

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 2, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 23, 2018.

2 ZONING BY-LAW AMENDMENT FILE Z.16.006 ACE DEVELOPMENTS (2057 MAJOR MACKENZIE DRIVE) LTD. VICINITY OF MAJOR MACKENZIE DRIVE AND PETER RUPERT AVENUE

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated May 8, 2018, be approved;**
- 2) That the applicant be requested to include an assessment of the slope leading to, and access onto, Major Mackenzie Drive as part of their studies in the site plan application process;**
- 3) That the following deputations be received:**
 - 1. Mr. Kevin Bechard, Weston Consulting, Millway Avenue, Vaughan, on behalf of the applicant;**
 - 2. Mr. Peter Badali, Eagle Hills Ratepayers' Association, Butterfield Crescent, Vaughan; and**
 - 3. Mr. Martin O'Halloran, Lealinds Drive, Maple; and**
- 4) That the following Communications be received:**
 - C8. Mr. Paul M. DeMelo, Kagan Shastri LLP, Avenue Road, Toronto, dated May 8, 2018; and**
 - C11. Mr. Sunil Ghai, dated May 8, 2018.**

Recommendations

That the Local Planning Appeal Tribunal (the "LPAT") be advised that City of Vaughan Council ENDORSES the following recommendations:

- 1. THAT Zoning By-law Amendment File Z.16.006 (ACE Developments (2057 Major Mackenzie Drive) Ltd.) BE APPROVED IN PRINCIPLE, to amend Zoning By-law 1-88, specifically to rezone the Subject Lands shown on Attachments #1 and #2 from A Agricultural Zone to RM2(H) Multiple Residential Zone with the Holding Symbol "(H)" and OS1 Open Space Conservation Zone, in the manner shown on Attachment #3.**
- 2. THAT the Holding Symbol "(H)" shall not be removed from the Subject Lands zoned RM2(H) Multiple Residential Zone with the Holding Symbol "(H)", as shown on Attachment #3, until Vaughan Council has identified and allocated water supply and sewage**

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servicing capacity to the Subject Lands.

3. THAT should the LPAT approve Zoning By-law Amendment File Z.16.006, that the LPAT be requested to withhold its final Decision/Order regarding the implementing Zoning By-law until such time that the following matters are addressed to the satisfaction of the City and external commenting agencies, which may result in changes to the development proposal, including but not limited to, the number of units, building setbacks, site organization, and building height:
 - a) The Owner shall submit a Site Development Application for the Subject Lands, which must be approved by Vaughan Council to address the following, but not limited to:
 - i) The Owner shall satisfy all requirements of Metrolinx, including but not limited to, the minimum required building setback to the Metrolinx right-of-way, the location and design (e.g. width and height) of the safety berm, the location of the underground parking structure, and an updated Noise and Vibration study addressing noise and vibration measures;
 - ii) The Owner shall explore the feasibility of relocating the existing heritage dwelling (the Joshua Oliver House) located on the Subject Lands, as shown on Attachment #3, closer to Petticoat Road in order to provide an appropriate transition with respect to building massing, setbacks, height, and create the opportunity for improved site organization. The final location of the heritage dwelling shall be to the satisfaction of the Development Planning Department;
 - iii) Should the review to relocate the Joshua Oliver House determine that the dwelling shall remain in situ, the Owner shall:
 - Update the tree preservation plan and landscape plan in order to preserve existing vegetation to the greatest extent possible as required by the Vaughan Official Plan 2010 (“VOP 2010”), and submit an Arborist Report prepared by a qualified arborist to demonstrate that the existing heritage tree can survive in the proposed development scenario, to the satisfaction of the Development Planning Department; and
 - Undertake an independent third-party Peer Review, at the expense of the Owner, of the Stability Study for the Joshua Oliver House, to the satisfaction of the City of Vaughan;

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- iv) The Owner shall submit an updated Traffic Impact Study that includes recommendations to improve the operation of the intersection of Peter Rupert Avenue and Lealinds Road/Freedom Trail, to the satisfaction of the Development Engineering Department;
 - v) The Owner shall submit a Conservation Plan and updated Cultural Heritage Impact Study for the existing heritage dwelling (the Joshua Oliver House) located on the Subject Lands, to the satisfaction of the Development Planning Department;
 - vi) The Owner shall satisfactorily address the compatibility and development criteria stipulated in Sections 2.2.5.13 f), 9.1.2.5, and 9.2.3.3 in VOP 2010, to the satisfaction of the Development Planning Department. The proposed development shall be designed to achieve an appropriate transition in scale to areas of lower intensity located east and south of the Subject Lands, specifically:
 - the Owner shall ensure the building height for Block 4, as shown on Attachment #3, reflects an appropriate transition between the proposed development and the existing detached dwellings on Petticoat Road. The Owner is required to provide architectural building elevation drawings to confirm the building height of each block;
 - the Owner shall increase the front yard setback for Blocks 3 and 4, as shown on Attachment #3, to provide consistent building setbacks with the existing established front yard setback of the adjacent detached dwellings on Petticoat Road; and
 - b) the Owner shall confirm the intended use of the Joshua Oliver House, which may result in additional zoning exceptions to the RM2 Multiple Residential Zone; and
 - c) The final implementing Zoning By-law shall be to the satisfaction of the City of Vaughan.
4. THAT the Owner continue to work with the adjacent property owner to the east to acquire Block 64 on Registered Plan 65M-4190, as shown on Attachments #2 and #3, as identified in Condition 21.3.18 of the Subdivision Agreement for Registered Plan 65M-4190.
5. THAT City of Vaughan staff and external legal counsel, as required, be directed to attend the LPAT Hearing in support of the

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Recommendations contained in this report regarding Zoning By-law
Amendment File Z.16.006.

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

Item:



Committee of the Whole Report

DATE: Tuesday, May 08, 2018

WARD: 4

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.16.006
ACE DEVELOPMENTS (2057 MAJOR MACKENZIE DRIVE) LTD.
VICINITY OF MAJOR MACKENZIE DRIVE AND PETER RUPERT
AVENUE**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek endorsement from the Committee of the Whole of the Recommendations in this Report for Zoning By-law Amendment File Z.16.006, that the Owner has appealed to the Local Planning Appeal Tribunal, to rezone the Subject Lands shown on Attachments #1 and #2 from A Agricultural Zone to RM2 Multiple Residential Zone to permit the development of 65 stacked townhouse units as shown on Attachments #3 to #6.

Report Highlights

- The Owner seeks approval for 65 stacked townhouse units and the retention of the existing heritage dwelling (Joshua Oliver House) on the Subject Lands.
- The Owner has appealed the application to the Local Planning Appeal Tribunal (the "LPAT", formerly the Ontario Municipal Board).
- The Development Planning Department supports rezoning the Subject Lands to the RM2 Multiple Residential Zone in principle, subject to the Recommendations in this report, as the RM2 Zone conforms to and would implement Vaughan Official Plan 2010. However, the conceptual site plan shown on Attachment #3 and the proposed site-specific zoning exceptions to the Zoning By-law identified in Table 1 of this report are considered premature until the Owner submits a Site Development Application for the 65 unit townhouse proposal.
- The Development Planning Department recommends that the LPAT withhold its final Decision/Order for the implementing Zoning By-law until all City and Metrolinx comments are satisfied.

Recommendations

That the Local Planning Appeal Tribunal (the “LPAT”) be advised that City of Vaughan Council ENDORSES the following recommendations:

1. THAT Zoning By-law Amendment File Z.16.006 (ACE Developments (2057 Major Mackenzie Drive) Ltd.) BE APPROVED IN PRINCIPLE, to amend Zoning By-law 1-88, specifically to rezone the Subject Lands shown on Attachments #1 and #2 from A Agricultural Zone to RM2(H) Multiple Residential Zone with the Holding Symbol “(H)” and OS1 Open Space Conservation Zone, in the manner shown on Attachment #3.
2. THAT the Holding Symbol “(H)” shall not be removed from the Subject Lands zoned RM2(H) Multiple Residential Zone with the Holding Symbol “(H)”, as shown on Attachment #3, until Vaughan Council has identified and allocated water supply and sewage servicing capacity to the Subject Lands.
3. THAT should the LPAT approve Zoning By-law Amendment File Z.16.006, that the LPAT be requested to withhold its final Decision/Order regarding the implementing Zoning By-law until such time that the following matters are addressed to the satisfaction of the City and external commenting agencies, which may result in changes to the development proposal, including but not limited to, the number of units, building setbacks, site organization, and building height:
 - a) The Owner shall submit a Site Development Application for the Subject Lands, which must be approved by Vaughan Council to address the following, but not limited to:
 - i) The Owner shall satisfy all requirements of Metrolinx, including but not limited to, the minimum required building setback to the Metrolinx right-of-way, the location and design (e.g. width and height) of the safety berm, the location of the underground parking structure, and an updated Noise and Vibration study addressing noise and vibration measures;
 - ii) The Owner shall explore the feasibility of relocating the existing heritage dwelling (the Joshua Oliver House) located on the Subject Lands, as shown on Attachment #3, closer to Petticoat Road in order to provide an appropriate transition with respect to building massing, setbacks, height, and create the opportunity for improved site organization. The final location of the heritage dwelling shall be to the satisfaction of the Development Planning Department;

- iii) Should the review to relocate the Joshua Oliver House determine that the dwelling shall remain in situ, the Owner shall:
- Update the tree preservation plan and landscape plan in order to preserve existing vegetation to the greatest extent possible as required by the Vaughan Official Plan 2010 (“VOP 2010”), and submit an Arborist Report prepared by a qualified arborist to demonstrate that the existing heritage tree can survive in the proposed development scenario, to the satisfaction of the Development Planning Department; and
 - Undertake an independent third-party Peer Review, at the expense of the Owner, of the Stability Study for the Joshua Oliver House, to the satisfaction of the City of Vaughan;
- iv) The Owner shall submit an updated Traffic Impact Study that includes recommendations to improve the operation of the intersection of Peter Rupert Avenue and Lealinds Road/Freedom Trail, to the satisfaction of the Development Engineering Department;
- v) The Owner shall submit a Conservation Plan and updated Cultural Heritage Impact Study for the existing heritage dwelling (the Joshua Oliver House) located on the Subject Lands, to the satisfaction of the Development Planning Department;
- vi) The Owner shall satisfactorily address the compatibility and development criteria stipulated in Sections 2.2.5.13 f), 9.1.2.5, and 9.2.3.3 in VOP 2010, to the satisfaction of the Development Planning Department. The proposed development shall be designed to achieve an appropriate transition in scale to areas of lower intensity located east and south of the Subject Lands, specifically:
- the Owner shall ensure the building height for Block 4, as shown on Attachment #3, reflects an appropriate transition between the proposed development and the existing detached dwellings on Petticoat Road. The Owner is required to provide architectural building elevation drawings to confirm the building height of each block;

- the Owner shall increase the front yard setback for Blocks 3 and 4, as shown on Attachment #3, to provide consistent building setbacks with the existing established front yard setback of the adjacent detached dwellings on Petticoat Road; and
- b) the Owner shall confirm the intended use of the Joshua Oliver House, which may result in additional zoning exceptions to the RM2 Multiple Residential Zone; and
 - c) The final implementing Zoning By-law shall be to the satisfaction of the City of Vaughan.
4. THAT the Owner continue to work with the adjacent property owner to the east to acquire Block 64 on Registered Plan 65M-4190, as shown on Attachments #2 and #3, as identified in Condition 21.3.18 of the Subdivision Agreement for Registered Plan 65M-4190.
 5. THAT City of Vaughan staff and external legal counsel, as required, be directed to attend the LPAT Hearing in support of the Recommendations contained in this report regarding Zoning By-law Amendment File Z.16.006.

Background

The 0.7 ha Subject Lands (the “Subject Lands”) are located on the south side of Major Mackenzie Drive, east of the Metrolinx rail line and west of Peter Rupert Avenue, and are municipally known as 2057 Major Mackenzie Drive, shown as Subject Lands on Attachments #1 and #2. The surrounding land uses are shown on Attachments #1 and #2.

A Zoning By-law Amendment Application has been submitted to permit the proposed development

The Owner has submitted Zoning By-law Amendment File Z.16.006 (the “Application”) for the Subject Lands shown on Attachments #1 and #2, specifically to rezone the Subject Lands from A Agricultural Zone to RM2 Multiple Residential Zone to permit a development proposal (the “Development”) for 50 stacked back-to-back units (Blocks 1 and 3), and 15 stacked townhouse units (Blocks 2 and 4), and the retention of the original portion of the heritage dwelling (the “Joshua Oliver House”), as shown on Attachments #3 to #6, together with the site-specific zoning exceptions identified in Table 1 of this report. The Development includes privately owned and maintained (by a future condominium corporation) common elements including the internal road, parking spaces, visitor parking, walkways, waste collection, mailbox and amenity areas. The Owner has not confirmed whether the Joshua Oliver House will form part of the condominium common elements.

The Application has been appealed to the Local Planning Appeal Tribunal (“LPAT” - formerly the Ontario Municipal Board (“OMB”))

The Owner, on February 5, 2016, submitted the Application seeking approval of 86 stacked back-to-back townhouse dwellings in three blocks on the Subject Lands, with access from Silk Oak Court by way of an underground parking structure, and a secondary access from Petticoat Road.

Through discussions with City staff, comments from the Vaughan Design Review Panel (the “DRP”), and comments from area residents, the Owner revised the Development on July 6, 2016, to include 65 stacked back-to-back townhouse units, and 6 stacked townhouse units, with access from Petticoat Road, as shown on Attachments #3 to #6. The Committee of the Whole considered this proposal at a Public Hearing held on February 7, 2017.

The Owner, on March 16, 2017, pursuant to Sections 34(11) of the *Planning Act*, appealed the Application to the Ontario Municipal Board (“OMB”), now the Local Planning Appeal Tribunal (the “LPAT”) (File No. PL170305), citing the City’s failure to make a decision on the Application within the prescribed timelines of the *Planning Act*. The OMB held Prehearing Conferences on August 4, 2017, and December 1, 2017, to identify the elements of a draft Procedural Order including an issues list, lists of parties and participants; witness lists; date(s) for the submission and exchange of witness statements; and date(s) for the submission and exchange of participant statements. The LPAT has scheduled a five-day hearing commencing on August 27, 2018.

The Owner, on November 28, 2017, revised the Development to include 50 stacked back-to-back townhouse units (Blocks 1 and 3), and 15 stacked townhouse units (Block 2 and 4). Consistent with the initial Application, the Development includes privately owned and maintained (by a future condominium corporation) common elements including the internal road, parking spaces, visitor parking, walkways, waste collection, mailbox and amenity areas. The Development includes the retention of the original portion of the Joshua Oliver House on the Subject Lands. However, the Owner has not identified the proposed use or tenure (i.e. part of the condominium common elements) of the Joshua Oliver House.

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

The City, on January 13, 2017, circulated a Notice of Public Hearing (the “Notice”) to all property owners within the Extended Polling Area shown on Attachment #2, and to the Eagle Hills Community Association. A copy of the Notice was also posted on the City’s website at www.vaughan.ca and notice signs were installed on the Subject Lands in accordance with the City’s Notice Signs Procedures and Protocols.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 7, 2017, and to forward a comprehensive technical report to a future

Committee of the Whole meeting was ratified by Vaughan Council on February 21, 2017. Vaughan Council also directed that a Community Meeting be held with area residents, City staff, and the Local and Regional Councillors. A Community Meeting was held on October 24, 2017. The following deputations and written submissions were received by the Development Planning Department and at the Public Hearing and Community Meeting:

Deputations

- M. Emery, Weston Consulting, Millway Avenue, Vaughan, on behalf of the Owner
- H. Ghandehari, Icon Architects Inc., Yonge Street, Toronto, on behalf of the Owner
- O. Turner, Golden Orchard Road, Maple
- A. Lunardon, Silk Oak Court, Maple
- P. Badali, Butterfield Crescent, Maple
- H. Kramer, Lealinds Road, Maple
- L. Di Marco, Petticoat Road, Maple
- J. Barkan, Lealinds Road, Maple
- L. McEwen, Maple
- K. Java, Silk Oak Court, Maple
- J. Pearce, Lealinds Road, Maple
- G. Apelbaum, Petticoat Road, Maple
- A. Malfara, Petticoat Road, Maple

Written Submissions

- S. Spring, Goldman, Spring, Kichler & Sanders Barristers and Solicitors, Sheppard Avenue, Toronto, on behalf of Fernbrook Homes (Block 18) Gulf Limited, dated March 24, 2017
- H. Mihailidi, Brattys Barristers and Solicitors, Keele Street, Vaughan, on behalf of the Block 18 Developers Group and Block 18 Properties Inc. dated March 17, 2016
- P. Badali, Director of the Eagle Hills Ratepayers Association, dated March 16, 2016
- J. Pearce, Lealinds Road, Maple, dated February 15, 2016
- S. Passero, no address given, dated February 15, 2016
- N. Canzolino, Lealinds Road, Maple, dated February 15, 2016
- S. Chwae and J. Jeon, no address given, dated February 16, 2016
- L. Di Marco, Petticoat Road, Maple, dated February 16, 2016
- H. Kramer, Lealinds Road, Maple, dated February 17, 2016
- K. Java, Silk Oak Court, Maple, dated February 17, 2016
- M. Grande, Lealinds Road, Maple, dated February 17, 2016
- W. Do, Lealinds Road, Maple, dated February 17, 2016
- J. Serfilippi, Petticoat Road, Maple, dated February 17, 2016

- A. Omar, Lealinds Road, Maple, dated February 17, 2016
- K. Choi, Lealinds Road, Maple, dated February 17, 2016
- A. Cammisa, Petticoat Road, Maple, dated February 17, 2016
- R. Chu, Petticoat Road, Maple, dated February 17, 2016 and May 13, 2016
- R. Tekriwal, Lealinds Road, Maple, dated February 18, 2016
- C. Tan, Black Maple Crescent, Maple, dated February 18, 2016
- R. Williams, Petticoat Road, Maple, dated February 19, 2016
- K. Lazarovich, Lealinds Road, Maple, dated February 19, 2016
- P. O'Halloran, Lealinds Road, Maple, dated February 19, 2016
- B., A., D. and J. Lindsay, Lealinds Road, Maple, dated February 20, 2016
- M. Bravo, Lealinds Road, Maple, dated February 21, 2016
- H. Choi, Lealinds Road, Maple, dated February 21, 2016
- D. Tarquini, Petticoat Road, Maple, dated February 22, 2016
- P. Dhruva, Silk Oak Court, Maple, dated February 23, 2016
- S. Ghai, Silk Oak Court, Maple, dated February 23, 2016
- K. Hasan, Lealinds Road, Maple, dated February 24, 2016
- S. Lunardon, Silk Oak Court, Maple, dated February 25, 2016 and February 8, 2017
- G. Baimaganbetova, Lealinds Road, Maple, dated February 25, 2016
- T. Kostiuik, Petticoat Road, Maple, dated February 27, 2016
- S. Rana and S. Gill, Lealinds Road, dated February 29, 2016
- J. Fabrizio, Lealinds Road, dated March 4, 2016
- T. Cartini, Silk Oak Court, dated March 10, 2016
- M. and N. Popovici, Black Maple Crescent, Maple, dated March 13, 2016
- K. Chi, Warbler Avenue, Maple, dated March 14, 2016
- D. Wong, Black Maple Crescent, Maple, dated March 15, 2016
- S. Pal, Sand Valley Drive, Maple, dated March 15, 2016
- J. Su, Black Maple Crescent, Maple, dated March 20, 2016
- G. Arcella and M. Arduini, Lealinds Road, Maple, dated March 22, 2016
- R. Masih, Silk Oak Court, Maple, dated April 12, 2016
- T. Amin, Silk Oak Court, Maple, dated May 8, 2016
- E. Haider and U. Ejaz, Silk Oak Court, Maple, dated May 12, 2016
- C. Manalo, Silk Oak Court, Maple, dated May 12, 2016
- S. Asvandi, Lealinds Road, Maple, dated May 13, 2016
- V. Ravenese, Silk Oak Court, Maple, dated May 17, 2016
- V. Konstanciak, Silk Oak Court, Maple, dated May 17, 2016
- L. Tran and B. Wong, Lealinds Road, Maple, dated May 19, 2016
- A. Cammisa, Petticoat Road, Maple, dated January 20, 2017
- M. Chen, Petticoat Road, Maple, dated February 4, 2017
- C. Chan, Petticoat Road, Maple, dated February 5, 2017
- O. Akhtyrchenko, no address given, dated February 7, 2017
- Maiorov Family, Petticoat Road, Maple, dated February 7, 2017
- N. Ness, no address given, dated February 14, 2017
- L. Di Marco, Petticoat Road, Maple, dated February 7, 2017

- S. Ghai, no address given, dated January 20, 2017
- M. and P. O'Halloran, Lealinds Road, Maple, dated January 25, 2017
- S. Lundardon, Silk Oak Court, Maple, dated January 31, 2017
- A. Cammisa, Petticoat Road, Maple, dated January 29, 2017
- G. Singh, Black Maple, Maple, dated January 30, 2017
- K. Uthe and Robert Skrivanic, dated February 4, 2017
- V. and V. Gubareva, Lealinds Road, Maple, dated February 5, 2017
- C. Somaratna, dated February 6, 2017
- J. Barkan, Lealinds Road, Maple, dated February 6, 2017
- A. Lunardon, Silk Oak Court, Maple, dated February 6, 2017

The following is a summary of and responses to the comments provided in the deputations and written submissions submitted at the Public Hearing of February 7, 2017, the Community Meeting held on October 24, 2017, and written submissions received by the Development Planning Department:

a) Traffic, Parking and Safety

The Development will result in increased traffic volume and congestion, on-street parking, and decreased road safety within the existing community due to the proposed access from a local road (Petticoat Road).

Response

The Owner has submitted a Traffic Impact Study (the "Traffic Study") and a Traffic Opinion Letter (the "Opinion Letter") prepared by C.F. Crozier and Associates Inc., dated February 4, 2016, and February 21, 2018, respectively. The Traffic Study and Opinion Letter conclude that the Development can be supported from a traffic operations perspective as the anticipated traffic generated by the Development can be accommodated by the existing road network.

The Development Engineering ("DE") Department has reviewed the Traffic Study and Opinion Letter and requires additional information including a sensitivity analysis and further field examinations of the existing traffic and queuing on Peter Rupert Avenue and Lealinds Road/Freedom Trail. Accordingly, the Development Planning Department recommends that the LPAT withhold its final Decision/Order and the final implementing Zoning By-law until the Owner satisfactorily address all outstanding traffic issues through the submission of a complete Site Development Application to the satisfaction of the City, as discussed in the DE Section of this report.

The Owner has submitted a Parking Justification Study (the "Parking Study") prepared by C.F. Crozier and Associates Inc., dated February 2018. The Parking Study identifies a maximum peak period parking requirement of 92 parking spaces for the Development. The Parking Study concludes that the

Development can be supported from a parking perspective. The DE Department has reviewed the Parking Study and is satisfied with its findings and recommendations.

Comments respecting traffic, parking and the road network are discussed further in the DE Department and Regional Implications sections of this report.

b) Preservation of the Existing Heritage Dwelling and Mature Vegetation

The preservation of the existing heritage dwelling and mature vegetation should be mandatory.

Response

The Subject Lands are subject to site-specific Policy 13.8 in Volume 2 of Vaughan Official Plan 2010 ("VOP 2010"), which requires that the existing heritage building shall be maintained, protected, and integrated with the new development on the Subject Lands and that existing vegetation should be preserved to the greatest extent possible through the site plan review process.

The Owner is proposing to retain the original portion of the Joshua Oliver House in situ, as part of the Development. The Development Planning Department recommends that the Owner submit a complete Site Development Application in order to undertake a comprehensive review of the Development given the surrounding context. This includes considering the relocation of the Joshua Oliver House closer to Petticoat Road to provide the opportunity for better on-site organization and transition to the adjacent existing dwellings.

The Owner has submitted a Tree Inventory and Preservation Plan (the "Tree Inventory") prepared by Beacon Environmental, dated February 2016. The Tree Inventory identifies the existing mature Black Walnut tree a heritage tree, and recommends that it be preserved as part of the Development.

The Tree Inventory also states that 99% of the existing tree canopy on the Subject Lands is proposed for removal. Urban Design staff do not agree with the removal of the number of trees as proposed and recommends that all existing trees within the existing landscaped area between the proposed access road and the Metrolinx rail corridor be preserved. VOP 2010 also requires that existing vegetation shall be preserved to the greatest extent possible. City of Vaughan Cultural Heritage Staff also recommend that any future proposed planting consider the rural character of the Subject Lands.

The Owner is required to submit an updated Tree Inventory addressing staff comments, and submit an arborist report from a qualified arborist to demonstrate that the existing heritage tree can survive in this development scenario, as identified in the Recommendation of this report. The Owner is also required to comply with the City's Tree Protection Protocol, including, but not limited to,

entering into a Tree Protection Agreement at the Site Development Application stage.

c) Excess Noise and Pollution Due to Traffic

The Development will result in excess noise and pollution due to increased traffic volume.

Response

The Subject Lands are designated “Mid-Rise Residential” by VOP 2010, with a maximum permitted building height of four-storeys and a Floor Space Index (“FSI”) of 1.5 times the area of the lot. The Development yields an FSI of 0.87, which is below the permitted density on the Subject Lands, and conforms to VOP 2010. Stacked townhouse dwellings are also permitted within the “Mid-Rise Residential” designation of VOP 2010.

The Owner has submitted a Noise and Vibration Feasibility Study (the “Noise Study”) prepared by HGC Engineering, dated February 4, 2016. The Owner is required to satisfy all requirements of the DE Department and Metrolinx with respect to noise and vibration, including the submission of an updated Noise Study. Comments respecting noise are discussed further in the DE Department section of this report.

d) Character of the Surrounding Neighbourhood

The proposed density is not compatible with the existing neighbourhood and will result in a diminished sense of community and the depreciation of existing home values.

Response

VOP 2010 designates the Subject Lands “Mid-Rise Residential” with a maximum permitted building height of four-storeys and an FSI of 1.5 times the area of the lot. VOP 2010 also permits stacked townhouse dwellings within the “Mid-Rise Residential” designation. Therefore, the proposed land use and density conform to VOP 2010.

The Development shown on Attachments #3 to #6 consists of 65 three and four-storey stacked townhouse dwellings that yield an FSI of 0.87 times the area of the lot. The Subject Lands are also located adjacent to Major Mackenzie Drive, which is identified as a Primary Intensification Corridor under Schedule 1 “Urban Structure” of VOP 2010, and as a Regional Rapid Transit Corridor on Map 11 of the York Region Official Plan. The Subject Lands are also located in proximity to the Maple GO Station, which includes two-way all day GO Train service.

The Development Planning Department recommends that the LPAT withhold its final Decision/Order for the implementing Zoning By-law until a Site Development Application for the Subject Lands has been submitted and approved by Vaughan Council. The Development Planning Department will continue to work with the Owner to ensure the compatibility criteria for new development, as identified in Section 9.1.2.5 of VOP 2010, are satisfactorily addressed.

e) Confirmation of Good Standing with Block 18 Developers Group

The Development will benefit directly from lands and infrastructure that has been constructed and/or financed by the Block 18 Developers Group pursuant to the Block 18 Cost Sharing Agreement (the "Agreement"). Accordingly, the Block 18 Developers Group has requested a condition that requires the Owner to enter into and be a participant in good standing under the Block 18 Cost Sharing Agreement.

Response

A condition requiring the Owner to enter into a Developers' Group Agreement with the other participating landowners within Block 18 will be included as a condition of site plan approval, should the Application be approved. 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.

f) Acquisition by the Owner of Block 64, Plan 65M-4190

The City of Vaughan should impose a condition of approval for the Owner to purchase the adjacent property to the east, known as Block 64 on Registered Plan 65M-4190, as shown on Attachment #2, in order to satisfy Condition 21.3.18 of the Subdivision Agreement for Registered Plan 65M-4190 (Fernbrook Home Block 18 Gulf).

Response

Condition 21.3.18 of the Subdivision Agreement for Registered Plan 65M-4190 (located east of the Subject Lands) requires that Block 64, a parcel of land measuring 120 m² in area, as shown on Attachments #2 and #3, shall be developed only in conjunction with the adjacent lands to the west (the Subject Lands) to the satisfaction of the City.

The City received a letter from S. Spring, Goldman, Spring, Kichler & Sanders Barristers and Solicitors dated March 24, 2017, who represent Fernbrook Homes (Block 18) Gulf Limited ("Fernbrook"), the Owner of Block 64 on Registered Plan 65M-4190. Fernbrook have requested that the City impose a condition of approval for the Owner to acquire Block 64 on Registered Plan 65M-4190.

This condition applies to Block 64, but does not apply to the Subject Lands, as the lands were not part of the original Subdivision Agreement for the existing subdivision.

Notwithstanding, the Development Planning Department encourages the Owner to work with Fernbrook to acquire and incorporate Block 64 into the Development and appropriately utilize lands that are otherwise undevelopable on their own due to its shape and size. Maintaining remnant parcels of undevelopable land does not represent good planning.

g) Access to Major Mackenzie Drive

Access for the proposed development should be from Major Mackenzie Drive.

Response

Section 7.2.53 of the York Region Official Plan restricts access from developments adjacent to Regional streets to maximize efficiency of the Regional street system by utilizing local street access. The Development does not include an access on to Major Mackenzie Drive. York Region has no comment or objection to the Application. Driveway access details are also typically addressed at the Site Plan stage.

The Development Planning Department, on April 24, 2018, mailed a non-statutory courtesy notice of this Committee of the Whole meeting to those individuals requesting notice of further consideration of the Application.

Previous Reports/Authority

[February 7, 2017, Committee of the Whole \(Public Hearing\) \(Item 4, Report No. 7\)](#)

Analysis and Options

Land Use Policies and Planning Considerations

The Development Planning Department has reviewed the Development shown on Attachments #3 to #6 in consideration of the following policies:

The Proposed Land Use is Consistent with the Provincial Policy Statement (PPS), 2014

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario "shall be consistent" with the *Provincial Policy Statement, 2014* (the "PPS"). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. The *Planning Act* requires that Vaughan Council's planning decisions be consistent with the PPS. The Development Planning Department has reviewed the Development in consideration of the policies of the PPS and is of the opinion that the Development is consistent with provincial policies, specifically:

- Section 1.1.1 - to accommodate an appropriate range of residential, employment, institutional, recreation, park and open space uses;
- Section 1.1.3 - settlement areas being the focus of development based on densities and land uses which efficiently use land;
- Section 1.4.1 - to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents;
- Section 1.5.1 - planning for and providing publicly accessible built and natural settings;
- Section 1.7 - encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; and
- Section 4.7 - the official plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through official plans.

The Development shown on Attachments #3 to #6 provides for residential townhouse dwelling units within a settlement area that would add to the range and mix of housing types in the community, efficiently utilizes the Subject Lands, and the proposed land use (i.e. townhouse units) conforms with the "Mid-Rise Residential" land use designation and site-specific Policy 13.8 in VOP 2010. The Owner also proposes to conserve the existing built and natural heritage resources including the original portion of the Joshua Oliver House and the heritage tree, as shown on Attachment #3. The Development also includes public pedestrian connections from the existing community to Major Mackenzie Drive. On this basis, the Development is consistent with the PPS.

The Proposed Townhouse Uses conform to the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

The Provincial *Growth Plan for the Greater Golden Horseshoe Growth Plan 2017* (the "Growth Plan") is intended to guide decisions on a wide range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan.

The proposed townhouse uses are consistent with the policy framework of the Growth Plan as the built form would utilize the Subject Lands more efficiently, make more

efficient use of existing infrastructure, and provide housing at densities that are supportive of the Growth Plan objectives, specifically:

- Section 2.2.1 - directing growth to settlement areas and locations with existing or planned higher order transit;
- Section 2.2.2 - contributing to meeting 40% of residential development within a delineated built-up area by 2031;
- Section 2.2.6 - providing a diverse mix of housing densities to meet the needs of current and future residents; and
- Section 4.2.7 - implementing the goals and objectives of the municipal cultural heritage plan, and the conservation of cultural heritage landscapes.

The Development shown on Attachments #3 to #6 provides for residential townhouse units within a settlement area and a delineated built-up area that contributes to providing a mix of housing densities within the neighbourhood. The Subject Lands are also located in proximity to existing and planned higher order transit, as the Maple GO Station and proposed pedestrian bridge are located north of the Development. Accordingly, the proposed uses conform to the Growth Plan.

The Proposed Townhouse Uses Conform to the Oak Ridges Moraine Conservation Plan (the “ORMCP”)

The Subject Lands are located within the ORMCP “Settlement Area” designation. Development within the “Settlement Area” is permitted and shall promote the efficient use of land with transit-supportive densities through intensification and redevelopment within existing urban areas. Urban uses and development as set out in municipal official plans are permitted within the Settlement Area. The proposed townhouse uses are permitted and conforms to VOP 2010. Therefore, the proposed townhouse uses conform to the ORMCP.

The Proposed Townhouse Uses Conform to the York Region Official Plan, 2010

The York Region Official Plan 2010 (the “YROP”) guides economic, environmental and community building decisions across York Region. The Subject Lands are designated “Urban Area” on Map 1, “Regional Structure” of the YROP. Section 5.0 of the YROP states that “intensification within the Urban Area will accommodate a significant portion of the planned growth in the Region.” Major Mackenzie Drive is also identified as a Regional Rapid Transit Corridor on Map 11 of the YROP.

Section 3.5.4 of the YROP 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.”

Section 7.2.53 of the York Region Official Plan restricts access from developments adjacent to Regional streets to maximize efficiency of the Regional street system by utilizing local street access.

The YROP also encourages pedestrian scale, safety, comfort and mobility, the enrichment of the existing area with attractive buildings, landscaping and public streetscapes. The Development will diversify housing options, including a mix and range of housing type, lot and unit sizes, and tenure in the community, provide for an urbanized streetscape along Major Mackenzie Drive, and create a public amenity through the proposed pedestrian walkways. The proposed townhouse uses conform to the YROP.

The Proposed Townhouse Uses Conform to Vaughan Official Plan 2010 (“VOP 2010”), however a complete Site Development Application is recommended to appropriately address the compatibility criteria of VOP 2010

The Subject Lands are designated “Mid-Rise Residential” by VOP 2010, with a maximum permitted building height of 4-storeys and a FSI of 1.5 times the area of the lot. The “Mid-Rise Residential” designation permits residential units, home occupations, small scale convenience retail and community facilities in mid-rise, and public and private institutional buildings. Townhouses, stacked townhouses and low-rise buildings, are also permitted, provided that the lands are located within 70 m of other lands designated “Low-Rise Residential” in VOP 2010. Stacked townhouses are permitted on the Subject Lands, as the lands are located within 70 m of lands designated “Low-Rise Residential” in VOP 2010.

The Subject Lands are located adjacent to Major Mackenzie Drive, which is identified as a “Primary Intensification Corridor” in Schedule 1, “Urban Structure” of VOP 2010. Primary Intensification Corridors are intended to link together various local and primary centres on transit supportive corridors, and are planned as places to accommodate intensification in the form of mid-rise, and limited high-rise and low-rise buildings with a mix of uses.

Section 9.1.2.5 in VOP 2010 identifies compatibility criteria for new development in “Intensification Areas”, including, but not limited to, the requirement that new development be designed to have buildings front onto public streets with generally consistent setbacks and built form along sidewalks, provide appropriate transitions in scale to areas of lower intensity, and provide adequate light and privacy.

Section 9.2.3.3 in VOP 2010 provides the following development criteria for stacked townhouse dwellings: a building containing a row of stacked townhouses shall not be longer than 50 m; townhouse dwellings shall generally be oriented to front onto a public street; and, blocks of townhouses that are not separated by a public street shall have a minimum facing distance of 18 m.

Policy 13.8 in Volume 2 of VOP 2010 also applies to the Subject Lands, which identifies the following criteria with respect to redevelopment:

- a) the existing heritage building shall be maintained, protected, and integrated with the new development on the property in accordance with the policies of VOP 2010;
- b) existing vegetation should be preserved to the greatest extent possible through the site plan review process; and
- c) all required tenant parking spaces shall be located underground and limited visitor parking may be permitted above grade, subject to site plan approval.

The Development shown on Attachments #3 to #6 provides for residential units in the form of back-to-back and stacked townhouse dwellings that conforms with the land use, density and height requirements of the “Mid-Rise Residential” land use designation in VOP 2010. The Development also conforms to site-specific Policies 13.8 a) and c) in Volume 2 of VOP 2010, as the Owner proposes to conserve the original portion of the Joshua Oliver House and a heritage tree, as shown on Attachment #3. In addition, all required tenant and visitor parking is proposed underground, as shown on Attachment #4.

Site-specific Policy 13.8 b) also states that existing vegetation should be preserved to the greatest extent possible. The Owner has not demonstrated that existing vegetation has been preserved to the greatest extent possible, as 99% of the tree canopy on the site is proposed to be removed, as indicated in the Tree Preservation Study. The Owner is also proposing a 14.5 m, four-storey building height for all blocks. However, the proposed building height(s) has not been confirmed either through the submission of a Site Development Application or building elevation drawings for each block.

Based on the conceptual information provided, the Owner has not satisfactorily addressed the compatibility and development criteria stipulated in VOP 2010, and accordingly it is premature to approve the site-specific zoning exceptions proposed by the Owner. The Development has not been designed to provide an appropriate transition in scale to the surrounding Community Area (Sections 2.2.5.13 f and 9.1.2.5 e). Blocks 3 and 4, as shown on Attachment #3, should provide for a more consistent setback with existing dwellings along Petticoat Road (9.1.2.5 a) and adequate privacy for occupants of the Development and for occupants of adjacent properties (9.1.2.5 g). Block 2, as shown on Attachment #3, does not front onto a public street (9.1.2.5 a and 9.2.3.3 d). It is recommended that the compatibility and development criteria identified above shall be satisfied prior to the approval of the site-specific zoning exceptions identified in Table 1 and the implementing Zoning By-law being finalized for approval by the LPAT, should the Application be approved.

Section 4.4.1.5 of VOP 2010 seeks to protect development that may impede rail operation due to noise or environmental concerns. Development adjacent to a railway

right-of-way shall ensure appropriate land use compatibility and provide separation distances and/or safety barriers as prescribed by railway operators. The Subject Lands are located adjacent to a Metrolinx rail corridor that provides service for the Barrie GO Transit Corridor. Metrolinx, on June 1, 2016, provided comments and require additional information from the Owner, as described in further detail in the Metrolinx section of this report. These detailed site organization, built form and compatibility issues are more appropriately addresses through the submission of a Site Development Application, which includes detailed plans and reports required to support the Development. The Owner is required to satisfy the requirements of Metrolinx in order to satisfactorily address Section 4.4.1.5 of VOP 2010. Satisfaction of comments from Metrolinx are also required before the Zoning regulations pertaining to setbacks can be approved.

A recommendation is included in this report, that should the LPAT approve the Application, that prior to the LPAT issuing its Decision/Order, the Owner is required to submit a Site Development Application for the Subject Lands, which must be approved by Vaughan Council. The Site Development Application must satisfactorily address the compatibility criteria stipulated in Sections 2.2.5.13 f), 9.1.2.5, and 9.2.3.3 in VOP 2010, to the satisfaction of the Development Planning Department. The Development shall be designed to achieve an appropriate transition in scale to the lower intensity areas located east and south of the Subject Lands and with the Joshua Oliver House and heritage tree.

The Owner is encouraged to consider the relocation of the Joshua Oliver House to provide the opportunity for better on-site organization and transition to the existing dwellings on Petticoat Road. Should the review determine that the Joshua Oliver House shall remain in situ and as proposed on the conceptual site plan shown on Attachment #3, the Owner is required to provide an updated Tree Preservation Plan to satisfy Policy 13.8 b) in Volume 2 of VOP 2010, specifically to demonstrate preservation of existing vegetation and the existing heritage tree on the Subject Lands.

The Development Planning Department can support the proposed stacked and back-to-back townhouse uses, in principle, as the proposed uses are permitted by VOP 2010, subject to the Recommendations of this report. However, in advance of the submission of a Site Development Application, and in consideration of the context of the Subject Lands as an infill site within an existing community, it is premature to recommend the approval of the Development concept, including site-specific development standards in Table 1 of this report. It is recommended that a complete Site Development Application is required in order to undertake a comprehensive review of the Development in consideration of achieving compatibility with the surrounding land uses, including the Metrolinx rail line, Major Mackenzie Drive, and the existing low-density community, and to provide an appropriate approach to integrating the Joshua Oliver House into the Development and ensuring its long-term maintenance and viability and to ensure the survival of the heritage tree.

The Subject Lands form part of the Block 18 Community Plan

Vaughan Council on April 14, 2003, approved the Block 18 Community Plan that provided a detailed planning framework in accordance with Official Plan Amendment (“OPA”) #600 for the Block 18 Planning area, bounded by Dufferin Street, Rutherford Road, Major Mackenzie Drive and the Metrolinx rail line, which includes the Subject Lands. The Block Plan approval process addressed matters related to servicing and infrastructure including road and pedestrian networks, lot patterns and the 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 non-participating owner and as a future phase of development. Should the Application be approved, 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 as a condition of site plan approval. The Owner will be required to update the approved Block 18 Plan, and display a Community Plan that reflects the approved Block 18 Plan on the interior wall of the sales office, comprised of information approved by the City of Vaughan, prior to offering any units for sale.

Summary of Planning Policy

In consideration of the applicable PPS, Growth Plan and ORMCP policies, and the YROP and VOP 2010 policies outlined in this report, the Owner has demonstrated that the Development includes land uses at a density that conform with the applicable Provincial policies and York Region and VOP 2010 Official Plan policies. Accordingly, the residential stacked and back-to-back townhouse uses are considered to be appropriate, but not identical, with the surrounding development, provided the development can be designed to integrate into the existing community in a manner that provides an appropriate transition to existing surrounding uses, and retains the Joshua Oliver House in a manner that ensures its long-term maintenance and viability. In addition, the Owner must satisfactorily demonstrate that the development concept will allow for the long-term survivability of the heritage tree.

The Development Planning Department is of the opinion that based on the information provided to-date, the proposed site plan, including the site organization and distribution of building height on the Subject Lands does not satisfactorily address the compatibility criteria for new development, as identified in Sections 2.2.5.13 f), 9.1.2.5, and 9.2.3.3 of VOP 2010, and Policy 13.8 of VOP 2010, requiring the preservation of existing vegetation on the Subject Lands, which may result in changes to the conceptual site plan, as shown on Attachment #3, and the zoning exceptions identified in Table 1. This includes, but is not limited to: a reduced building height for Block 4; increased front yard setbacks for Blocks 3 and 4; consideration of the relocation of the Joshua Oliver House; and preservation of existing vegetation, as required by the Official Plan.

It is also noted that to date, the Owner has not confirmed the intended use(s) of the Joshua Oliver House. The intended use(s) must be identified to confirm conformity to the Official Plan, compliance with the Zoning By-law, the appropriateness of the proposed use, the viability of the Joshua Oliver House, and any site-specific exceptions to the Official Plan and Zoning By-law that may be required, if the Application is approved. The Owner has also not confirmed whether the Joshua Oliver House will form part of the condominium common elements of the Development, nor provided the necessary documentation to determine whether the approach to maintaining the heritage dwelling will result in its long-term viability and maintenance.

The Owner is also required to satisfy all requirements of Metrolinx, including, but not limited to, the required building setbacks to the Metrolinx right-of-way, the location and design (e.g. width and height) of the landscape/safety berm, the location of the underground parking structure, and any noise and vibration measures. Addressing Metrolinx's requirements may result in further changes to the Development, which may include, but not be limited to, the number of units, building setbacks, the location of the proposed driveway access and underground parking ramp, and the location of the underground parking structure.

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

The Subject Lands are zoned A Agricultural Zone by Zoning By-law 1-88. The Owner proposes to rezone the Subject Lands to RM2 Multiple Residential Zone in order to permit the Development, as shown on Attachments #3 to #6, together with the following site-specific zoning exceptions to the RM2 Zone:

Table 1:

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
a.	Definition of "Lot"	"Lot" - means a parcel of land fronting on a street separate from any abutting land to the extent that a Consent contemplated by Section 49 of the <i>Planning Act</i> would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a Building Permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot.	"Lot" - the Subject Lands shall be deemed to be one lot, regardless of the number of buildings constructed thereon, the existing number of lots, the creation of separate units and/or lots by way of a plan of condominium, consent or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of Zoning By-law 1-88.

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
b.	Minimum Lot Area	230 m ² /unit	79 m ² /unit (Block 1) 101 m ² /unit (Block 2) 80 m ² /unit (Block 3) 99 m ² /unit (Block 4)
c.	Minimum Front Yard Setback (Petticoat Road)	4.5 m	3 m (Block 3) 4 m (Block 4)
d.	Minimum Rear Yard Setback (Major Mackenzie Drive)	4.5 m	3 m (Block 1)
e.	Minimum Front Yard Setback for an Unenclosed Porch and Balcony (Petticoat Road)	2.7 m	1.78 m (Block 3)
f.	Minimum Rear Yard Setback for an Unenclosed Porch, Balcony and Exterior Stairways (Major Mackenzie Drive)	2.7 m	1.79 m (Porch and Balcony - Block 1) 0 m (Stairs East of Block 1)

	Zoning By-law 1-88 Standard	RM2 Multiple Residential Zone Requirements	Proposed Exceptions to the RM2 Multiple Residential Zone Requirements
g.	Minimum Interior Side Yard Setback (East)	1.5 m	1.35 m (Block 4)
h.	Maximum Building Height (All Blocks)	11 m	14.5 m
i.	Minimum Setback to Portions of the Building Below Grade (Underground Parking Structure)	1.8 m	0 m (Major Mackenzie Drive, Petticoat Road, and a portion of the east property line)
j.	Minimum Number of Parking Spaces	Residential: 65 dwelling units @ 1.5 spaces / unit = 98 spaces + Visitor: 65 dwelling units @ 0.25 spaces / unit = 17 spaces Total = 115 spaces	Residential: 65 dwelling units @ 1.28 spaces / unit = 83 spaces + Visitor: 65 dwelling units @ 0.21 spaces / unit = 14 spaces Total = 97 spaces
k.	Minimum Landscape Strip Along a Lot Line Adjacent to a Street Line	6 m	1.79 m (Major Mackenzie Drive) 1.78 m (Petticoat Road)

The Development Planning Department is of the opinion that consideration of the proposed site-specific zoning exceptions to the RM2 Multiple Residential Zone is premature at this time, as the conceptual site plan shown on Attachment #3 does not satisfactorily address the compatibility and development criteria in VOP 2010, and the

requirements of Metrolinx, as discussed in this report. It is recommended that a Site Development Application is required to undertake a proper review of the Development and identify final development standards.

The Development Planning Department will continue to work with the Owner to satisfy the compatibility and development criteria in VOP 2010 through the submission of a Site Development Application. The Development must satisfy all requirements of Metrolinx, including establishing an appropriate building setback(s) to the Metrolinx right-of-way, incorporate the appropriate noise attenuation measures, and include a landscape berm that meets the requirements of Metrolinx (i.e. design) and the City (i.e. retention of existing landscaping to meet the policies of VOP 2010).

The Development Planning Department recommends that the landscape berm and proposed pedestrian access adjacent to the Metrolinx right-of-way be zoned OS1 Open Space Conservation Zone, as shown on Attachment #3. An existing approximate 12 m to 16 m wide open space linear area along the western boundary of the Block 18 Community Plan area is zoned with an Open Space Zone. Zoning the landscape berm on the Subject Lands to an OS1 Zone will maintain a consistent linear landscaped open space area along the western boundary of Block 18. The final width of the OS1 Zone will be determined upon submission and review of a complete Site Development Application and prior to the enactment of the implementing Zoning By-law, should the Application be approved.

In addition, at the time of the preparation of this report, the Owner has not submitted the necessary updated plans and documents to address the foregoing comments, including:

- Tree Preservation Plan;
- Landscape Plan and Details;
- Traffic Impact Study;
- Architectural Building Elevation Drawings;
- Stability Study; and
- Noise and Vibration Study.

These documents must be submitted in support of the Development and reviewed to the satisfaction of City and commenting agencies before the zoning exceptions and the form of the Zoning By-law can be finalized for approval by the LPAT.

The Owner has also not provided details respecting the proposed use(s) for the Joshua Oliver House, which is required in order to confirm compliance with the permitted uses in the RM2 Multiple Residential Zone, and to determine if the proposed use(s) is appropriate and will ensure the long-term retention and viability of the Joshua Oliver House. The proposed use(s) are also required to finalize the final form of the Zoning By-law, if the Application is approved.

In consideration of the above, the Development Planning Department only supports the rezoning of the Subject Lands in principle at this time, as the proposed land use (i.e.

back-to-back and stacked townhouse units) and the FSI conform to VOP 2010 and the Application would implement the land use and density permissions of VOP 2010.

The Development Planning Department recommends that should the LPAT approve the Application, that the LPAT withhold its final Decision/Order and the final implementing Zoning By-law until the Owner submits a Site Development Application that satisfactorily addresses the outstanding matters identified above, which must be approved by Vaughan Council. The final implementing Zoning By-law may require additional and/or different site-specific zoning exceptions to the RM2 Multiple Residential Zone, including changes to building setbacks and height, unit count, and the location of access driveways and the underground parking structure, depending on the final plan.

The Subject Lands will be zoned with the Holding Symbol “(H)”, should the Application be approved

Should Vaughan Council endorse the recommendations in this report, the Development Planning Department recommends that the implementing Zoning By-law rezone the Subject Lands to RM2(H) Multiple Residential Zone with a Holding Symbol “(H)”, which shall not be removed from the Subject Lands until such time that Vaughan Council has identified and allocated water supply and sewage servicing capacity to the Subject Lands. A condition to this effect is included in the Recommendation of this report.

The Cultural Heritage and Urban Design Division Requires additional information

The Joshua Oliver House is listed on the City of Vaughan Heritage Register pursuant to Section 27 of the *Ontario Heritage Act*. The structure was erected between 1837 and 1840 in the Regency Cottage architectural style by the Porter Brothers. Joshua Oliver and his wife Anne Wade purchased the land in 1845. The Regency Cottage style of the dwelling is native to Ontario and currently there are few remaining regency style buildings constructed in stone located in Vaughan. A rear addition and two outbuildings were constructed between 1940 and 2013.

Heritage Impact Study

The Owner has submitted a Cultural Heritage Impact Assessment (“CHIA”) that recommends a preferred option to retain the original main portion of the dwelling constructed in 1837 and to demolish the rear wing of the existing building and the two existing outbuildings.

The Subject Lands are located adjacent to, but outside of, the boundaries of the Maple Heritage Conservation District (Maple HCD), as shown on Attachment #2. Section 6.2.2.9 of VOP 2010 states that all development applications adjacent to a Heritage Conservation District shall respect the massing, profile and character of adjacent heritage buildings. Although located outside of the Maple HCD, Cultural Heritage staff consider the Subject Lands as a contributing and related component to the Maple HCD,

as per Section 6.2.2.9 of VOP 2010. Cultural Heritage Staff provided the following comments:

1. Contemporary architecture and building design should relate to the existing heritage resource in material, massing, and details. The Owner is required to submit an Architectural Design Brief upon submission of a Site Development Application.
2. Staff recommend that the new planting surrounding the heritage resource should consider and relate to the rural character of the heritage property as a distinctive setting for the heritage architecture. Future proposed plantings through the Site Development Application shall consider the rural character of the Subject Lands.
3. A Heritage Conservation Plan and updated CHIA will be required prior to the issuance of a Heritage Clearance for the Subject Lands.

The Owner is required to appropriately address the above comments through the submission of a Site Development Application. A condition to this effect is included in the Recommendation of this report.

Slope Stability Study

The Owner has submitted a Slope Stability Investigation prepared by Mirkwood Engineering, dated December 20, 2017 (the "Stability Study"). The Stability Study provides a structural review of the Joshua Oliver House in determining if the existing structure will be adversely affected by the Development, specifically resulting from the construction of the underground parking structure, as shown on Attachment #4. The Stability Study concludes that conventional excavation can be carried out safely and without adversely affecting the existing heritage structure, provided that backfilling of the excavation is carried out with non-vibratory equipment, and that no machinery of any type (i.e. hand compaction) be used within 1.8 m of the existing building. The Cultural Heritage Division provided the following comments:

1. The report does not provide a full review or discussion regarding the potential relocation of the Joshua Oliver House.
2. The Stability Study should refer to best heritage industry practices for adjacent construction to, and protection of, heritage buildings.
3. The report does not contain any recommendations in case of emergency situations (i.e. if estimates regarding recommendations are wrong and/or collapse during construction).
4. The report does not address the potential vibrational impacts of the proposed underground parking structure on the Joshua Oliver House.

The Development Planning Department recommends that prior to the LPAT's final Decision/Order, a third-party peer review of the Stability Study be undertaken at the Owner's expense to confirm the findings submitted in support of the Application, and satisfactorily addresses the outstanding matters identified above, to the satisfaction of the City. The third-party peer review would be required as part of the Site Development Application and prior to the implementing Zoning By-law, should the Application be approved. A Condition to this effect is included in the Recommendation of this report.

Full Disposition of the Application is considered premature

The Development includes 50, three-storey back-to-back stacked townhouse dwellings and 15, three-storey stacked townhouse dwellings. According to the CHIA submitted in support of the Development, there are no current plans to alter the interior of the Joshua Oliver House. At the time of the preparation of this report, the Owner has not provided details respecting the use of the Joshua Oliver House, which is required in order to confirm: compatibility with the proposed uses; existing uses and the long-term viability of the Joshua Oliver House; the required minimum amenity space; and compliance with the permitted uses in the RM2 Multiple Residential Zone. In addition, the Owner has not identified if the Joshua Oliver House will form part of the common elements, and the strategy for its long-term retention and viability given its location and limited opportunity to attract retail or office uses that often occupy and result in the preservation of heritage buildings.

Access to the Subject Lands is proposed from Petticoat Road. The underground parking plan shown on Attachment #4 includes 83 resident spaces and 14 visitor spaces. Public pedestrian connections are proposed adjacent to the landscape berm from Petticoat Road to Major Mackenzie Drive, and from the end of Silk Oak Court to Major Mackenzie Drive, as shown on Attachment #3. The proposed connection from Petticoat Road to Major Mackenzie Drive will connect with the proposed Metrolinx pedestrian bridge over Major Mackenzie Drive. The Owner is required to satisfy all detailed design requirements to facilitate the proposed pedestrian connections to Major Mackenzie Drive, to the satisfaction of the City, York Region and Metrolinx. Easements for public access will also be required at the Site Development Application stage, should the Application be approved.

The conceptual landscape plan shown on Attachment #5 reflects the original development of 71 townhouse dwellings. The landscape plan proposes to remove all existing landscaping within the berm and replace with new planting. The Owner is required to submit an updated landscape plan and details for review by the Development Planning Department. The revised landscape plan shall demonstrate that landscaping is being preserved to the greatest extent possible, as identified in Policy 13.8 b) in VOP 2010.

The conceptual building elevations shown on Attachments #6 consist of dark and light brown brick, stucco and white stone. The final building elevations will be addressed upon submission of a Site Development Application, should the Application be

approved. The Development Planning Department recommends the Owner provide a building height for Block 4, as shown on Attachment #3, that reflects an appropriate transition between the proposed development and the existing detached dwellings on Petticoat Road. The Development Planning Department recommends that prior to the LPAT issuing its final Decision/Order, the Owner is required to provide architectural building elevation drawings as part of a Site Development Application to confirm the building height of each block. Conditions to this effect are included in the recommendation section of this report.

The Development Planning Department is of the opinion that the conceptual site plan shown on Attachment #3 cannot be supported at this time. It is recommended that the Owner submit a Site Development Application with all necessary outstanding plans and documents in support of the Development to satisfactorily address the compatibility and development criteria in VOP 2010, and all requirements of Metrolinx.

The Development Planning Department recommends that a Site Development Application be submitted prior to the LPAT's final Decision/Order

A Site Development Application is required and must be approved by Vaughan Council to implement the final approved development. The Development Planning Department recommends that prior to the LPAT's final Decision/Order, that the Owner be required to submit a Site Development Application for the Subject Lands, which must be approved by Vaughan Council. The Site Development Application must satisfactorily address the outstanding site organization and transition matters for the Subject Lands, including the compatibility criteria stipulated in VOP 2010, the preservation of landscaping to the greatest extent possible, confirmation of the use, slope stability, and long-term viability of the Joshua Oliver House, outstanding Cultural Heritage comments regarding conformity to the Maple HCD, and all outstanding requirements of Metrolinx.

The Site Development Application will also be reviewed to ensure appropriate building and site design, pedestrian connectivity, barrier free access, vehicular access, internal traffic circulation, parking, landscaping, stormwater management, servicing and grading. The requirement for a Site Development Application is included in the Recommendation of this report.

Any conditions of approval, including but not limited to, detailed site access, cultural heritage, urban design, and engineering requirements, will be implemented through the site plan approval process.

The Development Engineering Department requires additional information for the Application

The Development Engineering ("DE") Department has provided the following comments:

Functional Servicing and Stormwater Management Report

The Owner has submitted a Functional Servicing and Stormwater Management Report prepared by Crozier & Associates Consulting Engineers, dated February 2016. The Subject Lands were included in the Block 18 Block Plan and was pre-serviced for sanitary, storm and water servicing. Although the Block Plan anticipated lower unit counts for this land, there are no downstream impacts from the additional flows. Updated reports and servicing/grading drawings will be a requirement of the Site Development application. The Owner is required to satisfy all requirements of the DE Department respecting servicing and stormwater management (including on-site stormwater controls) at the Site Development application stage, should the Application be approved.

Site Access and Traffic Considerations

The Development includes a single full-moves access at Petticoat Road. The Owner submitted a Traffic Study and Opinion Letter (the "Studies") prepared by C.F. Crozier and Associates Inc., dated February 4, 2016, and February 21, 2018, in support of the Development. The Studies conclude that the Development can be supported from a traffic operations perspective as the anticipated traffic to be generated can be accommodated by the existing road network. The estimates in the Studies indicate that the Development will generate approximately 53 vehicle trips during the peak hourly travel periods. This represents approximately one vehicle per minute. This additional traffic is expected to disperse in a southerly and easterly direction through the surrounding local road network with minimal impact.

The Studies do identify some operational issues with the existing intersection of Peter Rupert Avenue and Lealinds Road/Freedom Trail. The DE Department will require the Owner to further assess the queuing, sensitivity, and traffic delay at the Peter Rupert Avenue and Lealinds Road/Freedom Trail intersection. The additional Study will require a field examination of existing queuing and traffic delay information, and shall include recommendations for operational and capacity improvements, including improvements to other intersections within the Block 18 Plan area, to the satisfaction of the City. To help improve existing intersection operation, signalization will be considered at the above-noted intersection, subject to the review and approval of York Region.

In addition, it is important to note that a segment of Grand Trunk Avenue between Lady Bianca Court and District Avenue is not yet constructed. This connection as identified in the approved Block 18 Transportation Master Plan will add another section of north-south collector to the Block 18 road network, and will further help to disperse site traffic away from Peter Rupert Avenue in the future.

The Development Planning Department recommends that should the LPAT approve the Application, that the LPAT withhold its final Decision/Order and the final implementing Zoning By-law until the Owner submit a Site Development Application that satisfactorily

address the outstanding traffic matters identified above, to the satisfaction of the City. A condition to this effect is included in the Recommendation of this report.

Parking

The Parking Study supports a reduced parking supply of 97 spaces, whereas the City's By-law 1-88 requirement is 114 spaces. The Parking Study concludes that the proposed parking supply will be sufficient for the Development's specific requirements since the proposed rates are justified based on the following studies;

- Detailed parking surveys at similar developments in Mississauga and Milton (maximum parking rate was observed as 1.06 and 0.87 spaces/unit, respectively) whereas 1.49 spaces/unit rate is proposed; and
- City of Vaughan's Draft Parking Standard Review by IBI, utilizing a parking ratio of 0.9 spaces for one-bedroom units, 1.1 spaces for two-bedroom units, 1.2 spaces for three-bedroom units, and 0.2 spaces per unit for visitor spaces. A total of 81 spaces is required by the Draft Parking Standards, whereas 97 spaces are proposed.

The City of Vaughan has adopted reduced rates of parking in areas with high density development including Carrville District and developments located in areas with good transit service, as good transit service reflects relatively lower parking demand. There are two transit agencies that service the immediate surrounding area of the Subject Lands that include GO Transit and York Regional Transit (YRT routes 4, 4A and 105). The Maple GO Station is located within 300 meters of the Subject Lands. The bus stops are located within 500 meters of the Subject Lands. Therefore, the site is accessible via transit facilities, which could reduce the car ownership rate of the Development.

The Development will also provide secured bicycle parking. Prior to occupancy, future residents would be informed of the active transportation and Transportation Demand Management (TDM) opportunities available to residents, should the Application be approved.

The proposed parking supply of 97 spaces is adequate based on the supporting analysis provided in the consultant's report. The DE Department agrees with the conclusions reached in the Parking Study and have no objection with the proposed parking supply.

Noise

The Owner has submitted a Noise and Vibration Feasibility Study prepared by HGC Engineering, dated February 4, 2016. The Noise Study recommends that warning clauses be included in the Site Plan Agreement and all Offers of Purchase and Sale, should the Application be approved.

The Development is not in compliance with Metrolinx's requirements of a minimum required setback of 30 m, as the closest proposed residential building is to be located at 26.5 m from the Metrolinx right-of way ("ROW"). As such, it is recommended that all necessary approvals are obtained by the Owner from Metrolinx with respect to noise and vibration, and that the setback issue be satisfactorily addressed before the Zoning By-law Amendment and site-specific exceptions identified in Table 1 are finalized and the LPAT's Order issued.

Environmental

The Environmental Engineering Division of the DE Department has no objection to the Application.

Servicing Allocation

Allocation of water supply and sewage servicing capacity to the Subject Lands will be confirmed through the site plan review process, should the Application be approved. In addition, the allocation of servicing capacity to the Development by Vaughan Council is required as a condition for the removal of the Holding Symbol "(H)".

The Owner is required to satisfy all requirements and conditions of Metrolinx

The Subject Lands abut an existing Metrolinx rail corridor that provides service for the Barrie GO Transit Corridor. Metrolinx, on June 1, 2016, provided comments for the Application. Metrolinx requires that all new buildings be setback a minimum of 30 m to the rail ROW. Blocks 1 and 3, as shown on Attachment #3, are setback 26.5 m from the Metrolinx ROW, and therefore do not meet the minimum 30 m setback. A reduced setback may be considered if the safety berm located adjacent to the rail corridor is constructed to a higher standard, including an increased width and height. Metrolinx has also requested additional information from the Owner regarding the underground parking structure with respect to noise, vibration, and the location of tiebacks within the Metrolinx rail corridor. To date, these issues have not been addressed by the Owner.

The Owner is required to satisfy the requirements of Metrolinx. A condition of approval is included in the Recommendation requesting that, should the Application be approved, that the LPAT withhold its final Decision/Order regarding the implementing Zoning By-law, until the Owner has submitted a Site Development Application that satisfactorily address the outstanding issues as identified in this report. Changes to the conceptual site plan shown on Attachment #3, including but not limited to, the removal of units, the re-orientation of blocks, and changes to driveway access and the location of the underground parking structure may be required to satisfy the requirements of Metrolinx.

The Toronto and Region Conservation Authority ("TRCA") has no objection to the Application

The TRCA has no objection to the Application.

The Subject Lands are located in a Source Water Protection vulnerable area referred to as Wellhead Protection Area-Q2 (“WHPA-Q2”). The WHPA-Q area was delineated to help manage activities that may reduce recharge to an aquifer. The Source Water Protection Plan recommends the implementation of best management practices, such as Low Impact Development, with the goal to maintain pre-development recharge. The TRCA provides technical advice to the City of Vaughan with respect to water balance analysis.

Upon submission of the Site Development Application for the Subject Lands, a site water balance is required that demonstrates that pre-development recharge can be maintained to the greatest extent feasible.

The School Boards have no objection to the Application

The York Region District School Board and York Region Catholic School Board have no comments or concerns with respect to the Application, and require no conditions. The Application was circulated to the Conseil Scolaire de District Catholique Centre-Sud and no response has been provided. As such, Development Planning staff are satisfied they have no objection to the Development.

Utility Companies have no objection to the Application

Enbridge Gas Distribution and Alectra Utilities Corporation (formerly PowerStream Inc.) have no objections to the Application.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

The Application was circulated to the York Region Community Planning and Development Services Department for review and comment. York Region, on March 31, 2016, indicated that they have no objections to the Application.

Conclusion

Zoning By-law Amendment File Z.16.006 has been reviewed in consideration of the applicable Provincial policies, the ORMCP policies, YROP and VOP 2010 Official Plan policies, the requirements of Zoning By-law 1-88 and comments from area residents, City departments and external public agencies. The proposed back-to-back and stacked townhouse uses are consistent with the Provincial Policy Statement and conform to the policies in the Growth Plan as outlined in this report. These uses also conform with the YROP and the protection of the existing heritage dwelling on the site conforms to VOP 2010 and site-specific Policy 13.8. Accordingly, the Development Planning Department can support the proposed back-to-back and stacked townhouse dwelling uses on the Subject Lands, in principle.

The Development Planning Department also recommends that in consideration of the context of the Subject Lands within an existing community, adjacent to a Metrolinx rail line and Major Mackenzie Drive, and with an existing heritage dwelling and tree located in the center of the Subject Lands. a complete Site Development Application be submitted in order to undertake a detailed review of the Development prior to establishing site-specific zoning standards. Therefore, the Development Planning Department recommends that, should the Application be approved, as identified in this report, that the LPAT withhold its Decision/Order until such time that the Owner has submitted a completed Site Development Application required to undertake a comprehensive review of the Development, such that the final form of the Zoning By-law Amendment can be determined and put forward to the LPAT.

For more information, please contact: Mark Antoine, Planner, Development Planning Department, Extension 8212.

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan and Proposed Zoning
4. Underground Parking Plan
5. Landscape Plan
6. Rendered Building Elevations - Blocks 3 & 4 (Petticoat Road)

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