

Item:



Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD: 1

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.16.044
SITE DEVELOPMENT FILE DA.18.002
HATPIN DEVELOPMENTS INC.
VICINITY OF KEELE STREET AND MCNAUGHTON ROAD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement of the Recommendations in this report from the Committee of the Whole for Zoning By-law Amendment and Site Development Files Z.16.044 and DA.18.002 (Hatpin Developments Inc.), which have been appealed to the Local Planning Appeal Tribunal, for the Subject Lands shown on Attachments 1 and 2 to permit a residential development consisting of 51, 3-storey townhouse dwellings, as shown on Attachments 3 to 6.

Report Highlights

- The Owner is proposing to develop the subject lands with 51, 3-storey residential townhouse dwellings.
- The Owner has appealed Zoning By-law Amendment and Site Development Files Z.16.044 and DA.18.002 to the Local Planning Appeal Tribunal.
- The Development Planning Department supports the approval of the Zoning By-law Amendment and Site Development Applications, subject to the Recommendations in this report, as the applications will permit a development that is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan, conforms with the policies of 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

THAT the Local Planning Appeal Tribunal be advised that the City of Vaughan Council ENDORSES the following Recommendations:

1. THAT Zoning By-law Amendment File Z.16.044 (Hatpin Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands from “C8(H) Office Commercial Zone” with the Holding Symbol “(H)” subject to site-specific Exception 9(840), “A Agricultural Zone” and “R1 Residential Zone” to “RM2 Multiple Dwelling Zone”, in the manner shown on Attachment 3, together with the site-specific zoning exceptions in Table 1 of this report.
2. THAT Site Development File DA.18.002 (Hatpin Developments Inc.) BE APPROVED, subject to the following conditions of approval, to the satisfaction of the Development Planning Department to permit the development of 51, 3-storey townhouse dwelling units, as shown on Attachments 3 to 6:
 - a) That prior to the execution of a Site Plan Agreement:
 - i) the Development Planning Department shall approve the final site plan, building elevations including a colour scheme, tree preservation plan, arborist report, commemoration plan, Stage 4 archaeological assessment report, air conditioner location and screening plan, landscape plans and landscape cost estimate;
 - ii) the Development Engineering Department shall approve the final stormwater management report, site servicing and grading plan, encroachment agreement, environmental noise and vibration report;
 - iii) the Owner shall provide a Letter of Credit in an amount satisfactory to Infrastructure Planning and Corporate Asset Management Department required for sanitary system improvements in the Maple Heritage Area based on the conclusions and recommendations of the City’s Focus Area Core Servicing Strategy Study;
 - iv) the Owner shall pay the Development Engineering Site Plan Complex fee of \$39,015 in accordance with By-law 022-2018, to the satisfaction of the Development Engineering Department;
 - v) the Owner shall provide woodlot compensation in the amount of \$140,530 to the satisfaction of the City of Vaughan;

- vi) the Owner shall enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree By-law 052-2018 and City Tree Protection Protocol which includes the submission of an arborist report and tree protection/removal plan;
 - vii) the Owner shall pay to the City of Vaughan a one-time payment of \$13,347 for the maintenance of the enhanced landscape features within the Keele Street right of way in accordance with the Maple Streetscape and Urban Design Guidelines, to the satisfaction of the Vaughan Development Planning Department;
 - viii) the Owner shall satisfy all requirements of the Parks Development Department;
 - ix) the Owner shall satisfy all requirements of the Environmental Services Department;
 - x) the Owner shall obtain all necessary approvals and satisfy all requirements of the Toronto and Region Conservation Authority; and
 - xi) the Owner shall obtain all necessary approvals and satisfy all requirements of York Region.
- b) THAT the Site Plan Agreement include the following clauses:
- i) “Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan’s Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.”
 - ii) “In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner, the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services, and the Development Planning Department, Urban Design and Cultural Heritage Division.”
 - iii) “Purchasers and/or tenants are advised that there may be occasional odours at the Development, or visible fugitive dusts in the vicinity of the industrial facilities located on the east side of Keele Street, in accordance with Guideline D-6, Compatibility

Between Industrial Facilities, due to the proximity of these industrial facilities, and recognizing that there is always a potential for occasional odour or other nuisance effects at the development.”

- iv) the following warning clause shall be included in all Offers of Purchase and Sale or Lease for and the dwelling units in the development:

“Purchasers and/or tenants are advised that, despite the inclusion of noise control features in this development area within the dwelling unit, the noise levels from increasing road and industrial users may continue to be of concern, occasionally interfering with some activities of the occupants. This dwelling has, therefore, been equipped with forced air heating and central air conditioning which will allow windows to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of the Environment, Conservation and Parks in compliance with the City’s noise policy.”

- v) “Purchasers and/or tenants are advised that public transit bus traffic occurs on McNaughton Road and Keele Street.”
- vi) “Purchasers and/or tenants are advised that the dwelling unit abuts a park and may be subject to noise and lighting due to the nature and use of the park for active recreation.”
- vii) "Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, noise due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the Municipality and the Ontario Ministry of the Environment, Conservation and Parks, the purchaser hereby agree to place this clause in all subsequent Offers of Purchase and Sale or Lease when I sell the property.”
- viii) “Purchasers/tenants are advised that the dwelling unit is fitted with a central air conditioning system in order to permit closing of windows for noise control.”
- ix) "Purchasers/tenants are advised that the acoustical fence and/or barrier as installed shall be maintained, repaired or replaced by the Owner or future Condominium Corporation. Any maintenance repair or replacement shall be with the same material, to the same

standards, and having the same colour and appearance of the original installation."

- x) "Purchasers/tenants are advised that this dwelling unit is in proximity to the existing institutional, commercial and industrial facilities whose activities may at times be audible."
- xi) "The Owner shall install and maintain a Minimum Efficiency Reporting Value ('MERV') MERV11 filters on the air intakes to ensure residents will have good air quality in their homes."
- xii) "The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units, whichever is greater 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 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 City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
- xiii) "The Owner shall be responsible to finance and implement or contribute to required sanitary system improvements in the Maple Heritage Area based on the conclusions and recommendations of the City's Focus Area Core Servicing Strategy Study."
- xiv) "A Letter of Credit posted by the Owner, in the amount of \$20,500 plus 10% contingency is for any works in relation to satisfying the required post to pre-development water balance as the subject lands located within the Source Protection Plan Recharge Management Area."
- xv) "The \$140,530 provided by the Owner shall be used for woodlot compensation to the satisfaction of the City of Vaughan."; and
- xvi) "The one-time payment of \$13,347 for the maintenance of the enhanced landscape features within the Keele Street right of way is in accordance with the Maple Streetscape and Urban Design Guidelines, to the satisfaction of the Vaughan Development Planning Department."

- c) Prior to the issuance of a Building Permit:
 - i) the Owner shall pay to the City all applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and the York Catholic District School Board;
- 3. THAT should the Local Planning Appeal Tribunal approve Zoning By-law Amendment and Site Development Files Z.16.044 and DA.18.002, either in whole or in part, that the Local Planning Appeal Tribunal withhold its final Decision/Order until such time that:
 - a) the implementing site-specific Zoning By-law Amendment is prepared to the satisfaction of the City; and
 - b) the implementing Site Plan Agreement is prepared to the satisfaction of the City, and includes the final approved plans and conditions of City Departments and external agencies.
- 4. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Development File DA.18.002 (Hatpin Developments Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 51 residential units (156 persons equivalent).”
- 5. THAT City of Vaughan staff and external consultants, if necessary, be directed to attend the Local Planning Appeal Tribunal Hearing in support of the Recommendations contained in this report for Zoning By-law Amendment and Site Development Files Z.16.044 and DA.18.002 (Hatpin Developments Inc.).

Background

The Subject Lands (the ‘Subject Lands’) are located on the northwest corner of Keele Street and McNaughton Road, known municipally as 10274, 10286 and 10296 Keele Street, as shown on Attachments 1 and 2. There is one existing single detached dwelling on the property which is proposed to be demolished. The surrounding land uses are shown Attachment 2.

Zoning By-law Amendment and Site Development Applications were submitted to permit the Development

The Owner submitted the following applications (the 'Applications') to permit a residential development (the 'Development') consisting of 51, 3-storey townhouse dwellings:

1. Zoning By-law Amendment File Z.16.044 to amend Zoning By-law 1-88, to rezone the Subject Lands from "C8(H) Office Commercial Zone" with the Holding Symbol "(H)" subject to site-specific Exception 9(840), "A Agricultural Zone" and "R1 Residential Zone" to "RM2 Multiple Dwelling Zone" as shown on Attachment 3, together with the site-specific exceptions to the "RM2 Multiple Dwelling Zone" identified in Table 1 of this report.
2. Site Development File DA.18.002 to permit the Development.

Notice of Complete Applications was issued to the Owner for the Zoning By-law Amendment and Site Development Files by the City on December 20, 2016 and March 15, 2018, respectively.

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

On February 10, 2017, a Notice of a Public Hearing for Zoning Amendment File Z.16.044 was circulated to all property owners within 150 m of the Subject Lands and was also posted on the City's web-site at www.vaughan.ca. Notice Signs were installed on the Keele Street and McNaughton Road frontages in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on March 21, 2017, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of March 7, 2017, and to forward a comprehensive report to a future Committee of the Whole meeting. Deputations were made by the following individuals at the Public Hearing:

- K. McKinnon, KLM Planning Partners Inc, representing the Owner
- F. Crocco, Keele Street

Written correspondence was also received from the solicitors and planner for CRH Canada Group Inc., 10,351 Keele Street dated February 24, 2017, April 24, 2017 and March 31, 2017.

The following is a summary of the comments provided at the Public Hearing and responses to each:

a) Access with neighbouring property to the north

The original site plan considered at the Public Hearing included access from Keele Street as shown on Attachment 7. York Region advised, through the review of the adjacent development applications for the lands to the immediate north, as shown on Attachment 8 - Gracegreen Real Estate Development Ltd. ('Gracegreen') that both properties must share an access from Keele Street. Gracegreen was concerned that Fire and Rescue Services would only have one access for more than 60 units and that a mutual access should be provided for both properties. However, since the Public Hearing the Owner has revised the site plan as shown on Attachment 3, to remove the access from Keele Street and provide a new access onto McNaughton Road and an emergency access from Keele Street. York Region and City Development Engineering ('DE') Department Staff have advised that they are satisfied with the revised site plan and that a shared access with Gracegreen is no longer required.

b) Fewer units, setbacks and conformity with the Community Area Policy Review for Low-Rise Residential Designations

The Community Area Policy Review for Low-Rise Residential Designations do not apply to the Subject Lands as they are designated "Low-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010'). However, since the Public Hearing, the Owner has revised the Development to have regard for the Low-Rise Guidelines.

The Development includes an internal private road with no units having a front-to-back elevation condition. Building setbacks are consistent with other contemporary townhouse developments in the immediate area along Keele Street and the front yards facing the public streets are appropriately landscaped. A common amenity area is included internal to the Development. An Urban Square located at the corner of Keele Street and McNaughton Road contributes to the streetscape and provides sightlines into the Development. Trees along Keele Street and McNaughton Road are preserved to enhance the Development within its heritage context.

The architectural style of the buildings is consistent with the Maple Heritage Conservation District Plan ('MHCDP') which complements the existing character of the District. All units front onto a 6m or 8.7m wide private road and visitor parking is located abutting the emergency access and the private road as shown on Attachment 4. Parking for each unit fronting Keele Street and McNaughton Road is located at the rear of the unit to promote a safe and attractive streetscape.

The building setbacks along Keele Street are consistent with those in the area and contribute to an animated street edge. The existing buildings on the southeast corner of

Keele Street and McNaughton Road maintain similar setbacks consistent with the 'heritage village' aesthetic. The MHCDP states that new residential development should be complementary to the immediate area by using a similar built form and orientation, and by siting new units consistently with the variety found in the heritage village.

c) Preserving existing trees

The Subject Lands include a number of trees, the majority of which are non-native. The southern portion of the site is comprised of a successional community dominated by Manitoba Maple. The northern portion of the site is a former residence with mature landscape plantings, including Siberian Elm and Norway Maple as the dominant species. A site meeting by City Staff together with a review of the information provided in the Arborist Report confirmed there are no trees on the Subject Lands that warrant preservation.

The existing street trees within the Keele Street and McNaughton Road rights-of-way are being preserved. A large Basswood tree and Norway Maple located at the southeast corner of the Subject Lands are also being retained and integrated into the urban square. The Owner is also proposing to plant approximately 40 trees within this development, together with a significant amount of landscaping, planters beds and shrubs, including a parkette with a play structure and amenity area. The proposed landscape is comprised of a diverse palette of native trees and shrubs consistent with the species found in the heritage district.

As confirmed by the Environmental Impact Study submitted in support of the Applications, the Subject Lands are considered a woodland. VOP 2010 Policy 3.3.3.3 allows for the removal of a woodland. Development or site alteration may be permitted in a woodland if all of the following are met:

- “a. the woodland does not meet any of the following criteria defining a significant woodland in the York Region Official Plan:*
 - i. contains globally or provincially rare plants, animals or communities as designated by the Natural Heritage Information Centre;*
 - ii. contains species designated by the Committee on the Status of Endangered Wildlife in Canada or by the Committee on the Status of Species at Risk in Ontario as threatened, endangered, or of special concern;*
 - iii. is within 30 metres of wetlands, lakes and their littoral zones, permanent and intermittent streams, kettle lakes, seepage areas and springs;*
 - iv. is 4 hectares or larger in size; or*
 - v. is over 2 hectares and:*
 - A. is within 100 metres of another Core Feature; or*
 - B. occurs within the Natural Heritage Network;*

- b. the woodland is considered to be early successional or the woodland is dominated by invasive non-native tree species as determined by a Woodland Dominance Study to the satisfaction of the City and York Region;*
- c. the woodland does not contain species or communities listed in policy 3.3.3.3.a.i or policy 3.3.3.3.a.ii; and*
- d. the woodland is located outside of and is not connected to the Natural Heritage Network.”*

The Subject Lands are 0.98 ha in size, and the existing trees on the Subject Lands do not contain globally or provincially rare plants or any species at risk and from a habitat perspective the trees provide an extremely low functioning feature as it does not meet the criteria listed above. The Subject Lands do not contain globally or provincially rare plants, animals or communities, do not contain endangered species and are not located within 30 m of wetlands, lakes, etc. The Subject Lands contain invasive non-native tree species and are located outside of and is not connected to the Natural Heritage Network. Therefore, the woodland on the Subject Lands meets the criteria noted in VOP 2010 for the removal of the trees.

- d) The Urban Square is not in a good location and there should be an internal amenity area / parkette

The Development includes a private amenity area for future residents. The Subject Lands are also located immediately adjacent to McNaughton Park. The urban square provides a publicly accessible streetscape element at the corner of the site and can also be utilized as a pedestrian connection to the project. The urban square is not intended to be the primary amenity space for the Development.

- e) Parking is always an issue with these types of development

The number of parking spaces provided for the Development complies with the per unit and visitor parking requirements of Zoning By-law 1-88. Two parking spaces are provided for each dwelling unit with one parking space accommodated in the double car garage (Blocks 1 to 7), or one space in a garage (Block 8 to 12) and one space on the driveway of each lot and 13 visitor parking spaces are provided.

- f) Compatibility with adjacent uses

A land Owner on the east side of Keele Street, CRH Canada ('CRH'), is concerned that the Development will bring sensitive residential lands uses within approximately 162 m of a Class II Industrial land use (concrete batching plant operation on CRH's lands - 10,351 Keele Street) and within approximately 347 m of a Class III Industrial land use (asphalt plant operation on Coco Paving's lands - 10,475 Keele Street).

CHR requested the Owner of the Subject Lands to demonstrate through the appropriate studies and necessary information that the Development is appropriately designed in a manner that prevents land use incompatibility and potential adverse effects. The Owner must demonstrate that the Development is consistent with the *Provincial Policy Statement, 2014*, conforms to the Growth Plan, conforms to the Region of York Official Plan ('YROP 2010'), and the City of Vaughan Official Plan 2010 ('VOP 2010') and represents good planning.

The Owner has submitted an Air Emissions Assessment of the Land Use Compatibility Study for the Development, dated November 17, 2017, an Air Quality Study, dated August 2018 and a Preliminary Environmental Noise and Vibration Report, dated September 1, 2016, in support of the Applications. The reports conclude that the Development would not experience unacceptable air quality and noise as a result of the surrounding industrial facilities and recommend warning clauses be included in all Offers of Purchase and Sale and Lease. A condition of approval is included requiring that the warning clauses be included in the Site Plan Agreement. A similar requirement will be included in the Condominium Agreement, should the Applications be approved. In addition, the Development is consistent and conforms to Provincial policies, and the York Region and Vaughan Official Plans and represents good planning as discussed in the Analysis and Options section of this report.

On February 22, 2019, a courtesy notice of this Committee of the Whole Meeting was sent to all individuals who made a deputation at the Public Hearing and submitted written correspondence to the Development Planning Department.

The Owner has appealed the Applications to the Local Planning Appeal Tribunal ('LPAT'), formerly the Ontario Municipal Board ('OMB')

The Owner of the Subject Lands on December 12, 2017, appealed Zoning By-law Amendment File Z.16.044 and on April 13, 2018, appealed Site Development File DA.18.002 to the LPAT pursuant to Sections 34(11) and 41(12) of the *Planning Act*, citing Council's failure to make a decision on the Applications within prescribed timelines under the *Planning Act*.

The first Pre-hearing Conference ('PHC') of the Tribunal respecting the appeals occurred on August 22, 2018. On consent, the Zoning By-law Amendment appeal (PL171487) and the Site Development appeal (PL180250) were consolidated. Party status was also granted on consent to CRH. Counsel for the Owner asked the Tribunal to set a second PHC for the fall of 2018. In the interim, the Owner was directed to work with the parties to address outstanding issues including noise and air quality matters.

The second PHC occurred on October 10, 2018. The LPAT issued an Order on November 13, 2018, scheduling a five-day hearing to commence on August 19, 2019.

The Development Planning Department is seeking direction from Vaughan Council to attend the LPAT proceedings in support of the Recommendations contained in this report.

Previous Reports/Authority

[Committee of Whole \(Public Hearing\) March 21, 2017](#)

[Heritage Vaughan Report July 18, 2018](#)

Analysis and Options

Zoning By-law Amendment and Site Development applications are required to permit the Development

The Owner has submitted the following applications (the ‘Applications’) on the Subject Lands shown on Attachments 1 and 2 to permit a development (the ‘Development’) consisting of 51, 3-storey townhouse dwellings, as shown on Attachments 3 to 6, fronting onto a private road that will form part of a future standard condominium:

1. Zoning By-law Amendment File Z.16.044 to amend Zoning By-law 1-88, to rezone the Subject Lands from C8(H) Office Commercial Zone with the Holding Symbol “(H)” subject to site-specific Exception 9(840), A Agricultural Zone and R1 Residential Zone to RM2 Multiple Dwelling Zone, in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. Site Development File DA.18.002 to permit 51, 3-storey townhouse dwelling units within 12 blocks, as shown on Attachments 3 to 6.

The Development Planning Department has reviewed the Development shown on Attachments 3 to 6 in consideration of the following policies:

The Development is consistent with the Provincial Policy Statement (‘PPS’) 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2014 (‘PPS’). The PPS provides policy direction on matter of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that the Development is consistent with Provincial policies, specifically the following sections (in part):

Part V - “Policies” of the PPS states (in part) the following:

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1c) “avoiding development and land use patterns which may cause environmental or public health and safety concerns”

Settlement Areas

1.1.3.2 “Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - efficiently use land and resources;
 - are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
 - support active transportation.”

Development is encouraged to locate in designated settlement areas, which are intended to be areas where growth is focused. Land use patterns within settlement areas should be based on an appropriate mix of land uses at densities that make efficient use of land and existing infrastructure.

Land Use Compatibility

1.2.6.1 “Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

Employment Areas

1.3.2.1 “Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.”

1.3.2.3 “Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.”

Housing

1.4.3 “Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market by (in part):

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

2.5.2.4 “Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*.”

Cultural Heritage and Archaeology

2.6.2 “Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

2.6.4 “Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.”

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

The Subject Lands are located on the west side of Keele Street, opposite to industrial uses located east of Keele Street and are within the MHCDP boundary. The orientation of the townhouse units and their amenity spaces have been designed to ensure compatibility with adjacent uses. The Development was recommended for approval by the Heritage Vaughan Committee and Vaughan Council endorsed Heritage Vaughan’s recommendation on September 27, 2018. In addition, a Heritage Conservation District Conformity Report was completed in support of the Development, which provides a

history of the Subject Lands and surrounding area to inform the commemoration plaques in the proposed urban square, as shown on Attachment 3. The Owner has also submitted an Air Emissions Assessment of the Land Use Compatibility Study for the Development, an Air Quality Study and a Preliminary Environmental Noise and Vibration Report, which have been reviewed by the DE Department, to support the Development.

The Development conform to the Growth Plan for the Greater Golden Horseshoe, 2017 ('Growth Plan')

The Provincial Growth Plan for the Greater Golden Horseshoe, 2017 ('Growth Plan') is intended to guide decision making on the development of land by encouraging compact built form, diverse land uses, and a range and mix of housing types. The Growth Plan encourages the concentration of population and employment growth within the settlement areas, and promotes the development of complete communities that offer a mix of housing types, access to local amenities, and connections to municipal water and wastewater systems.

With regard to how population and employment growth is to be accommodated, the Growth Plan identifies the importance of optimizing the use of the existing land supply to avoid the over designation of new land for future urban development. Objectives of the Growth Plan include creating complete communities that offer a range of options to live, work and play; providing greater choice in housing types to meet the needs of people in various states of life; curbing urban sprawl and reducing traffic by improved access to a range of transportation options.

The *Planning Act* requires that Vaughan Council's planning decisions are consistent with the Growth Plan. The Development Planning Department has reviewed the Development, and is of the opinion that it is consistent with the Growth Plan objectives, specifically the following sections (in part):

Intensification

The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Managing Growth

2. Forecasting growth to the horizon of this Plan will be allocated based on the following:
 - a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
 - b) growth will be limited in settlement areas that:
 - i. are undelineated built-up areas;
 - ii. are not serviced by existing or planned municipal water and wastewater systems; or
 - iii. are in the Greenbelt Area;
 - c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
 - d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
 - e) development will be generally directed away from hazardous lands;
4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development.

Cultural Heritage Resources

4.2.7.3 Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.

In consideration of the above, the Development is consistent with the policy framework and meets the objectives of the Growth Plan as it constitutes infill development within a settlement area, on an existing designated parcel of land with access to transit, stores and services including a community centre. The Development yields a density of 0.74 FSI which is greater than currently exists on the Subject Lands however, is within the density permitted (1.25 FSI) by VOP 2010. The Development provides a housing option in a compact built form with an attractive public realm that contributes to the mix of housing in the community. The Owner submitted a Cultural Heritage Impact Assessment ('CHIA') which was determined to be satisfactory by the Cultural Heritage Division of the Development Planning Department. The MHCDP permits a Development that is sensitive to existing development in the District and meets the intent of the Plan.

The Applications conform to the Ontario Heritage Act ('OHA'), Part V

The OHA enables municipalities to preserve and protect the cultural heritage properties of Ontario including archaeological sites, built heritage and landscapes. The Subject Lands are located within the Maple Heritage Conservation District Plan ('MHCDP') and are therefore, designated under Part V of the Act, and subject to the policies of the MHCDP.

Section 41.2 of the OHA states the following:

- (1) Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,
 - (a) carry out any public work in the district that is contrary to the objectives set out in the plan; or
 - (b) pass a by-law for any purpose that is contrary to the objectives set out in the plan. 2005, c. 6, s. 31.
- (2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force. 2005, c. 6, s. 31.

The proposed Development meets the intent of the MHCDP and was recommended for approval by the Heritage Vaughan Committee. The Development Planning Department will continue to work with the Owner to finalize brick colour and the commemoration plan, as further discussed in this report.

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

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

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

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

Section 2.3.1 also states that the D-1 Guideline does not apply to situations where incompatible land uses already exist, and there is no new land use proposal for which approval is being sought. The Guidelines are intended to apply when a change in land use is proposed. The Guidelines are not applicable to this Development as the

residential uses are already present on the Subject Lands and there are existing residential land uses located north of the Subject Lands and in the southeast quadrant of Keele Street and McNaughton Road and as the proposed residential land use does not represent a change to a more sensitive land use. The D-6 Guideline also encourages the implementation of mitigation measures. The Owner in their due diligence completed air quality and noise assessment studies to confirm that the Development would meet the intent of land use compatibility prescribed in the D-series Guidelines. The Guidelines have been incorporated into VOP 2010 and are discussed further in the VOP 2010 section of the report.

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

The York Region Official Plan 2010 ('YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" on Map 1, "Regional Structure" of the YROP. The "Urban Area" designation permits a range of residential, commercial, industrial and institutional uses, subject to additional policy criteria. The Subject Lands contribute to a complete community (Chapter 5), abut Keele Street being a regional road with a planned 36 m right-of-way, (Map 12 - "Street Network") and a planned regional cycling connection (Map 10 - "Regional Cycling Network").

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

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

The Development conforms to Vaughan Official Plan 2010 ('VOP 2010')

The Subject Lands are designated "Low-Rise Mixed-Use" by VOP 2010 and are located within a "Community Area" as identified on Schedule 1, "Urban Structure" of VOP 2010. The Subject Lands are located within the MHCDP and are subject to Section 12.2.1.1c Heritage Conservation District ('HCD') policies of VOP 2010 (Volume 2).

The "Low-Rise Mixed-Use" designation permits townhouse dwelling units having a maximum building height of 3-storeys and a maximum density (Floor Space Index – 'FSI') of 1.25 times the area of the lot. Limited intensification may be permitted in Community Areas in accordance with the land use designations on Schedule 13 (Policy 2.2.3.3). The proposed Development has an FSI of 0.73 and a maximum building height of 3-storeys.

A "Community Area" is generally established with a number of older, residential neighbourhoods that are characterized by large lots and/or historical, architectural, or landscape value. They are also characterized by their substantial rear, front and side

yards and by lot coverages that contribute to expansive amenity areas, which provide opportunities for attractive landscape development and streetscapes.

VOP 2010 identifies compatibility criteria for new developments in a “Community Area”. The compatibility criteria direct that new development is designed to respect and reinforce the physical character of the established neighbourhood within which it is located (Policies 2.2.3.2 and 9.1.2.1). In addition, new development in a “Community Area” within established development areas shall pay particular attention to local lot patterns, size and configuration, and existing building types with similar setbacks (Policy 9.1.2.3).

VOP 2010 policy 6.3.2.3 provides direction to conserve HCD’s by approving only those alterations, additions, new developments, demolitions, removals and public works in accordance with the respective HCD Plans and the policies of the Plan. When there is a conflict between the policies of the HCD Plan and the policies of VOP 2010, the HCD Plan shall prevail.

The Development is located at the intersection of Keele Street (arterial road) and McNaughton Road (minor arterial road) and is located in proximity to a proposed similar townhouse development to the immediate north and a mixed-use residential commercial building at the opposite corner of the intersection, as shown on Attachment 2.

McNaughton Park is located to the west. The Development includes an internal road network with no front-to-back façade conditions. The building setbacks are consistent with existing development in the surrounding area and along Keele Street and includes landscaped front yards facing Keele Street and McNaughton Road (Policy 9.2.3.2). A private amenity area is proposed internal to the Development and an urban square is located at the corner of Keele Street and McNaughton Road to promote an active streetscape and sightlines into the site.

The urban square includes 2 commemorative plaques, which conform to the requirements of VOP 2010 (Policy 6.1.3.4) to commemorate the evolution of the Subject Lands and to increase the community’s awareness of its cultural heritage history. The commemorative plaques are proposed to recognize the historical connection of the Subject Lands to the Village of Maple, an original farm site, belonging to a long-standing family of Maple (McQuarrie). The plaques will identify the history and changes of Maple from an early settlement, to its present-day condition. Also, the archaeological study discovered over 15,000 artifacts through a full Stage 4 excavation, to inform early Vaughan settler life.

Commemorating the history of the Subject Lands provides an opportunity to tie the new development into the historic development of Maple. Policy 6.1.3.2 and 6.4.1.3 of VOP 2010 encourage commemorating heritage resources, such as important buildings, settlements and significant landscape features that no longer exist by encouraging the use of heritage resources as a means, to engage the public, promote education and

awareness of Vaughan's past. The MHCD (Section 2.4.6) also fosters community support, pride and appreciation of the heritage buildings, landscapes, and character of the District, and promote the need to conserve these resources for future generations. The plaques must be designed and placed to the satisfaction of the Development Planning Department, a condition to this effect is included in the Recommendations of this report. Existing trees along Keele Street and McNaughton will be preserved to enhance the Development within the heritage context.

The built form and architectural style of the Development has been designed in accordance with the MHCDP. Sections 6.2.2.6 and 6.3.2.4 states that development be designed to be consistent with the existing heritage architectural style and complement the existing character of the neighbourhood. The proposed building elevations and site design has been reviewed by and recommended for approval by the Heritage Vaughan Committee. All units abutting Keele Street and McNaughton Road are a minimum of 6m wide and appropriate visitor parking is provided. Access to the Development is provided from McNaughton Road, and the parking for each unit fronting on a public road is at the rear of the unit, promoting a pedestrian friendly streetscape.

VOP 2010 requires health, environmental and cumulative air quality impact studies that assess the impact on human health or development with significant known or potential air emission levels near sensitive uses such as schools, daycares and seniors' facilities (Policy 3.7.1.5). The Owner submitted an "Air Emissions Assessment of the Land Use Compatibility", an "Air Quality Study" and a "Noise and Vibration Study", to address the following VOP 2010 requirements:

- 5.1.2.3 "To support the long-term flexibility, vitality and competitiveness of Employment Areas by:
 - b. requiring that sensitive land-uses outside of Employment Areas, as defined by the Ministry of Environment Guidelines for Land-Use Compatibility, are designed and located so as not to create adverse impacts on businesses within Employment Areas and that such compatibility, including any required mitigation, be addressed in an Employment Area Compatibility Assessment report;"
- 5.2.1.2 "To protect Vaughan's manufacturing, industrial and warehousing sectors from potential impacts, any development or redevelopment of lands for more sensitive land uses located within 500 m of an Employment Area, will be required to undertake appropriate environmental studies (e.g., noise, dust, vibration, etc.), to be identified on a case by case basis, in order to ensure land use compatibility with the surrounding Employment Area lands. As a result of the studies, on-site or off-site mitigation measure may be required prior to development at the expense of the applicant for the more sensitive land use."

- 9.2.2.10d) “Separation distance guidelines prepared by the Ministry of Environment or alternative measures shall be applied to achieve compatibility between uses in the General Employment designation and adjacent sensitive land uses.”
- 9.2.1.12 “Where there is a change in land use to a more sensitive use adjacent to existing employment or commercial uses, the existing neighbouring uses will be protected where necessary by the provision of landscaping, buffering or screening devices, and measure to reduce nuisances and, where necessary, by regulations for alleviating adverse effects included but not limited by lighting, noise and truck traffic. Such provisions and regulations shall be applied to the proposed development and, where feasible, shall also be extended to the existing use in order to improve its compatibility with the surrounding area; and/or, in all cases where a proposed development seriously affects the amenity of the surrounding area, consideration shall be given to the possibility of ameliorating such conditions, as a condition of approving an application, especially where public health and welfare are directly affected.”

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

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

The proposed rezoning and site-specific zoning exceptions identified in Table 1 would permit the Development, which is compatible with existing development in the community

The Subject Lands are zoned C8(H) Office Commercial Zone with the Holding Symbol “(H)” subject to site-specific Exception 9(840), A Agricultural Zone and R1 Residential Zone by Zoning By-law 1-88, as shown on Attachment 2, which does not permit the Development. To implement the Development, the Owner is proposing to rezone the Subject Lands to “RM2 Multiple Dwelling Zone”, in the manner shown on Attachment 3, together with the following site-specific zoning exceptions to RM2 Zone:

Table 1

	Zoning By-law 1-88 Standard	RM2 Multiple Dwelling Zone Requirements	Proposed Exceptions to the RM2 Multiple Dwelling Zone
a.	Minimum Amenity Area	51 three-bedroom units @ 90 m ² /unit = 4,590 m ²	51 three-bedroom units @ 10 m ² /unit = 510 m ²
b.	Minimum Lot Area	230 m ² /unit	97 m ² /unit
c.	Minimum Front Yard Setback (McNaughton Road)	4.5 m	2 m (Block 1) 2.2 m (Block 8)
d.	Minimum Rear Yard Setback (North Property Line)	4.5 m	0.9 m (Block 12)
e.	Minimum Exterior Yard Setback (Keele Street)	4.5 m	3.7 m (Blocks 2-5)
f.	Minimum Width of a Landscape Strip	6 m	- 2 m (McNaughton Road), - 3.7 m (Keele Street) and may include hard landscaping, including retaining walls and planter boxes not exceeding 1 m in height, exterior stairs and soft landscaping

	Zoning By-law 1-88 Standard	RM2 Multiple Dwelling Zone Requirements	Proposed Exceptions to the RM2 Multiple Dwelling Zone
g.	Maximum Width of a Driveway	7.5 m	8 m
h.	Maximum Building Height	11 m	- 11 m (Block 1) - 10.5 m (Blocks 2 to 5) - 11.5 m (Blocks 6 to 12)

The Development Planning Department can support the proposed rezoning and site-specific exceptions to Zoning By-law 1-88 identified in Table 1. The proposed development standards are consistent with other contemporary townhouse development in Vaughan and implements a density and built-form permitted by VOP 2010. The standards facilitate a Development that is consistent and conforms with the PPS, the Growth Plan, YROP and VOP 2010. In addition, the proposed built form is compatible with the surrounding existing and planned development and implements the intent of the MHCDP and recommended for approval by the Heritage Vaughan Committee.

The Development Planning Department, Urban Design and Cultural Heritage Division has no objection to the approval of the Development, subject to conditions

Site Plan

The Development, shown on Attachments 3 to 6, consists of 51, 3-storey townhouse dwellings units, served by a private standard condominium road. Access to the site is from McNaughton Road, with an emergency entrance from Keele Street. The internal road is 6 m wide road and widens to 8.7 m where it contains parallel visitor parking spaces.

The Development is well served by existing and new sidewalk connections. There are existing sidewalks located on McNaughton Road and Keele Street, which will provide direct access to Blocks 1 to 5. The proposed site plan also includes new internal sidewalk connections as shown on Attachment 3.

Parking facilities are to be located at the rear façade of the townhouses and out of sight for the units along Keele Street and McNaughton Road. The building design meets the

policies of the MHCDP, which states that attached garages to new construction be minimized or disguised as much as possible from the main frontage.

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

Landscape Plan

The landscape plan shown on Attachment 4, includes a mix of vegetation including deciduous trees, shrubs, perennials and ornamental grasses along McNaughton Road, Keele Street and the internal road. The front yards of Blocks 1 to 7 include raised precast planter walls, in addition to planters located on the decks above the double garage. The Owner is proposing fencing along the west and north property lines.

The Keele Street Enhanced Streetscape includes 9 new trees in the right-of-way in accordance with the Maple Streetscape and Urban Design Guidelines. The Owner shall pay to the City of Vaughan a one-time payment of \$13,347 for the maintenance of the enhanced landscape features within the Keele Street right of way, to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The site triangle at the southeast corner of the site (McNaughton Road and Keele Street) contains an urban square that consists of hard and soft landscaping with benches that face onto the two heritage commemoration plaques. A walkway connection is provided into the site leading to a private amenity area that contains a children's play structure. The plaques will commemorate the evolution of the site and increase the community's awareness of its cultural history, as discussed earlier in this report and are subject to final approval by the Development Planning Department. A condition to this effect is included in the Recommendations of this report.

The 2005 MHCD Inventory entry for 10,286 Keele Street identifies that the trees on this property are the most significant element to the Maple streetscape. An Arborist Report prepared by Beacon Environmental, dated August 2016, identified that most of the existing deciduous trees on site are Manitoba and Norway Maples. A Basswood tree and a Norway Maple were identified in the southeast corner of the site and will be retained as part of the final landscape.

In the context of the existing streetscape, the Development will feature more built form than currently exists. The Owner is proposing to plant new trees along the streets and

interior to the site. These plantings include Karpick Maple, Ohio Buck Eye, Crab Apple, Choke Cherry and Lilac.

The final Tree Preservation Plan, the Arborist Report, Landscape Plan and Landscape Cost Estimate shall be to the satisfaction of the Development Planning Department.

Building Elevations

The building elevations shown on Attachments 5 and 6, reflect the historic architectural styles traditionally found in the MHCDP. The Development includes two different architectural styles: Second Empire and Victorian Vernacular. Both are recognized heritage styles of the MHCDP. Along the Keele Street streetscape, the townhouses alternate between Second Empire style and Victorian Vernacular style.

As recommended by the Heritage Vaughan Committee, the Owner shall provide a colour scheme that replaces the yellow brick material with alternate brown/red brick material and submit an updated coloured elevation drawing of the Keele Street frontage illustrating the new colours on the townhouse blocks. A condition to this effect has been included in the Recommendations of this report.

The Subject Lands were identified as containing archaeological potential and a Stage 1 Archaeological Assessment was submitted. The Phase 1 Assessment identified the presence of a significant historical site and work proceeded according to the Ministry of Tourism, Culture and Sport ('MTCS') Standards and Guidelines for Archaeological Sites.

A preliminary Stage 4 Archaeological Assessment report has been submitted and it states that approximately 15,000 artifacts were recovered during excavation. This has been accompanied by a copy of the letter of review and acceptance from the MTCS confirming that the Subject Lands are now considered to be free of archaeological concern. However, although the properties have been declared to be free of archaeological concerns, the following standard clauses shall apply:

- i) Should archaeological resources be found on the property during construction activities, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport, and the City of Vaughan's Urban Design and Cultural Heritage Division in the Development Planning Department shall be notified immediately.
- ii) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the

Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

The Stage 4 Archaeological Assessment must be finalized to the satisfaction of the City. As noted above, 2 commemorative heritage plaques will be provided in the urban square. The Owner must submit plaque details (i.e. plaque structure, size and materiality) in the form of a commemoration plan. Cultural Heritage staff will require a copy of the complete Stage 4 Archaeological Assessment and the commemoration plan before issuing the final Heritage Permit release for new construction. A condition to this effect has been included in the Recommendations of this report.

A Draft Plan of Condominium (Standard) Application is required to establish the condominium ownership tenure for the Development, should the Applications be approved

The Owner has indicated that the future ownership tenure for the Development will be a Standard Condominium. Should the Applications be approved, a Draft Plan of Condominium (Standard) Application is required to establish the condominium tenure for the Development. The Application will be reviewed for consistency with the final site plan, and the appropriate conditions respecting the condominium tenure will be identified in a future technical report.

The Policy Planning and Environmental Sustainability (PPES) and the Parks Operations and Forestry Departments have no objection to the Development, subject to conditions

The PPES and the Parks and Forestry Operations Departments have approved the Woodland Evaluation, dated August 2017 and Addendum Letter dated June 26, 2018, prepared by Beacon Environmental which confirms the vegetation on the Subject Lands as a tableland woodland and justifies the removal of the feature. VOP 2010, Policy 3.3.3.3 permits the consideration of the removal of a feature to accommodate development, subject to satisfying specified criteria, as discussed earlier in this report. Prior to any woodland removal, Policy 3.2.3.9 of VOP 2010 requires that the natural feature and function being restored at no expense to the City. YROP Policy 2.2.48 - 2.2.49 allows for the removal of a woodland provided there is a woodland compensation plan. The replacement costs would be used by the City to either replicate the woodlands elsewhere in the City or used for land securement purposes.

The Beacon Environmental Addendum Letter dated June 26, 2018, submitted in support of the Applications, recommends a compensation value of \$51,980. In accordance with the City's Tree Protection Protocol, the current standards for tree replacement on an individual basis for the Subject Lands is valued at \$110,550.00 using information provided in the Arborist Report. The calculation is based on replacing trees in

accordance with the City's Tree Protection Protocol. However, the City's Tree Replacement Protocol was developed specifically to address individual tree loss and not to replicate woodland feature and function loss.

The City has consulted the Toronto and Region Conservation Authority ('TRCA'), as technical advisors on their best practices and approaches to compensation. The City reviewed the TRCA's "Guideline for Determining Ecosystem Compensation" dated June 2018, to understand their methodology for including function location and ecological services loss in their evaluation. As the City does not have a Woodland Compensation Protocol at this time, the TRCA's method of valuation is considered a reasonable approach, calculated as follows:

$$\begin{aligned} & \$110,550 \text{ (Individual Tree Replacement Costs)} + \\ & \$51,980 \text{ (Beacon Environmental Replacement Cost)} = \\ & \mathbf{\$162,530 \text{ (total)}} - \\ & \$22,000 \text{ (40 trees to be planted on the site)} = \\ & \mathbf{\$140,530 \text{ (final total)}} \end{aligned}$$

The funds shall be allocated to the Natural Heritage Compensation Reserve. The Owner must enter into a Tree Protection Agreement with the City of Vaughan.

In consultation with the PPES, Development Planning, Parks Development and the Parks and Forestry Operations Departments, the final Woodland Compensation amount of \$140,530 is recommended for the following:

- i) Tree Stand Restoration – the City shall replant a vegetative buffer between the Development edge and McNaughton Park with native shrubs and trees, and
- ii) Woodland Replacement and Edge Management – any remaining compensation can be used to replant the existing woodland edges to increase and enhance the level of biodiversity within the limits of existing park sites such as MacKenzie Glen District Park, Cranston Park, Maple Lions Park, Killian Lamar Open Space and Maple Community Centre Park (Attachment 1).

A final detailed work plan and restoration strategy will be developed in consultation with staff from Parks and Forestry Operations, Parks Development, Urban Design and PPES to determine scope, timing, and resources requirements to implement the necessary site works.

A condition to this effect is included in the Recommendations of this report.

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

The Development Engineering (DE) Department has advised they have no objection to the Development, subject to the comments below, warning clauses and conditions. The DE Department have identified the following matters to be addressed prior to final approval and execution of a Site Plan Agreement:

General Comments

The Owner shall present the option to the proposed townhouse development located directly to the north of the Subject Lands (Attachment 7) to facilitate a possible future storm sewer connection design through the land and alter the existing conveyance of the storm discharge, all to the satisfaction of the City. The landowners may be obliged to enter into a private cost-sharing agreement for operation, on-going maintenance and replacement of the shared elements, specifically the stormwater management system, and any areas of disturbance related to the stormwater management which it may affect.

Review Fees

Prior to final Site Plan Approval, the Owner shall pay the Engineering Site Plan Complex fee pursuant to the Fees and Charges By-law as amended. The fee amount is \$39,015 and shall be made prior to the next submission and/or prior to issuance of Final Site Plan Approval.

Stormwater Management ('SWM') Report

Further information is required to be included in the SWM report including:

- i) details of the underground storage tank and whether it can manage a 100-year event and/or back-to-back major storm events
- ii) surface ponding in post-development conditions should be identified on the site grading plan and SWM report
- iii) the manhole locate and control, municipal sewer extension
- iv) the rationale as to whether the internal storm sewer network can be extended for a potential future connection point for the Gracegreen Real Estate Developments Inc. site

The final SWM report shall be to the satisfaction of the DE Department.

Grading

The Owner has indicated that a temporary swale retaining wall construction will be facilitated with the Owner of the adjacent property to the north (Gracegreen) through an easement agreement to allow for an encroachment(s). An encroachment agreement will

be required prior to issuance of final approval and is subject to the approval of the City. The final grading plans shall be to the satisfaction of the DE Department.

A condition to this effect is included in the Recommendation of this report.

Environmental Noise & Vibration Report

A preliminary report was previously submitted by Jade Acoustics "Preliminary Environmental Noise and Vibration Report", dated September 1, 2016, for the Development and an amended report was subsequently submitted, dated July 12, 2018. The report states that noise abatement for both indoor and outdoor locations will be required to mitigate noise sources to the corresponding requirement levels.

A provision for adding central air conditioning and warning clauses will be required once the architectural house plans are designed and finalized. Furthermore, due to the proximity to the existing institutional, commercial and industrial facilities, all proposed residential units will likely require a "proximity warning clause" to notify future purchasers and/or tenants that the operations and use of these facilities may be noticeable. However, MECP Guidelines do allow for a minimal excess in noise provided the proper warning clauses are included in the corresponding Site Plan Agreement and registered on title. Furthermore, the report concludes that a "detailed noise report will need to be prepared once a final site plan and grading plan are available to ensure the applicable environmental noise criteria are achieved." As such, the following warning clauses may change and/or additional clauses may be added at a later time.

The suggested warning clauses, which shall be included in the corresponding Site Plan Agreement and in Offers of Purchase and Sale or Lease agreements on designated blocks (units) are as follows:

- a) "Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the dwelling units, noise due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the occupants as the sound level may exceed the noise criteria of the Municipality and the Ontario Ministry of the Environment Conservation and Parks ('MECP'). I, the purchaser hereby agree to place this clause in all subsequent Offers of Purchase and Sale or Lease when I sell the property."
- b) "Purchasers/tenants are advised that the dwelling unit was fitted with a central air conditioning system in order to permit the closing of windows for noise control."
- c) "Purchasers/tenants are advised that the acoustical fence and/or barrier as installed shall be maintained, repaired or replaced by the Owner or future Condominium Corporation. Any maintenance repair or replacement shall be with

the same material, to the same standards, and having the same colour and appearance of the original installation."

- d) "Purchasers/tenants are advised that this residential unit is in proximity to the existing institutional, commercial and industrial facilities whose activities may at times be audible."

Conditions to this effect have been included in the Recommendations of this report.

Environmental Site Assessment and Air Quality

Phase One and Phase Two Environmental Site Assessment ('ESA') reports completed in 2016/2017 were reviewed and the findings confirm the Subject Lands are suitable for the proposed residential use. In addition, given the proximity of the Subject Lands to nearby adjacent industrial uses, the Owner submitted an Air Emissions Assessment Land Use Compatibility Study dated November 2017 and an Air Quality Study dated August 2018. The findings of the Air Quality Study concluded that the Development would not have unacceptable air quality when compared to applicable air quality criteria as a result of the surrounding industrial facilities but recommended warning clauses registered on title to address potential odours and fugitive dust from the nearby industrial facilities and installation of Minimum Efficiency Reporting Value (MERV)11 filters on the air intakes to ensure residents have good air quality in their homes.

The Wood Air Quality Study, dated August 2018 recommended the following warning clauses to be registered on title:

- a) "As there may be occasional odours at the Proposed Development, or visible fugitive dusts in the vicinity of the industrial facilities on the east side of Keele Street, as per Guideline D-6, due to the proximity of these industrial facilities, and recognizing that there is always a potential for occasional odour or other nuisance effects at the Development."
- b) "Although issues with air quality are not expected, the Owner (Hatpin Developments Inc.) has committed to installing MERV11 filters on the air intakes to ensure residents will have good air quality in their homes."
- c) "There may be occasional odours at the Development, or visible fugitive dusts in the vicinity of the industrial facilities on the east side of Keele Street."

The screening level air dispersion modelling conducted using atmospheric dispersion modelling determined that no Air Contaminant Benchmark ('ACB') would be exceeded, with the ACBs being the MECP compliance criteria for air quality. The air quality effects at the Development are lower than those predicted at existing residential receptors located on the south side of McNaughton Road or further north on Keele Street.

The Study recommends that a warning clause be registered on Title, as per Guideline D-6, due to the proximity of these industrial facilities, and recognizing that there is always a potential for occasional odour or other nuisance effects at the Development.

In addition, even though issues with air quality are not expected, the Owner has committed to installing MERV11 filters on the air intakes to ensure residents will have good air quality in their homes.

A condition to this effect is included in the Recommendations of this report.

The Infrastructure Planning and Corporate Asset Management Department has no objection to the Applications, Sewage and Water Allocation is available for the Development

Water Distribution

The Subject Lands within Pressure District 7 ('PD7') of the York Water System. The Subject Lands are proposed to connect to the existing 300mm-dia. watermain along Keele Street. There are no objections to connecting to this watermain.

Sanitary Servicing

The City has recently completed a sanitary sewer system optimization study (Focus Area Core Servicing Strategy) for the Maple Heritage Area. The study has identified capacity limitations and Inflow – Infiltration that exist within the local sanitary sewer conveyance system along Keele Street. The City has not finalized a strategy for the Maple Heritage Area as of yet, as a result, the following condition shall apply:

- The Owner shall be responsible to finance and implement or contribute to required sanitary system improvements in the Maple Heritage Area based on the conclusions and recommendations of the City's Focus Area Core Servicing Strategy study, as appropriate, to the satisfaction of the Infrastructure Planning and Corporate Asset Management Department.

The Infrastructure Planning and Corporate Asset Management Department shall provide the Owner with a Letter of Credit amount required for sanitary system improvements in the Maple Heritage Area based on the conclusions and recommendations of the City's Focus Area Core Servicing Strategy study, as appropriate, to the satisfaction of the City of Vaughan. A condition to this effect is included in the Recommendations of this report.

Sewage and Water Allocation

On February 21, 2018, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council.

Servicing capacity to Site Development File DA.18.002 is available and unrestricted. Therefore, the following resolution to allocate capacity to the Development may be recommended for Council approval:

“THAT Site Plan Development Application DA.18.002 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 51 residential units (156 persons equivalent). The allocation of said capacity may be revoked by Council resolution and/or in accordance with the City's current Servicing Capacity Distribution Protocol in the event that (at the discretion of the City) the development does not proceed to registration within a reasonable timeframe.”

A condition to this effect has been included in the Recommendations of this report.

The Parks Development Department has no objection to the Applications, subject to conditions

The Subject Lands are located adjacent to the McNaughton Park and the proposed grading plan must not negatively impact the adjacent park or open space properties with overland flow routes. The existing park block shall not be encumbered by overland flow routes from the Development. The final plans shall be to the satisfaction of the Parks Development Department. A condition to this effect is included in the Recommendations of this report.

The Development may be eligible for municipal waste collection services

The Environmental Services Department, Solid Waste Management Division has advised they have no objection to the Development. The final waste management plan and waste collection design standards submission must be approved to the satisfaction of the Vaughan Environmental Services Department, Solid Waste Management Division.

The Environmental Services Department, Solid Waste Management Division advise that the future Condominium Corporation may be eligible for municipal waste collection services upon a successfully completed application, however, should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an Agreement 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. A condition has been included in the Recommendations of this report.

Cash-in-lieu of the dedication of parkland is required for the Development

The Owner shall pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units, whichever is greater, 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 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 City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The Financial Planning and Development Finance Department has no objection to the Applications, Development Charges are applicable to the Development

The Owner shall pay to the City applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board.

The Toronto and Region Conservation Authority ('TRCA') has provided Conditions of Approval

This Development is subject to the Source Water Protection Plan and requires the submission of a site-specific water balance assessment for review by the TRCA to mitigate development related impacts to infiltration. The Functional Servicing Report provides some water budget information and potential mitigation, but the analysis is based on a 5 mm storm event and provides no information on recharge.

A condition of the issuance of final Site Plan Approval with respect to source water protection shall be included as the location of the Development is within Source Protection Plan (SPP) Recharge Management Area (WHPA-Q). It is noted that Subject Lands are located downstream of the newly established WHAP-Q downgradient line. A post to pre-development water balance assessment was completed by the Owner. The design for a mitigation measure to achieve the pre-development water balance was provided along with a cost estimate for the construction of the mitigation measure(s). A cash in-lieu strategy is applied to the Development to compensate for the on-site mitigation measure to achieve the pre-development water balance. Accordingly, the following condition shall be included in the Site Plan Agreement:

- "The Owner shall provide the City with a Letter of Credit in the amount of \$20,500.00 plus 10% contingency prior to the execution of the Site Plan Agreement for any works in relation to satisfying the required post to pre-development water balance as the Subject Lands are located within the Source Protection Plan (SPP) Recharge Management Area (WHPA-Q)."

A condition to this effect is been included in the Recommendations of this report.

The various utilities have no objection to the Applications, subject to conditions

Enbridge Gas and Alectra Utilities Corporation has no objection to the approval of the Development, subject to the Owner coordinating servicing, connections, easements and locates with the above noted utilities prior to the commencement of any site works.

York Region School Boards have no objection to the Development

The York Region District School Board and the York Catholic School Board have advised that they have no objection to the Development.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has advised they have no objection to the Development, subject to the following comments:

- a) The Owner shall submit a Phase One Environmental Site Assessment ('ESA') for the lands to be conveyed to the Region. The ESA must be prepared to the satisfaction of York Region.
- b) The final site servicing and grading plans, erosion and sediment control plans, landscape plans, tree inventory, preservation plan and arborist report shall be to the satisfaction of York Region.
- c) The Owner shall be subject to payment of the Region's development review fees identified in York Region Fee By-law 2010-25, as amended.

The Owner is required to address all York Region requirements prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment and Site Development Files Z.16.044 and DA.18.002 in consideration of the policies of the *Provincial Policy Statement 2014*, the Growth Plan 2017, the *Ontario Heritage Act*, the YROP 2010 and VOP 2010 and the requirements of Zoning By-law 1-88, comments from area residents, City Departments and external public agencies, and the surrounding area context.

The Development Planning Department is satisfied that the Development, as shown on Attachments 3 to 6, is consistent with the *Provincial Policy Statement 2014* and

conforms to the policies of the Growth Plan 2017 as outlined in this report and that the Development satisfies the requirements of the *Ontario Heritage Act* and was recommended for approval by the Heritage Vaughan Committee and endorsed by Council. The Development conforms with YROP and VOP 2010 policies and is compatible with the existing and planned uses in the surrounding area.

The Applications have been appealed to the LPAT. The Development Planning Department has provided Recommendations for Council's endorsement, should LPAT approve the Applications. On this basis, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development applications, subject to the conditions and Recommendations in this report.

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

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Proposed Zoning
4. Landscape Plan
5. Building Elevations (Keele Street, McNaughton Road and Interior Street)
6. Building Elevations (Interior Streets)
7. Conceptual Site Plan (Public Hearing March 7, 2017)
8. Site Plan for Gracegreen Real Estate Development Inc. - File DA.15.071

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