STAFF REPORT
ACTION REQUIRED

232 and 234 Galloway Road - Draft Plan of Common Elements Condominium Application - Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>August 16, 2011</th>
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<tbody>
<tr>
<td>To:</td>
<td>Scarborough Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Director, Community Planning, Scarborough District</td>
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<tr>
<td>Wards:</td>
<td>Ward 43 – Scarborough East</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>10 133640 ESC 43 CD</td>
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**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.

The draft plan of common elements condominium application (10 133640 ESC 43 CD) proposes to provide legal access to the individual garages of 16 townhouse dwelling units, and ensure shared ownership and maintenance of the driveway, six visitor parking spaces, and landscaped areas, as well as the provision of waste collection services, by the condominium corporation at 232 and 234 Galloway Road.

The development is currently under construction and nearing completion.

This report reviews and recommends approval of the subject application.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of
common elements condominium for the lands at 232 and 234 Galloway 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**
This development, currently under construction, was subject to a zoning by-law amendment application (03 196121 ESC 43 OZ) in November 2003 to permit 16 townhouse dwelling units. Council approved the application and the by-law amendment was enacted on April 14, 2005.

This development was also subject to a site plan control application (03 196130 ESC 43 SA). A site plan agreement between the owner and the City was registered on title on March 16, 2010 as Instrument No. AT2328449.

The applicant submitted minor variance applications (A098/11SC and A099/11SC) in July 2011. The applications sought relief from provisions of the West Hill Community Zoning By-law No.10327, as amended, regarding building setbacks, and maximum building height. The variances were approved by the Committee of Adjustment on July 21, 2011.

The applicant submitted consent applications (B022/11SC and B023/11SC) in July 2011 to create parcels to convey ownership of 16 freehold townhouse units within two townhouse blocks and to create an easement/right-of-way over the private roadway used to access the 16 townhouse units. The consent applications were approved by the Committee of Adjustment on July 21, 2011.

**ISSUE BACKGROUND**

**Proposal**
The development consists of 16 townhouse dwelling units with individual garages and driveways. Access to each unit is proposed to be provided on a common element
driveway which is accessed from Galloway Road. The development also contains six visitor parking spaces, and a small landscaped area. Refuse storage is to be accommodated within the garages of each unit with collection to be provided by a private contractor.

A common elements condominium application has been submitted to guarantee the provision of waste collection and maintenance of the internal driveway, visitors parking and landscaped area, in perpetuity, by the condominium corporation.

**Site and Surrounding Area**

The site is situated on the west side of Galloway Road, northwest of Galloway Road and Lawrence Avenue East. The subject site, which is irregular in shape and consists of both 232 and 234 Galloway Road, has a total frontage of 36.5 metres (120 feet) on Galloway Road and a site area of 3 218 square metres (0.795 acres).

North: townhouse dwellings and open space  
East: St. Margaret's Public School  
West: open space  
South: apartment dwellings and single family dwellings

**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 Toronto 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 Toronto Official Plan.

The Toronto Official Plan is available on the City’s website at:

Zoning
The West Hill Community Zoning By-law No.10327, as amended, zones the subject lands as Multiple-Family Dwellings (M), which permits a wide variety of residential uses including single detached, semi-detached and multiple family dwellings, as well as day nurseries, nursing homes, and other similar uses. The proposal conforms to the West Hill Community Zoning By-law.

Site Plan Control
The lands at 232 and 234 Galloway Road are subject to site plan control. A site plan application (03 196130 ESC 43 SA) was submitted in November 2003, to develop 16 townhouse dwellings.

A site plan agreement between the owner and the City was registered on title on March 16, 2010 as Instrument No. AT2328449.

Land Division
The 16 parcels of land upon which the townhouse units are situated were created via consent applications (B022/11SC and B023/11SC) which were approved by the Committee of Adjustment on July 21, 2011.

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 16 townhouse dwelling units, and ensure shared ownership and maintenance of the driveway, six visitor parking spaces, and landscaped areas, as well as the provision of waste collection services, by the condominium corporation and is appropriate for the orderly development of the subject lands.
CONTACT
Graig Uens, Planner
Tel. No. 416-396-4203
Fax No. 416-396-4265
E-mail: guens@toronto.ca

SIGNATURE

_______________________________
Raymond David, 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 1: Draft Plan of Common Elements Condominium
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:

(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 certification to the Executive Director of Technical Services from the Professional Engineer who designed and supervised the construction, confirming that the grading and site servicing facilities and have been constructed in accordance with the accepted drawings prior to the release of the final plan for condominium registration.

(8) 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 the condominium corporation shall be solely responsible to maintain all common
element areas including private driveways and landscaped areas, with the exception of water and sewer services within a City easement, within this development.

b) All owners and future tenants/purchasers acknowledge and agree that the City of Toronto will not own, operate or maintain any common element facilities and will retain no future liability within common element areas with the exception of water and sewer within the City easement.

c) All owners and future tenants/purchasers acknowledge and agree to maintain the private driveway as unobstructed at all times to ensure safe operations within this development.

d) 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.

e) 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, except on scheduled collection days, and that enforcement of these outdoor storage restrictions shall remain the sole responsibility of the condominium corporation.

f) All owners and future tenants/purchasers acknowledge and agree that parking within all common element condominium areas is strictly prohibited, except within the six visitors parking spaces, and that enforcement of these restrictions shall remain the sole responsibility of the condominium corporation.
Attachment 3: Application Data Sheet

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Condominium Approval</th>
<th>Application Number:</th>
<th>10 133640 ESC 43 CD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details</td>
<td>Common Elements</td>
<td>Application Date:</td>
<td>March 17, 2010</td>
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Municipal Address: 232 AND 234 GALLOWAY RD

Location Description: CON 1 PT LOT 13 RP 66R21638 PART 2 **GRID E4303

Project Description: The purpose of the condominium approval application is to create a common element condominium road to access the previously approved 16 freehold townhouse dwelling units.

Applicant: NORMA WALTON

Agent: HIGHLAND CREEK TOWNS INC

Architect:

Owner:

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods

Zoning: Multiple Family Residential Zone

Height Limit (m):

Site Specific Provision:

Historical Status:

Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 3219

Frontage (m): 36.52

Depth (m): 88.13

Total Ground Floor Area (sq. m): 560.63

Total Residential GFA (sq. m): 2402.80

Total Non-Residential GFA (sq. m): 0

Total GFA (sq. m): 2402.80

Lot Coverage Ratio (%): 17.4

Floor Space Index: 0.75

Total Storeys: 3

Total Metres: 11.2

Total Parking Spaces: 38

Total Loading Docks: 0

DWELLING UNITS

<table>
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<tr>
<th>Tenure Type</th>
<th>Condo</th>
<th>Residential GFA (sq. m):</th>
<th>Above Grade</th>
<th>Below Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooms:</td>
<td>0</td>
<td></td>
<td>2402.8</td>
<td>0</td>
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<tr>
<td>Bachelor:</td>
<td>0</td>
<td>Retail GFA (sq. m):</td>
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<tr>
<td>1 Bedroom:</td>
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<td>Office GFA (sq. m):</td>
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<td>2 Bedroom:</td>
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<td>Industrial GFA (sq. m):</td>
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<tr>
<td>3+ Bedroom:</td>
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<td>Institutional/Other GFA (sq. m):</td>
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<tr>
<td>Total Units:</td>
<td>16</td>
<td></td>
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CONTACT: PLANNER NAME: Graig Uens, Planner

TELEPHONE: 416-396-4203