

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 14, 2019

Item 6, Report No. 17, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 14, 2019.

6. VMC RESIDENCES GP INC. AS A GENERAL PARTNER AND ON BEHALF OF VMC RESIDENCES LIMITED PARTNERSHIP DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-18V006 VICINITY OF MILLWAY AVENUE AND PORTAGE PARKWAY

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated May 7, 2019:

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-18V006 (VMC Residences GP Inc. as a General Partner and on behalf of VMC Residences Limited Partnership Residences) BE APPROVED, as shown on Attachments 3 to 8, subject to the Conditions of Draft Approval in Attachment 1.

Committee of the Whole Report

DATE: Tuesday, May 07, 2019

WARD: 4

**TITLE: VMC RESIDENCES GP INC. AS A GENERAL PARTNER AND
ON BEHALF OF VMC RESIDENCES LIMITED PARTNERSHIP
DRAFT PLAN OF CONDOMINIUM (STANDARD)
FILE 19CDM-18V006
VICINITY OF MILLWAY AVENUE AND PORTAGE PARKWAY**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-18V006 to create the condominium tenure for the approved interim site plan shown on Attachment 9, which consists of residential units, associated (commercial, residential and YMCA/library) parking spaces and commercial units.

Report Highlights

- This report recommends approval of Draft Plan of Condominium (Standard) File 19CDM-18V006, subject to conditions, to create the condominium tenure for the development that is consistent with approved Site Development File DA.17.014, subject to the Conditions of Draft Approval in Attachment 1.

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-18V006 (VMC Residences GP Inc. as a General Partner and on behalf of VMC Residences Limited Partnership Residences) BE APPROVED, as shown on Attachments 3 to 8, subject to the Conditions of Draft Approval in Attachment 1.

Background

The subject lands are located at the south side of Portage Parkway and west of Millway Avenue, municipally known as 898 Portage Parkway and 5 Buttermill Avenue (the 'Subject Lands'), with the surrounding lands uses shown on Attachment 2.

Previous Reports/Authority

[May 2, 2017, Committee of the Whole \(Public Hearing\), Item 2, Report 18](#)

[June 20, 2017, Committee of the Whole, Item 38, Report 26](#)

Analysis and Options

The Owner has submitted Draft Plan of Condominium File 19CDM-18V006 (the 'Application') to create the condominium tenure, shown on Attachments 3 to 8, for the approved two 55-storey apartment buildings, shown on Attachments 9 and 10, which was approved on June 20, 2017, and is currently under construction. The Application consists of the following:

- a) 1,110 apartment units
- b) Gross Floor Area of 90,300 m² (consisting of 89,854 m² residential and 446 m² of retail area, where the retail area includes a restaurant and ancillary outdoor patio and a small commercial unit)
- c) 1,098 parking spaces in an above ground parking structure (dedicated 578 residential and 520 commercial parking)
- d) 686 bicycle parking spaces.

The Application is consistent with the approved interim site plan, shown on Attachment 9, an interim access off Portage Parkway, and an interim access to the above grade parking structure at the east-west mews. The approved ultimate site plan, shown on Attachment 10, which includes 11 townhouse units along the west property line, will be implemented upon the extension of Buttermill Avenue to Portage Parkway and would occur when the existing adjacent Wal-Mart store on the west side of the Subject Lands is relocated. The condominium tenure for the townhouse units will be subject to a separate Draft Plan of Condominium application for consideration at a future Committee of the Whole meeting once those units are constructed when Buttermill Avenue is extended.

The Application conforms to VOP 2010 and the VMC Secondary Plan

Volume 2 of the Vaughan Official Plan 2010 ('VOP 2010'), specifically the Vaughan Metropolitan Centre Secondary Plan (the 'VMC Secondary Plan'), designates the Subject Lands "Station Precinct", which permits a maximum building height of 30-storeys and a maximum density of 5 times the area of the lot (Floor Space Index – 'FSI'). The development is permitted a density of 8.64 FSI with two 55-storey apartment

buildings resulting from the provisions of Policy 8.1.24, respecting the transfer of unused building height and/or density, in the VMC Secondary Plan.

The Application complies with Zoning By-law 1-88 and is consistent with the approved site plan

The Subject Lands are zoned C10 Corporate District Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1445). The site plan was approved in 2017 with an enhanced pedestrian connection along the east property line that is subject to a public access arrangement. The development is permitted and complies with all the requirements of Zoning By-law 1-88. As a condition of 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.

The proposed garbage/recycling collection may be eligible for municipal waste collection services or shall be the responsibility of the Condominium Corporation

Upon a successfully completed application, site inspection and executed agreement as determined by the City, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

The following commenting agencies have advised they have no objections to the approval of the Application

Canada Post has no objections to the Application, subject to the conditions, in relation to the approved Site Development File DA.17.014, have been satisfied. Alectra Utilities Corporation and Enbridge Gas have no objections to the Application. 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.

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 Application, subject to their Conditions of Draft Approval identified in Attachment 1.

Conclusion

Draft Plan of Condominium (Standard) File 19CDM-18V006 conforms to the VOP 2010, complies with Zoning By-law 1-88, and is consistent with the approved site plan. Accordingly, the Development Planning Department recommends approval of the

Application, subject to the conditions set out in Attachment 1.

For more information, please contact: Stephen Lue, Senior Planner, at extension 8210.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Condominium (Standard) - Underground and Ground Levels
4. Draft Plan of Condominium (Standard) - Levels 2 and 3
5. Draft Plan of Condominium (Standard) - Levels 4 and 5
6. Draft Plan of Condominium (Standard) - Levels 6 and 7
7. Draft Plan of Condominium (Standard) - Level 8 and Typical Tower Levels
8. Draft Plan of Condominium (Standard) - Cross-sections
9. Approved Interim Site Plan (File DA.17.014)
10. Approved Ultimate Site Plan (File DA.17.014)

Prepared by

Stephen Lue, Senior Planner, extension 8210

Amy Roots, Senior Manager VMC, extension 8035

Christina Bruce, Director VMC Program, extension 8231

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-18V006 ('PLAN')
VMC RESIDENCES GP INC. AS A GENERAL PARTNER AND ON BEHALF OF VMC
RESIDENCES LIMITED PARTNERSHIP. ('OWNER')
PART OF LOT 6, CONCESSION 5, 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 (STANDARD) FILE 19CDM-18V006, ARE AS FOLLOWS:**

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium (Standard), prepared by J.D. Barnes, Reference No. 17-22-605-00-DP, dated December 17, 2018.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department.
3. The Owner shall enter into a Condominium Agreement with the City and shall agree to satisfy any conditions with respect to such matters as landscape and site development, and any other matters that the City may consider necessary that may be outstanding as part of Site Development File DA.17.014.
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 ploughing/removal and clearing will be privately administered and shall be the responsibility of the Condominium Corporation; and
 - c) Upon a successfully completed Application, a site inspection, and the execution and registration of an Agreement with the Vaughan Environmental Services Department, Solid Waste Management Division as determined by the City, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.
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 of the Plan, the Owner shall submit an “as-built” survey to the satisfaction of the Building Standards Department.
7. Prior to final approval of the Plan, 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. 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

9. Prior to final approval, the Owner shall execute all Regional Agreements, including a Site Plan Agreement, and obtain all the necessary permits required as part of the Site Plan Approval for the Subject Lands under Regional File No. SP-V-021-17.
10. Prior to final approval, the Owner shall provide confirmation that all the conditions of Site Plan Agreement are executed for the Subject Lands under Regional File No. SP-V-021-17, have been satisfied.
11. Prior to final approval, the Owner shall confirm that all the works adjacent to the Smart Centres Place Bus Terminal 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 an 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.
13. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration the following warning clause respecting interferences:

"The purchaser and/or lessee specifically acknowledges and agrees that the proximity of the development to the VMC Transit Terminal operations and its construction may result in transmission of noise, vibration, electromagnetic interference, lighting glare, stray current, smoke, and particulate matter (collectively referred to as "Interferences") on and/or to the Development and despite the inclusion on control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants of the Development. Notwithstanding the above, the purchaser or lessee agrees to release and save harmless the Regional Municipality of York from all claims, losses, judgements or actions arising or resulting from any or all Interferences. The purchaser or lessee further acknowledges and agrees that an Interference clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die, or be null and void, with the closing of the transaction."

Canada Post

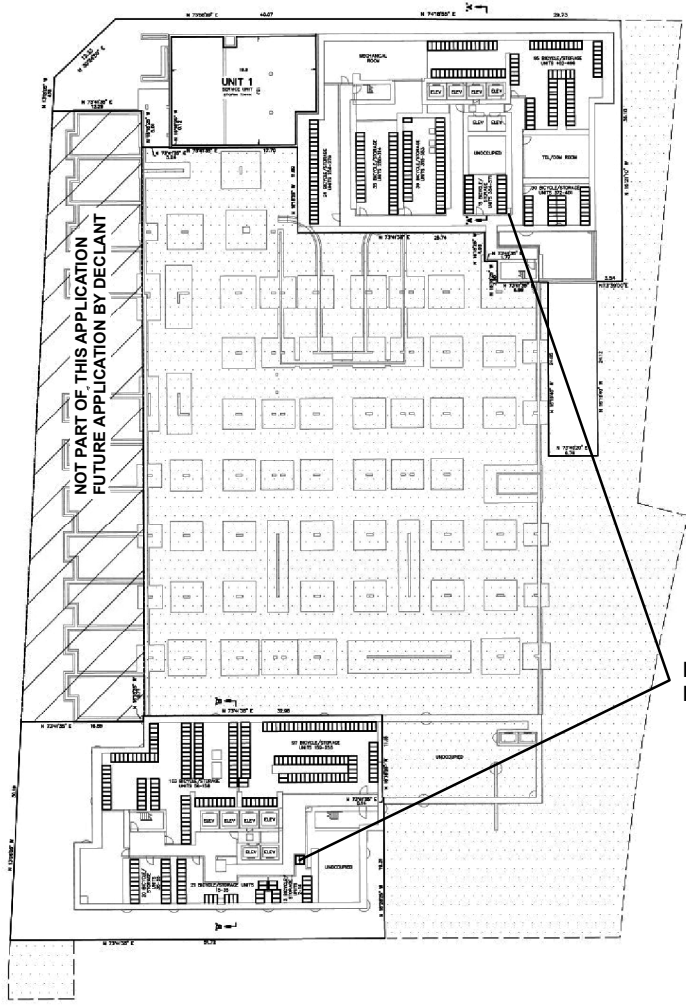
14. The following conditions shall be to the satisfaction of Canada Post:
 - a) The Owner shall provide each multi-unit component with its own centralized mail receiving facility. This lock-box assembly must be rear-loading, adjacent to the ground floor entrance with lobby access and maintained by the Owner/Condominium Corporation for Canada Post to provide mail service to the tenants/residents. For any building with more than 100 units, a secure, rear-fed mailroom must be provided.
 - b) Canada Post no longer offers "to the door" service. To provide mail service to the ground floor units, the revised National Delivery Policy states that street level residences and businesses that are part of the tower component must be assigned compartments in the lobby mailroom. Units not part of the tower component may also be assigned compartments in the mailroom or if these units are not part of the Condominium Corporation then a separate centralized lock-box must be set up at an alternative location or a Canada Post Community Mailbox can be provided.

Utilities

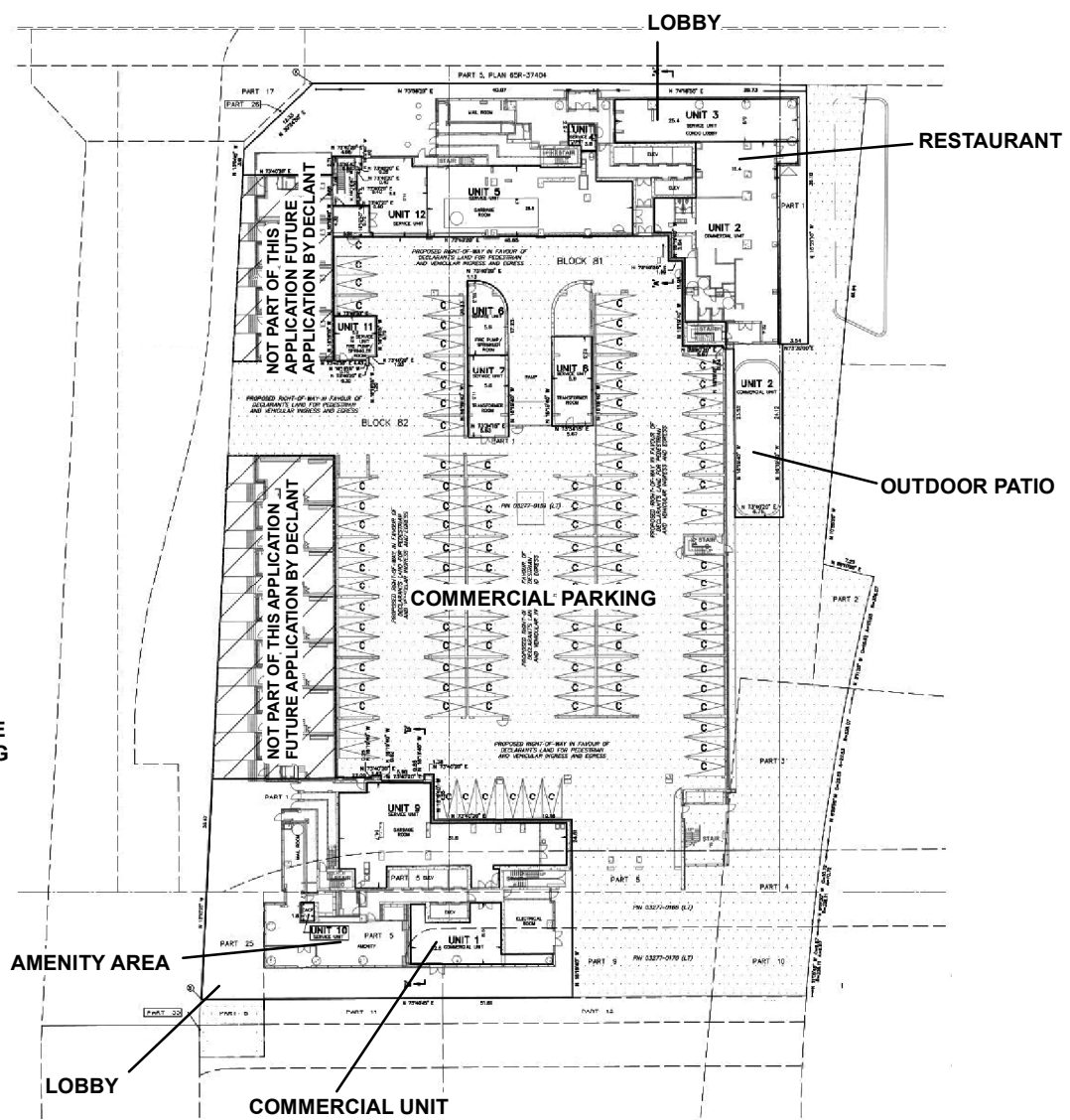
15. The Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority.

Clearances

16. The Vaughan Development Planning Department shall advise in writing that Conditions 1 to 8 have been satisfied.
17. York Region shall advise the Vaughan Development Planning Department in writing that Conditions 9 to 13 have been satisfied.
18. Canada Post shall advise the Vaughan Development Planning Department in writing that Condition 14 has been satisfied.
19. Alectra Utilities Corporation and Enbridge Gas each shall advise the Vaughan Development Planning Department in writing that Condition 15 has been satisfied.



PLAN VIEW ILLUSTRATING
SERVICE UNIT 1 AND BICYCLE/STORAGE UNITS 2 TO 496, INCLUSIVE,
ON UNDERGROUND LEVEL 1



PLAN VIEW ILLUSTRATING
COMMERCIAL UNIT 1, 2 AND SERVICE UNITS 3 TO 12, INCLUSIVE
ON GROUND LEVEL

Not to Scale

Draft Plan of Condominium (Standard) - Underground and Ground Levels Attachment

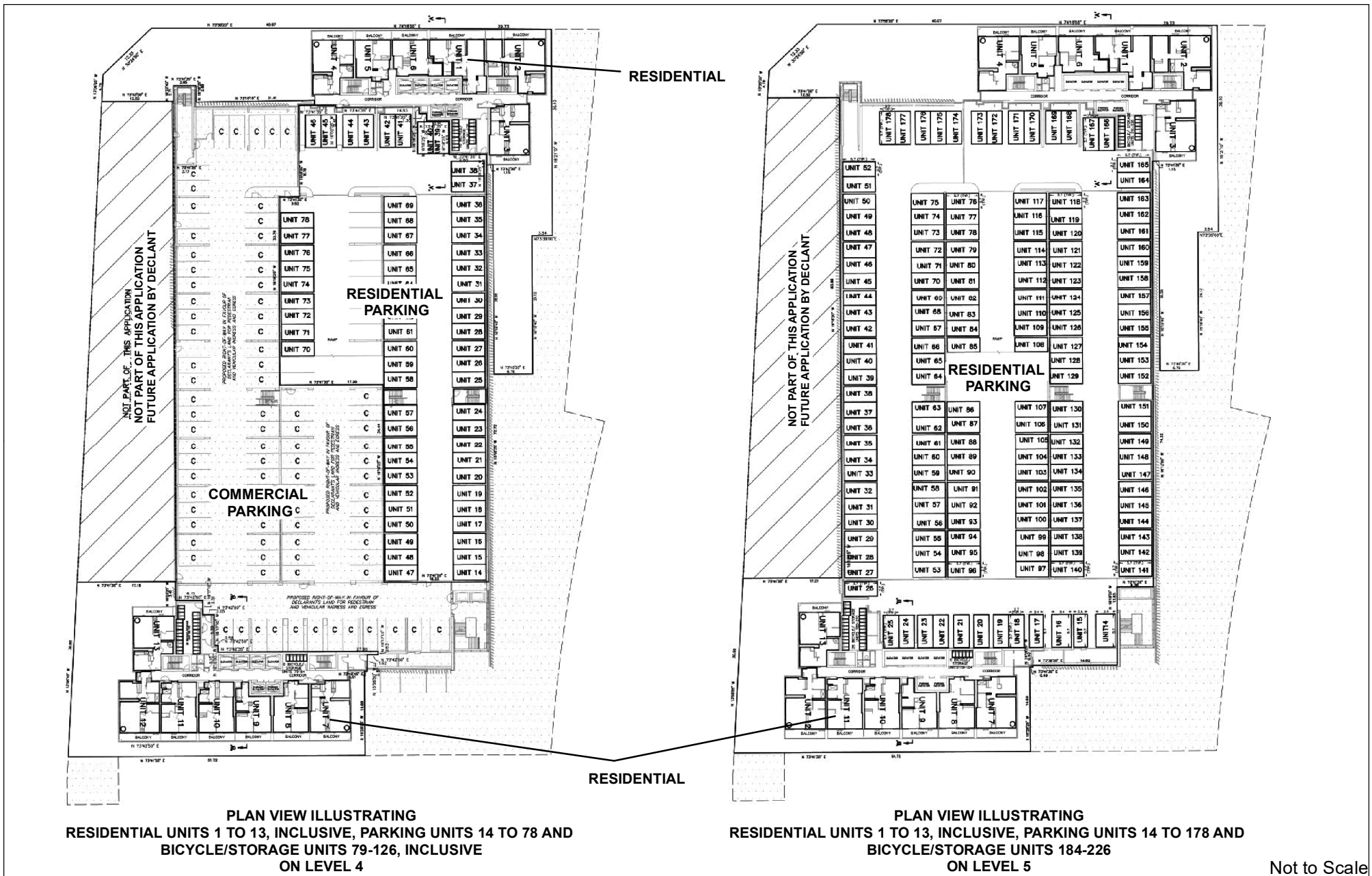
LOCATION:
Part of Lots 6 and 7, Concession 5

APPLICANT:
VMC Residences GP Inc. as a general partner
and on behalf of VMC Residences Limited Partnership



FILE:
19CDM-18V006
RELATED FILES:
DA.17.014, Z.17.005, Z.17.006
DATE:
May 7, 2019

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Not to Scale

Draft Plan of Condominium (Standard) - Levels 4 and 5

Attachment

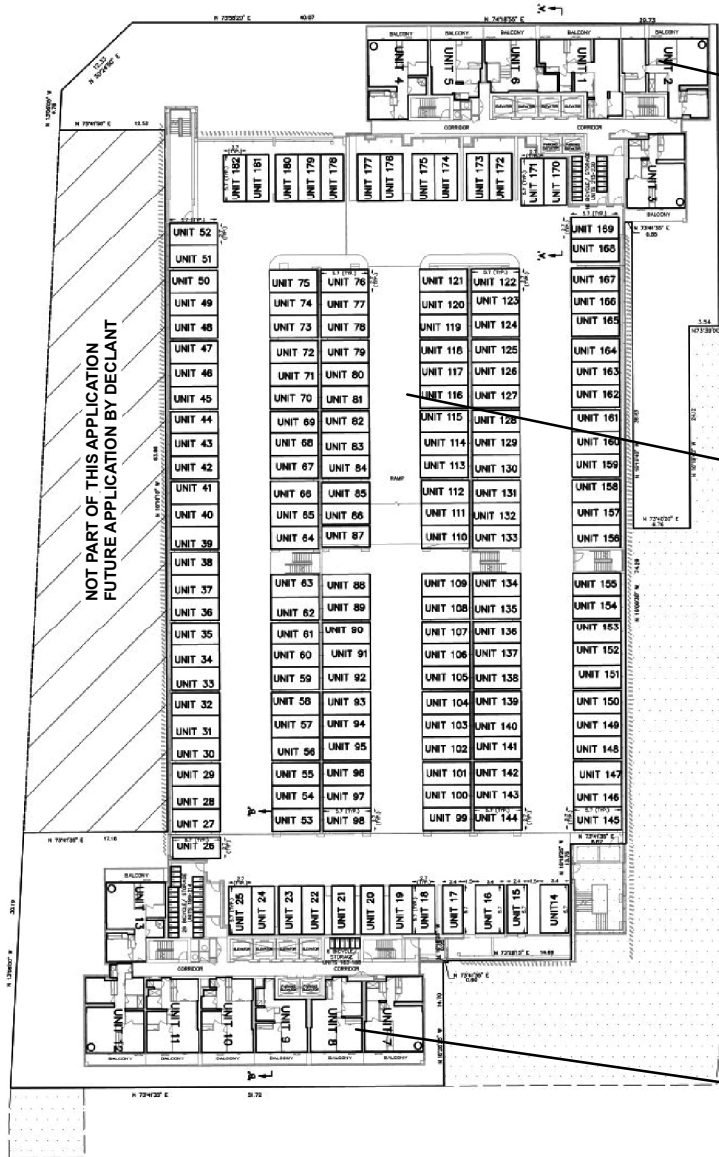
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Part of Lots 6 and 7, Concession 5

APPLICANT:
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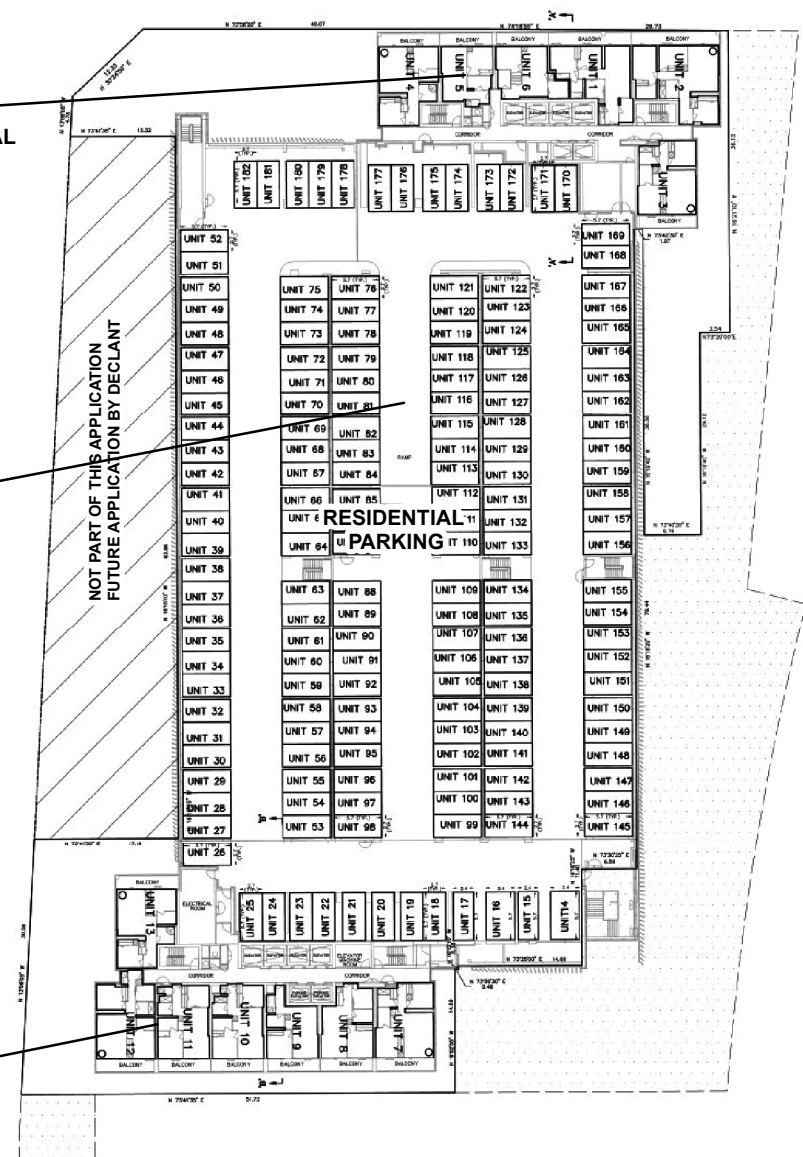


PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 13, INCLUSIVE, PARKING UNITS 14 TO 182,
AND BICYCLE/STORAGE UNITS 183-230 INCLUSIVE
ON LEVEL 6

RESIDENTIAL

RESIDENTIAL
PARKING

RESIDENTIAL



PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 13, INCLUSIVE, AND PARKING UNITS 14 TO 182, INCLUSIVE
ON LEVEL 7

Not to Scale

Draft Plan of Condominium (Standard) - Levels 6 and 7

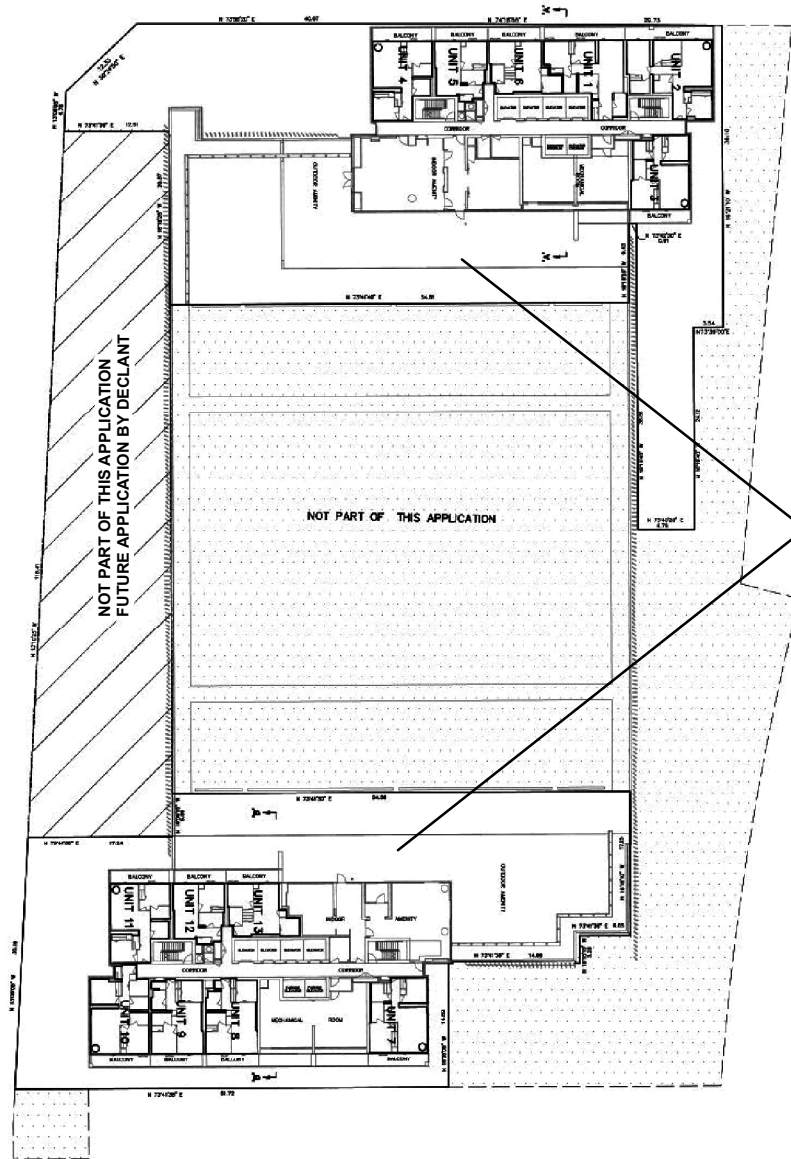
LOCATION:
Part of Lots 6 and 7, Concession 5

APPLICANT:
VMC Residences GP Inc. as a general partner
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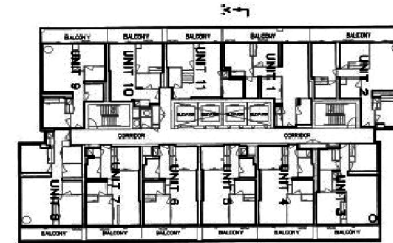


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DATE:
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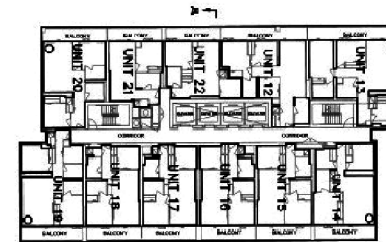
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PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 13, INCLUSIVE
ON LEVEL 8



PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 11, INCLUSIVE
ON LEVELS 9 TO 55, NORTH TOWER INCLUSIVE



PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 12 TO 22, INCLUSIVE
ON LEVELS 9 TO 55, SOUTH TOWER INCLUSIVE

Not to Scale

Draft Plan of Condominium (Standard) - Level 8 and Typical Tower Levels Attachment

LOCATION:
Part of Lots 6 and 7, Concession 5

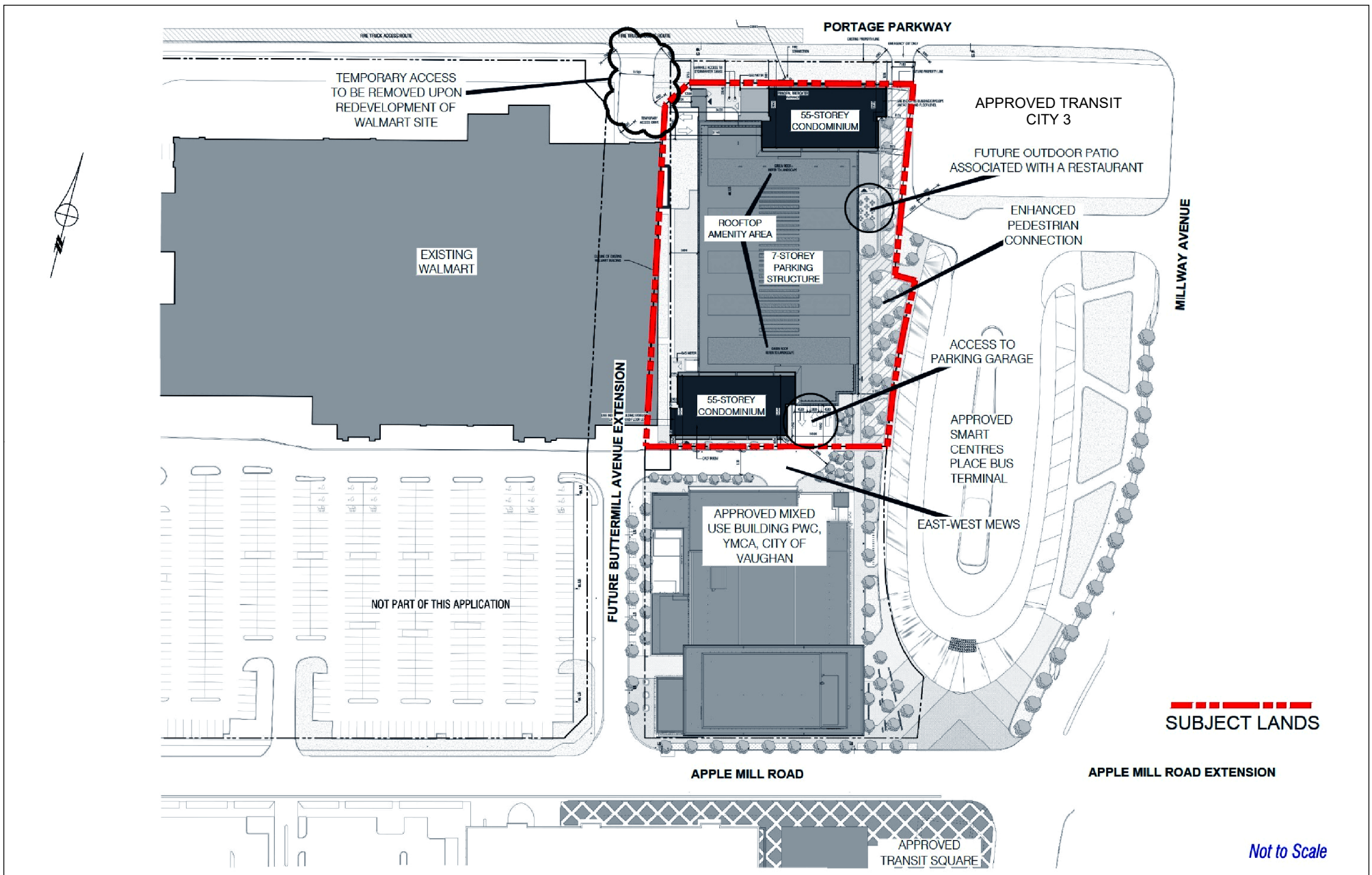
APPLICANT:
VMC Residences GP Inc. as a general partner
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FILE:
19CDM-18V006
RELATED FILES:
DA.17.014, Z.17.005, Z.17.006
DATE:
May 7, 2019

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Approved Interim Site Plan (File DA.17.014)

LOCATION:

Part of Lots 6 and 7, Concession 5

APPLICANT:

VMC Residences GP Inc. as a general partner
and on behalf of VMC Residences Limited Partnership

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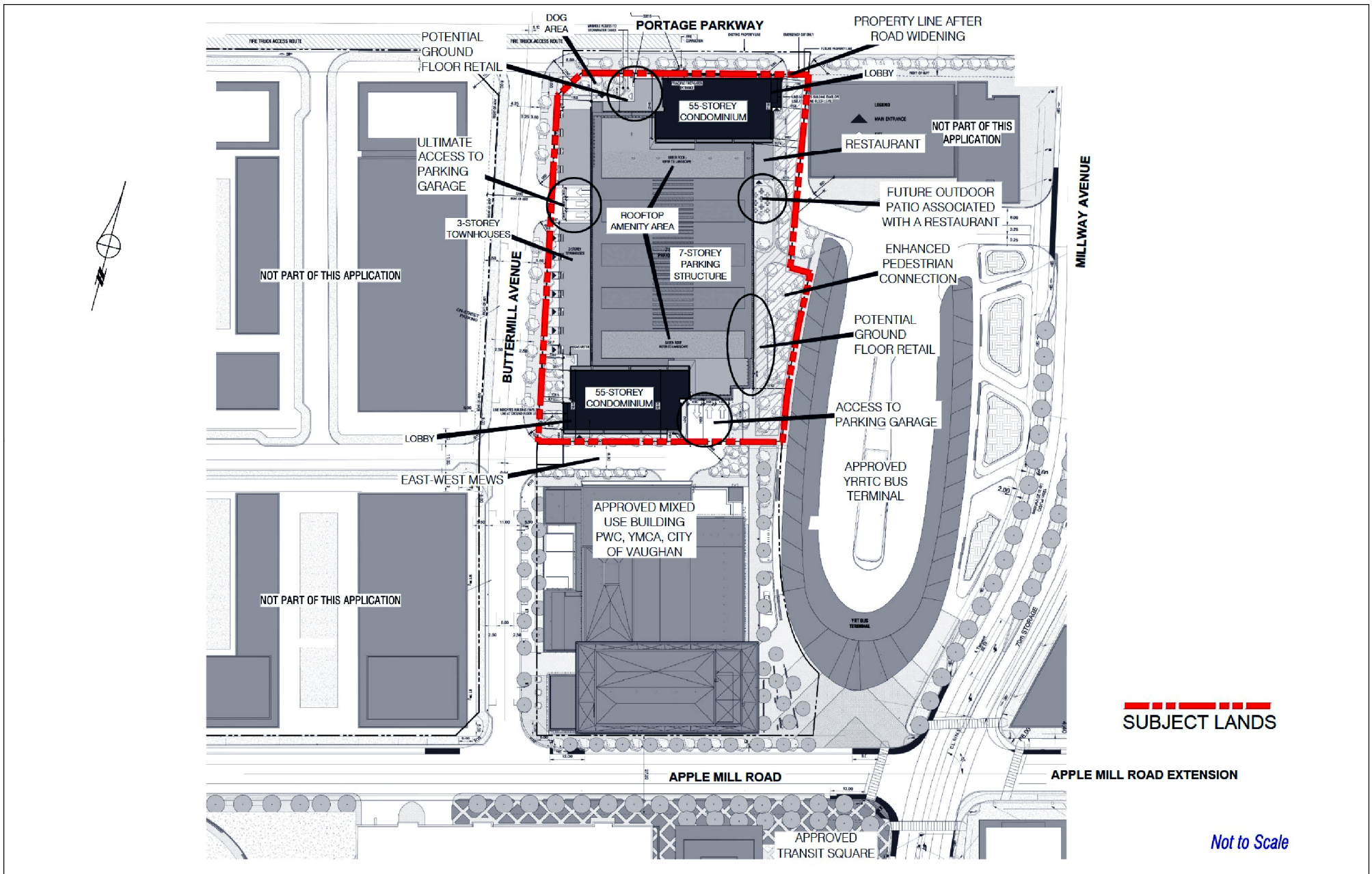


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FILE:
19CDM-18V006
RELATED FILES:
DA.17.014, Z.17.005, Z.17.006
DATE:
May 7, 2019

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Created on: 4/10/2019



Approved Ultimate Site Plan (File DA.17.014)

LOCATION:
Part of Lots 6 and 7, Concession 5

APPLICANT:
VMC Residences GP Inc. as a general partner
and on behalf of VMC Residences Limited Partnership

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Attachment

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RELATED FILES:
DA.17.014, Z.17.005, Z.17.006
DATE:
May 7, 2019

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