

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 32, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

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**ZONING BY-LAW AMENDMENT FILE Z.09.031
SITE DEVELOPMENT FILE DA.09.071
P. GABRIELE AND SONS LTD.
WARD 3 - VICINITY OF MAJOR MACKENZIE DRIVE AND WESTON ROAD**

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred until the Fall of 2013 to allow further consultation with the local ratepayers association and area residents; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Zoning By-law Amendment File Z.09.031 (P. Gabriele and Sons Ltd.) BE APPROVED, to amend Zoning By-law 1-88, specifically the RVM2 Residential Urban Village Multiple Dwelling Zone Two, subject to site-specific Exception 9(1267) on the subject lands shown on Attachments #1 and #2, to permit the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT Site Development File DA.09.071 (P. Gabriele and Sons Ltd.) BE APPROVED, to permit a 3-storey mixed-use residential/commercial building comprised of 33 residential apartment units (second and third floor) and 17 business or professional office units (ground floor) with a combined gross floor area of 5,852.47 m², as shown on Attachments #3 to #7 inclusive, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Agreement:
 - i) the final site plan, building elevations and landscaping plans shall be approved to the satisfaction of the Vaughan Development Planning Department including changing two of the residential parking spaces in the underground parking area to two commercial parking spaces in order for the business or professional office use to comply with the Zoning By-law and providing signage indicating the location of the commercial and visitor parking;
 - ii) the final site grading, servicing, stormwater management, transportation and lighting plans and reports shall be approved to the satisfaction of the Vaughan Development/Transportation Engineering Department;
 - iii) the Owner shall satisfy all requirements of the Region of York Transportation Services and Community Planning Department;
 - iv) the Owner shall pay to the City of Vaughan, a woodlot development charge at the rate of \$1000.00 per residential dwelling unit, in accordance with the previous Special Area Woodlot Development Charge By-law and the City's Woodlot Acquisition Front-end Agreement; and,

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- v) the City shall be provided with written clearance from the Trustee for the Block 39 Plan that the Owner of the subject lands has entered into and signed the Block 39 Cost Sharing Agreement;
- b) that the Site Plan Agreement include the following conditions:
 - i) that prior to the issuance of a Building Permit, the Owners shall pay the City, Region and Board of Education Development Charges in accordance with the City of Vaughan Development Charge By-law in effect at the time of payment;
 - ii) that the Owner shall pay cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units or 5% of the value of the subject lands or units, whichever is greater, prior to the issuance of a Building Permit for the residential component and 2% for the commercial component, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an appraisal report 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;
 - iii) that prior to issuance of a Building Permit, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report;
 - iv) that the Owner shall agree to notify both the Ministry of Tourism and Culture and the City of Vaughan Recreation and Culture Department (Cultural Services Division) immediately in the event that:
 - 1. archaeological resources are found on the property during grading or construction activities, to which the proponent must cease all grading or construction activities; and,
 - 2. human remains are encountered during grading or construction activities, to which the proponent must cease all grading or construction activities. The proponent shall contact York Region Police, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services;
 - v) that the Owner shall display a Community 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, to be monitored periodically by the City, and that no Building Permit shall be issued until such information is approved by the City of Vaughan Development Planning Department. The Community Plan shall display the following information:
 - plan for the broader area, showing the surrounding land uses, arterials, proposed road extensions, etc.;
 - location of street utilities, entrance features, sidewalks, transit stops;
 - the location of parks, open space, trails, bicycle paths, community facilities;
 - the location of institutional uses, including schools, places of worship, community facilities;

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- the location and type of commercial sites;
- colour-coded identification of singles, semis, townhouses and apartment units;
- the following notes in BOLD CAPITAL TYPE on the map:

“For further information, on the proposed and existing land uses, please call or visit the City of Vaughan, Development Planning Department, at 2141 Major Mackenzie Drive, L6A1T1, 905-832-8585.

“This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers.”

[In such circumstances the Owner is responsible for updating the map and forward it to the City for verification.];

- vi) that the Owner shall agree to contact Enbridge Gas Distribution to discuss the installation and clearance requirements for service and metering facilities with the Enbridge Customer Connections Department, arrange for the installation of the gas plant prior to the commencement of the asphalt paving or landscaping and provide, if required, easements at no cost to Enbridge Gas Distribution;
- vii) that the Owner shall agree to:
 - 1. consult with Canada Post to determine the locations of the community mailboxes and indicate the community mailbox locations on the appropriate servicing plans and provide Canada Post with 2 copies of the utility co-ordination plan for use in identifying the community mailbox location;
 - 2. provide the following for each community mailbox site, as shown on the servicing plans:
 - i) a sidewalk section (concrete pad), as per municipal and Canada Post standards, to support the mailboxes;
 - ii) any required walkway across the boulevard, as per municipal standards; and,
 - iii) any required curb depressions;
 - 3. provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s); and,
 - 4. include in all Offers of Purchase and Sale, or lease for all lots/blocks that mail delivery shall be from a designated community mailbox, and notify the purchasers and/or tenants of the exact community mailbox locations prior to the closings of any dwelling unit.

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3. THAT 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 Site Development File DA.09.071 (P. Gabriele and Sons Ltd.) be allocated sewage capacity from the York-Durham Servicing Scheme and water supply from the York Water Supply System for a total of 33 apartment dwelling units.”

Contribution to Sustainability

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

Goal 2: To ensure sustainable development and redevelopment.

- Objective 2.3: To create a City with sustainable built form.

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

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

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

a) Transportation/Pedestrian Network:

- i) short term bicycle parking on-site;
- ii) sidewalk connections to transit;
- iii) building entrances connected and oriented to existing public sidewalks;

b) Landscaping:

- i) integration of permeable landscaping into the site design (interlocking stones in walkway, soft landscaping areas);
- ii) drought tolerant landscaping (decorative grasses, coniferous tree species);

c) Energy Efficiencies:

- i) low emissivity insulated glazing (double glazed windows);
- ii) insulated back-panel for spandrel glazing;
- iii) locally sourced materials, including the concrete structure up to the underside of the residential units;
- iv) building material and placement for durability and longevity (brick/architectural stone at grade level);
- v) extended sign bands and canopies from the building for shading over the pedestrian walkways;

d) Water Efficiencies:

- ii) low flow fixtures (faucets, showerheads, toilets); and,

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- e) Waste Efficiencies:
 - i) Three stream waste disposal system.

Economic Impact

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

Communications Plan

On January 8, 2010, a Notice of Public Hearing was circulated to all property owners within 150 m of the subject lands, and to the Millwood Woodend and Vellore Woods Ratepayers' Associations. The recommendation of the Committee of the Whole to receive the Public Hearing report of February 2, 2010, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on February 16, 2010. As of June 5, 2013, no written comments from the public have been received.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2, to facilitate the development of a mixed use residential/commercial building:

1. Zoning By-law Amendment File Z.09.031 to amend Zoning By-law 1-88, specifically the RVM2 Residential Urban Village Multiple Dwelling Zone Two, subject to site-specific Exception 9(1267), to permit the site-specific zoning exceptions identified in Table 1 of this report; and,
2. Site Development File DA.09.071 to permit a 3-storey, mixed-use residential/commercial building comprised of 33 residential units (second and third floors) and 17 business and professional office units on the ground floor. The proposed development statistics are as follows:

Site and Building Details	
Total Site Area	0.484 ha (4842 m ²)
Frontage (Major Mackenzie Drive)	81 m
Lot Coverage	37.34% (1808.07 m ²)
Building Gross Floor Area (GFA)	5,852.47 m ²
Floor Space Index	1.208
Amenity Area	109.5 m ²
Landscape Area	18.8% (911 m ²)
Residential Use Details	
Number of Units	33 (2 bedroom) apartments
Residential GFA	4,044.4 m ²
Commercial Use Details	
Number of Units	17
Commercial GFA	1,808.07 m ²

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Parking Spaces		
Standard	Required (By-law 1-88 subject to Exception 9(1267)))	Proposed Parking
1 Space / Apartment Unit (33 Units)	33	48 (Underground)
Plus 0.2 Spaces/Unit for Visitor Parking	7	8 (Underground)
3 Spaces / 100m ² Business or Professional Office Use	55	55 (includes 1 barrier-free) (53 Surface + 2 Underground)
Total (includes 1 barrier-free parking space)	95	111 (53 Surface + 58 Underground)

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the south side of Major Mackenzie Drive, west of Weston Road. The subject lands have a developable lot area of 0.484ha, with 81 m of frontage along Major Mackenzie Drive. The surrounding land uses are shown on Attachment #2.

Approved Plan of Subdivision File 19T-03V10

The subject lands are located within the Phase 2 lands of Plan of Subdivision File 19T-03V10 (P. Gabriele and Sons Ltd.), which was draft approved on June 28, 2005, and registered on May 3, 2011 as Plan 65M-4261. Zoning By-law 242-2006 to implement Plan of Subdivision File 19T-03V10 was in-force on June 26, 2006. The approved Plan of Subdivision and Zoning By-law provided for a larger block, which included up to a maximum of 18 block townhouses that fronted onto Coranto Way, as well as the multi-unit residential/commercial building with up to a maximum of 24 residential apartment units. Subsequent to the registration of Plan of Subdivision File 19T-03V10, the Owner submitted a Zoning By-law Amendment and Part Lot Control applications to rezone and sever the lands to create the lots to convert the block townhouses to street townhouses with access onto Coranto Way, as shown on Attachment #2, thereby necessitating an amendment to the Zoning By-law 1-88 to facilitate the proposed development.

Official Plan - Land Use Designation/Uses/Density

i) Official Plan Amendments #600 and #650

The subject lands are designated "Vellore Village Centre - Low-Rise Residential" by OPA #600, as amended by OPA #650 (Vellore Village District Centre Plan), which permits multi-unit residential/commercial land uses at a density of between 17 to 40 units per hectare. The density calculation includes the land for local and primary roads, and residential units. The density for the subject lands included all the lands within the overall Plan of Subdivision File 19T-03V10 and was calculated at 38.21 units per hectare. The proposal conforms to the Official Plan.

ii) City of Vaughan Official Plan 2010

The subject lands are designated "Low-Rise Mixed-Use" with a maximum height of 4 storeys and a floor space index of 1.5, and which permits multi-unit residential/commercial land uses, by the City of Vaughan Official Plan 2010, which was adopted by Vaughan Council on September 7,

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2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012, as modified and endorsed by Regional Council on June 28, 2012) and is pending approval from the Ontario Municipal Board. The proposal for a 3-storey mixed-use development at a density of 1.208 FSI (Floor Space Index) conforms to the Official Plan.

Zoning

The subject lands are zoned RVM2 Residential Urban Village Multiple Zone Two by Zoning By-law 1-88, subject to Exception 9(1267), which permits business or professional office uses on the ground floor of a building with apartment dwellings on the upper floors, subject to the main entrances of the business or professional office uses facing Major Mackenzie Drive. The proposed development as shown on Attachments #3 to #7 inclusive does not fully comply with the site-specific zoning exceptions, due to the conversion of the block townhouses on the adjacent lands also owned by the applicant and included in the implementing zoning by-law to street townhouses and modification to the block size to accommodate the blocks for the street townhouse dwelling units, and requires that the following additional site-specific zoning exceptions be approved to implement the proposal as shown on Attachments #3 to #7:

Table 1: Proposed Zoning Exceptions

	By-law Standard	RVM2 Residential Urban Village Multiple Dwelling Zone Two, subject to Exception 9(1267) Requirements	Proposed Exceptions to RVM2 Residential Urban Village Multiple Dwelling Zone Two, subject to Exception 9(1267)
a)	Maximum Business or Professional Office Gross Floor Area	1,444.5 m ²	1,808.07 m ²
b)	Maximum Driveway Access Width	7.5 m	10.6 m
c)	Minimum Landscaping Strip Width	By-law 1-88 does not include a standard for the minimum landscaping strip width for a multi-unit residential/commercial use abutting a Residential Zone	3 m
d)	Minimum Amenity Area (Residential Use)	1815 m ² (55 m ² per 2 Bedroom Unit @ 33 Units)	126.09 m ²
e)	Maximum Number of Dwelling Units	24 Apartment Dwelling units	33 Apartment Dwelling units

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Zoning Exceptions

vi) Business or Professional Office Use Gross Floor Area

The gross floor area for the business or professional office space is proposed to be increased by 363.57 m² from the maximum permitted by Zoning By-law 1-88 from 1,444.5 m² to 1,808 m². The increase is as a result of the detailed site plan and urban design work being completed for the subject lands after the implementing Zoning By-law was approved by Vaughan Council in 2006 which allows for a larger building, thereby allowing a greater gross floor area for the business or professional office uses. Furthermore, the Official Plan does not have any policies restricting the amount of business or professional office use within the Vellore Village Centre - Low-Rise Residential area. Therefore, the increase to the business or professional office use gross floor area is in keeping with the Official Plan.

vii) Driveway Access Width

A maximum driveway width of 10.6 m is proposed instead of 7.5 m to access the subject lands. The increased driveway width is required to accommodate the turning movements for garbage/refuse trucks. Zoning By-law 1-88 permits a maximum driveway width of 13.5 m for commercial areas where there is the movement of trucks to and from a loading space. However, in the case of the subject lands, a loading space is not required for multi-unit commercial buildings. Notwithstanding this requirement, the subject lands must accommodate the movement of garbage/refuse trucks and the proposed driveway width of 10.6 m, which is less than the maximum driveway width of 13.5 m, is considered acceptable.

viii) Landscape Strip

A landscape strip of 3 m abutting a Residential Zone to the south is proposed along the property line adjacent to the street townhouse dwelling units on Coranto Way shown on Attachment #3. Previously, the lands for these dwelling units were part of the subject lands prior to their severance (via Part Lot Control) and this zoning standard was not required. The provision of the landscape strip, which includes coniferous and deciduous trees, and is adjacent to a 1.8 m high acoustic fence shown on Attachment #4, which was provided as a requirement of the Subdivision Agreement for Plan of Subdivision 19T-03V10, is required in order to provide a landscaped buffer between the proposed commercial use and the street townhouse development.

ix) Amenity Area

A total amenity area of 126.09 m² is proposed comprised of a 72.74 m² walkway between the building forming a pedestrian connection from the subject lands to Major Mackenzie Drive and 53.85 m² landscaped paved area at the south end of the subject lands, as shown on Attachment #4. The subject lands are located in a more urban setting where a reduction in the on-site amenity area can be supported where there are opportunities through multi-use sidewalks/paths, for pedestrians and bikes, which are connected to other multi-use sidewalks/paths that connect to existing and future park and trail systems in proximity of the subject lands.

x) Number of Dwelling Units

There are 33 apartment dwelling units proposed for the subject lands, whereas Zoning By-law 1-88 permits a maximum of 24 apartment dwellings on the subject lands. The implementing by-law permitted a total of 42 dwelling units on the combined subject lands (24 apartment units) and the severed lands (18 block townhouses). The proposed 33 apartment dwelling units, together with the 18 street townhouse units on the severed portion, provide for a total of 51 dwelling units, which results in an increase of 9 units, and is considered in keeping with the general intent of the Official Plan and Zoning By-law.

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Site Plan Review

The Vaughan Development Planning Department is satisfied with the proposed site plan and building elevations, as shown on Attachments #3 to #7 inclusive. The site plan requires signage to indicate the location of the commercial and visitor parking located in the underground parking area. Further, one parking space assigned for visitor parking must be changed to a space for commercial parking in order for the proposed business or professional office use to comply with the parking requirement in Zoning By-law 1-88. As there are more visitor parking spaces provided than required, this modification can be accommodated. The final site plan, landscape plan and building elevations must be approved to the satisfaction of the Development Planning Department.

Prior to the issuance of a Building Permit, the Owner will be required to submit a Community Plan for approval by the Development Planning Department that shows the surrounding land uses and utilities locations, which must be displayed in the sales office for view by prospective purchasers. A condition to this effect is included in the recommendation to this report.

Block 39 Developers Group

The subject lands are located within the Block 39 Plan. The Block 39 Developers Group was responsible for front-end financing and providing, among other matters, the infrastructure for services and roads. Prior to the issuance of a Building Permit, the Owner will be required to enter into an Agreement with the Block 39 Developers Group respecting cost sharing. The City shall be provided with written clearance from the Trustee for Block 39 that the Owner of the subject lands has entered into and signed the Block 39 Cost Sharing Agreement. A condition in this respect is included in the recommendation of this report.

Vaughan Development/Transportation Engineering Department

The Development/Transportation Engineering Department has no objections to the proposal and requires that the final site grading, servicing, stormwater management, transportation, noise, and lighting plans, and supporting reports be addressed to their satisfaction.

The subject lands received a previous environmental clearance for the subject lands under Plan of Subdivision File 19T-03V10, which included the acceptable submission of a Site Screening Questionnaire and Phase 1 Environmental Site Assessment (ESA) reports. Subsequent to this, an updated Site Screening Questionnaire was submitted by the Owner in 2009. In addition, the Owner submitted a *Letter of Environmental Clearance*, dated July 17, 2012, by Soil Engineers Ltd., as well as a *Letter of Reliance for the Environmental Clearance Letter*, dated April 23, 2013, by Soil Engineers Ltd. As such, there are no further environmental requirements for the development.

The Development/Transportation Engineering Department has requested that bicycle parking spaces be provided as part of this development. The recommended standard and the number of spaces proposed is summarized in the following Table:

Bicycle Parking Spaces (Short Term)		
Standard	Recommended	Proposed
0.2 Spaces/Residential Unit (33 Units)	7	18
0.15 Spaces/100 m ² Commercial GFA (1808.07)	3	
Total	10	18

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Vaughan Public Works Department - Solid Waste Management

The proposed refuse and recycling methods for this development within the internal building meet the requirements of the City's Waste Collection Design Standards to the satisfaction of the Public Works Department.

Garbage and recycling pick-up and snow removal on the site will be privately administered and the responsibility of the building operator/future residents.

Vaughan Development Finance and Investments Department

The Vaughan Development Finance and Investments Department has advised that the Owner shall pay to the City, a woodlot development charge at the rate of \$1000.00 per residential dwelling unit in accordance with the previous Special Area Woodlot Development Charge By-law and the City's Woodlot Acquisition Front-End Agreement, prior to the execution of the Site Plan Letter of Undertaking or Site Plan Agreement. The City acknowledges that the Block 39 Developers' Group has entered into an Agreement with the City that deals with the requirements of the Special Area Woodlot Development Charges. When the Owner becomes a party to the Block 39 Developers' Group, the Owner is deemed to participate in the aforementioned Agreement with the City. The City, Region and Board of Education Development Charges are applicable. These are to be included as conditions in the Site Plan Agreement.

Vaughan Real Estate Division

The Vaughan Real Estate Division has advised that the Owner will be required to pay cash-in-lieu of the dedication of parkland equivalent to 1 ha per 300 units or 5% of the value of the subject lands or units, whichever is greater, prior to the issuance of a Building Permit for the residential component and 2% for the commercial component, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". A condition of approval to this effect is included in the recommendation of this report. The Owner shall submit an appraisal report 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.

Vaughan Cultural Services Division

The Cultural Services Division has received the Ministry of Citizenship, Culture and Recreation's clearance of archaeological concerns respecting the subject lands. As such, the Cultural Services Division has no objection to the approval of the residential/commercial development, subject to the inclusion of the standard archaeological resources conditions in the Site Plan Agreement. A condition of approval is included in this respect.

Enbridge Gas Distribution

Enbridge Gas Distribution has reviewed the proposal and has no objections to the applications. Enbridge advises that at this time, there is not a commitment by Enbridge Gas Distribution to service this site, or to service this site by a given date or that there will be no costs for servicing this site. The Owner is to contact the Enbridge Customer Connections Department at their earliest convenience to discuss the installation and clearance requirements for service and metering facilities. This is included in the conditions of approval in the recommendation of this report.

Canada Post

Canada Post has no objections to the proposal subject to the Owner installing mail facilities and

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equipment to the satisfaction of Canada Post, which are subject to the conditions of approval in the recommendation of this report.

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.

The proposed development includes a three stream waste disposal system which will contribute to increasing the waste diversion targets as part of the Greening Vaughan strategy.

ii) **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.

Regional Implications

The Region of York has advised that there are no direct works associated with the proposal within the Major Mackenzie Drive right-of-way, and accordingly, a Site Plan Agreement is not required between the Owner and the Region. The final site grading, servicing, stormwater management, landscaping plans and traffic reports shall also be approved to the satisfaction of the Region of York Transportation and Community Planning Department. The Owner will be required to provide the securities to the satisfaction of the Region.

Conclusion

Zoning By-law Amendment File Z.09.031 to permit the site-specific zoning exceptions to the RVM2 Residential Urban Village Multiple Dwelling Zone Two and Site Development File DA.09.071 to permit a 3-storey mixed-use residential/commercial building consisting of 33 residential units and 1808.07 m² of gross floor area for ground floor business and professional offices has been reviewed in accordance with the policies of OPA #600, as amended by OPA #650, the requirements of Zoning By-law 1-88 as amended by Exception 9(1267), comments from City Departments and external public agencies, and the area context. The Vaughan Development Planning Department is satisfied that the proposed development as shown on Attachments #3 to #7 inclusive is appropriate and compatible with the existing and permitted uses in the surrounding area, and conforms to the Official Plan. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment and Site Development Applications, subject to the recommendations in this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. North and West Elevations
6. South and East Elevations
7. Underground Parking Level

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