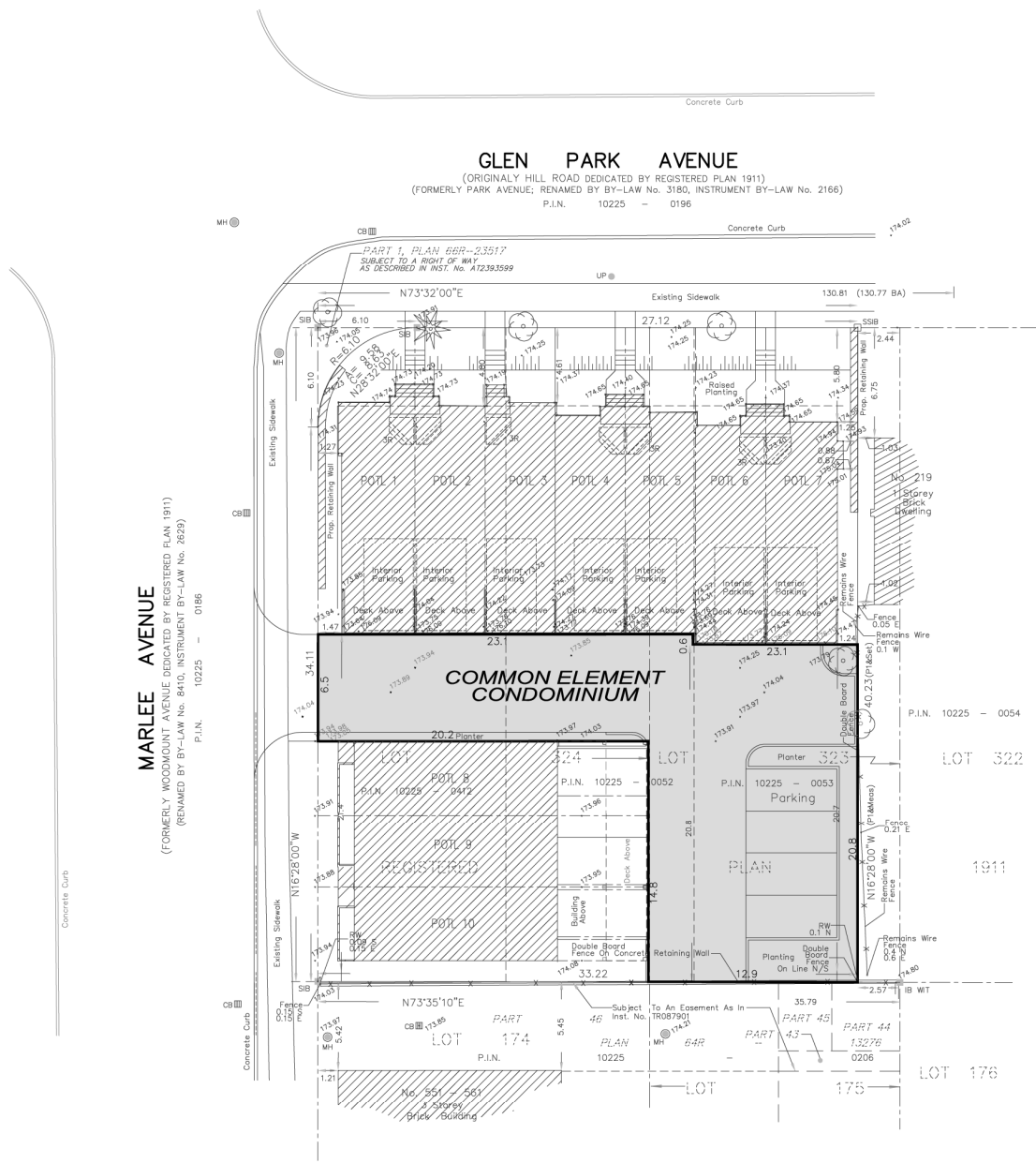
Attachment 1: Draft Plan of Common Elements Condominium

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



Draft Plan of Common Element Condominium
 Applicant's Submitted Drawing
 Not to Scale
 01/05/2012

**221A - 227B Glen Park Avenue
 and 607 - 609 Marlee Avenue**
 File # 11 192062 NNY 15 & 11 182495 NNY 15

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 the City Solicitor and 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 4: Application Data Sheet

Application Type	Common Element Condominium and Part Lot Control	Application Number:	11 192062 NNY 15 CD & 11 182495 NNY 15 PL
Details		Application Date:	April 27, 2011

Municipal Address: 221A-227B GLEN PARK AVE and 607-609 MARLEE AVE
 Location Description: PLAN 1911 PT LOT 323 **GRID N1504
 Project Description: Proposed Townhouses and live-work units.

Applicant:	Agent:	Architect:	Owner:
ARMSTRONG GOLDBERG HUNTER			1666618 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	NEIGHBOURHOOD	Site Specific Provision:	
Zoning:	C1	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1328.4	Height:	Storeys:	3
Frontage (m):	33.6		Metres:	12.12
Depth (m):	40.2			
Total Ground Floor Area (sq. m):	669.2			Total
Total Residential GFA (sq. m):	1725.1		Parking Spaces:	15
Total Non-Residential GFA (sq. m):	338.8		Loading Docks	0
Total GFA (sq. m):	2063.9			
Lot Coverage Ratio (%):	50.4			
Floor Space Index:	1.55			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo, Other		
Rooms:	0	Residential GFA (sq. m):	1725.1
Bachelor:	0	Retail GFA (sq. m):	338.8
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0
Total Units:	10		

CONTACT: PLANNER NAME: Emily Rossini, Assistant Planner
TELEPHONE: (416) 395-7172