

**To:** Christine Vigneault, Committee of Adjustment Secretary Treasurer

**From:** Nancy Tuckett, Director of Development Planning

**Date:** October 28, 2021

**Name of Owner:** 9773 Keele Development Inc.

**Location:** 9773 Keele Street

**File No.(s):** B019/21

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**Proposal:**

The Owner has submitted Consent Application File B019/21 to permit a servicing easement in favour of the lands to the north of the subject lands (9785 & 9797 Keele Street).

**Official Plan:**

Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

**Comments:**

The Owner is requesting permission to establish a servicing easement over the subject lands located at 9773 Keele Street (9773 Keele Development Inc.) in favour of 9785 & 9797 Keele Street (Laurier Harbour (Keele) Inc.) for mutual access to a subsurface storm outlet.

Consent Application File B001/20 was previously approved to secure reciprocal servicing and access easements between the subject lands and the Laurier Harbour (Keele) Inc. lands. However, this consent application is seeking to establish an additional easement over the subject lands in favour of the Laurier Harbour (Keele) Inc. lands for mutual access to a subsurface storm outlet.

The Committee of the Whole approved Official Plan Amendment File OP.17.001, Zoning By-law Amendment File Z.17.002, Draft Plan of Subdivision File 19T-17V001 and Site Development File DA.18.073 (the 'Applications') for the subject lands on March 2, 2021. In support of these applications, the Owner submitted an Arborist Report and Tree Preservation Plan prepared by The Tree Specialists Inc. dated November 16, 2016 and revised March 25, 2020. The Arborist Report identified eight (8) mature trees abutting Keele Street within York Region's right-of-way that will be preserved and protected during construction. The same report was submitted by the Owner in support of this Consent Application.

Through the review of this Consent Application, the Urban Design Division of the Development Planning Department noted that the proposed works for the subsurface storm outlet on the subject lands may encroach into the tree protection zones (TPZ) for trees identified for preservation and protection by the above noted Applications. As such, the submission of an updated Arborist Report/Tree Preservation Plan is required to be submitted that specifically details what protection measures are being put in place to ensure that the underground works relating to the installation of this subsurface storm outlet do not impact the trees identified for protection/preservation through Site Development File DA.18.073.

In addition, the Development Planning Department acknowledges the Owner is in the process of fulfilling the conditions of Site Plan Approval (File DA.18.073) outlined in the Committee of the Whole report for the above noted Applications, which include tree protection measures. A condition to this effect will form part of the recommendation section of this report.

The Development Planning Department has no objection to the proposed access easement as it facilitates the cohesive development of the subject lands (9773 Keele Development Inc.) and the abutting lands to the north (Laurier Harbour (Keele) Inc.), and is of the opinion that the requested access easement maintains the intent of VOP 2010 and the consent criteria stipulated in Section 51(24) of the *Planning Act, R.S.O. 1990, c. P.13*.

**Recommendation:**

The Development Planning Department recommends approval of the application.

**Conditions of Approval:**

If the Committee finds merit in the application, the following condition of approval is recommended:

1. The Owner submit an updated Arborist Report/Tree Preservation Plan detailing the tree protection measures that will be put in place to ensure the subsurface works will not impact the trees that are identified for preservation through Site Development Application File DA.18.073, to the satisfaction of the Development Planning Department, Urban Design Division.

**Comments Prepared by:**

Roberto Simbana, Planner I  
Letizia D'Addario, Senior Planner