

# Committee of the Whole (1) Report

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**DATE:** Tuesday, May 3, 2022

**WARD:** 1

**TITLE:** 2225703 ONTARIO LIMITED  
ZONING BY-LAW AMENDMENT FILE Z.15.029  
DRAFT PLAN OF SUBDIVISION FILE 19T-15V010  
SITE DEVELOPMENT FILE DA.15.071  
10316 KEELE STREET

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek approval from the Committee of the Whole for Zoning By-law Amendment, Draft Plan of Subdivision and Site Development Files Z.15.029, 19T-15V010 and DA.15.071 for the subject lands shown on Attachment 3. The Owner proposes to rezone the subject lands from “A Agricultural Zone” to “RT1 Residential Townhouse Zone” to create a single block through a plan of subdivision for 20, three-storey freehold townhouse units accessed by a privately owned and maintained common element condominium road, as shown on Attachments 4 to 8.

**Report Highlights**

- The Owner proposes to amend Zoning By-law 1-88 to permit a residential development consisting of 20, three-storey freehold townhouse units accessed by a privately owned and maintained common element condominium road.
- Zoning By-law Amendment, Draft Plan of Subdivision and Site Development applications are required to implement the proposed development.
- The Development Planning Department supports the approval of the applications, as they are consistent with the Provincial Policy Statement 2020, conforms to a Place to Grow: The Growth Plan for the Greater Golden Horseshoe 2019, the York Region Official Plan 2010 and Vaughan Official Plan 2010.

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.15.029 (2225703 Ontario Limited) BE APPROVED, to amend Zoning By-law 1-88 to rezone the subject lands from “A Agricultural Zone” to “RT1 Residential Townhouse Zone” in the manner shown on Attachment 4, together with site-specific exceptions in Table 1 of this report;
2. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law;
3. THAT Draft Plan of Subdivision File 19T-15V010 (2225703 Ontario Limited) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachment 1, to create one residential development block (Block 1) and one block to be conveyed to York Region for road widening and sight triangle purposes (Block 4) with 0.3 m reserves (Blocks 2 and 3), as shown on Attachment 4;
4. THAT Site Development File DA.15.071 (2225703 Ontario Limited) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS and warning clauses included in Attachment 2, to the satisfaction of the Development Planning Department, to permit the development of 20, three-storey freehold townhouse units, as shown on Attachments 5 to 8; and
5. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“THAT Site Development File DA.15.071 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for 20 residential units (61 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 municipally known as 10316 Keele Street and are located on the west side of Keele Street, north of McNaughton Road. The surrounding land uses are shown on Attachment 3.

Gracegreen Real Estate Development Ltd. in November 2015 submitted the subject applications for 19, three-storey freehold townhouse units accessed by a common element road as shown on Attachment 9. Council considered the applications at a

Public Hearing on May 31, 2016. Vaughan Council on June 7, 2016, approved the recommendation of the Committee of the Whole to receive the applications.

Since the May 31, 2016, Public Hearing, the Subject Lands were sold to the current Owner (2225703 Ontario Limited) (the "Owner"). In accordance Vaughan Official Plan 2010 ('VOP 2010'), Policy 10.1.4.1, "A new public meeting for a planning application(s) shall automatically be required when... any application(s) that has not been considered by Council within two years after the date it was considered at a previous statutory public meeting." These applications were heard at a public hearing over 4 years ago and were reconsidered at a statutory public hearing on June 23, 2020.

***Zoning By-law Amendment, Draft Plan of Subdivision and Site Development applications have been submitted to permit the proposed development***

The Owner has submitted the following applications (the 'Applications') for the Subject Lands to permit the development of 20, three-storey freehold townhouse units accessed by a private common element condominium road, as shown on Attachments 5 to 8 (the 'Development'):

1. Zoning By-law Amendment File Z.15.029 to amend Zoning By-law 1-88, specifically to rezone the Subject Lands from "A Agricultural Zone" to "RT1 Residential Townhouse Zone", together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-15V010 to permit one residential development (Block 1) and one block to be conveyed to York Region for road widening and site triangle purposes (Block 4) with a 0.3 m reserve (Blocks 2 and 3), as shown on Attachment 4.
3. Site Development File DA.15.071 to permit the Development shown on Attachments 5 to 8.

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

The City on June 2, 2020, circulated a Notice of Public Meeting (the 'Notice') for the Zoning By-law Amendment and Draft Plan of Subdivision Applications to all property owners within 150 m of the Subject Lands and to the following individuals requesting notification:

- Debra Walker, MHBC Planning, Urban Design & Landscape Architecture
- Steven Ferri, Loopstra Nixon, LLP
- John Zipay, John Zipay and Associates

A copy of the Notice was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on June 29, 2020, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of June 23, 2020, and to forward a comprehensive technical report to a future Committee of the Whole meeting. Deputations were made by the following individuals at the Public Meeting and written comments were received by the Development Planning Department:

#### Deputations

Mr. Maurizio Rogato, Blackthorn Development Group, representing the applicant

#### Written Submissions

Ms. Jessica Ferri, CRH Canada Group Inc., Steeles Avenue, Concord, dated June 22, 2020

The following is a summary of the comments received which are addressed throughout the report:

Concern that the Development will bring sensitive residential land uses within 150 m of a Class II Industrial Land Use (concrete batching plant operation on CRH Canada Group Inc.'s lands – 10351 Keele Street) and within approximately 318 m of a Class II Industrial Land Use (asphalt plant operation on Coco Paving's lands – 10431 and 10445 Keele Street).

CRH requested the Owner of the Subject Lands demonstrate through the appropriate studies and necessary information that the Development is appropriately designed in a manner that prevents land use incompatibility and potential adverse effects.

The Development Planning Department on April 26, 2022, emailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

#### **Previous Reports/Authority**

Previous reports relating to the Subject Lands and the Applications are available at the following link:

[June 7, 2016 Committee of the Whole \(Public Hearing\) Council Extracts](#)

[June 23, 2020 Committee of the Whole \(Public Hearing\) Report](#)

[November 9, 2021 Heritage Vaughan Committee](#)

#### **Analysis and Options**

##### ***The Development is consistent with the Provincial Policy Statement, 2020 ('PPS')***

In accordance with Section 3 of the Planning Act, all land use decisions in Ontario "shall be consistent" with 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 the importance of the local context and character. Policies are outcome oriented, and some policies provide flexibility in their implementation provided Provincial interests are upheld. The *Planning Act* requires that Council's planning decisions be consistent with the PPS.

The Subject Lands are located within a settlement area defined by the PPS. The Development achieves is consistent with the Settlement Areas and Housing policies of the PPS, by making more efficient use of the Subject Lands as it minimizes land consumption, proposes a housing typology that will help meet projected housing needs, utilizes existing servicing and infrastructure and avoids the need for the uneconomical expansion of services (Policy 1.1.3.2). The Development also provides a different housing type for the community, thereby contributing to the range of housing types to meet the needs of the City (Policy 1.4.3).

The Subject Lands are located on the west side of Keele Street, opposite to industrial uses located east of Keele Street and are within the Maple Heritage Conservation District Plan ('MHCDP') boundary. The orientation of the townhouse units and their amenity spaces have been designed to ensure compatibility with adjacent uses. The Development was recommended for approval by the Heritage Vaughan Committee and Vaughan Council endorsed Heritage Vaughan's recommendation on November 16, 2021. In addition, a Heritage Conservation District Conformity Report was completed in support of the Development, as well as the future entry feature containing the commemorative plaque which provides a history of the Subject Lands (Policy 2.6.4).

The Owner has also submitted a Land Use Compatibility - Air Quality Assessment Report and a Noise Feasibility Study for the Development, which have been reviewed by the Development Engineering ('DE') Department, to support the Development (Policy 1.2.6.1).

***The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 ('Growth Plan'), as amended***

The Growth Plan is intended to guide decision making on the development of land by encouraging a compact built-form, transit supportive communities, diverse land uses, and a range of 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 offering a mix of housing types, access to local amenities and connections to municipal water and wastewater systems.

The Development is located within a Settlement Area, as defined by the Growth Plan, and will utilize existing municipal water and sanitary servicing connections located on Keele Street (Policy 2.2.1.2.a). The Development provides for a mix of housing types and will assist in accommodating the needs of all household sizes (Policy 2.2.1.4c).

The Heritage Vaughan Committee ('HVC') on October 20, 2021, recommended approval of the Development. Vaughan Council on November 16, 2021, ratified HVC's recommendation (Policy 4.2.7). The Development conforms to the Growth Plan.

***The Development conforms to the Ministry of Environment, Conservation and Parks D-1 and D-6 Compatibility Guidelines between Industrial Facilities and Sensitive Land Uses***

The D-1 and D-6 Guidelines are intended to be applied in the land use planning process to prevent or minimize future land use conflicts due to the encroachment of sensitive land uses and industrial land uses on one another.

The D-6 Guideline encourages informed decision making for land use approval authorities and assists in determining compatible mixed land uses and compatible intensification of land uses. The Guideline is intended to apply when a change in land use is proposed, and the range of situations are set out in Section 2.0 'Application' of Guideline D-1. The D-1 Land Use and Compatibility Guidelines, Section 2.1 states it is applicable when:

- a) a new sensitive land use is proposed within the influence area or potential influence area of an existing facility; and/or
- b) a new facility is proposed where an existing sensitive land use would be within the facility's influence area or potential influence area.

Section 2.3.1 also states that the D-1 Guideline does not apply to situations where incompatible land uses already exist, and there is no new land use proposal for which approval is being sought. The Guidelines are intended to apply when a change in land use is proposed. The Guidelines are not applicable to this Development as residential uses are already present on the Subject Lands, permitted through the Official Plan and Zoning By-law, as are existing land uses located south of the Subject Lands and in the southeast quadrant of Keele Street and McNaughton Road. The Development does not represent a change to a more sensitive land use.

The D-6 Guideline also encourages the implementation of mitigation measures. The Owner in their due diligence completed a Land use Compatibility - Air Quality Assessment report and Noise Feasibility Study to confirm that the Development would meet the intent of land use compatibility prescribed in the D-series Guidelines. The D-series Guidelines have been incorporated into VOP 2010 and are discussed further in the VOP 2010 section of the report.

***The Development conforms to York Regional Official Plan 2010 ('YROP')***

The YROP guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1, "Regional Structure" of the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial, and institutional uses, subject to additional policy criteria. The Subject Lands contribute to a complete community (Chapter 5), abut Keele Street being

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 conforms to the YROP as it is compact in form, utilizes a pedestrian scale, walkable, transit supportive and provides an urban interface and pedestrian connectivity onto Keele Street.

York Region has indicated they have no objections to the Applications, subject to their comments in the Regional Implications section of this report, and conditions of approval in Attachments 1b) and 2.

***The Development conforms to VOP 2010***

The Subject Lands are designated "Low-Rise Residential" by VOP 2010 and are located within a "Community Area" as identified in Schedule 1, the "Urban Structure". This designation permits singles, semi-detached and townhouse dwelling units. The Development consists of 3-storey townhouse units.

A "Community Area" as identified by VOP 2010 is generally an established area with older, residential neighbourhoods characterized by large lots and/or historical, architectural, or landscape value. They are also characterized by their substantial rear, front and side yards and by lot coverages, expansive amenity areas, and attractive landscape development and streetscapes.

VOP 2010 identifies compatibility criteria for new developments in a "Community Area". The compatibility criteria direct new development to be designed to respect and reinforce the physical character of the established neighbourhood within which it is located. In addition, new development in a "Community Area" within an established development area shall pay attention to local lot patterns, size and configuration, and existing building types with similar setbacks.

The Development is located on Keele Street, an arterial road, and is adjacent to a newly built townhouse development to the south, an open space area and townhouse units to the north, as shown on Attachment 3. McNaughton Park is located west of the Subject Lands.

The Subject Lands are located within the "Village of Maple Heritage Conservation District Plan" and are subject to Section 12.2.1.1c "Heritage Conservation Districts" of VOP 2010. Entry features are located along the Keele Street frontage that include the municipal address as well as a historical plaque with the final wording to be confirmed by Cultural Heritage Staff of the Development Planning Department, as recommended by the Heritage Vaughan Committee. Policy 6.1.3.2 and 6.4.1.3 of VOP 2010 encourage commemorating heritage resources, such as important buildings, settlements and significant landscape features that no longer exist by encouraging the use of heritage resources as a means, to engage the public, promote education and awareness of Vaughan's past. The MHCD (Section 2.4.6) also fosters community

support, pride and appreciation of the heritage buildings, landscapes, and character of the district, and promotes the need to conserve these resources for future generations.

VOP 2010 requires health, environmental and cumulative air quality impact studies that assess the impact on human health or development with significant known or potential air emission levels near sensitive uses such as schools, daycares, and seniors' facilities (Policy 3.7.1.5). The Owner submitted a Land Use Compatibility - Air Quality Assessment Report and a Noise Feasibility Study, to address VOP 2010 requirements (Policy 5.1.2.3, 5.2.1.2, 9.2.2.10d) and 9.2.1.12).

As noted above, residential uses are present on the Subject Lands, in the surrounding area and the proposed Development is not changing the use of the lands to a more sensitive use. An Air Quality Assessment Report and Noise Feasibility Study were submitted by the Owner to ensure land use compatibility was maintained and adverse effects are mitigated. In addition, mitigation measures such as fencing, use of air conditioners, warning clauses and other measures are prescribed in these studies.

In consideration of the above, the proposed Development conforms to VOP 2010.

***The Development was recommended for approval by the Heritage Vaughan Committee***

The Subject Lands are designated under Part V of the of the Ontario Heritage Act, as part of the MHCD and is identified as a significant heritage property. It located within the Residential Village area and is therefore subject to the residential policies and guidelines of the MHCDP.

The Cultural Heritage Division of the Development Planning Department recommended approval to the Heritage Vaughan Committee ('HVC') for the Development as it conforms to the policies and guidelines with the MHCDP. The HVC recommended the approval of the Development. This recommendation was received and approved at the November 9, 2021, Committee of the Whole and ratified at the November 16, 2021, Council meeting.

**Summary of Planning Policy**

In consideration of the applicable Provincial policies and Regional and City Official Plan policies outlined in this report, the Owner has demonstrated that the Development provides an appropriate low-rise residential built form that is compatible with the surrounding community. The Development Planning Department is of the opinion that the Development is consistent with the policies of the PPS and conforms to the Growth Plan, YROP, VOP 2010 and the MHCDP.

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

The Subject Lands are zoned "A Agricultural Zone" by Zoning By-law 1-88. This zoning does not permit townhouse dwelling units. The Owner is proposing to rezone the Subject Lands from "A Agricultural Zone" to "RT1 Residential Townhouse Zone", in the



manner shown on Attachment 4, together with the following site-specific exceptions to Zoning By-law 1-88:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirements</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements</b>
a.	Permitted Uses	Street Townhouse Dwelling	Permit a townhouse unit (Blocks 1, 2 and 4) on a freehold lot to front onto a private common element condominium road
b.	Frontage on a Public Street	Buildings must be on a lot with frontage on a public street	Permit a townhouse unit to be erected on a freehold lot fronting onto a privately owned and maintained common element condominium road
c.	Definition of a Street line	Means a dividing line between a road and a street	Means a dividing line between a lot and a street or a private road
d.	Minimum Parking Space Size	2.7 m x 6 m	3 m x 5.8 m
e.	Driveway Width	7.5 m 2.7 m/unit	<ul style="list-style-type: none"> <li>• 6.5 m (Keele Street)</li> <li>• Maximum 3 m wide driveway with a minimum of 33% the front yard landscaped (Blocks 1, 2 and 4)</li> <li>• Maximum 6 m wide driveway width (Block 3)</li> </ul>
f.	Minimum Lot Frontage	6 m/unit	5.5 m/unit (Blocks 1, 2 and 4)
g.	Minimum Lot Area	162 m <sup>2</sup> /unit	119.7 m <sup>2</sup> /unit (Block 1-Lots 2-4; Block 2-Lots 7-10; Block 3-Lot 13; Block 4-Lot 15-19)  151.6 m <sup>2</sup> /unit (Block 1-Lot 5; Block 2-Unit 6; Block 3-Lot 14)
h.	Minimum Front Yard Setback	4.5 m to main dwelling  6 m to garage	3.9 m to main dwelling (Blocks 1-4)  5.8 m to garage (Blocks 1, 2 and 4)

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirements</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirements</b>
i.	Minimum Rear Yard Setback	7.5 m (Blocks 1, 2 and 4)	0.2 m – 1.6 m (Block 3)  4.5 m (Blocks 1, 2 and 4)
j.	Minimum Interior Side Yard Setback	1.2 m	1.1 m (Lot 14, Block 3) 0.9 m (Block 4)
k.	Minimum Exterior Side Yard Setback	4.5 m	3.8 m (Block 2, Lot 11) 0.3 m (Block 3, Lot 12)
		3 m (covered porch)	2 m (Block 2, Lot 11) 2.6 m (Block 3, Lot 12)
		3 m (sight triangle)	2 m (Block 2, Lot 11) 2 m (Block 3, Lot 12)
		4 m (chimney)	3.6 m (Block 2, Lot 11) 1.6 m (Block 3, Lot 12)
l.	Minimum Lot Depth	27 m	21.7 m (Block 1, 2 and 4) 19.5 m (Block 3, Lots 13 & 14) 15 m (Block 3, Lot 12)
m.	Maximum Permitted Yard Encroachments	0.5 m (chimney)	0.9 m (Block 2, Lot 11)
n.	No Encroachment Zone	1.5 m (exterior)	0.3 m (Block 3, Lot 12)
o.	Maximum Interior Garage Width	3.048 m	5.8 m (Block 3)2

Minor modifications may be made to the zoning exceptions identified in Table 1 prior to the enactment of an implementing Zoning By-law, as required through the final review of Site Development File DA.15.071, should the Applications be approved.

The Development Planning Department supports the rezoning of the Subject Lands to “RT1 Residential Townhouse Zone” and the site-specific zoning exceptions identified in Table 1, as the rezoning and proposed development standards facilitates local infill that is consistent with other similar developments and compatible with the surrounding area and consistent with the policies of the PPS, Growth Plan and YROP, maintains the intent of VOP 2010 and in accordance with the MHCD Plan.

***The Planning Act enables a municipality to pass a resolution to permit the Owner to apply for a future Minor Variance application(s), if required, within 2 years of a Zoning By-law coming into full force and effect***

Section 45(1.3) of the Planning Act restricts an Owner from applying for a Minor Variance application(s) to the Vaughan Committee of Adjustment before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect. However, the Planning Act also enables Council to pass a resolution to

allow an Owner to apply for a Minor Variance Application(s) to permit minor adjustments to the implementing Zoning By-law, prior to the two-year moratorium.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance application(s) to address refinements to the Development that may arise through the final design and construction process. A condition to this effect is included in the Recommendations of this report.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing of By-law 001-2021 was circulated on October 25, 2021, in accordance with the Planning Act. The last date for filing an appeal to the OLT in respect of By-law 001-2021 was November 15, 2021. Bylaw 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1- 88, as amended. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 001-2021 applies.

***The Development Planning Department has no objection to the Development, subject to the conditions in Attachments 1 and 2***

Site Plan

The Development shown on Attachments 5 to 8, consists of 20, 3-storey townhouse dwelling units, served by a future private common element condominium road. Access to the site is from Keele Street.

The Development is served by existing and new side walkway connections. The garages are located at the rear of Block 3 and accessible from the entrance of the other townhouse blocks. As Blocks 1, 2 and 4 face onto the interior of the site, the garages are not visible from Keele Street. Visitor parking is available and located behind Block 3.

Air conditioning units will be installed in all dwelling units within the Development. The Owner is required to provide an air conditioner location and screening plan, to the satisfaction of the Development Planning Department. The Development Planning Department does not support locating air conditioning units in the front yards of any property within the MHCD.

The Development is designed in the Second Empire architectural style but is a product of contemporary time through the material choices, minor details, and interior dimensions that reflect current standard of living. It is also of a similar height, width and orientation as existing nearby buildings with Block 3 that sites directly onto Keele Street showcasing heritage details. Block 2, Lot 11 abuts Keele Street as well with an upgraded façade.

The townhouse blocks are modest in terms of height and are setback from the property line at distances varying between 2.75 m to 4.48 m. Respecting the existing right-of-

way, the appearance of setback is further distanced with an additional 7.93 m from the sidewalk and roadway.

### Building Elevations and Height

The Development scale complements the MHCD village. It has the appearance of 2 ½ storey tall townhouse with a mid-roof measurement of 8.6 m and a complete height of 9.5 m.

The building elevations are designed in the Second Empire Style, which is an approved Heritage Style in the MHCD Plan. The proportions and patterns are in keeping with the size and scale of the MHCD.

### Landscape Plan

The landscape plan shown on Attachment 6, includes entry features abutting Keele Street with a commemoration plaque and a mix of vegetation including deciduous and coniferous trees and shrubs along Keele Street as well as the periphery of the site.

Due to the site constraints and a number of proposed storm servicing options to service the site, the existing western hedgerow of trees cannot be maintained. Notwithstanding the introduction of storm services, the trees cannot be retained due to conflicts between the required tree protection zone and the proposed townhouse dwellings. Additional replacement planting will be provided at the west end of the site and on the abutting McNaughton Park. Parks, Forestry and Horticulture Operations have confirmed that they have no objection to planting trees on parkland.

### ***A Tree Protection Agreement is required***

The Owner submitted an updated Tree Inventory and Preservation Plan prepared by Kuntz Forestry Consulting Inc. revised November 2, 2021. The Arborist Report recommends the replacement of 51 trees. The Planting Plan prepared by STUDIO TLA proposes to plant 43 trees on the Subject Lands and 12 trees on the parkland to the west, for a total 55 trees excluding the trees within York Region's right-of-way.

Based on the City's Replacement Tree Requirements under the City's Tree Protection Protocol, the Arborist Report has confirmed 51 replacement trees are required on the Subject Lands. 56 new trees are proposed in the landscape plan, however trees within the park and the regional right of way of are not counted towards compensation as such 47 private trees are being provided and 7 cash-in-lieu are required. 56 trees are proposed to be planted but 44 count towards compensation and 7 trees are required through cash-in-lieu at rate of \$550.00 per tree for a total of \$3,850.00.

The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the Site Plan Agreement in accordance with the City's Tree Protection By-law 052-2018. The Owner shall not remove any trees without written approval by the City. A condition to this effect is included in Attachment 2 of this report.

The final Tree Preservation Plan, the Arborist Report, Landscape Plan and Landscape Cost Estimate shall be to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 2.

***The Development Planning Department has no objection to the Draft Plan of Subdivision, subject to Conditions of Approval***

The proposed Draft Plan of Subdivision ('Draft Plan') shown on Attachment 4 is for the purpose of creating one residential development block (Block 1) to implement the Development, and one block to be conveyed to York Region for road widening and sight triangle purposes (Block 4) with 0.3 m reserves (Blocks 2 and 3). Prior to the execution of the Site Plan Agreement, the Owner shall satisfy all conditions of Draft Plan of Subdivision Approval contained in Attachment 1 and the final Draft Plan shall be registered on title. A condition to this effect is included in the Recommendations of this report.

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

Should the Applications 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 - 'POTLs') for future ownership.

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

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

Water Supply Network

The Subject Lands are within Pressure District PD7 of the York Water System and will be serviced by an existing 300 mm diameter watermain located along the east side of Keele Street. The proposed internal watermain network will consist of 150 mm diameter watermain and each townhouse unit will be serviced via 25 mm connections. Two fire hydrants internal to the site to ensure 90 m spacing requirements.

The water servicing strategy proposed is generally acceptable, subject to Environmental Services Department approval.

Sanitary Sewer Network

Sanitary servicing for the Development will be provided by a proposed 200 mm diameter sanitary sewer which will outlet to the existing 300 mm diameter municipal sewer on Keele Street. Internal sanitary sewers are proposed to be 200 mm in diameter as per City's minimum pipe size requirements. Each unit will connect to the proposed sanitary sewer via 125 mm diameter pipes. The expected peak daily sewage flow from the site is calculated to be 1.26 L/s.

### Wastewater Servicing

The City's Focus Area Core Servicing Strategy (December 2017) and draft Interim Servicing ('ISS') Study (draft April 2020) identify surcharging in several segments of the existing sanitary sewer on Keele Street, upstream and downstream of the proposed development. Surcharging is not permitted per the City's design criteria, however, based on the conclusions of the City's ISS Study and associated flow monitoring data, the Development may be adequately serviced in the interim with minimal surcharging to the City's existing Keele Street sanitary sewer. It is anticipated that local infrastructure improvements will be required in the future therefore, a one-time financial contribution is required and included in Attachment 2.

### Sewage and Water Allocation

On December 10, 2021, Vaughan Council endorsed its Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy. Accordingly, servicing capacity to Development is available and unrestricted. A condition to this effect is included in the Recommendation of this report.

### Stormwater Management and Storm Sewer Network

The Functional Servicing/Stormwater Management Report ('FS/SWM Report') states existing drainage infrastructure in the vicinity of the Subject Lands is limited to a 375 mm storm sewer along Keele Street, and a SWM Pond with a diversion channel adjacent to the northwest. There is an existing 1200 mm diameter culvert and 825 mm diameter storm sewer beneath Keele Street that discharges into the channel. The Subject Lands are currently occupied by a single-family dwelling unit residing in the front portion of the Subject Lands approximately mid lot. The Subject Lands generally drains from east to north-west with overland flows exiting the Subject Lands in the northwest corner to an adjacent ditch. The existing ditch north of the Subject Lands drains from east to west towards McNaughton Park.

The revised FS/SWM Report states the proposed SWM system will be designed in accordance with the City's design criteria and maintain existing drainage conditions to the extent possible through detaining runoff on the Subject Lands, from storms up to and including the 100-year event and discharge it into the existing municipal catch basin structure and 1500 mm diameter concrete storm sewer 180 m west of the Subject Lands (located within the City park block). The proposed peak flows from the Subject Lands will not exceed the 5-yr pre-development rates (0.040 m<sup>3</sup>/s).

The Owner will need to enter into a Development/Servicing Agreement for the proposed external works, including any revitalization to the existing storm channel and future access road to service the proposed connection. An access/service road over the servicing easement will need to be identified to the satisfaction of the DE Department prior to the execution of the subdivision agreement. A condition to this effect is included in Attachment 2.

### Environmental Site Assessment ('ESA')

The Owner submitted ESA and Air Quality Assessment reports for the Subject Lands which were reviewed by DE Department. The findings of the ESA and Air Quality reports did not identify any significant impacts and no further investigations were recommended. DE recommends conditions to be included in the Site Plan Agreement as included in Attachment 2.

### Transportation

Transportation Engineering has no further comments.

### Noise and Vibration

An updated/final report must include up-to-date warning clauses and any details regarding the structural design of any proposed noise mitigation features. The updated report will be required prior to the issuance of final site plan approval. A condition to this effect is included in Attachment 2.

Prior to the execution of the Site Plan Agreement, all comments provided by the DE Department shall be addressed, and the final FS/SWM report, noise feasibility study, site servicing, grading, erosion, and sediment control drawings shall be approved to the satisfaction of the DE Department.

The Owner shall also provide proof of final York Region approval prior to final DE Department approval. Conditions to this effect are included in Attachments 1 and 2.

### ***The Development Planning Department has no archaeological concerns, subject to standard conditions***

The following standard clauses shall be included in the Site Plan Agreement for the Subject Lands, as noted in Attachment 2 of this report:

- i) Should archaeological resources be found on the Subject Lands during construction activities, all work must cease, and both the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Vaughan's Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
- ii) 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 Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.
- iii) In the event of a future development application that involves further soil disturbance an archaeological assessment by a professional licensed archaeologist may be required, and conditions of approval may apply.

***Parks Infrastructure Planning and Development ('PIPD') have no objection to the Development subject to conditions***

PIPD have no objection to the Development subject to warning clauses to be included within all Offers of Agreement of Purchase and Sale or Lease for all lot/units abutting and adjacent to the McNaughton Park. A condition to this effect is include in the Attachment 1 and 2.

***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% or 1 ha per 300 units 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 Dedication 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 Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. Standard conditions to this effect are included in Attachment 2 of this report.

***Development Charges are Applicable to the Development***

The Financial Planning and Development Finance Department requires the Owner to satisfy all conditions, financial or otherwise, regarding matters the City may consider necessary, including paying all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws.

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

The Owner is proposing private waste collection to service the Development through a molok system. The Development will not be eligible for future municipal waste collection. A condition to this effect is included in the Attachment 2 of this report.

***The Toronto and Region Conservation Authority ('TRCA') has no objection to the Application***

The Subject Lands are located outside of the TRCA regulated area and the Applications were submitted prior to the implementation of the Source Water Protection Area ('WHPA-Q2') and therefore not subject to the requirements. TRCA has no objection to the Applications.

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

Canada Post Corporation has no objection to the Applications, subject to their conditions of approval included in Attachment 1.

***The School Boards have no objection to the Development***

The York Region District School Board and York District Catholic School Board have advised that they have no objection to or any conditions of approval for the



Development. No comments were received from the Conseil Scolaire de District Catholique Centre Sud.

***The various utilities have no objection to the Development, subject to Conditions of Approval***

Alectra Utilities Corporation, Enbridge, Bell Canada and Rogers have no objection to the Development subject to the Draft Plan of Subdivision conditions identified in Attachment 1.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

The Subject Lands front onto Keele Street, which is under the jurisdiction of York Region. York Region has no objection to the Development subject to conditions contained within Attachments 1 and 2.

**Conclusion**

The Development Planning Department has reviewed the Applications in consideration of the PPS, Growth Plan, YROP and VOP 2010 policies, the comments received from City Departments, external public agencies, the public, and the surrounding area context. The Development Planning Department is of the opinion that the Applications are consistent with the PPS, conforms to the Growth Plan, YROP and VOP 2010. The Applications maintain the intent of the policies of VOP 2010 and provide a development that is appropriate for the surrounding residential community. The Development Planning Department recommends the Applications be approved, subject to the Recommendations in this report and conditions of approval in Attachments 1 and 2.

**For more information**, please contact: Margaret Holyday, Senior Planner, Development Planning Department, extension 8216.

**Attachments**

1. Conditions of Draft Plan of Subdivision Approval.
2. Conditions of Site Plan Approval.
3. Context and Location Map.
4. Proposed Zoning and Draft Plan of Subdivision File 19T-15V010.
5. Site Plan.
6. Landscape Plan.
7. Building Elevations (Block 2) – Facing Interior Road.
8. Building Elevations (Block 3) – Facing Keele Street.
9. Previous Site Plan (May 31, 2016, Public Hearing).

**Prepared by**

Margaret Holyday, Senior Planner, ext. 8216.

Mary Caputo, Senior Manager of Development Planning, ext. 8635.

Nancy Tuckett, Director of Development Planning, ext. 8529.

**Approved by**



Haiqing Xu, Deputy City Manager,  
Planning and Growth Management

**Reviewed by**



Nick Spensieri, City Manager