

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 21, 2022

**WARD:** 1

**TITLE:** TESTON SANDS INC.

**ZONING BY-LAW AMENDMENT FILE Z.21.046**

**DRAFT PLAN OF SUBDIVISION FILE 19T-17V009**

**1600 TESTON ROAD**

**VICINITY OF DUFFERIN STREET AND TESTON ROAD**

**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 and Draft Plan of Subdivision Files Z.21.046 and 19T-17V009. The Owner seeks to rezone portions of the subject lands as shown on Attachment 2 to permit revisions to the previously approved 90 lot draft plan of subdivision, and to request additional zoning exceptions for building height, setbacks and encroachments, and to revise the stormwater management regime from a pond to underground storage tank which necessitates revisions to the approved zoning by-law and conditions of Draft Plan of Subdivision File 19T-17V009, as shown on Attachment 3.

## **Report Highlights**

- The Owner proposes to rezone portions of the subject lands shown on Attachment 2 and to permit revisions to the previously approved 90 lot draft plan of subdivision, to request additional zone exceptions for building height, setbacks and encroachments for these lots, and to revise the stormwater management regime from a pond to underground storage tanks within the previously approved draft plan of subdivision for which necessitates revisions to the approved zoning by-law and conditions of draft plan of subdivision, as shown on Attachment 3
- The proposed revisions continue to propose a residential plan of subdivision consisting of 90 lots, natural heritage systems, open space and roads consistent to the previously approved draft plan of subdivision approved by the Ontario Land Tribunal Order
- The Development Planning Department supports the approval of the applications as they will permit a development that is consistent with the Provincial Policy Statement 2020, conforms to A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019, as amended, the Oak Ridges Moraine Conservation Plan, the York Region Official Plan 2010, Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area

## **Recommendations**

1. THAT Zoning By-law Amendment File Z.21.046 (Teston Sands Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the subject lands from “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three”, “RD3(H) Residential Detached Zone Three” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1(H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone”, with site specific exceptions as approved by the Ontario Land Tribunal File PL180665, dated January 3, 2020, to “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three”, “RD3(H) Residential Detached Zone Three” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1(H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone”, in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the Holding Symbol “(H)” shall not be removed from the lands zoned “RD3(H) Detached Residential Zone Three” with the Holding Symbol “(H)” as shown on Attachment 3, until the following matters have been addressed to the satisfaction of the City, York Region and the Toronto and Region Conservation Authority:

- i) For Lots 1 to 9 and Lots 48 to 56 and the “OS1 Open Space Conservation Zone” with the Holding Symbol “(H)” as shown on Attachment 2,
  - a) until the design of Teston Road has been completed and approved by York Region;
  - b) until Toronto and Region Conservation Authority confirms that Lots 46 through 48 inclusive are setback 10 m from the Long-Term Stable Slope Line.
3. THAT Prior to the enactment of the implementing Zoning By-law, the Owner shall update the Draft Plan of Subdivision, Landscaping Plans and Engineering Plans to reflect the redline revisions to the Draft Plan of Subdivision with corresponding lot and block numbers and updated Draft Plan of Subdivision statistics and revision numbers shown on Attachments 3 and 4, to the satisfaction of the Development Planning and Engineering Departments.
4. THAT the Owner be permitted to apply for a Zoning By-law Amendment application(s) or a Minor Variance Application(s) 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.
5. THAT Draft Approval for Draft Plan of Subdivision File 19T-17V009 (Teston Sands Inc.) BE APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL as set out in Attachment 1, to facilitate the red-lined Draft Plan of Subdivision as shown on Attachment 3.

## **Background**

The subject lands (the ‘Subject Lands) shown on Attachment 2 are municipally known as 1600 Teston Road and are located on the north side of Teston Road, west of Dufferin Street, on an unopened road allowance for Teston Road. The Subject Lands are shown on Attachments 2 and 3 and are 13.69 ha in total area.

The Subject Lands abut valleylands to the west, identified as “Natural Heritage” (Block 99) and also abut Block 96, to the south, identified as “Lands Retained By Owner”. Both Blocks are within the Regulated Area of the Toronto and Region Conservation Authority (‘TRCA’) and both are shown on Attachment 2. The Subject Lands (Block 97) also abut the York Region right-of-way for the future extension of Teston Road which is pending an Environmental Assessment. The surrounding land uses are shown on Attachment 2.

***The Applications were previously approved for the Subject Lands by the Ontario Land Tribunal***

Teston Sands Inc. (the 'Owner') originally filed Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision applications Files OP.17.010, Z.17.026 and 19T-17V009 for the development of a residential subdivision which were appealed to the Local Planning Appeal Tribunal which is now known as the Ontario Land Tribunal (the 'OLT') by the Owner. These files were approved by the OLT Order File PL180665 on January 3, 2020, and revised Draft Plan of Subdivision Conditions were updated by the OLT on March 16, 2020, to include the York Region Conditions of Draft Plan of Subdivision (the 'Original Applications').

The OLT approved the original Draft Plan of Subdivision Application File 19T-17V009 for 90 single detached lots including Blocks for Natural Heritage, a Vegetation Protection Zone, a Walkway/Stormwater Management Access, Open Space, Sound Attenuation, Road Widening, and 0.3 m Reserves, subject to the OLT approved Conditions of Draft Plan Approval and corresponding to the Draft Plan of Subdivision prepared by Lucas & Associates Consultants, dated January 2019, shown on Attachment 5.

The OLT Order approved the related Official Plan Amendment, OPA 28 to Vaughan Official Plan 2010 ('VOP 2010') (Site Specific Policy Section 13.20 in Volume 2 of VOP 2010) and approved a Zoning By-law Amendment to By-law 1-88 to implement the zoning for the Draft Plan of Subdivision. The OLT approved zoning is in-effect for the Subject Lands.

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

On December 23, 2021, Notice of Public Meeting (the 'Notice') was circulated to all property owners within a 150 m radius from the Subject Lands and to an expanded notification area, north of the Subject Lands, to the MacKenzie Ridge Ratepayers Association and to anyone having requested notice. The Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed on Teston Road in accordance with the City's Notice Signs Procedures and Protocols.

A virtual Committee of the Whole (Public Meeting) was held on January 18, 2022, to receive comments from the public and the Committee of the Whole. Vaughan Council on January 25, 2022, ratified the recommendations of the Committee of the Whole to receive the Public Meeting Report and to forward a comprehensive report to a future Committee of the Whole Meeting.

The following is a list of individuals who either made a deputation at the January 18, 2022, meeting or submitted written correspondence regarding the Applications:

### Deputations:

- R. Kenedy, Mackenzie Ridge Ratepayers Association, Giorgia Crescent

### Written Submissions

- H. Mihailidi, Dufferin Teston Landowners Group Inc., Keele Street, email dated January 24, 2022
- R. Rubino, Hunterwood Chase, email dated January 7 and 15, 2022
- E.J. De Luca, Maple, ON email dated January 7, and 17, 2022
- P. Bender, Maple, email dated January 7, 2022
- Vitaliy P, Maple Ridge Ratepayers Association, email dated January 17, 2022
- Hadi Afrasiabi, Hunterwood Chase, Maple, ON email dated January 16, 2022
- Li Family, Maple, ON email dated January 15, 2022
- R. Kenedy, MacKenzie Ridge Ratepayers Association, email dated January 16, 2022
- Sue, Maple, ON email dated January 15, 2022
- J. Vukman, Germana Place, email dated January 18, 2022
- D. Carl, Kootenay Ridge, Maple, ON, email dated January 16, 2022
- M Baker, Turkstra Mazza Associates, Bold Street, Hamilton, ON, for MacKenzie Ridge Ratepayers' Association, email dated January 17, 2022
- S. Sgrist, M. Hubbard, Ward 1 Resident and Mackenzie Ridge Ratepayers member, email dated January 17, 2022
- N. Gabriel, Germana Place, email dated January 17, 2022
- P. Miglietta-Susin, Maple, ON email dated January 17, 2022
- H. Traicus, Hunterwood Chase, dated January 15, 2022
- C. Lazaric, Maple, ON dated January 17, 2022

Comments from the Public Meeting and from written submissions are summarized below with the responses to these comments from the Development Planning Department:

#### i) Settlement Agreement

Residents commented that the community signed a Settlement Agreement with the Owner of the Subject Lands at the OLT (formerly the Local Planning Appeals Tribunal) hearing regarding the Original Applications which are located with the Oak Ridges Moraine ('ORM'). Given the Settlement Agreement, there should be no changes to the stormwater management ('SWM') and no increase to the number of units within the subdivision.

Residents also commented that the proposed development should have a proper stormwater management pond ('SWMP') at the low point of the development located in the OS1(H) Open Space Protection Zone portion of the site and that the Subject Lands not be developed since the top of the bank is a significant part of the ORM.

Response:

The Subject Lands are designated “Settlement Area” by the Oak Ridges Moraine Conservation Plan (‘ORCMP’), which permits development and lot creation subject to the policies of the ORCMP. The Development conforms to the Settlement Area policies of the ORCMP, as discussed in the Analysis and Options section of this report. The OLT approved the redesignation of a large portion of the Subject Lands to “Low-Rise Residential” to allow development of these lands for a 90 unit detached residential subdivision when the OLT issued the approval for OLT File PL180665 on January 3, 2020. No additional units are proposed.

The Development proposal is similar to the OLT approval however, the Owner proposes to eliminate the SWMP and provide an underground SWM storage tank elsewhere on the site. The City and the TRCA are satisfied with the proposed SWM system for the development subject to conditions, as further discussed in the Development Engineering (‘DE’) Section of this report.

ii) Larger Houses are proposed and no park is provided

Residents commented that the houses are larger than previously approved by the OLT and no park will be provided on Block 96 in place of the eliminated pond.

Response:

The OLT approved the Original Applications with a SWMP. The Owner is now proposing an underground stormwater storage system within Block 93 as an alternative to a SWMP. City staff commented at the Public Meeting that a SWMP is municipal infrastructure and is not open space, as in the case with a park or open space valleylands. The Original Applications did not contain a park block. The Parks Infrastructure Planning and Development (‘PIPD’) Department requires the Owner to provide cash-in-lieu of parkland dedication. This requirement was a condition of the Original Applications approval by the OLT. The development provides a walkway connection (Block 100) to the abutting valleylands to the west (Blocks 98 and 99) and this walkway will link to the subdivisions to the north.

The Owner is retaining ownership of Block 96 which will be zoned OS1 Open Space Conservation Zone. A portion of these lands will be required to accommodate stormwater outfall from the underground SWM tank to the existing pond located to southwest of the proposed residential lots.

The lots sizes and lot layout are similar to the Original Applications. The Owner is requesting site-specific exceptions to the zone requirements for yard setbacks, encroachments, accessory buildings and maximum building height, through the Zoning By-law Amendment File Z.21.046, to accommodate the proposed dwelling design for each lot whereas, the dwelling design was not finalized at the time of the OLT hearing.

iii) SWM tanks are not used in Vaughan's residential development

Residents in the adjacent community commented that SWM tanks have never been used in residential developments. Residents noted deficiencies found with SWM tanks in other municipalities and given a tank is proposed on the Subject Lands at the side of a slope, rather than at a low point on the Subject Lands as is the case with a pond, residents commented as issues may arise.

Response:

Underground SWM schemes have been used to service residential developments within the City. Many underground SWM tanks are on privately owned residential property however, underground SWM tanks are also on municipally owned property.

The City is studying the use of underground SWM tanks. Several questions were raised regarding underground SWM tanks at the Public Meeting. The DE Section of this report provides responses to the questions to explain the functioning, maintenance, and risks of this type of SWM storage.

iv) Future use of land to be retained by the Owner (Block 96)

Residents commented that since Block 96 is no longer required for a SWMP, there is uncertainty regarding its future use. It is to be retained by the Owner and it is uncertain if it will be a future phase of development thereby further increasing the units on the Subject Lands.

Response:

Block 96 is to be retained by the Owner. Any application for the development of Block 96 will require the appropriate development applications and Council approvals through the planning process in accordance with the *Planning Act*, and all applicable policies.

v) No changes to "OLT Agreement" should be permitted

Some residents commented that the City should stop the Owner from trying to change the the Settlement Agreement previously negotiated with the Ratepayers' Association at the hearing.

Response:

The Settlement Agreement referenced in this comment was a negotiated Agreement between the Ratepayers' Association and the Owner. The City is not a party to that Agreement.

The Ratepayers' Association and the Owner agreed that a 10 m vegetated buffer be provided between the new development and the existing subdivisions. A 10 m buffer was in the Original Applications approved by the OLT, and it continues to be provided in the revised Draft Plan of Subdivision.

vi) Potential for flooding from stormwater run-off

Residents commented on the potential for flooding from stormwater and run-off due to damaging rainfalls in the future and the location of the proposed underground SWM tank.

Response:

The SWM Report for the revised subdivision plan has been reviewed by the City and TRCA. The original approval included a SWMP, which was approved by the City and TRCA with conditions. Both the City and TRCA reviewed the revised subdivision plan and the SWM design for the proposed underground SWM tank. At the Public Meeting, the DE Department advised that stormwater from the impervious areas will be directed into the municipal storm sewer systems via, curbs, catch basins and ultimately to the SWM tank. This is further addressed in the DE Department section within this report.

vii) Adequacy of public transit and Dufferin Street traffic capacity

The adequacy of public transit and the existing width of Dufferin Street were commented on by the residents of the adjacent community.

Response:

York Region is responsible for the arterial roads such as Dufferin Street and Teston Road and is responsible for providing public transit. These roads and public transit on the arterial roads will be upgraded according to the York Region's Transportation Master Plan which indicates that public transit is planned for both Dufferin Street and Teston Road, within a 10-to-14-year timeframe. York Region York Region advised that the Region's previous Conditions of Draft Plan of Subdivision shall continue to apply.

viii) Impact on schools and water supply/water pressure in existing areas

Potential negative impacts on area schools, and the adequacy of the water supply and water pressure to this area were commented on by a resident in the adjacent community.

Response:

The Original Applications and the revised subdivision plan were circulated to both York District School Boards for comment. Neither School Boards had any objection to the proposed development.

The water supply for the Subject Lands is provided from Pressure District 8. The details of the water servicing are discussed in the DE Section of this report and this development will not impact the water supply for the existing subdivisions to the north.



- ix) Trees have been removed on the Subject Lands and within the Teston Road right-of-way ('ROW')

The Ratepayers' Association commented on the removal of trees on the Subject Lands and within the adjacent York Region Teston Road ROW.

Response:

The City requires the Owner to provide an updated Arborist Report detailing the tree removals and the Owner shall provide the City with compensation planting and cash-in-lieu for Tree Removals to the satisfaction of the City. This is discussed in the Forestry Comments section of this report.

York Region (Forestry, Streetscaping and Development Engineering) has advised that the removal of trees on the Region's Teston Road ROW prior to receiving approval and authorization is being addressed by the Region through the Temporary Construction Access Permit Application Process, as part of the Full Engineering Approval regarding the development. This process includes compensation for the removal of trees.

On June 14, 2018, the Development Planning Department mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals that submitted correspondence to the City, or that appeared at the Public Meeting.

Should the revised draft plan conditions set out in Attachment 1 be approved, a new Notice of Decision shall be circulated to all commenting departments and agencies, the Municipal Property Assessment Corporation and anyone on record requesting a copy of the decision with the Office of the City Clerk.

### **Previous Reports/Authority**

The following are links to previous reports for the Subject Lands regarding the original applications files OP.17.010, Z.17.026 and 19T-17V009:

[January 23, 2018, Committee of the Whole Public Meeting \(Item 1, Report 3\)](#)

[June 19, 2018, Council Minutes, Minute 91 amending Committee of the Whole Report 21, Item 35](#)

[March 4, 2019, Committee of the Whole \(Closed Session\) Item 4](#)

[Special Council Minutes - March 5, 2019 Minute 51](#)

The following link is to the Public Meeting for revised Applications File Z.21.046 and File 19T-17V009

[January 25, Council Extract Committee of the Whole \(Public Meeting\) Item 2, Report 3](#)

## **Analysis and Options**

### ***Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to rezone and revise the Draft Plan of Subdivision approved by the OLT for the Subject Lands, to permit the development***

Teston Sands Inc. (the 'Owner') has submitted, the following applications (the 'Applications') to permit revisions to the previously approved 90 lot subdivision, and to request additional zoning exceptions to building height, setbacks and encroachments, and to revise the SWM regime from a pond to underground storage tank necessitating revisions to the approved zoning by-law and conditions of Draft Plan of Subdivision (the 'Development'), as shown on Attachments 2 to 4:

1. Zoning By-law Amendment File Z.21.046 to amend Zoning By-law 1-88, to rezone the Subject Lands from "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three RD3(H)" with the Holding Symbol "(H)", "OS1 Open Space Conservation Zone", "OS1(H) Open Space Conservation Zone" with the Holding Symbol "(H)" and "OS5 Open Space Environmental Protection Zone" as approved by the Ontario Land Tribunal File PL180665, January 3, 2020, to "RD1 Residential Detached Zone One", "RD3 Residential Detached Zone Three", "RD3(H) Residential Detached Zone Three" with the Holding Symbol "(H)", "OS1 Open Space Conservation Zone", "OS1 (H) Open Space Conservation Zone" with the Holding Symbol "(H)", and "OS5 Open Space Environmental Protection Zone", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
  
2. Draft Plan of Subdivision File 19T-17V009 (the 'Draft Plan') shown on Attachment 3, consisting of the following:

<b>Lot / Block</b>	<b>Land Use</b>	<b>Area (ha)</b>
Lots 1-15, 20-24,30-90	12 m Single Detached	3.43
Lot 21	17 m Single Detached	0.05
Lots 25 & 29	18 m Single Detached	0.12
Lots 16-20, 26-28	20 m Single Detached	0.48
Block 99	Natural Heritage	5.63
Block 98	Vegetation Protection Zone	2.78
Block 100	Walkway	0.04
Block 93	Stormwater Management	0.17
Block 96	Lands Retained by Owner	1.24
Blocks 92 & 95	Sound Attenuation Block	0.02
Blocks 94, 101-109	0.3 m Reserves	0.02
Block 97	Road Widening	0.28
Roads	Roads at 17.5 to 20m (Public Roads)	1.84
Block X	Outfall Stormwater Management	
<b>Total</b>	<b>Detached Dwellings = 90 Units</b>	<b>13.69 ha</b>

***The Owner revised the OLT approved Draft Plan of Subdivision File 19T-17V009 to permit the revised SWM design for the Draft Plan***

The Owner made revisions to the Draft Plan to revise the SWM system for the subdivision and these Draft Plan changes resulted in the need to amend the OLT approved Zoning By-law Amendment. A Public Meeting was held on January 18, 2022 to consider these revised applications.

The Draft Plan of Subdivision File 19T-17V009 (“the revised subdivision plan”) was revised to permit a change in the SWM design consisting a SWM pond to an underground SWM storage tank system and an outfall from the tank to direct flows to the existing pond to the southwest of the proposed lots. The Draft Plan is revised as follows:

- elimination of SWMP from Block 96
- addition of underground SWM storage tank within Block 93, to be conveyed to the City by the Owner
- realignment of entrance road (Street “A”) to accommodate underground SWM tank design
- elimination of walkway/connection between Street “D” and SWMP
- removal of southern portion of the Block 98 which previously abutted SWMP block as a minimum vegetation protection zone (‘MVPZ’) to the valley and stream corridor
- creation of Block 96 as lands retained by Owner and retention the existing dwelling within an Open Space Block
- reconfiguration of Lots 1 to 12 and 49 to 56
- revisions to lot and block numbering due to the above changes

The revised subdivision plan will create 90 single detached dwelling units consistent with the Original OLT approval. The SWMP is eliminated from the revised subdivision plan along with the MVPZ buffer block adjacent to it. The Owner will retain 1.24 ha block (Block 96) and it will be rezoned “OS1(H) Open Space Zone One with the Holding Symbol “(H)” as shown on Attachment 3.

***The Draft Plan is consistent with the Provincial Policy Statement, 2020 (‘PPS’)***

The nature of the revised Applications is to permit revisions to the OLT’s previously approved Draft Plan of Subdivision and Zoning By-law Amendment. The OLT approved the a 90 single detached lot Draft Plan of Subdivision on January 3, 2020.

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. The key policy objectives include building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and

character is important. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS.

The Subject Lands are located within a Settlement Area and Delineated Built-up Area as defined by the PPS. The Development is consistent with Sections 1.1.2, 1.4.1 and 1.5.1 of the PPS encouraging development within Settlement Areas to make efficient use of land and planned and existing infrastructure and services, and transit supportive. The policies also encourage an appropriate range and mix of housing options and densities.

The Draft Plan is located within a Settlement Area, the Subject Lands are vacant and most of the lands are designated for residential use. The developable area of the Subject Lands is adjacent to designated natural area lands. The Development will utilize existing infrastructure and public service facilities within the area and promote a density for new housing which supports the efficient use of land, resources, infrastructure required to accommodate projected housing needs. The current zoning approved by the OLT permits detached dwelling units, consistent with the local context and character of the surrounding area.

The Natural Heritage policies of the PPS provide for connectivity of natural features in the area and the long-term ecological function of the natural heritage system in the area. The Development proposes housing that will help meet the projected housing needs and utilizes the existing serving and infrastructure within the area. The proposed development includes Natural Heritage and Vegetative Buffer Blocks that are designated in VOP 2010. The approval of the revised subdivision plan will result in the long-term protection of the natural environment through appropriate zoning to protect bring these blocks into public ownership by requiring the dedication of the Natural Heritage and Vegetative Buffer Blocks in this Draft Plan to a public authority.

***The Draft Plan conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('Growth Plan') as amended.***

The Growth Plan is intended to guide decisions on a 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. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The Draft Plan is consistent with the policy framework envisioned by the Growth Plan by making more efficient use of the Subject Lands by incorporating a compatible form of ground related residential development within an existing built-up area designated for residential use, utilizing municipal services, providing SWM through an underground storage tank and protecting for new Regional infrastructure, for the extension of Teston Road along the southern boundary of the Subject Lands. The Subject Lands are located within a "Community Area" in Schedule 1 – Urban Structure of VOP 2010,

provides for more efficient use of the lands with detached dwellings and provides for the protection of natural systems. Accordingly, the Development conforms to the Growth Plan.

***The Draft Plan conforms to the Oak Ridges Moraine Conservation Plan (2017) ('ORMCP')***

The Subject Lands are located within the ORMCP and are designated "Settlement Area". Development within the "Settlement Area" designation of the ORMCP shall focus and contain urban growth by minimizing the encroachment and impact of development on the ecological functions and hydrological features of the ORMCP Area (Section 18(1)(a)), and to maintain, and where feasible, restore the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and related ecological functions (Section 18(2)(a)). New lots may be created in Settlement Areas (Section 18(2)(4)), subject to the policies of the ORMCP, the Owner must demonstrate that the Draft Plan will not adversely affect the ecological integrity of the ORMCP (Section 18(6)(d)). A Conformity Report was presented to the OLT in support of the original Draft Plan of Subdivision. The OLT approved the Draft Plan of Subdivision in the Decision under File PL180665 on January 3, 2020.

The revised Draft Plan maintains the same number of lots, development limits, and maintains the same connectivity to the key natural heritage features and related ecological functions as the original Draft Plan of Subdivision approved by the OLT. The Owner has continued to provide the MVPZ as a separate buffer block (Block 98) to minimizing the impact of development on the adjacent core features (Block 99) and to maintain the connectivity of the natural heritage system. Blocks 98 and 99 will be dedicated into public ownership to provide for the long-term protection of the surrounding natural environment.

***The Draft Plan conforms to the York Region Official Plan 2010 (YROP 2010)***

The YROP 2010 guides economic, environmental and community building decisions across York Region. The YROP 2010 designates the majority of Subject Lands as "Urban Area" by Map 1 – "Regional Structure", which permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. The westerly portion of the Subject Lands is identified on Map 2 "Regional Greenlands System"

YROP Policies 2.2.3 and 2.2.5 require that key natural heritage features and key hydrologic features be delineated on sites within 120 m of such features and be accompanied by an Environmental Impact Statement ('EIS'). The EIS and Natural Heritage Evaluation Reports, provided in support of the original Draft Plan of Subdivision approved by the OLT, concluded no negative impacts on significant natural features and associated functions would occur with the proposed Development.

York Region is conducting the Individual Environmental Assessment ("IEA") for the proposed Teston Road link between Keele Street and Bathurst Street. The preferred alignment of Teston Road is being considered by York Region and all options of right-

of-way requirements are being protected. The OLT approved the related Official Plan Amendment for the Subject Lands with the following site-specific policy:

"The southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ("IEA") and that a portion may be subject to Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. If it is determined that the lands are not required for the Teston Road extension, the underlying land use designations identified in this Plan shall prevail, without the need for further amendment to this Plan. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA."

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

The revised Draft Plan provides for residential development with a direct road access to Teston Road which is identified as a Regional Road and is subject of an Environmental Assessment for the alignment of its future extension to the west of the Subject Lands. The revised Draft Plan are supported by the YROP 2010. In consideration of the above, the Development conforms to the YROP 2010.

***The Draft Plan conforms to VOP 2010***

Schedule 1- "Urban Structure" of the VOP 2010 identifies the Subject Lands within "Community Area" and "Natural Areas and Countryside" designations. The Subject Lands are designated "Low-Rise Residential", "Natural Areas" and "Natural Core Area" on Schedule 13 – Land Use by VOP 2010 subject to Site-Specific Policy 13.20 Volume 2 of VOP 2010. The area proposed for the development of the residential lots within subdivision, is within the "Low-Rise Residential" designation which permits the proposed single detached dwelling units at a maximum building height of 3-storeys.

The westerly portion of the Subject Lands are designated "Natural Area" and "Natural Core Area" on Schedule 13 – Land Use in VOP 2010. The "Natural Areas" designation identifies the westerly portion as part of the "Natural Heritage Network". Section 3.2.3.1 of VOP 2010 requires the Natural Heritage Network to be protected, enhanced as an interconnected system of natural features. The natural features are identified as "Core Features". These include wetlands, woodlands and extensive valley and stream corridors. The Natural Heritage Network features along the westerly portion of the Subject Lands include the core features noted above.

The Draft Plan includes Block 99 for the Core Features, Block 98 for the MVPZ. As required by Policy 3.2.3.1, these Blocks shall be dedicated to an appropriate public agency (e.g., the City or the TRCA) gratuitously, through the development approval process. The conveyance of the Natural Heritage Network lands will be implemented through conditions of Draft Plan approval to ensure the integrity of the ecological systems will be maintained. The development limits of the Subject Lands including the

MVPZ limits were established and approved through the OLT approval of the original Draft Plan. These limits have not changed in the revised Draft Plan.

Block 98 and Block 99 identified on Attachment 3 correspond to these designations respectively and will maintain the OS5 Open Space Environmental Protection Zone approved by the OLT. The policies of Section 3.2.3.10 of VOP 2010 require that Core Features and their related MVPZ be conveyed to the City and/or TRCA as a condition of development approval. To enable comprehensive management, such features shall not be fragmented, but shall be brought into public ownership to ensure their continued protection and management. Blocks 98 and 99 shall be dedicated into public ownership through the subdivision approval process. A condition to this effect is included in Attachment 1.

The Site-Specific Policy 13.20 of Volume 2 of VOP 2010 applies to the Subject Lands. This policy was approved by the OLT permitting the redesignation of the Subject Lands for residential development. This policy recognizes the southern portion of the Subject Lands may be affected by the recommendations of the Teston Road Individual Environmental Assessment ('IEA') and that a portion of the Subject Lands may be subject to the Holding Symbol "(H)" provisions under the *Planning Act*, implemented through subsequent development applications. Policy 13.20 states, "if it is determined that the lands are not required for the Teston Road extension, the underlying land uses designation ("Low-Rise Residential") identified in the VOP 2010 shall prevail without the need for further amendment. Subsequent development applications will need to be consistent with the findings of the approved Teston Road IEA". The Applications conform to the VOP 2010.

In accordance with the enhancement area policies of VOP 2010, the original applications for the Subject Lands and the supporting studies were reviewed by the internal City departments and external public agencies. The City and the TRCA were satisfied with the limits of Development identified on Attachment 5 as the "Natural Area" and the "Buffer Area". The limits of development have not been changed. The Owner shall convey the "Natural Area" (Block 99) and the related vegetation protection zone (Block 98) into public ownership in accordance with the Core Features policies of VOP 2010, consistent with the approved original draft plan conditions and Draft Plan of Subdivision approved by the OLT. The revised subdivision plan conforms to VOP 2010.

In consideration of the above, the Development Planning Department is satisfied that the Draft Plan is consistent with the PPS conforms with the Growth Plan, ORMCP, YROP 2010, VOP 2010 and is compatible with the existing land uses in the surrounding area. The conveyance of the core features and vegetation protection zone through the subdivision approval process and the rezoning will ensure the continued protection and comprehensive management of the natural heritage system. In consideration of the above, the Development conforms to the policies of VOP 2010.

**Amendments to Zoning By-law 1-88 are required to permit the Development proposed by the revised Draft Plan**

As noted in this report, the OLT through the Memorandum of Oral Decision on January 3, 2020 approved a site-specific Zoning By-law Amendment to By-law 1-88, implementing the following zoning categories for the original Draft Plan of Subdivision prepared by Lucas & Associates Consultants, dated January 2019:

- “RD1 Residential Detached Zone One”, “RD3 Residential Detached Zone Three”, “RD3 (H) Residential Detached Zone Three” with the Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS1 (H) Open Space Conservation Zone” with the Holding Symbol “(H)”, and “OS5 Open Space Environmental Protection Zone” by Zoning By-law 1-88 The OLT approved amendment to the Zoning By-law is in effect however, the Zoning Amendment was not assigned a By-law 1-88 exception number.

The Owner proposes to rezone the Subject Lands to adjust the zone lines to reflect the revised subdivision plan in the manner shown on Attachment 3. Additional proposed site-specific zoning exceptions to the RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements of By-law 1-88 are identified in Table 1 as follows:

Table 1:

	<b>Zoning By-law 1-88 Standard</b>	<b>RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>	<b>Proposed Exceptions to the RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>
a.	Minimum Lot Frontage	RD1 – 18 m	RD1 - 17 m* for Lot 21
b.	Minimum Exterior Side Yard	3 m abutting public lane, site triangle 3.5 m abutting greenway or buffer block	2.4 m *
c.	Minimum Interior Side Yard	RD1 – 1.2 m RD3 – 1.2 m 3.5 m for lot abutting walkway, greenway, buffer block or stormwater management pond	1.2 m* on a lot abutting a non-residential use including a walkway, Greenway, buffer block or stormwater management pond
d.	Minimum Rear Yard	7.5 m	6 m*
e.	Maximum Building Height	11 m	13 m*
f.	Accessory Buildings or	Limited to rear yards with setback 0.6 m	Front and side yard setback requirements shall be as indicated



	<b>Zoning By-law 1-88 Standard</b>	<b>RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>	<b>Proposed Exceptions to the RD1 Residential Detached Zone One and RD3 Residential Detached Zone Three Requirements</b>
	Structures Minimum Setback Requirements		by the applicable zone for Lots 1 to 90 Minimum rear yard setbacks shall be 0.6 m*
g.	Definition of Porch	Encroachments permitted into minimum – front yard, exterior yard, interior yards abutting greenway, walkway buffer block or stormwater management pond Unenclosed porch – 2.5 m	Means a structure abutting the main wall of the building that is covered by a roof, balcony or enclosed space or room and is open to the air on at least one side, with or without a foundation*
h.	Definition of Chimney or Fireplace Enclosure	Chimney may encroach 1.8 m – front yard 1.8 m – rear yard 1.8 m exterior side yard 0.0 m interior side yard	Means a chimney or fireplace enclosure may encroach a maximum of 0.6 m into any yard*
i.	Holding Symbol		The Holding Symbol “(H)” shall:  i) remain on RD3 (H) Residential Detached Zone Three with the Holding Symbol for Lots 1-9 and Lots 48 to 56, and OS1 (H) Open Space Conservation Zone with the Holding Symbol for Block 96 until York Region completes the Teston Road Extension IEA, road alignment and design to the satisfaction of the approval authorities  ii) the Owner confirm to the satisfaction of TRCA, that Lots 46 through 48, inclusive are setback 10 m from the Long Term Stable Slope Line

Note: \* asterisk identifies new exceptions from this Application not previously included in the OLT approved zoning

The Development Planning Department supports the exceptions listed in Table 1. The detailed design for the dwellings and the changes in the SWM regime for the proposed

subdivision resulted in some minor changes in lot frontage for the lots which are generally in keeping with the OLT approval. The rear yard setback reduction to 6 m is consistent with exceptions approved within other residential plans of subdivision elsewhere in Vaughan. The rear yards adjacent to the existing community will continue to be separated by a 10 m vegetated buffer as required by the OLT decision. The encroachments for porches and chimneys are the result of siting the proposed dwelling units on the lots. Similar exceptions have been approved elsewhere in Vaughan. Holding symbols have been placed on the lots that may be affected by the future alignment of Teston Road and the conditions for the removal the Holding symbols are addressed in the comments sections below.

The requested re-zoning and zoning exceptions implement the revised Conditions of Draft Plan of Subdivision and shall include the Holding Symbol “(H)” added to Lots 1 to 9 and Lots 46 to 56 and the OS1 Open Space Conservation Zone on Block 96 which is to be retained by the Owner. The Holding Symbol “(H)” is being added at York Region’s request regarding the final alignment and ultimate design of the Teston Road extension is protected as discussed in this report and in the Recommendation to this report, are satisfied. A condition to this effect is included in the Conditions of Approval included in Attachment 1a).

***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 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. By-law 001-2021 is currently under appeal and, when in force, will replace Zoning By-law 1-88, as amended.

The OLT decision on the Zoning Amendment to By-law 1-88 was not included in Zoning By-law 001-2021 for the Subject Lands and the Transition Policy 1.6.3.3 of By-law 001-2021 that exempts the Owner from demonstrating conformity to By-law 001-2021 does not apply to the Subject Lands since the Applications were filed

***The Subject Lands will be zoned with the Holding Symbol “(H)”***

The Subject Lands will be zoned with the Holding Symbol “(H)” in the manner shown on Attachment 3. The Holding Symbol “(H)” is being placed on the Subject Lands in accordance with the Site-Specific Policy 13.20 of Volume 2 of VOP 2010 since the southern portion of the Subject Lands may be affected by the recommendations of the Teston Road IEA. The Holding Symbol “(H)” is being placed on the Subject Lands and shall not be removed from the Subject Lands or any portion thereof, until it is determined by York Region that the lands are not required for the Teston Road extension. A condition to this effect is included in the Recommendations of this report and the Conditions of Approval in Attachment 1a)

***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* limits 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.

***The Development Planning Department has no objection to the approval of the Development, subject to Recommendations in this report***

Revised Subdivision Design - Redlined Plan

The Draft Plan shown on Attachment 3, does not differ significantly from the Draft Plan approved by the OLT as shown on Attachment 5. The revised draft plan of subdivision consists of 90 residential lots for dwelling units with frontages ranging from 12 m to 20 m, with lot depths ranging from 27 m to 50 m and it facilitates a Draft Plan of Subdivision in accordance with the City's design standards. The Street "A" alignment shifted slightly east where it intersects with Teston Road and will be 23 m wide at the intersection and taper to 17.5 m internal to the Draft Plan which is consistent with the width of the other public roads within the Draft Plan shown on Attachment 3. The proposed lots, blocks and public roads are generally consistent with the lot pattern and road network shown on Attachment 5 OLT Approved Draft Plan of Subdivision File 19T-17V009 and OLT Approved Zoning.

Urban Design

The Landscape Plan shown on Attachment 4, was provided in support of the Perfect Submission. The Landscape Plan reflects the revised Draft Plan lotting and layout. A planting detail for Block 91 shows for the vegetated 10 m buffer located between the rear lots of the existing residential community and the rear lots of the proposed residential lots on the east side of Street "A". The maintenance access to Block 91 is located between Lots 15 and 16 (Attachment 3). The edges of the buffer block will be fenced, but the access to the Block 91 will not be gated to allow for access for City maintenance vehicles.

The Landscape Plan shall be revised to correspond to the revised Draft Plan (Attachment 3) and the north-south line located between the access portion of Block 91 from Street "A" and the 10 m wide buffer section of Block 91 shall be red-lined to remove it from the Plan. The title Block on the revised Draft Plan shall be revised to remove Block 91 as a Walkway. The reference to "Block 91 as a walkway" was part of

the original OLT Approved Subdivision numbering and is no longer applicable to the revised Draft Plan.

Low maintenance seeding for short grass varieties is preferred in the access area of the Block 91. Block 91 will be zoned Open Space Conservation Zone and shall be conveyed to the City in accordance with the Minutes of Settlement and the Settlement Agreement between the Owner and the Mackenzie Ridge Ratepayers Association.

The Open Space block (Block 93) on the east side of Street "A" is proposed for the underground SWM storage tank. Block 93 will be conveyed to the City. Low maintenance seeding for short grass varieties is preferred on Block 93.

The core features Natural Heritage (Block 99) and the vegetation protection zone (Block 98) continue to be located along the westerly limit of Lots 31 to 48 and will be fenced to prevent the encroachment of rear yard amenity into the Natural Heritage and vegetation protection zone lands. Attachment 3 shows the Valley Buffer Planting Plans for Block 98. Blocks 98 and 99 will be placed in the OS5 Open Space Environmental Protection Zone and dedicated into public ownership.

Block 100 will provide a 6 m wide lit walkway connection between Street "E" and connect to the trail connection proposed for Block 98. Blocks 98 and 100 will be zoned OS1 Open Space Conservation Zone and will be conveyed into public ownership.

Since the SWMP is eliminated from the Draft Plan, there is no need for a pedestrian walkway connection to Street "D".

#### Cultural Heritage

Stage 1 and 2 reports have been provided and there are no further archaeological requirements for the Subject Lands.

Cultural Heritage Staff requested a Cultural Heritage Impact Assessment ('CHIA') for the dwelling on 1600 Teston Road. Staff requested the CHIA in original OLT approved conditions of Draft Plan approval and require that this condition remain as a condition of the revised Draft Plan approval. This report is a requirement of the application and to assess the built form of the dwelling. The Owner shall submit the CHIA for review by the City as requested for the original Zoning Amendment Application File Z.17.026.

In consideration of the revisions discussed above, the Development Planning Department supports the proposed revised Draft Plan shown on Attachment 3 subject to the Recommendations and the Conditions of Approval outlined in Attachment 1a) of this report.

***The Development Engineering ('DE') Department has no objection to the Applications, subject to the Revised Conditions of Draft Plan Approval***

The DE Department provided comments and conditions, including conditions regarding the use of the Holding Symbol "(H)" provisions on the Subject Lands, based on the information submitted by the Owner to date.

Holding Symbol "(H)" Conditions

The DE Department requires that the following holding conditions of zoning approval:

THAT the Lands be zoned with the Holding Symbol "(H)". That the Holding Symbol "(H)" shall not be removed until the following has been completed to the satisfaction of the Development Engineering Department:

1. Holding Zone "(H)" shall be placed on Lots 1-9 and Lots 48 to 56 until the design of Teston Road has been completed and approved by York Region.

Municipal Servicing

The Owner has submitted a revised Water Supply Analysis Report and a Stormwater Management Report and Design Update, both prepared by Schaeffers Consulting Engineers, dated February 2021 and May 2022, respectively ('Schaeffer's Reports') in support of changes to the revised Applications. The DE Department reviewed the Schaeffer's Reports and plans and requires the outstanding DE Department comments dated December 16, 2021, to be addressed. The Schaeffers Reports provide the following site servicing and SWM schemes for the proposed development:

Transportation

The Owner provided a Traffic Impact Study ('TIS') prepared by Crozier Consulting Engineers, dated April 2018 to assess the traffic impacts of the Development to the road network. The Transportation Engineering ('TE') Department reviewed the report and agreed that overall, the Development is anticipated to have negligible impacts to the road network. Teston Road does not currently extend to the proposed site. York Region is undertaking the Individual Environmental Assessment (IEA) Studies [Teston Road IEA Study | York Region](#) on Teston Road and Dufferin Street for the future extension of Teston Road west of Dufferin Street. The Owner shall be responsible to construct a temporary road from Dufferin Street to the proposed Street "A" at the Owner's expense to the satisfaction of the City and York Region. Conditions to this effect are included in Attachment 1.

Water Supply

Water will be supplied to the Subject Lands from two watermains along the proposed road connected to the exiting Pressure District 8 300 mm water response main on Dufferin Street. The Owner shall provide the City with a hydrant test. The DE Department requires the Owner to address the water supply comments from the DE Comments Response Matrix to the satisfaction of the DE Department.

### Sanitary Servicing

The sanitary sewer flow will be discharged to the existing 450 mm sanitary sewer on Dufferin Street, which is part of the Bathurst Street Collector network. The proposed sanitary flows will not adversely affect the existing sanitary sewer system. The DE Department requires the Owner to address the sanitary sewer comments dated December 16, 2021, to the satisfaction of the DE Department.

### Cost Sharing Obligations

Although the Subject Lands are located within Block 20, the Owner proposes to connect to the Bathurst Street Collector network which services development in Block 12, through the Block 12 Spine Services Agreement. Servicing within Block 12 was oversized to accommodate developable lands within Block 12 and to also accommodate sanitary flows from future external drainage areas as set out in Schedule "L" of the said Agreement. The Subject Lands are within one of the "benefitting areas" under the Block 12 Spine Services Agreement. A condition has been added to address the Owner's obligation regarding Block 12 Servicing and Cost Sharing. A condition to this effect has been included in Attachment 1, Conditions of Approval, that the Owner shall satisfy its cost sharing obligations to the Dufferin Teston Landowners Group.

### SWM Report

The Subject Lands are not serviced by any existing SWM infrastructure in the present condition. The Owner proposes to eliminate the SWMP approved in the original draft plan and replace it with a closed bottom underground storage tank, oil/grit separators, clean water collector, and deep catchbasins to manage the stormwater from the Development. The tank will be located underground on Block 93. Street "A" is realigned to accommodate these modifications. The DE Department reviewed the redesign and requires that the Owner conduct further studies to demonstrate the feasibility of the proposed SWM system, including the underground storage tank, oil/grit separators, clean water collector and deep catchbasins, with respect to functionality, operation, maintenance and capital replacement costs to the satisfaction of the City. This re-design is a non-standard solution that will essentially replace the typical SWMP and introduce additional costs to the City. Conditions to this effect are included in Attachment 1. The DE Department requires that the comments in the DE Comments Response Matrix dated December 16, 2021 be addressed within a subsequent submission.

The City requires the Owner to pay a one-time payment to the City for the cost for future maintenance and monitoring of the non-standard SWM for the underground detention tank and the oil/grit separators located on Block 93 and the proposed municipal road. Until the one-time payment is provided to the City for this future maintenance and monitoring of the non-standard stormwater management, the Owner shall provide the City with a Letter of Credit in the amount of \$750,000.00. A condition to this effect is included in Attachment 1.

### Red-lined Plan

The proposed underground SWM storage tank is located in Block 93 and requires an outlet to drain to the existing natural pond located to the west of Block 96. The outlet shall be identified on the Red-lined Draft Plan of Subdivision and shall be dedicated to the City of Vaughan, to facilitate ongoing maintenance and operation of the underground SWM storage tank. The location of the block required for the outlet is shown on Attachment 3 labeled as Block X. The Draft Plan shall be revised to address the location for the outlet within "Block X". This Block shall be conveyed to the City to provide for access and maintenance in conjunction with the proper function of the underground SWM storage tank on Block 93.

### ***At the Public Meeting, Committee of the Whole requested Staff to address the following SWM questions within the Committee of the Whole Comprehensive Report on the Development***

At the January 18, 2022, Public Meeting on the Applications, the Committee of the Whole requested staff to respond to the following questions within the Comprehensive Report for this Development. The DE Department responded to the questions follows:

1. How do the underground tanks work?

The underground tanks could be designed with closed or open bottom storage structures. From the perspective of the City, only closed bottom tanks are feasible with respect to long term operation and maintenance. The stormwater runoff is conveyed by storm sewers to the underground SWM storage tank, where it is controlled to pre-development levels.

2. What problems can occur?

The underground storage tanks are likely to be costly from an operation and maintenance perspective and requires confined space entry, regular inspections, monitoring and maintenance access at regular intervals with appropriately sized access points to allow for small maintenance vehicles, such as bobcats. If a proper operation and maintenance plan for underground tank is not implemented, it may result in costly major repairs which are not well established in the industry. Surface ponding may occur if the underground tank outlet is blocked or partially blocked during significant storm events however, a redundancy in the outlet design can be considered to avoid future blockage of the outlet.

3. Are tanks different but not worse than a SWMP in managing SWM?

The underground SWM tanks are similar to typical dry SWMP in managing stormwater runoff. The stormwater runoff is detained and controlled to predevelopment levels. The underground tanks can be used for providing water quality controls and are preferred over wet SWMP with respect to temperature mitigation of the receiving creek or river system. The capital installation costs, operation and maintenance costs of underground storage tanks are normally higher than typical SWMP.

4. How do the underground SWM systems function on a slope or sloping conditions? Is the location proposed (Block 93) adequate and will not create a risk of flooding to the proposed homes?

The underground tank is proposed on a minimum bottom slope to allow it to drain completely between the storm events. The current proposed system has been located predominantly on the flat portion of the block. To facilitate equivalent maintenance access across the entire storage system some maintenance access holes are proposed and will be accessible from the surface. As such the operation of the tank will not be impacted by the surface grading. The majority of the tanks are easily accessible from the flat surface areas, there will be no impact on the functionality and maintenance of the underground tank. As per the City requirements, the design engineer needs to confirm that the future home basements are protected from the backwater effects of the underground storage tank. Therefore, flooding to the proposed homes will be avoided.

Lot Grading and Drainage

There is a significant grade transition within the Subject Lands and extensive filling is required to support the proposed municipal rights-of-way. The Subject Lands generally drain in a south/south-westerly direction toward the valley lands and ultimately to the nearby East Don River Tributary. The DE Department requires the Owner to address the DE comments dated December 16, 2021, within a subsequent submission.

Environmental Site Assessment (ESA)

The Owner submitted a Phase One and a Limited Phase Two ESA reports confirming the Subject Lands are suitable for the proposed Development and no further environmental investigation is recommended at this time. The DE Department has reviewed the ESA reports and has no further comments.

Noise Attenuation

The Owner has submitted a noise report titled "Detailed Environmental Noise Report" ('Noise Report') prepared by Jade Acoustics, dated March 16, 2021. The Noise Report recommends acoustical measures be implemented into the Development and concluded that with the recommended noise control measures the sound levels will be within the appropriate environmental noise criteria. The DE Department reviewed the Noise Report and agrees with the analysis. The Owner shall provide an updated Noise Report to incorporate any revisions on the Draft Plan and Grading Plan at the detailed design stage. The future occupants of the dwelling units will be advised through the use of warning clauses, where mitigation is required. Blocks 92 and 95 are required for the provision of Noise Attenuation from Teston Road.

The DE Department has no objections to the Development subject to their conditions in Attachment 1a) of this report.



***The Infrastructure Planning and Corporate Asset Management Department confirmed Servicing Allocation for the Draft Plan is assigned***

Vaughan Council allocated the Draft Plan 87 units on June 19, 2019, and an additional 3 units was allocated on December 10, 2021. This servicing capacity remains active and valid for this Development.

***The Planning Policy and Special Projects Department ('PPSP') has no objection to the revised Draft Plan, subject to the Conditions of Approval***

PPSP reviewed the revised Draft Plan with the Oak Ridges Moraine Conservation Plan Conformity Report, dated April 2018 and the Natural Heritage Evaluation Report, dated April 2018 which were submitted in support of the original Draft Plan. PPSP acknowledges that the Owner will convey the core features (valley and stream corridor) and the related vegetation protection zone into public ownership (e.g. TRCA or the City).

The TRCA and PPSP were satisfied that the appropriate limits of development have been established for the Subject Lands through the original Draft Plan approved by the OLT. PPSP note that the established development limits have not changed relative to the rear of the lots proposed on the west side of Street "E".

PPSP notes that the southerly portion of the vegetative protection zone that was originally adjacent to the west limit of the SWMP is not part of the revised Draft Plan. The vegetative protection zone was previously required to buffer the SWMP from the natural heritage features in the Natural Core Area. Since no development is proposed within Block 96 which is proposed to be zoned "OS1(H) Open Space Conservation Zone One" with the Holding Symbol ("H"), there is no development requiring a buffer zone. In the event of a future development application on the "Lands Retained by Owner" (Block 96) a vegetation protection zone shall be required in accordance with the VOP 2010 policies.

The Owner shall provide the City with a Pond Evaluation and Strategy to determine the form and function of the feature to the satisfaction of the City. A detailed enhancement/compensation plan as an Addendum to the Natural Heritage Evaluation shall also be required to the satisfaction of the City. Conditions to address these requirements have been included in Attachment 1a).

***Transportation Services, Parks and Forestry Operations Department requires updated Arborist Report and Tree Protection Plan***

The Transportation Services, Parks and Forestry Operations Department requested that Conditions 7 and 36 included in the original Draft Plan of Subdivision as approved by the OLT, remain as conditions or Draft Plan approval for the revised plan of subdivision. These conditions are included in Attachment 1a).

The City is aware that following the execution of the Tree Protection Agreement, additional trees were removed from the Subject Lands, including trees identified for protection and trees identified as "tree cluster 21" in the Tree Protection Plan. The

additional trees that were removed were not part of the identified woodlands on the Subject Lands, and woodland compensation will not apply. However, the City requires the submission of an updated Arborist Report and Tree Protection Plan for review by Transportation Services, Parks and Forestry Operations. The updated documents shall provide information on the tree compensation requirements and values.

The City will amend the Tree Protection Agreement and shall require appropriate securities in the form of an additional Tree Protection Letter of Credit for the trees that were removed after the execution of the original Tree Protection Agreement.

The Applicant shall provide the City with a Compensation Plan for all trees removed to date and trees that will be removed as part of the inventory/preservation/removals plan.

The Owner shall not remove trees without written approval by the City. Revised Conditions of Draft Plan Approval have been included in Attachment 1a).

***Parks Infrastructure Planning and Development ('PIPD') have no objection to the Draft Plan, Subject to the Revised Conditions of Draft Plan Approval***

PIPD has reviewed the Applications for the Subject Lands and has no comments with respect to the proposed revisions to the SWM plans to eliminate the proposed SWMP from the subdivision and replace it with an underground SWM tank to be located within the Open Space Block (Block 93) located on the east side of Street "A".

Underground SWM Storage Block (Block 93)

PIPD notes that Block 93, the block where the proposed underground SWM tank is to be located, will be conveyed to the City for SWM purposes. Block 93 is not a public park block and is not eligible for parkland credit. As no parkland is proposed on the Draft Plan, payment-in-lieu of parkland is to be provided in accordance with City of Vaughan's by-law and policies. An appropriate Condition of Draft Plan Approval for the dedication of Block 93 is included in Attachment 1a).

10 m Buffer Block (Block 91)

Buffer Block 91 is a 10 m buffer located between the proposed Development and the adjacent existing residential subdivisions. This buffer block was included in the original Draft Plan of Subdivision through the OLT appeal hearing process for the Subject Lands, to address concerns from the residents in the existing adjacent subdivisions, and is intended to be conveyed into the public ownership (e.g. TRCA or the City).

Block 91 shall be landscaped in the manner shown on Attachment 4. Conveyance to the City will ensure that the buffer is provided in public ownership. The PIPD and Parks and Forestry Horticulture Operations staff have concerns over the long-term maintenance of this buffer block and stated that the area will be allowed to naturalize over time. PIPD requires that warning clauses for the Agreements of Purchase and Sale for the future Owners of the lots abutting this buffer block (Block 91) will be required. The warning clauses shall include prohibitions on dumping, encroachments and/or erections of any structures whatsoever and to ensure that future residents of

these abutting lots, fully understand that this buffer block will receive minimal maintenance and is expected to fully naturalize over time.

PIPD have no objections to the approval of the Zoning By-law Amendment Application File Z.21.046, subject to the following :

- i) Walkway Block 100 be re-zoned into an appropriate open space category
- ii) The natural Heritage/Open Space Valleyland Block 99, associated Buffer Block 98 and Open Space Blocks 91 and 93 each be re-zoned into an appropriate open space category

PIPD have no objections to the approval of the revised Draft Plan, subject to comments dated February 22, 2022 and revised June 7, 2022, being addressed within revised Draft Plan conditions in Attachment 1a)

***The Real Estate Department has no objection to the Draft Plan, subject to the Conditions of Approval***

The Real Estate Department has provided the following condition to be included in the Subdivision Agreement:

“To meet the dedication requirements under the section 51.1(3) of *the Planning Act*, the VOP 2010 (Section 7.3.3 Parkland Dedication) and By-law 139-90 as amended and By-law 205-2012, payment-in-lieu of parkland shall be provided. The Vaughan Real Estate Department shall review and provide comments as required.

***Financial Planning and Development Finance Department has no objection to the Applications***

The Financial Planning and Development Finance Department has no objection to the Applications. The Owner shall enter into a Subdivision Agreement to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including Development Charges. Clauses for the payment of Development Charges is included as standard conditions in the Subdivision Agreement.

***The TRCA has no objection to the Draft Plan, subject to the Revised Conditions of Draft Plan Approval***

The TRCA reviewed the revised Draft Plan including the supporting materials for the revised SWM for the Subject Lands and provided comments dated February 22, 2022. TRCA’s notes that comments on conditions on the original Draft Plan of Subdivision were previously provided by TRCA on the original Draft Plan which were approved by the OLT.

The Subject Lands are traversed by the Upper East Don River and contain wetlands associated with a Provincially Significant East Don River Headwater Wetland Complex (‘PSW’), and several other natural heritage features. A portion of the Subject Lands are

regulated by TRCA under O. Reg 166/06 and are subject to the Policies of TRCA's Living City's Policy. A TRCA Permit (Permit #C-211105) was issued on September 21, 2021, for the construction of a temporary sediment control pond, topsoil stripping and rough grading. A separate TRCA permit will be required for the servicing components and final grading operations associated with the Draft Plan.

TRCA's comments dated February 22, 2021, detail existing conditions of Draft Plan approval and provide direction to the Owner on fulfilling the TRCA requirements for registration of the Plan of Subdivision. Many of TRCA's comments were noted as part of the City's Pre-Perfect Engineering submission and TRCA comments dated July 7, 2021.

### Planning Ecology

There are woodland features and vegetated areas at the southeast corner of the Subject Lands that will be impacted by the proposed grading and servicing associated with the proposed development. Due to revised Draft Plan, the TRCA recommends a more robust restoration plan for the buffers by increasing the density of plantings and completing further restoration in the open areas of Block 99.

The length of the Block 98 vegetation protection zone proposed by the revised Draft Plan resulted from the elimination of the SWMP on Block 96. The TRCA concurs that mitigation is no longer required on Block 96 as this block is proposed to be retained by the Owner and zoned in an "OS1(H) Open Space Conservation Zone" with a Holding Symbol "(H)" which will remain on Block 96 until the following are completed:

- the design of Teston Road has been completed and approved by York Region,
- the temporary SWMP is decommissioned
- the ultimate SWM underground storage tank facility is constructed to the satisfaction of the City, York Region and TRCA.
- TRCA's original conditions required Lots 1 to 9 and Lots 46 to 56 inclusive and Block 96, be subject to a Holding Symbol "(H)" and that removal of the Holding Symbol "(H)" from the subject lands or a portion thereof shall be contingent on the Owner confirming to the satisfaction of TRCA, that Lots 46 through 48 inclusive are set back 10 m from the Long-Term Stable Slope Line.

TRCA notes the OS1 Open Space Zone does not permit development other than for conservation or flood control projects and any use in Subsection 7.1.2 of Zoning By-law 1-88, for recreational, institutional and conservation uses. TRCA is satisfied that appropriate planning mechanisms are in place for Block 96 to protect the Natural Heritage System in this area. Should future development be proposed beyond the existing residential building and accessory structures on Block 96, TRCA will require the Natural Heritage System and the associated vegetation protection zone associated with Block 96 will be identified and be dedicated gratuitously into public ownership. Block 96 is within the TRCA Regulated Area and future development will require a permit.

### Functional Servicing and Stormwater Management

TRCA requires detailed drawings and additional information on the conveyance capacity of the outlet channel confirming the 100-year release rate from the storage facility can be achieved.

### Geotechnical Engineering

TRCA requires the Owner to provide:

- an assessment of the impact of the infiltration trenches on the slope stability for Lots 2 to 9 and Lots 50 to 54 to ensure there will be no adverse impact on the long-term stability of the grading
- an updated Geotechnical Report or a supplementary slope stability report to assess the proposed grading strategy and confirm the grading strategy meets the factor of safety where grading plans show steeper inclination than originally shown in the slope stability report from 2018
- geotechnical engineers' confirmation the grading meets the factor of safety for road profile side slope grading
- geotechnical engineers' confirmation the grading at SWM tank will not adversely impact adjacent properties
- review of the impact of the proposed trench and retaining wall at Lot 1 to ensure a stable slope
- evaluation of the extent of riprap protection required to minimize risk of surface erosion at side slopes
- geotechnical engineers' recommendations on SWM drawings regarding protective measures to mitigate adverse impacts seepage at road embankment

TRCA requires that conditions remain as conditions of Draft Approval. However, the vegetation protection (Block 98) and the Natural Heritage Block (99), and the open space area (Block 93) are proposed to be gratuitously dedicated into public ownership, of the City or the TRCA. Recognizing that the adjacent Natural Heritage System in this area is owned by the City, further discussion is required between TRCA, the City and the Owner to determine the appropriateness of these blocks being conveyed to the TRCA and revisions to the proposed Conditions of Draft Plan Approval may be required.

The TRCA has no objection to the Applications subject to their Conditions of Draft Approval in Attachment 1 . As noted above, further discussion is required between TRCA, the City and the Owner to discuss the gratuitous dedication of Blocks 93, 98 and 99 and revisions to the proposed Conditions of Draft Plan Approval may be required.

### ***Canada Post has no objection to the Draft Plan, subject to Conditions of Approval***

Canada Post Corporation has no objection to the Draft Plan, subject to the Owner installing mailbox facilities and equipment to the satisfaction of Canada Post. Conditions to this effect are included in Attachment 1d) of this report.

***Various utility companies have no objection to the Applications,***

Alectra Utilities Corporation has indicated no objection to the Draft Plan. It is the Owner's responsibility to contact Alectra and discuss all aspects of the Draft plan. Conditions to this effect are included in Attachment 1e).

Enbridge Gas Distribution Inc. does not object to the revised Draft Plan subject to their original conditions provided for original Draft Plan included in Attachment 1f).

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

No comments nor conditions were received from the York Catholic District School Board, the York Region District School Board or the Conseil Scolaire de District Catholique Centre-Sud.

**Financial Impact.**

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

**Broader Regional Impacts/Considerations**

The Subject Lands are designated "Urban Area" by the YROP 2010, which permits a wide range of residential, commercial, industrial and institutional uses. As previously discussed, York Region is undertaking an IEA for the proposed extension of Teston Road to provide a link between Keele Street and Bathurst Street.

York Region is conducting an Environmental Assessment Study for the extension and alignment of Teston Road. York Region provides updates on the status of the Environmental Assessment on its website. The IEA is expected to be completed in 2023. Information regarding the IEA can be accessed from this link. [Teston Road IEA Study | York Region](#)

Given the preferred alignment of Teston Road is still under consideration, York Region is continuing to protect all options of right-of-way for Teston Road. York Region originally requested the use of Holding Symbol "(H)" provision in accordance with Section 32 of the *Planning Act* for lots fronting onto Street "A" located south of Street "D" and on the Block intended for the SWMP. Lots 1 to 5 and Block 92 (as shown on the Draft Plan approved by the OLT, shown on Attachment 5) pending the outcome of the Teston Road alignment. York Region has reviewed the Applications and York Region's position regarding the Applications has not changed however, the Block numbering in the revised Draft Plan has changed as shown on Attachment 3. York Region has no objection to the revisions proposed by these Applications subject to the Conditions of Draft Plan Approval in Attachment 1b).

**Conclusion**

The Development Planning Department has reviewed the Applications in consideration of the applicable Provincial Policies, Regional and City Official Plan policies. The Development is consistent with the PPS, conforms with the Growth Plan, ORMCP,

YROP 2010, VOP 2010 and is consistent with the existing and planned land uses in the surrounding area.

As noted in this report, the OLT approved the original Draft Plan of Subdivision and approved a site-specific zoning to implement the development of 90 residential dwelling units on the Subject Lands. York Region provided Conditions of Draft Approval for the original Draft Plan of Subdivision which was approved by the OLT in an Order dated March 16, 2020. York Region has advised that they have no objection to the approval of the revised Draft Plan subject to the Conditions of Draft Approval.

The proposed site-specific exceptions to Zoning By-law 1-88, are appropriate and implement the Development. The comments received from City Departments and external public agencies; the public has indicated concerns with the proposed Development. The Development Planning Department supports the Applications and is satisfied that the proposed revisions to the Conditions of Draft Plan of Subdivision Approval are appropriate to facilitate the Development, subject to the conditions in the Recommendations section of this report and the Conditions of Draft Approval in Attachment 1.

**For more information**, please contact: Laura Janotta, Planner, at extension 8634

**Attachments:**

1. Conditions of Draft Plan of Subdivision Approval
2. Context and Location Map
3. Proposed Zoning and Revised Draft Plan of Subdivision File 19T-17V009 (Red-lined)
4. Proposed Landscape Plan for Draft Plan of Subdivision 19T-17V009
5. OLT Approved Draft Plan of Subdivision File 19T-17V009 and OLT Approved Zoning

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**Reviewed by**



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