

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 2

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.16.038
SITE DEVELOPMENT FILE DA.16.046
DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE
19CDM-16V006
PINE VALLEY ENCLAVE II LTD.
VICINITY OF PINE VALLEY DRIVE AND LANGSTAFF ROAD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek ENDORSEMENT of the Recommendations in this report from the Committee of the Whole for Zoning By-law Amendment File Z.16.038, Site Development File DA.16.046, and Draft Plan of Condominium File 19CDM-16V006 (Pine Valley Enclave II Ltd.), which have been appealed to the Local Planning Appeal Tribunal, to permit a residential development consisting of 22, 3-storey townhouse dwellings.

Report Highlights

- The Owner proposes 22, 3-storey townhouse dwellings, fronting onto a common element condominium road (the “Development”).
- The Owner has appealed Zoning By-law Amendment, Site Development and Draft Plan of Condominium (Common Element) Files Z.16.038, DA.16.046 and 19CDM-16V006 (the “Applications”) to the Local Planning Appeal Tribunal (“LPAT”).
- The Development Planning Department recommends that the LPAT be advised that Council endorses the Recommendations in this report.

Recommendations

THAT the Local Planning Appeal Tribunal (“LPAT”) be advised that Vaughan Council ENDORSES the following:

1. THAT should the Local Planning Appeal Tribunal approve Zoning By-law Amendment File Z.16.038, Site Development File DA.16.046 and Draft Plan of Condominium (Common Element) File 19CDM-16V006, either in whole or in part, that the Local Planning Appeals Tribunal withhold its final Decision/Order until such time that:
 - a) the implementing site-specific Zoning By-law Amendment is prepared to the satisfaction of the City;
 - b) the implementing Site Plan Agreement is prepared to the satisfaction of the City, and includes the final plans and conditions of City Departments and external agencies; and
 - c) the Draft Plan of Condominium (Common Elements) and the implementing Condominium Agreement is prepared to the satisfaction of the City and includes the conditions of City Departments and external agencies.
2. THAT Zoning By-law Amendment File Z.16.038 (Pine Valley Enclave II Ltd.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachments #2 and #3, from “R3 Residential Zone” to “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment #4, together with the site-specific exceptions to the “RM2 Multiple Residential Zone” identified in Table 1 of this report.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to seek permission for a minor variance(s) to the in-effect Zoning By-law to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law comes into full force and effect.
4. THAT Site Development File DA.16.046 (Pine Valley Enclave II Ltd.) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to permit the development of 22, 3-storey townhouse dwelling units, as shown on Attachments #4 to #7:
 - a) That prior to the execution of a Site Plan Agreement:

- i) the portion of the lands to be zoned OS1 Open Space Conservation Zone be dedicated into public ownership free of all costs and encumbrances;
 - ii) the Owner shall provide compensation to the City of Vaughan in the amount \$52,250 for the removal of 95 trees located outside the staked drip-line in accordance with the City's Tree Protection Protocol;
 - iii) the Owner shall agree to provide the necessary reciprocal access easement(s) to facilitate future private road and servicing connections to the abutting lands, and an easement(s) in favour of the public authority for access into the Open Space lands for maintenance purposes, to the satisfaction of the City;
 - iv) the Owner shall satisfy all requirements of the Development Planning Department, and the Development Planning Department shall approve the final site plan, building elevations, landscape plans and landscape cost estimate;
 - v) the Owner shall satisfy all requirements of the Development Engineering Department, and the Development Engineering Department shall approve the final site servicing and grading plan, erosion and sediment control plan, downstream sanitary and storm analysis and storm water management report;
 - vi) the Owner shall satisfy all requirements of the Policy Planning and Environmental Sustainability Department;
 - vii) the Owner shall obtain all necessary approvals and shall satisfy all requirements of the Toronto and Region Conservation Authority; and
 - viii) the Owner shall obtain all necessary approvals and shall satisfy all requirements of York Region.
- b) THAT the Site Plan Agreement include the following clauses:
- i) the Owner shall provide fencing (1.5 m high vinyl chain link fence and all fence details) along the rear yard of the lots abutting the OS1 Open Space Conservation Zone;

- ii) the Owner shall pay to the City by way of certified cheque, cash-in-lieu of the dedication of parkland prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment;
- iii) should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately; and
- iv) in the event that 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, the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services, and the Development Planning Department, Urban Design and Cultural Heritage Division.

5. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

"IT IS HEREBY RESOLVED THAT Site Development File DA.16.046 (Pine Valley Enclave II Ltd.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 22 residential units (67 persons equivalent)."

6. THAT Draft Plan of Condominium (Common Element) File 19CDM-16V006 (Pine Valley Enclave II Ltd.) BE APPROVED, as shown on Attachment #8 and subject to the Conditions of Draft Approval set out in Attachment #1.
7. THAT City of Vaughan staff be directed to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations contained in this report and the Conditions of Draft Approval identified in Attachment #1 for Zoning By-law Amendment File Z.16.038, Site Development File DA.16.046, and Draft Plan of Condominium (Common Element) File 19CDM-16V001 (Pine Valley Enclave II Ltd.).

Background

The subject lands (the “Subject Lands”) are located on the west side of Pine Valley Drive, south of Langstaff Road, and are municipally known 8254, 8266 and 8272 Pine Valley Drive. The Subject Lands and surrounding land uses are shown on Attachments #2 and #3. The Subject Lands are presently vacant, but were formally developed with 3 detached dwellings.

Zoning By-law Amendment, Site Development and Draft Plan of Condominium (Common Element) applications are required to permit the Development

The Owner has submitted the following applications (the “Applications”) for the Subject Lands, shown on Attachments #2 and #3, to permit the Development:

1. Zoning By-law Amendment File Z.16.038 to amend Zoning By-law 1-88, to rezone the Subject Lands from “R3 Residential Zone” to “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment #4, together with the site-specific exceptions to the “RM2 Multiple Residential Zone” identified in Table 1 of this report.
2. Site Development File DA.16.046 to permit 22, 3-storey townhouse dwelling units within 6 blocks, as shown on Attachments #4 to #7.
3. Draft Plan of Condominium (Common Element) File 19CDM-16V006 to establish the condominium tenure for the common elements consisting of a private road, sidewalks, 6 visitor parking spaces, and subsurface infrastructure that is to be considered common element, as shown part on Attachment #8.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol

On January 13, 2017, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands. A copy of the Notice of Public Hearing was posted on the City’s website at www.vaughan.ca; and a Notice Sign was installed on the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

A Public Hearing was held on February 7, 2017, where the recommendation of the Committee was to receive the Public Hearing report and to forward a comprehensive technical report to a future Committee of the Whole meeting. The recommendation of the Committee of the Whole was ratified by Vaughan Council on February 21, 2017.

The following is a list of individuals who made a deputation at the Public Hearing on February 7, 2017, or submitted written correspondence regarding the Development:

- T. Lamanna, Woodbridge
- E. Di Pasquale, Pine Grove Road, Woodbridge
- M. Di Pasquale, Pine Grove Road, Woodbridge
- D. Di Pasquale, Pine Grove Road, Woodbridge
- J. Debortoli, Pine Grove Road, Woodbridge
- L. Iacobelli, Larchmere Avenue, Toronto
- R. Lorello, Treelawn Boulevard, Kleinburg

The following comments were made in the deputations at the Public Hearing and the written submissions received by the Development Planning Department. The Development Planning Department offers the following responses to the comments:

- a) The unauthorized removal of several mature trees from the Subject Lands
 Area residents have contacted the City regarding the removal of trees on the Subject Lands. In November 2016, the By-Law and Compliance, Licensing and Permit Services Department (“BCLPSD”) opened a case file and investigated the matter. On February 24, 2017, BCLPSD Staff laid 138 charges/summonses against the Owner respecting the unauthorized removal of trees on the Subject Lands under the Private Property Tree Protection By-law. On May 3, 2018, the Owner plead guilty to these charges, and the Court ordered the Owner to pay \$12,500 as part of a settlement with the City. This investigation is now closed.
- b) Tree preservation
 Residents commented about their desire to preserve the existing mature trees on the Subject Lands to the greatest extent possible, particularly the tree groupings along the abutting property lines. Residents stated that the tree canopy is an important part of the character of the neighbourhood, and has advised that the tree cover helped to provide privacy screening and a habitat for wildlife. The Development Planning Department, Urban Design and Cultural Heritage Division requested the Owner to identify preservation methods for trees within 6 m of the property lines. In areas where tree preservation cannot be accommodated on the Subject Lands, compensation will be provided in accordance with the City’s Replacement Tree Requirements. This requirement is included in the Recommendations of this report.
- c) Light and noise impacts on the surrounding residential properties
 Residents made comments about the potential light and noise impacts from the Development to the surrounding residential properties. These residents are concerned that the proposed structural side yard setbacks of the proposed dwellings (1.55 m along the north property line and 1.24 m along the south property line) do not provide adequate separation distance from their properties,

and will cause increased noise, shadowing, and infringes on their privacy. The Owner is addressing the privacy and noise concerns by incorporating mitigation measures, such as additional landscaping and fencing along the north and south property lines where the Subject Lands abut existing residential development.

d) The height of the proposed townhouse units

Residents have expressed concerns regarding the proposed height of the townhouses. The community is concerned that the development of Pine Valley Enclave Phase I, located at 8204 and 8210 Pine Valley Drive and shown on Attachment #2, has resulted in grading works that make the townhouse blocks appear as 4-storeys, as opposed to 3-storeys, and that the built form appears to tower over the existing single detached dwellings within the surrounding neighbourhood. The Subject Lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010) which permits townhouses no greater than 3-storeys in height. The Owner is proposing a building height that complies with the building height policies of VOP 2010.

e) The proposed termination at 8248 Pine Valley Drive

Residents have comments regarding the proposed site configuration, which includes a road termination and visitor parking area directly abutting 8240 and 8248 Pine Valley Drive. The resident who resides at 8248 Pine Valley Drive believes the proposed site configuration disproportionately impacts their lot in comparison to the other lots that abut the Subject Lands, citing comments about pollution (e.g. vehicle exhaust) and noise from the visitor parking area, and the long-term viability of their own property should the City require easements along the shared property boundary/road termination.

Through the development review process, the site configuration has been revised to allow for safer vehicle turnarounds, which would reduce the number of vehicular turning maneuvers, and a site configuration that is self-sustaining which functions without a connection to 8240 and 8248 Pine Valley Drive. The Development Planning Department will require reciprocal access easements in favour of each property to facilitate vehicular, pedestrian and servicing access between the land holdings. In the future, should redevelopment be proposed at 8240 or 8248 Pine Valley Drive, the City will require shared access between the land holdings. This requirement is included in Recommendations of this report.

f) Traffic on Pine Valley Drive

Residents provided comments that there will be increased traffic on Pine Valley Drive should the Development be approved. Pine Valley Drive is a regional road, and the proposed access must be approved to the satisfaction of York Region. In

support of the Development, the Owner has submitted a Traffic Impact Study (“TIS”) to assess the traffic impact on the public street network and nearby intersections. The Development Engineering Department and York Region have reviewed the TIS, and accept the study conclusion that the Development will not create any adverse impacts on the surrounding road network or intersections.

- g) The erosion of the surrounding large lot residential community
Residents provided comments stating that the character of the surrounding residential community, being detached dwellings on large lots, on Pine Valley Drive and Pine Grove Road will be diminished if the Development is approved. The Development constitutes Phase II of a Vaughan Council and a Local Planning Appeal Tribunal (“LPAT”), previously the Ontario Municipal Board (“OMB”), approved development, being Pine Valley Enclave Phase I (Zoning By-law Amendment File Z.14.038 and Site Development File DA.14.071). The approval of the Phase I development established townhouses as a built form within the immediate community.
- h) Selling the Development prior to development approvals
Residents commented that the Owner sold all of the proposed townhouse units prior to the City granting any approvals for the Applications, and that this business practice will persuade the Development Planning Department to recommend approval of a development that they may otherwise recommend approval.

The Development Planning Department has undertaken a fulsome and comprehensive review of the Development in consideration of the policies of the *Provincial Policy Statement* (“PPS”), *Places to Growth – Growth Plan for the Greater Golden Horseshoe* (the “Growth Plan”), the York Region Official Plan, VOP 2010, all the materials submitted in support of the Applications, and precedent within the surrounding community. The Development Planning Department opinion on the Development is based on its planning merits, and this position is articulated in this report.

On May 11, 2018, a courtesy notice of this Committee of the Whole Meeting was sent to all individuals who made a deputation at the Public Hearing, submitted written correspondence to the Development Planning Department, or those individuals who requested notification regarding the Applications.

Previous Reports/Authority

[February 21, 2017, Committee of the Whole \(Public Hearing\) \(Item 1, Report No. 7, Recommendations 1 to 3\)](#)

Analysis and Options

The Owner has appealed the Development to the LPAT

The Owner of the Subject Lands on December 6, 2017, appealed Zoning By-law Amendment File Z.16.038, Site Development File DA.16.046 and Draft Plan of Condominium File 19CDM-16V006 to the LPAT pursuant to Sections 34(11), 41(12), and 51(34) of the *Planning Act*, citing Council's failure to make a decision on the applications within prescribed timelines under the *Planning Act*. A Pre-Hearing date(s) has not been scheduled at the time of preparation of this report.

The Development Planning Department is seeking direction from Vaughan Council to attend the LPAT proceedings in support of the Recommendations contained in this report regarding the respective applications for Zoning By-law Amendment, Site Development and Draft Plan of Condominium (Common Element).

Vaughan Council approved Pine Valley Enclave Phase I, establishing townhouses as a compatible use along this portion of Pine Valley Drive

The townhouse built form exists on Pine Valley Drive south of the Subject Lands. This precedent was established by Council's approval of a similar townhouse development located south of the Subject Lands, at 8204 and 8210 Pine Valley Drive (Pine Valley Enclave Phase I), as shown on Attachment #3. On September 23, 2014, the Owner of 8204 and 8210 Pine Valley Drive submitted Zoning By-law Amendment File Z.14.038 and Site Development File DA.14.074 (Pine Valley Enclave Phase I) to facilitate a residential development consisting of 24 townhouse dwelling units and 4 semi-detached dwelling units on a private common element condominium road. These applications were appealed to then OMB on the basis that the City of Vaughan failed to make a decision within the prescribed timelines of the *Planning Act*. Vaughan Council accepted a settlement offer put forward by the Owner, approving the townhouse development.

On September 21, 2015, the then OMB issued an oral decision approving the development of the lands for 24, 3-storey townhouse dwelling units and 4 semi-detached dwelling units. The OMB withheld issuing its Final Order pending confirmation from the Owner that the form and content of the amending Zoning By-law, Site Plan and Site Plan Agreement were finalized to the satisfaction of all parties, including York Region and the City of Vaughan. The OMB issued its Final Order on July 13, 2016.

The subject Development constitutes Phase II of the Pine Valley Enclave development. The OMB approval of the Pine Valley Enclave Phase I development established townhouses as a permitted built form within the immediate community.

The Development is consistent with the Provincial Policy Statement, 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent with” the *Provincial Policy Statement, 2014* (the “PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and enables development while ensuring that the resources of provincial interest, public health and safety, and the quality of the natural and built environment are protected.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that the Development is consistent with provincial policy, specifically the following sections under Part V – “Policies” of the PPS:

- Section 1.1.1 (b) - accommodating for an appropriate range of residential, employment, institutional, recreation, park and open space uses;
- Section 1.1.1 (d) - avoiding development and land use patterns that prevent the efficient expansion of settlement areas or areas adjacent to settlement areas;
- Section 1.1.1 (e) - promoting cost-efficient development patterns and minimizing land consumption;
- Section 1.1.3.1 - settlement areas as the focus of growth and development;
- Section 1.1.3.2 (a) and (b) - land use patterns based on densities and a mix of uses, and promoting opportunities for intensification where appropriate;
- Section 1.4.1 - to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents; and
- Section 2.1.1 - protecting natural features and areas for the long-term.

The Subject Lands, shown on Attachments #2 and #3, are located within a settlement area as defined by the PPS. The Development, shown on Attachments #4 to #7, is consistent with the policy framework of the Settlement Areas, Housing and Natural Heritage policies of the PPS, as it implements growth within a settlement area, creates a more efficient use of the Subject Lands by minimizing land consumption, introduces a housing typology (townhouses) that will help accommodate a greater range of housing options and meet projected housing needs, and introduces a land use pattern that will promote the efficient expansion of the settlement area (see Attachment #9). In addition, the Development will help to restore and provide long-term protection for the surrounding natural environment by bringing the Open Space lands (shown on Attachment #4) into public ownership.

The Development conforms to the Provincial Places to Grow – Growth Plan for the Greater Golden Horseshoe, 2017

The *Places to Grow - Growth Plan for the Greater Golden Horseshoe, 2017* (“Growth Plan”) is intended to guide decision making on the development of land by encouraging compact built form, transit supportive communities, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

The *Planning Act* requires that Vaughan Council’s planning decisions conform to, or not conflict with, the Growth Plan. The Development Planning Department has reviewed the Development in consideration of the policy framework of the Growth Plan, and is of the opinion that the Development is consistent with the Growth Plan objectives, specifically:

- Section 2.2.1 - directing growth to settlement areas and locations with municipal water and wastewater systems;
- Section 2.2.2 - contribute to meeting residential development growth targets within the delineated built-up area;
- Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents; and
- Section 4.2.2 - protecting and enhancing key natural heritage features.

The Development, shown on Attachments #4 to #7, would implement a residential development within a settlement area, where municipal water and wastewater services are available. The Development will contribute to meeting residential development growth targets within the delineated built-up area, and will offer diversity with respect to the available housing options within the community. In addition, the Development will help to protect the key natural heritage feature on the Subject Lands by bringing it into public ownership.

The Development conforms to the York Region Official Plan, 2010

The York Region Official Plan, 2010 (the “YROP 2010”) guides economic, environmental and community building decision making across York Region, and describes how York Region will accommodate future growth and development while meeting the needs of existing residents and businesses.

YROP 2010 encourages a broad range of housing types within efficient and mixed-use compact communities at an overall transit-supportive density. The range of housing includes different forms, types and tenures to satisfy the needs of the Region’s residents. YROP 2010 identifies that the housing stock in the Region is primarily

comprised of detached units, and recognizes that the housing market is faced with demands for a broader variety of housing forms to meet the needs of different households. YROP 2010 also encourages pedestrian scale, safety, comfort and mobility, and the enrichment of the existing area with attractive buildings, landscaping and public streetscapes.

The Subject Lands are designated “Urban Area” by Map 1 – “Regional Structure” of YROP 2010. The Urban Area designation permits a range of residential, commercial, employment and institutional uses, subject to additional policy criteria. The Subject Lands front onto Pine Valley Drive, a regional road with a planned 36 m right-of-way, (Map 12 – “Street Network”) and a planned regional cycling connection (Map 10 – “Regional Cycling Network”).

The Development, shown on Attachments #4 to #7, would provide a form of housing (townhouse dwellings) at a density that is more transit-supportive and is located in close proximity to an existing public transit network. The Development would diversify the range of housing types found within the immediate community, and creates an urban interface with pedestrian connectivity to Pine Valley Drive.

The Development complies with Vaughan Official Plan 2010

The Subject Lands are designated “Low-Rise Residential” and “Natural Areas” by VOP 2010, and are located within a “Community Area” as identified on Schedule 1 – Urban Structure. The “Low-Rise Residential” designation permits townhouses no greater than 3-storeys in height, situated on a single parcel and part of a row of at least 3 but no greater than 6 attached units. The townhouse built form is a permitted and compatible built form for the Subject Lands. In addition, Vaughan Council approved a similar townhouse development (Pine Valley Enclave Phase I) located to the south of the Subject Lands, shown on Attachment #3.

The rear portion of the Subject Lands contains Core Features (valley corridor and woodland) as identified by Schedule 2 – Natural Heritage Network of VOP 2010. In conformity with Section 3.2.3.4 of VOP 2010, a 10 m vegetation protection zone (“VPZ”) is provided on the proposed site plan, shown on Attachment #4, located from the greater of the physical top-of-bank of the valley corridor or the drip-line of the woodland, as staked in consultation with the Toronto and Region Conservation Authority (the “TRCA”). The VPZ contains one pinch-point (located at the rear of Unit 3 of Block 1) which measures 8 m from the TRCA staked drip-line, however, the Owner is proposing to off-set this loss by providing additional area to the VPZ in the north portion of the Subject Lands, at the rear of Unit 1 of Block 1. There is no net loss in the VPZ required as part of VOP 2010, as the 16.36 m² area lost to the pinch-point has been offset by a 16.36 m² gain within the north portion of the VPZ.

The Development has consideration for the Community Area Policy Review for Low-Rise Residential Designations

Council at their October 20, 2015 meeting, directed the Policy Planning and Environmental Sustainability (“PPES”) Department to initiate the Community Area Policy Review for Low-Rise Residential Designations. This has resulted in Council’s adoption of Urban Design Guidelines for Infill Development in Established Low-Rise Residential Neighbourhoods (the “Guidelines”) and the Community Area Policy Review for Low-Rise Residential Designations Study (the “Study”). The Guidelines were approved by Council on October 19, 2016, and help serve to clarify and implement existing VOP 2010 policy related to compatibility. The Study was approved by Council on April 19, 2017, and an Official Plan Amendment to implement the Study recommendations will be forwarded to Council for adoption at a future date. The Applications were submitted on September 8, 2016, pre-dating the approval of the Guidelines. However, the Development does have regard for the Guidelines.

The Guidelines and Study have identified the Subject Lands as being part of a “Large-Lot Neighbourhood”. The Development Planning Department has undertaken a comprehensive review of the Development in consideration of the Guidelines and provides the following summary:

Townhouse orientation

The Guidelines state that townhouses should be oriented to and have frontage on a public street. Blocks 3 and 4, shown on Attachment #4, front onto a public road (Pine Valley Drive). A front-to-back condition is created by this Development where the front elevations of the units in Blocks 1 and 2 face the rear elevations of the units in Blocks 3 and 4. The back-to-front condition only impacts Units 2 to 6 inclusive of Block 1. The front elevation of Unit 1 of Block 1 faces the private road that provides access to Pine Valley Drive. The separation distance between Block 2 and Block 3 is generous given the design of the private road, and ranges from 18 m its most narrow point, to 28.3 m at its widest point. To help mitigate the front-to-back condition, the Owner has designed the rear elevations of Blocks 3 and 4 to include an entry door and garage to the unit that look like a front façade.

In addition, policy 9.1.1.5 of VOP 2010, recognizes that development can be permitted on a common element road where it simulates a public street. The Development includes a common element condominium road that simulates a public street whereby a public sidewalk, a mid-block crossing, landscaping and lighting are included throughout, and there are no blank elevations on either side of the private road.

Townhouse width

The Guidelines state that townhouses should have a minimum width of 6 m and a minimum depth of 12 m. The Owner is proposing townhouses units with widths ranging from 5.5 m to 6.43 m, and depths of 11.68 m to 15.18 m. The Development Planning Department can support the reduced townhouse width as the smallest width (5.5 m) and depth (11.68 m) are considered to be a minor variation from the recommended width and depth, and are consistent with the approved unit sizes of Pine Valley Enclave Phase I.

Height and massing

The Guidelines provide that the height and massing of the townhouse blocks should be compatible with the character of the adjacent and surrounding neighbourhood, and townhouse blocks should contain no more than 6 residential units. The surrounding abutting properties are characterized by detached dwellings no greater than 2-storeys in height, located on individual lots. The Development complies with VOP 2010 which permits a maximum building height of 3-storeys and is consistent with the height and massing of the Pine Valley Enclave Phase I development.

Architectural style

The architecture of new townhouses should respect and complement the character of the surrounding area. The Owner is proposing a contemporary townhouse design, whereas the abutting residential properties are designed in a traditional Ontario style. As noted, the proposed Development is consistent with respect to architectural design of the Council approved Pine Valley Enclaves Phase I.

Separation distances

The Guidelines identify that the separation distance between townhouse blocks that include pedestrian connections should be 6 m wide, whereas the Owner is proposing a separation distance of 4.2 m between Blocks 3 and 4. In consideration of the scale of the Development, the Development Planning Department can accept the reduced separation distance between Blocks 3 and 4 as the proposed pedestrian connection provides access to 12 units located on the common element condominium road, and is not expected to generate large volumes of pedestrian traffic. In addition, the proposed separation distance is consistent with similar contemporary, townhouse developments.

Setbacks from public roads

Front yard setbacks for units fronting arterials roads should be a minimum 4.5 m consistent across the site, and should contain a minimum 50% of soft landscaping. The front yard setback to the townhouse blocks fronting onto Pine Valley Drive is 3.04 m. The 3.04 m setback does not include front yard porch, balcony or stair encroachments and projections. The Development Planning Department can support the proposed front

yard setback as Pine Valley Drive is not a planned transit priority network by Schedule 10 – Major Transit Network by VOP 2010. In addition, Pine Valley Drive is under York Region jurisdiction, but is not included within the 10-year Roads and Transit Capital Construction Program, and therefore, any potential road widenings that will occur to Pine Valley Drive will not occur within the near future.

Private amenity space (backyards)

The Guidelines state each townhouse should have a private backyard. Blocks 1 and 2 include private backyards that back onto the natural feature. Backyards are not proposed for the units fronting onto Pine Valley Drive (Blocks 3 and 4), however, private amenity space is being provided by way of private balconies located on the second floor of the proposed townhouse units. The private balconies provide an average of 6.7 m² of private amenity space for these units.

Common Element amenity space

Where a common outdoor amenity area is provided, the Guidelines state that it should be in a prominent location, with visibility and access from all units, and exposure to sunlight. The Owner is not proposing any common element amenity space as part of the Development.

Recognizing that common element amenity space had not been provided within the Development, on February 7, 2017, at the Public Hearing for the subject Applications, Council requested that Staff to consider the possibility of permitting common element amenity space within the VPZ. The Development Planning Department has undertaken a review of this request with the PPES Department and the TRCA, and have concluded that a common element amenity area for use by a private development is not an appropriate use of a publicly owned and maintained VPZ. In addition, the Development Planning and PPES Departments will not support a reduction to VPZ in order to accommodate the common element amenity area. This matter is discussed in greater detail later in this report.

The Development Planning Department can support the Development in consideration of the potential opportunity to obtain a more centrally located common element amenity space should future phases of development on this portion of Pine Valley Drive occur, as demonstrated in the concept plan shown on Attachment #9. A larger, centralized and programmable common element amenity area within a future phase of development is preferred to small and fragmented amenity spaces as part of each individual development.

City Staff will continue to work with the Owner through the site plan review process to address the Guidelines.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “R3 Residential Zone” by Zoning By-law 1-88, as shown on Attachment #3, which does not permit the Development. To implement the Development, the Subject Lands must be rezoned to the “RM2 Multiple Residential Zone” and “OS1 Open Space Conservation Zone” in the manner shown on Attachment #4, together with the following site-specific zoning exceptions to the RM2 Zone:

Table 1

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone
a.	Definition – “Dwelling, Street Townhouse”	Means “a townhouse dwelling in which each dwelling unit is situated on its own lot, which abuts a public street”	Means “a townhouse dwelling in which each dwelling unit is situated on its own lot, which abuts a public street or a private common element road”
b.	Definition – “Lot”	Means “a parcel of land fronting on a public street”	Means “a parcel of land fronting on a public street or a private common element road”
c.	Definition – “Street Line”	Means “the dividing line between a lot and a street or the dividing line between a lot and a reserve abutting the street”	Means “the dividing line between a lot and a street or a private common element road, or the dividing line between a lot and a reserve abutting a street or a private common element road”
d.	Permitted Uses	<ul style="list-style-type: none"> - Apartment Dwelling - Multiple Family Dwelling - Block Townhouse Dwelling - Day Nursery 	Permit Townhouse Dwellings on Parcels of Tied Land (POTLs), fronting on a common element road

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone
e.	Frontage on a Public Street	No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street	Permit a Townhouse Dwelling situated on freehold lot to front onto a public street or a private common element condominium road
f.	Minimum Lot Frontage	30 m	5.5 m - 6.2 m
g.	Minimum Lot Area	230 m ² / unit	107 m ² / unit
h.	Minimum Front Yard Setback	4.5 m	Pine Valle Drive = 3 m; Common Element Road = 3 m; Unit 22, Block 4 = 1.9 m
i.	Minimum Front Yard Setback (to a Garage)	6.4 m	6 m (Block 1 and 2)
j.	Minimum Rear Yard Setback	4.5 m	3 m (Blocks 1 and 2)
k.	Minimum Interior Side Yard Setback	1.5 m	Block 2 = 1.25 m Block 3 = 1.35 m Block 4 = 0.60 m

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone
i.	Maximum Building Height	11 m	11.5 m
m.	Maximum Lot Coverage (for each POTL)	50%	69%
n.	Minimum Front or Exterior Yard Landscaping for a POTL	33% of the front or exterior side yard shall be comprised of landscaping	19% of the front or exterior side yard shall be comprised of landscaping
o.	Minimum Landscape Strip Widths Around Outdoor Parking Areas	3 m	Along the north property line = 1 m Along the south property line = 0.5 m
p.	Minimum Screening Requirements for Outdoor Parking Areas	Screening shall consist of either a landscaped earthen berm or an evergreen hedgerow, and shall have a minimum height of 1.2 m	Screening shall not be required for outdoor parking areas
q.	Surface Material for Outdoor Parking Areas	Outdoor parking areas, aisles and driveways shall be surfaced with hot mix asphalt or concrete	Outdoor parking areas aisles and driveways shall be surfaced with either hot mix asphalt or concrete, permeable pavers, or interlocking stones
r.	Visitor Parking Space Dimensions (width x length)	2.7 m x 6 m	2.7 x 5.8 m

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone
s.	Minimum Amenity Area	22 units @ 90 m ² / unit Total = 1,980 m ²	There shall be no minimum Amenity Area requirement for the RM2 Multiple Residential Zone
t.	Maximum Encroachment for Uncovered, Unexcavated and Unenclosed Exterior Stairways, Porches and Balconies	1.8 m	2.55 m

The Development Planning Department has reviewed the proposed rezoning and site-specific exceptions to Zoning By-law 1-88 identified in Table 1 and provides the following comments:

- i) The proposed RM2 Zone for the Subject Lands is consistent with the zoning of the townhouse development located on the lands to the south (Pine Valley Enclave Phase I). The proposed rezoning to the RM2 Zone will establish zoning continuity between the townhouse developments. Accordingly, the Development Planning Department can support the proposed rezoning to the RM2 Zone.
- ii) The definitions of “Dwelling, Street Townhouse”, “Lot” and “Street Line” require a site-specific amendment to permit townhouse dwellings to front onto a public road (Pine Valley Drive) or a private common element condominium road. The proposed amendments to the definitions will prevent potential future technical variances as a result of the creation of the Parcels of Tied Land (POTLs). Section 3.21 respecting Frontage on a Public Street requires a site-specific amendment for the same purpose.
- iii) The proposed minimum POTL area and frontage, building and yard setbacks, height and encroachments can be supported as they are consistent with development standards that have been approved for similar townhouse developments within the City.

It is also noted that Zoning By-law 1-88 does not include a zone category or zoning standards for common element developments designed for contemporary, compact forms of development. The RM2 Zone is intended to implement traditional, block townhouse development forms. Therefore, a number of zoning exceptions in Table 1 are a result of the outdated zone standards in Zoning By-law 1-88 and zone categories not designed to accommodate this form of development.

In consideration of the above, the Development Planning Department is satisfied that the proposed rezoning and site-specific amendments to Zoning By-law 1-88 will facilitate a residential development that is compatible with the existing built form in the surrounding area.

The Development Planning Department supports the Development, subject to conditions

Site Plan

The Owner has submitted Site Development File DA.16.046, shown on Attachment #4, to permit the Development, consisting of 22, 3-storey townhouse dwellings units within 4 blocks, served by a private common element condominium road. The private common element condominium road is a minimum 6 m in width, and widens to approximately 26.8 m where it terminates at the south property line. The private road design includes a centralized, paved, mountable curb which provides for an informal que to facilitate looped turnarounds for private vehicles and three-point turns for service vehicles. Visitor parking and bicycle parking spaces are distributed throughout the development. A 10 m VPZ from the valley feature and woodland has been provided along the westerly portion of the Subject Lands.

The Development is well served by existing and new sidewalks connections. There is an existing sidewalk located within the Pine Valley Drive right-of-way, which will provide direct access to Blocks 3 and 4. The proposed site plan also includes two, new sidewalk connections as shown on Attachment #4.

Landscape Plan

The landscape plan, shown on Attachment #5, includes a mix of vegetation including deciduous trees, coniferous trees and a variety of shrub species along the private common element condominium road. The front yards of Blocks 1 and 2 include walkways finished with precast unit pavers, deciduous trees and shrubs, and the rear yards are sodded and partially enclosed by wood privacy screens. The front and rear yards of Block 3 and 4 utilize precast unit paver walkways, deciduous trees and shrubs. The Owner is proposing wood privacy fencing along the north and south property lines; the wood privacy fencing does not carry into the valley feature or woodland. The Owner

is proposing a chain link fence where the rear yards of Blocks 1 and 2 abut the VPZ of the woodland, consistent with the request from the Parks Development Department and the TRCA.

The Owner is proposing landscaping along the private common element condominium road to enhance the streetscape, to the satisfaction of the Development Planning Department.

Building Elevations

The proposed townhouse elevations shown on Attachments #6 and #7, are a contemporary design and have façades finished with a mix of dark brown or grey brick, and wood longboard soffits. The rear elevations of Blocks 3 and 4 include an entry doors and garages that appear as front façades to respond to the front-to-back condition with Blocks 1 and 2.

Prior to the execution of the Site Plan Agreement, the Owner shall satisfy all requirements of the Development Planning Department, and the Development Planning Department shall approve the final site plan, building elevations, landscape plans and landscape cost estimate. Should the LPAT approve the Applications, either in whole or in part, the Development Planning Department recommends that the LPAT withhold its final Decision/Order until such time that the implementing site-specific Zoning By-law Amendment and Site Plan Agreement is prepared to the satisfaction of the City, and the Site Plan Agreement include the final plans and conditions of City Departments and external agencies. Conditions to this effect are included in the Recommendations of this report.

Draft Plan of Condominium (Common Elements) File 19CDM-16V006 is consistent with the proposed Site Plan

The Owner has submitted the related Draft Plan of Condominium (Common Element) File 19CDM-16V006 for the Subject Lands, as shown on Attachment #8, for the creation of the common elements to be privately owned and maintained by a future Condominium Corporation. The Draft Plan of Condominium (Common Element) submitted in support of the Development is consistent with the site plan submitted by the Owner, shown on Attachment #4, and includes the private road, visitor parking areas, internal sidewalks and landscaping. The Conditions of Draft Approval are contained in Attachment #1 of this report.

The DE Department advises that any retaining walls and subsurface infrastructure be included on the final Plan of Condominium, or situated within POTLs of the proposed townhouse units fronting onto the common element condominium road and that the declaration of the future condominium corporation shall provide that the future

condominium corporation shall maintain and manage the retaining walls and subsurface infrastructure and reserve a right of entry onto the POTLs to carry out such obligations.

Future connections are possible for the west side of Pine Valley Drive between Pine Valley Enclave Phase I and the Development

As part of the Traffic Impact Study (“TIS”) submitted in support of the Development, the Owner developed a context plan (shown on Attachment #9) for the west side of Pine Valley Drive between Willis Road and Pine Grove Road. The context plan is conceptual and it only demonstrates how potential, future connections to the abutting lands, and to Pine Valley Drive may be accommodated.

Easements are required to facilitate the Development

If the Development is approved, the Owner will be required to secure an easement(s) in favour of the abutting lands to the south, through to and including the Pine Valley Enclave Phase I lands, to the satisfaction of the City, to facilitate any potential future mutual access and servicing connections (shown on Attachment #4 and Attachment #9). In order to implement this form of development, the City must protect for access rights to the abutting lands by securing easements through the implementing Site Plan and Condominium Agreements.

The Owner will also be required to provide an easement(s) in favour of the public authority for access into the Open Space lands for maintenance purposes, to the satisfaction of the City. The Owner shall be required to provide a gate for entry into the Open Space lands, to allow the public authority to access to the proposed infrastructure within the valley corridor and woodland feature. Entry into the Open Space lands will not be permitted for any purpose other than for the maintenance of the infrastructure (i.e. infiltration trenches) and the valley corridor and woodland feature. This is included in the Recommendations of this report.

Private amenity areas are not appropriate within a Vegetation Protection Zone

At the February 7, 2017 Committee of the Whole (Public Hearing), Vaughan Council requested Staff to consider the possibility of permitting private amenity space within the VPZ. This request was in response to the Development not providing private backyards for Blocks 3 and 4, or any common element amenity space.

On October 4, 2017, the Owner provided a revised submission to the City, which included a rationale for permitting a 103.77 m² private amenity area within the VPZ. The Development Planning and PPES Departments have reviewed Council’s request, the justification provided by the Owner and VOP 2010 policy, and have determined that private amenity area is not a permitted or appropriate use in the VPZ, which is dedicated into public ownership.

The rationale for permitting private amenity space within the VPZ also relies on the policy framework of the TRCA's Living City Policies ("LCP"), specifically Section 8.10, which speaks to permit recreational uses. The TRCA have undertaken a review of this request in consideration of their LCP, and have concluded that private amenity area is not considered a low-intensity or passive recreational use, and is not appropriate within the natural heritage network.

The Urban Design and Cultural Heritage Section advise that the Subject Lands are cleared of any concern for archaeological resources

The Development Planning Department, Urban Design and Cultural Heritage Section has reviewed the Stage 1 and 2 Archeological Assessment submitted in support of the Development, and advise that the Subject Lands are cleared of any concern for archaeological resources. The following standard conditions shall be included in the implementing Site Plan Agreement:

- should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Section shall be notified immediately; and
- in the event that 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, the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services, and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Section.

The Policy Planning and Environmental Sustainability Department has no objection to Development, subject to conditions

The PPES Department has reviewed the Applications and has no objection to the approval of the Development. The PPES provides the following comments:

Replacement Tree Requirements

The Council approved Tree Protection Protocol requires the compensation or replacement plantings for the removal of any individual trees outside the staked drip-line of a woodland. In accordance with the Arborist Report and landscape plans submitted in support of the Development, the Owner is required to provide compensation, in the amount of \$52,250, for 95 trees that could not be re-accommodated on the Subject Lands prior to the execution of the Site Plan Agreement.

Vegetation Protection Zone (“VPZ”)

Section 3.2.3.4 of VOP 2010 requires a 10 m VPZ from feature limit (woodland) on the Subject Lands. The PPES Department note that the VPZ contains 8 m pinch-point from the staked limits of the woodland. The PPES can accept the pinch-point in the VPZ given that the Owner is proposing to off-set the 16.36 m² area loss by replacing this area in the north portion of the Subject Lands, at the rear of Unit 1 of Block 1. Accordingly, there is no net loss in the VPZ required by Section 3.2.3.4 of VOP 2010.

The Development Engineering Department has no objection to the Development, subject to conditions

The Development Engineering (DE) Department has advised they have no objection to the Development, subject to the comments below, the conditions set out in the Recommendations of this report, and the Conditions of Draft Approval contained in Attachment #1. The DE Department have identified the following matters to be addressed prior final approval and the execution of a Site Plan Agreement:

Approvals from York Region and the TRCA are required

The DE Department advises that the Subject Lands abut a regional right-of-way (Pine Valley Drive) and a regulated area by the TRCA. Accordingly, the Owner must obtain all necessary approvals from York Region and the TRCA prior to final signoff from the DE Department, and prior to the execution of the Site Plan Agreement.

Private road configuration and site circulation

The DE Department is satisfied with the Traffic Impact Study (“TIS”) that has been submitted in support of the Development. The TIS estimates that the proposed development will generate 15 vehicular trips in the AM, and 17 vehicular trips in the PM. The TIS concludes that these additional trips will have minimal or no impact on the operation of the surrounding road network and intersections.

With respect to the proposed site plan, the DE Department advises that the following comments shall be addressed prior to final approval of the site plan:

- all pedestrian walkways must be 1.5 m wide as per the *Accessibility for Ontarians with Disabilities Act* (the “AODA”). The Owner has agreed to increase the width of the internal sidewalk located between Blocks 3 and 4 from 1.2 m to 1.5 m;
- all driveway accesses should be located in areas of straight curb, and shall not be placed within the curb radii or returns; this impacts the driveway for Unit 22 of Block 4; and

- to improve and manage traffic flow at the south end of the private road, the DE Department recommends the Owner consider implementing one-way only movement around the centre island. This portion of the private road should be signed accordingly.

Erosion and sediment control

Prior to final approval and prior to the initiation of grading or stripping of topsoil, the Owner shall revise the erosion and sedimentation control plans to address all phases of the construction. This includes details respecting sewers, mains and municipal services and townhouse block building programs, including stabilization methods, topsoil storage locations and control measures, all to the satisfaction of the DE Department.

Revised Functional Servicing Report required

Prior to final approval, a revised Functional Servicing Report (“FSR”) and accompanying engineering drawings shall be submitted to the DE Department, and shall include a comprehensive stormwater, sanitary and water network analysis of the Development’s proposed systems. The revised report shall demonstrate that adequate stormwater management measures, sanitary discharge and water supply for the fire flow demands is available for the Subject Lands.

Downstream sanitary and storm analysis

Prior to final approval, the Owner is required to complete a downstream sanitary and storm sewer analysis (the “Analysis”), complete with design sheets and relating materials which demonstrate that the Subject Lands can adequately be serviced by the City and York Region’s sewer systems. The Analysis shall be completed using City standards.

Soil infiltration

Prior to final approval, the Owner shall provide detailed documentation and calculations that demonstrate that the soils are conducive to infiltration techniques, and that the location and infiltration measures have been sized appropriately so that infiltration volumes are achieved within the proposed stormwater underground chambers.

Environmental Noise and Vibration Report

Prior to final approval, the Owner shall submit an updated Environmental Noise and Vibration Report to the DE Department. The updated Environmental Noise and Vibration Report shall include the ultimate traffic volumes associated with the surrounding road network in accordance with the Ministry of Environment Guidelines. The Owner shall agree in the Site Plan Agreement to carry out, or cause to carry out, the recommendations set out in the Environmental Noise and Vibration Report to the satisfaction of the DE Department.

Financial contributions for front-end servicing are required

The Owner shall agree in the Site Plan Agreement to pay its financial contribution and/or front-end financing for all external municipal infrastructure necessary to service

the Subject Lands all to the satisfaction of the City, including but not limited to road improvements, watermains, sewers and sidewalks.

Construction Management

The Owner shall provide to the City a construction management plan that addresses all stages of construction, including but not limited to construction access, contractor parking, mud and dust control, etc., to the satisfaction of the DE Department and York Region.”

Issuance of Building Permits

The Owner shall agree in the Site Plan Agreement that no Building Permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the Development.

Sewage and water allocation

On February 21, 2018, the City’s latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City. Accordingly, servicing capacity to Site Development File DA.16.046 (Pine Valley Enclave II Ltd.) is available and unrestricted. Therefore, the following resolution to allocate capacity to the Development has been included in the Recommendations section of this report:

“IT IS HEREBY RESOLVED THAT Site Development File DA.16.046 (Pine Valley Enclave II Ltd.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 22 residential units (67 persons equivalent).”

The Parks Development Department has no objection to the Development, subject to conditions

The Parks Development Department advise they have no objection to the Development, subject to the following condition, which is included in the Recommendations of this report:

- that the Owner install appropriate fencing (1.5 m high vinyl chain link fencing) along the rear yard of the lots abutting the open space environmental buffer.

The Development may be eligible for municipal waste collection services, or shall be the responsibility of the Condominium Corporation

The Environmental Services Department, Solid Waste Management Division has reviewed the Applications and advise they have no objection to the Development,

subject to their Conditions of Draft Approval identified in Attachment #1. The Environmental Services Department, Solid Waste Management Division advise that the future Condominium Corporation may be eligible for municipal waste collection services upon a successfully completed application, however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

The Fire and Rescue Services Department have no objection to the Development

The Fire and Rescue Services Department have no objection to the Development, subject to the following conditions, which are included in Attachment #1:

- that the 6 m wide private common element condominium road, which is identified as a fire route, be signed to indicate fire route;
- that vehicular parking be prohibited on the fire route; and
- that the proposed residential development complies with Ontario Building Code (OBC) Sections 3.2.5.5 and 3.2.5.6.

Cash-in-lieu of the dedication of parkland is required for the Development

The Office of the City Solicitor, Real Estate Department has advised that the Owner shall pay to the City by way of certified cheque, Cash-in-Lieu of the dedication of parkland prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Policy, should the applications be approved. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department advise that the Owner will be required to pay all applicable development charges in accordance with the development charges by-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

The Development has been reviewed by external agencies, including York Region, the Toronto and Region Conservation Authority (TRCA), Canada Post and various utility companies, who advise they have no objections to the Development, subject to the below comments, the conditions included in the Recommendation of this report and Attachment #1.

York Region has no objection to the Development, subject to conditions

York Region advises they have no objection to the Development, subject to the comments below, and the conditions set out in the Recommendations of this report, and the Conditions of Draft Approval contained in Attachment #1.

York Region Site Plan Agreement

York Region has indicated that the Owner will be required to enter into a separate Site Plan Agreement with the Region in order to permit the Development.

Access to Pine Valley Drive

York Region has advised that they are protecting for a 36 m right-of-way (R.O.W.) for this section of Pine Valley Drive. Accordingly, York Region requires that all municipal setbacks be referenced from a point 18 m from the centreline of construction of Pine Valley Drive. York Region requires the Owner to convey all lands setback 18 m from the centreline of Pine Valley Drive, along the full frontage of the Subject Lands, free of all costs and encumbrances. The Owner will also be required to provide a 0.3 m reserve across the full frontage of the Subject Lands, where it abuts Pine Valley Drive, and adjacent to the above noted road widening, except at the approved access location.

York Region advises that no portion of any building or structure, above or below ground, shall not encroach onto the Regional R.O.W. or its 0.3 m reserve. Any above or below ground encroachments shall be removed at the Owner's expense.

York Region advises that all exterior building walls must be set back a minimum 2 m from the ultimate Regional R.O.W. in order to avoid steps, retaining walls, or doorways encroaching onto the Regional R.O.W. The proposed Site Plan, shown on Attachment #4, has a building wall setback of at least 3 m from the Regional R.O.W.

York Region has reviewed the revised TIS and related plans submitted in support of the proposed access to Pine Valley Drive, and request that traffic management plans be revised to indicate and protect the excavation required for the water service connection in the middle of Pine Valley. The excavation will be required for an extend period, multiple days, and needs to provide appropriate protection for traffic and workers.

Additional Information

York Region has identified that a resubmission of the supporting plans and report is required prior to receiving final approval, and prior to the execution of a Site Plan Agreement with York Region.

The Toronto and Region Conservation Authority has no objection to the Development, subject to conditions

The TRCA advise they have no objection to the Development, subject to the comments below, the conditions set out in the Recommendations of this report, and the Conditions of Draft Approval contained in Attachment #1.

The TRCA advise that the Subject Lands are located within a Regulated Area by O. Reg. 166/06, and that the Owner will be required to obtain a permit from the TRCA to construct the Development. The TRCA note that the Subject Lands are located within the Humber River Watershed, and contain the valley slope of the East Humber River and contain a heavily vegetated woodlot. The TRCA have identified the following matters to be addressed prior to the execution of a Site Plan Agreement and the issuance of a permit by the TRCA:

Zoning of the Subject Lands

The TRCA request that the City adequately zone the valley corridor and woodland, and related VPZ, into an appropriate open space category and that it be conveyed into public ownership, free of all charges and encumbrances. This condition is included in the Recommendations of this report and the Conditions of Draft Approval contained in Attachment #1.

Erosion and sediment control

The TRCA have requested a revised erosion and sediment control plan, which is to be consistent with the TRCA's *Erosion and Sediment Control Guideline for Urban Construction 2006*. Additional details are required respecting the proposed Chambermaxx and infiltration trenches.

Geotechnical engineering

The TRCA requires that the Long Term Stable Top of Slope (the "LTSTOS") line be accurately plotted in a clear and legible format on all drawings and reports, including but not limited to the site plan, landscape plan and engineering drawings submitted in support of the Development. The LTSTOS linework is required to ensure that the appropriate setback (10 m) from the outermost feature is applied. The legibility of the drawings included within the Additional Slope Stability Analysis, prepared by Bruce Brown and dated February 7, 2018, is required to address the above noted concern.

Canada Post has no objection to the Development, subject to their conditions

Canada Post has no objection to the Development, subject to the following conditions, which are included in Attachment #1:

- a) the Owner agrees to include on all Offers of Purchase and Sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox;
- b) the Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale;
- c) the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plan;
- d) the Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) an appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - ii) any required walkway across the boulevard, as per municipal standards;
 - iii) any required curb depressions for wheelchair access; and
- e) the Owner further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residence as soon as the homes are occupied.

The various utilities have no objection to Development, subject to conditions

Bell Canada, Enbridge Gas, Hydro One and Alectra Utilities Corporation have no objection to the approval of the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of site works. Condition to this effect are included in Attachment #1.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.16.038, Site Development File DA.16.046, and Draft Plan of Condominium (Common Element) File 19CDM-16V006, in consideration of the policies of the PPS, the Growth Plan, the York Region Official Plan, Vaughan Official Plan 2010, comments from City Departments, external public agencies and the public, and the surrounding area

context. The Development Planning Department is satisfied that the proposed residential development is consistent with the policies PPS, conforms to the policies of the Growth Plan, the York Region Official Plan and VOP 2010.

The Development Planning Department is satisfied that the Development is appropriate and compatible with the existing and permitted uses in the surrounding area. These Applications have been appealed to the LPAT. The Development Planning Department has provided Recommendations for Council's endorsement, should LPAT approve the Applications. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment, Site Development and Draft Plan of Condominium (Common Element) applications, subject to the Recommendations of this report and the Conditions of Draft Approval outlined in Attachment #1.

For more information, please contact: Diana DiGirolamo, Planner, Extension 8860.

Attachments

1. Conditions of Draft Plan of Condominium (Common Element) Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning and Site Plan
5. Landscape Plan
6. Typical Elevations - Blocks 1 and 2
7. Typical Elevations - Blocks 3 and 4
8. Draft Plan of Condominium (Common Element) File 19CDM-16V006
9. Context Plan for the West Side of Pine Valley Drive Between Willis Road and Pine Grove Road

Prepared by

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/LG

ATTACHMENT NO. 1

CONDITIONS OF DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE 19CDM-16V006 (“PLAN”)
PINE VALLEY ENCLAVE II LTD. (“OWNER”)
PART OF LOTS 21 TO 23 INCLUSIVE, REGISTERED PLAN M-1116, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (“CITY”) THAT
SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF
CONDOMINIUM (COMMON ELEMENT) FILE 19CDM-16V006, ARE AS FOLLOWS:**

City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Rady-Pentek & Edward Surveying Ltd., drawing File No. 13-281, dated March 26, 2018.
2. Any retaining wall(s) and subsurface infrastructure shall be situated within POTLs of the proposed townhouse units situated on the common element condominium road and the declaration of the future condominium corporation shall provide that the future condominium corporation shall maintain and manage the retaining wall(s) and subsurface infrastructure and reserve a right of entry onto the POTLs to carry out such obligations.
3. Prior to the assumption of the common elements by the future Condominium Corporation, the Owner shall confirm that the common element features and amenities, including the infrastructure required to service this Plan, will remain in the common element areas as identified by the Plan of Condominium.
4. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department, and the related Site Plan Agreement shall have been registered on title.
5. The Owner shall enter into a Condominium Agreement with the City, and shall agree to satisfy all conditions that may be outstanding that the City considers necessary as part of the related Site Plan Agreement and Site Development File DA.16.046.
6. The following provisions shall be included in the Condominium Agreement:
 - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.

- b) The Condominium Corporation shall be responsible for private snow removal and clearing.
 - c) That the 6 m wide private common element condominium road, which is identified as a fire route, be signed to indicate fire route, and that vehicular parking be prohibited on the fire route.
 - d) Upon a successfully completed application, a site inspection, and the execution and registration of an Agreement with the Vaughan Environmental Services Department, Solid Waste Management Division as determined by the City, the Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement with the City for municipal collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.
7. The Condominium Agreement shall be registered on title against the lands to which it applies, at the Owner's expense.
8. Prior to the Owner carrying out and constructing the works relating the Site Plan Agreement and Site Development File DA.16.046, the Owner shall provide to the Development Engineering Department written confirmation from a Professional Engineer (as defined by the *Professional Engineers Act*, R.S.O. 1990, c.P.28, as amended) confirmation that the construction and alignment of any of the retaining walls will not encroach into any abutting properties. Notwithstanding the foregoing, retaining wall encroachments shall only be permitted for construction purposes if the Owner obtains written consent from the abutting property Owner(s) in a form satisfactory to the City.
9. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
10. Prior to final approval, the Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities, including but not limited to:
- i) easement(s) to facilitate mutual access over the private road and to permit the passing of underground servicing connections to the abutting lands to the south.

11. Prior to final approval, the Owner shall confirm fulfillment of all Parkland Dedication obligations to the City in accordance with the City's Cash-in-Lieu of Parkland Policy and the *Planning Act*.
12. Prior to final approval, the Owner shall confirm that they have paid all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required by the Vaughan Financial Planning and Development Finance Department. The Owner also certifies acknowledgement of responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of this Agreement, if required, until each unit covered under this Condominium Agreement is separately assessed.

York Region Conditions

13. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued for the Subject Lands under York Region File No. SP-V-104-16, have been satisfied.
14. Prior to final approval, the Owner shall execute all York Region Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the Subject Lands issued under York Region File No. SP-V-104-16.
15. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way have been completed to the satisfaction of York Region or that York 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.
16. Prior to final approval, the Owner shall provide confirmation that all transfers of obligation have been completed where York Region Agreements require responsibility to change from the Owner to the Condominium Corporation.

Toronto and Region Conservation Authority Conditions

17. The Owner shall confirm to the satisfaction of the Toronto and Region Conservation Authority ("TRCA") that the conditions of the TRCA included in the related Site Plan Agreement and Site Development File DA.16.046, have been included in the articles of incorporation for the Condominium Declaration.

18. Prior to final approval, the Owner shall confirm that the Open Space lands have been dedicated into public ownership free of all costs and encumbrances, to the satisfaction of the TRCA and/or the City.
19. Prior to conveyance of the Open Space lands into public ownership, the Owner shall convey an easement(s) in favour of the public authority for access into the Open Space lands for maintenance purposes, to the satisfaction of the TRCA and/or the City. The Owner shall be required to provide a gate for entry into the Open Space lands, to allow the public authority to access to the proposed infrastructure within the valley corridor and woodland feature. Entry into the Open Space lands will not be permitted for any purpose other than for the maintenance of the infrastructure (i.e. infiltration trenches) and the valley corridor and woodland feature.

Alternatively, should the Open Space lands remain in private ownership, the Open Space lands must be included as a common element(s) for the future Condominium Corporation, and identified on the final Plan of Condominium and within the Condominium Declaration to the satisfaction of the City and the TRCA. Any infrastructure (i.e. infiltration trenches) within the Open Space lands required to service this Plan must be monitored and maintained by the future Condominium Corporation to the satisfaction of the City and the TRCA. The Open Space lands must be left in a natural state by the Condominium Corporation, with the exception of the infrastructure (i.e. infiltration trenches) as depicted within the approved Site Development File DA.16.046 and the related Site Plan Agreement.

Canada Post Conditions

20. The Owner agrees to include on all Offers of Purchase and Sale, a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.
21. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
22. The Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plan.
23. The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - a) an appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on;

- b) any required walkway across the boulevard, as per municipal standards; and
- c) any required curb depressions for wheelchair access.

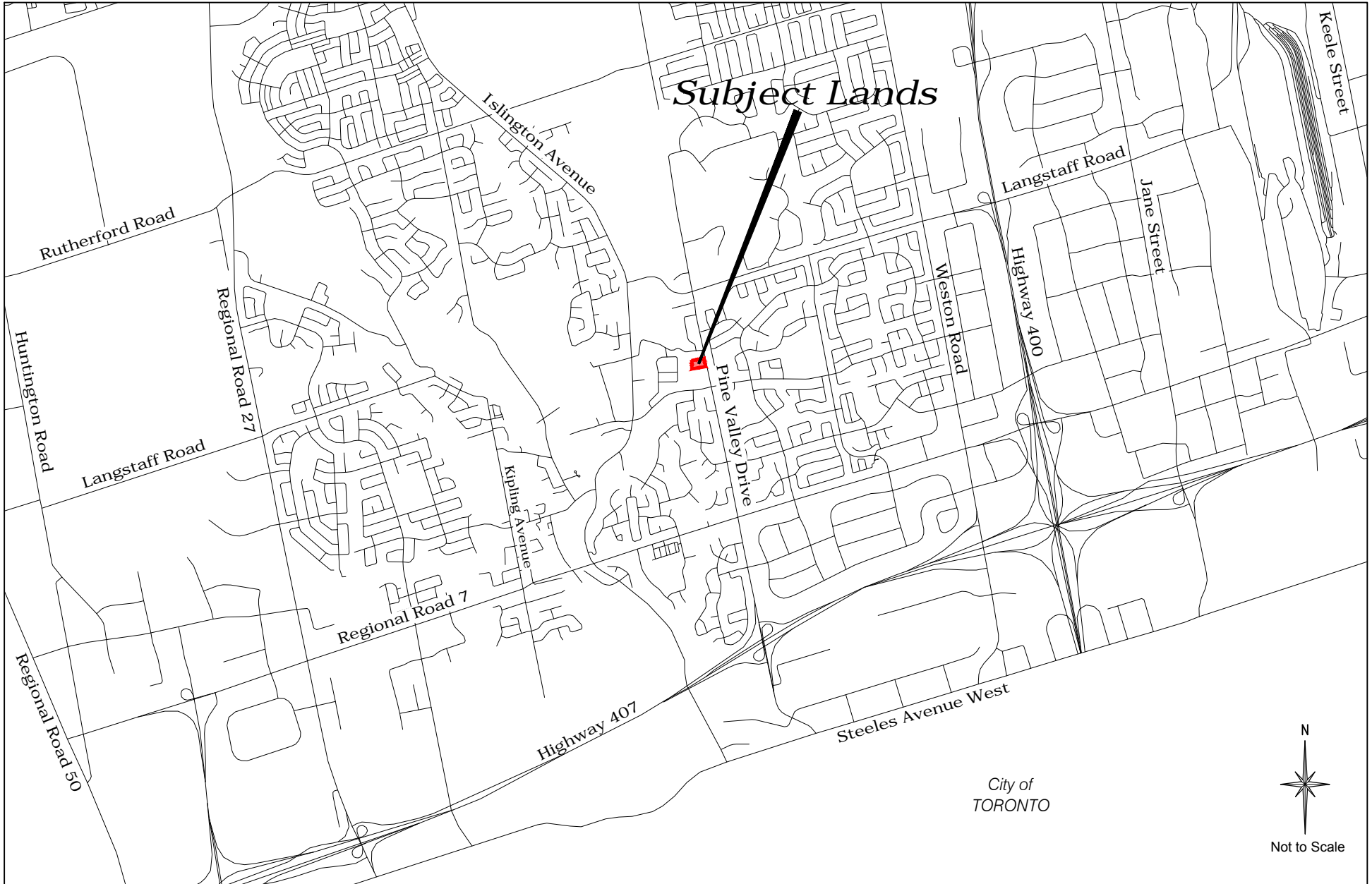
24. The Owner further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residence as soon as the homes are occupied.

Utilities Conditions

25. The Owner is required to confirm that all required easements and rights-of-way for each utility have been granted to the appropriate authority.

Clearances

- 26. The Vaughan Development Planning Department shall advise that Conditions 1 to 12 have been satisfied.
- 27. York Region shall advise the Vaughan Development Planning Department in writing that Conditions 13 to 16 have been satisfied.
- 28. The Toronto and Region Conservation Authority shall advise the Vaughan Development Planning Department in writing that Conditions 17 to 19 have been satisfied.
- 29. Canada Post shall advise the Vaughan Development Planning Department in writing that Conditions 20 to 24 have been satisfied.
- 30. Bell Canada, Enbridge Gas, Hydro One and Alectra Utilities Corporation shall advise the Vaughan Development Planning Department in writing that Condition 25 has been satisfied.



Not to Scale

Context Location Map

LOCATION:
Part of Lot 9, Concession 7
APPLICANT:
Pine Valley Enclave II Ltd.

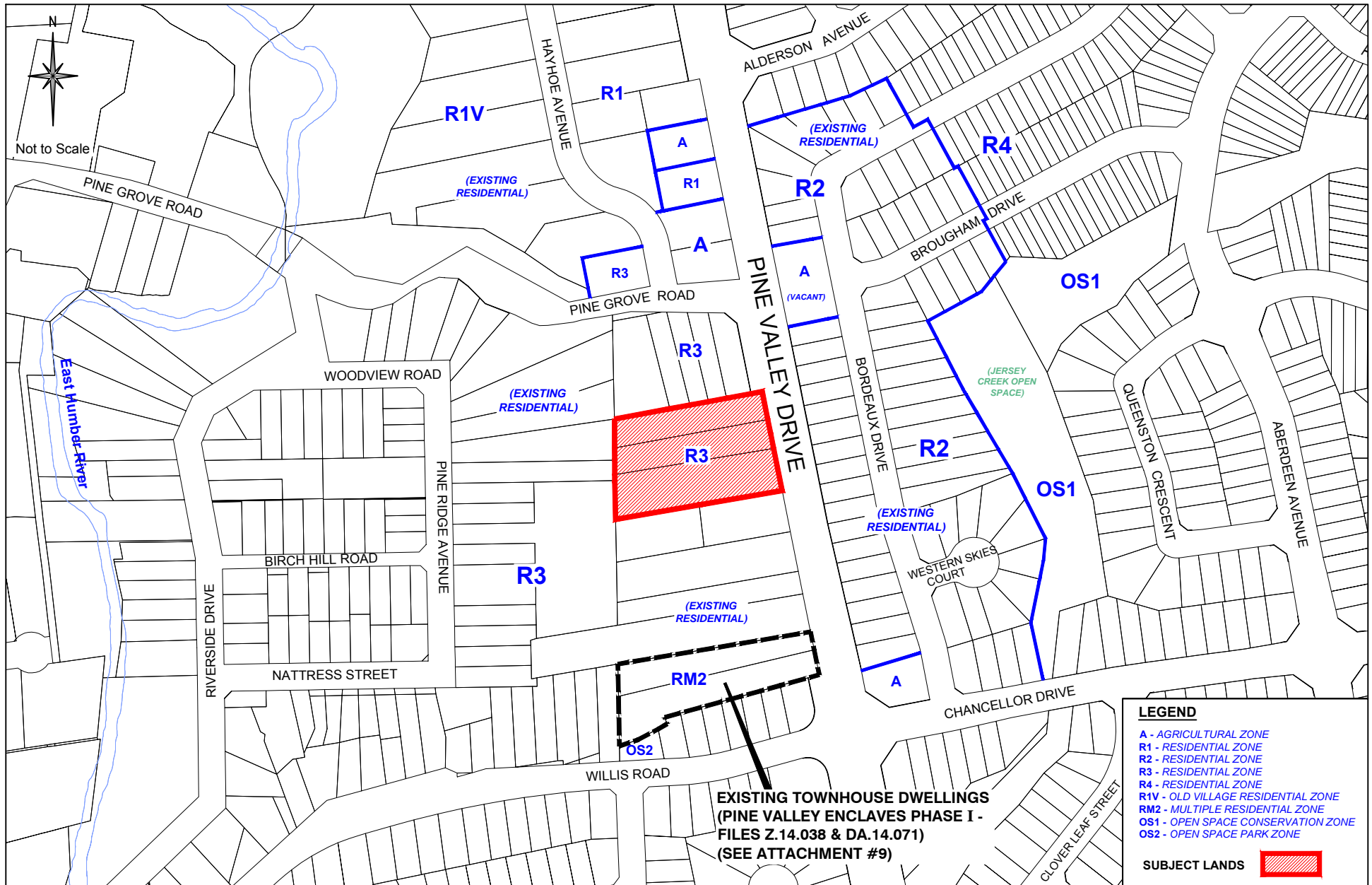


Attachment

FILES: Z.16.038, DA.16.046 &
19CDM-16V006
DATE:
June 5, 2018

2

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Location Map

LOCATION:
Part of Lot 9, Concession 7

APPLICANT:
Pine Valley Enclave II Ltd.

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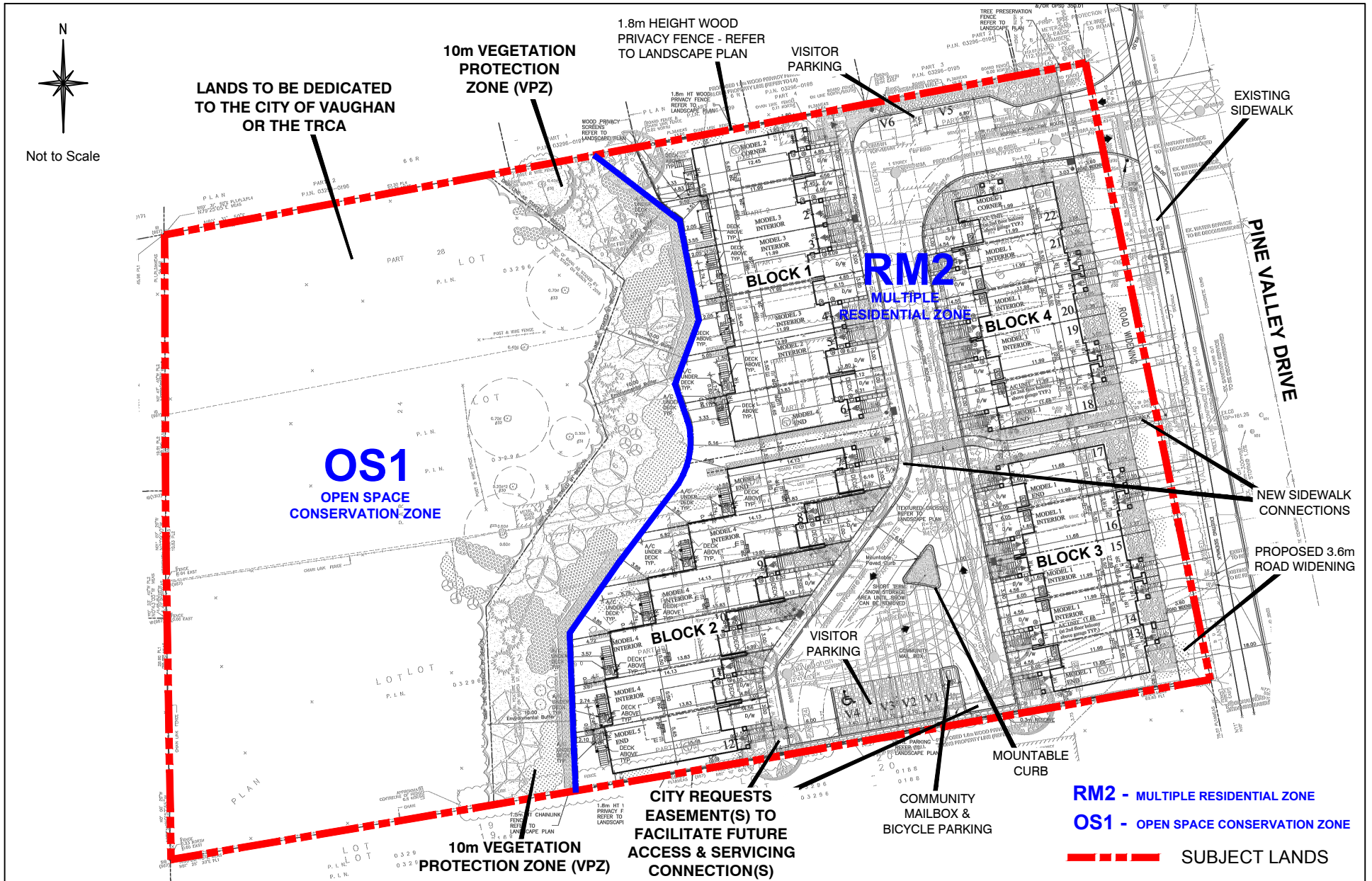


Attachment

FILES: Z.16.038, DA.16.046 &
19CDM-16V006

DATE:
June 5, 2018

3



Proposed Zoning & Site Plan

LOCATION:
Part of Lot 9, Concession 7

APPLICANT:
Pine Valley Enclave II Ltd.

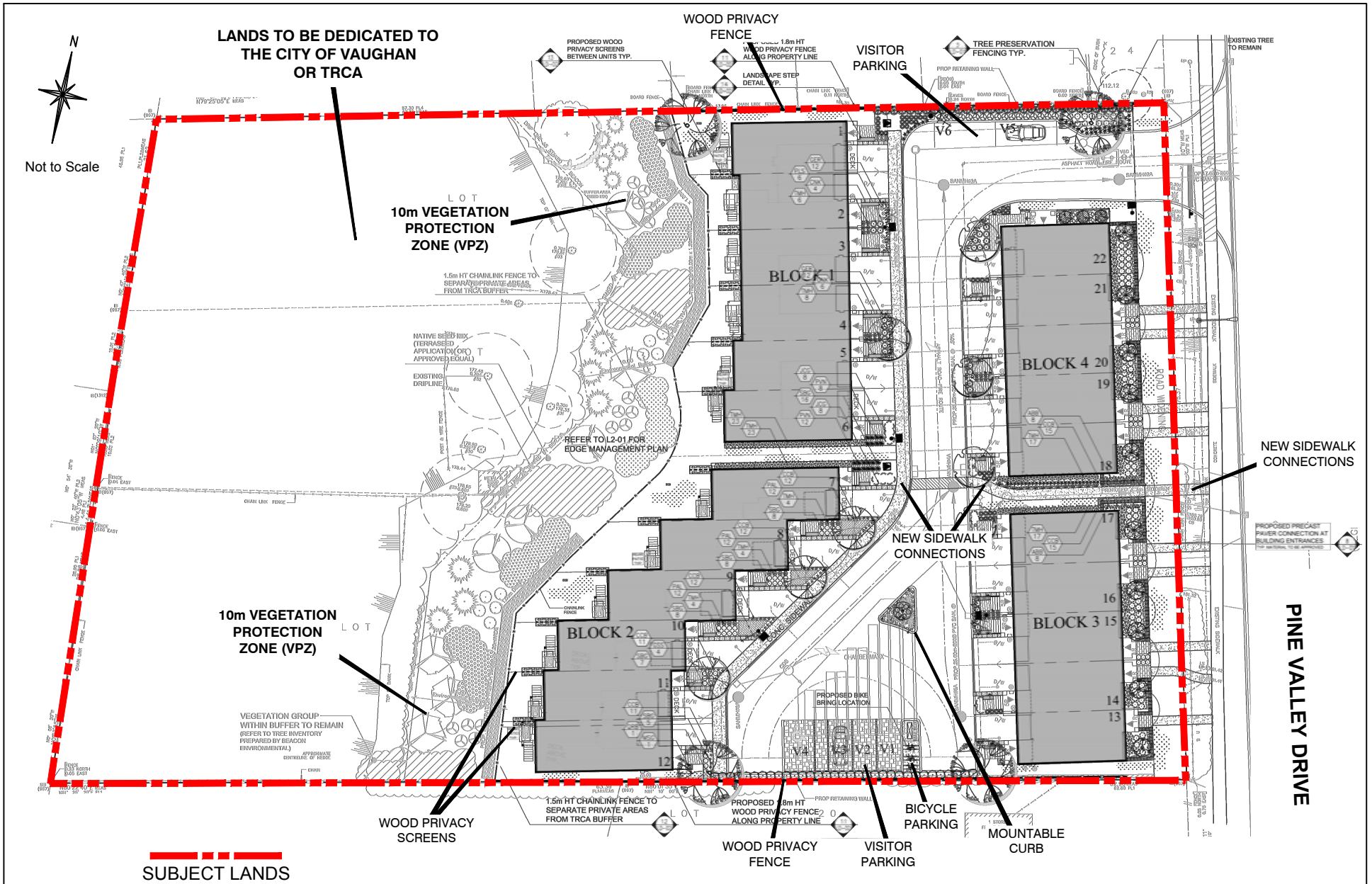


Attachment

FILES: Z.16.038, DA.16.046 & 19CDM- 16V006

DATE:
June 5, 2018

4



Landscape Plan

LOCATION:
Part of Lot 9, Concession 7

APPLICANT:
Pine Valley Enclave II Ltd.

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Attachment

FILES: Z.16.038, DA.16.046 & 19CDM- 16V006

DATE:
June 5, 2018

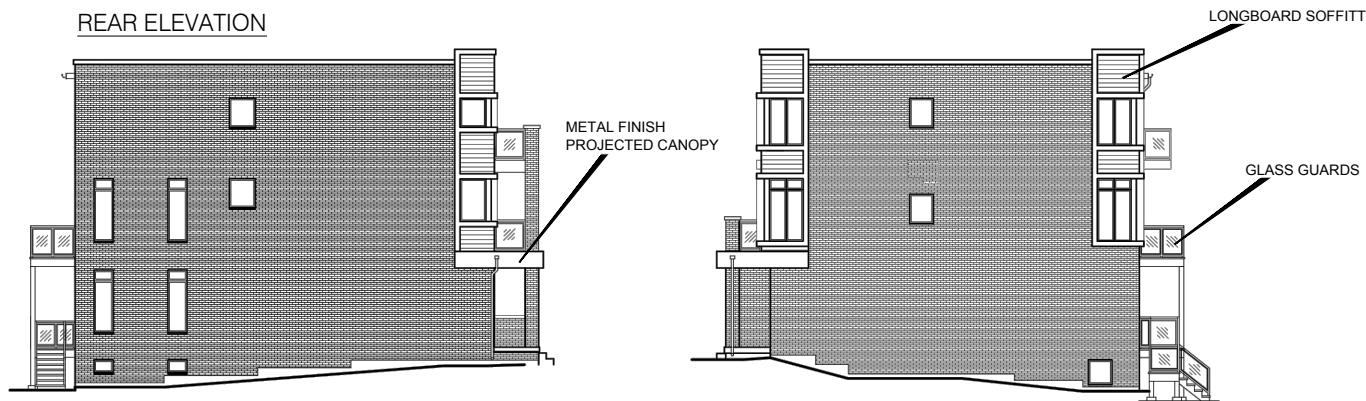
5



FRONT ELEVATION (FACING INTERNAL ROAD)



REAR ELEVATION



SIDE (NORTH) ELEVATION

SIDE (SOUTH) ELEVATION

Not to Scale

Typical Elevations - Blocks 1 & 2

APPLICANT: Pine Valley Enclave II Ltd.
LOCATION: Part of Lot 9, Concession 7



Attachment

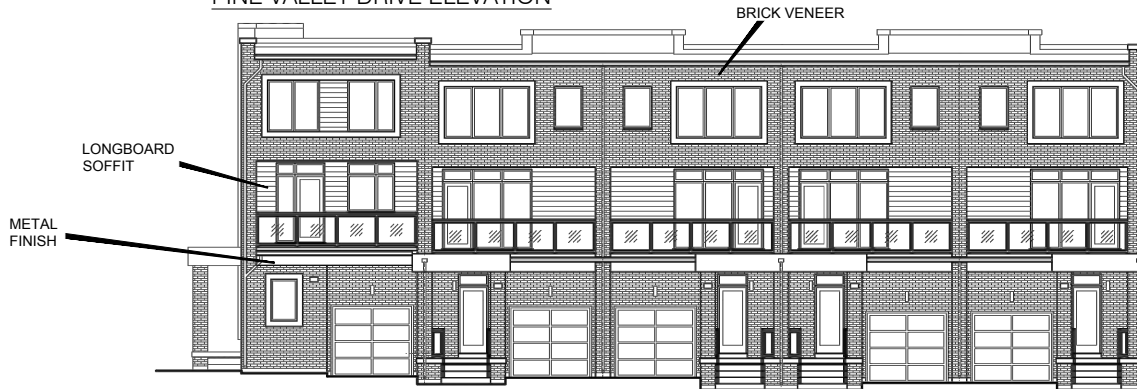
FILES: Z.16.038, DA.16.046 &
19CDM-16V006

DATE: June 5, 2018

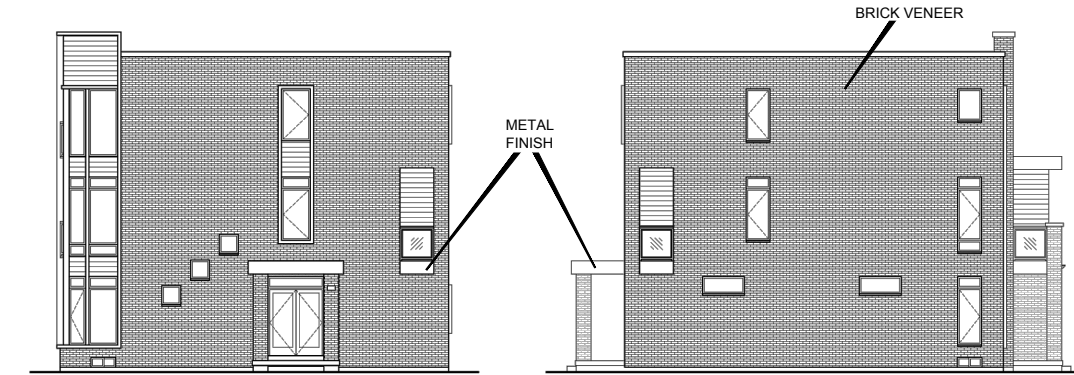
6



PINE VALLEY DRIVE ELEVATION



ELEVATION (FACING INTERNAL ROAD)



SIDE (NORTH) ELEVATION (FACING INTERNAL ROAD)

SIDE (SOUTH) ELEVATION

Not to Scale

Typical Elevations - Blocks 3 & 4



APPLICANT:
Pine Valley Enclave II Ltd.

LOCATION:
Part of Lot 9, Concession 7

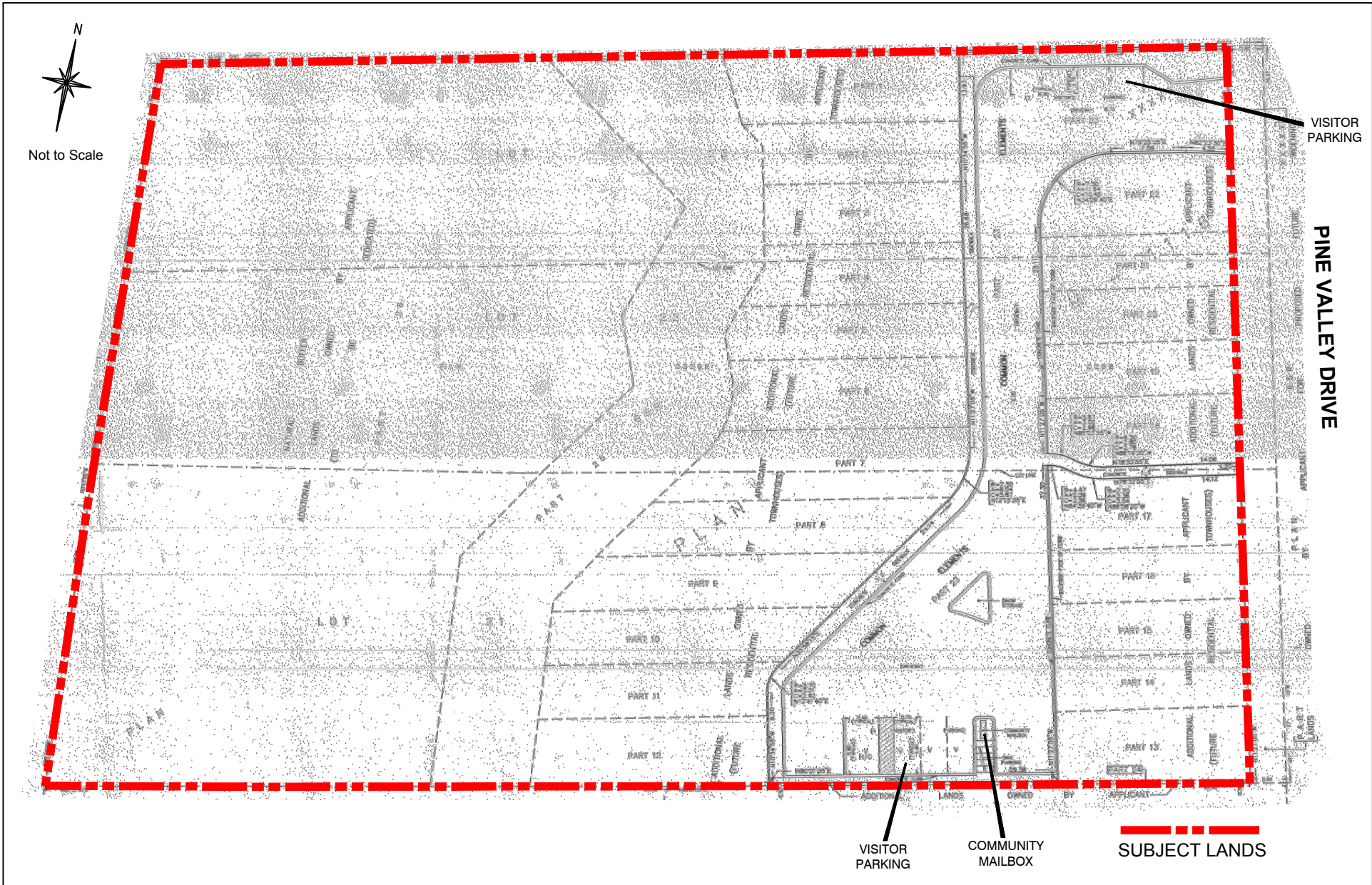
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FILE: Z.16.038, DA.16.046 &
19CDM-16V006

DATE:
June 5, 2018

7



Draft Plan of Condominium
 (Common Element) File 19CDM-16V006

APPLICANT: Pine Valley Enclave II Ltd. LOCATION: Part of Lot 9, Concession 7

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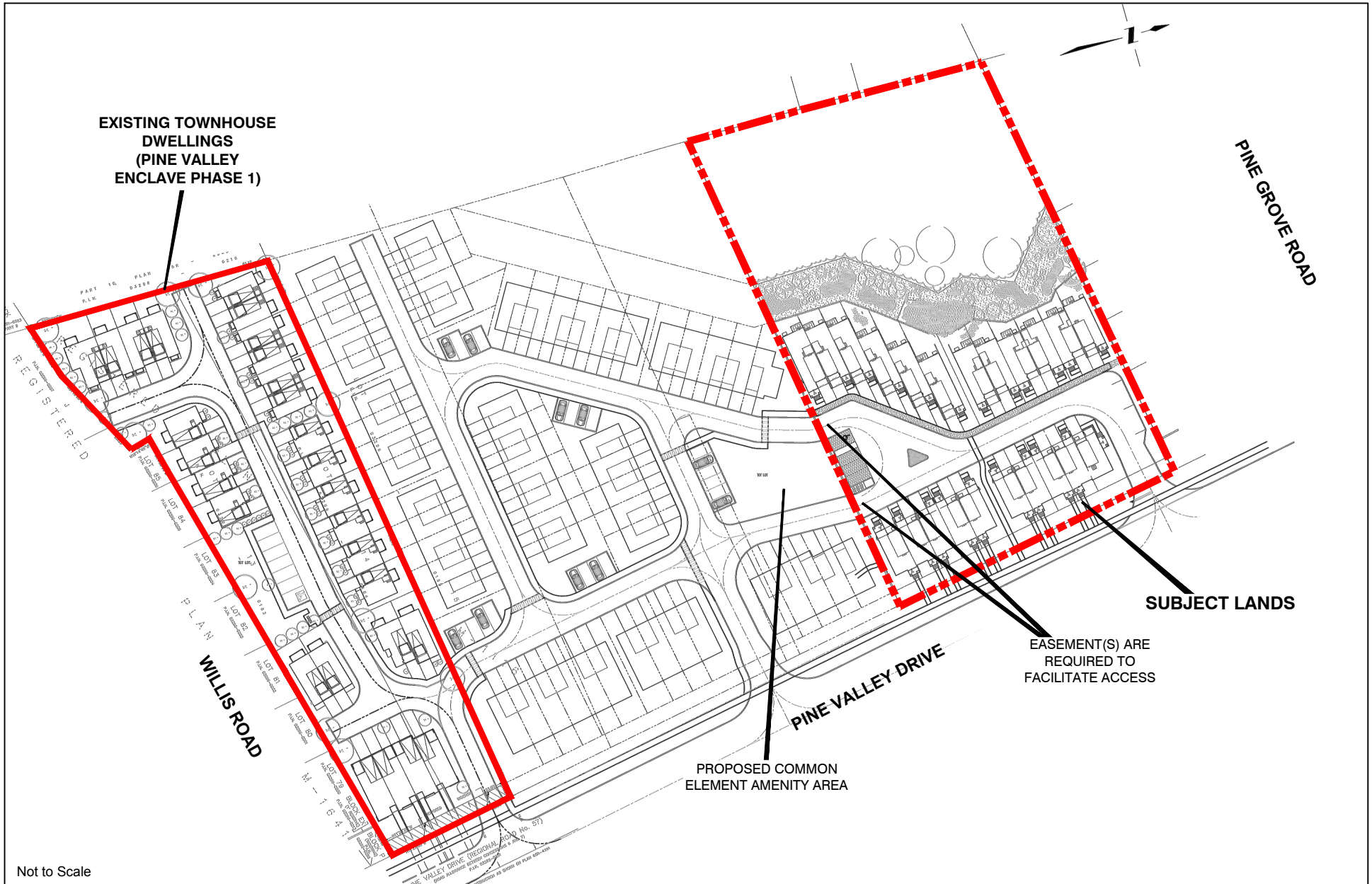


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FILES: Z.16.038, DA.16.046, & 19CDM- 16V006

DATE: June 5, 2018





Context Plan - for West Side of Pine Valley Drive Between Willis Road and Pine Grove Road

APPLICANT: Pine Valley Enclave II Ltd. **LOCATION:** Part of Lot 9, Concession 7

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Attachment

FILES: Z.16.038, DA.16.046, & 19CDM-16V006

DATE: June 5, 2018

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