

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 26, 2024

Item 5, Report No. 7, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 26, 2024.

5. 300 ATKINSON INC. DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) 19CDM-21V005 300 ATKINSON AVENUE VICINITY OF ATKINSON AVENUE AND CENTRE STREET

The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Planning and Growth Management, dated March 5, 2024.

Recommendation

1. THAT Draft Plan of Condominium (Common Element) File 19CDM-21V005 (300 Atkinson Inc.) BE APPROVED, to establish the condominium tenure for a 106-unit residential townhouse development with one level of underground parking, as shown on Attachments 2 to 4, subject to the Conditions of Draft Approval in Attachment 5.

Committee of the Whole (1) Report

DATE: Tuesday, March 5, 2024

WARD: 5

TITLE: 300 ATKINSON INC.
DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)
19CDM-21V005
300 ATKINSON AVENUE
VICINITY OF ATKINSON AVENUE AND CENTRE STREET

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-21V005 for the subject lands shown on Attachment 1 to establish the condominium tenure for a residential townhouse development, consisting of 106 units, shown on Attachments 2 to 4, subject to the Conditions of Draft Plan of Condominium Approval in Attachment 5.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Common Element) Application to establish condominium tenure for a 106-unit residential townhouse development which includes 50 standard townhouse units and 56 back-to-back townhouse units with one level of underground parking.
- The Owner is required to submit a Part Lot Control Application to create the residential parcels.
- The Development Planning Department supports the approval of the Draft Plan of Condominium File 19CDM-21V005, subject to conditions.

Recommendation

1. THAT Draft Plan of Condominium (Common Element) File 19CDM-21V005 (300 Atkinson Inc.) BE APPROVED, to establish the condominium tenure for a 106-unit residential townhouse development with one level of underground parking, as shown on Attachments 2 to 4, subject to the Conditions of Draft Approval in Attachment 5.

Background

Location: 300 Atkinson Avenue (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Official Plan, Zoning By-law Amendments and Site Development Applications were approved for the Subject Lands

Council on May 18, 2021, approved Files OP.19.001, Z.19.002 and DA.19.083 to permit 114 townhouse units, including 68 back-to-back townhouse units. Standard townhouse units are permitted in the Low- Rise Residential designation, however, an amendment to Vaughan Official Plan 2010 (VOP 2010) was required to permit back-to-back townhouse units. Zoning By-law 1-88 was amended to rezone the Subject Lands from an "R3 Residential Zone" to an "RM2 Multiple Residential Zone" to permit the townhouse development.

Council on May 17, 2022, approved Files Z.19.028 and DA.19.081 to permit one, 4 unit townhouse block.

A Site Plan Agreement was registered on May 25, 2023, for both Files DA.19.081 and DA.19.083 for a 106-unit residential townhouse development as shown on Attachments 2 to 4.

A Draft Plan of Condominium (Common Element) Application has been submitted to permit the proposed development

The Owner has submitted Draft Plan of Condominium (Common Element) (the 'Application') for the Subject Lands to establish common element condominium tenure for a 106-unit residential townhouse development (the 'Development') as shown on Attachments 2 to 4.

The Owner is required to submit a Part Lot Control Application to lift the part lot control provisions of the *Planning Act*, R.S.O. 1990, c. P.13 from the Subject Lands, in order to create conveyable freehold lots for the 106 townhouse units.

Previous Reports/Authority

Previous reports related to the application can be found at the following links:

300 Atkinson Inc. Committee of the Whole Report
[May 4, 2021, Committee of the Whole \(Item 1, Report 22\)](#)

Analysis and Options

The Application is Consistent and Conforms with the Provincial Policy Statement the Growth Plan, YROP and VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Subject Lands are located in proximity to higher order transit facilities and a York Region Protected Major Transit Station Area ('PMTSA'). The Growth Plan defines a PMTSA as the area within an approximate 500 to 800 m of a transit station. The Subject Lands are located north and east of the Disera-Promenade Bus Rapid Transit ('BRT') Station. The Development shown on Attachments 2 to 4 conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands as "Urban Area" which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within in proximity to the Disera-Promenade BRT Station. The Proposed Development, which conforms to the YROP 2022, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Application was deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Application is measured.

The YROP 2010 designates the Subject Lands "Urban Area", which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located north and east of the Disera-Promenade BRT Station PMTSA. The Proposed Development, which conforms to the YROP 2010, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "Low-Rise Residential" on Schedule 13 – "Land Use" of VOP 2010 and subject to Volume 2, Site Specific Policy 13.61 300 Atkinson Avenue (OPA #65)

The Site Specific Policy 13.61 permits 68 back-to-back townhouse units in addition to townhouse units permitted by the Low- Rise Residential designation.

The Application conforms to VOP 2010.

The Condominium Plan is consistent with the Council approved Site Development Files DA.19.081 and DA.19.082

The Draft Plan of Condominium (Common Element) shown on Attachments 3 and 4 is consistent with the approved site plans for the Subject Lands. The Development Planning Department has no objection to the Application, subject to the Conditions identified in Attachment 5.

Financial Impact

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

Operational Impact

The Development Engineering ('DE') Department has no objection to the Application

DE has no objection to the application, subject to the Conditions identified in Attachment 5.

Parks Infrastructure Planning and Development has no objection to the Application

Parks Infrastructure Planning and Development has no objection to the application, subject to the Conditions identified in Attachment 5.

Other external agencies and various utilities have no objection to the Application

The York Catholic District School Board, Canada Post, Alectra, Enbridge, Bell Canada, have no objection to the Application, subject to the conditions included in Attachment 5.

Other City Departments and agencies have no objection to the Application

Urban Design, Emergency Planning, By-law Compliance, Fire, Policy Planning and Special Projects, Financial Planning and Development Finance, and Environment Services have no objection to the Application, subject to the Conditions included in Attachment 5.

Broader Regional Impacts/Considerations

York Region has no objection to the Application subject to the conditions identified in Attachment 5.

Conclusion

The Development Planning Department is satisfied the Application to create a common element condominium tenure for the Development, subject to Conditions of Draft Approval identified in Attachment 5, as it is consistent with the PPS, conforms with the Growth Plan, YROP 2010 and VOP 2010, and would implement a Council approved development.

For more information, please contact Carol Birch, Planner, at extension 8485.

Attachments

1. Context and Location Map
2. Approved Site Plan
3. Draft Plan of Condominium - Common Elements
4. Draft Plan of Condominium - Common Elements (Below Grade)
5. Conditions of Draft Plan of Condominium Approval File 19CDM-21V005
6. 5a – York Region Conditions

Prepared by

Carol Birch, Planner, ext. 8485

Christina Ciccone, Senior Planner, ext. 8773

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

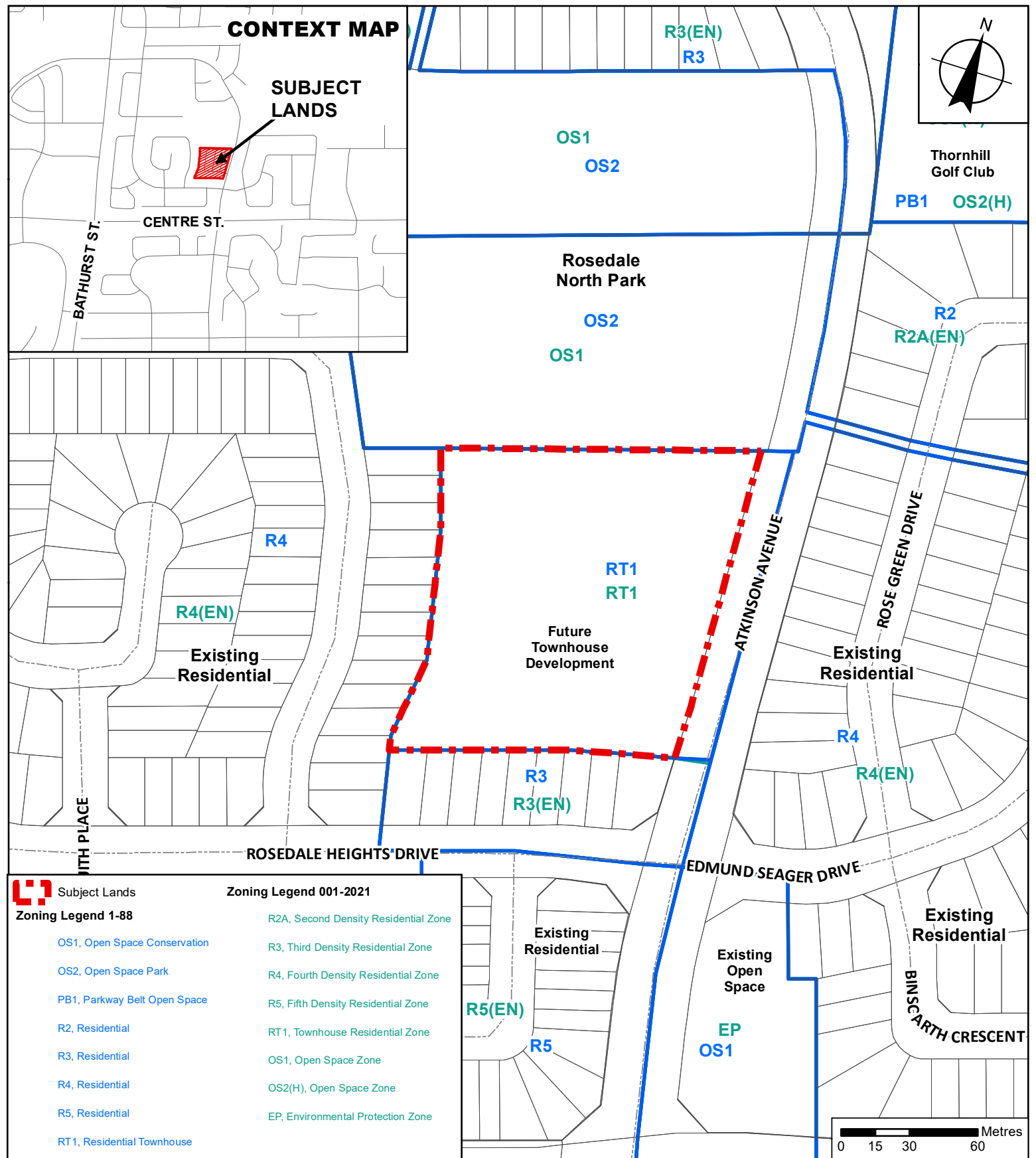


Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Haiqing Xu, on behalf of
Nick Spensieri, City Manager



Context and Location Map

LOCATION:
Part of Lot 31, Concession 1
300 Atkinson Avenue

APPLICANT:
300 Atkinson Inc.



Attachment

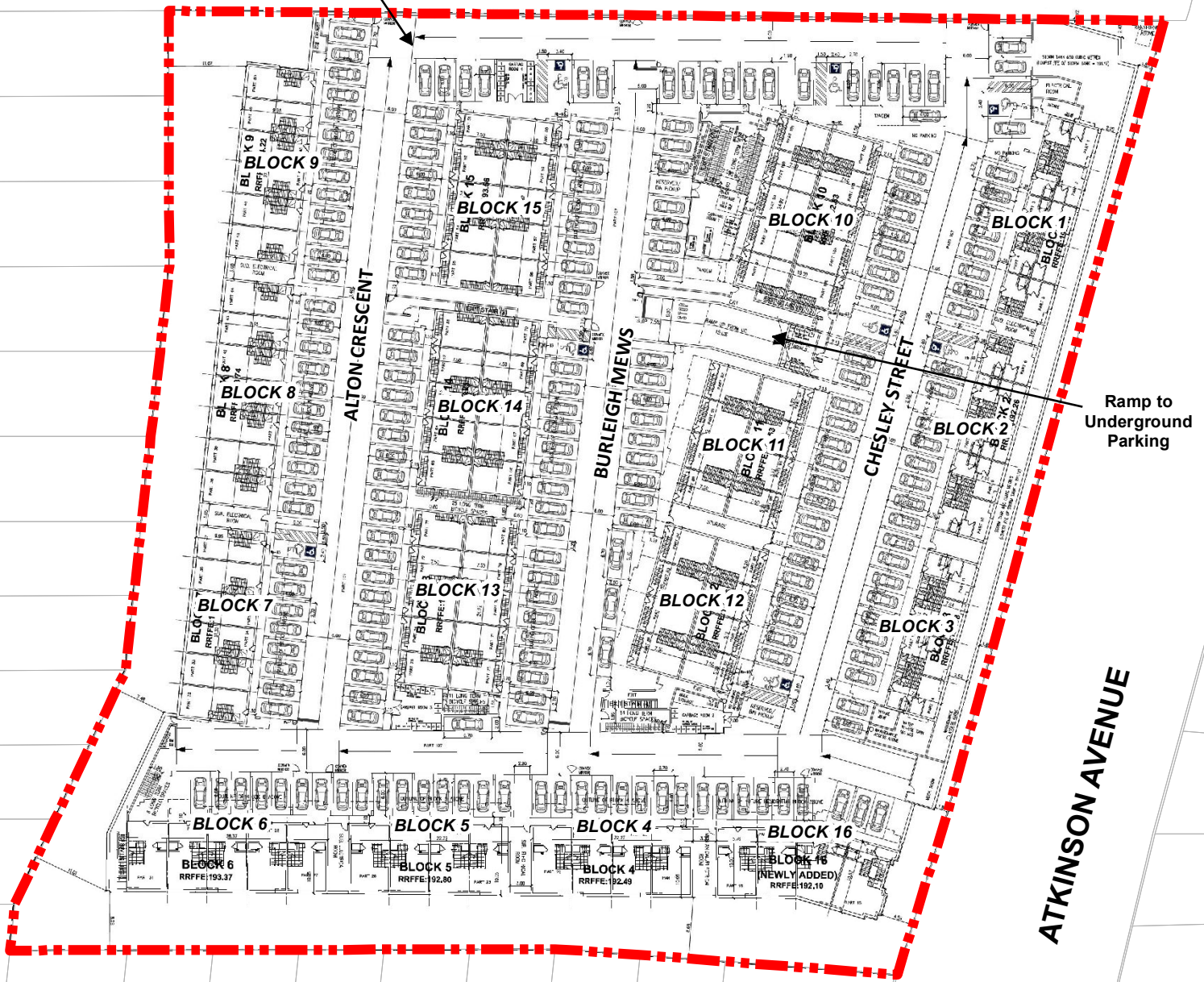
FILE: 19CDM-21V005
RELATED FILES:
DA.19.083, DA.19.081

DATE: March 5, 2024

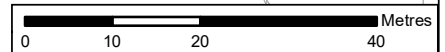
1



Loading



 Subject Lands



Approved Site Plan

LOCATION: Part of Lot 31,
Concession 1; 300 Atkinson Avenue

APPLICANT:
300 Atkinson Inc.

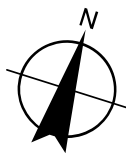


Attachment

FILE: 19CDM-21V005
RELATED FILES:
DA.19.083, DA.19.081

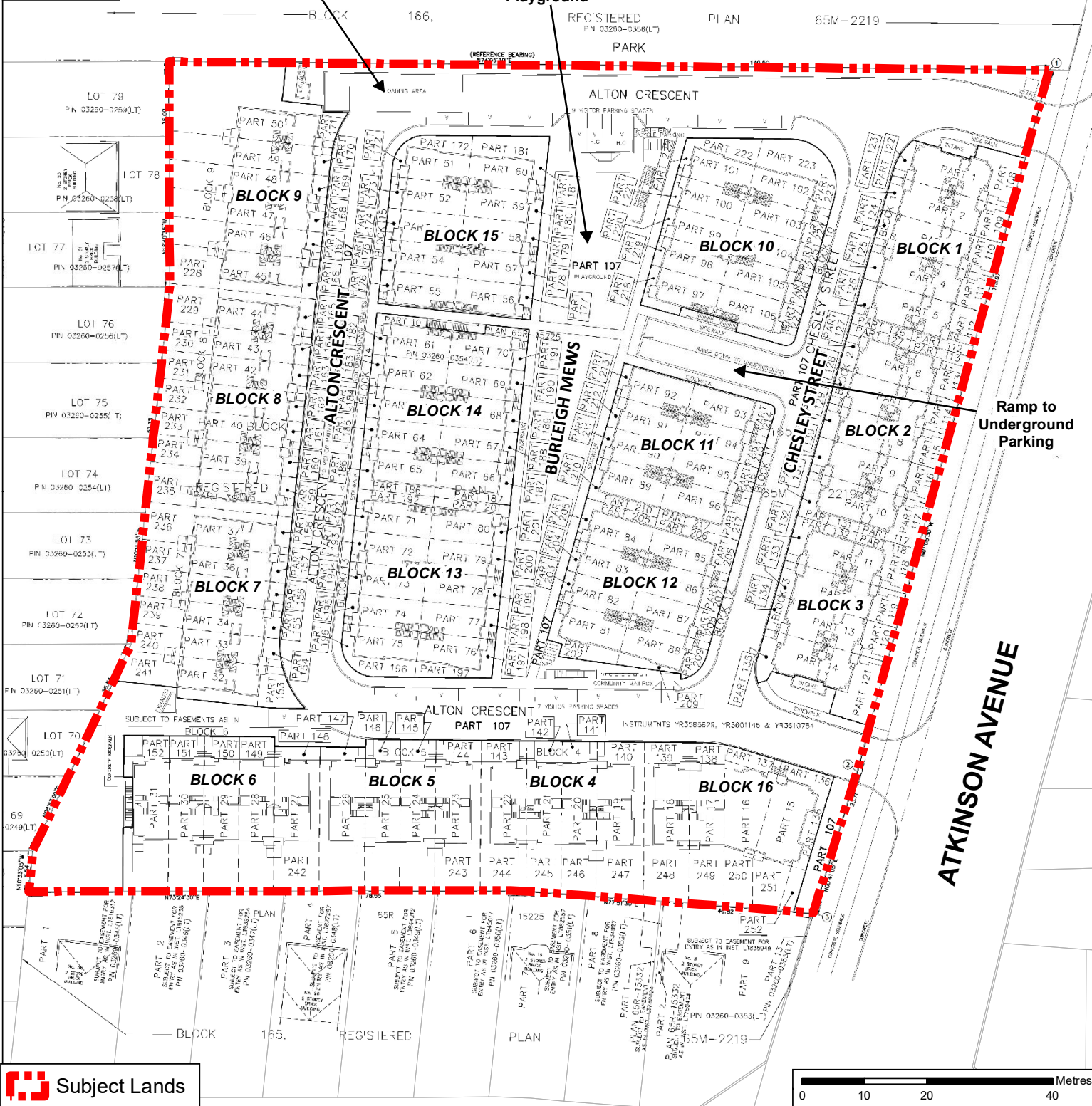
DATE: March 5, 2024

2



Loading

Playground



Draft Plan of Condominium - Common Elements

LOCATION: Part of Lot 31,
Concession 1; 300 Atkinson Avenue

APPLICANT: 300 Atkinson Inc.

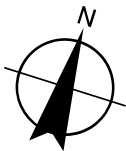


Attachment

FILE: 19CDM-21V005
RELATED FILES:
DA.19.083, DA.19.081

DATE: March 5, 2024

3



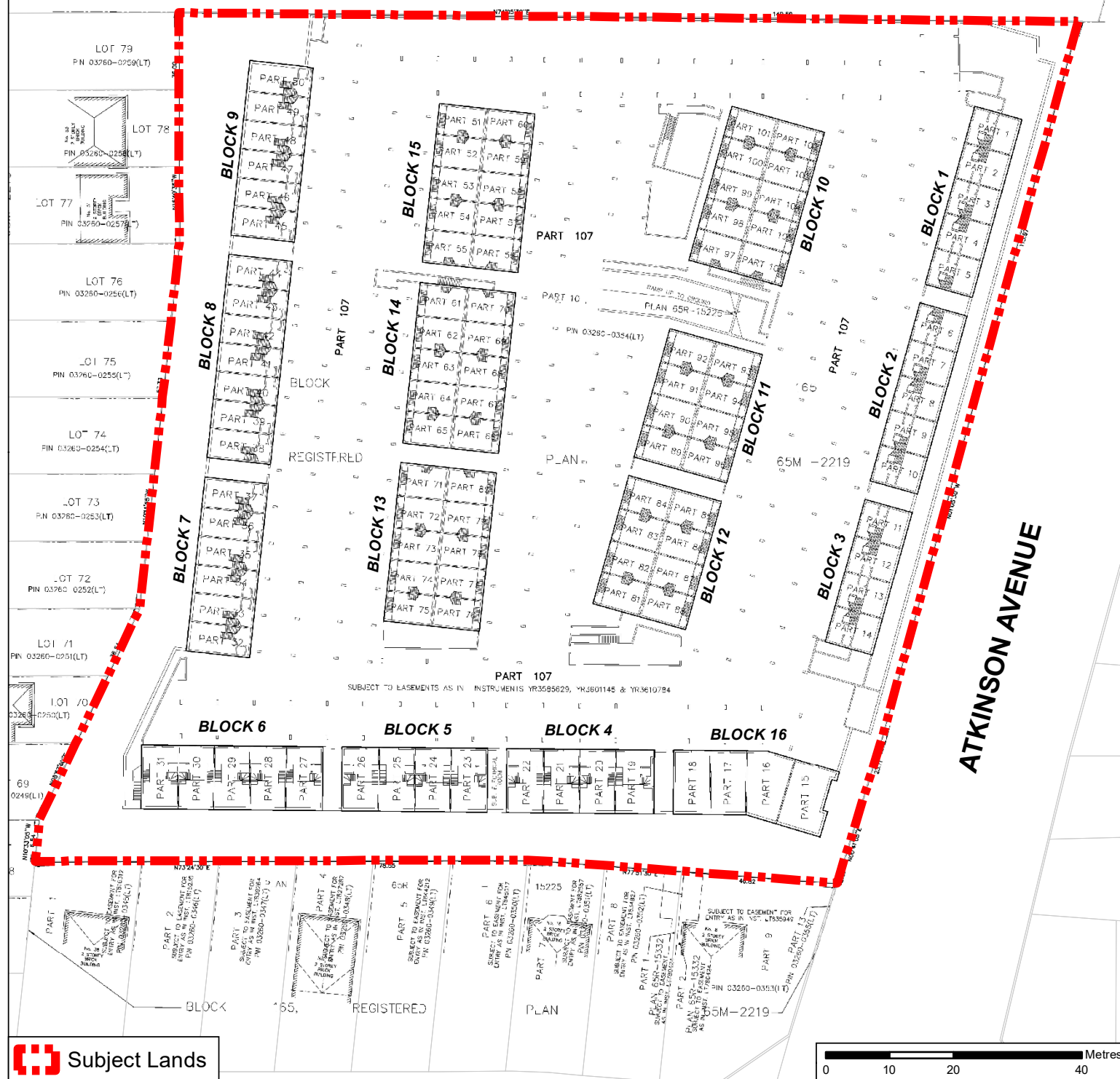
BLOCK

166,

REGISTERED
PIN 03260-0358(LT)

PLAN

65M-2219



Draft Plan of Condominium - Common Elements (Below Grade)

LOCATION: Part of Lot 31,
Concession 1; 300 Atkinson Avenue

APPLICANT: 300 Atkinson Inc.



Attachment

FILE: 19CDM-21V005

RELATED FILES:
DA.19.083, DA.19.081

DATE: March 5, 2024

4

ATTACHMENT NO. 5

CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-21V005 (COMMON ELEMENT)
300 ATKINSON INC. (OWNER)
BEING PART OF BLOCK 165, 65M-2219, CITY OF VAUGHAN (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 (COMMON ELEMENT) FILE 19CDM-21V005, ARE AS FOLLOWS:

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium, prepared by R. Avis Surveying Inc., Project No. 3262-0, Drawing No. 3262-0DP2, dated November 7, 2023.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Vaughan Development Planning Department.
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.
4. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
5. Prior to final approval of the Plan, the Owner shall submit an updated Condominium Plan the shows Atkinson Avenue sidewalk connections and curbs in accordance with the approved grading plan GR-1 revision dated April 7, 2022, and the location of the short-term bicycle parking on Part 107.
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, 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 taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required to the satisfaction of the Financial Planning and Development Finance Department. The Owner also certifies acknowledgment for responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of the

Condominium Agreement, if required, until each unit covered under the Condominium is separately assessed.

9. The following provisions shall be included in the Condominium Agreement to the satisfaction of the City:
 - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
 - b) The Condominium Corporation shall be responsible for snow removal and clearing the Condominium Corporation shall not store or deposit snow from the lands/development onto City of Vaughan owned property.
 - c) The Condominium Corporation shall be responsible for private waste collection services.
 - d) The Owner and/or Condominium Corporation shall supply, install and maintain mail equipment to the satisfaction of Canada Post.
10. The Owner and/or its successors shall agree to carry out, or cause to carry out, the warning clauses set out in this memorandum to the satisfaction of the City. Prior to the transfer of any unit with the Plan, the Owner and/or its successors shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the offer of Purchase and Sale or Lease for such unit.
11. The Condominium Agreement, Condominium Declaration and in all Agreements of Purchase and Sale and/or Lease shall include the following warning clauses:
 - i) The following warning clause shall be included in all Offers of Purchase and Sale or Lease Agreements for Block 4 Parts 19-22, Block 5 Part 23, Block 6 Part 27, Block 7 Parts 32-37, Block 8 Parts 38-44, Block 9 Part 45, and Block 16 Parts 15-18: "Purchasers and/or tenants are advised that this development was designed to include rear lot catchbasins and storm sewer infrastructure. The catchbasin was designed to receive and carry only clean stormwater. It is the Condo Corporation's responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The catchbasins are shown on the Construction Drawings and the location is subject to change without notice."
 - ii) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units in Blocks 1, 2, and 3, and the unit on Part 15 of Block 16: "Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally

interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and ducting etc. as well a central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of Environment, Conservation and Parks and in compliance with the City's noise requirements. The location of the air conditioning unit on the lot shall be in compliance with the provisions of City of Vaughan By-law 1-88."

- iii) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units on Parts 16, 17 and 18 in Block 16: "Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area and within the dwelling unit, the noise levels from increasing traffic may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling, has, therefore, been equipped with forced air heating and ducting ext., sized to accommodate central air conditioning. Installation of central air conditioning will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of Environment, Conservation and Parks and in compliance with the City's noise requirements. The location of the air conditioning unit on the lot shall be in compliance with the provisions of City of Vaughan By-law 1-88."
- iv) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units: "Purchasers and/or tenants are advised that there is an adjacent neighbourhood park (Rosedale North Park) and the lighting and noise should be expected from the use of the park for recreation purposes. A 3 metre high fence is to be constructed on the lot abutting the park block boundary with all fencing material, including foundations as the lot directly abuts a Park with an active recreational facility (baseball diamond).
- v) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units: "Purchasers and/or tenants are advised that the adjacent neighbourhood park (Rosedale North Park) is currently served with an active baseball diamond. As a result, the potential for errand balls should be expected, regardless of safety measures implemented (3.0 m high fence and enhanced baseball backstop)."
- vi) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units: "Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the park, are prohibited."
- vii) The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all units: "Purchasers and /or tenants are advised that the lot abuts a neighbourhood park and the park may be subject to future redevelopment resulting in increased usage, lighting and/or noise."

viii) The Condominium Declaration shall include a clause requiring the Condominium Corporation to maintain, repair and replace the Landscaping in the Uniform Landscaping Areas, and maintain and repair amongst other things, all retaining walls and decorative pillars shown on the landscape plan for the Subject Lands. A restrictive covenant schedule shall be included in all Offers of Purchase and Sale or Lease for all units prohibiting owners from changing, modifying or altering the landscaping and any trees.

12. Prior to occupancy of any dwelling unit, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations.
13. Prior to final approval of the plan, the Owner must contact Enbridge Gas Inc.'s Customer Connection department by emailing SalesArea30@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, Silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Canada Post

14. In order to provide mail service to the residential townhouse development totaling 106 residential units, Canada Post requests that the owner/developer comply with the following conditions:
 - a) The Owner/Developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans;
 - b) The Builder/Owner/Developer will confirm to 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 ground communication vaults, landscaping enhancements (tree planting) and bus pads;
 - c) The Owner/Developer will 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/Developer will 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 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/Developer will 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/Developer 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;
- g) The Owner/Developer agrees to include in all offers of purchase and sale a statement, which advises 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;
- h) The Owner/Developer will be responsible for officially 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 do a sign off;
- i) The owner/developer of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox location.
- j) Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy.
- k) There will be no more than one mail delivery point to each unique address assigned by the Municipality.
- l) Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

Utilities

15. Prior to final approval of the Plan, the Owner shall confirm that all required easements and rights-of-ways for each utility have been granted to the appropriate authority. The Owner further agrees to convey any easement(s) as deemed necessary by utility corporations at no cost to the utility corporation. The Owner agrees that should any conflict arise with the existing utility facilities or easement(s) within the subject area, the Owner shall be responsible for the relocation of such facilities or easements at their own cost.

Clearances

16. The City (Vaughan Development Planning Department) shall advise in writing that Conditions 1 to 12 have been satisfied.
17. Enbridge Gas shall advise in writing that Condition 13 has been satisfied.
18. Canada Post shall advise in writing that Condition 14 has been satisfied.
19. Alectra Utilities Corporation, Bell Canada and Rogers Communications Inc. shall advise the Development Planning Department in writing that Condition 15 has been satisfied.
20. York Region shall advise in writing that the Conditions outlined in Attachment 5b) have been satisfied.



Corporate Services

February 2, 2022

Daniela DeGasperis, Planner
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON, L6A 1T1

Dear Ms. DeGasperis,

**Re: Draft Plan of Condominium CDMP.21.V.0022 (19CDM-21V005)
Part of Block 165, Registered Plan 65M-2219
(300 Atkinson Inc. c/o Mohammad Abhary)
City of Vaughan**

York Region has now completed its review of the above noted draft plan of common elements condominium prepared R. Avis Surveying Inc., Project No. 3262-0, dated August 30, 2021. The site is located on lands municipally known as 300 Atkinson Avenue, north of Centre Street, east of Bathurst Street, in the City of Vaughan. The plan will facilitate the development of 106 townhouse units, within a 1.7 ha site. York Region has no objection to draft plan approval of the plan of condominium subject to the following condition:

1. Prior to final approval, the Owner shall provide confirmation that all conditions of the Site Plan Approval issued for the subject property by the Region under Regional File No. SP.19.V.0304 and SP.19.V.0312 have been satisfied.

We request a copy of the notice of decision, draft approved plan, and the conditions of draft approval should the plan be approved. Should you have any questions regarding the above or the attached conditions please contact Justin Wong, Planner, at extension 71577 or through electronic mail at Justin.Wong@york.ca.

Yours truly,

A handwritten signature in dark ink, appearing to read "Dmac".

Duncan MacAskill, M.C.I.P., R.P.P.
Manager, Development Planning
JW/