## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 29, 2019

Item 2, Report No. 4, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 29, 2019.

#### 2. DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V011 -2410174 ONTARIO INC. VICINITY OF WIGWOSS DRIVE AND <u>REGIONAL ROAD 7</u>

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 January 22, 2019:

#### **Recommendations**

 That Draft Plan of Condominium (Standard) File 19CDM-17V011 (2410174 Ontario Inc.) BE APPROVED, as shown on Attachments 4 to 7, subject to the Conditions of Draft Approval set out in Attachment 1.



## **Committee of the Whole Report**

DATE: Tuesday, January 22, 2019 WARD(S): 2

## TITLE: DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V011 2410174 ONTARIO INC. VICINITY OF WIGWOSS DRIVE AND REGIONAL ROAD 7

### FROM:

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

## **ACTION:** DECISION

#### Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-17V011 for the subject lands shown on Attachments 2 and 3, to create the condominium tenure for a residential building comprised of two towers (9-storey, west tower and 11-storey, east tower), 278 units, and 382 parking spaces, as shown on Attachments 4 to 7.

### **Report Highlights**

- The Owner has submitted a Draft Plan of Condominium (Standard) application to establish the condominium tenure of privately owned units and common elements on the subject lands, as shown on Attachments 4 to 7.
- The Development Planning Department supports the approval of Draft Plan of Condominium (Standard) File 19CDM-17V011, subject to conditions, as it complies with Zoning By-law 1-88, as amended by Vaughan Committee of Adjustment Files A232/17 and A286/17.

### **Recommendations**

1. That Draft Plan of Condominium (Standard) File 19CDM-17V011 (2410174 Ontario Inc.) BE APPROVED, as shown on Attachments 4 to 7, subject to the Conditions of Draft Approval set out in Attachment 1.

### **Background**

The Subject Lands (the 'Subject Lands') shown on Attachments 2 and 3, are municipally known as 4800 Regional Road 7 and are located on the northwest corner of Wigwoss Drive and Regional Road 7, City of Vaughan. The surrounding land uses are shown on Attachment 3.

#### Related Zoning By-law Amendment and Site Development Applications were approved by the Ontario Municipal Board

The Owner on August 24, 2011 submitted Zoning Amendment File Z.11.026 and Site Development File DA.11.073 proposing a development consisting of 2, 10-storey apartment buildings connected by a 3-storey podium, 230 residential units and ground floor commercial. In 2012 the Owner appealed these applications to the Ontario Municipal Board ("OMB"), on the basis of Vaughan Council's failure to make a decision within the required time frame prescribed under the Planning Act.

The OMB on April 24, 2013, conducted a settlement hearing related to Zoning By-law Amendment File Z.11.026 on the Subject Lands, and approved the development. However the OMB withheld its final Order pending receipt of the final implementing zoning by-law and site plan approval conditions. Subsequent to the OMB issuing its final decision, the Subject Lands were sold to 2410174 Ontario Inc., the current Owner (the 'Owner').

In 2015, the Owner proposed revisions to the development which required amendments to the implementing zoning by-law and the OMB approved site plan. In July 2015, the Owner requested a hearing before the OMB related to the revised development. The OMB on October 16, 2015, considered the revised proposal, which included an increase to the number to residential units from 230 to 276, achieved by converting a former mezzanine level to residential units and replacing a portion of the ground floor commercial use with live-work units.

The OMB on November 16, 2015, issued its Order to approve the revised proposal, the implementing Zoning By-law (By-law 187-2015) and the site plan, as the proposal conformed to the City of Vaughan and York Region Official Plans. To date the final Site Plan Agreement has not been executed. The approved site plan conditions will be included in the final Site Plan Agreement and any applicable conditions related to this Application are included in the Conditions of Draft Approval, identified in Attachment 1.

The OMB withheld its Order approving the site plan until the confirmation of the execution of a site plan agreement between the Owner and York Region. A Site Plan Agreement between York Region and the Owner (2410174 Ontario Inc.) was executed on December 21, 2017.

## The Committee of Adjustment approved two Minor Variance applications following the OMB's approval.

The Owner in 2017 submitted Minor Variance Files A232/17 and A286/17 to the Vaughan Committee of Adjustment to:

- replace the ground floor commercial/live-work units with residential units thereby also increasing the number of residential units from 276 (approved by OMB) to 278
- ii) increase the maximum building height of the east tower from 10-storeys (31 m) to 11-storeys (34 m) and increase the permitted Floor Space Index ('FSI') from 3.0 to 3.05 FSI

The Development Planning Department did not support Minor Variance Applications, as the proposed variances did not meet the general intent and purpose of Vaughan Official Plan 2010 ('VOP 2010') and the implementing Zoning By-law approved by the OMB. The Vaughan Committee of Adjustment approved the Minor Variance applications on August 31, 2017, and November 2, 2017. Draft Plan of Condominium File 19CDM-17V011 reflects the Minor Variances approved by the Committee of Adjustment, for the development.

## Previous Reports/Authority

December 6, 2011, Committee of the Whole Public Hearing (Item 2 Report No. 56) July 20, 2017, Committee of Adjustment Minor Variance Application (Agenda Item #20)

## Analysis and Options

# A Draft Plan of Condominium has been submitted to create the condominium tenure for the approved Development

The Owner has submitted Draft Plan of Condominium (Standard) File 19CDM-17V011 (the 'Application') to establish the condominium tenure for the final approved development (the 'Development') comprised of two towers, 9-storey (west tower) and 11-storey (east tower) connected by a 3-storey podium, 278 residential units, and an FSI of 3.05 times the area of the lot, as shown on Attachments 4 and 7. The Subject

Lands are served by 382 parking spaces and have access from Benjamnin Drive and Regional Road 7.

# The Draft Plan of Condominium does not conform to the Vaughan Official Plan 2010 ("VOP 2010") and OPA 661

As noted above, the current Development was approved by the OMB and subject to subsequent Committee of Adjustment approvals. The original OMB approval conformed with the policies of the in-effect OPA 661.

Since the OMB approval of the original development, OPA 661 has been superceeded by VOP 2010, which designates the Subject Lands "Mid-Rise Mixed Use" and permits a maximum building height of 6-storeys and an FSI of 2 times the area of the lot. The Development does not conform to the height and density provisions of VOP 2010.

# The Draft Plan of Condominium complies with Zoning By-law 1-88, as varied by the Committee of the Adjustment

The OMB on November 16, 2015, approved Zoning By-law 187-2015 which rezoned the Subject Lands to RA2(H) Apartment Residential Zone with a Holding Symbol "(H)" and subject to site-specific Exception 9(457) to permit the Development, which was subject to the subsequent Committee of Adjustment approvals.

The Draft Plan of Condominium complies with Zoning By-law 1-88, as varied by the Committee of Adjustment.

#### The Holding Symbol "(H)" must be removed from the Subject Lands

The Subject Lands are zoned with the Holding Symbol "(H)" which can be removed upon the following conditions being satisfied:

- Council confirming availability of sanitary sewage and water supply capacity;
- That a Record of Site Condition ('RSC') and Remedial Action Plan ('RAP') is submitted for the approval of the Development Engineering ("DE") Department. The RSC must be filed with the Ministry of the Environment, Conservation and Parks ("MECP") Environmental Site Registry.

To date, Council has allocated servicing capacity for 276 units for the Development. The DE Department has indicated that there is sufficient allocation for the additional two units within the Development that can be accommodated for in the 2019 Servicing Capacity and Distribution annual update for Council approval. A RAP has been received by the DE Department; however, a RSC has not been filed with the with MECP and, thus provided to the DE Department. Prior to the execution of the Condominium Agreement, confirmation of the filing of the RSC must be provided to the satisfaction of the DE Department. A condition to this effect has been included in the Conditions of Draft Approval on Attachment 1.

# The Draft Plan of Condominium complies with to the Minor Variance Applications approved by the Committee of Adjustment

The Application to establish the condominium tenure for a residential apartment building comprised of two towers (9 and 11-storeys), 278 units and an FSI of 3.05 times the area of the lot is consistent with the site plan approved by the OMB and subject to the Committee of Adjustment approvals discussed above.

## *The Development Engineering ("DE") Department has no objection to the Draft Plan of Condominium*

The "DE" Department has no objection to the Draft Plan of Condominium, subject to the Conditions of Draft Approval set out in Attachment 1, including that the condominium agreement not be registered until such time that the RSC has been filed with the MECP, and the Holding Symbol "(H)" has been removed by Vaughan Council.

# The following commenting agencies have no objection to the approval of the Draft Plan of Condominium

Bell Canada, Enbridge Gas and Canada Post have no objection to the approval of the Application, subject to the Conditions of Draft Approval set out in Attachment 1.

# Environmental Services Department, Solid Waste Management Division has no objection to the Draft Plan of Condominium

The Environmental Services Department has no objection to the approval of the Application, subject to the Conditions of Approval set out in Attachment 1.

## **Financial Impact**

N/A

## **Broader Regional Impacts/Considerations**

#### York Region has no objection to the proposed Draft Plan of Condominium

The York Region Community Planning and Development Services Department has no objection to the Draft Plan of Condominium subject to their conditions set out on Attachment 1.

## **Conclusion**

The proposed Draft Plan of Condominium (Standard) File 19CDM-17V011 complies with Zoning By-law 1-88 as amended, and is consistent with the Minor Variances approved by the Committee of Adjustment for the Development. Accordingly, the Development Planning Department can support the approval of the Draft Plan of Condominium (Standard) application, subject to the Conditions of Draft Approval set out in Attachment 1.

For more information, please contact: Eugene Fera, Planner, at extension 8003.

## **Attachments**

- 1. Conditions of Draft Approval
- 2. Context Location Map
- 3. Location Map
- 4. Draft Plan of Condominium File 19CDM-17V011
- 5. Draft Plan of Condominium File 19CDM-17V011 (Levels 2-4)
- 6. Draft Plan of Condominium File 19CDM-17V011 (Levels 5-9)
- 7. Draft Plan of Condominium File 19CDM-17V011 (Levels 10 and 11 and Underground Parking)

## Prepared by

Eugene Fera, Planner, ext. 8003 Clement Messere, Senior Planner, ext. 8409 Carmela Marrelli, Senior Manager of Development Planning ext. 8791 Mauro Peverini, Director of Development Planning, ext. 8407

/CM

## ATTACHMENT 1

#### **CONDITIONS OF DRAFT APPROVAL**

#### DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V011 ('PLAN') 2410174 ONTARIO INC. ('OWNER') PART OF LOT 6, CONCESSION 7, CITY OF VAUGHAN

#### THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN ('CITY') THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-17V011, ARE AS FOLLOWS:

#### City of Vaughan Conditions

- 1. The Plan shall relate to a Draft Plan of Condominium, prepared by Krcmar Surveying Inc., Drawing Name 10-012DC01, dated November 21, 2017.
- 2. The Owner shall enter into a Condominium Agreement with the City and shall agree to satisfy any conditions that the City may consider to be outstanding as part of Site Development File DA.11.073 and the Ontario Municipal Board Decision (Case # PL120407) respecting the Plan.
- 3. Prior to the execution of the Condominium Agreement the Owner shall provide confirmation that a Record of Site Condition ('RSC') has been filed with the Ministry of the Environment, Conservation and Parks (MECP) to the satisfaction of the Development Engineering Department.
- 4. Prior to the execution of the Condominium Agreement a Zoning By-law shall be enacted by Vaughan Council to remove the Holding Symbol "(H)" from the subject lands.
- 5. The Condominium Agreement shall be registered on title against the lands to which it applies, at the Owner's expense.
- 6. The following provisions shall be included in the Condominium Agreement:
  - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
  - b) The Condominium Corporation shall be responsible for private waste collection, snow removal and clearing.
  - c) Upon the registration of an Agreement with the Solid Waste Management Division, 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.

- d) Prior to the registration of the final Plan, the Owner shall confirm to the Development Planning Department that they have paid all taxes and levies, 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.
- e) Prior to the registration of the final Plan the Owner must confirm that sufficient wire-line communication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the City of Vaughan that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for Emergency Management Services (i.e. 911 Emergency Services).
- f) Prior to the registration of the final Plan the Condominium Corporation agrees to provide a private access easement or other arrangement in favour of the lands to the west for the purpose of a driveway access for the adjacent property to the west, if redeveloped in the future, and for the west driveway, which has access to Benjamin Drive and Regional Road 7 to the satisfaction of the City of Vaughan and York Region at the sole cost and expense of the Owner of the adjacent lands to the west and such Owner of the adjacent lands to the west shall also be required to enter into a cost sharing/shared facility agreement for the inter alia, maintenance, construction and insurance associated with such driveway on the subject property with the Condominium Corporation. A condition to this effect shall be included in the Condominium Declaration
- g) The Owner shall include in all Offers of Purchase and Sale and lease, a clause indicating that the west driveway, which has access to both Regional Road 7 and Benjamin Drive shall remain unobstructed for the

purpose of access to Benjamin Drive and Regional Road 7, and that the members of the public may travel across the west driveway between Regional Road 7 and Benjamin Drive. Further, there shall also be a clause indicating that the lands to the west, if developed may require access over the subject lands in the future to the satisfaction of the City of Vaughan and York Region; which access shall be at the sole cost and expense of the Owner of the adjacent lands to the west and such Owner of the adjacent lands to the west shall also be required to enter into a cost sharing/shared facility agreement for inter alia, maintenance, construction and insurance associated with the shared use of the west driveway on the subject property with the Owner/Condominium Corporation. A condition to this effect shall be included in all condominium documents, including the Condominium Declaration.

- 7. Prior to the registration of the final Plan, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
- 8. Prior to the registration of the final Plan, 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. Any other conditions received after Council approval and prior to final approval of the Condominium approval process shall be included in the Condominium Agreement.

#### Development Engineering Conditions

10. That prior to the execution of the Condominium Agreement the Owner shall provide confirmation that a RSC has been filed with the MECP to the satisfaction of the Development Engineering Department.

#### Alectra Utilities Corporation

11. Prior to the registration of the final Plan the Owner shall obtain final clearance from Alectra Utilities.

#### Canada Post

12. Prior to the registration of the final Plan the Owner shall obtain final clearance from Canada Post.

#### Enbridge Gas Distribution

13. Prior to the registration of the final Plan the Owner shall obtain final clearance from Enbridge Gas Distribution.

#### Bell Canada

14. Prior to the registration of the final Plan the Owner shall obtain final clearance from Bell Canada.

#### York Region

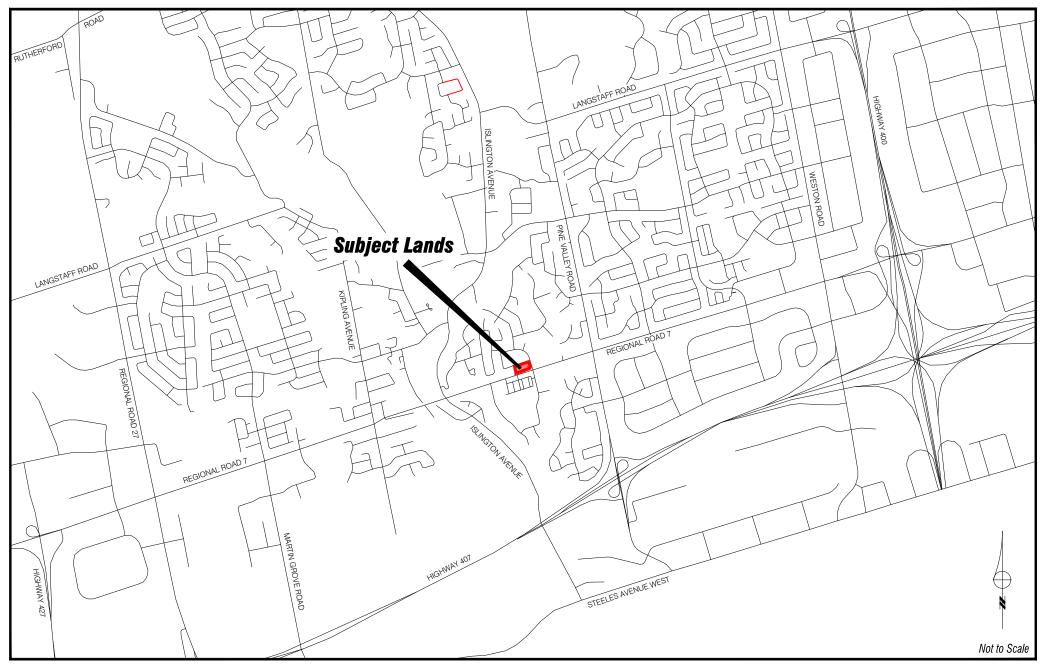
- 15. Prior to the registration of the final Plan, the Owner shall provide confirmation that all of the conditions of Site Plan Approval issued for the subject property under Regional File No. SP-V-030-11 have been satisfied.
- 16. Prior to the registration of the final Plan, the Owner shall execute all Regional agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the subject property issued under Regional File No. SP-V-030-11.
- 17. Prior to the registration of the Plan, the Owner shall confirm that all of the works within the Regional right-of-way have completed to the satisfaction of York Region or that York 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.
- 18. Prior to the final registration of the condominium corporation, the Owner shall:
  - i. Complete the remediation program as set out in the Remediation and Indemnity Agreement;
  - ii. Obtain and submit to the Region a Record of Site Condition ("RSC") issued by the Ontario Ministry of the Environment, Conservation and Parks ("MECP") for the lands being retained by the Owner, copies of all supporting documentation used in the filing of the RSC for the Region's review and approval and the Region will be extended reliance on such supporting documentation on terms satisfactory to the Region;
  - iii. Obtain and submit to the Region a RSC issued by the MECP for the lands to be conveyed to the Region, copies of all supporting documentation used in the filing of the RSC, for the Region's review and approval and the Region will be extended reliance on such supporting documentation on terms satisfactory to the Region; and

- Subject to the satisfaction of the applicable terms of the Remediation and Indemnity Agreement, convey lands described as Part 2 on Plan 65R-36458 to the Region, free of all costs and encumbrances, and to the satisfaction of the Regional Solicitor.
- 19. At the time of conveyance of Part 2 on Plan 65R-36458, the Owner shall provide the Region with a certified written statement from the Owner or the Owner's authorized representative that, except as expressly disclosed in the supporting document referenced in Condition 17, no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- 20. The Owner shall include in all Agreements of Purchase and Sale and/or Lease, Condominium Agreement, Condominium Declaration, a clause stating that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants.
- 21. Prior to the registration of the final Plan, 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.
- 22. Any other conditions received after Council approval and prior to final approval of the Condominium approval process shall be included in the Condominium Agreement.

#### <u>Clearances</u>

- 23. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 10 have been satisfied.
- 24. Alectra Utilities Corporation shall advise the City of Vaughan Development Planning Department in writing that Condition 11 has been satisfied.
- 25. Canada Post shall advise the City of Vaughan Development Planning Department in writing that Condition 12 has been satisfied.

- 26. Enbridge Gas Distribution shall advise the City of Vaughan Development Planning Department in writing that Condition 13 has been satisfied.
- 27. Bell Canada shall advise the City of Vaughan Development Planning Department in writing that Condition 14 has been satisfied.
- 28. York Region shall advise the City of Vaughan Development Planning Department in writing that Conditions 15 to 20 have been satisfied.



## **Context Location Map**

LOCATION: Part of Lot 6, Concession 7

**APPLICANT:** 2410174 Ontario Inc.



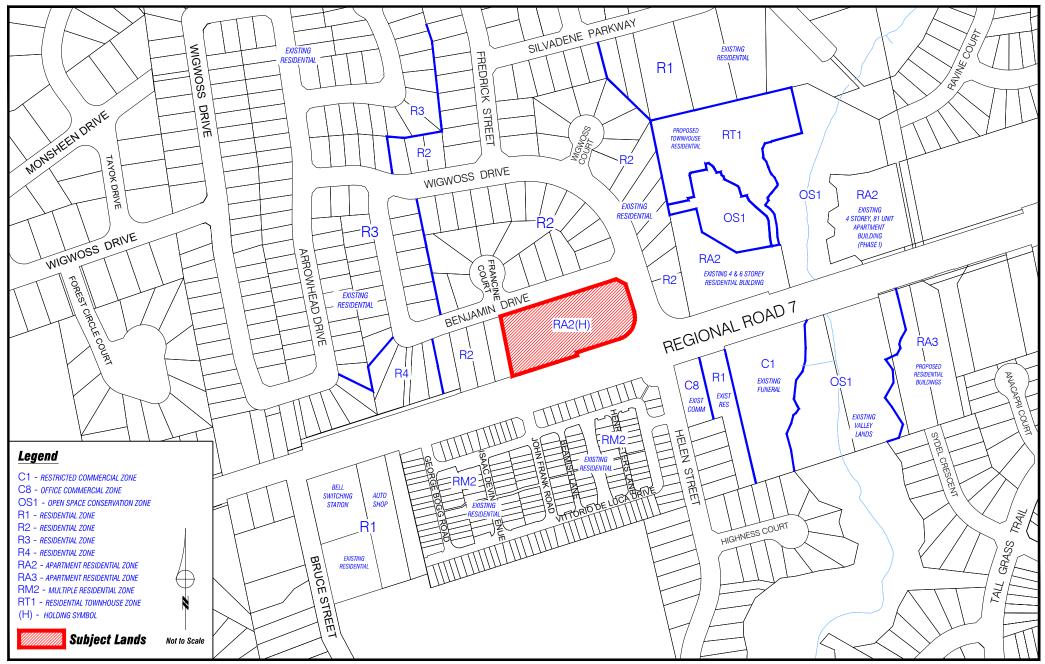
Department

Attachment

FILE: 19CDM-17V011 RELATED FILES: Z.11.026 & DA.11.073

DATE: January 22, 2019

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## Location Map

LOCATION: Part of Lot 6, Concession 7

APPLICANT: 2410174 Ontario Inc.

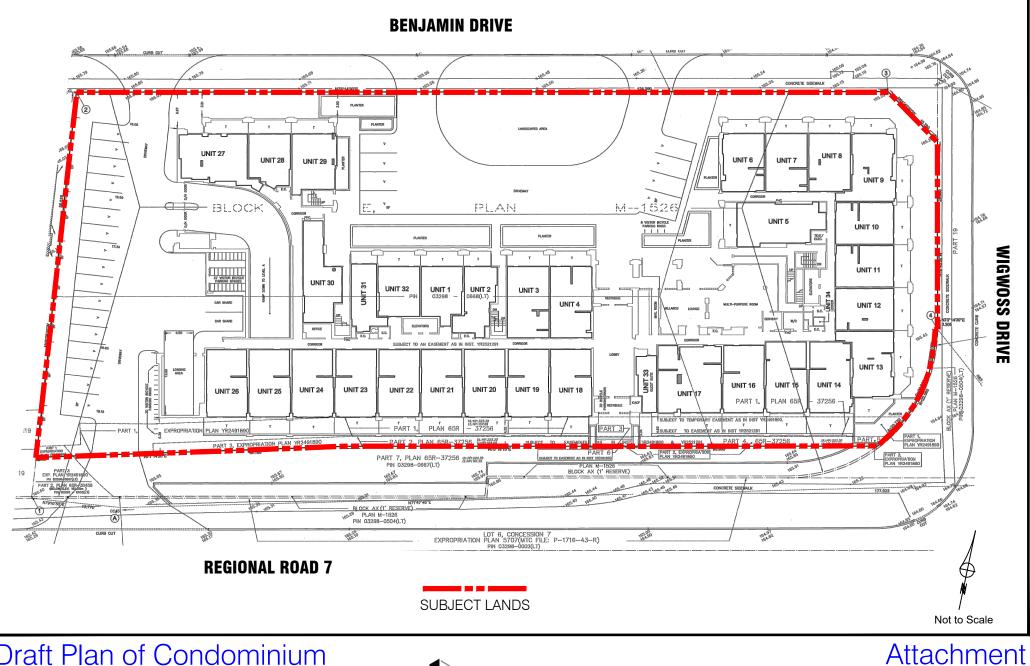




Attachment

FILE: 19CDM-17V011 RELATED FILES: Z.11.026 & DA.11.073

DATE: January 22, 2019



## Draft Plan of Condominium File 19CDM-17V011

APPLICANT: 2410174 Ontario Inc.

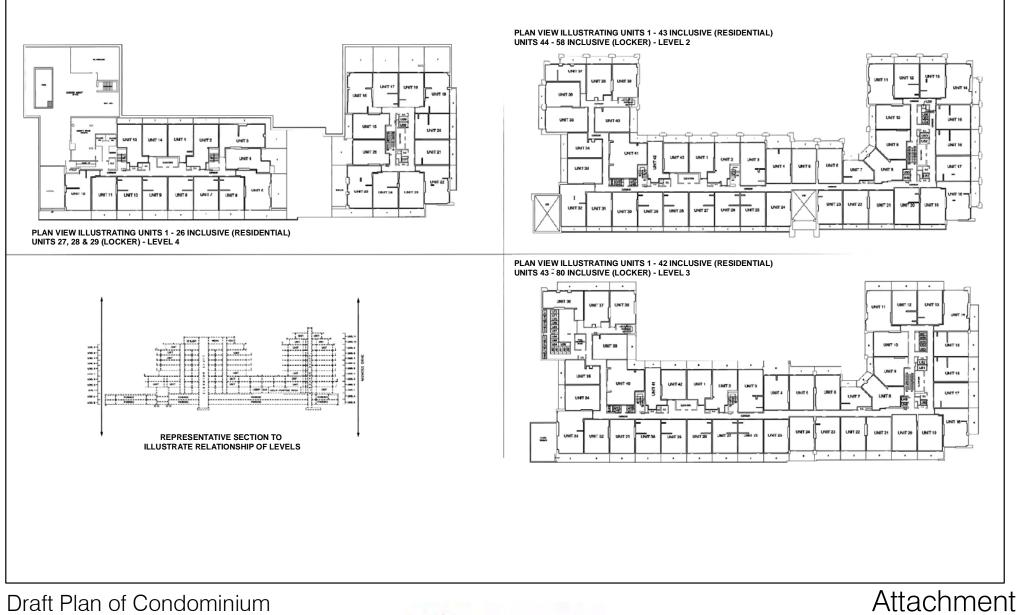
LOCATION: Part of Lot 6, Concession 7



FILE: 19CDM-17V011 RELATED FILES: Z.11.026 &

DA.11.073

DATE: January 22, 2019



File 19CDM-17V011(Levels 2-4)

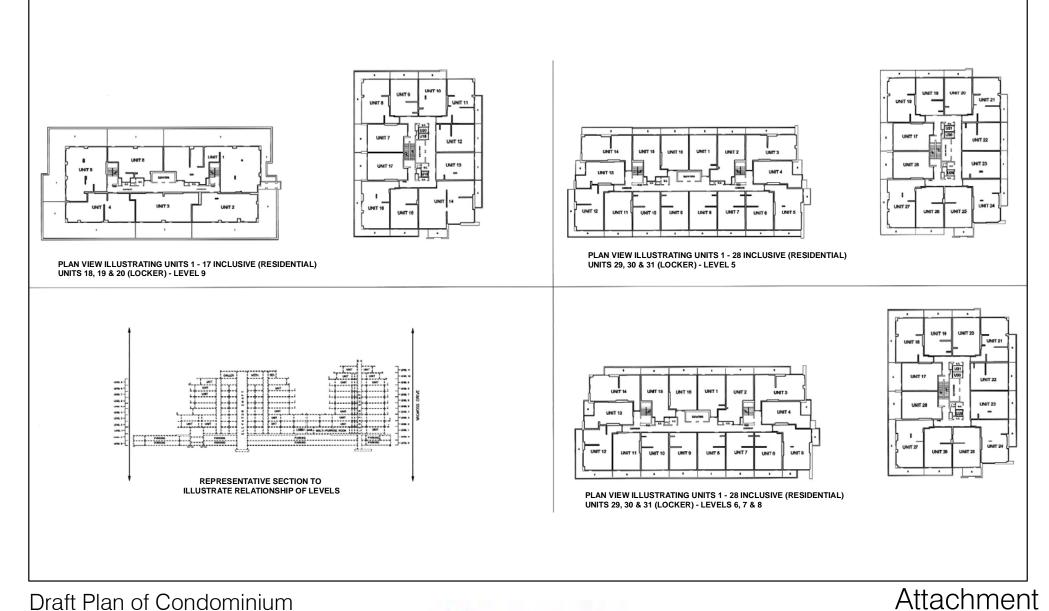
APPLICANT: 2410174 Ontario Inc.

LOCATION: Part Lot 6, Concession 7



FILE: 19CDM-17V011 RELATED FILES: Z.11.026 & DA.11.073 DATE: January 22, 2019

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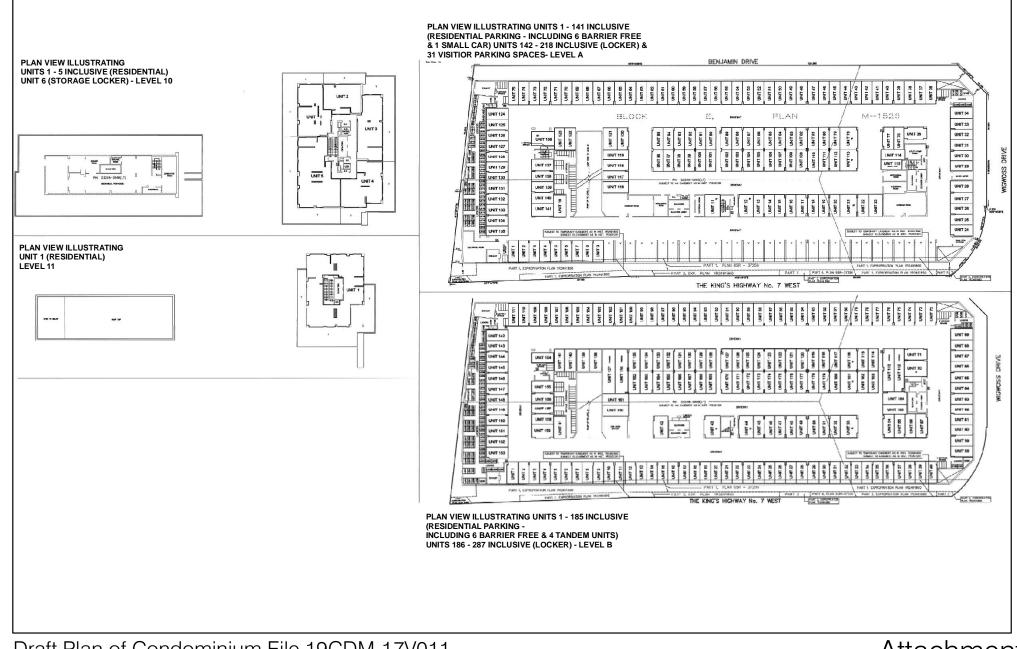


Draft Plan of Condominium File 19CDM-17V011 (Levels 5-9)

APPLICANT:LOCATION:2410174 Ontario Inc.Part Lot 6, Concession 7



FILE: 19CDM-17V011 RELATED FILES: Z.11.026 & DA.11.073 DATE: January 22, 2019



Draft Plan of Condominium File 19CDM-17V011 (Levels 10-11 and Underground Parking)

APPLICANT:LOCATION:2410174 Ontario Inc.Part Lot 6, Concession 7



Attachment

RELATED FILES: Z.11.026 & DA.11.073

DATE: January 22, 2019

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