

**538-540 Eglinton Ave E – Common Elements Condominium  
Application – Final Report**

<b>Date:</b>	March 3, 2016
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	15 266619 STE 22 CD

**SUMMARY**

This application proposes to create a common elements condominium consisting of a shared private driveway to provide servicing and access to seven freehold townhouse units, a pedestrian walkway, a structure supporting outdoor terraces, and 7 parking spaces on the lands known municipally as 538-540 Eglinton Avenue East. The common elements condominium would also ensure shared ownership and maintenance of the driveway and other components 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 and Executive Director, City Planning intends to approve the draft plan of common elements condominium for the lands at 538-540 Eglinton Avenue East, as generally illustrated on Attachment 1 to the report from the Director, Community Planning, Toronto and East York District dated March 3, 2016, subject to:



- (a) the conditions as generally listed in Attachment 2 to the report from the Director, Community Planning, Toronto and East York District dated March 3, 2016, which except as otherwise noted must be fulfilled prior to the final approval and 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting on March 5, 2012, City Council adopted a zoning by-law amendment for seven 4.5-storey street-related townhouse units with integral garages accessed by a shared private driveway authorized through Site Specific Zoning By-law 333-2012. Subsequently, the applicant entered into a Site Plan Agreement for the subject lands and received the necessary building permits to begin construction.

On December 17, 2015, the applicant filed a consent application (Application No. B0104/15TEY) to create seven new lots, various easements, and parts for a common element condominium to be used for the shared private driveway access to facilitate the development. The consent application is currently scheduled to be considered at the April 13, 2016 Committee of Adjustment hearing, therefore, no decision has been made.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is to permit the creation of a Common Elements Condominium. The Common Elements Condominium would consist of a shared private driveway to provide servicing and access to seven freehold townhouse units (the "POTLs"), a pedestrian walkway, a structure supporting outdoor terraces, and 7 parking spaces on lands known municipally as 538-540 Eglinton Avenue East. It would also ensure shared ownership and maintenance of the driveway by the condominium corporation.

#### **Site and Surrounding Area**

The subject lands are located on the northeast corner of Eglinton Avenue East and Walder Avenue. The lands have 33.5 metres of frontage along Eglinton Avenue East, 19.18 metres of frontage along Walder Avenue and a total lot area of 664.3 square metres. The following uses comprise the local context surrounding the site:

North: primarily single detached houses and the Charlotte Maher Parkette;

South: a mid-rise apartment building, offices, single and semi-detached houses;

East: office and commercial buildings, a mid-rise apartment building and a commercial plaza including a food store;

West: offices, single and semi-detached houses and mid-rise apartments.

## **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.

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 site is designated *Apartment Neighbourhoods* in the City of Toronto's Official Plan. *Apartment Neighbourhoods* are distinguished from *Neighbourhoods* designations because a greater scale of development is permitted. Established *Apartment Neighbourhoods* are considered stable areas in which significant growth is not anticipated but where there may be opportunities for additional townhouses or apartments on underutilized sites. The *Apartment Neighbourhoods* designation includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The City of Toronto Official Plan is available on the City's website at [http://www.toronto.ca/planning/official\\_plan](http://www.toronto.ca/planning/official_plan)

## **Zoning**

The site is zoned R4A Z2.0 under By-law 438-86. That zoning classification permits the proposed townhouse use to a maximum density of 2.0 times the lot area. The height restriction is 18 metres or approximately 6 storeys.

The proposed development complies with the Zoning By-law as amended by Site Specific By-law 333-2012.

The site is currently exempt from the provisions of the new harmonized City-wide zoning by-law for the City of Toronto, By-law 569-2013.

## **Site Plan Control**

The applicant obtained Site Plan Approval for the subject site (Application No. 10 293053STE 22 SA) and entered into a Site Plan Agreement which was registered on title on November 14, 2013 as Instrument No. AT3452918.

## **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.

Engineering and Construction Services staff have indicated that a component of the storm sewer service along the western edge of Unit/Lot 4, shown as Part 7 in the plans, has not been included within the common elements condominium. A slight revision to the plans and the condominium description is required to ensure that all components of the storm sewer servicing are included in the common elements condominium.

Draft approval of the common elements condominium would be appropriate once Engineering staff is satisfied with the storm sewer service revision and after a final and in force decision has been issued from the Committee of Adjustment or, on appeal, from the Ontario Municipal Board, approving the consent to sever to permit the severance of and creation of easements on the lands comprising 538-540 Eglinton Avenue West.

City Planning Staff are recommending approval of the common elements condominium application for 538-540 Eglinton Avenue East, once the consent application has been approved and subject to the conditions set out in Attachment 2 to report dated March 3, 2016 from the Director, Community Planning, Toronto and East York District.

## **CONTACT**

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## **SIGNATURE**

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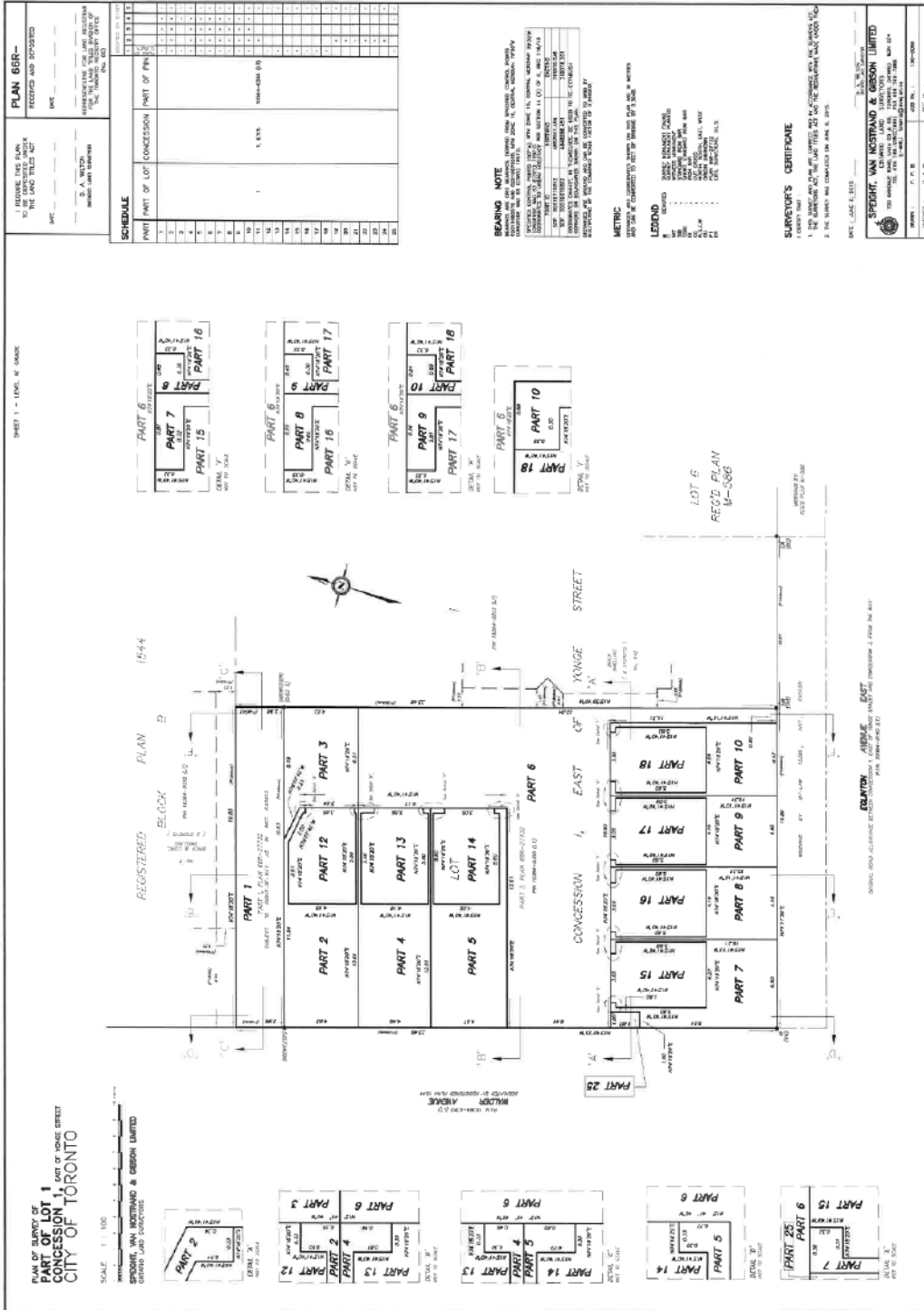
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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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 Condominium



538 - 540 Eglinton Avenue

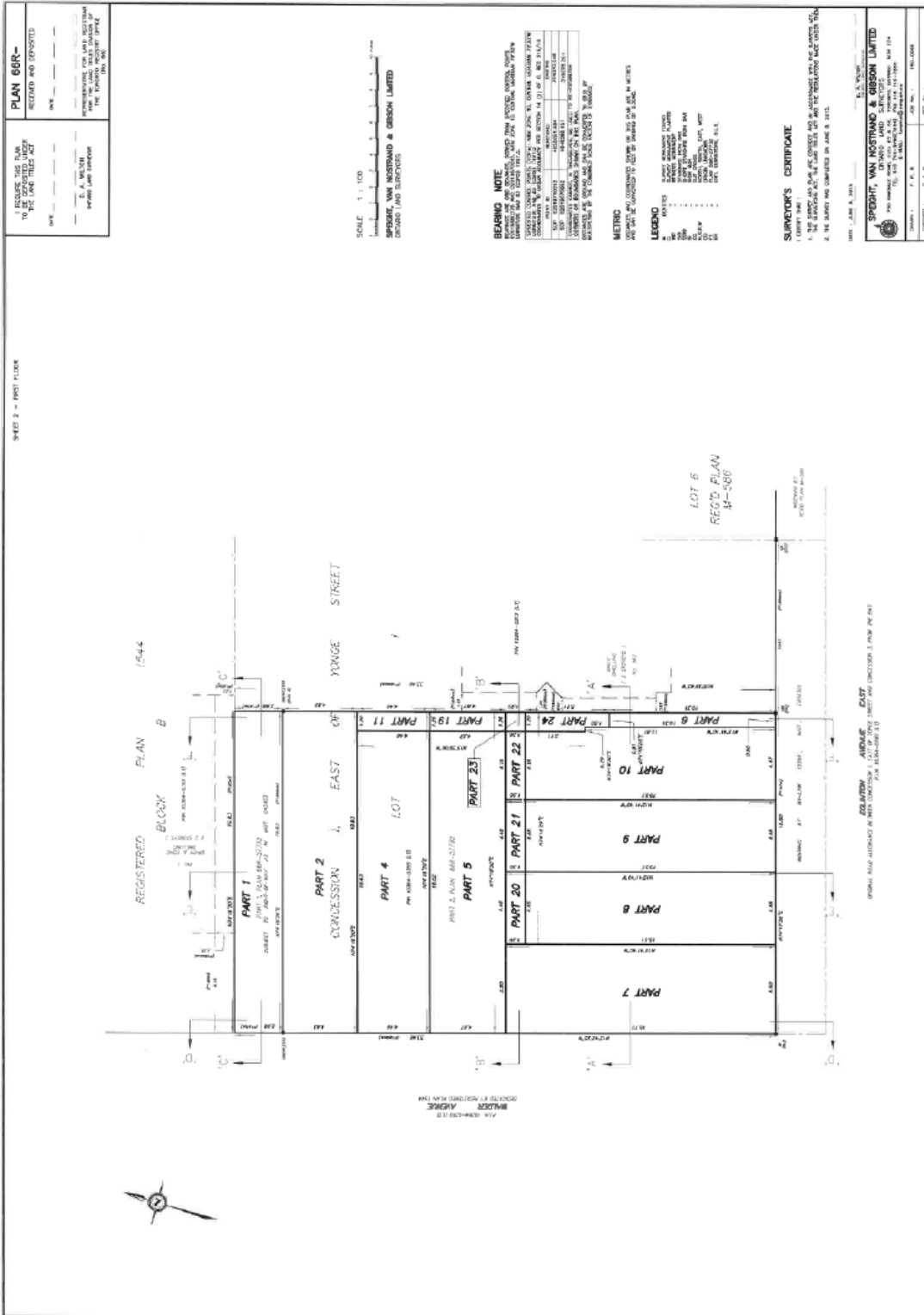
File # 15\_266619\_STE 22 CD

Condo Plan - Level At Grade

Applicant's Submitted Drawing

Not to Scale

06/08/2015



**538 - 540 Eglinton Avenue**

**File # 15\_266619\_STE 22 CD**

**Condo Plan – First Floor**

**Applicant's Submitted Drawing**

Not to Scale  
06/08/2015







## **Attachment 2: Draft Plan Approval Conditions**

- (1) The City Solicitor shall provide written confirmation that satisfactory arrangements have been made regarding the land division tool to create the freehold parcels (POTLs) necessary for the registration of the Common Elements Condominium Corporation.
- (2) 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).
- (3) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (4) 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.
- (5) 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.
- (6) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (7) 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	Condominium Approval	Application Number:	15 266619 STE 22 CD
Details	Common Elements	Application Date:	December 17, 2015
Municipal Address:	538 EGLINTON AVE E		
Location Description:	CON I EYS PT LOT 1 **GRID S2201		
Project Description:	Draft Plan of Condominium (common elements) related to a residential development consisting of 7 townhouses within a single block with 4 lots fronting on Eglinton Avenue East and 3 lots fronting on Walder Avenue. The townhouse lots are proposed to be freehold in tenure with vehicular access from Walder Avenue connecting with the common element driveway. The residential parking spaces are to be considered part of the exclusive use portions of the common elements.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Owner:</b>
HUNTER & ASSOCIATES	DIANA MERCIER	538 EGLINTON AVENUE EAST GP LTD

#### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods		
Zoning:	R4A Z 2.0	Historical Status:	NA
Height Limit (m):	18	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	664.3	Height:	Storeys:	4
Frontage (m):	19.8		Metres:	14
Depth (m):	33.5			
Total Ground Floor Area (sq. m):	328			<b>Total</b>
Total Residential GFA (sq. m):	1453		Parking Spaces:	7
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1453			
Lot Coverage Ratio (%):	49.4			
Floor Space Index:	2.2			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1453	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:	7	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Kevin Friedrich, Planner</b>
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