

**2 and 4 Dale Avenue – Common Elements Condominium
Application – Final Report**

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|--------------------------|---|
| Date: | May 18, 2012 |
| To: | Scarborough Community Council |
| From: | Acting Director, Community Planning, Scarborough District |
| Wards: | Ward 36 – Scarborough Southwest |
| Reference Number: | 11 218962 ESC 36 CD |

SUMMARY

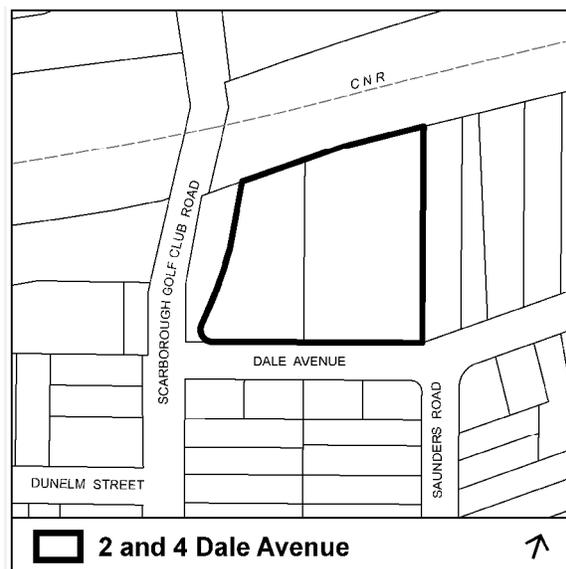
This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to create a common element condominium to provide legal access to the individual garages of 34 semi-detached units and 2 single-detached units, and ensure shared ownership and maintenance of the driveway, 7 visitor parking spaces, landscaped areas and associated facilities, by the condominium corporation.

A consent application has been filed to create the individual parcels of tied land (POTL's).

The development is currently under construction.

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 at 2 and 4 Dale Avenue 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

This development, currently under construction, was subject to a zoning amendment application (File: 99 036035 ASC 36 OZ) originally submitted in October 1999 to permit 36 townhouse units. The application was appealed to the Ontario Municipal Board (OMB) and received approval in November 2001. The approved zoning includes permissions for townhouses as well as semi-detached and single-detached dwellings.

This development was also subject to a site plan control application (05 127681 STE 36 SA). The ownership of the lands changed in December 2009 and the new owner entered into a site plan agreement with the City, which was registered on title on October 20, 2011. The OMB issued a final order approving the zoning by-law to implement the development in November 2011 following registration of the site plan agreement.

ISSUE BACKGROUND

Proposal

The development consists of 36 residential dwelling units, comprised of 34 semi-detached dwellings, and 2 single-detached dwellings each with individual garages, fronting onto a private driveway. The driveway is in the shape of a horseshoe having access to Dale Avenue at two separate locations (see Attachment 1). None of the individual units have direct vehicular access to Dale Avenue. City refuse collection is intended to occur from the common driveway, and storage of refuse bins is intended to be accommodated within the garages of the individual units. Refer to Attachment 3 for project data.

The common element component of the development is comprised of the access driveway, seven visitor parking spaces, a landscaped berm adjacent to the railway line which is directly north of the site, a small landscaped play space, acoustical walls abutting the landscaped area, and fire hydrants.

Maintenance easements for portions of the site including the acoustical walls between dwellings, the privacy fencing along both the east and west property lines, the decorative fencing and associated landscaping along Dale Avenue and the lead to the catchbasin are proposed.

Easements have also been registered for on-site utilities as well as one for noise and vibration emissions from the abutting rail line in favour of Metrolinx.

Site and Surrounding Area

The site is situated on the north side of Dale Avenue, and on the east side of Scarborough Golf Club Road. The subject site has a frontage of approximately 114 metres (374 feet) on Dale Avenue and a site area of approximately 1.09 hectares (2.7 acres).

Abutting land uses include:

- North: GO/Metrolinx rail line, Scarborough Golf Club north of rail line;
- South: Single-detached residential dwellings;
- East: Single-detached residential dwellings; and,
- West: Single-detached residential dwellings and open space adjacent to the rail line on the west side of Scarborough Golf Club Road.

Provincial Policy Statement and Provincial Plans

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 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 these plans.

Official Plan

The subject lands are designated as "Neighbourhoods" in the Official Plan. "Neighbourhoods" consist of generally low-scale residential buildings, as well as community uses, parks, schools and small-scale stores to serve the needs of area residents. Development within "Neighbourhoods" must respect and reinforce the existing physical character of the neighbourhood. The proposal conforms to the policies of the Official Plan.

The Official Plan is available on the City's web site at:

http://www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The Scarborough Village Community Zoning By-law No. 10010, as amended, zones the subject lands Multiple-Family Residential (M). This zone permits a variety of residential uses including single-family dwellings, two-family dwellings, multiple-family dwellings, as well as day nurseries, nursing homes and other similar uses. The proposal conforms to the Scarborough Village Community Zoning By-law.

Site Plan Control

The lands at 2 and 4 Dale Avenue are subject to site plan control. A site plan application (05 127681 ESC 36 SA) was submitted in April 2005. A site plan agreement between the owner and the City was registered on title in October 2011.

Land Division

The 36 individual parcels of land, or Parcels of Tied Land (POTL's) upon which the dwelling units are situated are intended to be created by consent application. The owner has filed a consent application. Approval from the Committee of Adjustment will be required.

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 draft plan of common element condominium is necessary to provide legal access to the individual garages of 34 semi-detached and 2 single-detached dwellings units, and ensure shared ownership and maintenance of the driveway; 7 visitor parking spaces; landscaped areas and associated facilities by the condominium corporation and is appropriate for the orderly development of the subject lands.

Approval at the OMB of the zoning by-law amendment predated the Development Infrastructure Policy & Standards (DIPS), but the 6-metre-wide driveway is sufficient to accommodate municipal refuse collection and fire trucks, and a 1.7-metre-wide sidewalk has also been provided along one side of the proposed driveway.

CONTACT

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SIGNATURE

Victor Gottwald, Acting Director
Community Planning, Scarborough District

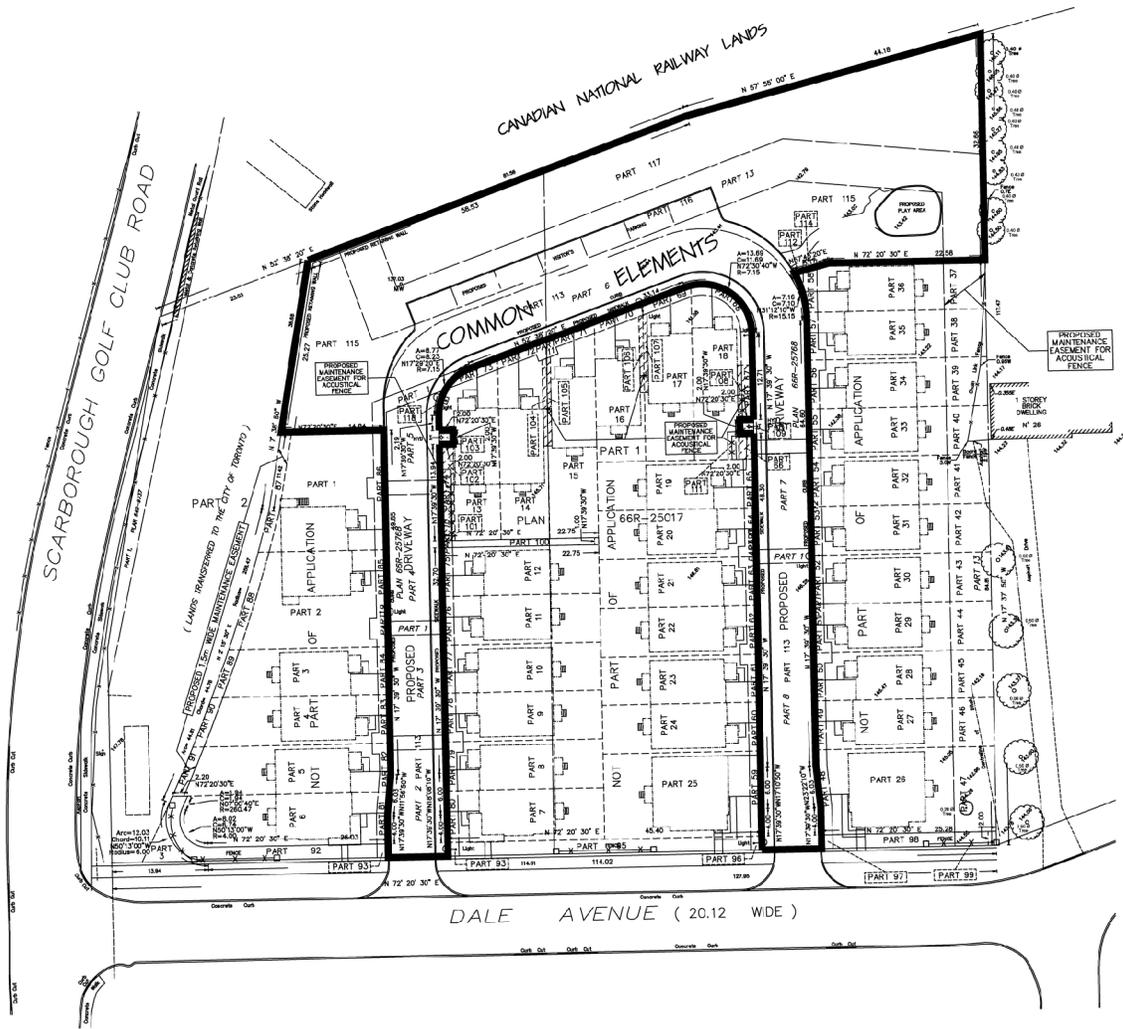
ATTACHMENTS

Attachment 1: Draft Plan of Condominium: Common Elements

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



 Area of Condominium Common Elements

Draft Plan of Condominium Common Elements

2 and 4 Dale Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 11 218962 ESC 36 CD

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director Community Planning, Scarborough 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, Scarborough 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:
 - (a) the Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;
 - (b) the City will be notified of any required changes prior to registration; and
 - (c) 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 Declaration and Description shall contain wording, to the satisfaction of the Director of Community Planning, Scarborough District, advising future owners of the requirements that:
 - (a) "All owners and future tenants/purchasers acknowledge and agree that snow removal and the ownership and maintenance of private driveways shall remain the sole responsibility of the condominium corporation and the City of Toronto will not own, operate or maintain any common element facilities including private roads and services and will retain no future liability within private driveways."
 - (b) "All owners and future tenants/purchasers acknowledge and agree that 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."

- (c) "All owners and future tenants/purchasers acknowledge and agree that the maintenance of the common element areas within shall remain the sole responsibility of the condominium corporation."
 - (d) "All owners and future tenants/purchasers acknowledge and agree that outdoor storage of refuse materials, recycling materials, refuse containers and recycling containers within all common element condominium areas is strictly prohibited and that enforcement of these outdoor storage restrictions shall remain the sole responsibility of the condominium corporation."
 - (e) "All owners and future tenants/purchasers acknowledge and agree that refuse containers and recycling containers shall not be stored outside of the dwelling units/buildings."
- (7) The owner shall provide the following to the satisfaction of the Executive Director of Technical Services prior to the release of the final plan for condominium registration:
- (a) Prior to the registration of the common elements condominium corporation for the 36 unit residential development at 2 and 4 Dale Avenue, the owner is to design and install water metering to the satisfaction of the Executive Director of Technical Services. Certification shall be required from the Professional Engineer who designed the metering system, confirming that the metering infrastructure is installed and constructed in accordance with the design plans approved by the Executive Director of Technical Services.
 - (b) Provide certification to the Executive Director of Technical Services, from the Professional Engineer who designed the retaining walls, that the walls were constructed in accordance to the accepted drawings.
 - (c) Provide certification to the Executive Director of Technical Services, from the Professional Engineer who designed and supervised the construction, confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
 - (d) The owner is to confirm that all the hydrants, valves and all water supply related appurtenances form a part of the common elements of the condominium.
 - (e) Ensure that the future maintenance of all rear lot catch basins and leads are covered through private easements.

- (f) Submit the supporting documentation /drawings and fulfill all requirements for the installation and the subsequent assumption of the storm water infrastructure within the Toronto Water Easement, to the satisfaction of the Executive Director of Technical Services.
 - (g) Provide the City with a video inspection of the storm water infrastructure installed within the Toronto Water easement.
 - (h) The owner is to confirm the removal of all existing accesses, curb cuts and traffic control signs, along the development site frontage, that are no longer required and the reinstatement of the curb, gutter and boulevard within the City of Toronto right of way, in accordance with the City of Toronto Standards, policies and By-Laws.
 - (i) The declarant will create easements as required, over the Parcels of Tied Land (POTL's).
 - (j) The owner is to confirm that any changes affecting the drainage to/from the railway corridor has been substantiated by a drainage study, to the satisfaction of Metrolinx.
 - (k) The owner is to confirm that a 1.83 m chain link fence has been installed along the mutual property line with Metrolinx.
 - (l) The owner is to confirm if a clause has been inserted into the Agreement of Purchase and Sale for units 1 to 6 inclusive, regarding the City's future intent to construct a temporary road adjacent to the westerly limit of their property for the purpose of constructing a future grade separation of Scarborough Golf Club Road at the railway.
- (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

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|------------------|----------------------|---------------------|---------------------|
| Application Type | Condominium Approval | Application Number: | 11 218962 ESC 36 CD |
| Details | Common Elements | Application Date: | June 15, 2011 |

Municipal Address: 2 and 4 DALE AVE
 Location Description: PLAN 2320 PT LOTS 58 and 59 **GRID E3607
 Project Description: Common Element Condominium. Related Site Plan Control Application file no. 05 127681 ESC 36 SA completed.

| | | | |
|-------------------|---------------|-------------------|---------------------|
| Applicant: | Agent: | Architect: | Owner: |
| ICON HOMES INC | | | 2221023 ONTARIO INC |

PLANNING CONTROLS

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

PROJECT INFORMATION

| | | | | |
|------------------------------------|----------|-----------------|--------------|-----------|
| Site Area (sq. m): | 10966.47 | Height: | Storeys: | 3 |
| Frontage (m): | 114.01 | | Metres: | 0 |
| Depth (m): | 117.47 | | | |
| Total Ground Floor Area (sq. m): | | | Total | |
| Total Residential GFA (sq. m): | 6679.86 | Parking Spaces: | | 7 visitor |
| Total Non-Residential GFA (sq. m): | | Loading Docks | | 0 |
| Total GFA (sq. m): | | | | |
| Lot Coverage Ratio (%): | | | | |
| Floor Space Index: | | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| Tenure Type: | Condo, Freehold | | Above Grade | Below Grade |
|--------------|-----------------|----------------------------------|-------------|-------------|
| Rooms: | 0 | Residential GFA (sq. m): | 6679.86 | 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: | 36 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 36 | | | |

CONTACT: **PLANNER NAME:** Andrea Reaney, Planner
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