

COMMITTEE OF THE WHOLE JUNE 19, 2012

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-11V005
CRYSTAL CORPORATE CENTRE INC.
WARD 4 - VICINITY OF JANE STREET AND GENSAL GATE**

Recommendation

The Commissioner of Planning recommends:

1. THAT Draft Plan of Condominium (Standard) File 19CDM-11V005 (Crystal Corporate Centre Inc.) as shown on Attachment #4, BE APPROVED, subject to the conditions set out in Attachment #1.

Contribution to Sustainability

This 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 Draft Plan of Condominium (Standard) File 19CDM-11V005 for the subject lands shown on Attachments #2 and #3, consisting of two multi-unit service commercial buildings currently constructed with a total of 38 units and 150 parking spaces as shown on Attachment #4.

Background - Analysis and Options

The subject lands shown on Attachments #2 and #3 are located at the southwest corner of Jane Street and Gensal Gate (8740, 8750 Jane Street) City of Vaughan. The subject lands form part of a larger property that also includes 8760 Jane Street, and was originally developed under Site Development File DA.07.070 and subsequently amended by File DA.11.066, as shown on Attachment #5. The surrounding land uses are shown on Attachment #3.

Official Plan and Zoning

The subject lands are designated "Prestige Area" by the in-effect OPA #450 (Employment Area Plan). The subject lands are also designated "Commercial Mixed-Use" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011 and April 17, 2012) and is pending approval from the Ontario Municipal Board. The proposal conforms to the Official Plans.

The subject lands are zoned C7 Service Commercial Zone, subject to Exception 9(717), and EM1 Prestige Employment Area Zone by Zoning By-law 1-88, as shown on Attachment #3. Minor Variance Application A106/11 was approved by the Committee of Adjustment on July 7, 2011, to permit a total parking supply of 234 parking spaces on the entire property. The Owner is proposing to create two separate Condominium Plans over the entire property, being the proposed Condominium Plan shown on Attachment #4, and the balance of the property as a future second Condominium Plan.

The Minor Variance (A106/11) to permit 234 parking spaces applies to the entirety of the property. For zoning purposes only, the creation of two condominium plans effectively creates two separate parcels of land. As a result, a technical variance is created since the 234 parking spaces would be distributed over 2 properties (i.e. 150 spaces on the subject lands and 84 spaces on the future condominium plan for the balance of the lands) instead of one property. A total of 234 parking spaces will continue to be provided over the entire property. In order to ensure that the two future condominium corporations continue to function as one property, a condition of approval is included on Attachment #1 requiring the Owner to include in the Condominium Declaration the requirement to provide all necessary reciprocal easements to permit access for all landowners and patrons in each condominium plan to use all the parking spaces provided on the overall property. The same condition will be placed in any approvals for a future plan of condominium on the balance of the lands. The Owner has filed Minor Variance Application A174/12 to permit reduced parking on each parcel, which must be approved by the Committee of Adjustment, and the Committee's decision shall be final and binding, prior to final approval of the plan of condominium. The Conditions of Approval on Attachment #1 include a condition in this respect.

Building Standards Department

The creation of the two Condominium Plans over one property establishes a soft property line within the larger property at 8740, 8750, and 8760 Jane Street. In the event that a Consent application is applied for and is approved by the Committee of Adjustment which would have the effect of creating a firm property line within the larger property, then the Owner would be subject to the following subsections of the Ontario Building Code, 2006 (Limiting Distance and Area of Unprotected Openings – Section 3.2.3.1) :

- “(8) The required limiting distance for an exposing building face is permitted to be measured to a point beyond the property line that is not the centre line of a street, lane or public thoroughfare if,
 - (a) the owners of the properties on which the limiting distance is measured and the municipality enter into an agreement in which such owners agree that,
 - (i) each owner covenants that, for the benefit of land owned by the other covenantors, the owner will not construct a building on his or her property unless the limiting distance for exposing building faces in respect of the proposed construction is measured in accordance with the agreement,
 - (ii) the covenants contained in the agreement are intended to run with the lands, and the agreement shall be binding on the parties and their respective heirs, executors, administrators, successors and assigns,
 - (iii) the agreement shall not be amended or deleted from title without the consent of the municipality, and
 - (iv) they will comply with such other conditions as the municipality considers necessary, including indemnification of the municipality by the other parties, and
 - (b) the agreement referred to in Clause (a) is registered against the title of the properties to which it applies.

- (9) Where an agreement referred to in Sentence (8) is registered against the title of a property, the limiting distance for exposing building faces shall be measured to the point referred to in the agreement.”

Site Development

The original development of the subject lands was implemented through the approval of Site Development File DA.07.070 and a Site Plan Agreement was registered to implement the approval on July 23, 2008, as Instrument No. YR-1196292. This approval was subsequently amended by Site Development File DA.11.066 to permit a minor modification to Unit #34 to facilitate a day nursery and an outdoor play area, and to permit the removal of a barrier free parking space, as shown on Attachment #5. These amendments will be implemented by way of an amending Site Plan Agreement to the original site plan approval, which must be undertaken prior to the registration of the final condominium plan. The proposed Draft Plan of Condominium shown on Attachment #4 is consistent with the original approved site plan, as amended.

Garbage/Recycling Collection and Snow Removal

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

Canada Post

Canada Post has no objections to the proposal subject to the inclusion of conditions in the Condominium Agreement as identified in Attachment #1.

Relationship to Vaughan Vision 2020/Strategic Plan

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Manage Growth & Economic Well-being".

Regional Implications

The Region of York has no objection to the approval of Draft Plan of Condominium File 19CDM-11V005.

Conclusion

The Vaughan Development Planning Department has reviewed Draft Plan of Condominium File 19CDM-11V005. The proposed Draft Plan of Condominium conforms to the Official Plan, and will comply with Zoning By-law 1-88, subject to the comments and conditions included in this report, including obtaining a Minor Variance for reduced parking on each of the two parcels from the Committee of Adjustment, which must be final and binding, prior to final approval of the plan of condominium. The proposed Condominium Plan is consistent with approved Site Development File DA.07.070, as amended by Site Development File DA.11.066. Accordingly, 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. Context Location Map
3. Location Map
4. Draft Plan of Condominium File 19CDM-11V005
5. Approved Site Plan (File DA.07.070, as amended by File DA.11.066)

Report prepared by:

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Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

GRANT UYEVAMA
Director of Development Planning

/CM

ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

DRAFT PLAN OF CONDOMINIUM (STANDARD) 19CDM-11V005 CRYSTAL CORPORATE CENTRE INC. LOT 12, CONCESSION 5, 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-11V005, ARE AS FOLLOWS:

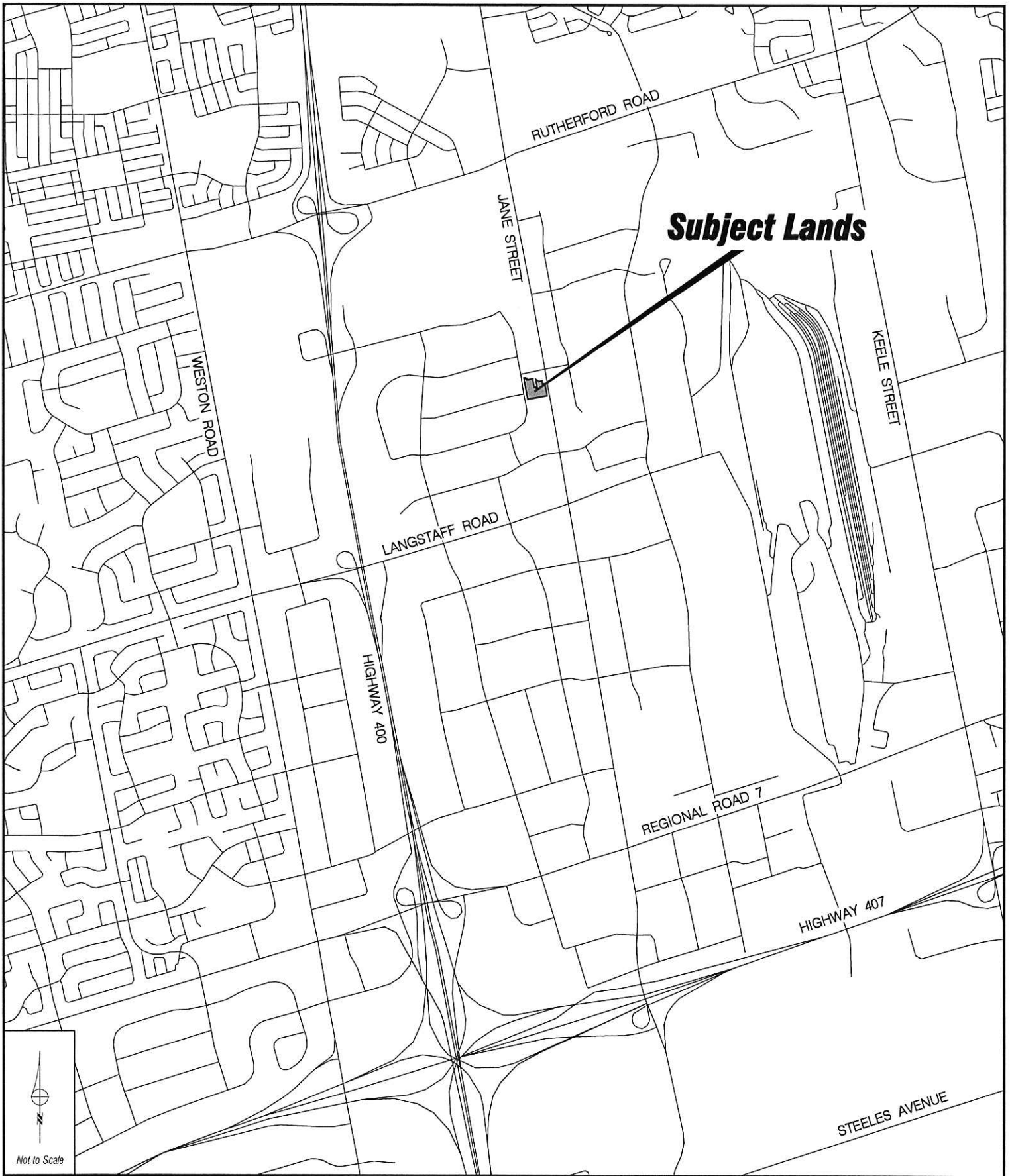
City of Vaughan Conditions

1. The Plan shall relate to a draft plan of condominium, prepared by Rady-Pentek & Edward Surveying Ltd., drawing #07-113, dated April 20, 2012 and further amended on May 8, 2012.
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 Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins; and,
 - b) snow removal and clearing, and garbage and recycling pick-up 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 Vaughan Building Standards Department.
7. Prior to final approval of the Condominium Plan, the Site Plan Agreement (File DA.07.070) registered on July 23, 2008 as Instrument Number YR-1196292 shall be amended to reflect the "as-built" situation on the subject lands. The amended Site Plan Agreement shall be registered on title with the Land Registry Office.
8. Prior to final approval of the Condominium Plan, Minor Variance Application A174/12 to permit a parking reduction for each Phase of the Condominium shall be approved by the Vaughan Committee of Adjustment, and the Committee's decision shall be final and binding.
9. Prior to final approval, the Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.

10. The Owner and their Solicitor 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, pedestrian and vehicular access and shared parking over the common elements of the Draft Plan of Condominium and the adjoining future phase(s) as may be required to the satisfaction of the City of Vaughan. This condition is issued pursuant to Subsection 20(2)(b) of the *Condominium Act*, 1998. The Owner shall provide a copy of the Condominium Declaration to the City of Vaughan and the Condominium Declaration shall be to the satisfaction of the City of Vaughan, prior to final approval.
11. 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.
12. The Owner shall address the following conditions of Canada Post:
 - a) the Owner shall include in all offers of sale, a statement which advises the prospective unit owner or renter that mail delivery will be from a designated Community Mailbox;
 - b) the Owner will be responsible for notifying the renter/owner of the exact Community Mailbox locations prior to the closing of any lease;
 - c) the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of a Community Mailbox and to indicate these locations on the appropriate servicing plan;
 - d) the Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i. an appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on; and,
 - ii. any required walkway across the boulevard, as per municipal standards; and,
 - iii. any required curb depressions for wheelchair access;
 - e) the Owner further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks, and final grading have been completed at the permanent Community Mailbox location(s). This will enable Canada Post to provide mail delivery to new Owners as soon as the units are occupied.

Clearances

13. The City (Vaughan Development Planning Department) shall advise that Conditions 1 to 11 have been satisfied.
14. Canada Post Corporation shall advise the Vaughan Development Planning Department in writing that Condition 12 has been satisfied.



Context Location Map

LOCATION:
Part of Lot 12, Concession 5

APPLICANT:
Crystal Corporate Centre Inc.

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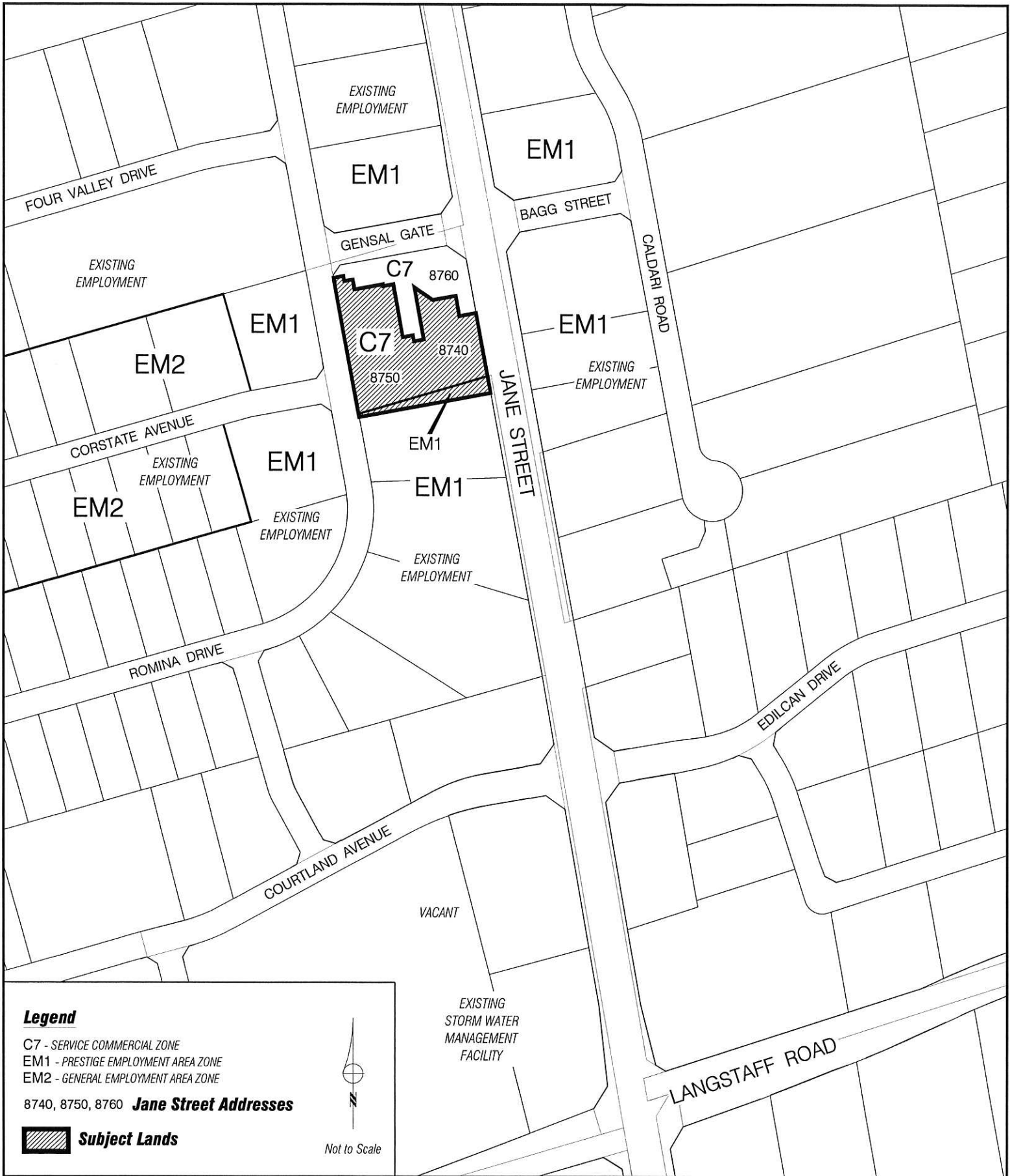
Development Planning Department

Attachment

FILES:
19CDM-11V005

DATE:
April 30, 2012

2



Legend

- C7 - SERVICE COMMERCIAL ZONE
- EM1 - PRESTIGE EMPLOYMENT AREA ZONE
- EM2 - GENERAL EMPLOYMENT AREA ZONE

8740, 8750, 8760 **Jane Street Addresses**

 **Subject Lands**



Location Map

LOCATION:
Part of Lot 12, Concession 5

APPLICANT:
Crystal Corporate Centre Inc.

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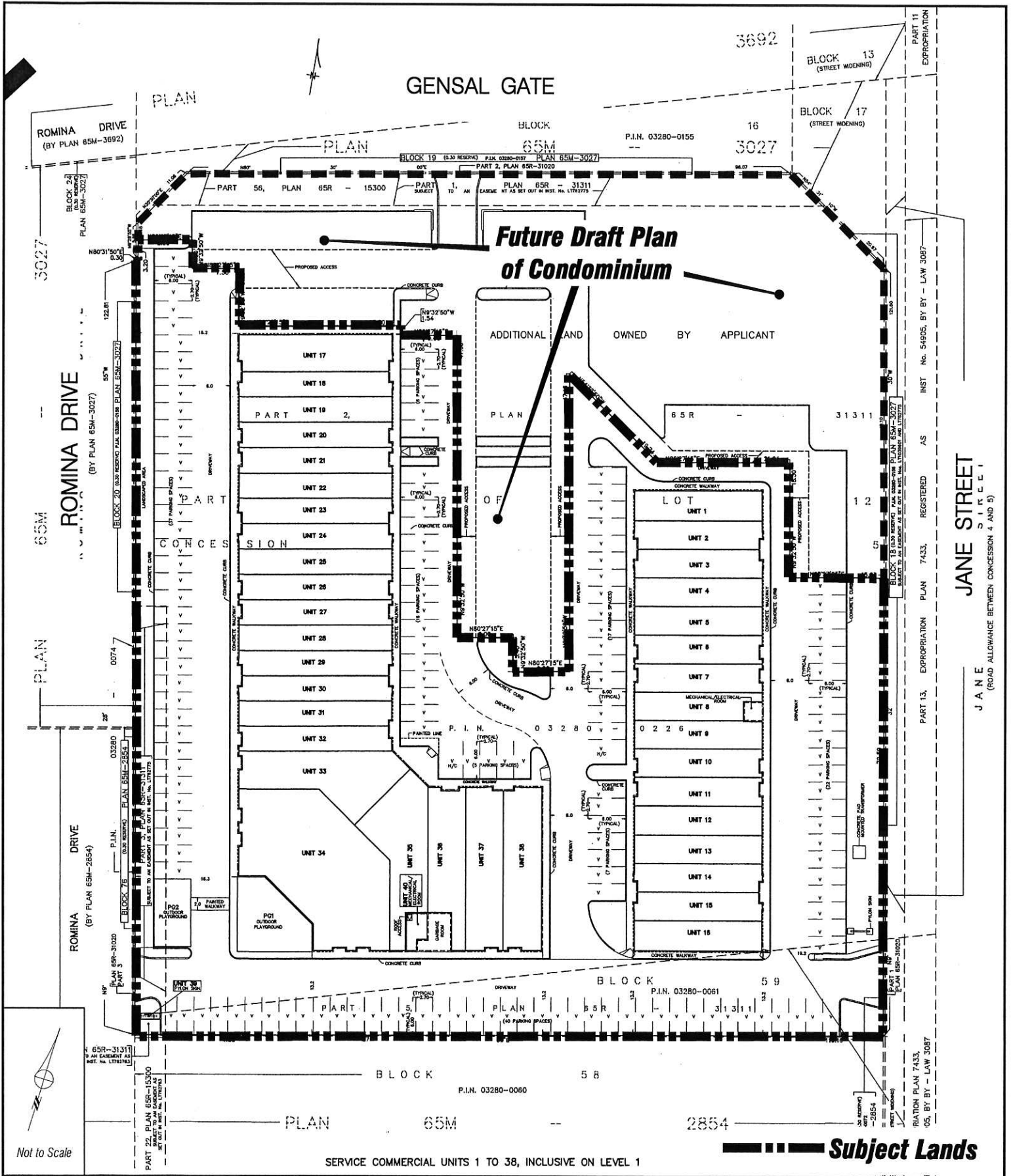
Development Planning Department

Attachment

FILES:
19CDM-11V005

DATE:
April 30, 2012

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Draft Plan of Condominium

File 19CDM-11V005

APPLICANT: Crystal Corporate Centre Inc. LOCATION: Part of Lot 12, Concession 5



Development Planning Department

Attachment

FILES:
19CDM-11V005

DATE:
April 30, 2012

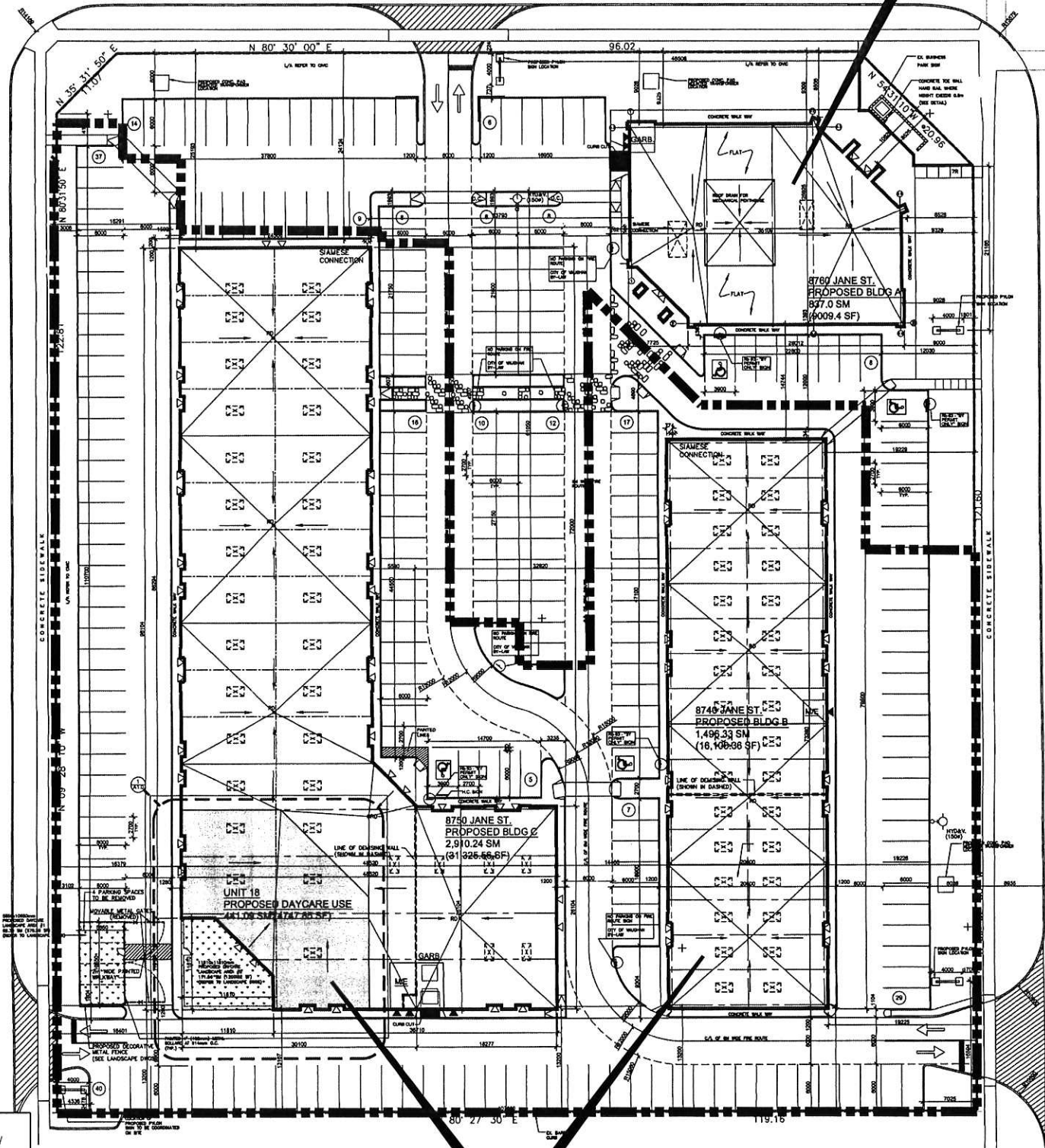
4

GENSAL GATE

OFFICE BUILDING
(NOT CONSTRUCTED)

ROMINA DRIVE

JANE STREET



MULTI-UNIT SERVICE
COMMERCIAL BUILDING
(CONSTRUCTED)

Subject Lands



Approved Site Plan (File DA.07.070,
as Amended by File DA.11.066)



Attachment

FILES:
19CDM-11V005

5

APPLICANT:
Crystal Corporate Centre Inc.

LOCATION:
Part of Lot 12, Concession 5

Development Planning Department

DATE:
May 29, 2012

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