

Committee of the Whole (1) Report

DATE: Tuesday, January 17, 2023

WARD: 1

TITLE: LAURIER HARBOUR (KEELE) INC.
DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)
FILE 19CDM-22V007
9560 AND 9570 KEELE STREET
VICINITY OF KEELE STREET AND CROMWELL ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Element) File 19CDM-22V007 for the subject lands shown on Attachments 2 and 3. The Owner is proposing to create the condominium tenure for 8 semi-detached units and 9 townhouse dwelling units accessed by a private common element condominium road, common landscaped areas, at grade visitor parking and communal mailboxes, as shown on Attachment 4.

Report Highlights

- The Owner is proposing to create condominium tenure for 8 semi-detached units and 9 townhouse dwelling units currently in the final stages of construction
- The Draft Plan of Condominium (Common Element) consists of the areas dedicated to the semi-detached and townhouse units, private road, common landscaped areas, at grade visitor parking and communal mailboxes
- The Draft Plan of Condominium conforms to Vaughan Official Plan 2010, complies with Zoning By-law 1-88 and is consistent with Council approved Site Development File DA.16.116 (Laurier Harbour (Keele) Inc.)

Recommendation

1. THAT Draft Plan of Condominium (Common Element) File 19CDM-22V007 (Laurier Harbour (Keele) Inc.), as shown on Attachment 4, BE DRAFT APPROVED, subject to the Conditions of Draft Approval set out in Attachment 1.

Background

The subject lands (the 'Subject Lands') shown on Attachment 2 are municipally known as 9556, 9560, 9564, 9568, 9572 and 9576 Keele Street and 1, 5, 9, 13, 17, 21, 33, 37, 41, 45 and 49 McConaghy Court. The surrounding land uses are shown on Attachment 2.

History

- Official Plan Amendment File OP.15.008, Zoning By-law Amendment File Z.15.034 and Draft Plan of Subdivision File 19T-15V014 were submitted December 17, 2015, for development of 19 townhouse units over three blocks accessed by a private condominium road
- Site Development File DA.16.116 was submitted December 22, 2016
- Owner revised Applications to permit eight (8) semi-detached dwellings and nine (9) townhouse dwellings accessed by a private condominium road on December 17, 2018
- On April 24, 2018, Owner appealed the Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision Files (the 'Appealed Applications') submitted on December 17, 2018, to the Ontario Land Tribunal ('OLT') due to failure of the City to make a decision on these Applications within the timeframes of the *Planning Act*.
- An OLT hearing (Case No. PL170640) for the Appealed Applications commenced on February 11, 2019
- The OLT, on February 26, 2019, issued a decision (the 'OLT Decision') approving the Appealed Applications to permit 8 semi-detached dwellings within Blocks 2, 3, 4 and 5 and 9 townhouse dwellings within 2 blocks, Blocks 1 and 6 as shown on Attachment 3 (the 'Development').

The OLT Decision also required the Owner to incorporate fenestration techniques (additional landscape along the north property line and frosted glass on the north elevation of the unit in Block 1, Attachment 3) to reduce the potential for overlook into the rear yard of the abutting property located at 9580 Keele Street.

The Site Plan Agreement was registered on April 1, 2021, the M-Plan (65M-4673) was registered August 26, 2020, and building permits were issued for the construction of the Development.

Previous Reports/Authority.

The Committee of the Whole report for related Official Plan and Zoning Amendment and Draft Plan of Subdivision can be found at the following links:

[Item 1, Report No. 22 of the Committee of the Whole \(Public Hearing\) May 3, 2016](#)

Item 1 of the Heritage Vaughan Committee, October 17, 2018

The OLT Order for the Appealed Applications can be found at the following link:

[OPA #36 to VOP 2010 per February 26, 2019 OLT Order](#)

The Committee of the Whole report for the related Site Development File DA.16.116 can be found at the following link:

[Item 9, Report No. 24, Committee of the Whole, Council Extract October 2, 2019, pages 230-253](#)

Analysis and Options

Laurier Harbour (Keele) Inc. (the 'Owner') has submitted Draft Plan of Condominium (Common Element) File 19CDM-22V007 (the 'Application') to establish a condominium common element road, at grade visitor parking, common landscaped areas and communal mailboxes, for the Development, on Attachment 4 (the 'Condominium Plan'). Common areas of the Condominium Plan include communal mailboxes, private road, visitor parking, and landscaping

The Condominium Plan is Consistent and Conforms to Provincial, Region of York and City Official Plan Policies, as amended by OPA #36 by OLT Order, and complies with Zoning By-law 1-88, as amended

The Provincial Policy Statement, 2020 ('PPS') and A Place to Grow: Growth Plan for Greater Golden Horseshoe, 2019 (the 'Growth Plan'), as amended, provide policy direction for land use planning and development for lands in Ontario. In addition, the *Ontario Heritage Act* enables municipalities to preserve and protect the cultural heritage properties of Ontario.

The Subject Lands are within the "Urban Area" with frontage on a Regional Road (Keele Street) as identified by the York Region Official Plan 2010 ('YROP') and are designated "Low-Rise Residential" on Schedule 13 "Land Use" in VOP 2010, and subject to site-specific Policy 13.44 in Section 13, Volume 2, of VOP 2010, as approved by the OLT Decision through OPA 36 which permits nine (9) townhouse units and eight (8) semi-detached units on the Subject Lands at a maximum building height of 3-storeys.

The Development is a low-rise housing form consistent with the Community Area policies and is permitted in accordance with Section 13.44.1.2 of VOP 2010. The built form and architectural style were designed in accordance with the Maple Heritage Conservation District Plan ('MHCDP'). The proposed townhouse units provide additional housing options, utilizes a compact built form, is transit supportive and provides an urban interface and pedestrian connectivity onto Keele Street. The Development conforms to VOP 2010.

The Subject Lands are zoned "RT1 Residential Townhouse Zone", by Zoning By-law 1-88, as amended by site-specific Exception 9(1484) as approved by the OLT and permits the Condominium Plan, as shown on Attachment 4. The Condominium Plan would

create the condominium tenure for the Development permitted by the YROP, VOP 2010 and complies with Zoning By-law 1-88, as amended.

The Condominium Plan is consistent with Council approved Site Development File DA.16.116

The Condominium Plan is consistent with the site plan approved by Vaughan Council on October 2, 2019, as shown on Attachment 3. 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. A condition to this effect is included in Attachment 1.

Special Conditions from the Site Plan Agreement are to be included in the Condominium Agreement

The Site Plan Agreement for the Development includes conditions to be incorporated into the Condominium Agreement, Condominium Declaration and Purchases of Sale and or Lease related to warning clauses advising purchasers and/or tenants of potential lighting and noise from the abutting neighbourhood park, Frank Robson Park (Attachment 2) and 2.5 m high acoustic fencing with material to screen the rear and side yards abutting the park, along with a warning prohibiting encroachments and dumping onto the park. A condition to this effect is included in Attachment 1.

The Development Planning Department supports the approval of the Application, subject to the comments and conditions outlined in this report

The Development Planning Department supports the approval of the Condominium Plan, subject to the comments in this report and conditions included in Attachment 1.

The Development Engineering Department has no objection to the Application, subject to conditions outlined in this report

The Development Engineering Department (‘DE’) has no objection to the Application, subject to the Owner providing documentation to the DE Department prior to registration of the condominium plans, to confirm that site plan conditions warning clauses and other specific conditions and warning clauses have been incorporated into all Agreements of Purchase, Sale and Lease, the Condominium Declaration, and the Condominium Agreement. A condition to this effect is included in Attachment 1.

The Environmental Services Department has no objection to the Condominium Plan. The garbage/recycling collection may be eligible for municipal waste collection services and snow removal will be privately administered

The Environmental Services Department, Solid Waste Management Division advise the future Condominium Corporation may be eligible for municipal waste collection services upon a successfully completed application, however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect is included in Attachment 1.

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

The Financial Planning and Development Finance Department have no objection to the Condominium Plan, subject to their Condition of Draft Approval

The Vaughan Financial Planning and Development Finance Department has no objection to the Application. The Owner must pay all outstanding taxes, development charges and levies, as may be required. A condition to this effect is included in Attachment 1.

Parks Infrastructure Planning and Development, ('PIPD') have no objection to the Condominium Plan

The PIPD Department requires a warning clause in the Condominium Declaration and in all Offers of Purchase and Sale or Lease for all lots abutting the City's Frank Robson Park regarding noise and fencing requirements. A condition to this effect is included in Attachment 1.

Other City Departments have no objections to the Condominium Plan

The Building Standards, Real Estate Services and By-law & Compliance, Licensing & Permit Services Departments of the City of Vaughan were circulated the Application and provided no comments or objection.

Canada Post has no objection to the Condominium Plan, subject to their Conditions of Approval

The Owner is required to provide a community mailbox and satisfy all requirements of Canada Post. Conditions to this effect are included in Attachment 1.

All utilities have no objection to the Condominium Plan, subject to their Condition of Draft Approval

Bell Canada, Rogers Communications, Alectra Utilities, Enbridge Gas and Hydro One have no objections to the Applications. The Owner is required to confirm 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.

Related Part Lot Control Application

The Owner submitted a Part Lot Control File PLC. 22.005, to lift part lot control to facilitate the creation of the individual lots for the residential units. An implementing by-law to this effect will be considered at a future Council Meeting.

Financial Impact.

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

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the approval of this Application, subject to the condition outlined in Attachment 1.

Conclusion

Draft Plan of Condominium (Common Element) File 19CDM-22V007 would establish a common element road and visitor parking for the Development. The Condominium Plan would implement a Council approved development (Site Development File DA.16.116) for nine (9) townhouse units and eight (8) semi-detached units with a maximum height of 3-storeys that is consistent with and conforms to Provincial policies, conforms to York Region and City of Vaughan Official Plan policies, the Maple Heritage Conservation District guidelines and complies with Zoning By-law 1-88. Accordingly, the Development Planning Department can support the approval of the Application, subject to the Conditions of Draft Approval as identified in Attachment 1.

For more information, please contact: Laura Janotta, Planner, Development Planning Department, ext. 8634.

Attachments

1. Conditions of Draft Plan of Condominium (Common Element) Approval
2. Context and Location Map
3. Approved Site Plan (File DA.16.116)
4. Draft Plan of Condominium (Common Element)

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