

Committee of the Whole (2) Report

DATE: Tuesday, May 14, 2024

WARD(S): 4

TITLE: AVENUE 7 DEVELOPMENTS LTD.

OFFICIAL PLAN AMENDMENT FILE OP.22.008

ZONING BY-LAW AMENDMENT FILE Z.22.015

DRAFT PLAN OF SUBDIVISION FILE 19T-22V002

2267 HIGHWAY 7 & KEELE STREET

SOUTHWEST CORNER OF HIGHWAY 7 AND KEE

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole on Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, which have been appealed to the Ontario Land Tribunal ('OLT') for the lands shown on Attachment 1, to permit a four phased mixed-use development comprised of eight (8) mixed-use buildings with at grade commercial uses, ranging in height from 6 to 60-storeys with a total of 3,000 residential units, two new public roads, a 0.56 ha (1.39 ac) public park and a Floor Space Index ('FSI') of 7.40 times the area of the lot as shown on Attachments 2 to 7.

Report Highlights

- The Owner proposes to permit a four phased mixed-use development comprised of eight (8) mixed-use buildings with at grade commercial uses, ranging in height from 6 to 60-storeys with a total of 3,000 residential units and a total Gross Floor Area (GFA) of 260,005 m². The development includes two new public roads, a 0.56 ha (1.39 ac) public park and an FSI of 7.40 times the area of the lot.
- The Applications were appealed to the OLT (Files OLT-24-000031, OLT -24-000032 and OLT-23-000033) on December 1, 2023.

Report Highlights continued

- Council direction is required for Staff, Legal counsel and if required, external consultants to attend the OLT in support of Council's direction.
- A first Case Management Conference ('CMC') was held on April 23, 2024, and a subsequent CMC is scheduled for September 18, 2024

Recommendations

THAT the OLT be advised that Vaughan Council ENDORSES the following recommendations:

1. THAT Official Plan Amendment File OP.22.008 (Avenue 7 Developments Ltd.) BE APPROVED, to amend Vaughan Official Plan 2010, Volume 1 for the Subject Lands shown on Attachment 2, as follows:
 - a) to amend Schedule 13, Land Use to re-designate the lands from "Employment Commercial Mixed-Use" to "High-Rise Mixed-Use";
 - b) to increase the maximum permitted building height from 10-storeys to 60-storeys;
 - c) to increase the maximum permitted FSI from 3.0 to 7.40 times the area of the lot;
 - d) to permit podium townhouse units in the "High-Rise Mixed-Use" designation;
 - e) notwithstanding High-Rise Buildings Policy Section 9.2.3.6, setbacks will be in accordance with the site-specific by-law.
2. THAT Zoning By-law Amendment File Z.22.015 (Avenue 7 Developments Ltd.) BE APPROVED, to amend Zoning By-law 1-88 to rezone the Subject Lands from "EM1 – Prestige Employment Area Zone" subject to site-specific Exception 9(1322) and "C6 – Highway Commercial" subject to site-specific Exception 9(784) to "C9 Corporate Centre Zone" with a Holding Symbol "(H)" and "OS2 Open Space Park Zone", as show on Attachment 2, together with the site-specific zoning exceptions identified in Table 1 of Attachment 8;
3. THAT Zoning By-law Amendment File Z.22.015 (Avenue 7 Developments Ltd.) BE APPROVED, to amend Zoning By-law 001-2021 to rezone the Subject Lands from "EMU – Employment Commercial Mixed-Use" subject to site-specific Exception 14.958, and "EMU – Employment Commercial Mixed-Use" subject to site-specific Exception 14.487 to "HMU – High-Rise Mixed-Use" with a Holding

Symbol “(H)” and “OS1 – Open Space Conservation Zone”, in the manner shown on Attachment 1 together with the site-specific zoning exceptions identified in Table 2 of Attachment 9;

4. THAT the Holding Symbol “(H)” be applied to the implementing zoning by-law(s) and shall not be removed from the Subject Lands proposed to be zoned “C9 Corporate Centre Zone” under Zoning By-law 1-88 or “HMU – High-Rise Mixed-Use” with a Holding Symbol “(H)” under Zoning By-law 001-2021, or any portion thereof until such time that the following conditions are addressed for the Subject Lands, to the satisfaction of the City:
 - a) The Owner shall submit a copy of a Ministry of the Environment, Conservation and Parks (‘MECP’) Record of Site Condition filed on the environmental site registry covering the subject lands to the satisfaction of the City. The ‘H’ symbol however shall not inhibit the Applicant from applying and obtaining applicable conditional building permits to facilitate the remediation of the site.
 - b) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy to the subject lands.
 - c) It has been identified within the downstream capacity analysis that sanitary sewer improvements are required to facilitate the ultimate build out condition of the development. The lifting of the Holding Symbol “(H)” shall only occur under one of two scenarios:
 - i. The Owner demonstrates that a sanitary servicing strategy can be achieved utilizing a comprehensive study and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City. The study shall include approved and active proposed applications surrounding the Subject Lands, including, but not limited to, 2160 and 2180 Highway 7 (Files 19T-23V002), 7733 Keele Street (Files OP.23.004 & Z.23.006), and 227 Bowes Road (Files Z.22.017), to ensure any infrastructure improvements accommodates the remaining growth in the Concord Go Centre / Major Transit Station Area. The study shall also identify and commit to any improvements to any municipal and/or private sewers and mains, free of all costs and encumbrances to the City, that are required to service the Subject Lands, to the satisfaction of the City; or
 - ii. The Owner shall front-end finance and implement or contribute to required infrastructure improvements based on the conclusions and recommendations of the City’s Integrated Urban Water Master Plan Class EA, specifically the Concord Go Centre / MTSA Functional

Servicing Strategy Report, as appropriate and to the satisfaction of the City.

- d) The Owner shall submit an updated Transportation Impact Study ('TIS'), to the satisfaction of the City. The updated TIS is to address all outstanding City comments and to analyze the proposed road network and its impact to existing roadways that are also subject to approval by the Region of York, to the satisfaction of the City.
- e) The Owner shall provide updated functional design drawings followed by detailed engineering drawings of New Public Street 1 and New Public Street 2, their intersections with Keele Street and Highway 7 and any affected accesses to the satisfaction of the City.
- f) The Owner shall obtain, as applicable, all necessary approvals/permits from Regional Municipality of York and to their sole satisfaction, as the Subject Lands and external improvements are regulated by the respective agency.
- g) The Owner shall agree within the subdivision agreement that New Public Street 1 and New Public Street 2 shall be constructed within Phase 1 of the development, including but not limited to roadways, curbs, sidewalks, municipal services, and street lighting, in accordance with the approved subdivision plan and engineering drawings.
- h) The registration of the first phase of lands for residential development for Draft Plan of Subdivision 19T-22V002 satisfactory to the City of Vaughan and the execution of applicable agreements for the dedication of public parks as per the City's Park Base Conditions and Requirements included as part of the Draft Plan of Subdivision Conditions of Approval.
- i) The dedication of public parks shall be in accordance with VOP 2010, and the payment of cash-in-lieu of parkland in accordance with the requirements of the in-effect legislation, policies and amendments.
- j) The Owner shall enter into and execute a Subdivision Agreement for 19T-22V002 which agreement shall include Developer Build Park provisions with regard to the Owner's responsibility to design and construct the entire public park block in accordance with the City of Vaughan's Developer Build Parks Policy (Policy No. 07.2.05) and the interim non-conventional stormwater infrastructure approval process led by the Development Engineering department.
- k) A development agreement is executed between CN Railway and the Owner which details the requirements of enclosed noise buffers and any environmental easements to be registered on title.

5. THAT Draft Plan of Subdivision File 19T-22V002 (Avenue 7 Developments Ltd.) as shown on Attachment 6, BE APPROVED, to permit a residential Draft Plan of Subdivision, subject to the Conditions of Draft Plan of Subdivision Approval in Attachment 10;
6. That the Subject Lands be designated as a Class 4 Area pursuant to the MECP Noise Guideline (NPC-300) (Stationary and Transportation Sources – Approval and Planning);
7. That subject to approval of Recommendation 6., the City's Noise By-law 121-2021 Schedule 4 be updated to include the Subject Lands, conditional upon the Owner satisfying the following:
 - i. Submission of a detailed noise impact assessment and provision of any recommended noise control measures, to the satisfaction of the City (and the City's Peer Reviewer, if required);
 - ii. Approval of the related site plan development application by Vaughan Council or Delegated Staff Authority;
 - iii. Agreement to provide notice to prospective purchasers that the dwellings are located in a Class 4 Area and that agreements respecting noise mitigation may exist, and if so, to be registered on title;
 - iv. Agreement to register warning clauses on title to the satisfaction of the City; and
 - v. Submission of a copy of the registered plan of survey (i.e. R-Plan) showing the boundaries of the lands used for the designation of the Class 4 Area, to the satisfaction of the City.

Background

Location: 2267 Highway 7 and 7700 Keele Street (the 'Subject Lands'). The Subject Lands and the surrounding land uses are shown on Attachment 1.

Employment Land Conversion

An Employment Land Conversion ('ELC') was approved for the Subject Lands on October 22, 2020, by York Region Council.

Vaughan Council, on May 27, 2020, approved the Employment Land Conversion request for the Subject Lands. York Region Committee of the Whole, on October 15, 2020, considered the recommendations presented in a report prepared by the Commissioner of Corporate Services and Chief Planner for York Region regarding the 2041 Municipal Comprehensive Review ('MCR').

On October 22, 2020, York Region Council ratified the recommendations of the report with modifications and approved the conversion request for the Subject Lands.

The Owner appealed the Applications to the OLT for non-decision.

On December 1, 2023, the Owner appealed the Applications to the OLT for non-decision. During the CMC held in April 2024, party/participant status requests were granted which included CN Rail, Doney Hill Holdings Inc. and Doney 80 Corp. and Kohl & Frisch Limited as Party status. A subsequent CMC has been scheduled for September 18, 2024.

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

The Owner has submitted an Official Plan and Zoning By-law Amendment Applications and a Draft Plan of Subdivision (the 'Applications') for the Subject Lands, as shown on Attachments 2 to 7 to permit the proposed development consisting of:

- Eight (8) mixed-use buildings ranging in height from 6 to 60-storeys;
 - Building 1 – Tower A (35 storeys)
 - Building 1 – Tower B (25 storeys)
 - Building 2 – Tower A (45 storeys)
 - Building 2 – Tower B (60 storeys)
 - Building 3 – Tower A (50 storeys)
 - Building 3 – Office Tower (6 storeys)
 - Building 4 – Tower A (25 storeys)
 - Building 5 – Tower B (20 storeys)
- A total of 3,000 residential units;
- A total GFA of 260,005 m²;
- A total residential GFA of 237,784 m²;
- A total non-residential GFA of 222,221 m² ;
- A maximum FSI of 7.40 times the area of the lot;
- A total of 1,810 parking spaces;
- Two new local streets; and
- A 0.56 ha (1.39 ac) public park.

The proposed Development is envisioned to be developed in four Phases from south to North with Buildings 2 and 3 along Highway 7 to be constructed last. Future Site Development and Draft Plan of Condominium Applications are required to facilitate the build-out and tenure for the Development.

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

- Date of Notice (Circulated 150 m from Subject Lands and to the expanded polling area as shown on Attachment 1): August 19th, 2022
- Location of Notice Signs: Keele Street frontage and Highway 7 frontage
- Date of Public Meeting: September 13, 2022, date ratified by Council September 28, 2022

- Other Meetings: Applicant Led Community Meeting – April 17, 2023, held at Fontana Gardens Banquet Hall
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: April 30th, 2024

Public Comments were received.

The following is a summary of the comments provided and received to date. The comments are:

Density, Built Form and Building Design

- The proposed buildings are too tall for the area and are better suited for the VMC Area.
- The sense of community that exists at the southeast corner of Keele Street and Highway 7 (Rockview Gardens) will be lost once the large condominiums are constructed.
- The development will have impacts on the surrounding area and should be planned in a comprehensive manner.
- The heights and density proposed is an imbalance of the MZO approved heights and densities at the northeast corner of Keele and Highway 7.
- 3,000 residential units is too many.

Traffic, Parking and Safety

- There is already a lot of traffic along Keele Street and the proposal and additional people will add to this already congested area.
- Traffic calming measures should be included along Keele Street.
- The area has seen an increase in crime over the last several years, and the added population to the area may increase this issue and foster additional crime.
- Is there an opportunity to increase the number of proposed parking spaces.

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the Applications and/or Subject Lands can be found at the following links:

Extract From Council Meeting Minutes of May 27, 2020
[May 27, 2020, Committee of the Whole \(Item 10, Report No. 20\)](#)

York Region Committee of the Whole Planning and Economic Development Report
[October 15, 2020, Committee of the York Region Committee of the Whole, Planning and Economic Development \(Item 3, Report C\)](#)

Avenue 7 Developments Ltd., Public Meeting Report
[September 13, 2022, Committee of the Whole Public Meeting Report \(Item 1, Report 33\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, York Region Official Plan and VOP 2010.

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Staff are satisfied that the Proposed Development is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Subject Lands are within an Intensification Area, in proximity to higher order transit facilities and within the Keele Bus Rapid Transit ('BRT') Protected Major Transit Station Area 60 ('PMTSA 60'). The Growth Plan defines a PMTSA as the area within an approximate 500 to 800 m of a transit station. The Subject Lands front onto Bus Rapid Transit ('BRT') Station PMTSA and bike lane routes along Highway 7. The Development shown on Attachments 2 to 7 conforms to the Growth Plan.

York Region Official Plan 2022 ('YROP 2022')

The YROP 2022 designates the Subject Lands "Urban Area", which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the Keele BRT Protected Major Transit Station Area 60. Regional Centres and PMTSA's are focal points for the highest densities and most intensive development. The Proposed Development, which conforms to the YROP 2022, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of the YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands "Urban Area", which permits a wide range of residential, commercial, industrial, and institutional uses. The Subject Lands are located within the Keele Bus Rapid Transit ('BRT') Protected Major Transit Station Area 60 ('PMTSA 60'). Regional Centres and PMTSA's are focal points for the highest densities and most intensive development. The Proposed Development, which conforms to the YROP 2010, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Regional Intensification Corridors within Employment Areas" on Schedule 1 – "Urban Structure" of VOP 2010
- "Employment Commercial Mixed-Use" on Schedule 13 – Land Use of VOP 2010

The "Employment Commercial Mixed-Use" designation permits a maximum height of 10 storeys, and a maximum FSI of 3.0 times the area of the lot. The following amendments to VOP 2010 are required to permit the Development as shown on Attachments 2 to 7:

- to amend Schedule 13, Land Use to re-designate the lands from "Employment Commercial Mixed-Use" to "High-Rise Mixed-Use";
- to increase the maximum permitted building height from 10-storeys to 60-storeys;
- to increase the maximum permitted FSI from 3.0 to 7.40 times the area of the lot;
- to permit townhouse units in the "High-Rise Mixed-Use" designation.

The Development shown on Attachments 2 to 7 is located in an Urban Area, situated within a PMTSA and a Regional Intensification Corridor and would utilize existing infrastructure. The Development provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities. On this basis, the Development conforms to VOP 2010.

Council enacted Zoning By-law 001-2021 on October 20, 2021 as the new Vaughan Comprehensive Zoning By-law.

Applications to amend both Zoning By-law 1-88 and Zoning By-law 001-2021 are required because Zoning By-law 001-2021 is not in force for the Subject Lands due to it being under appeal.

Amendments to Zoning By-law 1-88 and 001-2021 are required to permit the development.

Zoning By-law 1-88:

- “EM1 – Prestige Employment Area Zone” subject to site-specific Exception 9(1322) and ‘C6 – Highway Commercial’ subject to site-specific Exception 9(784) by Zoning By-law 1-88.
- These zones do not permit the proposed Development
- The Owner proposes to rezone the Subject Lands to “C9 Corporate Centre Zone” and “OS2 Open Space Park Zone” in the manner shown on Attachment 2 together with the site-specific zoning exceptions to permit the Development included in Table 1 of Attachment 8.

Zoning By-law 001-2021:

- “EMU – Employment Commercial Mixed-Use” subject to site-specific Exception 14.958, and “EMU – Employment Commercial Mixed-Use” subject to site-specific Exception 14.487.
- These zones do not permit the proposed Development
- The Owner proposes to rezone the Subject Lands to ‘HMU High-Rise Mixed Use’ and ‘Open Space Conservation Zone’ in the manner shown on Attachment 2, together with the following site-specific exceptions to permit the Development included in Table 2 of Attachment 9.

The Development Planning Department can support the remaining zoning exceptions identified in Table 1 of Attachment 8 and Table 2 of Attachment 9 on the basis that the proposed site-specific zoning standards identified in Table 1 and Table 2 would facilitate a development that is consistent with the policies of the PPS and conforms to the Growth Plan. The site-specific development standards will enable a compact built form and pedestrian realm relationship that is supported in an Intensification Area with access to transit.

Minor modifications may be made to the zoning exceptions identified in Table 1 and Table 2 (Attachments 8 and 9) prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

A Holding Symbol “(H)” is recommended for the Subject Lands to satisfy the conditions of the City.

A Holding Symbol “(H)” is recommended to be placed on the proposed zoning for the Subject Lands to address the outstanding issues discussed throughout this report. The Holding Symbol “(H)” shall not be removed from the Subject Lands, or any portion thereof, until the conditions included in the Recommendation section of this report are

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

The Development Planning Department supports the Development, subject to conditions.

The Development Planning Department recommends approval of the Development as shown on Attachment 2 to 7, subject to conditions as contained in Attachment 10.

Site Plan

The Development shown on Attachments 2 to 7 consists of eight (8) mixed-use buildings ranging in height from 6 to 60-storeys, a total of 3,000 residential units with an overall GFA of 260,005 m² and a maximum FSI of 7.40 times the area of the lot.

The proposal provides for a total of 1,810 parking spaces including three levels of underground parking as well as two new local streets and a 0.56 ha (1.39 ac) public park.

Access to the Subject Lands will be via Keele Street and a New Public Street 2 with a new signalized intersection which will function as the primary access to the Site. As a result, the Rockview Gardens at Keele Street intersection will need to be restricted to right-in/right-out only.

An unsignalized right-in/right-out access onto Highway 7 is also proposed and will function as a secondary access to the Site. The small parcel of lands between Highway 7 and the Subject Lands have been transferred from the Province to the Region of York. The Owner acknowledges that a portion of these lands will be required to complete New Public Street 1 north to Highway 7.

Design Review Panel ('DRP')

On November 24, 2022, the Applications were considered by the DRP. The minutes to the DRP can be found at Meeting 105, Nov. 24, 2022.

Phasing – The Panel commented on the phasing strategy for the proposed park and grocery store and suggested prioritizing them in phase one.

Frontages – The Panel recommended that the Applicant future proof the southern and western frontages that interface with industrial and warehouse buildings and that consideration needs to be given to ensure that these frontages can work from the start and can evolve over a longer period.

The Development Planning Department supports the approval of the Draft Plan, subject to the Conditions of Approval.

Subdivision Design

The proposed Draft Plan of Subdivision (File 19T-22V002) shown on Attachment 6 is to create 8 blocks which will contain a mixed-use block, a park block, as well as roads.

Urban Design

All development within the Draft Plan is required to proceed in accordance with the Vaughan Council approved City-wide Urban Design Guidelines. The Owner shall provide a detailed Urban Design Guidelines. A condition to this effect is included in Attachment 10 a).

The podium facade for Building 2 which contains a 6 storey above-grade parking fronting Highway 7 shall incorporate a Public Art piece to mitigate the adverse impact of the exposed parking structure on the public realm to the Satisfaction of the City. A condition to this effect is included in Attachment 10 a). A Phasing Plan is required to ensure public infrastructure is delivered in a timely manner to properly service the existing and proposed community to the Satisfaction of the City. A condition to this effect is included in Attachment 10 a).

Archaeology

The Development Planning Department, Urban Design and Cultural Heritage Division has advised there are no built heritage concerns on the Subject Lands and is not identified as having archaeological potential, subject to any archaeological resources or human remains being located during construction. Warning clauses in this regard are included as Conditions of Approval in Attachment 10 a).

The Development achieves a Bronze Sustainability Threshold Score.

The Development achieves an overall Sustainability Performance Metrics ('SPM') application score of 27 (bronze level). This score meets minimum threshold requirements.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs Department ('PPSP') has no objection to the Development subject to Conditions of Approval.

The PPSP has advised that there are no natural heritage features on the Subject Lands and therefore, has no further concerns respecting these Applications. However, all applications regardless of their location are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources and Forestry ('MNRF'). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. A condition to this effect is included in Attachment 10 a).

Parks Infrastructure Planning and Development ('PIPD') has no objection to the Development subject to Conditions of Approval.

PIPD has provided holding conditions as well as draft plan of subdivision conditions as contained in Attachment 10a).

PIPD has requested that the Owner shall convey Block 2 to the City free and clear of all charges encumbrances with exception of the public underground storm water tank, if required by the City, to the City's satisfaction. The total area of the Park Block 2 shall be approximately 0.56 Ha and centrally located abutting the south public road of the development site for park development. As stipulated in the Conditions of Draft Plan Approval (Attachment 10 h)), the development of the public park block(s) shall be coordinated with the residential development in order to provide park facilities to the local residents in a timely manner, to the satisfaction of the City. The development and construction of the public parkland block shall occur in the first phase of development.

The Development Engineering ('DE') Department has no objection to the development subject to the conditions in this report.

The DE Department has provided the following comments:

Water Servicing

The Subject Lands are located within the City's Pressure District 6 ('PD'). The water servicing for the Subject Lands will be provided from the existing municipal watermain on Highway 7 and Keele Street via the proposed municipal roads. There is an existing water service connection to the Subject Lands that will be decommissioned. Water servicing shall conform to the conclusions and recommendations of the City's ongoing Integrated Urban Water Master Plan Class EA/FSSR.

Sanitary Servicing

The proposed sanitary sewer system will discharge to the existing municipal sanitary sewer on Keele Street. The Master Functional Servicing Report ('FSR') has identified capacity constraints in the downstream system in pre-development and post-development conditions. The FSR proposes sanitary infrastructure improvements to support the full build-out of the proposed development. The Owner shall contribute its share of the cost of infrastructure works and/or undertake necessary works associated with improvements to the downstream sanitary sewer system to the satisfaction of the City. The infrastructure improvements will be based on the conclusions and recommendations of the completed Functional Servicing Strategy Report.

Storm Servicing

The Subject Lands are part of the Don River Sub-watershed. The proposed storm sewer system will outlet to the existing regional storm sewer along Keele Street discharging to the municipal storm sewer on Rockview Garden. The proposed drainage scheme for the site will provide site level quantity control measures within each of the proposed site plan development phase areas and the park block in such a way that it mimics current drainage conditions as closely as possible.

Release rates are calculated based on the existing controlled rates from the subject site to the sewers on Keele Street. Underground storage tanks and control structures are proposed to provide the site level controls.

In order to service the site, it is proposed that Phase 3 and Phase 4 will convey storm runoff to the existing north-running storm sewer along Keele Street which drains to the Highway 7 storm sewers. Phase 1 and Phase 2 are serviced by the proposed storm sewer along the proposed public roads which will be connected to the existing south-running storm sewer along Keele Street.

The runoff generated from the public roadways will be treated by Oil Grit Separator ('OGS') units prior to entering a municipal underground storage tank within the park land for the controlled areas, and the municipal sewer system for the uncontrolled area. Additional operation and maintenance costs may result from the two OGS units within the public right-of-way and the proposed municipal underground storage tank in the Park Block.

DE requires that appropriate stormwater modelling information and all implementation, operation and maintenance and future replacement costs be supplied to support the Owner's proposal. The Owner will also be required to pay for all costs toward the additional operation and maintenance costs of the underground storage chamber and OGS units, as necessary.

Noise Impact Study

The Noise Feasibility study identified sound levels equal to MECP noise criteria, with possible exceedances of the MECP noise criteria due to variability in operations and recommended the Subject Lands be designated as a Class 4 Area to be protective of these minor exceedances, which permits higher stationary sound levels at the noise sensitive lands and allows for onsite mitigation noise measures. The City retained a noise peer reviewer who undertook an assessment of the noise feasibility study to determine if the Class 4 Area designation was justified. Based on the noise feasibility study and the City's noise peer review, to further enhance compatibility between the proposed new uses and surrounding existing uses (i.e., CN MacMillan Yard and adjacent commercial/industrial facilities), a Class 4 Area designation is deemed appropriate and recommended for the Subject Lands and have been included in the Recommendations of this report.

Environmental Site Assessment

The Interim Phase Two Environmental Site Assessment ('ESA') report identified soil and groundwater impacts at various locations of the Subject Lands (defined as only 7700 Keele Street in the Interim Phase Two ESA report) that exceeded the applicable MECP site conditions standards. The Owner submitted a Remedial Action Plan (RAP) which proposed excavation of the impacted soil and post-remediation groundwater analysis. Given that remediation will be required, the Holding Symbol "(H)" shall be applied to the Zoning By-law Amendment with the removal conditional upon the City's receipt of a MECP Record of Site Condition ('RSC') filed on the Environmental Site Registry.

Servicing Allocation

A Holding Symbol “(H)” will be required for the Development application and availability of Regional servicing capacity will be assessed at the site plan approval stage.

Transportation Engineering

The Owner has submitted a Transportation Impact Study (‘TIS’) in support of the application along with functional design drawings of the proposed road network, which comprises of minor collector roads forming an L-shape between Highway 7 and Keele Street. These materials have been reviewed by the Transportation Engineering division, and overall, revision to the TIS, functional design drawings, and clarification regarding the transportation facilities on-site is required. A number of improvements are recommended to the boundary road network in the analyses of the TIS which must be confirmed and coordinated with York Region, as well as coordination with neighbouring landowners to the south as there will be modifications to neighbouring access.

Conditions of the approval are required to also be included in the holding provisions that the TIS and functional design drawings be updated to the satisfaction of staff, prior to the submission of detailed engineering drawings for the proposed roadways. York Region approval is required and satisfying any conditions of York Region, involving improvements to the boundary roads, will be provided/granted as conditions of the approval.

Regarding the access modifications required with the neighbouring owner, staff will require coordination with the owner and the relevant agreements be secured as conditions of the approval and as a holding provision. Lastly, a number of revisions to the Draft Zoning By-Law Amendment are required and have been specified via comments provided to the Applicant.

Cash-in-Lieu of the dedication of parkland is required.

The Owner is required to pay to the City by way of certified cheque, cash-in-lieu of the dedication of the parkland, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. A condition to this effect is included in Attachment 10 a).

Community Benefits Charge (‘CBC’) is applicable and will be collected at Building Permit Stage.

The development meets the criteria for CBC being 5 or more storeys and 10 or more units. The City passed the CBC By-law on September 14, 2022, which is therefore the applicable mechanism used to collect community benefits.

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

The York Catholic District School Board (‘YCDSB’), Canada Post, Alectra Utilities, Enbridge, Hydro One, Bell Canada, Rogers and Bombardier have no objection to the Applications, subject to the conditions included in Attachments 10 d), e), f) and g).

The York Region District School Board ('YRDSB') noted that the lands on which the proposal is contemplated were not anticipated for residential uses. The YRDSB staff have concerns that the existing schools and school sites in the area will not be able to accommodate existing students and future developments in the area.

Canadian National Railway ('CN') noted concerns with the Development.

CN notes that a portion of the Subject Lands consisting of residential towers is located within 300 metres of the CN MacMillan Rail Yard ('Rail Yard'). In addition, portions of the development are beyond 300 metres from the Railyard, but within the 1,000 metre area of influence for the Rail Yard.

CN has noted significant concerns regarding the proposed development and does not support the development of sensitive land uses such as residential uses within 300 metres of the Rail Yard, consistent with the FCM/RAC Guidelines and the MECP D-Series Guidelines.

CN's concerns are rooted in the safety of the public and the lack of compatibility between the proposed sensitive uses and the active railyard and related operations. It is also CN's objective to protect current and future operations of the rail facility.

Specifically, CN notes the following concerns:

Noise

CN has concerns that the Noise Study as provided by the Applicant does not appropriately address the rail operations in the area.

Planning

CN's position is that based on the material provided, the Applicant has not addressed the 2020 Provincial Policy Statement and other land use planning policy documents.

Odour

CN notes upon a cursory review that CN's property which encompasses MacMillan Rail Yard is within 300 m of the Subject Lands, contrary to what is stated in the SLR Study of June 2023 as submitted by the Applicant. In addition, as CN is federally regulated CN is not required to obtain an Environmental Compliance Approval ('ECA') for its operations.

Prior to final Draft Plan approval, the Owner shall satisfy CN's conditions identified in Attachment 10 h).

Vaughan Fire and Emergency Services has concerns with the Development.

Vaughan Fire and Rescue Services ('VFR') and Emergency Planning Staff noted concerns with the proposed residential uses being located adjacent to several industrial companies within the employment area as well as the use of a spur line which is part of the CN Rail Line for storage of rail tankers. As the industrial companies are federally regulated and the fuel tankers are sufficiently setback back approximately 28 m southwest of the Subject Lands, Development Planning Staff is satisfied that no further study is required.

Broader Regional Impacts/Considerations

The Subject Lands are located along both Highway 7 and Keele Street, both of which are Major Arterial - Regional Roads.

York Region, on (April 12, 2024) provided comments which state that The Region does not support the approval of the Draft Plan of Subdivision File 19T-V22002 until such time as the Applicant has addressed the transportation related comments to the satisfaction of York Region Transportation Planning Staff.

The Region noted that in the event the Draft Plan of Subdivision is approved by the OLT, the plan is subject to the Schedule of Clauses/Conditions in Attachment 10 b).

The Toronto and Region Conservation Authority ('TRCA') has provided conditions of approval.

Upon review of the materials in support of the Applications, TRCA staff have no objection to the approval of the Draft Plan of Subdivision, subject to the conditions as contained in Attachment 10 c).

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Applications, subject to the recommendations in this report and Conditions of Approval in Attachment 10.

For more information, please contact Mary Caputo, Senior Manager of Development Planner, at extension 8635.

Attachments

1. Context and Location Map
2. Proposed Official Plan Designation, Zoning and Site Plan
3. Landscape Plan
4. Building Elevations – North (Facing Highway 7)
5. Building Elevations – East (Facing Keele Street)
6. Draft Plan 19T-22V002
7. Perspective Rendering
8. Zoning By-law 1-88 Table 1
9. Zoning By-law 001-2021 Table 2
10. Conditions of Draft Plan of Subdivision Approval File 19T-22V002

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