

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

Item 1, Report No. 13, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 19, 2017.

**1 DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-16V011
 PINE VALLEY ENCLAVE LTD.
 WARD 2 - VICINITY OF PINE VALLEY DRIVE AND WILLIS ROAD**

The Committee of the Whole recommends approval of 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 4, 2017:

Recommendation

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

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-16V011 (Pine Valley Enclave Ltd.) as shown on Attachment #4, BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

The condominium proposal addresses the tenure of the property only, and therefore, there is no further contribution to sustainability required through this application.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-16V011, for the subject lands shown on Attachments #2 and #3, to permit the proposed condominium tenure for the privately-owned and maintained (through a future Condominium Corporation) common elements, that consist of a private road and walkways, 7 visitor parking spaces and landscaped areas as shown on Attachment #4. These common elements will serve 4 semi-detached and 24 freehold townhouse units that are currently under construction, in the manner shown on Attachment #5.

Background - Analysis and Options

Synopsis:

The Owner is proposing to permit a condominium tenure for the subject land shown on Attachments #2 and #3, as part of a Common Element Condominium development comprised of a private road and walkways, 7 visitor parking spaces and landscaped areas for an approved development consisting of 4 semi-detached and 24 freehold townhouse units. The Vaughan Development Planning Department supports the approval of the Draft Plan of Condominium application, as it complies with Zoning By-law 1-88 and is consistent with the approved site plan.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

Item 1, CW Report No. 13 – Page 2

Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Pine Valley Drive, north of Willis Road. The surrounding land uses are identified on Attachment #3.

Official Plan, Zoning and Site Plan

The subject lands are designated “Low Rise Residential” by Vaughan Official Plan 2010 (VOP 2010).

The Owner originally appealed Zoning By-law Amendment File Z.14.038 and Site Development File DA.14.071 to the Ontario Municipal Board (OMB). The OMB Hearing occurred on September 21, 2015. On January 27, 2016, the OMB issued its Oral Decision approving the amending Zoning By-law, site plan and site plan agreement. The OMB withheld the issuance of its Final Order pending the finalization of the amending Zoning By-law, site plan and site plan agreement to the satisfaction of all parties, including York Region and City of Vaughan.

The OMB's Final Order was issued on July 13, 2016, and includes Zoning By-law 134-2016, which zoned the subject lands RM2 Multiple Residential Zone, subject to site-specific Exception 9(1439). The Site Plan Agreement was registered on June 17, 2016. An amending Site Plan Agreement is required in order to reflect changes to the site plan and building elevations that resulted from final grading of the site and to conform to Ontario Building Code requirements.

The proposed Draft Plan of Condominium (Common Elements) is required for the private road and walkways, 7 visitor parking spaces and landscaped areas. The proposed Draft Plan of Condominium (Common Element) complies with the OMB approved Zoning By-law and is consistent with the approved site plan.

As a condition of final approval, the Owner is required to submit an ‘as-built’ survey to the satisfaction of the Vaughan Building Standards Department, prior to the registration of the Draft Plan of Condominium.

Garbage/Recycling Collection and Snow Removal

Garbage and recycling collection, and snow storage and removal for the private road will be privately administered and the responsibility of the Condominium Corporation.

Canada Post

Canada Post has no objections to the proposed Draft Plan of Condominium subject to the inclusion of a number of conditions in the Condominium Agreement, which are identified in Attachment #1. A community mailbox is shown on Attachment #4.

Related Part Lot Control Application

The Owner has submitted Part Lot Control File PLC.16.010 to facilitate the creation of individual freehold lots for the proposed 4 semi-detached and 24 townhouse units, which form part of the Draft Plan of Condominium, as shown on Attachments #4 and #5.

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

This staff report is consistent with the following initiatives set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to cultivate an environmentally sustainable city

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

Item 1, CW Report No. 13 – Page 3

Regional Implications

The York Region Community Planning and Development Services Department has no objections to the Draft Plan of Condominium Application, subject to the conditions listed in Attachment #1.

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-16V011 has been reviewed in consideration of the Ontario Municipal Board Decision and Zoning By-law 1-88, the approved site plan, the comments from City Departments and external public agencies. The Vaughan Development Planning Department is satisfied that the proposed Draft Plan of Condominium complies with the OMB approved Zoning By-law and site plan. Accordingly, the Vaughan Development Planning Department can support the approval of the Draft Plan of Condominium application.

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Condominium File 19CDM-16V011 (Common Elements)
5. Approved Site Plan File DA.14.071

Report prepared by:

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.)

COMMITTEE OF THE WHOLE APRIL 4, 2017

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-16V011
PINE VALLEY ENCLAVE LTD.
WARD 2 - VICINITY OF PINE VALLEY DRIVE AND WILLIS ROAD**

Recommendation

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

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-16V011 (Pine Valley Enclave Ltd.) as shown on Attachment #4, BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

The condominium proposal addresses the tenure of the property only, and therefore, there is no further contribution to sustainability required through this application.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-16V011, for the subject lands shown on Attachments #2 and #3, to permit the proposed condominium tenure for the privately-owned and maintained (through a future Condominium Corporation) common elements, that consist of a private road and walkways, 7 visitor parking spaces and landscaped areas as shown on Attachment #4. These common elements will serve 4 semi-detached and 24 freehold townhouse units that are currently under construction, in the manner shown on Attachment #5.

Background - Analysis and Options

Synopsis:

The Owner is proposing to permit a condominium tenure for the subject land shown on Attachments #2 and #3, as part of a Common Element Condominium development comprised of a private road and walkways, 7 visitor parking spaces and landscaped areas for an approved development consisting of 4 semi-detached and 24 freehold townhouse units. The Vaughan Development Planning Department supports the approval of the Draft Plan of Condominium application, as it complies with Zoning By-law 1-88 and is consistent with the approved site plan.

Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Pine Valley Drive, north of Willis Road. The surrounding land uses are identified on Attachment #3.

Official Plan, Zoning and Site Plan

The subject lands are designated "Low Rise Residential" by Vaughan Official Plan 2010 (VOP 2010).

The Owner originally appealed Zoning By-law Amendment File Z.14.038 and Site Development File DA.14.071 to the Ontario Municipal Board (OMB). The OMB Hearing occurred on September 21, 2015. On January 27, 2016, the OMB issued its Oral Decision approving the amending Zoning By-law, site plan and site plan agreement. The OMB withheld the issuance of its Final Order pending the finalization of the amending Zoning By-law, site plan and site plan agreement to the satisfaction of all parties, including York Region and City of Vaughan.

The OMB's Final Order was issued on July 13, 2016, and includes Zoning By-law 134-2016, which zoned the subject lands RM2 Multiple Residential Zone, subject to site-specific Exception 9(1439). The Site Plan Agreement was registered on June 17, 2016. An amending Site Plan Agreement is required in order to reflect changes to the site plan and building elevations that resulted from final grading of the site and to conform to Ontario Building Code requirements.

The proposed Draft Plan of Condominium (Common Elements) is required for the private road and walkways, 7 visitor parking spaces and landscaped areas. The proposed Draft Plan of Condominium (Common Element) complies with the OMB approved Zoning By-law and is consistent with the approved site plan.

As a condition of final approval, the Owner is required to submit an 'as-built' survey to the satisfaction of the Vaughan Building Standards Department, prior to the registration of the Draft Plan of Condominium.

Garbage/Recycling Collection and Snow Removal

Garbage and recycling collection, and snow storage and removal for the private road will be privately administered and the responsibility of the Condominium Corporation.

Canada Post

Canada Post has no objections to the proposed Draft Plan of Condominium subject to the inclusion of a number of conditions in the Condominium Agreement, which are identified in Attachment #1. A community mailbox is shown on Attachment #4.

Related Part Lot Control Application

The Owner has submitted Part Lot Control File PLC.16.010 to facilitate the creation of individual freehold lots for the proposed 4 semi-detached and 24 townhouse units, which form part of the Draft Plan of Condominium, as shown on Attachments #4 and #5.

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

This staff report is consistent with the following initiatives set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to cultivate an environmentally sustainable city

Regional Implications

The York Region Community Planning and Development Services Department has no objections to the Draft Plan of Condominium Application, subject to the conditions listed in Attachment #1.

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-16V011 has been reviewed in consideration of the Ontario Municipal Board Decision and Zoning By-law 1-88, the approved site plan, the comments from City Departments and external public agencies. The Vaughan Development Planning Department is satisfied that the proposed Draft Plan of Condominium complies with the OMB approved Zoning By-law and site plan. Accordingly, the Vaughan Development Planning Department can support the approval of the Draft Plan of Condominium application.

Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Condominium File 19CDM-16V011 (Common Elements)
5. Approved Site Plan File DA.14.071

Report prepared by:

Clement Messere, Senior Planner, ext. 8409

Respectfully submitted,

JOHN MACKENZIE
Deputy City Manager,
Planning & Growth Management

MAURO PEVERINI
Director of Development Planning

BILL KIRU
Senior Manager of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-16V011
PINE VALLEY ENCLAVE LTD.
LOTS 13 AND 14, REGISTERED PLAN M-1116
PART OF LOT 9, CONCESSION 7, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-16V011, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium (Common Elements), prepared by Rady-Pantek & Edward Surveying Ltd., drawing # 13-290-DRPlan, dated July 22, 2016.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Vaughan Development Planning Department.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan, and shall agree to satisfy any conditions with respect to such matters as landscaping and site development and any other matters that the City may consider necessary, which may be outstanding from the site plan approval process (File DA.14.071).
4. The following provisions shall be included in the Condominium Agreement:
 - a) the maintenance of the common elements comprising of the access road, visitor parking, walkways, community mailbox, and landscaped areas, shall be the responsibility of the Condominium Corporation;
 - b) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - c) snow removal and clearing, and garbage and recycling pick-up shall be privately administered, and shall be the responsibility of the Condominium Corporation;
 - d) the following warning clause shall be included in all Offers of Purchase and Sale for Block 1 (Units 1 to 4):

“Purchasers/tenants be advised that the dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”
 - e) the following warning clause shall be included in all Offers of Purchase and Sale or Lease for Block 2 (Units 5 and 6) and Block 7 (Units 27 and 28) if the purchaser/tenant does not take the central air conditioning option:

“Purchasers/tenants be advised that the dwelling unit has been fitted with provisions, which include a fan forced heating system, suitably sized ducts, plenum, electrical power wiring, thermostatic control wiring, a nearby floor drain etc. sized to accommodate the future addition of central air conditioning by the

occupant at their expense and discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change. Future installation of the air conditioning system shall meet the Ministry of the Environment and Climate Change criteria in Publication NPC-216 and other applicable levels specified by the municipality."

- f) the following warning clause shall be included in all Offers of Purchase and Sale for Blocks 1, 2 and 7 (All Units Inclusive):

"Purchasers/tenants are advised that, despite the inclusion of noise control features within this development area and within the dwelling units, sound levels from increasing road traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the Municipality's and the Ministry of the Environment and Climate Change noise criteria."

- g) The following warning clause shall be included in Offers of Purchase and Sale for all units with terraces or decks above a garage:

"Purchasers/tenants are advised that, despite the inclusion of noise control features within this development and within the dwelling units, sound levels from increasing road traffic will continue to be of concern as the levels on the terrace/deck may exceed the Ministry of the Environment and Climate Change noise criteria and that a protected Common Outdoor Living Area for the development meeting the Ministry sound level criteria has been provided within the development."

5. The Condominium Agreement shall be registered on title against the lands to which it applies, at the Owner's expense.
6. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Vaughan Building Standards Department.
7. Prior to final approval, the Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
8. Prior to final approval, the Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Financial Planning and Development Finance Department.

York Region Conditions

9. Prior to final approval, the Owner shall provide confirmation that all of the conditions of Site Plan Approval issued for the subject property under Regional File No. SP-V-002-15, have been satisfied.
10. Prior to final approval, the Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the site plan approval for the subject property under Regional File No. SP-V-002-15.
11. Prior to final approval, the Owner shall confirm that all of the works within the Regional Right-of-Way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to

cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.

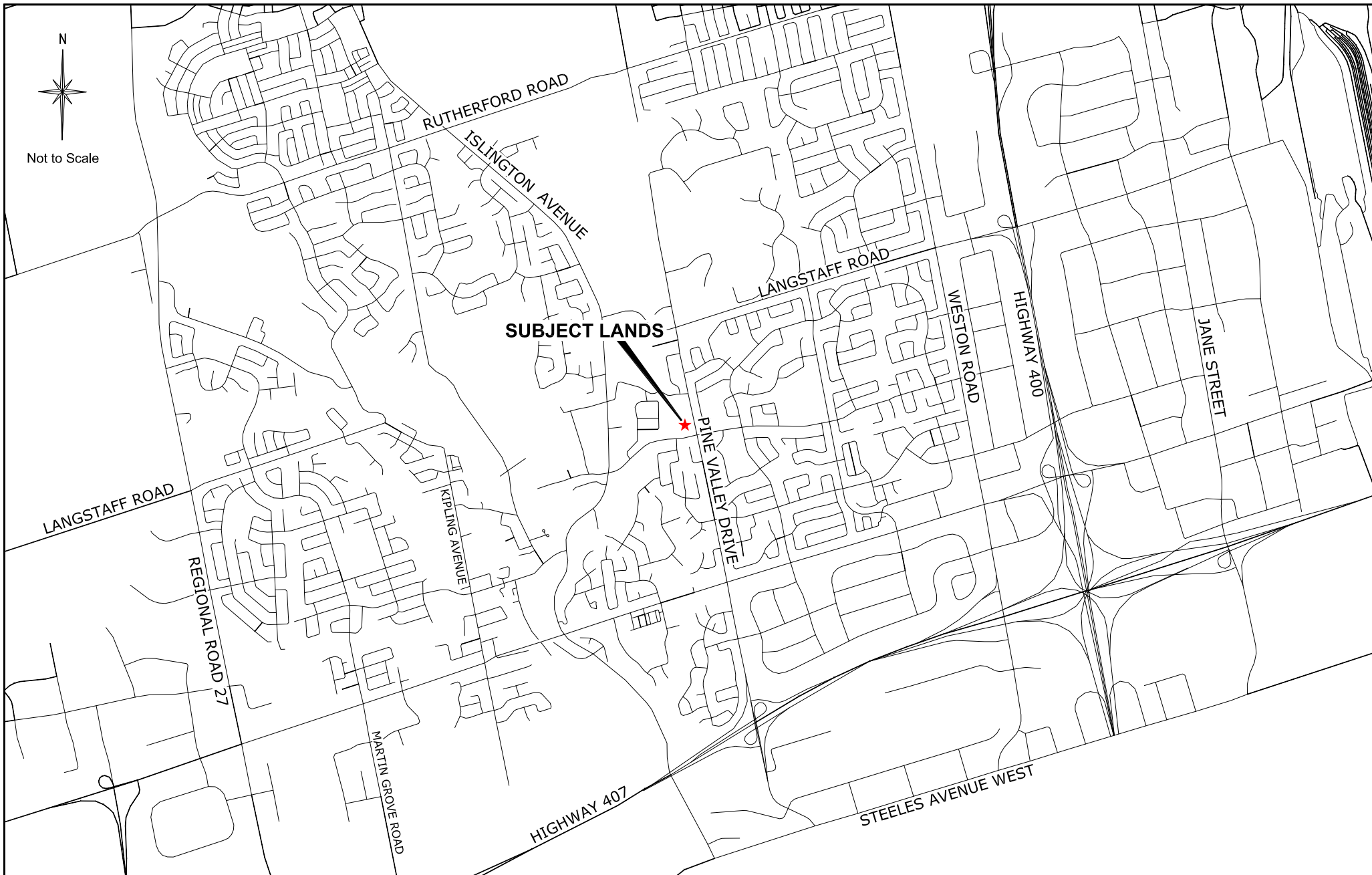
12. Prior to final approval, the Owner shall provide confirmation that all transfers of obligation have been completed where Regional agreements require responsibility to change from the Owner to the Condominium Corporation.

Canada Post Conditions

13. The Owner shall address the following conditions of Canada Post:
 - a) The Owner (Developer) shall include in all Offers of Purchase and Sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
 - b) The Owner (Developer) will be responsible for notifying the purchaser of the exact Community Mailbox location prior to the closing of any home sale.
 - c) The Owner (Developer) shall consult with Canada Post Corporation to determine suitable permanent locations for the Community Mailboxes and to indicate the location on the appropriate servicing plan(s).
 - d) The Owner (Developer) agrees to provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plan(s):
 - i) An appropriately sized sidewalk section (concrete pad) as per municipal standards to place Community Mailboxes on;
 - ii) Any required walkway across the private road, as per municipal standards; and
 - iii) Any required curb depressions for wheelchair access.
 - e) The Owner (Developer) shall agree to determine and provide a suitable and safe temporary site for a Community Mailbox location(s), until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox location. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.

Clearances

14. The City (Vaughan Development Planning Department) shall advise that Conditions 1 to 8 have been satisfied.
15. York Region shall advise the Vaughan Development Planning Department in writing that Conditions 9 to 12 inclusive have been satisfied.
16. Canada Post shall advise the Vaughan Development Planning Department in writing that Condition 13 has been satisfied.



Context Location Map

Location: Part of Lot 9,
Concession 7

Applicant:
Pine Valley Enclave Ltd.

N:\GIS_Archive\Attachments\19CDM\19cdm-16v011.dwg

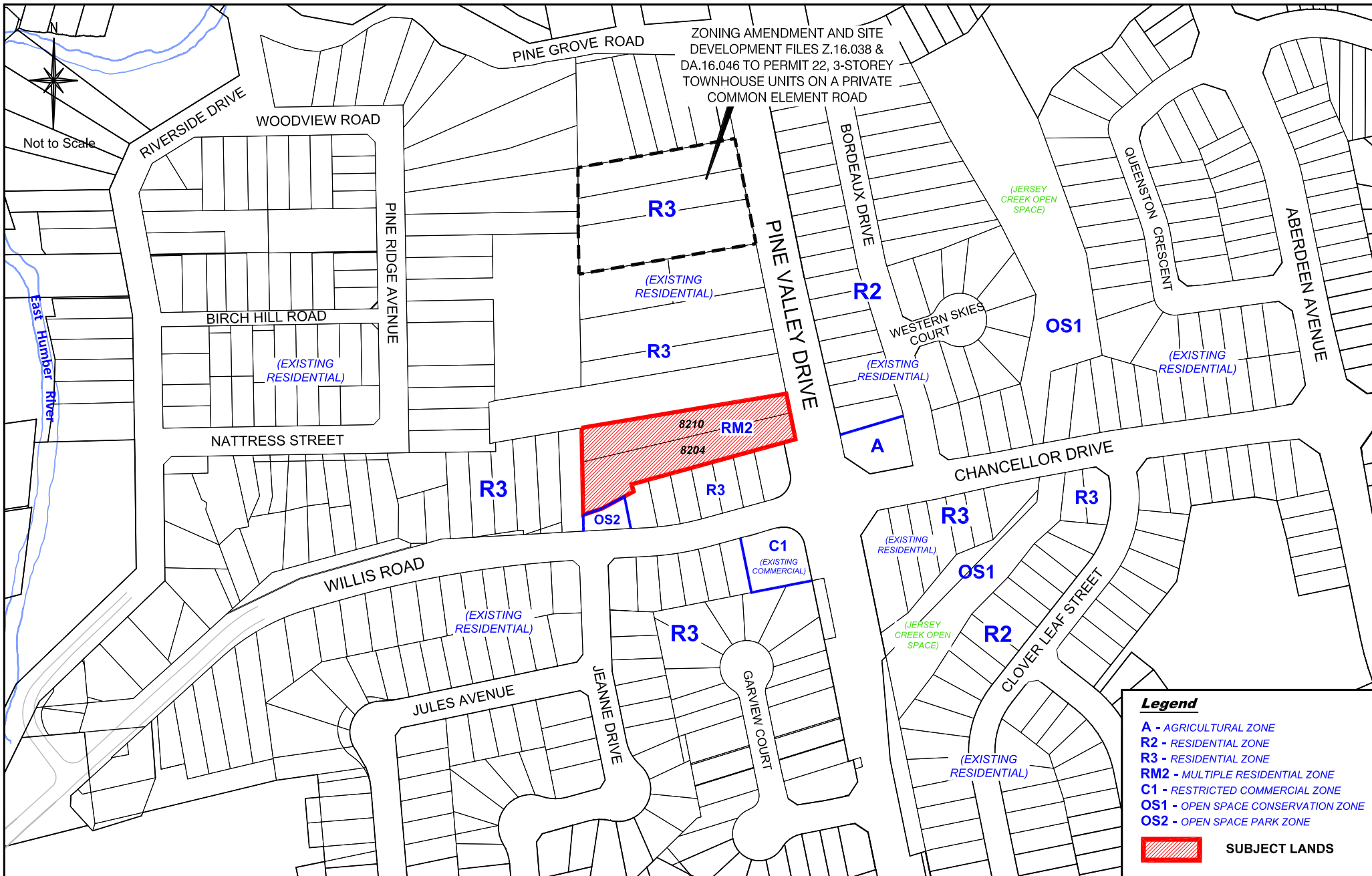


Attachment

File: 19CDM-16V011
Related Files: Z.14.038, DA.14.071,
& PLC.16.010

Date: January 10, 2017

2



Location Map

*Location: Part of Lot 9,
Concession 7*

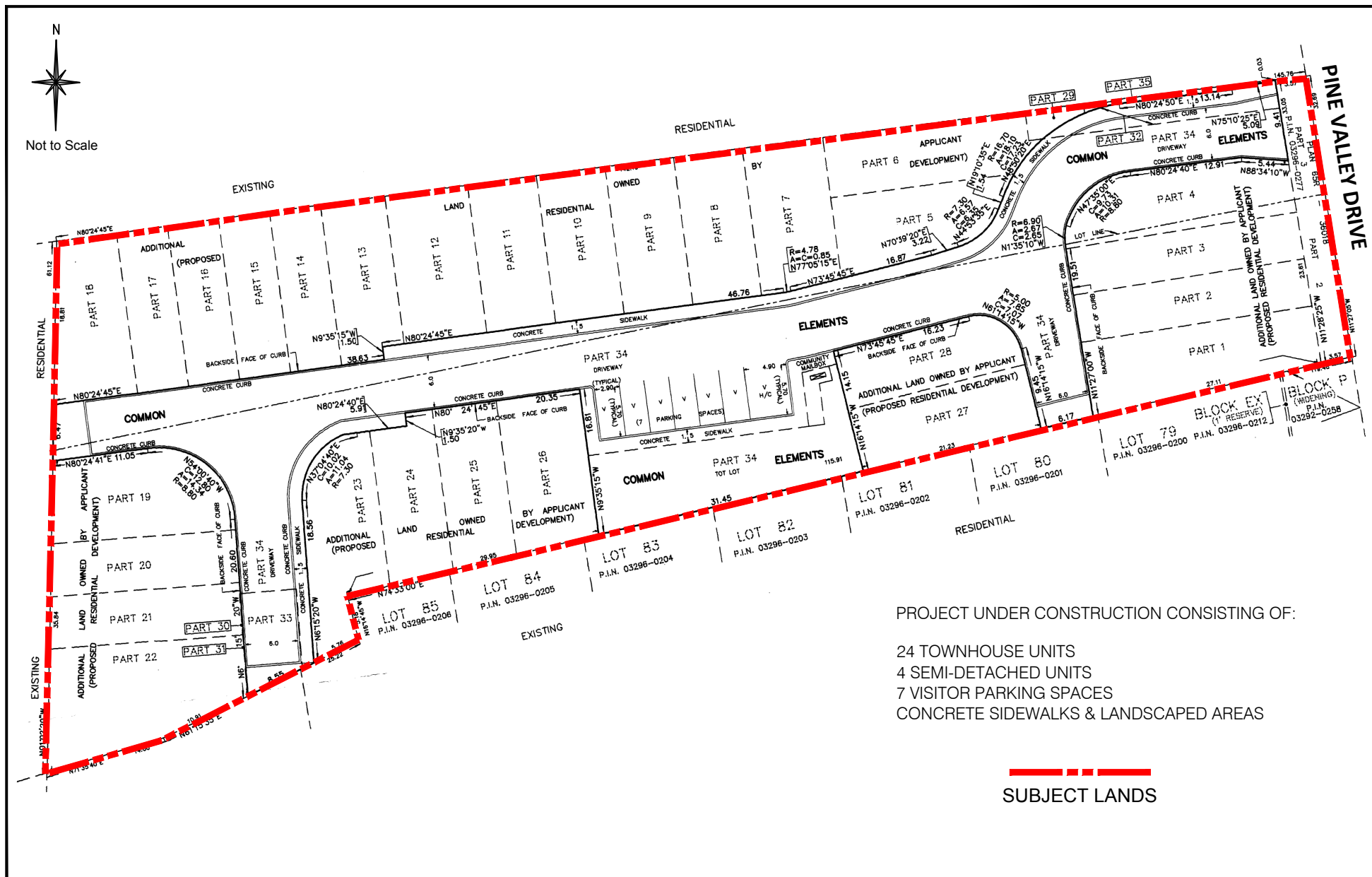
Applicant:
Pine Valley Enclave Ltd.



File: 19CDM-16V011
Related Files: Z.14.038, DA.14.071,
& PLC.16.010

Date: January 13, 2017

3



Draft Plan of Condominium File 19CDM-16V011 (Common Elements)

Applicant: Pine Valley Enclave Ltd. Location: Part of Lot 9, Concession 7

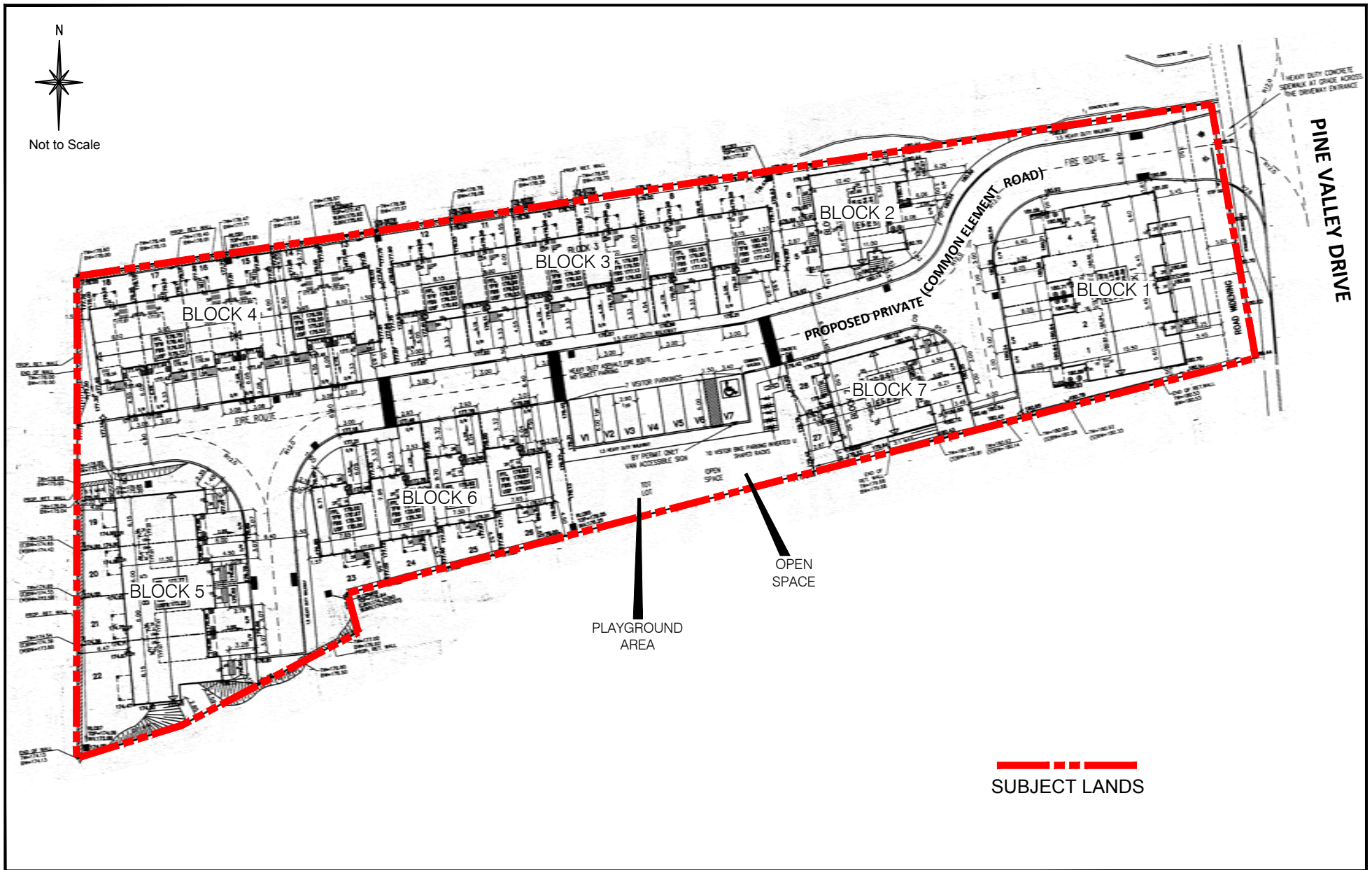


Attachment

File: 19CDM-16V011
Related Files: Z.14.038, DA.14.071,
& PLC.16.010

Date: January 10, 2017

4



Approved Site Plan File DA.14.071

Applicant: Pine Valley Enclave Ltd. Location: Part of Lot 9, Concession 7



Attachment

File: 19CDM-16V011
Related Files: Z.14.038, DA.14.071,
& PLC.16.010

Date: January 10, 2017

5