

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 12, 2019

Item 11, Report No. 20, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 12, 2019.

11. WOODBRIDGE PARK LTD. DRAFT PLAN OF CONDOMINIUM 19CDM-17V005 VICINITY OF STEELES AVENUE WEST AND MARTIN GROVE ROAD

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 June 4, 2019:

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-17V005 (Woodbridge Park Ltd.) BE APPROVED, as shown on Attachment 4, subject to the Conditions of Draft Approval in Attachment 1.

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD: 2

TITLE: WOODBRIDGE PARK LTD.

DRAFT PLAN OF CONDOMINIUM 19CDM-17V005

VICINITY OF STEELES AVENUE WEST AND MARTIN GROVE ROAD

FROM:

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

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole to create the condominium tenure for the common elements of the approved townhouse development shown on Attachment 4.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Common Elements) to establish the condominium tenure of privately owned and maintained (through a future Condominium Corporation) common elements for an approved townhouse development on the Subject Lands shown on Attachment 2.
- The Development Planning Department supports the approval of the Application as it conforms to the Official Plan, complies with Zoning By-law 1-88, as amended, and is consistent with the approved site plan.

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-17V005 (Woodbridge Park Ltd.) BE APPROVED, as shown on Attachment 4, subject to the Conditions of Draft Approval in Attachment 1.

Background

The subject lands (the 'Subject Lands') shown on Attachment 2 are located on the north side of Steeles Avenue West and east of Martin Grove Road. The surrounding land uses are shown on Attachment 2.

Previous Reports/Authority

[CW1206 16 17 - Draft Plan of Subdivision File 19T-16V005 and Site Development Application DA.16.044](#)

Analysis and Options

The Owner has submitted Draft Plan of Condominium (Common Element) File 19T-CDM-17V005 (the 'Application') shown on Attachment 4, to create the condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consist of the following:

- Private access roads
- Sidewalks, walkways and landscaped areas
- Storm and sanitary sewers, rear-lot catch basins and leads, watermains and infiltration trenches
- Noise attenuation barrier and berm along the rear of the property adjacent to the CN Railway
- Chain link fencing surrounding the development
- 37 visitor parking spaces

These common elements will service 89 block townhouse units and 160 back-to-back townhouse units on the Subject Lands.

The Application conforms to Vaughan Official Plan 2010 ('VOP 2010') and complies with Zoning By-law 1-88

The Subject Lands are designated "Community Commercial Mixed-Use" by VOP 2010, subject to the Site-Specific Policies of Section 13.16, Volume 2, which permits the townhouse development. The Draft Plan of Condominium shown on Attachment 4 conforms to VOP 2010.

The Subject Lands are zoned "RM2 Multiple Residential Zone", and "OS1 Open Space Conservation Zone" by Zoning By-law 1-88, subject to site-specific Exception 9(1432), which permits the development shown on Attachment 3. The Vaughan Committee of Adjustment on July 20, 2017, approved Minor Variance Application A231/17 to permit 7 townhouse dwelling units in a row within Block 16 of the development.

The proposed Draft Plan of Condominium (Common Elements), as shown on Attachment 4, would establish a condominium tenure for a development that complies with Zoning By-law 1-88, as amended, and varied by Minor Variance Application A231/17. 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.

The Draft Plan of Condominium is consistent with the approved Draft Plan of Subdivision and Site Development Application

On December 13, 2016, Vaughan Council approved Draft Plan of Subdivision File 19T-16V005 (Woodbridge Park Ltd.) and Site Development File DA.16.044 to permit a development which consists of: one open space block; and, one block for residential uses that includes 89 block townhouse units, 160 back-to-back townhouse units and 26 apartment units within 2 residential apartment buildings, as shown on Attachment 3.

The Draft Plan of Condominium Application pertains to the Subject Lands only and includes the common elements for the 89 townhouse units and 160 back-to-back townhouse units. A separate Draft Plan of Condominium application is required for the 2 residential apartment buildings.

The Draft Plan of Condominium (Common Elements) as shown on Attachment 4 is required to create the common element tenure for the following elements:

- Private access roads
- Curbs, sidewalks, walkways and landscaped areas
- Storm and sanitary sewers, rear-lot catch basins and leads, watermains and infiltration trenches
- Noise attenuation barrier and berm along the rear of the property adjacent to the CN Railway
- Chain link fencing surrounding the development
- 37 visitor parking spaces

It is anticipated that Draft Plan of Subdivision 19T-16V005 (Woodbridge Park Ltd.) will be registered this month. Should the Application be approved, Draft Plan of Subdivision File 19T-16V005 (Woodbridge Park Ltd.) must be registered prior to registration of the Condominium Agreement. The Owner will also be required to register the related Site Plan Agreement prior to the registration of the Condominium Agreement. Conditions to this effect are included in Attachment 1.

Access to the Subject Lands is provided from Steeles Avenue West, which connects to the condominium private access roads. The proposed Draft Plan of Condominium (Common Elements) is consistent with the approved site plan shown on Attachment 3. The Owner will be 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 Land, in order to create conveyable freehold lots for the 89 block townhouse units and 160 back-to-back townhouse units.

Snow Removal, Garbage and Recycling Collection will be privately administered

Snow removal, and garbage and recycling collection will be privately administered and the responsibility of the condominium corporation. The Owner is required to prepare a waste collection plan for the development that ensures the waste collected on dead end streets will be performed safely and to the satisfaction of the City of Vaughan Environmental Services Department. Wording to this effect shall be included in the Condominium Declaration and is included as a condition in Attachment 1.

A public access easement shall be granted and form part of the common elements

A public access easement shall be granted over the Subject Lands and form part of the common elements to provide publicly accessible pedestrian connections and general maintenance easements for City of Vaughan vehicles and staff to the future public park. The Owner and/or future Condominium Corporation shall be responsible for all required maintenance works on these lands subject to the future access easement. Wording to this effect shall be included in the Condominium Declaration and as a condition in Attachment 1.

Related Draft Plan of Subdivision application File 19T-16V005 ('File 19T-16V005') requires that a passive methane venting system will be implemented

The Owner submitted a Geotechnical Assessment entitled "Geotechnical Assessment proposed Residential Development Steeles Avenue West, Vaughan, Ontario", dated February 23, 2016, and prepared by EXP Services Inc., in support of related File 19T-16V005, which indicates the presence of methane in the fill and till deposit. As a result, a passive methane venting system has been installed below all structures in accordance with the requirements prescribed in the Geotechnical Assessment, and associated warning clauses have been included in any offers of Purchase and Sale and Lease Agreements through the related File 19T-16V005. Wording reflecting this requirement shall be included in the Condominium Declaration and is included in Attachment 1.

The Subject Lands about the former Thackery Landfill

The City of Toronto formerly owned and operated the Thackery Landfill located to the east of the Subject Lands. The landfill was closed in 1978 and has since been redeveloped into a passive recreational parkland use. A warning clause advising of the above shall be included in the Condominium Declaration and is included in Attachment 1.

The Subject Lands about Steeles Avenue West and the Canadian National Railway ('CN') which may increase noise and vibrations levels in the area

The Subject Lands about Steeles Avenue West to the south and CN lands to the north which may cause noise and vibration levels in the area to interfere with some activities of the future occupants. In support of related File Draft Plan of Subdivision 19T-16V005, the Owner submitted a Noise Control Study entitled "Detailed Noise Control Study Mixed Use Residential and Commercial Development Woodbridge Park", dated July 30, 2018, and a Vibration Study entitled "Measurements of Railway Vibration Levels Mixed Use Medium Density Residential and Commercial Development Woodbridge Park", dated July 30, 2018, both prepared by SS Wilson Associates Consulting Engineers. The studies recommend that warning clauses be included in any offers of Purchase and Sale and Lease Agreements to inform prospective purchasers or occupants of the increasing noise and vibration levels in the area due to the Subject Lands' proximity to Steeles Avenue West and the CN lands. These clauses have been included through the related Draft Plan of Subdivision File 19T-16V005. A warning clause reflecting these requirements shall be included in the Condominium Declaration and is included in Attachment 1.

The road allowance abutting to the east of the Subject Lands shall be left in its natural state with no or very little maintenance

The City of Vaughan owns an unopened road allowance abutting to the east of the Subject Lands, as shown on Attachments 3 and 4, which will be left in its natural state with no or very little maintenance. A warning clause shall be included in the Condominium Agreement to inform prospective purchasers or occupants of the above and has been included in Attachment 1.

All utility providers and Canada Post have no objection to the proposal

Bell Canada, Rogers Communications, Alectra Utilities, Enbridge Gas and Canada Post 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.

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 proposed Draft Plan of Condominium (Common Elements) Application, subject to their condition of approval that is included in Attachment 1.

Conclusion

The Draft Plan of Condominium (Common Elements) File 19CDM-17V005 conforms to the Official Plan, complies with Zoning By-law 1-88, as amended, and is consistent with the approved Site Development File DA.16.044. 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.

For more information, please contact: Chris Cosentino, Planner, at extension 8215.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Site Development File DA.16.044 Approved by Vaughan Council on December 13, 2016
4. Draft Plan of Condominium (Common Elements) File 19CDM-17V005, J.D. Barnes Ltd., June 8, 2017

Prepared by

Chris Cosentino, Planner, extension 8215

Clement Messere, Senior Planner, extension 8409

Carmela Marrelli, Senior Manager, extension 8791

Mauro Peverini, Director of Development Planning, extension 8407

/CM

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-17V005 ('PLAN') WOODBIDGE PARK LTD. ('OWNER') PART OF LOT 1, CONCESSION 8, (BLOCK 1 OF DRAFT PLAN OF SUBDIVISION 19T-16V005), CITY OF VAUGHAN

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 ELEMENTS) 19CDM-17V005, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by J.D. Barnes Ltd., drawing File No. 14-21-534-00-dp1, dated June 08, 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 Site Plan Agreement shall have been registered on title.
3. Prior to the execution of the Condominium Agreement, the Owner shall submit a waste collection plan for the development that ensures the waste collected on the dead-end streets will be performed safely and to the satisfaction of the City of Vaughan Environmental Services Department.
4. The Owner shall enter into a Condominium Agreement with the City of Vaughan and shall agree to satisfy any conditions that the City of Vaughan may consider necessary that may be outstanding as part of Site Development File DA.16.044 and Draft Plan of Subdivision File 19T-16V005, including but not limited to the final registration of Draft Plan of Subdivision File 19T-16V005.
5. The following provisions shall be included in the Condominium Agreement:
 - a) The Owner and/or Condominium Corporation shall be responsible to regularly clean and maintain all driveway and rear-lot catch basins;
 - b) The Owner and/or Condominium Corporation shall be responsible for private garbage and recycling collection, snow removal and clearing. Private garbage and recycling collection on dead end streets shall be administered in accordance with the waste collection plan approved by the City of Vaughan Environmental Services Department. Wording to this effect shall be included in the Condominium Declaration.
 - c) The Owner shall prepare the necessary reference plan and documents to enable public access and maintenance easements over the lands that form part of the common element condominium, being Parts 4, 5 and 6 of Block 1, Draft Plan of Subdivision File 19T-16V005 over the private road and associated sidewalks to the park on Block 2, Draft Plan of Subdivision File 19T-16V005 to the satisfaction of the City of Vaughan. The easements shall include lands that form the main

access at Steeles Avenue West towards and around the perimeter of the park on Block 2, Draft Plan of Subdivision 19T-16V005. The Owner shall grant public access and maintenance easements to allow for a publicly accessible pedestrian connection and general maintenance access for City of Vaughan vehicles and staff, which shall be registered on title to these lands without disturbance in perpetuity. The Owner and/or Condominium Corporation shall be responsible for all required maintenance works and associated capital improvements for the road and sidewalks, which would include, but is not limited to, the site furnishing, pedestrian lighting, hardscape and associated landscape works. The Owner and/or Condominium Corporation shall perform regular maintenance to ensure that the pedestrian connection is accessible and safe for public use to the satisfaction of the City of Vaughan. The access easement agreement shall include terms of use and conditions, including, but not limited to, repairs and/or damages to property, securities, insurance, liability, and indemnification.

- d) The five (5) dead end streets identified on the Draft Plan of Condominium do not meet City of Vaughan Waste Collection Standards and are ineligible to receive municipal waste collection services. Upon the registration of an Agreement with the Solid Waste Management Division, the remaining streets may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City of Vaughan or choose not to enter into an Agreement with the City of Vaughan for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. Wording to this effect shall be included in the Condominium Declaration.
- e) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post.
- f) The Owner and/or Condominium Corporation shall include the following clauses in the Condominium Declaration:
 - i. This development will be serviced by a private waste collection system and snow clearing services. In addition, the Owner and/or Condominium Corporation is required to prepare a waste collection plan for the development that ensures that the waste collected on the dead-end streets will be performed safely and to the satisfaction of the City of Vaughan Environmental Services Department.
 - ii. A public access easement across the private condominium road and associated sidewalks to the park on Block 2, Draft Plan of Subdivision 19T-16V005 is in place to allow for a publicly accessible pedestrian connection and general maintenance access for City of Vaughan vehicles and staff.
 - iii. Due to the presence of methane in the fill and the till deposit, a passive methane venting system has been installed below all structures in accordance with the requirements prescribed in the report prepared by EXP Services Inc. entitled "Geotechnical Assessment proposed Residential Development Steeles Avenue West, Vaughan, Ontario" dated February 23, 2016.

- iv. The City of Vaughan has relied on environmental and geotechnical reports provided by the developer and completed by qualified professional engineers confirming the lands are suitable for residential and/or parkland uses as formally acknowledged by the Municipality and the Ministry of the Environment, Conservation and Parks ('MECP') (formerly the Ministry of the Environment and Climate Change) through the issuance of Record of Site Condition ('RSC') Nos. 22377 and 22459. Furthermore, the City shall rely on the developer's qualified professionals to ensure the methane risk management measures have been properly implemented through the submission of certification letters and MECP accepted Environmental Compliance Approvals.
 - v. The City of Toronto owned and operated the Thackery Landfill located adjacent to the east of the development. The facility was closed in 1978 and has since been redeveloped into a passive recreational parkland use.
 - vi. The subject lands are in close proximity to Steeles Avenue and the CN Railway. Despite the inclusion of noise attenuation and vibration features within the development area and within the individual units, noise and vibration levels will continue to increase, interfering with some of the activities from the occupants and unit owners.
 - vii. The City of Vaughan owned road allowance abutting the Subject Lands to the east will be left in its natural state with no or very little maintenance by the City of Vaughan.
- 6. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
 - 7. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
 - 8. 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.
 - 9. 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.

York Region Conditions

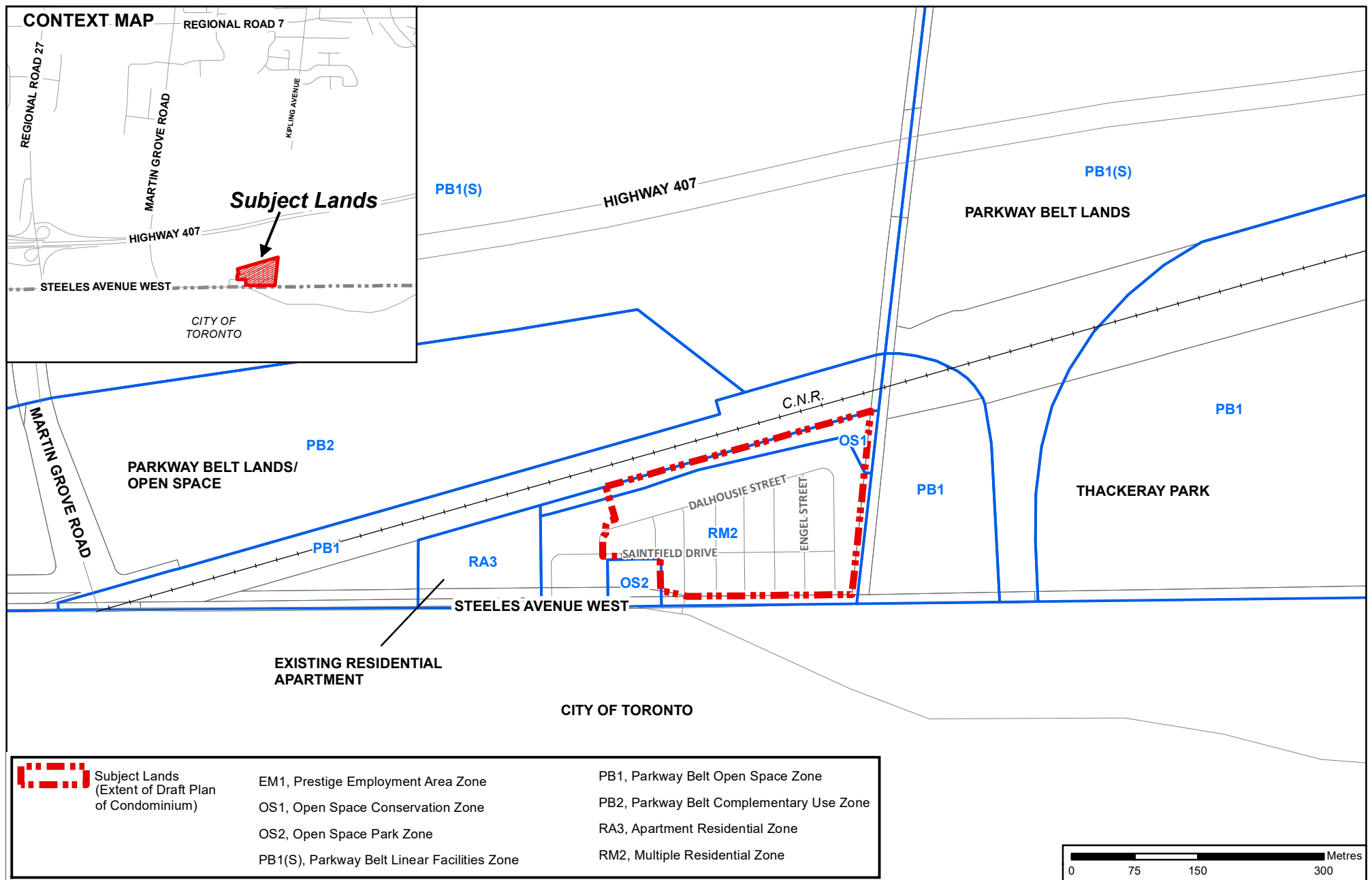
10. Prior to final approval, the Owner shall provide confirmation that all of the conditions of draft approval issued under Draft Plan of Subdivision File 19T-16V005 have been met to the satisfaction of York Region, prior to final approval.

Utilities Conditions

11. Prior to final approval, the Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority.

Canada Post Conditions

12. Prior to final approval, the Owner shall satisfy the following conditions of Canada Post:
 - a) The Owner shall agree to include in all Offers of Purchase and Sale and Lease, a statement which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox;
 - b) The Owner shall be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale;
 - c) The Owner shall consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate those locations on the appropriate servicing plans;
 - d) The Owner shall provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i. An appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on.
 - ii. Any required walkway across the boulevard, as per municipal standards.
 - iii. Any required curb depressions for wheelchair access.
 - e) The Owner shall agree to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as the homes are occupied.
13. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 9 have been satisfied.
14. York Region shall advise the Development Planning Department in writing that Condition 10 has been satisfied.
15. Bell Canada, Rogers Communications, Alectra Utilities and/or Enbridge Gas shall advise the Development Planning Department in writing that Condition 11 has been satisfied.
16. Canada Post shall advise the Development Planning Department in writing that Condition 12 has been satisfied.



Location Map

LOCATION:
Part Lot 1, Concession 8

APPLICANT:
Woodbridge Park Ltd.

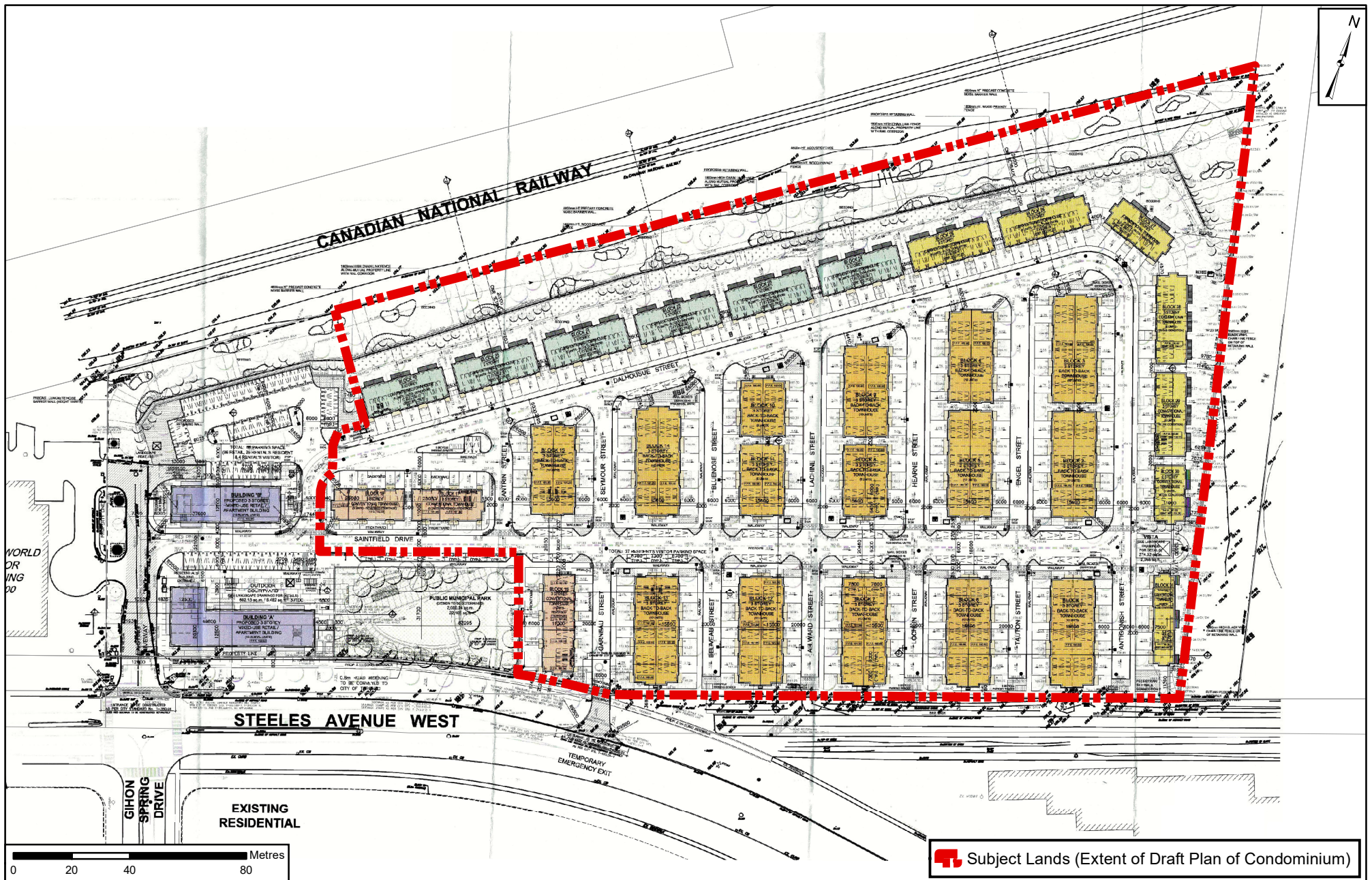


Attachment

FILE: 19CDM-17V005
RELATED FILES: 19T-16V005, DA.16.044

DATE:
June 4, 2019

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**Site Development File DA.16.044 -
Approved by Vaughan Council on
December 13, 2016**

LOCATION:
Part Lot 1, Concession 8

APPLICANT:
Woodbridge Park Ltd.

Document Path: N:\GIS_Archive\Attachments\19CDM\19CDM-17V005\19CDM-17V005_AppSitePlan.mxd



Attachment

FILE: 19CDM-17V005

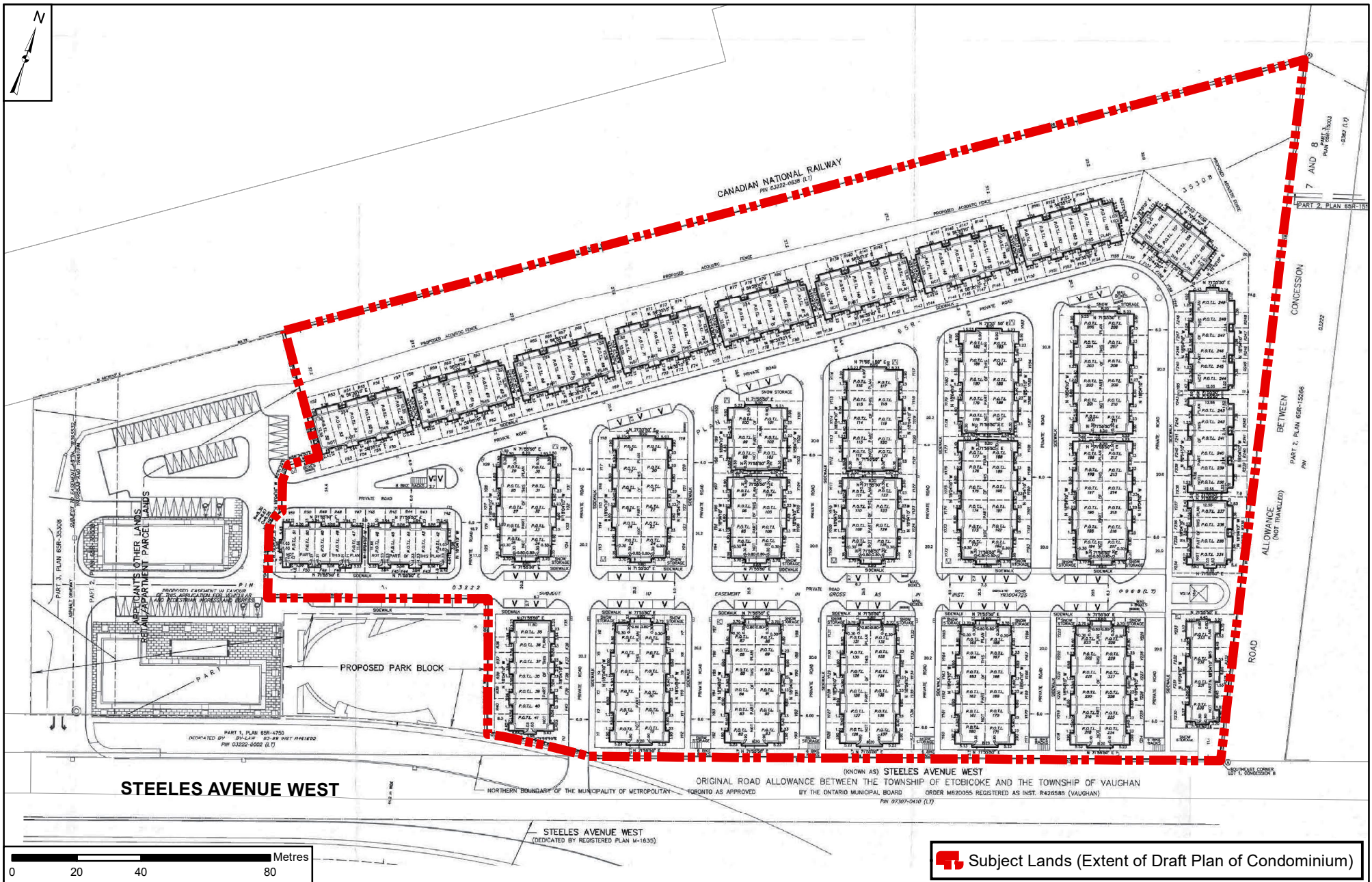
RELATED FILES: 19T-16V005, DA.16.044

DATE:

June 4, 2019

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Created on: 5/15/2019



Draft Plan of Condominium (Common Elements) File 19CDM-17V005, J.D. Barnes Ltd., June 8, 2017

LOCATION:
Part Lot 1, Concession 8

APPLICANT:
Woodbridge Park Ltd.

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Subject Lands (Extent of Draft Plan of Condominium)

Attachment

FILE: 19CDM-17V005
RELATED FILES: 19T-16V005, DA.16.044

DATE: June 4, 2019

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Created on: 5/15/2019