

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 20, 2021

Item 4, Report No. 14, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 20, 2021.

4. PINE VALLEY KLEINBURG HOMES LTD. SITE DEVELOPMENT FILE DA.18.070 VICINITY OF RUTHERFOD ROAD AND HIGHWAY 27

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the City Manager, dated April 7, 2021, be approved; and**
- 2) That the coloured elevations submitted by the applicant be received.**

Recommendations

1. THAT Site Development File DA.18.070 (Pine Valley Kleinburg Homes Ltd.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachment 1 to the satisfaction of the Development Planning Department, to permit the development of 111 townhouse units as shown on Attachments 3 to 5.
2. THAT Site Plan Development File DA.18.070 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 111 townhouse units (340 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.

Committee of the Whole (1) Report

DATE: Wednesday, April 7, 2021

WARD(S): 2

TITLE: PINE VALLEY KLEINBURG HOMES LTD.
SITE DEVELOPMENT FILE DA.18.070
VICINITY OF RUTHERFORD ROAD AND HIGHWAY 27

FROM:
Jim Harnum, City Manager

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.18.070 on the subject lands shown on Attachment 2 to permit the development of 111 townhouse units with common element private roads as shown on Attachments 3 to 5.

Report Highlights

- The Owner proposes to develop the subject lands with 111 townhouse units accessed by common element private roads
- The Development Planning Department supports the approval of the application, subject to the Recommendations of this report, as the proposed development conforms to Vaughan Official Plan 2010 and Zoning By-law 1-88, as amended and permits residential townhouse units on the subject lands

Recommendations

1. THAT Site Development File DA.18.070 (Pine Valley Kleinburg Homes Ltd.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachment 1 to the satisfaction of the Development Planning Department, to permit the development of 111 townhouse units as shown on Attachments 3 to 5.
2. THAT Site Plan Development File DA.18.070 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 111 townhouse units (340 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's

Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.

Background

The subject lands (the 'Subject Lands') are located on the south side of Rutherford Road, west of Regional Road 27, and are municipally known as 6061 and 6079 Rutherford Road and 134 and 140 Simmons Street, shown as Subject Lands on Attachment 2.

A Site Development Application has been submitted to permit the Development
Gemini Urban Design (W) Corp., the previous Owner, submitted the following Site Development application (the 'Application'):

1. Site Development File DA.18.070 for the Subject Lands shown on Attachment 2, to permit the development of 111 townhouse units with common element private roads (the 'Development'), as shown on Attachments 3 to 5.

Since the submission of the Application the Subject Lands were sold to Pine Valley Kleinburg Homes Ltd. (the 'Owner') who have continued to process the Application.

Vaughan Council approved the related Site-Specific Official Plan and Zoning By-law Amendments and the Draft Plan of Subdivision

Vaughan Council, on January 29, 2019, approved related Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.17.011, Z.17.031 and 19T-17V011. These applications were appealed to the Local Planning Appeal Tribunal ('LPAT'), by Di Benedetto Group Inc. on March 4, 2019 (Draft Plan of Subdivision) and April 15, 2019 (Official Plan and Zoning By-law Amendments).

On June 15, 2020 the appellant withdrew their appeal and the LPAT, on June 16, 2020, acknowledged the withdrawal and advised the approval of the applications and implementing Official Plan (OPA Number 38) and Zoning By-law Amendments (By-law 041-2019) were deemed final.

Previous Reports/Authority

The report considered for related Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.17.011, Z.17.031 and 19T-17V011 is available at the following link.

[January 22, 2019, Committee of the Whole \(Item 1, Report 4\) - Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement ("PPS") 2020

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 recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS.

The Subject Lands are located within a Settlement Area as defined by the PPS, and within the Urban Boundary on Schedule 1 - Urban Structure of VOP 2010. The Development will contribute to providing growth within a defined Settlement Area (Section 1.1.3) with appropriate development standards that promote a compact building form (Section 1.1.3.4). In addition, the Development consists of townhouse units that provide an alternate housing type (Section 1.4.3) to be serviced by municipal sewage and water (Section 1.6.6.2). The Development makes efficient use of the Subject Lands, as it minimizes land consumption, proposes a housing typology that adds to the range of housing types in the City. As such, the Development is consistent with the PPS.

The Development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, housing, transportation, and infrastructure. The Growth Plan promotes intensification of existing built-up areas, with a focus on directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres.

The Growth Plan is intended to guide the development of land, encourage compact built form, diverse land uses, and a range and mix of housing types, and, direct growth to settlement areas that offer municipal water and wastewater systems. The Growth Plan states that a focus for infrastructure investment to support future growth can be provided by concentrating new development in these areas and creating complete communities with diverse housing types.

The Development is consistent with the policy framework of the Growth Plan as the built form would utilize the Subject Lands more efficiently, make more efficient use of existing infrastructure, and provide housing at densities that are supportive of the Growth Plan objectives, specifically Sections 2.2.1 that directs growth to settlement areas with existing or planned municipal water and wastewater systems; and 2.2.1.4.c) and Section 2.2.6 that speak to achieving complete communities by providing a range and mix of housing options.

The Development shown on Attachments 3 to 5 is located within a settlement area and a delineated built up area that contributes to providing a mix of housing densities and unit types within the neighbourhood in accordance with VOP 2010. Accordingly, the Development conforms to the Growth Plan.

The Development conforms to the York Region Official Plan 2010 ('YROP')

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region."

Section 3.5.4 of the YROP requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.

The Development will diversify housing options, including a mix and range of housing type, lot and unit sizes, and tenure in the community. The Development conforms to the YROP.

York Region has indicated they have no objections to the Application, subject to their comments in the Regional Implications section of this report, and the Conditions of Approval included in Attachment 1.

The Development Conforms to Vaughan Official Plan 2010

The Subject Lands are designated "Low-Rise Residential" on Schedule 13 - Land Use of VOP 2010, and subject to Volume 2, Section 13, Site-Specific Policy 13.45, as adopted by Vaughan Council on March 19, 2019 through OPA 38, permitting 111 townhouse units on the Subject Lands. The Development includes a low-rise housing form consistent with the Community Area policies and is permitted in accordance with Section 13.45.1.2 of VOP 2010. The Development conforms to VOP 2010.

The Development is consistent with the site-specific Zoning By-law; however, requires a Minor Variance Application

The Subject Lands are zoned "RT1(H) Residential Townhouse Zone" with a Holding Symbol "(H)" subject to site-specific Exception 9(1474), and "OS1 Open Conservation Zone". When staff processed the related Zoning By-law Amendment Application, the resulting implementing zoning by-law was very detailed in order to cap the amount of townhouse units at 111 and to establish the appropriate zoning requirements to facilitate the development that was presented to Council. As part of the detailed review of Site Development File DA.18.070 additional variances were identified for some of the proposed townhouse blocks and/or individual townhouse units as follows:

Table 1:

	Zoning By-law 1-88 Standard	RT1(H) Residential Townhouse Zone, subject to Site-Specific Exception 9(1474) Requirements	Proposed Variances to the RT1 Residential Townhouse Zone, subject to Site-Specific Exception 9(1474) Requirements
a.	Minimum Exterior Side Yard Setback	4.5 m	3.2 m (main wall) 2.9 m (porch) Unit 27 and 3.2 m (main wall) 3 m (porch) 77 (Blocks 6 and 16)
b.	Minimum Rear Yard Setback	6.8 m	7.5 m Block 2
c.	Minimum Front Yard	4.09 m	4.5 m Blocks 1 and 2
d.	Minimum Interior Side Yard Setback (Amenity Area)	3.5 m	1.2 m Lot 44 (Block 10)
e.	Minimum Lot Area	144 m ² / unit	145 m ² / unit: Units 18, 28, 32, 42, 45 and 74 (Blocks 4, 6, 7, 9, 10, 15)
f.	Minimum Lot Area	144 m ² / unit	150 m ² / unit: Units 19, 20, 21, 24, 25, 33 and 34 (Blocks 4, 5 and 7)
g.	Maximum Interior Garage Width	3.048 m for lots with less than 11 m in frontage	3.85 m (Blocks 1, 2, 4, 9, 11, 12, 14, 15, 16, 17, 18 and 22)
h.	Minimum Interior Garage Width	5.5 m by 6 m For lots that exceed 12 m in frontage	3 m by 6 m Lots 43 and 64 (Blocks 9 and 13)
i.	Maximum Building Height	11 m	11.9 m Block 22

	Zoning By-law 1-88 Standard	RT1(H) Residential Townhouse Zone, subject to Site-Specific Exception 9(1474) Requirements	Proposed Variances to the RT1 Residential Townhouse Zone, subject to Site-Specific Exception 9(1474 Requirements
j.	Definition of Porch, Unenclosed (Covered or Uncovered)	Means a platform with or without a foundation and with at least two sides open which is uncovered or covered by either a roof, balcony or enclosed space or room, with or without a foundation.	Means a platform with or without a foundation and with at least one side open which is uncovered or covered by either a roof, balcony or enclosed space or room, with or without a foundation. (All Blocks)
k.	Encroachment of an Unenclosed Porch (Covered or Uncovered), Cold Cellars, and Architectural Features and Balconies	encroachments (in addition to eaves and gutters) are permitted into the minimum required front yard and exterior yard	Permit an unenclosed (covered or uncovered) porch to encroach into the required front, exterior and rear yards to a maximum of 2.5 m, and steps an additional 0.5 m (All Blocks)

The proposed changes to the Zoning By-law are required as a result of modifications to the Development in order to create a better designed site; to address comments provided during the site plan review process; to address on-site grading conditions; and general market considerations. Some of the changes, such as porch types and garage dimensions, are more consistent with the new, but not approved, City of Vaughan Zoning By-law. The required changes are considered minor and will facilitate a compact built form consistent with the policies of the PPS and in conformity to the Growth Plan and YROP 2010, while maintaining the intent of the VOP 2010. Accordingly, the Development Planning Department can support the required variances.

Should the Application be approved, the Owner shall submit a Minor Variance Application to the satisfaction of the Committee of Adjustment and receive approval from the Committee, prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

The Development Planning Department recommends the Holding Symbol “(H)” be removed from the Subject Lands

The Owner has submitted Zoning By-law Amendment File Z.19.022 for the Subject Lands. The Subject Lands are zoned to permit 111, 3-storey townhouse dwelling units, within 22 blocks, on common element condominium roads with site-specific zoning

exceptions, subject to removal of the Holding Symbol “(H)”. Removal of the Holding Symbol “(H)” from the Subject Lands is conditional upon the following:

- a) The Owner obtaining and filing for a Ministry of the Environment, Conservation and Parks (‘MECP’) Record of Site Condition (‘RSC’) following remediation and verification sampling to the satisfaction of the City of Vaughan;
- b) The Owner successfully obtaining the approval of a Site Development Application and the required allocation of servicing capacity from Vaughan Council;
- c) The Subject Lands are located in an area, adjacent to Regional roads (Rutherford Road and Highway 27) that are tributary to the future sanitary trunk sewer scheduled to be installed by York Region in 2028. The Holding Symbol “(H)” is to only be lifted under one of the following two scenarios:
 - i) The sanitary trunk sewer on Highway 27 is constructed by York Region and the Owner has secured the necessary lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the sanitary sewer between Simmons Street and Regional 27; or,
 - ii) The Owner has demonstrated that an alternate interim sanitary outlet to Royalpark Way, as shown within the Functional Servicing Report, can be achieved utilizing an adequate easement width and a comprehensive study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, and available allocation, to the satisfaction of the City.

Condition a) of the Holding Symbol “(H)” has been satisfied. The Owner has also demonstrated that an alternate interim sanitary outlet to Royalpark Way can be achieved, thus satisfying Condition c) of the Holding Symbol “(H)”.

Should Vaughan Council approve the Recommendations contained in this report, then Condition b) of the Holding Symbol “(H)” would be satisfied. Accordingly, it is recommended that the Holding Symbol “(H)” be removed to facilitate the development of the Subject Lands and a By-law to remove the Holding Symbol “(H)” be brought forward to a future Council Agenda for enactment, should the Application be approved.

Draft Plan of Subdivision approval was granted to create one development block to implement the Development

Draft Plan of Subdivision File 19T-17V011 was endorsed by Vaughan Council on January 29, 2019 and approved by LPAT on June 16, 2020, to create one residential development Block and other Blocks for road widenings to implement the Development. Prior to the execution of the Site Plan Agreement, the Owner is required to satisfy all conditions of Plan of Subdivision approval, including entering into a Subdivision Agreement, and the final Plan shall be registered. A condition to this effect is included in Attachment 1.

Draft Plan of Condominium and Part Lot Control Applications are required to implement the Development

Should the Application be approved, a Draft Plan of Condominium application is required to establish the proposed condominium tenure and common elements of the Development, and to secure appropriate conditions of Draft Plan of Condominium approval. A Part Lot Control Application will also be required to create individual lots tied to the common element condominium ('Parcels of Tied Land') for future ownership.

The Development Planning Departments supports the Site Development Application, subject to the Recommendations of this report

Site Plan

The Development shown on Attachments 3 to 5 consists of 111 townhouse units within 22 Blocks accessed by a private common element condominium road with access from Simmons Street.

Thirty four (34) visitor parking spaces, inclusive of one (1) barrier-free space, are proposed throughout the Development. Each proposed townhouse unit includes a parking space within a garage and a driveway to accommodate another parking space. A centrally located amenity space of 530 m² is proposed and incorporates the proposed community mailbox and bicycle parking spaces. Snow storage is proposed primarily on the west side of the Subject Lands, where the private road abuts a berm abutting the Canadian Pacific Rail (CPR) rail line.

Pedestrian connections are proposed throughout the Development. A 1.83 m high chain link fence is proposed along the west property line of the Subject Lands. A 3 m high sound barrier fence on top of a berm is proposed to mitigate noise from the CPR line on the west side of the Subject Lands.

A 10 metre buffer is located on the eastern portion of the Subject Lands, behind Blocks 14, 15 and 22. These lands will be maintained by the future Condominium Corporation. A vacant lot containing is identified as "Other Lands Owned By Applicant".

Building Elevations

A typical elevation is shown on Attachment 5. The Development will include primarily brick, stone, wood siding and stucco veneers of varying colours, incorporating translucent panels for the garages and balconies/porches.

Landscape Plan

The Landscape Plan shown on Attachment 4 consists of a mix of deciduous and coniferous trees, shrubs and perennials. An amenity area is proposed in the central area of the Development and another amenity area on the west side of the Development. The perimeter of the Development includes a mix of privacy and chain link fenestration.

Arborist Report and Tree Preservation Plan

An Arborist Report and a Tree Inventory and Preservation Plan prepared by Strybos Baron King Ltd. was submitted with the Application to identify the number, species, condition, and size (diameter) of the existing private trees proposed to be preserved or removed from the Subject Lands.

The Owner has entered into a Tree Protection Agreement, dated April 22, 2020, in accordance with the previous Draft Plan of Subdivision Application and has provided a Letter of Credit ('LOC') in the amount of \$147,700 with the City. The LOC addresses matters related to the privately-owned trees and the municipal trees to be removed, tree protection hoarding and securing the compensation required as a result of tree removals. A total of 113 trees are proposed to be removed from the Subject Lands. Any trees that are proposed to be preserved must be protected with tree protection fencing during construction.

The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Development subject to the Owner informing the Forestry Operations Division once tree protection measures have been installed for inspection and approval according to City specifications. A Condition to this effect is included in Attachment 1.

The Development Planning Department, Urban Design and Cultural Heritage Division, and the Parks Operations and Forestry Department have reviewed the Landscape Plan and the Arborist Report submitted with the Application. Prior to approving the Landscape Plan more details are required with respect to the final amount of trees to be planted, particularly in the context of refining other site plan matters that may impact on their locations.

In instances where it has been determined by the City that more replacement trees are required than can reasonably be accommodated on the Subject Lands, a cash-in-lieu payment may be made to the Tree Replacement Reserve Fund to fund tree planting on City-owned properties in the same community. The cash-in-lieu payments can only be made if all the required replacement trees cannot be planted on the Subject Lands, in accordance with an approved Landscape Plan. A Condition to this effect is included in Attachment 1.

The Development Planning Department is satisfied with the Development, as shown on Attachments 3 to 5. Prior to the execution of the Site Plan Agreement, the final site plan, building elevations, landscape plan and landscape cost estimate for the Development must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1.

There are no Cultural Heritage concerns for the Development

The Cultural Heritage Division of the Development Planning Department has no concerns with the Development, subject to standard archeological clauses included in the Site Plan Agreement. Conditions to this effect are included in Attachment 1.

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

The Development Engineering ('DE') Department has provided the following comments:

Water Servicing

The Subject Lands are located within Pressure District (PD) 5 and are proposed to be serviced primarily by an existing watermain on the west side of Simmons Street with a secondary connection to an existing watermain on the south side of Rutherford Road intended as an emergency supply to the Subject Lands.

Schaeffers Consulting Engineers provided a Water Supply Analysis Report, dated February 2019, with the available pressures and flows to meet the domestic and fire flow demands per the WaterCAD modeling of the Subject Lands. Furthermore, a hydrant test for Simmons Street was completed on August 25, 2020 at 88 Simmons Street.

Sanitary Sewer Network

The Subject Lands are proposed to be serviced by a sanitary sewer that will connect the Subject Lands to an existing sanitary sewer located on Royalpark Way, immediately east of Highway 27 and south of the Development. The new sewer is to be installed within the Simmons Street and Highway 27 rights-of-way, respectively. The Owner proposes to install a new sanitary sewer on Highway 27 through lands that are subject to an existing City watermain easement to convey sanitary flows from the Development to an existing sanitary sewer system on Royalpark Way.

A Downstream Sanitary Analysis Report (Royalpark Way Sanitary Capacity Analysis Report prepared by Civica, dated January 25, 2019) was submitted and reviewed by the City. The recommendations presented in the report confirmed that the existing downstream system provides adequate capacity for the proposed and future developments on Simmons Street and is in general conformance with the conclusions and recommendations contained in the City's Interim Servicing Strategy (ISS) Study.

Stormwater Management

The Owner is proposing to capture stormwater flows within underground storage facilities and oversized sewers, and convey the flow utilizing pre-development target flow rates to a new storm sewer on Simmons Street. The Owner further proposes to design and install a new storm sewer within the Simmons Street right-of-way to convey stormwater flow from the Subject Lands northerly to the existing road stormwater outlet located at the low point of Simmons Street. The sewer is proposed to terminate with a new headwall at the outlet east of Simmons Street where flow is then conveyed easterly through an existing overland ditch. All stormwater storage and quality facilities are proposed to be within the Subject Lands.

Development Engineering is generally satisfied with the proposed stormwater drainage schematic, subject to the final drawings being approved by the DE Department.

Subdivision Agreement

The Owner shall enter into a Subdivision Agreement (File 19T-17V011) for the installation of any proposed service connections and agree to pay for design and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this Development. The Owner shall pay applicable fees and post necessary letter of credits pursuant to the City Fees and Charges By-law, as amended.

Environmental Engineering

The implementing Zoning By-law for the Subject Lands includes a Holding Symbol “(H)” with the following condition:

- a) the Owner obtaining and filing for a Ministry of the Environment, Conservation and Parks (‘MECP’) Record of Site Condition (‘RSC’) following remediation and verification sampling to the satisfaction of the City of Vaughan.

Through the development application review process, the Owner submitted Phase One and Phase Two Environmental Site Assessments (‘ESA’), and a Remedial Action Plan (‘RAP’) that addressed the remediation of the impacts. A ‘RSC’ has been filed on the Environmental Site Registry and acknowledged by the MECP. The DE Department reviewed the reports and correspondence and are satisfied with the ESA documents submitted to date. As such, the condition related to the Holding Symbol “(H)” has been satisfied.

Transportation Engineering

The Development includes a single access point proposed via Simmons Street with an 8 metre wide private common element road. A total of 222 parking spaces are proposed to serve the Development. Two parking spaces are proposed per unit, as well as 34 visitor parking spaces, including 1 accessible parking space located along the private common element roads.

Noise Impact Study

A Noise and Vibration Feasibility Study, prepared by HGC Engineering Ltd., with addendums, were submitted to assess the noise and vibration impacts. The Owner shall satisfy all requirements with respect to noise attenuation and ensure all recommendations (i.e. - acoustic wall height, building construction materials etc.) are implemented in accordance with the Noise and Vibration Feasibility Study. Attachment 1 of this report includes warning clauses and conditions to this effect.

The DE Department shall approve the final functional servicing and storm water management reports prior to execution of the Site Plan Agreement. Conditions related to the above DE comments are included in Attachment 1.

Sewage and Water Allocation is available for the Development

Vaughan Council on December 15, 2020, endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy.

Accordingly, servicing capacity to Site Development File DA.18.070 is available and unrestricted. A Condition to this effect is included in the Recommendation section of this report.

The Parks Infrastructure Planning and Development Department ('Parks Department') has no objection to the Development, subject to conditions

The related Plan of Subdivision File 19T-17V011 includes a condition requiring the Owner to provide a pedestrian connection from the Subject Lands to Highway 27 via Simmons Street and Rutherford Road, along with appropriate financial securities. A formal commitment to plan, design and construct this connection is to be included in the subdivision agreement and is required prior to registration of the subdivision. The Owner is required to pay cash-in-lieu of parkland in accordance with the *Planning Act* and City policies. The Owner must also submit a completed parkland dedication chart, to the satisfaction of the City. A Condition in Attachment 1 requires the Owner to satisfy the requirements of the Parks Department.

Cash-in-Lieu of the dedication of parkland is required

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland equivalent to 5% of the value of the Subject Lands, 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 Infrastructure Delivery, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A Condition to this effect is included in Attachment 1.

Development Charges are Applicable

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board. A Condition to this effect is included in Attachment 1.

The Environmental Services Department, Solid Waste Management Division has no objection to the Development

The proposed garbage/recycling collection may be eligible for municipal waste collection service or shall be the responsibility of the future Condominium Corporation. Upon a successfully completed application, site inspection and executed agreement as determined by the City, the future 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. A Condition in Attachment 1 requires the Owner to satisfy the requirements of the Environmental Services Department, Solid Waste Management Division.

The Toronto and Region Conservation Authority ('TRCA') has no objection to the Applications, subject to conditions

The TRCA has no objection to the approval of the Application. A TRCA permit (Permit No. C-201058) was issued for the final grading and servicing works associated with the Development on November 26, 2020.

The School Boards have no objection to the Development

The York Catholic District School Board, York District School Board and the French Catholic School Board (Conseil Scolaire de District Catholique Centre-Sud) have no objections to the Application.

Bell Canada has no objection to the Development, subject to Conditions of Approval

Bell Canada advises the Owner to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the Development and prior to commencing any work, the Owner must confirm there is sufficient wire-line communication/telecommunication infrastructure available. In the event such infrastructure is unavailable; the Owner shall be required to pay for the connection to and/or extension of the existing communication/ telecommunication infrastructure. Conditions of approval are included in Attachment 1.

Canada Post has no objection to the Development, subject to Conditions of Approval

Canada Post has reviewed the Application and has determined that the Development will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. A Condition in Attachment 1 requires the Owner to satisfy the requirements of Canada Post.

Canadian Pacific Railway ('CPR') has no objection to the Development

CPR has reviewed the submission and has no objection to the Development. A Condition in Attachment 1 requires the Owner to satisfy the requirements of CPR.

The various utilities have no objection to the Development

Alectra Utilities Corporation and Enbridge Gas. and have no objection to the Development and have advised that it is the Owners responsibility to contact them with respect to the installation of services and metering facilities. Conditions to this effect are included in Attachment 1.

Financial Impact

Not Applicable.

Broader Regional Impacts/Considerations

York Region has reviewed the Application and has no objection, in principle. However, prior to receiving final approval from the Region, the Owner must:

- submit an updated engineering submission to the satisfaction of the Region, reflecting the required improvements to Rutherford Road

- enter into a Site Plan Agreement with York Region, including conditions to notify purchasers of a 3m buffer along Rutherford Road and the future plan to lower Rutherford Road for a grade separation with the CPR tracks

Conditions to this effect are included in Attachment 1.

Conclusion

Site Development File DA.18.070 has been reviewed in consideration of the policies of the PPS, Growth Plan, as amended, YROP and VOP 2010, Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 3 to 5 is consistent with the PPS, conforms to the Growth Plan and York Region Official Plan, is a permitted use in VOP 2010 and consistent with Zoning By-law 1-88. Accordingly, the Development Planning Department supports the approval of Site Development File DA.18.070, subject to the Recommendations contained in this report and the Conditions of Approval appended as Attachment 1.

For more information, please contact: Clement Messere, Senior Planner, Development Planning, ext. 8409.

Attachments

1. Conditions of Approval
2. Context and Location Map
3. Site Plan
4. Landscape Plan
5. Typical Building Elevations (Block 10)

Prepared by

Clement Messere, Senior Planner, ext. 8409

Carmela Marrelli, Senior Manager of Development Planning, ext. 8791

Bill Kiru, Acting Director of Development Planning, ext. 8633

Approved by



Mauro Peverini, Acting Chief Planning Official

Reviewed by



Jim Harnum, City Manager

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.18.070 (Pine Valley Kleinburg Homes Ltd.)

1. THAT prior to the execution of the Site Plan Agreement:
 - a) the Development Planning Department shall approve the final Site Plan, Building Elevations, Landscape Plan, Landscape Details and Landscape Cost Estimate;
 - b) the Development Engineering Department shall approve the final grading and servicing plan, erosion and sediment control plan, and Functional Servicing and Stormwater Management Report;
 - c) the Owner shall pay the Development Engineering Simple Site Plan fee of \$84,878.00 in accordance with the Fees and Charges By-law 171-2013, as amended by By-law 023-2019, to the satisfaction of the Development Engineering Department;
 - d) the Owner shall enter into a Subdivision Agreement related to Draft Plan of Subdivision File 19T-17V011, or make alternative arrangements for the construction of any external servicing, to the satisfaction of the Development Engineering Department;
 - e) the Conditions of Subdivision Approval for Draft Plan of Subdivision File 19T-17V011 shall be satisfied and the final plan shall be registered;
 - f) the Owner shall satisfy all requirements of the Parks Infrastructure Planning and Development Department;
 - g) the Owner shall provide cash-in-lieu payment that must be submitted to the City in accordance with the Council adopted Tree By-law 052-2018 and the City's Tree Protection Protocol;
 - h) the Owner shall successfully obtain approval from the Committee of Adjustment for a Minor Variance Application(s) for any required variances, and Consent Application(s) for any required easements. The Committee's decision regarding the Variance Application(s) and Consent Application(s) shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - i) the Environmental Services Department, Waste Management Division shall approve the final waste collection plan;

- j) The Owner shall satisfy all requirements from Canadian Pacific Railway, Alectra Utilities Corporation, Enbridge Distribution Inc., Bell Canada, Canada Post and Hydro One Inc;
- k) The Owner shall satisfy all requirements and obtain all necessary approvals from the Toronto and Region Conservation Authority;
- l) The Owner shall satisfy all requirements and obtain all necessary approvals from York Region; and,
- m) The Owner shall satisfy all requirements of Canada Post including:
 - i. The Owner will consult with Canada Post to determine suitable permanent locations for the placement of a Community Mailbox(es) and to indicate these locations on appropriate servicing plans;
 - ii. The Owner will confirm to Canada Post that the final secured permanent locations for the Community Mailbox(es) will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads;
 - iii. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings;
 - iv. The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox(es) location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy;
 - v. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy;
 - vi. The Owner agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the

location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the City of Vaughan;

- vii. The Owner agrees to include in all offers of Purchase and Sale a statement, which advises new home purchasers that mail delivery will be from a designated Community Mailbox(es), and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post;
 - viii. The Owner will be responsible for officially notifying the purchasers of the exact Community Mailbox(es) locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off;
 - ix. The Owner of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox locations;
 - x. Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy;
 - xi. There will be no more than one mail delivery point to each unique address assigned by the Municipality; and
 - xii. Any existing postal coding may not apply, the Owner should contact Canada Post to verify postal codes for the project.
2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) The Owner shall inform the Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Vaughan once tree protection has been installed, for Vaughan Forestry to inspect and approve according to specifications;
 - b) Prior to the issuance of a Building Permit the Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Regional of York, York Region District School Board and York Catholic District School Board;
 - c) The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent of 5% of the value of the subject lands, prior to the issuance of a Building Permit, in

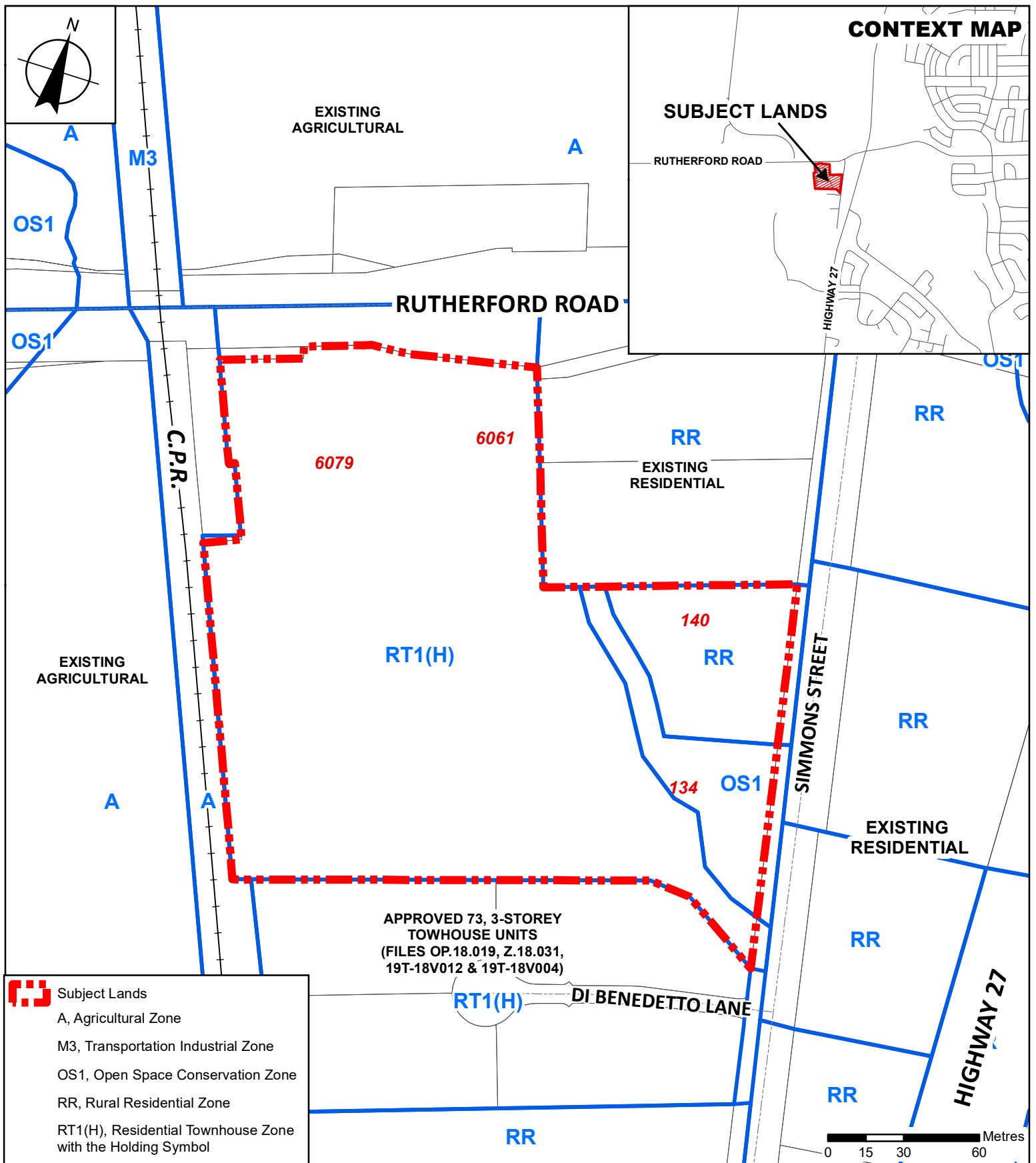
accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment;

- d) The Owner shall obtain any required additional permits and coordinate all inspections directly through the City's Development Inspection and Lot Grading Division upon receipt of Site Plan Approval for all proposed works within the City's right-of-way (i.e. curb cuts/fills, sidewalk installation, boulevard rehabilitation);
- e) Prior to the issuance of a building permit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features may be certified by a Professional Engineer. The Engineer's certificate must refer to the Noise Report;
- f) The Owner shall construct an acoustic barrier along the private side of the lot lines of the northerly lot on Block 8 lots as required in the Noise Report and in compliance with City's noise requirements and as shown on the approved Construction Drawings to the satisfaction of the Development Engineering Department. The noise consultant shall certify to the Building Standards Department and Development Engineering Department that the acoustic barrier complies with the requirements of the noise report prior to transfer; and, the Owner's Ontario Land Surveyor shall certify to the Building Standards Department and Development Engineering Department that the above-noted fences are constructed in accordance with this requirement and constructed with all fencing material and foundations completely on private lands, all to the satisfaction of the City;
- g) Warning clauses should be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units to inform the future owners/occupants of the noise issues and the presence of the roadways, railway and potential for vibration excesses;
- h) The Owner is required to contact the City's Environmental Services Department through the Development Inspection and Lot Grading division of Development Engineering Department, at least 72 hours in advance of connecting to and/or disconnecting from any municipal services (Including any required re-location works) to ensure that staff is present on site to observe the works including the decommissioning of services and to provide any additional requirements to their sole satisfaction;

- i) The Owner is required to contact the City of Vaughan Environmental Services Department to purchase the required water meter(s). The water meter shall be installed with sufficient read-out equipment to the satisfaction of the City of Vaughan;
- j) The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
 - i. archaeological resources are found on the property during grading or construction activities, and the Owner must cease all grading or construction activities; and
 - ii. where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
- k) To carry out, or cause to carry out, any and/or all warning clauses to the satisfaction of the City. Prior to the transfer of any Lot or Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the Offer of Purchase and Sale or Lease for such Lot or Block;
- l) The Owner shall agree to the following clauses provided by Bell Canada
 - i. The Owner shall grant to Bell Canada, in words satisfactory to Bell Canada, any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- m) The Owner shall include the following warning clauses within all Offers of Agreement of Purchase and Sale or Lease for all lots:
 - i. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic and/or rail traffic may on occasions interfere with some activities of the

dwelling occupants as the sound levels exceed the sound level limits of the Ministry of the Environment, Conservation, and Parks.”

- ii. “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”
 - iii. “This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”; and,
- n) The Owner shall include the following warning clauses within all Offers of Agreement of Purchase and Sale or Lease for all lots abutting the Open Space, Valleylands and associated buffers:
- i. “Purchasers and/or tenants are advised that the lot abuts an open space, valley and associated buffers and are designed for naturalization and therefore shall receive minimal maintenance.”



Context and Location Map

LOCATION:
Part of Lot 15, Concession 9

APPLICANT:
Pine Valley Kleinburg Homes Ltd.



Attachment

FILE: DA.18.070
RELATED FILES: OP.17.011,
Z.19.022, Z.17.031, 19T-17V011

DATE: April 7, 2021

2



Site Plan

LOCATION:
Part of Lot 15, Concession 9

APPLICANT:
Pine Valley Kleinburg Homes Ltd.

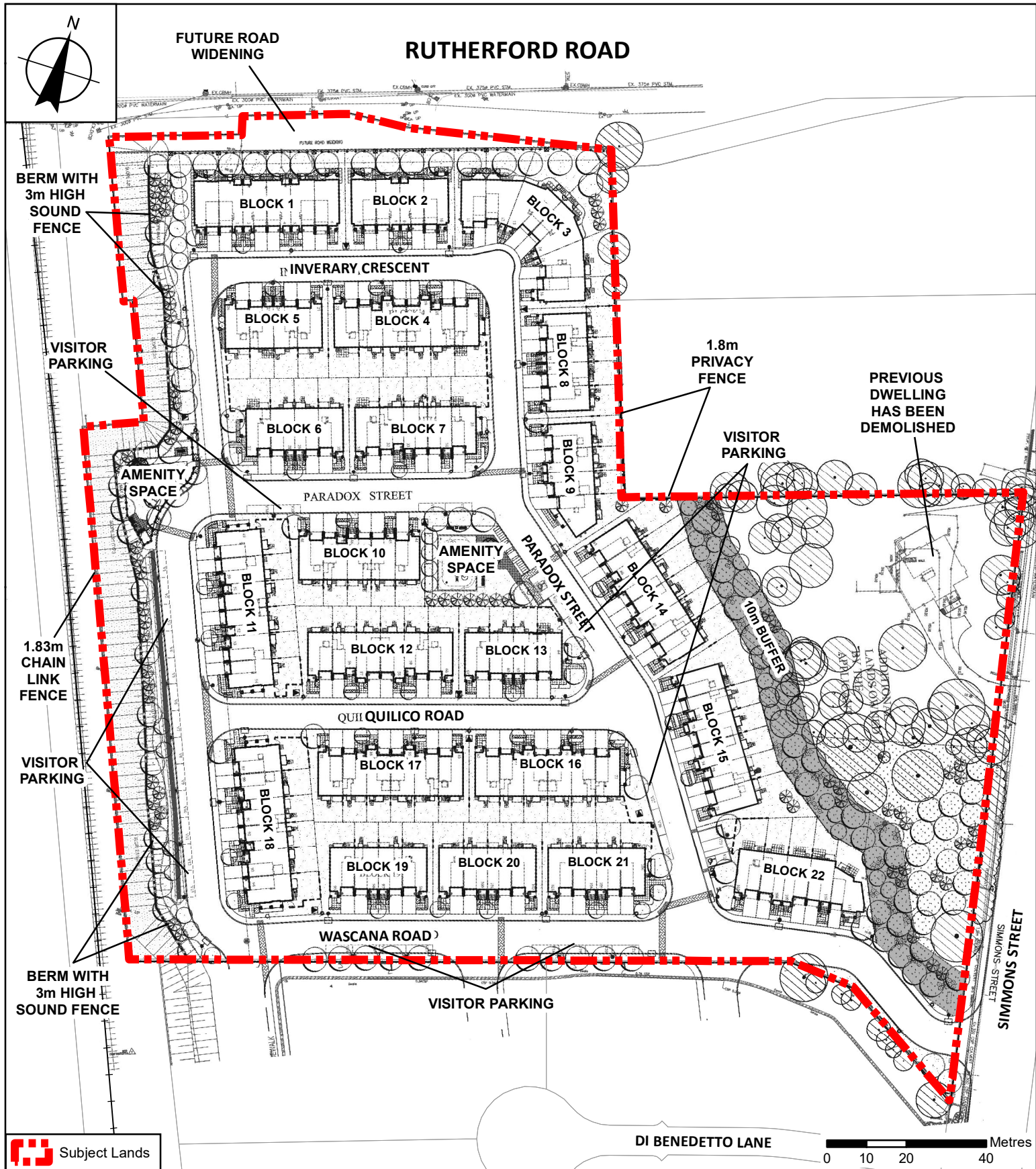


Attachment

FILE: DA.18.070
RELATED FILES: OP.17.011,
Z.19.022, Z.17.031, 19T-17V011

DATE: April 7, 2021

3



Landscape Plan

LOCATION:
Part of Lot 15, Concession 9

APPLICANT:
Pine Valley Kleinburg Homes Ltd.



FILES: DA.18.070
RELATED FILES: OP.17.011,
Z.19.022, Z.17.031, 19T-17V011

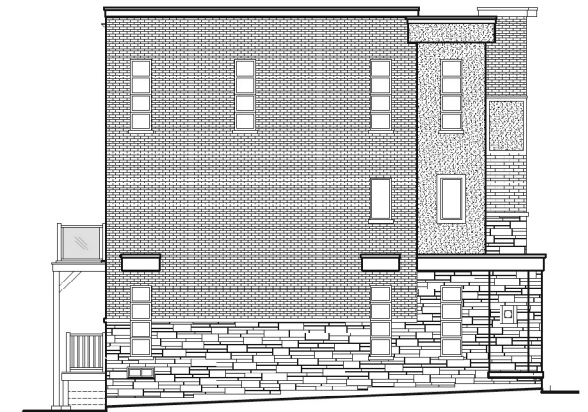
DATE: April 7, 2021

Attachment

4



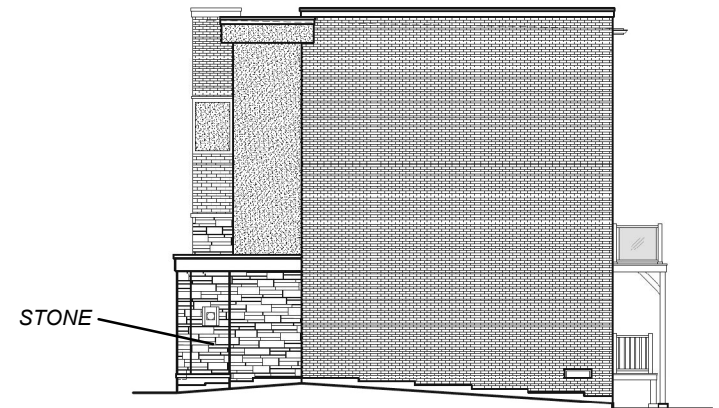
SOUTH (FRONT) ELEVATION - FACING PARADOX STREET



EXTERIOR ELEVATION (EAST)



NORTH (REAR) ELEVATION



INTERIOR ELEVATION (WEST)

Not to Scale

Typical Building Elevations (Block 10)

LOCATION:
Part of Lot 15, Concession 9

APPLICANT:
Pine Valley Kleinburg Homes Ltd.



FILES: DA.18.070
RELATED FILES: OP.17.011,
Z.19.022, Z.17.031, 19T-17V011

DATE: April 7, 2021

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