

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 2, 2019

Item 5, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 2, 2019.

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

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 September 17, 2019:

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.

Committee of the Whole (1) Report

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

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

Margaret Holyday, Senior Planner, extension 8216

Nancy Tuckett, Senior Manager, extension 8529

Mauro Peverini, Director of Development Planning, extension 8407

/LG

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS)
FILE 19CDM-19V003 ('PLAN')
CLUSTERGARDEN ESTATES INC. ('OWNER')
PART OF LOT 17, CONCESSION 4, PART OF BLOCK 2 ON 65M-3063,
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) FILE 19CDM-17V005, ARE AS FOLLOWS:

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium, prepared by R-PE Surveying Ltd., drawing File No. 14-277-DR PLAN-1(GR), dated March 21, 2019.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a preregistered Plan of Condominium to the 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 of Vaughan may consider necessary.
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.
 - c) The Owner and/or Condominium Corporation shall include the following clauses in the Condominium Declaration:
 - i) Informed consent from all purchasers will be received by way of a description of the waste removal service in the Condominium Disclosure Statement and Draft/Final Declaration, which will be

reviewed by the City as part of the Condominium Approval Process and prior to release for registration of the Condominium.

- ii) The Declaration will include a Budget for the common elements and Notes to the Budget, detailing the nature and cost of the waste removal service and its implication on monthly fees paid by each unit owner. Buyers and all future buyers will be made aware of this service through the Condominium Declaration that is registered on title.
 - iii) The following warning clause shall be included in the Disclosure Statement, Condominium Declaration and Agreement of Purchase and Sale:
 - a) “Warning: Homeowners are advised that removal of both recycling, general waste, leaf and yard waste, bulky waste items, metal/appliance collection and any future organics collection will be by way of a private service provided by the Condominium Corporation. The Common Element Condominium is not designed for public waste removal.”
 - b) “Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1,000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
 - d) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post.
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.

Canada Post

10. Prior to final approval, the Owner shall satisfy the following conditions of Canada Post:
 - a) The Owner 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 Owner 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 grade communication vaults, landscaping enhancements (tree planting) and bus pads;
 - c) The Owner 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 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;

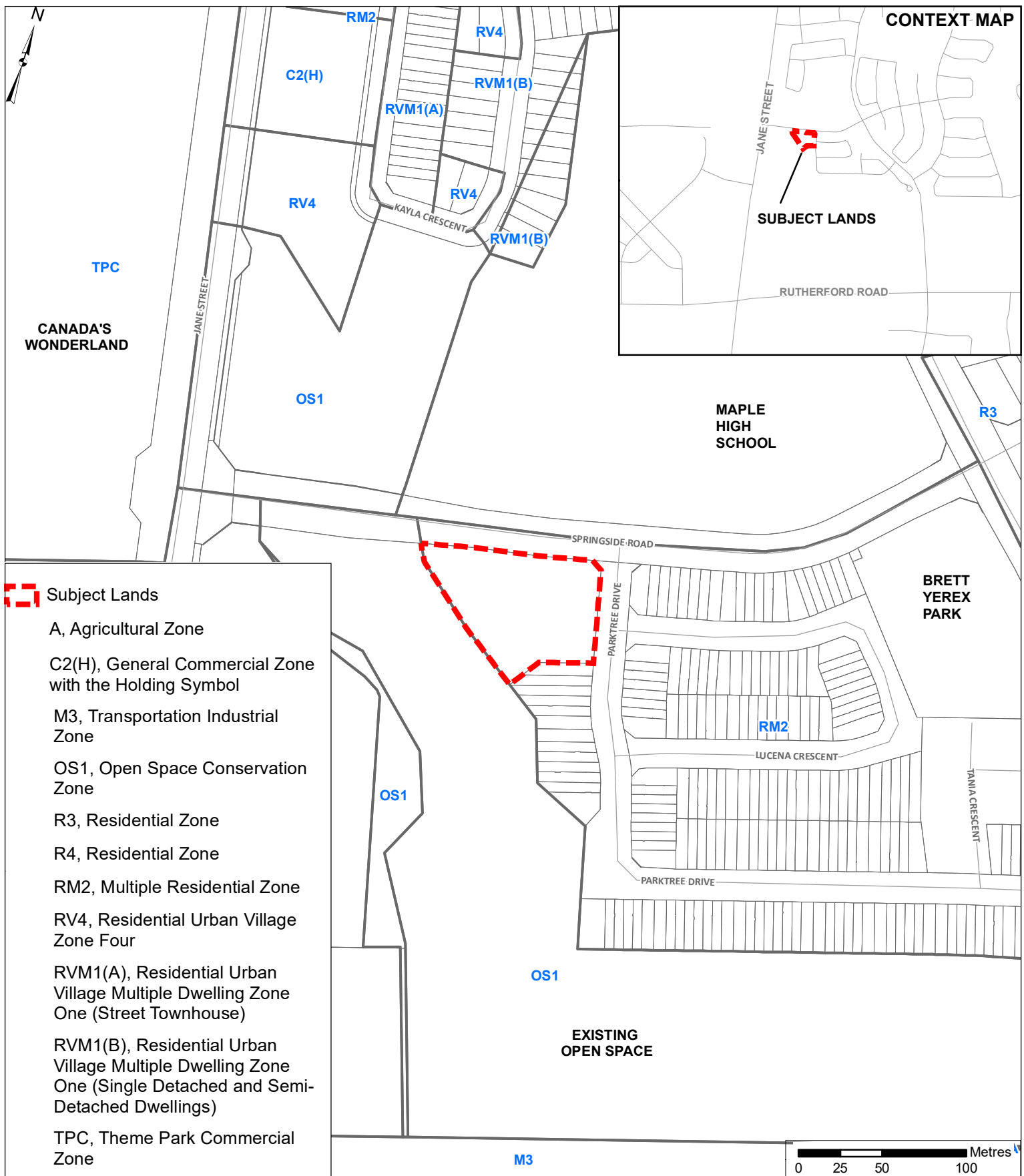
- e) The Owner will communicate to Canada Post the excavation date for the first foundation as well as the expected date of first occupancy;
- f) The Owner of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox location; and
- g) Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy.

Bell Canada

- 11. “The Owner shall indicate in the Condominium Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

Clearances

- 12. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 9 have been satisfied.
- 13. Canada Post shall advise the Development Planning Department in writing that Condition 10 has been satisfied.
- 14. Canadian National Railway shall advise the Development Planning Department in writing that Condition 5 c) iii) b) has been satisfied.
- 16. Bell Canada shall advise the Development Planning Department in writing that Condition 11 has been satisfied.



Location Map

LOCATION:
Part of Lot 17, Concession 4

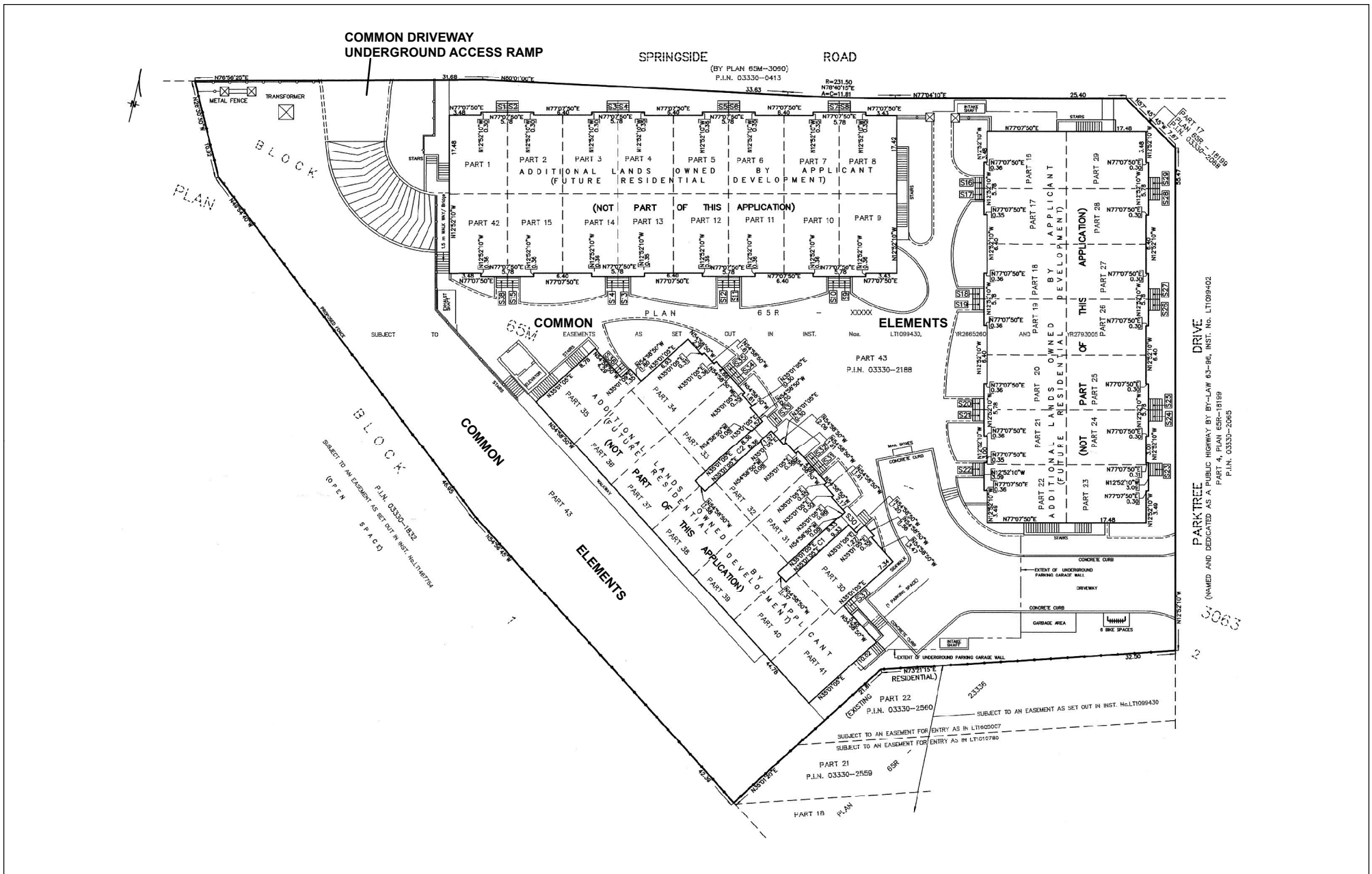
APPLICANT:
Clustergarden Estates inc.



Attachment

FILE:
19CDM-19V003
RELATED FILES:
PLC.19.003, DA.15.081
DATE:
September 17, 2019

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Draft Plan of Condominium (Common Elements) - Sheet 1 of 3 Attachment

LOCATION:
Part of Lot 17, Concession 4

APPLICANT:
Clustergarden Estates inc.

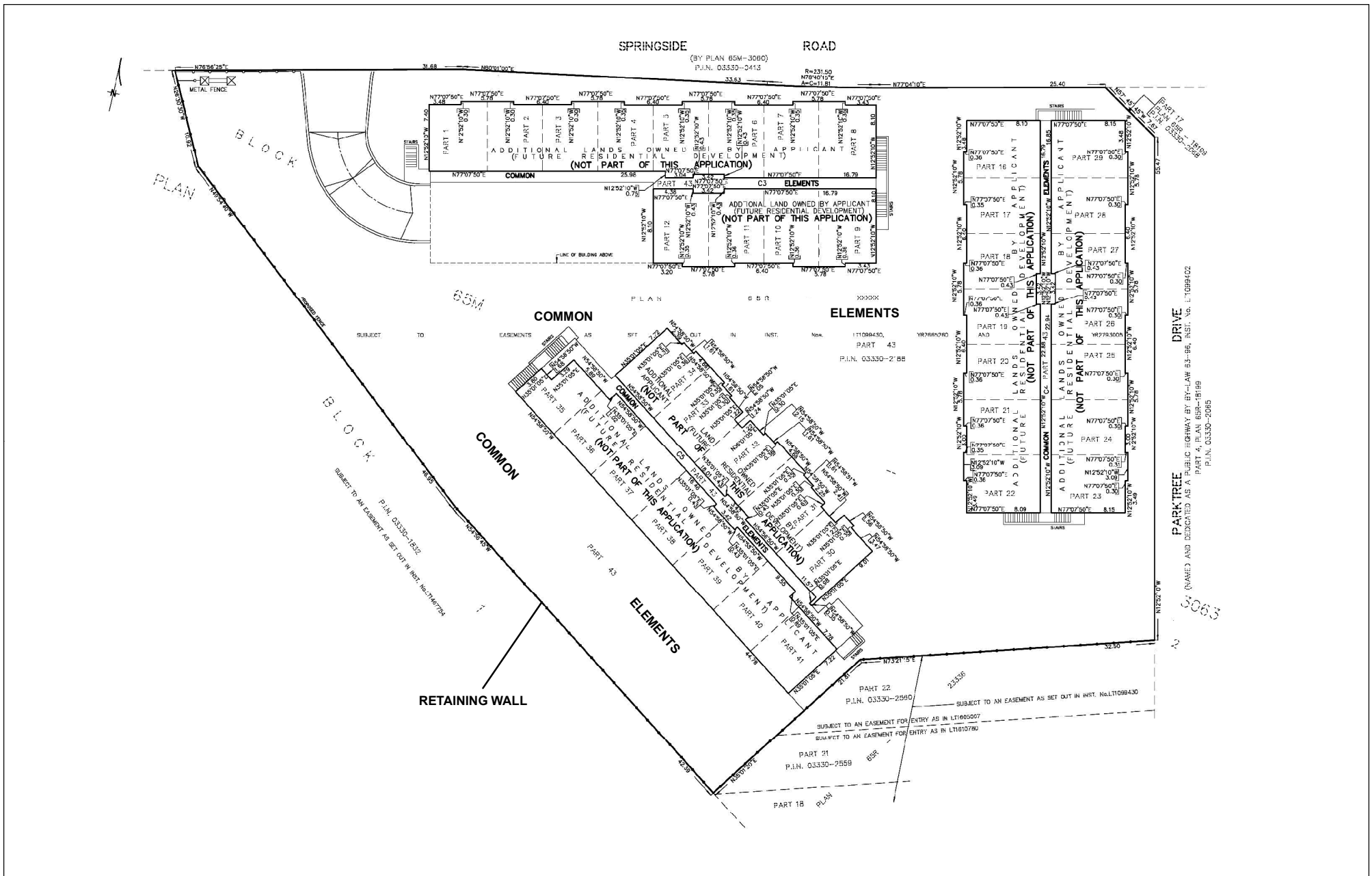


FILE:
19CDM-19V003

RELATED FILES:
PLC.19.003, DA.15.081

DATE:
September 17, 2019

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Draft Plan of Condominium (Common Elements) - Sheet 2 of 3

LOCATION:
Part of Lot 17, Concession 4

APPLICANT:
Clustergarden Estates inc.

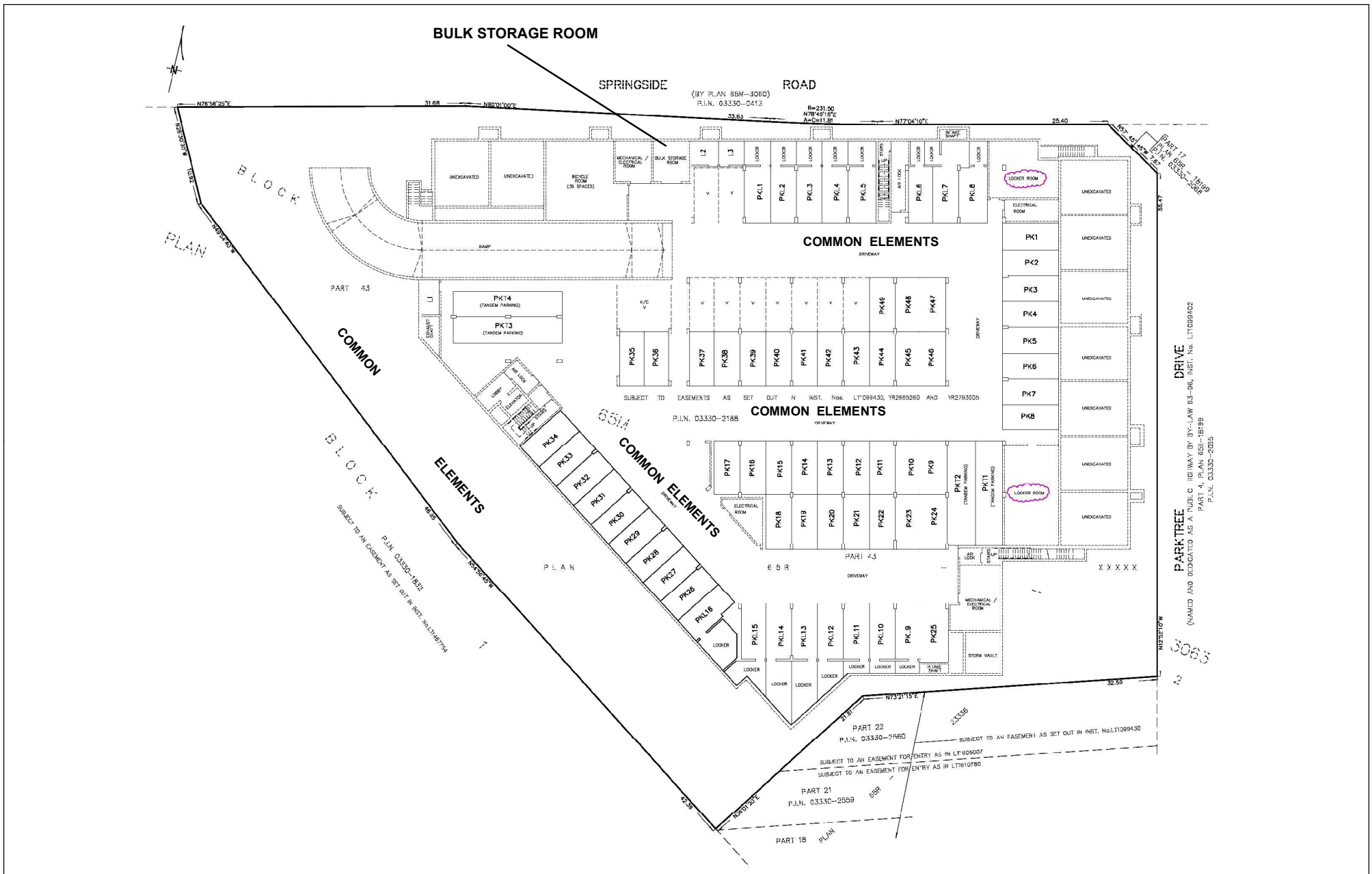


Attachment

FILE:
19CDM-19V003
RELATED FILES:
PLC.19.003, DA.15.081

DATE:
September 17, 2019

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Draft Plan of Condominium (Common Elements) - Sheet 3 of 3

LOCATION:
Part of Lot 17, Concession 4

APPLICANT:
Clustergarden Estates inc.



Attachment

FILE:
19CDM-19V003
RELATED FILES:
PLC.19.003, DA.15.081

DATE:
September 17, 2019

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