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| ITEM #: 6.16 | COMMITTEE OF ADJUSTMENT REPORT CONSENT APPLICATION B005/23 10065 KEELE STREET, VAUGHAN |
|---------------------|---|

COA REPORT SUMMARY

**THIS REPORT CONTAINS COMMENTS FROM THE FOLLOWING
DEPARTMENTS & AGENCIES:**

Please see **Schedule B of this report for a copy of Staff and Agency correspondence.*

Additional comments from departments and agencies may be received after the publication of the Staff Report. These comments will be processed as an addendum and posted on the City's Website.

| DEPARTMENTS | Circulated | Comments Received | Conditions | Nature of Comments |
|--|------------|-------------------|------------|---------------------------------|
| Committee of Adjustment | X | X | X | General Comments w/conditions |
| Building Standards -Zoning Review <i>*Schedule B</i> | X | X | | General Comments |
| Building Inspection (Septic) | X | | | No Comments Recieved to Date |
| Development Planning <i>*Schedule B</i> | X | | | Application Under Review |
| Development Engineering | X | X | X | Recommend Approval w/Conditions |
| Parks, Forestry and Horticulture Operations | X | X | | General Comments |
| By-law & Compliance, Licensing & Permits | X | | | No Comments Recieved to Date |
| Development Finance | X | X | | General Comments |
| Real Estate | X | X | | General Comments w/Conditions |
| Fire Department | X | | | No Comments Recieved to Date |
| AGENCIES | Circulated | Comments Received | Conditions | Nature of Comments |
| TRCA <i>*Schedule B</i> | X | | | No Comments Recieved to Date |
| Ministry of Transportation (MTO) <i>*Schedule B</i> | | | | |
| Region of York <i>*Schedule B</i> | X | X | | General Comments |
| Alectra <i>*Schedule B</i> | X | X | | General Comments |
| Bell Canada <i>*Schedule B</i> | X | | | No Comments Recieved to Date |
| YRDSB <i>*Schedule B</i> | | | | |
| YCDSB <i>*Schedule B</i> | | | | |
| CN Rail <i>*Schedule B</i> | | | | |
| CP Rail <i>*Schedule B</i> | | | | |
| TransCanada Pipeline <i>*Schedule B</i> | X | | | No Comments Recieved to Date |
| Metrolinx <i>*Schedule B</i> | | | | |
| Propane Operator <i>*Schedule B</i> | | | | |

| PUBLIC & APPLICANT CORRESPONDENCE | | | | |
|--|------|---------|-------------------------------|--------------------------|
| <i>*Please see Schedule C of this report for a copy of the public & applicant correspondence listed below.</i> | | | | |
| The deadline to submit public comments is noon on the last business day prior to the scheduled hearing date. | | | | |
| Comments and written public submissions received after the publication of this Staff Report will be processed as an addendum and posted on the City's Website. | | | | |
| All personal information collected because of this public meeting (including both written and oral submissions) is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application. | | | | |
| Correspondence Type | Name | Address | Date Received (mm/dd/yyyy) | Summary |
| Applicant | | | | Application Cover Letter |

| PREVIOUS COA DECISIONS ON THE SUBJECT LAND | | |
|---|------------------|------------------|
| <i>*Please see Schedule D for a copy of the Decisions listed below</i> | | |
| File Number | Date of Decision | Decision Outcome |

| PREVIOUS COA DECISIONS ON THE SUBJECT LAND | | |
|--|------------|--|
| *Please see Schedule D for a copy of the Decisions listed below | | |
| | MM/DD/YYYY | |
| None | | |

| ADJOURNMENT HISTORY | |
|--|--|
| * Previous hearing dates where this application was adjourned by the Committee and public notice issued. | |
| None | |



**COMMITTEE OF ADJUSTMENT REPORT
CONSENT APPLICATION
B005/23
10065 KEELE STREET, VAUGHAN**

| | |
|--|---|
| ITEM NUMBER: 6.16 | CITY WARD #: 1 |
| APPLICANT: | Majavi Holdings Inc. |
| AGENT: | Mallory Nieves c/o Weston Consulting |
| PROPERTY: | 10065 Keele St Vaughan ON |
| ZONING DESIGNATION: | See Below |
| VAUGHAN OFFICIAL PLAN (2010) DESIGNATION: | Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Mixed-Use" and within a Local Centre. |
| RELATED DEVELOPMENT APPLICATIONS: | DA.22.028 |
| PURPOSE OF APPLICATION: | Consent is being requested to establish a blanket easement over 10065 Keele Street (servient lands) in favour of 10059 Keele Street (dominant land) to facilitate a shared waste management arrangement which is required as part of Site Plan application DA.22.028. |

HEARING INFORMATION

DATE OF MEETING: Thursday, June 1, 2023

TIME: 6:00 p.m.

MEETING LOCATION: Vaughan City Hall, Woodbridge Room (2nd Floor), 2141 Major Mackenzie Drive

LIVE STREAM LINK: [Vaughan.ca/LiveCouncil](https://vaughan.ca/LiveCouncil)

PUBLIC PARTICIPATION

If you would like to speak to the Committee of Adjustment at the meeting, either remotely or in person, please complete the [Request to Speak Form](#) and submit to cofa@vaughan.ca

If you would like to submit written comments, please quote file number above and submit by mail or email to:

Email: cofa@vaughan.ca

Mail: City of Vaughan, Office of the City Clerk, Committee of Adjustment, 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1

To speak electronically, pre-registration is required by completing the [Request to Speak Form](#) on-line and submitting it to cofa@vaughan.ca no later than NOON on the last business day before the meeting.

THE DEADLINE TO REGISTER TO SPEAK ELECTRONICALLY OR SUBMIT WRITTEN COMMENTS ON THE ABOVE NOTED FILE(S) IS NOON ON THE LAST BUSINESS DAY BEFORE THE MEETING.

INTRODUCTION

Staff and Agencies act as advisory bodies to the Committee of Adjustment. The comments contained in this report are presented as recommendations to the Committee.

The Planning Act sets the standard to which provincial interests, provincial and local policies and goals are implemented. Accordingly, review of this application considers the following:

- ✓ Conformity to Section 51(24) as required by Section 53(12) of the Planning Act.
- ✓ Conformity to the City of Vaughan Official Plan.
- ✓ Conformity to the Provincial Policy Statements as required by Section 3 (1) of the Planning Act.

Public written and oral submissions relating to this application are taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

COMMITTEE OF ADJUSTMENT COMMENTS

Date Public Notice Mailed: May 18, 2023

| COMMITTEE OF ADJUSTMENT COMMENTS | | |
|---|--|--|
| Date Applicant Confirmed Posting of Sign: | May 9, 2023 | |
| Adjournment Requests (from staff): <small>*Adjournment requests provided to applicant prior to issuance of public notice</small> | None | |
| Was a Zoning Review Waiver (ZRW) Form submitted by Applicant: <small>*ZRW Form may be used by applicant in instances where a revised submission is made, and zoning staff do not have an opportunity to review and confirm variances prior to the issuance of public notice.</small> <small>*A revised submission may be required to address staff / agency comments received as part of the application review process.</small> <small>*Where a zoning review has not been completed on a revised submission, an opportunity is provided to the applicant to adjourn the proposal prior to the issuance of public notice.</small> | N/A | |
| Adjournment Fees: In accordance with Procedural By-law 069-2019, an Adjournment Fee is applicable to reschedule an application after the issuance of public notice where a request for adjournment has been provided to the applicant prior to the issuance of public notice. An Adjournment Fee can only be waived in instances where adjournment of an application is requested by the Committee or staff after the issuance of public notice. | | |
| Committee of Adjustment Comments: | None | |
| Committee of Adjustment Recommended Conditions of Approval: | <ol style="list-style-type: none">1. That the applicant's solicitor confirms the legal description of the subject land. In this case, the legal description will describe 10065 Keele Street (blanket easement).2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land.3. That the applicant emails an electronic copy of the deposited plan of reference to cofa@vaughan.ca4. Payment of the Certificate Fee as provided on the City of Vaughan's Committee of Adjustment Fee Schedule. | |

| BUILDING STANDARDS (ZONING) COMMENTS | |
|---|------|
| **See Schedule B for Building Standards (Zoning) Comments. | |
| Building Standards Recommended Conditions of Approval: | None |

| DEVELOPMENT PLANNING COMMENTS | |
|---|-----|
| **See Schedule B for Development Planning Comments. | |
| Development Planning Recommended Conditions of Approval: | TBD |

| DEVELOPMENT ENGINEERING COMMENTS | |
|---|--|
| Link to Grading Permit Link to Pool Permit Link to Curb Curt Permit Link Culvert Installation | |
| The Development Engineering (DE) Department does not object to Consent Application B005/23 subject to the following condition(s): | |
| Development Engineering Recommended Conditions of Approval: | The Owner / Applicant shall obtain approval for the related Site Development Application (DA.22.028) from the Development Engineering (DE) Department. |

| PARKS, FORESTRY & HORTICULTURE (PFH) COMMENTS | |
|--|------|
| Forestry has no comment at this time | |
| PFH Recommended Conditions of Approval: | None |

| DEVELOPMENT FINANCE COMMENTS | |
|--|------|
| No comment no concerns. | |
| Development Finance Recommended Conditions of Approval: | None |

| BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES COMMENTS | |
|---|------|
| No comments received to date. | |
| BCLPS Recommended Conditions of Approval: | None |

| BUILDING INSPECTION (SEPTIC) COMMENTS | |
|---|------|
| No comments received to date. | |
| Building Inspection Recommended Conditions of Approval: | None |

| FIRE DEPARTMENT COMMENTS | |
|---|------|
| No comments received to date. | |
| Fire Department Recommended Conditions of Approval: | None |

| SCHEDULES TO STAFF REPORT | |
|--|---|
| *See Schedule for list of correspondence | |
| Schedule A | Drawings & Plans Submitted with the Application |
| Schedule B | Staff & Agency Comments |
| Schedule C (if required) | Correspondence (Received from Public & Applicant) |
| Schedule D (if required) | Previous COA Decisions on the Subject Land |

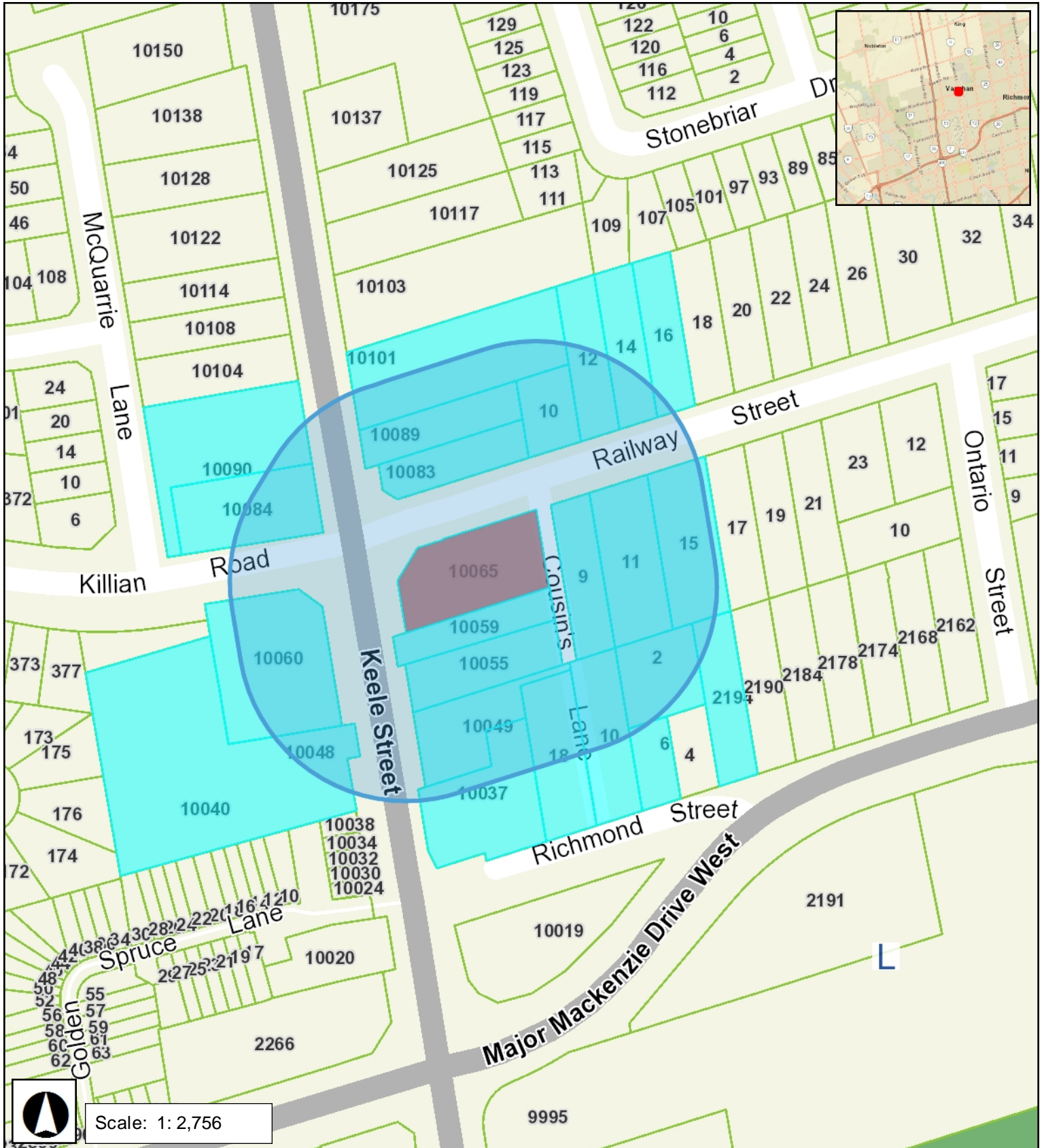
Should the Committee find it appropriate to approve this application, the following conditions have been recommended:

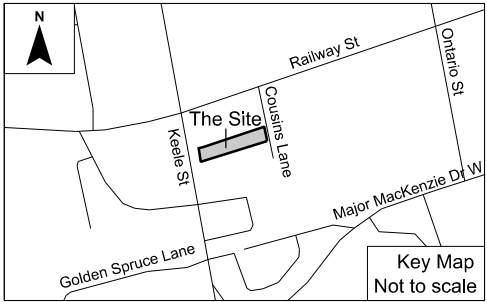
| SUMMARY OF RECOMMENDED CONDITIONS OF APPROVAL | | |
|---|---|--|
| All conditions of approval, unless otherwise stated, are considered to be incorporated into the approval “if required”. If a condition is no longer required after an approval is final and binding, the condition may be waived by the respective department or agency requesting conditional approval. A condition cannot be waived without written consent from the respective department or agency. | | |
| # | DEPARTMENT / AGENCY | CONDITION(S) DESCRIPTION |
| 1 | Committee of Adjustment christine.vigneault@vaughan.ca | 1. That the applicant's solicitor confirms the legal description of the subject land. In this case, the legal description will describe 10065 Keele Street (blanket easement). 2. That the applicant provides one full sized hard copy of the deposited plan of reference of the entire land. 3. That the applicant emails an electronic copy of the deposited plan of reference to cofa@vaughan.ca 4. Payment of the Certificate Fee as provided on the City of Vaughan’s Committee of Adjustment Fee Schedule. |
| 2 | Development Planning michelle.perrone@vaughan.ca | TBD |
| 3 | Development Engineering Rex.bondad@vaughan.ca | The Owner / Applicant shall obtain approval for the related Site Development Application (DA.22.028) from the Development Engineering (DE) Department. |

| IMPORTANT INFORMATION – PLEASE READ |
|--|
| CONDITIONS: Conditions must be fulfilled within two years from the date of the giving of the Notice of Decision, failing which this application shall thereupon be deemed to be refused. No extension to the last day for fulfilling conditions is permissible. |
| DEVELOPMENT CHARGES: That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment. That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City's Development Charges By-law in effect at the time of payment. |

| IMPORTANT INFORMATION – PLEASE READ |
|---|
| That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment |
| That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City's Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department. |
| NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Ontario Land Tribunal (OLT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will not receive notice. |

SCHEDULE A: DRAWINGS & PLANS





- LEGEND**
- Dominant Parcel (770 m²)
 - .- Servient Parcel (1,074 m²)

- Notes:**
- Property boundary and building footprint is based on survey by WAHBA Surveying dated March 15, 2022.
 - Not based on engineering, floodplain or grading analysis.

| DRAWN / REVISED | |
|-----------------|-------------|
| | |
| | |
| | |
| 10 MAR 2023 | First Draft |

CONSENT APPLICATION SKETCH
10059 KEELE STREET
CITY OF VAUGHAN
REGIONAL MUNICIPALITY OF YORK



WESTON

CONSULTING

File Number: 10471

Date: 2023-03-10

Drawn By: ZW

Planner: MN

CAD: 10471_10059 Keele St Consent Application Sketch_2023-03-01.dgn

Drawing

CA

| SCHEDULE B: STAFF & AGENCY COMMENTS | | | | |
|--|------------|-------------------|------------|------------------------------|
| DEPT/AGENCY | Circulated | Comments Received | Conditions | Nature of Comments |
| TRCA *Schedule B | X | | | No Comments Received to Date |
| Ministry of Transportation (MTO) *Schedule B | | | | |
| Region of York *Schedule B | X | X | | General Comments |
| Alectra *Schedule B | X | X | | General Comments |
| Bell Canada *Schedule B | X | | | No Comments Received to Date |
| YRDSB *Schedule B | | | | |
| YCDSB *Schedule B | | | | |
| CN Rail *Schedule B | | | | |
| CP Rail *Schedule B | | | | |
| TransCanada Pipeline *Schedule B | X | | | No Comments Received to Date |
| Metrolinx *Schedule B | | | | |
| Propane Operator *Schedule B | | | | |
| Development Planning | X | | | Application Under Review |
| Building Standards (Zoning) | X | X | | General Comments |

Date: April 18th 2023
Attention: **Christine Vigneault**
RE: Request for Comments

File No.: **B005-23**
Related Files:
Applicant: Majavi Holdings Inc.
Location 10065 Keele Street



Discover the possibilities

COMMENTS:

☐

We have reviewed the proposed Consent Application and have no comments or objections to its approval.

☒

We have reviewed the proposed Consent Application and have no objections to its approval, subject to the following comments (attached below).

☐

We have reviewed the proposed Consent Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Consent Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Stephen Cranley, C.E.T

Mitchell Penner

Supervisor, Distribution Design, ICI & Layouts (North)

Phone: 1-877-963-6900 ext. 31297

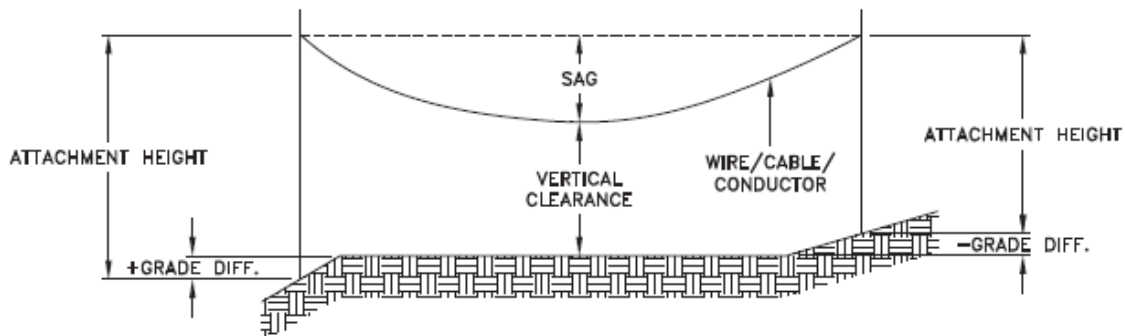
Supervisor, Distribution Design-Subdivisions

Phone: 416-302-6215

E-mail: stephen.cranley@alectrautilities.com

Email: Mitchell.Penner@alectrautilities.com

| LOCATION OF WIRES, CABLES OR CONDUCTORS | SYSTEM VOLTAGE | | | |
|---|--|------------------------|--------------------------------------|-------|
| | SPAN GUYS AND COMMUNICATIONS WIRES | UP TO 600V AND NEUTRAL | 4.16/2.4kV TO 27.6/16kV (SEE NOTE 1) | 44kV |
| | MINIMUM VERTICAL CLEARANCES (SEE NOTE 2) | | | |
| OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u> | 442cm | 442cm | 480cm | 520cm |
| OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS AND BICYCLES ONLY</u> | 250cm | 310cm | 340cm | 370cm |
| ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u> | 730cm | 730cm | 760cm | 810cm |



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

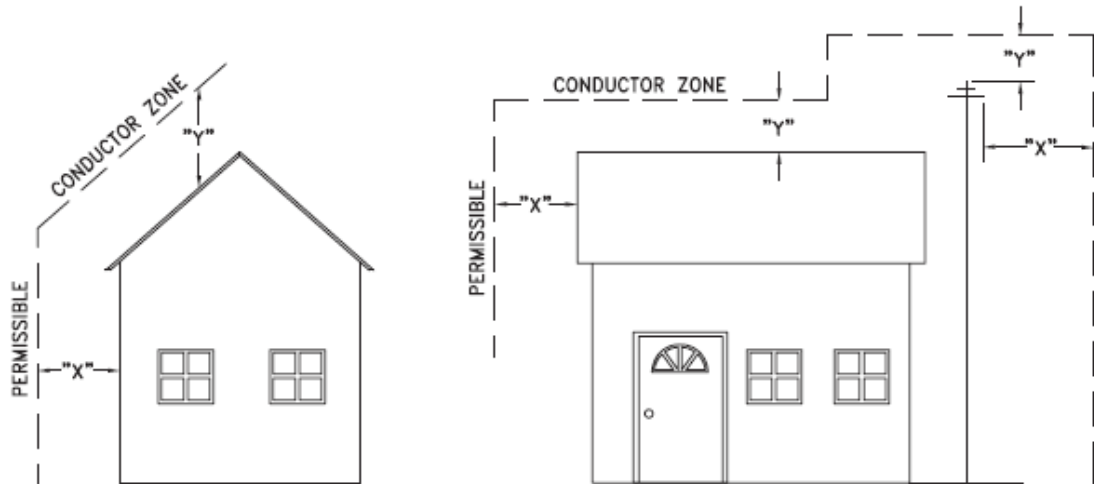
| CONVERSION TABLE | |
|------------------|-------------------|
| METRIC | IMPERIAL (APPROX) |
| 810cm | 27'-0" |
| 760cm | 25'-4" |
| 730cm | 24'-4" |
| 520cm | 17'-4" |
| 480cm | 16'-0" |
| 442cm | 15'-5" |
| 370cm | 12'-4" |
| 340cm | 11'-4" |
| 310cm | 10'-4" |
| 250cm | 8'-4" |

| REFERENCES | |
|-------------------|------------|
| SAGS AND TENSIONS | SECTION 02 |

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

| Certificate of Approval | |
|---|-------------|
| This construction Standard meets the safety requirements of Section 4 of Regulation 22/04 | |
| Joe Crozier, P.Eng. | 2012-JAN-09 |
| Name | Date |
| P.Eng. Approval By: | Joe Crozier |



| VOLTAGE | MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4) | MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5) |
|--------------------|---|---|
| 0-600V AND NEUTRAL | 100cm | 250cm |
| 4.16/2.4 TO 44kV | 300cm | 480cm |

- NOTES**
1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
 2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
 3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING. WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
 4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
 5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
 6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
 7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

**MINIMUM VERTICAL & HORIZONTAL CLEARANCES
OF CONDUCTORS FROM BUILDINGS OR OTHER
PERMANENT STRUCTURES (CONDUCTORS NOT
ATTACHED TO BUILDINGS)**

| CONVERSION TABLE | |
|------------------|----------------------|
| METRIC | IMPERIAL (APPROX) |
| 480cm | 16'-0" |
| 300cm | 10'-0" |
| 250cm | 8'-4" |
| 100cm | 3'-4" |

| Certificate of Approval | |
|---|-------------|
| This construction Standard meets the safety requirements of Section 4 of Regulation 22/04 | |
| Debbie Dadwani, P.Eng. | 2010-MAY-05 |
| Name | Date |
| P.Eng. Approval By: <u>D. Dadwani</u> | |

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
P:\System Planning and Standards\Standard Design\PowerStream Standards\PowerStream Standards working folder\Section 03-4 RD May 5, 2010.dwg, 5/5/2010 9:27:02 AM,
Adobe PDF

To: Committee of Adjustment

From: Faegheh Gholami, Building Standards Department

Date: April 17, 2023

Applicant: Majavi Holdings Inc.

Location: 10065 Keele Street
PLANP72 Part of Lot 3-4

File No.(s): B005/23

Zoning Classification:

The subject lands are zoned MMS – Main Street Mixed-Use Maple subject to the provisions of Exception 14.156 & 14.259 under Zoning By-law 001-2021, as amended.

The subject consent application is to permit an easement in favour of the lands to the south and therefore the Zoning By-law requirements for Lot Area, Lot Frontage and Lot Depth are not applicable.

Conditions of Approval:

If the committee finds merit in the application, the following conditions of approval are recommended.

* Comments are based on the review of documentation supplied with this application.

Lenore Providence

From: Wong, Justin <Justin.Wong@york.ca>
Sent: April-26-23 9:48 AM
To: Committee of Adjustment
Subject: [External] CONS.23.V.0044 (B005/23) - York Region Comments

Hi CofA,

The Region has reviewed the above noted consent application and do not have any comments.

Thanks,

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Justin Wong, MCIP, RPP | Planner, Planning and Economic Development Branch, Corporate Services Department

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 71577 | Justin.Wong@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**

| SCHEDULE C: PUBLIC & APPLICANT CORRESPONDENCE | | | | |
|---|------|---------|-------------------------------|--------------------------|
| Correspondence Type | Name | Address | Date Received (mm/dd/yyyy) | Summary |
| Applicant | | | | Application Cover Letter |

Committee of Adjustment
 Development Planning Department
 City of Vaughan
 2141 Major Mackenzie Drive
 Vaughan, Ontario
 L6A 1T1

March 8, 2023
 File 10471

Attn: Christine Vigneault, Manager, Development Services & Secretary Treasurer to the Committee of Adjustment

**RE: Consent Application (Easement)
 10059 Keele Street
 Related File # (DA.22.028)**

Dear Sirs/Madams,

Weston Consulting is the planning consultant for Salvador Enterprises Inc., the owner of the property municipally known as 10059 Keele Street in the City of Vaughan, (the “subject property”). On behalf of the owner, Weston is providing this enclosed Consent Application to register an easement to facilitate a shared waste management arrangement which is required as part of an active Site Plan application to change the use of the subject property.

Description of Property

The subject property is located along Keele Street, directly north of the Keele and Major Mackenzie intersection in the City of Vaughan. The subject property has an approximate area of 0.077 hectares (0.19 acres) and a frontage along Keele Street of 11.64 metres. Currently, the property is occupied by a vacant two-storey building and an accessory structure at the rear. The surrounding land uses include an assortment of mixed-use buildings to the north and west, a small commercial plaza to the south of the property, and residential dwellings to the east.

The subject properties are currently subject to the following legal descriptions, PINs and owner information:

| | 10059 Keele Street | 10065 Keele Street |
|-------------------|---|--|
| Legal Description | PT LT 2 PL 72 VAUGHAN AS IN R382241 ; VAUGHAN | LT 3 PL 72 VAUGHAN EXCEPT PTS 1-2, 65R13332 & PT 1, 65R13410; LT 4 PL 72 VAUGHAN EXCEPT PT 1, 65R13410, PTS 1-2, 65R13332 & PT 1, 65R13584 ; VAUGHAN |
| PIN | <u>PIN 03343-0198 (LT)</u> | <u>PIN 03343-0199 (LT)</u> |
| Owner | Salvador Enterprises Inc., | Majavi Holdings Inc. |

Application History + Development Status

A Site Plan application was submitted for the subject property (DA.22.028) in June 2022 and a resubmission was provided in December 2022. The purpose of the proposed application was to add a “Pet Services Establishment” as a permitted use within the existing commercial component of the main building, as well as reconfigure and re-pave the parking area. A revised Site Concept has been prepared which proposes nine parking spaces, including one barrier free space. The existing site access is maintained, with access located on Keele Street and Cousin’s Lane. The only change to the existing structures on the site will be some internal modifications to facilitate the new pet services establishment, but the gross floor area dedicated to the commercial and residential use will not change. As part of the Site Plan application, it was proposed to continue to pre-existing arrangement of waste from the 10059 Keele Street property to be deposited in the existing waste receptacle within the 10065 Keele Street property for pick up by a private waste contractor. The 10059 Keele Street property produces little waste, which is easily brought over by the tenant/operator to the existing waste receptacle in the 10065 Keele Street property.

The purpose of the Consent application is to formalize the shared waste pickup arrangement and address the following comments received on the application from Development Transportation Engineering staff:

In Section 5.2.2, waste will be transferred and collected at 10065 Keele Street. There is a wood fence and curb between the property line at 10059 Keele Street and 10065 Keele Street. The report should elaborate on how the waste will be transferred. The properties are not owned by the same owner(s) or legal entities. To facilitate garbage disposal/collection at 10065 Keele Street, applicant is required to put the two properties under same ownership, so that a consent application would be required if selling part of the property in future. Otherwise, an easement from the adjoining owner in favour of 10059 Keele Street is required to ensure the garbage disposal/collection on the adjoining site. This would require a consent application and a reference plan describing the easement area.

Purpose of the Application

The purpose of this Consent application is to establish an easement that will formalize the arrangement for the 10065 Keele Street property to receive waste generated by the proposed pet services establishment within the 10059 Keele Street property. The option of servicing the 10059 Keele Street property was explored, however, the subject property is narrow and cannot be serviced independently by the waste service provider who currently services the 10065 Keele Street property. As such, permission to establish an easement is being sought, as directed by City staff. The enclosed Consent Sketch demonstrates that the subject property, 10059 Keele Street, will be the dominant lands and the servient lands will be the 10065 Keele Street parcel. A blanket easement has been proposed since the waste receptacle to receive the waste is not a fixed structure on the 10065 Keele Street parcel. It is our opinion that a blanket easement is appropriate, because if the 10065 Keele Street were to redevelop or the waste receptacle location needed to be changed for some reason in the future, a new easement would not be required. The proposed blanket easement speaks to the agreement of receiving of waste for the purposes of pick-up, as opposed to some types of area-specific easements such as shared infrastructure or rights-of-way.



Planning Policy Framework

The proposed development of the subject property to add “Pet Services Establishment” as a permitted use and this related Consent application is supported by the hierarchy of applicable land use planning policies and regulations. Both the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) promote the efficient use of underutilized lands and existing infrastructure. This proposed Consent application for an easement to formalize a shared waste pick up arrangement is consistent with and conforms to the policies and principles outlined in these documents. The subject property is located within an existing settlement area and built-up area. Provincial planning policy encourages the development of safe and efficient development, which the proposed Consent application looks to ensure. The proposed waste pick up arrangement will allow for less waste pick up vehicle movements being required. As the 10065 Keele Street parcel is larger and allows for safer turning movements of waste pick up vehicles, the proposed Consent application to establish an easement promotes safety to residents and pedestrians.

The Region of York Official Plan identifies the subject property’s structure as Urban Area (Map 1, Regional Structure) and designates the subject property as Community Area (Map 1A, Land Use Designations). The subject property

falls within the Maple Local Centre (Schedule 1, Urban Structure, Vaughan Official Plan), while the site is designated as Low-Rise Mixed-Use which permits residential units; home occupations; small-scale hotels; retail uses; and office uses.

Also, the City of Vaughan Comprehensive Zoning By-law 001-2021 zones the subject property as Main Street Mixed-Use – Maple Zone with exceptions 156 and 259. The Main Street Mixed-Use – Maple Zone includes pet

services establishment as a permitted use. The proposed Consent application to establish an easement to facilitate a shared waste pick up arrangement, supports the related active Site Plan application that seeks permission to change the use of the mixed-use building on site. It is our opinion that the proposed Consent application conforms to the Region of York Official Plan and City of Vaughan Official Plan.

The proposed easement conforms with the Provincial Policy Statement (2020), the Greater Golden Horseshoe (2019), the York Region Official Plan (2022), City of Vaughan Official Plan (2010), and City of Vaughan Zoning By-law 001-2021. The proposed easement will facilitate the efficient use of land and the efficient shared waste pick up service. The proposed easement for shared waste management arrangement will result in the 10059 Keele Street property to be able to operate for a pet services establishment through the approval of the active Site Plan application. It will also result in a more efficient and safe waste management system that will reduce the need for the 10059 Keele Street site to be serviced by another operator and it will reduce the amount of vehicle movements that would be required to service the 10059 Keele Street parcel independently from the 10065 Keele Street site.

Planning Justification

Section 53 (12) of the Planning Act R.S.O. 1990, c. P.13, authorizes a council or the minister in determining whether a provisional consent is to be given, while having regard to the matters under subsection 51(24). In accordance with the enclosed application for consent to easement, the matters outlined in section 51 (24) of the Planning Act are evaluated below:

Table 1: Evaluation of Section 51 (24) of the Planning Act

| Criteria | Analysis |
|--|---|
| a) The effect of development of the proposed subdivision on matters of provincial interest; | The proposed easement has no significant effect on matters of provincial interest. |
| b) Whether the proposal is premature or in the public interest; | The proposed easement is neither premature or contrary to any matters of public interest. |
| c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any; | The proposed easement allow for the appropriate functioning of the site and the development to the lands in accordance with the applicable Official Plan policies. |
| d) The suitability of the land for the purposes for which it is to be subdivided; | There is no concern in regard to the suitability of the lands for the easement as it will allow for efficient waste management operations and the appropriate change in use for the subject property. |
| e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them; | The proposed easement will have the effect of reducing the need for additional waste vehicle trips and movements to service the subject property independently, and thus, positively impacts the existing road network and matters of safety. |
| f) The dimensions and shapes of the proposed lots; | The proposed blanket easement is appropriate for the type of easement required. |
| g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided; or the buildings or structures proposed to be erected on it and the restrictions, if any, on adjoining land; | No concerns with regard to restrictions of the proposed easement. |

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|--|--|
| h) The conservation of natural resources and flood control | The proposed easement is not located within a regulated area. |
| i) The adequacy of utilities and municipal services; | There are no concerns with regard to the adequacy of utilities and municipal services. The referenced waste pickup service will be provided by a private operator. |
| j) The adequacy of school sites; | The proposed easement does not present concerns of adequacy of school sites. |
| k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; | The lands subject to the proposed easement will not be conveyed to a public authority. |
| l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy | The proposed easement has no impact on matters relating to energy conservation. |
| m) The interrelationship between the design of the proposal and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act | There are no concerns relating to the design of the proposal. The proposed easement allows for the change in use of the subject property, to be implemented through a Site Plan application. |

Conclusion

The proposed Consent application to establish an easement has regard for matters of provincial interest and meets the requirements of Section 51 (24) of the Planning Act as described above. The purpose of these applications is to establish a blanket easement for the shared waste pick up service arrangement. The proposed application will have no negative impact on the surrounding area or structures. In my opinion, the proposed application for Consent maintains the principles of good land use planning, meets the in-force land use planning policy regime, has regard for the relevant criteria set out in Sections 51 (24) of the Planning Act and should therefore be approved.

Application Components

In support of these applications, please find enclosed the following supporting materials with this cover letter:

- Online application
- Concept sketch
- Application Fee

It is noted that the applicant will provide payment directly to the City of Vaughan (\$4,051.00) via credit card.

We trust that the submitted materials meet the application requirements and request that the enclosed applications be circulated as a comprehensive package to be scheduled for consideration at the next available City of Vaughan Committee of Adjustment meeting.

Please do not hesitate to contact the undersigned at extension 275 or Nazanin Nooshabadi at extension 358 if you require any additional information.

Yours truly,
Weston Consulting
Per:



Mallory Nievas, BA, MES, RPP, MCIP
Senior Planner

c. Jack Salvador, Client