

## Committee of the Whole (1) Report

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**DATE:** Tuesday, February 28, 2023

**WARD:** 3

**TITLE:** 3911 TESTON ROAD INC.

**OFFICIAL PLAN AMENDMENT FILE OP.21.005**

**ZONING BY-LAW AMENDMENT FILE Z.21.008**

**DRAFT PLAN OF SUBDIVISION 19T-21V002**

**3911 TESTON ROAD**

**VICINITY OF TESTON ROAD AND WESTON ROAD**

**(REFERRED)**

**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 Official Plan Amendment File OP.21.005, Zoning By-law Amendment File Z.21.008 and Draft Plan of Subdivision File 19T-21V002 for the Subject Lands shown on Attachment 2, to permit one (1) residential block for 125 common element townhouse dwelling units consisting of 57 street townhouse units, 28 dual frontage townhouses units and 40 back-to-back townhouse units, private parkettes and a private stormwater management pond accessed by a common element condominium road (Block 1), a 10 m open space buffer area (Block 2) and a future development block (Block 3), as shown on Attachments 4 to 9.

## **Report Highlights**

- The Owner proposes a development comprised of 145 townhouse dwelling units, private amenity areas and a stormwater management pond, accessed by a private condominium road
- Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications are required to permit the proposed development
- The Development Planning Department recommends modifications to the proposed development.
- The modified development would consist of 125 common element townhouses units with a gross density of 11.3 units per hectare
- The Development Planning Department supports the approval of the modified development as it is consistent with Provincial and Regional policies, and the amendments proposed to the Vaughan Official Plan and Zoning By-law 1-88 are considered appropriate and compatible with existing and planned land uses in the surrounding area.

## **Recommendation**

Council, at its meeting of September 28, 2022, adopted the following recommendation, (Item 9, Committee of the Whole, Report No. 32), without amendment:

### **Recommendations of the Committee of the Whole of September 13, 2022:**

- 1) That consideration of this matter be deferred to the Q1 of 2023, Committee of the Whole meeting; and
- 2) That the following Communication be received:  
  
C3. Rosemarie Humphries, Humphries Planning Group Inc., dated September 2, 2022

Council, at its meeting of June 28, 2022, adopted the following recommendation, (Item 9, Committee of the Whole, Report No. 30), without amendment:

### **Recommendation of the Committee of the Whole of June 21, 2022:**

- 1) That consideration of this matter be deferred to the September 13, 2022, Committee of the Whole meeting; and
- 2) That the following Communication be received:

C12. Rosemarie Humphries, Humphries Planning Group Inc., dated June 20, 2022

Report / recommendations of the of the Report of the Deputy City Manager, Planning and Growth Management, dated June 21, 2022:

1. THAT Official Plan Amendment File OP.21.005 (3911 Teston Road Inc.) BE APPROVED to amend Vaughan Official Plan 2010 and Official Plan Amendment 600 for the Subject Lands shown on Attachment 2, to permit the development within the “Low-Density Residential” designation, together with the site-specific exceptions identified in Table 1, SUBJECT TO THE FOLLOWING MODIFICATIONS:
  - a. Back-to-Back Townhouse Blocks 7 and 8 as shown on Attachment 5, are removed to accommodate a centralized parkette, and;
  - b. The gross density be revised from 5 to 11.3 units per hectare rather than 5 to 11.41 units per hectare to account for the net loss of 20 dwelling units due to the above noted modification.
  
2. THAT Zoning By-law Amendment Z.21.008 (3911 Teston Road Inc.) BE APPROVED IN PRINCIPLE to amend Zoning By-law 1-88 to rezone the Subject Lands from “A Agricultural Zone” and “OS1 Open Space Conservation Zone” in Zoning By-law 1-88 to “RT1 Residential Townhouse Zone”, “OS1 Open Space Conservation Zone” and “A Agricultural Zone” in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2, SUBJECT TO THE FOLLOWING MODIFICATIONS as shown on Attachments 5 and 6:
  - a. replace Back-to-Back Townhouse Blocks 7 and 8, as shown on Attachment 5, to accommodate a centralized parkette;
  - b. facilitate a single access on Teston Road to be shared by the subject lands and the abutting lands to the west, municipally known as 3979 Teston Road;
  - c. explore alternative access locations from Teston Road to avoid an existing catch basin located along Teston Road, to the satisfaction of York Region, and;
  - d. relocate the accessory stormwater management structures (i.e. plunge pool and access road) to the satisfaction of the TRCA, which may result in the loss of unit(s) to Block 18, as shown on Attachment 6.

3. THAT prior to the enactment of the implementing Zoning By-law Amendment for File Z.21.008, the related Site Development Application (File DA.21.069) shall be approved and address the following to the satisfaction of the City:
  - a. replace Back-to-Back Townhouse Blocks 7 and 8, as shown on Attachment 5 to accommodate a centralized parkette;
  - b. facilitate a single access on Teston Road to be shared by the subject lands and the abutting lands to the west, municipally known as 3979 Teston Road;
  - c. explore alternative access locations from Teston Road to avoid an existing catch basin located along Teston Road to the satisfaction of York Region, and;
  - d. relocate the accessory stormwater management structures (i.e. plunge pool and access road) to the satisfaction of the TRCA, which may result in the loss of unit(s) to Block 18, as shown on Attachment 6.
4. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City of Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the subject lands comes into effect, to permit minor adjustments to the implementing Zoning By-law;
5. THAT Draft Plan of Subdivision File 19T-21V002 (3911 Teston Road Inc.) BE APPROVED SUBJECT TO THE CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL identified in Attachment 1, to permit one (1) residential block (Block "1"), one (1) 10 m open space buffer block (Block "2") and a one (1) block to be retained by the Owner for future development purposes (Block "3"), with the portions proposed to be rezoned to "OS1 Open Space Conservation Zone," to be conveyed to the TRCA.
6. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

"THAT Draft Plan of Subdivision File 19T-21V002 be allocated servicing capacity from the York Sewage Servicing/Water Supply System for a total of 125 residential units (383 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 Section if the development

does not proceed to registration and/or building permit issuance within 36 months”.

## **Background**

**Location:** The subject lands (the ‘Subject Lands’) are 4 hectares in size with frontage on the south side of Teston Road and the west side of Weston Road, and are municipally known as 3911 Teston Road. The Subject Lands and surrounding land uses are shown on Attachment 2. Only the portion of the Subject Lands identified as “Development Area” on Attachment 2 is proposed to be developed at this time.

The Subject Lands contain natural features including a valley corridor with a tributary of the Humber River Watershed, a Provincially Significant Wetland (‘PSW’) of the Humber River Wetland Complex and a woodland (the ‘natural features’). The Subject Lands are also identified as being located within a Wellhead Protection Area (WHPA-Q) and a Highly Vulnerable Aquifer Area.

The Subject Lands are currently vacant but were previously occupied by three dwellings and a barn. One of these dwellings was a log cabin built in 1840, known as the James Calhoun House that is registered in the Vaughan Heritage Inventory.

### ***Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit the development***

The Owner has submitted the following applications (‘the Applications’) for the Subject Lands shown on Attachment 2, to permit a development consisting of 145 common element townhouse dwelling units, private parkettes and a private stormwater management pond (‘SWM’) accessed by a common element condominium road, in addition to a 10 m open space buffer area and a future development block (‘the Development’), as shown on Attachments 4 to 9:

1. Official Plan Amendment File OP.21.005 to amend Vaughan Official Plan 2010 (‘VOP 2010’) and Official Plan Amendment 600 (‘OPA 600’) to permit the following site-specific amendments to the “Low Density Residential” designation:
  - a) Amend Section 4.2.1.1.ii of OPA 600 and Section 12.13.2.5.v.B of VOP 2010, Volume 2, Area Specific Policy 12.13 - Block 40/47 to permit: street townhouse units, dual frontage townhouse units and, back-to-back townhouse units and a private stormwater management pond on a common element road, in the “Low Density Residential” designation;

- b) Amend Section 9.2.3.2. of VOP 2010, Volume. 1, to permit street townhouses, no more than 8 townhouse units in a row and back-to-back townhouses, no more than 10 townhouse units in a block, and a facing distance of 16.9 m between the townhouses, and;
  - c) Amend Section 12.13.2.5.v.A of VOP 2010, Volume 2, Area Specific Policy 12.13 - Block 40/47 to permit a gross density between 5.0 and 11.41 units per hectare, calculated on the area of developable lands.
2. Zoning By-law Amendment File Z.21.008 to rezone the Subject Lands from “A Agricultural Zone” and “OS1 Open Space Conservation Zone”, as shown on Attachment 4, to “RT1 Residential Townhouse Zone”, “OS1 Open Space Conservation Zone” and “A Agricultural Zone” in the manner shown on Attachment 4, together with the site-specific zoning exceptions identified in Table 2 of this report.
  3. Draft Plan of Subdivision File 19T-21V002 (the ‘Draft Plan’), as shown on Attachment 4, to facilitate a plan of subdivision consisting of the following:

<b>Blocks</b>	<b>Land Use</b>	<b>Area (ha)</b>	<b>Units</b>
Block 1	Residential	3.50	145
Block 2	10 m Open Space Buffer	0.50	
Block 3	Other Lands Owned by Owner	10.46	
<b>Total</b>		<b>14.46</b>	<b>145</b>

***Site Development Application (File DA.21.069) will be required to be approved by the City***

Site Development Application (File DA.21.069) has also been submitted together with the above-noted Applications to permit the Development, as shown on Attachment 5. Site Development Application File DA.21.069 will require approval from the City.

The Development Planning Department has recommended modifications to the Development (‘Modified Development’), as identified in the recommendations of this report. The rationale for these modifications is provided throughout the report.

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

- a) Date the Notice of Public Meeting was circulated: August, 20, 2021

The Notice of Public Meeting was also posted on the City's website at [www.vaughan.ca](http://www.vaughan.ca) and a Notice Sign was installed along Teston Road and Weston Road in accordance with the City's Notice Signs Procedures and Protocols.

- b) Circulation Area: The Notice of Public Meeting was circulated to an expanded notification area within 200 m of the Subject Lands, as shown on Attachment 2, to the Kleinburg and Area Ratepayer's Association, the Millwood Woodend Ratepayers Association, the Vellore Woods Ratepayers Association, the MacKenzie Ridge Ratepayers Association and to anyone on file with the Office of the City Clerk having requested notice.
- c) The Development Planning Department has received the following deputations and written comments as it relates to the Applications (as of May 17, 2022):
- Dr. B. Sidhu, Greenbooke Drive, email dated June 7, 2021;
  - Rosemarie Humphries, deputation on behalf of Owner, dated September 14, 2021
  - D. Steinberg, on behalf of Block 40/47 Landowner's Group, letter dated September 17, 2021
  - M. Testaguzza, on behalf of 2929376 Canada Inc., owner of 3979 Teston Road, letter dated September 24, 2021

The following comments regarding the Applications have been received to date:

- Loss of greenspace and environmentally protected lands
- Increase in pollution, traffic and overcrowding of schools
- The Owner shall enter into the Block 40/47 Developers Group Cost Sharing Agreement and must provide the City with written acknowledgement from the Trustee appointed that the agreement has been executed and that the payments required therein have been provided
- The Owner of neighbouring lands to the west located at 3979 Teston Road has an interest in the Applications as it relates to coordination of future development on their lands

The Public Meeting was held on September 14, 2021. On September 27, 2021, Council ratified the recommendation without amendment to receive the Public Meeting Report and that any issues identified be addressed by the Development Planning Department in a comprehensive report to the Committee of the Whole.

## **Previous Reports/Authority**

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

[June 17, 2014, Committee of the Whole Report, Application for Block Plan Approval, Report No. 30, Item 57, ratified by Council on June 24, 2014, as amended](#)

[May 19, 2015, Committee of the Whole Report, Application for Block Plan Approval Status Update, Report No. 20, Item 4, ratified by Council on May 19, 2015, as amended](#)

[September 14, 2021, Committee of the Whole Report \(Public Meeting\), Report No. 41, Item 2, ratified by Council on September 27, 2021, as amended](#)

## **Analysis and Options**

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

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides for appropriate development while ensuring public health and safety, and the quality of the natural and built environment are protected. The PPS also recognizes that local context and character is important. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS. The Subject Lands are located within a "Settlement Area", as defined by the PPS.

The Development Planning Department has reviewed the policies of the PPS and is of the opinion that the Modified Development is consistent with the policies of the PPS, specifically:

- Section 1.1.1 (b) - accommodates a range and mix of residential types including street towns and back-to-back towns with frontage onto a private common element road that will provide new housing opportunities for the area
- Section 1.1.1 (e) - promotes integration of land use planning and growth management by safeguarding a shared access to Teston Road to ensure coordinated redevelopment for the property to the west, municipally known as 3979 Teston Road
- Section 1.1.3.1 – promotes growth and development within a settlement area
- Section 1.1.3.2 (a) - promotes efficient development of vacant, underutilized land through intensification



- Section 1.1.3.2 (f) - is transit-supportive and supports active transportation by providing a compact built form, pedestrian pathways throughout the Development including a multi-use path along Teston Road to accommodate various modes of transportation
- Section 1.4.3 (d) – promotes densities for new housing which efficiently utilizes land, resources, infrastructure and supports the use of active transportation where it is to be developed
- Section 1.5.1(b) – provides for a full range and equitable distribution of accessible built and natural settings for recreation, including parklands and open space areas where practical. Although the proposed parkettes within the Development will not be accessible to the public, the proposed parkettes, including the addition of a centrally located parkette, will provide residents of the Development with access to adequate parkland to serve their needs
- Section 1.6.6.2 - utilizes planned water and sanitary connections along Teston Road and provides a private stormwater management pond to handle stormwater run-off
- Section 2.1.1 - protects the environment to the greatest extent possible by locating the majority of development away from, and applying appropriate buffers to, sensitive lands including a valley corridor, tributary and Provincially Significant Wetland located on the Subject Lands

In consideration of the above, the Modified Development is consistent with the policies of the PPS.

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

The Growth Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan') is intended to guide decision making on the development of land by encouraging a compact built-form, transit supportive communities, diverse land uses, and a range of mix of housing types. The Growth Plan encourages the concentration of population and employment growth within settlement areas and promotes the development of complete communities by offering a mix of housing types, convenient access to local services, adequate parkland and connections to existing municipal water and wastewater systems.

The Modified Development is consistent with the policy framework of the Growth Plan as the proposed built form would utilize the Subject Lands efficiently, make use of existing infrastructure, and provide housing at a density that is supportive of the Growth Plan objectives, specifically:

- Section 2.2.1.2 (a) and 2.2.2. - Focus growth within the “Delineated Built Boundary” and encouraging intensification and development within the Settlement Area
- Section 2.2.1.2 (a)(ii) - Provide connection to planned water and wastewater servicing along Teston Road
- Section 2.2.1.4.(c) - Provide a range and mix of housing options to serve all sizes, incomes, and ages of households to support complete communities
- Section 2.2.1.4 (d)(iii) - Provide an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreation facilities
- Section 2.2.1.4 (e) - Provide a compact built form which supports transit-oriented development
- Section 2.2.2.3 (d) – Ensure lands are zoned and development is designed in a manner that supports complete communities
- Section 4.2.2 - Protect and enhance natural heritage, hydrologic and landform systems, features and functions to the greatest extent possible

The Development is located in a “Settlement Area” within the “Delineated Built Boundary” and provides new housing options for the community in a compact built form. The Modified Development also contributes to achieving a complete community, as defined by the Growth Plan. The Development utilizes a vacant piece of land within an existing community, protects adjacent natural features to the greatest extent possible and proposes to connect to planned servicing infrastructure along Teston Road. Additionally, although the proposed parkettes within the Development will not be accessible to the public, the proposed parkettes, with the addition of a centrally located parkette, will provide residents of the Development with access to adequate parkland to serve their needs. In consideration of the above, the Modified Development conforms to and does not conflict with the Growth Plan.

***The Owner shall satisfy TRCA Conditions to ensure conformity to the Greenbelt Plan, 2017***

The Greenbelt Plan (2017) provides land use direction for development within and adjacent to sensitive environmental lands. The Development Area associated within the Subject Lands as shown on Attachment 2, is designated as a “Settlement Area Outside the Greenbelt,” while the remainder of the Subject Lands are designated as “Urban River Valley” located within the “Greenbelt Area” identified on Map 59 of the Greenbelt Plan, as shown on Attachment 4.

The development limits of the natural heritage features were staked on April 7, 2017 and confirmed by the Toronto and Region Conservation Authority ('TRCA') on August 31, 2018. The Owner proposes a 10 m vegetation protection zone (Block 2) from the natural heritage features. The Owner submitted an Environmental Impact Study ('EIS') in support of the Applications, prepared by Palmer Environmental Consulting Group Inc., dated December 2021.

The Development is subject to the "Settlement Area" (Section 3.4), "Urban River Valley" (Section 6) and "Stormwater Management" (Section 4.2.3) policies of the Greenbelt Plan. In accordance with Section 3.4, "Settlement areas outside the Greenbelt" are not permitted to expand into the Greenbelt. The majority of the Development is located within the "Settlement Area Outside the Greenbelt" and outside of the natural features, with the exception of accessory structures for the stormwater management pond (i.e. plunge pool and access road), as shown on Attachment 6, and minor encroachments into the 10 m vegetation protection zone, as shown on Attachment 5. The Owner has identified compensation areas as shown on Attachment 5, to accommodate for the net loss of natural feature area due to the encroachments.

In accordance with Section 4.2.3.3 of the Greenbelt Plan, "stormwater management systems are prohibited in key natural heritage features, key hydrologic features and their associated vegetation protection zones". The EIS submitted in support of the Applications identifies a total of 588 m<sup>2</sup> of the stormwater management infrastructure (i.e. plunge pool and access road) being situated within the natural feature vegetation protection zone and natural feature area. A compensation area of 291 m<sup>2</sup> adjacent to the 10 m vegetation protection zone is proposed, as shown on Attachment 5, resulting in a natural system net area loss of 297 m<sup>2</sup>. The TRCA requires that the plunge pool and access road be relocated as close to the SWM pond as possible, to ensure they are located outside of the staked natural features, to the greatest extent possible.

The TRCA has provided conditional approval for the Applications, subject to this matter being addressed through Site Development Application (File DA.21.069). The relocation of the proposed plunge pool and access road outside of the natural feature or the 10 m vegetation protection zone area may require alterations to Block 18, as shown on Attachment 5, including the loss of dwelling units, and shall be confirmed through the related Site Development Application (File DA.21.069). The natural feature and their associated vegetation protection zone are proposed to be conveyed into public ownership as per Section 3.2.3.10 of VOP 2010. TRCA has confirmed they will take ownership of the valley lands but will not accept encumbered lands containing private infrastructure. Therefore, the Owner shall satisfy TRCA conditions included in Attachment 1, to demonstrate conformity to the Greenbelt Plan.

In accordance with Section 6 of the Greenbelt Plan, only publicly owned lands are governed by the policies of the “Urban River Valley” designation. All other lands within the “Urban River Valley” designation are governed by the applicable official policies, which are provided in the Official Plan section of this report. As the “Urban River Valley Lands” will be conveyed into public ownership, this meets the intent of the urban river valley policies in the Greenbelt Plan.

***The Modified Development conforms to the York Region Official Plan 2010***

The Subject Lands are designated “Urban Area” and “Regional Greenlands System” by Map 1 - Regional Structure of the York Region Official Plan 2010 (‘YROP’). A “Woodland” is also identified on the Subject Lands by Map 5 - Woodlands of the YROP 2010. Teston Road is identified as a Regional Road on Map 12 - Street Network of YROP with a planned right-of-way of up to 36 m.

The “Urban Area” permits a wide range of residential, commercial, industrial and institutional uses. 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”. 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.” The Development will diversify the range of housing types and lot sizes found in the community by providing common element townhouse dwelling units in an area mostly characterized by existing rural, estate and single detached dwellings. The Development proposes utilization of vacant lands within the “Urban Area” that provides connections to planned services along Teston Road and proposes an increased density that is considered appropriate and complementary to the existing and planned surrounding uses.

Section 5.3 of the YROP requires that intensification occur in strategic locations within the built-up area to maximize efficiencies in infrastructure delivery and transit ridership. In accordance with the York Region 10-Year Roads and Transit Capital Construction Program map, the widening of Teston Road is scheduled to take place this year. Public transit is not readily available within proximity of the Subject Lands, with the closest bus stop at the Weston Road and Canada Drive intersection (Route 165F), located over 1,000 m walking distance away from the Development. The York Region Transportation Master Plan (‘TMP’) proposes that the section of Teston Road within the vicinity of the Subject Lands, be included in YRT’s Frequent Transit Network (‘FTN’) between 2027 and 2031. York Region’s Teston Road Class Environmental Assessment – Pine Valley Drive to Weston Road Report (Teston Road EA), dated November 24, 2016, provides the proposed transit stops for future YRT service within the vicinity of the

Subject Lands, based on recommendations made in the Block 40/47 Traffic Management Plan and Travel Demand Management Plan.

The Subject Lands contain a “Significant Woodland” as defined by the criteria in Section 2.2.4.5 of the YROP, as identified in the EIS submitted with the Applications. The Development conforms to Section 2.2 of the YROP by: appropriately delineating the natural heritage features supported by the appropriate technical studies; locating the majority of the Development away from the natural feature; and, providing a 10 m buffer/vegetation protection zone (Block 2), to further protect the feature.

Section 7.2.53 of the YROP seeks to limit the number of vehicle accesses from regional roads to maximize the efficiency of the regional road system. This can be achieved through techniques such as suitable local street access, shared driveways, and interconnected properties. Vehicle access to the Development is proposed via Teston Road. York Region has identified in their comment letter dated March 7, 2022, that a shared access should be contemplated with the lands to the west of the Subject Lands, municipally known as 3979 Teston Road. As such, the Development Planning Department recommends that the site plan, as shown on Attachment 5, be modified to facilitate a shared access, to conform to the policies of YROP, and that this modification be reflected in the related Site Development Application (File DA.21.069).

The Modified Development conforms to YROP as the Development proposes intensification within the Regional “Urban Area” by establishing uses that will support the anticipated population growth and address the demand for higher-density built forms, as the Region matures into a more compact community.

Additionally, the Modified Development provides a supply and mix of housing options to the community to meet current and future housing needs, and introduces a compact, pedestrian oriented and transit-supportive built form. The scale of the Development has been designed in a manner that is appropriate within the context of the surrounding existing low-density residential neighbourhoods. The Development also transitions appropriately to open space areas and future planned uses along Teston Road, while protecting the existing and adjacent natural heritage features to the greatest extent possible. In consideration of the above, the Development conforms to the YROP.

***Site-specific amendments to VOP 2010 and OPA 600 are required to permit the Development***

The Subject Lands are identified as “Community Areas” and “Natural Areas and Countryside” by Schedule 1 - Urban Structure in VOP 2010. The Subject Lands also

contain “Core Features” as identified by Schedule 2 - Natural Heritage Network in VOP 2010.

The Subject Lands are designated “Low Density Residential” and “Valley Lands” on Map 12.13.A (‘Schedule B’) of VOP 2010 Volume 2, Area Specific Section 12.13 - Block 40/47 (the ‘Area Specific Plan’), as shown on Attachment 3. The land use policies for the “Low Density Residential” and “Valley Lands” designations are found in OPA 600 in accordance with Section 12.13.1.3 of the Area Specific Plan. Section 4.2.1.1.ii of OPA 600 permits parks and open space uses in the “Low Density Residential” designation; however, the proposed common element street townhouse, dual frontage and back-to-back townhouse dwellings, private stormwater management pond and private condominium roads are not permitted.

In accordance with Section 12.13.2.5.v.A of the Area Specific Plan, lands within Block 40/47 designated as “Low Density Residential” shall have an overall range of permitted gross density between 5 and 11 units per hectare, calculated on the area of developable lands. The Development proposes an overall gross density of 11.41 units per hectare for Block 40/47; however, the Modified Development proposed by the Development Planning Department would result in an overall gross density of 11.3 units per hectare.

The Owner submitted Official Plan Amendment File OP.21.005 to facilitate the Development. The Modified Development would require the following site-specific amendments VOP 2010, Section 12.13 – Block 40/47, Volume 2 and OPA 600:

Table 1:

	<b>Applicable Official Plan Section</b>	<b>Section Requirement</b>	<b>Proposed Exceptions to Vaughan Official Plan</b>
a.	Section 12.13.2.5.v.A – Gross Density within Block 40/47	The overall permitted gross density for lands designated “Low Density” in the Block 40/47 Block Plan Area will be between 5 and 11 units per hectare	Permit an overall range of gross density between 5 and 11.3 units per hectare for lands designated “Low Density Residential” within the Block 40/47 Block Plan Area
b.	Section 4.2.1.1.ii of OPA 600 – Permitted Uses	The following uses are permitted in the “Low Density Residential” designation of OPA 600:	Permit the following additional uses with frontage on a private road: <ul style="list-style-type: none"> <li>• Street Townhouse Dwellings</li> </ul>

	<b>Applicable Official Plan Section</b>	<b>Section Requirement</b>	<b>Proposed Exceptions to Vaughan Official Plan</b>
		<ul style="list-style-type: none"> <li>• Detached houses</li> <li>• Semi-detached houses</li> <li>• Parks and open spaces</li> </ul>	<ul style="list-style-type: none"> <li>• Back-to-Back Townhouse Dwellings</li> <li>• Dual frontage Townhouse Dwellings</li> <li>• Private Stormwater Management Pond</li> </ul>
c.	Section 9.2.3.2.a of VOP 2010, Vol1. – Definition of Townhouse	A Townhouse is a Low-Rise Residential building, up to three storeys in height, situated on a single parcel and part of a row of at least 3 but no more than 6 attached residential units	A Townhouse shall include a common element street townhouse, dual frontage townhouse or back-to-back townhouse on a single parcel and part of a row of at least 3 but no more than 8 attached residential units for Block 20 and no more than 10 attached units for Blocks 9 to 12.
d.	Part of Section 9.2.3.2.b of VOP 2010, Vol1. – Types of Townhouses Permitted	Back-to-back townhouses shall not be permitted in areas designated “Low-Rise Residential”	Back-to-back townhouses shall be permitted in areas designated “Low-Density Residential”
e.	Part of Section 9.2.3.2.d of VOP 2010, Vol 1. – Townhouses Fronting a Public Street	Townhouses shall generally front onto a public street	Townhouses shall be permitted to front onto a private common element road
f.	Section 9.2.3.2.e of VOP 2010, Vol 1. – Separation Distance Between Townhouses	The minimum facing distance between blocks of Townhouses not separated by a public street should generally be 18 m	Permit a minimum facing distance of 16.9 m between townhouse Blocks: 1 and 4, 2 and 5, 3 and 6, 9 and 11, 10 and 12, 11 and 14, and 12 and 15.

Section 9.2.3.2.b of VOP 2010 does not permit back-to-back townhouses in the “Low-Rise Residential” designation. As the Development proposes back-to-back townhouses and increased gross density within the Block 40/47 Plan, the Development Planning

Department recommends that the Owner replace Blocks 7 and 8 containing back-to-back townhouses, as shown on Attachment 5, with a centralized parkette to provide additional amenity for the Development.

The recommendation for the Modified Development is supported by the park policies of Section 7.3.2.3 of VOP 2010, which states, “parks shall be located and oriented to be in a central location in the community to be served in order to act as focal point and highly visible with prominent public street frontage (approximately 50% of park perimeter where feasible)”. In accordance with Section 7.3.2.6.d of VOP 2010, urban parks shall generally be greater than 1 hectare in size. The Owner proposes two (2) parkettes/private amenity areas that are 0.0425 ha (‘Parkette 1’) and 0.1255 ha (‘Parkette 2’) in size and located on the edges of the Development adjacent to the 10 m buffer/vegetation protection zone, as shown on Attachment 5.

The Development Planning Department is of the opinion that the proposed parkettes are not adequately located or sized to provide programmable park space for the Development. To accommodate 383 persons equivalent and to serve future residents of the back-to-back and the dual frontage townhouses, which do not include private backyards, a larger and more centralized parkette with programmable space, in the area shown on Attachment 5, is appropriate. In addition, the closest public parks in the area vicinity are located west of the Subject Lands as part of Plan of Subdivision File 19T-07V01 (0.1226 ha park) which is not yet developed, Hillside Park and Vince Gate Park which are located on the east side of Weston Road, 1,000 m or more walking distance away from the Subject Lands, and in the absence of sidewalks and public transit along Teston Road, accessing these parks on foot would be inconvenient. Providing a larger and programmable park in a central area of the Subject Lands, as shown on Attachment 5, would achieve the development of a Complete Community by providing immediate access to park space and would not require residents to drive to nearby parks.

***The Development Planning Department supports the amendments to VOP 2010***

The Development Planning Department supports the proposed amendments to VOP 2010 and OPA 600 to facilitate the Modified Development for the following reasons:

- The centralized parkette is recommended to provide adequate parkland to accommodate the increased block density, and proposed built forms without private backyards (i.e. back to back and dual frontage townhouse dwellings) proposed for the Subject Lands;



- The additional residential uses and increased block density within the “Low Density Residential” designation are considered appropriate as they would provide a mix and range of new housing options for the area in a compact built form that would be compatible with and provide an appropriate transition to the future “Mid-Rise Residential” uses planned for the north side of Teston Road;
- The proposed townhouse blocks of 8 attached residential units for Block 20, and 10 attached units in Blocks 9 through 12 are considered appropriate given that the majority of blocks within the Development will conform to the maximum of 6 attached residential units, including the back-to-back townhouse units which will feature 5 units in a row;
- Townhouses with frontage onto a private common element road is supported by Section 9.1.1.5 of VOP 2010, which requires common element roads to be designed to simulate a public street and shall conform to the policies outlined in Sections 9.1.1.2, 9.1.1.3 and 9.1.1.4. The Development provides a 10.5 m wide driveway from Teston Road that leads to 8.5 m wide and 6 m wide private roadways. The Development conforms to Sections 9.1.1.2, 9.1.1.3 and 9.1.1.4 by providing sidewalks, pedestrian crossings, street trees and landscaping via a grid-like street pattern throughout the Development, as shown on Attachments 5 and 6.
- The facing distance of 16.9 m between townhouse blocks is appropriate given that the Development provides the standard 6 m width for a common element road with an appropriate amount of landscaping abutting the streets to ensure daylight and privacy conditions for individual units.

In consideration of the above, the proposed amendments to VOP 2010 and OPA 600, are considered appropriate given the existing and planned surrounding context. On this basis, the Development Planning Department is supportive of the proposed amendments to VOP 2010 and OPA 600, subject to the Recommendations of this report.

***The Owner shall satisfy TRCA conditions in Attachment 1 to ensure conformity to the Core Features and Stormwater Management Policies of VOP 2010***

**Core Features**

As the Subject Lands contain “Core Features” such as valley, stream corridor, woodland and provincially significant wetland, the Development is required to conform to Section 3.2.3.4 of VOP 2010 as it relates to protection of natural heritage features and minimum vegetation protection zones. In accordance with this policy, a 30 minimum vegetation

protection zone shall be applied from the Provincially Significant Wetland, and a 10 m setback should be applied from the “Significant Woodland” feature. The Development is setback more than 30 m from the Provincially Significant Wetland and provides a 10 m minimum vegetation protection zone to the “Significant Woodland,” except for the encroachment areas, as shown on Attachment 5.

In accordance with Section 3.2.3.8 of VOP 2010, “development and/or site alteration adjacent to Core Features shall not be permitted unless it is demonstrated through an environmental impact study that the development will not result in a negative impact on the feature or its functions”. The Owner submitted an Environmental Impact Study (‘EIS’) in support of the Applications, prepared by Palmer Environmental Consulting Group Inc., dated December 2021.

The EIS submitted in support of the Applications identifies a total of 588 m<sup>2</sup> of the stormwater management infrastructure (i.e. plunge pool and access road) being situated within the natural feature buffer and natural feature area. A compensation area of 291 m<sup>2</sup> adjacent to the 10 m buffer is proposed, as shown on Attachment 5, resulting in a natural system net area loss of 297 m<sup>2</sup>. The TRCA requires that the plunge pool and access road be relocated as close to the SWM pond as possible, to ensure they are located outside of the staked natural features, to the greatest extent possible. The TRCA has provided conditional approval for the Applications, subject to this matter being addressed through Site Development Application (File DA.21.069). The relocation of the proposed plunge pool and access road outside of the natural feature or the 10 m vegetation protection zone area may require alterations to Block 18, as shown on Attachment 5, including the loss of dwelling units, and shall be confirmed through the related Site Development Application (File DA.21.069).

In accordance with Section 3.2.3.10 of VOP 2010, Core Features and their related vegetation protection zone will be conveyed to the TRCA as a condition of development approval. As such, lands that are proposed to be rezoned to “OS1 Open Space Conservation Zone” in Blocks 2 and Block 3 of Draft Plan of Subdivision File 19T-21V002, as shown on Attachment 4, shall be conveyed to the TRCA to ensure protection of the natural heritage features. A condition to this effect is included in Attachment 1. The TRCA has confirmed they will take ownership of the valley lands, but will not accept encumbered lands containing private infrastructure, therefore the Owner is required to address TRCA Conditions in Attachment 1, to ensure conformity with the “Core Features” policies of VOP 2010.

### Stormwater Management

The Development is subject to the Stormwater Management Infrastructure in the Greenbelt policies (Section 3.5.8 of VOP 2010). In accordance with Section 3.5.8.1, stormwater management ponds are prohibited in key natural heritage features or their vegetation protection zones. The stormwater management pond, with the exception of plunge pool and access road is located outside of the natural heritage system, as shown on Attachment 6, however the TRCA has provided conditional approval for the Applications, provided that the Owner address the above noted matter through Site Development Application (File DA.21.069). The relocation of the proposed plunge pool and access road outside of the natural feature or the 10 m buffer area may require alterations to Block 18, as shown on Attachment 5, including the loss of dwelling units, and shall be confirmed through the related Site Development Application (File DA.21.069). Therefore, the Owner shall satisfy TRCA conditions to ensure conformity with the stormwater management policies of VOP 2010.

### ***An Updated Block 40/47 Block Plan is required***

The Subject Lands are located within the Block 40/47 Block Plan, which was approved by Council on June 24, 2014, and with modifications on May 19, 2015, as shown on Attachment 3. As the Owner was a non-participating landowner in the Block 40/47 Block Plan process, no details other than land use and potential stormwater management facilities were proposed for the Subject Lands. The Subject Lands are identified as “Low-Density Residential” and “Valley Lands” in the Block 40/47 Block Plan. Should the Applications be approved, the Owner will be required to submit a revised Block Plan demonstrating the Development on the Subject Lands. A condition to this effect is included in Attachment 1.

### ***Site-specific exceptions to Zoning By-law 1-88 are required for the Development***

The Subject Lands are zoned “A Agricultural Zone” and “OS1 Open Space Conservation Zone” by Zoning By-law 1-88 which do not permit the Development. The Owner has submitted Zoning By-law Amendment File Z.21.008 to rezone the Subject Lands to “RT1 Residential Townhouse Zone”, “OS1 Open Space Conservation Zone” and “A Agricultural Zone”, in the manner shown on Attachment 4, together with the following site-specific exceptions to the “RT1 Residential Townhouse Zone”:

Table 2:

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirement</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement</b>
a.	Definition of Street Townhouse Dwelling	Means a townhouse dwelling in which each dwelling unit is situated on its own lot, which lot abuts a public street	Means a townhouse dwelling in which each dwelling unit is situated on its own lot which abuts a public street or a private common element road
b.	Definition of Back-to-Back Townhouse Dwelling	No definition	Means a building containing three (3) or more dwelling units, each of which has direct access from the outside ground level and shares three (3) above ground party walls with abutting dwelling units; and a unit at the end of a row of townhouse dwellings and sharing only two (2) above ground party walls shall also be a townhouse dwelling
c.	Definition of Lot	Means a parcel of land fronting on a street separate from any abutting land	Means a parcel of land fronting onto a private common element road
d.	Definition of Street/Public Highway	Means a street or highway being a Provincial Highway or under the jurisdiction of the Regional Municipality of York, the Municipality of Metropolitan Toronto, or assumed by the City or being constructed under an Agreement with the City.	Includes a private common element road

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirement</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement</b>
e.	Definition of Parallel Visitor Parking Space	Parking spaces are required to be 2.7 by 6 m	Means a rectangular area measuring at least 2.5 m by 6 m
f.	Maximum Access Driveway Width at Teston Road (Section 3.8.g)	7.5 m	10.5 m
g.	Frontage on a Public Street (Section 3.21)	A building or structure shall front upon an improved public street	Permit a dwelling to front onto a private common element road
h.	Permitted Uses (Section 4.9)	Street Townhouse Dwellings	Permit Back-to-Back Townhouse Dwellings as an additional permitted use
i.	Permitted Yard Encroachments (Section 3.14.b)	Exterior stairways shall be permitted in the rear yard only except that an exterior stairway not exceeding one-half storey in height shall be permitted in any yard	Exterior stairways shall be permitted in the rear yard only except that an exterior stairway not exceeding one storey in height shall be permitted in any yard
j.	Permitted Yard Encroachments (Section 3.14.c)	Exterior stairs, porches, balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is constructed on footings may extend into an interior yard to a maximum distance of 0.3 m and may extend into a front, exterior or rear yard to a maximum of 1.8 m	Encroachments may also extend into an interior yard to a maximum of 0.3 m and may extend: a) into an exterior yard to a maximum of 1.8 m b) into a front yard to a maximum of 1.8 m, except the end unit of Block 17 c) into rear yard to a maximum of 1.8 m, except for Blocks 9 to 12

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirement</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement</b>
k.	Permitted Yard Encroachments and Restrictions for Porches and Exterior Stairs (Section 4.22.2i)	The following encroachments are permitted into the front, exterior and interior yards for a lot abutting a greenway, buffer block or stormwater management pond:  a) an unenclosed porch (covered or uncovered) to a maximum of 2.5 m, and eaves, gutters and steps may encroach an additional 0.5 m	Eaves, gutters, exterior stairways, porches (covered and unenclosed) may encroach:  a) into the required exterior yard, a maximum of 0.5 m, where the minimum exterior yard is 1.45 m or more for Blocks 1, 3, 4, 5, 9 to 12, 13, 14, 15, 17, 18, and 22;  b) into the front and rear yard, a maximum of 2.4 m for Blocks 1 to 6, and Blocks 13 to 22, except for the end unit of Block 17
l.	Encroachment Zone (Section 4.22.2.ii)	A 1.5 m no encroachment zone shall be maintained inside the property line within the front, exterior and interior yards	A 1.2 m encroachment no zone shall be maintained
m.	Maximum Building Height	11 m	12 m
n.	Minimum Lot Area	<ul style="list-style-type: none"> <li>• 160 m<sup>2</sup> per unit for lots accessed by a lane</li> <li>• 180 m<sup>2</sup> per unit for a standard lot</li> </ul>	<ul style="list-style-type: none"> <li>• 125 m<sup>2</sup> per unit for Blocks 1 to 6</li> <li>• 86 m<sup>2</sup> per unit for Blocks 9 to 12</li> <li>• 150 m<sup>2</sup> per unit for Blocks 13 to 22</li> </ul>
o.	Minimum Lot Depth	<ul style="list-style-type: none"> <li>• 27 m for lots accessed by a lane</li> <li>• 30 m for standard lots</li> </ul>	<ul style="list-style-type: none"> <li>• 21 m for Blocks 1 to 6</li> <li>• 13.4 m for Blocks 9 to 12</li> <li>• 25 m for Blocks 14 and 15</li> </ul>

	<b>Zoning By-law 1-88 Standard</b>	<b>RT1 Residential Townhouse Zone Requirement</b>	<b>Proposed Exceptions to the RT1 Residential Townhouse Zone Requirement</b>
p.	Minimum Front Yard Setback	<ul style="list-style-type: none"> <li>• 4.5 m for lots accessed by a lane</li> <li>• 6 m for standard lots</li> </ul>	<ul style="list-style-type: none"> <li>• 1.67 m to a stairway for Block 17</li> </ul>
q.	Minimum Rear Yard Setback	<ul style="list-style-type: none"> <li>• 7.5 m for lots accessed by a lane</li> <li>• 15 m for standard lots</li> </ul>	<ul style="list-style-type: none"> <li>• 4.5 m for Blocks 1 to 6</li> <li>• 0 m for Blocks 9 to 12</li> <li>• 6.8 m for Block 13</li> </ul>
r.	Interior Side Yard Setback abutting a Walkway or Greenway	3.5 m	1.45 m for Blocks 14 and 15
s.	Exterior Side Yard Setback	4.5 m	1.5 m for all Blocks
t.	Exterior Side Yard Setback Abutting a Site Triangle	3 m	1.5 m for all Blocks
u.	Maximum Number of Townhouse Units in a Row	A maximum of 6 units in a row	A maximum of 8 units in a row for Block 20 and a maximum of 10 attached units for Blocks 9 through 12
v.	Minimum Number of Visitor Parking Spaces	No requirement	0.225 spaces per dwelling unit x 125 units = 28 spaces

Minor modifications may be made to the zoning exceptions identified in Table 2 prior to the enactment of an implementing Zoning By-law, as required through the final review of Zoning By-law Amendment File Z.21.008, should the Applications be approved.

The Development Planning Department can support the proposed exceptions to the “RT1 Residential Townhouse Zone,” for the following reasons:

- The additional residential uses proposed will provide additional housing options for the area and the proposed built forms are considered compatible with existing and planned surrounding land uses;
- The proposed lot sizes, setbacks and encroachments are considered appropriate and acceptable to achieve a pedestrian oriented development;
- The proposed decrease in the size of parking spaces has been reviewed by the Transportation Division of the Development Engineering Department and is

considered appropriate, provided that the Owner relocates the accessible parking spaces and provide a pavement marking plan for associated Site Development Application (File DA.21.069);

The private stormwater management pond will also be rezoned “OS1 Open Space Conservation Zone” to prevent future development on this portion of the Subject Lands. Block 3 on the Draft Plan as shown on Attachment 4, will remain “OS1 Open Space Conservation Zone” and “A Agricultural Zone” until such time that the Owner submits the required applications to permit development on these lands.

***The Development Planning Department recommends that the implementing zoning by-law for Zoning By-law Amendment Z.21.008 be approved once Site Development Application (File DA.21.069) is approved***

As per Recommendation #3 of this report, the Development Planning Department recommends:

“THAT prior to the enactment of the implementing Zoning By-law Amendment for File Z.21.008, the related Site Development Application (File DA.21.069) shall be approved and address the following to the satisfaction of the City:

- a. replace Back-to-Back Townhouse Blocks 7 and 8 as shown on Attachment 5, to accommodate a centralized parkette;
- b. facilitate a single access on Teston Road to be shared by the subject lands and the abutting lands to the west, municipally known as 3979 Teston Road;
- c. explore alternative access locations from Teston Road to avoid an existing catch basin located along Teston Road to the satisfaction of York Region, and;
- d. relocate the accessory stormwater management structures (i.e. plunge pool and access road) to the satisfaction of the TRCA, which may result in the loss of unit(s) to Block 18, as shown on Attachment 6”.

The modifications that are required to be made to the Site Plan may ultimately affect the zoning exceptions proposed for the Subject Lands. As such, the Development Planning Department recommends that the implementing Zoning By-law for Z.21.008 be withheld until such time that the modifications be addressed to the satisfaction of the City through Site Development Application (File DA.21.069).



***The Development is transitioned under Zoning By-law 001-2021***

On October 20, 2021, Council enacted By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law ('Zoning By-law 001-2021'). 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 Ontario Land Tribunal (OLT) in respect of Zoning By-law 001-2021 was November 15, 2021. Zoning 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 Zoning By-law 001-2021 is in force, the Owner will be required to demonstrate conformity with both Zoning By-law 001-2021 and Zoning By-law 1-88, as amended, unless a transition provision under Zoning By-law 001-2021 applies.

The Development qualifies under transition provision 1.6 of Zoning By-law 001-2021 as the Applications were filed and deemed complete prior to October 20, 2021, therefore the Development is not required to demonstrate compliance with Zoning By-law 001-2021.

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

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

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

***The Development Planning Department has no objection to the Development, subject to the Recommendations of this report and the Draft Plan conditions in Attachment 1***

Draft Plan

The Draft Plan shown on Attachment 4 consists of a residential block (Block 1), a 10 wide Open Space Buffer block (Block 2) and Other Lands Owned by the Owner (Block 3). Block 2 and portions of Block 3 which are proposed to be rezoned to "OS1 Open Space Conservation Zone", as shown on Attachment 4, will be conveyed to the TRCA

for protection of the natural features. Block 1 is intended to facilitate the Development, with access by private condominium roads via Teston Road.

### Site Plan

The site plan shown on Attachment 5 includes 22 common element townhouse blocks consisting of 6 blocks of dual frontage townhouses, 6 blocks of back-to-back townhouses and 10 blocks of street townhouse dwellings for a total of 145 units. The lots for the street townhouse units are proposed to have frontages varying between 6 m to 6.4 m. Each dwelling unit is proposed to include two parking spaces.

Access to the Development is proposed from a 10.5 m wide full moves access from Teston Road. Condominium roads of 8.5 m and 6 m in width, terminating in a cul-de-sac, are proposed to service the Development. Sidewalks of 1.5 m in width and pedestrian crossings are proposed throughout the Development, connecting to a 3 m wide municipal multi-use path proposed along Teston Road. The street townhouse units are proposed to have private backyard spaces while the back-to-back townhouses as well as the dual frontage townhouses are proposed to have private balconies. Two parkettes, one of which includes a tot-lot, are also provided for the Development to provide additional amenity for residents. A private stormwater management pond is also proposed at the southern limits of the Subject Lands to manage stormwater for the Development.

The Development Planning Department recommends that two back-to-back townhouse blocks (Blocks 7 and 8) be replaced to accommodate a centralized parkette, as shown on Attachment 5. The recommended modification would result in a total of 125 dwelling units. A condition to this effect is included in the Recommendations of this report.

### Parks and Amenity Areas

The Owner proposes two parkettes/private amenity areas for the Development that are 0.0425 ha ('Parkette 1') and 0.1255 ha respectively ('Parkette 2'), as follows:

- Parkette 1 is proposed to be located on the east side of the Development Area, adjacent to the 10 m buffer, and consists of a pavilion with bench seating surrounded by a sodded area with tree plantings
- Parkette 2 is proposed to be located at the rear of Blocks 16 and 17, with access via a 1.5 m pathway between Blocks 14 and 15, and consists of a children's playground and shade structure surrounded by a sodded area with tree plantings.

The Development Planning Department recommends that Blocks 7 and 8 be replaced to accommodate a centralized parkette, as shown on Attachment 5. A condition to this effect is included in the Recommendations of this report.

### Landscape Plan

The proposed landscape plan is shown on Attachment 6. A variety of deciduous and coniferous trees, coniferous shrubs, grasses/perennials and sodding are proposed to be planted along the peripheries of the Development Area, along the private street boulevards, within the proposed amenity areas and surrounding the stormwater management pond.

A 1.5 m high chain link fence is proposed abutting the 10 m buffer along the eastern limits of the Development Area, as well as to separate Blocks 13, 14 and 15 from the respective parkettes and to separate Blocks 17 and 18 from the stormwater management pond. A 1.8 m high wood privacy fence is proposed along the western limits of the Development Area. The private backyards proposed for Blocks 13 to 22 are proposed to have concrete patio stones and 1.8 m high privacy screens between the townhouse units.

A pre-cast concrete retaining wall of 0.5 m is proposed abutting the western limits of the Subject Lands. A rip-rap overland spillway/emergency spillway is also proposed along the eastern boundaries of the Subject Lands to provide for emergency drainage in case of flood events. The stormwater management pond is designed with a limestone access road and plunge pool located within the natural feature area. The Development also proposes a few encroachments into the 10 m buffer area to provide adequate size rear yards for Blocks 13 and 15, but proposes TRCA compensation areas, as shown on Attachment 5, to accommodate the loss.

### Conceptual Building Renderings

The conceptual building renderings for the Development are shown on Attachments 7 to 9. The townhouse blocks are proposed to be 3-stories (12 m) in height measured to the mid-point of the roof in accordance with Zoning By-law 1-88. All blocks are proposed to accommodate 4 to 6 townhouse dwelling units in a row, except for Block 20 which is proposed to accommodate 8 townhouse dwelling units in a row and Blocks 9 through 12 which are proposed to accommodate 10 back-to-back townhouse units.

The rear elevation of the dual frontage townhouse blocks (Blocks 1 to 6) and the back-to-back townhouse blocks (Blocks 7 to 12) are proposed to accommodate private balconies. A combination of wood and brick architectural materials are proposed for all blocks, as shown on Attachments 7 to 9. Detailed building elevations including

architectural materials will be reviewed and approved through Site Development Application (File DA.21.069).

#### Block 40/47 Urban Design Guidelines

The Development must conform to the Vaughan Council approved Block 40/47 Pine Heights Community Architectural Design Guidelines prepared by John G. Williams Architect Ltd. and the Block 40/47 Pine Heights community Landscape Master Plan prepared by NAK Design Strategies. The Owner shall provide an urban design brief to demonstrate this. A condition to this effect is included in Attachment 1.

#### Tree Protection

The Owner submitted a Tree Inventory and Preservation Report prepared by Kuntz Forestry Consulting Inc., prepared November 9, 2020 and revised February 5, 2021. A total of 203 trees were inventoried. A total of 70 trees are proposed to be removed to accommodate the Development, while the remaining 133 trees are proposed to be protected on the Subject Lands. A total of 29 replacement trees are required to be planted on the Subject Lands in accordance with By-law 052-2018, to replace trees 20 mm caliper or more that are proposed to be removed, to accommodate the Development. Should the Applications be approved, the Owner will be required to provide a detailed tree preservation study to the satisfaction of the City and enter into a Tree Protection Agreement. A condition to this effect is included in Attachment 1.

#### Sustainability Performance Metrics

The Development achieves an overall Sustainability Performance Metrics ('SPM') application score of 33 points (silver level); however, the Owner must provide a revised Sustainability Metrics to the satisfaction of the Development Planning Department.

Prior to final approval of the Draft Plan of Subdivision File 19T-21V002, the Development Planning Department shall approve the final urban design brief, sustainability metrics and enter into a Tree Protection Agreement. Conditions to this effect are included in Attachment 1.

#### ***Site Development Application (File DA.21.069) shall receive approval from the City, should the Applications be approved***

Should the Applications be approved, the City must approve Site Development Application (File DA.21.069). In accordance with the modifications proposed in the recommendation section of this report, the Development Planning Department recommends that the site plan for the Development be revised to remove two (2) blocks (Blocks 7 and 8 as shown on Attachment 5) to accommodate a centralized parkette.

In accordance with comments from York Region and the Development Engineering Department, the site plan shall also be revised to:

- a. facilitate a single access on Teston Road to be shared by the subject lands and the abutting lands to the west, municipally known as 3979 Teston Road;
- b. explore an alternative access location from Teston Road to avoid an existing catch basin located along Teston Road;
- c. relocate accessible parking spaces to prevent vehicular conflicts with the proposed private roads, and;
- d. relocate the accessory stormwater management structures (i.e. plunge pool and access road) to the satisfaction of the TRCA, which may result in the loss of unit(s) to Block 18, as shown on Attachment 6.

***Should the Applications be approved, the Owner will be required to submit and receive approval for a Draft Plan of (Common Element) Condominium Application***

Should the Applications be approved, the Owner will be required to submit a Draft Plan of (Common Element) Condominium Application and receive approval from Council to establish the condominium tenure for the Development.

***An Exemption from Part Lot Control Application is required to implement the Development***

Should the Applications be approved, an Exemption from Part Lot Control Application will be required to create the Condominium Units tied to the common element condominium ("Parcels of Tied Land") for future ownership.

***The Development Engineering Department has no objection to the Applications, subject to their conditions of approval being satisfied through Site Development Application (File DA.21.069)***

The Development Engineering ('DE') Department has no objection to the Applications, subject to the Owner satisfying the conditions in Attachment 1 and outstanding comments relating to sanitary servicing, water servicing, stormwater management and lot grading, through related Site Development Application (File DA.21.069).

**Block 40/47 Block Plan Master Environmental Servicing Plan (MESP)**

The MESP associated with the Block 40/47 Block Plan was approved in May of 2018. The Subject Lands were envisioned to incorporate low-density residential units, municipal roads and services which would be tributary to a future public stormwater management pond ('SWM Pond' #4) on the Subject Lands and would convey sanitary

flows within a future subdivision west of the Subject Lands, Subdivision File 19T-07V01 (2097500 Ontario Limited).

### Sanitary Servicing

The Subject Lands are tributary to the Pine Valley North Sanitary Pumping Station ('SPS') located in the vicinity of Block 40 South, east of Pine Valley Drive as per the Block 40/47 MESP. The Development requires external sanitary sewers to be constructed via the York Region Capital Project along the south side of Teston Road, conveying flows through the 2097500 Ontario Limited Plan of Subdivision File 19T-07V01, as shown on Attachment 2.

The DE Department has confirmed the density generated by the Draft Plan will not exceed the maximum density permitted from the tributary Pine Valley North SPS and downstream sanitary collector systems, and generally conforms to the MESP for Block 40/47. DE has no objections to the proposed sanitary servicing strategy, subject to the Owner paying for their proportional share for the benefitting downstream sanitary sewer infrastructure and subject to the Owner entering into a Subdivision and/or Development Agreement with the City. Conditions to this effect are included in Attachment 1.

### Water Servicing

The Subject Lands are located within Pressure District 7 ('PD7') of the York Water Supply System according to the Block 40/47 MESP and City mapping. The Subject Lands are proposed to be serviced by a new 200 mm diameter water service connection to the existing municipal 450 mm diameter concrete pressure pipe ('CPP') watermain via the York Region Capital Project, located within Teston Road, complete with a City Standard Valve & Chamber and City Standard Meter & Backflow Chamber at the property line. Internally, the Development is proposed to be serviced by private watermains, service connections and fire hydrants. DE has no objections to the proposed water supply servicing, subject to the Owner entering into a Subdivision and/or Development Agreement with the City. A condition to this effect is included in Attachment 1.

### Stormwater Management

The Subject Lands were envisioned to be tributary to a future public SWM Pond #4, as per the Block 40/47 MESP; however, as the Owner did not participate in the Block 40/47 Block Plan Developers Group, they are proposing to service their lands via a private SWM Pond at the south-east corner of the Development. The private SWM Pond and proposed outlet towards the existing watercourse/elevated wetland traversing the south limit of the Subject Lands is subject to review and approval by the TRCA.

### Environmental Site Assessment

The Owner submitted Phase One and Phase Two Environmental Site Assessment ('ESA') reports prepared by Palmer and dated December 21, 2020 and November 13, 2020 respectively. A Letter of Reliance was also submitted in support of the Applications. The DE Department is satisfied with the ESA reports and Letter of Reliance.

### Noise

The Owner has submitted a Noise Feasibility Study prepared by HGC Engineering, dated February 5, 2021 ('Noise Report'). The Noise Report concludes that the sound levels due to road traffic from Teston Road will exceed the Ministry of Environment, Conservation and Parks ('MECP') limits. Based on the predicted sound levels, implementation of indoor noise control measures will be required. Noise warning clauses are to be identified in all offers of purchase and sale/tenancy agreements for all dwelling units requiring noise control. Conditions to this effect are included in Attachment 1.

### Parking

The Transportation Division of the DE Department has reviewed the Transportation Mobility Plan and Traffic Management Plan prepared by the Municipal Infrastructure Group Ltd. (TMIG) and dated February 2021, submitted in support of the Applications, and agrees with its findings. The Transportation Division of the DE Department is satisfied that the proposed parking supply is sufficient to accommodate the Development, and the Development will generate an acceptable traffic impact that can be accommodated by Teston Road. However, the DE Department recommends that a pavement marking plan be provided for the on-street parking and that the Owner relocate the proposed accessible parking spaces to ensure vehicular safety, through Site Development Application (File DA.21.069).

### Access

Access to the Development is proposed via a 10.5 m wide full moves access from Teston Road. The proposed access is required to be approved by York Region. York Region, on March 7, 2022, identified that "the Subject Lands shall be designed in a way to protect for a future vehicular interconnection/access with adjacent properties to the west to permit the access to Teston Road to be shared". Further to the recommendations of this report, a Condition to this effect has also been included in Attachment 1 to ensure access coordination between the two properties.

York Region has advised that the Owner is required to enter into a reciprocal easement agreement to provide vehicular interconnection/access with adjacent properties to the west and that a warning clause shall be included in the Site Plan Agreement between

the City and the Owner. The proposed driveway is in conflict with the proposed end of the line catch basin located on Teston Road and as such, the Owner is required to explore design alternatives for the location of the access. The Owner shall satisfy all requirements of York Region through Site Development Application (File DA.21.069).

The DE Department advises that the City's Site Plan and Site Servicing Criteria recommends a secondary/emergency access to serve emergency vehicles, as the Development includes more than 40 units. The DE Department strongly suggests that once the lands to the west develops, a secondary emergency access or exit be provided to Teston Road to satisfy this requirement. All accesses to Teston Road shall be approved by York Region, and shall be coordinated through a detailed review of future development applications for 3979 Teston Road.

***The Owner shall enter into a cost sharing agreement with the Block 40/47 Landowner's Group and fulfill all financial obligations***

The Subject Lands are located within the Block 40/47 Block Plan, as shown on Attachment 3. The Owner was a non-participating landowner in the Block 40/47 Block Plan process, and as such, the Owner did not enter into a cost-sharing agreement with the other landowners. The Owner shall enter into a cost-sharing agreement with the landowners for the Block 40/47 Block Plan Area and provide any financial contributions that may be required. Confirmation from the Trustee of the Block 40/47 landowners group certifying that the cost-sharing agreement has been entered into and any associated financial obligations have been satisfied, is required to be provided to the City prior to final approval of the Draft Plan. A condition of to this effect is included in Attachment 1.

***The Toronto and Region Conservation Authority ('TRCA') has no objection to the Applications, subject to their comments and conditions being addressed through Site Development Application (File DA.21.069)***

The TRCA has reviewed the Applications and has no objection to their approval, provided that their outstanding comments and conditions are addressed to their satisfaction, prior to approval of Site Development Application (File DA.21.069).

A significant portion of the Subject Lands is located within TRCA's Regulated Area, due to a valley corridor and associated tributary of the Humber Reiver that bisects the Subject Lands, as well as a provincially significant wetland complex located within the valley corridor. The TRCA, on May 3, 2021, confirmed that the development limits were staked with TRCA staff on April 7, 2017, and confirmed by the TRCA on August 31, 2018. A permit from the TRCA pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the Subject Lands. A condition to this effect is included in Attachment 1.



The following studies were submitted in support of the Applications and reviewed by the TRCA:

- Environmental Impact Study prepared by Palmer and dated December 2021;
- Hydrogeological Investigation prepared by DS Consultants Ltd. and dated February 4, 2021;
- Preliminary Geotechnical Investigation prepared by DS Consultants Ltd. and dated August 25, 2020, and;
- Meander Belt Assessment prepared by Palmer and dated August 6, 2020.

The proposed accessory structures associated with the SWM pond including the plunge pool and access road, are currently located within the natural feature and 10 m buffer area, as shown on Attachment 6. A total of 588 m<sup>2</sup> of the natural feature is proposed to be lost to accommodate the plunge pool and access road for the SWM pond. The EIS submitted in support of the Applications identifies a 291 m<sup>2</sup> area proposed in exchange for the natural feature loss, which would result in a net area loss of 297 m<sup>2</sup>. The TRCA recommends that these stormwater functions be relocated as close to the SWM pond as possible, so the limits of development and natural feature are respected and result in the lowest net natural feature loss. The TRCA has provided conditional approval for the Applications, subject to this matter being addressed through Site Development Application (File DA.21.069). The relocation of the proposed plunge pool and access road outside of the natural feature or the 10 m vegetation protection zone area may require alterations to Block 18, as shown on Attachment 5, including the loss of dwelling units, and shall be confirmed through the related Site Development Application (File DA.21.069). The Owner shall satisfy TRCA conditions of approval as provided in Attachment 1.

In accordance with “Living City Policies” for Planning and Development within the Watersheds, the TRCA has advised that Block 2 and portions of Block 3 that are proposed to be rezoned to “OS1 Open Space Conservation Zone”, as shown on Attachment 4, shall be conveyed to the TRCA to ensure the protection of the natural features. A condition to this effect is included in Attachment 1, however it should be noted that the TRCA will not accept encumbered lands containing private infrastructure, therefore the Owner must satisfy TRCA Conditions as set out in Attachment 1. The lands zoned “Agricultural” within Block 3 are proposed to be maintained by the Owner for future development.

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

The Environmental Services Department, Solid Waste Management Division, has reviewed the Applications and has no objection to their approval. At the time of the condominium application, the Owner will be advised whether or not the site is eligible for municipal waste pickup.

***The Fire and Rescue Services Department has no objection to the Applications***

The Fire and Rescue Service Department 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 Policy Planning and Environmental Sustainability Department has no objection to the Applications, subject to Owner satisfying TRCA Conditions***

The Policy Planning and Environmental Sustainability Department ('PPES') has no objection to the approval of the Applications, subject to the Owner satisfying TRCA's conditions of approval.

***The Cultural Heritage Division of the Development Planning Department has no objection to the Development, subject to conditions***

The Subject Lands are identified in the Vaughan Heritage Inventory as a property of Architectural and Historical Significance, as the James Calhoun House, a log cabin built in 1840, was known to occupy the Subject Lands. A Cultural Heritage Impact Assessment ('CHIA') prepared by ASI Heritage and dated December 2018, was submitted in support of the Applications, which identifies that the cabin had collapsed. Two post World War II residences and a barn also once resided on the Subject Lands; however, the study concluded that the buildings did not represent historical or architect value and as such, the structures were demolished. Given this, the study concluded that there is no remaining architectural or historical significance that requires protection on the Subject Lands. The Cultural Heritage Division of the Development Planning Department has reviewed the CHIA and is satisfied with the findings, however the Subject Lands are required to be removed from the Vaughan Heritage Inventory.

The Owner submitted a Stage 1 and 2 Archaeological Assessment prepared by the Archaeologists Inc. and dated June 24, 2020. The Cultural Heritage Division of the Development Planning Department has reviewed the report and is satisfied with the findings; however, standard archaeological clauses will be included in the as a condition of subdivision approval, as identified in Attachment 1.

***The Parks Infrastructure Planning Department and Real Estate Department have no objection to the Development, subject to parkland being dedicated or cash-in-lieu of parkland being satisfied***

The Parks Planning Department and the Real Estate Department have no objection to the Development, provided 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% of the value of the Subject Lands, prior to the issuance of Building Permit, in accordance with the *Planning Act* and the City's Cash-in-Lieu of Parkland Dedication Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Vaughan Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

On October 17, 2017, a Master Parks Agreement was executed between the City and the landowners group for Block 40/47, of which the Owner was party to. In accordance with Section 2.2.a) of the Master Parks Agreement, within the "Low Density Residential" designation, "in the event that any "Low-Density Residential" lands are redesignated and developed for Medium Density purposes, the Owner developing such lands shall be directly responsible for any excess Parkland dedication obligations and shall be subject to the parkland dedication by-law applicable to the Development". Although the Owner is not requesting redesignation of the Subject Lands, the Owner proposes to develop the Subject Lands with dual frontage townhouses, back-to-back townhouses and townhouses, all with frontage on common element condominium roads, which are not permitted within the "Low Density Residential" designation. Given the above, the Owner will be required to provide an uplift fee for cash-in-lieu of parkland. The appraisal report that is required by the Real Estate Department will assist in determining the cash-in-lieu uplift value. Should the related Site Development File DA.21.069 be approved, a condition or approval to this effect will be included in the Site Plan Agreement/Letter of Undertaking.

The Owner is required to submit a letter from the Trustee from Block 40/47 identifying that the Owner is in good standing with the block and that parkland dedication has been satisfied. A condition to this effect is included in Attachment 1.

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

The York Catholic School Board and York District School Board have no objections to the approval of the Applications. No comments were received from the Conseil Scolaire de District Catholique Centre-Sud.

***Canada Post has no objection to the Development, subject to the Owner providing a centralized mail receiving facility***

Canada Post has no objection to the Development, subject to the Owner providing the Development with its own centralized mail receiving facility, in accordance with their conditions provided in Attachment 1.

***The various utilities have no objection to the Draft Plan, subject to the Condition of Approval***

Rogers Communications and Hydro One has no comment on the Applications, while the remaining utilities such as Enbridge Gas Inc., Bell Canada and Alectra Utilities have no objection to the Applications, subject to their Conditions of Approval that are included in Attachment 1 of this report.

**Financial Impact**

There are no requirements for funding associated with this report.

**Broader Regional Impacts/Considerations**

The Subject Lands have frontage along Teston Road, which is identified as a Regional Road in the YROP. The Owner requested exemption from the YROP through Official Plan Amendment File OP.21.005. The Region of York has determined that the Official Plan Amendment is a matter of local significance and has exempted Official Plan Amendment File OP.21.005 from York Region approval on May 24, 2022.

York Region has advised that it has no objection to the approval of the Applications, subject to the conditions of draft approval in Attachment 1 being satisfied.

**Conclusion**

The Development Planning Department has reviewed the Applications in consideration of applicable Provincial Policies, York Region and City Official Plan policies, the comments received from City Departments, external public agencies, the public and the surrounding area context. The Modified Development is consistent with the PPS, the Growth Plan and the York Region Official Plan. The proposed amendments to VOP 2010 and Zoning By-law 1-88, subject to the recommended modifications in this report, are appropriate and compatible given the existing and planned uses. On this basis, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report, and the Conditions as set out in Attachment 1.

**For more information**, please contact: Rebecca Roach, Planner, Development Planning Department, extension 8626.

## **Attachments**

1. Conditions of Draft Plan of Subdivision Approval
2. Context and Location Map
3. Approved Block 40/47 Block Plan
4. Draft Plan of Subdivision File 19T-21V002 and Proposed Zoning
5. Conceptual Site Plan
6. Conceptual Landscape Plan
7. Conceptual Building Rendering: 3-storey Dual Frontage Townhouse (Blocks 1 - 6)
8. Conceptual Building Rendering: 3-storey Back-to-Back Townhouse (Blocks 7 - 12)
9. Conceptual Building Renderings: 3-storey Street Townhouse (Blocks 13 - 22)
10. Communication from Committee of the Whole (2) June 21, 2022 (C12)
11. Communication from Committee of the Whole (1) September 13, 2022 (C3)

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