

Committee of the Whole (1) Report

DATE: Tuesday, October 06, 2020

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:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment and Draft Plan of Subdivision Files Z.18.004 and 19T-18V004 for the Subject Lands shown on Attachment 2. The Owner proposes to rezone Phase 1 of the subject lands from “FUA Future Urban Area Zone” to the residential and open space zone categories as shown on Attachment 3. The Draft Plan of Subdivision represents Phase 1 of a residential plan of subdivision consisting of up to 429 lots for detached dwellings and associated park, valley and stream corridor, stormwater management, roads, and buffer blocks, as shown on Attachment 4.

Report Highlights

- The Owner is proposing to rezone the Subject Lands to permit Phase 1 of a residential subdivision consisting of up to 429 lots for detached dwellings, and associated parks/stormwater management facilities, valley and stream corridor, roads, and buffer blocks
- The Owner is proposing an interim Phase 1 for the residential subdivision including 337 lots, parks, stormwater management pond, valley and stream corridor, roads, and buffer blocks

- Zoning By-law Amendment and Draft Plan of Subdivision applications are required to permit the proposal
- The Development Planning Department supports the approval of the Zoning By-law Amendment and Draft Plan of Subdivision Applications as the proposed rezoning and draft plan of subdivision are consistent with a Minister's Order and the Provincial Policy Statement 2020, conforms to the Growth Plan 2019, the 1994 York Region Official Plan as amended by Official Plan Amendment ('OPA') 72 and OPA 600, as amended by site-specific OPA 747

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 2 from "FUA Future Urban Area Zone" subject to site-specific Exception 9(1416) to the following zone categories, in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report:
 - R4(H), (H1), (H2) and (H5) Residential Zone, with the Holding Symbols '(H)', '(H1)', '(H2)' and '(H5)'
 - R5(H), (H3), (H4) and (H6) Residential Zone, with the Holding Symbol '(H)', '(H3)', '(H4)' and '(H6)'
 - OS2(H) Open Space Park Zone, with the Holding Symbol '(H)'
 - OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol '(H)'
 - FUA(H) Future Urban Area Zone, with the Holding Symbol '(H)'
2. THAT the Holding Symbols '(H)', '(H1)', '(H2)', '(H3)', '(H4)', '(H5)', and '(H6)', as shown on Attachment 3, shall not be removed until the Owner provides the following to the satisfaction of the City of Vaughan Development Engineering Department:
 - i) A copy of the Record of Site Condition ('RSC') for the Phase 1 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.
3. THAT removal of the Holding Symbol '(H1)', as shown on Attachment 3, from the Subject Lands or any portion thereof, shall be contingent on the following:
 - i) For Lots 157 to 158, 190 to 196, 229 to 234 and 274 to 275, the completion of the following materials and concurrence of the findings to the satisfaction

of the City, in consultation with the Toronto and Region Conservation Authority:

- a. A Geotechnical/Slope Stability Study including a delineation of the toe of the wooded slope;
 - b. Plans to demonstrate how grading and retaining walls will be minimized to the greatest extent feasible; and
 - c. An assessment of access and hazard maintenance requirements to ensure the long-term persistence of the wooded slope;
 - ii) For Lots 276 and 316 to 320, the completion of the following and concurrence of the findings to the satisfaction of the City in consultation with the Toronto and Region Conservation Authority:
 - a. A Geotechnical/Slope Stability Study; and
 - b. Plans to demonstrate how grading and retaining walls will be minimized to the greatest extent feasible.
4. THAT the Holding Symbol '(H2)' and '(H3)', as shown on Attachment 3, shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:
- i) The Owner shall submit a finalized Stormwater Management Strategy;
 - ii) The Owner shall submit a Parks and Open Space Master Plan and Facility Fit Plan;
 - iii) The Owner shall submit a comments-response matrix to addresses Parks Planning comments dated October 17, 2019, November 5, 2018 and September 5, 2018 with detailed comments and/or references to specific drawings/documents and or studies, to the satisfaction of Parks Planning;
 - iv) 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;
 - v) Any financial securities, Letter(s) of Credit and /or financial contributions be provided by the Owner, as deemed necessary by the City in order to implement the ultimate stormwater management strategy;
 - vi) If deemed necessary by the City, the Owner submit a final/revised draft plan of subdivision to reflect any changes as a result of the review/assessment of Conditions i), ii), iii), iv) and v) above, including any changes to the proposed lotting fabric and/or extent of the park, storm water management pond and/or Open Space Blocks;
 - vii) 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 unless alternative arrangements are made to the satisfaction of Development Engineering Department;
- viii) 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;
 - ix) The Owner shall agree in the subdivision agreement to design and construct the stormwater management pond, provide the required securities, 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;
 - x) The Owner shall submit the required reports to confirm the size of the stormwater management pond and the lands required for same to the satisfaction of Development Engineering; and
 - xi) 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 pond, unless alternative arrangements are made to the satisfaction of Development Engineering Department.
5. THAT the Holding Symbol '(H4)', as shown on Attachment 3, shall not be removed until completion of the following to the satisfaction of the City:
- i) 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
 - ii) 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 Symbols '(H5)' and '(H6)', as shown on Attachment 3, shall not be removed until completion of the following to the satisfaction of the City:
- i) The Owner shall agree in the subdivision agreement to convey the necessary easements as required within the Plan, south of Block 430 (potential Kirby Road extension) to facilitate the construction of Kirby Road from Dufferin Street to the east limit of the Plan all to the satisfaction of the City; and
 - ii) The Owner shall agree in the subdivision agreement to convey the necessary easements as required north of Block 430 within Block 429 in the Draft Plan, for grading purposes to support the development of the lots and roads adjacent to the future Kirby Road, all to the satisfaction of the City.

7. 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)'.
8. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day the implementing Zoning By-law for the Subject Lands comes into full force and effect.
9. THAT Draft Plan of Subdivision File 19T-18V004 (Rizmi Holdings Limited) BE APPROVED, to permit a residential plan of subdivision consisting of up to a maximum of 429 lots as shown on Attachment 4, for detached dwellings and the associated park, valley and stream corridor, stormwater management facility, roads and buffer blocks, subject to the following condition and the Conditions of Draft Plan of Subdivision Approval in Attachment 1:
 - i) the final number of lots approved in Phase 1 is subject to the ultimate disposition of the location and design of the storm water management facilities and park.
10. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-18V004 (Rizmi Holdings Limited) be allocated servicing capacity from the York Sewage Servicing/Water Supply System for up to a maximum of 429 detached residential units (1,536-person equivalent). The allocation of said capacity may be redistributed (at the discretion of the City), in accordance with the City’s Allocation of Servicing Capacity Policy, if the development does not proceed to registration and/or Building Permit issuance within 36 months.”

Background

The 27.21 ha subject lands (the ‘Subject Lands’) shown on Attachment 2, are municipally known as 11333 Dufferin Street and are located at the southeast corner of Dufferin Street and the planned Kirby Road extension. The surrounding land uses are shown on Attachment 2. 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 on February 3, 2015 issued an Order for the Subject Lands

The Minister of Municipal Affairs and Housing on February 3, 2015 issued an Order (the 'Minister's Order'), shown on Attachments 6, 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 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" and provides for the following (in part):

- development of the Subject Lands shall be based on full municipal services, an approved and registered plan of subdivision and an approved implementing zoning by-law, subject to policies included by the Minister in the implementing documents
- the Subject Lands may be developed for urban uses including detached and semi-detached houses), schools, parks and open space, private home daycare, home occupation and local convenience centre
- the final boundary between the "Low Density Residential" and "Valley and Stream Corridor" designations and the location of a municipal park shall be determined through the processing of the development applications
- the maximum average residential density permitted is 18 units per residential hectare and will be determined by an evaluation of the environmental constraints through the development application review
- the policies of OPA 600 regarding Valley and Stream Corridor apply
- consideration of the Kirby Road extension through the draft plan of subdivision process
- in consideration of the rural setting of the Subject Lands, its location on the Oak Ridges Moraine, and the presence of environmentally sensitive areas employing

- urban design and environmental design mitigation measures to optimize and preserve these characteristics
- the requirement for studies through the development application review process
- the requirement for zoning by-law amendment and draft plan of subdivision applications to implement the land use designations

The Minister's Order is final and not subject to appeal.

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

The City on September 17, 2019 mailed a Notice of Public Hearing (the 'Notice') to all property owner within 150 m of the Subject Lands, the Mackenzie Ridge Ratepayers Association ('MRRA'), and those individuals that provided written correspondence requesting notice or appeared at the Committee of the Whole Public Hearing on June 5, 2018. A copy of the Notice was also posted on the City's website at www.vaughan.ca and a notice sign was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council on October 23, 2019 ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of October 7, 2019 and to forward a comprehensive technical report to a future Committee of the Whole meeting, and the Owner meet with the Local Councillor, Regional Councillors, staff and the area Ratepayer Association to address the comments provided.

The Owner met with the Local Councillor, Regional Councillor, the Mackenzie Ridge Ratepayers Association, Maple Downs Golf Club, and area residents on November 26, 2019 and August 6, 2020.

At the Public Hearing, the following deputations and written submissions were received:

Deputations

- Mr. Glenn Lucas, Lucas & Associates, White Oaks Road, Barrie, on behalf of the Owner
- Mr. Robert Kenedy, Mackenzie Ridge Ratepayers' Association, Giorgia Crescent, Maple
- Mr. Pat Viele, Germana Place, Maple
- Mr. Robert Hofstatter, Kootenay Ridge, Maple
- Mr. Douglas Carl, 136 Kootenay Ridge, Maple
- Mr. Alex Cherniak, Nevada Crescent, Maple
- Mr. Ryan Bradshaw, Maple Downs Golf & Country Club, Dufferin Street, Maple

- Mr. Richard Lorello, Treelawn Boulevard, Kleinburg
- Ms. Hina Ghazanfar, Kootenay Ridge, Maple
- Ms. Helen Da Silva, Nevada Crescent, Maple
- Mr. Alex Frescura, Hunterwood Chase, Maple
- Ms. Laurie Ross, Adirondack Drive, Maple
- Ms. Anastasia Branopolski, Beakes Crescent, Maple
- Ms. Heidi Last, Glacier Court, Vaughan

Written Submissions

- Mr. Andrei Avsiannikov, Hunterwood Chase, Maple, dated October 6, 2019
- Ms. Emilia Almeida, dated October 6, 2019 (no address provided)
- Rose Rubino and Sebastiano Andolina, Hunterwood Chase, Maple, dated October 6, 2019
- Mr. Kevin Callahan, dated October 6, 2019 (no address provided)
- Ms. Daniela Guglielmin, Appalachian Road, Maple, dated October 6, 2019
- Mr. Parham Parnian, dated October 7, 2019 (no address provided)
- Neda Zamanian, Nevada Crescent, Maple, dated September 25, 2019
- Ms. Nancy Yuas, Matterhorn Road, Maple, dated October 7, 2019
- Susan Sigrist and Mark Hubbard, Matterhorn Road, Maple, dated October 7, 2019
- Mr. John Buell, Laurentian Boulevard, Maple, dated October 7, 2019
- Mr. Antony Niro, Laurentian Boulevard, Maple, dated October 7, 2019
- Elizabeth Lincoln and Brent Kowalchuk, Athabasca Drive, Maple, dated October 7, 2019
- Mr. Bruno Bressi, Mapledown Way, Maple, dated October 7, 2019
- Ms. Raffaella Towie, Athabasca Drive, Maple, dated October 7, 2019
- J. Mancoo, Athabasca Drive, Maple, dated October 7, 2019
- Pauline and Eric Rodriguez, Ravines of Maple, Vaughan, dated October 7, 2019
- Ms. Heather Cheng, dated October 10, 2019, (address not provided)
- Ms. Iveta Koskina, dated October 15, 2019 (address not provided)
- Mr. Robert Kenedy, MacKenzie Ridge Ratepayers Association, dated October 7, 2019.
- Ms. Tiziana Goldberg, Hunterwood Chase, Vaughan, dated September 24, 2019
- Ms. Gabriella Filippo, dated September 22, 2019 (address not provided)
- Ms. Nickie Fischer, Adirondack Drive, Maple, dated September 22, 2019
- Mr. Timothy Wattimena, Kokanee Court, Maple, dated September 22, 2019
- Peter & Carla Traynor, Adirondack Drive, Maple, dated September 22, 2019
- Mr. Stephen Stein, Glacier Court, dated September 23, 2019

- Mr. Pilar Salgado Scali, Maplewood, dated September 23, 2019
- Mr. Adam Gianna, dated October 2, 2019 (address not provided)
- Ms. Neda Zamanian, Nevada Crescent, Maple, dated September 25, 2019
- Przemek Tomczak and Valerie Shannon, Hunterwood Chase, Maple, dated September 29, 2019
- Mr. Eugenio De Luca, Laurentian Boulevard, Maple, dated September 30, 2019
- Mr. Mauro De Luca, Laurentian Boulevard, Maple, dated September 30, 2019
- Mr. Joseph Gianna, Laurentian Boulevard, Maple, dated September 30, 2019
- Albert and Daria Carinci, Kootenay Ridge, Maple, dated October 1, 2019
- Mr. Danny Chen, dated October 1, 2019 (address not provided)
- Gurmeet Mancoo, dated October 3, 2019 (address not provided)

The following is a summary of the comments provided in the deputations and written submissions submitted at the Public Hearing of October 7, 2019 and written submissions received by the Development Planning Department. Resident comments have been 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 the development is too close to Holes 2 and 5 and the City approves development before the supporting infrastructure is in place

These comments are addressed throughout this report.

The Development Planning Department on September 25, 2020, sent a non-statutory courtesy notice of this Committee of the Whole meeting to all individuals who made a deputation at the Committee of the Whole or submitted written and email correspondence to the City regarding the Applications.

Previous Reports/Authority

The following links provide information related to this report:

October 7, 2019 Committee of the Whole (Public Hearing)

<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=22457>

June 5, 2018 Committee of the Whole (Public Hearing)

<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=2677>

Analysis and Options

Zoning By-law Amendment and Draft Plan of Subdivision Applications have been submitted to permit a residential development

Rizmi Holdings Limited, (the 'Owner') has submitted the following applications (the 'Applications') to rezone the Subject Lands to facilitate a residential draft plan of subdivision (the 'Draft Plan') for a maximum of up to 429 lots for detached dwelling units, as shown on Attachment 4:

1. Zoning By-law Amendment File Z.18.004 (Rizmi Holdings Limited) to rezone the Subject Lands from "FUA Future Urban Area Zone," subject to site-specific Exception 9(1416), to the following zone categories in the manner shown on Attachment 3, together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report:
 - R4(H1), (H2) Residential Zone, with the Holding Symbols '(H1)' and '(H2)'
 - R5(H3) Residential Zone, with the Holding Symbol '(H3)'
 - OS2 Open Space Park Zone
 - OS5 Open Space Environmental Protection Zone
 - FUA Future Urban Area Zone
2. Draft Plan of Subdivision File 19T-18V004 (Rizmi Holdings Limited) to obtain Draft Plan of Subdivision approval for Phase 1 of a Plan of Subdivision ('Draft Plan'), as shown on Attachment 4, consisting of the following:

Phase 1

Lot/Blocks	Land Use	Area (hectares)	Units
1 - 427	Detached Residential (Lot frontages 7.62 m – 11.58 m)	13.77	427
478 & 479	Future Residential	0.04	2
431 - 435, & 437	Acoustic Buffers	0.31	
428,476 & 480	Park/Stormwater Management	1.51	
477	Sanitary Pump Station	0.05	
429 & 430	Future Kirby Road Extension	4.65	
436, & 438 - 475	0.3 m Reserves & Sight Triangles	0.01	
	Roads	6.94	
Total		27.28	429

The Owner has applied to permit the approval of Phase 1 of the Draft Plan, as shown on Attachment 4, for up to 429 lots for detached dwellings, parks/storm water management ('SWM') blocks and road Blocks.

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 identifies a Minister's Order on the Subject Lands. The Applications conform to OPA 600, as amended by site-specific OPA 747

Applicable Policy

Vaughan Official Plan 2010 ('VOP 2010') identifies the Subject Lands 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 as shown on Attachment 6. 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 (Policy 5.9.1, 2) states the precise limits of valley and stream corridors will be established to the satisfaction of the City and Toronto and 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 metres inland from the top of valley bank. If the valley slope is not stable generally 10 metres 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 EISs conclude the eastern portion of the Subject Lands designated as Valley and Stream Corridor in the Minister's Order meet the OPA 600 definition of a

Valley and Stream Corridor, as it is associated with a surface water feature. The Toronto and Region Conservation Authority ('TRCA') requires the Owner to provide a continuous 10-meter environmental buffer, within Block 428 on the Plan, adjacent to the Valley and Stream Corridor designation as identified in OPA 747 in the eastern portion of the Subject Lands, in accordance with TRCA's requirements. A condition to this effect is included in Attachment 1c of this report.

According to the EISs, the two Valley and Stream Corridor designated areas in the southwest portion of Phase 2 of the Subject Lands are not associated with a watercourse or valley landform and, therefore, do not meet the definition of a Valley and/or Stream Corridor in accordance with OPA 600. Notwithstanding, these areas contain a series of steep wooded slopes typical of moraine topography. The Minister's Order notes "given the rural setting of the Subject Lands, its location on the Oak Ridges Moraine and presence of Environmentally Sensitive Areas, including Areas of Natural and Scientific Interest ('ANSIs'), it will be critical to employ both urban design and environmental design and mitigation measures that serve to optimize and preserve these characteristics."

The Owner provided a Slope Stability Investigation, prepared by Sirati & Partners Consultants Limited, dated March 7, 2020, and supplementary geotechnical related materials in support of the Applications to identify the general location and stability of the wooded slopes on the Subject Lands. Two tree preservation areas were also identified in the southwest portion of the Subject Lands, generally corresponding to the Valley and Stream designation limits identified in the Minister's Order, as shown on Attachment 6. Most of these wooded slopes are not located in Phase 1 of the Draft Plan. While the proposed alignment of Street 'B' is located in close proximity to a portion of the south-central wooded slope, residential lots in this area (along the north side of Street 'B') are to be zoned with a Holding Symbol '(H1)' until the City, in consultation with the TRCA, approve additional studies to ensure the long-term persistence of the wooded slope over time.

In consideration of the above, the proposed rezoning and Phase 1 Draft Plan are consistent with the Valley and Stream Corridor designated areas as delineated by the Minister's Order.

Park

OPA 747 states the location of a municipal park will be established through the draft plan of subdivision in accordance with the policies of OPA 600.

The location of municipal parks has been established through the review of the Applications, as required in OPA 747, as discussed later in this report, subject to the Conditions of Approval included in Attachment 1a of this report.

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. Also, any constraints on the development, to accommodate environmental functions and features, may be reflected in the size of the lot/and or lot coverage or other such measure or combination of measures that may be provided for in the implementing subdivision agreement or zoning amendment process.

Based on the Minister's Order, the overall land area of the Draft Plan shown on Attachment 4 for 429 lots for future dwellings, the local streets and the primary roads is 20.8 ha, yielding a density of 20.6 units per hectare ('uph'). In the event the storm water pond and park remain in Phase 1 as shown on Attachment 3, approximately 337 lots for future dwellings could be accommodated on 17.67 ha of land, yielding a density of 19.07 uph. In both scenarios, the density for Phase 1 exceeds the maximum density prescribed in the Minister's Order. However, the maximum permitted density applies to the entirety of the Phase 1 and 2 lands, and when Phase 2 is considered, the Draft Plan for the entirety of the Subject Lands will be required to comply with the maximum density of 18 uph as prescribed in the Minister's Order.

The Phase 1 Draft Plan also includes lot frontages and areas ranging in size from 7.62m to 11.58 m and 212.14 m² to 486.01 m² respectively. The Draft Plan conforms to the mix of lot frontages and areas policy of the Minister's Order.

Kirby Road Extension

OPA 747 recognizes Kirby Road may be extended from Dufferin Street to Bathurst Street and is subject to an Environmental Assessment Study. The Draft Plan accommodates the Preliminary Preferred Design as identified in the approved (December 2019) Kirby Road Extension between Bathurst Street and Dufferin Street EAS, including the Kirby Road alignment, local road connections, daylight triangles, and acoustic buffer blocks, as shown on Attachment 4. Lots 35 to 40, 76 to 84, 114 to 118, 143 to 147, 172 to 175, 211, 212, 253, 254, 296 to 299, and 339 to 342 are proposed to be zoned with a Holding Symbols "(H5)" and "(H6)", as shown on Attachments 3 and 4, 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.

The Kirby Road extension in consideration of the Draft Plan design is discussed later in this report. However, the Draft Plan, subject to the Recommendations in this report, satisfactorily accommodates the requirements of the Kirby Road extension.

Environmental

OPA 747 states:

“Given the rural setting of the Subject Lands, its location on the Oak Ridges Moraine and the presence of Environmental Sensitive Area, including Areas of Natural and Scientific Interest (‘ANSIs’), it will be critical to employ both urban design and environmental design and mitigation measures that serve to optimize and preserve these characteristics. These matters will be addressed, to the satisfaction of the City and affected review agencies, in reports submitted in support of the draft plan of subdivision application. Approved measures will be reflected in the approved plan of subdivision and the implementing Subdivision Agreement or zoning by-law.”

As noted above, the EIS determined the two Valley and Stream Corridor designations in the southwest portion of the Draft Plan do not meet the definitions for Valley and Stream Corridors as identified in OPA 600. Most of these areas are not included in the Phase 1 Draft Plan and will be reviewed as part of Phase 2.

The Valley and Stream Corridor designation in the eastern portion of the Draft Plan meets the definition for Valley and Stream Corridor and is regulated by the TRCA. The TRCA has reviewed the Draft Plan and has provided Conditions of Approval included in Attachment 1c of this report.

The policy identified above, provides for urban design mitigation measures to optimize and preserve the environmental characteristics of the Subject Lands. OPA 747 states the final land use boundaries shall be confirmed through the processing of a plan of subdivision based on the technical analysis of the supporting information provided, to the satisfaction of the City, York Region and any affected review agencies. This policy permits the appropriate zone categories and limits to be established through the review of a draft plan of subdivision and zoning by-law amendment application.

York Region, the City of Vaughan, and the TRCA are satisfied with the Draft Plan subject to the Conditions of Approval provided in Attachment 1 of this report.

Implementation Measures

The Minister’s Order, through OPA 747 identifies submission requirements to meet the level of detail required for draft plan approval. The Owner has submitted the

studies/reports in support of the Applications necessary for review and the City, on April 6, 2018, deemed the Applications complete.

OPA 747 requires the submission of Draft Plan of Subdivision and Zoning By-law Amendment applications to permit the development of the lands. The Owner has submitted the Applications to rezone the Subject Lands and facilitate a residential plan of subdivision. The proposed Draft Plan shown on Attachment 4, includes 429 lots and two future development blocks, for detached dwelling units with lot frontages ranging from 7.6 m to 11.58 m and a residential density of 20.6 units per residential hectare. The appropriate conditions of approval are included in Attachment 1a for the Draft Plan and the report identifies zone categories and development standards to be included in the implementing zoning by-law.

The Subject Lands are designated Natural Core Area and Countryside Area in the Oak Ridges Moraine Conservation Plan as amended by the Minister's Order under section 18 of the *Oak Ridges Moraine Conservation Act, 2001*.

The Applications must conform to the Minister's Order made under the *Oak Ridges Moraine Conservation Act, 2001*. This allows for the finalization of the development limits based on the studies provided in support of the Applications. In accordance with OPA 747, Subsection 6.2 Rural Use Area Policies, Section 6.2.1.2 "Special Provisions for the West Half of Lot 30, Concession 2", 6.2.1.2 d. states,

"For the purpose of interpretation, the final land use boundaries shown on Schedule F2 shall be confirmed through the procession of the draft plan of subdivision, based on the technical analysis of the supporting information provided in such subdivision application, to the satisfaction of the City, York Region and any affected review agency. This policy shall permit an implementing zoning by-law, which will reflect the outcome of the draft plan of subdivision approval process."

In consideration of the above, the proposed rezoning of the Subject Lands and to Draft Plan conform to the Minister's Order and OPA 600, as amended.

Local Planning Appeal Tribunal ('LPAT') Appeal of VOP 2010

The Owner on November 8, 2012 appealed VOP 2010 with respect to certain lands, including the Subject Lands, to the LPAT (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) (LPAT case no. PL11184) shall be withdrawn for Phase 1 of the Subject Lands to the satisfaction of the Deputy City Manager Administrative Services & City Solicitor, and the Deputy City Manager Planning & Growth Management, within 45 days Of Council enactment of the Zoning By-law, or should there be an appeal of the Zoning By-law amendment, then within 45

days of the decision or order approving the Zoning By-law amendment. A Condition to this effect is included in Attachment 1a of this report.

Amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to permit the Draft Plan

The Subject Lands are zoned “FUA Future Urban Area Zone,” as shown on Attachment 2, and are subject to site-specific Exception 9(1416) by Zoning By-law 1-88. 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 is proposing to amend Zoning By-law 1-88 to rezone the Subject Lands to the residential and open space zone categories with the Holding Symbols ‘(H1)’, ‘(H2)’ and ‘(H3)’ in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1, to facilitate the Draft Plan. However, staff recommend the Subject Lands be zoned with Holding Symbols ‘(H)’ as follows:

- R4(H) Residential Zone
- R4(H1) Residential Zone, with the Holding Symbol ‘(H1)’
- R4(H2) Residential Zone, with the Holding Symbol ‘(H2)’
- R4(H5) Residential Zone, with the Holding Symbol ‘(H5)’
- R5(H) Residential Zone. With the Holding Symbol ‘(H)’
- R5(H3) Residential Zone, with the Holding Symbol ‘(H3)’
- R5(H4) Residential Zone, with the Holding Symbol ‘(H4)’
- R5(H6) Residential zone, with the Holding Symbol ‘(H6)’
- OS2(H) Open Space Park Zone, with the Holding Symbol ‘(H)’
- FUA(H) Future Urban Area Zone, with the Holding Symbol ‘(H)’

Staff recommend the Holding Symbols only be removed from the Subject Lands when the respective conditions for each Holding Symbol have been satisfied as follows:

1. Removal of the Holding Symbols ‘(H)’, ‘(H1)’, ‘(H2)’, ‘(H3)’, ‘(H4)’, ‘(H5)’, and ‘(H6)’, as shown on Attachment 3, shall not be removed until the Owner provides the following to the satisfaction of the City of Vaughan Development Engineering Department:
 - i) A copy of the Record of Site Condition (‘RSC’) for the Phase 1 lands covering all the lands within the Plan 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.

2. Removal of the Holding Symbol '(H1)', as shown on Attachment 3, from the Subject Lands, or any portion thereof, shall be contingent on the following:
 - i) For Lots 157 to 158, 190 to 196, 229 to 234 and 274 to 275, the completion of the following and concurrence of the findings to the satisfaction of the City, in consultation with the TRCA:
 - a. A Geotechnical/Slope Stability Study including a delineation of the toe of the wooded slope;
 - b. Plans to demonstrate how grading and retaining walls will be minimized to the greatest extent feasible; and
 - c. An assessment of access and hazard maintenance requirements to ensure the long-term persistence of the wooded slope.
 - ii) For Lots 276 and 316 to 320, the completion of the following materials and concurrence of the findings to the satisfaction of the City, in consultation with the TRCA:
 - a. A Geotechnical/Slope Study; and
 - b. Plans to demonstrate how grading and retaining walls will be minimized to the greatest extent feasible.
3. THAT the Holding Symbols '(H2)' and '(H3)', as shown on Attachment 3 and 4, be placed on the following lots/blocks (based on the 10th revision to DWG Name: Rizmi Draft Plan of Subdivision (denoted on Draft Plan September 4, 2020), dated November 15, 2017 and revised September 4, 2020, prepared by Lucas and Associates Consultants in Planning and Land Development:
 - Lots 328 to 357, Blocks 431, 478, 479 and Street P inclusive for the purposes of a public neighbourhood park;
 - Lots 369 to 427, Blocks 428, 476, 477 Streets "Q", "R", and "S" inclusive for the purposes of a stormwater management (SWM) facility; and
 - Lot 368 for the purpose of a sanitary pumping station facility.

The Holding Symbols '(H2)' and '(H3)' shall not be removed from the Subject Lands or any portion thereof, until the following conditions are addressed to the satisfaction of the City:

- i) The Owner shall submit a finalized Stormwater Management Strategy;
- ii) The Owner shall submit a Parks and Open Space Master Plan and Facility Fit Plan;
- iii) The Owner shall submit a comments-response matrix to address Parks Planning comments dated October 17, 2019, November 5, 2018 and

- September 5, 2018 with detailed comments and/or references to specific drawings/documents and or studies, to the satisfaction of Parks Planning;
- iv) Any information/documents deemed necessary by City for the purposes of carrying out a complete and comprehensive assessment of the proposed underground stormwater servicing strategy be submitted;
 - v) Any financial securities, Letter(s) of Credit and /or financial contributions be provided by the Owner, as deemed necessary by the City in order to implement the ultimate stormwater management strategy;
 - vi) 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 Conditions i), ii), iii), iv) and v) above, including any changes to the proposed lotting fabric and/or extent of City park, storm water management ('SWM') and/or Open Space Blocks;
 - vii) 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 unless alternative arrangements are made to the satisfaction of Development Engineering Department;
 - viii) 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;
 - ix) The Owner agrees in the subdivision agreement to design and construct the stormwater management pond, provide the required securities, 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;
 - x) The Owner shall submit the required reports to confirm the size of the stormwater management pond and lands required for same to the satisfaction of Development Engineering Department; and
 - xi) The Owner agrees in the subdivision agreement to design and construct the necessary road network including cul-de-sacs, as required, to support the stormwater management pond unless alternative arrangements are made to the satisfaction of Development Engineering Department.

4. THAT the Holding Symbol '(H4)', as shown on Attachment 3, shall not be removed until completion of the following to the satisfaction of the City:

- i) 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; and

- ii) The Owner shall submit the required reports to confirm the size of the water booster station and lands required for same all to the satisfaction of Development Engineering Department.
- 5. THAT the Holding Symbols '(H5)' and '(H6)', as shown on Attachment 3, shall not be removed until completion of the following to the satisfaction of the City:
 - i) The Owner shall agree in the subdivision agreement to convey the necessary easements as required within the Plan, south of Block 430 (potential Kirby Road extension) to facilitate the construction of Kirby Road from Dufferin Street to the east limit of the Plan to the satisfaction of the City.
 - ii) The Owner shall agree in the subdivision agreement to convey the necessary easements as required north of Block 430 within Block 429 in the draft plan, for grading purposes to support the development of the lots and roads adjacent to the future Kirby Road, to the satisfaction of the City.
- 6. Notwithstanding the conditions 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)".

The following site-specific exceptions to Zoning By-law 1-88 are proposed to implement future residential development for the Draft Plan:

Table 1:

	Zoning By-law 1-88 Standards	R5 Residential Zone Requirements	Proposed Exceptions to the R5 Residential Zone Requirements
a.	Permitted Uses	A storm water management pond is not permitted	Permit a storm water management pond in an R5 Zone
b.	Maximum Building Height	11 m	13 m
c.	Minimum Rear Yard	7.5 m	6 m
	Zoning By-law 1-88 Standards	R4 Residential Zone Requirements	Proposed Exceptions to the R4 Residential Zone Requirements
a.	Maximum Building Height	9.5 m	13 m
b.	Minimum Rear Yard	7.5 m	6 m

The proposed exceptions to Zoning By-law 1-88 in Table 1 are required to implement the proposed residential building designs for Phase 1 of the Draft Plan. The proposed exceptions to the building height and rear yard building setback would not impact the surrounding land uses and are considered to be minor.

Section 3.10 of Zoning By-law 1-88 permits Public Uses in all zones. However, the definition of a Public Use includes storm sewer mains, but not specifically flood control measures such as storm water management ponds. The exception to the R5 Residential Zone has been added to specifically permit a storm water management pond.

Should the City in consultation with the TRCA approve an underground stormwater management tank facility as part of the review for Phase 2 of the Draft Plan (Attachment 4), the stormwater management pond currently included as part of the Phase 1 Draft Plan, shown on Attachment 3, may no longer be required. The area occupied by the stormwater management pond and park would then be developed for detached residential dwellings and the required local roads, as shown on Attachment 4.

Blocks 429 and 430 (Kirby Road Extension), as shown on Attachment 4, is currently zoned FUA Future Urban Area Zone, subject to Exception 9(1416), by Zoning By-law 1-88, as amended by By-law 023-2015. Exception 9(1416) states that, "The Subject Lands shall be subject to future *Planning Act* Applications, including but not limited to Zoning By-law Amendment and Draft Plan of Subdivision Applications in order to identify appropriate land use zones, delineate development limits, roadways, buffers, parks, storm water management facilities and infrastructure, setbacks for utilities and the protection of open space."

In accordance with this provision, the Development Planning Department recommends the portion of Block 421 designated as "Valley and Stream Corridor" by OPA 747 be zoned OS5(H) Open Space Environmental Protection Zone, with the Holding Symbol '(H)', as shown on Attachment 3.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Committee of Adjustment within two (2) years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance applications(s) within 2 years of the passing of the zoning by-law amendment. The Development Planning Department supports the inclusion of a resolution to accommodate minor design

changes that may occur through the finalization of all plans and construction. A resolution to this effect is included in the Recommendations of this report.

The Development Planning Department supports the approval for Phase 1 of the Draft Plan, subject to the Conditions of Approval

The Phase 1 Draft Plan shown on Attachment 4, includes up to 429 lots for detached residential dwellings with minimum frontages of 7.62 m served by 17.5 m and 20.5 m local roads, two park/stormwater management blocks, local roads, an open space block, open space acoustic buffer blocks, and a block for the future Kirby Road extension.

As noted above, the Owner is proposing to locate the stormwater management facility in an underground tank with a park located atop the facility in Phase 2 of the overall Draft Plan. 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 Phase 1 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 3.

Through the review of Phase 2 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 in Phase 2, as proposed, the Holding Symbols will be removed from these lands allowing all 429 lots in Phase 1 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 in Phase 1 of the Draft Plan, the Holding Symbols will remain on these lots with a provision the lands may only be used for a storm water management pond and park as shown on Attachment 3, and requiring these lands to be dedicated to the City. This Plan would yield approximately 337 lots and conforms to the Minister's Order regarding the provision of a mix of lot frontages and areas. Conditions to this effect are included in Attachment 1a of this report.

The Development Planning Department supports the proposed phased Draft Plan, subject to the Recommendations and the Conditions of Draft Plan of Subdivision Approval outlined in Attachment 1a of this report.

The Subject Lands have been cleared of archaeological concerns

The Subject Lands have been cleared of archaeological concern and the standard archaeological clauses are included in the Conditions of Approval identified in Attachment 1a of this report. Prior to registration of the Draft Plan the Owner shall provide a copy of the letter of review and acceptance from the Ministry of Tourism, Culture and Sport, accepting the report titled, Stage 1-2 Archaeological Assessment of Rizmi Holdings Limited Part of Lot 30, Concession 2 Geographic Township of Vaughan,

York County, City of Vaughan, Regional Municipality of York, into the provincial database.

The future residential 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 Attachment 1a of this report.

Policy Planning and Environmental Sustainability have no objections to the Rezoning and Phase 1 of the Draft Plan, subject to Conditions of Approval

Policy Planning and Environmental Sustainability has no objection to the Phase 1 Draft Plan, subject to the Conditions for lifting the Holding Symbol ('H1') and the Owner satisfying their conditions of approval in Attachment 1a of this report.

Parks Planning have no objections to the Rezoning and Phase 1 of the Draft Plan, subject to the Conditions of Approval

Parks Planning have no objection to the Phase 1 Draft Plan, subject to the Conditions for lifting the Holding Symbol ('H2') and ('H3') and the Owner satisfying their conditions of approval in Attachment 1a of this report.

Throughout the development application review process, the primary importance from a Parks Planning perspective is the provision and equitable distribution of parkland, access to open space trails and programming of outdoor recreational facilities within the proposed residential development.

The Draft Plan dated September 4, 2020 identifies two neighbourhood parks, Block 428 (1.10 ha) and Block 480 (0.31 ha) to provide outdoor recreational services to the residential development.

The Draft Plan shown on Attachment 3 presents the interim conditions whereby unencumbered parkland measuring approximately 1.12 ha in size is provided on the east side of proposed Street 'O' (Park Block 338), located adjacent to a stormwater management block (3.23 ha – SWM Pond Block 339).

The Draft Plan, as shown on Attachment 4, accommodates underground stormwater storage tanks under park blocks. In order to better inform the planning process for future community services in this Development, staff have requested the Owner provide additional information to better determine the community benefits of permitting services/infrastructure under a City owned park. Once the requested information is provided, the City will review and prepare a full and comprehensive assessment and evaluation of the merits of this proposal as part of Phase 2 of the Draft Plan. This

assessment will be contingent upon full and complete submission of requested information from the Owner to allow for a full assessment.

The Recommendations include conditions for a Draft Plan to permit either detached residential or open space park uses on the lots identified by the Owner in consultation with the Parks Planning Department on Attachment 3 (Block 338, approximately 1.12 ha). If the park identified in the eastern limits of the Draft Plan (Block 428) is not conveyed to the City due to the requirement for a stormwater management pond for the development of the Subject Lands, Block 338 on Attachment 3 (identified as Lots 328 to 357, Blocks 431, 478, 479 and Street P inclusive in the Draft Plan) for the purposes of a public neighbourhood park will be developed as a neighbourhood park and conveyed to the City as parkland. Should the approval of SWM under parkland be considered by the City, Block 428 will be conveyed and built by the Owner to the satisfaction of the City to coincide with the Phase containing the park or 25% occupancy of the approved residential lots.

The neighbourhood parks will be predominantly programmed to accommodate local service levels to meet the provision recommendations of the 2018 Active Together Master Plan. Outdoor recreational facilities proposed to be developed in this new community include, but not necessarily limited to playgrounds, play court(s), neighbourhood water play/splash pad, open lawn area, seating areas and public walkway connections to multi-use pedestrian and cycling trails that will form part of the Vaughan Super Trail (100km concept) through the TC Energy pipeline, existing valley corridors and to existing neighbourhoods.

The Development Engineering ('DE') Department has no objections to the Rezoning and Phase 1 of Draft Plan, subject to the comments in this report and the Conditions of Approval

Road Network

The proposed Draft Plan is located at the south-east corner of Dufferin Street and Kirby Road intersection, connecting two arterial roads. The Draft Plan accommodates the preferred alignment identified in the Kirby Road Extension EAS including a curve to the south to avoid Provincially significant wetlands in the area. The future Kirby Road extension from Dufferin Street to Bathurst Street will be designed and constructed by the City. Until such time as Kirby Road is fully constructed from Dufferin to Bathurst Street, the Draft Plan can be accommodated with two accesses, one full moves access to the north, onto the proposed temporary road aligned with future Kirby Road, and one right-In-right-out ('RIRO') access onto Dufferin Street. Upon full construction of Kirby Road to Bathurst, two accesses are proposed from the Draft Plan onto the future Kirby Road extension.

The submitted transportation studies demonstrate 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. Further review will be required by the Development Transportation Department at the detailed design stage in order to satisfy requirements of Draft Plan conditions and comments provided to date.

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 both sides of the future Kirby Road Extension as identified by the Kirby Road Environmental Assessment Study. Paved shoulders are available for use by cyclists along Dufferin Street. The Draft Plan includes multi-use trails on one side for all collector roads in the subdivision and a regular sidewalk on the other side. As required by City standards, a sidewalk is also proposed along one side for all local roads in the subdivision. Pedestrian gates and fence openings to the subdivision are proposed along Dufferin Street and the future Kirby Road extension to improve active transportation circulation and connectivity to the surrounding network.

Transportation Demand Management ('TDM')

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

Parking

The proposed subdivision consists of detached dwellings and meets the City's parking requirements identified by Zoning By-law 1-88.

Water Supply

The Subject Lands are located within Pressure District 9 ('PD-9'); however, the lands were never planned to be connected to the City's water network. The existing PD-9 water booster station located west of Dufferin Street has capacity constraints and there is no existing municipal PD 9 watermain infrastructure on the east side of Dufferin Street. The Owner submitted a Water Supply Analysis providing three potential

temporary servicing options to service the Subject Lands until York Region constructs a new PD-9 water booster station and subsequent infrastructure in the future (planned for 2028). The preferred option by the Owner includes the construction of a temporary PD-9 water booster station 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.

The Development Engineering ('DE') Department has reviewed the Water Supply Analysis and in general, has no objections to the proposed servicing options, subject to the Owner addressing comments and conditions. 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 Development Planning 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 1a.

Sanitary Servicing

There is no municipal sanitary sewer adjacent to the Subject Lands. The Downstream Sanitary Sewer Analysis provides studies for two servicing scenarios. The first scenario includes wastewater flowing through municipal sewers in Block 20 and the second includes by-passing Block 20 and discharging wastewater directly to the existing sanitary sewer on Dufferin Street south of Hunterwood Chase. Both scenarios require a dedicated municipal wastewater pump station to collect and divert wastewater from the east end of the Subject Lands via a forcemain (within the Subject Lands) to municipal sewers in the west. The first option proposes connections to the Block 20 sanitary sewer system; this will cause theoretical surcharging of several municipal sewers and upgrades to the City's existing system. The preferred option requires the extension of the forcemain within the Subject Lands, south on Dufferin Street in order to connect to a gravity sewer south of Hunterwood Chase. The location of the wastewater forcemain along Dufferin Street will require approval by York Region.

The DE Department has reviewed the report and in general, has no objection to the preferred servicing option, subject to the Owner addressing conditions included in the Conditions of Draft Approval and comments included in the DE Department's comments memo and matrix dated August 14, 2020.

Stormwater Management

The Subject Lands are located in the Don River Watershed and are part of an intermittent East Don River tributary known as Paterson Creek. The Stormwater Management Report provides two servicing strategies. The interim solution considers a stormwater management pond with infiltration bed. The ultimate solution includes underground storage tanks with infiltration beds on park blocks. Additionally, a

perforated clean water collector system is proposed to collect the rooftops and backyards for both strategies. The DE Department has reviewed the report and requires the Owner to conduct further studies to demonstrate the feasibility of the stormwater management system including, underground storage tanks, infiltration bottoms, clean water collectors, oil/grit separators (or other quality control devices) with respect to functionality, operation, maintenance and capital replacement costs to the satisfaction of the City. This is a non-standard solution to essentially replace the typical storm water management pond and introduce additional costs to the City. In order to meet the current City's design criteria, the DE Department is recommending the Owner identify an area for and agree to construct a typical storm water management pond for the Draft Plan. Conditions to this effect are included in Attachment 1a.

Additional review and consideration of the non-standard underground stormwater management system will be required during the detailed design stage. Should DE Department agree to accept the non-standard underground storm water management system, the Owner will be required to financially contribute, to the City, for the future maintenance, operation and replacement costs of the system.

Lot Grading

The Subject Lands generally slope in the south-easterly direction and has a moderately steep topography with greatest descends of approximately 30 meters. In consideration of the unique topography and large gradients, some lots may require retaining walls. The DE Department has not received grading plans and reports to support the revised Draft Plan. The proposed grading of the Subject Lands and individual lot grading shall meet the current City's lot grading criteria and no structures shall be located on the municipal right-of-way.

The DE Department has identified grading will be required within Block 429 (potential Kirby Road extension) to support the municipal roads and lots abutting the future Kirby Road alignment. Similar grading requirements are identified to the south of Street B (in some areas as much as 30 metres may be required) on "Other Lands Owned by Applicant". The Owner will need to convey grading easements to the City, as required, to support the grading of the proposed lots and the proposed municipal roads and infrastructure. Conditions to this effect are included in Attachment 1a.

Noise Attenuation

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.

Environmental Site Assessment

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.

As the proposed 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 O. Reg. 153/04 standards will be required in support of the RSC. Furthermore, an RSC covering all of the Subject Lands within the Draft Plan acknowledged by the MECP and filed on the Environmental Site Registry confirming the Subject Lands are suitable for the proposed residential development will be required.

The Owner is required to satisfy the requirements of the Blocks 12 and 20 Developer's Groups

Prior to final approval of the Plan, the Owner shall enter into a Developer's Group Agreement with the other participating landowners within Blocks 12 and 20 to the satisfaction of the City. The agreements shall be regarding, but not limited to, all cost sharing for the provision of parks, cash-in-lieu paid in accordance with the *Planning Act* and conform to the City's "Cash-in-lieu of Parkland Policy". This agreement shall also include a provision for additional developers to participate with the Developers' Group Agreements when they wish to develop their lands.

Prior to final approval of the Plan, the Trustee for Blocks 12 and 20 shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Blocks 12 and 20 Landowner Cost Sharing Agreements.

Sewage and Water Allocation is available for Phase 1 of the Draft Plan

Vaughan Council on December 17, 2019, endorsed its latest Allocation of Servicing Capacity Annual Distribution and Update and Allocation of Servicing Capacity Policy. The intention is to provide Council its next update in December 2020. Accordingly, servicing capacity to Draft Plan of Subdivision File 19T-18V004 (Phase 1) is available and unrestricted.

Therefore, the following resolution to allocate servicing capacity to Draft Plan of Subdivision File 19T-18V004 may be recommended for Council approval:

“THAT Draft Plan File Number 19T-18V004 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for up to 429 detached residential units (1,536 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City), in accordance with the City’s Allocation of Servicing Capacity Policy, if the development does not proceed to registration and/or building permit issuance within 36 months.”

The Kirby Road Environmental Assessment Study (‘EAS’) has been completed

Following Council’s authorization June 12, 2019 and Rizmi Holdings Limited (‘RHL’) finalization of the Environmental Study Report, the City of Vaughan proceeded jointly as co-proponents with RHL to issue the Notice of Study completion and file the Environmental Study Report on September 19, 2019 for the formal review period ending October 18, 2019. Confirmation was received on December 6, 2019 from the Environment Assessment and Permissions Branch of the Ministry of Environment Conservation and Parks that no Part II Order Request was received.

The project was approved in accordance with the Municipal Engineers Association Municipal Class Environmental Assessment October 2000, as amended (Environmental Assessment Act) and can proceed to detailed design and construction.

The Draft Plan of Subdivision accommodates the Preliminary Preferred Design as identified in the approved (December 2019) Kirby Road Extension between Bathurst Street and Dufferin Street EAS within the Future Urban Area Zone and Open Space Environmental Protection Zone located along the north limit of the Subject Lands.

Lots and roads abutting the Future Kirby Road Extension Block will be zoned with a Holding Symbol “(H5)” and “(H6)” until the final alignment of Kirby Road is approved, and the final, grading, lot and road network is determined.

Development Charges apply to the future residential 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, Region of York, York Region District School Board and the York Catholic District School Board. A condition to this effect is included in Attachment 1a of this report.

Cash-in-lieu of the Dedication of Parkland is required for the future residential development

The Owner is required to pay to the City of Vaughan, by way of certified cheque, a cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with the *Planning Act* and the City's cash-in-lieu Policy. The Owner shall submit an appraisal of the Subject Lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the Infrastructure Delivery Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

Prior to registration of the Draft Plan the Owner shall convey Park Blocks 480 and 428, or alternatively Lots 328 to 357, Blocks 431, 478, 479 and Street 'P', as shown on Attachment 4, to the City free of all encumbrances for parkland purposes and will be credited for this dedication as provided in the parkland dedication requirements of the *Planning Act*. The proposed parkland conveyance will be required to satisfy the City's policies and procedures for land conveyance and/or cash-in-lieu of parkland dedication.

As stated in the Parks Planning section, staff have requested the Owner provide additional information to better determine the community benefits of permitting services/infrastructure under a City owned park. Once the requested information is provided, the City will review and prepare a full and comprehensive assessment and evaluation of the merits of this proposal as part of Phase 2 of the Draft Plan. This assessment will be contingent upon full and complete submission of requested information from the Owner to allow for a full assessment. Lands encumbered with below grade structures or SWM/treatment services will be reviewed for parkland credit eligibility, if any, including all lands within the proposed parkland Blocks required for maintenance access and above grade servicing structures.

The York Region District School Board, York Catholic District School Board and Conseil Scolaire de District Catholique have no objection to the Rezoning and Draft Plan for Phase 1

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

The Toronto and Region conservation Authority has no objection to the Rezoning and Draft Plan for Phase 1, subject to Conditions of Approval

Prior to any development, pre-servicing or site alteration, or registration of the Plan or any phase thereof, the Owner shall submit to the TRCA a detailed engineering report. The engineering report must to describe the storm drainage system, including a soil

capacity analysis, and a mitigation strategy whereby runoff volumes from the Subject Lands will match existing conditions prior to reintroducing stormwater to the watercourse. The TRCA also requires updated floodplain mapping, grading plans to indicate how grade differentials will be accommodated, and clearance from TC Energy on potential impacts to the downstream berm and pipe, for the proposed Draft Plan.

An adequate stormwater management block shall be maintained for all stormwater management requirements. No site alteration, pre-servicing or registration of the Draft Plan or any part of, shall be permitted until it is shown a functional stormwater strategy is accepted by the TRCA, City of Vaughan and TC Energy.

The Owner will be required to obtain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the Subject Lands, where permits would be required, and permits related to any associated infrastructure or stormwater management works required that are located off of the Subject Lands to support the Draft Plan.

The Owner shall provide an updated Environmental Impact Study ('EIS') for Phase 1 of the Subject Lands including a restoration plan for all buffers to the eastern stream corridor, and an assessment of ecological enhancement opportunities within the eastern valley corridor.

As part of the development of the park and/or storm water management in Block 428 of the Draft Plan the Owner shall provide a continuous 10-meter environmental buffer within Block 428 adjacent to the stream corridor in accordance with the TRCA's requirements. This buffer is to be re-naturalized and will allow for grading and stormwater management outlets.

As lands external to the Draft Plan are not associated with the Draft Plan or its approval, the shall Owner agree to make suitable arrangements for the permanent protection of the stream corridor and wetland lands east of Block 428, Lots 410 to 417 and Block 476 to the satisfaction of the City and the TRCA.

The TRCA has no objection to the Applications, subject to their conditions included in Attachments 1c of this report.

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution have no objection to the Applications, subject to Conditions of Approval

Alectra Utilities Corporation, Bell Canada, and Enbridge Gas Distribution have no objection to the approval of the Applications, subject to their Conditions of approval included in Attachments 1d, 1e and 1f respectively, of this report.

Canada Post has no objection to the rezoning and Draft Plan for Phase 1, subject to Conditions of Approval

Canada Post Corporation has no objection to the Applications, subject to their conditions of approval included in Attachment 1g of this report.

TC Energy has no objection to the rezoning and Draft Plan for Phase 1, subject to Conditions of Approval

Phase 1 of the Draft Plan is located north of three TC Energy high pressure natural gas pipelines. TC Energy is subject to the jurisdiction of the Canada Energy Regulator ('CER') – formerly the National Energy Board ('NEB'), which has a number of requirements regulating development in proximity to its pipelines and facilities. Phase 1 of the Draft Plan does not impact TC Energy's pipeline directly, however, consideration should be given to stormwater management facilities and grading that could impact the pipeline right-of-way on the future development block to the south.

TC Energy requests early consultation to ensure the stormwater management plan maintains current volumes into the wetland in the southeast east corner of the property, ensure flooding does not occur within the pipeline right-of-way in a 5-year event, ensure final grades on the pipeline right-of-way maintain the current elevation/depth of cover, all roads must be set back 7m from the pipeline right-of-way, and all permanent buildings or structures must be set back 7m from the pipeline right-of-way.

TC Energy has no objection to the Applications, subject to their conditions included in Attachments 1h of this report.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region has no objection to the to the Rezoning and Phase 1 of Draft Plan, subject to the comments in this report and the Conditions of Approval

The York Region Community Planning Department has no objection to the Draft Plan subject to the Region's Schedule of Clauses and Conditions of Draft Plan of Subdivision Approval and comments in Attachment 1b.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment and Draft Plan of Subdivision Files Z.18.004 and 19T-18V004 in consideration of the applicable policies of the Minister's Order, York Regional Official Plan 1994, and OPA

600, as amended, Zoning By-law 1-88, comments from the public, City Departments and external public agencies, and the surrounding existing and planned land use context.

The proposed rezoning of the Subject Lands and Phase 1 of the Draft Plan as show on Attachment 3 is consistent with the policies of the Minister's Order, York Regional Official Plan 1994, and OPA 600, as amended. The Development Planning Department can support the approval for Phase 1 of the Applications, subject to the Recommendations in this report and the Conditions of Approval set out in Attachment 1a.

For more information, please contact: Carol Birch, Planner, Development Planning Department, ext. 8485

Attachments

1. Conditions of Draft Plan of Subdivision Approval
2. Context and Location Map
3. Phase 1 Draft Plan of Subdivision File 19T-18V004 and Proposed Zoning including Park and Storm Water Management Pond
4. Phase 1 Draft Plan of Subdivision File 19T-18V004 - Full Residential Lotting
5. Land Use Map for Minister's Order Superimposed on Draft Plan of Subdivision File 19T-18V004
6. Minister's Order

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Reviewed by

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