

Committee of the Whole (1) Report

DATE: Tuesday, November 28, 2023

WARD: 2

TITLE: RUTHERFORD HEIGHTS INC.: DRAFT PLAN OF CONDOMINIUM
(COMMON ELEMENT) FILE 19CDM-18V004 – 10, 20 & 25 DI
BENEDETTO LANE AND 110 SIMMONS STREET, VICINITY OF
RUTHERFORD ROAD AND REGIONAL ROAD 27

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 a condominium tenure for privately owned and maintained (through a future Condominium Corporation) common elements consisting of private roads, visitor parking, amenity space, walkways, and landscaped/open areas to facilitate 70 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 areas to facilitate 70 townhouse units.
- A Draft Plan of Condominium (Common Elements) Application is required to permit the proposed development.
- The Development Planning Department supports the application subject to conditions of approval as outlined in this report.

Recommendation

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-18V004 (Rutherford Heights Inc.) BE APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 5.

Background

Location: 10, 20 & 25 Di Benedetto Lane and 110 Simmons Street (the 'Subject Lands'). The Subject Lands and surrounding land uses are shown on Attachment 1.

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

The previous owner of the Subject Lands, Di Benedetto Group Inc., submitted Draft Plan of Condominium Application File 19CDM-18V004 (the 'Application'), which has subsequently transferred to Rutherford Heights Inc. (the 'Owner'), the current Owner of the Subject Lands. The Application is to permit the proposed condominium tenure for the privately owned and maintained common elements (through a future Condominium Corporation), that consists of private roads, 18 visitor parking spaces, a 285.7 m² communal amenity space, walkways, and landscaped/open areas (the 'Development'). These common elements will service 70 townhouse units in 14 blocks, as shown on Attachments 2 and 3.

Vaughan Council previously approved Official Plan Amendment, Zoning By-law Amendment, Site Development, and Draft Plan of Subdivision Applications for the Subject Lands

Vaughan Council, on March 11, 2020, approved Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.18.019, Z.18.031, and 19T-18V012 to permit the development of 70 street townhouse units served by private common element roads. The implementing Official Plan Amendment (OPA Number 55), and Zoning By-law Amendment (By-law 041-2020) were enacted by Vaughan Council on April 21, 2020. Draft Plan of Subdivision File 19T-18V012 was registered on October 19, 2022, as Registered Plan 65M-4755.

Vaughan Council, on February 15, 2022, enacted By-laws 027-2022 and 028-2022 which amended Zoning By-law 1-88 and Zoning By-law 001-2021 to remove the Holding Symbol "(H)" from the Subject Lands.

Vaughan Council, on June 28, 2022, ratified the recommendation of the June 7, 2022, Committee of the Whole report and approved Site Development File DA.21.044 to permit the development of 70 street townhouse units on common element condominium roads. The Site Plan Agreement for the approved residential development was registered on March 6, 2023.

Previous Reports/Authority

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

Di Benedetto Group Inc., Committee of the Whole Report:
[March 11, 2020, Committee of the Whole \(Item 1, Report 9\)](#)

Rutherford Heights Inc., Committee of the Whole Report:
[June 28, 2022, Committee of the Whole \(Item 11, Report 27\)](#)

Analysis and Options

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

Provincial Policy Statement, 2020 ('PPS')

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area. The Application establishes the tenure for the Development which facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, the opportunity to contribute to the mix of housing options available within the community supported with appropriate infrastructure facilitate a development consistent with the PPS. 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 Application establishes the tenure for the Development that provides for a diverse range and mix of housing options in a compact built form, with access to existing and planned infrastructure within the Delineated Built-Up Boundary of a Settlement Area. The Application conforms to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP 2010 with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Application was deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Application is measured.

The YROP 2010 designates the Subject Lands 'Urban Area', which permits a wide range of residential, commercial, industrial, and institutional uses. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region." Section 3.5.4 requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community, and that the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.

The Application establishes the tenure for the Development which contributes to the diversity of housing types, lot and unit sizes, and tenure within the community. The Application conforms to the YROP 2010.

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 designated "Community Area" on Schedule 1 – "Urban Structure" and "Low-Rise Residential" on Schedule 13 – "Land Use", and subject to Site-Specific Policy 13.54 (OPA 55) of Volume 2.

The "Low-Rise Residential" designation, as amended by OPA 55, permits 70 townhouse units on the Subject Lands. 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 subject to site-specific Exception 9(1490) in Zoning By-law 1-88. The Development as shown on Attachments 2 and 3 complies with Zoning By-law 1-88.

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

As the Application was received by the City on September 14, 2018, and deemed complete on October 16, 2018, the Application is transitioned under Zoning By-law 001-2021.

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

Vaughan Council on June 28, 2022, approved Site Development File DA.21.044 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
- 18 visitor parking spaces
- Communal Amenity Space
- Sidewalks, walkways, landscaped areas, drainage areas
- Retaining walls

The Application is consistent with the approved site plan.

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

Should the Application be approved, the Owner will be required to submit an Exemption from Part Lot Control Application to lift the part lot control provisions of the *Planning Act* from the Subject Lands, in order to create conveyable freehold lots for the 70 townhouse units.

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

Snow plowing and removal, and the maintenance of the acoustic fence and berm, retaining wall and subsurface infrastructure, catch basins, infiltration trenches, area drains and sewers will be privately administered and the responsibility of the Condominium Corporation, and are included as 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 objections to the Application

The Building Standards Department, Development Engineering Department, Parks Infrastructure Planning and Development, Development Finance Department, Canada Post and Enbridge Gas have no objections to the Application, subject to the conditions included on Attachment 5.

Bell Canada, Rogers Communications, Hydro One, Alectra Utilities, York Catholic District School Board, Real Estate Department, Infrastructure Development, Cultural Heritage, Fire and Rescue, have no objections to the Application.

Emergency Planning has provided conditions of Draft Plan of Condominium

The Emergency Planning Division of the Fire and Rescue Services Department has reviewed the Application and advise 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. A warning clause shall be included 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. Conditions to this effect are included in Attachment 5.

Broader Regional Impacts/Considerations

York Region has no objection to the approval of the Application and no conditions of approval.

The Toronto and Region Conservation Authority ('TRCA') has indicated that their interests with respect to stormwater management design for the Development were previously addressed through the review of the previous applications on the Subject Lands.

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 Michael Torres, Planner, at extension 8933.

Attachments

1. Context and Location Map
2. Approved Site Plan – File DA.21.044
3. Draft Plan of Condominium (Common Elements)
4. Draft Reference Plan – Parcels of Tied Lands
5. Conditions of Draft Plan of Condominium Approval File 19CDM-18V004

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