

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2016

DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS)
FILE 19CDM-15V008
STATEVIEW HOMES (S COLLECTION) INC.
WARD 2 - VICINITY OF ISLINGTON AVENUE AND HARTMAN AVENUE

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated April 5, 2016, be approved;
- 2) That the deputation of Mr. Kurt Franklin, Weston Consulting Group, Millway Avenue, Vaughan, on behalf of the applicant, be received; and
- 3) That the following Communications be received:

Recommendation

1. THAT the Public Hearing report for File 19CDM-15V008 (Stateview Homes (S Collection) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Economic Impact

Communications Plan

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CITY OF VAUGHAN

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c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Vaughan Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Purpose

To receive comments from the public and the Committee of the Whole on Draft Plan of Condominium (Common Elements) File 19CDM-15V008, respecting the subject lands shown on Attachments #1 and #2, to facilitate the proposed condominium tenure of the common elements that will be privately owned and maintained by a Condominium Corporation on behalf of the 12 freehold townhouse unit owners and will consist of a private road, walkway, visitor parking spaces, landscaped areas, and community mailbox, as shown on Attachments #3 and #4. The townhouse development is currently under construction.

Background - Analysis and Options

Location	<ul style="list-style-type: none">▪ The subject lands shown on Attachments #1 and #2 are located on the east side of Islington Avenue, north of Hartman Avenue, municipally known as 8313, 8315, 8317, 8319, 8321, 8323, 8325, 8327, 8329, 8331, 8333 and 8335 Islington Avenue.
Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated “Low Rise Residential (2)” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.11 (Woodbridge Centre Secondary Plan), which permits detached, semi-detached and townhouse dwelling units.▪ The subject lands were the subject of Official Plan Amendment File OP.12.006 that amended Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.11 (Woodbridge Centre Secondary Plan), specifically to increase the maximum permitted Floor Space Index (FSI) from 0.5 FSI to 0.86 FSI within the “Low Rise Residential (2)” designation, to permit the townhouse development.▪ The proposed Draft Plan of Condominium (Common Elements) conforms to the Official Plan.
Zoning	<ul style="list-style-type: none">▪ The subject lands are zoned RM2 Multiple Residential Zone (townhouse dwelling units) by Zoning By-law 1-88, subject to Exception 9(1420) as shown on Attachment #2.▪ The application for Draft Plan of Condominium (Common Element) complies with Zoning By-law 1-88.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

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Preliminary Review

Following a preliminary review of the application, the Vaughan Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	City Official Plan Policies	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the applicable site-specific City Official Plan policies.
b.	Compliance with the Site-Specific Zoning Exception	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the site-specific Zoning By-law (Exception 9(1420)).
c.	Approved Site Plan	<ul style="list-style-type: none">▪ Draft Plan of Condominium (Common Elements) File 19CDM-15V008 will be reviewed to ensure the location of the common elements (private road, walkway and visitor parking spaces) are consistent with and implement the approved Site Development File DA.12.037 for the subject lands (Attachment #4), as approved by Vaughan Council on March 24, 2015.▪ The engineering drawings and site plan approved for Site Development File DA.12.037 includes a pipe located along the full length of the south property line to convey stormwater from a catch basin located at the southeast corner of the property to the stormwater sewer on Islington Avenue, as shown on Attachment #4. A small portion of this pipe would form a common element as it is located under the private road with the balance, including the catch basin, being located on the future lots identified as Parts 5 and 12 on Attachment #3, and the responsibility of the future lot Owners. This stormwater pipe should form part of the common elements of the future condominium corporation. The appropriateness of the stormwater pipe being part of both the private lots and the common elements will be reviewed.▪ As part of the approval of Site Development File DA.12.037, the configuration of the landscaped area located between the two townhouse buildings and the south lot line, as shown on Attachment #4, and the planting details was the subject of negotiations between the City, the applicant and the landowners to the immediate south. A landscape plan was approved to provide an appropriate buffer between the subject development and the properties to the immediate south. The implementing Zoning By-law 073-2015 also included a provision that this area be used only for the purpose of landscaping and a retaining wall. This landscaped area is shown as being primarily located

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		in private ownership (future Owners of Parts 5 and 12) and partially as a common element. The entire landscaped area should form part of the condominium common elements and a clause included in the Condominium Agreement and Condominium Declaration to ensure that it is maintained by the future condominium corporation in accordance with the approved landscape plan. The appropriateness of the landscaped area not forming part of the common elements for this development will be reviewed.
d.	Conditions of Approval	<ul style="list-style-type: none">▪ The appropriate conditions respecting the condominium tenure of the common elements will be identified in the future technical report.
e.	Related Part Lot Control Application (File PLC.15.016)	<ul style="list-style-type: none">▪ The Owner has also submitted a Part Lot Control Application to create the freehold lots for the 12 townhouse units. The proposed lots (frontage, area and depth) must comply with Zoning By-law 1-88, subject to Exception 9(1420).

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of the application to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the York Region Transportation and Community Planning Department for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Draft Plan of Condominium File 19CDM-15V008 (Common Elements)
4. Site Plan Approved by Vaughan Council on March 24, 2015 (File DA.12.037)

Report prepared by:

Kathryn Moore, Planner, ext. 8813
Clement Messere, Senior Planner, ext. 8409

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

APRIL 4, 2016

Page 1.

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COMMUNICATION
CW (PH) - <u>April 5/16</u>
ITEM - <u>1</u>

TO: THE CLERK'S DEPARTMENT
AND TO: COMMITTEE OF THE WHOLE
AND TO: GRANT UYEYAMA, DIRECTOR OF DEVELOPMENT PLANNING
AND TO: JOHN MACKENZIE, DEPUTY CITY MANAGER, PLANNING & GROWTH
AND TO: MAURO PEVERINI, SENIOR MANAGER OF DEVELOPMENT PLANNING
AND TO: CLEMENT MESSERE, SENIOR PLANNER
AND TO: KATHRYN MOORE, PLANNER

Re: PUBLIC HEARING – APRIL 5, 2016 – 7:00 PM
Draft Plan of Condominium (Common Elements); File 19CDM-15V008; P.2016.8
Stateview Homes (S. Collection) Inc. - Ward 2 - Vicinity of Islington Avenue and
Hartman Avenue

We looked over the report and note that *not all the items are covered in the report* that should be included in the Condominium Documents to be registered and form part of the common elements as were specifically set out in either the Approved Council Report #12 of the Committee of the Whole (adopted without amendment by the Council of the City of Vaughan on March 24, 2015) and the registered Site Plan Agreement as No. YR2324168 for this project which state that these items should be part of the Condominium Agreement and Condominium Declaration:

Of the items that are covered in the report, we have the following comments:

1. **Pipeline/catchbasin:** The report states that:
 - (a) a pipe located along the full length of the south property to convey storm water from a catch basin located at the southeast corner of the property to the storm water sewer on Islington Avenue as shown on Attachment #4.
 - (b) that "a small portion of this pipe would form a common element as it is located under the private road with the balance, including the catch basin, being located on the future lots identified as Parts 5 and 12 on Attachment #3, and the responsibility of the future lot Owners".
 - (c) that "The storm water pipe should form part of the common elements of the future condominium corporation. The appropriateness of the storm water pipe being part of both the private lots and the common elements will be reviewed."

COMMENTS:

The catch basin/storm water pipe is not only for the benefit of the future owners of Parts 5 and 12, but the catch basin/storm water pipe system is for the benefit of, for the most part, the future owners of Parts 6, 7, 8, 9, 10, 11 and 12, if not the whole subdivision, as the runoff from these other lots flow to the catch basin placed on the southeasterly lot to

catch all these flows. So why would you put this burden on the future owners of Parts 5 and 12 with a small portion only of the storm water pipe to be part of the common elements?

What happens if there is a backup/overflow from this catch basin and these future owners do not agree or are unable for whatever reason to deal with and fix the problem in a timely fashion? The result would be a flooding on their lands and to the lands of the adjoining land owners which would include and directly affect us, our property and our vegetation, what then? This could become quite a disastrous situation. We worked very hard for an excessive amount of time with the City of Vaughan staff in order to clarify the water flow for this property and to get a catch basin installed in order not to have flooding towards our property (adjoining lands to the south).

It is our opinion that it would not be appropriate to put the burden and onus of being responsible for the storm water pipe/catch basin onto the future owners of Parts 5 and 12, but the responsibility of the storm water pipe/catch basin system and whatever else is connected with this system to be of the Condominium Corporation and to be included in the Condominium Agreement and Condominium Declaration to make this part of the common elements. An Easement should be registered against the section of property where it is located on Parts 5 and 12 in favor of and form part of the condominium common elements in order to have access to maintain/repair etc. this storm water pipe/catch basin and whatever other connections that are included with this system.

REQUEST: That the Condominium Corporation take sole responsibility and declare that the storm water pipe running along the full length of the southerly lot line from east to west and the catch basin system located on the southeasterly lot line be and form part of the common elements and these items be included in the Condominium Agreement and Condominium Declaration.

2. Landscaped Area: The report states:

- (a) that the landscaped area between the two townhouse buildings and the area along the south lot line as shown on Attachment #4, and the planting details was the subject of negotiations between the City, the applicant and the landowners to the south.
- (b) that the "Landscaped Area" is to be used only for this purpose of soft landscaping and a retaining wall as specifically set out in Zoning By-law 073-2015.
- (c) that the appropriateness of the landscaped area not forming part of the common elements for this development will be reviewed.

COMMENTS:

Firstly, Attachment 4 does not specifically note the "Landscaped Area" on the copy that I have of Attachment 4 (Catch Basin and Storm Water Pipe are clearly set out). To clarify the "Landscaped Area" being referred to is the area running the full length along the southerly lot line (east to west) and between lots Parts 5 and 12 and various other plantings which contain the landscaping as shown in the Landscaping Plan.

We agree with your comment that "the entire landscaped area should form part of the condominium common elements and a clause included in the Condominium Agreement and Condominium Declaration to ensure that it is maintained by the future condominium corporation in accordance with the approved landscape plan."

It is our opinion that it would not be appropriate to put the burden and onus of being responsible for the "Landscaped Area" (or part thereof) on the future owners of Parts 5 and 12, being that this area is for the benefit of the whole subdivision and for the benefit of the adjoining properties. It would be difficult to enforce the proper upkeep of this area on the new property owners and to keep the intent of the implementation of this "Landscaped Area" in the first place.

We have spent a great deal of time in meetings and discussions with City staff and the applicant regarding the landscaping on the subject property and from the Landscaping Plan you will note the amount of plantings that are being installed in this area. The regular maintenance and upkeep of these plantings is vital to the intent of the Landscaping Plan that has been put into place and should be protected.

REQUEST: That the Condominium Corporation (a) take sole responsibility and declare that the "Landscape Area" along the full length of the southerly lot line from east to west and the plantings between Parts 5 and 12 be and form part of the common elements (b) to ensure that the "Landscaped Area" is to be used for the purpose of soft landscaping and a retaining was as set out in Zoning By-Law 073-2015 to ensure that no structures are introduced into this area that could potentially eliminate any landscaping; and these items and provisions form part of the Condominium Agreement and Condominium Declaration.

Items not covered in the report to the Committee of the Whole (Public Meeting) for April 5, 2016, however which are specifically set out in either the Approved Council Report #12 of the Committee of the Whole (adopted without amendment by the Council of the City of Vaughan on March 24, 2015) (referred to as the "Approved Report") and the registered Site Plan Agreement as No. YR2324168 for this project (referred to as "Site Plan") and state that the following items should be part of the Condominium Agreement, Condominium Declaration:

1. The Approved Report, 3. b) i) (Item 22, CW Report No. 12-Page 3) states as follows:

Easement:

That the Owner and future Condominium Corporation shall agree to grant an access easement over the proposed condominium road in favour of landowners ...to the south when these lands develop, and that the requirement to grant the easement be included in the Condominium Agreement, Condominium Declaration and all Offers of Purchase and Sale or Lease to ensure that the Condominium Corporation and all future Owners are aware of this requirement.

COMMENT: This is important to include in the Condominium Documents as it pertains to the future use of these lands and would be an agreement that the Condominium Corporation would have to be a party of. We do not understand why this provision is not part of this report to the Committee of the Whole.

REQUEST: That the above be included in the Condominium Agreement and Condominium Declaration as set out in the Approved Report.

2.

The Approved Report 3. b) vi) (Item 22, CW Report No. 12-Page 3) states as follows:

Windows/Balcony Screens:

a) that a clause be included in the Purchase and Sale Agreement for Units #5 and #12 and in the Condominium Agreement and Declaration advising all future purchasers of these units that all south facing windows shall remain as fritted glass and that the privacy screens on the rear balconies shall remain in place and in good repair.

b) Also set out on page 13 under b) Building Elevations:

The Vaughan Planning Department...recommend that the final plans clearly identify that all south facing windows in Blocks 1 and 3, (Units 5 and 12), as shown of Attachment #3 utilize fritted glass. This requirement implements an agreement made by the Owner to the adjacent residents.

c) Also set out in the registered Site Plan #24, states as follows:

"The following warning clauses shall be included in all Offers of Purchase and Sale or Lease and in the Condominium Agreement and Declaration for Units 5 and 12: All future purchasers of these units that all south facing windows shall remain as fritted

glass and that the privacy screens on the rear balconies shall remain in place and in good repair."

COMMENTS: We negotiated with the applicant and had meetings and numerous discussions with City staff on these points. The above clauses should be included in the Condominium Documents as was set out in the Approved Report and do not understand why they do not form part of this report to the Committee of the Whole.

Just to clarify that at this point, the applicant has not complied with this requirement after numerous discussions and requests from City staff. The applicant has gone ahead and installed windows without fritted glass panes. The applicant has advised City staff and inspectors that the fritted glass windows have been ordered and are to be installed prior to occupancy. We are waiting an update from City staff on this matter.

3. Fencing:

Another item that has not been included nor addressed in this report and should be discussed with a view to include in the Condominium Documents and form part of the common elements is the fencing that runs along the southerly lot line from east to west. This is the same discussion as with the landscaping and the storm water pipe/catch basin.

COMMENTS: Part of the fencing would be in the privately owned properties of Parts 5 and 12, as you have advised and part would form part of the lands under the Condominium Corporation and would be considered common elements. It would become difficult to maintain and have any consistency of repair and upkeep with multiple owners of this fence. The fence to be installed on this southerly limit is to be 2.4m, how will that height be required to be maintained in the future if it is not a common element and included in the Condominium Agreement and Declaration? The fencing maintenance, repair, maintenance of height when replacing to be maintained as 2.4m should be included in the registered Condominium Documents and form part of the common elements. Again regarding the 2.4m fence there was a substantial amount of discussion with the applicant, meeting and discussions with City staff in order to obtain this fencing height.

REQUEST: That the above be included in the Condominium Agreement and Condominium Declaration and form and be part of the common elements in order to keep the intent of the implementation of these provisions.

We had meetings with the City of Vaughan staff, hours and hours of their time and our time and loss of income from time away from work in order to attend these meetings and substantial amounts of time of City Staff to come up with a Report to include all these details in order to satisfy the applicant and adjoining land owners to move forward with this project. The applicant was given a number of concessions regarding the development of the land, that were not in compliance with the Official Plan, nor a development that would have been consistent to the proper use of the land. We did not object to the concessions that they obtained and we did not object to the application for this project for the specific reason certain concessions were also given to us in the Approved Report and submitted Plans. We had at that time an understandable and unquestionable expectation that these items would be implemented. However the reality has been quite different. To date, since this project has commenced it's construction process there have been issues that have not been complied with, i.e. hoarding of trees (tree protection, which were specifically set out in the Plans), the erection of the plywood fence, the fritted glass windows (items listed in the Approved Report) that are yet to be installed, etc. There has been unnecessary damage caused to our property and land, trespassing onto our land, and undue disruption because of the issues that have not been complied with.

After so much effort was put into these negotiations and coming up with an Approved Report and Approved Plans covering these items we continue to be faced with non-compliance of these issues. It is now over 2 years since this process has started and we are still involved and it seems fighting for what we thought we had already resolved.

We are now kindly asking that the Committee of the Whole enforce the items set out in the Approved Report as they pertain to the Condominium portion of this project as is being discussed, which was passed by the Committee of the Whole on March 24, 2015. Make this process be counted otherwise what does this say to your taxpayers, to the public, to us?

Sincerely,

Joanne Federici, Albert Federici – 6 Hartman Avenue
Adele Cortiula, Victor Cortiula – 4 Hartman Avenue

C 32
COMMUNICATION
CW (PH) - <u>April 5/16</u>
ITEM - <u>1</u>

From: Beauchamp, Alexandra
Sent: April-05-16 11:28 AM
To: Bellisario, Adelina
Subject: FW: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

From: Moore, Kathryn
Sent: Tuesday, April 05, 2016 11:21 AM
To: Clerks@vaughan.ca
Subject: FW: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

Hello,

Please see below for correspondence from a local resident.

File number: 19CDM-15V008

Thanks,
Kathryn

Kathryn Moore, BSc, MSc, MRTPI
Planner
905-832-8585 ext. 8813 | kathryn.moore@vaughan.ca

City of Vaughan | Development Planning Department
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1
vaughan.ca



From: Joanne Federici [<mailto:jofederici@hotmail.com>]
Sent: April-01-16 2:57 PM
To: Moore, Kathryn; Peverini, Mauro; Caputo, Mary
Subject: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

TO: KATHRYN MOORE
AND TO: MAURO PEVERINI AND MARY CAPUTO

Re; Draft Plan of Condominium (Common Elements)
File 19CDM-15V008
Stateview Homes (S. Collection) Inc.
Ward 2 - Vicinity of Islington Avenue and Hartman Avenue

I am writing in response to the report posted March 31, 2016 on the Agenda for the Committee of the Whole (Public Hearing) for meeting to be held Tuesday, April 5, 2016 at 7:00 pm.

Firstly Ms. Moore, I was advised by you in February that this report would be available a week or two in advance of the meeting. The meeting is set for Tuesday, April 5 and we had access to the report on line March 31(yesterday) which only gives us today and Monday to review and make comments and provide something in writing to the Clerk's Department in time for the meeting. This is not much time afforded to us. We were put in this same situation when this application came forth and the Public Meeting was set we only found out about it approx. 10 days prior and had to ingest what was going on, research and prepare a report for the Public Meeting. We are at a loss as to how these things are handled and such little time is given to respond to such important matters.

In any event onto the important issues at hand.

We looked over the report and note that *not all the items are covered in the report* that should be included in the Condominium Documents to be registered and form part of the common elements.

Of the items that are covered in the report, we have the following comments:

1. **Pipeline/catchbasin:** The pipe runs the full length of the southerly lot line to convey storm water from a catch basin located at the southeast corner of the property to the storm water sewer on Islington Avenue. It is stated in this report that "a small portion of this pipe would form a common element as it is located under the private road with the balance, including the catch basin, being located on the future lots identified as Parts 5 and 12 on Attachment #3, and the responsibility of the future lot Owners".

You also state that this will be reviewed.

COMMENTS:

A. The catch basin/pipe is not only for the benefit of the future owners of Parts 5 and 12, but the catch basin/pipe system is for the benefit of, for the most part, the future owners of Parts 6, 7, 8, 9, 10, 11 and 12, if not the whole subdivision, as the runoff from these other lots flow to the catch basin placed on the southeasterly lot to catch all these flows. So why would you put this burden on the future owners of Parts 5 and 12.

What happens if there is a backup/overflow from this catch basin and these future owners do not agree or are unable for whatever reason to deal with and fix the problem, the result would be a flooding on their lands and to the lands of the adjoining land owners which would include and directly affect us, our property and our vegetation, what then? This could become quite a disastrous situation.

It is our opinion that it would not be appropriate to put the burden of being responsible for the pipe/catch basin onto the future owners of Parts 5 and 12, but the responsibility of the pipe/catch basin system and whatever else is connection with this system to be of the Condominium Corporation and to included in the Condominium Agreement and Condominium Declaration to make this part of the common elements and/or of the City of Vaughan. However, an Easement should be registered against the section of property where it is located against the future owners property of Parts 5 and 12 in favor of and form part of the condominium common elements and/or the City of Vaughan in order to have access to maintain/repair etc. this pipe/catch basin and whatever other connections that are included with this system.

2. **Landscaped Area:** The landscaped area between the two townhouse buildings and the south lot line as shown on Attachment #4. There are substantial plantings in this area, which is stated that it was part of the

negotiations between the City, the applicant and the landowners to the immediate south. Also that the "Landscaped Area" is to be used only for this purpose of soft landscaping and a retaining wall.

COMMENTS:

Firstly, Attachment 4 does not specifically note the "Landscaped Area" on the copy that I have of Attachment 4 (Catch Basin and Storm Water Pipe are clearly set out). To clarify the "Landscaped Area" being referred to is the area running the full length along the southerly lot line and between lots Parts 5 and 12 which contain the landscaping and as shown in the Landscaping Plan.

A. We agree with your comment that "the entire landscaped area should form part of the condominium common elements and a clause to be included in the Condominium Agreement and Condominium Declaration to ensure it is maintained the future condominium corporation in accordance with the approved landscape plan.

It is our opinion that it would not be appropriate to put the burden of being responsible for the "Landscaped Area" (or part thereof) on the future owners of Parts 5 and 12, being that this area is for the benefit of the whole subdivision and for the benefit of the adjoining properties. It would be difficult to enforce the proper upkeep of this area on the new property owners and to keep the intent of of the implementation of this ``Landscaped Area`` in the first place.

B. As mentioned that Zoning By-law 073-2015 includes a specific provision that this area be used only for the purpose of soft landscaping and a retaining wall.

In order to comply with this provision, this provision would be required to form part of the Condominium Agreement and Condominium Declaration and this area be part of the common elements in order to keep the intent of implementation of this provision which is also to ensure that no structures are introduced into this area that could potentially eliminate landscaping along the area.

Items not covered in the report to the Committee of the Whole (Public Meeting) for April 5, 2016, which need to be included in the Condominium Agreement and the Condominium Declaration as specifically set out the in either the Approved Council Report #12 of the Committee of the Whole (adopted without amendment by the Council of the City of Vaughan on March 24, 2015) (referred to as the "Approved Report") and the registered Site Plan Agreement as No. YR2324168 for this project (referred to as "Site Plan"), which information I provided to Kathryn Moore in email dated February 18, 2016:

1. The Approved Report, 3. b) i) (Item 22, CW Report No. 12-Page 3) states as follows:

Easement:

that the Owner and future Condominium Corporation shall agree to grant an access easement over the proposed condominium road in favour of landowners ...to the south when these lands develop, and that the requirement to grant the easement be included in the Condominium Agreement, Condominium Declaration and all Offers of Purchase and Sale or Lease to ensure that the Condominium Corporation and all future Owners are aware of this requirement.

COMMENTS: This is important to include in the Condominium Documents as it pertains to the future use of these lands and would be an agreement that the Condominium Corporation would have to be a party of.

2.

The Approved Report 3. b) vi) (Item 22, CW Report No. 12-Page 3) , states as follows:

Windows/Balcony Screens:

a) that a clause be included in the Purchase and Sale Agreement for Units #5 and #12 and in the Condominium Agreement and Declaration advising all future purchasers of these units that all south facing windows shall remain as fritted glass and that the privacy screens on the rear balconies shall remain in place and in good repair

b) Also set out on page 13 under b) Building Elevations:

The Vaughan Planning Department...recommend that the final plans clearly identify that all south facing windows in Blocks 1 and 3, (Units 5 and 12), as shown of Attachment #3 utilize fritted glass. This requirement implements an agreement made by the Owner to the adjacent residents.

Also set out in the registered Site Plan #24, states as follows:

“The following warning clauses shall be included in all Offers of Purchase and Sale or Lease and in the Condominium Agreement and Declaration for Units 5 and 12: All future purchasers of these units that all south facing windows shall remain as fritted glass and that the privacy screens on the rear balconies shall remain in place and in good repair.”

COMMENTS: The above clauses are required to be included in the Condominium Documents.

3. Fencing:

Another item that has not been included and should be discussed with a view to include in the Condominium Documents and form part of the common elements is the fencing that runs along the southerly lot line from east to west. This is the same discussion as with the landscaping and the pipe/catch basin.

Part of the fencing would be in the privately owned properties of Parts 5 and 12, as you have advised and part would form part of the lands under the Condominium Corporation and would be considered common elements. It would become difficult to maintain and have any consistency of repair and upkeep with multiple owners of this fence. The fence to be installed on this southerly limit is to be 2.4m, how will that height be required to be maintained in the future if it is not a common element and included in the Condominium Agreement and Declaration in order to form part of the common elements? The fencing maintainence, repair, maintenance of height when replacing to be maintained as 2.4m need to be included in the registered Condominium Documents.

We spent a whole year in meetings with the City of Vaughan staff, hours and hours of their time and our time and loss of income from time away from work in order to attend all of these meetings and substantial amounts of time of City Staff to come up with a Report to include all these details in order to satisfy the applicant and adjoining land owners in order to move forward with this project. This in turn was approved by a Committee of Councillors, and subsequently registered a Site Plan Agreement, filed By-law containing these provisions.

These provisions need to be included in the Condominium Documents (Agreement and Declaration) and form part of the common elements in order to comply with what has been agreed upon.

We did not object to this application for this project specifically because these provisions/conditions, etc. were to be implemented.

We have spent another year since this project has commenced it's construction process reporting many issues that have not been complied with, i.e. hoarding of trees, the erection of the plywood fence , the fritted glass windows that are yet to be installed and a number of other issues. As these items were not completed and enforced to date , there has been unnecessary damage caused to our property and land and undue disruption because of this. These issues are currently being looked into.

This is the point where the Condominium Documents are going to be set up and we are expecting that you enforce all these issues as was recommended by City Staff, approved by City Council, agreed to by the applicant and because these items were specifically included we, the adjoining land owners, did not object to the project as we had an understandable and unquestionable expectation that these items would be implemented.

We would look forward to your response to the above.

We will be preparing a similar correspondence to be provided to the Clerk's Department for the Public Meeting to be held on April 5, 2016 at 7:00 pm.

Sincerely,

Joanne Federici

1. **DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS)** **P.2016.8**
FILE 19CDM-15V008
STATEVIEW HOMES (S COLLECTION) INC.
WARD 2 - VICINITY OF ISLINGTON AVENUE AND HARTMAN AVENUE

Recommendation

The Deputy City Manager, Planning & Growth Management, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT the Public Hearing report for File 19CDM-15V008 (Stateview Homes (S Collection) Inc.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Development Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability was identified in the Site Development report approved by Vaughan Council on March 24, 2015, and therefore, there is no contribution to sustainability through this condominium application. The purpose of the condominium application is to apply a condominium tenure to the common elements that support the freehold townhouse units as identified in the "Purpose" section of this report.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of Public Hearing was circulated: March 11, 2016.
- b) Circulation Area: 150 m, and those individuals that had requested notification of the prior Official Plan and Zoning By-law Amendment and Site Development Applications (Files OP.12.006, Z.12.015 and DA.12.037) on the subject lands. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed on the property in accordance with the City's Notice Sign Procedures and Protocol.
- c) Comments Received:

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication. All written comments that are received will be reviewed by the Vaughan Development Planning Department as input in the application review process and will be addressed in a technical report to be considered at a future Committee of the Whole meeting.

Purpose

To receive comments from the public and the Committee of the Whole on Draft Plan of Condominium (Common Elements) File 19CDM-15V008, respecting the subject lands shown on Attachments #1 and #2, to facilitate the proposed condominium tenure of the common elements that will be privately owned and maintained by a Condominium Corporation on behalf of the 12 freehold townhouse unit owners and will consist of a private road, walkway, visitor parking spaces, landscaped areas, and community mailbox, as shown on Attachments #3 and #4. The townhouse development is currently under construction.

Background - Analysis and Options

Location	<ul style="list-style-type: none">▪ The subject lands shown on Attachments #1 and #2 are located on the east side of Islington Avenue, north of Hartman Avenue, municipally known as 8313, 8315, 8317, 8319, 8321, 8323, 8325, 8327, 8329, 8331, 8333 and 8335 Islington Avenue.
Official Plan Designation	<ul style="list-style-type: none">▪ The subject lands are designated “Low Rise Residential (2)” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.11 (Woodbridge Centre Secondary Plan), which permits detached, semi-detached and townhouse dwelling units.▪ The subject lands were the subject of Official Plan Amendment File OP.12.006 that amended Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.11 (Woodbridge Centre Secondary Plan), specifically to increase the maximum permitted Floor Space Index (FSI) from 0.5 FSI to 0.86 FSI within the “Low Rise Residential (2)” designation, to permit the townhouse development.▪ The proposed Draft Plan of Condominium (Common Elements) conforms to the Official Plan.
Zoning	<ul style="list-style-type: none">▪ The subject lands are zoned RM2 Multiple Residential Zone (townhouse dwelling units) by Zoning By-law 1-88, subject to Exception 9(1420) as shown on Attachment #2.▪ The application for Draft Plan of Condominium (Common Element) complies with Zoning By-law 1-88.
Surrounding Land Uses	<ul style="list-style-type: none">▪ Shown on Attachment #2.

Preliminary Review

Following a preliminary review of the application, the Vaughan Development Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	City Official Plan Policies	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the applicable site-specific City Official Plan policies.
b.	Compliance with the Site-Specific Zoning Exception	<ul style="list-style-type: none">▪ The application will be reviewed in consideration of the site-specific Zoning By-law (Exception 9(1420)).

	MATTERS TO BE REVIEWED	COMMENT(S)
c.	Approved Site Plan	<ul style="list-style-type: none"> ▪ Draft Plan of Condominium (Common Elements) File 19CDM-15V008 will be reviewed to ensure the location of the common elements (private road, walkway and visitor parking spaces) are consistent with and implement the approved Site Development File DA.12.037 for the subject lands (Attachment #4), as approved by Vaughan Council on March 24, 2015. ▪ The engineering drawings and site plan approved for Site Development File DA.12.037 includes a pipe located along the full length of the south property line to convey stormwater from a catch basin located at the southeast corner of the property to the stormwater sewer on Islington Avenue, as shown on Attachment #4. A small portion of this pipe would form a common element as it is located under the private road with the balance, including the catch basin, being located on the future lots identified as Parts 5 and 12 on Attachment #3, and the responsibility of the future lot Owners. This stormwater pipe should form part of the common elements of the future condominium corporation. The appropriateness of the stormwater pipe being part of both the private lots and the common elements will be reviewed. ▪ As part of the approval of Site Development File DA.12.037, the configuration of the landscaped area located between the two townhouse buildings and the south lot line, as shown on Attachment #4, and the planting details was the subject of negotiations between the City, the applicant and the landowners to the immediate south. A landscape plan was approved to provide an appropriate buffer between the subject development and the properties to the immediate south. The implementing Zoning By-law 073-2015 also included a provision that this area be used only for the purpose of landscaping and a retaining wall. This landscaped area is shown as being primarily located in private ownership (future Owners of Parts 5 and 12) and partially as a common element. The entire landscaped area should form part of the condominium common elements and a clause included in the Condominium Agreement and Condominium Declaration to ensure that it is maintained by the future condominium corporation in accordance with the approved landscape plan. The appropriateness of the landscaped area not forming part of the common elements for this development will be reviewed.
d.	Conditions of Approval	<ul style="list-style-type: none"> ▪ The appropriate conditions respecting the condominium tenure of the common elements will be identified in the future technical report.
e.	Related Part Lot Control Application (File PLC.15.016)	<ul style="list-style-type: none"> ▪ The Owner has also submitted a Part Lot Control Application to create the freehold lots for the 12 townhouse units. The proposed lots (frontage, area and depth) must comply with Zoning By-law 1-88, subject to Exception 9(1420).

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The applicability of the application to the Term of Council Service Excellence Strategy Map (2014-2018) will be determined when the technical report is considered.

Regional Implications

The application has been circulated to the York Region Transportation and Community Planning Department for review and comment. Any issues will be addressed when the technical report is considered.

Conclusion

The preliminary issues identified in this report and any other issues identified through the processing of the application will be considered in the technical review of the application, together with comments from the public and Vaughan Council expressed at the Public Hearing or in writing, and will be addressed in a comprehensive report to a future Committee of the Whole meeting.

Attachments

1. Context Location Map
2. Location Map
3. Draft Plan of Condominium File 19CDM-15V008 (Common Elements)
4. Site Plan Approved by Vaughan Council on March 24, 2015 (File DA.12.037)

Report prepared by:

Kathryn Moore, Planner, ext. 8813
Clement Messere, Senior Planner, ext. 8409

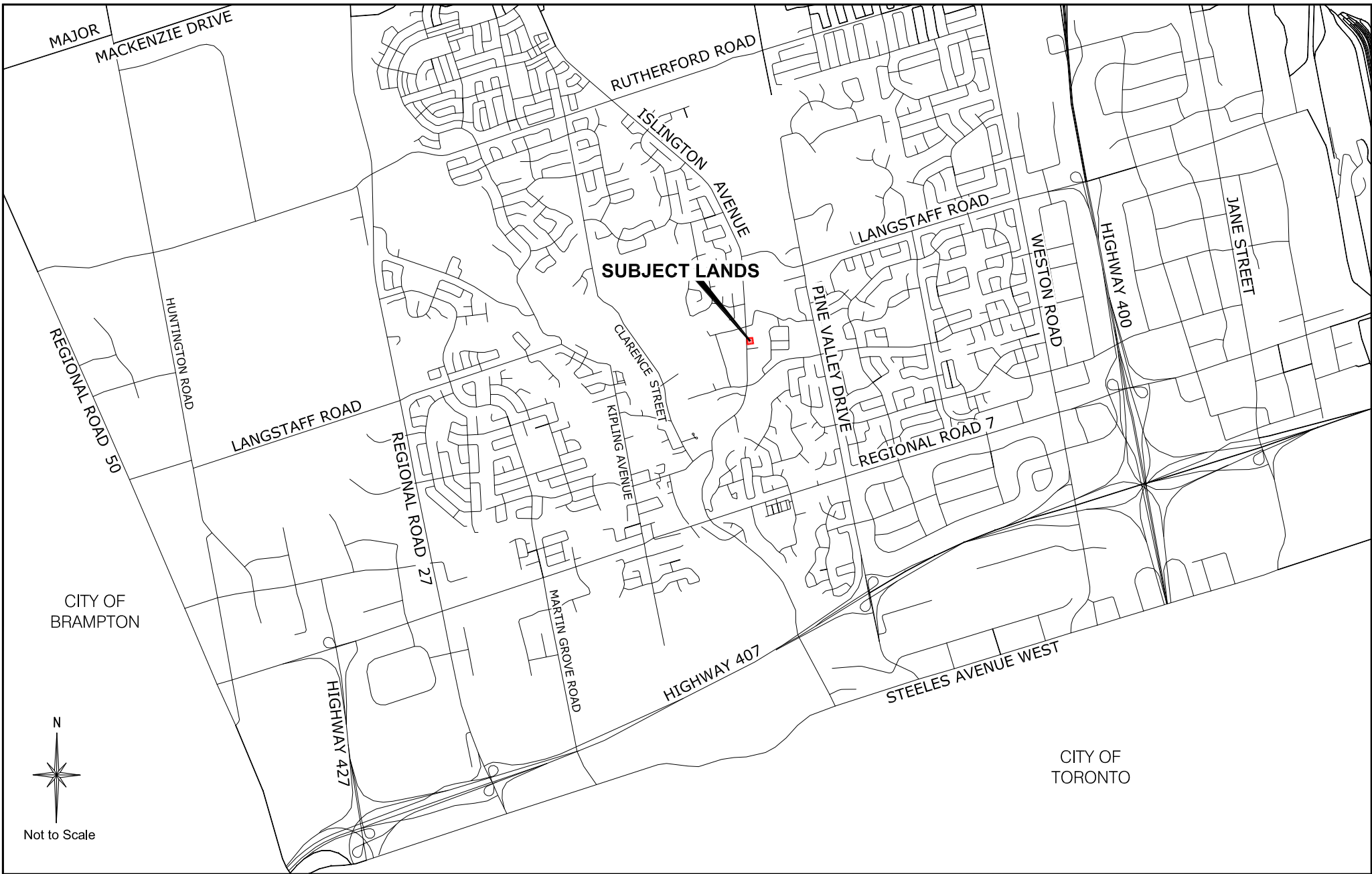
Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager
Planning & Growth Management

GRANT UYEYAMA
Director of Development Planning

MAURO PEVERINI
Senior Manager of Development Planning

/LG



Context Location Map

Location: Part of Lot 9,
Concession 7

Applicant:
Stateview Homes (S Collection) Inc.

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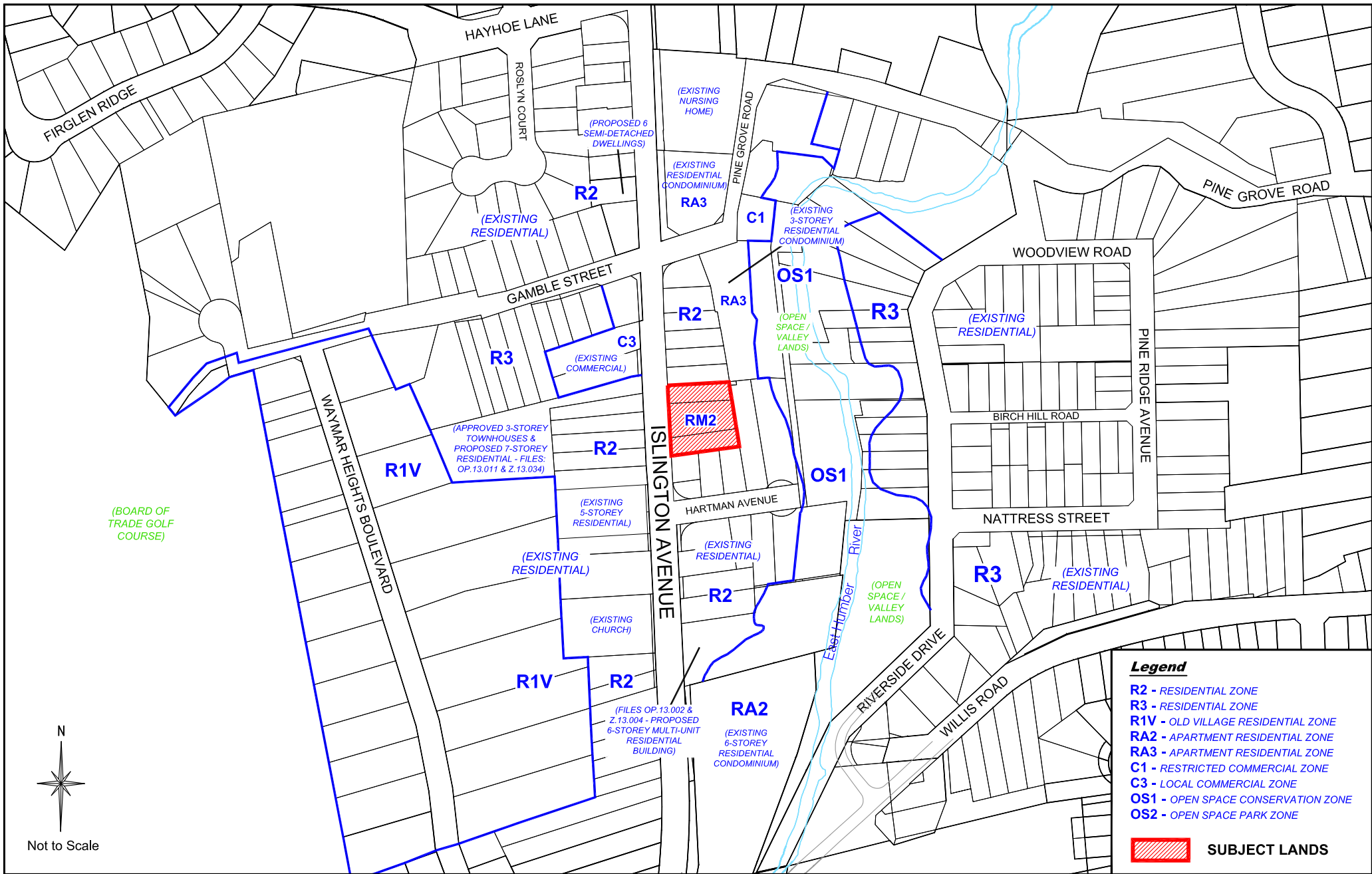


Attachment

File:
19CDM- 15V008

Date:
March 2, 2016

1



Location Map

Location: Part of Lot 9,
Concession 7

Applicant:
Stateview Homes (S Collection) Inc.

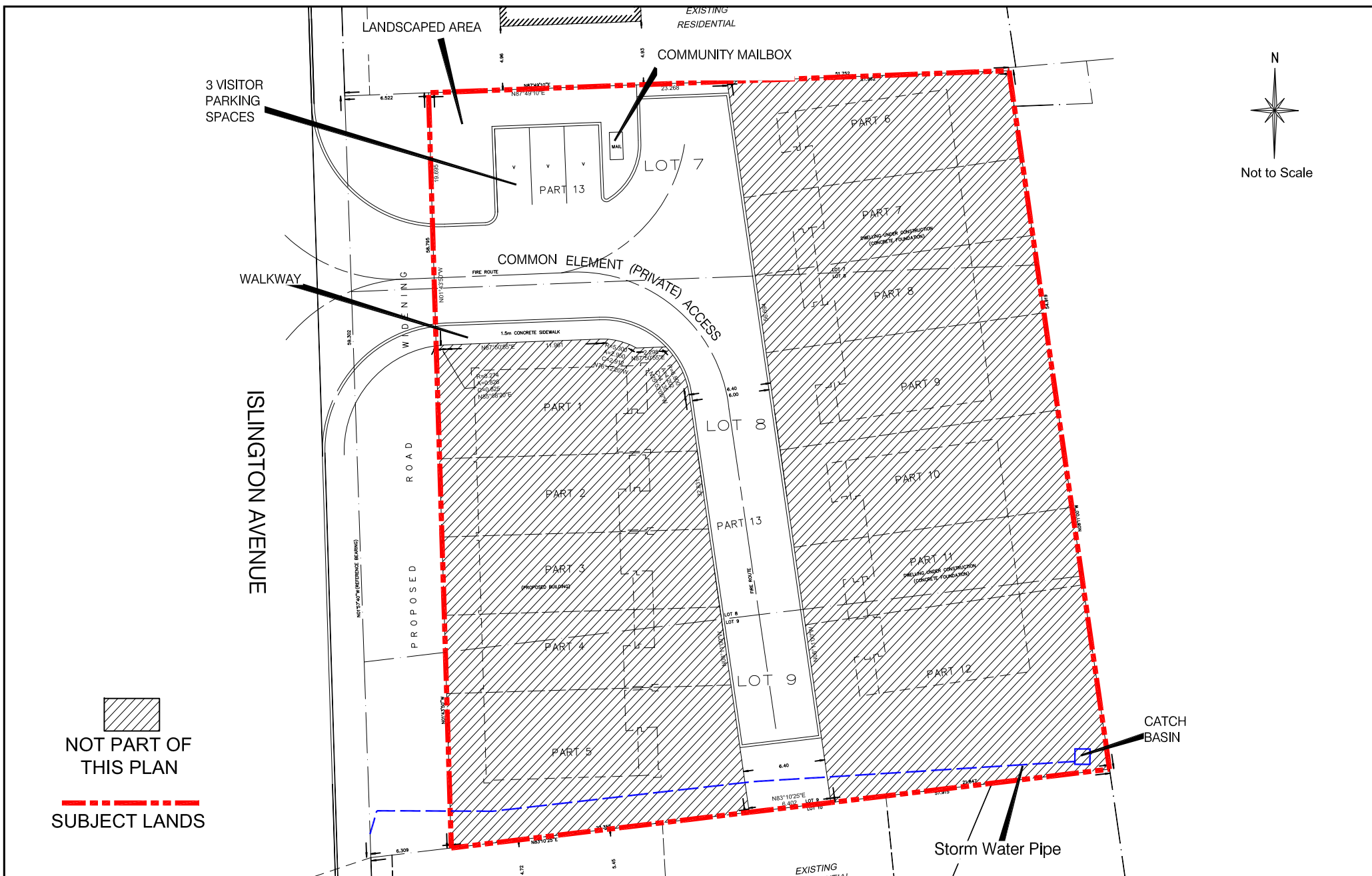


Attachment

File:
19CDM-15V008

Date:
March 2, 2016

2

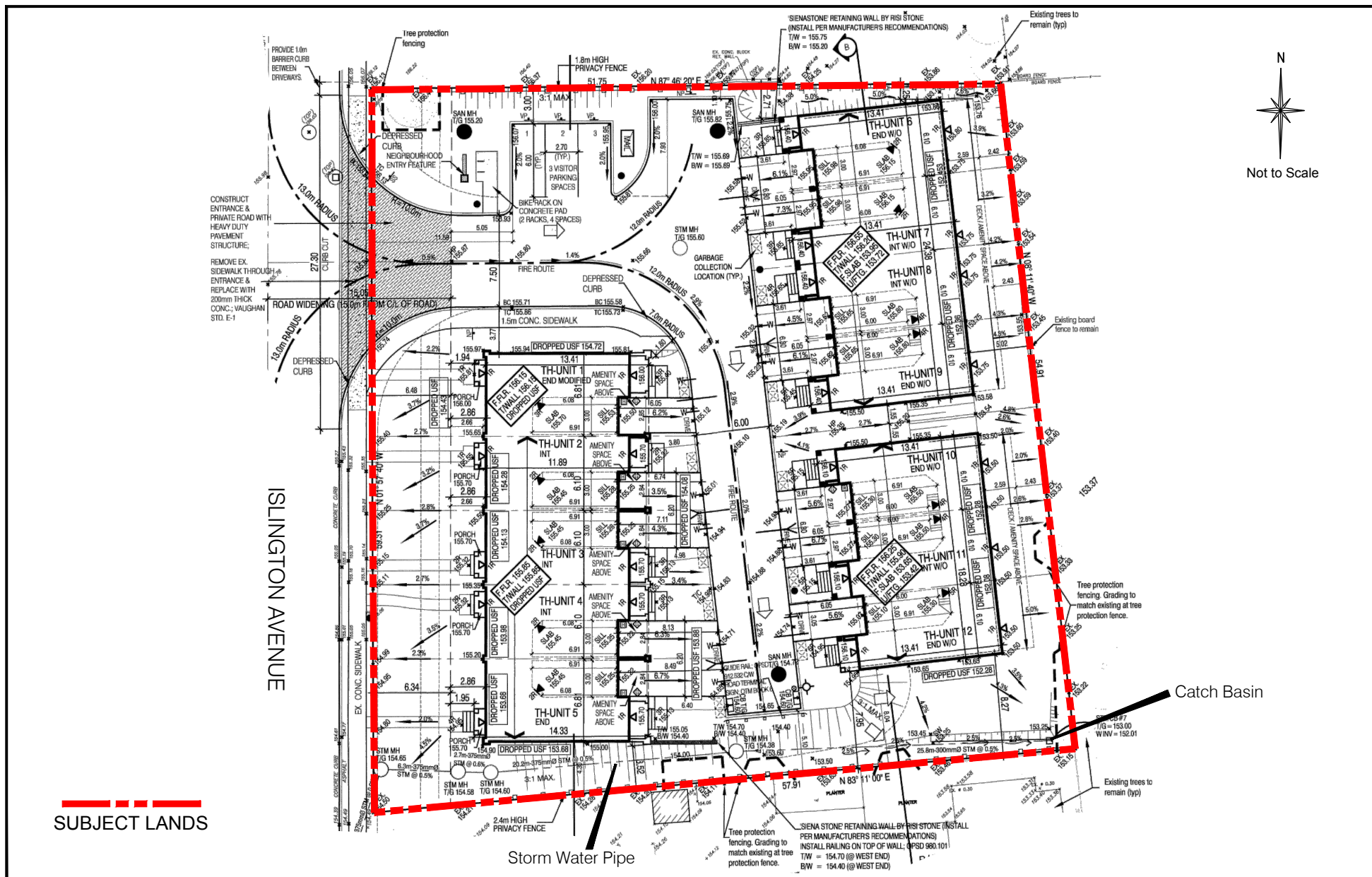


Draft Plan of Condominium File 19CDM-15V008 (Common Elements)

Applicant: *Stateview Homes (S Collection) Inc.* Location: *Part of Lot 9, Concession 7*



Attachment
File:
19CDM-15V008
Date:
March 2, 2016
3



Site Plan Approved by Vaughan Council
on March 24, 2015 (File DA.12.037)

Location: Part of Lot 9, Concession 7

Applicant: Stateview Homes (S Collection) Inc.



Attachment

File:
19CDM-15V008

Date:
March 2, 2016

4