

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 3, Report No. 35, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 24, 2017.

#### **3                    DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V001                          LIVIGNO ALPS DEVELOPMENTS CORP.                          WARD 4 - VICINITY OF RUTHERFORD ROAD AND KEELE STREET**

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 October 3, 2017:

##### **Recommendation**

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

1. THAT the Draft Plan of Condominium (Standard) File 19CDM-17V001 (Livigno Alps Developments Corp.) BE APPROVED, as shown on Attachment #5, subject to the Conditions of Draft Approval set out in Attachment #1.

##### **Contribution to Sustainability**

The condominium proposal addresses the tenure of the property only, and therefore, this requirement is not applicable.

##### **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 (Standard) File 19CDM-17V001, as shown on Attachment #5. The Draft Plan of Condominium will establish the condominium tenure on the subject lands, as shown on Attachments #2 and #3, consisting of 34 industrial units, 209 parking spaces, service areas (garbage, sprinkler, and electrical rooms), amenity areas, and signage.

##### **Background - Analysis and Options**

###### *Synopsis:*

*The Owner proposes to establish the condominium tenure for 3 one-storey, multi-unit (34 units) employment buildings, including 209 parking spaces, service areas (garbage, sprinkler, and electrical rooms), amenity areas, bicycle racks, signage. The Development Planning Department supports the approval of the Draft Plan of Condominium (Standard) application as it conforms to the Official Plan, complies with Zoning By-law 1-88, and implements the condominium tenure for the approved development (Site Development File DA.16.036), as shown on Attachment #4.*

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

#### Item 3, CW Report No. 35 – Page 2

##### Location

The 2.21 ha subject lands are located on the south side of Rutherford Road between Rotational Drive and Tesma Way, as shown on Attachments #2 and #3. The surrounding land uses are shown on Attachment #3.

##### Official Plan and Zoning

The subject lands are designated “Prestige Employment” on Schedule 13 - Land Use, of Vaughan Official Plan 2010 (VOP 2010). The subject lands are also located within a Regional Intensification Corridor as shown on Schedule 1 - Urban Structure of VOP 2010. VOP 2010 permits a full range of employment uses within wholly enclosed buildings including industrial, manufacturing, warehousing (but not retail warehousing), processing, and distribution use on the subject lands. The proposed Draft Plan of Condominium (Standard) will establish the condominium tenure for an approved employment development that conforms to the Official Plan.

The subject lands are zoned EM1 Prestige Employment Area Zone and EM2 General Employment Area Zone and subject to site-specific Exception 9(759), as shown on Attachment #3, which permits the approved development shown on Attachment #4. The property is also subject to Minor Variance File A320/16, which was approved by the Committee of Adjustment on September 8, 2016, to permit an increase to the minimum unit size within the EM1 Prestige Employment Area Zone, and a reduced landscape strip width along Rutherford Road.

##### Site Development

On October 19, 2016, Vaughan Council approved Site Development File DA.16.036 for a proposed development, as shown on Attachment #4, consisting of the following:

Total Number of Industrial Units:	34
Total Gross Floor Area (All Buildings)	8,061.65 m <sup>2</sup>
Landscaped Amenity Area	169.15 m <sup>2</sup>
Snow Storage Area	443 m <sup>2</sup>
Total Number of Parking Spaces	209 (including 6 barrier-free parking spaces)
Bicycle Parking	10 spaces

Access to the subject lands is provided from Tesma Way and Rotational Drive, which are both private roads, subject to an easement for public access.

The proposed Draft Plan of Condominium (Standard), as shown on Attachment #5, is consistent with the approved site plan shown on Attachment #4, and complies with Zoning By-law 1-88, subject to site-specific Exception 9(759) and varied by Minor Variance File A320/16.

As a Condition of Draft Approval, which is included in Attachment #1, the Owner must submit an “as-built” survey to the satisfaction of the Building Standards Department, prior to the registration of the final Condominium Plan.

##### Garbage/Recycling Collection and Snow Removal

Garbage and recycling (3-stream), and snow storage and removal will be privately administered and the responsibility of the Condominium Corporation. A condition to this effect is included in Attachment #1.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

#### **Item 3, CW Report No. 35 – Page 3**

##### **Utilities**

Bell Canada has no objection to the proposal, subject to their condition of approval included in Attachment #1.

Rogers Communication, Alectra Utilities Corporation, and Enbridge Gas have no objections to the proposal. The Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority. A condition to this effect is included in Attachment #1.

##### **Canada Post**

Canada Post has no objection to the proposal, subject to their conditions of approval included in Attachment #1.

##### **Canadian National Railway (CN)**

CN has reviewed the proposal and has no objection. CN has advised that the Owner shall remain responsible for ensuring that there will be no adverse drainage impacts to CN lands, and that no new overland flow onto CN lands is permitted in the event of a 100-year storm.

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

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Attract investment and create jobs

##### **Regional Implications**

The York Region Community Planning and Development Services Department has no objection to the proposed Draft Plan of Condominium (Standard) application, subject to their Conditions of Draft Approval identified in Attachment #1.

##### **Conclusion**

The proposed Draft Plan of Condominium (Standard) File 19CDM-17V001 has been reviewed in consideration of VOP 2010, Zoning By-law 1-88, Minor Variance File A320/16, the approved site plan, and the comments from City Departments and external public agencies. The proposed Draft Plan of Condominium (Standard) implements an approved development (Attachment #4) that conforms with VOP 2010 and complies with Zoning By-law 1-88. Accordingly, the Development Planning Department has no objection to the approval of the Draft Plan of Condominium (Standard) application, subject to the conditions set out in Attachment #1.

##### **Attachments**

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Approved Site Plan: File DA.16.036
5. Proposed Draft Plan of Condominium

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017**

Item 3, CW Report No. 35 – Page 4

**Report prepared by:**

Natalie Wong, Planner, ext. 8866  
Stephen Lue, Senior Planner, ext. 8210

(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    OCTOBER 3, 2017**

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V001  
LIVIGNO ALPS DEVELOPMENTS CORP.  
WARD 4 - VICINITY OF RUTHERFORD ROAD AND KEELE STREET**

**Recommendation**

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

1. THAT the Draft Plan of Condominium (Standard) File 19CDM-17V001 (Livingo Alps Developments Corp.) BE APPROVED, as shown on Attachment #5, subject to the Conditions of Draft Approval set out in Attachment #1.

**Contribution to Sustainability**

The condominium proposal addresses the tenure of the property only, and therefore, this requirement is not applicable.

**Economic Impact**

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

**Communications Plan**

N/A

**Purpose**

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**Background - Analysis and Options**

*Synopsis:*

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**Location**

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

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### **Regional Implications**

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### **Conclusion**

The proposed Draft Plan of Condominium (Standard) File 19CDM-17V001 has been reviewed in consideration of VOP 2010, Zoning By-law 1-88, Minor Variance File A320/16, the approved site plan, and the comments from City Departments and external public agencies. The proposed Draft Plan of Condominium (Standard) implements an approved development (Attachment #4) that conforms with VOP 2010 and complies with Zoning By-law 1-88. Accordingly, the Development Planning Department has no objection to the approval of the Draft Plan of Condominium (Standard) application, subject to the conditions set out in Attachment #1.

### **Attachments**

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### **Report prepared by:**

Natalie Wong, Planner, ext. 8866  
Stephen Lue, Senior Planner, ext. 8210

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 (STANDARD) FILE 19CDM-17V001 ("THE PLAN")  
LIVIGNO ALPS DEVELOPMENTS CORP. ("THE OWNER")  
PART OF LOT 15, CONCESSION 4 (LOTS 3 AND 30 OF REGISTERED PLAN 65R-3325),  
CITY OF VAUGHAN ("THE CITY")**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V001, ARE AS FOLLOWS:

#### **City of Vaughan Conditions**

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Rady-Pentek & Edward Surveying Ltd., drawing file No. 15-194-DR PLAN, dated June 23, 2017.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department, and the related Site Plan Agreement shall have been registered on title, or if the requirement for a Site Plan Agreement is not applicable, then a Building Permit shall have been issued.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan, and shall agree to satisfy any conditions that the City may consider necessary that may be outstanding as part of Site Development File DA.16.036.
4. The following provision(s) shall be included in the Condominium Agreement:
  - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
  - b) Private garbage and recycling collection, snow removal and clearing shall be the responsibility of the Condominium Corporation; and
  - c) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post.
5. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
6. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the 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 (Alectra Corporation Utilities, Rogers, Enbridge Gas), drainage and construction purposes have been granted to the appropriate authorities.
8. Prior to final approval, the Owner shall confirm to the Development Planning Department that they have paid all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required by the Financial Planning and Development Finance Department. The Owner also certifies acknowledgement of responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of this Agreement, if required, until each unit covered under this Condominium Agreement is separately assessed.

York Region Conditions:

9. The Owner shall satisfy the following conditions of York Region, prior to final approval:
- a) The Owner shall provide confirmation that all of the conditions of the site plan approval issued on July 18, 2016, under Regional File No. SP-V-047-16, have been satisfied;
  - b) 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 July 18, 2016, under Regional File No. SP-V-047-16;
  - c) The Owner shall confirm that all of the works within the Regional right-of-way have been completed to the satisfaction of York Region or that York 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; and
  - d) 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.

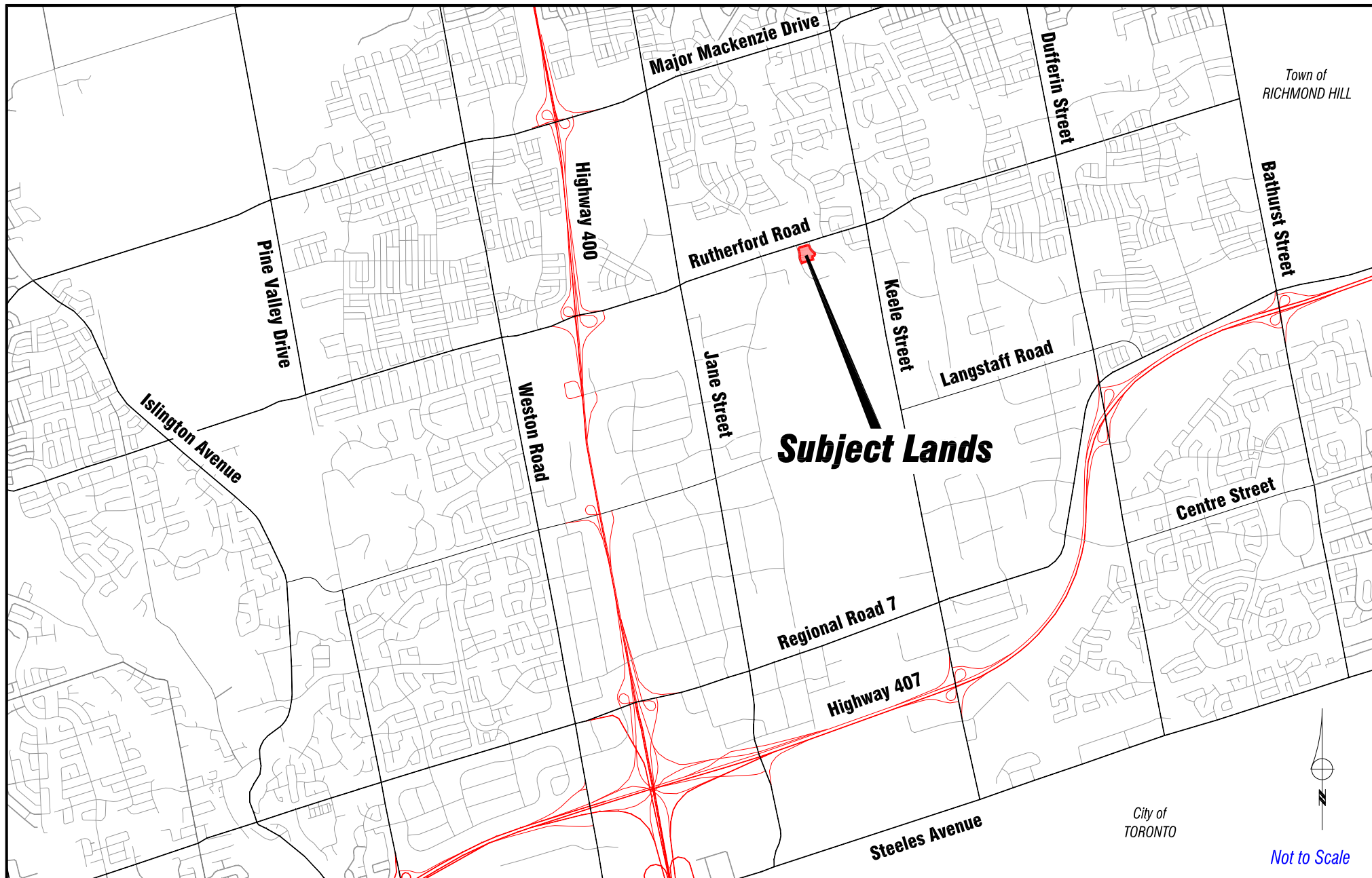
Bell Canada Conditions:

10. Prior to final approval, the Owner shall satisfy the following condition of Bell Canada:
- a) The Owner shall indicate in the Condominium Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Canada Post

11. The Owner shall satisfy the following conditions of Canada Post, prior to final approval:
- a) The Owner shall agree to include on all Offers of Lease/Offer of Purchase and Sale, a statement which advises the prospective Owner/Lessee that mail delivery will be from a designated Community Mailbox;
  - b) The Owner will be responsible for notifying the Lessee/Owner of the exact Community Mailbox locations prior to the closing of any lease;
  - c) The Owner will consult with Canada Post to determine suitable locations for the placement of each Community Mailbox and to indicate these locations on the appropriate servicing plan;
  - d) The Owner will provide the following for each Community Mailbox site and these requirements on the appropriate servicing plans:
    - i) An appropriately sized sidewalk section (concrete pad), as per municipal standards, to place the Community Mailboxes;
    - ii) Any required walkway across the boulevard, as per municipal standards;
    - iii) Any required curb depressions for wheelchair access; and

- e) Prior to final approval, the Owner further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks, and final grading have been completed at the permanent Community Mailbox locations.
- 12. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 8 have been satisfied.
- 13. York Region shall advise the Development Planning Department in writing that Condition 9 has been satisfied.
- 14. Bell Canada shall advise the Development Planning Department in writing that Condition 10 has been satisfied.
- 15. Canada Post shall advise the Development Planning Department in writing that Condition 11 has been satisfied.



## Context Location Map

LOCATION:  
Part of Lot 15, Concession 4

APPLICANT:  
Livigno Alps Developments Corp.

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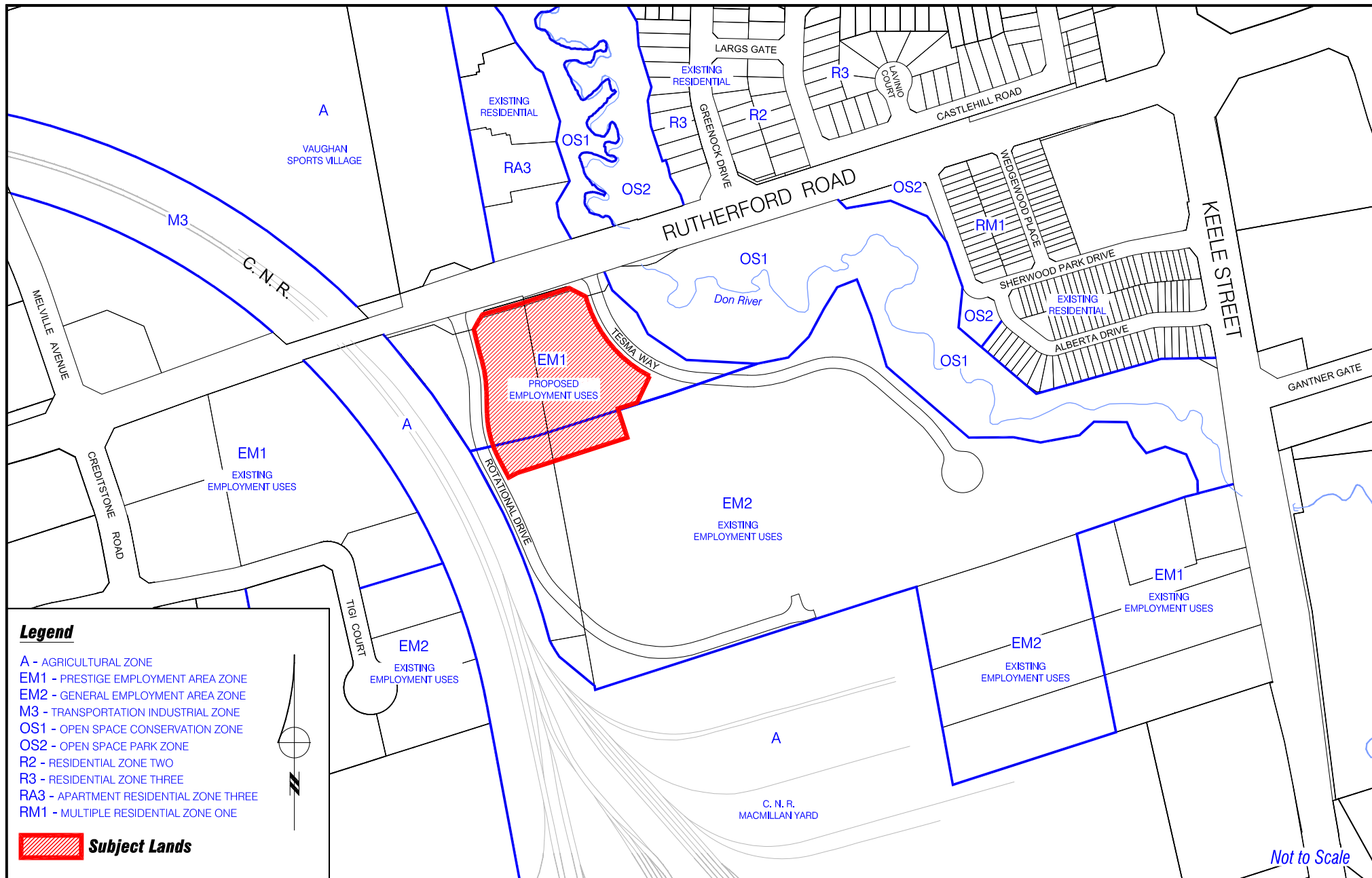


## Attachment

FILE: 19CDM-17V001  
RELATED FILE: DA.16.036

DATE:  
October 3, 2017

2



## Location Map

LOCATION:  
Part of Lot 15, Concession 4

APPLICANT:  
Livigno Alps Developments Corp.

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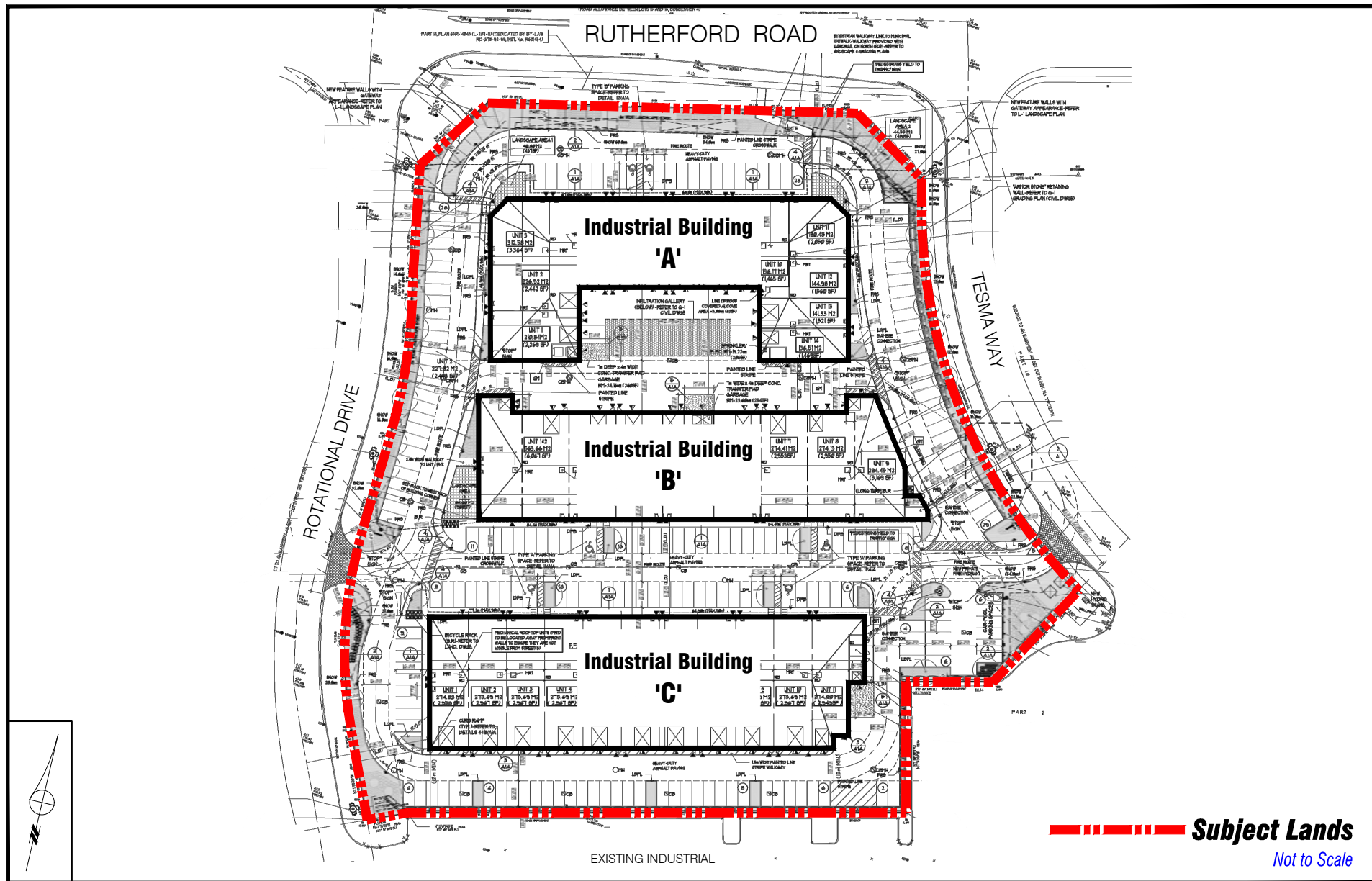


## Attachment

FILE: 19CDM-17V001  
RELATED FILE: DA.16.036

DATE:  
October 3, 2017

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## Approved Site Plan: File DA.16.036

LOCATION:  
Part of Lot 15, Concession 4

APPLICANT:  
Livigno Alps Developments Corp.

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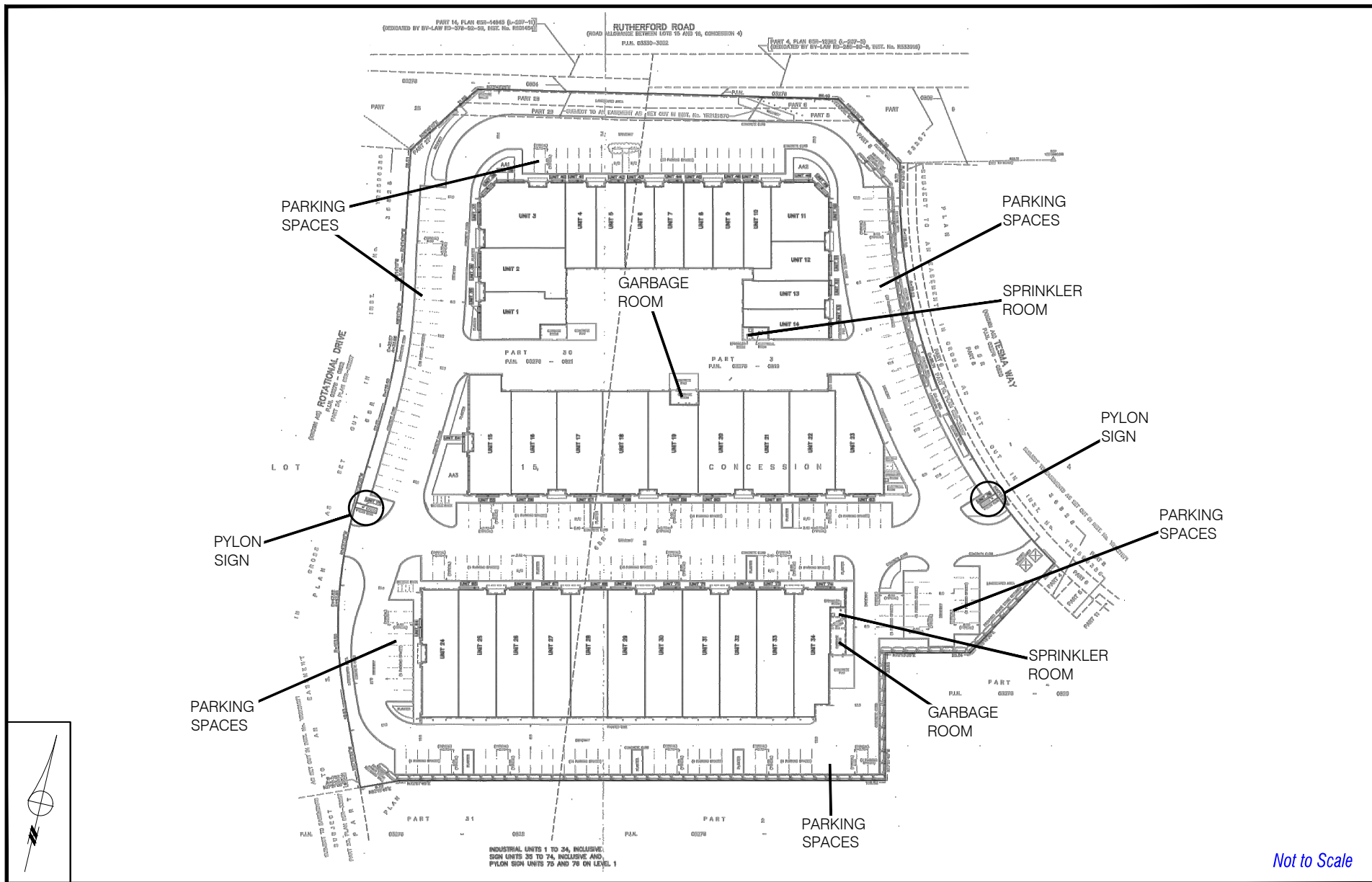
## Attachment

FILE: 19CDM-17V001  
RELATED FILE: DA.16.036

DATE:  
October 3, 2017

4





## Proposed Draft Plan of Condominium

LOCATION:  
Part of Lot 15, Concession 4

APPLICANT:  
Livigno Alps Developments Corp.

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## Attachment

FILE: 19CDM-17V001  
RELATED FILE: DA.16.036

DATE:  
October 3, 2017

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