

206 and 208 Finch Avenue West – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

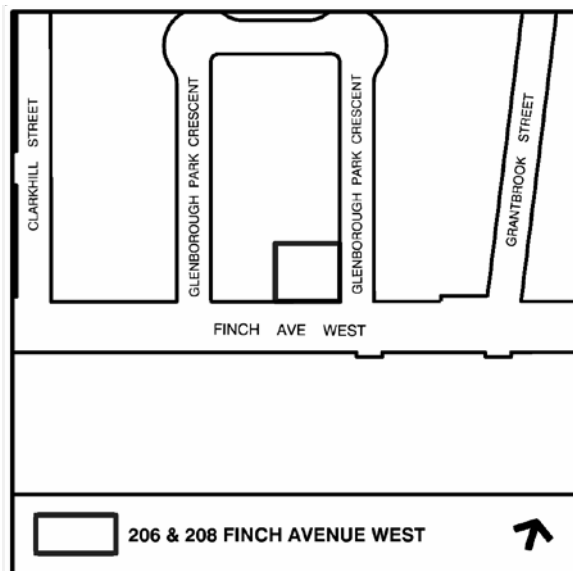
Date:	August 9, 2016
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	15 229282 NNY 23 PL and 15 229264 NNY 23 CD

SUMMARY

This application proposes to establish a driveway and landscape area as a common element at 206 and 208 Finch Avenue West. The common elements condominium is required to provide legal pedestrian and vehicular access to eight (8) residential townhouse units and to ensure shared ownership and maintenance of the common elements 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 eight (8) residential townhouse units fronting Finch Avenue West.

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 her 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 206 and 208 Finch Avenue West, as generally illustrated on Attachment 1 to this report, subject to:
 - (a) the conditions as generally listed in Attachment 2 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 subject lands at 206 and 208 Finch Avenue West, 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, 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

Applications for Zoning By-law Amendment and Site Plan Control were submitted to the City on January 30, 2012 to permit the redevelopment of the properties at 206 and 208 Finch Avenue West with eight 3-storey residential townhouse units, with 16 parking spaces served by a shared private rear driveway.

Staff prepared a Preliminary Report that went before North York Community Council on March 20, 2012, which can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-45569.pdf>

A Final Report on the Zoning By-law Amendment was approved by City Council on July 16, 17, 18 and 19, 2013. The decision of City Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY25.38>

Notice of Approval Conditions for Site Plan Control was issued on December 16, 2013. A Statement of Approval for Site Plan Control was issued on July 28, 2016.

ISSUE BACKGROUND

Proposal

This application proposes to establish a common element driveway and landscaped area as common elements at 206 and 208 Finch Avenue West to ensure shared access, ownership and maintenance of the common elements by the condominium corporation. The requested exemption from the Part Lot Control of the *Planning Act* is required to permit the creation of conveyable lots for the 8 residential townhouse units fronting Finch Avenue West.

Site and Surrounding Area

The subject site is located on the north side of Finch Avenue West at the northwest intersection with the eastern portion of Glenborough Park Crescent.

The subject site consists of a townhouse development, currently under construction. The property was an assembly of two properties at 206 and 208 Finch Avenue West, formerly occupied by single detached dwellings.

This portion of Finch Avenue West is undergoing transition, with single detached dwelling lots being redeveloped for mixed use, residential or commercial development. The site has approximately 38.09 metres of frontage on Finch Avenue West. The site has an area of approximately 1,318 m² and a maximum depth of approximately 34 metres. The land slopes slightly downward from west/east.

Staff Report for Action – 206 and 208 Finch Avenue West – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

The properties located directly west of the subject site at 210A, 210B, 212A, 212B, 214A, 214B, 216A, and 216B Finch Avenue West were subject to a similar rezoning application, which was approved by the City in 2007. Eight 3-storey residential townhouse units, with 16 parking spaces served by a private rear driveway have been recently constructed.

Abutting uses are as follows:

North: Single detached dwellings;

South: Finch Avenue West and beyond are single detached dwellings, with some dwellings used for retail-commercial uses;

East: Glenborough Park Crescent and beyond is a multi-storey commercial building and a retail commercial site situated at the intersection of Finch Avenue West and Grantbrook Street; and

West: Eight, recently constructed, three-storey townhouse dwellings.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject lands as *Mixed Use Areas*. *Mixed Use Areas* consist of a broad range of high quality commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces that reduce automobile dependency and meets the needs of the local community.

The Official Plan includes development criteria in *Mixed Use Areas*. Generally, it is the intent that development will:

Staff Report for Action – 206 and 208 Finch Avenue West – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- provide for new jobs and homes for Toronto's growing population on underutilized lands;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Central Finch Area Secondary Plan

The subject property is also located within the Central Finch Area Secondary Plan, and is designated *Mixed Use Area "B"* on Map 22-1 of the Secondary Plan. This designation provides for detached and multiple-unit residential, retail and service commercial uses, offices, places of worship, public parks and recreational uses and institutional uses.

The Secondary Plan also encourages redevelopment that ensures compatibility with the surrounding residential areas while contributing to an attractive pedestrian oriented street edge with emphasis on good design and landscaping, buffering and tree features.

For sites with frontage on Finch Avenue West of 30 metres or more, such as the subject lands, the maximum density (FSI) permitted for a solely residential use is 2.0 times the lot area and the maximum height is 4 storeys or 13 metres, whichever is the lesser. For all lands within the Central Finch Area, the height of any part of a building (accept accessory structures for residential uses) will not exceed 70 percent of the horizontal distance separating that part of the building from the nearest residential property line that coincides with the boundaries of the Secondary Plan Area provided that the horizontal setback is not less than 9.5 metres.

Zoning

As per amending Zoning By-law No. 1294-2013, the overall development at 206 and 208 Finch Avenue West is zoned Residential Multiple Dwelling Zone - RM1(91).

The RM1(91) zoning permits only a multiple attached dwelling configured as identified on Schedule RM1(91).

Site Plan Control

The Site Plan Control application for this development was approved on July 28, 2016 (File No. 12 114286 NNY 23 SA).

A Site Plan Agreement between LuLu Holdings and the City of Toronto is registered on title.

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 proposal is consistent with the PPS, 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Division

The approved 8 townhouses have been recently constructed. The applicant is proposing a Common Elements Condominium and Part Lot Control Exemption. This application is appropriate as it implements the previous approvals.

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 open indefinitely, it is recommended that 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 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.

CONCLUSION

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

Jason Brander, Planner
Tel. No. (416) 395-7124
Fax No. (416) 395-7155
E-mail: jbrande@toronto.ca

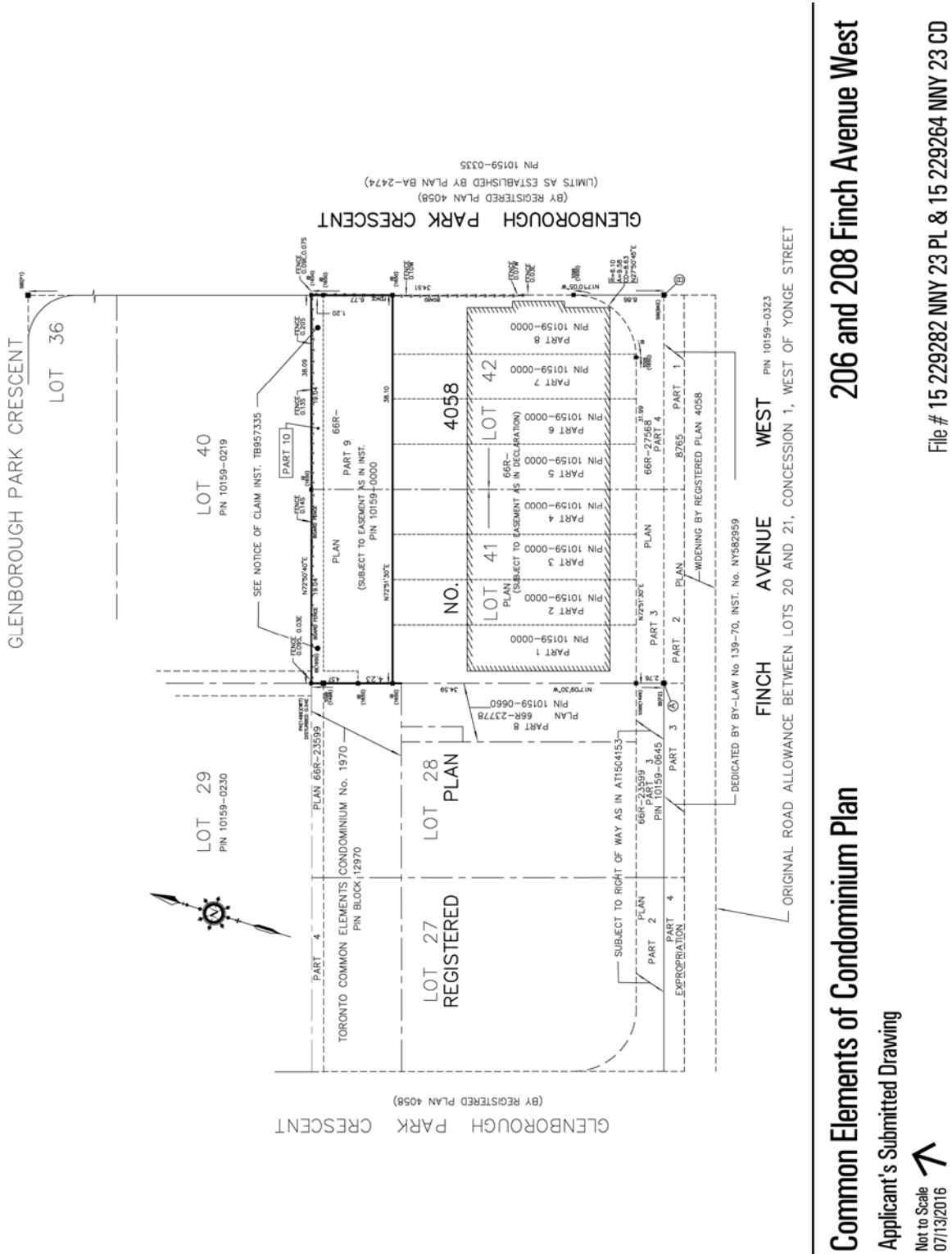
SIGNATURE

Joe Nanos, 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: Site Plan
Attachment 5: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



Common Elements of Condominium Plan

Applicant's Submitted Drawing

206 and 208 Finch Avenue West

File # 15 229282 NNY 23 PL & 15 229264 NNY 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) 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 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 5: Application Data Sheet

Application Type	Part Lot Control Exemption and Common Elements Condominium	Application Number:	15 229282 NNY 23 PL and 15 229264 NNY 23 CD
Details		Application Date:	September 28, 2015
Municipal Address:	206 and 208 FINCH AVENUE WEST		
Location Description:	PLAN 4058 LOT 42 **GRID N2301		
Project Description:	Proposed 8 freehold, 3-storey townhouse units with parking at grade at the rear on common element roadway. Similar to previously approved townhouse development immediately to the west.		

Applicant:	Owner:
ARBEN SHPATI	LULU HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM1(91)	Historical Status:	
Height Limit (m):	10.15 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1317.53	Height:	Storeys:	3	
Frontage (m):	38.09		Metres:	10.15	
Depth (m):	34.59				
Total Ground Floor Area (sq. m):	505.94				Total
Total Residential GFA (sq. m):	1447.4		Parking Spaces:	16	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1447.4				
Lot Coverage Ratio (%):	39.4				
Floor Space Index:	1.1				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1447.4	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:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

CONTACT:	PLANNER NAME:	Jason Brander, Planner
	TELEPHONE:	(416) 395-7124