

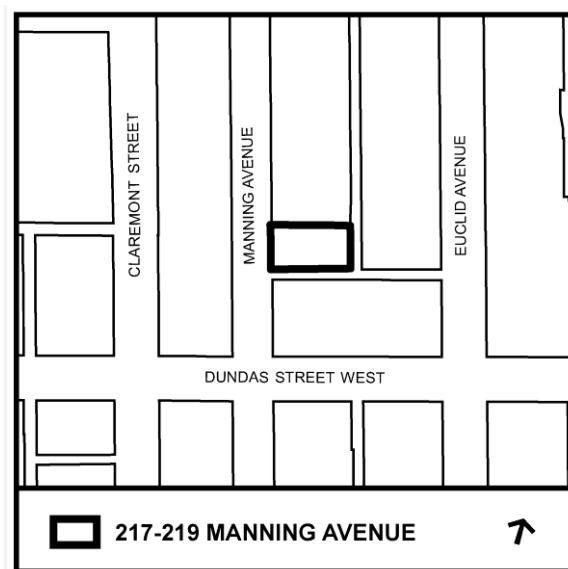
**217-219 Manning Avenue – Common Elements
Condominium Application and Part Lot Control
Exemption Application – Final Report**

Date:	August 16, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	15 133147 STE 19 PL and 15 186245 STE 19 CD

SUMMARY

The Draft Plan of Common Elements Condominium application and Part Lot Control Exemption application proposes to allow vehicle access over a shared private driveway providing access to an approved 9-unit townhouse development for the property at 217-219 Manning Avenue.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the 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 217-219 Manning Avenue, 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 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 217-219 Manning Avenue generally illustrated on Attachment 3 of this report, 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

On November 2, 2010, the applicant submitted a rezoning application for a 7-storey mixed use building with retail space at grade at 854, 856 and 858 Dundas Street West, and a 9-unit townhouse development at 217-219 Manning Avenue (10 289457 STE 19 OZ). At its meeting on July 19, 2013, City Council enacted Zoning By-law 1100-2013 to permit the construction of the mixed use building and townhouse development.

The development was also subject to a Site Plan Approval application. On November 2, 2010, the applicant submitted an application for Site Plan Control (10 289477 STE 19 SA). The Site Plan Agreement was registered on February 4, 2014.

ISSUE BACKGROUND

Proposal

The proposal is to permit the creation of a Common Elements Condominium for 9-unit townhouse development, currently under construction, on lands known municipally as 217-219 Manning Avenue. A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of conveyable lots.

Five of the townhouses face Manning Avenue, and the remaining four front onto the existing public laneway that runs in a north south direction, between Manning Avenue and Euclid Avenue. The Common Elements Condominium would consist of a private driveway between Manning Avenue and the public laneway and would provide access to the townhouses. It would also ensure shared ownership and maintenance of the driveway by the condominium corporation.

Site and Surrounding Area

The subject site is located at the north-east corner of Dundas Street West and Manning Avenue. The site has a lot area of approximately 850 square metres and was formerly occupied by a storage shed that served as an accessory to the lumber and building supply store that was formerly located at 856 Dundas Street West. Refer to Attachment No. 4 for project data.

The lands adjacent to the subject property can be described as:

North: Two and three storey residential houseform buildings.

South: 7-storey mixed use building.

East: Two and three storey residential houseform buildings.

West: Surface parking lot and three storey townhouse buildings.

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.

Zoning

The site is zoned Residential (R) in Zoning By-law 438-86, as amended by site-specific By-law 1100-2013. The purpose of the Residential zone category in this By-law is generally to maintain a stable built form and to limit the impact of new development on adjacent residential properties. The site is not subject to City-Wide Zoning By-law 569-2013.

Site Plan Control

The subject site and development is subject to Site Plan Control. A Site Plan Agreement was registered on February 4, 2014.

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, 2014, and conforms with the Growth Plan for the Greater Golden Horseshoe. The registration of the driveway as a common elements condominium will provide shared access to the townhouse units at 217-219 Manning Avenue. City Planning Staff are recommending approval of the common elements condominium application for 217-219 Manning Avenue, subject to the conditions set out in Attachment 2.

CONCLUSIONS

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

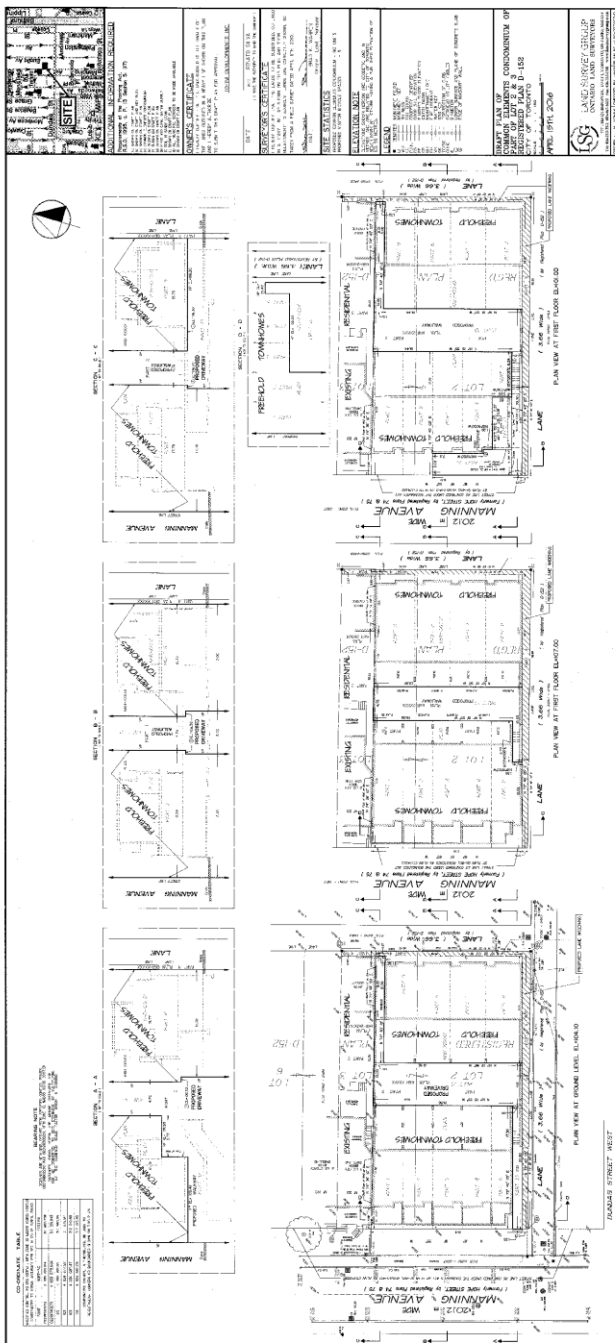
Gregg Lintern MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3: Part Lot Control Exemption Plan
Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



217-219 Manning Avenue

Draft Plan of Common Element Condominium

Applicant's Submitted Drawing

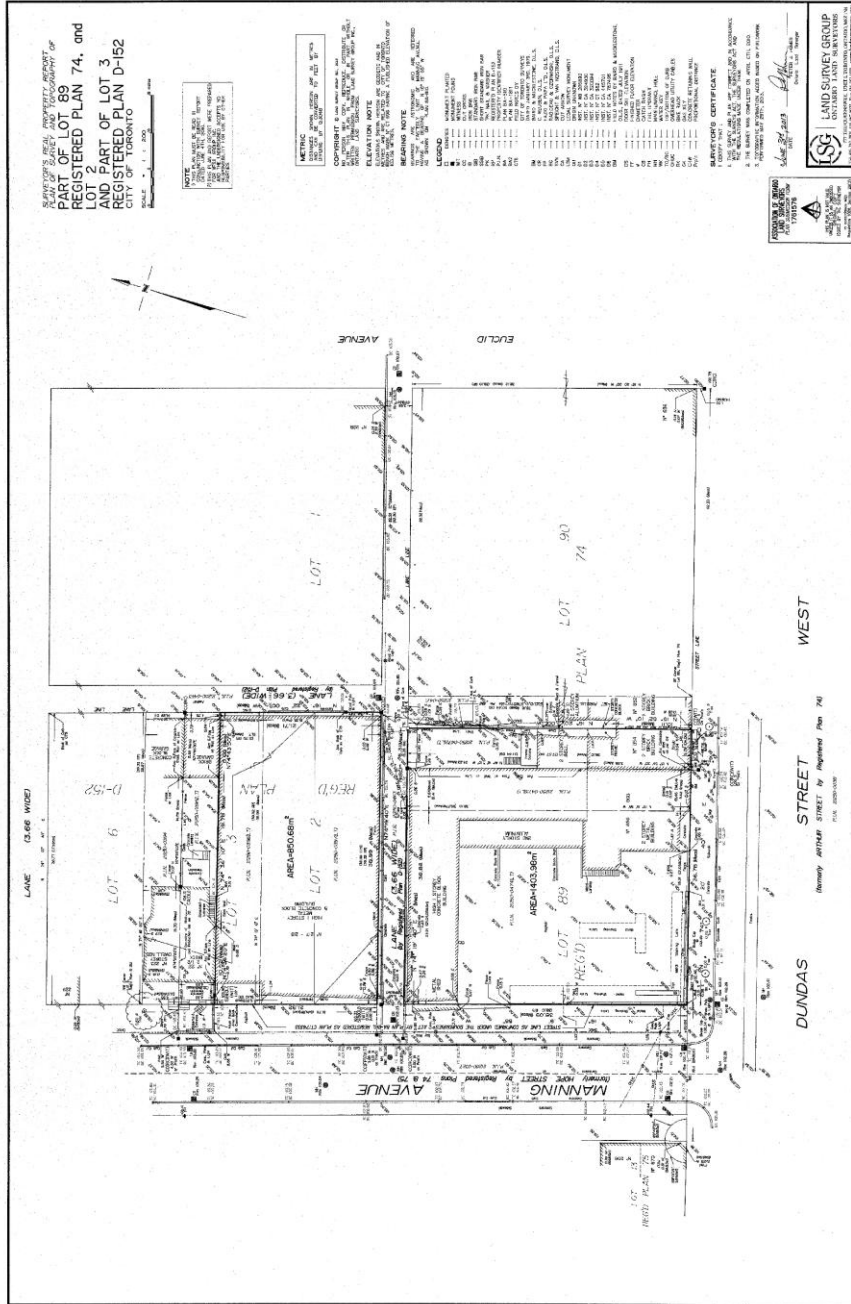
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Attachment 2: Draft Plan Approval Conditions

- (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 will have been 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) 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) The owner shall ensure that there are separate water meters for each Parcel of Tied Land or shall include working in the Declaration that the services are to be shared and will designate who will be responsible to the local water authority (not the City of Toronto in case of change in the future) for payment in full of the water bill.
- (7) The owner shall submit an application to Toronto Water (Environmental Monitoring & Protection) for any permanent dewatering system that is required for the building, and enter into an agreement to discharge groundwater as required by the General Manager, Toronto Water.
- (8) The owner shall submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the Owner in respect of the discharge of groundwater ("Private Water") to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Executive Director, Engineering & Construction.
- (9) 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: Part Lot Control Exemption Plan



217-219 Manning Avenue

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale
07/27/2016

File # 15 133147 STE 19 PL

Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	15 133147 STE 19 PL & 15 186245 STE 19 CD
Details	Common Elements	Application Date:	July 7, 2015
Municipal Address:	217-219 MANNING AVENUE		
Location Description:	PLAN 74 PT LOT 89 **GRID S1905		
Project Description:	Development approval application for common elements condominium for 9 units.		

Applicant:	Agent:	Architect:	Owner:
DAVID NAKELSKY			

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	438-86
Zoning:	MCR T2.5 C1.0 R2.0	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	789	Height:	Storeys:	4
Frontage (m):	21.2		Metres:	12.2
Depth (m):	38.3			
Total Ground Floor Area (sq. m):	764			Total
Total Residential GFA (sq. m):	1424		Parking Spaces:	9
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1424			
Lot Coverage Ratio (%):	96.8			
Floor Space Index:	1.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1424	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	2	Industrial GFA (sq. m):	0	0
3 + Bedroom:	7	Institutional/Other GFA (sq. m):	0	0
Total Units:	9			

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