

Committee of the Whole (2) Report

DATE: Tuesday March 18, 2025

WARD: 1

TITLE: RIZMI HOLDINGS LIMITED

ZONING BY-LAW AMENDMENT FILE Z.18.004

DRAFT PLAN OF SUBDIVISION FILE 19T-18V004

11333 DUFFERIN STREET

VICINITY OF DUFFERIN STREET AND KIRBY ROAD

FROM:

Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Draft Plan of Subdivision applications to rezone the subject lands (Attachment 1) from “FUA Future Urban Area Zone” to residential and open space zone categories to permit a residential plan of subdivision consisting of up to 522 single detached lots (maximum 18 units per hectare), future residential blocks, open space blocks for acoustic barriers, access lane, SWM/Park/Pump Station, park valley and stream corridor, tree preservation, 0.3 m reserves, sight triangle blocks, and public roads, as shown on Attachment 2.

Report Highlights

- The Owner proposes to rezone the Subject Lands (Attachment 1) to permit a residential subdivision consisting of up to a maximum of 522 single detached lots (maximum 18 units per hectare).
- Zoning By-law Amendment and Draft Plan of Subdivision applications are required to implement the Development.
- The Subject Lands are subject to a Minister’s Order.
- The Development Planning Department supports the approval of the applications subject to the conditions as outlined in this report.

Recommendations

1. THAT Zoning By-law Amendment File Z.18.004 (Rizmi Holdings Limited) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 1 from “FUA Future Urban Area Zone” subject to site-specific Exception 9(1416) to the following zone categories, as red-lined, in the manner shown on Attachment 2, together with the site-specific zoning exceptions identified on Table 1 in Attachment 4 of this report:
 - R2(H) and R2(H1) Residential Zone, with the Holding Symbols ‘(H)’ and ‘(H1)’
 - R4(H), R4(H1), R4(H2), R4(H4) and R4(H5) Residential Zone, with the Holding Symbols ‘(H)’, ‘(H1)’, ‘(H2)’, ‘(H4)’ and ‘(H5)’
 - R5(H), R5(H2), R5(H3) and R5(H5) Residential Zone, with the Holding Symbol ‘(H)’, ‘(H2)’, ‘(H3)’ and ‘(H5)’
 - OS2(H) Open Space Park Zone, with the Holding Symbol ‘(H)’
 - OS4(H) Open Space Tree Protection Zone, with the Holding Symbol
 - OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol ‘(H)’

2. THAT the Holding Symbols ‘(H)’, ‘(H1)’, ‘(H2)’, ‘(H3)’, ‘(H4)’ and ‘(H5)’ as shown on Attachment 2, shall not be removed until the Owner provides the following to the satisfaction of the City of Vaughan:
 - a) Submit a complete copy of the Record of Site Condition (‘RSC’) for the Lands acknowledged by the Ministry of the Environment, Conservation, and Parks and filed on the Environmental Site Registry confirming the lands are suitable for the proposed residential development. This submission to the City shall include Phase One Environmental Site Assessment (‘ESA’) and Phase Two ESA reports at a minimum, a Remedial Action Plan (‘RAP’) if contamination is identified, and any reports that detail the execution of the RAP (remediation or risk assessment reports). A reliance letter (in accordance with the City’s reliance letter template) for all reports will also be required in this submission to the City.

 - b) Provide a functional design of the transportation network, demonstrating that the proposed street layout adheres to the City of Vaughan Engineering Design Criteria and Standards. The design must confirm that the vertical and horizontal sightlines are adequate for all applicable movements at internal intersections and site access points, plus lot driveways where required by the city, in accordance with TAC (Transportation Association of Canada) Guidelines, to the satisfaction of the Development Engineering Department.

- c) The Owner shall submit a final/revised draft plan of subdivision to reflect any changes as a result of the Non-Conventional Stormwater Management Facilities ('SWMF') Justification Report and Functional Servicing Report ('FSR') including any changes to the proposed lotting fabric and/or extent of the storm water management /pumping station Block and/or Open Space Blocks, if deemed necessary by the City.
3. THAT the Holding Symbol '(H1)', as shown on Attachment 2, shall not be removed from the Lots 409 to 411 (Phase 5), Lots 427 to 514 (Phase 6), and Blocks 530 and 531, until Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City's approved Servicing Capacity Distribution Policy assigning capacity to the Subject Lands.
 4. THAT the Holding Symbol '(H2)', as shown on Attachment 2, shall not be removed from Lots 409 to 413, until the following conditions are addressed to the satisfaction of the City:
 - a) The Owner shall submit a Non-Conventional SWMF Justification Report for the purposes of carrying out a complete and comprehensive assessment of any proposed Non-Conventional SWMF and stormwater strategy to the satisfaction of the Development Engineering Department;
 - b) The Owner shall submit an updated FSR including associated drawings that confirm the size, the configuration, and the required area of stormwater management facilities to the satisfaction of the Development Engineering Department;
 - c) The Owner agrees in the subdivision agreement to design and construct the wastewater pumping station, provide the required securities, convey the necessary lands and easements to the City and appropriately zone the lands;
 - d) The Owner shall submit the required reports to confirm the size of the wastewater pumping station and lands required for same to the satisfaction of Development Engineering Department; and
 - e) The Owner shall agree in the subdivision agreement to design and construct the necessary road network including cul-de-sacs, as required, to support the stormwater management facility, and wastewater pumping station unless alternative arrangements are made to the satisfaction of Development Engineering Department.
 5. THAT the Holding Symbol '(H3)', as shown on Attachment 2, shall not be removed from Lots 1 and 2 until the following conditions are addressed to the satisfaction of the City:

- a) The Owner shall agree in the subdivision agreement to design and construct the water booster station, provide the required securities and convey the necessary lands and easements to the City and appropriately zone the lands unless alternative arrangements are made to the satisfaction of Development Engineering Department; and
 - b) The Owner shall submit the required reports to confirm the size of the water booster station and lands required for same to the satisfaction of Development Engineering Department.
6. THAT the Holding Symbol '(H4)', as shown on Attachment 2, shall not be removed from Lots 35 to 40, 78 to 82, 114 to 118, 144 to 146, 173 to 175, 211 to 212, 253 and 254, 296 to 298, 339, 340 and 385 to 391, until the following condition(s) are satisfied:
- a) The Kirby Road extension from Bathurst Street to Dufferin Street is constructed, and the temporary easements Parts 13 and 14 on 65R-39883 are released to the satisfaction of the City, or alternative solutions are made to the satisfaction of the City.
7. THAT the Holding Symbol '(H5)', identified as Block "Y" and as shown on Attachment 2, shall not be removed from 409 to 413, until the following condition(s) are satisfied:
- a) The Owner shall submit a Facility Fit Plan for the proposed park block;
 - b) Any information/documents deemed necessary by the City for the purposes of carrying out a complete and comprehensive assessment of the proposed underground stormwater servicing strategy be submitted and approved;
 - c) If deemed necessary by the City, the Owner shall submit a final/revised Draft Plan to reflect any changes as a result of the review/assessment of above conditions, including any changes to the proposed lotting fabric and/or extent of the City park, storm water management ('SWM') blocks, and/or Open Space Blocks
8. THAT notwithstanding the above, a Public Neighbourhood Park, a Stormwater Management Pond, a sewage pumping station, a water booster station, and any related municipal infrastructure may be permitted prior to the removal of the Holding Symbols '(H2)', '(H3)' and '(H4)'.
9. THAT Draft Plan of Subdivision File 19T-18V004 (Rizmi Holdings Limited) BE APPROVED, to permit a residential plan of subdivision of up to a maximum of 522 residential lots while maintaining a maximum density of 18 units per hectare in accordance with the Minister's Order, as shown on Attachment 2, for detached

dwellings and the associated park, valley and stream corridor, stormwater management facility, roads and buffer blocks, subject to the following conditions and the Conditions of Draft Plan of Subdivision Approval in Attachment 5:

- a) The final number of lots approved is subject to the ultimate disposition of the location and design of the storm water management facilities, TRCA requirements, roads and parks.
- b) If deemed necessary by the City, the Owner shall submit a final/revised Draft Plan to reflect any changes as a result of the review/assessment of above conditions, including any changes to the proposed lotting fabric and/or extent of the City park, storm water management ('SWM') blocks, and/or Open Space Blocks.

Background

Location: 11333 Dufferin Street (the 'Subject Lands'). The Subject Lands and surrounding land uses are shown on Attachment 1. The Subject Lands are used for a concrete recycling operation, where used concrete is crushed, stock-piled and sold as aggregate.

The Minister of Municipal Affairs and Housing ('MMAH') on February 3, 2015, issued an Order for the Subject Lands.

MMAH on February 3, 2015, issued an Order (the 'Minister's Order'), pursuant to Section 18(1) of the *Oak Ridges Moraine Conservation Act, 2001* to amend the relevant York Region and City of Vaughan Official Plans and the City's Zoning By-law 1-88. The Minister's Order, as shown on Attachment 6, amends:

- York Region Official Plan 1994 ('YROP 1994') through Official Plan Amendment 72 ('OPA 72'), (specifically Sections 2.5 "Oak Ridges Moraine" and 5.9 "Rural Policy Area" and Map 11 "Oak Ridges Moraine Conservation Plan Land Use Designations")
- Vaughan Official Plan 600 ('OPA 600') through Official Plan amendment 747 ('OPA 747'); and
- the City's Zoning By-law 1-88, by way of site-specific Zoning By-law 023-2015, being Exception Paragraph 9(1416) to Zoning By-law 1-88.

The Minister's Order, through OPAs 72 and 747 designates the Subject Lands as "Low Density Residential" and "Valley and Stream Corridor". The Minister's Order zones the Subject Lands "FUA Future Urban Area Zone". The Minister's Order is final and not subject to appeal.

Ontario Land Tribunal ('OLT') Appeal of VOP 2010

The Owner on November 8, 2012, appealed VOP 2010 with respect to certain lands, including the Subject Lands, to the Ontario Municipal Board, (now known as Ontario Land Tribunal ('OLT') (identified as Appeal #62 in the City of Vaughan List of VOP 2010 Appellants) and this appeal remains outstanding. The appeal of Vaughan Official Plan 2010 (Appeal #62) (OLT case no. OLT-21-001787) shall be withdrawn for the Subject

Lands within the plan of subdivision to the satisfaction of the Deputy City Manager Planning, Growth Management and Housing Delivery, within 45 days of the final approval of the Zoning By-law amendment. A Condition to this effect is included in Attachment 5 of this report.

Ontario Land Tribunal ('OLT') Appeal of Conditions Draft Plan of Subdivision Appeal

On January 5, 2021, Vaughan issued the Notice of Final Approval of Draft Plan of Subdivision 19T-18V004, Phase 1. The Owner on January 25, 2022, appealed Conditions of Draft Plan Approval for Phase 1 of File 19T-18V004 to the OLT. The appeal settled and was withdrawn on September 29, 2022. Conditions 21, 39 and 40 of the January 5, 2021 Final Approval of Draft Plan of Subdivision 19T-18V004, Phase 1 have been cleared.

Applications have been submitted to permit the proposed Development.

Rizmi Holdings Limited (the 'Owner') has submitted a revised Zoning By-law Amendment and Draft Plan of Subdivision (the 'Applications') for the Subject Lands to permit the Development as shown on Attachment 2:

1. Zoning By-law Amendment File Z.18.004 to amend Zoning By-law 1-88 to rezone the Subject Lands shown on Attachment 1 from "FUA Future Urban Area Zone" subject to site-specific Exception 9(1416) to the following zone categories, as shown on Attachment 2, together with the site-specific zoning exceptions identified in Attachment 4, Table 1 of this report:
 - R2(H) and R2(H1) Residential Zone, with the Holding Symbols '(H)' and '(H1)'
 - R4(H), R4(H1), R4(H2), R4(H4) and R4(H5) Residential Zone, with the Holding Symbols '(H)', '(H1)', '(H2)', '(H4)' and '(H5)'
 - R5(H), R5(H2), R5(H3) and R5(H5) Residential Zone, with the Holding Symbol '(H)', '(H2)', '(H3)' and '(H5)'
 - OS2(H) Open Space Park Zone, with the Holding Symbol '(H)'
 - OS4(H) Open Space Tree Protection Zone, with the Holding Symbol '(H)'
 - OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol '(H)'
2. Draft Plan of Subdivision File 19T-18V004, as shown on Attachment 2 ('Draft Plan') to facilitate a phased redlined residential subdivision consisting of up to a maximum of 522 single detached lots (maximum of 18 units per hectare), future residential blocks, open space blocks, 0.3 m reserves and sight triangle blocks, and public roads.

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

- Notice of 2nd Public Meeting Date: April 12, 2023, to all property owners within 150 m of the Subject Lands, the Mackenzie Ridge Ratepayers Association ('MRRA')

- Location of Notice Sign: Dufferin Street
- Date of Second Public Meeting: May 7, 2024, date ratified by Council May 22, 2024
- Date of Committee of the Whole Courtesy Notice sent to those that requested to be notified: October 31, 2024

Public Comments were received.

The following is a summary of the comments provided and received to date. The comments are organized by theme as follows:

Density and Compatibility

- the size of lots are too small and too many units are proposed
- compatibility - the lots are smaller than other lots in the area

Access, Transit and Traffic

- local roads are congested, Dufferin Street needs to be widened, Kirby Road needs to be extended from Dufferin to Bathurst Street, Teston Road needs to be extended
- one road out of the subdivision onto Dufferin Street is insufficient under regular conditions and in an emergency
- the Subject Lands are poorly served by Metrolinx and the York Region Rapid Transit

Parks and Stormwater Management Facilities

- the proposed parks are located at the east end of the subdivision and children will have to cross Dufferin Street to go to the existing parks west, located far from the Subject Lands
- the parks are proposed to be located on top of an underground stormwater management facility
- underground stormwater facilities may have capacity limitations, increase operation and maintenance costs, and park programming may be impacted if located on top of the facilities
- the existing parks will not be able to serve the needs of new and existing residents
- there is a need for tennis courts and a skateboard park

Natural Areas

- the woodlot needs to be protected and should not form part of the residential lots
- the Subject Lands are within the Oak Ridges Moraine and should not be developed
- the environment needs to be protected

Other

- fire stations, schools, water and sewage services, roads are required and should be paid for by the developer
- current water pressure in the area is low and additional units will make it worse; a new water demand study is required

- property values will be reduced due to the introduction of smaller residential lots in the area. Council should contact the Municipal Property Assessment Corporation ('MPAC') to have the property taxes of the existing homes lowered
- there are no commercial uses to serve the area residents
- who was the Minister that allowed development in the Oak Ridges Moraine?
- the Maple Downs Golf Course is concerned that there is a lack of servicing capacity and road capacity to handle the scale of development, the development is too close to the golf course and will impact the peaceful private atmosphere, concerned that the wooded buffer will not be maintained, and that there will be impacts to TransCanada Pipeline access which may impact Maple Downs property.

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the application can be found at the following links:

[June 5, 2018, Committee of the Whole \(Public Hearing\) \(Item 3, Report 22\)](#)

[October 7, 2019, Committee of the Whole \(Public Hearing\) \(Item 3, Report 31\)](#)

[October 6, 2020, Committee of the Whole \(Item 2, Report 44\)](#)

[May 7, 2024 Committee of the Whole \(Public Meeting\) \(Item 5, Report 18\)](#)

Analysis and Options

The Development is consistent with the Provincial Planning Statement 2024, conforms to the Vaughan Official Plan 2010.

Provincial Planning Statement, 2024

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the *Planning Act* and came into effect on October 20, 2024. All decisions made on or after October 20, 2024 in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement. The PPS 2024 provides direction on matters of Provincial interests related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The Subject Lands are within a special provision policy area of the York Region Official Plan. The Development facilitates a low-rise residential development through the intensification of underutilized lands where full municipal services are available. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a development that helps meet the housing needs, consistent with the PPS. Staff are satisfied that the Development is consistent with the PPS.

York Region Official Plan 2022 ('YROP 2022')

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the MMAH in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ('Bill 185') received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York Region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

York Region Official Plan 2010 ('YROP 2010')

York Region Official Plan ('YROP') 2010 identifies a Minister's Order on the Subject Lands. YROP 1994, as amended by OPA 72 apply to the Subject Lands. The Applications conform to YROP 1994, as amended. York Region Official Plan ('YROP') 2010 identifies the Subject Lands on Map 1, "Regional Structure" as "Subject to Minister's Order February 3, 2015, and special policies 6.2.19 and 6.4.14" (previously Sections 2.5.14 and 5.9.10.11 of YROP 1994) being the policies in OPA 72 approved by the Minister's Order as follows:

"Special Provisions for the lands municipally known as 11333 Dufferin Street. Notwithstanding the policies of this section, the lands legally described as PIN 03342-0266, PT LT 29 Con 2 Vaughan; PT LT 30 Con 2 Vaughan PTS 1 – 8 64R6003 Except PT 3 Expropriation PL R602558; S/T VA41581 Partially Released by R283556; S/T VA82915, Vaughan are intended to be developed for urban uses. The lands shall only be developed on the basis of full municipal services, an approved and registered draft plan of subdivision, and an approved implementing zoning by-law."

Sections 6.2.19 and 6.4.14 of YROP 2010 include specific policies regarding the Subject Lands, and Map 1 of YROP 2010 refers to the Minister's Order and the policies referenced above. The Minister's Order implements OPA 72, an amendment to YROP 1994, being the Plan in force and effect. At the time the Minister's Order was passed, February 3, 2015, the YROP was not in full force and effect. The Owner has submitted the Applications in accordance with site-specific OPA 72, as approved by the Minister's Order.

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 "Minister's Decision on ORMCP Designation" on all applicable Schedules and does not include policies for the Subject Lands, and instead refers to the Minister's Order.

York Region approved VOP 2010 on June 28, 2012. The Owner appealed the policies of VOP 2010 (Appeal #62) as they relate to their landholdings, including the Subject Lands. The policies of OPA 600, as amended by OPA 747 (the Minister's Order) are in effect on the Subject Lands.

OPA 747, includes Schedule A (Schedule F2 to OPA 600) and designates the Subject Lands "Low Density Residential" and "Valley and Stream Corridor". The "Low Density Residential" designation permits detached and semi-detached houses with a maximum residential density of 18 units per residential hectare with a mix of lot frontages and schools, parks and open space, private home daycare, home occupations and local convenience centres.

The Minister's Order, Schedule A to OPA 747 (Schedule F2 to OPA 600) identifies three areas designated Valley and Stream Corridor on the Subject Lands. In accordance with the Valley and Stream Corridor Policies of OPA 600, Section 5.9.1 provides for the protection of significant valley systems within the City of Vaughan. OPA 600 (Policies 5.9.1 and 2) state the precise limits of valley and stream corridors will be established to the satisfaction of the City and the Toronto Region Conservation Authority ('TRCA') through the Block planning process based upon Policies 5.9.1, 2 i) to iv), as follows:

- i) Valley Corridor: If the valley slope is stable the valley corridor is generally 10 m inland from the top of valley bank. If the valley slope is not stable generally 10 m inland from the predicted long-term stable slope projected from the existing stable/stabilized base of the slope, or from the predicted location of the base of slope shifted as a result of stream erosion over a 100-year period. The extent and treatment of the land beyond the stable slope shall be determined, based on technical studies, to ensure the long-term maintenance of the valley functions.
- ii) Stream Corridor: Stream Corridors draining greater than 125 ha, as shown on Schedule F, shall be determined on the basis of detailed floodplain studies identifying the limit of the regulatory floodplain and major system flows. For drainage basins draining less than 125 ha, the Stream Corridors shall be established on the basis of detailed technical studies prepared by the proponent to the satisfaction of the City and TRCA. The limits of the stream corridor may be expanded based on further technical studies to define the extent and treatment of a buffer area necessary to maintain normal stream functions.
- iii) Where lands identified as an Environmentally Significant Area ('ESA') through the Block Plan process are within and/or immediately adjacent to a Valley or Stream Corridor, the corridor boundary is defined to include such lands.
- iv) The Valley Lands and Stream Corridors will be legally defined at the zoning and/or subdivision stage.

The Owner has provided technical studies including an Environmental Impact Study ('EIS') prepared by Savanta, dated February 2018, and an updated EIS prepared by

Savanta, dated November 2019, as part of meeting the requirements of a complete application.

The Owner is required to submit an updated EIS, updated Compensation Plan, updated Arborist report, Tree Inventory and Impact Plan, Planting Plan, Edge Management and Restoration Plan to determine final alignment of the Open Space blocks and to determine consistency with the Valley and Stream Corridor designated areas as delineated by the Minister's Order. Conditions to this effect is included in the Conditions of Approval on Attachment 5.

Density

OPA 747 establishes a maximum average residential density of 18 units per residential hectare, where the area included in the residential hectare includes the local and primary roads and the land for the dwelling units, however, excludes all other uses. A mix of lot frontages and areas is required as determined through the review of the Applications. The Minister's Order identifies the ultimate density is to be determined by an evaluation of the relevant environmental constraints through the review of the Applications.

Based on the Minister's Order, the overall land area of the Draft Plan shown on Attachment 2 for a maximum of 522 residential dwellings, local streets and primary roads is 27.63 ha, yielding a density of 18.89 units per hectare ('uph'). In the event the storm water pond and park remain as shown on Attachment 2, approximately 466 lots for future dwellings could be accommodated on the 27.63 ha, yielding a density of 16.86. The Draft Plan for the entirety of the Subject Lands maybe be revised which will result in a reduction in the overall density. The Draft Plan includes lot frontages ranging in size from 7.62 m to 15 m. The Draft Plan conforms to the mix of lot frontages policy of the Minister's Order. The Development Planning Department is of the opinion that the density of 18.89 uph meets the intent of the Minister's Order.

Kirby Road Extension

OPA 747 recognizes Kirby Road may be extended from Dufferin Street to Bathurst Street. The Kirby Road Extension Design-Build construction contract was executed on April 11, 2023. In alignment with the recommendations from Kirby Road Environmental Assessment Study. The Draft Plan accommodates the Kirby Road design, including the Kirby Road alignment, local road connections, daylight triangles, and acoustic buffer blocks, as shown on Attachment 2. Lots 35 to 40, 78 to 82, 114 to 118, 144 to 146, 173 to 175, 211, 212, 253, 254, 296 to 298, and 339 and 340 are proposed to be zoned with a Holding Symbol "(H4)", as shown on Attachment 2, to accommodate adjustments to the grading for the local road connections to the Kirby Road extension.

The City will require a 36 m right-of-way to complete the Kirby Road Extension between Bathurst Street and Dufferin Street and is discussed further in the Development Engineering section of this report.

The Development shown on Attachment 2 conforms to VOP 2010.

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law.

As the Applications were received by the City on February 21, 2018, and deemed complete on March 21, 2018, the Applications are transitioned under Zoning By-law 001-2021 and have been reviewed under Zoning By-law 1-88.

Amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to permit the Development.

Zoning:

- “FUA Future Urban Area Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1416)
- The “FUA Future Residential Zone” permits residential, local commercial and open space uses, but requires a zoning by-law amendment to implement the appropriate zoning for the lands and the related development standards.
- The Owner proposes to amend Zoning By-law 1-88 to rezone the Subject Lands to the residential and open space zone categories together with the site-specific exceptions to permit the Development, as shown on Attachment 2.
- The following Holding Symbols “(H)” are required to facilitate the Draft Plan:
 - R2(H) and R2(H1) Residential Zone, with the Holding Symbols ‘(H)’ and ‘(H1)’
 - R4(H), R4(H1), R4(H2), R4(H4) and R4(H5) Residential Zone, with the Holding Symbols ‘(H)’, ‘(H1)’, ‘(H2)’, ‘(H4)’ and ‘(H5)’
 - R5(H), R5(H2), and R5(H3) R5(H5) Residential Zone, with the Holding Symbol ‘(H)’, ‘(H2)’, ‘(H3)’ and ‘(H5)’
 - OS2(H) Open Space Park Zone, with the Holding Symbol ‘(H)’
 - OS4(H) Open Space Tree Protection Zone, with the Holding Symbol
 - OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol ‘(H)’
- Notwithstanding the conditions above, a Public Neighbourhood Park, a Stormwater Management Facility, a sewage pumping station, a water booster station, and any related municipal infrastructure may be permitted prior to the removal of the Holding Symbols ‘(H2)’, ‘(H3)’, ‘(H4)’ and ‘(H5)’.

The Development Planning Department can support the zoning exceptions identified in Attachment 4 and the Holding Conditions on the basis that the proposed site-specific zoning standards would facilitate a development that is consistent with the policies of the PPS 2024, YROP 2010 and VOP 2010. The site-specific development standards will support the low-rise residential development.

Minor modifications may be made to the zoning exceptions identified in Attachment 4, prior to the enactment of an implementing Zoning By-law, as required, should the Applications be approved.

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

Subdivision Design

The Draft Plan shown on Attachment 2 includes up to 522 single detached lots, future residential blocks, open space blocks (acoustic barriers), open space blocks (access lane), open space blocks, SWM/Park/Pump Station), open space block (park), open space block (valley and stream corridor), open space block (tree preservation), 0.3 m reserves and sight triangle blocks, and public roads.

Access to the Subject Lands will be via Dufferin Street and the extension of Kirby Road. In addition, Block 536 as shown on Attachment 2, zoned 'OS2 Open Space Park Zone', connecting to Block 534, is proposed to be used for a private access road to the lands to the east. The Owner will be responsible for all required maintenance within Block 536. Should TRCA not support Block 534, the Draft Plan may be further revised to reflect removal of Block 536.

Prior to the execution of the Draft Plan, the Owner shall satisfy all Conditions of Draft Plan of Subdivision Approval contained in Attachment 5.

Urban Design

All development within the Draft Plan is required to proceed in accordance with the Vaughan Council approved City-Wide Urban Design Guidelines. Urban Design conditions are included in Conditions of Approval in Attachment 5.

Archaeology

The Development and Parks Planning Department has been advised that the Subject Lands are 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 in Attachment 5.

The Development and Parks Planning Department have advised that the Subject Lands have been cleared of archaeological concern and standard archaeological clauses are included in the Conditions of Approval identified in Attachment 5 of this report, subject to any archaeological resources or human remains being located during construction.

The Development Planning Department is satisfied with the Draft Plan as shown on Attachment 2, subject to Conditions of Approval in Attachment 5.

Stormwater Management Facility/ Park and Pumping Station

The Owner is proposing to locate the stormwater management facility in an underground tank with a park located above the facility. To date, the Owner has not demonstrated the feasibility and long-term costs to the City of providing an underground storm water storage facility and park in the manner to the satisfaction of the City. In the interim, the Draft Plan includes lands for a storm water management pond and park,

proposed to be zoned with the addition of the Holding Symbol '(H)' as shown on Attachment 2.

Through the review of the Draft Plan, a final determination will be made regarding the location and design of the proposed underground storm water storage facility and park. Should it be determined, these facilities can be designed and located, as proposed, the Holding Symbols will be removed from these lands allowing all 522 lots to be developed with the underlying R4 and R5 Residential Zone standards. However, should it be determined the storm water management pond and park will remain, the Holding Symbols will remain on these lots with a provision that the lands may only be used for a storm water management pond and park as shown on Attachment 2, and requiring these lands to be dedicated to the City. This will result in a reduction in lots. Conditions to this effect are included in Attachment 5 of this report.

The Development and Parks Planning Department supports the proposed phased red-lined Draft Plan, subject to the Recommendations and the Conditions of Approval outlined in Attachment 5 of this report.

Tree Protection Agreement

The Owner shall provide a detailed arborist report for the Subject Lands covering all trees of by-law qualifying size that are not included in the Tree Preservation Blocks to the satisfaction of the City.

Regardless of the Minister's Order and previous site meetings, the city's Tree Protection Protocol still applies site wide for all required removals of by-law size outside of predetermined Tree Preservation Blocks. The Owner will be required to enter into a Tree Protection Agreement with the Development and Parks Planning Department in consultation with Policy Planning and Special Projects to determine the exact extent of the tree protection area. The Owner shall provide an updated arborist report for the Subject Lands and enter into a Tree Protection Agreement in accordance with City Council enacted Tree By-Law 052-2018. A condition is included in the Conditions of Approval in Attachment 5 of this report.

Financial Impact

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

Operational Impact

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

Policy Planning and Environmental Sustainability has no objection to the Draft Plan, subject to the Conditions for lifting the Holding Symbol '(H)' and the Owner satisfying their Conditions of Approval in Attachment 5 of this report.

The Development must meet the Bronze Threshold Score.

Prior to registration of the Draft Plan, the Owner must submit the completed Sustainability Scoring Tool and Summary letter ('Sustainability Metrics Package') in

support of the Plan. Future development must meet the minimum Bronze Sustainability Threshold Score. A condition to this effect is included in the Conditions of Approval in Attachment 5 of this report.

The Development Engineering ('DE') Department has no objections to the Rezoning and Draft Plan, subject to the comments in this report and the Conditions of Approval.

Road Network

The Draft Plan is located at the south-east corner of Dufferin Street and Kirby Road intersection, which connects two arterial roads. The draft plan of subdivision accommodates the preferred alignment identified in the Kirby Road Extension EA which curves Kirby Road south to avoid provincially significant wetlands in the area. Future Kirby Road extension from Dufferin Street to Bathurst Street will be designed (on going) and constructed by the City. If the construction of the Subject Lands proceeds ahead of the construction of Kirby Road extension from Dufferin to Bathurst Street, the subdivision can be accommodated with two accesses, one full moves access to the north, onto a temporary road aligned with future Kirby Road, and one Right-In-Right-Out (RIRO) access proposed onto Dufferin Street. Upon full construction of Kirby Road to Bathurst, two accesses are proposed from the subdivision onto the future Kirby Road extension.

The submitted transportation studies demonstrate that vehicle and active transportation demand from the development will be adequately served by the proposed subdivision road network and the surrounding arterial road network after construction of the Kirby Road extension between Dufferin Street to Bathurst Street is complete. Additional information and further review will be required by Transportation in order to satisfy requirements of draft plan conditions and comments. As reflected in the conditions of approval, this may result in alterations in the proposed lot configurations.

Transit

York Region Transit provides transit service across York Region. Currently, transit in the area is available along Keele Street and Bathurst Street. However, as identified in York Region's Transportation Master Plan, frequent transit service is anticipated along Kirby Road as part of the regional 2027 - 2031 Transit Network plan.

Active Transportation

Multi-use trails are currently provided on the south side of Kirby Road west of Dufferin Street within Block 20 and proposed along the future Kirby Road Extension on both sides per the Kirby Road individual environmental assessment. Paved shoulders are available along Dufferin Street which can be used by cyclists. The Draft Plan proposes multi-use trails on one side for all collector roads in the subdivision and a regular sidewalk on the other side. As per city standards, a sidewalk is also proposed along one side for all local roads in the subdivision.

Transportation Demand Management ('TDM')

The TDM plan includes both soft and hard TDM initiatives to encourage use of active transportation facilities and sustainable modes of transportation. The Development proposes new sidewalks and multi-use trails in the area to improve pedestrian and cyclist circulation. The TDM strategy also recommends that the Owner should distribute information to tenants to encourage sustainable transportation and financial incentives such as subsidized transit passes to promote use of existing and planned transit connection.

Water Servicing

The City has completed its Integrated Urban Water Master Plan (IUW-MP) Class EA. The Study assessed the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's new Official Plan. The IUW-MP Class EA identified required local and regional PD9 infrastructure including a York Region PD9 Booster Station and a City 400mm-dia. watermain along Kirby Road (approximately Jane Street to Dufferin Street). This new PD9 infrastructure provides a secure and permanent connection to the City's existing PD9 service area and an opportunity to decommission the City's existing PD9 Booster Station. All external related wastewater servicing infrastructure improvements shall conform to the conclusions and recommendations of the City's ongoing IUW-MP Class EA.

The Subject Lands lie within Pressure District 9 (PD9) of the York Water System. Currently, the PD9 service area is supplied by a water booster station located adjacent to Keele Street (on York Region's PD7 Reservoir Site). The existing PD9 Water Booster Station is experiencing servicing capacity constraints. The PD9 service area on the east side of Dufferin Street is not serviced by PD9 infrastructure since there is no existing municipal PD9 watermain

Interim Water Servicing

In 2020, the Owner submitted a Water Supply Analysis outlining three potential temporary water distribution system servicing options to capture the Subject Lands until York Region constructs a new PD9 water booster station and the City constructs its local PD9 infrastructure along Kirby Road.

The preferred option identified in the Functional Servicing Report Addendum dated October 2024 includes the construction of a temporary PD9 water booster station (connecting to the City's PD8 water distribution system) and associated works (Temporary Infrastructure) to support the Draft Plan. The Owner will be required to decommission, at the Owner's expense, any Temporary Infrastructure not supported by future planned Regional works. Furthermore, the Owner will also be required to pay for all upgrades to the existing municipal infrastructure including operation and maintenance costs of the Temporary Infrastructure to the satisfaction of the City. Given the existing servicing capacity constraints in the PD9 Booster Station, there are no connections permitted to the City's local PD9 system.

Ultimate Water Servicing

York Region is proceeding with detailed design of the Northeast Vaughan Water and Wastewater Servicing Project. The Project has identified a PD9 Booster Station in the vicinity of Jane Street and Kirby Road. The City will construct a local PD9 water distribution system to connect to this facility. The City is required to construct a local 400mm-dia. PD9 water distribution system from the PD9 Water Booster Station to Ravineview Drive.

Also, the City has completed its Integrated Urban Water Master Plan (IUW-MP) Class EA. In order to servicing the draft plan, the IUW-MP Class EA has identified the need for a local 400mm-dia. watermain to be extended from Foot Hills Drive to the development along Kirby Road. The secondary connection is required to provide redundancy to the PD9 system from the south end of the draft plan.

Therefore, the Owner is required to provide additional information to support the final water servicing strategy, including the location of the temporary water booster station. Based on the information submitted, the DE Department have recommended certain lots be subject to the Holding Symbol '(H)' requiring the Owner to hold an area for the proposed temporary water booster station. The Owner's requirements are more specifically identified in past comments and the Conditions of Approval in Attachment 5.

Sanitary Servicing

The City has completed its IUW-MP Class EA. The Study assessed the existing and planned municipal servicing systems (water, wastewater, stormwater) to support the City's new Official Plan. The IUW-MP Class EA identified an outlet through Block 20 to Hunterwood Chase and Dufferin Street. This route will require wastewater system infrastructure improvements in the existing residential area in Block 20. All external related wastewater servicing infrastructure improvements shall conform to the conclusions and recommendations of the City's IUW-MP Class EA.

There is no municipal sanitary sewer adjacent to the Subject Lands. The Owner is proposing to convey the wastewater generated from the Subject Lands to the existing sanitary sewer along Dufferin Street, approximately 400 m north of Teston Road via a wastewater pumping station and forcemain. This option is recommended by the consultant as it avoids the need to upgrade existing sanitary sewers within Block 20 (residential subdivision) and the outlet is consistent with the IUW-MP. This proposal requires a dedicated municipal wastewater pump station within the Draft Plan to collect and divert wastewater from the Subject Lands via a forcemain to the existing municipal sewers. The location of the wastewater forcemain along Dufferin Street requires York Region approval.

The DE Department has reviewed the Functional Servicing Report Addendum and in general, has no objection to the preferred sanitary servicing option, subject to the Owner addressing comments and Conditions of Approval in Attachment 5.

Stormwater Management

The Subject Lands are located in the Don River Watershed and include an intermittent East Don River tributary known as Patterson Creek. The proposed Stormwater Management strategy includes oil-grit separators (OGS), infiltration chambers, and a concrete underground storage tank on a combined park, pump station, and stormwater management facility block. The proposed underground stormwater management facility is a non-conventional stormwater facility and is proposed under a city park in lieu of a traditional stormwater management pond.

The DE Department has reviewed the preliminary stormwater report and drawings and requires the Owner to provide more detailed studies to assess and justify the feasibility of the overall stormwater management strategy, including but not limited to, the underground stormwater facility storage tank, the infiltration chambers, the oil-grit separators, and/or any other stormwater control measures that may be proposed. These reports shall ensure the functionality, operation and maintenance, and the applicable financial offset fees are to the satisfaction of the City and in accordance with the City's Non-Conventional Stormwater Management Facility Policy and Procedures. The detailed stormwater study shall also provide a full assessment of all the existing watercourses within the Subject Lands and specify a strategy for integration into the subdivision design to the satisfaction of the City and the TRCA as applicable.

The City requires the placement of a Holding Symbol "(H)" on the amending Zoning By-law for a number of lots within the Draft Plan of Subdivision to ensure that sufficient lands are available to accommodate the stormwater management facility, other servicing infrastructure, and to ensure conformance with the Kirby Road extension detailed design. The lifting of the Holding Symbol "(H)" will be conditional upon the City's detailed review and acceptance of the Non-Conventional Stormwater Management Facilities Justification Report and Functional Servicing Report for the proposed stormwater management facility system and the associated land requirements.

In addition, the updated Draft Plan shows a proposed access lane that crosses the Patterson Creek and associated floodplain on the eastern side of the Subject Lands (Block 534) connecting to Block 536. To facilitate the proposed access lane, a culvert is proposed to convey flows underneath. TRCA approval is required for Block 534, the proposed culvert and outlet.

DE requires the Owner to address Conditions included in Attachment 5 to support a complete approval of the proposed storm servicing strategy.

Servicing Allocation

Vaughan Council on October 21, 2020, allocated servicing capacity to Phase 1 of the Draft Plan in the amount of 429 single-family residential units (1,536 persons equivalent). The availability of servicing capacity for the remainder of the draft plan will be assessed at the appropriate time in the future which is expected to be in November

2025 when the Region provides its next assignment of allocation to area municipalities which will then be dispersed among development applications.

For the remainder of the required units in the Draft Plan, 93 single-family residential units (333 persons equivalent), the recommendation is as follows:

The City requires a Holding Symbol (“H”) on the Zoning for servicing capacity allocation for the above noted development application.

Therefore, a Holding Symbol (“H”) shall be placed on the Lands as follows:

THAT the Holding Symbol (“H”) shall not be removed from Lots 409 to 413 (Phase 5) and Lots 427 to 514 (Phase 6), until the following condition(s) are satisfied:

- Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy assigning capacity to the subject lands.

Lot Grading

Grading drawings have not been submitted to support the proposal. The Owner is required to provide drawings that reflect upon all the special structures and property required necessary to service the Subject Lands. The Owner shall inform the City of any operation and maintenance obligations for future municipal or private infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. A detailed evaluation of the grading design and erosion and sediment control measures will be conducted when the detailed drawings are submitted for the City’s review.

DE requires the Owner to address the Conditions included in Attachment 5, within a subsequent submission to support a complete approval of the proposed lot grading strategy.

Noise Impact Study

Based on the previously provided Noise report, the sound levels due to road traffic from Dufferin Street and the future Kirby Road extension will exceed the Ministry of the Environment, Conservation and Parks (‘MECP’) acceptable sound limits for several lots. The report recommends noise barriers, mandatory air conditioning, forced air ventilation system with ducts sized to accommodate the future installation of central air conditioning and noise warning clauses for several lots adjacent to Dufferin Street and the Kirby Road extension. The Owner shall provide a revised Noise Report conforming to the revised Draft Plan.

DE requires the Owner to address Conditions included in Attachment 5 to support an approval of the proposed noise mitigation strategy.

Environmental Engineering

The Owner provided Phase I and Limited Phase II Environmental Site Assessment ('ESA') reports completed in 2012. In addition, a 2017 Supplemental Limited Phase II ESA was provided to address concerns related to the stockpile of recycled asphalt, topsoil, and scrap metal. The findings of the ESA reports did not identify any impacts in surficial soil or groundwater and indicated no further ESA investigations were recommended. Although limited surficial soil sampling was undertaken, the DE Department raised concerns in July 2018 regarding the absence of a more fulsome environmental investigation assessing the subsurface soils on the existing industrial aggregate site due to: the historical presence of above ground fuel storage tanks and stockpiled material; the significant earthworks that appeared to occur around the 1960s/1970s; and the MECP and City records indicate the Subject Lands may be associated with a former landfill site having MECP Reference # X5033.

Given that Development will result in a change to a more sensitive residential land use requiring a MECP Record of Site Condition ('RSC') filed on the Environmental Site Registry confirming the Subject Lands are suitable, new ESA reports meeting Ontario Regulation (O. Reg.) 153/04 (as amended) standards will be required in support of the RSC. As these reports have not been provided to date, a Holding "H" Symbol will be applied to the amending zoning by-law with removal conditional upon the Owner submitting a complete copy of the RSC covering lands within the plan, acknowledged by the MECP and filed on the Environmental Site Registry. This submission to the City shall include Phase One ESA and Phase Two ESA reports at a minimum, a Remedial Action Plan (RAP) if contamination is identified, and any reports that detail the execution of the RAP (remediation or risk assessment reports). A reliance letter (in accordance with the City's reliance letter template) for all reports will also be required in this submission to the City.

Development Charges apply to the Development.

The Owner shall pay to the City the 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. A condition to this effect is included in Attachment 5 of this report.

The Parks Infrastructure Planning Department ('PIPD') has no objection to the Applications, subject to the Conditions of Approval.

Parks Planning have no objection to the Draft Plan, subject to the Conditions for lifting the Holding Symbol ('H5') and the Owner satisfying their Conditions of Approval in Attachment 5 of this report.

Should the proposed Block 532 (Park/SWM/Pump Station) deem not to be acceptable, PIPD red-lined the Draft Plan to include Block 'Z' for Park purposes with a lot area of 1.17 ha as shown on Attachment 2.

Dedication of Parkland is required for the future residential development.

Parkland Dedication shall be provided in accordance with the Conditions of approval included in Attachment 5 of this report.

Blocks 12 Developer's Groups

The Dufferin Street/Teston Road Sanitary Sewer – OPA 332 Ultimate Outlet Area Specific Development Charge Project is complete and closed, and the municipal infrastructure within Block 12 is assumed. Accordingly, Draft Plan Condition 58 below, which is included in Attachment 1 of the October 6, 2020, Committee of the Whole report, is no longer needed and has been removed.

“58. Prior to final approval of the Plan, the Owner shall submit a letter to the City from the Block 12 Developer’s Group indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 12 Developer’s Group Cost Sharing Agreement, if applicable.”

The Kirby Road Design-Build Construction Contract was Executed.

The Kirby Road Extension Design-Build construction contract was executed on April 11, 2023, in alignment with the recommendations from the Kirby Road Environmental Assessment Study. Under a land purchase agreement signed on May 10, 2022, the developer is required to grant access to the City and its Contractor for construction-related activities on both the City’s right-of-way (ROW) and any necessary private properties through temporary grading and construction easements. These easements have a duration of 72 months, starting from the date that the construction contract was executed. A Holding condition has been included in the Recommendation section.

The detailed design for the Kirby Road project is nearing finalization, with construction anticipated to begin by the end of the year. Therefore, construction of the Kirby Road Extension is expected to precede the Development, which is expected to match the finalized road grade of Kirby Road. Additionally, the Owner may be required to construct a watermain under Dufferin Street, south of Kirby Road, within the Kirby Road construction zone. The watermain construction along Dufferin Street cannot begin until the Kirby Road construction is complete to the satisfaction of the City. A Condition to this effect is included in Attachment 5.

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

The York Region District School Board, York Catholic District School Board have no objection to the Applications and do not require a school site within the Subject Lands.

Alectra Utilities Corporation, Bell Canada, Canada Post, Rogers, and Enbridge Gas Distribution have no objection to the approval of the Applications, subject to their Conditions of approval included in Attachments 5 of this report.

Broader Regional Impacts/Considerations

York Region has provided conditions of approval.

York Region has no objection to the Applications, subject to their comments and Conditions of Approval included in Attachment 5b).

The TRCA has provided conditions of approval.

The Subject Lands are located within the headwaters of the East Don River Watershed. Based on TRCA's current mapping and analysis, there are several natural features and natural hazards on and adjacent to the Subject Lands. The natural features and natural hazards are as follows:

- Tributary of the Upper East Don River;
- Stream corridor with associated hazardous lands, including floodplain, meander belt and erosion hazard;
- King-Vaughan Provincially Significant Wetland Complex (PSW).

The above noted natural features and natural hazards are located within TRCA's Regulated Area of the Don River Watershed as prescribed by Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits). TRCA must ensure that where a proposal is within an area regulated under Ontario Regulation 41/24, that the proposal conforms with the appropriate policies for implementation of the regulation (Section 8 of TRCA's Living City Policies (LCP)), which evaluate a proposal's ability to meet the tests of the regulation and *Conservation Authorities Act*.

TRCA have no objection to the Applications subject to the Conditions of Approval in Attachment 5 of this report.

TC Energy has provided Conditions of Approval.

The Draft Plan is located north of three TC Energy ('TCPL') high pressure natural gas pipelines. TC Energy is subject to the jurisdiction of the Canada Energy Regulator ('CER') – formerly the National Energy Board ('NEB'). As such, certain activities must comply with the *Canadian Energy Regulator Act* and associated Regulations.

TCPL have no objection to the Applications subject to the Conditions of Approval in Attachment 5 of this report.

Conclusion

The Development Planning Department is satisfied that the Applications are consistent with the PPS 2024 and Minister's Order, YROP 2010 and VOP 2010, and are appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned land uses. On this basis, the Development Planning Department can support the recommendations in this report and the Conditions of Approval in Attachment 5.

For more information, please contact: Margaret Holyday, Senior Planner, Development and Parks Planning Department, ext. 8216

Attachments

1. Context and Location Map
2. Red-lined Draft Plan of Subdivision and Proposed Zoning
3. Draft Plan of Subdivision Phasing Plan
4. Zoning By-law 1-88 Table 1
5. Conditions of Approval File 19T-18V004
6. Minister's Order

Prepared by

Margaret Holyday, Senior Planner, ext. 8216

Mary Caputo, Senior Manager of Development Planning, ext. 8635

Nancy Tuckett, Director of Development and Parks Planning, ext. 8529