

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 21, Report No. 26, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 23, 2015.

Regional Councillor Ferri declared an interest with respect to this matter, as his son is employed by a company that may benefit from the outcome of the vote, and did not take part in the discussion or vote on the matter.

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**ZONING BY-LAW AMENDMENT FILE Z.08.017
DRAFT PLAN OF SUBDIVISION FILE 19T-08V01
MILLWOOD VALLEY DEVELOPMENTS INC.
WARD 3 - VICINITY OF MAJOR MACKENZIE DRIVE AND PINE VALLEY DRIVE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated June 16, 2015:

Recommendation

The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.08.017 (Millwood Valley Developments Inc.) BE APPROVED, to amend Zoning By-law 1-88, specifically to rezone the subject lands shown on Attachments #2 and #3, from A Agricultural Zone, OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone to RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, and OS1 Open Space Conservation Zone, in the manner shown on Attachment #4, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Draft Plan of Subdivision File 19T-08V01 (Millwood Valley Developments Inc.) as shown on Attachment #5, BE APPROVED, subject to the conditions set out in Attachment #1 to this report.
3. THAT Vaughan Council adopt the following resolution with respect to the allocation of water and sewage servicing capacity:

“NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision File 19T-08V01 (Millwood Valley Developments Inc.) be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 28 detached dwelling units (100 person's equivalent).”

4. THAT the Subdivision Agreement for Draft Plan of Subdivision File 19T-08V01 (Millwood Valley Developments Inc.) shall include the following clause:

“The Owner shall pay to Vaughan, by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 5% or 1 ha per 300 units of the value of the subject lands, if required, prior to the issuance of a Building Permit in accordance with the Planning Act and the City's Cash-in-lieu Policy. If required, 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 Vaughan Legal Services Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.”

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Contribution to Sustainability

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

Goal 2: To ensure sustainable development and redevelopment

- Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth
- Objective 2.3: To create a City with sustainable built form

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

a) Native Vegetation Protection:

- Educate the future homeowners, where the lots abut open space lands, about the importance of maintaining the native plants and discouraging/prohibiting the installation of gates to avoid unwanted intrusion into the natural area and disposal of refuse in the natural area
- Prohibit the planting of ornamental plants beyond the backyards
- Provide native vegetation barrier plantings (i.e., raspberries) in areas of higher accessibility to deter human intrusion into the natural areas

b) Heating and Ventilation:

- A heat recovery ventilator system to save energy by reducing heating and cooling costs and provide fresh air for improved indoor climate control
- Programmable electronic thermostat to regulate temperature distribution over peak and non-peak times

c) Water Use:

- Low flow plumbing fixtures to reduce water consumption and sewage volumes

d) Building Materials and Technology:

- Low emissivity double-glazed windows with an EnergyStar rating engineered to minimize condensation
- Expanding foam insulation applied around all windows and doors, and in the garage ceiling separating living space beyond the standard Ontario Building Code requirements
- Recycled aggregate materials for the driveway base
- Waste Management Program, including source separation for lumber and drywall recycling

Economic Impact

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

Communications Plan

On December 19, 2014, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands and to the Millwood Woodend Ratepayers' Association and the Kleinburg and Area Ratepayers Association. 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

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lands in accordance with the City's Notice Sign Procedures and Protocol. The recommendation of the Committee of the Whole to receive the Public Hearing report of January 13, 2015, and to forward a comprehensive technical report to a future Committee of the Whole meeting was ratified by Vaughan Council on January 20, 2015. To date, no correspondence has been received from the public on the subject applications.

Purpose

To seek approval from the Committee of the Whole for the following applications on the subject lands shown on Attachments #2 and #3:

1. Zoning By-law Amendment File Z.08.017 to amend Zoning By-law 1-88, specifically to rezone the subject lands from A Agricultural Zone, OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone to RD2 Residential Detached Zone Two, RD3 Residential Detached Zone Three, and OS1 Open Space Conservation Zone, in the manner shown on Attachment #4, together with the site-specific zoning exceptions identified in Table 1 of this report, to facilitate a proposed residential Draft Plan of Subdivision for 27.5 dwelling units.
2. Draft Plan of Subdivision File 19T-08V01 to facilitate a proposed residential Draft Plan of Subdivision as shown on Attachment #5 consisting of the following:

Lot/Block Number	Land Use	Area (ha)	Units
Lots 1-9 & 15-24	Detached Residential Units (15.3 m frontage)	1.465	19
Lots 10-14 & 25-27	Detached Residential Units (13.7 m frontage)	0.493	8
Block 28		0.051	0.5
Blocks 30 & 31	Open Space / Valley Lands	13.345	
Block 32	Road Widening	0.111	
	Streets Plus Block 29	0.331	
Blocks 33 & 34	0.3 m Reserves	0.005	
Block 36	10 m Buffer	0.418	
	Total	16.219	27.5

Background - Analysis and Options

Synopsis:

The Owner is proposing to develop the subject lands to facilitate a residential plan of subdivision for 27.5 detached dwelling units, as shown on Attachment #5. The Vaughan Planning Department supports the proposed draft plan of subdivision since it conforms to OPA #600, the in-effect Official Plan at the time the proposal was submitted and the proposal is compatible with the surrounding existing and planned land uses.

Location

The subject lands are located north of Major Mackenzie Drive and east of Pine Valley Drive, City of Vaughan, as shown on Attachments #2 and #3. The surrounding land uses are shown on Attachment #3.

Official Plan Amendment (OPA) #600

The subject applications were submitted on March 7, 2008, and therefore are subject to the Official Plan in-effect at that time. The subject lands are designated "Low Density Residential", "Tableland Woodlots" and "Valley Lands" by OPA #600, as shown on Attachment #6.

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At the time of submission of the applications, the Block 40 South Plan, approved by Vaughan Council on April 3, 2006, implemented the Official Plan to permit low density residential development on a portion of the subject lands, as shown on Attachment #7. Since that time, further review and delineation of the development limits has taken place between the Owner, City, and the Toronto and Region Conservation Authority (TRCA).

The proposed residential development is permitted by the “Low Density Residential” policies of OPA #600, and the Block 40 South Plan. In consideration of the land use policies in-effect at the time of submission, the applications conform to the in-effect Official Plan for the subject lands (OPA #600).

City of Vaughan Official Plan 2010

The subject lands are designated “Natural Areas” and “Infrastructure and Utilities” (stormwater management pond) by Vaughan Official Plan 2010 (VOP 2010) and are located within a “Community Area” which do not permit residential development.

The proposed residential uses are not permitted by VOP 2010 on the subject lands but as the applications were submitted under the policies of in-effect OPA #600, the proposed Draft Plan of Subdivision conforms to that Official Plan.

Block 40 South Plan

Vaughan Council, at its meeting on April 24, 2006, approved the Block 40 South Plan, as revised, shown on Attachment #7, which provides the basis for the land uses, housing mixes and densities, environmental protection, servicing infrastructure, transportation (road) network, public transit, urban design, and phasing for the Block to provide for managed growth. The road pattern in the Block Plan has been modified to accommodate the final development limits determined for the Draft Plan of Subdivision through the development review process.

Zoning

The subject lands are currently zoned A Agricultural Zone, OS1 Open Space Conservation Zone and OS4 Open Space Woodlot Zone by Zoning By-law 1-88, as shown on Attachment #3. To facilitate the proposed Draft Plan of Subdivision as shown on Attachment #5, an amendment to the zoning by-law is required to rezone the subject lands in the manner shown on Attachment #4, together with the following site-specific zoning exceptions to the RD2 Residential Detached Zone Two and RD3 Residential Detached Zone Three:

Table 1: Proposed Zoning Exceptions

	By-law Standard	Zoning By-law 1-88, RD2 & RD3 Residential Detached Zone Requirements	Proposed Exceptions to the RD2 & RD3 Residential Detached Zone Requirements
a.	Maximum Permitted Yard Encroachments and Restrictions	No By-law standard for a fireplace encroachment	Permit a fireplace or chimney as an additional encroachment up to a maximum of 0.5 m in any yard

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b.	Maximum Permitted Yard Encroachments and Restrictions	No By-law standard for the encroachment of bay or box windows with footings	Bay or box windows, or similar window projections constructed with or without footings shall be permitted and may extend into a required Front, Exterior Side or Rear Yard a maximum of 0.6 m
c.	Maximum Permitted Encroachment of an Unenclosed Porch (Covered and Unenclosed) or Balcony	No By-law Standard for a covered and unenclosed porch or balcony	Permit a covered and unenclosed porch and/or balcony as a permitted encroachment into the front and rear yard to a maximum of 1.8 m
	By-law Standard	Zoning By-law 1-88, RD2 Residential Detached Zone Requirements	Proposed Exceptions to the RD2 Residential Detached Zone Requirements
a.	Minimum Rear Yard	7.5 m	6 m (Lot 4)
b.	Minimum Interior Side Yard Abutting a Non-Residential Use	3.5	1.2 m (Lot 1)
c.	Minimum Lot Depth	30	i) 27.5 m - south lot line (Lot 4) ii) 27.5 m - north lot line 24.2 m - south lot line (Lot 5) iii) 24.2 m - north lot line (Lot 6)
	By-law Standard	Zoning By-law 1-88, RD3 Residential Detached Zone Requirements	Proposed Exceptions to the RD3 Residential Detached Zone Requirements
a.	Minimum Lot Depth	27 m	22 m - south lot line (Lot 24)
b.	Minimum Exterior Side Yard abutting a Sight Triangle	3 m	1.5 m (Block 28)

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i) Proposed Zoning Exceptions

The Owner has requested the same zoning exceptions for the RD2 and RD3 Zones, which apply to the same Zones subject to Exception 9(1291) to the east of the subject lands, in order to develop detached dwellings in accordance with the Vaughan Council approved Block 40 South Architectural Design Guidelines. The proposed zoning exceptions will facilitate a housing built form and design that is consistent with and integrates into the residential community.

Relief to the requirements for the minimum rear yard and lot depth requirements respond to the east boundary limit of the open space/buffer lands, which results in irregular configurations for certain lots. Lot 24 also requires relief to the minimum lot depth for the south lot line due to the width design of the cul-du-sac (Street 1) resulting in an irregular lot configuration. The exceptions for the RD2 and RD3 Zones in Table 1 are considered to be acceptable and minor in nature.

The Vaughan Planning Department is satisfied that the proposed rezoning of the subject lands in the manner shown on Attachment #4, together with the requested site-specific exceptions discussed above, are appropriate for the development of the subject lands.

Subdivision Design

The 16.219 ha Draft Plan of Subdivision is comprised of 27.5 lots for detached dwelling units and 1 block (Block 28) to be developed with a block on the adjacent lands to the east to form one full lot for a detached dwelling unit, as shown on Attachment #5. The subject lands also maintain open space lands, which are part of a Provincially Significant Woodland and Wetland. Access to the subject lands is proposed from the adjacent Plan of Subdivision (File 19T-06V07) to the east, and one proposed street (cul-du-sac). All development within the Draft Plan of Subdivision shall proceed in accordance with the approved Block 40 South Architectural Design Guidelines for the Block 40 South Community. Conditions to this respect are included in Attachment #1.

The Vaughan Planning Department is satisfied with the proposed subdivision design, subject to the comments in this report and conditions of approval in Attachment #1.

Developers' Group Agreement

The Owner of the subject lands is a member of the Block 40 Developers' Group and is required to participate in the cost sharing for the Block, which includes addressing stormwater management, servicing, parks and infrastructure. A condition is included in Attachment #1 of this report requiring the Trustee for the Block 40 Developers' Group to advise the City in a letter that the Owner has satisfied all obligations for Block 40 South.

Vaughan Development Engineering and Infrastructure Planning Services Department

The Vaughan Development Engineering and Infrastructure Planning Services Department (Engineering Department) has provided the following comments:

a) Road Network

One internal road (Street "1") is proposed that intersects with Carling Road, opposite Stormont Trail in the adjacent Draft Plan of Subdivision (File 19T-06V07). A portion of the Block 40 South internal local road system, specifically Block 29 will be constructed as part of the development of the subject lands in order to complete the 17.5 m road allowance of Carling Road. The Owner is also required to dedicate Block 32 to York Region for the widening of Pine Valley Drive.

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b) Water Servicing

The subject lands will be serviced as part of the road works for the adjacent Draft Plan of Subdivision File 19T-06V07. The subject lands are located within Pressure District 7 (PD 7) of the York Water Supply System. Block 40 South will be serviced within PD 7. A secondary watermain feed for security and looping purposes will be provided via a connection to the existing system in Block 40 South. This secondary feed will require the crossing of the valley and the location coincides with the sanitary sewer crossing to the Pine Valley North Sewage Pumping Station from the west.

c) Sanitary Servicing

The sanitary servicing of the subject lands is dependent on the design and construction of municipal services and public roads on abutting plans of subdivision within Block 40 South, including the Pine Valley North Sewage Pumping Station and associated servicing.

d) Storm Drainage & Servicing

The drainage flow will be discharged to the existing Stormwater Management Pond (Pond 3, Block 107) built as part of Draft Plan of Subdivision File 19T-06V07 Phase 3, which is located to the south of Stormont Trail as identified in the Block 40 South Master Environmental Servicing Plan (MESP) report. A storm outlet easement has been established in Draft Plan of Subdivision File 19T-06V07.

e) Sewage and Water Allocation

On May 19, 2015, the City's latest annual servicing capacity allocation strategy report was endorsed by Vaughan Council. The report confirmed sufficient servicing capacity available to support continued urban growth in the City over the next three years. Servicing allocation for the subject lands was reserved for 28 detached dwelling units on May 19, 2015. Therefore, the following resolution to allocate capacity to the subject development is recommended for approval by Vaughan Council:

“THAT Draft Plan of Subdivision File 19T-08V01 be allocated servicing capacity from the York Sewage Servicing / Water Supply System for a total of 28 detached dwelling units (100 person's equivalent).”

f) Environmental Site Assessment

The Vaughan Engineering Department is satisfied with the updated Environmental Site Assessment Report (ESA) and Reliance Letter dated April 25, 2015, for the subject lands. A standard condition in Attachment #1 to this report includes requirements for a Phase Two ESA to be completed on all park/open space blocks to be conveyed to the City, with sampling conducted only after rough grading but prior to placement of topsoil.

g) Environmental Noise/Vibration Impact

The preliminary noise report was reviewed and there are no significant noise sources influencing the subject lands. Therefore, no acoustic measures are required. The Owner shall be required to submit a final noise report at the subdivision design stage.

h) Streetlighting

Streetlighting shall meet City criteria within the Draft Plan of Subdivision and match the existing adjacent conditions.

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Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Urban Design and Cultural Heritage Division of the Vaughan Development Planning Department advises that the subject lands are located in an area identified as being of high archaeological potential in the City's database of archaeological resources, and as such the Owner is required to undertake an Archaeological Assessment of the entire development property. The Owner is also advised that as of January 2011, consultation with First Nations communities is mandatory for archaeological assessments that meet certain criteria, including but not limited to all Stage 3 to Stage 4 Archaeological Assessments. In addition, the standard archaeological resource conditions requiring notification should archaeological resources and/or human remains be found on the property during grading or construction activities, and the Owner ceasing all grading or construction activities, are included as Conditions of Approval in Attachment #1.

Vaughan Parks Development Department

The Vaughan Parks Development Department has no objections to the development, subject to the condition requiring cash-in-lieu of parkland, included in the recommendation of this report.

Vaughan Legal Services Department, Real Estate Division

The Vaughan Legal Services Department, Real Estate Division has advised that prior to final approval of the Draft Plan of Subdivision, the Owner shall be required to enter into a Developers' Group Agreement with the other participating landowners within Planning Block 40 South to the satisfaction of the City, if not already a member. The Agreement shall be regarding, but not limited to, all cost sharing for the provision of parks, cash-in-lieu of the dedication of parkland, and road and municipal services within Planning Block 40 South. This agreement shall also provide a provision for additional developers to join the Developers' Group Agreement, when they wish to develop their lands. The Owner acknowledges that cash-in-lieu of parkland shall be paid in accordance with Section 42 of the *Planning Act* and the City's approved "Cash-in-Lieu of Parkland Policy". A condition to this effect is included in the recommendation of this report and Conditions of Approval in Attachment #1.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) advises that the subject lands are adjacent to a recently defined Provincially Significant Wetland (PSW) (June 23, 2013) and constitute part of a Provincially Significant Woodland (PSWd) and designated "Natural Areas" in VOP 2010. The significance of the features in this area are recognized in the Environmental Impact Study submitted by the Owner (*Scoped EIS* by Savanta, dated November 2014). This area is recognized as Dry-Fresh Hemlock-Black Cherry Mixed Forest (FOM3-3), an Ecological Land Classification (ELC) included within the PSWd. The west half of the subject lands is very significant from an environmental perspective and includes significant valleys as well as PSW and PSWd. To reflect the environmentally significant nature of the subject lands and to reflect the intention to protect the valleylands, PSW and PSWd, TRCA requests that these be zoned OS1 Open Space Conservation Zone, which complements the "Natural Areas" designation of the property within the VOP 2010.

The TRCA has no objection to the proposal subject to the Conditions of Approval in Attachment #1.

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Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and equipment to the satisfaction of Canada Post, which are subject to the conditions of approval in Attachment #1.

Enbridge Gas Distribution

Enbridge Gas Distribution has no objections to the applications. Enbridge advises that the Owner is required to contact Enbridge's Customer Connections Department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to tree planting, silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Owner. In the event that an easement(s) are required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost. This requirement is included in the conditions of approval in Attachment #1.

School Boards

The York Region District (Public) School Board, York Catholic District School Board and the Conseil Scolaire de District Catholique Centre-Sud have advised that they have no objection to the proposal, and do not require any conditions of approval.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

- i) **Lead and Promote Environmental Sustainability**
The Owner will be incorporating the sustainable site and building features identified in this report.
- ii) **Plan and Manage Growth & Economic Well Being**
The proposed development implements the City's current Official Plan and the Growth Management Strategy as set in Vaughan Official Plan 2010.

Servicing for the proposed development has been identified in accordance with the annual servicing/allocation report approved by Vaughan Council.

Regional Implications

York Region has advised that the development is located within the Pine Valley North Pumping Station service area.

York Region has advised that the water and wastewater services for the subject lands will connect to the municipal water and wastewater systems that are located in the development to the east of the subject lands (Plan of Subdivision File 19T-06V07). York Region recognizes that the subject lands will be serviced locally, and the Owner is advised that any direct connection of new development to a Regional water and/or wastewater system is discouraged. It is York Region's mandate to service new development through the local municipal system. Should this not be feasible, a direct connection to a Regional water or wastewater system requires Regional approval prior to construction. Where Regional approval is required, engineering drawings

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showing details of the connection(s) shall be submitted to the Regional Infrastructure Asset Management Branch for review and approval.

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

York Region has no objection to the approval of the Draft Plan of Subdivision, subject to the conditions in Attachment #1.

Conclusion

The Zoning By-law Amendment and Draft Plan of Subdivision applications propose to facilitate the development of the subject lands with lots for 27.5 dwelling units, as shown on Attachment #5. The proposed Draft Plan of Subdivision conforms to York Region and City Official Plan policies and is in accordance with the approved Block 40 South Plan.

The Vaughan Planning Department is satisfied that the proposed Draft Plan of Subdivision shown on Attachment #5 will result in a residential development that is appropriate and compatible with the existing and permitted uses in the surrounding area. The Vaughan Planning Department can support the approval of the Zoning By-law Amendment Application and the proposed zone categories and exceptions, and the Draft Plan of Subdivision, subject to the recommendations in this report, and the Conditions of Approval set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Context Location Map
3. Location Map
4. Proposed Zoning for Subdivision File 19T-08V01
5. Draft Plan of Subdivision File 19T-08V01
6. OPA 600 – Schedule 'B' – Vellore Urban Village 1
7. Approved Block 40 (South) Plan (April 3, 2006)

Report prepared by:

Judy Jeffers, Planner, ext. 8645
Carmela Marrelli, Senior Planner, ext. 8791

(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.)

Regional Councillor Ferri declared an interest with respect to the foregoing matter, as his son is employed by a company that may benefit from the outcome of the vote, and did not take part in the discussion or vote on the matter.