

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

By approving the following:

- By receiving confidential Communication C7, from the Deputy City Manager, Legal and Human Resources, dated February 21, 2017.***

The Committee of the Whole recommends:

- ## Recommendation

1. THAT Zoning By-law Amendment File Z.16.016 (Dufferin Vistas Ltd.), to amend Zoning By-law 1-88 BE APPROVED IN PRINCIPLE, specifically to rezone the subject lands shown on Attachments #2 and #3 (Phase 1) from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RD3(H) Detached Residential Zone Three with the Holding Symbol "(H)" and OS5 Open Space Environmental Protection Zone, as generally shown on Attachment #5, subject to the following:

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Vaughan, in consultation with the Toronto and Region Conservation Authority (TRCA), and subject to the location and boundaries of the vegetation protection zones (lands to be zoned OS5 Open Space Environmental Protection Zone) being finalized by the City of Vaughan, in consultation with the TRCA. The final location and boundaries of the vegetation protection zones may result in site-specific zoning exceptions to the minimum lot area, frontage and depth requirements, and for the detached dwellings in the RD3 Detached Residential Zone Three; and,

- ii) An independent third party Peer Review be undertaken, at the expense of the Owner, of the Geotechnical Report, Hydrogeological Report, Natural Heritage Evaluation, and Functional Servicing Report, submitted in support of the applications, and be completed to the satisfaction of the City of Vaughan, in consultation with the TRCA.
2. THAT The Holding Symbol “(H)” shall not be removed from the lands zoned RD3(H) Detached Residential Zone Three with the Holding Symbol “(H)” for Phase 1, as shown on Attachment #5, until the following matters have been satisfied:
- i) York Region is in possession of a preliminary functional design and cost estimate for the roadway and intersection improvements required to Dufferin Street (both north and south) from Marc Santi Boulevard/District Avenue to Apple Blossom Drive/Dufferin Hill Drive intersections and its intersection with Rutherford Road, which are necessary to accommodate the proposed developments in the surrounding area;
 - ii) York Region has completed a full review and issued approval of the preliminary functional design and cost estimate for the required roadway and intersection improvements identified above in item i);
 - iii) The Dufferin Street and Rutherford Road intersection improvement project incorporating the elements identified in item i) above is identified and approved by Regional Council in the Region’s 2017 or future 10-Year Roads Capital Construction Program;
 - iv) The Owner has submitted updated Geotechnical, Hydrogeological, and Slope Stability reports to determine the final road alignment and design interface on the east side of the Grand Trunk Avenue extension, to the satisfaction of the City of Vaughan, in consultation with the TRCA;
 - v) The interim and final design of the proposed sanitary servicing strategy for the proposed development as discussed in this report, shall be approved by the City of Vaughan Development Engineering and Infrastructure Planning Department.
3. THAT Phase 1 of Draft Plan of Subdivision File 19T-16V001 (Dufferin Vistas Ltd.), representing the lands located west of the proposed extension of Grand Trunk Avenue, BE APPROVED IN PRINCIPLE, to facilitate a residential plan of subdivision, as generally shown on Attachment #5, and subject to the final delineation of natural features and their associated buffers, and the Conditions of Draft Plan of Subdivision Approval set out in Attachment #1.
4. THAT The Subdivision Agreement for Phase 1, representing the lands located west of the proposed extension of Grand Trunk Avenue, of Draft Plan of Subdivision File 19T-16V001 (Dufferin Vistas Ltd.) shall contain the following clauses and conditions of Draft Plan of Subdivision approval:

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- i) “The Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 dwelling units 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 Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
 - ii) “Prior to final approval of the Plan, the Owner shall enter into a Developers’ Group Agreement with the other participating landowners within Block 18 to the satisfaction of the City of Vaughan. The Agreement shall be regarding, but not limited to, all cost sharing for the provision of parks, cash-in-lieu of parkland dedication, roads and municipal services within Block 18. This Agreement shall also provide a provision for additional developers to participate within the Developers Group Agreement when they wish to develop their lands.”
 - iii) The Owner shall submit updated Geotechnical, Hydrogeological, and Slope Stability reports to determine the final road alignment and design interface of the Grand Trunk Avenue extension, to the satisfaction of the City of Vaughan, in consultation with the TRCA;
 - iv) The final open space buffers to be zoned OS5 Open Space Environmental Protection Zone shall be conveyed to the City of Vaughan free of all cost and encumbrances; and,
 - v) The interim and final design of the proposed sanitary servicing strategy for the proposed development as discussed in this report, shall be approved by the City of Vaughan Development Engineering and Infrastructure Planning Department.
5. THAT Draft Plan File 19T-16V001 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a maximum total of 32 residential units (115 persons equivalent), which may be reduced based on the Owner satisfying all conditions of approval.
6. THAT City of Vaughan staff be directed to attend the Ontario Municipal Board Hearing in support of the recommendations contained in this report regarding Phase 1 with respect to Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001.
7. THAT the review of the proposal for the Phase 2 lands be deferred until such time as the Owner has submitted the necessary documents, in accordance with the OMB decision (PL111184), required to appropriately assess the subject development located on the east side of the proposed Grand Trunk Avenue extension.

Contribution to Sustainability

The applications implement the following Goals and Objectives of Green Directions Vaughan:

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.1: To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City’s Consolidated Growth Management Strategy - 2031, and by ensuring that the strategy is subject to periodic review and renewal

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Goal 3: To ensure that getting around in Vaughan is easy and has a low environmental impact

- Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation

In accordance with the goals and objectives identified above, the Owner has advised that the following, but not limited to, sustainable site and building features will be included in the proposed development:

- Preservation of existing hedgerows along the perimeter of the subject lands
- Low Impact Development (LID) measures including the use of infiltration trenches in rear yards to ensure water balance

Economic Impact

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

Communications Plan

The Owner originally submitted Draft Plan of Subdivision File 19T-16V001 on January 14, 2016, for the entire landholdings (Phases 1 and 2), as shown on Attachment #5. A Notice of Public Hearing was circulated to all landowners within 150 m of the entire landholdings and to the Eagle Hills Community Association on March 11, 2016. A copy of the Notice of Public Hearing 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. A Public Hearing regarding the Draft Plan of Subdivision application was held on April 5, 2016.

The Owner subsequently submitted Zoning By-law Amendment File Z.16.016 on April 25, 2016, for the entire landholdings (Phases 1 and 2), as shown on Attachment #5. A Notice of Public Hearing was circulated to all landowners within 150 m of the entire landholdings and to the Eagle Hills Community Association on May 27, 2016. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and the Notice Sign was updated on the subject lands in accordance with the City's Notice Signs Procedures and Protocols. A Public Hearing was held regarding the Zoning By-law Amendment application on June 21, 2016.

In addition to the public hearing notices, the Ward Councillor held a Community Meeting on May 2, 2016, with residents, the Owner and City staff. Additional meetings involving the Ward Councillor, the Owner, and resident representatives were also held in 2016 to discuss the issues present with the proposal.

The following is a list of the individuals who either made a deputation or submitted written correspondence at the April 5, 2016, or June 21, 2016 Public Hearings, and at the May 2, 2016, Community Meeting:

- Mr. and Mrs. Liberatore, Princess Isabella Court, Maple
- M. Dykhtan, Princess Isabella Court, Maple
- Mr. and Mrs. D'Addio, Princess Isabella Court, Maple
- F. Chan, Princess Isabella Court, Maple
- F. Huo, Princess Isabella Court, Maple
- S. Poch and M. Raskin, Princess Isabella Court, Maple
- S. and E. Mirasola, Princess Isabella Court, Maple
- R. Raskin, Princess Isabella Court, Maple
- J. Asianova and S. Asyanova, Princess Isabella Court, Maple

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- Mr. and Mrs. Barrotta, Princess Isabella Court, Maple
- A. Percaccio, Princess Isabella Court, Maple
- A. Oberfield, Princess Isabella Court, Maple
- G. Nijjar, Princess Isabella Court, Maple
- F. Bellec, Princess Isabella Court, Maple
- N. DiCostanzo, Princess Isabella Court, Maple
- 1275620 Ontario Inc, c/o Humphries Planning Group, Princess Isabella Court, Maple
- B. Kheiltash, Maverick Crescent, Maple
- N. Shlepov, Maverick Crescent, Maple
- R. Zak, Maverick Crescent, Maple
- S. Wisebourt, Maverick Crescent, Maple
- R. Su, Maverick Crescent, Maple
- S. and F. Lifchits, Maverick Crescent, Maple
- C. and D. Papoi, Maverick Crescent, Maple
- W. Li, Maverick Crescent, Maple
- J. Senisi, Maverick Crescent, Maple
- K. Rein, Maverick Crescent, Maple
- E. Zak, Maverick Crescent, Maple
- C. Zheng, Maverick Crescent, Maple
- Elham Shekarabi-Ahari, Maverick Crescent, Maple
- L. Yang, Grand Trunk Avenue, Maple
- R. Lin, Grand Trunk Avenue, Maple
- Bratty's Barristers and Solicitors, representing the Block 18 Landowners Group, Keele Street, Vaughan
- L. Ognibene, Remington Land Development Group, Keele Street, Vaughan
- R. and Y. Wu, Golden Orchard Road, Maple
- N. Latysh and K. Teslenko, Maurier Boulevard, Maple
- Euro Estates, Arrow Road, Scarborough
- R. Lorello, Treelawn Boulevard, Kleinburg
- T. Liu, Golden Orchard Road, Maple
- P. Badali, Butterfield Crescent, Maple, on behalf of the Eagle Hills Community Association
- M. Tiwary, Golden Forest Road, Maple, on behalf of the Eagle Hills Community Association
- L. Lei
- L. and X. Zhou
- X. Li

The following is a general summary of the concerns raised in the written submissions regarding Phases 1 and 2:

- i) The proposal will have a negative impact on the existing residential development;
- ii) The proposed development does not respect the character of the surrounding neighbourhood;
- iii) The proposed development will result in the removal of existing mature trees;
- iv) The environmental and ecological impact of the proposed development needs to be identified;
- v) The proposed development will result in an increase in traffic;
- vi) The proposed development will result in an increase in the storm water runoff volume; and,
- vii) Confirmation is required that the Owner is in good standing with the Block 18 Developers Group, prior to any final development approval being granted on the subject lands.

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The following is a response to these concerns respecting the Phase 1 lands only, as shown on Attachments #3 and #5:

i) Negative Impact on Existing Residential Development

The original development proposal consisted of 106 townhouse units and one (1) open space block for the entire lands, as shown on Attachment #6. On July 21, 2016, the Owner revised Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001, to develop the site in two separate phases (Phases 1 and 2), as shown on Attachment #4, as a result of comments received during the Public Hearings and subsequent meetings with area residents.

Phase 1, as shown on Attachment #3 and #5, consists of the proposed development for the subject lands (2.25 ha located on the west side of the proposed Grand Trunk Avenue extension), and includes the extension of Grand Trunk Avenue together with 32 residential lots for single detached dwellings. The Owner is proposing open space buffers and conservation easements in order to protect the existing hedgerows located on Phase 1. The Vaughan Development Planning Department is requesting that the open space buffer lands identified as conservation easements be conveyed to the City of Vaughan in order to better protect the existing trees and to ensure a wildlife linkage between the existing woodlots located north and south of the Phase 1 lands. In addition, the final limits of the open space buffers must be determined to the satisfaction of the City, in consultation with the TRCA, which may result in a loss of the number of units.

The proposed Phase 1 development consists of single detached dwellings that are commensurate to the adjacent residential properties and conforms to the “Low-Rise Residential” designation approved by the Ontario Municipal Board Order (PL111184) for the lands located west of, and including, the extension of Grand Trunk Avenue, as shown on Attachment #4. In addition, the Owner proposes to rezone the Phase 1 lands to RD3 Residential Detached Zone Three, without any zoning exceptions, consistent with the immediate surrounding residential lands. The proposed residential lots exceed the minimum lot depth requirement of 27 m in the RD3 Residential Detached Zone Three, thereby further minimizing any visual impact on adjacent residential properties.

The proposed lot depths will be finalized once the location and boundaries of the vegetation protection zones are confirmed (lands to be zoned OS5 Open Space Environmental Protection Zone) by the City of Vaughan, in consultation with the TRCA. Assuming the lot widths, depths, built form and height generally remain as proposed, the proposed development can be considered compatible with the adjacent residential properties.

ii) Character of the Surrounding Neighbourhood

The revised proposal for Phase 1 of the development consists of 32 lots for detached residential dwellings accessed by a cul-de-sac (Street “A”), as shown on Attachment #5. The area to the north of the subject lands consists of detached dwellings on lots that are zoned RD3 Residential Detached Zone Three and RD4 Residential Detached Zone Four, and are accessed by cul-de-sacs (Lady Bianca Court and Princess Isabella Court), as shown on Attachment #3. The proposed development is consistent and compatible with the character of the surrounding neighbourhood, as the proposal consists of lots and detached dwellings that comply with the RD3 Zone requirements of Zoning By-law 1-88. Reductions to the RD3 lot depth, area, and development standards may be required through confirmation of the location and boundaries of the vegetation protection zones (lands to be zoned OS5 Open Space Environmental Protection Zone) by the City of Vaughan, in consultation with the TRCA.

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iii) Potential Removal of Existing Mature Trees

Prior to final approval, the Owner is required to provide a tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees and an assessment of significant trees to be preserved along with proposed methods of tree preservation. The Owner shall not remove trees without written approval by the City. Should the removal of trees be recommended in the study, and the City concurs with the findings of the study, City staff will determine the appropriate compensation in accordance with the City's Replacement Tree Requirements.

iv) Identification of Environmental and Ecological Impact

The Owner has submitted a Natural Heritage Evaluation (NHE) prepared by Savanta Inc. and dated August, 2016. The NHE provides an analysis of the ecological and natural heritage significance on the subject lands. The NHE also provides an impact assessment and mitigation opportunities with regard to the proposed development. In addition, the Vaughan Development Planning Department is recommending that a third party peer review of the Natural Heritage Evaluation be undertaken, at the expense of the Owner, to confirm the findings in support of the proposal.

v) Increase in Traffic

The Owner submitted a Transportation Impact Assessment (TIA) prepared by LEA Consulting, dated February 2016. The TIA included an assessment of the original proposal of 106 townhouse units shown on Attachment #6. The TIA indicated that the entire development would generate 47 and 55 total trips during the AM Peak and PM Peak periods, respectively. The TIA concluded that the proposed development is not expected to generate a substantial amount of vehicle trips that will significantly impact traffic in the neighbourhood, and will therefore have minimal impact on the existing road network.

The current proposal for 32 residential lots for detached dwellings is anticipated to have less impact on traffic than the original proposal of 106 townhouse units. The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department has reviewed the TIA and concurs with the conclusions and findings.

vi) Increase in Stormwater Runoff

The subject lands are located within the Don River watershed. There is no existing stormwater management infrastructure servicing the existing site. The existing drainage area of the site is currently divided into two general areas. The first area drains towards the west/southwest, and the second drainage area drains to the east. Furthermore, some of the backyards of the existing lots along Lady Bianca and Princess Isabella Courts drain towards the proposed subdivision.

The Owner is proposing on-site detention to attenuate the post-development flows to levels that are less than or equal to the maximum allowable release rates. This will be achieved by utilizing a storage pipe located at the upstream of the quality control devices to control flows.

Stormwater quality control for the subdivision is proposed to be provided by an oil/grit separator before being discharged to the valley lands.

The proposed storm sewer on Street "A" is sized to provide the required storage for the quantity control given no stormwater pond is available to serve the lands at this time. Given the storage capacity of the proposed storm sewer and the potential for surcharging/backflow into the future homes, a Foundation Drain Collector (FDC) system on Street "A" and Grand Trunk Avenue is proposed.

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Large storage storm sewers (box culverts) are proposed for Street “A”. Storm storage is not permitted within a municipal right-of-way. This option is being proposed due to no other storm drainage option being available. The Owner shall design the storm sewers to ultimately drain south along the future Grand Trunk Avenue extension.

The Owner is required to provide details regarding the size of the storage box culvert, distance between the pipes, life cycle of the proposed storage box culvert, and maintenance and future replacement costs. The Owner will be required to contribute to the future maintenance and replacement costs of the stormwater management system, as well as the future decommissioning of the storm outlet and access road, if Phase 2 is developed.

Overland flow drainage is proposed onto Pheasant Hollow Park which is not supported and must be avoided. Stormwater management on public parks was not considered as part of the Block 18 MESP approval process. Approval of any proposed overland flow onto Pheasant Hollow Park is required from the Parks Development Department.

A detailed Stormwater Management Report shall be provided at the subdivision stage in order to evaluate the proposed large box culvert sewers within a future municipal right-of-way. A condition to this effect is included in Attachment #1.

vii) Confirmation of Good Standing with Block 18 Developers Group

The Owner is required to enter into a Developers’ Group Agreement with the other participating landowners within Block 18, to the satisfaction of the City. The Agreement shall address, but not be limited to, all cost sharing for the provision of parks, cash-in-lieu of parkland dedication, roads and municipal services within Block 18. This Agreement shall also provide a provision for additional developers to participate within the Developers Group Agreement when they wish to develop their lands. A condition to this effect is included in the recommendation section of this report and in Attachment #1.

The recommendations of the Committee of the Whole to receive the Public Hearing reports of April 5, 2016, and June 21, 2016, and to forward a comprehensive report to a future Committee of the Whole meeting were ratified by Vaughan Council on April 19, 2016, and June 28, 2016, respectively.

On January 27, 2017, the Vaughan Development Planning Department mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the applications.

Purpose

To seek endorsement of recommendations from the Committee of the Whole with respect to the following applications that the Owner has appealed to the Ontario Municipal Board regarding the subject lands (Phase 1, representing the lands located to the west of the Grand Trunk Avenue extension), as shown on Attachments #2 and #3, in advance of the upcoming OMB hearing:

1. Zoning By-law Amendment File Z.16.016 to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #2 and #3 from A Agricultural Zone and OS5 Open Space Environmental Protection Zone to RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)” and OS5 Open Space Environmental Protection Zone, in the manner shown on Attachment #5.

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2. Phase 1 (representing the lands located west of the extension of Grand Trunk Avenue, as shown on Attachments #3 and #5) of Draft Plan of Subdivision File 19T-16V001, as shown on Attachment #5, to facilitate a residential Draft Plan of Subdivision, consisting of the following:

Lots for Detached Residential Dwellings (Lots 1 to 32)*	1.57 ha
Open Space Block/Buffers (Blocks 34 and 35)	0.04 ha
0.3 m Reserve (Block 33)	0.01 ha
Public Right-of-Ways (Grand Trunk Avenue and Street "A")	0.63 ha
Total	2.25 ha

*Includes approximately 1,627 m² for conservation easements, as shown on Attachment #5.

This report provides recommendations only for the lands shown as Phase 1 on Attachment #5. The City is recommending deferral of the review and consideration of endorsement of Phase 2 until such time that the Owner has submitted the necessary documents in accordance with the OMB decision (Case No. PL111184) to appropriately assess the second phase of the development.

Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands for a residential plan of subdivision consisting of 32 lots for detached dwelling units, including the conveyance of land for open space purposes, as shown on Attachment #5. The proposal represents Phase 1 of a two-phase development. The Owner has appealed their applications to the OMB, citing Vaughan Council's refusal or neglect to make a decision on the Zoning By-law Amendment and Draft Plan of Subdivision Applications within 120 and 180 days, respectively, of filing complete applications. A three day hearing has been scheduled for March 22, 2017. The first two days of the hearing are intended to address the merits of the Applications as they relate to the Phase 1 lands. The third day of the hearing is intended to serve as a pre-hearing conference to address procedural matters regarding a future hearing in respect of the Phase 2 lands.

The Vaughan Development Planning Department supports the Zoning By-law Amendment and Draft Plan of Subdivision Applications, in principal and subject to conditions, for Phase 1 of the subject lands as shown on Attachment #5, since they implement the site-specific, Ontario Municipal Board approved Official Plan policies and will facilitate development that is compatible with the surrounding existing and planned land uses.

The Vaughan Development Planning Department has deferred its review of Phase 2 until such time that the Owner has submitted the necessary documents, in accordance with the OMB Order, required to appropriately assess the subject development located on the east side of the Grand Trunk Avenue extension.

Location

The 2.25 ha vacant subject lands shown on Attachments #2 and #3 represents Phase 1 of the proposed development, and forms part of a larger 4.46 ha site municipally known as 230 Grand Trunk Avenue, which is located west of Dufferin Street and north of Rutherford Road in Planning Block 18. The surrounding land uses are shown on Attachment #3, and include existing low-rise residential development and a woodlot to the north, low-rise residential uses and a woodlot to the south, Pheasant Hollow Park to the west, and lands zoned OS5 Open Space Environmental Protection Zone and A Agricultural Zone to the east.

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Land Use Policies and Planning Considerations

a) Ontario Municipal Board Decision

On March 9, 2016, the Ontario Municipal Board (OMB) issued a decision (Case No. PL111184) following a Settlement Hearing between the City of Vaughan, TRCA and the landowner, allowing an appeal by the Owner to redesignate the lands (230 Grand Trunk Avenue) as part of an appeal to the City of Vaughan Official Plan 2010 (VOP 2010). The OMB decision approved the redesignation of the entire property from “Natural Areas” to “Low-Rise Residential”, “Low-Rise Residential Special Study Area” and “Natural Areas”, and included the Schedule shown on Attachment #4.

A previous Owner illegally removed/cut down the majority of the woodlot and was successfully prosecuted under the York Region Forest Conservation By-law. Subsequent to the tree removal activity, new trees were planted. The previous Owner appealed the VOP 2010 Natural Areas designation of the site to the OMB on June 6, 2012. The site was purchased by a new owner, who assumed the OMB Appeal on April 10, 2015. The OMB’s decision is discussed in more detail under the “Official Plan” section of this report.

b) Block 18 Community Plan

The subject lands form part of the Block 18 Community Plan. On April 14, 2003, Vaughan Council approved the Block 18 Community Plan, which provided a detailed planning framework in accordance with OPA #600 for the Block 18 Planning area, bounded by Dufferin Street, Rutherford Road, Major Mackenzie Drive and the CN Railway. The Block Plan approval process addressed matters related to servicing and infrastructure details including road and pedestrian networks, lot patterns and the precise location of community services such as schools, parks and community centres. The Block 18 Community Plan served as a comprehensive vision and plan for the creation of individual plans of subdivision.

Through the Block 18 Community Plan process, the subject lands were identified as a tableland woodlot. OPA #600 and the Block 18 Plan identify the Grand Trunk Avenue extension from Major Mackenzie Drive to Rutherford Road. The extension of Grand Trunk Avenue is also shown on Schedule 9 of VOP 2010 as a proposed 24 m minor collector road, and as a “Primary Road” under the Carrville Centre Secondary Plan area, which abuts the subject lands to the south. Furthermore, the OMB decision (Case No. PL111184) noted that the alignment for Grand Trunk Avenue has been planned to essentially bisect the property in a north to south direction. Given this alignment in the approved Block 18 Community Plan, some impact on any environmental features was contemplated and considered acceptable, subject to mitigation.

c) Owner Initiated Amendment to Zoning By-law Amendment and Draft Plan of Subdivision Applications - Phased Development Concept

The Owner originally submitted Draft Plan of Subdivision File 19T-16V001 and Zoning By-law Amendment File Z.16.016 on January 14, 2016, and April 25, 2016, respectively for the entirety of their landholdings, as shown on Attachment #3 and #5. The Owner originally sought approval for a development proposal consisting of 106 townhouse units and one (1) open space block for the Owner’s entire landholdings, as shown on Attachment #6. The Owner, on July 21, 2016, revised their Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001 applications, to develop the site in two separate phases (Phases 1 and 2), as shown on Attachment #5. The Owner cited that the phased development approach was a result of comments received during the Public Hearings, and subsequent meetings with area residents.

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Phase 1, as shown on Attachment #3 and #5, consists of the proposed development for the subject lands (2.25 ha located on the west side of the proposed Grand Trunk Avenue extension), and includes the extension of Grand Trunk Avenue together with 32 residential lots for detached dwellings accessed by “Street A” and two open space blocks. The original Draft Plan of Subdivision included townhouse units on the proposed Phase 1 lands, as shown on Attachment #6. Phase 2, as shown on Attachment #3 and #5, consists of the remaining lands (2.21 ha located on the east side of the Grand Trunk Avenue extension) containing 42 street townhouse dwelling units. This technical report provides recommendations only for the lands shown as Phase 1 on Attachment #5. The City is recommending deferral of its review of Phase 2 until such time as the Owner has submitted the necessary documents, in accordance with the OMB decision, required to appropriately assess the proposed development located on the east side of the proposed Grand Trunk Avenue extension.

d) Official Plan

Section 13.x.1.1 of the OMB approved Official Plan Amendment (OPA) states “the subject lands have been considered appropriate for low-rise residential development subject to detailed review. The policies in this section (13.x.1.1) outline the studies considered necessary to determine the extent of development and the appropriate type of infrastructure needed to support the development as well as the future extension of Grand Trunk Avenue.”

The entire lands (Phase 1 and 2) are subject to Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001, as shown on Attachments #2 and #3, are designated “Low-Rise Residential”, “Low-Rise Residential Special Study Area” and “Natural Areas” by OMB Order PL111184, as shown on Attachment #4, and has been incorporated into Section 13, Volume 2 of VOP 2010. The subject lands are also designated “Settlement Area” by the Oak Ridges Moraine Conservation Plan.

Section 13.x.3.1 in Volume 2 of the OMB Order PL111184 states that “prior to site alteration or development approvals on the property, a comprehensive set of plans and studies be completed to the satisfaction of the City, in consultation with the TRCA:

- A Natural Heritage Evaluation (NHE)
- A Geotechnical Slope Stability Analysis
- A Hydrogeological Study
- A Water Balance
- Landscape Restoration Plans
- A Functional Servicing Report (FSR)
- Planning Report including Oak Ridges Moraine Conformity”

i. Low-Rise Residential Designation

Section 13.x.4.1 of the OMB approved OPA states “the lands identified as “Low-Rise Residential” designation....shall be developed in accordance with the policies of Section 9.2.2.1.” (of VOP 2010).

The “Low-Rise Residential” designation of VOP 2010 permits single detached, semi-detached and townhouse dwellings, as well as public and private institutional buildings. The proposed 32 residential lots for single detached dwellings on the portion of the lands located on the west side of the Grand Trunk Avenue extension (Phase 1) is consistent with the “Low-Rise Residential” designation as approved by the OMB, which conforms to the “Low-Rise Residential” policies of VOP 2010.

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ii. Low-Rise Residential Special Study Area Designation

The lands located east of the proposed extension of Grand Trunk Avenue (Phase 2) are designated “Low-Rise Residential Special Study Area” and “Natural Areas”, as shown on Attachment #4. In order to facilitate the proposed development of 32 lots for detached dwellings on the west side of the Grand Trunk Avenue extension (Phase 1), an encroachment of approximately 30 m, as shown on Attachments #3 and #5, into the “Low-Rise Residential Special Study Area” is needed in order to accommodate approximately 10 m of filling having a 3:1 slope, which is required to construct the Grand Trunk Avenue extension. Further encroachment and potential disturbance into the “Low-Rise Residential Special Study Area” may be required to facilitate access for construction. The Grand Trunk Avenue extension is proposed to be realigned to mitigate its encroachment into the existing drip line of the woodlot (OS5 Open Space Environmental Protection Zone) located south of the subject lands, as shown on Attachment #3. The policies of the “Low-Rise Residential Special Study Area”, as approved by the OMB, include technical information requirements that apply and need to be considered as part of the review of Phase 1 of the development proposal.

Section 13.x.4.2 in Volume 2 of VOP 2010 (by OMB Order PL111184) states that “the lands identified as Special Study Area...shall be developed in accordance with the Low-Rise Residential designation and policies outlined in 9.2.2.1 (of Volume 1 in VOP 2010), without the requirement for an OPA (Official Plan Amendment), provided the studies, prepared in support of a development application or zoning application, are completed to demonstrate that development can be accommodated and the following features and functions, if present on the site, are maintained to the satisfaction of the City, in consultation with the TRCA:

- Draw / Valley
- Hazard Slopes
- Headwater Drainage Features
- Groundwater seepage Areas
- Wetlands
- Significant Wildlife Habitat
- Endangered Species

The Owner has submitted the required studies, as identified in Sections 13.x.3.1 and 13.x.4.2 of the OMB decision, for Phase 1 of the subject lands, including the encroachment of the Grand Trunk Avenue extension into the “Low-Rise Residential Special Study Area” lands. The Owner is required to update the submitted studies to the satisfaction of the City of Vaughan, in consultation with the TRCA, as further identified in the Development Engineering and Infrastructure Planning (DEIP) Department and TRCA sections of this report. In addition, the Development Planning Department, in consultation with the DEIP Department, is recommending that prior to the OMB's final order of Phase 1, a third party peer review of the Natural Heritage Evaluation, Geotechnical Report, Functional Servicing Report and Hydrogeological Report be undertaken at the Owner's expense to confirm the findings of the reports submitted in support of the applications, to the satisfaction of the City, in consultation with the TRCA. Conditions to this effect are included in the recommendation section of this report and in Attachment #1.

iii. Oak Ridges Moraine Conservation Plan (ORMCP)

The subject lands are located within the Oak Ridges Moraine Conservation Plan (ORMCP) Settlement Area designation. Development within the “Settlement Area” designation of the ORMCP shall focus and contain urban growth by minimizing the encroachment and impact of development on the ecological functions and hydrological features of the ORMCP Area (Section 18(1)(a)), and to maintain, and where feasible, restore the health, diversity, size and connectivity

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of key natural heritage features, hydrologically sensitive features and related ecological functions (Section 18(2)(a)). A development proposal must demonstrate that the proposed development will not adversely affect the ecological integrity of the ORCMP (Section 18(6)(d)).

Section 22(1) of the ORMCP defines the following as key natural heritage features:

- Wetlands;
- Significant portions of the habitat of endangered, rare and threatened species;
- Fish habitat;
- Areas of natural and scientific interest (life science);
- Significant valleyland;
- Significant woodland;
- Significant wildlife habitat; and,
- Sand barrens, savannahs and tallgrass prairies.

Section 3.2.3.4 of VOP 2010 identifies minimum vegetation protection zones upon identification of natural heritage features (identified as “Core Features” in VOP 2010). Section 22(2) of the ORMCP and Section 3.2.3.7 of VOP 2010 states that all development and site alteration with respect to land within a key natural heritage feature or the related minimum vegetation protection zone is prohibited, except for uses that are considered for conservation purposes, infrastructure, and low intensity recreational uses. In addition, Section 3.2.3.10 in VOP 2010 states that lands identified as Core Features and their related vegetation protection zone will be conveyed to the City and/or the TRCA as a condition of development approval in order to ensure their continued protection and management.

e) Appeal of the Development Applications to the Ontario Municipal Board

The Owner, on September 29, 2016, pursuant to Sections 34(11) and 51(34) of the *Planning Act*, appealed Zoning By-law Amendment File Z.16.006 and Draft Plan of Subdivision File 19T-16V001 to the OMB (File No. PL160978), citing Vaughan Council's refusal or neglect to make a decision on the Zoning By-law Amendment and Draft Plan of Subdivision Application within 120 and 180 days, respectively, of filing complete applications. A three day hearing has been scheduled for March 22, 2017. The first two days of the hearing are intended to address the merits of the Applications as they relate to the Phase 1 lands. The third day of the hearing is intended to serve as a pre-hearing conference to address procedural matters regarding a future hearing in respect of the Phase 2 lands.

Zoning

The subject lands (Phase 1) are zoned A Agricultural Zone and OS5 Open Space Environmental Protection Zone by Zoning By-law 1-88, which does not permit detached dwellings. A Zoning By-law Amendment is required to facilitate Phase 1 of the Draft Plan of Subdivision shown on Attachment #5. The Owner is proposing to rezone the subject lands (Phase 1 lands west of the proposed Grand Truck Avenue extension) to RD3 Residential Detached Zone Three and OS5 Open Space Environmental Protection Zone in the manner shown on Attachment #5. A 6.5 m wide conservation easement is proposed along the south property line (Lots 17 to 26) and a 10 m wide conservation easement is proposed along the west property line abutting Lots 16 and 17. The intent of these conservation easements is to prohibit the alteration or removal of the existing vegetation even though the lands abutting the identified lots are proposed by the Owner to remain in private ownership.

The proposed residential use is compatible with the surrounding existing community and is consistent with the applicable OMB approved Official Plan policies for the Phase 1 lands. The

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subject lands are located adjacent to existing lots developed with detached dwellings that are zoned RD3 Residential Detached Zone Three, as shown on Attachment #3. The proposed Draft Plan of Subdivision is comprised of lots with frontages ranging from 12 m to 23 m, and lot depths ranging from 27 m to 46 m, which is consistent with adjacent residential lots.

The Vaughan Development Planning Department has no objections to the proposed RD3 Residential Detached Zone Three zone category, which will facilitate a residential development that is compatible with the existing frontage, lot area and massing and predominant building type of the surrounding community, subject to the recommendations in this report.

The City of Vaughan, in consultation with the TRCA, must confirm the minimum width of the open space buffers zoned OS5 Open Space Environmental Protection Zone (i.e. vegetation protection zones). Once confirmed, the Owner may be required to amend Phase 1 of the proposed Draft Plan of Subdivision, as shown on Attachment #5, in order to facilitate final boundaries of the proposed open space buffers. Upon the final determination of the location and width of the open space buffers, the removal of some lots from the plan and site-specific zoning exceptions to the minimum lot area, frontage and depth requirements and for the detached dwellings in the RD3 Detached Residential Zone Three may be required. Exceptions to the Zoning By-law will be included in the final implementing Zoning By-law should the applications be approved. A condition to this effect is included in the recommendation section of this report.

In addition, should the proposed conservation easements shown on Attachment #5 be deemed acceptable by the City, in consultation with the TRCA, the Vaughan Development Planning Department recommends that the proposed easements be conveyed to the City as a condition of subdivision approval, instead of creating easements, in order to ensure a wildlife linkage between the existing woodlots located north and south of the Phase 1 lands.

The Vaughan Development Planning Department supports the approval of Zoning By-law Amendment File Z.16.016, subject to the conditions of approval identified in the recommendation section of this report and the conditions of approval in Attachment #1.

Holding Symbol “(H)”

Should the subject applications be approved, the Vaughan Development Planning Department recommends that the implementing Zoning By-law rezone the residential portion of the subject lands to a RD3(H) Residential Detached Zone Three with the Holding Symbol “(H)”. The Holding Symbol “(H)” is being added to ensure the York Region, TRCA and City requirements, identified in this report and added as a recommendation to this report, are satisfied. This condition is also included in Attachment #1.

Subdivision Design

Phase 1 of the proposed Draft Plan of Subdivision consists of 32 residential lots for detached dwelling units, accessed by a new public road that terminates in a cul-de-sac. The new public road would have a 17.5 m wide right-of-way (Street “A”) that extends west from the extension of Grand Trunk Avenue, as shown on Attachment #5.

The proposed Grand Trunk Avenue extension measures 23 m in width, and has been realigned approximately 8.6 m to the east to avoid encroachment into the dripline of the existing woodlot to the south (OS5 Zone), as shown on Attachment #2. Two open space blocks measuring 2.5 m in width (Blocks 34 and 35) are proposed adjacent to Lots 10 to 16 and 27 to 32, and abut the existing open space lands located north and south of the subject lands. An approximate 18 m wide trail connection from Street “A”, at the terminus of the cul-de-sac, to the existing Pheasant Hollow Park is proposed between Lots 16 and 17.

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The Owner is proposing conservation easements (prohibiting alteration or removal of vegetation) along the south and west property lines in order to maintain the existing vegetation. This includes a 10 m wide strip of land on the west side of Lots 16 and 17, and a 6.5 m wide strip of land along the south property line of Lots 17 to 26 inclusive. Phase 1 of the Draft Plan of Subdivision is comprised of lots with frontages ranging from 12 m to 23 m, and lot depths ranging from 27 m to 46 m.

The subject lands are located within Block 18, which is subject to a Developer's Group Agreement. The Owner is required to satisfy all obligations, financial or otherwise, of the Block 18 Developer's Group Agreement to the satisfaction of the Block 18 Trustee. A condition to this effect is included in Attachment #1.

All development within the Draft Plan of Subdivision, as shown on Attachment #5, must proceed in accordance with the Vaughan Council approved Block 18 Community Architectural Design Guidelines prepared by The Planning Partnership, and in accordance with the approved Block 18 Carrville Corners Landscape Masterplan prepared by NAK Design Strategies. Conditions to this effect are included in Attachment #1.

Should the OMB approve the applications, the Owner must update the approved Block 18 Plan to reflect the OMB's decision. The Owner must display a Community Plan that reflects the approved Block 18 Plan on the interior wall of the sales office, comprising information approved by the City of Vaughan, prior to offering any units for sale, and no Building Permit shall be issued until such information is approved by the Vaughan Development Planning Department.

Vaughan Development Engineering and Infrastructure Planning (DEIP) Department

The DEIP Department has reviewed the proposed development west of the future Grand Trunk Avenue Extension, including the proposed Grand Trunk Avenue extension (Phase 1). They have identified that the Owner has not submitted the required reports and drawings needed to substantiate any development proposal on the east side of the future Grand Trunk Avenue extension.

a) Road Network

Site access is proposed from the extension of Grand Trunk Avenue and the proposed "Street A". The proposal requires engineered fill to be placed onto the lands adjacent and east of the proposed Grand Trunk Avenue extension in order to facilitate construction of the road. As noted below under the Geotechnical Report section, the engineered fill raises issues with respect to monitoring and stability. Further technical information is required from the Owner through addenda to the Geotechnical, Slope Stability and Hydrogeological reports, which will also help inform final design and alignment of the Grand Trunk Avenue extension.

In accordance with the City's sidewalk policy, a sidewalk on one side of the street is required for Street "A". The sidewalk location should be shown on the Draft Plan of Subdivision. Reserves measuring 0.3 m and site triangles measuring 5 m x 5 m are required on Lots 3 and 32.

The Owner has not confirmed whether the proposed 17.5 m right-of-way width of Street "A" is sufficient for the proposed infrastructure, which is proposed to include large box storm culverts, storm sewers, sanitary sewers, and a potential looping watermain. The Owner is required to provide road cross sections of Street "A", showing the size of the pipes and distances between the pipes.

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b) Transportation Network/Traffic Impact Study

The Owner submitted a Transportation Impact Assessment (TIA) prepared by LEA Consulting, dated February 2016. The TIA included an assessment of the original proposal of 106 townhouse units, as shown on Attachment #6. The TIA indicated that the entire development would generate 47 and 55 total trips during the AM Peak and PM Peak periods, respectively. The TIA concluded that the proposed development is not expected to generate a substantial amount of vehicle trips that will significantly impact traffic in the neighbourhood, and will therefore have minimal impact on the existing local road network.

The current proposal for 32 residential lots for detached dwellings is anticipated to have less impact on traffic than the original proposal of 106 townhouse units. The Vaughan Development Engineering and Infrastructure Planning (DEIP) Department has reviewed the TIA and concurs with the conclusions and findings.

c) Geotechnical Report

The Owner has submitted a Geotechnical Report prepared by Terraprobe, dated February 16, 2016, and a draft addendum report dated September 23, 2016, identifying the two-phase approach for the entire lands. The Geotechnical Report dated February 16, 2016, did not address the extent of the grading required on the east portion of the property, east of the proposed Grand Trunk Avenue extension. The Geotechnical Report addendum presents discussions and recommendations for the Grand Trunk extension earthworks, however, further information is required respecting erosion protection measures, conclusions and future monitoring of the road related to potential settling. The final detailed Geotechnical Investigation Report shall address the matters described above. A condition to this effect is included in Attachment #1.

d) Block 18 Master Environmental Servicing Plan

Phase 1 of the proposed Draft Plan of Subdivision does not conform to the approved Block 18 Master Environmental Servicing Plan (MESP). Large storage storm sewers (box culverts) are proposed for Street "A". Storm storage is not permitted within a municipal right-of-way. This option is being proposed because there are no other storm drainage options available. During the Block 18 MESP approval process, the subject lands were identified as draining south along the future Grand Trunk Avenue into a future stormwater management pond located south of the Phase 1 proposal. The Owner is required to update the Functional Servicing Report to demonstrate that the proposed sanitary, storm and water servicing meets the City's requirements and City's Design Criteria, to the satisfaction of the City. The Owner shall explore further servicing options which are in keeping with the Block 18 MESP. A condition to this effect is included in Attachment #1.

e) Lot Grading

There is a significant grade transition within the property of approximately 15 m from west to east, as well as a 10 m transition from north to south. The existing grading of the site results in 1.3 ha of the subject site having an overland flow that goes south west toward the existing Pheasant Hollow Park with an average slope of approximately 5%. The remaining 0.945 ha area of the subject lands has an overland flow to the south-east with an average slope of approximately 7%. The existing grades at Pheasant Hollow Park are approximately 10 m higher than the vacant land to the east where Phase 2 is proposed. The proposed grading of the site and lot grading of the individual lots must meet the City's current lot grading criteria.

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f) Stormwater Management, Sanitary Servicing, Sewage and Water Allocation

The Owner has submitted a Functional Servicing Report entitled “Functional Servicing & Stormwater Management Report prepared by Schaeffers Consulting Engineers, dated December, 2016. The report concluded that servicing is available for the proposed development, and it is feasible to do so by conforming to the City’s design standards. The report provided the following site servicing and stormwater management schemes for the proposed development:

i) Stormwater Management

The subject lands are located within the Don River watershed. There is no existing stormwater management infrastructure servicing the existing site. The existing drainage area of the site is currently divided into two general areas. The first area drains towards the west/southwest, and the second drainage area drains to the east. Furthermore, some of the backyards of the existing lots along Lady Bianca and Princess Isabella Courts drain towards the proposed subdivision.

Stormwater management for the proposed development will consist of on-site detention to attenuate the post-development flows to levels that are less than or equal to the maximum allowable release rates. This will be achieved by utilizing an on-line storage pipe located at the upstream of the quality control devices to control flows.

Stormwater quality control for the subdivision is proposed to be provided by an oil/grit separator before being discharged to the valley lands.

The proposed storm sewer on Street “A” are sized to provide the required storage for the quantity control given no stormwater pond is available to serve the lands at this time. Given the storage capacity of the proposed storm sewer and the potential for surcharging/backflow into the future homes, a 200mm Foundation Drain Collector (FDC) system on Street “A” and Grand Trunk Avenue is proposed.

Large storage storm sewers (box culverts) are proposed for Street “A”. Storm storage is not permitted within a municipal right-of-way. This option is being proposed due to no other storm drainage option being available. The Owner shall design the storm sewers to ultimately drain south along the future Grand Trunk Avenue extension.

The Owner is required to provide details regarding the size of the storage box culvert, distance between the pipes, life cycle of the proposed storage box culvert, and maintenance and future replacement costs. The Owner will be required to contribute to the future maintenance and replacement costs of the stormwater management system, as well as the future decommissioning of the storm outlet and access road, if Phase 2 is developed. A condition to this effect is included in Attachment #1.

Overland flow drainage is proposed onto Pheasant Hollow Park which is not supported and must be avoided. Stormwater management on public parks was not considered as part of the Block 18 MESP approval process. Approval of any proposed overland flow onto Pheasant Hollow Park would be required from the Parks Development Department. As noted later in this report, the Vaughan Parks Development Department does not support the proposed servicing plan.

A detailed Stormwater Management Report shall be provided at the subdivision stage in order to evaluate the proposed large box culvert sewers within a future municipal right-of-way. A condition to this effect is included in Attachment #1.

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ii) Sanitary Servicing

The proposed lots fronting the Grand Trunk Avenue extension and Street “A” are proposed to be serviced by a new sanitary sewer directed towards the west and discharging to an existing sanitary sewer located on Peter Rupert Avenue. This concept requires a crossing through Pheasant Hollow Park.

The Owner is also proposing water service along with a sanitary sewer within the Pheasant Hollow Park. The DEIP Department does not support the proposed servicing route through the park since it is not in keeping with the approved Block 18 MESP. The DEIP Department requires the sanitary sewers to drain east and ultimately south along the future Grand Trunk Avenue extension, pursuant to the MESP. In the interim, the DEIP Department recommends that the Owner explore alternative servicing options, which may include the temporary discharge of the sanitary sewer to a temporary pump station that will force flows north through the existing Grand Trunk Avenue to Maurier Boulevard.

Any temporary sanitary servicing option constructed to serve the proposed development must be decommissioned once the future Grand Trunk Avenue extension is constructed (through lands external to the Phase 1 proposal, to District Avenue). The Owner will be required to pay for the future decommissioning of the temporary sanitary servicing. A condition to this effect is included in Attachment #1.

iii) Watermains

A watermain is proposed along the future Grand Trunk Avenue extension, which will be connected to an existing watermain on the future Grand Trunk Avenue, south of Lady Bianca Court. The proposed watermain will service the units fronting the Grand Trunk Avenue extension. The units fronting Street “A” are proposed to be serviced by a new watermain that is connected to the proposed watermain on the Grand Trunk Avenue extension, and a temporary connection to the existing watermain located on Peter Rupert Avenue by crossing Pheasant Hollow Park. Approval of watermain connections through Pheasant Hollow Park would be required and this approach is not supported due to negative impacts on park infrastructure.

The City requires two watermains, for a looped system, where the number of units that are serviced on one feed exceeds 40 units. With the proposed 32 units on Street “A” and the existing 42 units north of the Phase 1 lands on Lady Bianca Court, the total units on one watermain feed will exceed the 40 unit maximum. Accordingly, a second water supply is required.

The DEIP Department recommends that the Owner explore a temporary watermain looping solution until such time as the future Grand Trunk Avenue extension is constructed through lands external to the Phase 1 lands, to District Avenue. The Owner will be required to pay for the future decommissioning of the temporary watermain looping. A condition to this effect is included in Attachment #1.

iv) Sewage and Water Allocation

On December 13, 2016, the City’s latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed servicing capacity is available to support continued urban growth throughout the City.

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Accordingly, servicing capacity for Draft Plan of Subdivision File 19T-16V001 (Phase 1) is available and unrestricted for a maximum total of 32 residential units (115 persons equivalent), which may be reduced based on the final number of units in the Draft Plan. A condition to allocate servicing capacity to the final approved plan is included in recommendation section of this report.

g) Environmental Site Assessment (ESA)

The DEIP Department has reviewed the “Phase One Environmental Site Assessment” report dated April 14, 2016, and a “Letter of Reliance” dated September 16, 2016, by S2S Environmental Inc. and is satisfied with the submitted ESA documentation. Since the proposal includes open space blocks that will be conveyed to the City in the future, the City requires the Owner to undertake a limited Phase 2 ESA investigation of the fill material. The Phase 2 ESA should be conducted following rough grading but prior to placement of the topsoil, with the sampling and analysis plan being submitted to the satisfaction of the City. A condition to this effect is included in Attachment #1.

h) Noise

A noise report has not been submitted in support of the development applications. The Owner is required to provide a noise report. A condition to this effect is included in Attachment #1.

Toronto and Region Conservation Authority (TRCA)

In a memorandum dated June 21, 2016, the TRCA provided comments with respect to the original development application for 105 townhouse units located on the entire property (Phases 1 and 2 - east and west sides of the proposed Grand Trunk Avenue extension). The TRCA advised that the property contains a watercourse, wetland areas and other key natural heritage/hydrologically sensitive features (KNHF/HSF) such as groundwater seeps, valley features, significant wildlife habitat and endangered species. Additionally, the TRCA advised that the Preliminary Environmental Impact Study dated January, 2016, submitted in support of the application did not complete an assessment of the KNHF/HSFs on the property.

The TRCA also noted that they could not confirm if the application is consistent with the OMB approved Official Plan policies, Provincial Policy Statement 2014 and related technical manuals, the York Region Official Plan 2010, VOP 2010, the TRCA's Living City Policies, and the tests of a Permit Application under Ontario Regulation 166/06, as amended. On this basis, the TRCA advised that the material submitted did not meet the requirements of the OMB-approved VOP 2010 policies, and that the development limits and long-term stable top-of-slope have not been satisfactorily determined, and therefore could not support the development proposal.

Subsequently, on October 27, 2016, the TRCA provided revisions to the Natural Heritage Evaluation Terms of Reference submitted by the Owner's consultant in support of the development proposal.

The TRCA has prepared a report for the consideration at the Full Authority Meeting on January 27, 2017 regarding the subject development applications. The report includes the following recommendations:

“THAT the participation of Toronto and Region Conservation Authority (TRCA) as a party before the Ontario Municipal Board (OMB) be affirmed as it relates to the appeal of the Lack of Decision by Vaughan City Council for the Draft Plan of Subdivision and Zoning By-law Amendment for lands on the west side of Dufferin Street, north of Rutherford Road, municipally known as 230 Grand Trunk Avenue, in the City of Vaughan;

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THAT TRCA staff obtain legal counsel and be directed to appear on behalf of TRCA on the subject appeal before the OMB and to continue to represent TRCA on matters relating to natural heritage and provincial interest (landform, erosion, water management, hazard lands);

AND FURTHER THAT staff be directed to continue to work towards a settlement with City of Vaughan, the appellant and other parties to ensure that the requirements of The Living City Policies, TRCA's Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), Oak Ridges Moraine Conservation Plan (ORMCP) and Provincial Policy Statement (PPS) are met."

The TRCA also provided a preliminary issues list to be presented at the OMB Hearing scheduled for March 22, 2017, which outlines additional requirements regarding slope stability, hydrological and ecological features, connectivity for the natural system and stormwater management, and confirmation that the proposal reflects the Living City Policies of the TRCA. The Owner is required to address the preliminary issues and satisfy any conditions of Draft Plan of Subdivision approval required by the TRCA for Phase 1 of the development proposal. Conditions to this effect are included in Attachment #1 of this report.

Vaughan Policy Planning and Environmental Sustainability Department

The Draft Plan of Subdivision for Phase 1 identifies two, 2.5 m wide open space buffers adjacent to the northwest and southwestern woodlands that abut the subject lands (Blocks 34 and 35), as shown on Attachment #5. A 2.5 m wide open space buffer does not comply with the VOP 2010 Vegetation Protection Zone (VPZ) policies.

Section 3.2.3.4 of VOP 2010 states that "woodlands, including those identified as significant...require a minimum Vegetation Protection Zone as measured from the woodlands dripline of 10 m, or 30 m for those woodlands within the Oak Ridges Moraine and Greenbelt Plan Areas". The subject lands are located within the Oak Ridges Moraine Conservation Area, and require a 30 m VPZ from the woodlands in accordance with Section 3.2.3.4 of VOP 2010.

In addition, Paragraph 10 of the OMB Decision (Case No. PL111184) states that the ORMCP Settlement Area allows for urban development, but may be restricted by the presence of natural features, and that natural heritage studies are required to identify and evaluate natural heritage features and determine any required buffers.

The development proposal does not identify a staking exercise to establish the dripline of trees and/or top-of-bank, which is required under Section 3.3.3.2 b). An evaluation must be carried out to determine a sufficient VPZ between the woodland and the proposed development in order to maintain or enhance the existing functions, attributes and linkages of a woodland. A feature delineation to establish feature limits and their VPZ is required to appropriately establish development limits. Any reduction to the 30 m VPZ requires justification, in accordance with Section 3.4.2.2 of VOP 2010, and may potentially result in the loss of residential lots. Once an appropriate dripline and VPZ has been established, a Forest Edge Management Plan is required to protect and maintain the feature.

Two hedgerows of trees are located on the south and west side of the subject lands, and have been proposed to be retained through the proposed 6.5 m and 10 m wide conservation easements, as described in the Zoning and Subdivision Design sections of this report. Confirmation is needed through studies, that these existing hedgerows will endure development impacts (i.e. grading and fill). Also, this area has been identified as a wildlife corridor and linkage area to the southern woodlands in the Don River System. The retention of the mature trees is important to establish this linkage.

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Vaughan Development Planning Department - Cultural Heritage Division

The Cultural Heritage Division of the Vaughan Development Planning Department has advised that the subject lands are identified as an area of high archaeological potential in the City's database of archaeological resources, and that an Archeological Assessment is required prior to Draft Plan of Subdivision approval. A condition to this effect is included in Attachment #1.

Vaughan Parks Development Department

The Vaughan Parks Development Department has advised that a future trail connection from the western terminus of Street "A" into the existing Pheasant Hollow Park located to the west of the subject lands is required. The Owner has agreed to provide this connection, as shown on Attachment #4.

The proposed trail will consist of external works including, but not limited to, site preparation, lighting, drainage structures, grading, and/or restoration of landscaping. This work will be informed by a Trail Feasibility Study for review by the Parks Development Department in order to determine the required route, alignment, costs and overall feasibility of the trail connection. The Owner is also required to provide an arborist report with an inventory and analysis of existing vegetation, including existing trees within and adjacent to the proposed work area for the trail connection. Conditions to this effect are included in Attachment #1.

The Owner is proposing to service the subject lands (both sanitary and watermain) by connecting to the existing infrastructure on Peter Rupert Avenue by crossing through the existing Pheasant Hollow Park. The infrastructure is proposed to be accommodated through a 9 m wide servicing easement which would be located along the eastern and southern perimeter of the park. It is uncertain at this time whether the servicing would be installed via an open cut/trench method or an alternative method such as directional drilling. In addition to the 9 m wide easement to accommodate the proposed infrastructure, additional area would be required to accommodate construction access thereby creating further impacts both to the infrastructure and programming/use of the park and its associated facilities.

As a condition of approval for the Draft Plans of Subdivision within Block 18, the City had ensured that any parkland conveyed would be free of all encumbrances including, but not limited to utilities/utility boxes, servicing easements, vegetation/tree stands in poor condition and underground parking facilities.

In order to avoid impacts to the existing park and provide for uninterrupted use, the Parks Development Department does not support the proposed servicing plan, which would locate sanitary/watermain infrastructure within the Park. The installation/construction of this infrastructure as proposed by the Owner would have the following potential impacts on Pheasant Hollow Park:

- The need to extensively grade within the park, thereby impacting existing grades
- Following completion of the servicing works, grades within the parks could not be returned to pre-construction condition. Suitable flat grades would be required for future maintenance of the infrastructure, thereby eliminating any possibility of returning the site to pre-construction grade conditions
- Removal of a significant number of existing trees and vegetation to accommodate the servicing easement, which would eliminate the visual screening to the existing residential properties along the southern limits of the park
- The future alignment and maintenance/servicing of this infrastructure would preclude the replacement of vegetation in its current location; necessitating further examination of locations where trees/vegetation could be replanted (whether in Pheasant Hollow Park or other nearby locations)

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- Noise/dust and associated construction impacts on the surrounding community and nearby residents
- Temporary closure and potential relocation of existing pathways and park infrastructure to accommodate the servicing infrastructure
- Impacts to residents and users of the parks in terms of the use and enjoyment of park/recreational facilities during the construction period
- Permanent encumbrance of City lands which will negatively affect property values

Given that a feasible alternative option exists (servicing through the future extension of Grand Trunk Avenue, which is consistent with the approved servicing plan for the Block 18 MESP and existing development in the area), the Parks Development Department recommends that the Owner explore other options to service the proposed development. Specifically, servicing of the proposed development should be directed to the east towards the future extension of Grand Trunk Avenue and then south towards District Avenue, as identified in the DEIP section of this report.

Parkland Dedication

The Owner is required to pay cash-in-lieu of parkland dedication in accordance with the *Planning Act* and the City's Cash-in-lieu of Parkland Policy. A condition to this effect is included in Attachment #1.

School Boards

The York Region District School Board and York Region Catholic School Board have no comments or concerns with regard to the applications, and require no conditions. The York Region District School Board has also advised that the subject development applications will not require a new public elementary school site within the proposed development.

Canada Post

Canada Post Corporation has no objection to the proposed development applications, subject to their conditions of approval included in Attachment #1.

Utilities

Bell Canada and Enbridge Gas Distribution have no objections to the proposal, subject to their conditions of approval included in Attachment #1.

Rogers Communications Inc. has no objections to the proposal.

It is the responsibility of the Owner to contact PowerStream Inc. to determine the type of available service in the area to supply this project and assess PowerStream Inc.'s charges.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Improve municipal road network
- Continue to develop transit, cycling and pedestrian options to get around the City
- Invest, renew and manage infrastructure and assets

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Regional Implications

The York Region Transportation and Community Planning and Development Services Department has reviewed the proposed Draft Plan of Subdivision and provided technical comments, Pre-conditions and Conditions of Draft Approval, in a letter dated November 3, 2016, which are included in Attachment #1.

The subject lands are located within the vicinity of Rutherford Road and Dufferin Street. York Region is currently undertaking a Municipal Class Environmental Assessment (EA) for improvements to Rutherford Road, with work scheduled to take place between 2018 and 2022. The EA, in its preliminary findings, recommends a six lane cross section (4 general purpose lanes and two High Occupancy Vehicle lanes) on Rutherford Road. Improvements to Dufferin Street are not included in York Region's 10 year roads capital construction program. However, additional north-south capacity on Dufferin Street is required.

On this basis, York Region has advised that the Owner shall agree in the Subdivision Agreement to place all lands in Phase 1 under a Holding Symbol "(H)" pursuant to the provision of Section 36 of the *Planning Act*, which shall prohibit the development of the lands until the Holding Symbol "(H)" has been lifted. The conditions of lifting the Holding Symbol "(H)" shall include:

- i) York Region is in possession of a preliminary/functional design and cost estimates of the roadway and intersection improvements to Dufferin Street (both north and south) from Marc Santi Boulevard/District Avenue to Apple Blossom Drive/Dufferin Hill Drive intersections) and its intersection with Rutherford Road necessary to accommodate the proposed developments in the surrounding area;
- ii) York Region has completed a full review and issued approval of the preliminary/functional design and cost estimates of the roadway and intersection improvements design described in i); and,
- iii) The Dufferin Street and Rutherford Road intersection improvement project incorporating the elements described in item i) is identified and approved by York Region Council in the Region's 2017 or future 10-Year Roads Capital Construction Program.

Should the Owner wish to have the Holding Symbol "(H)" removed in order to proceed with the proposed development and not comply with conditions i), ii) and iii) above; the Owner, or a consortium of developers, could apply to York Region to front-end the additional lane improvements to Dufferin Street between the Marc Santi Boulevard and Apple Blossom Drive intersections. The Owner will then be eligible for Development Charge (DC) credit, subject to the review of the DC credit application and applicable provisions of the York Region's Development Charge Credit By-law.

York Region requests that the City of Vaughan apply a lapsing provision to the Draft Plan of Subdivision, pursuant to Section 51(32) of the *Planning Act*, and that York Region be provided an opportunity to comment on any proposed extensions of approval.

Conclusion

Zoning By-law Amendment File Z.16.016 and Draft Plan of Subdivision File 19T-16V001 have been reviewed in accordance with the policies of VOP 2010, the ORMCP and the OMB Order for the subject lands, the requirements of Zoning By-law 1-88 and comments from City departments and external public agencies. The Vaughan Development Planning Department can support the proposal to develop the subject lands (Phase 1) with residential lots for detached dwellings

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(Phase 1) subject to the Owner filing additional technical submissions, as conditions for final approval and lifting of the Holding Symbol “(H)”, addressing the Grand Trunk Avenue extension and its interface with lands to the east. The Owner is required to provide further detailed technical submissions (i.e. updated geotechnical, slope stability and hydrogeological reports) that will inform final design and alignment of the Grand Trunk Avenue extension, to the satisfaction of the City and the TRCA. Accordingly, the Vaughan Development Planning Department supports the applications, subject to the conditions in the recommendation section of this report and the conditions of approval in Attachment #1.

Attachments

1. Conditions of Draft Plan of Subdivision Approval
2. Context Location Map
3. Location Map
4. VOP 2010 Land Use – OMB Approved (Case No. PL111184)
5. Draft Plan of Subdivision File 19T-16V001 & Proposed Zoning (Phase 1)
6. Original Proposal & Zoning for Draft Plan of Subdivision File 19T-16V001

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)