

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2022**

Item 7, Report No. 27, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 28, 2022.

**7. BOSTAR INC. ZONING BY-LAW AMENDMENT FILE Z.19.034 SITE DEVELOPMENT FILE DA.19.085 5875 HIGHWAY 7 VICINITY OF HIGHWAY 7 AND HIGHWAY 27**

**The Committee of the Whole recommends:**

- 1) That the recommendations contained in the report of the Deputy City Manager, Planning and Growth Management dated June 7, 2022, be approved;**
- 2) That Communication C12 from Mr. Philip J. Stewart, Pound & Stewart Associates Limited, Renfrew Drive, Markham, dated June 6, 2022, be received; and**
- 3) That the coloured elevations submitted by the applicant be received.**

**Recommendations**

1. THAT Zoning By-law Amendment File Z.19.034 (Bostar Inc.) BE APPROVED, to amend Zoning By-law 1-88 for the subject lands shown on Attachment 2, to permit site-specific exceptions to the "EM1 Prestige Employment Area Zone" subject to site-specific Exception 9(291) identified 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 came into effect, to permit minor adjustments to the implementing Zoning By-law; and
3. THAT Site Development File DA.19.085 (Bostar Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS of Site Plan Approval included in Attachment 1, to the satisfaction of the Development Planning Department, to permit a 1-storey eating establishment building with a drive-through facility and a 3-storey office building, as shown on Attachments 3 to 6.

## Committee of the Whole (1) Report

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**DATE:** Tuesday, June 7, 2022

**WARD:** 2

**TITLE:** BOSTAR INC.

**ZONING BY-LAW AMENDMENT FILE Z.19.034**

**SITE DEVELOPMENT FILE DA.19.085**

**5875 HIGHWAY 7**

**VICINITY OF HIGHWAY 7 AND HIGHWAY 27**

**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 Site Development applications for the subject lands shown on Attachment 2 to permit the development of a 1-storey eating establishment building with a drive-through facility and a 3-storey office building, as shown on Attachments 3 to 6.

### **Report Highlights**

- The Owner proposes to develop the subject lands with a 1-storey eating establishment building with a drive-through facility and a 3-storey office building.
- Zoning By-law Amendment and Site Development applications are required to permit the development.
- The Development Planning Department supports the approval of the development as it 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 York Region Official Plan 2010, and 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.19.034 (Bostar Inc.) BE APPROVED, to amend Zoning By-law 1-88 for the subject lands shown on Attachment 2, to permit site-specific exceptions to the “EM1 Prestige Employment Area Zone” subject to site-specific Exception 9(291) identified 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 came into effect, to permit minor adjustments to the implementing Zoning By-law; and
3. THAT Site Development File DA.19.085 (Bostar Inc.) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS of Site Plan Approval included in Attachment 1, to the satisfaction of the Development Planning Department, to permit a 1-storey eating establishment building with a drive-through facility and a 3-storey office building, as shown on Attachments 3 to 6.

## **Background**

The subject lands (the ‘Subject Lands’) shown on Attachment 2 are located east of Highway 27 on the south side of Highway 7, and are municipally known as 5875 Highway 7. The Subject Lands are currently developed with a multi-unit employment building. The surrounding land uses are shown on Attachment 2.

Vaughan Council, on June 28, 2016, approved Site Development File DA.14.093 (Bostar Inc.) to permit the development of a 3-storey office building and a 2-storey office addition to the existing multi-unit employment building as shown on Attachment 7. The Owner has since revised the development proposal on the Subject Lands, which still includes the original proposed 3-storey office building, and a 1-storey commercial building containing two eating establishments and an accessory drive-through facility, instead of the original proposed 2-storey office addition.

### ***Zoning By-law Amendment and Site Development Applications have been submitted to permit the proposed development***

Bostar Inc. (the ‘Owner’) has submitted the following applications (the ‘Applications’) to permit the development of a 1-storey commercial building consisting of two eating establishments with one accessory drive-through facility and a 3-storey office building (the ‘Development’) as shown on Attachment 3.

1. Zoning By-law Amendment File Z.19.034 to amend Zoning By-law 1-88, specifically the “EM1 Prestige Employment Area Zone” subject to Exception

9(291), to permit a drive-through facility accessory to an eating establishment together with site-specific zoning exceptions identified in Table 1 of this report

2. Site Development File DA.19.085 to facilitate the Development shown on Attachments 3 to 6.

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

On February 7, 2020, the City circulated a Notice of Public Meeting (the 'Notice') to all property owners within 150 m of the Subject Lands, the West Woodbridge Homeowners' Association, and to those individuals who provided written correspondence or made oral deputations at the Public Meeting.

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 facing Highway 7 in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on March 11, 2020 ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of March 3, 2020 and to forward a comprehensive technical report to a future Committee of the Whole meeting.

At the Public Meeting, the following deputations and written submissions were received:

Deputations

- Ms. Jessica Damaren, Weston Consulting, representing the Owner
- Mr. Nick Pinto, West Woodbridge Homeowners' Associations, Mapes Avenue, Woodbridge

Written Submissions

- Mr. Philip Stewart, Pound & Stewart Associates Limited, dated March 3, 2020

The following is a summary of, and responses to, the comments provided in the deputations and written submissions submitted at the Public Meeting of March 3, 2020, and written submissions received by the Development Planning Department:

a) Concerns with the Existing Vehicular Access to the Site.

There are two vehicular accesses side by side along Highway 7 that can cause some traffic concerns. There should be improvements made to the existing access as part of this application, especially since it will bring additional traffic into the site.

Response

Access for the Development is proposed via Highway 7 which is under the jurisdiction of York Region and is subject to York Regional approval. The Development Engineering Transportation staff has reviewed the Traffic Impact Study ('TIS') prepared by Exp Services Inc. dated August 7, 2020 and concurs with the overall findings of the report. However, the TIS requires approval by York Region.

b) Need for Effective Landscaping and Screening

There is a lack of landscaping and screening between the Subject Lands and the property to the south. As the owner of the Subject Lands is seeking more commercial uses, the owner to the south would like to see additional screening from their industrial uses.

Response

Additional trees have been provided along the south boundary of the Subject Lands. A condition of site plan approval has been included in Attachment 1 that the final landscape plan and landscape cost estimate shall be approved to the satisfaction of the Development Planning Department.

c) Need for Better Managed Garbage Disposal

A concern regarding the spillover of garbage and grease into the property to the south of the Subject Lands was identified. As this proposal is adding two restaurants and an office uses, which will increase site activity, better waste management is imperative as the current state of waste management is unacceptable.

Response

The Applicant has proposed waste collection for the two new buildings to be entirely enclosed within the building. The waste collection for the existing employment building will continue to be located to the rear of the Subject Lands within the existing garbage enclosure, to provide screening.

d) Confirmation of Adequate Stormwater Run-off and Service Pipe Plans

Ensure that adequate stormwater management and servicing is provided with the intensification of the Subject Lands.

### Response

The stormwater servicing to the Subject Lands is proposed via internal storm sewers, catch basins and maintenance holes to drain toward the existing private storm system to the south via existing servicing easements. The Development Engineering Department has reviewed the stormwater management strategy proposed and have no objections subject to minor comments being addressed.

#### e) Onus of Noise Sensitivity

Any new noise-sensitive land uses should take their own measures to prevent noise related issues when it is proposed to be located near existing land uses that generate noise as part of their industrial operations or functions. The onus should not be on the noise producing uses as they are permitted and existing long before this proposal.

### Response

The Development Engineering Department has reviewed the Noise Compatibility Letter prepared by Weston Consulting dated March 3, 2022, confirming no adverse impacts from the proposed Development on any existing surrounding residential developments or other sensitive uses. The Development Engineering Department also did not identify the proposed Development to be a sensitive use requiring additional noise mitigation from the existing surrounding uses.

The Development Planning Department, on May 31, 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 related to the Applications are available at the following web link:

Committee of the Whole Public Meeting

[March 3, 2020 Committee of the Whole Public Meeting File Z.19.034 DA.19.085 \(Item 1, Report 10\)](#)

Previous Application File DA.14.093 Committee of the Whole

[June 21, 2016 Committee of the Whole File DA.14.093 \(Item 18, Report 27\)](#)

## **Analysis and Options**

### ***The Development is consistent with the Provincial Policy Statement, 2020***

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (‘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 Applications are consistent with the PPS, specifically Sections 1.1.3.1 to 1.1.3.4, 1.3.1 and 1.6.6.2 regarding:

- focusing development to settlement areas
- efficient land use patterns
- transit supportive development
- coordination of infrastructure
- providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs, and
- promoting redevelopment which optimizes the use of existing municipal services and promote economic development and competitiveness.

The Subject Lands are located within a Settlement Area as defined by the PPS. The Development is consistent with the policies of the PPS as it makes more efficient use of the underutilized Subject Lands by minimizing land consumption, utilizing existing services and permitting a range and mix of commercial and employment uses that will service the community. The Applications are consistent with the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the ‘Growth Plan’) is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. Council’s planning decisions are required by the *Planning Act* to conform to, or not conflict with, the Growth Plan.

The Development is consistent with the policy framework of the Growth Plan, specifically Policies 2.2.1.2, 2.2.5.1 and 2.2.5.5 regarding development in settlement areas, promoting economic development and competitiveness, and the preservation of lands adjacent to major goods movement facilities and corridors for employment uses.

The Subject Lands are located within a settlement area and a delineated built-up area where existing municipal water and wastewater systems can be efficiently utilized. The Development is located on an existing and underutilized site within an employment area and helps meet economic goals and attract investment opportunities in the area. The Development conforms to the Growth Plan.

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

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

The Subject Lands are designated "Urban Area" by Map 1: Regional Structure, of the YROP. Section 5.0 of the YROP states that "intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region." This designation permits a range of residential, industrial, commercial, and institutional uses. YROP 2010 encourages maintaining the economic viability of employment lands, contingent upon their long-term protection, effective planning and design, and a shift toward increasingly sustainable and innovative industrial processes.

The Development will efficiently utilize the Subject Lands to diversify and strengthen the economic base to provide employment opportunities. Policy 4.1.5 of YROP 2010 supports the creation of a business-friendly environment through a diverse range, size and mix of employment uses. The Development is compatible with and supports the planned commercial and employment uses for the area. The Development conforms to the YROP.

***The proposed uses conform to Vaughan Official Plan 2010 ('VOP 2010')***

The Subject Lands are designated "Employment Commercial Mixed Use" by VOP 2010. The Subject Lands are also located on a Regional Intensification Corridor within Employment Areas as shown on Schedule 1 - Urban Structure, of VOP 2010. The "Employment Commercial Mixed Use" designation located on a Regional Intensification Corridor within Employment Areas permits mid-rise buildings but does not permit low-rise buildings, as identified in Section 9.2.2.7.e) of VOP 2010. However, the "EM1 Prestige Employment Area Zone" permits the low-rise building form as-of-right.

The “Employment Commercial Mixed-Use” designation recognizes existing areas of predominantly commercial uses within the Employment Area. These areas are planned to be developed with commercial buildings that allow for a variety of business uses to occur in proximity to each other. They also contribute to the provision of ancillary uses, which primarily serve the needs of businesses and employees in the Employment Area. On this basis, the 3-storey office building and eating establishment uses conform to the Official Plan. Section 5.2.3.10(b) of VOP 2010 respecting the transformation of future retail development, requires that any proposed Drive-through Facility within a Regional Intensification Corridor will only be permitted on the basis of a site-specific zoning by-law amendment. Accordingly, a Zoning By-law Amendment application has been submitted by the Owner.

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

The ‘Subject Lands’ are zoned “EM1 Prestige Employment Area Zone” and subject to site-specific Exception 9(291), as shown on Attachment 2. On September 22, 2016, the Vaughan Committee of Adjustment approved Minor Variance File A136/16 to permit 257 parking spaces on the Subject Lands. The proposed office building and eating establishment uses are permitted; however a Zoning By-law Amendment is required to permit a Drive-through Facility on the Subject Lands, together with the following site-specific exceptions to Zoning By-law 1-88:

Table 1:

	<b>Zoning By-Law 1-88 Standards</b>	<b>Requirements of EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>	<b>Proposed Exceptions to EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>
a.	Minimum Parking Requirements	<p><u>Proposed Building A</u> Office Uses: 2,137 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 75</p> <p>+</p> <p><u>Existing Building B</u> Employment Uses: 4,906 m<sup>2</sup> @ 1.5 parking spaces / 100 m<sup>2</sup> GFA = 74</p> <p>+</p> <p>Ancillary Uses: 1,261 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 45</p>	<p><u>Proposed Building A</u> Office Uses: 2,137 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 75</p> <p>+</p> <p><u>Existing Building B</u> Employment Uses: 4,906 m<sup>2</sup> @ 1.5 parking spaces / 100 m<sup>2</sup> GFA = 74</p> <p>+</p> <p>Ancillary Uses: 1,261 m<sup>2</sup> @ 3.5 parking spaces / 100 m<sup>2</sup> GFA = 45</p>

	<b>Zoning By-Law 1-88 Standards</b>	<b>Requirements of EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>	<b>Proposed Exceptions to EM1 Prestige Employment Area Zone, subject to Exception 9(291)</b>
		<p style="text-align: center;">+</p> <p style="text-align: center;"><u>Proposed Building C</u> Eating Establishment, Convenience: 210.37 m<sup>2</sup> @ 20 parking spaces / 100 m<sup>2</sup> GFA = 43</p> <p style="text-align: center;">+</p> <p style="text-align: center;">Eating Establishment, Convenience with Drive- Through: 214.97 m<sup>2</sup> @ 16 parking spaces / 100 m<sup>2</sup> GFA = 35</p> <p style="text-align: center;">Total Required: 272 parking spaces</p>	<p style="text-align: center;">+</p> <p style="text-align: center;"><u>Proposed Building C</u> Eating Establishment, Convenience: 210.37 m<sup>2</sup> @ 15 parking spaces / 100 m<sup>2</sup> GFA = 32</p> <p style="text-align: center;">+</p> <p style="text-align: center;">Eating Establishment, Convenience with Drive- Through: 214.97 m<sup>2</sup> @ 14 parking spaces / 100 m<sup>2</sup> GFA = 31</p> <p style="text-align: center;">Total Proposed: 257 parking spaces</p>
b.	Maximum Number of Units and Unit Size of an Eating Establishment Use	One (1) Eating Establishment, or Eating Establishment Convenience, or Eating Establishment Take-out having a maximum floor area of 185 m <sup>2</sup>	One (1) Eating Establishment Convenience and one (1) Eating Establishment Convenience with Drive-Through having a maximum floor area of 220 m <sup>2</sup> per unit in a multi-unit building
c.	Minimum Landscape Strip Abutting an Arterial Road (Highway 7)	9.0 m	8.5 m
d.	Permitted Uses	A Regulated Health Professional is not a permitted use	To permit a Regulated Health Professional

The Development Planning Department can support the requested site-specific zoning exceptions in Table 1 for the following reasons:

- The proposed uses are permitted by the “Employment Commercial Mixed-Use” designation in VOP 2010 for lands located in an Intensification Area, and provide for a range and mix of commercial, employment and office use that will service the community
- The proposed drive-through facility is located toward the rear of the new eating establishment building and is well screened from Highway 7 and the adjacent site with increased landscaping
- The proposed Regulated Health Professional Use is permitted in the “Employment Commercial Mixed-Use Zone” in the new Comprehensive Zoning By-law 001-2021
- The proposed exceptions to the minimum landscape strip, unit size and parking requirements are considered to be minor and maintains the intent of the “Employment Commercial Mixed-Use” designation in VOP 2010 and the “EM1 Prestige Employment Area Zone” in Zoning By-law 1-88.

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

The Applications are transitioned under Section 1.6 of Zoning By-law 001-2021, as the Applications were filed and deemed complete on June 9, 2020, prior to the enactment of Zoning By-law 001-2021. Therefore, the Owner is only required to demonstrate conformity with Zoning By-law 1-88.

***The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, 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 a landowner from applying for a Minor Variance Application to the Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance application(s) within 2 years of the passing of the zoning by-law amendment.

Should Council approve Zoning By-law Amendment File Z.19.034, the Development Planning Department has included a Recommendation to permit the Owner to apply for

Minor Variance application(s), if required, in advance of the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

***The Development Planning ('DP') Department has no objection to the Development, subject to the Conditions of Site Plan Approval in Attachment 1***  
Site Plan

There is an existing multi-unit employment building on the Subject Lands. The Development consists of a new 1-storey commercial building east of the existing employment building, containing two eating establishments, one with a drive-through facility (Building "C"), and a 3-storey office building to the west of the existing employment building (Building "A"), as shown on Attachment 3.

Pedestrian connections are provided throughout the Development, linking the main entrances of the buildings to the public sidewalks on Highway 7. It is noted the Owner is providing an additional row of 16 parking spaces along the west limits of the Subject Lands that can only be accessed from the abutting lands to the west, as shown on Attachment 3. These parking spaces have not been included in the parking calculations for this Site Development Application as the abutting lands to the west are currently undeveloped. The Owner shall be required to obtain a future access easement from the abutting lands to the west upon its developments in the future. A condition to this effect is included in Attachment 1. The final Site Plan shall be approved to the satisfaction of the DP Department.

Landscape Plan

The Landscape Plan shown on Attachment 4 includes a mix of soft and hard landscaping and a variety of deciduous and coniferous trees and shrubbery. The Owner must ensure new trees are not planted within the dripline of existing trees. The final landscape plan and details shall be approved to the satisfaction of the DP Department.

Building Elevations

The building elevations shown on Attachments 5 and 6 include aluminum panels, stucco finish, concrete panels, and various glazing materials. The proposed elevations for the 3-storey office building (Building "A") have not changed since the draft approval obtained from the previous File DA.14.093. The Owner is required to include a bird friendly treatment for the large areas of glazing, based on the City's Bird Friendly Design Guidelines, for Building "C". The final building elevations shall be approved to the satisfaction of the DP Department.

### Sustainability Performance Metrics

The Development achieves a Bronze level sustainability performance metric score of 31. The DP Department is satisfied with the sustainability performance metric score provided.

### Arborist Report and Tree Protection Plan

An Arborist Report prepared by D. Andrew White, dated March 2020, and a Tree Protection Plan prepared by Marton Smith Landscape Architects (MSLA) dated July 30, 2020 ('Arborist Report') was submitted with the Applications. A total of 13 private trees are proposed to be removed. The Arborist Report must be revised to identify the tree replacement costs and requirements to conform with City standards and to confirm tree compensations costs. The Owner must enter into a Tree Protection Agreement with the City prior to the execution of the Letter of Undertaking. A condition to this effect is included in Attachment 1.

### Lighting

The photometric plan must show illumination that achieves 5.0 lux at the barrier-free areas and 2.0 lux at all other pedestrian areas and entrances. while maintaining 0.0 lux at all property lines. The final photometric plan shall be approved to the satisfaction of the DP Department. A condition to this effect is included in Attachment 1.

### Cultural Heritage

The Subject Lands are located outside of a Heritage Conservation District and are located within an area of some archaeological potential. Standard archaeological clauses shall be included in the Site Plan Letter of Undertaking as indicated in Attachment 1.

Prior to the execution of the Letter of Undertaking, the Development Planning Department shall approve the final site plan, landscape plan, landscape details and cost estimate and building elevations. A condition to this effect is included in Attachment 1.

### ***The Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department has no objection to the Development, subject to conditions***

The Forestry Operations Division has reviewed the Arborist Report which identifies the number, species, condition, and size (diameter) of the existing private trees proposed to be preserved or removed from the Subject Lands. The Tree Protection Fencing is to be installed and inspected prior to any site work to minimize the impact on the trees to be preserved.

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

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

The Development Engineering ('DE') Department has reviewed the Applications and provides the following comments, in addition to the corresponding conditions of Site Plan Approval included in Attachment 1:

Road Network

Access for the Development is proposed via Highway 7 and is subject to York Regional approval. DE Transportation staff have reviewed the TIS prepared by Exp Services Inc. dated August 7, 2020 and concurs with the overall findings of the report; however, the study requires approval by York Region.

Municipal Servicing

The Owner has submitted a revised Functional Servicing and Stormwater Management Report ('FSR & SWM') prepared by Urban Ecosystems Ltd. dated February 1, 2022, and TIS prepared by Exp Services Inc. dated August 7, 2020, in support of the Applications. The following provides a summary of the municipal services for the Development:

**Water Supply**

The Subject Lands are located within Pressure District 5 (PD5). The Owner proposes to service the Development via proposed internal watermain connections to service Buildings 'A' & 'C'. Water service and valve and chamber exists at the northeast corner of the Subject Lands adjacent to Highway 7.

DE has no objection to the proposed water servicing strategy subject to revised servicing plans to address any outstanding minor comments.

**Sanitary Servicing**

Sanitary servicing is proposed for the Subject Lands via proposed internal sanitary service connections and the relocation of the existing private sanitary servicing easement to service Buildings "A" and "C". Sanitary service and control maintenance holes exist adjacent to Highway 7 at the northeast corner of the Subject Lands.

The Owner has obtained consent from the neighbouring property owner to the south impacted by the sanitary sewer easement relocation. DE has no objection to the proposed sanitary servicing strategy subject to revised servicing plans to address any outstanding comments and subject to the Owner obtaining approval from the Committee of Adjustment for a Consent Application to relocate the existing sanitary sewer easement. A condition to this effect is included in Attachment 1.

### **Stormwater Management**

Stormwater servicing to the Subject Lands is proposed via internal storm sewers, catch basins and maintenance holes to drain stormwater towards the existing private storm system to the south via existing servicing easements. The Owner proposes to implement internal orifice controls via orifice pipes and Oil-Grit separators within the Subject Lands prior to discharge to the existing private storm system to the south.

DE has no objection to the proposed stormwater management strategy subject to revised servicing plans to address any outstanding minor comments and subject to York Region approval.

### **Erosion and Sediment Control**

The Erosion & Sediment Control Guidelines for Urban Construction (December 2006) guideline was created as a consolidated document that best suits jurisdictions within the Greater Golden Horseshoe Area Conservation Authorities for common usage in land development, construction, and water management.

Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the aforementioned document.

### **Noise Impact Feasibility**

The Owner has provided a Noise Compatibility Letter prepared by Weston Consulting dated March 3, 2022, confirming no adverse impacts from the Development on any existing surrounding residential developments or other sensitive uses.

### **Environmental Engineering**

The DE Department has reviewed both Phase One Environmental Site Assessment (ESA) Report prepared by McIntosh Perry Ltd. dated August 11, 2020, and Groundwater Sampling Program prepared by McIntosh Perry Ltd. dated July 23, 2019, and confirms no impacts were identified.

Prior to the execution of the Letter of Undertaking, all comments provided by the DE Department shall be addressed. The final FSR & SWM Report, Traffic Impact 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 Attachment 1.

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

The Waste Management Division has reviewed the Development. The Owner shall resubmit the Waste Collection Design Standards using the latest version to the satisfaction of the Waste Management Division and a condition to this effect is included in Attachment 1.

***The Financial Planning and Development Finance Department have no objection to the Development, subject to development charges being paid***

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

***Vaughan Fire and Rescue Services has no objection to the Development***

Vaughan Fire and Rescue Services has no objection to the Development subject to the Owner satisfying all Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development.

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

The PIPD Department has no objection to the Development subject to confirmation of meeting the cash-in-lieu of Parkland Dedication requirements to be provided to the satisfaction of the Real Estate Department.

***Cash-in-Lieu of the Dedication of Parkland is required***

The Owner shall dedicate land and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment

***The various utilities have no objection to the Development, subject to conditions***  
Bell Canada, Alectra Utilities Corporation, and Enbridge Gas Inc. have no objections to the Development, subject to the Owner coordinating servicing connections and easements prior to the commencement of any site works. A condition to this effect is included in Attachment 1 of this report. Rogers Communications also has no objection to the Development.

***Canada Post has no objection to the Development, subject to conditions***  
Canada Post Corporation has no objection to the Development subject to the Owner providing the building with its own centralized mail receiving facility. The Owner shall contact Canada Post during the design stage of the Development to determine a suitable permanent location for the placement of the Community Mailboxes. Canada Post has no objection to the Applications, subject to their conditions included in Attachment 1.

### **Financial Impact**

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

### **Broader Regional Impacts/Considerations**

The Applications and submission materials have been circulated to York Region Community Planning and Development Services Department for review and comment. York Region has no objections to the Applications in principle, subject to the Owner addressing final comments and satisfying the conditions in Attachment 1, including any redline comments respecting the Regional ROW along Highway 7. York Region has advised they have no issues with the existing access on the Subject Lands.

### **Conclusion**

The Development Planning Department has reviewed Zoning By-law Amendment and Site Development Files Z.19.034 and DA.19.085, in consideration of the applicable Provincial Policies, York Region and City Official Plan policies, comments received from City Departments, external public agencies and the surrounding area context.

The Development Planning Department is satisfied that the Applications are consistent with the PPS, and conform to the Growth Plan, the YROP 2010 and VOP 2010, and are compatible with the surrounding area context. In consideration of the above, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report and the Conditions of Site Plan Approval set out in Attachment 1.

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

### **Attachments**

1. Conditions of Site Plan Approval
2. Context and Location Map
3. Proposed Zoning and Site Plan
4. Landscape Plan
5. Elevations – Building A
6. Elevations – Building C
7. Previous Council Approved Site Plan (File DA.14.093)

### **Prepared by**

Jennifer Kim, Planner, ext. 8592

Letizia D'Addario, Senior Planner, ext. 8213

Mark Antoine, Senior Manager of Development Planning, ext. 8212

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

**Attachment 1 – Conditions of Site Plan Approval  
Site Development File DA.19.085 (Bostar Inc.).**

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1. THAT prior to the execution of the Site Plan Letter of Undertaking:
  - a) The Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape details, landscape cost estimate, and photometric plan;
  - b) The Owner shall provide a cash-in-lieu payment that must be submitted to the City in accordance with the Council adopted Tree By-law 052-2018 and the City's Tree Protection Protocol;
  - c) The Owner shall submit an updated arborist report to the satisfaction of the Development Planning Department;
  - d) The Owner shall enter into a Tree Protection Agreement in accordance with the Tree Protection Protocol By-law 052-2018 and submit a final planting plan to the satisfaction of the Development Planning Department and the Parks, Forestry and Horticulture Operations Department;
  - e) The Development Engineering Department shall approve the final grading, erosion and sedimentation control and site servicing plans, Functional Servicing and Stormwater Management Report and Traffic Impact Study;
  - f) The Owner shall obtain approval from the Committee of Adjustment for a Consent Application to establish revisions to the existing private servicing and/or access easements as required, to the satisfaction of the Development Engineering Department, and all conditions related to the Consent Application shall be satisfied;
  - g) Proof of York Region approvals shall be forwarded to the Development Engineering Department prior to final engineering approval;
  - h) The Environmental Services Department, Waste Management Division shall approve the final waste collection plan;
  - i) The Owner shall satisfy all requirements from Alectra Utilities Corporation, Enbridge Gas Inc., Bell Canada and Canada Post;
  - j) The Owner shall satisfy all requirements and obtain all necessary approvals from York Region;

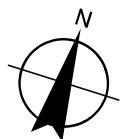
2. THAT the Site Plan Letter of Undertaking shall include the following provisions and/or warning clauses, to the satisfaction of the City:
- a) The Owner shall inform the Forestry Operations Division of the Parks, Forestry and Horticulture Operations Department once tree protection has been installed, for Vaughan Forestry to inspect and approve according to specifications;
  - b) The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, Regional of York, York Region District School Board and York Catholic District School Board.
  - c) The Owner shall dedicate land and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the subject lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the subject lands prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment
  - d) "The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
    - i. archaeological resources are found on the property during grading or construction activities, and the Owner must cease all grading or construction activities; and
    - ii. where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."
  - e) The Owner is required to contact the City's Environmental Services Department through the Development Inspection and Lot Grading division of DE, at least 72 hours in advance of connecting to and/or disconnecting from any municipal services (Including any required re-location works) to ensure that staff is present on site to observe the works including the

decommissioning of services and to provide any additional requirements to their sole satisfaction.

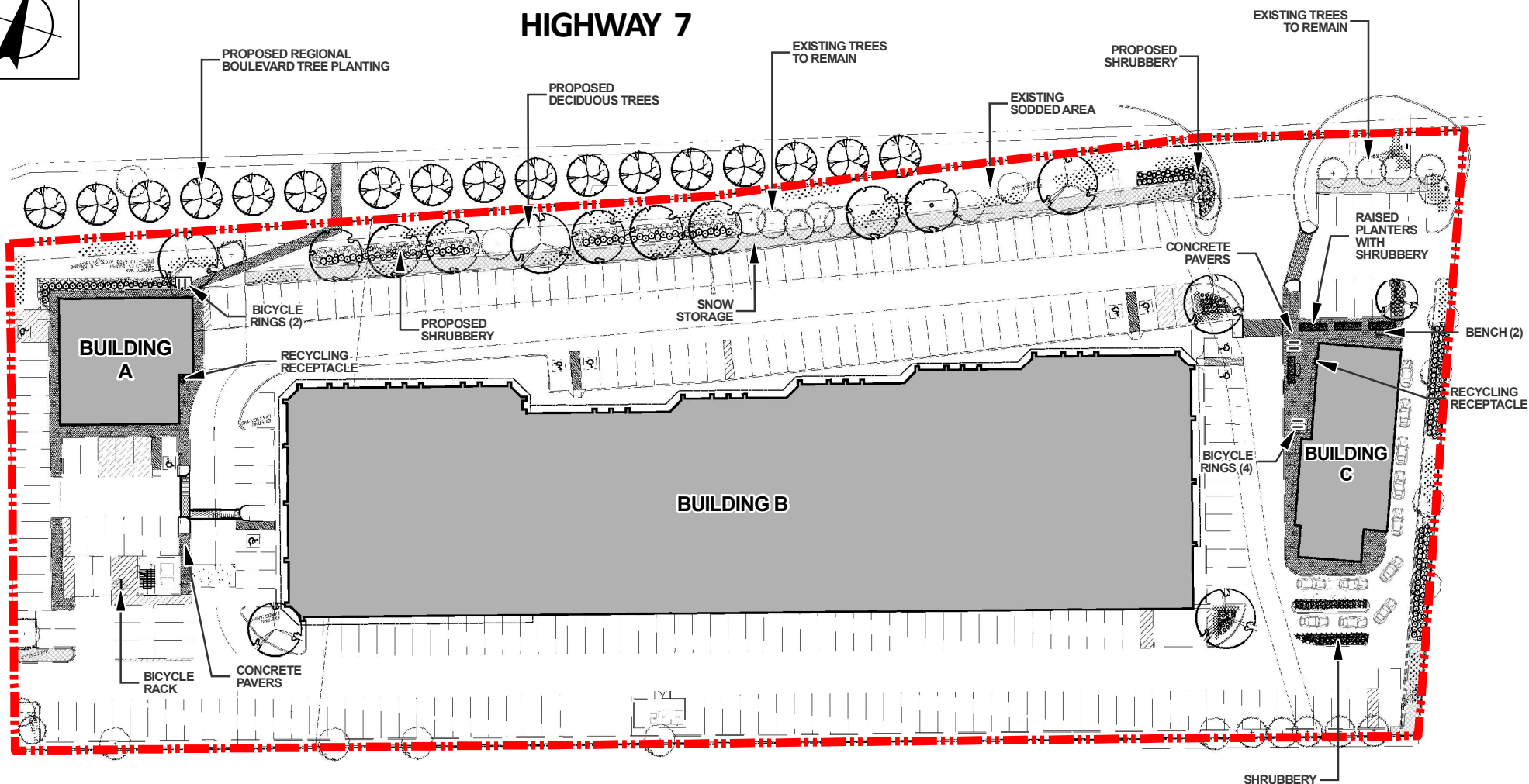
- f) The Owner shall obtain any required additional permits and coordinate all inspections directly through the City's Development Inspection and Lot Grading Division upon receipt of Site Plan Approval for all proposed works within the City's right-of-way (i.e. curb cuts/fills, sidewalk installation, boulevard rehabilitation).
- g) the Owner shall be required to contact the City of Vaughan Environmental Services Department to purchase the required water meter. Please note, the water meter shall be installed with sufficient read-out equipment to the satisfaction of the City of Vaughan.
- h) Sixteen (16) parking spaces are proposed along the west limits of the Subject Lands that can only be accessed from the abutting lands to the west. The abutting lands to the west are currently undeveloped. The Owner shall be required to obtain an access easement in the future from the abutting landowner to the west upon its development in the future.
- i) The Owner shall agree to carry out, or cause to carry out, the warning clauses set out below to the satisfaction of the City. Prior to the transfer of any Lot or Block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by this agreement have been included in the Offer of Purchase and Sale or Lease for such Lot or Block.
- j) The following warning clauses shall be included within the Letter of Undertaking and any future Offers of Purchase and Sale or Lease:
  - i. "The Owner of the Subject Lands and/or its successors acknowledges lot level controls for stormwater quality via Contech Quality Control Units have been provisioned for the property according to the approved Civil Engineering Plans and Functional Servicing Report. The quality control units are required to meet the minimum 80% Total Suspended Solids (TSS) removal target prior to discharge to municipal sewers. The Owner of the lands shall be responsible for regular inspection and maintenance of the quality control units to ensure proper function and maintain the minimum 80% TSS removal from the property"







## HIGHWAY 7



 Subject Lands

0 10 20 40 Metres

## Landscape Plan

**LOCATION:**  
5875 Highway 7  
Part of Lot 5, Concession 8  
**APPLICANT:**  
Bostar Inc.

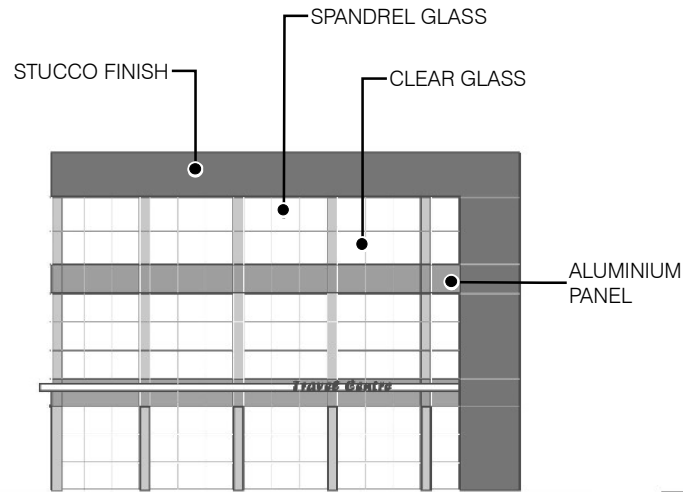


## Attachment

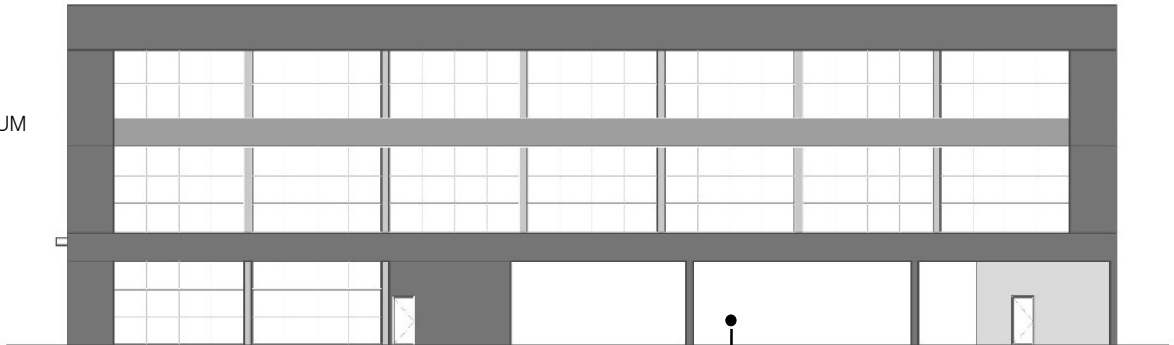
**FILES:**  
Z.19.034 and DA.19.085

**DATE:**  
June 7, 2022

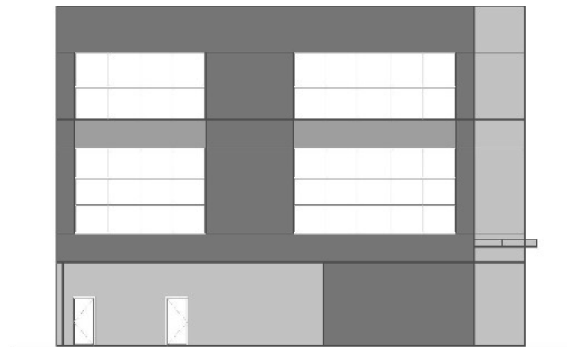
# 4



**NORTH ELEVATION**  
(FACING REGIONAL ROAD 7)



**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**

## Elevations - Building A

**LOCATION:**  
5875 Highway 7  
Part of Lot 5, Concession 8

**APPLICANT:**  
Bostar Inc.

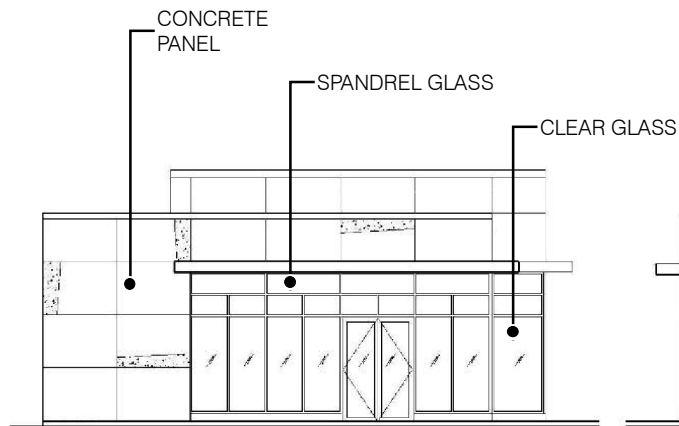


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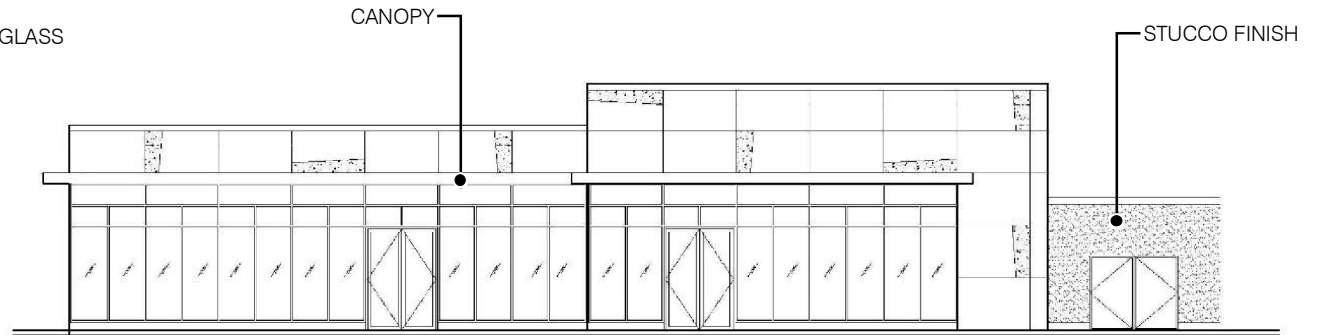
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Z.19.034 and DA.19.085

**DATE:**  
June 7, 2022

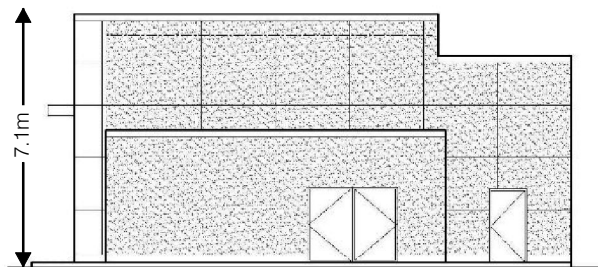
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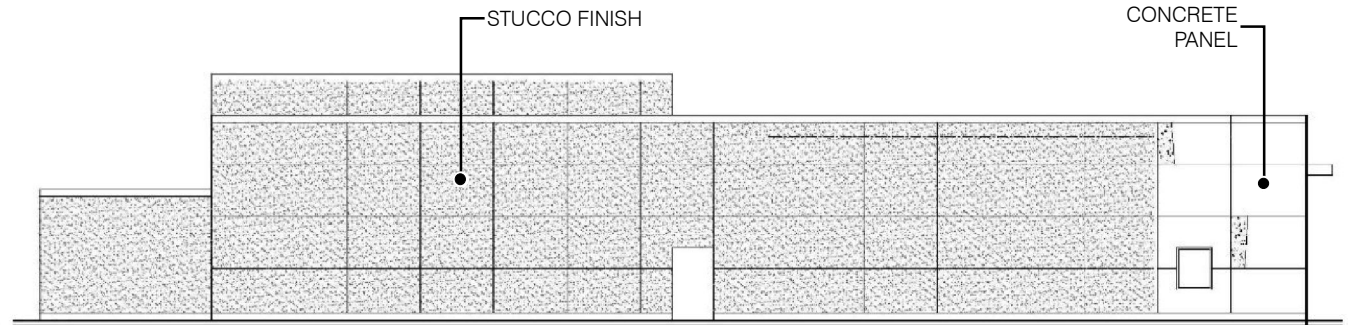
**NORTH ELEVATION**  
(FACING REGIONAL ROAD 7)



**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**

## Elevations - Building C

**LOCATION:**  
5875 Highway 7  
Part of Lot 5, Concession 8

**APPLICANT:**  
Bostar Inc.

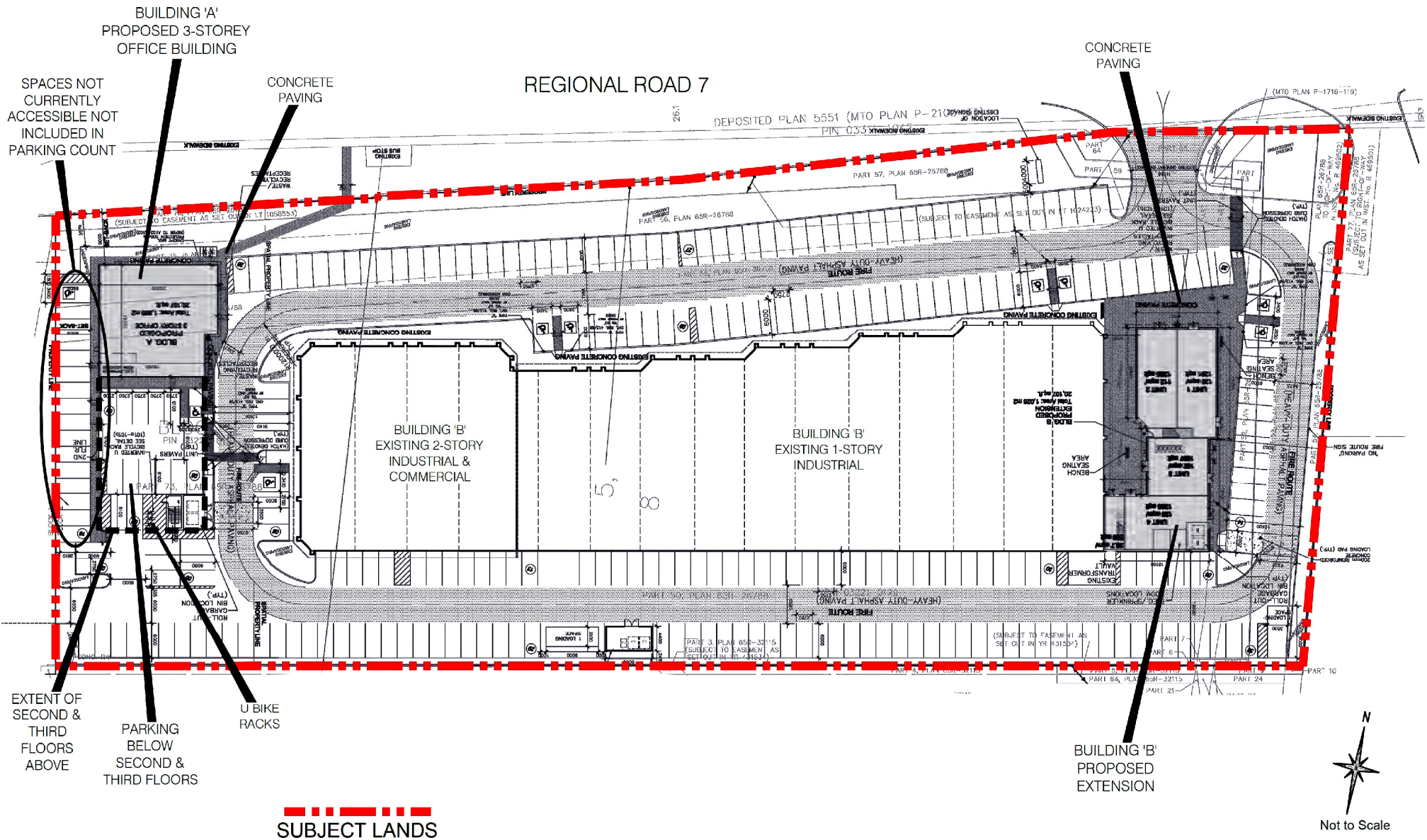


## Attachment

**FILES:**  
Z.19.034 and DA.19.085

**DATE:**  
June 7, 2022

**6**



## Previous Council Approved Site Plan (File DA.14.093)

LOCATION:  
5875 Highway 7; Part of Lot 5, Concession 8

APPLICANT: Bostar Inc.



## Attachment

FILES:  
Z.19.034 and DA.19.085

DATE:  
June 7, 2022

# 7