

4314 Kingston Road – Common Elements Condominium Application – Final Report

Date:	August 22, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 43 – Scarborough East
Reference Number:	File No. 07 173368 ESC 43 CD

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a common elements condominium consisting of a private roadway and 9 visitor parking spaces. The applicant is currently constructing a 39-unit townhouse development divided into 7 blocks.

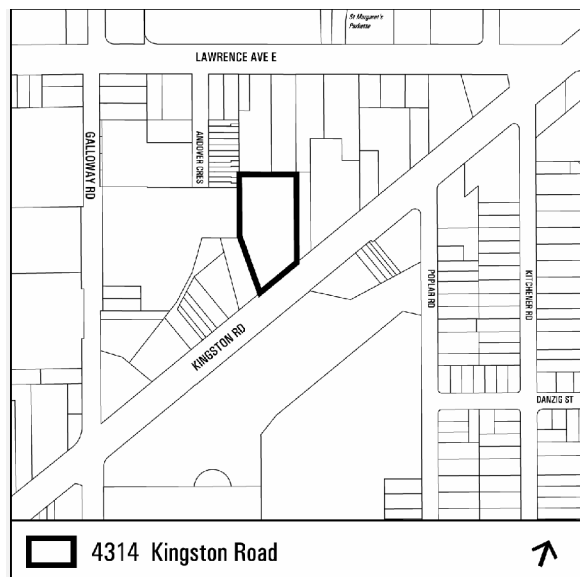
The application for common elements condominium is necessary to provide legal access to the individual townhouse units and to ensure ongoing shared ownership and maintenance of the roadway, sidewalk and visitor parking spaces.

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 intends to approve the draft plan of common elements condominium, as generally illustrated on Attachment 1, subject to:

- (a) the conditions as generally listed in Attachment 2, which otherwise noted must be fulfilled prior to the release of the plan of condominium for registration; and
- (b) such revisions to the proposed condominium plan or 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A site plan control application for 40 townhouses on a private road was filed in June 2004 for the redevelopment of a vacant property at 4314 Kingston Road. The site was previously occupied by a Petro Canada gas bar and car wash that was decommissioned. The property was subsequently sold and a new development proposal for 39 townhouses was submitted in December 2004, maintaining the original P-loop private road layout.

In November, 2005, Planning staff sought council's direction regarding this proposal in light of the City's emerging Development Infrastructure Policy and Standards (DIPS) requirements. It was staff's recommendation that the review and evaluation of the project preceded formalized Development Infrastructure Policy and Standards (DIPS) and Council adopted staff's recommendation not to oppose the private road configuration of the project.

In October 2006, the Committee of Adjustment approved variances and gave consent to convey land to create 39 freehold lots for townhouse development and a private common element condominium roadway. Site plan approval was also granted for the development in October 2006.

ISSUE BACKGROUND

Proposal

The development consisting of 39 residential units has been approved and is currently under construction. The application is necessary in order to allow the registration of a common elements condominium. The common elements condominium permits legal access to the site and allows for the shared maintenance of the 6 metre wide (20 foot) private roadway including services within the roadway, a 1.5 metre (5 foot) sidewalk and 9 visitor parking spaces (Attachments 1 and 3). The parcels of land containing the dwelling units would be freehold units. The freehold units have been created separately by consent through the Committee of Adjustment (File No. B074/06SC).

Site and Surrounding Area

The residential development site has a frontage of approximately 58.4 metres (192 feet) on the north side of Kingston Road and is approximately 0.84 hectares (2.07 acres) in area.

The surrounding uses are as follows.

East: Two storey commercial uses

West: Automobile sales and service

North: Funeral Home and Durham College facility fronting on Lawrence Avenue

East

South: Two storey townhouses

Official Plan

The property is designated Mixed Use Areas. Mixed Use Areas are comprised of a broad range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks, opens spaces and utilities.

Zoning

The site is zoned Commercial/Residential (CR) Zone within the West Hill Community Zoning By-law. This zone category permits residential uses, among other uses. As a result of the variances granted by the Committee of Adjustment in October 2006, the development conforms to the zoning by-law.

Site Plan Control

A site plan control application for the residential development was approved in October 2006 (File No. 04 150629 ESC 43 SA).

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 project is currently under construction. As part of the review of the consent, variance, and site plan applications, it was anticipated that the roadway, sidewalk, visitor parking area and services would form a common elements condominium. The subject condominium application implements the intended shared ownership and maintenance structure of this development.

The layout and design of the development had been previously reviewed and approved by the City to allow for a private road with private door-to-door garbage collection and snow removal. Although this application pre-dated the City's Development Infrastructure Policy and Standards (DIPS) requirements, staff reported to Council in November 2005

and Council adopted staff's recommendation not to oppose the private road configuration of the project.

The site plan agreement registered on title contains a clause advising residents of private garbage collection. Additionally, the conditions of draft plan of condominium approval (Attachment 2) require the applicant to include a warning clause within the condominium declaration advising unit purchasers of the private road and private services.

The project has been through a thorough review by appropriate City divisions, and approved through Committee of Adjustment and Site Plan approval applications. The proposed draft plan of common elements condominium application is the final implementation tool necessary for this project currently under construction, and is appropriate for the orderly development of the land.

CONTACT

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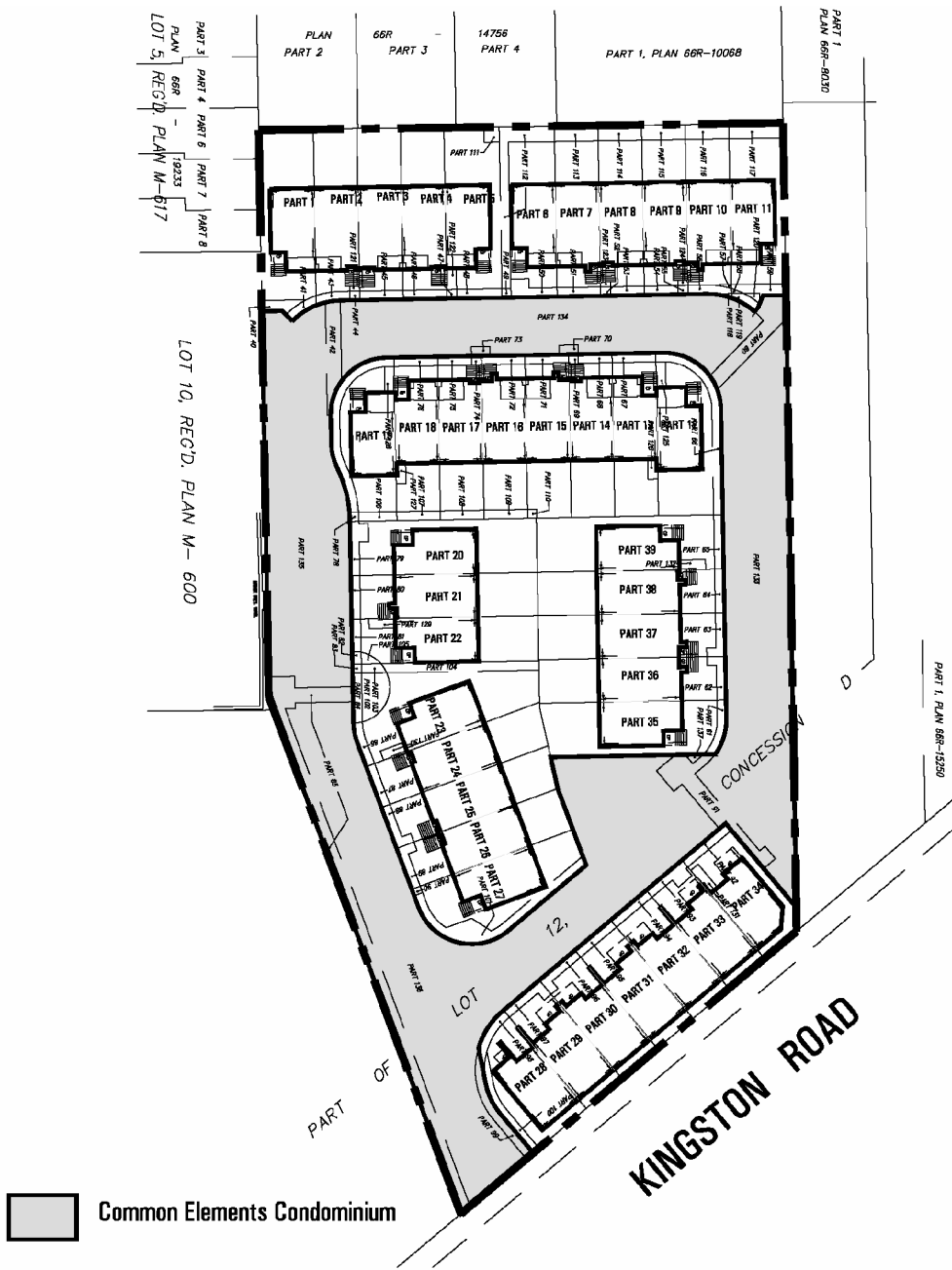
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium
Attachment 2: Draft Plan Approval Conditions
Attachment 3: Application Data Sheet
Attachment 4: Zoning By-law

Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements Condominium 4314 Kingston Road Applicant's Submitted Drawing

Not to Scale 
8/20/2007

File # 07-173368 CD

Attachment 2: Draft Plan Approval Conditions

This approval applies to Plan Number 06-059, prepared by Laurence J. Kuelling, or Guido Papa Surveying Limited and dated October 10, 2006.

- (1) The City solicitor shall provide written confirmation that satisfactory arrangements have been made regarding the land division tool to create the freehold parcels (POTL's) necessary for the registration of the Common Elements Condominium Corporation.
- (2) The owner shall provide to the Director Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto.
- (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 Scarborough District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (5) The owner shall file with the Director of Community Planning, Scarborough District, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:
 - (i) Schedule "A" containing statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and the easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (ii) Schedule "G" being the certification of the project engineer and/or architect that all buildings and structures have been constructed in accordance with the regulations made under the Condominium Act.
- (6) Visitors parking spaces will be clearly delineated on the condominium plan to be registered and the declaration shall contain a clause clearly specifying visitors parking shall form part of the common elements and neither be used by or sold to POTL/unit owners or be considered part of the exclusive use portions of the common elements.
- (7) The Condominium Declaration shall include the following warning clause, "The Owner acknowledges and agrees that garbage pick-up, snow removal and that the ownership and maintenance of internal driveways and streets shall remain the sole obligation of the Condominium Corporation. The City of Toronto will not

maintain or assume the private street or provide municipal services, including garbage and snow removal”.

- (8) 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: 07 173368 ESC 43 CD
 Details: Common Elements Application Date: April 25, 2007

Municipal Address: 4314 KINGSTON RD, TORONTO ON M1E 2M8
 Location Description: CON D PT LT12 **GRID E4306
 Project Description: 39 freehold townhouse development on a common element condominium road.

Applicant: PLANTACTICS **Agent:** **Architect:** **Owner:** GREENCREST INVESTMENTS IN

PLANNING CONTROLS

Official Plan Designation: MUA Site Specific Provision:
 Zoning: PW and HC Historical Status:
 Height Limit (m): 11 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	8385.12	Height:	Storeys:	3
Frontage (m):	58.36		Metres:	11
Depth (m):	150			
Total Ground Floor Area (sq. m):	2606			Total
Total Residential GFA (sq. m):	5312.86		Parking Spaces:	85
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	5312.86			
Lot Coverage Ratio (%):	30.27			
Floor Space Index:	0.6336			

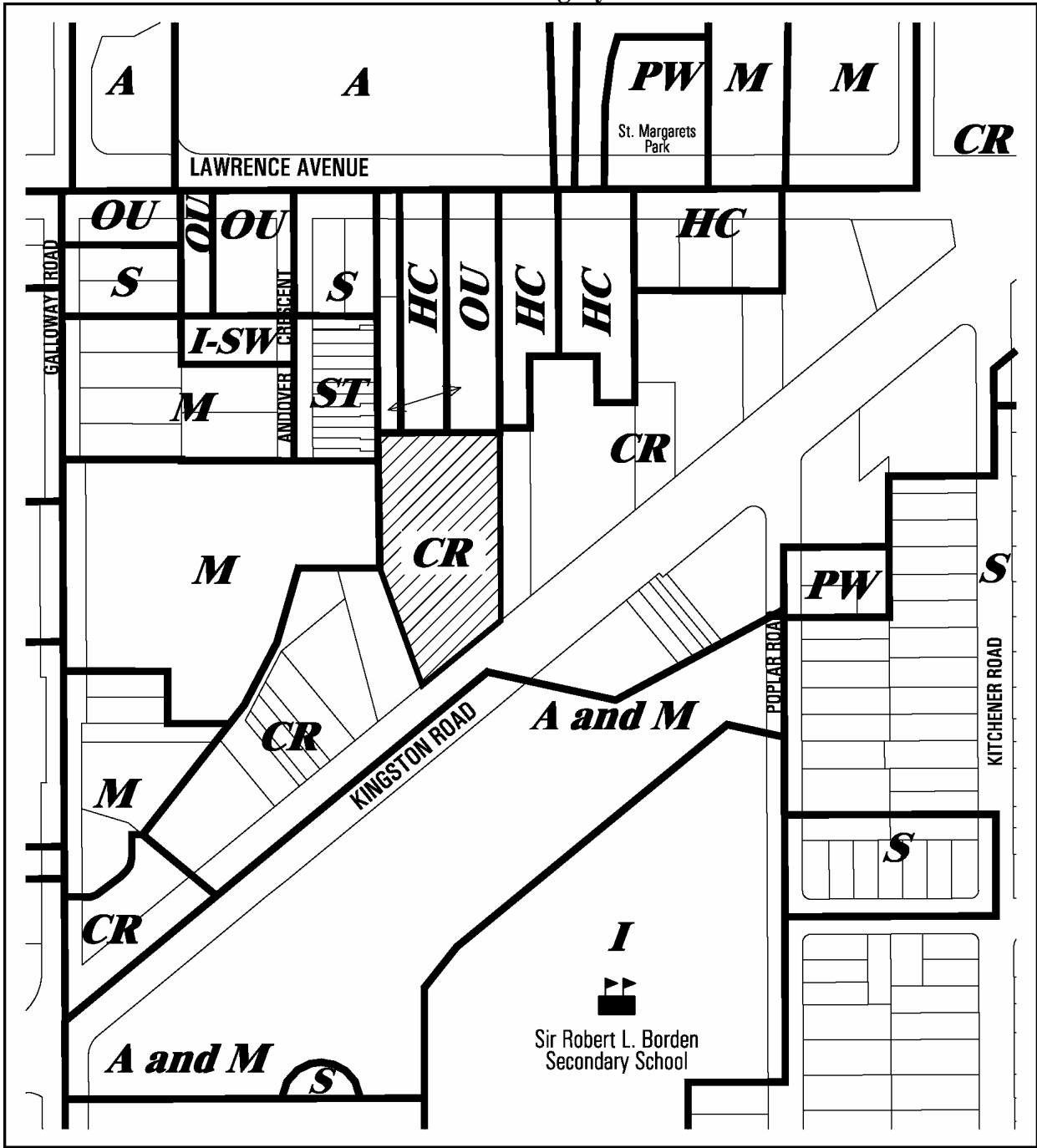
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Freehold		
			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	5312.86	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:	39	Institutional/Other GFA (sq. m):	0	0
Total Units:	39			

CONTACT: **PLANNER NAME:** John Lyon, Planner
TELEPHONE: (416) 396-7018

Attachment 4: Zoning By-law



TORONTO City Planning Division
Zoning

4314 Kingston Road
 File # 07-173368 CD

- | | |
|--|--|
| S Single-Family Residential | HC Highway Commercial |
| ST Street Townhouse Residential | OU Office Uses |
| M Multiple-Family Residential | I Institutional Uses |
| A Apartment Residential | I-SW Institutional-Social Welfare |
| CR Commercial/Residential | PW Place(s) of Worship |

West Hill Community Bylaw
 Not to Scale
 8/14/07

