

MEMBER'S RESOLUTION

Committee of the Whole (1)

DATE: Tuesday, April 01, 2025

**TITLE: RESPITE RESIDENCE FOR DEMENTIA CARE RELIEF FROM
TREE COMPENSATION REQUIREMENTS - 10090 BATHURST
STREET**

FROM:
Deputy Mayor & Regional Councillor Linda Jackson

Whereas, Care As One is a not-for-profit corporation incorporated for the sole purpose of establishing a program for adults living at home with dementia who need respite residential accommodation and support, allowing their caregivers the opportunity to recharge, reducing caregiver burnout.

Whereas, Council continues to recognize the importance of establishing this residential respite program, and has determined that it is in the public interest for the City to encourage and support such social services.

Whereas, Item 22, Report No. 10 of the Committee of the Whole (2), was adopted without amendment by Council on March 26, 2024, relieving Care As One from the requirement to post a Letter of Credit (or other financial security) as security for Heritage Easement Agreements registered against the property located at 10090 Bathurst Street ("the Property") and for any site plan or servicing agreements for the Property.

Whereas, Care As One filed an application for Heritage Permit in August 2024 and following favorable recommendation by Heritage Vaughan Committee, Item 16, Report No. 35 of the Committee of the Whole (2), was adopted without amendment by Council on October 29, 2024, approving the renovation and adaptive reuse of the Property, which is designated under the *Ontario Heritage Act*.

Whereas, the conditions of approval of the Heritage Permit requires the applicant to enter into a Tree Protection Agreement to the satisfaction of the City. In this regard, Care As One has submitted a Tree Inventory and Preservation Plan indicating trees to be removed and preserved during construction of the septic system, driveway and parking area to serve the residence.

Whereas, it is determined by City staff that current zoning permissions under Comprehensive Zoning By-law 001-2021 do not allow the use of the Property as a Supportive Living Facility and that a zoning by-law amendment is required to ensure conformity with the land use designations of the Vaughan Official Plan 2010, as well as to permit the proposed use.

Whereas, a Public Meeting to consider zoning by-law amendment Z.24.033 was held on November 6, 2024. There were no comments from the public or Committee.

Whereas, comments received from City staff during circulation of the materials submitted by Care As One in support of the site -specific zoning by-law amendment identified that the Property is partially designated “Core Features” on Schedule 2- Natural Heritage Network of the Vaughan Official Plan 2010 and that an Environmental Impact Study (EIS) was required to address concerns regarding potential presence of endangered or threatened species as well as impacts on the adjacent significant woodland feature as a result of the proposed site works, including mitigation and compensation.

Whereas, the City’s Tree By-Law 052-2018 regulates removal of trees on private property and requires replacement trees as a condition of individual tree removal or cash-in-lieu of replacement trees. Where removals are from a significant woodland an alternative compensation approach is used based on the TRCA’s Guideline for Determining Ecosystem Compensation.

Whereas, the EIS finds that of the 0.45 hectare (1 acre) Property, 0.016 hectares (160 sqm.) will be disturbed by the proposed site works that include grading, installation of a septic system and an asphalt driveway and parking area; of the 49 inventoried trees on the Property, 27 are slated for removal; 15 replacement trees will be planted together with 50 seedlings and whips over an area of 0.114 hectares (1,142 sqm.) as part of the Landscape Plan and edge management restoration. Further, the EIS concludes that the minor encroachment into the significant woodland and impacts of the proposed development can be successfully mitigated and will not impact the ecological function of the feature.

Whereas, Council is satisfied that the proposed 15 replacement trees together with 50 seedlings and whips over an area of 1,142 sqm. is sufficient compensation for the proposed tree removals and acknowledges that Care As One will undertake replacement plantings through voluntary contributions and donations, and that no further tree or ecosystem compensation will be required or cash in lieu of compensation.

Whereas, Council is aware that Care As One is required to install Tree Protection as set out in the Arborist Report and Tree Protection Plan to be approved by City staff and that tree removals will proceed immediately to avoid impacts to nesting migratory birds and bats.

Whereas, in adopting Item 22, Report No. 10 of the Committee of the Whole on March 26, 2024, Council relieved Care As One from the requirement to post a Letter of Credit or any other financial security as security for any site plan or agreements for the Property.

It is therefore recommended:

1. That the City of Vaughan hereby relieves Care As One from the requirement to provide any cash in lieu compensation, over and above the number of trees, seedlings and whips to be planted by Care As One as set out above, subject to the following terms and conditions:
 - a. Care As One shall enter into a Tree Protection Agreement with the City, pursuant to which Care As One shall be required to submit to the City for review and approval a final version of the Landscape Plan, Arborist Report and Tree Inventory and Preservation Plan, and once approved, will install tree protection in consultation with City staff and carry out tree removals in accordance with the approved plans before April 1, 2025 or as soon as possible thereafter in accordance with the Migratory Birds Convention Act (1994).
2. That the Mayor and Clerk are hereby authorized to take such steps, execute such document and do such things as may be necessary to give effect to the foregoing.

Financial and Staff Resource Impact

The estimated total foregone cash in lieu compensation would be approximately \$15,697.50.

Attachments

N/A