

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 16, 2021

Item 14, Report No. 52, of the Committee of the Whole, which was adopted, as amended, by recorded vote, by the Council of the City of Vaughan on November 16, 2021, as follows:

By receiving the following Communications:

- C7. Patricia Qaqish, dated November 9, 2021;***
- C8. Jorge Amaral, dated November 2, 2021;***
- C9. Odette Amaral, dated November 2, 2021;***
- C10. Nguyen Thanh Giang, dated November 8, 2021;***
- C11. Claudia L., dated November 8, 2021;***
- C12. barbie malibu, dated November 8, 2021; and***
- C13. Colin Ng, dated November 8, 2021.***

14. OZNER CORPORATION (SOUTH) OFFICIAL PLAN AMENDMENT FILE OP.11.011 ZONING BY-LAW AMENDMENT FILE Z.11.042 SITE DEVELOPMENT FILE DA.11.113 - 10131 WESTON ROAD VICINITY OF WESTON ROAD AND RETREAT BOULEVARD

The Committee of the Whole recommends:

- 1. That the confidential recommendation of the Committee of the Whole (Closed Session) meeting of November 9, 2021, be approved;**
- 2. That the Ontario Land Tribunal (“OLT”) be advised that Vaughan Council does not support the approval of the development applications for (OP.11.011, Z.11.042 and DA.11.113 – collectively, the “Applications”);**
- 3. That external consultants be retained by Legal Services to support the Council direction;**
- 4. That the report of the Deputy City Manager, Planning and Growth Management, dated November 9, 2021, be received;**
- 5. That the coloured elevations submitted by the applicant be received;**
- 6. That the following speakers and communication be received:**
 - 1. Ellen Volanis, Wardlaw Place, Woodridge; and**
 - 2. Elvira Caria, Vellore Woods Ratepayers’ Association, Bunting Drive, Woodbridge, Communication C3, dated May 4, 2021, and Communication C16, dated November 9, 2021; and**

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7. That the following communications be received:
- C4 Vlad V, dated November 8, 2021;
 - C5 Rishi Bhadrish, dated November 8, 2021;
 - C6 Martin Milne, dated November 8, 2021;
 - C7 Patricia Pantoja, dated November 8, 2021;
 - C8 Mauricio Acuna Mena, dated November 8, 2021;
 - C9 Joana Johnson, dated November 8, 2021;
 - C10 Paula Simoes, dated November 9, 2021;
 - C11 Joe Vescio, Wardlaw Place, Woodbridge, dated November 9, 2021;
 - C12 Gloria Zitoli, dated November 8, 2021;
 - C13 Jamie Doolittle and Peter Amaral, Zachary Place, Woodbridge, dated November 8, 2021;
 - C14 Mark Haljaste, dated November 8, 2021; and
 - C15 Peter Amaral and Jamie Doolittle, Zachary Place, Woodbridge, dated November 8, 2021.

Recommendations

1. THAT the Ontario Land Tribunal be advised that City of Vaughan Council ENDORSES the following recommendations to permit a development consisting of a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8:
 1. THAT Official Plan Amendment File OP.11.011 (Ozner Corporation (South)), BE APPROVED, to amend Official Plan Amendment 650 (Vellore Village District Plan) ('OPA 650') and Vaughan Official Plan 2010 ('VOP 2010'), as follows:
 - a) Redesignate the Subject Lands shown on Attachment 4 from "Low-Rise Residential" on Schedule A, Vellore Village District Centre Plan, OPA 650 to "Mid-Rise Residential" on Schedule 13, Land Use, VOP 2010 to permit:
 - i) a maximum Floor Space Index ('FSI') of 1.82 times the area of the lot;

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- ii) a mid-rise building with a maximum building height of 9-storeys (30.10 m) and 192 apartment dwelling units; and,
 - iii) a maximum of ten (10) townhouse dwelling units;
 - b) Amend Schedules 13 and 14c of VOP 2010 to make the necessary mapping changes to implement the development; and
 - c) Amend Schedule A, Vellore Village District Centre Plan, OPA 650 to make the necessary mapping changes to delete the Subject Lands from OPA 650 in their entirety.
2. THAT Zoning By-law Amendment File Z.11.042 (Ozner Corporation (South)), BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from “RT1 Residential Townhouse Zone” and “C3 Local Commercial Zone”, as shown on Attachment 3 to “RA3(H) Apartment Residential Zone” with the Holding Symbol (“H”) in the manner shown on Attachment 5, together with the site-specific zoning amendments identified in Table 1 in this report; and that the Implementing By-law will be prepared in accordance with Zoning By-law 1-88 and Comprehensive Zoning By-law 001-2021.
3. THAT the implementing Zoning By-law Amendment include a contribution pursuant to Section 37 of the *Planning Act*, VOP 2010 and the City’s Guidelines towards future community benefits for the neighbourhood. The contribution will be determined and implemented through a Section 37 Density Bonusing Agreement between the Owner and the City of Vaughan, and shall be executed prior to the enactment of the implementing Zoning By-law Amendment. The Mayor and the City Clerk shall be authorized to execute the Section 37 Agreement for the implementation of the community benefits.
4. THAT the Holding Symbol (“H”) on the subject lands shall not be removed until such time that a Phase 2 Environmental Site Assessment, Reliance Letter and Record of Site Condition are submitted and approved to the satisfaction of the Development Engineering Department.

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5. THAT Site Development File DA.11.113 (Ozner Corporation (South)) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8.
6. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.
7. THAT should the Ontario Land Tribunal ('OLT') issue a decision to approve Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042 (Ozner Corporation (South)), either in whole or in part, that the OLT withhold its final Order until such time that:
 - a. the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and
 - b. the Site Plan Agreement File DA.11.113 for the Subject Lands has been approved to the satisfaction of the City.
8. THAT Council uphold the Ontario Regulation 413/12, Section 6 under *The Accessibility for Ontarians with Disabilities Act, 2005* and not permit any reduction to the size of the Accessible Parking Space Type A Spaces (minimum 3.4 m width by 6 m length with a 1.5 m wide aisle) and Type B Spaces (minimum 2.4 m width by 6 m length with a 1.5 m wide aisle).
9. THAT Ozner Corporation (South)'s related appeal to the VOP 2010 (Appeal#17), for the same Subject Lands, be resolved through the hearing together or the consolidation of its VOP 2010 appeal with its appealed Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042 applications or through the submission of a letter to the Ontario Land Tribunal ('OLT') formally withdrawing its VOP 2010 appeal should the OLT issue a decision to approve Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042, either in whole or in part.

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2. THAT should the OLT issue a decision to approve Official Plan Amendment File OP.11.011, Zoning By-law Amendment File Z.11.042 and Site Development File DA.11.113 (Ozner Corporation (South)), either in whole or in part, then the recommendation of Vaughan Council to permit a development consisting of a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8 shall be in-effect.

1. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Plan Development Application File DA.11.113 (Ozner Corporation (South)) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 192 residential apartment units and 10 residential townhouse units (455 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

Committee of the Whole (2) Report

DATE: Tuesday, November 9, 2021

WARD(S): 3

TITLE: OZNER CORPORATION (SOUTH)
OFFICIAL PLAN AMENDMENT FILE OP.11.011
ZONING BY-LAW AMENDMENT FILE Z.11.042
SITE DEVELOPMENT FILE DA.11.113
10131 WESTON ROAD
VICINITY OF WESTON ROAD AND RETREAT BOULEVARD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Official Plan and Zoning By-law Amendment Files OP.11.011 and Z.11.042 and Site Development File DA.11.113 for the Subject Lands shown on Attachment 3. The Owner seeks to permit a residential development comprised of a 3 to 9-storey (30.10 m) residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units, as shown on Attachments 5 to 8.

Report Highlights

- The Owner seeks approval to permit a development consisting of a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units.
- Official Plan, Zoning By-law Amendment and Site Development applications are required for the development.
- The Development Planning Department recommends approval of the development as it is consistent with and conforms to Provincial policies, conforms to the York Regional Official Plan 2010, maintains the intent of VOP 2010, and is considered to be compatible with the surrounding existing and planned land uses.

Recommendations

1. THAT the Ontario Land Tribunal be advised that City of Vaughan Council ENDORSES the following recommendations to permit a development consisting of a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8:
 1. THAT Official Plan Amendment File OP.11.011 (Ozner Corporation (South)), BE APPROVED, to amend Official Plan Amendment 650 (Vellore Village District Plan) ('OPA 650') and Vaughan Official Plan 2010 ('VOP 2010'), as follows:
 - a) Redesignate the Subject Lands shown on Attachment 4 from "Low-Rise Residential" on Schedule A, Vellore Village District Centre Plan, OPA 650 to "Mid-Rise Residential" on Schedule 13, Land Use, VOP 2010 to permit:
 - i) a maximum Floor Space Index ('FSI') of 1.82 times the area of the lot;
 - ii) a mid-rise building with a maximum building height of 9-storeys (30.10 m) and 192 apartment dwelling units; and,
 - iii) a maximum of ten (10) townhouse dwelling units;
 - b) Amend Schedules 13 and 14c of VOP 2010 to make the necessary mapping changes to implement the development; and
 - c) Amend Schedule A, Vellore Village District Centre Plan, OPA 650 to make the necessary mapping changes to delete the Subject Lands from OPA 650 in their entirety.
 2. THAT Zoning By-law Amendment File Z.11.042 (Ozner Corporation (South)), BE APPROVED to amend Zoning By-law 1-88, to rezone the Subject Lands from "RT1 Residential Townhouse Zone" and "C3 Local Commercial Zone", as shown on Attachment 3 to "RA3(H) Apartment Residential Zone" with the Holding Symbol ("H") in the manner shown on Attachment 5, together with the site-specific zoning amendments identified in Table 1 in this report; and that the Implementing By-law will be prepared in accordance with Zoning By-law 1-88 and Comprehensive Zoning By-law 001-2021.
 3. THAT the implementing Zoning By-law Amendment include a contribution pursuant to Section 37 of the *Planning Act*, VOP 2010 and the City's Guidelines towards future community benefits for the neighbourhood. The contribution will be determined and implemented through a Section 37 Density Bonusing Agreement between the Owner and the City of Vaughan, and shall be executed

prior to the enactment of the implementing Zoning By-law Amendment. The Mayor and the City Clerk shall be authorized to execute the Section 37 Agreement for the implementation of the community benefits.

4. THAT the Holding Symbol (“H”) on the subject lands shall not be removed until such time that a Phase 2 Environmental Site Assessment, Reliance Letter and Record of Site Condition are submitted and approved to the satisfaction of the Development Engineering Department.
5. THAT Site Development File DA.11.113 (Ozner Corporation (South)) BE DRAFT APPROVED AND SUBJECT TO THE CONDITIONS included on Attachment 1, to the satisfaction of the Development Planning Department, to permit a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8.
6. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the City and/or the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands came into effect, to permit minor adjustments to the implementing Zoning By-law.
7. THAT should the Ontario Land Tribunal (‘OLT’) issue a decision to approve Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042 (Ozner Corporation (South)), either in whole or in part, that the OLT withhold its final Order until such time that:
 - a) the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and
 - b) the Site Plan Agreement File DA.11.113 for the Subject Lands has been approved to the satisfaction of the City.
8. THAT Council uphold the Ontario Regulation 413/12, Section 6 under *The Accessibility for Ontarians with Disabilities Act, 2005* and not permit any reduction to the size of the Accessible Parking Space Type A Spaces (minimum 3.4 m width by 6 m length with a 1.5 m wide aisle) and Type B Spaces (minimum 2.4 m width by 6 m length with a 1.5 m wide aisle).
9. THAT Ozner Corporation (South)’s related appeal to the VOP 2010 (Appeal#17), for the same Subject Lands, be resolved through the hearing together or the consolidation of its VOP 2010 appeal with its appealed Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042 applications or through the submission of a letter to the Ontario Land Tribunal (‘OLT’) formally withdrawing its VOP 2010 appeal should the OLT issue a decision to approve Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042, either in whole or in part.

2. THAT should the OLT issue a decision to approve Official Plan Amendment File OP.11.011, Zoning By-law Amendment File Z.11.042 and Site Development File DA.11.113 (Ozner Corporation (South)), either in whole or in part, then the recommendation of Vaughan Council to permit a development consisting of a 3 to 9-storey residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units as shown on Attachments 5 to 8 shall be in-effect.
1. THAT Vaughan Council adopt the following resolution for the allocation of water and sewage servicing capacity:

“IT IS HEREBY RESOLVED THAT Site Plan Development Application File DA.11.113 (Ozner Corporation (South)) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 192 residential apartment units and 10 residential townhouse units (455 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City’s Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months.”

Background

The subject lands (‘Subject Lands’) are located on the southeast corner of Weston Road and Retreat Boulevard and are municipally known as 10131 Weston Road. The Subject lands and surrounding land uses are shown on Attachment 3.

The Subject Lands were redesignated from “Mid-Rise Mixed-Use” to “Low-Rise Residential” in Vaughan Official Plan 2010

Vaughan Council on September 7, 2010, adopted VOP 2010 and designated the Subject Lands “Mid-Rise Mixed-Use” with a maximum building height of 6-storeys and a FSI of 2 times the area of the lot. Subsequently, Vaughan Council on April 17, 2012, modified the Council adopted designation for the Subject Lands from “Mid-Rise Mixed-Use” to “Low-Rise Residential” which was forwarded to York Region for approval. York Region adopted VOP 2010 and the modification for the Subject Lands on June 28, 2012.

The Owner originally submitted a proposal for two, 12-story apartment buildings

The Owner originally submitted a proposal for two, 12-storey residential apartment buildings with 379 dwelling units and a FSI of 3.54 the area of the lot, as shown on Attachment 9. Vaughan Council, on March 20, 2012, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of February 28, 2012 2021, and to forward a comprehensive technical report to a future Committee of the Whole meeting.

The Owner appealed the Official Plan and Zoning By-law Amendment, and Site Development Applications to the Ontario Land Tribunal (formerly the Ontario Municipal Board)

The Owner, on May 28, 2012, appealed VOP 2010 to the former Ontario Municipal Board ('OMB'), now the Ontario Land Tribunal ('OLT'). In addition, the Owner, on July 22, 2013, appealed Official Plan Amendment File OP.11.011, Zoning By-law Amendment File Z.11.042 and Site Development File DA.11.113 ('Applications') to the OLT for non-decision by Council based on the timelines prescribed by the *Planning Act*.

The OLT held a Case Management Conference ('CMC') on October 13, 2020

The OLT, on October 26, 2020, issued a written Order from the CMC held on October 13, 2020, directing the following:

- the Owner shall file a full resubmission with the City within 60 days of the issuance date of the written notice; and
- the City and York Region will have 75 days from the receipt of the resubmission to circulate and prepare comments.

The Owner, on December 23, 2020, filed a resubmission of the Applications to the Development Planning Department. The City and York Region have submitted all comments received to-date to the Owner for review within the prescribed 75-day period.

The Owner, on April 1, 2021, removed the proposed pool from the northeast corner of the Subject Lands and replaced it with an outdoor amenity area as shown on Attachments 5 and 6.

A second CMC is scheduled for November 8, 2021, where it is expected that a hearing date will be sought respecting the Applications for the development shown on Attachments 5 to 8.

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

The City, on April 9, 2021, circulated a Notice of Public Meeting ('Notice') to all property owners within 650 m of the Subject Lands and to the Vellore Woods Ratepayers' Association and Millwood-Woodend Ratepayer's Association. A copy of the Notice was also posted on the City's website at www.vaughan.ca and two notice signs were installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

Vaughan Council, on May 18, 2021, ratified the recommendation of the Committee of the Whole to receive the Public Meeting report of May 4, 2021, and to forward a comprehensive technical report to a future Committee of the Whole meeting. The recommendation also included the following:

- "2) That a working group be established by the Local Councillor comprised of the applicant, the Ratepayers' Associations, and Regional Councillors, to address outstanding issues;"

On August 20, 2021, the Local Ward Councillor and City Staff met to discuss outstanding issues respecting the 3 to 9-storey apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units with a FSI of 1.82 times the area of the lot ('Development'). The Local Councillor advised that issues arising out of the Public Meeting concerned:

- the building height of 3 to 9-storeys; and
- the modern architectural design of the building.

The Local Councillor requested that the Owner be presented with the option to revise the proposal to provide a maximum building height of 6-storeys and eliminate the ten townhouse dwelling units while maintaining a FSI of 1.82 times the area of the lot. Further, the architectural style of the building required modification to reflect a more traditional neo-classical architectural style similar to the Vellore Townhall and Schoolhouse buildings located at 9541 Weston Road.

The proposed 3 to 9-storey building is stepped back from the existing dwelling units to the east on Zachary Place with increasing setbacks as the building height increases. The 3 to 9-storey building at the 1 and 2 storey podium level provides a 24.95 m setback to the existing dwellings to the east, which increases to 29.5 m at 3 to 6-storeys and to 34.95 m at 7 to 9-storeys. The townhouse dwelling units on the southern portion of the Subject Lands provide a 15.2 m setback to the existing townhouse dwelling units located east of the Subject Lands, and consists of an internal driveway, a minimum landscape strip of 8 m and amenity space.

On August 26, 2021, City Staff presented a 6-storey option to the Owner, who advised that it was not a supportable option. There were no further modifications made to the Applications. To date, a working group has not been established in accordance with Council's direction on May 18, 2021. A report seeking Council's direction on the Applications is required.

As of October 7, 2021, staff have received approximately 38 responses including a petition with 1,653 signatures, from those members of the community identified in Attachment 2. The following is a written summary of the comments organized by theme:

1. Density and Built Form / Property Value and Security

- the Development is too high and dense and is not compatible with the low-rise buildings in the adjacent and surrounding areas
- the Development will set a precedence and encourage other developers/builders to bring higher and denser developments into the community, and reduce safety
- the community has reached its capacity and cannot accommodate more development
- the Development's height and mass impacts on the privacy and security of the adjacent and surrounding areas, and sightlines, as well as people's physical and mental health

- the Development will shadow the adjacent and surrounding homes negatively impacting the use of property, including outdoor amenity space by blocking the sun
- the Development will result in a decrease in the property value of the homes of the existing residents
- the investment in a home and the community was based on the area being planned and approved as a low-rise community
- the sales representatives for the existing homes deceived purchasers respecting the intended plans for a commercial plaza on the Subject Lands
- the Development provides another housing option to address affordability in relation to low-rise housing and to add to the housing supply

Response

The York Region Official Plan 2010 ('YROP 2010') designates the Subject Lands as an "Urban Area" which permits a range of residential, commercial and employment uses to accommodate future growth. The Subject Lands are located at the intersection of a "Major Arterial Road" (Weston Road) and a "Minor Collector Road" (Retreat Boulevard) as identified by VOP 2010, Schedule 9 Future Transportation Network, where intensification may be expected.

The Subject Lands are also identified as being located within a "Community Area" by VOP 2021, Schedule 1 Urban Area. Limited intensification may be permitted in the "Community Area" in accordance with VOP 2010, Policy 2.2.3.3 Community Areas and requires that the Development, "...must be sensitive to and compatible with the character, form and planned function of the surrounding context."

The Owner revised the Development from the original submission (Attachment 9) to be more in keeping with the existing dwellings by changing the following:

- reducing the height of the building from 12-storeys to 9-storeys;
- reducing the number of dwelling units from 379 units to 192 units; and
- reducing the FSI from 3.54 times the area of the lot to 1.82 times the area of the lot

The design of the building with a 2-storey podium and 7-storey tower within the 45-degree angular plan and with an easterly building a setback of 24.95 m, with stepbacks of 29.95 m and 34.95 m, is greater than the 7.5 m setback requirement from existing homes by Section 9.2.3.5 c) of VOP 2010. This reduces the impact of the Development from the original submission and minimizes, but does not eliminate, the building's shadow on adjacent properties from the late afternoon. In addition, the townhouse buildings provide for an appropriate transition to the existing 2-storey and proposed 3-storey townhouses located east and south of the Subject Lands, respectively.

The Development requires the redesignation of the Subject Lands from “Low-Rise Residential” to “Mid-Rise Residential” within the “Community Area”. Policy 9.2.2.3 Mid-Rise Residential requires mid-rise developments to generally be located in Intensification Areas. Mid-rise developments consist of primarily residential buildings which are located on a corner lot where at least one flankage is on a collector or arterial street as indicated on VOP 2010, Schedule 9 Future Transportation Network.

The Official Plan is a document that is not static and will experience modifications in order to comply with current Provincial policies that support intensification. All developments are reviewed on their merit and this Development does not necessarily result in a precedence being established for the community.

The *Planning Act*’s scope does not provide any authority respecting property value or property users to provide any comment on this matter.

2. Traffic and Parking

- the Development will increase traffic congestion on the local street and impact vehicle and pedestrian safety
- the existing local streets cannot accommodate additional traffic and parking resulting from the Development; insufficient on-site visitor parking resulting in increased on-street parking on Retreat Boulevard
- increased traffic results in increased noise to the local neighbourhood

Response

The vehicular access for the Subject Lands is from the south side of Retreat Boulevard. There is no direct vehicular access from the Subject Lands to Zachary Place. It is approximately a 500 m travel distance along Retreat Boulevard, Vellore Avenue and Zachary Place to park on Zachary Place next to the Subject Lands.

The Owner submitted a Traffic Impact Study (‘TIS’) dated March 31, 2021 and prepared by the IBI Group in support of the Development. The TIS indicates that the area surrounding the Subject Lands is currently functioning near or over the designed capacity, and increased capacity is expected due to development in the surrounding area. Travel Demand Management (‘TDM’) measures such as improving the public transit services can be implemented to mitigate the traffic impact from the Development, however, the traffic impacts from the Development are expected to be minimal. The Development Engineering (‘DE’) Department concurs with the TIS. The Owner proposes 251 parking spaces for the Subject Lands of which 49 are visitor parking spaces. The DE Department finds the proposed parking supply consistent with the Review of Parking Standards Contained Within the City of Vaughan’s Comprehensive Zoning By-law dated March 2010 and prepared by the IBI Group.

Parking By-law 064-2019 regulates parking in the City, including on-street parking which is enforced by the By-law and Compliance, Licensing and Permit

Services Department. The City's Noise By-law 062-2018 regulates noise within the City and is enforced by the By-law and Compliance, Licensing and Permit Services Department, should unacceptable noise levels be generated by the Development.

3. Parks and Open Space / Community Centres / Schools

- the Development will result in an increase in the number of users for the limited park and open space lands, and community centres in the community
- the increased residents will further contribute to crowded schools

Response

The Owner prepared a Community Services and Facilities Study ('CSFS') dated December 2020, prepared by Humphries Planning Group Inc. in support of the Development. The York Region District School Board ('YRDSB') and the York Catholic District School Board ('YCDSB') have elementary and high schools in the surrounding community that can accommodate any future growth generated from the Development. The City's local parks (including Westwind Park and Venice Gate) and the Chatfield District Park, and the Vellore Village Community Centre provide a range of amenities to accommodate the future residents. The Parks Infrastructure Planning and Development reviewed the CSFS and can support the findings.

The Development Planning Department on October 29, 2021, sent out a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Applications.

Official Plan and Zoning By-law Amendment, and Site Development Applications have been submitted to permit the Development

The Owner has submitted the following Applications for the Subject Lands to permit the Development as shown on Attachments 5 to 8:

1. Official Plan Amendment File OP.11.011 to amend the in-effect Official Plan Amendment 650 (Vellore Village District Centre Plan) to redesignate the Subject Lands from "Low-Rise Residential" to "Mid-Rise Residential" with a maximum Floor Space Index (FSI) of 1.82 times the area of the lot and a maximum building height of 9-storeys.
2. Zoning By-law Amendment File Z.11.042 to rezone the Subject Lands from "RT1 Residential Townhouse Zone" and "C3 Local Commercial Zone" subject to site-specific Exception 9(1223) to "RA3(H) Apartment Residential Zone" with the addition of the Holding Symbol "(H)" in the manner shown on Attachment 5, together with the site-specific zoning exceptions identified in Table 1 of this report.
3. Site Development File DA.11.113 to permit the Development shown on Attachments 5 to 8.

Previous Reports/Authority

The following links provide information related to this report:

[February 28, 2012 Committee of the Whole \(Public Meeting\) Report \(Item 4, Report No. 10\)](#)

[May 4, 2021 Committee of the Whole \(Public Meeting\) Report \(Item 3, Report No. 24\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 ('PPS') provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides policies for appropriate development while ensuring that public health and safety, and the quality of the natural and built environment, are protected. In accordance with Section 3(5) of the *Planning Act*, all land use decisions in Ontario "shall be consistent with" the PPS.

The Development is consistent with the PPS, specifically Policy 1.1.3 to encourage development within Settlement Areas and the efficient use of land by supporting intensification and redevelopment and Policy 1.1.3.1 that Settlement areas shall be the focus of growth and development. The Development will contribute to providing for a range of housing and will efficiently use infrastructure and public service facilities in accordance with Policy 1.4. The Development will contribute to providing a range and mix of housing to support residential intensification in accordance with Policy 1.4.3.b). The Development will efficiently use planned and existing infrastructure and services in accordance with Policy 1.6.6 the PPS. The Development will encourage transit supportable development and intensification in accordance with Policy 1.8.1.

The vacant Subject Lands are located within the Settlement Area, as defined by the PPS. The Development consists of apartments and townhouse dwelling units, being a compact building form supporting the efficient use of land and an appropriate level of intensification. The Development is located in a community with existing infrastructure and services such as schools, parks, a community centre, shopping and transit along Weston Road, and Major Mackenzie Drive. In consideration of the above, the Development is consistent with the PPS.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended ('Growth Plan') guides decision making on the development of land and includes encouraging compact built form, transit supportive communities, diverse land uses, and the flexibility to capitalize on new economic and employment opportunities while providing certainty for traditional industries. The Growth Plan encourages the concentration of population and employment growth within settlement areas and promotes the development of complete communities that offers a mix of jobs, local

stores, services and housing types. In accordance with Policy 3(5) of the *Planning Act*, Council's planning decisions shall conform to the Growth Plan.

The Development is located within a Settlement Area and Delineated Built-up Area, as defined by the Growth Plan, providing residential lands with existing and planned municipal water and wastewater systems, in accordance with Policies 2.2.1 and 3.2.2.4 of the Growth Plan. Specifically, the Subject Lands are located within the "Community Areas" of Schedule 1 - Urban Structure, in Volume 1 of VOP 2010 and located within the Block 33 West Planning Area with existing municipal water and wastewater services in accordance with Policy 3.2.6 of the Growth Plan, and is served by transit in accordance with Policy 3.2.2.2 of the Growth Plan. The Development makes efficient use of land by adding to the range of residential building forms that contribute to establishing a complete community in accordance with Policies 2.2.1.4 and 2.2.6.2 of the Growth Plan. In consideration of the above, the Development conforms to the Growth Plan.

The Development conforms to the YROP 2010

The YROP 2010 guides economic, environmental and community building decisions across York Region. The Subject Lands are designated "Urban Area" by the YROP 2010. Policy 3.5.4 of the YROP 2010 requires that "local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community." It also states that "the mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements." Policy 5.0 of YROP 2010 states that "growth will also occur in new community areas...throughout the Region."

The Development will add to the range of housing forms in the community including apartment and townhouse dwellings, resulting in a transit supportive development in a community that has existing services and transit. The Development conforms to the YROP.

An amendment to VOP 2010 is required to permit the Development

The Subject Lands are designated "Low-Rise Residential" by in-effect OPA 650. The "Low-Rise Residential" designation in OPA 650 permits detached, semi-detached, street townhouse and block townhouse dwelling units and other ground-related multiple housing forms with a maximum building height of 2.5-storeys and a density ranging between 17 to 40 units per hectare where the average density shall be a minimum of 25 units per hectare. Local convenience commercial uses are also permitted as the Subject Lands abut Weston Road and Retreat Boulevard (a primary road). The Development is not permitted by OPA 650.

The proposed designation for the Subject Lands was "Low-Rise Residential" by VOP 2010, Volume 1, in VOP 2010, which was appealed by the Owner. The Subject Lands are located in a "Community Area" on Schedule 1 - Urban Structure in VOP 2010. The "Low-Rise Residential" designation in VOP 2010 permits townhouses up to maximum building height of 3-storeys. The "Low-Rise Residential" designation is not in-effect on the Subject Lands and the Development is not permitted by VOP 2010.

Official Plan Amendment File OP.11.011 would redesignate the Subject Lands to “Mid-Rise Residential” with a maximum FSI of 1.82 times the area of the lot, and a maximum building height of 9-storeys.

The Subject Lands are located in a “Community Area” by Schedule 1 - Urban Structure, in Volume 1 of VOP 2010. Policy 2.2.3 Community Areas in VOP 2010 states, “as the City grows and matures, these Community Areas will remain mostly stable. However, incremental change is expected as a natural part of maturing neighbourhoods. This change will be sensitive to, and respectful of, the existing character of the area.” The Community Areas Policies further state:

“Policy 2.2.3.2. That Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change that would alter the general character of established neighbourhoods. New development that respects and reinforces the existing scale, height, massing, lot pattern, building type, orientation, character, form and planned function of the immediate local area is permitted, as set out in the policies in Chapter 9 of this Plan. (OPA #15)

Policy 2.2.3.3. That limited intensification may be permitted in Community Areas as per the land use designations on Schedule 13 and in accordance with the policies of Chapter 9 of this Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.”

The Development incorporates the development criteria in VOP V010 to provide an appropriate transition between the mid-rise building and the existing low-rise development in the surrounding community. The mass of the 3 to 9-storey building consists of a 2-storey podium along the lower level which includes building entrances to dwelling units to create an active street level. The Development provides for a transition to the abutting “Low-Rise Residential” designated area with an easterly building setback of 24.95 m at 1 and 2-storeys, 29.95 m at 3 to 6-storeys, and 34.95 m at 7 to 9-storeys to the existing dwelling units fronting onto Retreat Boulevard and Zachary Place.

The east and south building stepbacks provide for a greater separation to allow for privacy and minimize, but not eliminate, shadowing from the mid-rise building, as shown on Attachments 5, 7 and 8. The Owner has submitted a Shadow Study dated December 14, 2020 and prepared by Turner Fleischer with the following findings:

- the rear yard amenity space for dwelling units along the south side Retreat Boulevard east to approximately 65 Retreat Boulevard would experience shadowing in September evenings

- the north side of Zachary Place east to approximately 26 Zachary Place would experience shadowing in September evenings
- the front yard space for dwelling units along the south side of Zachary Place east to approximately 37 Zachary Place would experience shadowing in September evenings

The 9-storey portion of the building is contained within the 45-degree angular plane from both the south and east property lines abutting the existing and proposed dwelling units, to maintain an appropriately scaled building. The Development also includes townhouse dwelling units to transition from the mid-rise building to the existing and proposed rear yards of the townhouse dwelling units to the east and south of the Subject Lands.

The Development would provide landscape and outdoor amenity space along the east lot line, as shown on Attachment 6, to transition between the mid-rise development and the existing dwelling units. An existing acoustic wall will be maintained along the east property line for privacy. A retaining wall and landscape are proposed along the south property line to maintain privacy between the internal road for the townhouse dwelling units and the proposed dwellings to the south. The Preliminary Environmental Noise Report ('Noise Report') dated December 17, 2020 and prepared by Jade Acoustics does not recommend acoustic fencing as it is not warranted. The DE Department agrees with the findings of the Noise Report.

The Community Area Policies of VOP 2010 do not exclude mid-rise developments and policies allow for limited intensification in the existing community, subject to development criteria. The built-form and setbacks of the Development are appropriate and compatible, but not identical, with the surrounding community. The Development provides an appropriate transition in density and built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types.

The City will be seeking to have the related appeal to the VOP 2010 (Appeal#17), for the Subject Lands, be resolved through the hearing together or the consolidation of its VOP 2010 appeal with its appealed Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042 applications or through the submission of a letter to the OLT formally withdrawing its VOP 2010 appeal should the OLT issue a decision to approve Official Plan Amendment File OP.11.011 and Zoning By-law Amendment File Z.11.042, either in whole or in part. A condition to this effect is included in the Recommendations of this report.

Summary of Planning Policy

In consideration of the applicable Provincial policies and Regional and City Official Plan policies outlined in this report, the Owner has demonstrated that the Development provides a mid-rise residential built form that is appropriate and compatible, but not identical, with the surrounding community. The Development provides an appropriate transition in density and built form within the surrounding land uses, thereby demonstrating compatibility between the existing and proposed building types. The

Development Planning Department is of the opinion that the Development is consistent with the policies of the PPS, and conforms to the Growth Plan and the YROP, and maintains the intent of VOP 2010.

Amendments to Zoning By-law 1-88 are required to permit the Development

The Subject Lands are zoned “RT1 Residential Townhouse Zone” and “C3 Local Commercial Zone” subject to site-specific Exception 9(1223). The Owner is proposing to rezone the Subject Lands to “RA3 Apartment Residential Zone” in the manner shown on Attachment 5, to permit the Development together with the following site-specific zoning exceptions:

Table 1

	Zoning By-Law 1-88 Standards	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
a.	Permitted Uses	<ul style="list-style-type: none"> • Apartment Dwelling • Day Nursery 	Permit a maximum of 10 Block Townhouse Dwellings as an additional use
b.	Minimum Lot Area Per Unit	67 m ²	43.2 m ²
c.	Minimum Interior Side Yard (Accessory Buildings and Structures)	15.5 m	1.25 m (Easterly Stair Accesses to the Underground Parking)
d.	Minimum Westerly Exterior Side Yard	7.5 m	2.35 m (Townhouse Block adjacent to Weston Road)
e.	Minimum Setback to the Underground Parking Garage (All Lot Lines)	1.8 m	0.5 m

	Zoning By-Law 1-88 Standards	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
f.	Minimum Parking Requirements	<u>Apartment Dwelling</u> Residential 1.5 spaces/unit x 192 units = 288 spaces Visitor 0.25 spaces/unit x 192 units = 48 spaces <u>Block Townhouse</u> Residential 1.5 spaces/unit x 10 units = 15 spaces Visitor 0.25 spaces/unit x 10 units = 3 spaces <u>Total Parking Required</u> = 354 spaces	<u>Apartment Dwelling</u> Residential 1 spaces/unit x 192 units = 192 spaces Visitor 0.2 spaces/unit x 192 units = 39 spaces <u>Block Townhouse</u> Residential 2 spaces/unit x 10 units = 20 spaces Visitor shall not apply <u>Total Parking Proposed</u> = 251 spaces
g.	Minimum Parking Space Dimensions	2.7 m x 6 m	2.7 m x 5.7 m
h.	Minimum Amenity Area	3 Bachelor Units x 15 m ² /unit = 45 m ² 116 One Bedroom Units x 20 m ² /unit = 2,320 m ² 65 Two Bedroom Units x 55 m ² /unit = 3,575 m ² 18 Three Bedroom Units x 90 m ² /unit = 1,620 m ² Total required amenity area = 7,560 m ²	202 Units x 5.365m ² /Unit Total proposed amenity area = 1,084 m ²

	Zoning By-Law 1-88 Standards	“RA3 Apartment Residential Zone” Requirements	Proposed Exceptions to the “RA3 Apartment Residential Zone” Requirements
i.	Minimum Bicycle Parking	No minimum requirement	Short-term: 23 spaces (at-grade) Long-term: 0.475 spaces/unit x 202 units = 96 spaces (underground) Proposed bicycle parking = 119 spaces
j.	Accessory Buildings and Structures Location	Accessory buildings and structures shall be permitted in the rear yard	i. Permit a mechanical vent in the front yard ii. Permit stair access to underground parking in the interior side yard
k.	Minimum Landscaping Strip Abutting a Street	6 m	i. 0 m (Weston Road and Retreat Boulevard) ii. 2 m (Zachary Place)

The proposed zoning exceptions in Table 1 facilitate a Development that utilizes a compact built form consistent with the policies of the PPS, conforms to the Growth Plan and YROP and maintains the intent of VOP 2010. Additional zoning exceptions may be identified through the review of the Development which will be incorporated into the implementing by-law. The Development Planning Department supports the rezoning of the Subject Lands to “RA3 Apartment Residential Zone” and requested zoning exceptions identified in Table 1 as the rezoning implements the Development that is compatible with the surrounding existing and planned land uses.

A total of 9 barrier-free parking spaces are required for the residential and visitor parking spaces consisting of 4, Type A Spaces (minimum 3.4 m width by 6 m length with a 1.5 m wide aisle) and 5, Type B Spaces (minimum 2.4 m width by 6 m length with a 1.5 m wide aisle). The Owner proposed 8 barrier free parking spaces for the residential and visitor parking spaces consisting of 5, Type A Spaces (minimum 3.4 m width by 5.7 m length with a 1.5 m wide aisle) and 3, Type B Spaces (minimum 2.4 m width by 5.7 m length with a 1.5 m wide aisle). No reduction can be supported to the Accessible Parking Space as barrier-free parking spaces are governed by Ontario

Regulation 413/12, Section 6 under *The Accessibility for Ontarians with Disabilities Act, 2005*. A condition to this effect is included in the Recommendations of this report.

Vaughan Council, on October 20, 2021, ratified the recommendation of the Committee of the Whole to approve the Comprehensive Zoning By-law 001-2021 ('By-law 001-2021'). By-law 001-2021 is not in full force and effect, as it is subject to the appeal period. Until such time that By-law 001-2021, is in full force and effect, any future by-law must be set out in accordance with the format and naming convention of both Zoning By-law 1-88 and By-law 001-2021. Should the OLT approve the implementing by-law for the Development, the implementing by-law shall be prepared in accordance with both Zoning By-law 1-88 and the By-law 001-2021. A condition to this effect is included in the Recommendations of this report.

The DE Department has reviewed the TIS submitted in support of the Development and find the proposed parking rates identified in Table 1 in this report acceptable.

The Subject Lands will be zoned with the Holding Symbol “(H)”

The Subject Lands will be zoned with the Holding Symbol “(H)” in the manner shown on Attachment 5. The Holding Symbol “(H)” is being placed on the Subject Lands will not be removed until a Phase 2 Environmental Site Assessment, Reliance Letter and Record of Site Condition are submitted and approved to the satisfaction of the Development Engineering Department. A condition to this effect is included in the Recommendations of this report and in Attachment 1.

Section 37 Bonusing provisions of the Planning Act are applicable due to the Development's increased height and density

The bonusing provisions of Section 37 of the *Planning Act* ('Section 37'), VOP 2010 and the City's Guidelines for the Implementation of Section 37 of the *Planning Act*, allows municipalities to authorize an increase in the height and/or density of a development in return for community benefits, should the Applications be approved. Council may request a Section 37 contribution for developments proposing an increase in building height and/or density that are appealed to the OLT. Section 37 is applicable to the Development as a result of its increased height and density.

A Section 37 Density Bonusing Agreement securing community benefits between the Owner and the City, shall be executed prior to the enactment of the implementing Zoning By-law. The agreement will be registered on title and will identify the community benefits, and how any cash benefit will be used. Cash contributions will be paid prior to the issuance of the foundation permit for the respective development, or earlier if agreed to by the City and the Owner. A condition to this effect is included in the Recommendations of this report.

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

Site Plan

The site plan shown on Attachment 5 consists of a 3 to 9-storey (30.10 m) residential apartment building with 192 dwelling units and ten (10), 3-storey townhouse dwelling units. Access to the Subject Lands is from Retreat Boulevard. The mid-rise building can be accessed from the main entrance at the corner of Weston Road and Retreat Boulevard and from the east façade. Access to the underground parking and loading areas is located on the east elevation and are screened by landscaping from Zachary Place.

Amenity areas, including a tot lot (playground) are located in the east interior yard near Zachary Place. The 192 residential parking and 36 visitor parking spaces for the mid-rise apartment building are located in the underground parking structure with 3 visitor lay-by parking spaces located at-grade. Two parking spaces are provided for each townhouse in a carport accessed by the internal driveway.

Prior to the execution of the Site Plan Agreement, the final site plan must be approved by the Development Planning Department. A condition to this effect is included in Attachment 1.

Landscape Plan

The landscape plan shown on Attachment 6 provides for landscaped areas along Weston Road, Retreat Boulevard and Zachary Place. A landscaped entry feature with a decorative walls and benches leads to the main entrance of the mid-rise building located at the corner of Weston Road and Retreat Boulevard. A fenced and/or walled in landscape area with pedestrian connections from Weston Road and Retreat Boulevard is proposed to the ground floor dwelling units in the podium component of the mid-rise building.

A landscape patio area is provided for the ground floor dwelling units on the south side of the mid-rise building, with pedestrian connections to the internal walkway. The townhouse dwelling units are provided with a landscaped area at the front and a deck in the rear over the carport. Landscaping areas abut the east property line next to the existing dwelling units located along Retreat Boulevard and Zachary Place. The landscaping consists of a variety of deciduous and coniferous trees and shrubs, including a tree in front of most dwellings with ground floor access. The Owner is required to provide further details for the decorative entry wall at Weston Road and Retreat Boulevard, revise the planting plan and update the landscape cost estimate.

The Arborist Report ('AR') and the Tree Preservation Plan ('TPP') both dated December 10, 2020 and revised March 31, 2021 and both prepared by Baker Turner Inc. were submitted in support of the Development. The AR and TPP identify that 18 trees are to be removed to accommodate the Development, 4 trees that are dead are to be removed and 4 trees along the south property line at 10101 Weston Road, which require permission from the abutting property owner to be removed. Three (3) trees are located in the municipal right-of-way along Zachary Place that are to be preserved. The Owner

is required to provide updated AR and TPP reports and revise the tree compensation costs.

Prior to final approval, the City shall approve the final landscape plan, AR and TPP. The Owner shall not remove trees without written approval by the City and the abutting property owner. The Owner is required to enter into a Tree Protection Agreement in accordance with the Council enacted Tree By-law 052-2018, including a security for the trees to be protected and compensation planting. Conditions to this effect are included in Attachment 1 of this report.

Building Elevations / Lighting Plan

The building elevations shown on Attachments 7 and 8 includes a combination of light and dark grey brick and limestone vision glazing on the façades. The Owner shall provide updated lighting plans for the Development respecting lighting brightness for the Subject Lands. Prior to the execution of the Site Plan Agreement, the final building elevations and lighting plan must be approved by the Development Planning Department. A condition to this effect is included in Attachment 1.

Sustainability Performance Metrics

The Development is required to achieve an overall Sustainability Performance Metrics ('SPM') application performance level score of a minimum of 31 points. The Development provides amenity space and landscaping on the Subject Lands, and is in proximity of transit, parks and retail uses. The Development achieves an overall SPM application score of 41 points to the satisfaction of the Development Planning Department.

Archaeology

The Subject Lands are not designated under the *Ontario Heritage Act*, are not included in the Register of Property of Cultural Heritage Value and are not noted as a property of interest, in accordance with the City of Vaughan Heritage Inventory. The Subject Lands were previously cleared of archaeological concern as part of Draft Plan of Subdivision File 1T-00V03 (Lormel Developments (Weston) Inc. and Ozner Corporation (South)). Therefore, there are no cultural heritage concerns regarding the Subject Lands. The Development Planning Department has no objection to the Development, subject to the Owner notifying the Ministry of Tourism, Culture and Sport and the City of Vaughan should archaeological resources or human remains are found on the Subject Lands. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

The Development Planning Department is satisfied with the Development shown on Attachments 5 to 8, subject to the comments in this report and the Conditions of Approval outlined in Attachment 1. Prior to the execution of the Site Plan Agreement, the final site plan, building elevations, lighting, landscape plan, landscape details, landscape cost estimate, arborist report, tree preservation plan and tree preservation costs must be approved to the satisfaction of the Development Planning Department. A condition to this effect is included in Attachment 1 to this report.

It is recommended that the OLT withhold its Order should the Applications be approved

Should the OLT approve the Applications, a condition is included in the recommendations requesting the OLT to withhold its final Order regarding the approval of the implementing Official Plan and Zoning By-law Amendments until such time that:

- a) the implementing Official Plan and Zoning By-law Amendments are prepared to the satisfaction of the City; and
- b) the Site Development File DA.11.113 for the Subject Lands has been approved to the satisfaction of the City staff, and to incorporate any adjustments, if necessary, in the implementing documents, prior to final approval.

The DE Department has no objection to the Development, subject to Conditions of Approval

The DE Department has no objection to the Development subject to the Owner addressing the comments in the report and conditions in Attachment 1 to this report.

Water Servicing

Water servicing will connect to an existing 400 mm diameter local watermain on the north side of Retreat Boulevard. There is an existing 200 mm diameter service connection that terminates at a valve and box at the north property line. A hydrant flow test carried out by Cole Engineering on June 5, 2019 along Retreat Boulevard. Therefore, the existing water infrastructure will support the Development. This Development will require a valve and Chamber. The Functional Servicing and Stormwater Management Report ('FSR') dated March 2021 and prepared by Lithos Group Inc. and servicing plans shall be revised to show that the existing valve box will be replaced with a valve and chamber. The City would support the chamber being located slightly outside of the limits of the Subject Lands, if required. The FSR and servicing plans must be revised to reflect this.

Sanitary Servicing

Sanitary servicing will connect to an existing 375 mm diameter local sanitary sewer on Retreat Boulevard with a 200 mm diameter service connection. Based on the sanitary capacity analysis within the FSR, there will be an increase into the downstream sanitary sewer system from 52.3% to 62.4% at the most critical sewer segment. The FSR concludes that the existing sanitary infrastructure has the capacity to accommodate flows from the Development. It is recommended that the sanitary control manhole be brought out of the foundation for ease of access and maintenance. The City would support the control manhole located slightly outside of the limits of the Subject Lands, if required. The FSR and servicing plans must be revised to reflect this.

Storm Servicing

The Development will utilize an existing 300 mm storm sewer service connection located northeast of the Subject Lands. The post-development 100-year storm will be designed to match the five-year target storm. The FSR indicates that the Development

will not adversely affect flow conditions downstream and the existing infrastructure on Retreat Boulevard will be adequate to service this Development. The DE Department recommends that the storm control manhole be brought out of the foundation for ease of access and maintenance. The City would support the control manhole being located slightly outside of the limits of the Subject Lands, if required. The Owner shall advise why a watertight lid is proposed for the storm control manhole. The FSR and servicing plans must be revised to reflect this.

Site Grading

The Subject Lands consists of a temporary sales office, and asphalt and landscaped areas. The Subject Lands have a spilt drainage, with the northern portion of the Subject Lands draining towards Retreat Boulevard, and the southern portion of the Subject Lands draining overland towards Weston Road. The elevation of the Subject Lands is generally between 228.5 m and 230.00 m. Grades will be maintained along the property line wherever feasible and emergency overland flow will be directed to Weston Road.

There is currently a retaining wall proposed along a majority of the east and south property line. The City of Vaughan Design Guidelines require retaining walls be setback a minimum of 0.6 m from all property lines. There are sections of the retaining wall that are greater than 0.6 m in height. Walls constructed with a face height of greater than 600 mm shall be designed and certified by a Professional Engineer. The Owner shall provide a minimum of two (2) cross sections through the proposed retaining wall along each property line. Further, the ultimate grades along the southern property which also proposes a retaining wall for approved Site Development File DA.18.003 must be coordinated with the Development on the Subject Lands.

Retaining Walls / Acoustic Fences / Subsurface Infrastructure

The DE Department requires the retaining walls, acoustic fences, and subsurface infrastructure be included on the final Plan of Condominium. The future condominium corporation shall maintain and manage the retaining walls, acoustic fences and subsurface infrastructure. These conditions shall be included in the declaration of the future condominium corporation. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

Erosion and Sediment Control

The Erosion and Sediment Control Guidelines for Urban Construction (December 2006) and prepared by the Toronto and Region Conservation Authority ('TRCA') was created as a consolidated document that best suits jurisdictions within the Greater Golden Horseshoe Area Conservation Authorities for common usage in land development, construction and water management. Erosion and sediment control mitigation measures are to be implemented during construction to minimize silt laden runoff discharge from the Subject Lands in accordance with the FSR and the erosion and sediment control plan.

Parking

The Development includes a total of 251 parking spaces whereas Zoning By-Law 1-88 requires 354 parking spaces, as indicated in Table 1 of this report. The proposed parking supply is consistent with the Review of Parking Standards Contained within the City of Vaughan's Comprehensive Zoning By-law dated March 2010 and prepared by the IBI Group. The DE Department supports the proposed parking for the Development.

Truck Maneuvering

The vehicle maneuvering diagram for the pick-up / drop-off area provided in the TIS shows a conflict with the proposed traffic circle. The Owner is to clarify if the traffic circle is proposed to be constructed with a mountable concrete curb and revise the design of this section to avoid passenger cars traveling over the traffic circle. A condition to this effect is included in Attachment 1 for this report.

Environment Site Assessment

The Phase One - Environmental Site Assessment ('ESA') Report dated December 18, 2020 and prepared by Soil Engineers Ltd. recommended a Phase Two ESA Report be prepared to investigate potential contaminants from the use of pesticides and unknown fill on the Subject Lands. As such, the City will require this investigation to be completed prior to removal of the Holding Symbol "(H)". A Letter of Reliance for the use of the Phase One - ESA Report and future Phase Two ESA Report will also be required. A condition to this effect is included in the Recommendations and Attachment 1 of this report.

Servicing Allocation is available for the Development

The following resolution to allocate servicing capacity to the Development is recommended for Council approval:

"IT IS HEREBY RESOLVED THAT Site Plan Development Application File DA.11.113 (Ozner Corporation (South)) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 192 residential apartment units and 10 residential townhouse units (455 persons equivalent). The allocation of said capacity may be redistributed (at the discretion of the City) in accordance with the City's Servicing Capacity Allocation Policy if the development does not proceed to registration and/or building permit issuance within 36 months."

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

A Draft Plan of Condominium (Standard) Application is required to establish a condominium tenure for the Development

Should the Applications be approved, a Draft Plan of Condominium application is required to establish the proposed condominium tenure and common elements of the Development, and to secure appropriate conditions of draft plan of condominium approval.

Development Charges are applicable to the Development

The Financial Planning and Development Finance Department requires the Owner to pay all applicable development charges in accordance with the City of Vaughan, Region of York, York Region District School Board and York Catholic District School Board Development Charge By-laws. A standard condition to this effect will be included in the implementing Site Plan Agreement.

The Environmental Services Department, Waste Management Division has no objection to the Development, subject to conditions

The Environmental Services Department, Waste Management Division has no objection to the Development, which is providing a three-stream sorting system using three separate chutes for the mid-rise building and an additional garbage room for the townhouse dwelling units. The future condominium corporation will be responsible for waste collection. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

Snow removal is the responsibility of the future condominium corporation

The Owner and future condominium corporation will be responsible for snow removal from the Subject Lands. A condition to this effect will be included in the Site Plan Agreement and is included in Attachment 1.

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objections to the Development

The Office of the Infrastructure Development Department, Real Estate Services and Parks Development Departments have no objection to the Development. The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the *Planning Act* and conform to the City's Cash-in-Lieu of Parkland Policy. A standard condition to this effect will be included in the implementing Site Plan Agreement.

The Forestry Operations Division has no objection to the Development, subject to conditions

The Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department has no objection to the Development subject to the following conditions in Attachment 1:

- a) contacting the Forestry Operations Division for a Private Property Tree Removal and Protection Permit (Construction/Infill) is required for the removal/injury to trees (over 20 cm DBH) on the Subject Lands or municipally owned trees of any size and trees located within 6 m of the Subject Lands, in accordance with By-Law 052-2018; and
- b) informing the Forestry Operations Division once the tree protection measures have been installed for inspection and approval according to City specifications.

The Fire and Rescue Services Department has no objection to the Development

The Fire and Rescue Services Department has no objection to the Development, subject to adequate provisions for fire safety and protection being provided in accordance with the Ontario Building Code.

The TRCA has no objection to the Development

The TRCA has no objection to the Development as the Applications for the Development pre-dates the Credit Valley - Toronto and Region - Central Lake Ontario ('CTC') Source Protection Plan dated December 31, 2015 and prepared by the CTC Source Protection Committee. As such, the Wellhead Protection Area - Q (Water Quantity) ('WHPA-Q') policies do not apply.

The various utilities have no objection to the Development, subject to conditions

Hydro One, Alectra Utilities Corporation, Enbridge Gas, Bell Canada, Rogers Communications and Canada Post have no objections to the Development, subject to the Owner coordinating servicing connections, easements and locates with the note utilities prior to the commencement.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region advised that the proposed Official Plan Amendment generally conforms to YROP 2010. The final building height, density and number of units will be determined by the City. York Region planning staff are of the opinion that local planning staff are best able to determine the appropriate context sensitive building heights and densities. York Region also advise that the proposed Zoning By-law Amendment is considered a matter of local significance and has no comments on the proposed Zoning By-law Amendment.

York Region has reviewed the documents and drawings submitted in support of the Development and has no objection to the Development, in principle. Prior to undertaking any work within the Regional right-of-way of Weston Road (e.g. grading, landscaping etc.), and/or encroaching within the Regional right-of-way of Weston Road (with crane swing, hoarding, tie-backs, excavation etc.), the Owner must satisfy the requirements of York Region and be in receipt of a Site Plan Approval and a Road Occupancy Permit. The Owner shall provide any required easement to York Region. A condition to this effect is included in Attachment 1 to this report.

Conclusion

Official Plan and Zoning By-law Amendment Files OP.11.011 and Z.11.042, and Site Development File DA.11.113 has been reviewed in consideration of the applicable Provincial policies, the policies of YROP 2010 and VOP 2010, the requirements of Zoning By-law 1-88, comments from City Departments and external public agencies and the surrounding area context. The Development shown on Attachments 5 to 8 is consistent with the policies of the PPS, conforms to the Growth Plan and YROP 2010

and meets the intent of VOP 2010. The Development is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of the Applications subject to the Recommendations in this report.

For more information, please contact: Judy Jeffers, Planner, at extension 8645.

Attachments

1. Conditions of Site Plan Approval, Site Development File DA.11.113 (Ozner Corporation (South))
2. Communications
3. Context and Location Map
4. Proposed Official Plan Land Use
5. Proposed Zoning and Site Plan
6. Landscape Plan
7. Building Elevations - West and North
8. Building Elevations - East and South
9. Original Submission – December 19, 2011

Prepared by

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Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.11.0113
(Ozner Corporation South)

1. THAT prior to the execution of the Site Plan Agreement:
 - a) The Development Planning Department shall approve the final site plan, building elevations, lighting, landscape plan, landscape details, landscape cost estimate, arborist report, tree preservation plan and tree compensation plan.
 - b) The implementing Official Plan for Official Plan Amendment File OP.11.011 and the implementing zoning by-law for Zoning By-law Amendment File Z.11.024 shall be in full force and effect.
 - c) The Owner shall enter into a Tree Protection Agreement with the City in accordance with the Council adopted Tree By-law 052-2018, and upon finalization of the landscape plan, shall quantify the value of tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol. The Owner shall not remove trees without written approval by the City.
 - d) The Owner shall provide written authorization from the abutting property owner to the south at 10101 Weston Road prior to the removal of any trees to the satisfaction of the City.
 - e) The Development Engineering ('DE') Department shall approve the final site plan, servicing plan, grading plan including the retaining wall details, erosion and sediment control plan, Functional Servicing and Stormwater Management Report, and Traffic Impact Study.
 - f) A Phase Two Environmental Site Assessment ('ESA') Report shall be prepared to investigate potential contaminants from the use of pesticides and unknown fill on the Subject Lands, and a Letter of Reliance for the use of the Phase One - ESA Report and Phase Two – ESA Report shall be prepared and approved to the satisfaction of the DE Department.
 - g) The Owner shall satisfy all requirements from York Region, including providing any required easements to York Region, and any other required agency or the City.
 - h) The Owner shall satisfy all requirements from Hydro One, Alectra Utilities Corporation, Enbridge Gas, Bell Canada, Rogers Communications and Canada Post.
2. THAT the Site Plan Agreement shall include the following provisions and/or warning clauses, to the satisfaction of the City:

Attachment 1 – Conditions of Site Plan Approval
Site Development File DA.11.0113
(Ozner Corporation South)

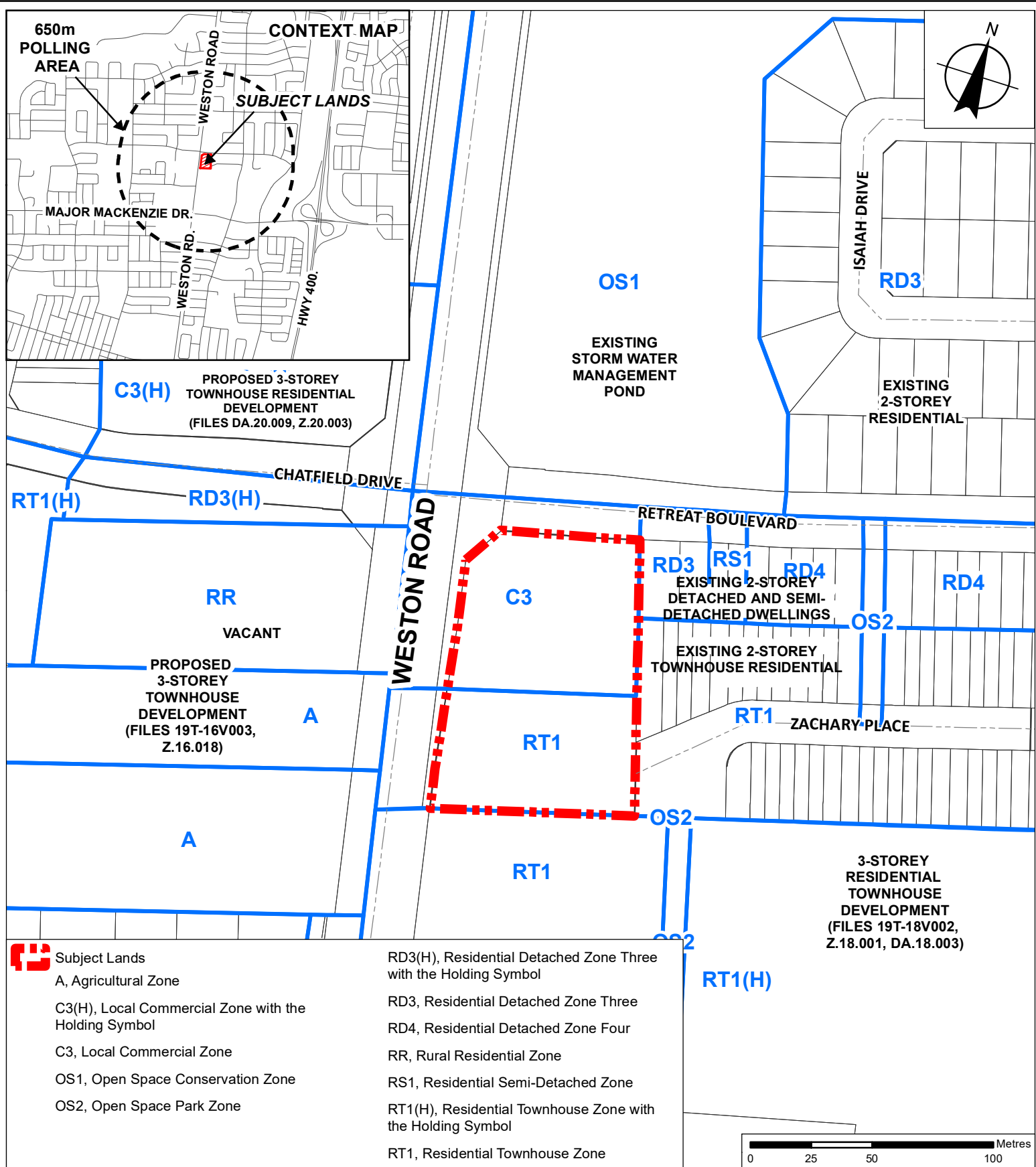
- a) “Retaining walls and acoustic fences and subsurface infrastructure be shall be included on the final Plan of Condominium and that the declaration of the future condominium corporation shall provide that the future condominium corporation shall maintain and manage the retaining walls and acoustic fences and subsurface infrastructure.”
- b) “The on-site refuse and recycling collection and snow removal shall be the responsibility of the future condominium corporation.”
- c) “The Owner shall contact the Forestry Operations Division of the Transportation Services, Parks and Forestry Operations Department once the tree protection measures have been installed for inspection and approval according to City specifications.”
- d) “The Owner shall contact the Forestry Operations Division for a Private Property Tree Removal and Protection Permit (Construction/Infill) for the removal/injury to trees (over 20 cm DBH) on the Subject Lands or municipally owned trees of any size and trees located within 6 m of the Subject Lands in accordance with Tree By-law 052-2018.”
- e) “The Owner shall agree to notify both the Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department immediately in the event that:
 - i) archaeological resources are found on the property during grading or construction activities, to which the Owner must cease all grading or construction activities; and
 - ii) where human remains are encountered during grading or construction activities, the Owner must cease all grading or construction activities. The Owner shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.”

Attachment 2 – Communications

1. Christina Scopa, Tiana Court, Vaughan, dated April 16, 2021;
2. Akinwumi Reju, Retreat Boulevard, Vaughan, dated April 17, 2021;
3. Elle Volanis, dated April 20, 2021;
4. Jamie Doolittle, Zachary Place, Vaughan, dated April 22, 2021;
5. Reno Capano, dated April 23, 2021;
6. Rosa Tamm, dated April 26, 2021;
7. Laydin and Kirk Bowles, Retreat Boulevard, dated April 27, 2021;
8. S. Onorati, dated April 28, 2021;
9. Phil and Michelle Simoes, Retreat Boulevard, Woodbridge, dated April 28, 2021;
10. Giang Nguyen, Isaiah Drive, Vaughan, dated April 28, 2021;
11. Paul Scourtoudis and Claudia Laguna, Isaiah Drive in Vaughan, dated April 22, 2021;
12. Joseph, dated April 29, 2021;
13. Sameera Hyder, Manordale Crescent, Kleinburg, dated April 28, 2021;
14. Paul Scourtoudis, Tiana Court, Vaughan, dated May 2, 2021;
15. Elena Scourtoudis, Tiana Court, Vaughan, dated May 2, 2021;
16. Doug, dated May 2, 2021;
17. Paul Peios, Retreat Blvd, Woodbridge, dated May 2, 2021;
18. Sangaraganesan Shanmuganathan, dated May 2, 2021;
19. Tiffany Shih, Zachary Place, Vaughan, dated May 2, 2021;
20. M. Issa, dated May 3, 2021;
21. Amer Hanna, dated May 3, 2021;
22. Paula Simoes and Naser Dadgar, Isaiah Drive, Vaughan, dated May 1, 2021;
23. Barbara Palombo, dated May 2, 2021;
24. Irina and Leonard Preda, Retreat Boulevard, Vaughan, dated May 3, 2021;
25. Reema Awal, dated May 3, 2021;
26. Kailash Kaushal and Shailza Sharma, Retreat Boulevard., Vaughan, dated May 3, 2021;
27. Bernard Sychangco and Loraine Dela Cruz, Retreat Boulevard, Vaughan, dated May 3, 2021;
28. Akinwumi and Aanuoluwapo Reju, Retreat Boulevard, dated April 30, 2021;

Attachment 2 – Communications

29. Juliana Daoud, Vellore Park Avenue, Vaughan, dated May 1, 2021;
30. Jennifer Martins, dated April 28, 2021;
31. Frank and Mary Ogeh, dated April 27, 2021;
32. Paula Simoes, petition, dated May 3, 2021;
33. Frank Ogeh and Mary Ogeh, dated May 3, 2021;
34. Renny Thomas, Vellore Park Avenue, Vaughan, dated May 3, 2021;
35. Anisa Thomas, Vellore Park Avenue, Vaughan, dated May 3, 2021;
36. Patricia and Tony Bellissimo, dated May 1, 2021;
37. Mariam Chalakuzhy, Vellore Park Avenue, dated May 3, 2021;
38. Ashok Awal, Retreat Blvd., Vaughan, dated May 3, 2021;
39. Alula Okbat, Fiona Okbat, Noah Okbat, and Sara Fishasion, Vellore Park Avenue, Vaughan, dated May 1, 2021;
40. Martin Milne and Yvonne Tran, Isaiah Drive, Vaughan, dated April 26, 2021;
41. Xuejie Cheng, dated May 3, 2021;
42. Ros Modilevski, dated May 3, 2021;
43. Isabella Buccieri, dated May 3, 2021;
44. Tim Soroichinsky, President, Millwood-Woodend Ratepayer Association, dated May 4, 2021;
45. Ian Lovatt and Susan Savedra, Wardlaw Place, Woodbridge, dated May 4, 2021;
and
46. Khalid Sarwar, dated May 5, 2021.



Context and Location Map

LOCATION: Part of Lot 22,
Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)

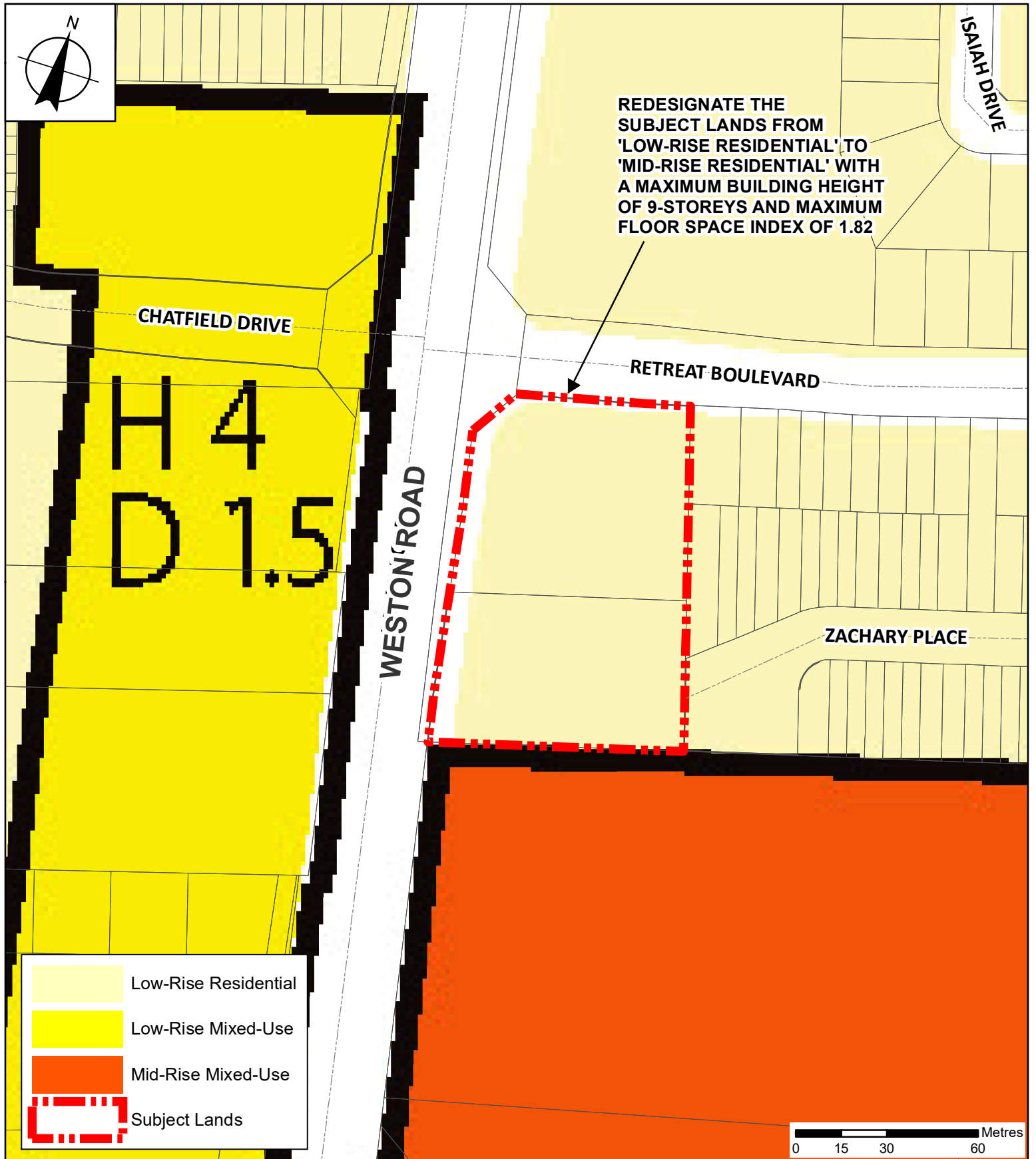


Attachment

FILES:
OP.11.011, Z.11.042 and
DA.11.113

DATE:
November 9, 2021

3



Proposed Official Plan Land Use

LOCATION:

Part of Lot 22, Concession 5
10131 Weston Road

APPLICANT: Ozner Corporation (South)



Attachment

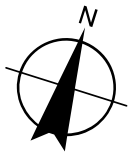
FILES:

OP.11.011, Z.11.042 and
DA.11.113

DATE:

November 9, 2021

4



WESTON ROAD

20 SHORT-TERM
BICYCLE
PARKING

MASONRY WALL
(.9m HEIGHT)

RETREAT BOULEVARD

AMENITY AREA

LAY-BY
PARKING
(3 SPACES)

PROPOSED
9-STORY
RESIDENTIAL
APARTMENT
BUILDING

RA3(H)

BBQ, PERGOLA, KIDS
PLAY AREA & PATIO

MAIN
ENTRANCE

FLEXIBLE
LAWN

TERRACE AT
FLOOR 7
ROOF AT FLOOR 3

ROOF AT
FLOOR 3

ENTRANCE TO
UNDERGROUND
PARKING

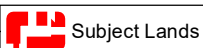
TERRACE AT FLOOR 3

PROPOSED
3-STORY
BLOCK
TOWNHOUSES

PROPOSED
3-STORY
BLOCK
TOWNHOUSES

ZACHARY
PLACE

INTERNAL ROAD



Subject Lands

RA3(H) - Apartment Residential Zone with the Holding Symbol

0 5 10 20 Metres

Proposed Zoning and Site Plan

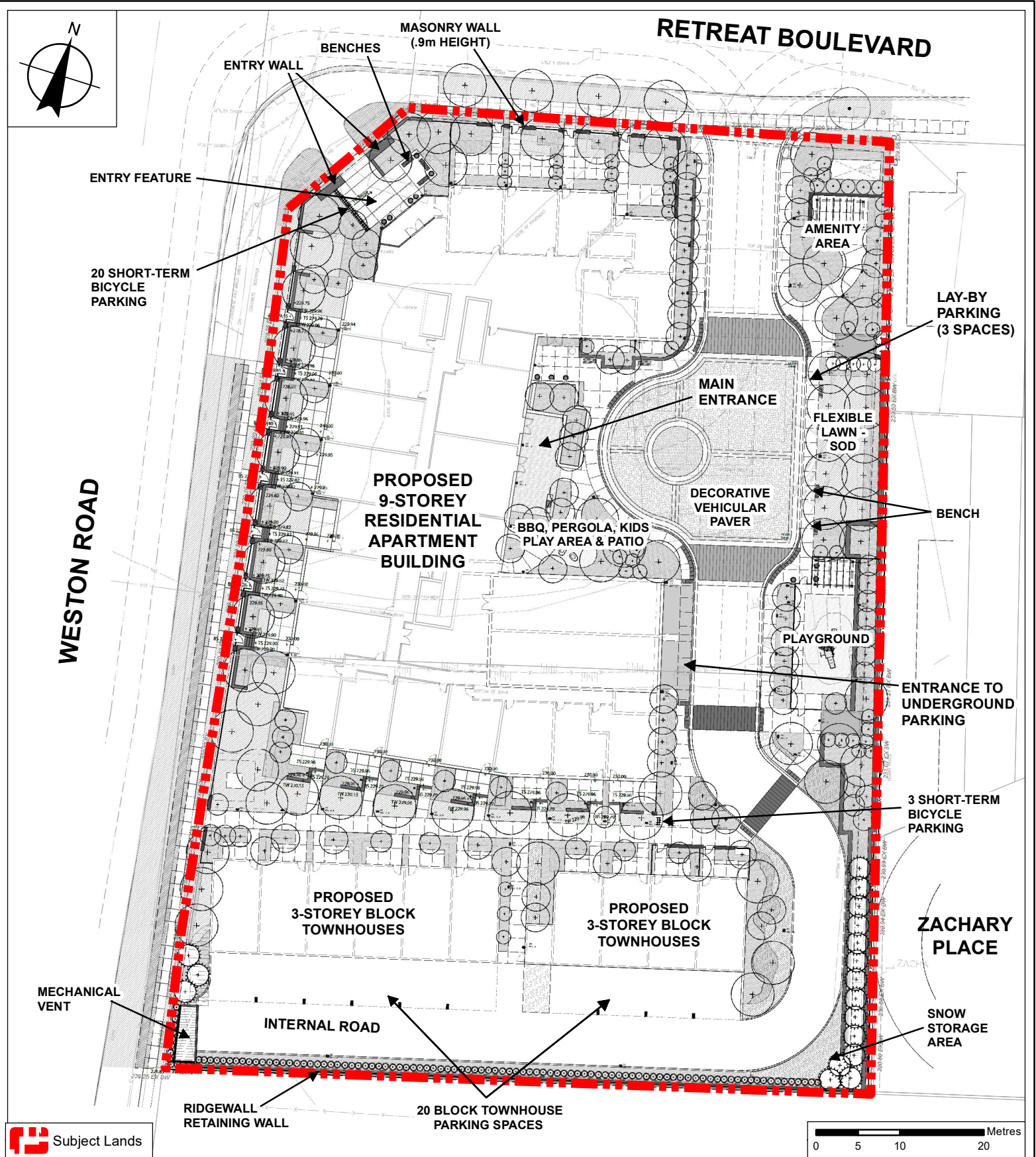
LOCATION: Part of Lot 22,
Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)



Attachment
FILES:
OP.11.011, Z.11.042 and
DA.11.113
DATE:
November 9, 2021

5



Landscape Plan

LOCATION: Part of Lot 22,
Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)

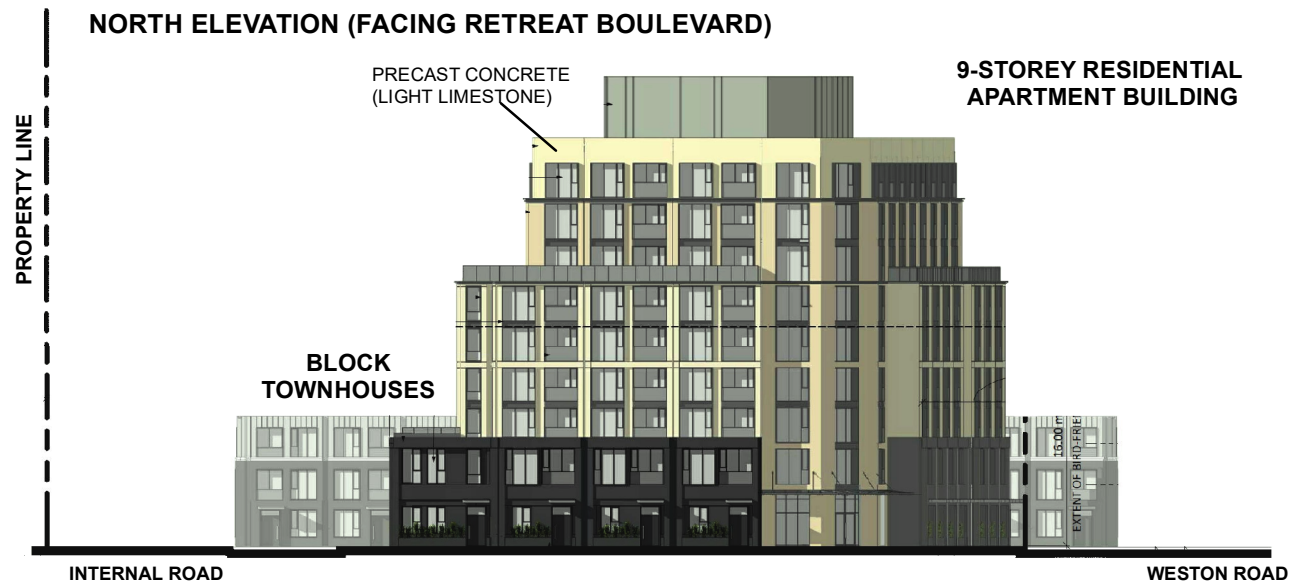
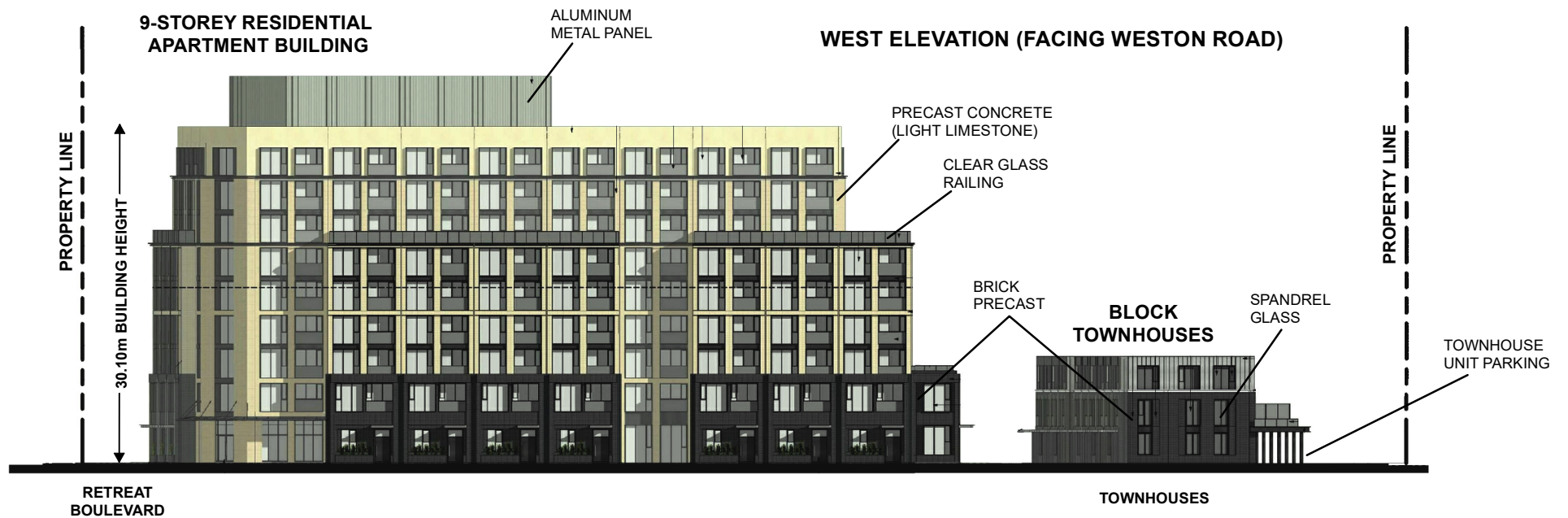


Attachment

FILES:
OP.11.011, Z.11.042 and
DA.11.113

DATE:
November 9, 2021

6



Not to Scale

Building Elevations - West and North

LOCATION:
Part of Lot 22, Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)

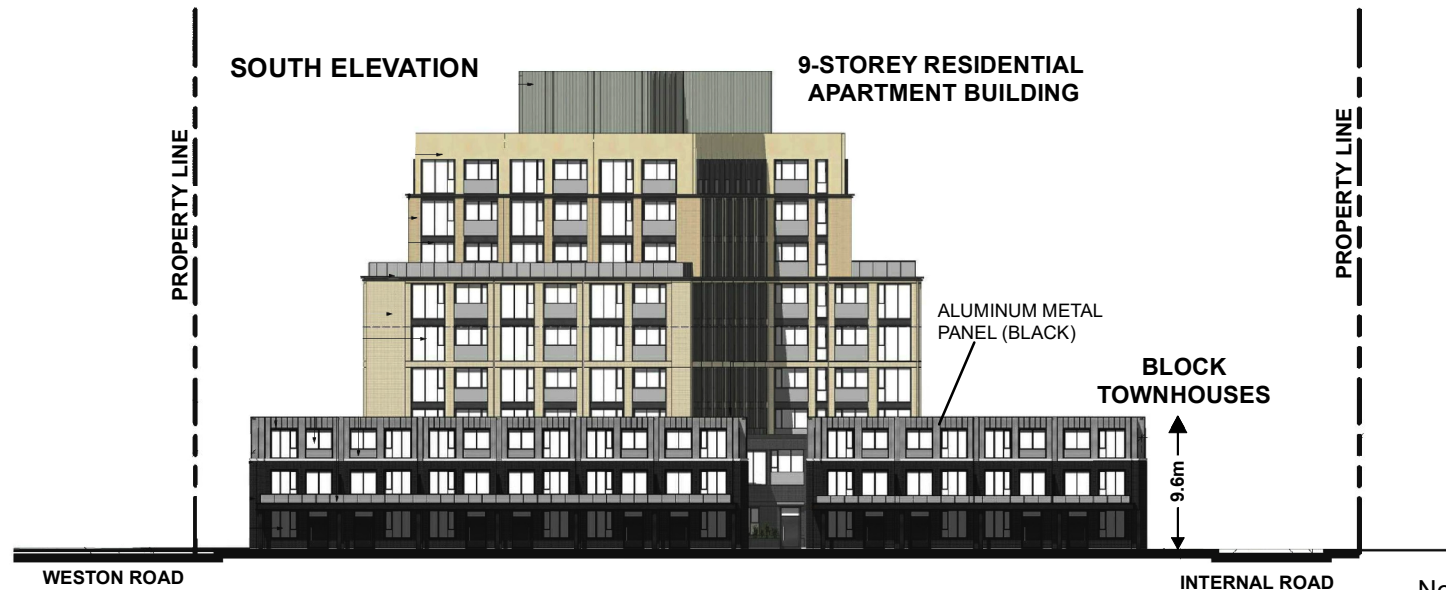
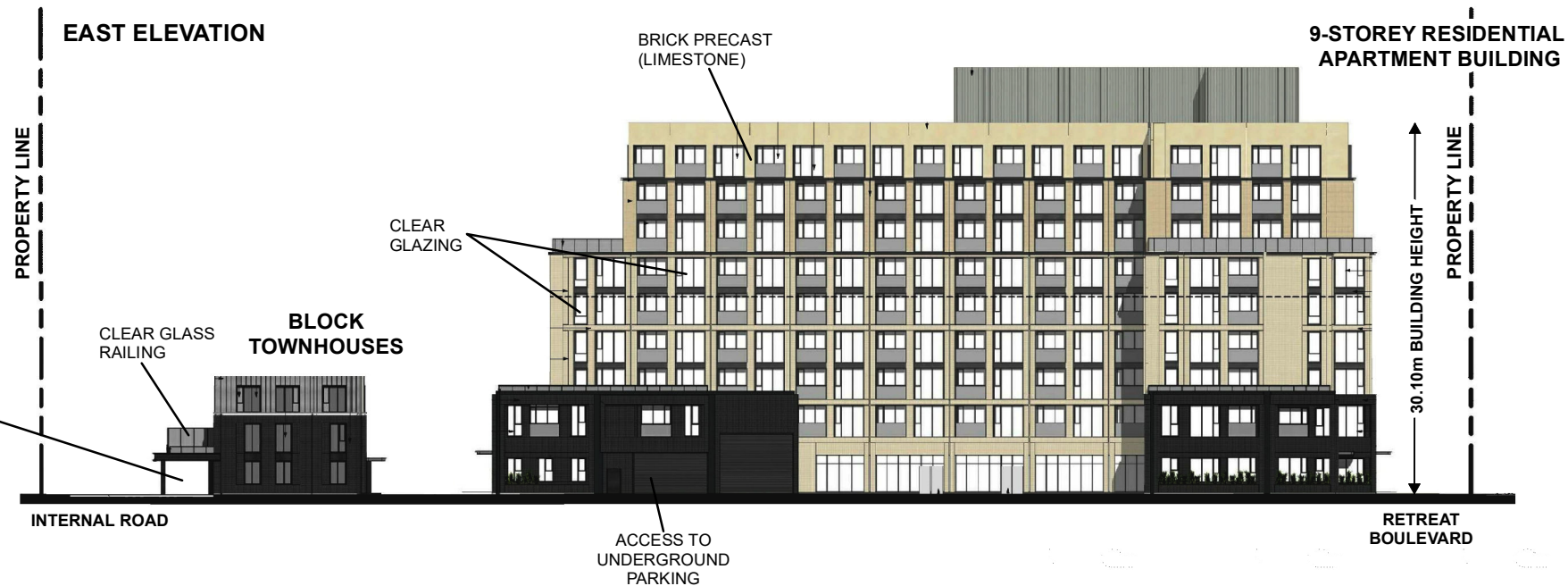


Attachment

FILES:
OP.11.011, Z.11.042 and
DA.11.113

DATE:
November 9, 2021

7



Not to Scale

Building Elevations - East and South

LOCATION:
Part of Lot 22, Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)

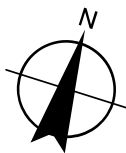


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FILES:
OP.11.011, Z.11.042 and
DA.11.113

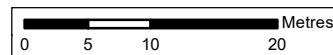
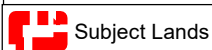
DATE:
November 9, 2021

8



RETREAT BOULEVARD

WESTON ROAD



**Original Submission -
December 19, 2011**

LOCATION: Part of Lot 22,
Concession 5; 10131 Weston Road

APPLICANT:
Ozner Corporation (South)



Attachment

FILES:
OP.11.011, Z.11.042 and
DA.11.113

DATE:
November 9, 2021

9