

## Committee of the Whole (2) Report

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

**WARD(S):** 4

**TITLE:** 2640174 ONTARIO LIMITED

**SITE DEVELOPMENT FILE DA.19.070**

**2057 MAJOR MACKENZIE DRIVE WEST**

**VICINITY OF MAJOR MACKENZIE DRIVE AND PETER RUPERT AVENUE**

**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 Site Development File DA.19.070 for the subject lands shown on Attachment 2. The Owner proposes to construct 62 stacked and stacked back-to-back townhouses distributed over four blocks and a semi-detached dwelling within the original portion of the heritage dwelling (Joshua Oliver House), which is to be reconstructed. The subject lands will be served by a private common element road with access from Petticoat Road and 93 parking spaces (77 residential and 16 visitor spaces in 1 level of underground) as shown on Attachments 3 to 6.

### **Report Highlights**

- The Owner proposes to construct 62 stacked and stacked back-to-back townhouses and a semi-detached dwelling within the original portion of the heritage dwelling, which is to be reconstructed, and served by a private common element road.
- The Zoning By-law Amendment application for the subject lands was appealed and approved in principle by the Ontario Land Tribunal. A Site Development Application is required to permit the development.
- The Development Planning Department supports the approval of the development, subject to the Recommendations of this report, as it is consistent with the Provincial Policy Statement 2020 and conforms to the Growth Plan for the Greater Horseshoe 2020, 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 Site Development File DA.19.070 BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachment 1, to the satisfaction of the Development Planning Department, to permit the development of 62 stacked and stacked back-to-back townhouses and a semi-detached dwelling within the original portion of the heritage dwelling (Joshua Oliver House), which is to be reconstructed, and served by a private common element road as shown on Attachments 3 to 6.
2. THAT the Owner be permitted to apply for a Minor Variance Applications(s) from the Committee of Adjustment, if required, to permit minor adjustments to the in-effect Vaughan Zoning By-law before the second anniversary of the day which the implementing Zoning By-law for the Subject Lands comes into effect.
3. THAT Site Plan Development Application DA.19.070 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 64 residential units (194 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.

## **Background**

The 0.7 ha subject lands (the 'Subject Lands') are located on the south side of Major Mackenzie Drive, east of the Metrolinx rail line and west of Peter Rupert Avenue and are municipally known as 2057 Major Mackenzie Drive, as shown on Attachment 2. The Subject Lands are currently occupied by a heritage dwelling (the Joshua Oliver House) that was recently damaged in a fire. The restoration and retention of the Joshua Oliver House is further discussed in the Cultural Heritage Section of this report. The surrounding land uses are shown on Attachment 2.

### ***The Related Zoning By-Law Amendment File Z.16.006 was appealed to the former Local Planning Appeal Tribunal and approved subject to conditions***

The previous owner, known as Ace Developments (2057 Major Mac) Ltd. originally filed their appeal for Council's failure to make a decision on the Zoning By-law Amendment application, File Z.16.006. The Local Planning Appeal Tribunal ('LPAT'), now the Ontario Land Tribunal ('OLT') on September 7, 2018, issued a decision approving Zoning By-Law Amendment File Z.16.006, subject to conditions (Case No.170305) (the 'OLT Order').

The LPAT allowed the appeal in part and approved in principle an amendment to Zoning By-law 1-88 to rezone the lands from "A Agricultural Zone" to "RM2(H) Multiple Residential Zone" subject to the Holding Symbol ('H') and "OS1 Open Space Conservation Zone" subject to conditions. A Holding Symbol was added to the RM2

Multiple Residential Zone until such time it was confirmed that there was adequate servicing capacity for the Subject Lands. The LPAT withheld its final Order respecting the implementing Zoning By-law until such time as it was notified by the City of Vaughan that a Site Plan Development Application was submitted and that all approval conditions have been satisfied.

On October 24, 2019, the LPAT issued a subsequent decision granting the City of Vaughan authority to administer final approval of the implementing Zoning By-law. The list of site-specific zoning exceptions to Zoning By-law 1-88 are identified in Table 1 of this report. The by-law will not include a Holding Symbol as servicing capacity for the Subject Lands has been allocated. A condition to this effect is included in the Recommendations section of this report. It is intention of staff to bring the implementing zoning by-law forward to Council together with this report.

### **Previous Reports/Authority**

[February 21, 2017, Council Extract \(Committee of the Whole Item 4, Report 7\)](#)

[May 23, 2018 Council Extract \(Committee of the Whole Item 2, Report 18\)](#)

[September 7, 2018, Ontario Municipal Board Order](#)

### **Analysis and Options**

#### ***A Site Development Application has been submitted to permit the development***

2640174 Ontario Limited (the 'Owner') has submitted Site Development File DA.19.070 (the 'Application') for the Subject Lands shown on Attachment 2, to permit the construction of 62 stacked and stacked back-to-back townhouses distributed over four blocks and 2 residential units within the original portion of the heritage dwelling (the Joshua Oliver House), which is to be reconstructed, and 93 parking spaces (2 at-grade and 91 within one level of underground parking) with access from a future condominium road ('the Development') from Petticoat Road as shown on Attachments 3 to 6.

#### ***The Development is 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. The PPS is applied province-wide and provides policies for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

The Development is consistent with Sections 1.1.1, 1.1.3, 2.6.1, 1.4.1 and 1.5.1, which focuses on encouraging development within Settlement Areas, the efficient use of land by supporting intensification and redevelopment, providing a range and mix of housing types and densities, preserving a significant built heritage resource and planning for publicly accessible facilities such as trails and linkages. The Development also is consistent with the Official Plan which is in accordance with Section 4.6 of the PPS.

The Development shown on Attachments 3 to 6 provides for residential townhouse dwelling units within a settlement area that would add to the range and mix of housing

types in the community, efficiently utilizes the Subject Lands. The Owner proposes to restore and conserve the existing heritage resource, the Joshua Oliver House, in its original form. The Development also includes a multi-use pathway (the 'MUP'), on the west side of the Subject Lands which will be conveyed into public ownership, as shown on Attachment 3 and 4. The MUP will connect the existing community to a future pedestrian bridge over Major Mackenzie Drive that will have access to the Maple GO station. The proposed land use (i.e. townhouse units) conforms with the "Mid-Rise Residential" land use designation and site-specific Policy 13.8 in Vaughan Official Plan 2010 ('VOP 2010'). On this basis, the Development is consistent with the PPS.

***The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ('Growth Plan')***

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

The Development conforms to the policy framework of the Growth Plan as the built form would efficiently utilize the Subject Lands, existing infrastructure, municipal water and wastewater systems. The Development provides housing at a density supportive of the Growth Plan objectives, specifically Sections 1.2.1, 2.2.1.2, 2.2.1.4, and 2.2.6 regarding the achievement of complete communities, supporting a range and mix of housing options, directing the majority of growth to settlement areas. The Development also conserves a cultural heritage resource which is in accordance with Section 4.2.7.1 of the Growth Plan.

The Development shown on Attachments 3 to 6 provides for residential townhouse units within a settlement area and a delineated built-up area that contributes to providing a mix of housing densities within the neighbourhood while conserving and reconstructing a cultural heritage resource, the Joshua Oliver House, in its original form. The Subject Lands are also located in proximity to existing and planned higher order transit, as the Maple GO Station is located north of the Development. Accordingly, the proposed uses conform to the Growth Plan.

***The Development conform to the Oak Ridges Moraine Conservation Plan (the 'ORMCP')***

The Subject Lands are located within the ORMCP "Settlement Area" designation. Development within the "Settlement Area" is permitted and shall promote the efficient use of land with transit-supportive densities through intensification and redevelopment within existing urban areas. Urban uses and development as set out in municipal official plans are permitted within the Settlement Area. The Development is permitted as it conforms to the VOP 2010 and therefore, conforms to the ORMCP.

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

The YROP guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1, "Regional Structure" of the YROP. 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." Major Mackenzie Drive is also identified as a Regional Rapid Transit Corridor on Map 11 of the YROP.

Section 3.5.4 of the YROP requires that "local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community." It also states that "the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements."

Section 7.2.53 of the YROP restricts access from developments adjacent to Regional streets to maximize efficiency of the Regional street system by utilizing local street access.

The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes. The Development will diversify housing options, including a mix and range of housing type, lot and unit sizes, and tenure in the community. The Development will also provide for an urbanized streetscape along Major Mackenzie Drive and create a public amenity through the proposed pedestrian walkways. The access from Petticoat Road is consistent with the YROP policy to utilize local streets. The existing access onto Major Mackenzie Drive (a Regional Road) will no longer be utilized once the Development is constructed. The Development conforms to the YROP.

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

The Subject Lands are located adjacent to Major Mackenzie Drive, which is identified as a "Primary Intensification Corridor" in Schedule 1, "Urban Structure" of VOP 2010. Primary Intensification Corridors are intended to link together various local and primary centres on transit supportive corridors and are planned as places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses.

The Subject Lands are designated "Mid-Rise Residential" by VOP 2010, with a maximum permitted building height of 4-storeys and an FSI of 1.5 times the area of the lot. The "Mid-Rise Residential" designation permits residential units, home occupations, small scale convenience retail and community facilities, and public and private institutional buildings. Townhouses, stacked townhouses and low-rise buildings, are also permitted, provided that the lands are located within 70 m of other lands designated "Low-Rise Residential" in VOP 2010. Stacked townhouses are permitted on the Subject Lands, as the lands are located within 70 m of lands designated "Low-Rise Residential" in VOP 2010. The stacked and stacked back-to-back townhouses have a

height of 3 storeys and an FSI of 0.89 times the area of the lot. The Development conforms to VOP 2010.

#### Compatibility with Existing Neighbourhood

Zoning By-law Amendment File Z.16.006 was approved by the LPAT Order subject to the Owner satisfactorily addressing the compatibility and development criteria in VOP 2010 stipulated in sections 2.2.5.13 f), 9.1.2.5 and 9.2.3.3.

The Development has regard for the policy 2.2.5.13 f) as the stacked townhouses provide for a transition to the existing single detached dwellings through incorporating appropriate setbacks, step backs and massing.

Block 4 is located directly adjacent to existing single detached dwellings on Petticoat Road. The height of Block 4 is 12.62 m to the top of the rooftop stair enclosure. However, the rooftop stair enclosure has a step back of 3.3 m above the 3<sup>rd</sup> storey along the Petticoat Street frontage and a step back of 3.8 m above the 3<sup>rd</sup> storey on the north side of Block 4. Therefore, only a portion Block 4 features a maximum height of 12.62 m and the remaining height is approximately 9.5 m, creating a better transition for the existing dwelling east of Block 4.

The Development has regard for the following compatibility criteria set out in Section 9.1.2.7 (incorrectly referred to as 9.1.2.5 in the previous reports and LPAT Order) for new development in “Intensification Areas”:

- a. *Have buildings front onto a public street with generally consistent setbacks and built form along sidewalks*

The stacked and stacked back-to-back townhouse blocks are generally oriented towards public roads (Major Mackenzie and Petticoat Road) with the exception of Block 2. Block 2 has been designed to frame the Joshua Oliver House which has been determined will be reconstructed and remain in situ. Blocks 3 and 4 are located along Petticoat Road and have front-yard setbacks of 3 m and 4 m respectively, which have increased since the time of the original zoning by-law amendment application submission. Blocks 3 and 4 provide a gradual transition along the natural curve of Petticoat Road.

- b. *Locate building entrances so that they are accessible from the public sidewalk*  
The main entrances to the stacked and stacked back-to-back townhouses have been designed to front the public sidewalks for Blocks 3 and 4. Block 1 and 2 will be accessed via a private walkway. A series of private pedestrian walkways throughout the Subject Lands connect through to the public rights-of-ways within the existing community.

- c. *Provide active ground floor uses and avoid blank facades*

There are no blank facades as the main entrances to the stacked townhouses are proposed on the ground level. Small landscape treatment is also proposed in front of the townhouse units to create a more attractive public realm.

- d. *Mass new buildings to frame streets in a way that respects the existing street width but also provides a pedestrian scaled environment*

Block 1 is framed along Major Mackenzie Drive and Blocks 3 and 4 along are framed along Petticoat Road and creates a continuous public streetscape. Interior to the Development the townhouse blocks are oriented to frame the Joshua Oliver House which has been determined to remain in situ.

- e. *Create appropriate transitions in scale to areas of lower intensity while fulfilling intensification objectives*

The Development is considered a compact built form which is transit supportive and achieves the objectives for intensification set out in VOP 2010. The Development achieves an appropriate transition in scale by incorporating various setbacks and step backs to reduce impact on the surrounding low intensity areas to the east and south of the Subject Lands.

- f. *Provide appropriate parks and open space*

The private pedestrian laneways throughout the site will connect residents to the landscaped areas throughout the Subject Lands as will also provide connections to public sidewalks which access nearby park facilities.

- g. *Provide adequate light and privacy for occupants*

Adequate separation distances between townhouse blocks have been implemented to maximize privacy and optimize daylight. In addition, the following measures have been incorporated into the design to mitigate privacy impacts:

- Block 1
  - Frosted glass and parapet railings have been incorporated onto the eastern most unit of the rooftop terrace
- Block 2
  - roof-top amenity areas have been removed
  - The third floor terraces will include additional frosted glass and parapet railings
- Block 4
  - Adequate separate distance has been provided

- h. *Limit shadowing impacts*

The Owner submitted a Sun/Shadow Study prepared by Icon Architects and dated December 3, 2019 demonstrating that the Development will not create any significant shadow impacts on the existing neighbouring properties.

- i. *Provide appropriate indoor and outdoor amenity for occupants*

Outdoor amenity is provided through private balconies and/or roof top decks as well as landscaped open space throughout the Development.

- j. *Contribute to an interesting skyline through architectural treatment and roof design*

The Development consists of 3-storey stacked and stacked back-to-back townhomes and will therefore have little impact on the skyline

The Development has regard for the following development criteria set out in Section 9.2.3.3 of VOP 2010:

- The stacked and stacked back-to-back townhouses are massed to resemble a street townhouse and every unit has access to ground level
- The stacked and stacked back-to-back townhouses are three storeys in height
- No townhouse block is longer than 50 m in length
- Majority of the townhouse blocks are oriented towards a public street (Petticoat Road or Major Mackenzie Drive) with the exception of Block 2
- The facing distances between the townhouse blocks are greater than 18 m to maximize on daylight, landscaping and privacy

The Development Planning Department is satisfied that the Development achieves an appropriate transition in scale to areas of lower intensity located to the east and south of the Subject Lands.

Site-Specific Policy 13.8 in Volume 2 of VOP 2010 also applies to the Subject Lands, which identifies the following criteria with respect to redevelopment:

- a) the existing heritage building shall be maintained, protected, and integrated with the new development on the property in accordance with the policies of VOP 2010;
- b) existing vegetation should be preserved to the greatest extent possible through the site plan review process; and
- c) all required tenant parking spaces shall be located underground and limited visitor parking may be permitted above grade, subject to site plan approval.

The Development conforms to Policies 13.8 a) and c) in Volume 2 of VOP 2010, as the Owner proposes to conserve and reconstruct the original portion of the Joshua Oliver House (discussed further below) and all tenant and visitor parking is proposed underground, with the exception of two at-grade accessible parking spaces.

Site-specific Policy 13.8 b) states that existing vegetation should be preserved to the greatest extent possible. Metrolinx has indicated that a 3.5 metre vegetation setback measured from the Metrolinx property line has been established in association with Metrolinx's GO expansion program. Limited types of vegetation are allowed in this section such as low-rise shrubs and/or decorative grasses. Therefore, the existing vegetation in this setback is required to be removed as a safety measure for Metrolinx. The retention of the existing heritage tree adjacent to the Joshua Oliver House is discussed further in this report.

As such, the Development conforms to VOP 2010.

***Vaughan City Council must administer final approval of the implementing site-specific Zoning By-Law as directed by the LPAT Order***

The LPAT, on September 7, 2018, approved Zoning By-law Amendment File Z.16.006 in principle to rezone the Subject Lands from “A Agricultural Zone” to “RM2(H) Multiple Residential Zone” with the addition of the Holding symbol “(H)” and “OS1 Open Space Conservation Zone” but withheld its order respecting the implementing Zoning By-Law. On October 24, 2019, the LPAT issued a subsequent decision which granted Vaughan City Council Authority to administer final approval of the implementing Zoning By-Law.

The Owner is proposing to implement the following site-specific exceptions identified in Table 1 to facilitate the Development:

Table 1:

|    | <b>Zoning By-law 1-88 Standards</b>    | <b>RM2 Zone Requirements</b>                                                                                                                                                                                                                                                                                                                                                          | <b>Proposed Exceptions to the RM2 Zone Requirements</b>                                                                                                                                                                                                                                                                                                                           |
|----|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. | Definition of Lot                      | Means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the <i>Planning Act</i> would not be required for its conveyance. For the purposes of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot | Means the Subject Lands shall be deemed to be one lot, regardless of the number of buildings constructed thereon, the existing number of lots, the creation of separate units and/or lots by way of a plan of condominium, consent or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of Zoning By-Law 1-88 |
| b. | Definition Frontage on a Public Street | No person shall erect any building in any zone unless the lot upon which such building is to be erected fronts onto a public street                                                                                                                                                                                                                                                   | Permit a building (Block and Joshua Oliver House to front onto a private condominium road or walkway                                                                                                                                                                                                                                                                              |
| c. | Definition of Front Lot Line           | Means the street line, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting sight triangle                                                                                                                                                               | Means the front lot line is deemed to be Petticoat Road                                                                                                                                                                                                                                                                                                                           |

|    | <b>Zoning By-law 1-88 Standards</b>               | <b>RM2 Zone Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Proposed Exceptions to the RM2 Zone Requirements</b>                                             |
|----|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|    |                                                   | the centre point of the lot line abutting the sight triangle shall be deemed to be the point of intersection of the front and side lot lines. Where both lot lines are of equal length or where the lot abuts more than two (2) street lines, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A reserve abutting a street line shall be deemed to be a street for the purpose of this paragraph |                                                                                                     |
| d. | Definition of Rear Lot Line                       | Means the lot line most nearly opposite the front lot line, but if the side lot lines intersect, means the point of intersection.                                                                                                                                                                                                                                                                                                                              | Means the lot line is deemed to be Major Mackenzie Drive                                            |
| e. | Definition of Balcony                             | No Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Means a platform without a foundation and with at least one side open which is covered or uncovered |
| f. | Permitted Uses                                    | <ul style="list-style-type: none"> <li>• Apartment Dwelling</li> <li>• Multiple Family Dwelling</li> <li>• Block Townhouse Dwelling</li> <li>• Day Nursery</li> </ul>                                                                                                                                                                                                                                                                                          | Add Semi-Detached Dwelling as an additional use                                                     |
| g. | Minimum Lot Area                                  | 230 m <sup>2</sup> /unit                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100 m <sup>2</sup> /unit                                                                            |
| h. | Minimum Front Yard Setback (Petticoat Road)       | 4.5 m                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3 m (Block 3)<br>4 m (Block 4)                                                                      |
| i. | Minimum Rear Yard Setback (Major Mackenzie Drive) | 4.5 m                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3.0 m (Block 1)<br>0.93 m (Garbage Enclosure)<br>0.6 m (Exit Stair)                                 |

|    | <b>Zoning By-law 1-88 Standards</b>                                    | <b>RM2 Zone Requirements</b>                                                                                                                                                         | <b>Proposed Exceptions to the RM2 Zone Requirements</b>                                         |
|----|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| j. | Maximum Building Height                                                | 11 m                                                                                                                                                                                 | 14.2 m (Block 1)<br>11.4 m (Block 2)<br>13.6 m (Block 3)<br>12.62 m (Block 4)                   |
| k. | Minimum Setback from Underground Parking Structure                     | 1.8 m                                                                                                                                                                                | 0 m                                                                                             |
| l. | Minimum Number of Parking Spaces                                       | Townhouses:<br>62 dwelling units @<br>1.5 spaces / unit<br>= 93 spaces<br><br>Semi Detached Dwellings:<br>2 dwelling units @ 3<br>spaces/unit<br>= 6 spaces<br><br>Total = 99 spaces | All Residential:<br>64 dwelling units @<br>1.15 spaces / unit<br>Total = 74 spaces              |
| m. | Location of Parking Spaces for a Semi-Detached Dwelling                | Shall be located within a garage, carport or an uncovered space                                                                                                                      | Shall be located within the underground parking garage                                          |
| n. | Minimum Landscape Strip Along a Lot Line Adjacent to a Street Line     | 6 m                                                                                                                                                                                  | 0.6m<br>(Major Mackenzie Drive)<br><br>1.5 m<br>(Petticoat Road)                                |
| o. | Minimum Landscape Strip Width Around periphery of Outdoor Parking Area | 3.0 m (landscape strip)                                                                                                                                                              | 0 m (landscape strip on south side of accessible parking space at grade)<br><br>0 m (screening) |
| p. | Minimum Outdoor Parking Area Landscaping Screening Height              | 1.2 m                                                                                                                                                                                | 0 m<br>(accessible parking areas at grade)                                                      |
| q. | Maximum Canopy encroachments into required yards                       | 0.5 m                                                                                                                                                                                | 1 m (Block 1 & 3)                                                                               |
| r. | Maximum Height of Accessory Structure                                  | 4.5 m                                                                                                                                                                                | 4.83 m (Garbage Enclosure)                                                                      |

|    | <b>Zoning By-law 1-88 Standards</b> | <b>RM2 Zone Requirements</b>                           | <b>Proposed Exceptions to the RM2 Zone Requirements</b>    |
|----|-------------------------------------|--------------------------------------------------------|------------------------------------------------------------|
| s. | Location of Accessory Structure     | Accessory structures shall be located in the rear yard | Accessory structures shall not be located in the rear yard |
| t. | Maximum Height of Retaining Wall    | 1.0 m                                                  | 1.94 m                                                     |
| u. | Minimum Setback of Retaining Wall   | 1.94 m                                                 | 0 m                                                        |
| v. | Basement Dwelling Units             | Shall not be permitted                                 | Basement Dwelling Units permitted within Blocks 1, 2 and 3 |
| w. | Maximum Driveway Width              | 7.5 m                                                  | 7.6 m                                                      |
| x. | Setback to Rail Corridor            | 30 m                                                   | 26.46 m                                                    |

Minor modifications may be made to the zoning exceptions identified in Table 1 prior to the enactment of an implementing Zoning By-law, as required through the final review of Site Development File DA.19.070.

The Development Planning Department supports the proposed exceptions to Zoning By-law 1-88, for the following reasons:

- the intent of the “RM2 Multiple Residential Zone” and the “Mid-Rise Residential” designation of VOP 2010 is maintained as the proposed use, built form, building height and proposed density conforms to VOP 2010
- The proposed building setbacks and landscape provisions are appropriate and acceptable
- The Development overall is transit supportive and implements a urban built form that is not the same but compatible with surrounding development
- The DE Department has confirmed that the proposed parking supply is sufficient to accommodate both residents and visitors

The recommended setback requirement for residential uses to rail corridors is 30 m. The new infill portion of the Development would be setback 26.46 m measured from the rail corridor to the dwelling unit at the west end of Block 3. Metrolinx has reviewed the requested setback and has indicated that adequate noise mitigation and safety measures are achieved through the installation of the crash wall as shown on

Attachment 3. The implementing zoning by-law will also include the applicable setback of 26.46 m to the Metrolinx rail corridor.

***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.

The Development Planning Department has included a Recommendation to permit the Owner to apply for a 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. A condition to this effect is included in the Recommendations of this report.

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

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law. A notice of the passing 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. Until such time as By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both By-law 01-2021 and Zoning By-law 1-88, as amended, unless a transition provision under By-law 01-2021 applies.

***The Development Planning Department supports the Development***

**Site Plan**

The Development shown on Attachments 3 to 6 consists of 62 stacked and stacked back-to-back townhouse units distributed over four blocks and a semi-detached dwelling with the original portion of the heritage dwelling for a total of 64 units. All units in the Development will gain vehicular access from a private common element road, ranging in width from 6 m to 9 m. One point of access is proposed to the private common element road from Petticoat Road, as shown on Attachment 3.

The private common element road also provides direct access to the one-storey underground parking garage. Majority of the parking spaces (91 spaces) are located below grade, however there are 2 accessible parking spaces at-grade adjacent to the heritage dwelling. Of the 93 parking spaces, 16 are dedicated to visitor parking. A total of 28 bicycle parking spaces are proposed (8 at-grade and 20 within the underground parking garage).

Pedestrian connections are proposed throughout the Subject Lands. A 3 m public multi-use pathway ('MUP') adjacent to the Metrolinx right-of-way is proposed from Petticoat

Road that would connect the Development and existing community to the future Maple GO pedestrian bridge over Major Mackenzie Drive. Pedestrian connectivity within the Development is achieved by 1.5 m wide walkways throughout.

### Landscape Plan

The Landscape Plan is shown on Attachment 4. The Subject Lands are located adjacent to Metrolinx Barrie GO line. A crash wall is being installed along the western edge of the Subject Lands. The crash wall will also feature an acoustical wood fence to mitigate noise impacts. Directly east of the crash wall and acoustical fence will be an earthen safety berm with new plantings including shrubs, trees and grasses, with the exception of 3.5 m vegetation protection zone required by Metrolinx. A concrete MUP, which will be conveyed into public ownership, will run along the western edge of the Subject Lands adjacent to the earthen safety berm. A seat wall is proposed to be constructed along the MUP for pedestrian use.

Small landscaping treatment consisting of shrubs, trees and grasses are proposed in front of each unit at grade level, with the exception of modules 5, 6 and 7 in Block 1 as shown on Attachment 4. Hard landscaping in the form of pedestrian pavers is provided throughout the site to facilitate pedestrian activity.

The existing mature Black Walnut tree, as shown on Attachment 4, adjacent to the Joshua Oliver House is identified as a heritage tree. The arborist report concluded that the heritage tree can survive the proposed redevelopment of the Subject Lands. However, the heritage tree was damaged in a fire that occurred on the Subject Lands on May 6, 2022. The treatment of the heritage tree is discussed further in this report.

### Building Elevations

The proposed three-storey building elevations for both the stacked townhouse units and the stacked back-to-back townhouse units are shown on Attachment 5. The stacked and stacked back-to-back townhouses are similar in appearance and finish and comprise of beige brick cladding, grey and white efis as the main façade and accented with aluminum siding in a wood grained finish. The townhouse units frame the Joshua Oliver House located within the centre of the Development and is being conserved in its original form as shown on Attachment 6. It is noted that further revisions to the roofline of Blocks 3 and 4 are required in order to mitigate the perceived height of the stacked back-to-back townhouses along Petticoat Road.

The garbage collection and storage area is located at the northwest corner and is fully enclosed within a brick building with a dark grey garage door. This will limit the impact on the public realm, landscaped open spaces and adjacent units.

### Amenity Areas

Most units include a private balcony or terrace. The Development also includes a pergola between Block 3 and the Joshua Oliver house that will accommodate additional amenity for future residents.

### Waste Storage and Snow Storage

A loading pad is proposed adjacent to the garbage collection area to facilitate waste pick-up on designated waste pick-up days. Snow is proposed to be stored in a designated area west of Block 3.

### Sustainability Performance Metrics

The Owner submitted a complete Sustainability Scoring Tool and Summary Letter ('Sustainability Metrics Package') in support of the Development. The Development achieves the Silver Sustainability Threshold Score with an Overall Application Score of 34 and an Overall Community Score of 50 points, exceeding the City's minimum standard of 31 points

The Owner must satisfy all outstanding comments prior to the execution of the Site Plan Agreement and the Development Planning Department must approve the final site plan, landscape plan and details, landscape cost estimate, arborist report, tree preservation plan, building elevations and lighting plans. A condition to this effect is included in Attachment 1.

### ***A Tree Protection Agreement is required, subject to the Conditions of Approval***

The Owner submitted an Arborist Report and Tree Preservation Plan prepared by Beacon Environmental dated September 2019, revised January 2021 (the 'Arborist Report'). The Arborist Report identifies six (6) trees within the Petticoat Road right-of-way that will be removed due to construction. The municipally owned trees are valued at \$550 per tree in accordance with the City's Tree Protection Protocol. The Owner shall pay \$6,600 towards the City's Forestry Reserve Fund to fund new tree plantings within City-owned properties in the same community.

The Owner proposes to remove several private trees to accommodate the Development. Based on the City's Replacement Tree Requirements under the City's Tree Protection Protocol, the Arborist report has confirmed that 127 replacement trees are required on the Subject Lands. The proposed landscape plan includes 89 trees for replanting on the Subject Lands (including 6 trees that are smaller in size and each count as half the compensation), therefore cash-in-lieu is required. The Owner shall enter into a Tree Protection Agreement with the City prior to finalizing the Site Plan Agreement in accordance with the City's Tree Protection By-law 052-2018 and Tree Protection Protocol. The Owner shall not remove any trees without written approval by the City. A condition to this effect is included in Attachment 1 of this report.

### ***The Cultural Heritage Division has no objection to the Development, subject to conditions in this report***

#### History

The Joshua Oliver House, shown on Attachment 2 and 6, is listed on the City of Vaughan Heritage Register pursuant to Section 27 of the *Ontario Heritage Act*. The structure was erected between 1837 and 1840 in the Regency Cottage architectural style by the Porter Brothers. Joshua Oliver and his wife Anne Wade purchased the land in 1845. The Regency Cottage style of the dwelling is native to Ontario and currently there are few

remaining regency style buildings constructed in stone in Vaughan. A rear addition and two outbuildings were constructed between 1940 and 2013.

The LPAT Order noted that the original form of Joshua Oliver House has historical significance worthy of retention, therefore, the Joshua Oliver House was one of the organizing constraints of the site. The Owner was directed to explore the feasibility of relocation and conserving the Joshua Oliver House. The Owner proposes to alter the interior of the Joshua Oliver House to create a semi-detached dwelling.

#### Fire on the Subject Lands – May 6, 2022

A fire occurred on the Subject Lands the evening of May 6, 2022, that damaged the Joshua Oliver House and surrounding vegetation. The Owner has advised that they intend to restore the Joshua Oliver House in its original form as a semi-detached dwelling as initially intended. The Owner retained Candevcon Limited (Structural Engineers) to prepare a Structural Condition Assessment Report and assess the viability of the reconstruction of the Joshua Oliver House for residential purposes following the fire. The report, dated May 16, 2022, observed the following for the original portion of the Joshua Oliver House:

- North Wall: Stone (18" thick rubble wall) was observed to be in good condition. The glazing in the two large and two small windows were broken.
- West Wall: Stone (18" thick rubble wall) was observed to be in good condition with the exception of a small portion being damaged. The glazing in the two large and two small windows were broken
- East Wall: Stone (18" thick rubble wall) was observed to be in good condition with the exception of minor cracking and tilting at one part. The glazing of the two small windows and door were broken
- South Wall: Stone (18" thick rubble wall) was observed to be vary in fair to good condition with the loss of some stones at the top. A loss of integrity between a number of individual stone elements was observed at the top of and bottom portion of the wall.

The report concluded that based on the observations and review of the structural condition of the existing stone walls of the heritage dwelling, the Joshua Oliver House can be retained and used in the adaptation of the dwelling for future residential use, subject to remedial work to be completed.

Development Planning and Cultural Heritage staff attended a site meeting on May 17, 2022, with the Owners consultants and have reviewed the Structural Condition Assessment Report prepared by Candevcon Limited dated May 16, 2022. Staff have no objections to the Joshua Oliver House being restored, subject to the Owner providing a supplemental remedial building works, stabilization and conservation report to the satisfaction of City of Vaughan staff. A condition to this effect is included in Attachment 1.

#### Location of the Joshua Oliver House on the Subject Lands

The Owner explored the feasibility of relocating the Joshua Oliver House elsewhere on the Subject Lands. The Owner submitted a Cultural Heritage Impact Assessment and Structural Review Report ('CHIA Report') prepared by Golder Associates dated August 22, 2019. The CHIA Report concluded that the best option for balancing the economic vitality of the surrounding land and sustainably conserving the heritage attributes of the Joshua Oliver House is to rehabilitate the heritage dwelling for a compatible new use while preserving the original heritage attributes in situ. Additionally, the Structural Review component of the CHIA Report advises against the relocation of the heritage dwelling based on the age and type of materials used in construction. Cultural Heritage Staff have reviewed the CHIA and concur with the findings. The Joshua Oliver House will remain in its original location ('in situ') and will be integrated into the Development. The CHIA and Conservation Plan will be updated to reflect the recent changes in condition of the Joshua Oliver House following the fire.

#### Heritage Tree adjacent to the Joshua Oliver House

Since it was determined that the location of the heritage dwelling is to remain in situ, the Owner was required to preserve the existing vegetation on the Subject Lands to the greatest extent possible, as required by 13.8 b) of VOP 2010. The Owner submitted an Arborist Report. The Arborist Report concluded that majority of the vegetation is to be removed in order to accommodate a new crash wall and other safety requirements (3.5 m vegetation free setback) for the Metrolinx's expansion of the GO rail line. The Arborist Report concluded that the existing heritage tree adjacent to the Joshua Oliver House could withstand construction with appropriate measures is to be preserved with protection fencing, setbacks from surface works and other protection measures in accordance with City of Vaughan guidelines. However, due to the fire that occurred on May 6, 2022, the heritage tree was damaged. The Owner shall provide an addendum to the Arborist Report assessing the health of the heritage tree. A condition to this effect is included in attachment 1.

#### Stability and Conservation of the Joshua Oliver House

The Owner retained Golder Associates to undertake a third-party review of the heritage Stability Study (the 'Stability Study') originally prepared by Mirkwood Engineering dated December 2017. The Stability Study confirmed the general stability of the Joshua Oliver House. The Stability Report also made additional recommendations for continued stability throughout construction of the Development. The Owner will be required to revise the proposed Conservation Plan to the satisfaction of the Cultural Heritage Division that will address the treatment of the Joshua Oliver House through site preparation, demolition, construction and operation of the Development. The Owner will also be required to submit a cost estimate and financial security for the retention of the Joshua Oliver House during construction and restoration and the installation of a commemorative display identifying the history of the Joshua Oliver House. Conditions to this effect are included in Attachment 1.

#### Designation of Heritage Value

The Joshua Oliver House is listed under Section 27 of the *Ontario Heritage Act* but not designated under Part IV. Therefore, the proposed alterations do not require review by Heritage Vaughan. However, once the Site Plan Agreement is executed, Cultural Heritage Staff advise that the City of Vaughan intends to designate the Joshua Oliver House under Section 29 Part IV of the *Ontario Heritage Act*, using the new legal address of the property. This will ensure that the conserved cultural heritage attributes continue to be conserved in its use by future occupants. This is also in keeping with Section 13.8.1 of VOP 2010, Volume 2. A condition and a warning clause to this effect is included in Attachment 1.

#### Archaeological Resources

The Subject Lands have undergone a Stage 1, 2 and 3 Archaeological Assessments and the City is in receipt of the letters of review and inclusion in the Provincial Database from the Ministry of Heritage, Sport, Tourism and Culture Industries (the 'Ministry').

The final Stage 4 excavation and mitigation of the identified Euro-Canadian site on the lands took place in April/May of 2022. A complete Stage 4 Archaeological Report and letter of review from the Ministry is required to be submitted and reviewed by Cultural Heritage Staff prior to the execution of the Site Plan Agreement. A condition to this effect is included in Attachment 1.

Overall, the Cultural Heritage Division of the Development Planning Department has no objections to this proposal subject to the conditions in Attachment 1.

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

PIPD have no objection to the Development, subject to the Owner satisfying their conditions of approval in Attachment 1 of this report.

#### Multi-use Pathway ('MUP') from Petticoat Road to Major Mackenzie Drive

PIPD staff have requested that a 3.0 m wide MUP be constructed within the Subject Lands. This MUP will provide a connection from Petticoat Road to Major Mackenzie Drive. The MUP has been designed and coordinated to also accommodate a connection to the future Maple GO Pedestrian Bridge north of the Subject Lands once it has been constructed. Prior to the execution of the Site Plan Agreement, the Owner will be required to convey ownership of the lands that form part of the MUP in favour of the City of Vaughan to permit use of the MUP for the general public. The Owner will also be required to provide revised drawings and details showing the MUP and provide a letter of credit totaling the cost to construct the MUP to the satisfaction of PIPD staff. Conditions to this effect are included in Attachment 1.

#### Community Services and Facilities Impact Study

The Owner submitted a Community Services and Facilities Impact Study (the 'CSFIS') prepared by Weston Consulting dated February 2020, revised December 2021. The CSFIS concluded that the future residents of the Development would be adequately served by the existing and proposed community services and facilities and Active

Transportation Network. The PIPD staff have reviewed the CSFIS and concur with the findings.

#### Warning Clauses

PIPD staff require warning clauses to be included within all Offers and Agreements of Purchase and Sale or Lease for all lots abutting and adjacent to the MUP. The warning clauses advise that lighting and noise should be expected from the use of the MUP for recreational purposes, that encroachments and dumping on the MUP is prohibited, and that the MUP may be subject to future redevelopment/ or maintenance resulting in increased usage and noise. The warning clauses are included in Attachment 1.

#### ***The Development Engineering Department ('DE') have no objection to the Development, subject to the conditions in this report***

The DE Department have no objection to the Development, subject to the Owner satisfying their conditions of approval in Attachment 1 of this report.

#### Sanitary Servicing

The Development will be serviced for sanitary drainage via connection to the existing 200 mm diameter sanitary sewer on Petticoat Road. This sanitary sewer was designed to service 80 units and a population of 320 people from the Subject Lands. The Development proposal includes 64 units and a population projection of 224 people. The proposed sanitary discharge is less than the allowable allocated for design of the sewer. As such, City staff agree with the Report's findings for sanitary servicing and agree with the connection location.

#### Water Servicing

A future 300 mm watermain is to be constructed within the Major Mackenzie Drive right-of-way by Metrolinx in conjunction with the City of Vaughan. This future watermain is to be located along the south side of the Major Mackenzie right-of-way. The DE Department preference was made to connect the proposed domestic and fire services for the Subject Lands to the proposed future watermain which has been shown on the latest Site Servicing Plan prepared by Crozier Consulting Engineers dated March 10, 2021.

The DE Department requires the Owner to register a reference plan showing a 3.0 m access and watermain easement located on the northeast corner of the Subject Lands, as shown on Attachment 3. The easement will be registered on title in favour of the City to provide access to the City of Vaughan's contractor to complete the Metrolinx capital project watermain connection between the Major Mackenzie Drive and Silk Oak Court watermain. A condition to this effect is included in Attachment 1.

#### Storm Servicing

The Subject Lands will outlet controlled minor storm flows to the existing sewer on Petticoat Road and shall be controlled to the target flow rate prescribed for the Subject Lands during design of the adjacent subdivision and the Petticoat Road storm sewer. To achieve this target, on-site stormwater detention is proposed prior to the orifice tube

outlet pipe. For small areas of uncontrolled flow, post-development flows are below pre-development flows and is therefore permitted. The Region of York, however, shall review and approve the discharge of flow onto Major Mackenzie Drive.

Stormwater quality control will be achieved at the stormwater facility servicing the Subject Lands and the adjacent subdivision. As an added measure, sedimentation of suspended particles within the stormwater will be allowed to settle within the on-site detention tank for removal prior to discharge into the municipal storm sewer.

#### Grading

The majority of the Subject Lands is proposed to be graded such to drain towards Petticoat Road in emergency conditions (100-year storm). Some post-development drainage will be directed over the embankment towards Major Mackenzie Drive, as in the pre-development condition. Retaining walls along the majority of the east and west property lines are proposed to facilitate the grading of the site. A future concrete Pedestrian Bridge is to be constructed within the Major Mackenzie Drive right-of-way by Metrolinx in conjunction with the City of Vaughan. This future pedestrian bridge is to be located over the Major Mackenzie right-of-way in the northwest corner of the Subject Lands. It is shown on the Grading Plan prepared by Crozier Consulting Engineers that a public access easement and sidewalk will connect to this pedestrian bridge from the Subject Lands.

#### Erosion and Sediment Control

Albeit a variety of erosion control best management practice manuals are available, 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 and the erosion control drawings for the Subject Lands.

#### Site Access, Parking and Traffic Considerations

The Development includes a single full-moves access at Petticoat Road. The existing access on Major Mackenzie Drive will be closed. The Owner submitted a Traffic Study and Opinion Letter prepared by C.F. Crozier and Associates Inc., dated February 4, 2016, and December 24, 2021, in support of the proposed Development (the 'Traffic Study'). The Traffic Study concludes that the Development can be supported from a traffic operations perspective as the anticipated traffic to be generated can be accommodated by the existing road network. The estimates in the Traffic Study indicate that the Development will generate approximately 53 vehicle trips during the peak hourly travel periods. This represents approximately one vehicle per minute. This additional traffic is expected to disperse in a southerly and easterly direction through the surrounding local road network with minimal impact.

The Traffic Study concludes that the proposed parking supply and orientation of 93 parking spaces (77 residential, 16 victor) is acceptable and functional. There are two transit agencies that service the immediate surrounding area of the Subject Lands that include GO Transit and York Regional Transit (YRT routes 4, 4A and 105). The Maple GO Station is located within 300 meters of the Subject Lands. The bus stops are located within 500 meters of the Subject Lands. Therefore, the Subject Lands are accessible via transit facilities, which could reduce the car ownership rate of the Development. The DE Department is satisfied with the findings of the Traffic Study and Opinion Letter.

The Traffic Study does identify some operational issues with the existing intersection of Peter Rupert Avenue and Lealinds Road/Freedom Trail. To help improve existing intersection operation, signalization was considered at the Lealinds Road / Freedom Trail intersection. However, the signalization is not warranted under the existing and future traffic conditions. The DE Department will require further details on advanced Traffic Demand Management measures as recommended in the Traffic Study to mitigate traffic impacts as greatly as possible. These measures could include reduced vehicular parking, car-share parking, additional bicycle parking. A condition to this effect is included in Attachment 1.

In addition, the DE Department notes that a segment of Grand Trunk Avenue between Lady Bianca Court and District Avenue is not yet constructed. This connection, as identified in the approved Block 18 Transportation Master Plan, will add another section of north-south collector to the Block 18 road network and will further help to disperse site traffic away from Peter Rupert Avenue in the future.

The DE Department also notes that the MUP connection to the future Maple GO pedestrian bridge shall be reviewed and completed to their satisfaction. A condition to this effect is included in Attachment 1.

#### Environmental Site Assessment

The Environmental Engineering division of the DE Department has reviewed the Phase One Site Assessment report dated February 2021 and the Environmental Subsurface Investigation report dated January 29, 2021, both prepared by Envirovision Inc. The findings of the reports did not identify any significant potential contaminating activities or areas of potential environmental concern. Therefore, no further investigations were required. The DE Department concurs with the findings.

#### Noise Attenuation

The Owner submitted a Noise and Vibration Impact Study prepared by HGC Engineering Limited dated August 23, 2019, revised March 5, 2021 ('Noise and Vibration Study'). The Noise and Vibration Study concludes that sound levels generated traffic on Major Mackenzie Drive and rail traffic on the Metrolinx transit line will be high, requiring some noise control measures. The Noise and Vibration recommends several noise control measures to mitigate noise effects from transportation and stationary sources to meet sound level targets in accordance the Ministry of Environment,

Conservation and Parks ('MECP') "Environmental Noise Guidelines NPC-300" ('NPC-300'). The recommendations include the inclusion of the crash wall with acoustical barrier next to the rail corridor, central air condition for all dwelling units, brick veneer or masonry equivalent exterior wall construction for the dwelling units adjacent to the rail corridor, and warning clauses inserted in the agreements of purchase and sale.

The Noise and Vibration Study indicates that ground vibrations will not significantly impact the Development. The vibration levels from the adjacent GO Transit rail corridor are expected to be below the level of perception therefore no mitigation measures are recommended. However, one freight train from Canadian National Railway was observed which exceeded the guidelines for ground-borne vibration by a very minor amount. Canadian National Railway freight trains do not operate on the tracks on a day-to-day basis. Therefore, a warning clause is recommended to inform future occupants of potential vibration excesses.

Prior to the execution of the Site Plan Agreement, the DE Department must approve the final Noise and Vibration Study. In addition, site-specific warning clauses will be included in the implementing Site Plan Agreement. Conditions to this effect are included in Attachment 1.

#### Servicing Allocation

At the time related zoning by-law amendment file Z.16.006 was considered, it was recommended that the Subject Lands would to be zoned with a Holding Symbol ('H') until it was confirmed that there is adequate water and sewage capacity to service the Development through the Application. The DE Department has confirmed there is adequate capacity, and it is therefore recommended that Vaughan Council allocate servicing to this development. A condition to this effect is included in the Recommendation Section of this report. Therefore, the Holding Symbol ('H') is not required, and the implementing zoning by-law will not be passed with a Holding Symbol ('H').

#### ***The Subject Lands form part of the Block 18 Community Plan***

Vaughan Council on April 14, 2003, approved the Block 18 Community Plan that provided a detailed planning framework in accordance with Official Plan Amendment ("OPA") #600 for the Block 18 Planning area, bounded by Dufferin Street, Rutherford Road, Major Mackenzie Drive and the Metrolinx rail line, which includes the Subject Lands. The Block Plan approval process addressed matters related to servicing and infrastructure including road and pedestrian networks, lot patterns and the location of community services such as schools, parks and community centres. The Block 18 Community Plan served as a comprehensive vision and plan for the creation of individual plans of subdivision.

Through the Block 18 Community Plan process, the Subject Lands were identified as a non-participating owner and as a future phase of development. Should the Application be approved, the Owner is required to satisfy all obligations, financial or otherwise, of the Block 18 Developer's Group Agreement to the satisfaction of the Block 18 Trustee

as a condition of site plan approval. A condition to this effect is included in Attachment 1.

The Owner will be required to update the approved Block 18 Plan and display a Community Plan that reflects the approved Block 18 Plan on the interior wall of the sales office, comprised of information approved by the City of Vaughan, prior to offering any units for sale. A condition to this effect is included in Attachment 1.

***Acquisition by the Owner of Block 64, Plan 65M-4190***

At time of Zoning By-Law Amendment Application Z.16.006 was under review, the City of Vaughan received a letter from S. Spring, Goldman, Spring, Kichler & Sanders Barristers and Solicitors dated March 24, 2017, who represent Fernbrook Homes (Block 18) Gulf Limited ("Fernbrook"), the Owner of Block 64 on Registered Plan 65M-4190. Fernbrook have requested that the City impose a condition of approval for the Owner to acquire Block 64 on Registered Plan 65M-4190, as shown on Attachment 2.

***A Draft Plan of Condominium Application is required to implement the Development***

The Owner has indicated that the Development will be managed by a Condominium Corporation. Should Vaughan Council approve the Application, a Draft Plan of Standard Condominium application will be required to create the condominium tenure for the Development.

***Development Charges are applicable to the Development***

The Owner will be required to pay Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, the York Region District School Board and the York Catholic District School Board. A standard clause will be included in the Site Plan Agreement.

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

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to the Owner providing a letter from a qualified professional indicating that a waste collection vehicle can pass over a supported underground parking garage and whether it can support a minimum of 35,000 kilograms. A condition to this effect is included in Attachment 1.

Upon a successfully completed application, site inspection and execution and registration of an Agreement or Undertaking with the City, the future Condominium Corporation may be eligible for municipal waste collection services. However, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement or Undertaking with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

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

The Office of the Infrastructure Development Department, Real Estate Services has advised that 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 5% or 1 ha per 500 units of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Office of the Infrastructure Development Department, Real Estate Services, and the approved appraisal shall form the basis of the cash-in-lieu payment.

***The Fire and Rescue Services Department have no objection to the Development***

Vaughan Fire and Rescue Service supports the Development subject to the Owner satisfying all Ontario Building Code requirements and providing a minimum level of fire safety and protection at the building construction stage of development. A condition to this effect is included in Attachment 1.

***Metrolinx has no objection to the Development, subject to the conditions in this report***

The Subject Lands are located in close proximity to GO Transit's Barrie rail corridor and Maple GO Station. The recommended setback requirements for residential uses to rail corridors is 30 m. The Development is setback 26.46 m measured from the rail corridor to the Joshua Oliver House. To mitigate noise and safety concerns from the reduced setback, the Owner has proposed to implement a hybrid crash wall and safety berm on the Subject Lands. Metrolinx, in association with their technical advisor AECOM, has reviewed the design of the crash wall and safety berm, prepared by C.F Crozier and Terraplan advised that this approach is acceptable. The Owner will be required to enter into an Adjacent Development Agreement registered on title which will outline how Metrolinx concerns will be met, an environmental easement for operational emissions.

Metrolinx has provided warning clauses to be inserted in all agreements, offers of purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m of the railway right-of-way. The warning clauses are included in Attachment 1.

Metrolinx also notes that due to the close proximity of the Subject Lands to the rail corridor, the Owner will require sign off on their construction methodology from their technical advisor AECOM. Additional agreements with Metrolinx may be required. Overall, Metrolinx has no objection to the Development, subject to the Owner satisfying all the requirements of Metrolinx. A condition to this effect is included in Attachment 1.

It is also noted that Metrolinx Maple GO Pedestrian Bridge project impacts the Subject Lands. Therefore Metrolinx, in association with their technical advisor AECOM, and City Staff have coordinated the proposed Development in consideration of retaining walls, MUP location, grading, plant material design, utility relocation.

***The Toronto and Region Conservation Authority have no objection to the Development***

The Subject Lands are located in a Source Water Protection vulnerable area referred to as a Wellhead Protection Area-Q2 (WHPA-Q2). As such, this Application is subject to policies within the Credit Valley - Toronto and Region - Central Lake Ontario ('CTC') Source Protection Plan that need to be addressed through a site-specific water balance assessment. The TRCA has reviewed the Water Balance Report provided within the Functional Servicing and Stormwater Management Report prepared by Crozier Consulting Engineers dated March 2021, submitted in support of this Application. The TRCA has advised they have no objection to the Development.

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

Canada Post has no objection to the Development subject to conditions of approval included in Attachment 1.

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

The York Region District School Board and York District Catholic School Board have no objection to or any conditions of approval for the Application. No comments were received from the Conseil Scolaire de District Catholique CentreSud.

***Other external agencies and various utilities have no objection to the Development***

The Owner is required to satisfy all requirements of Alectra Utilities, Enbridge Gas, Bell Canada, and Hydro One for the Development. A condition to this effect is included in Attachment 1.

**Financial Impact**

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

**Broader Regional Impacts/Considerations**

The Subject Lands are located adjacent to Major Mackenzie Drive, part of the Regional Rapid Transit Network and an arterial road under the jurisdiction of York Region with a planned right-of-way width of 45 m. The Owner is required to convey land along the frontage of Major Mackenzie Drive for road widening purposes. In accordance with the Traffic Opinion Letter prepared by Weston Consulting and dated September 2018, York Region requires the following measures be implemented to their satisfaction:

- The Owner shall provide direct shared pedestrian/cycling facilities and connections from the Development to boundary roadways to support active transportation and public transit where appropriate; and
- The Owner shall agree to implement all recommendations of the Traffic Study, including Traffic Demand Management measures

York Region requires the Tree Inventory and Preservation Plan and Arborist Report to be updated to include all regional trees within 10 metres of the limit of site disturbance.

The final landscape plan, details, tree inventory, preservation and removals plan and Arborist Report must be to the satisfaction of York Region. The Owner will be required to enter into an encroachment agreement with York Region once the construction hoarding, fencing and tie back system is approved to the satisfaction of York Region.

Prior to execution of the Site Plan Agreement, all the requirements of York Region must be satisfied. A condition to this effect is included in Attachment 1.

### **Conclusion**

The Development Planning Department is of the opinion that the Development is appropriate and compatible with the existing and permitted uses of the surrounding area. The Application would facilitate development that is consistent with the PPS, the Growth Plan, and the Development conforms to the YROP and VOP 2010. On this basis, the Development Planning Department can support the approval of the Application subject to the Recommendations in this report, and the Conditions as set out in Attachment 1.

**For more information**, please contact: Daniela DeGasperis, Planner, Development Planning Department, ext. 8382.

### **Attachments**

1. Conditions of Site Plan Approval
2. Context & Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Building Elevations – Typical Townhouse Blocks
6. Building Elevations – Joshua Oliver House

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