

**350 Danforth Road – Common Elements Condominium
Application – Final Report**

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| Date: | August 23, 2007 |
| To: | Scarborough Community Council |
| From: | Director, Community Planning, Scarborough District |
| Wards: | Ward No. 35 – Scarborough Southwest |
| Reference Number: | File No. 07 225756 ESC 35 CD |

SUMMARY

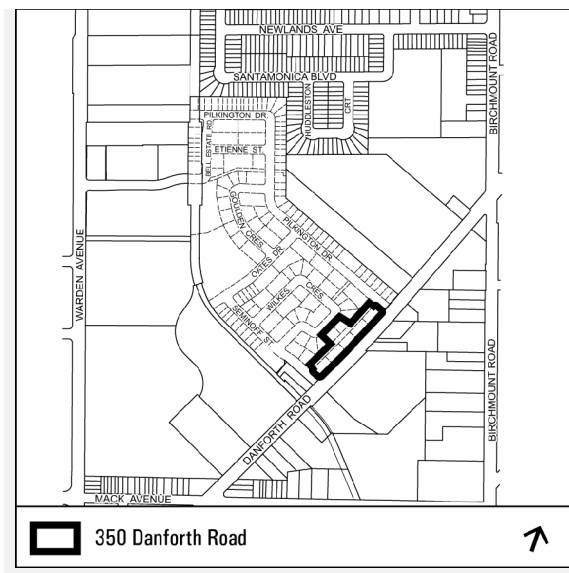
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of an application for a draft plan of common elements condominium for a residential development consisting of 50 proposed freehold townhouses with driveway access from a private rear lane on a portion of the property known as 350 Danforth Road.

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

The related Official Plan and Zoning By-law Amendment Application No. 03 035270 ESC 35 OZ and Draft Plan of Subdivision Application No. 04 117084 ESC 35 SB sought approval for the development of the overall site at 350 Danforth Road with a residential subdivision including a public park. These applications were appealed to the Ontario Municipal Board (OMB). A settlement was reached between the Owner and the City, and residential zoning and a plan of subdivision for 350 Danforth Road were approved by the OMB in a series of decisions issued in 2005 and 2007.

Minor variances were granted by the Committee of Adjustment in 2006 altering the form of development to single and semi-detached dwellings on eight blocks zoned for townhouses (Blocks 111, 113-114, and 126-130 on the plan of subdivision). The final unit count for 350 Danforth Road is a total of 446 dwelling units including 50 single-detached, 128 semi-detached, 218 street townhouses and 50 lane townhouses. A subdivision agreement between the City and the Owner was executed on October 25, 2006. The subdivision was registered as Plan 66M-2437 on April 13, 2007.

ISSUE BACKGROUND

Proposal

The proposal consists of 50 townhouses with 4.2 metre (13.8 foot) frontages on Blocks 131-137 of Plan 66M-2437, fronting onto either Danforth Road or the future Wilkes Crescent, with driveway access at the rear of each dwelling unit from a private lane (Block 144). The future townhouse units will have frontage on public roads, and therefore are proposed to be a freehold condominium with the private lane as the common element feature. Municipal sewer and water infrastructure are located within the private lane, and have been protected through the granting of an easement in favour of the City of Toronto. Refer to Attachment No. 4 for the project data.

Site and Surrounding Area

The subject property is situated on the north side of Danforth Road between Warden Avenue and Birchmount Road. Construction of the approved residential subdivision has commenced.

The portions of 350 Danforth Road which are the subject of the current application for a common elements condominium include five blocks on the north side of Danforth Road and two blocks on the south side of the future Wilkes Crescent, separated by the private lane.

The property at 350 Danforth Road is bounded on the east by the TTC Birchmount Bus Garage and on the north by an existing residential neighbourhood. Industrial uses, the proposed residential subdivisions at 300 Danforth Road and 671 Warden Avenue, and the historic Bell Estate house are located west of the site. Industrial uses in the Oakridge Employment District are located on the south side of Danforth Road.

Official Plan

The subject property is designated as Neighbourhoods in the Warden Woods Community Secondary Plan. These areas are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Development within Neighbourhoods will respect and reinforce the physical patterns and character of the neighbourhood. Zoning by-laws will contain numerical site standards for matters such as building type and height, density, lot sizes, lot depths, lot frontages, parking, building setbacks from lot lines, landscaped open space and any other performance standards to ensure that new development will be compatible with the physical character of established residential neighbourhoods.

Zoning

The subject portions of 350 Danforth Road are zoned Townhouse Residential (TH). The uses permitted in the TH zone include townhouse dwellings, correctional group homes and group homes, in addition to private home day care as an ancillary use.

Site Plan Control

Site Plan Approval Application No.07 225747 ESC 35 SA for the subject 50 townhouses has been submitted and is under review.

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 application for a common elements condominium is necessary for providing ongoing shared ownership and maintenance of the rear private lane, and is appropriate for the orderly development of the lands. The conditions of draft plan of condominium approval (Attachment 2) require the individual freehold parcels to be created before registration of the Common Elements Condominium Corporation. This will require the applicant to file

either an application for Part Lot Control exemption or for Consent to Sever. The applicant is also required to include a warning clause within the condominium declaration advising that the City will not provide maintenance services for the common element private lane, including snow removal, repairs, and water, sewers, etc. (save and except matters pertaining to the municipal service easement).

Approval of this application will represent another step in the implementation of a 50-unit townhouse rear lane, common elements condominium development approved through the subdivision draft plan approval granted by the Ontario Municipal Board on Nov. 10, 2005.

CONTACT

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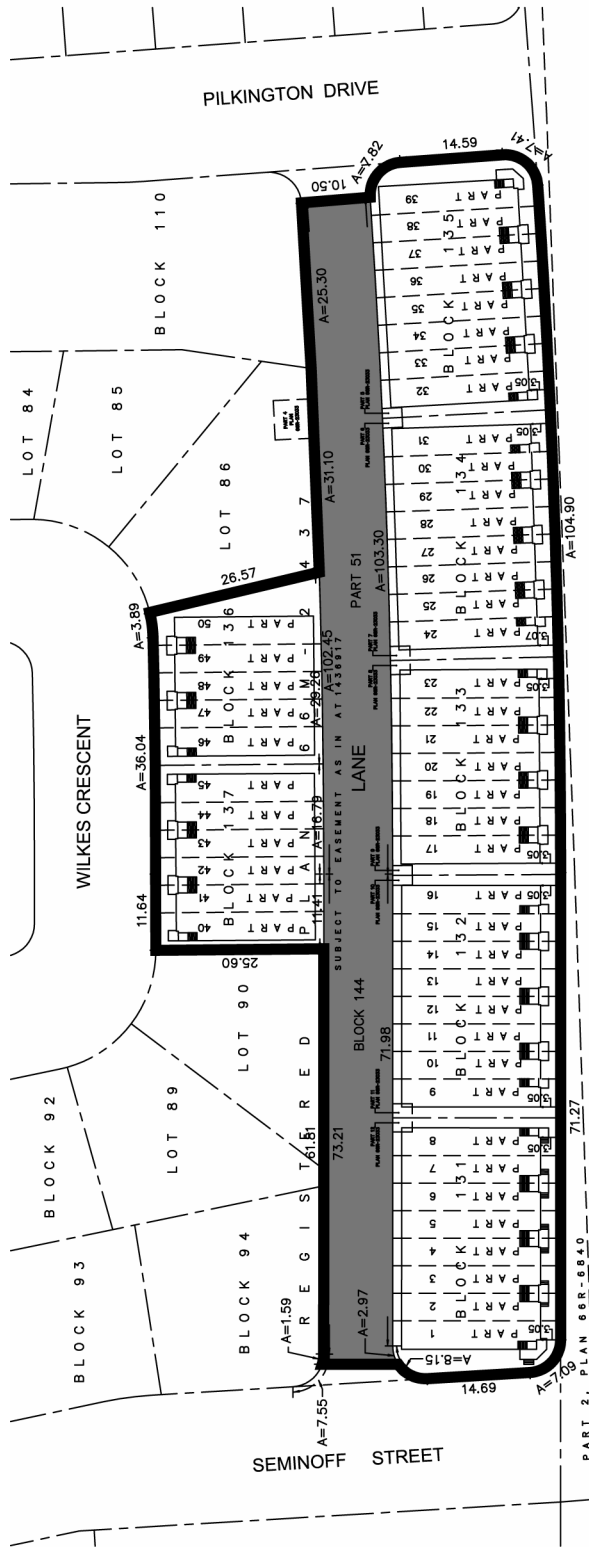
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

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

Attachment 1: Draft Plan of Common Elements Condominium



TORONTO City Planning Division
Draft Plan of Common Elements Condominium

350 Danforth Road

File # 07-225756 CD

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 6/21/07

Common Elements of Condominium

Location of Application



Attachment 2: Draft Plan Approval Conditions

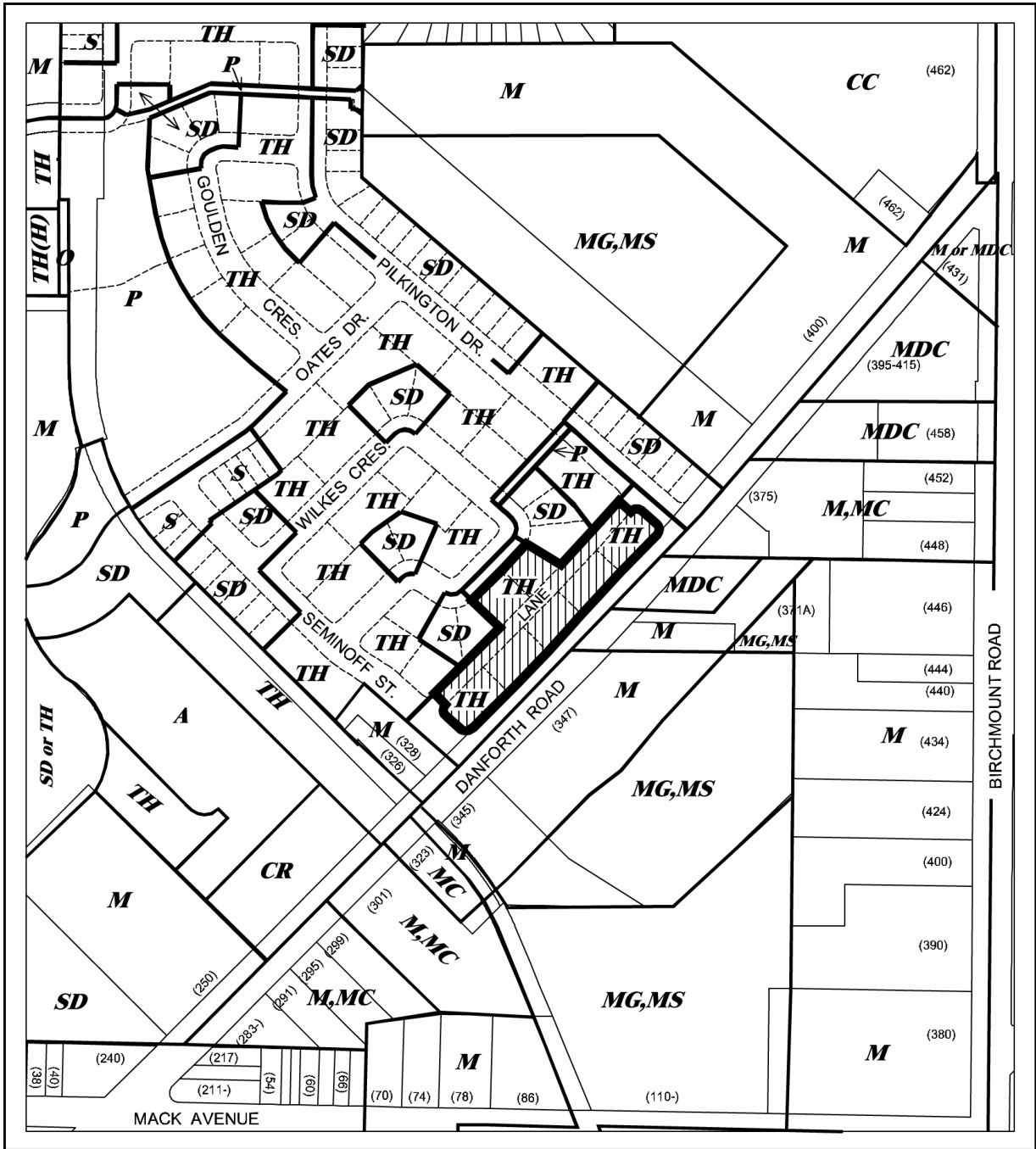
These approval conditions apply to Draft Plan of Common Elements Condominium of Part of Block 144 Registered Plan 66M-2437

- (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 pursuant to approval of Site Plan Control application 07 225747 ESC 35 SA shall be 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) The Owner agrees to construct, within the common elements condominium and providing direct connection to adjacent public streets, the 10.5 metres lane with a minimum pavement of 6.0 metres and 1.5 metres sidewalk on one side prior to occupancy in accordance with the requirements and conditions of the Subdivision Agreement, dated October 25, 2006, and all engineering drawings accepted by Technical Services, prepared by Sernas Associates, dated November 15, 2006.
- (7) The Condominium Declaration must include the following warning clause: "All owners and tenants/future purchasers acknowledge and agree that snow removal and the ownership and maintenance of the private lane and driveways shall

remain the sole responsibility of the Condominium Corporation under the provisions of the Common Elements Condominium Act and the City of Toronto will have no jurisdiction and further liabilities within this private lane and driveways with the exception of water and sewer within the City easement”. The City of Toronto will not agree to accept this lane as a public lane.

- (8) The Condominium Declaration must include the following warning clause: “All owners and tenants/future purchasers acknowledge and agree that maintaining the private lane and driveways unobstructed to ensure safe operations within this private development, and in the event of insufficient on site snow storage, contracting for private snow removal from the site shall remain the sole responsibility of the Condominium Corporation.”
- (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: Zoning



TORONTO City Planning Division
Zoning

350 Danforth Road

File # 07 225756 CD

| | | | |
|---|---|--------------------------------------|--|
|  Location of Application | TH Townhouse Residential Zone | (H) Holding Provision | MG General Industrial Zone |
| S Single-Detached Residential Zone | A Apartment Residential Zone | CC Community Commercial | MS Special Industrial Zone |
| SD Semi-Detached Residential Zone | CR Commercial / Residential Zone | M Industrial Zone | MDC Industrial District Commercial Zone |
| | P Park | MC Industrial Commercial Zone | |

Not to Scale
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 7/11/07

Attachment 4: Application Data Sheet

| | | | |
|------------------|----------------------|---------------------|---------------------|
| Application Type | Condominium Approval | Application Number: | 07 225756 ESC 35 CD |
| Details | Common Elements | Application Date: | May 31, 2007 |

Municipal Address: 350 DANFORTH RD, TORONTO ON M1L 3X7
 Location Description: CON B PT LOT 31, 32 AND RP 66R3730 PART 1 PLAN M572 PT BLK A
 **GRID E3507
 Project Description: Draft Plan of Common Elements Condominium Application for 50 rear lane townhouses on Blocks 131-137, Plan 66M-2437 (Phase 3).

| | | | |
|---------------------|---------------|-------------------|-----------------------|
| Applicant: | Agent: | Architect: | Owner: |
| MONARCH CORPORATION | | | 2BRNOT2B HOLDINGS INC |

PLANNING CONTROLS

| | | |
|----------------------------|--------------------------|---------------------------|
| Official Plan Designation: | Neighbourhoods | Site Specific Provision: |
| Zoning: | TH-Townhouse Residential | Historical Status: |
| Height Limit (m): | 0 | Site Plan Control Area: Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------|---------|-----------------|--------------|
| Site Area (sq. m): | 0 | Height: | Storeys: | 3 |
| Frontage (m): | 0 | | Metres: | 13.5 |
| Depth (m): | 0 | | | |
| Total Ground Floor Area (sq. m): | 0 | | | Total |
| Total Residential GFA (sq. m): | 9678.82 | | Parking Spaces: | 50 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks: | 0 |
| Total GFA (sq. m): | 9678.82 | | | |
| Lot Coverage Ratio (%): | 0 | | | |
| Floor Space Index: | 0 | | | |

DWELLING UNITS

| | |
|--------------|----------|
| Tenure Type: | Freehold |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 0 |
| 2 Bedroom: | 0 |
| 3 + Bedroom: | 50 |
| Total Units: | 50 |

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|----------------------------------|---------|-------------|-------------|
| Residential GFA (sq. m): | 9678.82 | 9678.82 | 0 |
| Retail GFA (sq. m): | 0 | 0 | 0 |
| Office GFA (sq. m): | 0 | 0 | 0 |
| Industrial GFA (sq. m): | 0 | 0 | 0 |
| Institutional/Other GFA (sq. m): | 0 | 0 | 0 |

CONTACT: **PLANNER NAME:** **Ruth Lambe, Senior Planner**
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