

## Committee of the Whole (1) Report

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**DATE:** Tuesday, February 7, 2023

**WARD:** 2

**TITLE:** PINE VALLEY KLEINBURG HOMES LTD.  
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-22V006  
(COMMON ELEMENTS)  
6061 AND 6079 RUTHERFORD ROAD, AND 134 AND 140  
SIMMONS STREET  
VICINITY OF RUTHERFORD ROAD AND SIMMONS STREET

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for a Draft Plan of Condominium (Common Elements) Application for the subject lands located at 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street (the 'Subject Lands') and shown on Attachment 2, to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, 34 visitor parking spaces, bicycle parking, two playgrounds totaling 828.12 m<sup>2</sup>, walkways, and landscaped / buffer /open space areas. These common elements will service 111 townhouse units in 22 blocks shown on Attachments 3 and 4.

## **Report Highlights**

- The Owner proposes to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, 34 visitor parking spaces, bicycle parking, two playgrounds totaling 828.12 m<sup>2</sup>, walkways, and landscaped / buffer /open space areas.
- A Draft Plan of Condominium (Common Elements) Application is required to permit the development.
- The Development Planning Department supports the approval of the application as it is consistent with the Provincial Policy Statement, 2020, conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended, the York Region Official Plan 2022, and Vaughan Official Plan 2010, and is compatible with the existing and planned land uses in the surrounding area.

## **Recommendation**

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-22V006 (Pine Valley Kleinburg Homes Ltd.) BE APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL identified on Attachment 1, to establish the condominium tenure and common elements shown on Attachment 3.

## **Background**

### ***Vaughan Council previously approved the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files for 111 townhouse units served by private common element roads on the Subject Lands***

Vaughan Council, on January 29, 2019, ratified the recommendation of the January 19, 2019 Committee of the Whole and approved the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (Files OP.17.011, Z.17.031, and 19T-17V011) to permit 111 townhouse units in 22 blocks served by private common element roads.

The ratification also included a recommendation for the Owner to withdraw their appeals of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications (Files OP.17.011, Z.17.031, and 19T-17V011), prior to the approval of the related Site Development File DA.18.070. On June 15, 2020, the Owner withdrew the appeals and the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal), on June 16, 2020, acknowledged the withdrawal and advised of the approval of the applications and the implementing Official Plan Amendment (OPA Number 38) and Zoning By-law Amendment (By-law 041-2019) were deemed final. The Draft Plan of Subdivision (Plan 65M-4719) was registered on February 3, 2022.

***Vaughan Council previously approved the Site Development File to facilitate the residential development of 111 townhouse units served by private common element roads on the Subject Lands***

Vaughan Council, on April 20, 2021, ratified the recommendation of the April 7, 2021 Committee of the Whole and approved the Site Development Application (File DA.18.070) to facilitate the residential development of 111 townhouse units in 22 blocks served by private common element roads, as well as playgrounds and visitor parking. The Site Plan Agreement for the approved residential development was registered on May 20, 2022.

**Previous Reports/Authority**

The following are links to previous reports regarding the Subject Lands:

[January 22, 2019 Committee of the Whole Report – Official Plan Amendment Files OP.16.007 and OP.17.011, Zoning By-law Amendment Files Z.16.019 and Z.17.031 and Draft Plan of Subdivision Files 19T-16V004 and 19T-17V011 \(Item 1, Report 4\)](#)

[April 7, 2021 Committee of the Whole \(1\) – Site Development File DA.18.070 \(Item 4, Report 14\)](#)

**Analysis and Options**

***Draft Plan of Condominium (Common Elements) Application has been submitted to facilitate the residential development***

Pine Valley Kleinburg Homes Ltd. (the ‘Owner’) submitted a Draft Plan of Condominium Application File 19CDM-22V006 (‘Application’). The Application is to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, 34 visitor parking spaces, two playgrounds totaling 828.12 m<sup>2</sup>, walkways, and landscaped / buffer /open space areas (the ‘Development’). These common elements will service 111 townhouse units in 22 blocks shown on Attachments 3 and 4.

***The Development is consistent with the Provincial Policy Statement, 2020, and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, York Region Official Plan, 2022 and Vaughan Official Plan, 2010***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. The *Planning Act* requires Vaughan Council’s planning decisions be consistent with the PPS. The Development is consistent with Sections 1.1.3, 1.4.1 and 1.6.74 of the PPS encouraging development within Settlement Areas to make the efficient use of land and planned and existing

infrastructure and services. The polices also contribute to providing for an appropriate range and mix of housing options and densities.

The Provincial Growth Plan: A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan') is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe, including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council's planning decisions are required by the Planning Act to conform, or not conflict with, the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Section 2.2.1 of the Growth Plan. The Subject Lands are located within a "Community Area" in Schedule 1 - Urban Structure of Vaughan Official Plan 2010 ('VOP 2010') and makes a more efficient use of the lands in accordance with Sections 2.2.1.4 and 2.2.6.2 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Subject Lands are designated "Low-Rise Residential" by Schedule 13, Land Use of VOP 2010, Volume 1 and are located within a "Community Area" by Schedule 1, Urban Structure of VOP 2010, Volume 1. The "Low-Rise Residential" designation permits townhouses. The Development conforms to the Official Plan.

***A Minor Variance is required for the residential development to comply with "RT1 Residential Townhouse Zone" by Zoning By-law 1-88, subject to site-specific exception 9(1474) for the Subject Lands***

The Subject Lands are zoned "RT1 Residential Townhouse Zone" by Zoning By-law 1-88 subject to site-specific exception 9(1474) in the manner shown on Attachment 2. The Owner submitted a Minor Variance Application (File A273-22) ('Variances') to the Committee of Adjustment seeking relief to the site-specific zoning exceptions identified in Table 1 of this report:

Table 1

	<b>Zoning By-Law 1-88 Standard</b>	<b>"RT1 Residential Townhouse Zone" Requirements, subject to Site Specific Exceptions 9(1474)</b>	<b>Proposed Exceptions to the "RT1 Residential Townhouse Zone", subject to Site Specific Exceptions 9(1474) Requirements</b>
a.	Minimum Lot Area	150 m <sup>2</sup>	148 m <sup>2</sup> Lots 2, 3, 4 and 5 in Block 1, and Lots 8 and 9 in Block 2

	<b>Zoning By-Law 1-88 Standard</b>	<b>“RT1 Residential Townhouse Zone” Requirements, subject to Site Specific Exceptions 9(1474)</b>	<b>Proposed Exceptions to the “RT1 Residential Townhouse Zone”, subject to Site Specific Exceptions 9(1474) Requirements</b>
b.	Minimum Rear Yard	7.2 m	6.8 m Lots 1, 2, 3, 4, 5 and 6 in Block 1
c.	Minimum Lot Depth	23 m	22.9 m Lot 17 in Block 4
d.	Minimum Exterior Side Yard	3.8 m	3 m Lot 106 in Block 21

The Committee of Adjustment, on December 8, 2022, at its meeting, approved the Variances. The Variances’ decision must be final and binding prior to final registration of the condominium plan. A condition to this effect is included in Attachment 1.

***Council enacted Zoning By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law.***

Applications to amend both Zoning By-law 1-88 and Zoning By-law 001-2021 are required because Zoning By-law 001-2021 is not in force for the Subject Lands due to it being under appeal.

***Compliance with Transition Provisions under Section 1.6 of Zoning By-law 001-2021, as amended***

The Subject Lands are zoned “RE (EN), Estate Residential Zone (Established Neighbourhood)” under Zoning By-law 001-2021, as amended. The Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (Files OP.17.011, Z.17.031, and 19T-17V011) that facilitated the zoning for the Development are determined to be transitioned in accordance with Subsection 1.6.3 of Zoning By-law 001-2021 as these files were submitted and deemed complete prior to October 20, 2021, and therefore the Development is subject to Zoning By-law 1-88, as amended, only.

***The Application is consistent with the approved Site Development File DA.18.070***

The Site Plan Agreement for the approved Site Development File DA.18.070 to facilitate a residential development for 111 townhouse units in 22 blocks served by private common element roads, as well as playgrounds and visitor parking was registered on May 20, 2022. The Application is consistent with the approved site plan, shown on Attachment 5. The Application, shown on Attachment 3, will create the condominium tenure for the privately owned and maintained common elements, that consists of

private roads, 34 visitor parking spaces, bicycle parking, two playgrounds totaling 828.12 m<sup>2</sup>, walkways, and landscaped / buffer /open space areas.

***An Exemption from Part Lot Control Application is required to implement the residential development***

Should the Application be approved, an Exemption from Part Lot Control Application will be required to create the residential townhouse units shown on Attachment 4 that are tied to the common elements condominium ('Parcels of Tied Land') for future ownership.

***The Development Planning Department supports the approval of the Draft Plan of Condominium, subject to the comments and conditions outlined in this report***

The Application consists of private roads, 34 visitor parking spaces, bicycle parking, two playgrounds totaling 828.12 m<sup>2</sup>, walkways, and landscaped / buffer /open space areas shown on Attachment 3 which serves the residential development for 111 townhouse units in 22 blocks. The Owner must address the site layout for sidewalks and crosswalks to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

Snow ploughing and removal, and garbage and recycling collection will be privately administered and the responsibility of the Condominium Corporation and shall be included as a condition in Attachment 1.

The Subject Lands are not designated under the *Ontario Heritage Act*, are not included in the Register of Property of Cultural Heritage Value, and are not noted as a property of interest to the Cultural Heritage Division, as per the City of Vaughan Heritage Inventory. Therefore, there are no built heritage concerns for this Development. The Ministry of Tourism, Culture and Sport accepted the findings of the Stage 1 - 2 Archaeological Assessment that no archaeological potential was identified on the Subject Lands. The standard clauses respecting any findings of any archaeological resources or human remains shall apply and shall be included as a condition in Attachment 1.

The Development Planning Department supports the approval of the Application subject to the comments in this report and conditions included in Attachment 1.

***The Development Engineering Department has no objection to the Draft Plan of Condominium, subject to their condition of Draft Approval***

The Development Engineering ('DE') Department has no objection to the Application, subject to the Owner providing documentation to the DE Department prior to registration of the Condominium Agreement and Plans, to confirm that site plan conditions, warning clauses and other conditions relating to the construction and alignment of any of the retaining walls and noise including the construction of the acoustic barrier have been incorporated into all Agreements of Purchase, Sale and Lease, the Condominium Declaration, and the Condominium Agreement. A condition to this effect is included in Attachment 1.

***Building Standards Department has no objection to the Application, subject to their conditions of Draft Plan of Condominium***

The Building Standards Department has no objection to the Application subject to the drawings submitted for the draft plan of condominium being consistent with those approved for the approved Site Plan and the Site Plan Agreement. As-built drawings are required to confirm compliance with the Zoning By-law. Conditions to this effect are included in Attachment 1.

***Emergency Planning has provided conditions of Draft Plan of Condominium***

The Emergency Planning Division has reviewed the Application and advised that the Development is located between two flood plains of Rutherford Road and Regional Road 27, and Rutherford Road west of the rail line. Access and egress to the Development is impacted for emergency services in a flood event. As there is no other means of access to and egress from the Subject Lands except on Simmons Street at Rutherford Road the Subject Lands will be isolated in a flood event. Confirmation of flood limits, velocity and depths from Toronto and Region Conservation Authority ('TRCA') for Rutherford Road and Regional Road 27, and Rutherford Road west of the rail line is required. The Owner shall have a warning clause in all Agreements of Purchase, Sale and Lease for the Development advising that access to and egress from the Subject Lands will be impacted in a flood event. Further, the Owner shall ensure that appropriate sound barriers/berms be installed between the rail line and neighbourhood. Conditions to this effect are included in Attachment 1.

***The Fire and Rescue Services Department has no objection to the Draft Plan of Condominium***

The Fire and Rescue Services Department has no objection to the Development, subject to the adequate provisions for fire safety and protection being provided in accordance with the Ontario Building Code.

***The Vaughan Financial Planning and Development Finance Department has no objection to the Application, subject to their conditions of Draft Plan of Condominium***

The Financial Planning and Development Finance Department advises that the Owner shall confirm to the Development Planning Department and the Office of the City Clerk that all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this Development have been paid prior to final approval. A condition to this effect is included in Attachment 1.

***The Real Estate Department has no objection to the Draft Plan of Condominium, subject to the Conditions of Approval***

The Real Estate Department has no objection to the approval of the Draft Plan of Condominium. The Owner shall convey land at the rate of 1 ha per 300 units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of 1 ha per 500 units, or at a fixed unit rate, prior to the issuance of a Building Permit, in accordance with Section 42 of the *Planning Act* and shall conform to the

City's Cash-in-Lieu of Parkland Dedication Policy. A condition to this effect is included in Attachment 1 of this report.

***Other Departments of the City of Vaughan have no objection to the Draft Plan of Condominium***

The Infrastructure Planning and Corporate Asset Management, Parks Infrastructure Planning and Development, Environmental Services, and By-law and Compliance, Licensing and Permit Services Departments have no objection to the Application and no conditions.

***The Toronto and Region Conservation Authority has no objection to the Draft Plan of Condominium***

The TRCA has no requirements or comments for the Application, as previous interests in the Development were addressed through the related Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision Applications (Files OP.17.011, Z.17.031 and 19T-17V011) and associated permits pursuant to Ontario Regulation 166/06 (TRCA Permit Nos. C-200601 and C-201058). The TRCA has no objection to the Development and no conditions.

***Canadian Pacific Railway have advised that the Owner follow Guidelines for New Development in Proximity to Railway Operations***

The Development is in proximity to the Canadian Pacific Railway ('CP') owned and operated Mactier Subdivision to the west, classified as a principal main rail line. CP is not in favour of residential development in proximity to its right-of-way as this land use is not compatible with railway operations. CP recommends that the warning clause respecting noise and/or vibration be included in all Agreements of Purchase, Sale, and Lease. A condition to this effect is included in Attachment 1 of this report. The health, safety and welfare of future residents could be adversely affected by railway activities.

***The School Boards have no comments or conditions for the Draft Plan of Condominium***

No comments nor conditions were received from the York Region District School Board and Conseil Scolaire de District Catholique Centre-Sud. The York Catholic District School Board had no comments nor conditions.

***The following commenting agencies have advised they have no objections to the approval of the Application***

Canada Post has no objection to the Application, subject to the conditions, in relation to approved Site Development Application File DA.18.070, being satisfied. Alectra Utilities, Bell Canada, Enbridge Gas, Hydro One and Rogers have no objection to the Application. The Owner is required to confirm all required easements and rights-of-ways for each utility have been granted to the appropriate authority. A condition to this effect is included in Attachment 1.

**Financial Impact**

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



## **Broader Regional Impacts/Considerations**

The York Region has no objection to the Application, subject to the conditions of approval included in Attachment 1.

## **Conclusion**

The Development Planning Department has reviewed Draft Plan of Condominium (Common Elements) File 19CDM-22V006 in consideration of the applicable Provincial Policies, York Region and City Official Plan policies, the requirements of Zoning By-law 1-88 and the transitional policies of Zoning By-law 001-2021, the comments received from City Departments and external public agencies, and the surrounding area context.

The Development Planning Department is of the opinion that the Application is consistent with the PPS, conforms to the Growth Plan, the YROP 2022 and VOP 2010, and is compatible with the surrounding area context. On this basis, the Development Planning Department can support the approval of the Application, subject to the recommendations in this report and the Conditions of Approval in Attachment 1.

**For more information**, please contact: Judy Jeffers, Planner, Development Planning Department, ext. 8645.

## **Attachments**

1. Conditions of Draft Approval - Draft Plan of Condominium (Common Elements) Approval File 19CDM-22V006
2. Context and Location Map
3. Draft Plan of Condominium (Common Elements) File 19CDM-22V006
4. Draft Reference Plan – Parcels of Tiered Lands
5. Approved Site Plan File DA.18.070

## **Prepared by**

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## **Approved by**



Haiqing Xu, Deputy City Manager,  
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## **Reviewed by**



Nick Spensieri, City Manager