

Committee of the Whole (1) Report

DATE: Tuesday, September 15, 2020

WARD(S): 2

TITLE: 1051727 ONTARIO LIMITED

**DRAFT PLAN OF CONDOMINIUM (STANDARD) 19CDM-20V001
5279, 5289, 5299, 5309 HIGHWAY 7 AND 18, 26, 32, 48, 52 AND
56 COLES AVENUE
VICINITY OF HIGHWAY 7 AND KIPLING AVENUE**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-20V001 for the Subject Lands shown on Attachments 2 and 3. The Owner is proposing to create the condominium tenure for 169 stacked townhouse units, with one level of underground parking, currently in the final stages of construction on the Subject Lands, as shown on Attachments 4 to 9.

Report Highlights

- The Owner is proposing to create condominium tenure for 169 stacked townhouse units, currently in the final stages of construction
- The Draft Plan of Condominium (Standard) consists of the areas dedicated to the residential units, common landscaped and amenity areas, at grade visitor parking spaces, one level of underground parking and locker units
- The Draft Plan of Condominium conforms to Vaughan Official Plan 2010, complies with Zoning By-law 1-88 and is consistent with Council approved Site Development File DA.14.046

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V001 (1051727 Ontario Limited) as shown on Attachments 4 to 9, BE DRAFT APPROVED, subject to the Conditions of Draft Approval set out in Attachment 1.

Background

The Subject Lands (the 'Subject Lands') shown on Attachment 2 are municipally known as 5279, 5289, 5299 and 5309 Highway 7 and 18, 26, 32, 48, 52 and 56 Coles Avenue and are located on the south side of Highway 7, west of Kipling Avenue. The surrounding land uses are shown on Attachment 2.

History

The Owner submitted related Official Plan and Zoning By-law Amendment Files OP.12.003 and Z.12.008 to the City of Vaughan on March 2, 2012. Vaughan Council considered the applications at a Public Hearing held on September 4, 2012. The Owner appealed the Official Plan and Zoning By-law Amendment Applications to the then Ontario Municipal Board ('OMB'), now the Local Planning Appeal Tribunal ('LPAT'), citing the City of Vaughan failed to make a decision on the applications within the timeframes prescribed by the *Planning Act*.

The Owner, York Region, the City of Vaughan, and the West Woodbridge Homeowners Association Inc. ('WWHA') were the Parties represented at an OMB Hearing held in January 2014. The OMB on February 28, 2014 issued a Decision approving the site-specific Official Plan and Zoning By-law Amendment Applications. The OMB withheld its Order regarding the Zoning By-law Amendment for six months to enable the parties to finalize a site plan concept for the Subject Lands and to prepare a more fulsome and detailed site-specific Zoning By-law to implement the site plan.

The Owner submitted related Site Development File DA.14.046 in June of 2014 and appealed the Site Development Application to the OMB based on the timeframe for approval prescribed in the *Planning Act*. The OMB issued its Order for Official Plan Amendment and Zoning By-law Files OP.12.003 and Z.12.008 on February 28, 2014 and the related Site Development File on September 8, 2015. The site plan agreement related to Site Development File DA.14.046, was executed on September 8, 2017. The approvals facilitated the development of a maximum of 170 stacked townhouse units on the Subject Lands.

Previous Reports/Authority

The Committee of the Whole report for related Site Development File DA.14.046 can be found at the following link:

Analysis and Options

1051727 Ontario Limited (the 'Owner') has submitted Draft Plan of Condominium (Standard) File 19CDM-20V001 (the 'Application') to create the residential condominium tenure for 169 stacked townhouses (the 'Condominium Plan') in the final stages of construction on the Subject Lands, as shown on Attachments 4 to 9. The Draft Plan of Condominium (Standard) consists of the following:

- 169 residential units
- 179 resident parking spaces, 11 residential tandem parking spaces, 34 visitor parking spaces, 85 bicycle parking spaces and 111 residential lockers within one level of underground parking
- the common areas of the Condominium Plan (36 at grade bicycle parking spaces and 3 visitor parking spaces at grade, sidewalks, drive aisles, landscaped/amenity areas)

The Draft Plan of Condominium is Consistent with and Conforms to Provincial, Region of York and City Official Plan Policies

The Provincial Policy Statement, 2020 ('PPS') and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the 'Growth Plan') provide policy direction for land use planning and development for lands in Ontario. The Subject Lands are within the "Urban Area" with frontage on a "Regional Corridor" (Highway 7) as identified by the York Region Official Plan 2010 ('YROP') and are designated "Low-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010').

The stacked townhouse built form of the Condominium Plan provides additional housing options for the area. The development is also considered an example of transit-supportive density as the Subject Lands have frontage on Highway 7 and access to public infrastructure such as the York Region Transit ('YRT') with connections to higher order transit. The Condominium Plan is permitted by the YROP, VOP 2010 and complies with Zoning by-law 1-88. Therefore, the Condominium Plan is consistent with and conforms to Provincial, Regional and Official Plan policies.

The Draft Plan of Condominium would create the condominium tenure of an approved development, conforms to Vaughan Official Plan 2010 and complies with Zoning By-law 1-88

The Subject Lands are designated "Low-Rise Mixed Use" in VOP 2010, Volume 2, Section 12.10 – Kipling Avenue and Highway 7, subject to a maximum building height of

4-storeys and a maximum Floor Space Index ('FSI') of 1.82 times the area of the lot. The "Low-Rise Mixed Use" designation permits the stacked townhouse dwellings having an FSI of 1.7, therefore the Condominium Plan conforms to VOP 2010.

The Subject Lands are zoned "RM2 Multiple Residential Zone" subject to site-specific Exception 9(1441) in Zoning By-law 1-88 and permits the Condominium Plan, as shown on Attachments 4 to 9. The Committee of Adjustment on July 9, 2020 approved Minor Variance Application File A040/20 to recognize the as-built conditions for an interior side yard setback of 0.77 m from Block D whereas 0.9 m is required and a rear yard setback from Block E (to Coles Avenue) of 2.88 m whereas 3.0 m is required. The Decision of the Committee of Adjustment was final and binding on July 29, 2020. The Condominium Plan is permitted on the Subject Lands and complies with the requirements of Zoning By-law 1-88, as amended.

The Draft Plan of Condominium is Consistent with Council approved Site Development File DA.14.046, as amended

The Draft Plan of Condominium Application is consistent with the approved site plan as shown Attachment 3; however, during the review of the Application, discrepancies between the as-built conditions and the approved drawings for Site Development File DA.14.046 were identified, including:

- the zoning deficiencies as previously identified
- a reduction in units from 170 to 169 units
- a reduction in parking spaces from 229 to 227
- a reduction in Gross Floor Area ('GFA') from 16,212 m² to 16,108 m²
- a reduction in FSI from 1.71 to 1.70
- façade building elevations changes including materials used
- relocation of elevator and entrance doors
- relocation of the central mailbox
- an increased driveway widening at Coles Avenue from 6.5 m to 7.4 m
- pavement treatments next to the visitor parking spaces at Coles Avenue
- relocation of fencing along Highway 7 frontage

The proposed modifications to the site plan are minor in nature and have no effect on the proposed tenure for the Subject Lands. The Owner submitted Minor Variance Application A040/20 to recognize as-built conditions and to reflect the reduced building setbacks, as well as Site Development File DA.20.021 to amend the plans approved through Site Development File, DA.14.046. The Development Planning Department must approve the minor site plan amendment, prior to the execution of the Condominium Agreement. A condition to this effect is included in Attachment 1.

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. A condition to this effect is included in Attachment 1.

Special Conditions from the Site Plan Agreement are to be included in the Condominium Agreement

The Site Plan Agreement includes conditions to be incorporated into the Condominium Agreement, Condominium Declaration and Purchases of Sale and or Lease related to warning clauses advising purchasers and/or tenants providing information in relation to waste collection, development easements and potential site plan revisions on the Subject Lands, should the lands to the west, municipally known as 5317 Highway 7, develop. Conditions to this effect are included in Attachment 1.

The Development Engineering Department has no objection to the Draft Plan of Condominium, subject to their condition of Draft Approval

The Development Engineering Department has no objection to the Application, subject to the Owner providing documentation to the Development Engineering Department prior to the release of the condominium plans for registration, to confirm the specific conditions of the Site Plan Agreement have been satisfied. A condition to this effect is included in Attachment 1.

The Vaughan Financial Planning and Development Finance Department has no objection to the Draft Plan of Condominium, subject to their condition of Draft Approval

The Vaughan Financial Planning and Development Finance Department has no objection to the Application. The Owner must pay all outstanding taxes, development charges and levies, as may be required. A condition to this effect is included in Attachment 1.

The Environmental Services Department, Solid Waste Management Division has no objection to the Draft Plan of Condominium, subject to their condition of Draft Approval

The Condominium Plan includes a two stream side-opening waste and recycling disposal system in accordance with the approved site plan. The Site Plan Agreement includes warning clauses for leasers and/or purchasers to indicate that waste collection and recycling is to be privately administered by the Condominium Corporation. However, since the registration of the Site Plan Agreement, improvements to the City’s waste management collection policies may allow the development to be eligible for municipal pick-up, subject to the review of an application by the Environmental Services

Department. 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. A condition to this effect has been included in Attachment 1.

Snow removal and clearing will be privately administered and the responsibility of the condominium corporation. A condition to this effect is included in Attachment 1.

Other Departments of the City of Vaughan have no objection to the Draft Plan of Condominium

The Building Standards, Parks Development, Office of Infrastructure and Development - Real Estate Services and By-law & Compliance, Licensing & Permit Services Departments of the City of Vaughan were circulated the Application and provided no comments or objection.

Canada Post has no objection to the Draft Plan of Condominium, subject to their Conditions of Approval

The Owner is required to provide a community mailbox and satisfy all requirements of Canada Post. Conditions to this effect are included in Attachment 1.

All utility providers have no objection to the Draft Plan of Condominium, subject to their Condition of Approval

Bell Canada, Rogers Communications, Alectra Utilities, and Enbridge Gas have no objections 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 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 approval of this Application, subject to the conditions outlined in Attachment 1.

Conclusion

Draft Plan of Condominium (Standard) File 19CDM-20V001 would create the tenure for 169 stacked townhouse units that are in the final phases of construction. The Condominium Plan is consistent with and conforms to Provincial policies, conforms to

York Region and City of Vaughan Official Plan policies, complies with Zoning By-law 1-88 and is consistent with Site Development File DA.14.046, as amended. Accordingly, the Development Planning Department can support the approval of the Application, subject to the Conditions of Draft Approval as identified in Attachment 1.

For more information, please contact: Rebecca Roach, Planner at extension 8626.

Attachments

1. Conditions of Draft Approval
2. Context and Location Map
3. Approved Site Plan (File DA.14.046)
4. Draft Plan of Condominium (Standard) Level 1
5. Draft Plan of Condominium (Standard) Level 2
6. Draft Plan of Condominium (Standard) Level 3
7. Draft Plan of Condominium (Standard) Level 4
8. Draft Plan of Condominium (Standard) Level 5 (Roof Terrace)
9. Draft Plan of Condominium - Underground Parking Level A

Prepared by

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