

**COMMITTEE OF THE WHOLE MAY 31, 2011**

**DRAFT PLAN OF CONDOMINIUM (STANDARD) FILE 19CDM-11V003  
SOLMAR INC.  
WARD 1**

**Recommendation**

The Acting Commissioner of Planning and Director of Development Planning recommend:

1. THAT Draft Plan of Condominium (Standard) File 19CDM-11V003 (Solmar Inc.) BE APPROVED, subject to the conditions set out in Attachment #1.

**Contribution to Sustainability**

The subject lands are currently under construction and the proposal addresses the tenure of the property only, and therefore, there is no contribution to sustainability through this application.

**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 (Standard) application for the subject lands shown on Attachments #2 and #3 for one 17-storey residential apartment building (Building "C") consisting of 209 residential units and a total gross floor area of 23,699 m<sup>2</sup>, as shown on Attachment #4.

**Background - Analysis and Options**

The 1.01 ha subject lands (Building "C") forms part of a larger 9.0 ha site located on the northeast corner of Jane Street and Rutherford Road (9245 Jane Street), as shown on Attachment #3. The surrounding land uses are shown on Attachment #3.

**Official Plan and Zoning**

The subject lands are part of the Vaughan Centre Secondary Plan Area as defined by Official Plan Amendment #600, as amended by Official Plan Amendment #626, which was approved by the Ontario Municipal Board on April 19, 2005 (Decision Order 0982). OPA #626 designates the subject lands "High Density Residential/Commercial", which permits the residential apartment development. The lands are also designated "High-Rise Residential" by the new City of Vaughan Official Plan 2010, which was approved by Vaughan Council on September 7, 2010 and is pending Regional approval. The application conforms to the Official Plans.

The subject lands are zoned RA3 Apartment Residential Zone by Zoning By-law 1-88 and subject to Exception 9(1246). In 2007, the Vaughan Committee of Adjustment approved Minor Variance File A109/07 to permit a reduction in the number of required parking spaces on the property from 395 to 304 (312 provided) and an increase in the maximum permitted building height from 16 storeys (50 m) to 17 storeys (55 m).

The proposed draft plan of condominium complies with Zoning By-law 1-88.

### Site Development

The subject lands are part of the overall Solmar Inc. land holding which is comprised of four residential apartment buildings organized around an internal access road, from Rutherford Road, over the valley lands to a driveway onto Jane Street (Attachment #3).

On November 19, 2007, Vaughan Council approved Site Development File DA.07.022 (Building "C"). The approved site plan for Building "C" shown on Attachment #4 consists of a 17-storey residential condominium building with a total gross floor area of 23,699 m<sup>2</sup>, and three levels of underground parking with 312 spaces. The building, which is currently under construction, was originally approved with 225 residential units, however, as a result of minor modifications to the floor plans, the total number of residential units was reduced to 209. The building envelope and site plan was not changed as result of the modification to the floor plan. The draft plan of condominium shown on Attachment #5 is consistent with the approved site plan, shown on Attachment #4. As a condition of approval, the Owner will be required to submit an "as-built" survey to the satisfaction of the Vaughan Building Standards Department, prior to the registration of the final condominium plan.

### Garbage/Recycling Collection and Snow Removal

Snow removal and garbage and recycling pick-up will be privately administered and the responsibility of the Condominium Corporation.

### Canadian National Railway (CNR) Company

The CNR requires that the following warning clause (and other clauses identified in Attachment #1) be inserted in all offers of purchase and sale, and within the condominium documents, with the express intention that potential purchasers and future owners are made aware of the proximity of railway operations and the pull back track:

"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 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."

The Owner will be required to fulfill all requirements of CN. A condition to this effect is included in Attachment #1.

### Relationship to Vaughan Vision 2020/Strategic Plan

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

### Regional Implications

The proposed draft plan of condominium represents the third of four buildings in the overall development of the lands located at the northeast corner of Jane Street and Rutherford Road as shown on Attachment #3. The Region of York supported the first and second building proposals and has no objections to the third building as it is consistent with Regional Official Plan policies to

provide a wider range of housing options for residents, and provide medium and higher density urban development adjacent to transit-intensive urban arterial roads.

**Conclusion**

The Vaughan Development Planning Department has reviewed the Draft Plan of Condominium Application, which conforms to the Official Plan, complies with Zoning By-law 1-88, and is consistent with the approved site plan. Accordingly, the Development Planning Department has no objection to the approval of the draft plan of condominium, subject to the conditions set out in Attachment #1.

**Attachments**

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Approved Building "C" Site Plan
5. Draft Plan of Condominium (Standard) File19CDM-11V003

**Report prepared by:**

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Respectfully submitted,

JOHN ZIPAY  
Acting Commissioner of Planning

GRANT UYHEYAMA  
Director of Development Planning

/LG

**ATTACHMENT NO. 1**

**CONDITIONS OF APPROVAL**

**DRAFT PLAN OF CONDOMINIUM (STANDARD) 19CDM-11V003  
SOLMAR INC. (BUILDING "C")  
LOT 16, 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-11V003, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to a draft plan of condominium, prepared by Rady-Pentek & Edward Surveying Ltd., CAD File No. 07-055-DR-PLAN-1, dated February 22, 2011.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered plan of condominium to the Vaughan 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.
4. The following provisions shall be included in the Condominium Agreement:
  - a) the Owner/Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins;
  - b) private garbage and recycling pick-up shall be the responsibility of the Owner/Condominium Corporation;
  - c) snow removal and clearing shall be the responsibility of the Owner/Condominium Corporation; and,
  - d) the Owner/Condominium Corporation shall supply, install, and maintain all mail equipment to the satisfaction of Canada Post.
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 Vaughan Building Standards Department.
7. Prior to final approval, the Owner shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
8. The Owner shall include in Schedule "A" to the Condominium Declaration all necessary and appropriate reciprocal easements for the use and maintenance of all on-site services, support facilities, and pedestrian and vehicular access over the common elements of the Draft Plan of Condominium and the adjoining phases (Phases 1, 2 and 4) as may be required. This condition is issued pursuant to Subsection 20(2) (b) of the Condominium Act, 1998.

9. 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 Finance Department.
10. That the following CN Rail clauses shall be included in the condominium agreement and in all offers of purchase and sale:
  - a) The condominium agreement and declaration shall secure the provision that any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from CN Rail and be substantiated by a drainage report to the satisfaction of CN Rail.
  - b) The condominium agreement and declaration shall secure the requirement for the condominium corporation to maintain all of the required rail noise mitigation measures.
  - c) All persons presently having or who may in the future acquire any interest in the lands which are the subject matter of this Agreement/Declaration (the "Project 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.
- d) The applicant shall agree in the condominium agreement and declaration that the Warning Clauses shall also be included in any residential condominium disclosure statement applicable to the applicant's lands or any portion thereof.
- e) That the above clauses be included in the Condominium Declaration, a copy of which shall be provided to the City of Vaughan Development Planning Department and CN Rail, prior to the release of the draft plan of condominium for registration.

Clearances

11. The City (Vaughan Development Planning Department) shall advise that Conditions 1 to 10 have been satisfied.



## Context Location Map

LOCATION:  
Part of Lot 16, Concession 4

APPLICANT:  
Solmar Inc.

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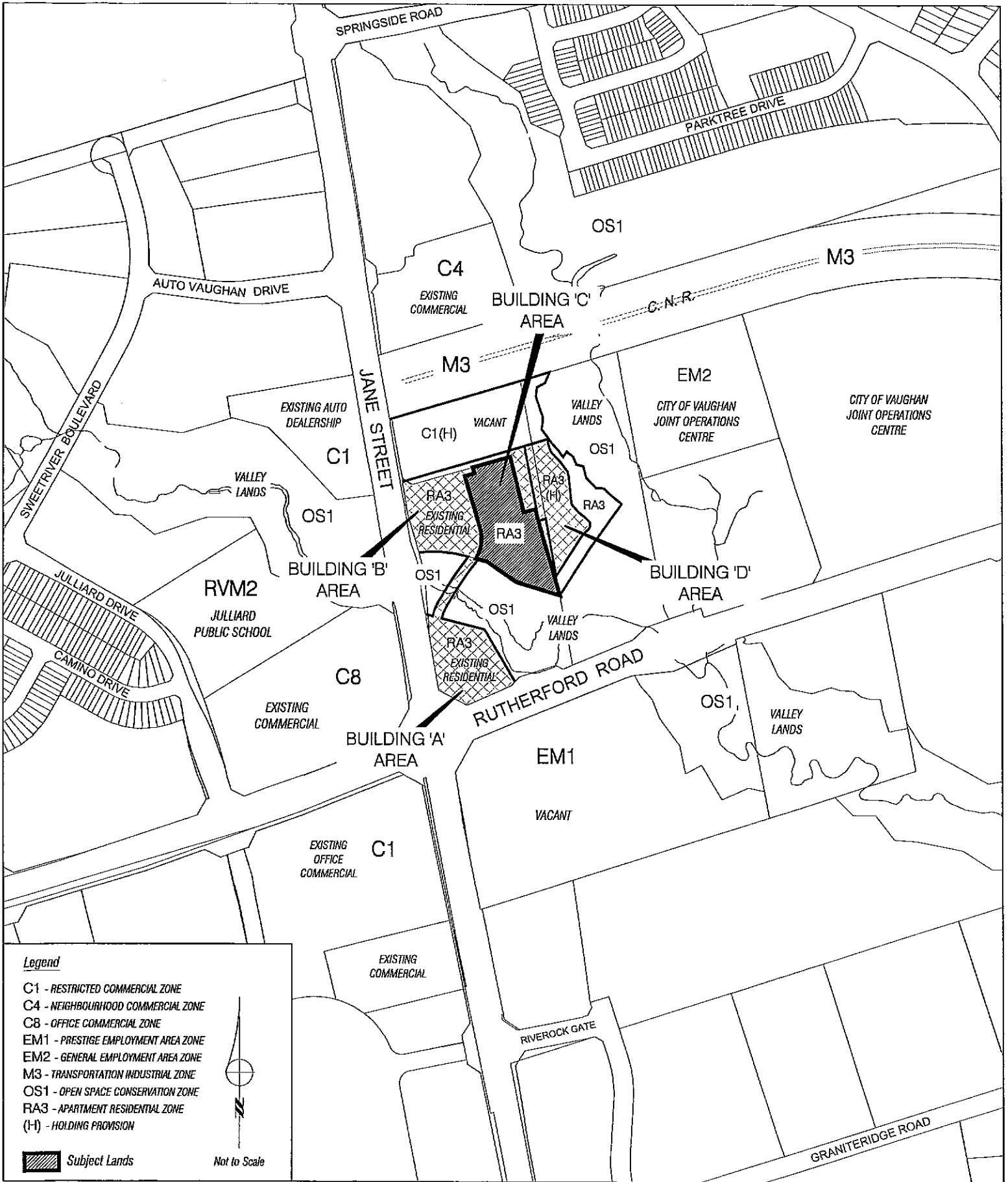
Attachment

FILE: 19CDM-11V003

RELATED FILE: DA.07.022

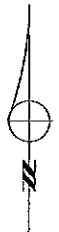
DATE: April 29, 2011

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**Legend**

- C1 - RESTRICTED COMMERCIAL ZONE
- C4 - NEIGHBOURHOOD COMMERCIAL ZONE
- C8 - OFFICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE
- M3 - TRANSPORTATION INDUSTRIAL ZONE
- OS1 - OPEN SPACE CONSERVATION ZONE
- RA3 - APARTMENT RESIDENTIAL ZONE
- (H) - HOLDING PROVISION



Not to Scale

Subject Lands

**Location Map**

LOCATION:  
Part of Lot 16, Concession 4

APPLICANT:  
Solmar Inc.

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**Attachment**

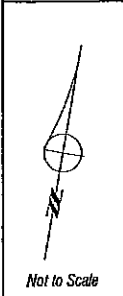
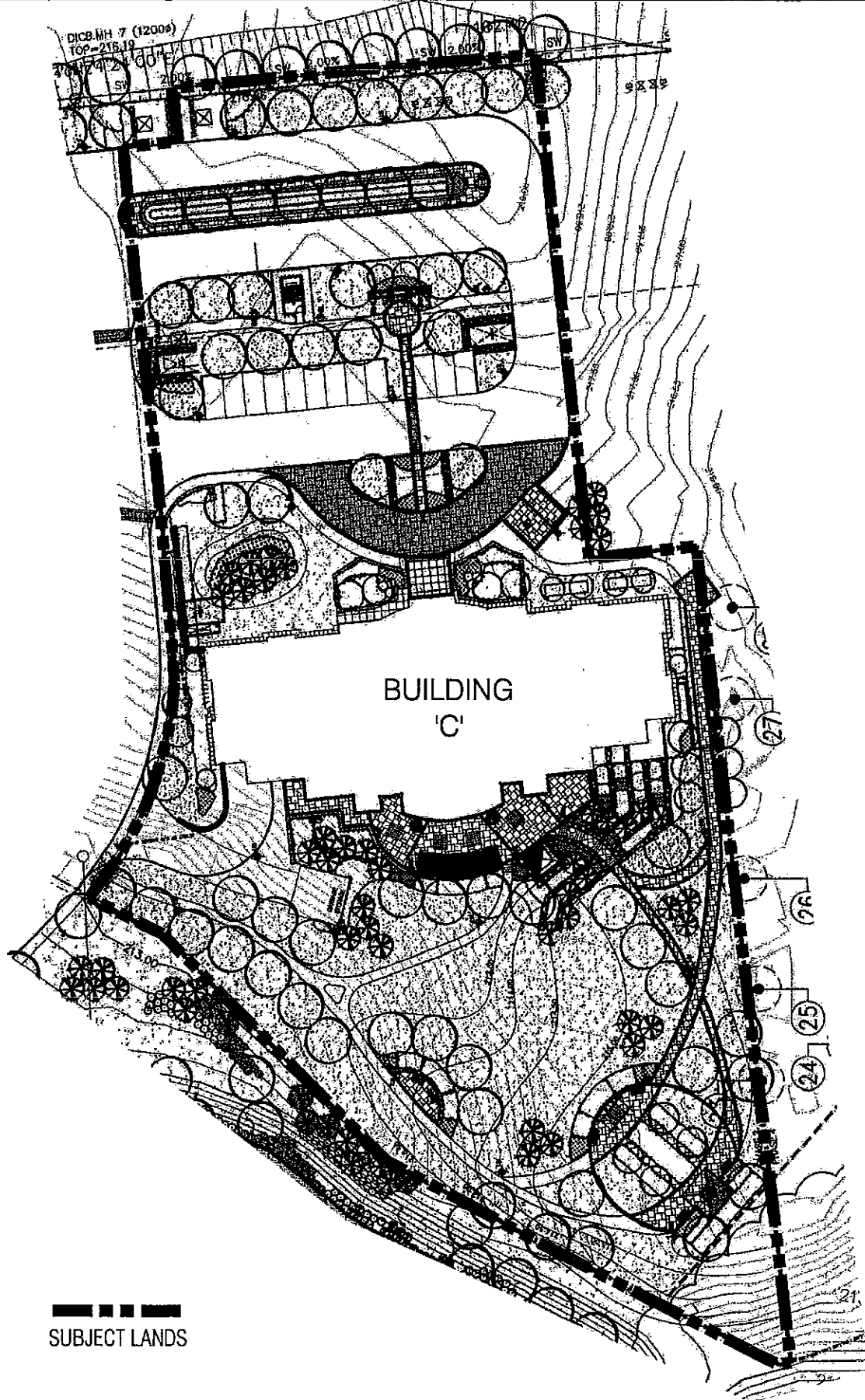
FILE: 19CDM-11V003

RELATED FILE: DA.07.022

DATE: April 29, 2011

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 SUBJECT LANDS

# Approved Building "C"

## Site Plan

**APPLICANT:** Solmar Inc.  
**LOCATION:** Part of Lot 16, Concession 4.

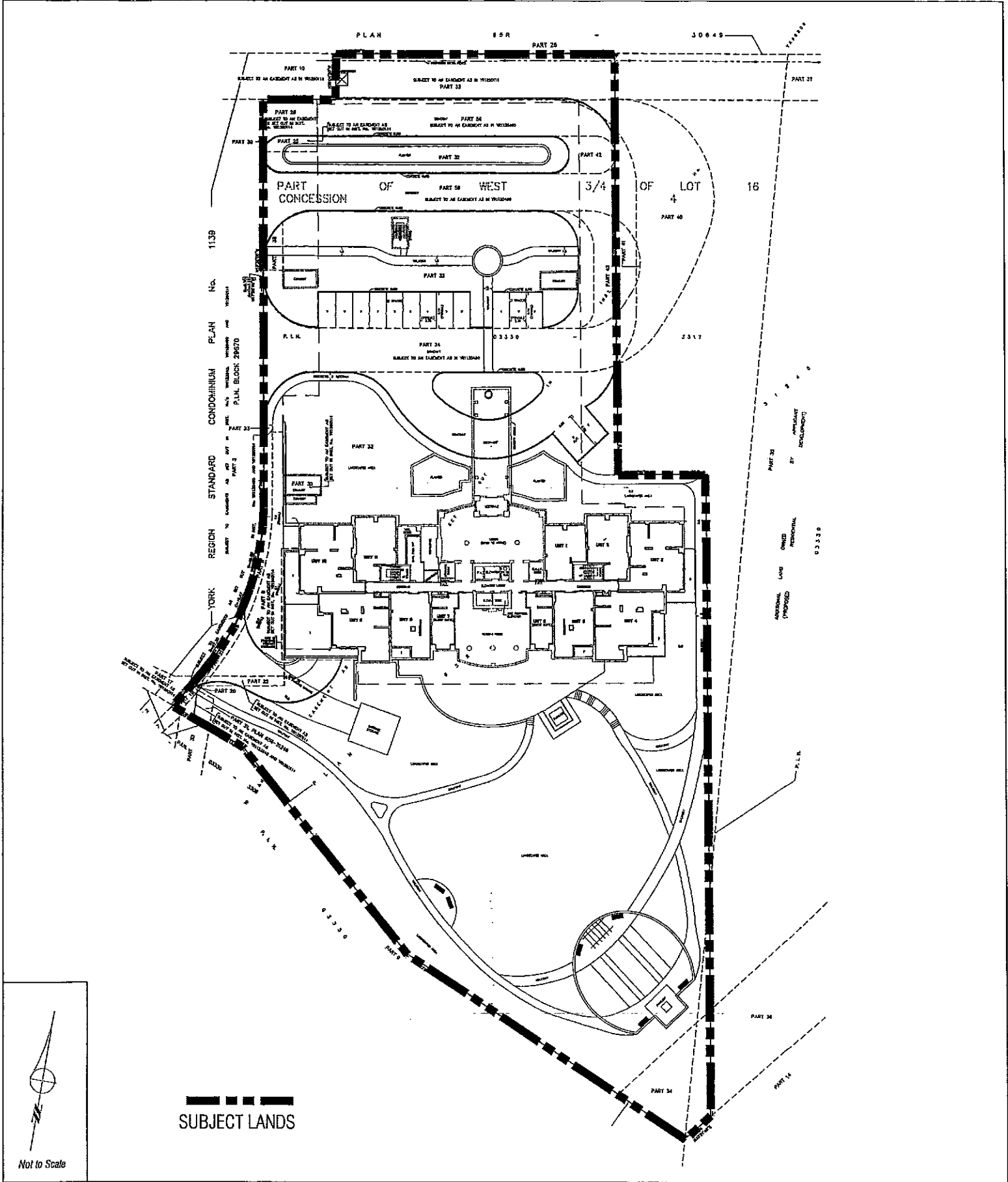


Attachment

FILE: 19CDM-11V003  
 RELATED FILE: DA.07.022  
 DATE: April 29, 2011

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*Draft Plan of (Standard)  
Condominium File 19CDM-11V003*

APPLICANT: *Solmar Inc.* LOCATION: *Part of Lot 16, Concession 4.*



*Attachment*

FILE: 19CDM-11V003  
RELATED FILE: DA.07.022  
DATE: April 29, 2011

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