

Committee of the Whole (1) Report

DATE: Tuesday, September 10, 2024

WARD: 1

TITLE: TH (KLEINBURG) DEVELOPMENTS (BT) CORP.
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-24V005
(COMMON ELEMENT CONDOMINIUM)
10 PIERRE BERTON BOULEVARD
VICINITY OF KIPLING AVENUE AND TESTON ROAD

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, consisting of private roads, visitor parking, sidewalks, fencing and landscaped / open areas for 28 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, sidewalks, fencing and landscaped/open areas for 28 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-24V005 (TH (Kleinburg) Developments Corp.) BE DRAFT 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-24V005, 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: 10 Pierre Berton Boulevard (the 'Subject Lands'). The Subject Lands and surrounding land uses are shown on Attachment 1.

A Site Development Application to facilitate a residential development of 28 townhouse units served by private common element roads on the Subject Lands has been approved

On November 28, 2023, Site Development Application (File DA.22.051) was approved to facilitate the residential development of 28 townhouse units and common elements that consists of private roads, visitor parking, sidewalks, fencing and landscaped/open areas (the 'Development'). The Site Plan Agreement for the approved residential development was registered on January 4, 2024.

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

TH (Kleinburg) Developments (BT) Corp. (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 consist of private roads, six (6) visitor parking spaces, sidewalks, fencing and landscaped/open areas (the 'Common Element Condominium' or 'CEC') as shown on Attachment 3.

An Exemption from Part Lot Control Application is required to implement the 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 (Parcels of Tied Land) for the 28 townhouse units.

Previous Reports

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

Block 55 East Block Plan Committee of the Whole Report:
[May 13, 2014, Committee of the Whole Report \(Item 4, Report No. 21\)](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement ('PPS'), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') 2019, as amended, the York Region Official Plan ('YROP') 2022 and the Vaughan Official Plan ('VOP') 2010.

PPS 2020

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 an existing 'Community Area' of the 'Urban System' of York Region. Policy 1.1.3 of the PPS directs development to Settlement Areas where new development should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. Staff are satisfied that the Application is consistent with the PPS.

The Growth Plan, 2019, as amended

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 Growth Plan states that settlement area boundaries are delineated in applicable official plans. Section 2.2.1 of the Growth Plan directs the vast majority of growth to settlement areas that: have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The Subject Lands are located within the 'Urban Boundary' and an existing 'Community Area' of the 'Urban Area' of City of Vaughan. The Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The Application conforms to the Growth Plan.

YROP 2022

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Subject Lands are within a ‘Settlement Area’ and an existing ‘Community Area’ of the ‘Urban System’ of York Region. ‘Community Areas’ include delineated Built-up Areas and Designated Greenfield Areas. Policy 4.1.1 of the YROP identifies that the primary location for growth and development within York Region will take place within the ‘Urban System’.

‘Community Areas’ permit a range of residential, commercial, industrial and institutional uses and are where most of the housing required to accommodate the forecasted population will be located, as well as most population-related jobs and most office jobs. The proposed Application conforms to the YROP 2022.

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
- Designated “KN Low-Rise Residential I” in Volume 2, Section 11.8 North Kleinburg-Nashville Secondary Plan (‘NKNSP’).

The “KN Low-Rise Residential I” designation permits residential units, home occupations, private home day care and small-scale convenience retail uses within the following building typologies: detached dwellings.

The NKNSP states that all development within the “KN Low-Rise Residential I” designation shall be in accordance with a required Block Plan. The Subject Lands are designated “KN Low-Rise Mixed-Use II” in the approved Block 55 East Block Plan, which permits Townhouses, Stacked Townhouses, and low-rise residential units.

The Application conforms to VOP 2010 and the Block 55 Block Plan.

The Development complies with Zoning By-law 001-2021

The Subject Lands are currently zoned “RM1 Multiple Unit Residential Zone” in Zoning By-law 001-2021, subject to site-specific Exception 14.1040. The Development as shown on Attachments 2 and 3 complies with Zoning By-law 001-2021.

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

On November 28, 2023, Site Development Application File DA.22.051 was approved to permit the Development as shown on Attachment 2. The Application as shown on Attachment 3 is required to create the common element tenure for the following:

- Private roads, including a fire route
- 6 visitor parking spaces
- Sidewalks, acoustic wood fencing, and signage
- Landscaped/open areas

The Application is consistent with the approved Development.

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 Building Standards Department, Development Engineering Department, Development Finance Department, Waste Management, Alectra Utilities, Bell Canada, Canada Post and Enbridge have no objections to the Application, subject to the Conditions of Approval in Attachment 5.

By-law and Compliance, Licensing and Permit Services Department, Policy Planning and Special Programs, Parks Infrastructure Planning and Development, Real Estate Department, Vaughan Fire and Rescue Service, Emergency Planning Department, Toronto and Region Conservation Authority, Urban Design, and York Catholic District School Board have no objections to the Application.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Application.

Conclusion

The Development Planning Department is satisfied that the Application is consistent with the PPS, conforms with the Growth Plan, YROP 2022 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 Laura Tafreshi, Planner, Development Planning at extension 8051.

Attachments

1. Context and Location Map
2. Approved Site Plan File DA.22.051
3. Draft Plan of Condominium (Common Elements)
4. Draft Reference Plan – Parcels of Tied Land
5. Conditions of Draft Plan of Condominium Approval

Prepared by

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