

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 2, 2019

Item 6, 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.

6. VMC RESIDENCES III LIMITED PARTNERSHIP DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-19V001 VICINITY OF PORTAGE PARKWAY AND MILLWAY AVENUE

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 (Standard) File 19CDM-19V001 (VMC Residences III Limited Partnership) BE APPROVED, as shown on Attachments 3 to 9, subject to the Conditions of Draft Approval in Attachment 1.

Committee of the Whole (1) Report

DATE: Tuesday, September 17, 2019

WARD: 4

**TITLE: VMC RESIDENCES III LIMITED PARTNERSHIP
DRAFT PLAN OF CONDOMINIUM (STANDARD)
FILE 19CDM-19V001
VICINITY OF PORTAGE PARKWAY AND MILLWAY AVENUE**

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-19V001 to create condominium tenure for the approved interim and ultimate site plan shown on Attachments 8 and 9, which consists of residential units, commercial units, bicycle parking/locker units, and associated parking spaces.

Report Highlights

- This report recommends approval of Draft Plan of Condominium (Standard) File 19CDM-19V001, subject to conditions, to create the condominium tenure for the development that is consistent with approved Site Development File DA.17.062, subject to the Conditions of Draft Approval in Attachment 1.

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-19V001 (VMC Residences III Limited Partnership) BE APPROVED, as shown on Attachments 3 to 9, subject to the Conditions of Draft Approval in Attachment 1.

Background

The Subject Lands are located on the south side of Portage Parkway and west of Millway Avenue, municipally known as 950 Portage Parkway (the 'Subject Lands'), with the surrounding land uses shown on Attachment 2.

Previous Reports/Authority

[Item 3, Report No. 45 Committee of the Whole Public Hearing, adopted without amending by Council of the City of Vaughan on December 11, 2017](#)

[Item 26, Report No. 18, of the Committee of the Whole, adopted without amendment by Council of the City of Vaughan on May 23, 2018](#)

Analysis and Options

The Owner has submitted a Draft Plan of Condominium File 19CDM-19V001 (the 'Application') to create the condominium tenure, shown on Attachments 3 to 7, for the approved 55-storey residential apartment building, which was approved on May 23, 2018, and is currently under construction. The Application consists of the following:

- 631 residential dwelling units;
- Gross Floor Area ('GFA') of 50,194 m² (all uses);
- 212 parking spaces in a six-storey integrated above-ground parking structure;
- 95 off-site residential visitor shared parking spaces to be provided in the approved Transit City Towers 1 and 2 integrated parking structure (related Site Development File DA.17.014);
- 164 bicycle parking/locker unit spaces;
- 570 m² of commercial uses for a total of five commercial units;

The Application is consistent with the approved interim site plan, shown on Attachment 8 which includes an interim sodded condition abutting Portage Parkway. The approved ultimate site plan, shown on Attachment 9, includes the ultimate urban (hardscape) streetscape conditions to be implemented upon construction of the Portage Parkway widening. Following Council approval of the Development, the Owner and the City have entered into an executed Public Art Agreement related to the Subject Lands, which require that the Public Art piece be maintained and owned by the Owner in perpetuity. The enhanced pedestrian connection as shown on Attachment 3, is not subject to condominium tenure and will be solely owned and maintained by the Owner.

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". OPA 26 was approved by Vaughan Council on May 23, 2018 to permit a maximum building height of 55-storeys with a permitted density (Floor Space Index -FSI) from 4.5 to 12.7 times the area of the Subject Lands. The proposal conforms to VOP 2010.

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" and subject to site-specific Exceptions 9(959) and 9(1445). The site plan was approved by the Vaughan Council on May 23, 2018, subject to conditions of approval which are currently being resolved by the Owner. The development is permitted and complies with all 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 objection to the Application, subject to the conditions, in relation to the approved Site Development File DA.17.062, having been satisfied. Alectra Utilities Corporation, Enbridge Gas Inc., Rogers Communications, Bell Canada have no objection 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 financial impacts 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-19V001 conforms to VOP 2010, complies with Zoning By-law 1-88, and is consistent with the approved site plan. Accordingly, the Planning and Growth Management Portfolio, VMC Program recommends approval of the Application, subject to the conditions set out in Attachment 1.

For more information, please contact: Natalie Wong, Senior Planner, VMC, at extension 8866.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Condominium (Standard) – Levels 1 and 2
4. Draft Plan of Condominium (Standard) – Levels 3 and 4
5. Draft Plan of Condominium (Standard) – Levels 5 and 6
6. Draft Plan of Condominium (Standard) – Levels 7 and 8, Typical Tower Levels and Level 'A'
7. Draft Plan of Condominium (Standard) – Cross Sections
8. Approved Interim Site Plan (File DA.17.062)
9. Approved Ultimate Site Plan (DA.17.062)

Prepared by

Natalie Wong, Senior Planner, VMC

Amy Roots, Senior Manager VMC

Christina Bruce, Director VMC Program, Planning and Growth Management

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-19V001 ("THE
PLAN")
VMC RESIDENCES GP INC. AS A GENERAL PARTNER AND ON BEHALF OF VMC
RESIDENCES LIMITED PARTNERSHIP ("THE OWNER")
PART OF BLOCKS 79 AND 80, REGISTERED PLAN 65M-2545
CITY OF VAUGHAN ("THE 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 (STANDARD) FILE 19CDM-19V001, ARE AS FOLLOWS:**

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by J.D Barnes Limited, drawing file No. 17-22-614-00 dated January 28, 2019.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Planning and Growth Management Portfolio, VMC Program.
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 that may be outstanding as part of Site Development File DA.17.062.
4. The following provision(s) shall be included in the Condominium Agreement:
 - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - b) Private garbage and recycling collection, snow removal and clearing shall be the responsibility of the Condominium Corporation; and
 - c) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post.
5. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
6. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.

7. Prior to final approval, the Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities (Alectra Corporation Utilities, Rogers, Bell, Enbridge Gas Inc.), drainage and construction purposes have been granted to the appropriate authorities.
8. Prior to final approval, the Owner shall confirm to the Planning and Growth Management Portfolio, VMC Program 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.

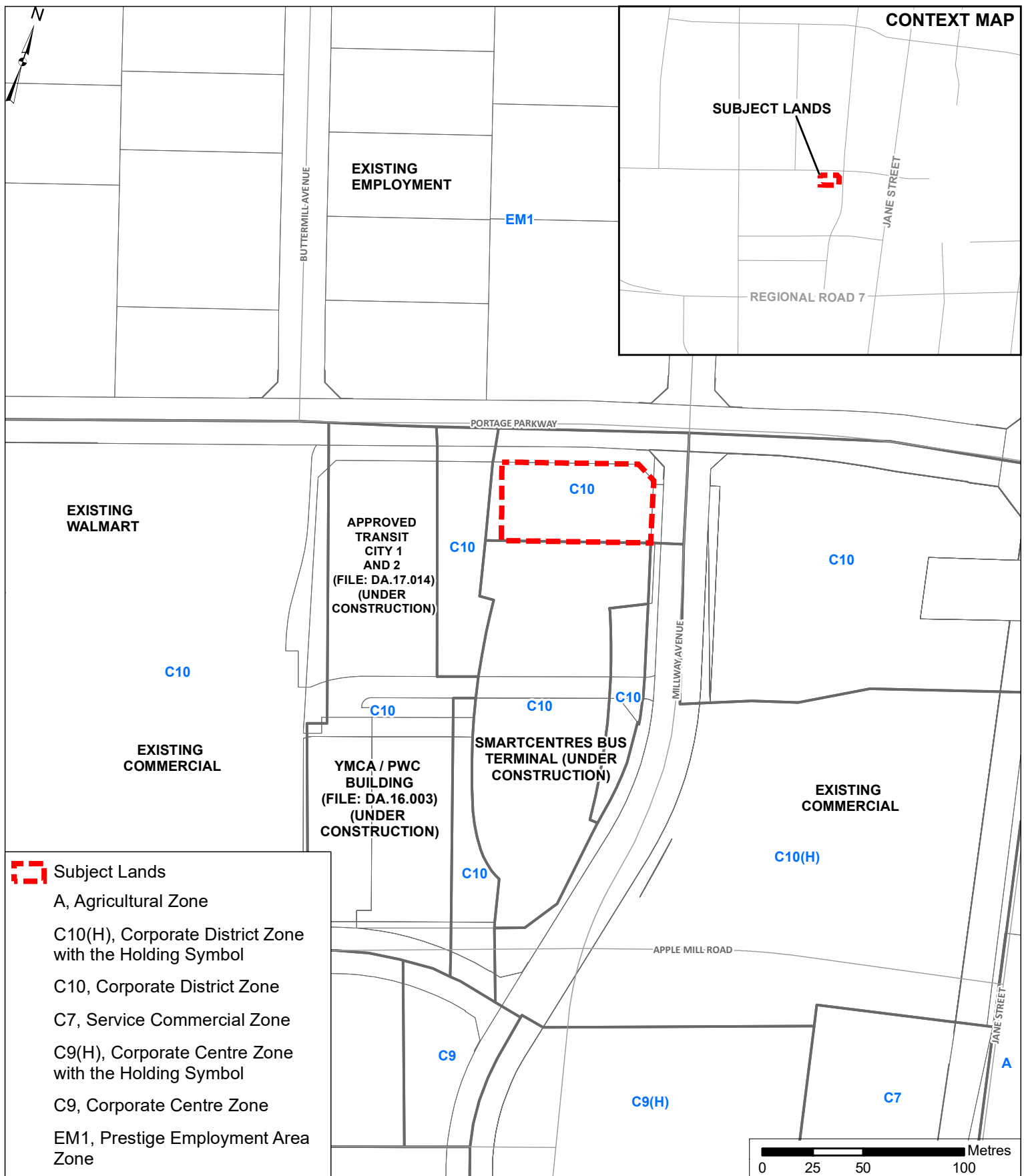
York Region Conditions:

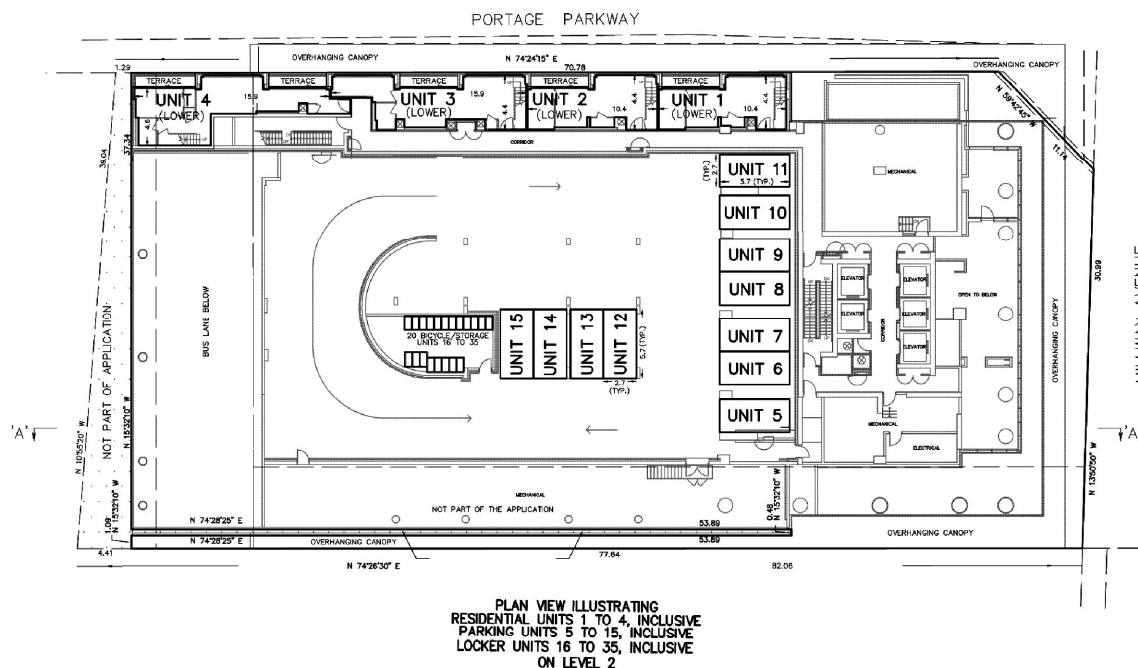
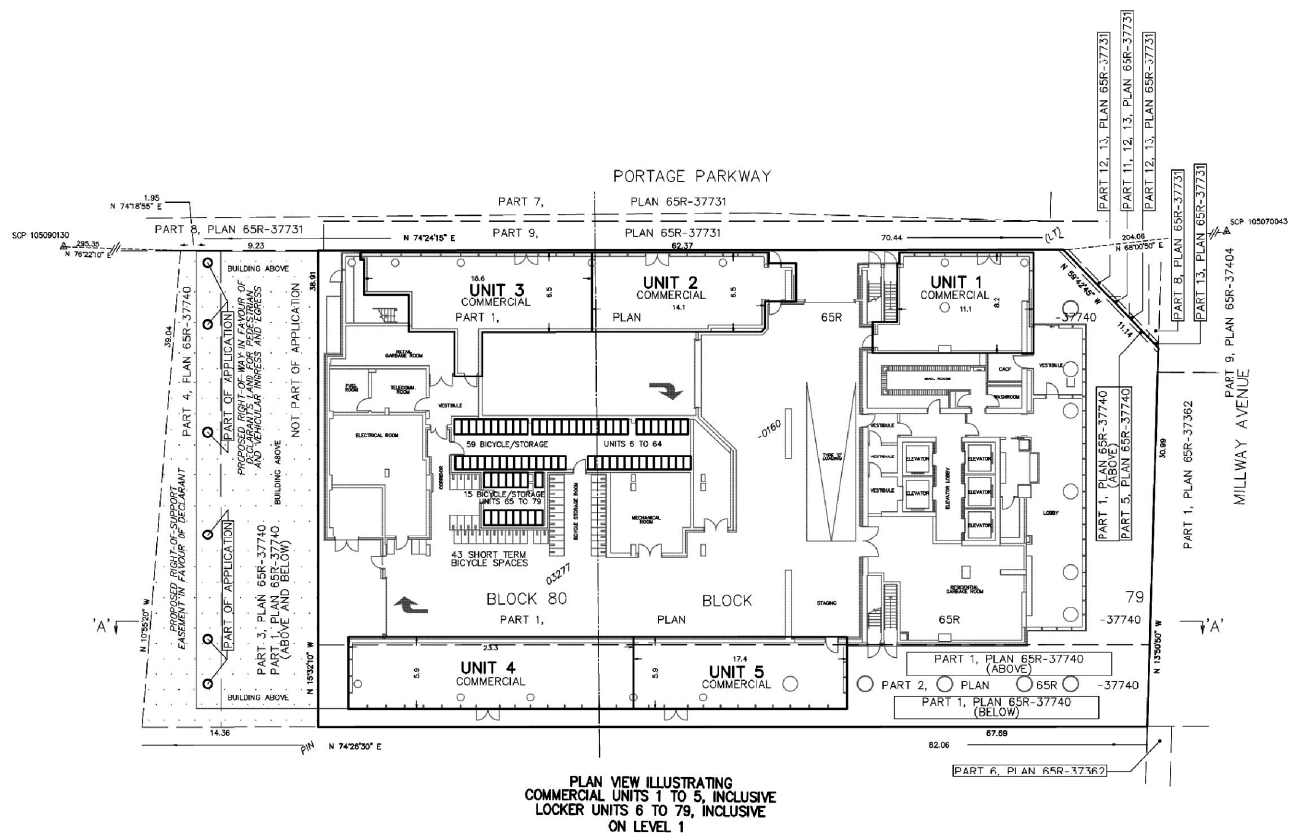
9. Prior to final approval the Owner shall execute all Regional Agreements, including a Site Plan Agreement, and obtain all of the necessary permits and engineering approvals required as part of the Site Plan Approval for the subject property under Regional File No. SP-V-066-17.
10. The Owner shall provide confirmation that all of the conditions in the Site Plan Agreement are executed for the subject property under Regional File No. SP-V-066-17, have been satisfied.
11. Prior to final approval, the Owner shall confirm that all of the works adjacent to the Vaughan Metropolitan Centre (VMC) Transit Terminal have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be 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 clause with respect to the permanent easement across the Site:

"The purchaser and/or lessee specifically acknowledges and agrees that there will be a permanent easement across the site in favour of York Region that will permit the free passage of transit vehicles between Portage Parkway and the VMC Bus Terminal, and vice versa."

14. 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, judgments or actions arising or resulting from any and 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”.
15. The City of Vaughan Planning and Growth Management Portfolio, VMC Program shall advise that Conditions 1 to 8 have been satisfied.
16. York Region Community Planning and Development Services shall advise that conditions 9 to 14 have been satisfied.





Not to Scale

Draft Plan of Condominium (Standard) - Levels 1 and 2

LOCATION:
Part of Lot 7, Concession 5
950 Portage Parkway

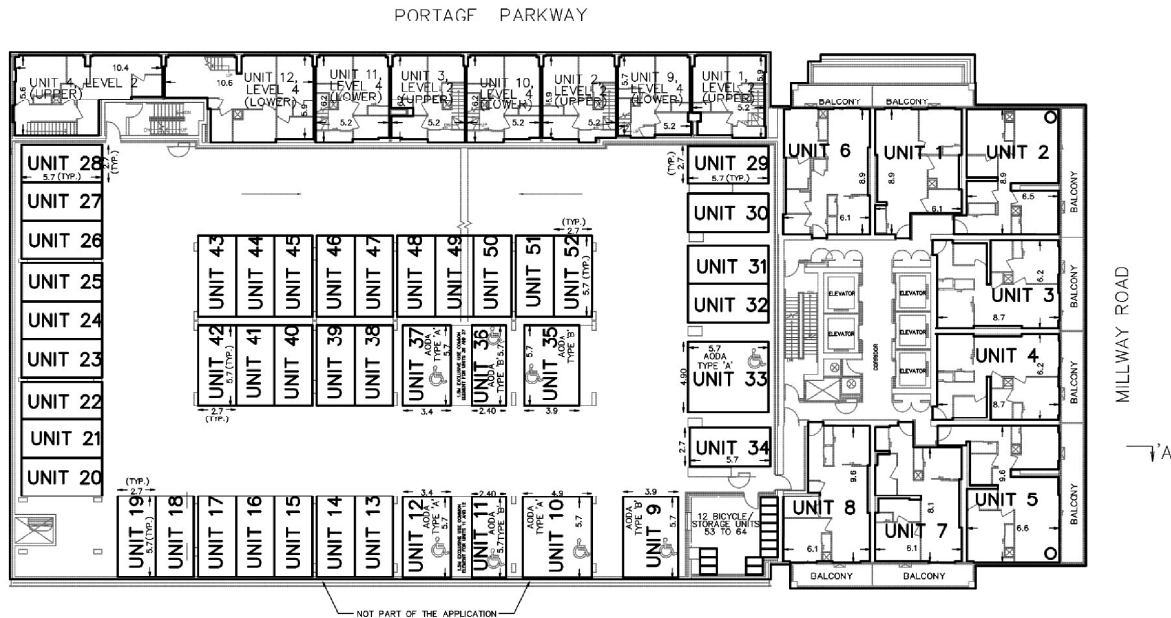
APPLICANT:
VMC Residences III GP Inc.



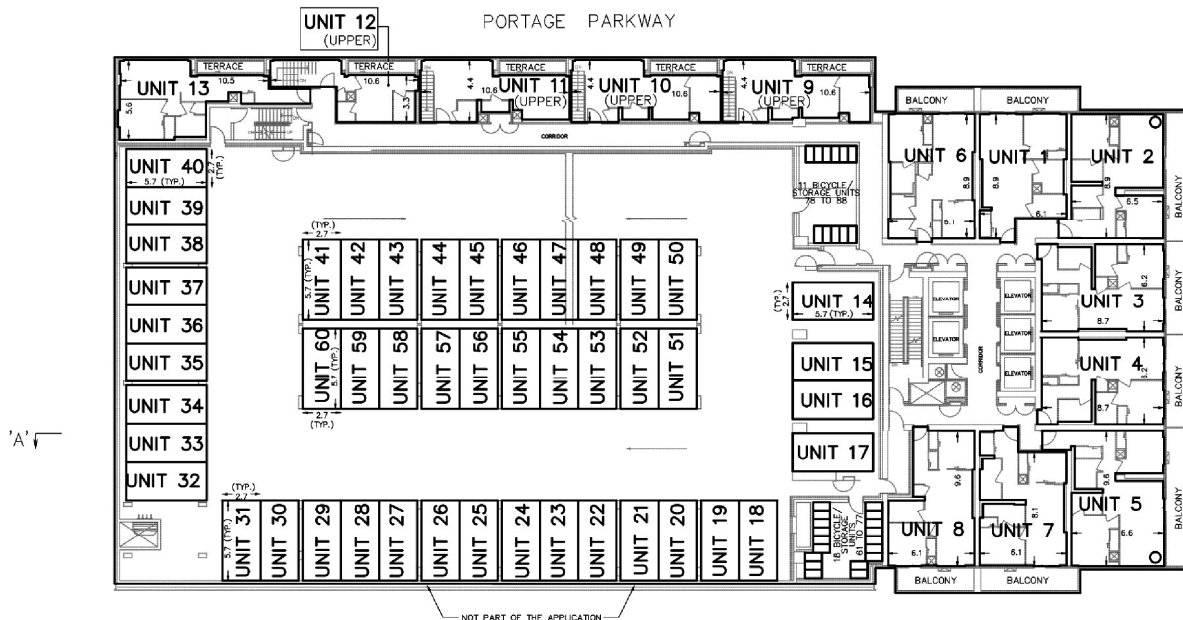
Attachment

FILE:
19CDM-19V001
RELATED FILE:
DA.17.062
DATE:
September 17, 2019

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PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 8, INCLUSIVE
PARKING UNITS 9 TO 52, INCLUSIVE
LOCKER UNITS 53 TO 64, INCLUSIVE
ON LEVEL 3



PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 13, INCLUSIVE
PARKING UNITS 14 TO 60, INCLUSIVE
LOCKER UNITS 61 TO 88, INCLUSIVE
ON LEVEL 4

Not to Scale

Draft Plan of Condominium (Standard) - Levels 3 and 4

LOCATION:
Part of Lot 7, Concession 5
950 Portage Parkway

APPLICANT:
VMC Residences III GP Inc.



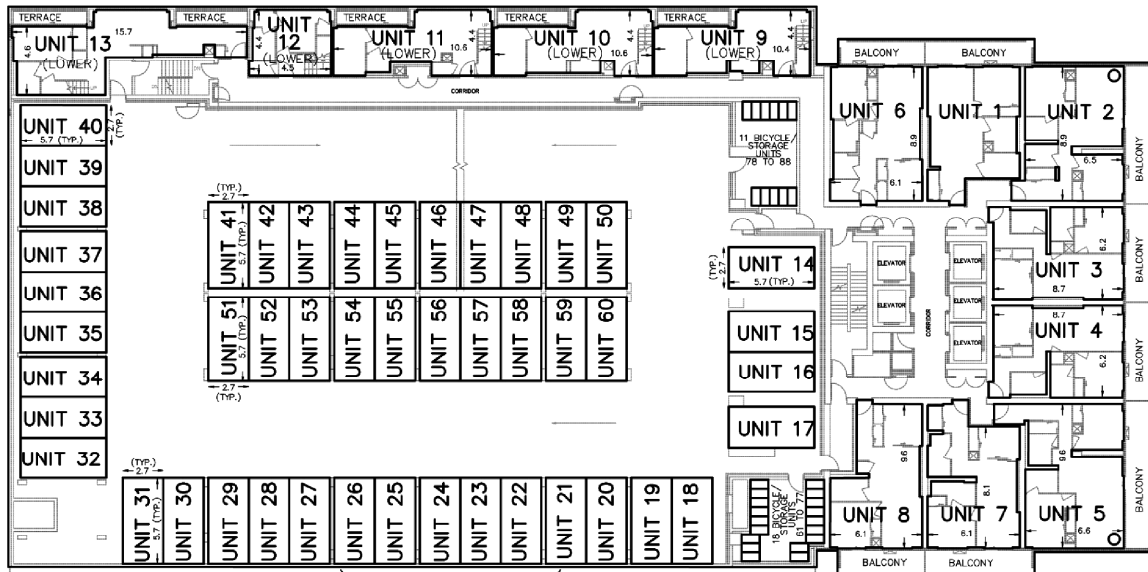
Attachment

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RELATED FILE:
DA.17.062

DATE:
September 17, 2019

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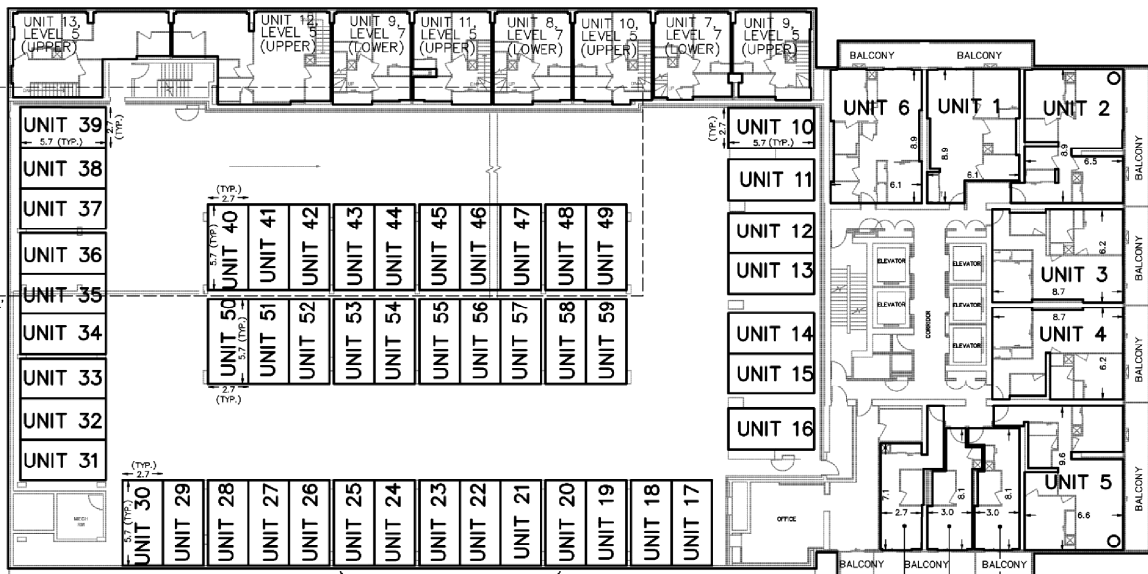
PORTAGE PARKWAY



MILLWAY ROAD

PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 13, INCLUSIVE
PARKING UNITS 14 TO 60, INCLUSIVE
LOCKER UNITS 61 TO 88, INCLUSIVE
ON LEVEL 5

PORTAGE PARKWAY



PLAN VIEW ILLUSTRATING
RESIDENTIAL UNITS 1 TO 6, INCLUSIVE
GUEST SUITE UNITS 7 TO 9, INCLUSIVE
PARKING UNITS 10 TO 59, INCLUSIVE
ON LEVEL 6

Not to Scale

Draft Plan of Condominium (Standard) - Levels 5 and 6

LOCATION:
Part of Lot 7, Concession 5
950 Portage Parkway

APPLICANT:
VMC Residences III GP Inc.



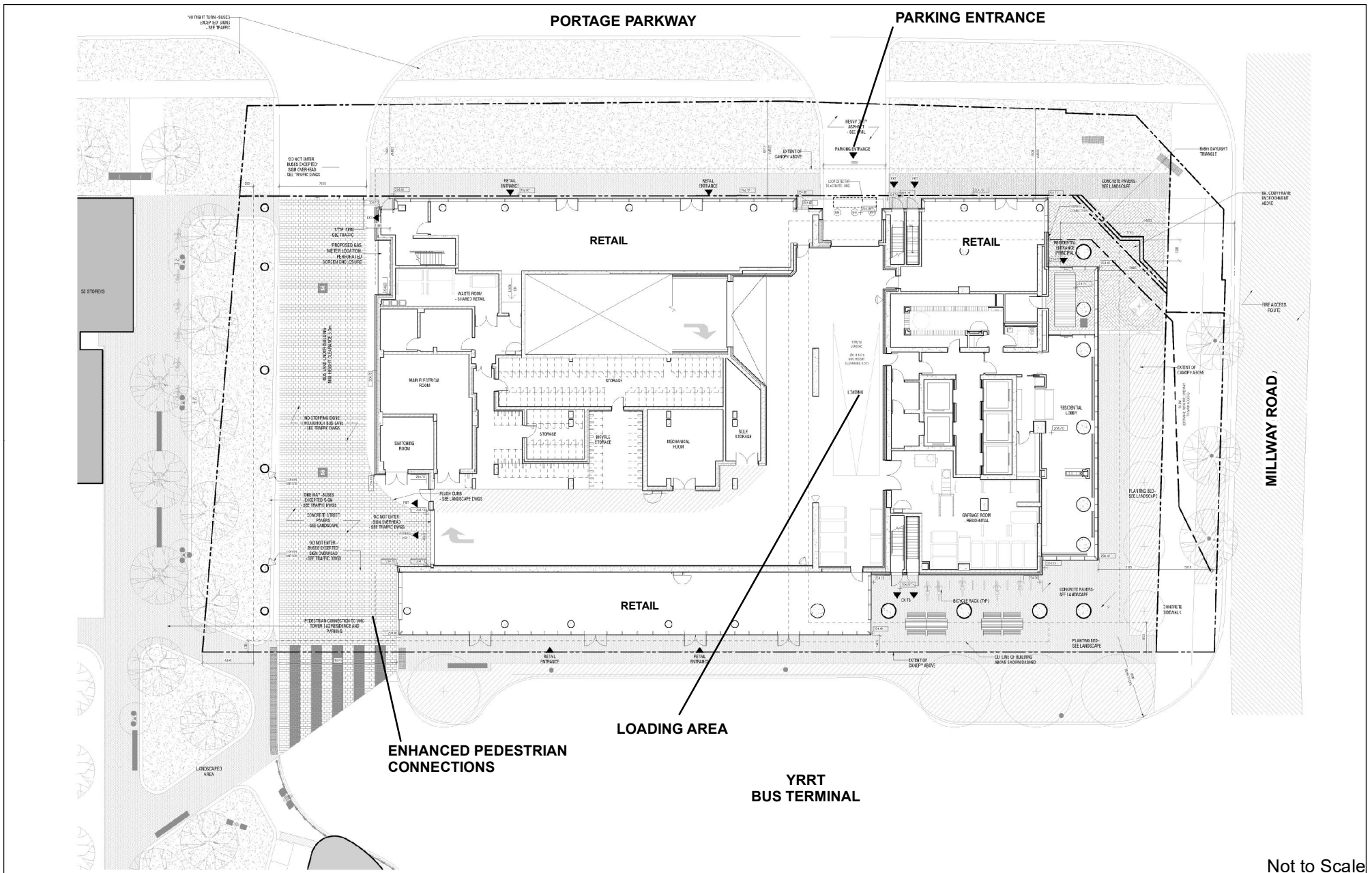
Attachment

FILE:
19CDM-19V001

RELATED FILE:
DA.17.062

DATE:
September 17, 2019

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Not to Scale

Approved Interim Site Plan (File: DA.17.062)

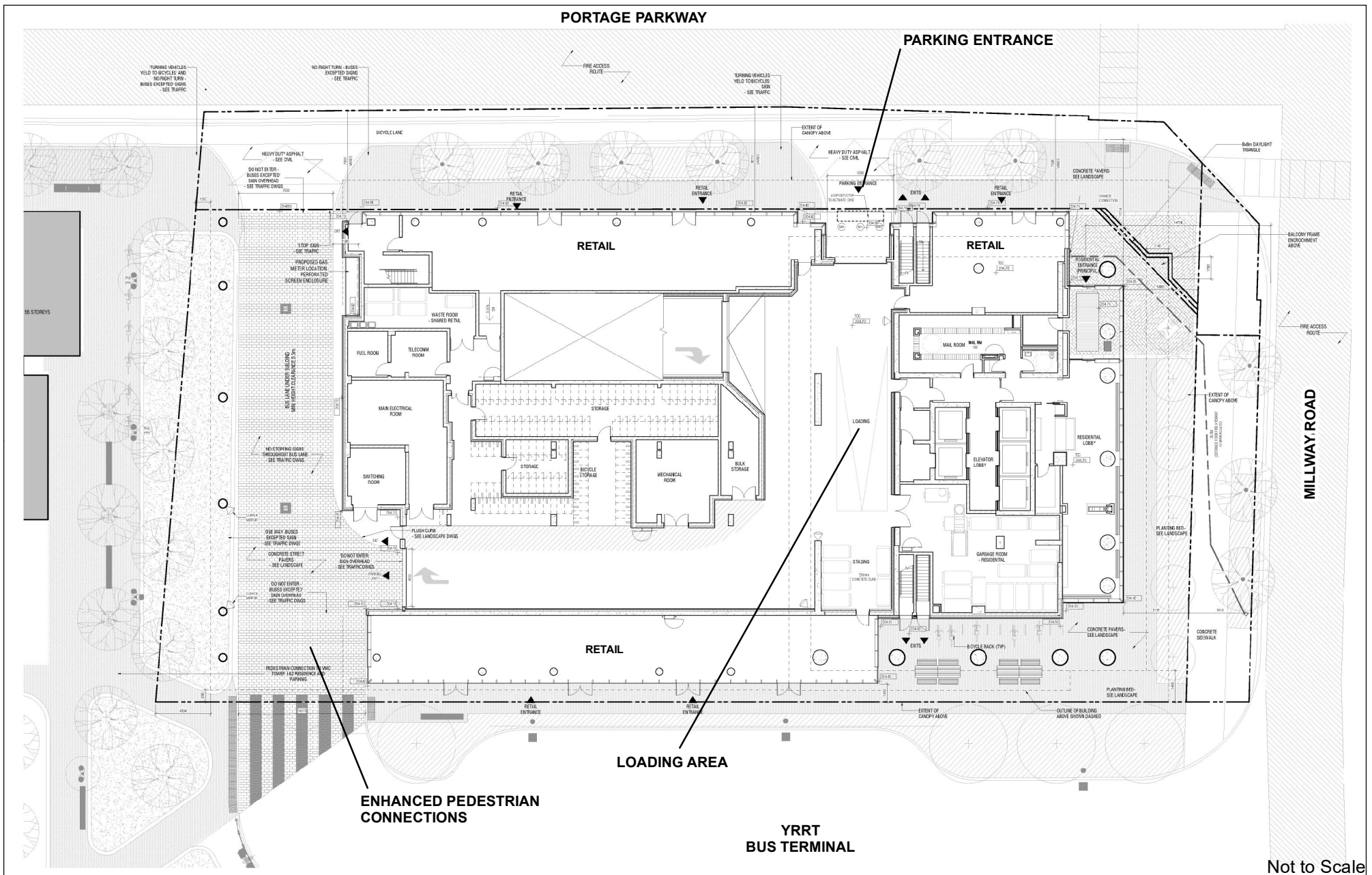
LOCATION:
 Part of Lot 7, Concession 5
 950 Portage Parkway
APPLICANT:
 VMC Residences III GP Inc.



Attachment

FILE:
 19CDM-19V001
RELATED FILE:
 DA.17.062
DATE:
 September 17, 2019

8



Approved Ultimate Site Plan (File: DA.17.062)

LOCATION:

Part of Lot 7, Concession 5
950 Portage Parkway

APPLICANT:

VMC Residences III GP Inc.



Attachment

FILE:
19CDM-19V001
RELATED FILE:
DA.17.062
DATE:
September 17, 2019

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