

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 15, 2020

Item 2, Report No. 57, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 15, 2020.

2. HATPIN DEVELOPMENTS INC. DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-20V004 10242 TO 10294 KEELE STREET, 2 TO 18 MCNAUGHTON ROAD AND 2 TO 78 SEACOASTS CIRCLE VICINITY OF KEELE STREET AND MCNAUGHTON ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Infrastructure Development, dated December 1, 2020:

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V004 (Hatpin Developments Inc.) BE DRAFT APPROVED, as shown on Attachment 4, subject to the Conditions of Draft Approval set out in Attachment 1.

Committee of the Whole (1) Report

DATE: Tuesday, December 01, 2020

WARD(S): 1

**TITLE: HATPIN DEVELOPMENTS INC. DRAFT PLAN OF
CONDOMINIUM (STANDARD) FILE 19CDM-20V004 10242 TO
10294 KEELE STREET, 2 TO 18 MCNAUGHTON ROAD AND 2
TO 78 SEACOASTS CIRCLE VICINITY OF KEELE STREET
AND MCNAUGHTON ROAD**

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-20V004 for the subject lands shown on Attachments 2 and 3. The Owner is proposing to create the condominium tenure for 51, 3-storey townhouse dwellings, currently under construction, as shown on Attachment 4.

Report Highlights

- The Owner is proposing to create the condominium tenure for 51, 3-storey townhouse units, currently under construction
- The Draft Plan of Condominium (Standard) consists of the areas dedicated to the residential units, amenity area, communal mailboxes, private road, visitor parking, landscaping and urban square including a commemoration plaque
- The Draft Plan of Condominium conforms to Vaughan Official Plan 2010, complies with Zoning By-law 1-88 and is consistent with the Council endorsed and Local Planning Appeal Tribunal approved Site Development File DA.18.002

Recommendations

1. THAT Draft Plan of Condominium (Standard) File 19CDM-20V004 (Hatpin Developments Inc.) BE DRAFT APPROVED, as shown on Attachment 4, 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 10242, 10246, 10250, 10254, 10258, 10262, 10266, 10270, 10274, 10278, 10282, 10286, 10290, 10294 Keele Street, 2, 6, 10, 14 18 McNaughton Road and 2, 6, 10, 14, 18, 22, 26, 27, 30, 31, 34, 35, 38, 39, 42, 43, 46, 47, 50, 51, 54, 55, 58, 59, 62, 63, 66, 67, 70, 71, 74 and 78 Seacoasts Circle. The surrounding land uses are shown on Attachment 2.

History

The Owner submitted related Zoning By-law Amendment File Z.16.044 to the City of Vaughan on October 20, 2016 and Site Development File DA.18.002 on January 29, 2018. Vaughan Council considered File Z.16.044 at a Public Hearing held on March 7, 2017. The Owner on December 12, 2017, appealed Zoning By-law Amendment File Z.16.044 and on April 13, 2018 appealed Site Development File DA.18.002 to the Local Planning Appeal Tribunal (‘LPAT’) pursuant to Sections 34(11) and 41(12) of the *Planning Act*, citing Council’s failure to make a decision on the Applications within prescribed timelines under the *Planning Act*.

The first Pre-hearing Conference (‘PHC’) of the Tribunal respecting the appeals occurred on August 22, 2018. On consent, the Zoning By-law Amendment appeal (PL171487) and the Site Development appeal (PL180250) were consolidated. Party status was also granted on consent to CRH Canada Group Inc. (‘CRH’). Counsel for the Owner requested the Tribunal set a second PHC for the fall of 2018. In the interim, the Owner was directed to work with the parties to address outstanding issues including noise and air quality matters. The second PHC occurred on October 10, 2018. The LPAT issued an Order on November 13, 2018, scheduling a five-day hearing to commence on August 19, 2019.

The Development Planning Department sought direction from Vaughan Council to attend the LPAT proceedings in support of the Recommendations contained in March 5, 2019 Committee of the Whole report. Vaughan Council on March 19, 2019 endorsed the recommendations.

A one-day hearing was held on August 19, 2019 between the Owner and the City of Vaughan; CRH did not appear. An oral decision was rendered, and the appeals were

allowed in part and the amendments to Zoning By-law 1-88 and the associated site plan were approved in principle. The final order was withheld pending confirmation from the Owner and the City of the final form of the Zoning By-law Amendment and the conditions of the Site Plan Agreement. On September 30, 2019, the oral decision and interim order were issued by the Tribunal. The site plan agreement was executed on October 22, 2019 and the Zoning By-law Amendment delegation order was issued on October 24, 2019 and a City of Vaughan Zoning By-law Amendment number was issued by Vaughan Council on November 19, 2019. The approvals facilitated the development of 51, 3-storey townhouse units on the Subject Lands.

Previous Reports/Authority

The Committee of the Whole report for related Site Development File DA.18.002 can be found at the following link:

[March 5, 2019 Committee of the Whole Report for Site Development File DA.18.002](#)

The Oral Decisions and interim order of the Local Planning Appeals Tribunal can be found at the following link:

[September 30, 2019 LPAT E-decision for PL171487](#)

Analysis and Options

Hatpin Developments Inc. (the 'Owner') has submitted Draft Plan of Condominium (Standard) File 19CDM-20V004 (the 'Application') to create the residential condominium tenure for 51, 3-storey townhouses (the 'Condominium Plan') in the final stages of construction on the Subject lands, as shown on Attachment 4. The Condominium Plan consists of the following:

- 51 residential units
- two parking spaces are provided for each dwelling unit. Units 1 to 26 and Units 47 to 51 accommodate the parking spaces in a double car garage with no driveway and Units 27 to 46 include one space in a garage and one space on the driveway of each lot for exclusive use of the Owner. The Subject Lands contain a total of 13 visitor parking spaces (Attachment 4)
- the common areas of the Condominium Plan (amenity area, communal mailboxes, private road, visitor parking, emergency entrance, landscaping and urban square including a commemoration plaque)

The Condominium Plan is Consistent and Conforms to Provincial, Region of York and City Official Plan Policies and complies with Zoning By-law 1-88, as amended

The Provincial Policy Statement, 2020 ('PPS') and A Place to Grow: Growth Plan for the

Greater Golden Horseshoe, 2019 (the 'Growth Plan'), as amended, provide policy direction for land use planning and development for lands in Ontario. In addition, the *Ontario Heritage Act* enables municipalities to preserve and protect the cultural heritage properties of Ontario. The Subject Lands are within the "Urban Area" with frontage on a Regional Road (Keele Street) as identified by the York Region Official Plan 2010 ('YROP') and are designated "Low-Rise Mixed-Use" and located within the Maple Heritage Conservation District Plan ('MHCDP') by Vaughan Official Plan 2010 ('VOP 2010').

The "Low-Rise Mixed-Use" designation permits townhouse dwelling units having a maximum building height of 3-storeys and a maximum density (Floor Space Index – 'FSI') of 1.25 times the area of the lot. Limited intensification may be permitted in Community Areas in accordance with the land use designations on Schedule 13 (Policy 2.2.3.3). The proposal has an FSI of 0.73 and a maximum building height of 3-storeys. The built form and architectural style were designed in accordance with the MHCDP. The proposed townhouse units provide additional housing options, utilizes a compact built form, is transit supportive and provides an urban interface and pedestrian connectivity onto Keele Street.

The Subject Lands are zoned "RM2 Multiple Residential Zone" subject to site-specific Exception 9(1486) in Zoning By-law 1-88 and permits the Condominium Plan, as shown on Attachment 4. The Condominium Plan would create the condominium tenure for a development permitted by the YROP, VOP 2010 and complies with Zoning By-law 1-88, as amended.

The Condominium Plan is consistent with Council approved Site Development File DA.18.002

The condominium plan is consistent with the site plan approved by Vaughan Council shown on Attachment 3. 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 for this development 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 of road and industrial noise, odour and other nuisance effects from industrial users across the

street, lighting and noise from the abutting park, residential unit noise control features and unit-specific sump pumps. Conditions to this effect are included in Attachment 1.

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

The Development Engineering Department has no objection to the Condominium Plan, subject to the Owner providing documentation to the Development Engineering Department prior to the release of the condominium plan 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 Environmental Services Department has no objection to the Condominium Plan. The garbage/recycling collection may be eligible for municipal waste collection services and snow removal will be privately administered

The Environmental Services Department, Solid Waste Management Division advise the future Condominium Corporation may be eligible for municipal waste collection services upon a successfully completed application, however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect is 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.

The Financial Planning and Development Finance Department have no objection to the Condominium Plan, 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.

Other City Departments have no objections to the Condominium Plan

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 Condominium Plan, 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 utilities have no objection to the Condominium Plan, subject to their Condition of Draft Approval

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

Conclusion

Draft Plan of Condominium (Standard) File 19CDM-20V004 would create the condominium tenure for 51, three-storey townhouse units. The Condominium Plan would implement a Council approved development (Site Development File DA.18.002) that is consistent with and conforms to Provincial policies, conforms to York Region and City of Vaughan Official Plan policies, the Maple Heritage Conservation District guidelines, and complies with Zoning By-law 1-88. 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: Margaret Holyday, Senior Planner, Development Planning Department, ext. 8216

Attachments

1. Conditions of Draft Approval
2. Context and Location Map
3. Approved Site Plan (File DA.18.002)
4. Draft Plan of Condominium (Standard)

Prepared by

Margaret Holyday, Senior Planner, ext. 8216

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

Approved by

A handwritten signature in black ink, appearing to read 'Nick Spensieri', with a long horizontal line extending to the right.

Nick Spensieri, Deputy City
Manager
Infrastructure Development

Reviewed by

A handwritten signature in black ink, appearing to read 'Jim Harnum', with a long horizontal line extending to the right.

Jim Harnum, City Manager

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (STANDARD)
FILE 19CDM-20V004 ('PLAN')
HATPIN DEVELOPMENTS INC. ('OWNER')
PART OF BLOCK 724, REGISTERED PLAN 65M-2086
PART OF EAST HALF OF LOT 22 AND PART OF LOT 23, CONCESSION 4
CITY OF VAUGHAN ('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-20V004, ARE AS FOLLOWS:

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium (Standard), prepared by Holding Jones Vanderveen Inc., Job No. 16-2455-DRAFT PLAN, dated June 18, 2019.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a preregistered Plan of Condominium to the satisfaction of the Development Planning Department.
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.
4. Prior to the registration of the Draft Plan of Condominium, the Owner shall provide documentation to demonstrate how Site Plan Agreement (Site Development File DA.18.002) Condition No. 19 related to warning clauses, has been included to the satisfaction of the Development Engineering Department.
5. 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. 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 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; and

- c. snow removal and clearing shall be the responsibility of the Condominium Corporation.
6. The Condominium Agreement, Condominium Declaration and all Agreement of Purchase and Sale and/or Lease shall include the following as identified by the Site Plan Agreement for Site Development File DA.18.002:
- a. Warning Clauses:
 - i. “Purchasers and/or tenants are advised that there may be occasional odours at the Development, or visible fugitive dusts in the vicinity of the industrial facilities located on the east side of Keele Street, in accordance with Guideline D-6, Compatibility Between Industrial Facilities, due to the proximity of these industrial facilities, and recognizing that there is always a potential for occasional odour or other nuisance effects at the development.”
 - ii. “Purchasers and/or tenants are advised that despite the inclusion of noise control features in this development area within the dwelling unit, the noise levels from increasing road and industrial users may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of the Environment, Conservation and Parks in compliance with the City’s noise policy.”
 - iii. “Purchasers and/or tenants are advised that public transit bus traffic occurs on McNaughton Road and Keele Street.”
 - iv. “Purchasers and/or tenants are advised that the dwelling unit abuts a park and may be subject to noise and lighting due to the nature and use of the park for active recreation.”

- v. "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, Conservation and Parks, the purchaser hereby agree to place this clause in all subsequent Offers of Purchase and Sale or Lease when I sell the property."
 - vi. "Purchasers/tenants are advised that the dwelling unit is fitted with a central air conditioning system in order to permit closing of windows for noise control."
 - vii. "Purchasers/tenants are advised that the acoustical fence and/or barrier as installed shall be maintained, repaired or replaced by the Owner or future Condominium Corporation. Any maintenance repair or replacement shall be with the same material, to the same standards, and having the same colour and appearance of the original installation."
 - viii. "Purchasers/tenants are advised that this dwelling unit is in proximity to the existing institutional, commercial and industrial facilities whose activities may at times be audible."
 - ix. "The Owner shall install and maintain a Minimum Efficiency Reporting Value ('MERV') MERV11 filters on the air intakes to ensure residents will have good air quality in their homes."
- 7. The Condominium Agreement shall be registered on title against the lands to which it applies at the cost of the Owner.
 - 8. Prior to final approval, the Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Financial Planning and Development Finance department.

Canada Post

- 9. The Owner 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.

10. The Owner 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.
11. The Owner 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.
12. The Owner 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.
13. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

Utilities

14. Prior to final approval, the Owner acknowledges and agrees to satisfy the requirements of the various utility companies including Alectra Utilities Corporation, Enbridge Gas Inc., Bell Canada, Hydro One and Rogers Communications. The Owner further agrees to convey any easement(s) as deemed necessary by utility corporations at no cost to the utility corporation. The Owner agrees that should any conflict arise with existing utility facilities or easement(s) within the subject area, the Owner shall be responsible for the relocation of any such facilities or easement(s) at their own cost.

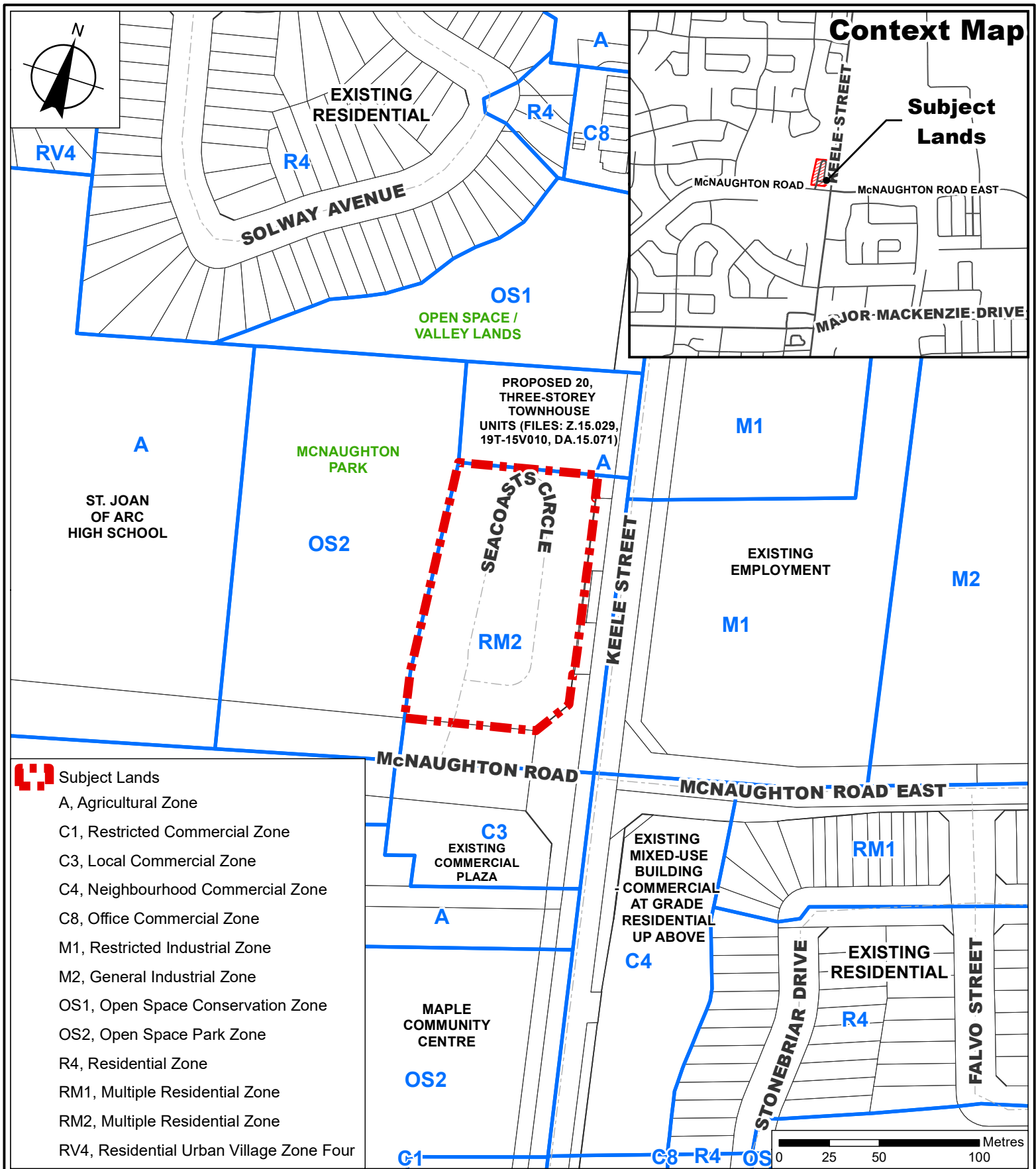
York Region

15. Prior to final approval, the Owner shall provide confirmation that all the conditions of the Site Plan Approval issued for the subject property on September 20, 2019 under Regional File No. SP.17.V.0184, have been satisfied.
16. Prior to final approval, 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 on September 20, 2020 under Regional File No. SP.17.V.0184.

17. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way 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.
18. Prior to final approval, the Owner shall provide confirmation that all Transfers of Obligations have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.

Clearances

19. The City of Vaughan Development Planning Department shall advise that Conditions 1 to 8 have been satisfied.
20. Canada Post shall advise the Development Planning Department in writing when Conditions 9 to 13 have been satisfied.
21. The Utility Corporations shall advise the Development Planning Department in writing when Condition 14 have been satisfied.
22. The Region of York shall advise the Development Planning Department in writing when Conditions 15 to 18 have been satisfied.



Context and Location Map

LOCATION:
Part of Lot 22, Concession 4

APPLICANT:
Hatpin Developments Inc.



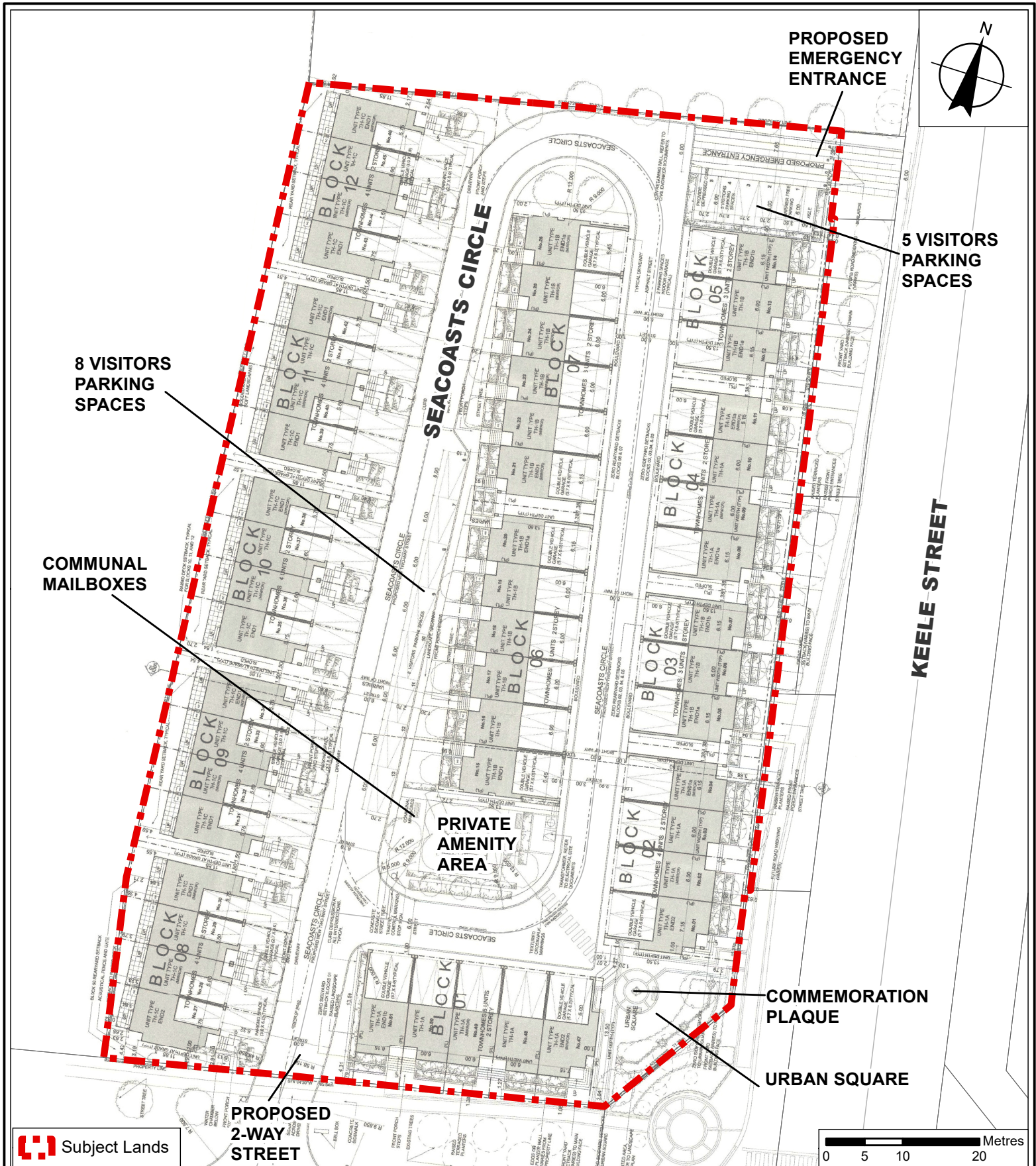
Attachment

FILE:
19CDM-20V004

RELATED FILE: Z.16.044, DA.18.002

DATE: December 1, 2020

2



Approved Site Plan **File DA.18.002**

LOCATION:
Part of Lot 22, Concession 4

APPLICANT:
Hatpin Developments Inc.



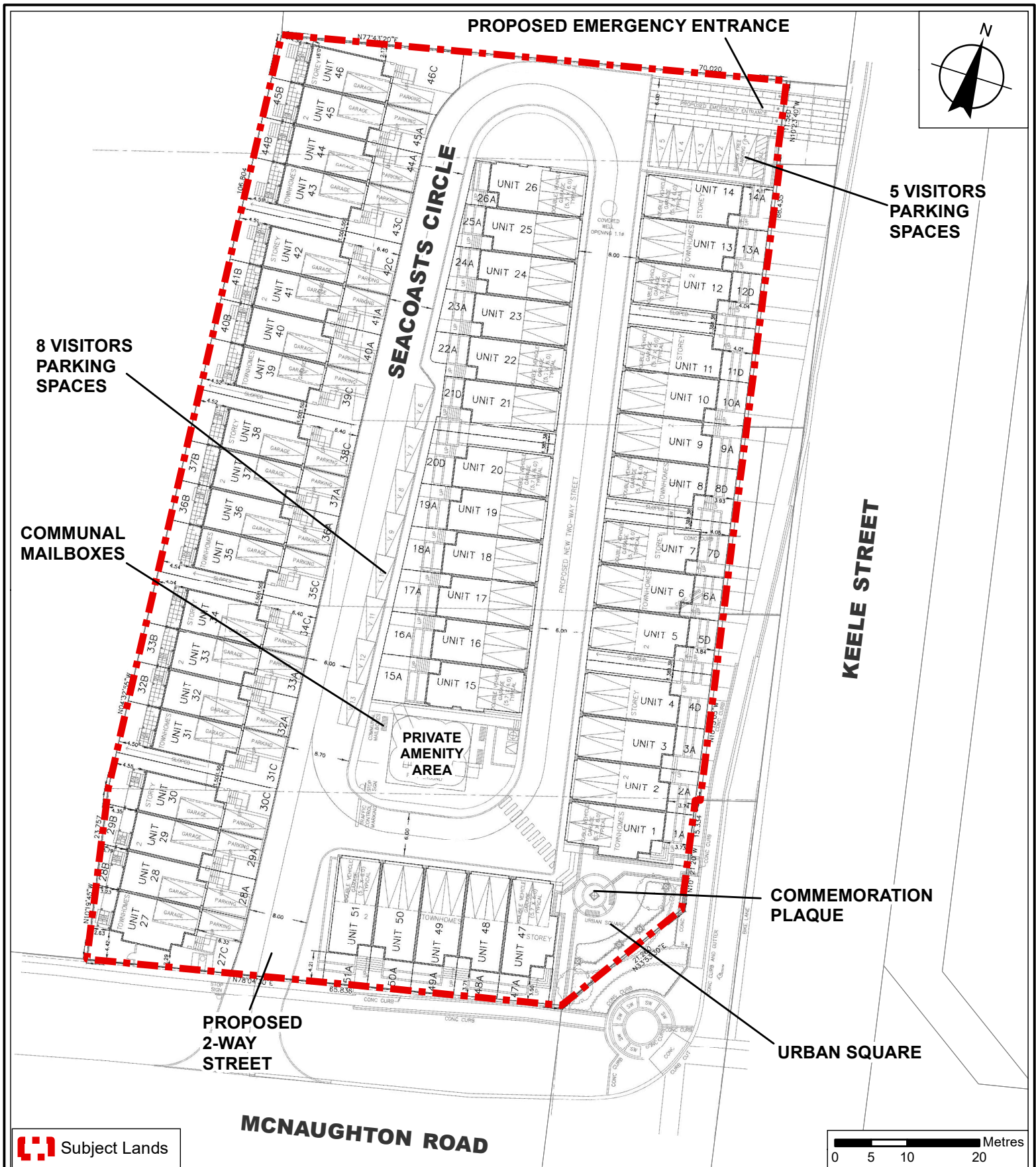
Attachment

FILE:
19CDM-20V004

RELATED FILE: Z.16.044, DA.18.002

DATE: December 1, 2020

3



Draft Plan of Condominium (Standard)

LOCATION: Part of Lot 22, Concession 4

APPLICANT:
Hatpin Developments Inc.



Attachment

FILE:
19CDM-20V004

RELATED FILE: Z.16.044, DA.18.002

DATE: December 1, 2020

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