

## Committee of the Whole (1) Report

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**DATE:** Tuesday, September 17, 2019

**WARD(S):** 1

**TITLE: CLUSTERGARDEN ESTATE INC.  
DRAFT PLAN OF CONDOMINIUM 19CDM-19V003  
VICINITY OF SPRINGSIDE ROAD AND PARKTREE DRIVE**

**FROM:**

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

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole to create the condominium tenure for the common elements shown on Attachments 4 to 6 for an approved townhouse development shown on Attachment 3.

**Report Highlights**

- The Owner has submitted a Draft Plan of Condominium (Common Elements) Application 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 Council approved site plan.

**Recommendations**

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-19V003 (Clustergarden Estates Inc.) BE APPROVED, as shown on Attachments 4 to 6, 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 southwest corner of Springside Road and Parktree Drive. The surrounding land uses are shown on Attachment 2.

## **Previous Reports/Authority**

[Council Approved Site Development File DA.15.081](#)  
[Committee of Adjustment Notice of Decision A020/16](#)

## **Analysis and Options**

The Owner has submitted Draft Plan of Condominium (Common Element) File 19CDM-19V003 (the 'Application') to create the condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, shown on Attachments 4 to 6, that consist of the following:

- Private driveway underground access ramp
- Stairways and interior corridors
- Underground parking area (59 parking spaces including 10 visitor spaces)
- Sidewalks, walkways, landscape areas and exterior amenity areas
- Emergency access/ fire route including access to molok garbage bins and two at grade visitor parking spaces
- Retaining wall adjacent to the Toronto and Region Conservation Authority ('TRCA') lands

These common elements will service a Council approved 42 three-storey freehold back-to-back units over 3 blocks (Attachment 3) accessed via an underground common-element access ramp, together with 59 underground parking spaces (49 residential parking and 10 visitor parking spaces).

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

The Subject Lands are designated "Low-Rise Residential" and "Natural Area" by VOP 2010, and are located within a "Community Area", as identified on Schedule "1" - Urban Structure of VOP 2010. The "Low-Rise Residential" designation permits townhouse dwellings. There is no associated maximum density provision for this designation. The Draft Plan of Condominium shown on Attachments 4 to 6 conform to VOP 2010.

The Subject Lands are zoned "RM2 Multiple Dwelling Zone", subject to site-specific Exception 9(893) by Zoning By-law 1-88, which permits the development shown on Attachment 3. The Vaughan Committee of Adjustment on February 9, 2017, approved Minor Variance Application A020/16 for the development shown on Attachment 3.

The proposed Draft Plan of Condominium (Common Elements), as shown on Attachments 4 to 6, would establish a condominium tenure for a development that complies with Zoning By-law 1-88, as amended, and varied by Minor Variance Application A020/16. 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 Site Development Application***

On February 21, 2017, Vaughan Council approved Site Development File DA.15.081 (Clustergarden Estates Inc.) to permit a development which consists of 42 three-storey back-to-back townhouse units contained within 3 building blocks atop an underground parking garage, as shown on Attachment 3.

The Draft Plan of Condominium (Common Elements) as shown on Attachments 4 to 6 is required to create the common element tenure for the following elements:

- Private driveway underground access ramp
- Emergency access/ fire route including access to molok garbage bins and two at grade visitor parking spaces
- Sidewalks, walkways, landscape areas and exterior amenity areas
- Retaining wall adjacent to the Toronto and Region Conservation Authority ('TRCA') lands
- Underground parking area (59 parking spaces including 10 visitor spaces)
- Stairways and interior corridors

Access to the Subject Lands is provided from Springside Road, which connects to the condominium private driveway underground access ramp. The proposed Draft Plan of Condominium (Common Elements) is consistent with the approved site plan shown on Attachment 3. The Owner has submitted a Part Lot Control Application (File PLC.19.003) 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 42 back-to-back townhouse units.

***Snow Removal, Garbage and Recycling Collection will be privately administered***

Snow removal, garbage and recycling collection will be privately administered and the responsibility of the condominium corporation. The Subject Lands will be serviced by a Molok system, which will accommodate all waste needs with the exception of furniture and bulky items, which would be collected separately and stored in a bulk storage room located in the underground garage (Attachment 6).

The Solid Waste Management Department has advised that Molok bins are not permitted to service multi-residential developments pursuant to the City of Vaughan,

Waste Collection Design Standards Policy, April 2016. As such, the development will not be eligible for municipal waste collection services. All waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

***The Subject Lands abut Toronto and Region Conservation Authority lands***

The Toronto and Region Conservation Authority ('TRCA') reviewed the development through Site Development Application File DA.15.081. The limits of the adjacent stream corridor were determined and a buffer to the development was applied. Subsequently, the TRCA issued a permit pursuant to Ontario Regulation 166/06 (Permit No. 0656/17/VAUG, issued on June 7, 2017) for the residential buildings and associated underground parking facility. The TRCA has no objection to the approval of the Application.

***Canadian National Railway has no objection to the Draft Plan of Condominium***

The Canadian National Railway (CN Rail) has no objection to the Application, subject to their Conditions of Draft Approval identified in Attachment 1.

***All utility providers and Canada Post have no objection to the Draft Plan of Condominium***

Bell Canada, Rogers Communications, Alectra Utilities, Enbridge Gas and Canada Post have no objections to the Draft Plan of Condominium. 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.

**Conclusion**

The Draft Plan of Condominium (Common Elements) File 19CDM-19V003 conforms to the Official Plan, complies with Zoning By-law 1-88, as amended, and is consistent with the approved Site Development File DA.15.081. 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: Margaret Holyday, Senior Planner, at extension 8216.

## **Attachments**

1. Conditions of Draft Approval
2. Location Map
3. Site Development File DA.15.081 Approved by Vaughan Council on February 21, 2017
4. Draft Plan of Condominium (Common Elements) - Sheet 1 of 3
5. Draft Plan of Condominium (Common Elements) - Sheet 2 of 3
6. Draft Plan of Condominium (Common Elements) - Sheet 3 of 3

## **Prepared by**

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