

**1214 Royal York Road – Common Elements  
Condominium Application – Final Report**

<b>Date:</b>	May 6, 2011
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 4 – Etobicoke Centre
<b>Reference Number:</b>	11 146100 WET 04 CD

**SUMMARY**

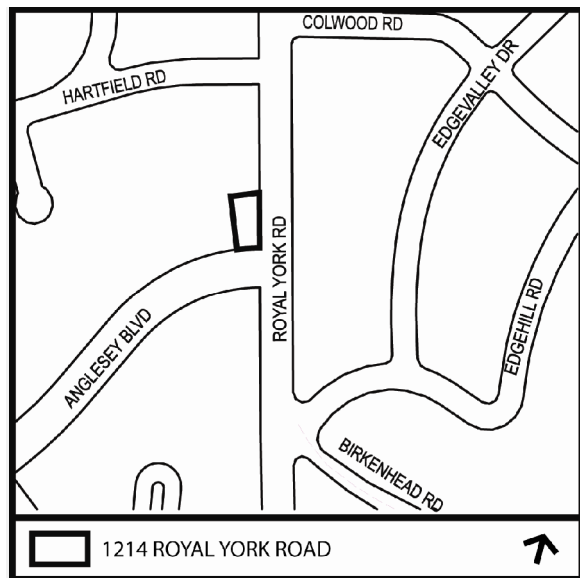
This application for a Common Elements Condominium proposes to create a common driveway for five (5) townhouse units at 1214 Royal York Road. The proposed driveway is necessary to provide vehicular access to the private garages for each townhouse unit.

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 for the lands located at 1214 Royal York Road, as generally illustrated on Attachment 1, subject to:
  - (a) the conditions as generally listed in Attachment 2 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The proposed Common Elements Condominium is associated with recently approved applications for:

- Consent (File No. 09 186546): final approval issued on March 10, 2011);
- Minor Variances (File Nos. 09 186551, 09 186552, 09 186553, 09 186554, 09 186555): all approved on March 25, 2010; and
- Site Plan Control (File No. 10 156519): approved on July 21, 2010.

These applications all have the effect of allowing a five-unit freehold townhouse development.

### **ISSUE BACKGROUND**

#### **Proposal**

The proposed Common Elements Condominium consists of a 5.5 metre driveway to provide access to five (5) private garages located on ground level and attached to the rear of each townhouse. The driveway is mainly covered by a second storey wooden deck that provides each townhouse with private outdoor amenity space in the rear yard. The Common Elements Condominium is limited to the driveway. The second storey deck is part of the freehold component that also includes the townhouses, side yards, and front yards.

The common driveway provides direct access to Anglesey Boulevard, which flanks the southerly side yard of the subject site. The total length of the common element is 38.5 metres.

Refer to Attachment 1: Draft Plan of Common Elements Condominium.

## **Site and Surrounding Area**

The proposed common element driveway traverses the rear yard of 1214 Royal York Road, a property located at the northwest corner of Royal York Road and Anglesey Boulevard that has 41.9 metres of frontage on Royal York Road, 18.3 metres of frontage on Anglesey Boulevard, and an area of 766 square metres. The property shall be divided into five (5) freehold properties via the approved Consent application and one (1) common element condominium component for the driveway.

1214 Royal York Road was previously occupied by a 2.5 storey multi-unit residential building that contained five (5) dwellings that were demolished in 2010. The site has a very gentle slope from south to north, with a total change in elevation of approximately one (1) metre.

The subject site is located in Humber Valley Village, an established residential neighbourhood. Single-family detached houses are located along Royal York Road to the north and south, as well as on the local roads east of Royal York Road and north of the subject site. Low-rise multi-unit residential buildings are found west of the subject site along Anglesey Boulevard.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The proposal is consistent with the Provincial Policy Statement (PPS). Section 1.1.3.3 of the PPS states: "Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated..." The proposed townhouse development represents a minor form of intensification since the floor space index (i.e. density) is being increased compared to the recently demolished 5-unit residential apartment building, although the number of residential units is being maintained at five (5) dwellings. The proposed Common Elements Condominium is a necessary component of the townhouse development.

## **Growth Plan for the Greater Golden Horseshoe**

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.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Policy 2.2.2.1(a) indicates that population growth will be accommodated by "directing a significant portion of new growth to the *built-up areas* of the community through *intensification*." The proposed townhouse development represents minor intensification because even though the number of units is being maintained at five (5) dwellings, the townhouse units are larger than the recently demolished apartment units and therefore the townhouses have the potential to house more residents in each unit. The proposed Common Elements Condominium is a necessary component of the townhouse development.

### **Official Plan**

The subject site is designated *Apartment Neighbourhoods*, which is primarily made up of apartment buildings, as well as parks, local institutions, cultural and recreational facilities, and small-scale retail, service, and office uses. The new townhouse development on the subject site will provide an appropriate transition to the adjacent *Neighbourhoods* designation to the north, east, and south since it represents a stepping down of scale and density compared to the multi-unit residential buildings to the west on Anglesey Boulevard.

The proposed common element driveway is appropriately screened from adjacent residential uses by the second-storey deck, thereby addressing policy 4.2.2: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by: (e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences."

### **Zoning**

The subject site is zoned *Fourth Density Residential (R4)* as per the Etobicoke Zoning Code. This zone permits a range of low-density and medium-density residential uses, including detached dwellings, semi-detached dwellings, and apartment houses. Minor Variance applications (File Nos. 09 186551, 09 186552, 09 186553, 09 186554, 09 186555) to allow townhouse dwellings on the subject site were approved in March 2010.

The proposed common element driveway complies with all applicable zoning standards.

### **Site Plan Control**

A Site Plan Control application (File No. 10 156519) to allow the proposed townhouse development was approved with conditions on July 21, 2010. The approved Site Plan indicated the common driveway.

## **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**

City staff have reviewed the proposed Common Elements Condominium and have no objections. Technical Services have provided conditions of approval as indicated in Sections 7, 8, 9, 10, and 11 of Attachment 2: Draft Plan Approval Conditions.

## **Conclusion**

The location and design of the common driveway has already been approved through the Site Plan Control process. The proposed Common Elements Condominium is a suitable method for the townhouse residents to share the driveway and gain access to their private garages. This report recommends approval of the Draft Plan of Common Elements Condominium.

## **CONTACT**

Michael McCart, Senior Planner  
Tel. No. (416) 394-8228  
Fax No. (416) 394-6063  
E-mail: mmccart@toronto.ca

Thomas Rees, Planner  
Tel. No. (416) 394-8208  
Fax No. (416) 394-6063  
E-mail: trees2@toronto.ca

## **SIGNATURE**

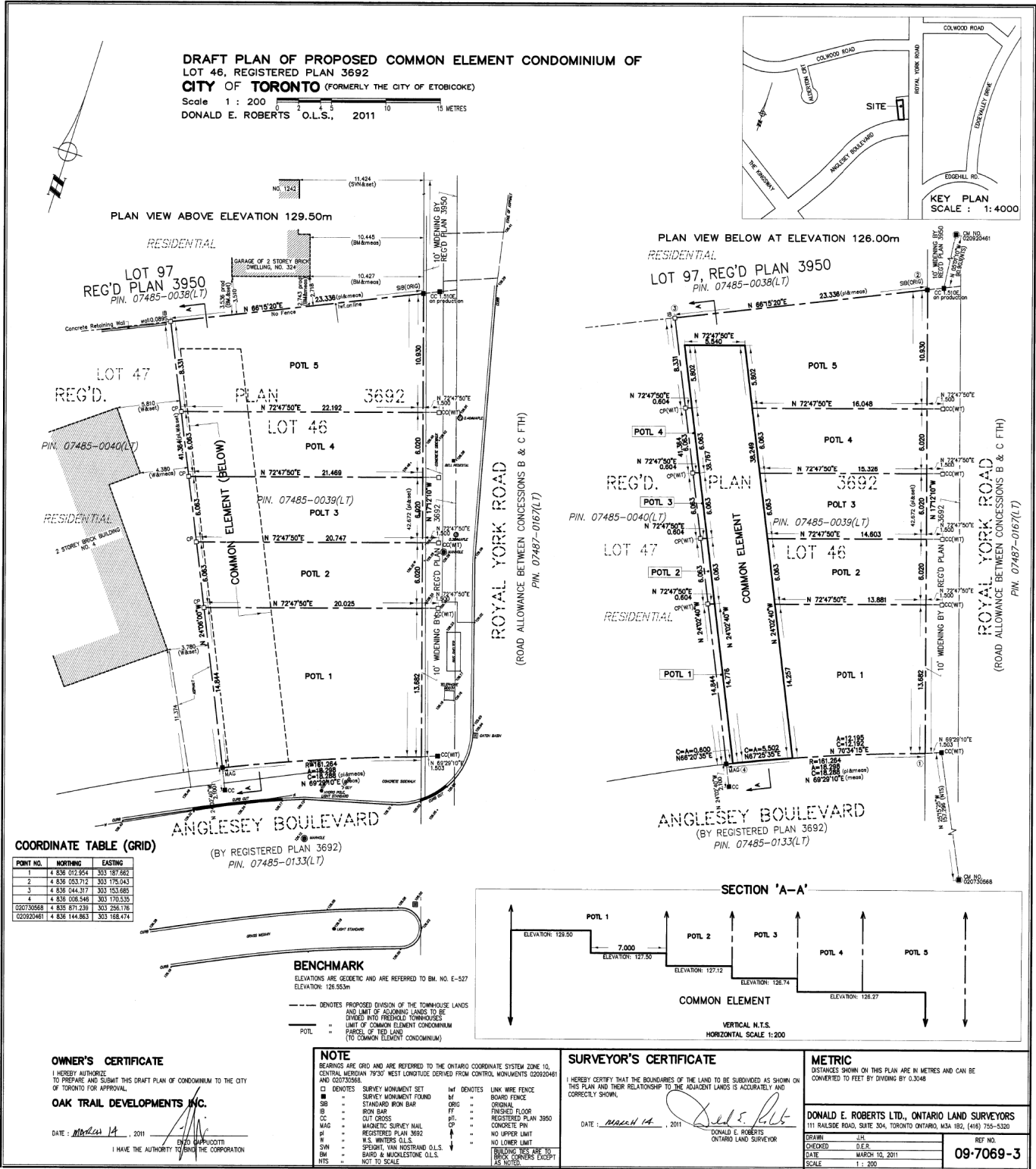
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Thomas C. Keefe  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium  
Attachment 2: Draft Plan Approval Conditions

# Attachment 1: Draft Plan of Common Elements Condominium



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

- (1) The owner shall provide to the Director Community Planning, Etobicoke 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, Etobicoke 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.
- (7) The owner shall provide a copy of the Disclosure Statement and Declaration and Description for the review and comment of the Executive Director of Technical Services.
- (8) Prior to the release of the condominium for registration, the declarant's consulting engineer shall certify to the Executive Director of Technical Services that the sewer services in the driveway and easement (refer to condition 10 below) have been constructed and are operable and that the driveway has been completed or constructed to base course asphalt.
- (9) Prior to registration of the Common Element Condominium the consulting engineer shall certify that all elements under the control of the Common Element

Condominium are within the boundaries of the common element property and easement described in the Condominium Declaration.

- (10) The Condominium Declaration and Description shall include an easement in favour of the Common Element Condominium (PART 6) over PART 5 (Plan of Survey of Registered Plan 3692) for the purposes of installing, maintaining, repairing and replacing the sanitary sewer facilities that serve the common element condominium.
- (11) The owner shall provide a Reference Plan illustrating an easement over PART 5 in favour of the Common Element Condominium (PART 6) as noted in condition 10.