

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 17, 2021**

Item 8, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 17, 2021.

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**8. VMC RESIDENCES INC. ON BEHALF OF VMC RESIDENCES LIMITED  
PARTNERSHIP DRAFT PLAN OF CONDOMINIUM FILE 19CDM-20V009 5  
BUTTERMILL AVENUE VICINITY OF BUTTERMILL ROAD AND  
PORTAGE PARKWAY**

**The Committee of the Whole recommends approval of the  
recommendation contained in the following report of the City Manager  
dated February 9, 2021:**

**Recommendations**

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V009 BE APPROVED, subject to conditions, to create the condominium tenure for the development that is consistent with the approved Site Development Files DA.17.014 and DA.20.057, subject to Conditions of Draft Approval in Attachment 1; and
2. THAT prior to Final Approval of the Draft Plan of Condominium (Standard) File 19CDM-20V009, the Owner shall successfully obtain the following:
  - a. Site Development Application File DA.20.057 be approved by the VMC Program and the amending Site Plan Agreement must be registered on-title.

## Committee of the Whole (2) Report

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**DATE:** Tuesday, February 9, 2021

**WARD:** 4

**TITLE: VMC RESIDENCES INC. ON BEHALF OF VMC RESIDENCES  
LIMITED PARTNERSHIP  
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-20V009  
5 BUTTERMILL AVENUE  
VICINITY OF BUTTERMILL ROAD AND PORTAGE PARKWAY**

**FROM:**

Jim Harnum, City Manager

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Standard) File 19CDM-20V009 to create condominium tenure for the at-grade townhouse units that were approved as part of the ultimate site plan for the Transit City Towers 1 and 2 (Site Development File DA.17.014) in the Vaughan Metropolitan Centre (VMC), as shown on Attachment 3. While eleven (11) townhouse units were initially approved by Vaughan Council on June 23, 2017, the City recently approved Site Development File DA.20.057 (a Minor Amendment to the existing site plan approval) to convert the 11 townhouse units into 22 stacked townhouse units, maintaining at-grade access to the units and conforming to the approved building envelope and elevations.

**Report Highlights**

- This report recommends approval of Draft Plan of Condominium (Standard) File 19CDM-20V009, subject to conditions, to create the condominium tenure for the development that is consistent with the approved Site Development Files DA.17.014 and DA.20.057, subject to the Conditions of Draft Approval in Attachment 1.

## **Recommendations**

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V009 BE APPROVED, subject to conditions, to create the condominium tenure for the development that is consistent with the approved Site Development Files DA.17.014 and DA.20.057, subject to Conditions of Draft Approval in Attachment 1; and
2. THAT prior to Final Approval of the Draft Plan of Condominium (Standard) File 19CDM-20V009, the Owner shall successfully obtain the following:
  - a. Site Development Application File DA.20.057 be approved by the VMC Program and the amending Site Plan Agreement must be registered on-title.

## **Background**

The Subject Lands are located on the south side of Portage Parkway, east of the future Buttermill Avenue and north of the VMC Centre of Community, and municipally known as 898 Portage Parkway and 5 Buttermill Avenue (the 'Subject Lands'), with the surrounding land uses shown on Attachment 2.

## **Previous Reports/Authority**

[Item 38, Report No. 26, of the Committee of the Whole, adopted without amendment by Council of the City of Vaughan on June 27, 2017](#)

## **Analysis and Options**

The Owner has submitted a Draft Plan of Condominium File 19CDM-20V009 (the 'Application') to create the condominium tenure, as shown on Attachments 2 to 5, for townhouse units which were approved by Vaughan Council on June 27, 2017 as part of the Transit City Towers 1 and 2 development (Site Development File DA.17.014), which is currently under construction and which were amended by DA.20.057. The Application consists of the following:

- 22 stacked townhouse units within a 4-storey envelope (11 one-bedroom units, and 11, three-bedroom units) accessed at-grade
- Residential Gross Floor Area ('GFA') of 2,588 m<sup>2</sup>
- Site Area of 1,056.9 m<sup>2</sup>
- Total GFA (all uses inclusive of Transit City 1 and 2 towers) of 92,675 m<sup>2</sup>

It should be noted that all site statistics apart from the increased number of townhouse units, are consistent with the previous Council approval (DA.17.014).

The Application is consistent with the approved ultimate site plan, as shown on Attachment 3, which includes the revised proposal for 22 stacked townhouse units and the ultimate urban streetscape conditions to be implemented upon construction of the Buttermill Avenue to Portage Parkway. A demolition permit has been received by the City to remove portions of the existing Walmart store to enable construction of Buttermill Avenue and the townhouse units.

The proposed 11 one-bedroom units have direct access to the street facing Buttermill Avenue and are located on the ground floor (shown on Attachment 4). The other proposed 11 units occupy Levels 2 to 4 and have two points of access; one at-grade facing Buttermill Avenue, and the other on the 4<sup>th</sup> floor to a shared common corridor which provides direct access into the above-grade parking structure (shown on Attachment 5). These larger dwellings consist of three-bedroom units with a private roof top amenity area. All 22 townhouse units will be managed by a single condominium corporation. The proposal will permit standard condominium tenure for each unit and will have shared access to and from the same facilities as offered by the Transit City Towers 1 and 2 buildings (i.e. access to common amenity, lobby, visitor, parking, bicycle parking areas etc.). The Development will have public access to the enhanced pedestrian connection provided via the Transit City Towers 1 and 2 development, which will continue to be owned, and maintained by the Owner. A condition to this effect is included in Attachment 1.

***The Application is consistent and conforms to Provincial, Region of York policies and conforms to VOP 2010 and the VMC Secondary Plan***

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 an "Urban Growth Centre" and "Major Transit Station Area" as identified by the Growth Plan and designated as "Urban Area" and located within a "Regional Centre" by the York Region Official Plan ('YROP').

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", which permits a maximum building height of 25-storeys and a maximum density of 4.5 times the area of the lot (Floor Space Index – 'FSI'). The development is permitted a density of 8.64 FSI with two 55-storey apartments buildings, integrated with the 4-storey townhouse units facing Buttermill Avenue, resulting from the provisions of Policy 8.1.24, respecting the transfer of unused building height and/or density, in the VMC Secondary Plan.

The proposed stacked townhouses provide additional unit typologies contributing to the overall housing-mix and options for the area. The Development is transit-supportive as the Subject Lands are located within an MTSA and is located within proximity to the SmartVMC Bus Terminal, VMC Subway Station, and the VivaNext Bus Rapid Transit along Highway 7 (the 'higher order transit'). The Application is permitted by the YROP, VOP 2010, VMC Secondary Plan and compiles with Zoning By-law 1-88. The Condominium Plan implements the tenure for development that is consistent with and conforms to Provincial, York Region Official Plan and City Official Plan Policies.

***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 by Zoning By-law 1-88, subject to site-specific Exception 9(1445). The original site plan was approved in 2017 with an enhanced pedestrian connection along the eastern property line that is subject to a public access arrangement. The latest approved Site Plan (File DA.20.057) maintains the same enhanced pedestrian connection in its ultimate condition. The development is permitted and complies with all the 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 service 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 approved Site Development Application Files DA.17.014 and DA.20.057, being satisfied. Alectra Utilities, Enbridge Gas, Bell Canada, and Rogers have no objection to the Application. The Owner is required to confirm 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 Application, subject to their Conditions of Draft Approval identified in Attachment 1.

## **Conclusion**

Draft Plan of Condominium (Standard) File 19CDM-20V009 conforms to the VMCSPP, complies with Zoning By-law 1-88, and is consistent with the approved ultimate site plan, as approved by File DA.17.014 and as recently approved by DA.20.057. Accordingly, the Planning and Growth Management Portfolio, VMC Program recommends approval of the Application, subject to 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. Context and Location Map.
3. Approved Ultimate Site Plan.
4. Proposed Draft Plan of Condominium.
5. Proposed Draft Plan of Condominium (Levels 2, 3, and 4).

## **Prepared by**

Natalie Wong, Senior Planner VMC, extension 8866  
Amy Roots, Senior Manager VMC, extension 8035  
Christina Bruce, Director VMC Program, extension 8231

## **Approved by**



Mauro Peverini, Acting Chief Planning  
Official

## **Reviewed by**



Jim Harnum, City Manager

**ATTACHMENT NO. 1**

**CONDITIONS OF DRAFT APPROVAL**

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-20V009 (“THE  
PLAN”)  
VMC RESIDENCES GP INC. AS A GENERAL PARTNER AND ON BEHALF OF VMC  
RESIDENCES LIMITED PARTNERSHIP (“THE OWNER”)  
5 BUTTERMILL AVENUE  
PART OF BLOCKS 80, 81, AND 82, 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-20V009, 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. 17-22-605-00(DP) dated September 21, 2020.
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.17.014 and DA.20.057.
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;
  - c) The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post;
  - d) Upon a successfully completed application, a site inspection, and the execution and registration of an agreement with the Vaughan Environmental Services Department, Solid Waste Management Division as determined by the City, the Condominium Corporation will be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by Vaughan or choose not to enter into an agreement

with Vaughan for municipal collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

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. 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 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.”

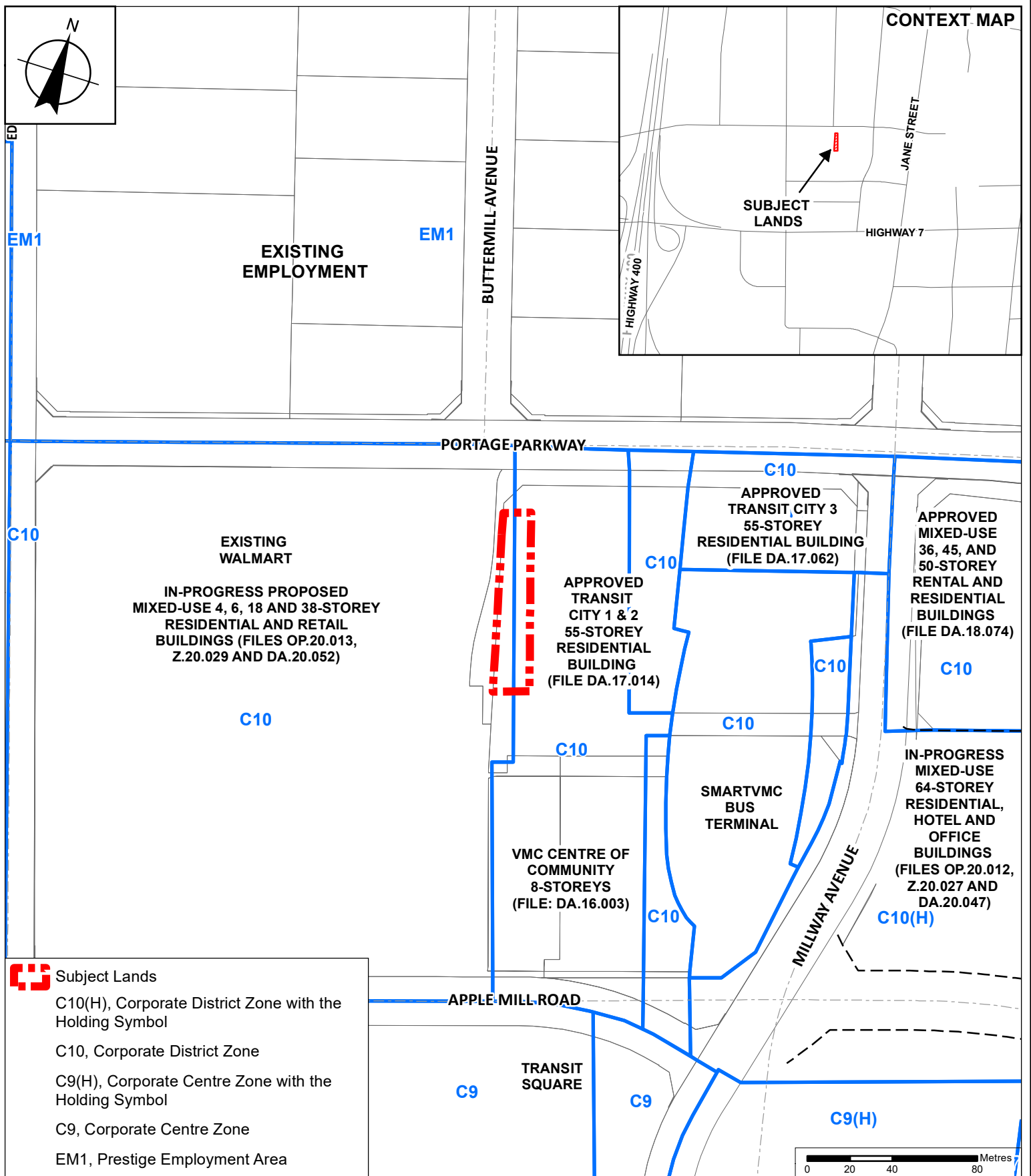
Bell Canada Conditions:

10. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
11. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Canada Post Conditions:

12. Prior to final approval, the Owner shall satisfy the following conditions of Canada Post:
  - a. The Owner/Developer 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 Builder/Owner/Developer 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/Developer 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/Developer 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/Developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy;

13. The City of Vaughan Planning and Growth Management Portfolio, VMC Program shall advise that Conditions 1 to 8 have been satisfied.
14. York Region Community Planning and Development Services shall advise that Condition 9 has been satisfied.
15. Bell Canada shall advise the Vaughan Planning and Growth Management Portfolio, VMC Program that Conditions 10 and 11 have been satisfied.
16. Canada Post shall advise the Vaughan Planning and Growth Management Portfolio, VMC Program, that Condition 12 has been satisfied.



## Context and Location Map

**LOCATION:** Part of Lots 6 and 7, Concession 5;  
5 Buttermill Avenue

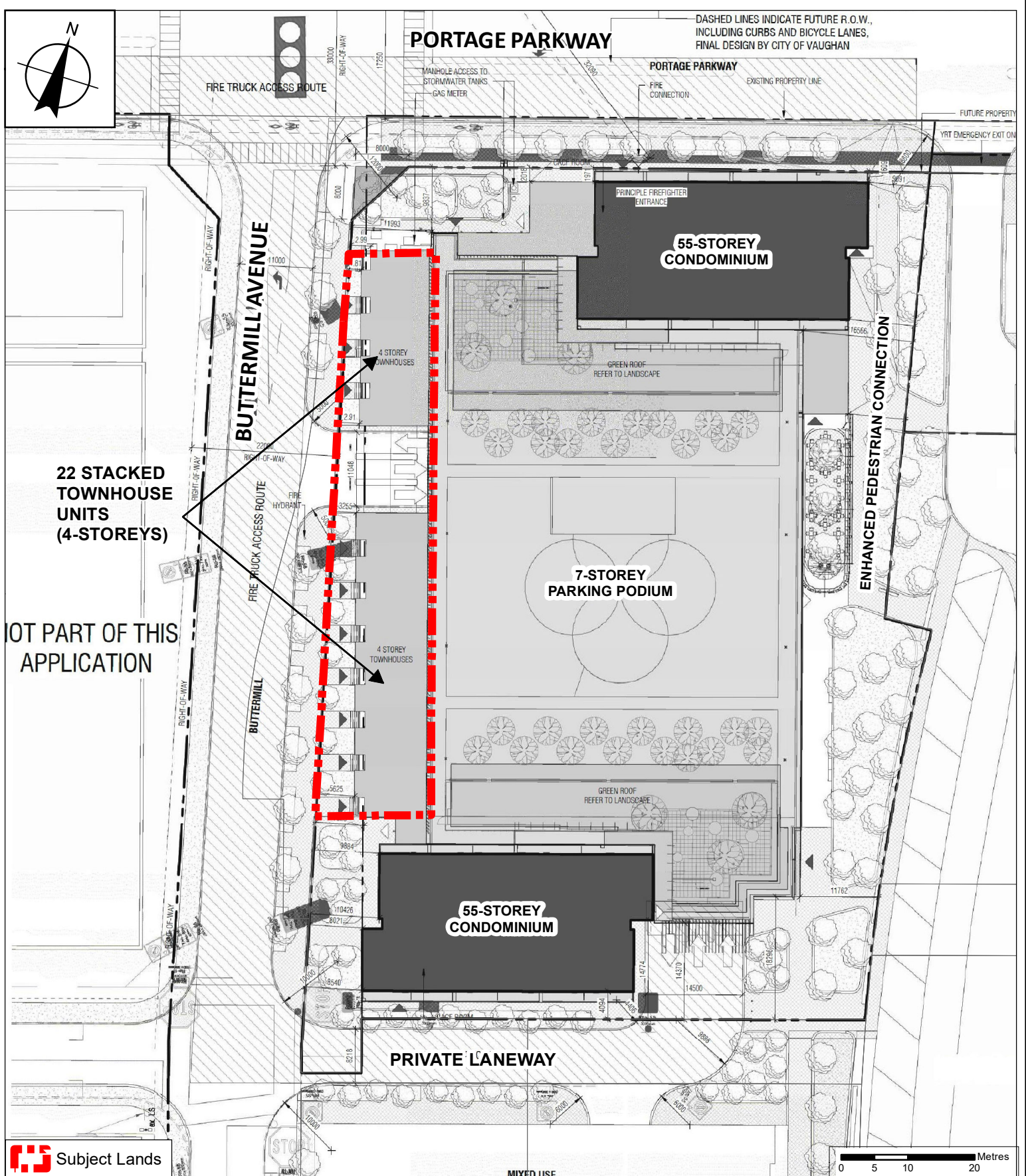
**APPLICANT:** VMC Residences GP Inc.  
as a General Partner and on behalf of  
VMC Residences Limited Partnership



## Attachment

**FILE:** 19CDM-20V009  
**RELATED FILES:**  
DA.17.014 and DA.20.057  
**DATE:** February 9, 2021

**2**



**Subject Lands**

## Approved Ultimate Site Plan

**LOCATION:** Part of Lots 6 and 7, Concession 5;  
5 Buttermill Avenue

**APPLICANT:** VMC Residences GP Inc.  
as a General Partner and on behalf of  
VMC Residences Limited Partnership

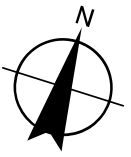


## Attachment

**FILE:** 19CDM-20V009  
**RELATED FILES:**  
DA.17.014 and DA.20.057  
**DATE:** February 9, 2021

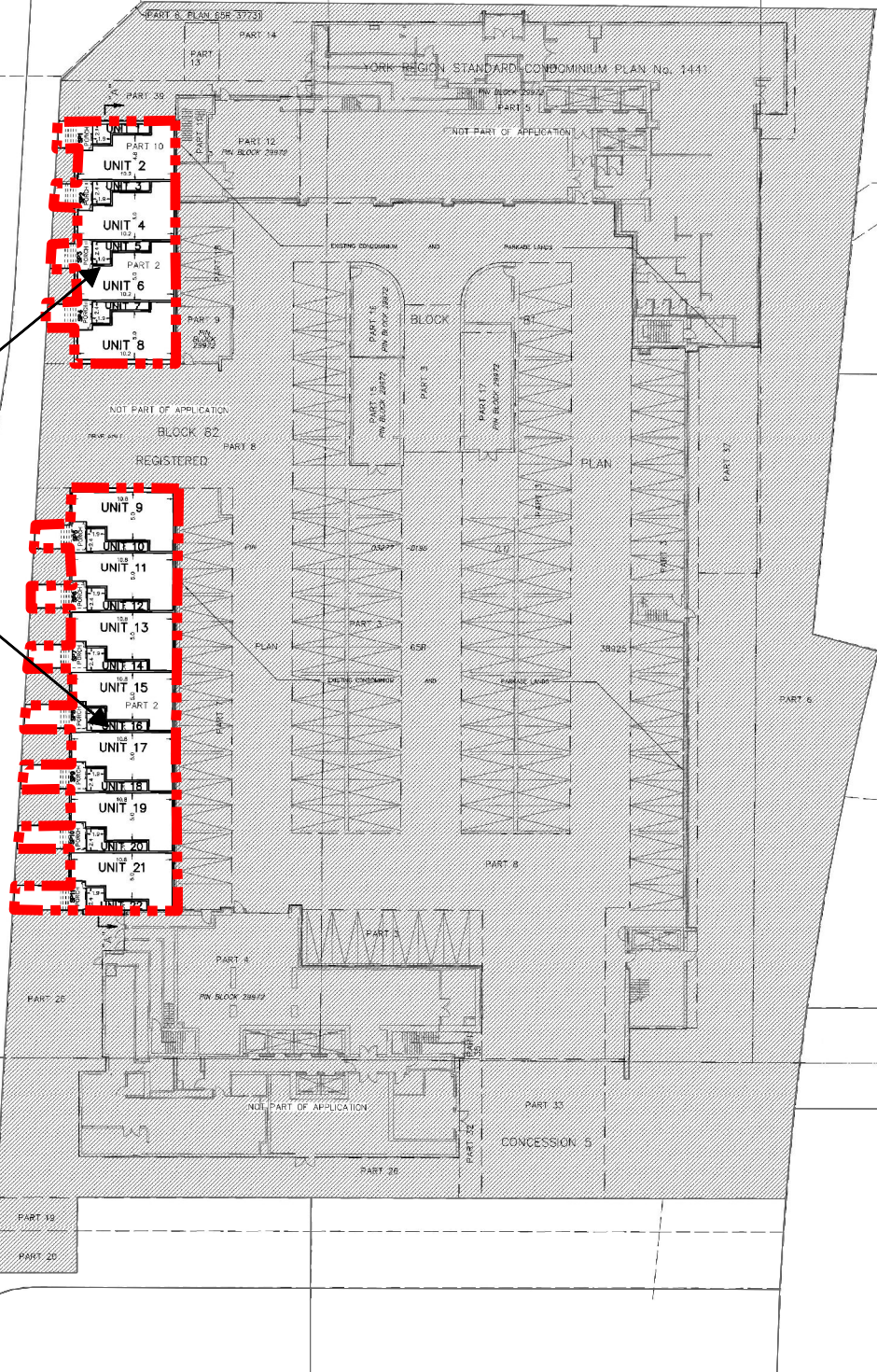
**3**





## PORTAGE PARKWAY

22 STACKED  
TOWNHOUSE  
UNITS



 Subject Lands

0 5 10 20 Metres

## Proposed Draft Plan of Condominium

**LOCATION:** Part of Lots 6 and 7, Concession 5;  
5 Buttermilk Avenue

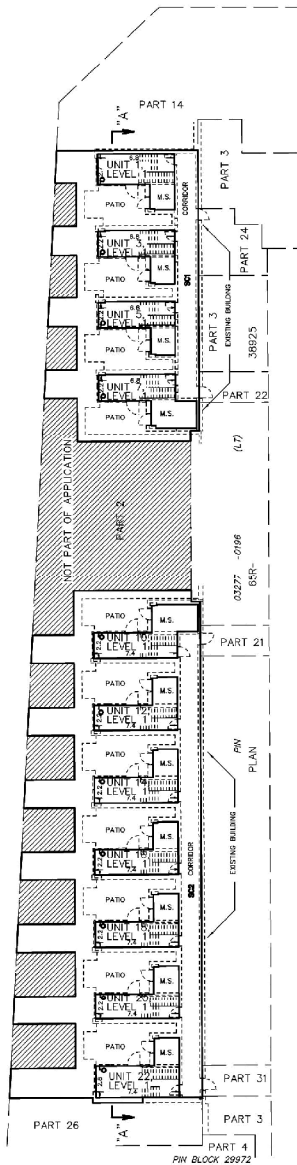
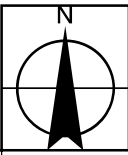
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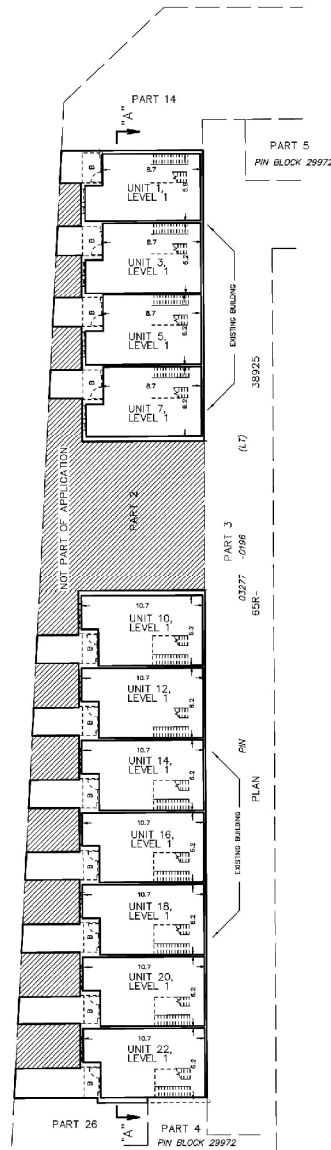
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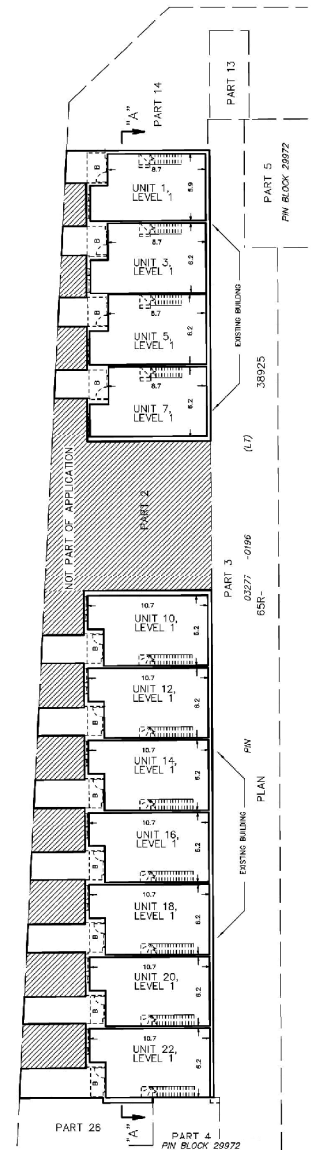
# 4



**RESIDENTIAL UNITS 1, 3,  
5, 7, 10, 12, 14, 16, 18, 20 AND  
22 ON LEVEL 1 (4TH FLOOR)**



**RESIDENTIAL UNITS 1, 3,  
5, 7, 10, 12, 14, 16, 18, 20 AND  
22 ON LEVEL 1 (3RD FLOOR)**



**RESIDENTIAL UNITS 1, 3,  
5, 7, 10, 12, 14, 16, 18, 20 AND  
22 ON LEVEL 1 (2ND FLOOR)**

0 5 10 20 Metres

## Proposed Draft Plan of Condominium (Levels 2, 3 and 4)

**LOCATION:** Part of Lots 6 and 7, Concession 5;  
5 Buttermilk Avenue

**APPLICANT:** VMC Residences GP Inc.  
as a General Partner and on behalf of  
VMC Residences Limited Partnership



**FILE:** 19CDM-20V009  
**RELATED FILES:**  
DA.17.014 and DA.20.057  
**DATE:** February 9, 2021

**5**