

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 24, 2017

Item 4, 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.

4 DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-17V003 EAGLE ROCK RIDGE (ARH) HOMES LTD. WARD 4 - VICINITY OF MCNAUGHTON ROAD EAST AND TROON 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 October 3, 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-17V003 (Eagle Rock Ridge (ARH) Homes Ltd.) 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 (Common Elements) File 19CDM-17V003, 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) rear access laneway, as shown on Attachment #5. The rear access laneway will service 71, 3-storey townhouse dwelling units as shown on Attachment #4.

Background - Analysis and Options

Synopsis

The Owner is proposing to establish the condominium tenure for the privately owned and maintained (through a future Condominium Corporation) rear access laneway, as shown on Attachment #5. The rear access laneway will service 71, 3-storey townhouse dwelling units as shown on Attachment #4. The Development Planning Department supports the approval of Draft Plan of Condominium (Common Element) File 19CDM-17V003 as it implements the condominium tenure for an approved development (Site Development File DA.15.094) as shown on Attachment #4.

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Location

The subject lands shown on Attachments #2 and #3 are located on the west side of Troon Avenue between McNaughton Road East and Salterton Circle. The surrounding land uses are identified on Attachment #3.

Official Plan

The subject lands are designated “Mid-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), as amended by the Maple GO Station Area Secondary Plan (Maple GO Secondary Plan), which forms Section 11.6, Volume 2, of VOP 2010. The Maple GO Secondary Plan establishes a maximum permitted building height of 3-storeys and maximum density dedicated to residential uses (122,398.5 m²). In addition, it also provides urban design and transportation policies to facilitate the proposed development. The proposal conforms to VOP 2010.

Zoning

The subject lands are zoned RT1 Residential Townhouse Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1407), which permits the townhouse development, shown on Attachment #4. The subject lands were also subject to Minor Variance Application A306/16, which was approved by the Vaughan Committee of Adjustment on August 11, 2016. The Minor Variance granted by the Committee permits a reduced rear yard setback to the garage wall, rear wall and porch, and a reduced minimum lot depth for one of the lots (Part 19), as shown on Attachment #5. The proposed Draft Plan of Condominium (Attachment #5) would establish the condominium tenure for a development that complies with Zoning By-law 1-88, as amended, and varied by Minor Variance Application A306/16.

Site Development

On November 19, 2013, Vaughan Council approved Draft Plan of Subdivision File 19T-12V011 (York Major Holdings Inc.), for an 8.12 ha parcel of land located north of Eagle Rock Way and west of Troon Avenue. The approved Plan of Subdivision included 235 townhouse units, 783 apartment units, and commercial uses. The Draft Plan of Subdivision was registered on December 23, 2015 as Plan 65M-4477. The subject lands form part of the approved Plan of Subdivision.

On June 21, 2016, Vaughan Council approved Site Development File DA.15.094 to permit the 71, 3-storey townhouse units, as shown on Attachment #4. Access to the subject lands is provided from Gold Rush Gate and Salterton Circle, which connect to the private condominium rear access laneway.

The proposed Draft Plan of Condominium (Common Elements) as shown on Attachment #5 is required to create the common element tenure for the condominium laneway. The proposed Draft Plan of Condominium is consistent with the approved site plan shown on Attachment #4.

As a condition of draft approval, 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, which is included in Attachment #1.

Snow Removal and Garbage/Recycling Collection

Snow 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

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Garbage and recycling collection will be publicly administered and individual homeowners are responsible to maintain a storage area for solid waste bins/bags in their respective garages that will be moved to the public street on the scheduled collection day. A condition to this effect is included in Attachment #1.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The Owner submitted a “Noise and Vibration Feasibility Study” prepared by HGC Engineering, dated May 8, 2014, in support of the original Draft Plan of Subdivision application (File 19T-12V011), which recommended that warning clauses be included in any property and tenancy agreements for all dwellings. The purpose of the warning clauses is to inform prospective purchasers or occupants of the potential that sound levels in the area may be excessive. Conditions to this effect have been included in Attachment #1.

Utilities

Bell Canada, 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.

Related Part Lot Control Application

The Owner has submitted Part Lot Control File PLC.17.005 to lift part lot control to facilitate the creation of the individual lots for the 71 residential units. An implementing by-law to this effect was adopted by Vaughan Council on September 26, 2017.

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

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

- Continue to ensure the safety and well-being of citizens.

Regional Implications

The York Region Community Planning and Development Services Department has no objection to the proposed Draft Plan of Condominium (Common Elements) application.

Conclusion

The proposed Draft Plan of Condominium (Common Elements) File 19CDM-17V003 has been reviewed in consideration of the Official Plan, Zoning By-law 1-88, as amended and varied by Minor Variance Application A306/16, the approved site plan, and comments from City Departments and external agencies. The Development Planning Department is satisfied that the Draft Plan of Condominium implements an approved development proposal that conforms with the Official Plan, and complies with Zoning By-law 1-88 and the approved site plan. Accordingly, the Development Planning Department can support the approval of the Draft Plan of Condominium (Common Elements) application, subject to the conditions set out in Attachment #1.

CITY OF VAUGHAN

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Attachments

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Site Development File DA.15.094 Approved by Vaughan Council on June 21, 2016
5. Draft Plan of Condominium (Common Elements) File 19CDM-17V003

Report prepared by:

Chris Cosentino, Planner I, ext. 8215
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 (COMMON ELEMENTS) FILE 19CDM-17V003
EAGLE ROCK RIDGE (ARH) HOMES LTD.
WARD 4 - VICINITY OF MCNAUGHTON ROAD EAST AND TROON AVENUE**

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-17V003 (Eagle Rock Ridge (ARH) Homes Ltd.) BE APPROVED, as shown on Attachment #5, subject to the Conditions of Draft Approval set out in Attachment #1.

Contribution to Sustainability

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Economic Impact

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Communications Plan

N/A

Purpose

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Snow Removal and Garbage/Recycling Collection

Snow removal will be privately administered and the responsibility of the condominium corporation. A condition to this effect is included in Attachment #1.

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agreements for all dwellings. The purpose of the warning clauses is to inform prospective purchasers or occupants of the potential that sound levels in the area may be excessive. Conditions to this effect have been included in Attachment #1.

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Conclusion

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Attachments

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2. Context Location Map
3. Location Map
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5. Draft Plan of Condominium (Common Elements) File 19CDM-17V003

Report prepared by:

Chris Cosentino, Planner I, ext. 8215
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 (COMMON ELEMENTS) FILE 19CDM-17V003 EAGLE ROCK RIDGE (ARH) HOMES LTD. ("OWNER") PART OF LOT 22, CONCESSION 3 (BLOCKS 19 AND 20 OF REGISTERED PLAN 65M-4477), CITY OF VAUGHAN

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN ("CITY") THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-17V003, 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. 16-025-DR PLAN, dated March 15, 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 Letter of Undertaking 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.15.094.
4. The following provisions shall be included in the Condominium Agreement:
 - a) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment, to the satisfaction of Canada Post;
 - b) Private snow removal and clearing shall be the responsibility of the Condominium Corporation; and,
 - d) Homeowners are advised of the following:
 - i) That they will be required to maintain a storage area for their solid waste bins/bags, including, but not limited to, green bins for kitchen organics, blue boxes for recycling, leaf and yard waste bins or bags in their respective garages;
 - ii) That they are required to move their respective garbage through the townhouse dwelling to the public street on the scheduled collection day; and
 - iii) That the bins and bags will not be permitted to be stored in the front yard between collection days.
 - d) Purchasers and/or tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, sound from increasing road and rail traffic may continue to be of concern and may occasionally interfere with some activities of the dwelling occupants, as the outdoor traffic sound levels may exceed the noise criteria of the Municipality and the Ministry of Environment and Climate Change.
 - e) This dwelling unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment and Climate Change.
 - f) Purchasers and/or tenants are to be advised that Canadian National Railway or its successors or assigns, have an operating right-of-way within 300 metres from the land subject hereof and there may be alterations to the right-of-way including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the

inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from use of its facilities and/or operations.

- g) Purchasers and/or tenants are to be advised that GO Transit Railway or its successors or assigns, have an operating right-of-way within 300 metres from the land subject hereof and there may be alterations to the right-of-way including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from use of its facilities and/or operations.
 - e) Purchasers/tenants are advised that due to the proximity of the adjacent commercial facilities, noise from the commercial facilities may at times be audible.
 - f) Purchasers and/or tenants are to be advised that the lot abuts a "GO Transit parking lot" of which noise and lighting may be of concern due to the nature of the parking lot operation.
- 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, 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 Condominium Agreement, if required, until each unit covered under this Condominium Agreement is separately assessed.

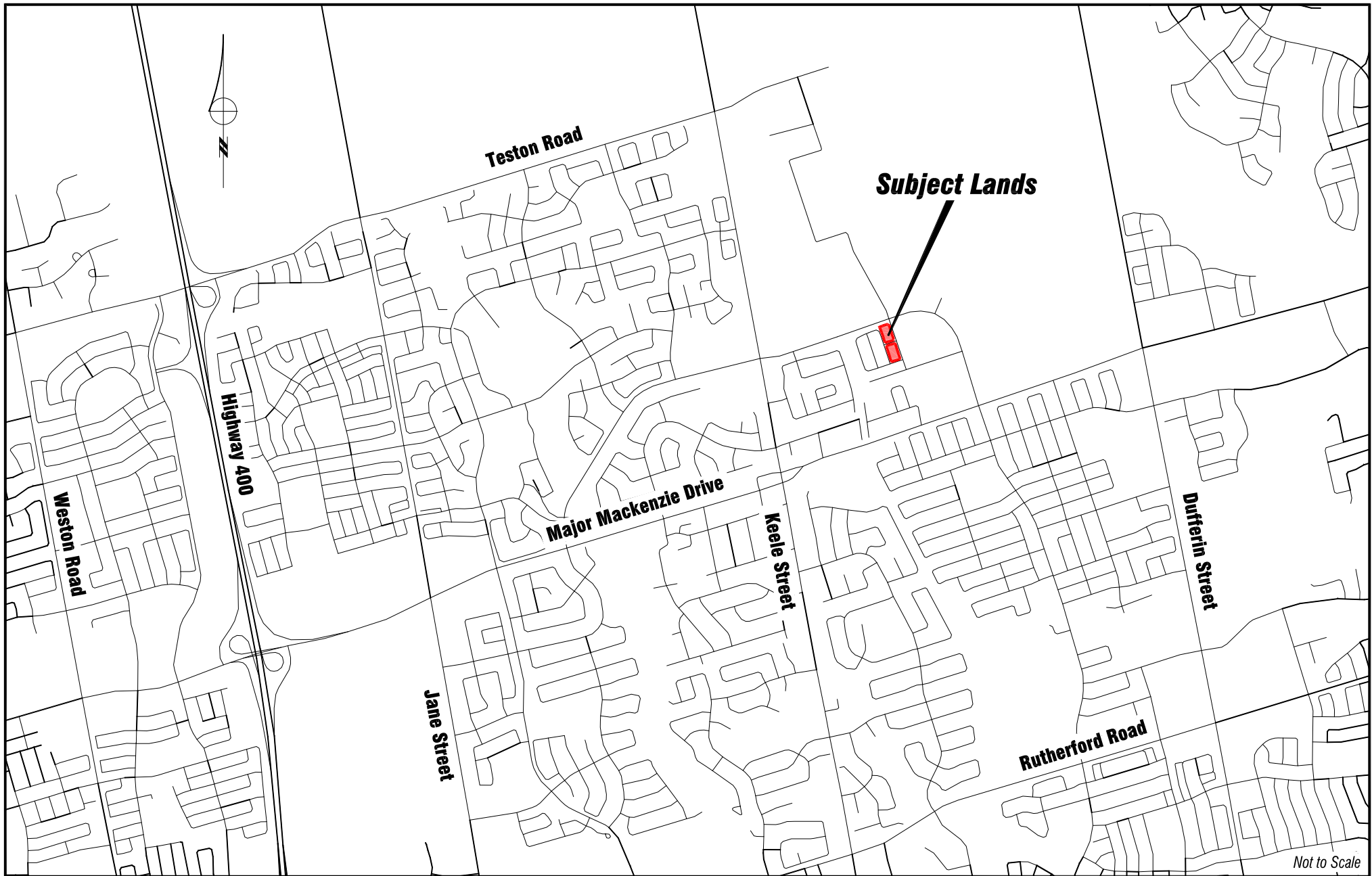
Bell Canada Conditions:

- 9. 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 Conditions:

- 10. The Owner shall satisfy the following conditions of Canada Post, prior to final approval:
 - a) The Owner shall consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate those locations on the appropriate servicing plans;
 - b) The Owner shall confirm with Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads;
 - c) The Owner shall install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access, as per Canada Post's concrete pad specification drawings;

- d) The Owner shall agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have been occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy;
 - e) The Owner shall communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy;
 - f) The Owner agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the City of Vaughan.
 - g) The Owner agrees to include on all Offers of Purchase and Sale, a statement which advises that the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post; and
 - h) The Owner shall be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners sign off.
- 11. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 8 have been satisfied.
 - 12. Bell Canada shall advise the Development Planning Department in writing that Condition 9 has been satisfied.
 - 13. Canada Post shall advise the Development Planning Department in writing that Condition 10 has been satisfied.



Context Location Map

LOCATION:
Part of Lot 22, Concession 3

APPLICANT:
Eagle Rock Ridge (ARH) Homes Ltd.

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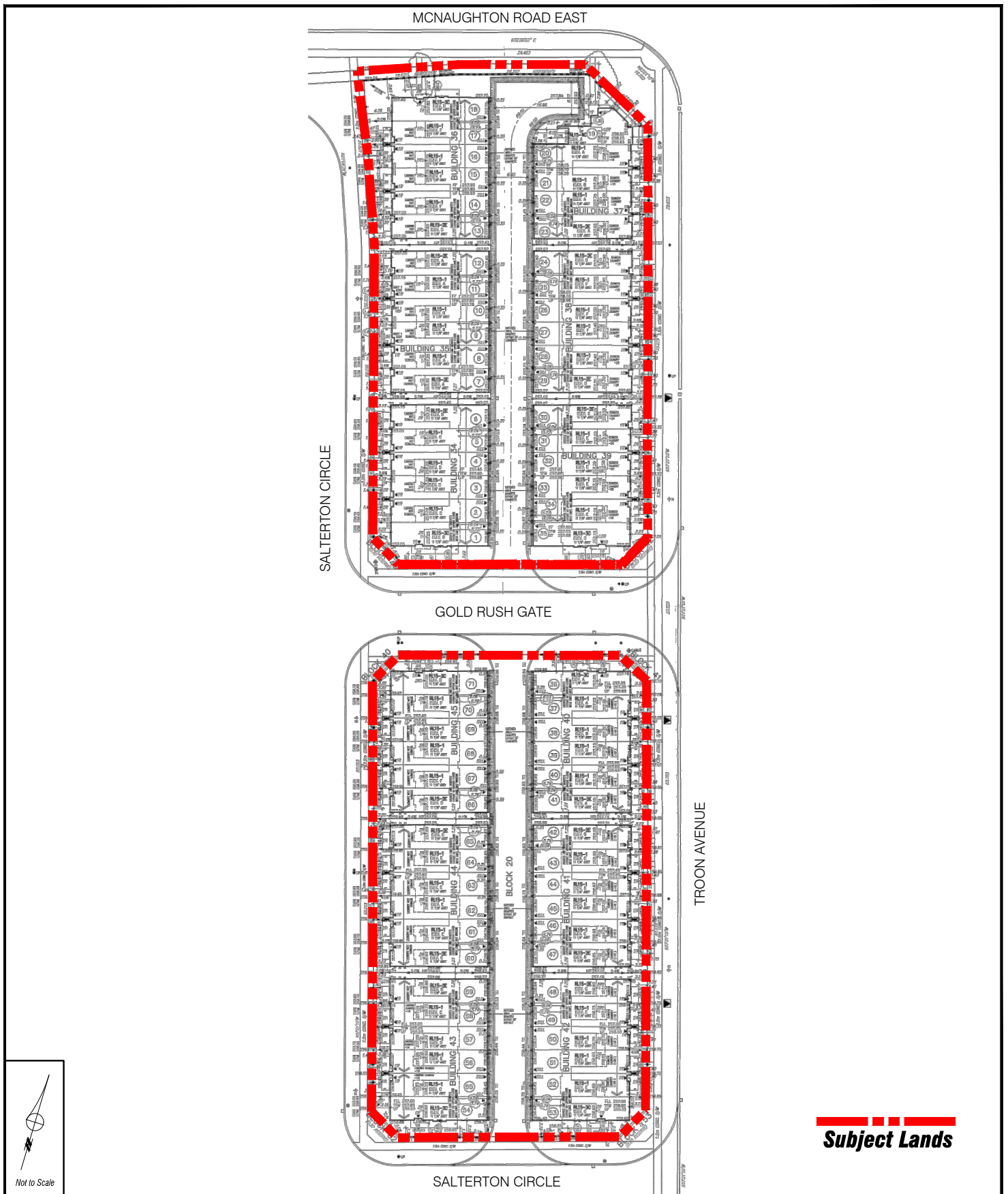


Attachment

FILE: 19CDM-17V003
RELATED FILES: DA.15.094, Z.15.014, 19T-12V011

DATE:
October 3, 2017

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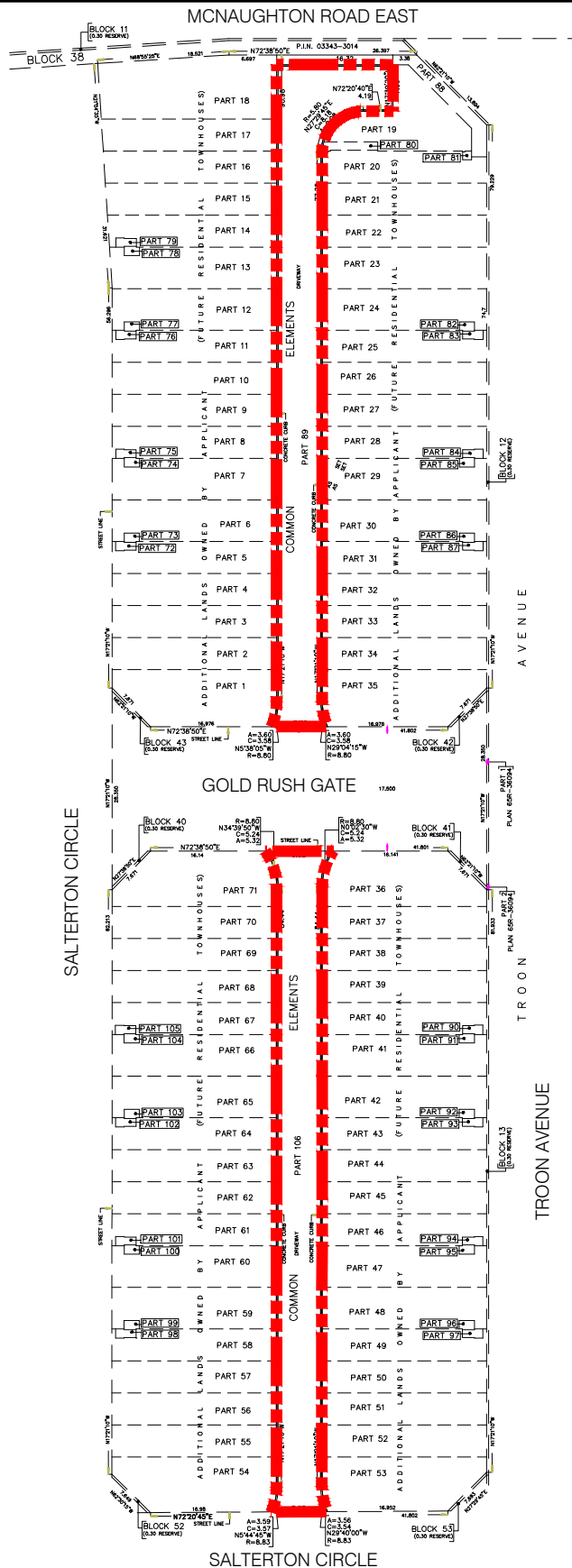
Site Development File DA.15.094 Approved
by Vaughan Council on June 21, 2016

APPLICANT: Eagle Rock Ridge (ARR) Homes Ltd. LOCATION: Part of Lot 22, Concession 3



Attachment
FILE: 19CDM-17V003
RELATED FILES: DA.15.094, Z.15.014, 19T-12V011
DATE: October 3, 2017

4



**Limits of Draft Plan
of Condominium**

Draft Plan of Condominium (Common Elements) File 19CDM-17V003

APPLICANT: Eagle Rock Ridge (ARR) Homes Ltd. LOCATION: Part of Lot 22, Concession 3



Attachment
FILE: 19CDM-17V003
RELATED FILES: DA.15.094, Z.15.014, 19T-12V011

DATE:
October 3, 2017

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