

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**

Item 14, Report No. 35, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 20, 2015.

**14            DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-15V007  
                 WEST WOODBRIDGE VILLAGE TOWNS LTD.  
                 WARD 2 - VICINITY OF LANGSTAFF ROAD AND KIPLING AVENUE**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Senior Manager of Development Planning, dated October 7, 2015:**

**Recommendation**

The Commissioner of Planning, Director of Development Planning, and Senior Manager of Development Planning recommend:

1.        THAT Draft Plan of Condominium (Common Elements) File 19CDM-15V007 (West Woodbridge Village Towns Ltd.) 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.13.107, which was approved by Vaughan Council on June 24, 2014. 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 contribution to sustainability through this application.

**Economic Impact**

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

**Communications Plan**

On August 14, 2015, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, to the West Woodbridge Homeowners Association, and to those individuals that requested notification. A copy of the Notice of Public Hearing was posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice sign was installed on the property. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 9, 2015, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on September 16, 2015.

The Vaughan Planning Department received correspondence from Mr. Bernie DiVona, regarding the proposal on September 2, 2015. The following general issues were identified, with responses as follows:

1. Was the site always intended as a condominium?
  - The site was always intended as a common elements condominium (ie. private road, visitor parking, sidewalk, and private amenity space/tot lot). The staff report for the Official Plan Amendment File OP.12.017, Zoning By-law Amendment File Z.12.038 and Draft Plan of Subdivision File 19T-12V010 that were approved by Council on May 14, 2013, each identify the condominium tenure for the common elements for this development, and that the individual townhouse units and respective lots are in freehold ownership.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**

#### Item 14, CW Report No. 35 – Page 2

- The Site Plan technical report considered and approved by Vaughan Council on June 24, 2014, also refers to the common elements of the proposed development and stipulates that within the Site Plan Agreement (registered on June 3, 2015) warning clauses are to be included in all Agreements of Purchase and in the Condominium Agreement advising that services such as garbage pickup and snow plowing are the responsibility of the Condominium Corporation.
2. Why is there not an appropriate zoning category for condominiums of this type?
- Zoning By-law 1-88, at this time, does not have a specific zone(s) to implement the specific tenure of development. However, many common element condominium developments have been implemented by site-specific zoning amendments, similar to the subject development. It is expected that when the comprehensive review of the City's Zoning By-law 1-88 is undertaken, that general provisions will be included in the City's Comprehensive Zoning By-law.
3. What are the parking standards for this type of development?
- Each unit provides 2 parking spaces in accordance with Zoning By-law 1-88, and as part of the rezoning application, a site-specific visitor parking standard for 14 spaces was approved by Vaughan Council on May 14, 2013.

At the Committee of the Whole (Public Hearing) on September 9, 2015, a concern was raised with regard to the garbage collection arrangements on the private condominium road, and any negative impact on Kipling Avenue should the garbage trucks not be able to access the private road.

Response:

Garbage will be collected curbside on the private condominium road and this will be arranged privately by the Condominium Corporation. A clause to this effect will be included within the Condominium Agreement. The "U-shaped" configuration of the common element condominium will allow for a vehicle to enter and exit the site in a forward moving direction. The private road is 6 m wide and is the minimum width for emergency vehicles (eg. fire truck) and large service vehicles (eg. garbage truck) to safely and properly manoeuvre and travel.

#### **Purpose**

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Elements) File 19CDM-15V007, respecting the subject lands shown on Attachments #2 and #3, to facilitate the proposed condominium tenure of the common elements that consist of a private road, 14 visitor parking spaces, sidewalk, and a private amenity/tot lot, as shown on Attachment #4, that will serve a development of 56 freehold 3-storey townhouse units and 1 detached residential dwelling that were earlier approved by the City and are under construction in the manner shown on Attachment #5.

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

##### Location

The subject lands are located on the west side of Kipling Avenue, south of Gordon Drive, known municipally as 1 – 73 City Park Circle, shown as "Subject Lands" on Attachments #2 and #3. The surrounding land uses are shown on Attachment #3.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**

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##### Official Plan and Zoning

The subject lands are designated “Low-Rise Mixed-Use” by Vaughan Official Plan 2010 (VOP 2010), Volume 2, Section 11.5 (Kipling Avenue Corridor Secondary Plan), which permits detached, semi-detached and townhouse dwelling units.

The subject lands were the subject of Official Plan Amendment File OP.12.017 that added site-specific policies through OPA #734 as an amendment to OPA #695 (Kipling Avenue Corridor Secondary Plan) to permit this development. The proposed Draft Plan of Condominium conforms to the Official Plan.

The subject lands are zoned RM2 Multiple Residential Zone by Zoning By-law 1-88, as shown on Attachment #3, and subject to site-specific Exception 9(1388), which permits the townhouse and single detached development. The application for Draft Plan of Condominium complies with Zoning By-law 1-88.

##### Site Plan

Site Development File DA.13.107 was approved by Vaughan Council on June 24, 2014 to permit a development comprised of 56 freehold townhouse units and one freehold detached dwelling accessed by a private common element condominium road, as well as, 2 semi-detached dwellings and the retention of 3 heritage buildings along Kipling Avenue and not subject to this condominium application, as shown on Attachment #5. The Site Plan Agreement was registered on title as Instrument No. YR-2304782 on June 12, 2015. The proposed Draft Plan of Condominium (Common Elements) is required for the private road, 14 visitor parking spaces, sidewalk, and a private amenity/tot lot area. The proposed Draft Plan of Condominium is consistent with the approved site plan.

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

##### Future Park Development

As part of the approval of the Official Plan Amendment File OP.12.017 for the subject lands, a land use designation for a parkette on the subject lands was removed to allow for the preservation of the heritage dwellings fronting onto Kipling Avenue. The Vaughan Parks Development Department has reviewed the land to the immediate west of the subject lands for its suitability as a possible park with a playground. However, at this stage the land has not been deemed as suitable due to the limited public frontage from a public right-of-way.

Should the land to the immediate west of the subject lands be developed as a park/open space in the future, the amenity/tot lot area on the subject lands may be required to be removed and/or incorporated as part of the park area in order to create a larger park with street frontage on the east/west public road planned to the south of the subject lands. The implementing Site Plan Agreement includes a clause requiring the Owner to grant an easement over the amenity/tot lot area in favour of the City of Vaughan, to provide access for the public and maintenance purpose over these lands.

It is recommended that a clause also be included within the Condominium Agreement and Condominium Declaration to ensure that the Owner/Condominium Corporation agrees to grant an easement in the future, at no extra cost to the City, over the private amenity space/tot lot area located at the southwest corner of the subject land to the land immediate west, should it be used for a public park in the future. A condition to this effect is included in the Conditions of Draft Approval in Attachment #1.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015**

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Garbage/ Recycling Collection and Snow Removal

Garbage and recycling collection (3 stream) and snow removal for the private road will be privately administered and the responsibility of the Condominium Corporation. All garbage and recycling will be placed in front of each unit and picked-up curbside on collection days by the private contractor to be hired by the condominium corporation.

Canada Post Corporation

Canada Post has no objections to the proposed Draft Plan of Condominium subject to the inclusion of their conditions in the Condominium Agreement as identified in Attachment #1. A community mailbox is shown on the approved site plan on Attachment #5.

Related Part Lot Control Application

The Owner has submitted related Part Lot Control File PLC.15.013 to facilitate the creation of individual freehold lots for the proposed 56 freehold townhouse units and 1 detached dwelling unit, which forms part of the Draft Plan of Condominium and 2 semi-detached and 2 detached dwellings (existing heritage dwellings) included in the original site plan approved by Vaughan Council shown on Attachment #5. The proposed lots (frontage, area and depth) shall comply with the RM2 Multiple Residential Zone (townhouse units and one detached dwelling) and the R3 Residential Zone (detached dwelling) requirements of Zoning By-law 1-88, subject to site-specific Exception 9(1388) and the approved site plan.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-Being".

**Regional Implications**

The York Region Transportation and Community Planning Department has no objection to the approval of Draft Plan of Condominium File 19CDM-15V007.

**Conclusion**

The Vaughan Development Planning Department has reviewed the Draft Plan of Condominium Application, which conforms to the Official Plan, complies with Zoning By-law 1-88, and is consistent with the Site Plan approved by Vaughan Council. The Vaughan Development Planning Department has no objection to the approval of the Draft Plan of Condominium (Common Elements), subject to the conditions set out in Attachment #1.

**Attachments**

1. Conditions of Draft Approval
2. Context Location Map
3. Location Map
4. Draft Plan of Condominium (Common Elements) File 19CDM-15V007
5. Site Plan Approved by Vaughan Council on June 24, 2014 - File DA.13.107

**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    OCTOBER 7, 2015**

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-15V007  
WEST WOODBRIDGE VILLAGE TOWNS LTD.  
WARD 2 - VICINITY OF LANGSTAFF ROAD AND KIPLING AVENUE**

**Recommendation**

The Commissioner of Planning, Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-15V007 (West Woodbridge Village Towns Ltd.) BE APPROVED, subject to the conditions set out in Attachment #1.

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  - The Site Plan technical report considered and approved by Vaughan Council on June 24, 2014, also refers to the common elements of the proposed development and stipulates that within the Site Plan Agreement (registered on June 3, 2015) warning clauses are to be included in all Agreements of Purchase and in the Condominium

Agreement advising that services such as garbage pickup and snow plowing are the responsibility of the Condominium Corporation.

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### Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-Being".

### Regional Implications

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### Conclusion

The Vaughan Development Planning Department has reviewed the Draft Plan of Condominium Application, which conforms to the Official Plan, complies with Zoning By-law 1-88, and is consistent with the Site Plan approved by Vaughan Council. The Vaughan Development Planning Department has no objection to the approval of the Draft Plan of Condominium (Common Elements), subject to the conditions set out in Attachment #1.

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### Report prepared by:

Kathryn Moore, Planner, ext. 8813  
Clement Messere, Senior Planner, ext. 8409



Respectfully submitted,

JOHN MACKENZIE  
Commissioner of Planning

GRANT UYEYAMA  
Director of Development Planning

/CM

MAURO PEVERINI  
Senior Manager of Development Planning

## **ATTACHMENT NO. 1**

### **CONDITIONS OF DRAFT APPROVAL**

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-15V007 (THE PLAN)  
WEST WOODBRIDGE VILLAGE TOWNS LTD. (OWNER)  
PART EAST HALF OF LOT 9, CONCESSION 8, 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-15V007, ARE AS FOLLOWS:**

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium (Common Elements), prepared by Rady-Pentek & Edward Surveying Ltd., drawing # 12-094, dated July 8, 2015.
  2. Prior to the execution of the condominium agreement, the Owner shall submit a pre-registered Plan of Condominium to the Vaughan 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.13.107).
  4. The following provisions shall be included in the condominium agreement:
    - a) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
    - b) snow removal and clearing, and garbage and recycling pick-up shall be privately administered, and shall be the responsibility of the Condominium Corporation;
    - c) 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/tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels due to increasing road and rail, may be of concern and may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment. This dwelling unit has been fitted with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria."
- "Purchasers/tenants are advised that this development is in proximity to an existing industrial manufacturing facility and traffic, noise and site activities may at times be audible."
- "Purchasers/tenants are advised that this development is in proximity to an existing industrial manufacturing facility and odour, noise and manufacturing activities may be at times be evident."
- "Purchasers/tenants are advised that this development is in close proximity to an existing and active Canadian Pacific Railway Line and noise and site activities may at times be audible."

- ii) "Purchasers/tenants are advised that the lands to the immediate west of this condominium development may be used for public parkland/open space purpose in the future by the City of Vaughan. Should these lands be used as a public park/open space, the Condominium Corporation shall grant to the City of Vaughan (City) an easement in favour of the City for access and use over the tot lot/amenity area (Part 62 on the Draft Plan of Condominium) free of all cost and encumbrance."

The Owner/Condominium Corporation further agree to include the above referenced clause in the Condominium Declaration.

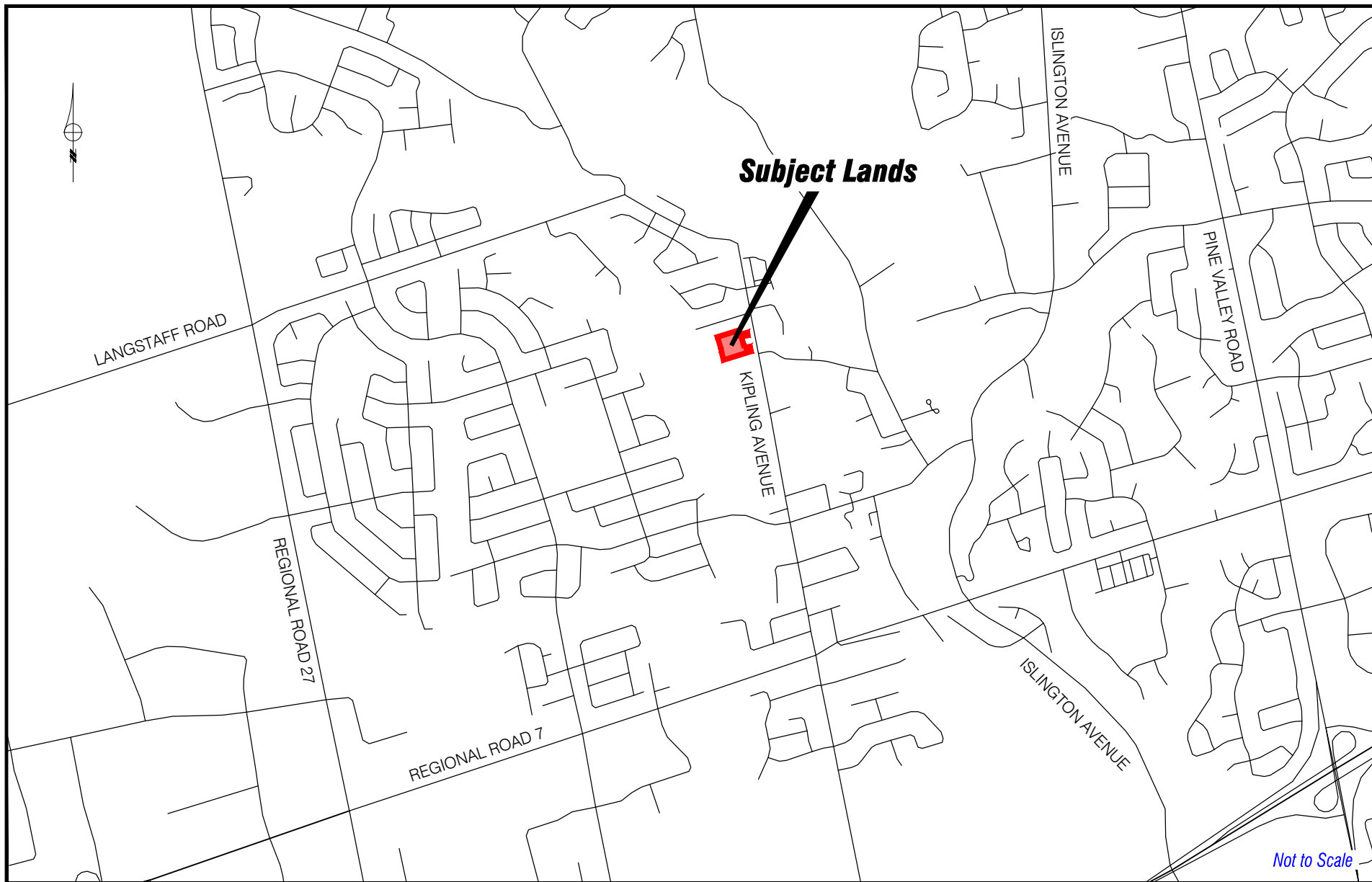
- 5. The condominium agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
- 6. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Vaughan Building Standards Department.
- 7. Prior to final approval, the Owner 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 Development Finance and Investments Department.

#### Canada Post

- 9. 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 locations 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 these locations on the appropriate servicing plans (Note: location shown on Attachment #5);
  - d) The Owner (Developer) agrees to provide the following for each Community Mail Box site and include these requirements on the appropriate servicing plans:
    - i) Any required walkway across the private road, as per municipal standards;
    - ii) Any required curb depressions for wheelchair access with an opening of at least 2m (consult Canada Post for detailed specifications); and;
  - 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 locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.

#### Clearances

- 10. The City (Vaughan Development Planning Department) shall advise that Conditions 1 to 8 have been satisfied.
- 11. Canada Post Corporation shall advise the Vaughan Development Planning Department in writing that Condition 9 has been satisfied.



## Context Location Map

LOCATION:  
Part of Lot 9, Concession 8

APPLICANT:  
West Woodbridge Village Towns Ltd.

N:\DFT\1 ATTACHMENTS\19\19cdm-15v007.dwg

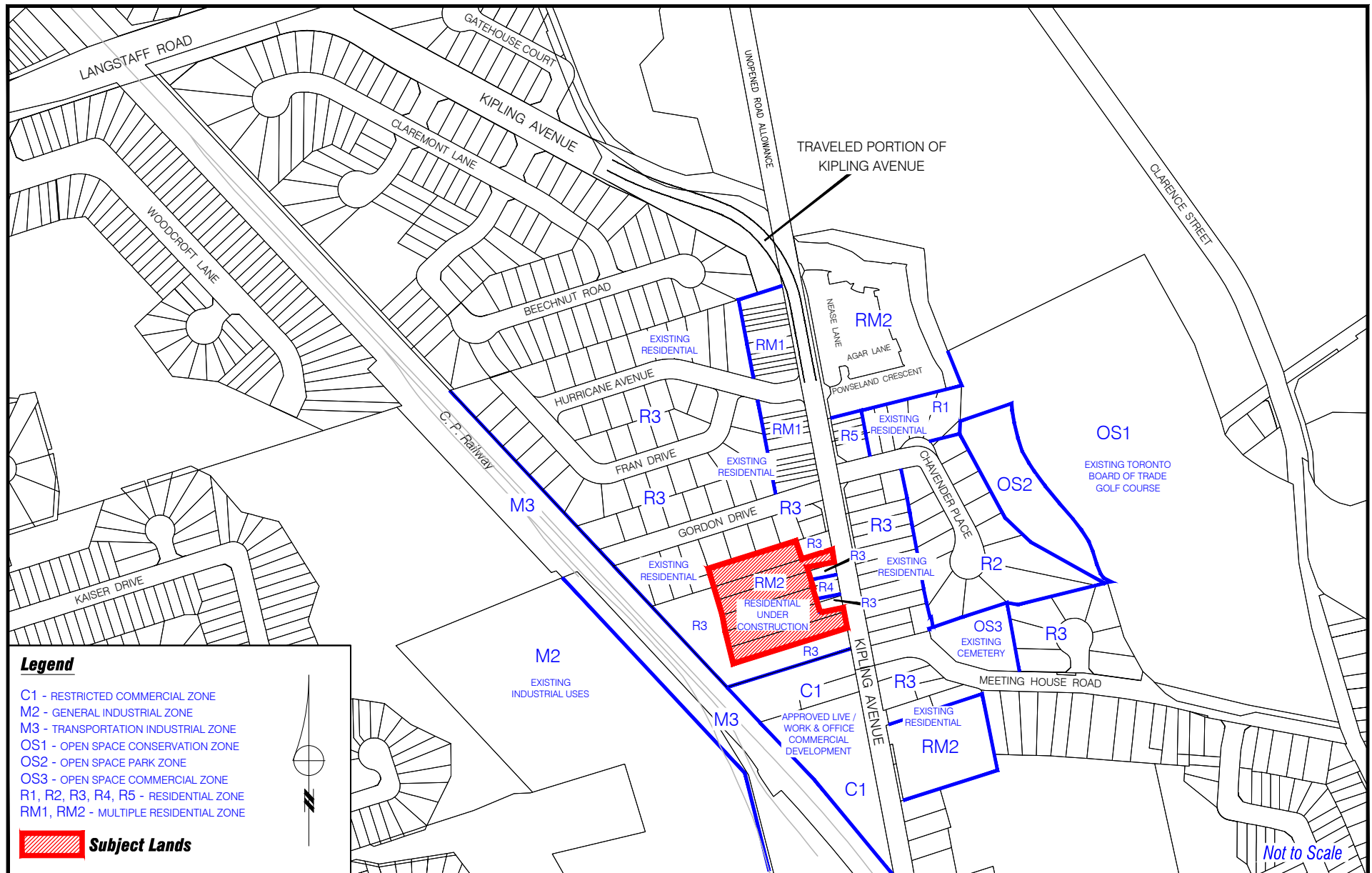


## Attachment

FILE: 19CDM-15V007  
RELATED FILES: OP.12.017, Z.12.038,  
19T-12V010 & DA.13.107

DATE: September 9, 2015

# 2



## Location Map

LOCATION:  
Part of Lot 9, Concession 8

APPLICANT:  
West Woodbridge Village Towns Ltd.

N:\DFT\1 ATTACHMENTS\19\19cdm-15v007.dwg



## Attachment

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3





