

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 23, 2013

Item 2, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 23, 2013.

**2 REQUEST TO ASSUME UNDERGROUND SERVICES AT AMALFI COURT
 WARD 2 – (MARTIN GROVE ROAD AND HIGHWAY 7)
 (REFERRED)**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated October 16, 2012, be approved; and**
- 2) That the following deputations be received:**
 - 1. Ms Leonarda Dina Abate, York Condo 976, Amalfi Court, Woodbridge; and**
 - 2. Ms. Ann Tenore, York Condo 976, Amalfi Court, Woodbridge.**

Council, at its meeting of February 19, 2013, adopted the following recommendation (Item 1, CW Report No. 5):

Committee of the Whole recommendation of February 5, 2013

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of April 9, 2013; and
- 2) That the following deputations and Communications be received:
 1. Mr. Peter Kostopoulos, Amalfi Court, Woodbridge, and Communications C1 and C2; and
 2. Ms. Connie Ciavone, Amalfi Court, Woodbridge.

Council, at its meeting of December 11, 2012, adopted the following recommendation (Item 1, CW Report No. 48):

Committee of the Whole recommendation of November 27, 2012

The Committee of the Whole recommends that consideration of this matter be deferred to the Committee of the Whole meeting of February 5, 2013, in accordance with the request contained in Communication C1, from Ann Tenore, Amalfi Court, York Condominium Association #976, dated November 5, 2012.

Council, at its meeting of October 30, 2012, adopted the following recommendation (Item 25, CW Report No. 39):

Committee of the Whole recommendation of October 16, 2012:

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of November 27, 2012; and
- 2) That Communication C16, from Ann Tenore, Secretary, and Dina Abate, President, YR Condo Corp #975 Committee, dated October 15, 2012, be received.

Report of the Commissioner of Engineering and Public Works, dated October 16, 2012.

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Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Director of Legal Services, recommends that:

1. This report be received for information.

Contribution to Sustainability

The infrastructure on this site was built in 2000. The construction practices, maintenance activities and condition of the assets are unknown. The necessary resources for maintenance and replacement has not been allocated and approved in the current budgets.

Economic Impact

Currently the maintenance, repair and ultimate replacement of the underground infrastructure is the responsibility of Condominium Corporation 976. As this report does not recommend a change to previous Councils' directions on this matter, there are no financial impacts to the City.

Communications Plan

N/A

Purpose

To report on the issues raised by Mr. Giuseppe Palma on behalf of the owners of Amalfi Court.

Background - Analysis and Options

At its meeting of March 20, 2012, Council received a deputation from Mr. Giuseppe Palma, 8 Amalfi Court, whereby Mr. Giuseppe Palma requested that the City assume the underground services in this development. This included the water main, sanitary sewer, storm sewer, street lighting and the associated appurtenances. Staff were directed by Council to prepare a report addressing Mr. Palma's request.

The site was developed as a private condominium corporation.

Amalfi Court is the street access in the registered Condominium Corporation 976 located on the west side of Martin Grove Road immediately north of Region Road # 7. Prior to being named Amalfi Ct., this site was also known as 7777 Martin Grove Road. The site was developed through a site plan agreement in 2000.

The underground services are reflective of condominium corporation requirements.

The infrastructure on this site was built in 2000. Under the conditions of the agreement, the developer was responsible for the construction and maintenance of the infrastructure.

The services were built to comply with the Building and Plumbing Codes, which may be less robust and less "maintenance friendly" than the City's municipal services, which are built to satisfy Ministry of Environment (MOE) and City of Vaughan standards.

As this was a private condominium development, the installation of the underground infrastructure was not inspected by City Engineering staff during its construction, and City staff have had no role in its ongoing maintenance or repair.

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Building permits were issued for the each dwelling unit and inspections were conducted by the City's Building Standards Department for compliance with the Ontario Building Code. As well, a Plumbing Permit was issued for the water and sanitary sewer mains on the site and these were inspected for compliance with the Ontario Plumbing Code by the Building Standards Department.

Water Main

The water main servicing the houses along the private roadway and hydrant are located beyond the south paved limit of the Amalfi Court roadway. The water main was designed to lie under the front yards of each lot along Amalfi Court. Based on the original engineering drawing, it appears that the water main sizing would meet current standards, however this would need to be confirmed to identify any costs of upgrading/revision, if required.

Sanitary Sewer

The sanitary sewer is located under the pavement on Amalfi Court. The sewer pipe size appears to be smaller than the minimum MOE and City of Vaughan standard. The current material and installation cost to upgrade the sewer is estimated at \$70,000.

Storm Sewer

The storm sewer is also located under the pavement. The system also includes several rear lot catch basins.

Street Lighting

There are three decorative street lights on alternating sides of Amalfi Court, two on the north and one on the south side of the roadway located on designated lots. The location of the street light conductor to power the lights is unknown. The fixtures on this site have been in place for 12 years.

Previous Councils have dealt with similar requests from the residents to assume the services in this complex and/or provide additional municipal services to it.

Staff reports concerning this complex were presented to Council on November 28, 2005, and again on September 25, 2006. In 2005, the request was to provide municipal snow clearing services, as well as curbside waste collection. The 2005 staff report also noted that the cost to install new sub-drains under the curb, and the cost of new curbs and gutters, along with a new hydrant set would cost approximately \$75,000.

In 2006, Council received a report in which staff re-iterated that snow clearing was to be provided by the Condominium Corporation, as per section 15 of the Site Plan agreement, and that *"the City does not provide services to any underground infrastructure such as water mains, service connections, sewers, drains etc., or any above ground infrastructure such as street lights, to this development."* Staff also provided memoranda to Council concerning the assessment and the tax charges on these properties compared to other residential properties in the area. These memoranda were sent from the Director or Legal Services, dated September 22, 2006, and from the Manager of Property Tax and Assessment, dated September 25, 2006.

Amalfi Court is one of many condominium and private roads in the City.

There are currently 51 other condominium roads in the City which have underground infrastructure that is not maintained by the City. These include such roads as Promenade Circle, Noam Court, Nova Star Circle, Cordoba Drive, etc.

In addition to above noted private roads, there are also:

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18 high rise condominium sites;
14 townhome developments;
2 high rise / town home mix locations;
8 retirement developments;
2 seniors' facilities;
11 mixed use residential facilities; and,
7 long term care facilities currently in the City.

The City of Vaughan staff has not estimated the collective costs or analyzed the implications of considering City assumption of all or part of the private infrastructure associated with these developments.

None of the above listed development locations have underground infrastructure assumed by the City. The above figures do not include the numerous commercial and institutional developments with private underground infrastructure.

City staff have not undertaken a thorough analysis of the financial or legal implications of potential City assumption of all or parts of the infrastructure servicing such earlier developments. Nor has the City undertaken the analysis of the implications of such a policy change for future development approvals.

Although such an analysis would undertake significant City and/or consultant resources. City staff have discussed some of the legal implications with Amalfi Court residents.

Request by owners to have Condominium Corporation dissolved will not change the status of the road or services.

A meeting was held in August attended by five owners of units in the condominium. They advised that the owners want this development to be like a regular subdivision and they did not want it to be a condominium corporation any longer. While condo owners can decide to terminate the condominium and take the property out of the ambit of the Condominium Act, it will leave them as owners of the individual units as well as tenants-in-common owners of the road and services, but now without any formal governing body or rules with respect to the maintenance, repairs or funding (ongoing funding as well as reserve funds) for the road and services, unless the City assumes the road and services. The legal process of Condominium dissolution would also likely require considerable time and expense as the individual lots would have to be created and any mortgagees would have to be involved.

Assumption of a Condominium Corporation's "Common Elements" would also be subject to application of the Condominium Act requirements.

In the event that the owners decided they wanted to retain the condominium corporation structure but have only the common elements conveyed to and assumed by the City, then this procedure would also require considerable time and expense in order to amend the legal description of the condominium and comply with the Condominium Act requirements.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and ties into the following Vaughan Vision 20/20 Goals and Objectives:

Goal: Organizational Excellence
Objective: Ensure Financial Sustainability

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Regional Implications

There are no Regional implications as a result of the recommendations contained in this report.

Conclusion

Staff have considered the possibility of the City assuming only the underground services along Amalfi Court, and have presented some of the financial and legal implications above.

Past Council considerations have reflected the development history as a Condominium site, with responsibilities for services and ownership' reflective of Ontario Condominium Act requirements. Staff is not in a position to recommend assumption of any of the existing services. Furthermore, the Amalfi Court situation is comparable to numerous other developments in the City.

Attachments

1. Location Map
2. Communication C16, dated October 15, 2012
3. Communication C1, dated November 5, 2012
4. Communication C1, dated February 5, 2013
5. Communication C2, dated February 5, 2013

Report prepared by:

Robert Meek, CET, Manager of Environmental & Technical Services, Ext 6100
Heather Wilson, Director of Legal Services, Ext 8389
Brian T. Anthony, Director of Public Works, Ext 6116

(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 9, 2013

REQUEST TO ASSUME UNDERGROUND SERVICES AT AMALFI COURT WARD 2 – (MARTIN GROVE ROAD AND HIGHWAY 7)

(Referred)

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Report prepared by:

Robert Meek, CET, Manager of Environmental & Technical Services, Ext 6100
Heather Wilson, Director of Legal Services, Ext 8389
Brian T. Anthony, Director of Public Works, Ext 6116

LOCATION MAP

Attachment 1



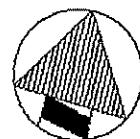
AMALFI COURT

LOCATION : Part of Lot 6,
Concession 8

LEGEND



SUBJECT LANDS



NOT TO SCALE

October 15, 2012

C	16
COMMUNICATION	
CW -	Oct 16/12
ITEM -	25

Re: Committee of the whole meeting October 16, 2012

Tony, as discussed at our meeting this evening, please request a deferral of agenda item regarding Amalfi Crt to a future time when the committee delegation can be better prepared to address the request.

In that regard, would you please arrange for us to receive the full list of condominiums, referred to in the staff notes as per "There are currently 51 other condominiums in the city....." for our research.

Lucy can send me this list by email and I can share it with the others on the board.

We appreciate the 3 of you for coming out and clarifying the situation to us.

Sincerely,

Ann Tenore, Secretary

Dina Abate, President

YR Condo Corpo #975 Committee

Magnifico, Rose**Subject:**

FW: Committee of the Whole Meeting - November 27

c 1
Communication
CW: Nov 27/12
Item: 1

From: Ann Tenore [mailto:ann.tenore@gmail.com]**Sent:** Monday, November 05, 2012 9:38 AM**To:** Abrams, Jeffrey**Cc:** Cardile, Lucy; Carella, Tony**Subject:** Fwd: Committee of the Whole Meeting - November 27

Good Morning Jeffrey,

Re: Committee of the Whole Meeting - Nov. 27, Amalfi Crt, York Condominium Association #976.

On behalf of the Chair, Dina Abate and the Board of this Organization, would you please convey this message to the Major and Member of Council to defer the Amalfi Crt issue to a date in early 2013.

We are a volunteer, part time Board and needed to do our research and present the facts to all 18 Residents.

It is vital that they are made aware of the contents of the document to go before council.

This meeting with the Residents is scheduled for December 11, 2012, then we are into the Christmas Season.

Please confirm that you received this email and all is OK.

Should you have any questions, please contact me:

Ann Tenore

Secretary

Amalfi Crt

York Condominium Association #976

Warm Regards,

Begin forwarded message:

From: "Carella, Tony" <Tony.Carella@vaughan.ca>**Date:** 5 November, 2012 7:31:03 AM EST**To:** Ann Tenore <ann.tenore@gmail.com>**Cc:** "Cardile, Lucy" <Lucy.Cardile@vaughan.ca>, "Abrams, Jeffrey" <Jeffrey.Abrams@vaughan.ca>**Subject:** RE: Committee of the Whole Meeting - November 27

Ann, that is not a problem. If you wish the matter can be deferred til the new year. Please send an e-mail to that effect, simply requesting a deferral to the new year, to jeffrey.abrams@vaughan.ca, asking him to convey that message to the Mayor and Members of Council. Make sure to indicate that you are the chair of the condo corporation

From: Ann Tenore [ann.tenore@gmail.com]**Sent:** Sunday, November 04, 2012 10:03 PM**To:** Carella, Tony**Cc:** Cardile, Lucy**Subject:** Committee of the Whole Meeting - November 27

Dear Tony,

It seems we are not as in sync as I had hoped.

I did not understand that a deferment meant that it had to have an alternate date and this date is end of November.

My recollection was that the item would be deferred, until we (the board) were ready to attend and proceed with the agenda item. It has taken considerable time for a group of volunteer, part-time individuals to do the research, meet and discuss to reach consensus, then schedule a Residents meeting. The first opportunity for us to meet with the Residents is December 11.

Although certain residents are clamoring for this to move forward, their expectations are entirely unreasonable, and without backing. Depending on the tone of the Residents Meeting, We will need to determine next steps. Under these circumstances, we are not prepared to proceed with the meeting as scheduled on November 27. We will need to consider a date, likely in the New Year.

Warm Regards,

Ann Tenore

Secretary

Amalfi Crt

York Condominium #976

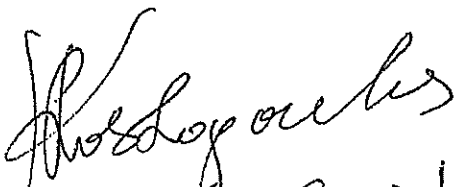
On 19-10-2012, at 4:25 PM, Carella, Tony wrote:

You are correct. If memory serves the item was deferred to late, not early November. Lucy pls check with Clerks.

Regarding Town Council Meeting on
February 5, 2013.

c1
Communication
cw: Feb 5/13
Item: 1

My name is Peter Kostopoulos and
I respectfully request 20 minutes
of time to discuss my concerns.


16 Amaret Court

c2
Communication
CW: Feb 5/13
Item: 1

JAN 22 2013
CITY OF VAUGHAN
CLERKS DEPARTMENT

Good evening everybody

Honourable Mayor

Distinguished Councillors

Guests

My name is Peter Kostopoulos and I am a resident of this beautiful city ...a proud resident.

I am here, like many other people to express our frustration for many years now. A frustration that prevents us, families, parents, children, and especially seniors to deal with the normal daily life.

I live in Amalfi Court from the time they finish the construction of what it supposed to be a quiet , nice court.

On the contrary, Amalfi court is a plan that was denied by the engineering department, the fire department and the planning department for TWO times....

Nevretheless, the third time the councillors approved on August 30th of 1999.

After the approval, the planning department went on the site and found that the two houses at the end of the street not supposed to be there...there suppose to be a U turn.

They fined the builder for a 100 THOUSAND dollars

The builder disappeared and run away to Italy.

The brother of the builder takes over in 2000, and pays the fine and continues the construction.

Still without taking into consideration the recommendation of the planning department, the engineering department and the fire department.

Mr. Rosati is a great councillor and he recognized the mistake that has been made in the construction of Amalfi court.

The recommendation of the report I indicated as B, is false. The city admitted to have made a mistake and still the cuncellors approved the plan and modified the size of the Sewers which don't follow the city standards

The report states that the location of the street light conductors is unknown.

Also, the building department at City Hall, says that the sewers start at 9 inches and finishes at 3 in the connection with the main sewer on Martin Grove...How is that possible. How did the inspectors allowed this.

Amalfi Court has been built on unknowns, impossible, not following the standards, against the requirements...all wrong...

When I asked the engineering department where the water valve inside my house was, they replied that they had nothing to do with that, because they never approved the plan.

As a result of this, today Amalfi residents suffer a tremendous loss of money to deal with property management and the discomfort of the snow and other utilities that the city should deal with.

We pay taxes like everybody else, and we don't mind have an increase to deal with the extra expenses for the city.

BUT the city has to take over the road, the common elements and pick up the garbage inside the street.

We are not second class residents. We have ten old women who live by themselves. FOUR of these poor ladies are on wheelchairs...How can they pick up the garbage and carry it for 300 meters to the main Road

Is this what you want people to say, that this City hall does not take care of it stakeholders equally???...

We have the right to the same treatment as others. We recommend this board to take over AMALFI COURT.

The same case happened in Mississauga, Dundas and Mavis. The residents complained and the Mayor recognized the mistake and took over the street. We cannot allow builders to rule us. We don't want this to become the common rule to build houses, make money and forget about the people who is living in them. We ask you to follow the example of Mrs McCallion.

We took the case to Ministry of Housing and they also recognized the mistake and suggested us to hire a lawyer and fight. We don't have the money to start a lawsuit against the City and we want to resolve peacefully.

Please, listen to our concerns. You are our respected representatives...decide wisely. Listen to your residents and to your heart. You don't wish this for your own families...Don't wish this for our families.

only Two old Councelos still There
The Rest All New

Hodopoulos

MES Wilson
25.2

X As this was a private condominium development, the installation of the underground infrastructure was not inspected by City Engineering staff during its construction, and City staff have had no role in its ongoing maintenance or repair.

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In 2006, Council received a report in which staff re-iterated that snow clearing was to be provided by the Condominium Corporation, as per section 15 of the Site Plan agreement, and that *"the City does not provide services to any underground infrastructure such as water mains, service connections, sewers, drains etc., or any above ground infrastructure such as street lights, to this development."* Staff also provided memoranda to Council concerning the assessment and the tax charges on these properties compared to other residential properties in the area. These memoranda were sent from the Director or Legal Services, dated September 22, 2006, and from the Manager of Property Tax and Assessment, dated September 25, 2006.

Amalfi Court is one of many condominium and private roads in the City.

There are currently 51 other condominium roads in the City which have underground infrastructure that is not maintained by the City. These include such roads as Promenade Circle, Noam Court, Nova Star Circle, Cordoba Drive, etc.

Amendment TO Zoning By-Law Report, P. 99-41 File: DR. 99.006

The subject lands are located within Neighbourhood #1 of OPA #240 which permits a maximum density of 35 units/net ha. The proposed density is 25 units/ha, therefore, the proposed development conforms to the policies of the Official Plan.

Zoning

The lands are zoned A Agricultural Zone by By-law 1-88 which does not permit the proposed development. Therefore an amendment to the zoning by-law is required.

The lands are proposed to be zoned R5 Residential Zone, which permits detached and semi-detached dwelling units with minimum lot frontages of 7.5 m. The residential lands immediately surrounding the subject parcel are zoned R4 Residential Zone, subject to an exception allowing row housing and small semi-detached units.

The Applicant has requested that the subject lands be rezoned R5 Residential Zone. The proposed development is a block form development on a private road. As such, the more appropriate zoning is considered to be RM2 Multiple/Residential Zone, with any necessary exceptions.

Site Analysis

The proposed development consists of 18 bungalow, 2-storey and 2½-storey detached units. The proposed site plan incorrectly identifies 18 separate lots, rather than one block with 18 residential units. The development will function as a condominium complex, with private services being the responsibility of the condominium corporation. Individual units would be created through a future draft plan of condominium application.

Elevations

The Applicant has submitted preliminary elevations, which are relatively attractive and include architectural features in the form of peaked roof lines and feature windows which enhance the streetscape. The final elevations shall be approved by the Urban Design + Environment and Community Planning Departments.

Parking and Access

The proposed units include both single and detached garages. The by-law requires that the dimensions for garages be not less than 3.0m x 6.0m measured from the interior faces of the exterior walls, or from the centre line of the common wall separating a dwelling and garage. The by-law also requires a minimum parking space size of 2.7m x 6.0m. The site plan (Attachment #2) identifies parking spaces and garage sizes that do not meet the requirements of the Zoning By-law.

By-law 1-88 requires 3 parking spaces per dwelling unit. Given that the proposed development is a condominium development, an additional .25 spaces/unit for visitor parking shall be applied. Therefore, a total of 59 spaces are required. The site plan includes 68 parking spaces (including garage parking). Staff are concerned with respect to the lack of opportunity for visitor parking, even though numerically, the development provides the required parking spaces.

Staff recognize that the by-law defines a garage as a parking space, although garages are not always used to park vehicles, and it is common for a household to have two or more vehicles. Should a garage in this development, specifically, those units providing 3 spaces, be used for a purpose other than parking, a demand for on-street parking will result.

In consideration of the above, it is unrealistic that the site can provide sufficient visitor parking. To accommodate on-street parking, Staff recommend the private road width to be increased to 8.5 m, rather than the proposed 7.5 m. An 8.5 m road would provide approximately 6 on-street parking

spaces on one side of the road and at the same time, maintain sufficient room for emergency vehicles to safely maneuver. If this width is not possible, then Staff would request an area specifically devoted to visitor parking on site.

With a 7.5m roadway, the applicant will be required to erect "No Parking" and "Fire Route" signs along the private road. Furthermore, a condition requiring that all offers of purchase and sale or lease advise all purchasers and tenants that the road for this development shall be used for access and fire route only, and that no on-street parking will be permitted anywhere along the roadway.

Utilities

The Developer is to design, purchase materials and install a buried hydro distribution system and a street lighting system within the confines of the development, and compatible with the existing and or proposed systems, in the surrounding plans of subdivision, all in accordance with City of Vaughan Hydro and City of Vaughan standards and specifications, latest revisions.

Services

The Engineering Department requires that the Applicant submit a noise study and servicing study for their approval. The site servicing plan has been red-lined, to require proper access and service and drainage details.

Fire Department

A 90m fire route with a 15m radius maximum to the main entrance of the most remote dwelling unit from the end of the 90m, is the required standard. A main entrance beyond the 105m (90m + 15m) fire route would require a suitable turn-around facility in the form of a turning circle or hammerhead.

The latest site plan submission identifies one unit beyond the 105m (90m + 15m) fire standard, which will have to be reviewed by the Vaughan Fire Department. A condition to this effect is included in the recommendation section of this report.

Should it be determined that a turn circle or hammerhead for emergency vehicles be provided, the Applicant shall design them in accordance with City Standard and to the satisfaction of Engineering Staff.

The final Site Servicing Plan shall be approved by the Engineering Department and a condition to this effect has been included in the recommendation section of this report.

Department of Urban Design + Environment

Staff have reviewed the preliminary landscape plan for the proposed development and has provided the following comments:

1. Additional landscaping is required with the boulevard on Martin Grove Road.
2. A detailed itemized landscape cost estimate is required.
3. Construction details are required for planting, fencing, decks, entry gates, concrete sidewalks, curbing on roadway. Details must be City of Vaughan standard.
4. Wood screen 1.5m x 1.8m are required between units.
5. Garbage storage, and snow storage at a rate of 2% of the total lot area are to be shown on the plan

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6. Fencing must be indicated on landscape plan, and street trees along Martin Grove Road are required every 12m.
7. It would appear that the decks at the rear of the units adjacent to the commercial development are elevated, therefore appropriate servicing will be required.

The Applicant is in the process of revising the landscape plan to reflect the red-lined comments of the department of Urban Design + Environment by which shall be approved by the Department of Urban Design + Environment as well as all cost estimate. A condition to this effect has been included in the recommendation section of this report.

Conclusion

Planning staff has reviewed the site plan application and have identified some concerns, and requires exceptions to facilitate this development. The main concern is the lack of opportunity for visitor parking, either in a designated lot or on-street. With the need for a clear 6.0m width for emergency vehicles, there will be no space for cars on the proposed 7.5m wide road. Staff

recommend the plan be revised to increase the private road width from 7.5m to 8.5 m to accommodate approximately 6 on-street spaces. Also, the parking spaces should meet the minimum size requirements of the by-law, by increasing the garage to 3.0m x 6.0m and parking spaces to 2.7m x 5.7m. If an 8.5m wide roadway is not provided, Staff would request that a visitor parking area be provided on-site, as per by-law requirements. All other outstanding matters, including snow storage, servicing, and landscaping will be addressed in the finalization of the site plan.

Conditions of approval have been included requiring the final site plan and site service and grading plan to be approved by Staff. Should the Committee concur, Zoning Amendment Application Z.99.009 and DA99.006 (Antonio Tallarico c/o 1231267 Ontario limited) can be approved with the adoption of the recommendation of this report.

Attachments

1. Location Map
2. Site Plan
3. Landscape Plan

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Blanca M.V. Bielski, Manager, Development Planning, ext. 8485

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(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.)