

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 16, 2015

Item 5, Report No. 32, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on September 16, 2015.

**5 DRAFT PLAN OF CONDOMINIUM FILE 19CDM-15V007
WEST WOODBRIDGE VILLAGE TOWNS LTD.
WARD 2 – VICINITY OF KIPLING AVENUE AND LANGSTAFF ROAD**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Director of Development, and Manager of Development Planning, dated September 9, 2015, be approved;
- 2) That the following deputations be received:
 1. Mr. John Zipay, John Zipay & Associates Ltd., Gilbert Court, Burlington; and
 2. Ms. Sabrina Niceforo, Kipling Avenue, Woodbridge; and
- 3) That the following communications be received:
C40 and C41 Bernie DiVona, dated September 2, 2015.

Recommendation

The Commissioner of Planning, Director of Development, and Manager of Development Planning recommend:

1. THAT the Public Hearing report for File 19CDM-15V007 (West Woodbridge Village Towns Ltd.) BE RECEIVED; and, that any issues identified be addressed by the Vaughan Planning Department in a comprehensive report to the Committee of the Whole.

Contribution to Sustainability

The contribution to sustainability such as site and building design initiatives will be determined when the technical report is considered.

Economic Impact

This will be addressed when the technical report is completed.

Communications Plan

- a) Date the Notice of a Public Meeting was circulated: August 14, 2015. 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.
- b) Circulation Area: 150 m, and to the West Woodbridge Homeowners' Association, and those individuals that had requested notification of prior Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files OP.12.017, Z.12.038 and 19T-12V010.
- c) Comments Received as of August 25, 2015: None

Purpose

To receive comments from the public and the Committee of the Whole on Draft Plan of Condominium (Common Elements) File 19CDM-15V007, respecting the subject lands shown on

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Attachments #1 and #2, to facilitate the proposed condominium tenure of the common elements that consist of a private road, 14 visitor parking spaces and a private amenity space/tot lot as shown on Attachment #3, that would serve the 56 freehold 3-storey townhouse dwelling units and 1 detached residential dwelling, that were earlier approved by the City and under construction in the manner shown on Attachment #4.

Background - Analysis and Options

Location	<ul style="list-style-type: none"> ▪ The subject lands shown on Attachments #1 and #2 are located on the west side of Kipling Avenue, south of Gordon Drive, City of Vaughan.
Official Plan Designation	<ul style="list-style-type: none"> ▪ The subject lands are designated “Low-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.5 (Kipling Avenue Corridor Secondary Plan), which permits detached, semi-detached and townhouse dwelling units. ▪ The subject lands were the subject of Official Plan Amendment File OP.12.017 that added site-specific policies through OPA #734 that amended OPA #695 (Kipling Avenue Corridor Secondary Plan) to permit the townhouse development. ▪ The application proposal for Draft Plan of Condominium conforms to the Official Plan.
Zoning	<ul style="list-style-type: none"> ▪ The subject lands are zoned RM2 Multiple Residential Zone (townhouse dwelling units), R3 Residential Zone (single detached dwelling) and R4 Residential Zone (semi-detached dwelling) by Zoning By-law 1-88, subject to Exception 9(1388) as shown on Attachments #2 and #4. ▪ The application for Draft Plan of Condominium 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 Planning Department has identified the following matters to be reviewed in greater detail:

	MATTERS TO BE REVIEWED	COMMENT(S)
a.	Approved Site Plan	<ul style="list-style-type: none"> ▪ Draft Plan of Condominium (Common Elements) File 19CDM-15V007 will be reviewed to ensure the location of the common elements (private road, visitor parking spaces, and private amenity space/tot lot area) are consistent with and implement the approved site plan for the subject lands (Attachment #4).

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b.	Conditions of Approval	▪ The appropriate conditions respecting the condominium tenure of the common elements will be identified in the future technical report.
c.	Related Part Lot Control Application (File PLC.15.013)	▪ The Owner has also submitted a Part Lot Control Application to create the freehold lots for the 56 townhouse units and 1 detached dwelling and the 2 semi-detached dwelling units to be built on Kipling Avenue (the approved site development is under construction). The proposed lots (frontage, area and depth) must comply with Zoning By-law 1-88, subject to Exception 9(1388).

Relationship to Vaughan Vision 2020/Strategic Plan

The applicability of this application to the Vaughan Vision 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. Concept
2. Location Map
3. Draft Plan of Condominium – Common Elements
4. Site Plan Approved by Vaughan Council on June 24, 2014.

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.)

From: Bernie Divona <berniedivona@gmail.com>
Sent: Wednesday, September 02, 2015 9:44 AM
To: Moore, Kathryn
Subject: Notice of Public Hearing West Woodbridge Village Towns Ltd.

Follow Up Flag: Follow up
Flag Status: Flagged

C 40	
COMMUNICATION	
CW (PH) -	SEPT 9/15
ITEM -	5

Hi, further to our conversations, you have requested I put in writing the various questions both myself, a relative that has purchased a property, and my neighbours have with the Notice we have received. It is my understanding you will co-ordinate and provide an immediate response based upon the timing of the meeting plus the number of requests to date. Please address every matter at your earliest opportunity as we all have concerns.

1. The original plan was to include the "56 freehold towns", and retain the existing historical home. Question: the OP that was approved was for "freeholds" and NOT "CONDOMINIUM" properties. Under a "freehold" you own and maintain a property and under a "condominium" you own general floor to ceiling or within a defined lotline and SHARE space? Why did the development plan and report not disclose it was not a true or complete "freehold" or should the application had been returned and recirculated?
2. The original plan disclosed it was a "freehold" development which is one housing choice, and generally and primarily "freehold" towns are constructed with public standards ,i.e. public roads, and public services. The original report and drawings did provide for private vs. public roads and servicing. Was this your understanding, and if so, how would a "freehold" owner have known based upon the report they were not getting what was traditionally or is traditionally a "freehold"? Please be specific.
3. I have a relative that has asked me for assistance or direction. The City of Vaughan did OP, Zone, Draft Plan, issue a building permit, and construction has commenced and will be completed for some units, and only NOW , the draft plan of condominium is before the public and residents. Yet, upon reflection the OP and Zoning, already allowed for a condominium. Question: Did a NOTICE OF HEARING go to those that have purchased, with or without conditions to the agreement, receive NOTICE OF THE PUBLIC HEARING? Fundamentally, "notice" is given to registered owners and we have "registered buyers" that may or may not know they would be subject to a bastardized development not being a traditional "freehold"? Please be specific.
4. The city has circulated an application, that they know or ought to have known is a significant change from what was approved as buyers having had a choice in housing options selected "freehold" and NOT CONDOMINIUM, and in a very real sense they have to have a shared use from the property line, road, servicing, park, and visitor parking, etc. They would have budgeted for home expenses and now have condominium expenses while not being called a condominium. Did the prior approval disclose this to any prospective buyer or investor?
5. When we spoke I expressed to you I was surprised to have learned the subject property includes EXISTING DETACHED HOMES ON GORDON DRIVE. Appendix 2 as you had noted with me, shows several properties rear lots to be added to the subject West Woodbridge Village Towns development.
 - a. Was there a consent application or severance to add the property to the development? I have owned the property on Gordon and have never received nor have never seen any signs to show a committee of adjustment consent application?
 - b. Are the properties on Gordon that have now had a large chunk of their rear lot severed, comply with bylaw 1-88 as the properties on Gordon are R3 zoned and have a specific MININIUM AREA. Please be specific.
 - c. The properties on Gordon have not changed the rear lot line with any fencing change so we have an application that differs from the actual. Can you please explain.

C40.2

6. The Kipling Area Study had these lands to be R3 and it was implied to have been transitional with lands to the south. Are we to understand that the subject lands are transitional and north are subject to intensification?
7. When we spoke , it was clear the city of Vaughan does not have a specific zoning code or class for CONDOMINIUM, OR MIXED USE CONDOMINIUM WITH RETAIL OR COMMERCIAL WITH HIGHRISE CONDOMINIUM as we now see approved and under construction. How does the existing OP and Zoning address this lack of class as now exists with other municipalities? The class now implies it is "freehold" or intensification and NOT CONDOMINIUM. We do NOT OBJECT to condominium as it is a housing option desirable to many. However, we do object to the lack of clarity and disclosure with what is said NOT TO BE A CONDOMINIUM WHEN IT LOOKS LIKE, DESIGNED, AND BUILT AS A CONDOMINIUM.
8. The new planning act calls for review of the zoning bylaws every 3 years. Will this be within that review?

Bernie DiVona

Britto, John

From: Bernie Divona <berniedivona@gmail.com>
Sent: Wednesday, September 02, 2015 10:30 AM
To: Moore, Kathryn
Subject: West Woodbridge Village Towns-Additional Information
Follow Up Flag: Follow up
Flag Status: Flagged

C 41
COMMUNICATION
e Parking
CW (PH) - SEPT 9/15
ITEM - 5

Hi, we have another question requiring your review. Will you please disclose the PROPOSED PARKING SPACES, THE STANDARD PARKING SPACES IF IT WAS A FREEHOLD ON A PUBLIC ROAD, AND THE CURRENT PARKING STANDARD FOR VAUGHAN FOR A CONDOMINIUM, IF DIFFERENT. THANK YOU.

Official Plan Designation	<ul style="list-style-type: none"> ▪ The subject lands are designated “Low-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.5 (Kipling Avenue Corridor Secondary Plan), which permits detached, semi-detached and townhouse dwelling units. ▪ The subject lands were the subject of Official Plan Amendment File OP.12.017 that added site-specific policies through OPA #734 that amended OPA #695 (Kipling Avenue Corridor Secondary Plan) to permit the townhouse development. ▪ The application proposal for Draft Plan of Condominium conforms to the Official Plan.
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b.	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.
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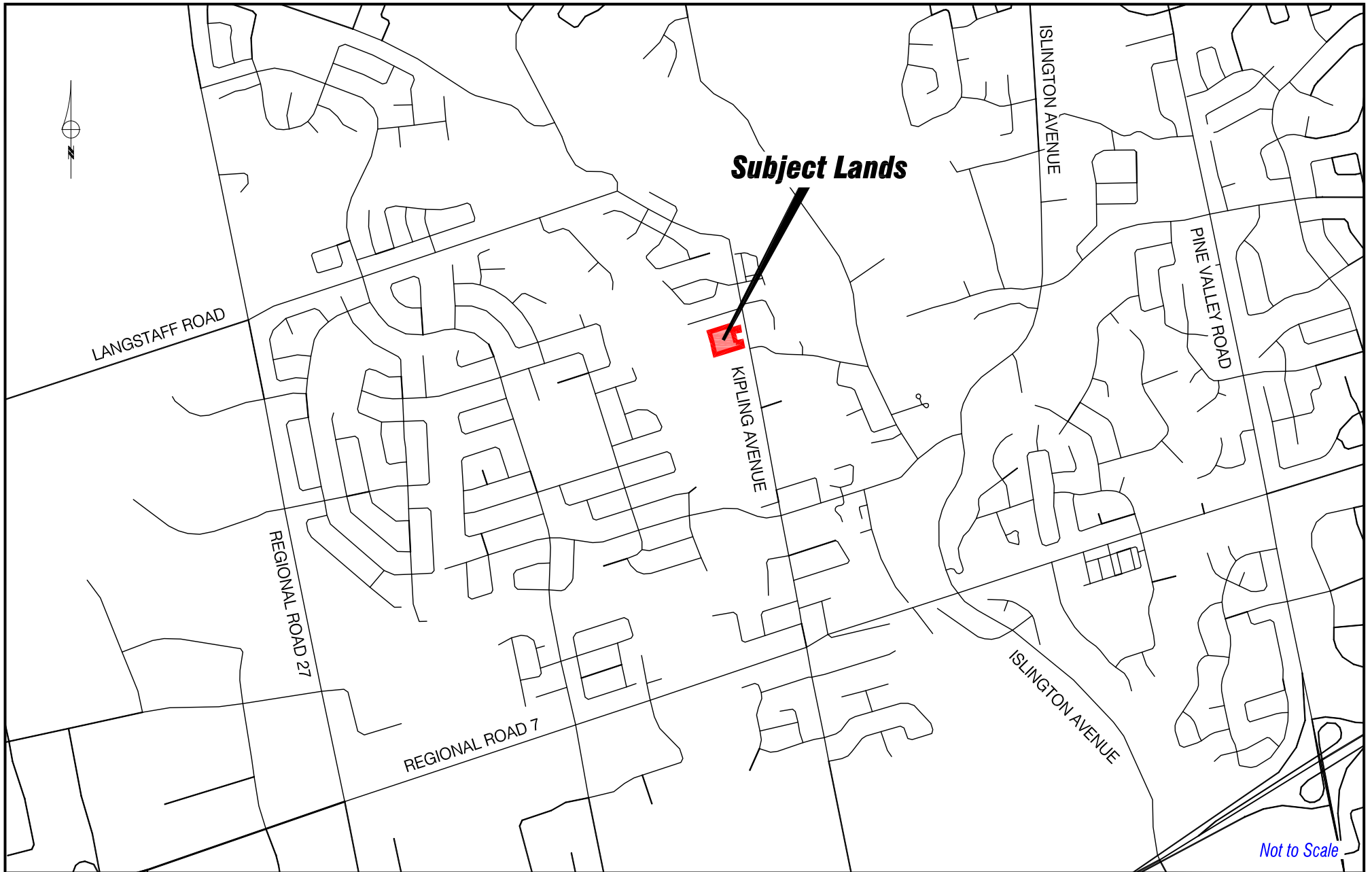
Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

MAURO PEVERINI
Manager of Development Planning

/CM



Context Location Map

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
West Woodbridge Village Towns Ltd.

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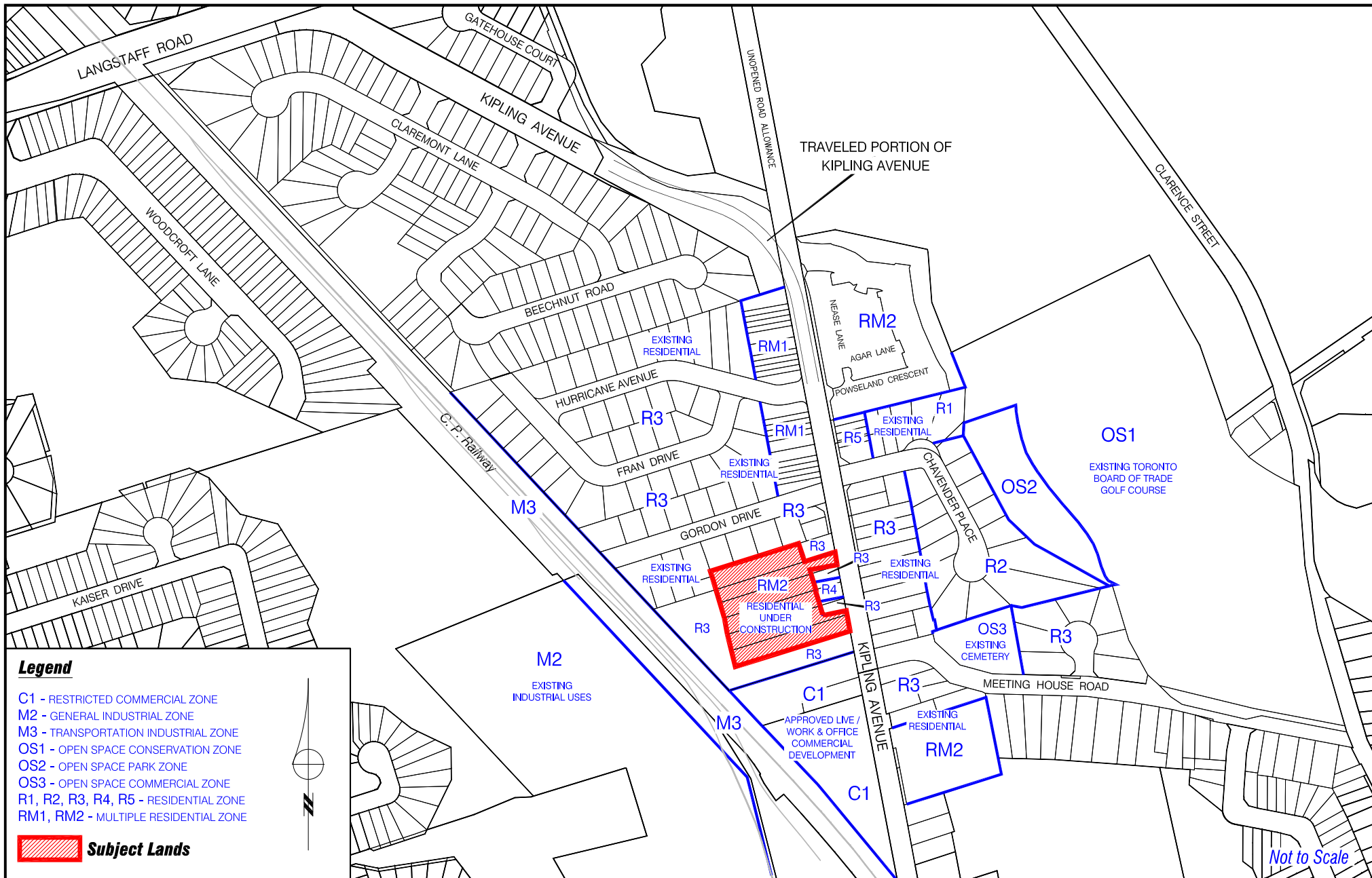


Attachment

FILE: 19CDM-15V007
RELATED FILES: OP.12.017, Z.12.038,
19T-12V010 & DA.13.107

DATE: September 9, 2015

1



Location Map

LOCATION:
Part of Lot 9, Concession 8

APPLICANT:
West Woodbridge Village Towns Ltd.

N:\DFT\1 ATTACHMENTS\19\19cdm-15v007.dwg

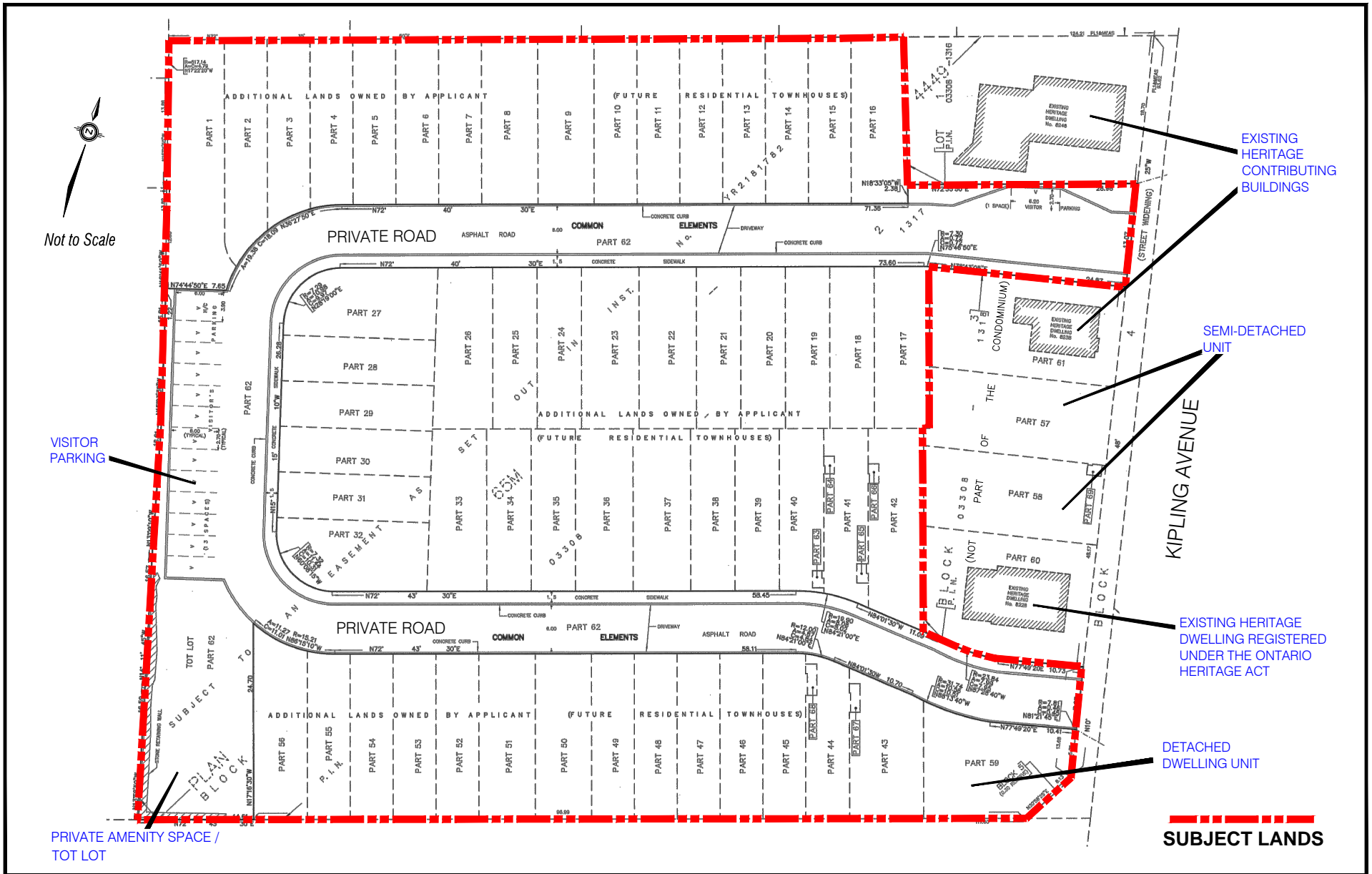


Attachment

FILE: 19CDM-15V007
RELATED FILES: OP.12.017, Z.12.038,
19T-12V010 & DA.13.107

DATE: September 9, 2015

2



Draft Plan of Condominium - Common Elements

APPLICANT: West Woodbridge Village Towns Ltd. LOCATION: Part of Lot 9, Concession 8

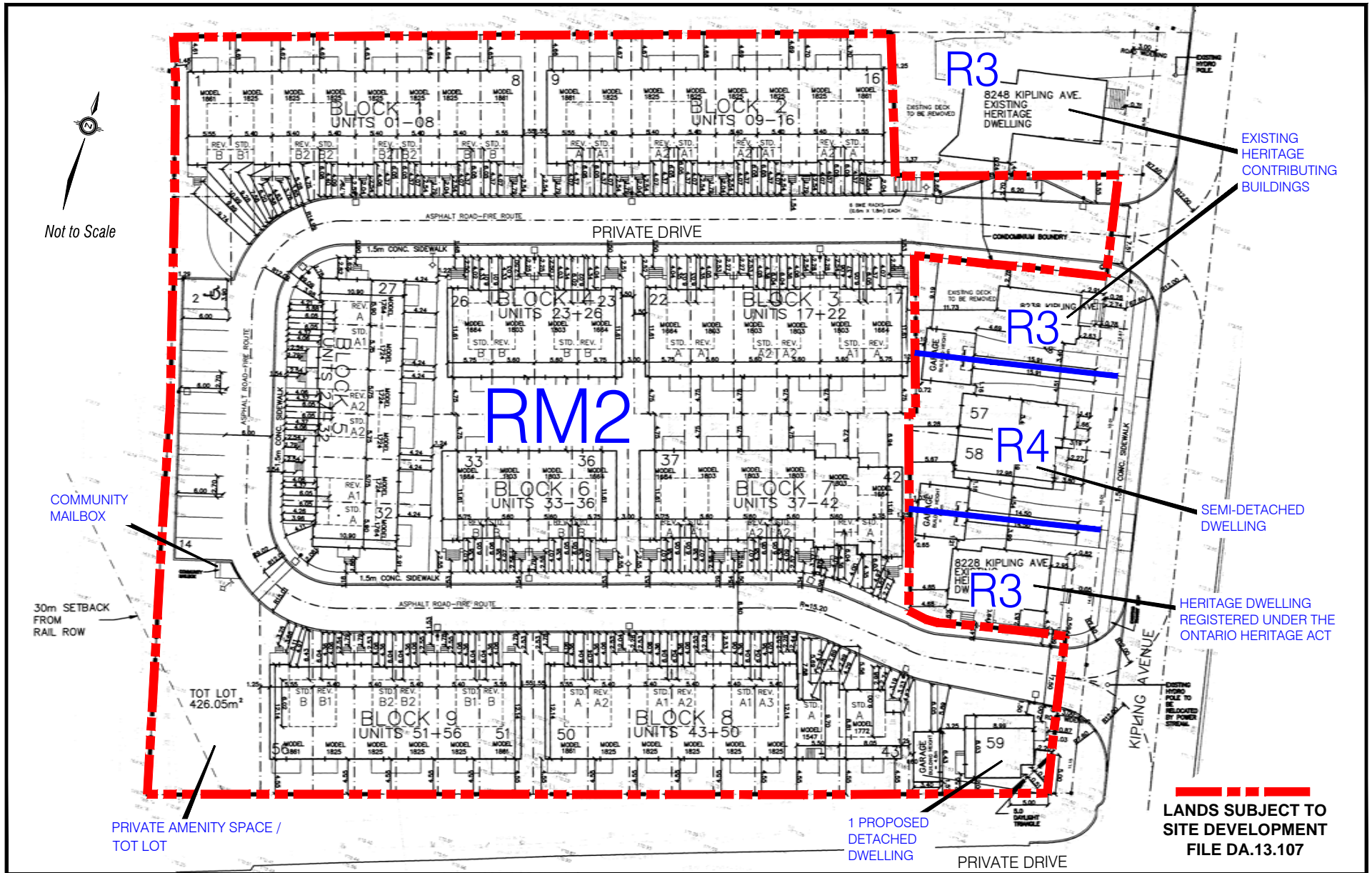


Attachment

FILE: 19CDM-15V007
RELATED FILES: OP.12.017, Z.12.038,
19T-12V010 & DA.13.107

DATE: September 9, 2015

3



Site Plan Approved by Vaughan Council on June 24, 2014



APPLICANT: West Woodbridge Village Towns Ltd. LOCATION: Part of Lot 9, Concession 8

Attachment

FILE: 19CDM-15V007
RELATED FILES: OP.12.017, Z.12.038,
19T-12V010 & DA.13.107

DATE: September 9, 2015

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