

**229 Wallace Avenue – Common Elements Condominium
Application – Final Report**

Date:	December 9, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 18 – Davenport
Reference Number:	10 257521 STE 18 CD

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

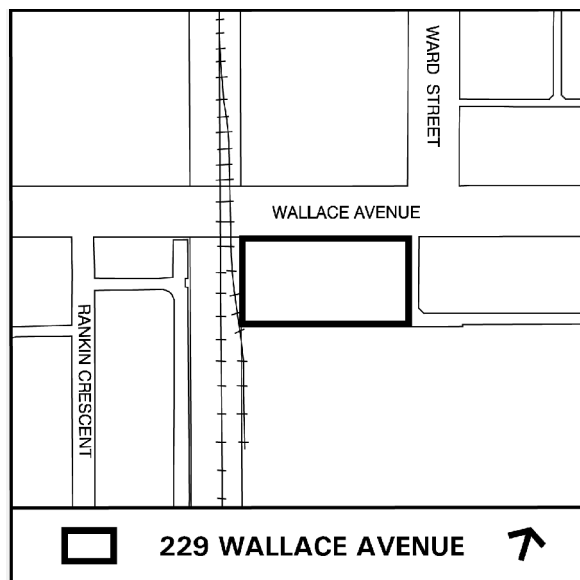
This application proposes to create a common elements driveway to provide access to 10 units at 229 Wallace Avenue. The Common Elements Condominium is required to provide vehicular access to the 10 units and to provide shared ownership and maintenance of the roadways by the Condominium Corporation.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner intends to approve the draft plan of common elements condominium for the lands at 229 Wallace Avenue, 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The applicant entered into a site plan agreement with the City of Toronto on March 29, 2010, for the development of a 2-storey light industrial building with 10 units at grade and 10 artist work studios on the second floor.

On August 11, 2010, the Committee of Adjustment approved a consent application to sever the subject lands for the purpose of creating 10 separate lots for 10 two-storey light industrial units.

ISSUE BACKGROUND

Proposal

This application proposes to create a common elements condominium to provide access to a 2- storey industrial building with 10 industrial units at grade and 10 artist work studios on the second floor at 229 Wallace Avenue. This proposal also includes an easement in favour of the City of Toronto for laneway widening. Refer to Attachment No. 1 for the Draft Plan of Condominium and Attachment No. 3 for the project data.

Site and Surrounding Area

The subject lands are located on the south side of Wallace Avenue between Lansdowne Avenue to the east and Campbell Avenue to the west. The Newmarket Rail Corridor is located to the immediate west of the subject lands. The lands have a total frontage of 65 metres on Campbell Avenue, and a depth of approximately 34 metres. Combined, the 10 lots have an area of approximately 2,244 m².

Abutting uses are as follows:

North: office and warehouse buildings;

South: industrial buildings;

East: detached and semi-detached dwellings; and
West: The Newmarket Rail Corridor, 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

The subject lands are designated *Employment Areas* in the City of Toronto Official Plan. The proposed development complies with this designation.

Zoning

The subject lands are zoned Industrial Districts (I2 D2) under the former City of Toronto Zoning By-law 438-86.

At its meeting of August 25-27, 2010, City Council adopted a new, harmonized, Zoning By-law for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. The subject lands are zoned Employment Industrial (E) under the new Zoning By-law.

While the By-law is under appeal, the provisions of both the former Zoning By-law and the new Zoning By-law are in effect for sites that are subject to Zoning By-law 1156-2010.

The proposed development complies with the former Zoning By-law and the new Zoning By-law.

Site Plan Control

The site plan control application for this development was approved through delegated authority and the Site Plan Agreement was registered on March 29, 2010.

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.

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. 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

The applicant has obtained approval from the Committee of Adjustment for consent to sever the subject lands for the purpose of creating 10 separate lots for 10 two-storey light industrial units. The applicant has subsequently satisfied the conditions of approval as attached to the Committee of Adjustment decision (B0067/10TEY). In addition, the applicant has registered a restriction pursuant to Section 118 of the *Land Titles Act* to the satisfaction of the City Solicitor. This restriction is used to prevent the conveyance of the Parcels of Tied Lands (POTLS) 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 remove 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 conforms to the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Application. As such, the proposed draft plan of Common Elements

Condominium is considered appropriate for the orderly development of the property and is recommended for approval.

CONTACT

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SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet

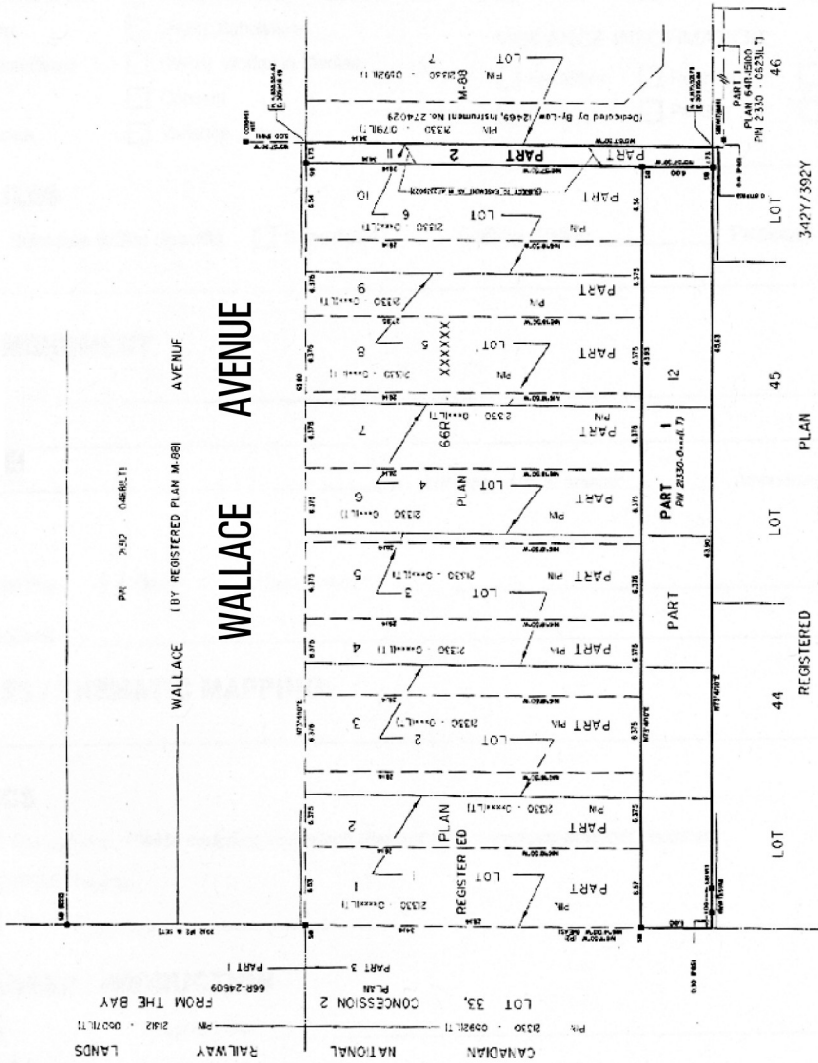
Attachment 1: Draft Plan of Common Elements Condominium

INDEX OF PARTS

PART	SHEET	DESCRIPTION
1	1	PLAN OF LOTS 1 TO 6 (Both Inclusive)
2	2	REGISTERED PLAN M-88
3	3	REGISTERED PLAN M-88
4	4	REGISTERED PLAN M-88
5	5	REGISTERED PLAN M-88
6	6	REGISTERED PLAN M-88

PLAN OF SURVEY OF
PART OF LOTS 1 TO 6 (Both Inclusive)
BLOCK Y
REGISTERED PLAN M-88
CITY OF TORONTO

SCALE 1" = 200'
0 1 2 3 4 5 METRES



229 Wallace Avenue

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

Not to Scale
05/11/2010

File # 10_257521

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 shall be 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) The owner is required, to:
 - a. Include appropriate wording to the satisfaction of the Executive Director, Technical Services in consultation with the City Solicitor, in the condominium declaration and legal description in favour of the common element condominium corporation that an easement/right-of-way is provided over and through PART 10 on Reference Plan 66R-25094 (industrial POTL No. 10) , for the purpose of installation, replacement, inspection, alteration, and repair of improvements of storm sewers to convey runoff from PART 12 (common driveway) to the City's storm sewer on Wallace Avenue.
 - b. Submit a draft copy of the Condominium Declaration for review and acceptance of the Executive Director, Technical Services, in consultation with the City Solicitor.
- (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: Application Data Sheet

APPLICATION DATA SHEET

Application Type: Common Element Condominium Application Number: 10 257521 STE 18 CD
 Details: Application Date: September 14, 2010

Municipal Address: 229 WALLACE AVE
 Location Description: PLAN M88 BLK Y LOTS 1 TO 6 **GRID S1802
 Project Description: DRAFT PLAN OF CONDO APPLICATION FOR NEW BUILDING - see 07 278830 STE 18 SA and 09 125985 BLD for Site Plan Approval and Building Permit.

Applicant:	Agent:	Architect:	Owner:
2145738 ONTARIO LIMITED		V. Rosa Designs Ltd.	2145738 ONTARIO LIMITED

PLANNING CONTROLS

Official Plan Designation:	Employment Area	Site Specific Provision:	
Zoning:	I2 D2	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2244.12	Height:	Storeys:	2
Frontage (m):	65.82		Metres:	8.99
Depth (m):	34.14			
Total Ground Floor Area (sq. m):	1318			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	18
Total Non-Residential GFA (sq. m):	2475		Loading Docks	1
Total GFA (sq. m):	2475			
Lot Coverage Ratio (%):	58.7			
Floor Space Index:	1.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	2475
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	0		

CONTACT: PLANNER NAME: Francis Kwashie, Planner
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