

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 20, 2023

Item 13, Report No. 28, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 20, 2023.

13. VALLEY MAJOR DEVELOPMENTS LIMITED DRAFT PLAN OF CONDOMINIUM FILE 19CDM-23V003 (COMMON ELEMENT CONDOMINIUM) 4433, 4455, AND 4477 MAJOR MACKENZIE VICINITY OF MAJOR MACKENZIE DRIVE AND PINE VALLEY DRIVE

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 6, 2023:

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-23V003 (Valley Major Developments Limited) BE APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 5; and
2. THAT Council's approval of Draft Plan of Condominium (Common Elements) File 19CDM-23V003, subject to the conditions set out in Attachment 5, be for a period of three years from the date on which approval was given, and the approval shall lapse at the expiration of that time period.

Committee of the Whole (2) Report

DATE: Tuesday, June 6, 2023 **WARD(S):** 3

TITLE: VALLEY MAJOR DEVELOPMENTS LIMITED
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-23V003
(COMMON ELEMENT CONDOMINIUM)
4433, 4455, AND 4477 MAJOR MACKENZIE
VICINITY OF MAJOR MACKENZIE DRIVE AND PINE VALLEY
DRIVE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for a Draft Plan of Condominium (Common Elements) Application to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, visitor parking, amenity space, walkways and landscaped/open space areas for 91 townhouse units as shown on Attachments 2 and 3.

Report Highlights

- The Owner proposes a condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, visitor parking, amenity space, walkways, and landscaped/open space areas for 91 townhouse units.
- A Draft Plan of Condominium (Common Elements) Application is required to permit the proposed development.
- The Development Planning Department supports the proposed development. subject to conditions as outlined in this report

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-23V003 (Valley Major Developments Limited) BE APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 5; and
2. THAT Council's approval of Draft Plan of Condominium (Common Elements) File 19CDM-23V003, subject to the conditions set out in Attachment 5, be for a period of three years from the date on which approval was given, and the approval shall lapse at the expiration of that time period.

Background

Location: 4433, 4455 and 4477 Major Mackenzie Drive (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

The Ontario Municipal Board ('OMB') and Local Planning Appeal Tribunal ('LPAT') approved applications for Official Plan and Zoning By-law Amendments

The Owner of the Subject Lands, on September 25, 2017, and October 4, 2017, appealed the related Zoning By-law and Official Plan Amendment Files Z.17.013 and OP.17.005 to the then Ontario Municipal Board (OMB), now the Ontario Land Tribunal (OLT), pursuant to Sections 22(7) and 34(11) of the *Planning Act*, citing Vaughan Council's failure to decide on the Official Plan and Zoning By-law Amendments within the prescribed timelines under the *Planning Act*.

On November 25, 2019, the then Local Planning Appeal Tribunal (LPAT) issued an interim Order to approve the Official Plan Amendment and to approve the Zoning By-law Amendment in principle, until the parties had a reasonable opportunity to finalize the zoning by-law. The final Order to approve the Zoning By-law Amendment (By-law 079-2020) and Official Plan Amendment (OPA 49) was issued on May 29, 2020.

A Site Development Application to facilitate a residential development of 91 townhouse units served by private common elements roads on the Subject Lands has been approved

Vaughan Council, on September 27, 2021, ratified the recommendation of the September 14, 2021, Committee of the Whole and approved the Site Development Application (File DA.17.084) to facilitate the residential development of 91 townhouse units and common elements that consists of private roads, visitor parking, amenity space, walkways and landscaped/open space areas (the 'Development'). The Site Plan Agreement for the approved residential development was registered on March 23rd, 2023.

A Draft Plan of Condominium (Common Elements) Application has been submitted to permit the proposed condominium tenure

The Owner has submitted an Application for Draft Plan of Condominium (Common Elements) (the 'Application') for the Subject Lands to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, visitor

parking, amenity space, walkways and landscaped/open space areas (the 'Common Element Condominium' or 'CEC') as shown on Attachment 3.

The Owner has also submitted an Exemption from Part Lot Control Application (File PLC.23.002) to lift the part lot control provisions of the *Planning Act*, R.S.O. 1990, c. P.13 from the Subject Lands and create the residential townhouse units, as shown on Attachment 4, that are tied to the CEC (Parcels of Tied Land' or 'POTLs') for future ownership.

Previous Reports/Authority

Previous reports related to the Subject Lands can be found at the following links:

Valley Major Developments Limited, Public Hearing Report for OP.17.005 and Z.17.013: [September 26, 2017, Committee of the Whole \(Public Hearing\) Report \(Item 7, Report No. 32\)](#)

Valley Major Developments Limited, Committee of the Whole Report for OP.17.005 and Z.17.013: [June 4, 2019, Committee of the Whole Report \(Item 5, Report 20\)](#)

The Decision and Order of the LPAT for OP.17.005 and Z.17.013: [November 25, 2019, LPAT E-decision for PL171046](#)

Valley Major Developments Limited, Committee of the Whole Report for DA.17.084: [September 14, 2021, Committee of the Whole Report \(Item 10, Report No. 39\)](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area. The Application establishes the tenure for the Development which introduces a range of housing options to the area through the intensification of lands in the City's established Settlement Area where full municipal services exist. The ability to utilize existing municipal infrastructure, and the provision of an additional housing form at an increased density on the Subject Lands is consistent with the PPS. Staff are satisfied that the Application is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within the Delineated Built Boundary of a Settlement Area, with access to municipal water and wastewater systems. The Application establishes the tenure for the Development that contributes to a diverse range and mix of housing options within the area and is a more compact built form and intensification of the Subject Lands. The Application conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands 'Urban Area' on Map 1, which permits a wide range of residential, commercial, industrial, and institutional uses, and 'Community Areas' on Map 1A, which is where the majority of residents, personal services, retail, arts culture, recreational facilities and human service needs will be located. Section 4.2.2 of YROP 2022 states that Community Areas shall contain a wide range and mix of housing types, sizes and tenures that include options are affordable to residents at all stages of life. The Application, which conforms to the YROP 2022, establishes the tenure for the Development and provides for a denser development on the Subject Lands while diversifying the housing types within the area.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- “Community Area” on Schedule 1 – “Urban Structure” of VOP 2010
- “Low-Rise Residential” and “Natural Areas” on Schedule 13 – “Land Use” of VOP 2010, subject to site-specific policies as indicated on Schedule 14C – “Areas Subject to Site Specific Plans”

The “Low-Rise Residential” designation, as amended by OPA 49, permits the 3-storey townhouse dwellings with access from a private, common element condominium road, as part of a row of at least three but no more than eight attached residential units.

The Application conforms to VOP 2010.

The Development complies with Zoning By-law 1-88, as amended

The Subject Lands are zoned “RT1 Residential Townhouse Zone” and “OS1 Open Space Conservation Zone” in Zoning By-law 1-88, subject to site-specific Exception 9(1496). The Development as shown on Attachments 2 and 3 complies with Zoning By-law 1-88, as amended by By-law 079-2020 issued by the LPAT.

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law

As the Application relates to an amendment to Zoning By-law 1-88 that was finally approved and in effect before October 20, 2021, the Application is transitioned under Zoning By-law 001-2021, and the requirements of Zoning By-law 001-2021 do not apply to prevent the approval of this Application.

The Draft Plan of Condominium is consistent with the approved Site Development Application

Vaughan Council on September 27, 2021, approved Site Development File DA.17.084 (Valley Major Developments Limited) to permit the Development as shown on Attachment 2. The Draft Plan of Condominium (Common Elements) as shown on Attachment 3 is required to create the common element tenure for the following:

- Private roads, including a Fire Route
- 23 visitor parking spaces
- Sidewalks, walkways, landscaped areas, drainage areas and exterior amenity areas
- Retaining walls

The proposed Application is consistent with the approved site plan.

The Development Planning Department supports the approval of the Draft Plan of Condominium, subject to Conditions of Approval in Attachment 5

The Application consists of private roads, 23 visitor parking spaces, sidewalks, walkways, landscaped areas, drainage areas, exterior amenity areas, and retaining walls as shown on Attachment 2, which serve 91 townhouse units in 16 blocks.

Snow ploughing and removal, garbage and recycling collection, and the maintenance of the acoustical barrier, retaining wall and subsurface infrastructure, and storm channel and all of its features and apparatuses will be privately administered and the responsibility of the Condominium Corporation which have been included as conditions of approval in Attachment 5.

The Owner will also be required to demonstrate that required warning clauses have been included in all Offer of Purchase and Sale, and Lease or Rental agreements, and a condition of approval to this effect has been included in Attachment 5.

The Development Planning Department supports the approval of the Application subject to the Conditions of Approval in Attachment 5.

Financial Impact

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

Operational Impact

Internal City Departments, external agencies and various utilities have no objection to the Application

The Development Finance Department, Bell Canada, Canada Post, and Enbridge have no objections to the Application, subject to the conditions included on Attachment 5.

The Building Department, By-law & Compliance, Licensing & Permit Services Department, Development Engineering and Transportation Engineering Departments, Infrastructure Planning and Corporate Asset Management Department, Parks Infrastructure Planning and Development, Policy Planning and Special Programs Environmental Planning division, Real Estate Department, Alectra, Hydro One, Rogers, and York Catholic District School Board have no objections to the Application.

Broader Regional Impacts/Considerations

York Region has no objection to the approval of the Application. The Owner is required to satisfy all York Region requirements, subject to the comments and Conditions of Approval in Attachment 5.

The Toronto and Region Conservation Authority (TRCA) has no objections to the approval of the Application

The TRCA has indicated that their interests have been addressed through the related Applications for Official Plan and Zoning By-law Amendments, and Site Development, and that they have no comments or objections to the approval of the Application.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report and Conditions of Approval in Attachment 5.

For more information, please contact Casandra Krysko, Senior Planner, at ext. 8003.

Attachments

1. Context and Location Map
2. Approved Site Plan – File DA.17.084
3. Draft Plan of Condominium (Common Elements) - File 19CDM-23V003
4. Draft Reference Plan – Parcels of Tied Land
5. Conditions of Draft Plan of Condominium Approval File 19CDM-23V003

Prepared by

Casandra Krysko, Senior Planner, ext. 8003

Mark Antoine, Senior Manager of Development Planning, ext. 8212

Nancy Tuckett, Director of Development Planning, ext. 8529

Approved by

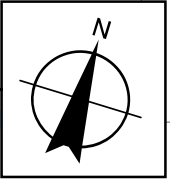
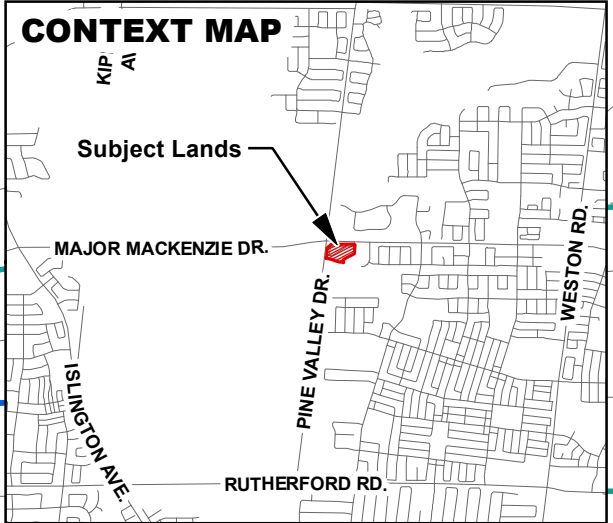
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Haiqing Xu, Deputy City Manager,
Planning and Growth Management

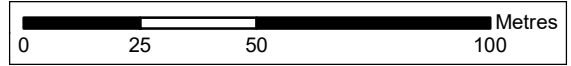
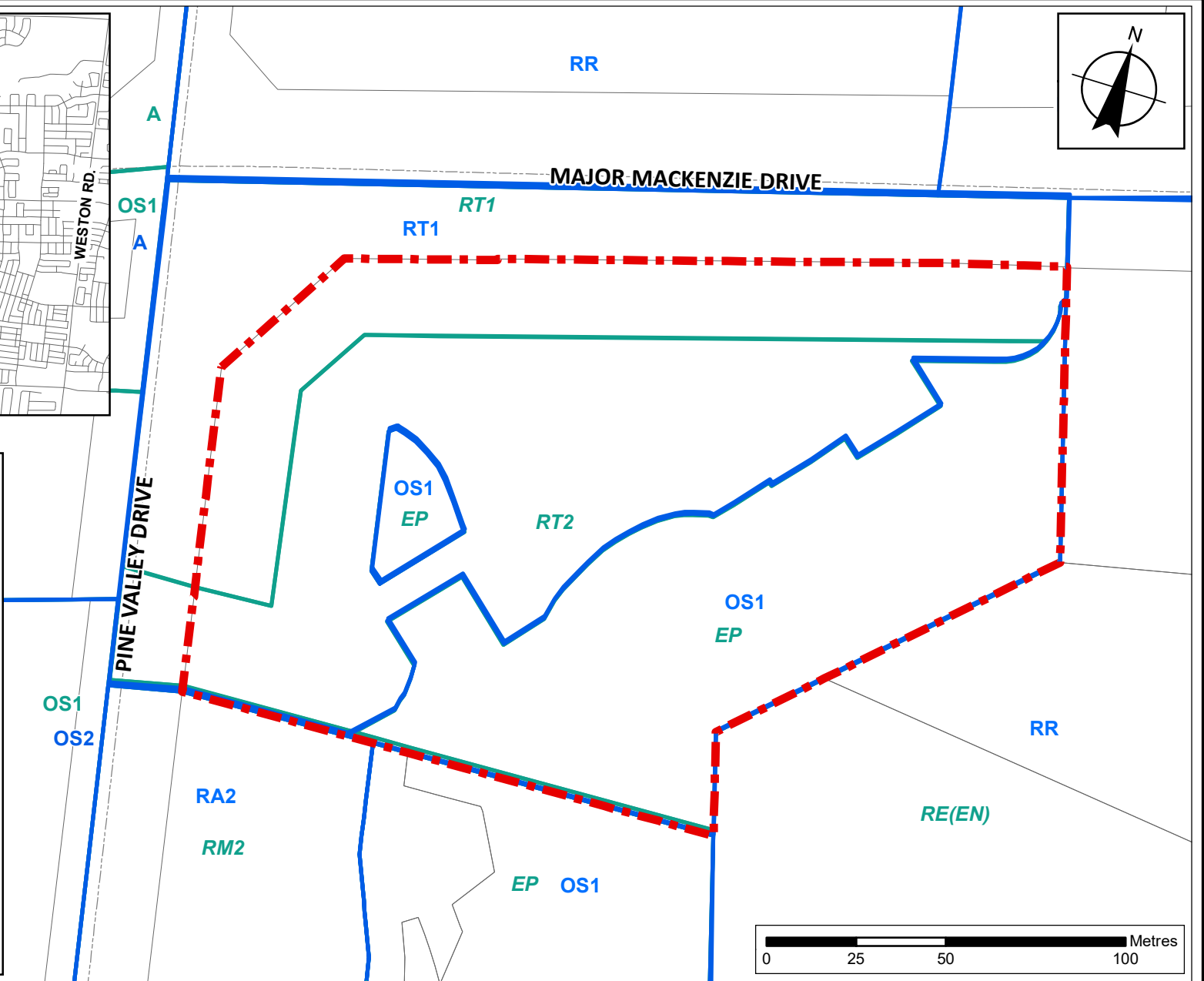
Reviewed by

A handwritten signature in cursive script, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager



- Subject Lands**
Zoning Legend 1-88
- A, Agricultural
 - OS1, Open Space Conservation
 - OS2, Open Space Park
 - RA2, Apartment Residential
 - RR, Rural Residential
 - RT1, Residential Townhouse Zone
- Zoning Legend 001-2021**
- A, Agriculture Zone
 - EP, Environmental Protection Zone
 - OS1, Public Open Space Zone
 - RE, Estate Residential Zone
 - RM2, Multiple Unit Residential Zone
 - RT1, Townhouse Residential Zone
 - RT2, Townhouse Residential Zone



Context and Location Map

LOCATION:
 Part of Lot 20, Concession 6
 4433, 4455, 4477 Major Mackenzie Drive

APPLICANT:
 Valley Major Developments Limited

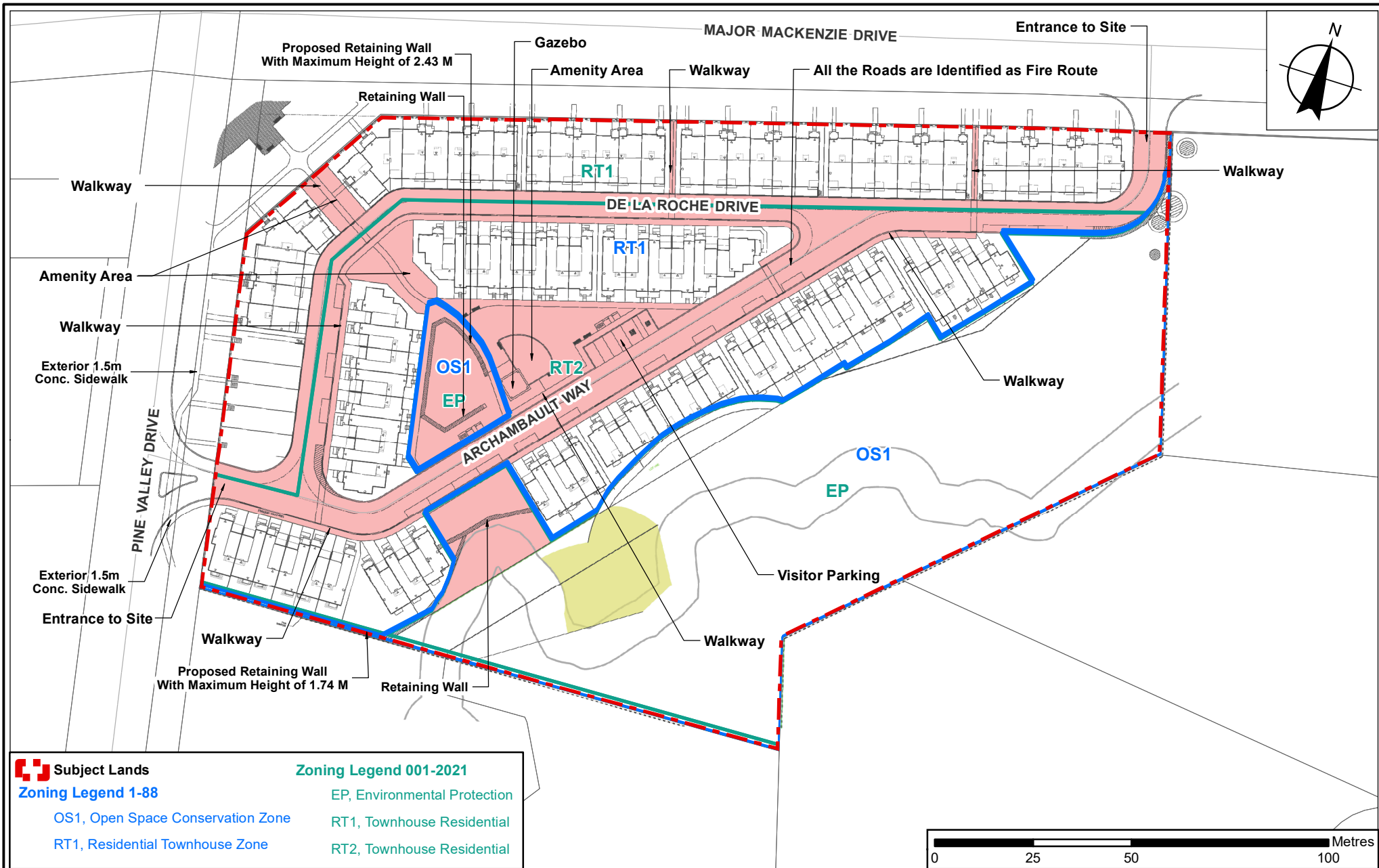


Attachment

FILE:
 19CDM-23V003

DATE:
 June 06, 2023

1



Approved Site Plan - File DA.17.084

LOCATION:
 Part of Lot 20, Concession 6
 4433, 4455, 4477 Major Mackenzie Drive

APPLICANT:
 Valley Major Developments Limited

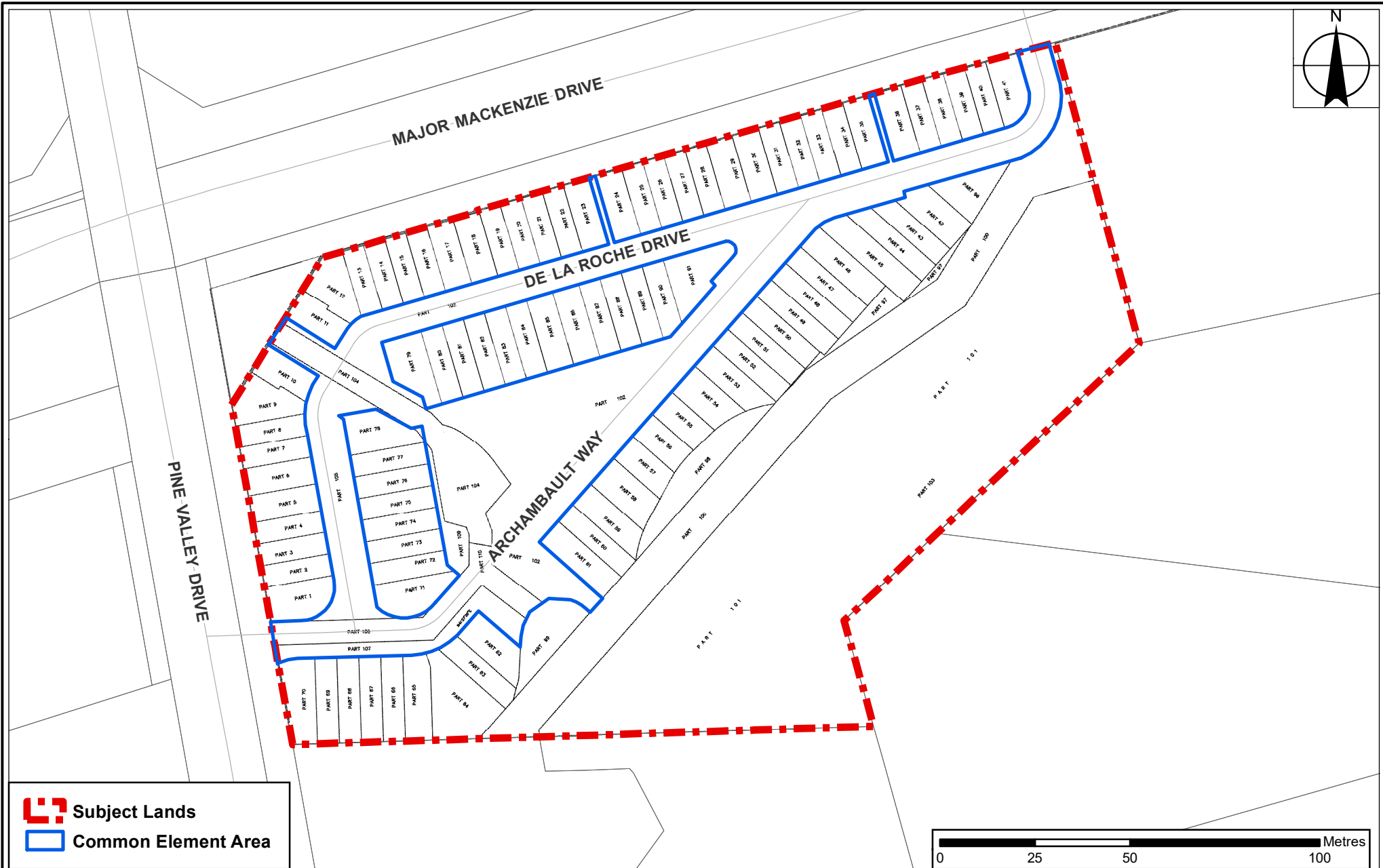
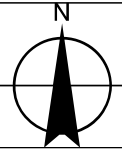


Attachment

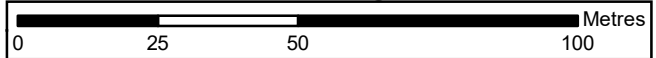
FILE:
 19CDM-23V003

DATE:
 June 06, 2023

2



- Subject Lands
- Common Element Area



Draft Plan of Condominium (Common Elements) - File 19CDM-23V003

LOCATION:
 Part of Lot 20, Concession 6
 4433, 4455, 4477 Major Mackenzie Drive

APPLICANT:
 Valley Major Developments Limited

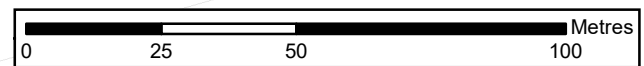
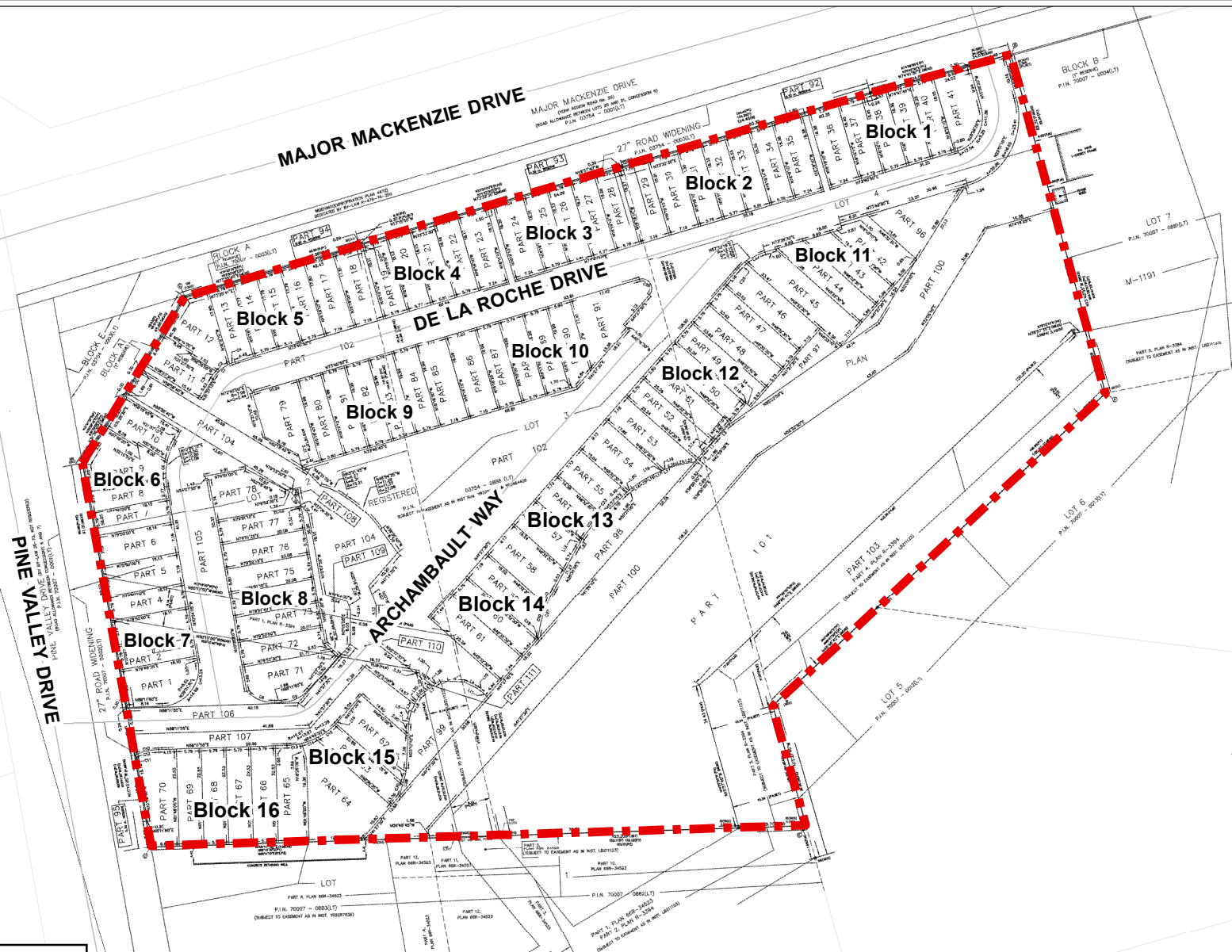
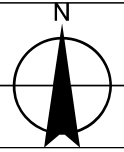


Attachment

FILE:
19CDM-23V003

DATE:
June 06, 2023

3



Draft Reference Plan - Parcels of Tied Land

LOCATION:
 Part of Lot 20, Concession 6
 4433, 4455, 4477 Major Mackenzie Drive

APPLICANT:
 Valley Major Developments Limited



Attachment

FILE:
 19CDM-23V003

DATE:
 June 06, 2023

4

ATTACHMENT NO. 5

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-23V003
(THE 'PLAN')**

**VALLEY MAJOR DEVELOPMENTS LIMITED ('THE OWNER')
4433, 4455, 4477 MAJOR MACKENZIE DRIVE
PART OF LOT 20, CONCESSION 6 ('THE LANDS')
CITY OF VAUGHAN (THE 'CITY')**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (THE 'CITY')
THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF
PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-23V003, ARE AS
FOLLOWS:**

City of Vaughan Conditions:

1. The Plan shall relate to a Draft Plan of Condominium, prepared by R-Avis Surveying Inc., drawing File No. SUBDIV-3031-5-DPS.DWG dated February 10, 2023.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department for review.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan and shall agree to satisfy any conditions that the City may consider necessary that may be outstanding as part of Site Development File DA.17.084.
4. The following provision(s) shall be included in the Condominium Agreement:
 - a. The Condominium Corporation shall be responsible for maintaining and managing the retaining walls and subsurface infrastructure on the Lands and shall reserve a right of entry onto the Parcels of Tied Lands (POTLs) to carry out such obligations;
 - b. The Condominium Corporation shall be responsible for maintaining and repairing the acoustical berm and/or barrier as installed. Any maintenance, repair or replacement shall be with the same material, or to the same standards, and having the same colour and appearance of the original;
 - c. The Condominium Corporation shall be responsible for the maintenance and operation of the storm channel and all of it's features and apparatuses within

- the 6.0 metre storm easement in favour of the Region of York as described in YR3517577. Any additional or future works within this easement may require written approval and authorization from the Region of York;
- d. Private garbage and recycling collection, snow removal and clearing shall be the responsibility of the Condominium Corporation;
 - e. The Owner and/or Condominium Corporation shall supply, install, and maintain mail equipment to the satisfaction of Canada Post; and
 - f. Should archeological resources be found on the Lands during construction activities, the Owner must immediately cease all construction and grading activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division. If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Public and Business Service Delivery for the purposes of determining whether any future investigation is warranted and complete any such investigation prior to the resumption of construction activities.
5. The following warning clauses must be included in all condominium declarations, Condominium Agreements, including but not limited to the following:
- a. "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change noise criteria."
 - b. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change noise criteria."
 - c. "This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment and Climate Change noise criteria. (Note: The location and installation of the outdoor air conditioning

device should be done so as to minimize the noise impacts and comply with criteria of MOECC publication NPC-300.)”

- d. “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of Environment and Climate Change noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC publication NPC-300, Residential Air Conditioning Devices.)”
6. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
7. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department. The Owner shall submit all final plans, including fully dimensioned plans and site-statistics, confirming compliance with all By-law 1-88 requirements, as required, to the satisfaction of the Development Planning and the Zoning Division, Building Standards Department. Should any relief from Zoning By-laws 1-88 be required, the Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-laws 1-88 from the Vaughan Committee of Adjustment. The Committees decisions regarding the Minor Variance shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
8. The Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities (Alectra Corporation Utilities, Rogers, Bell, Enbridge Gas Inc.), drainage and construction purposes have been granted to the appropriate authorities.
9. The Owner shall provide a certificate by a noise consultant certifying that the building plans are in accordance with the noise control features recommended by the final detailed noise impact assessment report. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at Vaughan’s request. The Engineer’s certificate must refer to the final detailed noise impact assessment report and be submitted to Vaughan’s Chief Building Official and the Director of Development Engineering.
10. The Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Financial Planning and Development Finance department.

York Region Conditions:

11. The Owner shall provide confirmation that all conditions of the Site Plan Approval issued for the Lands under Regional File No. SP.22.V.0183 have been satisfied.

Bell Canada Conditions:

12. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
13. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Enbridge Conditions:

14. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Owner.
15. In the event that easement(s) are required to service this development, and any future adjacent developments, the Owner will provide the easement(s) to Enbridge Gas at no cost.

Canada Post Conditions:

16. The Owner will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
17. The Owner will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
18. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
19. The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that

Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

20. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

Clearances

21. The City of Vaughan shall advise that Conditions 1 to 10 have been satisfied.

22. York Region Community Planning and Development Services shall advise the Development Planning Department that Condition 11 has been satisfied.

23. Bell Canada shall advise the Development Planning Department that Conditions 12 and 13 have been satisfied.

24. Enbridge shall advise the Development Planning Department that Conditions 14 and 15 have been satisfied.

25. Canada Post shall advise the Development Planning Department that Conditions 16 to 20 have been satisfied.