

**131, 133, 135, 137, 139 & 141 Finch Avenue East –
Common Elements Condominium Application and Part
Lot Control Exemption Application – Final Report**

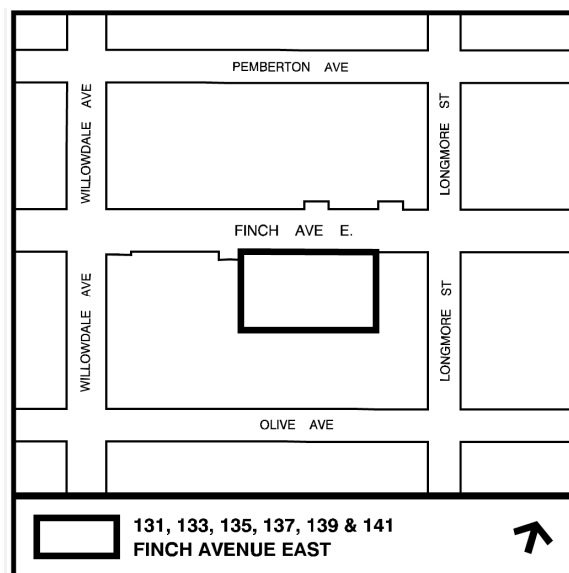
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|--------------------------|---|
| Date: | December 19, 2012 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Ward 23 – Willowdale |
| Reference Number: | 12 262043 NNY 23 CD and 12 262048 NNY 23 PL |

SUMMARY

The application for a common elements condominium proposes a common driveway and landscaped area on lands known municipally as 131, 133, 135, 137, 139 and 141 Finch Avenue East. A common elements condominium is required to provide legal vehicular access to 28 residential townhouse units and to ensure shared ownership and maintenance of both driveways and the landscaped area by the condominium corporation.

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 her designate.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 14 residential townhouses fronting Finch Avenue East and the 14 residential townhouses fronting the common driveway.



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 and Executive Director, City Planning, intends to approve the Draft Plan of Common Elements Condominium for the lands at 131, 133, 135, 137, 139 and 141 Finch Avenue East, 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 and Executive Director, City Planning, 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 131, 133, 135, 137, 139 and 141 Finch Avenue East as generally illustrated on Attachment 3 of this report, 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 her 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

In 2011, City Council enacted Official Plan Amendment No. 165 (By-law 1415-2011) and Zoning By-law No. 1220-2011, to permit the subject lands to be developed with 28, four-storey residential townhouses divided into four blocks with an internal driveway having access from Finch Avenue East. City Council's decision and the associated staff report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY10.24>

ISSUE BACKGROUND

Proposal

The applicant consolidated six lots containing single detached dwellings, known municipally as 131, 133, 135, 137, 139 and 141 Finch Avenue East and received approval for a development consisting of 28, four-storey residential townhouses.

The townhouses, which are presently under construction, are organized into four blocks of 7 units each. Two blocks front onto Finch Avenue and the other two blocks front onto an interior driveway (see Attachment No. 1). The proposal has a total gross floor area of 4,883 m² and a Floor Space Index (FSI) of 1.2.

The interior driveway accessed from Finch Avenue would provide both pedestrian and vehicular access to the development. Twenty-six of the proposed residential units would have an integral at-grade garage for tandem parking of two vehicles. One unit in both Block 1 and Block 2, are provided with a single integral at-grade parking space, for a total of 54 parking spaces on the site.

The interior driveway is configured to allow 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 subject lands consist of six lots located on the south side of Finch Avenue East, between Willowdale Avenue and Longmore Street. The lands have a combined frontage of 83m on Finch Avenue East, and a total gross lot area of 4,055m².

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

Abutting uses are as follows:

North: single detached dwellings and an 8 unit townhouse complex immediately across the street. A six storey, 82-unit residential building with ground floor commercial uses, and 80 parking spaces has been proposed at the northwest corner of Finch and Willowdale Avenues, and is presently under review (File # 12-243511 NNY 24 OZ);

South: single detached dwellings;

East: two semi-detached dwellings, followed by a single detached dwelling at the corner of Finch Avenue and Longmore Street; and

West: semi-detached and single 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, in 2011, City Council enacted Official Plan Amendment No. 165 (By-law 1415-2011), 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 (87) through site specific Zoning By-law 1220-2011.

The development presently under construction is pursuant to this zoning.

Site Plan Control

The Site Plan Agreement for the 28 unit townhouse development currently under construction was registered on January 31, 2012.

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.

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

The proposed common elements condominium would allow shared ownership and responsibility for maintenance of the common driveway and landscaped area serving this 28 unit townhouse project. 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 Site Plan Agreement registered on title.

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 in effect 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 opportunity to complete 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. 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 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

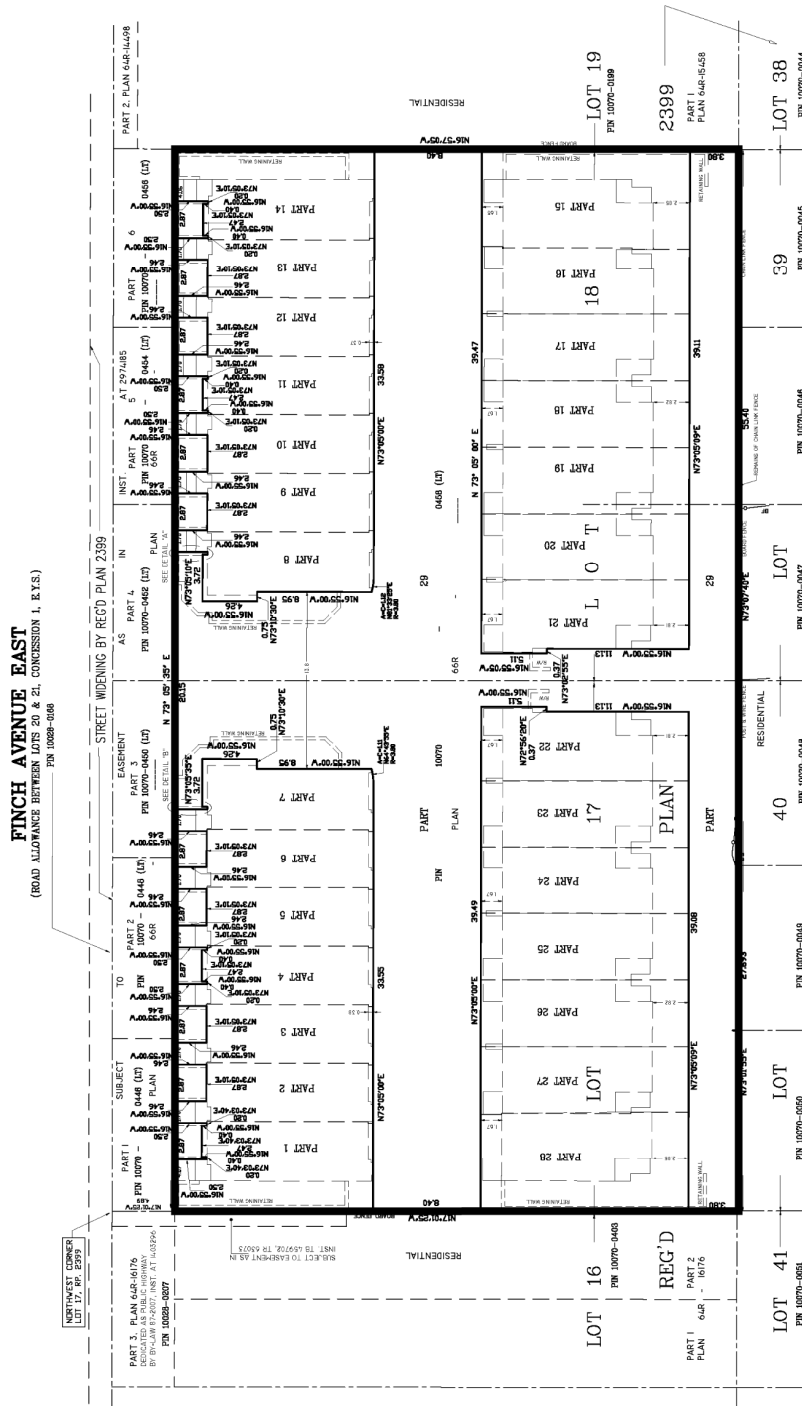
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Part Lot Control Exemption Plan

Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



131-141 Finch Avenue East

Condominium Plan

Applicant's Submitted Drawing

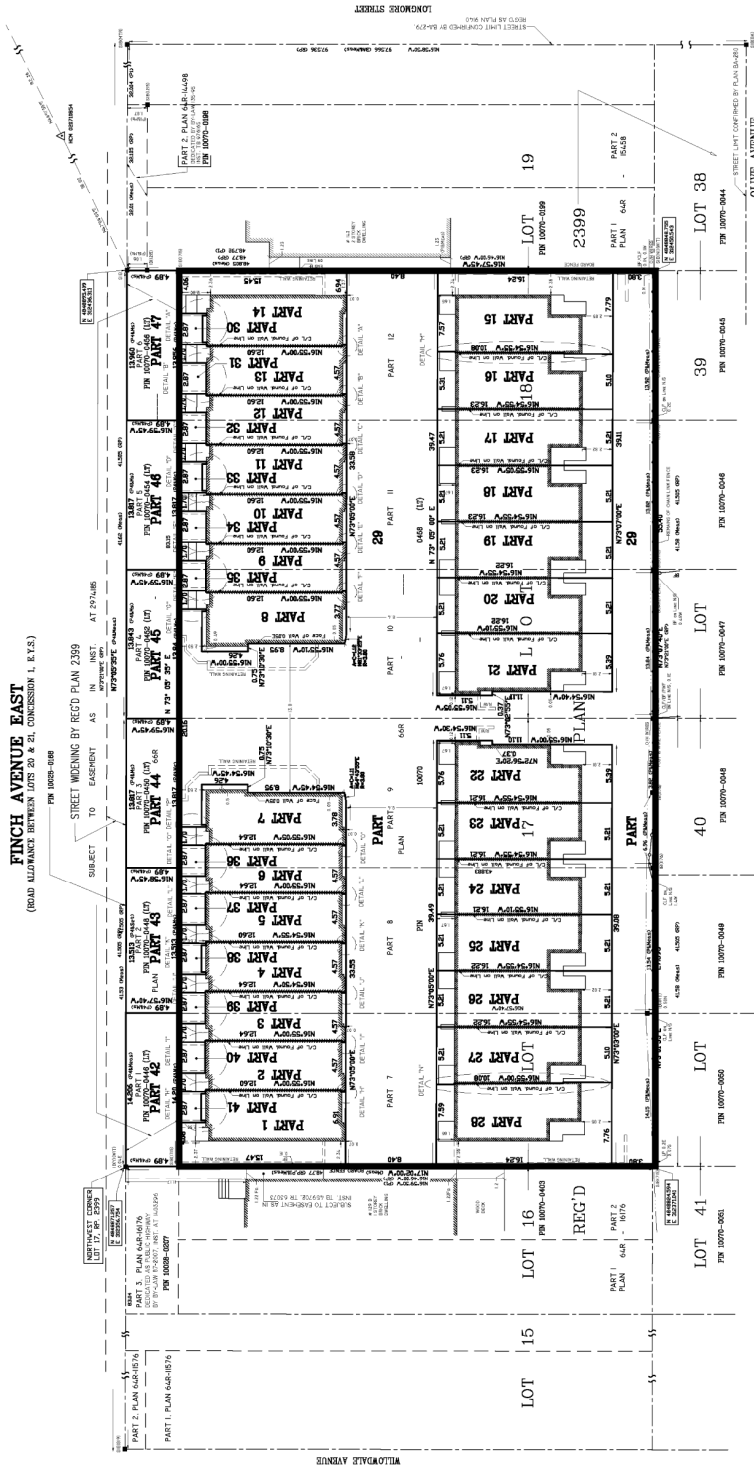
Not to Scale
11/08/2012

File # 12 262043 NMY 23 CD

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director 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) The owner shall file with the Director 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.
- (3) 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.
- (4) 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.
- (5) A letter of certification from the consulting engineer, certifying that the stormwater management facilities, site grading and site servicing have been constructed in accordance with the approved plans and reports.

Attachment 3: Part Lot Control Exemption Plan



131-141 Finch Avenue East

Part Lot Plan

Applicant's Submitted Drawing

Not to Scale
11/08/2012

File # 12 262048 NNY 23 PL

Attachment 4: Application Data Sheet

| | | | |
|------------------|---|---------------------|---------------------|
| Application Type | Common Element Condominium & Part Lot Control Exemption | Application Number: | 12 262043 NNY 23 CD |
| Details | | Application Date: | October 12, 2012 |

Municipal Address: 131, 133, 135, 137, 139 and 141 FINCH AVE E

Location Description: PLAN 2399 PT LOT 18 **GRID N2303

Project Description: Common Element Condominium landscape area and driveway to provide access to approved 28 unit, 4-storey residential townhouses (comprised of 4 Blocks of 7 townhouse units; 2 Blocks fronting onto the south side of Finch Avenue East and 2 Blocks at the rear). Concurrent Part Lot Control application. Previous Rezoning/OPA file.

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|---------------------------------|---------------|-------------------|---------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| ELEGANT GARDEN RIVERMILL INC | | | ELEGANT GARDEN RIVERMILL INC |

PLANNING CONTROLS

| | | | |
|----------------------------|----------------|--------------------------|---|
| Official Plan Designation: | Neighbourhoods | Site Specific Provision: | |
| Zoning: | RM1 (87) | Historical Status: | |
| Height Limit (m): | | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | | |
|------------------------------------|--------|---------|-----------------|----|--------------|
| Site Area (sq. m): | 4055 | Height: | Storeys: | 4 | |
| Frontage (m): | 83.12 | | Metres: | 10 | |
| Depth (m): | 48.8 | | | | |
| Total Ground Floor Area (sq. m): | 628.96 | | | | Total |
| Total Residential GFA (sq. m): | 4882.9 | | Parking Spaces: | 54 | |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 | |
| Total GFA (sq. m): | 4882.9 | | | | |
| Lot Coverage Ratio (%): | 15.5 | | | | |
| Floor Space Index: | 1.2 | | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | Freehold | | Above Grade | Below Grade |
|--------------|----------|----------------------------------|-------------|-------------|
| Rooms: | 0 | Residential GFA (sq. m): | 4882.9 | 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 | | | |

CONTACT: PLANNER NAME: Ben DiRaimo, Planner
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