

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 7, 2016

Item 3, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 7, 2016.

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

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 May 31, 2016:

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-15V008 (Stateview Homes (S Collection) Inc.) as shown on Attachment #4, BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

The subject lands are currently being developed in accordance with Site Development File DA.12.037, which was approved by Vaughan Council on March 24, 2015. The contribution to sustainability was identified during the Site Development process. The condominium proposal addresses the tenure of the property only, and therefore, there is no further contribution to sustainability through this application.

Economic Impact

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

Communications Plan

On March 11, 2016, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and those individuals that requested notification of the previous Official Plan, Zoning By-law Amendment and Site Development Applications (Files OP.12.006, Z.12.015 and DA.12.037). A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice sign installed on the property.

The Committee of the Whole's recommendation to receive the Public Hearing report of April 5, 2016, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on April 19, 2016.

It is noted that when the Public Hearing Notice and Public Hearing report were printed and distributed, the applicant showed a catch basin and storm water pipe within the ownership of Lots 5 and 12. The applicant has since amended the condominium plan to identify these items as common elements to be managed by a future Condominium Corporation, together with the other common elements identified in this report as shown on Attachment #4.

Correspondence dated February 18, 2016 and April 1, 2016 was received by the Vaughan Development Planning Department from Mrs. Joanne Federici of Hartman Avenue, respecting this application. The issues/matters identified by Mrs. Federici and staff's response are noted below as follows:

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EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 7, 2016

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- 1) The following conditions are requested to be included within the Condominium Agreement:
 - i. Maintain the trees and replace any damaged trees with similar species at the same height
 - ii. Replace any damaged fencing at the same height and using the same materials
 - iii. Include the catchbasin at the south-east of the lot as a common element
 - The proposed Conditions of Approval include the retention and maintenance of the Common Elements by the Condominium Corporation. The Common Elements include the access road and walkways, visitor parking spaces, landscaped areas, sewer pipe and community mailbox.
- 2) The following should be included as common elements for the development:
 - i. Sewer pipe/catchbasin along the south boundary
 - ii. Landscaped area along the south boundary
 - iii. Fencing along the south boundary
 - The common elements shown on the Condominium Plan include: the access road, walkways, community mailbox, landscaped areas, visitor parking spaces, fencing on southern boundary, retaining wall, sewer pipe and catchbasin.
- 3) The following items were not included in the Public Hearing report but should be included in the technical report:
 - i. The Owner and future Condominium Corporation should provide an access easement over the condominium road in favour of the landowners to the north and south of the subject lands when these lands develop
 - ii. Fritted glass windows are required on the south facing windows of Units #5 and #12
 - The requirements for the access easement and the fritted glass windows were included in the staff report for Site Development File DA.12.037, which was approved by Council and is contained in the Site Plan Agreement Conditions respecting these provisions, and will also be included in the Condominium Agreement.

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-15V008, respecting the subject lands shown on Attachments #2 and #3, to permit the proposed condominium tenure for the privately-owned and maintained common elements, that consist of a private road and walkways, 3 visitor parking spaces, a community mailbox, a storm water pipe, catchbasin, fencing, retaining wall and landscaped areas, in the manner shown in Attachment #4, that will serve the development of 12 freehold townhouse units that were earlier approved by the City and are under construction, in the manner shown in Attachment #5.

Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands, as shown on Attachments #2 and #3, with 12 freehold townhouse units, as part of a Common Element Condominium development

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comprising of a private road and walkways, 3 visitor parking spaces, a community mailbox, storm water pipe, catchbasin, fencing, retaining wall and landscaped areas. The Vaughan Development Planning Department supports the approval of the proposed condominium application, as it implements the Vaughan Official Plan (VOP 2010), complies with Zoning By-law 1-88, is consistent with the approved site plan, and is compatible with the surrounding existing and planned land uses.

Location

The subject lands shown on Attachments #2 and #3 are located on the east side of Islington Avenue, north of Hartman Avenue, and are municipally known as 8313, 8315, 8317, 8319, 8321, 8323, 8325, 8327, 8329, 8331, 8333 and 8335 Islington Avenue. The surrounding land uses are identified on Attachment #3.

Official Plan and Zoning

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, to permit the townhouse development. The proposed Draft Plan of Condominium (Common Elements) conforms to the Official Plan.

The subject lands were the subject of Zoning By-law Amendment File Z.12.015 that rezoned the land from R2 Residential Zone (single detached dwellings) to RM2 Multiple Residential Zone (townhouse dwelling units) by Zoning By-law 1-88, subject to Exception 9(1420) as shown on Attachment #3. The application for Draft Plan of Condominium (Common Element) complies with Zoning By-law 1-88.

Site Plan

Official Plan Amendment File OP.12.006, Zoning By-law Amendment File Z.12.015 and Site Development File DA.12.037 were approved by Vaughan Council on March 24, 2015 to permit a development comprised of 12 freehold townhouse units to be accessed by a private common element condominium road, as shown on Attachment #5. The Site Plan Agreement was registered on title as Instrument No. YR-2324168 on July 13, 2015.

The approved engineering drawings and site plan for Site Development File DA.12.037 included a drain 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 Attachments #4 and #5. The pipe, including the catch basin, will form part of the common elements and will be the responsibility of the Condominium Corporation. A clause to this effect will be included in the Condominium Agreement and Condominium Declaration to ensure that it is maintained by the future Condominium Corporation.

As part of the approval of Site Development File DA.12.037, the configuration of the landscaped area located between the two townhouse building blocks and the south lot line, as shown on Attachments #4 and #5, and the planting details was the subject of negotiations between the City, the applicant and the landowners to the immediate south. The approved landscape plan provides an appropriate buffer between the subject development and the properties to the immediate south. The implementing site-specific Zoning By-law Number 73-2015, also included a requirement that this area only be used for landscaping, fencing, and a retaining wall. This

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EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 7, 2016

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specific requirement ensures no buildings or structures would be located in this area. The entire landscaped area will form part of the condominium common elements and a clause will be 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 proposed Draft Plan of Condominium (Common Elements) is required for the private road and walkways, 3 visitor parking spaces, storm water pipe, catchbasin, fencing along the southern boundary, retaining wall, community mailbox and landscaped areas. The proposed Draft Plan of Condominium 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.15.016 to facilitate the creation of individual freehold lots for the proposed 12 townhouse units, which form part of the Draft Plan of Condominium, as shown on Attachments #4 and #5. The proposed lots (frontage, area and depth) must comply with the RM2 Multiple Residential Zone requirements of Zoning By-law 1-88, subject to Exception 9(1420) and the approved site plan.

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):

- i) Continue to cultivate an environmentally sustainable city

Regional Implications

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

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-15V008 has been reviewed in consideration of the Vaughan Official Plan 2010 and Zoning By-law 1-88, the approved site plan, the comments from City Departments and external public agencies, as well as from the community, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development of the subject lands is appropriate and compatible with the

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 7, 2016

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existing and permitted uses in the surrounding area, conforms to the Official Plan and complies with the Zoning By-law. 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-15V008 (Common Elements)
5. 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.)

COMMITTEE OF THE WHOLE MAY 31, 2016

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) 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:

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Economic Impact

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Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands, as shown on Attachments #2 and #3, with 12 freehold townhouse units, as part of a Common Element Condominium development comprising of a private road and walkways, 3 visitor parking spaces, a community mailbox, storm water pipe, catchbasin, fencing, retaining wall and landscaped areas. The Vaughan Development Planning Department supports the approval of the proposed condominium application, as it implements the Vaughan Official Plan (VOP 2010), complies with Zoning By-law 1-88, is consistent with the approved site plan, and is compatible with the surrounding existing and planned land uses.

Location

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As part of the approval of Site Development File DA.12.037, the configuration of the landscaped area located between the two townhouse building blocks and the south lot line, as shown on Attachments #4 and #5, and the planting details was the subject of negotiations between the City, the applicant and the landowners to the immediate south. The approved landscape plan provides an appropriate buffer between the subject development and the properties to the immediate south. The implementing site-specific Zoning By-law Number 73-2015, also included a requirement that this area only be used for landscaping, fencing, and a retaining wall. This specific requirement ensures no buildings or structures would be located in this area. The entire landscaped area will form part of the condominium common elements and a clause will be 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 proposed Draft Plan of Condominium (Common Elements) is required for the private road and walkways, 3 visitor parking spaces, storm water pipe, catchbasin, fencing along the southern

boundary, retaining wall, community mailbox and landscaped areas. The proposed Draft Plan of Condominium 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.

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Related Part Lot Control Application

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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):

- i) Continue to cultivate an environmentally sustainable city

Regional Implications

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

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-15V008 has been reviewed in consideration of the Vaughan Official Plan 2010 and Zoning By-law 1-88, the approved site plan, the comments from City Departments and external public agencies, as well as from the community, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development of the subject lands is appropriate and compatible with the existing and permitted uses in the surrounding area, conforms to the Official Plan and complies with the Zoning By-law. 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-15V008 (Common Elements)
5. 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

/CM

BILL KIRU
Senior Manager of Development Planning

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-15V008
STATEVIEW HOMES (S COLLECTION) INC.
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-15V008, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium (Common Elements), prepared by KRCMAR Surveyors Ltd., drawing # 12-004DC01, dated October 7, 2015.
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.12.037).
4. The following provisions shall be included in the condominium agreement:
 - a) the maintenance of the common elements comprising of the access road, walkways, community mailbox, landscaped areas, retaining wall, fencing, sewer pipe and catchbasin shall be the responsibility of the Condominium Corporation;
 - b) the Owner and Condominium Corporation shall agree to grant an access easement over the proposed condominium road in favour of the landowners to the north and south when these lands develop;
 - c) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - d) snow removal and clearing, and garbage and recycling pick-up shall be privately administered, and shall be the responsibility of the Condominium Corporation;
 - e) the following warning clauses shall be included in all Offers of Purchase and Sale or Lease for all dwelling units on the lands:
 - i) "Purchasers of these units are advised 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."
 - ii) "Purchasers and/or tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, may occasionally interfere with some activities of the occupants as the sound levels exceed the Ministry of the Environment and Climate Change and the City's noise criteria."

- f) the following warning clauses shall be included in all Offers of Purchase and Sale or Lease for Lots 1 to 5:
 - i) "Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and ducting etc., as well as central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of the Environment and Climate Change and in compliance with the City's noise requirements."
 - ii) "Purchasers and/or tenants are advised that due to the proximity of the existing commercial facilities, sound levels from the facilities may at times be audible."
- g) the following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 6 to 12:
 - i) "Purchasers and/or tenants are advised that, despite the inclusion of noise control features within the development area, road noise will continue to increase occasionally interfering with some activities of the dwelling occupants. This dwelling, has, therefore, been equipped with forced air heating and ducting etc., sized to accommodate the future installation of air conditioning by the purchaser and/or tenant. The location and installation of the outdoor air conditioning device should be done so as to minimize noise impacts."
- 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 on June 23, 2015 under Regional File No. SP-V-035-12, 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 issued on June 23, 2015 under Regional File No. SP-V-035-12.
- 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.

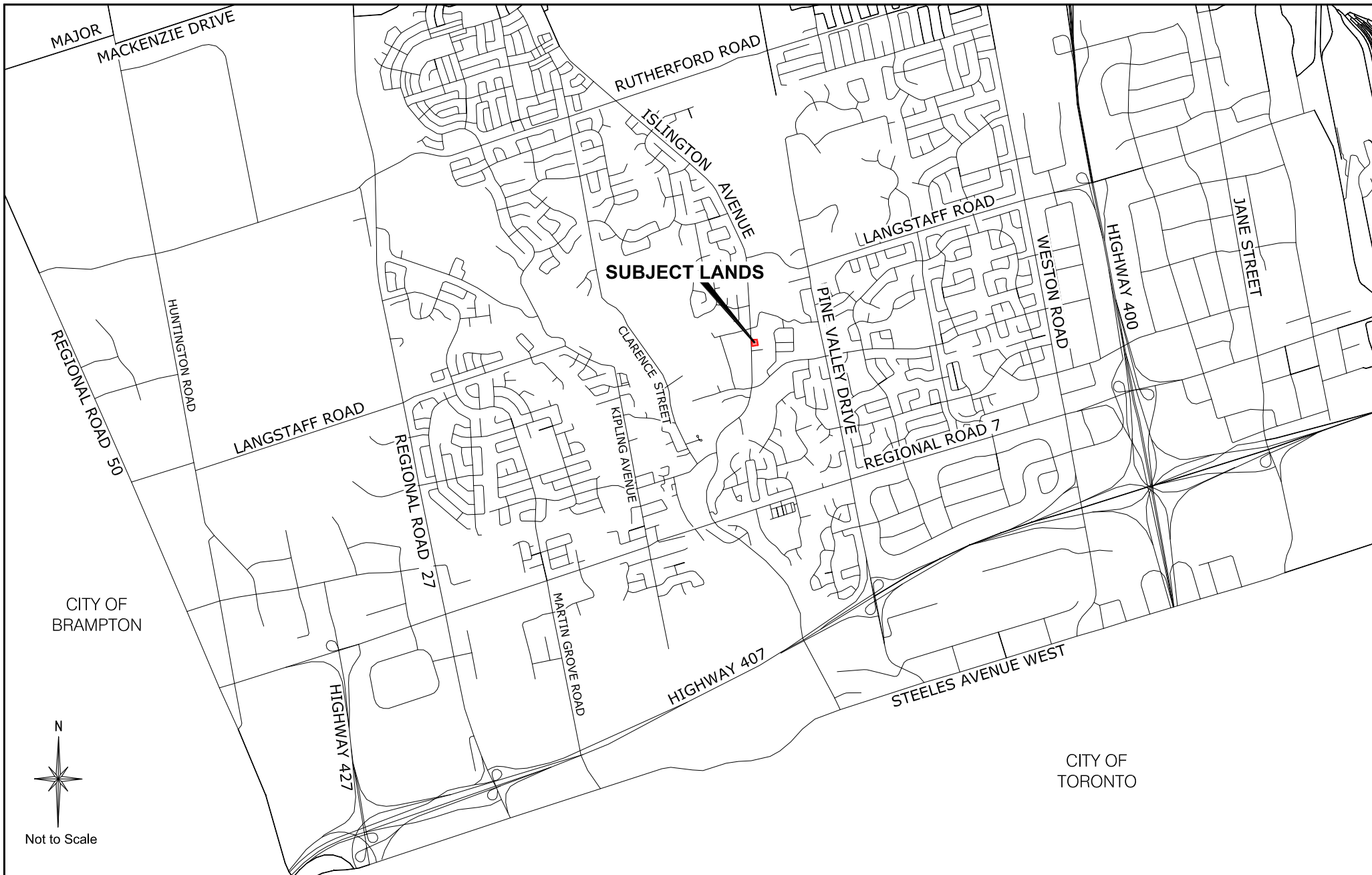
12. Prior to final approval, the Owner shall provide confirmation that all transfers of obligation have been completed where Regional agreements require responsibility to change from the Owner to the Condominium Corporation.

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 Mail Box.
 - 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 Mail Boxes and to indicate the location on the appropriate servicing plan(s).
 - d) The Owner (Developer) agrees to provide the following for each Community Mail Box 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 with an opening of at least 2m (consult Canada Post for detailed specifications).
 - e) The Owner (Developer) shall agree to determine and provide a suitable and safe temporary site for a Community Mail Box Location(s), until the curbs, sidewalks and final grading have been completed at the permanent Community Mail Box 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:
Stateview Homes (S Collection) Inc.

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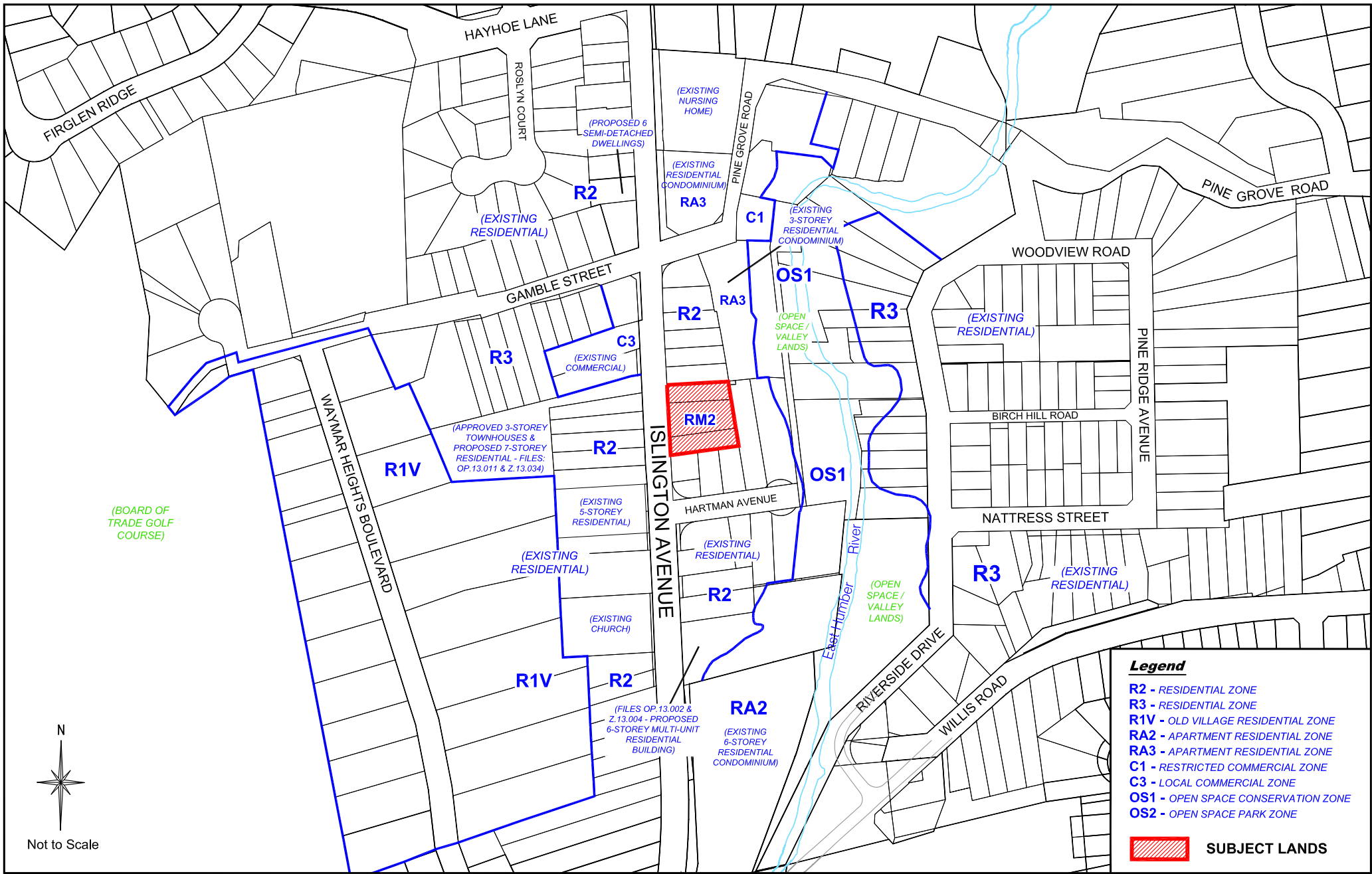


Attachment

File:
19CDM-15V008

Date:
May 31, 2016

2



Location Map

Location: Part of Lot 9,
Concession 7

Applicant:
Stateview Homes (S Collection) Inc.



Attachment

File:
19CDM-15V008

Date:
May 31, 2016

3



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

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

