

**19 – 25 Cunningham Avenue – Common Elements
Application – Final Report**

Date:	March 10, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	14 236792 STE 14 CD

SUMMARY

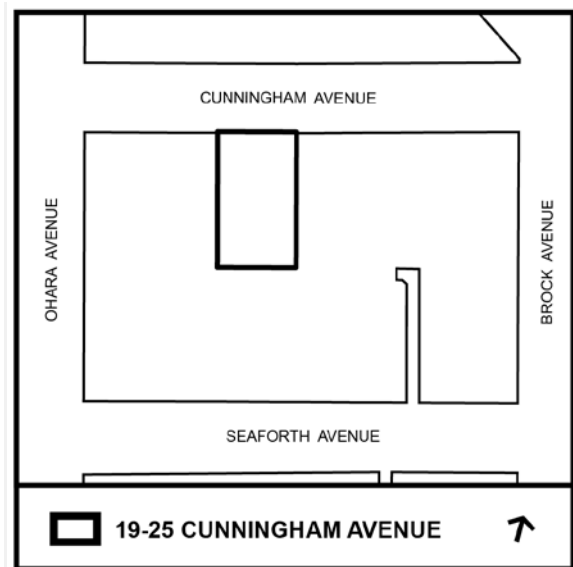
This application proposes a common elements condominium for the driveway providing access to parking at the rear of the properties located at 19 – 25 Cunningham Avenue.

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

RECOMMENDATIONS

The City Planning Division recommends that:

- 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 19-25, Cunningham Avenue as generally illustrated on Attachment 1 to the report (March 10, 2015) from the Director, Community Planning, Toronto and East York District, subject to:



- (a) The conditions as generally listed in Attachment 2 to the report (March 10, 2015) 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.
- (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 division 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

An application for consent to sever land (Application B0045/12TEY), and associated minor variance applications (Applications A0415/12TEY – A0419/12TEY) were heard and approved at the August 22, 2012 Committee of Adjustment hearing.

ISSUE BACKGROUND

Proposal

The proposed common elements driveway will be used to provide access to the parking areas at the rear of the three row houses and two semi-detached houses located at 19 - 25 Cunningham Avenue. Refer to Attachment No. 3 for project data.

Site and Surrounding Area

The subject site is located on the south side of Cunningham Avenue, north of Queen Street West, and west of Brock Avenue. To the north, is open space ancillary to 105 West Lodge Avenue and a 3-storey detached house. To the east are two pairs of semi-detached 2-storey houses, a pair of 2.5-storey semi-detached houses, and the Canadian National railway corridor. A 2-storey detached house is west of the site. All properties are zoned residential.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated *Neighbourhoods* in the Toronto Official Plan, which are considered physically stable areas made up of residential uses in lower scale buildings. The following Official Plan *Neighbourhoods* Policies are of relevance to this application:

- Policy 4.1.5(c) states that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood regarding heights, massing, scale, and dwelling type of nearby residential properties, and;
- Policy 4.1.5(g) states that development in established neighbourhoods will respect and reinforce the continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood.

The heights, massing, scale and dwelling type of the existing three row houses and two semi-detached houses respect the existing physical character of the neighbourhood. The proposed common elements driveway also respects the existing landscape features of the surrounding neighbourhood.

Zoning

The site is zoned Residential (R) in City-Wide Zoning By-law 569-2013. The purpose of the Residential zone category in these respective By-laws is generally to maintain a stable built form and to limit the impact of new development on adjacent residential properties. Consent Application B0045/12TEY, and minor variance Applications A0415/12TEY – A0419/12TEY were approved at the August 22, 2012 Committee of Adjustment hearing to create new residential lots, and to permit variances to City-Wide Zoning By-law 569-2013.

Site Plan Control

Site Plan Control is not applicable to this development.

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

The proposal is consistent with the Provincial Policy Statement (PPS), 2014, and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. City Planning Staff are recommending approval of the common elements condominium application for 19 – 25 Cunningham Avenue, subject to the conditions set out in Attachment 2.

CONTACT

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SIGNATURE

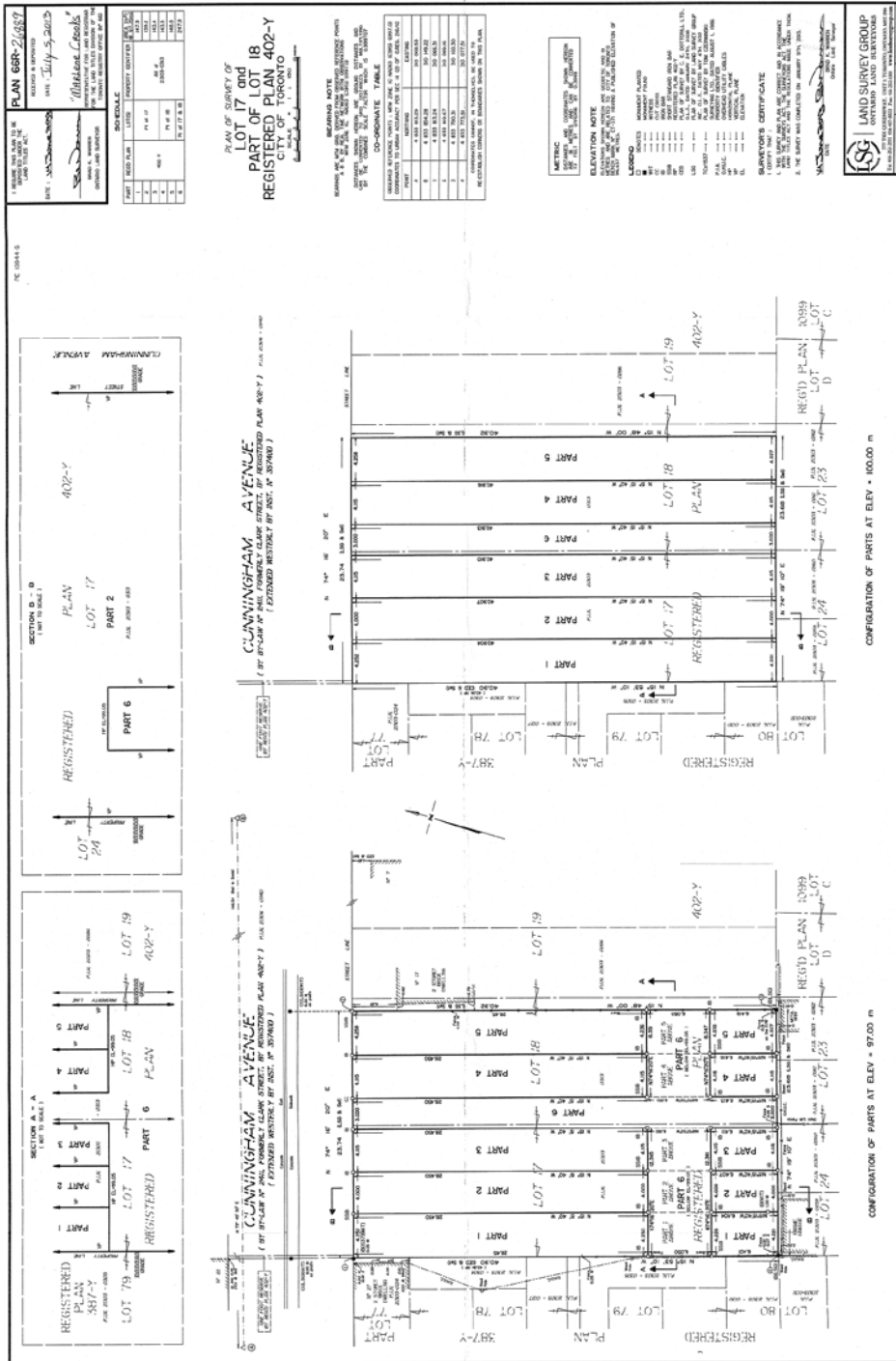
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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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 Vacant Land Condominium



Draft Plan of Condominium
 Applicant's Submitted Drawing
 Not to Scale
 07/11/2014

19-25 Cunningham Avenue

File # 14 236792 STE 14 CD

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) 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.
- (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.

Attachment 3: Application Data Sheet

Application Type: Condominium Approval Application Number: 14 236792 STE 14 CD
 Details: Common Elements Application Date: October 14, 2014
 Municipal Address: 19 CUNNINGHAM AVE
 Location Description: PLAN 402 PT LOT 18 **GRID S1405
 Project Description: To obtain condo approval for the driveway providing access to the parking areas in the rear of the existing five individual residential dwelling units. There are three row house units, and two semi-detached units. See CofA Decision B004/12TEY

Applicant: Armando Barbini
 Planning & Permit Services

Agent:

Architect:

Owner: 2403213 Ontario Inc.

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:
 Zoning: 3286266 Historical Status:
 Height Limit (m): 10 Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	971.44	Height: Storeys:	3
Frontage (m):	23.74	Metres:	10
Depth (m):	40.92		
Total Ground Floor Area (sq. m):	353		Total
Total Residential GFA (sq. m):	888.6	Parking Spaces:	5
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	888.6		
Lot Coverage Ratio (%):	36.3		
Floor Space Index:	0.91		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	888.6	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:	5	Institutional/Other GFA (sq. m):	0	0
Total Units:	5			

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