

COMMITTEE OF THE WHOLE NOVEMBER 17, 2008

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-08V07
SPRING GARDEN ESTATES CORP.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Condominium File 19CDM-08V07 (Spring Garden Estates Corp.) BE APPROVED, subject to the conditions set out in Attachment #1.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

The Owner has submitted a Draft Plan of Condominium (Attachment #3) on the subject lands shown on Attachment #2. The application pertains to Buildings "E", "F" and "G" on the approved site plan shown on Attachment #4. Buildings "E", "F" and "G" are each two-storey commercial/residential live-work buildings with gross floor areas of 2,145.63 m² (8 units), 2,614.21m² (10 units) and 2,967.78 m² (11 units), respectively. The Condominium will consist of a total of 29 live/work units. A total of 174 parking spaces are provided consisting of 145 surface parking spaces and 1 parking space for each live/work unit located in the garage. The parking also includes 8 parking spaces for the residential units. The development is currently under construction.

Background - Analysis and Options

Location

The subject lands shown on Attachment #2 are located on the east side of Jane Street, north of Rutherford Road, municipally known as 9421, 9441 and 9461 Jane Street, in Part Lot 17, Concession 4, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600 as amended by site-specific OPA #654, which was approved by the Ontario Municipal Board (OMB) on June 20, 2006 as part of Decision Order #1761. OPA #654 facilitates the overall development of the applicant's lands with a three-storey office building, three live/work buildings, three residential buildings, and a commercial building as shown on Attachment #4. The draft plan of condominium conforms to the Official Plan.

The subject lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to Exception 9(1269). The draft plan of condominium complies with By-law 1-88.

Application Review

The draft plan of condominium is in accordance with the approved Site Plan (File DA.06.026, as amended by File DA.08.066). As a condition of approval, the Owner will be required to submit an "as-built" survey to the satisfaction of the Building Standards Department, prior to the registration of the final condominium plan.

Garbage and recycling materials will be stored internal to the buildings, and will be privately picked up. Private snow removal will also be the responsibility of the Condominium Corporation.

Access and Easements

The development is accessed by a full movement driveway from Jane Street, located opposite Auto Vaughan Drive and a second access located to the north, which leads to the grade level parking for the site. The subject lands are proposed to be divided into three separate condominium corporations (Attachment #5), therefore reciprocal access easements over the 3 condominium plans are required. A condition of approval is included in Attachment #1.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority has reviewed the condominium application and has no objection to its approval, subject to conditions, which are included in Attachment #1.

Canadian National Railway (CN)

CN has no objections to the draft plan of condominium, however, has provided warning clauses to be included in the Condominium Agreement, which are included in the Conditions of Approval in Attachment #1.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York has reviewed the proposed condominium plan and has no objections to its approval.

Conclusion

The draft plan of condominium is consistent with the approved site plan. The Development Planning Department has no objections to the approval of the draft plan of condominium, subject to the conditions set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Location Map
3. Draft Plan of Condominium 19CDM-08V07
4. Approved Site Plan (DA.08.066)
5. Overall Draft Condominium Plans

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

GRANT UYEHAMA
Director of Development Planning

/LG

ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM 19CDM-08V07
{Spring Garden Estates Corp.}
LOT 17, CONCESSION 4, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM 19CDM-08V07, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to a draft plan of condominium, prepared by Rady-Pentak & Edward Surveying Ltd, drawing # 06-065, dated February 29, 2008.
2. Prior to the execution of the condominium agreement, the Owner shall submit a pre-registered plan of condominium to 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 with respect to such matters as landscaping and site development and any other matters that the City may consider necessary with respect to Site Plan Files DA.06.026 and DA.08.066.
4. The following provisions shall be included in the condominium agreement:
 - i) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
 - ii) the Owner shall supply and install, and the Condominium Corporation shall maintain mail equipment to the satisfaction of Canada Post;
 - iii) snow removal and clearing shall be the responsibility of the Condominium Corporation; and,
 - iv) garbage and recycling pick-up 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 shall confirm that all required easements and rights-of-way for access, utilities, drainage and construction purposes have been granted to the appropriate authorities.
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 Finance Department.

Canadian National Railway Conditions

9. The Owner shall install and maintain at its own expense a chain link fence of minimum 1.83 metre height along the southerly property line (located entirely on the subject property).
10. The Owner shall, in the event of any proposed alterations to the existing drainage pattern affecting Railway property, receive prior concurrence from the Railway, acting reasonably, and such request shall be substantiated by a drainage report to the satisfaction of the Railway.
11. The proposed office Building 'A' shall be constructed prior to or in conjunction with any other building containing a residential use, to ensure that an appropriate intervening buffer is provided prior to occupation of any residential use within a structure on the site.
12. The Owner is required to retain a qualified acoustical consultant in order to undertake a final detailed analysis of noise in order to confirm the abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment, as more clearly specified in the site-specific Official Plan Amendment for the subject lands. Upon review and approval of the noise and vibration reports, all recommendations provided are to be provided, implemented and maintained.
13. The Owner agrees to include in all offers or agreements of purchase and sale or lease, respecting lands proposed for commercial/residential uses, the following warning clauses:

"All persons presently having or who may in the future acquire any interest in the subject lands are hereby notified as follows:

- i) that Canadian National Railway Company ("CN") is the Owner of certain lands known as its "MacMillan Rail Yard" (the "CN Lands"), portions of which are located within 300 metres of the Project Lands, and that the CN Lands are now and will continue to be used for the present and future railway facilities and operations of CN on a continuous basis (24 hours of each day in each year) including, without limitation, the operation and idling of diesel locomotives with the generation of diesel fumes and odours, artificial lighting of the CN Lands which may illuminate the sky, the loading, unloading and switching of rail cars containing bulk and other commodities including hazardous substances and/or goods containing the same, and the operation of various processes for the maintenance of rail equipment;
- ii) that the use of such present and future railway facilities and operations may result in the discharge, emission, releasing or venting upon or other effect of the Project Lands at any time during the day or night of or by dust, smoke, fumes, odours and other gaseous and/or particulate matter, noise, vibration and other sounds, light, liquids, solids and other emissions of every nature and kind whatsoever (herein collectively called the "Operational Emissions"), any or all of which may be annoying, unpleasant, intrusive or otherwise adversely affect the use and enjoyment of the Project Lands or any part thereof notwithstanding the inclusion of features within the development of the Project Lands which are intended to attenuate, lessen or otherwise minimize or eliminate the impact of the Operational Emissions upon the use and enjoyment of the Project Lands;

- iii) that CN and its customers will not be responsible for any complaints or claims by or on behalf of the owners and occupants of the Project Lands arising from or out of or in any way in connection with the Operational Emissions and any and all effects thereof upon the use and enjoyment of the Project Lands or any part thereof, and whether arising from the presently existing facilities and operations of CN upon the CN Lands or from any and all future renovations, additions, expansions and other changes to such facilities and/or future expansions, extensions, increases, enlargements and other changes to such operations which could include the acquisition of additional lands for the purpose of expanding the facilities and operations of the MacMillan Rail Yard;
 - iv) that CN shall not be required to change any of its facilities or operations upon the CN Lands as a result of or in response to any such complaints or claims;
 - v) that owners, tenants, employees, guests and all other occupants, invitees and users of the Project Lands or any part thereof may be required by governmental authorities having jurisdiction to evacuate the Project Lands by reason of a hazardous situation upon or an accidental release of hazardous substances from the CN Lands;
 - vi) the Owner agrees to include the above referenced Warning Clauses in any Condominium Declaration and Condominium Agreement with the municipality.
14. The Owner agrees that a large area plan shall be displayed in the sales pavilion(s):
- i) that the units and blocks experience or may experience existing or potential noise, lighting and other environmental problems;
 - ii) the type and location of fencing and noise attenuation features incorporated into the design of the units, the development and adjacent public lands; and,
 - iii) the location and identification of the CN MacMillan Rail Yard (identifying the hump and pull back track operations).
15. The Owner agrees to provide and maintain a minimum distance of 113.50 metres of separation between the nearest structure containing a residential unit and the southerly property line.
16. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

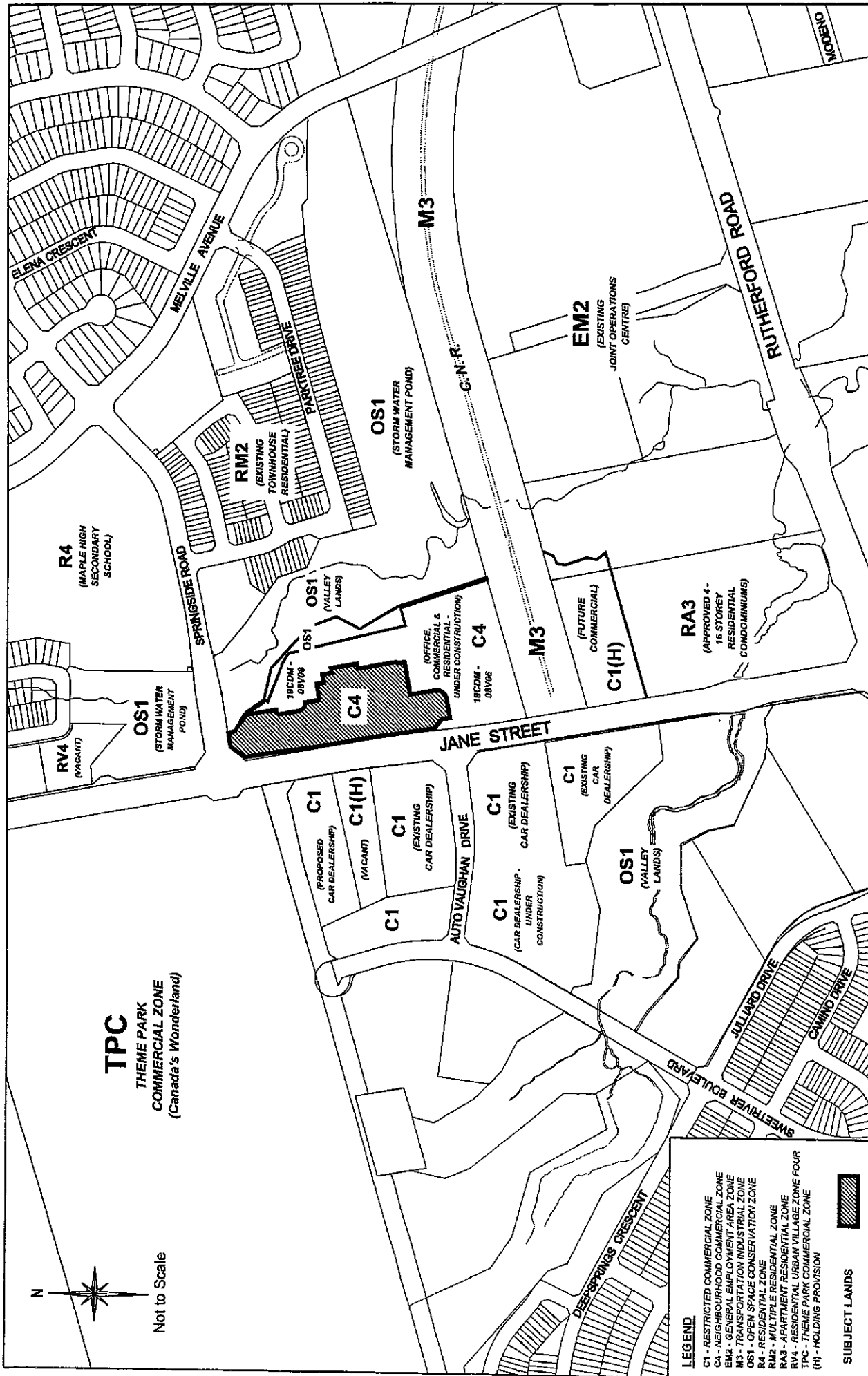
Toronto and Region Conservation Authority

17. The Owner shall, prior to the registration of the Condominium description and declaration, satisfy the following:
- i) The applicant/proponent shall provide a Restoration Planting Plan for the area along the easterly limit of the site, more particularly located in the area running south from Springside Road, to the satisfaction of the TRCA; and,

- ii) The applicant/proponent shall submit an Ontario Regulation 166/06 permit application to the TRCA for the proposed works to be undertaken within the regulated area adjacent to the easterly limit of the site.

Clearances

18. The City of Vaughan (Development Planning) shall advise that Conditions 1 to 8 inclusive have been satisfied.
20. CN Rail shall advise the City of Vaughan that Conditions 9 to 16 inclusive have been satisfied.
21. The Toronto and Region Conservation Authority shall advise the City of Vaughan that Condition 17, has been satisfied.



Location Map

Part of Lot 17,
Concession 4

APPLICANT:
SPRINGSIDE GARDEN ESTATES CORP.

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The City Above Toronto

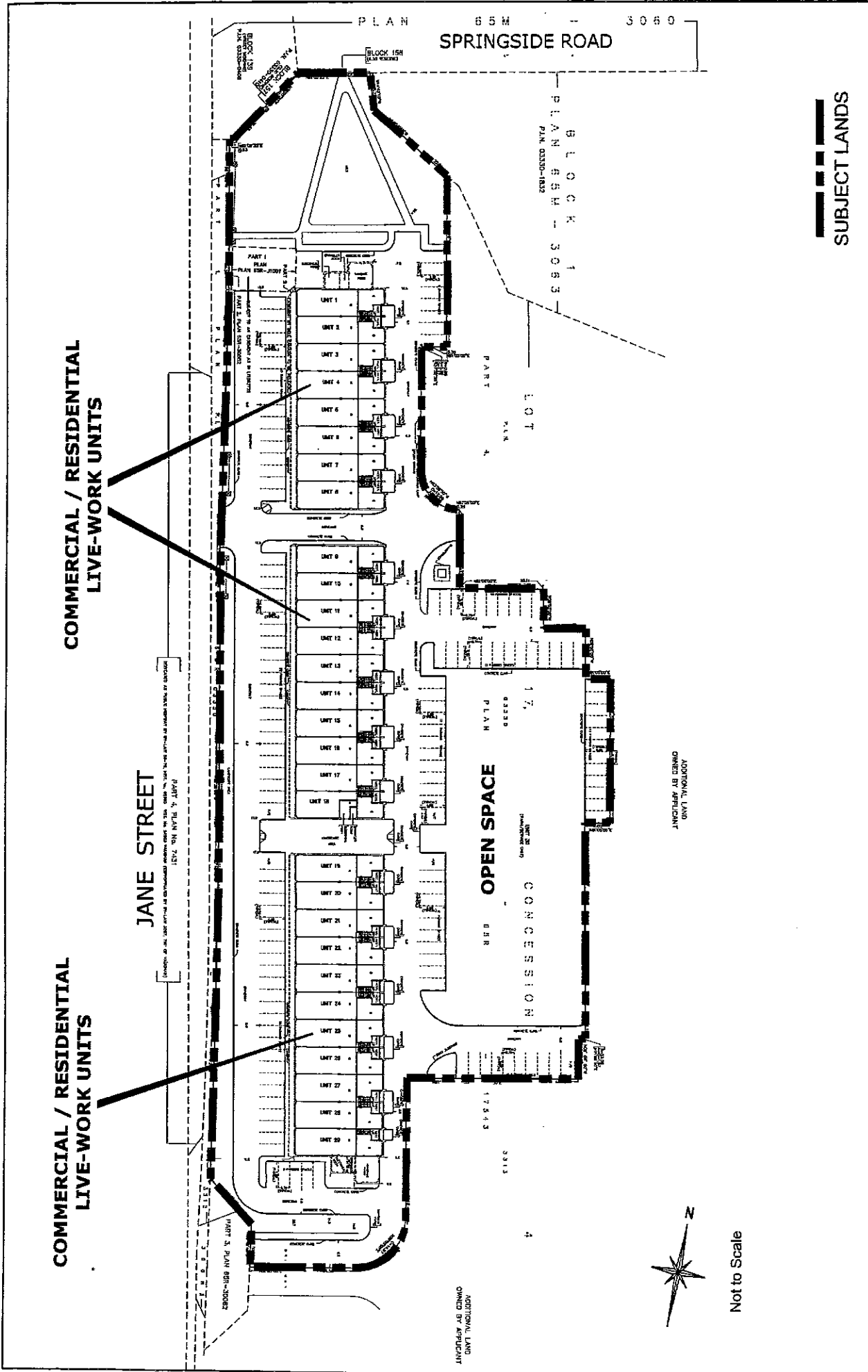
Development Planning Department

Attachment

2

FILE No.:
19CDM-08V07
RELATED FILES:
DA.06.027 & DA.08.066

October 28, 2008

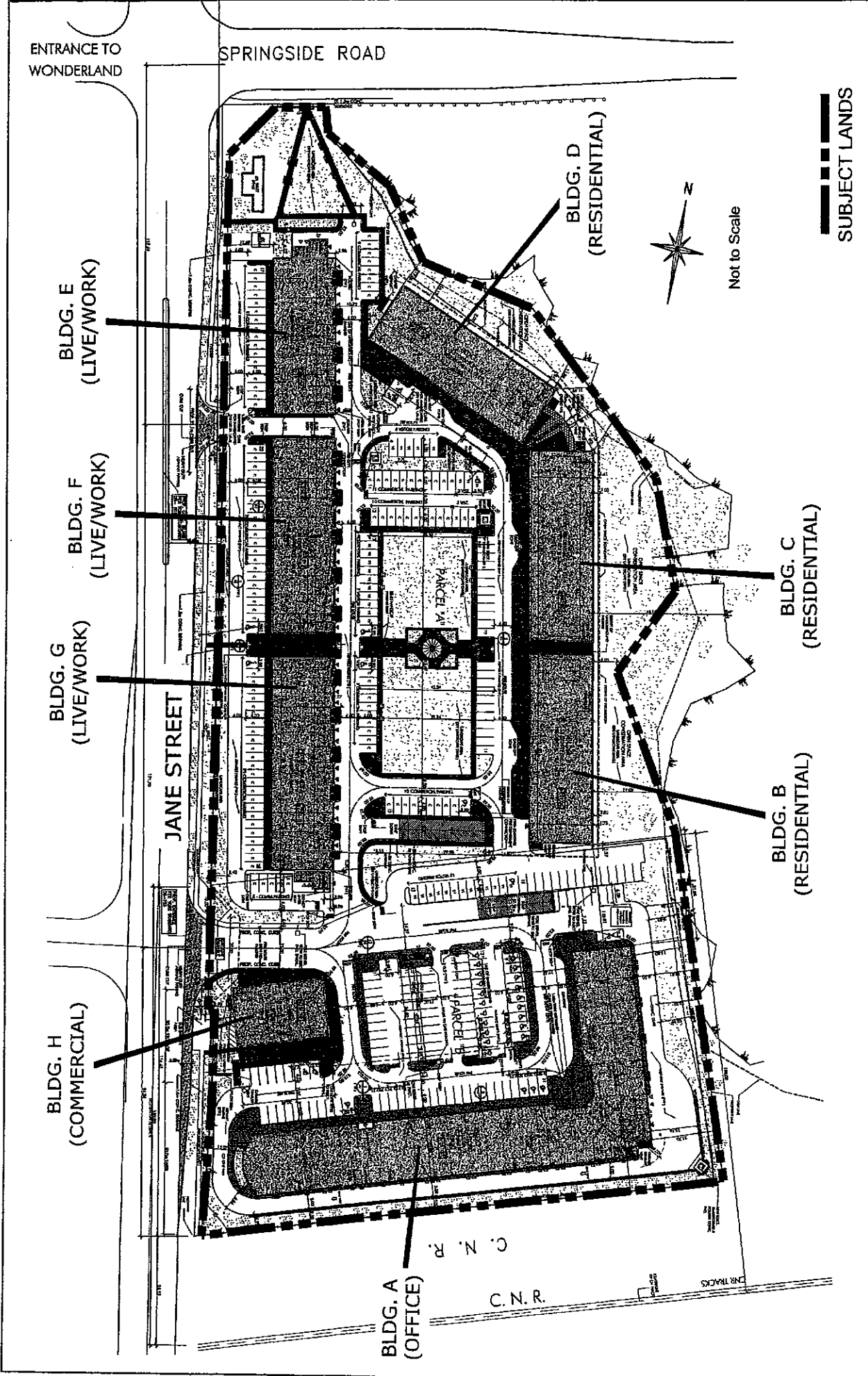


SUBJECT LANDS

Attachment 3
 FILE No.: 19CDM-08V07
 RELATED FILES: DA.06.027 & DA.08.066
 October 28, 2008

City of Vaughan
The City Above Toronto
 Development Planning Department

Draft Plan of Condominium 19CDM-08V07
 APPLICANT: SPRINGSIDE GARDEN ESTATES CORP.
 Part of Lot 17, Concession 4
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**Approved Site Plan -
DA.08.066**

APPLICANT: SPRINGSIDE
GARDEN ESTATES CORP.
Part of Lot 17,
Concession 4

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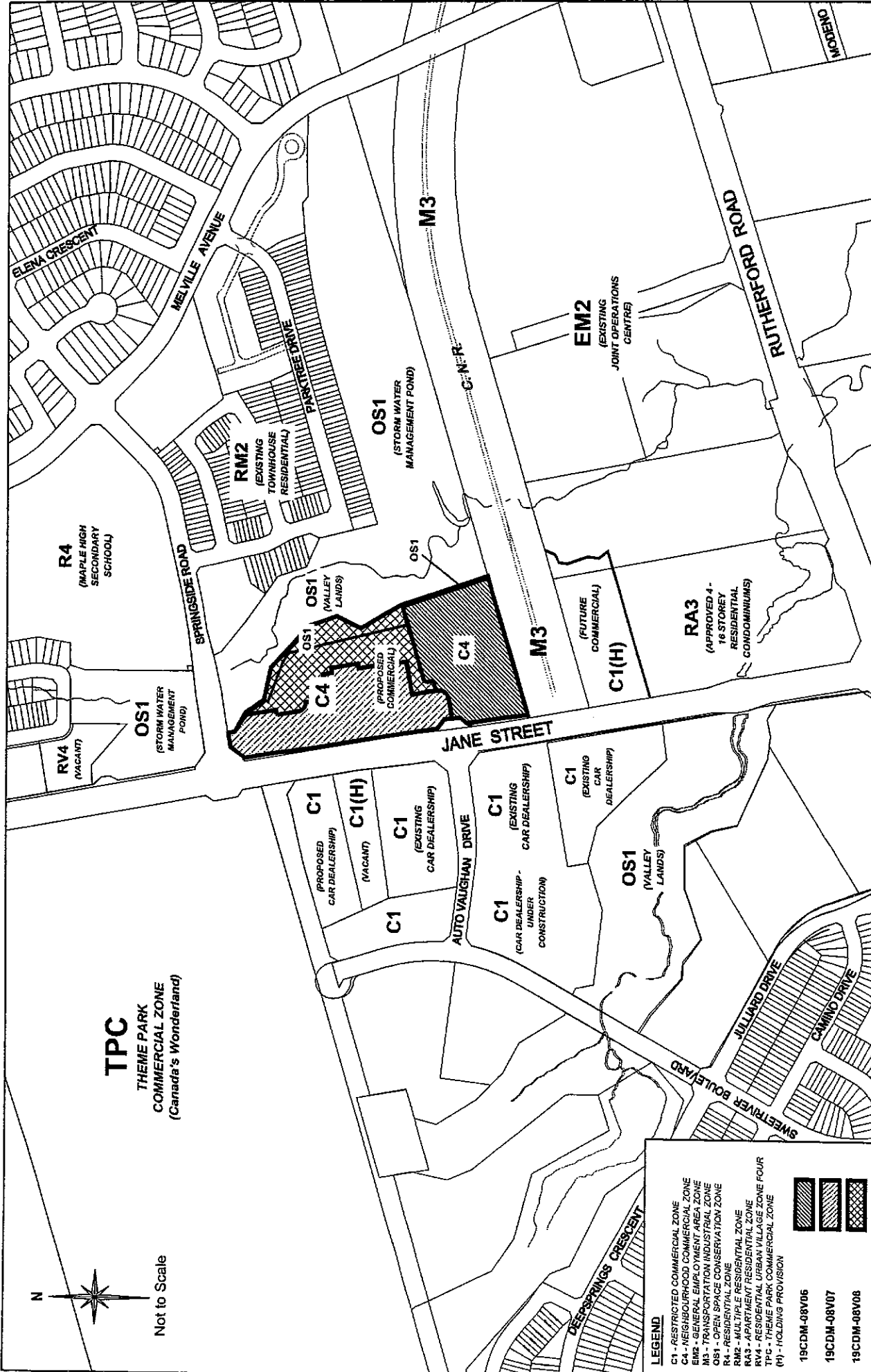
The City Above Toronto

Development Planning Department

**Attachment
4**

FILE No.:
19CDM-08V07
RELATED FILES:
DA.06.027 & DA.08.066

October 28, 2008



TPC
THEME PARK
COMMERCIAL ZONE
(Canada's Wonderland)



LEGEND

- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- M3 - TRANSPORTATION/INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- OS2 - OPEN SPACE CONSERVATION ZONE
- OS3 - OPEN SPACE CONSERVATION ZONE
- OS4 - OPEN SPACE CONSERVATION ZONE
- OS5 - OPEN SPACE CONSERVATION ZONE
- OS6 - OPEN SPACE CONSERVATION ZONE
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- OS100 - OPEN SPACE CONSERVATION ZONE

Overall Draft Condominium Plans

APPLICANT: SPRINGSIDE
GARDEN ESTATES CORP.
Part of Lot 17,
Concession 4



Development Planning Department

Attachment 5

FILE No.:
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October 28, 2008

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