

**REPORT NO. 39 OF THE COMMITTEE OF THE WHOLE
FOR CONSIDERATION BY COUNCIL, DECEMBER 17, 2019**

Item 3, Report No. 39, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 17, 2019.

3. FIRSTGREEN CORP. DRAFT PLAN OF CONDOMINIUM FILE 19CDM-19V007 VICINITY OF BATHURST STREET AND RUTHERFORD 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 December 3, 2019.

Recommendations

1. That Draft Plan of Condominium (Common Elements) File 19CDM-19V007 (Firstgreen Corp.), BE APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 1.

Committee of the Whole (1) Report

DATE: Tuesday, December 03, 2019

WARD: 4

**TITLE: FIRSTGREEN CORP.
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-19V007
VICINITY OF BATHURST STREET AND RUTHERFORD ROAD**

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 File 19CDM-19V007 to create the condominium tenure for the common elements shown on Attachment 3 for an approved townhouse development shown on Attachment 4.

Report Highlights

- The Owner has submitted a Draft Plan of Condominium (Common Elements) Application to create the condominium tenure of privately owned and maintained (through a future Condominium Corporation) common elements for an approved townhouse development.
- The Development Planning Department supports the approval of the Application as it conforms to Vaughan Official Plan complies with Zoning By-law 1-88 and is consistent with the Council approved Site Development File DA.17.041.

Recommendations

1. That Draft Plan of Condominium (Common Elements) File 19CDM-19V007 (Firstgreen Corp.), BE APPROVED, as shown on Attachment 3, 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 southeast corner of Ilan Ramon Boulevard and George Kirby Street. The surrounding land uses are shown on Attachment 2.

Previous Reports/Authority

[Council Approved Rezoning and Site Development Files Z.17.017 and DA.17.041](#)

Analysis and Options

The Owner has submitted Draft Plan of Condominium (Common Elements) File 19CDM-19V007 (the 'Application') to create the condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements (the 'Draft Plan'), shown on Attachment 3. The common elements consist of the following:

- Private internal roads
- Parking areas (12 visitor spaces and 1 barrier-free space)
- Sidewalks, walkways, landscaped areas and exterior amenity areas
- Community mail box

The Application conforms to Vaughan Official Plan 2010 and Zoning By-law 1-88

The Subject Lands are designated "Mid-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010'), with a maximum permitted building height of 12-storeys and maximum Floor Space Index ('FSI') of 3.5 times the area of the lot. The "Mid-Rise Mixed-Use" designation permits residential units, home occupation, community facilities, retail, office and hotel uses in a mid-rise building form. Townhouses, stacked townhouses and low-rise buildings are also permitted, provided that the lands area located within 70 m of lands designated "Low-Rise Residential" in VOP 2010 or on streets that area not arterial streets or major collector streets.

The Subject Lands are located with 70 m of lands designated "Low-Rise Residential" in VOP 2010, specifically the existing street townhouse dwellings on the north side of George Kirby Street, as shown on Attachment 2. The Subject Lands are not located on an arterial or major collector street. The Development for 50, 3-storey townhouse units conforms to VOP 2010.

The Subject Lands are zoned "RT1 Residential Townhouse Zone" by Zoning By-law 1-88, as shown on Attachment 2, and subject to site-specific Exception 9(1217) which permits the approved townhouse development. The Draft Plan would create a condominium tenure for a development that complies with Zoning By-law 1-88.

The Draft Plan is consistent with the approved Site Development Application

Vaughan Council, on June 19, 2018, approved Site Development File DA.17.041 (Firstgreen Corp.) to permit a development consisting of 50, three-storey townhouse dwelling units as shown on Attachment 4.

The Draft Plan shown on Attachment 3 is required to create the common element tenure for the following elements:

- Private internal roads
- Parking areas (12 visitor spaces and 1 barrier-free space)
- Sidewalks, walkways, landscaped areas and exterior amenity areas
- Community mail box

The Subject Lands are accessed from George Kirby Street via an existing driveway from the commercial plaza (the Rutherford Marketplace) to the east, which is subject to an access easement in favour of the Subject Lands. A second access driveway is proposed from Ilan Ramon Boulevard.

The Owner is required to submit a Part Lot Control Exemption application to lift the part lot control provisions of the *Planning Act* from the Subject Lands, in order to create conveyable freehold lots for the 50 townhouse units.

The Environmental Services Department, Solid Waste Management Division, has no objection to the Draft Plan

The Owner is proposing a controlled access gate adjacent to Block 8 for municipal waste collection and snow removal, as shown on Attachment 4. The proposed gate will allow for access to the development without the need for a turnaround and will be controlled by the future condominium corporation on collection days. The Environmental Services Department, Solid Waste Management Division has no objection to the Development.

The Development Engineering Department has no objection to the Draft Plan

The Development Engineering Department has no objection to the Draft Plan, subject to the conditions set out in Attachment 1.

The Development Finance Department has no objection to the Draft Plan

The Financial Planning and Development Finance Department has no objection to the Draft Plan, subject to the conditions set out in Attachment 1.

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

Bell Canada, Rogers Communication, Alectra Enbridge Gas and Canada Post advise that they have no objection to the condominium tenure for the development, subject to their conditions set out in Attachment 1. 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

N/A.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has reviewed the Draft Plan. Prior to final approval the Owner must satisfy the requirements of York Region.

Conclusion

Draft Plan of Condominium (Common Elements) File 19CDM-19V007 conforms to VOP 2010, complies with Zoning By-law 1-88 as amended, and is consistent with the approved Site Development File DA.17.041. 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: OluwaKemi Apanisile, Planner, Development Planning Department, Extension 8210.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Condominium (Common Elements)
4. Approved Site Plan (File DA.17.041)

Prepared by

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Mary Caputo, Senior Planner, ext. 8635

Nancy Tuckett, Senior Manager of Development Planning ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/LG

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-19V007 (COMMON ELEMENTS)
(‘DRAFT PLAN’)
FIRSTGREEN CORPORATON (‘OWNER’)
BEING PART OF BLOCK 23, REGISTERED PLAN 65M-3918, CITY OF VAUGHAN
(‘CITY’)**

**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 FILE 19CDM-19V007, ARE AS FOLLOWS:**

City of Vaughan

1. The Draft Plan shall relate to a Draft Plan of Condominium, prepared by Schaeffer Dzaldov Bennet Ltd., Job No. 09-144-00, dated October 17, 2019.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Vaughan Development Planning Department.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan and shall agree to satisfy any conditions of Site Development File DA.17.041 with regard to such matters as landscaping and site development and any other matters that the City may consider necessary.
4. Prior to final approval of the Draft Plan, the Owner shall register the Site Plan Agreement from Site Development File DA.17.041 on title against the Subject Lands to which it applies and at the cost of the Owner.
5. The following provisions shall be included in the Condominium Agreement and all Agreements of Purchase and Sale or Lease:
 - a) The Owner and/or Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - b) The Owner and or Condominium Corporation shall be responsible for snow removal and clearing, and garbage and recycling pick-up shall be privately administered, and shall be the responsibility of the Owner/Condominium Corporation;
 - c) Purchaser and/or tenants are advised that the ultimate sanitary service outlet for the future condominium development is approximately 1 to 2 m offset from the east building face for Unit 18. Purchasers and/or tenants

acknowledge to keep this area clear and accessible for the purpose of future maintenance and to not alter this area in any form or shape;

- d) Purchasers and/or tenants are advised that a private fire hydrant for the future condominium development exists approximately 1 m offset from the southwest building corners for Unit 19. Purchasers and/or tenants acknowledge to keep this area clear and accessible for the purpose of future maintenance and fire protection measures and to not alter this area in any form or shape;
- e) Purchasers and/or tenants are advised that a storm sewer easement in favour of the existing plaza owner to the east exists along the frontage of George Kirby Street and Ilan Ramano Boulevard approximately 1 to 3 m offset from the north and west building face for Blocks 1 to 5. Purchasers and/or tenants acknowledge to keep this area clear and accessible for the purpose of future maintenance and to no alter this area in any form or shape;
- f) Purchaser and/or tenants are advised that a water service meter and backflow chamber for the future condominium development is approximately 2 m offset from the southwest building corner for Unit 1. Purchasers and/or tenants acknowledge to keep this area clear and accessible for the purpose of future maintenance and to no alter this area in any form or shape;
- g) Purchaser and/or tenants are advised that an underground stormwater storage tank exist between Blocks 7 and 8 approximately 5 m offset from Blocks 7 and 8. Purchasers and/or tenants acknowledge to keep this area clear and accessible for the purpose of future maintenance and to not alter this area in any form or shape;
- h) Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, noise due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the Municipality and the Ontario Ministry of the Environment and Climate Change. I, the purchaser hereby agrees to place this clause in all subsequent offers of purchase and sale when I sell the property;
- i) Purchasers/tenants are advised that the dwelling unit was fitted with a central air conditioning system in order to permit the closing of windows for noise control. (Note: Locate air cooled condenser units in a noise insensitive area and ensure that the unit has an AHRI sound rating not exceeding 7.6 bels.);
- e) Purchasers/tenants are advised that this residential unit is in proximity to existing commercial buildings whose activities may at times be audible.

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 of the Draft Plan, the Owner shall submit an "as-built" survey of the common elements to the satisfaction of the Vaughan Building Standards Department.
8. Prior to final approval the Owner shall arrange to prepare and register a reference plan and private easements in favour of the condominium corporation at their expense as it relates to private site servicing elements within Parts 1, 18 & 19 of the Draft Plan of Common Elements dated October 17, 2019 (meter & backflow chamber, sanitary outlet and fire hydrant). The plan should illustrate all existing and proposed easements to the satisfaction of Development Engineering. The Owner shall submit a draft reference plan to the Development Engineering Department for review prior to deposit. The Development Engineering Department shall be in receipt of the deposited reference plan prior to clearance of said condition.
9. Prior to final approval the Owner shall arrange to prepare and register a reference plan at their expense as it relates to the required stormwater easement adjacent to George Kirby Street and Ilaan Ramon Boulevard, along the north and west limits of the Subject Lands. The plan should illustrate all existing and proposed easements to the satisfaction of Development Engineering. The Owner shall submit a draft reference plan to the Development Engineering Department for review prior to deposit. The Development Engineering Department shall be in receipt of the deposited reference plan prior to clearance of said condition.
10. 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, municipal services and construction purposes have been granted to the appropriate authorities.
11. 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 acknowledgment of responsibility of 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.
12. Fire Department Access to Buildings shall comply with Article 9.10.20.3 of the Ontario Building Code. Access Route Design shall comply with Article 3.2.5.6 of the Ontario Building Code (min. 6 m width, centerline radius not less than 12 m, turn around facilities for any dead-end portion of the access route more than 90 m, etc.) Hydrant shall be located within 90m horizontally of any portion of a building perimeter that is required to face a street as per Article 3.2.5.7 of the Ontario Building Code.

York Region

13. Prior to final approval the Draft Plan shall be to the satisfaction of York Region.

Canada Post

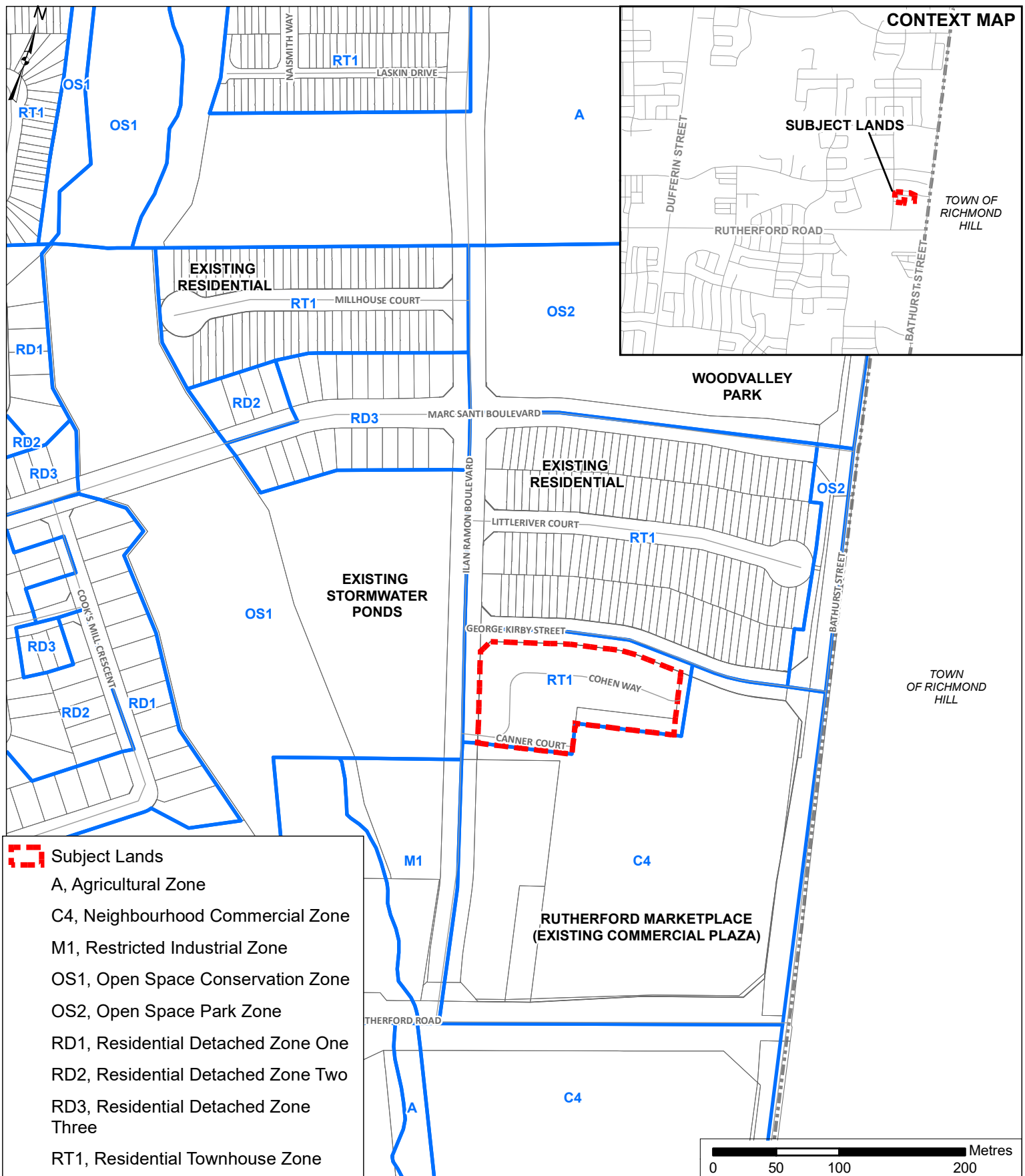
14. Prior to Final approval, the Owner shall satisfy the following conditions of Canada Post:

- a) The Owner and or Developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mail boxes and to indicate these locations on appropriate servicing plans;
- b) The Builder/Owner/Developer will confirm to Canada Post that the final secure permanent locations for the Community Mail boxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cables pedestals, flush to grade communication vaults, landscaping enhancement (tree planting) and bus pads;
- c) The Owner/Developer will install concrete pads to each of the Community Mail box locations as well as any required walkways across the boulevard and any required curb depression for wheelchair access as per Canada Post's concrete pad specification drawings;
- d) The Owner/Developer will agree to prepare and maintain an area of compact gravel to Canada Post's specification to serve as a temporary Community Mail box 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/Developer will communicate to Canada Post the exaction date for the first foundation (or first phase) as well as the expected date of first occupancy;
- f) The Owner/Developer of any condominium will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mail box location;
- g) Enhanced Community Mail box Sites with roof structures will require additional documentation as per Canada Post Policy;
- h) There will be no more than one mail delivery point to each unique address assigned by the Municipality; and
- i) Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

15. 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

16. The City (Vaughan Development Planning Department) shall advise in writing that Conditions 1 to 12 have been satisfied.
17. York Region shall advise in writing that Condition 13 has been satisfied.
18. Canada Post shall advise the Development Planning Department in writing that Condition 14 has been satisfied.
19. Bell Canada shall advise the Development Planning Department in writing that Condition 15 has been satisfied.



Location Map

LOCATION:
Part of Lot 16, Concession 2

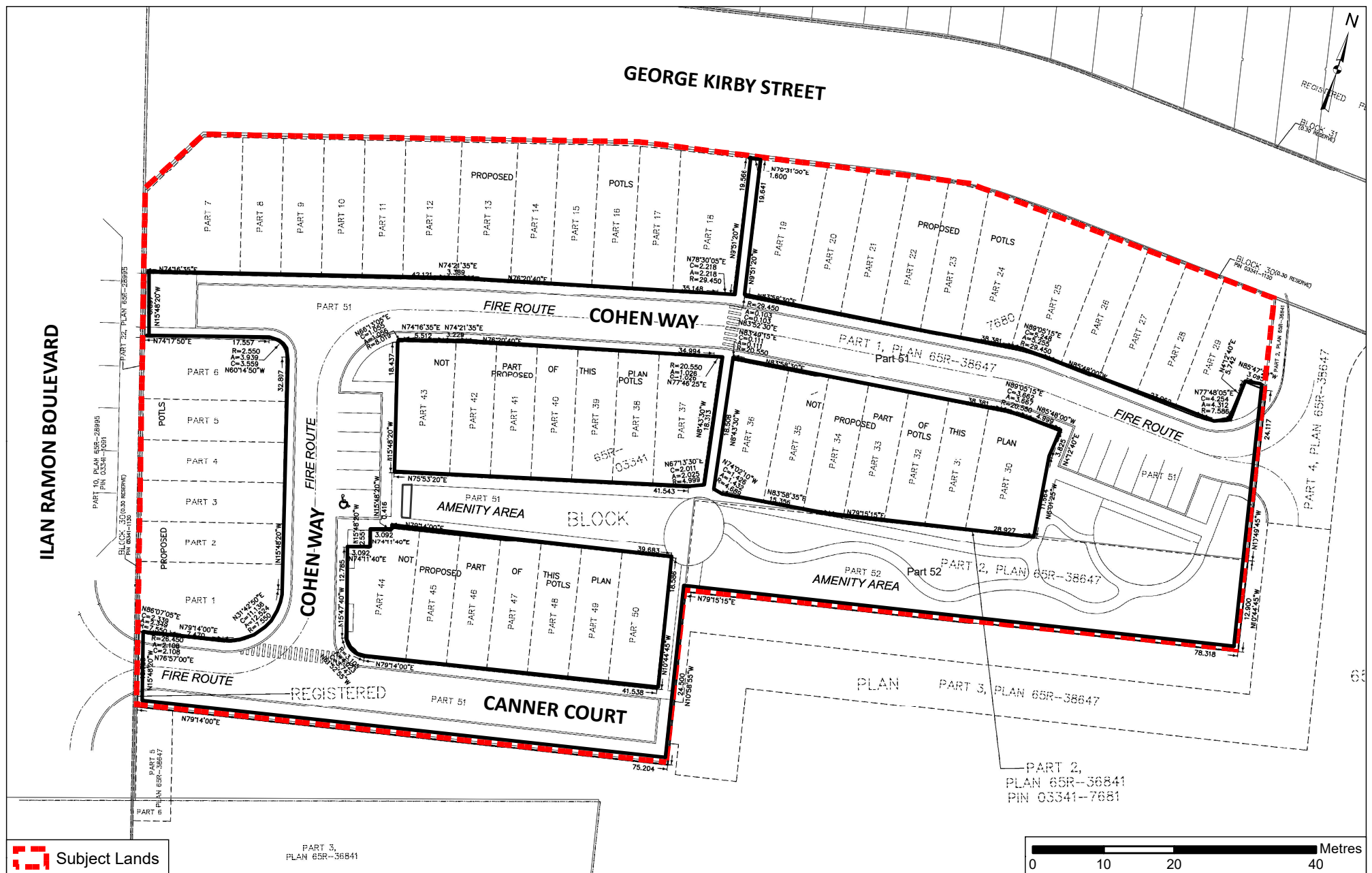
APPLICANT:
Firstgreen Corp.



Attachment

FILE:
19CDM-19V007
RELATED FILES:
DA.17.041 & Z.17.017
DATE:
December 3, 2019

2



Draft Plan of Condominium (Common Elements)

LOCATION:
Part of Lot 16, Concession 2

APPLICANT:
Firstgreen Corp.



Attachment

FILE:
19CDM-19V007
RELATED FILES:
DA.17.041 & Z.17.017
DATE:
December 3, 2019

3



Approved Site Plan (File DA.17.041)

LOCATION:
Part of Lot 16, Concession 2

APPLICANT:
Firstgreen Corp.



Attachment

FILE:
19CDM-19V007
RELATED FILES:
DA.17.041 & Z.17.017
DATE:
December 3, 2019

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