

Item:



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:

- i) 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 Benjamin 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 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

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