



Staff Report for Committee of the Whole Meeting

Date of Meeting: January 22, 2018

Report Number: SRPRS.18.012

Department: Planning and Regulatory Services

Division: Development Planning

Subject: Request for Approval – Draft Plan of
Condominium – Sitaline (9211 Bayview) Inc. –
Town File D05-12007 (19CDM(R)-12007)
(SRPRS.18.012)

Owner:

Sitaline (9211 Bayview) Inc.
20 Cachet Woods Court
Markham, Ontario
L6C 3G1

Agent:

KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3

Location:

Legal Description: Block 1, Registered Plan 65M-4501
Municipal Address: 9211 Bayview Avenue

Purpose:

A request for approval of a draft Plan of Condominium (Common Element) to facilitate condominium tenure for the residential development presently under construction on the subject lands.

Recommendations:

- 1. That the proposed draft Plan of Condominium (Common Element) submitted by Sitaline (9211 Bayview Ave) Inc. for lands known as Block 1, Registered Plan 65M-4501 (Municipal Address: 9211 Bayview Avenue), Town File D05-**

12007 (19CDM(R)-12007), be draft approved subject to the following conditions:

- a) That draft approval be subject to the conditions as set out in Appendix “A” to SRPRS.18.012;
- b) That prior to draft approval being granted, the applicant pay the applicable processing fees in accordance with the Town’s Tariff of Fees By-law 79-17; and,
- c) That the Mayor and Clerk be authorized to execute the Condominium Agreement referred to in Appendix “A” to SRPRS.18.012.

Contact Person:

Ferdi Toniolo, Acting Senior Planner – Site Plans, phone number 905-771-2442 and/or Deborah Giannetta, Manager of Development, Site Plans, phone number 905-771-5542

Report Approval:

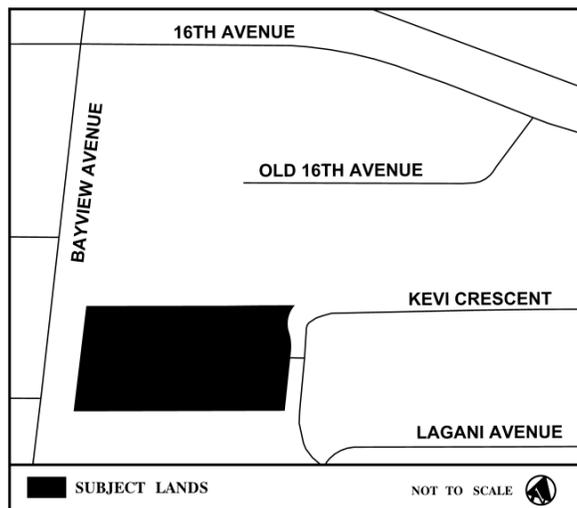
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



Background Information:

On October 17, 2012, the applicant submitted Zoning By-law Amendment, draft Plan of Subdivision and Site Plan applications to the Town, followed by the submission of an application for draft Plan of Condominium (Common Element) on November 2012 for the subject lands. The applications sought Council approval to permit a medium density residential development comprised of 40 townhouse dwelling units fronting onto a proposed common element condominium road with access from Bayview Avenue, and 10 street townhouse units fronting onto a proposed extension of Kevi Crescent.

Following the receipt of several revised submissions, on June 23, 2014, Council approved a residential development comprised of 34 semi-detached dwelling units, 3 townhouse dwelling units and a single detached dwelling having access to the proposed Kevi Crescent extension (refer to Map 4). Subsequently, implementing Zoning By-law 85-14 was passed and the related Plan of Subdivision and Site Plan Agreement were registered. Building Permits have since been issued and construction of the development is in progress. On October 16, 2017, a revised draft Plan of Condominium (Common Element) was submitted and circulated to Town departments and external agencies for comment.

The purpose of this report is to seek Council's approval of the applicant's revised draft Plan of Condominium.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of Bayview Avenue, south of 16th Avenue and have a total lot area of approximately 0.88 hectares (2.17 acres). The lands abut existing commercial uses to the north, the extension of Kevi Crescent to the east, an existing residential condominium development to the south and Bayview Avenue to the west (refer to Maps 1 and 2).

Development Proposal

A residential development is currently under construction on the lands. The following summary of the development statistics is based on the information submitted to the Town (refer to Maps 4 and 5):

- **Site Area**, 0.88 hectares (2.17 acres)
- **Number of Dwelling Units**, 38 (34 semi-detached dwelling units, 3 townhouse dwelling units and a single detached dwelling)
- **Common Element Area**, 0.19 hectares (0.48 acres)
- **Parcels of Tied Land Area**, 0.68 hectares (1.69 acres)
- **Visitor Parking Spaces**, 9 spaces
- **Building Heights**, 3 storeys

Supporting Documentation/Reports

The applicant has submitted a revised draft Plan of Condominium to the Town in support of the revised development proposal.

Planning Analysis:

Zoning By-law

The subject lands are zoned **Residential Multiple Family One (RM1) Zone** pursuant to site specific Zoning By-law 85-14 (refer to Map 3), which permits a maximum of 38 dwelling units on the property. In addition, By-law 85-14 allows for the creation of a Common Element Condominium and associated tied parcels on the subject lands.

Site Plan Approval

As indicated earlier in this report, Site Plan approval for the subject development was issued by the Town on June 23, 2016 and a Site Plan Agreement was registered on November 10, 2016. The approved residential development is currently under construction (refer to Map 4).

It should be noted that the Owner will be seeking an exemption from the Part Lot Control provisions outlined in Section 50(7) of the *Planning Act*, R.S.O. 1990, in order to facilitate the creation of the individual parcels forming the residential dwelling units within Block 1, Registered Plan 65M-4501.

Draft Plan of Common Element Condominium

Staff has reviewed the applicant's revised draft Plan of Condominium (Common Element) and can advise that the draft Plan is consistent with the approved Site Plan Agreement for the subject lands. Accordingly, staff would recommend approval of the draft Plan subject to the conditions outlined in Appendix A attached hereto. As required with all condominium approvals, the owner of the lands (if deemed necessary) may be required to enter into the standard Condominium Agreement with the municipality. The agreement (if required) shall direct the owner to agree that all of the Town's conditions of approval are to be satisfied. A condition reflecting the preceding will form part of the draft approval for the subject draft Plan of Condominium.

Financial/Staffing/Other Implications:

The recommendation does not have any financial, staffing or other implications.

Relationship to Strategic Plan:

The proposed development would align with **Goal One - Stronger Connections in Richmond Hill** by strengthening connections to transit. The proposal would also align with **Goal Two - Better Choices in Richmond Hill** by providing for a range of housing options for people, and providing for a mix of business opportunities and providing better quality options to achieve the community vision for the Town. The proposal would

further align with **Goal Four - Wise Management of Resources in Richmond Hill** by creating opportunities for live/work balance within the community and by using land responsibly and utilizing existing infrastructures.

Conclusions:

The applicant is seeking Council's approval of a draft Plan of Condominium related to a common element condominium road and parking areas within a 38 unit residential development that is presently under construction on the subject lands. Staff is recommending that the subject draft Plan of Condominium be approved subject to the conditions set out in Appendix "A" to this report.

Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Schedule of Conditions 19T(CDM(R)-12007
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Approved Site Plan
- Map 5 Draft Plan of Condominium 19CDM(R)-12007

Appendix A

Schedule “A”

Schedule of Conditions

Draft Plan of Condominium

“Common Element Condominium”

**Siteline (9211 Bayview Avenue) Inc.
Block 1, Registered Plan 65M-4501
Town of Richmond Hill**

Town File: D05-12007 (19CDM(R)-12007)

The conditions of the Council of the Town Of Richmond Hill to be satisfied prior to the release for registration of Plan of Condominium 19CDM(R)-12007, Town of Richmond Hill, are as follows:

Town of Richmond Hill

Planning and Regulatory Services Department (Development Planning Division)

1. Approval shall relate to a Draft Plan of Condominium prepared by KLM Planning Partners Inc., Reference #: 17.3, dated October 10, 2017.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the Town dated June 23, 2016 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument No. YR2575969, to the satisfaction of the Commissioner of Planning and Regulatory Services.
3. The Owner shall enter into a Condominium Agreement, if required to do so by the Town which shall be registered on title and to the satisfaction of the Town Solicitor, in priority to all other claims or interest.
4. The Owner shall submit plans of Condominium pre-approved by the Land Registry Office, satisfactory to the Town, prior to final approval of the Plan of Condominium.
5. Prior to final approval, the Owner shall, if required to do so by the Town, submit to and obtain the approval of the Town for the form and content of the Condominium Description and Declaration and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act*, 1998, all

right(s)-of-way and easements for vehicular access, on-site traffic circulation, municipal servicing or utility servicing to the satisfaction of the Town.

6. The Owner covenants and agrees to provide the following clauses in the Condominium Description and Declaration prior to Final Approval and to the satisfaction of the Commissioner of Planning and Regulatory Services:
 - a) “A right of access and entry to the Owners of the adjoining lands being PIN 03113-007 (LT) – Part of Lot 16, Plan 2113, PIN 03113-0251 (LT) – Part of Lot 16, Plan 2113 and PIN 03113-0239 (LT) – Part of Lot 16, Plan 2113 as in Instrument No. MA46308, over that portion of the condominium lands being that Part of Lot 17, Plan 2113, described further as Part 1, Plan 65R-36314.”
 - b) “The right of entry shall be provided for the purpose of permitting completion of grading works and other related adjustments or removals along the retaining wall and mutual boundaries of the aforementioned lands to enable future development applications to achieve grading compatibility along the mutual boundary of the subject lands as part of future development application(s). Such adjustments shall be in accordance to site specific grading approval(s) to be provided by the Town of Richmond Hill as the adjoining lands being PIN 03113-007 (LT), PIN 03113-0251 (LT) and PIN 03113-0239 (LT) proceed to redevelop in the future.”

Planning and Regulatory Services Department (Regulatory Services Division)

7. Prior to final approval of the Plan, the Owner shall have fully complied with all orders issued pursuant to the *Building Code Act*, 1992 and shall have completed all work necessary to correct any building deficiencies related to said order to the satisfaction of the Town.

Planning and Regulatory Services Department (Development Engineering Division)

8. Prior to final approval of the Plan, the owner shall provide the Town with evidence in the form of Engineer’s Certificate stating that all grading, drainage, above and below ground services, asphalt paving, concrete works and demarcation of parking spaces within the Common Element Condominium area, and any other matters required to support the development of the lands within the Plan, including but not limited to, any retaining walls, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favour of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the site plan agreement will be kept in full force by the Town.

9. The Owner shall file with the Town, if required to do so by the Town, certification from a Professional Engineer or Ontario Land Surveyor or Solicitor authorized to practice in the Province of Ontario that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land with the lands within the Plan) for, but not limited to, access, parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 5.

Planning and Regulatory Services (Parks Planning and Natural Heritage Division)

10. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance of all common element landscape areas.
11. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Regulatory Services.

Corporate & Financial Services

12. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the Town.
13. The Owner shall pay any outstanding taxes owing to the Town.
14. The Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

York Region

15. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the site plan approval issued for the subject property under Regional File No. SP-R-007-13, 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 under Regional File No. SP-R-007-13.
17. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way have 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 obligation have been completed where Regional agreements require responsibility to change from the Owner to the Condominium Corporation.

Alectra Utilities

19. Prior to final approval, the Owner shall satisfy the requirements of Alectra Utilities.

Enbridge Gas

20. Prior to final approval, the Owner shall satisfy the requirements of Enbridge Gas Distribution Inc.

Clearance Conditions

21. The Town shall advise that Conditions 1 to 14 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
22. York Region shall advise that Conditions 15 to 18 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
23. Alectra Utilities shall advise that Condition 19 has been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.
24. Enbridge Gas shall advise that Conditions 20 has been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.

Note: Where Final Approval For Registration Has Not Been Given Within Three (3) Years After The Date Upon Which Approval To The Proposed Plan Of Condominium Was Given, The Town Of Richmond Hill May, In Its Discretion And Pursuant To The *Planning Act*, R.S.O. 1990, Withdraw Its Approval To This Proposed Plan Of Condominium, Unless Approval Has Been Sooner Withdrawn, But The Town Of Richmond Hill May, From Time To Time, Extend The Duration Of The Approval.

Report Approval Details

Document Title:	SRPRS.18.012.docx
Attachments :	- MAP_1_AERIAL_PHOTOGRAPH.pdf - MAP_2_NEIGHBOURHOOD_CONTEXT_S512007A.pdf - MAP_3_EXISTING_ZONING_DESIGNATION_S512007A.pdf - MAP_4_APPROVED_SITE_PLAN.pdf - MAP_5_DRAFT_PLAN_OF_COMMON_ELEMENTS_CONDOMINIUM.pdf
Final Approval Date:	Jan 9, 2018

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Jan 9, 2018 - 1:23 PM

Kelvin Kwan - Jan 9, 2018 - 3:27 PM

Neil Garbe - Jan 9, 2018 - 4:15 PM