

169, 171, 173 and 177 Finch Avenue East – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

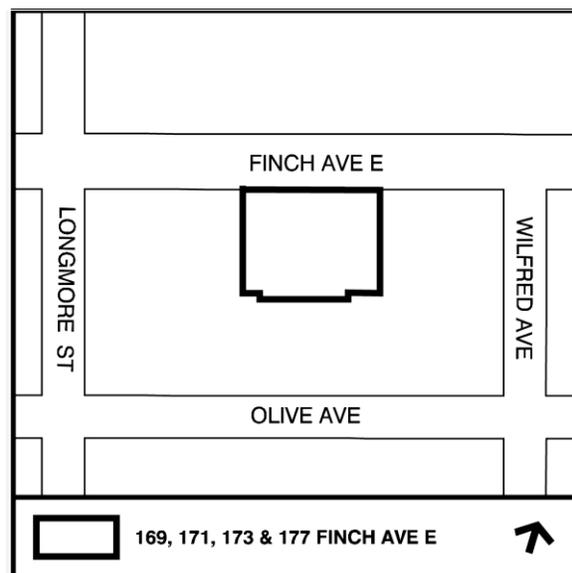
Date:	September 14, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	11 262042 NNY 23 CD and 11 262044 NNY 23 PL

SUMMARY

These applications were made on August 23, 2011 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*, which requires that a statutory public meeting be held for a Draft Plan of Common Element Condominium.

The application for a common elements condominium proposes two common driveways and a communal landscaped area on lands known municipally as 169, 171, 173 and 177 Finch Avenue East. The common elements condominium is required to provide legal vehicular access to 21 residential townhouse units and to ensure shared ownership and maintenance of both driveways and the landscaped area 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 7 residential



townhouses fronting Finch Avenue East and the 14 residential townhouses fronting the common driveways.

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 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 169, 171, 173 and 177 Finch Avenue East, as generally illustrated on Attachment 1 to report dated September 14, 2011, subject to:
 - (a) the conditions as generally listed in Attachment 2 to report dated September 14, 2011, 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 169, 171, 173 and 177 Finch Avenue East as generally illustrated on Attachment 3 to report dated September 14, 2011, to be prepared to the satisfaction of the City Solicitor and to expire one year 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 1, 2010, City Council enacted Official Plan Amendment No. 73 (By-law 352-2010) and Zoning By-law 353-2010, to permit the subject lands to be developed with 21, four-storey residential townhouses divided into three blocks with two internal driveways having access from Finch Avenue East. The City Council's decision and the associated staff report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-27464.pdf>

ISSUE BACKGROUND

Proposal

The applicant consolidated four lots containing single detached dwellings, known municipally as 169, 171, 173 and 177 Finch Avenue East and received approval for a development consisting of 21, four-storey residential townhouses.

The townhouses, which are under construction, are organized into three blocks of 7 units each. One block fronts onto Finch Avenue and the other two blocks front onto interior driveways (see Attachment No. 1). The proposal has a total gross floor area of 3,790 m² and a Floor Space Index (FSI) of 1.2.

The two interior driveways will provide both pedestrian and vehicular access to the development. The proposed residential units have an integral at-grade garage for enclosed tandem parking of two vehicles. Parking for the most southerly residential unit located in the most westerly Block is similarly at grade and in tandem for two vehicles, but is located in a detached garage at the south end of the building.

The interior driveways are configured in a "T" design, which allows for service and utility vehicles to turn on the site thereby entering and existing in a forward direction. A common landscaped area will also be provided and will form part of the common elements condominium.

Site and Surrounding Area

The site consists of four lots located on the south side of Finch Avenue East, between Longmore Street and Wilfred Avenue. The subject lands have a combined frontage of approximately 65 metres along the south side of Finch Avenue East, and a lot area of 2,965m².

This portion of Finch Avenue East is undergoing significant transition, with single detached dwelling lots being redeveloped with either semi-detached dwellings or townhouse complexes.

Abutting uses are as follows:

North: single detached dwellings;

South: single detached dwellings;

East: single detached dwellings, a semi-detached dwelling, an 18 unit townhouse complex, and a 28 unit townhouse complex further east; and

West: single detached dwellings and semi-detached dwellings.

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. 73 (By-law 352-2010) at its meeting of April 1, 2010, 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 (79) through site specific Zoning By-law 353-2010.

The development presently under construction complies with this zoning.

Site Plan Control

The Site Plan Agreement for the 21 unit townhouse development was registered April 7, 2010, and the site plan control application was approved through delegated authority.

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 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 land uses be 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 with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

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 indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire one year 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 Control Exemption By-law must be enacted in order to create the legal descriptions for each of the parcels of tied lands (the “POTLS”). A 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.

Conclusion

The proposed Draft Plan of Common Elements Condominium 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. The proposed Draft Plan of Common Elements Condominium and the exemption from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

CONTACT

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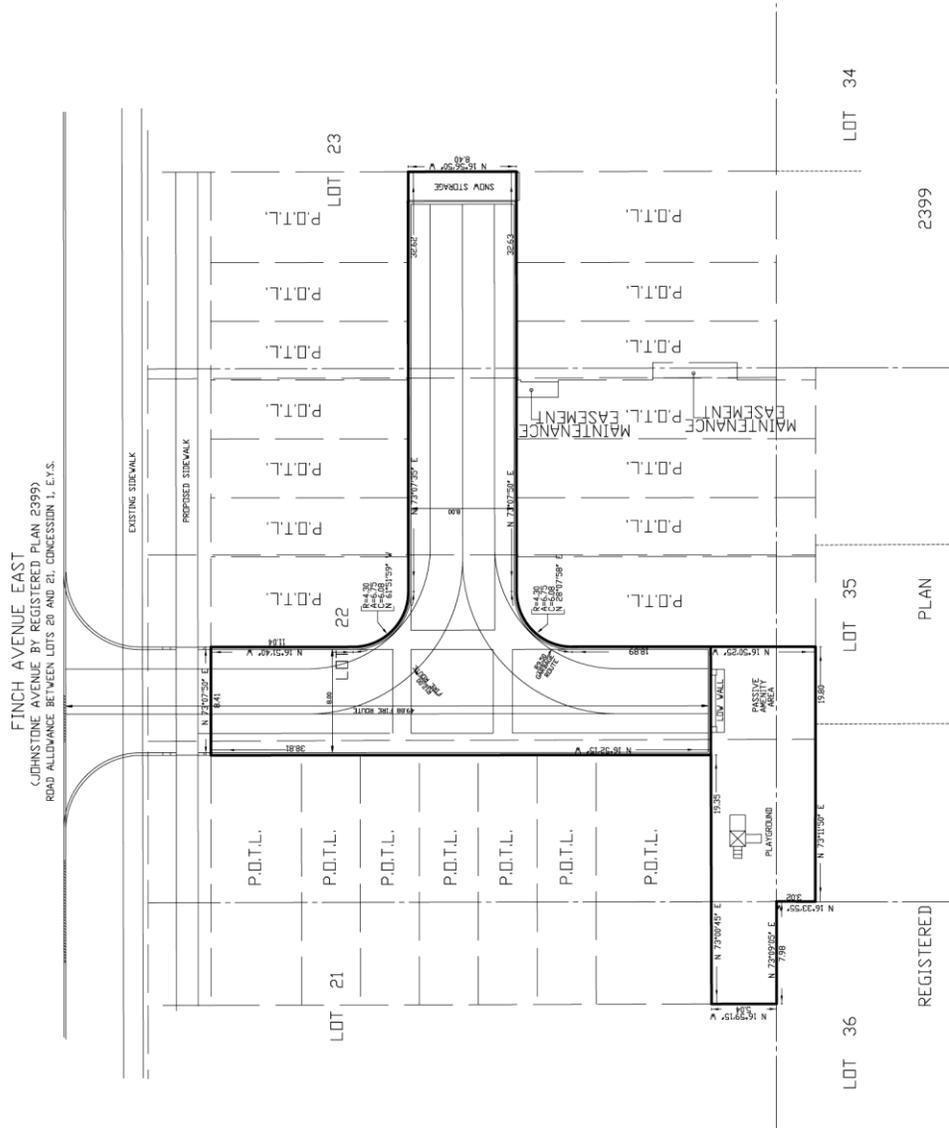
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

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

**Attachment 1:
Draft Plan of Common Elements Condominium**



169, 171, 173, 177 Finch Ave. E

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing



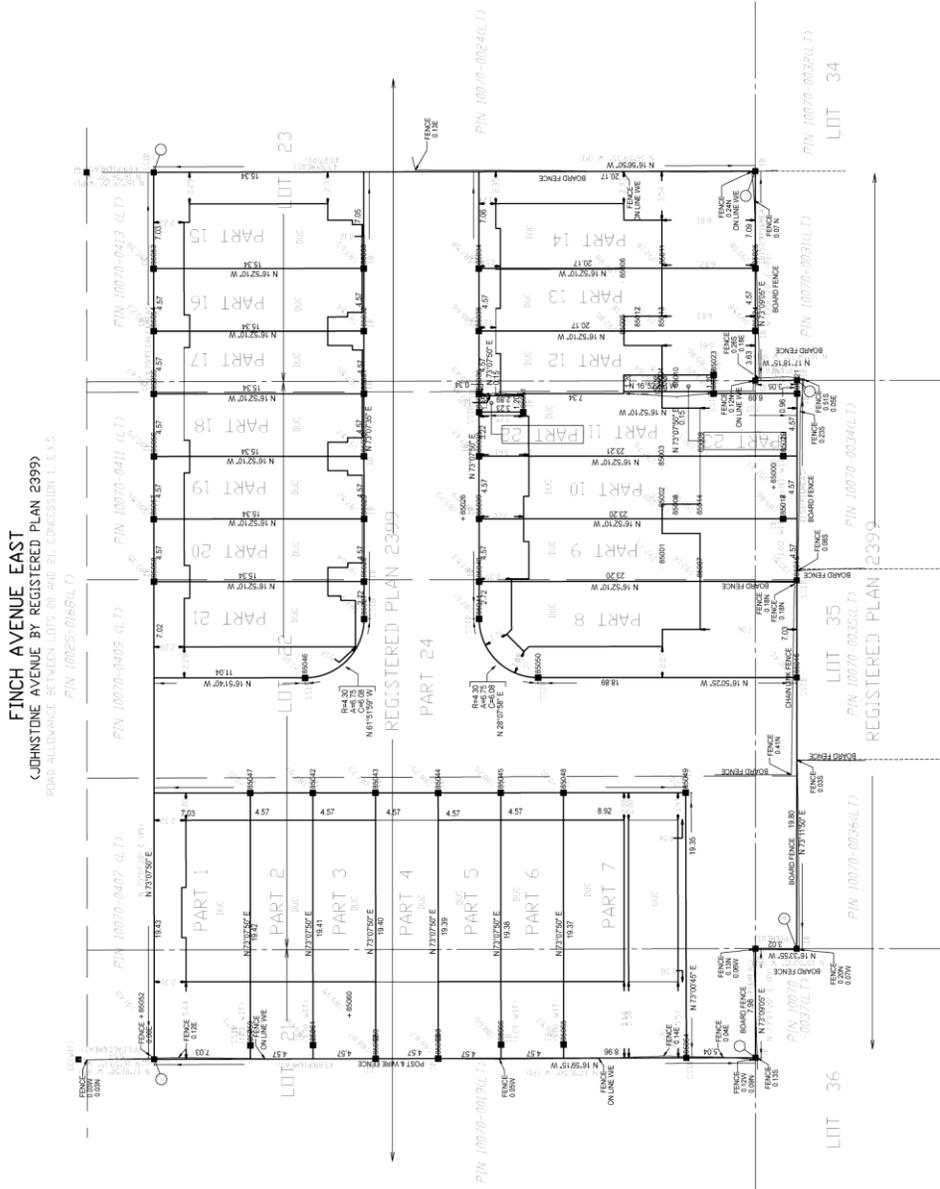
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08/29/2011

File # 11 262042 NNY 23 CD & 11 262044 NNY 23 PL

Attachment 2:
Draft Plan of Common Elements Condominium 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) 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



169, 171, 173, 177 Finch Ave. E

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale
08/29/2011

File # 11 262042 MNY 23 CD & 11 262044 MNY 23 PL

Attachment 4: Application Data Sheet
APPLICATION DATA SHEET

Application Type	Condominium Approval	Application Number:	11 262042 NNY 23 CD
Details	Common Element	Application Date:	August 23, 2011

Municipal Address: 169, 171, 173 and 177 FINCH AVENUE EAST
 Location Description: PLAN 2399 PT LOT 21 PT LOT 23 PT LOT 35, LOT 22 **GRID N2303
 Project Description: Creation of common element condominium roadways for 21 residential townhouses (comprised of three blocks of 7 units each). Concurrent part lot control will allow creation of the 21 townhouses lots.

Applicant:	Agent:	Architect:	Owner:
QUEENSGATE HOMES (FINCH) INC		RN DESIGN GROUP LTD	QUEENSGATE HOMES (FINCH) INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RM1(79)	Historical Status:	
Height Limit (m):	10m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2965	Height:	Storeys:	4
Frontage (m):	64.75		Metres:	10
Depth (m):	48.76			
Total Ground Floor Area (sq. m):	1331.4			Total
Total Residential GFA (sq. m):	3790		Parking Spaces:	42
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	3790			
Lot Coverage Ratio (%):	44.9			
Floor Space Index:	1.2			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3790
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	21	Institutional/Other GFA (sq. m):	0
Total Units:	21		

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