

Committee of the Whole (1) Report

DATE: Tuesday, September 14, 2021

WARD: 3

**TITLE: VALLEY MAJOR DEVELOPMENTS LIMITED
SITE DEVELOPMENT FILE DA.17.084
4433, 4455 AND 4477 MAJOR MACKENZIE DRIVE WEST
VICINITY OF MAJOR MACKENZIE DRIVE WEST AND PINE
VALLEY DRIVE**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.084 (Valley Major Developments Limited) for the subject lands shown on Attachment 2. The Owner proposes to develop the subject lands with 91, 3-storey townhouse dwellings accessed by common element condominium roads, as shown on Attachments 3 to 6. The proposed development includes a total of 205 parking spaces and a 620 m² centralized amenity area.

Report Highlights

- The Owner proposes to develop the subject lands with 91, 3-storey townhouse dwellings accessed by common element condominium roads
- A Site Development Application is required to permit the development
- The Development Planning Department supports the approval of the Application as it will permit a development consistent with the Provincial Policy Statement, conforms to the Growth Plan, York Region Official Plan, and the Vaughan Official Plan 2010 (as amended), Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area

Recommendations

1. THAT Site Development File DA.17.084 (Valley Major Developments Limited) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included in Attachment 1 to the satisfaction of the Development Planning Department, to permit a development consisting of 91, 3-storey townhouse dwellings accessed by common element condominium roads, as shown on Attachments 3 to 6; and
2. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage capacity:

“THAT Site Plan Development File DA.17.084 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 91 residential townhouse units (278 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 at the southeast corner of Major Mackenzie Drive West and Pine Valley Drive, as shown on Attachment 2, and are municipally known as 4433, 4455 and 4477 Major Mackenzie Drive West. The Subject Lands were previously developed with 3 single detached dwellings.

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

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

Previous Reports/Authority

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

The Decision and Order of the LPAT:

[November 25, 2019 LPAT E-decision for PL171046](#)

Committee of the Whole Report for related Files OP.17.005 and Z.17.013:

[June 4, 2019, Committee of the Whole \(Item 5, Report No. 20 Recommendations 1 to 7\)](#)

Public Meeting Report for related Files OP.17.005 and Z.17.013:

[September 26, 2017, Committee of the Whole \(Public Meeting\) \(Item 7, Report No. 32, Recommendations 1 to 4\)](#)

Analysis and Options

A Site Development Application has been submitted to permit the Development Valley Major Developments Limited (the 'Owner') has submitted Site Development File DA.17.084 to permit a development consisting of 91 3-storey townhouse dwellings accessed by common element condominium roads (the 'Development'), as shown on Attachments 3 to 6.

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, 2020 (the 'PPS'). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include building strong, healthy communities; the wise use and management of resources; and protecting public health and safety. The PPS recognizes local context and character is important. The *Planning Act* requires Vaughan Council's planning decisions to be consistent with the PPS.

The Application is consistent with the Provincial policies of the PPS, specifically Sections 1.1.1 and 1.1.3 regarding settlement areas and Section 2.1.1 protecting natural features and areas for the long-term.

The Subject Lands shown on Attachment 2, are located within a settlement area as defined by the PPS. The Development 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. In addition, the Development will help to restore and provide long-term protection for the surrounding natural environment by

bringing the Open Space lands comprising the valley corridor (shown as OS1 on Attachment 2) into public ownership. The Development is consistent with the PPS.

The Development conforms to A Place to Grow: 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, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

The *Planning Act* requires that Vaughan Council’s planning decisions to conform to, or not conflict with, the Growth Plan. The Development conforms to the Growth Plan objectives, specifically the following sections (in part):

Section 2.2.1 – directing growth to settlement areas that have existing or planned 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 and areas.

The Development would implement a residential development within a settlement area, where existing and new municipal water and wastewater services that would be made available. It would also offer diversity with respect to the available housing options within the community.

The Development optimizes the use of the existing land supply, making more efficient use of the existing infrastructure, and is located adjacent to planned transit (a “Regional Transit Priority Network”) while providing a density that is supportive of these objectives. In addition, the Development would protect the key natural heritage feature on the Subject Lands by bringing it into public ownership.

The Owner has agreed, prior to execution of the Site Plan Agreement, to dedicate lands comprising of the valley corridor into public ownership to either the Toronto and Region Conservation Authority (‘TRCA’) or City of Vaughan free of all charges and encumbrances, to the satisfaction of the TRCA. Accordingly, The Development conforms to the Growth Plan.

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

The YROP guides economic, environmental and community building decision making across York Region. The Subject Lands are designated "Urban Area" and "Regional Greenlands System" 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 abut a "Regional Transit Priority Network", being Major Mackenzie Drive West (Map 11 - "Transit Network") and planned regional cycling connections on Major Mackenzie Drive West and Pine Valley Drive (Map 10 - "Regional Cycling Network").

The Development offers a variety in townhouse unit sizes that has access to public transit that currently operates on Major Mackenzie Drive West and Pine Valley Drive. The Development will diversify the housing options found in the community and create new pedestrian connections to Major Mackenzie Drive West and Pine Valley Drive.

The protection of lands within the Regional Greenlands System will be ensured through the dedication of these lands into the public authority. In consideration of the above, the Development conforms to the YROP.

The Development conforms to Vaughan Official Plan 2010, as amended

The Subject Lands are designated "Low-Rise Residential" and "Natural Areas" by Vaughan Official Plan 2010 ('VOP 2010'), as amended by OPA 49. The "Low-Rise Residential" designation, as amended by OPA 49 permits the 3-storey townhouse dwellings with access from a private, common element condominium road, as part of a row of at least three but no more than eight attached residential units.

The rear portion of the Subject Lands are designated "Natural Areas" by VOP 2010, as amended by OPA 49 and contain part of a Core Feature, as identified in VOP 2010, Volume 1, Schedule 2 – Natural Heritage Network. The Development must conform to the Core Feature policies of VOP 2010. The Development includes a 10 m vegetation protection zone ('VPZ') from the dripline as required by TRCA. The Development as shown on Attachments 3 to 6 conforms to VOP 2010, as amended.

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

The Subject Lands are zoned "RT1 Residential Townhouse Zone" and "OS1 Open Space Conservation Zone" subject to site-specific Exception 9(1496). The Development as shown on Attachments 3 to 6 complies with Zoning By-law 1-88, as amended by By-law 079-2020 and issued by the LPAT.

The Owner must submit a Draft Plan of Condominium Application to establish the common elements of the Development

The Owner must submit a Draft Plan of Condominium (Common Elements) Application to establish the condominium tenure for the Development. The Condominium Corporation will be responsible for all common elements in the Development including, but not limited to, all parking and landscape elements, the private road, and a portion of the OS1 Open Space Conservation Zone lands (“open channel feature” as shown in Attachment 3).

The Development Planning (‘DP’) Department supports the Development, subject to the Recommendations in this Report

Site Plan

The Development shown on Attachments 3 to 6 consists of 91, 3-storey townhouse dwellings units within 16 Blocks accessed by a private common element condominium road with access from Major Mackenzie Drive West and Pine Valley Drive.

The Development includes a total of 205 parking spaces which includes 23 visitor parking spaces with 2 barrier free parking spaces. Each proposed townhouse dwelling includes either 2 parking spaces within a garage or a parking space within a garage and a parking space on the driveway to accommodate a total of 2 spaces for each unit.

A 620 m² centralized amenity area is proposed to serve the overall Development as well as smaller landscaped amenity areas that provide pedestrian connections toward the corner of Major Mackenzie Drive West and Pine Valley Drive. Pedestrian connections are proposed throughout the Development. A 10 m buffer, as required by TRCA, is located on the southern limit of the Development behind Blocks 11 to 15.

Landscape Plan

The Landscape Plan shown on Attachment 4 consists of a mix of deciduous and coniferous trees, shrubs, and perennials. A centralized amenity area is proposed with smaller amenity areas that provide pedestrian connections toward the northwest corner of the Development. A combination of retaining walls and a 1.5 m high vinyl chain link fencing is proposed along the entire boundary between the Development and lands to be conveyed to a public authority.

Building Elevations

A typical elevation is shown on Attachment 5 and 6. The proposed townhouse dwellings will incorporate brick, stone, and stucco veneers of various colours, and wood materials

for the doors and garage doors. The final building elevations shall be approved to the satisfaction of the DP Department.

Cultural Heritage

The Subject Lands lie outside of the Heritage Conservation District, however, they are located in an area identified as being of some archaeological potential and standard clauses will be included in the Site Plan Agreement. In the event of a future development application that involves further soil disturbance, an archaeological assessment by a professional licensed archaeologist may be required. As such, conditions to this effect are included in Attachment 1.

Arborist and Tree Preservation Plan

An Arborist Report and a Tree Inventory and Preservation Plan prepared by Kuntz Forestry Consulting Inc. 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 February 12, 2021, and has provided a Letter of Credit (LOC) in the amount of \$203,950 to the City.

A total of 181 private trees are proposed to be removed on the Subject Lands with a replacement of 47 trees. 134 trees are to be compensated in cash-in-lieu to the City in accordance with Tree By-law 052-2018 and the City's Tree Protection Protocol. A condition to this effect is included in Attachment 1.

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 DP Department is satisfied with the proposed Development, as shown on Attachments 3 to 6. The DP Department must approve the final site plan, building elevations, landscape plan, landscape cost estimate and lighting plan prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

The Development Engineering ("DE") Department has no objection to the Development, subject to conditions

The DE Department has reviewed the Development and have provided the following comments:

Transportation

Transportation Engineering has reviewed the Transportation Study submitted in support of the Development. Overall, the proposed Development is expected to introduce an acceptable impact on the surrounding road network.

The Development includes an access from Major Mackenzie Drive West and an access from Pine Valley Drive. A total of 205 parking spaces which includes 23 visitor parking spaces with 2 barrier free parking spaces are proposed to serve the Development.

Transit services are available along Major Mackenzie Drive West and Pine Valley Drive and expected to be improved under future conditions. Active transportation facilities exist in the vicinity of the Subject Lands. This includes sidewalks along the boundary roads and a multi-use path along the south side of Major Mackenzie Drive West that includes cycling opportunities. Sidewalks and cycling facilities are provided within the site, as well as Transportation Demand Management (TDM) measures to discourage Single Occupancy Vehicle (SOV) use and promote the use of transit and other sustainable modes of transportation.

Noise Mitigation Measures

A Noise Feasibility Study was prepared by HGC Engineering, dated March 10, 2017. Noise mitigation measures will be required for lots adjacent to Major Mackenzie Drive West and Pine Valley Drive, to the satisfaction of the City and York Region. A reliance letter prepared by HGC Engineering indicated the minor changes to the site plan do not affect the acoustic recommendations in the HGC's Noise Report dated August 9, 2018. The DE Department is satisfied with the findings of the reliance letter.

Stormwater Management and Storm Sewer Network

The Subject Lands are located within the Humber River watershed. Existing conditions indicate the site generally drains east to west in a southwesterly direction and eventually discharges via overland flow to an existing watercourse (Marigold Creek). There is also an existing drainage feature that traverses the Subject Lands. This drainage feature is proposed to be removed and an open channel with headwall features will be reconstructed as compensation. Where required, sewers have been sized to convey drainage from a 100-year rain event from full capture locations.

To compensate for removing existing wetlands on site, a compensation wetland is proposed along the buffer area. This feature will receive runoff from the proposed roof drain collector system and backyard flows from some units along the south property boundary.

Sanitary Sewer Network

The Development proposes a service connection to a future municipal sanitary sewer located along Pine Valley Drive. The existing sanitary infrastructure includes a sewer along Pine Valley Drive approximately 210 m south of the Major Mackenzie Drive West and Pine Valley Drive intersection. This sewer will discharge to a pumping station further downstream located at the southeast corner of Pine Valley Drive and Davos Road. The Owner shall agree to front-end finance and construct the sanitary sewer along Major Mackenzie Drive West and Pine Valley Drive. A condition to this effect is included in Attachment 1.

Water Supply Network

The Subject Lands lie within Pressure District 6 (PD6) of the York Water System. Currently there are no watermains fronting Major Mackenzie Drive West within the vicinity of the Subject Lands. Water supply servicing to the Subject Lands will be provided via connections to the existing watermain along Pine Valley Drive and Major Mackenzie Drive West. This creates a looping network.

The WaterCAD model developed for this site has demonstrated water supply demands can be met while maintaining adequate pressures within the system with the proposed looped internal watermain. The Owner shall agree to front-end finance and construct the watermain along Major Mackenzie Drive West and Pine Valley Drive to complete the required watermain loop. A condition to this effect is included in Attachment 1.

Environmental Site Assessment ('ESA')

The Owner's environmental consultant provided the necessary ESA documentation and a Soil Engineering Ltd. Reliance Letter dated May 30, 2017 to the satisfaction of the City.

Block 39 Block Plan

The Subject Lands are located within the approved Block 39 Block Plan. Prior to final approval of the Development, the Trustee for the Block 39 (North-West) Landowners Group shall provide the City with a letter confirming the Owner has fulfilled all cost-sharing and other obligations of the Block 39 (North-West) Cost Sharing Agreement. A Condition to this effect is included in Attachment 1.

The DE Department shall approve the final functional servicing and storm water management reports and Traffic Impact Studies, prior to commencement of any construction works. A Development Agreement may be required prior to the issuance of

final approval for the construction of any external services in relation to the Development. Conditions to this effect are included in Attachment 1.

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Development

The PIPD Department has no objection to the approval of the Development.

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

The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of 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 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 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.

Policy Planning and Environmental Sustainability ('PPES') Department has no concerns with the Development

PPES Department has no concerns with the Development. Development limits for the Subject Lands have been established by the TRCA and the impacts on the watercourse and wetlands have been mitigated to their satisfaction. The Owner is required to abide by the *Endangered Species Act and the Migratory Birds Convention Act*.

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

The TRCA has no objection to the approval of the Application, subject to conditions. During the review of the related Official Plan and Zoning By-law Amendment Files (OP.17.005 and Z.17.013), the TRCA has confirmed the development limits have been established, compensation for minor encroachments into the buffers and compensation for the removal of Ministry of Natural Resources and Forestry ('MNRF') Identified Wetlands were provided to the satisfaction of TRCA.

The TRCA has confirmed the Owner has addressed all comments and have no objection to the approval of the Development, subject to the lands comprising the valley corridor (OS1 Open Space Lands) being dedicated into public ownership (TRCA or City of Vaughan) free of all charges and encumbrances, to the satisfaction of the TRCA, prior to the execution of the Site Plan Agreement. Conditions to this effect are included in Attachment 1.

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

The Waste Management Division has reviewed the proposed Development and truck turning analysis and have advised the garbage/recycling collection may not be eligible for municipal waste. Although the site could allow for curbside collection, with two separate entrance/exits on the Subject Lands, the Development requires a 3km circular route to re-enter the site to complete waste collection. This type of service is not currently provided as part of municipal waste collection. All waste collection services shall be privately administered and shall be the responsibility of the future Condominium Corporation. A condition to this effect will be included in the Site Plan Agreement and is contained in Attachment 1.

The School Boards have no objection to the Development

The York Region District School Board and the York Catholic District School Board have advised they have no comments or objections to the Application.

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

Canada Post has advised the Development will be serviced by centralized mail delivery provided through Canada Post community mailboxes and has no objection to the Development subject to their Conditions of Approval contained in Attachment 1.

Development Charges are applicable to the Development

The Owner is required to 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. The Owner shall also pay to the City, a woodlot acquisition charge at the rate of \$1000.00 per residential dwelling unit in accordance with the City's Woodlot Acquisition Front-end Agreement. A clause for the payment of Development Charges and the Woodlot Charge are included as a standard condition in the Site Plan Agreement.

The various utilities companies have no objection to the Development

Bell Canada has advised they have no objections to the Applications, subject to the Owner contacting Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development. A Condition to this effect is contained in Attachment 1. Rogers Communications, Enbridge Gas Inc., Hydro One and Alectra Utilities have no objection to the Application.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services have no objection to the Development. The Owner shall satisfy all requirements of York Region. A condition to this effect is included in Attachment 1.

Conclusion

The Development Planning Department has reviewed Site Development File DA.17.084 in consideration of the applicable Provincial Policies, York Region and City Official Plan policies, the requirements of the Zoning By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context.

The Development shown on Attachments 3 to 6 is consistent with the PPS, conforms to the Grown Plan and the YROP, conforms to the LPAT approved OPA, complies with Zoning By-law 1-88 as amended, and is compatible with the surrounding area context. The Development Planning supports the approval of Site Development File DA.17.084. Should Council approve the Application, conditions of approval are included in Attachment 1 of this report.

For more information, please contact: Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Proposed Site Plan
4. Proposed Landscape Plan
5. Typical Building Elevation – Rear Garage Access (Block 4)
6. Typical Building Elevation – Front Garage Access (Block 16)

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