

**1183 Queen St E– Common Elements Condominium
Application – Final Report**

Date:	May 4, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	12 132458 STE 30 CD

SUMMARY

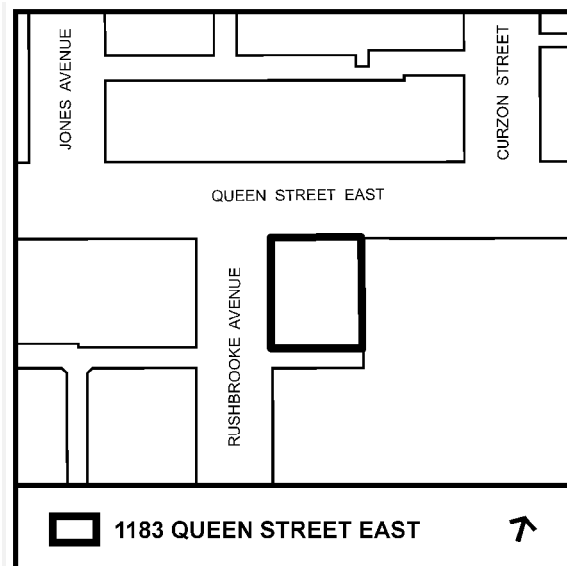
The application for common elements condominium proposes a private driveway, walkway and other common elements on the lands municipally known as 1183 Queen Street East. The application is required to provide legal access to the individual units and to ensure the ongoing shared ownership and maintenance of all the common elements.

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 1183 Queen Street East, as generally illustrated on Attachment 1 to the report (May 4, 2012) from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally



listed in Attachment 2 to the report (May 4, 2012) from the Director, Community Planning, Toronto and East York District, 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

In 2010, the applicant submitted applications for Site Plan Approval and Committee of Adjustment to sever the 1183 Queen Street East lot to create 1 commercial/residential lot, 10 townhouse lots and 2 future common element parcels. Minor variance applications were also submitted for each of the proposed lots to facilitate the construction of a four-storey commercial/residential building and 10 four-storey townhouse dwellings with integral garages at grade. The proposed variances to Zoning By-law 438-86 related to gross floor area, rear, frontage, dwelling height and parking. On August 17, 2011, the Committee of Adjustment refused the application for consent and minor variance.

The applicant appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. On January 6, 2012, the Board approved both the Site Plan Approval and Committee of Adjustment application by Order No. 0949. However, the approval of the consent was subject to a number of conditions to be satisfied within one year of the decision. The applicant has satisfied all the conditions.

Proposal

The proposal is to allow for the registration of a common elements condominium to accommodate the shared ownership and maintenance of the internal driveway, garbage areas and walkways to facilitate the 10 townhouse, 4 apartment and 2 retail units. Refer to Attachment 3 for project data.

Site and Surrounding Area

The property is located at 1183 Queen Street East, on the southeast corner of Rushbrook Street and Queen Street East.

The properties to the north and west of the subject site contain mixed-use buildings. The south adjacent properties along Rushbrook Street contain low-rise single-family residential dwellings, and to the east is a four-storey residential building.

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 be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In the opinion of City Planning Staff, the proposal is consistent with the Provincial Policy Statement and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This site is designated "Mixed Use Areas" in the Official Plan, which permits townhouses in addition to a wide variety of both residential and commercial uses.

Zoning

The subject lands are zoned MCR T2.5 C1.0 R2.0 under the City of Toronto By-law 438-86, which permits the development of the proposed 10 four storey freehold townhouses and one mixed-use building containing 4 rental apartments and 2 retail units on the site.

Site Plan Control

The site plan control application for this development was approved by the Ontario Municipal Board on January 6, 2012, and registered by the City on February 27, 2012.

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.

Common Elements Condominium

The applicant has obtained approval from the Ontario Municipal Board for consent to sever the subject lands for the purpose of creating 10 four storey freehold townhouses and one mixed-use unit containing 4 rental and 2 retail units. The applicant has subsequently satisfied the conditions of approval as attached to the Ontario Municipal Board decision (PL110949). In addition, the applicant has registered a restriction pursuant to Section 118 of the *Land Titles Act* to the satisfaction of the City Solicitor. This restriction is used to prevent the conveyance of the Parcels of Tied Lands (POTLS) until the Common Elements Condominium is registered. Once confirmation is received from the owner that the Common Elements Condominium Plan has been registered, the City Solicitor will

take the necessary steps to remove the Section 118 restriction from the title of the lands thus allowing the lots to be conveyed. The proposed draft plan of Common Elements Condominium for the site conforms to the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Application. As such, the proposed draft plan of Common Elements Condominium is considered appropriate for the orderly development of the property and is recommended for approval.

CONTACT

Jennifer Renaud, Assistant Planner

Tel. No. 416-392-7554

Fax No. 416-392-1330

E-mail: jrenaud2@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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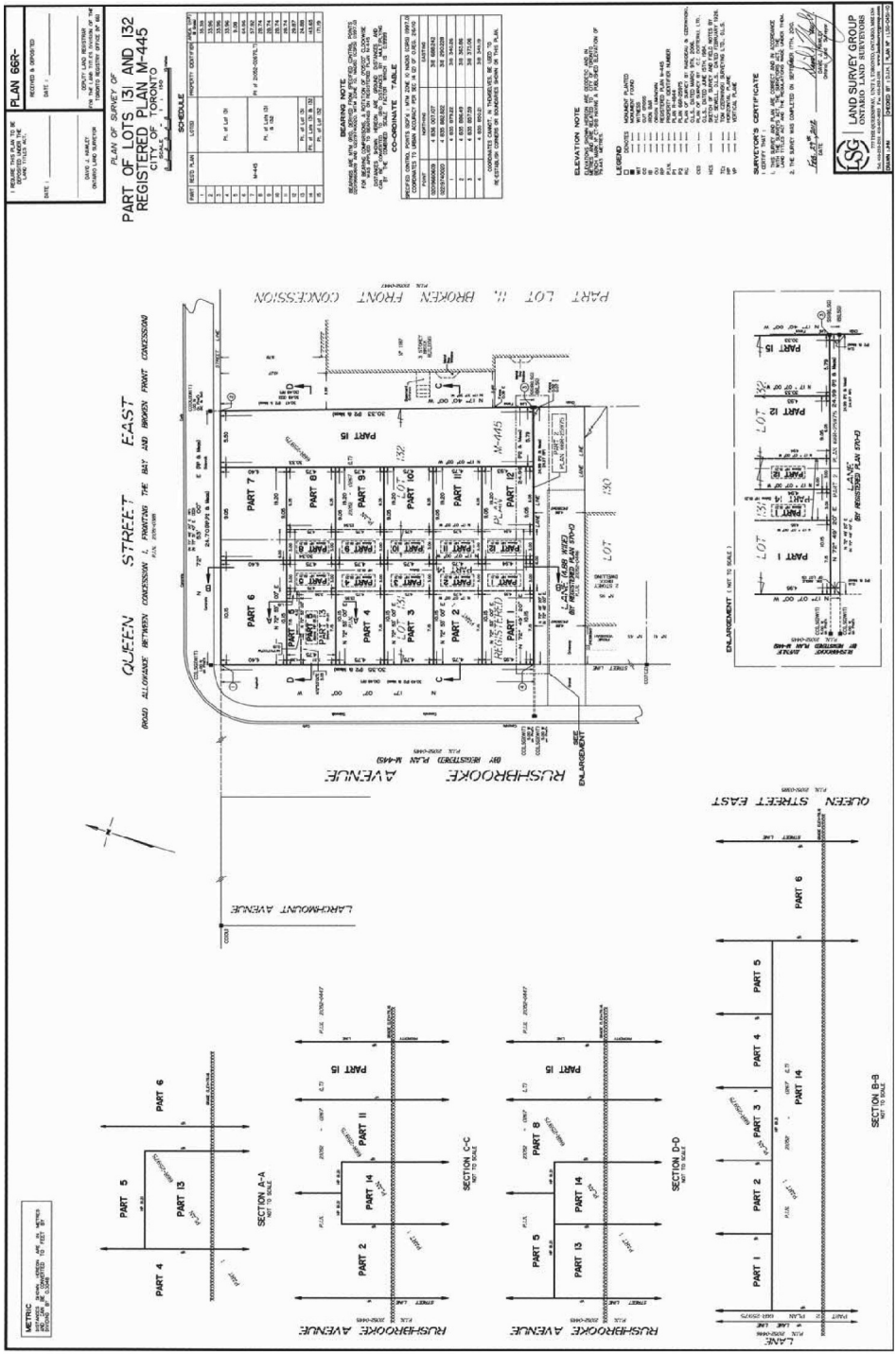
ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



1183 Queen Street East

Draft Plan
Applicant's Submitted Drawing

Not to Scale
05/09/2012

File # 12 132458 CD

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 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) 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.
- (6) The applicant shall include in the condominium declaration that the public land used to access the site will be given low priority for winter maintenance by the City, in accordance with current City policies, and that public lanes are salted only, not ploughed.

Attachment 3: Application Data Sheet

Application Type	Condominium Approval	Application Number:	12 132458 STE 30 CD
Details	Common Elements	Application Date:	March 6, 2012

Municipal Address: 1183 QUEEN ST E
 Location Description: PLAN M445 LOT 131 & 132 **GRID S3013
 Project Description: Condo approval for common elements of proposed 10 four storey freehold townhouses, and a mixed-use building containing 4 rental apartments and 2 retail units.

Applicant:	Agent:	Architect:	Owner:
KLM Planning Partners Inc			1521863 Ontario Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	
Zoning:	MCR T2.5 C1.0 R2.0	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	757.3	Height:	Storeys:	3	
Frontage (m):	24.7		Metres:	14.6	
Depth (m):	30.47				
Total Ground Floor Area (sq. m):	547.2				Total
Total Residential GFA (sq. m):	2077.5		Parking Spaces:	9	
Total Non-Residential GFA (sq. m):	108.4		Loading Docks	0	
Total GFA (sq. m):	2185.9				
Lot Coverage Ratio (%):	71.5				
Floor Space Index:	2.9				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2077.5	0
Bachelor:	0	Retail GFA (sq. m):	108.4	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	14	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	14			

CONTACT: PLANNER NAME: Jennifer Renaud, Assistant Planner
TELEPHONE: 416-392-7554